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The Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

Entries in the Index are carried primarily under the names of the issuing agencies, with the most significant entries additionally carried in appropriate alphabetical position.

A cumulative codification guide, keyed to the Code of *Federal Regulations*, is also published monthly. The guide lists titles, parts, and sections, and indicates the nature of changes effected by *Federal Register* documents published to date in the calendar year. Proposed rules are listed at the end of pertinent titles.

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Washington, Tuesday, March 3, 1964

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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 730—RICE

Subpart—Amendments to Regulations for Determination of Acreage Allotments for 1964 and Subsequent Crops of Rice

The amendments herein are issued under and in accordance with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and section 115 of the Soil Bank Act. The purpose of these amendments is to provide that (1) approval shall not be given to a producer's request for allocation of his allotment to any farm other than the farm on which he has a conservation reserve contract in effect, unles he allocates to the conservation reserve farm in the current year, the smaller of (a) his producer allotment or (b) an acreage equal to the average of his producer allotment contribution to the farm allotment which was planted during the years used in the base period of such contract, or unless such contract is modified or terminated, and (2) if a producer is currently receiving a payment under the conservation reserve program, his producer rice allotment and related history shall not be available for transfer. These amendments would give effect to Section 115 of the Soil Bank Act which requires that no acreage diverted from rice production as a result of participation in the conservation reserve program shall be reapportioned or allotted to any other farm.

Land is being prepared for the 1964 crop of rice and the producers involved need to know of the provisions of this amendment immediately. Accordingly, compliance with the notice, procedure, and effective date provisions of Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is hereby found to be impracticable and contrary to the public interest. Therefore, this amendment shall become effective upon the date of filing with the Director, Office of the Federal Register.

1. Paragraph (f) of § 730.1521 is amended to read as follows:

§ 730.1521 Allocation of producer allotments to farms.

* * * * *

(f) Notwithstanding any other provisions of this section, approval shall not be given to a producer's request for allocation of his allotment to:

(1) Government-owned land covered by a lease containing a clause restricting the production of price-supported crops in surplus supply; or

(2) Any farm other than the farm on which the producer has a conservation reserve contract in effect, unless he allocates to the conservation reserve farm in the current year, the smaller of (i) his producer allotment or (ii) an acreage equal to the average of his producer allotment contribution to the farm allotment which was planted during the years used to establish the farm's soil bank base, or unless his conservation reserve contract on the farm is modified or terminated as provided under regulations applicable to the Soil Bank Program.

§ 730.1525 [Amended]

2. Paragraph (a)(1) of § 730.1525 is amended by changing the period at the end of the first sentence to a colon and inserting the following: *Provided*, That if a producer has a conservation reserve contract in effect on a farm to which he allocated rice allotment that was planted during the two years prior to entering into the contract and he is currently receiving a payment under such program, his producer rice allotment and related history shall not be available for transfer under the provisions of this section for the duration of such contract, unless such contract is modified or terminated as provided under regulations applicable to the Soil Bank Program.

(Secs. 353, 375, 52 Stat. 61, as amended, 66, as amended, sec. 115, 70 Stat. 196; 7 U.S.C. 1353, 1375, 1803)

Effective date. Upon date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on February 28, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-2064; Filed, Feb. 28, 1964; 2:22 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 98, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.398 (Lemon Regulation 98; 29 F.R. 2645) are hereby amended to read as follows:

(ii) District 2: 218,550 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 27, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2009; Filed, Mar. 2, 1964; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Designation of Free, Infected and Eradication Areas

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Washington, and Wyoming;

(2) The following counties in Illinois: Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) All counties in Kansas except Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) All counties in Minnesota except Jackson, Lincoln, and Rock;

(5) The following counties in Missouri: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) All counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-DeBaca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) All counties in Pennsylvania except Cumberland;

(9) All counties in Virginia except Augusta and Highland;

(10) All counties in Wisconsin except Saint Croix.

(b) Notice is hereby given also that sheep scabies exists in all States and territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Iowa, Kentucky, Ohio, and Tennessee;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following counties in Minnesta: Jackson, Lincoln, and Rock;

(5) All counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-DeBaca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) The following county in Pennsylvania: Cumberland;

(9) The following counties in Virginia: Augusta and Highland;

(10) The following counties in West Viriginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(11) The following county in Wisconsin: Saint Croix.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments add the county of Rock in the State of Minnesota to the list of infected and eradication areas and delete such county from the list of free areas as sheep scabies is known to exist therein. After the effective date of these amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such county.

The amendments impose certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish their purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of February 1964.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 64–2028; Filed, Mar. 2, 1964; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.; Amdt. 79]

PART 371—GENERAL LICENSES

Deletion From Commodity List

Section 371.54 *Supplement 4; Commodities subject to General License GCU* is amended by deleting the following commodity:

Commodity Description	*Schedule B No.*
Lard (including rendered pork fat)	00530

This amendment shall become effective as of 3:30 p.m. e.s.t., February 28, 1964.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11088, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64–2069; Filed, Feb. 28, 1964; 4:15 p.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56118]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Claims for Surplus Proceeds of Sale of Unclaimed or Abandoned Merchandise

Section 559, Tariff Act of 1930, as amended, provides that merchandise upon which any duties or charges are unpaid, remaining in bonded warehouse beyond 3 years from the date of importation shall be regarded as abandoned to the Government and shall be sold. The period of three years, however, may be extended. The proceeds of sale are to be paid into the Treasury, subject to the claim of the owner or consignee to any surplus proceeds which remain after the deduction of duties, charges, and expenses.

The claim of such owner or consignee should be established by reference to the warehouse entry, or, if the right to withdraw the merchandise from warehouse has been transferred, by reference to the document by which the transfer was made (Customs Form 7505). Therefore, § 24.25 of the Customs Regulations is amended to read as follows:

§ 24.25 Claims for surplus proceeds of sale of unclaimed or abandoned merchandise.

Claims for the surplus proceeds of the sale of unclaimed or abandoned merchandise shall be filed with the collector of customs at whose direction the merchandise was sold. In the case of merchandise sold pursuant to section 491 of the Tariff Act of 1930, as amended, the claim shall be supported by the original bill of lading. If only a part of a shipment is involved, either a photostatic or a certified copy of the original bill of lading may be submitted in lieu of the original bill of lading. In the case of merchandise sold pursuant to section 559 of the Tariff Act of 1930, as amended, the claim shall be established by reference to the warehouse entry, or, if the right to withdraw the merchandise from warehouse has been transferred, by reference to the documents by which the transfer was made.

(Secs. 491, 493, 559, 46 Stat. 726, as amended, 727, 744, as amended; 19 U.S.C. 1491, 1493, 1559)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: February 20, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64–2026; Filed, Mar. 2, 1964; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6706]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Options Received as Payment of Income

In order to make the requirements of paragraph (c) of § 1.61–15 of the Income Tax Regulations (26 CFR Part 1), relating to statement required in connection with certain options, inapplicable to options granted before July 12, 1963, and to certain other options, paragraph (d) of such section is amended to read as follows:

§ 1.61–15 Options received as payment of income.

* * * * * *

(d) *Effective date.* This section shall apply to options granted after July 11, 1963, other than options required to be granted pursuant to the terms of a written contract entered into on or before such date.

Because this Treasury decision amends existing regulations to relieve taxpayers from filing the statement required by paragraph (c) of § 1.61–15 with respect to options granted before July 12, 1963, and certain other options, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: February 26, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64–2027; Filed, Mar. 2, 1964; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 46—RURAL SERVICE

PART 96—AIR TRANSPORTATION

PART 98—VENDING STANDS AND VENDING MACHINES

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 46.5, as amended by 28 F.R. 1999, subparagraph (4) of paragraph (a) is amended to include the current list and addresses of authorized manufacturers of rural mail boxes. As so amended, subparagraph (4) reads as follows:

§ 46.5 Rural boxes.

(a) *Specifications* * * *

(4) The following list includes manufacturers of rural mail boxes where samples have been approved by the Department.

Akron Metal Sales Co., 1079 E & J Street, Barberton, Ohio, 44203.
American Metal Works, 4401 Brenville Avenue, New Orleans, La., 70119.
Chicago Heights Furnace Supply Co., Inc., 96–104 East 22d Street, Chicago Heights, Ill., 60411.
Cincinnati Pump & Manufacturing Co., 117 East Liberty Street, Cincinnati, Ohio, 45210.
Conco Engineering Works, Mendata, Ill., 61342.
Deshler Mail Box Co., 101 East Maple Street, Deshler, Ohio, 43516.
Falls Stamping and Welding Co., Post Office

Box 386, Cuyahoga Falls, Ohio, 44222.
Hermitage Stamping Co., 919 Ewing Avenue, Box 966, Nashville, Tenn., 37202.
Jackes-Evans Manufacturing Co., 4427 Geraldine Street, St. Louis, Mo., 63115.
Leigh Building Products, Coopersville, Mich., 49404.
Macklanburg-Duncan Co., 4041 North Santa Fe Street, Oklahoma City, Okla., 73118.
Montgomery Ward & Co., 619 West Chicago Avenue, Chicago, Ill., 60610.
Northwest Metal Products, Inc., 85 Spokane Street, Seattle, Wash., 98134.
Sears, Roebuck & Co., 925 South Homan Avenue, Department 609, Chicago, Ill., 60624.
Southern Fabricators Corp., 1010 West Broadway, Steeleville, Ill., 62288.
Superior Sheet Metal Works Co., 3201-3-5-7-9 Roosevelt Avenue, Indianapolis, Ind., 46218.
The Steel City Manufacturing Co., Post Office Box 1115, Youngstown, Ohio, 44501.
United States Steel Products Co., 5100 Santa Fe Avenue, Los Angeles, Calif., 90058.
Waterloo Valve Spring Compressor Co., Post Office Box 209, Waterloo, Iowa, 50704.
J. E. Weatherford & Son Tool & Die Co., 115 North Fourth Street, Nashville, Tenn., 37206.

NOTE: The corresponding Postal Manual section is 156.514.

* * * * *

II. In § 96.1, as amended by 28 F.R. 1543 paragraph (c) is amended to clarify the air carrier's responsibility for protecting mail when transporting mail between the point of exchange with the post office and aircraft ramp positions. As so amended, paragraph (c) reads as follows:

§ 96.1 Air carriers' responsibilities.

* * * * *

(c) *For protecting mail.* (1) Air carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation or weather. In transporting mail between the point of exchange with the Post Office and aircraft ramp positions, carriers must use equipment that will protect mail from loss, damage and depredation. To insure that pouches will not be dropped enroute, mail shall not be loaded beyond the limits of the side and rear retainers. Care should be exercised in loading to prevent mail from bouncing out of or sliding from the transport vehicle or cart. Every precaution must be taken to protect the mail from fire. Mail handlers must be identified by badges or by distinguishing caps or clothing or must be prepared to exhibit their airline identification cards on request of postal employees concerned.

(2) When an air carrier discovers a pouch damaged so that loss or depredation could result, the air carrier will turn in the pouch to the first possible postal unit for repouching and redispatch. Form 2734, Airmail Exception Record, must accompany the damaged pouch to the postal unit.

NOTE: The corresponding Postal Manual section is 531.33.

* * * * *

IV. In § 98.2, paragraph (a) is amended to revise the regulations covering the cost of utilities required to operate vending stands and vending machines. As so amended, paragraph (a) reads as follows:

§ 98.2 Installation, maintenance, and operation.

(a) *Installation and maintenance.* The installation, maintenance, repair, replacement, servicing, or removal of vending stand equipment or vending machines shall be without expense to the Post Office Department except that the cost of utilities required to operate vending stands and vending machines under the control of blind persons authorized to operate such stands and machines will be borne by the Post Office Department. In the case of vending stands and vending machines operated by employees' committees, the Department shall be reimbursed for the use of such utilities.

NOTE: The corresponding Postal Manual section is 614.21.

* * * * *

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-2024; Filed, Mar. 2, 1964; 8:48 a.m.]

PART 168—DIRECTOR OF INTERNATIONAL MAIL

Individual Countries

The regulations of the Post Office Department on § 168.5 *Individual country regulations* are amended as follows:

I. In country "Belgium", under Parcel Post, amend the item *Prohibitions* to read as follows:

Prohibitions. Bronze, copper, and nickel coins not legal tender in Belgium, unless imported for collections.

Instruments of payment, including currency, securities and coupons (admitted in registered letters).

II. In country "Brazil", under Postal Union Mail, amend the item *Prohibitions and import restrictions* to read as follows:

Prohibitions and import restrictions. Coins, banknotes, paper money, and any values payable to bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry or other precious articles.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

III. In country "Burma", under Parcel Post, add a new item to read as follows:

Observations. Parcels for Burma must be very strongly packed to avoid damage during transportation, and foodstuffs should be in metal or other ratproof containers.

IV. In country "Canada", as amended by 28 F.R. 2278, 4093, 6507, 8404, 10490, and 29 F.R. 258, under Parcel Post, amend the item *Insurance* to read as follows:

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee (cents)
From $0.01 to $10	10
From $10.01 to $50	20
From $50.01 to $100	30
From $100.01 to $200	40

NOTE: Each insured parcel, including those insured for $10.00 or less must bear an insurance number.

V. In country "Congo (Republic of the) (Léopoldville), under both Postal Union Mail, and Parcel Post, amend the item *Prohibitions* and *Import restrictions* to respectively read as follows:

Prohibitions. Articles of platinum, gold or silver; jewels or other precious articles; coins.

Values payable to bearer and banknotes are subject to Congo exchange control regulations. If the importation of such articles is not authorized, they may be confiscated.

* * * * *

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addresses.

Saccharine and products containing it require the authorization of the Congo Ministry of Economic Affairs.

Medicines and biological products require the authorization of the Congo Medical authorities.

Arms of all kinds require the authorization of the Congo Ministry of the Interior.

VI. In country "France (Including Monaco)", as amended by 28 F.R. 8404, make the following changes:

A. Amend the item *Prohibitions* by deleting "Cigarette lighters using Butane gas" where it appears after the first sentence therein.

B. Under Parcel Post, amend the item *Prohibitions* to read as follows:

Prohibitions. For reasons of public safety: Cigarette lighters using butane gas.

Articles manufactured from celluloid, including motion-picture film (raw or exposed), celluloid bands and supports therefor, and photographic film, unless packed in double receptacles as follows:

Inner packing: Articles manufactured from celluloid must be packed in boxes of tin, pasteboard or wood. Motion-picture film and celluloid bands or supports therefor must be packed in tin boxes, hermetically sealed. All space remaining in the boxes must be completely filled with packing material.

Outer packing: The inner boxes must be placed together in an outer box of strong wood, the sides to be at least 10 millimeters (one-third inch) in thickness, dovetailed, and the top and bottom firmly screwed to the sides. Any portion of the outer box which may consist of more than one piece of wood must be tightly joined by tongues and grooves. This box must also contain sufficient packing material to completely surround and separate the various inner boxes and to hold them immovable.

The above requirements do not apply to photographic film if closely packed with packing material sufficient in quantity to account for at least 60 percent of the total weight of the parcel.

For reasons of sanitary policy: Saccharine in tablets of packets.

For the protection of animals or plants: Bees, honey, and beeswax must be accompanied by a certificate of origin and noninfection issued by a qualified official approved by the Government. Shipments of honey not exceeding 4 kilograms do not require the certificate.

State monopolies, etc.: The importation of tobacco leaves and stems, manufactured tobaccos, cigars, cigarettes, chewing and smoking tobacco, is permitted only for the account of the Monopoly, with the following exception:

Manufactured tobaccos, including cigars and cigarettes, may be sent to individuals in France for personal use up to 10 kilograms (22 pounds) per person per year, subject to special customs authorization. Exceptionally, shipments weighing up to 1 kilogram (2 pounds 3 ounces) may be admitted without the special authorization but subject to duty.

For other reasons: Goods bearing false marks of French manufacture or origin.

Coins, banknotes, negotiable securities and coupons, unless imported by the Bank of France or under its authorization.

Books in the French language printed abroad, unless the names of the publisher and printer are shown as prescribed by the French copyright laws.

Merchandise not complying with the requirements of French law relative to the indication of the origin in indelible and conspicuous roman letters, except for small individual shipments intended for the personal use of the addressees.

Canned vegetables, fish, plums and nuts not bearing an indication of the country of origin by stamping, in plain raised or sunken letters at least 4 millimeters high, in the middle of the top or bottom and in a place not bearing any inscription.

Pure powdered saccharine may be imported only by the French Government. Other artificial sweetening materials are prohibited.

Negotiable securities and coupons must be imported through the Bank of France or other banks designated by the Ministry of Finances.

VII. In country "Great Britain and Northern Ireland", as amended by 28 F.R. 2108, and 28 F.R. 8404, under Parcel Post, make the following changes:

A. Amend the item *Observations* to read as follows:

Observations. Group shipment of parcels is permitted, but limited to ordinary parcels. See § 121.7 of this chapter.

Parcels containing bona fide unsolicited gifts do not require British import licenses. Mailers of such parcels should mark the wrappers and customs declarations "Unsolicited Gift."

Under the British customs regulations, parcels are liable to seizure if the customs declarations do not contain a full and accurate description of the contents.

Parcels containing articles subject to ad valorem duty should have an invoice enclosed showing the contents in detail and value of each article, and the parcel should be marked on the address side "Invoice enclosed". When the invoice relates to the contents of more than one parcel, each parcel is to be marked "Invoice enclosed in parcel No. ——".

B. Amend the item *Prohibitions* by inserting the following after the fourth paragraph therein:

Prohibitions: * * *
For other reasons: * * *
Packages containing two or more articles addressed to different addresses.

VIII. In country "Honduras (Republic of)", under Parcel Post, the fifth paragraph of the item *Observations* is amended to delete the requirement that commercial invoices be in Spanish. As so amended the fifth paragraph reads as follows:

Observations. * * *
Each shipment for Honduras, regardless of value, requires a commercial invoice containing a statement signed by the mailer reading "Certified correct" or similarly. The original invoice should be enclosed in parcels and a copy sent direct to the addressee.

IX. In country "Hungary", as amended by 28 F.R. 8404, under Parcel Post, amend "Table IV—Miscellaneous" of the item *Observations*, by revising the yearly quota on "tape recordings" to read "10" where it appears in the list of items therein.

X. In country "Japan", as amended by 28 F.R. 2278, and 28 F.R. 10490, under Parcel Post, amend the item *Import restrictions* to read as follows:

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees.

Import licenses are required for certain categories of merchandise sent for commercial purposes. Licenses are not required for articles sent for personal use of the addressee or for relief of distressed persons; for gifts up to 36,000 yen ($100) in value; or for commercial samples or advertising matter up to 180,000 yen ($500) in value sent without cost.

Addressees must comply with the applicable Japanese regulations in order to take delivery of the following:

Banknotes, currency, checks and other instruments of payment. Securities and documents embodying tangible assets.

Articles made from precious metals.

XI. In country "Pakistan", as amended by 28 F.R. 6507, under Parcel Post, amend the item *Prohibitions* to read as follows:

Prohibitions. Arms, including firearms, swords, daggers, bows and arrows, as well as gun barrels, machinery for making arms; and apparatus such as pencils and cartridges for discharging gas, unless sent for the use of the Pakistan Government.

Coins and banknotes, unless authorized by the State Bank of Pakistan.

Liquids with a flash point below 200°.

Piece goods ordinarily sold by the yard or by the piece, manufactured outside of Pakistan.

Skins and feathers of wild birds not native to Pakistan, except the ostrich, unless imported as natural-history specimens.

XII. In country "Spain", make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions and import restrictions* by deleting "Tobacco" where it appears therein.

B. Under Parcel Post amend the item *Observations* by deleting paragraph "three" and subparagraphs numbered "1 through 5" thereunder.

C. Under Parcel Post, amend the item *Import restrictions* by adding the following thereto:

Import restrictions. * * *
Import licenses must generally be obtained before parcels are delivered.

XIII. Amend the country heading of "Tanganyika Territory" to read "Tanganyika".

XIV. In country "Thailand", as amended by 28 F.R. 2278, under Parcel Post, amend the tabular information immediately following the item *Air parcel rates* by revising "Insurance" to read: "Insurance: Yes (only to Bangkok and Dhonburi)".

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-2025; Filed, Mar. 2, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 24, 1964.

The Bureau of Land Management has filed three applications, Serial Numbers Anchorage 060677, 060678 and 060679 for the withdrawal of the lands described below from all forms of appropriation under the public land laws except the mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947, as amended.

The applicant desires the lands for the development of public recreational facilities.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the applications to reduce the areas to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the applications will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

ANCHORAGE 060677

Unsurveyed lands surrounding Eklutna Lake which is approximately 30 miles northeast of Anchorage, Alaska, and affecting lands in the following townships:

SEWARD MERIDIAN

T. 14 N., R. 2 E.
T. 15 N., R. 2 E.
T. 14 N., R. 3 E.
T. 15 N., R. 3 E.

Containing approximately 12,254 acres.

ANCHORAGE 060678

Lake Louise Channel Area

U.S. Survey 3502, Lot 1.
Containing 18.87 acres.

ANCHORAGE 060679

Leila Lake Recreation Site

T. 21 N., R. 12 E., Seward Meridian (Unapproved Survey),
Sec. 30, lots 2, 5, 6, 7, and NE¼NW¼.
Containing 134.78 acres.

JAMES W. SCOTT,
District Manager.

[F.R. Doc. 64-2006; Filed, Mar. 2, 1964; 8:46 a.m.]

ALASKA

Small Tract Classification Order Cancellations; Corrected Date

F.R. Doc. 64-1624 appearing in the issue for February 19, 1964, is hereby corrected as follows:

Paragraph 4 containing description of Small Tract Classification Order No. 20 is hereby corrected so that portion reading:

Small Tract Classification Order No. 20 of March 23, 1950 (F.R. Doc. 2642) • • •

will read:

Small Tract Classification Order No. 20 of January 26, 1950 (F.R. Doc. 50-2642) • • •

ROSS A. YOUNGBLOOD,
District Manager.

[F.R. Doc. 64-2007; Filed, Mar. 2, 1964; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 28-397]

SYLVAN L. HART ET AL.

Order Extending Temporary Denial of Export Privileges

In the matter of Sylvan L. Hart, also known as Sylvan L. Hayuth, doing business as Sela Electronics Co., 545 West End Avenue, New York, New York; Fred R. Gluckman, 140 Riverside Drive, New York, New York; Ludwig Kastner, George Kastner, Centropa L. K., Rossauer Lande 25, Vienna IX, Austria and Istanbul, Turkey; respondents, File 28-397.

An order temporarily denying export privileges for a period of sixty days was issued in the above matter on December 31, 1963 (29 F.R. 56). Said order was issued in connection with an investigation instituted by the Export Control Investigations Division, Bureau of International Commerce, into activities of respondents in obtaining U.S. origin electronic equipment, some of strategic nature requiring validated export licenses, and exporting and participating in the exportation of said commodities without obtaining validated export licenses, in contravention of the United States Export Control Act and regulations thereunder.

The Director of said Investigations Division has applied under § 382.11 of the Export Regulations for an extension of the temporary denial order. A charging letter has already been issued against Sylvan L. Hart, Sela Electronics Co. and Fred R. Gluckman. The Director of said Investigations Division has represented that the investigation is continuing and that in the near future a charging letter will be issued or other appropriate administrative action will be taken against the other respondents named in the temporary denial order.

The matter has been considered by the Compliance Commissioner and he has reported his recommendation to me that the present temporary order be extended until the completion of administrative compliance proceedings and that such extension is reasonably necessary to protect the public interest pending final disposition of the proceedings and is necessary for the effective enforcement of the law. I do so find.

Accordingly, it is hereby ordered:

I. The provisions and restrictions of the temporary order issued against the above respondents on December 31, 1963 (29 F.R. 56) are hereby continued in full force and effect.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the provisions and restrictions of the temporary denial order of December 31, 1963 and shall remain in effect until the completion of administrative compliance proceedings unless it is hereafter amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropiate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: February 26, 1964.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-2012; Filed, Mar. 2, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ENRICHED FLOUR DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to the Burrus Mills, Inc., Dallas, Texas, to cover interstate marketing tests of enriched flour deviating from the requirements of the standard of identity for that food (21 CFR 15.10). The particle size of this product is larger than that of enriched flour that meets the granulation specification of the standard. The product is to be labeled "Quik mix bleached enriched flour."

This permit expires February 15, 1965.

Dated: February 25, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2019; Filed, Mar. 2, 1964; 8:48 a.m.]

SMITH, KLINE & FRENCH LABORATORIES

Notice of Opportunity for Hearing

Notice is hereby given to the applicant Smith, Kline & French Laboratories, Philadelphia, Pennsylvania, that the Commissioner of Food and Drugs proposes to issue an order withdrawing approval of New-Drug Application No. 12-342 and all amendments and effective supplements thereto held by Smith, Kline & French Laboratories for the drug "Parnate (tranylcypromine) Tablets," on the ground that new evidence of clinical experience, not contained in such application or not available until after such application was approved, evaluated together with the evidence available when the application was approved, shows that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved, in that cumulative clinical experience shows that the use of tranylcypromine has been associated with cerebal vascular accidents and a number of deaths.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in Title 21, Code of Federal Regulations, Part 130, the Commissioner will give the applicant an opportunity for a hearing at which time the applicant may produce evidence and arguments to show why approcal of New-Drug Application No. 12-342 should not be withdrawn.

On or before the thirtieth day after receipt of this notice, the applicant is required to file with the Hearing Clerk of the Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, North Building, Department of Health, Education, and Welfare, 3d and Independence Avenue SW., Washington, D.C., 20201, a written appearance electing whether:

1. To avail itself of the opportunity for a hearing; or

2. Not to avail itself of the opportunity for a hearing.

If the applicant elects not to avail itself of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing the approval of the new-drug application.

Failure of the applicant to file such a written appearance of election, on or before the thirtieth day after receipt of this notice of opportunity for hearing, will be construed as an election by the applicant not to avail itself of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing which concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If the applicant elects to avail itself of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing. At the hearing the applicant may present such evidence and argument as are relevant and material to the above-specified ground on which it is proposed to withdraw the approval of the application. The Food and Drug Administration of the Department of Health, Education, and Welfare will also be permitted to produce evidence and argument relevant and material to such grounds.

Done at Washington, D.C., this 25th day of February 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2020; Filed, Mar. 2, 1964; 8:48 a.m.]

Office of Education

INSTITUTIONS OF HIGHER EDUCATION

Cutoff Date for Filing Applications for Federal Capital Contributions

As previously indicated in circular letters dated January 24 and January 31, 1964, to the concerned colleges and universities, March 2, 1964 is the date on or before which all applications by institutions of higher education for Federal Capital Contributions from States' allotments or reallotments under Title II of the National Defense Education Act of 1958 (Public Law 85-864, as amended, 72 Stat. 1583, 20 U.S.C. 421) must be filed in order to be considered for payments

from the appropriation for such purpose in the Department of Health, Education, and Welfare Appropriation Act, 1965, and supplements thereto.

All applications shall be submitted to: Student Financial Aid Branch, Division of College and University Assistance, Bureau of Educational Assistance Programs, U.S. Office of Education, Department of Health, Education, and Welfare, Washington, D.C., 20202.

Applications received by mail will be considered filed as of the date of postmark.

Forms for application may be obtained from the above address.

Dated: February 14, 1964.

[SEAL] FRANCIS KEPPEL,
U.S. Commissioner of Education.

Approved: February 25, 1964.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 64-2018; Filed, Mar. 2, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13777; Order No. E-20514]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating To Use of Containers and Pallets

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1964, Docket 13777; Agreement C.A.B. 17561, R-1.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement conforms the formula for obtaining rental charges and discounts for containers and pallets applicable between Continental U.S. and Conference 3 via the Atlantic with that applicable between Continental U.S. and Conference 2 via the Atlantic.

The Board, acting purusant to sections 102, 204(a), and 412 of the Act, does not find Resolutions 100(Mail 349) 521, 300(Mail 160)521, JT31(Mail 91) 521, and JT123(Mail 349)521, which are incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement C.A.B. 17561, R-1, be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2022; Filed, Mar. 2, 1964; 8:48 a.m.]

[Docket 14936]

OTTAWA AERO SERVICES (1963) LTD.

Notice of Hearing

In the matter of transfer of foreign air carrier permit from Ottawa Aero Services Limited to Ottawa Aero Services (1963) Limited.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on March 5, 1963, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., February 27, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2023; Filed, Mar. 2, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

NESTER INTERNATIONAL SHIPPING CO.

Independent Ocean Freight Forwarder Application

Notice is hereby given that the following applicant has filed with the Federal Maritime Commission, application for a license as an independent ocean freight forwarder, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

NON-GRANDFATHER APPLICANT NAME AND ADDRESS
Nester International Shipping Co. (Roy G. Nester, d.b.a.), East Road, Harbor Acres, Sands Point, Long Island, N.Y. Roy G. Nester, Owner.

Dated: February 26, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2016; Filed, Mar. 2, 1964; 8:47 a.m.]

[Docket No. 1167]

REDUCED RATES ON AUTOMOBILES; ATLANTIC COAST PORTS TO PUERTO RICO

Vacation of Suspension of Order

By order dated January 7, 1964, the Commission entered into an investigation of a 35 cents per cubic foot rate on automobiles filed by each of the respondents named therein and suspended the use thereof to and including May 14, 1964. The purpose of the investigation is to determine if the said rate would have an adverse effect upon the Puerto Rican economy. The suspended rate was filed by the respondents to meet an automobile rate of 35 cents per cubic foot filed by Motorships of Puerto Rico, Inc. (Motorships) which became effective January 15, 1964, after suspension for a four month period. Motorships' rate is under investigation in Docket No. 1145. Petitions to vacate the suspensions were filed by Sea-Land Service, Inc., Seatrain Lines, Inc. and American Union Transport, Inc. and replies thereto were filed by Motorships of Puerto Rico, Inc. and TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee). The Commission has considered said petitions and replies and has reviewed experience of carriers in the trade since January 15, 1964, and it appears that the three cents per cubic foot differential is resulting in an adverse impact upon certain respondents in Docket No. 1167 which threatens the continuation of their full service in the trade and may be harmful to shippers who are not transporting their automobiles via Motorships.

Now therefore it is ordered, That the Original Order in this proceeding be, and it is hereby modified to the extent necessary to vacate and set aside the suspension of the said reduced rate of each carrier named respondent herein and shall otherwise remain in effect pending the outcome of the investigation instituted thereby;

It is further ordered, That a copy of this order shall be filed with the respondents' tariffs in the Bureau of Domestic Regulation, Federal Maritime Commission; be served upon the respondents and protestants and interveners herein; and published in the FEDERAL REGISTER.

By the Commission, February 13, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-2015; Filed, Mar. 2, 1964; 8:46 a.m.]

[Docket No. 1167]

REDUCED RATES ON AUTOMOBILES; ATLANTIC COAST PORTS TO PUERTO RICO

Notice of Expansion of Investigation

Whereas, by order dated January 7, 1964, the Commission entered into an investigation concerning the lawfulness of certain reduced rates on automobiles from North Atlantic Coast ports to ports in Puerto Rico and named Sea-Land Service, Inc., Puerto Rican Division; Seatrain Lines, Inc.; American Union Transport, Inc.; and Containerships, Inc. as respondents in this proceeding;

Whereas, on January 14, 1964, TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) (TMT) filed an amendment to its tariff FMC-F No. 3 (Trailer Marine Transportation (TMT), Inc. Series) which, upon becoming effective February 14, 1964, will reduce its rate on automobiles moving from Jacksonville and Miami, Florida, to Puerto Rico from 34 cents to 31 cents per cubic foot;

Whereas, the Commission is of the opinion that the new TMT reduced automobile rate should be made the subject of a public investigation to the same extent as the automobile rates currently under investigation herein, to determine whether it is unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Now therefore it is ordered, That this proceeding be, and it is hereby expanded to include, in addition to matters now under investigation herein, an investigation into and a hearing concerning the lawfulness of the 31 cents per cubic foot automobile rate published in the aforementioned tariff with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) (TMT) be and it is hereby made respondent in this proceeding and that all subsequent revisions of the rates on automobiles, filed by TMT and all other respondents in this proceeding shall be, and they are hereby placed under investigation in this proceeding;

It is further ordered, That (I) a copy of this order shall forthwith be served upon all respondents, protestants and interveners herein; (II) the said respondents, protestants and interveners be duly notified of the time and place of the hearing ordered; and (III) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) [46 CFR § 201.74].

By the Commission February 13, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-2014; Filed, Mar. 2, 1964; 8:46 a.m.]

SPLOSNA PLOVBA PIRAN, ATLANTSKA PLOVIDBA DUBROVNIK AND JUGOSLAVENSKA OCEANSKA PLOVIDBA KOTOR

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9310, between Splosna Plovba Piran, Atlantska Plovidba Dubrovnik and Jugoslavenska Oceanska Plovidba Kotor provides for the establishment and maintenance of a joint round the world service under the trade name "United Yugoslav Lines" for the transport of goods and passengers eastward from ports in the Adriatic to ports in Japan and thence to the West Coast of the United States and back to the Adriatic in accordance with the terms and conditions of the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 27, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2017; Filed, Mar. 2, 1964; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-161]

WISCONSIN POWER AND LIGHT CO.

Notice of Application

FEBRUARY 25, 1964.

Take notice that on January 21, 1964, Wisconsin Power and Light Company (Applicant) of 122 West Washington Avenue, Madison, Wisconsin, filed in Docket No. CP64-161 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Michigan Wisconsin Pipe Line Company (Mich-Wis) to establish physical connection of its natural gas transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant its daily and annual requirements in Mcf at 14.73 psia as follows:

	First year	Second year	Third year
Annual (Mcf)	35,172	62,327	84,009
Peak day (Mcf)	187	373	444

Applicant requests that a 4-inch pipeline be constructed approximately 2.7 miles at an estimated total cost of $56,000 by Mich.-Wis. to make delivery of gas and Applicant will construct a regulator station and distribution system in the Village of Campbellsport, Wisconsin at an estimated total cost of $199,128.

Applicant states that a franchise to supply natural gas in the Village of Campbellsport was granted to it on March 4, 1963 and that on December 3, 1963, the Public Service Commission of Wisconsin granted to Applicant a certificate of public convenience and necessity to engage in the distribution and sale of natural gas in said village.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2013; Filed, Mar. 2, 1964; 8:46 a.m.]

[Project No. 2405]

CITY OF ANCHORAGE

Notice of Land Withdrawal; Correction

FEBRUARY 26, 1964.

Notice of land withdrawal dated January 30, 1964, appearing in the FEDERAL REGISTER issued Wednesday, February 5, 1964 (29 F.R. 1751) instead is corrected to read the N½SW¼ of W½SW¼ section 5, T. 13 N., R. 1 E., and to add N½NE¼NW¼NW¼ section 27, T. 14 N., R. 1 W., all of the Seward Meridian.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2001; Filed, Mar. 2, 1964; 8:45 a.m.]

[Docket No. CP63-20]

NEW LONDON GAS CO.

Notice of Motion To Amend Order Issuing Certificate of Public Convenience and Necessity

FEBRUARY 25, 1964.

Take notice that on November 29, 1963, New London Gas Company (Movant) New London, Iowa, filed a motion for an

order to Amend the Order Issuing a Certificate of Public Convenience and Necessity on April 17, 1963, in Docket Nos. CP62–303, CP63–20 and CP63–21 (Opinion No. 386) authorizing it to resell and distribute up to 468 Mcf of natural gas per day in the Town of Morning Sun, Iowa, all as more fully described in the motion on file with the Commission and open to public inspection.

New London Gas Company seeks to amend Opinion No. 386 above mentioned by substituting the Morning Sun Gas Company in its place and stead as the recipient of the natural gas from Michigan-Wisconsin Pipe Line Company under the certificate issued in Docket No. CP63–20.

In its motion New London Gas Company states that on May 15, 1963, it sold and assigned to Morning Sun Gas Company its franchise to serve gas and its property and distribution facilities for the consideration of $1,000.

Protests to the granting of the amendment may be filed with the Federal Power Commission, Washington 25, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2002; Filed, Mar. 2, 1964; 8:45 a.m.]

[Project No. 2187]

PUBLIC SERVICE COMPANY OF COLORADO

Notice of Land Withdrawal; Colorado

FEBRUARY 26, 1964.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in constructed Project No. 2187 for which completed amendatory applicetion for minor license was filed December 11, 1963, by the Public Service Company of Colorado for the Georgetown Hydroelectric Development. Under said section 24, these lands are from said date of filing reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by Congress or by the Commission.

SIXTH MERIDIAN

All portions of the following subdivisions lying within the project boundary as delimited on project maps "Exhibits K and L" (FPC Nos. 2187–10 and –11) filed May 13, 1958, and January 23, 1961, respectively.

Murry (Murray) Lake Reservoir

T. 5 S., R. 75 W.,
Sec. 23, E½NW¼.

Silver Dollar Lake Reservoir

T. 5 S., R. 75 W.,
Sec. 23, SE¼NE¼, N½SE¼.

Forebay Reservoir

T. 4 S., R. 74 W.,
Sec. 20, Part of Lot 67.

All portions of the following subdivisions lying within a strip of land, 50 feet in width, for water conduits, as delimited on maps "Exhibits J and K" (FPC Nos. 2187–5 and –9) filed May 13, 1958.

Silver Dollar Ditch

T. 5 S., R. 75 W.,
Sec. 23, SE¼NW¼, N½SW¼.

Green Lake Gravity Pipe Line

T. 4 S., R. 74 W.,
Sec. 19, S½SE¼;
Sec. 29, N½NW¼NW¼;
Sec. 30, NE¼NE¼.

All portion of the following subdivisions lying within a strip of land, 100 feet in width, for water pipe line as delimited on map "Exhibit K" (FPC No. 2187–8) filed May 13, 1958:

Forebay Reservior Pressure Pipe Line

T. 4 S., R. 74 W.,
Sec. 17, Lots 4, 38, 39 and 40.
Sec. 20, Lots 3, 4 and 62.

The area of United States land reserved pursuant to the filing of this application is approximately 35.15 acres of which approximately 29.87 acres are within the Arapaho National Forest. Of the total area approximately 5.28 acres have heretofore been reserved for power purposes under Power Site Reserves Nos. 81 and 542.

Copies of project maps, Exhibits J, K and L (FPC Nos. 2187–5, –8, –9, –10 and –11) are being transmitted to Geological Survey, Forest Service and Bureau of Land Management.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2003; Filed, Mar. 2, 1964; 8:45 a.m.]

[Docket No. CP64–158]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

FEBRUARY 25, 1964.

Take notice that on January 9, 1964, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky, filed in Docket No. CP64–158 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing May 30, 1964, and the operation of miscellaneous field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of Applicant's existing transmission system, said construction not to exceed a maximum total cost of $3,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally co-extensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2004; Filed, Mar. 2, 1964; 8:46 a.m.]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Determination To Continue

FEBRUARY 26, 1964.

Pursuant to Paragraph 3 of the Commission's Order Establishing the Executive Advisory Committee, issued March 8, 1962, and section 8 of Executive Order No. 11007, issued February 26, 1962 (27 F.R. 1875), the Commission hereby determines that the continued existence of the Executive Advisory Committee for an additional period of two years is in the public interest.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2029; Filed, Mar. 2, 1964; 8:48 a.m.]

[Docket No. RI64–622 etc.]

SOCONY MOBIL OIL COMPANY, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 26, 1964.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 8, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective Date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–622	Socony Mobil Oil Co., Inc. (Operator), et al., 150 East 42d Street, New York, N.Y., 10017, Attn: Messrs. H. H. Beeson and Tom P. Hamill.	212	5	Montana-Dakota Utilities Co. (Big Horn Area, Big Horn County, Wyo.).	$27,351	1–27–64	[2] 2–27–64	7–27–64	[4] 11.65	[5] 15.384	
RI64–623	do	213	8	Montana-Dakota Utilities Co. (Sano Creek Field, Washakie County, Wyo.).	7,271	1–27–64	[2] 2–27–64	7–27–64	[4] 11.65	[4] 15.384	
	do	270	5	Montana-Dakota Utilities Co. (Big Horn Area, Big Horn County, Wyo.).	18	1–27–64	[2] 2–27–64	7–27–64	[4] 11.65	[4] 15.384	
RI64–623	do	271	5	do	6,997	1–27–64	[2] 2–27–64	7–27–64	[4] 11.65	[5] 15.384	
	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex., 77001, Attn: Messrs. John J. Carter and Jesse H. Foster.	184	9	Montana-Dakota Utilities Co. (Worland Field, Washakie and Big Horn Counties, Wyo.).	715	1–30–64	[3] 1–64	[8] 1–64	[7] 10.5	[4] [5] 15.384	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Favored-nation rate increase.
[3] Pressure base is 15.025 psia.
[4] Includes 1.65 cents per Mcf compression charge by seller.
[5] Subject to deduction of 0.25 cent per Mcf for dehydration and 0.25 cent per Mcf for removal of excess hydrogen sulphide.
[6] Subject to upward adjustment of 0.25 cent per Mcf for each treatment if buyer is not required to sweeten and/or remove moisture.
[7] Includes 0.5 cent per Mcf upward adjustment for delivery pressure (800 psig).

Socony Mobil Oil Company, Inc., and Socony Mobil Oil Company, Inc. (Operator), et al. (both referred to herein as Socony) request an effective date of February 26, 1964, for their proposed favored-nation rate increases. Humble Oil & Refining Company (Humble) requests an effective date of December 20, 1963, for its proposed rate filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Socony and Humble's rate filings and such requests are denied.

The subject rate increases were triggered by a 15.384 cents per Mcf rate which Montana-Dakota Utilities Co. began paying to The Atlantic Refining Company on December 20, 1963.

Socony and Humble's proposed increased rates and charges exceed the applicable area price level for increased rates in Wyoming as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, 2.56).

[F.R. Doc. 64–2031; Filed, Mar. 2, 1964; 8:49 a.m.]

[Docket Nos. G–2861 etc.]

H. F. SEARS ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates and Pending Certificate Applications; Correction

FEBRUARY 20, 1964.

H. F. Sears, and other applicants listed herein, Docket Nos. G–2861, et al., Standard Oil Company of Texas, a division of California Oil Company, Docket No. G–20317.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates, and Pending Certificate Applications, issued December 24, 1963 and published in the FEDERAL REGISTER January 7, 1964 (F.R. Doc. 64–20; 29 F.R. 166), correct price, in column 4 of the chart, to read 13.0¢ in lieu of 13.2486¢ after Docket No. G–20317.

In view of the foregoing correction an extension is granted to and including March 9, 1964 within which to file protests or petitions to intervene with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 18 or 1.10).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2030; Filed Mar. 2, 1964; 8:48 a.m.]

TARIFF COMMISSION

[AA1921–32]

[TC Publication 121]

CHROMIC ACID FROM AUSTRALIA

Determination of Injury

FEBRUARY 26, 1964.

On November 26, 1963, the Tariff Commission was advised by the Assistant Secretary of the Treasury that chromic acid from Australia is being, or is likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act. Accordingly, the Commission on November 26, 1963, instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation was published in the FEDERAL REGISTER (28 F.R. 12845). No public hearing in connection with the investigation was ordered by the Commission, but interested parties were referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of the Commission's notice of investigation in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request. No request for a hearing was made.

In arriving at a determination in this case, due consideration was given by the Tariff Commission to all written submissions from interested parties and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission (Commissioners Dorfman and Talbot dissenting) [1] has determined that an industry in the United States is being injured by reason of the importation of chromic acid from Australia, sold at less than fair value, within the mean-

[1] The views of Commissioners Dorfman and Talbot are filed as part of the original document. Commissioner Culliton was absent when the determination was made.

ing of the Antidumping Act, 1921, as amended.

MAJORITY STATEMENT OF REASONS

For approximately one year (August 1962 to mid-July 1963) chromic acid from Australia was imported into the United States at less than fair value. Virtually all the chromic acid was sold on the West Coast, a market which accounts for about ten percent of the total domestic consumption. During this period, imports amounted to 14 percent of the chromic acid consumed on the West Coast and came in at an accelerated rate.

Shortly after the imports began, prices of some of the domestically produced chromic acid fell on the West Coast as a result of the impact of the low-priced foreign material on a highly cost-sensitive market. When the importer learned of the investigation of this case by the Treasury Department, he quickly ceased importing and completed the sale of his imports to distributors. However, sales of the low-priced imported chromic acid from two distributors' inventories have continued to date and, consequently, the price of chromic acid is still depressed.

The importer of the chromic acid, which was purchased at less than fair value, undersells every known domestic producer of chromic acid by a significant margin when the price comparison is made on a "delivered price basis" to any distributor on the West Coast. Even with the lowered prices of the domestic product, forced by the distributors' need to endeavor to maintain their customers, the price of the imported chromic acid has always been, and continues to be, significantly lower than the prices of the domestic product.

As a result of such underselling by the importer, that firm has experienced a rapid growth in sales during the 12 months that such imports entered the United States. For the total period of importation, the imports sold represented 14 percent of all chromic acid consumed on the West Coast during the period of importation; for the last three months of that 12-month period sales by the importer were equivalent to about 30 percent of the average quarterly consumption of chromic acid on the West Coast. During the last full month they were equal to about 47 percent of the average monthly consumption of chromic acid on the West Coast.

As a result of such underselling, the importer has triggered a price war at all levels of trade on the West Coast which continues today.

There is evidence that, had the importer not ceased importing in mid-July 1963, subsequent imports would have entered the West Coast in quantities to supply approximately 29 percent of the West Coast market based on the current consumption level in that market area. Further, there is ample reason to think that imports would be resumed and would be sold under like circumstances if there were to be a "no injury" determination in this case.

Consumers report that the preponderant reason they rejected the domestic chromic acid in favor of the imported product was the lower price. Any claim that the imported product contained impurities rendering it less desirable for plating purposes and that the product consequently could not command a price closer to the prices of the domestic product is contrary to the weight of evidence obtained from a large segment of the consumers of chromic acid on the West Coast.

This Commission stated in its most recent determination under the Antidumping Act that it was evident that the Congress considered sales at less than fair value to be condemned under that Act "when they have an anti-competitive effect". (See "no injury" determination relating to titanium dioxide from France—28 F.R. 10467.)

When chromic acid purchased from Australia at less than fair value is sold in the United States at a price significantly lower than all domestic manufacturers' wholesale prices of the like product in the United States, thereby greatly disrupting and depressing prices in a major United States market for such product, and where the evidence indicates that as a result of such underselling there is a rapid penetration of a major market area with a substantial capture of a major "share" of that market by the importer as of the time he ceased importing pending the outcome of this investigation, such sales of the imported product are anti-competitive. We think it clear that an industry in the United States is being materially injured by reason of the importation of the subject imports into the United States. It is also clear that the degree of injury in this case is likely to more than double if affirmative action is not taken under the Antidumping Act.

This determination and statement of reasons are published pursuant to 201 (c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-2010; Filed, Mar. 2, 1964; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BORDENTOWN BANKING CO.

Order Approving Merger of Banks

In the matter of the application of Bordentown Banking Company for approval of merger with The First National Bank and Trust Company of Roebling.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Bordentown Banking Company, Bordentown, New Jersey, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The First National Bank and Trust Company of Roebling, Roebling, New Jersey, under the charter and title of the former. As an incident to the merger, the sole office of The First National Bank and Trust Company of Roebling would become a branch of Bordentown Banking Company. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 25th day of February 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-2006; Filed, Mar. 2, 1964; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Philadelphia.

[2] Voting for this action: Unanimous, with all members present.

INTERSTATE COMMERCE COMMISSION

[Notice 947]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 27, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66516. By order of February 25, 1964, the Transfer Board approved the transfer to Harold F. Dushek, Inc., Waupaca, Wis., of Certificates Nos. MC 113751, MC 113751 Sub 2, MC 113751 Sub 3, and MC 113751 Sub 5, issued April 14, 1958, October 28, 1958, February 7, 1961, and September 9, 1960, respectively, to Harold F. Dushek, Waupaca, Wis., authorizing the transportation, over irregular routes, of fertilizer, from Dubuque, Iowa, to points in Langlade and Shawano Counties, Wis., and that part of Waupaca County, Wis., on and north of U.S. Highway 10; from Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, to Coleman, Wis., and points in Wisconsin within 20 miles thereof; fertilizer, in bags, from Madison, Wis., to points in the upper peninsula of Michigan, points in that part of Minnesota on and east of U.S. Highway 71 from the Minnesota-Iowa State line to Sauk Centre, and on and south of a line beginning at Sauk Centre and extending along U.S. Highway 52 to St. Cloud, and thence along Minnesota Highway 95 to the Minnesota-Wisconsin State line, and points in that part of Iowa on and north of U.S. Highway 20 from Dubuque to Early, and on and east of U.S. Highway 71 from Early to the Iowa-Minnesota State line; charcoal, from Waupaca, Wis., to points in Iowa, Michigan, that part of Illinois north of U.S. Highway 40 (except points in the Chicago, Ill., commercial zone, as defined by the Commission and points on and east of U.S. Highway 14), that part of Indiana north of Indiana Highway 28 (except points in the Chicago, Ill., commercial zone, as defined by the Commission and points located on U.S. Highway 41 and U.S. Highway 52) Minnesota (except points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, points located on U.S. Highway 12 from the Minnesota-Wisconsin State line to Minneapolis, Minn., points on U.S. Highway 52 from Minneapolis, Minn., to the Minnesota-North Dakota State line, and points on U.S. Highway 8), Missouri (except points in the St. Louis, Mo., East St. Louis, Ill., commercial zone, as defined by the Commission), and Ohio (except points in Preble, Montgomery, Butler, Warren, Hamilton and Clermont Counties); and empty pallets used in transporting charcoal on return; frozen cherries, from Sturgeon Bay, Wis., to St. Louis, Mo., and Minneapolis, Minn.; bananas, and fresh vegetables, when moving in mixed shipments with bananas, from Chicago, Ill., to Stevens Point, Wis.; frozen vegetables, from Green Bay, Wis., to St. Louis, Mo.; coal and commercial furniture and equipment, from Menominee, Mich., to Coleman, Wis.; commercial furniture and equipment, farm machinery, grain, feed, flour, and sugar, from Coleman, Wis., to points in the Upper Peninsula of Michigan; commercial furniture and fixtures, uncrated, from Coleman, Wis., to points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and the Lower Peninsula of Michigan; animal feed and meat scraps, from Minneapolis, Minn., and points in the Chicago, Ill., commercial zone as defined by the Commission, to Coleman, Wis., and points in Wisconsin within 20 miles thereof; animal feed, from Minneapolis, Minn., to points in Wisconsin and the Upper Peninsula of Michigan within 75 miles of Coleman, Wis. (except points in Wisconsin within 20 miles of Coleman); poultry feed, from Minneapolis, Minn., to points in Wisconsin and the Upper Peninsula of Michigan within 75 miles of Coleman, Wis.; and new furniture and store and office fixtures, as defined by the Commission, uncrated, from Coleman, Wis., to points in Indiana and Ohio. Edward Solie, 1 South Pinckney Street, Madison 3, Wis., attorney for applicants.

No. MC-FC 66536. By order of February 25, 1964, the Transfer Board approved the transfer to Moore's Transfer, Inc., Osmond, Nebraska, of Certificates Nos. MC 94964, MC 94964 Sub 1, MC 94964 Sub 2, MC 94964 Sub 3, and MC 94964 Sub 4, issued November 27, 1956, May 25, 1950, November 29, 1949, March 23, 1950, and May 24, 1950, respectively, to Clyde Moore doing business as Moore's Transfer, Osmond, Nebraska, authorizing the transportation, over regular routes, of livestock, from Osmond, Nebr., to Sioux City, Iowa, serving intermediate and off-route points within 20 miles of Osmond; and between Foster, Nebr., and Sioux City, Iowa; livestock, feed, seed, building materials, and farm machinery, from Sioux City, Iowa to Osmond, Nebr., serving intermediate and off-route points within 20 miles of Osmond; and general commodities exclusive of household goods and commodities in bulk, from Sioux City over U.S. 20, thence over unnumbered highway to Breslau, Nebr., thence to Foster, Nebr., with service authorized to and from intermediate and off-route points within 25 miles of Foster; and, over irregular routes, of farm implements, binder twine, petroleum, oil and grease, building materials, fencing and fencing materials, coal, feed, molasses, and sale, from Sioux City, Iowa, to Creighton and points in Nebraska within 30 miles of Creighton; livestock, between Creighton, Nebr., and points in Nebraska within 30 miles of Creighton, and Atkinson, Bassett, O'Neill, and Norfolk, Nebr., on the one hand, and, on the other, points in Iowa; grain, between Creighton, Nebr., and points in Nebraska within 30 miles of Creighton, on the one hand, and, on the other, points in Iowa; livestock, hay, and grain, from Osmond, Nebr., and points within 15 miles of Osmond, to Sioux City, Iowa; oils and grease, in containers, livestock, farm machinery and implements, building materials, seed hardware, and coal, from Sioux City to Osmond and points within 15 miles of Osmond; general commodities, excluding household goods, from Sioux City, Iowa, to Royal, Nebr., and points in Nebraska within 30 miles of Royal; and livestock, agricultural products, feed, and household goods, between Royal, Nebr., and points in Nebraska within 30 miles of Royal, on the one hand, and, on the other, points in Iowa. Einar Viren, 904 City National Bank Building, Omaha 2, Nebr., attorney for applicants.

No. MC-FC 66558. By order of February 25, 1964, the Transfer Board approved the transfer to Catherine M. Paradise doing business as Paradise Trucking Company, 600 Mill Street, Dunmore, Pa., applicant in No. MC 99739 Sub 2, BOR-99 filed in the name of Louis J. Paradise doing business as Paradise Trucking Company, Wyoming Avenue, Scranton, Pa., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of Section 206 (a)(1) of the Act, supported by Pennsylvania certificates Nos. 71539, Folder 3, and 71539 Folder 5, authorizing transportation, as a Class B carrier, property between points in the City of Scranton, Lackawanna County, and within 3 miles of the limits of said city; as a Class D carrier, household goods in use from points in the said territory to other points in Pennsylvania, provided no haul shall exceed a distance of 40 miles from point of origin to point of destination; coal from points within 10 miles by the usually traveled highways of the limits of the City of Scranton to points in the said city; building construction materials, such as are transported in dump trucks, between points not to exceed a distance of 25 miles from point of origin to point of destination in the Counties of Lackawanna, Luzerne, Wayne, Pike, Monroe, Wyoming and Susquehanna, with conditions, among others, that no right, power or privilege is granted to transport raw silk materials and finished products of the silk (both natural and artificial) industry; and to transport, as a Class D carrier, stone, farm products and farm machinery between points in the Counties of Wyoming, Susquehanna, Lackawanna and Bradford; stone, farm products and farm machinery from points in the Counties of Wyoming, Susquehanna, Lackawanna and Bradford to points in Pennsylvania, and vice versa; contractors' equipment and machinery, building materials and building supplies in bulk in dump trucks between points in the Counties of Lackawanna, Luzerne, Wyoming, Pike, Susquehanna, and Bradford, provided no haul shall exceed a distance of 25 miles from point of origin to point of destination; subject to the conditions that no right, power or privilege is granted to transport contractors' equipment and machinery from any point in the County of Luzerne, or from any point in Bradford County west of a line running north and south from the Pennsylvania-New York State line through the Borough of Towanda to the southern boundary of said county; that no right, power or privilege is granted to transport contractors' equipment and machinery which on account or size or weight require the use of a low bed, drop frame trailer for the moving thereof; to transport, as a Class D carrier, property from the plants of Shipple Brothers in the Counties of Bradford, Wyoming and Lackawanna to points in Pennsylvania; property from the plant of the South Montrose Manufacturing Company in the Village of South Montrose, Susquehanna County, to points in Pennsylvania; raw materials, machinery and manufactured products between points in the Borough of Laceyville, Wyoming County, and within 50 miles of the limits of the said borough; heavy machinery, contractors' equipment, long or large sections of steel or pipe, boilers, buildings, cut building stone and other heavy objects which require auxiliary equipment such as power winches, pole trailers or derricks between points in the Counties of Wyoming, Susquehanna, Lackawanna and Bradford; property from points in the Borough of Meshoppen, Wyoming County, to points

within 35 miles of the limits of said borough, and vice versa; as a Class C carrier, heavy machinery, contractors' equipment, long or large sections of steel or pipe, boilers, buildings, cut building stone and other heavy objects which require auxiliary equipment such as power winches, pole trailers or derricks from points in the Counties of Wyoming, Susquehanna, Lackawanna and Bradford to points in Pennsylvania; conditioned that no right, power or privilege is granted to transport property which on account of size or weight require the use of low bed, drop frame trailers for the moving thereof; and that the certificate holder is limited and restricted to the operation of the motor vehicles, as named and described in the equipment certificate.

No. MC–FC 66576. By order of February 25, 1964, the Transfer Board approved the transfer to Eastern Dakota Transportation, Inc., 1 East Oak Street, Sisseton, S. Dak., of certificate in No. MC 81350, issued June 2, 1949, to Lester LeClair, doing business as LeClair Transfer, Rosholt, S. Dak., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Sisseton, New Effington, Hammer, Clair City, and Rosholt, S. Dak., on the one hand, and, on the other, Minneapolis and St. Paul, Minn., and livestock, from Sisseton, S. Dak., and points within 35 miles thereof, to South St. Paul, Minn.

No. MC–FC 66585. By order of February 25, 1964, the Transfer Board approved the transfer to Key Transit, Inc., Conyers, Ga., of Certificate in No. MC 112520 (Sub-No. 73), issued by the Commission November 15, 1962, to McKenzie Tank Lines, Inc., Tallahassee, Fla., authorizing the transportation, over irregular routes, of dry chemicals as defined by the Commission, and Phosphatic fertilizer solutions, in bulk, in tank and hopper-type vehicles, from Augusta, Ga., and points in Richmond County, Ga., within 10 miles of Augusta, Ga., to points in Richmond County, Ga., Alabama, Florida, Louisiana, Mississippi, North Carolina, and South Carolina, liquid acids and chemicals, as defined by the Commission, in bulk, in tank and hopper type vehicles, from Augusta, Ga., and points in Richmond County, Ga., within 10 miles of Augusta, Ga., to points in Alabama, Florida, Louisiana, and Mississippi, with restrictions against both authorities. Allen Post, Sixth Floor, First National Bank Building, Atlanta, Ga., 30303, attorney for applicants.

No. MC–FC 66611. By order of February 24, 1964, the Transfer Board approved the transfer to Harold L. Forman, Harold C. Forman and Donald L. Forman, a partnership, doing business as Forman's Motor Transfer, Burlington, Vt., of Certificate No. MC 41144 Sub 1, issued September 14, 1942 to Priscilla M. Forman and Harold L. Forman, doing business as Forman's Motor Transfer, Burlington, Vermont, authorizing the transportation of household goods, over irregular routes, between points in Vermont, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, and Rhode Island. Harold J. Arthur, 152 Bank Street, Burlington, Vt., attorney for applicants.

No. MC–FC 66635. By order of February 25, 1964, the Transfer Board approved the transfer to Harry Starr and Arnold Shapiro, a partnership, doing business as Roxy Garment Delivery, Jersey City, N.J., of certificate in No. MC 74134, issued April 22, 1963, to Sol Schustrin, Harry Starr, Harvey Brody and Arnold Shapiro, a partnership, doing business as Roxy Garment Delivery, Jersey City, N.J., authorizing the transportation, over regular routes, of ladies' and children's wearing apparel and piece goods, between New York, N.Y., and Clinton, N.J., serving all intermediate points (except Barnardsville, N.J.), and the off-route points of Flemington, High Bridge, and Summit, N.J., and between New York, N.Y., and Long Branch, N.J., serving all intermediate points, and the off-route points of Flemington, High Bridge, and Summit, N.J. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–2011; Filed, Mar. 2, 1964; 8:46 a.m.]

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Washington, Wednesday, March 4, 1964

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Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 66]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

Correction

The date on which the above-named document was adopted by the Board of Directors should read February 14, 1964, rather than February 14, 1963 as shown in F.R. Doc. 64–1711 (29 F.R. 2642), published on February 21, 1964.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

[F.R. Doc. 64–2032; Filed, Mar 3, 1964; 8:45 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

PART 728—WHEAT

Farm Acreage Allotments, Small Farm Bases and Normal Yields for 1964 and Subsequent Crop Years

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is amending the regulations pertaining to farm acreage allotments for the 1964 and subsequent crops of wheat to add a definition of "wheat history acreage" for the 1964 crop of wheat. The 1964 wheat history acreage for any farm will be used for the first time in the determination of wheat acreage allotments for the 1966 crop of wheat, but it is considered desirable that wheat producers be informed of the definition of that term to guide them in the production of the 1964 crop. Since marketing quotas are not in effect on the 1964 crop of wheat a visit to every wheat farm to make a determination of the acreage of wheat grown on the farm in 1964 will not be made in all cases. The operator of each farm for which a 1964 wheat acreage allotment was determined will be sent a prescribed Form ASCS–222. Such form will notify him that all farms will not be visited for the purpose of measuring the wheat acreage in 1964. It will also contain a postage-paid postal card addressed to the county ASCS office on which the operator shall indicate the acreage of wheat intended to be harvested on the farm in 1964, whether he intends to apply for price support on his 1964 crop of wheat, and whether he wants the wheat acreage measured for wheat history acreage purposes. Under the Act, if acreage in excess of the farm wheat acreage allotment is produced in any year, the wheat history acreage for that year, for purposes of determining future wheat acreage allotments, is considered to be equal to the farm wheat acreage allotment. If the farm allotment is derived from the small farm base provision of § 728.17 of these regulations and the operator does not intend to apply for price support, the reported acreage will be accepted as the wheat acreage unless there is reason to believe that the report is erroneous. On farms with allotments determined under the regular allotment provisions of § 728.16 of these regulations and the operator does not want price support or want his farm measured for history purposes, the 1964 acreage of wheat produced on the farm shall be considered to be in excess of the 1964 farm allotment. With respect to any farm for which the farm operator fails to report the 1964 wheat acreage prior to disposition date, the 1964 farm wheat acreage shall be considered in excess of the allotment.

The regulations are amended as follows:

1. Section 728.10(f) is amended by inserting immediately following the paragraph designation "(1)", by changing the subparagraph designations "(1)" and "(2)" to subdivision designations "(i)" and "(ii)", respectively, and by adding new subparagraphs (2) and (3) to read as follows:

(2) "Wheat history acreage" for 1964 means:

(i) For any old farm on which the wheat acreage allotment was not knowingly overplanted, the 1964 base acreage of wheat determined for the farm under the regulations in this part if the farm is federally owned, or in the case of farms not federally owned, if for 1964 or 1963 or 1962 the actual acreage planted to wheat plus the acreage regarded as planted to wheat under the Soil Bank Act or section 16(b) or 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, was at least 75 per centum of the farm wheat acreage allotment determined for such year under applicable regulations.

(ii) For any new farm for which a wheat acreage allotment was determined and such allotment was not knowingly overplanted, the final allotment so determined multiplied by the 1964 county wheat diversion credit factor. Such factor will be the reciprocal of a decimal fraction which is 100 per centum of the 1964 county proration factor determined under the regulations in this part.

(iii) For any old farm other than a federally-owned farm on which less than 75 per centum of the wheat acreage allotment for 1964 and for each of the years 1963 and 1962 was actually planted to wheat or regarded as planted to wheat under the Soil Bank Act or section 16 (b) or (e) of the Soil Conservation and Domestic Allotment Act, as amended, the smaller of the 1964 base acreage or the acreage obtained by multiplying the 1964 wheat acreage, including the acreage regarded as planted to wheat under the Soil Bank Act or section 16 (b) or (e) of the Soil Conservation and Domestic Allotment Act, as amended, by the 1964 county wheat diversion credit factor.

(iv) For any old or new farm knowingly overplanted, the farm acreage allotment for such year.

(3) To aid in the determination of the wheat acreage on any farm for 1964, the operator of the farm shall be requested in writing on Form ASCS–222 to inform the county ASCS office, prior to the final date for disposing of excess wheat acreage as provided in this section, the acreage of wheat he intends to harvest for grain on the farm in 1964, whether he intends to apply for price support on the 1964 crop of wheat on the farm, and if he does not intend to apply for such price support and the farm allotment is in excess of 13.5 acres, whether he requests the 1964 acreage of wheat on the farm to be determined pursuant to a visit to the farm by a farm reporter.

(i) A farm visit shall be made by a farm reporter to determine the 1964 wheat acreage on any farm with an effective allotment in excess of 13.5 acres for which price support is requested or on any such farm for which the operator reports a wheat acreage not in excess of the farm allotment.

(ii) If the effective farm allotment is 13.5 acres or less and is based upon the small farm base provided for in 7 USC 1335 and the operator does not request price support, the 1964 wheat acreage reported by the operator shall be considered as correct unless the county committee has reason to believe the report is erroneous. If the effective farm allotment is 13.5 acres or less and is not based upon the small farm base provisions of 7 USC 1335 and the operator requests price support or reports a 1964 wheat acreage not in excess of the allotment a farm visit by a farm reporter to determine the 1964 farm wheat acreage will be made.

(iii) With respect to any farm for which the farm operator fails to report the 1964 wheat acreage prior to the disposition date for excess wheat as provided in Section 728.10 or permission to measure the 1964 wheat acreage is denied a farm reporter by the owner or operator of the farm or a wheat producer thereon, the 1964 farm wheat acreage shall be considered in excess of the allotment. If the farm operator reports a wheat acreage in excess of the allotment for any farm, no farm visit will be made by a farm reporter and the 1964 wheat acreage on the farm will be considered as correct and in excess of the farm allotment.

Effective date. In order that ASC county committees may apply the provisions of these regulations to acreage determinations for the 1964 crop of wheat and in order that farm operators may be notified of such determinations prior to the disposal dates for excess

(Navel Orange Regulation 52, 29 F.R. 2643) are hereby amended to read as follows:

(i) District 1: 800,000 cartons;
(ii) District 2: 475,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C.

each of the respective orders, "The termination of such provisions would result in the text reading as follows:" is changed to "The termination of such provisions will result in the text reading as follows:"

PART 1035—MILK IN THE COLUMBUS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II, Class III and Class IV pricing formulas:

(2) "and roller".

The termination of such provisions will result in the text reading as follows:

(ii) From the average of the carlot prices per pound for nonfat dry milk (not including that specifically designated animal feed), spray process f.o.b.

(2) The "s" in the word "averages".
(3) "and roller".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of the carlot prices per pound of spray process

Effective date. In order that ASC county committees may apply the provisions of these regulations to acreage determinations for the 1964 crop of wheat and in order that farm operators may be notified of such determinations prior to the disposal dates for excess wheat as provided in § 728.10, it is essential that these regulations be made effective at the earliest possible date. It is therefore determined that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act (5 USC 1003) is impractical and contrary to the public interest and the regulations in this part shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., February 27, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-2061; Filed, Mar. 3, 1964; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 52, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 907.352 (Navel Orange Regulation 52, 29 F.R. 2643) are hereby amended to read as follows:

(i) District 1: 800,000 cartons;
(ii) District 2: 475,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 28, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2059; Filed, Mar. 3, 1964; 8:47 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

MILK IN CERTAIN MARKETING AREAS

Order Terminating Certain Provisions of Orders

Marketing Areas	7 CFR Parts
Greater Wheeling, W. Va.	1008
Clarksburg, W. Va.	1009
South Bend-LaPorte-Elkhart, Ind.	1031
Columbus, Ohio	1035
Northeastern Ohio	1036
Southern Michigan	1040
Toledo, Ohio	1041
Muskegon, Mich.	1042
Upstate Michigan	1043
Fort Wayne, Ind.	1047
Greater Youngstown-Warren	1048
Indianapolis, Ind.	1049
St. Louis, Mo.	1062
Sioux City, Iowa	1066
Ozarks	1067
Sioux Falls-Mitchell, S. Dak.	1072
Black Hills, S. Dak.	1075
Chattanooga, Tenn.	1090
Northern Louisiana	1096
Nashville, Tenn.	1098
Knoxville, Tenn.	1101
Lubbock-Plainview, Tex.	1120
Puget Sound, Wash.	1125
North Texas	1126
Central West Texas	1128
Austin-Waco, Tex.	1129
Corpus Christi, Tex.	1130
Central Arizona	1131
Texas Panhandle	1132
Inland Empire	1133
Western Colorado	1134
Colorado Springs-Pueblo	1135
Eastern Colorado	1137
Rio Grande Valley	1138

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the above designated marketing areas, it is hereby found and determined that:

(a) The following provisions of the orders no longer tend to effectuate the declared policy of the Act:

The provisions to be terminated shall be and are those contained in the notice of proposed termination of certain provisions of the orders issued February 11, 1964, by the Deputy Administrator, Regulatory Programs, Agricultural Marketing Service (29 F.R. 2461; F.R. Doc. 64-1490), and are set forth in full herein, subject to the following modification:

1. The following descriptive phrase, used with respect to the provisions of each of the respective orders, "The termination of such provisions would result in the text reading as follows:" is changed to "The termination of such provisions will result in the text reading as follows:"

PART 1008—MILK IN THE GREATER WHEELING MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1008.51(b)(3)(ii) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(ii) From the weighted average of the carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

PART 1009—MILK IN THE CLARKSBURG MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1009.51(b)(3)(ii) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(ii) From the weighted average of the carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2

PART 1031—MILK IN THE SOUTH BEND—LA PORTE-ELKHART MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1031.54(b)(2) the provisions:
(1) "the arithmetical average of".
(2) The "s" in the word "averages".
(3) "and roller".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2

PART 1035—MILK IN THE COLUMBUS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II, Class III and Class IV pricing formulas:

In § 1035.18 the provisions:
(1) "the arithmetical average of".
(2) The "s" in the word "averages".
(3) "and roller".

The termination of such provisions will result in the text reading as follows:

§ 1035.18 Nonfat dry milk price.

"Nonfat dry milk price" means the weighted average of the carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

PART 1036—MILK IN THE NORTHEASTERN OHIO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II and Class III pricing formulas:

In § 1036.52(b)(2) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1040.52(b) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".

The termination of such provisions will result in the text reading as follows:

(b) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply by 8.2.

PART 1041—MILK IN THE TOLEDO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1041.50(b)(2)(ii) the provisions:
(1) The word "arithmetical" wherever it appears.
(2) "and roller".

The termination of such provisions will result in the text reading as follows:

(ii) From the average of the carlot prices per pound for nonfat dry milk (not including that specifically designated animal feed), spray process, f.o.b. manufacturing plants in the Chicago area, as published by the Department during the month, deduct 5.5 cents, and multiply by 8.2, except that if such agency does not publish such prices f.o.b. manufacturing plants, there shall be used for the purpose of this computation the average of the carlot prices thereof delivered to Chicago, Ill., as published weekly by such agency during the month; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

PART 1042—MILK IN THE MUSKEGON MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1042.52(b) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".

The termination of such provisions will result in the text reading as follows:

(b) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply by 8.2.

PART 1043—MILK IN THE UPSTATE MICHIGAN MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II and Class III pricing formulas:

In § 1043.51(b)(2)(ii) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U.S.D.A., deduct 5.5 cents and then multiply by 8.2.

PART 1047—MILK IN THE FT. WAYNE MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1047.51(b)(2) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

PART 1048—MILK IN THE GREATER YOUNGSTOWN-WARREN MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1048.50(b)(2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and then multiply by 8.2.

PART 1049—MILK IN THE INDIANAPOLIS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1049.51(b)(2) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

PART 1062—MILK IN THE ST. LOUIS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prioes in the Class II pricing formula:

In § 1062.50(b)(2) the provisions:
(1) "and roller".
(2) "respectively,".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk

solids, spray process, for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department subtract 5.5 cents and multiply by 7.0.

PART 1066—MILK IN THE SIOUX CITY MARKETING AREA

The following provision relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1066.51(b)(2) the provision "and roller" appearing as a part of the phrase "nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. manufacturing plants in the Chicago area".

PART 1067—MILK IN THE OZARKS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1067.50(b)(2) the provisions:
(1) "and roller".
(2) "respectively,".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, subtract 5.5 cents and multiply by 7.0.

PART 1072—MILK IN THE SIOUX FALLS-MITCHELL MARKETING AREA

The following provision relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1072.51(b)(2) the provision "and roller" appearing as a part of the phrase "nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. manufacturing plants in the Chicago area".

PART 1075—MILK IN THE BLACK HILLS MARKETING AREA

The following provision relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In the proviso of § 1075.51(b)(2) the provision "and roller".

PART 1090—MILK IN THE CHATTANOOGA MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1090.51(b)(2) the provisions:
(1) "arithmetical".
(2) "and roller".

The termination of such provisions will result in the text reading as follows:

(2) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.8 and add to such sum 3¾ cents for each full one-half cent that the average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, is above 5 cents.

PART 1096—MILK IN THE NORTHERN LOUISIANA MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1096.51(b)(2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) "and roller".
(3) "respectively,".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

PART 1098—MILK IN THE NASHVILLE MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1098.51(b)(3)(ii) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(ii) From the weighted average of the carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area for the period from the 26th day of the immediately preceding month through the 25th day of the current month, as published by the Department, subtract 5 cents and multiply by 7.5.

PART 1101—MILK IN THE KNOXVILLE MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1101.51(b)(4)(ii) the provisions:
(1) "arithmetical".
(2) "and roller".

The termination of such provisions will result in the text reading as follows:

(ii) From the average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. Chicago area manufacturing plants, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5 cents and multiply by 7.5.

PART 1120—MILK IN THE LUBBOCK-PLAINVIEW MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1120.50(b)(2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound of nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

PART 1125—MILK IN THE PUGET SOUND MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1125.51(b)(2) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

PART 1126—MILK IN THE NORTH TEXAS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1126.51(b)(1)(ii) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

PART 1128—MILK IN THE CENTRAL WEST TEXAS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1128.51(a)(2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound of nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

PART 1129—MILK IN THE AUSTIN-WACO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1129.51(a)(2) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

PART 1130—MILK IN THE CORPUS CHRISTI MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1130.50(b)(1)(ii) the provisions:
(1) "the simple average as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture deduct 5.5 cents and multiply by 8.16.

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II and Class III pricing formulas:

In § 1131.51(c)(2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

PART 1132—MILK IN THE TEXAS PANHANDLE MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1132.51(b)(2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II and Class III pricing formulas:

In § 1133.51(c)(2) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".

The termination of such provisions will result in the text reading as follows:

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1134.51(b)(2)(ii) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

PART 1135—MILK IN THE COLORADO SPRINGS-PUEBLO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1135.51(b)(1)(ii) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound of nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1137.51(b)(1)(ii) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions will result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound of nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1138.51(b)(2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".

(3) "and roller".
(4) "respectively,"

The termination of such provisions will result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply the remainder by 8.16.

(b) Thirty days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) (i) The provisions to be terminated are those which average the carlot price per pound of roller process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area with such price for spray process nonfat dry milk solids in the computation of a formula price for milk of the class or classes specified for each of the respective orders.

(ii) The Dairy and Poultry Market News has announced that this roller process price quotation will be discontinued following release of the February 1964 price. Data for this price series have been secured through reports to the Statistical Reporting Service by manufacturers and publication has been in the market news reports of the Agricultural Marketing Service.

(iii) The effect of the termination will be to use only the price for spray process solids in the computation of the respective formula prices. Prices reported for spray process solids and roller process solids have been so nearly identical in recent months that no substantial change in the level of the resulting formula prices will result at this time from the termination.

(4) By notice issued February 11, 1964 (29 F.R. 2461) interested parties were given opportunity to present views, data and arguments with respect to proposed termination of such provisions. No views have been received offering a practicable alternative to termination of the provisions under the existing circumstances.

Therefore good cause exists for making this order effective March 1, 1964.

It is therefore ordered, That the aforesaid provisions of the orders are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1964.

Signed at Washington, D.C., on February 28, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–2092; Filed, Mar. 3, 1964; 8:52 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL REGULATIONS GOVERNING PRICE SUPPORT FOR THE 1964 AND SUBSEQUENT CROPS

Correction

In F.R. Doc. 64–1807 appearing in the issue for Wednesday, February 26, 1964, at page 2686, the following changes should be made to § 1421.76:

1. In the introductory paragraph, the words "these regulations" should read "the regulations in this subpart".

2. Paragraph (g) should be added to read as follows:

(g) *The regulations in this subpart.* The term "the regulations in this subpart" means the regulations in Subpart—General Regulations Governing Price Support for the 1964 and Subsequent Crops and in the applicable commodity supplement together with any amendments thereto.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket Nos. 63–CE–75, 63–CE–82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones, Revocation of Control Area Extension, Designation and Revocation of Transition Areas

On September 10, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9844) stating that the Federal Aviation Agency (FAA) proposed to designate the Anthony, Kans., transition area (Airspace Docket No. 63–CE–75).

On October 17, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11140) stating that the FAA proposed to alter the Wichita, Kans. (Wichita Municipal) and Wichita (McConnell AFB) control zones, designate the Wichita transition area, revoke the Wichita control area extension, and revoke the Arkansas City, Kans., transition area (Airspace Docket No. 63–CE–82). In the Wichita notice it was stated, in part, that the portion of the proposed Wichita transition area which would coincide with the Anthony, Kans., control zone and transition area as proposed in Airspace Docket No. 63–CE–75 would be excluded.

Subsequent to the publication of the notice proposing the designation of the Anthony transition area (Airspace Docket No. 63–CE–75), an FAA review of the IFR terminal traffic potential at Anthony was conducted which revealed that the establishment of a public-use instrument approach procedure at Anthony was not warranted. Accordingly, notice is hereby given that the proposal contained in Airspace Docket No. 63–CE–75 is withdrawn and, as a companion action, the exclusion reference to the Anthony control zone and transition area as proposed in Airspace Docket No. 63–CE–82 is being deleted from the description of the proposed Wichita transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America (ATA) in response to the notice concerning Airspace Docket No. 63–CE–82 advised they would interpose no object to the actions proposed, provided that established instrument approach procedures would not be derogated.

As the minor changes required for approach procedures at Wichita to be contained within the proposed controlled airspace will not, in the opinion of the FAA, derogate existing procedures, the ATA's comment has been registered as presenting no objection to the actions proposed in the notice. No other comments were received.

The substance of the proposed amendments having been published, and for the reasons stated herein and in the notices, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Wichita, Kans. (Wichita Municipal) and Wichita, Kans. (McConnell AFB), control zones are amended to read as follows:

Wichita, Kans. (Wichita Municipal).

Within a 5-mile radius of the Wichita Municipal Airport (latitude 37°30'10" N., longitude 97°25'46" W.), within 2 miles each side of the Wichita Municipal Airport ILS localizer N course, extending from the 5-mile radius zone to the INT of the Wichita Municipal Airport ILS localizer N course and the Wichita VOR 075° radial, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (McConnell AFB) 5-mile radius control zone.

Wichita, Kans. (McConnell AFB).

Within a 5-mile radius of McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.), within 2 miles W and 4 miles E of the McConnell AFB TACAN 008° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN, within 2 miles each side of the McConnell AFB VOR 008° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the McConnell AFB TACAN 199° radial, extending from the 5-mile radius zone to 6 miles S of the TACAN, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (Wichita Municipal), control zone.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following transition area:

Wichita, Kans.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Wichita Municipal Airport (latitude 37°39'10" N., longitude 97°25'46" W.), within 2 miles each side of the Wichita Municipal Airport ILS localizer N course, extending from the 8-mile radius area to 8 miles N of the INT of the Wichita Municipal Airport ILS localizer N course and the Wichita VOR 075° radial, within 5 miles E and 8 miles W of the Wichita Municipal Airport ILS localizer S course, extending from the 8-mile radius area to 12 miles S of the OM, within an 8-mile radius of McConnell AFB, Wichita, Kans. (latitude 37°37'25" N., longitude 97°16'00" W.), within 2 miles each side of the McConnell AFB ILS localizer S course, extending from the 8-mile radius area to 8 miles S of the OM, and within a 6-mile radius of the Beech Factory Airport, Wichita, Kans. (latitude 37°41'10" N., longitude 97°13'15" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the INT of the N boundary of V–516 and longitude 96°29'00" W., thence extending NW to the INT of a line 10 miles SE of and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence NE along a line 10 miles SE of and parallel to the Emporia, Kans., VORTAC 209° radial to the Emporia VORTAC 134° radial, thence NW along the Emporia VORTAC 134° and 314° radials to, and W along the N boundary of V–10 to, and NE along, the W boundary of V–77 to, and SW along, the SE boundary of V–280 to, and E along, the N boundary of V–10 to longitude 97°15'00" W., thence SW to latitude 38°00'30" N., longitude 97°28'00" W., thence SW to the INT of the NW boundary of V–12 N alternate and longitude 97°56'25" W., thence SW along the NW boundary of V–12 N alternate to, and S along, the W boundary of V–125 to, and SE along, the SW boundary of V–74 to the Ponca City, Okla., VORTAC 217° radial, thence NE along the Ponca City VORTAC 217° and 047° radials to, and NE along, the NW boundary of V–516 to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at the INT of the N boundary of V–516 and longitude 96°29'00" W., thence extending NW to the INT of a line 10 miles SE of and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence NE along a line 10 miles SE of and parallel to the Emporia, Kans., VORTAC 209° radial to, and SE along, the SW boundary of V–132 to, and SE along, a line 12 miles SW of and parallel to the Chanute, Kans., VOR 384° and 154° radials to, and S along, the W boundary of V–131 to, and SW along, the NW boundary of V–516 to the point of beginning, excluding the portions within the Ponca City, Okla., control zone, the Ponca City, Okla., transition area, the Emporia, Kans., control zone, and the Emporia, Kans., transition area.

3. Section 71.165 (29 F.R. 1073) is amended by revoking the following control area extension:

Wichita, Kans.

4. Section 71.181 (29 F.R. 1160) is amended by revoking the following transition area:

Arkansas City, Kans.

These amendments shall become effective 0001, e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 25, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2033; Filed, Mar. 3, 1964; 8:45 a.m.]

[Airspace Docket No. 63–EA–22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones, Designation of Control Zone, Revocation of Control Area Extension, and Designation of Transition Areas

On November 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12098) stating that the Federal Aviation Agency proposed to extensively revise the airspace structure in the Bangor, Maine, terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Aircraft Owners and Pilots Association's (AOPA) comment made three points. First, AOPA contended that the proposed southeast control zone extension for Dow Air Force Base, centered on the 135° True radial of the Bangor VORTAC, should be replaced by a 700-foot base transition area. A control zone extension was considered by AOPA as unnecessary to accommodate the presently published instrument approaches to Dow AFB. This is a valid point, however, the control zone extension is required to provide protected airspace for KC–97 aircraft departing Runway 15 at Dow AFB and for a proposed ADF instrument approach procedure to Runway 33.

AOPA also raised a question regarding the Dow AFB control zone extension proposed on the Bangor VORTAC 321° True radial. This extension is necessary to protect KC–97 aircraft departing Runway 33 at Dow AFB.

The third point advanced by AOPA concerned that part of the proposed Bangor transition area which would extend 5 miles each side of the Bangor VORTAC 262° True radial to 110 miles west of the VORTAC and have a floor of 1,200 feet. AOPA felt that a more appropriate floor for this portion of the transition area would be at least 5,000 feet above mean sea level (m.s.l.). This proposed extension would encompass a standard instrument departure procedure used by Dow AFB traffic, including heavily loaded KC–97 aircraft. We have determined, however, that these aircraft can reach 7,000 feet m.s.l. by 48 statute miles west of the Bangor VORTAC thereby permitting raising of the floor of the remainder of the transition area extension to 6,500 feet m.s.l. Such action is taken herein. At the same time, the description of the westerly boundary of this extension is being worded so that the extension will abut Blue Airway No. 63 and the Berlin, N.H., control area extension.

In consideration of the foregoing, and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 71.171 (29 F.R. 1101) is amended as follows:

a. The following control zone is added:

Old Town, Maine.

Within a 3-mile radius of Old Town Municipal Airport (latitude 44°57'10" N., longitude 68°40'15" W.).

b. The Bangor, Maine, control zone is amended to read:

Bangor, Maine.

Within a 7-mile radius of Dow AFB, Bangor, Maine (latitude 44°48'20" N., longitude 68°49'32" W.); within 2 miles each side of the Bangor VORTAC 321° radial, extending from the 7-mile radius zone to 11 miles NW of the VORTAC; within 2 miles each side of the Bangor VORTAC 135° radial, extending from the 7-mile radius zone to 7 miles SE of the Bangor ILS OM; and within 2 miles each side of the Bangor VORTAC 053° radial, extending from the VORTAC to the Old Town, Maine, control zone.

c. The Augusta, Maine, control zone is amended to read:

Augusta, Maine.

Within a 5-mile radius of Augusta Airport (latitude 44°19'15" N., longitude 69°47'45" W.); within 2 miles each side of the Augusta VOR 330° radial, extending from the 5-mile radius zone to 7 miles NW of the VOR; within 2 miles each side of the Augusta VOR 156° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR; and within 2 miles each side of the Augusta VOR 068° radial, extending from the 5-mile radius zone to 7 miles E of the VOR.

2. Section 71.165 (29 F.R. 1073) is amended to revoke the Bangor, Maine, control area extension.

3. Section 71.181 (29 F.R. 1160) is amended to add the following transition areas:

a. Bangor, Maine.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Dow AFB, Bangor, Maine (latitude 44°48'20" N., longitude 68°49'32" W.); and within 2 miles each side of the Bangor VORTAC 135° radial, extending from the 17-mile radius area to 14 miles SE of the Bangor ILS OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°50'00" N., longitude 67°56'00" W., to latitude 44°18'30" N., longitude 67°56'00" W., to latitude 43°52'00" N., longitude 69°00'00" W., to latitude 43°48'00" N., longitude 69°03'00 W., to latitude 43°50'00" N., longitude 69°18'00" W., to latitude 43°59'00" N., longitude 69°16'00" W., to latitude 44°09'00" N., longitude 69°39'00" W., thence clockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44°09'00" N., longitude 69°57'00" W., to latitude 44°03'00" N., longitude 70°06'00" W., to latitude 43°50'00" N., longitude 70°12'00" W., to latitude 43°55'00" N., longitude 70°28'00" W., to latitude 44°05'00" N., longitude 70°23'00" W., to latitude 44°12'00" N., longitude 70°10'00" W., to latitude 44°16'00" N., longitude 70°14'00" W., to latitude 44°39'00" N., longitude 69°47'00" W., to latitude 44°50'00" N., longitude 69°47'00" W., to latitude 45°12'00" N., longitude 69°23'00" W., to latitude 45°24'00" N., longitude 68°55'00" W., to latitude 45°30'00" N., longitude 68°31'00" W., to latitude 45°27'00" N., longitude 68°20'00" W., to latitude 45°33'00" N., longitude 68°16'00" W., to latitude 45°38'00" N., longitude 67°40'30" W., thence via the United States/Canadian border to latitude 45°09'00" N., longitude 67°23'00" W., to latitude 45°07'00" N., longitude 67°30'00" W., to latitude 44°50'00" N., longitude 67°30'00" W., to the point of beginning, and within 5 miles each side of the Bangor VORTAC 262° radial, extending from 44 miles to 48 miles W of the VORTAC; and that airspace extending upward from 6,500 feet m.s.l. within 5 miles each side of the Bangor VORTAC 262° radial,

extending from 48 miles W of the VORTAC to the E edge of Blue Federal Airway No. 68 and the Berlin, N.H., control area extension.

b. Augusta, Maine.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Augusta Airport (latitude 44°19'-15" N., longitude 69°47'45" W.); and within 2 miles each side of the 242° bearing from the Augusta RBN, extending from the 8-mile radius area to 8 miles SW of the RBN.

c. Lewiston-Auburn, Maine.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lewiston-Auburn Municipal Airport (latitude 44°02'55" N., longitude 70°-17'00" W.); within 2 miles each side of the 199° bearing from the Lewiston-Auburn Airport, extending from the 5-mile radius area to 8 miles S of the airport; and within 2 miles each side of the 062° bearing from the Lewiston-Auburn Airport, extending from the 5-mile radius area to 7 miles NE of the airport.

d. Waterville, Maine.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Robert La Fleur Airport, Waterville, Maine (latitude 44°32'10" N., longitude 69°40'30" W.); and within 2 miles each side of the 222° bearing from the Waterville RBN, extending from the 5-mile radius area to 8 miles SW of the RBN, excluding the portion within the Augusta, Maine, transition area.

e. Rockland, Maine.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rockland Airport (latitude 44°03'40" N., longitude 69°06'05" W.); within 2 miles each side of the 192° bearing from the Rockland RBN, extending from the 5-mile radius area to 8 miles SW of the RBN; within 2 miles each side of the 292° bearing from the Rockland Airport, extending from the 5-mile radius area to 7 miles W of the airport; and within 2 miles each side of the 332° bearing from the Rockland Airport, extending from the 5-mile radius area to 7 miles NW of the airport.

f. Bar Harbor, Maine.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bar Harbor Municipal Airport (latitude 44°27'00" N., longitude 68°21'45" W.); within 2 miles each side of the 019° bearing from the Bar Harbor RBN, extending from the 5-mile radius area to 8 miles NE of the RBN; within 2 miles each side of the 331° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles NW of the airport; within 2 miles each side of the 201° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles SW of the airport; and within 2 miles each side of the 271° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles W of the airport.

g. Princeton, Maine.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Princeton Airport (latitude 45°12'05" N., longitude 67°34'00" W.); and within 2 miles each side of the Princeton VOR 143° radial, extending from the 5-mile radius area to the VOR.

These amendments shall become effective 0001, e.s.t., April 30, 1964.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 25, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2034; Filed, Mar. 3, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Designation of Control Zone and Transition Area

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7354) stating that the Federal Aviation Agency proposed to alter the control zones presently designated at Oklahoma City (Will Rogers Field), and Oklahoma City (Tinker AFB), Okla., designate the Oklahoma City (Wiley Post Airport) control zone, and designate the Oklahoma City transition area. On October 25, 1963, a supplemental notice of proposed rule making was published amending the original proposal (28 F.R. 11458).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments.

Comments were received from the Air Transport Association of America (ATA) and the Aircraft Owners and Pilots Association (AOPA).

The ATA stated they would have no objection to the action proposed provided a minimum en route altitude of 3,000 feet is retained on V-77 and V-77E. The AOPA stated the portion of the transition area proposed with a floor 700 feet above the surface appeared to exceed the airspace essential to comply with criteria and also requested that consideration be given to raising the floor for the portion of the 1,200-foot floor transition area beyond a 25-mile radius of the point of origin.

As minimum en route altitudes of 3,000 feet are being adopted for V-77 and V-77E south of Oklahoma City, the ATA's comment has been registered as offering no objection to the actions proposed in the notice. The perimeter configuration for the consolidated 700-foot floor transition area surrounding the airports present within the Oklahoma City terminal area complex was based on the following:

1. Protection of procedure turn area, Will Rogers Field AL-301-ILS-RNY-35 instrument approach procedure. (Protection to 12 miles south of the Will Rogers LOM required.)

2. Protection of procedure turn area, Will Rogers Field AL-301-VOR instrument approach procedure. (Protection to 12 miles northwest of the Oklahoma City VORTAC required.)

3. Protection after penetration turn of Will Rogers Field JAL-301-VOR-ADF-ILS-RWY-17 instrument approach procedure. (Protection to 12 miles north of Tulakes RBN required.)

4. Protection of procedure turn area, Tinker AFB, AL-299-ADF instrument approach procedure. (Protection to 12 miles north of Tinker AFB RBN required.)

5. Protection of Tinker AFB AL-299-TACAN-2 instrument approach procedure. (Protection to 10 miles southeast of TACAN required.)

6. Protection of turbojet aircraft departing Will Rogers Field and Tinker AFB require 700-foot floor transition area to an 8-mile radius of both airports. Aircraft departing the Wiley Post Airport require 700-foot floor transition area to a 6-mile radius of this airport.

Except for the inclusion of several irregularly shaped areas included by the process of describing boundaries containing the areas to support the aforementioned procedures, the configuration for the consolidated 700-foot floor transition area represents the minimum controlled airspace required by the application of criteria.

The AOPA's request that consideration be given to raising the floor of the transition area beyond a 25-mile radius of the point of origin, if adopted would result in a loss of minimum altitudes for prescribed holding patterns, arrival and departure routings, and radar vectoring which would seriously derogate the Oklahoma City terminal area air traffic control environment. Therefore, action is taken herein to adopt the changes proposed in the notice.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notices, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the following actions are taken:

a. The Oklahoma City, Okla. (Will Rogers Field) control zone is amended to read:

Oklahoma City, Okla. (Will Rogers Field).

Within a 5-mile radius of Will Rogers Municipal Airport (latitude 35°23'45" N., longitude 97°36'30" W.), within a 5-mile radius of Wiley Post Airport, Oklahoma City, Okla. (latitude 35°32'05" N., longitude 97°38'40" W.), within 2 miles each side of the Oklahoma City ILS localizer N course, extending from the Will Rogers Field 5-mile radius zone to the Tulakes, Okla., RBN, within 2 miles SW and 3 miles NE of the Oklahoma City VORTAC, 107° radial, extending from the Will Rogers Field 5-mile radius zone to the VORTAC, within 2 miles each side of the Oklahoma City ILS localizer S course, extending from the Will Rogers Field 5-mile radius zone to the OM, and within 2 miles each side of the Oklahoma City VORTAC 050° radial, extending from the Wiley Post Airport 5-mile radius zone to the VORTAC, excluding the portion which coincides with the Oklahoma City (Wiley Post Airport) control zone.

b. The Oklahoma City, Okla. (Tinker AFB) control zone is amended to read:

Oklahoma City, Okla. (Tinker AFB).

Within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.), within 2 miles each side of the Tinker AFB VOR 360° radial, extending from the 5-mile radius zone to 12 miles N of the VOR, and within 2 miles each side of the Tinker AFB TACAN 006° and 175° radials, extending from the 5-mile radius zone to 8.5 miles N and S of the TACAN.

2. Section 71.171 (29 F.R. 1101) is amended by adding the following:

Oklahoma City, Okla. (Wiley Post Airport).

Within a 5-mile radius of Wiley Post Airport (latitude 35°32'05" N., longitude 97°-38'40" W.), and within 2 miles each side of the Oklahoma City VORTAC 050° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion S of a line extending through latitude 35°26'33" N., longitude 97°46'21" W., and latitude 35°28'-00" N., longitude 97°36'05" W., effective from 0600 to 2200 hours, local time, daily.

3. Section 71.181 (29 F.R. 1160) is amended by adding the following transition area:

Oklahoma City, Okla.

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 35°15'30" N., longitude 97°19'00" W.; to latitude 35°23'00" N., longitude 97°14'30" W.; to latitude 35°40'30" N., longitude 97°14'30" W.; to latitude 35°40'30" N., longitude 97°-28'30" W.; to latitude 35°39'00" N., longitude 97°40'00" W.; to latitude 35°33'00" N., longitude 97°50'00" W.; to latitude 35°34'30" N., longitude 97°58'00" W.; to latitude 35°-22'30" N., longitude 98°02'00" W.; to latitude 35°18'00" N., longitude 97°42'00" W.; to latitude 35°08'00" N., longitude 97°42'00" W.; to latitude 35°08'00" N., longitude 97°28'00" W.; to latitude 35°15'30" N., longitude 97°-28'00" W.; and within 8 miles NW and 5 miles SE of the Oklahoma City VORTAC 230° radial, extending from the VORTAC to 12 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 57-mile radius of latitude 35°25'50" N., longitude 97°35'10" W., within 6 miles SE and 9 miles NW of the Oklahoma City VORTAC 242° radial, extending from the 57-mile radius area to 52 miles SW of the VORTAC, within 6 miles S and 9 miles N of the Oklahoma City VORTAC 282° radial, extending from the 57-mile radius area to 62 miles W of the VORTAC, and within 8 miles W and 5 miles E of the 360° and 180° bearings from Searcy Field, Stillwater, Okla. (latitude 36°09'30" N., longitude 97°05'00" W.), extending from 13 miles N to 7 miles S of the airport, excluding the portion N of a line extending from latitude 35°54'00" N., longitude 98°25'00" W., to latitude 35°48'00" N., longitude 98°18'00" W., to latitude 36°-03'00" N., longitude 97°23'30" W., to latitude 36°13'25" N., longitude 97°18'20" W.

These amendments shall become effective 0001, e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 25, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2035; Filed, Mar. 3, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area; Revocation of Control Area Extension; and Designation of Transition Area

On August 24, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9358) stating that the Federal Aviation Agency proposed to alter the Amarillo, Tex., control zone and the Borger, Tex., transition area; revoke the Amarillo control area extension and designate the Amarillo transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented within the time allotted for receipt of comments.

The Air Transport Association of America (ATA) recommended that the Amarillo control zone, as proposed for alteration, be expanded to include the Tradewind Airport, and objected to the revision of instrument approach procedures, including the cancellation of one VOR approach procedure, to permit reduction of the southwest control zone extension.

Instrument approach procedure AL-19-VOR-2 was cancelled because procedure AL-19-VOR-3 provides the same type of approach with the same minimums. AL-19-VOR-3 was merely revised to require crossing the ILS outer marker at the same altitude as specified for the ILS instrument approach procedure. This revision is not considered as derogating execution of the instrument approach procedure. With regard to inclusion of Tradewind Airport in the Amarillo control zone, such action is not warranted until such time as communications can be provided at Tradewind Airport down to and including the runway surface. Therefore, action is taken herein in accordance with the proposals stated in the notice.

The substance of the proposed amendments having been published, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.165 (29 F.R. 1073), the following control area extension is revoked:

Amarillo, Tex.

2. In § 71.171 (29 F.R. 1101), the Amarillo, Tex., control zone is amended to read:

Amarillo, Tex.

Within a 5-mile radius of the Amarillo AFB/Municipal Airport (latitude 35°13'10" N., longitude 101°42'40" W.); within 2 miles each side of the Amarillo VORTAC 221° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Amarillo RBN 011° bearing, extending from the 5-mile radius zone to 8 miles N of the RBN; within 2 miles each side of the extended centerline of the Amarillo AFB/Municipal Airport Runway 21, extending from the 5-mile radius zone to 4.5 miles SW of the lift-off end of the runway.

3. In § 71.181 (29 F.R. 1160), the following is added:

Amarillo, Tex.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of the Amarillo AFB/Municipal Airport (latitude 35°13'10" N., longitude 101°42'40" W.); that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 36°01'00" N., longitude 101°24'00" W.; to latitude 35°56'00" N., longitude 101°01'00" W.; to latitude 35°42'00" N., longitude 101°01'00" W.; to latitude 35°42'00" N., longitude 100°29'00" W.; to latitude 35°28'00" N., longitude 100°29'00" W.; to latitude 35°18'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°27'00" W.; to latitude 34°40'00" N., longitude 101°39'00" W.; to latitude 34°40'-00" N., longitude 102°18'00" W.; to latitude 35°09'00" N., longitude 102°25'00" W.; to latitude 35°37'00" N., longitude 102°05'00" W.; to latitude 35°43'00" N., longitude 101°44'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet m.s.l. within 5 miles each side of the Amarillo VORTAC 297° radial, extending from the 1,200-foot area boundary to 52 miles NW of the VORTAC. The portion of this transition area extending upward from 8,000 feet m.s.l. which coincides with Federal airways is excluded.

4. In § 71.181 (29 F.R. 1160) the Borger, Tex., transition area is amended to read:

Borger, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hutchinson County Airport, Borger, Tex. (latitude 35°41'55" N., longitude 101°-23'40" W.); within 2 miles each side of the 141° bearing from latitude 35°41'30" N., longitude 101°23'45" W., extending from the 5-mile radius area to 8 miles SE of latitude 35°41'30" N., longitude 101°23'45" W.

These amendments shall become effective 0001, e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 25, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2036; Filed, Mar. 3, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Designation of Transition Area, and Revocation of Control Area Extension

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7358) stating that the Federal Aviation Agency (FAA) proposed to alter the control zone, revoke the control area extension and designate a transition area at Medford, Oreg.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Aircraft Owners and Pilots Association (AOPA) concurred with the control zone alteration and the establishment of the portion of the proposed transition area with a floor of 700 feet above the surface. However, the AOPA suggested that the portion of the proposed 1,200 foot area west of Medford, based on the Medford VORTAC 270° True radial, extending from the 23-mile radius area to Victor 27 and the portion north of Medford, based on the Medford VORTAC 352° True radial, extending from the 18-mile radius area to 55 miles north of the VORTAC, be raised from 1,200 feet above the surface to 6,500 feet MSL or higher. In addition, AOPA suggested that, for ease of charting and description, the proposed 18- and 23-mile radius areas be deleted and a 25-mile radius area be substituted therefor, excluding the unneeded portions beyond 18 miles northwest and northeast of Medford.

With regard to the comments received from AOPA, the FAA has determined that the 25-mile radius area, suggested by the AOPA would include two small areas that are not necesary for IFR requirements. In accord with the intent of the CAR Amendments 60-21/60-29 im-

plementation program, only that amount

[Airspace Docket No. 63-SO-94]

the portion within the Roseburg, Oreg.,

[New] (14 CFR Part 95 [New]) is

plementation program, only that amount of controlled airspace required to protect instrument operations will be designated. With regard to the proposed controlled airspace west of Medford, the FAA has determined that the floor of the proposed 1,200 foot area west of Medford could be raised to 6,500 feet m.s.l. with no adverse effect on instrument operations at Medford. However, raising the floor of the area proposed for designation with a floor of 1,200 feet above the surface north of Medford combined with the proposed revocation of a portion of Victor 23 east alternate, and the proposed realignment of V-121 through Milo intersection north of Medford, would adversely affect instrument operations within the Medford terminal area and between the Medford, Roseburg, Oreg., and Eugene, Oreg., terminals. Therefore, the actions taken herein will reflect the adjustment of the floor of controlled airspace only in the portion of the proposed transition area west of Medford.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the Medford, Oreg., control zone is amended to read:

Medford, Oreg.

Within a 5-mile radius of Medford Municipal Airport (latitude 42°22'15" N., longitude 122°52'20" W.); within 2 miles each side of the Medford ILS localizer N course, extending from the 5-mile radius zone to 6 miles N of the OM, and within 2 miles each side of the Medford RR N course, extending from the 5-mile radius zone to 5.5 miles N of the RR.

2. Section 71.165 (29 F.R. 1073) is amended to revoke the following:

Medford, Oreg.

3. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Medford, Oreg.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Medford ILS localizer N course, extending from 6 miles N to 9 miles N of the OM, and within 3 miles E and 2 miles W of the Medford VORTAC 352° radial, extending from the VORTAC to 8 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Medford VORTAC, extending clockwise from a line 6 miles N of and parallel to the Medford VORTAC 270° radial to a line 5 miles SE of and parallel to the Medford VORTAC 235° radial; within a 23-mile radius of the Medford VORTAC, extending clockwise from a line 5 miles SE of and parallel to the Medford VORTAC 235° radial to a line 6 miles N of and parallel to the Medford VORTAC 270° radial; that airspace E of Medford, extending from the 18-mile radius area bounded on the N by latitude 42°28'00" N., on the E by the arc of a 40-mile radius circle centered on the Klamath Falls, Oreg., VORTAC, on the S by V-122, and on the SW by V-23; that airspace N of Medford within 6 miles E and 10 miles W of the Medford VORTAC 352° radial, extending from the 18-mile radius area to 55 miles N of the VORTAC, and that airspace S of Medford extending from the 18-mile radius area bounded on the E by V-23, and on the SW by V-23W; that airspace extending upward from 6,500 feet MSL W of Medford within 6 miles N and 7 miles S of the Medford VORTAC 270° radial, extending from the 23-mile radius area to V-27, excluding the portion within the Roseburg, Oreg., transition area.

These amendments shall become effective 0001, e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 25, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2037; Filed, Mar. 3, 1964; 8:45 a.m.]

[Airspace Docket No. 61-FW-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Withdrawal of Amendments and Reopening of Comment Period

On October 18, 1963, there were published in the FEDERAL REGISTER (28 F.R. 11185) amendments to Part 71 [New] of the Federal Aviation Regulations which realigned VOR Federal airways Nos. 157, 243, 819, 839, and 881 via a new VOR to be installed in the vicinity of Waycross, Ga. These amendments were to become effective December 12, 1963. This effective date was subsequently postponed until April 2, 1964 (28 F.R. 12925, 29 F.R. 1561) due to a delay in the commissioning of the Waycross VOR. It now appears that the Waycross VOR will not be commissioned until July of 1964.

The period for comment on the notice of proposed rule making for Airspace Docket No. 61-FW-24 terminated on December 14, 1962. It would be necessary to postpone the effective date for the final rule at least until July 1964. Therefore, in view of the amount of time that will have elapsed between the close of the period for comment and the commissioning of the Waycross VOR, the FAA has determined that a further opportunity should be afforded to interested persons to submit comments. This would allow for consideration of the proposal in the light of the current aeronautical situation.

In consideration of the foregoing, notice is hereby given that the amendments contained in Airspace Docket 61-FW-24 (28 F.R. 11185, 12925, 29 F.R. 1561) are withdrawn, and that the time for which comments will be received for consideration on the proposal in the Notice of Proposed Rule Making (26 F.R. 5527) is reopened for 30 days from the date of publication of this Notice in the FEDERAL REGISTER. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320.

(Sec. 307(a), Federal Aviation Act, 1958 (72 Stat. 749, 49 U.S.C. 1348))

Issued in Washington, D.C., on February 25, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2038; Filed, Mar. 3, 1964; 8:46 a.m.]

[Airspace Docket No. 63-SO-94]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On November 22, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12368) stating that the Federal Aviation Agency proposed to designate a transition area at Vicksburg, Miss.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reasons stated in the notice, the following action is taken:

Section 71.181 (29 F.R. 1160) is amended by adding the following:

Vicksburg, Miss.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Vicksburg Municipal Airport (latitude 32°14'20" N., longitude 90°55'40" W.); within 2 miles each side of the 276° bearing from the Vicksburg Municipal Airport, extending from the 6-mile radius area to 8 miles W of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles S and 5 miles N of the 276° bearing from the Vicksburg Municipal Airport, extending from the airport to 12 miles W; and within 5 miles each side of the 096° bearing from the Vicksburg Municipal Airport, extending from the airport to 12 miles E.

This amendment shall become effective 0001, e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 25, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2039; Filed, Mar. 3, 1964; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4020; Amdt. 112]

PART 95—IFR ALTITUDES [NEW]

Miscellaneous Amendments

This amendment is adopted to provide safety in air commerce for IFR operations by prescribing the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes also assure navigational coverage that is adequate and free of frequency interference for such a route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] (14 CFR Part 95 [New]) is amended as follows:

Section 95.102 *Amber Federal airway 2* is amended to read in part:

From U.S.-Canadian Border; to Northway, Alaska, LFR; MEA 6,400.

Section 95.115 *Amber Federal airway 15* is amended to read in part:

From Annette Island, Alaska, LFR; to Guard Island INT, Alaska; MEA 4,700.

Section 95.612 *Blue Federal airway 12* is amended to read:

From McGrath, Alaska, LFR; to Galena, Alaska, LFR; MEA *6,000. *5,500—MOCA.

Section 95.679 *Blue Federal airway 79* is amended to read in part:

From Annette Island, Alaska, LFR; to Guard Island INT, Alaska; MEA 4,700.

Section 95.1001 *Direct route—U.S.* is amended to read in part:

From Dyersburg, Tenn.,VOR; to Memphis, Tenn., VOR, via DYR-180/MEM-045°; MEA 2,500.

2 Lima:

From Perrine, Fla. RBn to Int. 090° bearing; from Perrine RBn and 111° bearing; from Bimini RBn; MEA *2,000. *1,600—MOCA.

From Int. 090° bearing; from Perrine RBn and 111° bearing; from Bimini RBn; to Nassau, Bh. RBn; MEA *2,000. *1,300—MOCA.

3 Lima:

From Bimini, Bh. RBn; to India route, via 086° magnetic bearing; from ZBB; MEA *2,000. *1,300—MOCA.

4 Lima:

From West Palm Beach, Fla., RBn; to Bimini, Bh. RBn; MEA *2,000. *1,400—MOCA.

From Bimini, Bh. RBn; to Nassau, Bh. RBn; MEA *2,000. *1,300—MOCA.

Section 95.1001 *Direct route—U.S.* is amended by adding:

From Fillmore, Calif., VOR; to Fellows, Calif., VOR; MEA 9,500.

From San Simon, Ariz., VOR; to Redrock INT, N. Mex., MEA *11,500. *8,500—MOCA.

From Redrock INT, N. Mex.; to Dusty INT, N. Mex.; MEA *23,000. *11,500—MOCA.

From Dusty INT, N. Mex.; to *Socorro, N. Mex., VOR; MEA **#15,500. *10,700—MCA Socorro VOR, southwestbound. **12,500—MOCA. #23,000—MAA.

From Tucson, Ariz., VOR; to Triplet INT, Ariz.; MEA *16,000. *10,500—MOCA.

From Triplet INT, Ariz.; to St. Johns, Ariz. VOR; MEA *16,000. *13,500—MOCA.

From Eglin AFB, Fla., VOR; to Tyndall AFB, Fla., VOR; MEA 1,500.

From Eglin AFB, Fla., VOR; to Tyndall AFB, Fla., LF/RBn; MEA 1,500.

From *Silo INT, Colo.; to Franktown INT, Colo.; MEA 9,100. *11,200—MCA Silo INT, southwestbound.

2 Lima:

From Nassau, Bh. RBn; to San Salvador, Bh., AAFB RBn; MEA *2,000. *1,200—MOCA.

From San Salvador, Bh., AAFB RBn; to Yankee 2 INT, Bh.; MEA *2,000. *1,200—MOCA.

4 Lima:

From Nassau, Bh. RBn; to Yankee 1 INT, Bh.; MEA *2,000. *1,200—MOCA.

5 Lima:

From Nassau, Bh. RBn; to Eleuthera AAFB, Bh. RBn; MEA *2,000. *1,200—MOCA.

6 Lima:

From Nassau, Bh. RBn; to Thompson INT, Bh.; MEA *2,000. *1,200—MOCA.

From Thompson INT, Bh.; to Bimini, Bh. RBn; MEA *2,000. *1,300—MOCA.

7 Lima:

From Nassau, Bh. RBn; to Thompson INT, Bh.; MEA *2,000. *1,200—MOCA.

From Thompson INT, Bh.; to High Rock INT, Bh.; MEA *2,000. *1,000—MOCA.

From High Rock INT, Bh.; to Grand Bahama AAFB, Bh. RBn; MEA *2,000. *1,200—MOCA.

From Grand Bahama AAFB, Bh. RBn; to Halibut INT, Bh.; MEA *1,500. *1,400—MOCA.

From Halibut INT, Bh.; to West Palm Beach, Fla., RBn; MEA *2,000. *1,400—MOCA.

8 Lima:

From Fort Lauderdale, Fla., RBn; to Pike INT, Bh.; MEA *2,000. *1,300—MOCA.

From Pike INT, Bh.; to Akron INT, Bh.; MEA *2,000. *1,000—MOCA.

From Collar INT, Bh.; to Grand Bahama, Bh. AAFB RBn; MEA *1,500. *1,200—MOCA.

10 Lima:

From Miami, Fla., RBn; to Guppy INT, Bh.; MEA 2,000.

From Guppy INT, Bh.; to Grand Bahama, Bh. AAFB RBn; MEA *2,000. *1,200—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

From Barnegat, N.J. VOR; to Int. 171° magnetic radial, Kennedy VOR, and 053° magnetic radial, Barnegat VOR; MEA *3,000. *1,600—MOCA.

From Int. 171° magnetic radial, Kennedy VOR, and 053° magnetic radial, Barnegat VOR; to Kennedy, N.Y., VOR; MEA *2,000. *1,500—MOCA.

From Kennedy, N.Y. VOR; to Int. 011° magnetic radial, Kennedy VOR, and 217° magnetic radial, Trinity VOR; MEA *2,500. *1,500—MOCA.

From Int. 011° magnetic radial, Kennedy VOR, and 217° magnetic radial, Trinity VOR; to Trinity, N.Y. VOR; MEA *2,500. *1,900—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From Elmo INT, Minn., via N alter.; to River Falls INT, Wis., via N alter.; MEA 2,500.

From *Wenatchee, Wash., VOR; via N alter.; to Ephrata, Wash., VOR; via N alter.; MEA 5,000. *9,200—MCA Wenatchee VOR, westbound.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

From Trinity, N.Y., VOR; to Bethany INT, Conn.; MEA 2,100.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

From Cherokee, Wyo., VOR; to *Laramie, Wyo., VOR; MEA **14,000. *12,500—MCA Laramie VOR, westbound. *10,000—MCA Laramie VOR, southeastbound. **12,800—MOCA.

From *Laramie, Wyo., VOR, via N alter.; to Nunn INT, Colo., via N alter.; MEA **11,000. *10,000—MCA Laramie VOR, southeastbound. **10,800—MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

From Kennesaw INT, Ga.; to Dalton INT, Ga.; MEA 4,000.

From Dalton INT, Ga.; to Chattanooga, Tenn., VOR; MEA 3,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

From Cordova, Ill., VOR; to Hinckley INT, Ill.; MEA 2,100.

From Brighton INT, Ind.; to *Pioneer INT, Ohio; MEA **4,000. *3,500—MRA. **2,300—MOCA.

From Solberg, N.J. VOR; to Kennedy, N.Y. VOR; MEA 2,000.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

From Muscle Shoals, Ala., VOR; to Green Hill INT, Ala.; MEA *2,200. *2,000—MOCA.

From Green Hill INT, Ala.; to Graham, Tenn., VOR; MEA 3,100.

From *Bull Head INT, Ill., to **Deerfield INT, Ill.; MEA 2,500. *2,500—MRA. **2,500—MRA.

From Deerfield INT, Ill.; to *Papi INT, Ill.; MEA 2,500. *2,500—MRA.

From Chicago Heights, Ill., VOR, via E alter.; to *Whitefish INT, Ill., via E alter.; MEA 2,500. *2,500—MRA.

Section 95.6008 *VOR Federal airway 8* is amended to delete:

From Bryce Canyon, Utah, VOR, via S alter.; to *Hanksville, Utah, VOR, via S alter.; MEA 13,000. *11,000—MCA Hanksville VOR, southwestbound.

From Grand Junction, Colo., VOR, via S alter.; to Kremmling, Colo., VOR, via S alter.; MEA 14,000.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From Findlay, Ohio, VOR; to Upper Sandusky INT, Ohio; MEA 2,500.

From Upper Sandusky INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,200.

From Kilgore INT, Ohio to Pittsburgh, Pa., VOR; MEA 3,200.

From Cordova, Ill., VOR; to Hinckley INT, Ill.; MEA 2,100.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

From Dodge City, Kans., VOR, via S alter.; to Pratt INT, Kans., via S alter.; MEA *4,300. *3,700—MOCA.

From Pratt INT, Kans., via S alter.; to Hutchinson, Kans., VOR; via S alter.; MEA *4,300. *3,200—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

From Fort Wayne, Ind., VOR; to Edgerton INT, Ohio; MEA *3,000. *2,600—MOCA.

From Edgerton INT, Ohio; to *Pioneer INT, Ohio; MEA **3,500. *3,500—MRA. **2,300—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to delete:

From Hector, Calif., VOR, via N alter.; to Goffs, Calif., VOR; via N alter.; MEA 9,000.

From Goffs, Calif., VOR; via N alter.; to Needles, Calif., VOR; via N alter.; MEA 8,000.

From Dayton, Ohio, VOR, via S alter.; to London INT, Ohio, via S alter.; MEA *3,000. *2,500—MOCA.

From London INT, Ohio, via S alter.; to Appleton, Ohio VOR, via S alter.; MEA 2,500.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

From Appleton, Ohio VOR; to Roscoe INT, Ohio; MEA 3,100.

From Roscoe INT, Ohio; to Newcomerstown, Ohio, VOR; MEA 2,900.

Section 95.6013 *VOR Federal airway 13* is amended to delete:

From Neosho, Mo., VOR, via W alter.; to Waco INT, Mo., via W alter.; MEA *3,000. *2,700—MOCA.

From Waco INT, Mo., via W alter.; to Butler, Mo., VOR, via W alter.; MEA *3,000. *2,500—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

From Childress, Tex., VOR; to Hobart, Okla., VOR; MEA *3,700. *3,600—MOCA.

From Hobart, Okla., VOR; to Minco INT, Okla.; MEA 3,100.

From Findlay, Ohio, VOR; to Attica, Ohio, VOR; MEA 2,500.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

From Dallas, Tex., VOR; to *Gunter INT, Tex.; MEA **2,500. *2,600—MRA. **2,100—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

From *Salt Flat, Tex., VOR, via N alter.; to Wink, Tex., VOR, via N alter.; MEA 10,800. *10,000—MCA Salt Flat VOR, eastbound.

From *Salt Flat, Tex., VOR; to Wink, Tex., VOR; MEA 10,000. *9,100—MCA Salt Flat VOR, eastbound.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

From Webb INT, Tex.; to Cotulla, Tex., VOR; MEA *2,200. *2,000—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

From Dallas, Tex., VOR; to Sabine INT, Tex.; MEA *2,200. *1,700—MOCA.

From Quitman, Tex., VOR, via S alter.; to Woodlawn INT, Tex., via S alter.; MEA *2,200. *1,700—MOCA.

From Shreveport, La., VOR; to Monroe, La., VOR; MEA *2,000. *1,900—MOCA.

From Shreveport, La., VOR, via S alter.; to Monroe, La., VOR, via S alter.; MEA *2,000. *1,900—MOCA.

From Shreveport, La., VOR, via N alter.; to *Cotton INT, La., via N alter.; MEA **1,800. *2,000—MRA; **1,300—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

From Cimarron, N. Mex., VOR; to Gordon INT, Colo.; MEA *11,000. *10,400—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

From Central INT, Ala., via N alter.; to *Miller INT, Ala., via N alter; MEA 2,600. *5,300—MRA.

Section 95.6022 *VOR Federal airway 22* is amended to read in part:

From Brookley, Ala., VOR; to *Daphne INT, Ala.; MEA **2,000. *2,500—MRA. **1,700—MOCA.

From Daphne INT, Ala.; to *Dale INT, Ala.; MEA **2,000. *2,500—MRA. **1,700—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

From *Red Bluff, Calif., VOR.; to **Whitmore INT, Calif.; MEA 5,000. *5,000—MCA Red Bluff VOR, southbound. **7,000—MCA Whitmore INT, northbound.

From Whitmore INT, Calif.; to Mount Dome INT, Calif.; MEA 11,000.

From *Ellensburg, Wash., VOR; to **Wenatchee, Wash., VOR; MEA 8,500. *7,100—MCA Ellensburg VOR, northbound. **7,500—MCA Wenatchee VOR, southbound.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

From Philip, S. Dak., VOR; to Pierre, S. Dak., VOR; MEA *4,000. *3,600—MOCA.

From Pierre, S. Dak., VOR; to Huron, S. Dak., VOR; MEA *4,000. *3,600—MOCA.

From Philip, S. Dak., VOR, via S alter.; to Pierre, S. Dak., VOR, via S alter.; MEA *4,000. *3,400—MOCA.

From Pierre, S. Dak., VOR, via S alter.; to Stephan INT, S. Dak., via S alter.; MEA *3,900. *3,400—MOCA.

From Stephan INT, S. Dak., via S alter.; to Huron, S. Dak., VOR, via S alter.; MEA 3,400.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

From Colts Neck, N.J., VOR; to Kennedy, N.Y., VOR, MEA 1,700.

From Kennedy, N.Y., VOR, to Beach INT, N.Y.; MEA *6,000. *1,500—MOCA.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

From Port Wayne, Ind., VOR; to Convoy INT, Ohio; MEA 2,200.

From Convoy INT, Ohio; to Findlay, Ohio, VOR; MEA 2,500.

From Appleton, Ohio, VOR; to Zanesville, Ohio, VOR; MEA 3,100.

From Zanesville, Ohio, VOR; to Dexter INT, Ohio; MEA 3,000.

From Dexter INT, Ohio; to Parkersburg, W. Va., VOR; MEA 2,500.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

From Barnegat, N.J., VOR; to Int. 171° magnetic radial, Kennedy VOR, and 053° magnetic radial, Barnegat VOR; MEA *3,000. *1,600—MOCA.

From Int. 171° magnetic radial, Kennedy VOR, and 053° magnetic radial, Barnegat VOR; to Riverhead, N.Y., VOR; MEA *2,000. *1,500—MOCA.

Section 95.6046 *VOR Federal airway 46* is amended to read in part:

From Kennedy, N.Y., VOR; to Deer Park, N.Y., VOR; MEA 1,700.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

From Kennesaw INT, Ga., via W alter.; to Dalton INT, Ga., via W alter.; MEA 4,000.

From Dalton INT, Ga., via W alter.; to Chattanooga, Tenn., VOR, via W alter.; MEA 3,000.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

From Muscle Shoals, Ala., VOR, via N alter.; to Toney INT, Ala., via N alter.; MEA 2,200.

Section 95.6057 *VOR Federal airway 57* is amended to read in part:

From Muscle Shoals, Ala., VOR; to Green Hill INT, Ala.; MEA *2,200. *2,000—MOCA.

From Green Hill INT, Ala.; to Graham, Tenn., VOR; MEA 3,100.

Section 95.6059 *VOR Federal airway 59* is amended to read in part:

From Parkersburg, W. Va., VOR; to Caldwell INT, Ohio; MEA 2,800.

From Caldwell INT, Ohio; to Newcomerstown, Ohio, VOR; MEA 3,000.

Section 95.6061 *VOR Federal airway 61* is amended to read in part:

From Bridgeport, Tex., VOR; to Postoak INT, Tex.; MEA *3,000. *2,300—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

From Bridgeport, Tex., VOR; to Prosper INT, Tex.; MEA *2,600. *2,100—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

From Shreveport, La., VOR; to *Cotton INT, La.; MEA **1,800. *2,000—MRA. **1,300—MOCA.

From Cotton INT, La.; to *Gordon INT, La.; MEA **2,000. *3,000—MRA. **1,600—MOCA.

From Gordon INT, La.; to El Dorado, Ark., VOR; MEA *2,000. *1,600—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to delete:

From Springfield, Mo., VOR; via W alter.; to *Nevada INT, Mo., via W alter.; MEA **3,000. *3,000—MRA. **2,300—MOCA.

From Nevada INT, Mo., via W alter.; to Butler, Mo.; VOR, via W alter.; MEA *2,600. *1,900—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

From Findlay, Ohio, VOR; to Attica, Ohio, VOR; MEA 2,500.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

From Northbrook, Ill., VOR; to *Papi INT, Ill.; MEA 2,000. *2,500—MRA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

From *Salt Flat, Tex., VOR; to Wink, Tex., VOR; MEA 10,000. *9,100—MCA Salt Flat VOR, eastbound.

From Jamestown INT, La.; to Monroe, La., VOR; MEA *2,000. *1,900—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

From Northbrook, Ill., VOR; to *Deerfield INT, Ill.; MEA 2,000. *2,500—MRA.

From Deerfield INT, Ill.; to *Whitefish INT, Ill.; MEA 2,000. *2,500—MRA.

From Whitefish INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

From *Salt Flat, Tex., VOR; to Carlsbad, N. Mex., VOR; MEA 10,800. *10,000—MCA Salt Flat VOR, northeastbound.

Section 95.6105 *VOR Federal airway 105* is amended to read in part:

From *Las Vegas, Nev., VOR; to **Charleston INT, Nev., westbound; MEA 10,500, eastbound; MEA 7,000. *8,500—MCA Las Vegas VOR, westbound. **11,000—MRA.

Section 95.6112 *VOR Federal airway 112* is amended to delete:

From *Portland, Oreg., VOR, via N alter.; to The Dalles, Oreg., VOR, via N alter., MEA **8,000. *4,700—MCA Portland VOR, eastbound. **7,000—MOCA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

From Childress, Tex., VOR; to Vernon INT, Tex.; MEA *3,700. *3,600—MOCA.

From Vernon INT, Tex.; to Wichita Falls, Tex., VOR; MEA *3,000. *2,500—MOCA.

From Dallas Tex., VOR, via N alter.; to Sabine INT, Tex., via N alter.; MEA *2,200. *1,700—MOCA.

From Gregg County, Tex., VOR, via N alter.; to Woodlawn INT, Tex., via N alter.; MEA *2,200. *1,900—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

From Rutledge INT, Tenn.; to Rose Hill INT, Va.; MEA 5,400.

From Rose Hill INT, Va.; to Whitesburg, Ky., VOR; MEA 6,000.

From Whitesburg, Ky., VOR; to Whirlwind INT, W. Va.; MEA 6,000.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

From Parkersburg, W. Va., VOR; to Beallsville INT, Ohio; MEA 2,500.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

From Dupree, S. Dak., VOR; to Pierre, S. Dak., VOR; MEA *4,300. *3,500—MOCA.

From Pierre, S. Dak., VOR; to Stephan INT, S. Dak.; MEA *3,900. *3,400—MOCA.

Section 95.6121 *VOR Federal airway 121* is amended to read in part:

From Medford, Oreg., VOR; to Milo INT, Oreg., southbound; MEA 6,500; northbound; MEA 7,000.

From Milo INT, Oreg.; to Roseburg, Oreg., VOR, westbound; MEA 5,500; eastbound; MEA 6,500.

Section 95.6132 *VOR Federal airway 132* is amended to delete:

From Chanute, Kans., VOR, via S alter.; to McCune INT, Kans., via S alter.; MEA *2,800. *2,100—MOCA.

From McCune INT, Kans., via S alter.; to Waco INT, Mo., via S alter.; MEA 3,000.

From Chanute, Kans., VOR, via S alter.; to Waco INT, Mo., via S alter.; MEA #2,500. #Utilizing Joplin LOM.

Waco INT, Mo., via S alter.; to Miller INT, Mo., via S alter.; MEA *3,000. *2,300—MOCA.

From Miller INT, Mo., via S alter.; to Springfield, Mo., VOR, via S alter.; MEA *3,000. *2,600—MOCA.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

From Sugar Grove INT, N.C.; to Keystone INT, W. Va.; MEA 7,000.

From Keystone INT, W. Va.; to Charleston, W. Va., VOR; MEA 7,200.

From Charleston, W. Va., VOR; to Hometown INT, Ohio; MEA 2,500.

From Hometown INT, Ohio; to Zanesville, Ohio, VOR; MEA 2,900.

From Zanesville, Ohio, VOR; to Tiverton, Ohio, VOR; MEA 2,900.

Section 95.6135 *VOR Federal airway 135* is amended to read in part:

From *Las Vegas, Nev., VOR; to **Charleston INT, Nev., westbound; MEA 10,500; eastbound; MEA 7,000. *8,500—MCA Las Vegas VOR, westbound. **11,000—MRA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

From Shark INT, N.J.; to Int. 125° magnetic radial, Kennedy VOR, and 236° magnetic radial, Hampton VOR; MEA *6,000. *1,500—MOCA.

From Int. 125° magnetic radial, Kennedy VOR, and 236° magnetic radial, Hampton VOR; to Beach INT, N.Y.; MEA *5,000. *1,400—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

From Amarillo, Tex., VOR; to Sayre, Okla., VOR; MEA *5,300. *4,700—MOCA.

From Amarillo, Tex., VOR, via N alter.; to *Pampa INT, Tex., via N alter.; MEA **5,300. *6,000—MRA. **4,700—MOCA.

From Pampa INT, Tex., via N alter.; to Sayre, Okla., VOR, via N alter.; MEA *5,300. *4,500—MOCA.

From Sayre, Okla., VOR; to Weatherford INT, Okla.; MEA *4,000. *3,500—MOCA.

From Weatherford INT, Okla.; to *Omega INT, Okla.; MEA **4,000. *3,500—MRA. **3,300—MOCA.

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

From Appleton, Ohio, VOR; to Zanesville, Ohio, VOR; MEA 3,100.

From Zanesville, Ohio, VOR; to Beallsville INT, Ohio; MEA 3,100.

From Fort Wayne, Ind., VOR; to Convoy INT, Ohio; MEA 2,200.

From Convoy INT, Ohio; to Findlay, Ohio, VOR; MEA 2,500.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

From Colts Neck, N.J., VOR; to Kennedy, N.Y., VOR; MEA 1,700.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

From Coyle, N.J., VOR; to Int. 057° magnetic radial, Coyle VOR and 207° magnetic radial, Kennedy VOR; MEA 3,000.

From Int. 057° magnetic radial, Coyle VOR and 207° magnetic radial, Kennedy VOR; to Kennedy, N.Y., VOR; MEA 1,700.

From Kennedy, N.Y., VOR; to Jericho INT, N.Y.; MEA *2,000. *1,500—MOCA.

From Northport INT, N.Y.; to Sound INT, N.Y; MEA 2,000

From Sound INT, N.Y.; to Wallingford INT, Conn.; MEA *2,000. *1,800—MOCA.

From Wallingford INT, Conn.; to Hartford, Conn., VOR; MEA 2,000.

Section 95.6182 *VOR Federal airway 182* is amended to delete:

From *Portland, Oreg., VOR, via N alter.; to The Dalles, Oreg., VOR, via N alter.; MEA **8,000. *4,700—MCA Portland VOR, eastbound. **7,000—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

From Northbrook, Ill., VOR; to Forrest INT, Ill.; MEA 2,000.

From Forrest INT, Ill.; to Taylor INT, Wis.; MEA *3,000. *2,000—MOCA.

Section 95.6205 *VOR Federal airway 205* is amended to delete:

From Springfield, Mo., VOR, via W alter.; to *Schell City INT, Mo., via W alter.; MEA **3,000. *3,500—MRA. **2,300—MOCA.

From Schell City INT, Mo., via W alter.; to Blue Springs, Mo., VOR, via W alter.; MEA *3,500. *2,300—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

From Tiverton, Ohio, VOR; to Irondale INT, Ohio; MEA *3,100. *2,500—MOCA.

Section 95.6213 *VOR Federal airway 213* is amended to read in part:

From Robbinsville, N.J., VOR; to Kennedy, N.Y., VOR; MEA 2,000.

From Bolton INT, N.C.; to Wallace INT, N.C.; MEA *3,000. *1,400—MOCA.

From Wallace INT, N.C.; to Eureka INT, N.C.; MEA *3,400. *1,400—MOCA.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

From Columbus, Ohio, VOR; to Hanover INT, Ohio; MEA 2,600.

From Hanover INT, Ohio; to Zanesville, Ohio, VOR; MEA 2,900.

From Zanesville, Ohio, VOR; to Bellaire, Ohio, VOR; MEA 3,100.

Section 95.6217 *VOR Federal airway 217* is amended to read in part:

From Chicago O'Hare, Ill., VOR; to Taylor INT, Wis.; MEA *3,000. *2,000—MOCA.

Section 95.6226 *VOR Federal airway 226* is amended to read in part:

From Stillwater, N.J., VOR; to Kennedy, N.Y., VOR; MEA 2,500.

Section 95.6232 *VOR Federal airway 232* is amended to read in part:

From Tannersville, Pa., VOR; to Kennedy, N.Y., VOR; MEA 2,500.

Section 95.6234 *VOR Federal airway 234* is amended to read in part:

From *Greensburg INT, Kans.; to Pratt INT, Kans.; MEA **5,200. *5,200—MRA. **3,500—MOCA.

From Pratt INT, Kans.; to Hutchinson, Kans., VOR; MEA *4,300. *3,200—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

From Kennesaw INT, Ga.; to Dalton INT, Ga.; MEA 4,000.

From Dalton INT, Ga.; to Chattanooga, Tenn., VOR; MEA 3,000.

Section 95.6248 *VOR Federal airway 248* is amended to delete:

From Avenal, Calif., VOR, via S alter.; to Derby INT, Calif., via S alter.; MEA 7,000.

From *Derby INT, Calif., via S alter.; to McKittrick INT, Calif., via S alter., northeastbound; MEA 3,000, southwestbound; MEA 7,000. *7,000—MCA Derby INT, northwestbound.

From McKittrick INT, Calif., via S alter.; to Bakersfield, Calif., VOR, via S alter.; MEA 3,000.

Section 95.6251 *VOR Federal airway 251* is amended to read in part:

From Sparta, N.J., VOR; to Int. 092° magnetic radial, Sparta VOR and 244° magnetic radial, Trinity VOR; MEA 2,500.

From Int. 092° magnetic radial, Sparta VOR and 244° magnetic radial, Trinity VOR; to Trinity, N.Y., VOR; MEA *2,000. *1,900—MOCA.

From Trinity, N.Y., VOR; to Bethany INT, Conn.; MEA 2,100.

From Bethany INT, Conn.; to Hartford, Conn., VOR; MEA *2,700. *2,100—MOCA.

Section 95.6257 *VOR Federal airway 257* is amended to delete:

From Promontory Point INT, Utah, via W alter.; to Malad City, Idaho, VOR, via W alter.; MEA 10,000.

Section 95.6260 *VOR Federal airway 260* is amended to read in part:

From Swiss INT, W. Va., via N alter.; to Rainelle, W. Va., VOR, via N alter.; MEA 6,000.

Section 95.6272 *VOR Federal airway 272* is amended to read in part:

From Sayre, Okla., VOR; to Bessie INT, Okla.; MEA *3,900. *3,500—MOCA.

From Sayre, Okla., VOR, via S alter.; to *Washita INT, Okla., via S alter.; MEA **4,000. *4,000—MCA Washita INT, westbound. **3,500—MOCA.

From Sayre, Okla., VOR, via N alter.; to Weatherford INT, Okla., via N alter.; MEA *4,000. *3,500—MOCA.

Section 95.6298 *VOR Federal airway 298* is amended to delete:

From Casper, Wyo., VOR; to Smithwick, S. Dak., VOR; MEA 8,100.

From Smithwick, S. Dak., VOR; to Winner, S. Dak., VOR; MEA *5,200. *4,600—MOCA.

From Winner, S. Dak., VOR; to Sioux Falls, S. Dak., VOR; MEA 4,800.

Section 95.6408 *Hawaii VOR Federal airway 8* is amended to read in part:

From Palmtree INT, Hawaii; to Molokai, Hawaii, VOR; MEA 3,000.

Section 95.6443 *VOR Federal airway 443* is amended to read in part:

From Tiverton, Ohio, VOR, via E alter.; to Cleveland, Ohio, VOR, via E. alter.; MEA *3,000. *2,500—MOCA.

Section 95.6488 *VOR Federal airway 488* is added to read:

From Galena, Alaska, VOR; to Tanana, Alaska, VOR; MEA 6,000.

From Galena, Alaska, VOR, via S alter.; to Tanana, Alaska, VOR, via S alter.; MEA 6,000.

From Tanana, Alaska, VOR; to Nenana, Alaska, VOR; MEA 4,700.

Section 95.6508 *VOR Federal airway 508* is amended to read in part:

From Middleton Island, Alaska, VOR; to *Steward INT, Alaska; MEA 9,000. *9,500—MRA.

From Steward INT, Alaska; to *Skilak INT, Alaska; MEA 9,000. *4,700—MCA Skilak INT, southeastbound.

Section 95.6802 *VOR Federal airway 802* is amended to read in part:

From Appelton, Ohio, VOR; to Roscoe INT, Ohio; MEA 3,100.

From Roscoe INT, Ohio; to Newcomerstown, Ohio, VOR; 2,900.

Section 95.6804 *VOR Federal airway 804* is amended to read in part:

From Irondale INT, Ohio; to Tiverton, Ohio, VOR; MEA *3,100. *2,500—MOCA.

Section 95.6810 *VOR Federal airway 810* is amended to read in part:

From Northbrook, Ill., VOR; to *Deerfield INT, Ill.; MEA 2,000. *2,500—MRA.

From Deerfield INT, Ill.; to *Whitefish INT, Ill.; MEA 2,000. *2,500—MRA.

From Whitefish INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

From Shark INT, N.J.; to Int. 125° magnetic radial, Kennedy VOR and 236° magnetic radial, Hampton VOR; MEA *6,000. *1,500—MOCA.

From Int. 125° magnetic radial, Kennedy VOR, and 236° magnetic radial, Hampton VOR; to Beach INT, N.Y.; MEA *5,000. *1,400—MOCA.

Section 95.6839 *VOR Federal airway 839* is amended to read in part:

From Parkersburg, W. Va., VOR; to Caldwell INT, Ohio; MEA 2,800.

From Caldwell INT, Ohio; to Newcomerstown, Ohio, VOR; MEA 3,000.

Section 95.6843 *VOR Federal airway 843* is amended to read in part:

From Chattanooga, Tenn., VOR; to Dalton INT, Ga.; MEA 3,000.

From Dalton INT, Ga.; to Kennesaw INT, Ga.; MEA 4,000.

Section 95.6853 *VOR Federal airway 853* is amended to to read in part:

From Appleton, Ohio, VOR; to Zanesville, Ohio, VOR; MEA 3,100.

From Zanesville, Ohio, VOR; to Beallsville INT, Ohio; MEA 3,100.

From Fort Wayne, Ind., VOR; to Convoy INT, Ohio; MEA 2,200.

From Convoy INT, Ohio; to Findlay, Ohio, VOR; MEA 2,500.

Section 95.60855 *VOR Federal airway 855* is amended to read in part:

From Pittsburgh, Pa., VOR; to Kilgore INT, Ohio; MEA 3,200.

From Mansfield, Ohio, VOR; to Upper Sandusky INT, Ohio; MEA 2,200.

From Upper Sandusky INT, Ohio; to Findlay, Ohio, VOR; MEA 2,500.

Section 95.6856 *VOR Federal airway 856* is amended to read in part:

From Northbrook, Ill., VOR; to *Deerfield INT, Ill.; MEA 2,000. *2,500—MRA.

From Deerfield INT, Ill.; to *Whitefish INT, Ill.; MEA 2,000. *2,500—MRA.

From Whitefish INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.

Section 95.6863 *VOR Federal airway 863* is amended to read in part:

From Sound INT, N.Y.; to Int. 106° magnetic radial, Trinity VOR and 236° magnetic radial, Hartford VOR; MEA *2,000. *1,800—MOCA.

Section 95.875 *VOR Federal airway 875* is amended to read in part:

From Bethany INT, Conn., to Trinity, N.Y., VOR; MEA 2,100.

Section 95.6880 *VOR Federal airway 880* is amended to read in part:

From *Papi INT, Ill.; to Northbrook, Ill., VOR; MEA 2,000. *2,500—MRA.

Section 95.6881 *VOR Federal airway 881* is amended to read in part:

From Tiverton, Ohio, VOR; to Zanesville, Ohio, VOR; MEA 2,900.

From Zanesville, Ohio, VOR; to Hometown INT, Ohio; MEA 2,900.

From Hometown INT, Ohio; to Charleston, W. Va., VOR; MEA 2,500.

Section 95.6885 *VOR Federal airway 885* is amended to read in part:

From Barnegat, N.J., VOR; to Int. 171° magnetic radial, Kennedy VOR, and 053° magnetic radial, Barnegat VOR; MEA *3,000. *1,600—MOCA.

From Int. 171° magnetic radial, Kennedy VOR, and 053° magnetic radial, Barnegat VOR; to Int. 095° magnetic radial, Kennedy VOR, and 231° magnetic radial Riverhead VOR; MEA *2,000. *1,500—MOCA.

From Int. 095° magnetic radial Kennedy VOR, and 231° magnetic radial, Riverhead VOR; to Beach INT, N.Y.; MEA *6,000. *1,500—MOCA.

Section 95.6888 *VOR Federal airway 888* is amended to read in part:

From Beach INT, N.Y.; to Int. 125° magnetic radial, Kennedy VOR, and 236° magnetic radial, Hampton VOR; MEA *5,000. *1,400—MOCA.

From Int. 125° magnetic radial, Kennedy VOR, and 236° magnetic radial, Hampton VOR; to Shark INT, N.J.; MEA *6,000. *1,500—MOCA.

Section 95.1510 *VOR Federal airway 1510* is amended to read in part:

From Yardley, Pa., VOR; to Kennedy, N.Y., VOR; MEA 14,500; MAA 24,000.

From Kennedy, N.Y., VOR; to Nantucket, Mass., VOR; MEA 14,500; MAA 24,000.

Section 95.1645 *VOR Federal airway 1645* is deleted:

Section 95.1682 *VOR Federal airway 1682* is amended to read in part:

From Kennedy, N.Y., VOR; to Hampton, N.Y., VOR; MEA 14,500; MAA 24,000.

Section 95.1691 *VOR Federal airway 1691* is amended to read in part:

From Coyle, N.J., VOR; to Kennedy, N.Y., VOR; MEA 14,500; MAA 24,000.

Section 95.1722 *VOR Federal airway 1722* is deleted:

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775). These rules shall become effective April 2, 1964.

Issued in Washington, D.C., on February 20, 1964.

GEO. H. WEITZ,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2000; Filed, Mar. 3, 1964; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-401]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS AND SUBSTITUTE SERVICE

Amendment of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of February 1964.

On September 11, 1963 (EDR-60, 28 F.R. 9989) the Board proposed certain amendments to Parts 288 and 399 of its regulations. Comments were filed, and on December 9, 1963, in response to requests from certain carriers a supplemental notice was issued inviting interested persons to meet informally with the Board's staff on December 17, 1963, to discuss specific issues raised in the comments (28 F.R. 13460). Supplementary comments were also invited to be submitted by December 24, 1963.

All contentions and supporting materials properly before the Board[1] have been carefully considered and the Board's decision was announced in a press release dated February 7, 1964. The rules issued herewith implement that decision.

1. *Rate levels.* In general, the comments of the MATS contractors were opposed to the proposed minimum rate reductions. Only Slick supported the rates proposed. Pan American argued that the proposed cut in the cargo minimum was not large enough. Trans World Airlines, Inc., and Southern Air Transport, Inc. (Southern),[2] did not comment. The remaining MATS contractors, however, generally took the position that some or all of the proposed reductions were too severe or that no reduction at all should be made during fiscal year 1964.

In this case we have followed the same practice used in the past when changes were proposed in the Part 288 minimum rates. The carriers were informally requested to submit cost data and, after certain adjustments, the new minimum rates based thereon were proposed. The adjusted cost data for the individual MATS contractors were attached to EDR-60 as Appendix A. Further adjustments have been made to those data in light of the comments received. This information is attached hereto as Appendix A.[3] In addition a summary dealing with passenger operations is attached as Appendix B.[3] This Appendix is essentially a revised version of the table that appeared on page 4 of the explanatory statement accompanying EDR-60. The existing rate levels, those proposed in EDR-60, and those adopted herein are as follows:

[1] A letter from Pan American World Airways, Inc. (Pan American) dated January 14, 1964, was not timely filed. Neither it nor responsive letters from The Flying Tiger Line Inc. (Flying Tiger) dated January 20, 1964, and The Slick Corporation (Slick) dated January 30, 1964, were considered.

[2] Southern's contract calls only for piston operations in the Pacific. As subsequently indicated, the rate levels applicable to such operations have not been changed.

[3] Filed as part of the original document.

	Present[1]	Proposed	Adopted	Unit
	Cents	*Cents*	*Cents*	
Round-trip passenger	2.75	2.5	2.55	Per passenger-mile.
One-way passenger	4.2	4.2	4.2	Do.
Round-trip cargo	12.5	11.5	11.5	Per ton-mile.
One-way cargo	21.5	21.0	21.0	Do.
Convertible cargo	15.0	12.5	[2]	Do.
Mixed		2.5	2.55	Per passenger-mile.

[1] In EDR-60 we proposed to maintain the existing rate levels for application to piston services in areas where turbine operations are not feasible. That proposal has been adopted.

[2] The all passenger minimum of 2.55 cents per passenger mile is made applicable to all legs of convertible operations.

A. *Passenger rates.* A major problem in setting the level of the passenger minimum arises from the fact that the cost data before us present a picture of substantial disparities in the unit costs of individual carriers. MATS' recent conversion to an almost all turbine operation, and the high fixed cost associated with such aircraft, has rendered the question of daily aircraft utilization critical. Route operators can usually obtain satisfactory aircraft utilization rates by integrating their MATS operations with their scheduled services and thus the problem is not grave in their case. The supplemental carriers, however, have no route authority and must look to commercial charters in order to better their utilization rate. Assuming no MATS expansion and no commercial charters, the supplementals' utilization rate would depend on the fixed buy of their MATS contract. On an average, this amounts to about five hours of utilization per day, which compares with system utilization rates of better than nine hours per day for such carriers as Northwest Airlines, Inc. (Northwest) and Pan American.

The individual cost disparities are not entirely due to utilization differences. Reference to Appendix B shows, however, that the spread between the costs of the route carriers, all of which have fairly satisfactory utilization rates, is not large. Appendix B also shows that at utilization rates of 7 or 8 hours per day, which are comparable to those of the route carriers, the supplementals' costs would not be out of line with those of the other MATS contractors. We are always faced with individual disparities in fixing a single rate applicable to more than one carrier. Here, it appears that the problem would be no greater than that faced in ordinary rate cases were it not for the problem of the supplementals' low utilization estimates. However, all interested parties are opposed to any abandonment of the uniform rate approach because of this problem.

The new round-trip passenger minimum rate is 2.55 cents per passenger mile, or .05 cents higher than the rate proposed in EDR-60. It is, of course, a judgment figure based largely on the cost data of the route operators, and thus assumes a utilization rate comparable to the route carriers' average. It is intended neither to prefer the low cost carrier or unduly prejudice those with higher costs. It is 0.2 cents higher than the computed weighted average route carrier cost of 2.53 cents per passenger mile. The estimated unit costs of the two carriers, Pan American and Trans Caribbean Airways, Inc. (TCA), is below this level, and their return higher than 9 percent. The unit costs of the remaining three route carriers, Northwest Airlines, Inc., Seaboard World Airlines, Inc. (Seaboard) and Riddle Airlines, Inc. (Riddle), is higher, and they would not realize a full return of 9 percent. Despite the fact that some contractors contend that it results in giving undue weight to the low costs of Pan American, we believe that a rate based largely on the weighted average cost of the route carriers is entirely appropriate. Such an approach is comparable to that of looking at the overall rate of return on investment of the domestic air carrier industry as a factor bearing on the reasonableness of the general fare level. It results in a rate that provides all carriers an opportunity to realize a return that is neither excessive, nor unduly low, in the case of any of the individual route carriers. It also assures MATS that its rates are based on reasonably efficient operations.

The supplementals are a special problem. How they will do under this rate depends largely on the question of utilization. Assuming minimum utilization, i.e., only that produced by the fixed buy of their contract, they might be hard pressed. However, thus far during this fiscal year the expansion rate has generally exceeded the carriers' estimates. In addition, acquisition of more modern jet aircraft may aid the supplementals in their quest for more commercial charters. If the supplementals are successful in improving their utilization materially, the new rate will be entirely adequate. For example, as shown in Appendix B, at seven hours per day utilization, two of the supplementals would realize a return of 9 percent or more. At eight hours of utilization, the weighted average cost for all carriers including the supplementals would approximate the 2.55 cent rate. In any case, we do not feel that it would be appropriate to fix the rate with reference to the extremely low level of utilization estimated by the supplementals. To do so would result in unreasonable profits for the route carriers, who account for approximately three-fourths of the dollar volume of the fixed and guaranteed expansion contracts for the current fiscal year. It would also mean that MATS would be deprived of the inherent efficiencies of the new turbine aircraft and that the rate was based on what is an essentially inefficient operation.

In EDR-60, no change was proposed in the one-way passenger rate. The proposal to maintain the one-way passenger rate at the existing level has proved to be largely noncontroversial, and no evidence has been presented herein indicating that either a reduction or increase would be justified.

B. *Cargo rates.* Of the three CL-44 operators which now furnish almost all of the MATS all cargo charters, two, Flying Tiger and Seaboard, found fault with the proposed reductions in the cargo minimum rates. In Slick's opinion, the new rates will be economically sound.

Most of the objections of Flying Tiger and Seaboard went to adjustments in their cost data—especially those dealing with utilization. However, such adjustments appear to be sound, as will be subsequently indicated, and the reasonableness of the proposed rates is borne out by the adjusted cost data.

Flying Tiger objects particularly to the reduction in the one-way cargo rate. It was indicated in EDR-60 that the differential in the yield between the one-way and round-trip cargo rates was intended in part to reflect the cost savings inherent in flying the backhaul empty. Flying Tiger contends that this cost savings has already been reflected in the cargo cost data since almost all cargo charters are one-way.

While it is true in the case of Slick, which does not object to the new rates, and Flying Tiger that almost all cargo charters are of a one-way character, such is not the case with Seaboard. Seaboard's cargo charters are almost all round-trip. The 21 cents per ton-mile rate represents a reduction of 11.5 percent from a round-trip rate based on Seaboard's computed costs of 11.84 cents per ton mile. Carrier submittals indicate that approximately 5 percent of the backhauls are put to some revenue use, which would account for approximately half of the 11.5 percent spread. It appears reasonable to expect that the remaining 6.5 percent can be realized through cost savings on the ferry leg, e.g., by flying shorter routings and skipping intermediate stops. It should also be noted that, although it does not contend that it would be improper to make any allowance, Flying Tiger does not suggest what would be a proper differential.

As previously indicated, it is Pan American's position that the cargo rate should be cut even further. It argues that the large new pure jet convertible aircraft are more efficient than turboprop CL-44 aircraft. Since the great bulk of the MATS cargo charters are presently being performed with CL-44's, the costs of operating that aircraft type are the appropriate measure to use here and the rate established herein appears to be sound for this fiscal year. However, it is expected that in fiscal year 1965 pure jets (DC-8F and B-707-320C) will be used to an increasing extent for MATS charters. Accordingly the Board contemplates an early notice of proposed rule making for the purpose of setting new minimum rates for MATS cargo charters which would take into account the costs of pure jet operations.

C. *Mixed and convertible rates.* Mixed and convertible rates have heretofore been set to produce a yield between that of the all passenger and all cargo rates in recognition that cargo transportation is less expensive than passenger. EDR-60 would have continued that approach.

Opposition expressed in the comments was based primarily on the asserted high costs of converting the new large jet aircraft from a passenger to a cargo configuration, and vice versa, and on alleged higher crew costs. For this reason, it is deemed appropriate to make the higher all passenger minimum applicable to these services in order to cover the higher conversion costs. Some carriers have alleged that these services are even more costly than all passenger operations. They have not produced data substantiating these allegations, however, and the limited data available to us thus far indicates that the passenger rate will be adequately compensatory.

D. *Piston rates.* Those who commented on piston rates were divided with respect to whether the piston minimums should be reduced to the same level as the jet minimums in areas where such aircraft compete. Those contending that the piston minimums should not be reduced argued that such aircraft would continue to be used for smaller loads even at the higher unit rate. However, it is our view that higher unit minimum rates for piston aircraft would largely price them out of the market especially in view of the large degree of flexibility available to MATS in making up loads. We have thus determined to have the same minimum applicable to both types of aircraft in areas where they compete. However, nothing herein would prevent a carrier from offering to perform a particular operation more suitable to a smaller piston airplane at a rate above the general minimum.

With respect to piston rates in areas where jets cannot operate, we have adopted language suggested by MATS which would tighten the description of the areas involved. EDR–60 would have established new mixed rates for such operation, and this has been eliminated here. The contracts provided for mixed rates to be constructed by applying the passenger and cargo minimums to the proportions carried. These rates were approved by the exemption order and it was not our intention to change them.

2. *Rate-making cost adjustments.* As earlier noted, the minimum rates established herein are based on an evaluation of cost data submitted by the carriers. Such data have, however, been adjusted in a number of areas, and it is with respect to these adjustments that many objections have been raised. Both EDR–60 adjustments and revised adjustments are reflected in Appendix A. By far the most controversial adjustment is that dealing with utilization.

Most route carriers estimated daily aircraft utilization at a level below that indicated by their system average. In each such case the utilization factor was adjusted in EDR–60 to equal their experienced 1962 system average.

The objectors have not come forward with any sounder basis for estimating utilization. For the most part they would estimate utilization on the basis of their forecast MATS business alone or at some arbitrary point between the level provided by MATS work alone and that indicated by their system average. Their estimates are thus either based on nonobjective standards or they would give no weight at all to the fact that MATS operations can be integrated with regular commercial operations to produce higher utilization.

No evidence has been presented that would cast doubt on the validity of using experienced system average utilization rates for costing MATS operations. On the contrary, the system average appears to be the soundest and most objective standard. In the case of TCA and Riddle, however, it appears that use of 1962 data will not be representative of their future operations. Accordingly, we have reduced their utilization factor to equal their forecast system average for this year.

Many adjustments were general in application. The return element was adjusted upward from 8 to 9 percent in view of risks related to the attainment of economical daily utilization under the contracts; income tax was adjusted to reflect the deduction afforded by estimated interest expense; working capital was estimated on the basis of one month's cash operating expenses; investment was adjusted to a July 1, 1963, basis in instances when the carriers used December 31, 1962, or some other date; amortization of preoperating expenses was standardized to reflect a 5-year amortization period; certain accounting classification adjustments were made; a few obvious clerical errors were corrected; and gaps and deficiencies in the carriers' data were remedied as appropriate. The only issues raised by the foregoing adjustments pertain to the basing of working capital on one month's cash operating expenses and to an accounting reclassification of passenger liability insurance from flight operations to passenger service category pertinent to Capitol Airways, Inc. It appears that the current disbursement procedures for MATS contract services are compatible with the one month's basis and, therefore, the Board adjustments are reasonable. The accounting reclassification adjustment affects only the costing of all-cargo, convertible, and mixed cargo-passenger services. Since the reclassification has no effect on the carrier's total cost for all-passenger service, no objection remains in respect to costing the all-passenger services.

A number of specific adjustments, shown in Appendix A and revisions thereto, do not appear to be controversial. Some others require discussion. World Airways, Inc. (World) has provided explanations of the nature of its breach of warranty insurance and Boeing proprietary and vendor spares which indicate that the Board's adjustments pertaining thereto were incorrect. Accordingly, revised cost estimates are shown in Appendix A reversing such previous elimination. Seaboard objects to having seven classifications of its expenses adjusted downward by the Board. Data reported on Form 41 for the 12 months ended September 30, 1963, the latest available, bear out the propriety of the Board's adjusted estimate. In fact, the latest exprience tends to show that the Board's adjusted estimates slightly overstate Seaboard's costs. Some carriers have submitted more current data, or support for upward adjustments in reported data. These have have been incorporated in the revisions to Appendix A, except that Trans Caribbean's estimate for DC–8F airframe overhauls has been reduced to the equivalent of $35 per hour, the maximum provision for jet aircraft for which there are Board records. Costs relating to altering configurations in mixed services and of conversions from all-passenger to all-cargo (or vice versa) have been eliminated because they are not incurred in normal all-passenger round-trip services which constitute the greatest preponderance of services to which the passenger minimum rates apply. The adjusted forecasts reflect a 10-year life for all jet aircraft, including TCA which reports for Form 41 purposes on the basis of a 14-year life. Objection was raised to the Board's reducing the estimate for Pan American's ground costs per plane-mile to that of Northwest, the next higher carrier. Because Pan American's aircraft are larger than Northwest's it appears appropriate to make allowance for this by using the seat-mile cost, which reflects the greater capacity, rather than the plane-mile cost basis, which indicates equivalent costs for dissimilar capacity aircraft. Pan American's ground costs before adjustment are more than double the average of the other carriers, and are almost 26 percent above that of the next highest carrier. Adjustment of such high costs at least to the level of the next highest estimate appears to be both reasonable and necessary.

3. *General contentions.* One carrier has characterized the basic methodology used here as an added cost approach, presumably on the theory that it is the intention that MATS be charged only for the additional costs attributable to such services. We disagree. The approach provides for a fair allocation of carrier costs, including overhead, between MATS and other services. It is conceded that the supplementals' costs currently tend to be higher than those of the route carriers principally because of the former's lower level of anticipated aircraft utilization. Refusal to give such costs greater weight in determining the industry minimum rate stems from a conviction that such approach would produce an excessive and unreasonable rate.

It is also suggested that any revision of current minimum rates be deferred since inadequate cost and operating data are available for the convertible jets, i.e., the DC–8F and the B–707–320C. Although actual data related to these aircraft are limited we are not disposed to defer the instant rate review on this ground. First, the current MATS charter operations are being performed with a greater preponderance of jet and turbo-prop aircraft than in earlier years. Such aircraft produce lower unit costs than the piston types in earlier use and on which the current rates were in large part predicated. This circumstance was and remains the principal reason for undertaking the current rate review. Second, although specific data are not generally available for the convertible jets,

much is known about the cost characteristics of earlier jet aircraft and there is no reason to believe that the convertible jets will be more costly to operate per passenger-mile or per ton-mile. Indeed the reverse should be true.

It is contended that our approach fails to give adequate recognition to the carriers' commitment to CRAF. It is contended that a carrier to obtain a MATS contract had to commit additional aircraft to CRAF which are subject to call at varying levels of national emergency. It is not suggested just how such additional recognition should be given. In any event, we see no basis for adding some factor to the rate otherwise determined. We have considered and relied upon the carriers' costs including a fair return on investment. To the extent that this comment goes to the question whether these minimum rates would be reasonable in the event of partial or full activation of the CRAF fleet, such question is not before the Board in this proceeding. The rates herein established may or may not be reasonable for such services depending on relevant circumstances.

Two carriers argue that the proposed rates give no weight to depreciation remaining on piston aircraft no longer used in MATS services. This is true. We see no basis to charge MATS with costs related to equipment or facilities not used in such services.

4. *Minimum aircraft loads.* The only major objections to the proposed minimum aircraft loads (i.e., the number of passengers or tons of cargo) relate to the proposal to fix the minimum cargo load for the B–707–320C and DC–8F at 32.5 tons. It is contended that this amount is far below the actual capability of these aircraft.

The principal purpose behind setting these minimum loads at an artificially low level was to produce a better relationship between the plane mile yield of cargo and passenger service. Upon further reflection, however, and in light of the comments, we have concluded that the minimum load requirements should approximate the capacity of the aircraft. We have accordingly revised the load standards for the B–707–320C and DC–8F to 36.5 tons.

5. *Deficit traffic.* The Board proposed to add a new provision to Part 288 which would permit a carrier to accept a load 10 percent below the minimum load specified when unable to carry the full amount specified. In such instance the carrier would be paid only for the traffic actually carried but would be absolved of any obligation, as now exists, to provide for the carriage of the "deficit" traffic on some other flight. This provision was suggested by MATS and adopted tentatively by the Board as a simplification of current procedures which might save money for both carriers and MATS.

Two carriers oppose its adoption on the grounds that it may permit uneconomic rate cutting. We did not visualize this provision as enabling a carrier regularly to carry below-minimum loads. Rather it was intended to meet the occasional and infrequent situations in which a carrier on a given flight is prevented from carrying the specified minimum and the rule is thus phrased. We are not persuaded that this provision will result in widespread uneconomic practices. Such provision would not reduce the cost to MATS per ton delivered nor afford MATS any incentive to encourage the use of this provision beyond the extent intended. Until some evidence to the contrary is presented we will assume that both long and short term contracts will be written on the basis of at least the normal minimum load requirement. In the event that undesirable practices may develop, the Board will not hesitate to reconsider this provision.

6. *Free use of excess capacity.* The Board proposed to amend Part 288 to recognize a new MATS contractual provision relating to the use of any capacity over and above the contract load. The provisions would permit the carrier to use any such excess capacity for route support and, if not so used, to carry additional MATS traffic at no extra charge. Five of the carriers raised strong objections to this proposal. Basically the objection is that actual capacity available is variable in some degree and the ability of carriers to offer it free to MATS would be an effective competitive device. Stated differently, such "free" carriage would dilute the average price per ton or passenger on that trip.

Although we are concerned with these potential problems, we will make final the proposed provision. The purpose of our minimum rate regulation in this area is to preserve sound economic conditions in the industry and not maintain an absolutely rigid price structure per se. We are not convinced on the present record that this provision will be disruptive. It is doubtful that any given carrier would consistently be at either an advantage or disadvantages in this regard. In fact, the increase in the minimum load required for the B–707–320C and DC–8F, previously referred to, eliminates the reason behind most of the objections. Neither should this provision result in rates that are not fair and reasonable since any such extra traffic would be carried at very little additional cost. We will expect the carriers to maintain appropriate records showing the occasions and extent to which this provision is exercised for use at such time as this provision may be further evaluated.

7. *Substitute service.* The definition of substitute service and the rules relating thereto are being adopted in the form proposed in EDR–60, effective March 1, 1964. An order amending the interim certificates of the supplemental carriers to authorize substitute service is being issued concurrently with these rules.

8. *Authority to issue rules fixing minimum rates for MATS charters.* A question has been raised as to the Board's power to establish minimum rates in this proceeding. It is contended that the Board does not have authority to establish minimum rates by the adoption of economic regulations and also is without authority to regulate rates applicable to charters in foreign air transportation.

We are satisfied that the proposed regulations are well within the Board's authority. We are not attempting here to regulate rates and fares as such but rather to impose reasonable conditions upon the exercise of exemption authority to perform MATS charter operations. We find that the minimum rate conditions are required in order to prevent destructive competition in the rates for MATS charter business and that they are reasonable conditions upon the exemptions we have granted.

9. *Discrimination.* World has challenged the proposed rates on the ground that they are unjustly discriminatory against ordinary commercial charters. This argument is largely based on the allegation that the service to which the military rates apply is similar to and contemporaneous with civilian charter service, and that the circumstances and conditions under which the military and civilian charters are rendered do not differ substantially. In view of the very basic difference in the services and the substantial differences in the circumstances and conditions of carriage, we find little merit in the argument presented.

In the first place, the costs to the carrier of generating and servicing MATS charters are less than for commercial charters. In addition, MATS contractors purchase aviation fuel from MATS at special rates and MATS provides a large measure of the ground services which the carriers would have to provide in ordinary commercial service; further, no landing fees are charged for landings at MATS bases.

Moreover a carrier ordinarily may rely on commercial charters only for sporadic business, while a MATS contractor is assured of a fairly substantial volume of charters spread out over the fiscal year that his contract covers. All of these factors point to the conclusion that the cost of providing MATS charters is less than that of commercial charters, and none of the parties to this proceeding have shown the differential in favor of MATS resulting from the proposed minimums to be more than is justified by cost considerations.

Finally it may be added that such differentials have been in effect for a number of years without serious challenge.

10. *Retroactivity.* In EDR–60, carriers were put on notice that we were considering making the rates finally adopted effective retroactively to October 1, 1963. Several carriers objected to retroactive application of any such changes. The carriers argue that the bidding for the contracts for fiscal year 1964 was on the basis of the existing higher rates; that although the 1964 contracts specified that any reduction in minimum rates during the fiscal year would be made available to MATS, the carriers could not have anticipated the substantial reductions involved herein; that the cost data for pure jets are too inconclusive at the present time to be used as the basis for new rates; and that, generally, retroactivity impairs the carriers' ability to make business decisions and causes confusion and hardship.

Upon consideration of all of the comments, we have determined to make the rates effective as of January 1, 1964. In reaching this conclusion, we have balanced the considerations advanced by the carriers against the fact that all carriers have been on notice of our tentative determination to make the rates retroactive, as well as the interests of the Government as rate payer in paying no more than reasonable rates for transportation services.

Since Part 288 did not contain minimum load standards for many new aircraft used for the first time this year, MATS put the proposed standards in effect on October 1, 1963. It would be impractical to make the load standards retroactive, and we will accordingly ratify MATS action by making the proposed standards effective from October 1, 1963, through February 29, 1964. The new standards contained herein are made effective March 1, 1964, and thereafter.

In view of the foregoing, the Board finds that there is good cause to make this rule effective on less than 30 days' notice.

EDR–60 also proposed a change in § 399.36 of the policy statements. This amendment was accomplished on January 29, 1964 when Part 399 was reissued by Regulation Policy Statement No. 21. The provision has been renumbered as § 399.16.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288), effective March 1, 1964, as follows:

1. Amend the title of Part 288 to read as set forth above.

2. Amend § 288.1 by adding immediately after the definition of "Short notice MATS charter service" and immediately before the definition of "Supplemental air carrier" a new definition of "Substitute service" to read as follows:

§ 288.1 Definitions.

• • • • •

"Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the State of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligation to perform such air transportation for MATS and when the performance of such air transportation is not to take place during a period longer than three weeks.

• • • • •

3. Amend § 288.2 to read as follows:

§ 288.2 Applicability.

This part applies to substitute service and short notice MATS charter service by air carriers holding economic authority from the Board to provide air transportation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense: *Provided*, That, in the case of short notice MATS charter service, the award contains or is accompanied by a written statement of the military establishment that such award is for transportation necessary to fulfill unforeseen military requirements as to which time is of the essence.

4. Amend § 288.5 to read as follows:

§ 288.5 Exemption.

(a) Subject to the provisions of this part and the conditions imposed, air carriers holding authority from the Board to engage in air transportation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense are hereby exempted from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations:

Section 403 of the Act; Part 221 of the Regulations.

(b) Subject to the provisions of this part and the conditions imposed, air carriers, other than supplemental air carriers, holding authority from the Board to engage in air transportation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense, are hereby exempted from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations:

Section 401(a) of the Act; Part 202 of the Regulations; Part 207 of the Regulations.

5. Amend § 288.6 to read as follows:

§ 288.6 Scope of exemption.

The exemptions granted in § 288.5 extend only to transportation of persons and/or property under agreements for short notice MATS charter service as defined herein, where the award contains, or is accompanied by, the written statement set forth in the proviso to § 288.2, and to substitute service as defined herein. This authority is in addition to all other authority to engage in air transportation issued by the Board to any air carrier and will not be construed as in any manner limiting such other authority.

6. Amend the introductory language and paragraphs (a), (b) and (c) of § 288.7 to read as follows:

§ 288.7 Reasonable level of compensation.

It shall be a condition on the exemptions granted by this part that the level of compensation for transportation provided for short notice MATS charter service and substitute service shall not be uneconomically low.

(a) *Minimum charges.* In the absence of specific Board approval, the compensation for such services shall not be less than the following:

(1) For services performed from October 1, 1963 through December 31, 1963:

(i) Round-trip passenger services—2.75 cents per passenger-mile.

(ii) Round-trip cargo services—12.5 cents per cargo ton-mile.

(iii) One-way passenger services—4.2 cents per passenger-mile.

(iv) One-way cargo services—21.5 cents per cargo ton-mile.

Provided, That a minimum of 15.0 cents per cargo ton-mile shall apply to segments of round trips on which cargo is carried in cases where passengers are carried on one or more other segments of the round trip.

Provided further, That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

(2) For services performed from January 1, 1964, through February 29, 1964, other than services specified in subparagraph (3) of this paragraph:

(i) All round trips on which passengers are carried on at least one segment thereof—2.55 cents per passenger-mile.

(ii) Round-trip cargo services—11.5 cents per cargo ton-mile.

(iii) One-way passenger and mixed passenger-cargo services—4.2 cents per passenger-mile.

(iv) One-way cargo services—21.0 cents per cargo ton-mile.

Provided, That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to the passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

(3) For services performed from January 1, 1964, through February 29, 1964 within the State of Alaska; between the State of Hawaii, Midway, Johnston, Kwajalein, or Eniwetok; between Japan, Guam, Okinawa, Formosa, or the Philippines; or to or from the Canal Zone:

(i) Round-trip pasenger services—2.75 cents per passenger-mile.

(ii) Round-trip cargo services—12.5 cents per cargo ton-mile.

(iii) One-way passenger services—4.2 cents per passenger-mile.

(iv) One-way cargo services—21.5 cents per cargo ton-mile.

Provided, That a minimum of 15.0 cents per cargo ton-mile shall apply to segments of round trips on which cargo is carried, in cases where passengers are carried on one or more other segments of the round trip.

Provided further, That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

(4) For services performed on and after March 1, 1964, other than services specified in subparagraphs (5) and (6) of this paragraph:

(i) All round trips on which passengers are carried on at least one segment thereof—2.55 cents per passenger-mile.

(ii) Round-trip cargo services—11.5 cents per cargo ton-mile.

(iii) One-way passenger and mixed passenger-cargo services—4.2 cents per passenger-mile.

(iv) One-way cargo services—21.0 cents per cargo ton-mile.

Provided, That, subject to the provisions of paragraph (b) of this section the minimum rates specified above shall not be applicable to the passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

(5) For services performed on and after March 1, 1964, other than services specified in subparagraph (6) of this paragraph, within the State of Alaska; between the State of Hawaii, Midway, Johnston, Kwajalein, or Eniwetok; between Japan, Guam, Okinawa, Formosa, or the Philippines; or to or from the Canal Zone:

(i) Round-trip passenger services—2.75 cents per passenger-mile.

(ii) Round-trip cargo services—12.5 cents per cargo ton-mile.

(iii) One-way passenger services—4.2 cents per passenger-mile.

(iv) One-way cargo services—21.5 cents per cargo ton-mile.

Provided, That, a minimum of 15.0 cents per cargo ton-mile shall apply to segments of round trips on which cargo is carried, in cases where passengers are carried on one or more other segments of the round trip.

Provided further, That subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

(6) The compensation for substitute service shall not be less than that which the prime contractor would have received under his contract with MATS.

(b) *Minimum aircraft loads.* The minimum charges established by paragraph (a) of this section shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads:

FOR PERIOD OCTOBER 1, 1963–DECEMBER 31, 1963

Aircraft type	Number of passengers	Tons of cargo	
	All-passenger flights	All-cargo flights	Convertible flights
B-707-320C	165	32.50	30.00
DC-8F	165	32.50	30.00
B-707 (other)	159		
DC-8 (other)	149		
CL-44	148	29.35	27.00
L-1649A	95	18.00	15.00
L-1049-C/E/G/H	95	18.00	15.00
DC-7-B/C/CF/F	95	18.00	15.00
L-1049A	88	15.00	12.00
DC-7	88	15.00	12.00
DC-6-A/B/C	83	13.00	12.00
DC-4	60	8.00	6.00

FOR PERIOD JANUARY 1, 1964–FEBRUARY 29, 1964

Aircraft type	Number of passengers	Tons of cargo	
	All-passenger mixed and convertible flights	All cargo flights	Convertible flights pursuant to the rates specified in paragraph (a) (3) of this section
B-707-320C	165	32.50	
DC-8F	165	32.50	
B-707 (other)	159		
DC-8 (other)	149		
CL-44	148	29.35	
L-1649A	95	18.00	15.00
L-1049-C/E/G/H	95	18.00	15.00
DC-7-B/C/CF/F	95	18.00	15.00
L-1049A	88	15.00	12.00
DC-7	88	15.00	12.00
DC-6-A/B/C	83	13.00	12.00
DC-4	60	8.00	6.00

FOR PERIOD ON AND AFTER MARCH 1, 1964

Aircraft type	Number of passengers	Tons of cargo	
	All-passenger mixed and convertible flights	All cargo flights	Convertible flights pursuant to the rates specified in paragraph (a) (5) of this section
B-707-320-B/C	165	36.50	
DC-8F	165	36.50	
B-707-300 series	159		
B-707-100 series	149		
DC-8 (other)	147		
CL-44	148	29.35	
L-1649A	95	18.00	15.00
L-1049-C/E/G/H	95	18.00	15.00
DC-7-B/C/CF/F	95	18.00	15.00
L-1049A	88	15.00	12.00
DC-7	88	15.00	12.00
DC-6-A/B/C	83	13.00	12.00
DC-4	60	8.00	6.00

Provided, That, for the purpose of this paragraph (b), compensation equal to the minimum rate applied to the load that actually can be accommodated shall be considered economic whenever a carrier is prevented from accommodating a load equal to the minimum specified above, for reasons other than adverse weather, off-loading by MATS, or the bulk of the cargo supplied by MATS, but in no event less than 90 percent of the above minimum loads.

(c) *Round-trip services defined on and after January 1, 1964.* For purposes of this section, round-trip services means short notice MATS charter service where (1) passengers and/or cargo are transported on two or more successive revenue flights and the last revenue flight terminates within 250 statute miles of the point of origin of the first revenue flight, (2) the scheduling permits departures within 4 hours after arrival at each point to be served except at one point where the aircraft may be scheduled for departure within 72 hours after arrival, and (3) the air carrier operates en route not more than one ferry flight not exceeding 50 statute miles without compensation and not more than one ferry flight not exceeding 1,500 statute miles for compensation equal to not less than 75 percent of the round-trip cargo rate specified in paragraphs (a) and (b) of this section where only cargo is carried on the other portions of the whole trip and for compensation equal to not less than 75 percent of the round-trip all-passenger rate specified in paragraphs (a) and (b) of this section in all cases where passengers are carried on any other part of the whole trip.

7. Amend § 288.8 to read as follows:

§ 288.8 Filing of reports.

(a) *Contents of reports.* Within 10 days of the last flight under each award of a short notice MATS contract or agreement for substituted service performed pursuant to authorization granted by this part, air carriers performing short notice MATS charter service or substitute service shall file with the Board reports covering such operations and containing the following information:

(1) A true copy of the award in the case of short notice MATS charters and, in the case of substitute service, a statement indicating the carrier on behalf of which the service was performed, the type of aircraft called for by the MATS contract, and the date on which it agreed to perform the substitute service;

(2) Number of trips, and date each trip originated;

(3) Origin point, intermediate points (operational and traffic), and destination point of each trip;

(4) Type of aircraft used for each trip;

(5) Aircraft miles (statute) flown on each trip;

(6) Number of passengers and/or tons of cargo carried on each segment of each trip; and

(7) Contract price per passenger and/or ton of cargo.

(b) *Filing.* Three copies of the reports shall be filed with the Office of Carrier Accounts and Statistics of the Board.

(Secs. 204(a), 407, and 416 of the Federal Aviation Act of 1958; 72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–2086; Filed, Mar. 3, 1964; 8:51 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. No. 1725; Amdt. 695]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

Amendment 596, 28 F.R. 7937, AD 63–16–1, requires inspection and rework of the latch lock on the aft thrust reverser on Boeing Models 707 and 720 Series aircraft equipped with JT3D–1 or –3 engines. The manufacturer has now modified the aft thrust reverser sleeve position indicating switch to indicate latch lock engagement as well as sleeve position. Latch lock engagement will be denoted in the cockpit through actuation

of a light by the modified indicating switch. Therefore, Amendment 596 is being amended by adding a new paragraph to permit the relocation of the indicating switch.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 596, 28 F.R. 7937, AD 63-16-1, Models 707 and 720 Series aircraft, is amended by adding the following new paragraph (g) to read:

(g) The aft thrust reverser position indicating switch may be relocated in accordance with Boeing Service Bulletin 1896 or FAA approved equivalent. Approval of any equivalent means shall be processed through the Engineering and Manufacturing Branch, Western Region, Los Angeles, California. When the approved switch relocation is incorporated, compliance with the provisions of paragraphs (a) through (e) of this AD is no longer required. (Boeing Service Bulletin No. 1696 pertains to this subject.)

This amendment shall become effective March 4, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 26, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-2040; Filed, Mar. 3, 1964; 8:46 a.m.]

[Reg. Docket No. 3036; Amdt. 694]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Models 1049 C, D, E, G, and H Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the beam cap tie-in fittings and replacement of any found cracked on Lockheed Models 1049 C, D, E, G, and H Series aircraft was published in 29 F.R. 268.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Models 1049C, 1049D, 1049E, 1049G, and 1049H Series aircraft.

Compliance required as indicated.

As the result of a metallurgical investigation which revealed a beam cap tie-in fitting fatigue crack, attributed to improperly oriented material grain direction of the part, accomplish the following:

(a) Within 350 hours' time in service after the effective date of this AD, unless already accomplished, inspect the beam cap tie-in fittings, Lockheed P/N's 311134L and 311134R, for cracks in the area of the .16 radius near the center of the fitting using dye penetrant or FAA-approved equivalent. Gain access to the part through opening No. 87 as described in Figure 1-3 of the Model 1049 Maintenance Instructions Manual.

(b) Replace any cracked fitting with a new fitting of the same part number before further flight, except that the aircraft may be ferried in accordance with the provisions of CAR 1.76 to the base at which the repairs are to be accomplished.

This amendment shall become effective April 6, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 26, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-2041; Filed, Mar. 3, 1964; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

COMPUTATION OF INCOME

In § 3.260, paragraph (c) is amended to read as follows:

§ 3.260 Computation of income.

* * * * *

(c) *Proportionate income limitations; excess income.* A proportionate income limitation will be established under the conditions set forth in paragraph (d) of this section except where application of a proportionate income limitation would result in payment of a lower rate than would be payable on the basis of income for the full calendar year.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: February 26, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-2084; Filed, Mar. 3, 1964; 8:51 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 100]

PART 309—VALUES FOR WAR RISK INSURANCE

Miscellaneous Amendments

Part 309 is hereby revised by changing the part heading as set forth above; by deleting paragraph (c) of § 309.2; and by adding a new center heading and group of sections as set forth below:

STORES AND SUPPLIES

Sec.
309.201 Purpose.
309.202 Definitions.
309.203 Value at time of loss.
309.204 Proof of loss.

AUTHORITY: The provisions of §§ 309.201-309.204 issued under sec. 204, 49 Stat. 1987, as amended; sec. 1209, 64 Stat. 775, as amended; 70 Stat. 984; 46 U.S.C. 1114, 1289.

STORES AND SUPPLIES

§ 309.201 Purpose.

It is the purpose of §§ 309.201 through 309.24 to prescribe the method for determining the values of stores and supplies on board a vessel when lost, for which claims for loss will be paid, and to prescribe the procedure for payment of claims for such loss, when stores and supplies are covered under a disbursements clause of a War Risk Hull Insurance Binder or a War Risk Hull Insurance Policy issued by the United States on forms prescribed by §§ 308.106 and 308.107 of this chapter, or when stores and supplies are covered by a War Risk Disbursements Policy issued by the United States pursuant to section 1203(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1283(c)). The vessel values established by §§ 309.1 through 309.8 (General Order 82) do not include any allowance for the loss of stores and supplies, as distinguished from equipment and spare parts which are included in such vessel values.

§ 309.202 Definitions.

Stores and supplies are those articles and commodities used and consumed in the day-to-day operation of a vessel by the operation and maintenance of machinery and equipment; the maintenance of clean and sanitary conditions; the feeding of passengers, officers, and crew; and stocked for the use and convenience of passengers, officers, and crew. Vessel stores and supplies include (a) consumable stores, (b) subsistence stores, (c) slop chest, (d) bar stock, and (e) fuel, as defined in Maritime Administration Inventory Books, Forms MA-4736, A through K.

§ 309.203 Value at time of loss.

The value of unused stores and supplies on board a vessel at the time of loss, and for which claims for loss will be paid equals:

(a) The value of such stores and supplies on board at the completion of the previous voyage, plus

(b) The value of stores and supplies purchased and placed on board the vessel before the commencement of the voyage during which the loss occurred, plus

(c) The value of stores and supplies purchased and placed on board the vessel after the commencement of such voyage, less

(d) That portion of the sum of paragraphs (a), (b), and (c) of this section which was sold, transferred, used or consumed to, but not including, the date of the loss.

§ 309.204 Proof of loss.

Claims for reimbursement for total loss of stores and supplies may be submitted by the owner to the Chief, Division of Insurance, Maritime Administration, Washington, D.C., 20235, based on one of two alternative methods of proof, as provided in paragraphs (a) and (b) of this section. Owners may use either method for each category of stores and supplies.

(a) *Formula.* In cases where the owner and the Chief, Division of Insurance, Maritime Administration, have agreed, in advance of the loss, upon amounts representing, or the method for determining, the average daily consumption costs of stores and supplies for the owner's vessel, claims for total loss of such stores and supplies may be submitted by the owner on Affidavit in Proof of Claim for the loss of stores and supplies, Exhibit A. In such cases, the value of the consumable stores at time of loss is determined as follows:

(1) The value of consumable stores on board at the time the vessel was ready to sail, determined by multiplying the number of days for which the vessel is stored by the average daily consumption cost in dollars, plus

(2) The cost of consumable stores, if any, purchased in foreign ports for the homeward voyage, less

(3) The average daily consumption cost times the number of days from the date the vessel was ready to sail to, but not including, the date of loss, plus the actual amount of consumable stores transferred or sold. The values of slop chest stores, bar stock and fuel, at the time of loss are determined in the same manner by using the applicable daily consumption costs for such stores. The value of subsistence stores at the time of loss is determined as follows:

(i) The value of subsistence stores on board at the time the vessel was ready to sail, determined by multiplying the agreed cost for one man per day by the number of crew signed on and the number of passengers, if any, and multiplying that product by the number of days for which the vessel is stored, plus

(ii) The cost of subsistence stores, if any, purchased in foreign ports for the homeward voyage, less

(iii) The number of crew signed on and the average number of passengers, if any, times the agreed cost of one man per day times the number of days from the date the vessel was ready to sail to, but not including, the date of loss, plus the actual amount of subsistence stores transferred or sold.

(b) *Verified costs.* In cases where the owner and the chief, Division of Insurance, Maritime Administration, have not agreed in advance of the loss upon amounts representing, or the method for determining, the average daily consumption costs of Stores and Supplies for the owner's vessel, claims for total loss of such Stores and Supplies must be submitted by the owner on Affidavit in Proof of Claims for the Loss of Stores and Supplies, Exhibit B. In such cases, the value of the consumable stores will be determined as follows:

(1) The value of consumable stores on board the vessel at the time the vessel was ready to sail, determined by certified inventories of the owner of amounts on board the vessel at the termination of the preceding voyage or date of last inventory, less actual consumption to date of sailing, plus a certified statement by the owner of actual additional purchases made from date of termination of the preceding voyage or date or last inventory to date vessel was lost, subject to audit by the Maritime Administration, less

(2) The average daily consumption cost determined by dividing the amount determined as in subparagraph (1) of this paragraph by the number of days for which the vessel was stored) times the number of days from the date the vessel was ready to sail to, but not including, the date of loss, plus actual amount of consumable stores transferred or sold.

The values of subsistence stores, slop chest, bar stock, and fuel, at the time of loss are determined in the same manner, supported by certified inventories of the owner and invoices.

Effective date. The foregoing shall become effective thirty days after its publication in the FEDERAL REGISTER.

Dated: February 26, 1964.

ROBERT E. GILES,
Acting Maritime Administrator.

EXHIBIT A

AFFIDAVIT IN PROOF OF CLAIM FOR THE LOSS OF UNUSED STORES AND SUPPLIES ON BOARD THE SS ----------

STATE OF }
COUNTY OF } *ss:*

I am the ---------- of ----------, the Owner of the SS ----------, which was lost as a result of enemy action on or about the ------ day of ----------, ------. I make this affidavit in support of the above-named Owner's claim for the loss of the actual value of the said vessel's unused Stores and Supplies. The statements herein contained are based upon the personal knowledge of deponent or upon the books of records of the Owner or its agent which deponent believes are true and accurate.

(A) "Stores and Supplies", for loss of which claim is being made, are limited to consumable and subsistence stores as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part I, and do not include radio supplies, expendable equipment, scrap, junk and spare parts.[1]

(B) It has been the consistent accounting practice of the Owner to group together Consumable Stores as defined in the Maritime Administration Inventory Manual, Vessel Inventories, Part I, and Expendable Equipment, but the amount herein stated to be the value of consumable stores for the purpose of making this claim does not exceed ------ [2] percent of the aggregate of such consumable stores and expendable equipment.[1] I am familiar with the insurance carried on the Stores and Supplies on the SS ----------; and, from the effective date of War Risk Insurance Binder No.-------- Policy No.-------- issued by the United States of America, which covers the total loss of Stores and Supplies in the amount of $------, to the date of such vessel's loss on ----------, there was no war risk insurance on such Stores and Supplies other than that provided by said Binder or Policy.

[1] Strike out either paragraph (A) or (B).

[2] Insert percentage agreed upon with Chief, Division of Insurance, Maritime Administration.

The period for which the vessel was stored with Stores and Supplies for use on the voyage on which she was lost, beginning with the last day of storing, was ------ days for Consumable Stores, ------ days for Subsistence Stores, ------ days for Slop Chest, ------ days for Bar Stock and ------ days for Fuel. The number of days from the last day of storing to, but not including, the date on which the vessel was lost, was ------ days for Consumable Stores, ------ days for Subsistence Stores, ------ days for Slop Chest, ------ days for Bar Stock and ------ days for Fuel.

I. Consumable (Excluding Subsistence) Stores: [3]

(A) The average daily consumption cost of Consumable Stores for this vessel for the year prior to the voyage on which she was lost was '$------.

(B) The figure required for (A) is not readily available, and the average daily cost of Consumable Stores for this vessel for the last calendar year set up on the Owner's books was '$------.

The amount of Consumable Stores on board at the time this vessel was ready to sail (the number of days for which the vessel was stored times the average daily consumption cost, as above) was $------.

To this amount is added the actual cost of Consumable Stores purchased in Foreign Ports for the homeward voyage (as per statement attached) [4] $------, making the total

The average daily consumption cost, as above, times the number of days from the date the vessel was ready to sail to, but not including, the date of loss, as above, is $------.

To this amount is added the actual amount of Consumable Stores transferred or sold (as per statement attached) $------, making $------, which, subtracted from the amount of Consumable Stores on board at date of sailing, as above, is $------, which sum is claimed to be the actual value of the vessel's unused Consumable Stores at the time of the loss, according to the best of deponent's knowledge, information and belief.

II. Subsistence Stores:

The amount of Subsistence Stores on board, that is the number of the crew signed on ( ) and the average number of passengers, if any ( ), times the number of days for which the vessel was stored as above ( ), times the applicable factor [4] of cost for one man per day ( ) was $------.

To this amount is added the actual cost of Subsistence Stores purchased in Foreign Ports for the homeward voyage (as per statement attached)[4] $------, making the amount on board on date of sailing $------.

The amount of Subsistence Stores consumed, that is the number of crew signed on ( ) and the average number of passengers, if any ( ) times the number of days between the last day of storing the vessel and the date on which the vessel was lost ( ) times the applicable factor [4] of cost for one man per day was $------.

To this amount is added the actual amount of Subsistence Stores transferred or sold (as per statement attached), $------, making $------, which, subtracted from the amount of Subsistence Stores on board at date of sailing, as above, is $------, which sum is claimed to be the actual value of the unused Subsistence Stores at the time of the

[3] If the figure needed to fill the blank in paragraph (A) or (B) is not available, the formula cannot be used; the Owner must submit actual inventories and a record of purchases on Affidavit Exhibit B.

[4] Strike out paragraph (A) or (B).

[5] Strike out this sentence if vessel was lost on outward leg of voyage.
amount on board at date of sailing $------.

[6] The factor of cost per man per day, as prescribed by the Maritime Administration for voyages beginning in 19 , is $------.

loss, according to the best of deponent's knowledge, information and belief.

III. Slop Chest: [7]

(A) The average daily consumption cost of Slop Chest Stores for this vessel for the year prior to the voyage on which she was lost was [8] $------.

(B) The figure required for (A) is not readily available, and the average daily cost of Slop Chest Stores for this vessel for the last calendar year set up on the Owner's books was [8] $------.

The amount of Slop Chest Stores on board at the time this vessel was ready to sail (the number of days for which the vessel was stored times the average daily consumption cost, as above) was $------.

To this amount is added the actual cost of Slop Chest Stores purchased in Foreign Ports for the homeward voyage (as per statement attached) [8] $------, making the total amount on hand at date of sailing $------.

The average daily consumption cost, as above times the number of days from the date the vessel was ready to sail to, but not including, the date of loss, as above, is $------.

To this is added the actual amount of Slop Chest Stores transferred or sold (as per statement attached) $------, making $------, which, subtracted from the amount of Slop Chest Stores on board at date of sailing, as above, is $------, which sum is claimed to be the actual value of the vessel's unsold Slop Chest Stores at the time of the loss according to the best of deponent's knowledge, information and belief.

IV. Bar Stock: [9]

(A) The average daily consumption cost of Bar Stock for this vessel for the year prior to the voyage on which she was lost was [10] $------.

(B) The figure required for (A) is not readily available, and the average daily cost of Bar Stock for this vessel for the last calendar year set up on the Owner's books was [10] $------.

The amount of Bar Stock on board at the time this vessel was ready to sail (the number of days for which the vessel was stored times the average daily consumption cost, as above) was $------.

To this amount is added the actual cost of Bar Stock purchased in Foreign Ports for the homeward voyage (as per statement attached) [9] $------, making the total amount on hand at date of sailing $------.

The average daily consumption cost, as above, times the number of days from the date the vessel was ready to sail to, but not including, the date of loss, as above, is $------.

To this amount is added the actual amount of Bar Stock transferred or sold (as per statement attached) $------, making $------, which, subtracted from the amount of Bar Stock on board at the time of sailing, as above, is $------, which sum is claimed to be the actual value of the vessel's unused Bar Stock at the time of the loss according to the best of deponent's knowledge, information and belief.

[7] See footnote on page 2945.

[7] If the figure needed to fill the blank in paragraph (A) or (B) is not available, the formula cannot be used; the Owner must submit actual inventories and a record of purchases on Affidavit Exhibit B.

[8] Strike out paragraph (A) or (B).

[9] If the figure needed to fill the blank in paragraph (A) or (B) is not available, the formula cannot be used; the Owner must submit actual inventories and a record of purchases on Affidavit Exhibit B.

[10] Strike out paragraph (A) or (B).

V. Fuel: [11]

(A) The average daily consumption cost of Fuel for this vessel for the year prior to the voyage on which she was lost was [12] $------.

(B) The figure required for (A) is not readily available, and the average daily cost of Fuel for this vessel for the last calendar year set up on the Owner's books was [12] $------.

The amount of Fuel on board at the time this vessel was ready to sail (the number of days for which the vessel was stored times the average daily consumption cost, as above) was $------.

To this amount is added the actual cost of Fuel purchased in Foreign Ports for homeward voyage (as per statement attached) [8] $------, making the total amount on hand at date of sailing $------.

The average daily consumption cost, as above, times the number of days from the date the vessel was ready to sail to, but not including, the date of loss, as above, is $------.

To this amount is added the actual amount of Fuel transferred or sold (as per statement attached) $------, making $------, which, subtracted from the amount of Fuel on board at the time of sailing, as above, is $------, which sum is claimed to be the actual value of the vessel's unused Fuel at the time of the loss according to the best of deponent's knowledge, information and belief.

Claim is hereby made for:

Unused Consumable Stores, other than—	
Subsistence Stores	$------
Subsistence Stores	------
Slop Chest	------
Bar Stock	------
Fuel	------
Total	$------

By: ----------

Sworn to before me this ------ day of ----------, 19--.

---------- *Notary Public*

EXHIBIT B

AFFIDAVIT IN PROOF OF CLAIM FOR THE LOSS OF UNUSED STORES AND SUPPLIES ON BOARD THE SS ----------

STATE OF }
COUNTY OF } ss:

I am the ---------- of ----------, the Owner of the SS ----------, which was lost as a result of enemy action on or about the ------ day of ----------, -------. I make this affidavit in support of the above-named Owner's claim for the loss of the actual value of the said vessel's unused Stores and Supplies. The statements herein contained are based upon the personal knowledge of deponent or upon the books of records of the Owner or its agent which deponent believes are true and accurate.

"Stores and Supplies", for loss of which claim is being made, are limited to consumable and subsistence stores as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part I, and do not include radio supplies, expendable equipment, scrap, junk and spare parts.

[11] If the figure needed to fill the blank in paragraph (A) or (B) is not available, the formula cannot be used; the Owner must submit actual inventories and a record of purchases on Affidavit Exhibit B.

[12] Strike out paragraph (A) or (B).

I am familiar with the insurance carried on the Stores and Supplies, on the SS ----------; and, from the effective date of War Risk Insurance Binder No. ------ Policy No. ------ issued by the United States of America, which covers the total loss of Stores and Supplies in the amount of $------, to the date of such vessel's loss on ----------, there was no war risk insurance on such Stores and Supplies other than that provided by said Binder or Policy.

The period for which the vessel was stored with Stores and Supplies for use on the voyage on which she was lost, beginning with the last day of storing, was ------ days for Consumable Stores, ------ days for Subsistence Stores, ------ days for Slop Chest, ------ days for Bar Stock and ------ days for Fuel. The number of days from the last day of storing to, but not including, the date on which the vessel was lost, was ------ days for Consumable Stores, ------ days for Subsistence Stores, ------ days for Slop Chest, ------ days for Bar Stock and ------ days for Fuel.

I. Consumable (excluding Subsistence) Stores:

(1) The value of Consumable Stores on board the vessel at the time the vessel was ready to sail, as shown by the attached certified inventory of amounts on board the vessel at the termination of the preceding voyage or date of last inventory on ---------- less actual consumption to date of sailing, amounting to $8------, plus the actual additional purchases made for the voyage on which the vessel was lost, as shown by the attached invoices, amounting to $------, was $------.

(2) The average daily consumption factor of $------ (determined by dividing the amount determined as in (1) by the number of days for which the vessel was stored) times the number of days from the date the vessel was ready to sail to, but not including, the date of loss ( ) is $------.

To this amount is added the actual amount of Consumable Stores transferred or sold (as per statement attached) $------, making $------, which, subtracted from the amount of Consumable Stores on board at the time the vessel was ready to sail, as shown in (1) above, is $------, which sum is claimed to be the actual value of the vessel's unused Consumable Stores at the time of the loss according to the best of deponent's knowledge, information and belief.

II. Subsistence Stores:

(1) The value of Subsistence Stores on board the vessel at the time the vessel was ready to sail, as shown by the attached certified inventory of amounts on board the vessel at the termination of the preceding voyage or date of last inventory on ---------- less actual consumption to date of sailing, amounting to $------, plus the actual additional purchases made for the voyage on which the vessel was lost, as shown by the attached invoices, amounting to $------, was $------.

(2) The average daily consumption factor of $------ (as determined by dividing the amount determined as in (1) by the number of days for which the vessel was stored) times the number of days from the date the vessel was ready to sail to, but not including, the date of loss ( ) is $------.

To this amount is added the actual amount of Subsistence Stores transferred or sold (as per statement attached) $------, making $------, which, subtracted from the amount of Subsistence Stores on board at the time the vessel was ready to sail, as shown in (1) above, is $------, which sum is claimed to be the actual value of the vessel's unused Subsistence Stores at the time of the loss according to the best of deponent's knowledge, information and belief.

(1) The value of Slop Chest Stores on board the vessel at the time the vessel was ready to sail, as shown by the attached certified inventory of amounts on board the vessel at the termination of the preceding voyage or date of last inventory on ---------- less actual consumption to date of sailing, amounting to $------, plus the actual additional purchases made for the voyage on which the vessel was lost, as shown by the attached invoices, amounting to $------, was $------.

(2) The average daily consumption factor of $------ (determined by dividing the amount determined as in (1) by the number of days for which the vessel was stored) times the number of days from the date the vessel was ready to sail to, but not including, the date of loss ( ) is $------.

To this amount is added the actual amount of Slop Chest Stores transferred or sold (as per statement attached) $------, making $------, which, subtracted from the amount of Slop Chest Stores on board at the time the vessel was ready to sail, as shown in (1) above, is $------, which sum is claimed to be the actual value of the vessel's unsold Slop Chest Stores at the time of the loss according to the best of deponent's knowledge, information and belief.

IV. Bar Stock:

(1) The value of Bar Stock on board the vessel at the time the vessel was ready to sail, as shown by the attached certified inventory of amounts on board the vessel at the termination of the preceding voyage or date of last inventory on ---------- less actual consumption to date of sailing, amounting to $------, plus the actual additional purchases made for the voyage on which the vessel was lost, as shown by the attached invoices, amounting to $------, was $------.

(2) The average daily consumption factor of $------ (determined by dividing the amount determined as in (1) by the number of days for which the vessel was stored) times the number of days from the date the vessel was ready to sail to, but not including, the date of loss ( ) is $------.

To this amount is added the actual amount of Bar Stock transferred or sold (as per statement attached) $------, making $------, which, subtracted from the amount of Bar Stock on board at the time the vessel was ready to sail, as shown in (1) above, is $------, which sum is claimed to be the actual value of the vessel's unused Bar Stock at the time of the loss according to the best of deponent's knowledge, information and belief.

V. Fuel:

(1) The value of Fuel on board the vessel at the time the vessel was ready to sail, as shown by the attached certified inventory of amounts on board the vessel at the termination of the preceding voyage or date of last inventory on ---------- less actual consumption to date of sailing, amounting to $------, plus the actual additional purchases made for the voyage on which the vessel was lost, as shown by the attached invoices, amounting to $------, was $------.

(2) The average daily consumption factor of $------ (determined by dividing the amount determined as in (1) by the number of days for which the vessel was stored) times the number of days from the date the vessel was ready to sail to, but not including, the date of loss ( ) is $------.

To this amount is added the actual amount of Fuel transferred or sold (as per statement attached) $------, making $------, which, subtracted from the amount of Fuel on board at the time the vessel was ready to sail, as shown in (1) above, is $------, which sum is claimed to be the actual value of the vessel's unused Fuel at the time of the loss according to the best of deponent's knowledge, information and belief.

Claim is hereby made for:

Unused Consumable Stores, other than—	
Subsistence Stores	$------
Subsistence Stores	------
Slop Chest	------
Bar Stock	------
Fuel	------
Total	$------

By: ----------

Sworn to before me this ------day of ----------, 19--.

---------- *Notary Public*

[F.R. Doc. 64-2021; Filed, Mar. 3, 1964; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Railroad Annual Report Form A

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 26th day of February A.D. 1964.

The matter of annual reports of line-haul and switching and terminal railroad companies of Class I being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.11 of the order of February 8, 1963 in the matter of Railroad Annual Report Form A, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.11, be, and it is hereby, modified and amended to read as follows:

§ 120.11 Form prescribed for Class I railroads.

Commencing with reports for the year ended December 31, 1963, and thereafter, until further order, all line-haul and switching and terminal railroad companies of Class I, as described in § 126.1, viz., of this chapter, all carriers with average annual operating revenues of $3,000,000 or more, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form A, which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year to which it relates.

[1] Filed as part of the original document.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order and of Annual Report Form A shall be served on all line-haul and switching and terminal railroad companies of Class I, subject to the provisions of section 20, Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2073; Filed, Mar. 3, 1964; 8:49 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Annual Reports of Class III Carriers of Property

At a Session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 20th day of November A.D. 1963.

The matter of annual reports of Class III motor carriers of property being under consideration, and the changes to be effectuated by this order being minor revisions and clarification of reporting requirements for such motor carriers, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.3 of the order of June 23, 1960, in the matter of Motor Carrier Annual Report Form C (Class III Carriers of Property), be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below:

It is further ordered, That 49 CFR 205.3 be, and it is hereby, modified and amended to read as follows:

§ 205.3 Annual reports of Class III carriers of property.

Commencing with the year ended December 31, 1963, and for subsequent years thereafter, until further order, all Class III motor carriers of property, as defined in § 182.01-1 of this chapter, viz., carriers having average annual gross operating revenues (including interstate and intrastate) of less than $200,000 from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form C (property), which is attached to and made a part of this section.[1] Such report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before April 30 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That a copy of this order and of Motor Carrier Annual Report Form C (property) shall be

to the end of the migratory waterfowl hunting season. *Area No. 2.* South shore from south end of main dike to

govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and

Proposed Rule Making

And it is further ordered, That a copy of this order and of Motor Carrier Annual Report Form C (property) shall be served on all Class III motor carriers of property subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director of the Federal Register.

By the Commission, Division 2

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2074; Filed, Mar. 3, 1964; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Ninepipe National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date on publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

NINEPIPE NATIONAL WILDLIFE REFUGE

Sport fishing on the Ninepipe National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to fishing. This open area, comprising 2,062 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

Area No. 1. North shore from north end of main dike to the south end of the Allentown bridge, and that portion of the refuge lying east of Highway 93, open all year, *except* closed September 8, 1964, to the end of the migratory waterfowl hunting season. *Area No. 2.* South shore from south end of main dike to south end of the Allentown bridge open from July 15, 1964, through February 28, 1965, except closed from September 8, 1964, to the end of the migratory waterfowl hunting season. *Area No. 3.* The area of the main dike open all year, except closed during the migratory waterfowl hunting season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 20, 1964.

[F.R. Doc. 64-2044; Filed, Mar. 3, 1964; 8:45 a.m.]

PART 33—SPORT FISHING

Pablo National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

PABLO NATIONAL WILDLIFE REFUGE

Sport fishing on the Pablo National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,900 acres, is delineated on maps available at the refuge headquarters, National Bison Range, Moiese, Montana, 59824, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

Open season: The north and east shorelines from the inlet canal to the south end of the main dike are open from July 15, 1964, through February 28, 1965, except during the migratory waterfowl hunting season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 20, 1964.

[F.R. Doc. 64-2046; Filed, Mar. 3, 1964; 8:46 a.m.]

Willow Creek National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

WILLOW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Willow Creek National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,420 acres, is delineated on maps available at the refuge headquarters, Benton Lake National Wildlife Refuge, P.O. Box 2624, Great Falls, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Open season: Entire year, except closed from September 8 through December 31, 1964.

(2) Boats with or without motors may be used during the fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 20, 1964.

[F.R. Doc. 64-2045; Filed, Mar. 3, 1964; 8:46 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket Nos. 14997, 15002]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Proposed Reporting Requirements and Reporting of Indebtedness Data

MARCH 2, 1964.

The Board, by publication in 29 F.R. 1658 and 29 F.R. 1737 and by circulation of notices of proposed rule making (EDR-65 dated January 29, 1964 and EDR-66 dated January 30, 1964) gave notice that it had under consideration amendments to Part 241 of its Economic Regulations. In EDR-65 the Board proposed miscellaneous amendments to simplify, clarify and correct inadequacies in the reporting requirements, and in EDR-66 it proposed to require reporting of data concerning issues of long-term and short-term debt and major lease obligations. By a supplemental notice of rule making dated February 26, 1964 (29 F.R. 2792) in response to the request of several carriers, the time for submitting comments on these proposals was extended from February 28, to March 20, 1964.

Air carriers affected have requested through the Air Transport Association that an informal meeting be held between interested persons and the Board's staff to explore various aspects of the proposed rules changes including a possible alternative method for the Board to obtain the data contemplated without requiring that the same information be submitted in successive years or in a public record. The Board finds that good cause has been shown and that it would be in the public interest to grant the request for an informal meeting.

Accordingly, notice is hereby given that on Tuesday, March 10, 1964 at 10:00 o'clock e.s.t., at the Board's offices, Room 911 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., an informal meeting will be held between the staff of the Board and interested persons to discuss the proposed amendments to Part 241 and possible alternatives thereto. Observations made orally at the meeting may be included in written comments submitted on or before March 20, 1964.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958; 72 Stat. 743 and 766; 49 U.S.C. 1324 and 1377)

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-2164; Filed, Mar. 3, 1964; 8:53 a.m.]

[14 CFR Part 302]

[Procedural Regs. Docket No. 13117]

EVIDENCE IN ROUTE PROCEEDINGS

Proposed Termination of Rule Making Proceeding

FEBRUARY 27, 1964.

On October 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9913) proposing to amend Part 302 of the Procedural Regulations (14 CFR Part 302) to provide that in route proceedings conducted pursuant to section 401 of the Act no evidence shall be received by the Examiner with respect to the specific schedules which an applicant carrier proposes to operate pursuant to the route authorization applied for, except when, in the opinion of the Examiner, the nature of the issues being litigated warrants the reception of such evidence. When so received, it would be limited to zero-time schedules.

Upon consideration of the comments submitted in response to the notice of proposed rule making, the Board finds that the disadvantages which would result should this rule be adopted would outweigh its predicted advantages. The Board has decided, therefore, that the proposed amendment should not be adopted.

Accordingly, the Board hereby terminates the rule making proceeding Docket 13117.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-2087; Filed, Mar. 3, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 73 [New]]

[Airspace Docket No. 64-LAX-2]

TEMPORARY RESTRICTED AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.25 of the Federal Aviation Regulations, the substance of which is stated below.

The Department of the Air Force has requested designation of a temporary restricted area of approximately 14,500 square nautical miles which encompasses a portion of southeast California, southern Nevada and northwest Arizona to contain hazardous activities to be conducted in conjunction with a military exercise known as "Desert Strike." This exercise will involve approximately 100,000 men and 1,000 military aircraft. The location for "Desert Strike" was selected because the terrain features permit a freedom of operation for the opposing forces participating in the exercise. It is anticipated that this freedom of operation will result in large numbers of troops and aircraft being concentrated in various sectors of the area as the exercise progresses. The activities to be conducted which would be hazardous to nonparticipating aircraft include parachute drops of personnel and heavy equipment; heavy concentrations of high speed jet fighter aircraft executing simulated dive bombing and strafing attacks and reconnaissance missions; and, U.S. Army drone aircraft. No live ordnance will be expended.

The restricted area would be designated from 0000 P.s.t. May 17, 1964, to 2359 P.s.t., May 30, 1964. Designated altitudes would be from the surface to and including 14,000 feet MSL except that the ceiling of the restricted area would be 8,000 feet for the airspace within the confines of V-8N and V-16 and the airspace between V-16 and the southern boundary of the area.

Provisions would be made by the Air Force for pilots to contact the exercise director to obtain authorization to conduct flights of critical necessity or emergency in nature within the restricted area.

The Los Angeles ARTC Center would be designated as the controlling agency and the Air Force Strike Command, Langley AFB, Virginia, the using agency.

If this action is taken, temporary restricted area "Desert Strike" would be designated as follows:

Boundaries:

Beginning at latitude 35°34'30" N., longitude 116°23'30" W.; to latitude 35°33'00" N., longitude 114°10'00" W.; to latitude 33°45'00" N., longitude 113°20'00" W.; to latitude 33°30'00" N., longitude 113°33'00" W.; to latitude 33°30'00" N., longitude 114°30'00" W.; to latitude 33°45'00" N., longitude 114°30'00" W.; to latitude 33°45'00" N., longitude 115°00'00" W.; to latitude 33°30'00" N., longitude 115°00'00" W.; to latitude 33°30'00" N., longitude 115°20'00" W.; to latitude 34°00'00" N., longitude 115°20'00" W.; to latitude 34°14'00" N., longitude 115°44'00" W.; to latitude 34°25'00" N., longitude 115°44'00" W.; to latitude 34°25'00" N., longitude 115°47'00" W.; to latitude 34°33'00" N., longitude 115°47'00" W.; to latitude 34°35'30" N., longitude 115°58'00" W.; to latitude 34°41'00" N., longitude 116°03'00" W.; to latitude 34°43'00" N., longitude 116°17'00" W.; to latitude 34°43'00" N., longitude 116°26'30" W.; to latitude 34°40'30" N., longitude 116°29'40" W.; to latitude 35°07'00" N., longitude 116°47'45" W.; to latitude 35°07'00" N., longitude 116°34'00" W.; to latitude 35°18'45" N., longitude 116°18'45" W.; to latitude 35°28'35" N., longitude 116°18'45" W.; to point of beginning.

Designated altitudes. Surface to 14,000 feet MSL, except surface to 8,000 feet MSL for the airspace within the confines of V-8N and V-16 and the airspace between V-16 and the southern boundary of the area.

Time of designation. Continuous from 0000 P.s.t. May 17, 1964, to 2359 P.s.t. May 30, 1964.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center, Palmdale, California.

Using agency. United States Air Force Strike Command, Langley AFB, Virginia.

Since the Air Force has requested that the restricted area be established by May 17, 1964, it is necessary that the Federal Aviation Agency take expeditious action to process this request. To ensure that any action taken will be properly portrayed on appropriate aeronautical charts, a sharp reduction in the normal time period allotted for public comment is required.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 2, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2135; Filed, Mar. 3, 1964; 8:53 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 4024]

Proposed Airworthiness Directives

DAVIS AIRCRAFT PRODUCTS SAFETY BELTS

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Davis Aircraft Products P/N FDC-2700 Series safety belts. Service difficulties have been reported wherein the belts failed to latch properly. It has been determined that binding of the latching mechanism has resulted from the loss of lubricant during belt cleaning processes and also from certain manufacturing and assembly errors. To correct this unsafe condition, this AD requires inspection of the belt assemblies and replacement and relubrication of the components.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 6, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DAVIS AIRCRAFT PRODUCTS. Applies to all aircraft equipped with Davis Aircraft P/N FDC-2700 Series safety belts manufactured prior to September 1, 1963.

Compliance required within 125 hours' time in service after the effective date of this AD.

As the result of the investigation of reports of the failure of Davis Aircraft P/N FDC-2700 Series safety belts to latch properly, it has been determined that binding of the latching mechanism has resulted from the loss of lubricant during belt cleaning processes and also from certain manufacturing and assembly errors.

(a) Inspect each belt assembly as follows:

(1) Determine whether the buckle cover P/N FD-2674 is fully closed. If the buckle cover is fully opened and does not automatically snap back into the completely closed position when released, it may be assumed that the spring is damaged.

(2) Slowly raise the buckle cover taking careful note of any tendency of binding of the latching mechanism components. The buckle cover P/N FD-2674 and release latch P/N FD-2668 must be free to snap into the fully closed position when the buckle cover is opened and released.

(b) If any of the deficiencies specified in (a) are found, disassemble and further inspect the components to determine whether they meet the following requirements:

(1) The tangs or straight ends of the coil spring P/N FD-3007 shall be $\frac{9}{32} \pm \frac{1}{32}$ inch and be straight throughout this length. (A bent tang will result in binding of the latching mechanism.)

(2) The release latch P/N FD-2668, shall be counterbored in one end to receive spring P/N FD-3007. The counterbored depth shall be $\frac{15}{32} \pm \frac{1}{32}$ inch.

(c) Replace any components found to be defective under the inspection required in paragraph (b).

(d) Clean latch components and relubricate hexagonal headed hinge bolt and spring of the latching mechanism as required using Alemite No. 33 lubricant or equivalent.

(e) After reassembly inspect the spring to determine that it is seated in the release latch retaining groove and apply spring tension by rotating the hexagonal headed hinge bolt from the unloaded position through two to three flats of the hexagonal head. Secure the hinge bolt in the hexagonal cutout in the buckle frame.

Issued in Washington, D.C., on February 26, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-2042; Filed, Mar. 3, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ASH FLAT SALE BARN ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original Name of Stockyard, Location, and Date of Posting	*Current Name of Stockyard and Date of Change in Name*
ARKANSAS	
Ash Flat Sale Barn, Ash Flat, Mar. 18, 1960	Ash Flat Livestock Auction Co., Nov. 8, 1963.
COLORADO	
Western Slope Livestock Commission Co., Montrose, Mar. 11, 1957.	Western Slope Livestock Commission Co., Jan. 24, 1964.
IDAHO	
Emmett Livestock Commission Co., Emmett, Dec. 10, 1951.	Emmett Livestock Commission Co., Inc., Jan. 4, 1964.
Jerome Livestock Commission Co., Jerome, Mar. 29, 1950.	Jerome Livestock Commission Co., Inc., July 28, 1963.
IOWA	
Diagonal Livestock Auction, Diagonal, May 16, 1959.	Diagonal Livestock Auction, Inc., Feb. 1, 1964.
MICHIGAN	
Dundee Livestock Co., Dundee, Apr. 22, 1959	Dundee Livestock Sales, Inc., Dec. 18, 1963.
MISSISSIPPI	
Clay County Stockyards, Inc., West Point, Feb. 11, 1959.	West Point Livestock Auction, Inc., Apr. 4, 1963.
NEBRASKA	
Atkinson Stockyards Co., Atkinson, June 19, 1939	Atkinson Livestock Market, Feb. 7, 1964.
Farmers Livestock Auction, South Sioux City, Apr. 30, 1959.	Lockwood Livestock Auction, Jan. 15, 1964.
OKLAHOMA	
Owen Bros. Livestock Auction Co., Idabel, Jan 13, 1955.	Idabel Livestock Commission Co., Inc., Feb. 14, 1964.
Temple Auction Sale, Temple, Apr. 7, 1959	Temple Auction Sales Co., Aug. 27, 1963.

Done at Washington, D.C., this 26th day of February 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-2060; Filed, Mar. 3, 1964; 8:47 a.m.]

Office of the Secretary

NORTH DAKOTA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Dakota and Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

LaMoure. Ransom.

TEXAS

Harris. Montgomery.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named North Dakota counties after December 31, 1964, or in the above-named Texas counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of February 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-2062; Filed, Mar. 3, 1964; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-C]

WELDED STANDARD STEEL PIPE FROM LUXEMBOURG

Fair Value Determination

FEBRUARY 20, 1964.

A complaint was received that welded standard steel pipe from Luxembourg was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that welded standard steel pipe from Luxembourg is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons:

All such pipe imported into the United States from Luxembourg since November of 1962 was produced by one firm. Exclusive of the pipe sold to the United States, the preponderance of this firm's sales were made otherwise than for home consumption in Luxembourg. Therefore, for the purpose of determining whether or not such merchandise was being sold in the United States at less than fair value, this firm's prices to the United States were compared with its prices to third countries.

Sales to the United States are made through agents to unrelated purchasers. Purchase price is represented by the weighted-average f.o.b. Luxembourg price to the United States exclusive of selling commissions.

Comparisons were made on the basis of prices per hundred feet of pipe. Therefore, to the weighted-average f.o.b. Luxembourg mill price to third countries exclusive of selling commissions, the cost of the additional steel required to produce the thicker-walled pipe sold to the United States was added. Based upon published quantity discounts, an allowance was made to reflect the differences due to the relative quantities involved in sales in each market. An allowance was also made for the decreased output experienced by the rolling and galvanizing mills when producing the thinner-walled pipe sold to third countries. Finally, an allowance was made for the cost of technical assistance incurred only on sales to third countries and purchasers' advertising costs which were assumed by the producer to arrive at the net adjusted price to third countries.

The resultant comparison revealed that purchase price was less than the net adjusted price to third countries in some instances. However, subsequent price revisions by the manufacturer eliminated all existing margins so that there were no longer any instances in

which purchase price was less than the net adjusted price to third countries.

As to sales made prior to the price revisions, it was determined that the quantities and margins involved were not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

FEBRUARY 20, 1964.

[F.R. Doc. 64-2090; Filed, Mar. 3, 1964; 8:52 a.m.]

[AA 643.3-C]

WOODEN COAT HANGERS FROM YUGOSLAVIA

Fair Value Determination

FEBRUARY 26, 1964.

A complaint was received that wooden coat hangers from Yugoslavia were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that wooden coat hangers from Yugoslavia are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons:

During 1963, the period under consideration, more than 90 percent of the wooden coat hangers imported into the United States from Yugoslavia were sold by one firm. All of this firm's sales to the United States were made to unrelated purchasers and as to the balance of this firm's sales the preponderance of sales were made in the home market in Yugoslavia in contrast to sales to third countries.

Therefore, for the purpose of determining whether or not this merchandise was being sold at less than fair value the purchase price of such hangers imported into the United States from Yugoslavia was compared with the home market price at which identical hangers were sold in Yugoslavia.

Purchase price was calculated by deducting from the c.i.f. United States East Coast port selling price the amount included for cost of ocean freight, marine insurance, and f.o.b. charges to arrive at a net, packed, ex-mill price.

Inasmuch as the home market selling price represented a net, packed, ex-mill price, no deductions were made therefrom.

During the period under consideration there were no instances in which the purchase price was less than the home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-2091; Filed, Mar. 3, 1964; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. C3-9]

CALIFORNIA

Small Tract Classification: Amdt. 1

FEBRUARY 24, 1964.

1. Effective immediately, paragraph 4 of Federal Register Document 64-1101, appearing on page 1744 of the issue for February 5, 1964, is hereby amended to include the following provision for rights-of-way: "Each lot is subject only to a right-of-way reservation of 30 feet each side of centerline of Humbug Road and any other rights-of-way of record."

2. Effective immediately, paragraph 5 of said document is amended to read as follows:

5. The lands embraced in this classification order are hereby opened to public sale at the appraised prices to be set by the Classification Officer. The two tracts comprised of Lots 32 and 33 and Lots 34 and 35 will be included in the weekly Small Tract Auction scheduled by the Manager, Land Office, Sacramento, California, for offering at public sale under the provisions of the Small Tract Act. Lot 36 is covered by an application from a person having preference under 43 CFR 257.5.

VIRGIL L. BOTTINI,
District Manager, Redding,
District Office, Redding, California.

[F.R. Doc. 64-2047; Filed, Mar. 3, 1964; 8:46 a.m.]

[Classification No. 621]

CALIFORNIA

Small Tract Classification; Partial Revocation

FEBRUARY 24, 1964.

1. Effective immediately, Federal Register Document 60-746, appearing in the issue of January 26, 1960, is hereby revoked as to the following lands:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 12 W., SBM.,
Sec. 10: NW¼NW¼SW¼SW¼.
Containing 2.5 acres.

2. The public lands affected by this order are hereby restored as of 10:00 a.m., on April 1, 1964, to the operation of the public land laws, subject to any valid and existing rights, the provisions of existing withdrawals and the requirements of applicable law, rules, and regulations.

DERREL S. FULWIDER,
Acting District Manager.

[F.R. Doc. 64-2048; Filed, Mar. 3, 1964; 8:46 a.m.]

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 25, 1964.

The Corps of Engineers, Department of the Army on behalf of the Department of the Air Force, filed an amendment to application Montana 044168(SD) for the withdrawal of lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws, subject to valid existing rights and to the provision that the surface thereof may be used by authorized permittees, licensees, and lessees of the Bureau of Land Management.

The applicant desires the land for air force facilities to be used in connection with the Ellsworth Air Force Base. The lands are already occupied by these facilities and this order will clarify status of the lands included.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana, 59101.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of the Air Force.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BLACK HILLS MERIDIAN

T. 9 N., R. 1 E.,
Sec. 12, S½N½SW¼SW¼, NW¼SW¼SW¼SW¼.

T. 12 N., R. 2 E.,
Sec. 4, SE¼NW¼NE¼, N½SW¼NW¼NE¼, E½E½SW¼NE¼, SW¼SE¼SW¼NE¼, N½SE¼NE¼NW¼, E½SW¼NE¼NW¼, SE¼NE¼SE¼NW¼, NE¼SE¼SE¼NW¼, N½NW¼SE¼NW¼, SW¼NW¼SE¼NW¼, SW¼SE¼NW¼, S½N½NE¼NE¼SW¼, S½NE¼NE¼SW¼, N½NE¼NW¼SE¼, E½N½NW¼NW¼SE¼, S½NW¼NW¼SE¼;
Sec. 33, SE¼NE¼NE¼, NW¼NE¼SE¼NE¼, E½W½SE¼NE¼, NW¼NE¼NE¼SE¼, S½NE¼NE¼SE¼, NW¼NW¼NE¼SE¼.
T. 8 N., R. 3 E.,
Sec. 1, SW¼NE¼NE¼NE¼, S½NW¼NE¼NE¼, S½NE¼NE¼, SE¼NE¼NW¼NE¼, SE¼SW¼NW¼NE¼, SE¼NW¼NE¼.
T. 11 N., R. 3 E.,
Sec. 19, S½NE¼NE¼NE¼, N½NW¼NE¼NE¼, SE¼NW¼NE¼NE¼;
Sec. 20, NW¼NE¼NW¼NW¼.
T. 12 N., R. 3 E.,
Sec. 29, NW¼NW¼SE¼NE¼.
T. 8 N., R. 4 E.,
Sec. 6, SW¼SW¼NW¼NW¼.
T. 10 N., R. 6 E.,
Sec. 5, N½NW¼NE¼SW¼SW¼, SE¼NE¼SW¼SW¼, N½N½NW¼SW¼SW¼, N½S½SW¼SW¼.
T. 10 N., R. 8 E.,
Sec. 18, NE¼NW¼, N½NW¼NW¼, SW¼NW¼NW¼, N½SW¼NW¼, N½S½SW¼NW¼, W½NE¼SE¼NW¼, NW¼SE¼NW¼, N½SW¼SE¼NW¼.

The areas described aggregate approximately 316.25 acres.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 64-2049; Filed, Mar. 3, 1964; 8:47 a.m.]

National Park Service

[Order No. 1, Amdt. 2]

REGIONAL CHIEF, DIVISION OF MANAGEMENT ANALYSIS AND SERVICES AND REGIONAL PROCUREMENT OFFICER

Amendment of Delegation of Authority With Respect to Timber Sales and Purchases of Lands and Water Rights

Section 1(n) of Order No. 1, issued January 14, 1963 (28 F.R. 1811), is amended to read as follows:

(n) Sales of timber pursuant to section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1952 ed., sec. 3).

A new section 1(o) is hereby added to Order No. 1, issued January 14, 1963 (28 F.R. 1811) as follows:

(o) Acceptance of donations of lands and water rights, exchanges of lands and water rights, and purchase of lands and water rights.

Section 4 of Order No. 1, issued January 14, 1963 (28 F.R. 1811), is amended to read as follows:

SEC. 4. *Regional Chief, Division of Management Analysis and Services and Regional Procurement Officer.* The Regional Chief, Division of Management Analysis and Services, and the Regional Procurement Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment and services. This authority may be exercised by these officers in behalf of any office or area for which the National Capital Regional Office serves as the field finance office, except the National Capital Office, Design and Construction.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2)

Date: January 13, 1964.

T. SUTTON JETT,
Regional Director,
National Capital Region.

[F.R. Doc. 64-2050; Filed, Mar. 3, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Approval of Applications, December 1963

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33; 28 F.R. 6377), notice is given of the following new drugs for which applications have been approved during the month of December 1963:

DRUGS FOR HUMAN USE

Established name (if any) or active ingredients	Trade name	Class of compound	Applicant	Date approved	How dispensed [1]
Meprobamate		Tranquilizer	Wyulit Pharmaceuticals, Inc., 91 Main St., Madison, N.J.	Dec. 5, 1963; Dec. 9, 1963	R_x.
Anticoagulant acid citrate dextrose solution in plastic containers.	Hematainer Blood Bank Unit.	Anticoagulant	Courtland Labs., Los Angeles, Calif.	Dec. 9, 1963	R_x.
Nonylphenoxypolyethoxyethanol	Delfen Vaginal Foam	Contraceptive	Ortho Pharmaceutical Corp., Highway 202, Raritan, N.J.	Dec. 10, 1963	OTC.
Chloroquine phosphate, primaquine phosphate.		Antimalarial	Winthrop Labs., 1450 Broadway, New York, N.Y.	Dec. 18, 1963	R_x.

DRUGS FOR VETERINARY USE

Carboxylic acid resin adsorbate of neomycin.	Neomycin Polycarboxylate	Antibiotic	S. B. Penick & Co., 100 Church St., New York, N.Y.	May 27, 1963 (inadvertently omitted from Aug. 6, 1963, listing).	OTC.
Elemental iron complex-sodium alginate.	New Pharmatinic 50, New Pharmatinic 100.	Hematinic	Pharmachem Corp., Bethlehem, Pa.	Dec. 6, 1963	OTC.

[1] The abbreviation "R_x" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.

Dated: February 26, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2085; Filed, Mar. 3, 1964; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Amendment to Notice of Hearing

The Notice of Hearing in the captioned matter dated February 28, 1964, published in the FEDERAL REGISTER on February 29, 1964, is hereby amended to designate Samuel W. Jensch, Chief Hearing Examiner, Atomic Energy Commission, as Chairman of the Atomic Safety and Licensing Board in place of Arthur W. Murphy, Esq.

Dated at Washington, D.C., this 2d day of March 1964.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[F.R. Doc. 64-2154; Filed, Mar. 3, 1964; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14850; Order No. E-20522]

SUBSTITUTE SERVICE FOR SHORT NOTICE MILITARY CONTRACTS

Order Amending Interim Certificates and Interim Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of February 1964.

The Board, by Order E-20150, adopted November 4, 1963, directed all interested

persons to show cause, within 15 days

This order shall be published in the

Interested parties may inspect this

persons to show cause, within 15 days from the service of such order, why the Board should not make final the tentative findings and conclusions stated therein and amend the interim certificates and interim authority of certain specified supplemental air carriers in the manner outlined in the form attached thereto.

No objections to the Board's order to show cause have been received.[1] Therefore, the Board shall make final the tentative findings and conclusions contained in Order E–20150, and amend the interim certificates and interim authority of the several supplemental carriers noted in such order in the manner outlined below.[2]

It is ordered, That: The interim certificates for supplemental air service of AAXICO Airlines, Inc.; American Flyers Airline Corp.; Capitol Airways, Inc.; Johnson Flying Service, Inc.; Modern Air Transport, Inc.; Overseas National Airways, Inc.; Saturn Airways, Inc.; Southern Air Transport, Inc.; Trans International Airlines, Inc.; United States Overseas Airlines, Inc.; World Airways, Inc. and Zantop Air Transport, Inc., and the interim authority for supplemental air service held by Purdue Aeronautics Corporation, be and hereby are amended so as to authorize the holders, subject to the provisions hereinafter set forth, Public Law 87–528 and Title IV of the Federal Aviation Act of 1958, and the orders, rules and regulations issued thereunder, to provide "substitute service." "Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transpotation between the 48 contiguous states, on the one hand, and the state of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligation to perform such air transportation for MATS and when the performance of such air transportation is not to take place during a period longer than three weeks.

The exercise of the authority to engage in substitute service shall be subject to the provisions of Part 288 of the Board's economic regulations and to the terms and conditions in the respective interim certificates and interim authority of each carrier.

[1] The Board's order to show cause stated that if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for issuance of a final order.

[2] The Board, in Order E–20150, tentatively concluded that the interim certificate held by Standard Airways, Inc., should be amended. However, the Board subsequently suspended Standard's interim certificate, Order E–20468, adopted February 12, 1964 (Docket 13890). The Board does not believe that it would be appropriate to take any action respecting Standard's interim certificate pending final resolution of the matters raised in Docket 13890. Therefore, we shall not amend Standard's interim certificate at this time.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–2088; Filed, Mar. 3, 1964; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9314, between American Mail Line, Ltd., and American President Lines, Ltd., provides for a through billing arrangement for commercial cargo transported in the trade from Indonesian ports to ports in Oregon, Washington and Western Canada with transhipment at Manila, Hong Kong, Yokohama or Kobe in accordance with the terms and conditions as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 28, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–2065; Filed, Mar. 3, 1964; 8:48 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND NORWEGIAN ASIA LINE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9316, between American President Lines, Ltd., and Norwegian Asia Line provides for a through billing arrangement restricted to the transportation of Frozen Prawns in the trade from Sandakan, Sabah, Malaysia to Honolulu, Hawaii, with transhipment at Hong Kong in accordance with the terms and conditions as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 28, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–2066; Filed, Mar. 3, 1964; 8:48 a.m.]

COMPAGNIE GENERALE TRANSATLANTIQUE (FRENCH LINE), AND WESTFAL-LARSEN & CO. A/S (INTEROCEAN LINE)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9312 between Compagnie Generale Transatlantique (French Line) and Westfal-Larsen & Co. A/S (Interocean Line), covers an arrangement relating to the trade from United States and Canadian ports on the Pacific Coast of North America and Ensenada, Mexico, to ports of the United Kingdom, Eire, Scandinavia, Continental Europe and Africa, whereby the parties will maintain synchronized sailings, subject, however, to such variations and alterations as may be agreed upon by the parties and as are necessitated by cargo requirements or inducements, or by force majeure, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 28, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–2067; Filed, Mar. 3, 1964; 8:48 a.m.]

FARRELL LINES INCORPORATED AND BLACK STAR LINE, LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9318 between Farrell Lines Incorporated and Black Star Line, Ltd., provides for a through billing arrangement for cargo transported in the trade between Harbel and Cape Palmas, Liberia, on the one hand, and United States Great Lakes ports, on the other hand, with transhipment at Monrovia, Liberia in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 28, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–2068; Filed, Mar. 3, 1964; 8:48 a.m.]

FARRELL LINES INCORPORATED AND ZIM ISRAEL NAVIGATION CO., LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9317 between Farrell Lines Incorporated and Zim Israel Navigation Co., Ltd., provides for a through billing arrangement for cargo transported in the trade between Harbel and Cape Palmas, Liberia, on the one hand, and United States Great Lakes ports, on the other hand, with transhipment at Monrovia, Liberia in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 28, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–2069; Filed, Mar. 3, 1964; 8:48 a.m.]

MOORE-McCORMACK LINES AND MATSON NAVIGATION COMPANY

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9319, between Moore-McCormack Lines and Matson Navigation Company, provides for the appointment by Moore-McCormack Lines of Matson Navigation Company as its general passenger agent in Honolulu, Hawaii, which appointment Matson Navigation Company accepts with respect to the vessels designated and operated by Moore-McCormack Lines in its various services. The agreement also provides the rates of compensation to be paid by Moore-McCormack Lines to Matson Navigation Company for the performance of the services described in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification together with a request for hearing, should such hearing be desired.

Dated: February 28, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–2070; Filed, Mar. 3, 1964; 8:48 a.m.]

MOORE-McCORMACK LINES AND THE OCEANIC STEAMSHIP COMPANY

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9320, between Moore-McCormack Lines and The Oceanic Steamship Company, provides for the appointment by Moore-McCormack Lines of The Oceanic Steamship Company as its general passenger agent in Sydney and Melbourne, Australia and in Auckland, New Zealand, which appointment The Oceanic Steamship Company accepts with respect to the vessels designated and operated by Moore-McCormack Lines in its various services. The agreement also provides the rates of compensation to be paid by Moore-McCormack Lines to The Oceanic Steamship Company for the performance of the services described in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification together with a request for hearing, should such hearing be desired.

Dated: February 28, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–2071; Filed, Mar. 3, 1964; 8:48 a.m.]

UNITED FRUIT COMPANY AND FLOTA MERCANTE GRANCOLOMBIANA

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9313, between United Fruit Company and Flota Mercante Grancolombiana, covers a through billing arrangement on cargo from Bocas del Toro (Almirante), Republic of Panama; Port Limon, Costa Rica; and Pacific Ports of Central America, to U.S. Atlantic and Gulf ports, with transhipment at Cristobal, Canal Zone.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to ap-

proval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 28, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2072; Filed, Mar. 3, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP64-19]

TRUNKLINE GAS CO.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 28, 1964.

Take notice that on February 26, 1964, Trunkline Gas Company tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, subject to the provisions of section 4 of the Natural Gas Act, to become effective on April 1, 1964. The proposed changes reflect decreased rates and charges in all of its Schedules; i.e., P-1, R-1, G-1, SG-1, P-2, R-2, and SG-2. In addition, the proposed changes also include a new Rate Schedule G-2 which is available to any natural gas distributor at delivery points on Trunkline's transmission line between Tuscola, Illinois, and the northern terminus of the line on the Indiana-Michigan border. The rates contained in Rate Schedule G-2 are the same as those for Rate Schedule P-2.

The annual decrease in rate level is approximately $8.6 million, based upon sales for the 12 months' period ending September 30, 1963, and includes the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent.

The proposed tariff revisions are accompanied by Trunkline's agreement to further reduce its rates and charges in order to reflect the Commission's decision with respect to the use of liberalized depreciation in computing Federal income tax allowances as set forth in Opinion No. 417, Alabama-Tennessee Natural Gas Company, 31 FPC , issued February 3, 1964. Such further reductions are subject to certain terms and contingencies specified in the agreement.

Copies of the proposed rate changes have been served by Trunkline upon all customers and State commissions. Comments may be filed with the Commission on or before March 16, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2106; Filed, Mar. 3, 1964; 8:52 a.m.]

[Docket Nos. RI64-541, etc.]

PUBCO PETROLEUM CORP. ET AL.

Order Accepting Rate Filing, Permitting Substitution of Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 26, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-541...	Pubco Petroleum Corp., P.O. Box 1419, Albuquerque, N. Mex., Attn: Mr. Frank D. Gorham, Jr.	7	7	El Paso Natural Gas Co. (South Blanco Pictured Cliffs Field and Blanco Mesa Verde Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	(Decrease $ (4)) [2]	1-27-64	[3] 2-27-64	[10] 6-26-64	[4] [5] 13.2295	[4] [5] [7] 14.2486	RI64-91.
RI64-544...	do	13	13	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	(Decrease $ (15)) [2]	1-27-64	[3] 2-27-64	[10] 6-26-64	[4] [5] 13.2295	[4] [5] [8] 14.2486	RI64-92.
RI64-629...	Sohio Petroleum Co. (Operator), et al., 970 First National Annex, Oklahoma City, Okla., Attn: Gas-Gasoline Division).	63	4	Northern Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin Area).	$4,440	1-27-64	[11] 3-15-64	8-15-64	[4] [9] 10.7008	[4] [5] [9] 11.7199	
RI64-630...	Northeast Blanco Development Corp. (Operator), et al., 2020 First National Building, Oklahoma City 2, Okla., Attn: Mr. Oliver W. Cates.	1	6	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba County, N. Mex.) (San Juan Basin Area).	32,464	1-27-64	[3] 2-27-64	7-27-64	[4] 13.0	[4] [5] [7] 14.2486	
RI64-631...	Texas Gulf Producing Co., P.O. Box 61289, Houston, Tex., Attn: E. E. Parks.	13	3	Northern Natural Gas Co. (Monument Field, Lea County, N. Mex.) (Permian Basin Area).	45	1-30-64	[3] 3-1-64	8-1-64	10.50	[4] [12] 11.7212	

[2] Adjustment to annual amount previously reported.
[3] The stated effective date is the first day after expiration of the required statutory notice.
[4] Periodic rate increase.
[5] Pressure base is 15.025 psia.
[6] Includes partial reimbursement for full 2.55 percent New Mexico School Tax.
[7] For gas produced from Mesa Verde formation.
[8] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[9] Previously reported as 14.2501 cents per Mcf (suspended in Docket No. RI64-541 until June 26, 1964).
[10] Previously reported as 14.2501 cents per Mcf (suspended in Docket No. RI64-544 until June 26, 1964).
[11] The stated effective date is the effective date requested by Respondent.
[12] Pressure base is 14.65 psia.
[13] Subject to deduction of 0.4875 cent per Mcf for gas delivered below 600 psig.
[14] The end of the suspension period previously ordered in said docket.

Pubco Petroleum Corporation, Pubco Petroleum Corporation (Operator), et al. (both referred to herein as Pubco), and Northeast Blanco Development Corporation (Operator), et al. (Northeast) request an effective date of January 1, 1964, for their proposed rate filings. Texas Gulf Producing Company requests an effective date of February 1, 1964, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The proposed rate filings of Pubco and Northeast reflect partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso) has protested the rate increases filed by Pubco and Northeast. El Paso questions the right of these producers under their tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of .55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, they claim there is controversy as to whether or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circumstances, we shall provide that the hearings provided for herein for Pubco and Northeast shall concern themselves with the contractual basis for the producers' rate filings which El Paso has protested.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Pubco's rate filings were tendered to correct the tax reimbursement portion of previous filings which have been suspended. Pubco's filing, designated as Supplement No. 6 to Pubco's FPC Gas Rate Schedule No. 7, reflects an increase in rate from 11.2104 cents to 12.2295 cents per Mcf, at 15.025 psia, for gas sold to El Paso from the South Blanco Pictured Cliffs Field and Blanco Mesa Verde Field, Rio Arriba County, New Mexico. With respect to such supplement, we believe it should be accepted for filing and made subject to the suspension proceeding in Docket No. RI64-537, to be effective as of January 27, 1964, the date the suspended rate in said docket went into effect subject to refund.

Pubco's proposed rate filings, designated as Supplements Nos. 7 and 13 to Pubco's FPC Gas Rate Schedules Nos. 7 and 13 (Operator), et al., respectively, should be permitted to supersede the previous rates in Docket Nos. RI64-541 and RI64-544, and be suspended in the respective dockets until June 26, 1964, the expiration date of the suspension period for the previous filings.

Supplements Nos. 7 and 13 to Pubco's FPC Gas Rate Schedules Nos. 7 and 13 (Operator), et al., respectively, and the rate filing of Northeast provide for tax reimbursement computed on the contract base rate of 12.0 cents per Mcf exclusive of 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate of 12.0 cents per Mcf plus tax reimbursement results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

The proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Chapter I, Part 2, 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the 12.2295 cents per Mcf rate, contained in Supplement No. 6 to Pubco's FPC Gas Rate Schedule No. 7, should be accepted for filing and made subject to the rate suspension proceeding in Docket No. RI64-537 and permitted to become effective as of January 27, 1964.

(2) Good cause exists that Supplements Nos. 7 and 13 to Pubco's FPC Gas Rate Schedules Nos. 7 and 13 (Operator), et al., respectively, should be permitted to be substituted for the periodic rate increases in Docket Nos. RI64-541 and RI64-544, respectively, and should be suspended until June 26, 1964, the expiration date of the suspension period in said dockets.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis of the proposed rate filings which El Paso has protested, as set forth above, and the statutory lawfulness of all of the producers' proposed changes, and that the above-designated supplements to be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 6 to Pubco's FPC Gas Rate Schedule No. 7 is hereby accepted for filing subject to the suspension proceeding in Docket No. RI64-537 and is effective as of January 27, 1964.

(B) Supplements Nos. 7 and 13 to Pubco Petroleum Corporation and Pubco Petroleum Corporation (Operator), et al. FPC Gas Rate Schedules Nos. 7 and 13, respectively, are hereby substituted for the previous rates in Docket Nos. RI64-541 and RI64-544 and are suspended until June 26, 1964, as hereinafter ordered.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filing which El Paso has protested, as set forth above, and the statutory lawfulness of all of the producers' proposed rate changes contained in the above-designated rate supplements.

(D) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(E) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 14, 1964.

By the Commission. Commissioner Woodward not participating in the suspension of the filings in Docket No. RP64-541, Pubco Petroleum Corporation, Docket No. RP64-544, Pubco Petroleum Corporation (Operator), et al., and Docket No. RI64-630, Northeast Blanco Development Corporation (Operator), et al.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2053; Filed, Mar. 3, 1964; 8:47 a.m.]

[Docket Nos. G-20556 and RI60-458]

DELANEY OIL CO. ET AL.

Order Accepting Offer of Settlement, Requiring Filing of Notice of Change and Contract Amendment, and Terminating Proceedings

FEBRUARY 25, 1964.

On January 6, 1964, Delaney Oil Company (Operator), et al. (Delaney) submitted an offer of settlement in these proceedings pursuant to § 1.18(e) of the Commission's rules of practice and procedure. The offer involves proposed increased rates for sales of natural gas made to Tennessee Gas Transmission Company (TGT) by Delaney. The offer relates to a sale made under Delaney's FPC Gas Rate Schedule No. 1 in Duval County, Texas (Texas R.R. Com. District No. 4). Each of the proposed increased rates were suspended by order of the Commission for the statutory period, and were made effective by Delaney on July 6 and December 7, 1960.

Under the terms of the offer, Delaney proposes to eliminate the favored-nation, price redetermination and the periodic escalation provisions from its rate schedule and to establish a 15-cent per Mcf rate for the subject sale. Delaney's annual revenues will be decreased about $1,975 from the presently effective rates. No protests or objections have been filed to the offer.

Delaney, in its offer, proposes to refund all amounts collected, subject to refund, for sales of natural gas to TGT under the subject rate schedule in excess of the settlement rate.[1] The estimated total dollars to be refunded approximates $5,800, exclusive of interest.

The proposed settlement is consistent with the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61-1, issued December 20, 1960, 24 FPC 1107, as amended by Order 264, issued March 27, 1963, 29 FPC 589, and its acceptance would serve the public interest.

However, we desire to make it clear that acceptance of Delaney's offer of settlement shall not be construed as approval of any future increased rate filed in accordance with its reservation of the right to file increases to cover future tax increases. Nor, may our action herein be construed as constituting approval of any future rate increase that may be filed under the subject rate schedule, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Delaney's rate and rate schedule.

The Commission finds: The proposed settlement of each of the above-designated proceedings, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Delaney on January 6, 1964, is in the public interest and appropriate

[1] Delaney's FPC Gas Rate Schedule No. 1 is subject to a dehydration charge by TGT, for which allowance must be made in computing the refund.

to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by Delaney January 6, 1964, is hereby approved in accordance with the provisions of this order.

(B) Delaney shall file, within 30 days from the date of issuance of this order, a notice of change in rate providing for the 15-cent per Mcf rate specified in its offer of settlement, and an executed contractual amendment to its FPC Gas Rate Schedule No. 1, eliminating the favored-nation, price redetermination, and the periodic escalation provisions therefrom. The notice of change and the contractual amendment shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Delaney shall refund to TGT to the date of issuance of this order the difference between the rates collected subject to refund under the rate schedule herein and the settlement rate, making account for proper charges, with simple interest at 7 percent, and shall report to the Commission, in writing, within 30 days from the date of issuance of this order, the amount of such refund, showing separately the amount of principal and interest, and the bases for determination, together with a copy of a release from TGT with respect to such refunds.

(D) Upon notification by the Secretary of the Commission that Delaney has complied with the terms and conditions of the order, the rate and charge of 15 cents per Mcf at 14.65 psia, specified in its offer of settlement, subject to any applicable contract deductions, shall be effective as of the date of issuance of this order, the above designated proceedings shall be deemed terminated, and severed from the consolidated area rate proceeding (Texas Gulf Coast Area) in Docket No. AR64–2 without further order of the Commission.

(E) The acceptance by the Commission of Delaney's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Delaney, including area rate or other similar proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–2051; Filed, Mar. 3, 1964; 8:47 a.m.]

[Docket No. CP64–71 (Phase II) *]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 27, 1964.

Take notice that on September 23, 1963, as amended and supplemented on October 18, 1963, and February 20, 1964, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois, 60603, filed in Docket No. CP64–71 (phase II) an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, acquisition and operation of certain facilities in order to enable Applicant to purchase and receive from Humble Oil & Refining Company (Humble) and Pan American Petroleum Corporation (Pan American)[1] natural gas produced from the Sal del Ray, La Coma, Cerda and Willamar Fields in Hidalgo and Willacy Counties, Texas, all as more fully set forth in the application, as amended and supplemented, on file with the Commission and open to public inspection.

Specifically, Applicant proposes the following in phase II:

1. To construct and operate 18.9 miles of 16-inch pipeline in Kenedy and Brooks Counties, Texas;

2. To construct and operate 31.5 miles of 12-inch pipeline in Willacy and Kenedy Counties, Texas;

3. To acquire from Humble and operate 14.19 miles of 10-inch pipeline in Hidalgo and Kenedy Counties, Texas, and,

4. To construct and operate metering and miscellaneous appurtenant facilities.

The application indicates the total estimated cost of Applicant's Phase II proposals to be approximately $2,139,000. Of this amount, approximately $269,000 is applicable to the acquisition cost of the Humble facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–2052; Filed, Mar. 3, 1964; 8:47 a.m.]

[Docket No. RI64–625 etc.]

JOHN TRENCHARD ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 26, 1964.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* that the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 8, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–625	John Trenchard, 1520 Floribunda Ave., Burlingame, Calif.	1	10	Montana-Dakota Utilities Co. (Worland Field, Washakie and Big Horn Counties, Wyo.).	$3,772	1–27–64	[2] 2–27–64	[3] 2–28–64	[4] [5] 10.5	[6] 13.0	
RI64–626	J. B. Whisenant, 1468 West 14th St., Long Beach 13, Calif.	1	7	----do----	4,526	2– 4–64	[3] 3– 5–64	[3] 3– 7–64	[4] [5] 10.5	[6] 13.0	
RI64–627	Skelly Oil Co., P.O. Box 1650, Tulsa 2, Okla., Attn: Mr. Richard J. Dent.	90	10	El Paso Natural Gas Co. (Jicarilla "O" Lease, South Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	(Decrease $ (668))	1–27–64	[2] 2–27–64	[3] 2–28–64	[11] [12] 14.0536	[7] [10] 12.0495	RI64–495.
RI64–628	Big Marsh Oil Co., P.O. Box 1273, Charleston, W. Va.	1	4	United Fuel Gas Co.[13] (Big Marsh Field, Raleigh County W. Va.).	$21,168	1–31–64	[3] 2–64	[3] 3– 3–64	19.0	[9] [14] 21.0	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to one day.
[3] Subject to upward adjustment of 0.25 cent per Mcf for each treatment if buyer is not required to sweeten and/or remove moisture.
[4] Includes 0.5 cent per Mcf upward adjustment for delivery pressure (800 psig).
[5] Favored-nation rate increase.
[6] Pressure base is 15.025 psia.
[7] The stated effective date is the first day after expiration of the required statutory notice.
[8] Renegotiated rate increase.
[9] For gas produced from Canera Formation (below Pictured Cliffs Formation) in wells 12, 13 and 15 only.
[10] For gas produced from below Pictured Cliffs Formation.
[11] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[12] Buyer and seller are affiliated with the Columbia Gas System, Inc.
[13] Pressure base is 15.325 psia.

Big Marsh Oil Company (Big Marsh) requests an effective date of March 1, 1964, for its proposed renegotiated rate increase. John Trenchard (Trenchard) and J. B. Whisenant (Whisenant) request an effective date of January 27, 1964 and February 4, 1964, respectively, for their proposed favored-nation rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

Skelly Oil Company (Skelly) has submitted a letter agreement which provides for a 1.0-cent per Mcf reduction in price and deletion of the contractually provided for 1.0-cent per Mcf minimum guarantee for liquids as consideration for a reduction in line pressure from 500 psig to 250 psig. Skelly's proposed decreased rate is for low pressure gas, and even though below the area ceiling price, is suspended because the reduction in pressure will later result in a compression cost to buyer. Such cost will cause the proposed rate to exceed the applicable area ceiling for pipeline quality gas. Under the circumstances, we believe that Skelly's proposed decrease in rate should be suspended for one day from February 27, 1964, the requested effective date.

Although Big Marsh's proposed rate increase is below the increased rate ceiling for West Virginia as set forth in the Commission's Statement of General Policy No. 61–1, as amended, it should be suspended for one day because of an affiliation between the buyer and seller.

Trenchard and Whisenant's proposed increased rates from 10.5 cents to 13.0 cents per Mcf does not exceed the applicable area price level as set forth in the Commission's Statement of General Policy No. 61–1, as amended. The proposed rates, being lower than the contractually authorized rates, are considered to be "fractured" rates. The 15.384-cent rates provided in the contracts, however, exceed the applicable area price level. Had Trenchard and Whisenant's instant filings been accompanied by a waiver of the right to file for a 15.384-cent per Mcf rate or a contractual amendment substituting the 13.0-cent per Mcf rate in place of the 15.384-cent rate, we would not suspend the aforementioned producers' rate filings. But, in the absence of such assurance, we conclude that Trenchard and Whisenant's filings should be suspended for one day, as hereinafter ordered.

[F.R. Doc. 64–2055; Filed, Mar. 3, 1964; 8:47 a.m.]

[Docket No. RI61–29]

H. R. SMITH ET AL.

Order Accepting Offer of Settlement, Requiring Filing of Notice of Change and Contract Amendment, and Terminating Proceedings

FEBRUARY 25, 1964.

On January 6, 1964, H. R. Smith (Operator), et al., (Smith) submitted an offer of settlement in these proceedings pursuant to § 1.18(e) of the Commission's rules of practice and procedure. The offer involves a proposed increased rate for a sale of natural gas made to Tennessee Gas Transmission Company (TGT) by Smith. The offer relates to a sale made under Smith's FPC Gas Rate Schedule No. 8 in Nueces County, Texas (Texas R.R. Com. District No. 4). The proposed increased rate was suspended by order of the Commission for the statutory period, and was made effective by Smith on January 7, 1961.

Under the terms of the offer, Smith proposes to eliminate the favored-nation, and the periodic escalation provisions from its rate schedule and to establish a 15-cent per Mcf rate for the subject sale. Smith's annual revenues will be decreased about $920 from the presently effective rates. No protests or objections have been filed to the offer.

Smith, in its offer, proposes to refund all amounts collected subject to refund, for sales of natural gas to TGT under the subject rate schedule in excess of the settlement rate.[1] The estimated total dollars to be refunded approximates $2,740 exclusive of interest.

The proposed settlement is consistent with the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61–1, issued December 20, 1960, 24 FPC 1107, as amended by Order No. 264, issued March 27, 1963, 29 FPC 589, and its acceptance would serve the public interest.

However, we desire to make it clear that acceptance of Smith's offer of settlement shall not be construed as approval of any future increased rate filed in accordance with its reservation of the right to file increases to cover future tax increases. Nor, may our action herein be construed as constituting approval of any future rate increase that may be filed under the subject rate schedule, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Smith's rate and rate schedule.

The Commission finds: The proposed settlement of each of the above-designated proceedings, on the basis described

[1] Smith's FPC Gas Rate Schedule No. 8 is subject to a dehydration charge by TGT, for which allowance must be made in computing the refund.

* The application in this docket is divided into two phases. This notice pertains exclusively to phase II of said application. By Commission order issued December 24, 1963, in phase I hereof Applicant was authorized to construct and operate certain facilities in order to receive gas produced by Texaco, Inc., from the Kelsey and Encinitas Fields, Brooks County, Texas.

[1] Humble's and Pan American's applications were filed and noticed in Docket Nos. CI64–297 and CI64–299 (Humble) and in Docket No. CI64–377 (Pan American).

[1] Does not consolidate for hearing or dispose of the several matters herein.

herein, as more fully set forth in the offer of settlement filed with the Commission by Smith on January 6, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by Smith on January 6, 1964, is hereby approved in accordance with the provisions of this order.

(B) Smith shall file, within 30 days from the date of issuance of this order, a notice of change in rate providing for the 15-cent per Mcf rate specified in its offer of settlement, and an executed contractual amendment to its FPC Gas Rate Schedule No. 8, eliminating the favored-nation and the periodic escalation provisions therefrom. The notice of change and the contractual amendment shall be submitted in accordance with Part 154 of the Commission's Regulations under the Natural Gas Act.

(C) Smith shall refund to TGT to the date of issuance of this order the difference between the rates collected subject to refund under the rate schedule herein and the settlement rate, making account for proper charges, with simple interest at 7 percent, and shall report to the Commission, in writing, within 30 days from the date of issuance of this order, the amount of such refund, showing separately the amount of principal and interest, and the bases for determination, together with a copy of a release from TGT with respect to such refunds.

(D) Upon notification by the Secretary of the Commission that Smith has complied with the terms and conditions of the order, the rate and charge of 15 cents per Mcf at 14.65 psia, specified in its offer of settlement, subject to any applicable contract deductions, shall be effective as of the date of issuance of this order, the above designated proceeding shall be deemed terminated, and severed from the consolidated area rate proceeding (Texas Gulf Coast Area) in Docket No. AR64–2 without further order of the Commission.

(E) The acceptance by the Commission of Smith's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Smith, including area rate or other similar proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–2054; Filed, Mar. 3, 1964; 8:47 a.m.]

[Docket No. RP64–21]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 28, 1964.

Take notice that on February 27, 1964, Algonquin Gas Transmission Company tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1 and Original Volume No. 2, subject to the provisions of section 4 of the Natural Gas Act, to become effective on March 1, 1964. The proposed changes reflect decreased rates and charges in all of its rate schedules; i.e., in Original Volume No. 1, Rate Schedules F–1, ERS–1, I–1, and E–1, and in Original Volume No. 2, Rate Schedules X–1, and X–5.

The annual decrease in rate level is approximately $538,000, based upon sales during the 12 months' period ending December 31, 1962, and includes the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent.

The proposed tariff revisions are accompanied by Algonquin's agreement to further reduce its rates and charges in order to reflect the Commission's decision with respect to the use of liberalized depreciation in computing Federal income tax allowances, as set forth in Opinion No. 417, Alabama-Tennessee Natural Gas Company, 31 FPC , issued February 3, 1964. Such further reductions are subject to certain terms and contingencies specified in the agreement.

Copies of the proposed rate changes have been served by Algonquin upon all customers and State commissions. Comments may be filed with the Commission on or before March 16, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–2103; Filed, Mar. 3, 1964; 8:52 a.m.]

[Docket No. RP64–18]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 28, 1964.

Take notice that on February 26, 1964, Panhandle Eastern Pipe Line Company tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, subject to the provisions of section 4 of the Natural Gas Act, to become effective on April 1, 1964. The proposed changes reflect decreased rates and charges in all of its rate schedules; i.e., G–1, G–2, G–3, SG–1, SG–2, SG–3, LS–1, S–1, SS–1, GS–1, I–1, I–2, and I–3. The annual decrease in rate level is approximately $7.4 million, based upon sales during the 12 months' period ending October 31, 1963, and includes the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent.

The proposed tariff revisions are accompanied by Panhandle's agreement to further reduce its rates and charges in order to reflect the Commission's decision with respect to the use of liberalized depreciation in computing Federal income tax allowances as set forth in Opinion No. 417, Alabama-Tennessee Natural Gas Company, 31 FPC , issued February 3, 1964. Such further rate reductions are subject to certain terms and contingencies specified in the agreement.

Copies of the proposed rate changes have been served by Panhandle upon all customers and State commissions. Comments may be filed with the Commission on or before March 16, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–2104; Filed, Mar. 3, 1964; 8:52 a.m.]

[Docket No. RP64–20]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 28, 1964.

Take Notice that on February 26, 1964, Texas Gas Transmission Corporation tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, and Original Volume No. 2, to become effective as of January 1, 1964. The proposed changes reflect decreases in rates and charges in its rate schedules; i.e., in Second Revised Volume No. 1, Rate Schedules G–1, G–2, G–3, G–4, SG–1, SG–2, SG–3, SG–4, I–1, I–2, I–3, I–4, EM–1, EM–2, EM–3, EM–4, TES–1, XS–2, XS–3, XS–4, CD–1, CDL–4, CD–4 and ACQ–3, and in Original Volume No. 2, Rate Schedule X–21.

The annual decrease in rate level is approximately $650,000, based upon sales for the 12 months' period ended December 31, 1963, and reflects the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent.

Copies of the proposed rate changes have been served by Texas Gas upon all customers and State commissions. Comments may be filed with the Commission on or before March 16, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–2105; Filed, Mar. 3, 1964; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 608]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 28, 1964.

The following applications are governed by § 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

[1] Copies of special rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 151 (Sub-No. 23), filed February 11, 1964. Applicant: LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from Terre Haute, Ind., to Marion, Ill.

No. MC 720 (Sub-No. 4), filed February 13, 1964. Applicant: BIRD TRUCKING COMPANY, INC., Waupun, Wis. Applicant's attorney: Claude J. Jasper, 111 South Fairchild Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Michigan, Indiana, Ohio, Illinois, Minnesota, Iowa, St. Louis, Mo., Louisville, Ky., and Pittsburgh, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1743 (Sub-No. 1), filed February 14, 1964. Applicant: GEORGE L. WICKER, 906 Loucks Avenue, Scottdale, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Scottdale, Pa., on the one hand, and, on the other, points in Allegheny, Fayette, and Westmoreland Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 1827 (Sub-No. 43) (CORRECTION), filed January 30, 1964, published in FEDERAL REGISTER issue February 12, 1964, and republished as corrected this issue. Applicant: K. W. McKEE INCORPORATED, 2811 Highway 55, St. Paul, Minn., 55118. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn.

NOTE: The purpose of this republication is to show that applicant proposes to operate as a *contract* carrier, not a common carrier, as previously published.

No. MC 3062 (Sub-No. 20), filed February 13, 1964. Applicant: L. A. TUCKER TRUCK LINES, INCORPORATED, 1451 Independence, Cape Girardeau, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving New Hamburg, Mo., as an off-route point in connection with applicant's authorized regular routes, between St. Louis, Mo., on the one hand, and, on the other, Cape Girardeau and Sikeston, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 28132 (Sub-No. 67), filed February 10, 1964. Applicant: HVIDSTEN TRANSPORT, INC., 2225 West County Road, D, Box 2805, St. Paul 12, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Huron, S. Dak., and points within 25 miles thereof, to points in North Dakota and Minnesota.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Minneapolis, Minn.

No. MC 31879 (Sub-No. 11), filed February 19, 1964. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO. INC., 120 West 17th Street, Kansas City, Mo. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and livestock), between Kansas City, Mo. (and its Commercial Zone), and points in Kansas on and east of U.S. Highway 81 from the Nebraska-Kansas State line to the Oklahoma-Kansas State line including points within 8 miles of said highway, restricted to shipments of 100 pounds or less and further restricted to perform no service for the transportation of any package or article weighing in excess of 100 pounds per package or article, nor in excess of 100 pounds per shipment per day from one consignor at one location to one consignee at one location.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Topeka, Wichita, or Parsons, Kans.

No. MC 41116 (Sub-No. 17), filed February 10, 1964. Applicant: MRS. LOIS M. FOGLEMAN, doing business as FOGELMAN TRUCK LINE, Post Office Box 603, Crowley, La. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk in tank vehicles, from Sterlington, La., to points in Arkansas, Mississippi, and Texas, and *rejected shipments*, on return.

NOTE: Applicant states the proposed service will be under a continuing contract with Commercial Solvents Corporation, of Sterlington, La. Applicant is authorized to conduct operations as a common carrier in Certificate No. MC 123993; therefore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at New Orleans, La.

No. MC 41255 (Sub-No. 41), filed February 17, 1964. Applicant: GLOSSON MOTOR LINES, INC., Route 9 (Box 11A), Hargrave Road, Lexington, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Toccoa, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia, and *refused and rejected shipments*, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 52458 (Sub-No. 185), filed February 13, 1964. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in North Carolina, South Carolina, and Georgia to Boonton, N.J.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 52869 (Sub-No. 73), filed February 19, 1964. Applicant: NORTHERN TANK LINE, a corporation, 511 Pleasant Street, Miles City, Mont. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles from points in Hanson, Davison, and Beadle Counties, S. Dak., to points in North Dakota, Montana, Minnesota, Nebraska, Iowa, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 55236 (Sub-No. 81) (AMENDMENT), filed January 29, 1964, published in FEDERAL REGISTER, issue February 12, 1964, and republished as amended this

issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluslicic acid*, in bulk, in tank vehicles, from Mason City, Iowa, to points in Illinois, Michigan, Minnesota, and Wisconsin.

NOTE: The purpose of this republication is to broaden the territorial description by showing the destination points as named above instead of Chicago, Chicago Heights, and Peoria, Ill., Kalamazoo, Mich., Milwaukee, Wis., and Minneapolis and St. Paul, Minn., as previously published.

No. MC 56679 (Sub-No. 13), filed February 13, 1964. Applicant: BROWN TRANSPORT CORP., Manau Lane, Waynesboro, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving the off-route point of Huber, Ga., in connection with applicant's presently authorized operations.

NOTE: If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 59014 (Sub-No. 30), filed February 11, 1964. Applicant: TALLANT TRANSFER, INC., 1341 Second Avenue SW. (Post Office Box 98), Hickory, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminized fiber conduit and bituminized sewer pipe and fittings*, from Louisiana, Mo., to points in North Carolina, and *damaged, defective, returned and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 59507 (Sub-No. 9), filed February 17, 1964. Applicant: EDGAR H. ALLEN & SON, INC., 825 Fairfield Avenue, Kenilworth, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, ties, wooden poles, wooden piling, steel piling, structural steel beams, contractors' supplies, and equipment requiring special handling, equipment and riggings, treated lumber, forest products, treated and untreated poles, pilings and cross bars, treated and untreated*, from Old Bridge, Madison Township, Middlesex County, N.J., to Newport, Del., New London, Conn., points in Connecticut west of the Connecticut River, Scranton, and Reading, Pa., and points in Pennsylvania, south of U.S. Highway 22, and east of U.S. Highway 309, those points in Orange, Rockland, Sullivan, Ulster, Greene, Albany, and Delaware Counties, N.Y., and those points in that part of New York, east of the Hudson River, and south of a line beginning at Albany, N.Y., and extending east through West Sand Lake, N.Y., to the New York-Massachusetts State line, including West Sand Lake and points on the indicated portions of the highways specified.

NOTE: If a hearing is deemed necessary applicant requests it be held at Newark, N.J.

No. MC 61319 (Sub-No. 1), filed February 5, 1964. Applicant: JOHN JOSEPH O'MARA AND JAMES P. O'MARA, a partnership, doing business as MEEHAN COMPANY, 2324 North Sixth Street, Philadelphia, Pa. Applicant's attorney: Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia 3, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, organs, and accessories, and hi-fi and stereo sets*, between Philadelphia, Pa., and points in Chester, Montgomery, Delaware, and Bucks Counties, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland.

NOTE: If a hearing is deemed necessary applicant requests it be held at Philadelphia, Pa.

No. MC 65626 (Sub-No. 11), filed February 14, 1964. Applicant: FREDONIA EXPRESS, INC., Post Office Box 222, Fredonia, N.Y. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and ale* (except in bulk, in tank vehicles), from Dunkirk, N.Y., to points in New Jersey, Pennsylvania, and Ohio, and *damaged and refused shipments, and empty beer and ale cases with bottles*, on return, and (2) *empty containers, glass, metal and plastic*, from points in New Jersey, to Dunkirk, N.Y.

NOTE: If a hearing is deemed necessary applicant requests it be held at Buffalo, N.Y.

No. MC 65802 (Sub-No. 27), filed February 12, 1964. Applicant: LYNDEN TRANSFER, INC., Post Office Box 433, Lynden, Wash. Applicant's attorney: James T. Johnson, 609 Norton Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Eastport, Idaho on the one hand, and on the other, Spokane, Wash.

NOTE: Applicant states the proposed service is "limited to shipments moving to or from Alaska." It is further noted that common control may be involved. If a hearing is deemed necessary applicant requests it be held at Seattle, Wash.

No. MC 66531 (Sub-No. 2) (AMENDMENT), filed January 27, 1964, published in FEDERAL REGISTER, issue of February 12, 1964, amended February 13, 1964, and republished as amended this issue. Applicant: INTERSTATE GROCERY DISTRIBUTION SYSTEM, INC., 144 Barrow Street, New York 14, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are handled, sold or dealt in by grocery stores, and *paper and paper articles* from New York, N.Y., to points in Bergen, Monmouth, Passaic, Essex, Hudson, Union, Middlesex, and Morris Counties, N.J.

NOTE: Applicant states that if the above authority is granted it will request cancellation of the portion of its present authority covering groceries, from New York, N.Y. to points in Bergen, Monmouth, Passaic, Essex, Hudson, Union, Middlesex, and Morris Counties, N.J. The purpose of this republication is to add the note above.

No. MC 67234 (Sub-No. 9), filed February 17, 1964. Applicant: UNITED VAN LINES, INC., No. 1 United Drive, Fenton, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Interstate Commerce Commission in 17 M.C.C. 465, (1) between points in Alaska, and (2) between points in the United States, on the one hand, and, on the other, points in Alaska.

NOTE: If a hearing is deemed necessary applicant requests it be held at St. Louis, Mo.

No. MC 79737 (Sub-No. 13), filed February 17, 1964. Applicant: SOUTHWESTERN TRANSPORTATION CO., INC., 816 Water Street, Canon City, Colo. Applicant's attorney: John P. Thompson, 450 Capitol Life Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ore and heavy machinery*, from points in Arizona, Nevada, New Mexico, Utah, and Wyoming, to the mill of Cotter Corporation located at Canon City, Colo., and (2) *perlite and vermiculite*, from Florence, Colo., to points in Arizona, Kansas, Nebraska, New Mexico, Oklahoma, Utah, and Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

No. MC 80428 (Sub-No. 35), filed February 19, 1964. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Goshen, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a processor, manufacturer or distributor of dairy products*, from Goshen, N.Y., to points in New Jersey, *empty containers or other such incidental facilities* used in transporting the above described commodities, and *returned, refused or rejected shipments of such commodities*, on return.

NOTE: Applicant states that no duplicating authority sought. If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 83539 (Sub-No. 112), filed February 13, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boilers, and components when moving in connection therewith*, and (2) *machinery, equipment, material and supplies*, used in the installation and dismantling of such boilers, from Tacoma, Wash., to points in Arizona, California, Colorado, Idaho, Iowa, Illinois, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states it will tack the proposed authority with its presently held rights in MC 83539 Subs 14, 21, 39, and 102, to perform a through service to points beyond the proposed destination territory. If a hearing is deemed necessary applicant requests it be held at Seattle, Wash.

No. MC 94265 (Sub-No. 126), filed February 12, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Swift & Company, located at or near Grand Island, Nebr., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Omaha, Nebr.

No. MC 95084 (Sub-No. 40) (CLARIFICATION), filed January 22, 1964, published in FEDERAL REGISTER, issue February 20, 1964, and republished as clarified this issue. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 622, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, as described in appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *farm equipment, and iron and steel products*, (1) between points in Iowa and (2) from points in Iowa (except Bettendorf, Burlington, Charles City, Davenport, Des Moines, Dubuque, Ottumwa, Sioux City, and Waterloo, Iowa), to points in Alabama, Arkansas, California, Colorado, Delaware, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE: The purpose of this republication is to indicate that two (2) movements are involved in the proposed operations, in lieu of the radial movement, previously published.

No. MC 95920 (Sub-No. 16) (AMENDMENT), filed January 24, 1964, published in FEDERAL REGISTER issue of February 5, 1964. Applicant: SANTRY TRUCKING COMPANY, 11552 Southwest Barbur Boulevard, Portland 23, Oreg. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformers and transformer parts, machinery, materials, supplies, and accessories*, from Waukesha, and Beaver Dam, Wis., and Rockford, Ill., to Portland, Oreg., and *empty containers, rejected or spoiled malt beverages, hops, in bales, rice, grain, infusorial earth, brewer's malt, advertising matter*, and *other ingredients* used in the manufacture of malt beverages, on return.

NOTE: Applicant states that the proposed service is to be performed under contract with R.T.E. Corporation.

No. MC 102682 (Sub-No. 244), filed December 5, 1963. Applicant: HUGHES TRANSPORTATION, INC., Post Office Box 851, Charleston, S.C. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammunition and explosives, rejected shipments and empty containers* therefor, between Charlotte, N.C., on the one hand, and, on the other, Sunny Point Army Terminal located near South Port, N.C., Seymour Johnson Air Force Base located near Goldsboro, N.C., the Marine Corps Air Station located near Cherry Point, N.C., Camp Lejeune, N.C., and points in Georgia, South Carolina, and Florida.

No. MC 106644 (Sub-No. 49), filed February 13, 1964. Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings, accessories, and parts thereof, structural and reinforcing steel, including angles, bars, channels, rods, strips, valves, and hydrants, metal tanks, and, contractors' outfits and equipment*, between points in Alabama, on and north of U.S. Highway 80, on the one hand, and, on the other, points in Oklahoma.

NOTE: If a hearing is deemed necessary applicant requests it be held at Birmingham, Ala.

No. MC 107107 (Sub-No. 299), filed February 19, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65 (Allapattah Station), Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over other irregular routes, transporting: *Dairy products* (*including but not limited to cheese spreads, and cheese dips*), from Dallas and Fort Worth, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

NOTE: If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 111044 (Sub-No. 1), filed February 17, 1964. Applicant: SOUTHERN OREGON TRANSFER & STORAGE CO., a corporation, Post Office Box 1445, Medford, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), between points in Jackson and Josephine Counties, Oreg.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Medford, Oreg.

No. MC 112801 (Sub-No. 8) (AMENDMENT), filed January 29, 1964, published FEDERAL REGISTER issue of February 12, 1964, amended February 20, 1964, and republished, as amended, this issue. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago 50, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Mason City, Iowa, to points in Illinois, Michigan, Minnesota, and Wisconsin.

NOTE: The purpose of this republication is to broaden the destination area.

No. MC 113434 (Sub-No. 15), filed February 14, 1964. Applicant: GRABELL TRUCK LINE, INC., 670 Lincoln Avenue, Holland, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Fennville, South Haven, and Benton Harbor, Mich., to points in Wisconsin.

NOTE: If a hearing is deemed necessary applicant requests it be held at either Lansing, Mich., or Chicago, Ill.

No. MC 113861 (Sub-No. 28) (CORRECTION), filed February 5, 1964, published FEDERAL REGISTER, February 20, 1964, and republished as corrected this issue. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. Applicant's attorney: Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn.

NOTE: The purpose of this republication is to show the Docket number as MC 113861 (*Sub-28*), in lieu of MC 113861 (Sub-8) as previously published.

No. MC 114969 (Sub-No. 15), filed February 13, 1964. Applicant: PROPANE TRANSPORT, INC., 27 Water Street, Milford, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, and *refused or rejected shipments* of the above described commodity, between points in Wayne County, Mich., and points in Ohio and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 115331 (Sub-No. 68), filed February 19, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Whitewater, Wis., to points in Iowa, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Louisville, Ky.

No. MC 115331 (Sub-No. 69), filed February 19, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Montpelier, Iowa, and points within 5 miles thereof, to points in Missouri, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Indiana, and Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Davenport, Iowa.

No. MC 115840 (Sub-No. 9), filed February 24, 1964. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Chalmette, La., to points in Alabama, Arkansas, Florida, Georgia, and Mississippi.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115841 (Sub-No. 164), filed February 17, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meatpacking houses*, from Grand Island, Nebr. to points in Kentucky, Tennessee, Georgia, Alabama, Mississippi, Arkansas, Louisiana, Virginia, North Carolina, and South Carolina.

No. MC 117119 (Sub-No. 137) (AMENDMENT), filed February 11, 1964, published in FEDERAL REGISTER, issue February 26, 1964, and republished as amended this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Siloam Springs, Ark., and within a 10-mile radius thereof, Gentry, Ark., points in Kansas and Oklahoma, to points in Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

NOTE: The purpose of this republication is to broaden the scope of the origin territory.

No. MC 117119 (Sub-No. 139) (AMENDMENT), filed February 10, 1964, published in FEDERAL REGISTER issue February 26, 1964, and republished as amended this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Siloam Springs, Ark., and points within 10 miles thereof of Siloam Springs and Gentry, Ark., and Kansas, Okla., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this republication is to add points within a 10-mile radius of Siloam Springs, Ark., Gentry, Ark., and Kansas, Okla.

No. MC 117956 (Sub-No. 3), filed February 11, 1964. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, Ga., 30310. Applicant's attorney: R. J. Reynolds, Jr., 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper*, when shipped with salt, from Avery Island, La., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 118457 (Sub-No. 3), filed February 19, 1964. Applicant: THOMAS W. ROBBINS AND RAYMOND S. PULDA, doing business as ROBBINS DISTRIBUTING COMPANY, 1113 Grand Avenue, Racine, Wis. Applicant's attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs*, and *food preparations, empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, and *damaged and returned shipments*, between points in Milwaukee, Waukesha, and Jefferson Counties, Wis., on the one hand, and, on the other, points in Indiana, Michigan, and Ohio.

NOTE: If a hearing is deemed necessary applicant requests it be held at Milwaukee, Wis.

No. MC 119710 (Sub-No. 6), filed February 14, 1964. Applicant: JOHN L. SHUPE AND IVAN D. SHUPE, doing business as, SHUPE BROS., 2600 Bypass, Greeley, Colo. Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 17th Street, NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, and animal and poultry feed ingredients*, from Lucerne and Ault, Colo., to points in New Mexico, Kansas, Texas, Oklahoma, Nebraska, South Dakota, Wyoming, Montana, Idaho, and Utah.

NOTE: Applicant states the service to be performed will be under a contract with The Farr Company. If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

No. MC 119732 (Sub-No. 4), filed February 10, 1964. Applicant: GEORGE ZETTELMEIER AND JESSE RUFFALO, doing business as PLAINFIELD TRUCKING CO., Plainfield, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bean harvesting machinery* (bean harvesters) between points in Wisconsin, Illinois, and Indiana.

NOTE: Applicant states no service between points in a single State. The proposed operation will be under a continuing contract with the Green Giant Co. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 120176 (Sub-No. 5), filed February 17, 1964. Applicant: THEODORE "TED" MAESTAS, doing business as THRASHER FREIGHT, Gerlach, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving the off-route points of Flying Ranch, Nev., located ten (10) miles north of Reno, Nev., and Rocketdyne Test Site and Operations Building, located approximately eighteen (18) to thirty (30) miles northeast of Reno, in connection with applicant's authorized regular route operations between Reno and Gerlach, Nev., over Nevada Highway 33.

NOTE: If a hearing is deemed necessary applicant requests it be held at Carson City, Nev.

No. MC 120624 (Sub-No. 1), filed February 17, 1964. Applicant: DEAN'S MOVING AND DELIVERY, INC., 120 West Mulberry, Springfield, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), and *empty containers or other such incidental facilities*, used in transporting the above commodities, between Springfield, Ohio, and points within 5 miles thereof, on the one hand, and, on the other, points in Ohio on and south of U.S. Highway 224.

NOTE: If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 123407 (Sub-No. 10), filed February 10, 1964. Applicant: SEURING TRANSIT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's attorney: Michael E. Miller, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials and supplies, paint, building paper, and insulation and insulation materials*, from Minneapolis-St. Paul, Minn., to points in Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Minneapolis, Minn.

No. MC 123819 (Sub-No. 4), filed February 19, 1964. Applicant: ACE FREIGHT LINES, INC., 459 East Mallory Street., Memphis, Tenn. Applicant's attorney: Bill R. Davis, 2111 Sterick Building., Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea* (except in tank vehicles), from Memphis and Woodstock, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee, and *empty containers and other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states that the proposed service is to be restricted against the transportation of the above named commodity, in bags, from the points of origin named above to Atlanta, Ga., and those points in Alabama on and bounded by a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 43 and Alabama Highway 5 to junction U.S. Highway 278 at Haleyville, Ala., and thence east along U.S. Highway 278 to junction U.S. Highway 231, approximately 8 miles northeast of Blountsville, Ala., thence along U.S. Highway 231 to the Tennessee-Alabama State line, and thence along the Tennessee-Alabama State line to the point of beginning. If a hearing is deemed necessary applicant requests it be held at Memphis, Tenn.

No. MC 124154 (Sub-No. 4), filed February 12, 1964. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, Post Office Box 1372, Albany, Ga. Applicant's attorney: Ariel V. Conlin, Suite 626 Fulton National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment and handling, between points in Dougherty County, Ga., on the one hand, and, on the other, points in North Carolina, Tennessee, Alabama, Mississippi, and Florida.

NOTE: If a hearing is deemed necessary applicant requests it be held at Albany, Ga.

No. MC 124236 (Sub-No. 14) (AMENDMENT), filed January 31, 1964, published FEDERAL REGISTER issue of February 12, 1964, amended February 17, 1964, and republished, as amended, this issue. Applicant: CHEMICAL EXPRESS, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 2420 Republic National Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicate of soda briquettes*, in bulk, in dump and hopper-type trailers, from Dallas, Tex., to Mobile, Ala., Brain, La., and Little Rock and Crossett, Ark.

NOTE: The purpose of this republication is to add "in hopper-type trailers."

No. MC 125205 (Sub-No. 2), filed February 13, 1964. Applicant: P. C. TAYLOR, doing business as TAYLOR TRUCKING COMPANY, 908 First Avenue, SE, Moultrie, Ga. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* (except such commodities in bulk, in tank vehicles), (a) from Albany, Ga., to points in Florida, and (b) from Charleston, S.C., to points in Florida and Georgia.

No. MC 125293 (Sub-No. 2), filed February 10, 1964. Applicant: ROBERT E. AHERN, doing business as INDUSTRIAL CONTRACT CARRIERS, 1942 Westlake, Seattle, Wash. Applicant's attorney: George R. LaBissoniere, 33 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial chemicals, in drums, cartons and bags, consisting of acids, aluminum sulphate, sodium sulphate, soda ash, copper sulphate, sodium sulphate, soda ash, copper sulphate, plating compounds, detergents and filtering agents*, from points in California, to points in Oregon, Washington, and Idaho, (2) *metal products, consisting of aluminum and steel trim, perimeter pipe, furnace duct, gutter, downspout, garbage cans and pails*, from Portland, Oreg., to points in Washington, Idaho, Utah, and California, and (3) *used barrels and salvaged drums*, from points in Utah, Idaho, Nevada, Washington, and California, to Portland, Oreg.

NOTE: Applicant states the service as proposed above in (1) and (2) will be under contract for Great Western Chemical Company and General Metalcraft only, and in (3) under contract for Reimann & McKinney only. If a hearing is deemed necessary applicant requests it be held at Portland, Oreg.

No. MC 125522 (Sub-No. 1), filed February 13, 1964. Applicant: SUNBURY TRANSPORT LIMITED, Hoyt, New Brunswick, Canada. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, hardwood flooring and pres-to-logs*, from the ports of entry on the international boundary line between the United States and Canada located at or near Calais, Vanceboro, and Houlton, Maine, to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and New Jersey.

No. MC 125678 (Sub-No. 1), filed February 14, 1964. Applicant: MORTENSEN DRIVEAWAY, INC., 312 West 60th Street, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck chassis and automobiles*, in driveaway service, between New York, N.Y., on the one hand, and, on the other, points in Westchester, Rockland, Putnam, Orange, Dutchess, Ulster, Nassau, and Suffolk Counties, N.Y., and Essex, Union, Passaic, Morris, Bergen, Hudson, and Middlesex Counties, N.J.

NOTE: Applicant states that the proposed operations will be under a continuing contract with the General Motors Overseas Operations, Division of General Motors Corporation. It is further noted that if a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125788 (Sub-No. 1), filed February 11, 1964. Applicant: RAYMOND A. HARSCH, 53 Evans Avenue, Elmont, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen units*, uncrated, together with *parts and accessories* as utilized in the installation and/or assembly of such units, between East Rockaway (Nassau County), N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Rhode Island, and Virginia. Restriction: The proposed service is to be performed under contract or continuing contracts with Whitehall Cabinets, Inc.

NOTE: If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 125861 (Sub-No. 2), filed February 18, 1964. Applicant: NOEL TRANSFER & PACKAGE DELIVERY SERVICE, INC., 1400 Selby Avenue, St. Paul, Minn. Applicant's representative: Robert E. Swanson, Griggs Midway Building, 1821 University Avenue, St. Paul, Minn., 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dish washers, freezers, garbage disposals, refrigerators* and *vacuum cleaners*, from St. Paul, Minn., to Hudson, Wis.

NOTE: Applicant states the proposed operations will be performed for the account of Whirlpool Corporation, St. Paul Division, St. Paul, Minn. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125878 (Sub-No. 2), filed February 14, 1964. Applicant: EMPIRE TIMBER TREATING COMPANY, a corporation, Post Office Box 353, Riverton, Wyo. Applicant's representative: Delmar S. Eno, Post Office Box 460, Estes Park, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Dubois, Wyo., to railhead within 5 miles of Riverton, Wyo.

NOTE: If a hearing is deemed necessary applicant requests it be held at Cheyenne, Wyo.

No. MC 126002, filed February 10, 1964. Applicant: CALIFORNIA COMMODITY TRANSPORT, INC., Post Office Box 63, Chino, Calif., 91710. Applicant's attorney: R. Y. Schureman, 1010 Wilshire

Boulevard, Los Angeles, Calif., 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets*, in bulk, in hopper-type vehicles, from points in Imperial, Kern, Los Angeles, Riverside, Santa Barbara, and Tulare Counties, Calif., to Sacramento Harbor, San Diego Harbor, Stockton Harbor, and the Los Angeles Harbor commercial zone, Calif., and *rejected and contaminated shipments* on return.

NOTE: If a hearing is deemed necessary applicant requests it be at Los Angeles, Calif.

No. MC 126003, filed February 10, 1964. Applicant: ANTHONY TASSO, doing business as M & T AUTO WRECKERS, 762 Bergen Street, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen and repossessed motor vehicles and trailers and replacements thereof; house trailers; fork lift trucks and car and truck cranes;* by wrecking and towing equipment, between points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, the District of Columbia, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, and Ohio.

NOTE: If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 126005, filed February 13, 1964. Applicant: HUBERT CECIL, doing business as CECIL TRUCKING, Olive Hill, Ky. Applicant's attorney: Fred F. Bradley, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed stone, limestone, gravel, dense grade aggregate and agriculture lime*, from the Carter County Stone Company Quarry, located on U.S. Highway 60 approximately three (3) miles east of Olive Hill, Ky., to points in Lawrence, Scioto, and Gallia Counties, Ohio, and points in Cabell, Putnam, Wayne, and Lincoln Counties, W. Va., and (2) *sand*, from the Jerry Sand & Gravel Company, located on old U.S. Highway 52, approximately one (1) mile from South Point, Ohio, to points in Boyd, Carter, Elliot, Greenup, Lawrence, Lewis, and Rowan Counties, Ky.

NOTE: If a hearing is deemed necessary applicant requests it be held at Louisville, Ky.

No. MC 126008, filed February 12, 1964. Applicant: LAKE STATES CARRIERS, INC., Post Office Box 177, Wheeling, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Products of aluminum and plastic and commodities, and machinery used in the manufacture, distribution and use of these products*, between points in Illinois, Ohio, Arkansas, Nebraska, Minnesota, Wisconsin, Texas, Missouri, Indiana, and Iowa.

NOTE: If a hearing is deemed necessary applicant requests it be at Chicago, Ill.

No. MC 126009, filed February 13, 1964. Applicant: OHIO LIMESTONE COMPANY, a corporation, 6205 Alexandria Drive, Cleveland, Ohio. Applicant's attorney: George S. Maxwell, Suite 948 Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, lime, haydite and salt*, in truck loads, in bulk, in dump trucks from Cleveland, Ohio, to points in Ohio, Pennsylvania, West Virginia, Kentucky, and Michigan and *rejected, refused* and *damaged* shipments on return.

NOTE: Applicant states the proposed operations will be under contract for the Cuyahoga Lime Company, Cleveland, Ohio (limestone, lime), The Hydraulic Press Brick Co., Cleveland, Ohio (haydite), and The International Salt Co., Cleveland, Ohio (salt). If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 126010, filed February 13, 1964. Applicant: THOMAS W. LIPINSKI, doing business as T. W. LIPINSKI TRUCKING, 3914 North Aydelotte, Shawnee, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, rock and gravel*, from Fort Gibson, Okla., to Van Buren, Ark., and Fort Smith, Ark.

NOTE: If a hearing is deemed necessary applicant requests it be held at Oklahoma City, Okla.

No. MC 126012, filed February 14, 1964. Applicant: ICE SERVICE COMPANY, a corporation, 2722 Guinotte Avenue, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food products*, between Kansas City, Mo., on the one hand, and, on the other, Lincoln and Omaha, Nebr., and Emporia, Hutchinson, Lawrence, Leavenworth, Manhattan, Pittsburg, Salina, Topeka, and Wichita, Kans.

NOTE: If a hearing is deemed necessary applicant requests it be at Kansas City, Mo.

No. MC 126013, filed February 17, 1964. Applicant: ROY DOUGLAS, 507 West Palmdale, Tucson, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adobe bricks and blocks*, from the port of entry on the international boundary line between the United States and Mexico at or near Nogales, Ariz., to points in Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tucson or Phoenix, Ariz.

No. MC 126014, filed February 16, 1964. Applicant: ELMER D. PALMER, Route 1, Pea Ridge, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry offal meal (ground and cooked poultry offal), feather meal (ground and cooked with additives)*, in bulk, (1) from Russellville, Ark., Fort Smith, Ark., Siloam Springs, Ark., and points within a radius of ten (10) miles of Siloam Springs, to Memphis, Tenn., Shreveport, La., Vandalia, and Bloomington, Ill. Muskogee, and Oklahoma City, Oklahoma, Omaha, Nebr., Montgomery City, and Kansas City, Mo., Iowa Falls, and Davenport, Iowa, Fort Worth, Tex., Lafayette, and Richmond, Ind., and Battle Creek, Mich., (2) from Joplin, and Springfield, Mo., and Rich Hill, Mo., and the area within a radius of ten (10) miles of Rich Hill, and Noel, Mo., and points within a radius of ten (10) miles of Noel, to Russellville, and Springdale, Ark., Memphis, Tenn., Shreveport, La., Vandalia, and Bloomington, Ill., Muskogee, and Oklahoma City, Okla., Omaha, Nebr., Iowa Falls, and Davenport, Iowa, Fort Worth, Tex., Lafayette, and Richmond, Ind., and Battle Creek, Mich.

NOTE: Applicant states the requested authority will be under contract with Ralston-Purina Company. If a hearing is deemed necessary applicant requests that it be held at either Little Rock, Ark., or St. Louis, Mo.

No. MC 126015, filed February 17, 1964. Applicant: THE TENSEN CORPORATION, 841 Allwood Road, Clifton, N.J. Applicant's attorney: William S. Rosen, 400 Minnesota Building, St. Paul, Minn., 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tools and merchandise dealt in by wholesale and retail hardware dealers, and book covers, book binders and paper products*, from New York, N.Y., Newark, Hoboken and Jersey City, N.J., and Philadelphia, Pa., to Chicago, Ill., and Minneapolis, Minn., and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, and *exempt commodities*, on return.

NOTE: Applicant states the proposed operations will be limited (a) to a transportation service to be performed under a continuing contract with only two (2) shippers, and (b) to shipments originating on the wharves, docks or piers at origin points named above. It is further noted that a motion to dismiss accompanied this application. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126016, filed February 17, 1964. Applicant: WILLIAM C. ROGERS, doing business as ROGERS TRANSFER CO., Box 296, Fairfield, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive parts, tractor parts, airplane parts and stationary engine parts*, from Fairfield, Ill., to points in Indiana and Missouri, and (2) *metals used in the manufacture of automotive parts, tractor parts, airplane parts and stationary engine parts*, from destination points in (1) above, to origin point in (1) above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 126017, filed February 17, 1964. Applicant: ROBERT K. LEA, doing business as BOB LEA TRUCKING, 5209 North Montana, Helena, Mont. Applicant's attorney: C. W. Leaphart, Jr., Montana Club Building, Helena, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated*

house and building materials, including but not limited to *sheet rock and tar*, from Helena and Missoula, Mont., to points in Idaho and Wyoming, (2) *sheet rock and tar* from Cody, Wyo., to Helena and Missoula, Mont., and (3) *sand* from Boise, Idaho to Helena and Missoula, Mont.

NOTE: Applicant states the proposed operations transporting prefabricated houses in (1) above will be under contract, for the Anaconda Company, a Montana corporation, and the sheet rock and tar in (2) above will be under contract, for the Monarch Lumber Company and Linder-Kind Lumber Company. If a hearing is deemed necessary, applicant requests it be held at Helena, Mont.

No. MC 126020, filed February 17, 1964. Applicant: GARY FEEZOR, doing business as GARY FEEZOR TRUCKING, 1313 East Southern Avenue, Mesa, Ariz. Applicant's attorney: Franklin K. Gibson, Suite 1, Luhrs Tower, 45 West Jefferson, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, from Cutter, Snowflake, McNary, and Eagar, Ariz., to points in Texas, Oklahoma, and Kansas, and *grain*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 126022, filed February 19, 1964. Applicant: PLAZA EXPRESS, INC., 280 Route 3, Secaucus, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and bakery products*, and *materials and supplies*, except in bulk, in tank vehicles, between points in New York, N.Y., commercial zone, on the one hand, and, on the other, New Rochelle, N.Y.

NOTE: Applicant states the proposed operations will be performed under contract with Murray-Allen Imports, Inc., New Rochelle, N.Y. It is further noted that a motion to dismiss accompanied this application. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126025, filed February 19, 1964. Applicant: BALLARD TRANSFER OF WASHINGTON, INC., doing business as, BALLARD TRANSFER CO., 2417 Northwest Market Street, Seattle, Wash. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Seattle, Wash., to points in Idaho and Oregon.

NOTE: Applicant states the above proposed operations will be performed under a continuing contract with Northwest Steel Rolling Mills, Inc., of Seattle, Wash. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

MOTOR CARRIERS OF PASSENGERS

No. MC 47495 (Sub-No. 7), filed February 17, 1964. Applicant: MOUNTAIN VIEW COACH LINES, INC., 38 Lafayette Avenue, Coxsackie, N.Y. Applicant's attorney: James H. Glavin III, 54 Broad Street, Waterford, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Poughkeepsie, N.Y., and Millbrook, N.Y., over U.S. Highway 44 serving all intermediate points.

NOTE: If a hearing is deemed necessary applicant requests it be held at Albany, N.Y.

No. MC 116189 (Sub-No. 1), filed February 17, 1964. Applicant: PAT & GORDON, INC., Post Office Box 38, Mt. Ephraim, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and personal effects*, in the same vehicle with passengers, in charter operations, providing round-trip and one-way sightseeing, pleasure, educational and recreational tours, beginning and/or ending at points in Burlington, Camden, and Gloucester Counties, N.J., and extending to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE: A motion to dismiss accompanied this application. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125160 (Sub-No. 2), filed February 18, 1964. Applicant: EASTERN LIMOUSINE SERVICE, INCORPORATED, Sunset Drive, Naugatuck, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* and *small pets*, between Waterbury, Naugatuck, Seymour, Derby, and Stratford, Conn., on the one hand, and, on the other, Flushing Meadows (World's Fair Site), Flushing, N.Y.

NOTE: If a hearing is deemed necessary applicant requests it be held at Waterbury or Hartford, Conn.

No. MC 126019, filed February 14, 1964. Applicant: GREYHOUND LINES OF CANADA, LTD., 222 First Avenue SW., Calgary, Alberta, Canada. Applicant's attorney: Robert J. Bernard, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round-trip charter operations, from ports of entry on the international boundary line between the United States and Canada located in Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Alaska, and Sault Ste. Marie, Mich., to points in the United States except Hawaii.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Minneapolis, Minn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 40235 (Sub-No. 27), filed February 18, 1964. Applicant: I.R.C. & D. MOTOR FREIGHT, INC., 128 South Second Street, Richmond, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Richmond, Ind., and Connersville, Ind.; from Richmond over U.S. Highway 27 to Liberty, thence over Indiana Highway 44 to Connersville, and return over the same route, serving Liberty as an intermediate point.

NOTE: Applicant states that it is presently authorized to serve Richmond and Connersville, Ind., and holds alternate route authority between those cities, the same as set forth above.

No. MC 45657 (Sub-No. 42), filed February 17, 1964. Applicant: PIC-WALSH FREIGHT CO., a corporation, 731 Campbell Avenue, St. Louis 15, Mo. Applicant's attorney: John Paul Jones, 100 Jefferson Avenue, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), from Golden and Belmont, Miss., to Memphis, Tenn.

No. MC 48958 (Sub-No. 72), filed February 17, 1964. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment), (1) between Chama, N. Mex., and Bloomfield, N. Mex., over New Mexico Highway 17, serving all intermediate points, and (2) between Aztec, N. Mex., and Blanco, N. Mex.: from Aztec, N. Mex., over New Mexico Highway 173 to junction New Mexico Highway 17 at Blanco, and return over the same routes, serving all intermediate points.

No. MC 103378 (Sub-No. 285), filed February 13, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from points in Richmond County, Ga., to points in North Carolina and Virginia.

No. MC 110525 (Sub-No. 641), filed February 13, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Bellingham, Mass., to points in New Hampshire.

No. MC 112668 (Sub-No. 29), filed February 19, 1964. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Finksburg, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md., 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and stone products*, in bulk, in dump vehicles, from Medford, Md., to points in the District of Columbia, Delaware, Maryland, Pennsylvania, West Virginia, and Virginia.

No. MC 114194 (Sub-No. 68), filed February 14, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feed ingredients, and blends*, in bulk, and *rejected shipments*, between East St. Louis, Ill., on the one hand, and, on the other, Dupo, Ill.

NOTE: Applicant states it intends to tack this applied for authority to its Sub 19 at Dupo, Ill.

No. MC 115162 (Sub-No. 87), filed February 18, 1964. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 3029 West Fairview Avenue, Montgomery 6, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Alabama.

No. MC 125844 (Sub-No. 2), filed February 13, 1964. Applicant: BIO-MED-HU, INC., 10100 Preston Highway, Louisville 19, Ky. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Human placentas*, from points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, to Zionsville, Ind.

No. MC 125997, filed February 10, 1964. Applicant: L. C. FOESCH, doing business as FOESCH TRANSFER LINE, Post Office Box 434, Shawano, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between Shawano, Wis., and points in Illinois and Michigan.

No. MC 126006, filed February 13, 1964. Applicant: BILL L. POTTS, doing business as POTTS TRUCKING COMPANY, Balsam Road, Waynesville, N.C. Applicant's attorney: Robert R. Williams, 4 South Pack Square, Asheville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer components and agricultural ammonium nitrate and nitrate of soda*, in bags from Savannah and Augusta, Ga., Birmingham and Sheffield, Ala., to points in Clay, Cherokee, Graham, Swain, Macon, Jackson, Haywood, Buncombe, Madison, Yancey, Mitchell, Burke, Transylvania, Henderson, Polk, McDowell, Avery, Watauga, and Rutherford Counties, N.C., and *empty containers or other such incidental facilities* used in transporting the above described commodities, *produce* and *exempt commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held in Asheville, N.C., or Charlotte, N.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 45626 (Sub-No. 51), filed February 10, 1964. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. Applicant's attorney: J. G. Dail, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, in special operations, (1) between Troy, Vt., and Jay Peak Ski Area: from Troy over Vermont Highway 101 to unnumbered highway, thence over unnumbered highway to Jay Peak Ski Area, and return over the same route, serving all intermediate points, (2) between Underhill Flats, Vt., and Underhill Ski Bowl Area: from Underhill Flats on Vermont Highway 15, thence over unnumbered highway to Underhill Ski Bowl Area, and return over the same route, serving all intermediate points, (3) between junction U.S. Highway 5 and Vermont Highway 114, and East Burke, Vt., over Vermont Highway 114, serving all intermediate points, (4) between West Burke, Vt., and Burke Mountain Ski Area, over unnumbered highway, serving all intermediate points, (5) between junction Vermont Highway 100 and unnumbered highway south of Irasville, Vt., and Glen Ellen Ski Area, over unnumbered highway, serving all intermediate points, (6) between East Barre, Vt., and South Royalton, Vt., over Vermont Highway 110, serving all intermediate points, (7) between Chelsea, Vt., and Ely, Vt., over Vermont Highway 113, serving all intermediate points, (8) between Post Mills, Vt., and East Thetford, Vt., over Vermont Highway 113A, serving all intermediate points, (9) between Rochester, Vt., and Castleton, Vt.: from Rochester over Vermont Highway 73 to Brandon, Vt., thence over unnumbered highway to Hubbardton, Vt., thence over Vermont Highway 30 to Castleton, and return over the same route, serving Castleton, for purpose of joinder with carrier's existing certificated routes, (10) between Windsor, Vt., and junction Vermont Highways 106 and 10: from Windsor over Vermont Highway 44 to junction Vermont Highway 106, thence over Vermont Highway 106, to junction Vermont Highway 10, and return over the same route, with right of joinder at Amsden, (11) between junction U.S. Highway 5 and unnumbered highway north of Ascutney, Vt., and junction unnumbered highway and Vermont Highway 44, over unnumbered highway, serving all intermediate points, (12) between junction Vermont Highways 11 and 30, near Snow Valley, Vt., and Stratton Mountain Ski Area, near So. Londonderry, Vt.: from junction Vermont Highways 11 and 30 over Vermont Highway 30 to Bondville, Vt., thence over unnumbered highway to Stratton Mountain Ski Area, and return over the same route, serving all intermediate points, (13) between junction U.S. Highway 4 and Vermont Highway 100 west of Sherburne, Vt., and the Killington Basin Ski Area: from junction U.S. Highway 4 and Vermont Highway 100, over U.S. Highway 4 to junction U.S. Highway 4 and unnumbered highway, thence over unnumbered highway to the Killington Basin Ski Area, and return over the same route, serving all intermediate points, (14) between Springfield, Vt., and Bellows Falls, Vt.: from Springfield over an unnumbered highway passing through Brockways Mills to Saxtons River, thence over Vermont Highway 121 to Bellows Falls, and return over the same route, serving all intermediate points, (15) between Chester, Vt., and Bellows Falls, Vt.: from Chester over Vermont Highway 35, to junction Vermont Highway 121, thence over Vermont Highway 121 to Bellows Falls, Vt., and return over the same route, serving all intermediate points, (16) between West Bridgewater, Vt., and Bondville, Vt.: from West Bridgewater over Vermont Highway 100 to junction Vermont Highway 30, thence over Vermont Highway 30 to Bondville, Vt., and return over the same route, serving all intermediate points, (17) between Bridgewater Corners, Vt., and junction Vermont Highways 100A and 100, over Vermont Highway 100A, serving all intermediate points, and (18) between Wallingford, Vt., and junction Vermont Highways 155 and 100: from Wallingford over Vermont Highway 140 to East Wallingford, thence over Vermont Highway 155 to junction Vermont Highway 100, and return over the same route, serving all intermediate points.

No. MC 126007, filed February 13, 1964. Applicant: PROCTOR MILLER, doing business as MILLER BUS LINE, 408 Summit Street, Doniphan, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, and express, mail and newspapers*, in the same vehicle with passengers, between Poplar Bluff, Mo., and Doniphan, Mo.: from Poplar Bluff over U.S. Highway 67 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction Missouri Highway 21, thence over U.S. Highway 160 and Missouri Highway 21, to Doniphan, Mo., and return over the same route, serving the Highway Patrol Station, Good Hope School, Blue Moon, Ponder's Store, Morgan's Corner, County Line, Fairdealing, Miller's Store, Cyprus Creek, Barker Station, Bethany, and junction U.S. Highway 160 and Missouri Highway 21, as intermediate points.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12828 (Sub-No. 1), filed February 3, 1964. Applicant: KENNETH D. VAN WAGENEN, doing business as WYOMING CHARTER COACH TOURS, 1218 South Elm Street, Casper, Wyo. For a license (BMC 5) to engage in operations as a *broker* at Casper, Wyo., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in charter operations, beginning and ending at points in Wyoming, Billings, Mont., and Denver, Colo., and extending to points in Alaska.

NOTE: Applicant holds authority in MC 12828 as a broker to arrange for transportation of passengers and their baggage, beginning and ending at points in Wyoming, Billings, Mont., and Denver, Colo., and extending to points in the United States, except Alaska and Hawaii. The purpose of the instant application is to include Alaska.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2081; Filed, Mar. 3, 1964; 8:50 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 162, Amdt. 1]

KANSAS, OKLAHOMA & GULF RAILWAY CO.

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 162 (Kansas, Oklahoma & Gulf Railway Company) and good cause appearing therefor:

It is ordered, That, Taylor's I.C.C. Order No. 162 be, and it is herby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1964, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 29, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 27, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-2075; Filed, Mar. 3, 1964; 8:49 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 165, Amdt. 1]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 165 (The Central Railroad Company of New Jersey) and good cause appearing therefor:

It is ordered, That, Taylor's I.C.C. Order No. 165 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1964, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 29, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 28, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-2076; Filed, Mar. 3, 1964; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 28, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38840: *Liquid caustic soda from Charleston, S.C.* Filed by O. W. South, Jr., agent (No. A4454), for and on behalf of Southern Railway Co. Rates on liquid caustic soda, in tank car loads, from Charleston, S.C., to Danville, Va.

Grounds for relief: Market competition.

Tariff: Supplement 69 to Southern Freight Association, agent, tariff I.C.C. S-207.

FSA No. 38841: *Liquid caustic soda from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A4455), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Saltville, Va., to Augusta, Ga., Clearwater, Graniteville and Langley, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 69 to Southern Freight Association, agent, tariff I.C.C. S-207.

FSA No. 38842: *Soda ash from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A4456), for interested rail carriers. Rates on soda ash, in covered hopper cars, in carloads, from Saltville, Va., to Cedar Springs, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 69 to Southern Freight Association, agent, tariff I.C.C. S-207.

FSA No. 38843: *Liquid caustic soda from Charleston, S.C.* Filed by O. W. South, Jr., agent (No. A4457), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Charleston, S.C., to Nixon, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 69 to Southern Freight Association, Agent, tariff I.C.C. S-207.

FSA No. 38844: *Liquid caustic soda from Charleston, S.C.* Filed by O. W. South, Jr., agent (No. A4458), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Charleston, S.C., to Franklin, Va.

Grounds for relief: Market competition.

Tariff: Supplement 69 to Southern Freight Association, Agent, tariff I.C.C. S-207.

FSA No. 38845: *Liquid caustic soda from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A4459), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Saltville, Va., to Cartersville, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 69 to Southern Freight Association, agent, tariff I.C.C. S-207.

FSA No. 38846: *Iron and steel articles to Greenville, Miss.* Filed by Illinois Freight Association, agent (No. 228), for interested rail carriers. Rates on iron and steel articles, viz: angles; bars, reinforcement; beams; channels; coiled steel; floor plates and sheets; piling; pipe; tubing; tees and zees, in carloads, from Chicago, Joliet and South Chicago, Ill., Gary, and Indiana Harbor, Ind., to Greenville, Miss.

Grounds for relief: Barge competition.

Tariff: Supplement 5 to Illinois Freight Association, agent, tariff I.C.C. 1033.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2077; Filed, Mar. 3, 1964; 8:49 a.m.]

[Notice No. 294]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 28, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIER OF PROPERTY

No. MC 730 (Deviation No. 26), PACIFIC INTERMOUNTAIN EXPRESS CO., P.I.E. Building, 14th and Clay

Streets, P.O. Box 958, Oakland, Calif., applicant's attorney: W. S. Pilling (same address as applicant), filed October 6, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Artesia, Colo., over Colorado Highway 64 to junction Colorado Highways 13 and 789, thence over Colorado Highways 13 and 789 to Rifle, Colo., thence over U.S. Highway 6 to junction U.S. Highway 40, north of Georgetown, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Denver, Colo., over U.S. Highway 40 to Salt Lake City, Utah, and return over the same route.

No. MC 29988 (Deviation No. 14), DENVER-CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo., applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill., filed February 17, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 30 and Nebraska Highway 92, approximately 3 miles southwest of Clarks, Nebr., over Nebraska Highway 92 to Omaha, Nebr., thence over South Omaha Bridge to Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 48, at or near Griswold, Iowa, thence over Iowa Highway 48 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Iowa Highway 149, near Homestead, Iowa, thence over Iowa Highway 149 to junction U.S. Highway 30, at or near Cedar Rapids, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Denver, Colo., over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to Sterling, Colo. (also from Denver over U.S. Highway 6 to Sterling), thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., and return over the same route.

No. MC 52953 (Deviation No. 6) ET & WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn., filed February 18, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highways 61, 70, and Interstate Highway 55 over Interstate Highway 55 to junction U.S. Highway 61 and Interstate Highway 55, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Memphis, Tenn., over U.S. Highway 61 to Blytheville, Ark., and return over the same route.

No. MC 75320 (Deviation No. 20), CAMPBELL SIXTY SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo., filed February 19, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highways 61 and 70 and Interstate Highway 55 approximately 3 miles west of Memphis, Tenn., over Interstate Highway 55 to junction U.S. Highway 61 approximately three miles south of Blytheville, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Memphis, Tenn., over U.S. Highway 61 to St. Louis, Mo., and return over the same route.

No. MC 76032 (Deviation No. 9), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo., 80223, applicant's attorney: Ken Wolford (same address as applicant), filed February 17, 1964. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from the junction unnumbered California highway (formerly portion U.S. Highway 66) and U.S. Highway 66 (also known as Interstate Highway 15), at or near Victorville, Calif., over Interstate Highway 15 to junction U.S. Highway 66, at or near Barstow, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Los Angeles, Calif., over U.S. Highway 66 to junction unnumbered highway (formerly portion U.S. Highway 66), thence over unnumbered highway via Oro Grande and Lenwood, Calif., to Barstow, thence over U.S. Highway 66 to Albuquerque, N. Mex., and return over the same route.

No. MC 105957 (Deviation No. 9), DELTA MOTOR LINE, INC., 301 South 11th Street, Fort Smith, Ark., filed February 17, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highways 70, 61, and 63 and Interstate Highway 55 approximately 3 miles west of Memphis, Tenn., over Interstate Highway 55 to St. Louis, Mo., and return over the same route for operating convenience only. The notices indicates that the carrier is presently authorized to transport the same commodities over a pertinent route as follows: from St. Louis over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 via Crystal City, Perryville, and Jackson, Mo., to junction Missouri Highway 34, thence over Missouri Highway 34 to Cape Girardeau, Mo., thence over Missouri Highway 74 to junction U.S. Highway 61, thence over U.S. 61 to junction unnumbered highway near Sikeston, Mo., thence over unnumbered highway via Sikeston to junction U.S. Highway 61, thence over U.S. Highway 61 to Blytheville, thence over U.S. Highway 61 to junction unnumbered highway near Turrell, Ark., thence over unnumbered highway via Turrell, Clarksdale, Jericho, and Marion to junction U.S. Highway 63 via West Memphis to junction U.S. Highway 61, thence over U.S. Highway 61 to Memphis and return over the same route.

No. MC 2890 (Deviation No. 38), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed February 17, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: from Baltimore, Md., over U.S. Highway 40 to junction U.S. Highway 522 at Hancock, Md., thence over U.S. Highway 522 to junction Interstate Highway 70, thence over Interstate Highway 70 to Breezewood, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: from Baltimore over U.S. Highway 140 to junction unnumbered highway at or near Sandyville, Md., thence over unnumbered highway (now U.S. Highway 140) to Westminster, Md., thence over Maryland Highway 97 to Emittsburg, Md., thence over Maryland Highway 97 to the Maryland-Pennsylvania State line, thence over Pennsylvania Highway 16 to McConnellsburg, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2078; Filed, Mar. 3, 1964; 8:50 a.m.]

[Notice No. 606]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 28, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property of passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

MOTOR CARRIERS OF PROPERTY

No. MC 50069 (Sub-No. 291), filed February 23, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles from Columbus, Ohio, to points in Illinois and Wisconsin.

HEARING: March 24, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner Boris M. Low.

No. MC 95212 (Sub-No. 35) (CORRECTION), filed August 14, 1963, published FEDERAL REGISTER issue February 19, 1964, and republished as corrected this issue. Applicant: HELEN R. HENDERSON, doing business as H. R. HENDERSON, Post Office Box 327, Seneca, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill.

NOTE: The purpose of this republication is to show Chicago, Ill., as the place of hearing which was omitted in previous publication.

HEARING: April 16, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Laurence E. Masoner.

No. MC 109689 (Sub-No. 154), filed February 23, 1964. Applicant: W. S. HATCH Co., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk from Henderson, Nev., to points in Arizona.

HEARING: March 10, 1964, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 168, or, if the Joint Board waives its right to participate before Examiner John S. Messer.

No. MC 110420 (Sub-No. 365), filed February 20, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer materials*, in bulk, in tank or hopper vehicles, from Fulton, Ill., to points in Illinois, Iowa, and Wisconsin.

NOTE: Common control may be involved.

HEARING: April 2, 1964, at the Midland Hotel, Chicago, Ill., before Joint Board No. 111.

No. MC 112801 (Sub-No. 10), filed February 17, 1964. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 272, Chicago, Ill. Applicant's attorneys: Ronald N. Cobert, and Leonard A. Jaskiewicz, Munsey Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glycerine*, in bulk, in tank vehicles, from the plant site of Armour Soap Manufacturing Plant, located at or near Aurora, Ill., to points in Michigan and Missouri, and (2) *cocoanut oil, soap stock, liquid soap, and inedible tallow, including fatty acids thereof*, in bulk, in tank vehicles, from the plant site of Armour Soap Manufacturing Plant, located at or near Aurora, Ill., to points in Indiana, Michigan, Ohio, Missouri, Pennsylvania, and Wisconsin.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

HEARING: April 6, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

SECTION B

MOTOR CARRIERS OF PROPERTY

No. MC 2165 (Sub-No. 16), filed October 9, 1963. Applicant: LANGDON TRUCK LINES, INC., Lyndonville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty drums*, used, for reconditioning purposes, which, when full, move inbound via the same carrier, from Buffalo, Canisteo, Crittenden, Olean, Orchard Park, and Sinclairville, N.Y., and points in that part of New York bounded by a line beginning at the Niagara River just north of Niagara Falls, N.Y., and extending along New York Highway 31 to Lockport, N.Y., thence along New York Highway 93 to junction New York Highway 5 just south of Akron, N.Y., thence along New York Highway 5 to Batavia, N.Y., thence along New York Highway 33 to Rochester, N.Y., thence along city streets (formerly shown as New York Highway 2) to Lake Ontario, thence along the shore of Lake Ontario to the Niagara River, thence along the Niagara River to points of beginning, including points on the indicated portions of the highways specified, to Newark, N.J.

HEARING: April 13, 1964, at the Manger Hotel, Rochester, N.Y., before Examiner Lacy W. Hinely.

No. MC 2165 (Sub-No. 17), filed October 9, 1963. Applicant: LANGDON TRUCK LINES, INC., Lyndonville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and empty paperboard cartons*, knocked down, when shipped in mixed truckloads with *petroleum products*, (the empty containers and empty paperboard cartons not to exceed 10 percent of total weight of shipment), from Bayonne, N.J., to Buffalo, Canisteo, Crittenden, Olean, Orchard Park, and Sinclairville N.Y., and points in that part of New York bounded by a line beginning at the Niagara River just north of Niagara Falls, N.Y., extending along New York Highway 31 to Lockport, N.Y., thence along New York Highway 93 to junction New York Highway 5 just south of Akron, N.Y., thence along New York Highway 5 to Batalva, N.Y., thence along New York Highway 33 to Rochester, N.Y., thence along city streets (formerly shown as New York Highway 2) to Lake Ontario, thence along the shore of Lake Ontario to the Niagara River, thence along the Niagara River to point of beginning, including points on the indicated portions of the highways specified.

HEARING: April 13, 1964, at the Manger Hotel, Rochester, N.Y., before Examiner Lacy W. Hinely.

No. MC 35358 (Sub-No. 15), filed November 4, 1963. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: New and used items, whether of special or regular design, and whether to be permanently attached or otherwise, crated and uncrated, as follows: *dental, church, hospital, household, institutional, library, laboratory, medical, office, physicians', scientific, school and store appliances, cabinets, cases, equipment, fixtures, furniture and furnishings, floor coverings*, new and used *store and building appliances, equipment, fixtures, furniture and furnishings, organs, pianos, consoles, benches, claviers, speakers, and other musical instruments, caskets and burial cases, coolers and refrigerators, duplicating and reproducing equipment, vending machines and coin operated amusement devices* and *voting machines* (1) between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in Iowa, Illinois, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin, (2) between points in Wisconsin, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, and South Dakota, and (3) between points in Illinois, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, and South Dakota, and points in Wisconsin located on and west of a line beginning at Ashland, Wis., and extending over Wisconsin Highway 13 to Sauk City, Wis., thence over Wisconsin Highway 78 to junction Wisconsin Highway 92, thence over Wisconsin Highway 92 to junction Wisconsin Highway 69, thence over Wisconsin Highway 69 to the Wisconsin-Illinois State line.

HEARING: May 4, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Joseph A. Reilly.

No. MC 73165 (Sub-No. 179), filed December 16, 1963, published in FEDERAL REGISTER issue February 12, 1964, amended February 24, 1964, and republished as amended this issue. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d, Birmingham, Ala. Applicant's attorney: Donald L. Morris, 937 Bank for Savings Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, and iron and steel articles*, (including, but not limited to, *valves, fire hydrants*, and *parts* and *accessories therefor*), and (2) *pipe* and *pipe fittings*, from points in Alabama, to points in Arkansas, Oklahoma, and points in Louisiana west of the Mississippi River.

NOTE: Applicant states the above authority will be restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. The purpose of this republication is to show the aforementioned

restriction and clarify commodity description.

HEARING: Remains as assigned April 6, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner James O'D. Moran.

No. MC 95540 (Sub-No. 563), filed November 20, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site of The Kitchens of Sara Lee, located at Deerfield, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: April 20, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 96025 (Sub-No. 26) (AMENDMENT), filed September 27, 1963, published in FEDERAL REGISTER December 18, 1963, amended February 18, 1964, and republished as amended this issue. Applicant: DEWELL WILLIAM HOSKINS, doing business as HOSKINS' TRUCK SERVICE, Post Office Box 66, Malvern, Ark. Applicant's attorney: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Lumber and lumber mill products, and plywood*, from points in Arkansas to points in Kansas, Missouri, Oklahoma, Tennessee, Illinois, Indiana, Iowa, Kentucky, Wisconsin, Michigan, Ohio, Texas, Nebraska, and Minnesota, (B) *plywood*, from points in Arkansas to points in Kansas, Missouri, Oklahoma, Tennessee, Illinois, Indiana, Iowa, Kentucky, Wisconsin, Michigan, Ohio, Texas, Nebraska, and Minnesota, and (C) *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: The purpose of this republication is to delete part 2 of (A) as previously published.

HEARING: Remains as assigned March 31, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Leo A. Riegel.

No. MC 103051 (Sub-No. 165) (AMENDMENT), filed December 24, 1963, published in FEDERAL REGISTER issue January 29, 1964, and republished as amended this issue. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk fertilizer*, in dump and hopper type vehicles, from points in Muscogee and Dougherty Counties, Ga., to points in Alabama.

NOTE: The purpose of this republication is to add Dougherty County as an origin area.

HEARING: Remains as assigned, March 25, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 106644 (Sub-No. 50), filed February 25, 1964. Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, and *iron and steel articles*, including, but not limited to, *valves, fire hydrants*, and *pipe* and *pipe fittings* and *parts* and *accessories thereof*, from points in Alabama, to points in Arkansas, Oklahoma, and points in Louisiana west of the Mississippi River.

HEARING: April 6, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner James O'D. Moran.

No. MC 109210 (Sub-No. 137) (AMENDMENT), filed December 3, 1963, published FEDERAL REGISTER issue February 19, 1964, amended February 22, 1964, and republished as amended this issue. Applicant: CRANEL B. HERNDON, Box 605, Hampton, S.C. Applicant's representative: Charles R. Greenwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment materials and supplies*, used in the conduct of a door manufacturing company, from points in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Massachusetts, Maryland, Maine, Michigan, North Carolina, New York, New Jersey, Ohio, Pennsylvania, Texas, Vermont, Virginia, West Virginia, Wisconsin, Florida, to Varnville, S.C.

NOTE: The purpose of this republication is to show the origin and destination points as proposed by applicant to read as shown above, in lieu of those as previously published.

HEARING: Remains as assigned April 2, 1964, at the U.S. Court Rooms, Columbia, S.C., before Chief Hearing Examiner James C. Cheseldine.

No. MC 109478 (Sub-No. 71), filed December 13, 1963. Applicant: WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa., 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy bean oil*, in bulk, in tank vehicles, from Decatur, Ill., to Lockport, N.Y.

NOTE: Common control may be involved.

HEARING: April 16, 1964, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Lacy W. Hinely.

No. MC 111545 (Sub-No. 59) (AMENDMENT), filed September 4, 1963, published FEDERAL REGISTER issue of November 29, 1963, amended December 23, 1963, and republished as amended, this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Robert E. Born, Suite 214–217 Grant Bldg., Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiators*, air heating or cooling, iron or steel combined with other metal; *radiators*, air heating or cooling, aluminum, brass, bronze or copper; *cooling or freezing machines; condensers, equalizers*, or *exchangers*, gas or liquid; *coolers, heat exchangers*, or *equalizers* for air, gas, or liquids; *air coolers, heaters, humidifiers, de-humidifiers* or *washers* and *blowers* or *fans combined; blowers, rotary*, or *exhaust fans, iron; compressors* or *pumps*, gas or liquid, *electric motors*, or *parts; machinery parts*, aluminum, brass, bronze or copper; and (2) *parts, attachments* and *accessories* of and for the commodities described in (1) above, from the plant site of the Trane Company at La Crosse, Wis., to points in Alabama, Tennessee, Florida, Georgia, North Carolina, South Carolina, Virginia, and Mississippi.

NOTE: The purpose of this republication is to add the destination state of Tennessee.

HEARING: April 30, 1964, at the Federal Building, Milwaukee, Wis., before Examiner Joseph A. Reilly.

No. MC 112474 (Sub-No. 7), filed December 19, 1963. Applicant: WALTER ROWAN, Allen Street Extension, Jamestown, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper* in packages when shipped with *salt*, from Watkins Glen, N.Y., to points in Erie, Crawford, McKean, Potter, and Warren Counties, Pa.

HEARING: April 16, 1964, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Lacy W. Hinely.

No. MC 115840 (Sub-No. 8) (AMENDMENT), filed December 16, 1963, published in FEDERAL REGISTER issue February 12, 1964, and republished as amended this issue. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West (Post Office Box 2169), Birmingham, Ala. Applicant's attorney: Donald L. Morris, 937 Bank for Savings Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, and iron and steel articles, including, but not limited to valves, fire hydrants, and parts and accessories therefor*, and (2) *pipe and pipe fittings*, from points in Alabama to points in Arkansas, Oklahoma, and points in Louisiana west of the Mississippi River.

NOTE: Applicant states that the proposed operation is to be restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their byproducts. The purpose of this republication is to add the restriction shown above.

HEARING: Remains as assigned, April 6, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner James O'D. Moran.

No. MC 117815 (Sub-No. 16) (AMENDMENT), filed December 16, 1963, published FEDERAL REGISTER issue February 5, 1964, amended February 17, 1964, and republished as amended this issue. Applicant: PULLEY FREIGHT LINES, INC., 2361 Easton Boulevard, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from the plant site of Armour & Co. located at or near Worthington, Minn., to points in Illinois, Iowa, Kansas, Missouri, and Wisconsin.

NOTE: Applicant states the proposed service will be restricted against tacking or interlining at the involved origin. Further noted that the purpose of this republication is to show the destination state Michigan as shown in previous publication, has been deleted.

HEARING: Remains as assigned March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 118776 (Sub-No. 7) (CORRECTION), filed November 4, 1963, published FEDERAL REGISTER issue February 26, 1964, and republished as corrected this issue. Applicant: C. L. CONNERS, INC., Post Office Box 712, Quincy, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. The purpose of this republication is to show the place of hearing as Springfield, Ill., which was omitted in previous publication.

HEARING: Remains as assigned, April 2, 1964, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Louis G. LaVecchia.

No. MC 123593 (Sub-No. 1), filed September 20, 1963. Applicant: HURLEY TRANSPORT COMPANY, LTD., 147 North Augusta Road, Brockville, Ontario, Canada. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Post Office Box 25, Webster, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Castings*, from the port of entry on the International boundary line between the United States and Canada at or near Rooseveltown, N.Y., to Massena, N.Y.

HEARING: April 9, 1964, at the Federal Building, Syracuse, N.Y., before Examiner Lacy W. Hinely.

No. MC 125698, filed September 23, 1963. Applicant: MOTOR TRUCK SUPPLY CO., a corporation, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Superior, Wis., to points in Minnesota, wherein all vehicles operated over the highways will be furnished and controlled by the shipper owning the product being moved, and all responsibility, direction and control of said vehicles while operating over said highways, will be the sole and exclusive responsibility of the shipper.

NOTE: Common control may be involved.

HEARING: May 6, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate before Examiner Joseph A. Reilly.

No. MC 125701, filed September 23, 1963. Applicant: RALPH P. WILLIAMS, doing business as CAYUGA TRANSPORT CO., Box 248, Cayuga, N.Y. Applicant's attorney: Murray J. S. Kirshtein, 103 Oriskany Street East, Utica 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and animal and poultry feed ingredients*, in bags and in bulk, (a) from Waverly and Cayuga, N.Y., to points in Bradford, Tioga, Sullivan, Susquehanna, and Wyoming Counties, Pa., and (b) from Horseheads, N.Y., to points in Wyoming, Susquehanna, Potter, Tioga, Bradford, Sullivan and Lycoming Counties, Pa., and *returned, refused and rejected commodities*, in (a) and (b) above, on return.

NOTE: Applicant presently holds the authority in (b) above as a contract carrier in MC 124210 and the purpose of this portion of the application is to convert from a contract to a common carrier.

HEARING: April 10, 1964, at the Federal Building, Syracuse, N.Y., before Examiner Lacy W. Hinely.

No. MC 125716, filed November 26, 1963. Applicant: RENAUD GALIPEAU, Rural Route 4 Normand Street, Sheerbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., to the port of entry on the international boundary line between the United States and Canada at or near Derby Line, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: April 8, 1964, at the Federal Building, Albany, N.Y., before Examiner Lacy W. Hinely.

No. MC 125828, filed November 20, 1963. Applicant: CHARLES J. REITH, 319 Stonecrest Drive, DeWitt, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from ports of entry on the international boundary line between the United States and Canada, located in New York, to points in New Jersey, New York, and Pennsylvania, and (2) from Newark, N.J., to Syracuse, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: April 9, 1964, at the Federal Building, Syracuse, N.Y., before Examiner Lacy W. Hinely.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of application by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8667 (CORRECTION) (NORTH AMERICAN VAN LINES, INC.—CONTROL—CONTINENTAL VAN LINES, INC.), published in the February 12, 1964, issue of the FEDERAL REGISTER on page 2404. NORTH AMERICAN VAN LINES, INC., is authorized to operate as a *common carrier* in all states in the United States and the District of Columbia. Further, the application as filed requests not only approval of control of CONTINENTAL VAN LINES, INC., by NORTH AMERICAN VAN LINES, INC., but also seeks approval of the cancellation of CONTINENTAL VAN LINES, INC.'s certificate of public convenience and necessity in No. MC–39.

No. MC–F–8678 (A–P–A TRANSPORT CORP.—PURCHASE—MARS EXPRESS, INC.), published in the February 26, 1964, issue of the FEDERAL REGISTER on page 2723. Application filed February 18, 1964, for temporary authority under section 210a(b).

No. MC–F–8679. Authority sought for control by HALLAMORE MOTOR TRANSPORTATION, INC., 795 Plymouth Street, Holbrook, Mass., of KENNEBEC TRUCKING CO., INC., 396 Main Street, South Portland, Maine, and for acquisition by JOSEPH L. BARRY, also of Holbrook, Mass., of control of KENNEBEC TRUCKING CO., INC., through the acquisition by HALLAMORE MOTOR TRANSPORTATION, INC. Applicants' attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Operating rights sought to be controlled: *Road-building machinery and contractors' equipment*, as a *common carrier*, over irregular routes, between points in Connecticut, Maine, Massachusetts, New York, and Pennsylvania; and *road-building contractors' materials and supplies*, when transported together with road-building contractors' machinery and equipment, between points in Connecticut, Maine, Massachusetts, New York, and Pennsylvania. HALLAMORE MOTOR TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Massachusetts, Pennsylvania, New York, Rhode Island, Connecticut, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8680. Authority sought for purchase by WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., of the operating rights of A & A PRODUCE CO. (JAMES W. HOLDER, TRUSTEE), Highway 68, West Springdale, Arkansas, and for acquisition by WILLIS D. SHAW, HELEN LORENE SHAW, both of Elm

Springs, Ark., and JOHN G. WIRSIG, Fayetteville, Ark., of control of such rights through the purchase. Applicants' attorney and representative: A. Alvis Layne, 952 Pennsylvania Building, Washington, D.C., and James W. Holder, Trustee, North College, Fayetteville, Ark. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes, from Mobile, Ala., and New Orleans, La., to Coffeyville, Kans., Pittsburgh, Kans., and Springfield, Mo.; and a certificate has been authorized in No. MC–118260 Sub-No. 4, covering the transportation of *bananas*, over irregular routes, from Mobile, Ala., and New Orleans, La., to Tulsa, Okla. Vendee is authorized to operate as a *common carrier* in Arkansas, Alabama, Arizona, Delaware, Florida, Georgia, California, Texas, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Tennessee, Utah, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Virginia, Washington, Missouri, Mississippi, Montana, Nebraska, New Jersey, West Virginia, New Mexico, New York, Nevada, North Dakota, North Carolina, Oklahoma, Wisconsin, Oregon, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8681. Authority sought for control by MASTEN TRANSPORTATION, INC., Rehoboth Boulevard, Milford, Del., of BINGHAMTON WAREHOUSE & TERMINAL, INC., P.O. Box 127, Lemoyne, Pa., and for purchase by MASTEN TRANSPORTATION, INC., of the operating rights and property of BINGHAMTON WAREHOUSE & TERMINAL, INC., and for acquisition by L. J. LISHON, JR., EVELYN M. LISHON, L. J. LISHON, III, all of Rehoboth Boulevard, Milford, Del., and DIANE LISHON BIDDLE, Dorset Drive, Broomall, Pa., of control of such rights and property through the transaction. Applicant's attorneys: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036, and Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Operating rights sought to be controlled and transferred: (A) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, serving the site of the International Business Machines Corporation Distribution Center located in Hampden Township, Cumberland County, Pa., as an off-route point in connection with carrier's otherwise authorized regular-route operations, between Syracuse, N.Y., and Hanover, Pa., between Endicott, N.Y., and Binghamton, N.Y., between Lancaster, Pa., and Harrisburg, Pa., between Lancaster, Pa., and York, Pa., serving certain intermediate and off-route points, between Syracuse, N.Y., and Chenango Forks, N.Y., between Tunkhannock, Pa., and junction Pennsylvania Highway 92 and U.S. Highway 11, between Manchester, Md., and Reistertown, Md., serving no intermediate points, between Williamsport, Pa., and New York, N.Y., serving all intermediate points in Pennsylvania, the intermediate and off-route points of Bangor and Northampton, Pa., Newark, Jersey City, Hoboken, Plainfield, Ridgefield, Summit, and Morristown, N.J., points in Bergen, Hudson, Union, and Essex Counties, N.J., and points in Passaic County, N.J., east of U.S. Highway 202, unrestricted, and the off-route points of Stroudsburg, Pa., and Lyndhurst, N.J., restricted against the transportation of traffic originating at or destined to Stroudsburg and Lyndhurst, between Sunbury, Pa., and Lewistown, Pa., between Pottsville, Pa., and Millersburg, Pa., between Frackville, Pa., and Hazleton, Pa., serving all intermediate points, between Pottsville, Pa., and Hazleton, Pa., serving all intermediate points, and the off-route points of Weatherly and Freeland, Pa., between Berwick, Pa., and Northumberland, Pa., serving all intermediate points, between Cortland, N.Y., and Binghamton, N.Y., serving no intermediate points, but serving the off-route points of Homer and McGraw, N.Y., between Harrisburg, Pa., and Baltimore, Md., between Nicholson, Pa., and W. Pittston, Pa., between Endicott, N.Y., and Binghamton, N.Y., between Lemoyne, Pa., and Hershey, Pa., serving no intermediate points, between Baltimore, Md., and Alexandria, Va., serving all intermediate points, and off-route points in Maryland and Virginia within 5 miles of the District of Columbia, and points within 6 miles of Baltimore, two alternate routes for operating convenience only; (B) *General commodities*, excepting, among others, household goods and commodities in bulk, between New York, N.Y., and Reading, Pa., serving all intermediate and certain off-route points, between Reading, Pa., and Hanover, Pa., serving all intermediate and certain off-route points, between Reading, Pa., and Harrisburg, Pa., serving all intermediate and certain off-route points, between Reading, Pa., and Sunbury, Pa., between Tamaqua, Pa., and Hometown, Pa., between Pottsville, Pa., and Millersburg, Pa., between Lancaster, Pa., and Harrisburg, Pa., between Reading, Pa., and Phoenixville, Pa., between Allentown, Pa., and Mauch Chunk, Pa., between Sunbury, Pa., and Harrisburg, Pa., between Ashland, Pa., and Pottsville, Pa., between Easton, Pa., and Bangor, Pa., between Allentown, Pa., and Souderton, Pa., serving all intermediate points, three alternate routes for operating convenience only; *general commodities*, except those of unusual value, Classes A and B explosives, livestock, alcoholic liquors, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Reading, Pa., and Baltimore, Md., serving no intermediate points; *general commodities*; excepting, among others, household goods and commodities in bulk, over irregular routes, between certain points in Pennsylvania, RESTRICTION: The irregular route authority granted herein in (B) shall not be utilized to render service between any two points which carrier may serve in performance of the regular route operations herein above authorized in (B) and all irregular route operations authorized herein in (B) shall be conducted in connection with carrier's regular route operations herein above authorized in (B) and shall not be construed as an independent irregular route authority; (C) *general commodities*, between Butler, N.J., and points in Essex, Passaic, Hudson, and Bergen Counties, N.J., on the one hand, and, on the other, New York, N.Y.; *wearing apparel*, *wearing apparel materials*, and *tablecloths*, between Pottsville, Pa., and points within 30 miles thereof, on the one hand, and, on the other, Baltimore, Md., and Washington, D.C., RESTRICTION: The authority granted herein shall be restricted against the transportation of traffic moving between Syracuse and Binghamton, N.Y., on the one hand, and, on the other, Williamsport, Pa., or points in the New York, N.Y., commercial zone, as defined by the Commission, or in Bergen, Hudson, Essex, Union or Passaic Counties, N.J. MASTEN TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Maryland, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8682. Authority sought for purchase by GREAT FALLS TRANSFER & STORAGE COMPANY, doing business as SUHR TRANSPORT, 117 Park Drive, Great Falls, Mont., of the operating rights of C. B. EDMONDS, doing business as C. B. EDMONDS TRANSPORTATION, Post Office Box 28, Cody, Wyo., and for acquisition by CARL H. SUHR, SR., 2404 Fourth Avenue North, Great Falls, Mont., of control of such rights through the purchase. Applicants' attorney: Randall Swanberg, 314 Montana Building, Post Office Box 2567, Great Falls, Mont. Operating rights sought to be transferred: *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier* over irregular routes, between points in Wyoming and Montana; *machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Wyoming and Montana. Vendee is authorized to operate as a *common carrier* in Montana, California, Colorado, Idaho, Oregon, Utah, Washington, Wyoming, North Dakota, and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8683. Authority sought for purchase by ALBUQUERQUE PHOENIX EXPRESS, INC., 4500 McLeod Road NE. (Mailing address: Post Office Box 404), Albuquerque, N. Mex., 87103, of a portion of the operating rights of NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo., and for acquisition by DUNCAN A. McLEOD, Post Office Box 404, Albuquerque, N. Mex., of control of such rights through the purchase. Applicants' attorney and representative: Paul F. Sullivan, 612 Barr Building, 910 17th Street, Washington, D.C., 20006, and Duncan A. McLeod, Post Office Box 404, Albuquerque, N. Mex., 87103. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between the junction of Texas Highway 115 and Texas Farm Road 128 (formerly Texas Farm Road 781), and Jal, N. Mex., serving all intermediate points, over an alternate route for operating convenience only; *class A and B explosives*, and *general commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Hobbs, N. Mex., and Wink, Tex., between Andrews, Tex., and Kermit, Tex., serving all intermediate points, between Kermit, Tex., and Andrews, Tex., serving all intermediate points, and serving certain off-route points with certain restrictions, between Andrews, Tex., and Eunice, N. Mex., serving all intermediate points; *general commodities*, except household goods as defined by the Commission, between Kermit, Tex., and Monahans, Tex., serving no intermediate points; *government-owned compressed gas trailers*, loaded with compressed gas (Other than liquefied petroleum gas) or empty, between all of the points and over the regular and alternate routes in and through the States of New Mexico and Texas. Vendee is authorized to operate as a *common carrier* in Arizona, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

NOTE: Applicants' counsel requests that No. MC–110264 Sub–30, be handled concurrently.

No. MC–F–8684. Authority sought for purchase by KEYSTONE MOTOR EXPRESS, INC., 2412 Collis Avenue, Post Office Box 5497, Huntington, 3, W. Va., of a portion of the operating rights and certain property of HATCHER TRUCKING COMPANY, INC., 2210 Winston Avenue, Roanoke, Va., and for acquisition by ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 2, N.Y., of control of such rights and property through the purchase. Applicants' attorneys: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio, and Mortimer A. Sullivan, Walbridge Building, Buffalo 2, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Roanoke, Va., and points within five miles thereof, on the one hand, and, on the other, points in that part of West Virginia located on or west of U.S. Highway 60. Vendee is authorized to operate as a *common carrier* in Pennsylvania, West Virginia, Ohio, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8685. Authority sought for purchase by TEXAS-OKLAHOMA EXPRESS, INC., 2515 Irving Boulevard, Post Office Box 743, Dallas 21, Tex., of a portion of the operating rights of MIDLEWEST FREIGHTWAYS, INC., 6810 Prescott Avenue, St. Louis, Mo. 63147, and for acquisition by LEONARD B. BROWN, P. L. CASE, and GEORGE C. JOHNSTON, all of Dallas 21, Tex., of control of such rights through the purchase. Applicants' attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Kansas City, Mo., and Henryetta, Okla., serving the intermediate points of Sapulpa and Okmulgee, Okla., and intermediate and off-route points in the Kansas City, Mo.-Kans., commercial zone, and the Tulsa, Okla., commercial zone, each as defined by the Commission; *general commodities*, except Classes A and B explosives (except fireworks and small arms ammunition), livestock, corpses, currency, bullion, articles of virtu, exposed motion picture film, household goods, commodities in bulk, and those requiring special equipment, between St. Louis, Mo., and Tulsa, Okla., serving the intermediate and off-route points in the Tulsa, Okla., commercial zone as defined by the Commission, RESTRICTION: Service is not authorized with respect to any shipment originating at or destined to Belleville, Ill., and Perryville, St. Charles, St. Clair, and Sullivan, Mo. Vendee is authorized to operate as a *common carrier* in Texas, Oklahoma, Missouri, and Kansas. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–2079; Filed, Mar. 3, 1964; 8:50 a.m.]

[Notice No. 607]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 28, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

SECTION A

MOTOR CARRIERS OF PROPERTY

No. MC 52110 (Sub-No. 81), filed February 19, 1964. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I, 61 M.C.C. 209, from the plant site of Armour and Co., located at or near Worthington, Minn., to St. Louis, and St. Joseph, Mo., Chicago, Ill., Kansas City, Mo.-Kans., Omaha and Lincoln, Nebr., Louisville, Ky., points in Indiana and Ohio, points in Michigan, on and south and west of U.S. Highway 10 between and including Ludington and Flint, Mich., and on and south of Michigan Highway 21 between Flint, Mich., and Port Hurton, Mich., including Port Huron, Mich.

NOTE: Applicant states the authority sought will be restricted against tacking and interlining at Worthington, Minn.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 52110 (Sub-No. 82), filed February 14, 1964. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Missouri and Iowa; points in South Dakota on and east of U.S. Highway 81 and on and south of U.S. Highway 12; points in Nebraska on and east of U.S. Highway 183; points in Kansas on and east of U.S. Highway 81; and points in Minnesota on and south of U.S. Highway 12 including points in the Minneapolis-St. Paul commercial zone.

NOTE: Applicant states the authority sought will be restricted against the privilege of tacking or interlining at Darien, Wis.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 95540 (Sub-No. 572), filed February 25, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plant site of Armour and Company at or near Worthington, Minn., to points in Arizona, Arkansas, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. RESTRICTION: Authority sought is limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at origin, and against commodities in bulk, in tank vehicles.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 107403 (Sub-No. 537), filed February 19, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles from the Colonial Pipeline Company terminals located at points in Delaware, Maryland, New Jersey, New York, and Pennsylvania to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia.

HEARING: April 6, 1964, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107818 (Sub-No. 32), filed February 10, 1964. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 NW. 12th Avenue, Pompano Beach, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 114045 (Sub-No. 131), filed February 14, 1964. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company located at or near Worthington, Minn., to points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, and West Virginia.

NOTE: Applicant states that the proposed service will be limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at point of origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119816 (Sub-No. 3) (AMENDMENT), filed February 12, 1964, published in FEDERAL REGISTER issue February 19, 1964, and republished as amended this issue. Applicant: FLEETLINE, INC., 1984 Oakdale Avenue, West St. Paul, Minn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company, located at or near Worthington, Minn., to points in Wisconsin, Illinois, Iowa, North Dakota, South Dakota, and the Upper Peninsula of Michigan.

NOTE: Applicant states that the above proposed operations will involve shipments originating from the plant site of Armour & Company, at or near Worthington, Minn. The purpose of this republication is to show the addition of Illinois to destination territory.

HEARING: Remains as assigned March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119974 (Sub-No. 5), filed February 20, 1964. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Green Bay, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles) from the plant site of Armour & Company located at or near Worthington, Minn., to points in the Upper Peninsula of Michigan, Wisconsin and Illinois.

NOTE: Applicant states the proposed operations will be limited to shipments originating at the plant site of Armour & Company and further restricted against tacking at origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 123069 (Sub-No. 4), filed February 14, 1964. Applicant: ALLER & SHARP, INC., 817 West Fifth Avenue, Columbus, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, other than commodities in bulk, in tank vehicles, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company at or near Worthington, Minn., to points in Indiana, Kentucky, Ohio, and West Virginia.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 124078 (Sub-No. 101), filed February 14, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (excluding all other acids and chemicals), in bulk, in tank vehicles, from Colonial Pipeline facilities and terminals located in Alabama, Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 124213 (Sub-No. 2), filed February 24, 1964. Applicant: SWIFT-LINES, INC., Post Office Box 158, Omaha 7, Nebr. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Illinois, Indiana, Michigan, Missouri, and Wisconsin, and *empty containers, or other such incidental facilities* (not specified), used in transporting the above described commodities, on return.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

SECTION B

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Sub-No. 150), filed December 30, 1963. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Frozen foods*, from the plant site of Libby, McNeill and Libby, located at or near Darien, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia, and *refused and rejected shipments*, of the commodities specified above, on return.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 20783 (Sub-No. 69), filed December 26, 1963. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, Ga. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant states the proposed operations will be restricted (1) against tacking with any authority presently held by applicant and (2) against interlining at Darien, Wis.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 25798 (Sub-No. 109), filed December 17, 1964. Applicant: CLAY HYDER TRUCKING LINES, INC., 301 Highway North, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 1250 Federal Bar Building, 1815 H Street, NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, Tennessee, Mississippi, Alabama, Georgia, Florida, Kentucky, and New Orleans, La.

NOTE: Applicant states that the proposed operation is to be restricted so that no tacking or interline privileges are permitted at Darien, Wis.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 29566 (Sub-No. 85), filed December 26, 1963. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Arkansas, Iowa, Kansas, Louisiana (except New Orleans), Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, and *rejected shipments thereof*, on return.

NOTE: Common control may be involved.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 75185 (Sub-No. 243), filed December 18, 1963. Applicant: SERVICE TRUCKING CO., INC., Box 276, Federalsburg, Md. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, Kentucky, and New Orleans, La.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 95540 (Sub-No. 564), filed December 19, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, District of Columbia, and New Orleans, La.

NOTE: Applicant states that the proposed operation is to be restricted so that no tacking or interline privileges will be permitted at Darien, Wis. It is further noted that common control may be involved.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 105813 (Sub-No. 109), filed December 23, 1963. Applicant: BELFORD TRUCKING CO., INC., 1299 NW. 23d Street, Miami 42, Fla. Applicant's representative: H. R. Marlane, 2020 Biscayne Boulevard, Miami 37, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Common control may be involved.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 107107 (Sub-No. 295), filed December 18, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant states the proposed service will be restricted to shipments originating at Darien, Wis., thereby eliminating the possibility of tacking or interlining at such point.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 107515 (Sub-No. 464), filed December 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Standard Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, Kentucky, and New Orleans, La.

NOTE: Common control may be involved.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 108207 (Sub-No. 127), filed October 28, 1963. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, 617 First National Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Arkansas, Iowa, Kansas, Louisiana, Memphis, Tenn., Mississippi, Missouri, Nebraska, Oklahoma, and Texas.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 114045 (Sub-No. 126), filed December 23, 1963. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Arkansas, Iowa, Kansas, Louisiana (except New Orleans), Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 115841 (Sub-No. 160), filed December 23, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, Kentucky, and Louisiana.

NOTE: Applicant states the above authority will be restricted against tacking or interline privileges at Darien, Wis.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 117119 (Sub-No. 129), filed December 16, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Iowa, Missouri, Nebraska, North Dakota, South Dakota, Texas, Oklahoma, Arkansas, Kansas, and Louisiana (except New Orleans).

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 119767 (Sub-No. 14), filed December 16, 1963. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Michigan, Indiana, Ohio, Illinois, Minnesota and points in Iowa, on and east of U.S. Highway 61, extending from the Iowa-Missouri State line to Dubuque, Iowa, including Dubuque, and those on and east of U.S. Highway 52, extending from Dubuque to the Iowa-Minnesota State line, and St. Louis, Mo., Louisville, Ky., and Pittsburgh, Pa.

NOTE: Applicant states that no tacking or interline privileges are sought at Darien, Wis. It is further noted common control may be involved.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2080; Filed, Mar. 3, 1964; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 28, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. assigned M-3363, filed December 23, 1963. Applicant: CARTER TRUCK LINE, INC., 500 North 3d Street, Fort Smith, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Van Buren, Ark., and Alma, Ark., from Van Buren over Arkansas Highway 162 to Alma, and return over the same route, serving all intemediate points.

HEARING: March 31, 1964, at 10:00 a.m., in the Justice Building, Little Rock, Ark.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark., 72201, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2082; Filed, Mar. 3, 1964; 8:51 a.m.]

[Notice No. 948]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 28, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66405. By order of February 25, 1964, the Transfer Board approved the transfer to Nick Encapera, doing business as California Bus Service, California, Pa., of the operating rights issued by the Commission February 6, 1964, under Certificate in No. MC 115634 (Sub-No. 1) to Silvio Di Prampero, doing business as Keystone Transit, Waynesburg, Pa., authorizing the transportation of passengers and their baggage, in round-trip special and charter operations, beginning and ending at points in Greene County, Pa., and extending to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Floyd A. King, 77 South Washington Street, Waynesburg, Pa., attorney for applicants.

No. MC-FC 66477. By order of February 25, 1964, the Transfer Board approved the transfer to Welling Truck Service, Inc., Aviston, Ill., of the operating rights issued by the Commission March 11, 1952, under Certificate in No. MC 38403, to Leo Welling, doing business as Welling Truck Service, Aviston, Ill., authorizing the transportation, over regular routes of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Aviston, Ill., and St. Louis, Mo.; household goods, as defined by the Commission, over irregular routes, between St. Louis, Mo., on the one hand, and, on the other, Trenton and Aviston, Ill., and such commodities as are transported in dump trucks, over irregular routes, from St. Louis, Mo., to Aviston, Ill.

No. MC-FC 66610. By order of February 27, 1964, the Transfer Board approved the substitution of Donald G. Randall and Dorothy M. Randall, a partnership, doing business as Prescott Transfer & Storage Co., 624 West Gurley Street, Prescott, Ariz., in lieu of Robert W. Tharp, doing business as Prescott Transfer & Storage Company, 624 West Gurley Street, Prescott, Ariz., as applicant in No. MC 98699 (Sub-No. 2) for a certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act supported by Arizona Certificate No. 3092 authorizing the transportation of household goods, between all points in the State of Arizona.

No. MC-FC 66624. By order of February 25, 1964, the Transfer Board approved the transfer to Faucher Bros. Cartage, Inc., 223 West Ontario Street, Chicago, Ill., of the operating rights in Certificate in No. MC 79303, issued September 23, 1941, to Ed Faucher, doing business as Faucher Bros. Cartage Co., 223 West Ontario Street, Chicago 10, Ill. authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the Chicago, Ill., commercial zone, as defined.

No. MC-FC 66641. By order of February 24, 1964, the Transfer Board approved the transfer to Miles L. Webster, Minburn, Iowa, of the operating rights in Certificate in No. MC 68072 issued by the Commission December 19, 1956, to Ted Leak, Linden, Iowa, authorizing the transportation of livestock from various points in Iowa, to Omaha, Nebr., and livestock and feed, from Omaha, Nebr., to Panora, Iowa, between Panora and Chicago, Ill.; between Greenfield, Iowa, and Chicago, Ill.; between Winterset, Iowa, and Chicago, Ill.; between Atlantic, Iowa, and Chicago, Ill.; and between Carroll, Iowa, and Chicago, Ill. William A. Landau, 1307 East Walnut Street, Des Moines, 50306, Iowa, representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2083; Filed, Mar. 3, 1964; 8:51 a.m.]

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Announcing a New Statutory Citations Guide

HOW TO FIND U.S. STATUTES and U.S. CODE CITATIONS

This pamphlet contains typical legal reference situations which require further citing. Official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them to make the search. Additional finding aids, some especially useful in citing current material, also have been included. Examples are furnished at pertinent points and a list of reference titles, with descriptions, is carried at the end.

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PART I

FEDERAL REGISTER

VOLUME 29 NUMBER 45

Washington, Thursday, March 5, 1964

THE UNIVERSITY OF MICHIGAN
MAR 9 1964
MAIN READING ROOM

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Proclamation 3576

PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1964

By the President of the United States of America

A Proclamation

WHEREAS April 14, 1964, marks the seventy-fourth anniversary of the establishment by the American Republics of the inter-American system which is now known as the Organization of American States; and

WHEREAS relations between the United States and the other American Republics are of utmost concern to this Nation since we believe that mutual problems of the various republics must be resolved in a spirit of friendship and understanding; and

WHEREAS the United States is firmly and traditionally committed to the concept that every American nation has the right and duty to govern itself, free from outside dictation or coercion from any quarter, and that every citizen of the Americas has the right to speak his views, worship God in his own way, and participate in the political life of his nation; and

WHEREAS mutual efforts to increase the solidarity and well-being of the peoples of the Americas over the years have evolved into an Alliance for Progress; and

WHEREAS the United States, in its traditional spirit of cooperation and amity, has pledged the energies of this Nation to the achievement of the common goals expressed in the Charter of Punta del Este by engaging in a relentless war upon poverty, social injustice, and tyranny:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim Tuesday, April 14, 1964, as Pan American Day and the week beginning April 12 and ending April 18 as Pan American Week; and I call upon the Governors of the fifty States of the Union, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the United States flag to issue similar proclamations.

Mindful of the vast tasks that still lie before us if the material progress and the social advancement of the Americas are to match the spiritual and cultural achievements of the republics of this Hemisphere, I urge all citizens of the United States and all interested organizations to join their Government in helping to make both Pan American Day and Pan American Week occasions for the recognition of past achievements, and for this Nation's rededication to the ideals of the inter-American system, and to the principles and objectives of the Charter of the Organization of American States and the Charter of Punta del Este. For on the maintenance of these ideals and the achievement of these objectives depends the future of freedom, human dignity, and national independence in this Hemisphere.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Second day of March in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64–2208; Filed, Mar. 4, 1964; 10:23 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective January 5, 1964 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective July 30, 1963, as amended October 2, 1963 and January 4, 1964 (28 R.R. 7718, 10564, 14485), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to, deleting from, or amending the respective "lists" therein, as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Andrews AFB, Md.

Amend: The item in this list relating to Dulles International Airport is amended to read: "Dulles International Airport, Loudoun County, Va."

TWO HOURS

Delete: Andrews AFB, Md.

OUTSIDE METROPOLITAN AREA

TWO HOURS

Amend: The item in this list relating to Arlington, Va., is amended to read: "Arlington, Va. (served from Andrews AFB, Md., Baltimore, Md., or Dulles International Airport, Va.)."

THREE HOURS

Amend: The item in this list relating to Andrews AFB, Md., is amended to read: "Andrews AFB, Md. (served from Baltimore, Md., or Dulles International Airport, Va.)."

Add: Dulles International Airport, Va. (served from Andrews AFB, Md. or Baltimore, Md.).

Delete: Hopewell, Va. (served from Norfolk, Va.).

Delete: Richmond, Va. (served from Norfolk, Va.).

Add: Any undesignated Maryland or Virginia port served from Andrews AFB, Md. or Dulles International Airport, Va.

Add: Any undesignated Virginia port served from Norfolk-Newport News, Va.

FOUR HOURS

Add: New Haven, Conn. (served from New York, N.Y.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective March 5, 1964.

Done at Hyattsville, Md., this 28th day of February 1964.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 64-2136; Filed, Mar. 4, 1964; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 842.2, Supp. 6]

PART 842—BEET SUGAR AREA

Approved Local Areas for 1962 Crop

§ 842.8 Approved local areas for the 1962 crop.

For purposes of considering eligibility for abandonment and crop deficiency payments on 1962-crop sugarbeets, the respective Agricultural Stabilization and Conservation county committees have determined with respect to the following counties and local producing areas that due to drought, flood, storm, freeze, disease, or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugarbeets on farms in each such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugarbeets planted on all farms in such county or local producing area.

(a) *California.*

ENTIRE COUNTIES

Alameda.	Merced.
Butte.	Monterey.
Colusa.	Sacramento.
Contra Costa.	San Benito.
Fresno.	San Joaquin.
Glenn.	San Luis Obispo.
Kern.	Santa Barbara.
Kings.	Santa Clara.
Los Angeles.	Santa Cruz.
Madera.	Solano.
Stanislaus.	Ventura.
Sutter.	Yolo.
Tulare.	Yuba.

(b) *Colorado.*

ENTIRE COUNTIES

Adams.	Logan.
Bent.	Morgan.
Boulder.	Otero.
Delta.	Prowers.
Kit Carson.	Pueblo.
Larimer.	Washington.
Las Animas.	Weld.

COUNTY AND AREAS

INDIVIDUAL LOCAL PRODUCING AREAS

Baca: T29S, R44W.
Montrose: T48N, R10W; T50N, R11W.
Sedgwick: T11N, R47W; T12N, R46W.

(c) *Idaho.*

ENTIRE COUNTIES

Ada.	Gooding.
Bingham.	Jefferson.
Bonneville.	Jerome.
Canyon.	Madison.
Caribou.	Minidoka.
Cassia.	Oneida.
Elmore.	Power.
Fremont.	Twin Falls.
Gem.	Washington.

COUNTY AND AREAS

INDIVIDUAL LOCAL PRODUCING AREAS

Bannock: T9S, R36E; T9S, R37E; T9S, R38E; T9S, R39E; T10S, R36E; T10S, R37E; T11S, R37E.
Franklin: T11S, R41E; T13S, R38E; T14S, R38E; T15S, R40E; T16S, R38E.
Lincoln: T7S, R23E.
Owyhee: T4N, R5W; T5S, R3E; T5S, R2E; T2N, R5W.
Payette: T6N, R5W; T7N, R5W; T8N, R5W; T7N, R4W.

(d) *Illinois.*

ENTIRE COUNTIES

Cook

(e) *Iowa.*

ENTIRE COUNTIES

Cerro Gordo.	Monona.
Hancock.	

(f) *Kansas.*

ENTIRE COUNTIES

Sherman.	Wichita.
Wallace.	

(g) *Michigan.*

ENTIRE COUNTIES

Arenac.	Lenawee.
Bay.	Midland.
Clinton.	Monroe.
Genesee.	Newaygo.
Gladwin.	Saginaw.
Gratiot.	St. Clair.
Huron.	Sanilac.
Isabella.	Shiawassee.
Lapeer.	Tuscola.

(h) *Minnesota.*

ENTIRE COUNTIES

Clay.	West Polk.
Faribault.	Redwood.
Freeborn.	Renville.
Kittson.	Sibley.
Lac qui Parle.	Swift.
Meeker.	Wilkin.
Nicollet.	Yellow Medicine.
Norman.	

COUNTY AND AREAS

INDIVIDUAL LOCAL PRODUCING AREAS

Traverse: Gorton, Dollymount.

(i) *Montana.*

ENTIRE COUNTIES

Big Horn.	Prairie.
Broadwater.	Rosebud.
Carbon.	Stillwater.
Lake.	Treasure.
Phillips.	Yellowstone.

(j) *Nebraska.*

ENTIRE COUNTIES

Box Butte.	Kearney.
Brown.	Keith.
Buffalo.	Lincoln.
Cheyenne.	Merrick.
Dawes.	Morrill.
Dawson.	Phelps.
Deuel.	Red Willow.
Franklin.	Scottsbluff.
Furnas.	Sheridan.
Hall.	Sioux.
Hamilton.	Valley.

COUNTY AND AREAS

INDIVIDUAL LOCAL PRODUCING AREAS

Clay: T8, R7; T7, R7; T6, R7.
Dundy: T1, R42.

(k) *New Mexico.*

ENTIRE COUNTIES

Torrence

(l) *North Dakota.*

ENTIRE COUNTIES

Cass.	Stelle.
Grand Forks.	Traill.
Pembina.	Walsh.
Richland.	

(m) *Ohio.*

ENTIRE COUNTIES

Allen.	Ottawa.
Defiance.	Paulding.
Erie.	Putnam.
Fulton.	Sandusky.
Hancock.	Seneca.
Hardin.	Van Wert.
Henry.	Wood.
Lucas.	Wyandot.

(n) *Oregon.*

ENTIRE COUNTIES

Malheur

COUNTY AND AREAS

INDIVIDUAL LOCAL PRODUCING AREAS

Umatilla: T6N, R34E.

(o) *South Dakota.*

ENTIRE COUNTIES

Beadle.	Sanborn.
Brookings.	Spink.
Butte.	Turner.
Clay.	Union.
Lawrence.	

(p) *Texas.*

ENTIRE COUNTIES

Castro.	Hale.
Deaf Smith.	

(q) *Utah.*

ENTIRE COUNTIES

Cache.	Juab.
Carbon.	Utah.
Emery.	

COUNTY AND AREAS

INDIVIDUAL LOCAL PRODUCING AREAS

Sevier: Community A.

(r) *Washington.*

ENTIRE COUNTIES

Walla Walla

COUNTY AND AREAS

INDIVIDUAL LOCAL PRODUCING AREAS

Benton: T9N, R24E.
Franklin: T12N, R29E; T14N, R29E; T12N, R30E; T4N, R31E; T11N, R29E.

(s) *Wyoming.*

ENTIRE COUNTIES

Big Horn.	Hot Springs.
Converse.	Laramie.
Fremont.	Platte.
Goshen.	Washakie.

COUNTY AND AREAS

INDIVIDUAL LOCAL PRODUCING AREAS

Park: T53N, R101W; T54N, R98W; T54N, R100W; T55N, R98W.

STATEMENT OF BASES AND CONSIDERATIONS

One of the conditions of eligibility of a sugarbeet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the Agricultural Stabilization and Conservation county committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugarbeet crop.

The purpose of this supplement is to give notice that specific counties and local producing areas have qualified under the requirements with respect to the 1962 crop of sugarbeets and that any sugarbeet producer operating a farm which is located in any one of these counties or local producing areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

Effective date: Date of publication.

Signed at Washington, D.C., on February 28, 1964.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

FEBRUARY 28, 1964.

[F.R. Doc. 64-2162; Filed, Mar. 4, 1964; 8:50 a.m.]

[Sugar Determination 846.3, Supp. 4]

PART 846—HAWAII

Approved Local Areas for 1963 Crop

§ 846.7 Approved local areas for the 1963 crop.

For purposes of considering eligibility for abandonment and crop deficiency payments on 1963-crop sugarcane, the State Executive Director of the Hawaii Agricultural Stabilization and Conservation Service State Office has determined with respect to the following local producing areas that due to drought, flood, storm, freeze, disease, or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugarcane on farms in such area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugarcane planted on all farms in such area.

(a) *Hamakua producing area.* The combined mill areas of the Honokaa Sugar Company, Paauhau Sugar Company, Limited, and the Hamakua Mill Company located on the coastal areas of the Hamakua section of the northern portion of the County of Hawaii, and generally bounded on the upper side below the 2,300-foot elevation contour, lower regions by the ocean, and coastwise, on the Hilo side, by the Kaala Gulch, and Waipio Valley on the Kohala side.

(b) *Kohala producing area.* The Kohala Sugar Company mill unit located in the North Kohala area of the County of Hawaii, and bounded on the south by Kohala Mountain Forest Reserve and Parker Ranch land, on the north by the ocean, on the east by Pololu Valley, and on the west by Kahua and Parker Ranch lands.

STATEMENT OF BASES AND CONSIDERATIONS

One of the conditions of eligibility of a sugarcane producer in Hawaii for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a local producing area in which the State Executive Director of the Hawaii Agricultural Stabilization and Conservation Service State Office determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugarcane crop.

The purpose of this supplement is to give notice that specified local producing areas have qualified under the requirements with respect to the 1963 crop of sugarcane and that any sugarcane producer operating a farm located in such areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 303 61 Stat. 930, as amended; 7 U.S.C. 1133)

Effective date: Date of publication.

Signed at Washington, D.C., on February 28, 1964.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

FEBRUARY 28, 1964.

[F.R. Doc. 64-2163; Filed, Mar. 4, 1964; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Subpart—Administrative Rules and Regulations

MINIMUM SIZE REQUIREMENTS FOR FIELD-RUN DATES

Notice was published in the February 5, 1964 issue of the FEDERAL REGISTER (29

F.R. 1737) regarding a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations §§ 987.100 to 987.174) by revising § 987.145(f)(4)(i) so as to provide minimum size requirements for field-run dates, to be withheld from handling to meet restricted obligations, of any variety for which minimum size requirements for restricted dates are in effect. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Date Administrative Committee, and other available information, it is concluded that the proposed amendment, as hereinafter set forth, of the administrative rules and regulations will provide, for field-run dates, minimum size requirements in appropriate relationship to those prescribed for restricted dates, is in accordance with this part, and will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That Subpart—Administrative Rules and Regulations (§§ 987.100 to 987.174) is hereby amended by revising paragraph (f)(4)(i) of § 987.145 to read:

§ 987.145 Volume regulation.

* * * * *

(f) *Withholding and disposition of field-run dates.* * * *

(4) *Requirements for eligible field-run dates.* * * *

(i) At least 70 percent, by weight, of the dates in the sample are sound dates which, after normal processing and with respect to size and for the factors of color, uniformity of size, and character, would meet the effective minimum requirements for restricted dates exclusive of those for export to approved countries other than Mexico ("sound dates" meaning dates which are free of defects, other than those removable by washing, that are scored pursuant to the effective United States Standards for Grades of Dates); and

* * * * *

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated February 28, 1964, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 64-2137; Filed, Mar. 4, 1964; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8391]

PART 13—PROHIBITED TRADE PRACTICES

Central Arkansas Milk Producers Association, Inc., et al.

Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Combining or conspiring: § 13.430 *To enhance, maintain or unify prices.* Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1526; 15 U.S.C. 13)

[Cease and desist order, Central Arkansas Milk Producers Association, Incorporated, et al., Little Rock, Ark., Docket 8391, Feb. 7, 1964]

In the Matter of Central Arkansas Milk Producers Association, Incorporated, a Corporation, and David L. Parr, Individually and as Secretary-Manager of Central Arkansas Milk Producers Association, Incorporated

Order requiring an association of some 1,500 dairy farmers in Arkansas, Louisiana, Texas, Oklahoma, and Missouri, engaged in the sale and distribution to processors of raw milk produced by its members and also by nonmembers, to cease conspiring to fix or establish prices, terms or conditions of sale of raw milk; urging or inducing any milk processor to buy all his raw milk requirements from it by use of threats, coercion, etc.; charging or granting different premiums, surcharges, terms or conditions of sale in excess of the minimum requirements of a marketing agreement issued by the Secretary of Agriculture, to competing purchasers regulated by the agreement; and charging or granting different prices, terms or conditions of sale to competing purchasers not wholly regulated by said marketing agreement, with exceptions as set forth in the order below.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Central Arkansas Milk Producers Association, Inc., a corporation, named in the complaint as Central Arkansas Milk Producers Association, Incorporated, and respondent David L. Parr, individually, and as Secretary-Manager of Central Arkansas Milk Producers Association, Inc., and their officers, agents, representatives, and employees, either directly or through any corporate or other device, in connection with the sale and distribution of milk in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Entering into, continuing, cooperating in or carrying out any conspiracy between or among any one or more of said respondents and others not parties hereto, to fix or establish prices, terms, or conditions of sale of raw milk, or any conspiracy to do or perform any of the acts or practices otherwise prohibited by this order.

It is further ordered, That the said respondents Central Arkansas Milk Producers Association, Inc., and David L. Parr, their officers, agents, representatives and employees, either directly or through any corporate or other device, in connection with the sale and distribution of milk in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Urging, inducing, coercing, or attempting to urge, induce or coerce, any processor or handler of milk to buy or to contract to buy all or any of his raw milk requirements from respondents by using threats, coercion or other predatory tactics.

It is further ordered, That the said respondents Central Arkansas Milk Producers Association, Inc., and David L. Parr, their officers, agents, representatives and employees, either directly or through any corporate or other device, in connection with the sale and distribution of milk in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Charging or granting, for milk of like grade, quality and utilization, different premiums, surcharges, terms or conditions of sale in excess of the minimum requirements of a marketing agreement or order issued by the Secretary of Agriculture pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, to competing purchasers fully regulated by the same marketing agreement or order; provided, that respondents when acting in the capacity of a handler as defined in a marketing agreement or order may charge or grant prices, terms, or conditions of sale different than those charged or granted when acting in the capacity of a cooperative association as defined in a marketing agreement or order for such milk, so long as the said prices, terms, or conditions are uniformly applied by respondents acting in each capacity to all competing customers fully regulated by the same marketing agreement or order.

2. Charging or granting different prices, terms or conditions of sale, for milk of like grade and quality or utilization, to competing purchasers wholly unregulated or partially regulated by a marketing agreement or order; provided, that where such wholly unregulated or partially regulated purchasers compete in fact with others fully regulated by a marketing agreement or order, respondents may in good faith charge or grant the prices, terms, or conditions of sale which would be applicable if all such purchasers were fully regulated by the same marketing agreement or order.

Provided, however, That nothing herein contained shall prevent any association of producers of milk, acting as an agricultural cooperative pursuant to and in accordance with the provisions of the Capper-Volstead Act (C. 57, 42 Stat. 388); (C. 725, 44 Stat. 802); section 6 of the Clayton Act (C. 323, 38 Stat. 730, 731); and the Agricultural Marketing Agreement Act of 1937, as amended (C. 296, 50 Stat. 246), from performing any of the acts and practices permitted by said acts or other applicable law.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 7, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2133; Filed, Mar. 4, 1964; 8:48 a.m.]

[Docket 7474 o.]

PART 13—PROHIBITED TRADE PRACTICES

Borden Co.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, The Borden Company, New York, N.Y., Docket 7474, Feb. 7, 1964]

Order requiring a corporation engaged in purchasing, processing and distributing fluid milk and other dairy products throughout the United States, to cease discriminating in price in violation of section 2(a) of the Clayton Act by selling fluid milk to any purchaser at a lower price than to another purchaser competing in resale of the milk; and selling milk to any purchaser in a trading area where it competes with another seller, at a lower price than to a purchaser at the same level of trade in another trading area.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, The Borden Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate device, do forthwith cease and desist from discriminating, directly or indirectly, in the price of fluid milk of like grade and quality:

1. By selling such milk to any purchaser at a net price lower than the net price charged any other purchaser who competes in the resale of such milk with the purchaser paying the lower price.

2. By selling such milk to any purchaser in any trading area where respondent is in competition with another seller, at a price which is lower than the price charged any purchaser at the same level of trade in another trading area; provided, however, that this shall not prohibit respondent from selling fluid milk in any trading area at a price which is not less than the regularly established price of any competitor in that area for fluid milk of comparable grade and quality.

It is further ordered, That respondent, The Borden Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist set forth herein.

Issued: February 7, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2145; Filed, Mar. 4, 1964; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 4, Amdt. 2]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Sales of Government Property

On December 7, 1963, there was published in the FEDERAL REGISTER (28 F.R. 13320) a notice that the Administrator of the Small Business Administration proposed to amend the definition of a small business concern for the sales of Government-owned timber.

Under the proposed amendment, in connection with the sale of Government-owned timber, a concern would be considered as small if, together with its affiliates, its number of employees does not exceed 500 persons.

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Size Standards Division. After consideration of all such relevant matters regarding the proposed size standard in connection with the sale of Government-owned timber, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Revision 4) (29 F.R. 86) is hereby amended by deleting § 121.3-9(b)(1)(iv) and substituting in lieu thereof new § 121.3-9(b)(1)(iv) as follows:

§ 121.3-9 Definition of small business for sales of Government property.

* * * * *

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber, a small business is a concern that:

* * * * *

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

* * * * *

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: February 27, 1964.

EUGENE P. FOLEY, *Administrator.*

[F.R. Doc. 64-2107; Filed, Mar. 4, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 4027; Amdts. 1-3; 61-6; 91-2]

PART 1—DEFINITIONS AND ABBREVIATIONS [NEW]

PART 42a—CERTIFICATION AND OPERATION RULES FOR COMMERCIAL OPERATORS AND AIR TAXI OPERATORS; SMALL AIRCRAFT

PART 47—AIR TAXI CERTIFICATION AND OPERATION RULES AND RULES GOVERNING OTHER SMALL AIRCRAFT COMMERCIAL OPERATIONS

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT [NEW]

Miscellaneous Amendments

This amendment amends Chapter I, Title 14, Code of Federal Regulations, by (1) rescinding Part 47 of the Civil Air Regulations (which never became effective), (2) amending Part 1 [New] of the Federal Aviation Regulations to add certain definitions, (3) amending Part 61 [New] of the Federal Aviation Regulations to make subparagraph (c) of § 61.47 applicable to operations under this Part, (4) amending Part 91 [New] of the Federal Aviation Regulations to make the IFR takeoff minimums of § 91.117(a) applicable to operations under this part, and (5) adding to that chapter a new Subchapter G "Air Carrier and Commercial Operator Certification and Operations" [New], consisting of Part 135, Air Taxi Operators and Commercial Operators of Small Aircraft [New]. Part 135 [New] replaces the air taxi provisions now designated as Part 42a.

In the "Outline and Analysis" for the proposed recodification, contained in Draft Release No. 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698), provision was made for a new Subchapter G "Air Carrier and Commercial Operator Certification and Operations". This amendment, as the first final rule to be published in that subchapter, adds the new Subchapter G to Chapter I of Title 14. Other new parts will be added to the subchapter at a later date in conformity with the "Outline and Analysis" or as a result of rule making procedures.

Regulatory provisions relating to "Air Taxi Operators and Commercial Operators using Small Aircraft" were originally published as a notice of proposed rule making and were subsequently promulgated as Part 47 by the Civil Aeronautics Board. The final rule was published in the FEDERAL REGISTER (24 F.R. 91), but the effective date was postponed indefinitely. A new proposed Part 47 was published August 6, 1960, as Draft Release 60-13. After reviewing the comments received on proposed new Part 47, the Agency then determined to produce the proposed Part in recodified form. A new notice of proposed rule making was published designating the part as Part 125 [New] which set forth the general substance of proposed Part 47 in codified form. That notice of proposed rule making was published on November 8, 1962 (27 F.R. 10900). Because of a required renumbering in the process of recodification of the other parts, proposed Part 125 [New], published herein, in its final form, is designated as Part 135 [New].

Part 135 [New] applies to air taxi operators and commercial operators using small aircraft. The Agency intends to issue a notice of proposed rule making to amend Special Civil Air Regulation SR-402 to require "star route" carriers using small aircraft to also conduct their operations under Part 135 [New].

Formerly, Special Civil Air Regulation SR-395A required air taxi operators to conduct operations under the air taxi provisions of Part 42. In the revision of Part 42 (effective November 11, 1963) the air taxi provisions were eliminated, necessitating promulgation of Special Civil Air Regulation SR-395B which perpetuated the air taxi provisions formerly in Part 42, redesignated them as 42a and extended the applicability clause to include air taxi operators and commercial operators using small aircraft. Special Civil Air Regulation SR-395B is rescinded by this rule along with Part 42a, since Part 135 [New] obviates the necessity for them.

The numbering of the sections as proposed in Part 125 as it appeared in Draft Release 62-48 has been changed and each section heading in this preamble relates to the new section as it appears in final form, although the comments are addressed to the sections as they appeared in the NPRM.

§ 135.3

Section 135.3 clarifies the applicability of the other rules of this chapter to operations conducted under this part. Insofar as possible, the rules in this part are limited to those particularly applicable to operations under this part and, except when needed for clarity, other rules of the Federal Aviation Agency of more general applicability have not been repeated in this part, although persons operating under this part must comply with them.

§ 135.9

Section 135.9 requires a person to obtain an air taxi/commercial operator (ATCO) certificate and operations specifications prior to conducting any operation to which Part 135 [New] applies. Sections 135.1 and 135.9 are being made effective April 7, 1964. The remaining sections become effective September 7, 1964. Any person conducting an operation to which Part 135 [New] applies is permitted to continue to operate pending the issue or denial of a certificate and operations specifications if he applies for them before the effective date of the remainder of the part. However, when the entire part is effective and pending the issue or denial of a certificate, he must operate in accordance with the rules of Subpart C, D, and E of Part 135 [New].

§ 135.19

Section 135.19 has been revised to include service of a notice of proposed amendment, amending the operations specifications, prior to formulating the actual amendment, in order to give affected persons an opportunity to comment and participate in the proposed changes, except in emergencies. This revision makes § 135.19 consistent with similar provisions in Parts 40, 41, and 42.

§ 135.49

Comments received in respect to § 125.39 objected to the en route inspections by representatives of the Administrator to determine compliance with the Federal Aviation Act and applicable regulations. The Agency feels that this provision is necessary to permit it to determine compliance with this part and the other regulations applicable to operations conducted under this part. This section is compatible with the inspection authorization in the other air carrier parts and is being retained.

§ 135.63

Draft Release 62-48 proposed the addition of a definition of "passenger" to Part 1 which would, in effect, permit the carriage of certain persons without compliance with the passenger carrying requirements of this part. This was to be done by excluding them from the "passenger" classification. After further consideration of this proposal, the Agency has concluded that it would be more appropriate to provide for this carriage within Part 135; therefore, § 135.63 has been included to accomplish this purpose.

§ 135.73

Several comments received were in opposition to the requirement for a second in command when carrying passengers in IFR conditions as set forth in § 125.61. The Agency feels that safety warrants this requirement and it is being retained.

§ 135.75

Section 135.75 specifies some instances in which a second in command is not required. Proposed § 125.63 did not permit a pilot to depart from an airport under IFR conditions and make an approach and landing at his destination under IFR conditions on any one flight, without a second in command. The Agency has determined that safety would not be compromised by allowing the combination of an IFR departure and an IFR approach and landing, under the limited conditions set forth in § 135.75. These limitations require that VFR or VFR conditions over-the-top are reported and forecast to exist from a point no more than 15 miles from the departure airport to a point no more than 15 miles from the destination airport.

This section also allows IFR operations en route where unforecast marginal VFR conditions are encountered, and reports and forecasts indicate that the pilot will be able to return to VFR at least 15 miles before reaching the destination airport.

The Agency believes that it is safer to permit limited IFR operations by a qualified pilot with a properly equipped aircraft, without a second pilot, than it is to require him to fly under minimum VFR conditions with the consequent potential hazard of collision with other aircraft, ground obstacles, or rising terrain.

§ 135.77

This section specifies the instances in which an autopilot system may be substituted for a second in command.

Many comments on this portion of the draft release objected to the proposed requirement that the autopilot systems be manufactured under an FAA Technical Standard Order (TSO) and, as such, be of a three-axis type. The principal reasons advanced for these objections were that there are few such autopilots suitable for use with small airplanes, that two-axis systems have been found to be more reliable than many three-axis systems, and that two-axis systems are adequate for single-pilot IFR operations.

Investigation has disclosed that the characteristics of some small airplanes are such that two-axis autopilot systems are capable of maintaining the airplane heading and attitude in flight and maneuvering it about the three axes.

After careful evaluation of this proposal, the Agency has concluded that the requirement that autopilot systems used under this section be manufactured under a TSO can be deleted without compromising safety; however, before its use will be approved the operator must demonstrate to the satisfaction of the Administrator that the autopilot system he proposes to use is capable of operating the controls of the airplane to maintain flight and maneuver it about the three axes.

§ 135.79

Paragraph (b) of § 125.67 was revised by adding a limitation to the use of the autopilot system during an IFR approach in instances where the glide slope is limited for such use below certain altitudes or on certain segments of the approach.

§ 135.83

Section 135.83 provides different requirements for the use of oxygen in unpressurized and pressurized aircraft. Since a pressurized aircraft, when it becomes depressurized or is being operated as an unpressurized aircraft, is for all practical purposes an unpressurized aircraft, § 135.83 makes the same require-

ments for both unpressurized and depressurized aircraft.

Many of the comments indicated that the minimum altitudes at which the use of oxygen is required should be increased. The experience of the Agency indicates that safety would be compromised by increasing these minimum altitudes.

§ 135.85

Most of the comments received approved of § 125.73 in general but a number recommended that operation in or into light icing conditions and climb or descent through a light or moderate icing level be permitted in aircraft operated under this Part even though not equipped for deicing. Since light icing (in itself dangerous) may develop rapidly and without warning to moderate or heavy icing, the Agency has determined that operations into even light icing conditions without deicing equipment should be prohibited in the interest of safety. The prohibition against such operations is, therefore, being retained.

§ 135.87

After review and consideration of the comments received relating to the proposed boundary or runway marker light requirements for night operations with helicopters, it was determined that, in view of the flight characteristics of these aircraft, the section could be revised to permit the use of reflecting material as an alternate method of outlining helicopter landing areas, without affecting safety.

§ 135.91

In view of the flight characteristics of helicopters, and in response to comments received in regard to § 125.79(b) of the draft release, the proposed 300-foot minimum altitude for VFR operations with these aircraft has been made applicable only to operations over congested areas.

§ 135.99

As proposed in the notice, § 125.87 permitted "VFR over-the-top" operations en route, carrying passengers, if the weather at the destination allowed descent under VFR or if the weather allowed an en route descent under VFR in the event of engine failure. The limitations in proposed § 125.125, in conjunction with this section, required that, when single-engine airplanes or multiengine airplanes which are unable to meet the IFR en route climb requirements are used, the weather along the planned flight route be such that flight beneath the ceiling under VFR could be made (VFR weather "buffer"). If broken clouds exist adequate to meet the requirements of paragraph (b) of the proposed section or if an aircraft were able to glide with a dead engine to an area clear of clouds for an emergency descent, VFR over-the-top operations were permitted.

Several comments objected to the prohibition of an IFR descent at the termination of a VFR over-the-top en route operation. The Agency has reviewed the objection and feels that safety would not be compromised by permitting an IFR descent at the termination of such a flight, if the aircraft could reach the initial approach altitude over the final approach facility clear of the clouds or if the approach is made under radar control. Section 135.99 now reflects this thinking.

§ 135.111

Several of the comments in regard to proposed § 125.99 objected to the fact that the section did not permit "look see" privileges in air taxi and commercial operations using small aircraft. The Agency, after due consideration, felt that safety would be compromised in allowing "look see" privileges in operations under this Part. However, it was felt that safety would not be compromised, and in fact would probably be promoted, if continuation of an IFR approach is permitted where it is commenced under weather reports indicating above minimum ceiling and visibility and after passing the appropriate approach facility a subsequent report indicates that the weather is below minimums. In no event, however, may the pilot continue the approach or land the aircraft if, after reaching the minimum authorized altitude for that particular airport, he finds that the weather is in fact below minimums. This section is now compatible with the similar provisions in Part 42.

§ 135.121

As originally proposed, § 125.101 required, among other things, that the pilot in command of an airplane carrying passengers at night have a current instrument rating. Many of the comments objected to this requirement since the present regulations do not require an instrument rating for VFR flight at night. Recognizing, however, that a higher degree of safety is required in passenger-carrying operations and further that night operations increase the possibility of inadvertently encountering adverse weather conditions, the Agency believes that safety would be compromised if the instrument rating requirement of the section were eliminated. However, since basic instrument capability is adequate for night flights in the absence of IFR conditions, the Agency does not believe that safety would be compromised if the recent experience portion of the instrument rating requirement is eliminated. Section 135.121 now reflects this change as does § 135.123 since the same reasoning applies to passenger carrying in VFR over-the-top operations.

§ 135.129

Section 135.129 sets forth the recent experience requirements for the pilot in command of a small multiengine airplane operating under this Part. Subparagraph (a)(2) of that section has been revised to clearly require that the flight check required be given in the type of airplane to be used in the operation.

§ 135.145

Numerous comments were received in regard to § 125.125 of Draft Release 62–48. Most of these comments were addressed to the proposals concerning IFR operations with passengers in single-engine airplanes. The comments predominately favored allowing single-engine IFR operations; however, a number objected to the VFR weather "buffer" and recommended the same criteria and minimums for these operations as are prescribed for IFR operations with multiengine airplanes.

The Agency believes that some IFR operations with passengers in single-engine airplanes should be permitted under this part. However, to provide for an acceptable level of safety in such operations, certain limitations are considered necessary, the principal one being the VFR weather "buffer" requirement. The purpose of this limitation is to provide for a zone of VFR weather conditions beneath the ceiling (if a ceiling exists) to provide a "visual reference" area within which maneuvering to an emergency landing or descent to a low altitude could be accomplished in case engine malfunctioning should necessitate such action.

Draft Release 62–48 proposed that an IFR departure or approach be permitted with single-engine airplanes (and multiengine airplanes unable to meet the IFR one-engine-inoperative climb requirements) with passengers without being subject to the VFR weather "buffer" requirements, provided that the flight can be made in compliance with the VFR or VFR over-the-top requirements of this part from a point no more than 15 miles from the departure airport (in case of an IFR departure) or to a point within 15 miles of the destination airport (in case of an IFR approach). A number of persons recommended that both an IFR departure and IFR approach under these limitations be permitted on the same flight. After further consideration, the Agency has concluded that this could be permitted without compromising safety, and the rule so provides. Provision has also been made for limited en route IFR operation with these airplanes; however, the VFR weather "buffer" will be required for such operations.

It should be noted that, while the provisions of § 135.145 and other related sections of this Part give the pilot in command more latitude with respect to IFR operations with single-engine airplanes (and multiengine airplanes unable to meet the prescribed one-engine-inoperative climb requirements), they also place more responsibility upon him. The Agency believes that these operations can be safely conducted if the pilot accepts and conscientiously discharges those responsibilities. In case operating experience should show otherwise, or should there be widespread failure of pilots to accept these responsibilities, appropriate regulatory action will be taken.

§ 135.161

Section 135.161 sets forth the fire extinguisher requirements for operations under this part. Proposed § 125.141 set forth certain specifications in regard to the fire extinguishers to be used. The detailed specifications have been eliminated from this section after due consideration since this equipment is required to be approved, and the specifications for approval will be set forth in an advisory circular.

§ 135.163

Section 135.163 prescribes the required emergency equipment for overwater operations. This section has been revised to include a requirement for a dye marker and a flashlight.

As originally proposed this section required helicopters equipped for landing on water, when conducting overwater operations beyond autorotative gliding distance from land, to be equipped with a sea anchor. Many of the comments in regard to this section objected to the requirement for a sea anchor and raised considerable doubt as to the effectiveness of a sea anchor when used with certain helicopters. After due consideration the Agency has determined that safety would not be compromised by eliminating that requirement. Section 135.163 now reflects this thinking.

§ 135.165

Section 135.165 prescribes the oxygen equipment requirements for operations at various altitudes with pressurized and unpressurized aircraft. This section has been revised so that the equipment requirements are compatible with the revised oxygen use requirements prescribed in § 135.83 for obvious reasons.

Some comments suggested an increase in the altitude at which oxygen equipment and supply are required. This section has been retained for the reasons set forth in the comments on § 135.83.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

These amendments are made under the authority of sections 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421 through 1430, and 1502).

In consideration of the foregoing, Chapter I of Title 14, Code of Federal Regulations is amended by amending Part 1 "Definitions and Abbreviations" [New] as hereinafter set forth, and by adding Subchapter G "Air Carrier and Commercial Operator Certification and Operations" [New], effective April 7, 1964; and also by amending Part 61 "Certification: Pilots and Flight Instructors" [New] as hereinafter set forth, by amending Part 91 "General Operating and Flight Rules" [New] as hereinafter set forth, by rescinding Part 47 of the Civil Air Regulations, as published in the FEDERAL REGISTER (24 F.R. 91), by rescinding Special Civil Air Regulation SR–395B and Part 42a of the Civil Air Regulations effective September 7, 1964, and by adding Part 135 "Air Taxi Operators and Commercial Operators of Small Aircraft" [New] effective September 7, 1964, except sections 135.1 and 135.9 thereof which are effective April 7, 1964.

1. Section 1.1 of Part 1—Definitions and Abbreviations [New] is amended to include the following definitions:

§ 1.1 **Definition.**

• • • • • •

"IFR over-the-top", with respect to the operation of aircraft, means the operation of an aircraft over-the-top on an IFR flight plan when cleared by air traffic control to maintain "VFR conditions" or "VFR conditions on top".

• • • • • •

"Over-the-top" means above the layer of clouds or other obscuring phenomena forming the ceiling.

• • • • • •

"VFR over-the-top", with respect to the operation of aircraft, means the operation of an aircraft over-the-top under VFR when it is not being operated on an IFR flight plan.

• • • • • •

§ 61.47 [Amended]

2. Section 61.47 [New] is amended as follows:

(a) By amending the last sentence of paragraph (a) to read as follows: "This section does not apply to operations requiring an airline transport pilot certificate, or to operations conducted under Part 135."

(b) By amending paragraph (c) to read as follows:

(c) *Airline transport and Part 135 operations.* Neither an airline transport pilot nor a pilot in operations under Part 135 may pilot an aircraft in operations for which an airline transport pilot certificate is required or in operations under Part 135, if it carries any person other than members of its crew, certificated airmen on board in furtherance of their duties, or certificated instructors rated for that aircraft unless, within the preceding 90 days, he has made at least three takeoffs, and three landings to a full stop, in an aircraft of the same category, class, and type.

3. Section 91.117(d) is amended to read as follows:

§ 91.117 **Takeoff and landing under IFR.**

• • • • • •

(d) *Civil airport takeoff minimums.* Unless otherwise authorized by the Administrator, no person operating an aircraft under Part ——, ——, ——, —— (present Parts 40, 41, 42, or 44) or 135 of this chapter may take off from a civil airport under IFR unless weather conditions are at or above the weather minimums for IFR takeoff prescribed for that airport in Part 97 [New] of this chapter.

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4. Part 47 is rescinded.

5. SR–395B and Part 42a are rescinded.

6. The following new Part 135 is added:

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135.3 Rules applicable to operations subject to this part.
135.5 Gyroplane operations.
135.7 Emergency operations.
135.9 Certificate and operations specifications required.
135.11 Duration of certificate.
135.13 Application and issue of certificate and operations specifications.
135.15 Eligibility for certificate and operations specifications.
135.17 Amendment of certificate.
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Subpart B—Rules Governing Persons Holding ATCO Certificates

Sec.
135.31 Aircraft requirements.
135.33 Airmen: Limitations on use of services.
135.35 Pilot in command or second in command: Designation required.
135.37 Aircraft and facilities for recent flight experience.
135.39 Informing personnel of operational information.
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135.61 General.
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135.79 Autopilot: Minimum altitudes for use.
135.81 Briefing of occupants: extended overwater operations and operations above 10,000 feet MSL.
135.83 Requirements for use of oxygen.
135.85 Icing condtions: Operating limitations.
135.87 Night takeoff and landing carrying passengers: Lighting and wind determination requirements.
135.89 Helicopter operations: Emergency landing areas.
135.91 VFR: minimum altitudes.
135.93 VFR: visibility requirements.
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Subpart D—Pilot Qualifications

135.121 Pilot in command qualifications: Night flight.
135.123 Pilot in command qualifications: Carrying passengers under VFR over-the-top.
135.125 Pilot in command qualifications: IFR flight.
135.127 Second in command qualifications.
135.129 Pilot in command: Small multiengine airplane; recent experience requirements.
135.131 Pilot in command: Instrument check requirements.
135.133 Pilot checks: Grace provisions.
135.135 Check pilot authorization: Application and issue.

Subpart E—Aircraft and Equipment

135.141 Applicability.
135.143 General requirements.
135.145 Performance requirements: Aircraft operated over-the-top or in IFR conditions.

Sec.
135.147 Performance requirements: Land aircraft operated over water.
135.149 Dual controls required.
135.151 Equipment requirements: General.
135.153 Equipment requirements: Carrying passengers at night or under VFR over-the-top conditions.
135.155 Equipment requirements: Airplanes carrying passengers under IFR.
135.157 Radio and navigation equipment: Carrying passengers under VFR at night, over-the-top, or in a control zone.
135.159 Radio and navigation equipment: Extended overwater or IFR operations.
135.161 Fire extinguishers: Passenger-carrying aircraft.
135.163 Emergency equipment: Overwater operations.
135.165 Oxygen equipment requirements.

AUTHORITY: The provisions of this Part 135 issued under sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958, 49 U.S.C. 1354, 1355, 1421 through 1430, and 1502.

Subpart A—General

§ 135.1 Applicability.

(a) Except as provided in paragraph (b) of this section, this part prescribes rules governing—

(1) Air taxi operations conducted under the exemption authority of Part 298 of this title; and

(2) The carrying in air commerce by any person, other than an air carrier, of persons or property for compensation or hire (commercial operations) in small aircraft.

(b) This part does not apply to—

(1) Student instruction;

(2) Nonstop sightseeing flights that begin and end at the same airport, and are conducted within a 25-mile radius of that airport;

(3) Ferry or training flights;

(4) Aerial work operations, including—

(i) Crop dusting, seeding, spraying, and bird chasing;

(ii) Banner towing;

(iii) Aerial photography or survey;

(iv) Fire fighting;

(v) Rescue operations;

(vi) Helicopter operations in construction or repair work (but not including transportation to and from the site of operations); and

(vii) Powerline or pipeline patrol;

(5) Operations conducted under the authority of Part 133 or 375 of this title; or

(6) Any other operations specified by the Administrator.

§ 135.3 Rules applicable to operations subject to this part.

Each person operating an aircraft in operations to which this Part applies shall—

(a) While operating inside the United States, comply with the applicable rules of this chapter; and

(b) While operating outside the United States, comply with Annex 2, Rules of the Air, to the Convention on International Civil Aviation or the regulations of any foreign country, whichever applies, and any rules of Parts 61 [New] and 91 [New] of this chapter and this Part that are more restrictive than that Annex or those regulations and can be complied with without violating that Annex or those regulations.

§ 135.5 Gyroplane operations.

The rules in this Part that apply to airplane operations apply also to gyroplane operations.

§ 135.7 Emergency operations.

(a) In an emergency involving the safety of persons or property, the holder of an air taxi/commercial operator (ATCO) operating certificate may deviate, to the extent required to meet that emergency, from the rules of this Part relating to aircraft and equipment and weather minimums.

(b) In an inflight emergency involving the safety of persons or property, the pilot in command may deviate from any rule of this part to the extent required to meet that emergency.

(c) Each person who, under the authority of this section, deviates from a rule of this part shall, within 10 days after the deviation, send to the nearest FAA District Office a complete report of the aircraft operation involved, including a description of the deviation and the reasons for it.

§ 135.9 Certificate and operations specifications required.

(a) Except as provided in paragraphs (b) and (c) of this section, no person may operate an aircraft in operations to which this Part applies without, or in violation of, an (ATCO) operating certificate, and appropriate operations specifications, issued under the Part.

(b) Any person who holds an air taxi operating certificate issued under Special Civil Air Regulation SR–395A and Part 42, or Part 42a of this chapter and who applies for an operating certificate and operations specifications under this part before September 7, 1964, may continue operations until a certificate and specifications are issued to him under this part, or until the Administrator notifies him that his application is denied. However, after September 6, 1964, and pending the issue or denial of a certificate under this part he shall comply with Subparts C, D, and E of this part and continue to comply with the air taxi operating certificate and the operations specifications that he holds.

(c) Any person who is conducting commercial operations with small aircraft under Part 45 or Part 42a of this chapter and who applies for an operating certificate and operations specifications under this part before September 7, 1964, may continue those operations until a certificate and specifications are issued to him under this part, or until the Administrator notifies him that his application is denied. However, after September 6, 1964, and pending the issue or denial of a certificate under this part he shall comply with Subparts C, D, and E of this part.

§ 135.11 Duration of certificate.

An ATCO certificate is effective until surrendered, suspended, or revoked. The holder of an ATCO certificate that is suspended or revoked shall return it to the Administrator.

§ 135.13 Application and issue of certificate and operations specifications.

(a) An application for an ATCO certificate and appropriate operations specifications is made on a form and in a manner prescribed by the Administrator and filed with the FAA District Office that has jurisdiction over the area in which the applicant's principal business office is located.

(b) An applicant who meets the requirements of this part is entitled to—

(1) An ATCO certificate containing all business names under which he may conduct operations and the address of each business office used by the holder; and

(2) Separate operations specifications containing the type and area of operations authorized, the class and category of aircraft that he may use in those operations, any authorized deviations from this part, and such other items as the Administrator may require or allow to meet any particular situation.

§ 135.15 Eligibility for certificate and operations specifications.

To be eligible for an ATCO certificate and appropriate operations specifications a person must—

(a) Be a citizen of the United States, a partnership of which each member is a citizen of the United States, or a corporation or association created or organized under the laws of the United States or any State or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are citizens of the United States and in which at least 75 percent of the voting interest is owned or controlled by citizens of the United States or one of its possessions;

(b) Hold such economic authority as may be required by the Civil Aeronautics Board; and

(c) Show, to the satisfaction of the Administrator, that he is able to conduct each kind of operation for which he seeks authorization in compliance with applicable regulations.

§ 135.17 Amendment of certificate.

(a) The Administrator may amend an ATCO certificate—

(1) On his own initiative, under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) and Part 13 of this chapter; or

(2) Upon application by the holder of that certificate.

(b) An application to amend an ATCO certificate is submitted on a form and in a manner prescribed by the Administrator. The applicant must file the application with the FAA District Office having jurisdiction over the area in which the applicant's principal business office is located at least 15 days before the date that he proposes for the amendment to become effective, unless a shorter filing period is approved by that office.

(c) The Administrator grants a request to amend an ATCO certificate if he determines that safety in air commerce and the public interest so allow.

(d) Within 30 days after receiving a refusal to amend, the holder may petition the Administrator to reconsider the refusal.

§ 135.19 Amendment of operations specifications.

(a) The Administrator may amend any operations specification issued under this part if—

(1) He determines that safety in air commerce requires that amendment; or

(2) Upon an application by the holder, the Administrator determines that safety in air commerce allows that amendment.

(b) An application to amend operations specifications is submitted on a form and in a manner prescribed by the Administrator. The applicant must file the application with the FAA District Office having jurisdiction over the area in which the applicant's principal business office is located at least 15 days before the date that he proposes for the amendment to become effective, unless a shorter filing period is approved by that office.

(c) Within 30 days after a notice of refusal to approve a holder's application for amendment, the holder may petition the Administrator to reconsider the refusal to amend.

(d) When the Administrator amends operations specifications, he gives notice in writing to the holder of a proposed amendment to the operations specifications, fixing a period of not less than seven days within which the holder may submit written information, views, and arguments concerning the proposed amendment. After consideration of all relevant matter presented, the Administrator notifies the holder of any amendment adopted, or a rescission of the notice. The amendment becomes effective not less than 30 days after the holder receives notice of the adoption of the amendment, unless the holder petitions the Administrator for reconsideration of the amendment. In such a case, the effective date of the amendment is stayed pending a decision by the Administrator. If the Administrator finds that there is an emergency requiring immediate action with respect to safety in air commerce that makes the provisions prescribed by this paragraph impracticable, or contrary to the public interest, he notifies the holder of an amendment to the operations specifications without giving the seven days notice, and the amendment becomes effective when the holder receives it.

Subpart B—Rules Governing Persons Holding ATCO Certificates

§ 135.31 Aircraft requirements.

(a) Each person holding an ATCO certificate must have the exclusive use of at least one aircraft that meets the requirements for at least one kind of operation authorized in his operations specifications. In addition, for each kind of operation for which he does not have the exclusive use of an aircraft, he must have available for use under a written agreement (including arrangements for performing required maintenance) at least one aircraft that meets the requirements for that kind of operation. However, this paragraph does not prohibit the operator from using the aircraft for other than air taxi or commercial operations, nor require him to have exclusive use of each aircraft that he uses.

(b) For the purposes of paragraph (a) of this section, a person has exclusive use of an aircraft if he has the sole possession, control, and use of it for flight, as owner, or has a written agreement (including arrangements for the performance of required maintenance) giving him that possession, control, and use for at least six consecutive months.

§ 135.33 Airmen: Limitations on use of services.

No person holding an ATCO certificate may use the services of any person as an airman, unless the person performing those services holds an appropriate and current airman certificate issued under this chapter and is qualified, under this chapter, for the operation concerned.

§ 135.35 Pilot in command or second in command: designation required.

Each person holding an ATCO certificate shall designate a—

(a) Pilot is command for each flight; and

(b) A second in command for each flight requiring two pilots.

§ 135.37 Aircraft and facilities for recent flight experience.

Each person holding an ATCO certificate shall provide aircraft and facilities to enable each of his pilots who is authorized to engage in IFR and multiengine operations to maintain and demonstrate his ability to conduct those operations.

§ 135.39 Informing personnel of operational information.

Each person holding an ATCO certificate shall inform each person in his employ of the operations specifications that apply to his duties and responsibilities and shall make available to each of his pilots the following materials in current form:

(a) Airman's Guide.

(b) This part and Part 91 [New] of this chapter.

(c) Flight Information Manual, Aircraft Equipment Manuals, and Aircraft Owner's Manual, or Owner's or Flight Handbook.

(d) For foreign operations, the International Flight Information Manual, and information concerning the pertinent operational and entry requirements of the foreign country or countries involved.

§ 135.41 Business office and operations base.

(a) Each person holding an ATCO certificate shall maintain a principal business office.

(b) Each person holding an ATCO certificate shall, before changing the location of any business office or operations base, notify in writing the FAA District Office having jurisdiction over the area in which the applicant's principal business office is located.

§ 135.43 Record-keeping requirements.

(a) Each person holding an ATCO certificate shall keep at his principal business office and make available for inspection by the Administrator the following:

(1) His ATCO certificate.

(2) His operations specifications.

(3) A current list of the aircraft used or available for use by him in operations subject to this part and the operations for which each is equipped.

(4) An individual record of each pilot used by him in operations subject to this part, including the following information:

(i) The full name of the pilot.

(ii) The pilot certificate (by type and number) and ratings that the pilot holds.

(iii) The pilot's aeronautical experience, in sufficient detail to determine his qualifications to pilot aircraft in operations subject to this part.

(iv) The pilot's current duties and the date of his assignment to those duties.

(v) The effective date and class of the medical certificate that the pilot holds.

(vi) The date and result of each of the pilot's six months instrument checks and the type of aircraft flown during that check.

(vii) The pilot's check pilot authorization, if any.

(b) Each person holding an ATCO certificate shall keep each record required by paragraph (a) (3) or (4) of this section for at least one year after it is made.

§ 135.45 Advertising.

No person holding an ATCO certificate may advertise or otherwise offer to perform operations subject to this part that are not authorized by his ATCO certificate and operations specifications.

§ 135.47 Use of business names.

No person holding an ATCO certificate may operate an aircraft in operations subject to this part under a business name that is not on his ATCO certificate.

§ 135.49 Inspections and tests.

Each person holding an ATCO certificate shall allow the Administrator, at any time or place, to make inspections or tests (including en route inspections) to determine the holder's compliance with the Federal Aviation Act of 1958, applicable regulations, his ATCO certificate, and his operations specifications.

§ 135.51 Termination of operations.

Within 30 days after a person holding an ATCO certificate ceases operations under this part, he shall surrender his operating certificate and operations specifications to the FAA District Office last having jurisdiction over these operations.

Subpart C—Operating Rules

§ 135.61 General.

This subpart prescribes rules, in addition to those in Part 91 of this chapter, that apply to operations under this part.

§ 135.63 Carriage of persons without compliance with the passenger-carrying provisions of this Part.

The following persons may be carried aboard an aircraft without complying with the passenger-carrying requirements of this part:

(a) A crewmember.

(b) A person traveling to or from a crewmember assignment, when the operator of the aircraft finds that other means of transportation are not practicable.

(c) A person necessary for the safe handling of animals on the aircraft.

(d) A person necessary for the safe handling of radioactive materials (within the meaning of Part 103 of this chapter).

(e) A person performing duty as a security or honor guard accompanying a shipment made by or under the authority of the U.S. Government.

(f) A military courier or a military route supervisor carried by a military cargo contract air carrier or commercial operator in operations under a military cargo contract, if that carriage is specifically authorized by the appropriate military service.

(g) An authorized representative of the Administrator conducting an en route inspection.

§ 135.65 Weather reports and forecasts.

Whenever a person operating an aircraft in operations to which this part applies is required to use a weather report or forecast, he shall use that of the U.S. Weather Bureau or an accredited observer. However, in the case of operations under VFR, the pilot in command may, if such a report or forecast is not available, use weather information based on his own observations or on those of other persons able to supply appropriate observations.

§ 135.67 Airworthiness check.

The pilot in command may not begin a flight unless he determines that the airworthiness inspections required by § 91.169 have been made.

§ 135.69 Area limitations on operations.

(a) No person may operate an aircraft in a geographical area that is not specifically authorized by appropriate operations specifications issued under this part.

(b) No person may operate an aircraft in a foreign country unless he is authorized to do so by that country.

§ 135.71 Operating information required.

(a) The operator of an aircraft must provide the following materials, in current and appropriate form, accessible to the pilot at the pilot station, and the pilot shall use them:

(1) A cockpit checklist.

(2) In the case of multiengine aircraft or aircraft with retractable landing gear, an emergency cockpit checklist, containing the procedures required by paragraph (c) of this section, as appropriate.

(3) Pertinent aeronautical charts.

(4) For IFR operations, each pertinent navigational en route, terminal area, and approach and letdown chart.

(5) In the case of multiengine aircraft, one-engine-inoperative climb performance data.

(b) Each cockpit checklist required by subparagraph (a)(1) of this section must contain the following procedures:

(1) Before starting engines.
(2) Before takeoff.
(3) Cruise.
(4) Before landing.
(5) After landing.
(6) Stopping engines.

(c) Each emergency cockpit checklist required by paragraph (a)(2) of this section must contain the following procedures, as appropriate:

(1) Emergency operation of fuel, hydraulic, electrical, and mechanical systems.

(2) Emergency operation of instruments and controls.

(3) Engine inoperative procedures.

(4) Any other emergency procedures necessary for safety.

§ 135.73 Second in command required in IFR conditions.

Except as provided in §§ 135.75 and 135.77, no person may operate an aircraft carrying passengers in IRF conditions, unless there is a second in command in the aircraft.

§ 135.75 Exception to second in command requirement; limited IFR conditions.

Unless the aircraft operating limitations require a crew of two pilots, the pilot in command of an airplane carrying passengers may—

(a) If unforecast weather conditions that are marginal or below the VFR minimums of this part are encountered while en route on a flight which was started and intended to be conducted under the VFR or VFR over-the-top requirements of this part (except for limited IFR operation as permitted under paragraph (b) (1) and (2) of this section), operate an airplane in IFR conditions without a second in command if weather reports and forecasts indicate that he will be able to return to VFR or VFR over-the-top operation before reaching a point 15 miles from the destination airport; and

(b) If weather reports and forecasts indicate that the weather along the planned flight route allows flight under the VFR or VFR over-the-top requirements of this part beginning at a point no more than 15 miles from the departure airport and extending to a point within 15 miles of the destination airport, without a second in command—

(1) Take off from the departure airport in IFR conditions and fly in IFR conditions to a point no more than 15 miles from the departure airport; and

(2) Make an IFR approach and land at the destination airport in IFR conditions if:

(i) The weather conditions allow flight, and he flies, clear of the clouds until reaching the prescribed initial approach altitude over the final approach facility; or

(ii) The approach is made with the use of radar as provided in § 91.117(f) of this chapter.

§ 135.77 Exception to second in command requirement: approval of use of autopilot system.

(a) Unless the airplane operating limitations require a crew of two pilots, a person may operate an airplane without a second in command if it is equipped with an operative autopilot system and the use of that system is authorized by appropriate operations specifications.

(b) The holder of an ATCO certificate may request amendment of his operations specifications to authorize the use of an autopilot system in place of a second in command. The application must contain the make, model, and registration number of each airplane in which an autopilot is installed and the make and model of each autopilot installed.

(c) The Administrator issues an amendment to the operations specifications authorizing the use of an autopilot system, in place of a second in command, if—

(1) The autopilot system is capable of operating the airplane controls to maintain flight and maneuver it about the three axes; and

(2) The holder of the ATCO certificate shows, to the satisfaction of the Administrator, that operations using the autopilot system can be conducted safely and in compliance with this part.

The amendment contains any conditions or limitations on the use of the autopilot system that the Administrator determines are needed in the interest of safety.

§ 135.79 Autopilot: minimum altitudes for use.

(a) Except as provided in paragraph (b) of this section, no pilot may use an autopilot at an altitude less than 500 feet above the surface while en route (including climb and descent).

(b) If an approach coupler is used, a pilot may use an autopilot system during an IFR approach to (but not below) the applicable prescribed minimum approach altitude, unless otherwise limited.

§ 135.81 Briefing of occupants: extended overwater operations and operations above 10,000 feet MSL.

(a) Before beginning a flight that involves an extended overwater operation, the pilot in command shall brief the occupants of the aircraft (other than the second in command) on the use of required flotation equipment, and ditching procedures.

(b) Before beginning an operation above 10,000 feet MSL, a crewmember shall brief the occupants of the aircraft (other than the crewmembers) on the normal and emergency use of oxygen.

§ 135.83 Requirements for use of oxygen.

(a) *Unpressurized aircraft.* Each pilot of an aircraft that has an unpressurized cabin shall use oxygen continuously when flying—

(1) At altitudes above 10,000, up to and including 12,000 feet MSL for that part of the flight at those altitudes that is of more than 30 minutes duration; and

(2) Above 12,000 feet MSL.

(b) *Pressurized aircraft.*

(1) Whenever an aircraft is being operated with the cabin pressure altitude more than 10,000 feet, each pilot shall comply with the requirement of paragraph (a) of this section.

(2) Whenever an aircraft having a pressurized cabin is operated above 25,000 feet, unless each pilot has an approved quick-donning type oxygen mask—

(i) At least one pilot at the controls shall wear, secured and sealed, an oxygen mask supplying oxygen; and

(ii) In addition, during such a flight each other pilot on flight deck duty shall have an oxygen mask, connected to an oxygen supply, located so as to allow immediate placing of the mask on his face, sealed and secured for use.

(3) Whenever an aircraft having a pressurized cabin is operated above 35,000 feet, at least one pilot at the controls shall wear, secured and sealed, an oxygen mask supplying oxygen.

§ 135.85 Icing conditions: operating limitations.

(a) No pilot may take off an aircraft that has—

(1) Frost, snow, or ice adhering to any rotor blade, propeller, windshield, or powerplant installation, or to an airspeed, altimeter, rate of climb, or flight attitude instrument system;

(2) Snow or ice adhering to the wings, or stabilizing or control surfaces; or

(3) Any frost adhering to the wings, or stabilizing or control surfaces, unless that frost has been polished to make it smooth.

(b) No pilot may fly—

(1) Under IFR into known or forecast light or moderate icing conditions; or

(2) Under VFR into known light or moderate icing conditions; unless the aircraft has functioning deicing and anti-icing equipment protecting each rotor blade, propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb or flight attitude instrument system.

(c) No pilot may fly an aircraft into known or forecast heavy icing conditions.

§ 135.87 Night takeoff and landing carrying passengers: lighting and wind determination requirements.

No pilot of an aircraft carrying passengers at night may take off from, or land on, an airport unless—

(a) He has determined the wind direction from an illuminated wind direction indicator or local ground communications or, in the case of take off, his personal observations; and

(b) The limits of the area to be used for landing or takeoff are clearly shown—

(1) In the case of airplanes, by boundary or runway marker lights; or

(2) In the case of helicopters, by boundary or runway marker lights or reflective material.

§ 135.89 Helicopter operations: emergency landing areas.

No person may operate a helicopter unless areas are available which allow an emergency landing to be made without undue hazard to passengers or to persons or property on the surface. For the purposes of this section, areas such as school yards, parking lots, recreation areas, highways, shopping centers, and public docks are not considered available for possible emergency use when they are occupied by persons or vehicles unless there are unoccupied parts thereof that are large enough to allow a landing without that hazard.

§ 135.91 VFR: Minimum altitudes.

Except when necessary for takeoff and landing, no person may operate, under VFR—

(a) An airplane—

(1) During the day, below 500 feet above the surface or less than 500 feet horizontally from any obstacle; or

(2) At night, at an altitude less than 1,000 feet above the highest obstacle within a horizontal distance of five miles from the course intended to be flown or, in designated mountainous terrain, less than 2,000 feet above the highest obstacle within a horizontal distance of five miles from the course intended to be flown; or

(b) A helicopter over a congested area at an altitude less than 300 feet above the surface.

§ 135.93 VFR: visibility requirements.

(a) No person may operate an airplane under VFR, in uncontrolled airspace at night, or in uncontrolled airspace during the day when the ceiling is less than 1,000 feet, unless flight visibility is at least two miles.

(b) No person may operate a helicopter under VFR in uncontrolled airspace at an altitude of 1,200 feet or less above the surface or in control zones unless the visibility is at least—

(1) During the day—one-half mile; or

(2) At night—one mile.

§ 135.95 VFR: Helicopter ground reference requirements.

No person may pilot a helicopter under VFR unless he has visual ground reference or, at night, visual ground light reference, enough to properly control the helicopter.

§ 135.97 VFR: Fuel supply.

(a) No person may begin a flight operation in an airplane under VFR unless, considering wind and forecast weather conditions, it has enough fuel to fly to the first point of intended landing and, assuming normal cruising fuel consumption—

(1) During the day, to fly thereafter for at least 30 minutes; or

(2) At night, to fly thereafter for at least one hour.

(b) No person may begin a flight operation in a helicopter under VFR unless, considering wind and forecast weather conditions, it has enough fuel to fly to the first point of intended landing and, assuming normal cruising fuel consumption, to fly thereafter for at least 20 minutes.

§ 135.99 VFR over-the-top carrying passengers: Operating limitations.

Subject to any additional limitations contained in § 135.145, no person may operate an aircraft VFR over-the-top, carrying passengers, unless:

(a) Weather reports and forecasts indicate that the weather at the intended point of termination of over-the-top flight—

(1) Allows descent to beneath the ceiling under VFR and is forecast to remain so until at least one hour after the estimated time of arrival at that point; or

(2) Allows an IFR approach and landing with flight clear of the clouds until reaching the prescribed initial approach altitude over the final approach facility unless the approach is made with the use of radar as provided in § 91.117(f) of this chapter; or

(b) It is operated under conditions allowing—

(1) In the case of multiengine aircraft, descent or continuation of the flight under VFR if its critical engine fails; or

(2) In the case of single-engine aircraft, descent under VFR if its engine fails.

§ 135.101 IFR: Operating limitations.

(a) Except as provided in paragraph (b) of this section, no person may operate an aircraft, under IFR, outside of controlled airspace or at any airport that does not have an approved standard instrument approach procedure.

(b) The FAA issues operations specifications to the holder of an ATCO certificate to allow him to operate IFR over routes outside controlled airspace if—

(1) His designated flight crew shows the Administrator their ability to navigate, without visual reference to the ground, over an intended track without deviating more than five degrees or five miles, whichever is less, from that track; and

(2) The Administrator otherwise determines that the proposed operations can be conducted safely.

§ 135.103 IFR: Takeoff limitations.

No person may take off an aircraft under IFR from an airport where weather conditions are above takeoff minimums but are below authorized IFR landing minimums unless there is an alternate airport within one hour's flying time (at normal cruising speed, in still air) of the airport of departure.

§ 135.105 IFR: Destination airport weather minimums.

No person may take off an aircraft under IFR or begin an IFR operation in flight unless weather reports and forecasts indicate that weather conditions, at the estimated time of arrival at the next airport of intended landing, will be at or above authorized IFR landing minimums.

§ 135.107 IFR: Alternate airport requirements.

(a) Except as provided in paragraph (b) of this section, no person may operate an aircraft under IFR conditions unless there is an alternate airport available for the next airport of intended landing.

(b) Paragraph (a) of this section does not apply if, from two hours before to two hours after the estimated time of arrival, the ceiling and visibility at the next airport of intended landing are forecast to be at least one thousand feet above that airport's minimum initial approach altitude and three miles, respectively.

§ 135.109 IFR: Alternate airport weather minimums.

No person may operate an aircraft under IFR conditions unless, at the time

that operation begins, weather conditions at each required alternate airport are at or above authorized alternate airport landing minimums for that airport and weather reports and forecasts indicate that it will remain so until the estimated time of arrival at that airport.

§ 135.111 IFR: Takeoff, approach, and landing minimums.

(a) No pilot may begin an instrument approach procedure if the latest weather report indicates the weather conditions at that airport are below its authorized IFR landing minimums.

(b) If an instrument approach procedure is initiated when the latest weather report indicates that the prescribed ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane—

(1) Is on an ILS final approach and has passed the outer marker;

(2) Is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude; or

(3) Is on PAR final approach and has been turned over to the final approach controller;

Such ILS, Range, or PAR approach may be continued and a landing may be made, provided the pilot in command upon reaching the authorized landing minimum altitude finds that actual weather conditions are equal to or better than the prescribed minimums.

(c) The ceiling and visibility landing minimums prescribed in Part 91 of this chapter or in the operator's operations specifications are increased by 100 feet and one-half mile respectively, but not to exceed the ceiling and visibility minimums for that airport when used as an alternate airport, for each pilot in command of a turbine-powered airplane who has not served at least 100 hours as pilot in command in that type of airplane.

(d) Each pilot making an IFR takeoff or approach and landing at a military or foreign airport shall comply with applicable instrument approach procedures and weather minimums prescribed by the authority having jurisdiction over that airport. In addition, no pilot may, at such an airport—

(1) Take off under IFR when the ceiling is less than 300 feet or the visibility is less than one mile; or

(2) Make an instrument approach when the ceiling is less than 200 feet or the visibility is less than one-half mile.

Subpart D—Pilot Qualifications

§ 135.121 Pilot-in-command qualifications: Night flight.

(a) No person may act as pilot in command of an aircraft at night unless he has had at least 500 hours of flight time as a pilot, including at least 100 hours of cross-country flight time, at least 25 hours of which were at night.

(b) No person may act as pilot in command of an airplane carrying passengers at night unless he holds an instrument rating.

§ 135.123 Pilot-in-command qualifications: Carrying passengers under VFR over-the-top.

(a) No person may act as pilot in command of an aircraft under VFR over-the-top unless he has—

(1) Had at least 500 hours of flight time as a pilot including at least 100 hours of cross-country time; and

(2) An instrument rating.

(b) Paragraph (a) of this section does not apply to flight under conditions that allow—

(1) In the case of multiengine aircraft, descent or continuance of the flight under VFR if the critical engine fails; or

(2) In the case of single-engine aircraft, descent under VFR if the engine fails.

§ 135.125 Pilot-in-command qualifications: IFR flight.

No person may act as pilot in command of an aircraft under IFR unless he has had at least 500 hours of flight time as a pilot, including at least 100 hours of cross-country flight time.

§ 135.127 Second-in-command qualifications.

No person may act as second in command of an aircraft unless he holds at least a current commercial pilot certificate with appropriate category and class ratings and, in the case of flight under IFR, a current instrument rating and has met the recent instrument experience requirements prescribed for a pilot in command in § 61.47(d) of this chapter.

§ 135.129 Pilot in command: Small multiengine airplane; recent experience requirements.

(a) No person may act as pilot in command of a small multiengine airplane unless he has, within the preceding 12 calendar months—

(1) Had at least 20 hours of pilot-in-command time in small multiengine airplanes, including at least 10 hours in the type of airplane in which he is to act as pilot in command; or

(2) Passed a flight and oral check given by the Administrator or an authorized check pilot, in the type of airplane to be used.

(b) For the purposes of paragraph (a)(2) of this section, the flight and oral check, appropriate to the class and type of airplane to be flown, includes normal and emergency flight procedures. The person taking the check must show that standard of proficiency required for the original issue of a multiengine class rating. The six-month instrument check required by § 135.131, if it is taken in a small multiengine airplane, may be substituted for this flight and oral check for that type of airplane.

§ 135.131 Pilot in command: Instrument check requirements.

(a) No person may act as pilot in command of an aircraft under IFR unless he passed, within the preceding six calendar months, the most recent instrument check given to him by the Administrator or an authorized check pilot.

(b) The instrument check required by paragraph (a) of this section consists of an oral or written equipment test and a flight check under simulated instrument conditions. The equipment test includes questions on emergency procedures, engine operation, fuel and lubrication systems, power settings, stall speeds, best engine-out speed, propeller and supercharger operations, and hydraulic, mechanical, and electrical systems. The flight check includes navigation by instruments, recovery from simulated emergencies, and standard instrument approaches involving navigational facilities that he is likely to use. Each person taking the instrument check must show that standard of proficiency required for the original issue of an instrument rating.

(c) If the pilot in command is assigned to pilot only one type of aircraft, he must take the instrument check required by paragraph (a) of this section in that type of aircraft.

(d) If the pilot in command is assigned to pilot more than one type of aircraft, he must take the instrument check required by paragraph (a) of this section in each type of aircraft to which he is assigned, in rotation, but not more than one flight check during each period described in paragraph (a) of this section.

(e) If the pilot in command is assigned to pilot both single and multiengine aircraft, he must take the instrument checks required by paragraph (a) of this section alternately in multiengine and single-engine aircraft, but not more than one flight check during each period described in paragraph (a) of this section.

(f) If the pilot in command is authorized to use an autopilot system in place of a second pilot, he must show, during the required instrument check, that he is able (without a second in command) both with and without using the autopilot to—

(1) Conduct instrument operations competently; and

(2) Properly conduct air-ground communications and comply with complex air traffic control instructions.

Each person taking the autopilot check must show that, while using the autopilot, the airplane is operated as proficiently as it would be if a second in command were present to handle air-ground communications and copy air traffic control instructions.

§ 135.133 Pilot checks: Grace provisions.

If a pilot who is required to take a pilot check by § 135.129 or § 135.131 takes that check in the calendar month before, or the calendar month after, the month in which it becomes due, he is considered to have taken it during the month it became due.

§ 135.135 Check pilot authorization: Application and issue.

Each holder of an ATCO certificate desiring FAA approval of a check pilot shall submit his request in writing to the FAA District Office having jurisdiction over the area in which the holder's principal business office is located. The Administrator may issue a letter of authority to each check pilot if he passes the appropriate oral and flight test.

Subpart E—Aircraft and Equipment

§ 135.141 Applicability.

This subpart prescribes aircraft and equipment requirements for operations under this part. The requirements of this subpart are in addition to the applicable aircraft and equipment requirements of Part 91 of this chapter. However, this part does not require the duplication of any equipment required by another part.

§ 135.143 General requirements.

(a) No person may operate an aircraft in operations to which this part applies unless that aircraft and its equipment meet the requirements of applicable regulations.

(b) No person may operate an aircraft in operations to which this part applies, unless the required instruments and equipment in it have been approved and are functioning.

§ 135.145 Performance requirements: Aircraft operated over-the-top or in IFR conditions.

(a) Except as provided in paragraphs (b) and (c) of this section, no person may—

(1) Operate a single-engine airplane carrying passengers over-the-top or in IFR conditions; or

(2) Operate a multiengine airplane carrying passengers over-the-top or in IFR conditions at a weight that will not allow it to climb, with the critical engine inoperative, at least 50 feet a minute when operating at the MEAs of the route to be flown or 5,000 feet MSL, whichever is higher.

(b) Without regard to paragraph (a)(1) or (2) of this section—

(1) If weather reports and forecasts indicate that weather along the planned route (including takeoff and landing) allows flight under VFR under the ceiling (if a ceiling exists) and is forecast to remain so at every point ahead on the route until at least one hour after the estimated time of arrival at the point, a person may operate an airplane in IFR conditions, or "over-the-top"; and

(2) If weather reports and forecasts indicate that the weather along the planned route allows flight under VFR conditions under the ceiling (if a ceiling exists), beginning at a point no more than 15 miles from the departure airport and extending to a point within 15 miles of the destination airport, a person may—

(i) Take off from the departure airport in IFR conditions and fly in IFR conditions to a point no more than 15 miles from the departure airport;

(ii) Operate an airplane en route over-the-top;

(iii) If unforecast marginal VFR weather conditions are encountered while en route on a flight which was started and intended to be conducted under the VFR or VFR over-the-top requirements of this Part (except for limited IFR operation as permitted under subdivisions (i) and (iv) of this subparagraph) operate an airplane in IFR conditions if weather reports and forecasts indicate that he will be able to return to VFR or VFR over-the-top operation before reaching a point 15 miles from the destination airport; and

(iv) Make an IFR approach and land at the destination airport in IFR conditions if the weather conditions allow flight, and he flies, clear of the clouds from a point en route at least 15 miles from the destination airport until reaching the prescribed initial approach altitude over the final approach facility or if the approach is made with the use of radar as provided in § 91.117(f) of this chapter.

(c) Without regard to subparagraphs (a)(1) and (2) of this section, a person may operate an airplane over-the-top under conditions allowing—

(1) In the case of a multiengine airplane, descent or continuance of the flight under VFR if its critical engine fails; or

(2) In the case of a single-engine airplane, descent under VFR if its engine fails.

§ 135.147 Performance requirements: Land aircraft operated over water.

(a) No person may operate a land aircraft carrying pasengers over water unless—

(1) It is operated at an altitude that allows it to reach land in the case of engine failure;

(2) It is necessary for takeoff or landing; or

(3) It is a multiengine aircraft operated at a weight that will allow it to climb, with the critical engine inoperative, at least 50 feet a minute, at an altitude of 1,000 feet above the surface.

§ 135.149 Dual controls required.

No person may operate an aircraft in operations requiring two pilots unless that aircraft is equipped with functioning dual controls. However, if the aircraft type certification operating limitations do not require two pilots, a throw-over control wheel may be used in place of two control wheels.

§ 135.151 Equipment requirements: General.

No person may operate an aircraft unless it is equipped with—

(a) A sensitive altimeter that is adjustable for barometric pressure;

(b) Heating or de-icing equipment for each carburetor or, in the case of a pressure carburetor, an alternate air source; and

(c) In the case of turbine engine aircraft, such other equipment as the Administrator may require.

§ 135.153 Equipment requirements: Carrying passengers at night or under VFR over-the-top conditions.

(a) Except as provided in paragraph (c) of this section, no person may operate an airplane, carrying passengers, at night or under VFR over-the-top, unless it is equipped with—

(1) A gyroscopic rate-of-turn indicator combined with a slip skid indicator;

(2) A gyroscopic bank-and-pitch indicator;

(3) A gyroscopic direction indicator;

(4) A generator or generators able to supply all probable combinations of continuous in-flight electrical loads for required equipment and for recharging the battery; and

(5) In the case of night flights—

(i) An anticollision light system;

(ii) Instrument lights to make all instruments, switches, and gauges easily readable, the direct rays of which are shielded from the pilot's eyes; and

(iii) A flashlight having at least two size "D" cells or equivalent.

For the purposes of subparagraph (4) of this paragraph, a continuous electrical load includes one that draws current continuously during flight, such as radio equipment, electrically driven instruments, and lights, but does not include occasional intermittent loads.

(b) Except as provided in paragraph (c) of this section, no person may operate a helicopter, carrying passengers, at night or under VFR over-the-top unless—

(1) In the case of VFR over-the-top operations, it is certificated for IFR operations; and

(2) In the case of night operations, it is equipped with an anticollision light system and a standard size flashlight having at least two size "D" cells or equivalent.

(c) This section does not apply to persons operating aircraft under VFR over-the-top during the day under conditions allowing—

(1) In the case of a multiengine aircraft, descent or continuation of the flight under VFR if its critical engine fails; or

(2) In the case of a single-engine aircraft, descent under VFR if its engine fails.

§ 135.155 Equipment requirements: Airplanes carrying passengers under IFR.

No person may operate an airplane under IFR, carrying passengers, unless it has—

(a) A vertical speed indicator;

(b) A free-air temperature indicator;

(c) A heated pitot tube for each airspeed indicator;

(d) A power failure warning device or vacuum indicator to show the power available for gyroscopic instruments from each power source;

(e) An alternate source of static pressure for the altimeter and the airspeed and vertical speed indicators;

(f) In the case of a single-engine airplane, a generator or generators able to supply all probable combinations of continuous in-flight electrical loads for required equipment and for recharging the battery;

(g) In the case of multiengine airplanes, at least two generators, each of which is on a separate engine, of which any combination of one-half of the total number are rated sufficiently to supply the electrical loads of all required instruments and equipment necessary for safe emergency operation of the airplane; and

(h) Two independent sources of energy (with a means of selecting either), of which at least one is an engine-driven pump or generator, each of which is able to drive all gyroscopic instruments and installed so that failure of one instrument or source does not interfere with

the energy supply to the remaining in-

(7) For extended overwater operations

flight at those altitudes that is of more

riers operating off-route charter flights.

(d), and (e) as paragraphs (d), (e), and

the energy supply to the remaining instruments or the other energy source, unless, in the case of a single-engine aircraft, the rate-of-turn and bank-and-pitch indicators, have separate sources of energy.

For the purposes of paragraph (f) of this section, a continuous electrical load includes one that draws current continuously during flight, such as radio equipment, electrically driven instruments and lights, but does not include occasional intermittent loads. For the purpose of paragraph (h) of this section, in the case of a multiengine airplane, each engine-driven source of energy must be on a different engine.

§ 135.157 Radio and navigational equipment: Carrying passengers under VFR at night, over-the-top, or in a control zone.

(a) No person may operate, under VFR, an aircraft carrying passengers at night, in a control zone, or, except as provided in paragraph (c) of this section, over-the-top unless that aircraft has two-way radio communications equipment able at least, in flight, to transmit to, and receive from, ground facilities 25 miles away.

(b) No person may operate an airplane at night, or, except as provided in paragraph (c) of this section, any aircraft over-the-top, carrying passengers under VFR unless it has radio navigational equipment able to receive radio signals from the ground facilities to be used.

(c) Paragraphs (a) and (b) of this section do not apply to a person operating an aircraft under VFR over-the-top under conditions that allow—

(1) In the case of a single-engine aircraft, descent under VFR if its engine fails; or

(2) In the case of a multiengine aircraft, descent or continuation of the flight under VFR if its critical engine fails.

However, this paragraph does not exempt a person from complying with the requirements of paragraph (a) of this section when operating an aircraft at night or in a control zone, nor the requirements of paragraph (b) of this section when operating an airplane at night.

§ 135.159 Radio and navigational equipment: Extended overwater or IFR operations.

(a) No person may operate an aircraft under IFR or in extended overwater operations unless it has at least the following radio communication and navigational equipment appropriate to the facilities to be used and able to transmit to, and receive from, at any place on the route, at least one ground facility:

(1) A transmitter.
(2) Two microphones.
(3) Two headsets or one headset and one speaker.
(4) A marker beacon receiver.
(5) Two independent receivers for navigation.
(6) Two independent receivers for communications.
(7) For extended overwater operations only, an additional transmitter.

However, a receiver that can receive both communications and navigational signals may be used in place of a separate communications receiver and a separate navigational signal receiver.

(b) For the purposes of paragraphs (a) (5) and (6) of this section, a receiver is independent if the function of any part of it does not depend on the functioning of any part of another receiver.

§ 135.161 Fire extinguishers: Passenger-carrying aircraft.

No person may operate an aircraft carrying passengers unless it is equipped with a hand fire extinguisher that is accessible to the pilot and passengers or two hand type fire extinguishers, one of which is accessible to the pilot and the other to the passengers.

§ 135.163 Emergency equipment: Overwater operations.

No person may operate an aircraft in extended overwater operations unless it carries enough liferafts (with proper buoyancy) to carry all occupants of the aircraft, and unless there is attached to each liferaft at least—

(a) One canopy (for sail, sunshade, or for rain catcher);
(b) One radar reflector (or similar device);
(c) One liferaft repair kit;
(d) One bailing bucket;
(e) One signaling mirror;
(f) One police whistle;
(g) One raft knife;
(h) One CO_2 bottle for emergency inflation;
(i) One inflation pump;
(j) Two oars;
(k) One 75-foot retaining line;
(l) One magnetic compass;
(m) One dye marker;
(n) One flashlight;
(o) One pyrotechnic pistol and six cartridges;
(p) A two-day supply of emergency food rations supplying at least 1,000 calories a day for each person;
(q) One sea water desalting kit for each two persons the raft is rated to carry, or two pints of water for each person;
(r) One fishing kit; and
(s) One book on survival appropriate for the area in which the aircraft is operated.

The equipment required by this paragraph must be clearly marked for identification.

§ 135.165 Oxygen equipment requirements.

(a) *Unpressurized aircraft:* No person may operate an aircraft at altitudes prescribed in this section unless it is equipped with enough oxygen dispensers and oxygen to supply the oxygen required for pilots by § 135.83(a) and to supply, when flying—

(1) At altitudes above 10,000 up to and including 15,000 feet MSL, oxygen so at least one occupant of the aircraft other than the pilots, for that part of the flight at those altitudes that is of more than 30 minutes duration; and

(2) Above 15,000 feet MSL, oxygen to each occupant of the aircraft, except the pilots.

(b) *Pressurized aircraft:* No person may operate an aircraft having a pressurized cabin unless it is equipped with enough oxygen dispensers and oxygen to, in the event of cabin pressurization failure, comply with § 135.83(a), or a two-hour supply for each pilot, whichever is greater, and to supply, when flying—

(1) At altitudes above 10,000, up to and including 15,000 feet MSL, oxygen to at least one occupant of the aircraft other than the pilots, for that part of the flight at those altitudes that is of more than 30 minutes duration; and

(2) Above 15,000 feet MSL, oxygen to each occupant of the aircraft, except the pilots, for one hour unless, at all times during flight above that altitude, the aircraft can safely descend to 15,000 feet MSL within four minutes, in which case only a 30-minute supply is required.

(c) The equipment required by this section must have a means to enable the pilot to readily determine, in flight, the amount of oxygen available in each source of supply and whether the oxygen is being delivered to the dispensing units or, in the case of individual dispensing units, a means to enable each user to make those determinations with respect to his oxygen supply and delivery.

NOTE: The record-keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C., on February 28, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-2150; Filed, Mar. 4, 1964; 8:49 a.m.]

[Reg. Docket No. 1808, Amdt. 42-4]

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

Flight Time Limitations; Airplanes; Overseas and International Operations; Flight Crews Consisting of Three or More Pilots and Additional Airmen

The Federal Aviation Agency published as a notice of proposed rule making (28 F.R. 6656) and circulated as Notice 63-25 dated June 20, 1963, a proposal to amend Part 42 of the Civil Air Regulations to prescribe specific ground rest periods and duty time limitations for flight crews of three or more pilots and additional airmen, as required, engaged in overseas and international operations conducted by air carriers and commercial operators certificated under Part 42 of the Civil Air Regulations.

The flight time limitations and rest requirements applicable to flight crewmembers of flight crews consisting of three or more pilots and additional airmen, as required, engaged in overseas and international operations conducted by air carriers and commercial operators and governed by Part 42 of the Civil Air Regulations, were originally set forth in Paragraph 66 of the Operations Specifications issued to such air carriers and commercial operators. These rules have recently been incorporated into § 42.322 of the Revised Part 42, effective November 11, 1963. Under the provisions of these rules, members of such flight crews may be aloft as flight crewmembers for 350 hours in any 90-day period. The scheduling of adequate ground rest periods for members of such flight crews while away from home base is a responsibility which the rules place upon the operator.

The nature and overall pattern of off-route and charter type operations conducted under Part 42 in overseas and international operations have often resulted in flight crewmembers being subjected to lengthy periods of continuous duty while away from their home bases. Despite the existence of sleeping facilities on the airplane, lengthy periods of continuous duty by flight crewmembers may lead to overfatigue of such crewmembers. Therefore, in order to preclude operations which could result in flight crewmembers performing their duties in an overly fatigued condition, a limit must be set on the length of time which such flight crewmembers may be on continuous duty, and minimum requirements must be established pertaining to the rest periods necessary for such flight crewmembers while away from their home base.

The Agency in an advance notice of proposed rule making issued on August 27, 1963. (Notice 63-34 (28 F.R. 9674)), stated its intention to completely review and revise all of the flight time limitation rules applicable to all air carrier and large airplane commercial operations. In view of the scope of such review and revision, and its significance and effect on air carrier scheduling, it is not anticipated that any resultant regulatory action will be completed in the very near future. It is clear that the prescription of the rules contained in this amendment cannot be delayed, and must be established in the interim prior to the overall revision of all flight time rules. However, in view of this overall revision the amendments contained herein are limited to the minimum which the Agency believes to be of immediate urgency.

The majority of the comments received in response to Notice 63-25 favored the adoption of specific limitations on the length of continuous duty periods as proposed. Many of the comments recommended more stringent specific hourly limitations than those proposed. Comments received from one air carrier opposed the proposal on two grounds: First, the proposed 30-hour limitation on the length of a continuous duty period is completely unreasonable; and second, the proposal was inequitable because it was not required for scheduled air carriers operating off-route charter flights. In support of the first contention, the air carrier stated that in its cargo operations the aircraft is required to be positioned for loading at least 4 hours prior to scheduled departure and remain on the ground as much as 3 hours at an intermediate stop. Moreover, if a limitation is to be placed upon the continuous duty time, appropriate amendments should be made to the rest period required upon return of the flight crewmember to his principal operations base.

Setting forth a maximum duty time limitation will no doubt necessitate some burden and changes in operating procedures for some air carriers. However, the specific limitation on duty time and requirements for rest which are contained in this amendment are considered adequate both as the minimum requirements for safety of operations, and in order to permit the air carriers reasonable flexibility in the utilization of flight crewmembers.

Upon further consideration, the Agency decided that the words "reports for duty" should be substituted for "goes on duty" in the second sentence of proposed § 42.49(a). The change was made in order to clearly indicate that in the case of a delayed flight, the duty period begins at the time the crewmember reports for duty as scheduled, rather than the time at which he actually starts the preflight duties for the particular flight.

In Notice 63-25 it was proposed to add a new § 4249 to Part 42 to set a limitation on the scheduling authorized in the Operations Specifications. However, since the flight time limitations contained in the Operations Specifications have been incorporated in the Revised Part 42, the amendment proposed in the notice is issued in the form of an amendment of § 42.322 of Revised Part 42.

Notice 63-25 proposed to amend Part 42 only insofar as supplemental air carriers and commercial operators were concerned. However, scheduled air carriers, certificated under Part 40 or 41, when conducting off-route operations in accordance with the operating rules of Part 42, are subject to the same problems and difficulties in crew scheduling and management as are Part 42 carriers. Accordingly, while this amendment, adopted pursuant to Notice 63-25, concerns itself only with those supplemental air carriers and commercial operators certificated under Part 42, a notice of proposed rule making to establish the same duty time limitations for scheduled air carriers when conducting flights under the operating rules of Part 42 is being published concurrently with the publication of this amendment.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, § 42.322 of Revised Part 42 of the Civil Air Regulations (28 F.R. 7124) is hereby amended redesignating paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f); and by adding a new paragraph (c) to read as follows, effective April 6, 1964:

§ 42.322 Flight crew of three or more pilots and additional airmen, as required.

* * * * *

(c) (1) An air carrier or commercial operator certificated under this part shall not schedule any flight crewmember to be on continuous duty in excess of 30 hours. Such a flight crewmember is considered on continuous duty from the time he reports for duty until the time he is released from duty for a period of rest of 10 or more consecutive hours on the ground.

(2) If such a flight crewmember is on continuous duty in excess of 24 hours, whether scheduled or not, during any one scheduled duty period, he must receive at least 16 hours for rest on the ground after completion of the last flight scheduled for that scheduled duty period, before being assigned any further flight duty.

(3) If such a flight crewmember is required to engage in deadhead transportation in excess of 4 hours before commencing flight duty, one-half of the time spent in deadhead transportation must be treated as duty time for purposes of determining compliance with duty time limitations, unless he is given not less than 10 hours for rest on the ground before being assigned to flight duty.

* * * * *

Issued in Washington, D.C., on February 28, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-2152; Filed, Mar. 4, 1964; 8:49 a.m.]

[Airspace Docket No. 63-CE-112]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways, Control Area Extension and Transition Area

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12941) stating that the Federal Aviation Agency proposed to revoke alternate airway segments of VOR Federal airway Nos. 13, 15, and 172, redescribe the northeast boundary of the east portion of the Des Moines, Iowa, control area extension and the west boundary of the north portion of the St. Joseph, Mo., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.123 (29 F.R. 1009) is amended as follows:

a. In V-13 "Lamoni, Iowa, including an E alternate via INT of Kansas City 035° and Lamoni 174° radials; Des

Moines, Iowa, including an E and a W alternate;" is deleted and "Lamoni, Iowa; Des Moines, Iowa, including a W alternate;" is substituted therefor.

b. In V–15 "From Kansas City, Mo., via St. Joseph, Mo., including an E alternate via INT of Kansas City 020° and St. Joseph 132° radials; INT of St. Joseph 343° and Neola, Iowa, 157° radials; Neola, including an E alternate via INT of St. Joseph 358° and Neola 142° radials;" is deleted and "From Kansas City, Mo., via St. Joseph, Mo.; INT of St. Joseph 343° and Neola, Iowa, 157° radials; Neola;" is substituted therefor.

c. In V–172 "Cedar Rapids, Iowa, including an S alternate via INT of Newton 099° and Cedar Rapids 238° radials;" is deleted and "Cedar Rapids, Iowa;" is substituted therefor.

2. Section 71.165 (29 F.R. 1073) is amended as follows: In Des Moines, Iowa "on the NE by V–172S," is deleted and "on the NE by V–172," is substituted therefor.

3. Section 71.181 (29 F.R. 1160) is amended as follows: In St. Joseph, Mo. "on the W by V–15E." is deleted and "on the W by V–15." is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2110; Filed, Mar. 4, 1964; 8:46 a.m.]

[Airspace Docket No. 63–CE–114]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways and Control Area Extension

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12942) stating that the Federal Aviation Agency proposed to revoke alternate airway segments of VOR Federal airways Nos. 10, 50, 52, and 233 and redesignate a boundary description of the Moline, Ill., control area extension.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.123 (29 F.R. 1009) is amended as follows:

a. In V–10 "including an S alternate; Bradford, Ill., including an N alternate;" is deleted and "Bradford, Ill.;" is substituted therefor.

b. In V–50 "Quincy, Ill., including an S alternate via INT of Kirksville 121° and Quincy 258° radials;" is deleted and "Quincy, Ill.;" is substituted therefor.

c. In V–52 "Ottumwa, Iowa, including an S alternate; Quincy, Ill., including an N alternate;" is deleted and "Ottumwa, Iowa; Quincy, Ill.;" is substituted therefor.

d. In V–233 "Peoria, Ill., including an E alternate from Capital to Peoria via INT of Capital 014° and Peoria 122° radials;" is deleted and "Peoria, Ill.;" is substituted therefor.

2. Section 71.165 (29 F.R. 1073) is amended as follows: In Moline, Ill. "on the S by V–10 N alternate" is deleted and "on the S by V–10" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2111; Filed, Mar. 4, 1964; 8:46 a.m.]

[Airspace Docket No. 63–SW–70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12943) stating that the Federal Aviation Agency proposed to realign the segment of VOR Federal airway No. 222 from Lake Charles, La., direct to McComb, Miss.; realign the north alternate segment of VOR Federal airway No. 20 from Lake Charles to Lafayette, La.; and realign the north alternate segment of VOR Federal airway No. 70 from Lafayette to Baton Rouge, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

Section 71.123 (28 F.R. 11533, 29 F.R. 1009) is amended as follows:

a. In V–20 "including an N alternate via INT of Lake Charles 058° and Lafayette 285° radials;" is deleted and "including an N alternate via INT of Lake Charles 064° and Lafayette 285° radials;" is substituted therefor.

b. In V–70 "including an N alternate via INT of Lafayette 012° and Baton Rouge 272° radials;" is deleted and "including an N alternate via INT of Lafayette 012° and Baton Rouge 264° radials;" is substituted therefor.

c. In V–222 "INT of Lake Charles 058° and McComb, Miss., 251° radials; McComb;" is deleted and "McComb (11-mile wide airway from 45 nmi from Lake Charles to 50 nmi from Lake Charles; thence 12-mile wide airway to 55 nmi from Lake Charles; thence 13-mile wide airway to 60 nmi from Lake Charles; thence 14-mile wide airway to 65 nmi from Lake Charles; thence 15-mile wide airway to 65 nmi from McComb; thence 14-mile wide airway to 60 nmi from McComb; thence 13-mile wide airway to 55 nmi from McComb; thence 12-mile wide airway to 50 nmi from McComb; thence 11-mile wide airway to 45 nmi from McComb):" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2112; Filed, Mar. 4, 1964; 8:46 a.m.]

[Airspace Docket No. 63–WA–60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Area

On December 28, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 14445) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations by altering Control 1485 (Fairbanks, Alaska).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

In consideration of the foregoing, the following action is taken:

In § 71.163 (29 F.R. 1068), Control 1485 is amended to read:

Control 1485.

That airspace N of Fairbanks, Alaska, extending from 18,500 feet MSL to Flight Level 450 bounded by a line beginning at latitude 72°00'00" N., longitude 144°13'15" W., to latitude 72°00'00" N., longitude 129°00'00" W., to latitude 69°00'00" N., longitude 141°00'00" W., to latitude 64°39'30" N., longitude 145°50'00" W., to latitude 65°00'00" N., longitude 149°10'00" W., to point of beginning, excluding the portion under the jurisdiction of Canada.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Secs. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510; E.O. 10654, 24 F.R. 9565)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2108; Filed, Mar. 4, 1964; 8:46 a.m.]

[Airspace Docket No. 63–WE–50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12940) stating that the Federal Aviation Agency proposed to alter the Idaho Falls, Idaho, control zone, revoke the Idaho Falls control area extension and designate the Idaho Falls transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Idaho Falls, Idaho, control zone is amended to read:

Idaho Falls, Idaho.

Within a 5-mile radius of the Fanning Field, Idaho Falls, Idaho, (latitude 43°31'05" N., longitude 112°04'05" W.); within a 1-mile radius of Rigby, Idaho, Airport (latitude 43°38'45" N., longitude 111°55'45" W.); within 2 miles each side of the Idaho Falls-VOR 223° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile radius zone to 11 miles NE of the VOR; and within 2 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile radius zone to 8 miles NE of the RBN.

2. In § 71.165 (29 F.R. 1073), is amended by revoking the following control area extension:

Idaho Falls, Idaho.

3. In § 71.181 (29 F.R. 1160) is amended by adding the following transition area:

That airspace extending upward from 700 feet above the surface within 8 miles NW and 5 miles SE of the Idaho Falls VOR 030° and 223° radials, extending from 12 miles SW to 12 miles NE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the east by longitude 111°45'00" W., and a line 9 miles E of and parallel to the Idaho Falls VOR 033° and 213° radials, on the S by latitude 43°17'00" N., on the W by the E boundary of V–257 and on the N by a line extending from latitude 43°52'30" N., longitude 112°10'50" W., to latitude 43°45'00" N., longitude 112°06'00" W., to latitude 43°45'00" N., longitude 111°45'00" W., excluding the portion within the Dubois, Idaho, transition area.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2109; Filed, Mar. 4, 1964; 8:46 a.m.]

[Airspace Docket No. 63–WE–69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Register Document

On February 11, 1964, FEDERAL REGISTER Document 64–1300 was published in the FEDERAL REGISTER (29 F.R. 2337), effective April 2, 1964. This document amended Part 71 [New] of the Federal Aviation Regulations by revoking segments of VOR Federal airway No. 8 south alternate between Bryce Canyon, Utah, and Hanksville, Utah, and between Grand Junction, Colo., and Kremmling, Colo.

Subsequent to publication of the amendment, the Agency has determined that the minimum en route altitude for the segment of Victor 8 between Bryce Canyon and Hanksville should be raised from 13,000 feet MSL to 13,300 feet MSL. This would provide only one cardinal altitude on this airway segment. The minimum en route altitude on Victor 8 south alternate between Bryce Canyon and Hanskville is 13,000 feet MSL which provides two cardinal altitudes on this airway segment. Therefore, it is in the public interest to retain this segment of Victor 8 south alternate and such action is taken herein.

Since 30 days will elapse from the time of publication of this action to the effective date of the rule as originally adopted, this change is in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, the amendment cited in Federal Register Document 64–1300 (29 F.R. 2337) is altered to read as follows:

Section 71.123 (29 F.R. 1009) is amended as follows: In V–8 "to Kremmling, Colo., including an S alternate." is deleted and "to Kremmling, Colo." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2113; Filed, Mar. 4, 1964; 8:46 a.m.]

[Airspace Docket No. 63–SO–93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On November 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12628) stating that the Federal Aviation Agency proposed to designate the Yazoo City, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published, and for the reasons stated in the Notice, § 71.181 (29 F.R. 1160) is amended to add the Yazoo City, Miss., transition area:

Yazoo City, Miss.:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Barrier Field, Yazoo City, Miss. (latitude 32°52'30" N., longitude 90°24'25" W.); within 2 miles each side of the 100° bearing from latitude 32°52'00" N., longitude 90°23'31" W., extending from the 5-mile radius area to 8 miles east of latitude 32°52'00" N., longitude 90°23'31" W.; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 280° bearing from latitude 32°52'00" N., longitude 92°23'31" W., extending from latitude 32°52'00" N., longitude 92°23'31" W. to 18 miles west; and within 8 miles north and 5 miles south of the 100° bearing from latitude 32°52'00" N., longitude 92°23'31" W., extending from latitude 32°52'00" N., longitude 92°23'31" W. to 12 miles east, effective from 0530 to 2215 hours local time, daily.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2114; Filed, Mar. 4, 1964; 8:46 a.m.]

[Airspace Docket No. 63–134]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

The purpose of these amendments to § 73.45 of the Federal Aviation Regulations is to redesignate the Fort Leonard Wood, Mo., Restricted Area R–4501 as two restricted areas of lesser dimensions.

The Department of the Army has advised that R–4501 contains approximately 60 square miles of airspace no longer required for accomplishment of Army firing activities. The Army states their firing activities can be contained in approximately 36 square miles of the present area and has requested that two joint use restricted areas, R–4501A and R–4501B, be designated to replace R–4501. Further, the designated altitudes of these areas will be less than the present "Surface to 6,000 feet MSL" altitude designation of R–4501.

Since these amendments reduce a burden on the public, notice and public procedure hereon is unnecessary and they may be made effective immediately.

In consideration of the foregoing, § 73.45 Missouri (29 F.R. 1260) is amended as follows:

1. R–4501 Fort Leonard Wood, Mo., is revoked.

2. R–4501A Fort Leonard Wood West, Mo., is added to read:

R–4501A Fort Leonard Wood West, Mo.:

Boundaries. Beginning at latitude 37°-41'06" N., longitude 92°09'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°37'10" N., longitude 92°13'45" W.; to latitude 37°37'10" N., longitude 92°15'06" W.; to latitude 37°38'42" N., longitude 92°15'06" W.; to latitude 37°41'-07" N., longitude 92°14'23" W.; to the point of beginning.

Designated altitudes. Surface to 5,600 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, St. Louis ARTC Center.

Using agency. Commanding General, Fort Leonard Wood, Mo.

3. R–4501B Fort Leonard Wood East, Mo., is added to read:

R–4501B Fort Leonard Wood East, Mo.:

Boundaries. Beginning at latitude 37°-43'00" N., longitude 92°06'55" W.; to latitude 37°42'11" N., longitude 92°06'14" W.; to latitude 37°39'07" N., longitude 92°06'17" W.; to latitude 37°38'15" N., longitude

92°09'17" W.; to latitude 37°43'02" N., longitude 92°09'17" W.; to the point of beginning.

Designated altitudes. The area north of a line between latitude 37°42'51" N., longitude 92°09'02" W., and latitude 37°42'53" N., longitude 92°09'17" W. surface to 1,500 feet MSL. The area south of this line, surface to 2,200 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, St. Louis ARTC Center.

Using agency. Commanding General, Fort Leonard Wood, Mo.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-2115; Filed, Mar. 4, 1964; 8:46 a.m.]

[Airspace Docket No. 63-EA-48]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On October 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11073) stating that the Federal Aviation Agency was considering amendments to § 73.52 of the Federal Aviation Regulations which would alter the boundaries of the Rome, N.Y. (Griffiss AFB), Restricted Area/Military Climb Corridor R-5204. The notice stated also that the description of the Rome, N.Y., control zone (§ 71.171) would be amended to require approval from appropriate authority prior to operation within that portion of the control zone which coincides with R-5204. The description of the Rome control zone is not changed herein since this requirement is specified in § 91.95 of the Federal Aviation Regulations.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing and for the reasons stated in the notice, the following action is taken:

In § 73.52 New York (29 F.R. 1267, January 24, 1964), R-5204 Rome, N.Y. (Griffiss AFB), Restricted Area/Military Climb Corridor is amended to read:

R-5204 Rome, N.Y. (Griffiss AFB), Restricted Area/Military Climb Corridor:

Boundaries. From a point of beginning at latitude 43°16'05" N., longitude 75°27'20" W., the area centered on a bearing therefrom of 314°, extending to a point 30 nmi northwest, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes. Surface to flight level 240 from point of beginning to 3 nmi northwest. 2,000 feet MSL to flight level 240 from 3 to 6 nmi northwest of point of beginning. 5,000 feet MSL to flight level 240 from 6 to 11 nmi northwest of point of beginning. 10,000 feet MSL to flight level 240 from 11 to 15 nmi northwest of point of beginning. 14,000 feet MSL to flight level 240 from 15 to 19 nmi northwest of point of beginning. 16,000 feet MSL to flight level 240 from 19 to 25 nmi northwest of point of beginning. 20,000 feet MSL to flight level 240 from 25 to 30 nmi northwest of point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Griffiss Approach Control.

Using agency. Commander, Griffiss AFB, N.Y.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-2116; Filed, Mar. 4, 1964; 8:47 a.m.]

[Airspace Docket No. 63-EA-50]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On October 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11073) stating that the Federal Aviation Agency was considering an amendment to § 73.41 of the Federal Aviation Regulations which would alter the boundaries of the Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor R-4103. The notice stated also that the description of intermediate altitude airway No. 1697 (§ 71.143) would be amended to require approval from appropriate authority prior to operation within that portion of this airway which coincides with R-4103. The description of this airway is not changed herein since this requirement is specified in Section 91.95 of the Federal Aviation Regulations.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing and for the reasons stated in the notice, the following action is taken:

In § 73.41 Massachusetts (29 F.R. 1256), R-4103 Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor is amended to read:

R-4103 Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor.

Boundaries. That area within the United States from a point of beginning at latitude 41°41'35" N., longitude 70°29'05" W., centered on Otis AFB TACAN 033° radial, extending to a point 30 nmi northeast, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes. Surface to flight level 240 from point of beginning to 2 nmi NE. 1,000 feet MSL to flight level 240 from 2 to 3 nmi NE of point of beginning. 2,000 feet MSL to flight level 240 from 3 to 6 nmi NE of point of beginning. 5,000 feet MSL to flight level 240 from 6 to 11 nmi NE of point of beginning. 10,000 feet MSL to flight level 240 from 11 to 15 nmi NE of point of beginning. 14,000 feet MSL to flight level 240 from 15 to 19 nmi NE of point of beginning. 16,000 feet MSL to flight level 240 from 19 to 25 nmi NE of point of beginning. 20,000 feet MSL to flight level 240 from 25 to 30 nmi NE of point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Otis Approach Control.

Using agency. Commander, Otis AFB, Mass.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-2117; Filed, Mar. 4, 1964; 8:47 a.m.]

[Airspace Docket No. 63-EA-58]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area/Military Climb Corridor

On October 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11199) stating that the Federal Aviation Agency was considering an amendment to § 73.50 of the Federal Aviation Regulations which would alter the Wrightstown, N.J. (McGuire AFB), Restricted Area/Military Climb Corridor R-5003.

No adverse comments were received concerning the proposal.

In consideration of the foregoing and for the reasons stated in the notice, the following action is taken:

In § 73.50 New Jersey (29 F.R. 1264), R-5003 Wrightstown, N.J. (McGuire AFB), Restricted Area Military climb corridor is amended to read:

R-5003 Wrightstown, N.J. (McGuire AFB), Restricted Area/Military Climb Corridor:

Boundaries. From a point of beginning at latitude 39°59'05" N., longitude 74°38'00" W., the area centered on the McGuire AFB TACAN 224° radial, extending to a point 30 nmi southwest, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes. 1,500 feet MSL to 23,000 feet MSL from point of beginning to 3 nmi SW. 2,000 feet MSL to 23,000 feet MSL from 3 nmi to 6 nmi SW of point of beginning. 5,000 feet MSL to 23,000 feet MSL from 6 nmi to 11 nmi SW of point of beginning. 10,000 feet MSL to 23,000 feet MSL from 11 nmi to 15 nmi SW of point of beginning. 14,000 feet MSL to 23,000 feet MSL from 15 nmi to 19 nmi SW of point of beginning. 16,000 feet MSL to 23,000 feet MSL from 19 nmi to 25 nmi SW of point of beginning. 20,000 feet MSL to 23,000 feet MSL from nmi to 30 nmi SW of point of beginning.

Time of designation. Continuous.

Using agency. McGuire AFB Approach Control.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-2118; Filed, Mar. 4, 1964; 8:47 a.m.]

[Airspace Docket No. 63-SO-100]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

The purpose of this amendment to § 73.53 of the Federal Aviation Regulations is to reduce the size of Restricted Area R-5306C, Cherry Point, North Carolina.

Restricted Area R-5306C is presently designated from the surface to 20,000 feet MSL on a continuous basis. The Commanding General, Marine Corps Air Station, Cherry Point, N.C., is the using agency.

The Department of the Navy has advised that due to a change in operational activities, the western portion of R-5306C is no longer required. In addition, the deletion of the western portion of R-5306C will also reduce a potential conflict between restricted area activities and control zone operations in the vicinity of New River MCAS, North Carolina. Such action is taken herein.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 73.53 North Carolina (29 F.R. 1269, January 24, 1964), R-5306C, Cherry Point, N.C., Restricted Area is amended to read:

R-5306C Cherry Point, N.C.

Boundaries. Beginning at latitude 34°-40'00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°37'25" N., longitude 77°29'00" W.; to latitude 34°40'40" N., longitude 77°-23'00" W.; to point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-2119; Filed, Mar. 4, 1964; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. No. 2083; Amdt. 696]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Model PA-28 Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the control wheels and replacement if cracks are found on Piper Model PA-28 aircraft was published in 28 F.R. 12945.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment was received recommending that the AD not be issued since the manufacturer's Service Letter No. 396 covered the same subject. Compliance with the service letter is not mandatory. The AD is the means by which corrective action is required. It was also suggested that removal of the Piper medallion from the face of the control wheel was not necessary since cracks would be visible long before failure could occur. Since there have been cases of complete failure of the control wheel, it is considered necessary in the interest of safety to require a thorough inspection of the entire area. This can only be accomplished when the medallion is removed.

Another comment stated that cracked control wheels are not critical enough to be covered by an AD, particularly on PA-28 aircraft which are equipped with dual controls. Since failures are likely to occur during takeoff or landing, there might not be sufficient time to enable the pilot to regain control through use of the remaining control wheel. Accordingly this AD is considered necessary in the interest of safety.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to all Model PA-28 aircraft, Serial Numbers 28-1 to 28-868 inclusive, with control wheel assembly, P/N 62818, installed.

Compliance required as indicated.

To preclude failure of the control wheel, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD:

(1) Remove the Piper medallion from the face of the control wheel.

(2) Inspect the control wheel for cracks in the hub front and back, and in the area of the retaining pin, using dye penetrant in conjunction with at least a 5-power magnifying glass, or FAA-approved equivalent inspection method.

(3) Sand any suspected area with crocus cloth or equivalent to remove any mold marks and reinspect as in (2).

(b) If no cracks are found, or if the total cumulative length of all cracks found does not exceed 3/16 inch, repeat the inspection in (a) at intervals not exceeding 100 hours' time in service.

(c) If the total cumulative length of all cracks found exceeds 3/16 inch, but does not exceed 3/8 inch, replace the assembly with a new control wheel assembly, P/N 62824 or P/N 62818, within the next 50 hours' time in service.

(d) If the total cumulative length of all cracks found exceeds 3/8 inch, replace the assembly, as in (c), within 10 hours' time in service.

(e) When a new control wheel assembly, P/N 62824, is installed, this AD is no longer applicable.

(f) When a new control wheel assembly, P/N 62818, is installed, accomplish the inspections per paragraph (a) at intervals of 100 hours' time in service.

(Piper Service Letter No. 396 on the Model PA-28 pertains to this same subject.)

This amendment shall become effective April 6, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 27, 1964.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2120; Filed, Mar. 4, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBPART A—GENERAL

PART 8—COLOR ADDITIVES

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

β-CAROTENE; LISTING FOR DRUG USE; EXEMPTION FROM CERTIFICATION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner of Food and Drugs, based on a petition filed by Hoffmann-La-Roche, Inc., Nutley, New Jersey, and other relevant material, finds that β-carotene, when used in accordance with the conditions prescribed in this order, is safe for use in or on ingested drugs and that certification is not necessary for the protection of the public health. *Therefore, it is ordered,* That Part 8 be amended by adding to Subpart F the following new section:

§ 8.6004 β-Carotene.

(a) *Identity and specifications.* (1) The color additive β-carotene shall conform in identity and specifications to the requirements of § 8.304 (a)(1) and (b).

(2) The diluents in color additive mixtures for drug use containing β-carotene are limited to those listed in Subpart F of this Part 8 as safe and suitable in color additive mixtures for coloring ingested drugs.

(b) *Uses and restrictions.* β-Carotene may be used for coloring ingested drugs generally in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The labeling of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the Act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER

file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2))

Dated: February 28, 1964.

WINTON B. RANKIN,
Assistant Commissioner for Planning.

[F.R. Doc. 64-2139; Filed, Mar. 4, 1964; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 9 of Title 41 is amended as set forth below.

PART 9–58—RENTAL OF CONSTRUCTION EQUIPMENT

The following part is added:

Sec.
9–58.000 Scope of part.
9–58.001 Applicability.
9–58.002 General policy.

Subpart 9–58.1—Rental of Contractor-Owned Equipment

9–58.101 Rental agreement.
9–58.102 Rental period.
9–58.103 Rental rates.
9–58.104 Application of rates.
9–58.105 Insurance.
9–58.106 Rental limitation.
9–58.107 Record of negotiation.
9–58.108 Responsibility for repair and replacement.
9–58.109 Equipment condition and inspection.

Subpart 9–58.2—Rental of Third Party-Owned Equipment

9–58.201 Rental agreement.
9–58.202 Rental rates.
9–58.203 Insurance.
9–58.204 Option to purchase equipment.

AUTHORITY: The provisions in this Part 9–58 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 49 U.S.C. 486.

§ 9–58.000 Scope of part.

This part sets forth general policy and instructions relating to rental of construction equipment for use by AEC cost-type contractors.

§ 9–58.001 Applicability.

This part applies to the rental of equipment for use by AEC cost-type prime contractors and by their cost-type subcontractors, regardless of the contract tier.

§ 9–58.002 General policy.

It is the policy of the AEC:

(a) To use presently owned AEC construction equipment to the fullest extent. Careful investigation shall be made of the equipment available not only at the Field Office concerned, but at other Field Offices to determine whether such equipment can be economically utilized on the job. The Office of the Controller, Headquarters, can assist in the investigation of excess equipment available in other offices.

(b) To rent construction equipment, where available, rather than purchase it, unless in the case of third party-owned equipment the Field Office determines that accrued rentals on a particular item of equipment will approximate the cost of ownership of it; except, however, individual items of construction equipment having an original cost of less than $1,000 ordinarily should be purchased and not rented. Where it is clearly to the advantage of the Government, items having a cost of less than $1,000 may be rented with the approval of the Manager of the Field Office. Whenever it is practical, cost and other factors considered, contractor-owned equipment shall be rented in preference to renting third party-owned equipment.

(c) To pay rental for construction equipment at rates not higher than those prevailing in the locality, except under unusual circumstances, and at as low a rate as is consistent with securing modern equipment in good operating condition. Costs of repair, job interruption due to poor equipment, transportation, and in-transit rental may well offset any apparent savings in rental rates. Rental paid shall be subject to any Government price ceiling regulations that may be in effect.

Subpart 9–58.1—Rental of Contractor-Owned Equipment

§ 9–58.101 Rental agreement.

The terms and conditions governing rental by the AEC of construction equipment from a prime cost-type construction contractor are set forth in AECPR 9–16.5002–12, Outline of agreement for rental of contractor-owned construction equipment. This form of agreement is designed for use as an appendix to an AEC cost-type construction contract. It may be modified for rental of equipment under other contractual arrangements, such as an operating contractor renting from a cost-type construction subcontractor, and it may be modified for use as a separate contract or as an attachment to a subcontract. Managers of Field Offices shall promptly advise the Director, Division of Contracts, Headquarters, of any substantial deviations from the form of agreement. Some of the aspects of this agreement to which particular attention should be given are set forth in §§ 9–58.102 through 9–58.109.

§ 9–58.102 Rental period.

The base rental period shall extend from the time the equipment is accepted at the job site until the contractor is notified in writing by the AEC's representative that the equipment is no longer required. Subject to applicable limitations covered in the rental agreement form, the contractor shall be paid rental during the in-transit time and during the time required for equipment repair or replacement prior to return to the contractor.

§ 9–58.103 Rental rates.

(a) Rates for rental of contractor-owned equipment shall be fair and equitable. The rental rates contemplate that the AEC will pay incoming and outgoing transportation costs and rental during in-transit time for both inbound and outbound transportation of equipment; however, terms more favorable to the AEC may be negotiated where appropriate. The rental rates to be paid for the use of contractor-owned equipment under normal conditions should not exceed 65 percent of the rates quoted in the latest edition of the Associated Equipment Distributors' "Compilation of Averaged Rental Rates for Construction Equipment." However, Managers of Field Offices may approve rates in excess of 65 percent of the current A.E.D. schedule when local conditions require higher rates. Each such instance of departure from the rental ceiling shall be reported to the Director, Division of Contracts, Headquarters, explaining the circumstances leading to the Manager's decision.

(b) For items of equipment that are not covered by the A.E.D. schedule, use the latest edition of "Contractors' Equipment Ownership Expense" document published by The Associated General Contractors of America, Inc., and information on prevailing local rates for developing rates that would be consistent with the 35 percent reduction in the A.E.D. rates (i.e., taking into consideration the expenses paid by the Government under the rental agreement).

§ 9–58.104 Application of rates.

The rental rates shall be applied in accordance with the following rules:

(a) *Basis of rates.* The rates shall be based upon one shift of 8 hours per day, 40 hours per week, or 176 hours per month of a 30 consecutive-day period.

(b) *Apportionment of rates.* The monthly rate and its pro rata shall apply to all rental periods of one month or more. The weekly rate and its pro rata shall apply to all rental periods of one week or more up to one month. The daily rate and its pro rata shall apply to all rental periods up to one week.

(c) *Overtime.* Inasmuch as there are certain elements of cost to an equipment owner which do not change even though the equipment is used on more than one shift per day, it is believed equitable to pay a lower rental rate during a second and third shift than would be paid during a single shift. Therefore, the rental agreement form provides for payment for overtime at a rate equal to one-half the rate for the first shift.

§ 9–58.105 Insurance.

(a) Generally, rental rates should include the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods. The rental agreement for contractor-owned equipment is so worded.

(b) However, if the Contracting Officer determines that it is not practical to include the cost of such insurance in the rental rates, paragraphs 3(d) and 7(a) shall be amended as indicated in the applicable notes following these paragraphs in AECPR 9–16.5002–12.

§ 9–58.106 Rental limitation.

The rental agreement form provides that when the total amount of rental paid to the contractor for any one unit of equipment equals 75 percent of the mutually agreed value of that unit as set forth in the initial inspection report, the equipment is to remain available for the work under the construction contract as long as it will be required without any further rental payments to the contractor. The rental ceiling of 75 percent of the agreed-upon value of the equipment applies to all rental paid, including rental paid during in-transit time to and from the site of the work and down time for any operating repairs or restoration of the equipment after it is no longer needed at the site. The purpose of this provision is to prevent the Government from paying rental in excess of the contractor's investment, and it is included in lieu of an "option to purchase clause." Once a particular piece of equipment has been released, the contractor will not be required to return it to the job under the original rental period.

§ 9–58.107 Record of negotiation.

The record of negotiation shall set forth the information used to determine the reasonableness of the rental rates, including a breakdown of the contractor's equipment ownership expense similar to that itemized in The Associated General Contractors of America's document, "Contractors' Equipment Ownership Expense."

§ 9–58.108 Responsibility for repair and replacement.

The rental agreement describes the responsibilities of the parties with respect to maintenance and repair necessary to the operation of the rented equipment, or replacement of such equipment. The AEC's responsibility includes repairs resulting from normal wear and tear, provided they were necessary in order to continue the equipment in service. However, when the equipment is no longer required on the job, the extent of the AEC's obligation is only to return the equipment to the contractor in as good operating condition as when received, less normal wear and tear.

§ 9–58.109 Equipment condition and inspection.

(a) *Inspection.* Construction equipment shall be given a rigid and detailed inspection by representatives of the AEC and, at the contractor's option, by representatives of the contractor, before its shipment and acceptance or use on the job. Equipment shall be inspected under actual workloads insofar as practicable. In cases where it is not practical to inspect equipment prior to its shipment to the job site, the contractor should be informed of the extent of inspection and the expected condition of his equipment. In the event the equipment does not meet required standards, the transportation, rental or any other expenses shall not be paid by the AEC unless at contractor's expense the equipment is repaired to acceptable standards in a reasonable length of time. A similar inspection shall be made immediately prior to scheduled return shipment of an item of equipment.

(b) *Inspection report.* The detailed inspection report shall follow in general AECPR 9–16.5002–14, Outline of inspection report of equipment, and shall be signed by each representative inspecting. The initial inspection report shall be used at the time of release as a basis for determining the repairs necessary to place the equipment in as good operating condition as when accepted, less normal wear and tear. After necessary repairs are completed, a final inspection report shall be completed by representatives of the AEC and, at his option, the contractor.

(c) *Trial period and defects.* If initial detailed inspection discloses that the condition of the equipment is doubtful, arrangements should be made with the contractor for a trial period of operation to prove the equipment, with provision that if equipment is found unacceptable in the trial period, no rental, transportation, or other expenses will be due the contractor. Repairs to equipment which fails in service due to defects not reasonably ascertainable on initial inspection shall be at the contractor's expense.

Subpart 9–58.2 Rental of Third Party-Owned Equipment

§ 9–58.201 Rental agreement.

The terms and conditions governing rental by an AEC prime cost-type construction contractor (lessee) of construction equipment without operators from a third party (lessor) are in accordance with §§ 9–58.102, 9–58.104, 9–58.108, and 9–58.109 and they are set forth in AECPR 9–16.5002–13, Outline of agreement for rental of third party-owned construction equipment. Similar terms and conditions shall be used by other AEC cost-type contractors or subcontractors in renting construction equipment from a third party. These terms and conditions may be suitably modified to provide for rental of equipment with operators. Managers of Field Offices shall promptly advise the Director of the Division of Contracts, Headquarters, of any substantial deviations from this form of agreement. Some of the aspects of this agreement to which particular attention should be given are set forth below in this section.

§ 9–58.202 Rental rates.

Third party equipment shall be rented on the basis of competitive bids, rental rates, transportation costs, and other factors being considered. The rental specifications shall be based on the circumstances of a particular case, including the length of rental period, the availability of equipment in certain localities, and the work requirements.

§ 9–58.203 Insurance.

The provisions of AECPR 9–58.105(a) also apply to the rental of construction equipment from a third party. However, if the Contracting Officer determines that the rental rates are not to include the cost of insurance or self-insurance covering loss of or damage to the equipment, Articles III(d) and VII(a) of the rental agreement shall be amended as indicated in the applicable notes following these articles in AECPR 9–16.5002–13. Outline of agreement for rental of third party-owned construction equipment.

§ 9–58.204 Option to purchase equipment.

When accrued rentals on a particular item of equipment will likely approximate the appraised value of equipment and a decision has been made not to purchase in accordance with § 9–58.002(b), consideration shall be given to including in the rental agreement an option to purchase the equipment.

PART 9–16—PROCUREMENT FORMS

1. The table of contents for Part 9–16 is revised by adding the following items:

9–16.5002–10 Outline of a change order for fixed-price construction contracts.
9–16.5002–11 Outline of a supplemental agreement for fixed-price construction contracts.
9–16.5002–12 Outline of agreement for rental of contractor-owned construction equipment.
9–16.5002–13 Outline of agreement for rental of third party-owned construction equipment.
9–16.5002–14 Outline of inspection report of equipment.

2. The following sections are added:

§ 9–16.5002–12 Outline of agreement for rental of contractor-owned construction equipment.

NOTE: This form of agreement is for use where AEC rents construction equipment from a prime cost-type construction contractor, and is designed for use as an appendix to a prime cost-type construction contract.

Attached to and made a part of Contract No. ------.

Contractor: ----------

The following provisions shall govern the use and rental of the contractor's construction plant and equipment (hereinafter called the "equipment") under the contract:

1. *Equipment rented.* The contractor agrees to furnish for his own use in the performance of the contract the equipment

itemized in Schedule 1 (attached to and made part of this agreement). Each item of the equipment shall be clearly marked with the identification number assigned to it on Schedule 1. The contractor and the Commission may from time to time amend Schedule 1 by deleting items or adding items.

2. *Payments.* As provided in the article of the contract entitled "Allowable Costs and Fixed Fee", the allowable costs of the performance of the contract shall include:

(a) *Rental.* Rental of equipment, for rental periods determined in accordance with paragraph 4 and at the rates set forth in Schedule 1 applied in accordance with paragraph 3.

(b) *Transportation.* Transportation of equipment in accordance with paragraph 5.

(c) *Repair.* Maintenance, repair, and replacement of equipment to the extent provided in paragraphs 6 and 7.

Payment shall be made in accordance with procedures set forth in the article of the contract entitled "Payments."

3. *Application of rates.* The rates set forth in Schedule 1 shall be applied in accordance with the following rules:

(a) *Basis of rates.* Rates are based upon one shift of 8 hours per day, 40 hours per week, or 176 hours per month (of 30 consecutive days).

(b) *Apportionment of rates.* The monthly rate and its pro rata shall apply to all rental periods of one month or more. The weekly rate and its pro rata shall apply to all rental periods of one week or more up to one month. The daily rate and its pro rata shall apply to all rental periods up to one week.

(c) *Overtime.* If the equipment is rented by the day, the rate for overtime is one-sixteenth ($1/16$) of the daily rate for each hour of use in any day in excess of 8 hours; if it is rented by the week, the rate for overtime is one-eightieth ($1/80$) of the weekly rate for each hour of use in any week in excess of 40 hours; and if it is rented by the month, the overtime rate is one-three hundred and fifty-second ($1/352$) of the monthly rate for each hour of use in excess of 176 hours in any one 30 consecutive day period.

(d) *Insurance.* Rental rates include the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods, as indicated in Schedule 1 and copy of policy attached. The contractor agrees to maintain this insurance coverage for loss of or damage to the equipment during the entire term of this agreement.

NOTE: When rental rates do not include the cost of insurance or self-insurance, substitute the following paragraph:

"Rental rates do not include any factor representing the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods."

4. *Rental period.* The rental period for which rental is payable for an item of equipment shall consist of a base period, beginning upon the date stipulated in a written notice from the Contracting Officer to the contractor that the Commission has accepted the item of equipment at the job site, and ending upon the date stipulated in a written notice from the Contracting Officer to the contractor that use of the item of equipment is terminated, subject to the following additions, deductions, and conditions:

(a) *In-transit time.* There shall be added to the base period (1) the actual in-transit time of inbound transportation from the point of shipment to the job site, not exceeding the time required for such transportation by commercial carrier via the most expeditious routing available, of any item of equipment subsequently accepted by the Commission, and (2) the actual in-transit time of outbound return transportation from the job site, to the original point of inbound shipment, or other destination at equal or less distance from the job site, not exceeding the time required for such transportation by commercial carrier via the most expeditious routing available, of any item of equipment whose use has been terminated by the Commission.

(b) *Delay due to repairs.* (1) The time required for repair of equipment shall be deducted from the base period if such repair is necessitated by wilful misconduct or lack of good faith on the part of the contractor's managerial personnel,* or made necessary by defects not reasonably ascertainable on initial inspection by the Commission.

(2) If an item of equipment has been accepted by the Commission, the subsequent withdrawal by the contractor of such item from the work for necessary repairs (due to causes other than those mentioned in the preceding paragraph) shall not interrupt the running of the base period unless the Contracting Officer finds that the contractor has not exercised due diligence in effecting the repairs or in returning the item to use, and in such event the time which the Contracting Officer finds to have been excessive shall be deducted from the base period.

(c) *Time for repairs on termination.* In the event the Commission in accordance with paragraph 6(c) elects to effect repair or replacement of an item of equipment prior to scheduled return shipment, the time required for such repair or replacement shall be added to the base period.

(d) *Trial period.* If initial inspection by the Commission discloses that the condition of an item of equipment is doubtful, it will not be accepted by the Commission without a trial period of operation to prove such item upon terms and conditions agreed upon by the contractor and the Commission. If the equipment is found unacceptable in the trial period, no rental, transportation, or other expenses will be due the contractor.

(e) *Rental limitation.* When the aggregate of rental paid for an item of equipment equals 75 percent of its appraised value, as agreed upon by the contractor and the Contracting Officer at or prior to the time of acceptance by the Commission and set forth in the initial inspection report, the rental period shall cease as to such item for purposes of rental payment. Such item shall thereafter remain available for use under the contract without further rental payments, but otherwise in accordance with the terms and conditions of this agreement, until the contractor receives written notice from the Contracting Officer that use of the item is terminated. The limitation of rental to 75 percent of the agreed value shall apply to the total of all rental due under this paragraph 4. A failure to agree as to the value of an item of equipment shall be deemed to be a dispute within the meaning of the article of the contract entitled "Disputes."

5. *Transportation.* Inbound transportation of equipment, f.o.b. cars from the original point of shipment to the job site, and outbound return transportation of equipment f.o.b. cars to the original point of shipment or to another destination selected by the contractor at equal or less distance from the job site, shall be at the expense of the Government, subject to the following conditions:

(a) *Limitation on return transportation.* The Government shall not bear any expense for outbound return transportation in excess of the amount paid for inbound transportation to the job site, except additional amounts representing or equivalent to increases in freight rates applicable to the route to the original point of shipment.

(b) *Limitation on long distance transportation.* Transportation over a distance in excess of 500 miles shall be subject to the approval of the Contracting Officer.

(c) *Transportation by other than common carrier.* The expense borne by the Government hereunder for transportation by a method other than common carrier shall be the actual expense of such transportation, as shown by evidence satisfactory to the Contracting Officer, but shall in no case exceed the amount which would be paid for such transportation by a suitable and available common carrier unless otherwise authorized by the Contracting Officer.

(d) *Loading and unloading.* Only such costs of loading and unloading equipment as are incurred at the job site shall be borne by the Government.

(e) *Equipment not in required condition.* The Government shall not bear the expense of transportation of any item of equipment which arrives at the job in a condition which does not fulfill the requirements of paragraph 6(a) and which is not placed in the condition required under paragraph 6(a) by the contractor at the contractor's expense within a reasonable time.

6. *Condition of equipment*—(a) *Condition on delivery.* The equipment shall, on delivery at the job site, be in good operating condition to render efficient, economical, and continuous service, and shall be equipped with necessary and required safety devices according to I.C.C. regulations and other applicable Federal and State laws. Each item of the equipment shall have been registered by the contractor at the contractor's own expense with all Federal, State, and local authorities requiring registration, and registration plates or other evidence of registration shall be displayed in accordance with the requirements of the registering authority; the cost of subsequent registration shall also be borne by the contractor. If any item of equipment on arrival at the job site is not in the condition required by this paragraph, its use on the work shall not be permitted unless and until it is placed in the condition required by this paragraph at the contractor's expense and within a reasonable time. If any such item is not placed in the condition required by this paragraph within a reasonable time, the Contracting Officer may reject the item and require its removal from the job site, and in that event the Government shall not be liable for rental, transportation, or any other expense in connection with such item.

(b) *Condition on the job.* Equipment accepted by the Commission shall be maintained by the contractor in the condition required for its operation until use of the equipment is terminated by the Contracting Officer. Maintenance and repair required to keep accepted equipment in such condition during such time, and replacement (at the agreed value set forth in the initial inspection report, less depreciation) of accepted equipment lost or destroyed during such time, shall be at the expense of the Government unless such maintenance, repair, or replacement is made necessary by loss or damage covered by any policy of insurance (or self-insurance), or caused by wilful misconduct or lack of good faith on the part of the contractor's managerial personnel, or is made necessary by defects not reasonably ascertainable on initial inspection by the Commission.

(c) *Condition on termination.* Upon termination by the Commission of the use of any item of equipment, the item shall be returned by the Commission to the contractor at the job site in as good condition as when received by the Commission (as shown by the initial inspection report) less normal wear and tear, except for any loss or damage which is due to wilful misconduct or lack of good faith on the part of the contractor's managerial personnel, or defects not reasonably ascertainable on initial inspection by the Commission, or which is covered by any policy of insurance (or self-insurance). If the inspection report to be made immediately prior to the scheduled return shipment of an item of equipment discloses the necessity for repairs or replacement the cost of which is the responsibility of the Government under this paragraph, the Commission may at its election either (1) effect such repairs or replacements or (2) allow the contractor the agreed estimated reasonable cost of such repairs (or the agreed value set forth in the initial inspection report, less depreciation, if replacement is required), and a sum in lieu of rental for the time estimated by the Contracting Officer to be necessary for such repairs. Failure to agree as to the estimated reasonable cost of effecting such repairs or replacement under (2) above, shall be deemed to be a dispute within the meaning of the article of the contract entitled "Disputes."

(d) *Inspection.* For the purpose of establishing the condition of the equipment, each item of equipment shall be inspected, tested and inventoried by representatives of the Commission, and at the contractor's option, together with representatives of the contractor, prior to its acceptance by the Commission and also immediately prior to scheduled return shipment. The results of such inspections and tests, and the inventories compiled, shall be incorporated in reports submitted to the contractor and to the Contracting Officer. For any item of equipment which the contractor has failed to inspect, test, and inventory, or has failed to report as provided herein, the contractor agrees that the report submitted hereunder by a representative of the Commission shall be conclusive evidence of the condition as of the date of inspection.

(e) *Excessive repairs.* The Contracting Officer may deduct from payments otherwise due the contractor any amounts previously allowed the contractor under this agreement for repairs made at the Government's expense which the Contracting Officer finds to have been in excess of the requirements of this agreement.

7. *Protection of equipment—steps to be taken in event of loss.* (a) The contractor shall take all reasonable and necessary precautions to safeguard and protect the equipment. Any loss of or damage to the equipment will be at the contractor's risk to the extent that such loss or damage is required to be covered by insurance under paragraph 3(d) of this agreement.

NOTE: When paragraph 3(d) of the agreement provides that rental rates do not include any factor representing the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods, the following paragraph (a) shall be used:

"(a) The contractor shall take all reasonable and necessary precautions to safeguard and protect the equipment. Any loss of or damage to the equipment will be at the contractor's risk to the extent that such loss or damage is covered by any policy of insurance (or self-insurance)."

(b) Upon the happening of any loss or damage which is at the risk of the Government under this agreement, the contractor shall immediately notify the Contracting Officer of the occasion and extent thereof, shall at the Contracting Officer's request effect an assignment and subrogation in favor of the Government of all the contractor's rights and claims (except those against the Government) arising out of any such loss or damage, shall, if required by the Contracting Officer, authorize representatives of the Government to settle or prosecute to final judgment any such claims, and shall furnish to the Government on request all reasonable assistance in obtaining recovery.

8. *Liquidation of indebtedness.* The contractor warrants full and complete title and right to possession of all the equipment, subject only to those liens, encumbrances or claims to title or possession securing the indebtedness detailed on Schedule 1, Part 2. The contractor agrees to apply such portion of the rental payment hereunder as may be necessary for the prompt discharge of such indebtedness. If at any time any person holding a lien, encumbrance, or claim against any item of equipment shall submit to the Commission evidence that the contractor is not discharging the indebtedness secured thereby in accordance with the terms under which the indebtedness is payable or dischargeable, the Commission shall have the right upon three (3) days' written notice to the contractor to impound such part of the unpaid rental hereunder, as the Commission in its sole discretion deems necessary, until the rights of the contractor and any such person are determined and all just and proper claims of such person are satisfied: *Provided*, That nothing contained in this paragraph shall be construed to require the contractor to pay to such person any sum not required to be paid by the terms under which the indebtedness was incurred or to pay any sum prior to the time it becomes due.

9. *Taxes.* Unless otherwise directed by the Contracting Officer under the article of the contract entitled "State and Local Taxes," the contractor shall at the contractor's own expense pay and discharge any and all taxes levied upon any item of the equipment.

SCHEDULE 1

PART 1—ITEMS AND RENTAL RATES

Item No.	Item description (equipment No.; type of equipment; serial No.; manufacturer; year of model; original point of shipment; etc.)
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Description of any insurance coverage for loss or damage to equipment*	Item Rental Rates
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*Attach certified copy of insurance policy.

(Continue, if necessary, on reverse side or on separate sheets.)

SCHEDULE 1

PART 2—LIENS, ENCUMBRANCES AND CLAIMS

The following is a complete and correct statement of the amount or amounts of any and all indebtedness secured by liens or other encumbrances of any nature, legal or equitable, which are held by any person, firm or corporation against the equipment, items number 1 through ------.

---------- (Contractor)

By ----------

---------- (Title)

Item No.	Name and address of present creditor
---------	----------
---------	----------

Present unpaid balance	Amounts and dates of future payments
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----------	----------

(Continue, if necessary, on reverse side or on separate sheets.)

§ 9–16.5002–13 Outline of agreement for rental of third party-owned construction equipment.

NOTE: This form of agreement is for use where an AEC prime cost-type construction contractor rents construction equipment (without operator) from a third party.

This agreement, made and entered into this ------ day of ----------, 19--, by and between ----------

---------- (Hereinafter called the "lessor")

and ----------

---------- (Hereinafter called the "lessee")

Witnesseth:

Whereas, the lessee has entered into a contract, dated ------ ---------- ---------- (hereinafter called the "construction contract"), with the United States of America (hereinafter called the "Government"), represented by the United States Atomic Energy Commission (hereinafter called the "Commission"), for the performance of certain construction work in connection with the construction of ---------- at ----------; and

Whereas, the lessor is the owner of certain construction plant and equipment (hereinafter called the "equipment"), listed on the attached Schedule 1 attached to and made a part of this agreement; and

Whereas, the lessee desires to rent the equipment for use in performing the construction contract:

Now, therefore, in consideration of the mutual covenants and conditions herein set forth, it is agreed as follows:

Article I—Equipment rented. The lessor agrees to furnish for use by the lessee in the performance of the construction contract the equipment itemized in Schedule 1 at time specified as follows:

Each item of the equipment shall be clearly marked with the identification number assigned to it on Schedule 1. The lessor and the lessee may from time to time amend Schedule 1 by deleting or adding items.

Article II—Payments. Payments shall be made by the lessee to the lessor at monthly intervals on invoices rendered by the lessor for:

(a) *Rental.* Rental of equipment, for rental periods determined in accordance with the article entitled "Rental Period" and at the rates set forth in Schedule 1 applied in accordance with the article entitled "Application of Rates".

(b) *Transportation.* Transportation of equipment in accordance with the article entitled "Transportation".

(c) *Repair.* Maintenance, repair, and replacement of equipment to the extent provided in the articles entitled "Condition of Equipment" and "Protection of Equipment—Steps to be Taken in Event of Loss".

Article III—Application of rates. The rates set forth in Schedule 1 shall be applied in accordance with the following rules:

(a) *Basis of rates.* Rates are based upon one shift of 8 hours per day, 40 hours per week, or 176 hours per month (of 30 consecutive days).

(b) *Apportionment of rates.* The monthly rate and its pro rata shall apply to all rental periods of one month or more. The weekly rate and its pro rata shall apply to all rental periods of one week or more up to one month. The daily rate and its pro rata shall apply to all rental periods up to one week.

(c) *Overtime.* If the equipment is rented by the day, the rate for overtime is one-sixteenth ($1/16$) of the daily rate for each hour of use in any day in excess of 8 hours; if it is rented by the week, the rate for overtime is one-eightieth ($1/80$) of the weekly rate for each hour of use in any week in excess of 40 hours; and if it is rented by the month, the overtime rate is one-three hundred and fifty-second ($1/352$) of the monthly rate for each hour of use in excess of 176 hours in any one 30 consecutive day period.

(d) *Insurance.* Rental rates include the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods as indicated in Schedule 1 and copy of policy attached. The lessor agrees to

*The term "managerial personnel" as used in this agreement is as defined in the article of the contract entitled "Property."

maintain this insurance coverage for loss of or damage to the equipment during the entire term of this agreement.

NOTE: When rental rates do not include the cost of insurance or self-insurance, substitute the following paragraph:

"Rental rates do not include any factor representing the cost of insurance of self-insurance covering loss of or damage to the equipment during rental periods."

Article IV—Rental period. The rental period for which rental is payable for an item of equipment shall consist of a base period, beginning upon the date stipulated in a written notice from the lessee to the lessor that the lessee has accepted the item of equipment at the job site, and ending upon the date stipulated in a written notice from the lessee to the lessor that use of the item of equipment is terminated, subject to the following additions, deductions, and conditions.

(a) *In-transit time.* There shall be added to the base period (1) the actual in-transit time of inbound transportation from the point of shipment to the job site, not exceeding the time required for such transportation by commercial carrier via the most expeditious routing available, of any item of equipment subsequently accepted by the lessee, and (2) the actual in-transit time of outbound return transportation from the job site to the original point of inbound shipment, or other destination at equal or less distance from the job site, not exceeding the time required for such transportation by commercial carrier via the most expeditious routing available, of any item of equipment whose use has been terminated by the lessee.

(b) *Trial period.* If initial inspection by the lessee discloses that the condition of an item of equipment is doubtful, it will not be accepted by the lessee without a trial period of operation to prove such item upon terms and conditions agreed upon by the lessor and the lessee and approved by the Commission. If the equipment is found unacceptable in the trial period, no rental, transportation, or other expenses will be due the lessor.

(c) *Delay due to repairs.* (1) The time required for repair of equipment shall be deducted from the base period if such repair is necessitated by wilful misconduct or lack of good faith on the part of the lessor, if an individual, or the partners or corporate officers of the lessor, or a supervising representative of the lessor, or made necessary by defects not reasonably ascertainable on initial inspection by the lessee.

(2) If arrangements are made for the lessor to repair an item of equipment, the withdrawal of such item from work for necessary repairs (due to causes other than those mentioned in the preceding paragraph) subsequent to acceptance of the item by the lessee shall not interrupt the running of the base period unless the lessee or the Commission finds that due diligence in effecting the repairs or in returning the item to use has not been exercised. In the latter event the time found to have been excessive shall be deducted from the base period.

(d) *Time for repairs on termination.* In the event the lessee in accordance with the article entitled "Condition of Equipment" elects to effect repair or replacement of an item of equipment prior to scheduled return shipment of the item, the time required for such repair or replacement shall be added to the base period.

Article V—Transportation. Inbound transportation of equipment, f.o.b. cars from the original point of shipment to the job site, and outbound return transportation of equipment f.o.b. cars to the original point of shipment or to another destination selected by the lessor at equal or less distance from the job site, shall be at the expense of the lessee, subject to the following conditions:

(a) *Limitation on return transportation.* The lessee shall not bear any expense for outbound return transportation in excess of the amount paid for inbound transportation to the job site, except additional amounts approved by the Commission representing or equivalent to increases in freight rates applicable to the route to the original point of shipment.

(b) *Limitation on long distance transportation.* Transportation over a distance in excess of 500 miles shall be subject to the approval of the lessee and the Commission.

(c) *Transportation by other than common carrier.* The expense borne by the lessee hereunder for transportation by a method other than common carrier shall be the actual expense of such transportation, as shown by evidence satisfactory to the lessee and the Commission, but shall in no case exceed the amount which would be paid for such transportation by a suitable and available common carrier unless otherwise authorized by the lessee and the Commission.

(d) *Loading and unloading.* Only such costs of loading and unloading equipment as are incurred at the job site shall be borne by the lessee.

(e) *Equipment not in required condition.* The lessee shall not bear the expense of transportation of any item of equipment which arrives at the job site in a condition which does not fulfill the requirements of the article entitled "Condition of Equipment" and which is not placed in the condition required under that article by the lessor at the lessor's expense within a reasonable time.

Article VI—Condition of equipment—(a) *Condition on delivery.* The equipment shall, on delivery at the job site, be in good operating condition to render efficient, economical and continuous service, and shall be equipped with necessary and required safety devices according to I.C.C. regulations and other applicable Federal and State laws. Each item of the equipment shall have been registered by the lessor at the lessor's own expense with all Federal, State and local authorities requiring regsteration, and registration plates or other evidence of registration shall be displayed in accordance with the requirements of the registering authority. The cost of subsequent registration shall also be borne by the lessor. If any item of equipment on arrival at the job site is not in the condition required by this paragraph, its use on the work shall not be permitted unless and until it is placed in the condition required by this paragraph at the lessor's expense and within a reasonable time. If any such item is not placed in the condition required by this paragraph within a reasonable time the lessee may reject the item and require its removal from the job site, and in that event the lessee shall not be liable for rental, transportation, or any other expense in connection with such item.

(b) *Condition on the job.* Maintenance and repair necessary to keep accepted equipment in the condition required for its operation until use of the equipment is terminated by the lessee, and replacement (at the value agreed upon by the lessor and the lessee with the approval of the Commission at or prior to the time of acceptance by the lessee and set forth in the initial inspection report, less depreciation) of accepted equipment lost or destroyed during such time, shall be at the expense of the lessee. Except, however, such maintenance, repair, or replacement will not be at the expense of the lessee if it is made necessary by loss or damage covered by any policy of insurance (or self-insurance), or caused by wilful misconduct or lack of good faith on the part of the lessor, if an individual, or the partners or corporate officers of the lessor, or a supervising representative of the lessor, or is made necessary by defects not reasonably ascertainable on initial inspection by the lessee.

(c) *Condition on termination.* Upon termination by the lessee of the use of any item of equipment, the item shall be returned by the lessee to the lessor at the job site in as good condition as when received by the lessee (as shown by the initial inspection report), less normal wear and tear, except for any loss or damage which is due to wilful misconduct or lack of good faith on the part of the lessor, if an individual, or the partners or corporate officers of the lessor, or a supervising representative of the lessor, or defects not reasonably ascertainable on initial inspection by the lessee, or which is covered by any policy of insurance (or self-insurance). If the inspection report to be made immediately prior to the scheduled return shipment of an item of equipment discloses the necessity for repairs or replacements the cost of which is the responsibility of the lessee under this paragraph, the lessee may, at its election, either (1) effect such repairs or replacements, or (2) with the approval of the Commission, allow the lessor the agreed estimated reasonable cost of such repairs (or the agreed value less depreciation, if replacement is required), and a sum in lieu of rental for the time estimated by the lessee to be necessary for such repairs.

(d) *Inspection.* For the purpose of establishing the condition of the equipment, each item of equipment shall be inspected, tested, and inventoried by representatives of the lessee and, at the lessor's option, together with representatives of the lessor (and of the Commission, if the Commission so elects), prior to its acceptance by the lessee and immediately prior to scheduled return shipment. The results of such inspections and tests, and the inventories compiled, shall be incorporated in reports submitted to the lessor and to the lessee (and to the Commission if the Commission so requires). For any item of equipment which the lessor has failed to inspect, test, and inventory, or has failed to report as provided herein, the lessor agrees that the report submitted hereunder by a representative of the lessee shall be conclusive evidence of the condition as of the date of inspection.

(e) *Excessive repairs.* The Commission may require the lessee to deduct from payments otherwise due the lessor any amounts previously allowed the lessor under this agreement for repairs made at the lessee's expense which the Commission finds to have been in excess of the requirements of this agreement.

Article VII—Protection of equipment—Steps to be taken in event of loss. (a) The lessee shall take all reasonable and necessary precautions to safeguard and protect the equipment. Any loss of or damage to the equipment will be at the lessor's risk to the extent that such loss or damage is required to be covered by insurance under article III (d) of this agreement.

NOTE: When article III(d) of the agreement provides that rental rates do not include any factor representing the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods, the following paragraph (a) shall be used:

"(a) The lessee shall take all reasonable and necessary precautions to safeguard and protect the equipment. Any loss of or damage to the equipment will be at the lessor's risk to the extent that such loss or damage is covered by any policy of insurance (or self-insurance)."

(b) Upon the happening of any loss or damage which is at the risk of the lessee under this agreement, the lessee shall immediately notify the lessor of the occasion and extent thereof, and the lessor shall thereupon, at the lessee's request effect an assignment and subrogation in favor of the lessee or the Government of all the lessor's rights and claims (except those against the lessee or the Government) arising out of any such loss or damage, shall, if required by the lessee or the Government, authorize representatives of the lessee or the Government to settle or prosecute to final judgment any such claims, and shall furnish to the lessee or the Government on request all reasonable assistance in obtaining recovery.

Article VIII—Liquidation of indebtedness. The lessor warrants full and complete title and right to possession of all the equipment, subject only to those liens, encumbrances or claims to title or possession securing the indebtedness detailed on Schedule 1, Part 2. The lessor agrees to apply such portion of the rental payable hereunder as may be necessary for the prompt discharge of such indebtedness. If at any time any person holding a lien, encumbrance, or claim against any item of the equipment shall submit to the lessee evidence that the lessor is not discharging the indebtedness secured thereby in accordance with the terms under which the indebtedness is payable or dischargeable, the lessee shall have the right upon three (3) days' written notice to the lessor to impound such part of the unpaid rental hereunder as the lessee, with the approval of the Commission, deems necessary until the rights of the lessor and any such person are determined and all just and proper claims of such person are satisfied: *Provided*, That nothing contained in this paragraph shall be construed to require the lessor to pay to such person any sum not required to be paid by the terms under which the indebtedness was incurred or to pay any sum prior to the time its becomes due.

Article IX—Taxes. Unless otherwise directed by the Commission, the lessor shall at the lessor's own expense pay and discharge any and all taxes levied upon any item of equipment.

Article X—Examination of records. Insert article in accordance with AECPR 9-7.5004-10.

Article XI—Covenant against contingent fees. Insert article in accordance with AECPR 9-7.5004-2.

Article XII—Renegotiation. Insert contract article set forth in AECPR 9-7.5004-20 if the agreement is subject to the Renegotiation Act of 1951, as amended.

Article XIII—Definition. As used herein the term "Commission" means the United States Atomic Energy Commission or any duly authorized representative thereof, including the Contracting Officer under the construction contract.

In witness whereof, the lessor and the lessee have executed this agreement as of the day and year above written.

_____
Lessor
By _____
_____
(Title)

_____
Lessee
By _____
_____
(Title)

SCHEDULE 1

PART 1—ITEMS AND RENTAL RATES

Item No.	*Item description (equipment No.; type of equipment; serial No.; manufacturer; year of model; original point of shipment; etc.)*

*Description of any insurance coverage for loss or damage to equipment**	*Item rental rates*

*Attach certified copy of insurance policy.

(Continue, if necessary, on reverse side or on separate sheets.)

SCHEDULE 1

PART 2—LIENS, ENCUMBRANCES AND CLAIMS

The following is a complete and correct statement of the amount or amounts of any and all indebtedness secured by liens or other encumbrances of any nature, legal or equitable, which are held by any person, firm or corporation against the equipment, items numbered 1 through ____.

_____
Lessor
By _____
_____
(Title)

Item No.	*Name and address of present creditor*

Present unpaid balance	*Amounts and dates of future payments*

(Continue, if necessary, on reverse side or on separate sheets.)

§ 9-16.5002-14 Outline of inspection report of equipment.

(a) *Inspection report for cranes, draglines, etc.*

Project _____
Date _____
Location _____
Code No. _____ Lic. No. _____
Description _____
_____
(Attachments listed on reverse side.)
Date and Time of Arrival _____
Via _____
Owner's Name and Address _____
_____
Motor Number _____
Serial _____ Year Manufactured _____
Other Pertinent Numbers _____
Size _____ Type _____
No. of Cylinders _____ Horsepower _____
Type Power _____ Lifting Cap. _____
Manufacturer _____
Address _____
Shipping Weight _____
Cost New _____
Present Valuation Est.* _____
Estimated Cost To Place in Good Operating Condition** _____
Crawler Treads _____
Boom Hoist Shaft and Bearings _____
Adjustments Remaining _____
Main Drive Chain or Gear _____
Crawler Tread Pins _____
Main Driving Pinion _____
Crawler Frame _____
Main Clutch _____
Drive Sprockets _____
General Condition of Motor _____
Hoist Drum Gear _____
Cab Lock Holds _____
Boom Hoist Brake Facing _____
Boom Hoist Brake Holds _____
Boom Hoist Brake Lining _____
Shows Sign of Oil Consumption _____
Boom Hoist Clutch _____
Hoist Brake Holds _____
Remarks _____
_____
_____
_____

At time of inspection, equipment was _____ in good operating condition. In our opinion, the valuation of $_____ placed upon this equipment is _____ fair and reasonable. We mutually agree upon a valuation of $_____.

(Signed) _____
(Inspector)
(Signed) _____
(Inspector)

*Attach an explanation of the valuation estimate.

**Attach an explanation of the major and minor repairs needed.

(b) *Give complete description of all attachments, spare parts, etc.*

CLAMSHELL BUCKET

Make _____ Model _____
Serial _____ Size _____ Type _____
Number of Teeth __ Number of Sheaves __
Condition of Sheaves _____
Condition of Sheave Shafts Upper _____
Condition of Sheaves Lower _____
Condition of Sheave Shafts Lower _____
Condition of Center Shaft _____
Condition of Center Shaft Castings _____
Condition of Arm Pins _____
Condition of Teeth _____
Condition of Bucket General _____
_____
_____

DRAG BUCKET

Condition of Teeth _____
Condition of Chain _____
Condition of Sheave _____
General Condition _____
Fair Lead _____
Fair Lead Sheaves _____

SHOVEL ATTACHMENTS

Condition Boom _____ Length _____
Dipper Stick _____
Crowd Gears _____
Sheaves _____
Buckets _____
Bucket Latch _____
Number Teeth _____
Condition Teeth _____
Pins and Bushings _____

BACK HOE

Condition Boom _____ Length _____
Dipper Stick _____
Crowd Gears _____
Sheaves _____
Buckets _____
Bucket Latch _____
Number of Teeth _____
Condition Teeth _____
Pins and Bushings _____

Miscellaneous attachments such as—Hydraulic Control System, Air System, Light Plants, Starting Motor. Give full description, numbers, condition tools, etc.

_____
_____
_____
_____
Unit transferred to _____ Date _____
General condition _____
_____
_____
_____

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201, sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date: These regulations are effective 45 days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 25th day of February 1964.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director,
Division of Contracts.

[F.R. Doc. 64-2043; Filed, Mar. 4, 1964; 8:45 a.m.]

Title 43—PUBLIC LANDS:

(ANCHORAGE 059874)

Title 50—WILDLIFE AND

Holladay Street, Portland, Oregon, 97208,

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3339]

OREGON AND WYOMING

Correcting Public Land Order No. 3286 of December 3, 1963 (Withdrawing National Forest Lands for Use of the Forest Service) and Public Land Order No. 3268 of November 20, 1963 (Revoking Certain Stock Driveway Withdrawals)

(OREGON 013667)

Public Land Order No. 3286 of December 3, 1963, appearing as FEDERAL REGISTER Document 63-12682 in the issue of December 7, 1963, at page 13308 is hereby corrected as follows:

The description "T. 33 S., R. 8 W.," (2d line—Eight Dollar Mountain Television Translator Site) is corrected to read "T. 38 S., R. 8 W.,".

(WYOMING 0200623)

Public Land Order No. 3268 of November 20, 1963, appearing as FEDERAL REGISTER Document 63-12310 in the issue of November 27, 1963, at pages 12621-2 is hereby corrected as follows:

The description in T. 49 N., R. 103 W., sec. 24 "and S½NE¼NE¼NW¼" is corrected to read "S½NE¼, and NE¼ NW¼;".

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 28, 1964.

[F.R. Doc. 64-2146; Filed, Mar. 4, 1964; 8:49 a.m.]

[Public Land Order 3340]

ALASKA

Withdrawing Public Lands for Use of the Bureau of Indian Affairs for School Purposes

By virtue of the authority vested in the Secretary of the Interior by the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Indian Affairs, Department of the Interior, for school purposes, as indicated:

(ANCHORAGE 059873)

NIKOLSKI

U.S. Survey 3890.
Containing 3.10 acres.

(ANCHORAGE 059874)

FORT GRAHAM

U.S. Survey 3889.
Lot 1.
Containing 1.55 acres.

(ANCHORAGE 059878)

CHIGNIK LAKE

U.S. Survey 3888.
Lot 1.
Containing 2.94 acres.

(ANCHORAGE 059887)

ENGLISH BAY

U.S. Survey 3883.
Containing 3.54 acres.

The areas described aggregate 11.13 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 28, 1964.

[F.R. Doc. 64-2147; Filed, Mar. 4, 1964; 8:49 a.m.]

[Public Land Order 3341]

[Fairbanks 031715]

ALASKA

Revoking the Executive Order of July 27, 1898, Which Withdrew Lands for Townsite Purposes

By virtue of the authority vested in the President by section 2380, Revised Statutes (43 U.S.C. 711), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of July 27, 1898, which withdrew for townsite purposes a tract described by metes and bounds, containing about 1,280 acres, lying along the Yukon River about four miles below Rampart, is hereby revoked.

2. The lands are within the area which has been recommended by the Geological Survey for classification as a proposed power site (Rampart Dam Project). Beginning at 10:00 a.m. on April 4, 1964, they shall become subject to application and petition under the public land laws, subject to the regulations in 43 CFR 295.-11a. At that time they shall be open to location under the mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621).

3. Applications from the State of Alaska under the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), shall be suspended in accordance with the regulations in 43 CFR 295.11a. In the event the lands are eliminated from the temporary segregation, applications from the State under the Acts of July 28, 1956, and July 7, 1958, supra, shall be given the preference provided by those Acts and the regulations in 43 CFR part 76.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 28, 1964.

[F.R. Doc. 64-2148; Filed, Mar. 4, 1964; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Mingo National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Mingo National Wildlife Refuge, Missouri, is permitted only on the area designated by signs as open to fishing. This open area, comprising 4,300 acres or 99 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Crappies, black bass (smallmouth, largemouth, spotted), buffalo, shad, and other minor species as permitted by State regulations.

(b) Open season: March 15, 1964, through September 30, 1964. Fishing is permitted from 5:30 a.m. to 7:30 p.m. daily.

(c) Daily creel limits: Crappies—30; black bass—10; buffalo and shad—no limit; creel limits for other minor species as prescribed by State regulations.

(d) Methods of fishing:

(1) Pole and line, trotline, throwline, limb line, bank line, jug line, artificial lures, hooks and bait are permitted; game fish may not be used for bait. No more than three unlabeled poles or more than thirty-three (33) hooks in the aggregate, may be used by any person at one time. Hooks may not be left unattended for more than 24 hours while in use. Hooks attached to trotlines shall be staged not less than 2 feet apart. Trotlines may not be attached together to extend the number of hooks.

(2) Boats and other floating craft are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1964.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 26, 1964.

[F.R. Doc. 64-2124; Filed, Mar. 4, 1964; 8:47 a.m.]

PART 33—SPORT FISHING

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Sport fishing on the Charles M. Russell National Wildlife Range, Montana, is permitted only on the area designated by signs as open to fishing. This open area, comprising the Missouri and Musselshell Rivers and Fort Peck Reservoir, is delineated on maps available at the refuge headquarters, P.O. Box 110, Lewistown, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

The wildlife range is open to sport fishing the year round.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, Part 33, and are effective to May 22, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 25, 1964.

[F.R. Doc. 64-2125; Filed, Mar. 4, 1964; 8:47 a.m.]

PART 33—SPORT FISHING

Red Rock Lakes National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Sport fishing on the Red Rock Lakes National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to fishing. This open area, comprising 25 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge shall be as follows:

May 24 through November 30, 1964, Culver Pond (Widow's Pool), MacDonald Pond, and Shambow Pond.

Closed entire year: Upper Red Rock Lake, Lower Red Rock Lake, Swan Lake, Red Rock River between Upper and Lower Red Rock Lakes, and all waters within 100 yards of the above listed areas. Red Rock Creek above Upper Red Rock Lake within the refuge.

June 28 through November 30, 1964, those waters on the refuge not designated in 1 or 2 above.

(2) Boats without motors may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to December 1, 1964.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 24, 1964.

[F.R. Doc. 64-2126; Filed, Mar. 4, 1964; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 4b]

[Notice 64–12; Docket No. 4025]

PREVENTION OF CRASH FIRES IN TRANSPORT AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Agency is considering an amendment of Part 4b of the Civil Air Regulations relating to the prevention of fire following the crash of a transport category airplane. Such an amendment is an extension of past efforts to reduce the loss of life from fire in otherwise survivable accidents. The amendment will affect manufacturers and operators of transport category airplanes.

This Advance Notice of Proposed Rule Making is being issued pursuant to the Agency's policy for the early institution of public rule making proceedings. An "advance" notice is issued when it is found that the resources of the Agency and reasonable inquiry outside the Agency do not yield a sufficient basis to identify and select tentative or alternate courses of action upon which a rule making procedure might be undertaken, or when it would otherwise be helpful to invite early public participation in the identification and selection of such tentative or alternate courses of action. The subject matter has been found to involve the situation contemplated by this policy.

Interested persons are invited to participate in this proceeding by submitting such written material as they may desire. Communications should identify the notice or docket number, and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. Communications should be received on or before June 5, 1964, in order to insure proper consideration. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons. If it is determined to proceed further, after consideration in light of available data and comments received in response to this notice, a subsequent notice of proposed rule making will be issued.

During the 1956 Annual Airworthiness Review, a proposal was made to require structural protection of fuselage fuel tanks in the event of a crash. A rule stemming from this proposal, to require tank protection under the loading conditions specified in § 4b.260, was adopted in § 4b.420. During the 1958 Annual Airworthiness Review, a proposal was made to require an ignition suppression system for transport category airplanes. Objections were raised that the necessary equipment was not developed and available, and that, even if available, the malfunction of ignition suppression equipment would introduce new and critical hazards. No action was taken, therefore, relative to this proposal.

Since 1958, experimental work has continued on ignition suppression and fuel containment. The National Aeronautics and Space Administration has recommended procedures for the installation and use of suppression systems aimed at making inadvertent operation of such systems improbable. Isolating elements of the system can prevent complete power loss if inadvertent operation did occur. NASA also devised a system which can be disarmed, and which will permit power of affected engines to be restored after inadvertent operation of the suppression system. The Agency itself has recently contracted with several organizations for experimental work dealing, for the most part, with designs for fuel containment.

The Agency is aware, however, that fuel containment and ignition suppression are not the only possible techniques for preventing crash fires. Other alternatives have been suggested, including: fuel jelling; the use of special fuels that burn in the engine only; and methods to separate fuel tanks from the airplane during a crash.

The Agency solicits the views of all interested persons on the practicability and availability of these various techniques (fuel containment, ignition suppression, the alternatives previously mentioned, or any other technique). These views should be supported, where possible, by reference to pertinent evidence such as test data, reports, or other information, dealing with the technique discussed and with its merits relative to other known techniques.

With respect to fuel containment and ignition suppression, the Agency has prepared tentative design criteria (subject to revision as current experimental work is completed) that may be useful in defining the scope of these techniques for those desiring to comment, as follows:

1. *Fuel Containment; Tentative Design Criteria:*

(a) Fuel cell rupture resistance to a longitudinal acceleration of 35g and a vertical acceleration of 4.5g, with respect to the airplane axes, applied simultaneously through the center of the cell;

(b) Automatic actuation of a shutoff system to prevent fuel loss from a cell upon separation from any connecting line during any airplane deformation caused by a crash landing;

(c) Means to prevent inadvertent actuation of the shutoff system; and

(d) Means to determine on the ground whether the shutoff system has operated.

2. *Ignition Suppression; Tentative Design Criteria.*

(a) Automatic actuation of the inerting system during any crash landing which might result in sufficient damage to produce fuel spillage;

(b) Means or design to minimize inadvertent operation of the inerting system;

(c) Design or arrangement of the inerting system so that failure or malfunction of the system will not affect more than one engine or prevent safe operation of the airplane;

(d) Means to restore power if an engine is stopped inadvertently by the inerting system; and

(e) Means for checking system functioning.

Issued in Washington, D.C., on February 27, 1964.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–2123; Filed, Mar. 4, 1964; 8:47 a.m.]

[14 CFR Part 42]

[Notice 64–13; Docket No. 4028]

GROUND REST PERIODS AND DUTY TIME LIMITATIONS FOR FLIGHT CREWS OF THREE OR MORE PILOTS AND ADDITIONAL AIRMEN, AS REQUIRED

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Part 42 of the Civil Air Regulations to prescribe specific ground rest periods and duty time limitations for flight crews of three or more pilots and additional airmen, as required, engaged in overseas and international operations conducted by certificated route carriers when such operations are conducted under Part 42. Such rules will be of an interim nature pending an overall revision of the flight time limitation sections of Parts 40, 41, and 42.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before May 7, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The amendment to Part 42 being adopted concurrently with the issuance of this notice, as CAR Amendment 42–4 imposes additional limitations and requirements with respect to ground rest periods and duty time for flight crews of three or more pilots and additional airmen, as required. These requirements, however, apply only to carriers certificated under Part 42.

During the processing of this amendment, and as a part of the Agency's continuing program of review and reappraisal of its rule making practices, the Agency reexamined its position in this matter and it now believes that flight time limitations and ground rest requirements should also be applicable to scheduled operators conducting off-route charter flights and special services.

The same reasoning which necessitated the adoption of the present rule for supplemental carriers applies equally to charter flights or other special services conducted by scheduled certificated route carriers when operating off route.

Therefore, in order to preclude operations by these carriers which could result in flight crewmembers performing their duties in an overly fatigued condition, it is proposed to set a limit on the length of time which such flight crewmembers may be on continuous duty, and to establish minimum requirements pertaining to the rest periods necessary for such flight crewmembers while away from their home base.

The Agency, in an advance notice of proposed rule making issued on August 27, 1963 (Notice 63–34 [28 F.R. 9674]), stated its intention to completely review all of the flight time limitation rules applicable to all air carriers and large airplane commercial operations. In view of the scope of such review and its significance and effect on air carrier scheduling, it is not anticipated that any regulatory action will be completed in the very near future. It is evident, however, that the prescription of the rule contained in this proposal cannot be delayed, and must be established in the interim prior to the overall review of all flight time rules and necessary regulatory action. Therefore, this proposal is limited in its scope to those aspects of rest periods and duty time limitations that the Agency believes are immediately necessary, and will provide equivalent levels of safety in identical type operations.

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, it is proposed to amend paragraph (c) (1) of the amendment to § 42.322 of the Civil Air Regulations (Amendment 42–4), adopted concurrent with this notice, by changing the word "certificated" appearing in the first sentence of that subparagraph to read "operating".

As proposed, § 42.322(c) (1) would read as follows:

(1) An air carrier or commercial operator operating under this part shall not schedule any flight crewmember to be on continuous duty in excess of 30 hours. Such a flight crewmember is considered on continuous duty from the time he reports for duty until the time he is released from duty for a period of rest of 10 or more consecutive hours on the ground.

No change is proposed to paragraph (c) (2) or (3) of the amended § 42.322.

Issued in Washington, D.C., on February 28, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64–2153; Filed, Mar. 4, 1964; 8:49 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–125]

FEDERAL AIRWAY SEGMENT

Notice of Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 86 is designated in part from Whitehall, Mont., to Bozeman, Mont. The FAA is considering designating an additional segment to V–86 from Sheridan, Wyo., direct to Rapid City, S. Dak. This proposed airway would provide route continuity for air traffic operating between Rapid City and terminals in the northwest part of the United States. The proposed alignment of this airway segment would provide for optimum utilization of en route altitudes by air traffic control. A flight check of this proposed airway segment by the FAA indicates that a minimum en route altitude of 7,500 feet MSL can be established between Sheridan and the intersection of the Sheridan 105° and the Crazy Woman, Wyo., 047° True radials (Gillette, Wyo., Intersection to be established) and a minimum en route altitude of 13,500 feet MSL from Gillette Intersection to Rapid City. Comments received in response to an informal circularization of this proposal by the FAA Western Region were considered in the formulation of the proposed airway segment alignment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2122; Filed, Mar. 4, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 399]

[Economic Regs. Docket 14148]

CHARTER TRIPS AND SPECIAL SERVICES; STATEMENTS OF GENERAL POLICY

Supplemental Notice of Proposed Rule Making

MARCH 2, 1964.

The Board in 29 F.R. 1476 and by circulation of a Supplement Notice of Proposed Rule Making, EDR–48B and a Notice of Proposed Rule Making PSDR–8, dated January 23, 1964, gave notice that it had under consideration (a) revising Part 207 of the Board's Economic Regulations as set out in the Proposed Rule thereto attached, (b) revising Part 399 of its Policy Statements as set out in the Proposed Rule thereto attached. Interested persons were invited to participate in these rule making proceedings by the submission ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428 on or before February 28, 1964. This date was subsequently extended to March 9, 1964. In addition all interested persons were invited to submit, on or before March 15, 1964, ten (10) copies of written data, views, or arguments in response to the initial communications. The March 15, 1964 date was subsequently extended to March 25, 1964.

Copies of both sets of communications will be available for examination by interested persons in the Docket Section of the Board.

However, because of the significance of the proposed action and the provision for filing responsive comments; and to relieve the carriers of the burden of arranging for inspection and reproduction of the comments on file with the Board, we have determined to provide for service of both sets of such comments. Accordingly, each air carrier filing comments shall serve a copy of both sets thereof on each direct air carrier. Each set of comments filed with the Board shall contain an appropriate certificate

indicating that such service has been made.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2169; Filed, Mar. 4, 1964; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 11, 21]

[Docket Nos. 14895, 15233; FCC 64-128; Correction]

AUTHORIZATIONS IN BUSINESS RADIO SERVICE AND DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

Proposed Rule Making Regarding Relay of Television Broadcast Signals

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of February 1964;

The Commission has before it for consideration the motion for an extension of time for filing comments in the above-entitled proceedings, filed by the National Association of Microwave Common Carriers, Inc. (NAMCC). NAMCC asserts that it is a new association representing the group most directly involved in Docket No. 15233, and that the extension of time would enable it to file comprehensive comments which would be of material assistance to the Commission. Further, NAMCC alleges that the requested extension of time would have no adverse effects since no further grants are being made in these services, absent the voluntary acceptance of the proposed conditions by the applicants. Accordingly, NAMCC requests that the time for filing comments be extended from February 24, 1964 to April 28, 1964, and that the time for filing reply comments be extended from March 16, 1964 to May 28, 1964. The National Community Television Association, Inc. (NCTA) filed a petition in support of the motion by NAMCC. NCTA states that it will not be practicable to submit the very extensive data which it is preparing by February 24, 1964, particularly in view of the amount of time which counsel for the Association has had to devote to conferences with the Commission concerning proposed legislation affecting CATV systems.

The Commission has previously indicated its concern with obtaining complete and meaningful comments in these proceedings, as well as with receiving such comments at the earliest practicable date. Pending resolution of the important issues here involved, we have, in effect, a "freeze" on the grant of authorizations in these services. For only when an applicant agrees voluntarily to accept the proposed conditions will an authorization be granted. Further, as we have stated, this interim procedure "is not designed nor intended to hold hearings to resolve particular issues arising in the various factual situations since such issues, in our judgment, should be resolved only when the applicable policy guidelines have been established (i.e., when these rule making proceedings have been concluded)." See footnote 7 of the Commission's Notice in this proceeding. In these circumstances, we believe that the public interest requires us to expeditiously resolve the rule-making proceedings.

Based upon our consideration of all factors, we have therefore determined that the public interest would best be served by extending the date for filing comments to March 25, 1964, and the date for filing reply comments until April 14, 1964.

Accordingly, it is ordered, That the date for filing comments in the above-entitled proceedings is extended to on or before March 25, 1964, and the date for filing reply comments is extended to on or before April 14, 1964.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2093; Filed, Mar. 4, 1964; 8:45 a.m.]

[47 CFR Part 93]

[Docket No. 15345, RM-359; FCC 64-153]

TAXICAB RADIO

Notice of Proposed Rule Making

Amendment of Part 93, Subpart I, Section 93.401, of the Commission's Rules governing the Taxicab Radio Service to provide for the use of radio facilities licensed in this service in connection with the pick-up and delivery of parcels and packages by taxicabs on a basis incidental and secondary to the transportation of passengers.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Our proposal in this proceeding is essentially as follows: To allow taxicabs to use their radio facilities in conjunction with their incidental or secondary activities involving the pick-up and delivery of small items of property.

3. This proposal arises from a petition for rule making which was filed by the National Association of Taxicab Owners, Inc., and the American Taxicab Association on August 27th, 1962 (RM-359).

4. Petitioners have pointed out that on occasion, taxicabs are used to provide a parcel or package pick-up and delivery service; and that this activity is secondary or incidental to that of furnishing passenger transportation service to the public. Examples of the types of property transported are blood, drugs, letters, flowers, baggage, keys and legal documents.

5. On the basis of the information brought to our attention by Petitioners, it appears that a meritorious public service may be rendered by taxicabs in their incidental role as package or parcel transporters and that the use of radio in connection with this service would enhance its efficiency. Accordingly, we propose that our rules be amended to permit such incidental use of taxicab radio facilities. We would point out, however, that prime eligibility within the Taxicab Radio Service will still be predicated exclusively on passenger transportation service; and that those persons whose prime business activities relate to transporting parcels, packages, goods and articles, will not be accommodated within the Taxicab Radio Service. Moreover, in those jurisdictions where the transporting of packages and parcels by taxicabs is proscribed, the instant proposal should not be construed as an endorsement of package and parcel delivery service by taxicabs. Consequently, even though we propose to amend our rules to allow a more efficient rendition of this incidental service that taxicabs provide, their radio facilities may not be used to afford the service if local, city, county, state, or some other laws prohibit taxicabs from engaging in it.

6. The proposed amendment is set forth below and is issued under authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 10, 1964, and reply comments on or before April 27, 1964. All relevent and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 26, 1964.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION[1]

[SEAL] BEN F. WAPLE,
Secretary.

In Part 93, Land Transportation Radio Services, § 93.401(a)(1) of the Taxicab Radio Service Rules is revised to read as follows:

§ 93.401 Eligibility.

(a) • • •

(1) Persons regularly engaged in furnishing to the public for hire a non-scheduled passenger land transportation service not operated over a regular route or between established terminals. Such service, where permissible under local laws, may also include the occasional transport of small items of property.

• • • • • •

[F.R. Doc. 64-2094; Filed, Mar. 4, 1964; 8:45 a.m.]

[1] Commissioners Bartley, Ford and Loevinger absent.

[1] Commissioners Bartley and Loevinger absent.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 25]

OLYMPIC INSURANCE COMPANY

Termination of Authority to Qualify as Surety on Federal Bonds

FEBRUARY 28, 1964.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Olympic Insurance Company, Los Angeles, California, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States is hereby terminated as of January 22, 1964, upon the request of Olympic Insurance Company.

Olympic Insurance Company has informed the Treasury that it has no bonds in force in favor of the United States. However, in the event that there are bonds remaining in force issued by this company which do not appear in its records, the following actions should be taken:

1. In order that there may be a coordinated record showing the status of outstanding bonds of this company in favor of the United States, bond-approving officers are requested to examine carefully the records of their offices and report to the Surety Bonds Branch, Bureau of Accounts, Treasury Department, all outstanding bonds accepted by them and executed by Olympic Insurance Company, Los Angeles, California, as surety or co-surety on which the liability of the company has not terminated as of January 22, 1964.

2. It is also requested that the Surety Bonds Branch be advised as expeditiously as possible as to all facts, in detail, relating to any existing claim, or with respect to the occurrence of any event or the existence of any circumstance which may hereafter result in a claim against Olympic Insurance Company, Los Angeles, California.

3. In furnishing the above information, bond-approving officers will please give the name of the principal on the bond, the date and penalty of the bond and with respect to claims, the nature of the claim, the circumstances out of which it arose, and its status at the time of the report. Negative reports are not necessary.

4. Bond-approving officers and other agents of the Government charged with the duty of taking bonds, recognizances, stipulations or undertakings should proceed immediately to secure new bonds, where necessary, with acceptable sureties in lieu of bonds executed by Olympic Insurance Company, Los Angeles, California.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-2151; Filed, Mar. 4, 1964; 8:49 a.m.]

DEPARTMENT OF STATE

Agency for International Development

REPRESENTATIVE IN ISRAEL

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 23, dated December 28, 1962, as amended by Delegation of Authority No. 23:1, dated August 15, 1963, from the Administrator, I hereby redelegate, for the area within his responsibility, authority to the Representative of the Agency for International Development of the United States of America in Israel to execute loan agreements and documents ancillary thereto pursuant to section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended: *Provided, however*, That such loans:

(1) Are guaranteed by an Israeli bank satisfactory to the Director of the Office of Capital Development and Finance of the Bureau for Near East and South Asia;

(2) Are for a term of not to exceed ten years plus a grace period of not to exceed two years; and

(3) Bear interest at the rate of ten percent (10 percent) per annum, less the fee of the guarantor of such loan.

Pursuant to the aforementioned delegations and pursuant to the authority delegated to me by the Administrator in a memorandum dated March 29, 1963, I hereby ratify all loan agreements executed, pursuant to section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended, by the Representative of the Agency for International Development of the United States of America in Israel under the authority delegated to him by the Acting Assistant Administrator of the Bureau for Near East and South Asia under the delegation of authority dated April 8, 1963. The aforementioned delegation of authority, dated April 8, 1963, is hereby revoked.

This redelegation of authority is effective immediately.

WILLIAM S. GAUD,
Assistant Administrator, Bureau for Near East and South Asia.

FEBRUARY 26, 1964.

[F.R. Doc. 64-2149; Filed, Mar. 4, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DISTRICT MANAGER, ANCHORAGE, AND DISTRICT MANAGER, FAIRBANKS

Delegation of Authority

SECTION 1. Pursuant to § 1.1 of Bureau of Land Management Order No. 684, as amended, the District Manager, Anchorage, and the District Manager, Fairbanks, are authorized to perform in their respective districts all the functions listed in §§ 1.2 through 1.9 of Part 1 of the above cited order, subject to limitations in Part 1. In addition to limitations in specified matters, the authority delegated to the respective District Managers shall not include the authority contained in the following sections:

FAIRBANKS DISTRICT MANAGER

1. Section 1.2(d).
2. Subparagraphs (1) and (2) of § 1.3(d).
3. Subparagraphs (2) and (3) of § 1.4(a). Approval of or cancellation of Special Instructions for surveys under § 1.4(a)(1).
4. Section 1.9(d).
5. Section 1.9(r).

ANCHORAGE DISTRICT MANAGER

1. Section 1.2(d).
2. Subparagraphs (1) and (2) of § 1.3(d).
3. Subparagraphs (1), (2), and (3) of § 1.4(a).
4. Section 1.9(d).
5. Section 1.9(r).

SEC. 2. The District Managers are authorized to redelegate the authority herein delegated, to the Chiefs, Branches of Lands and Minerals Operations and to appropriate section heads in these branches. Any such redelegation shall be approved by the State Director and published in the FEDERAL REGISTER.

SEC. 3. The delegation of authority by the State Director, Alaska, approved January 4, 1963 (FEDERAL REGISTER January 10, 1963, Volume 28, No. 7, Pg. 294) is hereby cancelled.

ROGER R. ROBINSON,
State Director.

Approved:

H. R. HOCKMUTH,
Associate Director.

FEBRUARY 27, 1964.

[F.R. Doc. 64-2127; Filed, Mar. 4, 1964; 8:47 a.m.]

[Classification No. 20]

[C-083509]

COLORADO

Small Tract Classification Revocation

1. Pursuant to the authority delegated to me by the Colorado State Director of

the Bureau of Land Management, effective February 19, 1958 (23 FR 1098), Colorado Small Tract Classification No. 20, appearing as F.R. Doc. 57–3510 on page 3081 in the issue for May 1, 1957, is hereby revoked in its entirety. The lands involved are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 43 N., R. 4 W.,
Sec. 15, lot 24;
Sec. 22, lots 5, 8, and 17.

The area described contains 69.96 acres.

2. The public lands affected by this order are hereby restored as of 10:00 a.m. April 3, 1964 to the operation of the public land laws, subject to valid existing rights, and the requirements of applicable laws, rules, and regulations.

J. ELLIOTT HALL,
Chief, Lands and Minerals.

FEBRUARY 27, 1964.

[F.R. Doc. 64–2128; Filed, Mar. 4, 1964; 8:47 a.m.]

NEVADA

Order Providing for Opening of Public Lands

FEBRUARY 27, 1964.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

MOUNT DIABLO MERIDIAN, NEVADA

[Nevada 061567, 060532, 061562, 061518]

T. 27 N., R. 18 E.,
Sec. 10, W½NE¼, SE¼NE¼, E½NW¼;
Sec. 24, N½NE¼, SW¼NE¼.
T. 42 N., R. 19 E.,
Sec. 3, SE¼NE¼, NE¼SE¼, S½S½;
Sec. 9, NE¼SW¼, SE¼;
Sec. 15, NW¼, NW¼SW¼.
T. 17 N., R. 20 E.,
Sec. 1, lot 2 of NW¼, lot 2 of NE¼.

[Nevada 061199, 061454]

T. 25 N., R. 31 E.,
Sec. 28, N½NW¼, SE¼NW¼.
T. 41 N., R. 31 E.,
Sec. 5, lots 2 and 3, S½NW¼, SW¼SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, NE¼NE¼, SW¼NE¼, SE¼SW¼, NW¼SE¼;
Sec. 18, lot 2, NE¼NW¼.
T. 42 N., R. 31 E.,
Sec. 33, S½NW¼.
T. 44 N., R. 31 E.,
Sec. 1, W½W½.
T. 45 N., R. 31 E.,
Sec. 24, SW¼SW¼;
Sec. 25, W½W½;
Sec. 36, W½W½.

[Nevada 061510]

T. 30 N., R. 34 E.,
Secs. 1, 3 and 5;
Sec. 7, lots 1 to 5 incl., and lots 8 to 12, incl., E½;
Sec. 9;
Sec. 11, W½;
Secs. 15 and 17;
Sec. 19, lots 1 to 9 incl., S½ lot 12, lots 14 to 18 incl., lot 23, S½NE¼, N½SE¼;
Sec. 21, lots 6 and 7, NW¼;
Sec. 29, E½, W½SW¼;
Sec. 31;
Sec. 33, NW¼NE¼, NE¼NW¼, W½W½, SE¼SW¼, S½SE¼.

[Nevada 060744]

T. 42 N., R. 40 E.,
Sec. 25, W½SW¼;
Sec. 26, SW¼;
Sec. 27, SE¼;
Sec. 34, NE¼, E½SE¼;
Sec. 35, S½SE¼, W½SW¼.
T. 39 N., R. 43 E.,
Sec. 23, SE¼NE¼;
Sec. 24, NW¼.
T. 41 N., R. 43 E.,
Sec. 36, SE¼SE¼.

[Nevada 043550]

T. 32 N., R. 44 E.,
Sec. 13.
T. 35 N., R. 44 E.,
Sec. 5, lots 1 and 2, S½NE¼, SE¼;
Sec. 9, NW¼;
Sec. 17;
Sec. 19, SE¼;
Sec. 29, NW¼;
Sec. 31, lots 1 and 2, E½NW¼.
T. 36 N., R. 44 E.,
Sec. 3, SE¼;
Sec. 9, SE¼;
Sec. 11, NW¼;
Sec. 15, NW¼;
Sec. 21;
Sec. 29, E½;
Sec. 33, W½.
T. 37 N., R. 44 E.,
Sec. 13;
Sec. 23, SE¼;
Sec. 25, NW¼;
Sec. 35.
T. 38 N., R. 44 E.,
Sec. 27, S½;
Sec. 29, S½;
Sec. 31.

[Nevada 056257, 043550]

T. 30 N., R. 45 E.,
Sec. 28, SW¼SW¼.
T. 32 N., R. 46 E.,
Sec. 13, W½.

[Nevada 061519, 061010, 060541]

T. 24 N., R. 50 E.,
Sec. 18, SE¼SE¼;
Sec. 19, E½, E½SW¼.
T. 28 N., R. 51 E.,
Sec. 17.
T. 29 N., R. 51 E.,
Sec. 11.
T. 31 N., R. 51 E.,
Sec. 5;
Sec. 9, NE¼, N½NW¼, SW¼NW¼.

[Nevada 060541, 043550]

T. 28 N., R. 52 E.,
Sec. 1, lots 1 to 4, incl., S½N½;
Sec. 11, lots 1 to 5 incl., SW¼NE¼, S½NW¼.
T. 29 N., R. 52 E.,
Sec. 5, lots 3 and 4, S½NW¼, SW¼;
Secs. 11 and 27.
T. 32 N., R. 52 E.,
Sec. 15.

[Nevada 061568, 060538, 060267]

T. 31 N., R. 55 E.,
Secs. 7 and 17.
T. 33 N., R. 56 E.,
Sec. 11, E½NE¼, NE¼SE¼.
T. 34 N., R. 56 E.,
Secs. 23 and 25;
Sec. 27, E½;
Sec. 35.
T. 34 N., R. 57 E.,
Secs. 19, 21 and 29;
Sec. 33, N½N½, SE¼NE¼.

[Nevada 060539, 061394, 061506]

T. 36 N., R. 58 E.,
Secs. 25 and 35.
T. 30 N., R. 59 E.,
Sec. 15, E½W½;
Sec. 21, SW¼NE¼.
T. 36 N., R. 59 E.,
Sec. 29;
Sec. 31, N½.
T. 32 N., R. 60 E.,
Sec. 1, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 13, N½NE¼, NE¼NW¼.

[Nevada 043550]

T. 35 N., R. 62 E.,
Sec. 1, lots 1 and 2, S½NE¼.
T. 36 N., R. 62 E.,
Secs. 11 and 23;
Sec. 25, SW¼;
Sec. 35, NE¼.
T. 37 N., R. 62 E.,
Sec. 1, E½SE¼;
Sec. 11, W½, SE¼, except a strip of land 400' wide, containing 52.10 acres, lying equally on each side of center line of Central Pacific Railway Company's railroad as now constructed;
Secs. 23 and 35.
T. 34 N., R. 63 E.,
Sec. 9;
Sec. 15, S½.
T. 35 N., R. 63 E.,
Sec. 5, lots 3 and 4, S½NW¼, S½;
Sec. 9;
Sec. 15, W½;
Sec. 27, W½;
Sec. 33, All, except 17.46 acres in NE¼ conveyed to Western Pacific Railway Co. by deed dated November 27, 1908.
T. 36 N., R. 63 E.,
Sec. 31, lots 3 and 4, E½SW¼.
T. 37 N., R. 63 E.,
Sec. 5, lots 3 and 4, S½NW¼;
Sec. 7, lots 1 and 2, E½NW¼, except a strip of land 400' wide, containing 26.34 acres, lying equally on each side of center line of Central Pacific Railway Company's railroad as now constructed.
T. 38 N., R. 63 E.,
Sec. 5, All, except a strip of land containing 5.95 acres conveyed to Oregon Short Line Railway Co. by deed dated November 7, 1924;
Sec. 9, W½;
Sec. 17, E½;
Sec. 21, W½;
Secs. 29 and 31.

[Nevada 056820, 061565]

T. 13 N., R. 67 E.,
Sec. 27, SE¼.
T. 1 N., R. 69 E.,
Sec. 32, NE¼NE¼.

[Nevada 056347, 061564]

T. 17 S., R. 55 E.,
Sec. 26, E½SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, NE¼NE¼, SW¼NE¼, N½SW¼.
T. 18 S., R. 55 E.,
Sec. 3, lot 1, SW¼NE¼, SE¼SW¼, NW¼SE¼.
T. 4 S., R. 60 E.,
Sec. 1, SW¼SW¼;
Sec. 2, SW¼NE¼;
Sec. 11, NW¼NE¼.

The above tracts aggregate approximately 42, 828.61 acres.

2. Minerals were conveyed in the following described lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 27 N., R. 18 E.,
Sec. 10, W½NE¼, SE¼NE¼, E½NW¼;
Sec. 24, N½NE¼, SW¼NE¼.
T. 42 N., R. 19 E.,
Sec. 3, SE¼NE¼, NE¼SE¼, S½S½;
Sec. 9, NE¼SW¼, SE¼;
Sec. 15, NW¼, NW¼SW¼.
T. 17 N., R. 20 E.,
Sec. 1, lot 2 of NW¼, lot 2 of NE¼.
T. 25 N., R. 31 E.,
Sec. 28, N½NW¼, SE¼NW¼.
T. 41 N., R. 31 E.,
Sec. 5, lots 2 and 3, S½NW¼, NW¼SW¼;

Sec. 6, SE¼SE¼;
Sec. 7, NE¼NE¼, SW¼NE¼, SE¼SW¼, NW¼SE¼;
Sec. 18, lot 2, NE¼NW¼.
T. 42 N., R. 31 E.,
Sec. 33, S½NW¼.
T. 44 N., R. 31 E.,
Sec. 1, W½W½.
T. 45 N., R. 31 E.,
Sec. 24, SW¼SW¼;
Sec. 25, W½W½;
Sec. 36, W½W½.
T. 30 N., R. 34 E.,
Secs. 1, 3 and 5;
Sec. 7, lots 1 to 5, incl., lots 8 to 12, incl., E½;
Sec. 9;
Sec. 11, W½;
Secs. 15 and 17;
Sec. 19, lots 1 to 9, incl., S½ lot 12, lots 14 to 18, incl., lot 23, S½NE¼, N½SE¼;
Sec. 21, lots 6 and 7, NW¼;
Sec. 29, E½, W½SW¼;
Sec. 31;
Sec. 33, NW¼NE¼, NE¼NW¼, W½W½, SE¼SW¼, S½SE¼.
T. 42 N., R. 40 E.,
Sec. 25, W½SW¼;
Sec. 26, SW¼;
Sec. 27, SE¼;
Sec. 34, NE¼, E½SE¼;
Sec. 35, S½SE¼, W½SW¼.
T. 39 N., R. 43 E.,
Sec. 23, SE¼NE¼;
Sec. 24, NW¼.
T. 41 N., R. 43 E.,
Sec. 36, SE¼SE¼.
T. 30 N., R. 45 E.,
Sec. 28, SW¼SW¼.
T. 24 N., R. 50 E.,
Sec. 18, SE¼SE¼;
Sec. 19, E½, E½SW¼.
T. 31 N., R. 55 E.,
Secs. 7 and 17.
T. 13 N., R. 67 E.,
Sec. 27, SE¼.

3. Minerals were conveyed on the following lands within the Desert Game Range:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 S., R. 55 E.,
Sec. 26, E½SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, NE¼NE¼, SW¼NE¼, N½SW¼.
T. 18 S., R. 55 E.,
Sec. 3, lot 1, SW¼NE¼, SE¼SW¼, NW¼SE¼.

4. The minerals in the following described lands have been open to mining location and mineral leasing:

MOUNT DIABLO MERIDIAN, NEVADA

T. 4 S., R. 60 E.,
Sec. 1, SW¼SW¼;
Sec. 2, SW¼NE¼;
Sec. 11, NW¼NE¼.

5. The land in T. 27 N., R. 18 E., is located near Flanigan, Nevada, in Honey Lake Valley, at an elevation of about 4,900 feet. Soils vary from sandy loam to clay.

6. The land in T. 42 N., R. 19 E., lies south of Vya, Nevada, in Long Valley, at an elevation of approximately 5,500 feet. Topography is flat to slightly rolling.

7. The land in T. 17 N., R. 20 E., is located northwest of Virginia City, Nevada, at an elevation of about 7,000 feet. Soils are decomposed granite, very thin and highly erosive.

8. The land in T. 25 N., R. 31 E., is nearly level and lies about 12 miles south of Lovelock, Nevada. Soils are alkaline, silty clay loams, supporting greasewood, shadscale and various annuals.

9. The land in Tps. 41 and 42 N., R. 31 E., is located on the Quinn River, about 37 miles south of Denio, Nevada. The land is not suitable for agriculture due to saline soils and lack of water for irrigation.

10. The land in Tps. 44 and 45 N., R. 31 E., lies east of Highway 8A, approximately 16 to 18 miles south of Denio, Nevada. Vegetation consists mainly of sagebrush and cheatgrass.

11. The land in T. 30 N., R. 34 E., is located in the Humboldt Range just above Unionville, Nevada, at an elevation of 5,000 to 7,000 feet. Topography is steep and mountainous.

12. The land in T. 42 N., R. 40 E., is about 5 miles east of the town of Paradise Valley, Nevada. Topography varies from gently sloping to undulating rangeland.

13. The land in Tps. 39 and 41 N., R. 43 E., lies northeast of Golconda, Nevada. Topography is rolling hills cut by small washes.

14. The land in Tps. 32, 35, 36, 37 and 38 N., R. 44 E., T. 30 N., R. 45 E., and T. 32 N., R. 46 E., lies north of Battle Mountain, Nevada. Topography and soil features vary with elevation which ranges from 3,900 to 4,700 feet.

15. The land in T. 24 N., R. 50 E., is located along the west foot of Roberts Mountains at an elevation of about 6,000 feet. The soil is sandy clay loam.

16. The land in Tps. 28, 29 and 31 N., R. 51 E., and Tps. 28, 29 and 32 N., R. 52 E., is located south of Carlin, Nevada, in Pine Valley. Elevation is from 5,000 to 6,000 feet above sea level. Soils vary from loam to clay loam.

17. The land in T. 31 N., R. 55 E., lies approximately 18 miles south of Elko, Nevada, at an elevation of about 5,600 feet. Soils vary from shallow whitish, highly erosive and unproductive to deep, brownish gray, moderately erosive and moderately productive.

18. The land in Tps. 33 and 34 N., R. 56 E., lies southeast of Elko, Nevada, at an elevation of about 5,500 feet. Soils are silty loam and support mainly a growth of big sage and lupine.

19. The land in T. 34 N., R. 57 E., is located east of Elko, Nevada. The soils are medium textured, deep, moderately productive and moderately erosive.

20. The land in T. 36 N., Rs. 58 and 59 E., is approximately 4 miles east of Halleck, Nevada. Topography is rolling to rough. Soil grades from loamy sands to silt loam.

21. The land in T. 30 N., R. 59 E., is located in the central portion of Ruby Valley, about 50 miles south and west of Wells, Nevada. Elevation is approximately 5,900 feet above sea level. Soils are tight clay loam.

22. The land in T. 32 N., R. 60 E., lies in the north central part of Ruby Valley, approximately 35 miles southwest of Wells, Nevada. Soils are grayish with lime hardpan, erosion resistant and moderately productive. Elevation is about 6,060 feet above sea level.

23. The land in Tps. 35, 36 and 37 N., R. 62 E., Tps. 34, 35, 36, 37 and 38 N., R. 63 E., lies in the general vicinity of Wells, Nevada. Topography varies from flat to rough. Soils grade from tight clay to gravelly loam.

24. The land in T. 13 N., R. 67 E., is located on the east side of Spring Valley, 10 miles north of Shoshone, Nevada. Soils are deep sandy silt loams, supporting a growth of greasewood, big rabbitbrush and sage.

25. The land in T. 1 N., R. 69 E., is located east of Pioche, Nevada, in the drainage channel of Meadow Valley Wash.

26. The land in Tps. 17 and 18 S., R. 55 E., is withdrawn from entry under the public land laws.

27. The land in T. 4 S., R. 60 E., is located in Northern Pahranagat Valley and is steep and rocky with shallow soils.

28. Pursuant to the authority delegated to me by Bureau Order 684, § 2.5, dated August 28, 1961, of the Associate Director, Bureau of Land Management, and Nevada State Order No. 43, dated February 26, 1963, the lands described in paragraph 1 hereof shall become subject to application, petition, and selection generally, but excepting applications under the Small Track Act, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, effective 10:00 a.m. on April 3, 1964. All valid applications received at or prior to 10:00 a.m. on April 3, 1964, shall be considered as simultaneously filed at that time.

29. The lands described in paragraph 2 shall be open to mineral leasing and to location under the United States Mining laws at 10:00 a.m. on April 3, 1964. Any offers received at or prior to this time and date will be considered as simultaneously filed.

30. The lands described in paragraph 3 shall be open to location of metalliferous minerals and the SE¼SW¼ sec. 3, T. 18 S., R. 55 E., shall be open to oil and gas leasing in addition to location of metalliferous minerals at 10:00 a.m. on April 3, 1964.

31. Inquiries shall be addressed to Chief, Division of Lands and Minerals Management, Bureau of Land Management, P.O. Box 1551, Reno, Nevada.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 64–2129; Filed, Mar. 4, 1964; 8:48 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

The U.S. Army, Corps of Engineers, has filed an application, Washington 05056, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land for the construction of the Lower Monumental Lock and Dam Project on the Snake River, Washington.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 880

Bon Marche Building, Spokane, Washington.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

T. 13 N., R. 34 E.,
Sec. 26, SW¼SW¼, SE¼NE¼SW¼.
T. 13 N., R. 36 E.
Sec. 14, SE¼SE¼SE¼SE¼;
Sec. 18, S½SE¼SW¼;
Sec. 24, SW¼NE¼NE¼, S½SE¼NE¼NE¼.
T. 13 N., R. 37 E.,
Sec. 18, E½SE¼, E½E½NE¼;
Sec. 30, Lot 8.
T. 13 N., R. 38 E.,
Sec. 30, Lot 4;
Sec. 32, Lot 1, except the south 500 feet; Lot 2, except the south 300 feet.

The areas described aggregate approximately 276.07 acres.

DOUGLAS E. HENRIQUES,
Acting Officer in Charge.

[F.R. Doc. 64-2130; Filed, Mar. 4, 1964; 8:48 a.m.]

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Offer

Correction

In Federal Register Document 64-1619, published at page 2703 in the FEDERAL REGISTER for Wednesday, February 26, 1964, the description for Tract No. La-1683 should read: "NW¼; SE¼".

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

LOAN APPLICATIONS FOR GENERATION AND TRANSMISSION FACILITIES

Notifications to Appropriations Committees

A. The Appropriations Committees of the United States Senate and House of Representatives, as directed by the respective bodies, will be informed by REA of requests for loan funds for acquiring or constructing generating facilities. No such request will be approved unless such notification concerning the request has been furnished the Committee in writing at least 30 days in advance of the approval.

B. The Appropriations Committees of the United States Senate and House of Representatives, as directed by the respective bodies, will be informed of requests for loan funds for acquiring or constructing transmission facilities, or generation and transmission facilities, in excess of $2 million. No request for loan funds for either or both in the amount of over $2 million will be approved unless such notification concerning the request has been furnished the Committees in writing at least 60 days in advance of the approval.

C. The Committee on Appropriations of the United States Senate will be notified of the amount and purpose of each generation and major transmission loan approved by REA.

D. If REA determines a loan application need not or cannot be processed for loan approval, or the applicant withdraws or cancels the application, the loan application shall be considered "closed without loan" and removed from official records of pending loan applications. The loan applicant, and the Committee on Appropriations of the United States Senate in all instances in which it has been notified of the request for funds, will be notified accordingly.

Effective this 28th day of February 1964.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 64-2138; Filed, Mar. 4, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CREAMED COTTAGE CHEESE DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations concerning temporary permits to facilitate market testing of foods varying from the requirements of the standard of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act., notice is given that a temporary permit has been issued to Fairmont Foods Company, 3201 Farnam Street, Omaha, Nebraska, to cover interstate marketing tests of creamed cottage cheese deviating from the requirements of the standard of identity for this food (21 CFR § 19.530). The product deviates from the standard of identity in that an artificial flavoring, diacetyl, is added to the creaming mixture. The creamed cottage cheese will be labeled to show that artificial flavoring has been added.

This permit expires February 15, 1965.

Dated: February 28, 1964.

WINTON B. RANKIN,
Assistant Commissioner for Planning.

[F.R. Doc. 64-2140; Filed, Mar. 4, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Supp. No. 1]

1963 WORKING ARRANGEMENT FOR ALLOCATION OF FM BROADCAST STATIONS UNDER CANADA-U.S.A. FM AGREEMENT OF 1947

Amendment of Table A

FEBRUARY 28, 1964.

Pursuant to exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A of the FM Working Arrangement has been amended as follows:

City	Channel No.	
	Delete	Add
Parry Sound, Ontario	248C1	248B
Parry Sound, Ontario	258C1	258C
Savona, British Columbia	.....	270A
Thetford Mines, Quebec	300B	256C1*
Montreal, Quebec	267C1	.....
Ottawa-Hull, Ontario	255B	.....
Cornwall, Ontario	300C1*	299A
Quebec City, Quebec	256C1	.....
Clearwater, British Columbia	.....	294B
Ste. Agathe des Monts, Quebec	273A	258A

Future amendments to Table A will be issued as public notices in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2095; Filed, Mar. 4, 1964; 8:45 a.m.]

[FCC 64-151]

CARRIERS DESIRING AUTHORIZATION TO PURCHASE STOCK IN INITIAL ISSUE OF COMMUNICATIONS SATELLITE CORPORATION

Filing of Application

FEBRUARY 26, 1964.

The Federal Communications Commission announced today that any communications common carrier planning to purchase shares of the initial offering of voting stock of the Communications Satellite Corporation must file application with the Commission for authorization to purchase such stock not later than March 23, 1964.

This notice is being given after consultation with the Communications Satellite Corporation. The Corporation has stated that it expects to make the initial offering within the next few months. The Commission believes that in order to effect the orderly distribution of the stock of the initial offering in the manner contemplated by section 304 of the Communications Satellite Act of 1962, the Corporation must have knowledge of who the authorized carriers are at a reasonable time before the offering date.

On December 17, 1962, the Commission adopted a Report and Order in Docket No. 14865 setting forth rules designed to establish the procedure by which communications common carriers could obtain authorizations to own stock of the Communications Satellite Corporation. The underlying policy, as the Commission stated in its original Notice of Proposed Rule Making, was the effectuation of the statutory objective of promoting the widest possible ownership of shares of stock of the Corporation consistent with the public interest. Accordingly, the Commission proposed to entertain applications from all communications common carriers furnishing interstate or foreign communications by wire or radio including the some 3000 telephone companies in the United States who participate in providing such service only as connecting carriers. Since that date 149 applications have been filed with the Commission.

The date of March 23, 1964, was selected in order to afford the large number of communications common carriers, which have not sought authorization in the past 14 months but may desire to do so, maximum additional time consistent with our procedural requirements and the proposed schedule of the Corporation. Therefore, Public Notice is hereby given to all of these carriers desiring to secure authorization to purchase shares of the initial offering of voting stock to file their applications on or before March 23, 1964. If these applications are in accordance with the rules, they will be processed and authorizations will be issued to qualified applicants in time for participation in the initial offering. Applications received after March 23, 1964, will be processed, but authorizations will be issued to qualified applicants at a date subsequent to the date of the initial offering. Thus, such applicants, while authorized to own stock, will not be able to participate in the initial offering.

Finally, notice is given that if there should be any substantial alteration in the present schedule of the Corporation for the issuance of its stock which would permit an extension of the March 23, 1964, cut off date, appropriate public notice will be given of the new later date.

The Commission has ordered this notice to be published in the FEDERAL REGISTER.

Adopted: February 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2096; Filed, Mar. 4, 1964; 8:45 a.m.]

[1] Commissioners Bartley and Loevinger absent.

[FCC 64-165]

[List No. 53]

STANDARD BROADCAST APPLICATIONS

Ready and Available for Processing

FEBRUARY 27, 1964.

Notice is hereby given, pursuant to § 1.571(c) of the Commission rules, that on April 8, 1964, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(c) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 7, 1964, which involves a conflict necessitating a hearing with an application on this list, must comply with the interim criteria governing acceptance of standard broadcast applications set forth in the note to § 1.571 of the Commission rules and be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on April 7, 1964, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: February 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Applications from the top of the processing line:

BP-13708 WHOO, Orlando, Fla.
WHOO Radio, Inc.
Has: 990 kc, 5 kw, 10 kw-LS, DA-N, U.
Req: 990 kc, 5 kw, 50 kw-LS, DA-2, U (10 kw Non-DA C.H.)

BP-15173 WTUP, Tupelo, Miss.
Lee Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-16029 KORK, Las Vegas, Nev.
Southwestern Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BMP-11115 WBVA, Waynesboro, Va.
Music Productions, Inc.
Has CP: 970 kc, 500 w, Day.
Req MP: 970 kc, 500 w, 5 kw-LS, DA-2, U.

BP-16048 WFBS, Spring Lake, N.C.
Radio Smiles, Inc.
Has: 1450 kc, 250 w, 500 w-LS, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-16051 KPRM, Park Rapids, Minn.
De La Hunt Broadcasting Corp.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-16056 KPAL, Palm Springs, Calif.
KPAL Broadcasting Corp.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-16076 New, Ulysses, Kans.
Grant County Broadcasting Company, Inc.
Req: 1420 kc, 500 w, 1 kw-LS, DA-2, U.

BP-16078 New, Machias, Maine.
Coastal Broadcasting Company, Inc.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-16080 New, Montpelier, Idaho.
Glacus G. Merrill.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-16081 WDSG, Dyersburg, Tenn.
State Gazette Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BMP-11164 KNOP, North Platte, Nebr.
North Platte Television, Inc.
Has CP: 1410 kc, 1 kw, Day.
Req MP: 1410 kc, 500 w, 1 kw-LS, DA-N, U.

BP-16084 KRNS, Burns, Oreg.
Radio Burns.
Has: 1230 kc, 250 w, S.H.
Req: 1230 kc, 250 w, 1 kw-S.H., U.

BP-16085 New, Franklin, N.H.
Franklin Broadcasting Corp.
Req: 1240 kc, 250 w, U.

[F.R. Doc. 64-2097; Filed, Mar. 4, 1964; 8:45 a.m.]

[Docket Nos. 15163, 15164; FCC 64M-167]

CLEVELAND BROADCASTING, INC. AND COMMUNITY TELECASTERS OF CLEVELAND, INC.

Order Continuing Hearing

In re applications of Cleveland Broadcasting, Inc., Cleveland, Ohio, Docket No. 15163, File No. BPCT-3117; Community Telecasters of Cleveland, Inc., Cleveland, Ohio, Docket No. 15164, File No. BPCT-3176; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a "Petition for Postponement of Hearing Dates" filed by Community Telecasters of Cleveland, Inc., on February 26, 1964, in the above-entitled matter and agreed to by Cleveland Broadcasting, Inc., and the Broadcast Bureau, and

It appearing, that good cause has been shown for the postponement of the dates mentioned,

It is ordered, This 26th day of February 1964, that the aforesaid petition is granted and that accordingly:

1. Exchange of affirmative cases shall occur on April 3, 1964, instead of on March 2, 1964,
2. There shall be an off-the-record preliminary review of exhibits to attempt to agree to objections and deletions on April 17, 1964, instead of on March 13, 1964,
3. There shall be a formal hearing on the admissibility of exhibits on April 27, 1964, instead of on March 18, 1964, and
4. The hearing now scheduled for March 30, 1964, is hereby rescheduled to May 6,

1964, in the Commission's offices in Washington, D.C.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2098; Filed, Mar. 4, 1964; 8:45 a.m.]

[Docket No. 15343]

STEPHEN B. McELHINNY

Order to Show Cause

In the matter of Stephen B. McElhinny, Lakewood, California, order to show cause why there should not be revoked the license for Radio Station KFA-4204 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated November 12, 1963, alleging violation of § 19.61(a) (now § 95.81(a)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 12, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under Section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 27th day of February 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to licensee at his last known address of 2842 Dashwood, Lakewood, California.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2099; Filed, Mar. 4, 1964; 8:45 a.m.]

[Docket No. 15318; FCC 64M-169]

MIDDLESEX BROADCASTING CO. (WCNX)

Order Re Procedural Dates

In re application of the Middlesex Broadcasting Company (WCNX) Middletown, Connecticut, Docket No. 15318, File No. BP-14055; for construction permit.

It is ordered, This 27th day of February 1964, that the order released February 11, 1964, in the above-entitled proceeding (FCC 64M-113; Mimeo. No. 47037) is amended to provide that the prehearing conference herein will be convened by the presiding officer at 10:00 a.m., March 9, 1964, in the Offices of the Commission (Room 6353), Washington, D.C.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2100; Filed, Mar. 4, 1964; 8:46 a.m.]

[Docket No. 14841; FCC 64M-171]

VERNE M. MILLER

Order Following Further Prehearing Conference of February 26, 1964

In re application of Verne M. Miller, Crystal Bay, Nevada, Docket No. 14841, File No. BP-14706; for construction permit.

Pursuant to the designation of certain new procedural dates by the Hearing Examiner at the further prehearing conference held in this proceeding on February 26, 1964, as set forth on the record thus made;

It is ordered, This 27th day of February 1964, that:

(1) The further written sworn exhibits of the applicant on the issues heretofore designated will be exchanged with counsel for the other parties (with copies to be furnished the Examiner) by June 15, 1964;

(2) Notifications as to the taking of depositions and as to applicant's witnesses required to be present at the hearing for cross-examination will be given by June 30, 1964; and

(3) The evidentiary hearing on the applicant's direct affirmative case under existing issues will commence on July 14, 1964, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2101; Filed, Mar. 4, 1964; 8:46 a.m.]

[Docket No. 15276; FCC 64M-168]

CHARLES A. SEAMAN

Order Re Procedural Dates

In re application of Charles A. Seaman, 935 Tanner Avenue, Elizabeth, Pennsylvania, for a general class amateur operator license.

Pursuant to agreement of counsel for all parties at the prehearing conference held on February 26, 1964: *It is ordered*, This 26th day of February 1964, that a further prehearing conference will be held at 10:00 a.m., March 20, 1964, at the offices of the Commission in Washington, D.C. and that the hearing, presently scheduled to commence on March 4, 1964 in Pittsburgh, Pennsylvania, is continued to a date to be fixed by subsequent order.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2102; Filed, Mar. 4, 1964; 8:46 a.m.]

[Docket Nos. 15289, 15290; FCC 64M-174]

C & G ELECTRONICS CO. AND RADIOFONE SERVICE

Order Continuing Hearing

In re applications of C & G Electronics Company, Docket No. 15289, File No. 216-C2-P-63; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Tacoma, Washington; Robert M. Kunz, d/b as Radiofone Service, Docket No. 15290, File No. 1167-C2-P-63; for a construction permit to modify the facilities of Station KOE518 in the Domestic Public Land Mobile Radio Service at Tacoma, Washington.

It is ordered, This 27th day of February 1964, pursuant to a prehearing conference as of this date, that the hearing herein now scheduled for March 18, 1964, be and the same is hereby rescheduled for April 29, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: February 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2165; Filed Mar. 4, 1964; 8:50 a.m.]

[Docket Nos. 15348, 15349; FCC 64-162]

EATON COUNTY BROADCASTING CO. (WCER) AND FLAT RIVER BROADCASTING CO. (WPLB)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Eaton County Broadcasting Company (WCER), Charlotte, Michigan, Docket No. 15348, File No. BP-14612, has: 1390kc, 1kw, DA, Day requests: 1390kc, 5kw, DA, Day; Earl N. Peterson and Pearle C. Lewis d/b as Flat River Broadcasting Company (WPLB), Greenville, Michigan, Docket No. 15349, File No. BP-14993, has: 1380kc, 500w, DA, Day requests: 1380kc, 500w, 1kw-LS, DA-N, U., For Construction Permits.

At at a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of February 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct and operate the stations as proposed, but that the operation of Stations WCER and WPLB as proposed would result in mutual, adjacent channel (ten kilocycles removed) interference; that WCER has submitted measurement data purporting to show that any interference caused to the proposed operation of Station WPLB would be slight while WPLB has submitted measurement data made along the same bearings employed by WCER which purport to show that the interference from the WCER proposal and the existing operation of other standard broadcast stations would affect more than 10 percent of the population within the proposed WPLB daytime service area in contravention of § 73.28 (d)(3) of the Commission's rules ("ten percent" Rule); that, in view of the conflicting data on file, the applications of WCER and WPLB must be designated for hearing in a consolidated proceeding to determine the extent of the interference that each of the proposed operations would cause to the existing and proposed operations of the other station; and

It further appearing, that, according to data submitted by WPLB, the proposed nighttime operation of the station would be limited to the 35.84 mv/m contour [1] with the result that 46.6 percent of the population within the normally protected nighttime contour (4.0 mv/m) would not receive service; that, while the proposed WPLB nighttime operation may come within one of the exceptions stated in § 73.28(d) in that 25 percent or more of the nighttime primary service area of the proposed station is without primary nighttime service, the high population loss coupled with the high nighttime limit confining the interference-free nighttime service area to approximately seven square miles and the inadequacy of the WPLB showing to establish that the proposed service would not be reduced to an unsatisfactory degree, a question obtains as to whether this proposal complies with § 73.24(b) of the Commission's rules; and

It further appearing, that, the proposed WPLB nighttime interference-free contour may not encompass the entire city sought to be served and, as a result, a question obtains as to whether this proposal would comply with the provisions of § 73.30(c) of the Commission's rules; and

It further appearing, that, although not shown by the WPLB application, slight mutual co-channel interference is indicated with Station WTTH, Port Huron, Michigan, which holds a construction permit to, among other things, increase power from one to five kilowatts and change antenna site; that the interference indicated was not shown in the WTTH proposal which was granted on December 20, 1961; that, since the WPLB proposal was co-pending and timely filed with the WTTH proposal and since the mutual interference is slight and is not considered significant with respect to a consideration of whether the WPLB proposal would comply with § 73.28(d)(3) of the rules ("ten percent" rule), it does not appear to be appropriate to include an issue herein with respect to WTTH; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WCER and WPLB and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the proposals would cause to and receive from each other and the interference that each of the proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations affected by interference from either of the proposals.

3. To determine whether the proposed operation of either WCER or WPLB would cause objectionable interference to the existing operation of the other, or any other existing standard broadcast stations, and, if so, the nature and extent thereof the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether interference received by the proposed operation of WPLB during daytime hours would affect more than ten percent of the population within its proposed normally protected primary service area in contravention of § 73.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether, because of interference received, the nighttime proposal of Station WPLB would be consistent with the requirements of § 73.24(b) of the rules and, if not, whether circumstances exist warranting a waiver of the rule.

6. To determine whether the proposed operation of Station WPLB is in compliance with § 73.30(c) of the Commission rules and, if not, whether circumstances exist which would warrant a waiver of said section.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That each of the applicants herein is made a party respondent to the proceeding with respect to its existing operation.

It is further ordered, That, in the event of a grant of either application, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable

[1] The Commission's study indicates that the actual nighttime limitation contour would be nearer 37.2 mv/m.

assurance that the proposals set forth in the application will be effectuated.

Released: March 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-2166; Filed, Mar. 4, 1964; 8:50 a.m.]

[Docket Nos. 15111, 15112; FCC 64M-173]

HOLSTON BROADCASTING CORP. AND C. M. TAYLOR

Order Continuing Hearing

In re applications of Holston Broadcasting Corporation, Elizabethton, Tennessee, Docket No. 15111, File No. BP-15012; C. M. Taylor, Blountville, Tennessee, Docket No. 15112, File No. BP-15115; for construction permits.

The Hearing Examiner having under consideration a verbal request for continuance made by counsel for C. M. Taylor, and

It appearing, that the hearing is currently scheduled to commence on March 16, 1964, and that this date is undesirable owing to conflicts with other hearings in which counsel or the Examiner are participants.

It is ordered, This 27th day of February 1964, that the hearing is continued from March 16, 1964, to April 14, 1964.

Released: February 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-2167; Filed, Mar. 4, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

PORT OF SEATTLE AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-119, between the Port of Seattle (Port), and Alaska Steamship Company (Company), provides for a month to month lease of a certain portion of pier 39, Seattle, Washington, to be used by Company for the storage of cargo van containers, and other items incidental to Company's operation at pier 42. As compensation, Company agrees to pay a fixed rental as specified within the agreement.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-2155; Filed, Mar. 4, 1964; 8:49 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND UNITED STATES LINES COMPANY (AMERICAN PIONEER LINE)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9237-1, between American President Lines, Ltd. and United States Lines Company (American Pioneer Line) provides for a through billing arrangement for cargo transported in the trade from Okinawa, Korea, Formosa, Manila, Hong Kong and Vietnam to United States Atlantic ports with transhipment at Yokohama or Kobe, Japan in accordance with the terms and conditions as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification together with a request for hearing, should such hearing be desired.

Dated: March 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-2156; Filed, Mar. 4, 1964; 8:49 a.m.]

FILLETTE, GREEN & CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Fillette, Green & Co. of Tampa, Tampa, Florida, is party to the following agreements, the terms of which are identical. The other parties are:

Tone Forwarding Corp., New York, N.Y.	FF-1402
Terra-Marine Shipping Co., Inc., San Francisco, Calif.	FF-1403

Triangle Forwarding Corp., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

Poseidon Freight Fowarders, San Francisco, Calif.	FF-1407
N. D. Cunningham & Co., Inc., Mobile, Ala.	FF-1408
Coastal Forwarders, Charleston, S.C.	FF-1409

The following agreements have similar terms:

T.D. Downing Co., Boston, Mass., and Premier Shipping Co., Inc., New York, N.Y.	FF-1400
D. C. Andrews & Co., Inc., New York, N.Y.; D. C. Andrews & Co. of Ill., Inc., Chicago, Ill.; D. C. Andrews & Co. of La., Inc., New Orleans, La.; D. C. Andrews & Co. of Md., Inc., Baltimore, Md.; D. C. Andrews & Co. of Mass., Inc., Boston, Mass.; and Gulf Florida Terminal Co., Tampa, Fla.	FF-1401
The Hipage Co., Inc., Norfolk, Va., and W. R. Zanes & Co. of La., Inc., New Orleans, La.	FF-1410
H. S. Thielen, Inc., Lake Charles, La., and Wolf & Gerber, Inc., New York, N.Y.	FF-1411
Nordstrom Freighting Corp., New York, N.Y., and Import & Export Service Co., Grand Rapids, Mich.	FF-1412

Agreement No. FF-1406 between World Wide Services, Inc., New York, New York, and Circle Forwarders, Inc., Detroit, Michigan, is an arrangement under which forwarding and service fees are $7.50 per shipment and ocean freight compensation is divided equally.

Sunshine Forwarders, Inc., Jacksonville, Florida, is party to the following agreements, the terms of which are identical and provide that the ocean freight compensation will be divided equally (50 percent/50 percent). Forwarding and service fees are as follows:

Bermuda & Nassau: $2.50

All other countries:

To pass completed export declarations	$1.25
To pass completed bills of lading	1.25
To prepare or complete and pass export declarations	2.50
To prepare or complete and pass bills of lading	2.50
Preparation of Consul documents	5.00
Consular documents (at cost)	
Telephone calls, teletypes or telegrams (at cost)	

The other parties are:

Hudson Shipping Co., Inc., New York, N.Y.	FF-1404
Heidl's Inc., New York, N.Y.	FF-1405

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: March 2, 1964.

By the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-2157; Filed, Mar. 4, 1964; 8:49 a.m.]

MATSON NAVIGATION COMPANY AND MOORE-McCORMACK LINES

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9321, between Matson Navigation Company and Moore-McCormack Lines, provides for the appointment by Matson Navigation Company of Moore-McCormack Lines as its general passenger agent in Copenhagen, Gothenburg, Stockholm and Oslo, also Buenos Aires, Montevideo, Rio de Janeiro, Santos and Sao Paulo, which appointment Moore-McCormack Lines accepts with respect to the vessels designated and operated by Matson Navigation Company in its various services. The agreement also provides the rates of compensation to be paid by Matson Navigation Company to Moore-McCormack Lines for the performance of the services described in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-2158; Filed, Mar. 4, 1964; 8:49 a.m.]

PARTIES TO NEW YORK FREIGHT BUREAU (HONG KONG) CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 5700-6, between the parties to the New York Freight Bureau (Hong Kong) Conference, modifies the approved agreement of that conference (Agreement No. 5700, as amended), in the trade from Hong Kong, Canton, Amoy, Foochow and all other ports in China south of and including Foochow and from Formosa and Indo-China, excluding Saigon, to U.S. Atlantic and Gulf ports, by deleting therefrom Indo-China and by including therein Macao as a point of origin and including the U.S. Great Lakes ports, Puerto Rico and the U.S. Virgin Islands as points of destination. Other modifications to the basic agreement include such matters as changes in the voting requirements, the institution of a self-policing system and several other revisions as are set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-2159; Filed, Mar. 4, 1964; 8:49 a.m.]

OCEANIC STEAMSHIP COMPANY AND MOORE-McCORMACK LINES

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9322, between The Oceanic Steamship Company and Moore-McCormack Lines, provides for the appointment by The Oceanic Steamship Company of Moore-McCormack Lines as its general passenger agent in Copenhagen, Gothenburg, Stockholm and Oslo, also Buenos Aires, Montevideo, Rio de Janeiro, Santos, and Sao Paulo, which appointment Moore-McCormick Lines accepts with respect to the vessels designated and operated by The Oceanic Steamship Company in its various services. The agreement also provides the rates of compensation to be paid by The Oceanic Steamship Company to Moore-McCormack Lines for the performance of the services described in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-2160; Filed, Mar. 4, 1964; 8:50 a.m.]

STRAITS STEAMSHIP COMPANY LTD., N.V. KONINKLIJKE PAKETVAART-MAATSCHAPPIJ, HEAP ENG MOH STEAMSHIP COMPANY LTD., AND NEW YORK LINES AGENCY

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9311, between the above-named parties, provides for a through billing arrangement for rubber transported from ports situated on the East Coast of South Thailand to ports on the Atlantic and Gulf Coasts of the U.S.A., with transhipment at Singapore in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 2, 1964.

[1] Commissioner Bartley and Loevinger absent.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2161; Filed, Mar. 4, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64-632, etc.]

SKELLY OIL CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 27, 1964.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 15, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-632...	Skelly Oil Co. (Operator), et al., P.O. Box 1650, Tulsa, Okla.	46	18	El Paso Natural Gas Co. (Gallegos Gallup Sand Unit, Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	(Decrease ($4,922)).	2-14-64	[3] 3-16-64	[3] 3-17-64	[4] 13.0508	[4] [5] 12.0508	(7)
RI64-633...	Nettie Armstrong, P.O. Box 412, Parkersburg, W. Va.	1	2	Cabot Corp.[8] (Sheridan District, Calhoun County, W. Va.).	$180	1-28-64	[3] 2-28-64	[3] 2-29-64	12.0	[9] [10] 13.824	.....

[3] The stated effective date is the first day after expiration of the required statutory notice.
[4] The suspension period is limited to one day.
[5] Pressure base is 15.025 psia.
[6] For gas produced from Gallup Formation only.
[7] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[7] 14.0551 cents per Mcf rate suspended until June 4, 1964 in Docket No. RI64-508. Waiver granted to make substitute filing. 13.0508 cents per Mcf rate in effect subject to refund in Docket No. RI64-14.
[9] Buyer's resale rate to Hope Natural Gas Co. (Cabot's Rate Schedule No. 1) is in effect subject to refund in Docket No. RI64-308.
[9] Revenue-sharing rate increase.
[10] Pressure base is 15.325 psia.

Skelly Oil Company (Operator), et al. (Skelly), request an effective date of February 1, 1964, for their proposed decrease in rate, and Nettie Armstrong requests a retroactive effective date of April 4, 1961, for her proposed revenue-sharing rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in Section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings.

Nettie Armstrong's revenue-sharing rate increase falls below the ceiling for increased rates in West Virginia as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56), but should be suspended because it is based on the buyer's (Cabot Corporation) resale rate which is currently in effect subject to refund in Docket No. RI61-308.

Skelly has certain wells producing at a low pressure and, in a letter agreement with El Paso Natural Gas Company, has consented for a 1.0 cent per Mcf reduction in price and deletion of the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids as consideration for a reduction in line pressure from 500 psig to 250 psig. Skelly's notice of change in rate proposes the decreased rate for the low pressure gas. The proposed rate (12.0508 cents per Mcf) is below the San Juan Basin area ceiling for increased rates. However, as the reduction in pressure will later be a compression cost to the buyer, such cost should be added to the proposed rate. The addition of this 1.0 cent per Mcf price adjustment to the proposed base rate of 12.0 cents per Mcf would cause the proposed rate to exceed the area ceiling of 13.0 cents per Mcf by the amount of the tax reimbursement (0.0508 cent) and should be suspended as hereinbefore ordered. However, since a rate decrease is involved, the suspension period may be shortened to one day from March 16, 1964, the date of expiration of the required statutory notice.

[F.R. Doc. 64-2131; Filed, Mar. 4, 1964; 8:48 a.m.]

[1] Does not consolidate for hearing or dispose of the several matters herein.

[Docket No. RP63-7]

SOUTHERN NATURAL GAS CO. AND UNITED GAS PIPE LINE CO.

Order Instituting Proceeding, Designating Presiding Examiner and Fixing Date for Prehearing Conference

FEBRUARY 27, 1964.

On February 21, 1963, Southern Natural Gas Company (Southern) filed a formal complaint against United Gas Pipe Line Company (United) requesting that the Commission recognize Southern's right to reduce the effective billing demand and the charges thereunder for transportation of gas by United for Southern, under United's Rate Schedule T-3. Such transportation is from Carthage Field, Texas to Perryville, Louisiana, pursuant to a contract between the two parties executed on May 7, 1951.

United filed an answer to the complaint on March 19, 1963, and Southern filed a reply thereto on April 3, 1963. Neither party to the dispute requested a hearing.[1]

Article VIII of the contract provided that the billing demand should be determined by the maximum daily volume of gas which Southern elected to deliver to United for transportation during the 12 months period ending with the last day of the billing month, up to a maximum of 55,000 Mcf per day. Southern contends that this contract provision affords it the option of reducing its billing demand below 55,000 Mcf as quantities of gas available to Southern for transportation over United's facilities decline. Southern states that since April 18, 1962 it has tendered a maximum of 35,000 Mcf per day to United for transportation under the contract and hereafter expects to tender no more than that amount.

[1] However, United requested that all of its customers who would be adversely affected by a decision favorable to Southern be given an opportunity to participate in any hearing which might be ordered.

On the other hand, United contends that it intended to permanently dedicate and assign 55,460 Mcf (55,000 Mcf at 15.025 psia) of the transmission capacity of its line for the purpose of transporting the maximum daily quantity allegedly specified in the contract. Thus, the parties are in disagreement as to whether their transportation contract provides a billing demand which is subject to change (depending upon the amounts of gas Southern elects to tender to United for delivery) or provides a fixed billing demand.

United further contends that the billing demand of 55,460 Mcf fixed by its Rate Schedule T-3, filed as part of its conversion tariff in accordance with Section 154 of the Regulations Under the Natural Gas Act, is in accordance with the contract. On July 2, 1952, United filed its contract as a rate schedule [2] which became effective on July 23, 1952. On the following day, July 3, 1952, United filed all of its rate schedules (including Rate Schedule T-3), in tariff form, along with an accompanying statement complying with Section 154.85. That section requires that each contract filed as a rate schedule be supplemented by a statement specifying those provisions of the contract which remain in effect as a service agreement and those which are superseded by or in conflict with the tariff provisions. Article VIII was not listed as a retained provision of the contract in United's filing. The Commission suspended Rate Schedule T-3 and the accompanying statement until January 3, 1953, upon which date they became effective, subject to refund. The issues raised by such suspension were resolved in a settlement agreement, covering numerous other matters as well, which was approved by the Commission on November 2, 1954.[3] Southern was a party to this agreement. For the purpose of implementing the terms of the settlement, United filed a revised tariff (including a modified Rate Schedule T-3), which became effective on August 1, 1954. United contends that this modified schedule provides for a fixed billing demand of 55,460 Mcf, in accordance with the contract and that Southern has no right to reduce it. Southern disputes United's claim that the conversion tariff was in accordance with the contract and contends that this tariff unlawfully abrogated its contractual right to change the billing demand, in violation of the Mobile doctrine.[4]

United rejoins that in any event, Southern is now estopped from challenging the tariff provisions relating to billing demand because of its past acquiescence in the changes in Rate Schedule T-3 made by the tariff.[5] Southern denies that there is such an estoppel on the ground that it may properly raise any question which was not expressly decided in the settlement proceeding.

Upon analysis of the pleadings, the Commission has concluded that Southern's complaint raises additional issues not specifically adduced by the parties. The most important of these issues is whether the provision relating to billing demand contained in United's Rate Schedule T-3, if determined to be fixed, is just and reasonable under the provisions of the Natural Gas Act. We do not believe therefore, that this case can be properly and adequately decided solely upon the basis of the formal pleadings and are instituting proceedings herein.

Nevertheless, it appears premature at this time to schedule an evidentiary hearing, since the issues here are primarily matters of law or regulatory policy and there should be few, if any, disputed questions of fact. Accordingly, we shall provide for the convening of a prehearing conference in order to afford the parties an opportunity to stipulate all relevant facts and permit the fixing of dates for the submission of briefs on the issues presented to the Examiner. Should this prove to be impossible the Presiding Examiner may, at his discretion, set a date for a trial-type hearing on the relevant, material and genuinely disputed matters not stipulated by the parties and issue such further procedural orders as may be appropriate.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act and the regulations thereunder:

(1) That a proceeding be instituted as hereinafter ordered, for the purpose of resolving the following issues:

1. Whether the transportation contract between United and Southern provided a billing demand which was subject to change, depending upon the amounts of gas Southern elected to deliver to United up to 55,460 Mcf per day, or provided a fixed billing demand of 55,460 Mcf.

2. If it is determined that the contract provided a billing demand subject to change:

a. Whether United, in its conversion tariff, made a substantive change in the contract by providing a fixed billing demand and whether such a substantive change is within the intent and purpose of Section 154.85, and

b. Whether the tariff filed pursuant to the settlement changed the contract provision as to billing demand.

3. Whether United is free under the Mobile doctrine to seek a unilateral change in the transportation contract.

4. Whether Southern, by its past acquiescence and conduct with regard to the billing demand provision contained in United's Rate Schedule T-3, is now estopped from complaining of that provision.

5. If United's presently effective Rate Schedule T-3 specifies a fixed billing demand, whether that tariff provision is just and reasonable under the Natural Gas Act.

(2) That a prehearing conference be convened before a Presiding Examiner for the purpose of arriving at a stipulation of relevant and material facts, scheduling dates for the submission of briefs on the legal issues and considering such other matters as may be properly dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

(3) That if all relevant and material facts are not stipulated the Presiding Examiner may, at his discretion, set a date for evidentiary hearing on the nonstipulated facts (including expert opinion thereon) and issue such further procedural orders as may be appropriate.

(4) That, following a stipulation of facts and/or an evidentiary hearing, if ordered, the parties submit briefs to the Presiding Examiner, and that he issue his decision on the matter in accordance with § 1.30 of the rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 15 and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a proceeding be instituted under the procedures set forth above on the issues stated in paragraph (1) above.

(B) Presiding Examiner Ewing G. Simpson, or any other officer or officers of the Commission designated by the Chief Examiner for that purpose, shall preside at the prehearing conference and at any hearing which may be held on this matter, pursuant to the rules of practice and procedure.

(C) Pursuant to the provisions of § 1.18 of the rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10:00 a.m., e.d.t., on March 24, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the intent of the Commission, as set forth above.

(D) Petitions to intervene and notices of intervention may be filed with the Federal Power Commission, Washington, D.C., in accordance with the Commission's rules of practice and procedure, §§ 1.18 and 1.37(f) (18 CFR 1.8, 1.37(f)), on or before March 13, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2132; Filed, Mar. 4, 1964; 8:48 a.m.]

[2] Designated Rate Schedule 126-B.
[3] Opinion No. 277, Docket No. G-1142, et al., 13 FPC 398.
[4] United Gas Pipe Line Corporation v. Mobile Gas Service Corporation, 350 U.S. 332.
[5] There is some question as to whether United's tariff filed pursuant to the settlement agreement, effective Aug. 1, 1954, provides the same billing demand as that contained in the conversion tariff, effective January 3, 1953.

SECURITIES AND EXCHANGE COMMISSION

[File No. 37-22]

COLUMBIA GAS SYSTEM SERVICE CORP.

Notice of Request for Permanent Authorization of Modifications of Organization and Conduct of Business of Subsidiary Service Company

FEBRUARY 28, 1964.

Notice is hereby given that Columbia Gas System Service Corporation ("Service Company") 120 East 41st Street, New York 17, New York, a wholly-owned subsidiary service company of The Columbia Gas System, Inc. ("Columbia Gas"), a registered holding company, has filed an amendment to its declaration pursuant to section 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 88 promulgated thereunder requesting that this Commission make permanent its temporary approval and authorization of certain modifications of the organization and conduct of business of Service Company contained in its order dated September 14, 1962 (Holding Company Act Release No. 14699).

Service Company renders professional and technical services at cost to all associate companies. Pursuant to the order of the Commission dated September 14, 1962, Service Company was authorized to transfer the 7 officers and their secretaries, then on the payroll of Columbia Gas, to the payroll of Service Company, and permitted Service Company to charge the costs of the system's managerial, executive and policy-making services performed by such officers and employees on a time-report basis to all associate companies benefiting from such services. In 1963, the total costs of these services amounted to $669,035, of which amount Columbia Gas was billed $190,678, or 28.5 percent, and operating subsidiary companies were billed $478,357, or 71.5 percent. The costs of certain other services performed by Service Company, which are required in connection with the services performed by the transferred officers and which formerly had been charged entirely to Columbia Gas, are being charged on the basis of 75 percent to the operating companies and 25 percent to Columbia Gas, in accordance with the 1962 order. In 1963, the costs of these services aggregated $255,491, of which amount $63,873 was charged to Columbia Gas and $191,618 was charged to the operating subsidiary companies. In addition, Columbia Gas will continue to bear other administrative and general expenses which amounted to $1,248,151 in the same period.

The 1962 order also authorized Service Company to revise forthwith its methods of allocating the costs of certain specified services performed for groups of operating companies. Service Company estimates that these revisions resulted in reductions in service charges to 14 associate companies aggregating $738,041 in 1963 and increases of the same total amount in charges to 5 other associate companies.

Service Company represents that no consent or approval of any State or Federal commission, other than this Commission, is required in respect of the proposed transactions.

Service Company has agreed to the imposition of the following conditions in the Commission's order permitting the declaration, as amended, to become effective:

1. No change in the organization of Service Company, the type and character of the companies to be serviced, the method of allocating costs to associate companies, or in the scope or character of services to be rendered, shall be made unless and until Service Company shall first have given the Commission written notice of such proposed change not less than 60 days prior to the proposed effectiveness of any such change. If, upon the receipt of any such notice, the Commission within the 60-day period shall notify Service Company that a question exists as to whether the aforesaid proposed change is consistent with the provisions of Section 13 of the Act, or of any rule, regulation or order thereunder, the proposed change shall not become effective unless and until Service Company shall have filed with the Commission an appropriate declaration with respect to such proposed change, and the Commission shall have permitted such declaration to become effective.

2. In the event that the operation of Service Company's cost allocation method does not result in a fair and equitable allocation of its costs among the serviced associate companies, the Commission reserves the right to require, after notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

3. This order is not to be construed as a ruling that Service Company may not be required to effect such other changes in its organizations or operations as may become necessary in order to conform with the Act or the present or future rules, regulations or orders of the Commission. Jurisdiction is reserved to reconsider the servicing activities of Service Company at an appropriate future time, and, after notice and opportunity for hearing, by order to revoke, suspend, or modify the permission granted to Service Company to continue its operations and conduct of business.

Notice is further given that any interested person may, not later than March 19, 1964, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the said amended declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request.

At any time after said date, the declaration, as amended or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rule as provided by Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-2134; Filed, Mar. 4, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 949]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 22805. By order of February 27, 1964, the Commission, Division 3 acting as an Appellate Division, granted petitions insofar as reconsideration and hearing were sought in the application to transfer to Arnold H. Zidell, Nathan Cohen, and Jack W. Olds, trustees, and Emery N. Zidell, Rose W. Zidell, Arnold H. Zidell, and Jack Rosenfeld, Co-Partners, doing business as Zidell Machinery & Supply Co., Portland, Oreg., of the operating authority set forth in the Second Amended Permit and Order entered November 29, 1950, in No. W-579 and No. W-579 (Sub-No. 1), issued to W. R. Osborn, doing business as Pacific Contracting Company, Portland, Oreg., as a contract carrier by water in interstate or foreign commerce, at Aberdeen, Wash., and Portland, Oreg., in furnishing for compensation (under charter, lease, or other agreement) non-self-propelled vessels to persons other than carriers subject to the Interstate Commerce Act, to be used by such persons for the transportation of their own property. The time and place of hearing to be hereafter fixed. William B. Adams, Pacific Building, Portland 4, Oreg., attorney for transferor. Robert F. Maguire, 723 Pittock Block, Portland 5, Oreg., attorney for transferee.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-2142; Filed, Mar. 4, 1964; 8:48 a.m.]

[Notice No. 949-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65716. By order of February 27, 1964, the Transfer Board approved the transfer to Floyd Mains, Garnett, Kans., of certificate in No. MC 99371, issued April 4, 1962, to Donald K. Couture, Garnett, Kans., authorizing the transportation of: Live poultry, eggs, wrecked automobiles, scrap iron, hay, and grain, over regular routes, from Garnett, Kans., to Kansas City, Mo., serving intermediate points on the routes specified and off-route points within 20 miles of Garnett, restricted to pick-up of hay and grain; and the off-route point of North Kansas City, Mo., restricted to delivery; agricultural implements, lumber, building material, petroleum products, in containers, feed, hardware, fertilizer, grain, tile, fencing, and roofing materials, iron and steel articles and steel tanks, over regular routes, from Kansas City, Mo., to Garnett, Kans., serving the off-route point of North Kansas City, Mo., restricted to pick-up; household goods and emigrant movables, between Garnett, Kans., and points within 20 miles of Garnett, on the one hand, and, on the other, points in Missouri; and livestock, between Garnett, Kans., and points within 20 miles of Garnett, on the one hand, and, on the other, Kansas City and North Kansas City, Mo., and Kansas City, Kans. Richard C. Byrd, First National Bank Building, Ottowa, Kans., attorney for transferee. Roy L. Cole, Garnett, Kans., attorney for transferor.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-2143; Filed, Mar. 4, 1964; 8:48 a.m.]

ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

Duties of Divisions and Boards

MARCH 2, 1964.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991 and 12789; 27 F.R. 1234, 1747, 2500, 3830 and 9997; and 28 F.R. 198, 896 and 8185) in the following particulars, effective March 2, 1964:

Under the heading *Assignments to Boards*, paragraph (c) of Item 7.11 *Operating Rights Boards*, has been amended to read as follows:

(c) Operating Rights Review Boards Nos. 1, 2, and 3:

Determination of matters (including entry of an order staying the effective date of an order recommended by a hearing officer (other than a Commissioner), vacation of such stay order, and, where exceptions have been withdrawn, entry of an order making a recommended order effective) as referred to the boards for consideration and disposition in proceedings under the provisions of law set forth in Item 4.2 hereof, in cases or types of cases specified from time to time by the Chairman of Division 1, which have involved the taking of testimony at a public hearing or the submission of evidence by the parties in the form of affidavits. (See App. C for cases or types of cases specified by Chairman of Division 1.)

Under the heading *Rehearings and Further Proceedings*, the single reference in Item 8.4 to "Operating Rights Review Board" has been changed to "Operating Rights Review Boards." The item as thus amended reads as follows:

8.4 Division 1 is hereby designated as an appellate division to which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in whole or in part, of any order, action, or requirement of the Temporary Authorities Board under paragraphs (a) and (b) of Item 7.4, of the Motor Carrier Boards under paragraphs (a), (b), and (c), of Item 7.8, and of the Operating Rights Boards and Operating Rights Review Boards under paragraphs (a), (b), and (c), of Item 7.11 shall be assigned or referred for disposition (except as otherwise provided in Item 7.4(a)), and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission. All other petitions seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

In Appendix C, the order of Commissioner Hutchinson dated January 2, 1963, has been deleted and the order of Commissioner Hutchinson dated February 27, 1964, set forth below, has been substituted.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX C

SPECIFICATIONS OF TYPES OF CASES IN RESPECT OF WHICH DETERMINATIONS MAY BE MADE BY THE OPERATING RIGHTS REVIEW BOARDS

Present: Everett Hutchinson, Commissioner, to whom the matters which are the subject of this order have been assigned for action thereon.

It appearing, That Item 7.11(c) of the Organization Minutes of the Commission (26 F.R. 4773, 10991; 27 F.R. 3830; 28 F.R. 198; 29 F.R. ——) delegates to the Operating Rights Review Boards Nos. 1, 2, and 3 authority to determine matters in proceedings submitted for decision (other than those assigned to Operating Rights Boards Nos. 1 and 2 under Section 7.11 (a) and (b) of the Organization Minutes) under the provisions of law set forth in Item 4.2 thereof in cases or classes of cases specified from time to time by the Chairman of Division 1 of the Commission, which have involved the taking of testimony at a public hearing or the submission of evidence by the parties in the form of affidavits:

It is ordered, That the following types and categories of cases, limited to those which have involved the taking of testimony at a public hearing or the submission of evidence by the parties in the form of affidavits, be, and they are hereby, specified in respect of which determinations may be made by the said Operating Rights Review Boards:

Proceedings arising under the provisions of law set forth in Item 4.2 of the said Organization Minutes, other than:

Those proceedings in which a Commissioner or a member of the Board has presided at the hearing or has issued a report and recommended order.

Those proceedings which, after due consideration are found to be susceptible to disposition without the issuance of an explanatory report.

Those proceedings orally argued before Division 1.

Those proceedings which are considered to be the relatively more important cases, including those which appear to involve issues of general transportation importance.

Provided, however, That the aforesaid general specifications shall be effective only in respect to cases of the classes named which are submitted for decision on and after the effective date of this order; *And provided further*, That such specifications, to the extent administered by the Bureau of Operating Rights, shall be applied and construed under the direction and supervision of the Chairman of Division 1.

It is further ordered, That this order vacates and supersedes the order entered herein on January 2, 1963, as of the effective date hereof.

And it is further ordered, That this order shall be effective on March 2, 1964.

Dated at Washington, D.C., this 27th day of February A.D. 1964.

By the Commission, Commissioner Hutchinson.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-2144; Filed, Mar. 4, 1964; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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Volume 76

UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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PART II

FEDERAL REGISTER

VOLUME 29 NUMBER 45

Washington, Thursday, March 5, 1964

Guide to Record Retention Requirements (Title 1, Appendix A)

Revised as of January 1, 1964

GUIDE TO RECORD RETENTION REQUIREMENTS

(1 CFR, Appendix A)

REVISION AS OF JANUARY 1, 1964

This is a Guide in digest form to the provisions of Federal laws and regulations relating to the keeping of records by the public. It tells the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The Guide is derived from the laws published in the United States Code, as amended by laws enacted during 1963, and from the regulations published in the Code of Federal Regulations, as amended in the daily issues of the FEDERAL REGISTER through December 31, 1963.

Coverage

In preparing the Guide it was necessary to establish boundaries in order to keep it from going beyond its intended purpose. The nature of these boundaries is outlined below.

As indicated by its name, the Guide adheres strictly to the retention of records. It does not cover such matters as the furnishing of reports to Government agencies, the filing of tax returns, or the submission of supporting evidence with applications or claims.

The Guide is limited to provisions which apply to a class. Requirements applying only to named individuals or bodies have been omitted.

The Guide is confined to requirements which have been expressly stated. In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, and to keep related working papers. Such implied requirements have not been included in the Guide.

The following types of requirements have also been excluded from the Guide:

(1) Requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, etc., unless they are closely related to other records which must be kept.

(2) Requirements as to the display of posters, notices, or other signs in places of business.

(3) Requirements contained in individual Government contracts, unless the contracts are incorporated in the Code of Federal Regulations.

Arrangement

The digests of record-keeping provisions comprising the Guide are grouped under the Departments or independent agencies which impose or administer them (see "Contents"). Individual items are numbered to simplify indexing.

In general, the items retain their original numbers from year to year. Renumbering occurs only after a major revision of the material and is so indicated in brackets after the name of the agency involved. Individual items revised, amended, deleted, or added are shown in brackets following the item heading.

Two supplements to the Guide contain generalized information about certain requirements under the Second War Powers Act of 1942 and detailed information on requirements imposed by the Civil Aeronautics Board relative to the availability of credentials for inspection.

An index to the Guide follows the last supplement.

NOTICE

The Guide to Record Retention Requirements does not have the effect of law, regulation, or ruling. It is published as a guide to legal requirements that appear to be in effect as of January 1, 1964.

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I. DEPARTMENT OF AGRICULTURE

1. Foreign Agricultural Service

1.1 Persons importing certain dairy commodities.

To keep records of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the end of the quota period during which the importation was made. 7 CFR 6.27

1.2 Distributing agencies receiving donations of food commodities for use in the assistance of needy persons and in nonprofit school lunch programs outside the United States of America. [Added]

Maintain records and documents which will accurately reflect all transactions pertaining to the receipt, storage, and distribution of commodities including records of the receipt of commodities in U.S., their exportation, receipt in foreign countries, and distribution to recipient agencies and recipients; and records of receipt and disbursement of funds that arose from the operation of the distribution program and school lunch programs.

Retention period: 3 years from the close of the U.S. Federal fiscal year to which they pertain. Records may be disposed of before the end of 3 years with the prior approval of AID/W and the Department. 7 CFR 1501.6

1.3 Exporters participating in the Rice Export Program. [Amended]

To maintain records showing milled rice or brown rice exported or to be exported in connection with program.

Retention period: 2 years after date of export. 7 CFR 1481.138

1.4 Cotton products and cotton exporters and affiliates and subsidiaries participating in the cotton export program. [Amended]

To keep books, records, accounts, and other documents and papers pertinent to any transaction under the program.

Retention period: At least 3 years after the date of last payment under any sales registration. 7 CFR 1482.364, 1482.414, 1482.513, 1482.613

1.5 Feed grain exporters participating in the Feed Grain Export Program. [Amended]

To keep records, accounts, and other documents relating to transactions under the program.

Retention period: 2 years after date of export. 7 CFR 1484.138

1.6. Exporters participating in the sale of nonfat dry milk. [Revised]

To maintain accurate records showing all commodities exported or to be exported in connection with this program.

Retention period: 3 years after date of export. 7 CFR 1485.129, 1485.229

1.7 Private organizations or individuals

2.8 Fresh prune handlers.

Retention period: At least 2 years sub

2.24 Cooperating State agencies and

2.30 Stockyard owners, market agen

abbreviations of Irish Republican

1.7 Private organizations or individuals which enter the private trade agreements pursuant to Title IV of Public Law 480. [Added]

Maintain books and records as well as pertinent documents, correspondence, and memoranda covering all transactions relating to the private trade agreement.

Retention period: Not specified (subject to examination by the Administrator at all reasonable times until the entire amount due under the agreement has been paid CCC). 7 CFR 14.66

1.8 Suppliers who sell agricultural commodities under a Title IV credit purchase authorization (including ocean transportation). [Added]

Maintain pertinent books, documents, papers; and records related to the supplier and the importer.

Retention period: 3 years after final payment under such contracts. 7 CFR 14.17

2. Agricultural Marketing Service

MARKETING ORDER PROGRAM FOR FRUITS AND VEGETABLES UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

2.1 Orange and grapefruit handlers.

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 906.51

2.2 Central marketing organizations.

To keep records regarding allotment transactions for lemon handlers.

Retention period: 3 years. 7 CFR 910.62

2.3 Lime handlers.

To maintain records of limes received and disposed of in order to verify reports submitted to the Florida Lime Administrative Committee.

Retention period: At least 2 succeeding fiscal years. 7 CFR 911.60

2.4 Nectarine handlers.

To keep records of nectarines received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 916.60

2.5 Peach handlers.

To maintain records of peaches received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 921.60

2.6 Apricot handlers.

To maintain records of apricots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 922.60

2.7 Cherry handlers.

To maintain records of cherries received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 923.60

2.8 Fresh prune handlers.

To maintain records of prunes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 924.60, 925.60

2.9 Potato handlers. [Amended]

To keep records of potatoes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 948.80, 949.75, 950.80

2.10 Onion handlers.

To maintain records of onions received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 958.65, 959.80

2.11 Tomato handlers.

To maintain records of tomatoes received and disposed of as may be necessary to verify the reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 965.80, 966.80

2.12 Carrot handlers.

To maintain records of carrots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 970.80

2.13 Lettuce handlers.

To maintain records of lettuce received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 971.80

2.14 Almond handlers.

To keep records showing details of receipt of almonds, withholdings, sales, shipments, inventories, surplus disposition, and other pertinent information in respect to operations.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.70

2.15 Almond handlers.

To keep copies of receipts they have issued for almonds received for their own accounts.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.71 (retention: 981.70)

2.16 Filbert handlers.

To keep records of all filberts received, held, and disposed of as prescribed by Filbert Control Board.

Retention period: 2 years after end of fiscal year in which transaction occurred. 7 CFR 982.71

2.17 Walnut handlers. [Amended]

To keep records of shelled and unshelled walnuts and walnut material received, held, and disposed of.

Retention period: 2 years after end of marketing year in which transactions are completed. 7 CFR 984.80, 984.464, 984.480

2.18 Date handlers.

To maintain records of the handling, withholding, and disposition of dates.

Retention period: At least 2 years subsequent to termination of each crop year. 7 CFR 987.68

2.19 Raisin handlers.

To keep records as prescribed by the Raisin Administrative Committee, of raisins acquired, stored, sold, and otherwise disposed.

Retention period: At least 2 years after the termination of the crop year in which the transactions occurred. 7 CFR 989.76, 989.176

2.20 Grapes for crushing handlers.

To maintain records of all grapes used, whether fresh or dried, and items set aside as prescribed by the grape crush administrative committee.

Retention period: Not less than 5 years after termination of crop year or for such lesser period as the committee may direct. 7 CFR 990.66

2.21 Prune handlers.

To keep records of prunes received, held, and disposed of as prescribed by the Prune Administrative Committee.

Retention period: At least 2 years after the end of the crop year in which the transaction occurred. 7 CFR 993.74, 993.175

2.21a Cranberry handlers. [Added]

To maintain records of all cranberries acquired, withheld from handling, handled or otherwise disposed of as will substantiate the required reports.

Retention period: Not less than 3 years after termination of the crop year in which the transaction occurred or for such lesser period as the committee may direct. 7 CFR 929.61

SHIPPERS HANDLING EXEMPTED FRUITS AND VEGETABLES

2.22 Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.

To keep records of such shipments.

Retention period: Not specified, except for tomatoes (at least 2 succeeding years). 7 CFR 917.141, 966.80

(Certificate (record) returned after shipment of commodities (pears, grapes, and potatoes.)) 7 CFR 926.122, 927.125, 953.104)

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (FRUITS AND VEGETABLES)

2.23 Commission merchants, dealers, and brokers. [Revised]

(a) To keep accounts, records, memoranda, and documents which disclose all business transactions.

Retention period: 2 years. 7 CFR 46.14, 46.15, 46.17–46.19, 46.21–46.24, 46.28, 46.29, 46.31, 46.32

(b) To preserve records and memoranda which disclose the true ownership and management of the business.

Retention period: 4 years. 7 CFR 46.14

SCHOOL LUNCH, SPECIAL MILK, PILOT FOOD STAMP PROGRAM, AND DIRECT DISTRIBUTION PROGRAMS

2.24 Cooperating State agencies and participating public and private schools.

To maintain records as specified in the regulations of the National School Lunch Program.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 7 CFR 210.8, 210.13

2.25 Cooperating State agencies, participating public and private schools, and institutions. [Amended]

To maintain records as specified in the regulations of the Special Milk Program.

Retention period: 3 years after the end of each Federal fiscal year's operations. 7 CFR 215.7, 215.11

2.26 Distributing, sub-distributing, and recipient agencies distributing food commodities donated for use in school lunch programs, for training students in home economics, in summer camps for children, by needy Indians on reservations, in institutions, and management companies pertaining to the feeding operations of the institutions, in State correctional institutions for minors, and in assistance of other needy persons. [Revised]

To maintain records relating to receipt, disposal, and inventory of commodities, including records with respect to the receipt and disbursement of funds arising from operation of the distributing program.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 6 CFR 503.6, 503.8

2.27 Certifying and issuing agencies.

To maintain records relating to operation of the Pilot Food Stamp Program.

Retention period: 3 years from the close of the fiscal year to which the records pertain. 6 CFR 540.14

POULTRY AND POULTRY PRODUCTS

INSPECTION PROGRAMS

2.28 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products.

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years. 7 CFR 81.152

INSPECTION OF DAIRY PRODUCTS

2.29 Dairy products manufacturers, processors, and packagers operating approved plants under Department of Agriculture inspection.

To maintain records of quality tests of producers of raw milk and of producers, sellers, and shippers of raw cream; and plant and laboratory tests and analyses of raw materials and finished products.

Retention period: 1 year. 7 CFR 58.143, 58.144, 58.169

PACKERS AND STOCKYARDS ACT, 1921

Regulations pertaining to interstate and foreign commerce in livestock and poultry as follows:

2.30 Stockyard owners, market agencies, and licensees under Packers and Stockyards Act regulations.

To keep open for public inspection (and post in the case of licensees) duplicate copies of all schedules of rates and charges and rules or regulations and amendments or supplements thereto.

Retention period: Not specified; however, required to post and keep open for inspection currently effective schedules only. 9 CFR 201.22

2.30a Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis. [Added]

To keep accounts and records in regard to the Custodial Account for Shippers' Proceeds and the Custodial Account for Buyers' Funds.

Retention period: 2 years.[1] 9 CFR 201.42 (retention: 201.50)

2.31 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis. [Amended]

To keep available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceeds of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: 2 years.[1] 9 CFR 201.45 (retention: 201.50)

2.32 Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry. [Amended]

To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: 2 years.[1] 9 CFR 201.46 (retention: 201.50)

2.33 Sellers of live poultry under Packers and Stockyards Act regulations. [Amended]

To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: 2 years.[1] 9 CFR 201.48 (retention: 201.50)

2.34 Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations. [Amended]

To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing, number of the scale or other information identifying the scale, name of seller, name of buyer, name of consignor, or understandable abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also, number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: 2 years.[1] 9 CFR 201.49 (retention: 201.50)

2.35 Stockyard owners, market agencies, or licensees who weigh livestock or live poultry for purposes of purchase and sale under Packers and Stockyards Act regulations.

To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the District Supervisor of the Serivce).

Retention period: Not specified.[1] 9 CFR 201.74

2.36 Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.

To keep adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified.[1] 9 CFR 201.89

2.37 Packers subject to the provisions of the Packers and Stockyards Act.

To retain for the specified period of time the following records:

(a) Cutting tests; departmental transfers; buyers' estimates; drive sheets; scale tickets received from others; inventory and products in storage; receiving records; trial balances; departmental overhead or expense recapitulations; bank statements, reconciliations and deposit slips; production or sale tonnage reports (including recapitulations and summaries of routes, branches, plants, etc.); buying or selling pricing instructions and price lists; correspondence, telegrams, teletype communications and memoranda relating to matters other than contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(b) Kill sheets, lot sheets or carcass graded cost sheets; carcass hot weight sheets and carcass test cost sheets by lots for purchases of livestock on a grade and yield or grade or yield basis; contracts and agreements; purchase invoices; sales invoices; freight bills, bills of lading or shipping tickets; scale tickets and weight records issued or prepared

[1] Records shall not be destroyed or disposed of without the consent in writing of the Director, Packers and Stockyards Division, AMS, Department of Agriculture. 9 CFR 201.50

by the packer; cash sales receipts and memoranda; claims and credit memoranda; canceled checks and drafts; check stubs or vouchers; correspondence, telegrams, teletype communications, and memoranda relating to contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(c) Departmental statements and summaries; balance sheets and profit and loss or operating statements.

Retention period: (a) 1 year; (b) 2 years; (c) 3 years. 9 CFR 203.4

WAREHOUSE ACT OF 1916, AS AMENDED

Regulations pertaining to warehousing agricultural products as follows:

2.38 Licensed warehousemen.

To keep copies of all receipts issued.

Retention period: Not specified. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 110.17, 111.18, 112.17, 113.17

2.39 Licensed warehousemen.

To retain each canceled receipt.

Retention period: 6 years after December 31 of the year in which receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.28, 102.34, 103.28, 104.28, 105.29, 106.30, 107.31, 108.29, 110.29, 111.33, 112.29, 113.29

2.40 Licensed warehousemen.

To keep a copy of his current rules and schedule of charges exposed conspicuously in a place accessible to the public.

Retention period: Required to expose current copy only. 7 CFR 101.29, 102.35, 103.29, 104.31, 105.30, 106.31, 107.32, 108.30, 110.30, 111.34, 112.30, 113.30

2.41 Licensed warehousemen.

Shall use for his licensed warehouse a system of accounts approved for the purpose by the Service, and maintain such records as are specified.

Retention period: Not specified. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 110.34, 111.41, 112.34, 113.36

2.42 Licensed warehousemen.

Shall keep on file an exact copy of each report required to be submitted by such warehouseman.

Retention period: As may be prescribed by the Department or Service. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 110.36, 111.44, 112.36, 113.38

2.43 Licensed cotton warehousemen.

To keep copies of certificates covering cotton stored, and copies of Form A memorandums and Form C certificates issued by a board of cotton examiners which forms a basis of any receipt issued.

Retention period: 1 year from date of issuance and thereafter until receipts based upon such certificates have been surrendered and canceled. 7 CFR 101.47

2.44 Licensed cotton warehousemen.

To keep records of cotton sampling including the written request, if any.

Retention period: Not specified. 7 CFR 101.49

2.45 Licensed classifiers, inspectors, graders, and weighers of agricultural commodities.

To keep copies of certificates issued by them.

Retention period: 1 year. 7 CFR 101.61, 102.69, 104.57, 105.59, 106.66, 107.68, 108.59, 110.61, 111.70, 112.59, 113.65

2.46 Licensed warehousemen.

To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: Not specified. 7 CFR 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 111.56, 112.49, 113.52

2.47 Licensed grain warehousemen.

To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: Not specified. 7 CFR 102.30

2.48 Licensed warehousemen.

To keep inquiries received in writing advising of interest in deteriorating commodities stored in warehouse.

Retention period: Not specified. 7 CFR 102.54, 103.39, 107.51, 108.42, 110.46, 111.52, 112.43, 113.47

FEDERAL SEED ACT

Regulations pertaining to growers, shippers, and procurers of seeds as follows:

2.49 Persons shipping agricultural and vegetable seeds subject to the Federal Seed Act regulations. [Amended]

To keep complete records of each lot of agricultural and vegetable seeds transported or delivered for transportation in interstate commerce.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.4–201.7

2.50 Country shippers of agricultural seeds subject to the Federal Seed Act regulations.

To keep copies of origin declarations they have issued and records showing names and addresses of growers or country shippers from whom seeds were purchased, quantity, and date of delivery.

Retention period: 3 years. 7 CFR 201.5 (retention: 201.4)

2.51 Procurers of seeds from growers subject to the Federal Seed Act regulations.

To obtain and keep the grower's declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

2.52 Growers of seeds subject to the Federal Seed Act regulations.

To keep copy of the grower's declaration and a sample of the seed.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.7 (retention: 201.4)

REGULATIONS PERTAINING TO THE ADMINISTRATION OF THE COTTON ACTS

2.53 [Deleted]

2.54 Licensed cottonseed chemists.

To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Agricultural Marketing Act of 1946 and the regulations made under the act by the Secretary of Agriculture.

Retention period: At least 1 year after date of analysis. 7 CFR 61.15

2.55 [Deleted]

NAVAL STORES ACT OF 1923, AS AMENDED

2.56 Accredited turpentine and rosin processors for naval stores. [Amended]

To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

DIVERSION PROGRAMS

2.57 Growers and growers' representatives participating in the cranberry payment program. [Added]

To keep records and accounts involving any application or claim for payment, including records pertaining to the weights of all cranberries, and all computations made in determining the screened equivalent of unscreened berries.

Retention period: 3 years. 6 CFR 517.485

2.58 Diverters participating in fresh irish potatoes-livestock feed diversion program. [Added]

To keep records and accounts showing the details relative to the diversion and disposition of such potatoes.

Retention period: 2 years after date of last payment. 6 CFR 519.217 (1961), 519.238 (1962), 519.259 (1963)

2.59 Diverters participating in cotton and cotton byproducts diversion program. [Added]

To keep records and accounts with respect to cotton and cotton byproducts diverted under this program.

Retention period: 3 years after final payment. 6 CFR 535.14 (1962–63), 535.34 (1963–64)

3. Agricultural Research Service

3.1 Licensed manufacturers (domestic and foreign), distributors, and importers of biological products.

To keep detailed records of the results of tests for purity and potency and of the methods of preservation of each batch of biological products; and of the sale, shipment, or other disposition of the products.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Director, Animal Inspection and Quarantine Division. 9 CFR 116.1 (retention: 116.3)

3.2 Licensees preparing anti-hog-cholera serum and hog-cholera virus.

To keep records pertaining to virus production, serum preparation, and to pigs used to produce virus.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Director, Animal Inspection and Quarantine Division. 9 CFR 116.2 (retention: 116.3)

3.3 Handlers of anti-hog-cholera serum or hog-cholera virus.

To keep records pertaining to the manufacture, receipt, delivery, sale, prices, and disposition of serum and virus.

Retention period: 2 years. 9 CFR 131.49

3.4 Operators of approved feed lots.

To keep records of vaccination and disposition of all animals.

Retention period: 1 year. 9 CFR 120.9

3.5 Operators of approved feed lots.

To keep an inventory of animals showing the daily admission to and removal from the premises.

Retention period: 1 year. 9 CFR 120.9

4. Agricultural Stabilization and Conservation Service

4.1 Persons eligible for agricultural conservation payments.

To keep receipts or invoices of purchases, transportation, and analysis of materials; and records of seed collections and production, labor and equipment expenses, or other services performed or expenditures made as evidence of costs in carrying out conservation practices, including any pH determinations issued by the Extension Service or any other qualified agency.

Retention period: 2 years following the close of the applicable program year. 7 CFR 702.841—705.1080 containing numerous references to record requirements (retention: 7 CFR 708.1)

4.2 Producers of gum naval stores from turpentine trees. [Amended]

To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: 2 years following close of applicable program year. 1962—7 CFR 706.6; 1963—7 CFR 706.106; 1964—7 CFR 706.206 (retention: 7 CFR 708.1)

MARKETING QUOTAS FOR COTTON, WHEAT, TOBACCO, PEANUTS, AND RICE

4.3 Ginners of upland cotton.

To keep for each bale of cotton or lot less than a bale ginned by him records showing (a) date of ginning; (b) name of operator of farm on which cotton produced; (c) name of producer of cotton; (d) county and State in which farm located; (e) gin bale number or mark; (f) serial number of the gin ticket or receipt; (g) gross weight of each bale and net weight of each lot of lint cotton less than a bale; and (h) kind of bagging used on each bale if other than jute.

Retention period: [1] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.36 (retention: 722.40)

4.4 Buyers and transferees of upland cotton.

To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (a) name and address of the producer; (b) date purchased; (c) original gin bale number or equivalent; (d) number of pounds of lint cotton in each bale and lot; (e) amount of penalties to be collected, if any; and (f) serial number of the marketing card or certificate or brief description of the loan document by which the cotton was identified when marketed.

Retention period: [1] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.37, 722.38 (retention: 722.40)

4.5 Buyers and transferees of upland cotton not identified by marketing cards, marketing certificates, or loan documents.

To keep copy of report showing (a) name and address of producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing original source of the cotton; (d) net weight of each bale or not less than a bale; and (e) amount of penalty collected, if any.

Retention period: [1] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.37, 722.38 (retention: 722.40)

4.6 Buyers and transferees of upland cotton identified by marketing certificates.

To keep copy of report of transactions (Form MQ–91—Cotton (Upland)).

Retention period: [1] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.37, 722.38 (retention: 722.40)

4.7 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling upland cotton from, for, or on behalf of the producer.

To keep records concerning such cotton so that the accuracy of any reports or other records that may be required can be checked.

Retention period: [1] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.39 (retention: 722.40)

4.8 Producers of upland cotton marketed to persons not within the United States.

To keep copy of certificate showing name and address of buyer or transferee.

Retention period: [1] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.42

4.9 Ginners of extra long staple cotton.

To keep for each bale or lot less than a bale records showing (a) date of ginning; (b) name of the operator of the farm on which produced; (c) name of the producer; (d) county and State in which produced; (e) gin bale number or mark; (f) serial number of the gin ticket or receipt; (g) gross weight of each bale and net weight of each lot less than a bale; and (h) kind of bagging used if other than jute.

Retention period: [1] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.136 (retention: 722.140)

4.10 Buyers and transferees of extra long staple cotton.

To keep for each bale or lot less than a bale records showing (a) name and address of producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing origin and weight of cotton; (d) number of pounds in each bale and lot purchased; and (e) penalties to be collected, if any.

Retention period: [1] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.137, 722.138 (retention: 722.140)

4.11 Buyers and transferees of extra long staple cotton not identified by marketing cards, marketing certificates, or loan documents.

To keep copy of report showing (a) name and address of the producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing original source of the cotton; (d) net weight of each bale or lot less than a bale; and (e) amount of penalty collected, if any.

Retention period: [1] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.137, 722.138 (retention: 722.140)

4.12 Buyers and transferees of extra long staple cotton identified by marketing certificates.

To keep copy of report of transaction (Form MQ–91—Cotton (ELS)).

Retention period: [1] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.137, 722.138 (retention: 722.140)

4.13 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling extra long staple cotton from, for, or on behalf of the producer.

To keep records concerning such cotton, so that the accuracy of any reports or other records that may be required can be checked.

Retention period: [1] 1958 and succeeding crops—until December 31 of second year following year in which cotton is

[1] For such longer period of time as may be requested in writing by the State Executive Director or the Director.

planted. 7 CFR 722.139 (retention: 722.140)

4.14 Producers of extra long staple cotton marketed to persons not within the United States.

To keep copy of certificate showing name and address of buyer or transferee.

Retention period: [3] 1966 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.142

4.15 Producers and producer-manufacturers of cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco under marketing quota regulations. [Amended]

To keep copies of specified reports on production and disposition of tobacco.

Retention period: [3] 1961–62 marketing year—until September 30, 1964, 7 CFR 723.1252, 723.1260; 1962–63 marketing year—until September 30, 1965, 7 CFR 723.1352, 723.1360; 1963–64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.98, 724.109

4.16 Buyers of cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco under marketing quota regulations. [Amended]

To keep records with respect to each sale of tobacco made by producer to buyer, and to furnish the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm; also to record other specified information and maintain records of sale and disposition of tobacco; and to keep copies of required reports.

Retention period: [3] 1961–62 marketing year—until September 30, 1964, 7 CFR 723.1253, 723.1260; 1962–63 marketing year—until September 30, 1965, 7 CFR 723.1353, 723.1360; 1963–64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.103, 724.109

4.17 Truckers and persons engaged in sorting, stemming, packing, or otherwise processing cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco. [Amended]

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [3] 1961–62 marketing year—until September 30, 1964, 7 CFR 723.1256, 723.1260; 1962–63 marketing year—until September 30, 1965, 7 CFR 723.1356, 723.1360; 1963–64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.105, 724.109

4.18 Producers of burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. [Amended]

To keep copies of reports with respect to disposition of tobacco marketed and (a) number of acres harvested, (b) total production, (c) amount on hand and its location, and (d) for each lot marketed, name and address of person to or through whom marketed, gross price, number of pounds marketed, and date of marketing.

Retention period: [3] 1961–62 marketing year—until June 30, 1964, for flue-cured tobacco and until September 30, 1964, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.-1253, 725.1260; 1962–63 marketing year—until June 30, 1965, for flue-cured tobacco and until September 30, 1965, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1353, 725.1360; 1963–64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.99, 724.109

4.20 Dealers handling burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [3] 1961–62 marketing year— until June 30, 1964, for flue-cured tobacco and until September 30, 1964, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.-1254, 725.1260; 1962–63 marketing year—until June 30, 1965, for flue-cured tobacco and until September 30, 1965, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1354, 725.1360; 1963–64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.101, 724.109

4.21 Truckers and persons redrying, prizing, or stemming burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. [Amended]

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [3] 1961–62 marketing year—until June 30, 1964, for flue-cured tobacco and until September 30, 1964, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.-1256, 725.1260; 1962–63 marketing year—until June 30, 1965, for flue-cured tobacco and until September 30, 1965, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1356, 725.1360; 1963–64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.105, 724.109

4.22 Producers of Maryland tobacco. [Amended]

To keep copies of reports with respect to acreage, production, and disposition of tobacco produced showing (a) number of fields and acres harvested, (b) total pounds produced, (c) amount on hand and its location, and (d) for each lot marketed, name and address of person through whom marketed, number of pounds marketed, gross price, and date of marketing.

Retention period: [3] 1961–62 marketing year—until September 30, 1964, 7 CFR 727.1252, 727.1260; 1962–63 marketing year—until September 30, 1965, 7 CFR 727.1352, 727.1360; 1963–64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.98, 724.109

4.23 Warehousemen handling Maryland tobacco. [Amended]

To keep records that will permit furnishing detailed information on all transactions.

Retention period: [3] 1961–62 marketing year—until September 30, 1964, 7 CFR 727.1253, 727.1260; 1962–63 marketing year—until September 30, 1965, 7 CFR 727.1353, 727.1360; 1963–64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.100, 724.109

4.24 Dealers handling Maryland tobacco. [Amended]

To keep complete and detailed records showing all purchases and resales of tobacco made by or for the dealer, and resales of tobacco bought from crops produced prior to 1958 (for 1958–59 marketing year); and to keep copies of required reports.

Retention period: [3] 1961–62 marketing year—until September 30, 1964, 7 CFR 727.1254, 727.1260; 1962–63 marketing year—until September 30, 1965, 7 CFR 727.1353, 727.1360; 1963–64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.101, 724.109

4.25 Truckers and persons redrying, prizing, or stemming Maryland tobacco. [Amended]

To keep complete and detailed records containing specified information concerning each lot of tobacco received, and copies of required reports.

Retention period: [3] 1961–62 marketing year—until September 30, 1964, 7 CFR 727.1256, 727.1260; 1962–63 marketing year—until September 30, 1965, 7 CFR 727.1356, 727.1360; 1963–64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.105, 724.109

4.26 Handlers of shade-grown cigar-leaf tobacco. [Amended]

To keep books and records showing details of handling of the tobacco including grower's name and address, handling certificate, priming number, date of receipt, etc.

Retention period: 5 years. 7 CFR 1201.60, 1201.130

[3] For such longer period of time as may be requested in writing by the State Executive Director or the Director.

4.27 Wheat producers, warehousemen, elevator operators, feeders, processors or transferees, and buyers.

To keep records of wheat transactions (as specified in the regulations).

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends and indefinite. 7 CFR 728.1173, 728.1174, 728.1177

4.28 Peanut producers.

To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period: [3] 3 years following end of pertinent marketing year. 7 CFR 729.1056, 729.1062, 729.1466, 729.1480

4.29 Peanut buyers.

To keep detailed records of peanuts marketed and sales memoranda with respect to farmers stock peanuts and shelled peanuts purchased from producers.

Retention period: [3] 3 years following end of pertinent marketing year. 7 CFR 729.1057, 729.1062, 729.1470, 729.1480

4.30 Peanut shellers.

To maintain detailed records and keep copies of reports pertaining to the shelling of each lot of peanuts (including record of peanuts retained by the sheller) as specified in the regulations.

Retention period: [3] 3 years following end of pertinent marketing year. 7 CFR 729.1058, 729.1062, 729.1475, 729.1480

4.31 Rice producers, warehousemen, mill or elevator operators, other processors or transferees, and buyers.

To keep records of rice transactions as prescribed.

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 730.984, 730.985, 730.988

IMPORT QUOTAS AND FAIR WAGE RATES UNDER THE SUGAR ACT

4.32 Importers or persons bringing sugar and liquid sugar into the continental United States from domestic offshore areas and foreign countries.

To keep records of operations and transactions pertaining to sugar and liquid sugar including detailed information for each unit of sugar tested and for each processing facility.

Retention period: 2 years following end of calendar year in which sugar is imported or brought into the United States. 7 CFR 810.9

4.33 Persons marketing sugar and liquid sugar produced from sugar beets and sugarcane grown in the continental United States and marketing sugar for consumption in Territory of Hawaii and in Puerto Rico.

To keep records of processings, receipts, and marketings of sugar and liquid sugar.

Retention period: 2 years following the end of the calendar year in which sugar is marketed. 7 CFR 816.8

4.34 Persons importing sugar and liquid sugar into the continental United States (including importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies, persons engaged in the movement of sugar in interstate and foreign commerce, and surety companies undertaking obligations with respect to imported sugar).

To keep records of receipt, processing, and movement of sugar and liquid sugar and of tests, gallonages, and weights pertaining thereto.

Retention period: 2 years following end of calendar year in which sugar is imported or disposed of. 7 CFR 817.11

4.35 Importers of non-quota purchase sugar imports.

To keep an accurate record of the receipt, processing, and movement of sugar and liquid sugar.

Retention: 2 years following the end of the calendar year in which the sugar was imported into the United States. 7 CFR 819.10

4.36 Employers of Virgin Islands apprentice operators of mechanical loaders and tractors in the sugar industry.

To keep a copy of the certificate of learner or apprentice issued by the St. Croix Municipal Wage Commissioner.

Retention period: Not specified. 7 CFR Part 868

4.37 Employers of Virgin Islands handicapped workers in the sugar industry.

To keep a copy of the certificate of individual worker impairment issued by the St. Croix Municipal Council Wage Commissioner.

Retention period: Not specified. 7 CFR Part 868

REGULATIONS FOR THE MARKETING ORDER PROGRAM FOR DAIRY PRODUCTS UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

4.38 Milk handlers.

To keep detailed and summary accounts, books, and records with respect to (a) the receipts and utilization of all milk, skim milk, and butterfat handled, including all milk products received and disposed of in the same form; (b) the weights and butterfat content of all milk and milk products handled; and (c) payments to producers and cooperative associations of producers and such other information as the market administrator may require.

Retention period: 3 years, to begin at the end of the calendar month to which such accounts and records pertain, or for a longer period if notified by the Market Administrator. 7 CFR Parts 1001—1159. (See specific milk marketing area.)

5. Commodity Credit Corporation

5.1 Cooperative marketing associations of producers participating in the Rice Loan and Purchase programs. [Amended]

To maintain records of the total quantity of rough rice acquired by or delivered to the association from all sources, the quantity of eligible rice delivered by eligible producer members, and separate records of both eligible and ineligible rice.

Retention period: 1958 crop—at least until May 1, 1964, 6 CFR 421.3337; 1959 crop—at least until May 1, 1965, 6 CFR 421.4337; 1960 crop—at least until May 1, 1966, 6 CFR 421.5338; 1961 crop—at least until May 1, 1967, 6 CFR 421.438; 1962 crop—at least until May 1, 1968, 6 CFR 421.1503; 1963 crop—at least until May 1, 1969, 7 CFR 1421.2703

5.2 Cottonseed crushers participating in the Cottonseed Price Support program. [Amended]

To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 3 years from the last date any of the products tendered by the crusher have been delivered. 6 CFR 443.1769 (1961), 443.1869 (1962); 7 CFR 1443.1979 (1963)

5.3 Cooperative associations of producers participating in the Tung Nut Price Support program. [Amended]

To maintain detailed records as specified pertaining to quantities of tung nuts and tung nut oil obtained and processed.

Retention period: 1961 crop—until July 1, 1964, 6 CFR 443.204; 1962 crop—until July 1, 1965, 6 CFR 443.304; 1963 and succeeding crop years—3 years after December 31 of the crop year to which they pertain, 7 CFR 1443.333

5.4 Peanut shellers participating in the Peanut Price Support program. [Amended]

To keep accounts with respect to the production and purchase of No. 2 peanuts and farmers stock peanuts from which No. 2 peanuts were produced, including types, grades, and quantity, names and addresses of producers, and date and place received.

Retention period: 3 years after the last No. 2 peanuts are delivered to CCC. 6 CFR 446.1345 (1961), 446.1449 (1962); 7 CFR 1446.1548 (1963)

5.5 Mohair producers participating in the Payment Program for Mohair, and their marketing agencies. [Amended]

To maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based.

Retention period: 3 years. 7 CFR 1468.163, 1468.227

5.6 Wool producers participating in the Incentive Payment Program for Shorn Wool, and their marketing agencies. [Amended]

To maintain books, records, and accounts showing: purchases of lambs on and after April 1, 1956, and marketing of wool or lambs on which application is based.

Retention period: 3 years. 7 CFR 1472.1058, 1472.1158

[3] For such longer period of time as may be requested in writing by the State Executive Director or the Director.

5.7 Lamb and yearling producers participating in the Payment Program for Lambs and Yearlings (Pulled Wool), and persons furnishing evidence to an applicant to enable him to receive payment under the program. [Amended]

To maintain books, records, and accounts showing purchases of unshorn lambs on or after April 1, 1956, and marketing of unshorn lambs on which application for payment is based.

Retention period: 3 years. 7 CFR 1472.1058, 1472.1158

5.8 Dealers selling designated surplus feed grains or approved mixed feed to farmers under the Emergency Feed Program. [Amended]

To maintain books and records which will permit verification of all transactions with regard to farmer's purchase orders and dealer's certificates.

Retention period: At least 3 full years following exchange of the purchase order for dealer's certificate (or to be kept longer if requested by the Commodity Credit Corporation). 7 CFR 1475.161

5.9 Handlers and warehousemen performing transactions with regard to delivery orders under the Livestock Feed Program. [Amended]

To maintain books and records which will permit verification of all transactions with regard to delivery orders.

Retention period: At least 3 full years following deliveries against delivery orders (or to be kept longer if requested by the Commodity Credit Corporation). 7 CFR 1475.213

5.10 [Transferred to 1.3]

5.11 Exporters participating in the Commodity Credit Corporation's wheat and wheat flour export payment programs under the International Wheat Agreement. [Amended]

To keep accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with the programs.

Retention period: 2 years after date of export. 7 CFR 1483.177, 1483.277

5.12 [Transferred to 1.4]

5.13 [Transferred to 1.5]

5.14 [Transferred to 1.6]

6. Commodity Exchange Authority

6.1 Futures commission merchants depositing customers' monies in a bank or trust company.

Must secure a written waiver agreement from such bank or trust company and keep as a record an executed copy of this agreement.

Retention period: 5 years from date of closing of such bank account.[1] 17 CFR 1.20 (retention: 1.31)

6.2 Futures commission merchants investing customers' money or loaning customers' money on the security of negotiable warehouse receipts.

To deposit such obligations, securities and warehouse receipts in safekeeping with a bank, trust company or clearing organization, or clearing member of a contract market and keep an executed copy of agreement with bank, trust company, clearing organization, or a clearing member of a contract market as specified in the section cited.

Retention period: 5 years after termination of agreement.[1] 17 CFR 1.26 (retention: 1.31)

6.3 Futures commission merchants.

To keep the following records re obligations and investment securities, date investments made, name of person from or through whom obligations bought, amount of money paid, description of obligations or securities, date disposition made and amount received therefor, name of person to or through whom sold; and the following records re warehouse receipts, date loan made, name of person to whom funds loaned, amount loaned, description of warehouse receipts, date, and particulars of any changes or substitutions, date on which loan repaid.

Retention period: 5 years after investment liquidated or loan paid.[1] 17 CFR 1.27 (retention: 1.31)

6.4 Futures commission merchants.

To keep a record of the daily computation of money, securities and property which must be segregated for customers.

Retention period: 5 years.[1] 17 CFR 1.32 (retention: 1.31)

6.5 Futures commission merchants.

To keep records furnished customers as of close of last business day of each calendar month, or as of any regular monthly date selected showing customer's position in each future.

Retention period: 5 years.[1] 17 CFR 1.33 (retention: 1.31)

6.6 Futures commission merchants.

To keep copy of confirmation of the execution of any trade originated by controller of accounts.

Retention period: 5 years.[1] 17 CFR 1.33a (retention: 1.31)

6.7 Futures commission merchants.

To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month or any regular monthly date selected.

Retention period: 5 years.[1] 17 CFR 1.34 (retention: 1.31)

6.8 [Deleted]

6.9 Futures commission merchants and members of contract markets.

To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of every sort pertaining to cash and future transactions.

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

6.10 Futures commission merchants and clearing members of contract markets.

To prepare and keep in permanent form the following: (a) A financial ledger record showing all charges against and credits to each customer's account; (b) a record of transactions showing for each account all commodity futures transactions executed for such account, including date, price, quantity, market, commodity, and future; (c) a record or journal showing for each day complete details of all commodity futures transactions executed, including date, price, quantity, market, commodity, future, and the person for whom such transaction was made (in the case of clearing members, the record or journal should also show the floor broker or other person executing each transaction and the opposite clearing member with whom it was made).

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

6.11 Futures commission merchants.

To keep record of all securities and property (other than money) received from customers to margin, guarantee or secure trades and contracts including description of securities and property, name and address of customer, date received and returned or otherwise disposed of.

Retention period: 5 years from date of return of property.[1] 17 CFR 1.36 (retention: 1.31)

6.12 Futures commission merchants and members of contract markets.

To keep record showing for each futures account name, address and principal occupation or business of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed.[1] 17 CFR 1.37 (retention: 1.31)

6.13 Contract markets.

To keep record of each transaction wherein a member acts for both a buyer and a seller, including the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution.

Retention period: 5 years.[1] 17 CFR 1.39 (retention: 1.31)

6.14 Contract markets.

Must require warehouse operators whose receipts are deliverable in satisfaction of futures contracts made on or subject to the rules of the contract market to keep records showing stocks traded for future delivery on such contract markets, in store by kind, class, and grade, including lots and parcels stored specially or separately.

Retention period: 5 years.[1] 17 CFR 1.44 (retention: 1.31)

6.15 Persons having or controlling a reportable position in commodity futures.

To keep books and records showing all details of such position and all transactions related thereto; the name and address of each person whose commodity futures account is controlled by the reporting trader, and of each person who controls, or has a financial interest in, or guarantees the account of the reporting trader; if the reporting trader is a partnership, the name and address of each partner; if a corporation, the names and addresses of the person or persons who direct trading activities, and the name and address of the parent corporation and subsidiaries or affiliates.

Retention period: 5 years.[1] 17 CFR 18.04, 18.05 (retention: 1.31)

7. Farmers Home Administration

7.1 Borrowers operating under farm and home annual plans.

To maintain records of income, expenses, and operations.

Retention period: Until summarized and reflected in the Agency's official records. 6 CFR 302.3

7.2 [Deleted]

8. Federal Crop Insurance Corporation

8.1 Insured under Federal Crop Insurance Corporation.

To keep records of harvesting, storage, shipments, sale, or other disposition of all barley, dry beans, citrus, combined crops, corn, cotton, flax, grain sorghum, oats, peanuts, potatoes, canning and freezing peas, dry peas, rice, rye, safflower, soybeans, tobacco, tomatoes, and wheat produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of the insured crop in the county in which he has an interest.

Retention period: 2 years after time of loss. 7 CFR 401.11, sec. 19

[1] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined.

II. DEPARTMENT OF COMMERCE

1. Area Redevelopment Administration

1.1 Recipients of loans and grants.

To keep and preserve records for financial assistance so long as any sum shall be due and unpaid to the Government on account of any loan under sections 6, 7, 8, Public Law 87-27, May 1, 1961, full written records, accurately disclosing the amount and the disposition by such recipient of the proceeds of any such assistance, together with other funds applied to such project, all as shall specifically identify a compliance with the requirements of the Act and the terms upon which such financial assistance has been made.

Retention period: Until final payment has been made to the Government or at least 2 years following the completion of all work on the project, whichever is longer. 13 CFR 304.8

1.2 Application of grant funds.

To keep detailed records reflecting work progress, expenditures and commitments, and to indicate the relationship to estimated costs and schedules.

Retention period: For and during the full time of construction being carried out pursuant to any grant. 13 CFR 304.33

2. Business and Defense Services Administration

2.1 Persons in the United States participating in transactions covered by BDSA Regulation 3.

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of BDSA Regulation 3 (Operations of the Priorities and Allocations Systems between Canada and the United States).

Retention period: At least 3 years. 32A CFR Ch. VI, BDSA Reg. 3, sec. 7 (a)

2.2 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulation 1, as amended December 1, 1959. [Amended]

To keep accurate and complete records of each such transaction, including all rated orders, ACM orders and directives received by such persons, copies of all rated orders and ACM orders placed by such persons, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired by means of priority, allotment or directive assistance, and records of sales and deliveries of all materials sold or delivered by such persons pursuant to rated orders, ACM orders and directives. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1, as amended December 1, 1959.

Retention period: For at least 3 years. 32A CFR Ch. VI, DMS Reg. 1, sec. 14

2.3 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA (formerly NPA) Regulation 2 and BDSA (formerly NPA) Orders M-1A, M-5A, and M-43A. [Amended]

To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Reg. 2—Basic Rules of the Priorities System; BDSA Order M-1A—Iron and Steel; BDSA Order M-5A—Aluminum; BDSA Order M-43A—Construction Machinery: Distribution, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Reg. 2, sec. 24 (a); Order M-1A, sec. 19 (a); Order M-5A, sec. 15(a); Order M-43A, sec. 9(a)

2.4 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA Orders M-17 and M-41. [Amended]

To keep accurate and complete records of rated orders and directives received and monthly records of production, production schedules and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Order M-17—Electronic Components or Parts; BDSA Order M-41—Metalworking Machines.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Order M-17, sec. 7(a); BDSA Order M-41, sec. 8(a)

2.5 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transactions covered by BDSA (formerly NPA) Regulation 6—Transfer of Quotas and Ratings; Transfer of a Business as a Going Concern.

To keep accurate and complete records in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of that regulation.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Reg. 6, sec. 8(a)

2.6 Persons participating in transactions covered by BDSA Order M-1B.

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of Order M-1B (Nickel Alloys).

Retention period: At least 3 years. 32A CFR Ch. VI, Order M-1B, sec. 13(a)

2.7 Producers and distributors of copper controlled materials, producers of intermediate shapes, and users of copper raw materials. (BDSA Order M-11A—Copper and Copper-base Alloys).

To keep accurate and complete records of purchases, receipts, inventories, production, use, sales and deliveries of copper controlled materials, intermediate shapes, and copper raw materials. Such records shall include, but shall not be limited to, all authorized controlled material orders, certified orders and directives received by such persons, and copies of all authorized controlled material orders, rated orders, and certified orders placed by such persons.

Retention period: At least 3 years. 32A CFR Ch. VI, Order M-11A, sec. 12(a)

3. [Consolidated with 4]

4. Bureau of International Commerce [Revised]

4.1 Holders of U.S. Import Certificates selling or transferring commodities covered by such certificates.

To secure and retain a written acceptance by the purchaser or transferee of all obligations imposed under the export regulations of the United States.

Retention period: 3 years. 15 CFR 368.1

4.2 Executors of Import Certificates where resale or transfer of commodities covered by Import Certificate occurs before delivery.

To secure and retain written acceptance by purchaser or transferee of obligation to provide delivery verification.

Retention period: 3 years. 15 CFR 368.1

[2] See footnote on page 3038.

4.3 Exporters of surplus agricultural commodities.

To obtain and keep available for inspection, upon demand, by the Bureau of International Commerce, documents of acknowledgment from foreign purchasers and documents constituting evidence of the contract of purchase and sale.

Retention period: 3 years. 15 CFR 371.8 (retention: 381.11)

4.4 Applicants for export licenses.

To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 372.4 (retention: 381.11)

4.5 Applicants for export licenses.

To keep the originals of any copies of documents submitted in support of applications.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 372.9 (retention: 381.11)

4.6 Foreign importers of aircraft or vessel repair parts.

To keep records of commodities imported from the U.S. and supplied abroad to vessels or aircraft.

Retention period: 3 years from the date the commodities are supplied to a vessel or aircraft. 15 CFR 373.3

4.7 Exporter to a foreign distributor.

To keep copies of validated or rejected Forms FC 143 and 243.

Retention period: 3 years from date of validation or rejection. 15 CFR 373.4 (retention: 381.11)

4.8 Applicants for a Periodic Requirements License.

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 3 years from, whichever is later, date of exportation, reexporation, transshipment, diversion, or other termination of the transaction. 15 CFR 376.3 (retention: 381.11)

4.9 Applicants for a Time Limit License.

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 377.3 (retention: 381.11)

4.10 Forwarding agents receiving copies of commercial invoices not containing notice of prohibition against diversion.

To keep record of notification to exporter of obligation and exporter's reply of compliance therewith.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 379.10 (retention: 381.11)

4.11 Transferors and transferees of export licenses.

To keep records of all documents evidencing the order covered by these licenses.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 380.1

4.12 Exporters or agents.

To keep records of export transactions, exports and reexports.

Retention period: 3 years from date of transaction. 15 CFR 381.11

4.13 Foreign distributors.

To keep records of distribution, sale, or reexportation from a foreign-based stock under the Form FC–243 Procedure.

Retention period: 3 years from date of distribution. 15 CFR 373.4 (retention: 381.11)

4.14 Exchange of commodities by airlines.

To keep records of commodities imported from the U.S. and lent, exchanged, or sold to another airline without profit.

Retention period: 3 years from the date of the transaction. 15 CFR 373.51

4.15 Carriers releasing shipment without receiving a bill of lading containing notice of prohibition against diversion.

To secure a receipted copy of the written notice omitted from the bill of lading from party taking custody of the shipment.

Retention period: 3 years. 15 CFR 379.10 (retention: 381.11)

4.16 Exporters of certain kinds of technical data.

To secure and retain a written assurance from the consignee regarding use of the data and its direct product.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 379.10 (retention: 381.11)

Foreign Trade Zones Board

4.17 Grantees of foreign trade zones.

To keep books, records, and accounts in the form and manner prescribed in "Uniform System of Accounts, Records and Reports," approved February 6, 1939.

Retention period: Not specified. 15 CFR 400.1002a

5. Maritime Administration

5.1 General agents (shipping companies) or their subcontractors and berth agents.

To keep books, records, documents and accounts (which shall be the property of the U.S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE–1—General Agents, Agents and Berth Agents.

Retention period: Until completion of audit.[1] 32A CFR Ch. XVIII, AGE–1, sec. 2(b), General Agents service agreement, Art. 3(g)(1) and Art. 14; Berth Agents service agreement, Art. 3(e)(1) and Art. 14

5.2 Agents entering into service agreements.

To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[1] 32A CFR Ch. XVIII, FIS–1, sec. 1

5.3 Agents entering into service agreements.

To keep the originals of all documents, at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[1] 32A CFR Ch. XVIII, FIS–1, secs. 9 and 12

5.4 General agents.

To prepare monthly invoices for compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE–4) and record in agency account books.

Retention period: Until completion of audit.[1] 32A CFR Ch. XVIII, FIS–2, sec. 3(a)(1) and sec. 5

5.5 General agents.

To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS–1–Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Until completion of audit.[1] 32A CFR Ch. XVIII, INS–1, sec. 7(b)

5.6 General agents.

To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Until completion of audit.[1] 32A CFR Ch. XVIII, OPR–1, sec. 2(e)

5.7 Masters.

To keep records and logs disclosing receipts for the quantities of slop chest items delivered aboard ship.

Retention period: Until completion of audit.[1] 32A CFR Ch. XVIII, OPR–1, sec. 3 (d) and (e)

5.8 General agents.

To keep a copy of each Job Order, Supplemental Job Order or Worksmalrep Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Until completion of audit.[1] 32A CFR Ch. XVIII, SRM–1, sec. 3(a)(1)

[1] After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

5.9 General agents.

To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

Retention period: Until completion of audit.[1] 32A CFR Ch. XVIII, SRM–2, sec. 4; SRM–3, sec. 3(d); SRM–4, sec. 2; SRM–5, sec. 3(a) and sec. 19

5.10 Charters of Government-owned dry-cargo vessels.

To keep books, records, and accounts, required under Clause 37(1), Part II, of Form 705 charter; section 705 of the Merchant Marine Act, 1936.

Retention period: 3 years after a release or final settlement is completed between the Maritime Administration and the charterer. 46 CFR 221.13

5.11 Operators of vessels newly constructed under Maritime Administration ship construction contracts, containing guarantee clauses.

To keep records, including log extracts of all deficiencies, defects, weaknesses, etc., found in the ship while in the operator's custody and operation, and, if possible, the causes thereof; and maintain 12 complete sets of records of the items deemed to be the builder's responsibility, including the initial report of the deficiency, specifications, itemized costs, and completion certificates for all such work awarded during the guarantee period, and, if possible, the cause of the deficiencies and all related correspondence for use at the time of the Final Guarantee Survey.

Retention period: 3 years after date of the final guarantee survey. 46 CFR 247.4

5.12 Operators of operating-differential subsidized vessels.

To keep copy of Form MA–140, Summary report on voyage repairs.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the operator. 46 CFR 272.7

5.13 Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.

To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the contractor. 46 CFR 282.00, 282.01, 292.3

5.14 Operating-differential subsidy contractors.

To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the contractor. 46 CFR 282.364

5.15 Contractors and subcontractors.

To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: 2 years after the final determination and acceptance of payment by the Maritime Administration. 46 CFR 285.5

5.16 Contractors and subcontractors.

To keep books and records in such manner that a proper determination of profit can be made therefrom.

Retention period: 2 years after the contractor or subcontractor has made payment of excess profits as determined by the Maritime Administration. 46 CFR 285.35

5.17 Operators of operating-differential subsidy agreements and depositories.

To keep certified copies of resolutions authorizing the establishment of Special and Capital Reserve Funds involved, and such other accounts established in connection therewith.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the operator. 46 CFR 286.2, 287.6

5.18 Taxpayers establishing construction reserve funds.

To keep such records as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: 6 months after the termination or closing out of the reserve fund. 46 CFR 287.24

5.19 Operators of operating-differential subsidy agreements.

To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the operator. 46 CFR 292.8

5.20 Citizen applicants to purchase or charter a war-built vessel.

To keep books, records, and accounts available for examination as deemed necessary by the Maritime Administration to verify financial statements submitted.

Retention period: Purchase—10 years after completion of contract requirements; charter—5 years after settlement of company charters by the Maritime Administration. 46 CFR 299.8

5.21 Purchases of war-built vessels.

To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the purchaser. 46 CFR 299.21

5.22 Charterers of war-built vessels.

To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.31

5.23 Charterers of war-built vessels, Government-owned dry-cargo vessels, and war-built dry-cargo vessels.

To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided*, That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.39, 299.130, 299.202

5.24 Charterers of war-built vessels.

To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.48, 299.52, 299.53

5.25 Underwriting agents under war risk insurance program for hull, P & I and second seamen.

To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders or policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.8

5.26 Those assured under war risk cargo insurance program.

To keep books, records and accounts in such form and manner that all information available to the assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.517

[1] See footnote on page 3040.

5.27 Underwriting agents under war risk cargo insurance program.

To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds re-

orders T–1 (Shipping restrictions; Sub Group A, Hong Kong and Macao) and T–2 (Shipping restrictions; Communist China, North Korea, and the Communist-controlled area of Viet-Nam) have been carried out. No changes in the rec-

1.3—1.13 [Deleted]

1.14 Contractors with cost reimbursement type supply contracts.

A standard "Records" clause is provided. Must agree to maintain books, records, documents and other evidence

each subcontract under this type of prime contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.302–6 (retention: 7.104–15). ASPR 7–302.6

and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR

1.26 Contractors with construction contracts in excess of $2,000 (for work in continental United States, Alaska, and Hawaii).

To keep payroll records showing name

exportation, transshipment, diversion, Agents and Berth Agents. custody of the records.

5.27 Underwriting agents under war risk cargo insurance programs.

To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 368.548

5.28 State marine academies.

To keep records pertaining to academies, officers, instructors, crew cadets, training ships and shore bases, and daily logs of absences, with or without leave, hospitalizations, disenrollments and other analogous data.

Retention period: Personnel records—60 years from date of enrollment;. all other records—12 years after final audit. 46 CFR 310.3

5.29 Clearing agents under war risk cargo insurance programs.

To keep a complete, separate system of books, records and accounts covering its operation and activities under this agreement, including a record of all statements, vouchers and other information received by it from the underwriting agents which shall be the property of the United States represented by the Maritime Administrator.

Retention period: During the period of the agreement and up to 36 months after its termination and thereafter until final settlement of any outstanding claims against the Administrator by holders of policies issued by the underwriting agents. 46 CFR 308.551

6. Bureau of Public Roads

6.1 State highway departments or their agents. [Amended]

To keep (a) all records and documents relating to the undertaking, carrying out and maintaining of each project in such form and manner as will enable the State to make available to the Federal Highway Administrator such information and data as he may require, and (b) financial and other records relating to the construction, acquisition, income, expenditures, maintenance, and operation of toll facilities financed in part with Federal funds.

Retention period: (a) not less than 3 years after payment of final voucher, and (b) at least 3 years after the facility has been operated on a free basis. 23 CFR 1.30

7. Under Secretary of Commerce for Transportation

7.1 Ship and aircraft owners, masters, officers, employees and agents participating in transportation. [Amended]

To retain records of voyages and/or shipments in sufficient detail to permit an audit to determine if the provisions of orders T–1 (Shipping restrictions; Sub Group A, Hong Kong and Macao) and T–2 (Shipping restrictions; Communist China, North Korea, and the Communist-controlled area of Viet-Nam) have been carried out. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T–1, sec. 6; T–2, sec. 5

8. Great Lakes Pilotage Administration

8.1 Each voluntary association holding a Certification of Authorization under the Great Lakes Pilotage Uniform Accounting System.

To keep all books, records and memoranda and file them in such a manner to readily permit the audit and examination thereof by representatives of the Great Lakes Pilotage Administration. Also, the records must be housed or stored in such a manner as to afford protection from loss, theft or damage by fire, flood or otherwise.

Retention period: 10 years unless otherwise authorized by the Administration. Part 403 issued under secs. 4 and 5, 74 Stat. 260, 261; 46 U.S.C. 216

III. DEPARTMENT OF DEFENSE

1. Office of the Secretary of Defense (Departments of Army, Navy, Air Force)

1.1 Contractors with negotiated fixed price supply contracts and purchase orders in excess of $2,500.

A standard "Examination of Records" clause is provided. Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records involving transactions related to the contract. Must further agree to insert a similar clause in each subcontract under this type of prime contract. Where Standard Form 32 is used, the form need not be changed to delete the parenthetical sentence preceding paragraph (a) of the clause.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.104–15. ASPR 7–104.15

1.2 Subcontractors with contracts or purchase orders in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed price supply contracts and purchase orders in excess of $2,500.

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.104–15. ASPR 7–104.15

1.3—1.13 [Deleted]

1.14 Contractors with cost reimbursement type supply contracts.

A standard "Records" clause is provided. Must agree to maintain books, records, documents and other evidence pertaining to the expenses for which reimbursement is claimed under the contract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States. Must insert a similar requirement in each cost, cost-plus-fixed-fee, time-and-material, or labor-hour subcontract under his cost reimbursement type prime contract. In the case of existing and completed contracts containing a record retention clause providing for a 6-year period of retention, such contracts may be amended, or in the alternative, the retention of records may be administered in accordance with procedures specified in the ASPR.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203–7. ASPR 7-203.7

1.15 Subcontractors with contracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost reimbursement type prime supply contracts.

Must agree to maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed under the subcontract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203–7. ASPR 7-203.7

1.16 Subcontractors with subcontracts in excess of $2,500 on other than cost, cost-plus-fixed-fee, time-and-material, or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost reimbursement type prime supply contracts.

Must agree that the Comptroller General of the United States or the Department, or their duly authorized representatives, shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.203–7. ASPR 7–203.7

1.17 Contractors with negotiated fixed-price research and development contracts in excess of $2,500.

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the contract. Must further agree to insert a similar clause in each subcontract under this type of prime contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.302–6 (retention: 7.104–15). ASPR 7–302.6

1.18 Subcontractors with subcontracts in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed-price prime research and development contracts in excess of $2,500.

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.302–6 (retention: 7.104–15). ASPR 7-302.6

1.19 Contractors with cost-reimbursement type research and development contracts.

Must agree to maintain books, records, documents and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the contract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States. Must insert a similar requirement in each cost, cost-plus-fixed-fee, time-and-material, or labor-hour subcontract under the prime contract.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.402–7 (retention: 7.203–7). ASPR 7–402.7

1.20 Subcontractors with subcontracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost-reimbursement type prime research and development contracts.

Must agree to maintain books, records, documents and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the subcontract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.402–7 (retention: 7.203–7). ASPR 7–402.7

1.21 Subcontractors with subcontracts in excess of $2,500 on other than cost, cost-plus-fixed-fee, time and material or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost-reimbursement type prime research and development contracts.

Must agree that the Comptroller General or the Department or their authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.402–7 (retention: 7.203–7). ASPR 7–402.7

1.22 Contractors with fixed-price construction contracts.

To maintain books, documents, papers and records involving transactions relating to this contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.603–7 (retention: 7.104–15). ASPR 7–603.7

1.23 Contractors with fixed price contracts in excess of $1,000 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or nonprofit institutions when no profit is contemplated.

Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government without direct charge to the Government all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.701. ASPR 8–701

1.24 Contractors with fixed price construction contracts amounting to more than $10,000.

Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government, without direct charge to the Government, all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.703. ASPR 8–703

1.25 Subcontractors with fixed price subcontracts.

The standard Termination Clause suggested for use in fixed price subcontracts contains the provision that the subcontractor agrees to make available to the buyer and the Government all his books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.706. ASPR 8–706

1.26 Contractors with construction contracts in excess of $2,000 (for work in continental United States, Alaska, and Hawaii).

To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 32 CFR 12.403–1. ASPR 12–403.1(4)

1.27 Contractors with Army, Navy, Air Force.

To keep control records for Government property, whether furnished to or acquired by a contractor for the account of the Government, to be designated and used as official contract records by the Government, whenever possible. Records and procedures shall be reviewed and approved by the Contract Administrator; status of records should be readily ascertained; consolidated property records may be maintained. Property records shall show a unit price, determined by the Government, and property amount number for each item (summary stock records may be maintained in lieu of individual property records for items of plant equipment having a value of less than $500 each when designated by the contract administrator in accordance with departmental procedures). Records include those of material, special tooling, plant equipment, real property, and scrap. (Specific information given in Code.)

Retention period: Not specified. 32 CFR 30.2, paragraphs 301 and 304; 32 CFR 30.3, paragraphs 207 and 210. (Various regulations of the Army, Navy, and Air Force repeat these requirements as they relate to particular types of contracts.)

1.28 Banks holding in special accounts advance payments to contractors under the terms of the Armed Services Procurement Act of 1947.

To keep books and records, memoranda, checks, correspondence or documents pertaining to the account.

Retention period: 6 years after closing of the account. 32 CFR 82.48–1

1.29 Contractors receiving advance payments secured by lien on supplies and property covered by contract.

To keep adequate accounting control over such property on its books and records.

Retention period: Not specified (implication is that records need not be kept after lien is satisfied). 32 CFR 82.48–2

1.30 Contractors supplying military and Federal specification items.

To keep records of examination and tests performed.

Retention period: As specified in contract. 32 CFR 154.3

1.31 Contractors with negotiated cost-reimbursement type incentive or price redeterminable contracts. [Added]

To maintain books, records, documents, and other evidence sufficient

to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract.

Retention period: 3 years after final

Retention period: Not specified. 33 CFR 208.83

3.2 Owners of private interstate toll bridges.

To keep records relating to construc-

Retention period: Until notified of the completion of the program reviews and of the fiscal audit covering the records. Records supporting accountability for nonconsumable equipment purchased under the program (whether from Fed-

notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until neces-

any claims which have been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department. 45 CFR

2.2 Persons introducing shipment or delivery of unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, and repacking.

to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract.

Retention period: 3 years after final payment under the contract. 32 CFR 7.104-41 ASPR 7-104.41

2. Department of the Air Force

2.1 Contractors with facilities contracts (except short-form).

(a) Shall maintain property control records, a system of physical inventory, and a system of identification of the facilities.

(b) Must agree to maintain books, records, documents, and other evidence pertaining to the costs and expenses of the contract and the use charges payable thereunder and to make them available to any authorized representative of the Department or the Comptroller General of the United States. Must agree further to insert a similar requirement in each subcontract which is on a cost, cost-plus-fixed-fee, time-and-material, or labor-hour basis under the prime contract.

(c) For construction work as defined in "Labor Standards for Construction Work" clause, must maintain payroll records for laborers and mechanics and make the records available for inspection by authorized representatives of the Contracting Officer and the Department of Labor.

Retention period: Records in (a), not specified, 32 CFR 1007.2703-2; records in (b), 3 years after "completion" voucher or invoice or until settlement of any litigation, whichever is longer, 32 CFR 1007.2703-9; records in (c), 3 years after completion of the work, 32 CFR 1007.2704-1

2.2 Contractors with contracts relating to Air Force equipment upon which work is to be performed.

Shall maintain property control records of Air Force equipment furnished for repair or modification.

Retention period: Not specified. 32 CFR 1007.4051

2.3 Contractors with fixed-type maintenance, overhaul, and modification contracts.

Shall maintain records of all inspection work and to make them available to the Government.

Retention period: During performance of contract and for such longer period as may be specified in the contract. 32 CFR 1007.4503-3

3. Department of the Army

3.1 Reclamation Board, State of California, as operating agency for the Big Dry Creek Reservoir and Diversion, Fresno County Stream Group.

To keep a continuous record of Big Dry Creek Reservoir stage, including specified inflow, release, diversion, flow, and such other operational data as shall be deemed necessary by the operating agency or as shall be requested by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality.

Retention period: Not specified. 33 CFR 208.83

3.2 Owners of private interstate toll bridges.

To keep records relating to construction, financing, and promotion of such bridge.

Retention period: At least 3 years after completion of bridge. 33 U.S.C. 528

3.3 States or municipalities or other political subdivisions or public agencies thereof taking over or acquiring or constructing an interstate toll bridge.

To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating same, and of the daily tolls collected.

Retention period: Not specified. 33 U.S.C. 529

3.4 Masters or operators of all vessels subject to the Oil Pollution Act of 1961.

To keep an "Official Oil Record Book" on vessels which contain the record of certain actions in connection with the use or handling of oil or oily mixture.

Retention period: Each completed book for 2 years from date of last entry. 33 CFR 212.3

IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Office of Education

1.1 Local educational agencies in areas affected by Federal activities receiving Federal grants for construction of minimum school facilities.

To keep all records supporting claims for Federal grants.

Retention period: Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies or for 3 years following fiscal year to which claim relates, whichever is later, subject to certain exceptions therein. 45 CFR 114.30

1.2 Local educational agencies in areas affected by Federal activities receiving Federal financial assistance for current expenditures.

To keep all records supporting claims for Federal grants.

Retention period: Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies or for 3 years following fiscal year to which claim relates, whichever is later, subject to certain exceptions therein. 45 CFR 115.43

1.3 State and local agencies receiving financial assistance for vocational education in agriculture, distributive occupations, home economics, and trades and industries, including the fishing trades and industry, and practical nurse training and area vocational educations programs.

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: Until notified of the completion of the program reviews and of the fiscal audit covering the records. Records supporting accountability for nonconsumable equipment purchased under the program (whether from Federal or matching funds) and costing $10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. 45 CFR 102.24, 103.2

1.4 State and local agencies participating in the library services program under the Library Services Act.

To keep such accounts and supporting documents as will permit an accurate and expeditious audit of the program at any time.

Retention period: Until completion of fiscal audit or for 3 years, whichever is later. 45 CFR 130.6

1.5 State and local educational agencies receiving financial assistance under title III of the National Defense Education Act for strengthening science, mathematics and modern foreign language instruction.

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State or local educational agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

Records supporting accountability for nonconsumable equipment purchased under the program for supervision, related services or administration, and costing $10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. No such continuing inventory is required for equipment acquired under projects approved in accordance with section 303(a)(1) of the National Defense Education Act of 1958. 45 CFR 141.17

1.6 State educational agencies receiving financial assistance under section 1009 of the National Defense Education Act for improvement of statistical services.

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State educational agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is

notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

Records supporting accountability for nonconsumable equipment purchased under the program with Federal financial participation and costing $10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. 45 CFR 140.7

1.7 State and local educational agencies receiving financial assistance for guidance and counseling and testing programs under title V of the National Defense Education Act.

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: (1) for 3 years after the close of the fiscal year in which the expenditure was made by the State or local educational agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

Records supporting accountability for nonconsumable equipment purchased under the program with Federal financial participation and costing $10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. 45 CFR 143.17

1.8 Private nonprofit elementary and secondary schools receiving loans under title III of the National Defense Education Act for acquisition of equipment for strengthening science, mathematics, and modern foreign language instruction.

To keep all records supporting the use of loan funds accessible and intact.

Retention period: Until the loan has been paid in full or until 3 years after receipt of loan funds, whichever is later. 45 CFR 142.14

1.9 Institutes of higher education entitled to payments for approved fellowship programs under title IV of the National Defense Education Act.

To keep records supporting claims for Federal payments.

Retention period: (1) For 3 years after the close of the fiscal year to which such records relate; or (2) until they are notified that such records are not needed for program administration review; or (3) until they are notified of the completion of the Department's fiscal audit, whichever is later. The records involved in any claims which have been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department. 45 CFR 145.5

1.10 State agencies receiving payments for training under the Manpower Development and Training Act of 1962.

To keep records supporting claims for Federal funds or relating to the accountability of the State agency for expenditure of the Federal funds and of its share of the cost of providing training under the Act.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State agency or any public or private educational agency or institution; or (2) until the State agency is notified that such records are not needed for program review; or (3) until the State agency is notified of the completion of the Federal fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Commissioner. 45 CFR 160.13

1.11 Agencies receiving Federal financial assistance for noncommercial educational television broadcast facilities. [Added]

(a) To maintain all records relating to the receipt and expenditure of the Federal grant funds and to the expenditure of non-Federal share of the cost of the project.

Retention period: 3 years after close of fiscal year in which expenditure was made or until audit is completed or until agency notifies that such records are no longer needed, whichever is later. 45 CFR 60.19

(b) To maintain descriptive inventories or other records supporting accountability of all items of transmission apparatus acquired or installed with Federal financial assistance.

Retention period: 10 years after completion of the project. 45 CFR 60.19

2. Food and Drug Administration

2.1 Persons introducing shipment or delivery of unlabeled food into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled food interstate and operators of establishments processing, labeling, or repacking such food, where such persons and such operator are not the same person, shall keep written agreements containing such specifications as will insure that such food will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such food from such establishment. 21 CFR 1.13

2.2 Persons introducing shipment or delivery of unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, or repacking such drugs and devices, where such persons and such operator are not the same person, shall keep written agreements containing such specifications as will insure that such drugs or devices will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such drugs or devices from such establishment. 21 CFR 1.107

2.3 Persons introducing shipment or delivery of unlabeled cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled cosmetics interstate and operators of establishments processing, labeling, or repacking such cosmetics, where such persons and such operator are not the same person shall keep written agreements containing such specifications as will insure that such cosmetics will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such cosmetics from such establishment. 21 CFR 1.204

2.4 [Deleted]

2.5 Packers of processed shrimp and canned oysters operating under the seafood inspection service.

Shall keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 2 years. 21 CFR 85.9, 85.24

2.6 Sponsors of new drugs for investigational use; persons shipping new drugs for laboratory use. [Revised]

(a) Sponsors of new drugs for investigatioinal use shall keep and maintain (1) complete records of each shipment and delivery to an investigator, and (2) accurate progress reports of the investigation and significant findings, together with any significant changes in the informational material supplied to investigators.

Retention period: 2 years after a new-drug application is approved for the drug or, if unapproved, 2 years after shipment and delivery for investigational use is discontinued and the Food and Drug Administration is so notified. 21 CFR 130.3

(b) Persons introducing a shipment of or delivering interstate a new drug for laboratory study or animal tests shall keep and maintain complete records of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 130.3

2.6a Manufacturers of drugs. [Added]

To maintain records of all written or verbal complaints for each product and the evaluation and action relating to such complaints.

Retention period: Not specified. 21 CFR 133.14

2.7 Persons requesting certification of antibiotic drugs; persons introducing shipment or delivery of antibiotic drugs into interstate commerce and operators of establishments processing, labeling, storing, repacking, and remanufacturing. [Revised]

(a) Persons requesting certification of antibiotic drugs shall keep complete records of all shipments and deliveries of each batch or part thereof.

(b) Persons shipping antibiotic drugs interstate for processing, labeling, storing, repacking, and remanufacturing, and operators of such establishments, whether or not the shipper, shall keep complete records of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years from date of shipment or delivery and/or receipt of same (photostatic or other permanent reproductions may be used as substitutes after the first 2 years, 21 CFR 146.1). (a) 21 CFR 146.5; (b) 21 CFR 146.18–146.22

2.8 Antibiotic drug distributors and importers for investigational use.

Persons shipping antibiotic drugs interstate, and persons importing antibiotic drugs, for investigational use, shall keep (1) statement by expert that he has adequate facilities for the investigation and that the drug will be used by or under his direction, and (2) complete records of each shipment and delivery.

Retention period: 3 years from date of shipment or delivery (photostatic or other permanent reproductions may be used as substitutes after the first 2 years, 21 CFR 146.1). 21 CFR 146.23

2.9 Insulin distributors to whom certifications have been issued by the Food and Drug Administration.

Shall keep records of shipments and deliveries.

Retention period: 2 years after disposal of all the batch covered by the certificate. 21 CFR 164.8

2.10 Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States.

Shall keep all thermograph charts.

Retention period: 2 years, unless within that period the charts are examined and released by authorized agent of the Secretary. 21 CFR 290.17

2.11 Persons manufacturing, processing, packing, or holding finished pharmaceuticals. [Added]

Shall keep and maintain (1) batch production and control records for each batch of drugs; (2) complete records of all data concerning laboratory tests performed; and (3) complete records of the distribution of each batch of drug in a manner that will facilitate its recall if necessary.

Retention period: At least 2 years after distribution has been completed. 21 CFR 133.7, 133.11, 133.12

2.12 Persons to whom color-additive certificates have been issued by the Food and Drug Administration. [Added]

Shall keep complete and separate records showing the disposal of all the color additive from the batch covered by such certificates.

Retention period: At least 2 years after disposal of all such color additive. 21 CFR 8.26

2.13 Persons delivering for introduction or introducing into interstate commerce a color additive or a food, drug, or cosmetic containing such an additive, for investigational use. [Added]

Shall maintain complete records of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 8.33

2.14 Persons processing food with gamma radiation and/or electron beam radiation. [Added]

Shall keep a record of the total dose absorbed.

Retention period: 1 year. 21 CFR 121.3002, 121.3004

3. Public Health Service

3.1 State health authorities and cooperating agencies using grant funds for training under section 314 of the Public Health Service Act.

To maintain records of authorized personnel training for health work under Federal grants provided under section 314 of the Public Health Service Act for purpose of audit for compliance with Public Health Service standards, and have accessible the available records, documents, and information pertinent to the audit of activities and programs described in the plan of the cooperating agency.

Retention period: Not specified.[5] 42 CFR 51.11, 51.15

3.2 State health authorities and cooperating agencies using grant funds for training under section 314 of the Public Health Service Act.

To maintain a separate and distinct fund account for each Public Health Service grant authorized under section 314 of the Public Health Service Act.

Retention period: Not specified.[5] 42 CFR 51.13

3.2a Institutions receiving grants for research projects. [Added]

To maintain such progress and fiscal records as the Surgeon General may prescribe.

Retention period: 3 years after termination of the project period unless a shorter or longer period of time is, respectively, permitted or required in writing by the Surgeon General. 42 CFR 52.23

3.3 Applicants receiving Federal funds for hospital and medical facilities survey and construction projects.

Applicants and contractors to maintain payroll records and kickback statements for all laborers and mechanics working at the site.

Retention period: 3 years after completion of the contract. 42 CFR 53.127

3.4 Applicants receiving Federal funds for hospital and medical facilities survey and construction projects.

To be required by the State agencies to establish and maintain adequate accounting and fiscal records reflecting the receipt and expenditure of funds allotted and paid for construction of hospitals and medical facilities under the Public Health Service Act.

Retention period: Not specified. 42 CFR 53.129

3.5 State agencies receiving Federal funds for hospital and medical facilities survey and construction projects.

To maintain accounts of all Federal and State funds allotted for construction projects, reflecting the funds allotted, encumbered, and unencumbered balances, including separate fund accounts for identifying the Federal and State funds.

Retention period: Not specified. 42 CFR 53.129

3.6 State agencies receiving Federal funds for applicants for construction project grants or, for the State itself, as an applicant.

To keep adequate records of accounts and fiscal controls to assure proper accounting of all funds received and disbursed, including similar suitable accounts to show the receipt and disbursement of State, local or other funds used for matching purposes.

Retention period: Not specified. 42 CFR 53.129

3.7 [Deleted]

3.8 State and interstate water pollution control agencies receiving Federal grants for water pollution control programs.

To maintain accessible for purpose of audit, records, documents, and information that relate to the grants.

Retention period: Not specified. 42 CFR 55.7

[5] All records supporting claims for Federal grants, or relating to the accountability of the State or other grantee agency for expenditures of Federal grants—and, where required, of matching funds—must be kept intact until the completion of the fiscal audit and/or such other reviews as are regularly conducted by the Federal agencies, or for three years, whichever is later. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies. The Department of Health, Education, and Welfare does not require that records be maintained beyond this period unless, under special circumstances, the grantee agency is specifically advised that certain record materials should be retained until specific questions are settled. It is recognized that a State or locality, by law or regulation, may make additional requirements. (PHS–CB Health Grants Manual—Part 17–1.8C)

3.9 Applicants receiving Federal funds for construction of treatment works, which are used for treatment of sewage or industrial wastes of a liquid nature.

To maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds for the purpose of the project.

Retention period: Not specified. 42 CFR 55.26(h)

3.10 Applicants receiving Federal funds for construction of treatment works, which are used for treatment of sewage or industrial wastes of a liquid nature.

Applicants and contractors to maintain payroll records and kickback statements for all laborers and mechanics working at the site.

Retention period: 3 years after completion of the contract. 42 CFR 55.32

3.11 Institutions receiving grants for construction of research facilities.

To maintain such fiscal or other records and furnish such progress or other reports relating to the construction as may be directed by the Surgeon General.

Retention period: Not specified. 42 CFR 57.8

3.12 Schools of public health receiving grants for provision of public health training.

To maintain, accessible for purpose of audit, records, documents, and information that relate to the grants.

Retention period: Until completion of the fiscal audit and resolution of all questions arising therefrom. 42 CFR 58.9

3.13 Institutions receiving Federal grants for National Institutes of Health training.

To make available for audit or other reasonable inspection the fiscal and other records of the institution relating to the training for which a grant is awarded.

Retention period: Not specified. 42 CFR 64.4

3.14 Licensed domestic and foreign manufacturing establishments of biological products or trivalent organic arsenicals.

To keep records concurrently with performance of each step in the manufacture and distribution of each lot; complete records of recall from distribution; sterilization records including date, duration, temperature, and other conditions relating to each sterilization, so as to identify the particular process to which the sterilization relates; animal necropsy records; records by each establishment participating in manufacture of a product showing degree of individual responsibility with manufacturer preparing product in final form to retain complete records of all manufacturing operations; and records of tests of cultures for verification of identity and determination of freedom from extraneous organisms.

Representatives of licensed foreign establishments distributing biological products or trivalent organic arsenicals into any State or possession of the United States. To keep such records of distribution as are required of domestic licensed establishments.

Retention period: 5 years after the records of manufacture have been completed or 6 months after the latest expiration date, whichever is later.

Suspension of retention requirements: If a summary is retained, authorization may be granted to suspend retention of records of a manufacturing step upon a showing that such records no longer serve the purpose for which they were made. 42 CFR 73.21, 73.37, 73.77

3.15 Licensed manufacturing establishments processing whole blood (human) or packed red blood cells (human). [Revised]

To maintain records of all aspects of the processing. If a summary is retained, authorization may be granted to suspend retention of records of a manufacturing step upon a showing that such records no longer serve the purpose for which they were made.

Retention period: 5 years after the records or manufacture are completed or 6 months after the latest expiration date, whichever is later. 42 CFR 73.37, 73.304, 73.327

3.16 [Consolidated with 3.15]

4. Social Security Administration [Renumbered]

4.1 States under agreement for special coverage of State and local government employees.

To keep or cause to be kept by the State, or, with respect to employees of any political subdivision thereof, by such political subdivision, accurate records of all remuneration paid employees in coverage groups, containing data relating to employee identification, payments made, withholdings and collections, and details of adjustment or settlement, necessary explanations, a complete and detailed record respecting any contribution or interest against which a refund or credit is claimed, and, as a part of these records, copies of returns, reports, schedules, and statements required to be kept under these regulations or by instructions applicable to any form prescribed thereunder.

Retention period: For records relating to claims for refunds or credit, at least 4 years after claim is filed; for others, at least 4 years after due date or date of payment of related contribution, whichever is later. 20 CFR 404.1254, 404.1256

Bureau of Federal Credit Unions

4.2 Federal Credit Unions.

To keep accounting records as prescribed in 45 CFR 301.14.

Retention period: Not specified.[6] 45 CFR 301.14

4.3 Custodians of records of Federal Credit Unions voluntarily liquidated.

To keep all records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed.

Retention period: 5 years following date of cancellation of the charter of the credit union. 45 CFR 310.11, 310.13

[6] See Accounting Manual for Federal Credit Unions (October 1954), pp. 109–111.

V. DEPARTMENT OF THE INTERIOR

1. Office of the Secretary

1.1 Permittees filming motion pictures on any area under the jurisdiction of the Department of the Interior.

To furnish upon request for administrative use a print of the film footage taken pursuant to the permission granted.

Retention period: 3 years from date permission is granted. 43 CFR 5.1

2. Fish and Wildlife Service

2.1 Operators of commercial picking establishments, cold storage or locker plants receiving, possessing, or having custody of migratory game birds.

To maintain accurate records showing the numbers and kinds of such birds, dates received and disposed of, and the names and addresses of the persons from whom received and to whom delivered.

Retention period: 1 year following the close of the open season on migratory game birds. 50 CFR 10.9

2.2 Persons exercising privileges under permits granted under Migratory Bird Treaty Act regulations.

To keep records and make reports as specified in the permits issued by the Fish and Wildlife Service for the importation, taking, sale, purchase, or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation taking, sale, purchase, or other acquisition, and possession of migratory birds and their eggs, nests or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.9, 16.11, 16.12, 16.13 (retention: 16.3, 16.5)

2.3 Persons exercising privileges under permits to kill, frighten, or herd migratory birds injuring crops.

To keep an accurate record of all migratory birds killed and submit a report stating the species and number of migratory birds killed by the permittee.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.21 (retention: 16.5)

2.4 California State Agricultural Commissioner authorized to kill or to have killed certain birds economically injurious.

To keep a record of the persons authorized by him to kill such birds and of the number of birds killed by each person so authorized, as well as by himself, and to make a report thereof.

Retention period: 12 months following the date on which necessary reports are

submitted. 50 CFR 16.23 (retention: 16.5)

2.5 Persons authorized to kill depredating purple gallinules in Louisiana.

To maintain record of the number of birds killed by him and submit a report thereon.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.24 (retention: 16.5)

2.6 State fish and game departments conducting wildlife restoration projects with Federal aid.

To keep or direct the keeping of separate project records of cost of lands acquired, improvements, construction, overhead and maintenance done by or on behalf of the State.

Retention period: 3 years following notification of acceptability of project claims and accomplishments. 50 CFR 80.27, 80.28

2.7 Licensees on whale catchers and factory ships, and at land stations.

To maintain records of detailed information of the killing, capturing, and delivery of whales and a detailed record of whales received and processed.

Retention period: 6 months following the calendar year to which the records apply. 50 CFR 230.30, 230.31, 230.32 (retention: 230.34)

2.8 Loan applicants of the fisheries loan fund.

To maintain books of account and submit periodic reports as required by the Secretary of the Interior.

Retention period: End of loan period. 50 CFR 250.12

2.9 Applicants for fishing vessel mortgage insurance.

Borrower and lender to keep books of account and submit periodic reports as required by the Secretary of the Interior.

Retention period: End of period during which insurance is in force. 50 CFR 255.4

3. Geological Survey

3.1 Coal-mine lessees (federally owned lands).

To keep records of all coal mined, sold, or otherwise disposed of. Records of correct daily weights or biweekly measurements shall be posted if the miners are paid by weight or measurement.

Retention period: Not specified. 30 CFR 211.15

3.2 Oil and gas lessees (federally owned and restricted Indian lands).

To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 221.23

3.3 Petroleum producers in designated areas (all of Louisiana and certain counties in Texas and New Mexico). [Amended]

To keep records of inventories, production, consumption, and deliveries, and gauge tickets, run tickets, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.10

3.4 Petroleum and petroleum products purchasers, refiners, storers, shippers, consignors, casinghead gasoline plants and persons dealing in petroleum or petroleum products as a factor, buyer, or seller in designated areas (all of Louisiana and certain counties in Texas and New Mexico). [Amended]

To keep records of inventories, receipts, consumption, deliveries, and operations, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.10

3.5 Petroleum and petroleum products reclamation plants in designated areas (all of Louisiana and certain counties in Texas and New Mexico). [Amended]

To keep records of inventories, receipts, reclamation, and operations, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.10

3.6 Petroleum and petroleum products pipelines in designated areas (all of Louisiana and certain counties in Texas and New Mexico). [Amended]

To keep records of inventories, receipts, locations, diversions, and shipping, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.10

3.7 Petroleum and petroleum products transporting agencies in designated areas (all of Louisiana and certain counties in Texas and New Mexico). [Amended]

To keep records of shipments, diversions, and shipping, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.10

3.8 Mineral lessees, potash, sodium and other minerals (federally owned lands).

To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Not specified. 30 CFR 231.26

3.9 Oil and gas and sulphur lessees (outer Continental Shelf).

To keep well records and production records, and information obtained in the course of well operations.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 250.37

4. Bureau of Indian Affairs

4.1 Indian chartered corporations, unincorporated tribes and bands, and credit and cooperative associations from the United States.

To keep separate records and accounts of their credit activities and of their cattle loans.

Retention period: Not specified. 25 CFR 91.7

4.2 Indian corporations and tribes.

To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 92.9

4.3—4.4 [Deleted]

4.5 Oil and gas pipeline operators with rights-of-way over Indian lands.

To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 161.25

4.6 Lessees of tribal lands for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 171.18

4.7 Lessees of allotted lands for mining.

To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period: Not specified. 25 CFR 172.25

4.8 Lessees of lands in Crow Indian Reservation, Montana, for mining.

To keep books of account showing amount of ore shipped or oil or other mineral substance sold or treated, and showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 173.18

4.9 Lessees of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 174.34

4.10 Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.

To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records showing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 175.13

4.11 Lessees of lands under jurisdiction of Quapaw Agency for lead and zinc mining.

To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 176.24

4.12 Lessees of Osage Reservation lands for oil and gas mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 183.44

4.13 Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.

To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 184.25

4.14 Traders on Navajo, Zuni, and Hopi Reservations.

To keep accurate records of business activities. Receipts issued by the trader for Indian products must be recorded in the traders' books.

Retention period: Not specified. 25 CFR 252.7, 252.17

5. International Pacific Halibut Commission

5.1 Masters or operators of vessels holding Pacific halibut fisheries license or permit.

To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: 2 years. 50 CFR 301.9

5.2 Halibut dealers.

To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in pounds according to trade categories of the halibut and other species landed therewith.

Retention period: 2 years. 50 CFR 301.10

6. International Whaling Commission

6.1 Factory whaling ships and land stations.

To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (d), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

7. Bureau of Mines

7.1 Note (supplied by Bureau of Mines):

Federal Coal Mine Safety Act, Section 105 (55 Stat. 177, as amended by 66 Stat. 692, 30 U.S.C. 455)

FEDERAL COAL MINE SAFETY ACT

TITLE I

Every owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine the products of which regularly enter commerce or the operations of which substantially affect commerce shall furnish to the Secretary of the Interior, acting through the United States Bureau of Mines, or to any duly authorized representative of such Bureau, upon request, complete and correct information to the best of his knowledge concerning any or all accidents involving bodily injury or loss of life which occurred in such mine during the six-month period immediately preceding the date on which the request is made. Whoever willfully violates this section shall be fined not more than $500.

Retention period: Records of accidents involving bodily injury or loss of life in coal mines should be retained 6 months.

8. National Park Service

8.1 Concessioners.

To keep records of their employees, payrolls, and other records with respect to compliance with labor standards established from time to time by or pursuant to Federal or State labor laws.

Retention period: 3 years. 36 CFR 8.6, 8.8

VI. DEPARTMENT OF JUSTICE

1. General

1.1 Foreign agents required to register under 22 U.S.C. 611 et seq.

To keep all books and records relating to any activities which necessitate registration, including correspondence, memoranda, and other written communications, with or on behalf of foreign principals, cryptographic paraphernalia, names and addresses of those designated to receive "political propaganda," financial records, etc.

Retention period: 3 years after notifying Department that activities requiring registration are terminated. 28 CFR 5.500

1.2 Foreign agents.

To keep books and records of political activities.

Retention period: 3 years following termination of activity as agent. Upon good and sufficient cause shown in writing to the Chief, Registration Section, a registrant may be permitted to destroy books and records in support of the information furnished in the registration statement which was filed 5 or more years prior to the date of the application to destroy. 28 CFR 5.500

1.3 Organizations registered under Subversive Activities Control Act of 1950.

To keep bookkeeping and other financial records relating to registrants' activities, including income and disbursements, as well as books and records disclosing members, officers, and employees of registrant.

Retention period: Not specified. 28 CFR 11.204

1.4 Manufacturers of and dealers in gambling devices.

To keep monthly records of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices, in order that monthly report may be made to the Attorney General.

Retention period: 5 years. 15 U.S.C. 1173

2. Office of Alien Property

2.1 Persons engaged in foreign exchange transactions, transfers of credit, and export of coin or currency.

To keep a full record of each such transaction referred to in 31 CFR 127.9 and 127.10, without regard to whether such transaction is effected pursuant to license or otherwise and may be required by the Secretary of the Treasury and/or the Attorney General by means of regulations, rulings, instructions, or otherwise to keep a full record of complete information relative to any transaction referred to in section 5(b) of the act of October 6, 1917, as amended, or relative to any property in which a foreign country or national thereof has an interest.

Retention period: At least 1 year after date of transaction, for records of transactions referred to in 31 CFR 127.9 and 127.10; not specified for records which may be required. 31 CFR 127.12

VII. DEPARTMENT OF LABOR

1. Office of the Secretary

1.1 Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency.

To keep weekly payroll records setting out name and address of each laborer and mechanic, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4

1.2 Contractors or subcontractors subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (see 29 CFR 5.1).

To keep payroll records (including name and address of each laborer or mechanic, correct classification, rate of pay, daily and weekly numbers of hours worked, deductions made, and actual wages paid) for all laborers and mechanics working in the construction or development of certain projects (stipulation to be inserted in appropriate contracts by interested Federal agency).

Retention period: 3 years after termination of contract, 29 CFR 5.5(a)(3) and (6)

1.3 [Transferred to 7.1]

1.4 [Transferred to 7.2]

1.5 [Transferred to 7.3]

2. Bureau of Employees' Compensation

2.1 Physicians and hospitals treating Federal employees covered by the Employees' Compensation Act of 1916, as amended.

To keep records of all injury cases treated by them sufficient to supply the Bureau of Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 2.10

2.2 Employers subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Defense Base Act, the Outer Continental Shelf Lands Act, and the Nonappropriated Fund Instrumentalities Act.

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 31.23

2.3 Employers in the District of Columbia subject to the Longshoremen's and Harbor Workers' Compensation Act.

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 41.22

3. Office of Labor-Management and Welfare-Pension Reports [Revised]

3.1 Every labor organization subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 402.9

3.2 Every person who pursuant to an agreement or arrangement with an employer undertakes certain activities or who has certain receipts or makes certain disbursements subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 405.9

3.3 Labor organizations required to file annual financial reports under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing the documents. 29 CFR 403.7

3.4 Employers required to report payments or agreements under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 405.9

3.5 Persons required to file any report under labor organization trusteeship reports provision of the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 406.8

3.6 Labor organization officers and employees who are required to file reports of certain income and interests under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 404.7

3.7 Election officials designated in the constitution and bylaws of labor organization conducting election by secret ballot, or the secretary of such organization if no other official is designated, subject to the Labor-Management Reporting and Disclosure Act of 1959.

To preserve all election records, including ballots.

Retention period: 1 year. 29 CFR 452.12(d)

3.8 Officials designated in the constitution and bylaws or the secretary of national or international labor organization when no such official is designated, in elections at conventions, subject to the Labor-Management Reporting and Disclosure Act of 1959.

To preserve the credentials of delegates and all minutes and records pertaining to election.

Retention period: 1 year. 29 CFR 452.13(c)

3.9 Persons required to file any description or report or to certify any information therefor under the Welfare and Pension Plans Disclosure Act. [Revised]

To maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: 5 years. Sec. 11, 76 Stat. 38; 29 U.S.C. 308b; 29 CFR Part 486

4. Division of Public Contracts

4.1 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep unexpired certificate of age of employee issued and held pursuant to regulations issued by the Secretary of Labor under the Fair Labor Standards Act, as protection against unintentional employment of underage minors.

Retention period: During period of employment of such minors. 41 CFR 50–201.105

4.2 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

(a) To keep employment records, including name, address, sex, occupation, date of birth of each employee under 19 years of age (if the employer has obtained a certificate of age to record the title and office issuing the certificate, the number of certificate, if any, the date of its issuance, and the name, address, and date of birth of the minor, as the same appears on the certificate of age), wage and hour records.

Retention period: 3 years from date of last entry. 41 CFR 50–201.501(d)

(b) To keep basic employment and earnings records, wage rate tables, and work time schedules.

Retention period: 3 years from termination of apprenticeship. 29 CFR 516.5, 516.23, 521.8 (a) and (c)

4.3 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep records of injury frequency rates of employees.

Retention period: 3 years after date of entry. 41 CFR 50–201.502

4.4 Contractors subject to Public Contracts Act (contracts with U.S. agencies). [Added]

To maintain records of radiation exposure of all employees for whom personnel monitoring is required.

Retention period: Not specified. 41 CFR 50–204.309

5. Wage and Hour Division

5.1 State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act. [Amended]

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 515.6; 1500.86

5.2 Employers making retroactive payment of wages to employees, including industrial homeworkers, under supervision of the Administrator.

To record and preserve, as an entry on payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment; and preserve a copy of the report of each such payment on the receipt form authorized by the Wage and Hour Division.

Retention period: 3 years. 29 CFR 516.2(b), 516.5, 516.24(b)(7), 545.7(d), 695.6(d)

5.3 Employers subject to Fair Labor Standards Act.

To keep employment records relating to wages, hours, conditions of employment, etc.

Retention period: 3 years for records containing employee information, payrolls, and certificates, union agreements, and notices; and 2 years for basic employment and earnings records, wage rate tables, work time schedules, order, shipping and billing records (customers' bills, etc.), records of deductions from or additions to pay. 29 CFR 516.2, 516.3, 516.5, 516.6, 516.8, 516.11–516.27

5.4 Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable.

To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and, when applicable, the apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed shall be retained.

Retention period: 2 years from date of last entry or last effective date, whichever is later. 41 CFR 50–201.501(h)

5.5 Joint apprenticeship committees holding certificates issued by Administrator.

To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR, 516.5, 516.23, 521.8 (b) and (c)

5.6 Employers subject to Fair Labor Standards Act employing learners under special learners certificates.

To keep payroll records of learners and occupation in which each learner is employed; any special learner certificates issued; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the 3 years prior to employment as a learner; and to maintain file of all evidence and records, including correspondence, pertaining to filing or cancellation of job orders (in addition to requirements of 29 CFR Part 516).

Retention period: At least 3 years from last effective date of the certificate. 29 CFR 516.5, 516.23, 522.7

5.7 Employers subject to Fair Labor Standards Act employing student-learners as learners under certificates.

To keep payroll records of student-learners and occupation in which each student-learner is employed and copies of applications serving as temporary authorization under 29 CFR 520.6(c)(2) and of any special certificates issued under which student-learners are employed.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 516.23, 520.7

5.8 Employers subject to Fair Labor Standards Act employing handicapped workers.

To keep a copy of special certificates authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record.

Retention period: 3 years. 29 CFR 524.10 (retention: 516.5, 516.23)

5.9 Sheltered workshops (as defined in 29 CFR 525.2(b)).

To keep records of the nature of each client's handicap, and special certificates and records required under applicable provisions of 29 CFR Part 516.

Retention period: Not specified. 29 CFR 525.11

5.10 Educational institutions employing student-workers as learners under certificates.

To keep payroll records showing rate of pay, including a copy of any special certificate issued.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 516.23, 527.7

5.11 Retail or service establishments subject to Fair Labor Standards Act employing full-time students outside of their school hours under special full-time student certificates.

To keep payroll records of full-time students employed outside of their school hours in any retail or service establishment and occupations in which each such full-time student is employed; statements obtained by the employer from schools attended by such students that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student; records of the monthly hours of employment of full-time students at special minimum wages under a full-time student certificate and of the total hours of employment during the month of all employees in the establishment; and any special certificates issued.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 516.23, 519.7

5.11a Retail or service establishments subject to Fair Labor Standards Act employing employees exempt from overtime pay requirements pursuant to section 7(h). [Added]

To keep employment records relating to wages, hours, circumstances and conditions of employment, including the representative period selected.

Retention period: 3 years for records containing employee information, payrolls and certificates, union agreements, and notices; 2 years for basic employment and earning records, wage rate tables, work time schedules, orders, shipping and billing records (customers' bills, etc.), record of deductions from or additions to pay. 29 CFR 516.2, 516.5, 516.6, 516.28

5.12 Homeworkers and employers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.

To maintain a copy of each certificate authorizing employment of industrial homeworkers in the above industries on file in the same place at which the worker's employment records are maintained.

Retention period: Not specified. 29 CFR 530.8

5.13 Employers of industrial homeworkers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.

To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 530.9

5.14 Employers of industrial homeworkers engaged in making handfashioned jewelry on the Navajo, Pueblo, and Hopi Indian Reservations.

To keep records, including name, address, and date of birth of the homeworker, if under 19 years of age, description of work performed, amount and date of cash payments for each pay period, and a schedule of piece rates paid, and all records required by Part 516, except those required by 516.2 and 516.24.

Retention period: Not specified. 29 CFR Part 530.12(b) (3)

5.15 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep records including name and address of firms outside Puerto Rico from whom goods upon which work to be done are received; name and address of subcontractors, if any, to whom each lot delivered or delivery to homeworkers, and Labor Department permit number; dates goods delivered to and received from subcontractor, with description of goods and rate of commission; name, address, age (if under 19) of homeworker; style number, description, amount of goods delivered, rates, etc.; date homeworker paid.

Retention period: 3 years. 29 CFR 545.7 (a) and (c), 545.8

5.16 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep handbook furnished to employers by Wage and Hour Division, in which employer enters dates on which goods delivered to and received from (or purchased from) homeworker; style number; description, amount of goods, rates, etc.; date homeworker paid; signature of person acting for employer.

Retention period: 2 years subsequent to date of last entry. 29 CFR 545.7 (b) and (c)

5.17 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep record of overtime (over 40 hours 1 week) including hours worked on each lot of work, total hours worked each week; wages paid at regular piece rates; extra amount paid for overtime; this in addition to other records required by 29 CFR 545.7.

Retention period: Employer, 3 years; employee handbook, 2 years. 29 CFR 545.7 (c) and (e)

5.18 Employers of persons engaged in the shoe and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 601.3

5.19 Employers of persons engaged in the leather, leather goods, and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 602.3

5.20 Employers of persons engaged in the fabric and leather glove industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 603.3

5.21 Employers of persons engaged in the metal, machinery, transportation equipment, and allied products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 604.3

5.22 Employers of persons engaged in the electrical, instrument, and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 606.3

5.23 Employers of persons engaged in the handkerchief, scarf, and art linen industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 608.3

5.24 Employers of persons engaged in the women's and children's underwear and women's blouse industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 609.3

5.25 Employers of persons engaged in the children's dress and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 610.3

5.26 Employers of persons engaged in the sweater and knit swimwear industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 611.3

5.27 Employers of persons engaged in the needlework and fabricated textile products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 612.3

5.28 Employers of persons engaged in the straw, hair, and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 613.3

5.29 Employers of persons engaged in the corsets, brassieres, and allied garments industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 614.3

5.30 Employers of persons engaged in the men's and boys' clothing and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 615.3

5.31 Employers of persons engaged in the button, jewelry, and lapidary work industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 616.3

5.32 Employers of persons engaged in the alcoholic beverage and industrial alcohol industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 619.3

5.33 Employers of persons engaged in the tobacco industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 657.3

5.34 Employers of persons engaged in the banking, insurance and finance industries in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 661.3

5.35 Employers of persons engaged in chemical, petroleum, and related products industry in Puerto Rico. [Revised]

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 670.3

5.36 Employers of persons engaged in communications, utilities, and transportation industries in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 671.3

5.37 Employers of persons engaged in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 672.3

5.38 Employers of persons engaged in the food and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 673.3

5.39 Employers of persons engaged in the lumber and wood products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 675.3

5.40 Employers of persons engaged in the paper, paper products, printing, and publishing industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 677.3

5.41 Employers of persons engaged in the stone, clay, glass, cement, and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 678.3

5.42 Employers of homeworkers in Puerto Rico (other than needlework industries).

To keep records pertaining to employment of such homeworkers.

Retention period: 2 years. 29 CFR 681.7, 681.8

5.43 Employers of homeworkers in industries in Puerto Rico (other than needlework industries).

To keep handbook furnished to employers by Wage and Hour Division to record dates upon which goods in each lot were delivered; style number, if any; description of, and amount of goods in each lot; operations to be performed thereon; piece rate to be paid, and net amount paid for operations performed upon such goods, etc.

Retention period: 2 years. 29 CFR 681.7, 681.8

5.44 Employers of persons engaged in the wholesaling, warehousing, and other distribution industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 683.3

5.45 Employers of persons engaged in the hosiery industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 687.3

5.46 Employers of persons engaged in the artificial flower, decoration, and party favor industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 688.3

5.47 Employers of persons engaged in the sugar manufacturing industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 689.3

5.48 Employers of persons engaged in industries in the Virgin Islands.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 694.3

5.49 Employers of homeworkers in industries in the Virgin Islands.

To keep records pertaining to such homeworkers.

Retention period: 3 years. 29 CFR 695.6, 695.7

5.50 Employers of homeworkers in industries in the Virgin Islands.

To keep handbook records containing dates upon which goods in each lot were delivered and collected; style number, description, and amount of goods in each lot, operations to be performed, and piece rate to be paid; net amount actually paid for operations performed; date paid and signature of person acting in behalf of employer.

Retention period: 2 years subsequent to last entry. 29 CFR 695.6, 695.7

5.51 Employers of persons engaged in industries in American Samoa.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 697.3

5.52 Employers of persons engaged in the textile and textile products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 699.3

5.53 Employers of persons engaged in the fabricated plastic products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 690.3

5.54 Employers of persons engaged in the rubber products industry in Puerto Rico. [Added]

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 720.3

6. [Consolidated with 3]

7. Bureau of Labor Standards [Added]

7.1 Employers subject to child-labor provisions of the Fair Labor Standards Act.

To keep certificates of age for employed minors under 18 years of age.

Retention period: Until termination of employment of minor. 29 CFR 1500.3

7.2 State agencies having agreements with Secretary of Labor or Administrator of Wage and Hour Division, Labor Department, for utilization of their services in making investigations and inspections.

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections under Fair Labor Standards Act, and Public Contracts Act.

Retention period: Not specified. 29 CFR 515.6, 1500.86

7.3 Employers subject to minimum age standards of child-labor provisions of Fair Labor Standards Act.

To keep age certificate (a statement of a minor's age issued under regulations of Secretary of Labor) showing minor to be above minimum age requirements for employment as a protection from an unwitting violation of minimum age standards.

Retention period: Not specified. 29 CFR 1500.121

7.4 Persons accredited for vessel cargo gear certification.

To keep original certificates relating to loose gear, wire rope, or heat treatments.

Retention period: Permanent. 29 CFR 1505.10

7.5 Operators or officers of vessels.

To keep vessel's register and certificates relating to cargo gear.

Retention period: 4 years after date of the latest entry except for nonrecurring test certificates concerning gear which is kept in use for a longer period, in which case certificates are retained as long as that gear is in use. 29 CFR 1505.12

7.6 Employers of maritime employees under the Longshoremen's and Harbor Workers' Compensation Act.

To keep records as are necessary to compute and permit verification of standard work-injury frequency and severity rate and employee hours worked.

Retention period: 3 years. 29 CFR 1506.2

VIII. POST OFFICE DEPARTMENT

1.1 Postage meter licensees.

To keep a Meter Record Book (Form 3602–A), showing register readings of metered mail on each day of operation of the meter.

Retention period: At least 1 year from date of final entry. 39 CFR 33.3, 33.7

1.2 Postage meter manufacturers.

To maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the Post Office Department.

Retention period: These records may be destroyed 3 years after the meter is scrapped. 39 CFR 33.8

1.3 Apartment house managers.

To maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as this would make it possible for unauthorized persons to secure keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee.

Retention period: The record of key numbers must be kept until the lock has been changed when it may be destroyed. The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed. 39 CFR 45.6

IX. DEPARTMENT OF STATE

1.1 Persons required to register as manufacturers, importers, or exporters of United States Munitions List articles.

To maintain, subject to the inspection of the Secretary of State, or any person designated by him, records on the importation and exportation of articles enumerated in the United States Munitions List. Records shall contain all information pertinent to the transaction.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. 22 CFR 122.05

X. DEPARTMENT OF THE TREASURY

1. Bureau of Accounts

1.1 Public and private agencies holding refugee relief loans.

To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953 and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

2. Comptroller of the Currency

2.1 National banks acting as insurance agents and as brokers or agent for loans on real estate.

To keep records available for inspection by Examiners as specified in 12 CFR Part 2, including authorization statements and certificates, copies of agent-bank's reports, adequate records of insurance transactions and loans, with separate entries and accounts, and records as may be required by insurance companies.

Retention period: Permanent, except for copies of reports made by the agent bank to each insurance company which it represents, which copies shall be kept for a period of five years, and except for records of loans negotiated by the bank in acting as broker or agent in making or procuring loans on real estate, which records shall be kept for a period of 5 years. 12 CFR 2.2, 2.4

2.2 National banks exercising trust powers.

To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under regulations and State and local law.

Retention period: Not specified. 12 CFR 9.8

2.3 National banking associations.

To maintain a stock register book containing names and residences of all shareholders, such book to be kept in the main office of the bank.

Retention period: Permanent. 12 U.S.C. 62

2.4 Certificates executed by national banks under Exception 13 of R.S. 5200.

To keep certificates, executed by an officer of the bank designated by the board of directors for that purpose, in support of loans made based on negotiable or nonnegotiable installment consumer paper where the bank has in fact evaluated and is relying primarily on the makers for the payment of such obligations.

Retention period: Until repayment of the loan. 12 U.S.C. 84

3. Bureau of Customs

3.1—3.4 [Deleted]

3.5 Importers of Patna rice to be used in the manufacture of canned soups.[1] [Amended]

To keep records to support blanket certificates issued to show sales of such Patna rice during a specific period to a specified manufacturer showing quantity and description of the Patna rice and identifying such Patna rice with the import entry.

Retention period: 3 years from liquidation of the entry. 19 CFR 10.88

3.6 Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond.

To keep records showing (a) in case of entry or withdrawal, the quantity, entered clean content, identity, and description of such wool or hair; (b) in case of receipt by transfer, the quantity, description, and date of transfer certificate of wool or hair and name and address of transferor.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.93 (retention: 10.95)

3.7 Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel.

To keep records showing (a) date or inclusive dates of processing of each lot or inclusive dates of each period of manufacture; (b) quantity, identity, and description of wool or hair not previously processed put into process; (c) quantity and description of all intermediate products, stocks in process, and wastes not described put into process; (d) quantity and description of final products and quantity by weight of wool or hair content; (e) quantity of wastes remaining on hand; (f) inventory of wool and hair on hand at close of each abstract period or at completion of lot; (g) quantities and description of any yarns spun.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.94 (retention: 10.95)

3.8 Manufacturers, processors, or dealers of articles of wool or hair of the camel.

To keep records showing quantity, description, and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.95

3.9 Importers of rapeseed oil to be used in the manufacture of rubber substitutes or lubricating oil.[1] [Amended]

To keep records to support blanket certificates issued to show sales of such rapeseed oil during a specific period to a specified manufacturer showing quantity and description of the rapeseed oil and identifying such rapeseed oil with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.100

3.10 Importers of limestone to be used in the manufacture of fertilizer.[1] [Amended]

To keep records to support blanket certificates issued to show sales of such limestone during a specific period to a specified manufacturer showing quantity and description of the limestone and identifying such limestone with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.101

3.11 [Deleted]

3.12 Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930.[1] [Amended]

To keep such records of their operations as will enable them to file an annual statement, not later than 60 days after the termination of their fiscal year, showing the quantities of metal bearing materials on hand at the beginning of the period and the dutiable contents thereof; the quantities of metal bearing materials received during the period and the dutiable contents thereof; the quantities of metal bearing materials to be accounted for and the dutiable contents thereof; the quantities of metal bearing materials on hand at the end of the period and the dutiable contents thereof; the quantities of metal bearing materials worked during the period and the dutiable contents thereof; and the wastage incurred during the period.

Retention period: 5 years from date of the related annual statement. 19 CFR 19.19

3.13 Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody.

To maintain such records as will enable customs officers to verify the handling to which imported wheat has been subjected and the proper accounting of any increase or shortage in quantity from shrinkage or other factor.

Retention period: 2 years after date of transaction. 19 CFR 19.34

3.14 Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.[1]

To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported merchandise used, the quantity and description of finished product obtained, and, if valuable waste is incurred in manufacture and claim is made for an allowance for such waste, the value of the imported merchandise used in manufacture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the relative values thereof at the time of separation.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.4, 22.6 (retention: 22.46)

3.15 Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(b), Tariff Act of 1930, as amended.[1]

To keep detailed records pertaining to duty-paid merchandise or other articles manufactured or produced under drawback regulations with the use of such merchandise designated as the basis for the allowance of drawback on the exported articles.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.5, 22.6 (retention: 22.46)

3.16 Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic taxpaid alcohol and intended for exportation with benefit of drawback under section 313(d), Tariff Act of 1930, as amended.[1]

To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.23, 22.24 (retention: 22.46)

3.17 Licensed customhouse brokers.

To maintain correctly and in orderly itemized manner, and keep current, records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made, copies of all correspondence and other papers relating to customs business and, except for certain specified limitations, a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 5 years after preparation or receipt. 19 CFR 31.9

4. Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 which were in effect on December 31, 1963. All regulations applicable under any provision of law in effect on August 16, 1954, the date of enactment of the 1954 Code, are applicable to the corresponding provisions of the 1954 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1954 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in item 4.1 regardless of other requirements which for other purposes allow shorter retention periods.

The record retention requirements of the Internal Revenue Service are divided into the following categories: Income, Estate, Gift, Employment, Excise, Liquor, Tobacco, and Firearms Taxes.

Citations to 26 CFR App. A and D are carried in the Code of Federal Regulations as Appendixes to Subchapters A and D of Chapter I of Title 26.

INCOME TAX

4.1 Persons subject to income tax.

(a) *General.* Except as provided in paragraph (b), any person subject to tax, or any person required to file a return of information with respect to income shall keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters required to be shown by such person in any return of such tax or information.

(b) *Farmers and wage-earners.* Individuals deriving gross income from the business of farming, and individuals whose gross income includes salaries, wages, or similar compensation for personal services rendered, are required to keep such records as will enable the district director to determine the correct amount of income subject to the tax, but it is not necessary that these individuals keep the books of account or records required by paragraph (a).

(c) *Exempt organizations.* In addition to the books and records required by paragraph (a) with respect to the tax imposed or unrelated business income, every organization exempt from tax but required to file an annual return shall keep such permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts, and disbursements, and other required information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6001-1 (See also 1.446-1, 1.453-1, dealing with accounting methods and periods.)

4.2 Persons paying travel or other business expenses incurred by an employee in connection with the performance of his services.

To maintain adequate and detailed records of ordinary and necessary travel, transportation, entertainment, and other similar business expenses, including identification of amount and nature of expenditures, and to keep supporting documents, especially in connection with large or exceptional expenditures.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.162-17, 1.274-5 (retention: 1.6001-1)

4.3 Persons claiming allowance for depreciation of property used in trade or business or property held for the production of income.

To keep records of all factors entering into the computation of depreciation allowances.

[1] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

4.4 Persons required to withhold, deposit, and pay income taxes.

(a) *General.* Every person required to withhold, deposit, and pay income taxes shall keep such records as will enable the district director to determine the correct amount of such taxes.

(b) *Employment taxes.* Every employer liable for employment taxes shall keep such records as will enable the district director to determine the correct amount of such taxes.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 31.6001-1

4.5 Persons required to withhold tax at source on nonresident aliens and foreign corporations.

Every person required to withhold tax at source on nonresident aliens and foreign corporations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.6 Persons required to withhold tax at source on dividends and interest.

Every person required to withhold tax at source on dividends and interest shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.7 Persons required to withhold tax at source on wages.

Every person required to withhold tax at source on wages shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 31.6001-1

4.8 Persons required to withhold tax at source on gambling winnings.

Every person required to withhold tax at source on gambling winnings shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.9 Persons required to withhold tax at source on annuities, pensions, and certain other deferred income.

Every person required to withhold tax at source on annuities, pensions, and certain other deferred income shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.10 Persons required to withhold tax at source on certain income of foreign governments and international organizations.

Every person required to withhold tax at source on certain income of foreign governments and international organizations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.11 Persons required to withhold tax at source on payments to certain foreign corporations.

Every person required to withhold tax at source on payments to certain foreign corporations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.12 Persons required to withhold tax at source on payments to foreign partners and foreign beneficiaries of estates and trusts.

Every person required to withhold tax at source on payments to foreign partners and foreign beneficiaries of estates and trusts shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.13 Persons required to withhold tax at source on payments to foreign contractors.

Every person required to withhold tax at source on payments to foreign contractors shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.14 Persons required to withhold tax at source on payments to foreign insurance companies.

Every person required to withhold tax at source on payments to foreign insurance companies shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.15 Persons required to withhold tax at source on payments to foreign organizations exempt from tax.

Every person required to withhold tax at source on payments to foreign organizations exempt from tax shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.16 Persons required to withhold tax at source on payments to foreign private foundations.

Every person required to withhold tax at source on payments to foreign private foundations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.17 Persons required to withhold tax at source on payments to foreign trusts.

Every person required to withhold tax at source on payments to foreign trusts shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.18 Persons required to withhold tax at source on payments to foreign corporations.

Every person required to withhold tax at source on payments to foreign corporations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.19 Persons required to withhold tax at source on payments to foreign estates.

Every person required to withhold tax at source on payments to foreign estates shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.20 Persons required to withhold tax at source on payments to foreign partnerships.

Every person required to withhold tax at source on payments to foreign partnerships shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.21 Persons required to withhold tax at source on payments to foreign individuals.

Every person required to withhold tax at source on payments to foreign individuals shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.22 Persons required to withhold tax at source on payments to foreign fiduciaries.

Every person required to withhold tax at source on payments to foreign fiduciaries shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.23 Persons required to withhold tax at source on payments to foreign branches.

Every person required to withhold tax at source on payments to foreign branches shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.24 Persons required to withhold tax at source on payments to foreign agents.

Every person required to withhold tax at source on payments to foreign agents shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.25 Persons required to withhold tax at source on payments to foreign banks.

Every person required to withhold tax at source on payments to foreign banks shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.26 Persons required to withhold tax at source on payments to foreign insurance companies.

Every person required to withhold tax at source on payments to foreign insurance companies shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.27 Persons required to withhold tax at source on payments to foreign organizations exempt from tax.

Every person required to withhold tax at source on payments to foreign organizations exempt from tax shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.28 Persons required to withhold tax at source on payments to foreign private foundations.

Every person required to withhold tax at source on payments to foreign private foundations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.29 Persons required to withhold tax at source on payments to foreign trusts.

Every person required to withhold tax at source on payments to foreign trusts shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.30 Persons required to withhold tax at source on payments to foreign corporations.

Every person required to withhold tax at source on payments to foreign corporations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.31 Persons required to withhold tax at source on payments to foreign estates.

Every person required to withhold tax at source on payments to foreign estates shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.32 Persons required to withhold tax at source on payments to foreign partnerships.

Every person required to withhold tax at source on payments to foreign partnerships shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.33 Persons required to withhold tax at source on payments to foreign individuals.

Every person required to withhold tax at source on payments to foreign individuals shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.34 Persons required to withhold tax at source on payments to foreign fiduciaries.

Every person required to withhold tax at source on payments to foreign fiduciaries shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.35 Persons required to withhold tax at source on payments to foreign branches.

Every person required to withhold tax at source on payments to foreign branches shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.36 Persons required to withhold tax at source on payments to foreign agents.

Every person required to withhold tax at source on payments to foreign agents shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.37 Persons required to withhold tax at source on payments to foreign banks.

Every person required to withhold tax at source on payments to foreign banks shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.38 Persons required to withhold tax at source on payments to foreign insurance companies.

Every person required to withhold tax at source on payments to foreign insurance companies shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.39 Persons required to withhold tax at source on payments to foreign organizations exempt from tax.

Every person required to withhold tax at source on payments to foreign organizations exempt from tax shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.40 Persons required to withhold tax at source on payments to foreign private foundations.

Every person required to withhold tax at source on payments to foreign private foundations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.41 Persons required to withhold tax at source on payments to foreign trusts.

Every person required to withhold tax at source on payments to foreign trusts shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.42 Persons required to withhold tax at source on payments to foreign corporations.

Every person required to withhold tax at source on payments to foreign corporations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.43 Persons required to withhold tax at source on payments to foreign estates.

Every person required to withhold tax at source on payments to foreign estates shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.44 Persons required to withhold tax at source on payments to foreign partnerships.

Every person required to withhold tax at source on payments to foreign partnerships shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.45 Persons required to withhold tax at source on payments to foreign individuals.

Every person required to withhold tax at source on payments to foreign individuals shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.46 Persons required to withhold tax at source on payments to foreign fiduciaries.

Every person required to withhold tax at source on payments to foreign fiduciaries shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.47 Persons required to withhold tax at source on payments to foreign branches.

Every person required to withhold tax at source on payments to foreign branches shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.48 Persons required to withhold tax at source on payments to foreign agents.

Every person required to withhold tax at source on payments to foreign agents shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.49 Persons required to withhold tax at source on payments to foreign banks.

Every person required to withhold tax at source on payments to foreign banks shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.50 Persons required to withhold tax at source on payments to foreign insurance companies.

Every person required to withhold tax at source on payments to foreign insurance companies shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.51 Persons required to withhold tax at source on payments to foreign organizations exempt from tax.

Every person required to withhold tax at source on payments to foreign organizations exempt from tax shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.52 Persons required to withhold tax at source on payments to foreign private foundations.

Every person required to withhold tax at source on payments to foreign private foundations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.53 Persons required to withhold tax at source on payments to foreign trusts.

Every person required to withhold tax at source on payments to foreign trusts shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.54 Persons required to withhold tax at source on payments to foreign corporations.

Every person required to withhold tax at source on payments to foreign corporations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.55 Persons required to withhold tax at source on payments to foreign estates.

Every person required to withhold tax at source on payments to foreign estates shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.56 Persons required to withhold tax at source on payments to foreign partnerships.

Every person required to withhold tax at source on payments to foreign partnerships shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.57 Persons required to withhold tax at source on payments to foreign individuals.

Every person required to withhold tax at source on payments to foreign individuals shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.58 Persons required to withhold tax at source on payments to foreign fiduciaries.

Every person required to withhold tax at source on payments to foreign fiduciaries shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.59 Persons required to withhold tax at source on payments to foreign branches.

Every person required to withhold tax at source on payments to foreign branches shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.60 Persons required to withhold tax at source on payments to foreign agents.

Every person required to withhold tax at source on payments to foreign agents shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.61 Persons required to withhold tax at source on payments to foreign banks.

Every person required to withhold tax at source on payments to foreign banks shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.62 Persons required to withhold tax at source on payments to foreign insurance companies.

Every person required to withhold tax at source on payments to foreign insurance companies shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.63 Persons required to withhold tax at source on payments to foreign organizations exempt from tax.

Every person required to withhold tax at source on payments to foreign organizations exempt from tax shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.64 Persons required to withhold tax at source on payments to foreign private foundations.

Every person required to withhold tax at source on payments to foreign private foundations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.65 Persons required to withhold tax at source on payments to foreign trusts.

Every person required to withhold tax at source on payments to foreign trusts shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.66 Persons required to withhold tax at source on payments to foreign corporations.

Every person required to withhold tax at source on payments to foreign corporations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.67 Persons required to withhold tax at source on payments to foreign estates.

Every person required to withhold tax at source on payments to foreign estates shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.68 Persons required to withhold tax at source on payments to foreign partnerships.

Every person required to withhold tax at source on payments to foreign partnerships shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.69 Persons required to withhold tax at source on payments to foreign individuals.

Every person required to withhold tax at source on payments to foreign individuals shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.70 Persons required to withhold tax at source on payments to foreign fiduciaries.

Every person required to withhold tax at source on payments to foreign fiduciaries shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.71 Persons required to withhold tax at source on payments to foreign branches.

Every person required to withhold tax at source on payments to foreign branches shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.72 Persons required to withhold tax at source on payments to foreign agents.

Every person required to withhold tax at source on payments to foreign agents shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.73 Persons required to withhold tax at source on payments to foreign banks.

Every person required to withhold tax at source on payments to foreign banks shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.74 Persons required to withhold tax at source on payments to foreign insurance companies.

Every person required to withhold tax at source on payments to foreign insurance companies shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.75 Persons required to withhold tax at source on payments to foreign organizations exempt from tax.

Every person required to withhold tax at source on payments to foreign organizations exempt from tax shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.76 Persons required to withhold tax at source on payments to foreign private foundations.

Every person required to withhold tax at source on payments to foreign private foundations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.77 Persons required to withhold tax at source on payments to foreign trusts.

Every person required to withhold tax at source on payments to foreign trusts shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.78 Persons required to withhold tax at source on payments to foreign corporations.

Every person required to withhold tax at source on payments to foreign corporations shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.79 Persons required to withhold tax at source on payments to foreign estates.

Every person required to withhold tax at source on payments to foreign estates shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.80 Persons required to withhold tax at source on payments to foreign partnerships.

Every person required to withhold tax at source on payments to foreign partnerships shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.81 Persons required to withhold tax at source on payments to foreign individuals.

Every person required to withhold tax at source on payments to foreign individuals shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.82 Persons required to withhold tax at source on payments to foreign fiduciaries.

Every person required to withhold tax at source on payments to foreign fiduciaries shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.83 Persons required to withhold tax at source on payments to foreign branches.

Every person required to withhold tax at source on payments to foreign branches shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.84 Persons required to withhold tax at source on payments to foreign agents.

Every person required to withhold tax at source on payments to foreign agents shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.85 Persons required to withhold tax at source on payments to foreign banks.

Every person required to withhold tax at source on payments to foreign banks shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.86 Persons required to withhold tax at source on payments to foreign insurance companies.

Every person required to withhold tax at source on payments to foreign insurance companies shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-1

4.87 Persons required to withhold tax at source on payments to foreign organizations exempt from tax.

Every person required to withhold tax at source on payments to foreign organizations exempt from tax shall keep such records as will enable the district director to determine the correct amount of such tax.

Retention period: At least 4 years after the date the tax becomes due or is paid, whichever is later. 26 CFR 1.6001-

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.167(a)-7 (retention: 1.6001-1)

4.3a Persons claiming a deduction for amounts expended in maintaining certain students as a member of household. [Added]

To keep adequate records of amounts actually paid in maintaining a student as a member of the household. For certain items, such as food, a record of amounts spent for all members of the household, with an equal portion thereof allocated to each member, will be acceptable.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.170-2 (retention: 1.6001-1)

4.4 Persons electing to treat trademark or trade name expenditures as deferred expenses.

To make an accounting segregation on his books and records of trademark and trade name expenditures, for which the election has been made, sufficient to permit an identification of the character and amount of each expenditure and the amortization period selected for each expenditure.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.177-1 (retention: 1.6001-1)

4.5 Persons electing additional first-year depreciation allowance for small business.

To maintain records which permit specific identification of "section 179 property" and reflect how and from whom such property was acquired.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.179-4 (retention: 1.6001-1)

4.6 Persons receiving any class of exempt income or holding property or engaging in activities the income from which is exempt.

To keep records as will enable allocation to be made of amounts of each class of exempt income and amounts of items or parts of items allocated to each class.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.265-1 (retention: 1.6001-1)

4.7 Taxpayer substantiation of expenses for travel, entertainment, and gifts related to active conduct of trade or business. [Revised]

A taxpayer must substantiate each element of an expenditure by adequate records or sufficient evidence corroborating his own statements.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.274-1, 1.274-5 (retention: 1.6001-1)

4.8 Corporations receiving distributions in complete liquidation of subsidiaries.

To keep records showing information with respect to the plan of liquidation and its adoption.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.332-6 (retention: 1.6001-1)

4.9 Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations.

To keep records in substantial form showing all facts pertinent to the recognition and treatment of the gain realized upon shares of stock owned at the time of the adoption of the plan of liquidation.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.333-5 (retention: 1.6001-1)

4.10 Persons who participate in a transfer of property to a corporation controlled by the transferor.

To keep records in substantial form showing information to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.351-3 (retention: 1.6001-1)

4.11 Persons who participate in a tax-free exchange in connection with a corporate reorganization.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.368-3 (retention: 1.6001-1)

4.12 Persons who exchange stock and securities in corporations in accordance with plans of reorganizations approved by the courts in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.371-2 (retention: 1.-6001-1)

4.13 Corporations which are parties to reorganizations in pursuance of court orders in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.371-1 (retention: 1.6001-1)

4.14 Railroads participating in a tax-free reorganization.

Records in substantial form must be kept by every railroad corporation which participates in a tax-free exchange in connection with a reorganization under section 374(a) of the Internal Revenue Code, showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received, including any liabilities assumed upon the exchange, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: Permanent. 26 CFR 1.374-3

4.15 Records required in computing depreciation allowance carryovers of acquiring corporations in certain corporate acquisitions.

Records shall be maintained in sufficient detail to identify any depreciable property to which section 1.381(c)(6)-1 of the regulations applies and to establish the basis thereof.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.381(c)(6)-1 (retention: 1.6001-1)

4.16 Corporations and shareholders for whom elections are filed with respect to the tax treatment of corporate reorganizations.

To keep permanent records of all relevant data in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.393-3 (retention: 1.6001-1)

4.17 Employers claiming deductions for contributions to an employees' trust or annuity plan or compensating an employee under a deferred-payment plan.

To keep records substantiating all data and information required to be filed with respect to each plan and the deductions claimed thereunder.

Retention period: To be kept at all times available for inspection. 26 CFR 1.404(a)-2

4.18 Persons required to seek the approval of the Commissioner in order to change their annual accounting period.

To keep adequate and accurate records of their taxable income for the short period involved in the change and for the fiscal year proposed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.422-1 (retention: 1.6001-1)

4.19 Persons selling by the installment method. [Revised]

(a) *Installment method.* In adopting the installment method of accounting the seller must maintain such records as are necessary to clearly reflect income. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method.

(b) *Revolving credit plan.* The percentage of charges under a revolving credit plan which will be treated as sales on the installment plan shall be computed by making an actual segregation of charges in a probability sample of the revolving credit accounts in order to determine what percentage of charges in the sample is to be treated as sales on the installment plan. The taxpayer shall maintain records in sufficient detail to show the method of computing and applying the sample.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.453-1, 1.453-2 (retention: 1.6001-1)

4.20 Persons engaged in the production, purchase, or sale of merchandise.

To keep a record of inventory conforming to the best accounting practice in the trade or business which clearly reflects income and is consistent from year to year.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.471-1, 1.471-2 (retention: 1.6001-1)

4.20a Farmer's cooperative marketing and purchasing associations. [Added]

To keep permanent records of the business done both with members and nonmembers, which show that the association was operating during the taxable year on a cooperative basis in the distribution of patronage dividends to all producers. While under the Code patronage dividends must be paid to all producers on the same basis, this requirement is complied with if an association, instead of paying patronage dividends to nonmember producers in cash, keeps permanent records from which the proportionate shares of the patronage dividends due to nonmember producers can be determined, and such shares are made applicable toward the purchase price of a share of stock or of a membership in the association.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.521-1 (retention: 1.6001-1)

4.21 Corporations claiming deduction for dividends paid.

To keep permanent records necessary (a) to establish that dividends with respect to which the deduction is claimed were actually paid during the taxable year, and (b) to supply the information required to be filed with the income tax return of the corporation. To also keep canceled dividend checks and receipts obtained from shareholders acknowledging payment.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.561-2 (retention: 1.6001-1)

4.22 Persons claiming allowance for cost depletion of natural gas property without reference to discovery value or percentage depletion.

To keep accurate records of periodical pressure determinations where the annual production is not metered.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.611-2 (retention: 1.6001-1)

4.23 Persons claiming an allowance for depletion and depreciation of mineral property, oil and gas wells, and other natural deposits.

(a) *General.* To keep a separate account in which shall be accurately recorded the cost or other basis of such property together with subsequent allowable capital additions to each account and all other required adjustments; and, to assemble, segregate, and have readily available at his principal place of business, all the supporting data which is used in compiling certain summary statements required to be attached to returns.

(b) *Mineral property.* The information on which the summary statement is based and for which supporting data must be kept includes:

(1) An adequate map showing the name, description, location, date of surveys, and identification of the deposit or deposits;

(2) A description of the character of the taxpayer's property, accompanied by a copy of the instrument or instruments by which it was acquired;

(3) The date of acquisition of the property, the exact terms and dates of expiration of all leases involved, and if terminated, the reasons therefor;

(4) The cost of the mineral property and improvements, stating the amount paid to each vendor, with his name and address;

(5) The date as of which the mineral property and improvements are valued, if a valuation is necessary to establish the basis;

(6) The value of mineral property and improvements on that date with a statement of the precise method by which it was determined;

(7) An allocation of the cost or value among the mineral property, improvements and the surface of the land for purposes other than mineral production;

(8) The estimated number of units of each kind of mineral at the end of the taxable year, and also at the date of acquisition, if acquired during the taxable year or at the date as of which any valuation is made, together with an explanation of the method used in the estimation, the name and address of the person making the estimate, and an average analysis which will indicate the quality of the mineral valued, including the grade or gravity in the case of oil;

(9) The number of the units sold and the number of units for which payment was received or accrued during the year for which the return is made (in the case of newly developed oil and gas deposits it is desirable that this information be furnished by months);

(10) The gross amount received from the sale of mineral;

(11) The amount of depreciation for the taxable year and the amount of cost depletion for the taxable year;

(12) The amounts of depletion and depreciation, if any, stated separately, which for each and every prior year: (i) Were allowed, (ii) Were allowable, and (iii) Would have been allowable without reference to percentage or discovery depletion;

(13) The fractions (however measured) of gross production from the deposit or deposits to which the taxpayer and other persons are entitled together with the names and addresses of such other persons; and

(14) Any other data which will be helpful in determining the reasonableness of the valuation asserted or of the deductions claimed.

(c) *Oil and gas properties.* The following information with respect to each property is required in addition to that information set forth in paragraphs (a) and (b):

(1) The number of acres of producing oil or gas land and, if additional acreage is claimed to be proven, the amount of such acreage and the reasons for believing it to be proven;

(2) The number of wells producing at the beginning and end of the taxable year;

(3) The date of completion of each well finished during the taxable year;

(4) The date of abandonment of each well abandoned during the taxable year;

(5) Maps showing the location of the tracts or leases and of the producing and abandoned wells, dryholes, and proven oil and gas lands (maps should show depth, initial production, and date of completion of each well, etc., to the extent that these data are available);

(6) The number of pay sands and average thickness of each pay sand or zone;

(7) The average depth to the top of each of the different pay sands;

(8) The annual production of the deposit or of the individual wells, if the latter information is available, from the beginning of its productivity to the end of the taxable year, the average number of wells producing during each year, and the initial daily production of each well (the extent to which oil or gas is used for fuel on the premises should be stated with reasonable accuracy);

(9) All available data regarding change in operating conditions, such as unit operation, proration, flooding, use of air-gas lift, vacuum, shooting, and similar information, which have a direct effect on the production of the deposit; and

(10) Available geological information having a probable bearing on the oil and gas content; information with respect to edge water, water drive, bottom hole pressures, oil-gas ratio, porosity of reservoir rock, percentage of recovery, expected date of cessation of natural flow, decline in estimated potential, and characteristics similar to characteristics of other known fields.

(d) *Statement to be attached to return when depletion is claimed on percentage basis.*

In addition to the requirements set forth in paragraphs (a), (b) and (c), a taxpayer who claims the percentage depletion deduction for any taxable year shall attach to his return for such year a statement setting forth in complete, summary form, with respect to each property for which such deduction is allowable, the following information:

(1) All data necessary for the determination of the "gross income from the property," as defined in 26 CFR 1.613–3, including, (i) Amounts paid as rents or royalties including amounts which the recipient treats under section 631(c) of the Internal Revenue Code, (ii) Proportion and amount of bonus excluded, and (iii) Amounts paid to holders of other interests in the mineral deposit;

(2) All additional data necessary for the determination of the "taxable income from the property computed without the allowance for depletion," as defined in 26 CFR 1.613–4.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.611–2, 1.613–5 (retention 1.6001–1)

4.24 Persons claiming an allowance for depletion of timber property.

To keep accurate ledger accounts in which shall be recorded the cost or other basis of the property and land together with subsequent allowable capital additions in each account and all other adjustments. In such accounts there shall be set up separately the quantity of timber, the quantity of land, and the quantity of other resources, if any, and a proper part of the total cost or value shall be allocated to each after proper provision for immature timber growth. The timber accounts shall be credited each year with the amount of the charges to the depletion accounts or the amount of the charges to the depletion accounts shall be credited to depletion reserves accounts.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.611–3 (retention: 1.6001–1)

4.25 Persons electing to aggregate separate operating mineral interests.

To maintain adequate records and maps that shall contain a description of the aggregation and the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. A general description, accompanied by appropriately marked maps, which accurately circumscribes the scope of the aggregation and identifies the properties which are to be treated separately will be sufficient. There shall also be included a description of the operating unit in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.614–2 (retention: 1.6001–1)

4.26 Rules relating to separate operating mineral interests in the case of mines.

To maintain adequate records and maps that shall contain the following information:

(a) Whether the taxpayer is making an election or elections with respect to the operating unit in accordance with section 614(c)(3) (A) or (B) of the Internal Revenue Code;

(b) A description of the operating unit of the taxpayer in sufficient detail to identify the operating mineral interests which are included within such operating unit;

(c) A description of each aggregation to be formed within the operating unit, in sufficient detail to show that each aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines;

(d) A description of each separate operating mineral interest within the operating unit which is to be treated as a separate property, in sufficient detail to show that such interest is not a part of any mine for which an election to aggregate has been made;

(e) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each separate operating mineral interest within the operating unit, but if the first expenditure for development or operation has not been made with respect to a separate operating mineral interest before the close of the taxable year for which the election is made, such information should also be included;

(f) A description of each separate operating mineral interest within the operating unit which the taxpayer elects to treat as more than one such interest under section 614(c)(2) of the Internal Revenue Code, in sufficient detail to show that the separate operating mineral interest was not a part of an aggregation formed by the taxpayer under section 614(c)(1) of the Code for any taxable year prior to the taxable year for which the election under section 614(c)(2) of the Code is made, and to show that the mineral deposit representing the separate operating mineral interest is being developed or extracted by means of two or more mines;

(g) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each mine on the separate operating mineral interest that the taxpayer is electing to treat as more than one such interest; and

(h) The allocation of the mineral deposit representing the separate operating mineral interest between (or among) the newly formed interests and the method by which such allocation was made.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.614–3 (retention: 1.6001–1)

4.27 Life insurance companies distributing dividends to policyholders.

Every life insurance company claiming a deduction for dividends to policyholders shall keep such permanent records as are necessary to establish the amount of dividends actually paid during the taxable year. Such company shall also keep a copy of the dividend resolution and any necessary supporting data relating to the amounts of dividends declared and to the amounts held or set aside as reserves for dividends to policyholders during the taxable year.

Retention period: Permanent. 26 CFR 1.811–2

4.28 Record retention requirements for life insurance companies with respect to the optional treatment of policies reinsured under modified coinsurance contracts.

The reinsured and reinsurer shall maintain as part of their permanent books of account any subsequent amendments to the original modified coinsurance contract between the reinsured and reinsurer.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.820–2 (retention: 1.6001–1)

4.29 Regulated investment companies.

To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from the shareholders. For the purposes of determining whether a domestic corporation claiming to be a regulated investment company is a personal holding company the records of the company shall show the maximum number of shares of the corporation (including the number and face value of securities convertible into stock of the corporation) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the corporation's taxable year. Also to maintain a list of the persons failing or refusing to comply with demand for statements respecting ownership of shares.

Retention period: As long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.852–6, 1.852–7 (retention: 1.6001–1)

4.30 Real estate investment trust.

(a) To maintain in the internal revenue district in which it is required to file its income tax return such permanent records as will disclose the actual ownership of its outstanding stock.

(b) Shareholders of record may not be the actual owners of the stock; accordingly, the real estate investment trust shall demand a written statement from shareholders of record disclosing the actual owner of the stock. Section 1.856–6(d). A list of the persons failing or refusing to comply in whole or in part with the trust's demand for such statement shall be maintained as a part of the trust's records.

(c) For the purpose of determining whether a trust, claiming to be a real estate investment trust, is a personal holding company, the permanent records of the trust shall show the maximum number of shares of the trust (including the number and face value of securities convertible into stock of the trust) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the trust's taxable year, as provided in section 544 of the Internal Revenue Code.

Retention period: Such records shall be kept at all times available for inspection by any internal revenue officer or employee and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.857–6

4.31 Persons claiming credit for taxes paid or accrued to foreign countries and possessions of the United States.

To keep readily available for comparison on request the original receipt for each such tax payment, or the original return on which each such accrued tax was based, a duplicate original, or a duly certified or authenticated copy, in case only a sworn copy of a receipt or return is submitted.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.905–2 (retention: 1.6001–1)

4.32 Western Hemisphere trade corporations.

To keep records substantiating income tax statement showing that its entire business is done within the Western Hemisphere and, if any purchases are made outside the Western Hemisphere, the amount of such purchases, the amount of its gross receipts from all sources, and any other pertinent information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.921–1 (retention: 1.6001–1)

4.32a Persons or corporations seeking to come within the exception to the limitation on reduction in income tax liability incurred to the Virgin Islands, under section 934 of the Internal Revenue Code of 1954. [Added]

Must maintain such records and other documents as are necessary to determine the applicability of the exception.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.934–1 (retention: 1.6001–1)

4.33 Executors or other legal representatives of decedents, fiduciaries of trusts under wills, life tenants and other persons to whom a uniform basis with respect to property transmitted at death is applicable.

To make and maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1014–4 (retention: 1.6001–1)

4.34 Persons making or receiving gifts of property acquired by gift after December 31, 1920.

To preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, to insure a fair and adequate determination of the proper basis.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1015–1 (retention: 1.6001–1)

4.35 Persons participating in exchanges or distributions made in obedience to orders of the Securities and Exchange Commission.

To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1081–11 (retention: 1.6001–1)

4.36 Stock or security holders records of distribution pursuant to the Bank Holding Company Act of 1956.

Each stock or security holder who receives stock or securities or other property upon a distribution made by a qualified bank holding corporation under section 1101 of the Internal Revenue Code shall maintain records of all facts pertinent to the nonrecognition of gain upon such distribution.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1101–4 (retention: 1.6001–1)

4.37 Persons engaged in arbitrage operations in stocks and securities.

To keep records that will clearly show that a transaction has been timely and properly identified as an arbitrage operation. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1233–1 (retention: 1.6001–1)

4.38 Record retention requirements for corporations and shareholders with respect to the substantiation of ordinary loss deductions on small business corporation stock.

(a) *Corporations.* The plan to issue stock which qualifies under section 1244 of the Internal Revenue Code must appear upon the records of the corporation. In addition, in order to substantiate an ordinary loss deduction claimed by its shareholders, the corporation should maintain records showing the following:

(1) The persons to whom stock was issued pursuant to the plan, the date of issuance to each, and a description of the amount and type of consideration received from each;

(2) If the consideration received is property, the basis in the hands of the shareholders and the fair market value of such property when received by the corporation;

(3) Which certificates represent stock issued pursuant to the plan;

(4) The amount of money and the basis in the hands of the corporation of other property received after June 30, 1958, and before the adoption of the plan for its stock, as a contribution to capital and as paid-in surplus;

(5) The equity capital of the corporation on the date of adoption of the plan; and

(6) Information relating to any tax-free stock dividend made with respect to stock issued pursuant to the plan and any reorganization in which stock is transferred by the corporation in exchange for stock issued pursuant to the plan.

(b) *Shareholders.* Any person who claims a deduction for an ordinary loss on stock under section 1244 of the Code shall file with his income tax return for the year in which a deduction for the loss is claimed a statement setting forth:

(1) The address of the corporation that issued the stock;

(2) The manner in which the stock was acquired by such person and the nature and amount of the consideration paid; and

(3) If the stock was acquired in a nontaxable transaction in exchange for property other than money—the type of property, its fair market value on the date of transfer to the corporation, and its adjusted basis on such date.

In addition, a person who owns "section 1244 stock" in a corporation shall maintain records sufficient to distinguish such stock from any other stock he may own in the corporation.

Retention period: So long as the contents thereof may become material in

the administration of any internal revenue law. 26 CFR 1.1244(e)-1 (retention: 1.6001-1)

4.39 Persons involved in the liquidation and replacement of lifo inventories.

To keep detailed records such as will enable the Commissioner, in his examination of the taxpayer's return for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1321-1, 1.1321-2 (retention: 1.6001-1)

4.40 Unincorporated business enterprise electing to be taxed as a domestic corporation.

(a) *General.* Except as otherwise provided in paragraph (b), any unincorporated business enterprise electing to be taxed as a domestic corporation under section 1361 of the Internal Revenue Code is required to keep records, render statements, and make returns in the same manner as a domestic corporation.

(b) *Other records.* The following other records shall be maintained by a "section 1361 corporation:"

(1) Separate records shall be maintained for payments to owners of a "section 1361 corporation" in order that a determination may be made as to whether such payments are compensation for personal services to which section 1361(j) of the Internal Revenue Code applies, or are distributions which may be treated either as corporate distributions or as distributions of personal separate capital accounts shall be mainholding company income.

(2) In the case of a partnership, tained for each partner. Such accounts shall set forth the original capital contribution, adjustments thereto (for example, because of an owner's share of undistributed personal holding company income), and any other information necessary to establish each partner's interest in the "section 1361 corporation."

(3) A "section 1361 corporation" shall maintain records of all transfers of interests by its owners made at any time during the period the election under section 1361 applies, showing the names of the transferor and the transferee, the relationship between them, and the interest transferred.

(4) The records of a "section 1361 corporation" shall be maintained in such a manner that assets, liabilities, income, and expenses of the "section 1361 corporation" are shown separately and distinctly from assets, liabilities, income, and expenses of the owners which do not relate to the enterprise. Moreover, separate records shall be maintained for personal holding income and deductions attributable thereto.

(5) A "section 1361 corporation" shall maintain an earnings and profits account which shall be computed in accordance with the rules applicable generally to domestic corporations, except that the receipt and distribution of personal holding company income (and expenses attributable thereto) shall not be taken into account in determining the amount of earnings and profits for the taxable year or accumulated earnings and profits.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1361-10, 1.1361-14 (retention: 1.6001-1)

4.41 Distributions by small business corporations of previously taxed income.

To keep records of the net share of the previously taxed income of each shareholder. In addition, each shareholder of such corporation shall keep a record of his own net share of previously taxed income and shall make such record available to the corporation for its information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1375-4 (retention: 1.6001-1)

4.42 Tax-exempt organizations. [Amended]

To keep records and books of account pertaining to information included in the annual return, including items of gross income, receipts, disbursements, and contributions and gifts received, and to keep other pertinent information which will enable the district director to inquire into the organization's exempt status.

Retention period: As long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6033-1 (retention: 1.6001-1)

4.42a Banking institutions, trust companies, or brokerage firms, who elect to file Form 1087, Nominee's Information Return, for each actual owner for whom it acts as nominee. [Added]

Must maintain such records as will permit a prompt substantiation of each payment of dividends made to the actual owner.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6042-1 (retention: 1.6001-1)

4.42b Any trustee, insurance company, or other person, which is notified under section 6047(b) of the Code that contributions to a trust or under a retirement plan have been made on behalf of an owner-employee. [Added]

Shall maintain a record of such notification.

Retention period: Until all funds of the trust or under the plan on behalf of the owner-employee have been distributed. 26 CFR 1.6047-1

4.43 Persons engaged in construction of aircraft for the Army and the Air Force.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR App. A 16.13

4.44 Persons engaged in construction of naval vessels or aircraft for the Navy.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR App. A 17.14

ESTATE TAX

4.45 Executors of estates.

To keep detailed records of the affairs of the estate as will enable the district director to determine the amount of the estate tax liability, including copies of documents relating to the estate, appraisal lists of items included in the gross estate, copies of balance sheets or other financial statements relating to value of stock, and any other information necessary in determining the tax.

Retention period: Not specified. 26 CFR 20.6001-1

GIFT TAX

4.46 Persons making transfers of property by gift.

(a) To keep letters from brokers furnishing quotations, or evidence obtained from officers of issuing companies as to sales of stocks and bonds which are not listed on an exchange but are dealt in through brokers, or which have a market.

Retention period: Not specified. 26 CFR 25.2512-2

(b) To maintain books of account or records as are necessary to establish the amount of the total gifts together with the deductions allowable in determining the amount of taxable gifts, and other information required to be shown in their gift tax returns.

Retention period: Permanent. 26 CFR 25.6001-1

EMPLOYMENT TAX

4.47 General record retention requirements for employment taxes.

(a) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person (including an employee) who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section which relate to the claim.

(d) *Records of employees.* While not mandatory (except in the case of claims), it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he performs services as an employee, the dates of beginning and termination of such services, the information with respect to himself which is required to be kept by employers, and all receipts furnished by employers.

(e) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6001-1

4.48 Persons required to withhold tax on nonresident aliens, foreign corporations, and tax-free covenant bonds on payments of income made on and after January 1, 1957.

To keep copies of Forms 1042 and 1042S.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1461-2 (retention: 1.6001-1)

4.49 Employers required to deduct and withhold income tax on wages paid.

To keep records with respect to payments (sick pay) made directly by the employer to his employees after December 31, 1955, under a wage continuation plan showing, with respect to each employee, the beginning and ending dates of each period of absence from work for which any such payment was made, and sufficient information to establish the amount and weekly rate of each such payment; and, to the extent that income tax is not withheld on the amount of any such payment excludable from the gross income of the employee, the amount of the payment and the excludable portion thereof, and data substantiating the employee's entitlement to the exclusion from gross income.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 31.3401(a)-1, 31.6001-5 (retention: 1.6001-1)

4.50 Employers liable for tax under the Federal Insurance Contributions Act.

(a) *General.* (1) To keep records of all remuneration, whether in cash or in a medium other than cash, paid to his employees after 1954 for services (other than agricultural labor which constitutes or is deemed to constitute employment, domestic service in a private home of the employer, or service not in the course of the employer's trade or business) performed for him after 1936. Records shall show with respect to each employee receiving such remuneration:

(i) The name, address, and account number of the employee and such additional information with respect to the employee as is required when the employee does not advise the employer what his account number and name are as shown on an account number card issued to the employee by the Social Security Administration.

(ii) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(iii) The amount of each such remuneration payment which constitutes wages subject to tax.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(2) Every employer shall keep records of the details of each adjustment or settlement of taxes under the Federal Insurance Contributions Act and a copy of each statement furnished.

(b) *Agricultural labor, domestic service, and service not in the course of employer's trade or business.* (1) Every employer who pays cash remuneration after 1954 for the performance for him after 1950 of agricultural labor which constitutes or is deemed to constitute employment, of domestic service in a private home of the employer not on a farm operated for profit, or of service not in the course of his trade or business shall keep records of all such cash remuneration with respect to which he incurs, or expects to incur, liability for the taxes imposed by the Federal Insurance Contributions Act, or with respect to which amounts equivalent to employee tax are deducted. Such records shall show with respect to each employee receiving such cash remuneration:

(i) The name of the employee.

(ii) The account number of each employee to whom wages for such services are paid and such additional information as is required when the employee does not advise the employer what his account number and name are as shown on the account number card issued to the employee by the Social Security Administration.

(iii) The amount of such cash remuneration paid to the employee (including any sum withheld therefrom as tax or for any other reason) for agricultural labor which constitutes or is deemed to constitute employment, for domestic service in a private home of the employer not on a farm operated for profit, or for service not in the course of the employer's trade or business; the calendar month in which such cash remuneration was paid; and the character of the services for which such cash remuneration was paid. When the employer incurs liability for the taxes imposed by the Federal Insurance Contributions Act with respect to any such cash remuneration which he did not previously expect would be subject to the taxes, the amounts of any cash remuneration not previously made a matter of record shall be determined by the employer to the best of his knowledge and belief.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such cash remuneration and the calendar month in which collected.

(v) To the extent material to a determination of tax liability, the number of days during each calendar year after 1956 on which agricultural labor which constitutes or is deemed to constitute employment is performed by the employee for cash remuneration computed on a time basis.

(2) Every person to whom a "crew leader" furnishes individuals for the performance of agricultural labor after December 31, 1958, shall keep records of the name; permanent mailing address, or if none, present address; and identification number, if any, of such "crew leader."

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001-2 (retention: 31.6001-1)

4.51 Persons subject to the Railroad Retirement Tax Act.

(a) *Records of employers.* (1) To keep records of all remuneration (whether in money or in something which may be used in lieu of money) other than tips, paid to his employees after 1954 for services rendered to him (including "time lost") after 1954. Such records shall show with respect to each employee:

(i) The name and address of the employee.

(ii) The total amount and date of each payment of remuneration to the employee (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment.

(iii) The amount of such remuneration payment with respect to which the tax is imposed.

(iv) The amount of employee tax collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total payment of remuneration and the amount thereof with respect to which the tax is imposed are not equal, the reason therefor.

(2) The employer shall keep records of the details of each adjustment or settlement of taxes under the Railroad Retirement Tax Act.

(b) *Records of employee representatives.* Every individual liable for employee representative tax under the Railroad Retirement Tax Act shall keep records of all remuneration (whether in

money or in something which may be used in lieu of money) paid to him after 1954 for services rendered (including "time lost") by him as an employee representative after 1954. Such record shall show:

(1) The name and address of each employee organization employing him.

(2) The total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom as tax or for any other reason) and the period of service, including any period of absence from active service, covered by such payment.

(3) The amount of such remuneration payment with respect to which the employee representative tax is imposed.

(4) If the total payment of remuneration and the amount thereof with respect to which the employee representative tax is imposed are not equal, the reason therefor.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–3 (retention: 31.6001–1)

4.52 Employers subject to tax under the Federal Unemployment Tax Act.

(a) *Records of employers.* To keep such records as are necessary to establish:

(1) The total amount of remuneration (including any sum withheld therefrom as tax or for any other reason) paid to his employees during the calendar year for services performed after 1938.

(2) The amount of such remuneration which constitutes wages subject to the tax.

(3) The amount of contributions paid by him into each State unemployment fund, with respect to services subject to the law of such State, showing separately (i) payments made and neither deducted nor to be deducted from the remuneration of his employees, and (ii) payments made and deducted or to be deducted from the remuneration of his employees.

(4) The information required to be shown on the prescribed return and the extent to which the employer is liable for the tax.

(5) If the total remuneration paid and the amount thereof which is subject to the tax are not equal, the reason therefor.

(6) To the extent material to the determination of a tax liability, the dates, in each calendar quarter, on which each employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) *Records of persons who are not employers.* Any person who employs individuals in employment during any calendar year but who considers that he is not an employer subject to the tax shall, with respect to each such year, be prepared to establish by proper records (including, where necessary, records of the number of employees employed each day) that he is not an employer subject to the tax.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–4 (retention: 31.6001–1)

4.53 Employers required to deduct and withhold income tax on wages paid.

(a) Every employer required to deduct and withhold income tax upon the wages of employees shall keep records of all remuneration paid to such employees. Such records shall show with respect to each employee:

(1) The name and address of the employee and, after December 31, 1962, the account number of the employee.

(2) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(3) The amount of such remuneration payment which constitutes wages subject to withholding.

(4) The amount of tax collected with respect to such remuneration payment and, if collected at a time other than the time such payment was made, the date collected.

(5) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(6) Copies of any statements furnished by the employee relating to permanent residents of the Virgin Islands.

(7) Copies of any statements furnished by the employee relating to nonresident alien individuals who are residents of a contiguous country.

(8) Copies of any statements furnished by the employee relating to residence or physical presence in a foreign country.

(9) Copies of any statements furnished by the employee relating to citizens resident in Puerto Rico.

(10) The fair market value and date of each payment of noncash remuneration, made to an employee after August 9, 1955, for services performed as a retail commission salesman, with respect to which no income tax is withheld.

(11) With respect to payments made in 1955 under a wage continuation plan, the records required to be kept in respect of such payments must (i) separately show the amounts of such payments, and distinguish such amounts from all other payments, and (ii) establish the facts necessary to show that the employee is entitled to the exclusion, either by means of a written statement from the employee as to the injury, illness, or hospitalization, or by any other information which the employer believes to be accurate and which he is willing to accept.

(12) With respect to payments made directly by an employer after December 31, 1955, under a wage continuation plan, the records must show (i) the beginning and ending dates of each period of absence from work for which any such payment was made; and (ii) sufficient information to establish the amount and weekly rate of each such payment.

(13) The withholding exemption certificates (Form W–4) filed with the employer by the employee.

(14) The agreement, if any, between the employer and the employee for the withholding of additional amounts of tax.

(15) To the extent material to a determination of tax liability, the dates, in each calendar quarter, on which the employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) The employer shall keep records of the details of each adjustment or settlement of income tax withheld.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is later. 26 CFR 31.6001–5 (retention: 31.6001–1)

4.54 Employers claiming a refund, credit, or abatement of tax under the Federal Insurance Contributions Act or Railroad Retirement Tax Act.

Every employer who has filed a claim for refund, credit, or abatement of employee tax under section 3101 or section 3201 of the Internal Revenue Code, or a corresponding provision of prior law, collected from an employee shall retain as part of his records the written receipt of the employee showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim. Where employee tax was collected under section 3101 of the Code, or a corresponding provision of prior law, from an employee in a calendar year prior to the year in which the credit or refund is claimed, the employer shall also retain as part of his records a written statement from the employee (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the date the claim is filed. 26 CFR 31.6402(a)–2, 31.6404(a)–1 (retention: 31.6001–1)

4.55 Repayment by employer of tax erroneously collected from employee under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act and of income tax withheld from wages.

(a) Before employer files return. To obtain and keep as part of his records the written receipt of the employee showing the date and amount of the repayment.

(b) *After employer files return.* If the amount of an overcollection is repaid to an employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If in any calendar year, an employer repays or reimburses an employee in the amount of an overcollection of employee tax under section 3101 of the Internal Revenue Code, or a corresponding provision of prior law, which was collected from the employee in a prior calendar year, the employer shall obtain from the employee and keep as part of his records a written statement (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6413(a)–1 (retention: 31.6001–1)

EXCISE TAX

4.56 Persons required to file a return and pay tax on the sale or use of any article subject to manufacturers' excise tax, or disposing of articles free of tax.

To keep accurate records, including duplicates of returns, and accounts of all transactions. To keep, in the case of dispositions of products to other manufacturers free of tax, accurate records of all such transactions including certificates from purchasers certifying to the fact that the products are purchased for further manufacture of taxable articles, with supporting invoices, etc. To maintain evidence with respect to sales for export, or shipment to a possession of the United States, and sales to States or political subdivisions thereof, upon which no tax is due, and other tax-free sales, and evidence required to support a claim for credit or refund.

Retention period: 4 years from the date the tax became due; with respect to tax-free sales, for a period of 4 years from the last day of the month following the month in which the sale was made; and with respect to credits or refunds, 4 years from the date any credit is taken or refund is claimed. 26 CFR 40.4063–1, 40.4220–3; App. D 316.7, 316.23, 316.24, 316.26, 316.28, 316.29, 316.61a, 316.63, 316.72, 316.81, 316.121, 316.200, 316.202, 316.204, 316.204a

4.57 Persons dealing in, handling, or receiving articles exempt from manufacturers' excise tax.

To keep certificates, which are not turned over to manufacturers of articles, together with proper records, supporting orders, and invoices with respect to exempt sales.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 40.4063–1, 40.4152–1, 40.4220–3; App. D 316.22, 316.26, 316.27, 316.28, 316.72, 316.204

4.58 Manufacturers, producers, or importers selling automobile tires or tread rubber.

To maintain records of tires sold with metal rims or rim bases attached which will establish what portion of the finished product represents the weight of the tire exclusive of the metal rim or base; and for tax-free sales of tread rubber, to retain exemption certificates and to keep records of invoices, orders, etc., for inspection by the district director.

Retention period: Not specified. 26 CFR 40.4073–3

4.59 Persons liable for floor stocks taxes on vehicles, highway tires, tread rubber, or gasoline.

To keep (a) records of separate specified inventories and copies of returns and other relevant papers and material, and (b) claimant's records of claim for refund, credit, or abatement.

Retention period: (a) At least 3 years after the date the tax becomes due or the date the tax is paid, and (b) at least 3 years after the date the claim is filed. 26 CFR 40.4226–4, 40.4226–8

4.60 Persons subject to the tax on use of certain highway motor vehicles.

(a) *Person in whose name vehicle registered.* Every person in whose name any highway motor vehicle having a taxable gross weight in excess of 26,000 pounds is registered at any time in the taxable year shall keep certain specified records with respect to each vehicle to enable the district director to determine whether such person is liable for the tax and, if so, the amount thereof.

(b) *Transit systems.* Every person engaged in the operation of a transit system shall keep records sufficient to show, with respect to each taxable year, whether he meets the 60-percent passenger fare revenue test for the period prescribed as the test period for such system for such taxable year.

(c) *Claimants.* Any person claiming refund, credit, or abatement of the tax, interest, additional amount, addition to the tax, or assessable penalty, shall keep a complete and detailed record with respect to the claim.

Retention period: Records required by paragraphs (a) and (b) shall be maintained for a period of at least 3 years after the date the tax becomes due or the dates the tax is paid, whichever is later. Records required by paragraph (c) (including any record required by paragraph (a) or (b) which relates to the claim) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR 41.6001–1

4.61 Persons required to collect taxes on amounts paid for (a) telegraph, telephone, cable, or radio dispatches, messages, or conversations, (b) any leased wire, or talking circuit special service, or wire and equipment services, etc., or (c) any local telephone services, etc.

To keep accurate records and accounts of all such services and facilities furnished upon which the tax is imposed and evidence of the right to exemption relative to any such services or facilities furnished in respect of which tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if applicable; and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 42.4253–7; App. D 130.47, 130.71, 130.77

4.62 Persons engaged in the business of transporting property for hire.

To keep accurate records to show with respect to each individual transaction the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 42.4271–4273; App. D 143.33, 143.34, 143.51, 143.60

4.63 Persons who ship or pay for transportation of shipments to points of export.

To retain triplicates of Export Exemption Certificates with shipping papers, and documentary evidence of the exportation of property, such as a copy of export bill of lading, memorandum from the captain of the vessel, customs official, or foreign consignee, shipper's export declaration, or other evidence sufficient to establish the fact that the property has actually been exported.

Retention period: 4 years. 26 CFR 42.4271–4273; App. D 143.33, 143.34

4.64 Carriers of petroleum by pipe line.

To keep accurate records and accounts showing (a) the daily volume of commodities accepted for transportation; (b) daily run records of the amount taken into the pipe lines and the amount delivered from such lines; (c) deductions from acceptances or allowances for evaporation, basic sediment, water, etc.; and (d) the charge per barrel, and the total charge for each movement. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 42.4281–42.4283–1; App. D 130.71, 130.77

4.65 Persons required to collect taxes on amount paid for the transportation of persons and seating or sleeping accommodations in connection therewith.

To keep accurate records to show with respect to each ticket or order sold or fare collected, or other individual transaction, the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: (a) Except as provided in paragraph (b) *below*, 4 years

from the date the tax is due; with respect

his office or principal place of business.

Retention period: 3 years after the

Retention period: Not less than

copies for the required period provides

recorded in the same manner as a trans-

from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if payable; and, with respect to credits, 4 years from the date of the return on which the credit appears.

(b) On or after October 1, 1956, carriers furnishing transportation or facilities paid by a State, a Territory of the United States, or any political subdivision thereof, or the District of Columbia, shall retain all exemption certificates accepted, with the record of services and facilities rendered for a period of at least 3 years from the date the tax would have become due if payable. 26 CFR 42.4292–1(b), 49.4261–6(e); App. D 130.54, 130.62, 130.71, 130.77

4.66 Persons required to pay excise tax on wagering.

(a) *General.* To keep records as will clearly show as to each day's operation: (a) Gross amount of all wagers accepted; (b) gross amount of each class or type of wager accepted on each separate event, contest, or other wagering medium; (c) separately, the gross amount of wagers: (1) accepted directly by the taxpayer or at any registered place of business of the taxpayer (other than laid-off wagers), (2) accepted for his account by agents at other than a registered place of business of the taxpayer (other than laid-off wagers), (3) accepted as laid-off wagers from persons subject to the excise tax; (d) with respect to wagers laid-off with others: (1) The name, address and registration number of each person with whom placed, (2) the gross amount laid-off with each person showing separately the gross amounts of laid-off wagers with respect to each contest, event, or other wagering medium; and (e) the gross amount of tax collected from or charged to bettors as a separate item. To keep, in the case of the taxpayer's employees or agents receiving wagers on his behalf, separate records showing the name, address, the period of employment of, and number of the special tax stamp issued to, such employee or agent. To also keep duplicates of returns and a complete and detailed record of each overpayment.

(b) *Records of agent or employee.* Every person who is engaged in receiving for or on behalf of another person (at any place other than a registered place of business of such other person) wagers of a type subject to tax shall keep a record showing for each day (1) the gross amount of such wagers received by him, (2) the amount, if any, retained as a commission or as compensation for receiving such wagers, and (3) the amount turned over to the person on whose behalf the wagers were received, and the name and address of such person.

(c) *Records of claimants.* Any person claiming a credit or refund shall keep a complete and detailed record of each overpayment and of each laid-off wager for which credit is taken or refund is claimed, including a copy of the required certificate.

(d) *Place for keeping records.* Every person required to pay the tax on wagering shall keep or cause to be kept, at his office or principal place of business, or, if he has no office or principal place of business, at his residence or some other convenient or safe location, all such records as are required pursuant to paragraphs (a) and (c).

Retention period: All records required by the regulations in this part shall at all times be available for inspection by internal revenue officers. Records required by § 44.4403–1 and by paragraph (a) of this section shall be maintained for a period of at least 3 years from the date the tax became due. Records required by paragraph (b) of this section shall be maintained for a period of at least 3 years from the date the wager was received. Records required by paragraph (c) of this section shall be maintained for a period of at least 3 years from the date any credit is taken or refund is claimed. 26 CFR 44.4403–1, 44.6001–1

4.67 Persons removing playing cards from the place of manufacture for export to a foreign country.

(a) *Return of shipment to factory.* In case a consignee, for whom a manufacturer removes playing cards from his place of manufacture in accordance with a written order or contract of sale for export, modifies or cancels his written order or contract of sale for export, the manufacturer may return the shipment of such playing cards to his place of manufacture provided he maintains adequate records relating to such return.

(b) *Proof of delivery to a foreign-trade zone.* A manufacturer of playing cards who removes such playing cards from the place of manufacture for delivery to a foreign-trade zone without affixing stamps thereto shall maintain adequate records of all such removals and shall keep sufficient written proof of such removals and deliveries as may be necessary to substantiate actual delivery of the playing cards to the foreign-trade zone. Such records shall be retained by the manufacturer and made available for inspection by any revenue officer upon his request.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 45.4453–1, 45.4453–2 (retention: 45.6001–1)

4.68 Manufacturers of white phosphorus matches.

(a) *General.* Every manufacturer is required to keep a daily record showing the total of each material used each day and the total number of matches produced and the number of stamped packages and original packages in which packed; also the total number of stamped packages and original packages, together with the total number of matches, disposed of each day.

(b) *Names of customers.* The names of customers to whom matches are consigned and the quantities so sold will not be entered in the manufacturers' daily record and quarterly returns, but the manufacturer shall, upon request of any internal revenue officer, furnish a record of all sales for such period as may be desired.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 25 CFR 45.4804–10 (retention: 45.6001–1)

4.69 Persons making contracts of sale of cotton for future delivery, and persons who act in the capacity of a clearing house or association for such transactions.

(a) All persons who make contracts of sale of cotton for future delivery at, on, or in any exchange, board of trade, or similar institution or place of business, whether said contracts shall be cleared and adjusted through a clearing association, or direct between seller and buyer, or otherwise, shall keep a record (in accordance with forms prescribed in § 45.4872–3 of the regulations) thereof showing: (1) name and address of contracting person keeping record; (2) name and address of other party to contract; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis grade; (9) specified price per pound; (10) date of delivery or settlement; (11) method of actual fulfillment or settlement; and (12) amount of tax paid (or, if exempt, so state).

(b) All persons who act in the capacity of a clearinghouse or clearing association for the purpose of clearing, settling, or adjusting transactions mentioned in section 4851(a) of the Internal Revenue Code shall keep a record (see forms prescribed in § 45.4872–3 of the regulations) thereof showing: (1) name and address of clearinghouse or clearing association keeping record; (2) name and address of person for whom contract is cleared; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis contract; (9) specified price per pound; (10) date of delivery or settlement; and (11) method of actual fulfillment or settlement.

(c) *Records to be kept in separate books and open for inspection.* All records required by the regulations in this subpart must be in writing and shall be kept in separate books, and not mixed with records of other accounts or transactions, and shall be open to inspection, when demand is made therefor by officers and agents of the Internal Revenue Service. Agents duly appointed shall have authority to examine the books and records kept in pursuance to §§ 45.4872–1 to 45.4872–3, inclusive, and may require the production of any other books, papers, records, or statements of account necessary to determine any liability to the tax imposed by section 4851 of the Internal Revenue Code.

Retention period: Not less than 3 years. 26 CFR 45.4872–1, 45.4872–2 (retention: 45.4872–4)

4.70 Parties to transfers of any interest in silver bullion.

Each party to every transfer of an interest in silver bullion within the scope of section 4891 of the Internal Revenue Code shall keep an accurate and complete record of every such transfer whether taxable or not. The record of a transferee shall be so kept that on a subsequent transfer the actual cost to him of the particular interest transferred can be determined. The books of every person liable to the tax shall be open for inspection by Government and internal revenue officers at all times.

Retention period: 3 years from the date the tax became due. 26 CFR 45.4894–2, 45.4895–8

4.71 Persons subject to certain miscellaneous stamp taxes.

(a) *General.* The records required by Part 45 of the regulations shall be kept accurately, but no particular form is required for keeping such records. See, however, the requirements in § 45.4804–10, relating to form for daily record in the case of manufacturers of white phosphorus matches, and §§ 45.4872–1 to 45.4872–4, inclusive, relating to records regarding sales of cotton for future delivery. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required, by the regulations in this part or by instructions applicable to any form prescribed thereunder, to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person who, pursuant to the regulations in this part, claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) and by §§ 45.6001–2 to 45.6001–5, inclusive, which relate to the claim.

(d) *Place for retention of records.* All records required by the regulations in this part shall be maintained, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(e) *Microfilm reproduction.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records retains such microfilmed copies for the required period, provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and makes any transcription which may be required of the information contained on the microfilm.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–1

4.72 Manufacturers of adulterated butter, process or renovated butter, or filled cheese.

(a) *General.* A manufacturer shall keep at his place of business separate records of adulterated butter, of process or renovated butter, and of filled cheese. If the record is kept as hereinafter prescribed in the manufacturer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than adulterated butter, process or renovated butter, filled cheese, and the materials or ingredients used in the manufacture of each product.

Entry shall be made not later than the day following that on which each transaction occurred. Quantities reported shall be as indicated by the tax-paid stamps affixed to the packages, except that where the product is withdrawn free of tax for export, or where the product is returned to the factory, the actual quantity will be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Item.* The record must show:

(1) The number of pounds of each material or ingredient used in the production of adulterated butter, process or renovated butter, or filled cheese, and the number of such materials used for other purposes.

(2) The number of pounds of each product produced.

(3) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(4) The number of pounds in each lot returned to the factory, the name of the person by whom returned, the address from which returned, and the date of receipt.

(5) The number of pounds reworked, disposed of as grease, dumped, or otherwise destroyed.

(6) The total value of tax stamps purchased and used.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter, process or renovated butter or filled cheese distributed gratuitously shall be recorded in the same manner as if the packages were sold.

(2) *Transfers to self.* Where adulterated butter, process or renovated butter, or filled cheese is transferred by a manufacturer to himself as a wholesale or retail dealer, the transaction shall be recorded in the same manner as a transfer to another person.

(3) *Sales to chain stores.* Where adulterated butter, process or renovated butter, or filled cheese is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipment.* Where a manufacturer receives an order from one person to ship adulterated butter, process or renovated butter, or filled cheese to another, the transaction shall be recorded in the name and address of the consignee, followed by "acc't. of" and the name and address of the person for whose account the shipment was made. A manufacturer shall not record consignments on orders in the names of agents, solicitors, or other persons transmitting an order for another party.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of § 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–2 (retention: 45.6001–1)

4.73 Wholesale dealers in adulterated butter.

(a) *General.* A wholesale dealer shall keep at his place of business records of transactions in adulterated butter. If the record is kept as hereinafter prescribed in the dealer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than tax-paid and branded adulterated butter.

Entry shall be made not later than the day following that on which the transaction occurred. Quantities reported shall be as indicated by the tax-paid stamp affixed to the packages, except that where goods are returned to or by the wholesaler the actual quantity shall be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Items.* The record must show:

(1) The number of pounds in each consignment of adulterated butter received, the name and address of the consignor, and the date of receipt.

(2) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter received and disposed of gratuitously shall be recorded in the same manner as adulterated butter which is purchased and sold.

(2) *Transfers to self.* Where adulterated butter is transferred by a wholesale dealer to himself as a retail dealer, the transaction shall be recorded in the same manner as a sale to another person.

(3) *Sales to chain stores.* Where adulterated butter is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipments.* A wholesale

schedule, statement, or other document,

all crude or virgin oils, and (c) all oils

4.77 Brokers, dealers, etc. records of

from the solicitor or broker acting di-

Retention period: 4 years from the last

(4) *Drop shipments.* A wholesale dealer shall not record the receipt of adulterated butter which he orders delivered direct to a third party. The dealer's connection with the transaction shall be shown by the manufacturer as provided in paragraph (c) of § 45.6091–2. Where a wholesale dealer receives an order from one person to ship adulterated butter to another, the transaction shall be recorded in the name and address of the consignee followed by "acc't. of" and the name and address of the person giving the order. A wholesale dealer shall not record consignments in the names of agents, solicitors, or other persons transmitting orders for other parties.

(5) *Returned goods.* Where adulterated butter is returned by a customer to a wholesale dealer the transaction shall be recorded separately from other receipts. The sale of repossessed goods shall be recorded with other disposals. Adulterated butter returned by a wholesale dealer to the manufacturer or other wholesale dealer from whom received shall be recorded separately from other disposals (see paragraph (c)(6) of § 45.4621–3 as to resales.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid whichever is the later. The records of claimants required by paragraph (c) of section 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–3 (retention: 45.6001–1)

4.74 Wholesale dealers in filled cheese.

Every wholesale dealer in filled cheese shall keep at his place of business a daily record of (a) the number of pounds in each consignment of filled cheese received by him, giving the name and address of the consignor and date of receipt, and (b) the number of pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and address to which sent.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of section 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–4 (retention: 45.6001–1)

4.75 Persons liable for the excise tax on manufactured sugar or on the first domestic processing of coconut and palm oil. [Amended]

(a) *General.*—(1) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the District Director of Internal Revenue to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(2) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(3) *Records of Claimants.* Any person who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any record required of the claimant by paragraph (a) (2), and by paragraphs (b) and (c) below, which relate to the claim.

(4) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(5) *Microfilm reproductions.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records (i) retains such microfilmed copies for the specified retention period, (ii) provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and (iii) makes any transcription which may be required of the information contained on the microfilm.

(b) *Manufactured sugar*—(1) *Manufacturing records.* Every person who manufactured sugar shall keep an accurate monthly record of the manufacturing done by him.

(2) *Content of records.* Such records shall show:

(i) The quantity of manufactured sugar and other sugar on hand at the beginning of the month;

(ii) The quantity received during the month;

(iii) The quantity of manufactured sugar produced during the month;

(iv) The quantity sold during the month;

(v) The quantity of manufactured sugar used during the month in the production of other articles for sale; and

(vi) The quantity of manufactured sugar and other sugar on hand at the end of the month.

For periods prior to August 31, 1963, the records shall show the polariscopic test or total sugars of each grade and type of sugar and manufactured sugar.

For periods after August 30, 1963, the records shall show the total sugars of each grade and type of sugar and manufactured sugar.

(c) *Coconut and palm oil*—(1) *Processing records.* Every processor shall maintain records and accounts with respect to the first domestic processing of the oil or oils showing:

(i) The quantity of (a) all raw materials from which oils are produced, (b) all crude or virgin oils, and (c) all oils which were imported and upon which preliminary processing had been done prior to importation.

(ii) Daily records of the quantity of oils put into process, showing the purpose for which used and the products produced therefrom.

(iii) The quantity of oils put into process under bond for export.

(2) *Source records.* Records relative to coconut oil or to any combination or mixture containing a substantial quantity of coconut oil, with respect to which oil no tax has been paid, must be maintained in such a manner as to show:

(i) Separately, the quantity of coconut oil, or combination or mixture containing a substantial quantity of coconut oil, which is wholly the production of (a) The Philippine Islands, (b) Guam, (c) American Samoa, (d) All possessions of the United States, and (e) The Trust Territory of the Pacific Islands, and

(ii) Separately, the quantity of coconut oil, or combination or mixture containing a substantial quantity of coconut oil, produced wholly from materials which are the growth or production of (a) The Philippine Islands, (b) Guam, (c) American Samoa, (d) All possessions of the United States, and (e) The Trust Territory of the Pacific Islands.

The records shall also show the country or possession in which the raw materials or oils were produced, when such articles were brought into the United States, and the name and address of the importer.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required for a period of at least 3 years after the date the claim is filed. 26 CFR 46.6001–1, 46.6001–2, 46.6001–3 (retention: 46.6001–1)

4.76 Members of a securities exchange records with respect to the payment of documentary stamp tax through national securities exchanges without the use of stamps on transactions in stock or certificates of indebtedness.

(a) *Daily records to be kept by members.* Members shall maintain complete and adequate daily records, such as a blotter or similar book of original entry, of all such transactions in stock or certificates of indebtedness, whether the transaction is taxable or not. In the case of taxable transactions, the daily record shall show the amount of tax payable in respect of each transaction. In the case of nontaxable transactions, the daily record shall disclose the basis on which the exemption from the tax is claimed.

(b) *Records to be kept by exchange.* The daily reports received from its members shall be kept in permanent form by the exchange or clearinghouse.

Retention period: At least 3 years from the date any part of the tax is paid on the transaction and must be available for ready inspection by internal revenue officers. 26 CFR 47.4353–1

4.77 Brokers, dealers, etc. records of sales and transfers of stock.

(a) All persons who are wholly or partly engaged in the business of buying, selling, or transferring stock, either at public or private sale, whether or not they are members of an exchange, including persons engaged in transactions known as "matched," "on-order," "pass-outs," or "give-ups," or transactions which are settled directly between the seller and buyer or which are cleared or adjusted through a clearinghouse or otherwise, or persons (other than those described in paragraph (b) below) engaged in accepting and procuring the transmission of orders for purchase or sale of shares of stock shall keep a record as to each transaction.

(b) *Correspondent brokers.* Persons engaged in accepting and procuring the transmission of orders for the purchase or sale of stock, to be executed at a brokerage office or at an exchange, board of trade, or similar place, shall keep a record as to each transaction.

(c) *Floor brokers, etc.* Brokers known as strictly "floor brokers," "two-dollar men," or "room traders," whether their transactions are settled directly between seller and buyer, by "matched," "on-order," "pass-out," "scratch sale," or "give-up," or by any other kind of sale or purchase, or whether their transactions are cleared through a clearinghouse or otherwise, shall, in lieu of the record prescribed in paragraph (a) of this section, keep a record as to each transaction.

(d) *General.* Persons keeping records as prescribed in this section may incorporate therein additional information for their own use, which should be entered, however, so as not to interfere with the recording of the information required. These records must be kept in permanent form and must be available for ready inspection by internal revenue officers.

Retention period: 3 years from the date any part of the tax is paid on the transaction. 26 CFR 47.6001–1

4.78 Brokers, dealers, etc. records of sales and transfers of certificates of indebtedness.

The records required by 26 CFR 47.6001–1 relating to sales and transfers of stock are also applicable to sales and transfers of certificates of indebtedness, except that the records of sales of certificates of indebtedness need not show the sales prices, since the selling price is immaterial for purposes of the tax imposed by section 4331 of the Code.

Retention period: 3 years from the date any part of the tax is paid on the transaction. 26 CFR 47.4331–4 (retention: 47.6001–1)

4.79 Persons required to keep records with respect to foreign insurance policies.

(a) *Records to be kept by solicitors, brokers, etc.* No return or statement showing a list of policies or other instruments subject to the tax imposed by section 4371 of the Internal Revenue Code is required from any person to or for whom, or in whose name, such policy or other instrument is issued, or from the solicitor or broker acting directly or indirectly for or on behalf of such person. However, each person, solicitor, or broker, accepting, placing, soliciting, or making, directly or indirectly, or paying or receiving compensation with respect to, a policy or other instrument subject to the tax imposed by section 4371 of the Code shall keep a record of such policy or other instrument for a period of at least 3 years from the date any part of the tax was paid with respect to the issuance thereof and shall be prepared to furnish full information to the district director at any time upon demand.

(b) *Records to be kept by policy holder.* The person having control or possession of a policy of insurance, or reinsurance, or other instrument to which documentary stamps must be affixed shall retain such instrument for at least 3 years from the date any part of the tax was paid with respect to the issuance thereof to enable internal revenue officers to ascertain whether the requisite stamps have been affixed and cancelled. 26 CFR 47.6001–2

4.80 Persons selling at retail stones used exclusively for industrial, scientific, or educational purposes, or as part of mechanical devices.

To keep adequate records in the nature of invoices or other documents identifying the stones, the person to whom sold, the date of sale, and the purpose for which the stones are to be used.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 48.4001–3 (retention: App. D 320.72)

4.81 Persons required to file a return and pay tax on the sale of an article at retail.

To keep accurate records, including duplicates of returns, and accounts of all transactions. To maintain evidence of sales at retail for export, or shipment to a possession of the United States, sales at retail to the United States, States, or Territories of the United States, political subdivisions thereof, or District of Columbia, sales for resale, and sales at retail of articles for religious purposes which could also be used for nonreligious purposes, upon which no tax is due. To keep also a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due; in the case of tax-free sales, 4 years from the last day of the month following the month in which the sale was made; and, with respect to overpayments, 4 years from the date the credit is taken or the refund is claimed. 26 CFR 48.4003–1; App. D 320.20, 320.21, 320.22, 320.23, 320.37, 320.72, 320.76

4.82 Persons claiming exemption from tax on the sale at retail of articles of which fur is a component material.

To maintain adequate records or have proper documentary evidence to establish to the satisfaction of the Commissioner that the value of the fur as compared with that of the most valuable of the other component materials is not such as to render the sale taxable.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 48.4011–1 (retention: App. D 320.72)

4.83 Persons claiming exemption from tax on the sale or use of diesel fuel and special motor fuel.

(a) *Bulk purchases by users.* Persons who purchase taxable liquid in bulk delivered into storage tanks or other containers and use it for various purposes, both taxable and nontaxable, or in both registered and nonregistered vehicles, must maintain adequate records of all fuel used for each purpose to permit verification of the tax paid and of any credits, refunds, or exemptions claimed.

(b) *Dual use of taxable liquid.* If the taxable liquid used in a separate motor used to operate certain special equipment is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle or which the special equipment is mounted, a reasonable determination of the quantity of taxable liquid used in such separate motor will be acceptable for purposes of application of tax. Such determination must be based, however, on the operating experience of the person using the taxable liquid and records must be maintained which will support the allocation used.

(c) *Use as supplies for vessels or aircraft.* To keep proper records of invoices, orders, etc., including exemption certificates, available for inspection by the District Director of Internal Revenue.

Retention period: 4 years from the date the tax became due; in the case of tax free sales, 4 years from the last day of the month following the month in which the sale was made. 26 CFR 48.4041–5, 48.4041–6, 48.4041–9 (retention: App. D 324.42)

4.84 Persons required to file a return on the sale or use of cutting oil or oil for nonlubricating use.

To keep accurate records of all transactions, including properly executed exemption certificates.

Retention period: Not specified. 26 CFR 48.4091–3(a), 48.4091–4(a)

4.85 Persons required to keep records with respect to the return and payment of retailers excise taxes by suppliers.

To retain the duplicate copy of the statement of consent which is returned to the retailer by the supplier and which shows the date on which the agreement becomes effective with respect to such retailer.

Retention period: Not specified. 26 CFR 48.6011(c)–1

4.86 Persons claiming a credit or refund for gasoline used for certain nonhighway purposes, by a local transit system, or for farming purposes.

(a) *General.* To keep in accordance with the form outlined in the regulations an accurate record of the number of gallons purchased and the dates of purchases, the name and address of each vendor, the number of gallons used during the period covered by the claim and

4.98 Manufacturers importing opium or

Retention period: 2 years. 26 CFR

such other information as is necessary to establish the correctness of the claim.

(b) *Local transit systems.* In addition to the records required by paragraph (a), to keep records that establish for each calendar quarter: (1) the total passenger fare revenue (not including with respect to gasoline used before November 16, 1962, the tax imposed by section 4261 of the Internal Revenue Code) derived from scheduled common carrier public passenger land transportation service along regular routes, and (2) the commuter fare revenue derived from such scheduled service.

(c) *Farming purposes.* To keep a record of the gasoline purchased and used by the claimant on a farm which he is the owner, tenant, or operator, and to show, in cases where trucks or other vehicles are used both on and off the farm an allocation of the number of gallons used in such trucks or vehicles for farming purposes. Where the claimant is entitled to claim payment for gasoline used on his farm by a person other than the owner, tenant, or operator thereof, the records must show: (1) the name and address of the person who performed the farming operation, (2) a description of the type of work and the type of equipment used, (3) the date or dates on which the work was done, and (4) the number of gallons of gasoline so used.

Retention period: At least 3 years from the last date prescribed for the filing of the claim. 26 CFR 48.6420(f)–1, 48.6421(g)–1

4.87 Election to pay tax on amount paid for life membership in a social, athletic or sporting club or organization.

The statement of election shall be retained by the club or organization as a part of its records and shall be available for inspection by internal revenue officers.

Retention period: Not specified. 26 CFR 49.4241–1

4.88 Social, athletic, or sporting club or organization required to collect the tax on dues or initiation fees.

To keep up-to-date records showing the names and addresses of its members of each class, the amounts they have paid as dues, membership fees, or assessments, the tax, and the dates paid, to the club or others as a prerequisite to membership. To also keep a record in which shall be entered each day (a) under the head of "Life membership" (1) the number of life members from whom a life-membership tax has been collected on that day, and (2) the total amount of tax so collected; and (b) under the head of each other class of membership (1) the number of members of that class paying on that day dues or membership fees or initiation fees, (2) the total amount so paid by members of that class, and (3) the total amount of tax collected on such payments. A duplicate copy of the returns shall be retained and, for all credits taken and all abatements or refunds claimed, complete and detailed records shall be maintained.

Retention period: 4 years from the date the tax became due; with respect to credits, 4 years from the date return is filed on which the credit is taken; and, with respect to abatements or refunds claimed, 4 years from date claim is filed. 26 CFR 49.4241–1; App. A 101.38, 101.39, 101.41, 101.42

4.89 Manufacturers of smoking opium.

To keep a book conforming to Form 271 which shall contain a daily accurate account of (a) the quantity of crude gum opium (including all forms, preparations, or derivatives suitable for manufacturing opium for smoking purposes) and other materials purchased and sold; (b) name and address of purchaser or seller; (c) if articles are shipped or delivered to some other person, the name of such other person and place of delivery; (d) the sizes of the packages and number of packages of each size purchased and sold; (e) the total quantity of prepared smoking opium (1) manufactured, (2) sold, (3) removed tax paid, and (f) the number and value of stamps purchased and used.

Retention period: Permanent. 26 CFR 150.10

4.90 Persons making application for registry or reregistry as retail dealers, physicians, dentists, veterinary surgeons, etc., manufacturers of and dealers in exempt preparations, and those entitled to obtain and use narcotics in a laboratory.

To keep the duplicates of inventories required to be made of the narcotic drugs and preparations on hand at the time of making the inventories.

Retention period: 2 years. 26 CFR 151.27

4.91 Manufacturers or producers of packages containing one ounce or more of morphine, cocaine or isonipecaine or any of their salts or derivatives, and of packages containing tablets, pills, or preparations the content of which amounts to one ounce or more of such drugs, and wholesale dealers disposing of such packages.

(a) *Manufacturers or producers.* To keep a record of the individual identification number placed on each package manufactured and produced together with the name and address of the purchaser, so arranged that upon disclosure of the identification number the identity of the purchaser can be readily ascertained.

(b) *Wholesale dealers.* To keep a record showing as to each package disposed of the manufacturer's name, location, and identification number, the name and address of the purchaser, and the date of disposal, so arranged that upon disclosure of the identity of the manufacturer and the identification number, the identity of the purchaser can be readily ascertained.

Retention period: Permanent. 26 CFR 151.132

4.92 Manufacturers, importers, producers, compounders, wholesale dealers and other authorized persons filling orders for narcotic drugs.

To keep as a part of their permanent records order forms for narcotic drugs, including orders of exempt officials.

Retention period: 2 years. 26 CFR 151.162, 151.201

4.93 Registrants authorized to execute and present order forms for narcotic drugs.

(a) To keep on file duplicate order forms.

(b) To keep on file original and duplicate order forms which are improperly executed or mutilated so as to make them unusable.

(c) To keep on file with the duplicates thereof original order forms returned because of improper preparation.

(d) To keep on file attached to the duplicates thereof original order forms which are not accepted, or cannot be filled, and are returned with a letter of explanation. The letter of explanation is also attached to the duplicate.

(e) To file with the duplicates of order forms, the unfilled originals of which have been lost, the duplicates of second orders and of the affidavits accompanying the second orders, and to attach, if returned, the originals of the first order forms to the duplicates and affidavits.

Retention period: 2 years. 26 CFR 151.162, 151.188, 151.201, 151.202

4.94 Narcotic registrants or exempt officials purchasing narcotics from court officers under judicial proceedings.

To retain duplicates of official order forms or purchase orders.

Retention period: 2 years. 26 CFR 151.162, 151.475

4.95 Persons registered for the purpose of engaging in any activity involving the use of narcotic drugs.

To file with their official order forms and records receipts for samples of narcotics furnished to Federal and State enforcement officers.

Retention period: Not less than 2 years. 26 CFR 151.227

4.96 Importers, manufacturers, producers, compounders, wholesale dealers, and others filling orders for narcotic drugs submitted by qualified dealers or practitioners in the Virgin Islands.

To keep records in the same manner as in the case of domestic sales, except that in lieu of the record of the registry number of the purchaser, there shall be kept a record of the date the order was approved by the Commissioner of Health of the Virgin Islands and the date the order was received by them.

Retention period: Not less than 2 years. 26 CFR 151.243

4.97 Manufacturers, importers, producers, and compounders of, and wholesale dealers in taxable narcotics.

To keep invoices, original sales orders, delivery or duplicate sales slips, or other papers or records as may be required to evidence any unrecorded purchase, receipt, or disposition. Also manufacturers must keep available such batch tags, production orders, or other papers as may be required to evidence any unrecorded quantity used or produced.

Retention period: Until the information is recorded on Forms 810 and 811. 26 CFR 151.262, 151.263, 151.264, 151.479

4.98 Manufacturers importing opium or medicinal coca leaves.

To keep, where factory procedure is such that partial withdrawals are made from individual containers, a complete record of all such withdrawals on a stock record card attached to each container.

Retention period: Until the information is recorded on Form 163 and its supplements. 26 CFR 151.282, 151.317

4.99 Manufacturers, producers, compounders, and importers of, and wholesale dealers in narcotic drugs.

To retain on file together with other narcotic records duplicate copies of all returns, properly sworn to as in the case of original copies.

Retention period: Not less than 2 years. 26 CFR 151.375

4.100 Retail dealers and other persons qualified to sell narcotic drugs at retail.

To keep written prescriptions and written records of oral prescriptions for narcotic drugs in a separate file.

Retention period: Not less than 2 years. 26 CFR 151.400

4.101 Physicians, dentists, veterinary surgeons, and other practitioners (including hospitals and institutions).

To keep daily records showing the kind and quantity of narcotics dispensed or administered, the names and addresses of persons to whom dispensed or administered, the names and addresses of persons upon whose authority, and the purpose for which dispensed or administered. In lieu of these records practitioners who, in their office practices, administer minute quantities of narcotics in stock preparations, may keep, as to such preparations, records of the date when each stock preparation is made or purchased and the date when the preparation is exhausted.

Retention period: Not less than 2 years. 26 CFR 151.412, 151.413, 151.414

4.102 Manufacturers, producers, compounders, and vendors (including dispensing physicians) of pharmaceutical preparations (containing a narcotic drug) classified as Class "X" preparations.

To keep a record in accordance with the form outlined in the regulations of all sales, exchanges, gifts or other dispositions of such Class "X" preparations, the entries to be made at the time of delivery. The requirement that such records be maintained as herein provided is absolute, independent and not merely a condition precedent to securing exemption granted under section 4702(a) of the Internal Revenue Code, as amended (§ 151.423), to manufacturers, producers, compounders or vendors (including dispensing physicians), of exempt preparations. Such records shall be kept in such a way as to be readily accessible to inspection by any duly authorized officer or employee of the Treasury Department and the State, territorial, district, municipal or insular officers named in section 4773 of the Code. Separate records shall be kept of disposition to registrants and disposition to consumers. The record of disposition to registrants shall show the name, address, and registry number of the registrant to whom disposed, the name and quantity of the preparation and the date upon which delivery to the registrant, his agent or carrier is made. The record of disposition to consumers shall show the name of the recipient, his address, the name and quantity of the preparation, and the date of delivery. Any person required to keep records pursuant to this paragraph and failing to do so is guilty of a violation of law and liable to the penalties provided for violation of the provision of law relating to narcotic drugs.

In the case of manufacturers of or dealers in preparations classified as Class "X" products who are also registered as manufacturers of or dealers in taxable drugs in Class I or II, the requirement of this section as to records of dispositions to registrants shall be deemed to be complied with if all such dispositions are evidenced by vouchers or invoices containing all the required information. As to records required in the case of registrants supplying preparations classified as Class "X" products to consumers pursuant to prescriptions issued by registered physicians, the requirement of this paragraph as to records of disposition to consumers shall be deemed to be complied with if each such prescription shows the name and address of the recipient, the name and quantity of the preparation, and the date of filling, and the prescriptions are kept on the narcotic prescription file.

Retention period: Not less than 2 years. 26 CFR 151.424

4.103 Laboratories using narcotics.

To keep complete records of receipts, disposals, and stocks on hand, of all narcotic drugs and preparations; to keep duplicate copies of official order forms used to obtain narcotic drugs; to keep the original of the return of inventory the duplicate of which is forwarded to the district director; and to keep a special record in accordance with the form outlined in the regulations showing date, kind, and quantity of narcotic drug or preparation used, the particular purpose or object of such use, and the identification and disposition of the narcotics or resulting products or residues so used, showing the date, quantity of resulting products or residues, and manner of disposition.

Retention period: Not less than 2 years from date of last transaction shown therein. 26 CFR 151.441

4.104 Laboratories transferring and receiving narcotic drugs for chemical or pharmacological tests.

(a) *Transferors.* To keep on file with the official order form or with the order and exempt certificate, as the case may be, the writen approval of the Commissioner of Narcotics to the transfer of an appropriate quantity of a narcotic drug to another qualified registrant or to an exempt official for the purpose of having the desired tests made.

(b) *Transferees.* To keep a record of such drugs used and disposed of in the manner described in item 4.94 above with additional data, in the case of pharmacological tests, accounting for quantities dispensed to humans and animals. A copy of the report to the transferor of the results of the tests made, if such report includes data from which a complete accounting for the narcotic drug used and disposed of can be ascertained, may be kept on file by the transferee as the special record required.

Retention period: Not less than 2 years from the date of the last transaction therein. 26 CFR 151.443

4.105 Persons required to make statements with respect to narcotics lost or destroyed.

(a) *Persons having title to narcotics lost or destroyed through breakage of container or other accident, other than in transit.* To retain a copy of statement, forwarded to narcotic district supervisor, as to kinds and quantities of narcotics lost or destroyed and the circumstances involved.

(b) *Consignees of narcotics lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the signed statement of the facts, filed with the narcotics district supervisor immediately upon ascertainment of the occurrence, including a list of the narcotics stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not less than 2 years. 26 CFR 151.472

4.106 Persons desiring to discontinue a business, involving the use of narcotic drugs, on any date other than June 30.

To retain on file with narcotic records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 151.473

4.107 Narcotic registrants disposing of excess or undesired narcotics.

To retain duplicate copy of inventories of excess or undesired narcotics shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR 151.474

4.108 Applicants for registry required to submit inventories of marihuana and preparations thereof on hand.

To keep duplicates of inventories required to be made of marihuana and preparations thereof on hand at the time of making such inventories.

Retention period: 2 years. 26 CFR 152.8

4.109 Transferors and transferees of marihuana.

(a) *Transferors.* To preserve the originals of order forms for marihuana.

(b) *Transferees.* To preserve the duplicates of order forms for marihuana.

Retention period: 2 years. 26 CFR 152.49

4.110 Physicians, dentists, veterinary surgeons, hospitals, sanatoriums, medical schools, and other practitioners dispensing or administering marihuana to patients.

To keep daily records showing the kind and quantity of marihuana dispensed

or administered, the name and address of each person to whom dispensed or administered, the name and address of the person under whose authority the marihuana is dispensed or administered and the purpose for which it is dispensed or administered.

Retention period: 2 years. 26 CFR 152.53, 152.54

4.111 Dealers filling marihuana prescriptions.

To keep marihuana prescriptions in a separate file. Dealers registered under the Harrison Narcotics Law, as amended, as retail dealers, who keep marihuana prescriptions on the narcotic prescription file, will be deemed in compliance with this provision.

Retention period: 2 years. 26 CFR 152.64

4.112 Transferors and transferees of unsterilized marihuana seeds or the plant Cannabis sativa L.

To keep records covering dispositions and receipts of such seeds or such plant.

Retention period: 2 years. 26 CFR 152.68, 152.68a, 152.78

4.113 Persons required to render returns with respect to marihuana.

To retain duplicates of such returns.

Retention period: 2 years. 26 CFR 152.75, 152.78

4.114 Persons registered to obtain marihuana for laboratory use.

To keep complete records relating to the receipt, disposal, and stock on hand of all marihuana; to keep in accordance with the form outlined in the regulations a special record showing the date, the quantity and kind of marihuana used, the particular purpose or object of such use, and also showing as to the resulting product or residue, the date, quantity and kind, and manner of disposition.

Retention period: 2 years. 26 CFR 152.77, 152.78

4.115 Persons registered to process the Cannabis sativa L plants and parts thereof for the purpose of extracting any fiber or fiber products therefrom.

To keep in accordance with the form outlined in the regulations complete records relating to the receipt, disposal, and stock on hand, of all such plants and parts thereof and products therefrom.

Retention period: 2 years. 26 CFR 152.77a, 152.78

4.116 Persons taxable under the Marihuana Tax Act.

To retain all order forms, duplicate forms, prescription records, returns, and inventories required to be kept on file.

Retention period: 2 years. 26 CFR 152.78

4.117 Persons required to make statements with respect to marihuana lost or destroyed.

(a) *Persons having title to marihuana lost or destroyed through breakage of container or other accident, other than in transit.* To keep a copy of affidavit, forwarded to narcotic district supervisor, as to the kind and quantity of marihuana items lost or destroyed and the circumstances involved.

(b) *Consignees of marihuana lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the sworn statement of the facts, filed with the narcotic district supervisor immediately upon ascertainment of the occurrence, including a list of marihuana items stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not less than 2 years. 26 CFR 152.97

4.118 Persons desiring to discontinue a business, involving the use of marihuana, on any date other than June 30.

To retain on file with marihuana records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 152.98

4.119 Marihuana registrants disposing of excess, undesirable, or useless marihuana.

To retain copies of inventories of excess, undesirable, or useless marihuana shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR 152.98

4.120 Persons required to collect and account for admissions and cabaret taxes.

(a) *Admissions.* (1) To keep the portions of the tickets taken up by them.

Retention period: Not less than 6 months. 26 CFR App. A 101.18

(2) To keep a copy of the statement of the numbers of obsolete and unusable tickets destroyed, their denominations, and all other pertinent information.

Retention period: Not specified. 26 CFR App. A 101.18

(3) To keep substantially in accordance with the form outlined in the regulations an accurate daily record of admissions to all classes, including free or complimentary tickets or admissions and reduced rate admissions; a classified daily record showing as to each class of tickets sold all figures and other information necessary to determine the amount of tax due for the day, and due as charges in excess of established price for the day; to keep sworn copies of management reports attached to and made a part of the records for the period covered thereby.

Retention period: 4 years from the date the tax became due. 26 CFR App. A 101.32

(b) *Cabarets.* (1) To keep waiters' checks or bills or cash register tapes where the passing on of the tax to patrons is evidenced by entries thereon.

Retention period: Not less than 6 months. 26 CFR App. A 101.18, 101.32

(2) To keep adequate and sufficient records with respect to the operations for each day on which public performances are held showing receipts from charges paid by all patrons entitled to be present during any part of the performance, and the tax due.

Retention period: 4 years from the date the tax became due. 26 CFR App. A 101.32

(c) *Duplicate returns, credits, and abatements or refunds.* A duplicate copy of the returns shall be retained and, for all credits taken and all abatements or refunds claimed, complete and detailed records shall be maintained.

Retention period: For duplicate returns—4 years from the time tax became due; for credits—4 years from the date return is filed on which the credit is taken; and for abatements or refunds—4 years from date claim is filed. 26 CFR App. A 101.32, 101.33, 101.41, 101.42

4.121 Persons required to keep records with respect to documentary stamp taxes.

To maintain and preserve all instruments, memoranda, books, or other documents to which documentary stamps have been affixed and canceled in payment of stamp taxes; all certificates of exemption executed in lieu of the payment of stamp taxes; and all other records required by the documentary stamp tax regulations.

Retention period: 4 years from the time of the related transaction. 26 CFR (1939) 113.150

4.122 Persons required to collect tax on use of safe deposit boxes.

To keep accurate records and accounts of all transactions subject to tax and evidence of the right to exemption on any such transaction in respect of which tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR App. D 130.71, 130.77

4.123 Persons required to file returns and pay tax on the sale or use of gasoline, lubricating oil, or matches.

To keep accurate and complete records, including accounts with respect to sales or use of gasoline, lubricating oil, or matches. Duplicates of returns, supporting information with respect to exempt or tax-free sales, and complete and detailed records of overpayments, for which credit is taken or refund is claimed, must also be kept.

Retention period: 4 years from the date the tax became due, or, in the case of exempt or tax-free sales, 4 years from the last day of the month immediately following that in which the sale occurs, or, in the case of overpayments, 4 years from the date credit is taken or refund claimed. 26 CFR App. D 314.23, 314.60, 314.62, 314.64

4.124 Persons liable to pay floor stocks tax on gasoline held on November 1, 1951.

To keep records showing payment of floor stocks tax on gasoline, including the duplicate of the return, inventories, and other relevant papers and material. Persons holding gasoline at more than one location shall keep separate inventories for each location (one copy at each location and one copy at the principal place of business) consolidated into a single inventory at the principal place of business.

Retention period: 4 years from the date the tax is due. 26 CFR App. D 314.71, 314.73, 314.74

4.125 Persons claiming exemption for tax on sale of diesel fuel.

(a) *Sales to a State or Territory of the United States, or a political subdivision thereof, or the District of Columbia.* To be prepared to produce evidence, such as clearly identified orders or contracts of a State, Territory of the United States, or a political subdivision thereof, or the District of Columbia, of right to exemption.

(b) *Sales for export and shipments to possessions of the United States.* To maintain adequate records to establish that the liquid was sold for export and documentary evidence that it was in fact exported.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR App. D 324.30, 324.31, 324.33, 324.42

4.126 Persons required to file a return and pay tax on the sale or use of diesel fuel.

To keep accurate records and accounts of all taxable transactions. To keep also a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due, and with respect to overpayments, 4 years from the date the credit is taken or refund is claimed. 26 CFR App. D 324.42, 324.45

LIQUORS

4.127 Manufacturers recovering taxpaid alcohol.

To keep records of distilled spirits recovered from dregs or marc of percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts and the subsequent use to which such recovered spirits are put.

Retention period: Not less than 2 years. 26 CFR 170.617

4.128 Persons disposing of substances or articles of the character used in manufacturing distilled spirits, or disposing of containers of the character used for packaging distilled spirits.

To keep records pertaining to the disposition of such substances or articles or containers.

Retention period: 3 years. 26 CFR 173.15

4.129 Persons manufacturing, importing, storing, or using liquor bottles.

To keep such records and furnish such inventories and reports relating to the manufacture, shipment, delivery, purchase, use, or sale of all liquor bottles, as the assistant regional commissioner may from time to time require. Persons placing orders for liquor bottles to keep a copy of each order and the original report of each shipment or delivery; consignors to keep the original of each order and a copy of the report of each shipment or delivery. Persons storing liquor bottles to keep suitable commercial records covering the receipt, disposition, and stocks of such bottles.

Retention period: 2 years. 26 CFR 175.64, 175.73, 175.74 (retention: 175.73)

4.130 Wholesale dealers in distilled spirits (except proprietors of distilled spirits plants, who are subject to the record keeping provisions of 26 CFR Part 201).

To keep (a) daily records of the physical receipt and disposition of distilled spirits (including any spirits transferred between wholesale and retail departments of the dealer's own premises), copies of all invoices and delivery receipts (or bills of lading if delivered to a common carrier), and a daily recapitulation record showing total quantities of bottled and packaged spirits received and disposed of during the day; (b) file copies of reports on Forms 52A and 52B (unless the requirement to prepare and submit such forms is waived) and 338; (c) work sheets from which grand totals of month's receipts and disposition are obtained; and (d) separate records and copies of monthly reports (Form 338) of all transactions in distilled spirits stored for export with benefit of drawback.

Retention period: Not less than 2 years. (a) 26 CFR 194.221, 194.225—194.230, 194.238; (b) 194.221, 194.234—194.238; (c) 194.230; (d) 194.283 (retention: 194.242)

4.131 Wholesale dealers in wine and/or beer.

To keep a complete record of all wines and beer received, showing the quantities thereof, from whom received, and the receiving dates.

Retention period: Not less than 2 years. 26 CFR 194.222 (retention: 194.222, 194.242)

4.132 Retail liquor dealers.

To keep a complete record of all distilled spirits, wines, and beer received, showing the quantities thereof, from whom received, and the receiving dates; a record of each sale of distilled spirits, wines, or beer in quantities of 20 wine gallons or more to the same person at the same time, showing the date of sale, the name and address of the purchaser, the kind and quantity of each kind of liquors sold, the serial numbers of all full cases of distilled spirits included in the sale; and the delivery receipt supporting each entry in the sales record.

Retention period: Not less than 2 years. 26 CFR 194.238, 194.239 (retention: 194.242)

4.133 Liquor dealers packaging alcohol for industrial uses.

To keep records, daily, showing bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. To keep copies of monthly reports of strip stamp transactions (Form 2260) and monthly reports of bulk alcohol transactions (Form 2733).

Retention period: Not less than 2 years. 26 CFR 194.271 (retention: 194.242)

4.134 Proprietors of vinegar factories.

To keep daily records of operations, showing the kind and quantity of fermenting and distilling material received, produced, used and removed from the premises, the quantity of mash set, the quantity of low wines produced and used, the quantity of vinegar produced and removed, and the identity of each consignor and consignee; and copies of monthly reports (Form 1623).

Retention period: Not less than 2 years. 26 CFR 195.152, 195.153, 195.155, 195.159—195.161, 195.175, 195.176 (retention: 195.177)

4.135 Manufacturers and vendors of distilling apparatus.

(1) In the case of any distilling apparatus removed for exportation without payment of tax, to keep a copy of each bill of lading covering exportation or consignment to a foreign-trade zone;

(2) In the case of distilling apparatus for domestic use for purposes other than distilling (as defined in 26 CFR 196.10), to keep a record showing the apparatus manufactured, received, and removed or otherwise disposed of, the name and address of each purchaser, and the purpose for which each still is to be used.

Retention period: Not less than 2 years. 26 CFR 196.62, 196.80, 196.82

4.136 Manufacturers of nonbeverage products claiming drawback. [Amended]

(a) To keep a copy of each approved quantitative formula (Form 1678).

Retention period: Not less than 2 years from the date of filing last claim for drawback under such formula. 26 CFR 197.95 (retention: 197.133)

(b) To keep records showing the distilled spirits received and used, the products produced, and the disposition of such products; and all Forms 179 and bills of lading relating to the spirits shipped to him.

Retention period: Not less than 2 years. 26 CFR 197.95, 197.99, 197.130–197.132 (retention: 197.133)

4.137 Proprietors of volatile fruit-flavor concentrate plants. [Revised]

(a) To keep daily records showing processing material used; processing material removed and the reason for such removal; concentrate produced, used, and removed; substances received for use in rendering concentrate unfit for use as a beverage, and the use or other disposition of such substances; and the name and address of each person to whom processing material or concentrate is shipped.

(b) To keep file copies of monthly reports (Form 1695).

Retention period: Not less than 2 years. 26 CFR 198.111, 198.112, 198.121—198.125 (retention: 198.121)

4.138 Scientific institutions and colleges of learning authorized to conduct experimental or research operations.

To keep records, daily, of quantities of spirits produced, received, and used.

Retention period: Not less than 4 years. 26 CFR 201.72 (retention: 201.612)

4.139 Persons receiving distilling material from the bonded premises of a distilled spirits plant.

To keep records of the receipt, use, and disposition of such material.

Retention period: Not less than 4 years. 26 CFR 201.74 (retention: 201.612)

4.140 Proprietors of distilled spirits plants.

(a) *Production.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to production facilities, including the receipt, use, and disposition of fermenting and distilling materials; the production of spirits and denatured spirits; the production and disposition of distillates and chemical byproducts; losses in production processes; inventories; and the taking of samples.

Retention period: Not less than 4 years. 26 CFR 201.261, 201.262, 201.264, 201.265, 201.268, 201.269, 201.271, 201.274, 201.275, 201.278, 201.279, 201.562, 201.582, 201.587, 201.603, 201.611, 201.612, 201.616–201.620, 201.626, 201.627, 201.630, 201.632, 201.633 (retention: 201.612)

(b) *Storage in bond.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to the receipt and storage of spirits and denatured spirits; quick-aging; addition of oak chips or caramel; repairing, filling, and changing packages; mingling and consolidation of spirits; blending of beverage rums or brandies; losses and voluntary destruction; inventories; and the taking of samples.

Retention period: Not less than 4 years from the date the spirits covered thereby are removed from the proprietor's bonded premises. 26 CFR 201.291, 201.292, 201.294, 201.295, 201.298, 201.302–201.308, 201.311–201.313, 201.562, 201.582, 201.583, 201.587, 201.603, 201.611, 201.612, 201.616–201.618, 201.622, 201.626–201.630, 201.632–201.635 (retention: 201.612)

(c) *Bottling on bonded premises.* To keep, as prescribed by regulations, records and copies of applications and reports relating to bottling operations on bonded premises, including bottling in bond, bottling of alcohol before taxpayment, bottling losses and gains, strip stamp transactions, and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years from the date the bottled spirits are removed from the proprietor's bonded premises. 26 CFR 201.322, 201.327, 201.336–201.338, 201.341–201.343, 201.346–201.348, 201.352, 201.543, 201.546, 201.611, 201.612, 201.616–201.618, 201.622, 201.624, 201.632, 201.633 (retention: 201.612)

(d) *Transfers and withdrawals.* To keep, as prescribed by regulations, records and copies of applications, notices, and withdrawal and taxpayment forms relating to transfer and withdrawal of spirits and denatured spirits, including transfers between bonded premises, removals from storage to production facilities, determination and payment of tax and removal of spirits after taxpayment, withdrawals without payment of tax, and withdrawals free of tax.

Retention period: Not less than 4 years. 26 CFR 201.363, 201.364, 201.366–201.380, 201.381–201.385, 201.387, 201.388, 201.390, 201.393, 201.394, 201.602, 201.603, 201.606, 201.611, 201.612, 201.614, 201.616–201.618, 201.622, 201.624, 201.628, 201.629, 201.632, 201.633 (retention: 201.612)

(e) *Denaturation.* To keep, as prescribed by regulations, records and copies of statements, certifications, applications, notices, and reports relating to denaturing transactions and operations, including receipt, test, use, and disposition of denaturants and the denaturation of spirits (including redenaturation and restoration of recovered denatured spirits and articles).

Retention period: Not less than 4 years. 26 CFR 201.404, 201.406–201.408, 201.410, 201.602, 201.603, 201.611, 201.612, 201.614, 201.616–201.618, 201.621, 201.626, 201.630, 201.632, 201.633 (retention: 201.612)

(f) *Operations on bottling premises.* To keep, as prescribed by regulations, records and copies of applications, affidavits, statements, reports, and taxpayment forms relating to transactions and operations on bottling premises, including the receipt, use, and disposition of flavoring materials and of taxpaid spirits and wines; rectification of spirits and wines; production of vodka and gin by redistillation; packaging, bottling, and removal of rectified and unrectified spirits and wines; tax payment; stamping; operational losses; voluntary destruction of spirits; inventories; and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years. 26 CFR 201.426, 201.427, 201.430, 201.432, 201.435, 201.444, 201.446, 201.448, 201.450, 201.451, 201.452, 201.454, 201.455, 201.460, 201.463–201.466, 201.470, 201.482–201.484, 201.487, 201.490, 201.492, 201.551, 201.562, 201.563, 201.611, 201.612, 201.614, 201.616–201.618, 201.623, 201.624, 201.627, 201.630, 201.632, 201.633 (retention: 201.612)

(g) *Taxpaid storeroom operations.* To keep daily records of the receipt and disposition of distilled spirits and wines at such premises, and to keep copies of monthly reports of spirits received at and removed from such premises.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.612, 201.614, 201.616, 201.618, 201.625 (retention: 201.612)

4.141 Dealers in and users of completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the receipt, storage, and disposal of such alcohol.

Retention period: 3 to 6 years. 26 CFR 211.118, 211.261, 211.273, 211.274 (retention: 211.273)

4.142 Manufacturers of and dealers in proprietary anti-freeze made with completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the production, receipt, storage, and disposal of such products.

Retention period: 3 to 6 years. 26 CFR 211.262, 211.273, 211.274 (retention: 211.273)

4.143 Persons recovering completely denatured alcohol and articles.

To keep such records as will enable an internal revenue officer to verify and trace recovery, redenaturation (if any), and reuse; to keep copies of monthly reports.

Retention period: 3 to 6 years. 26 CFR 211.212, 211.214, 211.215, 211.218, 211.263, 211.269, 211.273, 211.274 (retention: 211.273)

4.144 Dealers in specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of procurement, packaging, losses, and disposition of specially denatured spirits.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.145, 211.148, 211.234, 211.241, 211.243, 211.251–211.253, 211.255, 211.264, 211.270, 211.272–211.274, 211.285 (retention: 211.273)

4.145 Users of specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of (a) specially denatured spirits received, used, recovered (including redenaturation), lost, and otherwise disposed of, and (b) products manufactured and the disposition of such products.

Retention period: 3 to 6 years. 26 CFR 211.168, 211.212, 211.214, 211.215, 211.218, 211.241–211.243, 211.251–211.253, 211.255, 211.265, 211.267, 211.271–211.274 (retention: 211.273)

4.146 Reprocessors, repackagers and bottlers of bay rum, skin and hair lotions, and similar products and purchasers of such products in containers larger than 1 gallon for resale.

To keep records of receipt, manufacture, packaging, bottling, and sales.

Retention period: 3 to 6 years. 26 CFR 211.265–211.267, 211.272–211.274 (retention: 211.273)

4.147 Dealers in and users of proprietary solvents and special industrial solvents.

To keep records of receipt, use, and disposition.

Retention period: 3 to 6 years. 26 CFR 211.268, 211.272–211.274 (retention: 211.273)

4.148 Users of tax-free alcohol.

To keep records and copies of all applications, notices, and reports relating to receipt, use, recovery (including restoration), losses, and inventories of tax-free alcohol.

Retention period: 3 to 6 years. 26 CFR 213.116, 213.134, 213.151–213.153, 213.161–213.163, 213.165, 213.171–213.176 (retention: 213.175)

4.149 Proprietors of taxpaid wine bottling houses.

To keep records of wine received, bottled, packaged, and removed, and of semiannual and special inventories.

Retention period: 3 years. 26 CFR 231.110–231.114 (retention: 231.114)

4.150 Persons (other than proprietors of bonded wine cellars) producing wine for family use.

To keep the copy of the registration (Form 1541), with production data entered thereon, at the place of manufacture.

Retention period: Not specified. 26 CFR 240.542

4.151 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations.

To keep copies of approved applications and appropriate records of experiments and research.

Retention period: 3 to 6 years. 26 CFR 240.546–240.549, 240.731, 240.732, 240.924 (retention: 240.924)

4.152 Proprietors of vinegar plants receiving wine free of tax for use in manufacturing vinegar.

To keep records showing receipt and use of wine, and vinegar produced and disposed of.

Retention period: Not specified. 26 CFR 240.656, 240.657

4.153 Proprietors of bonded wine cellars.

(a) Production of wine, distilling material, vinegar stock, and commercial fruit products. To keep, as prescribed by regulations, records and copies of all applications, notices, statements, and reports of transactions and operations relating to the receipt and use or other disposition of basic winemaking materials such as fruit or juice, and of sugar, acids, chemicals, preservatives, distillates, wine spirits, and other materials used in production of wine and allied products and in cellar and finishing operations; fermentation; wine in reserve; baking; use of carbon dioxide in still wines; removal of excess color in white wine; reduction of acid content; and other cellar and finishing treatment of wines.

Retention period: 3 to 6 years. 26 CFR 240.362, 240.367, 240.369, 240.370, 240.372, 240.375–240.379, 240.382–240.385, 240.402, 240.408, 240.409, 240.443, 240.484–240.487, 240.491, 240.525–240.527a, 240.532, 240.537, 240.771, 240.773, 240.822, 240.826, 240.832–240.834, 240.836, 240.837, 240.890, 240.892, 240.900, 240.904, 240.906–240.911, 240.913–240.919, 240.922–240.925 (retention: 240.924)

(b) Storage in bond, filling bottles and containers, voluntary destruction, reconditioning of foreign wine, losses, and inventories. To keep, as prescribed by regulations, records and copies of all applications, notices, and reports relating to the receipt and storage of wine and wine spirits on bonded premises; bottling, casing, and the filling of containers; losses and voluntary destruction; and semiannual and special inventories.

Retention period: 3 to 6 years. 26 CFR 240.534, 240.561, 240.751, 240.753, 240.783, 240.786–240.789, 240.804, 240.854–240.858, 240.871, 240.900, 240.903, 240.912, 240.913, 240.916, 240.922–240.925 (retention: 240.924)

(c) Transfers and removals. To keep, as required by regulations, records and copies of all applications, notices, transfer and withdrawal forms, and returns relating to wine and wine spirits, including transfers between bonded premises, return of wine to bonded storage, taxpayment and removal, withdrawal free of tax and without payment of tax, disposition of lees and other residues, and the disposition of commercial fruit products and other allied products.

Retention period: 3 to 6 years. 26 CFR 240.590–240.592, 240.600, 240.613–240.615, 240.618, 240.619, 240.630, 240.633, 240.652, 240.660, 240.662, 240.672, 240.722, 240.726, 240.730, 240.732, 240.741, 240.743, 240.746, 240.761–240.763, 240.802, 240.804, 240.839, 240.871, 240.892, 240.900–240.902, 240.904, 240.920, 240.922–240.925 (retention: 240.924)

(d) Taxpaid storeroom operations. To keep records of receipt and disposition.

Retention period: 3 to 6 years. 26 CFR 240.801, 240.921–240.925 (retention: 240.924)

4.154 Brewers. [Revised]

To keep, as required by regulations, records and copies of all applications, statements, notices, tax returns, and reports of brewery operations and transactions relating to receipt and use or disposition of brewing materials; production of beer and cereal beverages; beer entered into concentration process; concentrate produced, received, and used in reconstituting beer; beer reconstituted; transfers of beer and beer concentrate between breweries of same ownership; removals of yeast, malt syrup, and other articles; removal of beer unfit for beverage use; racking and bottling operations; losses; voluntary destruction; beer returned to the brewery; beer procured from another brewer; removal of cereal beverage; removal of beer for sale or consumption; removal of beer free of tax; removal of beer and beer concentrate without payment of tax; beer consumed at the brewery; and inventories of brewing materials, beer and cereal beverage in process, concentrate, and finished beer and cereal beverage on hand.

Retention period: Not less than 4 years. 26 CFR 245.135, 245.136, 245.145–245.148, 245.152, 245.153, 245.155, 245.157, 245.158, 245.161, 245.205–245.208, 245.210, 245.215, 245.225–245.227, 245.230, 245.232, 245.233 245.243, 245.245 (retention: 245.232)

4.155 Proprietors of bonded warehouses or bonded processing rooms in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2899, 2925, and 2630.

Retention period: Not less than 2 years. 26 CFR 250.79 (retention: 250.276)

4.156 Proprietors of rectifying plants in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2925 and 2926.

Retention period: Not less than 2 years. 26 CFR 250.85 (retention: 250.276)

4.157 Proprietors of bonded premises in Puerto Rico withdrawing wine of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900 and 2928.

Retention period: Not less than 2 years. 26 CFR 250.94 (retention: 250.276)

4.158 Proprietors of bonded premises in Puerto Rico withdrawing beer of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900 and 2930.

Retention period: Not less than 2 years. 26 CFR 250.103 (retention: 250.276)

4.159 Shippers of liquors and articles of Puerto Rican manufacture to the United States.

To keep file copies of Form 487B.

Retention period: Not less than 2 years. 26 CFR 250.116 (retention: 250.276)

4.160 Persons, other than tourists, bringing liquors into the United States from Puerto Rico or the Virgin Islands (except proprietors of distilled spirits plants).

To keep records and copies of reports pertaining to receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealer).

Retention period: At least 2 years. 26 CFR 250.163, 250.272 (retention: 194.242)

4.161 Proprietors of distilled spirits plants bringing liquors into the United States from Puerto Rico or the Virgin Islands.

To keep records and copies of reports of transactions pertaining to such liquors in accordance with 26 CFR Part 201 (Distilled Spirits Plants).

Retention period: Not less than 4 years. 26 CFR 250.164, 250.273 (retention: 201.612)

4.162 Importers bringing bottled distilled spirits into the United States from the Virgin Islands.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 250.270, 250.271 (retention: 250.276)

4.163 Importers of distilled spirits.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 251.130, 251.131 (retention: 251.137)

4.164 Importers of distilled spirits, wines, or beer (except proprietors of premises qualified under the provisions of Chapter 51, I.R.C.).

To keep records and copies of reports of the receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealers).

Retention period: At least 2 years. 26 CFR 251.133 (retention: 251.137)

4.165 Proprietors of premises qualified under the provisions of Chapter 51, Internal Revenue Code importing liquors.

To keep records and copies of reports of transactions in accordance with the regulations governing the operations of such premises.

Retention period: Not less than 2 years. 26 CFR 251.134 (retention: 251.137)

4.166 Importers of liquors.

To keep records, documents or copies of documents supporting such records, and copies of reports required to be submitted to the assistant regional commissioner or to the collector of customs.

Retention period: Not less than 2 years. 26 CFR 251.136, 251.137 (retention: 251.137)

4.167 Proprietors of distilled spirits plants who transfer distilled spirits from customs custody to their bonded premises.

To keep file copies of Form 2609.

Retention period: Not less than 2 years. 26 CFR 251.172 (retention: 251.137)

4.168 Proprietors or claimants exporting liquors under the provisions of 26 CFR Part 252.

To keep file copies of all export forms involved, and the records, documents, or copies of the records and documents supporting such forms.

Retention period: Not less than 2 years. 26 CFR 252.45

4.169 Proprietors of distilled spirits plants.

(1) To keep a copy of each Form 206 (with attached Form 2630, if any) covering distilled spirits withdrawn without payment of tax for exportation, use on vessels and aircraft, transfer to a foreign-trade zone, or transfer to a manufacturing bonded warehouse, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.107, 252.118 (retention: 252.45)

(2) To keep a copy of each Form 206 (with attachments, if any) covering the withdrawal of specially denatured spirits, free of tax, for exportation or transfer to a foreign-trade zone, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.153 (retention: 252.45)

4.170 Proprietors of bonded wine cellars.

To keep a copy of each Form 206 covering the withdrawal of wine without payment of tax for exportation, use on vessels and aircraft, or transfer to a manufacturing bonded warehouse, and any return of the wine so withdrawn to the bonded wine cellar.

Retention period: Not less than 2 years. 26 CFR 252.125, 252.133 (retention: 252.45)

4.171 Brewers. [Revised]

To keep a copy of each Form 1689 covering beer removed without payment of tax for use as supplies on vessels and aircraft; and a copy of each Form 1689 covering beer, and Form 3021 covering beer concentrate, removed without payment of tax for exportation or transfer to a foreign-trade zone, and any return to the brewery of the beer or beer concentrate so removed.

Retention period: Not less than 2 years. 26 CFR 252.145, 252.146, 252.150f—252.150h (retention: 252.45)

4.172 Proprietors of export storage.

To keep a copy of each Form 1656 relating to transfers of distilled spirits.

Retention period: Not less than 2 years. 26 CFR 252.187, 252.188 (retention: 252.45)

4.173 Exporters of distilled spirits bottled or packaged, or restamped and marked, especially for export with benefit of drawback.

To keep a copy of each Form 1582 (with attachments, if any) on which claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.195 (retention: 252.45)

4.174 Exporters of wine.

To keep a copy of each Form 1582–A on which claim for drawback is filed and the supporting tax certification Form 2605.

Retention period: Not less than 2 years. 26 CFR 252.215, 252.218 (retention: 252.45)

4.175 Brewers.

To keep a copy of each Form 1582–B on which a claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.225–252.227 (retention: 252.45)

4.176 Airlines withdrawing distilled spirits or wines from its stock held in customs custody.

To keep a copy of each requisition.

Retention period: Not less than 2 years. 26 CFR 252.280 (retention: 252.45)

TOBACCO

4.177 Manufacturers of tobacco products.

To keep authorizations to employ alternate methods or procedures, to employ emergency variations from requirements, to remove tobacco products in bond for experimental purposes, to ship tobacco materials for experimental or display purposes, and to destroy tobacco materials and tobacco products without supervision.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 270.45, 270.46, 270.232, 270.253, 270.262, 270.264 (retention: 270.185)

4.178 Manufacturers of tobacco products.

To keep receipted copy of each semimonthly tax return, Form 3071, and of each prepayment tax return, Form 2617.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.162, 270.167 (retention: 270.185)

4.179 Manufacturers of tobacco products.

To keep daily records of his operations, either commercial records or internal revenue Forms 3063, 3064, 3065, or 3066, together with auxiliary and supplemental records from which such records are compiled, supporting records of tobacco products removed subject to tax, and separate records with respect to Puerto Rican tobacco products released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 270.181, 270.184, 275.139 (retention: 270.185, 275.22)

4.180 Manufacturers of tobacco products.

To keep a copy of each verified inventory, Form 3067, made.

Retention period: 3 years following the close of calendar year in which made. 26 CFR 270.201 (retention: 270.185)

4.181 Manufacturers of tobacco products.

To keep a copy of each monthly report, Form 3068, together with copy of any supplemental report covering tobacco products of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.202, 275.141 (retention: 270.185, 275.22)

4.182 Manufacturers of tobacco products.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.281, 270.282, 270.283, 270.284 (retention: 270.185)

4.183 Manufacturers of tobacco products.

To keep a copy of each notice of release, Form 2145, Form 3072, customs form, or written certification (as the case may be) covering the release of imported or Puerto Rican tobacco products, cigarette papers and tubes, and tobacco materials, from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.86, 275.91, 275.137, 275.145 (retention: 275.22)

4.184 Manufacturers of tobacco products.

To keep a copy of each notice of removal, Form 2149, covering shipment of tobacco products removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such products to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

4.185 Manufacturers of tobacco products.

To keep a supporting record showing appropriate entries with respect to removals of tobacco products, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

4.186 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release of imported or Puerto Rican cigarette papers and tubes from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.86, 275.137 (retention: 275.22)

4.187 Manufacturers of cigarette papers and tubes.

To keep a receipted copy of each monthly tax return, Form 2137.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.25 (retention: 285.31)

4.188 Manufacturers of cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 285.34a, 285.35 (retention: 285.31)

4.189 Manufacturers of cigarette papers and tubes.

To keep a copy of each verified inventory, Form 2132, made.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.91 (retention: 285.31)

4.190 Manufacturers of cigarette papers and tubes.

To keep daily records of his operations and transactions, and also separate records with respect to Puerto Rican cigarette papers and tubes released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.139, 285.101 (retention: 275.22, 285.31)

4.191 Manufacturers of cigarette papers and tubes.

To keep a copy of each report, Form 2138, together with copy of any supplemental report covering cigarette papers and tubes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.141, 285.111 (retention: 275.22, 285.31)

4.192 Manufacturers of cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 285.171, 285.172, 285.173, 285.174 (retention: 285.175)

4.193 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigarette papers and tubes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such articles to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

4.194 Manufacturers of cigarette papers and tubes.

To keep a supporting record showing appropriate entries with respect to removals of cigarette papers and tubes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

4.195 Dealers in tobacco materials.

To keep a copy of each customs form or written certification by which release from customs custody of imported or Puerto Rican tobacco materials, without payment of tax, is effected.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.91, 275.145 (retention: 275.22)

4.196 Dealers in tobacco materials.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 2 years following close of year in which operation under the authorization is concluded. 26 CFR 280.43, 280.43a (retention: 280.127)

4.197 Dealers in tobacco materials.

To keep a record of tobacco materials received, lost or destroyed, and shipped or delivered.

Retention period: 2 years after close of year covered in the record. 26 CFR 280.127

4.198 Dealers in tobacco materials.

To keep copy of shipper's export declaration, Commerce Form 7525–V and Post Office Department Form 3817, coverings shipments of tobacco materials for export.

Retention period: 2 years following close of calendar year in which shipment was made. 26 CFR 290.171, 290.172

4.199 Importers of tobacco materials, tobacco products, and cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 275.26, 275.27 (retention: 275.22)

4.200 Persons filing claims for tax assessed or paid on imported tobacco products and cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, together with verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.161, 275.163 (retention: 275.22)

4.201 Farmer's or grower's agents and associations of farmers or growers of leaf tobacco.

To keep records of all receipts and sales of tobacco.

Retention period: 2 years following close of year covered in such records. 26 CFR 280.52, 280.53

4.202 Proprietors of bonded internal revenue tobacco export warehouses.

To keep complete and adequate daily records of operations of his warehouse, with a copy of each notice of removal, Forms 2149 and 2150, covering receipt of tobacco articles from a manufacturer, another export warehouse, or customs warehouse proprietor, and of each Form 2150 covering tobacco articles removed from his warehouse.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.142, 290.199, 290.200

4.203 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each inventory made.

Retention period: 2 years following close of calendar year in which made. 26 CFR 290.143

4.204 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each monthly report, Form 2140.

Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.147

4.205 Proprietors of customs bonded manufacturing warehouse, class 6.

To keep a copy of each notice of removal of cigars, Form 2149, withdrawn from the customs warehouse, without payment of tax for export, and of each notice of removal, Forms 2149 and 2150, relating to the return of cigars to the customs warehouse.

Retention period: 2 years following close of calendar year in which shipment was withdrawn or received. 26 CFR 290.257, 290.266, 290.267

FIREARMS

4.206 Persons responsible for returns and payment of tax on sales of pistols and revolvers.

To keep such records and memoranda as will clearly show the amount of the sales of pistols and revolvers for each month; evidence of the right to exemption from the tax; and a complete and detailed record of overpayments for which credits are taken. A duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax becomes due and, with re-

spect to credits, 4 years from the date the credit is taken. 26 CFR (1939) 302.9, 302.12, 302.15

4.207 Persons making exports of pistols and revolvers.

(a) *Manufacturers selling pistols and revolvers for export and in due course so exported.* To preserve the orders or contracts of sale, and certificates with respect to shipment to a foreign destination, and "proofs of exportation."

(b) *Persons, other than manufacturers, exporting pistols and revolvers.* To carefully preserve in their own files copies of export bills of lading or other shipping documents and all other papers bearing on the transactions.

Retention period: Not specified. 26 CFR (1939) 302.16, 302.17, 302.18

4.208 Licensed firearms manufacturers and dealers.

To maintain complete and adequate records reflecting the production or receipt (whether by importation, acquisition from other licensees, or otherwise), and the disposition, at wholesale or retail, of all firearms (including firearms in an unassembled condition) received or disposed of in the course of business.

Retention period: 10 years from date transaction occurs. Upon discontinuance of business records must be delivered to successor, or, if discontinuance of the business is absolute, to Director, Alcohol and Tobacco Tax Division. 26 CFR 177.51

4.209 Applicants for exemption from firearms transfer tax.

To retain a duplicate copy of the application for exemption, giving a description of the firearm, names and addresses of transferor and transferee, date of transfer, basis of exemption, and any other evidence the Director, Alcohol and Tobacco Tax Division, may require.

Retention period: Not specified for transferor. Transferee retains for duration of his ownership of firearm. 26 CFR 179.105

4.210 Manufacturers, importers, or dealers in firearms (including pawnbrokers).

To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred.

Retention period: At least 4 years from date of disposition of the firearm. 26 CFR 179.150

4.211 Manufacturers, importers, and dealers of firearms (including pawnbrokers) making returns on the manufacture, receipt, transfer, or other disposition of firearms.

To keep duplicate copy of the return, whether of individual transaction or a daily summary of transactions.

Retention period: At least 4 years. 26 CFR 179.151

5. Office of Foreign Assets Control

5.1 Persons engaged in transactions subject to Foreign Assets Control Regulations, Transaction Control Regulations and Cuban Assets Control Regulations. [Revised]

To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not.

Retention period: Shall be available for examination at least 2 years after date of transaction. 31 CFR 500.601, 500.804, 505.40, 505.60, 515.601, 515.804

6. Office of Domestic Gold and Silver Operations

6.1 Persons authorized by license or by 31 CFR 54.18 or 54.21 to acquire, hold, process, and dispose of gold.

To keep full and accurate records of all operations and transactions respecting gold, including the name, address, and Treasury gold license number of each person from whom it is acquired or to whom it is delivered (or, when no Treasury gold license is held, the section of regulations in this part pursuant to which the gold was held or acquired by such person), the amount, date, description and purchase or sales price of each acquisition and delivery, any other papers and records required to be kept by a Treasury Department gold license, and costs and expenses in computation of total domestic value of articles of fabricated or semiprocessed gold.

Retention period: Until end of the fifth calendar year (or fifth fiscal year, if accounts are so maintained). 31 CFR 54.26

6.2 Licensed importers of gold-bearing materials for reexport of gold refined therefrom.

To cause to be kept at the plant of first treatment an exact record of percentages and weights as specified, for each importation, an attested copy of such record to be filed with the assay office at New York or the mint at San Francisco, whichever is designated.

Retention period: At least 1 year after date of disposition of gold. 31 CFR 54.32

6.3 [Deleted]

7. Bureau of Narcotics

7.1 Importers of crude opium or coca leaves.

To keep quintuplicate copy of permit to import.

Retention period: 2 years. 21 CFR 302.10 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

7.2 Exporters of narcotic drugs.

To keep triplicate copy of export permit.

Retention period: 2 years. 21 CFR 302.21 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

7.3 Exporters of narcotic drugs.

To keep a record of any serial numbers that might appear on packages of narcotic drugs in quantities of one ounce or more in such manner as will identify the foreign consignee.

Retention period: Permanent. 21 CFR 302.27 (retention: 26 CFR 151.132)

7.4 Importers of special coca leaves.

To keep duplicate copy of quarterly return accounting for all transactions involving such leaves or substances derived therefrom containing narcotic drugs.

Retention period: 2 years. 21 CFR 302.46 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

7.5 Registrants surrendering heroin to Commissioner of Narcotics.

To keep duplicate copy of inventory of heroin shipped.

Retention period: 2 years. 21 CFR 306.2

7.6 Forfeiture of narcotic drugs.

To keep triplicate copy of inventory made at time of confiscation of narcotic drugs.

Retention period: Not less than 2 years. 21 CFR 307.112

7.7 Manufacture of narcotic precursors.

To keep a record of the quantity of precursors manufactured or otherwise acquired.

Retention period: Not less than 2 years. 21 CFR 307.141

8. Bureau of the Public Debt

8.1 Banks receiving bearer securities for restrictive endorsement.

To retain the original and triplicate copies of lists of securities presented to the Federal Reserve Bank or Treasurer of the United States and photographic reproductions of the endorsed securities, when made by the banks for their own protection, the original copy of the list and prints of any photographic reproductions made to be used to support an application for relief on account of loss, theft, or destruction of endorsed securities, as provided in 31 CFR 326.7.

Retention period: Until the transaction is completed by receipt of payment or receipt of the securities issued in exchange. 31 CFR 326.5

8.2 Treasury savings stamp agents selling U.S. savings stamps in schools.

To keep (a) cancelled receipts returned by post office covering stamps obtained and fully accounted for and (b) original and duplicate copy of monthly record of unsold stamps and/or proceeds of stamps sales shipped or otherwise delivered to the post office during month (Form PD 2950).

Retention period: (a) 1 calendar month after receipt is returned and (b) 1 calendar month after date last shipment is recorded on monthly record or, if stamps or proceeds of stamp sales are lost, stolen, or destroyed in transit or for other reason stamps are not accounted for in full, 1 calendar month after deficiency is removed. 31 CFR 338.9

9. United States Coast Guard

9.1 Certificates or documents issued by Coast Guard.

Certificates or documents issued to the public, as required by laws, rules, or regulations, shall be retained for the applicable period of time.

Retention period: If the certificate or document (a) specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; (b) does not specify a definite period of time for which it is valid, it shall be retained for that period of time such certificate or document is required for operation of the vessel; or, (c) is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered. 46 CFR 2.95-1

9.2 Owners, masters or persons in charge of vessels required to have cargo gear certificates and/or registers, and records regarding such gear.

To keep on board the current, valid cargo gear certificate and/or register, and records regarding such gear, such as inspections and tests or examinations, original or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear, and records of all tests and examinations conducted by or under the supervision of surveyors of organizations or associations approved by the Commandant.

Retention period: The cargo gear certificate and/or register shall be retained for so long as it is valid unless it is required to be surrendered, and in addition until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained so long as the gear described in such certificates is on board the vessel. The records of inspections by ship's officers shall be maintained on the vessel for that period of time which agrees with the period covered by the current Coast Guard certificate of inspection issued to the vessel. 46 CFR 31.10-16, 31.37-75, 71.25-25, 71.47-75, 91.25-25, 91.37-75 (retention: 2.95-5)

9.3 Owners, masters, or persons in charge of vessels required to have performed tests and inspections of all firefighting equipment.

To keep on board records of required tests and inspections of all firefighting equipment.

Retention period: Shall be kept for the period of validity of the current Coast Guard certificate of inspection for the vessel. 46 CFR 31.10-18, 78.17-80, 97.-15-60

9.4 Owners, masters or persons in charge of new vessels having cargo gear described in approved plans.

To keep on board a set of approved plans of cargo gear showing a stress diagram with the principal details of the gear and a diagram showing arrangement and safe working loads.

Retention period: During period such cargo gear is on board vessel. 46 CFR 31.37-15, 31.37-20, 71.47-15, 71.47-20, 91.37-15, 91.37-20 (retention: 2.95-5)

9.5 Masters of tank vessels or vessels towing tank barges transporting inflammable or combustible cargo.

To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.

Retention period: During period of transportation or storage. 46 CFR 35.01-10 (retention: 2.95-5)

9.6 Masters or persons in charge of vessels required to conduct fire and lifeboat drills to log such drills.

To make entries in the ship's logs relating to the fire and lifeboat drills and examinations of emergency equipment.

Retention period: Until official log book is required to be surrendered to the Coast Guard, or for a vessel not required to use the official log book such logs shall be kept for a period of one year after date entries were made. 46 CFR 35.07-5, 35.07-10, 35.10-5, 78.17-50, 78.37-3, 78.-37-5, 97.15-35, 97.35-3, 97.35-5

9.7 Owners, agents, masters, or persons in charge of vessels involved in marine casualties.

To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft, aids to mariners, radiograms sent and received, the radio log, and crew and passenger lists.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 35.15-1, 78.07-15, 97.07-15, 136.05-15, 167.65-65

9.8 Masters or senior deck officer of tank ships in charge of transfer of inflammable and combustible cargo.

To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.

Retention period: During period of transportation or storage. 46 CFR 35.35-30

9.9 Fabricators to keep welders' qualification test records.

To maintain qualification test records with identification data.

Retention period: For period of validity of welder's certificate. 46 CFR 56.01-10 (retention: 2.95-5)

9.10 Owners, masters, or persons in charge of nuclear vessels required to have "Operating Manuals."

To keep on board a copy of the approved "Operating Manual," which shall be kept up to date.

Retention period: At all times vessel has a nuclear reactor on board. 46 CFR 57.30-35

9.11 Masters of passenger vessels other than those making foreign or intercoastal voyages.

To have official log book (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 78.37-3

9.12 Masters of passenger vessels where an official log book is not required (except ferry vessels).

To keep a record of the correct count of all passengers received and delivered from day to day. This record shall be open to inspection by the Coast Guard at all times.

Retention period: 1 year after date to which the records refer. 46 CFR 78.37-10

9.13 Owners, masters, or persons in charge of passenger vessels required to display plans.

To keep on board a vessel of 1,000 gross tons and over, and a vessel of any tonnage on an international voyage for guidance of officer in charge the general arrangement plans.

Retention period: At all times vessel is in navigation. 46 CFR 78.45-1

9.14 Masters of cargo and miscellaneous vessels other than those making foreign or intercoastal voyages.

To have official log book (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 97.35-3

9.15 Masters of vessels storing explosives for a period exceeding 24 hours (other than barges and magazine vessels).

To keep records of temperature readings.

Retention period: 1 year. 46 CFR 146.02-12

9.16 Owners of vessels.

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared, unless persons or corporations charter or engage or contract for the use of these vessels under such terms and conditions that they have full and exclusive control of the management and operation of such vessels.

Retention period: 1 year. 46 CFR 146.02-22

9.17 Persons or corporations chartering or engaging or contracting for the use of vessels under such terms and conditions that they have full and exclusive control of the management and operation thereof.

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers and records as required to be prepared.

Retention period: 1 year. 46 CFR 146.02-22

9.18 Vessel operators.

To keep copies of delivery receipts covering domestic deliveries and exportation of explosives or other dangerous articles or substances, and combustible liquids.

Retention period: 1 year. 46 CFR 146.05-12, 146.05-13

9.19 Owners, charterers, agents, or masters of vessels.

To keep memoranda describing the shipments of explosives or other dangerous articles or substances, and combustible liquids being transported, conveyed or stored on board vessels.

Retention period: 1 year. 46 CFR 146.05-12

9.20 Masters of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep on board dangerous cargo manifests or lists.

Retention period: During the period of transportation or storage. 46 CFR 146.06–12

9.21 Owners, charterers, or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep ashore copies of dangerous cargo manifests or lists.

Retention period: 1 year. 46 CFR 146.06–18 (retention: 146.02–22)

9.22 Vessel owners, charterers, or agents.

To keep ashore copies of cargo stowage plans or lists.

Retention period: 1 year. 46 CFR 146.06–19 (retention: 146.02–22)

9.23 Manufacturers of equipment or material which must be approved or found satisfactory for use.

To keep the required drawings, plans, blueprints, specifications, production models (if any), qualification tests, and related correspondence containing evidence that the Coast Guard has found such equipment satisfactory, during the period of time the approval or listing is valid.

Retention period: Not specified. Most of the specifications containing detailed descriptions of records to be retained are contained in 46 CFR Parts 160–164.

XI. ATOMIC ENERGY COMMISSION

1.1 Cost-type contractors.

To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Until disposal is authorized by the Commission. 10-CFR 5.509

Cost-type contractors and subcontractors are also required to retain records in accordance with the provisions of their contracts or subcontracts. AEC Manual Chapter Appendix 0230 contain established retention periods for more than 900 record items of cost-type contractors and subcontractors.

1.2 Licensees receiving, possessing, using, or transferring byproduct material, source material, or special nuclear material.

To maintain records (a) used in preparing Form AEC–4, "Occupational External Radiation Exposure History;" (b) showing the radiation exposures of all individuals for whom personnel monitoring is required under 10 CFR 20.202; (c) showing the results of surveys made to evaluate the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation; and (d) of disposals of licensed material by release into sanitary sewerage systems, by burial in soil or pursuant to procedures specifically authorized by license.

Retention period: (a), (c), and (d)—until disposal is specifically authorized by the Commission; (b)—until December 31, 1965, or until a date 5 years after termination of the individual's employment, whichever is later (prior to December 31, 1965, the Commission may amend the regulations to assure the further preservation of records). (a) 10 CFR 20.102; (b), (c), and (d) 10 CFR 20.401

1.3 Holders of access permits.

To keep written agreements from all individuals who will have access to Restricted Data under the access permit to give effect to waivers of claims (a) for damages under 35 U.S.C. 183; (b) for compensation under section 173 of the Atomic Energy Act of 1954, as amended; and (c) against the United States and the Commission arising in connection with use of information supplied. To establish a document accountability procedure for documents containing Secret Restricted Data and maintain records to show disposition of all such documents which have been in his custody at any time.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 25.23, 95.34

1.4 Persons receiving byproduct material pursuant to license.

To maintain (a) records of all tests performed on generally licensed devices as required under section 30.21; (b) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; and (c) records showing receipt, transfer, export, and disposal of such byproduct material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 30.21; (b) 10 CFR 30.31; (c) 10 CFR 30.41

1.5 Licensees utilizing sealed sources of byproduct material for radiography.

To maintain (a) records of the dates of calibration for each radiation survey instrument possessed by the licensee; (b) records of results of leak tests of sealed sources; (c) records of quarterly physical inventories of all sealed sources received and possessed under the license; (d) current logs showing for each sealed source a description of the radiographic exposure device or storage container, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use; (e) film badge reports and records of pocket dosimeter and pocket chamber readings; (f) records of physical radiation surveys required under 10 CFR 31.303(c).

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 31.104; (b) 10 CFR 31.105; (c) 10 CFR 31.106; (d) 10 CFR 31.107; (e) 10 CFR 31.203; (f) 10 CFR 31.303

1.6 Licensees receiving, using, transferring, delivering, importing, or exporting source material.

To maintain (a) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; (b) records showing the receipt, transfer, export, and disposal of such source material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 40.41; (b) 10 CFR 40.61

1.7 Licensees and holders of construction permits.

To maintain such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 50.71

1.8 Lessees of uranium deposits on land controlled by the Atomic Energy Commission.

To keep records of (1) shifts worked; (2) wages and salaries paid; (3) expenditures for supplies and services and costs of operation of every kind; (4) tonnage and grade of ore mined; (5) development work and drilling performed; and (6) such other matters as in the Commission's opinion would be of assistance to it in determining the cost of the operations.

Retention period: At least 3 years after termination or expiration of the lease. 10 CFR 60.8

1.9 Licensees receiving special nuclear material.

To keep (a) such records of receipt, possession, use, and transfer of special nuclear material as may be incorporated as a condition or requirement in any license and (b) records showing the receipt, inventory, and transfer of special nuclear material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 70.32; (b) 10 CFR 70.51

1.10 Holders of construction and operating authorizations for certain nuclear reactors exempt from licensing requirements.

To maintain records as may be required by the conditions of the authorization or by the rules, regulations and orders of the Commission.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 115.51

1.11 Licensees and other persons subject to financial protection requirements and indemnity agreements.

To maintain records as deemed necessary by the Commission for the administration of the regulations concerning financial protection requirements and indemnity agreements.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 140.6

1.12 Contractors having negotiated contracts with Atomic Energy Commission (except foreign governments, agencies thereof, and foreign producers) and their subcontractors.

To keep directly pertinent books, documents, papers, and records.

Retention period: The General Accounting Office shall, until the expiration of 3 years after final payment, have access to and the right to examine the above-mentioned records, provided that earlier disposal of contractor and subcontractor records is possible in accordance with records disposal schedules agreed upon between the Commission and the General Accounting Office. 42 U.S.C. 2206

XII. CIVIL AERONAUTICS BOARD

1.1 Certificated route and supplemental air carriers.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.8, 249.13

(b) To keep general books of account and supporting books, records, and memorandums including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, memorandums, etc.

Retention period: Various. 14 CFR 241.1–5, 249.8, 249.13

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5, 249.8, 249.13

1.2 Certificated route local service air carriers; certificated route air carriers furnishing transportation within Hawaii or Alaska; certificated route helicopter air carriers; and one certificated route air carrier furnishing the major portion of its certificated air transportation between Hawaii and Christmas Island, Society Islands, American Samoa, Western Samoa, or Fiji.

To maintain a record pertaining to each trade agreement entered into, including all correspondence and records concerning advertising and transportation services provided.

Retention period: Not specified. 14 CFR 225.10

1.3 U.S. air carriers authorized to perform transatlantic charter flights.

To preserve every charter contract and related information including post-flight reports, vouchers, passenger manifests and proof of agents' commissions.

Retention period: 2 years. 14 CFR 249.10

1.4 Foreign air carriers.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.12

(b) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5, 249.12

1.5 Foreign air carriers (operating off-route charter trips).

To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: Not specified. 14 CFR 212.7

1.6 Holders of permits to operate foreign aircraft in the United States.

To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: Not specified. 14 CFR 249.11, 375.50

1.7 Air freight forwarders and international air freight forwarders.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.9

(b) To keep records of (1) shipping documents; (2) information to agents, representatives and the public; (3) agreements; and (4) correspondence relating to the foregoing.

Retention period: 1 year, or longer if requested by the Board. 14 CFR 249.9

(c) To keep corporate and general records.

Retention period: Various. 14 CFR 249.13

(d) To keep records of joint loaded shipments.

Retention period: 2 years subsequent to expiration of each calendar quarter during which joint shipments were made. 14 CFR 249.9

1.8 Operators of aircraft involved in accidents. [Revised]

To preserve aircraft wreckage, cargo and mail aboard the aircraft.

Retention period: Until released by authorized representative of the Civil Aeronautics Board or the Federal Aviation Agency. 14 CFR 320.10, 320.11

XIII. COMMITTEE ON PURCHASES OF BLIND-MADE PRODUCTS

1.1 National Industries.

To maintain a record of all qualifying agencies for the blind and such necessary data as will enable it to equitably allocate orders among such agencies for the blind.

Retention period: Not specified. 41 CFR 51–1.4

1.2 Agencies for the blind (employing blind to extent of 75 percent of hours of employment of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchases of Blind-Made Products.

To keep accounting system records from which can be drawn annually a financial report and operating statement accurately reflecting operations.

To keep eye record cards containing information establishing that employees are blind (as defined in 41 CFR 51–1.1).

Retention period: Not specified. 41 CFR 51–1.9

XIV. FEDERAL AVIATION AGENCY

1.1 Air carriers operating turbine-powered transport airplanes under provisional type certification.

To maintain records pertaining to the qualifications of each flight crew member, a log of flights, and complete and accurate records of inspections.

Retention period: Not specified. 14 CFR Parts 1, 4b, 40–42—Special Civil Air Regulation SR–425 C

1.2 Aircraft and related products manufacturers.

To maintain records of inspection identified with the completed product and records of Materials Review Board action applying to materials, parts, assemblies, and the completed product.

Retention period: At least 2 years. 14 CFR 1.15–4

1.3 Aircraft and related products manufacturers.

To maintain records of all materials and parts received and their disposition including such information as source, source inspection, receiving inspection, quantity (both accepted and rejected), vendor's affidavits, or reports indicating conformity with pertinent specifications.

Retention period: At least 2 years. 14 CFR 1.32–1

1.4 Aircraft and related products manufacturers.

To maintain adequate records of inspections and tests performed identifiable with the completed product.

Retention period: At least 2 years. 14 CFR 1.34–2

1.5 Distributors of aircraft received prior to initial assembly and flight test.

To maintain records of flight test check-off forms.

Retention period: At least 2 years. 14 CFR 1.34–2

1.6 Aircraft and related products manufacturers.

To maintain records of inspection applying to the manufacture of replacement or modification parts and identifiable with the completed part.

Retention period: At least 2 years. 14 CFR 1.55–3

1.7 Airplane manufacturers.

To keep record of flight flutter tests. Retention period: Permanent. 14 CFR 3.311–2

1.8 Airplane flight test applicants under the Civil Air Regulations, transport category.

To keep a log of all flight tests and accurate and complete records of the inspections made and of all defects, difficulties, and unusual characteristics and sources of crew error discovered during the tests, and of the recommendations made and action taken.

Retention period: Not specified. 14 CFR 4b.16–3

1.9 Air carrier aircraft owners or operators.

To keep records pertaining to the maintenance, repair, rebuilding, or alteration of any airframe, powerplant, propeller, or appliance giving description of work performed, completion date of work done, name of individual, etc., doing work and signature of person authorized to approve work done; and a record of periodic and progressive inspections.

Retention period: (a) Records of major structural repairs and major alterations—until aircraft is sold (records to be transferred to new owner or operator), or if the aircraft is retired, 1 year after cancellation of registration certificate; (b) records of maintenance performed—1 year; (c) records of X-rays and other special tests relating to aircraft designated as critical components—until components are sold (records to be transferred to new owner or user), or if components are retired, 1 year from date of retirement or date of cancellation of the registration certificate. 14 CFR 18.20–18.24 (retention: 18.24)

1.10 Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers.

To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (FAA–337 or equivalent) and when an official maintenance release is furnished owner for retention as a part of the permanent record required.

Retention period: At least 2 years. 14 CFR 18.22–2

1.11 Air carriers (scheduled interstate).

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Agency or the Civil Aeronautics Board. 14 CFR 40.208

1.12 Air carriers (scheduled interstate).

To keep as a part of the individual's record the instructor, supervisor, or check airmen's certificate of proficiency for particular training or flight check of each crew member and dispatcher, furnished under air carrier training and pilot check programs.

Retention period: At least 3 months after termination of employment. 14 CFR 40.280, 40.289, 40.300 (retention: 40.501)

1.13 Air carriers (scheduled interstate).

To maintain current records of every crew member and aircraft dispatcher, showing compliance with the appropriate requirements of Subchapter A—Civil Air Regulations and disposition of disqualified flight crew members or aircraft dispatchers.

Retention period: At least 3 months after termination of employment. 14 CFR 40.501

1.14 Air carriers (scheduled interstate). [Amended]

To maintain a list of airplanes in current operation and airplanes operated under interchange agreements, a load manifest and flight plan, maintenance records, including the airplane's maintenance log and a maintenance release, and records pertaining to radio contacts by or with pilots en route.

Retention period: In accordance with provisions of Part 249 unless otherwise specified. 14 CFR 40.502, 40.505–40.507, 40.511, 40.512

1.15 Air carriers (operating scheduled air transportation outside continental United States). [Amended]

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Agency or the Civil Aeronautics Board. 14 CFR 41.210

1.16 Air carriers (operating scheduled air transportation outside continental United States). [Revised]

To maintain a list of airplanes in current operation and airplanes operated under interchange agreements, and records of total time in service, time since last overhaul, and time since last inspection on major components of airframe, engines, propellors, and where practicable, appliances.

Retention period: In accordance with provisions specified in Part 249. 14 CFR 41.502, 41.506, 41.507.

1.17 Air carriers (operating scheduled air transportation outside continental United States). [Revised]

(a) To retain copies of load manifests, dispatch release forms, and flight plans.

Retention period: 3 months. 14 CFR 41.505

(b) To retain copies of maintenance release forms.

Retention period: 2 months. 14 CFR 41.511

1.18 Air carriers (operating scheduled air transportation outside continental United States). [Amended]

To maintain records pertaining to radio contacts by or with pilots en route.

Retention period: 30 days. 14 CFR 41.512

1.18a Air carriers (operating scheduled air transportation outside continental United States). [Added]

To maintain current records of crewmembers and aircraft dispatchers containing information showing compliance with requirements of 14 CFR, Chapter I, and indicating release or disqualification of crewmembers and dispatchers.

Retention period: 6 months. 14 CFR 41.501

1.19—1.22 [Deleted]

1.23 Commercial operators and air taxi operators; small aircraft. [Revised]

To keep at principal operations base maintenance records with respect to all aircraft, aircraft engines, propellers, and, where practicable, appliances used in air transportation.

Retention period: 2 years. 14 CFR 42a.91, 42a.91–3

1.24 Commercial operators and air taxi operators; small aircraft. [Revised]

To maintain at its principal operations base or at such other location used by the air carrier as the Administrator may designate, current records of every airman utilized as a member of a flight crew.

Retention period: 1 year after flight crew member is released from employment or becomes physically or professionally disqualified. 14 CFR 42a.92, 42a.92–1 (retention: 42a.92–3)

1.25 Commercial operators and air taxi operators; small aircraft. [Revised]

To retain copy of report to Administrator regarding emergency flights necessitating the transportation of persons or medical supplies for the protection of life or property.

Retention period: 1 year. 14 CFR 42a.93, 42a.93–1

1.26 Commercial operators and air taxi operators; small aircraft. [Revised]

To retain copy of pilot's emergency deviation report to the local inspector.

Retention period: At least 1 year. 14 CFR 42a.94, 42a.94–1

1.27 Commercial operators and air taxi operators; small aircraft. [Revised]

To retain a copy of the flight manifest for large aircraft and passenger-carrying aircraft operating under instrument flight rules conditions.

Retention period: At least 1 year after completion of the flight. 14 CFR 42a.95

1.28 Registered owners or operators of civil aircraft. [Amended]

To keep maintenance records, including a current record of total time spent in service on the aircraft and on each engine; a record of inspections; and a record of maintenance, repair, and alterations of aircraft for which airworthiness certificates have been issued.

Retention period: Not specified except for the maintenance, repair, and alteration record, which is to be permanent. 14 CFR 91.173 [New]

1.29 Air carriers and commercial operators. [Amended]

To retain information taped by flight recorders in certain airplanes used in operations conducted in accordance with the general operations rules of Part 43.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation

Agency or the Civil Aeronautics Board. 14 CFR 91.35 [New]

1.30 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep maintenance records (including a maintenance log) of such information as total time in service, time since last overhaul, and time since last inspection on all major components of the airframe, powerplants, rotors, and appliances.

Retention period: In accordance with provisions specified in Part 249. 14 CFR 46.500, 46.506, 46.507

1.31 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain records of every crew member including information concerning the qualifications of crew members as is necessary to show compliance with the appropriate requirements of Subchapter A—Civil Air Regulations and information concerning the disposition of disqualified crew members released from employ of the air carrier.

Retention period: At least 3 months. 14 CFR 46.501

1.32 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To retain copies of load manifest, flight release, and maintenance release forms.

Retention period: At least 60 days. 14 CFR 46.505, 46.511

1.33 Air carriers. [Amended]

To retain copy of shipper's certification for transportation of explosives and other dangerous articles.

Retention period: Not specified. 14 CFR 103.3 [New]

1.34 Applicants for pilot certificate.

To keep a reliable record of the flight time used to meet the experience requirements for pilot certificate or rating, including such general data as points of departure and arrival, duration, type of aircraft, and identification mark; type of piloting time; and conditions of flight.

Retention period: Not specified. 14 CFR 61.39 [New]

1.35 Airline transport pilots.

To keep an accurate and legible record of flying time in a bound logbook arranged for easy reference.

Retention period: Not specified. 14 CFR 61.41 [New]

1.36 Flight instructors.

To maintain separately or in his logbook a record of (a) the name of each student pilot to whom he has given flight instruction and whose certificate he has endorsed, the type of endorsement, and the date of each endorsement or flight instruction period, and (b) the name of each student pilot for which he has signed a recommendation for a flight test, the kind of test, and the date of recommendation.

Retention period: So long as he continues to be a flight instructor or for 3 years, whichever is shorter. 14 CFR 61.173 [New]

1.37 Flight navigator course operators.

To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 63 [New], Appendix B, para. (f)

1.38 Certificated parachute riggers.

To keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him.

Retention period: At least 2 years after the date of the record. 14 CFR 65.131 [New]

1.39 Aircraft dispatcher course operators.

To keep an accurate record of each student including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 65 [New] Appendix A, para. (g)

1.40 Certificated pilot schools.

To keep a current and accurate record of each student's participation and accomplishments in the course for which he is enrolled, including a chronological log of his instruction, attendance, subjects covered, tests, and test grades.

Retention period: Not specified. 14 CFR 141.21 [New]

1.41 Certificated domestic repair stations and applicants for a domestic repair station certificate and rating.

To maintain a roster of its supervisory and inspection personnel, and a summary of the employment of each person whose name is on the roster containing enough information to show compliance with experience requirements.

Retention period: Not specified. 14 CFR 145.43 [New]

1.42 Certificated domestic repair stations.

To maintain adequate records of work performed.

Retention period: At least 2 years. 14 CFR 145.61 [New]

1.43 Certificated foreign repair stations.

To keep a record of the maintenance and alteration performed on United States registered aircraft.

Retention period: Not specified. 14 CFR 145.79 [New]

1.44 Certificated aircraft mechanic schools.

To keep a current record of each student enrolled showing his attendance, courses, tests, and grades, and authenticated transcript of his grades; and a current progress chart or individual progress record showing the projects or laboratory work completed, or to be completed, by the student.

Retention period: At least 2 years after the end of the student's enrollment. 14 CFR 147.23 [New]

1.45 Holders of parachute loft certificates.

To maintain records of work performed.

Retention period: At least 2 years. 14 CFR 149.15 [New]

1.46 Owners of nondirectional radio beacon facilities.

To keep records and/or reports of each facility as follows: (a) Record of Meter Readings and Adjustments—Form FAA–198 (one copy); (b) Maintenance Log of Communication Facilities—Form FAA–406C (original); and (c) Radio Transmitter Operation Record—Form FAA–418 (original), or their equivalents.

Retention period: Permanent for (a) and (b); not specified for (c). 14 CFR 407.17

1.47 Owners of instrument landing system facilities.

To keep records and/or reports of each facility as follows: (a) Record of Meter Readings and Adjustments—Form FAA–198 (one copy); (b) Maintenance Log of Communication Facilities—Form FAA–406C (original log); and (c) Radio Transmitter Operation Record—Form FAA–418 (original), or their equivalents.

Retention period: Permanent for (a) and (b); not specified for (c). 14 CFR 407.27

1.48 Manufacturers of aircraft.

To keep at factory, for all models type certificated under the delegation option procedures, current records containing the following: (a) Technical data file for each type aircraft, (b) complete inspection record for each airplane produced, (c) report required to be submitted with the original application for the production certificate, (d) factory inspection reports, (e) records of all major repairs and alterations performed.

Retention period: Technical data, report submitted with application, and repair records, for duration of manufacturers operations; inspection records, 2 years. 14 CFR 410.32, 410.33, 410.38

1.49 Contractors for construction of public airports.

To keep payroll records during the course of the work for all laborers and mechanics as specified in the section cited.

Retention period: 3 years. 14 CFR 151.49 [New]

1.50 Sponsors of the construction of public airports.

To keep records of all affidavits and copies of payroll furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 151.53 [New]

1.51 Sponsors of the construction of public airports.

To retain in its files documentary evidence such as invoices, cost estimates and payrolls supporting each item for project cost. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants and receipts for cash payments.

Retention period: 3 years after final grant payment. 14 CFR 151.55 [New]

1.52 [Deleted]

1.53 Supplemental air carriers, commercial operators using large aircraft, and air carriers engaged in charter flights or other special services. [Added]

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Agency or Civil Aeronautics Board. 14 CFR 42.210

1.54 Supplemental air carriers, commercial operators using large aircraft, and air carriers engaged in charter flights or other special services. [Added]

To maintain current records of crewmembers containing information showing compliance with requirements of 14 CFR, Chapter I, and indicating release or disqualification of crewmembers.

Retention period: 6 months. 14 CFR 42.501

1.55 Supplemental air carriers, commercial operators using large aircraft, and air carriers engaged in charter flights or other special services. [Added]

To retain copies of load manifests; flight and maintenance release forms; and route certification and flight plans.

Retention period: 6 months. 14 CFR 42.505

1.56 Supplemental air carriers, commercial operators using large aircraft, and air carriers engaged in charter flights or other special services. [Added]

To keep current records of total time in service, time since last overhaul, and time since last inspection of major components of airframe, engines, propellors, and where practicable, appliances.

Retention period: In accordance with provisions specified in Part 249. 14 CFR 42.506, 42.507

1.57 Supplemental air carriers, commercial operators using large aircraft, and air carriers engaged in charter flights or other special services. [Added]

To retain copies of maintenance release forms.

Retention period: 2 months. 14 CFR 42.511

1.58 Commercial operators using large aircraft. [Added]

To retain a copy of each contract under which it provides service, or a memorandum stating elements of oral contracts, and of each contract amendment.

Retention period: 1 year after date of execution of contract or amendment. 14 CFR 42.513

XV. FEDERAL COMMUNICATIONS COMMISSION

1.1 Licensees of standard and FM broadcast (radio) stations. [Amended]

To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedures, signed by the engineers making measurements.

Retention period: 2 years. 47 CFR 73.47, 73.254

1.2 Licensees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations. [Amended]

To keep records of time and results of auxiliary transmitter tests.

Retention period: 2 years. 47 CFR 73.63, 73.255, 73.565, 73.638, 73.757

1.3 Licensees or permittees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations. [Revised]

To keep (in the case of standard, FM, noncommercial educational FM, and television broadcast stations) program, operating, and maintenance logs; and (in the case of international radio stations) program and operating logs, including rough logs and transcribed portions thereof.

Retention period: 2 years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensees or permittees have been notified, shall be retained until they are specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensees or permittees have been notified shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for filing of such suits upon such claims. 47 CFR 73.111—73.115, 73.281—73.285, 73.581—73.585, 73.669—73.673, 73.781—73.786

1.4 Licensees of standard and FM, noncommercial educational FM, and television broadcast stations. [Amended]

To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and charge, if any, if requests granted.

Retention period: 2 years. 47 CFR 73.120, 73.290, 73.590, 73.657

1.5 Licensees of experimental and developmental, auxiliary, and special broadcast services, including experimental television broadcast, experimental facsimile broadcast, developmental, remote pickup, aural broadcast STL and intercity relay, television pickup, television STL, television intercity relay, television broadcast translator, television broadcast booster, and instructional television fixed stations. [Revised]

To keep adequate records of operation including logs.

Retention period: 2 years. 47 CFR 74.181, 74.281, 74.381, 74.481, 74.581, 74.681, 74.781, 74.881, 74.981

1.6 Licensees of low power broadcast auxiliary stations. [Amended]

To maintain records, at the main studio or transmitter of broadcast station with which the auxiliary is principally used, which will accurately show current location of all transmitting units, periods of operation at such locations and other pertinent remarks concerning transmissions.

Retention period: Not specified. 47 CFR 74.437

1.7 Licensees of experimental stations.

To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 5.165

1.8 Licensees of radio stations holding student authorizations for experimental services.

To maintain record of date, time, and frequency of operation and brief description of experimentation being conducted.

Retention period: 1 month after termination of authorization. 47 CFR 5.410

1.9 Licensees of radio stations in the international fixed public radio communication services. [Amended]

To keep station logs.

Retention period: 1 year: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has been notified shall be retained by the licensee until such claim or complaint has been fully satisfied or until same has been barred by statute limiting the time for filing of suits upon such claims. 47 CFR 23.47

1.10 Licensees of radio stations on land in the maritime services including public and limited coast stations, marine-utility stations, marine fixed stations, marine receiver-test stations and stations operated in the land mobile service for maritime purposes using radiotelegraphy or radiotelephony (including developmental stations and coast and fixed stations in Alaska). [Amended]

To keep accurate logs.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims. 47 CFR 83.115, 83.184, 83.330, 83.368, 83.405, 85.115

1.11 Licensees of limited coast stations or marine-utility stations used on shore. [Amended]

To keep copy of agreement with vessel owners, verifying that licensee has sole right of control of involved ship radio station.

Retention period: Not specified. 47 CFR 81.352

1.12 Licensees of limited coast stations, marine-utility stations, and marine fixed stations. [Amended]

To keep records which reflect the cost of the service and its nonprofit, cost-sharing cooperative arrangement or provisions of radio communications service.

Retention period: Not specified. 47 CFR 81.352, 81.451

1.13 Licensees of radiotelegraph, radiotelephone, and radar stations on shipboard in the maritime services including public and limited ship stations, marine utility ship stations, ship-radar stations, and developmental stations, including such stations in Alaska. [Amended]

To keep accurate logs.

Retention period: 1 year from date of entry and such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims. 47 CFR 81.115, 81.194, 81.214, 81.314, 81.370, 81.458, 81.477, 81.536, 85.109, 85.115

1.14 Stations licensed in the aviation services. [Amended]

All stations at fixed locations to keep adequate records of operation; and stations whose antenna structure is required to be illuminated—a record of illumination; Aeronautical Public Service Stations—to keep a file of all record communications handled and all ground stations so licensed to keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list.

Retention period: The logs in the aviation services may be destroyed after a period of 30 days except: (a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) that logs incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 87.99, 87.101, 87.103

1.15 Air carrier aircrafts. [Amended]

To keep adequate records to permit ready identification of individual aircraft if in lieu of radio station call letter, the official aircraft registration number, or company flight identification is used.

Retention period: Not specified. 47 CFR 87.115

1.16 Licensees of public safety and industrial radio services stations. [Revised]

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name of person or persons responsible for the foregoing; base and fixed stations (except such stations in the public safety services authorized to be operated at temporary locations or for unattended operation and except such stations in the industrial radio service authorized to be operated at temporary locations)—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty; for base stations in the industrial radio services—identification of other base stations or fixed stations with which they communicate, and date, time, and nature of such communication; and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 89.175, 89.179, 91.160

1.17 Licensees of industrial radio stations, land transportation (base) radio stations, and citizens radio stations sharing costs and facilities with other licensees in the same service. [Amended]

To keep a copy of cooperative agreements and contracts as well as records which reflect the non-profit, cost-sharing nature of that sharing.

Retention period: The copy of the cooperative agreement shall be kept during the life of the agreement and 1 year thereafter, and the cost sharing records shall be retained for 1 year. 47 CFR 91.6, 91.160, 93.3, 93.160, 95.81(c)

1.18 Nonprofit corporations or associations organized to operate industrial radio stations in the power, petroleum, forest product, motion picture, and relay press radio services. [Amended]

To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: Not specified. 47 CFR 91.251, 91.301, 91.351, 91.401, 91.451.

1.19 Licensees of amateur radio stations. [Amended]

To keep an accurate log of station operation.

Retention period: 1 year following the last date of entry: *Provided,* That those portions of any log covering operation of a station in connection with any actual condition jeopardizing the public safety or affecting the National Defense shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 97.103, 97.105, 97.209.

1.20 Radio officers of amateur civil emergency services. [Amended]

To keep records of secret, tactical, or abbreviated call signs or other distinctive signals of station identification.

Retention period: Not specified. 47 CFR 97.211, 97.213

1.21 Manufacturers, owners, or distributors of radio receivers.

To keep certificate of compliance with radiation interference limits.

Retention period: 5 years. 47 CFR 15.64

1.22 Licensees in land transportation radio services. [Amended]

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name of the person or persons responsible for the foregoing; base and fixed stations (except for such stations authorized for unattended operation)—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty (except in the Railroad Radio Service); for base stations—identification of other base or fixed stations with which they communicate, and date, time, and nature of such communications (except in the Railroad Radio Service); and stations whose antenna structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 93.160

1.23 Licensees of citizens radio service stations. [Amended]

To keep a record of illumination for those stations whose antenna or antenna supporting structure is required to be illuminated.

Retention period: 1 year. 47 CFR 95.113

1.24 Disaster communications service radio stations. [Amended]

To keep a list of all general or collective call signs, unit designators, or authorized substitutes used.

Retention period: Not specified. 47 CFR 99.25

1.25 Disaster communications service radio stations. [Amended]

To keep an accurate log of all operations in the 1750–1800 kc band.

Retention period: 1 year, except that those portions of any disaster station log covering operation of such station in connection with any actual disaster shall not be destroyed unless prior approval for such destruction shall have been

received from the Commission. 47 CFR 99.27

1.26 Licensees of radio stations in the domestic public radio services.

To maintain a technical log of station operations as follows: For each station—results and dates of transmitter measurements, details of servicing and maintenance of transmitters which may affect proper station operation, and time and nature of failure or erratic operation of transmitter or automatic alarm facilities; for stations having obstruction lighted antenna structure—time of daily lighting and check of proper operation, details of obstruction light failure (if any) and repair details, and results of three-month periodic inspection (including date, condition of obstruction painting, lighting devices, indicators, and alarms, and details of adjustments, replacements, and repairs), and date and time of notice to the Federal Aviation Agency regarding failure of obstruction lighting and any resumption thereof; for stations required to maintain one or more control points—time and signature of person operating transmitting equipment each day, including class, serial number and expiration date of license if operator is required to be licensed, and identity of station or point to which transmission is made.

Retention period: 1 year: *Provided:* That (a) records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) records incident to, or involved in, any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 21.208

1.27 Communication common carriers.

To keep accounts, records, memoranda, documents, microfilm, correspondence, and related indexes prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the period of time designated in the lists of records codified. 47 CFR 42.9

1.28 Operators of industrial heating equipment.

To keep a log of inspections of industrial heating equipment.

Retention period: Not specified. 47 CFR 18.105

XVI. FEDERAL DEPOSIT INSURANCE CORPORATION

1.1 Insured banks.

Each insured bank, as a condition to the right to make any deduction, allowed under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817), in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base.

Retention period: No insured bank shall be required to retain such records for such purpose for a period in excess of 5 years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue. 12 U.S.C. 1817(b); 12 CFR 304.3

1.2 Insured banks.

To keep certified statement forms.

Retention period: Same as for item 1.1. 12 CFR 304.3

XVII. FEDERAL HOME LOAN BANK BOARD

1.1 Federal savings and loan associations.

To keep at home office and branch offices complete records of all business transactions, and to keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 12 CFR 545.6–11, 545.13, 545.14, 545.15, 545.19, 545.20

1.2 Federal savings and loan associations.

To keep records of real estate loans in case of loans in excess of 80 percent of value showing date and amount of appraisal and date of approval of loan, and to retain all reports and certifications referring thereto.

Retention period: So long as the loan is outstanding and in any event for a period of 3 years from the date of any disbursements on the loan. 12 CFR 545.6–1

1.3 Federal savings and loan associations.

To keep records, certificates, and credit and financial reports relating to loans made to finance the acquisition and development of land for primarily residential use.

Retention period: Not specified. 12 CFR 545.6–14

1.4 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

Signed appraisals of real estate loans located more than fifty miles from institution's principal office to be kept by insured institution.

Retention period: Not specified. 12 CFR 563.10

1.5 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

To keep records of evidence of cost of give-away given in connection with the opening or increasing of an account.

Retention period: 2 years. 12 CFR 563.24

1.6 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

(a) To establish and maintain by a separate ledger control or otherwise records showing the aggregate of outstanding balances of all accounts opened or increased as the result of the services of a broker and to make and retain an itemized record of each payment of sales commission to any broker, identifying each account and stating the amount thereof in respect to which such sales commission is paid.

(b) To retain original or signed duplicate of each agreement by which a broker is employed, engaged, or retained.

Retention period: Not specified. 12 CFR 563.25

1.7 Federal savings and loan associations. [Added]

To keep records for each real estate loan, the security for which includes one or more dwelling units.

Retention period: Not specified. 12 CFR 545.6–1

1.8 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation. [Added]

To keep records showing compliance with the limitations on real estate loans to one borrower if the total balances of all outstanding loans on the security of real estate owed to an institution by any one borrower exceeds $100,000.

Retention period: Not specified. 12 CFR 563.9–3

1.9 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation. [Added]

To establish and maintain such accounting and other records as will provide an accurate and complete record of all business transacted by it and, without any limitation on the generality of the foregoing, to establish and maintain records with respect to: (1) loans on the security of real estate, (2) property purchased subject to, or with assumption by a third party of, an institution's loan, (3) loans sold, (4) the acquisition of mortgaged security, (5) insured accounts, and (6) such other records as are required by statute or by any other regulation to which such institution is subject.

Retention period: Not specified. 12 CFR 563.17–1

XVIIa. FEDERAL MARITIME COMMISSION [Added]

1.1 Independent ocean freight forwarders.

To keep books of account and records, including each document prepared, processed, or obtained by the licensee, in connection with carrying on the business of forwarding.

Retention period: 5 years. 46 CFR 510.23

XVIII. FEDERAL POWER COMMISSION

1.1 Public utilities and licensees.

Preservation of records.

Retention period: Specified at 18 CFR 125.1–125.3

See also Regulations to Govern the Preservation of Records of Public Utilities and Licensees, December 12, 1962. Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

1.2 Natural gas companies.

Preservation of records.

Retention period: Specified at 18 CFR 225.1–225.3

See also Regulations to Govern the Preservation of Records of Natural Gas Companies, December 12, 1962. Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

XIX. FEDERAL TRADE COMMISSION

1.1 Wool products manufacturers.

To keep records of the various fibers used in wool products. The records should show not only the fiber content of wool, reprocessed wool, and reused wool, but also any other fibers used. Such records should contain sufficient information whereby each of the wool products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Retention period: 3 years. 16 CFR 300.31

1.2 Fur products manufacturers and dealers in furs and fur products.

To keep records showing all the information required under the Fur Products Labeling Act and under rules and regulations relating to such products or furs in a manner that will permit proper identification of each fur product or fur manufactured or handled. The item number required to be assigned to a fur product and to appear on the label and on the invoice relating to such product must appear in the records in such a manner as to identify the product through the various processes of manufacture, from whom purchased and the date of purchase.

Retention period: 3 years. 16 CFR 301.41

1.3 Dealers advertising prices of furs and fur products.

To keep records to support pricing representations where comparative prices and percentage savings claims are used in advertising.

Retention period: Not specified. 16 CFR 301.44

1.4 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.

To keep the guaranty received and identification of the fabric or fabrics guaranteed.

Retention period: 3 years after guaranty furnished. 16 CFR 302.8

1.5 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.

To keep records showing (a) identification of the class test; (b) fiber composition, construction, and finish type of the fabrics; (c) a swatch of each class of fabrics guaranteed.

Retention period: 3 years after test. 16 CFR 302.8

1.6 Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof.

To keep records showing (a) style or range number, fiber composition, construction, and finish type of each fabric used in the article of wearing apparel, including a swatch of the fabric tested; (b) stock or formula number, color, thickness and general description of each film used in the article and a sample of the film; (c) results of actual tests.

Retention period: 3 years after test. 16 CFR 302.8

1.7 Textile fiber products manufacturers and distributors substituting labels.

To keep records of the various fibers used in the manufacture of textile fiber products. Such records should contain sufficient information whereby each of the textile fiber products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Those substituting labels shall keep such records as will show the information set forth on the label removed and the name of the person from whom such textile fiber product was received.

Retention period: 3 years. 16 CFR 303.39

XX. GENERAL ACCOUNTING OFFICE

1.1 Contractor using Government bill of lading as shipper.

To keep bill of lading, memorandum copy, certified by initial carrier's agent.

Retention period: Where the bill of lading covers shipments made under a Government contract having a records retention clause, the memorandum copies should be retained together with other records pertaining to the contract for the specific period. When the shipment is made under a Government contract not having a record retention clause, the contractor's normal business practice as to retention of similar records may be followed. 4 CFR 52.9

1.2 Contractors having Government contracts negotiated without advertising. [Amended]

To keep records pertaining to the contracted project. (This requirement does not apply to contracts involving the development of military installations and facilities in foreign countries excepted from the requirement pursuant to section 604 of the act of November 7, 1963, Public Law 88–174, 77 Stat. 307, 327. Nor does this requirement apply to certain contracts entered into with foreign governments or their agencies for service rendered to the United States or its agencies within the continental limits of the United States or to purchases made outside the continental limits of the United States under section 633(a) of the Foreign Assistance Act of 1961, approved September 4, 1961, Public Law 87–195, 75 Stat. 424, 454, 22 U.S.C. 2393(a), as implemented by Executive Order No. 10784, October 1, 1958, 23 F.R. 7691 or under the Peace Corps Act, approved September 22, 1961, Public Law 87–293, 75 Stat. 612, 22 U.S.C. 2501 et seq., as implemented by Executive Order No. 11041, August 6, 1962, 27 F.R. 7859.)

Retention period: 3 years after final payment under contract. 41 U.S.C. 254; 10 U.S.C. 2313. However, subcontracts under contracts for experimental, developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B–101404, September 8, 1952

1.3 Contractors.

Contracts and amendments to contracts made under authority of the act of August 28, 1958, 72 Stat. 972, shall include the following contract provision: The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract, and agrees to include similar provisions in all his related subcontracts. 50 U.S.C. 1433

1.4 Atomic Energy Commission contractors with negotiated contracts and subcontractors thereof (except foreign governments, agencies thereof, and contractors supplying source material with foreign producers).

Contract to include clause requiring retention of any directly pertinent books, documents, papers and records related to the contract or subcontract, for inspection by the Comptroller General or his representatives.

Retention period: 3 years after final payment unless agreement between the Commission and the General Accounting Office provides for earlier disposal. 42 U.S.C. 2206

1.5 Public Housing Administration contracts for loans or annual contributions under the United States Housing Act of 1937, as amended.

Contract to include clause permitting Comptroller General or his representatives access to and right to audit and examine any books, documents, papers, and records pertinent to operations with respect to financial assistance under the act.

Retention period: Not specified. 42 U.S.C. 1435

1.6 Federal Civil Defense Administration plans for financial contributions to States for personnel and administrative expenses under the Federal Civil Defense Act of 1950, as amended.

Plans submitted shall make available to Comptroller General or his represent-

ative books, records and papers necessary to audit under the act.

Retention period: Not specified. 50 U.S.C. App. 2286

1.7 Grants for educational television broadcasting facilities under part IV of title III of the Communications Act of 1934, as amended. [Amended]

Recipient to keep such records as may be reasonably necessary to enable the Secretary of Health, Education, and Welfare to carry out his functions under part IV, including records which fully disclose the amount and disposition of such grant, the total cost of the project or undertaking for which the grant was given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

The Secretary of Health, Education, and Welfare and the Comptroller General or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers and records of the recipient that are pertinent to the grant received.

Retention period: Not specified. Sec. 393 of the Communications Act of 1934, as added by the act of May 1, 1962, Public Law 87-447, 76 Stat. 64, 66; 47 U.S.C. 393

1.8 Adjustment assistance under sections 313, 314, or 317 of the Trade Expansion Act of 1962. [Amended]

Recipient shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such assistance, and which will facilitate an effective audit. Recipient shall also keep such other records as the Secretary of Commerce may prescribe.

The Secretary of Commerce and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to such assistance.

Retention period: Not specified. Sec. 318 (a) and (b), Trade Expansion Act of 1962, approved October 11, 1962, Public Law 87-794, 76 Stat. 872, 891; 19 U.S.C. 1918 (a) and (b)

1.9 Recipients of grants for support of air pollution control programs under the Clean Air Act. [Added]

To keep such records as the Secretary of Health, Education, and Welfare shall prescribe, including records which fully disclose the amount and disposition of such grant, the total cost of the project or undertaking for which the grant was given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

The Secretary of Health, Education, and Welfare and the Comptroller General or any of their duly authorized representatives shall have access for the purpose of audit and examinations to any books, documents, papers and records of the recipients that are pertinent to the grants received.

Retention period: Not specified. Sec. 11 of the Clean Air Act, approved December 17, 1963, Public Law 88-206, 77 Stat. 392, 401

XXI. GENERAL SERVICES ADMINISTRATION

1.1 War contractors and subcontractors, World War II, having contract of $25,000 or more or having termination inventory worth $5,000 or more.

To keep records essential to determining performance under the contract and to justifying the settlement thereof (excluded from this provision are contractor records title to which is transferred to a Federal agency; war contractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act of 1943 and war contractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States).

Retention period: (a) 5 years after such disposition of termination inventory by such war contractor or Government agency, or (b) 5 years after the final payment or settlement of such war contract, whichever applicable period is longer: *Provided, however*, That where the termination inventory has been disposed of, or final payment or settlement of the war contract has been made on or after December 31, 1950, the above 5-year period is reduced to 3 years. 18 U.S.C. 443; and 44 CFR 151.3—151.12

1.2 [Deleted]

1.3 Contractors. [Revised]

Contract clause required by the act of October 31, 1951 (65 Stat. 700, 41 U.S.C. 254(c)), to be included in each contract negotiated without advertising pursuant to authority contained in title III of the Federal Property and Administrative Services Act of 1949, as amended, to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall until the expiration of 3 years after final payment have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts. Inapplicable to contracts of $2,500 or less and subcontracts of like small amount or for general public utility services.

Retention period: 3 years after final payment under the contract. 41 CFR 1-7.101-10

1.4 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing information required by the clause.

Retention period: Not specified. 41 CFR 1-1.710-3(b)

1.5 Contractors with contracts containing the Labor Surplus Area Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing procedures which have been adopted to comply with the policies set forth in the clause.

Retention period: Not specified. 41 CFR 1-1.805-3(b)

1.6 Contractors with fixed-price supply contracts containing the standard inspection clause.

Keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 1-7.101-5, 1-14.104(a)

1.7 Contractors with fixed-price contracts in excess of $2,500 for (a) supplies, or (b) experimental, developmental, or research work where a profit is contemplated, when such contracts contain the standard long-form Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1-8.701

1.8 Contractors with fixed-price construction contracts estimated to exceed $10,000, when such contracts contain the standard Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1-8.703

1.9 Sellers with fixed-price subcontracts which contain the termination clause suggested for use in such contracts.

Unless otherwise provided for in the subcontract, or by applicable statute, make available to the buyer and the Government at all reasonable times at the office of the seller all his books, records, documents, or other evidence bearing on the costs and expenses of the seller under the subcontract and in respect of the termination of work thereunder, or, to the extent approved by the Government, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1-8.706

1.10 Contractors with contracts entered into, amended, or modified under the extraordinary, emergency authority granted by the Act of August 28, 1958, Public Law 85-804 (50 U.S.C. 1431-1435).

Every such contract shall contain a clause, unless (a) the contract is for purchases authorized to be made outside the United States under the Foreign Assistance Act of 1961, and (b) pursuant to Executive Order 10784, as amended by Executive Order 10845, it is determined by the agency that inclusion of such clause or compliance therewith (if included) would be impracticable, to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Retention period: 3 years after final payment. 41 CFR 1-17.206(e)

1.11 Contractors with contracts and amendments or modifications of contracts made prior to July 1, 1958, when such contracts and amendments or modifications were issued under Title II of the First War Powers Act, 1941 (55 Stat. 8391), as amended. [Amended]

Every such contract shall contain a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Retention period: Not specified. Sec. 11, EO 10210, Feb. 2, 1951 (3 CFR, 1949-1953 Comp., p. 391)

XXII. HOUSING AND HOME FINANCE AGENCY

1. Office of the Administrator

1.1 Local Public Agencies making relocation payments under slum clearance and urban renewal projects.

To maintain records pertaining to eligibility of relocation payments, including all supporting documentation; and to keep records and papers of individual claims for payments, including receipted bills or other evidence establishing validity of the claim.

Retention period: Not specified for eligibility records; permanent for records of claims. 24 CFR 3.106, 3.109

1.2 Applicants for assistance under the programs administered by the Community Facilities Administration (preparation by public agencies of plans for public works).

To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 44 CFR 702.13

2. Federal Housing Administration

2.1 Lending agencies with respect to property improvement loans.

To keep complete credit and collection file pertaining to each eligible property improvement loan transaction, which will accompany any claim for loss made by the insured, and to include the borrower's application for a Title I loan, the original note, completion certificate(s) and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with Title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.171, 200.172, 200.174, 200.177, 200.185, 201.2, 201.4, 201.8, 201.11, 202.8

2.2 Lending agencies—Title I.

To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.170, 201.8

2.3 Lending agencies with respect to multifamily housing insured under sections 207, 213, 220, 221, 231, 232, 803, 810, and 908 of the National Housing Act. [Amended]

To keep records filed by the mortgagor with respect to occupancy reports when prescribed by the Commissioner, annual CPA reports, and copies of minutes of stockholders' and directors' meetings certified to by the Secretary of the Corporation (mortgagor).

Retention period: Not specified. 24 CFR 207.19, 213.30, 220.501, 221.530, 221.538, 221.550, 221.552, 231.8, 810.1

2.4 Mortgagors of multifamily housing under sections 207, 213, 220, 221, 231, 232, 803, and 810 of the National Housing Act. [Amended]

To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 207.19, 213.30, 220.501, 221.530, 221.538, 221.550, 221.552, 231.8, 232.45, 810.1

2.5 Mortgagors of multifamily rental housing under sections 207, 213, 220, 221, 231, 232, 803, and 810 of the National Housing Act. [Amended]

Where neither mortgagor nor its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have an interest in the builder, contractor, or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 207.27, 213.35, 213.37, 220.501, 231.1, 232.83, 810.1

2.6 Lending agencies with respect to multifamily rental housing insured under sections 207, 213, 220, 221, 231, 232, 233, 608, 611, 803, 810, and 908 of the National Housing Act. [Amended]

When eligible to receive the benefits of the mortgage insurance, and where it is elected to assign the mortgage to the FHA Commissioner, along with other requirements, there will be assigned and delivered to the Commissioner, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. 24 CFR 207.258, 220.501, 221.751, 231.1, 232.251, 233.501, 608.257, 611.257, 803.258, 803a.251, 810.251, 908.251

2.7 Investors insured under yield insurance provisions under title VII of the National Housing Act.

Shall establish and maintain such books, records and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and operations of the project. The investor shall agree to permit the Com-

missioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 702.255

2.8 Lending agencies for multifamily rental housing under sections 207, 213, 220, 221, 231, 232, 233, 608, 609, 611, 803, 810, and 908 of the National Housing Act.

Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. Secs. 207, 213, 220, 221, 231, 232, 233, 608, 609, 611, 803, 810, and 908, National Housing Act of 1934

2.9 Mortgagors of new or rehabilitated multifamily housing insured under sections 207, 213, 220, 221, 231, 232, 803, and 810 of the National Housing Act.

To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such records is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. Sec. 814, Housing Act of 1954, 12 U.S.C. 1715s

XXIII. INTERSTATE COMMERCE COMMISSION

1.1 Refrigerator car lines.

To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 24, par. 4, 110.7

1.2 Railroad companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.7

1.3 Electric railway companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.31

1.4 Sleeping car companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.50

1.5 Express companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.70

1.6 Pipeline companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.87

1.7 Persons which furnish cars to railroads.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.104

1.8 Rate-making organizations.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 130.30

1.9 Motor carriers other than Class I.

To keep records as listed in the sections cited, except that Class II motor carriers of property comply with 49 CFR 203.301–203.307.

Retention periods: Various. 49 CFR 203.1, 203.4

1.10 Brokers for motor carriers.

To keep same records for same periods as motor carriers other than Class I, insofar as applicable.

Retention periods: Various. 49 CFR 203.100

1.11 Motor carriers, Class I.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 203.307

1.12 Water carriers.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 325.7

1.13 Freight forwarders.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 450.11

1.14 Private carriers subject to Part II of the Interstate Commerce Act. [Added]

To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 191.10, 194.3, 195.8, 196.2, 196.7

1.15 Motor carriers exempt under section 203(b) of the Interstate Commerce Act. [Added]

To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 191.10, 194.3, 194.6, 195.8, 195.9, 196.2, 196.7

1.16 Carriers of migratory workers by motor vehicles. [Added]

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 198.3

XXIV. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

1.1 Contractors with contracts having specific clauses.

To retain and make available, upon written request of the Contracting Officer, the following:

(a) A set of engineering drawings sufficient to enable manufacture of any equipment or items furnished under the contract, or a set of flow sheets and engineering drawings sufficient to enable any performance of any process developed under the contract.

(b) Any subject data which is necessary to explain or to help the Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government.

Retention period: 1 year after final payment under the contract. 41 CFR 18–9.202–1

1.2 Contractors with contracts having specific clauses.

To maintain controls of progress payments and make available to the Government the books, records, and accounts thereof.

Retention period: During performance of the contract. 41 CFR 18–7.104–23

1.3 Contractors with contracts having clause pertaining to small business subcontracts.

To maintain records showing (a) whether each prospective subcontractor is a small business concern, and (b) procedures which have been adopted to comply with the policies set forth in the contract clause entitled "Utilization of Small Business Concerns."

Retention period: During performance of the contract. 41 CFR 18–1.707–3(b)

1.4 Contractors with contracts having specific clauses.

To maintain records of all inspection work and make them available to the Government.

Retention period: During performance of contract and for such longer period as may be specified in the contract. 41 CFR 18–7.302–4

1.5 Contractors with cost reimbursement type supply and research and development contracts.

A standard "Records" clause is provided. Shall preserve and make available books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed under the contract and to make them available to the Comptroller General or any of his duly authorized representatives.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of any litigation, whichever is longer. 41 CFR 18–7.203–7.

1.6 Contractors with fixed-price supply contracts, and fixed-price research and development contracts.

A standard "Examination of Records" clause is provided. The Comptroller General or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the contract.

Retention period: 3 years after final payment under the contract. 41 CFR 18–7.104–15

XXV. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

1.1 Masters of vessels transferring hazardous liquid cargoes in Canal Zone ports.

To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 4.121

1.2 Masters of vessels at sea, destined for Canal Zone ports.

To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Retention not required by Canal authorities beyond expiration of voyage. 35 CFR 24.50, 24.52

1.3 Vessels undergoing sanitary inspection at Canal Zone ports.

To keep certificates covering deratization or exemption from deratization.

Retention period: Indefinite. 35 CFR 24.89

1.4 Vessels transiting or partially transiting Panama Canal.

To keep tonnage certificate, a full set of plans, and a copy of the measurements which were made at the time of issue of its national tonnage certificate.

Retention period: Until vessel is decommissioned. 35 CFR 27.3

XXVI. RAILROAD RETIREMENT BOARD

1.1 Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.

To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 4 years. 20 CFR 345.24

1.2 States (employment agencies).

To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U.S.C. 503(c)(1)

1.3 Employers subject to the Railroad Retirement Act.

To keep original records necessary to establish service and compensation for a number of years prior to 1937 which, when added to the years elapsed after 1936, total at least 50.

Retention period: Not specified. 20 CFR 220.4

XXVII. SECURITIES AND EXCHANGE COMMISSION

1.1 Exchange members, brokers, and dealers.

To keep books and records relating to their business including blotters; ledgers; other records of orders, purchases, and sales; records of the proof of money balances of all ledger accounts in the form of trial balances; questionnaires or applications for employment executed by associated persons of such member, broker, or dealer; and other records and accounts as specified in the sections cited.

Retention periods: 6 years and 3 years as specified in the sections cited. Filming of records permitted after 2 years. 17 CFR 240.17a–3, 240.17a–4

1.2 Exchange members, brokers, and dealers.

To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. Filming of records permitted after 2 years. 17 CFR 240.17a–4

1.3 National securities exchanges.

To keep copies of statements, exhibits, and other information regarding registered securities, filed pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934.

Retention period: The foregoing materials may be destroyed after 5 years in accordance with plans submitted to and declared effective by the SEC pursuant to its Rule 17a–6. 17 CFR 240.17a–6, 240.24b–3

1.4 Mutual service companies and subsidiary service companies associated with registered public utility holding companies.

To keep uniform accounts and other records to show fully the facts pertaining to all entries and supported in sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all other records such as minute books, stock books, reports, memoranda, contracts, invoices, maps, correspondence, other papers and documents which support entries to accounts and are necessary or useful in analyzing accounts or developing facts concerning any transaction.

Retention period: Permanent, except as otherwise authorized by the Securities and Exchange Commission pursuant to the Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies. 17 CFR 256.01–8

1.5 Registered public utility holding companies which are not also operating companies.

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all records such as minute books, stock books, stockholder records, reports, memoranda, contracts, correspondence, other papers and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention periods: On November 24, 1959, the Commission adopted its "Regulation to govern the preservation and destruction of books of account and other records of companies which are subject to the Uniform System of Accounts for Public Utility Holding Company Act of 1935," which prescribes specific retention periods and microfilming privileges with respect to all of books of account and other records of registered holding companies. 17 CFR 257.0–3

1.6 Registered investment companies and underwriters, brokers, dealers or investment advisers which are majority-owned subsidiaries of such companies.

To keep such accounts, books, and other documents relating to its business which constitute the record forming the basis for financial statements required to be filed pursuant to Section 30 of the Investment Company Act of 1940, and of the auditor's certificate relating thereto. For registered investment companies, these records include journals (or other records of original entry) containing an itemized daily record in detail of all securities transactions (including those in its own securities); general and auxiliary ledgers (or other records) reflecting asset, liability, reserve, capital, income and expense accounts; separate ledger accounts (or other records) for each portfolio security, for each broker-dealer or other person through which portfolio securities transactions are effected, and for each shareholder of record; a securities record or ledger; corporate charters, certificates of incorporation or trust agreements, bylaws, and minute books; records of brokerage orders; records showing the bases for the allocation of orders for the purchase and sale of portfolio securities to named brokers or dealers and the divisions of brokerage commissions or other compensation on such purchase and sale orders, including the consideration given to enumerated factors; records identifying the persons authorizing the purchase or sale of portfolio securities; and all vouchers, memoranda, correspondence, and other documents.

Every underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company shall keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934.

Every investment adviser which is a majority-owned subsidiary of a registered investment company shall keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940.

Retention period: Registered investment companies: journals, ledgers, corporate charters, certificates of incorporation, trust agreements, by-laws, and minute books—permanently; other records—6 years. Underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company, see rule adopted under Section 17 of the Securities Exchange Act of 1934. Investment adviser which is a majority-owned subsidiary of a registered investment company, see rule adopted under Section 204 of the Investment Advisers Act of 1940. Notwithstanding the above, records may be destroyed pursuant to a

plan approved by the Securities and Ex-

ing the purchase or sale of a specific

istration (unless further retention is

requested by the General Accounting

of progress toward job objective, including accomplishments and failures.

1.11 Holders of loans insured by the Veterans Administration under chap-

tractors", name of product or other subject. In the same way general cate-

plan approved by the Securities and Exchange Commission pursuant to Rule 31a–2. Microfilming permitted after 3 years. 17 CFR 270.31a–1, 270.31a–2

1.7 Depositor of and principal underwriter for any registered investment company other than a closed-end investment company.

To keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. See rule adopted under Section 17 of the Securities Exchange Act of 1934. 17 CFR 270.31a–1, 270.31a–2

1.8 Investment adviser not a majority-owned subsidiary of a registered investment company.

To keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. See rule adopted under Section 204 of the Investment Advisers Act of 1940. 17 CFR 270.31a–1, 270.31a–2

1.9 Records prepared or maintained by others than person required to maintain and preserve them.

Permits records to be maintained or prepared by others on behalf of the person required to maintain and preserve such records, subject to certain agreements required to be reduced to writing. See Rule 31a–3 for requirements as to such written agreements.

Retention period: See Rule 31a–2 for periods of preservation of records. 17 CFR 270.31a–3 (retention: 270.31a–2)

1.10 Investment advisers making use of mails or of any means or instrumentality of interstate commerce in connection with business as investment adviser (other than an adviser specifically exempted from registration pursuant to Section 203(b) of the Investment Advisers Act of 1940). [Revised]

To keep books and records relating to their business, including journal and ledger accounts; memoranda of orders given and instructions received for the purchase, sale, receipt or delivery of securities; all checkbooks, bank statements, cancelled checks, and cash reconciliations; bills and statements relating to the investment adviser's business; trial balances, financial statements, and internal audit working papers; originals or copies of certain communications received or sent by the investment adviser; a list of all accounts in which the adviser is vested with discretionary power; evidences of granting of discretionary power by any client; all written agreements with any client or otherwise relating to the business of the adviser; and copies of certain communications recommending the purchase or sale of a specific security. If adviser has custody or possession of securities or funds of any client, to keep a journal or other record showing all debits and credits to such accounts; a separate ledger account for each client; copies of confirmations of transactions in the accounts of clients; and a position record for each security in which any such client has a position. If adviser renders any investment supervisory or management service to any client, to keep records as specified in the section cited, with respect to the portfolio being supervised or managed, to the extent that the information is reasonably available to or obtained by the investment adviser; and to keep records to enable adviser to furnish promptly the name of each client who has a current position in a particular security, and the amount or interest of such client at that time.

Retention periods: For partnership articles, etc., articles of incorporation, charters, minute books, and stock certificate books—permanently during the life of the enterprise and for 3 years after the termination of the enterprise. For other documents and records, 5 years from the end of the fiscal year during which the last entry was made on the record. Filming of records permitted after 2 years. 17 CFR 275.204–2

XXVIII. VETERANS ADMINISTRATION

1.1 Institutions furnishing educational or training courses to veterans under chapter 31, title 38, U.S. Code, and section 12 of Public Law 85–857.

(a) *Supply records.* To keep certification by the instructor, dean or president of the institution of the itemized list of supplies required by each student: a standard list by subjects of the supplies required for each quarter, semester or year; a file for each student showing the items authorized for issuance to him, evidence of such issuance consisting of his signature as indicating receipt, and the prices charged; and receipts taken by the institution for books, supplies, and equipment furnished the veteran covering the purchase, issuance or reissuance of books, supplies, and equipment.

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans Administration (unless further retention is requested by the General Accounting Office or the Veterans Administration); may keep the records in microfilm form 38 CFR 21.530

(b) *General records.* To keep records of progress and attendance of veterans: adequate financial records to support the claims for payment for veteran training, including financial records required to substantiate tuition rates based upon cost data (including payroll ledgers, canceled checks, disbursement vouchers, invoices, general ledgers, journals, ledgers for cash receipts and cash disbursements, inventory records, records of accounts payable, and accounts receivable).

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans Administration (unless further retention is requested by the General Accounting Office or the Veterans Administration). 38 CFR 21.672

1.2 Institutions furnishing correspondence courses to veterans under chapter 31, title 38, U.S. Code, and section 12 of Public Law 85–857.

To keep records of progress of veterans and all records and books of account pertaining to the contract.

Retention period: Minimum of 3 years following date upon which final payment under contract becomes due. Even after 3 years, records may be destroyed only upon written authorization from the Veterans Administration. 38 CFR 21.626

1.3 Educational institutions under chapter 33, title 38, U.S. Code.

To keep appropriate records and accounts, including but not limited to (a) records and accounts which are evidence of tuition and fees charged to all students; (b) records of previous education or training of veterans at time of admission, and records of advance credit at time of admission; and (c) records of grades and progress of veterans.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.4 Educational institutions furnishing nonaccredited courses under section 1654, chapter 33, title 38, U.S. Code, supra.

To keep, in addition to the records and accounts described in item 1.3, above, (a) records of leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to a veteran who fails to enter the course or withdraws, or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.5 Educational institutions furnishing institutional on-farm training courses under section 1652, chapter 33, title 38, U.S. Code, supra.

To keep in addition to the records and accounts described in item 1.3, above, records of the individual and organized group instruction furnished.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.6 Training establishments furnishing apprentice or other training-on-the-job courses under chapter 33, title 38, U.S. Code, supra.

To keep appropriate records pertaining to such training including, but not limited to, (a) payroll records; (b) records of attendance; and (c) records of progress toward job objective, including accomplishments and failures.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2201, 21.2306

1.7 Educational institutions furnishing education or special restorative training under chapter 35, title 38, U.S. Code.

To keep appropriate records and accounts, including but not limited to, (a) records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students and trainees; (b) records of previous education or training of eligible persons enrolled under the law at time of admission and records of advance credit granted by institution; and (c) records of the eligible person's grades and progress.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.3306

1.8 Educational institutions having eligible persons under chapter 35, title 38, U.S. Code, supra, enrolled in courses which do not lead to standard college degree.

To keep, in addition to the records and accounts described in item 1.7, above, records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.3306

1.9 Educational institutions having eligible persons under chapter 35, title 38, U.S. Code, supra, enrolled in nonaccredited courses approved under section 1654, chapter 33, title 38, U.S. Code.

To keep, in addition to records and accounts described in items 1.7 and 1.8, above, (a) records of interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.3306

1.10 Holders of loans guaranteed or insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Until the Administrator ceases to be liable as guarantor or insurer of the loan. 38 CFR 36.4330

1.11 Holders of loans insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans Administration under 38 CFR 36.4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans Administration. 38 CFR 36.4370

SUPPLEMENTS

Supplement I—Requirements Under the Second War Powers Act of 1942

The Second War Powers Act of March 27, 1942 (56 Stat. 185), provided that contractors with defense contracts placed after September 8, 1939, could be required to produce any books or records deemed relevant for audit and inspection by any agency or officer designated by the President or the Chairman of the War Production Board. The effectiveness of this Act was continued by the Act of June 30, 1953 (67 Stat. 120), for the duration of the national emergency proclaimed December 16, 1950, and for 6 months thereafter.

Supplement II—Civil Aeronautics Requirements on Availability of Credentials for Inspection in 14 CFR

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Explanation. The index is a guide to the persons, groups, or products covered by the subject titles in the list. It does not purport to bring together under a given entry a complete analysis of all requirements relating to a given business or product. Thus, a requirement affecting corporations in liquidation will be found under "corporation" because the word appears in the subject title in the list. There are many other requirements, however, affecting corporations which must be sought under "taxes", "manufacturers", "employers", "contractors", name of product or other subject. In the same way general categories of persons to whom requirements may apply (such as manufacturers or importers) have been included only if they are particularly necessary in identifying the applicability of the requirements.

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[Amdt. 1]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1964 and Subsequent Crops of Rice

Correction

In F.R. Doc. 64-2064 appearing in the issue for Tuesday, March 3, 1964, at page 2909, the year "1954" appearing in the first line of the second paragraph of the document should read "1964".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Crystalline Penicillin; Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), § 146a.24 *Sodium penicillin* • • • is amended in paragraph (c)(1)(i) by changing the period to a semicolon and adding a new clause reading as follows: "; except that, if it is crystalline penicillin, the blank may be filled in with the date that is 48 months or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: March 2, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2197; Filed, Mar. 5, 1964; 8:48 a.m.]

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Bacitracin-Neomycin Undecylenate Otic Drops; Change of Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), § 146e.432 *Bacitracin-neomycin undecylenate otic drops* is amended as follows:

1. Paragraph (c) is amended by redesignating subdivisions (i) and (ii) as subparagarphs (1) and (2), respectively, and by amending redesignated subparagraph (1) by adding thereto the following clause: ", except that the blank may be filled in with the date that is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

2. Redesignated subparagraph (2) is amended by changing the phrase "common or usual name" to read "established name."

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change in amendment 1 is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article, and the change in amendment 2 is merely editorial in nature.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: March 2, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2198; Filed, Mar. 5, 1964; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 in the Table of Contents, former §§ 200.55 and 200.55a are renumbered as 200.54 and 200.56, respectively, and a new § 200.55 is added as follows:

Sec.
200.54 Zone Operations Commissioners and Deputies.
200.55 Assistant Commissioner for Property Improvement.
200.56 Assistant Commissioner for Home Mortgages.

Section 200.51 is amended to read as follows:

§ 200.51 Acting Commissioner.

The Deputy Commissioner, the Assistant Commissioner (Executive Officer), the Associate Deputy Commissioner for Operations, the Associate Deputy Commissioner for Management, the General Counsel, the Assistant Commissioner for Programs, and the Assistant Commissioner-Comptroller in the order named, are designated by the Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties, and rights conferred on the Commissioner by the National Housing Act, as amended by Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive Order.

In § 200.52a paragraph (d) is amended to read as follows:

§ 200.52a Associate Deputy Commissioner for Operations and Deputy.

• • • • • •

(d) To be responsible to the Commissioner for coordination and general supervision of the Offices of Assistant Commissioner for Property Disposition, Assistant Commissioner for Home Mortgages, Assistant Commissioner for Technical Standards, Assistant Commissioner for Multifamily Housing, Assistant Commissioner for Property Improvement, and the Zone Operations Commissioners and to direct all field operations.

• • • • • •

In § 200.52b paragraph (c) is amended to read as follows:

§ 200.52b Associate Deputy Commissioner for Management.

• • • • • •

(c) To be responsible to the Commissioner for coordination and general

supervision of the Offices of Assistant Commissioner for Administration; Assistant Commissioner for Congressional Liaison and Public Information; and Director, Audit and Examination.

• • • • • •

Section 200.55 is redesignated as § 200.54 and reads as follows:

§ 200.54 Zone Operations Commissioners and Deputies.

To the position of Zone Operations Commissioner and to each of them, and under their general supervision to the position of Deputy Zone Operations Commissioner and to each of them there is delegated the following basic authority and functions:

(a) To direct the execution, under the policies and standards of the Federal Housing Administration, of all program activities delegated to the insuring offices under his jurisdiction.

(b) To determine and report the effect of FHA policies, rules and regulations and the attainment of program objectives in the operations under his jurisdiction, and to make basic policy and program recommendations with respect thereto.

(c) To establish regional policies for operations under his jurisdiction consistent with and in furtherance of basic policies and programs established by the Commissioner.

(d) To recommend issuance or cancellation of contracts of insurance under Title I of the National Housing Act and the transfer of such contracts and the rights and benefits accruing thereunder between lending institutions.

(e) To recommend approval, disapproval or cancellation of the approval of financial institutions as approved mortgagees.

(f) To supervise activities in connection with the Certified Agency Program and to designate, qualify and certify appraisers and inspectors under such program. This authority may be subdelegated to Field Office Directors.

Part 200 is amended by adding a new § 200.55 as follows:

§ 200.55 Assistant Commissioner for Property Improvement and Deputy.

To the position of Assistant Commissioner for Property Improvement and under his general supervision to the position of Deputy Assistant Commissioner for Property Improvement there is delegated the following basic authority and functions:

(a) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

(b) To direct the activities of the Property Improvement Division.

(c) To develop and recommend policies and establish operating plans and procedures for the insurance of property improvement loans under section 2 of Title I of the National Housing Act, and for the liquidation of defaulted Title I loans acquired in connection with the settlement of claims.

(d) To exercise the authority of the Commissioner under the regulations governing the insurance of loans under section 2 of Title I of the National Housing Act in any instance which is subject to the approval of the Commissioner.

(e) To issue or cancel contracts of insurance under Title I of the National Housing Act and transfer such contracts and the rights and benefits accruing thereunder between lending institutions.

(f) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I of the National Housing Act that require the prior approval of the Federal Housing Commissioner.

(g) To institute precautionary measures with respect to any dealer or contractor operating under the provisions of section 2 of Title I of the National Housing Act.

(h) To direct and supervise surveys of Title I lending institutions to assure compliance with established policies and terms of insurance contracts.

Section 200.55a is redesignated as § 200.56 and reads as follows:

§ 200.56 Assistant Commissioner for Home Mortgages.

To the position of Assistant Commissioner for Home Mortgages there is delegated the following basic authority and functions:

(a) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

(b) To develop and recommend policies and establish operating plans and procedures for the insurance of home mortgages and the insurance of rehabilitation loans under section 203k of the National Housing Act.

(c) To approve or cancel the approval of financial institutions as approved mortgagees.

(d) To supervise activities in connection with the Certified Agency Program and to designate, qualify and certify approved mortgagees as agents of the Federal Housing Administration to process mortgage insurance applications and issue commitments for insurance.

In § 200.57 paragraph (b) is amended to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing.

• • • • • •

(b) To develop and recommend policies and establish operating plans and procedures for the insurance and servicing of multifamily housing mortgages, urban renewal housing rehabilitation loans, and equity investments in multifamily housing.

• • • • • •

In § 200.73 paragraph (b) is amended to read as follows:

§ 200.73 Director, Audit and Examination.

• • • • • •

(b) To determine noncompliance with statutes, including the criminal statutes, rules, regulations, policies, procedures and instructions governing FHA operations and participants in FHA programs except section 2 of Title I of the National Housing Act and to assure that appropriate and timely action is taken with respect to all such determinations of noncompliance and related investigative reports, and to clear, expedite, coordinate and provide liaison with respect to investigation requests to, and investigative reports from, the Office of the Administrator, HHFA, except those relating to section 2 of Title I of the National Housing Act.

• • • • • •

In § 200.77 paragraphs (e) and (f) are amended to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

• • • • • •

(e) To develop and recommend policies, rules and procedures governing the settlement of Title I claims.

(f) To exercise the authority of the Commissioner in any instance which is subject to the approval of the Commissioner in connection with the settlement of claims under section 2 of Title I of the National Housing Act.

• • • • • •

In § 200.80 paragraph (g) is revoked and paragraphs (h) and (i) are redesignated paragraphs (g) and (h) as follows:

§ 200.80 Fiscal Officer and Deputy.

• • • • • •

(g) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on fiscal matters and to collaborate with such departments and agencies in the formation of fiscal programs.

(h) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic fiscal policy.

• • • • • •

In § 200.85 paragraph a) is amended to read as follows:

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is comprised of the following members: Commissioner, Chairman; Deputy Commissioner, Vice Chairman; Assistant Commissioner (Executive Officer); Associate Deputy Commissioner for Operations; Associate Deputy Commissioner for Management; General Counsel; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Property Improvement; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Administration; Assistant Commissioner-Comptroller; Assistant Commissioner for Property Disposition; Assistant Commissioner for Congressional Liaison and Public Information; Assistant to the Commissioner, Intergroup Relations; and Director, Audit and Examination.

• • • • • •

In § 200.87 paragraph (a) is amended to read as follows:

§ 200.87 Management Improvement Committee.

(a) *Members.* The Management Improvement Committee is comprised of the following members: Director of Management Division, Chairman; Director of Personnel, Vice Chairman; and one designee of each of the following: Assistant Commissioner-Comptroller; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Property Improvement; Assistant Commissioner for Technical Standards; Assistant Commissioner for Home Mortgages; and Director of Budget Division.

• • • • • •

In § 200.89 paragraph (a)(1) is amended to read as follows:

§ 200.89 Substantial Compliance Committee.

(a) *Members.* (1) The Substantial Compliance Committee is comprised of the following members: Assistant Commissioner for Property Improvement, Chairman; Assistant Commissioner-Comptroller; Assistant Commissioner for Administration; Assistant Commissioner for Programs; and the General Counsel, or their designees.

• • • • • •

In § 200.97 the introductory text is amended to read as follows:

§ 200.97 Associate Deputy Commissioner for Operations and Deputy; Assistant Commissioner for Home Mortgages; Zone Operations Commissioners and Deputies; Assistant Commissioner for Property Improvement; and the Assistant Commissioner for Multifamily Housing and Division Directors under his supervision.

To the positions of Associate Deputy Commissioner for Operations and his Deputy; and as they apply to home mortgage insurance operations to the positions of Assistant Commissioner for Home Mortgages; Zone Operations Commissioner, and to each of them; and Deputy Zone Operations Commissioner, and to each of them; and as they apply to property improvement loans under section 2 of Title I of the National Housing Act to the position of Assistant Commissioner for Property Improvement, and as they apply to multifamily housing mortgages to the position of Assistant Commissioner for Multifamily Housing, and to the position of Division Director, and to each of them under his supervision, there is delegated the following duties and functions:

• • • • • •

(Sec. 2, 48 Stat. 1246, as amended; Sec. 211, 52 Stat. 23, as amended; Sec. 607, 55 Stat. 61, as amended; Sec. 712, 62 Stat. 1281, as amended; Sec. 907, 65 Stat. 301, as amended; Sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., March 2, 1964.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 64-2199; Filed, Mar. 5, 1964; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 95]

PART 1606—GENERAL ADMINISTRATION

Furnishing Information From Records

1. Section 1606.32 is amended to read as follows:

§ 1606.32 Availability and use of confidential records and information.

(a) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by, the following persons, namely:

(1) The registrant, or any person having written authority signed by the registrant.

(2) The legal representative of a deceased registrant upon presentation of letters testamentary or letters of administration, or where there is no legal representative appointed for the estate of a deceased registrant, his next of kin; *Provided*, That proof of the registrant's death and proof of the relationship of the next of kin to the registrant have been submitted and are in his file. For the purpose of this subparagraph, the next of kin to the registrant shall be limited to his widow, child, mother, father, brother, or sister.

(3) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System.

(4) Any other agency, official, or employee, or class or group of officials or employees, of the United States or any State or subdivision thereof upon written request in individual cases, but only when and to the extent specifically authorized in writing by the State Director of Selective Service or the Director of Selective Service.

(b) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by, a United States Attorney and his duly authorized representatives, including agents of the Federal Bureau of Investigation, whenever the registrant has been reported to the United States Attorney as a delinquent or for prosecution for violating the Universal Military Training and Service Act, as amended, or the rules, regulations, or directions made pursuant thereto.

(c) Notwithstanding any other provisions of the regulations in this part, information contained in any record in a registrant's file may be disclosed or furnished to, or examined by, any person having specific written authority from the Director of Selective Service. No person shall use any information so disclosed, furnished, or examined for any purpose other than that designated in such written authority.

(d) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as a person, or as the authorized representative of an agency, entitled to so obtain such information.

§ 1606.36 [Revoked]

2. Section 1606.36 is revoked.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR, 1943–1948 Comp)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

MARCH 3, 1964.

[F.R. Doc. 64-2190; Filed, Mar. 5, 1964; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3342]

[Sacramento 060013]

CALIFORNIA

Withdrawal for Forest Service Administrative and Public Service Sites, Recreation Areas, Campgrounds, and Roadside Zones

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the minerals in the following-described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as administrative and public service sites, recreation areas, camping grounds, and for protection of existing forest roads and highways and adjacent roadside zones, as indicated:

MOUNT DIABLO MERIDIAN

ELDORADO NATIONAL FOREST

Administrative Sites

Jakey Hill

T. 13 N., R. 11 E.,
Sec. 18, fractional vacant portion of SE¼ NW¼.

Slate Mountain

T. 11 N., R. 12 E.,
Sec. 6, E½ of lot 7, and W½SE¼SW¼.

Grizzly Flat

T. 9 N., R. 13 E.,
Sec. 15, NE¼NW¼.

Sly Park

T. 10 N., R. 13 E.,
Sec. 19, lot 1.

Baltic Lookout

T. 10 N., R. 13 E.,
Sec. 23, E½SW¼SW¼;
Sec. 26, NW¼NE¼NW¼.

Pacific Ranger Station

T. 11 N., R. 13 E.,
Sec. 34, lots 3, 4, and 5.

Brushy Springs

T. 13 N., R. 13 E.,
Sec. 6, lot 6.

Plummer Ridge

T. 9 N., R. 14 E.,
Sec. 20, SW¼SE¼.

29-Mile Guard Station

T. 11 N., R. 14 E.,
Sec. 25, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, and NW¼SE¼SE¼.

Schlein Ranger Station

T. 13 N., R. 14 E.,
Sec. 13, SW¼SE¼, and W½SE¼SE¼.

Robbs Peak

T. 13 N., R. 14 E.,
Sec. 33, NE¼NE¼SE¼SE¼;
Sec. 34, S½SW¼NW¼SW¼, and N½NW¼SW¼SW¼.

Big Meadows

T. 14 N., R. 14 E.,
Sec. 8, S½NE¼SE¼, E½SW¼SE¼, and SE¼SE¼.

Lumber Yard Ranger Station

T. 8 N., R. 15 E.,
Sec. 15, N½.

Leek Springs Lookout

T. 9 N., R. 15 E.,
Sec. 14, NE¼SE¼.

China Flat

T. 10 N., R. 15 E.,
Sec. 1, lots 11 and 16.
T. 11 N., R. 15 E.,
Sec. 35, lots 11 and 12.

Iron Mt. Lookout

T. 10 N., R. 16 E.,
Sec. 19, SE¼ of lot 2.

Silver Lake

T. 10 N., R. 17 E.,
Sec. 32, S½N½SW¼SW¼, and S½SW¼SW¼.

Angora Lookout

T. 12 N., R. 17 E.,
Sec. 13, NE¼SW¼SW¼.

Haypress Meadows

T. 12 N., R. 17 E.,
Sec. 28, SW¼SE¼.

Stony Ridge

T., 13 N., R. 17 E.,
Sec. 18, SE¼NE¼.

Lake Valley Pasture

T. 11 N., R. 18 E.,
Sec. 6, lot 6.

Blue Lakes

T. 9 N., R. 19 E.,
Sec. 19, NE¼SE¼.

Public Service Sites

Baldwin

T. 12 N., R. 17 E.,
Sec. 1, lot 1, SE¼NE¼.

Pope

T. 12 N., R. 18 E.,
Sec. 5, S½SW¼.

Recreation Areas

Bear Creek

T. 12 N., R. 11 E.,
Sec. 32, NW¼NE¼SW¼.

Airport

T. 13 N., R. 14 E.,
Sec. 10, SE¼;
Sec. 11, SW¼;
Sec. 15, lots 1 to 6 incl.

South Fork

T. 13 N., R. 14 E.,
Sec. 22, S½SW¼;
Sec. 27, NW¼NW¼;
Sec. 28, NE¼NE¼.

Loon Lake

T. 13 N., R. 15 E.,
Sec. 8, all except portion covered by lake;
Sec. 9, all except portion covered by lake;
Sec. 17, N½.

Wentworth Springs

T. 14 N., R. 15 E.,
Sec. 32, S½SW¼.

Lower Bear River Reservoir

T. 8 N., R. 16 E.,
Sec. 8, E½SE¼;
Sec. 9, NW¼SW¼;
Sec. 17, NW¼NE¼, S½NW¼, S½SW¼, NE¼SE¼, and SW¼SE¼.

China Flat

T. 12 N., R. 16 E.,
Sec. 12, SW¼SW¼ (unsurveyed).

Wright's Lake

T. 12 N., R. 16 E.,
Sec. 28, NW¼SW¼, and S½SW¼;
Sec. 29, S½SE¼;
Sec. 32, E½;
Sec. 33, N½NW¼, and SW¼NW¼.

Buck Island

T. 13 N., R. 16 E.,
Sec. 6, lots 12 to 22 incl., and SW¼NE¼.

Silver Lake

T. 9 N., R. 17 E.,
Sec. 8, SW¼NW¼.
T. 10 N., R. 17 E.,
Sec. 32, lot 1, and SE¼NE¼;
Sec. 33, lot 1, and SW¼NW¼.

Twin Lakes

T. 10 N., R. 17 E.,
Sec. 23, lots 1 and 2.
T. 10 N., R. 18 E.,
Sec. 18, lot 4.

42-Mile Milestone

T. 11 N., R. 17 E.,
Sec. 19, lots 1, 2, and E½NW¼.

Blue Lakes

T. 9 N., R. 18 E.,
Sec. 12, lots 1 and 2.

Strawberry Creek

T. 10 N., R. 17 E.,
Sec. 5, lots 8 and 9 (or NW¼).
T. 11 N., R. 17 E.,
Sec. 19, lots 3, 4, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, S½SW¼;
Sec. 28, lots 3, 4, and N½SW¼;
Sec. 29, NE¼, and N½NW¼.

Bay View

T. 13 N., R. 17 E.,
Sec. 28, W½SE¼NE¼.

Campground Areas

Silver Creek

T. 11 N., R. 14 E.,
Sec. 11, SW¼NW¼.

Alder Creek

T. 11 N., R. 14 E.,
Sec. 26, SW¼SE¼.

Silver Fork

T. 11 N., R. 16 E.,
Sec. 21, SE¼SE¼;
Sec. 22, SW¼SW¼;
Sec. 27, NW¼NW¼;
Sec. 28, NE¼NE¼.

Lyons Creek

T. 11 N., R. 16 E.,
Sec. 8, E½SW¼, and SW¼SE¼.

39-Milestone

T. 11 N., R. 16 E.,
Sec. 22, S½NE¼.

Pyramid

T. 11 N., R. 16 E.,
Sec. 23, E½NW¼.

Crag Lake

T. 13 N., R. 16 E.,
Sec. 12, lot 5.

Kirkwood Lake

T. 10 N., R. 17 E.,
Sec. 21, N½NE¼, SE¼NE¼;
Sec. 22, W½NW¼.

45-Mile Camp

T. 11 N., R. 17 E.,
Sec. 16, SE¼NE¼NW¼, and NE¼SE¼NW¼.

Eagle Falls

T. 13 N., R. 17 E.,
Sec. 21, E½SW¼SW¼.

Bay View

T. 13 N., R. 17 E.,
Sec. 28, E½SE¼NE¼.

Velma Lake

T. 13 N., R. 17 E.,
Sec. 31, lot 9.

Woods Lake

T. 10 N., R. 18 E.,
Sec. 28, N½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼.

Firs Camp

T. 11 N., R. 18 E.,
Sec. 6, S½ of lot 11;
Sec. 7, N½NE¼NW¼.

Alpine

T. 11 N., R. 18 E.,
Sec. 17, S½NW¼SW¼, and N½SW¼SW¼.

Roadside Zone Along the U.S. Highway No. 50

California Forest Highway No. 32

A strip of land 200 feet wide on either side of the centerline of the existing U.S. Highway No. 50 through the following legal subdivisions:

T. 11 N., R. 13 E.,
Sec. 25, lots 1, 2, 5, 6, and 7;
Sec. 26, lots 2, 3, and 4;
Sec. 33, NE¼NE¼, N½NW¼NE¼, W½SW¼NW¼NE¼, N½NE¼NW¼, N½SW¼NE¼NW¼, and SE¼NE¼NW¼;
Sec. 34, lots 3, 4, and 5;
Sec. 35, lot 1, and NE¼NW¼.
T. 11 N., R. 14 E.,
Sec. 25, S½SW¼, and SE¼;
Sec. 26, NE¼SE¼, and S½SE¼;
Sec. 27, NW¼NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 28, N½;
Sec. 29, NE¼, W½NE¼NW¼NE¼SW¼, W½NW¼NE¼SW¼, SE¼NW¼NE¼SW¼, N½NW¼SW¼NE¼SW¼, N½NW¼SW¼, N½N½SW¼NW¼SW¼, N½NW¼SE¼NW¼SW¼, NE¼SE¼NW¼SW¼, and NW¼SE¼;
Sec. 30, lots 1, 2, and SE¼SE¼.
T. 11 N., R. 15 E.,
Sec. 22, SE¼SE¼;
Sec. 23, lots 11 and 12;
Sec. 26, lot 5;
Sec. 27, N½NE¼, NE¼NW¼, and S½NW¼;
Sec. 28, NE¼NW¼;
Sec. 29, SW¼SW¼, and NW¼SE¼;
Sec. 30, lot 4, SE¼SW¼, and S½SE¼.
T. 11 N., R. 16 E.,
Sec. 19, S½SE¼;
Sec. 20, S½;
Sec. 21, S½;
Sec. 22, NE¼, SE¼NW¼, and N½SW¼;
Sec. 23, S½NE¼, and NW¼;

Sec. 24, S½N½, N½SE¼;
Sec. 30, lot 11, NW¼NE¼, and NE¼NW¼.
T. 11 N., R. 17 E.,
Sec. 8, S½;
Sec. 10, SE¼NE¼, NE¼SW¼, S½SW¼, N½SE¼, and NW¼SW¼SE¼;
Sec. 11, NE¼NW¼;
Sec. 15, NW¼NW¼;
Sec. 16, SE¼NE¼NW¼, and S½NW¼;
Sec. 17, NE¼, and NW¼NW¼;
Sec. 18, E½NE¼;
Sec. 19, lots 1, 2, and NE¼NW¼.
T. 11 N., R. 18 E.,
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, 8, 12, and 13;
Sec. 7, lot 1, E½NE¼, SW¼NE¼, NE¼NW¼, SE¼NW¼, and N½SE¼.
T. 12 N., R. 17 E.,
Sec. 36, lots 10 and 14.
T. 12 N., R. 18 E.,
Sec. 17, E½E½SE¼;
Sec. 31, lots 7, 8, and 9;
Sec. 32, NW¼NW¼NW¼.

Roadside Zone Along the Alpine Highway

California State Highway No. 88

A strip of land 200 feet wide on either side of the centerline of the existing State Highway No. 88, through the following legal subdivisions:

T. 8 N., R. 13 E.,
Sec. 35, SW¼SE¼ and that portion of SE¼SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948 and January 9, 1950, accepted June 1, 1950.
T. 8 N., R. 14 E.,
Sec. 13, Those portions S½SW¼SW¼, E½SW¼, NW¼SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948 and January 9, 1950, accepted June 1, 1950;
Sec. 14, That portion S½SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948 and January 9, 1950, accepted June 1, 1950;
Sec. 21, Portions SW¼, N½SE¼, SE¼SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948 and January 9, 1950, accepted June 1, 1950;
Sec. 22, Portions S½NE¼, N½SW¼, SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948 and January 9, 1950, accepted June 1, 1950;
Sec. 23, Portion NW¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948 and January 9, 1950, accepted June 1, 1950;
Sec. 29, Portions E½NE¼, NW¼SW¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948 and January 9, 1950, accepted June 1, 1950;
Sec. 30, Portions lots 3, 4, E½SW¼, NW¼SE¼, SE¼SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948 and January 9, 1950, accepted June 1, 1950.
T. 8 N., R. 15 E.,
Sec. 1, lots 1, 2, S½NE¼, SE¼;
Sec. 10, E½SE¼;
Sec. 11, S½NE¼, N½S½;
Sec. 12, N½, N½SW¼;
Sec. 15, N½, NW¼SW¼;
Sec. 17, S½;
Sec. 18, lot 3, S½NE, NE¼SW¼, N½SE¼.
T. 9 N., R. 16 E.,
Sec. 12, SE¼SE¼;
Sec. 13, N½;
Sec. 14, S½N½;
Sec. 15, SE¼NE¼, S½;
Sec. 16, E½SW¼, SE¼;
Sec. 20, SE¼SE¼;
Sec. 21, NW¼NE¼, E½NW¼;
Sec. 22, NW¼NW¼;
Sec. 28, SW¼NW¼, SW¼SW¼;
Sec. 29, E½E½, SW¼SE¼;
Sec. 31, lots 3, 4, SE¼NE¼, E½SW¼, SE¼;
Sec. 32, W½NE¼, S½NW¼, NW¼SE¼.
T. 9 N., R. 17 E.,
Sec. 5, SW¼NW¼, W½SW¼;
Sec. 6, SE¼NE¼, E½SE¼;
Sec. 7, NE¼, SE¼;
Sec. 8, NW¼NW¼.
T. 10 N., R. 17 E.,
Sec. 20, SE¼NE¼, SE¼SW¼, NW¼SE¼;
Sec. 21, N½;
Sec. 22, SE¼NE¼, NW¼SW¼;
Sec. 23, lots 2, 3, and 4;
Sec. 29, W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 32, W½NE¼, SE¼NE¼.
T. 10 N., R. 18 E.,
Sec. 18, lots 3, 4, E½SW¼; SE¼;
Sec. 19, lot 1, NE¼NE¼;
Sec. 20, N½;
Sec. 21, SW¼NE¼, S½NW¼;
Sec. 22, NW¼SW¼.

Roadside Zone Along California State Highway No. 89

California Forest Highway No. 30

A strip of land 200 feet wide on either side of the centerline of the existing California State Highway No. 89 through the following legal subdivisions:

T. 13 N., R. 17 E.,
Sec. 21, NE¼NE¼, SW¼NE¼, E½SW¼SW¼;
Sec. 28, lots 4, 5, 7, S½NE¼.
T. 14 N., R. 17 E.,
Sec. 20, SE¼SE¼SW¼;
Sec. 32, SE¼NW¼, NE¼NE¼SW¼.
T. 11 N., R. 18 E.,
Sec. 5, E½NW¼;
Sec. 8, SE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 14, lots 1 and 2 (or fractional S½SW¼), lot 3 (or fractional SW¼SE¼), N½SW¼, SE¼SE¼;
Sec. 15, lot 1, SW¼, N½SE¼, SW¼SE¼;
Sec. 16, SE¼SW¼, S½SE¼;
Sec. 17, W½NE¼, E½SW¼, W½SE¼;
Sec. 20, N½, SE¼;
Sec. 21, NW¼;
Sec. 23, NE¼NE¼;
Sec. 24, W½NW¼.
T. 12 N., R. 18 E.,
Sec. 32, NW¼NW¼, S½NW¼, SW¼.

Roadside Zone Along the Fallen Leaf Lake Highway

California State Highway No. 94

A strip of land 200 feet wide on either side of the centerline of the existing State Highway No. 94 through the following legal subdivisions:

T. 12 N., R. 17 E.,
Sec. 12, NW¼SE¼SW¼;
Sec. 13, NW¼NW¼SW¼.

The areas described aggregate approximately 11,252 acres.

MARCH 2, 1964.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

[F.R. Doc. 64-2171; Filed, Mar. 5, 1964; 8:45 a.m.]

[Public Land Order 3344]

[Utah 0133555]

UTAH

Power Site Restoration No. 617; Partly Revoking Power Site Reserve No. 34

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (39 Stat. 847; 43 U.S.C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, and the determinations of the Federal Power Commission docketed as DA-161 and DA-168-Utah, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Power Site Reserve No. 34, is hereby revoked so far as it affects the following-described lands:

a. In DA-161, Finding (2)

SALT LAKE MERIDIAN

T. 26 S., R. 21 E.,
Sec. 19, NE¼SW¼;
Sec. 31, SE¼SW¼.
T. 27 S., R. 20 E.,
Sec. 12, NW¼NE¼.
T. 27 S., R. 21 E.,
Sec. 6, lots 1, 4, and SE¼NE¼;
Sec. 7, NE¼SW¼.

b. In DA-168, Schedule B

SALT LAKE MERIDIAN

T. 26 S., R. 20 E.,
Sec. 13, lots 1, 2, 4, and N½NE¼;
Sec. 24, lot 1;
Sec. 25, lot 3;
Sec. 36, lot 1, east ⅛ lot 4 and SE¼SE¼.
T. 27 S., R. 20 E.,
Sec. 1, SE¼SE¼;
Sec. 12, lots 1, 2, 3, 4, 5, 6, 7, 8, NE¼NE¼, SE¼NW¼, SW¼SW¼, and SE¼SE¼.
T. 27 S., R. 21 E.,
Sec. 6, lots 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, E½SE¼;
Sec. 7, lots 1, 2, 3, 4, 5, 6 and W½NE¼.
T. 26 S., R. 21 E.,
Sec. 19, lots 1, 2, 3 and 5;
Sec. 30, lots 1, 4, 5, 7, and NE¼SW¼;
Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, and NE¼SW¼.

The areas described aggregate approximately 2,054 acres.

2. The lands described in paragraph 1(a) are those which the Federal Power Commission in DA-161-Utah found to be without power values. As to these tracts the Commission interposed no objection to the revocation of Power Site Reserve No. 34. The lands described in paragraph 1(b) were considered by the Commission in DA-168-Utah, in Schedule B thereof.

3. Until 10:00 a.m. on September 2, 1964, the State of Utah shall have the preferred right of application to select the lands for school land indemnity purposes as provided by section 2276(c) of the Revised Statutes as amended by the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). In accordance with the proviso in the finding of the Federal Power Commission in DA-168-Utah, the allowance of an application of the State to select is conditioned upon the grant by the State of Utah, to the United States, of an easement for permanent flowage rights over all portions of the lands described in Schedule B of DA-168, up to elevation 8,935 feet above sea level, sufficient to permit the United States, its licensees or permittees, to utilize those lands at any time in the future for power and other purposes without cost to the United States, its licensees or permittees.

The lands shall not be subject to other disposition except pursuant to an order of the Secretary of the Interior specifying the date and the manner in which applications for such lands may be received and acted upon.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 4, 1964.

[F.R. Doc. 64-2250; Filed, Mar. 4, 1964; 3:13 p.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Sacramento National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

CALIFORNIA

SACRAMENTO NATIONAL WILDLIFE REFUGE

Sport fishing on the Sacramento National Wildlife Refuge, California, is permitted only on the area designated by signs as open to fishing. This open area, comprising 20 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The refuge is open to sport fishing the year round except during the migratory waterfowl hunting season.

(2) No car travel permitted unless authorized by the officer in charge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to January 1, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 27, 1964.

[F.R. Doc. 64-2172; Filed, Mar. 5, 1964; 8:45 a.m.]

Proposed Rule Making

FEDERAL TRADE COMMISSION

[16 CFR Part 71]

BRAIDED RUG INDUSTRY

Notice of Hearing and of Opportunity To Present Views, Suggestions, and Other Pertinent Comment in a Proceeding for Promulgation of Trade Practice Rules

A trade practice conference proceeding for the Braided Rug Industry has been authorized by the Federal Trade Commission, to be held under the general supervision of the Honorable A. Everette MacIntyre, Federal Trade Commissioner.

A hearing will be held at 10 a.m., e.s.t., on Monday, March 30, 1964, in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D.C., 20580, to afford to all persons, firms, corporations, organizations, or other parties who may be affected by or have an interest in the establishment of trade practice rules for this industry the opportunity to present to the Commission their views, including such information, suggestions or comment as they may desire to submit. Written comment may be submitted by letter, memorandum, brief or other communication filed with the Commission not later than March 30, 1964.

Copies of proposed rules, consisting of rules suggested by industry members and rules which Commission staff feel should be considered, have been made available and may be obtained upon request to the Commission. Interested parties may suggest additional rules for consideration, either before or during the hearing.

After due consideration of all matters presented, in writing or orally, it is contemplated that the Commission will proceed to final action with respect to promulgation of trade practice rules for this industry.

The industry is composed of persons, firms, corporations, or organizations engaged in the manufacture, processing, sale or distribution of hand or machine braided rugs, tubular braided rugs and tubular wrap-a-round rugs.

This proceeding is directed to the elimination and prevention of acts and practices deemed violative of statutes administered by the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and provisions of Part 1, Subpart F, of the Commission's Procedures and Rules of Practice, 28 F.R. 7083-84 (July 11, 1963).

The rules presented for written comment and for discussion at the hearing are concerned with the following subjects:

1. Deception (General).
2. Disclosure of Foreign Origin.
3. Disclosure of Finished Size of Industry Products.
4. Misrepresentation as to Character of Business.
5. Deceptive Price Representations.
6. Misrepresentation of Method of Manufacture.

Issued: March 5, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2186; Filed, Mar. 5, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 228]

CERTAIN FOREIGN PASSPORTS

Validity

Jamaica is added to the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign issuing authority for a period of at least six months beyond the expiration date specified in the passport.

This notice amends Public Notice 226 of January 18, 1964 (29 F.R. 1661).

Dated: February 26, 1964.

CHARLES H. MACE,
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 64-2184; Filed, Mar. 5, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to authority (19 F.R. 74, as amended) delegated to the Administrator, Agricultural Marketing Service, the material appearing at 28 F.R. 496 is amended as follows:

Section 2(b) is amended to read as follows:

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of programs and activities assigned to AMS (except that he does not have authority to designate marketing administrators and committees administering marketing agreement and order programs).

Section 7 is amended to read as follows:

SEC. 7. *Deputy Administrators.* Under the direction and supervision of the Administrator and Associate Administrator, the Deputy Administrator, Marketing Research, the Deputy Administrator, Marketing Services, the Deputy Administrator, Regulatory Programs, and the Deputy Administrator, Management, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited), except the designation of marketing administrators and committees administering marketing agreement and order programs (which is reserved by the Administrator or the individual designated to act in his absence), which are now, or which may hereafter be, vested in the Administrator. The authority herein conferred upon each Deputy Administrator shall be exercised by each of such officers in connection with the programs and activities of AMS assigned now or hereafter to the direction and supervision of the respective Deputy Administrator.

Section 10 is amended to read as follows:

SEC. 10. *Marketing Services and Regulatory Divisions.* Under the administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrators for Marketing Services and Regulatory Programs, the Directors of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Packers and Stockyards, Milk Marketing Orders, Food Distribution, and Special Services Divisions are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited), except the designation of marketing administrators and committees administering marketing agreement and order programs, which are now, or which may hereafter be, vested in the Administrator.

Done at Washington, D.C., March 2, 1964.

S. R. SMITH,
Administrator.

[F.R. Doc. 64-2185; Filed, Mar. 5, 1964; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order No. 87 [Rev.]; Amdt. 1]

COAST AND GEODETIC SURVEY

Organization and Function

The material appearing at 28 F.R. 3424-3426 of April 6, 1963, is amended as follows:

The Organization and Function Supplement of March 26, 1963 to Department Order No. 87 (Revised) is hereby amended as follows:

1. Section 2-6 is amended to read:

SECTION 2. *Organization.*

6. Office of Administration: Budget and Finance Division; Administrative and Technical Services Division; Personnel and Safety Division; Management and Audit Division; Engineering Division.

2. Section 8 is amended to read:

SEC. 8. *Functions of the Office of Administration.* The Office of Administration shall provide the bureau with administrative and technical services for all its activities. More particularly, the office shall plan, coordinate, and direct budget and fiscal activities; civil service personnel activities; organization, management, and internal audit activities; procurement and supply activities; instrumentation support and development; and library and map reference services. Through its divisions, the office conducts research in accordance with the plans and assignments of the bureau's overall research and development program.

3. Appendix A (Revised) of March 26, 1963 is amended by adding the following under "Observatories:"

Boulder Magnetic Observatory, Boulder, Colo.
Dallas Magnetic Observatory, Richardson, Tex.
Eights Magnetic Observatory, Eights Station, Antarctica

Effective date: February 20, 1964

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-2173; Filed, Mar. 5, 1964; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-214]

DEPARTMENT OF WATER AND POWER OF CITY OF LOS ANGELES

Notice of Application for Construction Permit and Facility License

Please take notice that The Department of Water and Power of the City of Los Angeles, P.O. Box 3669, Terminal Annex, Los Angeles 54, California, pursuant to section 104b of the Atomic Energy Act of 1954, as amended, has filed an application dated November 22, 1963, for a construction permit and facility license to authorize construction and operation of a pressurized water nuclear reactor having a gross electrical capacity of 490 megawatts derived from 1473 thermal megawatts. The proposed reactor is to be located at the applicant's 305-acre site in Corral Canyon, Los Angeles County, California, 29 air miles west of the Civil Center of the City of Los Angeles in the "Rancho Malibu" area. The site is on the coast and surrounds the mouth of Corral Canyon where the canyon meets the Pacific Ocean about 3 miles west of Malibu Beach.

The earliest and latest estimated dates for completion of construction of the reactor are November 30, 1967 and May 31, 1968, respectively.

A copy of the application is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 28th day of February 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-2191; Filed, Mar. 5, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14034 etc.[1]]

TOUR BASING FARES CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 31, 1964, at 10:00 a.m. e.d.s.t. in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the examiner and other parties on or before March 23, 1964: (1) Motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of position of parties; and (6) proposed procedural dates.

Dated at Washington, D.C., March 3, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2201; Filed, Mar. 5, 1964; 8:49 a.m.]

CIVIL SERVICE COMMISSION

NUCLEAR ENGINEERS GS-840-14 IN SANDUSKY, OHIO

Cancellation of Special Rate Range

Effective at the beginning of the first pay period which commences on or after March 15, 1964, the special rate range for Nuclear Engineers, GS-840-14 in Sandusky, Ohio, published in the FEDERAL REGISTER of April 4, 1961, page 2809, is cancelled. The special rate range for Nuclear Engineers, GS-840-15 in Sandusky, Ohio, published in the same FEDERAL REGISTER was superseded when the statutory rate for that position exceeded the special rate.

The pay of an employee on the rolls in the special rate range will be adjusted to the rate on the regular rate range for the grade which is equal in dollar amount to his existing rate. If an employee is currently paid a rate on the special rate range which is in excess of the maximum rate for the grade on the regular rate range, he will continue to receive his existing rate as a rate above the maximum rate for the grade.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-2168; Filed, Mar. 5, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15346, 15347; FCC 64-159]

COPPER COUNTRY BROADCASTING CO. (WMPL) AND UPPER MICHIGAN BROADCASTING CO. (WHDF)

Order

In re application of Copper Country Broadcasting Company (WMPL), Hancock, Michigan, Docket No. 15346, File No. BP-15410, has: 920kc, 1kw, Day, Class III, req: 1400kc, 250w, 1kw-LS, U, Class IV, for construction permit; in re application of the Upper Michigan Broadcasting Company (WHDF), Houghton, Michigan, Docket No. 15347, File No. BL-9076, has: 1400kc, 250w, Unlimited, Class IV, for license to operate a standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 26th day of February 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The above-captioned applications are mutually exclusive.

2. The proposal of Copper Country Broadcasting Company appears to cause objectionable interference to Station WATW, Ashland, Wisconsin, and Station WGON, Munising, Michigan.

3. The license of Station WHDF expired October 1, 1961, and the application for renewal of license was not filed until March 28, 1962 and accordingly it was treated as an application for license to operate a standard broadcast station. The application of Copper Country Broadcasting Company was accepted for filing March 9, 1962, making it timely filed for comparative consideration with the license application of WHDF. Even though the application of WHDF is treated as one for a license, it is in the nature of a renewal application and is subject to being consolidated into a comparative hearing if someone files a timely application for the facilities as done herein.

4. Certain changes were made in the stock ownership, officers and directors of the corporation. On September 22, 1959, Copper Country Broadcasting Company filed an Ownership Report, Form 323, changing a prior report, and setting out certain information concerning stock ownership and election of officers and directors, as follows:

(a) Receipt of gift of stock by Sam Locatelli on July 15, 1958;

(b) Purchase of stock by Reino W. Suojanen on July 31, 1958;

(c) Purchase of stock by Francis S. Locatelli, Francis Stetter, Sam Locatelli and Reino W. Suojanen on September 4, 1958;

(d) Election of said Stetter, Suojanen and Sam Locatelli as officers and directors on January 15, 1959.

The information was filed 220 days or more later than required by § 1.615(c) of the Commission's rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMPL and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which receive primary service from the existing operation of Station WHDF and the availability of other primary service to such areas and populations.

3. To determine the areas and populations presently deprived of a primary service because of the operation of WHDF and the availability of other primary service to such areas and populations.

4. To determine whether the proposal of Copper Country Broadcasting Company would cause objectionable interference to Station WATW, Ashland, Wisconsin, and Station WGON, Munising, Michigan, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, in view of Copper Country Broadcasting Company's several failures to file ownership reports in the manner specified in §1.615(c) of the Commission's rules, whether Copper Country Broadcasting Company has properly exercised licensee responsibility.

6. To determine, in the light of section 307(b) of the Communications Act

[1] Includes dockets 14047; 14504; 14996; and 14901.

of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant difference between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That WATW Inc., and Pictured Rocks Radio Corporation, licensees of Stations WATW and WGON, respectively, are made parties to the proceeding.

It is further ordered, That in the event of a grant of the application of Copper Country Broadcasting Company the construction permit shall be conditioned as follows:

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules give notice of the hearing, either individually or, if feasible jointly, and consistent with the rules, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable asurance that the proposals set forth in the application will be effectuated.

Released: March 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2192; Filed, Mar. 5, 1964; 8:47 a.m.]

[Docket No. 15352]

DARRELL W. SMALL

Order To Show Cause

In the matter of Darrell W. Small, Compton, California, order to show cause why there should not be revoked the license for radio station KFA-0903 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated November 19, 1963, alleging violation of § 19.61 (a), (e), (f) and (g) (now § 95.81 (a), (e), (f) and (g)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 23, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 2d day of March 1964, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to licensee at his last known address of 12111 Louise Avenue, Compton, California.

Released: March 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2193; Filed, Mar. 5, 1964; 8:47 a.m.]

[Docket Nos. 15089-15092; FCC 64-155]

SPANISH INTERNATIONAL TELEVISION CO., INC., ET AL.

Order Regarding Petition and Date of Hearing

In re applications of Spanish International Television Company, Inc., Paterson, New Jersey, Docket No. 15089, File No. BPCT-3032; Progress Broadcasting Corporation, Paterson, New Jersey, Docket No. 15090, File No. BPCT-3067; Bartell Broadcasters, Inc., Paterson, New Jersey, Docket No. 15091, File No. BPCT-3103; Trans-Tel Corp., Paterson, New Jersey, Docket No. 15092, File No. BPCT-3114; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 26th day of February 1964;

The Commission having under consideration a petition to vacate the stay in this proceeding filed by Spanish International Television Company, Inc. (SITC) on January 9, 1964, an opposition thereto filed by Progress Broadcasting Corporation on January 20, 1964, comments filed by the Broadcast Bureau on January 21, 1964, a statement in support of petition filed by Trans-Tel Corp. on January 22, 1964, and a reply to opposition filed by SITC on January 27, 1964;

It appearing, that the Commission stayed this proceeding[1] by Order (FCC 63-694), released July 26, 1963, in light of all the facts and circumstances present herein and in Docket No. 15092; and

It further appearing, that in its Further Notice of Proposed Rule Making, In the Matter of Fostering Expanding Use of UHF Television Channels (FCC 63-975), released October 28, 1963, the Commission stated that the hearing could proceed with respect to those applicants indicating their willingness to amend their applications as specified therein; and

It further appearing, that each of the above-entitled applicants has indicated its willingness to amend its application to conform with the Commission's statement in its Further Notice of Proposed Rule Making, supra; and that therefore no useful purpose would be served by a continuance of the stay of the hearing herein;

It is ordered, That the Petition to Vacate Stay filed by Spanish International Television Company, Inc. on January 9, 1964, is granted; and

It is further ordered, That (a) the hearing in this proceeding shall resume on a date to be subsequently specified by the Hearing Examiner and (b) the Hearing Examiner and the Review Board shall proceed to act on all pending motions filed by the parties.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2194; Filed, Mar. 5, 1964; 8:47 a.m.]

[Docket No. 15350; FCC 64-163]

WXXX, INC. (WXXX)

Order Designating Application for Hearing on Stated Issues

In re application of WXXX, Inc. (WXXX), Hattiesburg, Mississippi, Docket No. 15350, File No. BP-15408; has: 1310 kc, 1 kw, D, Class III requests: 1290 kc, 1 kw, 5 kw-LS, DA-2, U Class III-B for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 26th day of February 1964;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Data submitted by the applicant indicates that its proposal would receive interference affecting more than 10 per cent of the population within the normally protected nighttime primary service area of the proposed operation of Station WXXX, in contravention of § 73.28(d)(3) of the Commission's rules. The applicant requests a waiver of the provisions of § 73.28(d)(3).

2. Data submitted by the applicant indicates that, contrary to the requirements of § 73.30(c) of the Commission's rules, the proposed nighttime interference-free service contour of WXXX (13.5 mv/m) would not include the entire area of Hattiesburg, Mississippi.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WXXX and the availability of other primary service to such areas and populations.

2. To determine whether interference received from Stations WATO, Oak Ridge, Tennessee, WIRL, Peoria, Illinois, WTOC, Savannah, Georgia, and WTMC, Ocala, Florida, or any other existing standard broadcast stations would affect more than ten percent of the population within the normally protected nighttime primary service area of the proposed operation of WXXX, in contravention of § 73.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the proposal of WXXX would provide coverage of the city sought to be served, as required by § 73.30(c) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event the application is granted, the construction permit shall specify the following conditions:

The permittee shall assume responsibility for the installation of suitable filter circuits, or any other equipment which may be necessary, to prevent excessive internal or external cross-modulation or the radiation of extraneous emissions resulting from the proximity of the proposed operation to Station WHSY, Hattiesburg, Mississippi, or any other existing stations.

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Released: March 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2195; Filed, Mar. 5, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

MEMBER LINES OF PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 6400-12, between the member lines of the Pacific Coast River Plate Brazil Conference, modifies the voting provisions of the approved agreement of that conference (Agreement 6400, as amended), which covers the trade southbound from Pacific Coast ports of North America to ports in Argentina, Uruguay and Brazil, and northbound from ports in these same South American countries to ports in California, Oregon, Washington and British Columbia.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 3, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2196; Filed, Mar. 5, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP64-119, CP64-133]

HOPE NATURAL GAS CO., MISSISSIPPI RIVER FUEL CORP.

Notice of Applications

FEBRUARY 28, 1964.

Take notice that on November 27, 1963, Hope Natural Gas Company (Hope), 445 West Main Street, Clarksburg, West Vir-

[1] Commissioners Bartley and Loevinger absent.

[1] The Commission ordered that the hearing be stayed and that action on all motions and other matters filed by the parties, including those pending before the Hearing Examiner and the Review Board, be held in abeyance.

[2] Commissioners Bartley and Loevinger absent, Commissioner Ford not participating.

[1] Commissioners Bartley and Loevinger absent.

ginia, filed in Docket No. CP64–119, and Mississippi River Fuel Corporation (Mississippi River), 9900 Clayton Road, St. Louis, Missouri, filed in Docket No. CP64–133, their respective applications pursuant to section 7(c) of the Natural Gas Act, for certificates of public convenience and necessity authorizing the construction and operation of approximately 2200 feet of 4½-inch pipeline, separation and dehydration facilities, and other appurtenant facilities, in the Lake Palourde Field, St. Martin Parish, Louisiana, for the transportation and sale of natural gas in interstate commerce subject to the jurisdiction of the Commission, all as more fully set forth in the applications on file with the Commission and open to public inspection.

The applications reflect that Hope and Mississippi River are successors' to interests in leasehold rights in a portion of lands and leases in the Lake Palourde Field, St. Mary and St. Martin Parishes, Louisiana, acquired by Mississippi River from Wm. T. Burton Industries, Inc., under a Farmout Agreement dated May 4, 1962, and amended May 14, 1962, upon which Hope and Mississippi River have completed a producing well.

The applications further reflect Hope and Mississippi River by instrument dated July 31, 1963, ratified and adopted the basic contract between Burton and Texas Gas Transmission Corporation dated November 20, 1959, and are presently selling and delivering natural gas to Texas Gas under the currently effective terms of Burton's FPC Gas Rate Schedule No. 2, which will be superseded by Hope's Superseding Rate Schedule No. IP–19 and Mississippi River's Rate Schedule No. 23.

The estimated cost of the proposed facilities is $52,636.00, which will be shared jointly by Hope and Mississippi River.

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on these applications provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2174; Filed, Mar. 5, 1964; 8:45 a.m.]

[Docket No. CP64–148]

TRANSWESTERN PIPELINE CO.

Notice of Application

FEBRUARY 28, 1964.

Take notice that on December 26, 1963, Transwestern Pipeline Company (Applicant), 2500 First City National Bank Building, Houston, Texas, filed in Docket No. CP64–148 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline tap valves and the sale and delivery of natural gas to Great Plains Gas Company (Great Plains) at points on Applicant's existing pipeline system in Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Moore, Hutchinson, and Hemphill Counties, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that Great Plains will resell the subject gas through its gas distribution facilities to various farm customers throughout Applicant's pipeline system in the above-mentioned Texas counties. The farm customers to be served by Great Plains are unconnected grantors of easements and rights of way for Applicant's system who have reserved gas service rights from Applicant and such other consumers in said above-mentioned Texas counties which Applicant and Great Plains may from time to time agree to serve. The application indicates further the gas sold to said farm customers will be for irrigational and domestic use.

Applicant will sell gas to Great Plains pursuant to a service agreement dated November 4, 1963.

The estimated cost of the type taps to be installed is as follows:

Size tap, inches:	Total cost
1	$350
2	750
3	870
4	1,025

Applicant states that Great Plains will reimburse it for all necessary material and installation costs.

The application shows the third year estimated annual and maximum day deliveries to Great Plains to be 611,602 Mcf and 1,675 Mcf, respectively.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2178; Filed, Mar. 5, 1964; 8:46 a.m.]

[Docket Nos. RI64–634 etc.]

INTERNATIONAL OIL & GAS CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 28, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until

[1] Does not consolidate for hearing or dispose of the several matters herein.

date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 14, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–634	International Oil & Gas Corp. (Operator), et. al., 826 Petroleum Club Building, Denver 2, Colo. 80202.	4	8	El Paso Natural Gas. Co. (Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$48	2–10–64	[3] 3–12–64	8–12–64	[4] 13.0	[5] [6] 14.0	
	do	6	9	do	31	2–10–64	[3] 3–12–64	8–12–64	[4] 13.0	[5] [6] 14.0	
RI64–635	Tenneco Corp. (Operator), et al., P.O. Box 2511, Tennessee Building, Houston, Tex.	5	2	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	1,164	2–3–64	[3] 3–5–64	8–5–64	[4] 10.5483	[7] [8] 11.7199	
RI64–636	Shell Oil Co. (Operator), 50 West 50th St., New York, N.Y.	221	2	Northern Natural Gas Co. (Crossett Plant, Upton County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area).	11,027	2–11–64	[9] 4–1–64	9–1–64	13.5789	[5] [10] 14.5878	
RI64–637	Texas Gulf Producing Co. P.O. Box 61289, Houston, Tex.	20	1	Northern Natural Gas Co. (Eunice Field, Lea County, N. Mex.) (Permian Basin Area).	895	1–30–64	[3] 3–1–64	8–1–64	9.5	[5] [11] 11.7212	
RI64–638	Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex., 75202.	26	3	Panhandle Eastern Pipe Line Co. (Texas County, Okla.) (Panhandle Area).	1,668	2–10–64	[3] 5–1–64	10–1–64	16.0	[5] [12] 17.0	
RI64–639	Westhoma Oil Co., 1670 Denver Club Building, Denver, Colo., 80202.	2	9	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.) (Panhandle Area).	6,400	2–12–64	[3] 3–14–64	8–14–64	[13] 16.6	[10] [13] 17.4	G–20279.
RI64–640	Sun Oil Co., P.O. Box 2880, Dallas, Tex., 75221.	110	7	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	720	2–17–64	[3] 3–21–64	8–21–64	[14] 17.4	[5] [15] 17.6	RI63–357.
RI64–641	Hollandsworth and Travis (Operator), et al., P.O. Box 1622, Longview, Tex.	2	21	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. Dist. No. 6).	2,015	2–14–64	[3] 3–16–64	8–16–64	[14] 14.8862	[5] [16] 15.144	RI61–493.
	do	3	15	do	15	2–14–64	[3] 3–16–64	8–16–64	[14] 14.8862	[5] [16] 15.144	RI61–493.

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 15.025 psia.
[4] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[5] Pressure base is 14.65 psia.
[6] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[7] Includes partial reimbursement for 0.55 percent increase in New Mexico School Tax.
[8] The stated effective date is the effective date requested by Respondent.
[9] Four-step periodic rate increase.
[10] Increased rates of 17.0 cents and 17.2 cents per Mcf suspended in Docket Nos. RI62–249 and RI63–306, respectively (not made effective). Respondent states that notice of change to 17.4 cents is not filed to supersede such notices of change.
[11] Subject to downward Btu adjustment.
[12] Does not include seller's contractually provided for 0.25 cent per Mcf dehydration allowance. Seller states such allowance ceased after February 1, 1964.
[13] Includes 0.25 cent per Mcf for dehydration allowance paid to seller by buyer for gas dehydrated by seller.

International Oil & Gas Corporation (Operator), et al. (International), request waiver of notice to make their proposed rate increases effective as of January 1, 1964. Tenneco Corporation (Operator), et al., request an effective date of December 1, 1963, and Texas Gulf Producing Company requests that its proposed rate filing be made effective as of February 1, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The proposed rate increases filed by International provide for the 1 cent periodic to be computed on the contract base rate of 12.0 cents per Mcf exclusive of the 1.0 cent per Mfc minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate of 12.0 cents per Mcf plus periodic increase results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended [18 CFR Ch. I, Part 2, § 2.56].

[F.R. Doc. 64–2175; Filed, Mar. 5, 1964; 8:45 a.m.]

[Docket No. E–7151]

OTTER TAIL POWER CO.

Notice of Application

MARCH 2, 1964.

Take notice that on February 24, 1964, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Otter Tail Power Company (Applicant), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minesota, North Dakota, and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of 30,000 shares of additional Cumulative Preferred Stock for a negotiated sale and an exemption from competitive bidding. The stock will have no par value and bear an annual dividend of $4.65. The new shares will be the third series of the Company's Cumulative Preferred which are all of the same class and of equal rank and identical in all respects except that each series may have such designation, dividend rate and redemption and liquidation prices as are fixed in the resolution of the Board of Directors creating the series.

The Applicant proposes to issue and sell the New Preferred Shares at a price of $100.00 per share, plus accrued dividends, to three institutional purchasers. For the services of Glore, Forgan & Co., and Kalman & Company, Inc., the Applicant proposes to pay a finders fee of ½ of 1 percent of the purchase price.

According to the application, the New Preferred Shares will be issued to secure funds to repay short-term bank construction loans incurred in late 1963 and defray a portion of the expense of its construction program in 1964. Total construction for 1964 will total $7,667,000, Applicant estimates. $2,355,000 will be spent on Applicant's Hoot Lake Plant, $737,000 on its 115 kv Grid, $1,956,000 on other transmission facilities and substations, and most of the balance on distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of March 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance

with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2176; Filed, Mar. 5, 1964; 8:45 a.m.]

[Project Nos. 405, 2355]

SUSQUEHANNA POWER CO. ET AL.

Proposed Amendment of License, Applications and Application for Approval of Contract

FEBRUARY 28, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the Susquehanna Power Company (Susquehanna) and Philadelphia Electric Power Company (Philadelphia Power) (correspondence to: Vincent P. McDevitt, 1000 Chestnut Street, Philadelphia 5, Pennsylvania) for amendment of the license for the Conowingo Project, designated Project No. 405, to eliminate certain contracts described and referred to therein between some or all of the above captioned affiliated companies and another affiliate, The Susquehanna Electric Company, relating to the financing and operation of the Conowingo Project and related transmission facilities. In pertinent part, the joint application for amendment states that:

The agreements in question are complicated, cumbersome, inflexible and outmoded. In the opinion of Joint Licensees, the purposes sought to be achieved by the various intercompany arrangements can be better achieved by a simplified, long-term agreement under which joint Licensees would sell and deliver the output of the Conowingo Project (except for amounts of power and energy required by their respective corporate charters to be delivered locally) to Philadelphia Electric Company, the ultimate purchaser of the power and energy under the present maze of intercompany agreements.

Public notice is also given that application has been filed under the Federal Power Act by Susquehanna and Philadelphia Power (correspondence to: Vincent P. McDevitt, 1000 Chestnut Street, Philadelphia 5, Pennsylvania) for Amendment No. 1 to the application for license for Project No. 2355 so as to withdraw the portion of the application seeking a new license for the Conowingo Project.

Public notice is also given that application has been filed under the Federal Power Act by Susquehanna and Philadelphia Power (correspondence to: Vincent P. McDevitt, 1000 Chestnut Street, Philadelphia 5, Pennsylvania) for Amendment No. 2 to the application for a 50-year license for Project No. 2355 substituting the Philadelphia Electric Company (Philadelphia Electric) as applicant in lieu of the two aforesaid applicants. Project No. 2355, to be known as Muddy Run Project, is situated on the Susquehanna River in Cecil and Harford Counties, Maryland, in the general vicinity of Conowingo and Darlington.

The Muddy Run project, would consist of: A dam across Muddy River and a dike to contain an upper reservoir of 60,500 acre-feet at elevation 520 feet with a maximum drawdown of 50 feet which would provide 35,500 acre-feet of usable storage; an open canal to convey water from the forebay to an intake structure to be located about 1,000 feet from the Conowingo Reservoir; shafts and tunnels to convey water to a conventional outdoor type powerhouse to be located on the east bank of the existing Conowingo Reservoir, the proposed powerhouse is to contain a hydroelectric installation of 800,000 kilowatts; and appurtenant electrical and mechanical facilities.

Public notice is also given of the submission for approval of a contract for the sale of power generated at the Conowingo Project (Project No. 405) extending beyond the date of termination of the license pursuant to section 22 of the Federal Power Act (16 U.S.C. 815). The aforesaid contract entered into on January 29, 1964, by Susquehanna, Philadelphia Power and Philadelphia Electric (correspondence to: Vincent P. McDevitt, 1000 Chestnut Street, Philadelphia 5, Pennsylvania) covers the sale of all electric power and energy generated at Conowingo Project (Project No. 405) (less amounts of power and energy required to be delivered locally by the charters of Susquehanna and Philadelphia Power) to Philadelphia Electric to become effective upon the date of issuance of a Commission license for Project No. 2355 (Muddy Run) continuing in full force and effect for the duration of the license for Project No. 2355.

In support of the contract, the filing company, Susquehanna, states that Susquehanna and Philadelphia Power are 100 percent subsidiaries of Philadelphia Electric. That the proffered contract is to supersede the complex and unwieldly contractual arrangements now described and referred to in certain provisions of the license for Project No. 405 all as more fully described in the first paragraph of this notice.

The agreement provides for payment by Philadelphia Electric to Susquehanna and Philadelphia Power of the operating expenses of the project and a return equal to 5.4 percent per annum on the net investment in the project plus working capital. The agreement also provides that the payments otherwise required to be made by Philadelphia Electric shall be reduced by any revenues received by Susquehanna or Philadelphia Power from the sale of electric power and energy from the Conowingo Project to anyone other than Philadelphia Electric and by the amount of any revenues received by Susquehanna and Philadelphia Power from any other source.

Protests or petitions to intervene in the proceedings on the aforesaid applications for amendment, or the aforesaid contract submitted for approval pursuant to section 22 of the Federal Power Act, may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8, 1.10 or 1.37). The last day upon which protests or petitions may be filed is April 17, 1964. The aforesaid applications for amendment and proffered contract are on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2177; Filed, Mar. 5, 1964; 8:46 a.m.]

[Docket No. E-7026]

WISCONSIN MICHIGAN POWER CO.

Order Fixing Date for Oral Argument

FEBRUARY 28, 1964.

On January 7, 1964, the Presiding Examiner issued his decision in this proceeding. Exceptions thereto were filed on February 7, 1964, by Wisconsin Michigan Power Company (Wisconsin Michigan); the intervening Cities of Clintonville, Florence, Kaukauna, New London, Oconto Falls, and Shawano, Wisconsin (Intervenor Cities); and the Commission staff.

In addition, Intervenor Cities on the same date requested an opportunity to present oral argument before the Commission in support of their exceptions.

By letter dated February 17, 1964, Wisconsin Michigan stated that it believed oral argument to be unnecessary but requested that in the event oral argument is granted, such be scheduled prior to March 26, 1964, or subsequent to April 17, 1964, because of a scheduled trip by Company's counsel.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Federal Power Act that the request for oral argument before the Commission be granted as hereinafter ordered and provided.

The Commission orders:

(A) Oral argument shall be held before the Commission on March 24, 1964, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in the issues presented by the exceptions to the Presiding Examiner's decision.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before March 17, 1964, of such intention and the time requested for presentation of their argument.

(C) The petition to intervene and to reopen filed by Oconto Electric Cooperative on February 10, 1964, is hereby denied for the reason that it is untimely, without prejudice to Oconto's right to file a petition for leave to file a brief amicus curiae in this proceeding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2179; Filed, Mar. 5, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

MARCH 2, 1964.

The common stock, 10¢ par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period March 3, 1964 through March 12, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2180; Filed, Mar. 5, 1964; 8:46 a.m.]

[File No. 24A-1613]

ESS-KAY ENTERPRISES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 2, 1964.

I. Ess-Kay Enterprises, Inc., Suite 407, 101 Marietta Street Building, Atlanta, Georgia, 30303 (issuer), a Georgia Corporation, filed with the Commission on April 5, 1962, a notification on Form 1-A and an offering circular relating to a proposed public offering of its $10.00 par value common stock for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 as amended pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Subsequently, the filing was amended and an offering of 13,416 shares of the issuer's common stock at $15.00 per share for an aggregate amount of $201,240.00 was commenced on October 29, 1962.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer failed to file, as required by Rule 258, copies of sales literature prepared and sent to more than ten (10) persons in connection with the offering.

B. Sales literature used by the issuer contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading in that it:

1. Exaggerates the success of the offering by understating the number of shares remaining to be sold;

2. Fails to disclose adequately and clearly that dividends declared and paid by the issuer were not earned and that at least a portion thereof represented a return of capital;

3. States that contemplated sale by the issuer of additional securities at a higher price would make investors' stock worth more, and

4. Fails to disclose in financial statements sent to stockholders information relating to the declaration of a stock dividend which had the effect of reducing the per share book value of issuer's stock.

C. The issuer's offering circulars contain untrue statements of material facts; omit to state material facts and contain a materially misleading presentation of facts, as follows:

1. The offering circular dated October 29, 1962, fails to disclose interests of officers, directors and promoters in certain material transactions, involving acquisition of assets by the issuer and affirmatively states that none of the officers, directors, and promoters had any interests in any material transactions within the preceding three years to which the issuer was a party other than those disclosed;

2. The revised offering circular and amendments thereto falsely state that a material transaction involving the acquisition costs of a subsidiary was the result of arm's-length bargaining, and fails to disclose adequately interests of officers, directors and promoters in material transactions to which the issuer and its affiliates, were parties, and

3. The revised offering circular incorrectly states and substantially inflates the per share book value of the issuer's stock.

D. The issuer has failed to cooperate in that it has not revised its offering circular to disclose certain material information required, pursuant to the provisions of Rule 256(e).

E. The issuer in the distribution of these securities has engaged in transactions, practices and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities, in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty (30) days after the entry of this order; that within twenty (20) days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2181; Filed, Mar. 5, 1964; 8:46 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

MARCH 2, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security.

otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period March 3, 1964 through March 12, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 64-2182; Filed, Mar. 5, 1964; 8:46 a.m.]

[File No. 1-545]

R. C. WILLIAMS & COMPANY, INC.

Order Summarily Suspending Trading

MARCH 2, 1964.

The common stock, $1.00 par value, of R. C. Williams & Company, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period March 2, 1964 to March 11, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 64-2183; Filed, Mar. 5, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a, Application 73, Amdt. 1]

OHIO MOTOR FREIGHT TARIFF COMMITTEE, INC.

Directing Modified Procedure

Present: Howard Freas, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the petition filed December 30, 1963, by the Ohio Motor Freight Tariff Committee, Inc., seeking approval under section 5a of the Interstate Commerce Act to change the bylaws so as to eliminate the requirement that at least 15 percent of the members be present at membership meetings to constitute a quorum, and the protest of the National Industrial Traffic League:

It is ordered, That this matter be handled under modified procedure; that the parties or their representatives comply with the provisions of § 1.45 to 1.54, inclusive, of the Commission's general rules of practice, the filing and service of pleadings to be as follows: (a) Opening statement of facts and argument by applicants (and any parties supporting applicants) on or before March 30, 1964; (b) 30 days after that date, statement of facts and argument by protestants (and any supporting parties); and (c) reply by applicants (and any supporting parties) 10 days thereafter. The stated specific time periods apply to all parties.

And it is further ordered, That a copy of this order by filed with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 28th day of February A.D. 1964.

By the Commission, Commissioner Freas.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 64-2187; Filed, Mar. 5, 1964; 8:46 a.m.]

[Notice 950]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 3, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66226. By order of February 27, 1964, the Transfer Board approved the transfer to Hohenwald Truck Lines, Inc., Hohenwald, Tenn., of Certificates in Nos. MC 17000 and MC 17000 (Sub-No. 3), issued November 3, 1950, and February 6, 1964, respectively, to E. M. Adcox and James M. Adcox, a partnership, doing business as Hohenwald Truck Line, Hohenwald, Tenn., authorizing the transportation of, general commodities, with the usual exceptions including household goods and commodities in bulk, between Nashville, Tenn., and Hohenwald, Tenn; between Hohenwald, Tenn., and the junction of Tennessee Highways 48 and 100 north of Kimmins, Tenn., and between Nashville, Tenn., and the junction of Tennessee Highways 48 and 100, north of Kimmins, Tenn. Robert H. Cowan, 434 Stahlman Building, Nashville 3, Tenn., attorney for applicants.

No. MC-FC 66457. By order of February 27, 1964, the Transfer Board approved the transfer to Majors Truck Line, Inc., Caneyville, Ky., of the operating rights in Interstate or Foreign Commerce claimed under the "grandfather" clause of section 206(a)(7)(B) by Damon Majors, doing business as Majors Truck Line, Caneyville, Ky., in No. MC 97394 (Sub-No. 2) covering the movement of property in the State of Kentucky. Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky., attorney for applicants.

No. MC-FC 66485. By order of February 27, 1964, the Transfer Board approved the transfer to G. F. Kiesel, doing business as Paramount Hauling, St. Louis, Mo., of Certificate in No. MC 79269, issued January 26, 1960, to Glenn Dressel and Ed Dressel, a partnership, doing business as Dressel Truck Service, Trenton, Ill., authorizing the transportation of: Sand, gravel, crushed stone, lime, brick, building blocks, coal, and general commodities, with the usual exceptions including household goods, from, to, or between specified points in Missouri and Illinois. A. A. Marshall, 216 Buder Building, St. Louis, Mo., 63101, representative for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 64-2188; Filed, Mar. 5, 1964; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 166]

PENNSYLVANIA RAILROAD CO.

Rerouting of Traffic

In the opinion of Charles W. Taylor, agent, The Pennsylvania Railroad Company, is unable to handle traffic on its lines at South Amboy, New Jersey, because of the independent tugboat operators' work stoppage.

It is ordered, That:

(a) Rerouting traffic: The Pennsylvania Railroad Company, being unable to handle such traffic presently on hand at South Amboy, New Jersey, account of the independent tugboat operators' work stoppage is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroad before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed

to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4:00 p.m., February 28, 1964.

(g) Expiration date: This order shall expire at 11:59 p.m., March 6, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 28, 1964.

Interstate Commerce Commission.

[SEAL] CHARLES W. TAYLOR, *Agent*.

[F.R. Doc. 64-2189; Filed, Mar. 5, 1964; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 2, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38847: *Cement from Milwaukee, Wis.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2705), for interested rail carriers. Rates on cement and related articles, in carloads, from Milwaukee, Wis., to points in Indiana.

Grounds for relief: Market competition.

Tariffs: Supplements 64 and 80 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. 4225 and C-65, respectively.

FSA No. 38848: *Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 74), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory.

Grounds for relief: Motor-truck competition.

FSA No. 38849: *Sand to Fredericktown, Ohio and Reading, Pa.* Filed by Southwestern Freight Bureau, agent (No. B-8513), for interested rail carriers. Rates on sand, in carloads, from specified points in Missouri and Oklahoma, also Guion, Ark., and Brady, Tex., to Fredericktown, Ohio and Reading, Pa.

Grounds for relief: Market competition and modified short-line distance formula.

Tariff: Supplement 4 to Southwestern Freight Bureau, agent, tariff I.C.C. 4565.

FSA No. 38850: *Sand to Syracuse and Utica, N.Y.* Filed by Southwestern Freight Bureau, agent (No. B-8514), for interested rail carriers. Rates on sand, in carloads, from specified points in Missouri and Oklahoma, also Guion, Ark., to Syracuse and Utica, N.Y.

Grounds for relief: Market competition.

Tariff: Supplement 4 to Southwestern Freight Bureau, agent, tariff I.C.C. 4565.

FSA No. 38851: *Sand to Wooster, Ohio, Blossburg, Pa., and Blue Creek, W. Va.* Filed by Southwestern Freight Bureau, agent (No. B-8515), for interested rail carriers. Rates on sand, as described in the application, in carloads, from specified points in Missouri and Oklahoma, also Guion, Ark., and Brady, Tex., to Wooster, Ohio, Blossburg, Pa., and Blue Creek, W. Va.

Grounds for relief: Market competition, and modified short-line distance formula.

Tariff: Supplement 4 to Southwestern Freight Bureau, agent, tariff I.C.C. 4565.

FSA No. 38852: *Woodpulp from Tupper, N.S.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2706), for interested rail carriers. Rates on woodpulp and woodpulp screenings, in carloads, from Tupper, N.S., to Milltown, N.J.

Grounds for relief: Foreign water competition.

Tariff: Supplement 23 to Canadian National Railways, tariff I.C.C. E-517.

FSA No. 38853: *Superphosphate to Cincinnati, Ohio.* Filed by O. W. South, Jr., agent (No. A4460), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, from Florida producing points, to Cincinnati, Ohio.

Grounds for relief: Rail-barge-truck competition.

Tariff: Supplement 98 to Southern Freight Association, agent, tariff I.C.C. S-88.

FSA No. 38854: *Sulphuric acid from LeMoyne, Ala.* Filed by O. W. South, Jr., agent (No. A4465), for Southern Railway Company. Rates on sulphuric acid, in tank car loads, from LeMoyne, Ala., to Lowland, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 80 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 38855: *Sulphuric acid from LeMoyne, Ala.* Filed by O.W. South, Jr., agent (No. A4466), for interested rail carriers. Rates on sulphuric acid, in tank car loads, from LeMoyne, Ala., to Calhoun and Etowah, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 80 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 38856: *Sulphuric acid from Mobile, Ala.* Filed by O. W. South, Jr., agent (No. A4467), for interested rail carriers. Rates on sulphuric acid, in tank car loads, from Mobile, Ala., to Pace, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 80 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 38857: *Sulphuric acid from LeMoyne, Ala.* Filed by O. W. South, Jr., agent (No. A4468), for and on behalf of Southern Railway Company. Rates on sulphuric acid, in tank car loads, from LeMoyne, Ala., to Brunswick, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 80 to Southern Freight Association, agent, tariff I.C.C. S-162.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 64-2141; Filed, Mar. 4, 1964; 8:48 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11143

PUBLIC ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

WHEREAS participation by the United States in the forthcoming international trade negotiations has been made possible by enactment of the Trade Expansion Act of 1962;

WHEREAS these international trade negotiations will have a significant impact upon the economy as well as upon the international relations of the United States; and

WHEREAS the agencies of the United States Government concerned, and, in particular, the Office of the Special Representative for Trade Negotiations, require the advice of public representatives of the economy of the United States in preparing for and participating in these international trade negotiations;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment and membership of Committee.* (a) There is hereby established a committee to be known as the Public Advisory Committee for Trade Negotiations (hereinafter referred to as the Committee).

(b) The Committee shall be composed of not less than 30 and not more than 40 members, who shall serve without compensation. The members, other than the Chairman, shall be designated by the President from among appropriately qualified citizens of the United States outside the United States Government, and shall be representative of the economy of the United States.

SEC. 2. *Functions of Committee.* (a) The Committee shall advise the Special Representative for Trade Negotiations with respect to such matters as he may specify pertaining to the preparation for and the participation in international trade negotiations.

(b) The Committee shall be chaired by the Special Representative for Trade Negotiations or his Deputy and shall meet upon the request of the Special Representative for Trade Negotiations or his Deputy.

SEC. 3. *Regulations.* (a) The provisions of Sections 4, 6(a), 6(b), 6(c), 6(f), and 10 of Executive Order No. 11007 of February 26, 1962, are hereby adapted and made applicable to the Committee.

(b) The Special Representative for Trade Negotiations shall be responsible for assuring compliance with the above-indicated provisions of Executive Order No. 11007 in relation to the Committee, and he is authorized to exercise the authority contained in sections 6(f) and 10(a) of that order and to prescribe such additional regulations with respect to the Committee as he may deem necessary.

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 2, 1964.

[F.R. Doc. 64-2288; Filed, Mar. 5, 1964; 4:39 p.m.]

Executive Order 11144

ESTABLISHING THE TEMPORARY ALASKA CLAIMS COMMISSION

WHEREAS subsection (a) of Section 46 of the Alaska Omnibus Act provides, in part, as follows:

> In the event that any disputes arise between the United States and the State of Alaska prior to January 1, 1965, concerning the transfer, conveyance, or other disposal of property to the State of Alaska pursuant to section 6(e) of the Act of July 7, 1958 (72 Stat. 339, 340), providing for the admission of the State of Alaska into the Union, or pursuant to this Act, the President is authorized (1) to appoint by and with the advice and consent of the Senate a temporary commission of three persons, to consider, ascertain, adjust, determine, and settle such disputes, and (2) to make such rules and regulations as may be necessary to establish such temporary commission or as may be necessary to terminate such temporary commission at the conclusion of its duties;

WHEREAS agreement has been reached on the transfer of substantial amounts of property from the Federal Government to the State of Alaska;

WHEREAS a dispute as described in the above-quoted statutory provision has arisen with respect to certain listed properties;

WHEREAS the Governor of the State of Alaska has formally requested that the President appoint a commission as provided in that statutory provision; and

WHEREAS I deem the establishment of such a commission to be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by the Alaska Omnibus Act (P.L. 86-70, approved June 25, 1959; 73 Stat. 141 et seq.), and as President of the United States, it is ordered as follows:

SECTION 1. *The Commission.* (a) There is hereby established a commission which shall be known as the Temporary Alaska Claims Commission (hereinafter referred to as the Commission).

(b) The Commission shall be composed of three persons, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are not officers or employees of either the United States or the State of Alaska. The President shall from time to time designate one of the persons composing the Commission to be the chairman thereof.

(c) The General Services Administration is hereby designated as the agency which shall provide administrative services for the Commission on a reimbursable basis.

SEC. 2. *Functions of the Commission.* (a) With respect to certain property which was on December 31, 1959, owned or held by the United States and controlled by the Fish and Wildlife Service of the Department of the Interior or its subdivisions as listed on the attachment hereof headed "SCHEDULE OF PROPERTY", the Commission shall perform the functions and exercise the powers vested in it by the provisions of Section 46 of the Alaska Omnibus Act. In so doing, the Commission shall consider, ascertain, adjust, determine, and settle the dispute which has arisen between the United States and the State of Alaska concerning the transfer, conveyance, or other disposal to the State of Alaska of the said property. The attached "SCHEDULE OF PROPERTY", mentioned above, is hereby made a part of this order.

(b) The Commission shall timely report to the Secretary of the Interior its settlements with respect to the said listed property.

SEC. 3. *Transfer of property.* To the extent necessitated by settlements made by the Commission in respect of the property listed on the hereto attached "SCHEDULE OF PROPERTY", the Secretary of the Interior, under the authority of subsection (e) of Section 6 of the Act of July 7, 1958, or under the authority of subsection (a) of Section 45 of the Alaska Omnibus Act as affected by Section 2 of Executive Order No. 10857 of December 29, 1959, as the case may be, shall transfer, convey, or otherwise dispose of the said property to the State of Alaska.

SEC. 4. *Termination of Commission.* The Commission shall terminate 60 days after the date of the delivery of its report to the Secretary of the Interior under the provisions of subsection (b) of Section 2 of this order or upon such earlier or later date as the President shall hereafter specify.

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 5, 1964.

SCHEDULE OF PROPERTY*

	Location of property in Alaska	Nature of property	Quantity of property	General identification or description of property**
I	Anchorage	Buildings	6	The six buildings comprise an aircraft depot and include (1) two hangars (one of which has office space and laboratory space), (2) two warehouses (one of which is referred to as "Hood Lake"), and (3) two small utility buildings.
II	Dillingham	Buildings	2	Residences.
III	Fairbanks	Buildings	3	The three buildings comprise one facility and include (1) one office building (having six offices, full basement, dark room, laboratory, a two-car garage, and one gasoline pump), (2) one hangar, 50' x 60' (having room for four light aircraft and having a 12' x 20' heated shop), and (3) one warehouse, 12' x 20', unheated.
IV	Fairbanks	Land	1 parcel	1,500 acres, comprising the Reindeer Experimental Station near Fairbanks.
V	Fort Yukon	Buildings	2	The two buildings comprise one facility and include (1) one warehouse, 12' x 20', and (2) one log cabin, 14' x 20'.
VI	Juneau	Vessel	1	Name: Grizzly Bear.
VII	Juneau	Power scow	1	Name: Murre II.
VIII	Ketchikan	Vessel	1	Name: Polar Bear.
IX	Kodiak	Dock and warehouse.	1	This facility consists of (1) a dock 14' x 67', and (2) a storage building of 1,248 square feet.
X		Vessel	1	Name: Sockeye.
XI***		Aircraft	20	The 20 aircraft consist of: 6 Grumman "Goose" planes. 7 Super Cub planes. 7 Cessna planes.

*Cf. Section 2 of the Executive order.
**Dimensions and areas stated are approximate.
***Item XI of the "SCHEDULE OF PROPERTY" reflects the substance of the following excerpt from an October 9, 1963, letter of the Attorney General of the State of Alaska to Mr. Lee C. White, the White House, Washington, D.C.:
"The following are the properties we are claiming for the State of Alaska:
"
"III. *Aircraft*
A. Six Grumman 'Goose'
B. Seven Super Cubs
C. Seven Cessna"
In his letter of February 13, 1964, to the Director of the Bureau of the Budget, the Administrative Assistant Secretary of the Interior has observed, in relation to the above: ". . . the number of aircraft . . . should be reduced to 19 and 6 since one Super Cub plane has been lost."

[F.R. Doc. 64-2312; Filed, Mar. 6, 1964; 9:48 a.m.]

Rules and Regulations

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3343]

ALASKA

Revoking Public Land Order No. 1408 of April 5, 1957

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1408 of April 5, 1957, which reserved for administration or transfer the following-described lands in accordance with the provisions of the Act of May 4, 1956 (70 Stat. 130), is hereby revoked:

(Anchorage 030441)

SEWARD MERIDIAN

T. 16 N., R. 3 W.,
Sec. 3, E½E½ of lot 5.
T. 17 N., R. 2 W.,
Sec. 8, lot 10.
T. 18 N., R. 3 W.,
Sec. 25, SE¼SE¼NW¼, that portion above mean high water;
Sec. 35, lot 8.

The tracts described contain 23.74 acres.

(Anchorage 031058)

SEWARD MERIDIAN

T. 20 N., R. 6 E.,
Sec. 24, lot 3.
T. 20 N., R. 7 E.,
Sec. 19, lot 1.

The areas described aggregate 67.24 acres.

2. Until 10:00 a.m. on June 1, 1964, the State of Alaska shall have a preferred right to select the lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b); Section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. This order shall not otherwise become effective to change the status of the lands until 10:00 a.m. on June 1, 1964. At that time they shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference rights applications from the State, received at or prior to 10:00 a.m. on June 1, 1964, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 3, 1964.

[F.R. Doc. 64-2224; Filed, Mar. 6, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER D—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 554—EXCHANGE SERVICE

Miscellaneous Amendments

Sections 554.8, 554.9, and 554.11 are revised to read as follows:

§ 554.8 Authorized activities.

(a) All authorized revenue producing merchandise and service activities financed with nonappropriated funds as defined by AR 230-5 and AFR 176-1 will be operated as exchange activities except:

(1) Army or Air Force motion picture theaters.

(2) Book departments at authorized service schools.

(3) Post or base restaurants.

(4) Class VI agencies outside the United States established by oversea major commanders for the sale and distribution of alcoholic beverages other than malt beverages.

(5) Publication of magazines, newspapers, and similar periodicals.

(b) The following activities that also engage in or involve resale of limited merchandise and services are exempt from exchange management; however, this will not preclude the sale of similar items at installation exchanges.

(1) Officers', noncommissioned officers', aviation cadets', enlisted airmen's open messes.

(2) Special Services crafts reimbursable supply program.

(3) Vending machines at off-post and off-base U.S. Army Reserve Training Centers.

(4) Vocational training fund activities at U.S. disciplinary barracks.

(5) Oversea military transient billeting facilities.

(6) Activities conducted by nonappropriated welfare and sundry funds involving the collection of service charges.

(7) When authorized by the responsible commander, the sale at bowling alleys of bowling supplies, tobacco, food, and beverages, and the sale at golf courses of golf equipment available only to golf professionals registered with an accredited professional golfers' association.

(8) The sale of items not otherwise specified may be authorized by the major commander in circumstances where such action is consistent with the mission and objectives of the exchange.

(c) The operation of or solicitation by independent civilian enterprises consisting of or dealing in merchandise or services which are authorized to be furnished by exchanges is prohibited on military installations except upon determination by the installation commander that it is impracticable for the exchange to provide the merchandise or services either directly or by concession or other agreement.

§ 554.9 Procurement.

(a) The Chief, A&AFES, is vested with the responsibility and authority for procurement of A&AFES merchandise, supplies, services, and equipment with power of redelegation as outlined in applicable departmental regulations.

(b) Exchange procurement will be conducted on the basis of full and free competition to the maximum extent practicable, and consistent with the immunity of exchanges from State regulation and control. Award will be made to that responsive and responsible contractor whose offer is most advantageous to the exchange, price and other factors considered.

(c) Procurement of merchandise, equipment, supplies, and services of United States origin for oversea exchanges, including preliminary communications and negotiations relating thereto, will be accomplished only through or as authorized by, the Chief, A&AFES.

(d) Merchandise will neither be received nor held under any agreement which stipulates that payment for it will be made after sale unless approved by the Chief, A&AFES.

§ 554.11 Exchange personnel.

(a) *Military.* Army and Air Force officers will be in executive control of the A&AFES. Enlisted personnel will only be assigned to exchange duty as prescribed in applicable directives. Enlisted personnel employed during off-duty hours to supplement available civilian manning will be compensated from A&AFES funds.

(b) *Civilian.* Civilian personnel paid from A&AFES funds will be utilized to satisfy normal administrative and operational manning requirements within the exchange service. Policies and procedures governing the administration of A&AFES civilian employees will be in accordance with the Act of 19 June 1952 (5 U.S.C. 150k, k-l) and applicable departmental directives.

[AR 60-10, January 30, 1964] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-2221; Filed, Mar. 6, 1964; 8:47 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE AND MARINE CORPS RESERVE

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Miscellaneous Amendments

Scope and purpose. The amendments update Parts 713 and 730 in accordance with recent changes to the Bureau of Naval Personnel Manual (distributed as Change No. 9 to naval commands).

1. Section 713.10 is revised to read as follows:

§ 713.10 District and CNARESTRA Boards.

(a) In order to insure that items brought before the National Board represent items of concern to the greatest number of Naval Reservists, Commandants and the Chief of Naval Air Reserve Training shall convene, at least once a year, Naval Reserve Policy Boards for the purpose of referring to the National Board, matters of policy which, in the opinion of these Boards, should be given consideration by the National Board.

(b) Each such Board should be composed of not more than five (5) representative inactive duty Naval Reservists, officers or enlisted, plus such Regular or Reserve officers on active duty as the Commandant or CNARESTRA may desire. In order to lend continuity of experience, the members of the National Board and their alternates, as practicable, should be members of their respective District/CNARESTRA Boards during their tenure and for one year after termination of their membership on the National Board. All other members of the Boards should be appointed for a two-year tenure with 50 percent of the memberships expiring each year.

(c) Commandants and CNARESTRA are authorized to issue temporary active duty orders for up to 15 days to inactive duty Naval Reservists, for membership on District/CNARESTRA Boards. This temporary active duty may be in addition to normal annual training duty periods. Costs for inactive duty Reservists are chargeable to the appropriation "Reserve Personnel, Navy" and the allotment applicable to the addressees. Costs for temporary additional duty orders for officers on active duty are chargeable as an administrative function of the Commandant/CNARESTRA.

(d) Individual Reservists are not authorized to submit items directly to the National Board, but may submit Naval Reserve policy items for consideration by District and CNARESTRA Boards as prescribed by the respective Commandants and CNARESTRA. If the problem is deemed of sufficient importance, it should then be referred to the entire District/CNARESTRA Board for study and comment and the results thereof forwarded via the Commandant or CNARESTRA to the President of the National Board. Problems of less urgent nature should be referred to the District/CNARESTRA Board members for study; with a discussion thereof being held at the annual Board meeting.

(e) Commandants and CNARESTRA are enjoined to make certain that items referred to the National Board are based upon factual information and are applicable to a broad segment of the Naval Reserve. Items considered by Boards which are local in nature or amenable to administrative solution should be handled locally or placed in appropriate administrative channels. Items disapproved by District/CNARESTRA Boards should be forwarded to the National Board only if there is good reason for further consideration. Whenever such an item, in the opinion of the Commandant/CNARESTRA, should be considered by the National Board or would provide that Board greater insight into the development of effective Naval Reserve policy, forwarding is encouraged and desirable.

2. Section 713.14 is revised to read as follows:

§ 713.14 Duties of District Naval Reserve Inspection Boards.

(a) District Naval Reserve Inspection Boards shall conduct annual inspections of all facilities and organizations of the Naval Reserve except units located in areas remote from Naval Reserve Training Centers, and units whose composition, size, infrequency of meetings and other characteristics, as determined by Commandants, render a formal inspection unwarranted.

(b) Inspections conducted by the National Naval Reserve Inspection Board may, at the discretion of the Commandant, be utilized in lieu of a District inspection.

3. Section 713.35 is amended by revising paragraph (f)(1) and (2)(i) to read as follows:

§ 713.35 Exemption or deferment from induction by participation in Naval Reserve training.

* * * * * *

(f) *Reports.* (1) Reports on DD Form 44 (Record of Military Status of Registrant) shall be made to the appropriate Selective Service local board on all Ready Reservists who have not yet reached their twenty-sixth birthday.

(2) This report shall be submitted on the following occasions:

(i) upon enlistment, except when individual has not reached his 18th birthday.

* * * * * *

4. Section 713.213 is amended by revising paragraph (e) to read as follows:

§ 713.213 Annual qualifications questionnaire-Inactive Reserve (NavPers 319).

* * * * * *

(e) *Control of mailing and receipt.* Commanders may institute any system desired to control the mailing and receipt of questionnaires, exerting maximum effort to obtain the current information from reserve officers which is essential to sound mobilization planning.

5. Section 713.321 is revised to read as follows:

§ 713.321 Responsibility for procurement.

(a) In implementing policies established by the Secretary of the Navy relative to the over-all needs of the Naval Establishment for Naval Reserve officers, the Chief of Naval Personnel will issue appropriate procurement directives to Navy Recruiting Stations and to other service activities. These directives will contain the basic authority for the procurement of Naval Reserve officers and officer candidates and will outline specific requirements of procurement programs involved, as well as processing procedures.

(b) Officers in charge of the Navy Recruiting Stations and other activities specifically designated by the Chief of Naval Personnel shall process and recommend civilian applicants and enlisted Naval Reserve applicants not on active duty for appointment as officers and officer candidates of the Naval Reserve, in accordance with directives issued by the Chief of Naval Personnel.

(c) Commanding officers of enlisted personnel on active duty shall forward applications of persons within their commands who are applicants for appointment in the Naval Reserve and who are applying for appointment under the authority of specific directives issued by the Chief of Naval Personnel.

(d) The Chief of Naval Personnel will approve or disapprove applications for appointment in the Naval Reserve and may recommend such applicants as meet requirements to the Secretary of the Navy for appointment. In making recommendations, due consideration will be given by the Chief of Naval Personnel to the recommendations of the Navy Recruiting Stations or the commanding officer through whom the application is submitted, to the representative of the bureau or office of the Navy Department having cognizance of the specialty for which the appointment is sought as to professional qualifications, and to the recommendations of the Bureau of Medicine and Surgery as to physical qualifications.

6. Section 713.324 is amended by revising paragraph (a) to read as follows:

§ 713.324 Procedures for making application for appointment.

(a) Except as provided in § 713.326, civilian applicants and enlisted reservists not on active duty may apply for appointments as officers or midshipmen at Navy Recruiting Stations.

* * * * * *

7. Section 713.325 is amended by redesignating paragraphs (c) to (h) as

(d) to (i) and inserting a new paragraph (c) to read as follows:

§ 713.325 Qualifications for original appointment.

* * * * * *

(c) Those applicants selected for appointment in a restricted line (other than law specialist) category and the Civil Engineer Corps, who hold doctorate degrees from accredited colleges or universities pertaining to or allied with the categories in which they are commissioned, when considered qualified for original appointment under applicable Recruiting Service Instructions shall be appointed as permanent lieutenants (junior grade), USNR, with a date of rank 18 months preceding the date of such appointment. Applicants selected for appointment who possess Master's Degrees or who have had three years of postgraduate professional experience in a field considered to be of special value to the Navy shall be appointed as temporary lieutenants (junior grade) with a current date of rank and as permanent ensigns, USNR, with a date of rank 18 months prior to their date of rank as temporary lieutenants (junior grade), USNR.

* * * * * *

8. Section 713.326 is amended by revising paragraph (a) (4) and (5), revising and redesignating paragraph (a) (6) and (7) as (a) (7) and (8), respectively, and inserting a new paragraph (a)(6), to read as follows:

§ 713.326 Officer candidate and student officer procurement.

* * * * * *

(4) The Naval Aviation Cadet (NavCad) Program is open to unmarried men between the ages of 18 and 25 who meet the physical, professional, and psychological standards required for flight training. A person over 25 years of age who is otherwise qualified may be enlisted in the program when justified by exceptional circumstances and approved by the Secretary of the Navy. Selected applicants for this program who successfully complete the prescribed flight training are designated as naval aviators and commissioned in the Naval Reserve.

(5) The Aviation Officer Candidate (AOC) Program is for selected college graduates between the ages of 19 and 26, unless otherwise authorized by the Secretary of the Navy, who meet the physical, professional and psychological standards required for flight training. Selected civilian applicants are enlisted in the Naval Reserve as Aviation Officer Candidates. Selected enlisted applicants enter the program as Officer Candidates in their present pay grade, but not lower than pay grade E–2. Aviation Officer Candidates who successfully complete the four months Officer Indoctrination Course, if qualified, are commissioned as ensigns in the Naval Reserve, and upon successful completion of flight training are designated Naval Aviators.

(6) The Naval Aviation Officer Candidate (NAOC) Program is for selected college graduates between 19 and 27½ years of age at the time of appointment who meet the physical, professional and psychological standards required for this training. Selected civilian candidates are enlisted in the Naval Reserve as NAOC (1355) SA. Selected enlisted applicants enter this program in their present pay grade, but in no case lower than pay grade E–2. Naval Aviation Officer Candidates who successfully complete the four-month Officer Indoctrination Course, if qualified, are commissioned as Reserve Officers in the U.S. Navy, and are then assigned specialized training as Naval Aviation Observers or Aviation Specialists.

(7) The Nursing Education Program: The Nursing Education Program provides an avenue whereby selected women of the U.S. Navy and Naval Reserve on active duty may qualify for appointment in the Nurse Corps, Naval Reserve after appropriate subsidized training in approved nursing schools. Detailed information concerning this program is contained in current Bureau of Naval Personnel directives.

(8) The Navy Nurse Corps Candidate Program is for selected civilian women students enrolled in approved nursing schools. Accepted applicants are enlisted in the Naval Reserve in pay grade E–3 for active duty during the final scholastic year. Following graduation and receipt of a baccalaureate degree in nursing, if qualified, participants are appointed in the Nurse Corps, Naval Reserve. Detailed information concerning this program is contained in current instructions.

9. Section 713.351 is amended by revising paragraph (k)(1)(iii), (2) and (2)(i) to read as follows:

§ 713.351 Orders to inactive-duty training.

* * * * * *

(k) Termination policies for officer and enlisted personnel assigned to Selected Reserve units of the Naval Reserve:

(1) *Mandatory.* * * *

(iii) When a Reservist is ordered to active duty or temporary active duty for periods of more than 180 days. (Their orders to inactive duty training shall be terminated by the command issuing the active duty (ACDU) or temporary active duty (TEMAC) orders. Personnel in either of these categories shall be required to request attachment or association with units upon their return in the same manner as prescribed for initial affiliation.)

* * * * * *

(2) *Optional.* Unless otherwise prohibited by existing instructions (BUPERSINST 1570.3 (series), Subj: participation for enlisted Reservists prior to commencement of active duty, concerns 2 x 6 obligors who are not included under the provisions of this section), commandants and CNARESTRA are authorized to terminate pay orders of officers, and unit commanding officers the pay orders of enlisted personnel, attached to, or associated with, Selected Reserve units of the Naval Reserve under the following circumstances:

(i) When a Reservist is ordered to temporary active duty for periods totaling 180 days or less. The Reservist's orders to inactive duty training may be modified by the command issuing the TEMAC orders. This modification is not mandatory, but may be executed at the discretion of the command issuing the TEMAC orders. If this modification is applied, it shall be accomplished by including in the TEMAC orders, or in separate correspondence, the following: "Your orders to inactive duty training are not terminated, but are not effective during your period of temporary active duty. Your orders to inactive duty training are effective the date of the completion of your temporary active duty." If this modification is not applied to a Reservist's inactive duty training orders, they shall be terminated, effective the effective date of the TEMAC orders. In those cases where modifications are issued, the commandants and CNARESTRA should insure that a suitable billet in a drilling unit is available to the Reservist upon completion of his temporary active duty.

* * * * * *

10. Section 713.353 is amended by revising paragraph (b) to read as follows:

§ 713.353 Orders to active service.

* * * * * *

(b) In time or war, or national emergency, declared by the Congress or proclaimed by the President, or when otherwise authorized by law, orders to both officers and enlisted personnel to perform active naval service will be issued by the Chief of Naval Personnel or, under his instructions, by:

Commandants of naval districts and river commands.
Chief of Naval Air Reserve Training.
Fleet or force commanders.
Commanding officers of: Naval Reserve training centers, Naval Reserve and Marine Corps Reserve training centers, naval air stations and naval air reserve training units.
Commanding Officer, Naval Reserve Manpower Center.
Officers in charge, mobilization stations (when activated), or
Other officers who may be designated by the Secretary of the Navy.

Mobilization orders, issued in time of peace, to be executed in time of war, or national emergency or when otherwise authorized by law may be issued in accordance with the provisions of this paragraph.

* * * * * *

11. Sections 713.421 to 713.430, heretofore reserved, are added to read as follows:

RETIREMENT

§ 713.421 Introduction.

The Retired Reserve is composed of members of the Naval Reserve who have been transferred thereto, either voluntarily or involuntarily, without pay. The

Naval Reserve Retired List is composed of members of the Naval Reserve transferred thereto with pay (10 U.S.C. 6017). Members transferred to the Retired Reserve may subsequently qualify for transfer to the Naval Reserve Retired List and will be so transferred upon application provided they are found eligible in all respects.

§ 713.422 Voluntary transfer to Retired Reserve without pay.

(a) A member of the Naval Reserve will, upon his own application, be transferred to the Retired Reserve provided he meets at least one of the following requirements:

(1) Has completed a total of 20 years of honorable service in any component of the Armed Forces; or

(2) Has been found physically disqualified for active duty as a result of a service-connected disability regardless of total years of service completed.

(b) A member of the Naval Reserve may, upon his own application and in the discretion of the Secretary of the Navy, be transferred to the Retired Reserve provided he meets at least one of the following requirements:

(1) Has completed 10 or more years of active Federal commissioned service.

(2) Has been found to be physically disqualified for active duty, not as a result of his own misconduct, regardless of total years of service completed.

(3) Has attained the age of 37 years and

(i) has completed a minimum of 8 years of qualifying service (8 years in which he has earned a minimum of 50 retirement points per year) subsequent to July 1, 1949, or

(ii) has completed a minimum of 8 years of service provided that he has served honorably on active duty in time of war or national emergency for at least 6 months, or

(iii) has consistently supported the Armed Forces in an outstanding manner, as determined by the Secretary of the Navy.

(c) Enlisted members must be serving within the unexpired term of an enlistment or valid extension thereof on the effective date of transfer to the Retired Reserve. Former members are not entitled to transfer to the Retired Reserve.

§ 713.423 Transfer to Retired Reserve without pay by reason of age.

(a) *Ensigns and above.* Under authority contained in 10 U.S.C. 6391, each officer in an active status or on the inactive status list in the Naval Reserve in a grade above chief warrant officer, W–4, will be transferred to the Retired Reserve without pay on the first day of the month following the month in which he becomes 62 years of age. The Secretary of the Navy may defer the transfer of any officer of the Naval Reserve in a grade above captain and retain him in an active status until he becomes 64 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines. An officer who was initially appointed in the Naval Reserve before January 1, 1953, and who cannot complete 20 years of qualifying service for retired pay purposes before he becomes 62 years of age but can complete such service by the time he becomes 64 years of age, may be retained in an active status not later than the date on which he becomes 64 years of age.

(b) *Warrant officers.* Under authority contained in 10 U.S.C. 1164, each warrant officer of the Naval Reserve shall be transferred to the Retired Reserve or separated not later than the first day of the month following the date that is 60 days after the date on which the officer becomes 62 years of age for male officers, 55 years of age for female officers. The Secretary of the Navy may defer, for a period of not more than 4 months, the separation of any such officer if because of unavoidable circumstances, evaluation of the officer's physical condition and determination of entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when the officer would otherwise be required to be retired or separated. If the officer concerned was a Reserve warrant officer on November 1, 1954 and has not completed the required 20 years of qualifying service for retirement with pay on becoming 62 years old (for males, or 55 years for females), but can complete that service prior to the date which is 60 days after the date of attaining age 64 (for male warrant officers) or age 60 (for female warrant officers), separation may be deferred until the member concerned has completed 20 years of qualifying service, but not later than the date which is 60 days after the date of attaining age 64 (for male warrant officers) or age 60 (for female warrant officers).

§ 713.424 Transfer to Retired Reserve without pay—grade in which effected.

(a) *Officers.* Officers are normally transferred to the Retired Reserve in the grade in which serving at time of transfer. Exceptions to this general rule are as follows:

(1) *Ensigns and above.* (i) If served satisfactorily, as determined by the Secretary of the Navy, in the Navy or Naval Reserve in a grade higher than that held at time of transfer, will be transferred in such higher grade.

(ii) If recommended for promotion to a higher grade and if, before being promoted, is involuntarily transferred to the Retired Reserve as required by law for any reason other than for failure to comply with the standards and qualifications established pursuant to 10 U.S.C. 1002 for retention in an active status, will be transferred in the grade for which recommended for promotion.

(iii) Attainment of a higher grade as indicated in subdivision (i) or (ii) of this subparagraph will not entitle the member concerned to increased pay or other benefits unless otherwise provided by law.

(2) *Warrant officers.* Will be transferred in the permanent reserve warrant officer grade, if any, held on the day before the date of transfer, or in any higher warrant officer grade in which served on active duty under orders which did not specify a period of 30 days or less.

(b) *Enlisted personnel.* Enlisted personnel will be transferred to the Retired Reserve in the enlisted grade held at time of transfer.

§ 713.425 Procedure for requesting transfer to Retired Reserve without pay.

(a) A qualified member who desires transfer to the Retired Reserve shall request such transfer in writing, setting forth the desired date (which under the provisions of the Uniform Retirement Date Act, 5 U.S.C. 47a, must be effected on the first day of a month) and the reason for which transfer is requested. In order to provide for orderly processing, the requested retirement date should normally be the first day of the second month following the date the request is submitted. Unless otherwise specified, an applicant, if a member of a Reserve unit, shall submit the request to the Chief of Naval Personnel via the Commanding Officer, and the Commandant or Chief of Naval Air Reserve Training, as appropriate; if not a member of a Reserve unit, the request shall be submitted to the Chief of Naval Personnel via the Commanding Officer of the Naval Reserve Manpower Center, Bainbridge, Maryland. The Commanding Officer, the Commandant, or the Chief of Naval Air Reserve Training, as appropriate, shall terminate any existing orders to a drilling unit effective not later than the day immediately preceding the requested retirement date. In case of enlisted members who are serving in a current enlistment, the commanding officer or commandant, as appropriate, shall record the points earned by anniversary years during the current enlistment in the first endorsement on the application. In lieu of recording the points earned for each anniversary year, a certified copy of the Record of Naval Reserve Service (page 11 of the service record) may be forwarded as an enclosure to the member's application. The certified copy of page 11, if submitted, shall reflect the total points earned for each anniversary year of the current enlistment including all points earned up to the date of submission of the request for transfer. See also § 713.427(d)–(f), concerning pro rata credit for partial years.

(b) Enlisted members, in order to avoid possible ineligibility for transfer to the Retired Reserve because of expiration of enlistment and the operation of the Uniform Retirement Date Act (5 U.S.C. 47a), should specify as the desired date of transfer, the first day of any month prior to the month in which their enlistment will expire. The effective date of transfer to the Retired Reserve must be a date within the term of an enlistment contract or extension thereof. To allow sufficient processing time, applications should be forwarded at least 6 months prior to expiration of enlistment unless member plans to reenlist or extend.

§ 713.426 Transfer to Naval Reserve Retired List with pay after completion of 20 or more years of active service.

(a) Under authority contained in 10 U.S.C. 6323, any warrant or commissioned officer of the Naval Reserve who has completed more than 20 years of active service, of which at least 10 years was commissioned service (chief warrant officer, W–2, or above) may, upon application therefor and at the discretion of the Secretary of the Navy, be transferred to the Naval Reserve Retired List. Only active duty (including active duty for training) as a commissioned officer, warrant officer, enlisted man, appointed aviation cadet, or enlisted aviation cadet, in the Navy, Marine Corps, Army, Air Force, or Coast Guard, or in the Reserve components thereof, is creditable in determining eligibility for retirement. (Note: Prior enlisted service may not be credited in determining eligibility for retirement of individuals who were appointed as reserve nurses on or after August 25, 1959.) Each officer retired under this section will be retired in the highest grade, permanent or temporary, in which he served satisfactorily on active duty as determined by the Secretary of the Navy. If the Secretary determines that the officer did not serve satisfactorily in his highest temporary grade, he will be retired in the next lower grade but not lower than his permanent grade. A warrant officer who retires under this section, who has served satisfactorily in the grade of ensign or above, may elect retirement in his warrant grade or in the higher grade; if he elects retirement in the higher grade and the applicable basic pay of that grade is less than that of his warrant grade, his retired pay will be computed on the applicable basic pay of his warrant grade. Retired pay will be computed at 2½ percent of the applicable basic pay of the grade in which retired (with the exception noted in § 713.425), multiplied by the sum of the following:

(1) Total years of service (whether active or inactive) creditable for basic pay purposes as of May 31, 1958; and

(2) Total years of active service, including active duty for training, performed subsequent to May 31, 1958; and

(3) If not included in subparagraph (1) of this paragraph, total years of constructive service credited for basic pay purposes by the Act of April 30, 1956 (37 U.S.C. 205 (a)(7–8), (b), (c)) (applicable only to officers of the medical and dental corps); and

(4) One day's credit (with a maximum of 60 days credit for any one anniversary year) for each retirement point earned as a member of a Reserve component subsequent to May 31, 1958 through authorized attendance at drills, periods of equivalent instruction or appropriate duty performed as authorized by the appropriate naval district commandant or the Chief of Naval Personnel, completion of correspondence courses, and 15 points per anniversary year gratuitous credit for Reserve membership.

A part of a year that is 6 months or more which may be obtained by adding the total service outlined in subparagraphs (1) to (4) of this paragraph will be credited as a whole year for multiplier purposes. Retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based. An easy method of determining the multiplier to be used in computing retired pay for those members who have been on active duty continuously since June 1, 1958 or earlier is to subtract the pay entry base date as shown in the current Navy Register (NAVPERS 15018) from the last day of active duty.

Example: A commander is to be retired on July 1, 1962. His pay entry base date is October 12, 1940:

62	6	30	(Last day of active duty)
−40	10	12	(Pay entry base date)
21	8	19	(Credit given for both 12th and 30th since on active duty those days)

His retired pay will be computed at 2½ percent of the monthly basic pay of a commander with over 20 but less than 22 years of service creditable for basic pay purposes, multiplied by 22.

(b) Under authority contained in 10 U.S.C. 1293, any warrant or commissioned warrant officer of the Naval Reserve who has performed at least 20 years of active service, including active duty for training, may, upon application therefor and at the discretion of the Secretary of the Navy, be transferred to the Naval Reserve Retired List. Only active duty (including active duty for training) as a commissioned officer, warrant officer, enlisted man, appointed aviation cadet or enlisted aviation cadet, in the Navy, Marine Corps, Army, Air Force, or Coast Guard, or in the Reserve components thereof, is creditable in determining eligibility for retirement. An officer retired under this section will be retired in the highest warrant grade, permanent or temporary, held on active duty. If he had previously served under a temporary appointment in the grade of ensign or above he will, subsequent to retirement, be advanced to the highest temporary grade in which he served satisfactorily, as determined by the Secretary of the Navy (10 U.S.C. 6151). Retired pay will be computed at 2½ percent of the applicable basic pay of the warrant grade in which retired or the grade to which advanced, whichever is the greater basic pay, multiplied by total years of service computed as outlined in paragraph (a) of this section. Retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based.

(c) Under authority contained in 10 U.S.C. 6327, any officer or enlisted man of the Naval Reserve, who was a member of the Naval Reserve or the Marine Corps Reserve on January 1, 1953, who has performed a total of not less than 30 years of active service, or who has performed a total of not less than 20 years of active service the last 10 years of which was performed during the 11 years immediately preceding retirement, may, upon application therefor and at the discretion of the Secretary of the Navy, be transferred to the Naval Reserve Retired List. In determining whether the required service has been met, active service (not including active duty for training) as a commissioned officer, warrant officer, enlisted man, appointed aviation cadet or enlisted aviation cadet, in the Navy, Marine Corps, Army, Air Force, or Coast Guard, or in the Reserve components thereof, is creditable. A member retired under this section will be retired in the grade in which serving at the time of retirement and, with the following exception, will be entitled to retired pay computed at 50 percent of the applicable basic pay of the grade in which retired. If the member had previously served satisfactorily, as determined by the Secretary of the Navy, under a temporary appointment in an officer grade that is higher than the grade or rate held at time of retirement he will, subsequent to retirement, be advanced to that higher grade effective from the date of his retirement and will be entitled to retired pay effective from the date of retirement computed at 2½ percent of the applicable basic pay of the grade to which advanced, multiplied by total years of service computed as outlined in paragraph (a) of this section; retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based (10 U.S.C. 6151; MS CompGen B–138761, June 8, 1959). An enlisted man who is eligible for retirement under this section and who is also eligible for transfer to the Fleet Reserve under 10 U.S.C. 6330, is entitled to elect retirement or transfer to the Fleet Reserve.

(d) Time lost by reason of unauthorized absence, sickness due to own misconduct, civil arrest, or confinement (as defined in the Navy Comptroller Manual, par. 044019–1) may not be credited in determining whether the required service for retirement has been met.

§ 713.427 Transfer to Naval Retired List with pay after completion of at least 20 years of qualifying service and attaining age 60.

(a) *Chapter 67, Title 10, U.S. Code.* 10 U.S.C. 1331–1337 (formerly Title III, Public Law 810–80th Congress, as amended) provides for retired pay benefits, upon application, for any member or former member who has completed at least 20 years of qualifying service (satisfactory Federal service), subject to the following requirements:

(1) He is at least 60 years of age.

(2) He has performed the last 8 years of qualifying service as a member of a Reserve component, i.e., years in which he has been credited with at least 50 retirement points while serving as a member of a Reserve component. While the last 8 years of qualifying service is required to be service in a Reserve component, such Reserve service is not required to be continuous. In the event a period of service in a Regular component intervenes between periods of Reserve service aggregating the required 8 years, then that particular period of Regular service must be excluded in determining whether the requirement that the person performed the last 8 years of qualifying service as a member of a Reserve component has been met. If on that basis the person has the service to qualify for retired pay, the Regular service is in-

cluded in determining the amount of his retired pay.

Examples:

(i) An individual who served 14 years in the Naval Reserve and then 6 years in the Regular Navy must complete an additional 6 years of qualifying service in a Reserve status to qualify for retired pay. (The additional 6 years of qualifying service as a Reservist are necessary in order to meet the requirement that the last 8 years of qualifying service be as a member of a Reserve component. While this person has completed 20 years of "qualifying service", the last 8 years of such service was not as a member of a Reserve component.)

(ii) An individual who served 13 years in the Regular Navy, then 7 years as a Reservist followed by 4 years in the Regular Navy, must complete an additional year of qualifying service in a Reserve status to qualify for retired pay. (Although this person has completed over 20 years of "qualifying service", he must complete one more year of qualifying service as a Reservist in order to meet the requirement that the last 8 years of his qualifying service be performed as a member of a Reserve component.)

(3) He is not entitled, under any provisions of law, to retired pay from an armed force or to retainer pay as a member of the Fleet Reserve.

(4) If he was a member of a Reserve component of an armed force prior to August 16, 1945, he must have performed active duty or active duty for training after April 5, 1917 and before November 12, 1918, or after September 8, 1940 and before January 1, 1947, or he must have performed active duty other than active duty for training after June 26, 1950 and before July 28, 1953.

(b) *Determining eligibility for retired pay.* For the purpose of determining whether a person has completed the required 20 years of qualifying service for retired pay purposes, his years of service (less time lost by reason of unauthorized absence, sickness due to own misconduct, civil arrest, or confinement (as defined in the Navy Comptroller Manual, par. 044019–1)) performed in the status of a commissioned officer; warrant officer; nurse; flight officer; enlisted person; appointed aviation cadet (active duty only credited); enlisted aviation cadet; Army field clerk; field clerk, Quartermaster Corps; and, in the case of warrant officers, classified field service as an Army Headquarters clerk or clerk, Quartermaster Corps (under laws in effect prior to August 29, 1916) in an active status in any of the following may be credited as qualifying service:

(1) Years of service before July 1, 1949 in—

(i) The federally recognized National Guard before June 15, 1933, including service in the Organized Militia of the several States, Territories, and the District of Columbia as it existed subsequent to January 21, 1903.

(ii) A federally recognized status in the National Guard before June 15, 1933. The National Guard after June 14, 1933, if service was continuous from date of enlistment in the National Guard, or from date of Federal recognition, in the case of officers and warrant officers, to date of enlistment or appointment in the National Guard of the United States.

(iii) The National Guard of the United States.

(iv) The National Guard while in the service of the United States.

(v) The Army Reserve in an active Reserve status (includes the Officers' Reserve Corps and the Enlisted Reserve Corps of the Organized Reserve Corps).

(vi) The United States Naval Reserve and the United States Naval Reserve Force.

(vii) The Marine Corps Reserve and the Marine Corps Reserve Force.

(viii) The Limited Service Marine Corps Reserve.

(ix) The Naval Militia, during the period February 16, 1914 to July 1, 1918, that conformed to the standards prescribed by the Secretary of the Navy.

(x) The National Naval Volunteers.

(xi) The Air National Guard of the United States.

(xii) The Air National Guard while in the service of the United States.

(xiii) The United States Air Force Reserve (the Officers' and Enlisted Sections).

(xiv) The Air Force of the United States, without specification of component, prior to July 1, 1948.

(xv) The United States Coast Guard.

(xvi) The United States Coast Guard Reserve, except service as a temporary member. (See subparagraph (3)(xiii) of this paragraph.)

(xvii) The Regular Army Reserve.

(xviii) The Philippine Scouts.

(xix) The Regular Navy, the Regular Marine Corps, the Regular Army, and the Regular Air Force.

(xx) Students' Army Training Corps, subsequent to October 1, 1918 and prior to December 31, 1918, if such service was performed as an enlisted man.

(xxi) The United States Volunteers (service between April 8, 1898 and June 30, 1901, only).

(xxii) Women's Army Corps, including active service in the Women's Army Auxiliary Corps after May 13, 1942 and before September 30, 1943, if member performed active service in the Armed Forces after September 29, 1943.

(xxiii) The Army of the United States, without specification of component. AUS appointments made under following statutes and terminated on dates specified, unless sooner vacated:

(*a*) Appointments as commissioned officers, under the Joint Resolution of September 22, 1941, made after December 6, 1941—March 31, 1953 (on and after July 1, 1949 qualifying service cannot be granted unless a minimum of 50 retirement points are earned during each training year).

(*b*) Disabled officers and officers who completed a course of medical instruction at Government expense under the act of February 6, 1942—March 31, 1953, or date of relief from active duty, whichever is later.

(2) Women's Army Corps—June 12, 1949.

(*b*) Warrant officers temporarily appointed under the act of August 21, 1941—April 1, 1953.

(*c*) Flight officers appointed under the act of July 8, 1942—October 28, 1952.

(xxiv) Active service in the Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.

(xxv) Service in the Army under an appointment made under the act of December 22, 1942 or the act of June 22, 1944 (certain classes of female officers).

(xxvi) Active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

(*a*) In the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943.

(*b*) In the occupational therapy category, if service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949.

(xxvii) Service performed after the service and age requirements have been met is creditable only if retention in an active status is effected under 10 U.S.C. 676.

(xxviii) Constructive service for inactive duty with the Coast Guard Women's Reserve from July 25, 1947 to November 1, 1949, if a member of the Coast Guard Women's Reserve and performed service on active duty therein for at least 1 year prior to July 25, 1947, separated therefrom under honorable conditions, and had membership therein for any period between November 1, 1949 and July 1, 1956.

(xxix) Inactive service on the Honorary Retired List of the Naval or Marine Corps Reserve.

(2) Each one year (anniversary year) period, after June 30, 1949, in which he has been credited with at least 50 retirement points on the following basis:

(i) One point for each day of active duty or active duty for training.

(ii) One point for each duly authorized drill attended in either a pay or nonpay status.

(iii) One point for each period of equivalent instruction or appropriate duty performed as authorized by the commandant of the appropriate naval district or the Chief of Naval Personnel.

(iv) Point credits for completed authorized correspondence courses. The point credit varies with the courses completed. BuPers Instruction 1820.3 series contains pertinent provisions.

(v) 15 gratuitous points credit for each anniversary year of membership in a Reserve component, providing the person was in an active status during the entire year. For information concerning proration of points for partial years, see paragraph (d) of this section.

(vi) Other point credits in accordance with 10 U.S.C. 1332(a)(2)(B).

For retired pay purposes total retirement points credited as outlined in subdivisions (i) through (vi) of this subparagraph may not exceed 365 in a normal year or 366 in a leap year and total retirement points credited as outlined in subdivisions (ii) through (iv) of this subparagraph may not exceed 60 in any anniversary year. Retirement points earned during an anniversary year may not be credited to any anniversary year other than that in which the points are earned.

(3) The following service may not be credited as qualifying service:

(i) Inactive Section, Officers' Reserve Corps.

(ii) Inactive Section, Enlisted Reserve Corps.

(iii) Auxiliary Reserve.

(iv) Unassigned Reserve.

(v) Inactive Status List (but is creditable for basic pay purposes).

(vi) Service, other than active service, after June 30, 1949 while on the Honorary Retired List or in the Retired Reserve. This service, however, is creditable for basic pay purposes.

(vii) National Guard Reserve.

(viii) Inactive National Guard.

(ix) Inactive Air National Guard.

(x) Nonfederally recognized status in the National Guard.

(xi) Nonfederally recognized status in the Air National Guard.

(xii) Inactive service in an inactive section of the officers' section of the Air Force Reserve.

(xiii) Lighthouse service.

(xiv) Service performed in an initial period of active duty for training by enlisted trainees under sec. 262(c)(1) of the Armed Forces Reserve Act of 1952 as amended by the Reserve Forces Act of 1955 (Pub. Law 305, 84th Congress, 69 Stat. 600), approved August 9, 1955.

(xv) Regular and Reserve Corps of the United States Public Health Service.

(xvi) Philippine Constabulary.

(xvii) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

(xviii) United States Coast and Geodetic Survey.

(xix) Service before July 1, 1938 as an inactive Reserve nurse of the Navy Nurse Corps established by the act of May 13, 1908, and inactive service as a Reserve Nurse of the Army Nurse Corps established by the act of February 2, 1901.

(xx) Service as a temporary member of the Coast Guard Reserve enrolled for duty pursuant to section 207 of the Coast Guard Auxiliary and Reserve Act of 1941.

(xxi) Service as a midshipman. (Note: service as a midshipman at the United States Naval Academy under an appointment made before March 4, 1913 and service as a cadet at the United States Military Academy under an appointment made before August 24, 1912, although not creditable as qualifying service, is creditable as active service in determining the years for percentage purposes in computing retired pay, and is also creditable for basic pay purposes. For enlisted members, any time spent as a cadet or midshipman is creditable both for basic pay and percentage purposes).

(xxii) Constructive service authorized for basic pay purposes by the act of April 30, 1956 for officers of the medical corps and dental corps.

(c) *Anniversary date and anniversary year defined.* "Anniversary date" is the date on which a year commences for point-credit purposes. The anniversary date for any person who was a member of a Reserve component on July 1, 1949, and who thereafter continues as a member of a Reserve component without a break in such service, is July 1. For any person who enters a Reserve status after July 1, 1949 and who thereafter continues as a member of a Reserve component without a break in such service, the anniversary date is the date subsequent to July 1, 1949 on which he accepts appointment as a warrant or commissioned officer, or first enlists, as the case may be, as a member of a Reserve component. Once established, the anniversary date does not change unless the person has a break in his Reserve service, in which case a new anniversary date for point-credit purposes will be established effective on the date of reentry in a Reserve component. Transfer to the Retired Reserve, to the Temporary Disability Retired List, or to the Inactive Status List does not constitute a break in Reserve service insofar as the anniversary date is concerned, nor does a discharge from an enlisted Reserve status constitute a break in Reserve service providing the member again enters a Reserve status, either by enlistment or appointment to officer grade, not later than the day immediately following the effective date of such discharge. "Anniversary year" is any consecutive 365 days, or 366 during leap year, beginning with the anniversary date.

(d) *Pro rata credit for partial years.* If the member was in an active status for only a portion of an anniversary year, that year will not be credited as a full year of qualifying service for retirement purposes irrespective of the number of retirement points earned while in an active status during that particular year. However, the time the member was in an active status will be considered as qualifying service providing he earned the required points, on a pro rata basis, during that particular period. The required 50 retirement points per anniversary year are prorated on the basis of 0.137 (50 divided by 365) points per day for the purpose of determining whether a partial year may be credited as qualifying service. Gratuitous points for partial years are credited on a pro rata basis of 0.04109 (15 divided by 365) points for each day in an active status during the partial year involved. Tables I, II, and III provide point requirements for any given number of days of service within an anniversary year.

(1) *Officers transferred to Inactive Status List.* (i) Officer's anniversary year is July 1 through June 30. During the anniversary year he is in an active status during the period July 1 through December 15; on the Inactive Status List (ISL) beginning December 16 through March 31; and again in an active status beginning April 1 through June 30. In this instance, the anniversary year is not considered as a year of qualifying service even though 50 or more points may have been earned while in an active status during the year. Only those periods in an active status will be considered for qualifying service. If the officer earned at least 23 (168 days per Table I) points during the period July 1 through December 15, then that period (5 months and 15 days) will be credited as qualifying service. Further, if at least 13 (91 days per Table I) points were earned during the period April 1 through June 30, then that period (3 months) will also be credited as qualifying service.

(ii) Officer's anniversary year is July 1 through June 30. During the anniversary year he is on the ISL during the period July 1 through December 31, and in an active status from January 1 through June 30. The anniversary year is not considered as a year of qualifying service even though 50 or more points may have been earned during the period January 1 through June 30. However, if at least 25 (181 days, or 182 days in leap years, per Table I) points were earned during the period January 1 through June 30, then that period (6 months) will be credited as qualifying service.

(2) *Enlisted man discharged and reenlisted under broken service.* Anniversary year is July 1 through June 30. He is discharged November 12 and does not immediately reenlist. That portion of the year from the anniversary date through the date of discharge will be considered a qualifying period of service providing he earned the required points, on a pro rata basis, during that period. Since he was discharged from the Naval Reserve 4 months and 12 days after his anniversary date, he will be required to have earned 19 (135 days per Table I) points to receive credit for qualifying service for that period. Not more than the maximum 60 points per year earned as outlined in paragraph (b)(2)(ii) through (vi) of this section (points earned through other than active duty or active duty for training), prorated on the basis of 0.164 (60 divided by 365) points per day, will be credited for any partial year. (See Table II.) Using the officer case in subparagraph (1)(i) of this paragraph, the maximum points earned through other than active duty and/or active duty for training that may be credited for the period July 1 through December 15 are 28, and the maximum points earned through other than active duty and/or active duty for training that may be credited for the period April 1 through June 30 are 15. Retirement points earned during a partial period may not be added to those earned during another partial period for the purpose of gaining additional qualifying service credit. Reserve personnel are ineligible to accrue retirement points credit while on the ISL; hence correspondence courses (or 12 point or similar units of correspondence courses) completed in this status will not earn retirement points. BUPERS Instruction 1820.3 series contains pertinent provisions.

(e) The following tables show (1) minimum points required to establish a partial year as qualifying service, (2) maximum creditable points for Reserve training for less than a full retirement year, and (3) gratuitous points credit for less than a full retirement year.

TABLE I

MINIMUM POINTS REQUIRED TO ESTABLISH A PARTIAL YEAR AS QUALIFYING SERVICE

Number of days in an active status		Minimum points required
From	Through	
1	7	1
8	14	2
15	21	3
22	29	4
30	36	5
37	43	6
44	51	7
52	58	8
59	65	9
66	73	10
74	80	11
81	87	12
88	94	13
95	102	14
103	109	15
110	116	16
117	124	17
125	131	18
132	138	19
139	146	20
147	153	21
154	160	22
161	168	23
169	175	24
176	182	25
183	189	26
190	197	27
198	204	28
205	211	29
212	219	30
220	226	31
227	233	32
234	240	33
241	248	34
249	255	35
256	262	36
263	270	37
271	277	38
278	284	39
285	292	40
293	299	41
300	306	42
307	313	43
314	321	44
322	328	45
329	335	46
336	343	47
344	350	48
351	357	49
358	365	50

TABLE II

MAXIMUM CREDITABLE POINTS (LESS ACTIVE DUTY/ACTIVE DUTY FOR TRAINING POINTS) FOR RESERVE TRAINING FOR LESS THAN A FULL RETIREMENT YEAR

Number of days in an active status		Maximum points allowable
From	Through	
0	6	1
7	12	2
13	18	3
19	24	4
25	30	5
31	36	6
37	42	7
43	48	8
49	54	9
55	60	10
61	66	11
67	73	12
74	79	13
80	85	14
86	91	15
92	97	16
98	103	17
104	109	18
110	115	19
116	121	20
122	127	21
128	133	22
134	139	23
140	146	24
147	152	25
153	158	26
159	164	27
165	170	28
171	176	29
177	182	30
183	188	31
189	194	32
195	200	33
201	206	34
207	212	35
213	219	36
220	225	37
226	231	38

TABLE II—Continued

MAXIMUM CREDITABLE POINTS (LESS ACTIVE DUTY/ACTIVE DUTY FOR TRAINING POINTS) FOR RESERVE TRAINING FOR LESS THAN A FULL RETIREMENT YEAR—continued

Number of days in an active status		Maximum points allowable
From	Through	
232	237	39
238	243	40
244	249	41
250	255	42
256	261	43
262	267	44
268	273	45
274	279	46
280	285	47
286	292	48
293	298	49
299	304	50
305	310	51
311	316	52
317	322	53
323	328	54
329	334	55
335	340	56
341	346	57
347	352	58
353	358	59
359	366	60

TABLE III

GRATUITOUS POINTS FOR MEMBERSHIP IN AN ACTIVE STATUS IN A RESERVE COMPONENT FOR LESS THAN A FULL RETIREMENT YEAR

Number of days in an active status		Membership points to be credited
From	Through	
1	12	0
13	36	1
37	60	2
61	85	3
86	109	4
110	133	5
134	158	6
159	182	7
183	206	8
207	231	9
232	255	10
256	279	11
280	304	12
305	328	13
329	352	14
353	366	15

(f) *Rounding out 20 years of qualifying service on a pro rata basis.* (1) A member who is approaching completion of 20 years of qualifying service who, although not yet age 60, does not desire or is unable to participate in the Reserve program after completion of that service should, prior to the end of the partial period to be prorated, request a change of status (i.e., request transfer to the Retired Reserve or to the Inactive Status List if an officer, or request to be discharged or transferred to the Retired Reserve if an enlisted man) to be effective at the end of the period to be prorated. Care should be exercised to assure that the required points have been earned, on a pro rata basis, to credit the partial period involved as qualifying service.

Example: Officer's anniversary year is July 1 through June 30. On June 30 he completes 19 years, 8 months, and 16 days of qualifying service.

19 years	11 months	30 days
—19 years	8 months	16 days
0 years	3 months	14 days

He needs 3 months and 14 days of qualifying service to round out the required 20 years. If he has earned 15 (106 days per Table I) retirement points during the period July 1 through October 14, and further providing a change of status is effected on October 15, he will have completed 20 years of qualifying service. Thus this officer should, if he does not desire participation beyond the date he completes 20 years, submit a request for transfer to the ISL to be effective October 15 with further transfer to the Retired Reserve (if desired) to be effective November 1, such request to be submitted at least 30 days in advance of the requested effective date of transfer to the ISL. Transfer to the Retired Reserve must, by law, be effected on the first day of a month. Therefore should the officer here involved request transfer to the Retired Reserve effective November 1 without interim transfer to the ISL, he will be considered as having been in an active status for the period July 1 through October 31 and to credit that partial period as qualifying service he must have earned at least 17 (123 days per Table I) retirement points.

Example: Enlisted man's anniversary year is August 23 through August 22. On August 22 he completes 19 years, 2 months, and 26 days of qualifying service.

19 years	11 months	30 days
—19 years	2 months	26 days
0 years	9 months	4 days

He needs 9 months and 4 days of qualifying service to round out the required 20 years. Assuming that the man's anniversary date remains August 23, he will complete 20 years of qualifying service on May 26 provided he has earned 38 retirement points (277 days per Table I) during a normal year, or 39 retirement points (278 days per Table I) during a leap year, for the period August 23 through May 26, and provided further a change of status is effected at 2400 on May 26. Thus the man should, if he does not desire further participation beyond the date on which he completes 20 years of qualifying service, request to be discharged effective at 2400 on May 26. If he desires transfer to the Retired Reserve on June 1 in lieu of being discharged, then the period August 23 through May 31 will be credited as qualifying service only if he has earned 39 retirement points.

(2) Former members who have met the service and age requirements for retired pay may be granted that pay under Chapter 67, Title 10, U.S. Code; however, even if in receipt of such pay they are not retired members of the naval service and will therefore not be entitled to the fringe benefits (i.e., MSTS travel, commissary and exchange privileges, etc.) normally accruing to members retired with pay. Accordingly, an enlisted man who requests discharge to be effective upon completion of 20 years of qualifying service, or whose enlistment or extended enlistment expires after completion of that service, should be encouraged to transfer to the Retired Reserve in lieu of being discharged. Members must apply at least six months prior to expiration of enlistment in order to allow sufficient processing time. To be transferred to the Retired Reserve an individual must be a member of the Naval Reserve on the effective date of such transfer. Unless at least six months of the unexpired time exists subsequent to date of application, the member may be required to reenlist or extend, as appropriate, or else forego transfer to the Retired Reserve.

(3) A member who has met the service and age requirements for retired pay under Chapter 67, Title 10, U.S. Code, may not accrue additional service credits

after the date of initial eligibility for such pay unless retained in an active status by the Secretary of the Navy under authority contained in 10 U.S.C. 676. Therefore a member who is 60 or more years of age and is nearing the completion of 20 years of qualifying service should determine the exact date on which he can complete that service on a pro rata basis and make every effort to earn sufficient retirement points to credit the partial period involved as qualifying service.

Example: Officer's anniversary date is July 1. At the end of an anniversary year he has completed 19 years, 10 months, and 29 days of qualifying service.

19 years	11 months	30 days
—19 years	10 months	29 days
	1 month	1 day

He has attained age 60 and thus needs 1 month and 1 day of qualifying service to meet both the service and age requirements for retirement with pay. Provided he has earned 5 (32 days per Table I) retirement points during the period July 1 through August 1, he will have qualified for retired pay. If he has not earned 5 retirement points during that period, then he has not yet qualified for retired pay and should continue to participate until he has earned sufficient retirement points to credit, on a pro rata basis, the partial period beginning July 1 through the date of last participation.

(g) *Procedure for requesting statement of qualifying service.* (1) A Reserve officer may request a statement of his qualifying service in the manner prescribed in § 713.221.

(2) An enlisted person may obtain information concerning his qualifying service performed from the commanding officer or commandant, as appropriate. If the member's current service record does not contain complete information on page 11, the commanding officer or commandant, as appropriate, may request a statement of qualifying service from the Chief of Naval Personnel (Pers–E3) for the purpose of completing the information in the service record.

(i) Requests will indicate the date from which the current service record contains authentic entries of retirement points and years of qualifying service. Any information available concerning the performance of satisfactory service prior to that date, such as records of training duty or drill attendance, will be included in the requests.

(ii) Requests will be forwarded on an individual basis via the chain of command to the Chief of Naval Personnel.

(iii) Upon receipt of the request, the Chief of Naval Personnel will forward a statement of the qualifying service completed and the retirement points earned prior to the date of the first authentic entries on page 11 of the current service record. This statement will be filed in the member's service record after he has been notified of its contents.

(3) When an enlisted member of the Naval Reserve reenlists for a period of time during which he will complete 20 years of service for basic pay purposes, the custodian of his service record shall immediately prepare for the member a statement of qualifying service for retirement under 10 U.S.C. 1331. This statement will be based on information on file in the service record. It will include the number of years of qualifying service and points credited to the member upon discharge. A copy of the statement will be filed in the closed-out service record forwarded to the Chief of Naval Personnel and another copy will be filed in the reenlistment service record.

(h) *Computation of retired pay.* (1) The following formula will be used in computing retired pay:

Step No. 1. Total number of retirement points will be divided by 360. The resultant figure will be carried to 3 decimal places and then rounded off to 2 decimal places. Example: 4735 divided by 360=13.15.

Step No. 2. Result of Step No. 1 will be multiplied by 2½% (0.025). The resultant figure will be carried to 5 decimal places, and then rounded off to 4 decimal places. Example: 13.15×0.025=0.32875 or 0.3288.

Step No. 3. Monthly basic pay will be multiplied by result of Step No. 2. The resultant figure will be carried to 3 decimal places and then rounded off to 2 decimal places. Example: Pay grade 0–5 over 22 years $885.00×0.3288=$290.99.

NOTE: For rounding off purposes, when the last digit is 5 or greater, the preceding digit will be increased to the next higher number. If the last digit is less than 5, it will be disregarded.

(2) Retirement points for retired pay computation purposes are credited as follows:

(i) One point for each day of active duty;

(ii) One point for each day of active duty for training;

(iii) 50 points for each 365 days of inactive service prior to July 1, 1949 (credit is also given proportionately for a fractional year).

(iv) Points earned subsequent to June 30, 1949 as outlined in paragraph (b)(2)(ii) through (vi) of this section, with a maximum of 60 retirement points per anniversary year.

(3) Retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based.

(i) *Grade on Retired List.* Grade on the Retired List will be the grade equivalent to the highest grade satisfactorily held in any branch of the Armed Forces.

(j) *Miscellaneous.* Members and former members in receipt of retired pay pursuant to Chapter 67, Title 10, U.S. Code, are exempt from the Dual Employment Act (5 U.S.C. 62) and the Dual Compensation Act (5 U.S.C. 59a). No period of service included wholly or partly in determining a person's right to, or the amount of, retired pay under Chapter 67, Title 10, U.S. Code, may be excluded in determining his eligibility for any annuity, pension, or old-age benefit, under any other law, on account of civilian employment by the United States or otherwise, or in determining the amount payable under that law, if that service is otherwise properly credited under it. Social Security and Civil Service retirement pay benefits may be received concurrently with retirement pay. Neither pension nor disability compensation benefits from the Veterans Administration may be received duplicating retired pay. Retired pay may be waived in part or in entirety in order to receive pension or disability compensation from the Veterans Administration. (38 U.S.C. 3105.)

§ 713.428 Procedure for requesting retirement with pay.

(a) A qualified member who desires retirement with pay under any one of the laws outlined in § 713.426, should address a request to the Secretary of the Navy, via commanding officer, the chief of the cognizant bureau in the case of staff officers, and the Chief of Naval Personnel. Suggested wording is as follows: "Having completed _____ years of active duty, it is requested that I be transferred to the retired list under authority contained in (state applicable law) effective on the first day of (month and year)." Requests should be submitted not less than 3 months nor more than 6 months in advance of the desired date. Although a member may submit an application for retirement before he has completed the service requirements for such retirement, the application may not be forwarded to the Secretary of the Navy for approval until after the service requirements for retirement have been met and until after the Chief of Naval Personnel has received a substantiated notice of a successfully completed retirement physical examination taken by the member concerned within 6 months of the prospective date of retirement. This notice may be an endorsed copy of temporary additional duty orders, a certified copy of Standard Form 88, or a signed statement by the examining medical officer, and should be submitted direct to the Chief of Naval Personnel. Reports of physical examination results will be forwarded to reach the Bureau of Naval Personnel three months prior to established date of retirement, where practicable. Commanding officers may reference this section as authority for ordering members to a medical activity to complete the retirement physical examination. Where travel is involved, temporary additional duty orders should be obtained from the appropriate senior commander as outlined in BUPERS Instruction 1321.2 (series). Such travel costs may be properly charged to the funds financing the activity which is responsible for the individual.

(b) A qualified member who desires transfer to the retired list with pay as outlined in § 713.427 shall submit a DD Form 108 (Application for Retired Pay Benefits, 10 U.S.C. 1331) to the Chief of Naval Personnel as follows:

(1) If on active duty, the application shall be submitted via the Commanding Officer.

(2) If a member of a Reserve unit, the application shall be submitted via the Commanding Officer, and the Commandant or Chief of Naval Air Reserve Training, as appropriate. The Commanding Officer, the Commandant, or the Chief of Naval Air Reserve Training, as appropriate, shall terminate any existing orders to a drilling unit effective not later than the day immediately preceding the requested retirement date.

(3) If not a member of a Reserve unit, the application shall be submitted via the Commanding Officer of the Naval Reserve Manpower Center, Bainbridge, Maryland, 21905.

Application for retirement should not be submitted earlier than 6 months in ad-

vance of the initial date of eligibility (either age 60 or date of completing 20 years of satisfactory Federal service, whichever is later). In case of enlisted members who are serving in a current enlistment, the commanding officer or commandant, as appropriate, shall record the points earned by anniversary years during the current enlistment in the first endorsement on the application. In lieu of recording the points earned for each anniversary year, a certified copy of the Record of Naval Reserve Service, page 11 of the service record, may be forwarded as an enclosure to the member's application. The certified copy of the page 11, if submitted, shall reflect the total points earned for each anniversary year of the current enlistment including all points earned up to the date of submission of the application.

(c) Former members who by reason of their former service now meet the age requirement which entitles them to receive retired pay as outlined in § 713.427 should submit their applications for such retired pay direct to the Chief of Naval Personnel.

§ 713.429 Enlisted service record requirements.

(a) The service records of enlisted Naval Reserve personnel retired with or without pay will be closed out and forwarded to the Chief of Naval Personnel as required by Articles B-2308 and C-10408 of the Bureau of Naval Personnel Manual.

(b) Page 14 (Record of Discharge, Release from Active Duty or Death) will be prepared with appropriate entries made thereon. Include the following under remarks:

(1) Reason for retirement;

(2) Present home address;

(3) Number of years of active service;

(4) A statement as to whether or not the member has completed 20 years' total creditable service (for members transferred to the Retired Reserve without pay).

(c) A new service record (NavPers 601) will be opened as of the effective date of retirement, inserting therein the following:

(1) Page 1 (Enlistment Contract) from previous record;

(2) Page 2 (Record of Emergency Data) as of current date;

(3) Page 3 (Enlisted Classification Record) from previous record;

(4) Page 4 (Navy Occupation and Training History) from previous record;

(5) Page 13 (Administrative Remarks) prepared to include all pertinent data regarding retirement;

(6) Copy of page 14 (Record of Discharge, Release from Active Duty or Death) from previous record. The new service record shall be prominently marked at the top of the cover "Retired Reserve" if retired without pay, or "Naval Reserve Retired List" if retired with pay, and shall be forwarded to the commandant of the naval district in which the individual is to reside.

§ 713.430 Disability retirement with pay—general information.

Information concerning disability retirement, and other general information, is contained in Chapter 14, Part C of the Bureau of Naval Personnel Manual. See Part 725 of this title.

§§ 713.431–713.434 [Deleted]

12. Sections 713.431 to 713.434 are deleted.

13. Section 713.514 is amended by revising the headnote to read as follows:

§ 713.514 Group active duty for training (including air).

* * * * *

14. Section 713.515 is amended by revising the introductory paragraph of paragraph (a) to read as follows:

§ 713.515 Regular drills (for air see § 713.533).

(a) Regular drills will consist of training in duties pertaining to the Navy, as designated from time to time by the Chief of Naval Personnel in separate instructions. Commanding officers of Naval Reserve units may schedule participation in a parade or other suitable ceremony as a substitute for not more than one authorized drill per fiscal year, subject to the approval of the cognizant commandant and the provisions of this section.

* * * * *

15. Section 713.517 is amended by revising paragraph (c)(2)(v) to read as follows:

§ 713.517 Appropriate duty (including air).

* * * * *

(c) * * *

(2) * * *

(v) To individual Naval Reservists qualified for the translation of French, German, and Russian scientific and technical journals. Reservists interested should apply to the Director of Naval Intelligence (Translations Section) via cognizant Commandant for a test translation and include resume of language education and linguistic experience. Applicants satisfactorily translating test material will receive two retirement points for their effort and be accepted into the program. The Director of Naval Intelligence will make project assignments and establish deadline completion dates. Individual monthly progress reports to the Director of Naval Intelligence via Commandant are required.

* * * * *

16. Section 713.531 is amended by adding to paragraph (a) a subparagraph (3) to read as follows:

§ 713.531 Types of training.

(a) *Active duty for training* * * *

(3) Group active duty for training (see § 713.514).

* * * * *

17. Section 713.533 is amended by revising paragraph (a) to read as follows:

§ 713.533 Regular drills (air).

(a) Regular drills shall consist of training in duties pertaining to the Navy, as approved by the Chief of Naval Operations and as supervised and directed by the Chief of Naval Air Reserve Training. Commanding officers of Naval Air Reserve units may schedule participation in a parade or other suitable ceremony as a substitute for not more than one authorized drill per fiscal year, subject to the approval of the Chief of Naval Air Reserve Training and the provisions of this section.

(1) Units paid for 48 drills will receive pay for such participation.

(2) Units paid for 24 drills and nonpay units will not receive pay for such participation.

* * * * *

18. Section 730.1 is amended by adding subparagraphs (1), (2), and (3) to paragraph (a), and by revising paragraphs (e) and (f), to read as follows:

§ 730.1 Classification of discharges, enlisted personnel.

(a) * * *

(1) *Retention or separation.* In determining whether a member should retain his current military status or be administratively separated, the member's entire military record, including records of nonjudicial punishment imposed during a prior enlistment or period of service and any other factors which are material and relevant, shall be evaluated. However, commanding officers, investigating officers, duly constituted boards, and other agencies charged with making such recommendations and determinations will consider records of nonjudicial punishment imposed during a prior enlistment or period of service, if held, only if such records of punishment would, under the particular circumstances of the case, have a direct and strong probative value in determining whether retention or administrative separation should be effected.

(i) Cases in which the circumstances may warrant use of such records shall ordinarily be limited to those involving patterns of conduct which would become manifest only over an extended period of time. A command not holding records of nonjudicial punishment imposed during a prior enlistment or period of service shall not request such records unless the use of such records is warranted under the foregoing.

(ii) When a record of nonjudicial punishment imposed during a current enlistment or period of service is considered, isolated incidents and events which are remote in time, or have no probative value in determining whether retention or administrative separation should be effected, shall have minimal influence on the determination.

(2) *Type of discharge certificate.* The type and character of the certificate or report issued upon administrative separation from current enlistment or period of service will be determined solely by the member's military record during that enlistment or period of service, plus any extensions thereof prescribed by law or by the Secretary, or effected with the consent of the member. Records of nonjudicial punishment imposed during a prior enlistment or period of service may not be considered.

(3) *Definitions.* As used in subparagraphs (1) to (3) of this paragraph, the following definitions apply:

(i) *Discharge.* Complete severance from all military status.

(ii) *Release from active duty.* Termination of active duty status and transfer or reversion to a Reserve component not on active duty.

(iii) *Separation.* A general term which includes discharge or release from active duty.

(iv) *Administrative separation.* Discharge or release from active duty upon expiration of appointment or enlistment, or prior to expiration of appointment or enlistment in the manner prescribed by the Secretary concerned or by law, but specifically excluding separation by sentence of a general or special court-martial.

(v) *Military record.* Includes an individual's behavior while a member of a military establishment, including general comportment and performance of duty, and reflects the character of the service he has rendered while a member of an armed service.

(vi) *Prior enlistment or period of service.* Service in any component of an armed force, including the Coast Guard, which culminated in the award of a separation certificate or report attesting to the type and character of service rendered during that period.

* * * * *

(e) "Military behavior" as used in this subpart refers to the conduct of the individual while a member of the Armed Forces.

(f) "Military record" as used in this subpart includes an individual's military behavior and performance of duty, and reflects the character of the service he has rendered while a member of the Armed Forces.

* * * * *

19. Section 730.4 is amended by revising paragraphs (d) and (e) (9) and (11) to read as follows:

§ 730.4 Separation of enlisted personnel by reason of expiration of enlistment, fulfillment of service obligation, or expiration of tour of active service.

* * * * *

(d) The normal date of expiration of a two, three, four, or six-year enlistment is respectively, the day preceding the second, third, fourth, or sixth anniversary of the date of enlistment, as adjusted for the purpose of making up any time lost from the enlistment. (10 U.S.C. 972; see § 730.4a.) The normal date of expiration of a minority enlistment is the day preceding the individual's twenty-first birthday as adjusted for the purpose of making up any time lost from the enlistment.

(e) * * *

(9) *Awaiting completion of appellate review of court-martial sentence which includes punitive discharge.* Except as otherwise provided in this subparagraph, an enlisted member sentenced to punitive discharge must be retained in the service to await completion of appellate review of his court-martial case even though the period of confinement, if any, adjudged under the sentence has been served, and his enlistment or other period of obligated active service has expired. Unless the member is confined, the service record entry prepared to reflect such retention beyond expiration of enlistment or other obligated active service should state the nature of duties performed by the member and the average number of hours daily his services are utilized while he is so retained. Nothing stated in this subparagraph is to be construed as precluding the members' administrative separation when directed by the Chief of Naval Personnel, or the granting of leave to the member in accordance with current instructions (see SecNav Instruction 1050.3 (§ 719.206 of this chapter) or revision thereof) to await completion of appellate review of his case.

* * * * *

(11) *Mandatorily making up lost time.* Instructions concerning mandatorily making up lost time due to sickness misconduct occurring before, on, or after July 24, 1956 and unauthorized absence, confinement, and nonperformance of duty (civil arrest) occurring on or after July 24, 1956 are contained in § 730.4a.

* * * * *

20. Part 730 is amended by inserting new § 730.4a to read as follows:

§ 730.4a Time lost which must be made up.

(a) *Persons required to make up lost time.* Pursuant to Title 10, United States Code, section 972, enlisted members of the Regular Navy and Naval Reserve who are otherwise eligible to be separated from active duty upon:

(1) Expiration of enlistment, including a minority enlistment or an enlistment as extended;

(2) Completion of the period for which inducted;

(3) Completion of an additional service obligation (Bureau of Naval Personnel Manual, article C-1402(3));

(4) Completion of extended active duty or active duty for training in excess of thirty days;

who have lost time from their current enlistment or other current period of obligated service due to unauthorized absence, confinement, nonperformance of duty (civil arrest), or sickness misconduct as defined in paragraph (b), shall be required to make up such lost time day-for-day before being separated. As used herein, the term "separated from active duty" includes discharges and releases to inactive duty. Members who are in confinement at the time their enlistment or other period of obligated service would otherwise expire shall be required, upon their release from confinement, to make up the time they lost unless appellate review and any applicable clemency action by the Secretary of the Navy (see SecNav Instruction 5815.3 (§ 719.205 of this chapter) or revision thereof) have been completed and a punitive discharge is to be executed. Members awaiting execution of a punitive discharge who are not in confinement when their enlistment or other obligated service expires shall also be required to make good lost time pending completion of appellate review and clemency action unless they are granted leave in accordance with current instructions (see SecNav Instruction 1050.3 (§ 719.206 of this chapter) or revision thereof) to await completion of appellate review. The requirement to make up lost time does not apply to Fleet Reservists, retired personnel, or to members who are to be separated for reasons other than those set forth in clauses (1), (2), (3), and (4) of this paragraph.

(b) *Definitions.* In computing lost time which must be made good, the following definitions apply:

(1) Unauthorized absence is a period of absence in excess of 24 consecutive hours without leave or liberty, over leave or liberty, or in desertion occurring on or after July 24, 1956, unless excused by competent authority as unavoidable. Such periods of unauthorized absence which are clearly reflected in the service record or other official Navy records kept for administrative purposes must be made up regardless of whether the member is tried and convicted of being absent for any or all of the periods involved. When these records do not clearly reflect the duration of the unauthorized absence, the findings of the court-martial in the premises shall be considered in determining the period of absence which must be made up. Article C-7802(4) of the Bureau of Naval Personnel Manual sets forth instructions concerning termination of periods of unauthorized absence. Periods of unauthorized absence over annual, reenlistment, or emergency leave, including leave granted in connection with transfer orders, which are excused as unavoidable, shall be charged day-for-day against leave, and leave rations shall be paid in accordance with article A-4404(7), Bureau of Naval Personnel Manual.

(i) In the case of a member who while on unauthorized absence is apprehended by civil authority but not convicted, the entire period of absence from duty shall be counted as unauthorized absence.

(ii) If a member while on leave or liberty is taken into custody and held by the civil authority beyond expiration of leave or liberty and is later released without trial the absence from duty will be considered as unavoidable and not as time lost, unless the member was released upon his agreement to make reparation for the offense for which he was arrested or unless he was subsequently convicted by a court-martial on the same facts and/or of unauthorized absence for the period involved. However, a member released without trial upon his agreement to make reparation shall not be considered as having lost time if his absence is excused as unavoidable in accordance with the provision of paragraph 044253-1, Navy Comptroller Manual.

(2) Confinement is a period in excess of 24 consecutive hours spent in confinement on or after July 24, 1956 either under sentence adjudged by any court-martial or while awaiting and during trial by any court-martial which results in conviction. Since time spent in confinement before July 24, 1956 is not with-

in the scope of this definition, members placed in confinement before such date will be required to make up only the time spent in confinement on or after July 24, 1956. No period of confinement while awaiting trial shall be counted as lost time if the individual is acquitted of the charges involved or if no finding of guilty is upheld upon completion of appellate review. Time spent in confinement under sentence is counted as lost time only to the extent the sentence to confinement is upheld upon completion of appellate review and clemency action if any. Thus, if a member served nine months in confinement under a sentence which upon appellate review is reduced to six months, he has lost only six months of time from his enlistment. Articles B–2316A and C–7819, Bureau of Naval Personnel Manual, relate to the action to be taken in case the individual is acquitted or the sentence is set aside, mitigated, or remitted. Confinement awaiting and during trial or under sentence will be regarded as absence from duty pending final action in each case in accordance with the provisions of the Manual for Courts-Martial.

(i) As used herein, the term "confinement" means physical restraint imposed by oral or written orders of competent authority or as adjudged by sentence of court-martial, which restraint deprives the member of his freedom for the period involved. It does not include moral restraint which limits the members' personal liberty as in the case of arrest or restriction, or periods of confinement awaiting or imposed as nonjudicial punishment.

(ii) Periods during which a sentence to confinement is interrupted or suspended for any of the causes set forth in paragraph 97c, Manual for Courts-Martial Executive Order 10214; 3 CFR, 1949–1953 Comp., p. 501) shall not be considered as periods of confinement but, where appropriate, shall be considered as periods of unauthorized absence or nonperformance of duty (civil arrest).

(iii) Periods during which a member is on base parole are counted as time lost due to confinement. Base parole is a status in which deserving personnel are permitted to perform normal duties outside the brig under regular supervision within the limits of the command without the presence of guards, and to return unescorted to the brig at the end of working hours.

(3) Nonperformance of duty (civil arrest) is a period in excess of 24 consecutive hours of nonperformance of duty while confined under sentence or while confined awaiting and during trial by civil authority on or after July 24, 1956 if the member is convicted under the laws of the state or government concerned. For the purpose of this paragraph, no distinction is to be made between cases wherein the member is apprehended by the civil authorities and those wherein he is delivered to them from naval custody. Pending final action by the civil authorities, any time in excess of 24 consecutive hours a member is held by such authorities with a view to possible trial is considered as time lost.

(i) If the member is acquitted or his conviction is later set aside, except as provided in the following sentence, the absence from duty is not nonperformance of duty (civil arrest), and appropriate entry shall be made in the service record. A court order vacating the conviction because the member satisfactorily completed his probation does not have the effect of excusing the lost time involved. However, if as a result of appellate review, a sentence to confinement is reduced after it has been served, only that part of the sentence to confinement which remains after the sentence has become final is counted as nonperformance of duty (civil arrest).

(ii) If a member is taken into custody by the civil authorities while he is on authorized leave or liberty, the period during which he is held by the civil authorities while in a leave or liberty status shall not be counted as time lost. However, if the member's remaining leave or liberty is cancelled while he is held by the civil authorities, the balance of the time he is so held will be counted as lost time if he is convicted. A period of unauthorized absence is not interrupted by civil arrest if the unauthorized absence is the cause of the apprehension by civil authority.

(4) Sickness misconduct is a period in excess of 24 consecutive hours of absence from regular duty occurring before, on, or after July 24, 1956 which is determined to be due to intemperate use of drugs or alcoholic liquor, or to disease or injury resulting from the member's own misconduct. The making of sickness misconduct determinations is governed by applicable provisions of Chapters II–VI and VIII, JAG Instruction P5800.7, Manual of the Judge Advocate General. Upon approval by the convening authority of an opinion rendered by a fact-finding body appointed in accordance with such provisions that the absence from duty was due to intemperate use of drugs or alcoholic liquor or disease or injury resulting from the member's own misconduct, the absence shall be considered as time lost pending final action by the Judge Advocate General. Paragraph 044252, Navy Comptroller Manual, provides for forfeiture of pay when absence from regular duty is due to the effects of a disease from intemperate use of alcoholic liquors or habit forming drugs.

(c) *Computing lost time.* Lost time which must be made up is computed on a day-for-day basis including the 31st day of a month. In accounting for periods of absence from duty as defined in paragraph (b) of this section the first day of the absence is counted as a day of absence from duty and the day of return to duty is counted as a day of duty. When one type of lost time ends on the same day that a second type of lost time begins, such day shall be counted as the first day of the second type of lost time. Thus, if a member while on unauthorized absence is apprehended and convicted by civil authority and is then returned to military control on the day he is released by civil authority, the day on which he is apprehended by civil authority is counted as a day of nonperformance of duty (civil arrest). However, if the absentee does not return to military control on the day he is released by civil authority, the entire period of absence from duty shall be counted as unauthorized absence without interruption by the civil arrest. A member whose absence from duty continues beyond expiration of enlistment or other period of obligated service is required to make up only the time actually lost from the enlistment or other period of obligated service. The proper method of computing lost time which must be made good is illustrated by the examples set forth at the end of this paragraph. This method is also to be used to determine time lost by enlisted personnel for the purpose of computing cumulative service for retirement and for transfer to the Fleet Reserve, and by officers and enlisted personnel for the purpose of determining entitlement to leave. Paragraphs 044019 and 044250, Navy Comptroller Manual, deal with the method to be used in computing service for pay purposes.

(1) Unauthorized absence commenced 0800, March 9, 1961 and ended 0800, March 10, 1961 (24 hours). No deductible time, as unauthorized absence was not in excess of 24 hours.

(2) Unauthorized absence commenced 0800, February 28, 1961 (not leap year) and ended 0630, March 1, 1961 (24 hours and 30 minutes).

UA—1 day (February 28)

(3) Unauthorized absence commenced 2345, June 1, 1961 and ended 0015, June 3, 1961 (24 hours and 30 minutes).

UA—2 days (June 1, 2)

(4) Sentenced by SCM (summary court-martial) on May 1, 1961 to 3 days' confinement. Placed in confinement at 1400 that day and released 0900, May 3, 1961 after having served 3 days' confinement as computed under Article 302 and Chapter 10 of the Corrections Manual.

CONF—2 days (May 1, 2)

(5) Admitted for treatment for disease due to own misconduct on February 2, 1961. Discharged from treatment on March 19, 1961.

SKMC—(sickness misconduct)—27 days in February, 18 days in March;

Total—45 days

(6) Admitted for treatment for injury due to own misconduct on June 29, 1961. Diagnosis for further treatment changed to sickness not due to own misconduct on August 16, 1961.

SKMC—2 days in June, 31 in July, 15 days in August, total 48 days

(7) Unauthorized absence commenced 0800, April 10, 1961. Apprehended by FBI agents at 0900, July 13, 1961 and delivered for safekeeping to, and confined at, Air Force Base at 1100, July 15, 1961. Delivered under guard to duty station at 1600, July 25, 1961 and immediately placed in confinement awaiting trial. Tried by general court-martial on July 31, 1961 and sentenced to 6 months' confinement. Released from confinement and restored to duty December 24, 1961.

UA—21 days in April, 31 days in May, 30 days in June, 14 days in July; total 96 days

CONF—17 days in July, 31 days in August, 30 days in September, 31 days in October, 30 days in November, 23 days in December; total 162 days

(8) Delivered to civil authorities at 1600, February 27, 1961 for trial by civil court. Convicted; released to naval control at 0930, March 6, 1961 after paying a fine.

NPDI [Nonperformance of duty] (Civil)—2 days in February, 5 days in March; total 7 days

(9) Unauthorized absence commenced 0800, March 16, 1961. Apprehended by civil authorities on March 20, 1961, confined, tried, and acquitted by civil authorities on March 23, 1961. Returned to naval control on March 23, 1961.

UA—7 days (16—22 March)

(d) *Recording lost time and extending enlistments and service obligations.* (1) Entry shall be made on pages 8 and 13 of the service record to reflect each period of absence from duty as defined in paragraph (b) of this section. In the cases of members required to make up lost time, entry will also be made on page 13 to show the extension of the enlistment, period of induction, and period of obligated active service, as appropriate, by the number of days which must be made up. For this purpose, the enlistment or other period of service shall be extended from the normal date of expiration thereof or from the date of restoration to full duty, whichever is later.

(2) Reservists required to make up time lost from their obligated active service shall make up such time prior to release from extended active duty or active duty for training in excess of 30 days.

21. Section 730.6 is revised to read as follows:

§ 730.6 Separation of enlisted personnel for convenience of the Government.

(a) The Chief of Naval Personnel may authorize or direct the separation of enlisted or inducted personnel prior to the expiration of their active obligated service dates for any one of the reasons listed herein. The term "separation" as used in this section includes discharge, transfer to the Naval Reserve and concurrent release to inactive duty, or release to inactive duty in certain cases of Naval Reservists serving on active duty who have time remaining in service obligation or enlistment contract.

(1) General demobilization, reduction in authorized strength, or by an order applicable to all members of a class of personnel specified in the order.

(2) Acceptance of a permanent appointment as officer in any branch of the armed services.

(3) To permit immediate reenlistment at the request of the individual prior to normal expiration of enlistment in accordance with instructions issued from time to time by the Chief of Naval Personnel.

(4) National health, safety or interest.

(5) Erroneous enlistment or induction.

(6) Other good and sufficient reasons when determined by the Chief of Naval Personnel.

(b) Subject to the following instructions, the commanding officer shall, as appropriate, discharge or transfer for discharge for the convenience of the Government, an enlisted woman for any one of the following reasons: (The instructions contained in this paragraph should not be interpreted as precluding the commanding officer from forwarding any case to the Chief of Naval Personnel for decision should he consider such action appropriate.)

(1) Parenthood, when it is established that a woman is the parent, by birth or adoption, of a child under 18; has personal custody of a child under 18; is the stepparent of a child under 18 and the child resides within the household of the woman for a period of more than 30 days a year; or during her current enlistment or extension of enlistment, has given birth to a living child. In any case wherein a woman is the natural parent of a child born prior to her entry into the naval service and wherein all rights to custody and control of the child are asserted to have been lost through formal adoption proceedings prior to the woman's entry into the service, the commanding officer shall not effect discharge of the woman concerned without specific authorization of the Chief of Naval Personnel.

(2) Pregnancy, upon determination by a naval medical officer, with type of discharge her service record warrants, regardless of marital status. If as a result of a spontaneous or therapeutic abortion or a still birth, the pregnancy is terminated prior to separation and the woman desires to remain in the service, her request for retention, together with the commanding officer's recommendation, shall be forwarded to the Chief of Naval Personnel for consideration. If there is evidence that a non-therapeutic abortion has been effected, the case shall be submitted to the Chief of Naval Personnel for consideration and decision as to the type of discharge.

(3) Marriage, upon written request to the commanding officer provided the woman meets the following conditions:

(i) Has served 12 months after completion of recruit training;

(ii) Has served 18 months after completion of, or disenrollment from, a service school where the length of the course is 24 weeks or less, or has served 24 months after completion of, or disenrollment from, a service school where the length of the course is over 24 weeks;

(iii) Has served 12 months subsequent to assignment to duty for which a voluntary agreement to extend enlistment was executed; or

(iv) Has served 12 months from the date of reporting to a new duty station.

When two or more of the above conditions apply to an individual, the period of time which results in retaining the individual to the latest date shall govern. Except when waiver is authorized as set forth hereinafter, in no case will discharge be effected earlier than six months from the date of submission of written request therefor. Commanding officers may waive the 6 months' delay in discharge in those cases wherein a contact relief is not required or at such time as a relief becomes available. In no case will discharge be effected during such period as the member is serving at a duty station located sufficiently close to the location of her husband as to not preclude the establishment of a joint household. Ensure that a copy of the member's request and information as to the command's action thereon is submitted to the cognizant personnel distributor in all cases. (Art. A–4204 of the Bureau of Naval Personnel Manual contains instructions relative to recoupment of reenlistment bonus, if paid.)

(c) Full information regarding the reason for separation and a recommendation concerning reenlistment in accordance with article C–10103 of the Bureau of Naval Personnel Manual based upon enlisted performance evaluations (article C–7821 of the Bureau of Naval Personnel Manual and applicable Bureau directives) shall be entered on page 13 of the service record in connection with all cases within the purview of this section.

22. Section 730.15 is amended by revising paragraph (d) and the note at the end of paragraph (e)(1) to read as follows:

§ 730.15 Field boards of officers.

* * * * *

(d) *General procedural instructions.* The proceedings of boards of officers under the provisions of this section shall be conducted with dignity. They need not conform to provisions of the Manual for Courts-Martial, United States, or of the Manual of the Judge Advocate General relating to Courts of Inquiry or Investigations. Such provisions may, however, be followed in specific cases and, if followed, will satisfy the requirements of this section. Whenever applicable, Article 31, Uniform Code of Military Justice (10 U.S.C. 831), is to be complied with. Attention is directed to the fact that (1) military personnel on active duty may not be compelled to testify or produce evidence that will incriminate them, nor may they be required to answer questions not material to the issue which might tend to degrade them and (2) civilians, including members of the Armed Forces on inactive duty, may not be compelled to testify or produce evidence at the hearing. The board should consider any matter presented which is relevant to the issue whether written or oral, sworn or unsworn. Real evidence as distinct from testimonial evidence may be exhibited to the board and should be accurately described or photographed for the record. The board may refuse to consider or to consider further any oral or written matter presented if it is irrelevant, immaterial, or unnecessarily repetitive and cumulative, but no such matter should be rejected or withheld from consideration on the ground that it would be incompetent for presentation to a court of law. The board will rely on its own judgment and experience in determining the weight and credibility to be given material received in evidence. Board proceedings under this section should not be in the nature of a formal fact-finding tribunal or judicial trial but should be formalized to the extent of assuring full opportunity for presentation of the respondent's case. If an objection is made at any stage during the proceedings the senior member will ensure that the ob-

jection and the basis therefor are noted in the record but should not make a formal ruling thereon. Any member of the board may be challenged but only on grounds which show that the member cannot render a fair and impartial decision. The challenged member may be examined by the respondent, his counsel, and other members of the board. The commanding officer, upon being informed of the circumstances of the challenge and the recommendation of the other members, may appoint a substitute for the challenged member if he deems such action appropriate.

(e) *Conduct of hearing.* (1) • • •

• • • • • •

NOTE: When the provisions of the Manual for Courts-Martial or of the Manual of the Judge Advocate General are to be followed in a specific case, the senior member will modify the foregoing explanations accordingly.

• • • • • •

23. Section 730.16 is amended by revising paragraphs (a) and (b) to read as follows:

§ 730.16 General provisions and restrictions relating to enlisted separations.

(a) *Effective time of discharge.* Subject to any law providing otherwise, the discharge of an enlisted person on active duty, regardless of the reason for separation, takes effect upon delivery of the discharge certificate. In the case of a person discharged while absent without authority or in civil confinement, constructive delivery of the discharge certificate is accomplished at the time it is signed by proper authority. If a discharge is effected as a result of a person's immediate entry in the same or any other component of the Armed Forces in the same or any other status, the discharge will, for administrative purposes, be dated as of the date preceding such entry or re-entry.

(b) *Effective time of release to inactive duty.* Subject to any law providing otherwise, the release to inactive duty of a Reservist who was called to active duty as a Reservist takes effect at the actual time of his arrival home or at the expiration of his authorized travel time, whichever is earlier. The release to inactive duty of members of the Regular Navy transferred to the Naval Reserve and concurrently released to inactive duty takes effect upon delivery of the separation documents.

NOTE: When a discharged member is seriously injured while returning home and is taken to a Navy hospital, he may be eligible for hospitalization and other benefits from the Veterans Administration and should be advised to file an appropriate claim with that agency.

• • • • • •

(R.S. 161, secs. 280, 1162, 5031, 6291–6298, 70A Stat. 14, 89, 278, 391–393, as amended; 5 U.S.C. 22, 10 U.S.C. 280, 1162, 5031, 6291–6298)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

MARCH 2, 1964.

[F.R. Doc. 64-2222; Filed, Mar. 6, 1964; 8:47 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart C—General Policies

1. In § 1001.305–52, revise paragraphs (a), (b), (c), (d) and (e) to read as follows:

§ 1001.305–52 Amendment of delivery schedules in supply or research and development contracts.

(Not applicable to base procurement contracts.)

(a) Contracts having unrealistic delivery schedules may be changed if the best interests of the Government will be furthered by such action, and contracts having delinquent delivery schedules may be amended if the best interests of the Government will not be jeopardized by such action. Delinquent delivery schedules will be held to a minimum at all times consistent with the preceding sentence. If the facts surrounding an individual contract warrant such action, the ACO or the procuring contracting officer (PCO), if the contract is administered by the procuring activity, will, immediately upon determination or notification that contractor will not be able to complete deliveries on schedule, take affirmative steps to initiate an amendment of the delivery schedule according to instructions in this paragraph. If the contractor is delinquent, the ACO or the PCO, if the contract is being administered by the procuring activity, may initiate an amendment of the delivery schedule according to instructions in this paragraph, or the ACO or PCO may recommend termination of the contract or issuance of a "delinquency notice" letter according to Subpart F, Part 1008 of this subchapter. Extensions of delivery schedules may be effected without approval from higher Headquarters in the following instances: (for the division of responsibilities between the ACO and PCO see paragraphs (c) and (d) of this section).

• • • • • •

(b) Prior to issuing a contractual modification the ACO or PCO, whoever makes the determination to amend the delivery schedule, will effect coordination with his staff judge advocate for legality. In all cases the staff judge advocate will determine whether or not legal consideration exists. The staff judge advocate's determination will be final concerning the existence of legal consideration. The adequacy or amount of consideration will be the responsibility for determination by the ACO and PCO together or by either the ACO or PCO alone.

(c) Responsibilities of the ACO:

(1) • • •

(i) Approved spare parts change requests (SPCRs) and approved price exhibits (§ 1007.2606–3 of this subchapter) to open contracts covered by Subpart Z, Part 1007 of this subchapter.

(ii) Spare parts exhibits (AFPI 71–673, AFPI 71–666, AFPI 71–666A, AFPI 71–669, and AFPI 71–674), training parts exhibits (AFPI 71–610), and Aerospace Ground Equipment exhibits (AFPI 71–650) whenever the exhibits are made a part of a contract by means of a supplemental agreement signed by the ACO. See Subpart D, Part 1055 of this subchapter.

• • • • • •

(3) • • •

(i) When authorized to amend the delivery schedule, forward his findings, recommendations, and other information deemed pertinent to his staff judge advocate for a determination of the legality of the proposed revision. Furnish the staff judge advocate with the address, including code, of the production activity at the CMD or AFPRO concerned with the contract. The original copy of the staff judge advocate's opinion, either affirmative or negative, will be returned directly to the ACO with a copy to the aforementioned production activity.

• • • • • •

(iii) Regardless of whether the preceding subdivisions (i) or (ii) of this subparagraph are involved, furnish the appropriate production activity with a copy of the foregoing findings, recommendations and other pertinent information.

(4) Upon receipt of a DD Form 375, Monthly Production Progress Report, marked "Action Document," the ACO will indorse thereon his approval or disapproval. If approved and if circumstances indicate that the contractor will not meet the contract schedule within a reasonable period, the action described in subparagraph (3) of this paragraph, will be immediately taken by the ACO. What constitutes a reasonable period requires sound judgment by the ACO and diligence must be exercised so as not to waive the existing contract delivery schedule (see Subpart F, Part 1008 of this subchapter). If disapproval of any proposed schedule change is indicated by the ACO, reasons for such position will be stated on the DD Form 375. The ACO will then sign the reproducible DD Form 375 and forward to the production activity for distribution. Contracts containing liquidated damages clause require extra vigilance. When the ACO has reason to believe that a contract containing a liquidated damages clause will become delinquent as to deliveries, he will promptly notify the production activity for initiation of a DD Form 375 marked "Action Document." The ACO will process inadequate DD Form 375 reports to the production activity for correction and clarification.

(d) Responsibilities of the PCO.

(1) Upon determination or notification that a contract under the administration of the PCO is delinquent or almost delinquent and if the PCO believes that a revision to the delivery schedule is warranted, the PCO will try to amend the delivery schedule by obtaining the necessary staff judge advocate and supply (prime AMA) and/or Aeronautical Systems Division (ASWG) (in the case of GFAE) coordination.

• • • • • •

(2) • • •

(i) When concurrence is indicated and the administrative offices (production and ACO) have recommended delivery schedule changes, the PCO will, within 10 work days, forward the findings, etc., to the AMA staff judge advocate for an opinion as to the legality of the proposed amendment. The original of the staff judge advocate's opinion will be returned directly to the PCO with copies to the ACO and to the production activity. When the ACO has recommended default termination or issuance of a "delinquency notice" letter according to Subpart F, Part 1008 of this subchapter, signed copies of the PCO's proposed action will also be forwarded to the cognizant local readjustment activity and to AFSC (SCKAA). When the ACO has not concurred in proposed action, justification for proposed action by the PCO will be included in notification to the administrative offices and will cover the reasons advanced by the ACO.

(ii) When the PCO does not agree with the action proposed on the DD Form 375 marked "Action Document," he will furnish the administrative offices, local readjustment offices, and AFSC (SCKAA), when default termination or the issuance of a "delinquency notice" letter has been recommended, a statement of reasons for rejecting the recommended action.

(3) After complying with the requirements specified in this section, the PCO will accomplish and issue within 30 work days after receiving prime AMA and/or ASD (ASWG), coordination, and a contractual modification revising the delivery schedule.

• • • • • •

2. In § 1001.357 revise paragraphs (b) and (c)(3) and in § 1001.358, revise paragraphs (a)(1) and (b) to read as follows:

§ 1001.357 Use of new contracts for follow-on procurement.

• • • • • •

(b) Chiefs or directors of procurement and production of AMAs, AFSC divisions, AFSC centers, APRE, APRFE, and staff officers responsible within major air commands may authorize exceptions to this policy when the best interests of the Government will be served. This authority will be exercised only where compliance with the policy is not practicable. The procurement file will include a statement by the contracting officer of justification with approval indicated by higher authority. Except as authorized in paragraph (c) of this section, the use of existent contracts will not be authorized for follow-on procurements when follow-on procurements cite funds of different appropriations or cite funds of the same appropriation subsequent to 3 years from the date of the contract.

(c) • • •

(3) Research contracts where the period of performance will not exceed 5 years from the date of the initial contract.

• • • • • •

§ 1001.358 Policy regarding the consideration of loyalty of scientific researchers on unclassified research contracts.

(a) • • •

(1) The AF policy in considering proposals for contracts in support of unclassified research not involving security considerations is to assure that, in appraising the merit of a proposal submitted by or on behalf of a scientist, his experience, competence, and integrity are always taken carefully into account. Purchasing activities will not knowingly award or continue a contract in support of research for one who is:

• • • • • •

(b) Whenever any purchasing activity has reason to believe that the activities described in paragraph (a)(1) (i) and (ii) of this section apply to a scientific researcher whose services will be used in a proposed contract, or whose services are being used in an existing contract, all pertinent information will be forwarded by AFSC and OAR activities through AFSC (SCKP), and all other activities through AFLC (MCIMF) to the Directorate of Procurement Policy (AFSPPBA), Hq. USAF for resolution.

• • • • • •

Subpart G is revised to read as follows:

Subpart G—Small Business Concerns

Sec.

1001.700	Scope of subpart.
1001.701	Definitions.
1001.701–1	General definition.
1001.704	Small business officials.
1001.704–2	Departmental small business advisors.
1001.704–3	Small business specialists.
1001.705	Cooperation with the Small Business Administration.
1001.705–6	Certificates of competency.
1001.706	Set-asides for small business.
1001.706–1	General.
1001.706–2	Review of SBA set-aside proposals.
1001.706–3	Withdrawal or modification of set-asides.
1001.706–4	Reporting for Department of Commerce procurement synopsis.
1001.706–5	Total set-asides.
1001.707	Subcontracting with small business concerns.
1001.707–4	Responsibility for reviewing the subcontracting program.
1001.707–5	Reports on DD Form 1140–1.

AUTHORITY: The provisions of this Subpart G issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.700 Scope of subpart.

This subpart sets forth the Air Force Small Business Program, its policies and procedures. The following affect the scope of this subpart: §§ 1.308(b), 2.407–6, 3.201, 3.217, 3.218, 6.104–4, §§ 163.17 and 163.72, Part 163, Subchapter E of this title; §§ 1.302–3, Subpart H, Part 1, 1.1003, 2.205, and 3.903–1 of this title and §§ 1001.302–3, Subpart H of this part, 1001.1003, 1002.205 and 1003.903–1 of this subchapter; §§ 1001.904, 1001.950, 1013.–2402(n) and 1016.810 of this subchapter; AFR 20–21, AFLCM 170–1; and Public Law 536, 85th Congress, 2d Sess. as amended by Public Law 85–699, Public Law 86–367, Public Law 87–70, Public Law 87–198, Public Law 87–305, Public Law 87–341, and Public Law 87–367.

§ 1001.701 Definitions.

§ 1001.701–1 General definition.

When in doubt as to the specific small business definition that should apply to a particular procurement, the small business specialist will request a written determination by the SBA regional office having jurisdiction over the geographical area in which the procuring activity is located, and the response to this request will be included in the procurement file.

§ 1001.704 Small business officials.

§ 1001.704–2 Departmental small business advisors.

See AFR 20–21 (USAF Small Business and Labor Surplus Area Programs).

§ 1001.704–3 Small business specialists.

An Executive for Small Business is appointed at each major air command headquarters and is responsible for small business functions assigned procuring activities and contract management activities under the jurisdiction of the command headquarters. The Executive for Small Business at Hq AFLC will provide guidance in respect to small business matters to major air commands other than AFSC.

(a) Small business specialists appointed at procuring activities and contract management activities in the United States will perform functions as set forth in this section.

(1) At central procurement activities, the PR–MIPR management office or comparable office at each installation will furnish a copy of each purchase request (PR or incoming MIPR) to the small business specialist not later than when the coordinated copy is sent to the buyer for procurement action. Prior to solicitation of bids, proposals or quotations at central and base procurement activities, the buyer and the small business specialist are jointly responsible for the following procedures if the procurement is expected to exceed $2,500:

(i) Jointly review all applicable bidder's mailing lists and the proposed procurement plan to assure compliance with applicable small business and labor surplus area policies and procedures. If an SBA representative is assigned to the installation and has notified the small business specialist that he may wish to make a recommendation regarding the procurement, he may participate in the review, if available at the time, and will be furnished all available information upon which to base his recommendation.

(ii) AFPI Form 46, Small Business Office Procurement Record, must be completed and signed by the buyer and the small business specialist for every PR reviewed. The small business specialist will determine which small business definitions apply and will include the applicable definitions in Item 6 of the form. The definitions applicable to that procurement will be included in the IFB or RFP. The buyer will furnish a copy of the completed form to the office responsible for preparing the IFB or RFP and, when the procurement is to be synopsized (§ 1.1003 of this title), to the office

responsible for sending information to the U.S. Department of Commerce. The signed copy of AFPI Form 46 will be a permanent part of the procurement file. Small business specialists at procuring activities will forward copies of completed AFPI Form 46 to the Executive for Small Business according to instructions issued by their respective command headquarters.

(iii) If, prior to award, but after the preprocurement review referred to in subdivision (i) of this subparagraph, the buyer determines that circumstances require him to deviate from the coordinated plan, he will so advise the small business specialist. If the small business specialist and the buyer disagree, either at the time AFPI Form 46 is required to be signed or as to a deviation subsequently proposed, or if at any time the small business specialist considers that a proposal by a small business or labor surplus area concern has not reecived fair and equitable treatment, the matter will be promptly submitted to the Director of Procurement and Production at an AFLC purchasing activity, and to a comparable level at other procurement activities, for final decision.

(iv) The buyer will furnish a copy of the abstract of bids or proposals to the small business specialist for review and use as a guide in future procurements for the same or similar supplies or services.

(v) When a contract is to be based on an engineering or laboratory evaluation, the evaluation report will be made available to the small business specialist prior to award, for such comment or recommendation as he may decide to make.

(vi) Since small business office records at central procurement activities are filed by PR number rather than by IFB/RFP number or contract number, AFPI Form 46C, Small Business Cross Reference Card, may be used as a cross reference file.

(b) Contract Management Regions: An assistant for small business will be assigned to exercise staff supervision over the small business and labor surplus area functions of CMDs, CMOs, and AFPROs within the geographical boundaries of the region.

(c) Contract Management Districts and Contract Management Offices: An assistant for small business will be assigned to:

(1) Exercise surveillance of small business and labor surplus area subcontracting programs established by contractors or subcontractors within the CMD/CMO geographical boundaries (see §§ 1.707 and 1.805 of this title), and to participate in purchasing system surveys (see § 1003.903–3 of this subchapter).

(2) Assist small business and labor surplus area concerns to participate in AF procurements at either the prime or subcontract level (see § 1016.810–50 of this subchapter).

(3) Coordinate on requests for facilities expansion (see § 1013.2402(n) of this subchapter).

(4) Participate as a voting member in FCR review board meetings when an FCR on a small business or labor surplus area concern is under consideration.

§ 1001.705 Cooperation with the Small Business Administration.

§ 1001.705–6 Certificates of competency.

See §§ 1001.950, 1001.951 and 1001.952.

§ 1001.706 Set-asides for small business.

§ 1001.706–1 General.

(a) If circumstances permit the use of Pre-invitation Notices (see § 2.205–4(c) of this title and § 1002.205–4(c) of this subchapter) and the Commerce Business Daily prior to issuing IFB's or RFP's, the definition for that particular procurement will be included in the Pre-invitation Notice and in the transmittal to the Department of Commerce. Prospective suppliers will be required to state in their replies to the Pre-invitation Notices whether they qualify as small business according to that definition. In such cases no determination as to the applicability of a set-aside will be made until the replies to the Pre-invitation Notices have been reviewed to determine the extent of available competition.

§ 1001.706–2 Review of SBA set-aside proposals.

If the contracting officer is notified that the SBA regional office is requesting the Administrator of SBA to appeal to the Secretary of the Air Force, the head of the purchasing activity will forward to Hq USAF (AFSPP–B) through Hq AFLC or AFSC as appropriate, two copies of all pertinent documents and justification for the action taken.

§ 1001.706–3 Withdrawal or modification of set-asides.

(a) No implementation.

(b) See § 1001.706–2.

§ 1001.706–4 Reporting for Department of Commerce procurement synopsis.

See § 1.1003 of this title.

§ 1001.706–5 Total set-asides.

(a) (1) Every proposed procurement for construction in excess of $2,500 and under $500,000 will be considered individually as though SBA had initiated a set-aside request and the procedure of § 1.706–2 of this title will apply.

(2) Every proposed procurement for construction, amounting to $500,000 or more will be considered on an individual procurement basis according to § 1.706–2 of this title.

§ 1001.707 Subcontracting with small business concerns.

§ 1001.707–4 Responsibility for reviewing the subcontracting program.

(a) to (b) No implementation.

(c) Immediately after award of a contract containing the clause in §§ 1.707–3(b) or 1.805–3(b) of this title, or both, the contracting officer will fill in the basic information on AFPI Form 1, Request for Determination of Responsibility for Contractor's Small Business Program, and send it with five copies to AFSC (SCK–4). An additional copy will be placed in the contract file. SCK–4, Hq AFSC, will determine which department has been assigned the responsibility for reviewing the contractor's small business and labor surplus area subcontracting programs according to §§ 1.707–4 and 1.805–4 of this title and will execute the 1st Indorsement on AFPI Form 1, as appropriate. If none of the departments have been assigned the responsibility, SCK–4 will send AFPI Form 1 to the Air Force Small Business Advisor (AFSPP–B), Hq USAF, who will return it to SCK–4 with a 2d Indorsement appropriately filled in.

(d) Promptly upon receipt of the name of a subcontractor who will participate in the small business and labor surplus area subcontracting program according to the clauses in §§ 1.707–3(b) and 1.805–3(b) of this title, the administrative contracting officer will fill out AFPI Form 1 and follow the procedure in paragraph (c) of this section.

(e) See § 1003.903–3(a) of this subchapter.

§ 1001.707–5 Reports on DD Form 1140–1.

The small business specialist in the CMD/CMO will arrange with contractors to have the original monthly report sent directly to the DOD as prescribed, and three copies sent directly to him. He will forward two copies to the Assistant for Small Business at the CMR who will forward one copy to the Executive for Small Business at AFSC (SCK–4). The small business specialist in the CMD/CMO will be responsible for timely action on the submission of DD Form 1140–1 on the part of plants whose defense small business subcontracting programs have been assigned to the cognizance of the Air Force.

Subpart H is revised to read as follows:

Subpart H—Labor Surplus Area Concerns

§ 1001.803 Application of policy.

A copy of each PR with an estimated value of $300,000 or more will be forwarded by the director of procurement and production at AFLC AMAs, the chief, procurement and production office at AFSC divisions or the deputy for procurement at AFSC centers direct to SAF–MA (Special Assistant for Economic Utilization Policy) Room 4D865, Pentagon, Washington 25, D.C., with a cover letter describing the kind of procurement action contemplated (i.e., competitive, sole source, follow-on, etc.); and a statement as to (a) Whether a partial set-aside for labor surplus area concerns will be applied (§ 1.804 of this title) and if not, why not; or, (b) whether the special labor surplus area test procedures established by the Assistant Secretary of Defense (I&L) and which apply to all procurements over $100,000 will be used and if not, why not. If the procurement is one specifically excepted from the test procedures, that fact should be indicated and the exception cited. If procurement action is to be taken by an activity other than the one which forwards the PR to SAF–MA, that fact should be indicated in the covering letter, and the procuring activity identified. The activity that will take the procurement action is then responsible for furnishing the foregoing

information to SAF–MA. The PRs and the covering letter will be forwarded to SAF–MA at least 10 work days prior to any Source Selection Board or other action leading to source selection to permit SAF–MA sufficient time to make any labor surplus area recommendations deemed necessary.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contract

§ 1002.404–1 [Amended]

In § 1002.404–1 delete paragraph (c).

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart Y—Packing and Crating

A new Subpart Y is added as follows:

Sec.
1004.2500 Scope of subpart.
1004.2501 Applicability of subpart.
1004.2502 Placement of orders against basic contract.

AUTHORITY: The provisions of this Subpart Y issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1004.2500 Scope of subpart.

This subpart contains instructions for the placement of orders and subsequent administration thereof for Packing and Crating contracts.

§ 1004.2501 Applicability of subpart.

This subpart applies to all AF procuring activities.

§ 1004.2502 Placement of orders against basic contract.

The procedures established herein provide for placement of contractual requirements (oral calls) by an individual located in the base procurement office or contracting officer located in the Transportation Office against an Unfunded Blanket Delivery Order established by the contracting officer (base procurement) for a specified period in an estimated amount. Each Delivery Order will contain the name of the individual authorized to place calls.

(a) to (f) [Reserved]

(g) The contractor's invoices for services will be directed to the transportation officer who will place upon them a certificate of services rendered (AFM 177–102, paragraph 10112). The transportation officer will then periodically (normally at the end of each month) prepare Standard Form 1034 setting forth each call number, individual for whom services were performed, special order number, the dollar amount, and citations of the various funds set forth in the special orders with the total amount chargeable to each and add completed DD Form 1299, DD Form 619, necessary special orders and vendors' invoices and forward them to the contracting officer. The contracting officer will then certify Standard Form 1034 and forward the entire package to accounting and finance for payment.

PART 1005—INTERDEPARTMENTAL PROCUREMENT

Subpart L—Commodity Assignment

A new Subpart L is added as follows:

Sec.
1005.1201 Assignment authority.
1005.1201–50 Procurement of lumber and allied products—FSG 55.

AUTHORITY: The provisions of this Subpart L issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1005.1201 Assignment authority.

§ 1005.1201–50 Procurement of lumber and allied products—FSG 55.

(a) *Procurement responsibility.* The procurement of Lumber and Allied products (FSG 55) is the responsibility of the Defense Construction Supply Center (DCSC), P.O. Box 2059, Columbus 16, Ohio. This procurement assignment is authorized by DODI 4115.1 and implemented in § 5.1201–6 or this title. However, purchase of these items is authorized locally when the following conditions exist:

(1) The total requirement for any single purchase action is less than one rail carload lot (36,000 pounds) for standard commercial items (see § 9.201 (d) of this title) or one truckload lot (18,000 pounds or less) for all other items.

(2) It is determined that a purchase on a one-time basis in excess of the limitations established in paragraph (1) of this section would be more advantageous procured locally and would provide overall savings to the Government. In these cases, the requiring activity must obtain the prior approval of the SDP Lumber Branch, DCSC, Columbus, Ohio, and must furnish that office with a full statement of facts to justify such purchase.

(3) In case of an emergency procurement, see § 5.1103–4 of this title. When such emergency purchases are made, the SDP Lumber Branch, DCSC, will be furnished a copy of the contractual document with a full statement of facts which justified the emergency procurement.

(4) The items are for research and development. (See § 5.1103–2 of this title.)

PART 1006—FOREIGN PURCHASES

Subpart U—Procurement Services for the Federal Republic of Germany

In § 1006.2103 a new paragraph (g) is added as follows:

§ 1006.2103 Policies.

* * * * *

(g) When sources are designated by the Federal Republic of Germany (FRG), negotiations shall be conducted only with the designated source or sources. The contract file shall be documented with a finding and determination signed by the contracting officer stating that the FRG has designated the source and, therefore, it is impractical to obtain competition. No further authorization to negotiate with the selected source(s) will be required. When, in the opinion of the contracting officer, negotiations with only the selected source(s) result in unreasonable prices or unfair terms and conditions, the FRG will be advised of the circumstances present and requested to verify whether negotiations should be conducted with only the designated source(s).

PART 1008—TERMINATION OF CONTRACTS

Subpart F—Termination for Default

Revise § 1008.650 to read as follows:

§ 1008.650 Authority to terminate for default.

(a) *Delegation of authority to the Commander, AFSC.* The authority to terminate for default of the contractor those contracts entered into pursuant to the various citations in § 1008.200–50 is hereby delegated to the Commander, AFSC, and Commander AFLC, with power of redelegation to be exercised subject to the provisions of ASPR, AFPI, and other pertinent publications and directives.

(b) *Delegation of authority to Deputy Chief of Staff, Procurement and Production, Hq AFSC.* The authority vested in the Commander, AFSC, in paragraph (a) of this section, is hereby delegated with power of redelegation to Deputy Chief of Staff, Procurement and Production, Hq AFSC.

(c) *Redelegation of authority from Deputy Chief of Staff, Procurement and Production, Hq AFSC.* The authority vested in the Deputy Chief of Staff, Procurement and Production, Hq AFSC, is hereby delegated with power of redelegation to the Director of Contract Management, Hq AFSC, and in his absence, the Acting Director of Contract Management, Hq AFSC.

(d) *Redelegation of authority from the Director of Contract Management, Hq AFSC.* The authority to terminate contracts for default of the contractor is hereby delegated to the respective commanders of the commands and/or activities named in paragraphs (1) and (2) of this paragraph, with power of redelegation to duly appointed contracting officers:

(1) Chief, Contract Administration Division, AFSC (SCKAA).

(2) Commanders, each contract management region, within the CMR readjustment division.

(e) *Delegation of authority to Director of Procurement and Production, Hq AFLC.* The authority vested in the Commander, AFLC, in paragraph (a) of this section, is hereby delegated with power of redelegation to the Director of Procurement and Production, Hq AFLC, and in his absence, the Acting Director of Procurement and Production, Hq AFLC.

(f) *Redelegation of authority from the Director of Procurement and Production, Hq AFLC.* The authority to terminate contracts for default of the contractor is hereby delegated to the

respective commanders of the commands and/or activities named in paragraphs (1) through (6) of this paragraph, with power of redelegation to duly appointed contracting officers:

(1) Major overseas commanders.
(2) Commander APRFE.
(3) Commander APRE.
(4) Respective commanders MATS, ADC, and SAC installations outside the Continental United States, in areas not within the jurisdiction of any other major commander.
(5) Chief, AF foreign mission.
(6) Air Attaches.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. No. 37, Dec. 27, 1963; AFPC 5, Jan. 20, 1964]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–2223; Filed, Mar. 6, 1964; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 54]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.354 Navel Orange Regulation 54.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 5, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 8, 1964, and ending at 12:01 a.m., P.s.t., March 15, 1964, are hereby fixed as follows:

(i) District 1: 675,000 cartons;
(ii) District 2: 625,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 6, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2349; Filed, Mar. 6, 1964; 11:18 a.m.]

[Valencia Orange Reg. 72]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.372 Valencia Orange Regulation 72.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 5, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 8, 1964, and ending at 12:01 a.m., P.s.t., March 15, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 75,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 6, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2350; Filed, Mar. 6, 1964; 11:18 a.m.]

[Lemon Reg. 101]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.401 Lemon Regulation 101.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 3, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 8, 1964, and ending at 12:01 a.m., P.s.t., March 15, 1964, are hereby fixed as follows:

(i) District 1: 7,440 cartons;
(ii) District 2: 166,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 5, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2282; Filed, Mar. 6, 1964; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62–WE–156]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extensions and Designation of Transition Area

On July 18, 1963, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (28 F.R. 7356) stating that the Federal Aviation Agency proposed to alter the Larson AFB, Moses Lake, Wash., control zone, revoke the Ephrata, Wash., and Moses Lake control area extensions and designate the Moses Lake transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America concurred with the proposed actions. The Aircraft Owners and Pilots Association concurred with the control zone alteration, but suggested that the transition area proposed with a floor of 700 feet above the surface be reduced and that the portion of the 1,200-foot area beyond a 25-mile radius area be raised to 4,000 feet MSL.

The FAA, having studied the suggestions received from AOPA, has determined that configuration of the proposed 700-foot transition area represents the minimum airspace required to provide protection for aircraft executing IFR arrival, departure and radar vectoring procedures conducted at the Larson AFB and Ephrata Airport below the proposed 1,200-foot floor area. Raising of the floor in the portion of the proposed 1,200-foot floor transition area beyond a 25-mile radius of Larson AFB/Ephrata Airport would adversely effect the flexibility of radar air traffic control services furnished aircraft while executing prescribed instrument approach, departure, holding and radar vectoring procedures within the Ephrata Airport/Larson AFB terminal area. However, the FAA has determined that the floors of the portions of the proposed Moses Lake transition area extensions based on the Ephrata VOR 336° True radial, extending from 39 to 44 miles northwest, and the Larson VOR 141° True radial southeast of V112 W, could be raised from 1,200 feet above the surface to 5,000 feet MSL and 4,000 feet MSL, respectively, with no adverse effect on instrument flight activity. Therefore, action is taken herein to adopt the changes as stated herein and in the Notice.

The substance of the proposed amendments having been published and for the reasons stated herein and in the Notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Moses Lake, Wash., control zone is amended to read:

Moses Lake, Wash.

Within a 5-mile radius of Larson AFB, Moses Lake, Wash. (latitute 47°12'35'' N., longitude 119°18'50'' W.); within 2 miles each side of the Ephrata VOR 157° radial, extending from the 5-mile radius zone to 4 miles SE of the VOR, and within 2 miles E and 2.5 miles W of the 341° bearing from the Larson RBN, extending from the 5-mile radius zone to the RBn, excluding the portion within the Ephrata, Wash., control zone.

2. In § 71.165 (29 F.R. 1073), the following control area extensions are revoked:

a. Moses Lake, Wash.
b. Ephrata, Wash.

3. In § 71.181 (29 F.R. 1160), the following transition area is added:

Moses Lake, Wash.

That airspace extending upward from 700 feet above the surface within a 16-mile radius of Larson AFB, Moses Lake, Wash. (latitude 47°12'35'' N., longitude 119°18'50'' W.), and within a 13-mile radius of the Ephrata, Wash., VOR; and that airspace extending upward from 1,200 feet above the surface within a 39-mile radius of Larson AFB; within 5 miles SW and 9 miles NE of the Larson VOR 141° radial, extending from the 39-mile radius area to V–112, excluding the airspace below 4,000 feet MSL between V–112 and V–112W; and that airspace SW of Moses Lake, extending from the 39-mile radius area, bounded on the S by latitude 46°55'00'' N., on the W by longitude 120°15'-00'' W., and on the N by latitude 47°-00'00'' N.; and that airspace extending upward from 5,000 feet MSL within 5 miles each side of the Ephrata VOR 336° radial, extending from the 39-mile radius area to 44 miles NW of the VOR; excluding the portions within R–6715 and the Ellensburg, Wash., transition area.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D. C., on March 2, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2202; Filed, Mar. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-AL-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation and Alteration of Transition Areas

On February 4, 1964, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (29 F.R. 1696) stating that the Federal Aviation Agency proposed to designate 172 mile radius transition areas at Anchorage, Alaska, Fairbanks, Alaska, and King Salmon, Alaska.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

In consideration of the foregoing, the following actions are taken:

Section 71.181 (29 F.R. 1160) is amended as follows:

1. The following transition area is added:

Anchorage, Alaska.

That airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VOR. The airspace outside the United States, the airspace 14,500 feet MSL or above less than 1,500 feet above the surface, and the airspace within Federal airways, Control 1216, Control 1310, the Anchorage, Alaska, Cordova, Alaska, Kenai, Alaska, and Middleton Island, Alaska, control area extensions and the airspace within the Fairbanks, Alaska, and King Salmon, Alaska, transition areas is excluded.

2. The Fairbanks, Alaska, transition area is amended as follows: "excluding the portion within R-2206. The portions within R-2202, R-2205, R-2207 and R-2209 shall be used only after obtaining prior approval from appropriate authority." is deleted, and "and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Fairbanks RR. The airspace outside the United States, the airspace 14,500 MSL or above less than 1,500 feet above the surface, the airspace within Federal airways above 14,500 feet MSL, and the airspace within the Bettles, Alaska, and Minchumina, Alaska, control area extensions, and the airspace within R-2206 is excluded." is substituted therefor.

3. The King Salmon, Alaska, transition area is amended as follows: "extending from the RR to 85 miles NW." is deleted and "extending from the RR to 85 miles NW; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the King Salmon VOR. The airspace outside the United States, the airspace within Federal airways above 14,500 feet MSL, the airspace within Control 1217, Control 1400, Control 1401, Control 1454 and the airspace within the Kodiak, Alaska, control area extension is excluded." is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 2, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2203; Filed, Mar. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

On February 7, 1964, Federal Register Document 64-1216, was published in the FEDERAL REGISTER (29 F.R. 1843) and amended Part 71 [New], in part, by altering VOR Federal airway No. 1731 from Ironsides Intersection to the intersection of the Andrews, Md., 060° and Baltimore, Md., 197° radials. This airway should have been altered between Ironsides Intersection and Rock Hall Intersection (interesection of Andrews 060° and Baltimore 097° radials). Such action is taken herein.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary. For the reasons stated in the preamble to the rule as initially adopted, the effective date adopted therein is retained.

In consideration of the foregoing, effective immediately, Item 2 of Federal Register Document 64-1216, is amended to read:

2. Section 71.143 (29 F.R. 1049) is amended as follows:

In V-1731, "Andrews AFB, Md., 213° radials; Andrews AFB; INT Andrews AFB 061°, Baltimore, Md., 197° radials; 10 miles wide INT Andrews AFB 061°," is deleted and "Andrews, Md., 214° radials; Andrews; INT Andrews 060° Baltimore, Md., 197° radials; 10 miles wide INT Andrews 060°," is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 28, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2204; Filed, Mar. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-PC-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On July 18, 1963, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (28 F.R. 7358) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 87 from Honolulu, Hawaii, to Hilo, Hawaii, and to revoke the Honolulu radio range, the Maui, Hawaii, radio range, the Hilo radio range and the Bayview, Hawaii, Intersection as reporting points. (The Bayview, Hawaii, Intersection was inadvertently listed as the Baker, Hawaii, Intersection in the Notice).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Hawaiian Airlines, in commenting on the Notice, offered no objection to the proposed revocation of Red 87. However, they referred to the Agency's proposal to shut down the Hilo, Lanai and Upolu Point VORs for conversion to VORTACs and requested that Red 87 be retained for airway coverage between Honolulu and Hilo until the VORTAC conversion was completed. They were assured that no two facilities would be shut down at the same time and that a combination of Victors 15, 1, 2 and 16 together with a temporary route structure based on the Hilo radio range would provide a choice of adequate routes between Honolulu and Hilo. No other comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the Notice, the following actions are taken:

1. In § 71.107 (29 F.R. 1007) R-87 is revoked.

2. In § 71.215 (29 F.R. 1230) the following are deleted:

(a) Bayview INT: INT E course Hilo, Hawaii, RR, 022° bearing Pahoa, Hawaii, RBN.
(b) Hilo, Hawaii, RR.
(c) Honolulu, Hawaii, RR.
(d) Maui, Hawaii, RR.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 28, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2205; Filed, Mar. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-94]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

On November 19, 1963, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (28 F.R. 12258) stating that the Federal Aviation Agency (FAA) proposed to revoke VOR Federal airway No. 19 main airway segment from Cheyenne, Wyo., to Douglas, Wyo., and redesignate the east alternate segment between these points as V-19, revoke V-19 east alternate segments from Douglas to Casper, Wyo., and from Casper to Crazy Woman, Wyo., revoke V-19 main airway segment from Crazy Woman to Sheridan, Wyo., and redesignate V-19 east alternate between these points as V-19.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA) in commenting on the Notice requested that the main airway segment of V-19 from Cheyenne to Douglas and the main and east alternate segments of V-19 from Crazy Woman to Sheridan be retained. They contend that these main airway segments provide the shortest route for overflying aircraft and that the east alternate segment is now regularly used by scheduled air carriers into and out of Sheridan. The FAA has evaluated the main and alternate segments of V-19 in light of the ATA's requests and has determined that retention of those segments is justified.

Accordingly, action is taken herein to revoke only the east alternate segments of V-19 from Douglas to Casper and from Casper to Crazy Woman. The ATA also stated in their comments a desire for a direct route alignment between Cheyenne and Casper. The FAA is presently evaluating such a route alignment and if found practicable will initiate a separate airspace action at a later date. No other comments were received.

In consideration of the foregoing, § 71.123 (29 F.R. 1009) is amended as follows: In V-19 "Casper, Wyo., including an E alternate; Crazy Woman, Wyo., including an E alternate via INT of Casper 007° and Crazy Woman 146° radials;" is deleted and "Casper, Wyo.; Crazy Woman, Wyo.;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2206; Filed, Mar. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Reporting Point

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to designate the Utah Intersection (intersection of the San Juan, P.R., 314° and Ramey, P.R., 354° True radials, latitude 19°35' N., longitude 67°15' W.) as a reporting point at all altitudes for aircraft operating on Route 3 to San Juan and on Route 1 to Ramey. Air traffic control requirements periodically change with regard to specific reporting points due to modifications of operating procedures or alterations to airway configurations. Recent changes of this nature require that the Utah Intersection be designated as a reporting point.

Since this amendment is procedural in nature and does not involve designation of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

Since this action involves the designation of a reporting point outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In consideration of the foregoing, the following action is taken:

In § 71.209 (29 F.R. 1226) "Utah INT: INT San Juan, P.R., 314°, Ramey, P.R., 354° radials, at latitude 19°35' N., longitude 67°15' W." is added.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on March 2, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2207; Filed, Mar. 6, 1964; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-400]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Revision of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October 1963.

Present Part 295, as amended, sets out the general requirements governing applications for and operations under special orders to carriers holding certificates of public convenience and necessity for the carriage of property only and property and mail only pursuant to Part 207 of the Economic Regulations and amendments to interim operating certificates of supplemental carriers operating under section 7 of Public Law 87-528, authorizing for periods up to 180 days but terminating not later than September 30 of any year, the performance of pro rata, mixed and/or single entity charter flights for transatlantic passengers.

In its decision in the Transatlantic Charter Investigation, Docket 11908 et al., dated October 8, 1963, the Board granted certificates of public convenience and necessity to two [1] supplemental air carriers (Capitol Airways, Inc., and Saturn Airways, Inc.) under section 401 (d)(3) of the Act, for supplemental air transportation of persons and their personal baggage between points in the 48 contiguous States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand, for a period of five years, subject to the terms, conditions and limitations of this revised Part 295. The revision contained herein implements the determination contained in the aforesaid order by redefining charter flights and specifying the terms, limitations and conditions under which such certificated transatlantic passenger charter operations shall be conducted.

The supplemental order of investigation in the Transatlantic Charter Investigation [2] specified that one of the subjects of investigation should be under what terms and conditions, if any, one or more carriers should be certificated to conduct transatlantic passenger charters. The Board stated that it contemplated a full consideration of the rules which should govern such operations, including, but not limited to the rules established in Part 295 and that in determining rules to govern the broader and more permanent operations which might be authorized therein, it was patent that the Board should have the benefit of a full evidentiary hearing; the Board invited the applicants and all parties not only to offer any suggestions which they might have with regard to the suitability of the rules of Part 295 for a long-range program, but also to come forward with any new concepts which they might consider appropriate. The examiner attached to his recommended decision in that proceeding a specific revision of Part 295 based upon the current version, but modified to the extent he deemed called for by the evidence and briefs of the parties. Although the regulation we are reissuing differs in some of its provisions from the regulation recommended by the examiner and/or the parties, all of the provisions were either taken from the existing regulation or Policy Statement No. 17 (§ 399.41), [3] or their substance was the subject of intensive examination and argument by the parties. Interested parties have, therefore, been afforded an opportunity to comment on the substance of this regulation in connection with the above-mentioned proceeding. In view of the foregoing circumstances, the Board finds that further notice and public procedure hereon are unnecessary and not in the public interest.

Accordingly, the Civil Aeronautics Board hereby reissues Part 295 of the Economic Regulations (14 CFR Part 295), effective April 18, 1964, as follows:

Sec.
295.1 Applicability.
295.2 Definitions.
295.3 Waiver.

[1] The Board's decision of October 8, 1963, as submitted to the President for approval pursuant to section 801 of the Act, would also have granted a certificate to Overseas National Airways, Inc. The President approved the decision to award certificates to Capitol and Saturn, but returned for further evaluation the decision to award a certificate to Overseas National. Pursuant to the Board's Order E-20530, approved by the President on February 29, 1964, the proceeding has been reopened for further hearings on the financial qualifications of Overseas National.

[2] Order E-17190, July 18, 1961. This order was published in the FEDERAL REGISTER.

[3] Policy Statement No. 17 was recodified, effective January 29, 1964, in Policy Statement No. 21 as § 399.17.

Sec.
295.4 Separability.
295.5 Reporting and record retention.

Subpart A—Provisions Relating to Pro Rata Charters

295.10 Applicability of subpart.

Requirements Relating to Air Carriers

295.11 Solicitation and formation of a chartering group.
295.12 Pre-trip notification.
295.13 Tariffs to be on file.
295.14 Terms of service.
295.15 Agent's commission.
295.16 Prohibition against payments or gratuities.

Requirements Relating to Travel Agents

295.20 Prohibition against double compensation.
295.21 Prohibition against payments or gratuities.
295.22 Statement of supporting information.

Requirements Relating to the Chartering Organization

295.30 Solicitation of charter participants.
295.31 Passengers on charter flights.
295.32 Participation of immediate families in charter flights.
295.33 Charter costs.
295.34 Statements of charges.
295.35 Passenger manifests.
295.36 Statement of supporting information.

Subpart B—Provisions Relating to Single Entity Charters

295.39 Applicability of subpart.
295.40 Tariffs to be on file.
295.41 Terms of service.
295.42 Commissions paid to travel agents.

Subpart C—Provisions Relating to Mixed Charters

295.50 Applicable rules.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

295.60 Advisory opinion.

Authority: The provisions of this Part 295 issued under sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 401(d)(3) and sec. 401(n); 76 Stat. 143, 144; 49 U.S.C. 1371.

§ 295.1 Applicability.

This part establishes the terms, conditions, and limitations of transatlantic supplemental air transportation.

§ 295.2 Definitions.

As used in this part, unless the context otherwise requires—

(a) "Transatlantic supplemental air transportation" means charter flights in air transportation performed pursuant to a certificate of public convenience and necessity issued under section 401(d)(3) of the Act authorizing the holder to engage in supplemental air transportation of persons and their personal baggage between points within the 48 contiguous States of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand.

(b) "Charter flight" means air transportation performed by a direct air carrier where (1) the entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage, on a time, mileage or trip basis: (i) By a person for his own use (including a direct air carrier or surface carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency); or (ii) by a representative (or representatives acting jointly) of a group for the use of such group; or (2) one-half the capacity of an aircraft has been engaged by a person for his own use or by a representative or representatives of a group for the use of such group and the remaining half of the capacity of such aircraft has been engaged by another person for his own use or by a representative or representatives of a second group.

With the consent of the charterer, the direct air carrier may utilize any unused space for the transportation of the carrier's own personnel and property.

(c) "Pro rata charter" means a charter the cost of which is divided among the passengers transported.

(d) "Single entity charter" means a charter the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(e) "Mixed charter" means a charter the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(f) "Person" means any individual, firm, association, partnership, or corporation.

(g) "Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(h) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(i) "Charter organization" means that organization, group or other entity from whose members (and their immediate families) a charter group is derived.

(j) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(k) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans and unless they have actually been members for a minimum period of six months prior to the starting flight date. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a formal academic study course abroad. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(l) "Solicitation of the general public" means (1) a solicitation going beyond the bona fide members of an orzaniza-tion (and their immediate families), such as advertising directed to the general public by radio, television, newspaper, or magazine, or (2) the solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

§ 295.3 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 295.4 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of person, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 295.5 Reporting and record retention.

(a) Fifteen days after the end of each calendar month, each carrier operating pursuant to this part shall file with the Board's Bureau of Economic Regulation a report setting forth the following information pertaining to each charter flight performed during said month pursuant to this part:

(1) Date of trip;
(2) Points served;
(3) Number of round-trip and one-way passengers;
(4) Name of chartering organization;
(5) Description of chartering organization disclosing basis for conclusion that the group is bona fide (identify criteria relied upon);
(6) Name of travel agent; and
(7) Construction of tariff charge.

(b) Prior to performing any supplemental air transportation pursuant to this part the carrier shall execute, and require the travel agent (if any) and charterer to execute, the form "Statement of Supporting Information" attached hereto and made a part hereof.

(c) Each air carrier operating pursuant to this part shall comply with the applicable record-retention provisions of Part 249 of this subchapter, as amended.

Subpart A—Provisions Relating to Pro Rata Charters

§ 295.10 Applicability of this subpart.

This subpart sets forth the special rules applicable to pro rata charters.

Requirements Relating to Air Carriers

§ 295.11 Solicitation and formation of a chartering group.

A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip.

§ 295.12 Pre-trip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 295.[1] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in §§ 295.34 and 295.35 and submit to each charter participant the information identified in § 295.34. The carrier shall also require that the charterer and any travel agent involved shall furnish it in due time for review before flight the information required in §§ 295.36 and 295.22, respectively.

§ 295.13 Tariffs to be on file.

No air carrier shall perform any supplemental air transportation unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity or one-half the capacity of one or more aircraft in such supplemental air transportation and showing all rules, regulation practices and services in connection with such supplemental air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

§ 295.14 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity or for one-half the capacity of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) Insurance coverage shall be maintained in compliance with the insurance requirements of Part 208 of this subchapter.

(c) The air carrier shall provide substitute transportation and pay incidental expenses, with respect to delays on return portions of flights, as follows:

(1) *Substitute air transportation.* (i) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft to finally enplane each passenger and commence the take-off procedures at the airport of departure before the forty-eighth hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this subparagraph.

(ii) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than forty-eight hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other air carrier or foreign air carrier.

(iii) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of forty-eight hours following the scheduled departure time of any such charter flight, the charterer, or his duly authorized agent, may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the costs of such air transportation to the substitute air carrier or foreign air carrier.

(iv) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this subparagraph, periods of delay caused by the prohibition of flights from the airport of departure because of weather or other operational conditions shall be excluded if, and while, the air carrier had an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness posted at such airport.

(v) Air carriers may subcontract the performance of transatlantic passenger charter services which they have contracted to perform, only to air carriers authorized by the Board to perform such services.

(2) *Incidental expenses.* (i) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft to finally enplane each passenger and commence the take-off procedures at the airport of departure before the sixth hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this subparagraph. Such payments shall be made at the airport of departure as soon as they become due to the charterer, or its duly authorized agent, for the account of each passenger, including infants and children traveling at reduced fares.

(ii) Such payments shall be made at the rate of $16.00 for each full twenty-four hour period of delay following the scheduled departure time. However, the sum of $8.00 shall be paid for each passenger delayed six hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of $8.00 shall be paid for each passenger delayed in installments of $4.00 for the first and second succeeding six-hour period of delay, or any fractional part thereof. If the delay continues beyond a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of $4.00 for each further six-hour period of delay, or any fractional part thereof: *Provided, however*, That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of subparagraph (1) of this paragraph.

(d) Each and every contract for a transatlantic charter to be operated hereunder shall incorporate the provisions of paragraphs (b) and (c) of this section concerning insurance, substitute transportation, and incidental expenses.

(e) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(f) In the case of a round-trip charter, one-way passengers shall not be carried except that up to five percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the five percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each plane-load or one-half plane-load group shall move as a unit in both directions.

§ 295.15 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of five percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 295.16 Prohibition against payments or gratuities.

A carrier shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise. Nothing in this section shall preclude a carrier from paying a commission (within the limits of § 295.15) to a member of a chartering organization if such member is its agent, or restrict a carrier from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

[1] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C., 20402. Single copies will be furnished without charge on written request to the Publications Unit, Civil Aeronautics Board, Washington, D.C., 20428.

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 295.20 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service.

§ 295.21 Prohibition against payments or gratuities.

A travel agent shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization whether in relation to air transportation or otherwise. Nothing in this section shall restrict a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

§ 295.22 Statement of supporting information.

Travel agents shall execute, and furnish to air carriers, Section A of Part II of the Statement of Supporting Information attached hereto and made a part hereof, at such time prior to flight as required by the carrier to afford it due time for review thereof.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 295.30 Solicitation of charter participants.

As the following terms are defined in § 295.2, members of the charter group may be solicited only from among the bona fide members of an organization, club or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public.

§ 295.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[3] Where the charterer is engaging round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 295.14(f). When more than one round trip is contracted for, intermingling between flights or reforming of plane-load or one-half plane-load groups shall not be permitted and each such group must move as a unit in both directions.

§ 295.32 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight.

§ 295.33 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under twelve years of age may be transported at a charge less than the equally prorated charge; (2) children under two years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 295.15), or prevent any member of the charter group from accepting such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers to be given to the carrier with the "Post Flight Report" required pursuant to § 295.34.

§ 295.34 Statements of charges.

(a) Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be separately paid for the air transportation, for the land tour, and for the administrative expenses of the charterer.

(b) Within 15 days after completion of each one-way or round-trip flight the charterer shall complete and supply to each charter participant and the air carrier involved a detailed report showing the charge per passenger transported and the charterer's total receipts and expenditures. The report shall be submitted in the form of, and contain such information including the above as more fully specified by, the "Transatlantic Charter—Post Flight Report" annexed hereto and made a part hereof.

§ 295.35 Passenger manifests.

(a) Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported and specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described). The manifest may include "stand-by" participants (by name, address and relationship to charterer).

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger manifest as follows:

(1) A bona fide member of the chartering organization at the time the organization first gave notice to its members of firm charter plans and will have been a bona fide member of the chartering organization for at least six months prior to the starting flight date. Specify on the passenger manifest as "(1) member."

(2) The spouse, dependent child or parent of a bona fide member who lives in such member's household. Specify on the passenger manifest as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or a college campus, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger manifest as "(3) special" or "(3) member" (where participants are from a study or campus group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the eastbound and westbound trips must be explained on the manifest.

(d) Attached to such manifest must be a certification, signed by a duly authorized representative of the charterer, reading:

> The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the chartering organization first gave notice to its members of firm charter plans, and will have been a member for at least six months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and educational staff of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a charter composed of participants in a formal academic study course abroad.
>
> (Signature)

[3] Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency or college will suffice to meet the requirement.

§ 295.36 Statement of supporting information.

Charterers shall execute and furnish to air carriers Section B of Part II of the Statement of Supporting Information attached hereto and made a part hereof at such time prior to flight as required by the carrier to afford it due time for review thereof.

Subpart B—Provisions Relating to Single Entity Charters

§ 295.39 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 295.40 Tariffs to be on file.

The provisions of § 295.13 shall apply to charters under this subpart.

§ 295.41 Terms of service.

(a) The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity or one-half the capacity of one or more aircraft.

(b) The terms of service prescribed in § 295.14 (b), (c), and (d) shall be applicable in the case of single entity charters.

§ 295.42 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of five percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

Subpart C—Provisions Relating to Mixed Charters

§ 295.50 Applicable rules.

The rules set forth in Subpart A of this part shall apply in the case of mixed charters.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

§ 295.60 Advisory opinion.

An air carrier or prospective charterer may request an advisory opinion from the Bureau of Economic Regulation, Civil Aeronautics Board, Washington, D.C., 20428, regarding the eligibility of the prospective charterer to obtain charter service in accordance with this part. The Bureau's opinion will be based on the representations submitted and shall not be binding upon the Board in any proceeding in which the lawfulness of the respective charter may be in issue. Such representations should include as much of the information specified by Section B, Part II, of the Statement of Supporting Information as is available to the person requesting the advisory opinion.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,[2]
Secretary.

[2] Members Gurney and Gilliland dissented.

STATEMENT OF SUPPORTING INFORMATION*

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: _____
2. Commencement date(s) of proposed flight(s):
   (a) Going _____
   (b) Returning _____
3. Points to be included in proposed flight(s):
   (a) From _____ to _____
   (b) Returning from _____ to _____
   (c) Other stops required by charterer: _____
   (d) Technical stops required by carrier: _____
   (e) Planned routing: _____
4. (a) Type of aircraft to be used: _____
   (b) Seating capacity: _____
   (c) Number of persons to be transported: _____
5. (a) Total charter price: _____
   (b) Does the charter price conform to tariff on file with the Board? _____
   (c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.) _____
6. (a) Has the carrier paid, or does it contemplate the payment of any commissions, direct or indirect, in connection with the proposed flight? Yes ☐ No ☐
   (b) If "yes," give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation. _____
7. (a) Will the carrier or any affiliate provide any services or perform any functions in addition to the actual air transportation? Yes ☐ No ☐
   (b) If "yes," describe services or functions: _____
8. Name and address of charterer: _____
9. If charter is single entity, indicate purpose of flight: _____
10. On what date was the charter contract executed? _____
11. If the charter is pro rata, has a copy of Part 295 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes ☐ No ☐

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or, where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis? _____
2. What specific services have been or will be provided by agent to individual participants in the proposed charter? _____
3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation either to the proposed charter flight or any land tour? Yes ☐ No ☐
4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes ☐ No ☐
   If answer is "yes," explain: _____

VERIFICATION[1]

State of _____ } ss:
County of _____ }

_____, being duly sworn, deposes and
Name
says that to the best of his knowledge and belief all the information presented in Part II, Section A of this Statement is true and correct.

_____
Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).

Sworn to before me this day, the _____ of _____, 19__.

_____
(Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)

[SEAL]

WARRANTY

I, _____, represent and warrant that
(Name)
I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 295 of the Board's Economic Regulations.

_____
Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objectives and purposes: _____
2. What activities are sponsored by the chartering organization? _____
3. When was the organization founded? _____
4. Qualification or requirements for membership in organization and membership fee, if any: _____
5. Has there been any reference to prospective charter flights in soliciting new members for the chartering organization? Yes ☐ No ☐
6. If total membership in the chartering organization is less than 1,000, submit list showing names and addresses of members in

*This must be retained by the air carrier for two years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

[1] See footnote on next page.

good standing.[2] If total membership in the chartering organization is 1,000 or more, state where a list of members is available for inspection.

---

7. Attach list of prospective passengers, showing for each: Name, address, and whether a member of chartering organization or relationship to a member of chartering group. (NOTE: This is a list of prospective passengers and does not necessarily have to represent the passengers actually carried.)

8. Purpose of trip: ---

---

9. What are requirements for participation in charter? ---

---

10. How were prospective participants for charter solicited (attach any solicitation material)? ---

---

11. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group, residing in the same household with the member? Yes☐ No☐

12. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than six months prior to flight date?[2] Yes☐ No☐ If answer is "yes," give names of participants who will not have been members for six months and justify (see § 295.2(k)):

---

13. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration and scope of activity:

---

14. Estimated receipts: ---
(Pro rata charge)

× ---
(No. of passengers)

= $---
(Estimated receipts from charter)

Estimated receipts from other sources, if any: ---

Explain: ---

(a) Total receipts: $---

Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses):

Item	*Amount*	*Payable to*

(b) Total expenditures: $---

Explain any difference between (a) and (b): ---

---

15. Are any of the expenses included in Item 14, above, to be paid to any members of the chartering organization? Yes [ ] No [ ] If "yes," state how much, to whom and for what services:

---

16. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes [ ] No [ ] If "yes," explain fully:

---

17. Will any person in the group (except children under two years) be transported without charge? Yes [ ] No [ ]

18. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under twelve years old? Yes [ ] No [ ]

19. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction:

---

20. If more than one round trip is contracted for, will each group move as a unit in both directions? Yes [ ] No [ ]

---

21. If transatlantic charters have been performed for organization during past 5 years, give dates and name of carrier performing charters:

---

22. Has a copy of Part 295, "Transatlantic Supplemental Air Transportation," of the Economic Regulations of the Civil Aeronautics Board been received by the charterer? Yes [ ] No [ ]

VERIFICATION OF CHARTERER[1]

State of ---}
County of ---} *ss:*

--- and ---
(Name) (Name)

being duly sworn, hereby separately depose and say that to the best of the knowledge and belief of each of them all the information in Part II, Section B, of this Statement is true and correct.

(Signature of person within organization in charge of charter arrangements.)

Sworn to before me this day, the ---- of ----, 19--.

(Signature of person administering oath. Also, set forth here below the name, address and authority of such person.)
[SEAL]

(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the verification must be by a school official not directly involved in charter.)

Sworn to before me this day, the ---- of ----, 19--.

(Signature of person administering oath. Also, set forth here below the name, address and authority of such person.)
[SEAL]

[1] Whoever, having taken an oath before a competent—person—that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than five years, or both. Title 18, U.S.C. § 1621.

WARRANTY OF CHARTERER

I, --- and ---
(Name) (Name)

represent and warrant that the charterer has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operation, in a manner consistent with Part 295 of the Board's Economic Regulations.

(Signature of person within organization in charge of charter arrangements.)

(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by a school official not directly involved in charter.)

VERIFICATION OF EMPLOYER[1]

(To be furnished where eligibility to participate in charter is dependent upon employment by a particular entity.)

State of ---}
County of ---} *ss:*

---, being duly sworn, deposes and
(Name)
says that to the best of his knowledge and belief solicitation for this charter has been confined to persons employed by ---
(Name of employer entity)
or persons in the immediate families of such employees.

(Signature and title of authorized official of employer.)

Sworn to before me this day, the ---- of ----, 19--.

(Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)
[SEAL]

WARRANTY OF AIR CARRIER

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts verified by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 295 of the Board's Economic Regulations.[3]

(Signature and title of authorized official of air carrier.)

[2] Not applicable to college campus or study-group charters, nor to charters limited to employees of a single Government agency, industrial plant or mercantile company.

[3] Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse to keep or preserve accounts, records and memoranda in the form and manner prescribed by the Board, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record or memorandum, shall be guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000. Title 49, U.S.C., § 1472.

TRANSATLANTIC CHARTER POST FLIGHT REPORT

INSTRUCTIONS

The charterer shall complete and file a report in this form with the air carrier within 15 days of each one-way or round-trip charter flight. A report in this form shall also be furnished each charter participant by the charterer within 15 days after completion of each one-way or round-trip charter flight.

1. Name of carrier: ---
2. Name of chartering organization: ---

---

3. Analysis of charterer's receipts:

(a) ---
(No. of one-way pegrs.)
×---
(Charge per pegr.[1] (including amounts later refunded))
=---

(b) ---
(No. of round-trip pegrs.)
×---
(Charge per pegr.[1] (including amounts later refunded))
=---

(c) Receipts from other sources (explain) =---

(d) Total receipts [(a)+(b)+(c)]=---

4. Analysis of charterer's expenditures:

Item of expenditure[2]	*Paid to*[2]	*Amount*
Total[4]		

Verification[1]

State of ---}
County of ---} *ss:*

I, ---, being duly sworn, hereby depose and say that this report has been prepared by me or under my direction, that I have carefully examined it and that to the best of my knowledge and belief it is a complete and accurate statement, and a copy hereof has been distributed to each charter participant.

(Signature of person in charge of charter arrangements.)

Sworn to before me this day, the ---- of ----, 19--.

(Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)
[SEAL]

[1] If charter cost was not divided equally among all participants actually transported, indicate clearly the individual amounts collected and the number of passengers paying each such amount.

[2] As a separate item there should be listed here a total of all the amounts refunded to the charter participants; also list separately air transportation, land tour, and administrative expenses, and break down administrative expenses so as to show such items as postage and printing, and to show compensation for labor and personal expenses paid to any member of chartering organization.

[2] Disclose any relationship to chartering organization.

[4] If this item does not agree with item 3(d), submit an explanatory statement as to the reasons therefor. If the total expenditures (including among other items compensation to members of the chartering organization but exclusive of expenses for air transportation or land tours) exceed $750 per round trip, such expenditures shall be fully supported by vouchers submitted to and retained by the direct air carrier operating the charter. Such vouchers must cover all expenditures made on behalf of the chartering group including any expenditures for banquets, gifts, local transit, etc.

[F.R. Doc. 64-2200; Filed, Mar. 6, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. No. 4031; Amdt. 699]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Model 1329 Aircraft

Amendment 600, 28 F.R. 8285, AD 63-17-4, as revised by Amendment 613, 28 F.R. 9810, requires inspection of the horizontal stabilizer and the installation of placards which restrict the airspeed limits and the use of speed brakes on Lockheed Model 1329 aircraft. Recent tests have shown that a new design stabilizer, P/N JE 205-502, is satisfactory for normal life service. Therefore, Amendment 600 as amended by Amendment 613, is being further amended to permit return to normal operation after the new stabilizer is installed.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 600, 28 F.R. 8285, AD 63-17-4, as amended by Amendment 613, 28 F.R. 9810, Lockheed Model 1329 aircraft, is further amended by adding the following new paragraph (c) to read:

(c) When a new stabilizer P/N JE 205-502 is installed in accordance with Lockheed Jetstar Service Bulletin No. 329-148 dated January 31, 1964, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region is incorporated, compliance with this AD is no longer required.

This amendment shall become effective March 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 3, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2209; Filed, Mar. 6, 1964; 8:46 a.m.]

[Reg. Doc. No. 4029; Amdt. 697]

PART 507—AIRWORTHINESS DIRECTIVES

Vertol Model 107-II Helicopters

As a result of an investigation of a recent incident on a Vertol Model 107-II helicopter which caused the helicopter to lurch to the left 20°-40°, and upward approximately 10°-15°, it was determined that under certain types of generator failures the essential bus receives a decaying power for approximately five seconds before the operating generator is automatically switched over to feed the essential bus. This time delay is required to differentiate between transients and an actual failure. Since both stability augmentation systems are transistorized and receive a.c. power from the essential bus, the reaction to this condition is instantaneous, resulting in an improper signal output from both stability augmentation systems causing the lurching. To correct this unsafe condition, an airworthiness directive is being issued to require modification of the stability augmentation systems.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VERTOL. Applies to all Model 107-II helicopters.

Compliance required within 25 hours' time in service after the effective date of this AD.

To prevent recurrence of a serious lurching condition which has been encountered on this model helicopter, modify each stability augmentation system to derive a.c. power from its respective generator instead of the essential bus, as follows:

Remove the present a.c. electrical circuit wiring from terminals A3 and B3 of the a.c. instrument relay and from the "B" phase of the a.c. bus. Connect terminals A3 and B3 of the instrument relay to the terminal T2 of the a.c. feeder relay No. 1 and a.c. feeder relay No. 2 respectively.

(Vertol 107-II Service Bulletin No. 107-118 dated December 6, 1963, covers the same subject.)

This amendment shall become effective March 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 2, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-2210; Filed, Mar. 6, 1964; 8:46 a.m.]

[Reg. Docket No. 4030; Amdt. 698]

PART 507—AIRWORTHINESS DIRECTIVES

Vertol Model 107-II Helicopters

Amendment 483, 27 F.R. 9101, AD 62-20-3, imposes a service life limit of 350 hours' time in service on certain Vertol Model 107-II helicopter blade sockets and rotor pitch housings. The inclusion of this life limit on the blade sockets was a precautionary measure since the folding joint had experienced a service failure. Subsequent investigation, however, has shown that the service failure did not occur in the blade socket but in the rotor pitch housing and that the life

limit imposed by the directive on the blade sockets is unnecessary. Therefore, Amendment 483 is superseded by this new directive which removes the 350 hour service life limit on the blade sockets. However, it is still considered desirable to inspect the blade sockets at intervals not to exceed 350 hours' time in service.

Additional modification numbers have been added to the rotor pitch housing basic part number in the provision governing the service life limits since all such parts were approved by the FAA subject to the same limitation. Furthermore, additional modification numbers for rotor pitch housings and blade sockets approved subsequent to the previous directive, have been incorporated in the inspection requirements. However, this does not constitute an additional requirement for any operator since the inspections are the same as required by the previous directive and are conducted on the basis of the part number regardless of the particular modification.

Since this amendment relieves a restriction and imposes no additional burdens on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VERTOL. Applies to all Model 107–II helicopters.

Compliance required as indicated.

As a result of a fatigue failure in service of the rotor pitch housing, accomplish the following:

(a) Unless already accomplished within the last 30 hours' time in service, before further flight inspect all rotor pitch housings P/Ns 107R2553–1, –2, –3, –4, –5, –6, –7, –8, –9, –10, –13, –14, –15, and –16 in the four lug areas which have accumulated 260 or more hours' time in service, using magnetic particle inspection method or FAA approved equivalent. To accomplish the inspection, remove rotor blades and rotor hub pitch bearing assemblies. This inspection shall be repeated at intervals not to exceed 30 hours' time in service since the last inspection.

(b) Unless already accomplished within the last 350 hours' time in service, before further flight inspect all blade sockets P/Ns 42R1043–7, –8, –11, –12, –13, and –14 in the 8 lug areas which have accumulated 350 or more hours' time in service, using magnetic particle inspection or FAA approved equivalent. To accomplish the inspection, remove rotor blades and rotor hub pitch bearing assemblies. This inspection shall be repeated at intervals not to exceed 350 hours' time in service since the last inspection.

(c) Rotor pitch housings which have accumulated less than 260 hours' time in service shall be inspected in accordance with (a) upon the accumulation of 260 hours' time in service.

(d) Blade sockets which have accumulated less than 350 hours' time in service shall be inspected in accordance with (b) upon the accumulation of 350 hours' time in service.

(e) A daily visual inspection for cracks in the lug areas shall be conducted. This may be accomplished without disassembly from the helicopter.

(f) If any cracks are found, the parts must be replaced before further flight.

(g) Rotor pitch housing P/Ns 107R2553–1, –2, –3, –4, –5, –6, –7, –8, –9, –10, –13, –14, –15, and –16 which have accumulated 350 or more hours' time in service must be retired from service.

This supersedes Amendment 483, 27 F.R. 9101, AD 62–20–3.

This amendment shall become effective March 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 2, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–2211; Filed, Mar. 6, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart B—Procedural Regulations

FURTHER EXTENSIONS OF EFFECTIVE DATE OF PUBLIC LAW 86–139 AS IT AFFECTS SECTION 408 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Under the provisions of Public Law 86–139 (73 Stat. 388, as amended 75 Stat. 42; 7 U.S.C. 135 et seq.), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner has further extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The list previously published on § 120.37 (21 CFR 120.37) is amended by changing the items listed, as follows:

§ 120.37 Further extensions of effective date of Public Law 86–139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
Arsenic acid	On cotton to defoliate	June 30, 1964
p-Chlorophenoxyacetic acid	On bean seeds in sprout production to eliminate embryonic root development	June 30, 1964
* * *	* * *	* * *
β-Naphthoxyacetic acid	On strawberries to stimulate growth	June 30, 1964

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute, as amended, as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of signature.

(Public Law 86–139 (73 Stat. 388, as amended 75 Stat. 42; 7 U.S.C. 135 et seq.))

Dated: March 3, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64–2245; Filed, Mar. 6, 1964; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Department of Commerce, Maritime Administration

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 99]

PART 281—INFORMATION, POLICY AND PROCEDURES UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Miscellaneous Amendments

Notice is hereby given that, effective April 15, 1964, the Maritime Subsidy Board, Maritime Administration, proposes to revise the heading of this part to read as set forth above and to add a new § 281.7 to read as follows:

§ 281.7 Policy regarding repairs performed foreign, etc.

(a) The Maritime Subsidy Board, Maritime Administration, has determined that repairs performed foreign and the use of articles, materials or supplies of foreign growth, production or manufacture, when such actions are found by the Board to be in violation of sec. 606(7), Merchant Marine Act, 1936, as amended, and Article II–4 of the company's operating-differential subsidy agreement, shall be subject to the following:

(1) An amount equal to the total cost (exclusive of applicable United States Customs duties) of said foreign repairs and purchases shall be deducted from the company's total operating-differential subsidy otherwise accrued.

(b) The acting Maritime Administrator has reaffirmed the policy of the Maritime Administration that in the event of violation, as determined by the Maritime Subsidy Board, of section 606(7), Merchant Marine Act, 1936, as amended, and Article II–4 of the operating-differential subsidy agreement, all costs thereby incurred, plus applicable United States Customs duties, shall be excluded from the determination of net profits for purposes of accounting under the reserve fund and recapture provisions of the company's operating-differential subsidy agreement.

Interested persons may submit data, views or comments relative to this matter, in writing, in triplicate, addressed to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by close of business on April 1, 1964. The Maritime Subsidy Board will consider such written data, views or comments and take such action with respect thereto as in its discretion it deems warranted.

(Sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114)

By order of the Acting Maritime Administrator/Maritime Subsidy Board.

Dated: February 28, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64–2262; Filed, Mar. 6, 1964; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64–171]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Maritime Mobile Service Conversion to Single Sideband

MARCH 4, 1964.

On May 13, 1963, the Commission released a Notice of Proposed Rule Making in the matter of Amendment of Parts 2, 81, 83 and 85 (formerly Parts 2, 7, 8 and 14) to establish technical standards and other requirements for the use of single sideband radiotelephony in the Maritime Services and in Public Fixed Stations in Alaska (Docket 15068). Included in the Notice was a proposal to require the use of single sideband radiotelephone transmitters on frequencies between 4 and 27.5 Mc/s, except in Alaska, after January 1, 1970.

Section 83.139 of the Commission's rules requires that radiotelephone transmitters specified in new and renewal ship station applications filed after June 1, 1963, be type accepted. The effect of § 83.139 is to require the replacement of non-type accepted transmitters upon the expiration of current station licenses.

In view of the outstanding proposal to require single sideband radiotelephone transmitters for use on frequencies between 4 and 27.5 Mc/s after January 1, 1970, the Commission believes that some relief should be afforded those licensees now operating on frequencies between 4 and 27.5 Mc/s who are faced with an equipment replacement problem.

Accordingly, until the proposed rules in Docket 15068 have been made effective and for a reasonable time thereafter, the Commission will consider requests for waiver of § 83.139 of the rules to permit the continued operation of non-type accepted ship radiotelephone transmitters on frequencies between 4 and 27.5 Mc/s to permit conversion to single sideband when type accepted equipment is available.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2253; Filed, Mar. 6, 1964; 8:51 a.m.]

[1] Commissioners Henry, Chairman; and Ford absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1049]

[Docket No. AO-319-A4]

MILK IN INDIANAPOLIS, INDIANA, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Indianapolis, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Indianapolis, Indiana, on February 7, 1964, pursuant to notice thereof which was issued on February 1, 1964 (29 F.R. 1656).

The material issues on the record of the hearing relate to:

1. Pooling requirements for distributing plants; and

2. Whether an emergency exists which warrants the omission of a recommended decision and the opportunity for interested parties to file exceptions thereto and the immediate issuance of a final decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) Pooling requirements for a distributing plant should be changed so that a handler can pool by selling therefrom on routes (as Class I milk) 50 percent of the Grade A milk receipts from producers and pool supply plants in lieu of such percentage of all Grade A milk receipts at the plant.

This revision will modify the present pooling standards in only one major respect. It will permit the handler to subtract receipts from other pool distributing plants and nonpool plants (ordinarily received for manufacturing use) in calculating whether the plant meets the Class I percentage requirement and thus qualifies as a pool plant. Thus, the percentage requirement for Class I use as a basis for pooling will be related to the normal and regular quantities of milk received to fulfill such use.

The present pooling provisions require a handler to dispose of on routes 50 percent of all Grade A milk receipts (except diverted milk from other order plants), including any surplus milk of other plants bought for manufacturing, in order to pool a distributing plant. Proponent indicated that he could not buy all the milk that would be offered to his New Bremen, Ohio, distributing plant during the coming flush production months and still retain pool status. It was stated that if he accepted for processing the increased quantities of surplus Grade A milk which would be available from area distributing plants, the plant's Class I utilization would almost certainly fall below the 50 percent figure required for pooling.

Proponent wishes to remain an Indianapolis regulated handler in the coming months in order to avoid operational problems involved in switching back and forth from regulated to unregulated status or to pool status under some other order.

Proponent's pool distributing plant at New Bremen, Ohio, is a combination bottling and manufacturing operation. Bottling milk for the routes served from the plant is regularly supplied by about 230 can and bulk tank producers. Additional milk for fluid use is bought when needed from an Indianapolis pool supply plant at Bluffton, Indiana.

In the manufacturing portion of the plant ungraded milk and surplus Grade A milk are processed into butter, nonfat dry milk powder and condensed milk. Surplus can and bulk tank milk flows into the manufacturing operation from sources in Indiana, Ohio and Michigan. Surplus milk customarily is received from regulated plants in the Indianapolis, Dayton-Springfield, Fort Wayne, Cincinnati, North Central Ohio, Northeastern Ohio and Southern Michigan Federal order markets. The manufacturing portion of the plant has capacity to process up to a million pounds of milk per day.

Increased milk receipts at this plant are likely this spring and summer. This is partly because of the recent closing of a large milk manufacturing plant at Union City, Indiana. Before its closing last year, the Union City plant was a major outlet for surplus milk from Indianapolis area plants. With this plant shut-down, milk which once was processed there is being channeled instead to proponent's New Bremen, Ohio manufacturing operation. This shift of milk has already begun and it is likely to accelerate as milk production rises in the coming spring months. Several Indianapolis distributors who previously had sold surplus milk to the Union City plant are also now shifting milk to the New Bremen plant. With the decline in the number of fluid milk plants receiving can milk, milk from can producers is seeking this outlet since the New Bremen plant is one of the few remaining outlets for can milk in the area.

It is essential that this important manufacturing outlet remain in position to receive the Indianapolis market's normal seasonal surplus of milk. If the New Bremen handler were forced to cutback purchases of surplus milk of the Indianapolis market in order to pool, it is likely that some milk would be without a nearby market this spring. This would force the shipment of at least some of such surplus milk to considerably more distant plants for manufacture. Moreover, the market for milk in cans would be diminished if this New Bremen plant were to curtail its purchases since there are so few other reasonably available outlets for this milk.

On the other hand, if the New Bremen plant bought all the surplus milk offered and thereby lost pool status, there would also be undesirable effects for the Indianapolis market. In this circumstance the milk of approximately the 230 producers supplying the plant would be made ineligible for pooling and thus be denied the minimum price guarantee of the order. An additional 200 producers supplying the New Bremen plant from the Bluffton, Indiana supply plant likewise could become ineligible for the order's minimum prices. This is so because such plant depends partly on the New Bremen plant's pool eligibility (as a distributing plant) for its own qualification as a pool plant.

This amendment likewise would increase opportunities for other Indianapolis regulated handlers to handle surplus milk within the market. Such distributors will be assisted in accommodating occasional loads of surplus milk from other bottlers without fear of losing pool status. This will allow local processing at pool plants of some milk which otherwise would have to be shipped to more distant outlets.

The proposed amendment was supported also by another pool handler and by a producer association. No opposition testimony was offered. The provision should be adopted.

(2) The omission of a recommended decision, to expedite amendment procedure, is not warranted in the circumstances.

At the hearing proponent requested that emergency action be taken to amend the pooling provisions as soon as possible. It was requested that the Secretary omit the issuance of a recommended decision in order that any order amendment may be expedited. The Secretary may omit the recommended decision if he finds on the basis of the record that due and

timely execution of his functions imperatively and unavoidably requires such omission. In this instance, however, the recommended order amendment deals with a problem associated primarily with the normal seasonal rise in milk production. Normal amendment procedure will accommodate the problem. Omission of the recommended decision is not warranted under the conditions found.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order. The following order amending the order as amended regulating the handling of milk in the Indianapolis, Indiana marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended: § 1049.12(a) is revised to read as follows:

§ 1049.12 Pool plant.

* * * * * *

(a) A distributing plant from which not less than 50 percent of the Grade A milk received at such plant from producers and pool supply plants as defined in paragraph (b) of this section is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area. A distributing plant which was a pool plant in each of the months of September through May, inclusive, shall continue to be a pool plant in the months of June, July, and August immediately following if fluid milk products are disposed of from the plant in the marketing area on routes during such month;

* * * * * *

Signed at Washington, D.C., on March 4, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-2260; Filed, Mar. 6, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-117]

FEDERAL AIRWAYS

Proposed Extension

In a notice of proposed rule making published in the FEDERAL REGISTER on November 27, 1963 (28 F.R. 12626), it was stated that the Federal Aviation Agency proposed to extend VOR Federal airway No. 181 from Sioux Falls, S. Dak., via Yankton, S. Dak.; Norfolk, Nebr.; to Neola, Iowa, and to extend VOR Federal airway No. 219 from Wolbach, Nebr., via Norfolk to Sioux City, Iowa.

In commenting on the proposals contained in the notice, the Air Transport Association of America requested that the proposed segment of V-181 from Norfolk to Neola be realigned from Norfolk direct to Omaha, Nebr. This requested realignment would facilitate air traffic by providing a shorter direct route between Norfolk and Omaha.

Accordingly, the notice is hereby amended to propose that V-181 would be extended from Sioux Falls via Yankton; Norfolk; to Omaha.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is hereby extended to March 27, 1964. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 2, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2213; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-82]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 37 includes a west alternate airway extending from Savannah, Ga., via the intersection of the Savannah 282° and the Allendale, S.C., 194° True radials to Allendale. The FAA's latest IFR peak day airway traffic survey shows no aircraft movements on this alternate airway. Therefore, it appears that the retention of this west alternate of Victor 37 is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 2, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2212; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-101]

FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

In Airspace Docket No. 63-AL-27 published in the FEDERAL REGISTER (29 F.R. 253) on January 10, 1964, effective March 5, 1964, VOR Federal airway No. 438 was realigned from Anchorage, Alaska, via Talkeetna, Alaska, to Nenana, Alaska. A segment of VOR Federal airway No. 436 extends from Anchorage to the Peters Creek, Alaska, Intersection (intersection of the Anchorage 347° True radial and the Skwentna, Alaska, radio range northeast course). The FAA has under consideration the revocation of the segment of Victor 436 from Anchorage to Peters Creek Intersection and the designation of a standard west alternate to Victor 438 from Anchorage to Talkeetna. The designation of this west alternate of Victor 438 from Anchorage to Talkeetna would provide a bypass route for arriving and departing traffic at Anchorage during periods of heavy traffic and obviate the requirement for the segment of Victor 436.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 2, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2214; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-1]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 72 is designated in part from Troy, Ill., via Vandalia, Ill., Westpoint, Ind., to Lafayette, Ind. The Federal Aviation Agency is considering the revocation of this airway segment. The latest Federal Aviation Agency IFR peak day airway traffic survey for this segment of Victor 72 shows a maximum of one aircraft movement between Troy and Vandalia, a maximum of six aircraft movements between Vandalia and Westpoint and no aircraft movements between Westpoint and Lafayette. Therefore, it appears that this segment of Victor 72 is unjustified as an assignment of airspace and that it could be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 2, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2215; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-2]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 193 is designated in part from the White Cloud, Mich., VOR direct to the Traverse City, Mich., VOR.

The Federal Aviation Agency is considering alteration of V-193 by adding a west alternate segment between White Cloud and Traverse City via the INT of the White Cloud 329° and the Traverse City 235° radials.

This west alternate to V-193 is proposed in accordance with Airway Planning Standard No. 2, paragraph I.A.3(a), to serve the Manistee Blacker Airport, Manistee, Mich., which is a permanent air carrier stop, thereby qualifying for air route traffic control service.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2216; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-EA-9]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 174 is designated in part as a common airway segment with VOR Federal airway No. 44 from Falmouth, Ky., to York, Ky. The FAA is considering the revocation of this segment of V-174. The latest FAA IFR peak day airway traffic survey for this segment of V-174 shows a maximum of four aircraft movements between Falmouth and York. Therefore, it appears that this airway segment is unjustified as an assignment of airspace and that it could be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2217; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 64-WA-4]

JET ROUTE

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 64 presently extends in part from the Alamosa, Colo., VOR to the Hill City, Kansas, VOR and from the Pawnee City, Nebraska, VORTAC to the Bradford, Ill., VOR. The FAA proposes to alter these segments of J-64 by realigning the segment from Alamosa to Hill City via the Lamar, Colo., VOR; and the segment from Pawnee City to Bradford via the Lamoni, Iowa, VOR. Such action would provide more precise navigational guidance on these segments of J-64.

There would be no requirement for the designation of the Lamar and Lamoni VOR's as compulsory high altitude reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2218; Filed, Mar. 6, 1964; 8:47 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 64-WA-5]

JET ROUTES

Proposed Alteration

The Federal Aviation Agency (FAA) is considering amendments to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Routes Nos. 18 and 26 are presently designated in part from the Kansas City, Mo., VORTAC via the intersection of the Kansas City VORTAC 060° and the Bradford, Ill., VOR 247° True radials to the Bradford VOR. The FAA proposes to alter these segments of J-18 and J-26 by realigning them from the Kansas City VORTAC via the Kirksville, Mo., VORTAC to the Bradford VOR. Such action would provide more precise navigational guidance on these segments of J-18 and J-26.

Jet Route No. 87 is presently designated in part from the Butler, Mo., VOR via the intersection of the Butler VOR 009° and the Kansas City VORTAC 060° True radials; the intersection of the Kansas City VORTAC 060° and the Bradford VOR 247° True radials; to the Bradford VOR. The FAA proposes to alter this segment of J-87 by realigning it from the Butler VOR via the intersection of the Butler VOR 009° and the Kirksville VORTAC 242° True radials; the Kirksville VORTAC; to the Bradford VOR. Such action would provide more precise navigational guidance on this segment of J-87.

There would be no requirement for the designation of the Kirksville VORTAC as a compulsory high altitude reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2219; Filed, Mar. 6, 1964; 8:47 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 64–WA–7]

JET ROUTES

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 89 is presently designated in part from the Atlanta, Ga., VORTAC via the Louisville, Ky., VORTAC; the intersection of the Louisville VORTAC 334° and the Northbrook, Ill., VORTAC 159° True radials; to the Northbrook VORTAC.

The FAA is proposing to alter this segment of J–89 by realigning it from the Atlanta VORTAC via the Crossville, Tenn., VORTAC; the Louisville VORTAC; the Lafayette, Ind., VORTAC; to the Northbrook VORTAC. Such action would provide more precise navigational guidance on this segment of J–89. There would be no requirement for the designation of the Crossville and Lafayette VORTAC's as compulsory high altitude reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2220; Filed, Mar. 6, 1964; 8:47 a.m.]

[14 CFR Part 95 [New]]

[Reg. Docket No. 4023; Notice 64–11]

CHANGEOVER POINTS

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Part 95 of the Federal Aviation Regulations to prescribe points between navigation facilities defining Federal airways, direct routes, and jet routes where a pilot should tune his receiver for navigational course guidance from the facility abaft his aircraft to the next facility along the airway or route.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 20, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In the near future, the FAA expects to publish a notice of proposed rule making setting forth a proposal to amend Part 71 (New) of the Federal Aviation Regulations to alter substantially the present airway and route system. That proposal (Airspace Docket No. 63–WA–74) will include a new formula requiring the application of changeover points to determine the lateral extent of airways. This formula would also be used to determine the width of the controlled airspace associated with jet routes outside the continental control area. Publication of changeover points in Part 95 would provide the basis for inclusion of the formula in Part 71. Reference to the lists of changeover points in this Notice will enable persons reviewing the forthcoming proposal on the airway structure to determine the lateral extent proposed for those airways of particular interest to them.

As a practical matter, observance of changeover points is an essential part of pilot responsibilities under FAR 91.123 requiring flight along the direct course between the navigation aids or fixes defining an airway or route. At present, however, the FAA does not plan an amendment of the Air Traffic Rules to impose a specific regulatory mandate on pilots to observe these points. Failure to change at the point fixed may, however, result in a violation of FAR 91.123.

Changeover points would be designated in Part 95 for all Federal airways and jet routes. However, changeover points would not be listed for each airway and route segment in the route structure. Normally the changeover points for a straight route segment is midway between the navigation facilities for that segment. The changeover point for a dogleg route segment is invariably at the intersection of radials forming the dogleg. Therefore, changeover points would be listed only for those route segments where there is a deviation from the norm.

Changeover points would also be designated in Part 95 for direct routes approved by the Administrator. However, the lists of changeover points deviating from the norm, as indicated in the previous paragraph, would only include points for direct routes approved for general air carrier use. The part would provide for the inclusion of points for direct routes approved for individual operators in operations specifications.

No changeover points for intermediate altitude VOR Federal airways are listed in this notice, since adoption of the forthcoming proposal to alter the airway structure would result in the elimination of these airways.

In consideration of the foregoing, it is proposed to amend Part 95 (New) of the Federal Aviation Regulations as hereinafter set forth.

1. Section 95.1 is amended as follows:

a. Paragraph (a) is amended to read as follows:

(a) This part prescribes altitudes governing the operation of aircraft under IFR on specified routes and route segments and over specified intersections and radio fixes. In addition, it designates mountainous areas and prescribes changeover points.

b. By adding the following new paragraph at the end thereof:

(g) The COP applies to operation of an aircraft along an airway, direct route, or jet route segment that requires transfer of the airborne navigation reference from the facility abaft the aircraft to the next appropriate facility along the airway or route. The COP assures continuous reception along the entire route segment and also assures that two aircraft operating within the same airspace configuration will not be using azimuth guidance from different air navigation aids.

2. Section 95.3 is amended as follows:

a. By redesignating paragraphs (a), (b), (c), (d), and (e) as paragraphs (b), (c), (d), (e), and (f), respectively.

b. By inserting a new paragraph (a) reading as follows:

(a) COP means changeover point.

3. The following new subpart is added at the end thereof:

Subpart D—Changeover Points

§ 95.8001 General.

This subpart prescribes COP's for Federal airways and jet and approved direct routes. Unless otherwise specified in this subpart or in operations specifications, the COP is midway between the navigation facilities for straight route segments, and at the intersection of radials forming a dogleg in the case of dogleg route segments.

§ 95.8003 Federal airways and direct routes.

Airway segment			Changeover point	
From	To	Distance	From
Houston, Tex., VOR	V–12 Dalsetta, Tex., VOR, via E alter	26	Houston.
Lufkin, Tex., VOR	Shreveport, La., VOR	59	Lufkin.
Lamoni, Iowa, VOR	Des Moines, Iowa, VOR	51	Lamoni.
Lubbock, Tex., VORTAC	V–14 Childress, Tex., VOR	33	Lubbock.
Hobart, Okla., VOR	Oklahoma City, Okla., VOR	33	Hobart.
Oklahoma City, Okla., VOR	Tulsa, Okla., VOR	33	Oklahoma City.
Waco, Tex., VOR	V–16 Dalsa, Tex., VOR	46	Waco.
Dallas, Tex., VOR	Ardmore, Okla., VOR	23	Dallas.
Ardmore, Okla., VOR	Okmulgee, Okla., VOR	39	Ardmore.
Sioux Falls, S. Dak., VOR	Huron, S. Dak., VOR	43	Sioux Falls.
Bismarck, N. Dak., VOR	Minot, N. Dak., VOR	43	Bismarck.
Molokai, Hawaii, VOR	Maui, Hawaii, VOR	24	Molokai.
Los Angeles, Calif., VOR	V–16 Ontario, Calif., VOR	22	Los Angeles.
Blythe, Calif., VOR	Buckeye, Ariz., VOR	30	Blythe.
Cochise, Ariz., VOR	Columbus, N. Mex., VOR	30	Cochise.
Salt Flat, Tex., VOR	Wink, Tex., VOR	42	Salt Flat.
Texarkana, Ark., VOR	Pine Bluff, Ark., VOR	43	Texarkana.
Memphis, Tenn., VOR	Jacks Creek, Tenn., VOR	43	Memphis.
Knoxville, Tenn., VOR	Gordonsville, Va., VOR	43	Knoxville.
Roanoke, Va., VOR	Holston Mtn., Tenn., VOR	43	Roanoke.
Riverhead, N.Y., VOR	Norwich, Conn., VOR	30	Riverhead.
Norwich, Conn., VOR	Nantucket, Mass., VOR	41	Norwich.
Lanai, Hawaii, VOR	Upolu Pt., Hawaii, VOR	47	Lanai.
Austin, Tex., VOR	V–17 Waco, Tex., VOR	36	Austin.
	V–19		
Santa Fe, N. Mex., VOR	Las Vegas, N. Mex., VOR	21	Santa Fe.
Las Vegas, N. Mex., VOR	Pinnacle, N. Mex., VOR	35	Las Vegas.
Cimarron, N. Mex., VOR	Flag, Colo., VOR	39	Cimarron.
Pueblo, Colo., VOR	Kiowa, Colo., VOR	39	Pueblo.
Denver, Colo., VOR	Cheyenne, Wyo., VOR	50	Denver.
Sheridan, Wyo., VOR	Billings, Mont., VOR	46	Sheridan.
Palacios, Tex., VOR	V–20 Houston, Tex., VOR	41	Palacios.
LaGrange, Ga., VOR	Atlanta, Ga., VOR	21	LaGrange.
Spartanburg, S.C., VOR	Greensboro, N.C., VOR	59	Spartanburg.
Ontario, Calif., VOR	V–21 Hector, Calif., VOR	49	Ontario.
Hector, Calif., VOR	Boulder, Nev., VOR	23	Hector.
Dubois, Idaho, VOR	Dillon, Mont., VOR	41	Dubois.
Helena, Mont., VOR	Cut Bank, Mont., VOR, via W alter.	51	Helena.
Los Angeles, Calif., VOR	V–23 Gorman, Calif., VOR	36	Los Angeles.
Gorman, Calif., VOR	Bakersfield, Calif., VOR	11	Gorman.
Fresno, Calif., VOR	Los Banos, Calif., VOR, via W alter.	14	Los Banos.
Red Bluff, Calif., VOR	Fort Jones, Calif., VOR	53	Red Bluff.
Eugene, Oreg., VOR	Portland, Oreg., VOR	57	Eugene.
San Diego, Calif., VOR	V–25 Los Angeles, Calif., VOR	40	San Diego.
Gaviota, Calif., VOR	San Luis Obispo, Calif., VORTAC, via W alter.	20	Gaviota.
Klamath Falls, Oreg., VOR	Red Bluff, Oreg., VOR	39	Klamath Falls.
Redmond, Oreg., VOR	The Dalles, Oreg., VOR	46	Redmond.
The Dalles, Oreg., VOR	Yakima, Wash., VOR	35	The Dalles.
Ellensburg, Wash., VOR	V–2 Ephrata, Wash., VOR	19	Ellensburg.
Seattle, Wash., VOR	Wenatchee, Wash., VOR, via N alter.	51	Seattle.
Spokane, Wash., VOR	Mullan Pass, Idaho, VOR	32	Spokane.
Missoula, Mont., VOR	Drummond, Mont., VOR	17	Missoula.
Drummond, Mont., VOR	Dickinson, N. Dak., VOR	28	Drummond.
Miles City, Mont., VOR	Makoti, N. Dak., VOR	68	Miles City.
Milwaukee, Wis., VOR	Muskegon, Mich., VOR	38	Milwaukee.
Vero Beach, Fla., VOR	V–3 Daytona Beach, Fla., VOR	55	Vero Beach.
Boston, Mass., VOR	Kennebunk, Maine, VOR	26	Boston.
Seattle, Wash., VOR	V–4 Yakima, Wash., VOR	40	Seattle.
Yakima, Wash., VOR	Pendleton, Oreg., VOR	36	Seattle.
Baker, Oreg., VOR	Boise, Idaho, VOR	35	Baker.
Malad City, Idaho, VOR	Rock Springs, Wyo., VOR	33	Malad City.
Laramie, Wyo., VOR	Gill, Colo., VOR, via N alter.	24	Laramie.
Denver, Colo., VOR	Kremmling, Colo., VOR	39	Denver.
Thurman, Colo., VOR	Goodland, Kans., VOR	39	Thurman.
Salina, Kans., VOR	Topeka, Kans., VOR	47	Salina.
McDonough, Ga., VOR	V–5 Chattanooga, Tenn., VOR	60	McDonough.
Cleveland, Ohio, VOR	London, Canada, VOR	55	Cleveland.
Sacramento, Calif., VOR	V–6 Lake Tahoe, Calif., VOR	40	Sacramento.
Ogden, Utah, VOR	Fort Bridger, Wyo., VOR	33	Ogden.
Grand Island, Nebr., VOR	Omaha, Nebr., VOR	52	Grand Island.
Miami, Fla., VOR	V–7 Fort Myers, Fla., VOR	44	Miami.
Nashville, Tenn., VOR	Central City, Ky., VOR	37	Nashville.
Ontario, Calif., VOR	V–8 Hector, Calif., VOR	49	Ontario.
Hector, Calif., VOR	Goffs, Calif., VOR	46	Hector.
Daggett, Calif., VOR	Las Vegas, Nev., VOR, via N alter.	59	Daggett.
Grand Junction, Colo., VOR	Kremmling, Colo., VOR	50	Grand Junction.
Akron, Colo., VOR	Hayes Center, Nebr., VOR	54	Akron.
Grand Island, Nebr., VOR	Omaha, Nebr., VOR/TAC	52	Grand Island.
New Orleans, La., VOR	V–9 McComb, Miss., VOR	40	New Orleans.
Greenwood, Miss., VOR	Memphis, Tenn., VOR	47	Greenwood.
Farmington, Mo., VOR	St. Louis, Mo., VOR	34	Farmington.
Lamar, Colo., VOR	V–10 Garden City, Kans., VOR	50	Lamar.
Kirksville, Mo., VOR	Burlington, Iowa, VOR	41	Kirksville.
South Bend, Ind., VOR	Litchfield, Mich., VOR	28	South Bend.
Fillmore, Calif., VOR	V–12 Palmdale, Calif., VOR	21	Fillmore.
Hector, Calif., VOR	Needles, Calif., VOR	41	Hector.
Hector, Calif., VOR	Goffs, Calif., VOR, via N alter.	46	Hector.
Zuni, N. Mex., VOR	Grants, N. Mex., VOR	38	Zuni.
Tomas, N. Mex., VOR	Albuquerque, N. Mex., VOR	30	Tomas.
Albuquerque, N. Mex., VOR	Tucumcari, N. Mex., VOR	45	Albuquerque.
Anton Chico, N. Mex., VOR	Tucumcari, N. Mex., VOR	45	Anton Chico.
Tucumcari, N. Mex., VOR	Amarillo, Tex., VOR	42	Tucumcari.
Amarillo, Tex., VOR	Gage, Okla., VOR	27	Amarillo.
Appleton, Ohio, VOR	Newcomerstown, Ohio, VOR	45	Appleton.
Pittsburgh, Pa., VOR	Johnstown, Pa., VOR	35	Pittsburgh.

Airway segment		Changeover point	
From	To	Distance	From
	V-26		
Casper, Wyo., VOR	Rapid City, S. Dak., VOR	92	Casper.
Redwood Falls, Minn., VOR	Farmington, Minn., VOR	46	Redwood Falls.
	V-27		
Gaviota, Calif., VOR	San Luis Obispo, Calif., VOR	20	Gaviota.
Ukiah, Calif., VOR	Fortuna, Calif., VOR	68	Ukiah.
Fortuna, Calif., VOR	Crescent City, Calif., VOR	23	Fortuna.
Crescent City, Calif., VOR	North Bend, Oreg., VOR	57	Crescent City.
North Bend, Oreg., VOR	Newport, Oreg., VOR	20	North Bend.
Newport, Oreg., VOR	Astoria, Oreg., VOR	65	Newport.
	V-29		
Allentown, Pa., VOR	Wilkes-Barre, Pa., VOR	20	Allentown.
	V-30		
Selinsgrove, Pa., VORTAC	East Texas, Pa., VORTAC	26	Selinsgrove.
	V-32		
Elko, Nev., VOR	Bonneville, Utah, VOR	40	Elko.
Salt Lake City, Utah, VOR	Ft. Bridger, Wyo., VOR	17	Salt Lake City.
	V-33		
Harrisburg, Pa., VOR	Phillipsburg, Pa., VOR	39	Harrisburg.
	V-34		
Rochester, N.Y., VOR	Ithaca, N.Y., VOR	30	Rochester.
	V-35		
Fort Myers, Fla., VOR	St. Petersburg, Fla., VOR	40	Fort Myers.
Philipsburg, Pa., VORTAC	Stonyfork, Pa., VOR	25	Philipsburg.
	V-37		
Savannah, Ga., VOR	Allendale, S.C., VOR	32	Savannah.
Hickory, N.C., VOR	Pulaski, Va., VOR, via Walter	60	Hickory.
Pulaski, Va., VOR	Elkins, W. Va., VORTAC	54	Pulaski.
Ellwood City, Pa, VOR	Erie, Pa., VOR	38	Ellwood City.
	V-39		
S. Boston, Va., VOR	Gordonsville, Va., VORTAC	48	South Boston.
Casanova, Va., VOR	Herndon, Va., VORTAC	20	Casanova.
Herndon, Va., VORTAC	Westminster, Md., VOR	19	Herndon.
	V-44		
Morgantown, Md., VOR	Martinsburg, W. Va., VORTAC	50	Morgantown.
Martinsburg, W. Va., VORTAC	Baltimore, Md., VORTAC	31	Martinsburg.
	V-51		
Vero Beach, Fla., VOR	Daytona Beach, Fla., VOR	55	Vero Beach.
Shelbyville, Ind., VOR	Lafayette, Ind., VOR	54	Shelbyville.
	V-53		
Holston Mtn., Tenn., VOR	Whitesburg, Ky., VOR	18	Holston Mtn.
Dalhart, Tex., VOR	Tobe, Colo., VOR	40	Dalhart.
Pomona, Calif., VOR	Twentynine Palms, Calif., VOR	37	Pomona.
	V-54		
Texarkana, Ark., VORTAC	Little Rock, Ark., VORTAC	60	Texarkana.
	V-55		
Green Bay, Wis., VOR	Stevens Point, Wis., VOR	30	Green Bay.

Airway segment		Changeover point	
From	To	Distance	From
	V-58		
Philipsburg, Pa., VORTAC	Williamsport, Pa., VORTAC	28	Philipsburg.
	V-59		
Pulaski, Va., VOR	Beckley, W. Va., VOR	20	Pulaski.
Beckley, W. Va., VOR	Parkersburg, W. Va., VOR	46	Beckley.
Parkersburg, W. Va., VOR	Newcomerstown, Ohio, VOR	25	Parkersburg.
	V-60		
Otto, N. Mex., VOR	Las Vegas, N. Mex., VORTAC	24	Otto.
	V-62		
Anton Chico, N. Mex., VOR	Texico, N. Mex., VOR	61	Anton Chico.
Sante Fe, N. Mex., VORTAC	Anton Chico, N. Mex., VOR	30	Sante Fe.
	V-63		
Springfield, Mo., VORTAC	Hallsville, Mo., VOR	65	Springfield.
	V-64		
Long Beach, Calif., VORTAC	Thermal, Calif., VORTAC	35	Long Beach.
Thermal, Calif., VORTAC	Blythe, Calif., VOR	29	Thermal.
	V-66		
San Diego, Calif., VOR	El Centro, Calif., VOR	39	San Diego.
El Centro, Calif., VOR	Yuma, Ariz., VOR	22	El Centro.
Gila Bend, Ariz., VOR	Tucson, Ariz., VOR	48	Gila Bend.
Abilene, Tex., VOR	Bridgeport, Tex., VORTAC	49	Abilene.
	V-68		
Corona, N. Mex., VOR	Roswell, N. Mex., VOR	43	Corona.
Roswell, N. Mex., VOR	Hobbs, N. Mex., VOR	45	Roswell.
	V-69		
Walnut Ridge, Ark., VOR	Farmington, Mo., VORTAC	45	Walnut Ridge.
	V-70		
Picayune, Miss., VOR	Evergreen, Ala., VOR	75	Picayune.
Evergreen, Ala., VOR	Eufaula, Ala., VOR	68	Evergreen.
	V-74		
Hugo, Colo., VOR	Garden City, Kans., VORTAC	66	Hugo.
Dodge City, Kans., VOR	Anthony, Kans., VOR	53	Dodge City.
Ponca City, Okla., VORTAC	Tulsa, Okla., VORTAC	35	Ponca City.
Tulsa, Okla., VORTAC	Fort Smith, Ark., VORTAC	46	Tulsa.
Okmulgee, Okla., VOR	Fort Smith, Ark., VORTAC, via S alter.	34	Okmulgee.
	V-75		
Wheeling, W. Va., VOR	Briggs, Ohio, VORTAC	22	Wheeling.
	V-76		
Lubbock, Tex., VOR	Big Spring, Tex., VOR	46	Lubbock.
	V-77		
San Angelo, Tex., VOR	Abilene, Tex., VOR	46	San Angelo.
Abilene, Tex., VOR	Wichita Falls, Tex., VORTAC	57	Abilene.
	V-79		
Hobbs, N. Mex., VOR	Lubbock, Tex., VORTAC, via W alter.	40	Lubbock.

Airway segment		Changeover point	
From	To	Distance	From
	V-81		
Amarillo, Tex., VOR	Dalhart, Tex., VORTAC	31	Amarillo.
Dalhart, Tex., VORTAC	Tobe, Colo., VORTAC	40	Dalhart.
Tobe, Colo., VORTAC	Pueblo, Colo., VORTAC	27	Tobe.
Colorado Sprgs. Colo., VOR	Denver, Colo., VOR	13	Colorado Springs.
	V-82		
Minneapolis, Minn., VOR	Farmington, Minn., VOR	18	Minneapolis.
	V-83		
Carlsbad, N. Mex., VOR	Roswell, N. Mex., VOR	37	Carlsbad.
Roswell, N. Mex., VOR	Corona, N. Mex., VOR	38	Roswell.
Corona, N. Mex., VOR	Otto, N. Mex., VOR	20	Corona.
	V-87		
Maxwell, Calif., VORTAC	Red Bluff, Calif., VORTAC	18	Maxwell.
	V-89		
Denver, Colo., VORTAC	Cheyenne, Wyo., VORTAC	50	Denver.
Cheyenne, Wyo., VORTAC	Chadron, Nebr., VOR	45	Cheyenne.
Cheyenne, Wyo., VORTAC	Scottsbluff, Nebr., VORTAC, via E alter.	27	Cheyenne.
	V-92		
Briggs, Ohio, VOR	Wheeling, W. Va., VOR	27	Briggs.
	V-94		
Salt Flat, Tex., VOR	Wink, Tex., VOR	42	Salt Flat.
	V-95		
Winslow, Ariz., VORTAC	Farmington, N. Mex., VORTAC	76	Winslow.
Winslow, Ariz., VORTAC	Farmington, N. Mex., VORTAC	60 (30 NM gap	Farmington.
	V-97		
LaBelle, Fla., VOR	St. Petersburg, Fla., VOR	45	LaBelle.
St. Petersburg, Fla., VOR	Tallahassee, Fla., VOR	82	St. Petersburg.
	V-100		
Medicine Bow, Wyo., VOR	Chadron, Neb., VOR	45	Medicine Bow.
Chadron, Nebr., VOR	O'Neill, Nebr., VORTAC	109	Chadron.
Waterloo, Iowa, VOR	Dubuque, Iowa, VOR	33	Waterloo.
Northbrook, Ill., VOR	Keeler, Mich., VOR	44	Northbrook.
	V-101		
Ogden, Utah, VOR	Burley, Idaho, VORTAC	61	Ogden.
	V-102		
Salt Flat, Tex., VOR	Carlsbad, N. Mex., VOR	24	Salt Flat.
Hobbs, N. Mex., VOR	Lubbock, Tex., VOR	40	Hobbs.
Lubbock, Tex., VORTAC	Guthrie, Tex., VOR	37	Lubbock.
Guthrie, Tex., VOR	Wichita Falls, Tex., VORTAC	39	Guthrie.
	V-103		
Greensboro, N.C., VOR	Roanoke, Va., VOR	40	Greensboro.
	V-105		
Phoenix, Ariz., VOR	Prescott, Ariz., VORTAC	42	Phoenix.
Prescott, Ariz., VOR	Boulder, Nev., VOR	55	Prescott.
Coaldale, Nev., VOR	Reno, Nev., VOR	45	Coaldale.
		60 (22 NM gap at MEA)	Reno.
Beatty, Nev., VOR	Coaldale, Nev., VORTAC	34	Beatty.

Airway segment		Changeover point	
From	To	Distance	From
	V-107		
Fillmore, Calif., VORTAC	Avenal, Calif., VOR	31	Fillmore.
Avenal, Calif., VOR	Los Banos, Calif., VOR	45	Avenal.
Los Banos, Calif., VOR	Oakland, Calif., VORTAC	35	Los Banos.
	V-108		
Colorado Springs, Colo	Hugo, Colo., VOR	27	Colorado Springs.
	V-112		
Portland, Oreg., VORTAC	The Dalles, Oreg. VORTAC	30	Portland.
Pendleton, Oreg., VOR	Spokane, Wash., VOR	57	Pendleton.
	V-114		
Wichita Falls, Tex., VOR	Dallas, Tex., VORTAC	59	Wichita Falls.
Alexandria, La., VOR	Baton Rouge, La, VOR	43	Alexandria.
	V-116		
Kansas City, Mo., VORTAC	Macon, Mo., VOR	57	Kansas City.
	V-120		
Mullan Pass, Mont., VOR	Great Falls, Mont., VOR	80	Mullan Pass.
Lewistown, Mont., VOR	Miles City, Mont., VOR	74	Lewistown.
Miles City, Mont., VOR	Dupree, S. Dak., VOR	90	Miles City.
Sioux Falls, S. Dak., VOR	Mason City, Iowa, VORTAC	82	Sioux Falls.
	V-121		
North Bend, Oreg., VOR	Eugene, Oreg., VORTAC	16	North Bend.
	V-122		
Crescent City, Calif., VOR	Medford, Oreg., VORTAC	32	Crescent City.
	V-132		
Cheyenne, Wyo., VORTAC	Akron, Colo., VOR	53	Cheyenne.
Akron, Colo., VOR	Goodland, Kans., VORTAC	44	Akron.
	V-133		
Charleston, W. Va., VOR	Zanesville, Ohio, VOR	52	Charleston.
	V-137		
Thermal, Calif., VOR	Palmdale, Calif., VOR	59	Thermal.
Palmdale, Calif., VOR	Gorman, Calif., VORTAC	30	Palmdale.
Fellows, Calif., VOR	San Luis Obispo, Calif., VOR	19	Fellows.
	V-138		
Cheyenne, Wyo., VOR	Sidney, Nebr., VOR	40	Cheyenne.
Neola, Iowa, VORTAC	Fort Dodge, Iowa, VOR	48	Neola.
	V-139		
Cape Charles, Va., VOR	Snow Hill, Md., VOR	30	Cape Charles.
	V-140		
Amarillo, Tex., VORTAC	Sayre, Okla., VOR	39	Amarillo.
	V-146		
Poughkeepsie, N.Y., VOR	Putnam, Conn., VORTAC	37	Poughkeepsie.
	V-148		
Kiowa, Colo., VORTAC	Thurman, Colo., VOR	32	Kiowa.
Thurman, Colo., VOR	Hayes Center, Nebr., VORTAC	54	Thurman.
O'Neill, Nebr., VOR	Sioux Falls, S. Dak., VORTAC	52	O'Neill.

Airway segment		Changeover point	
From	To	Distance	From
	V-157		
Richmond, Va., VOR	Washington, D.C., VOR	50	Richmond.
	V-158		
Waterloo, Iowa, VOR	Dubuque, Iowa, VOR	33	Waterloo.
	V-159		
Vero Beach, Fla., VOR	Orlando, Fla., VOR	29	Vero Beach.
	V-161		
Lamoni, Iowa, VOR	Des Moines, Iowa, VORTAC	31	Lamoni.
	V-163		
Bridgeport, Tex., VORTAC	Ardmore, Tex., VOR	28	Bridgeport.
	V-167		
Idlewild, N.Y., VOR	Hartford, Conn., VOR	26	Idlewild.
	V-169		
Thurman, Colo., VOR	Akron, Colo., VOR	14	Thurman.
	V-171		
Farmington, Minn., VOR	Darwin, Minn., VOR	28	Farmington.
Rockford, Ill., VOR	Lone Rock, Wis., VOR	34	Rockford.
	V-172		
Wolbach, Nebr., VOR	Neola, Iowa, VORTAC	55	Wolbach.
Cedar Rapids, Iowa, VOR	Polo, Ill., VORTAC	48	Cedar Rapids.
	V-174		
Henderson, W. Va., VORTAC	Elkins, W. Va., VORTAC	49	Henderson.
	V-181		
Sioux Falls, S. Dak., VOR	Watertown, S. Dak., VORTAC	37	Sioux Falls.
	V-182		
Portland, Oreg., VORTAC	The Dalles, Oreg., VORTAC	30	Portland.
The Dalles, Oreg., VORTAC	Baker, Oreg., VORTAC	88	The Dalles.
	V-183		
Santa Barbara, Calif., VOR	Bakersfield, Calif., VORTAC	20	Santa Barbara.
	V-187		
Albuquerque, N. Mex., VORTAC	Farmington, N. Mex., VORTAC	50	Albuquerque.
Grand Junction, Colo., VORTAC	Rock Springs, Wyo., VORTAC	86	Grand Junction.
Boysen Reservoir, Wyo., VOR	Billings, Mont., VOR	97	Boysen Reservoir.
	V-190		
Albuquerque, N. Mex., VOR	Las Vegas, N. Mex., VOR	38	Albuquerque.
Phoenix, Ariz., VOR	St. Johns, Ariz., VOR	69	Phoenix.
Farmington, Mo., VOR	Evansville, Ind., VOR	64	Farmington.
	V-195		
Red Bluff, Calif., VOR	Fortuna, Calif., VOR	52	Red Bluff.
	V-198		
Fort Stockton, Tex., VORTAC	Rocksprings, Tex., VOR	66	Fort Stockton.
	V-199		
Ukiah, Calif., VOR	Red Bluff, Calif., VORTAC	35	Ukiah.

Airway segment		Changeover point	
From	To	Distance	From
	V-200		
Ukiah, Calif., VOR	Williams, Calif., VORTAC	22	Ukiah.
Williams, Calif., VORTAC	Reno, Nev., VOR	84	Williams.
	V-201		
Los Angeles, Calif., VOR	Palmdale, Calif., VOR	19	Los Angeles.
	V-202		
San Simon, Ariz., VOR	Truth or Consequences, N. Mex., VOR.	52	San Simon.
		54	Truth or Consequences (11 NM gap at MEA).
	V-203		
Albany, N.Y., VORTAC	Massena, N.Y., VOR	68	Albany.
	V-204		
Hoquiam, Wash., VOR	Olympia, Wash., VOR	31	Hoquiam.
	V-206		
Springfield, Mo., VORTAC	Blue Springs, Mo., VOR	51	Springfield.
Omaha, Nebr., VORTAC	Sioux City, Iowa, VOR	41	Omaha.
	V-207		
Gill, Colo., VOR	Scottsbluff, Nebr., VOR	45	Gill.
	V-208		
Thermal, Calif., VOR	Twentynine Palms, Calif., VORTAC	20	Therma.
Needles, Calif., VOR	Peach Springs, Ariz., VORTAC	39	Needles.
	V-210		
Hector, Calif., VORTAC	Goffs, Calif., VOR	46	Hector.
Goffs, Calif., VOR	Peach Springs, Ariz., VOR	42	Goffs.
	V-213		
Patuxent, Md., VOR	Kenton, Del., VOR	33	Patuxent.
Rosewood, Ohio, VORTAC	Tiverton, Ohio, VOR	46	Rosewood.
Peach Springs, Ariz., VORTAC	Tuba City, Ariz., VOR	55	Peach Springs.
	V-220		
Akron, Colo., VOR	Hayes Center, Nebr., VORTAC	84	Akron.
	V-222		
Houston, Tex., VOR	Dalsetta, Tex., VOR, via N alter	26	Houston.
Hickory, N.C., VOR	Lynchburg, Va., VORTAC	61	Hickory.
	V-223		
Herndon, Va., VORTAC	Harrisburg, Pa., VORTAC	41	Herndon.
	V-230		
Salinas., Calif, VORTAC	Los Banos, Calif., VOR	16	Salinas.
	V-234		
Dalhart, Tex., VOR	Liberal, Kans., VOR	45	Dalhart.
Liberal, Kans., VOR	Hutchinson, Kans., VORTAC	81	Liberal.
	V-235		
Provo, Utah, VOR	Fort Bridger, Wyo., VOR	32	Provo.
	V-241		
Eufaula, Ala., VOR	Columbus, Ga., VOR	18	Eufaula.

Airway segment		Changeover point	
From	To	Distance	From
	V-243		
Vienna, Ga., VOR	Atlanta, Ga., VOR	44	Vienna.
	V-244		
Tonopah, Nev., VOR	Wilson Creek, Nev., VOR	50	Tonopah.
Coaldale, Nev., VORTAC	Tonopah, Nev., VOR	14	Coaldale.
Wilson Creek, Nev., VOR	Milford, Utah, VORTAC	40	Wilson Creek.
Hanksville, Utah, VOR	La Sal, Utah, VOR	27	Hanksville.
La Sal, Utah, VOR	Gunnison, Colo., VORTAC	60	La Sal.
Lamar, Colo., VOR	Russell, Kans., VOR	104	Lamar.
	V-248		
Avenal, Calif., VOR	Bakersfield, Calif., VORTAC	19	Avenal.
	V-251		
Sparta, N.J., VOR	Hartford, Conn., VOR	50	Sparta.
	V-253		
Lucin, Utah, VOR	Twin Falls, Idaho, VOR	40	Lucin.
Twin Falls, Idaho, VOR	Boise, Idaho, VOR	48	Twin Falls.
	V-256		
Pottstown, Pa., VOR	Yardley, Pa., VOR	20	Pottstown.
	V-257		
Phoenix, Ariz., VORTAC	Prescott, Ariz., VORTAC	42	Phoenix.
Dubois, Idaho, VOR	Dillon, Mont., VORTAC	41	Dubois.
Dillon, Mont., VORTAC	Butte, Mont., VOR	27	Dillon.
	V-259		
Fort Mill, N.C., VOR	Holston Mountain, Tenn., VOR, via E alter.	67	Fort Mill.
Fort Mill, N.C., VOR	Hickory, N.C., VOR	27	Fort Mill.
	V-260		
Lynchburg, Va., VOR	Flat Rock, Va., VORTAC	33	Lynchburg.
	V-261		
Pulaski, Va., VOR	Beckley, W. Va., VOR	20	Pulaski.
	V-264		
Los Angeles, Calif., VOR	Ontario, Calif., VOR, via S alter	23	Los Angeles.
Twentynine Palms, Calif., VOR	Parker, Calif., VOR	27	Twentynine Palms.
Parker, Calif., VOR	Prescott, Ariz., VOR	76	Parker.
Prescott, Ariz., VOR	St. Johns, Ariz., VOR	62	Prescott.
	V-268		
Westminster, Md., VOR	Baltimore, Md., VORTAC	12	Westminster.
	V-269		
Wells, Nev., VOR	Twin Falls, Idaho, VOR	33	Wells.
	V-270		
Jamestown, N.Y., VOR	Wellsville, N.Y., VOR	22	Jamestown.
	V-276		
Briggs, Ohio, VORTAC	Ellwood City, Pa., VORTAC	33	Briggs.
Tyrone, Pa., VOR	Ravine, Pa., VOR	31	Tyrone.
	V-277		
Fort Wayne, Ind., VOR	Keeler, Mich., VOR	38	Fort Wayne.

Airway segment		Changeover point	
From	To	Distance	From
	V-278		
Texarkana, Ark., VOR	Greenwood, Miss., VOR	90	Texarkana.
Greenwood, Miss., VOR	Columbus, Miss., VOR	44	Greenwood.
Columbus, Miss., VOR	Birmingham, Ala., VOR	47	Columbus.
	V-281		
Redmond, Oreg., VOR	Pendleton, Oreg., VORTAC	65	Redmond.
	V-283		
Reno, Nev., VOR	Lakeview, Oreg., VOR	70	Reno.
Lakeview, Oreg., VOR	Redmond, Oreg., VOR	73	Lakeview.
	V-284		
Fort Stockton, Tex., VOR	San Angelo, Tex., VOR, via N alter	60	Fort Stockton.
	V-287		
North Bend, Oreg., VOR	Newberg, Oreg., VOR	38	North Bend.
	V-290		
Rainelle, W. Va., VOR	Montebello, Va., VOR	35	Rainelle.
	V-298		
Dunoir, Wyo., VOR	Boysen Reservoir, Wyo., VOR	27	Dunoir.
Boysen Reservoir, Wyo., VOR	Casper, Wyo., VORTAC	49	Boysen Reservoir.
Smithwick, S. Dak., VOR	Winner, S. Dak., VOR	73	Smithwick.
Winner, S. Dak., VOR	Sioux Falls, S. Dak., VOR	82	Winner.
	V-216		
Mankato, Kans., VOR	Pawnee City, Nebr., VORTAC	53	Mankato.
Pawnee City, Nebr., VORTAC	Lamoni, Nebr., VOR	57	Pawnee City.
Peck, Mich., VOR	Toronto, Canada, VOR	80	Peck.
	V-314		
Princeton, Maine, VOR	St. Johns, Canada, VOR	36	Princeton.
	V-421		
Zuni Pueblo, N. Mex., VOR	Farmington, N. Mex., VORTAC	45	Zuni Pueblo.
	V-432		
Thermal, Calif., VOR	Parker, Calif., VOR	30	Thermal.
	V-436		
King Salmon, Alaska, VOR	Homer, Alaska, VOR, via E alter	70	King Salmon.
Homer, Alaska, VOR	Kenai, Alaska, VOR, via E alter	33	Homer.
	V-438		
Talkeetna, Alaska, VOR	Nenana, Alaska, VOR	65	Talkeetna.
	V-440		
Biorka Island, Alaska, VOR	Yakutat, Alaska, VOR	98	Biorka Island.
Yakutat, Alaska, VOR	Middleton, Alaska, VOR	93	Yakutat.
	V-448		
Yakima, Wash., VOR	Ephrata, Wash., VOR	18	Yakima.
	V-452		
Galena, Alaska, VOR	Nenana, Alaska, VOR	75	Galena.
	V-456		
King Salmon, Alaska, VOR	Anchorage, Alaska, VOR	120	King Salmon.

§ 95.8005 Jet routes.

Airway segment		Changeover point	
From	To	Distance	From
	J-1		
Medford, Oreg., VOR	Portland, Oreg., VOR	90	Medford.
	J-3		
Lakeview, Oreg., VOR	Pendleton, Oreg., VOR	110	Lakeview.
	J-5		
Bakersfield, Calif., VOR	Reno, Nev., VOR	118	Bakersfield.
	J-7		
Red Bluff, Calif., VOR	Roma, Oreg., VOR	104	Red Bluff.
Boise, Idaho, VOR	Dillon, Mont., VOR	80	Boise.
	J-13		
Cheyenne, Wyo., VOR	Crazy Woman, Wyo., VOR	115	Cheyenne.
	J-15		
San Antonio, Tex., VOR	Wink, Tex., VOR	160	San Antonio.
Albuquerque, N. Mex., VOR	Grand Junction, Colo., VOR	156	Albuquerque.
Grand Junction, Colo., VOR	Salt Lake City, Utah, VOR	130	Grand Junction.
	J-16		
Pendleton, Oreg., VOR	Whitehall, Mont., VOR	185	Pendleton.
	J-17		
Denver, Colo., VOR	Rapid City, S. Dak., VOR	140	Denver.
	J-20		
Denver, Colo., VOR	Gage, Okla., VOR	145	Denver.
Oklahoma City, Okla., VOR	Shreveport, La., VOR	154	Oklahoma City.
	J-23		
San Antonio, Tex., VOR	Mineral Wells, Tex., VOR	106	San Antonio.
Hill City, Kans., VOR	Cheyenne, Wyo., VOR	140	Hill City.
	J-25		
Austin, Tex., VOR	Dallas, Tex., VOR	72	Austin.
	J-53		
Maiad City, Idaho, VOR	Crazy Woman, Wyo., VOR	160	Maiad City.
Aberdeen, S. Dak., VOR	Duluth, Minn., VOR	130	Aberdeen.
	J-54		
Dickinson, N. Dak., VOR	Aberdeen, S. Dak., VOR	60	Dickinson.
	J-64		
Alamosa, Colo., VOR	Garden City, Kans., VOR	101	Alamosa.
	J-65		
Salt Lake City, Utah, VOR	Kremmling, Colo., VOR	80	Salt Lake City.
	J-66		
Farmington, N. Mex., VOR	Las Vegas, N. Mex., VOR	100	Farmington.

Airway segment		Changeover point	
From	To	Distance	From
	V-462		
Houghton, Mich., VOR	Whitefish, Mich., VOR	81	Houghton.
	V-476		
Washington, D.C., VOR	Baltimore, Md., VOR	10	Washington.
	V-478		
Falmouth, Ky., VOR	Newcombe, Ky., VOR	21	Falmouth.
	V-480		
McGrath, Alaska, VOR	Nenana, Alaska, VOR	83	McGrath.
Oakland, Calif., VOR	Los Banos, Calif., VOR	57	Oakland.
	V-482		
Las Vegas, N. Mex., VOR	Clayton, N. Mex., VOR	80	Las Vegas.
	V-484		
Salt Lake City, Utah, VORTAC	Myton, Utah, VOR	28	Salt Lake City.
	V-485		
Fellows, Calif., VOR	Priest, Calif., VOR	40	Fellows.
	V-486		
Tuba City, Ariz., VOR	Dove Creek, Colo., VORTAC	67	Tuba City.
	V-492		
St. Petersburg, Fla., VOR	La Belle, Fla., VOR	49	St. Petersburg.
	V-494		
Wells, Nev., VOR	Maiad City, Idaho, VOR	40	Wells.
	V-495		
Biorka Island, Alaska, VOR	Sisters Island, Alaska, VOR	48	Biorka Island.
	V-501		
St. Thomas, Pa., VOR	Philipsburg, Pa., VOR	22	St. Thomas.
	V-503		
Goffs, Calif., VOR	Beatty, Nev., VOR	31	Goffs.
	V-504		
Nenana, Alaska, VOR	Bettles, Alaska, VOR	85	Nenana.
	V-506		
Bethel, Alaska, VOR	King Salmon, Alaska, VOR	96	Bethel.
	V-508		
Kenai, Alaska, VOR	Middleton Island, Alaska, VOR	79	Kenai.
	V-530		
Walla Walla, Wash., VOR	Mullan Pass, Idaho, VOR	62	Walla Walla.

Airway segment		Changeover point	
From	To	Distance	From
	J-60		
Grand Junction, Colo., VOR	Denver, Colo., VOR	110	Grand Junction.
Joliet, Ill., VOR	Cleveland, Ohio, VOR	156	Joliet.
	J-64		
Alamosa, Colo., VOR	Hill City, Kans., VOR	112	Alamosa.
Joliet, Ill., VOR	Cleveland, Ohio, VOR	156	Joliet.
Pittsburgh, Pa., VOR	Yardley, Pa., VOR	150	Pittsburgh.
	J-70		
Dickinson, N. Dak., VOR	Aberdeen, S. Dak., VOR	60	Dickinson.
	J-71		
Appleton, Ohio, VOR	Front Royal, Va., VOR	112	Appleton.
	J-78		
Prescott, Ariz., VOR	Albuquerque, N. Mex., VOR	131	Prescott.
	J-80		
Milford, Utah, VOR	Grand Junction, Colo., VOR	30	Milford.
Grand Junction, Colo., VOR	Denver, Colo., VOR	110	Grand Junction.
Indianapolis, Ind., VOR	Appleton, Ohio, VOR	86	Indianapolis.
	J-82		
Joliet, Ill., VOR	Cleveland, Ohio, VOR	156	Joliet.
Erie, Pa., VOR	Albany, N.Y., VOR	135	Erie.
	J-84		
Salt Lake City, Utah, VOR	Rock Springs, Wyo., VOR	35	Salt Lake City.
Rock Springs, Wyo., VOR	Scottsbluff, Nebr., VOR	105	Rock Springs.
	J-90		
Mullan Pass, Idaho, VOR	Billings, Mont., VOR	168	Mullan Pass.
	J-94		
Salt Lake City, Utah, VOR	Rock Springs, Wyo., VOR	35	Salt Lake City.
Rock Springs, Wyo., VOR	Scottsbluff, Nebr., VOR	105	Rock Springs.
	J-96		
Seattle, Wash., VOR	Kimberley, Canada, LFR	97	Seattle.
	J-104		
San Simon, Ariz., VOR	Grants, N. Mex., VOR	130	San Simon.

These amendments are proposed under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1964.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-2121; Filed, Mar. 6, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 2, 1964.

The Bureau of Land Management has filed an application, Fairbanks 031914, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws but excepting the mineral leasing laws. The applicant desires the land to provide public recreational facilities and to retain recreation values in public ownership.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MANKOMEN LAKE AREA

Sections 7, 8, 16, 17, 18, 19, 20, and 21, Township 14 North, Range 5 East, Copper River Meridian;

Sections 1, 12, 13, and 24, Township 14 North, Range 4 East, Copper River Meridian;

Sections 12 and 13, Township 22 South, Range 16 East, Fairbanks Meridian.

The areas described aggregate approximately 8,681 acres of which approximately 1,100 acres comprise the lake.

DANIEL A. JONES,
Manager.

[F.R. Doc. 64-2239; Filed, Mar. 6, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MIDDLESEX LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Middlesex Livestock Auction, Middlefield, Conn.
Walton County State Livestock Market, DeFuniak Springs, Fla.
Walker Horse and Mule Co., Quitman, Ga.
Trainer Livestock Sales, Clinton, Ill.
Franklin County Live Stock and Commission Sales, Sesser, Ill.
Crawfordsville Live Stock Commission, Crawfordsville, Ind.
Gamaliel Livestock Market, Inc., Macon County, Tenn. (Mailing address: Gamaliel, Ky.).
Ann Arbor Livestock Sale, Inc., Ann Arbor, Mich.
Sardis Livestock Sales Co., Sardis, Miss.
Lorenz Livestock Sales, Hazen, N. Dak.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of March 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-2261; Filed, Mar. 6, 1964; 8:51 a.m.]

Rural Electrification Administration

REA-FINANCED COOPERATIVES AND COMMERCIAL POWER COMPANIES

Territorial Disputes

A. All electric cooperative borrowers are requested to report to REA on a continuing basis the salient details of all territorial and service disputes with commercial power companies which were pending on or commenced after December 31, 1962, their current status and their disposition if settled or disposed of, and the basis for such disposition. The borrowers' reports should include the actual or threatened furnishing of service to a consumer already being served by the borrower, or to premises previously served, or to potential consumers of the borrower.

B. Disputes arising out of territorial or other limitations contained in wholesale power contracts with commercial power companies should be so identified in the reports to REA. The relationship of the territorial dispute to the provisions of the contract should be clearly stated, e.g., refusal to supply wholesale power at delivery points requested by the cooperative, or prohibition or limitation of cooperative service to consumers specified under the contract provisions, and the imposition or exaction of penalty rates for service to specified classes of consumers or loads.

C. The borrowers' reports should set forth steps taken to settle dispute, including resort to remedies under state statutes, if any, relating to territorial and service rights; indicate what certificates of convenience and necessity are held by the parties covering the service area. If settled, details and basis of disposition of dispute should be given. Except where a dispute is shown as settled in the initial report, the borrower should notify REA when disposition occurs, identifying the dispute by reference to the initial report, and supplying the details of and basis for such disposition.

D. REA will examine into all unresolved disputes which come to its attention concerning territorial and service matters except in states having adequate statutory provisions for determining territorial and service rights, and will use its best offices to assist in their equitable settlement.

E. A report will be made to the Senate Committee on Appropriations in January of each year giving the salient facts involved, the disposition of the complaints, and the basis for such disposition.

Effective this third day of March 1964.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 64-2237; Filed, Mar. 6, 1964; 8:48 a.m.]

SECTION 5 LOANS

A. Section 5 loans may be made only to borrowers of funds loaned for electric facilities under the provisions of section 4 of the Rural Electrification Act which have demonstrated the need for such loans. Loans will not be made in competition with private sources of credit or as a substitution for loan funds available under other Federal programs. REA will not approve the use of section 5 funds where the necessary financing is available from other sources.

B. Where a borrower requests a section 5 loan for use by a commercial or industrial consumer, the data required for approval of the consumer loan must be submitted with the section 5 loan application. This shall include written evidence that the necessary financing for the equipment is not available from private sources or under other Federal programs. This should be in the form of letters of declination identifying the loan requested, by amount, and giving the reasons for the declination, including any alternate financing terms offered. At a minimum, the consumer should make application to the following sources:

(1) Two banks or other commercial lenders. When the financial data of the consumer applicant indicates that financing might be available from large lenders outside of the area, REA will assist the borrower and the consumer in seeking such financing.

(2) The Small Business Administration, except in those cases where the section 5 funds will be used in connection with an Area Redevelopment Administration project. SBA is a normal source of financing for small profitmaking businesses when private financing is not available.

(3) The Area Redevelopment Administration when the consumer is located in an ARA designated area.

(4) The appropriate Bank for Cooperatives when the consumer is a farmer cooperative.

C. Where borrower requests a section 5 loan for use by individual farm or residential consumers, the letter of application should explain the need for the loan, the general purposes for which the loan will be used, and state the rate of interest the electric borrower intends to charge on consumer loans. The letter should also include evidence that the necessary credit is not available in the area to finance the wiring of premises and the acquisition and installation of electrical and plumbing appliances and equipment for the electric borrower's members. This shall consist of:

(1) A written statement summarizing the terms and conditions under which credit, if any, is available to the borrower's consumers. The statement should describe the credit in terms of any limits on the amount which will be financed, the percentage of the installed cost which will be financed, the term for which the financing is available, the repayment period, the interest and other charges associated with the credit, and any other pertinent facts.

(2) Written statements from at least two banks or other sources of consumer credit outlining the terms and conditions under which they will provide such credit. These may be local institutions or those within a reasonable distance of the area which are authorized under state and Federal laws to provide such financing.

(3) A written statement from one or more appliance dealers evaluating the need for credit in the area.

D. All consumer loans in excess of $2,500 require prior REA approval. In requesting such approval, the electric borrower should provide REA with the information considered by its credit committee and board of directors in giving tentative approval to the proposed financing. This should include for each such individual farm or residential consumer loan the basis on which it was determined that the necessary credit is not available from other sources.

E. The Committee on Appropriations of the United States Senate will be notified of requests for section 5 loan funds.

F. When a section 5 loan is made, the Administrator will certify to the Secretary of Agriculture the necessity for making the loan. The Committee on Appropriations of the United States Senate will be furnished a copy of such certification.

G. If REA determines a loan application need not or cannot be processed for loan approval, or the applicant withdraws or cancels the application, the loan application shall be considered "closed without loan" and removed from official records of pending loan applications. The loan applicant and the Committee on Appropriations of the United States Senate will be notified accordingly.

Effective this third day of March 1964.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 64-2238; Filed, Mar. 6, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 27]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through February 21, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP	Gross tonnage
Total—all flags (200 ships)	1,490,814
British (66 ships)	558,186
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Ardsirod	7,025
Arlington Court (now Southgate—British flag)	9,662
Athelcrown (Tanker)	11,149
Atheliduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Beech Hill	7,150
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
East Breeze	8,708
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
Kinross	5,388
Kirriemoor	5,923
Linkmoor	8,236
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Majesty (Tanker)	12,132
London Prestige (Tanker)	16,194
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Lord Gladstone	11,299
Maratha Enterprise	7,166
Mulberry Hill	7,121
*Nancy Dee	6,597
Newgate	6,743
*Newhill	7,855
Newlane	7,043
Oak Hill	7,139
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Ruthy Ann	7,361
Santa Granda	7,229
*Sea Coral	10,421
Shienfoon	7,127
**Silverforce—(now Jalagouri—Indian flag)	8,058
**Silverlake (now Jalaganga—Indian flag)	8,058
**Southgate (trip to Cuba under ex-name, Arlington Court—British flag).	
Stanwear	8,108
Streatham Hill	7,130
Suva Breeze	4,970
Sycamore Hill	7,124
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
Vercharmian	7,265
Vergmont	7,361
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (44 ships)	346,108
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,366
Gloria	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	

*Added to Report No. 26 appearing in the FEDERAL REGISTER issue of February 18, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Greek—Continued	
Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
North Empress	10,904
North Queen	9,341
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	15,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Propontis	7,126
Redestos	5,911
**Seirios (sold Japanese ship breakers)	7,289
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,244
**Timios Stavros (now British flag).	
Tina	7,362
Western Trader	9,268
Lebanese (45 ships)	299,384
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
Carnation	4,684
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Leftric	7,176
Malou	7,145
Mantric	7,255
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Rasani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theologos	6,529
Toula	4,561
Italian (7 ships)	52,464
Achille	6,950
Airone	6,969
Annalisa	2,479
Aspromonte	7,154
Nazareno	7,173
San Nicola (Tanker)	12,461
San Lucia	9,278
Polish (12 ships)	80,586
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
*Huta Labedy	7,221
Huta Ostrowiec	7,175
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
Trebisnjica (wrecked)	7,145
Norwegian (4 ships)	34,503
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jezreel—Panamanian flag)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
**Guinee (now Comfort, Chinese "Formosa" flag)	3,048
Nelee	2,874
Moroccan (4 ships)	32,614
Atlas	10,392
Banora	3,082
Mauritanie	10,392
Toubkal	8,748
Spanish (5 ships)	8,159
Castillo Ampudia	3,566
Escorpion	999
*Sierra Andia	1,506
Sierra Madre	999
Sierre Maria	999
Swedish (2 ships)	14,295
**Atlantic Friend (now Atlantic Venture—Liberian flag)	7,805
Dagmar	6,490
Finnish (1 ship):	
Valny (Tanker)	11,691
Indian:	
**Jalaganga (trip to Cuba under ex-name, Silverlake—British flag).	
**Jalagouri (trip to Cuba under ex-name, Silverforce—British flag).	
Chinese (Formosa):	
**Comfort (trip to Cuba under ex-name, Guinee—French flag).	
Liberian:	
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).	

*Added to Report No. 26 appearing in the FEDERAL REGISTER issue of February 18, 1964.
**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: None.
b. Previous report:

Flag of registry:	Number of ships
British	6
Danish	1
German (West)	1
Greek	14
Italian	3
Japanese	1
Norwegian	2

SEC. 3. The ships listed in Sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through February 21, 1964:

Flag of registry	Number of trips									
	1963							1964		
	Jan.-Mar.	Apr.-June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Total
British	21	45	14	11	8	10	12	12	15	6	154
Greek	18	37	17	7	8	2	2	1	3	2	102
Lebanese	3	25	8	3	4	10	5	5	5	2	71
Norwegian	6	3	1	2	1			1	2		16
Italian	3	7	2	2		1	1		1		17
Yugoslav	4	2	1	1	2		2		1	1	14
Spanish	2		1	1	1		1	2		2	10
Danish	1										1
Finnish		1									1
French					5	1		2			8
German (West)		1									1
Japanese	1										1
Moroccan	1	1	1	1	1	2	1	1		1	10
Swedish		2		1							3
Subtotal	60	124	45	29	30	32	24	26	25	15	410
Polish	4	6	1	1		2	3	1	1	2	21
Grand total	64	130	46	30	30	34	27	27	26	17	431

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: February 28, 1964.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64-2263; Filed, Mar. 6, 1964; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN PETROLEUM INSTITUTE

Notice of Filing of Petition Regarding Food Additive Petrolatum

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1021) has been filed by American Petroleum Institute, 1271 Avenue of the Americas, New York, New York, proposing the issuance of regulations to provide for the following safe uses of petrolatum:

1. As a component of animal feed resulting from its use as a lubricant in pelletizing feed or from its use as a dust-control agent.

2. As a release agent or surface lubricant on food-processing equipment or as a component of food-packaging materials.

3. As a component of coatings on cheese, fresh fruits, and vegetables.

Dated: March 2, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-2247; Filed, Mar. 6, 1964; 8:49 a.m.]

DAVIS & GECK DIVISION, AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Color Additive D&C Blue No. 9

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 14) has been filed by Davis & Geck Division, American Cyanamid Company, Danbury, Connecticut, proposing the issuance of a regulation to provide for the safe use of D&C Blue No. 9 (3,3'-dichloroindanthrene; 6,15-dihydro-7,16-dichloro-5,9,-14,18-anthrazinetetrone) as a color for silk and cotton surgical sutures for use in general and ophthalmic surgery. The petitioner proposes that the regulation listing the color additive specifically limit its use to a batch manufactured by the National Aniline Division of the Allied Chemical Corporation and certified by the U.S. Food and Drug Administration as Lot No. F4762. (This particular batch was used in the pharmacological investigations made by the petitioner.)

Dated: March 2, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-2248; Filed, Mar. 6, 1964; 8:49 a.m.]

MICRO NUTRIENTS, INC.

Notice of Withdrawal of Petition for Food Additive Ferrous Fumarate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Micro Nutrients, Inc., 201 Lynn Street, Atlantic, Iowa, has withdrawn its petition (FAP 990), published in the FEDERAL REGISTER of December 11, 1962 (27 F.R. 12223), proposing the issuance of a regulation to provide for the safe use of 12.5 pounds of ferrous fumarate per ton of feed for sows during lacation to prevent anemia in the suckling pigs.

The withdrawal of this petition is without prejudice to a future filing.

Dated: March 2, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-2249; Filed, Mar. 6, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11908 etc.]

TRANSATLANTIC CHARTER INVESTIGATION

Notice of Prehearing Conference

Reopened transatlantic charter investigation, ONA Financial Fitness. See Orders E-20530; E-20531.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 17, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., March 4, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2251; Filed, Mar. 6, 1964; 8:50 a.m.]

[Docket No. 15059; Order E-20532]

UNITED AIR LINES, INC.

Order of Investigation and Suspension Relating to Economy Configuration Tariff Revisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2nd day of March, 1964.

United Air Lines, Inc. (United) has filed tariff revisions[1] with a posting date of January 30, 1964, marked to become effective March 15, 1964, proposing to permit the seating of economy-class passengers in the rear compartment of combination first-class and economy flights operated with DC-8 aircraft, applicable only between Chicago and Los Angeles on flights that originate or terminate at Honolulu. Seating would be 6-abreast at a pitch of 37 inches minimum and 38 inches maximum. The proposed tariff provisions are marked to expire with January 31, 1965.

Complaints against the proposal of United have been filed by American Airlines, Inc., and Trans World Airlines Inc. The complainants maintain that United's proposal is unjust, unreasonable, unjustly discriminatory, and unduly preferential and prejudicial. In support thereof, the complaining carriers allege that the seating configuration that United would offer at economy prices is identical to the configuration that it would offer (and now offers) for its higher-fare coach service; that the proposal of United would place its com-

[1] Agent Squire's C.A.B. Nos. 44 and 65, filed Jan. 30, 1964.

petitors at a considerable disadvantage since, at the present time, American, Continental, TWA, and even United all provide economy service in the Chicago-Los Angeles market at a seat pitch of basically 34 inches, rather than at the basically 38-inch pitch now being proposed by United; that the difference in seat pitch between United's proposed economy service and existing economy service is 4 inches and not "one or two inches", as alleged by United; and that a 4-inch difference is indeed substantial (being the difference between American's economy and first-class seat spacing, i.e., 34 vs. 38 inches). In addition, the complainants allege that the proposal would establish a precedent for offering more-costly low-density seating configurations for economy services, and will bring an end to high-density economy service in the Chicago-Los Angeles market; that it would destroy the distinction between classes of service that is the basis for effective fare regulation; that it would vititate whatever decision results from the current investigation of business and economy fares in Docket 13939 et al.; and that the proponent failed to supply any factual explanation of its filing or any data in support thereof.

In support of its proposal and in answer to the complaints, United indicates that starting on March 1, 1964, it plans to offer one-plane, through service to Chicago-Honolulu passengers by scheduling a DC-8 flight to operate in each direction between these points, via Los Angeles; that United desires to offer passengers the convenience of one-plane service; and that the standards for economy service, except for seat pitch, would not change. United claims that there is ample precedent for the recognition by the Board of its proposal; that the proposed seating arrangement will permit utilization of DC-8 aircraft in other services and other areas; that it does not believe the traveling public is influenced by small variations in seating area; and that no discrimination will be involved.

The proposed tariff amendments raise serious questions of reasonableness, preference and prejudice, and unjust discrimination. The bulk of the economy service now provided by all the carriers, including United, is at a seat pitch of 34 inches, whereas United's proposed seating would be mostly at 38 inches. Thus, the difference between the existing and proposed seat pitch would be substantial—4 inches. Furthermore the proposed seating at economy fares would be markedly inconsistent with the seating densities of typically higher-priced services, as well as with all the other economy service in that market (which would continue to be offered at a 34-inch pitch). The main difference between United's proposed economy service and its present coach service in the Los Angeles-Chicago market would be the absence of meals in the economy service. The seating arrangement in both services would be identical. Hence, the provision of a meal and some passenger service does not, in our opinion, warrant the substantial difference between the fares charged for these services. Nor has there been any showing that the fares are reasonably related to cost and value of service, or that the proposed service would be provided at any substantial cost saving as compared with coach. United's proposal is in essence a substantial fare cut without commensurate cost reductions. While the Board would carefully consider fare reductions in these or other markets, they should not be limited to those passengers who travel on particular flights or types of aircraft.

The Board realizes that the present proposal of United is similar to the "economy coach" service previously proposed by United in the Honolulu-Los Angeles/San Francisco market, which became effective on November 1, 1963, and is currently under investigation in Docket 14838.[2] Both proposals raised questions of reasonableness, preference and prejudice, and possible discrimination, and warrant investigation. With respect to suspension, however, we distinguish the instant proposal from the previous one in terms of the nature of the Hawaiian market (only two carriers); the new, low experimental fares involved; the high earnings of the carriers in that market; and the avoidance of potential injury to United's competitive position in the West Coast-Honolulu market. United alleges that there is considerable precedent for the recognition of the desirability of allowing interchangeable use of aircraft with the same seating configuration for different types of low-fare service. Some carriers, including United, operate aircraft with 34-inch economy seating in coach service on certain routes in which no economy service is offered; however, in these instances, the higher-seating-density configuration is used for the higher-priced service, whereas in the instant situation a lower seating density is proposed for a lower-priced service. Consequently, upon consideration of the foregoing factors and all other relevant matters, the Board, in exercising its discretionary powers under the Act, concludes to suspend the proposed tariff revisions and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions described below are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions:

(a) On 13th Revised Page 292-G of Agent C. C. Squire's tariff C.A.B. No. 44, the provision "or DC-8" in the paragraph entitled "Application" under the caption "United Air Lines, Inc. Local Jet Economy Fares",

(b) On 16th Revised Page 35 of Agent C. C. Squire's tariff C.A.B. No. 65, all provisions applicable to Seating Configuration and Lounge Seats of DC-8 type of aircraft in the columns captioned "Economy" and the reference mark shown in connection therewith and its explanation reading "These provisions expire with January 31, 1965 unless sooner changed, cancelled or extended",

(c) On 5th Revised Page 35-A of Agent C. C. Squire's tariff C.A.B. No. 65, the provisions of Note F;

2. Pending hearing and decision by the Board, the tariff provisions described in ordering paragraph 1 above are suspended and their use deferred to and including June 12, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of American Airlines, Inc., in Docket 15022, and Trans World Airlines, Inc., in Docket 15023, to the extent granted, are consolidated herein;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariffs and be served upon United Air Lines, Inc., American Airlines, Inc., Continental Air Lines, Inc., and Trans World Airlines, Inc., which are made parties to the investigation ordered herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2252; Filed, Mar. 6, 1964; 8:50 a.m.]

[2] Order E-20137, October 29, 1963.

[1] Murphy, vice chairman, and Minetti, member, dissenting statement filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12865, 12866; FCC 64M-179]

CHRONICLE PUBLISHING CO. (KRON-TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO-TV)

Order Scheduling Hearing

In re applications of Chronicle Publishing Company (KRON-TV), San Francisco, California, Docket No. 12865, File No. BPCT-2168; American Broadcasting-Paramount Theatres, Inc. (KGO-TV), San Francisco, California, Docket No. 12866, File No. BPCT-2401; for construction permits.

Pursuant to a prehearing conference held this date: *It is ordered*, This 2d day of March 1964, that the exchange of exhibits in the above-entitled proceeding shall be accomplished on or before April 15, 1964;

It is further ordered, That the hearings herein be and the same is hereby scheduled for May 6, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: March 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2254; Filed, Mar. 6, 1964; 8:50 a.m.]

[Docket No. 15356]

JOHN W. CORPIER, JR.

Order Designating Matter for Hearing on Stated Issues

In the matter of John W. Corpier, Jr., Box 1000, Steilcoom, Washington, suspension of radiotelephone second-class operator license.

The Commission having under consideration the suspension of radiotelephone second-class operator license, No. P2-23-333, issued to John W. Corpier, Jr., whose address appears above; and

It appearing, that acting in accordance with the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, the above-named party filed with the Commission a timely request for hearing on the Commission's Order of November 14, 1963 suspending for the remainder of the license term his radiotelephone second-class operator license; and

It further appearing, that under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, the said licensee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's Order of Suspension is held in abeyance until the conclusion of the proceeding in this matter.

It is ordered, This 31st day of January 1964 under authority contained in section 303(m)(2) of the Communications Act of 1934, as amended and § 0.311(a)(5) of the Commission's rules that the matter of the suspension of the radiotelephone second-class operator license of John W. Corpier is hereby designated for hearing at a time and place before a hearing examiner to be specified by further Order of the Commission, upon the following issues:

1. To determine whether John W. Corpier, Jr., obtained a radio operator license by fraudulent means.

2. To determine in the light of the evidence adduced in the preceding issue whether the terms of the original Order of Suspension should be made final, rescinded or modified.

It is further ordered, That a copy of this order be transmitted by Certified Mail, Return Receipt Requested, to John W. Corpier, Jr., and that he notify the Commission in writing within 10 days after the receipt of this Order that he will appear in person or by counsel at said hearing.

Released: March 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2255; Filed, Mar. 6, 1964; 8:50 a.m.]

[Docket No. 15317; FCC 64M-182]

CHARLES L. HAMILTON, SR., AND MILDRED B. HAMILTON (KBAB)

Order Following Prehearing Conference

In re application of Charles L. Hamilton, Sr., and Mildred B. Hamilton (KBAB), Indianola, Iowa, Docket No. 15317, File No. BMP-10047; for construction permit.

The prehearing conference in the above-captioned proceeding having been held on March 2, 1964, and it appearing that certain agreements were reached therein which properly should be formalized by order;

It is ordered, This 2d day of March 1964, that:

(1) The direct affirmative case of the applicant shall be presented by written sworn exhibits;

(2) There will be a preliminary exchange of the applicant's proposed exhibits with counsel for other parties that have filed appearances, by March 18, 1964;

(3) There will be a final exchange of applicant's proposed exhibits with counsel for other parties that have filed appearances (with copies to be furnished to the Hearing Examiner also), by March 27, 1964; and

(4) Notification as to those applicant's witnesses desired to be present at the hearing for cross-examination shall be given to applicant's counsel by March 27, 1964.

It is further ordered, That the hearing heretofore scheduled to commence on March 31, 1964, is hereby postponed to April 2, 1964, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: March 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2256; Filed, Mar. 6, 1964; 8:50 a.m.]

[Docket No. 15351]

HENSON GREASE GUN REPAIR SERVICE

Order to Show Cause

In the matter of Elton O. Henson d/b as Henson Grease Gun Repair Service, Houston, Texas, order to show cause why there should not be revoked the license for Citizens Radio Station KED-0308.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration certain alleged violations in the operation of Citizens radio station KED-0308;

It appearing, that, on or about August 14, 1962, and July 15 and 16, 1963, the licensee willfully transmitted, by means of the captioned radio station, communications containing obscene, indecent, or profane language, in violation of Title 18, United States Code, section 1464; and

It further appearing, that, on September 6, 1963, licensee entered a plea of guilty in United States District Court at Houston, Texas, to violations of Title 18, United States Code, section 1464, occurring on July 15 and 16, 1963; and

It further appearing, that, on or about August 14, 1962, the licensee willfully used the captioned radio station for the transmission of communications to units of other Citizens radio stations which were not necessary for the exchange of substantive messages related to the business or personal affairs of the individuals concerned, in violation of § 95.81(a) (then § 19.61(a)) of the Commission's rules; and

It further appearing, that, based on the usage made of the captioned radio station by the licensee on August 14, 1962, and July 15 and 16, 1963, the Commission would be warranted in refusing to grant an application from this licensee for the same class of radio station license if the original application were now before it;

It is ordered, This 2d day of March 1964, pursuant to section 312(a)(2), (4) and (6) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) of the Commission's rules, that the licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence with respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the licensee at his last known address of 5209 Clay, Houston, Texas, 77023.

Released: March 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2257; Filed, Mar. 6, 1964; 8:50 a.m.]

[Docket No. 15232; FCC 64M-180]

NOBLE BROADCASTING CORP.

Order Continuing Hearing

In re application of the Noble Broadcasting Corporation, Docket No. 15232, File No. BR-1406; for renewal of license of Station WILD, Boston, Massachusetts.

Pursuant to the agreements reached at the hearing conference held on February 28, 1964, the evidentiary hearing in the above-entitled proceeding now scheduled for March 16, 1964, is continued to a date to be specified at the conclusion of the further prehearing conference which will be held on March 23, 1964.

It is so ordered, This the 2d day of March 1964.

Released: March 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2258; Filed, Mar. 6, 1964; 8:51 a.m.]

[Docket Nos. 15089–15092; FCC 64M–183]

SPANISH INTERNATIONAL TELEVISION CO., INC., ET AL.

Order Scheduling Further Prehearing Conference

In re Applications of Spanish International Television Company, Inc., Paterson, New Jersey, Docket No. 15089, File No. BPCT–3032; Progress Broadcasting Corporation, Paterson, New Jersey, Docket No. 15090, File No. BPCT–3067; Bartell Broadcasters, Inc., Paterson, New Jersey, Docket No. 15091, File No. BPCT–3103; Trans-Tel Corp., Paterson, New Jersey, Docket No. 15092, File No. BPCT–3114; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the Order of the Commission, released February 27, 1964 (FCC 64–155), vacating the stay in the above-entitled proceeding and directing the resumption of the hearing on a date to be specified by the presiding officer;

It is ordered, This 3d day of March 1964, on the Hearing Examiner's own motion, that a further prehearing conference, for the primary purpose of establishing pertinent dates, including a date for the commencement of the hearing, pursuant to the stipulation previously entered into by the parties, is hereby scheduled to be convened at 10 a.m., Friday, March 13, 1964, at the Commission's offices, Washington, D.C.

Released: March 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2259; Filed, Mar. 6, 1964; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1167]

REDUCED RATES ON AUTOMOBILES; ATLANTIC COAST PORTS TO PUERTO RICO

Notice of Expansion of Investigation To Include South Atlantic & Caribbean Line, Inc.

Whereas, by orders dated January 7 and February 13, 1964, the Commission entered into an investigation concerning the lawfulness of certain reduced rates on automobiles from Atlantic Coast ports to ports in Puerto Rico and named Sea-Land Service, Inc., Puerto Rican Division; Seatrain Lines, Inc.; American Union Transport, Inc.; Containerships, Inc.; and TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) as respondents in this proceeding;

Whereas, on February 14, 1964, South Atlantic & Caribbean Line, Inc. (SACL) filed amendments to its tariff FMC–F No. 7 which, upon becoming effective March 15, 1964, will permit SACL to absorb the handling and wharfage charges on automobiles moving from Jacksonville and Miami, Florida, to Puerto Rico;

Whereas, The Commission is of the opinion that the new SACL tariff provisions should be made the subject of a public investigation to the same extent as other matter affecting the transportation of automobiles currently under investigation herein, to determine whether they are unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Now therefore it is ordered, That this proceeding be, and it is hereby expanded to include, in addition to matters now under investigation herein, an investigation into and a hearing concerning the lawfulness of the proposed absorption rules currently scheduled to become effective March 15, 1964, published in the aforementioned tariff, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That South Atlantic & Caribbean Line, Inc. be and it is hereby made respondent in this proceeding and that all subsequent revisions of the rates or other matter affecting the transportation of automobiles, filed by SACL and all other respondents in this proceeding shall be, and they are hereby placed under investigation in this proceeding;

It is further ordered, That the Commission's action in placing SACL's proposed absorption provisions under investigation at this time will not prejudice the right of the Commission to suspend said provisions, either upon protest thereto or upon its own motion, prior to March 15, 1964;

It is further ordered, That (I) a copy of this order shall forthwith be served upon all respondents, protestants and interveners herein; (II) the said respondents, protestants and interveners be duly notified of the time and place of the hearing ordered; and (III) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74).

By the Commission February 27, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64–2262; Filed, Mar. 6, 1964; 8:48 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND UNITED STATES LINES COMPANY (AMERICAN PIONEER LINE)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9251–1, between American President Lines, Ltd., and United States Lines Company (American Pioneer Line), provides for a through billing arrangement for general cargo transported in the trade from ports of call of American President Lines, Ltd., in Okinawa, Korea, Formosa, Manila, Hong Kong and Vietnam, to Hawaiian ports of call of United States Lines Company (American Pioneer Line) with transhipment at Yokohama or Kobe, Japan, in accordance with the terms and conditions as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–2241; Filed, Mar. 6, 1964; 8:48 a.m.]

THE MEMBERS OF THE JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 3103–24, between the members of the Japan-Atlantic and Gulf Freight Conference provides, as a result of mergers, for the transfer of existing memberships of certain Japanese Lines as members of the Conference, of their rights and obligations, to the surviving or merged companies, effective as of April 1, 1964.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573 or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–2243; Filed, Mar. 6, 1964; 8:48 a.m.]

MEMBERS OF JAPAN-PUERTO RICO & VIRGIN ISLANDS FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8190–4, between the members of the Japan-Puerto Rico & Virgin Islands Freight Conference provides, as a result of mergers, for the transfer of existing memberships of certain Japanese Lines, members of the Conference, their rights and obligations, to the surviving or merged companies, effective as of April 1, 1964.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573 or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification together with a request for hearing, should such hearing be desired.

Dated: March 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–2244; Filed, Mar. 6, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64–89]

DELHI-TAYLOR OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 20, 1964.

In the order providing for hearing on and suspension of proposed changes in rates; and allowing rate changes to become effective subject to refund, issued August 16, 1963 and published in the FEDERAL REGISTER August 23, 1963 (F.R. Doc. 63–9065; 28 F.R. 9331–9333), after Docket No. RI64–89, in the chart, opposite Rate Schedule No. 32 correct the Supplement to read "Supplement No. 2" in lieu of Supplement No. 4, also in line 2 of the second complete paragraph of the extreme left column on page 9333.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–2225; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket No. RI63–456, etc.]

LITTLE NICK OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 27, 1964.

In the order providing for hearings on and suspension of proposed changes in rates, issued June 20, 1963 and published in the FEDERAL REGISTER June 29, 1963 (F.R. Doc. 63–6774; 28 F.R. 6760–6762), after Docket No. RI63–463, Texaco Inc., opposite Rate Schedule No. 299 change Supplement No. 1 to read Supplement No. "2" and correct respondent's name to read "Texaco Inc. (Operator), et al.".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2227; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket No. E–7095]

MINNESOTA POWER & LIGHT CO.

Order Granting Rehearing for Further Consideration

MARCH 2, 1964.

The Minnesota Power & Light Company (Applicant) on January 29, 1964 filed an application for rehearing upon the declaratory order issued December 30, 1963 requiring it to apply for a license on its Little Falls project on the Mississippi River in Morrison County in the State of Minnesota.

Applicant contends that the Congressional Act of July 3, 1886 (24 Stat. 123), exempts it under section 23(a) of the Federal Power Act (16 U.S.C. 816) from having to take a license under section 23(b) (16 U.S.C. 817).

The Commission finds: It is appropriate and in the public interest in administering the Federal Power Act that the Minnesota Power & Light Company's application for rehearing on the order issued December 30, 1963, be granted as hereinafter provided.

The Commission orders:

(A) The Minnesota Power & Light Company's application filed on January 29, 1964, for rehearing of the order December 30, 1963, is hereby granted for the purpose of providing additional time for further consideration of the issues raised by the application.

(B) The aforesaid order issued on December 30, 1963, is stayed until further order of the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2228; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket No. CP62–178]

NORTHERN NATURAL GAS CO.

Notice of Application To Amend

MARCH 2, 1964.

Take notice that Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska, filed on January 13, 1964, in Docket No. CP62–178, an application to amend an order of the Commission issued September 30, 1963, in its above docket, granting a certificate of public convenience and necessity authorizing among other things the installation of 4,400 Hp at its Redfield Storage Field Station. The application seeks authorization to install three 1,000 Hp units in lieu of a remaining 2,900 Hp authorized by the Commission order of September 30, 1963, all as more fully set forth in the application to amend on file with the Commission, and open to public inspection.

The application to amend states that as a result of recent studies the installation of smaller increments of horsepower, three 1,000 Hp units would permit greater flexibility in meeting the varying load conditions required for injection and withdrawal of storage gas.

The estimated cost of installing the three proposed 1,000 Hp units is $641,000.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 24, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2229; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket Nos. CP64–101, CP64–139]

NORTHERN NATURAL GAS COMPANY AND EL PASO NATURAL GAS CO.

Notice of Applications

MARCH 2, 1964.

Take notice that on November 1, 1963, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP64–101, and on December 13, 1963, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP 64–139, their respective applications, pursuant to section 7(c) of the Natural Gas Act, for certificates of convenience and necessity authorizing the transportation and exchange of 100,000 Mcf daily of natural gas subject to the jurisdiction of the Commission, all as more fully set forth in the applications on file with the Commission, and open to public inspection.

The applications reflect that Northern and El Paso are parties to an agreement entitled "1963 Services Agreement" covering the exchange of up to 525,000 Mcf daily, which agreement has been amended by an agreement dated October 4, 1963, providing for the exchange of

an additional 100,000 Mcf daily, of which 50,000 Mcf will be on a firm basis, and 50,000 Mcf will be on a best effort basis.

Northern proposes to construct and operate approximately 16.9 miles of 30-inch loop line between El Paso's Dumas Compressor Station and Northern's Sunray Compressor Station and approximately 20.4 miles of 30-inch loop line north of the Sunray Station, in order to receive the increased firm volumes up to 575,000 Mcf daily; no additional facilities being proposed for the best efforts gas.

Northern states the estimated cost of $3,777,000 for the proposed construction will be defrayed from cash on hand, reserve accruals and retained earnings.

El Paso proposes to construct and operate approximately 33.2 miles of 20-inch pipeline looping a portion of El Paso's existing 24-inch Dumas line, a new 5,400 Hp compressor station located on the Dumas line, two (2) new packaged field compressor stations consisting of 220 and 125 Hp, respectively, and additional metering and communication facilities.

El Paso states the estimated cost of the proposed facilities is $3,994,000, which will be defrayed out of current working funds, supplemented, as necessary by short-term bank loans.

The applications further reflect Northern delivers gas to El Paso principally at a point of interconnection at the outlet of Northern's Plains measuring station located in Yoakum County, Texas, and a small volume of gas is delivered from the Prentice Gasoline Plant into El Paso's Plains to Dumas pipeline also in Yoakum County, Texas; and El Paso returns equal volumes of gas to Northern principally at a point of interconnection at the outlet of El Paso's Dumas Compressor Station located in Moore County, Texas. In addition thereto a total of 50,000 Mcf daily may be delivered by El Paso at a point in Beaver County, Oklahoma, and at several points in Ochiltree County, Texas. El Paso also delivers for the account of Northern certain volumes to Pioneer Natural Gas Company from its Plains to Dumas pipeline.

Northern proposes herein to deliver 100,000 Mcf daily on a firm and best efforts basis to El Paso at Northern's Plains Compressor Station, and in exchange therefor El Paso proposes to deliver equal volumes to Northern at El Paso's Dumas Compressor Station.

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate these applications for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on these applications provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing in required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2230; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket Nos. G-10289 etc.]

PUBCO PETROLEUM CORP. ET AL.

Findings and Order

MARCH 2, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, substituting parties, amending and terminating certificates, permitting and approving abandonment of service, terminating rate proceedings, severing proceeding, accepting and redesignating related rate schedules for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on February 27, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-10289, G-11821, G-12006, G-14152, CI60-686, G-10354, CI61-280, CI61-925, CI61-1162, CI61-1698, CI62-554, CI62-555, CI62-1258, CI63-20 and CI63-65 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G-10289, G-11821, G-12006, G-10354, G-14152, CI60-686, CI61-280, CI61-1162, CI62-555, CI62-1258, CI63-20 and CI63-65 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) In all other respects, the respective orders of the Commission amended by paragraph (D) above shall remain in full force and effect.

(F) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. CI61-280, CI61-925, CI61-1698 and CI62-554 are hereby amended by substituting as certificate holders thereunder the respective successors in interest as indicated in the tabulation herein.

(G) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(H) The certificates heretofore issued in Docket Nos. CI61-1358, G-15131 and CI60-212 are hereby terminated.

(I) In view of the abandonment of service granted herein, in Docket Nos. CI64-743 and CI64-796 respectively, the rate suspension proceedings in Docket Nos. RI63-55 and RI64-113 are hereby terminated as moot since the proposed increased rates have not been placed into effect and service has ceased; RI63-55 severed from AR61-2.

(J) All FPC Gas Rate Schedules relating to the abandonment of service permitted and approved in this order, as indicated in the tabulation herein, are cancelled.

(K) The respective related rate schedules and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the several successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-10289 D 12-23-63	Pubco Petroleum Corp.	El Paso Natural Gas Co. Ignacio-Blanco Field, La Plata County, Colo.	Letter agreement 11-27-63.[1] [2]	6	3
G-11821 D 1-8-64	Marathon Oil Co. (Operator), et al.	United Gas Pipe Line Co., Maxie and Pistol Ridge Fields, Forrest County, Miss.	Assignment 10-21-63.[4] Effective date: 2-8-64.	16	10
G-12006 D 1-13-64	Socony Mobil Oil Co., Inc.	Tennessee Gas Transmission Co., Koontz and East Keeran Fields, Victoria and Jackson Counties, Tex.	Notice of partial Cancellation 1-10-63.[3] Effective date: 2-13-64.	[1] 65	11
G-14152 D 12-30-63	Union Oil Co. of California.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Amended agreement 3-6-63.[1]	[7] 23	9
			Amended agreement 3-6-63. Effective date: 11-28-63.	23	10
CI60-686 C 12-12-63	Beta Development Co.	El Paso Natural Gas Co., Acreage in San Juan and Rio Arriba Counties, N. Mex.	Supplemental agreement 12-6-63.[3]	1	10
CI61-280 E 11-26-63 D 11-26-63	Don Cohen (Operator), et al. (successor to Compadre Oil Corp. (Operator), et al.)	Lone Star Gas Co., Acreage in Stephens County, Okla.	Compadre Oil Corp. (Operator), et al. FPC GRS No. 1.	1	-------
			Notice of succession (Undated).	1	3
			Assignment 6-27-63	-------	-------
			Release 12-5-63 [8]	1	1
CI61-925 [10] E 1-9-64	A. L. Abercrombie (Operator), et al. (successor to Musgrove Drilling Co. (Operator), et al.)	Anadarko Production Co., Acreage in Morton County, Kans.	Effective date: 2-21-64. Musgrove Drilling Co. (Operator), et al., FPC GRS No. 1.	1	3
			Notice of succession 1-7-64.	7	-------
			Assignment 5-24-63 [11]	-------	-------
CI61-1162 C 11-20-63	Ocean Drilling & Exploration Co. (Operator), et al.	Transcontinental Gas Pipe Line Corp., Block 16 Field, Offshore Vermilion Parish, La.	Supplemental agreement 10-9-63.[3]	[12] 4	1 5
CI61-1698 E 1-10-64	A. L. Abercrombie (Operator), et al. (successor to Musgrove Drilling Co. (Operator), et al.)	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Finney County, Kans.	Musgrove Drilling Co. (Operator), et al., FPC GRS No. 2.	8	-------
			Notice of succession 1-7-64.	-------	-------
CI62-554 E 12-27-63	do	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	Assignment 5-24-63 [11]	8	1
			Musgrove Drilling Co. (Operator), et al., FPC GRS No. 3.	6	-------
			Notice of succession 12-27-63.[11]	-------	-------
CI62-555 C 1-13-64	Graham-Michaelis Drilling Co. (Operator), et al.	Northern Natural Gas Co., Sitka Field, Clark County, Kans.	Supplemental agreement 12-13-63.	50	
	Graham-Michaelis Drilling Co.		Contract 6-12-61	65	-------
			Supplemental agreement 4-18-62.	65	1
			Assignment 7-18-63	65	2
			Contract 8-18-61	66	-------
			Supplemental agreement 4-18-62.	66	1
			Assignment 8-26-63 [11]	66	2
CI62-1258 C 12-23-63	Texam Oil Corp., et al.	Northern Natural Gas Co., Joe T. Strawn Field, Crockett County, Tex.	Supplemental agreement 10-4-63.[11]	8	6
CI63-20 C 11-21-63	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Gragg Field, Sebastian County, Ark.	Supplemental agreement 10-1-63.[11]	337	4
CI63-65 C 12-30-63	C. W. Murchison	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental agreement 12-6-63.[11]	1	5
CI64-743 (CI60-212) B 12-26-63	Samedan Oil Corp. (Operator), et al.	United Fuel Gas Co., Chaulkey Field, Cameron Parish, La.	Notice of cancellation 12-24-63.[11] [13]	[14] 6	4
CI64-775 B 1-6-64	E. W. Mudge, Jr. (Operator), et al.[15]	Lone Star Gas Co., East Panhandle Sweet Gas Field, Wheeler County, Tex.	The notice of cancellation being inappropriate has been rejected.[11]	[16]	-------
CI64-787 (G-10354) B 1-6-64	The Atlantic Refining Co.	Trunkline Gas Co., Fields Field, Beauregard Parish, La.	Notice of cancellation 11-7-63. [11] [13]	143	12

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-791 A 1-10-64	Humble Oil & Refining Co. (Operator), et al.	El Paso Natural Gas Co., Jack Herbert Field, Upton County, Tex.	Contract 12-31-63 [16]	344	
CI64-795 A 1-13-64	Crest Exploration Co.	Northern Natural Gas Co., South Six Mile Field, Beaver County, Okla.	Contract 11-18-63 [16]	4	
CI64-796 (CI61-1258) B 1-13-64	Exchange Oil Co., Ltd. (Operator), et al.	Cities Service Gas Co., North Hoover Field, Garvin County, Okla.	Notice of cancellation 12-16-63. [15]	[3] 1	5
CI64-797 A 1-13-64	Petroleum Associates Fund, Inc., (Operator), et al.	Panhandle Eastern Pipe Line Co., Borchers Northwest Morrow Oil & Gas Pool Field, Meade County, Kans.	Contract 12-12-63	1	
			Ratifications 12-16-63 [15]	1	
CI64-798 (G-15181) B 1-13-64	Joseph E. Seagram & Sons, Inc., d/b/a Frankfort Oil Co.	Jernigan & Morgan Transmission Co., North Wellston Field, Lincoln County, Okla.	Notice of cancellation (Undated). [13] [15]	4	1
CI64-800 A 1-14-63	Edwin L. Cox	Lone Star Gas Co., East Doyle Field, Stephens County, Okla.	Contract 12-20-63. [16]	56	

[1] Production of gas no longer economically feasible.
[2] Deletes acreage insofar as it pertains to the Ute #2 Fruitland Well.
[3] Effective Date: Date of this order.
[4] Interest acquired by John Franks and is covered by his Rate Schedule No. 13 and certificate Docket No. CI64-554.
[5] Deletes non-productive acreage.
[6] Rate in effect subject to refund in Docket No. G-17324.
[7] Rate in effect subject to refund in Docket No. RI63-409; however, no deliveries have been made from subject acreage, therefore refunds not applicable.
[8] Effective Date: Date of initial delivery.
[9] Deletes the non-productive (Tillerson A Lease) released by the predecessor, Compadre Oil Corporation (Operator), et al., as requested in the succession application dated 11-26-63.
[10] Price erroneously noticed as 12.0¢/Mcf in lieu of 5.0¢/Mcf.
[11] Effective Date: Date of transfer of property.
[12] Settlement rate of 20.625¢/Mcf approved for basic contract by order issued 11-12-63, which issued a permanent certificate in Docket No. CI61-1162.
[13] Source of gas depleted.
[14] Prices in effect subject to refund in Docket Nos. RI61-313 and RI62-92 with rates of 19.9¢ and 20.3¢/Mcf respectively. Rate increase to 20.7¢/Mcf suspended in Docket No. RI63-55; rate suspension proceeding in said Docket will be terminated as moot. RI63-55 is consolidated in AR61-2.
[15] Applicant had not previously filed for certificate authorization.
[16] No rate schedule on file.
[17] A rate increase to 12¢/Mcf is suspended until 2-5-64 in Docket No. RI64-113; rate suspension proceeding in said Docket will be terminated as moot.
[18] Supra.

[F.R. Doc. 64-2231; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket No. RI64-519 etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 20, 1964.

In the order providing for hearing on and suspension of proposed changes in rates; and allowing rate change to become effective subject to refund, issued January 3, 1964 and published in the FEDERAL REGISTER January 10, 1964 (F.R. Doc. 64-234; 29 F.R. 271), after Docket No. RI64-520, in the chart, change "13.0 [7]" to "13.0495 [7] [11]" under the column Rate in Effect and under the column Proposed Increased Rate change "14.0 [8] [7]" to "14.0536 [8] [7] [11]".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2232; Filed, Mar. 6, 1964; 8:48 a.m.]

[Docket No. G-12321]

UNITED GAS PIPE LINE CO.

Notice of Application To Amend

MARCH 2, 1964.

Take notice that United Gas Pipe Line Company (United Gas), 1525 Fairfield Avenue, Shreveport, Louisiana, filed an application on January 21, 1964, and a supplement thereto on February 10, 1964, to amend an order of the Commission issued September 10, 1957, granting a certificate of public convenience and necessity authorizing among other things the sale of up to 2500 Mcf of natural gas on a maximum day to Southern Pine Lumber Company (Southern Pine) at Diboll, Texas. The application to amend seeks authorization to increase the total maximum day deliveries to 4100 Mcf; the additional gas to be used to meet the fuel and processing requirements of a new plywood fabricating plant of Southern Pine and U.S. Plywood Corporation, to be operated by Southern Pine, and for the rearrangement and installation of two additional meters at an estimated net cost of $10,331, all as more fully set forth in the application to amend on file with the Commission, and open to public inspection.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2233; Filed, Mar. 6, 1964; 8:48 a.m.]

[Docket No. RP64-22]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Change in Rates and Charges

MARCH 5, 1964.

Take notice that on February 28, 1964, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing a proposed change in its FPC Gas Tariff, Original Volume No. 1, subject to the provisions of section 4 of the Natural Gas Act, to become effective on March 1, 1964. The proposed change reflects a reduction in rates in Transco's Rate Schedule GSS (General Storage Service).

The proposed change in rates is filed to effectuate a reduction in revenues of approximately $1,569,000 annually for Transco's storage service.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C., 20426, pursuant to the Commission's rules of practice and procedure on or before March 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2292; Filed, Mar. 6, 1964; 8:52 a.m.]

FEDERAL RESERVE SYSTEM

SOCIETY CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Society Corporation, Cleveland, Ohio, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by Society Corporation of 1,000 shares (100 percent) of the preferred stock and a minimum of 16,000 shares (80 percent) of the common stock of The Fremont Savings Bank Company, Fremont, Ohio.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 28th day of February 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-2234; Filed, Mar. 6, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1652]

BERNSTEIN-MACAULAY SPECIAL FUND, INC.

Notice of Filing of Application

MARCH 3, 1964.

Notice is hereby given that Bernstein-Macaulay Special Fund, Inc. ("Fund"), 341 Madison Avenue, New York 17, New York, a registered open-end non-diversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Fund from sections 15(a), 16(a) and 32(a) to the extent that such sections require approval by the Fund's stockholders of an investment advisory contract approved by the Fund's board of directors on December 20, 1963 between the Fund and Bernstein-Macaulay, Inc., election by the Fund's stockholders of the Fund's initial board of directors, and ratification by the Fund's stockholders of the selection of independent public accountants, respectively, such order to be effective until the first annual meeting of the stockholders of the Fund, which is scheduled to be held in September 1964. The requested order would also permit vacancies occurring in the Fund's board of directors prior to such first annual meeting of the stockholders to be filled as would be permitted under section 16(a) if the initial board of directors were elected by shareholders. All interested persons are referred to the application, which is on file with the Commission, for a full statement of the representations therein, which are summarized below.

The Fund was organized under the laws of the State of New York on April 17, 1963 and on April 29, 1963 the Fund registered under the Investment Company Act and filed with the Commission a registration statement under the Securities Act of 1933 (File No. 2-21374) with respect to the proposed public offering of 4,000 shares of its Common Stock. The Fund has not yet commenced operations and does not propose to offer its shares to the public until the registration statement becomes effective. The first annual meeting of shareholders of the Fund is scheduled to be held on September 15, 1964 as provided in its by-laws.

On April 23, 1963, the Fund entered into a management contract with the firm of Bernstein-Macaulay, Inc., an investment adviser registered under the Investment Advisers Act of 1940 (the "Investment Adviser"). The management contract was approved at a meeting of the Fund's board of directors on April 23, 1963 and an amended management contract was approved at a meeting of the Fund's board of directors on December 20, 1963. Section 6(a) of said amended management contract provides that such contract shall become effective on the effective date of the registration statement and shall continue in effect until September, 1964 when it will be submitted for approval or rejection at the first annual meeting of the Fund's shareholders. The Fund's Initial Subscription Application, as amended, which will be signed by all persons subscribing to the Fund's initial net worth of $100,000 and who will constitute the initial shareholders of the Fund, provides for the approval of the amended management contract by these subscribers.

Similarly, the present directors of the Fund have not been elected by the Fund's stockholders as required by section 16(a) of the Act and such election, which is not possible prior to the proposed issuance of common stock of the Fund, will be held at the first annual meeting of stockholders.

On December 20, 1963, the board of directors of the Fund appointed G. E. Niven & Co., 347 Madison Avenue, New York 17, New York as independent public accountant for the Fund. The continued employment of G. E. Niven & Co. will be subject to ratification or rejection by the Fund's stockholders at the first annual meeting of stockholders.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 18, 1964 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the showing contained in this notice, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2235; Filed, Mar. 6, 1964; 8:48 a.m.]

[File No. 811-1662]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

MARCH 3, 1964.

Notice is hereby given that National Aviation Corporation ("National Aviation"), 111 Broadway, New York 6, New York, a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act (i) its proposed purchase of not to exceed $56,768 in principal amount of 5 percent Convertible Subordinated Notes due November 30, 1964 ("Notes") and 2,272 shares of the capital stock, of New York Airways, Inc. ("Airways") at $5 per share, pursuant to a proposed Agreement between National Aviation, Airways, and eight other stockholders of Airways; and (ii) its acquisition of not to exceed 9,088 additional shares of capital stock of Airways at the rate of one share of stock for each $6.25 face-amount upon conversion of all or part of the Notes pursuant to the Agreement, provided that no such conversion will be made unless at the time thereof the market value of such capital stock (the mean between the bid and asked prices on the New York over-the-counter market on the day before the exercise of the right of conversion) shall be not less than $6.25 per share.

National Aviation owns 25,000 shares of the capital stock of Airways which represent a 10.3 percent ownership interest of the company. As a result, Airways is an affiliated person of National Aviation as defined in section 2(a)(3) of the Act. Section 17(a) of the Act prohibits an affiliated person of an investment company from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Airways operates a helicopter service transporting passengers, mail, express

and freight between various heliports located in the metropolitan New York City area, and is the only carrier certified by the Civil Aeronautics Board to perform such service in that area. Congressional limitation on the amount of subsidy payments available to certified helicopter carriers and the cost of introducing a new twin-turbine fleet in 1962 brought a drain on Airways' working capital which was reversed in the Spring of 1963 with improved traffic resulting from the new fleet. In October, 1963, the crash of one of the new aircraft, followed by the voluntary cessation of flying operations for three weeks, again brought about a reduction of Airways' working capital.

In order to obtain working capital, Airways in January, 1964 entered into an Agreement with nine of its large stockholders under which Airways is permitted to call on them to lend Airways an aggregate of $208,000 in whole or in part over a period of nine months from the date of the Agreement. Said calls will be made pro rata on the signers of the Agreement. Upon the exercise of the call from time to time, Airways will issue Notes to the lenders. These Notes will be subordinated to existing and future bank loans currently aggregating $2,150,000. The Notes will be convertible at the option of the holders at any time prior to the payment thereof into the capital stock of Airways at the rate of 16 shares per $100 principal amount of the Notes. This ratio represents the approximate current price of Airways capital stock in the over-the-counter market of $6.25 per share. Each of the nine shareholders also agreed to purchase four shares of capital stock of Airways, at $5 per share, for each $100 of loan commitment. National Aviation accordingly proposes to purchase 2,272 shares of Airways' stock at $5 per share. On January 20, 1964, the Executive Committee of National Aviation authorized the execution of the Agreement and the purchase of the Notes and stock. The agreement has been signed by and is binding upon the other eight stockholders.

The stockholders who entered into the Agreement are nine of the twelve largest stockholders of Airways. The other three largest stockholders were given an opportunity to participate but declined for personal reasons. The Notes and stock were allocated among the nine participating stockholders in proportion to their respective stockholdings. The interest rate, conversion rights, and other terms and conditions of the Agreement have been arrived at through arms-length negotiations between Airways and the other eight stockholders none of whom are affiliated with National Aviation. It is further stated that the transaction is consistent with the investment policy of National Aviation and the general purposes of the Act.

Notice is further given that any interested person may, not later than March 17, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address set forth above. Proof of such service by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-2236; Filed, Mar. 6, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 4, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38858: *Salt from points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8516), for interested rail carriers. Rates on salt, in carloads, from producing points in southwestern territory, to points in Illinois Freight Association and western trunkline territories.

Grounds for relief: Carrier competition.

Tariff: Supplement 13 to Southwestern Freight Bureau, agent, tariff I.C.C. 4561.

FSA No. 38859: *Commodities to points in Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2352), for interested rail carriers. Rates on milk coolers, milk cooling tanks, and other commodities described in the application, in carloads, from points in western trunkline territory, to points in Wyoming.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 1 to Western Trunk Line Committee, agent, tariff I.C.C. A-4530.

FSA No. 38860: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 248), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariffs: 8th revised page 70 and 6th revised page 266 of Eastern Central Motor Carriers Association, Inc., agent, tariffs MF-I.C.C. A-229 and MF-I.C.C. A-230, respectively.

FSA No. 38861: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 249), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central, Middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 10th revised page 69 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38862: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 250), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central, middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 7th revised page 47-A to Eastern Central Motor Carriers Association, agent, tariff MF-I.C.C. A-230.

FSA No. 38863: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 251), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central, middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 7th and 8th revised pages 209 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-2240; Filed, Mar. 6, 1964; 8:48 a.m.]

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VOLUME 29 NUMBER 48

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THE UNIVERSITY OF MICHIGAN
MAR 17 1964
MAIN READING ROOM

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The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11145

PROVIDING FOR A CURATOR OF THE WHITE HOUSE AND ESTABLISHING A COMMITTEE FOR THE PRESERVATION OF THE WHITE HOUSE

WHEREAS the White House, as the home of the highest elective officer of the United States

—symbolizes the American ideal of responsible self-government

—is emblematic of our democracy and our national purpose

—has been intimately associated with the personal and social life of the Presidents of the United States and many of their official acts

—occupies a particular place in the heart of every American citizen, and

WHEREAS certain historic rooms and entranceways in the White House

—possess great human interest and historic significance

—traditionally have been open to visitors

—have provided pleasure and patriotic inspiration to millions of our citizens

—have come to be regarded as a public museum and the proud possession of all Americans, and

WHEREAS the Congress by law (Act of September 22, 1961), (75 Stat. 586) has authorized the care and preservation of the historic and artistic contents of the White House and has given the President certain responsibilities with regard thereto:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. (a) There shall be in the White House a Curator of the White House. The Curator shall assist in the preservation and protection of the articles of furniture, fixtures, and decorative objects used or displayed in the principal corridor on the ground floor and the principal public rooms on the first floor of the White House and in such other areas in the White House as the President may designate.

(b) The Curator shall report to the President and shall make recommendations with respect to the articles, fixtures, and objects to be declared by the President, under section 2 of the Act of September 22, 1961, to be of historic or artistic interest.

SEC. 2. There is hereby established the Committee for the Preservation of the White House, hereinafter referred to as the "Committee". The Committee shall be composed of the Director of the National Park Service, the Curator of the White House, the Secretary of the Smithsonian Institution, the Chairman of the Commission of Fine Arts, the Director of the National Gallery of Art, the Chief Usher of the White House, and seven other members to be appointed by the President. The Director of the National Park Service shall serve as Chairman of the Committee and shall designate an employee of that Service to act as Executive Secretary of the Committee. Members of the Committee shall serve without compensation.

SEC. 3. (a) The Committee shall report to the President and shall advise the Director of the National Park Service with respect to the discharge of his responsibility under the Act of September 22, 1961, for the preservation and the interpretation of the museum character of the principal corridor on the ground floor and the principal public rooms on the first floor of the White House. Among other things,

the Committee shall make recommendations as to the articles of furniture, fixtures, and decorative objects which shall be used or displayed in the aforesaid areas of the White House and as to the decor and arrangements therein best suited to enhance the historic and artistic values of the White House and of such articles, fixtures, and objects.

(b) The Committee shall cooperate with the White House Historical Association, a nonprofit organization heretofore formed under the laws of the District of Columbia.

(c) The Committee is authorized to invite individuals who are distinguished or interested in the fine arts to attend its meetings or otherwise to assist in carrying out its functions.

SEC. 4. Consonant with law, each Federal department and agency represented on the Committee shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). The Department of the Interior shall furnish necessary administrative services for the Committee.

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 7, 1964.

[F.R. Doc. 64-2387; Filed, Mar. 9, 1964; 10:25 a.m.]

Rules and Regulations

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-711]

PART 13—PROHIBITED TRADE PRACTICES

National Home Supply Co., Inc., et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1705 *Prize contests;** Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Home Supply Co., Inc., et al., Omaha, Nebr., Docket C-711, Feb. 13, 1964]

In the Matter of National Home Supply Co., Inc., a Corporation, and Lee Sloan, and Robert Sloan, Individually, and as Officers of Said Corporation

Consent order requiring Omaha, Nebr., sellers of siding material to the public to cease making such false representations, directly and through their salesmen, as that buildings of purchasers would be used as models to demonstrate and advertise their siding and that purchasers would receive a reduced price; and that buildings would be entered in contests after the siding was installed and winning owners would receive substantial prizes.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, National Home Supply Co., Inc., a corporation, and its officers, and Lee Sloan and Robert Sloan, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of siding materials and any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that respondents will use the house or building of any purchaser as a model or for demonstration or other advertising purposes.

2. Representing, directly or by implication that respondents' merchandise is being offered at a reduced price, unless such price constitutes a reduction from the price at which such merchandise has been usually and regularly sold by respondents in the recent regular course of their business, or otherwise misrepresenting the usual and regular price of such merchandise.

3. Representing that respondents are conducting, or will conduct, contests and are awarding, or will award, prizes, unless respondents establish that such contests were conducted in good faith and the prizes were awarded as promised.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2265; Filed, Mar. 9, 1964; 8:45 a.m.]

*New.

[Docket No. C-710]

PART 13—PROHIBITED TRADE PRACTICES

Tranex Scientific, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Tranex Scientific, Inc. et al., Chicago, Ill., Docket C-710, Feb. 13, 1964]

In the Matter of Tranex Scientific, Inc., a Corporation, and Morton N. Rosenberg, Individually and as an Officer of Said Corporation, and Robert T. Marquardt, and Dorothy Jean Marquardt, Co-Partners, Doing Business as Tranex Scientific of Illinois

Consent order requiring concerns in Hinsdale, Ill., engaged in leasing a device designated as "Tranex" for use in cases of enuresis, or bed-wetting, to cease representing falsely in advertisements in newspapers, magazines and other media that use of the device would stop bed-wetting and correct the bed-wetting habit in all cases, and had been utilized successfully in the treatment of over 275,000 cases of bed-wetting.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Tranex Scientific, Inc., a corporation, and its officers, Morton N. Rosenberg, individually and as an officer of said corporation, and Robert T. Marquardt and Dorothy Jean Marquardt, co-partners doing business under the name of Tranex Scientific of Illinois, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, leasing or distribution of a device known as "Tranex" or any other device which functions in substantially the same manner, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That the use of the Tranex device is of value in stopping bed-wetting or correcting enuresis; unless such advertisement is expressly limited in a clear and conspicuous manner to cases of enuresis or bed-wetting not caused by organic defects or diseases.

(b) That respondents' device has been successful in the treatment of over 275,000 cases of enuresis or bed-wetting or of any other specified number of cases not established by evidence in the possession of respondents.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase or lease of respondents' device, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph 1 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2266; Filed, Mar. 9, 1964; 8:45 a.m.]

[Docket No. C-713]

PART 13—PROHIBITED TRADE PRACTICES

Tyrex, Inc., et al.

Subpart—Combining or conspiring: § 13.430 *To enhance, maintain or unify prices;* § 13.431 *To exchange future price information.**

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Tyrex, Inc. (New York, N.Y.), et al., Docket C-713, Feb. 13, 1964]

In the Matter of Tyrex, Inc., a Membership Corporation; American Enka Corporation, a Corporation; A. V. C. Corporation, a Corporation; Beaunit Corporation, a Corporation; and Midland-Ross Corporation, a Corporation

Consent order requiring a membership corporation—organized in 1958 to formulate standards and promote, Tyrex

rayon tire cord and which, in addition to its promotional activities, certified its members to use the collective mark "Tyrex" on rayon tire yarn, cord and fabric—along with its respondent members which produced almost all the rayon cord used in the manufacture of tires in the United States, to cease conspiring to fix and maintain prices and terms of sale of their products; exchanging through Tyrex or otherwise, information as to future prices or price policies or the maintenance of current prices, and holding meetings concerned with such purposes; and using Tyrex or any other agency as an instrumentality for performing such prohibited acts or practices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Tyrex, Inc., a membership corporation; American Enka Corporation, a corporation; A. V. C. Corporation, a corporation; Beaunit Corporation, a corporation; and Midland-Ross Corporation, a corporation, and their officers, directors, agents, representatives, employees, successors, or assigns, directly or through any corporate or other device, in connection with the production, promotion and sale of rayon tire yarn, rayon tire cord, or rayon tire fabric in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action or course of dealing or understanding, agreement, combination, or conspiracy, between or among any two or more of the said respondents, or between any one or more of the said respondents and any others not parties hereto, to do or perform any of the following:

1. Fixing, establishing, or maintaining prices, terms or conditions of sale of rayon tire yarn, rayon tire cord, or rayon tire fabric, or adhering to or promising to adhere to prices, terms, or conditions of sale so fixed, established, or maintained.

2. Exchanging, distributing, or relaying directly or through Tyrex, Inc., or through any other medium or agency, any information relating directly or indirectly to: future prices or price policies of any respondent; future prices or price policies, for rayon or non-rayon tire yarn, tire cord, or tire fabric, of any other producer; pricing factors of rayon or non-rayon tire yarn, tire cord, or tire fabric, such as cost of production and distribution thereof; or the maintenance of current prices of rayon or non-rayon tire yarn, tire cord, or tire fabric.

3. Holding or attending any meeting for the purpose of agreeing upon, discussing, or considering, directly or indirectly, future prices or price policies of any respondent; future prices or price policies, for rayon or non-rayon tire yarn, tire cord, or tire fabric, of any other producer; pricing factors of rayon or non-rayon tire yarn, tire cord, or tire fabric, such as cost of production and distribution thereof; or the maintenance of current prices of rayon or non-rayon tire yarn, tire cord, or tire fabric.

4. Employing or utilizing Tyrex, Inc., or any other medium or agency in any way as an instrumentality or aid in performing or doing any of the acts or practices prohibited by this Order.

It is further ordered, That nothing contained in this Order shall be construed as prohibiting the establishment or maintenance of any lawful bona fide agreement, discussions, or other action solely between any corporate respondent and its parent.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2267; Filed, Mar. 9, 1964; 8:45 a.m.]

[Docket No. C-714]

PART 13—PROHIBITED TRADE PRACTICES

Wilson's of California, Inc., and Louis Wilson

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart — Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 Fur Products Labeling Act; § 13.1255 *Manufacture or preparation:* § 13.1255–30 Fur Products Labeling Act; § 13.1325 *Source or origin:* § 13.1325–60 Maker or seller: § 13.1325–60(a) Fur Products Labeling Act; § 13.1325–70 Place: § 13.1325–70(e) Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* § 13.1865–40 Fur Products Labeling Act; § 13.1900 *Source or origin:* § 13.1900–40 Fur Products Labeling Act: § 13.1900–40 (b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Wilson's of California, Inc., et al., Los Angeles, Calif., Docket C-714, Feb. 14, 1964]

In the Matter of Wilson's of California, Inc., a Corporation, and Louis Wilson, Individually and as an Officer of Said Corporation

Consent order requiring Los Angeles manufacturers of fur-trimmed ladies' coats and suits to cease violating the Fur Products Labeling Act by labeling to show as "natural" fur which was artificially colored; to show falsely that they had places of busines in Paris and Rome, and, by use of the words "Paris", "Rome" and "Design by Ardoni" that fur products were created and styled in Europe; by labeling and invoicing which failed to show the true animal name of fur; by invoicing which failed to disclose when fur was dyed or bleached, and the country of origin of imported furs; by furnishing false guarantees that certain of their fur products were not misbranded, falsely invoiced, or falsely advertised; by substituting non-conforming labels for those originally affixed to fur products and failing to preserve the required records; and by failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Wilson's of California, a corporation, and its officers, and Louis Wilson, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Representing in any manner on labels that respondents have an office, facilities or place of business in Paris, France, or Rome, Italy, or at any other place when respondents do not maintain an office, facilities or place of business as represented.

3. Representing in any manner, contrary to fact, on labels that respondents' fur products were created, designed, or styled in Europe or in any place where they are not actually created, designed, or styled.

4. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

6. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

9. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on invoices the item number or mark assigned to fur products.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Wilson's of California, a corporation, and its officers, and Louis Wilson, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That Wilson's of California, a corporation, and its officers, and Louis Wilson, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from:

1. Misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

2. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder in substituting labels as permitted by section 3(e) of the said Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 14, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2268; Filed, Mar. 9, 1964; 8:46 a.m.]

[Docket No. C-712]

PART 13—PROHIBITED TRADE PRACTICES

Modern Handcraft, Inc., John E. Tillotson, II

Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § 13.1370 *Business methods, policies, and practice;* § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 58 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Modern Handcraft, Inc., et al., Kansas City, Mo., Docket C-712, Feb. 13, 1964]

In the Matter of Modern Handcraft, Inc., a Corporation, and John E. Tillotson, II, Individually and as an Officer of Said Corporation

Consent order requiring Kansas City, Mo., book sellers to cease representing falsely, in letters to delinquent customers, that their names would be transmitted to a credit reporting agency and his credit rating be thereby adversely affected; and through use on letterheads of the names "The Mail Order Credit Reporting Association, Inc.", and "John J. Murphy, Attorney at Law", that delinquent accounts had been turned over to a separate, bona fide collection or credit reporting agency or to an outside attorney for institution of legal suit.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Modern Handcraft, Inc., a corporation, and its officers, and John E. Tillotson, II, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of encyclopedias, books, magazines or other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication that:

1. A customer's name will be turned over to a bona fide credit reporting agency or that a customer's general or public credit rating will be adversely affected unless respondents, where payment is not received, in fact refer the information of said delinquency to a separate, bona fide credit reporting agency;

2. a. Delinquent accounts will be turned over to a bona fide, separate collection agency or attorney for collection unless respondents establish that a prior determination had been made in good faith to make such referral;

b. Delinquent accounts have been turned over to a bona fide, separate collection agency or attorney for collection unless respondents establish that such is the fact;

3. Delinquent accounts have been or will be turned over to "The Mail Order Credit Reporting Association, Inc." or "Mr. John J. Murphy, Attorney at Law" for collection or any other purpose;

4. "The Mail Order Credit Reporting Association, Inc.", any fictitious name, or any trade name owned in whole or in part by respondents or over which respondents exercise any direction or control, are independent, bona fide collection or credit reporting agencies;

5. "John J. Murphy" or any other person or firm is an outside, independent Attorney at Law or firm of attorneys representing respondents for collection of past due accounts unless a bona fide attorney client relationship exists between respondents and said attorney or attorneys, for purposes of collecting such accounts;

6. a. Delinquent accounts have been or will be turned over to "The Mail Order Credit Reporting Association, Inc." or "John J. Murphy" with instructions to institute suit or other legal action to collect amounts purportedly due;

b. Delinquent accounts will be turned over to any other organization, attorney, firm of attorneys, or person with instructions to institute suit or other legal action unless respondents establish that a prior determination had been made in good faith to take such action;

c. Delinquent accounts have been turned over to any other organization, attorney, firm of attorneys, or person with instructions to institute suit or other legal action unless respondents establish that such is the fact;

7. Notices or other communications which respondents have, or have caused to be prepared, written or mailed, have been sent by "The Mail Order Credit Reporting Association, Inc.", "John J. Murphy" or any other person, firm or agency.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2264; Filed, Mar. 9, 1964; 8:45 a.m.]

[Docket No. C-705]

PART 13—PROHIBITED TRADE PRACTICES

Bali Brassiere Co., Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.825 *Allowances for services or facilities;* Discriminating in price under section 2, Clayton Act—Fur-

nishing Services or Facilities for Processing, Handling, etc. Under 2(e): § 13.835 *Demonstrators.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Bali Brassiere Company, Inc., et al., New York, N.Y., Docket C-705, Feb. 7, 1964]

In the Matter of Bali Brassiere Company, Inc., a Corporation, and Myron Stein and Sam Stein, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers of women's brassieres to cease violating sections 2(d) and 2(e) of the Clayton Act by such practices as granting some customers promotional advertising allowances in accordance with the terms of their "Cooperative Advertising Agreement"—and in many instances departing from the plan—while not offering comparable allowances to competitors of those so favored; and furnishing to some purchasers the services of special "stylists" to demonstrate their products to customers, but not offering such services to other retailers on proportionally equal terms.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Bali Brassiere Company, Inc., a corporation, and its officers, and Myron Stein and Sam Stein, individually, and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture, sale and distribution of women's wearing apparel such as brassieres and other related products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desists from:

1. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondents, as compensation for or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of said products, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution or sale of such products.

2. Contracting to furnish, furnishing, or contributing to the furnishing of the services of stylists or any other services or facilities in connection with the handling, sale or offering for sale of respondents' products to any purchaser from respondents of such products bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other purchasers from respondent who resell such products in competition with such purchasers who receive such services or facilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2283; Filed, Mar. 9, 1964; 8:47 a.m.]

[Docket No. C-709]

PART 13—PROHIBITED TRADE PRACTICES

Clin-Tex Products Corp., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing poducts falsely:* § 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Clin-Tex Products Corp., et al., Hoboken, N.J., Docket C-709, Feb. 13, 1964]

In the Matter of Clin-Tex Products Corp., a Corporation, and Jerome Shapiro, and Sol Stafford, Individually and as Managers of Said Corporation

Consent order requiring Hoboken, N.J., manufacturers of wool products to cease violating the Wool Products Labeling Act by such practices as labeling quilting materials as containing tan wool when they contained substantially different amounts of other woolen fibers, and failing to disclose on the labels the percentage of the total fiber weight of wool and other fibers; and to cease violating the Federal Trade Commission Act by representing the fiber content of said quilting materials falsely on invoices as "Tan Wool".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Clin-Tex Products Corp., a corporation, and its officers, and Jerome Shapiro, and Sol Stafford, individually and as managers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool interlining material or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Clin-Tex Products Corp., a corporation, and its officers, and Jerome Shapiro, and Sol Stafford, individually and as managers of said corporation, and respondents' representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of interlining material or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in quilting material or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2284; Filed, Mar. 9, 1964; 8:47 a.m.]

[Docket No. C-707]

PART 13—PROHIBITED TRADE PRACTICES

Charles R. Dorner et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-80 Government connection; § 13.15-235 Producer status of dealer or seller: § 13.15-235(k) Laboratory; § 13.15-235(m) Manufacturer; § 13.15-250 *Qualifications and abilities;* § 13.20 *Comparative data or merits;* § 13.30 *Composition of goods;* § 13.60 *Earnings and profits;* § 13.85 *Government approval, action, connection or standards:* § 13.85-30 Federal Trade Commission orders or indorsements; § 13.110 *Indorsements, approval and testimonials;* § 13.250 *Success, use or standing.* Subpart—Misbranding or mislabeling: § 13.1170 *Advertising and promotion;* § 13.1175 *Comparative data or merits;* § 13.1185 *Composition;* § 13.1215 *Government, official or other sanction;* § 13.1235 *Indorsements, approval, or awards;* § 13.1240 *Laboratory status of seller;* § 13.1265 *Producer status of dealer or seller;* § 13.1290 *Qualities or properties;* § 13.1335 *Success, use or standing;* § 13.1340 *Tests.*

(Sec. 6, 38 Stat. 721 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Charles R. Dorner doing business as Dr. C. R. Dorner, et al., Battle Creek, Mich., Docket C-707, Feb. 7, 1964]

In the Matter of Charles R. Dorner, an Individual Doing Business as Dr. C. R. Dorner, and as Dorner Laboratories

Consent order requiring a Battle Creek, Mich., distributor to jobbers and retailers of his "Liquid Glass Auto Polish" to cease making a variety of false claims on labels and in advertising concerning the permanence, durability, composition, used to increase speed of boats and racing cars and to protect jet aircraft tests, comparative merits and government approval, among other false claims, as in the order below indicated.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Charles R. Dorner, an individual doing business as Dr. C. R. Dorner, Dorner Laboratories, or under any other trade name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of automobile polish, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Respondent's polish imparts to an automobile's surface a protective finish or depth of luster which is permanent or which remains virtually unchanged throughout the life of the surface.

2. The application of respondent's polish imparts to an automobile's surface a finish that cannot be scratched with fingernails.

3. The application of a coating of respondent's polish to an automobile's surface can only be removed by the use of sandpaper or phosphoric acid, or any other similarly constituted substance.

4. The use of respondent's automobile polish will protect an automobile's surface from rust permanently, or for any period longer than is the fact.

5. Any foreign substance will be prevented from sticking to an automobile's finish after application of respondent's polish, or that fingerprints and bugs will not stick to an automobile's surface after application of respondent's polish.

6. After application of respondent's polish to an automobile's surface, the finish will not be affected by the ultraviolet rays of the sun, or will not oxidize in sunlight.

7. The application of respondent's polish to the surface of boats will increase the boat's speed by 3 to 5 knots, or by any amount more than is the fact.

8. The application of respondent's polish to the surface of automobiles will increase the automobile's speed by 5 miles per hour, or by any amount more than is the fact.

9. Respondent's polish is being used by commercial or military air authorities to shield or protect aluminum jet aircraft.

10. Respondent's polish is generally being used at the Indianapolis Speedway, or any other Speedway or auto race course, for the purpose of increasing the speed of racing cars.

11. Respondent's polish imparts a coating of glass to an automobile's surface.

12. Respondent's polish is composed of or contains glass.

13. Respondent's polish is composed of a radioactive chemical combined with X-ray that dissolves glass into liquid glass, or that respondent's polish acts by depolarizing dirt like two opposite magnets pushing the dirt apart.

14. After application to an automobile's surface, respondent's polish becomes as hard as auto windshield glass.

15. Respondent's polish never wears out.

16. Respondent's polish does not contain silicone.

17. Respondent's polish has been subjected to performance tests in which it was compared to 148 different brands of automobile polish, or compared to any number of competing brands of polish that is more than the fact.

18. Respondent's polish was found to be superior to all other brands of polish on the market as a result of tests.

19. Respondent's polish has the same electron structure, or the same molecular structure, as acrylic paint.

20. Respondent operates, maintains, controls or owns a laboratory, or a number of laboratories, for the formulation, testing, analysis or production of automobile polish, or any other product.

21. Respondent has earned a doctorate degree in chemistry, or any related scientific field, or that respondent has scientific or technical experience which he has utilized in the formulation of automobile polish, or any other product.

22. Respondent is, or has been, engaged in space research or development, or research or development in any related field, under the sponsorship or employ of, or affiliation with, the United States Government.

23. Persons who sell respondent's polish will earn, or may reasonably expect to earn, one million dollars, or any specified amount of money when such amount is in excess of that which respondent can establish as being the earnings such person may reasonably expect to achieve.

24. Respondent has earned one million dollars through sales of automobile polish, or any specified amount of money when such amount is in excess of that which respondent can establish as being his earnings.

25. Respondent's volume of sales in his first year of business was in excess of one million dollars, or that respondent's sales in any period have been any specified amount of money when such amount is in excess of that which respondent can establish as being his sales for the period stated.

26. Chemical companies, such as E. I. Du Pont de Nemours & Co., Inc., or any companies, have offered respondent over three million dollars, or any amount, for the purchase of the formula for the automobile polish which he sells.

27. Respondent is the owner of the formula for the automobile polish which he sells, or that he manufactures the product.

28. The advertising literature disseminated by respondent for his automobile polish has been given the approval of the Federal Trade Commission, the United States Post Office Department, the Canadian Government, or the governments of or agencies of any other countries; or that respondent's advertising has been approved by Better Business Bureaus or by Chambers of Commerce; or that respondent's automobile polish has been tested by, or its claims approved by, the National Bureau of Standards, the Food and Drug Administration, or any other government agency.

B. Using the words "Liquid Glass", or any other name of similar import or meaning, as a name for, or to describe or refer to, respondent's automobile polish.

C. Using the word, "Laboratories", or any other word of similar import or meaning, as part of any trade or corporate name or in any other manner, to describe or refer to respondent's business, unless respondent does in fact operate, maintain, control or own a laboratory.

D. Misrepresenting, in any manner:

1. The permanence, protective qualities, imperviousness to scratching or removal, rust prevention or protection, or any other characteristics or qualities of respondent's polish or of any product.

2. The composition, ingredients, or nature of the contents of respondent's polish, or of any product.

3. The nature of respondent's business, education, qualifications or experience, or the nature or results of any test conducted on any product.

4. The amount or nature of the earnings that have been achieved, or will be achieved, by respondent, respondent's business, or by persons who sell respondent's product.

E. Placing in the hands of distributors, jobbers, dealers, retailers, or others, means and instrumentalities by and through which they may deceive and mislead the purchasing public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: February 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2285; Filed, Mar. 9, 1964; 8:48 a.m.]

[Docket No. C-706]

PART 13—PROHIBITED TRADE PRACTICES

John Geinopolos and Sun Distributing Co.

Subpart—Using, selling, or supplying lottery devices: § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, John Geinopolos trading as Sun Distributing Company, Chicago, Ill., Docket C-706, Feb. 7, 1964]

In the Matter of John Geinopolos, an Individual, Trading as Sun Distributing Company

Consent order requiring a Chicago distributor, through others, of various articles of merchandise, to cease supplying means for lottery merchandising through distributing to members of the public, push cards and literature explaining his plan of selling his said merchandise and allotting it as prizes to operators of the push cards and purchasers of pushes on the cards who by chance selected a lucky numbered push.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That proposed respondent, John Geinopolos, an individual trading as Sun Distributing Company or under any other name or names, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of nylon hose, cigarette lighters, radios, watches, handbags, toy animals, electrical appliances, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push cards or any other lottery device or devices, either with merchandise or separately, which are designed or intended to be used in selling or distributing said merchandise to the public by means of games of chance, gift enterprises or lottery schemes.

2. Shipping, mailing or transporting to agents or distributors, or to members of the purchasing public, push cards or any other lottery device or devices which are designed or intended to be used in the sale or distribution of respondent's merchandise to the public by means of games of chance, gift enterprises or lottery schemes.

3. Selling or otherwise disposing of any merchandise by means of or under a plan involving a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: February 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2286; Filed, Mar. 9, 1964; 8:48 a.m.]

[Docket No. C-708]

PART 13—PROHIBITED TRADE PRACTICES

Mid-America Food Service, Inc., and Leonard A. Ferrara

Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § 13.1417 *Financing activities;* § 13.1435 *History;* § 13.1490 *Nature;* § 13.1530 *Producer status of dealer;* § 13.1540 *Reputation, success or standing;* § 13.1560 *Stock, product or service.* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1755 *Success, use, or standing:* § 13.1760 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 729, as amended; 15 U.S.C. 46) [Cease and desist order, Mid-America Food Service, Inc., et al., River Forest, Ill., Docket C-708, Feb. 7, 1964]

In the Matter of Mid-America Food Service, Inc., a Corporation, and Leonard A. Ferrara, Individually and as an Officer of Said Corporation

Consent order requiring River Forest, Ill., distributors of freezers and food by means of a so-called "freezer-food plan", to cease making a variety of false representations through statements of their sales representatives concerning their time in business, ownership of their own food processing plants, size and manner of operations, guarantees, prices, terms and conditions of sale, among other false claims as in the order below indicated.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That proposed respondents, Mid-America Food Service, Inc., and Leonard A. Ferrara, individually and as an officer of said corporation, and proposed respondents' representatives, agents, and employees, directly or through any corporate or other device, in or in connection with the advertising, offering for sale, sale or distribution of freezers, food or freezer food plans, or other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

Representing directly or by implication that:

(a) Proposed respondents have been in the freezer food business since 1957 or for any other length of time not in accordance with the facts;

(b) Proposed respondents own and operate their own food processing plants in River Forest, Illinois, or in other locations;

(c) Proposed respondents serve over 3,000,000 satisfied families or any other number of families when such is not in accordance with the facts;

(d) Proposed respondents sell only food and do not sell freezers;

(e) Freezers or parts thereof or foods are unconditionally guaranteed or are guaranteed in any manner unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(f) Purchasers can enter proposed respondents' freezer food plan on a trial basis;

(g) Proposed respondents sell their food at wholesale prices;

(h) Proposed respondents will permit purchasers of a food plan to have the free use of a freezer;

(i) A purchaser of proposed respondents' food who remains in the food freezer plan for two years will automatically become the owner of a freezer without charge;

(j) The initial food ordered by a purchaser will be sufficient to last such purchaser any stated or specified period of time;

(k) Purchasers can cancel proposed respondents' contract at any time without penalty or additional charge;

(l) Substantially all major brands of food products are available under proposed respondents' freezer food plan;

(m) Purchasers of or subscribers to proposed respondents' freezer food plan will receive all their food requirements and a freezer for the same or less money than they have been paying for food alone;

(n) Installment contracts for the purchase of proposed respondents' freezer food plan, freezers, or food, are financed or carried by proposed respondents and are not discounted to others;

(o) Proposed respondents do not charge a membership fee;

(p) Meat prices quoted by proposed respondents' salesmen to purchasers are the net weight prices if such is not in accordance with the facts;

(q) Proposed respondents' quoted prices for meats and frozen foods will remain constant throughout the time purchasers remain a member of the food freezer plan;

(r) Proposed respondents' operation is national in scope;

(s) Purchasers' food orders do not entail finance charges;

(t) Food spoilage insurance is furnished free of charge;

(u) A deposit of $25 or any other stated amount paid by purchasers subscribing to the freezer food plan is to be applied on the initial food order.

It is further ordered, That respondents Mid-America Food Service, Inc., a corporation, and its officers, and Leonard A. Ferrara, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device in or in connection with the offering for sale, sale or distribution of any food or purchasing plan involving food, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation or misrepresentation prohibited in paragraph a through u of Part I of this order.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of any food, or any purchasing plan involving food in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in Paragraphs a through u of Part I of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2287; Filed, Mar. 9, 1964; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6707]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Extension of Time for Filing Consents to Election by Small Business Corporation and a Clarifying Change

The Income Tax Regulations (26 CFR Part 1) under section 1372 of the Internal Revenue Code of 1954, relating to election by small business corporation, are amended to delegate to district directors authority to grant extensions of time for filing consents to such elections and to clarify the requirements for filing consents by husbands and wives and other joint-ownership shareholders.

PARAGRAPH 1. Section 1.1372-3 is amended by revising paragraph (a) and adding a new paragraph (c). These amended and added provisions read as follows:

§ 1.1372-3 Shareholders' consent.

(a) *In general.* The consent of a shareholder to an election by a small business corporation shall be in the form of a statement signed by the shareholder in which such shareholder consents to the election of the corporation. Such shareholder's consent is binding and may not be withdrawn after a valid election is made by the corporation. Each person who is a shareholder of the electing corporation must consent to the election; thus, where stock of the corporation is owned by a husband and wife as community property (or the income from which is community property), or is owned by tenants in common, joint tenants, or tenants by the entirety, each person having a community interest in such stock and each tenant in common, joint tenant, and tenant by the entirety must consent to the election. The consent of a minor shall be made by the minor or by his legal guardian, or his natural guardian if no legal guardian has been appointed. The consent of an estate shall be made by the executor or administrator thereof. The statement shall set forth the name and address of the corporation and of the shareholder, the number of shares of stock owned by him, and the date (or dates) on which such stock was acquired. The consents of all shareholders may be incorporated in one statement. The consents of all persons who are shareholders at the time the election is made shall be attached to the election of the corporation. If the election is made before the first day of the corporation's taxable year for which it is effective, the consents of persons who become shareholders after the date of election and are shareholders on such first day shall be filed with the district director with whom the election was filed as soon as practicable after such first day. The consent referred to in the preceding sentence will be considered timely if it is filed on or before the last day prescribed for making the election. Where a consent is filed after the date of election, a copy of the consent shall also be filed with the return required to be filed under section 6037. In the case of a shareholder in a community-property State whose sponse has filed a timely consent to an election under section 1372(a) for a taxable year beginning before January 1, 1961, the time for filing the consent of such shareholder shall not expire prior to May 15, 1961; in the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning after December 31, 1960, and on or before October 26, 1962, the consent of such shareholder shall be considered timely if it is filed on or before the last day prescribed for making the election. An election under section 1372(a) will not be valid if any of the consents are not timely filed. However, see paragraph (c) of this section for extension of time for filing consents. In addition, an election which was timely filed for any taxable year beginning before March 1, 1960, and which would be valid but for the fact that the consent of any shareholder of the corporation was not filed or was defective in any manner, will not be invalid if—

(1) A proper consent is filed by such shareholder after December 19, 1959, and on or before March 1, 1960,

(2) All shareholders of the corporation who previously filed timely and proper consents file new consents within the period mentioned in subparagraph (1) of this paragraph, and

(3) The shareholders show to the satisfaction of the district director with whom the election under section 1372(a) was filed that the failure to file timely and proper consents was not due to an intention to avoid making a valid election.

* * * * *

(c) *Extension of time for filing consents.* An election which is timely filed for any taxable year and which would be valid, or would not have terminated, except for the failure of any shareholder to file a consent within the time prescribed in paragraph (a) or (b) of this section will not be invalid, or will not be treated as having terminated, for such reason if—

(1) It is shown to the satisfaction of the district director with whom the election under section 1372(a) was filed that there was reasonable cause for the failure to file such consent and that the interests of the Government will not be jeopardized by treating such election as valid, or as not having terminated.

(2) Such shareholder files a proper consent to the election within such extended period of time as may be granted by the district director, and

(3) New consents are filed within such extended period of time as may be granted by the district director, by all persons who were shareholders of the corporation at any time during the taxable year with respect to which the failure to consent would (but for the provisions of this paragraph) cause the corporation's election to be invalid or to terminate, and by all persons who were shareholders of the corporation subsequent to such taxable year and prior to the date on which an extension of time is granted in accordance with this paragraph.

PAR. 2. Paragraph (b)(1) of § 1.1372-4 is amended by revising all that precedes subdivision (i) to read as follows:

§ 1.1372-4 Termination of election.

* * * * *

(b) *Methods of termination*—(1) *Failure of new shareholder to consent.* An election under section 1372(a) shall terminate if any person who was not a shareholder on the first day of the first taxable year for which the election is effective, or on the day on which the election is made (if such day is later than the first day of the taxable year), becomes a shareholder and does not consent to the election under section 1372(a) within the time prescribed by paragraph (b) of § 1.1372-3. However, see paragraph (c) of § 1.1372-3 for extension of time for filing consents. In addition, an election which would not have terminated except for the failure of any new shareholder to file a timely consent or except for the fact that the consent of any such new shareholder was defective in any manner is not terminated if—

Because this Treasury decision is clarifying and liberalizing in nature, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: March 4, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-2295; Filed, Mar. 9, 1964; 8:48 a.m.]

[T.D. 6708]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Credit Reductions

In order to conform the Employment Tax Regulations (26 CFR Part 31) to the Act of November 7, 1963 (Public Law 88-173, 77 Stat. 305), and to revise captions of certain sections, such regulations are amended as follows:

PARAGRAPH 1. Section 31.3302(c) is amended by revising section 3302(c)(2) and section 104 of the Temporary Unemployment Compensation Act of 1958. These amended provisions read as follows:

§ 31.3302(c) Statutory provisions; credits against tax; limit on total credits.

SEC. 3302. *Credits against tax.* • • •
(c) *Limit on total credits.* • • •

(2) If an advance or advances have been made to the unemployment account of a State under title XII of the Social Security Act before the date of the enactment of the Employment Security Act of 1960, then the total credits (after applying subsections (a) and (b) and paragraph (1) of this subsection) otherwise allowable under this section for the taxable year in the case of a taxpayer subject to the unemployment compensation law of such State shall be reduced—

(A) In the case of a taxable year beginning on January 1, 1963 (and in the case of any succeeding taxable year beginning before January 1, 1968), as of the beginning of which there is a balance of such advances, by 5 percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State; and

(B) In the case of any succeeding taxable year beginning on or after January 1, 1968, as of the beginning of which there is a balance of such advances, by an additional 5 percent, for each such succeeding taxable year, of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State.

At the request (made before November 1 of the taxable year) of the Governor of any State, the Secretary of Labor shall, as soon as practicable after June 30 or (if later) the date of the receipt of such request, certify to such Governor and to the Secretary of the Treasury the amount he estimates equals .15 percent (plus an additional .15 percent for each additional 5-percent reduction, provided by subparagraph (B)) of the total of the remuneration which would have been subject to contributions under the State unemployment compensation law with respect to the calendar year preceding such certification if the dollar limit on remuneration subject to contributions under such law were equal to the dollar limit under section 3306(b)(1) for such calendar year. If, after receiving such certification and before November 10 of the taxable year, the State pays into the Federal unemployment account the amount so certified (and designates such payment as being made for purposes of this sentence), the reduction provided by the first sentence of this paragraph shall not apply for such taxable year.

• • • • •

(Sec. 3302(c) as amended by sec. 523(b), Social Security Amendments 1960; sec. 1, Act of Nov. 7, 1963 (Pub. Law 88-173, 77 Stat. 305))

• • • • •

SEC. 104. (*Temporary Unemployment Compensation Act of 1958 (72 Stat. 173)*). The total credits allowed under section 3302(c) of the Federal Unemployment Tax Act (26 U.S.C. 3302(c)) to taxpayers with respect to wages attributable to a State shall be reduced—

(1) For the taxable year beginning on January 1, 1963, by 5 percent of the tax imposed by section 3301 of the Federal Unemployment Tax Act, and

(2) For any succeeding taxable year, by 10 percent of the tax imposed by said section 3301,

unless and until the Secretary of the Treasury finds that before November 10 of the taxable year there have been restored to the Treasury the amounts of temporary unemployment compensation paid in the State under this Act (except amounts paid to individuals who exhausted their unemployment compensation under title XV of the Social Security Act and title IV of the Veterans' Readjustment Assistance Act of 1952 prior to their making their first claims under this Act), the amount of costs incurred in the administration of this Act with respect to the State, and the amount estimated by the Secretary of Labor as the State's proportionate share of other costs incurred in the administration of this Act. In applying clauses (1) and (2) of the preceding sentence, the tax imposed by section 3301 of the Federal Unemployment Tax Act shall be computed at the rate of 3 percent in lieu of the rate provided by such section. At the request (made before November 1 of the taxable year) of the Governor of any State, the Secretary of Labor shall, as soon as practicable after June 30 or (if later) the date of the receipt of such request, certify to such Governor and to the Secretary of the Treasury the amount he estimates for the taxable year beginning on January 1, 1963, equals .15 percent (and for any succeeding taxable year equals .3 percent) of the total of the remuneration which would have been subject to contributions under the State unemployment compensation law with respect to the calendar year preceding such certification if the dollar limit on remuneration subject to contributions under such law were equal to the dollar limit under section 3306(b)(1) of the Federal Unemployment Tax Act for such calendar year. If, after receiving such certification and before November 10 of the taxable year, the State restores to the general fund of the Treasury the amount so certified (and designates such restoration as being made for purposes of this sentence), the reduction provided by the first sentence of this section shall not apply for such taxable year.

[Sec. 104 as amended by sec. 524(b), Social Security Amendments 1960; sec. 2, Act of Nov. 7, 1963 (Pub. Law 88-173, 77 Stat. 306)]

PAR. 2. Paragraph (c) of § 31.3302(c)-1 is amended by revising subparagraphs (1) and (3), and by adding a new subparagraph (4). The revised and added provisions read as follows:

§ 31.3302(c)-1 Limit on total credits.

• • • • •

(c) *Reductions of amount of credit otherwise allowable*—(1) *Advances before September 13, 1960, under title XII of Social Security Act*—(i) *Credit reductions for 1961 and 1962.* Pursuant to section 3302(c)(2), as applicable to credit allowable for any year ended before 1963, the total credits otherwise allowable under section 3302 to a taxpayer subject to the unemployment compensation law of the State of—

(*a*) Alaska shall be reduced for the taxable year 1961 by an amount equal to 0.15 percent of the wages paid by the taxpayer during 1961 which are attributable to Alaska, and shall be reduced for the taxable year 1962 by an amount equal to 0.3 percent of the wages paid by the taxpayer during 1962 which are attributable to Alaska; or

(*b*) Michigan shall be reduced for the taxable year 1962 by an amount equal to 0.15 percent of the wages paid by the taxpayer during 1962 which are attributable to Michigan.

(ii) *Credit reductions for 1963 and subsequent years.* If any balance of an advance or advances under title XII of the Social Security Act, made before September 13, 1960, to the unemployment account of a State, remains unpaid on January 1, 1963, or on January 1 of any succeeding taxable year, the total credits otherwise allowable under section 3302 to a taxpayer subject to the unemployment compensation law of the State shall be reduced for the taxable year unless—

(*a*) No balance of such advance or advances exists as of the beginning of November 10 of the taxable year, or

(*b*) The State pays into the Federal unemployment account, before November 10 of the taxable year, the amount certified by the Secretary of Labor pursuant to section 3302(c)(2), and designates such payment as being made for purposes of the last sentence of section 3302(c)(2).

The credit reduction for a taxable year shall be a percentage of the wages paid by the taxpayer during that taxable year which are attributable to the State. The percentage for the taxable year 1963, or for any succeeding taxable year beginning before January 1, 1968, is 0.15 percent (that is, 5 percent of the Federal tax, computed as if imposed at the rate of 3 percent of the wages). The percentage for any taxable year beginning on or after January 1, 1968, is the percentage reduction for the immediately preceding taxable year plus 0.15 percent. Thus, for 1968 the percentage is 0.3 percent, for 1969 the percentage is 0.45 percent, and for 1970 the percentage is 0.6 percent.

• • • • •

(3) *Payments under the Temporary Unemployment Compensation Act of 1958.* If any amount of temporary unemployment compensation was paid in a State under the Temporary Unemployment Compensation Act of 1958, the total credits otherwise allowable under section 3302 to a taxpayer with respect to wages attributable to the State for the taxable year beginning January 1, 1963, and for each taxable year thereafter, shall be reduced unless prior to November 10 of the taxable year—

(i) There have been restored to the Treasury the amounts of temporary unemployment compensation paid in the State (except amounts paid to individuals who exhausted their unemployment compensation under title XV of the Social Security Act and title IV of the Veterans' Readjustment Assistance Act of 1952 prior to their making their first claims under the Temporary Unemployment Compensation Act of 1958), the amount of costs incurred in the administration of the Temporary Unemployment Compensation Act of 1958 with respect to the State, and the amount estimated by the Secretary of Labor as the State's proportionate share of other costs incurred in the administration of such Act, or

(ii) The State restores to the general fund of the Treasury the amount certified by the Secretary of Labor pursuant to section 104 of the Temporary Unemployment Compensation Act of 1958, and designates such restoration as being made for purposes of the last sentence of such section.

The credit reduction for a taxable year shall be a percentage of the wages paid by the taxpayer during that year which are attributable to the State. The percentage for the taxable year 1963 is 0.15 percent (that is, 5 percent of the Federal tax, computed as if imposed at the rate of 3 percent). The percentage for any succeeding year is 0.3 percent (that is, 10 percent of the Federal tax, computed as if imposed at the rate of 3 percent).

(4) *Example.* The cumulative effect of the credit reductions described in this paragraph may be illustrated by the following example:

Example. Advances to the unemployment account of State X were made in 1957 and in 1961 under title XII of the Social Security Act. Payments under the Temporary Unemployment Compensation Act of 1958 were made in State X in 1958. No portion of the advances or payments is returned before November 10, 1964. As a consequence:

(a) The credit reduction applicable under subparagraph (1) of this paragraph is made for 1964 at the rate of 0.15 percent;

(b) The credit reduction described in subparagraph (2) of this paragraph has been made for 1963 (the second successive year after 1961) at the rate of 0.3 percent. The rate of credit reduction under subparagraph (2) for 1964 is 1 percent (the aggregate of 0.6 percent under section 3302(c)(3)(A) and 0.4 percent (assumed for purposes of this example to be the percentage referred to in section 3302(c)(3)(B) which is certified by the Secretary of Labor), and

(c) The credit reduction described in subparagraph (3) of this paragraph has been made for 1963 at the rate of 0.15 percent. The rate of credit reduction for 1964 is 0.3 percent.

The cumulative rate of credit reduction applicable for 1964 to wages attributable to State X is 1.45 percent, representing the aggregate of the percentage reductions applicable under subparagraphs (1), (2), and (3) of this paragraph (0.15 percent, 1 percent, and 0.3 percent, respectively). In 1964 Employer A paid wages of $100,000, all of which are subject to the unemployment compensation law of State X. The credit which would be allowable (under section 3302 (a), (b), and (c)(1)) if there were no credit reduction is $2,700. Employer A's tax is computed as follows for 1964:

Total taxable wages (attributable to State X)	$100,000
Gross Federal tax (3.1 percent of wages)	3,100
Less credit:	
Gross credit $2,700	
Credit reduction (1.45 percent of wages) 1,450	
Net credit	1,250
Amount of Federal tax due	1,850

PAR. 3. The caption of § 31.3306 (b) (8) is amended to read as follows:

§ 31.3306(b)(8) Statutory provisions; definitions; wages; payments to employees for non-work periods.

• • • • •

PAR. 4. The caption of § 31.3306(b)(8)-1 is amended to read as follows:

§ 31.3306(b)(8)-1 Payments to employees for non-work periods.

• • • • •

Because the amendments made by this Treasury decision merely conform the regulations to the Act of November 7, 1963 (Public Law 88-173, 77 Stat. 305), and revise captions of certain sections, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(SEC. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved March 4, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-2296; Filed, Mar. 9, 1964; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 564—NATIONAL GUARD REGULATIONS

Commissioned Officers

In § 564.4(f), subparagraph (3) is revised to read as follows:

§ 564.4 Promotion.

• • • • •

(f) *Promotion to fill unit vacancies.*

(3) *Minimum military educational requirements.* The following minimum military educational requirements will be a prerequisite for promotion above the grade of first lieutenant:

(i) To and within general officer grade:

(*a*) Successful completion of, or receipt of constructive or equivalent credit for, the Regular or Associate Course of the U.S. Army Command and General Staff College, or a higher course.

(*b*) Successful completion of any of the following courses will be considered as satisfying the requirement of (*a*) of this subdivision.

(*1*) Any wartime resident General or Service Staff Course of the U.S. Army Command and General Staff College.

(*2*) Both the Special Associate Course (Division) and the Special Associate Course (Advanced) of the U.S. Army Command and General Staff College. (These courses are no longer administered.)

(*3*) Both the USAR School Associate Command and General Staff Course (Division) and the USAR School Associate Command and General Staff Course (Advanced). (These courses are no longer administered.)

(*4*) Both the U.S. Army Command and General Staff College Extension Course and the Advanced Combat Arms or Advanced Logistics Course. (These courses are no longer administered.)

(*5*) The USAR Associate Command and General Staff Course (5-year course).

(*6*) The U.S. Army Command and General Staff College Extension Course.

(*7*) The resident-nonresident extension course of the U.S. Army Command and General Staff College.

(*c*) State adjutants general may be considered to meet the military educational requirement for promotion to or within general officer grade if the board determines the officer concerned was previously found fully qualified in meeting military educational prerequisites for promotion to colonel in the branch in which serving at the time of consideration.

(ii) To colonel of a combat arm.[1] Same as outlined in subdivision (i) of this subparagraph.

(iii) To field grades (other than AIS and colonel of a combat arm):

(*a*) Successful completion of, or receipt of constructive or equivalent credit for the Regular, Associate Advanced Course, or Associate Career Course of the service school appropriate to the applicant's branch of assignment, or higher course.

(*b*) Enrollment and satisfactory participation in any current course listed in subdivision (i) of this subparagraph.

(iv) To captain (other than AIS):

(*a*) Successful completion of or receipt of constructive or equivalent credit for the Basic Officer's Regular or Associate, Company/Battery Course, or Orientation or Familiarization Course of the service school appropriate to the officer's branch of assignment, or higher course.

(*b*) Successful completion of the Regular Branch Material Officer's Candidate Course of the officer's branch of assignment (does not include State OCS or Special ARNG OCS of 9 and 11 weeks conducted at the U.S. Army Infantry and U.S. Artillery and Missile Schools).

(*c*) Enrollment and satisfactory participation in one of the courses listed in subdivision (iii)(*a*) of this subparagraph.

[1] Combat arms include Armor, Artillery, Engineers, Infantry, and Signal Corps.

(v) Army Intelligence Security officers:

(*a*) To lieutenant colonel: The award of a diploma by the U.S. Army Intelligence School for completion of the advanced or career officer course of the Intelligence Training Army Area School.

(*b*) To major: Completion of 50 percent of the advanced or career officer course of the Intelligence Training Army Area School.

(*c*) To captain: Successful completion or receipt of constructive or equivalent credit for any intelligence or security officer specialist course of the U.S. Army Intelligence School or U.S. Army Security Agency School or Intelligence Training Army Area School.

(vi) Alternate requirements: To company and field grades (other than colonel of a combat arm) in lieu of the requirements prescribed in subdivisions (iii), (iv), and (v) of this subparagraph.

(*a*) Successful completion of or constructive credit for a nonresident or combination resident-nonresident course (includes USAR School course) appropriate to the branch and new grade, as follows:

(*1*) To lieutenant colonel and colonel (other than colonel of a combat arm): The advanced or career course.

(2) To major: Fifty percent of the total credit hours of the advanced or career course. (Evidence of completion of partial extension course requirements for promotion to major will be furnished the officer concerned by the service school in which enrolled.)

(3) To captain: The Company/Battery, or Familiarization or Orientation Course.

(*b*) Armor and Infantry officers may satisfy the educational requirements for promotion up to and including the grade of lieutenant colonel by successfully completing the appropriate course of instruction, resident or extension conducted by either the U.S. Army Armor School or the U.S. Army Infantry School.

(*c*) Artillery officers may satisfy the educational requirements for promotion to captain by successfully completing an officer weapons qualification course in residence at the U.S. Army Artillery and Missile School or the U.S. Army Air Defense School, and continuous service on active duty for a minimum period of 6 months.

(*d*) Officers who complete, or have completed, a minimum of 2 years of active military service in grade, and whose efficiency report for that period reflects an average or better performance, may be considered to have met the military educational requirement for promotion to the next higher grade, provided that the promotion is in the same branch as that in which the active military service was performed. Active duty in Armor and Infantry branches is considered compatible.

(*e*) Except as indicated in (*f*) below, an applicant for promotion in the Medical, Dental, Veterinary, Army Nurse, Army Medical Specialist Corps, and Medical Service Corps officers with primary MOS 2230, 2232, 2239, 3307, 3308, 3309, 3310, 3311, 3314, 3315, 3316, 3318, 3327, 3340, 3350, 3606, 5525, and 7960, may be considered to have satisfied the military educational requirement for promotion to the next higher grade when the Federal Recognition Board determines that the applicant, through the pursuit of his or her profession, has acquired the professional knowledge and experience commensurate to the higher grade.

(*f*) The professional knowledge and experience alternate provided in (*e*) above is not applicable to Medical Corps officers for promotion in MOS 3000 or 3500 positions or Dental Corps officers for promotion in MOS 3178 positions.

(vii) As an exception to the requirements prescribed in subdivisions (iii), (iv), and (v) of this subparagraph, an officer whose branch was changed by reason of a conversion, redesignation, or reorganization which was directed to meet Department of the Army mobilization requirements, may be considered for promotion with a waiver, as provided in § 564.3, provided the change of branch was within 3 years prior to the date he is being considered for promotion and further provided he meets the military educational requirements for promotion in the previous branch.

NOTE. Officers enrolled and satisfactorily participating in a higher course are considered to have received constructive or equivalent credit for the lower course of their branch of service provided credit for the lower course is a prerequisite or requirement for enrollment in the higher course (e.g., officers enrolled in a branch career course are considered to have been awarded credit for either the familiarization or orientation branch course). Officers enrolled in a Command and General Staff College course or the USAR, Command and General Staff College Course are considered to have been awarded credit for the career course of their branch of assignment.

* * * * *

[C 1,-NGR 20-3, 6 January 1964] (Sec. 110, 70A Stat. 600; 32 U.S.C. 110)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-2269; Filed, Mar. 9, 1964; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Reg. 1, Rev. 4, Amdt. 1]

OI REG. 1—OIL IMPORT REGULATION

Residual Fuel Oil

Experience in the past has indicated that in certain circumstances the Oil Import Appeals Board should be in a position to grant relief to importers of residual fuel oil to be used as fuel which will become effective during a current allocation period. Accordingly, an appropriate amendment authorizing the Board to do so is made in section 21 and new paragraph (a) of section 12 reserves from allocation by the Administrator a quantity of residual fuel oil to be available until February 1, 1965 to the Board for this purpose. Because of the addition of new paragraphs, the former designations of paragraphs of section 12 have been changed. Redesignated paragraphs (b) and (c) of section 12 have been modified in the light of the level of authorized imports of residual fuel oil to be used as fuel established for the period beginning April 1, 1964, the quantity reserved for current allocation by the Oil Import Appeals Board, and the quantity embraced in relief already granted by the Board. A new subparagraph (5) has been added to redesignated paragraph (d) of section 12 to permit the positioning of residual fuel oil to serve an eligible applicant's customers without incurring additional costs to avoid the loss of terminal inputs in instances in which the Administrator approves. Advance approval must be obtained from the Administrator in order to count terminal inputs under this new paragraph. Redesignated paragraph (e) has been amended with respect to the expiration dates of licenses to provide that as much residual fuel oil as possible will be available during the critical period of the fuel year; under the amended paragraph licenses issued during the first three quarterly periods will expire on January 31, 1965.

A new paragraph (g) has been added to section 12 providing that a person acquiring management and operational control of a deep-water terminal by any means other than an outright sale will not be entitled to the terminal inputs which had been accumulated by the transferor. Because allocations must be made and licenses issued for the allocation period beginning April 1, 1964, it is impracticable either to give notice of proposed rule-making or to delay the effective date of Amendment 1. Accordingly, Oil Import Regulation 1 (Revision 4) Amendment 1 shall be effective immediately.

1. Section 12 of Oil Import Regulation 1 (Revision 4) (28 F.R. 14320) is amended to read as follows:

Sec. 12. Allocations of residual fuel oil to be used as fuel in District I.

(a) Of the imports of residual fuel oil to be used as fuel into District I authorized for the allocation period April 1, 1964 through March 31, 1965 (1) the Administrator shall allocate 6,165 barrels daily in accordance with the decisions of the Oil Import Appeals Board and (2) 8,220 barrels daily are reserved from allocation by the Administrator and made available to the Oil Import Appeals Board until February 1, 1965 in order that any relief granted by the Board in the first ten calendar months of the allocation period may be made effective in that period.

(b) (1) An eligible applicant who has an allocation of imports of crude oil pursuant to section 10 of this regulation and who during the calendar year 1957 imported into District I residual fuel oil used as fuel shall be entitled, for the allocation period April 1, 1964 through March 31, 1965, to an allocation (expressed in terms of average barrels daily) of imports into District I of residual fuel oil to be used as fuel equal to 78.5 percent of the ratio that the applicant's imports during the calendar year 1957 into District I of residual fuel oil used as fuel bore to all such imports into District I during that year multiplied by 623,615.

(2) An eligible applicant who does not have an allocation of imports of crude oil pursuant to section 10 of this regulation but who during the calendar year 1957 imported into District I residual fuel oil used as fuel shall be entitled, for the allocation period April 1, 1964 through March 31, 1965, to an allocation (expressed in terms of average barrels daily) of imports into District I of residual fuel oil to be used as fuel equal to 81.5 percent of the ratio that the applicant's imports during the calendar year 1957 into District I of residual fuel oil used as fuel bore to all such imports into District I during that year multiplied by 623,615.

(c) (1) Except as provided in paragraph (b) (1) of this section and unless and allocation under paragraph (b) (1) would be larger, each person who is an eligible applicant under subparagraph (2), paragraph (d), section 4 of this regulation who has an allocation of imports of crude oil pursuant to section 10 of this regulation shall receive, for the allocation period April 1, 1964 through March 31, 1965, an allocation (expressed in terms of average barrels daily) of imports into District I of residual fuel oil to be used as fuel based on the applicant's terminal inputs for the year ending December 31, 1963 and computed according to the following schedule:

Average B/D input:	Percent of input
0–5,000	60.0
5,000 plus	27.25

(2) Except as provided in paragraph (b) (2) of this section and unless an allocation under paragraph (b) (2) would be larger, each person who is an eligible applicant under subparagraph (2), paragraph (d), section 4 of this regulation and who does not have an allocation of imports of crude oil pursuant to section 10 of this regulation shall receive, for the allocation period April 1, 1964 through March 31, 1965, an allocation (expressed in terms of average barrels daily) of imports into District I of residual fuel oil to be used as fuel based on the applicant's terminal inputs for the year ending December 31, 1963 and computed according to the following schedule:

Average B/D input:	Percent of input
0–1,000	100.0
1–5,000	70.0
5,000 plus	36.0

(d) (1) During the year ending December 31, 1964 and succeeding years, terminal inputs shall be computed only as provided in this paragraph (d).

(2) In order to constitute a terminal input a delivery into a deepwater terminal (or a withdrawal as provided in subparagraph (7) of this paragraph) must have occurred during the year ending three months prior to the beginning of the allocation period for which an allocation is requested.

(3) Except as provided in subparagraphs (7) and (8) of this paragraph, an eligible applicant may count as a terminal input residual fuel oil to be used as fuel which was delivered into a deepwater terminal in District I under his management and operational control if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deepwater terminal in District I. However, an eligible applicant must reduce his terminal inputs by the quantity of residual fuel oil to be used as fuel which he transfers from his deepwater terminal in District I:

(i) If that oil is delivered to a deepwater terminal in District I under the management and operational control of a person who is an eligible applicant under subparagraph (2), paragraph (d), section 4 of this regulation, and

(ii) If title to the oil passes to the transferee (buyer) when it is delivered to the transferee's deepwater terminal. In such an instance, the transferee (buyer) may claim as a terminal input the quantity of oil so transferred.

(4) An eligible applicant who has under his management and operational control a deepwater terminal in District I may also count as a terminal input residual fuel oil to be used as fuel which the applicant (i) owned, and (ii) sold to a person who was not in the business of selling residual fuel oil to be used as fuel and (iii) delivered to a deepwater terminal in District I under the management and operational control of such person, provided that such delivery constituted the first delivery of that oil to a deepwater terminal in District I.

(5) In addition, an eligible applicant who has under his management and operational control a deepwater terminal in District I may count as a terminal input residual fuel oil to be used as fuel which the applicant (i) owned, and (ii) sold to a Federal Agency, or to an agency of a State or a political subdivision of a State, and (iii) delivered to a deepwater terminal in District I for the account of such agency, provided that such delivery constituted the first delivery of that oil to a deepwater terminal in District I.

(6) An eligible applicant who has a deepwater terminal in District I under his management and operational control may also count as a terminal input residual fuel oil to be used as fuel which was delivered into a deepwater terminal in District I under the management and operational control of another person (i) if the eligible applicant delivering the oil owned the oil when it was placed in the terminal, (ii) if the delivery constituted the first delivery of that oil to a deepwater terminal in District I, and (iii) if, before the oil is delivered, the applicant has received written permission from the Administrator to count the oil as a terminal input. The Administrator may grant such permission only upon a written request and only if he determines on the basis of the written request that the delivery is solely for the purpose of positioning stocks to enable the applicant to serve his customers without incurring substantial costs to avoid the loss of terminal inputs.

(7) No residual fuel oil to be used as fuel may be counted as a terminal input when it is placed, or so long as it remains, in bonded storage at a deepwater terminal in District I. An eligible applicant may count as a terminal input residual fuel oil to be used as fuel which he owned when it was placed in bonded storage in a deepwater terminal under his management and operational control in District I when such oil is withdrawn from bonded storage for use in District I or for bunkering ships in the coastwise trade, except as provided in subpararaph (8) of this paragraph. However, if such oil is withdrawn from bonded warehouse or consumption and is transferred to another deepwater terminal in District I, then the provisions to subparagraph (3) of this paragraph relating to transfers shall apply.

(8) Residual fuel oil consumed by an applicant in refinery or terminal operations, as bunkers for his ships, or for any other purpose, may not be counted as a terminal input.

(e) The allocations under paragraphs (b) and (c) of this section shall be made for periods of 12 months. The Administrator shall, however, issue licenses in an amount not to exceed 22 percent of each allocation for the period of three months beginning April 1, 14 percent for the period of three months beginning July 1, 25 percent for the period of three months beginning October 1, and 39 percent for the period of three months beginning January 1. Licenses issued for the respective three-month periods commencing April 1, July 1, and October 1, shall expire on January 31, 1965, and licenses issued for the three-month period commencing January 1, and any other outstanding licenses issued during the fuel year, shall expire on March 31, 1965. The Administrator may, in his discretion, upon written petition adjust the percentages for a particular licensing period or the expiration date of such licenses issued to the petitioner to such a degree as in the opinion of the Administrator is necessary to afford the petitioner a reasonable measure of relief in an instance in which the petitioner can demonstrate that: (1) It will be unable to import in full tanker cargoes; (2) it will be unable to import during a closed navigational season; (3) the rate of consumption in a particular area does not conform to that of District I as a whole; (4) that the health, safety, or operations of consumers which petitioner serves will be imperiled; or (5) for other good cause shown. In connection with petitions under clause (4) the Administrator shall require a full disclosure of the requirements of the consumers involved, the efforts of such consumers and of the petitioner to obtain supplies of residual fuel oil to be used as fuel, and the consumers ability to utilize alternative fuels and the availability to them of such fuels.

(f) If any part of a deepwater terminal is removed from the management and operational control of an eligible applicant by sale, transfer, lease, or any other means, the part so removed shall

not constitute a separate deepwater terminal for the purpose of computing allocations based on terminal inputs. An allocation will be computed as if the transaction had not taken place. After the allocation for a particular allocation period has been so computed, the Administrator may, in his discretion, divide the allocation between the eligible applicant from whose management and operational control the part of the terminal was removed and the person who assumed management and operational control, if these persons agree upon, and request, a division.

(g) In the event that a person acquires management and operational control of an entire deepwater terminal from an eligible person, by any means other than an outright sale, the person acquiring the deepwater terminal will not be entitled to claim as his terminal inputs those terminal inputs which had been accumulated as of the date of the transfer of control by the person from which management and operational control has been acquired.

(h) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. All residual fuel oil to be used as fuel which is imported into District I under an allocation made pursuant to this section shall be sold only in District I for use in that District or for use as ships bunkers.

2. Paragraph (c) of section 21 of Oil Import Regulation 1 (Revision 4) (28 F.R. 14322) is amended to read as follows:

Sec. 21. Appeals.

* * * * *

(c) (1) Except as provided in subparagraphs (2) and (3) of this paragraph, the modification or grant of an allocation by the Appeals Board shall become effective in the allocation period, as provided in section 3 of this regulation, which succeeds the allocation period during which the Board's decision is made and no decision of the Appeals Board shall become effective unless it is made and the Administrator is notified more than 30 calendar days before the beginning of an allocation period.

(2) An allocation granted pursuant to subparagraph (2) or (3) of paragraph (b) of this section to a person who has become ineligible because of total loss of refinery capacity or deepwater terminal facilities may be made effective within the allocation period during which the Appeals Board's decision is made.

(3) The Board may make effective in a current allocation period a grant or a modification of an allocation of imports of residual oil to be used as fuel when a quantity of such imports has been made available for such purpose by the Secretary of the Interior.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

MARCH 6, 1964.

[F.R. Doc. 64-2368; Filed, Mar. 9, 1964; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-169]

PART 0—COMMISSION ORGANIZATION

Functions of the Office of Executive Director

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of March 1964;

The Commission having under consideration the implementation of its schedule of application filing fees as set forth in Subpart G of Part 1 of the rules; and

It appearing, that rules governing fees will require interpretation from time to time, that fee rules pertaining to the several radio services should be consistently interpreted, and hence that the function of interpreting those rules should be vested in the Executive Director and the General Counsel; and

It further appearing, that the amendments adopted herein pertain to Commission management and organization, and that the notice and publication requirements of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in section 4(i), 5(b), and 303(r) of the Communications Act of 1934, as amended:

It is ordered, Effective March 12, 1964, that § 0.11 of the Commission's rules is amended to add a new paragraph (e) to read as follows:

§ 0.11 Functions of the Office.

* * * * *

(e) With the concurrence of the General Counsel, to interpret the rules and regulations pertaining to application filing fees.

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303)

Released: March 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2300; Filed, Mar. 9, 1964; 8:49 a.m.]

[FCC 64-172]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of March 1964;

The Commission having under consideration an additional delegation of authority to the staff;

It appearing, that it is desirable to delegate the Chief, Safety and Special Radio Services Bureau the authority to act on requests for waiver of the type acceptance requirement of § 83.139 where the applicant is operating a ship radiotelephone transmitter on frequencies between 4 and 27.5 Mc/s and where authority is needed to operate non-type accepted radiotelephone equipment pending conversion to single sideband; and

It further appearing, that such delegation of authority will result in a more efficient administration of the Commission's functions; and

It further appearing, that the amendments herein ordered are non-substantive in that they relate to organizational and procedural matters, and, hence, the Public Notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that the authority for the delegation herein ordered is contained in sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended.

It is ordered, effective March 16, 1964, that Part 0 of the Commission's rules is amended as set forth below.

Released: March 5, 1964.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155)

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 0 is amended as follows:

1. Section 0.331(b) is amended by adding a new subparagraph 15 as follows:

§ 0.331 Authority delegated.

* * * * *

(b) * * *

(15) To act on requests for waiver of the type acceptance requirement of § 83.139 of this chapter where the applicant is operating a ship radiotelephone transmitter on frequencies between 4 and 27.5 Mc/s and where authority is needed to operate non-type accepted ship radiotelephone equipment pending conversion to single sideband.

[F.R. Doc. 64-2301; Filed, Mar. 9, 1964; 8:49 a.m.]

[1] Commissioners Henry, chairman; and Ford absent.

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

Chapter I—Presidential Documents

SUBCHAPTER A—ORGANIC ORDERS

PART 2—PUBLIC ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

Part 2 is added to Title 48, Chapter I, Subchapter A, reading as follows:

Sec.
2.1 Establishment and membership of Committee.
2.2 Functions of Committee.
2.3 Regulations.

DERIVATION: The text of the sections in this part are derived from the text of E.O. 11143 (29 F.R. 3127).

§ 2.1 Establishment and membership of Committee.

(a) There is hereby established a committee to be known as the Public Advisory Committee for Trade Negotiations (hereinafter referred to as the Committee).

(b) The Committee shall be composed of not less than 30 and not more than 40 members, who shall serve without compensation. The members, other than the Chairman, shall be designated by the President from among appropriately qualified citizens of the United States outside the United States Government, and shall be representative of the economy of the United States.

§ 2.2 Functions of Committee.

(a) The Committee shall advise the Special Representative for Trade Negotiations with respect to such matters as he may specify pertaining to the preparation for and the participation in international trade negotiations.

(b) The Committee shall be chaired by the Special Representative for Trade Negotiations or his Deputy and shall meet upon the request of the Special Representative for Trade Negotiations or his Deputy.

§ 2.3 Regulations.

(a) The provisions of Sections 4, 6(a), 6(b), 6(c), 6(f), and 10 of Executive Order No. 11007 of February 26, 1962, are hereby adapted and made applicable to the Committee.

(b) The Special Representative for Trade Negotiations shall be responsible for assuring compliance with the above-indicated provisions of Executive Order No. 11007 in relation to the Committee, and he is authorized to exercise the authority contained in sections 6(f) and 10(a) of that order and to prescribe such additional regulations with respect to the Committee as he may deem necessary.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Annual Report Form G (Electric Railways)

NOTE: Annual Report Form G (electric railways), prescribed by § 120.21, has been submitted to the Office of the Federal Register and has been filed with Federal Register Document 63-12174 (28 F.R. 12318).

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Annual Report Form H (Express Companies)

NOTE: Annual Report Form H (express companies), prescribed by § 120.31, has been submitted to the Office of the Federal Register and has been filed with Federal Register Document 63-12697 (28 F.R. 13310).

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 15357; FCC 64-167]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE; DISPATCH STATIONS

Notice of Proposed Rule Making

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The Commission has before it a petition for rule making, filed September 11, 1962 by the National Mobile Radio System (NMRS) which contains, inter alia,[1] a request for a rule change to provide for blanket authorization of dispatch station[2] facilities. At the present time an application must be submitted for each dispatch station desired. Normally, such applications are reported on a public notice, after which notice no action may be taken until a period of 30 days has elapsed. In addition thereto, current backlogs of applications impose further delays in routine processing. NMRS states that it is contrary to the public interest to require a subscriber with a present need for this type of facility to be burdened with the processing delays associated with an application for a permit to establish dispatch station facilities. NMRS suggests that the requested authority should be granted in much the same manner that licensees obtain authority to operate mobile stations. Specifically, it is urged that base station authorizations should provide that the licensee will notify the district Engineer-in-Charge two days prior to the establishment of a dispatch station, stating the proposed location and other pertinent details, so that the Commission may "inspect or otherwise exercise its regulatory functions." In this way, NMRS seeks to eliminate the "administrative processing" delays associated with the establishment of individual dispatch stations.

3. The Commission believes that a blanket authorization procedure for the establishment of dispatch station facilities which are within the 37 dbu contour[3] of the associated base station, using the mobile station frequency paired with the base station frequency[4] may serve the public interest. Such blanket authorizations for mobile stations, though not restricted to the reliable service area, have proved to be practical and administratively efficient. It appears that blanket authorizations for certain dispatch station facilities would similarly serve the public's convenience and necessity, and, incidentally, result in a slight increase in administrative efficiency.

4. The proposed blanket authorization procedure, detailed below, specifies the limitations which would be applicable to equipment and construction of dispatch stations which may be installed under the terms of the blanket authorization, and requires that dispatch stations will not degrade the mobile communication service rendered by the related base station nor cause electrical interference. The NMRS petition suggested blanket authorization of dispatch stations without reference to the reliable service contour. However, the application of the proposed relaxation of the rules is limited to that area within the reliable service contour of the associated base station where it is assumed that claims of economic injury or potential electrical interference should be negligible. It would appear that in situations not covered by the blanket authorization procedure as proposed by the Commission public notice of applications for individual dispatch stations is required in order to protect the rights of interested parties. This action appears to be appropriate, even though the Commission has proposed certain restrictions on the location of dispatch stations, generally, in its notice of proposed rule making, 28 F.R. 2992, issued March 27, 1963 (Docket No. 15015, FCC 63-263).

5. By reason of the foregoing, it is proposed to add a new § 21.520 and modify §§ 21.515 and 21.519 of the Commission's rules and regulations.

6. Comments are invited concerning the proposal herein which would provide for blanket authorizations to establish dispatch stations on mobile station frequencies within the 37 dbu contour of an associated base station after an appropriate notification to the Commission.

7. The proposed amendment of the rules, as set forth below, is issued pursuant to the authority contained in sections 4(i) and 303(b), (d), (f), (h) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 1, 1964, and reply comments on or before May 15, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: March 4, 1964.

Released: March 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 21.515(a) is amended to read as follows:

§ 21.515 Control points, dispatch points and dispatch stations.

(a) Dispatch stations, other than those installed pursuant to § 21.519(a), may be installed only with specific authorization from the Commission. Upon removal of a specifically licensed dispatch station, the licensee must within 30 days thereafter submit to the Commission in Washington, D.C., the dispatch station license for cancellation. Dispatch points may be installed or removed without authorization. Dispatch point circuit facilities shall be installed in conformance with the requirements of paragraph (c)(2) of this section.

* * * * *

2. Section 21.519 is amended to read as follows:

§ 21.519 Use of mobile station frequency for dispatch stations.

A base station licensee may be authorized to install, for a mobile station subscriber or a group of mobile station subscribers, a dispatch station using the mobile station frequency paired with the associated base station frequency. Authorization for the establishment and operation of any dispatch station will be on the express condition that such station will not cause harmful interference to the mobile or rural radio services and will not inhibit use by the mobile radio service of the frequencies assigned to the dispatch station or degrade the mobile communication service rendered by the base station. No dispatch station shall be installed at any site or under conditions whereby it will be capable of overriding the control functions of a control station using the same frequency.

(a) Within the reliable service area of an associated base station, a licensee may install a dispatch station without authorization for the specific location if the antenna height employed at any such location does not exceed the criteria set forth in § 17.3 of this chapter, the rated power output of the transmitter does not exceed 10 watts and each such installation otherwise complies with the requirements of §§ 21.107, 21.108, 21.110, 21.506, 21.520 and all other pertinent provisions of Part 21 of this chapter. The number of such dispatch station installations shall not exceed the number stated on the base station license.

(b) Any proposal for the installation of a dispatch station which does not comply with the limitations and requirements of paragraph (a) of this section shall be submitted to the Commission, upon proper application, on FCC Form 401, for a construction permit.

3. A new § 21.520 is added to read as follows:

§ 21.520 Notification of operation of dispatch station without specific authorization.

(a) The licensee of a base station who proposes to establish a dispatch station within the reliable service area of the licensed base station, pursuant to the provisions of § 21.519(a), shall notify the Commission at Washington, D.C., 20554, and its Engineer-in-Charge of the radio district wherein operation is to be conducted, at least five days prior to the installation of the facilities. This notification shall include:

(1) The names(s) and address(es) of subscriber(s) and the number of mobile units assigned to each subscriber.

(2) A description of the transmitting location, including the geographic coordinates to the nearest second of latitude and longitude, and also by conventional reference to street number, landmark, etc.

(3) The rated power output of transmitter to be installed.

(4) The transmitting antenna power gain in decibels with respect to a reference half-wave dipole antenna.

(5) The overall height, in feet above ground level, of the transmitting antenna.

(6) The location of the transmitter control point.

(7) The exact frequency or frequencies to be used.

(8) The identity and location of the base station through which it will communicate.

(9) The commencement date of operation.

(b) A copy of the foregoing notification shall be posted with the base station license.

(c) Upon termination of the operation of a dispatch station for which notification was given pursuant to paragraph (a) of this section or, in the event any of the facts alleged in such notification will be changed, written notice thereof shall be given to the Commission and its Engineer-in-Charge, at least five days prior to the execution of the change.

[F.R. Doc. 64-2302; Filed, Mar. 9, 1964; 8:49 a.m.]

[1] This notice is not a disposition of the NMRS petition (RM-364). However, the matter dealt with herein has been selected for immediate attention, leaving the balance of the petition for disposition in another document.

[2] A fixed station, operated by a subscriber or a group of subscribers communicating through the base station with the individual subscriber's own mobile station or stations.

[3] Section 21.504(a) provides as follows: "The limits of reliable service area of a base station are considered to be described by a field strength contour of 37 decibels above one microvolt per meter for stations engaged in two-way communication service with mobile stations . . ."

Section 21.504(b) provides as follows: "The field strength contours described in paragraph (a) of this section shall be regarded as determining the limits of the reliable service area of the related base stations for the purpose of providing protection to such stations from co-channel electrical harmful interference and defining the area within which consideration will be accorded claims of economic competitive injury."

[4] Mobile frequencies are paired with base station frequencies pursuant to tables contained in § 21.501 (b) and (c).

[5] Commissioners Henry, chairman; and Ford absent.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1003, 1005, 1008, 1009, 1011, 1013, 1016, 1033–1037, 1040–1044, 1046–1049, 1090, 1098, 1101]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part; Docket No.; and Marketing Area

1003; AO-293-A7; Washington, D.C.
1005; AO-177-A21-RO1; Tri-State.
1008; AO-268-A7; Greater Wheeling, W. Va.
1009; AO-268-A7; Clarksburg, W. Va.
1011; AO-251-A5; Appalachian.
1013; AO-286-A6; Southeastern Florida.
1016; AO-312-A4; Upper Chesapeake Bay.
1033; AO-166-A27; Greater Cincinnati.
1034; AO-175-A17; Dayton-Springfield, Ohio.
1035; AO-176-A16; Columbus, Ohio.
1036; AO-179-A23; Northeastern Ohio.
1037; AO-197-A8; North Central Ohio.
1040; AO-225-A12-RO1; Southern Michigan.
1041; AO-72-A25; Toledo, Ohio.
1042; AO-240-A5-RO1; Muskegon, Mich.
1043; AO-247-A6-RO1; Upstate Michigan.
1044; AO-299-A5; Michigan Upper Peninsula.
1046; AO-123-A26; Louisville-Lexington-Evansville.
1047; AO-33-A27; Fort Wayne, Ind.
1048; AO-325-A3; Greater Youngstown-Warren.
1049; AO-319-A1-RO1; Indianapolis, Ind.
1090; AO-266-A4; Chattanooga, Tenn.
1098; AO-184-A19; Nashville, Tenn.
1101; AO-195-A11; Knoxville, Tenn.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in each of the marketing areas heretofore specified, which was issued January 23, 1964 (29 F.R. 2001), is hereby further extended from March 10, 1964, to April 1, 1964.

Dated: March 5, 1964, Washington, D.C.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-2309; Filed, Mar. 9, 1964; 8:50 a.m.]

[7 CFR Parts 1030–1032, 1038, 1039, 1045, 1050, 1051, 1061–1064, 1067–1070, 1078, 1079, 1094, 1096, 1097, 1099, 1102, 1103, 1105, 1107, 1108]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part; Docket No.; and Marketing Area

1030; AO-101-A27; Chicago, Ill.
1031; AO-170-A14; South Bend-LaPorte-Elkhart, Ind.
1032; AO-313-A3-RO1; Suburban St. Louis.
1038; AO-194-A8; Rock River Valley.
1039; AO-212-A14; Milwaukee, Wis.
1045; AO-334-A6; Northeastern Wisconsin.
1050; AO-339-RO1; Central Illinois.
1051; AO-329-A1; Madison, Wis.
1061; AO-327-A2; St. Joseph, Mo.
1062; AO-10-A28; St. Louis, Mo.
1063; AO-105-A14-RO1; Quad Cities-Dubuque.
1064; AO-23-A24; Greater Kansas City.
1067; AO-222-A12; Ozarks.
1068; AO-178-A14; Minneapolis-St. Paul, Minn.
1069; AO-153-A9; Duluth-Superior.
1070; AO-229-A8; Cedar Rapids-Iowa City.
1078; AO-270-A3; North Central Iowa.
1079; AO-295-A4; Des Moines, Iowa.
1094; AO-103-A21; New Orleans, La.
1096; AO-257-A9; Northern Louisiana.
1097; AO-219-A11; Memphis, Tenn.
1099; AO-183-A9; Paducah, Ky.
1102; AO-237-A7; Forth Smith, Ark.
1103; AO-252-A8-RO1; Central Mississippi.
1105; AO-297-A4; Mississippi Delta.
1107; AO-304-A4-RO1; Mississippi Gulf Coast.
1108; AO-243-A9; Central Arkansas.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in each of the marketing areas heretofore specified, which was issued January 23, 1964 (29 F.R. 2101), is hereby further extended from March 10, 1964, to April 1, 1964.

Dated: March 5, 1964, Washington, D.C.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-2310; Filed, Mar. 9, 1964; 8:50 a.m.]

[7 CFR Parts 1065, 1066, 1071–1076, 1104, 1106, 1120, 1125–1138]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part; Docket No.; and Marketing Area

1065; AO–86–A15; Nebraska-Western Iowa.
1066; AO–122–A10; Sioux City, Iowa.
1071; AO–227–A12–RO1; Neosho Valley.
1072; AO–235–A5; Sioux Falls-Mitchell.
1073; AO–173–A15; Wichita, Kans.
1074; AO–249–A5; Southwest Kansas.
1075; AO–248–A4; Black Hills, S. Dak.
1076; AO–260–A5; Eastern South Dakota.
1104; AO–298–A3; Red River Valley.
1106; AO–210–A15; Oklahoma Metropolitan.
1120; AO–328–A2; Lubbock-Plainview, Tex.
1125; AO–226–A9; Puget Sound, Wash.
1126; AO–231–A20; North Texas.
1127; AO–232–A12; San Antonio, Tex.
1128; AO–238–A14; Central West Tex.
1129; AO–256–A8; Austin-Waco, Tex.
1130; AO–259–A9; Corpus Christi, Tex.
1131; AO–271–A6; Central Arizona.
1132; AO–262–A9; Texas Panhandle.
1133; AO–275–A10; Inland Empire.
1134; AO–301–A3–RO1; Western Colorado.
1135; AO–300–A5–RO2; Colorado Springs-Pueblo.
1136; AO–309–A5; Great Basin.
1137; AO–326–A2–RO2; Eastern Colorado.
1138; AO–335–A1; Rio Grande Valley.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in each of the marketing areas heretofore specified, which was issued January 23, 1964 (29 F.R. 2203), is hereby further extended from March 10 to April 1, 1964.

Dated: March 5, 1964, Washington D.C.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64–2311; Filed, Mar. 9, 1964; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

DRIVER SALESMEN

Proposed Rule Making

Section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)) provides in part that minimum wage and overtime requirements shall not apply to "any employee employed * * * in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act * * *)".

In accordance with this provision, pursuant to authority contained in General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), and by reason of the increased importance of this subject resulting from the increased coverage of the act provided by the Fair Labor Standards Amendments of 1961 (Public Law 87–30), I hereby commence proceedings to consider what changes, if any, should be made in the definition and delimitation of the term "outside salesman" (29 CFR 541.5), as it applies to driver salesmen (29 CFR 541.505).

Accordingly, notice is hereby given of a proceeding to be held on April 27, 1964, at 10:00 a.m. in the Department of Commerce Auditorium, 14th Street NW., between Constitution Avenue and E Street NW., Washington, D.C., before a hearing examiner appointed under section 11 of the Administrative Procedure Act (5 U.S.C. 1010), at which time persons may submit oral data, views, or argument in regard to this matter. Persons wishing to make oral presentations should file notice of intention to appear with the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C., 20210, not later than April 13, 1964. Written data, views, or argument may also be presented at the time of appearance at the oral proceeding, or filed with the Administrator at any time prior to April 27, 1964.

All proposals submitted will be given careful consideration. One which has already been brought to my attention is to provide that in the milk and ice cream industries the making of outside sales includes solicitation of reorders, and other selling or merchandising activities designed to retain the customer or to increase sales or otherwise effect disposition of goods.

The following information would be particularly helpful:

1. Nature of the industry's (or company's) product and method of sales and distribution, indicating the class or type of customer to which sales and distribution are made;

2. (a) Full job descriptions of representative groups of employees (including, but not limited to, any driver salesmen employed in the capacity of an outside salesman) engaged in the industry's (or company's) sales and distribution activities, identifying those job descriptions specifically relating to those considered "driver salesmen";

(b) The types of activities listed in the above job descriptions which are considered to constitute "selling" or the making of "sales";

(c) With specific reference to those job descriptions relating to driver salesmen, the approximate proportion of the employee's workweek which is devoted to each type of activity included in such job descriptions;

(d) For each class or type of customer to which sales or distribution of the product of the industry or company are made, identification and/or description of the "sales" activities performed by driver salesmen and those performed by other personnel;

3. (a) Methods of payment of the above groups of employees, including, but not limited to, any driver salesman employed in the capacity of an outside salesman, specifying the approximate proportion of the employee's total compensation which is attributable to salary or hourly rates, commissions, piece rates, other specified forms of payment;

(b) With specific reference to employees considered driver salesmen, illustration of the direct relationship between the employee's engagement in activities considered "selling" or "making sales" and his total compensation from any incentive form of payment, such as commissions, piece rates, and the like;

4. Nature and extent of any sales training given to the above groups of employees;

5. Copies of any collective bargaining agreements covering the above groups of employees.

The oral presentations shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the hearing examiner shall prescribe. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and related matters, and confine the proceeding to the subject of the definition and delimitation of the term "outside salesman", as it applies to driver salesmen. The hearing examiner shall have discretion to keep the record open to permit any person who participated in the oral presentations to submit additional written data, views, and argument responsive to the oral presentations made by other persons. After the record has been closed, the hearing examiner shall certify it to me for final determination.

Signed at Washington, D.C., this 5th day of March 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64–2289; Filed, Mar. 9, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

CAMEL HAIR

Importations from Outer Mongolia

Reference is made to the Notice published in the FEDERAL REGISTER of February 28, 1964 (Hair of Certain Animals, Cotton and Silk Waste and Carpet Wool Importation From Countries Not in the Authorized Trade Territory).

The Office of Foreign Assets Control has completed an investigation of the current world practices for marketing of camel hair and is now satisfied that Outer Mongolian camel hair can be reliably differentiated from Communist Chinese camel hair by physical examination. Accordingly, the notice of February 28, 1964 is hereby superseded insofar as Outer Mongolian camel hair is concerned. Hereafter, licenses under the Foreign Assets Control Regulations (31 CFR § 500.101 et seq.) for the importation of Outer Mongolian camel hair, which has not been sorted, washed, scoured or otherwise processed, will be issued to any person in any amount with no quota limitations whatsoever.

Licenses will authorize the purchase of such camel hair only for importation into the United States, the opening of letters of credit, and other related transactions. Licenses will authorize Customs transactions not authorized by § 500.536 of the Foreign Assets Control Regulations after Customs is satisfied from physical examination that the camel hair is not of Communist Chinese origin within the meaning of the Regulations. Accordingly, until such determination has been made, licenses will not allow release of the camel hair from Customs custody.

It is contrary to the policy of the Office of Foreign Assets Control to grant a license for the release from Customs custody of camel hair determined to be of Communist Chinese origin even though payment may have been made.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 64–2404; Filed, Mar. 9, 1964; 11:26 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

IMPORTS OF RESIDUAL FUEL OIL TO BE USED AS FUEL; DISTRICT I

Maximum Level

Pursuant to paragraph (d) of section 2 of Proclamation 3279, as amended, the maximum level of imports into District I of residual fuel oil to be used as fuel shall be 638,000 barrels daily for the allocation period April 1, 1964 through March 31, 1965. The maximum level fixed in this section does not include residual fuel oil withdrawn from bonded warehouse for ships bunkers or for exportation.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 4, 1964.

[F.R. Doc. 64–2369; Filed, Mar. 9, 1964; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23–930]

J. CREMER EXPORT-IMPORT

Order Denying Export Privileges for an Indefinite Period

In the matter of Josef Cremer trading as J. Cremer Export-Import, Prinz Eugenstrasse 44, Vienna IV, Austria, Respondent.

The Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondent all export privileges for an indefinite period because of the failure of said respondent to furnish responsive answers to interrogatories without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). A temporary denial order has been in effect against the above respondent since December 10, 1963 (28 F.R. 13551).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that Josef Cremer, trading as J. Cremer, Export-Import, is in the export-import business and has a place of business in Vienna, Austria; that the aforesaid Investigations Division is conducting an investigation into the respondent's receipt and disposition of U.S. origin commodities, some of strategic nature, and into the respondent's dealings with other parties in U.S. origin commodities. It is impracticable to subpoena the respondent and relevant and material interrogatories were served on him pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish responsive answers to said interrogatories as required by said section and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. The provisions and restrictions of the Temporary Denial Order entered against the above named respondent on December 10, 1963 are continued in full force and effect.

II. The respondent, his successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except inosfar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or

have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on March 9, 1964.

Dated: March 2, 1964.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-2270; Filed, Mar. 9, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15035]

AIR GASPE INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on March 18, 1964, at 10:00 a.m., e.s.t, in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 5, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2297; Filed, Mar. 9, 1964; 8:49 a.m.]

[Docket 14628; Order No. E-20536]

AMERICAN EXPRESS CO.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of March 1964.

Application of American Express Company for extension of its operating authorization as an International Air Freight Forwarder.

Pursuant to its decision in American Express Company, Operating Authorization, Docket 9315, et al., 31 CAB 118, May 10, 1960, the Board granted American Express Company (Express) an operating authorization as an international air freight forwarder for a period of three years, subject to specified conditions. By application filed July 3, 1963,[1] Express seeks extension or renewal for an indefinite term of its operating authorization as an international air freight forwarder. It also asks that extension be without restrictions of any kind. No answer or objection to the application has been filed.

In its application Express describes, inter alia, the 74 subsidiaries and the various businesses of the Express organization. Designation is made of those subsidiaries (a) which are IATA approved passenger and cargo sales agents and registered consolidators, (b) which are IATA approved cargo sales agents and registered consolidators, (c) which are IATA approved passenger sales agents and (d) which offer surface transportation service.

In our opinion in American Express Company, Operating Authorization, supra, note was made of the problems which might result because of Express' size and broad spectrum of activities. As a means of obviating such potential difficulties we attached certain conditions to our grant of authority to Express. We now have the benefit of Express' three years of experience as a forwarder, and on the strength of that experience tentatively conclude that except as noted below these conditions should be removed. The actual operating experience of Express over the three-year experimental period, as reflected in its reports to the Board, shows a relatively small participation in the industry. For example, during the first six months of 1963, the participation of Express in total international air freight forwarding revenues was less than four-tenths of one percent, and its share of total international air freight forwarder consolidated tonnage was less than three-tenths of one percent. Thus, it would appear that the potential adverse competitive impact upon other forwarders has not materialized.[2] However, we have tentatively decided to retain and clarify the condition that Express and its affiliates affirmatively state, in their holding out of air freight forwarder services, that they are not connected with any air express company.

Since the issuance of the Board's decision in Docket 9315, et al., supra, numerous applications have been filed under section 409 of the Act for approval of interlocking relationships between Express and one of its wholly-owned subsidiaries, American Express Company, Inc. Such applications have all been approved by the Board, and it is not apparent that any regulatory purpose would be served by continuing to review applications of this nature. Accordingly, the Board proposes that its final order herein will, pursuant to section 101(3) of the Act, relieve Express and American Express Company, Inc. from section 409 to the extent necessary to permit interlocking relationships between the two companies without further authorization from the Board, and will otherwise approve the participation in such relationships by the officers and directors of the companies.

One final matter requires comment. Our earlier opinion, although primarily concerned with operating authorization to Express, recognized that it would perform some of its activities as an international air freight forwarder by way of its affiliates and subsidiaries. From Express' renewal application it appears that all operations outbound from the United States are handled by Express, while inbound shipments are handled by affiliated and subsidiary companies. Although Express, for its own reasons, has chosen to function in this manner, we think it clear that Express and its affiliates and subsidiaries, at least from an economic standpoint, should be considered as an integrated unit. To obviate any misunderstanding on Express' part and also to permit continuation of applicant's present method of operations, the authority granted to Express will run to its various affiliated and subsidiary companies, but only to the extent of permitting such companies to conduct common carrier air freight forwarder activities inbound to the United States. We shall, however, impose as a condition to this grant, the requirement that in each country in which the Express system of companies offers air freight forwarder service, only one Express company shall act as an air freight forwarder on inbound shipments to the United States. This condition should work no hardship since Express states in its renewal application that it currently operates in this manner. Furthermore, such a limitation should reduce the possibilities of unfair competitive practices arising out of a situation where several different Express companies might offer, in the same country, common carrier air freight forwarding service inbound to the United States. This condition is also consistent with and implements our view that Express and its affiliated and subsidiary companies should be treated as a single economic entity. In this connection we shall require Express to submit consolidated reports containing the required information for all the common carrier air freight forwarder activities, to and from the United States, conducted by Express and its affiliated or subsidiary companies.

Based upon the foregoing we tentatively find that Express is capable of performing air transportation as an international airfreight forwarder and of conforming to the provisions of the Act and the rules and requirements thereunder, and that the conduct of such operations will not be inconsistent with the public interest, and tentatively conclude that it should be granted an operating authorization for an indefinite term pursuant to Part 297 of the Board's Economic Regulations, subject to the following conditions:

1. American Express Company and its affiliated and subsidiary companies, in their holding out and in their documents used in performing their common carrier airfreight forwarder services, shall specifically state that they are not connected with any air express company: *Provided*, That nothing herein shall prohibit the inclusion of other words, designations or abbreviations.

2. That for purposes of this order the authority granted Express pursuant to Part 297 shall be construed as extending to each of its affiliated and subsidiary companies to the extent that such companies may conduct common carrier airfreight forwarding operations inbound to the United States: *Provided*, That only one such company, or Express itself, may conduct said operations in any one country.

3. American Express Company shall include in its periodic reports to the Board the common carrier airfreight forwarding activities of each of its affiliated and subsidiary companies insofar as said forwarding activities are operated inbound to the United States.

Accordingly, it is ordered:

1. That Express and all other interested persons show cause why the above tentative findings and conclusions should not be made final;

2. That any interested person desiring to file a protest, memorandum of opposition or exceptions to the tentative findings and conclusions shall file such objections within 30 days after the date of service of this order and shall specify by separately numbered paragraphs the tentative findings and conclusions excepted to and state the grounds thereof;[3]

3. That any objection to the above tentative findings and conclusions not made within the thirty day period or in the form specified herein shall be deemed waived;

4. That if no objections are filed, further procedural steps shall be deemed waived and the matter shall stand submitted to the Board for issuance of a final order;

5. That if timely objections are filed, further consideration will be accorded any matters or issues raised by the objections before further action is taken by the Board; and

6. That this order shall be served upon American Express Company and upon all international air freight forwarders.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2298; Filed, Mar. 9, 1964; 8:49 a.m.]

[1] An extension of time for filing the application was orally granted by the Chief Examiner.

[2] Of course, should future developments cause concern, the Board may review its action herein.

[3] Since provision is made for the filing of objections to the order, separate petitions for reconsideration will not be entertained.

[Docket 14855]

TRANSPORTES AEREOS BENIANOS, S.A.

Notice of Postponement of Hearing

The hearing presently assigned to be held in the above proceeding on March 9, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., is hereby postponed until further notice.

Dated at Washington, D.C., March 4, 1964.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 64-2299; Filed, Mar. 9, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15354]

A-1 RADIO TV

Order To Show Cause

In the matter of Roscoe J. Frye, d/b as A-1 Radio TV, Moses Lake, Washington; order to show cause why there should not be revoked the license for radio station 14W1699 in the Citizens Radio Service.

The Commisison, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated November 19, 1963, and February 17, 1964, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.76 (now § 1.89) of the Commission's rules; and

It further appearing, that the violations of section 308(b) of the Communications Act and § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended, but further proceedings in this docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 4th day of March 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at the address of record at 203 Date Street, Moses Lake, Washington.

Released: March 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2303; Filed, Mar. 9, 1964; 8:49 a.m.]

[Docket Nos. 15346, 15347; FCC 64M-184]

COPPER COUNTRY BROADCASTING CO. (WMPL) AND UPPER MICHIGAN BROADCASTING CO. (WHDF)

Order Scheduling Hearing

In re application of Copper Country Broadcasting Company (WMPL), Hancock, Michigan, Docket No. 15346, File No. BP-15410, for construction permit; in re application of the Upper Michigan Broadcasting Company (WHDF), Houghton, Michigan, Docket No. 15347, File No. BL-9076, for license to operate a standard broadcast station.

It is ordered, This 28th day of February 1964, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 5, 1964, in Washington, D.C.:

And, it is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 31, 1964.

Released: March 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2304; Filed, Mar. 9, 1964; 8:49 a.m.]

[Docket Nos. 15348, 15349; FCC 64M-185]

EATON COUNTY BROADCASTING CO. (WCER) AND FLAT RIVER BROADCASTING CO. (WPLB)

Order Scheduling Hearing

In re applications of Eaton County Broadcasting Company (WCER), Charlotte, Michigan, Docket No. 15348, File No. BP-14612; Earl N. Peterson and Pearle C. Lewis d/b as Flat River Broadcasting Company (WPLB), Greenville, Michigan, Docket No. 15349, File No. BP-14993; for construction permits.

It is ordered, This 28th day of February 1964, that Isadore A. Honig will preside

at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 27, 1964, in Washington, D.C.:

And, it is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 30, 1964.

Released: March 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2305; Filed, Mar. 9, 1964; 8:50 a.m.]

[Docket No. 15355]

LARRY E. HERRING

Order To Show Cause

In the matter of Larry E. Herring, East Point, Georgia, Docket No. 15355; order to show cause why there should not be revoked the license for radio station KDD-2179 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that on April 17, and June 22, 1963, Citizens Radio Station KDD-2179 was used to communicate with units of other stations in the Citizens Radio Service other than when necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 95.81(a) (formerly § 19.61(a)) of the Commission's rules; and

It further appearing, that on March 21 and April 21, 1963, Citizens Radio Station KDD-2179 was observed in operation with excessive frequency deviation in violation of § 95.45 (formerly § 19.33) of the Commission's rules; and

It further appearing, that the violations of the Commission's rules set forth above, were brought to the licensee's attention by the issuance of official notices of violation on March 26, April 22 and 24, and July 2, 1963.

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §§ 95.81(a) and 95.45 of the Commission's rules:

And it is ordered, This 4th day of March 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the licensee at his last known address of 2851 Lancaster Drive, East Point, Georgia.

Released: March 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2306; Filed, Mar. 9, 1964; 8:50 a.m.]

[Docket No. 15350; FCC 64M-186]

WXXX, INC. (WXXX)

Order Scheduling Hearing

In re application of WXXX, Inc. (WXXX), Hattiesburg, Mississippi, Docket No. 15350, File No. BP-15408; for construction permit.

It is ordered, This 28th day of February 1964, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 20, 1964, in Washington, D.C.

And, it is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 25, 1964.

Released: March 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2307; Filed, Mar. 9, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8760-2, refiled, between American Mail Line, Ltd., American President Lines, Ltd., Nedlloyd & Hoegh Lines and Great Eastern Shipping Co., Ltd., modifies the approved agreement, which covers the trade from the West Coast of the United States and Canada to India, Pakistan, Burma and Ceylon. The modification is to establish a system for policing the members' obligations under the approved agreement, and to reflect the participation of Nedlloyd & Hoegh Lines joint service.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2277; Filed, Mar. 9, 1964; 8:46 a.m.]

N.V. NEDLLOYD LIJNEN AND ALCOA STEAMSHIP CO., INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8324-2 between N.V. Nedlloyd Lijnen and Alcoa Steamship Company, Inc., modifies the approved agreement, in the trade from India, Pakistan, Federation of Malaya, Colony of Singapore, and the Philippine Islands to the Virgin Islands with transhipment at the ports of New Orleans, La. and Mobile, Ala. The modification provides for the substitution of N.V. Nedlloyd Lijnen as a party in place of N.V. Stoomvaart Maatschappij "Nederland" and Koninklijke Rotterdamsche Lloyd n.v., present signatories to the basic agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2278; Filed, Mar. 9, 1964; 8:46 a.m.]

PACIFIC COAST COMMITTEE OF INWARD TRANS-PACIFIC STEAMSHIP LINES

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7970-2, between the members of the Pacific Coast Committee of Inward Trans-Pacific Steamship Lines provides, as a result of mergers, for the transfer of existing memberships of certain Japanese Lines, members of the Conference, their rights and obligations, to the surviving or merged companies, effective on April 1, 1964.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C. or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2279; Filed, Mar. 9, 1964; 8:47 a.m.]

MEMBERS OF PACIFIC WESTBOUND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 57-82, between the member lines of the Pacific Westbound Conference, provides that representation of non-conference vessels by member lines or their agents shall be restricted to representation as husbanding agents or as agents for vessels loading full or partial cargoes of open rated commodities in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C. or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification together with a request for hearing, should such hearing be desired.

Dated: March 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2280; Filed, Mar. 9, 1964; 8:47 a.m.]

MEMBERS OF TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 150-27, between the members of the Trans-Pacific Freight Conference of Japan provides, as a result of mergers, for the transfer of existing memberships of certain Japanese Lines, members of the Conference, their rights and obligations, to the surviving or merged companies, effective as of April 1, 1964.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2281; Filed Mar. 9, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4187]

AMERICAN ELECTRIC POWER CO., INC., ET AL.

Notice of Proposed Modification of Method of Allocating Consolidated Tax Liabilities, as Reduced by Investment Credit, Among System Companies

MARCH 4, 1964.

In the matter of American Electric Power Company, Inc., 2 Broadway, New York, New York, 10008; American Electric Power Service Corporation; Appalachian Power Company; Captina Operating Company; Central Appalachian Coal Company; Central Coal Company; Central Ohio Coal Company; Central Operating Company; The Franklin Real Estate Company; Indiana Franklin Realty, Inc.; Indiana & Michigan Electric Company; Kanawha Valley Power Company; Kentucky Power Company; Kingsport Power Company; Ohio Power Company; South Bend Manufacturing Company; Twin Branch Railroad Company; West Virginia Power Company; Wheeling Electric Company.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), a registered holding company, and its above-listed subsidiary companies have filed a joint declaration and an amendment thereto with this Commission pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the amended joint declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Declarants annually join as a group in filing a consolidated Federal income tax return. It appears that certain inequities in the allocation of the group's

consolidated income tax liabilities, after giving effect to the investment credit allowed in Federal income tax returns under the Revenue Act of 1962, would result if the allocation were effected pursuant to the exemptive provisions of Rule 45(b)(6) under the Act. Accordingly, declarants propose to utilize a method of allocation which they anticipate will give to each of the companies included in consolidated tax returns of AEP and its subsidiary companies approximately the full investment credit each company contributes to the total investment credit allowed in the consolidated tax returns. However, to the extent that the investment credit of any system company included in a consolidated tax return exceeds the amount for which such company would qualify if it had filed a separate tax return, such excess will be allocated among those other system companies having investments which qualify for investment credit in proportion to their share of the total investment credit allowable in the consolidated tax return for the period in question: *Provided*, That in no event will the allocation of investment credits result in an investment credit being allocated to any system company in excess of such company's proportion of the consolidated tax liability for such period. In the event that any system company has an "unused" investment credit because of the separate tax return limitation noted above, such "unused" credit will be repayable to such company over a period of years under the carryover provisions of the Internal Revenue Code of 1954, to the extent such company has use for such credit. The repayment of such "unused" investment credit will be made by the system companies which previously benefited therefrom, and the repayment ratios to be employed in any given year as among such system companies will be the same ratios used for allocating the system's investment credits in such given year.

The filing states that any investment credit contributed by American Electric Power Service Corporation ("Service Corporation") will typically be in a minor amount; and that since Service Corporation services its affiliated system companies at cost, any investment credit contributed by it will be virtually all allocated among the other system companies having an investment credit.

The amended joint declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is further stated that no fees and expenses are to be incurred in connection with the proposed transaction.

Notice is further given that any interested person may, not later than March 25, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2275; Filed, Mar. 9, 1964; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3037 etc.]

FORDS-BROOK DRILLING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 2, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 30, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-3037 E 5-3-63	Fords-Brook Drilling Co. (Successor to Elmer E. Smathers Estate.)	Pennsylvania Gas Co., Kane Field, Elk County, Pa.	32.0	14.73
		United Natural Gas Co., Kane Field, Elk County, Pa.	[2] 28.0	14.73
		The Manufacturers Light and Heat Co., Kane Field, Elk County, Pa.	[3] 21.0	14.73
			20.0	15.025
G-7921 2-24-64	J. R. Sharp, Inc.	El Paso Natural Gas Co., acreage in Winkler County, Tex.	(4)	
G-11949 C 2-20-64	Socony Mobil Oil Co., Inc.	El Paso Natural Gas Co., Pegasus Field, Midland and Upton Counties, Tex.	10.0	14.65
G-15364 C 12-22-61	Skelly Oil Co.	West Lake Natural Gasoline Co., Nena Lucia Field, Nolan County, Tex.	[5] 8.5	14.65
G-18119 C 2-25-64	Compass Exploration, Inc. (Operator), et al.	El Paso Natural Gas Co., acreage in La Plata County, Colo.	13.0	15.025
C160-507 E 2-24-64	Atlantic Oil Corp. (Successor to Billy Bridewell (Operator), et al.)	South Texas Natural Gas Gathering Co., Landa Field, Hidalgo County, Tex.	14.65	14.65
C161-564 C 2-25-64	Compass Exploration, Inc. (Operator), et al.	El Paso Natural Gas Co., acreage in La Plata County, Colo.	14.0	15.025
C161-1200 C 2-20-64	Philip Lemon, et al.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI62-1221 C 2-25-64	Carl E. Gungoll and Henry H. Gungoll.	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	13.0	14.65
CI6-575 C 2-24-64	Anadarko Production Co.	Kansas-Nebraska Natural Gas Co., Inc. acreage in Hamilton County, Kans.	11.45	14.65
CI64-922 A 2-19-64	Delta Drilling Co. (Operator), et al.	Northern Natural Gas Co., Sonora Area, Sutton County, Tex.	16.0	14.65
CI64-923 A 2-20-64	W. H. Bryant (Operator), et al.	Lone Star Gas Co., Penn-Griffith Field, Rusk County, Tex.	14.0	14.65
CI64-924 B 2-20-64	George Jackson, agent for Elliett-Cain Gas Co., et al.	Pennzoil Co., acreage in Gilmer County, W. Va.	Depleted	
CI64-925 A 2-20-64	Pioneer Petroleum, Inc.	Pennzoil Co., Greenbrier District, Doddridge County, W. Va.	15.0	15.325
CI64-926 A 2-20-64	Coastal States Gas Producing Co.	United Gas Pipe Line Co., North Rosenburg Area, Fort Bend County, Tex.	12.0	14.73
CI64-927 A 2-24-64	Coastal States Gas Producing Co.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	16.75	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI64-928 B 2-24-64	Oil Development Co. of Texas.	Natural Gas Pipeline Co. of America, acreage in Hansford County, Tex.	Depleted	
CI64-929 A 2-24-64	Anadarko Production Co.	Michigan Wisconsin Pipe Line Co., Northwest Quinlan Field, Woodward County, Okla.	19.5	14.65
CI64-930 A 2-24-64	Eason Oil Co.	Northern Natural Gas Co., Southeast Floris Field, Beaver County, Okla.	17.0	14.65
CI64-931 A 2-24-64	McCall Drilling Co., Inc.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI64-932 A 2-24-64	Circle Drilling Co., Inc.	Texas Gas Transmission Corp., North Welsh Field, Jefferson Davis Parish, La.	(5)	15.025
CI64-933 A 2-24-64	Russell Maguire, et al.	Natural Gas Pipeline Co. of America, Ann-Mag Field, Brooks County, Tex.	16.0	14.65
CI64-934 A 2-24-64	Eason Oil Co.	Arkansas Louisiana Gas Co., Red Oak-Norris Field, Latimer County, Okla.	15.0	14.65
CI64-935 A 2-24-64	Southern Union Production Co.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	[6] 19.5	14.65
CI64-936 A 2-24-64	Reed Oil & Gas Co.	Hope Natural Gas Co., Court House District, Lewis County, W. Va.	25.0	15.325
CI64-937 A 2-24-64	Harry C. Boggs, et al.	Hope Natural Gas Co., Washington District, Calhoun County, W. Va.	25.0	15.325
CI64-938 A 2-24-64	D & D Oil Co.	do.	25.0	15.325
CI64-939 A 2-24-64	Dell Cooper No. 1	Hope Natural Gas Co., Lee District, Calhoun County, W. Va.	25.0	15.325
CI64-940 A 2-24-64	Sidwell Oil and Gas, Inc.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	13.0	14.65
CI64-941 A 2-25-64	The Preston Oil Co.	Texas Gas Transmission Corp., North Welsh Field, Jefferson Davis Parish, La.	16.75	15.025
CI64-942 A 2-25-61	Pioneer Production Corp. (Operator), et al.	Northern Natural Gas Co., Follett (Morrow) Field, Lipscomb County, Tex.	17.0	14.65
CI64-943 B 2-18-64	Union Oil Co. of California.	Sinclair Oil & Gas Co., Farnsworth Field, Ochiltree County, Tex.	(7)	
CI64-944 A 2-24-64	Talkington-Brady, et al.	Hope Natural Gas Co., Meade District, Upshur County, W. Va.	25.0	15.325
CI64-945 A 2-26-64	Pioneer Production Corp. (Operator), et al.	Northern Natural Gas Co., Mammoth Creek, North (Cleveland) Field, Lipscomb County, Tex.	17.0	14.65

[1] Rate is 32.0 cents/Mcf during the months of November through April; 28.0 cents/Mcf during the months of May through October.
[2] The 18.0-cent and 21.0-cent rates per Mcf are pursuant to Applicant's FPC Gas Rate Schedules Nos. 5 and 6, respectively.
[3] Filing made by Kermit Oil Company to terminate certificate issued to J. R. Sharp, Inc. in Docket No. G-7921, under which certificate Kermit states no gas has ever been sold.
[4] 8.5-cent rate became effective Apr. 17, 1963.
[5] Price is 15.0 cents/Mcf plus 1.75 cents tax reimbursement.
[6] Subject to Upward BTU Adjustment.
[7] Leases under existing contract have been rededicated under a Gas Purchase Contract between Union Oil Company of California and Northern Natural Gas Company.

[F.R. Doc. 64-2226; Filed, Mar. 9, 1964; 8:45 a.m.]

[Project No. 82]

ALABAMA POWER CO.

Order Directing Submission of Briefs and Fixing Oral Argument

MARCH 3, 1964.

The Commission has before it the Presiding Examiner's decision, the exceptions thereto, and the replies to such exceptions filed in the above-entitled proceeding. Alabama Power Company, Licensee for Project No. 82, has requested an opportunity to present oral argument before the Commission and to file a brief with the Commission, all for the purpose of setting forth and supporting Licensee's exceptions to the afore-mentioned decision.

It is appropriate that Licensee and the Commission staff, the only parties in this proceeding, present oral argument and submit full and complete briefs with respect to all the issues involved in this proceeding.

It is hereby ordered, That Licensee and the staff shall submit briefs to the Commission on or before May 4 1964 and present oral argument before the Commission commencing at 10 a.m., e.d.s.t., May 19, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. Licensee and the staff shall notify the Secretary of the Commission in writing on or before May 6, 1964 of the amount of time desired for presentation of their respective oral arguments.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2271; Filed, Mar. 9, 1964; 8:46 a.m.]

[Docket Nos. G-19013 etc.]

E. E. FOGELSON ET AL.

Order Granting Certificates of Public Convenience and Necessity, Severing and Consolidating Proceedings

MARCH 4, 1964.

E. E. Fogelson, Docket No. G-19013; James G. Brown & Assoc. (Operator) et al., Docket No. CI60-750; Yucca Petroleum Corporation, Docket No. CI60-768; James G. Brown & Assoc. (Operator) et al., Docket No. CI60-770; Monsanto Chemical Company, Docket No. CI61-94; Armour Properties, Docket No. CI61-102; Marathon Oil Company (Plymouth), Docket No. CI61-169; Cree Drilling Co., Docket No. CI61-193; Western Oil Fields, Inc. (Operator) et al., Docket No. CI61-273; Anchor Oil Company, Docket No. CI61-292; Continental Oil Company, Docket No. CI61-375; Pan American Petroleum Corp., Docket No. CI61-438; Irvin Producing Co., Docket No. CI61-579; Stubblefield Brothers, Docket No. CI61-605; Caroline Hunt Sands & Lloyd B. Sands, Docket No. CI61-643; Cricket Oil Co. et al., Docket No. CI61-650; Union Oil Company of California, Docket No. CI61-715; Hamilton Brothers, Ltd., Docket No. CI61-849; Champlin Oil & Refining Co., Docket CI61-888; Petro-Associates, Inc. (Operator) et al., Docket No. CI61-936; D. D. Feldman, Docket No. CI61-1452; Foree Drilling Co. (Operator) et al., Docket No. CI61-1726; Schafer Oil Corp., Docket No. CI61-1774; Carl M. Archer, Docket No. CI61-1782; Dan E. Archer, Docket No. CI61-1783; Transwestern Pipeline Company, Docket No. G-20464, et al.

These proceedings involve applications by a number of producers under section 7 of the Natural Gas Act to sell gas to Transwestern Pipeline Company from acreage in the panhandle areas of Texas and Oklahoma. The presiding examiner granted all the applications conditioning them at 17 cents per Mcf at 14.65 psia. There is no issue as to the price, but an issue arises over whether certain of the applications should be granted in the absence of permanent authority to Transwestern for the necessary facilities to receive the gas. The only exceptions filed were those of the staff.

Each of the applicants here was granted a temporary certificate.[1] The only objection to the grant of permanent certificate was made by Transwestern. It contended that some of the wells involved in these consolidated proceedings have been connected to its system by facilities temporarily authorized in Docket Nos. G-20464, CP62-160, and CP61-168 and some of the wells have not been connected at all, and therefore the certificates issued the producers should be conditioned upon it obtaining permanent authorization to install and operate the facilities connecting wells involved in these proceedings. The staff argues that certificates should not be issued to Marathon Oil Company in Docket No. CI61-169 and Continental Oil Company in Docket No. CI61-375 because these two dockets are properly associated with Transwestern's expansion, Docket No. G-20464, rather than with Transwestern's original construction Docket No. G-14871, and were inadvertently consolidated with the instant proceeding. The staff also contends that the examiner bypasses the entire problem of whether Transwestern has permanent, temporary or any authorization to construct the facilities required to pick up the gas involved in the respective producer dockets.

Except for the seven dockets to which Transwestern takes objection (Nos. CI61-169, CI61-193, CI61-375, CI61-438, CI61-715, CI61-936, CI61-1774) there is no dispute that Transwestern has re-

[1] The temporary certificates provided that the price should not exceed 17 cents per mcf or such higher price that might be found to be required by the public convenience and necessity in the supplemental proceeding involving Opinion No. 328 (Transwestern Pipeline Co., 22 FPC 391). No higher price was in fact permitted by the Commission (28 FPC 109).

ceived permanent authorization to receive the gas in Docket No. G–14871, and we find that the public convenience and necessity requires that permanent certificates be issued. With respect to these seven dockets, however, the record does not show that the facilities needed by Transwestern to receive the gas are all permanently certificated. For deliveries of gas in Docket Nos. CI61–169, CI61–193, CI61–375, CI61–438 and CI61–715 Transwestern either has no facilities or may have facilities under temporary authorization in Docket Nos. G–20464 and CP62–160. For deliveries of gas in Docket Nos. CI61–936 and CI61–1774 Transwestern may have facilities under temporary authorization in Docket No. CP61–168. While a budget-type permanent certificate has been issued in the latter docket on February 28, 1961, Transwestern later sought to amend the certificate to include further facilities, and such an amended certificate has not been issued. The present record does not show whether the facilities necessary to receive the gas in Docket Nos. CI61–936 and CI61–1774 are covered by the permanent certificate. Under these circumstances we are unable to issue permanent certificates to the producers in these seven dockets at this time although temporary certificates will remain outstanding. The fact that the gas will flow into Transwestern's facilities permanently certificated in Docket No. G–14871 is immaterial, for the connecting facilities are not shown to be so. To grant permanent certificates to the producers now would be prejudging the proceedings in Transwestern's Docket Nos. G–20464, CP61–16, and CP62–160, even if we conditioned the certificates as proposed by Transwestern. Since the issuance of certificates in these seven dockets cannot be granted until permanent certificates are granted in G–20464, CP61–168, CP62–160, which are consolidated, we shall order the seven dockets severed from the present proceedings and consolidated with the proceedings in Docket No. G–20464, et al.

The Commission further finds:

(1) Each applicant in the dockets to which this decision relates is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and is a "natural gas company" within the meaning of the Natural Gas Act.

2. The proposed sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsection (c) and (e) of section 7 of the Natural Gas Act.

(3) Each applicant except those listed in (6) below is able and willing properly to do the acts and perform the services proposed, and to conform to the requirements of the Natural Gas Act and the requirements rules and regulations of the Commission under that Act.

(4) The proposed sales, except those involved in the dockets listed in (6), together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity and are in the public interest upon the conditions set forth below, and certificates should be issued as ordered below.

(5) The public convenience and necessity require that the total initial price shall not in any instance exceed 17 cents per Mcf at 14.65 psia, from the date of issuance of the certificate until such price may be lawfully changed in the manner and to the extent provided by the Natural Gas Act.

(6) Marathon Oil Company (Plymouth) in Docket No. CI61–169, Cree Drilling Co. in Docket No. CI61–193, Continental Oil Company in Docket No. CI61–375, Pan American Petroleum Corp. in Docket No. CI61–438, Union Oil Company of California in Docket No. CI61–715, Petroleum Associates, Inc. et al. in Docket No. CI63–936, and Schafer Oil Corp. in Docket No. CI61–1774 are not shown to be able and willing properly to do the acts and perform the service proposed and their proposed sales are not shown to be required by the public convenience and necessity.

(7) The docket numbers listed in (6) above should be severed from the present proceedings and consolidated with the proceedings in Docket No. G–20464, et al.

The Commission orders:

(A) A certificate of public convenience and necessity is hereby issued to each applicant in the dockets in which this decision is entitled, except those listed in (6) above, subject to the terms and conditions of this order, but otherwise in accordance with the respective applications.

(B) The certificates are hereby conditioned to prohibit any total initial price, including all reimbursements and charges, in excess of 17 cents per Mcf at 14.65 psia, from the date of issuance of the certificate until such price may be lawfully changed in the manner provided by the Natural Gas Act.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 of Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceedings shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The proceedings in Marathon Oil Company (Plymouth) Docket No. CI61–169, Cree Drilling Co. Docket No. CI61–193, Continental Oil Company Docket No. CI61–375, Pan American Petroleum Corp. Docket No. CI61–438, Union Oil Company of California Docket No. CI61–715, Petroleum Associates, Inc. et al. Docket No. CI61–936, and Schafer Oil Corp. Docket No. CI61–1774 are hereby severed from the present proceedings and consolidated with those in Docket Nos. G–20464 et al.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–2272; Filed, Mar. 9, 1964; 8:46 a.m.]

[Docket Nos. G–20464 etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Notice of Applications, Consolidating Proceedings and Fixing Date of Hearing

MARCH 3, 1964.

Transwestern Pipeline Company, Docket Nos. G–20464, CP60–49, CP60–50, CP61–63, CP61–168, CP61–243, CP62–160; Colorado Interstate Gas Company, Docket Nos. CP63–206, CP63–344 (Phase Two); Transwestern Pipeline Company, Docket No. CP64–104; Arkansas Louisiana Gas Company, Docket Nos. CP64–125, CP62–219; Cities Service Gas Company, Docket No. CP64–131.

Take notice that Arkansas Louisiana Gas Company (Ark-La), a Delaware Corporation, with its principal office at Shreveport, Louisiana, on December 2, 1963, filed an application, as supplemented, to amend the Commission order of February 5, 1963, as amended, which granted a certificate of public convenience and necessity to Ark-La in Docket No. CP62–219. Ark-La is requesting authorization to construct additional field facilities in the Arkoma Basin area of Oklahoma and Arkansas, 4,000 additional compressor horsepower at the Dunn Station, Driggs, Arkansas, and a new 2,000 horsepower compressor station near Wilburton, Oklahoma. Construction of these additional facilities, all as is more fully set forth in the application, is estimated to cost $7,020,750 and will enable Ark-La to attach additional reserves and increase its ability to receive and market gas contracted for in the Arkoma area. Ark-La's previous certificate authorization herein was for field and compressor facilities to also connect reserves in the Arkoma area to its main transmission facilities at a cost of $15,170,000. Temporary authority was issued to Ark-La on January 22, 1964, for certain minor additional field facilities requested in this application.

Take further notice that Ark-La on December 2, 1963, filed an application in Docket No. CP64–125 requesting authorization to construct a 103 mile 20-inch transmission line from the point of connection of its Arkoma line with its main transmission line near Driggs, Arkansas, to a point proximate to Jane, Missouri.

Ark-La proposes to use these facilities to sell to Cities Service Gas Company (Cities) an average of 50,000 Mcf of gas per day until December 31, 1965, and 100,000 Mcf per day thereafter at a price of 22.75 cents per Mcf. The total estimated cost of the project, all as is more fully set forth in the application, is $7,300,000, to be financed initially from cash and bank loans and subsequently by the sale of bonds.

Take further notice that Transwestern Pipeline Company (Transwestern), a Delaware corporation, with its principal place of business at the First City National Bank Building in Houston, Texas, filed on November 4, 1963, an application, in Docket No. CP64–104, to request authorization to sell at 20 cents per Mcf to Cities, at two proposed delivery points, 50,000 Mcf of gas per day for an initial build-up period during 1964 and 1965, increasing to 100,000 Mcf per day in 1966 and thereafter. Transwestern proposes to construct, for delivery of the initial 1964–65 volumes, a metering station at a point of intersection of its existing 10-inch Doby Springs lateral and Cities 26-inch West Panhandle line at a cost of approximately $43,000. To deliver the increased volumes in, 1966 and thereafter, Transwestern proposes an additional delivery point proximate to Laverne, Oklahoma, at the intersection of Cities existing 26-inch West Panhandle line and a proposed Transwestern 12-inch line. In addition to metering facilities, the sale in 1966 and thereafter will require construction of 10.8 miles of sales laterals, a 1,000 horsepower compressor station and a dew point control plant. The total estimated construction cost for facilities, as as is more fully set forth in the application, is $1,275,700.

Take further notice that Cities Service Gas Company (Cities), a Delaware corporation, with its principal place of business in Oklahoma City, Oklahoma, on December 9, 1963, filed an application in Docket No. CP64–131 for facilities to receive and transport to market these additional volumes from Transwestern and Ark-La and to increase the future capacity of its 30-inch Grabham-Ottowa pipeline, all as is more fully set forth in the application. To accomplish the proposed purchase from Transwestern, Cities proposes construction of facilities consisting of 14,000 horsepower of new and additional compressor facilities on its Oklahoma-Hugoton 26-inch system. To accomplish the purchase from Ark-La, Cities proposes construction of a 36 mile 20-inch pipeline from its Saginaw Compressor Station in Newton County, Missouri, to a point of connection with Ark-La proximate to Jane, Missouri and 4,000 additional horsepower at its Grabham, Kansas, compressor station. The total estimated cost of Cities proposal is $6,320,600, which will be financed initially through short-term bank loans, and subsequently repaid with the proceeds from the sale of first mortgage pipeline bonds.

These aforementioned applications are related to the matters involved in the consolidated proceedings in Transwestern Pipeline Co., et al., Docket Nos. G–20464, et al., which include: (1) Docket Nos. G–20464, CP60–49, CP60–50, CP60–63, CP61–168, CP61–243, and CP62–160 in which Transwestern seeks authorization to construct and operate certain pipeline facilities related for the most part to the acquisition of additional supplies of natural gas, all as is more fully set forth in the application; (2) Docket No. CP63–344 (Phase Two) in which Colorado Interstate Gas Company (CIG) seeks, inter alia, to sell and deliver equivalent volumes of natural gas to Cities Service, all as is more fully set forth in the application; and (3) Docket No. CP63–206 in which CIG seeks authorization to construct and operate certain pipeline facilities to attach additional supplies of natural gas in the Wind River Basin area of Wyoming, all as is more fully set forth in the application. The proceedings upon these related applications should be heard upon a consolidated record and are hereby consolidated for hearing.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 28, 1964, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 23, 1964. Because of the different dockets which now comprise these consolidated proceedings, it is requested that those persons who have on file in these proceedings notices of or petitions to intervene not yet acted upon by the Commission, make new filings again requesting intervention if they still desire to do so. Each filing requesting intervention must set forth clearly the particular docket or dockets in which intervention is desired and the reasons therefor.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–2273; Filed, Mar. 9, 1964; 8:46 a.m.]

TARIFF COMMISSION

[TEA–I–6]

UMBRELLAS AND PARTS OF UMBRELLAS

Notice of Investigation and Hearing

Investigation instituted. Upon petition of Umbrella Manufacturers & Suppliers, Inc. and Umbrella Frame Association of America, Inc., received March 2, 1964, the United States Tariff Commission, on the 5th day of March 1964, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether—umbrellas and parts of umbrellas (except handles) provided for in §§ 751.05 and 751.15–751.25 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on June 9, 1964, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 5, 1964.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64–2293; Filed, Mar. 9, 1964; 8:48 a.m.]

[TEA I–A–3]

UNMANUFACTURED LEAD AND ZINC

Notice of Investigation and Hearing

Investigation instituted. On March 4, 1964, the United States Tariff Commission, upon request of the President, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(2) of the Trade Expansion Act of 1962, with respect to unmanufactured lead and zinc.

The Commission's function under section 351(d)(2) is to advice the President of its judgment of the probable economic effect on the domestic industry concerned of the reduction or termination of increased import restrictions imposed under the escape-clause procedure. In 1958 quantitative restrictions were imposed upon imports of unmanufactured lead and zinc by Presidential proclamation, following an investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. The quantitative restrictions are set forth in §§ 925.01–925.04 in Part 2A of the Appendix to the Tariff Schedules of the United States.

Public hearing ordered. A public hearing in connection with the aforementioned investigation will be held beginning at 10 a.m., e.d.s.t., on June 23, 1964, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least three

days in advance of the date set for the hearing.

Issued: March 5, 1964.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-2294; Filed, Mar. 9, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 951]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 5, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66426. By order of March 3, 1964, the Transfer Board, approved the substitution of J. E. Jamerson Trucking Company, a corporation, 5312 North Golder, Odessa, Texas, in lieu of Fred Slater Trucking Company, Box 2208, Odessa, Texas, as applicant in No. MC 120236 (Sub-No. 2) for a certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act supported by Texas Certificate No. 6104 authorizing the transportation of pipe, when moving as oilfield equipment to and from all points except points in Tarrant County west of U.S. Highways Nos. 81 and 181, from Ringgold to San Antonio and Aransas Pass, and including also all points in the counties of Montague and Cooke, oilfield equipment, other than pipe, between all points, with certain specified restrictions, pipe when it is to be used in the construction of pipe lines of any and every other character or use, between all places wherein the distance does not exceed 300 miles with certain restrictions, trenching machines and various other types of equipment, between all points, with specified restrictions.

No. MC-FC 66479. By order of March 2, 1964, the Transfer Board approved the transfer to Vincent Bonomo, Staten Island, N.Y., of certificate in No. MC 119481, issued December 5, 1960, to Joseph Bonomo, Port Richmond, Staten Island, N.Y., authorizing the transportation of: Homing pigeons, and feed therefor, from Staten Island N.Y., to points in New Jersey, Pennsylvania, and Delaware, and, from Bayonne, N.J., to points in Pennsylvania and Delaware. Truman O. Murrell, 57 Bay Street, Staten Island, N.Y., attorney for applicants.

No. MC-FC 66564. By order of March 2, 1964, the Transfer Board approved the transfer to C. Richard Trine, Pittsford, Michigan, of a portion of Permit in No. MC 88182, (Sub-No. 1), issued March 18, 1943, to Ora F. Shirar, Flora, Indiana, authorizing the transportation over irregular routes of animal and poultry feed, from Burlington, Wis., to points in the Lower Peninsula of Michigan; and commodities used in the manufacture of animal and poultry feed, insecticides, and poultry and livestock remedies, from points in the lower Peninsula of Michigan to Burlington, Wis. Quentin A. Ewert, 117 West Allegan Street, Lansing 23, Michigan, attorney for transferee. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Indiana, attorney at law.

No. MC-FC 66581. By order of March 2, 1964, the Transfer Board approved the transfer to W. Weinmann Express & Trucking, Inc., Staten Island 4, New York, of Permit in No. MC 124487, issued January 4, 1963, to William Weinmann, doing business as W. Weinmann Express and Trucking, Staten Island 4, New York, authorizing the transportation, over irregular routes, of such merchandise as is dealt in by wholesale, retail and chain food business houses, and moving at the same time, advertising matter and order books, between Carlstadt, N.J., on the one hand, and, on the other, points on Staten Island, N.Y. Emil B. Rapp, 30 Bay Street, St. George, Staten Island 1, New York, attorney for applicants.

No. MC-FC 66605. By order of March 3, 1964, the Transfer Board approved the transfer to Solin Trans., Inc., Worcester 2, Mass., of Certificate in No. MC 7185, issued June 9, 1958, to Erick J. Solin, doing business as Solin Transportation, Worcester 4, Massachusetts, authorizing the transportation, over irregular routes, of household goods, between Worcester, Mass., and points in Massachusetts within 15 miles of Worcester, on the one hand, and, on the other, points in Connecticut, New Hampshire, New York, Rhode Island, and Vermont, and ice cream cabinets and refrigerators, between Worcester, Mass., on the one hand, and, on the other, points in Connecticut, New Hampshire, and Rhode Island. Arthur A. Wentzell, P.O. Box 720, Worcester 1, Massachusetts.

No. MC-FC 66626. By order of March 3, 1964, the Transfer Board approved the transfer to Bruce E. Bishop, doing business as Best-Way Truck Line, Denver, Colo., of a portion of the Certificate in No. MC 103331, issued September 15, 1961, to John G. Riedesel, doing business as Riedesel Truck Line, Kirk, Colo., authorizing the transportation of: General commodities, excluding household goods and other specified commodities, between Denver, Colo., on the one hand, and, on the other, Kirk, Colo., and points within 15 miles of Kirk, except Cope and Idalia, Colo. Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo., attorney for applicants.

No. MC-FC 66656. By order of March 2, 1964, the Transfer Board approved the transfer to Bayshore Air Freight, Inc., Morganville, N.J., of Certificate No. MC 124479, issued July 19, 1963, to Ralph W. Shrader, doing business as Bayshore Air Freight and Messenger Service, Morganville, N.J., authorizing the transportation of general commodities, including household goods, excluding commodities in bulk, over irregular routes, between Newark Airport, N.J., on the one hand, and, on the other, points in Monmouth and Ocean Counties, N.J., and points in that part of Middlesex County, N.J., south of the Raritan River and east of the New Jersey Turnpike. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., Code 07306, representing applicants.

No. MC-FC 66669. By order of March 3, 1964, the Transfer Board approved the transfer to Archie J. Brady & Edwin R. Partington, a partnership, doing business as Big Pine Trucking Company, P.O. Box 674, Big Pine, Calif., of the operating rights issued by the Commission October 18, 1962, under Certificate in No. MC 104583, to Archie J. Brady, Edwin R. Partington and Archie E. Welch, a partnership, doing business as Big Pine Trucking Company, P.O. Box 674, Big Pine, Calif., authorizing the transportation, over regular and irregular routes, of talc, from mines in Nevada within 10 miles of Palmetto, Nev., to Lone Pine, Calif., serving the intermediate points of Zurich and Big Pine, Calif., for delivery only; mining machinery and supplies, maximum 10,000 pounds, from Lone Pine, Calif., to mines in Nevada within 10 miles of Palmetto, Nev., serving the intermediate points of Zurich and Big Pine, Calif., for pick-up only; and talc and clay, in bulk, over irregular routes, between points in Inyo County, Calif.

No. MC-FC 66678. By order of March 2, 1964, the Transfer Board approved the transfer to Ruthig Transp. Corp., a corporation, Vineland, N.J., of Certificate in No. MC 108407, issued November 12, 1959, to Harry Ruthig, doing business as Harry Ruthig Transportation Co., Vineland, N.J., authorizing the transportation, over irregular routes, of piece goods, from New York, N.Y., to New London, Conn., and Philadelphia, Pa.; wearing apparel, from New London, Conn., and Philadelphia, Pa., to New York, N.Y.; women's wearing apparel, from Pleasantville, N.Y., to Hartford, Conn.; clothes hangers, from Hartford, Conn., to Pleasantville, N.Y.; general commodities, excluding household goods and commodities in bulk, between Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, points in New Jersey and Pennsylvania within 30 miles of the City Hall, Philadelphia, Pa.; building materials, and coal, between points in Delaware County, Pa.; women's garments, and materials, supplies, equipment, and machinery incidental to or used in the manufacture of such garments, between Vineland, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa.; and commodities used in the manufacture of textiles, and those manufactured by the

textile industry, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., representative for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-2291; Filed, Mar. 9, 1964; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Tippah County, Ripley, Miss.; effective 2-22-64 to 2-21-65 (ladies' and girls' shorts, jamaicas, and slacks).

Charldon Manufacturing Co., East Main Street, Charleston, Miss.; effective 2-26-64 to 2-25-65 (boys' sport shirts).

Chase City Manufacturing Co., Inc., Walker Street, Chase City, Va.; effective 2-12-64 to 2-11-65 (men's and boys' denim dungarees, pants, and work jackets).

Covco Garment Co., Corner Iris Drive and Covco Street, Sparta, Tenn.; effective 2-22-64 to 2-21-65 (men's overalls and shopcoats).

Glen Manufacturing, Inc., 15th & Foster Avenue, Panama City, Fla.; effective 2-18-64 to 2-17-65. Learners may not be employed at special minimum wages in the production of skirts (ladies' dresses, blouses, and beachwear).

Glen Slacks, Inc., Bruce, Miss.; effective 2-25-64 to 2-24-65 (men's dress slacks).

Granite Dress Corp., 40 County Street, Fall River, Mass.; effective 2-14-64 to 2-13-65 (women's dresses).

Hartwell Garment Co., Hartwell, Ga.; effective 2-12-64 to 2-11-65 (men's work pants and shirts).

F. Jacobson & Sons, Inc., Smith & Cornell Streets, Kingston, N.Y.; effective 2-13-64 to 2-12-65 (men's dress shirts).

Mt. Pleasant Garment Corp., First Avenue, Mt. Pleasant, Tenn.; effective 2-24-64 to 2-23-65 (boys' sport shirts).

Rowland Mfg. Co., Rowland, N.C.; effective 2-11-64 to 2-10-65 (men's and boys' sport shirts, men's dress shirts).

Wright Garment Co., Bowman, Ga.; effective 2-12-64 to 2-11-65 (men's and boys' casual trousers).

The following learner certificate was issued for normal labor turnover purposes. The effective and expiration dates and the number of learners are indicated.

Spring Hope Garment Co., Inc., Webb's Mill Road, Box 547, Spring Hope, N.C.; effective 2-18-64 to 2-17-65; 10 learners (children's dresses).

The following learner certificate was issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Levi Strauss & Co., Blue Ridge, Ga.; effective 2-12-64 to 8-11-64; 100 learners (men's and boys' casual coats).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Active Quilting Corp., 421 North Pennsylvania Avenue, Wilkes Barre, Pa.; effective 2-17-64 to 8-16-64; 5 learners for normal labor turnover purposes, in the occupation of quilting machine operator for a learning period of 320 hours at the rate of not less than $1.15 an hour (quilted products).

Carolina Manufacturing Co., P.O. Box 5497, Station B, Greenville, S.C.; effective 2-17-64 to 8-16-64; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rates of not less than $1.10 an hour for the first 160 hours and not less than $1.15 an hour for the remaining 160 hours (men's cotton handkerchiefs).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 20th day of February 1964.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 64-2274; Filed, Mar. 9, 1964; 8:46 a.m.]

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VOLUME 29 NUMBER 49

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Washington, Wednesday, March 11, 1964

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[87th Cong., 2d Sess.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Small Business Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (y) is added to § 213.3332 as set out below.

§ 213.3332 **Small Business Administration.**

* * * * *

(y) Director, Office of Public Information.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-2371; Filed, Mar. 10, 1964; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar) Department of Agriculture

[Sugar Reg. 811, Amdt. 1]

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1964

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811 (28 F.R. 13923) is to determine and to prorate and allocate deficits in the quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for Puerto Rico for the calendar year 1964 in § 811.21 of this chapter and the supply of sugar expected to be available from that area for marketing in the continental United States during the calendar year 1964, it is herein found that Puerto Rico will be unable to fill its quota by 225,000 short tons, raw value. This quantity, plus 25,407 short tons, raw value, representing the reductions in quotas of Paraguay, British Honduras and Panama pursuant to section 202(d) of the Act and 11,170 short tons, raw value, representing the quota prorations for the United Kingdom, Canada, Hong Kong, and the Netherlands which these countries will be unable to fill because of the limitations provided in section 202(e) of the Act are herein determined to be deficits in quotas.

The total deficits herein determined, amounting to 261,577 short tons, raw value, represent deficits previously determined of 175,000 tons for Puerto Rico and 11,170 tons from four net-importing countries, plus new deficits amounting to 50,000 tons for Puerto Rico, and 25,407 tons representing a reduction in quotas of Paraguay, British Honduras and Panama pursuant to section 202(d) of the Act. The deficits determined for Puerto Rico will not decrease marketing opportunities within its respective quota.

Effective date. This action establishes additional deficits of 75,407 short tons, raw value, that may be authorized for importation from the Republic of the Philippines and Western Hemisphere countries as a group. In order to insure an orderly flow of sugar into the United States during 1964 for the mutual benefit of consumers and the sugar industry, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be informed as soon as possible of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable, and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.21, 811.22 and 811.23 as follows:

1. Paragraph (a)(2) of § 811.21 is amended to read:

§ 811.21 **Quotas for domestic areas.**

(a)(1) * * *

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1964 Puerto Rico will be unable by 225,000 short tons, raw value, of sugar to market the quota established for such area in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act, the determination of deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

2. Section 811.22 is amended to read:

§ 811.22 **Proration and allocation of deficits and quotas in effect.**

The deficits in quotas determined in paragraph (a)(2) of § 811.21 amounting to a total of 225,000 short tons, raw value, plus 25,407 short tons, raw value, representing a reduction in quotas of foreign countries pursuant to section 202(d) of the Act and 11,170 short tons, raw value, withheld from net-importing countries as provided in section 202(e) of the Act, are hereby prorated, pursuant to section 204(a) of the Act between the Republic of the Philippines and Western Hemisphere countries named in section 202(c)(3)(A) of the Act which are in diplomatic relations with the United States by prorating 123,521 short tons, raw value, to the Republic of the Philippines, and by allocating the remainder of the deficit amounting to 138,056 short tons, raw value, to such Western Hemisphere countries as a group for purchase and importation on the basis of applications submitted pursuant to Part 817 of this chapter, or proposals from countries submitted pursuant to § 811.27. Such applications and proposals with respect to the additional quantity of deficit allocation to Western Hemisphere countries of 39,799 short tons, raw value, determined by this action shall become eligible for approval or for acceptance at the time of their receipt or the effective date of this amendment whichever occurs later. Applications shall be approved in accordance with procedures set forth in Part 817 of this chapter, and proposals from countries shall be accepted as provided in § 811.27. *Provided*, That whenever at any one time the unfilled balance of the quantity from Western Hemisphere countries that may be authorized for purchase and importation under this § 811.22 (quantity not committed by approved or accepted applications or proposals) is less than the quantity covered by applications and proposals that are eligible for approval or acceptance at any one time, the order of eligibility and priority provided for in § 817.6(b) of this chapter shall be modified to give priority of approval or acceptance, to proposals submitted in accordance with § 811.27 in the following order of priority: First, to proposals to use receipts from sale of sugar for purchase and export of U.S. Agricultural Commodities in order of stated percentage of net receipts (highest first); and second to proposals in the order of arrival dates of sugar (earliest first).

3. Paragraph (b) of § 811.23 is amended to read:

§ 811.23 **Quotas for foreign countries.**

* * * * *

(b)(1) For the calendar year 1964 the quota for the Republic of the Philippines is 1,050,000 short tons, raw value, and the quantity established in subparagraph (2) of this paragraph. Of the quantity of 1,050,000 short tons, raw value, 59,920 short tons, raw value, may be filled by direct-consumption sugar.

(2) In addition to the quantity of 1,050,000 short tons, raw value, for the Republic of the Philippines in subparagraph (1) of this paragraph a quantity

of 123,521 short tons, raw value, representing a proration of a quota deficit as provided in § 811.22, is added to and established as a part of the quota for such country. Such quantity of 123,521 short tons, raw value, of sugar may be imported only as raw sugar.

* * * * *

(Sec. 403, 61 Stat. 932, & U.S.C. 1153. Interpreta or applies Secs. 202, 204; 61 Stat. 924, as amended, 925, as amended; 7 U.S.C. 1112, 1114)

Issued at Washington, D.C., this 6th day of March 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-2381; Filed, Mar. 10, 1964; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-1,591]

PART 563—OPERATIONS

Sales Plans and Sales Commissions

Correction

In F.R. Doc. 63-6256, appearing at page 6062 of the issue for Friday, June 14, 1963, the clause in second sentence of § 563.24 which reads "or to pay or absorb any of the cost of a give-away promise, offered, or given for or in connection with the solicitation" should read "or to pay or absorb any of the cost of a give-away promised, offered, or given for or in connection with the solicitation".

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 4; Amdt. 3]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Government Procurements for Finishers of Broad Woven Fabrics of Cotton

On January 9, 1964, there was published in the FEDERAL REGISTER (29 F.R. 233) a notice of proposal to amend the definition of a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2261, Finishers of broad woven fabrics of cotton.

Under the proposed amendment, a concern in this industry would be considered as small if, together with its affiliates, its number of employees does not exceed 1000 persons.

Interested persons were given an opportunity to present their comments or suggestions thereon to the Size Standards Division within thirty days after the date of publication of the notice in the FEDERAL REGISTER. After consideration of all relevant matters regarding the proposal, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Revision 4) (29 F.R. 86), as amended (29 F.R. 2988), is hereby further amended by adding to Schedule B of § 121.3-8 the following industry size standard:

Census classification code	Industry	Employment standard (number of employees)
2261	Finishers of broad woven fabrics of cotton	1000

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Date: March 4, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-2314; Filed, Mar. 10, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT [NEW]

[Reg. Docket No. 2047]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

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PART 10—CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

PART 14—AIRCRAFT PROPELLER AIRWORTHINESS

PART 45—IDENTIFICATION AND REGISTRATION MARKING [NEW]

Miscellaneous Amendments

This amendment adds a Part 45—Identification and Registration Marking [New] to Chapter I of Title 14 of the Code of Federal Regulations. Part 45 [New] consolidates the aircraft identification and registration marking provisions of eight Civil Air Regulations into one part of the Federal Aviation Regulations. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

The substance of the new part was published in the FEDERAL REGISTER on November 13, 1963 (28 F.R. 12096), as a notice of proposed rulemaking, and as Notice No. 63-43.

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified Parts, such as this one, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Some of the comments received recommended specific substantive changes to the regulations. Although some of the recommendations might, upon further study, appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. To attempt substantive changes in the recodification of these regulations (other than minor, relaxatory ones that are completely noncontroversial) would delay the project and be contrary to the ground rules specified for it in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698), and Draft Release 61-25. However, all comments of this nature will be preserved and considered in any later substantive revision of this Part.

Notice No. 63-43 included a proposed relaxation of registration marking with respect to small aircraft. Where the limited size of an aircraft precludes the display of 12 inch marks, the owner need only display marks as large as practicable. This would obviate the present requirement for specific FAA approval of the use of smaller marks. Three comments were received recommending that the rule be relaxed even further to permit the use of 2 inch marks. The Agency has had this matter under consideration for some period of time but our studies are not yet complete. Rather than delay the recodification project, the amendment is being issued containing the relaxation as originally proposed The submitted recommendations will be taken into consideration in any future rulemaking action relating to the size of identification marks.

As a result of other comments received, several changes have been made in the new part.

Section 45.11, as contained in the draft release, omitted certain language relating to the placement of identification plates. Section 4b.750, upon which the revised section is based, required that the plate not be placed in a location where it might be "expected" to be lost or destroyed. One comment stated that without these words compliance must be literally impossible. To avoid any implication that a change was intended and in order to avoid any indication of impossibility of compliance, the word "likely" has been reinserted before the phrase "be defaced during normal service" and the words "be expected to be" have been reinserted before the phrase "lost or destroyed in the event of an accident".

Section 45.15, relating to the marking of replacement and modification parts, has been clarified to show that it does not apply to parts manufactured under an Agency Technical Standard Order, type certificate, or production certificate; parts manufactured by owners or operators for maintaining or altering their own product; or to standard parts, such as nuts and bolts, conforming to established industry or government specifications.

Two comments received regarding § 45.25(b) expressed some concern that it would require the removal of certain markings and asked for clarification of the matter. As a result, § 45.25(b) has been revised to make it clear that aircraft displaying the marks described therein do not have to display the marks prescribed by § 45.25(a) until the aircraft is re-marked or until January 1, 1966, whichever is earlier. Section 45.25(b) does not require the removal of the old marks, nor does it prohibit their display, at any time, in addition to those required by § 45.25(a).

Finally, one comment suggested that an exception be made in the character height and width requirements of § 45.29 (c), in that the letters "M" and "W" should be allowed to have a maximum width equal to their height. This comment has been adopted as a relaxatory measure.

Other minor changes of a technical clarifying or relaxatory nature have been made. They are not substantive and do not impose any burden on regulated persons.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to Part 45 [New].

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 is amended by deleting §§ 1.50, 1.50-1, 1.55-2 (b) and (d), and 1.100-1.110 of Part 1; §§ 3.791 and 3.792 of Part 3; §§ 4b.750 and 4b.751 of Part 4b; §§ 6.750 and 6.751 of Part 6; §§ 7.750 and 7.751 of Part 7; § 10.30 of Part 10; § 13.20 of Part 13; § 14.20 of Part 14; the last sentence of the sixth paragraph of SR 425C; and by adding Subchapter C—"Aircraft" [New] reading as hereinafter set forth, effective April 20, 1964.

This amendment is made under the authority of sections 307(c), 313(a), 501, 502, 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1401, 1402, 1421, and 1423).

Issued in Washington, D.C. on March 5, 1964.

N. E. HALABY,
Administrator.

SUBCHAPTER C—AIRCRAFT [NEW]

PART 45—IDENTIFICATION AND REGISTRATION MARKING [NEW]

Subpart A—General

Sec.
45.1 Applicability.

Subpart B—Identification of Aircraft and Related Products

45.11 General.
45.13 Identification data.
45.15 Replacement and modified parts.

Subpart C—Nationality and Registration Marks

45.21 General.
45.23 Display of marks; general.
45.25 Location of marks; fixed-wing aircraft.
45.27 Location of marks; nonfixed-wing aircraft.
45.29 Size of marks.
45.31 Marking of export aircraft.
45.33 Sale of aircraft to a non-U.S. citizen; removal of marks.

AUTHORITY: The provisions of this Part 45 issued under secs. 307(c), 313(a), 501, 502, 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1401, 1402, 1421, and 1423.

Subpart A—General

§ 45.1 Applicability.

This part prescribes the requirements for—

(a) Identification of aircraft, aircraft engines, propellers, and appliances that are manufactured under the terms of a type or production certificate;

(b) Identification of certain replacement and modified parts produced for installation on type certificated products; and

(c) Nationality and registration marking of U.S. registered aircraft.

Subpart B—Identification of Aircraft and Related Products

§ 45.11 General.

(a) *Aircraft and aircraft engines.* Each person who manufactures an aircraft or aircraft engine under a type or production certificate shall identify it by means of a fireproof identification plate that is attached to it in an accessible location and contains the information specified in § 45.13. The identification plate must be so located that it will not likely be defaced during normal service, or be expected to be lost or destroyed in the event of an accident.

(b) *Appliances.* Each person who manufactures an appliance under a type or production certificate shall identify it by permanent means with the information specified in § 45.13.

(c) *Propellers and propeller blades and hubs.* Each person who manufactures a propeller, propeller blade, or propeller hub under the terms of a type or production certificate shall identify it by a plate, stamping, engraving, etching, or other approved method of permanent identification that is placed on it on a noncritical surface and contains the information specified in § 45.13.

§ 45.13 Identification data.

(a) The identification required by § 45.11 shall include the following information:

(1) Manufacturer's name.

(2) Model designation.

(3) Manufacturer's serial number, if any.

(4) Date of manufacture, if the product has no serial number or if it is subject to deterioration as a result of aging.

(5) Type certificate number.

(6) Production certificate number, if any.

(7) Except in the case of airplanes or propellers, the established capacity or rating.

(8) Any other data the Administrator finds appropriate.

(b) No person may remove or change identification data without the approval of the Administrator.

§ 45.15 Replacement and modification parts.

(a) Except as provided in paragraph (b) of this section, each person not holding a type certificate who produces an approved replacement or modified part for sale for installation on a type certificated product shall identify that part as an approved part and, in addition, with such of the following information as the Administrator considers appropriate:

(1) Manufacturer's or modifier's name, trademark, or symbol.

(2) Part number.

(3) Name and model designation of the type certificated products on which the part is eligible for installation or, if this is impractical, a tag attached to the part containing this information.

(b) This section does not apply to parts produced under a type or production certificate, to parts produced by owners or operators for maintaining or altering their own product, to parts produced under an FAA Technical Standard Order, or to standard parts, such as nuts and bolts, conforming to established industry or government specifications.

Subpart C—Nationality and Registration Marks

§ 45.21 General.

(a) Except as provided in paragraphs (d) and (e), of this section, no person may operate a U.S. registered aircraft unless that aircraft displays nationality and registration marks in accordance with requirements of this subpart.

(b) Aircraft nationality and registration marks must:

(1) Be painted on the aircraft or affixed by any other means insuring a similar degree of permanence (except that aircraft intended for immediate delivery to a foreign purchaser may display marks affixed with readily removable material);

(2) Have no ornamentation;

(3) Contrast in color with the background; and

(4) Be legible.

(c) Unless otherwise authorized by the Administrator, no person may place on any aircraft a design, mark, or symbol that modifies or confuses the nationality and registration marks.

(d) If, due to the configuration of an aircraft, it is impossible for a person to mark it in accordance with this subpart, he may apply to the Administrator for a different marking procedure.

(e) Aircraft manufactured before January 1, 1933 and aircraft having the same external configuration as an aircraft for which a type certificate, airworthiness certificate, license, or any other authorization was issued before January 1, 1933, by the United States, may, under the following conditions, display marks that are not in accord with this subpart:

(1) The aircraft must display marks at least two inches high on each side of the fuselage or vertical tail surface. These marks, and any other set of identification marks on the aircraft must consist of the Roman capital letter "N" followed by the registration number.

(2) The aircraft must be operated at an airspeed of less than 180 knots TAS and within those parts of the 48 contiguous States and the District of Columbia that lie north of latitude 28° N. or west of longitude 85° W.

§ 45.23 Display of marks; general.

(a) Except as provided in paragraph (b) of this section, each operator of an aircraft shall display on that aircraft marks consisting of the Roman capital letter "N" (denoting United States registration) followed by the registration number of the aircraft.

(b) If an aircraft was registered before January 1, 1949, and it displays marks containing an airworthiness symbol "C", "R", "X", or "L", the operator of that aircraft may continue to display those marks until the first time it is recovered or refinished to an extent necessitating the reapplication of the marks. However, no person may operate outside of the United States any aircraft displaying such an airworthiness symbol.

(c) When marks that include only the Roman capital letter "N" and the registration number are displayed on limited or restricted category aircraft or experimental or provisionally certificated aircraft, the operator shall also display on that aircraft near each entrance to the cabin or cockpit, in letters not less than two inches nor more than six inches in height, the words "limited", "restricted", "experimental", or "provisional airworthiness", as the case may be.

§ 45.25 Location of marks; fixed-wing aircraft.

(a) Except as provided in paragraph (b) of this section, each operator of a fixed-wing aircraft shall display the required marks horizontally, on the vertical tail surfaces or on the sides of the fuselage, as follows:

(1) If displayed on the vertical tail surfaces, both surfaces of a single vertical tail or the outer surfaces of a multivertical tail must be marked.

(2) If displayed on the fuselage surfaces, both sides of the fuselage must be marked between the trailing edge of the wing and the leading edge of the horizontal stabilizer, but if engine pods or other appurtenances are located in this area and are an integral part of the fuselage side surfaces, the operator may place the marks on those pods or appurtenances.

(b) The operator of a fixed-wing aircraft that was marked before January 1, 1962, and displays the marks described below, need not display the marks described in paragraph (a) of this section until that aircraft is completely remarked or until January 1, 1966, whichever is earlier:

(1) Marks at least 20 inches high displayed on the right half of the upper surface and the left half of the lower surface of the wing equally spaced between the leading and trailing edge with the top of the marks toward the leading edge of the wing.

(2) In the case of aircraft with vertical tail surfaces, marks at least two inches high displayed either horizontally or vertically on the upper half of each side of a single tail or each outer side of a multitail.

(3) If the aircraft does not have a vertical tail surface, marks displayed either horizontally or vertically on each side of the top half of the fuselage just forward of the leading edge of the horizontal tail surface.

§ 45.27 Location of marks; nonfixed-wing aircraft.

(a) *Rotorcraft.* Each operator of a rotorcraft shall display on that rotorcraft the marks required by § 45.23 on the—

(1) Bottom surface of the fuselage or cabin with the top of the marks toward the left side of the fuselage; and

(2) Side surfaces of the fuselage below the window lines, as near the cockpit as possible.

(b) *Airships.* Each operator of an airship shall display on that airship the marks required by § 45.23, horizontally on—

(1) The upper surface of the right horizontal stabilizer and on the under surface of the left horizontal stabilizer with the top of the marks toward the leading edge of each stabilizer; and

(2) Each side of the bottom half of the vertical stabilizer.

(c) *Spherical balloons.* Each operator of a spherical balloon shall display the marks required by § 45.23 in two places diametrically opposite and near the maximum horizontal circumference of that balloon.

(d) *Nonspherical balloons.* Each operator of a nonspherical balloon shall display the marks required by § 45.23 on each side of the balloon near its maximum cross section and immediately above either the rigging band or the points of attachment of the basket or cabin suspension cables.

§ 45.29 Size of marks.

(a) Except as provided in § 45.25(b), each operator of an aircraft shall display marks on that aircraft meeting the size requirements of this section. However, if due to the limited size of an aircraft's surface a person cannot comply with this section, he shall mark the aircraft with marks as large as practicable.

(b) *Height.* The character marks must be of equal height and on—

(1) Fixed-wing aircraft—must be at least 12 inches high;

(2) Airships, spherical balloons, and nonspherical balloons—must be at least 20 inches high; and

(3) Rotorcraft fuselage or cabin—

(i) Bottom surfaces—must be at least four-fifths as high as the fuselage is wide or 20 inches high, whichever is less; and

(ii) Side surfaces—must be as high as practicable, but not less than 2 inches high.

However, subparagraph (3) (ii) of this paragraph does not require the use of marks more than 6 inches high.

(c) *Width.* Characters must be two-thirds as wide as they are high, except the number "1", which must be one-sixth as wide as it is high, and the letters "M" and "W" which may be as wide as they are high.

(d) *Thickness.* Characters must be formed by solid lines one-sixth as thick as the character is high.

(e) *Spacing.* The space between each character may not be less than one-fourth of the character width.

§ 45.31 Marking of export aircraft.

A person who manufactures an aircraft in the United States for delivery outside thereof may display on that aircraft any marks required by the State of registry of the aircraft. However, no person may operate an aircraft so marked within the United States, except for test and demonstration flights for a limited period of time, or while in necessary transit to the purchaser.

§ 45.33 Sale of aircraft to a non-U.S. citizen; removal of marks.

When an aircraft that is registered in the United States is sold to a person who is not a citizen of the United States, the United States registered owner shall, before its delivery to the purchaser, remove all United States marks from that aircraft.

DISTRIBUTION TABLE

Former section	*Revised section*
1.50 (1st sentence)	45.11
1.50 (less 1st sentence)	45.13
1.50–1	45.13
1.55–2(b) (less 1st sentence)	45.15
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1.100	45.21
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1.101 (less (a) and (b))	45.25
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1.103	45.29
1.104	45.21
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1.106	45.21
1.107	45.21
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3.792	45.21
4b.750	45.11
4b.751	45.21
6.750	45.11
6.751	45.21
7.750	45.11
7.751	45.21
10.30	(1)
13.20	45.11
14.20	45.11
SR 425C (last sentence of 6th para.)	45.29

[1] Obsolete.

[F.R. Doc. 64–2345; Filed, Mar. 10, 1964; 8:48 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On November 7, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11909) stating that the Federal Aviation Agency proposed to alter the Columbus, Ind., control zone, designate a transition area at Columbus and revoke the Atterbury, Ind., control area extension.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The single comment received was favorable.

An examination of the controlled airspace requirements in the terminal areas adjacent to Columbus, subsequent to publication of the notice, revealed that the retention of the Atterbury control area extension is required to provide controlled airspace for holding patterns and radar vectoring beyond the limits of the proposed Atterbury transition area until the CAR Amendments 60–21/60–29 terminal area studies in adjacent areas are completed. Therefore, the Federal Aviation Agency is deleting the revocation of the Atterbury control are extension from this docket, and it will be revoked at a later date.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Columbus, Ind., control zone is amended to read:

Columbus, Ind.

Within a 5-mile radius of Bakalar AFB, Columbus, Ind. (latitude 39°15'50" N., longitude 85°53'55" W.), and within 2 miles each side of the 044° bearing from the Bakalar AFB, extending from the 5-mile radius zone to 12 miles NE of the AFB, from 0730 to 2330 hours, local time, daily.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Atterbury, Ind.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bakalar AFB (latitude 39°15'50" N., longitude 85°53'55" W.) and within 2 miles each side of the 044° bearing from the AFB, extending from the 6-mile radius zone to 12 miles NE of the AFB; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 39°-30'00" N., on the E by longitude 85°39'00" W., on the S by latitude 39°10'00" N., and on the W by longitude 86°06'00" W.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 4, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2316; Filed, Mar. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64–WA–14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Area Extension

The purpose of this amendment to § 71.165 of the Federal Aviation Regulations is to alter the description of the New Iberia, La., control area extension.

On October 22, 1963, there was published in the FEDERAL REGISTER (28 F.R. 11260) amendments to Part 71 [New] of the Federal Aviation Regulations which revoked the south alternate to V–20 between Lake Charles, La., and Lafayette, La., and redescribed the north boundary of the New Iberia control area extension. These amendments were effective on December 12, 1963.

Subsequent to these actions, it was determined that, as a result of the revocation of V–20S between Lake Charles and Lafayette, a portion of the airspace formerly designated as controlled airspace associated with the main and alternate airway was still required for the protection of aircraft conducting IFR procedures in the Lafayette/New Iberia terminal area. Accordingly, action is taken herein to restore a portion of the controlled airspace removed by the revocation of V–20S by redescribing the New Iberia control area extension as being bounded on the north by the main airway, V–20, rather than by the present reference to radials from the Lafayette VOR.

For the reasons stated above, the Administrator finds that good cause exists for expeditious action in the interest of safety, that notice and public procedure hereon are impractical and contrary to the public interest, and, that, for the same reasons, good cause exists for making this amendment effective with less than 30 days notice.

In consideration of the foregoing, in § 71.165 (29 F.R. 1073) the New Iberia, La., control area extension is amended as follows: In the text "S of a line 5 miles S of and parallel to the Lafayette, La., VOR 115° and 255° radials." is deleted and "S of V–20." is substituted therefor.

This amendment shall become effective upon issuance.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 4, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2317; Filed, Mar. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63–AL–2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway and Designation of Reporting Point

On August 31, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9645) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 440 from McGrath, Alaska, via Unalakleet, Alaska, to Nome, Alaska, and to designate Unalakleet as a reporting point.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.125 (27 F.R. 220–36, November 10, 1962, 27 F.R. 12616, 28 F.R. 8448) V–440 "to McGrath, Alaska (14 mile-wide airway from 45 nmi from Anchorage to 45 nmi from McGrath)," is deleted and "McGrath, Alaska (14-mile wide airway from 45 nmi from Anchorage to 45 nmi from McGrath); Unalakleet, Alaska (beginning at 45 nmi from McGrath increasing in width of one mile for every five nmi in length to 60 nmi from McGrath, thence 14 miles wide to 60 nmi from Unalakleet, thence decreasing in width of one mile for every five nmi in length to 45 nmi from Unalakleet); to Nome, Alaska (beginning at 45 nmi from Unalakleet increasing in width of one mile for every five nmi in length to 50 nmi from Unalakleet, thence 12 miles wide to 50 nmi from Nome, thence decreasing in width of one mile for every five nmi in length to 45 nmi from Nome)," is substituted therefor.

2. In §§ 71.211 and 71.213 (27 F.R. 220–174 and 175, November 10, 1962) add: Unalakleet, Alaska.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 3, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2318; Filed, Mar. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63–CE–115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Segments of Federal Airways

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12942) stating that the Federal Aviation Agency (FAA) proposed to revoke alternate airway segments of VOR Federal airways Nos. 4, 9, 14 and 210, and a segment of VOR Federal airway No. 179.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. Subsequent to publication of the notice, St. Louis, Mo., terminal area departure procedures were revised which now utilize V–14 north alternate segment from St. Louis to Vichy, Mo., as the primary southwestbound departure route when ILS Runway 6/ADF No. 2 approaches are in use at St. Louis. Accordingly, this north alternate segment of V–14 is being retained.

The substance of the proposed amendments having been published and for the reasons stated in the notice and herein, the following actions are taken:

Section 71.123 (29 F.R. 1009) is amended as follows:

a. In V–4 "Hallsville, Mo., including an N alternate from Kansas City to Hallsville via INT of Kansas City 076° and Hallsville 292° radials;" is deleted and "Hallsville, Mo.;" is substituted therefor.

b. In V–9 "Farmington, Mo., including a W alternate;" is deleted and "Farmington, Mo.;" is substituted therefor.

c. In V–14 "Springfield, Mo., including an N alternate via INT of Neosho 044° and Springfield 261° radials and also" is deleted and "Springfield, Mo., including" is substituted therefor.

d. V–179 is amended to read:

V–179 From Paducah, Ky., to Centralia, Ill.

e. In V–210 "Hallsville, Mo., including an N alternate via INT of Kansas City 076° and Hallsville 292° radials;" is deleted and "Hallsville, Mo.;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 3, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2319; Filed, Mar. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 62–SW–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation, Alteration and Revocation of Federal Airways

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12943) stating that the Federal Aviation Agency proposed to take the following actions:

1. Designate a Federal airway from Amarillo, Tex., via a new VOR to be installed near Borger, Tex., at approximately latitude 35°46'00" N., longitude 101°23'45" W., to Liberal, Kans., including a west alternate from Borger to Liberal.

2. Extend VOR Federal airway No. 272 from Sayre, Okla., direct to Borger, direct to Dalhart, Tex.

3. Realign VOR Federal airway No. 140 north alternate from Amarillo via the intersection of Amarillo 072° and the Sayre direct Borger radial, to Sayre.

4. Realign VOR Federal airway No. 12 north alternate from Amarillo, via Borger, the intersection of Borger 061° and Gage, Okla., 249° True radials, to Gage.

5. Revoke the segment of VOR Federal airway No. 81 east alternate from Amarillo to Dalhart.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

Subsequent to publication of the notice, the site of the Borger VOR has been determined as latitude 35°48'25" N., longitude 101°22'54" W. This adjustment to the original site will require only slight alteration to the airway alignments proposed in the notice.

In consideration of the foregoing, the following actions are taken:

Section 71.123 (29 F.R. 1009) is amended as follows:

1. V–304 "From Amarillo, Tex., via Borger, Tex.; to Liberal, Kans., including a W alternate via the INT of Borger 354° and Liberal 233° radials (11 miles wide from 45 nautical miles from Borger to the INT of Borger 354° and Liberal 233° radials)." is added.

2. In V–272 "From Sayre, Okla., via" is deleted and "From Dalhart, Tex., via Borger, Tex.; Sayre, Okla.;" is substituted therefor.

3. In V–140 "via Sayre, Okla., including an N alternate;" is deleted and "via Sayre, Okla., including an N alternate via the INT of Amarillo 072° and Sayre 289° radials;" is substituted therefor.

4. In V–12 "Gage, Okla., including an N alternate;" is deleted and "Gage, Okla., including an N alternate via Borger, Tex., and the INT of Borger 061° and Gage 249° radials;" is substituted therefor.

5. In V–81 "Amarillo, Tex., including an E alternate;" is deleted and "Amarillo, Tex.;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 3, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2321; Filed, Mar. 10, 1964; 8:46 a.m.]

[Airspace Docket No. 63–SO–69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Alteration of Federal Airway

On October 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10550) stating that the Federal Aviation Agency proposed to redesignate the south alternate of VOR Federal airway No. 18 between Monroe, La., and Jackson, Miss., as a standard alternate.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reasons stated in the notice, the following action is taken: In § 71.123 (29 F.R. 1009) V–18 "an S alternate via INT of Monroe 110° and Jackson 248° radials;" is deleted and "an S alternate;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 4, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2322; Filed, Mar. 10, 1964; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 4036; Amdt. 703]

PART 507—AIRWORTHINESS DIRECTIVES

Beech Model 23 Aircraft

Several instances of failure of the cabin heater/muffler weld assembly have occurred on Beech Model 23 aircraft. In these failures the tail pipe stub portion becomes detached from the heat exchanger core of the heat muffler and drops down leaving approximately a ½ inch gap. This opening allows a large quantity of exhaust gases to mix with cabin air when the cabin heat is used. To correct this unsafe condition, an airworthiness directive is being issued to require modification or deactivation of the heater/muffler shroud assemblies.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BEECH. Applies to all Model 23 aircraft prior to Serial Number M–555 except Serial Number M–1.

Compliance required within 10 hours' time in service after the effective date of this AD, unless already accomplished.

Failures of the cabin heater/muffler weld assembly, Beech P/N 169–950010–21, have occurred. Such failures can cause hazardous quantities of carbon monoxide to enter the cabin when cabin heat is used. To preclude carbon monoxide contamination of cabin air, accomplish either of the following:

(a) Install a stainless steel dam around the exhaust tube between the muffler assembly and heater shroud assembly in accordance with Beechcraft Service Bulletin No. 64–1 dated January 13, 1964; or

(b) Render the cabin heat and windshield defrost system inoperative by positively securing in the closed position the sliding doors of both the cabin heat and the defrost valves in the airplane firewall.

This amendment shall become effective March 17, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 5, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64–2323; Filed, Mar. 10, 1964; 8:46 a.m.]

[Reg. Docket No. 3040; Amdt. 702]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring removal of the nylon covers from the generator and bus-tie contractors, and replacement or modification on Boeing Models 707 and 720 Series aircraft was published in 29 F.R. 437.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft.

Compliance required within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

To eliminate possible inflight electrical fire in the J6 electrical distribution panel as a result of heat generated by a loose terminal on a generator contactor, modify the J6 electrical distribution center as follows:

(a) Remove the nylon terminal covers from the generator and bus-tie circuit breakers 50086–001, –002 or –003 and external power contactor B102D or B102F.

(b) Replace the vinyl covered braid connections BAC J40D–30–24 between each generator circuit breaker and bus-tie circuit breaker with No. 4 gauge high temperature wire jumpers manufactured from MIL–W–7139A, Type I, Class A wire, or equivalent.

(c) Replace capacitors 28F345 with General Electric capacitors 49F2204 (pyranol) or equivalent.

(d) Replace synchronizing bus radio noise filter capacitors CP53B1EF205K with Sprague Electric 121P20506T13 capacitors (dry metalized paper), or equivalent.

(e) Reroute wiring to the auxiliary negative sequence relays separate from all other wires in the a.c. power shield.

(f) Modifications (a) through (e) shall be accomplished in accordance with Paragraph 3, Modification Data of Boeing Service Bulletin No. 1720, or a method approved by FAA Engineering and Manufacturing Branch, Western Region.

(Boeing Service Bulletin No. 1720 covers this same subject.)

This amendment shall become effective April 13, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 5, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64–2324; Filed, Mar. 10, 1964; 8:46 a.m.]

[Docket No. 3020; Amdt. 700]

PART 507—AIRWORTHINESS DIRECTIVES

Flottorp Models F12A–3 and F12A–5 Series Propellers

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring removal and replacement of the bolts with new bolts on Flottorp Models F12A–3 and F12A–5 Series propellers was published in 28 F.R. 14272.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment was received which suggested that the bolts be changed to AN 4H6A or that extra washers be placed under the longer bolts since it was considered impractical to determine if the AN 4H7A bolts bottom out before reaching required torque. The AD has been revised to specify AN 4H6A bolts; however, the use of additional washers is not acceptable as this could upset propeller balance. There was also a comment that the condition was corrected by Flottorp Service Bulletin No. 2. Flottorp Service Bulletin No. 2 was issued to correct spinner failures resulting from use of the spinner bulkhead with oversized inside diameters and is unrelated to this AD.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

FLOTTORP. Applies to all F12A–3 and F12A–5 Series propellers with FS200–1 propeller spinner.

Compliance required as indicated.

Within 15 hours' time in service after the effective date of this AD, accomplish the following rework unless already accomplished:

Remove the six AN 4H7A bolts attaching the 248–1 spinner bulkhead to the propeller flange and reinstall six shorter AN 4H6A bolts. The old AN 960–416L washers may be reused. Torque bolts to 70 to 90 inch-pounds. Safety wire all boltheads with MS20995–C32 safety wire.

This amendment shall become effective April 10, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 3, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64–2325; Filed, Mar. 10, 1964; 8:46 a.m.]

[Reg. Docket No. 3045; Amdt. 701]

PART 507—AIRWORTHINESS DIRECTIVES

Schleicher Models Ka2B, Ka6, K7 and K8 Gliders

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the elevator control push rods and repair or modification where necessary on Schleicher Models Ka2B, Ka6, K7 and K8 gliders was published in 29 F.R. 437.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SCHLEICHER. Applies to all Models Ka2B, Ka6, K7 and K8 gliders.

Compliance required as indicated.

A number of elevator control failures have occurred in service due to deflection of a long unsupported section of the push pull control rod and some manufacturing deviations. To preclude recurrence of these failures, the following shall be accomplished:

(a) Each glider shall be inspected for conformity to Schleicher Service Document entitled "Automatic Elevator Connection" dated July 4, 1962, within the next 10 hours' time in service after the effective date of this AD.

(b) Models Ka2B, Ka6, K7 and K8 gliders not conforming to the document referred in (a) shall be repaired or modified before further flight. All repairs or modifications shall conform to standards specified in CAM 18.

(c) Unless already accomplished, install an additional push pull rod support in Models Ka2B, K7 and K8 gliders within the next 10 hours' time in service.

Model	*Modification No.*
Ka2B	No. 7 dated July 4, 1962
K7	No. 8 dated November 23, 1961
K8	No. 7 dated November 24, 1961

(Schleicher Service Document "Automatic Elevator Connection" dated July 4, 1962, for Models Ka2B, Ka6, K7 and K8, and Mod. No. 8 dated November 23, 1961, for Model K7, Mod. No. 7 dated November 24, 1961, for Model K8, and Mod. No. 7 dated July 4, 1962, for Model Ka2B, pertain to this same subject.)

This amendment shall become effective April 13, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 5, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64–2326; Filed, Mar. 10, 1964; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev., Export Regs., Amdt. No. 80]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Agricultural Commodities and Manufactures Thereof Covering Shipments to Subgroup A Destinations and Cuba

Section 373.5 *Licensing policy for agricultural commodities and manufactures thereof covering shipments to Subgroup A destinations and Cuba* is amended in the following particulars:

Subparagraph (3) *Certification* of paragraph (b) *Exportations and reexportations of wheat and wheat flour*, and subparagraph (2) *Certification* of paragraph (c) *Exportations and reexportations of agricultural commodities and manufactures thereof other than wheat or wheat flour*, are amended to read as follows:

§ 373.5 Licensing policy for agricultural commodities and manufactures thereof covering shipments to Subgroup A destinations and Cuba.

* * * * *

(b) *Exportations and reexportations of wheat and wheat flour.* * * *

(3) *Certification.* The exporter shall enter the following certification on the license application in the space entitled "additional information" or on an attachment thereto:

I (We) certify that with respect to the commodities described on this application (1) the price will be on the basis of the prevailing world price at the time the contract is concluded; (2) the payment will be made in United States dollars or gold; (3) the terms of sale will be cash or normal commercial credit; (4) the exportation from the United States will not be financed under Public Law 480; (5) the sale does not involve (me) (us) in any barter arrangement; (6) the commodities were produced in the United States; (7) at least 50 percent of the commodities exported under any export license resulting from this application will be exported in United States flag ocean carriers; and (8) promptly upon entering into a charter or other shipping arrangement for each shipment of commodities to be exported under any export license resulting from this application, the Maritime Administration will be notified of the name of the ship, the name of the ship operator, the ship's flag of registration, the quantity of such shipment, and the export license number under which the shipment is made.

NOTE: Notification of shipping arrangements should be addressed to the Office of Ship Operations, Maritime Administration, 441 G Street NW., Washington, D.C., 20235.

* * * * *

(c) *Exportations and reexportations of agricultural commodities and manufactures thereof other than wheat or wheat flour.* * * *

(2) *Certification.* The exporter shall enter on the license application in the space entitled "additional information" or on an attachment thereto, whichever one of the following certifications is applicable:

(i)

I (We) certify that with respect to the commodities described on this application (1) the terms of sale will be cash or normal commercial credit; (2) the exportation from the United States will not be financed under Public Law 480; (3) the commodities were produced in the United States; (4) the sale will not involve (me) (us) in any barter arrangement; (5) at least 50 percent of the commodities exported under any export license resulting from this application will be exported in United States flag ocean carriers; and (6) promptly upon entering into a charter or other shipping arrangement for each shipment of commodities to be exported under any export license resulting from this application, the Maritime Administration will be notified of the name of the ship, the name of the ship operator, the ship's flag of registration, the quantity of such shipment, and the export license number under which the shipment is made.

This certification shall be entered on a license application covering the exportation to the Union of Soviet Socialist Republics of any of the commodities described below:

Schedule B No.	*Commodity description*
10110------	Barley.
10315------	Corn, except seed.
10350------	Grain sorghums.
10410------	Oats.
10550------	Paddy or rough rice.
10571------	Milled rice.
10575------	Milled rice, containing 75% or more broken kernels.
10610------	Rye.
10990------	Grains, N.E.C.

(ii)

I (We) certify that with respect to the commodities described on this application (1) the terms of sale will be cash or normal commercial credit; (2) the exportation from the United States will not be financed under Public Law 480; (3) the commodities were produced in the United States; and (4) the sale will not involve (me) (us) in any barter arrangement.

This certification shall be entered on a license application covering the exportation to the Union of Soviet Socialist Republics of any agricultural commodity or manufacture thereof, except for wheat or wheat flour and except for a commodity listed in subdivision (i) of this subparagraph. It shall also be entered on a license application covering the exportation to any other Subgroup A country of any agricultural commodity or manufacture thereof, except for wheat or wheat flour.

* * * * *

This amendment shall become effective as of February 28, 1964.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-2452; Filed, Mar. 10, 1964; 11:09 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 238—RESIDUAL LUMP-SUM PAYMENTS

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), §§ 238.1(vi), 238.2 (a)(1), (b)(2) and 238.4(d) of Part 238 (20 CFR §§ 238.1(vi), 238.2(a)(1), 238.2(b)(2), 238.4(d)) of the Regulations under such act are amended by Board Order 64-27, dated February 26, 1964, to read as follows:

§ 238.1 Statutory provisions.

* * * * *

(vi) If there be no such widow, widower, child, grandchild, parent, brother, or sister, to the estate of such employee, a lump sum in an amount equal to the sum of 4 per centum of his or her compensation paid after December 31, 1936, and prior to January 1, 1947, plus 7 per centum of his or her compensation paid after December 31, 1946, and before January 1, 1959, plus 7½ per centum of his or her compensation paid after December 31, 1958, and before January 1, 1962, plus 8 per centum of his or her compensation paid after December 31, 1961 (exclusive of compensation in excess of $300 for any month before July 1, 1954, and in excess of $350 for any month after June 30, 1954, and before the calender month [June 1959] next following the month in which this Act was amended in 1959 [May 1959], and in excess of $400 for any month after the month in which this Act was so amended and before the calendar month [November 1963] next following the month in which this Act was amended in 1963 [October 1963], and in excess of $450 for any month after the month in which this Act was so amended), minus the sum of all benefits paid to him or her, and to others deriving from him or her, during his or her life, or to others by reason of his or her death, under this Act, and pursuant to subsection (k) of this section, under title II of the Social Security Act, as amended: *Provided, however*, That if the employee is survived by a widow, widower, or parent who may upon attaining age sixty be entitled to further benefits under this section, or pursuant to subsection (k) of this section, upon attaining * * * [the] age * * * [of eligibility] be entitled to further benefits under title II of the Social Security Act, as amended, such lump sum shall not be paid unless such widow, widower, or parent makes and files with the Board an irrevocable election, in such form as the Board may prescribe, to have such lump sum paid in lieu of all benefits to which such widow, widower, or parent might otherwise become entitled under this section or, pursuant to subsection (k) of this section, under title II of the Social Security Act, as amended. Such election shall be legally effective according to its terms. Nothing in this section shall operate to deprive a widow, widower, or parent making such election of any insurance benefits under title II of the Social Security Act, as amended, to which such widow, widower, or parent would have been entitled had this section not been enacted. The term "benefits" as used in this paragraph includes all annuities payable under this Act, lump sums payable under paragraph (1) of this subsection, and insurance benefits and lump sum payments under title II of the Social Security Act, as amended, puruant to subsection (k) of this section, except that the deductions of the

benefits which, pursuant to subsection (k)(1) of this section, are paid under title II of the Social Security Act, during the life of the employee to him or to her and to others deriving from him or her, shall be limited to such portions of such benefits as are payable solely by reason of the inclusion of service as an employee in "employment" pursuant to said subsection (k)(1). (Section 5(f)(2) of the act)

§ 238.2 Residual lump-sum payments.

(a) *Conditions of payment.* * * *

(1) The employee died on or after January 1, 1947; and

* * * * *

(b) *Persons entitled to receive payments.* * * *

(2) If the employee died after September 1958 and there was no designation of beneficiary in accordance with the provisions of § 238.3 or none of the persons described in subparagraph (1) of this paragraph is living at the time the residual lump-sum payment is to be made, such payment shall be made to the following person (or, if more than one, in equal shares to the following persons) whose relationship to the deceased employee will have been determined by the Board and who will not have died before receiving such payment: the widow or widower who was living with such employee at the time of the employee's death; child; grandchild; parent; or brother and sister.

* * * * *

§ 238.4 Election to have residual lump-sum payment awarded.

* * * * *

(d) *Deterred from filing election.* Where an individual files an election after attaining age 60 or the age of eligibility, whichever is applicable, the election shall be considered to have been timely filed, provided the individual was deterred from filing a timely election. For this purpose, it shall be considered that the individual was deterred from filing a timely election under the following circumstances:

(1) The individual notified the Board in writing prior to attaining age 60 or the age of eligibility, whichever is applicable, of his or her intention or desire to file an election and filed the election within 90 days after he or she was furnished with the prescribed form, or

(2) The individual had not been informed by the Board of the necessity for filing an election on a prescribed form at least 90 days before the end of the period in which a timely election can be filed, but did file the election before the award of monthly benefits and within 90 days after being furnished the prescribed form.

* * * * *

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228j)

Dated: March 4, 1964.

By authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 64-2335; Filed, Mar. 10, 1964; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-126, Corrected]

PART 1—RULES OF PRACTICE AND PROCEDURE

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 85—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

PART 87—AVIATION SERVICES

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

PART 97—AMATEUR RADIO SERVICE

PART 99—DISASTER COMMUNICATIONS SERVICE

Renewal and Modification of Radio Station Licenses; Correction

NOTE: This document supersedes in its entirety FCC 64-126 (F.R. Doc. 64-1988, 29 F.R. 2864).

In the matter of amendment of Parts 1, 81, 83, 85, 87, 89, 91, 93, 97 and 99 of the Commission's rules to implement Public Laws 87-439 so as to permit early renewal of licenses in the Safety and Special Radio Services.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of February 1964;

The Commission having under consideration certain of its rules in Parts 1, 81, 83, 85, 87, 89, 91, 93, 97 and 99 which pertain to grants of renewal and/or renewal and modification of radio station licenses; and

It appearing, that, Public Law 87-439, approved April 27, 1962, (76 Stat. 58) amending section 307(e) of the Communications Act of 1934, as amended, authorizes the Commission to renew radio station licenses in the Safety and Special Radio Services more than 30 days prior to the expiration of the original license; and

It further appearing, that the rules governing these services should be amended to implement Public Law 87-439; and

It further appearing, that the amendments ordered herein are procedural in nature and would remove a restriction and hence the prior notice and effective date provisions of section 4 of the Administrative Procedure Act do not apply; and

It further appearing, that authority for adopting the amendments herein is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, Effective March 18, 1964, that Parts 1, 81, 83, 85, 87, 89, 91, 93, 97 and 99, are amended as shown below.

Released: March 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

NOTE: Rules changes herein will be covered by T.S. I(63)-1, T.S. V(64)-1, T.S. VI(64)-1, and revised edition of Volume IV being prepared.

1. Section 1.926(c) is amended to read:

§ 1.926 Application for renewal of license.

* * * * *

(c) All applications for renewal of license must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

2. Section 81.37 is amended to read:

§ 81.37 Renewal of license.

Application for renewal of station license shall be submitted on FCC 405-A. All applications for renewal of license must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

3. Section 81.39(a) (1) and (5) is amended to read:

§ 81.39 Applications filed concurrently.

(a) * * *

(1) Applications for modification of station license and for renewal of station license.

* * * * *

(5) Applications for renewal of station license and for consent to voluntary assignment or transfer of control of station license.

* * * * *

§ 81.66 [Deleted]

4. Section 81.66 is deleted in its entirety.

§ 81.67 [Deleted]

5. Section 81.67 is deleted in its entirety.

6. Section 83.34 is amended to read:

[1] Commissioners Bartley, Ford, and Loevinger absent.

§ 83.34 Renewal of license.

All applications for renewal of license must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 83.65 [Deleted]

7. Section 83.65 is deleted in its entirety.

8. Section 85.65(b) is amended to read:

§ 85.65 Rules in other parts applicable.

* * * * *

(b) So far as they are consistent with this part, the following rule sections contained in Subpart C of Part 81 of this chapter shall apply to stations of the fixed service subject to this part: §§ 81.61, 81.62, 81.64, 81.69, 81.70, 81.71 (a) and (b) and 81.73. Section 81.63, except subparagraphs (1) and (2) of paragraph (b), shall apply to stations of the fixed service subject to this part.

9. Section 87.125 is amended to read:

§ 87.125 Application for renewal of license.

All applications for renewal of license must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

10. Section 89.59(g) is amended to read:

§ 89.59 Standard forms to be used.

* * * * *

(g) Application for renewal of station license shall be submitted on FCC 405–A. All applications for renewal must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

* * * * *

11. Section 91.56(g) is amended to read:

§ 91.56 Standard forms to be used.

* * * * *

(g) Application for renewal of station license shall be submitted on FCC 405–A. All applications for renewal must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

* * * * *

12. Section 93.56(f) is amended to read:

§ 93.56 Standard forms to be used.

* * * * *

(f) Application for renewal of station license shall be submitted on FCC 405–A. All applications for renewal must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

13. In Section 97.13, paragraph (d) is amended and a new paragraph (e) is added to read:

§ 97.13 Renewal or modification of amateur operator license.

* * * * *

(d) Application for renewal and/or modification (change of address, etc.) of an amateur operator license shall be submitted on FCC Form 610 and shall be accompanied by the applicant's license. Application for renewal of unexpired licenses must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of an unexpired license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(e) If a license is allowed to expire, application for renewal may be made during a period of grace of one year after the expiration date. During this one year period of grace, an expired license is not valid. A license renewed during the grace period will be dated currently and will not be backdated to the date of its expiration. Application for renewal shall be submitted on FCC Form 610 and shall be accompanied by the applicant's expired license.

* * * * *

14. Section 97.47 is amended to read as follows:

§ 97.47 Renewal and/or modification of amateur station license.

(a) Application for renewal and/or modification (change of address, etc.) of any station license shall be submitted on FCC Form 610. In every case the application shall be accompanied by the applicant's license. Applications for renewal of unexpired licenses must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of an unexpired license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(b) If a license is allowed to expire, application for renewal may be made during a period of grace of one year after the expiration date. During this one year period of grace, an expired license is not valid. A license renewed during the grace period will be dated currently and will not be backdated to the date of expiration. Applications shall be submitted on FCC Form 610 and shall be accompanied by the applicant's expired license.

15. Section 99.11(d) is amended to read:

§ 99.11 Applications.

* * * * *

(d) Application for renewal of station license shall be submitted on FCC 405–A. All applications for renewal must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

* * * * *

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[F.R. Doc. 64–2378; Filed, Mar. 10, 1964; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 954]

PART 95—CAR SERVICE

Wellsville, Addison & Galeton Railroad Corp. Authorized To Operate Over Certain Trackage of New York Central Railroad Co.

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 5th day of March A.D. 1964.

It appearing, That the Wellsville, Addison & Galeton Railroad Corporation has filed application, Finance Docket No. 22971, for a certificate authorizing the acquisition and operation of certain portions of the Cowanesque Valley Branch of the line of railroad formerly operated by The New York Central Railroad Company, abandoned pursuant to order in Finance Docket No. 22592. The Commission is of the opinion that there is need for service over this line of railroad pending decision in Finance Docket No. 22971 and that operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty day's notice.

It is ordered, That

§ 95.954 Service Order No. 954.

(a) *Wellsville, Addison & Galeton Railroad Corporation authorized to operate over certain trackage of the New York Central Railroad Company.* The Wellsville, Addison & Galeton Railroad Corporation be, and it is hereby, authorized to operate over and perform service over certain trackage of The New York Central Railroad Company consisting of 8,846 feet of railroad track at Westfield; 4,159.5 feet of railroad track at Knoxville; and 1,450 feet of railroad track at Phillips, all in Tioga County, Commonwealth of Pennsylvania.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 9, 1964.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1964, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies Secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon The American Short Line Railroad Association, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–2358; Filed, Mar. 10, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Sabine National Wildlife Refuge, Louisiana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations, sport fishing; for individual wildlife refuge areas.

LOUISIANA

SABINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sabine National Wildlife Refuge, Louisiana, is permitted only on the areas designated by signs as open to fishing. Waters open to fishing are included within an area comprising 24,500 acres or 17 percent of the total area of the refuge. This open area comprises the interior of Pool 1b, the roadside canal adjacent to State Highway 27 and that portion of the refuge east of State Highway 27 including the East Cove area, and is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, yellow bass, white bass, crappie, sunfish, and other minor species permitted by State regulations.

(b) Open season: March 15, 1964, through October 15, 1964. From 45 minutes before sunrise to 45 minutes after sunset.

(c) Daily creel limits: Black bass—15, white bass—25, yellow bass—25, crappie—50, sunfish—100. Other creel limits for minor species are as prescribed by State regulations.

(d) Methods of fishing: Hand line, rod and reel, pole and line, and artificial and live bait permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Boats with outboard motors no larger than 10 h.p. permitted in refuge impounded areas. No size restriction on boats with motors in the canals and rivers.

(3) Boat access into Pool 1b will be restricted to bridge site(s) on Road Canal—Boats will not be pulled across dikes.

(4) Boats may be left in Pool 1b during the fishing season but must bear the owner's name and address. Mooring of boats remaining in Pool 1b is restricted to a special designated site. Boats found moored in other areas or without required indentification will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season. Fishermen are not to enter refuge waters earlier than 45 minutes before sunrise and shall leave refuge waters before 45 minutes after sunset.

(5) Travel over the refuge is restricted to waterways.

(6) A Federal permit is not required to enter the public fishing area.

(7) The provisions of this special regulation are effective to October 16, 1964.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 3, 1964.

[F.R. Doc. 64–2336; Filed, Mar. 10, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 146]

FOOD ADDITIVES; ANTIBIOTIC DRUGS

Procaine Penicillin, Bacitracin, Bacitracin Methylene Disalicylate, Zinc Bacitracin, Streptomycin Sulfate: Proposal To Establish and Amend Animal Feed Regulations

I. Upon consideration of information available to the Food and Drug Administration with respect to procaine penicillin in medicated poultry and swine feeds, alone or in combination with other additives permitted by regulations under the provisions of sections 409 and 507 of the Federal Food, Drug, and Cosmetic Act, the Commissioner of Food and Drugs has determined that establishment by regulation in Part 121 of conditions under which such additives may be safely used would be in the public interest. He has also concluded that the regulations for bacitracin and zinc bacitracin should be amended where antibiotics are combined with procaine penicillin from 100 grams to 500 grams per ton in the combination. These combination antibiotics have been shown to be safe and effective when combined in specified ratios, and these amendments so provide. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785; 21 U.S.C. 348), and delegated to the Commissioner by the Secretary (25 F.R. 8625), it is proposed to amend Part 121, as follows:

1. By adding to Subpart C the following new section:

§ 121.256 Procaine penicillin.

The food additive procaine penicillin may be safely used in accordance with the following prescribed conditions:

(a) Procaine penicillin is the procaine salt of the antibiotic substance produced by the growth of *Penicillium notatum* or *Penicillium chrysogenum* or the same antibiotic substance produced by any other means, and for the purposes of this Part 121 refers to procaine penicillin or feed-grade procaine penicillin.

(b) The antiobiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of procaine penicillin alone and with certain other additives in medicated feeds are described in tabular form in this section and the tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with another ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the principal ingredients indicated by the numbered entry in the "principal ingredient" column. Where principal and secondary ingredients have been mixed, the applicable "limitations" and "indications for use" from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredients and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredients may not be mixed with secondary ingredients.

(4) Where cross-references specify a particular table and numbered line item of another section, use of only the principal ingredient or principal ingredient combination indicated by the cross-reference is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section but may include other ingredients listed as numbered line items. Such term is not intended to imply that the ingredient or combination is of greater value than any other additives named in this section.

(d) The additive is used or intended for use as follows:

TABLE 1—PROCAINE PENICILLIN IN CHICKEN AND TURKEY FEEDS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Penicillin + bacitracin.	10–50			For chickens; 12.5 gm. of penicillin + 37.5 gm. of bacitracin first 4 to 6 weeks of egg production; not less than 2.5 gm. nor more than 12.5 gm. of penicillin + not less than 7.5 gm. nor more than 37.5 gm. of bacitracin for remainder of laying period; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Maintaining or increasing egg production.
a. 1.1	10–50	Hygromycin B	8–12	For chickens	§ 121.213(c), table 1, item 1.
2.1 Penicillin + streptomycin.	22.5			For chickens; 22.5 gm. of combination; 3.75 gm. of penicillin + 18.75 gm. of streptomycin; as procaine penicillin + streptomycin sulfate.	Maintaining or increasing egg production.
a. 2.1	22.5	Hygromycin B	8–12	For chickens	§ 121.213(c), table 1, item 1.
3.1 Penicillin	50–100			For chickens; as procaine penicillin.	Prevention of complicated chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).
3.2 Penicillin + bacitracin.	50–100			For chickens; 50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Do.
a. 3.1 or 3.2	50–100	Hygromycin B	8–12	For chickens	§ 121.213(c), table 1, item 1.
4.1 Penicillin	50–100			For turkeys; as procaine penicillin.	Prevention of infectious sinusitis, blue comb (mud fever).
4.2 Penicillin + bacitracin.	50–100			For turkeys; 50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Do.
5.1 Penicillin + streptomycin.	90			For chickens; 90 gm. of combination; 15 gm. of penicillin + 75 gm. of streptomycin; as procaine penicillin + streptomycin sulfate.	Treatment of complicated chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
a. 5.1	90	Amprolium	36.3–227	Not for laying chickens; as prescribed in § 121.210(c), table 1, items 2.1 and 3.1.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 5.1	90	Amprolium + ethopabate.	113.5–227 3.6	Not for laying chickens; as prescribed in § 121.210(c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 5.1	90	Hygromycin B	8–12	For chickens	§ 121.213(c), table 1, item 1.
6.1 Penicillin + streptomycin.	90			For chickens; 90 gm. of combination; 15 gm. of penicillin + 75 gm. of streptomycin; as procaine penicillin + streptomycin sulfate.	Maintaining or increasing hatchability of eggs.
a. 6.1	90	Hygromycin B	8–12	For chickens	§ 121.213(c), table 1, item 1.

TABLE 1—PROCAINE PENICILLIN IN CHICKEN AND TURKEY FEEDS—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
16.1 Penicillin + bacitracin.	100–500			For chickens; 100–500 gm. of combination; containing not less than 50% nor more than 75% of bacitracin, except that it contains not more than 125 gm. of penicillin; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Treatment of complicated chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
17.1 Penicillin + bacitracin.	100–500			For turkeys; 100–500 gm. of combination, containing not less than 50% nor more than 75% of bacitracin, except that it contains not more than 125 gm. of penicillin; as procaine penicillin + bacitracin or zinc bacitracin.	Treatment of infectious sinusitis, blue comb (mud fever).

TABLE 2—PROCAINE PENICILLIN IN SWINE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Penicillin + bacitracin.	50–100			For swine; 50–100 gm. of combination, containing not less than 25% and not more than 90% of penicillin; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Aid in the prevention of bacterial swine enteritis.
2. Penicillin + streptomycin.	45–90			For swine; 45–90 gm. of combination; containing 16.7% of penicillin; as procaine penicillin + streptomycin sulfate.	Do.
3. Penicillin + bacitracin.	100			For swine; 100 gm. of combination; not less than 25% nor more than 50% of penicillin; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Treatment of bacterial swine enteritis.
4. Penicillin + streptomycin.	90			For swine; 90 gm. of combination, containing 16.7% of penicillin; as procaine penicillin + streptomycin sulfate.	Do.

2. It is proposed to amend § 121.232 *Bacitracin* by designating the table in paragraph (d) as Table 1—Bacitracin in Complete Chicken and Turkey Feed, by changing the text in the limitations column in items 6.2, 7.2, and 8.2 in that table, and by adding to paragraph (d) a new table, as follows:

§ 121.232 Bacitracin.

* * *

(d) * * *

TABLE 1—PROCAINE PENICILLIN IN CHICKEN AND TURKEY FEEDS—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
7.1 Penicillin + streptomycin.	90			For turkeys; 90 gm. of combination; 15 gm. of penicillin + 75 gm. of streptomycin; as procaine penicillin + streptomycin sulfate.	Treatment of infectious sinusitis, blue comb (mud fever), hexamitiasis.
a. 7.1	90	Amprolium	113.5–227	As prescribed in § 121.210(c), table 1, item 1.1.	§ 121.210(c), table 1, item 1.1.
8.1 Penicillin + streptomycin.	90			For chicks; in starter ration; 90 gm. of combination; 15 gm. of penicillin + 75 gm. of streptomycin; as procaine penicillin + streptomycin sulfate.	Prevention of early mortality caused by bacteria susceptible to penicillin + streptomycin.
a. 8.1	90	Amprolium	36.3–227	As prescribed in § 121.210(c), table 1, items 2.1, 3.1.	§ 121.210(c), table 1, items 2.1, 3.1.
b. 8.1	90	Amprolium + ethopabate	113.5 227–3.6	As prescribed in § 121.210(c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 8.1	90	Hygromycin B	8–12	For chicks	§ 121.213(c), table 1, item 1.
9.1 Penicillin	100			For chickens; as procaine penicillin.	Treatment of complicated chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
a. 9.1	100	Hygromycin B	8–12	For chickens	§ 121.213(c), table 1, item 1.
10.1 Penicillin + bacitracin.	100			For chickens; 100 gm. of combination; 25 gm. of bacitracin; as procaine penicillin + 75 gm. of bacitracin methylene disalicylate, or zinc bacitracin.	Maintaining or increasing hatchability of eggs.
a. 10.1	100	Hygromycin B	8–12	For chickens	§ 121.213(c), table 1, item 1.
11.1 Penicillin + bacitracin.	100			For chickens; 100 gm. of combination; not less than 25 gm. of penicillin + not less than 50 gm. of bacitracin; as procaine penicillin + bacitracin methylene disalicylate.	Treatment of complicated chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
a. 11.1	100	Hygromycin B	8–12	For chickens	§ 121.213(c), table 1, item 1.
12.1 Penicillin + bacitracin.	100			For chickens; 100 gm. of combination; 25 gm. of penicillin + 75 gm. of streptomycin; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	During times of stress; prevention of disease caused by organisms susceptible to a combination of penicillin and bacitracin.
13.1 Penicillin + bacitracin.	100			For chicks; in starter ration; 100 gm. of combination; 25 gm. of penicillin + 75 gm. of bacitracin; as procaine penicillin + bacitracin methylene disalicylate.	Prevention of early mortality of chicks due to susceptible organisms.
a. 13.1	100	Hygromycin B	8–12	For chicks; in starter ration	§ 121.213(c), table 1, item 1.
14.1 Penicillin	100			For turkeys; as procaine penicillin.	Treatment of infectious sinusitis, blue comb (mud fever).
14.2 Penicillin + bacitracin.	100			For turkeys; 100 gm. of combination; not less than 25 gm. of penicillin + not less than 50 gm. of bacitracin; as procaine penicillin + bacitracin methylene disalicylate.	Do.
15.1 Penicillin + bacitracin.	100–500			For chicks; in starter ration; 100–500 gm. of combination, containing not less than 50% nor more than 75% of bacitracin, except that it contains not more than 125 gm. of penicillin; as procaine penicillin + bacitracin or zinc bacitracin.	Prevention of early mortility of chicks.

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

3. It is proposed to amend § 121.233 *Zinc bacitracin* by designating the table in paragraph (d) as Table 1—Zinc Bacitracin In Complete Chicken and Turkey Feed, by changing the text in the limitations column in items 6.2, 7.2, and 8.2 in that table and by adding to paragraph (d) a new table, as follows:

§ 121.233 Zinc bacitracin.

• • • • • • •

(d) • • •

TABLE 1—ZINC BACITRACIN IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
6.2 Bacitracin + penicillin.	100–500			For chickens; 100–500 gm. of combination, containing not less than 50% nor more than 75% of bacitracin except that it contains not more than 125 gm. of penicillin; as procaine penicillin + zinc bacitracin.	Do.
• • •	• • •	• • •	• • •	• • •	• • •
7.2 Bacitracin + penicillin.	100–500			For chicks; in starter ration; 100–500 gm. of combination, containing not less than 50% nor more than 75% of bacitracin except that it contains not more than 125 gm. of penicillin; as procaine penicillin + zinc bacitracin.	Do.
• • •	• • •	• • •	• • •	• • •	• • •
8.2 Bacitracin + penicillin.	100–500			For turkeys; 100–500 gm. of combination, containing not not less than 50% nor more than 75% of bacitracin except that it contains not more than 125 gm. of penicillin; as procaine penicillin + zinc bacitracin.	Do.

TABLE 2—ZINC BACITRACIN IN COMPLETE SWINE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Bacitracin	50–100			For swine; as zinc bacitracin	Aid in the prevention of bacterial swine enteritis. Do.
1.2 Bacitracin + penicillin.	50–100			For swine; 50–100 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin; as zinc bacitracin + procaine penicillin.	
2.1 Bacitracin	100			For swine; as zinc bacitracin	Treatment of bacterial swine enteritis. Do.
2.2 Bacitracin + penicillin.	100			For swine; 100 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin; as zinc bacitracin + procaine penicillin.	

4. It is proposed to amend § 121.252 *Bacitracin methylene disalicylate* by designating the table in paragraph (d) as Table 1—Bacitracin Methylene Disalicylate In Complete Chicken and Turkey Feed, and by adding to paragraph (d) a new table as follows:

§ 121.252 Bacitracin methylene disalicylate.

• • • • • • • •

(d) • • •

TABLE 2—BACITRACIN METHYLENE DISALICYLATE IN COMPLETE SWINE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Bacitracin	50–100			For swine; as bacitracin methylene disalicylate.	Aid in the prevention of bacterial swine enteritis. Do.
1.2 Bacitracin + penicillin.	50–100			For swine; 50–100 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin; as bacitracin methylene disalicylate + procaine penicillin.	
2.1 Bacitracin	100			For swine; as bacitracin methylene disalicylate.	Treatment of bacterial swine enteritis. Do.
2.2 Bacitracin + penicillin.	100			For swine; 100 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin; as bacitracin methylene disalicylate + procaine penicillin.	

5. Based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that a tolerance limitation is required in order to assure that the use of the food additive streptomycin in accordance with § 121.1025 will not cause the edible tissues of swine to be unsafe. Therefore, it is proposed to revise § 121.1025 to read as follows:

§ 121.1025 Streptomycin.

A tolerance of zero is established for residues of streptomycin in the edible tissues of chickens, turkeys, and swine, and in eggs.

(Sec. 409, 72 Stat. 1785; 21 U.S.C. 348)

II. Under the authority vested in the Secretary of Health, Education, and Welfare, by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the Commissioner finds that swine feed containing specified antibiotics is safe and efficacious for use in the amounts and under the conditions prescribed in Part 121 of this chapter. Therefore, it is proposed to amend § 146.26 *Animal feed containing certifiable antibiotic drugs* as set forth below:

1. It is proposed to amend paragraph (b)(6) by changing the third clause of the first sentence to read as follows: "or if it is intended solely for use as an aid in the prevention of bacterial swine enteritis, it contains, per ton of feed, not less than 45 grams nor more than 90 grams of penicillin and streptomycin in a combination containing 16.7 percent penicillin."

2. It is proposed to amend paragraph (b)(9) by changing that portion of the first sentence following the words "except that if it contains the combination drug and it is intended" to read: "as an aid in the prevention of bacterial swine enteritis, it contains per ton of feed, not less than 50 grams nor more than 100 grams of bacitracin or a combination of bacitracin plus penicillin; if it is the combination drug, it contains not less than 50 percent nor more than 75 percent of bacitracin."

(Sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c))

All interested persons are hereby invited to present written views, comments, or objections regarding this proposal within 30 days from the date of publication of this proposal in the FEDERAL REGISTER. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C., 20201.

Dated: March 3, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2246; Filed, Mar. 10, 1964; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-18]

CONTROLLED AIRSPACE

Extension of Time for Comments

In a notice of proposed rule making published in the FEDERAL REGISTER on January 17, 1964 (29 F.R. 435), it was stated that the Federal Aviation Agency proposed to alter control area 1408; amend the description of VOR Federal airway No. 157; make editorial changes in the descriptions of VOR Federal airways Nos. 51, 225, 1507 and 1511; and proposed non-rule-making action to alter warning area W-173.

In accordance with the terms of the notice, the time of public comment expires forty-five days after the date of publication in the notice. The Department of the Navy has informed the Federal Aviation Agency that it wishes to present additional data on the proposals contained in the notice and requested that additional time be allotted for the submission of such data. This request appears to be reasonable. Therefore, in order to provide the Navy and other interested persons a further opportunity to submit additional written data, views or arguments, the date for filing such material is extended to March 20, 1964. In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.65), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 63-WA-18 is extended to March 20, 1964. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510 and Executive Order 10854, 24 F.R. 9765)

Issued in Washington, D.C., on March 4, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2327; Filed, Mar. 10, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-95]

FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 (New) of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 154 is designated in part from Meridian, Miss., via INT of Meridian 089° and Montgomery, Ala., 282° radials; to Montgomery. VOR Federal airway Nos. 209 and 1783 are designated from Mobile, Ala., via INT of Mobile 356° and Tuscaloosa, Ala., 223° radials; to Tuscaloosa.

The FAA is commissioning a new VOR in the vicinity of Kewanee, Miss. (latitude 32°22'00" N., longitude 88°27'30" W.) on or about April 15, 1964. The Agency has under consideration the following actions predicated on this new facility.

1. Realign V-154 from Meridian via Kewanee; Selma, Ala.; to Montgomery.

2. Realign V-209 from Mobile as a 10-mile wide airway to the intersection of the Mobile 356° and the Hattiesburg 080° True radials; thence 8-mile wide airway to Kewanee; thence 10-mile wide airway to Tuscaloosa.

3. Realign V-1783 from Mobile as a 10-mile wide airway to the intersection of the Mobile 356° and the Hattiesburg VOR 080° True radials; thence 8-mile wide airway to Kewanee; thence 10-mile wide airway to Tuscaloosa.

The proposed airway realignments via the Kewanee VOR would provide more precise navigational guidance for aircraft operating along these airway segments which are adjacent to the Craig Air Force Intensive Student Jet Training Areas Nos. 1 and 2. In addition, utilization of the Kewanee VOR would permit reduction in airway widths and a slight expansion of the western boundary of the Craig Intensive Student Jet Training Area No. 2. Concurrent with the airway realignments proposed here-

in, the FAA is considering the following nonrule-making action to redescribe the Craig Intensive Student Jet Training Area No. 2 boundaries as follows:

Craig ISJTA No. 2 boundaries:

Beginning at latitude 32°16'00" N., longitude 88°22'00" W.; thence to latitude 32°16'-00" N., longitude 87°06'00" W.; thence to latitude 32°12'00" N., longitude 87°00'00" W.; thence to latitude 32°12'00" N., longitude 86°49'00" W.; thence to latitude 32°-06'00" N., longitude 86°42'00" W.; thence to latitude 31°38'00" N., longitude 87°31'00" W.; thence to latitude 31°32'00" N., longitude 88°05'00" W.; thence to latitude 31°35'-00" N., longitude 88°06'00" W.; thence to latitude 31°35'00" N., longitude 88°19'00" W.; to point of beginning.

The time of use and altitudes for Craig Intensive Student Jet Training Area No. 2 would remain as presently established.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 3, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2328; Filed, Mar. 10, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-53]

FEDERAL AIRWAY SEGMENTS

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 (New) of the Federal Aviation Regulations, the subject of which is stated below.

Amber Federal airway No. 1 is designated from Red Bluff, Calif., to the United States/Canadian border. The Federal Aviation Agency is considering the revocation of the segments of this airway from Red Bluff to Eugene, Oreg., and from Portland, Oreg., to Seattle, Wash. The latest Federal Aviation Agency IFR peak day airway traffic survey for Amber 1 shows a maximum of 4 aircraft movements on any two segments between Red Bluff and Eugene, and only 1 aircraft movement between Portland and Seattle. Therefore, it appears that the segments of Amber 1 between Red Bluff and Eugene, and between Portland and Seattle are unjustified as an assignment of airspace. In addition, these segments are adequately served by VOR Federal airway No. 23. Accordingly, the Federal Aviation Agency proposes to revoke these segments of Amber 1. Adoption of this proposal would not result in the discontinuance of the low frequency navigational aids associated with these airway segments. Any proposals to discontinue one or more of these aids would be circularized separately and interested persons would be afforded an opportunity to comment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 3, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2329; Filed, Mar. 10, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-71]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 (New) of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 25 is designated in part from Paso Robles, Calif., to Salinas, Calif., via the intersection of the Paso Robles 317° and the Salinas 147° True radials, including an east alternate segment between these points via the intersection of the Paso Robles 332° and the Salinas 131° True radials.

The FAA is considering realignment of V-25 main airway segment from Paso Robles direct to Salinas, and realignment of the east alternate segment via the intersection of the Paso Robles 342° and the Salinas 131° True radials. The direct realignment of V-25 main airway segment would provide a shorter route between Paso Robles and Salinas. The realignment of V-25 east alternate would provide lateral separation from the eastern boundary of R-2504 Restricted Area to permit simultaneous use of the east alternate airway segment while the restricted area is being utilized for its designated purpose.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 4, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2330; Filed, Mar. 10, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-EA-3]

FEDERAL AIRWAY SEGMENT AND CONTROL AREA EXTENSION

Proposed Revocation and Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 (New) of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 119 is designated in part from London, Ky., to Newcombe, Ky. The latest FAA IFR peak day airway traffic survey shows a maximum of three aircraft movements for this segment of V-119. Therefore, it appears that this airway segment is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

The Lexington, Ky., control area extension is designated in part with reference to a boundary line described by the segment of V-119 proposed herein for revocation. The FAA proposes that this boundary line be redescribed by a line 8 miles southeast and parallel to the Newcombe 221° True radial. This redescribed boundary would slightly increase the southeastern portion of the Lexington control area extension. This would provide controlled airspace for protection of aircraft holding west of the Newcombe VOR utilizing the 264° magnetic radial.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 4, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2332; Filed, Mar. 10, 1964; 8:47 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 64-EA-4]

RESTRICTED AREA AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 71.123 and 73.66 of the Federal Aviation Regulations, the substance of which is stated below.

The Camp Pickett, Va., Restricted Area R-6602 is an area of 44 square miles assigned to the Commanding General, Second United States Army, Fort Meade, Md., for artillery and infantry high trajectory weapons firing. The area is designated for continuous use from June 1 through September 8; 0600 e.s.t. Saturday to 2200 e.s.t. Sunday from September 9 through May 31; other times after issuance of NOTAMS by the using agency at least 48 hours in advance. When activated by NOTAM, another NOTAM shall be issued upon termination of use. The designated altitudes of R-6602 are surface to 18,500 feet MSL.

The Department of the Army has advised the Federal Aviation Agency that due to the reorganization and assignment of additional weapons to using organizations of Camp Pickett, the firing areas within the present boundaries of R-6602 are insufficient in number to meet all firing requirements. The Army has requested that 14 additional firing areas located outside the southeast boundary of R-6602 be included in the restricted area. The inclusion of these firing positions within the boundaries of R-6602 would require the designation of approximately four additional square miles of restricted airspace from the surface to 1,900 feet MSL. Since the modified restricted area would coincide with a portion of VOR Federal airway No. 157, it is proposed that the description of this airway be amended to exclude the airspace within R-6602.

If these actions are taken:

1. R-6602 Camp Pickett, Va., would be amended to read:

R-6602 Camp Pickett, Va.:

Boundaries. Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°02'43" N., longitude 77°50'38" W.; to latitude 37°01'05" N., longitude 77°50'43" W.; to latitude 36°59'50" N., longitude 77°50'34" W.; to latitude 36°57'58" N., longitude 77°52'14" W.; to latitude 36°57'54" N., longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N., longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to point of beginning.

Designated altitudes. The area northwest of a line between latitude 37°01'05" N., longitude 77°50'43" W. and latitude 36°57'54" N., longitude 77°53'19" W., surface to 18,500 feet MSL. The area southeast of this line, surface to 1,900 feet MSL.

Time of designation. Continuous from June 1 through September 8; 0600 EST Saturday to 2200 EST Sunday from September 9 through May 31; other times after issuance of NOTAMS by the using agency at least 48 hours in advance. When activated by NOTAM, another NOTAM shall be issued upon termination of use.

Using agency. Commanding General, Second United States Army, Fort Meade, Md.

2. The description of Victor 157 would be amended to exclude the airspace within R-6602.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 3, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2331; Filed, Mar. 10, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 4035]

GENERAL DYNAMICS MODELS 22, 22M, 30, AND 30A SERIES AIRCRAFT

Proposed Airworthiness Directive

The Federal Aviation Agency has under consideration a proposal to amend Part

507 of the Regulations of the Administrator to include an airworthiness directive for General Dynamics Models 22, 22M, 30, and 30A Series aircraft. Several instances of inadvertent operation of the engine air turbine starter at continuous overspeeds with subsequent failure of the starter have occurred in flight, resulting in extensive damage to the surrounding nacelle structure and propulsion systems. To correct this unsafe condition, this AD requires the installation and use of an improved warning system.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. All communications received on or before April 10, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

GENERAL DYNAMICS. Applies to all Models 22, 22M, 30, and 30A Series aircraft.

Compliance required within 1,500 hours' time in service after the effective date of this AD unless already accomplished.

Inadvertent operation of the engine air turbine starter at continuous overspeeds has occurred in flight. To preclude starter failures of this nature, the following modifications and airplane flight manual procedures are required:

(a) Modify the Models 22, 22M, 30, and 30A starter operation warning systems to include a master warning light indication when the starter valve is in the open position in accordance with the following General Dynamics/Convair Service Bulletins or an FAA approved equivalent:

(1) General Dynamics/Convair Service Bulletin 880 S.B. No. 80-5 for the Model 22.

(2) General Dynamics/Convair Service Bulletin 880M S.B. No. 80-2 for the Model 22M.

(3) General Dynamics/Convair Service Bulletin 990 S.B. No. 80-1 or 80-3 for the Models 30 and 30A.

(b) FAA engineering approval of equivalent methods of complying with (a) shall be processed through the FAA, Flight Standards Division, Engineering and Manufacturing Branch, Western Region.

(c) Revise the Emergency Procedures section of the appropriate FAA approved Airplane Flight Manual to incorporate the procedure for isolating a malfunctioning starter valve in flight as set forth in the following FAA approved General Dynamics/Convair Airplane Flight Manual revisions:

(1) Revision 73 to CS 59-061 dated December 17, 1963, for Model 22-2 and Revision 74 to CS 59-019 dated December 17, 1963, for the Model 22-1.

(2) Revision 34 to CS 61-008 dated December 17, 1963, for the Model 22M.

(3) Revision 32 to CS 61-048 dated December 17, 1963, for the Model 30.

(4) Revision 14 to CS 62-046 dated December 17, 1963, for the Model 30A.

Issued in Washington, D.C., on March 3, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2334; Filed, Mar. 10, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0, 1]

[Docket No. 15363; FCC 64-198]

NEW OR MODIFIED CALL SIGNS

Notice of Proposed Rule Making

In the matter of new § 1.550 and the amendment of § 0.241(c) of the Commission rules relating to requests for new or modified call signs for Standard, FM or Television Broadcasting Stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has under consideration a change in its procedures with respect to the assignment of call signs to broadcasting stations. Call signs are now assigned by the Office of the Chief Engineer under authority delegated in § 0.241(c) of the Commission rules as follows: If a permittee does not indicate a preference for a call sign, an appropriate one is assigned to him. If a permittee requests a specific call sign, it is assigned to him after a determination that it is available and assignable. Permittee can indicate his preference in writing, either personally or through his attorney. The same procedure is followed when an existing station requests a change of call sign.

3. This procedure has proved inadequate. In some instances stations in the same area as the applicant have objected to the assignment of a certain call sign on the basis of alleged similarity to their own call signs. The Commission then considers whether or not such call sign is sufficiently dissimilar from those of the objectors both phonetically and rhythmically so that there will be no significant likelihood of public confusion arising. The difficulties which have arisen as a result of such objections point to the need for revision of our procedure so that interested persons in the same area will have an opportunity to object to such requests before Commission action.

4. We are therefore proposing to amend our rules to provide that public notice will be given of such request and to indicate that no action will be taken thereon earlier than thirty days after the date of such notice. Applicants for new or modified call signs are therefore advised to take no action in reliance on securing said call sign until notified by the Commission that said request has been granted.

5. We are further proposing to amend our rules to require applicants for new or changed call signs for broadcasting stations to advise other broadcasting stations whose transmitters are within a thirty-five mile radius of applicant's transmitter of the intention to make such request. While we are aware that objections may be received from stations outside this area, by such notice the applicant will reach substantially all the stations which would be directly concerned.

6. We are of the view that it is unnecessary to include in the requirements of this section international broadcasting stations and stations in the experimental, auxiliary and special broadcasting service, and, therefore, do not propose to include them in the requirements of this rule.

7. Authority for the issuance of the proposed amendments is contained in sections 4(i) and 303 (o) and (r) of the Communications Act of 1934, as amended.

8. Accordingly, it is proposed to add § 1.550 to the Commission rules as set forth below. Section 0.241, in which the authority to act on said requests is delegated to the Chief Engineer, would be amended editorially to call attention to the changes made in § 1.550.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested persons may file comments on or before April 13, 1964, and reply comments on or before April 23, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

10. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, briefs, replies, pleadings, or other documents shall be furnished the Commission.

Adopted: March 4, 1964.

Released: March 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. It is proposed to add a new § 1.550 to the rules.

§ 1.550 Requests for new or modified call sign assignments.

(a) Requests for new or modified call sign assignments for standard, FM, or television broadcasting stations shall be made by letter to the Secretary, Federal Communications Commission, Washington, D.C., 20554.

(b) Each individual request submitted under the provisions of paragraph (a) of this section shall include the following:

(1) A statement that applicant has notified by mail all broadcasting stations whose transmitters are within a 35-mile radius of the authorized transmitter site of its intention to apply for said call sign and the date on which it will make such application. The statement shall also contain the text of said notice, the date on which it was mailed, and the call signs and locations of all stations to which it was mailed.

(2) A statement as to whether or not the requested call sign has been used by any broadcasting station in the said 35-mile radius within the year preceding the date of the filing of the request.

(3) Subject to the other requirements of this paragraph, as many as five call signs, listed in descending order of preference, may be included in a single request.

(c) No request for call signs subject to the provisions of this section will be acted upon by the Commission earlier than 30 days following issuance of public notice of the receipt of such request. Applicants for new or modified call signs are therefore advised to take no action in reliance on securing said call sign until notified by the Commission that said request has been granted.

(d) The requirements of paragraphs (b) and (c) of this section are waived with respect to international broadcasting stations and stations in the experimental, auxiliary, and special broadcasting services.

2. It is proposed to amend § 0.241(c) as follows:

§ 0.241 Authority delegated.

* * * * *

(c) To assign new or modified call signs to stations in all of the radio services except the Citizens and Amateur Radio Services. See §§ 0.332(a) and 1.550.

[1] Commissioners Hyde and Ford absent.

[F.R. Doc. 64-2379; Filed, Mar. 10, 1964; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

ENGINEERING AND ARCHITECTURAL SERVICES INDUSTRY

Hearing on Definition as Small Business

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of small business for the engineering and architectural services industry (Standard Industrial Classification Industry Number 8911) for the purpose of Government procurements and SBA business loans.

The hearing will take place on April 7, 1964, at 10:00 a.m., e.s.t., in Room 443, 811 Vermont Avenue NW., Washington, D.C.

Interested persons may file with the Director, Size Standards Division, on/or before April 3, 1964, written statements of facts, opinions, or arguments concerning the appropriate definition of a small business in the engineering and architectural services industry. Those persons who wish to make oral statements should notify the Director in writing setting forth the name and title (if any) of the persons who will appear and whom they will represent.

All correspondence on this matter should be addressed to:

Samuel S. Solomon, Director,
Size Standards Division,
Small Business Administration,
811 Vermont Avenue NW.,
Washington, D.C., 20416.

The engineering and architectural services industry consists of concerns performing services of a professional nature in the fields of engineering and architecture of all kinds.

On July 1, 1963, SBA adopted new size standards (definitions) on an industry by industry basis. It defined a small business concern for the purpose of all Government contracts for services not separately defined, as one whose average sales or receipts for its preceding three fiscal years did not exceed $1 million.

Subsequent to July 1, 1963, representatives of various segments of the engineering and architectural services industry have questioned the $1 million annual receipts definition now applicable to service industries generally

The purpose of this hearing is to consider the propriety of the $1 million size standard. It should be noted that SBA considers that the size of a service concern should be measured by the amount of business it does, rather than by its number of employees. Consequently, comment should be directed to the question whether the $1 million standard should be raised, lowered or retained at its present level.

We also are interested in receiving specific comments and suggestions with regard to statements made by members of the industry relating to:

(1) Competition between independent engineering concerns (concerns which are not departments, divisions or affiliates of manufacturing concerns), and engineering departments of large business.

(2) The growth aspects of well established independent engineering companies.

(3) The competitive problem of new business competing for Government contracts on equal terms with long-established multimillion dollar corporations.

(4) The competency of one-man and two-men concerns in this industry to perform the type contracts for this industry which the Government is setting aside for small business.

(5) The information this Agency has received that (a) there are approximately 15 independent Naval architectural firms which possess the capability of handling Government contracts in this specialized field and (b) such firms compete with the architectural and engineering departments of the major shipbuilding companies.

Dated: March 4, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-2313; Filed, Mar. 10, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 34]

DEPUTY ADMINISTRATOR

Delegation of Authority

Pursuant to the authority vested in me by Delegation of Authority No. 104, dated November 3, 1961, from the Secretary of State, the Deputy Administrator of the Agency for International Development is hereby designated to serve as full Deputy and alter ego to the Administrator and is responsible under my general direction for all aspects of the Agency's activities. In accordance with the foregoing, and to the extent consistent with law, the Deputy Administrator is authorized to represent, and to exercise the authority of the Administrator with respect to all functions now or hereafter conferred upon or held by the Administrator of the Agency for International Development by Delegation of Authority No. 104, as amended from time to time, or by or under any Agency Regulation, Manual Order, Directive, Notice or other issuance, and all functions or authorities delegated or assigned to, or otherwise conferred upon or held by me, as Administrator, or as a head of an agency by law or regulation of any competent authority.

Delegation of Authority No. 16 from the Administrator, dated June 12, 1962 (27 F.R. 5821) is hereby rescinded.

Delegation of Authority No. 9 (Revised) from the Administrator (27 F.R. 9226) is hereby amended as follows: Delete the titles "Deputy Administrator for Operations" and "Deputy Administrator for Administration" which appear in paragraphs numbered "1" and "2", respectively, and substitute therefor the titles "Deputy Administrator" and "Assistant Administrator for Administration", respectively.

This Delegation of Authority shall be effective immediately.

DAVID E. BELL,
Administrator.

FEBRUARY 29, 1964.

[F.R. Doc. 64-2352; Filed, Mar. 10, 1964; 8:48 a.m.]

[LA/FIELD-1]

DIRECTOR, A.I.D. MISSION TO PERU

Delegation of Authority

Pursuant to the authority vested in the Assistant Administrator, Bureau for Latin America, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the Director, United States A.I.D. Mission to Peru ("Director"), retaining for myself concurrent authority to exercise any of the functions herein delegated:

(1) Authority to execute capital assistance authorizations, loan or grant, for projects or programs whenever:

(a) The amount proposed for obligation is less than $2.5 million; and

(b) An intensive review request for the project or program has been approved by the Assistant Administrator or his designee.

(2) Authority to execute amendments to capital assistance authorizations executed heretofore or hereafter, where the amount originally authorized is less than $2.5 million, and the amendment does not increase the maximum total amount of the loan or grant.

(3) Authority to negotiate, execute and implement all agreements and amendments to agreements hereafter authorized by the Director.

(4) Authority to implement all loans heretofore authorized for Peru by the Development Loan Fund, the International Coorporation Administration, and the Agency for International Development, and all capital assistance activities heretofore or hereafter authorized by the Agency for International Development, this authority to include authority to negotiate, execute and implement agreements and amendments to agreements in accordance with authorizing documents.

The authority hereby delegated may not be redelegated.

WILLIAM D. ROGERS,
Acting Assistant Administrator,
Bureau for Latin America.

JANUARY 31, 1964.

[F.R. Doc. 64-2353; Filed, Mar. 10, 1964; 8:48 a.m.]

[LA/FIELD-2]

DIRECTOR, A.I.D. MISSION TO BRAZIL

Delegation of Authority

Pursuant to the authority vested in the Assistant Administrator, Bureau for Latin America, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the Director, United States A.I.D. Mission to Brazil ("Director"), retaining for myself concurrent authority to exercise any of the functions herein delegated:

(1) Authority to execute capital assistance authorizations, loan or grant, for projects or programs whenever:

(a) The amount proposed for obligation is less than $2.5 million; and

(b) An intensive review request for the project or program has been approved by the Assistant Administrator or his designee.

(2) Authority to execute amendments to capital assistance authorizations executed heretofore or hereafter, where the amount originally authorized is less than $2.5 million, and the amendment does not increase the maximum total amount of the loan or grant.

(3) Authority to negotiate, execute and implement all agreements and amendments to agreements hereafter authorized by the Director.

(4) Authority to implement all loans heretofore authorized for Brazil by the Development Loan Fund, the International Cooperation Administration, and the Agency for International Development, and all capital assistance activities heretofore or hereafter authorized by the Agency for International Development, this authority to include authority to neogtiate, execute and implement agreements and amendments to agreements.

The authority hereby delegated may not be redelegated.

WILLIAM D. ROGERS,
Acting Assistant Administrator,
Bureau for Latin America.

JANUARY 31, 1964.

[F.R. Doc. 64-2354; Filed, Mar. 10, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

POCAHONTAS SALES CO. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

ARKANSAS

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
Pocahontas Sales Co., Pocahontas, February 1, 1958.	Randolph County Livestock Auction Co., February 3, 1964.

KANSAS

Pratt Livestock Commission Co., Pratt, December 4, 1962.	Pratt Livestock Commission Co., Inc., January 22, 1964.

MISSISSIPPI

Waynesboro Livestock Yard, Waynesboro, January 5, 1959.	Waynesboro Livestock Yard, Inc., February 14, 1962.

OHIO

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
Dorset Sale, Dorset, May 30, 1959	The Dorset Livestock Auction, Inc., January 28, 1964.

OKLAHOMA

Meeker Livestock Auction Co., Meeker, October 9, 1962.	Fowler Brothers, February 18, 1964.

SOUTH DAKOTA

Campbell County Livestock Auction, Herreid, June 23, 1954.	Campbell County Livestock Auction, Inc., March 1, 1963.

Done at Washington, D.C., this 5th day of March 1964.

H. L. JONES,
Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-2351; Filed, Mar. 10, 1964; 8:48 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

March 1964 CCC Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during March 1964 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, and flax.

The March list of commodities available is unchanged from February.

Provision is made in this March Sales List for the initiation of redemptions of pooled wheat payment-in-kind certificates issued to participating farmers as a portion of their 1963-crop wheat price support. On the certificates against which sales will be made, farmers received sight drafts and requested CCC's marketing assistance. Certificate redemptions in storable CCC-owned wheat for unrestricted use will be made at a price determined by CCC but not less than the formula price (105 percent of the support loan rate plus carrying charges) for other unrestricted use storable wheat sales.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for March 1964 are 4 percent for periods up to and including 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program.

The following CCC-owned commodities are available for programing under Title IV, Public Law 480, private trade agreements: Wheat, corn, barley, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programing. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Nonfat dry milk, butter, cheddar cheese, cotton, tobacco, wheat, corn, barley, and grain sorghum. This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate, CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor

exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in-store at storage location of products. Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD–29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound. Export: Competitive bid under LD–33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD–35: Any butter offered but not sold under the invitation to bid issued pursuant to LD–33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD–29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound. Export: Competitive bid under LD–33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD–35: Any cheese offered but not sold under the invitation to bid issued pursuant to LD–33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD–29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound. Export: Competitive bid under LD–33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices, under LD–35: Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to LD–33 will be offered for sale through the following Monday at prices announced by press releases in Washington each Tuesday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO–C–16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Export, CCC Sales for export: Competitive bid under the terms and conditions of Announcements CN–EX–18 Cotton Export Program—Sales (1963–64 Marketing Year), as amended, and NO–C–22 Sale of Upland Cotton (Cotton Export Program—1963–64 Marketing Year), as amended, and NO–C–24 Sale of Irregular Upland Cotton for Export. Export, CCC Barter and Credit Sales: Competitive bid under the terms and conditions of Announcements CN–EX–21 (Acquisition of Upland Cotton for Export Under Barter and Credit Sales Programs) and NO–C–22, (Sale of Upland Cotton (Cotton Export Program—1963–64 Marketing Year)), as amended.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO–C–6 (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements domestic grown extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN–EX–20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO–C–23 (Sale of Foreign-Grown Extra Long Staple Cotton).
Available	Sales of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from that office.
Barley, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of barley, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price-support loan rate for the class, grade and quality of the barley plus the amount shown in C below applicable to the type of carrier involved. B. General sales: [1] 1. Storable: Such CCC dispositions of storable barley, as CCC may designate as general sales, will be made during the month at market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate [1] (published price-support loan rate plus 14 cents per bushel) for the class, grade, and quality of the barley plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of barley when dispositions of such barley are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable barley as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per bushel).

Markup in cents received by		Example of in-store [2] formula minimum prices for No. 2 or better barley (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
13	8	Minneapolis, Minn.	$1.29
		Kansas City, Mo.	1.31

D. Availability information: For information on CCC barley sales and payment-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

See footnotes at end of table.

Commodity	Sales price or method of sale
Corn, bulk	Domestic and export—unrestricted use: A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of domestic payment-in-kind certificates, in redemption of certificates or rights represented by pooled certificates under a feed grain program, will be made during the month at market price. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price support loan rate for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For price adjustment provisions of these export sales announcements see paragraph C. above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. B. General sales: [1] 1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support loan rate plus 18 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For price adjustment provisions of these export sales announcements see paragraph C. above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. If delivery is outside the area of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1940 formula price examples (per bushel).

Markup in cents in-store at		Example of in-store [1] formula minimum prices for No. 2 yellow corn (14 percent Mt. and 2 percent F.M.) (exrail or barge in dollars)	
Production point	Other points	Terminal	General sales price
5	6½	Minneapolis, Minn. [2]	$1.39½
		Chicago, Ill.	1.58½

D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR–308 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR–308 (Revised Aug. 31, 1959), as amended, or feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under these export announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in subparagraph C. above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Commodity	Sales price or method of sale
Barley, bulk (continued)	Export announcement sales: (1) Under Announcement GR–308 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR–308 (Revised Aug. 31, 1959), as amended, or feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under these export announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in subparagraph C. above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.
Grain sorghum, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier-involved. B. General sales: [1] 1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate [1] (published price support loan rate plus 24 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per hundredweight).

Markup in cents received by		Examples of in-store [1] formula minimum prices for No. 2 or better grain sorghum (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
27	16	Kansas City, Mo.	$2.63

D. Availability information: For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR–308 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum held in California export terminals are the only stocks stored in California available for sale under these export announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in subparagraph C. above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

Commodity	Sales price or method of sale							
Oats, bulk	Domestic and export:[1] Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate[2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added.							
	Per bushel markup in-store at:	Examples of per bushel formula minimum prices basis in-store						
		Production point	Other points	Terminal		Grade and class		Price
		Cents 8	*Cents* 9½	Chicago,[3] Ill. Minneapolis,[4] Minn.		No. 2 (or better)		$0.91 .81½
	Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.							
	Nonstorable (as available): At not less than the market price as determined by CCC through the ASCS grain offices listed at end of table.							
	Export announcement sales: (1) Under Announcement GR-366 (Rev. Aug. 31, 1962) as amended for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and other designated sales. Oats will not be sold for application to Title I, or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.							
Rye, bulk	Domestic, unrestricted use: Market price but not less than 1963 loan rate plus 5 percent, plus 3¢ cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-349, Revision II, Export payment-in-kind program, and under Announcement GR-379, Revision I, for approved credit sales. Price, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.							
Peanuts, shelled or unshelled (farmers' stock) as available. Wheat, bulk	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement I (Revised Jan. 4, 1962), as amended.							
	Domestic and export, unrestricted use: Nonstorable: Through delivery of export-in-kind Certificates:[1] Such CCC dispositions of wheat, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under the 1963 wheat price-support program. Wheat for such dispositions shall be valued at a price determined by CCC but not less than the applicable 1963 price of [short] formula per the class, grade, and quality of the wheat plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price.							
	Per bushel markup received by	Examples of per bushel formula minimum price basis in-store[2] ex-rail or barge						
	Truck	Rail or barge	Terminal		Class and grade		Price	
	Cents 14	*Cents* 8	Chicago Minneapolis Kansas City Portland		No. 1 RW No. 1 DNS No. 1 HW No. 1 SW		$2.29 2.35 2.26 2.18	

Commodity	Sales price or method of sale							
Rye, bulk	Domestic and export:[1] unrestricted use: Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate[2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.							
	Per bushel markup received by	Examples of per bushel formula minimum price (exrail or barge)						
	Truck	Rail or barge	Terminal		Class and grade		Price	
	Cents 14	*Cents* 8	Minneapolis, Minn.		No. 2 or better (or No. 3 on TW only).		$1.44	
	Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.							
	Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.							
	Export: (1) Under Announcement GR-366 (Revised Aug. 31, 1962) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for approved CCC credit and other designated sales. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.							
Flaxseed, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[3] but not less than the applicable 1963 support price for the class, grade, and quality of the grain plus 14½ cents per bushel and the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.							
	Unit	Received by	Examples of minimum prices (exrail or barge)					
		Truck	Rail or barge	Terminal		Class and grade		Price
	Bushel	*Cents* 16	*Cents* 8	Minneapolis		No. 1		$3.35½
	Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office. Available: Through the Minneapolis Grain Merchandising ASCS office.							

See footnotes at end of table.

Commodity	Sales price or method of sale
Wheat, bulk (continued)	Domestic and export, unrestricted use—Continued B. General sales:[1] 1. Storable: Such CCC dispositions of storable wheat, as CCC may designate will be general sales. Such sales shall be made at the same minimum price as redemptions of payments-in-kind certificates described in A above. CCC will normally make general sales of wheat when dispositions of such wheat are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable wheat as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and formula minimum price examples. D. Availability information: For information on CCC wheat sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table. Export announcement sales: (1) Under Announcement GR-345 (Revised July 13, 1962) as amended, for export under the wheat export payment-in-kind program, except that durum wheat will not be eligible for P.L. 480, Title I sales, (2) under Announcement GR-212 (Rev. 2, Jan. 9, 1961), for specified offerings as announced and (3) under Announcement GR-261 (Rev. 2, Jan. 9, 1961, as amended) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Sales under the above announcements are made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices. (At Portland ASCS office, Hard Red Winter wheat with 12.0 percent or less protein will be available for barter or Title I, P.L. 480 transactions for export to Korea, Okinawa, and Formosa only.)

[1] Such dispositions shall be for domestic unrestricted use or for export.
[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein content of the wheat.
[1] Woodford County, Ill., origin.
[2] Redwood County, Minn., origin.

USDA Agricultural Stabilization and Conservation Service Offices

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).
Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.
Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.
Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.
Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.
Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.
Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: Capitol 6-3361.
Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington, and Arizona and California (Export sales only).
Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121.
Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529-2411.
Cotton Products and Export Operations Office, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.
Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.
Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 5, Calif. Telephone: Sutter 1-3179.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on March 6, 1964.

H. D. Godfrey,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-2382; Filed, Mar. 10, 1964; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

March 2, 1964.

The United States Army, Corps of Engineers, on behalf of the Department of the Air Force has filed an application, Serial Number Montana 063641 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws, subject to valid existing rights and to the provision that the surface thereof may be used only for agricultural and grazing purposes by authorized permittees, licensees, lessees of the Bureau of Land Management.

The applicant desires the land for military purposes.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana, 59101.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of the Army.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

T. 16 N., R. 23 E., P.M., Montana.
Sec. 10, SW¼NW¼, NW¼NE¼SW¼, W½NE¼NE¼SW¼, W½SW¼NE¼SW¼, NE¼SW¼NE¼SW¼, excluding an area of 2.14 acres withdrawn for Military Purposes April 17, 1961, Public Land Order 2336, described as follows: Beginning at a point which bears north 15°08'14" east 2941.70 feet from the southwest corner of said Section 10; thence north 0°34'04" east 155.00 feet; thence south 89°25'56" east 260.00 feet; thence south 0°34'04" west 357.02 feet to a point on the south line of the northwest quarter of said Section 10; thence westerly along said south line 260.01 feet; thence north 0°34'04" east 204.60 feet to the point of beginning.
T. 21 N., R. 2 W., P.M., Montana.
Sec. 14, NW¼NW¼NW¼, N½SW¼NW¼NW¼.

The area described aggregates 67.86 acres, more or less.

R. Paul Rigtrup,
Manager, Land Office.

[F.R. Doc. 64-2337; Filed, Mar. 10, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., has applied for an amendment of its Operating-Differential Sudsidy Agreement, Contract No. FMB–50, whereby its combination passenger/cargo ship SS "President Hoover," would be withdrawn from operation on its Trans-Pacific Passenger-Freight Service on Trade Route No. 29 and one additional freight ship would be operated on its Trans-Pacific Freight Service on Trade Route No. 29.

The SS "President Hoover" presently makes approximately eight sailings per year in the Trans-Pacific Passenger-Freight Service and it is anticipated that the additional freight ship will make approximately six sailings per year on the Trans-Pacific Freight Service. Accordingly the application contemplates a decrease of eight in the number of subsidized sailings to be made on the Passenger-Freight Service and an increase in the number of subsidized sailings permitted with freighters on the Freight Service from the present maximum of 31 sailings to 37 sailings per annum, thus utilizing six instead of five freight ships on the latter service.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on March 20, 1964, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: March 6, 1964.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64–2377; Filed, Mar. 10, 1964; 8:51 a.m.]

AMERICAN EXPORT LINES, INC.

Notice of Application

Notice is hereby given that American Export Lines, Inc., has applied for amendment of its Operating-Differential Subsidy Agreement, Contract No. FMB–87 so as to permit it to make privilege calls at a port or ports in the Canary Islands with the combination passenger/cargo ships SS "Exeter" and SS "Excalibur" operating on its Line D—U.S. Atlantic/Mediterranean Combination Passenger/Cargo Service on Trade Route No. 10.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on March 25, 1964, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: March 5, 1964.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64–2356; Filed, Mar. 10, 1964; 8:48 a.m.]

UNITED STATES LINES CO.

Notice of Application

Notice is hereby given that United States Lines Company has filed application for waiver under the provisions of section 804 of the Merchant Marine Act, 1936, as amended, to act as general passenger agent in the Province of Ontario, Canada, for Compagnie Generale Transatlantique (French Line) under the terms and provisions of an agreement entered into on January 30, 1964.

Any person, firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Administrator should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C., by close of business March 19, 1964. The Maritime Administrator will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

Dated: March 5, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64–2357; Filed, Mar. 10, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FMC CORP.

Notice of Filing of Petition Regarding Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1182) has been filed by FMC Corporation, Fairway Avenue, Box 1708, Lakeland, Florida, proposing the issuance of a regulation to provide for the safe use of a citrus fruit coating containing, in part, calcium salt of partially dimerized rosin, sperm oil, and a petroleum solvent.

Dated: March 2, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–2370; Filed, Mar. 10, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Issuance of Operating License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Operating License No. DPR–4 to Saxton Nuclear Experimental Corporation, authorizing Saxton to operate at thermal power levels to 23.5 megawatts its light water moderated and cooled, pressurized water reactor located near the Borough of Saxton in Liberty Township, Bedford County, Pennsylvania. The reactor has been operated under Provisional Operating License No. DPR–4 issued to Saxton November 15, 1961.

The license issued is a full term license with an expiration date of April 13, 1967, and is as set forth in the Notice of Proposed Issuance of Operating License published in the FEDERAL REGISTER of January 30, 1964, 29 F.R. 1594.

Dated at Bethesda, Md., this 29th day of February 1964.

For The Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64–2338; Filed, Mar. 10, 1964; 8:47 a.m.]

[Docket No. 50–206]

SOUTHERN CALIFORNIA EDISON CO. ET AL.

Notice of Issuance of Provisional Construction Permit

Please take notice that pursuant to the Initial Decision of the Atomic Safety and Licensing Board dated January 29, 1964, the Director of the Division of Licensing and Regulation has issued Provisional Construction Permit No. CPPR–13 to Southern California Edison Company (Edison), San Diego Gas & Electric Company (SDG&E), Bechtel Corporation (Bechtel), and Westinghouse Electric Corporation (Westinghouse) for the construction of a pressurized, light water reactor designed to operate at 1210 megawatts (thermal), to be located on the Pacific coast near the northern boundary of Camp Pendleton, San Diego County, California.

The provisional construction permit authorizes (1) Westinghouse and Bechtel, as the co-contractors responsible, to construct the facility as described in the application, as amended, and (2) Edison and SDG&E, as owners of easements for use of the site, to have the facility and improvements constructed by Westinghouse and Bechtel, to acquire and possess such facility and improvements, and to construct certain site improvements as described in the application.

Dated at Bethesda, Md., this 2d day of March 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64–2339; Filed, Mar. 10, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14945; Order No. E–20543]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1964.

In the matter of an agreement adopted by Joint Conference 1–2 of the International Air Transport Association relating to cargo rates; Agreement C.A.B. 17479, R–12.

There has been filed with the Board pursuant to section 412a of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1–2 of the International Air Transport Association (IATA) adopted at meetings held in Miami during December 1963. The agreement has been assigned the above-designated C.A.B. agreement number.

The bulk of the cargo rate resolutions adopted at Miami were dealt with in Orders E–20339 and E–20455. The resolution here under consideration, 045c, would establish minimum rates for transatlantic cargo charters for the first time. It proposes a scale of minimums ranging from $1.75 per aircraft mile (16 cents per ton-mile) for a DC–6 to $4.90 per aircraft mile (12 cents per ton-mile) for a DC–8. The adoption of these minimum rates would permit reductions in certain cargo charter rates now on file with the Board and require increases in others.

Seaboard World Airlines, Inc. (Seaboard) and Pan American World Airways, Inc. (Pan American) have submitted comments in support of the agreement. The thrust of the Seaboard presentation, as well as that of Pan American, is that the adoption of minimum charter rates will assure the orderly use of chartered aircraft services and protect scheduled services from diversion of traffic to charter services. Pan American comments in the tendency of certain IATA members to establish unreasonably low charter rates and, as the occasion dictates, to cancel scheduled services in favor of charter services. Seaboard makes the argument that current charter rates are uneconomic and have resulted in diversion from scheduled services. In support of its contentions, Seaboard estimates a loss to charter services in 1963 in excess of two million pounds and lists 38 shipments by U.S. firms lost to charters performed by other carriers which account for more than one million pounds.

The Board believes that the public interest is best served when rates are fixed by individual carrier action. Conversely, the imposition of minimum rate controls, whether by governmental or concerted action of the carriers, should not be undertaken except when destructive pricing practices threaten to impair the over-all public interest. The Board approved the IATA traffic-conference machinery under which minimum rates are established for scheduled service. This approval was given in the absence of any practical alternative whereby varying national interests and concepts of sound transportation policy could be fused into a worldwide network of fares and rates. In a sense, it might not be considered any less appropriate to permit the establishment of minimum rates for charter service by IATA. Indeed, to permit the establishment of charter rates by agreement within IATA would give the Board a measure of control over the level of these rates that it does not now have under its limited statutory authority. Nevertheless, through the years, charter rates in international air transportation apparently have been successfully left to individual carrier action, and independent of IATA rate controls.

The Board is not now prepared to acquiesce to the extension of IATA control to minimum rates for cargo charters in the absence of a showing of compelling need therefor. In dealing with a similar issue during the past year with respect to passenger charters, the Board indicated it would entertain approval of a minimum charter rate agreement if there were a demonstrated need therefor. The Board indicated that the establishment of need would require either a showing that existing charter rates were uneconomic or evidence of widespread uneconomic rate-cutting practices. There could be no doubt that this requirement would be equally applicable to cargo charters.

We do not consider that the data submitted by the carriers demonstrate a compelling need for the establishment of minimum cargo charter rates. Cargo charters appear to constitute only a small fraction of total transatlantic cargo operations. The Seaboard assertion that current rates are uneconomic is not supported and there is no showing that a rate war exists or threatens.[1]

We do not consider that protection of scheduled service in and of itself is a sufficient justification for the establishment of minimum rates for cargo charters. Charters may well offer more economical and convenient transportation for very large shipments. As may be concluded from the above discussion, we consider that the only protection to which scheduled service is entitled is that charter rates not be uneconomically low. The "loss" of traffic as alleged by Seaboard is not necessarily indicative that current cargo charter rates are uneconomic, nor can it be considered as evidence of widespread rate-cutting practices.

The Board believes that the best answer to charter competition is low rates, better service, and the greater flexibility of flights in scheduled service rather than an artificial price handicap on charter service. Moreover, it is to be recognized that charters, priced on the basis of total capacity offered, are an integral part of transportation. We consider that the offering of charter service in air transportation provides an appropriate competitive force that tends to achieve for the public the lowest reasonable rates. Charters have played an important role in the development of passenger traffic, and we believe that they may serve a definite need for the shipping public when priced at the lowest reasonable rates for the aircraft used. With the increasing use of new turbine cargo aircraft, the carriers and shippers have the promise of lower costs which in turn are the key to growth in traffic volume. The imposition of still another area of minimum rate regulation may tend to inhibit rather than enhance the sound development of the industry in the public interest.

Furthermore, the proposed scale of minimum charter rates, which reflects a range of ton-mile yields from 12 to 16 cents, presents problems. Although it may be justifiable in some circumstances to prescribe a minimum level below which prices may not be established, it

[1] Tariff filings indicate that charter rates are relatively stable.

is quite another matter to preclude competition among carriers through a scale fixing rates higher for some aircraft types and capacities than for others. It is a fundamental rate-making principle that once a rate level is established, whether or not it is a prescribed minimum rate, all the carriers are free to meet that rate. Individual economic situations, e.g., cost levels and equipment situations, may well influence a carrier's ability and willingness to compete at the prevailing price level but, in any event, regulatory action should not preclude it.

Accordingly, we propose to disapprove the subject agreement insofar as it is applicable in air transportation. However, in accordance with our procedures in dealing with IATA agreements involving major rate issues, we will defer action so as to afford time for the submission of documentation by carrier parties to the agreement or comments by interested persons.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find Agreement C.A.B. 17479, R–12, to be adverse to the public interest or in violation of the Act, except insofar as it applies in air transportation.

2. The Board finds that Agreement C.A.B. 17479, R–12, insofar as it is applicable in air transportation, may be adverse to the public interest.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 17479, R–12, is approved, except insofar as it applies in air transportation as defined by the Act; and

2. Action on Agreement C.A.B. 17479, R–12, insofar as it is applicable in air transportation, is deferred with a view toward disapproval.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–2320; Filed, Mar. 10, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15353]

BO-WEEVIL FLYING SERVICE, INC.

Order To Show Cause

In the matter of Bo-Weevil Flying Service, Inc., Cordele, Georgia, order to show cause why there should not be revoked the license for Radio Station WCF2 in the Aviation Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated April 17, 1963, and December 5, 1963, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.76 (now § 1.89) of the Commission's rules; and

It further appearing, that, the violations of section 308(b) of the Communications Act, and of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 4th day of March 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by certified mail—return receipt requested to the said licensee at the address of record at Cordele Airport, Cordele, Georgia.

Released: March 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2380; Filed, Mar. 10, 1964; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[No. 875]

FILING OF TARIFFS BY TERMINAL OPERATORS

Notice of Proposed Rulemaking; Rescheduling of Oral Argument

MARCH 4, 1964.

By Notice served February 25, 1964, oral argument in this proceeding was scheduled for March 16, 1964.

At the request of several interested persons, and good cause appearing, oral argument is hereby rescheduled to be heard on April 22, 1964, beginning at 9:30 a.m., in Room 114, 1321 H Street NW., Washington, D.C.

Parties desiring to participate must submit to the Secretary on or before April 1, 1964, the following:

1. An outline of their argument which, where appropriate, should refer to comments previously submitted. An original and fifteen copies of each outline should be submitted.

2. The amount of time desired for argument.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–2372; Filed, Mar. 10, 1964; 8:50 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND CHINA NAVIGATION CO., LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9323, between American President Lines, Ltd. and China Navigation Co., Ltd., covers and is restricted to the transportation of Asbestos in bags under through bills of lading from ports in Western Australia to ports on the U.S. Atlantic Coast, with transshipment at Singapore, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C. or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–2373; Filed, Mar. 10, 1964; 8:50 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND CHINA NAVIGATION CO., LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9324, between American President Lines, Ltd. and China Navigation Co., Ltd., covers and is restricted to the transportation of Coffee Beans under through bills of lading from Port Moresby and Lae, New Guinea to ports on the U.S. Pacific Coast, with transhipment at Hong Kong, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–2374; Filed, Mar. 10, 1964; 8:50 a.m.]

N.V. NEDLLOYD LIJNEN AND ALCOA STEAMSHIP CO., INC.

Notice of Filing of Agreements

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to secion 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreements 8323–2 and 8323–3 between N.V. Nedlloyd Lijnen and Alcoa Steamship Company, Inc., modify the approved transhipment agreement, in the trade from India, Pakistan, Federation of Malaya, Colony of Singapore, and the Philippine Islands to Puerto Rico with transhipment at the ports of New Orleans, La., and Mobile, Ala. The modifications provide for (1) the substitution of N.V. Nedlloyd Lijnen as a party in place of N.V. Stoomvaart Maatschappij "Nederland" and Koninklijke Rotterdamsche Lloyd n.v., present signatories to the basic agreement; and (2) expanding the trade area by adding originating ports in Chile, Peru, Ecuador and Colombia, ports in South and East Africa, between Walvis Bay/Capetown and Mombasa, including ports in Malagasy, as set forth in the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect copies thereof at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–2375; Filed, Mar. 10, 1964; 8:50 a.m.]

UNITED STATES LINES ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9326, between United States Lines, The Hamburg Amerika Line and Norddeutscher Lloyd, covering a cooperative working arrangement, the coverage of ports and the spacing of sailings in the trade between United States Atlantic Coast ports in the Federal Republic of Germany (between the northern border of the Netherlands and the River Elbe, inclusive).

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C. or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–2376; Filed, Mar. 10, 1964; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64–81]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 4, 1964.

Take notice that on October 1, 1963, Cities Service Gas Company (Cities Service), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP64–81 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1964 and the operation of unspecified "budget-type" natural gas facilities to make miscellaneous temporary and permanent direct sales from Applicant's existing pipeline system.

On January 30, 1964, Cities Service filed an amendment to the foregoing application in response to the Commission's letter dated January 15, 1964, which letter requested that the original application be supplemented by setting forth the specific proposed facilities for service to specific customers, if known. This amendment covers fourteen specific requests for facilities for rendering direct interruptible natural gas service to new industrial customers, consisting of (a) one line tap on a gathering line and (b) thirteen taps on transmission lines, with meter and regulation facilities for each point, all in Oklahoma, Kansas and Missouri, at an estimated total cost of $18,227. The subject gas will be used generally for irrigation, agriculture and small space heating purposes and will require an estimated total volume of 191,660 Mcf at 14.65 psia annually.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2340; Filed, Mar. 10, 1964; 8:47 a.m.]

[Docket Nos. CP64–126, CP64–127]

CITIES OF GREENSBORO AND UNION POINT, GEORGIA

Notice of Applications

MARCH 5, 1964.

Take notice that on December 3, 1963, the Cities of Greensboro and Union Point, Georgia (Applicants) filed in Docket Nos. CP64–126 and CP64–127, respectively, applications pursuant to section 7(a) of the Natural Gas Act for an order directing Transcontinental Gas Pipe Line Corporation (Transco) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Appli-

cants (consisting of a jointly-owned transmission line approximately 40 miles long extending from the respective communities to Transco's facilities and each applicant will construct its own distribution system at its own expense) and to sell and deliver to Applicants their daily and annual requirements in Mcf at 14.73 psia as follows:

	Peak Day			Annual		
Year of service	Greensboro	Union Point	Total	Greensboro	Union Point	Total
1	749	529	1,278	84,216	75,394	159,610
2	1,036	946	1,982	105,278	91,437	196,715
3	1,324	963	2,287	127,614	108,758	186,372

The estimated cost the respective municipal projects which includes each applicant's share of the 40 mile long line above-mentioned is as follows: for Greensboro $507,000 and for Union Point $409,500.

Applicants state that financial arrangements have been made through the sale of 30 year revenue bonds at 5 percent interest rate to cover the cost of the projects.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 30, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2341; Filed, Mar. 10, 1964; 8:47 a.m.]

[Project No. 2434]

KODIAK ELECTRIC ASSOCIATION, INC.

Notice of Application for Preliminary Permit

MARCH 5, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Kodiak Electric Association, Inc. (correspondence to: Leon H. Johnson, Manager, Kodiak Electric Association, Inc., P.O. Box 787, Kodiak, Alaska) for a preliminary permit for proposed Project No. 2435, to be known as Terror Lake Project, to be located on Terror River, at the outlet of Terror Lake, Borough of Kodiak Island, Alaska, and affecting lands of the United States within the Kodiak National Wildlife Refuge and other lands of the United States.

The proposed project would consist of: a rock-fill dam at the outlet of Terror Lake; a reservoir having maximum pool level about 1,350 feet; a spillway; an unlined horizontal tunnel, about 16,800 feet long and 9 feet in diameter, from Terror Lake to Shotgun Creek surge pond and balancing reservoir—and eventually a diversion dam on Falls Creek and a 2,000-foot diversion tunnel to Shotgun Creek surge pond and balancing reservoir; a pressure tunnel about 5,500 feet long from Shotgun Creek surge pond and balancing reservoir to the powerhouse in Kizhuyak Canyon; a powerhouse with 15,000 kilowatt initial capacity (7,500 Kw to be added later); about 27 miles of 69 kilovolt transmission line from the powerhouse to Kodiak; and two substations, one at Kodiak and one near the U.S. Navy base.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 30, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2342; Filed, Mar. 10, 1964; 8:47 a.m.]

[Docket No. E-7153]

NARRAGANSETT ELECTRIC CO. AND NEW ENGLAND POWER CO.

Order Providing for Hearing and for Suspension and Investigation of Rate Schedules

MARCH 4, 1964.

New England Power Service Co. (Service Company) filed on February 3, 1964, on behalf of Narragansett Electric Company (Narragansett), incorporated under a law of the State of Rhode Island, as a supplementary rate schedule, an agreement which amends an existing transmission agreement between Narragansett and its corporate affiliate the New England Power Company (Nepco). The agreement was filed pursuant to section 205 of the Federal Power Act with the request that it be given an effective date of January 1, 1964. The proffered filing has been tentatively designated in the Commission's files as Supplement No. 3 to the Narragansett Electric Company's Rate Schedule FPC No. 19.

Narraganset, Nepco and Service Company are subsidiaries of the New England Electric System. Narragansett is engaged in the generation, purchase, transmission and sale of electric energy in the State of Rhode Island. Nepco is engaged in the generation, purchase, transmission and sale of electricity in the States of Massachusetts, New Hampshire and Vermont.

The present rate schedule provides for Narragansett's transmission of electricity over its facilities for Nepco. Narragansett, pursuant to the present schedule, wheels power and energy over its system for certain customers of Nepco other than Narragansett. For this service Nepco pays a flat monthly fee of $25,134 or $301,608 annually.

Prior to 1960, Narragansett sold excess firm power to Nepco under Narragansett Rate Schedule FPC No. 18. During 1960 and under changed operating conditions, Nepco through its Rate Schedule FPC No. 106, incorporating its W-3 rate, undertook to supply Narragansett on a capacity deficiency basis. Nepco's FPC No. 106 is identical to Narragansett's FPC No. 18, Supplement No. 1 and incorporates by reference definitions in Narragansett's FPC No. 18 as initially filed.

Under the proposed Narragansett rate for wheeling services, in addition to the wheeling service described above, recognition is given to the use of Narragansett's transmission facilities in transmitting to Narragansett's subtransmission system the primary power purchased by Narragansett from Nepco at the Massachusetts-Rhode Island border. Nepco asserts that such delivery by Nepco is required to comply with its standard delivery policy under its W-3 rate and would place Narragansett on a uniform basis with its other W-3 customers. The proposed rate schedule provides for a flat monthly charge for both types of service of $59,333 or $711,996 annually, an increase of 136 percent over the present rate schedule.

In support of the proposed increase the Service Company filed cost data indicating annual costs of the Narragansett transmission facilities used by both companies at 15.56 percent of gross investment. The annual costs are allocated in the study to Narragansett and Nepco in proportion to their respective uses, as estimated by the Service Company. Calculations supporting these estimated uses are based upon load flows in the interconnected Narragansett-Nepco system under assumed system conditions and upon estimated primary deliveries to Narragansett at the time of Narragansett's hour of yearly peak demand.

The proposed changes in Narragansett's currently filed rate schedules have not been shown to be justified; may result in excessive rates or charges; may place an undue burden upon ultimate consumers; and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful within the meaning of the Federal Power Act. Unless suspended by order of the Commission, the proposed supplemental rate schedules will become effective March 5, 1964, pursuant to the provisions of the Federal Power Act and the Commission's regulations thereunder.

As shown above, the proposed increase includes a charge for services related to the services performed by Nepco under its Rate Schedule FPC No. 106. Under the circumstances it appears appropriate that there be instituted an investigation of Nepco Rate Schedule No. 106 as supplemented as it may have a bearing on the determination of fair and reasonable charges for the use of each party's facilities by the other party. Insofar as the definitions of Narragansett's Rate Schedule No. 18 as supplemented are incorporated in Nepco Rate Schedule No. 106 as supplemented, and are applied to services performed thereunder, it is appropriate that Narragansett's Rate Schedule No. 18 as supplemented be included in such investigation.

The Commission finds. In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that the Commission, pursuant to the authority of that Act, and particularly section 205 thereof, enter upon a hearing concerning the lawfulness of Narragansett's Rate Schedule FPC No. 19 as proposed to be changed by Supplement No. 3 thereto and that the operation of such proposed supplemental rate schedule be suspended and the use thereof deferred as hereinafter provided. Review and analysis of pertinent data available to the Commission indicates that Narragansett's Rate Schedule No. 19 as supplemented, Nepco's Rate Schedule No. 106 and Narragansett's FPC No. 18 as supplemented, insofar as it applies to service under Nepco's FPC No. 106, may result in excessive rates or charges or may be unduly discriminatory, unduly preferential, or otherwise unjust, unreasonable and unlawful within the meaning of the Federal Power Act. Additional factual data necessary for a resolution of those questions must be obtained. Accordingly, it is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206 and 309 thereof, that the Commission staff conduct an investigation and that a hearing be held as hereinafter provided.

The Commission orders:

(A) A public hearing be held concerning the lawfulness of Narragansett's Rate Schedule No. 19 as proposed to be changed by Supplement No. 3 thereto, the lawfulness of Nepco's Rate Schedule FPC No. 106 as supplemented, and the lawfulness of Narragansett's present Rate Schedule No. 19 as supplemented and No. 18 to the extent it applies to service under Nepco's FPC No. 106, at a time and place and in the manner all to be fixed by Notice of the Secretary.

(B) Pending such hearing and decision thereon, the operation of Supplement No. 3 to Narragansett's Rate Schedule FPC No. 19 hereby is suspended and the use thereof deferred until August 5, 1964. On that date the proposed supplemental rate schedule shall take effect in the manner prescribed by the Act, subject to further order of the Commission.

(C) During the period of suspension, Narragansett's Rate Schedule FPC No. 19 and Supplements No. 1 and 2 thereto, now on file with the Commission, shall remain and continue in effect.

(D) Narragansett (or Service Company) shall file, within 45 days from the date of issuance hereof, six copies of a cost of service study upon which it proposes to justify the filed increase in charges. Such study shall include a narrative sufficient to explain the derivation thereof and detailed references to and backup material relied on in the study.

(E) The foregoing showing shall not preclude or limit any additional showing by Narragansett, Nepco, or others and shall be without prejudice to future action taken by the Commission or its staff, or to any future position Narragansett, Nepco, or others may wish to take as to the significance of, or conclusions to be drawn from, the above factual showing.

(F) Interested State Commissions may participate in this proceeding as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2343; Filed, Mar. 10, 1964; 8:47 a.m.]

[Docket No. CP64-173]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application and Date of Hearing

MARCH 4, 1964.

Take notice that on February 3, 1964, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois, 60603, filed an application at Docket No. CP64-173, pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of a side-tap and meter station on its existing transmission facilities in Muscatine County, Iowa, for the sale and delivery of natural gas to Iowa Southern Utilities Company for resale and local distribution by the latter in the Community of Letts, Iowa, all as more fully set forth in the application on file with the Commission and open to public inspection.

The cost of the proposed facilities is estimated to be $16,540, which cost will be met from funds on hand.

The application reflects Iowa Southern Utilities Company proposal to serve the Community of Letts, Iowa, from the quantities of natural gas which Applicant has heretofore been authorized to sell and deliver to Iowa Southern Utilities Company; and the sale and delivery by Applicant to Iowa Southern Utilities Company will be made pursuant to, and in accordance with, Natural Gas Pipeline Company of America's FPC Gas Tariff.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 24, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2344; Filed, Mar. 10, 1964; 8:48 a.m.]

[Docket No. E-7152]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE AND SWANS FALLS CO.

Notice of Application

MARCH 5, 1964.

Take notice that on February 26, 1964, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Public Service Company of New Hampshire (Public Service) a corporation organized under the laws of the State of New Hampshire and qualified to do business in New Hampshire, Maine and Vermont seeking authority to acquire the assets of the Swans Falls Company (Swans Falls), its wholly owned subsidiary, created by a Declaration of Trust under the laws of Maine. Swans Falls joined in the application.

Public Service, with its subsidiaries, New Hampshire Electric Company, Kittery Electric Light Company, and Swans Falls, owns and operates a single integrated system engaged in the generation, purchase and transmission of electricity and its sale to the public in ten cities and one hundred eighty other communities in New Hampshire, to nine communities in the State of Maine and six communities in the State of Vermont, and the sale at wholesale to ten other electric utilities. Public Service is an exempt holding company under the Holding Company Act of 1935.

Swans Falls is a common law trust, the entire assets of which consist of a hydroelectric development of the Saco River in Fryeburg, Maine, having a nameplate rating of 640 kw, cash and other current assets. It is solely engaged in the generation of electrical energy and the sale thereof, according to the application, at actual cost at Fryeburg, Maine, to Public Service.

In exchange for Swans Falls assets, Public Service will surrender all outstanding Shares of Beneficial Interest for cancellation.

According to the application, the acquisition of Swans Falls assets by Public

Service will provide the latter company with certain Federal Income Tax benefits. Since the sale of power by Swans Falls to Public Service is now made at cost, acquisition of the facilities by Public Service will not increase its costs Applicants state.

Any person desiring to be heard or to make any protest with reference to said application, should, on or before the 23 day of March, 1964, file with the Federal Power Commission, Washington, D.C., 24026, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2346; Filed, Mar. 10, 1964; 8:48 a.m.]

[Docket No. RI64-64 etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 27, 1964.

Skelly Oil Company, et al., Docket Nos. RI64-64, et al.; Delhi-Taylor Oil Corporation, Docket No. RI64-70.

In the order providing for hearings on and suspension of proposed changes in rates, issued August 2, 1963 and published in the FEDERAL REGISTER August 10, 1963 (F.R. Doc. 63-8507; 28 FR 8257), after Docket No. RI64-70, Delhi-Taylor Oil Corporation change Rate Schedule No. 34, Supplement No. 7 to read Rate Schedule No. "35", Supplement No. 7.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2347; Filed, Mar. 10, 1964; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE PHILIPPINES

Limitation on the Entry or Withdrawal From Warehouse

MARCH 6, 1964.

The United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, has concluded a bilateral agreement with the Government of the Philippines concerning exports of cotton textiles from the Philippines to the United States over a four-year period. Under this agreement the Government of the Philippines has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. The first year of the agreement commenced on January 1, 1964, and extends through December 31, 1964. The categories which are subject to specific export limitation under the agreement are as follows: 32, 39, 45, 50, 51, 60, 61 and 64. All other categories of cotton textiles and cotton textile products exported from the Philippines to the United States are subject to control by the Government of the Philippines, as set forth in the agreement.

There is published below a letter of March 5, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in certain categories produced or manufactured in the Philippines which may be entered, or withdrawn from warehouse, for consumption in the United States from January 1, 1964, through December 31, 1964, be limited to certain designated levels. The levels set forth in this letter have been adjusted to take account of deductions from the export limitations in certain categories as provided for in the agreement between the United States and the Philippines.

For the reference of interested parties, the agreement between the United States and the Philippines on cotton textiles will be published in the Department of State Bulletin.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C.,
March 5, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

Dear Mr. Commissioner: This directive supersedes all previous directives issued to you concerning entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in the Philippines, except that the portion of my directive of August 14, 1963, which pertains to entries of cotton textile products in Category 45 shall remain in effect until further notice.

Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective March 16, 1964, and for the period extending through December 31, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and textile products in Categories 32, 39, 50, 51, 60, 61 and 64, produced or manufactured in the Philippines, in excess of the following levels of restraint as adjusted for previous entries:

Category	12-Month Level of Restraint	12-Month Level of Restraint Less Adjustments
32	3,150,000 dozen	3,150,000 dozen (2).
39	225,000 dozen pairs	185,100 dozen pairs (1).
50	16,000 dozen	15,000 dozen (2).
51	do	14,874 dozen (1).
60	7,000 dozen	7,000 dozen (2).
61	1,200,000 dozen	1,036,028 dozen (1).
64	152,175 pounds	152,175 pounds (2).

(1) These levels have been adjusted to reflect entries reported to the Bureau of Customs, Washington, D.C., from January 1, 1964, through February 21, 1964. Adjustments have not been made to reflect any other entries which may have been made from January 1, 1964.

(2) These levels have not been adjusted to reflect entries made on or after January 1, 1964, if any.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 39, 51 and 61, produced or manufactured in the Philippines, shall be subject to the directives set forth in this letter even though exported to the United States from the Philippines prior to January 1, 1964.

In carrying out this directive, you shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 32, 50, 60 and 64, produced or manufactured in the Philippines, when the cotton textiles and cotton textile products sought to be entered have been exported to the United States from the Philippines prior to January 1, 1964, regardless of whether the restraint levels have been filled, and such goods from the Philippines, shipped prior to January 1, 1964, are not to be counted against the restraint levels even if not filled at the time of entry.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Philippines and with respect to imports of cotton textiles and cotton textile products from the Philippines have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JACK N. BEHRMAN,
Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-2383; Filed, Mar. 10, 1964; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-3177]

FORT APACHE OIL & GAS, INC.

Order Canceling Hearing and Making Suspension Permanent

MARCH 5, 1964.

I. Fort Apache Oil & Gas, Inc. (issuer), 317-20th Avenue, Yuma, Arizona, was incorporated in Nevada on October 26, 1963, for the general purpose of developing and exploiting oil and gas leaseholds, and specifically to explore for oil and gas on 1,788 acres of leased land in Navajo County, Arizona. Issuer filed with the Commission on November 18, 1963, a notification and exhibits including an offering circular relating to an offering of 300,000 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission by order dated January 23, 1964, temporarily suspended the Regulation A exemption of Fort Apache Oil & Gas, Inc., pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended. A written request for a hearing was made by the issuer on January 31, 1964. The Commission, by order dated February 5, 1964, ordered a hearing in the above-entitled matter, pursuant to section 3(b) of the Securities Act of 1933, as amended, and Rule 261 (b) thereunder, to commence on February 17, 1964, at 2:00 p.m., P.s.t., at the State Corporation Commission, State Office Building, Phoenix, Arizona, before Hearing Officer Irving Schiller.

The company entered an appearance at the stipulated time, but did not proceed with the hearing. The company withdrew its request for a hearing by written request on March 3, 1964, consenting to the suspension order being made permanent.

It is ordered, That the request for hearing be, and it hereby is, deemed withdrawn.

It is further ordered, That the hearing in this matter scheduled for February 17, 1964, be, and it hereby is, canceled.

Pursuant to the provisions of Rule 261 (b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2348; Filed, Mar. 10, 1964; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XIII (Amdt. 3)]

PROGRAM ACTIVITIES IN SEATTLE REGIONAL OFFICE

Delegation of Authority

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, and 8179, Delegation of Authority No. 30-XIII, as amended, 28 F.R. 4938, 8231, and 10593, is hereby amended by revising Subitems I.K.3 and I.K.5 thereof. As revised, Subitems I.K.3 and I.K.5 read as follows:

I. • • •

K. The following authority is hereby redelegated to the Branch Managers at Portland, Oregon; Anchorage, Alaska; Boise, Idaho; and Helena, Montana:

• • • • • •

3. To disburse approved loans.

4. • • •

5. Item I.C.12—Only the authority for servicing, administration, and collection, including Subitems a, b, and c.

Effective date: February 24, 1964.

WILLIAM S. SCHUMACHER,
Regional Director, Seattle.

[F.R. Doc. 64-2315; Filed, Mar. 10, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 295]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 6, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 69) ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, filed February 17, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between Cincinnati, Ohio, and Peoria, Ill., over Interstate Highway 74, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 52 to Indianapolis, Ind., thence over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 24, thence over U.S. Highway 24 to Peoria, and return over the same route.

No. MC 57899 (Deviation No. 1) HUGHEY TRANSPORTATION COMPANY, Post Office Box 907, McComb, Miss., filed February 17, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From McComb, Miss., over U.S. Highway 51 to the junction U.S. Highways 51 and 190 at or near Hammond, La., thence over U.S. Highway 190 to Baton Rouge, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From McComb over Mississippi Highway 24 to Beechwood, Miss., thence over Mississippi Highway 569 and Louisiana Highway 67 to Baton Rouge, and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-2360; Filed, Mar. 10, 1964; 8:48 a.m.]

[Notice No. 609]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 6, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 221) (AMENDMENT), filed January 31, 1964, published FEDERAL REGISTER issue February 12, 1964, amended March 4, 1964, republished as amended, this issue. Applicant: DEATON TRUCK LINE, INC., 3409 Tenth Avenue North, Birmingham, Ala. Applicant's attorney: D. H. Markstein, Jr., 818-821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and mineral mixtures*, from Chalmette, La., to points in Alabama, Arkansas, Florida, Georgia, and Mississippi.

NOTE: The purpose of this republication is to add mineral mixtures to the commodity

description. This application was formerly published in the February 12, 1964 issue of the FEDERAL REGISTER. It is being republished herein for the purpose of assigning it for hearing.

HEARING: March 31, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 11207 (Sub-No. 222), filed March 4, 1964. Applicant: DEATON TRUCK LINE, INC., 3409 Tenth Avenue, North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, and iron and steel articles* (including, but not limited to, valves, fire hydrants and parts and accessories therefor), and (2) *pipe and pipe fittings*, from points in Arkansas and Oklahoma.

NOTE: Applicant states that the proposed service is to be restricted against the transportation of commodities used in and in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts.

HEARING: April 6, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner James O'D. Moran.

No. MC 55236 (Sub-No. 83), filed March 2, 1964. Applicant: OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, from Wisconsin Rapids and Park Falls, Wis., to points in Minnesota, Iowa, Missouri, Illinois, Michigan, Indiana, Ohio, Kentucky, and Pennsylvania.

HEARING: March 18, 1964, at the U.S. Courtrooms, Milwaukee, Wis., before Examiner Raymond V. Sar.

No. MC 69116 (Sub-No. 82), filed March 3, 1964. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Churubusco, Ind., as an off-route point in connection with applicant's regular route operations to and from Fort Wayne, Ind.

HEARING: April 6, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, if the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 107496 (Sub-No. 310), filed February 28, 1964. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in Iowa, Kansas, and Missouri.

NOTE: Common control may be involved.

HEARING: March 25, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 117578 (Sub-No. 7), filed March 2, 1964. Applicant: PETROLEUM TRANSIT CORPORATION OF VIRGINIA, Lumberton, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E. Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, lime products, limestone, and limestone products*, between points in Virginia.

NOTE: Common control may be involved. Applicant states that the proposed operations will be restricted to shipments having a prior movement by rail.

HEARING: March 31, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 108.

No. MC 120543 (Sub-No. 19), filed February 27, 1964. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. 301 North, Dade City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Tennessee, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

HEARING: March 31, 1964, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner James O'D. Moran.

SECTION B

MOTOR CARRIERS OF PROPERTY

No. MC 31600 (Sub-No. 554) (AMENDMENT), filed October 18, 1963, published in FEDERAL REGISTER issue of October 30, 1963, amended December 18, 1963, and republished with hearing information this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common* carrier, by motor vehicle, over irregular routes, transporting: *Synthetic glue, resins, and sizings*, in bulk, in tank vehicles, from Chicopee, Mass., to Frewsburg and Mechanicville, N.Y.

NOTE: The purpose of this republication is to substitute Frewsburg, N.Y., in lieu of Jamestown, and advise the time and place of hearing.

HEARING: April 29, 1964, at the Hotel Essex, Boston, Mass., before Examiner Donald R. Sutherland.

No. MC 42963 (Sub-No. 18) (REPUBLICATION), filed April 3, 1963, published FEDERAL REGISTER issue of June 26, 1963, and republished this issue. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1311–12 Ambassador Building, St. Louis 1, Mo. By application filed April 3, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, over irregular routes, as a common carrier by motor vehicle of silica flour and silica sand, in bulk, from points in St. Louis and Jefferson Counties, Mo., to points in Arkansas, Iowa, Illinois, Kentucky, and Tennessee. The application was referred to Examiner Laurence E. Masoner for hearing and the recommendation of an appropriate order thereon. Hearing on a consolidated record was held on September 13, 1963, at St. Louis, Mo. At the hearing applicant moved to amend its application to include a request for authority from St. Charles County, Mo. The proposed amendment was conditionally allowed at the hearing and evidence relating to the need for service from that county was received. A report and order, served January 22, 1964, which became effective February 24, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of silica flour and silica sand, in bulk, from points in St. Charles, St. Louis, and Jefferson Counties, Mo., to points in Arkansas, Iowa, Illinois, Kentucky, and Tennessee. The examiner further finds that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued after the lapse of 30 days from the date of publication in the FEDERAL REGISTER of the authority recommended to be granted herein.

No. MC 49727 (Sub-No. 6), filed August 26, 1963. Applicant: CZYHOLD TRUCK LINES, INC., 901 South Sixth Street, Dayton, Wash. Applicant's attorney: Harley W. Allen, 102 First National Bank Building, Walla Walla, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Clearwater, Latah, and Kootenai Counties, Idaho, to points in Umatilla County, Oreg., and Columbia, Walla Walla, Benton, Franklin, Adams, Grant, and Yakima Counties, Wash., and (2) from points in Umatilla County, Oreg., to points in Grant, Benton, Franklin, Adams, and Walla Walla Counties, Wash.

HEARING: April 29, 1964, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 81, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 52704 (Sub-No. 41) (AMENDMENT), filed December 18, 1963, published in FEDERAL REGISTER issue February 19, 1964, republished as amended, this issue. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Lafayette, Ala. Applicant's attorney: D. H. Markstein, Jr., 818–821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and mineral mixtures*, from Chalmette, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

NOTE: The purpose of this republication is to add meneral mixtures to the commodity description.

HEARING: Remains as assigned March 31, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 59570 (Sub-No. 16) (REPUBLICATION), filed April 29, 1963, published FEDERAL REGISTER issue of May 22, 1963, and republished this issue. Applicant: HECHT BROTHERS, INC., Toms River, N.J. Applicant's attorney: Isadore H. Schwartz, 200 Penn Square Building, Philadelphia 7, Pa. By application filed April 29, 1963, as amended, applicant seeks a certificate authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of asphalt mix, in bags, from points in Dutchess County, N.Y., to points in New Jersey and those in Pennsylvania on and east of U.S. Highway 15; (2) of dry salt (sodium chloride), in bulk and in bags; dry salt (sodium chloride) with additives, dry pepper, and dry mineral mixture, in mixed shipments with dry salt (sodium chloride), from points in New Jersey on and east of U.S. Highway 206 (except Burlington, Camden, Salem, Atlantic Gloucester, Cape May, and Cumberland Counties), to points in Connecticut, Delaware, Massachusetts, Maryland, New York, Pennsylvania, and Rhode Island; (3) of dry poultry feed and dry poultry feed ingredients, in bulk, from points in the New York, N.Y. commercial zone as defined by the Commission, to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania; (4) of sand, sand products, and gravel, in bulk and in bags, from points in Ocean and Monmouth Counties, N.J., to Pinewald, N.J., and (5) of empty containers or other such incidental facilities used in transporting the commodities described in (1), (2), (3), and (4) above, on return.

The application was referred to Examiner Donald R. Sutherland for hearing and the recommendation of an appropriate order thereon. Hearing was held on July 8 and 9, 1963, at Philadelphia, Pa. At the hearing the Examiner found that part (4) of the application would be confined to Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island. A report and order, served January 29, 1964, which became effective February 28, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of *asphalt mix*, in bags, from points in Dutchess County, N.Y., to points in New Jersey and those in Pennsylvania on and east of U.S. Highway 15; (2) (a) of *dry salt*, in bulk from points in that part of New Jersey on, north and east of a line beginning at Atlantic City, N.J., and extending along U.S. Highway 30 to Junction U.S. Highway 206, thence along U.S. Highway 206 to the New Jersey-Pennsylvania State line (except points in Atlantic, Burlington, and Camden Counties), to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island, restricted to shipments having an immediately prior movement by rail from points beyond New Jersey, and (b) of *dry salt*, in bulk, and in bags; *dry salt* with additives, *dry pepper* and *dry mineral mixtures*, from Port Newark, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island; (3) of *dry poultry feed and dry poultry feed ingredients*, in bulk, from Bayonne, N.J., and Brooklyn, N.Y., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania; and (4) of *sand, sand products and gravel*, in bulk and in bags, from points in Monmouth and Ocean Counties, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate should be issued, subject to prior republication of a corrected notice in the FEDERAL REGISTER as hereinbefore described relating to part (4) of the application, and subject to receipt of a written statement authorizing cancellation of that portion of its existing certificate No. MC–59570 (Sub-No. 13) specifying the transportation of asphalt mix, in bags, from points in Dutchess County, N.Y., to Devault, Pa. and Pinewald, N.J.

No. MC 63503 (Sub-No. 10), filed October 28, 1963. Applicant: WM. N. FOOTER, INC., Reeds Ferry, N.H. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs, posts, ties, planking, crossarms, timbers, and wooden trusses*, from Merrimack and Nashua, N.H., to points in Maine, Vermont, Massachusetts, Connecticut, and Rhode Island.

HEARING: May 5, 1964, at the New Hampshire Public Utilities Commission, Concord, N.H., before Examiner Donald R. Sutherland.

No. MC 66807 (Sub-No. 2), filed December 30, 1963. Applicant: MANUFACTURERS EXPRESS, INCORPORATED, 294 Kimberly Avenue, New Haven, Conn. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Lead washers, lead sleevings*, and *solder*, used in electrical installations, from Tottenville, Staten Island, New York, N.Y., to Orange, Conn., and Watertown, Mass., over applicant's existing routes as defined in Docket MC 66807.

HEARING: April 22, 1964, at the Park Sheraton Hotel, New York N.Y., before Examiner Abraham J. Essrick.

No. MC 92983 (Sub-No. 431), filed December 17, 1963. Applicant: ELDON MILLER, INC., P.O. Box 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from McFarland, Wis., to points in Illinois, Iowa, and Minnesota.

HEARING: April 23, 1964, at the U.S. Courtrooms, Madison, Wis., before Examiner William E. Messer.

No. MC 95876 (Sub-No. 25), filed November 4, 1963, published FEDERAL REGISTER issue February 26, 1964, amended March 2, 1964, republished as amended, this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite, marble, slate and stone*, from points in Washington and Orange Counties, Vt., to points in Michigan, Indiana, and Kentucky.

NOTE: The purpose of this application is to correctly show the commodities involved, and to delete the state of Ohio as a destination area.

HEARING: Remains as assigned April 7, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 106398 (Sub-No. 202) (REPUBLICATION), filed July 23, 1962. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 711 14th Street NW, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles* (including but not limited to *utility trailers, camp trailers, mobile homes, and commercial and other adaptations of the foregoing*), in initial movements, by truckaway service, from points in Pennsylvania (except Camp Hill, Chambersburg, Clarion, Clearfield, Irwin, Mansfield, Meadville, Montoursville, State College, and West Pittston), to points in the United States, including Alaska (but excluding Hawaii), and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return. By a report and recommended order, served July 12, 1963, Hearing Examiner Culbertson recommended that applicant be granted authority to transport commodities described substantially as above, from several named points in Pennsylvania to certain specified states. In addition he also recommended that applicant be authorized to transport fabricated houses in sections, mounted upon wheeled undercarriage or running gears, from Renovo and Shamokin, Pa., to several named States. Exception to this report, and reply by applicant were filed. An order by the Commission, Division 1, dated February 12, 1964, reads in part: "That the examiner recommended the issuance to applicant of a certificate authorizing the transportation over irregular routes, of (1) trailers designed to be drawn by passenger automobiles, in initial movements, in truckaway service from Avis, Hazleton, Selinsgrove, and Shamokin, Pa., and (2) fabricated

houses, in sections, mounted upon wheeled undercarriage or running gears, from Renovo and Shamokin, Pa., to points in the District of Columbia, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Hampshire, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia and West Virginia," "that the authority recommended by the examiner, to the extent set forth in part (2) above, is beyond the scope of the application as filed and should therefore be republished in the FEDERAL REGISTER;" and "that said proceeding be, and it is hereby reopened, on our own motion, for further hearing with respect solely to the portion of the authority recommended by the examiner and set forth in part (2) above, at a time and place to be hereafter fixed, and after publication in the FEDERAL REGISTER of the said recommended grant of authority."

No. MC 106400 (Sub-No. 48), filed November 26, 1963. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling Street, Sugar Creek, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, in bulk, in tank vehicles, from points in the Kansas City, Mo.-Kansas City, Kans. commercial zone to points in Missouri, Kansas, Iowa, Nebraska, and Colorado, and *damaged and rejected shipments*, on return.

HEARING: April 6, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Jerry F. Laughlin.

No. 107496 (Sub-No. 297), filed November 4, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P.O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Wyoming to points in Idaho.

NOTE: Common control may be involved.

HEARING: May 5, 1964, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 29, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 107500 (Sub-No. 74), filed December 20, 1963. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: Thomas J. Houser, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Morrill, Nebr. and junction U.S. Highways 26 and 87; from Morrill over U.S. Highway 26 to junction U.S. Highway 87 (commonly called Dwyer Junction, Wyo.), and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route authority.

NOTE: Applicant states the proposed service shall not be rendered on shipments having both origin and destination west of U.S. Highway 281. Common control may be involved.

HEARING: May 6, 1964, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 44, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 107871 (Sub-No. 24) (CORRECTION), filed December 11, 1963, published FEDERAL REGISTER issue February 26, 1964, republished as corrected, this issue. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West (P.O. Box 1012), Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, (1) in bags and (2) in bulk, in tank, hopper and dump type vehicles, from Town of Dover (Dutchess County), N.Y., to points in New York, New Jersey, Connecticut, and Pennsylvania.

NOTE: The purpose of this republication is to show Dover, N.Y., as a township.

HEARING: Remains as assigned April 16, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 108173 (Sub-No. 3), filed November 21, 1963. Applicant: LEO J. HANDY, P.O. Box 148, Heyburn, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes*, knocked down flat, corrugated or other than corrugated, and *fibreboard and pulpboard sheets*, from Burley, Idaho to Ontario, Oreg., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 112504, therefore dual operations may be involved.

HEARING: May 1, 1964, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 108380 (Sub-No. 63), filed October 6, 1963. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 112, Newcastle, Wyo. Applicant's attorney: John H. Lewis, 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Custer and Fall River Counties, S. Dak., to points in Wyoming.

HEARING: May 8, 1964, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 183, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 109431 (Sub-No. 12), filed December 30, 1963. Applicant: FRANK C. KLEIN & CO., INC., 3600 East 46th Avenue, Denver 16, Colo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Emulsified asphalts*, anodic and cationic, in tank vehicles, from points in Colorado, to points in Wyoming, Nebraska, and Kansas, and (2) *peneprine* (proprietary road asphalt), from the plant site of Empire Refining Co., located at Commerce City, Colo., to points in Wyoming, Nebraska, and Kansas.

HEARING: April 28, 1964, at the New Customs House, Denver, Colo., before Examiner Samuel Horwich.

No. MC 109689 (Sub-No. 153), filed December 23, 1963. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Grand Junction Colo., to points in Wyoming.

HEARING: April 30, 1964, at the New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 111434 (Sub-No. 53), filed December 27, 1963. Applicant: DON WARD, INC., P.O. Box 1488, Durango, Colo. Applicant's attorney: J. Albert Sebald, Equitable Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in sacks, from Laramie, Wyo., and points within 10 miles thereof, to points in Colorado on or north of a line beginning at the Colorado-Kansas state line, and extending along U.S. Highway 24 to Grand Junction, Colo., and thence along U.S. Highway 6 to the Colorado-Utah state line, and *rejected shipments thereof*, on return.

NOTE: Common control may be involved.

HEARING: May 1, 1964, at the New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 112989 (Sub-No. 5), filed December 6, 1963. Applicant: JOHNSON TRUCK SERVICE, INC., P.O. Box 112, Coquille, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland 5, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Benton and Linn Counties, Oreg., to points in Coos County, Oreg.

HEARING: May 4, 1964, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 113267 (Sub-No. 118), filed November 29, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, smoked, cured or otherwise preserved* when transported in mechanically temperature controlled vehicles (other than in bulk or in tank vehicles), from the plant site of Ready Foods Corporation located at Bushnell, Ill., to Miami, Fla.

NOTE: Common control may be involved.

HEARING: May 1, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 113855 (Sub-No. 85), filed November 4, 1963. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Michael E. Miller, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood fencing and building board*, from points in Montana, Idaho, Washington, Oregon, California, Arizona, and Wahoo County, Nev., to points in Missouri, Kentucky, Indiana, Michigan, Ohio, Wisconsin, Illinois, and Iowa. (2) *Lumber*, (a) from points in Montana, Idaho, Washington, Oregon, California, Arizona, and Wahoo County, Nev., to points in Missouri, Kentucky, Indiana, Michigan, and Ohio, (b) from points in Wyoming, to points in Iowa, Wisconsin, Illinois, Missouri, Kentucky, Indiana, Michigan, and Ohio.

HEARING: April 27, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 113855 (Sub-No. 87), filed December 30, 1963. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental and show display tractors and farm and industrial machinery and equipment*, which, at the time of movement are being transported for purposes of display and experiment, and not for sale, *incidental paraphernalia*, moving in the same vehicles and at the same time, and *rejected shipments*, between points in the United States (except Hawaii and Alaska).

HEARING: April 29, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 114194 (Sub-No. 51) (REPUBLICATION), filed August 14, 1963, published FEDERAL REGISTER issue of August 21, 1963, and republished this issue. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. By application filed August 14, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, over irregular routes, as a common carrier by motor vehicle of silica flour and silica sand, in bulk, from points in St. Louis and Jefferson Counties, Mo., to points in Arkansas, Iowa, Illinois, Kentucky, and Tennessee. The application was referred to Examiner Laurence E. Masoner for hearing and the recommendation of an appropriate order thereon. Hearing on a consolidated record was held on September 13, 1963, at St. Louis, Mo. At the hearing applicant moved to amend its application to include a request for authority from St. Charles County, Mo. The proposed amendment was conditionally allowed at the hearing and evidence relating to the need for service from that County was received. A Report and Order, served January 22, 1964, which became effective February 24, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of silica flour and silica sand, in bulk, from points in St. Charles, St. Louis, and Jefferson Counties, Mo., to points in Arkansas, Iowa, Illinois, Kentucky, and Tennessee. The examiner further finds that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued after the lapse of 30 days from the date of publication in the FEDERAL REGISTER of the authority recommended to be granted herein.

No. MC 114211 (Sub-No. 41), filed November 26, 1963. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Black Hawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental and show-display tractors and farm and industrial machinery and equipment*, which, at the time of movement are being transported for purposes of display or experiment, and not for sale, *incidental paraphernalia* moving in the same vehicles and at the same time, and *rejected shipments* between points in the United States except Hawaii and Alaska.

HEARING: April 29, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 115036 (Sub-No. 16), filed November 20, 1963. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as dealt in by wholesale, retail, and chain groceries and food business houses, and in connection therewith, equipment, materials and supplies used and useful in the conduct of such business*, between Pittsburg, Kans., and points in Arkansas, Oklahoma, and Missouri.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Permit MC 119630 and subs thereunder; therefore dual operations may be involved.

HEARING: April 6, 1964, at the Pickwick Motor Inn, McGee and 10th St., Kansas City, Mo., before Examiner Jerry F. Laughlin.

No. MC 115331 (Sub-No. 56) (REPUBLICATION), filed July 30, 1963, published FEDERAL REGISTER issue of August 14, 1963, and republished this issue. Applicant: TRUCK TRANSPORT, INC., 707 Market St., St. Louis, Mo. By application filed July 30, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce over irregular routes, as a common carrier, by motor vehicle, of silica flour and silica sand, in bulk, from points in St. Louis and Jefferson Counties, Mo., to points in Arkansas, Iowa, Illinois, Kentucky, and Tennessee. The application was referred to Examiner Laurence E. Masoner for hearing and the recommendation of an appropriate order thereon. Hearing on a consolidated record was held on September 13, 1963, at St. Louis, Mo. At the hearing applicant moved to amend its application to include a request for authority from St. Charles County, Mo. The proposed amendment was conditionally allowed at the hearing and evidence relating to the need for service from that County was received. A Report and Order, served January 22, 1964, which became effective February 24, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of silica flour and silica sand, in bulk, from points in St. Charles, St. Louis, and Jefferson Counties, Mo., to points in Arkansas, Iowa, Illinois, Kentucky, and Tennessee. The examiner further finds that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued after the lapse of 30 days from the date of publication in the FEDERAL REGISTER of the authority recommended to be granted herein.

No. MC 117136 (Sub-No. 14), filed November 20, 1963. Applicant: BUSY BEE, INC., P.O. Box 3113, Eugene, Oreg. Applicant's attorney: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland 10, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal, crumbles*, and *pellets*, from points in California to points in Oregon.

HEARING: May 4, 1964, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oregon, before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 118329 (Sub-No. 2), filed December 16, 1963. Applicant: EL-EM SEAFOOD TRANSPORT, INC., P.O. Box 2292—R. 1062 Davol Street, Fall River, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Viobin whole white fish flour*, from New Bedford, Mass., to Beardstown, Chicago, Danville, Monticello and Monmouth, Ill., St. Louis and Springfield, Mo., Burlington, Cambridge, and Delavan, Wis., and Eden Valley, Glencoe, and Okabena, Minn.

HEARING: April 23, 1964, at the Federal Building, Providence, R.I., before Examiner Donald R. Sutherland.

No. MC 119988 (Sub-No. 9), filed December 10, 1963. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberland Drive, Lufkin, Tex. Applicant's attorney: Mert Starnes, 721 Brown Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite and marble*, (1) from Rion, S.C., to points in Arizona, California, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, (2) between Rion, S.C., and Elberton, Ga., (3) from Elberton, Ga., to points in Texas, and (4) from Denver, Colo., to points in Arizona, Arkansas, California, Idaho, Illinois, Indiana, Kansas, Kentucky, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming, and *damaged and rejected shipments*, on return in (1), (3) and (4) above, and between Rion, S.C., and Elberton, Ga.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: April 27, 1964, at the New Customs House, Denver, Colo., before Examiner Samuel Horwich.

No. MC 123048 (Sub-No. 28) (AMENDMENT), filed September 30, 1963, published FEDERAL REGISTER issue February 19, 1964, republished as amended this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery and utility trailers*, from Glenbeulah, Wis., to points in Illinois, Indiana, Kentucky, Ohio and the lower peninsula of Michigan, and *rejected shipments*, on return.

NOTE: The purpose of this republication is to eliminate the states of New York and Pennsylvania, and the upper peninsula of Michigan as destination areas.

HEARING: Remains as assigned April 15, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Laurence E. Masoner.

No. MC 123048 (Sub-No. 29), filed October 21, 1963. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery*, from Crystal Lake, Ill., to points in Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Wisconsin, Michigan (except the upper peninsula of Michigan), Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Rhode Island, New York (except Queens, Kings, Nassau, and Suffolk Counties, N.Y.), and Nebraska, and *rejected shipments on return*.

HEARING: April 22, 1964, at the U.S. Courtrooms, Madison, Wis., before Examiner William E. Messer.

No. MC 123048 (Sub-No. 31), filed December 23, 1963. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental and show display tractors and farm and industrial machinery and equipment*, which, at the time of movement are being transported for purposes of display and experiment, and not for sale, *incidental paraphernalia*, moving in the same vehicles and at the same time, and *rejected shipments* between points in the United States (except Hawaii and Alaska).

HEARING: April 29, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 123310 (Sub-No. 2), filed June 21, 1963. Applicant: VERNON L. HUNT, doing business as HUNT TRUCKING, 1014 Madison Avenue, Cheyenne, Wyo. Applicant's attorney: Ward A. White, P.O. Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk and in sacks, from Denver, Colo., to points in Wyoming and Banner, Sioux and Scotts Bluff Counties, Nebr., and *beans and grains* (unmanufactured agricultural commodities), on return.

HEARING: May 6, 1964, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 124078 (Sub-No. 67) (REPUBLICATION), filed July 1, 1963, published FEDERAL REGISTER issue of July 24, 1963, and republished this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 S. 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). By application filed July 1, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, over irregular routes, as a common carrier by motor vehicle of silica flour and silica sand, in bulk, from points in St. Louis and Jefferson Counties, Mo., to points in Arkansas, Iowa, Illinois, Kentucky and Tennessee. The application was referred to Examiner Laurence E. Masoner for hearing and the recommendation of an appropriate order thereon. Hearing on a consolidated record was held on September 13, 1963, at St. Louis, Mo. At the hearing applicant moved to amend its application to include a request for authority from St. Charles County, Mo. The proposed amendment was conditionally allowed at the hearing and evidence relating to the need for service from that County was received. A report and order, served January 22, 1964, which became effective February 24, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of silica flour and silica sand, in bulk, from points in St. Charles, St. Louis, and Jefferson Counties, Mo., to points in Arkansas, Iowa, Illinois, Kentucky, and Tennessee. The examiner further finds that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued after the lapse of 30 days from the date of publication in the FEDERAL REGISTER of the authority recommended to be granted herein.

No. MC 125203, filed March 21, 1963. Applicant: M. O. W. TRUCKING, INC., Box 918, Caldwell, Idaho. Applicant's attorney: Raymond D. Givens, Columbia Building—500 Washington Street, P.O. Box 964, Boise, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, as defined in Part A of Appendix I, Ex Parte No. 45, 61 M.C.C. 209 at p. 272 (except commodities in bulk moving in tank vehicles), from Nampa, Idaho, to points in Alameda, Contra Costa, San Francisco, Santa Clara, and Sacramento Counties, Calif., points in the Los Angeles, California, Commercial Zone, Butte, Mont., Portland, Oreg., and points within five (5) miles thereof, and Seattle, Wash., and *exempt commodities*, on return.

HEARING: April 27, 1964, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Warren C. White.

No. MC 125258 (Sub-No. 2), filed November 14, 1963. Applicant: MURRY STOVAL, WARREN WISE, PAUL KLINE AND EARL WISE, a partnership, doing business as STOVAL, WISE, KLINE & WISE, 103 Circle Drive, Thermopolis, Wyo. Applicant's attorney: Ward A. White, P.O. Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Park, Hot Springs, Washakie, Big Horn, Fremont, and Teton Counties, Wyo., to points in Wisconsin and Iowa, and those in Nebraska east of U.S. Highway 81.

HEARING: May 7, 1964, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner Samuel Horwich.

No. MC 125502, filed June 26, 1963. Applicant: ARTHUR PAUL AND NAPOLEON O. PAUL doing business as PAUL BROTHERS TRUCKING, 58 Court Street, Winchendon, Mass. Applicant's attorney: Andre J. Barbeau, 12 Paris Terrace, Manchester, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated cardboard containers*, in bundles, from Winchendon, Mass., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, (2) *excelsior pads*, in bundles, from Wolfeboro, N.H., and Winchendon, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, (3) *filler flats*, in bundles, from Waterville, Maine, Ridgefield, N.J., and Winchendon, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, and (4) *pad flats*, in bundles from Waterville, Maine, and Winchendon, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania.

NOTE: Applicant states the proposed service will be for the account of New England Woodenware Corporation of Winchendon, Mass.

HEARING: May 4, 1964, at the New Hampshire Public Utilities Commission, Concord, N.H., before Examiner Donald R. Sutherland.

No. MC 125521 (Sub-No. 2) (CORRECTION), filed August 21, 1963, published FEDERAL REGISTER, issue of February 19, 1964, and republished this issue. Applicant: FUNK MOTOR TRANSPORTATION INC., Box 75, Grand Rapids, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis. and South Bend, Ind. to Bowling Green, Ohio and points within three miles thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Cross Distributing, Inc. The purpose of this republication is to show applicant's correct address.

HEARING: Remains as assigned April 16, 1964, at the Detroit Statler Hilton Hotel, Detroit, Mich., before Examiner Samuel C. Shoup.

No. MC 125530 (AMENDMENT), filed July 15, 1963, published in FEDERAL REGISTER issue of August 28, 1963, hearing held October 9, 1963, amended October 28, and republished as amended, this issue. Applicant: KENNETH S. ELLINGWOOD, doing business as KEN'S GARAGE, Lafayette Road, North Hampton, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles*, with the use of wrecker equipment, between points in York, Cumberland, Androscoggin, Sagadahoc and Kennebec Counties, Maine, points in Essex and Suffolk Counties, Mass., and points in Rockingham and Strafford Counties, N.H.

NOTE: The purpose of this republication is to substitute the above description of proposed operations for that published in the previous issue.

HEARING: May 6, 1964, at the New Hampshire Public Utilities Commission, Concord, N.H., before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 125741, filed October 9, 1963. Applicant: M. H. BRYAN AND C. W. EADS, a co-partnership, doing business as RIVERTON-BIG HORN FREIGHT LINES, P.O. Box 2050, Casper, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Casper, Wyo., and Riverton, Wyo., from Casper, over U.S. Highways 20 and 26 to Shoshoni, thence over U.S. Highway 26 and Wyoming Highway 789 to Riverton, serving all intermediate points, (2) between Shoshoni, Wyo., and Cody, Wyo., from Shoshoni over U.S. Highway 20 and Wyoming Highway 789 to Greybull, thence over U.S. Highways 20 and 14 to Cody, serving all intermediate points, and the off-route points of Otto and Burlington, Wyo., and (3) between Cody, Wyo., and Greybull, Wyo., from Cody over Wyoming Highway 14 to Lovell, thence over Wyoming Highway 789 to junction U.S. Highway 20, and thence over U.S. Highway 20 to Greybull, serving all intermediate points, and the off-route points of Deaver and Cowley, Wyo., and *empty containers* or other such incidental facilities used in transporting the above commodities, on return.

HEARING: May 4, 1964, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 197, or, if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 125789 (CORRECTION), filed November 4, 1963, published FEDERAL REGISTER, issue of February 26, 1964, and republished as corrected this issue. Applicant: ROBERT SLATKIN, doing business as WINDSOR WAREHOUSING CO., 1453 41st Street, North Bergen, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Juvenile furniture*, from North Bergen, N.J., to points in Nassau, Suffolk, Rockland, and Westchester Counties, N.Y. and Philadelphia, Springfield, and King of Prussia, Pa., limited to deliveries to Korvette and My Baby Stores in the destination territory, and further restricted to movements solely from Windsor Warehouse and railhead in North Bergen, N.J., of juvenile furniture which had hitherto been stored and processed under applicant's function as a warehouseman.

NOTE: Applicant states the proposed operation will be under continuing contracts with Hopkins Mfg. Co., Pride Products, Storkline Products, and M.B. (My Baby) Jobbing Corp. The purpose of this republication is to show the correct state where hearing will be held. Previous notice showed Newark, N.Y.

HEARING: April 9, 1964, at the Federal Building, Newark, N.J., before Examiner Lyle C. Farmer.

No. MC 125793 (Sub-No. 1), filed December 16, 1963. Applicant: DONNA TRUCKING, INC., B F Star Route Box 88, Eagle Point, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Specified wood products, namely: bracing, blocking, gate load and carloading material, pallet stock, grape stakes, and grape cross arms*, from points in Jackson and Josephine Counties, Oreg., to points in California, and *exempt commodities*, on return.

HEARING: May 5, 1964, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 125800 (Sub-No. 2), filed December 18, 1963. Applicant: H. C. BOROVEC, doing business as BOROVEC TRUCKING, 2344 Market Street, Chehalis, Wash. Applicant's attorney: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland 10, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil and gas well drilling, mud and compounds*, from Chehalis, Wash., to points in Oregon, and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

HEARING: May 5, 1964, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 125872, filed December 2, 1963. Applicant: C. H. DREDGE & COMPANY, INC., 44 Orange Street, Salt Lake City, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato products, including shoestring, french fried potatoes and potato chips*, (2) *corn products and manufactured corn products, including corn chips, corn crinkles, cheese nibbles, and pizza puffs, and* (3) *popcorn*, from Kaysville, Utah, to points in Montana, Arizona, Idaho, Colorado, Wyoming, New Mexico, and Texas, and *empty contain-*

ers or other such incidental facilities (not specified) used in transporting the above described commodities, on return.

HEARING: April 21, 1964, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Warren C. White.

No. MC 125887, filed November 27, 1963. Applicant: DORSEY CAMPBELL, 2526 North 38th Street, Boise, Idaho. Applicant's attorney: John B. Kugler, Pocatello, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed, linseed, soybean, and safflower meals and cake; oyster shell; hay; certified seeds and stock salt*, from points in that part of California on and south of U.S. Highway 40 and on and south of California Highway 12, to points in Harney and Malheur Counties, Oreg. and Idaho, and *exempt commodities*, on return.

HEARING: April 30, 1964, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Warren C. White.

No. MC 125887 (Sub-No. 1), filed November 27, 1963. Applicant: DORSEY CAMPBELL, 2526 North 38th Street, Boise, Idaho. Applicant's attorney: John B. Kugler, Pocatello, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stock salt*, from Redmond, Utah, to points in Harney and Malheur Counties, Oreg., and points in Idaho.

NOTE: Applicant states it proposes to transport exempt commodities, on return.

HEARING: April 30, 1964, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 346, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 125903, filed December 23, 1963. Applicant: S. PETER CEPLON, doing business as EASTERN MOBILE HOME SERVICE, 213 Thames Street, Newport, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, in secondary movement, by truckaway method, between points in the United States (except Alaska and Hawaii).

HEARING: April 21, 1964, at the Federal Building, Providence, R.I., before Examiner Donald R. Sutherland.

No. MC 125906, filed December 30, 1963. Applicant: FREDERICK E. WILLIAMS, doing business as ATLANTIC–PACIFIC DRIVE-AWAYS, 338 Majestic Building, Denver, Colo., 80202. Applicant's attorney: Robert D. Means, Majestic Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used cars* by driveaway in secondary movement, between points in Colorado on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

HEARING: April 29, 1964, at the New Customs House, Denver, Colo., before Examiner Samuel Horwich.

No. MC 125912, filed December 30, 1963. Applicant: NATHAN KASTEN, doing business as A. A. TRUCKING COMPANY, 212 East 45th Street, New York 17, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Less-truckload, same-day deliveries of *printed matter*, from New York, N.Y., to points in Essex, Union, and Morris Counties, N.J.

HEARING: April 22, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Abraham J. Essrick.

MOTOR CARRIERS OF PASSENGERS

No. MC 2880 (Sub-No. 20), filed September 11, 1963. Applicant: SOMERSET BUS CO., INC., 1062 Route 22, Mountainside, N.J. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Bernardsville, N.J., and Springfield, N.J., from Bernardsville, N.J., along Mine Brook Road to the junction of Mount Airy Road, thence along Mount Airy Road to Bernards Township, N.J., thence along West Oak Street to the junction of South Finley Avenue, thence along South Finley Avenue to the junction of Stonehouse Road, thence along Stonehouse Road to the junction of Valley Road, thence along Valley Road to Passaic Township, N.J., thence along Valley Road to Berkeley Heights, N.J., thence along Springfield Avenue to New Providence, N.J., thence along Springfield Avenue to Summit, N.J., thence along Springfield Avenue to the junction of Morris Avenue, thence along Morris Avenue to the junction of Broad Street, thence along Broad Street to Springfield, N.J., thence along Morris Avenue to Millburn, N.J., thence along Morris Avenue to Springfield, N.J., thence along Morris Avenue to the junction of Mountain Avenue, a point on applicant's authorized regular-route operations, and return over the same route, serving all intermediate points.

HEARING: May 4, 1964, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 3647 (Sub-No. 351), filed October 15, 1963. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Whitehouse (Readington Township), N.J., and Newark, N.J., (1) From the junction of U.S. Highway 22 and New Jersey County Highway 523, Whitehouse (Reading Township), N.J., over New Jersey County Highway 523 to junction U.S. Highway 202, Bedminister Township, N.J., thence over U.S. Highway 202 to Boro of Far Hills, and Boro of Bernardsville, N.J., thence from Bernardsville, N.J., over Mount Airy Road, West Oak Street, South Finley Avenue, Stonehouse Road, Valley Road, Bernards Township, N.J., to Valley Road, Passaic Township, N.J., thence over Valley Road to Springfield Avenue, Berkeley Heights Township, N.J., thence over Springfield Avenue in Berkeley Heights Township, Boro of New Providence and City of Summit, N.J., to the junction of Morris Avenue, Summit, N.J., thence over Morris Avenue to junction Broad Street, thence over Broad Street to junction Morris Avenue, Springfield, N.J., thence over Morris Avenue via Millburn, Springfield, and Union, N.J., to junction U.S. Highway 22, Union, N.J., thence over U.S. Highway 22 in Union, Hillside and Newark, N.J., to junction U.S. Highway 1–9, Newark, N.J., and return over the same route, serving all intermediate points except between Morris Avenue at Morris Turnpike, Springfield, N.J., and Morris Avenue at U.S. Highway 22, Union, N.J.; (2) from the Boro of Bernardsville, N.J., over North Finley Avenue to junction West Oak Street at South Finley Avenue, Basking Ridge (Bernards Township), N.J., and return over the same route, serving all intermediate points; (3) from junction South Finley Avenue and Henry Street, Basking Ridge (Bernards Township), N.J., over Henry Street, and South Maple Avenue, Bernards Township, N.J., to junction Basking Ridge Roard in Millington (Passaic Township), N.J., thence over Basking Ridge Road, Long Hill Road, and Division Avenue to junction Valley Road in Millington (Passaic Township), N.J., and return over the same route, serving all intermediate points; (4) from the junction South Finley Avenue and Stonehouse Road at Lyons Road in Lyons (Bernards Township), N.J., over Lyons Road, Knollcroft Road through U.S. Veterans Administration Hospital grounds to junction Valley Road, thence over Valley Road to junction Stonehouse Road (Bernards Township), N.J., and return over the same route, serving all intermediate points.

HEARING: May 4, 1964, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 67340 (Sub-No. 2), filed December 16, 1963. Applicant: RESORT BUS LINES, INC., 31 Edgecomb Place, Yonkers, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between New York, N.Y., and Pittsfield, Mass., from the Port Authority Bus Terminal, located at West 41st Street and Eighth Avenue, in the Borough of Manhattan, over West 41st Street to 10th Avenue, thence over 10th Avenue to Amsterdam Avenue, thence over Amsterdam Avenue to Cathedral Parkway (West 110th Street), thence over West 110th Street to and through Frederick Douglass Circle to Seventh Avenue, thence over Seventh Avenue to and over, and through Macombs Place to the Manhattan approach of the Macombs Dam Bridge, over said approach to, onto and across Macombs Dam Bridge to the Bronx approach of said Bridge, thence over the Bronx approach of the Macombs Dam Bridge to, onto and over the northbound cloverleaf and entrance roadways of Major Deegan Expressway leading to the main roadway of said Expressway, thence over the main roadway of Major Deegan Expressway to the northerly boundary line of the city of New York (also onto and over the southbound exit roadway leading to the Bronx approach of Macombs Dam Bridge, also onto and over Columbus Avenue, from West 110th Street to Ninth Avenue, thence over Ninth Avenue to West 40th Street, thence over West 40th Street to the entrance of the Bus Terminal); (also over Amsterdam Avenue, from Cathedral Parkway (West 110th Street) to West 179th Street, thence over West 179th Street to the entrance of the George Washington Bridge Bus Station, thence over West 178th Street, from the exit of the George Washington Bridge Bus Station to Broadway, thence over Broadway to West 230th Street, thence over West 230th Street onto and over the northbound entrance and southbound exit roadways leading to and from Major Deegan Expressway); (also over West 178th Street, between Broadway and Amsterdam Avenue, and the following streets and avenues, as an alternate routing for "traffic bypass:" also over Broadway, from West 178th Street to Cathedral Parkway, also over Cathedral Parkway, between Broadway and Amsterdam Avenue, also over St. Nicholas Avenue, from Amsterdam Avenue to Broadway); thence over the New York State Thruway (Interstate Highway 87) to Yonkers and Central Park Avenues, thence over the New York Thruway to Exit 7, at Ardsley, N.Y., thence over New York Highway 9A through Elmsford, N.Y., to Hawthorne Circle, thence over Commerce Street (New York Highway 141) through Hawthorne, N.Y., and Thornwood, N.Y., to Pleasantville, N.Y., thence over Bedford Road (New York Highway 117) through Chappaqua, N.Y., Mount Kisco, N.Y., and Bedford Hills, N.Y. to Katonah, N.Y., thence over New York Highway 22 through Golden's Bridge, N.Y. and Purdy's, N.Y. to Croton Falls, N.Y., thence over U.S. Highway 202 to junction U.S. Highway 6, thence over U.S. Highways 6 and 202 to the New York-Connecticut State line, thence over U.S. Highways 6 and 202 through Mill Plain, Conn., to Danbury, Conn., thence over U.S. Highway 7 through Brookfield, Conn., Lanesville, Conn., Gaylordsville, Conn., Bulls Bridge, Conn., Kent Furnace, Conn., Flanders, Conn., North Kent, Conn., Cornwall Bridge, Conn., West Cornwall, Conn., Lime Rock, Conn., and South Canaan, Conn., to the Connecticut-Massachusetts State line, thence over U.S. Highway 7 through Ashley Falls, Mass., Sheffield, Mass., Great Barrington, Mass., Stockbridge, Mass., and Lenox, Mass., to Pittsfield, Mass., and return over the same route, serving the intermediate points of Yonkers (at Yonkers and Central Park Avenues), Ardsley, Elmsford, Hawthorne, Thornwood, Pleasantville, Chappaqua, Mount Kisco, Bedford Hills, Katonah, Golden's Bridge, Purdy's and Croton Falls, N.Y., Mill Plain, Danbury, Brookfield, Lanesville, Gaylordsville, Bulls Bridge, Kent Furnace, Flanders, North Kent, Cornwall Bridge, West Cornwall, Lime Rock and South Canaan, Conn., and Ashley Falls, Sheffield, Great Barrington, Stockbridge and Lenox, Mass.

HEARING: April 20, 1964, at the Park Sheraton Hotel, New York, N.Y., before Joint Board No. 191, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 109802 (Sub-No. 21), filed October 14, 1963. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. Applicant's attorney: Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *mail*, *newspapers* and *express shipments*, in the same vehicle with passengers, between Chester Borough, Morris County, N.J., and New York, N.Y.; from Chester Borough, Morris County, N.J. over U.S. Highway 206 to junction New Jersey Highway 512, thence over New Jersey Highway 512 to Peapack-Gladstone Center. Also, from junction U.S. Highway 206 and intersection of Chester-Gladstone Road to Peapack-Gladstone Center, using local streets and arteries in Peapack-Gladstone, thence from Peapack-Gladstone over Maple Avenue, Main Street, Holland Avenue and Maple Street to U.S. Highway 206 to junction with Main Street, Far Hills, N.J., utilizing also Hillside Ave., Far Hills, N.J.; thence over Main Street and Minebrook Road (U.S. Highway 202), thence through Far Hills and Minebrook to Bernardsville, thence from Bernardsville as follows: (1) over Morristown Road (U.S. Highway 202) to junction with North Finley Avenue (New Jersey Highways 525 and 527), thence over North Finley Avenue (New Jersey Highways 525 and 527), Basking Ridge, N.J., thence over South Finley Avenue (New Jersey Highways 525 and 527) to junction with New Jersey Highway 512, Valley Road, Bernards Township, also referred to as the Lyons Section. Also, from the junction South Finley Avenue and Valley Road, Lyons, N.J., over Finley Avenue, Lyons Place and Lyons Road to junction with Knollcroft Road to the United States Veterans Administration Facility, thence to Valley Road (New Jersey Highway 512) to junction with New Jersey Highways 525 and 527, Stonehouse Road; thence from said intersection New Jersey Highways 525 and 527 at Valley Road (New Jersey Highway 512) over Valley Road and New Jersey Highway 512 through Millington, Stirling and Gillette, localities of Passaic Township, N.J., thence to Berkeley Heights, thence to New Providence, N.J., thence continuing over Springfield Avenue (New Jersey Highway 512) to junction with Morris Avenue, Summit, N.J., thence from said junction over Morris Avenue to Broad Street, Summit, N.J., thence over Broad Street to Morris Avenue (New Jersey Highway 24) at the Summit-Springfield-Millburn municipal line, serving all intermediate points between this point and Chester Borough in the picking up of passengers eastbound to New York, and dropping off and discharging all passengers at this point and all intermediate points westerly to and including Chester Borough, Morris County, N.J. From the junction Broad Street and Morris Avenue (New Jersey Highway 24) direct nonstop service with closed doors to New York, N.Y. as follows: over New Jersey Highway 24, Morris Avenue, to junction with U.S. Highway 22, Union, N.J., thence over U.S. Highway 22 to its junction with U.S. Highway 1, thence over U.S. Highway 1 to the New Jersey Turnpike at exit and entrance No. 14 at Newark Airport, Newark, N.J.; thence over New Jersey Turnpike to the Lincoln Tunnel exit and entrance ramps, thence over Lincoln Tunnel Underpass to Lincoln Tunnel exit and entrance ramps, and thence over Lincoln Tunnel to New York, N.Y., and return over same routes. (1–A) Also, for operating convenience, operations from the junction New Jersey Highway 24 and Garden State Parkway at Union, N.J., over the Garden State Parkway to junction with New Jersey Highway 3, Clifton, N.J.; thence over New Jersey Highway 3 to the Lincoln Tunnel Underpass and connections thereto to the entrance and exit ramps of the Lincoln Tunnel, thence over the Lincoln Tunnel to New York, N.Y., and return over all said routes with direct, nonstop service, closed door operations from New York, N.Y. to Summit, N.J., thereafter discharging passengers at Summit, N.J. through to Chester Borough, Morris County, N.J.; and (2) from Bernardsville, N.J. over the Bernardsville-Morristown Road, also known as Mount Kemble Avenue and also known as U.S. Highway 202 to Morristown, N.J., thence to Morris Plains, N.J. to the junction of U.S. Highways 202 and 10 at the Morris Plains-Parsippany Troy-Hills boundary; thence over applicant's presently authorized routes to New York, N.Y.; those routes being namely, U.S. Highway 202 to its junction with U.S. Highway 46; thence over U.S. Highway 46 to junction with New Jersey Highway 3, thence over New Jersey Highway 3 to the Lincoln Tunnel Underpass and connections thereto to the entrance and exit ramps of the Lincoln Tunnel; thence over the Lincoln Tunnel to New York, N.Y., and return over same routes.

NOTE: Applicant states it further proposes to use presently existing portions of U.S. Highway 287 which is partially completed and is proposed to be completed within the next two years, as well as U.S. Highway 78 now under construction and proposed to be completed within the next three years, and hereby includes said highways in this application for its convenience and the convenience of those it proposes to serve.

HEARING: May 4, 1964, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint

No. MC 118329 (Sub-No. 2), filed December 16, 1963. Applicant: EL-EM SEAFOOD TRANSPORT, INC., P.O. Box 2292—R. 1082 Davol Street, Fall River, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Viobin whole white fish flour*, from New Bedford, Mass., to Beardstown, Chicago, Danville, Monticello and Monmouth, Ill., St. Louis and Springfield, Mo., Burlington, Cambridge, and Delavan, Wis., and Eden Valley, Glencoe, and Okabena, Minn.

HEARING: April 23, 1964, at the Federal Building, Providence, R.I., before Examiner Donald R. Sutherland.

No. MC 119988 (Sub-No. 9), filed December 10, 1963. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberland Drive, Lufkin, Tex. Applicant's attorney: Mert Starnes, 721 Brown Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite and marble*, (1) from Rion, S.C., to points in Arizona, California, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, (2) between Rion, S.C., and Elberton, Ga., (3) from Elberton, Ga., to points in Texas, and (4) from Denver, Colo., to points in Arizona, Arkansas, California, Idaho, Illinois, Indiana, Kansas, Kentucky, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming, and *damaged and rejected shipments*, on return in (1), (3) and (4) above, and between Rion, S.C., and Elberton, Ga.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: April 27, 1964, at the New Customs House, Denver, Colo., before Examiner Samuel Horwich.

No. MC 123048 (Sub-No. 28) (AMENDMENT), filed September 30, 1963, published FEDERAL REGISTER issue February 19, 1964, republished as amended this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery and utility trailers*, from Glenbeulah, Wis., to points in Illinois, Indiana, Kentucky, Ohio and the lower peninsula of Michigan, and *rejected shipments*, on return.

NOTE: The purpose of this republication is to eliminate the states of New York and Pennsylvania, and the upper peninsula of Michigan as destination areas.

HEARING: Remains as assigned April 15, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Laurence E. Masoner.

No. MC 123048 (Sub-No. 29), filed October 21, 1963. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery*, from Crystal Lake, Ill., to points in Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Wisconsin, Michigan (except the upper peninsula of Michigan), Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Rhode Island, New York (except Queens, Kings, Nassau, and Suffolk Counties, N.Y.), and Nebraska, and *rejected shipments on return*.

HEARING: April 22, 1964, at the U.S. Courtrooms, Madison, Wis., before Examiner William E. Messer.

No. MC 123048 (Sub-No. 31), filed December 23, 1963. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental and show display tractors and farm and industrial machinery and equipment*, which, at the time of movement are being transported for purposes of display and experiment, and not for sale, *incidental paraphernalia*, moving in the same vehicles and at the same time, and *rejected shipments* between points in the United States (except Hawaii and Alaska).

HEARING: April 29, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 123310 (Sub-No. 2), filed June 21, 1963. Applicant: VERNON L. HUNT, doing business as HUNT TRUCKING, 1014 Madison Avenue, Cheyenne, Wyo. Applicant's attorney: Ward A. White, P.O. Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk and in sacks, from Denver, Colo., to points in Wyoming and Banner, Sioux and Scotts Bluff Counties, Nebr., and *beans and grains* (unmanufactured agricultural commodities), on return.

HEARING: May 6, 1964, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 124078 (Sub-No. 67) (REPUBLICATION), filed July 1, 1963, published FEDERAL REGISTER issue of July 24, 1963, and republished this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 S. 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). By application filed July 1, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, over irregular routes, as a common carrier by motor vehicle of silica flour and silica sand, in bulk, from points in St. Louis and Jefferson Counties, Mo., to points in Arkansas, Iowa, Illinois, Kentucky and Tennessee. The application was referred to Examiner Laurence E. Masoner for hearing and the recommendation of an appropriate order thereon. Hearing on a consolidated record was held on September 13, 1963, at St. Louis, Mo. At the hearing applicant moved to amend its application to include a request for authority from St. Charles County, Mo. The proposed amendment was conditionally allowed at the hearing and evidence relating to the need for service from that County was received. A report and order, served January 22, 1964, which became effective February 24, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of silica flour and silica sand, in bulk, from points in St. Charles, St. Louis, and Jefferson Counties, Mo., to points in Arkansas, Iowa, Illinois, Kentucky, and Tennessee. The examiner further finds that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued after the lapse of 30 days from the date of publication in the FEDERAL REGISTER of the authority recommended to be granted herein.

No. MC 125203, filed March 21, 1963. Applicant: M. O. W. TRUCKING, INC., Box 918, Caldwell, Idaho. Applicant's attorney: Raymond D. Givens, Columbia Building—500 Washington Street, P.O. Box 964, Boise, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, as defined in Part A of Appendix I, Ex Parte No. 45, 61 M.C.C. 209 at p. 272 (except commodities in bulk moving in tank vehicles), from Nampa, Idaho, to points in Alameda, Contra Costa, San Francisco, Santa Clara, and Sacramento Counties, Calif., points in the Los Angeles, California, Commercial Zone, Butte, Mont., Portland, Oreg., and points within five (5) miles thereof, and Seattle, Wash., and *exempt commodities*, on return.

HEARING: April 27, 1964, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Warren C. White.

No. MC 125258 (Sub-No. 2), filed November 14, 1963. Applicant: MURRY STOVAL, WARREN WISE, PAUL KLINE AND EARL WISE, a partnership, doing business as STOVAL, WISE, KLINE & WISE, 103 Circle Drive, Thermopolis, Wyo. Applicant's attorney: Ward A. White, P.O. Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Park, Hot Springs, Washakie, Big Horn, Fremont, and Teton Counties, Wyo., to points in Wisconsin and Iowa, and those in Nebraska east of U.S. Highway 81.

HEARING: May 7, 1964, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner Samuel Horwich.

No. MC 125502, filed June 28, 1963. Applicant: ARTHUR PAUL AND NAPOLEON O. PAUL doing business as PAUL BROTHERS TRUCKING, 58 Court Street, Winchendon, Mass. Applicant's attorney: Andre J. Barbeau, 12 Paris Terrace, Manchester, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated cardboard containers*, in bundles, from Winchendon, Mass., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, (2) *excelsior pads*, in bundles, from Wolfeboro, N.H., and Winchendon, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, (3) *filler flats*, in bundles, from Waterville, Maine, Ridgefield, N.J., and Winchendon, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, and (4) *pad flats*, in bundles from Waterville, Maine, and Winchendon, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania.

NOTE: Applicant states the proposed service will be for the account of New England Woodenware Corporation of Winchendon, Mass.

HEARING: May 4, 1964, at the New Hampshire Public Utilities Commission, Concord, N.H., before Examiner Donald R. Sutherland.

No. MC 125521 (Sub-No. 2) (CORRECTION), filed August 21, 1963, published FEDERAL REGISTER, issue of February 19, 1964, and republished this issue. Applicant: FUNK MOTOR TRANSPORTATION INC., Box 75, Grand Rapids, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis. and South Bend, Ind. to Bowling Green, Ohio and points within three miles thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Cross Distributing, Inc. The purpose of this republication is to show applicant's correct address.

HEARING: Remains as assigned April 16, 1964, at the Detroit Statler Hilton Hotel, Detroit, Mich., before Examiner Samuel C. Shoup.

No. MC 125530 (AMENDMENT), filed July 15, 1963, published in FEDERAL REGISTER issue of August 28, 1963, hearing held October 9, 1963, amended October 28, and republished as amended, this issue. Applicant: KENNETH S. ELLINGWOOD, doing business as KEN'S GARAGE, Lafayette Road, North Hampton, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles*, with the use of wrecker equipment, between points in York, Cumberland, Androscoggin, Sagadahoc and Kennebec Counties, Maine, points in Essex and Suffolk Counties, Mass., and points in Rockingham and Strafford Counties, N.H.

NOTE: The purpose of this republication is to substitute the above description of proposed operations for that published in the previous issue.

HEARING: May 6, 1964, at the New Hampshire Public Utilities Commission, Concord, N.H., before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 125741, filed October 9, 1963. Applicant: M. H. BRYAN AND C. W. EADS, a co-partnership, doing business as RIVERTON-BIG HORN FREIGHT LINES, P.O. Box 2050, Casper, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Casper, Wyo., and Riverton, Wyo., from Casper, over U.S. Highways 20 and 26 to Shoshoni, thence over U.S. Highway 26 and Wyoming Highway 789 to Riverton, serving all intermediate points, (2) between Shoshoni, Wyo., and Cody, Wyo., from Shoshoni over U.S. Highway 20 and Wyoming Highway 789 to Greybull, thence over U.S. Highways 20 and 14 to Cody, serving all intermediate points, and the off-route points of Otto and Burlington, Wyo., and (3) between Cody, Wyo., and Greybull, Wyo., from Cody over Wyoming Highway 14 to Lovell, thence over Wyoming Highway 789 to junction U.S. Highway 20, and thence over U.S. Highway 20 to Greybull, serving all intermediate points, and the off-route points of Deaver and Cowley, Wyo., and *empty containers* or other such incidental facilities used in transporting the above commodities, on return.

HEARING: May 4, 1964, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 197, or, if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 125789 (CORRECTION), filed November 4, 1963, published FEDERAL REGISTER, issue of February 26, 1964, and republished as corrected this issue. Applicant: ROBERT SLATKIN, doing business as WINDSOR WAREHOUSING CO., 1453 41st Street, North Bergen, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Juvenile furniture*, from North Bergen, N.J., to points in Nassau, Suffolk, Rockland, and Westchester Counties, N.Y. and Philadelphia, Springfield, and King of Prussia, Pa., limited to deliveries to Korvette and My Baby Stores in the destination territory, and further restricted to movements solely from Windsor Warehouse and railhead in North Bergen, N.J., of juvenile furniture which had hitherto been stored and processed under applicant's function as a warehouseman.

NOTE: Applicant states the proposed operation will be under continuing contracts with Hopkins Mfg. Co., Pride Products, Storkline Products, and M.B. (My Baby) Jobbing Corp. The purpose of this republication is to show the correct state where hearing will be held. Previous notice showed Newark, N.Y.

HEARING: April 9, 1964, at the Federal Building, Newark, N.J., before Examiner Lyle C. Farmer.

No. MC 125793 (Sub-No. 1), filed December 16, 1963. Applicant: DONNA TRUCKING, INC., B F Star Route Box 88, Eagle Point, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Specified wood products, namely: bracing, blocking, gate load and carloading material, pallet stock, grape stakes, and grape cross arms*, from points in Jackson and Josephine Counties, Oreg., to points in California, and *exempt commodities*, on return.

HEARING: May 5, 1964, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 125800 (Sub-No. 2), filed December 18, 1963. Applicant: H. C. BOROVEC, doing business as BOROVEC TRUCKING, 2344 Market Street, Chehalis, Wash. Applicant's attorney: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland 10, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil and gas well drilling, mud and compounds*, from Chehalis, Wash., to points in Oregon, and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

HEARING: May 5, 1964, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 125872, filed December 2, 1963. Applicant: C. H. DREDGE & COMPANY, INC., 44 Orange Street, Salt Lake City, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah., Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato products, including shoestring, french fried potatoes and potato chips*, (2) *corn products and manufactured corn products, including corn chips, corn crinkles, cheese nibbles, and pizza puffs, and* (3) *popcorn*, from Kaysville, Utah, to points in Montana, Arizona, Idaho, Colorado, Wyoming, New Mexico, and Texas, and *empty contain-*

ers or other such incidental facilities (not specified) used in transporting the above described commodities, on return.

HEARING: April 21, 1964, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Warren C. White.

No. MC 125887, filed November 27, 1963. Applicant: DORSEY CAMPBELL, 2526 North 38th Street, Boise, Idaho. Applicant's attorney: John B. Kugler, Pocatello, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed, linseed, soybean, and safflower meals and cake; oyster shell; hay; certified seeds and stock salt*, from points in that part of California on and south of U.S. Highway 40 and on and south of California Highway 12, to points in Harney and Malheur Counties, Oreg. and Idaho, and *exempt commodities*, on return.

HEARING: April 30, 1964, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Warren C. White.

No. MC 125887 (Sub-No. 1), filed November 27, 1963. Applicant: DORSEY CAMPBELL, 2526 North 38th Street, Boise, Idaho. Applicant's attorney: John B. Kugler, Pocatello, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stock salt*, from Redmond, Utah, to points in Harney and Malheur Counties, Oreg., and points in Idaho.

NOTE: Applicant states it proposes to transport exempt commodities, on return.

HEARING: April 30, 1964, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 346, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 125903, filed December 23, 1963. Applicant: S. PETER CEPLON, doing business as EASTERN MOBILE HOME SERVICE, 213 Thames Street, Newport, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, in secondary movement, by truckaway method, between points in the United States (except Alaska and Hawaii).

HEARING: April 21, 1964, at the Federal Building, Providence, R.I., before Examiner Donald R. Sutherland.

No. MC 125906, filed December 30, 1963. Applicant: FREDERICK E. WILLIAMS, doing business as ATLANTIC-PACIFIC DRIVE-AWAYS, 338 Majestic Building, Denver, Colo., 80202. Applicant's attorney: Robert D. Means, Majestic Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used cars* by driveaway in secondary movement, between points in Colorado on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

HEARING: April 29, 1964, at the New Customs House, Denver, Colo., before Examiner Samuel Horwich.

No. MC 125912, filed December 30, 1963. Applicant: NATHAN KASTEN, doing business as A. A. TRUCKING COMPANY, 212 East 45th Street, New York 17, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Less-truckload, same-day deliveries of *printed matter*, from New York, N.Y., to points in Essex, Union, and Morris Counties, N.J.

HEARING: April 22, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Abraham J. Essrick.

MOTOR CARRIERS OF PASSENGERS

No. MC 2880 (Sub-No. 20), filed September 11, 1963. Applicant: SOMERSET BUS CO., INC., 1062 Route 22, Mountainside, N.J. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Bernardsville, N.J., and Springfield, N.J., from Bernardsville, N.J., along Mine Brook Road to the junction of Mount Airy Road, thence along Mount Airy Road to Bernards Township, N.J., thence along West Oak Street to the junction of South Finley Avenue, thence along South Finley Avenue to the junction of Stonehouse Road, thence along Stonehouse Road to the junction of Valley Road, thence along Valley Road to Passaic Township, N.J., thence along Valley Road to Berkeley Heights, N.J., thence along Springfield Avenue to New Providence, N.J., thence along Springfield Avenue to Summit, N.J., thence along Springfield Avenue to the junction of Morris Avenue, thence along Morris Avenue to the junction of Broad Street, thence along Broad Street to Springfield, N.J., thence along Morris Avenue to Millburn, N.J., thence along Morris Avenue to Springfield, N.J., thence along Morris Avenue to the junction of Mountain Avenue, a point on applicant's authorized regular-route operations, and return over the same route, serving all intermediate points.

HEARING: May 4, 1964, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 3647 (Sub-No. 351), filed October 15, 1963. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Whitehouse (Readington Township), N.J., and Newark, N.J., (1) From the junction of U.S. Highway 22 and New Jersey County Highway 523, Whitehouse (Reading Township), N.J., over New Jersey County Highway 523 to junction U.S. Highway 202, Bedminister Township, N.J., thence over U.S. Highway 202 to Boro of Far Hills, and Boro of Bernardsville, N.J., thence from Bernardsville, N.J., over Mount Airy Road, West Oak Street, South Finley Avenue, Stonehouse Road, Valley Road, Bernards Township, N.J., to Valley Road, Passaic Township, N.J., thence over Valley Road to Springfield Avenue, Berkeley Heights Township, N.J., thence over Springfield Avenue in Berkeley Heights Township, Boro of New Providence and City of Summit, N.J., to the junction of Morris Avenue, Summit, N.J., thence over Morris Avenue to junction Broad Street, thence over Broad Street to junction Morris Avenue, Springfield, N.J., thence over Morris Avenue via Millburn, Springfield, and Union, N.J., to junction U.S. Highway 22, Union, N.J., thence over U.S. Highway 22 in Union, Hillside and Newark, N.J., to junction U.S. Highway 1–9, Newark, N.J., and return over the same route, serving all intermediate points except between Morris Avenue at Morris Turnpike, Springfield, N.J., and Morris Avenue at U.S. Highway 22, Union, N.J.; (2) from the Boro of Bernardsville, N.J., over North Finley Avenue to junction West Oak Street at South Finley Avenue, Basking Ridge (Bernards Township), N.J., and return over the same route, serving all intermediate points; (3) from junction South Finley Avenue and Henry Street, Basking Ridge (Bernards Township), N.J., over Henry Street, and South Maple Avenue, Bernards Township, N.J., to junction Basking Ridge Roard in Millington (Passaic Township), N.J., thence over Basking Ridge Road, Long Hill Road, and Division Avenue to junction Valley Road in Millington (Passaic Township), N.J., and return over the same route, serving all intermediate points; (4) from the junction South Finley Avenue and Stonehouse Road at Lyons Road in Lyons (Bernards Township), N.J., over Lyons Road, Knollcroft Road through U.S. Veterans Administration Hospital grounds to junction Valley Road, thence over Valley Road to junction Stonehouse Road (Bernards Township), N.J., and return over the same route, serving all intermediate points.

HEARING: May 4, 1964, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 67340 (Sub-No. 2), filed December 16, 1963. Applicant: RESORT BUS LINES, INC., 31 Edgecomb Place, Yonkers, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between New York, N.Y., and Pittsfield, Mass., from the Port Authority Bus Terminal, located at West 41st Street and Eighth Avenue, in the Borough of Manhattan, over West 41st Street to 10th Avenue, thence over 10th Avenue to Amsterdam Avenue, thence over Amsterdam Avenue to Cathedral Parkway (West 110th Street), thence over West 110th Street to and through Frederick Douglass Circle to Seventh Avenue, thence over Seventh Avenue to and over, and through Macombs Place to the Manhattan approach of the Macombs Dam Bridge, over said approach to, onto and across Macombs Dam Bridge to the Bronx approach of said Bridge, thence over the Bronx approach of the Macombs Dam Bridge to, onto and over the northbound cloverleaf and entrance roadways of Major Deegan Expressway leading to the main roadway of said Expressway, thence over the main roadway of Major Deegan Expressway to the northerly boundary line of the city of New York (also onto and over the southbound exit roadway leading to the Bronx approach of Macombs Dam Bridge, also onto and over Columbus Avenue, from West 110th Street to Ninth Avenue, thence over Ninth Avenue to West 40th Street, thence over West 40th Street to the entrance of the Bus Terminal); (also over Amsterdam Avenue, from Cathedral Parkway (West 110th Street) to West 179th Street, thence over West 179th Street to the entrance of the George Washington Bridge Bus Station, thence over West 178th Street, from the exit of the George Washington Bridge Bus Station to Broadway, thence over Broadway to West 230th Street, thence over West 230th Street onto and over the northbound entrance and southbound exit roadways leading to and from Major Deegan Expressway); (also over West 178th Street, between Broadway and Amsterdam Avenue, and the following streets and avenues, as an alternate routing for "traffic bypass:" also over Broadway, from West 178th Street to Cathedral Parkway, also over Cathedral Parkway, between Broadway and Amsterdam Avenue, also over St. Nicholas Avenue, from Amsterdam Avenue to Broadway); thence over the New York State Thruway (Interstate Highway 87) to Yonkers and Central Park Avenues, thence over the New York Thruway to Exit 7, at Ardsley, N.Y., thence over New York Highway 9A through Elmsford, N.Y., to Hawthorne Circle, thence over Commerce Street (New York Highway 141) through Hawthorne, N.Y., and Thornwood, N.Y., to Pleasantville, N.Y., thence over Bedford Road (New York Highway 117) through Chappaqua, N.Y., Mount Kisco, N.Y., and Bedford Hills, N.Y. to Katonah, N.Y., thence over New York Highway 22 through Golden's Bridge, N.Y. and Purdy's, N.Y. to Croton Falls, N.Y., thence over U.S. Highway 202 to junction U.S. Highway 6, thence over U.S. Highways 6 and 202 to the New York-Connecticut State line, thence over U.S. Highways 6 and 202 through Mill Plain, Conn., to Danbury, Conn., thence over U.S. Highway 7 through Brookfield, Conn., Lanesville, Conn., Gaylordsville, Conn., Bulls Bridge, Conn., Kent Furnace, Conn., Flanders, Conn., North Kent, Conn., Cornwall Bridge, Conn., West Cornwall, Conn., Lime Rock, Conn., and South Canaan, Conn., to the Connecticut-Massachusetts State line, thence over U.S. Highway 7 through Ashley Falls, Mass., Sheffield, Mass., Great Barrington, Mass., Stockbridge, Mass., and Lenox, Mass., to Pittsfield, Mass., and return over the same route, serving the intermediate points of Yonkers (at Yonkers and Central Park Avenues), Ardsley, Elmsford, Hawthorne, Thornwood, Pleasantville, Chappaqua, Mount Kisco, Bedford Hills, Katonah, Golden's Bridge, Purdy's and Croton Falls, N.Y., Mill Plain, Danbury, Brookfield, Lanesville, Gaylordsville, Bulls Bridge, Kent Furnace, Flanders, North Kent, Cornwall Bridge, West Cornwall, Lime Rock and South Canaan, Conn., and Ashley Falls, Sheffield, Great Barrington, Stockbridge and Lenox, Mass.

HEARING: April 20, 1964, at the Park Sheraton Hotel, New York, N.Y., before Joint Board No. 191, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 109802 (Sub-No. 21), filed October 14, 1963. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. Applicant's attorney: Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *mail*, *newspapers* and *express shipments*, in the same vehicle with passengers, between Chester Borough, Morris County, N.J., and New York, N.Y.; from Chester Borough, Morris County, N.J. over U.S. Highway 206 to junction New Jersey Highway 512, thence over New Jersey Highway 512 to Peapack-Gladstone Center. Also, from junction U.S. Highway 206 and intersection of Chester-Gladstone Road to Peapack-Gladstone Center, using local streets and arteries in Peapack-Gladstone, thence from Peapack-Gladstone over Maple Avenue, Main Street, Holland Avenue and Maple Street to U.S. Highway 206 to junction with Main Street, Far Hills, N.J., utilizing also Hillside Ave., Far Hills, N.J.; thence over Main Street and Minebrook Road (U.S. Highway 202), thence through Far Hills and Minebrook to Bernardsville, thence from Bernardsville as follows: (1) over Morristown Road (U.S. Highway 202) to junction with North Finley Avenue (New Jersey Highways 525 and 527), thence over North Finley Avenue (New Jersey Highways 525 and 527), Basking Ridge, N.J., thence over South Finley Avenue (New Jersey Highways 525 and 527) to junction with New Jersey Highway 512, Valley Road, Bernards Township, also referred to as the Lyons Section. Also, from the junction South Finley Avenue and Valley Road, Lyons, N.J., over Finley Avenue, Lyons Place and Lyons Road to junction with Knollcroft Road to the United States Veterans Administration Facility, thence to Valley Road (New Jersey Highway 512) to junction with New Jersey Highways 525 and 527, Stonehouse Road; thence from said intersection New Jersey Highways 525 and 527 at Valley Road (New Jersey Highway 512) over Valley Road and New Jersey Highway 512 through Millington, Stirling and Gillette, localities of Passaic Township, N.J., thence to Berkeley Heights, thence to New Providence, N.J., thence continuing over Springfield Avenue (New Jersey Highway 512) to junction with Morris Avenue, Summit, N.J., thence from said junction over Morris Avenue to Broad Street, Summit, N.J., thence over Broad Street to Morris Avenue (New Jersey Highway 24) at the Summit-Springfield-Millburn municipal line, serving all intermediate points between this point and Chester Borough in the picking up of passengers eastbound to New York, and dropping off and discharging all passengers at this point and all intermediate points westerly to and including Chester Borough, Morris County, N.J. From the junction Broad Street and Morris Avenue (New Jersey Highway 24) direct nonstop service with closed doors to New York; N.Y. as follows: over New Jersey Highway 24, Morris Avenue, to junction with U.S. Highway 22, Union, N.J., thence over U.S. Highway 22 to its junction with U.S. Highway 1, thence over U.S. Highway 1 to the New Jersey Turnpike at exit and entrance No. 14 at Newark Airport, Newark, N.J.; thence over New Jersey Turnpike to the Lincoln Tunnel exit and entrance ramps, thence over Lincoln Tunnel Underpass to Lincoln Tunnel exit and entrance ramps, and thence over Lincoln Tunnel to New York, N.Y., and return over same routes. (1–A) Also, for operating convenience, operations from the junction New Jersey Highway 24 and Garden State Parkway at Union, N.J., over the Garden State Parkway to junction with New Jersey Highway 3, Clifton, N.J.; thence over New Jersey Highway 3 to the Lincoln Tunnel Underpass and connections thereto to the entrance and exit ramps of the Lincoln Tunnel, thence over the Lincoln Tunnel to New York, N.Y., and return over all said routes with direct, nonstop service, closed door operations from New York, N.Y. to Summit, N.J., thereafter discharging passengers at Summit, N.J. through to Chester Borough, Morris County, N.J.; and (2) from Bernardsville, N.J. over the Bernardsville-Morristown Road, also known as Mount Kemble Avenue and also known as U.S. Highway 202 to Morristown, N.J., thence to Morris Plains, N.J. to the junction of U.S. Highways 202 and 10 at the Morris Plains-Parsippany Troy-Hills boundary; thence over applicant's presently authorized routes to New York, N.Y.; those routes being namely, U.S. Highway 202 to its junction with U.S. Highway 46; thence over U.S. Highway 46 to junction with New Jersey Highway 3, thence over New Jersey Highway 3 to the Lincoln Tunnel Underpass and connections thereto to the entrance and exit ramps of the Lincoln Tunnel; thence over the Lincoln Tunnel to New York, N.Y., and return over same routes.

NOTE: Applicant states it further proposes to use presently existing portions of U.S. Highway 287 which is partially completed and is proposed to be completed within the next two years, as well as U.S. Highway 78 now under construction and proposed to be completed within the next three years, and hereby includes said highways in this application for its convenience and the convenience of those it proposes to serve.

HEARING: May 4, 1964, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint

Board No. 3, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 117215 (Sub-No. 1), filed September 25, 1963. Applicant: LEO RAYMOND BOUFFARD, 88 Arlington Avenue, Warren, R.I. Applicant's attorney: Julian P. Freret, Continental Building, 1012 14th Street, NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in round-trip operations, beginning and ending at Fall River, Mass., and extending to Warren, Providence, Central Falls, and Pawtucket, R.I. Restriction: Applicant proposes to transport only passengers participating in Bingo, Beano and similar games.

HEARING: April 22, 1964, at the Federal Building, Providence, R.I., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 125902, filed December 23, 1963. Applicant: MURRAY W. CALDWELL, Canaan St. Road, Canaan, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations beginning and ending at points in Grafton County, N.H., and extending to points in Maine, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and the District of Columbia.

HEARING: May 5, 1964, at the New Hampshire Public Utilities Commission, Concord, N.H., before Examiner Donald R. Sutherland.

No. MC 125904, filed December 23, 1963. Applicant: LAKESHORE TRANSIT-INTERURBAN, INC., 1510 Goold Street, Racine, Wis. Applicant's attorney: Warren T. Boggs, 827 South Main Street, Racine, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Racine and Kenosha Counties, Wis., and extending to points in Minnesota, Iowa, Wisconsin, Illinois, Indiana and Michigan.

HEARING: April 24, 1964, at the Federal Building, Milwaukee, Wis., before Examiner William E. Messer.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 110264 (Sub-No. 30), filed February 24, 1964. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., 4500 McLeod Road, NE. (P.O. Box 404), Albuquerque, N. Mex. Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 Seventeenth Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including shipper-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas) or empty, (but excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Roswell and Hobbs, N. Mex.; (1) from Roswell over U.S. Highway 380 to Tatum, N. Mex., thence over New Mexico Highway 18 to Hobbs, and return over the same route, serving all intermediate points, and (2) from Roswell over U.S. Highway 285 to Artesia, N. Mex., thence over New Mexico Highway 83 to Lovington, N. Mex., thence over New Mexico Highway 18 to Hobbs, and return over the same route, serving all intermediate points, and the following off-route points: (1) the site of the Sinclair Oil Company Plant located approximately twenty (20) miles northeast of Tatum, N. Mex., in connection with carrier's regular-route operations over U.S. Highway 380, (2) the site of the Denton Gasoline Plant of the Atlantic Refining Company located approximately twelve (12) miles northeast of Lovington, N. Mex., in connection with applicant's regular-route operations, (3) the site of the gasoline plant of the Warren Petroleum Company located approximately twenty (20) miles northwest of Lovington, N. Mex., in connection with applicant's regular-route operations over New Mexico Highway 83 between Lovington and Artesia, N. Mex., (4) the site of the Phillips Petroleum Company Vacuum Plant located near Buckeye, N. Mex., (5) the site of the U.S. Air Training School, located approximately five (5) miles south of Roswell, and (6) the site of the King Gasoline Plant of the Cabot Carbon Company, located approximately nine (9) miles east of McDonald, N. Mex., in connection with applicant's regular-route operations. Note: (1) Applicant requests that its Sub 27 be withdrawn if this application is granted (2) if a hearing is deemed necessary applicant requests it be held at Odessa, Tex. and (3) this application is to be handled concurrently with MC-F-8683, published FEDERAL REGISTER issue of March 4, 1964.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8642 (CORRECTION) (AC TRANSPORTATION, INC.—CONTROL AND MERGER—PERTH AMBOY TRUCKING CORP., AND DOBBIE TRANSPORTATION CO., INC.), published in the January 15, 1964, issue of the FEDERAL REGISTER on page 384. The word *liquid* was omitted from the commodity description of DOBBIE TRANSPORTATION CO., INC., in prior notice and should read as follows: *Building and construction materials*, and *supplies*, in liquid bulk, in tank vehicles • • •

No. MC-F-8686. Authority sought for control by GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La-Crosse, Wis., of TAMIAMI FREIGHTWAYS, INC., 1920 Moreland Avenue SE., Atlanta, Ga., and for acquisition by W. LEO MURPHY, EUGENE W. MURPHY, JOHN A. MURPHY, all of LaCrosse, Wis., and MICHAEL P. MURPHY, 2331 81 South Wood Street, Chicago, Ill., of control of TAMIAMI FREIGHTWAYS, INC., through the acquisition by GATEWAY TRANSPORTATION CO., INC. Applicants' attorneys: Drew L. Carraway, 618 Perpetual Building, Washington 4, D.C., A. Pickens Coles, 616 First National Bank Building, Tampa 2, Fla., and James E. Wilson, 1111 E Street NW., Washington 4, D.C. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between specified points in Georgia, between Savannah, Ga., and Jacksonville, Fla., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Brunswick, St. Simons, and Sea Island Beach, Ga.; and *general commodities*, excepting, among others, household goods and commodities in bulk, over regular and irregular routes, from, to and between specified points and areas in Florida, serving certain intermediate and off-route points. GATEWAY TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Minnesota, Iowa, Missouri, Indiana, Ohio, New York, and Michigan. Application has been filed for temporary authority under section 210a(b).

NOTE: TAMIAMI FREIGHTWAYS, INC., is a wholly owned subsidiary of TAMIAMI TRAIL TOURS, INC., pursuant to authority granted in No. MC-F-7021, decided July 18, 1962, and consummated September 11, 1962 (TAMIAMI TRAIL TOURS, INC.—CONTROL—TAMIAMI FREIGHTWAYS, INC. (formerly BENTON RAPID EXPRESS)); authority granted in No. MC-F-8580, decided December 20, 1963, and consummated December 31, 1963 (TAMIAMI FREIGHTWAYS, INC.—PURCHASE (PORTION)—TAMIAMI TRAIL TOURS, INC., published in the October 30, 1963 issue of the FEDERAL REGISTER on page 11597.

No. MC-F-8688. Authority sought for control by PASQUALE CHIMENTO, 315 West Houston Street, New York, N.Y., of CARMIC LEASING CORP., 315 West Houston Street, New York, N.Y. Applicant's attorney: Irving Klein, 280 Broadway, New York 7, N.Y. Operating rights sought to be controlled: Authority applied for in No. MC-125524, covering the transportation of *such commodities*, as are used, sold or dealt in by retail chain and department stores, under a continuing contract with J. J. Newberry Co., of New York, N.Y., as a *contract carrier* over irregular routes, (1) from points within the New York, N.Y. commercial zone to the sites of the retail stores of J. J. Newberry Co., in Pennsylvania, New Jersey, New York, Connecticut, Maryland, Ohio, Delaware, Virginia, Newell, Morgantown and Martinsburg, W. Va., Peabody Mass., Charlotte, Gastonia, Monroe, Hickory and Reidsville, N.C., Johnston and Camden, S.C., and (2) from points in the destination territory in (1) above to points in the New York, N.Y., commercial zone. PASQUALE CHIMENTO holds no authority from this Commission. However, he is in control of ADVANCE TRUCKING CORPORATION, 315 West Houston Street, New York, N.Y., which is authorized to operate as a *contract carrier* in New York, New Jersey, Connecticut, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-8687. CALIFORNIA PARLOR CAR TOURS COMPANY, 371 Market Street, San Francisco 5, Calif., a newly organized corporation, would purchase certain operating rights of GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago 3, Ill., being those operating rights that had been held by a corporation bearing the same name as transferee, prior to the authority granted in No. MC-F-8531 (CALIFORNIA PARLOR CAR TOURS COMPANY—PURCHASE—THE GREYHOUND CORPORATION), decided October 25, 1963, and consummated December 31, 1963. See notice published in the August 21, 1963, issue of the FEDERAL REGISTER on page 9242. GREYHOUND LINES, INC., and THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., sole stockholders of GREYHOUND LINES, INC., seek authority to acquire, respectively, direct and indirect control of CALIFORNIA PARLOR CAR TOURS COMPANY, through purchase of its capital stock. Authority for issuance of securities is sought under section 214 of the Act, in Finance Docket No. 23006. Applicants' attorney: Gerald H. Trautman, 601 Californa Street, San Francisco 8, Calif. Operating rights sought to be purchased: Passengers and their baggage, in special operations, one way and round trip in sightseeing or pleasure tours, with stop-over privileges at certain points, as a *common carrier* over regular routes, between San Francisco, Calif., and Los Angeles, Calif., serving all intermediate and certain off-route points, restricted to stop over privileges only; passengers and their baggage, restricted to the transportation of persons moving on one-way or round-trip special tours between San Francisco, Calif., and Los Angeles, Calif., between San Francisco, Calif., and Salinas, Calif., serving the intermediate point of Merced, Calif., between Carmel, Calif., and San Luis Obispo, Calif., serving no intermediate points; passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, during the season extending from June 15 until September 15, inclusive, of each year, beginning and ending at San Francisco, Calif., and extending to Reno, Nev.: Authority is not granted for the pick-up or discharge of passengers en route. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8689. Authority sought for control by C. NORMAN ELSY, 817 Crescent Boulevard, Glen Ellyn, Ill., of NORTHERN TRANSIT COMPANY, 216 11th Street, South, Fargo, N. Dak. Applicant's attorney: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Operating rights sought to be controlled: Upon issuance to NORTHERN TRANSIT COMPANY, of a certificate applied for in No. MC-125726, covering the transportation of: Passengers and their baggage, and express and nawspapers, in the same vehicle with passengers, as a *common carrier* over regular routes, between Fargo, N. Dak., and Oakes, N. Dak., from Fargo over U.S. Highway 81 to junction North Dakota Highway 46, thence over North Dakota Highway 46 to junction North Dakota Highway 32, west of Enderlin, N. Dak., thence over North Dakota Highway 32 to junction North Dakota Highway 11 at Forman, N. Dak., thence over North Dakota Highway 11 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, serving all intermediate points. C. NORMAN ELSY holds no authority from this Commission. However, he is affiliated with WISCONSIN COACH LINES, 901 Niagara Street, Waukesha, Wis., which is authorized to operate as a *common carrier* in Wisconsin, Illinois, Indiana, Iowa, Michigan, Minnesota, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-2361; Filed, Mar. 10, 1964; 8:49 a.m.]

[Notice No. 610]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 6, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property of passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

SECTION A

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 111), filed February 3, 1964. Applicant: CLAY HYDER TRUCKING LINES, INC., 301 Highway North, Dade City, Fla. Applicant's attorney: Daniel B. Johnson, Suite 1250, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, from Emporia, Kans., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Virginia, and Tennessee.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 29566 (Sub-No. 79) (AMENDMENT), filed October 28, 1963 published in FEDERAL REGISTER issue of February 5, 1964, amended February 26, 1964, and republished as amended this issue. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk or tank vehicles), from the plant site of Armour & Company at or near Worthington, Minn., to points in Arkansas, Iowa, Kansas, Missouri, Oklahoma, and Nebraska, and *empty containers or other such incidental facilities* used in transporting the above described commodities and *rejected shipments* on return. RESTRICTION: The authority sought will be restricted against tacking at origin.

NOTE: The purpose of this republication is to add Oklahoma and Nebraska as destination States.

HEARING: Remains as assigned March 23, 1964, at the Midland Hotel, Chicago, Illinois, before Examiner Raymond V. Sar.

No. MC 41404 (Sub-No. 44), filed February 17, 1964. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and commodities distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Co., located at or near Emporia, Kans., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee.

NOTE: Applicant states the authority sought above will be restricted against (a) the transportation of such commodities in bulk or liquid form in tank vehicles, (b) tacking at point of origin, and (c) shipments involved will be limited to those originating at the plant site of Armour and Co.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 84511 (Sub-No. 16), filed January 20, 1964. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West Ninth Street, Kansas City, Mo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company located at or near Emporia, Kans., to points in Illinois, Iowa, Missouri, Kansas and Nebraska. RESTRICTIONS: The authority requested above is restricted as follows: (a) to shipments originating at the plant site of Armour and Co. at or near Emporia, Kans., (b) against tacking at origin, and (c) against commodities in bulk, in tank vehicles.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 107818 (Sub-No. 31), filed January 24, 1964. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packing houses*, from the plant site of Armour and Company at or near Emporia, Kans. to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE: Applicant states that the proposed operation is to be limited to shipments originating at the plant site and further restricted against tacking at origin, and against commodities in bulk and in tank vehicles.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 116315 (Sub-No. 9) (AMENDMENT), filed February 17, 1964, published in FEDERAL REGISTER, issue February 26, 1964, and republished as amended this issue. Applicant: FELTS TRANSPORT CORPORATION, Railroad Avenue, Galax, Va. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from the pipeline terminals of the Plantation and Colonial Pipelines in Fairfax County, Va. and the City of Fairfax, Va., to points in Maryland, West Virginia, and the District of Columbia, (2) from Roanoke, Va., and points within 10 miles thereof, to points in West Virginia and Tazewell and Buchanan Counties, Va., and (3) from the terminal of Colonial Pipeline, located at or near Montvale, Va. to points in North Carolina, Virginia, and West Virginia.

NOTE: The purpose of this republication is to add (3) above.

HEARING: Remains as assigned April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 112595 (Sub-No. 23), filed March 3, 1964. Applicant: FORD BROTHERS, INC., Post Office Box 419, Ironton, Ohio. Applicant's attorney: Charles F. Dodrill, 600 Fifth Avenue, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Colonial Pipe Line terminals in Alabama, Delaware, Georgia, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, South Carolina, Pennsylvania, Virginia, and Tennessee, to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 114457 (Sub-No. 14), filed January 2, 1964. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766, from the plant site of Armour and Co. at or near Emporia, Kans., to points in Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Illinois, and the Upper Peninsula of Michigan.

NOTE: The proposed operations will be restricted as follows: (a) to shipments originating at the plant site of Armour and Company at or near Emporia, Kans., (b) against tacking at origin and (c) against commodities in bulk, in tank vehicles.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 115180 (Sub-No. 8), filed February 13, 1964. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plant site of Armour & Co., at or near Emporia, Kans. to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, Virginia, and the District of Columbia.

NOTE: Applicant states that the proposed service is to be restricted to shipments originating at the said plant site and further restricted against tacking at point of origin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 115841 (Sub-No. 165), filed February 17, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plant site of Armour & Co., located at or near Emporia, Kans., to points in Kentucky, Tennessee, Mississippi, Louisiana, Alabama, North Carolina, South Carolina, and Virginia.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 118272 (Sub-No. 11), filed January 13, 1964. Applicant: ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Co. at or near Emporia, Kans., to points in Illinois, Iowa, Missouri, Oklahoma, and Kansas. RESTRICTIONS: The authority requested above is restricted as follows: (a) to

shipments originating at the plant site of Armour and Co. at or near Emporia, Kans., (b) against tacking at origin and (c) against commodities in bulk, in tank vehicles.

NOTE: Applicant's operations under permit MC 69752 and subs found to be common carrier and it was authorized to receive certificates in lieu of present permits.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 119170 (Sub-No. 5), filed February 12, 1964. Applicant: REEFER TRANSIT LINES, INC., 1413 West Pershing Road, Chicago, Ill. Applicant's attorney: Joseph M. Scanlon, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co., located at or near Emporia, Kans., to points in Missouri, Nebraska, Iowa, New York, New Jersey, Pennsylvania, Ohio, and to Wheeling, W. Va., and points within 25 miles thereof.

NOTE: Applicant states that the authority sought herein is restricted to the transportation of shipments originating at the plant site of Armour & Company, located at or near Emporia, Kans.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 123639 (Sub-No. 15), filed January 15, 1964. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company, located at or near Emporia, Kans., to points in Illinois, Iowa, Kansas, Nebraska, and Colorado.

NOTE: Applicant states that the proposed operations will be restricted to shipments originating at the plant site of Armour and Company, located at or near Emporia, Kans. and further restricted against tacking at origin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

SECTION B

MOTOR CARRIERS OF PROPERTY

No. MC 903 (Sub-No. 35) (AMENDMENT), filed April 29, 1963, published FEDERAL REGISTER issue of June 12, 1963, amended February 21, 1964, and republished, as amended, this issue. Applicant: FALWELL FAST FREIGHT, INC., Post Office Box 937, Lynchburg, Va. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Virginia to points in Virginia, West Virginia, Maryland, and North Carolina, and *rejected and returned shipments*, on return.

NOTE: The purpose of this republication is to broaden the scope of the territory involved in the proposed operation.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 10761 (Sub-No. 147), filed November 4, 1963. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Buillding, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packing houses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Co. at or near Emporia, Kans., to points in Michigan, Indiana, Ohio, New York, Pennsylvania, Maryland, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, and the District of Columbia. RESTRICTION: Authority sought is limited to shipments originating at the plant site of Armour and Co. and further restricted against tacking at origin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 26739 (Sub-No. 38), filed October 25, 1963. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses*, as described in Sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co. at or near Emporia, Kans., to points in Iowa, Kansas, Nebraska, Missouri, and Illinois. RESTRICTION: Applicant states that authority sought is limited to shipments originating at the plant site of Armour & Co. restricted against tacking at point of origin, and further restricted against the transportation of commodities in bulk, in tank vehicles.

HEARING: May 4, 1964, at Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 29566 (Sub-No. 81), filed October 28, 1963. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carriers Certificate* 61 M.C.C. 209 and 766, from the plant site of Armour and Company at or near Emporia, Kans., to points in Arkansas, Illinois, Indiana (Indiana portion of the Chicago, Ill. commercial zone only), Iowa, Kansas, Missouri, Nebraska, and Oklahoma, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *damaged and rejected shipments thereof*, on return. RESTRICTION: Applicant states that authority sought is restricted against any transportation in bulk, in tank vehicles, and further restricted against tacking at point of origin.

HEARING: May 4, 1964 at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 30844 (Sub-No. 130), filed October 21, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Emporia, Kans., to points in Michigan, Ohio, Pennsylvania, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia. RESTRICTION: The proposed operations will be restricted to shipments originating at the plant site of Armour & Co. and further restricted against tacking at origin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 52709 (Sub-No. 234) (SECOND CORRECTION), filed December 13, 1963, published FEDERAL REGISTER, issue of February 5, 1964, republished issue of February 26, 1964, and republished as corrected this issue. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* as described in paragraphs A and C of Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 272, (1) serving the plant of Armour & Co., at or near Worthington, Minn., as an off-route point in connection with applicant's regular route operations between Fremont, Nebr., and Sioux City, Iowa; (2) in connection with applicant's irregular route operations from Sioux Falls, S. Dak., to points in Colorado; and (3) over irregular routes, from Worthington, Minn., to Olympia, Seattle and Tacoma, Wash., and Medford and Portland, Oreg.

NOTE: Common control may be involved. The purpose of this republication is to correct item (2) above.

HEARING: Remains as assigned March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 53965 (Sub-No. 35), filed November 21, 1963. Applicant: GRAVES TRUCK LINE, INC., Salina, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except in bulk tank trailers, betwen points within 5 miles of Emporia, Kans., and points in Nebraska, Oklahoma, points in Sedgwick, Logan, Weld, Larimee, Boulder, Morgan, Phillips, Yuma, Washington, Jefferson, Adams, Arapohoe, Douglas, Elbert, Kit Carson, Lincoln, El Paso, Cheyenne, Kiowa, Crowley, Pueblo, Huerafona, Los Animos, Baca, Prowers, Bent, and Otero Counties, Colo., and points in Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Roberts, Moore, Hartley, Dullam, Sherman, Hansford, Lipscomb, Ochiltree, and Hutchinson, and Loramie Counties, Wyo.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 94265 (Sub-No. 120), filed October 25, 1963. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company at or near Emporia, Kans., to points in Virginia, Maryland, the District of Columbia, West Virginia, Pennsylvania, New Jersey, New York, Delaware, and North Carolina. RESTRICTION: Authority sought is limited to shipments originating at the plant site of Armour and Co. and further restricted against tacking at origin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 95540 (Sub-No. 558), filed October 25, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company located at or near Emporia, Kans., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Louisiana, Virginia and Mississippi. RESTRICTION: Authority sought will be limited to shipments originating at the plant site of Armour and Co. and further restricted against tacking at origin. Also the proposed authority will be restricted against commodities in bulk, in tank vehicles.

NOTE: Common control may be involved.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 102616 (Sub-No. 732) (AMENDMENT), filed September 9, 1963, published in FEDERAL REGISTER issue of January 29, 1964, and republished as amended this issue. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street N.W., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the pipeline terminals of the Plantation and Colonial Pipelines in Virginia, to points in Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: The purpose of this republication is to specify origin points at terminals of the Plantation and Colonial Pipelines in Virginia.

HEARING: Remains as assigned April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 105813 (Sub-No. 107), filed November 1, 1963. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company located at or near Emporia, Kans., to points in Alabama, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, from the plant site of Armour and Company at or near Emporia, Kans., to points in Florida, Georgia, Alabama, Mississippi, North Carolina, South Carolina and Tennessee. RESTRICTION: Authority sought is limited to shipments originating at the plant site of Armour and Co. and further restricted against tacking at origin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 107515 (Sub-No. 459), filed October 23, 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Co. located at or near Emporia, Kans., to points in Alabama, Georgia, Mississippi, Tennessee, Louisiana, North Carolina, South Carolina and Florida, restricted (1) to shipments originating at the plant site of Armour and Co. and against tacking at origin, and (2) against transporting commodities in bulk, in tank vehicles.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 107544 (Sub-No. 58) (AMENDMENT), filed May 28, 1963, published FEDERAL REGISTER issue January 29, 1964, amended February 24, 1964, and republished as amended this issue. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (but excluding all other acids and chemicals, in bulk, in tank vehicles), (1) from terminals of the Colonial Pipeline Co. and the Plantation Pipeline Co., located at points in Virginia, to points in Virginia, and West Virginia, (2) from the sites of pipeline terminals or outlets of the Colonial Pipeline located at points in North Carolina, to points in North Carolina, South Carolina, Tennessee, and Virginia, (3) from the site of pipeline terminals or outlets of the Colonial Pipeline located at points in Tennessee, to points in Virginia, North Carolina, Kentucky, South Carolina, Georgia, and Alabama, and (4) from the site of the pipeline terminals or outlets of the Colonial Pipeline located at points in Virginia, to points in North Carolina, Maryland, Virginia, Pennsylvania, and the District of Columbia.

NOTE: Applicant states "no duplicating rights are sought." The purpose of this republication is to add "naphtha" to the commodities and the additional area in (1) above.

HEARING: Remains as assigned April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 110193 (Sub-No. 54), filed November 13, 1963. Applicant: SAFE-WAY TRUCK LINES, INC., 4626 West 54th Street, Chicago 32, Ill. Applicant's representative: Walter J. Koboa, 1623 Kensington Avenue, Westchester, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Co. located at or near Emporia, Kans., to points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Maine, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, New Hampshire, Vermont, Virginia, West Virginia and the District of Columbia, restricted against commodities in bulk, in tank vehicles, to shipments originating at the plant site of Armour and Company, and further against tacking at origin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 111812 (Sub-No. 227), filed October 30, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Sioux Falls, S. Dak. Applicant's representative: William J. Walsh, Post Office Box 747, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company located at or near Emporia, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Michigan (Lower Peninsula only), Ohio, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states the proposed service is to be restricted (a) to shipments originating at the plant site of Armour and Company, (b) against tacking or joinder at origin, and (c) against the transportation of commodities in bulk, in tank vehicles. Common control may be involved.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 113267 (Sub-No. 114), filed November 4, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company located at or near Emporia, Kans., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. RESTRICTIONS: (1) Authority sought will be limited to shipments originating at the plant site of Armour & Company at or near Emporia, Kans. (2) Restricted against tacking at origin. (3) Restricted against commodities in bulk in tank vehicles.

NOTE: Common control may be involved.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 113362 (Sub-No. 32), filed November 4, 1963. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co., located at or near Emporia, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, and the District of Columbia.

NOTE: Applicant states the authority sought will be limited to shipments originating at the above specified plant site and further restricted against tacking at origin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 113651 (Sub-No. 64), filed November 7, 1963. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorneys: Mario Pieroni, 523 Johnson Building, Muncie, Ind.; and Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing houses as described in Sections A and C, Appendix I, in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except commodities in bulk, in tank vehicles), (1) from Emporia, Kans., to points in Michigan, Ohio, Indiana, and (2) between points in Pennsylvania, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Florida, Georgia, Alabama, Mississippi, North Carolina, South Carolina, Tennessee, Kentucky, and Louisiana.

NOTE: Applicant states the proposed service will be restricted to shipments originating at the plant site of Armour & Co., and further restricted against tacking at origin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 113843 (Sub-No. 74), filed November 6, 1963. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C, Appendix I, in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company located at or near Emporia, Kans., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Delaware, Maryland, and the District of Columbia.

NOTE: Applicant states the proposed service is limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at origin. Common control may be involved.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 114019 (Sub-No. 112), filed December 11, 1963. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 S. La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Co. at or near Emporia, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, the District of Columbia, Ohio, Indiana, Michigan, Illinois, Kentucky, Tennessee, Virginia and West Virginia. RESTRICTION: Authority sought is limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at point of origin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before William E. Messer.

No. MC 114045 (Sub-No. 124), filed December 9, 1963. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company located at or near Emporia, Kans., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina,

Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC–117119 (Sub-No. 128), filed November 27, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and tank vehicles), from the plant site of Armour and Co. located at or near Emporia, Kans., to points in Nebraska, Illinois, Iowa, Missouri, Oklahoma, Arkansas, and Texas.

NOTE: Applicant states that the service as proposed above is to be restricted to (1) the transportation of shipments originating at the aforesaid plant site, (2) against the transportation of commodities in bulk, in tank vehicles, and (3) against tacking at the aforesaid plant site of the applied for authority with any authority which it may possess.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 117686 (Sub-No. 34), filed October 28, 1963. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plant site of Armour and Company, located at or near Emporia, Kans., to points in Alabama, Louisiana, Mississippi, Arkansas, Texas, and Tennessee. RESTRICTION: Authority sought is restricted to shipments originating at the plant site of Armour and Co. and further restricted against tacking at origin.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 117815 (Sub-No. 17), filed December 16, 1963. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles, from the plant site of Armour & Co. located at or near Emporia, Kans., to points in Illinois, Iowa, Minnesota, and Wisconsin.

NOTE: Applicant states the proposed service "to be restricted against tacking or interlining at the involved origin."

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 117883 (Sub-No. 31), filed December 3, 1963. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company, at or near Emporia, Kans., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia.

NOTE: Applicant states that the proposed operation is to be restricted (1) to the transportation of shipments originating at the aforesaid plant site, (2) against the transportation of commodities in bulk in tank vehicles, and (3) further restricted against tacking at the aforesaid plant site of the applied for authority with any other authority which the applicant may possess.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 119810 (Sub-No. 8), filed November 4, 1963. Applicant: NEBRASKA EASTERN EXPRESS, INC., Livestock Exchange Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), as described in Sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company, located at or near Emporia, Kans., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. RESTRICTION: Applicant states that the authority sought will be limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at origin.

NOTE: Common control may be involved.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 125505 (AMENDMENT), filed July 1, 1963, published in FEDERAL REGISTER issue of August 14, 1963, amended February 21, 1964, and republished, as amended, this issue. Applicant: MATTSON TRANSPORTATION, INC., 4907 Rivers Avenue, Charleston Heights, S.C. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from Belton, S.C. to points in Georgia, (2) from Spartanburg, S.C. to points in North Carolina and Tennessee, (3) from Fayetteville, N.C. to points in South Carolina, and (4) from Athens, Ga. to points in South Carolina.

NOTE: The purpose of this republication is to broaden the scope of the territory involved in the proposed operation.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–2362; Filed, Mar. 10, 1964; 8:49 a.m.]

[Notice No. 3]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

MARCH 6, 1964.

The following applications are filed under section 206(a) (7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The special rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

ARIZONA

No. MC 98808 (Sub-No. 1), filed February 8, 1963. Applicant: PIMA LINES INC., Rillito, Ariz. Applicant's representative: H. E. Ringle, 508 Goodrich Building, 14 North Central Avenue, Phoenix, Ariz. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a) (7) of the Interstate Commerce Act, pursuant to Certificate No. 6196, dated December 18, 1961, issued by the Arizona Corporation Commission.

No. MC 120080 (Sub-No. 1) (CORRECTION), filed February 12, 1963, published in FEDERAL REGISTER issue October 2, 1963, and republished as corrected this issue. Applicant: HOLBROOK TRANSFER & STORAGE, INC., 4637 West Fairmont, Phoenix, Ariz.

NOTE: The purpose of this republication is to show the proper spelling of subject carrier, Holbrook Transfer & Storage, Inc.

CALIFORNIA

No. MC 54593 (Sub-No. 1), filed February 11, 1963. Applicant: WESTERN VAN & STORAGE COMPANY, a corporation, 2346 Auburn Boulevard (Post Office Box 21–4436), Sacramento 21, Calif. Authority sought to operate as a common carrier, under the "grandfather" provisions of section 206(a) (7) of the Interstate Commerce Act, pursuant to Decision Nos. 13775, dated July 3, 1924; 12902, dated August 8, 1924; 17916, dated January 18, 1927, 28914, dated June 22, 1936, issued by the Railroad Commission of California.

No. MC 96950 (Sub-No. 2) (REPUBLICATION), filed January 31, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: LA SALLE FREIGHT COMPANY, a corporation, 2317 Newton Avenue, Post Office Box 13037, San Diego 13, Calif., and LA SALLE TRUCKING COMPANY, 2317 Newton Avenue, Post Office Box 13037, San Diego, Calif., joint applicants.

NOTE: The purpose of this republication is to show La Salle Trucking Company, as joint applicant.

No. MC 99463 (Sub-No. 1) (REPUBLICATION), filed February 4, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: FRANK L. NOLAN, JR. AND MARY P. BARTHOLOMEW, doing business as, FRANK NOLAN DRAYAGE CO., 759 Third Street, San Francisco 7, Calif., AND MOTOR TRANSPORT TERMINALS, INC., 175 Vermont Street, San Francisco 3, Calif., joint applicants. Applicant's attorney: Bertram S. Silver, 136 Post Street, Suite 600, San Francisco 8, Calif.

NOTE: The purpose of this republication is to show Motor Transport Terminals, Inc., as joint applicant.

No. MC 109030 (Sub-No. 9) (REPUBLICATION), filed January 30, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: SECURITY TRUCK LINE, 1600 South First Street, San Jose, Calif., and SECURITY TRANSPORTATION CO., 1600 South First Street, San Jose, Calif., joint applicants. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif.

NOTE: The purpose of this republication is to show Security Transportation Co., as joint applicant.

No. MC 120642 (Sub-No. 1) (REPUBLICATION), filed February 5, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: HAROLD H. McBRIDE (VIOLET McBRIDE, ADMINISTRATRIX), doing business as, H. McBRIDE DELIVERY SERVICE, Post Office Box 515, Dinuba, Calif., and AMERICAN CARTAGE COMPANY, a corporation, Fresno, Calif., joint applicants. Applicant's attorney: William H. Kessler, 638 Divisadero Street, Fresno 21, Calif.

NOTE: The purpose of this republication is to show American Cartage Company, a corporation, Fresno, Calif., as joint applicant.

No. MC 121136 (Sub-No. 3) REPUBLICATION) filed February 5, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: C. A. WORTH & CO., 1335 Sixth Street, San Francisco, Calif., and SIGNAL TRUCKING SERVICE, LTD., 4455 Fruitland Ave., Los Angeles, Calif., joint applicants. Applicant's attorney: G. Alfred Roensch, 21st Floor, 100 Bush Street, San Francisco 4, Calif.

NOTE: The purpose of this republication is to show Signal Trucking Service, Ltd., as joint applicant.

No. MC 121213 (Sub-No. 1) (REPUBLICATION), filed February 1, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished in this issue. Applicant: CLYDE R. HOAGLAND, doing business as REDWAY TRANSFER CO., 4608 East 50th Street, Los Angeles 58, Calif., AND REDWAY TRUCK AND WAREHOUSE COMPANY, 4608 East 50th St., Los Angeles, Calif., joint applicants. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif.

NOTE: The purpose of this republication is to show Redway Truck and Warehouse Company, as joint applicant.

COLORADO

No. MC 54902 (Sub-No. 1) (REPUBLICATION), filed January 28, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: FINN REALTY COMPANY (formerly THE NORTH DENVER TRANSFER AND STORAGE COMPANY), 2101 Market Street, Denver, Colo., AND NORTH DENVER TRANSFER & STORAGE CO., 2101 Market Street, Denver, Colo., joint applicants. Applicant's attorney: Raymond B. Danks, 401 First National Bank Building, Denver 2, Colo.

NOTE: The purpose of this republication is to show North Denver Transfer & Storage Co., as joint applicant.

CONNECTICUT

No. MC 99227 (Sub-No. 1) (CORRECTION), filed February 6, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: GEORGE SOGOLOW, doing business as SOGOLOW TRUCKING, 28 County Fair Road, Norwich, Conn.

NOTE: The purpose of this republication is to show the trade name of subject carrier, inadvertently omitted in previous publication.

ILLINOIS

No. MC 58397 (Sub-No. 1) (REPUBLICATION), filed January 16, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: O. R. WISDOM, doing business as WISDOM TRUCKING SERVICE, 1328 North 14th Street, De Kalb, Ill. and WISDOM TRUCKING SERVICE, INC., 1440 Pleasant Street, De Kalb, Ill., 60115, joint applicants. Applicant's attorney: Bernard G. Colby, One North La Salle Street, Chicago 2, Ill.

NOTE: The purpose of this republication is to show Wisdom Trucking Service, Inc., as joint applicant.

No. MC 61340 (Sub-No. 2) (REPUBLICATION), filed February 12, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: STANLEY DERRA, doing business as DERRA'S MOTOR SERVICE, 6888 North Tonty Avenue, Chicago 46, Ill., and DERRA'S MOTOR SERVICE, INC., joint applicants.

NOTE: The purpose of this republication is to show Derra's Motor Service, Inc., as joint applicant.

No. MC 98864 (Sub-No. 1), filed January 10, 1963. Applicant: EDWARD SITAR TRUCKING CO., INC., 2308 West 21 Place, Chicago, Ill. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a) (7) of the Interstate Commerce Act, pursuant to Certificate No. 8823, dated January 22, 1958, issued by the Illinois Commerce Commission.

KENTUCKY

No. MC 98422 (Sub-No. 1) (REPUBLICATION), filed February 5, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: H. W. PARRISH, ERNEST PARRISH AND ELMO PARRISH, a partnership, doing business as PARRISH TRANSFER LINE, 220 Mero Street, Frankfort, Ky., AND ADELL WALPERT, H. W. PARRISH, AND ELMO PARRISH, doing business as PARRISH TANSFER LINE, joint applicants.

NOTE: The purpose of this republication is to show Adell Walpert, H. W. Parrish and Elmo Parrish, doing business as, Parrish Transfer Line, as joint applicant.

LOUISIANA

No. MC 99526 (Sub-No. 1), filed January 16, 1963. Applicant: LOUISIANA TRANSPORTATION COMPANY, INC., 2200 Eighth Street, Harvey, La. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a) (7) of the Interstate Commerce Act, pursuant to Certificate No. 5229–C, dated August 26, 1955, issued by the Louisiana Public Service Commission.

No. MC 99576 (Sub-No. 1), filed January 28, 1963. Applicant: JOHN'S TRUCKING SERVICE, INC., U.S. Highway 90, East, Morgan City, La. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a) (7) of the Interstate Commerce Act, pursuant to Certificate No. 5220–B, dated October 29, 1954, issued by the Louisiana Public Service Commission.

MAINE

No. MC 72352 (Sub-No. 2) (REPUBLICATION), filed February 12, 1963, pub-

lished in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: LESLIE A. LINSCOTT, doing business as DODGE EXPRESS, 28 Chapel Street, Ellsworth, Maine, and JAMES P. HIGGINS, doing business HIGGINS EXPRESS, Blue Hill, Maine, joint applicants.

NOTE: The purpose of this republication is to show James P. Higgins, doing business as Higgins Express, Blue Hill, Maine as joint applicant.

MASSACHUSETTS

No. MC 77119 (Sub-No. 2), filed February 11, 1963. Applicant: WILLIAM H. POTTER, doing business as W. H. POTTER CO., 638 Southbridge, Worcester, Mass., and W. H. POTTER COMPANY, INC. (PAUL V. SALTER, RECEIVER), 1 Court Street, Boston, Mass., joint applicants. Applicant's attorney: Raymond E. Bernard, Brattle Arms, Harvard Square, Cambridge 38, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of Section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 5662, dated June 1, 1961, issued by the Massachusetts Department of Public Utilities.

No. MC 97836 (Sub-No. 2) (REPUBLICATION), filed January 18, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: PETERSON TRUCKING, INC., Main Street, Westford, Mass., AND ROBERT L. BREVEGLIERI, doing business as SOLAR TRUCKING CO., 69 Granger Street, Springfield, Mass., joint applicants.

NOTE: The purpose of this republication is to show Robert L. Breveglieri, doing business as Solar Trucking Co., as joint applicant.

No. MC 98589 (Sub-No. 1) (REPUBLICATION), filed February 6, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: TIMOTHY SULLIVAN, doing business as SULLIVAN'S EXPRESS & TRUCKING CO., 55 Parker Street, Brockton, Mass., and SULLIVAN'S EXPRESS, INC., 55 Parker Street, Brockton, Mass., joint applicants.

NOTE: The purpose of this republication is to show Sullivan's Express, Inc. as joint applicant.

No. MC 99012 (Sub-No. 2) (CORRECTION), filed February 7, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished as corrected this issue. Applicant: WESTERN DELIVERIES, INC., 28 Travis Street, Boston (Allston 34), Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificates Nos. 15, dated March 24, 1954, and 4549, dated March 1, 1955, issued by the Massachusetts Department of Public Utilities.

NOTE: The purpose of this republication is to include Certificate No. 4549 which was omitted in the previous publication.

No. MC 99167 (Sub-No. 1), filed February 12, 1963. Applicant: LORENZO F. BLACKMER, doing business as BLACKMER BROTHERS EXPRESS, North Street, Hardwick, Mass., and LIONEL A. LAJOIE, JR., doing business as L. A. LAJOIE TRANSPORTATION CO., Old Turnpike Road, Oakham, Mass., joint applicants. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 4530, dated April 2, 1954, issued by the Massachusetts Department of Public Utilities.

No. MC 99372 (Sub-No. 1), (CORRECTION), filed February 11, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished as corrected this issue. Applicant: STOUGHTON AUTO EXPRESS, INC., 1945 Washington Street, Stoughton, Mass. Applicant's representative: Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 2878, dated September 1, 1955, and 245, dated December 8, 1954, issued by the Massachusetts Department of Public Utilities.

NOTE: The purpose of this republication is to include Certificate No. 245 which was omitted in the previous publication.

No. MC 99611 (Sub-No. 1) (REPUBLICATION), filed February 11, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: SAM SHATZ AND JACK SHATZ, a partnership doing business as, S & S EXPRESS CO., 90 Saunders Street, Lawrence, Mass., and ROBERT A. PARK, 140 Chandler Road, Andover, Mass., joint applicants.

NOTE: The purpose of this republication is to show Robert A. Park, as joint applicant.

No. MC 120854 (Sub-No. 2), filed January 21, 1963. Applicant: PERKINS EXPRESS, INCORPORATED, 410 Spruce Street, South Braintree, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3509, dated January 1, 1962, issued by the Massachusetts Department of Public Utilities.

No. MC 120976 (Sub-No. 1) (CORRECTION), filed February 6, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished as corrected this issue. Applicant: THOMAS J. SHEEHAN AND JOSEPH SHEEHAN, a partnership, doing business as SHEEHAN'S EXPRESS, 636 Brookline Avenue, Brookline, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 1954, dated May 13, 1961, and 977, dated August 14, 1961, issued by the Massachusetts Department of Public Utilities.

NOTE: The purpose of this republication is to include Certificate No. 977 which was omitted in the previous publication.

MISSISSIPPI

No. MC 66746 (Sub-No. 4) (REPUBLICATION), filed January 18, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: L. B. McGHEE, doing business as L. B. McGHEE MOTOR FREIGHT LINES, 166½ East Porter Street, Jackson, Miss., and JOHN L. KERR and G. O. KERR, doing business as, SHIPPERS EXPRESS, Jackson, Miss., joint applicants.

NOTE: The purpose of this republication is to show John L. Kerr and G. O. Kerr, doing business as Shippers Express, as joint applicants.

NEBRASKA

No. MC 120241 (Sub-No. 1) (REPUBLICATION), filed February 11, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: HARVEY H. SHRADER, doing business as SHRADER FREIGHT, 406 West Sherman Street, Ravenna, Nebr., and KENNETH W. HURYTA, doing business as KEN'S TRANSFER, Ravenna, Nebr., joint applicants.

NOTE: The purpose of this republication is to show Kenneth W. Huryta, doing business as Ken's Transfer, as joint applicant.

No. MC 120829 (Sub-No. 1) (REPUBLICATION), filed January 11, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: LORENCE BURKEY, doing business as MILFORD TRANSFER, Milford, Nebr., and DALE D. MILLER, doing business as MILFORD TRANSFER, Milford, Nebr., joint applicants. Applicant's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr.

NOTE: The purpose of this republication is to show Dale D. Miller, doing business as Milford Transfer, Milford, Nebr., as joint applicant.

NEW MEXICO

No. MC 121178 (Sub-No. 1) (REPUBLICATION), filed January 18, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: L. B. McGHEE, doing business as L. B. McGHEE MOTOR FREIGHT LINES, 120 "B" Seventh Street, Los Alamos, N. Mex., and LOS ALAMOS TRANSFER COMPANY, a corporation, Post Office Box 868, Los Alamos, N. Mex., joint applicants.

NOTE: The purpose of this republication is to show Los Alamos Transfer Company, a corporation, as joint applicant.

NEW YORK

No. MC 60505 (Sub-No. 2) (CORRECTION) filed February 10, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: LAWRENCE O'PEZIO (MARY O'PEZIO, EXECUTRIX), VICTOR O'PEZIO, JOSEPH O'PEZIO, AND JOHN O'PEZIO, a partnership, doing business as, LAWRENCE O'PEZIO & SONS, 109 North Park Avenue, Bay Shore, N.Y., and MARY O'PEZIO, VICTOR O'PEZIO, JOSEPH O'PEZIO, AND JOHN O'PEZIO, doing business as LAWRENCE O'PEZIO & SONS, 109 North Park Avenue, Bay Shore, N.Y., joint applicants.

NOTE: The purpose of this republication is to show John O'Pezio, as a member of above partnership, and to show joint applicant.

No. MC 96998 (Sub-No. 1), filed February 12, 1963. Applicant: JOHN T. DILLON AND KENNETH J. DILLON doing business as, DILLON PARCEL SERVICE, 83 Harrison Street, New Rochelle, N.Y. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 7805, dated December 27, 1957, issued by the New York Public Service Commission.

No. MC 99233 (Sub-No. 1), filed February 12, 1963. Applicant: FRANK J. VANDENBUSH, doing business as MURDOCK EXPRESS, 704 Madison Street, East Rochester, N.Y. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2010, dated August 16, 1954, issued by the New York Public Service Commission. BMC 75 statement was on file with the Interstate Commerce Commission on October 15, 1962, in the name of Frank J. VanDenBush and Alvin J. Hagreen, a partnership, doing business as Murdock Express.

No. MC 10543 (Sub-No. 2) (REPUBLICATION), filed January 14, 1963, published FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: EDWARD G. VAN AUKEN, doing business as VAN AUKEN'S EXPRESS, Box 176, Greenville, N.Y., and VAN AUKEN EXPRESS, INC., Post Office Box 176, Greenville, N.Y., joint applicants.

NOTE: The purpose of this republication is to show Van Auken Express, Inc., as joint applicant.

NORTH DAKOTA

No. MC 120251 (Sub-No. 1), filed February 12, 1963. Applicant: MINOT VAN & STORAGE CO., INC., 19 Second Street NE., Minot, N. Dak. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 140, dated December 14, 1961, issued by the North Dakota Public Service Commission.

OHIO

No. MC 99901 (Sub-No. 1) (REPUBLICATION), filed January 31, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: RALPH GITZINGER, doing business as GITZINGER TRUCKING SERVICE, 4769 Valley Street, Dayton, Ohio, and GITZINGER TRUCKING SERVICE, INC., 4769 Valley Street, Dayton, Ohio, joint applicants.

NOTE: The purpose of this republication is to show Gitzinger Trucking Service, Inc., as joint applicant.

No. MC 120244 (Sub-No. 1) (REPUBLICATION), filed February 4, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: CREST EXPRESS LINES, INC., 2320 Orange Avenue, Cleveland, Ohio, and DEARMAN TRANSPORTATION CO., INC., Post Office Box 203, Mansfield, Ohio, joint applicants. Applicant's attorney: L. Beaumont Parks, 1519 Williamson Building, Cleveland 14, Ohio.

NOTE: The purpose of this republication is to show Dearman Transportation Co., Inc., as joint applicant.

OKLAHOMA

No. MC 120359 (Sub-No. 2) (REPUBLICATION), filed January 30, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: HERMAN O. ICKE, doing business as L & H TRUCK LINE, 1202 East Cypress, Enid, Okla., and ROSCOE L. COUCH, doing business as ROSCOE'S FREIGHT LINE, 406 West Poplar, Enid, Okla., joint applicants.

NOTE: The purpose of this republication is to show Roscoe L. Couch, doing business as, Roscoe's Freight Line, as joint applicant.

TEXAS

No. MC 89453 (Sub-No. 5) (REPUBLICATION) filed January 14, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: N. J. McLANDRICH, doing business as N. J. McLANDRICH TRUCKING CONTRACTOR, Box 497, Falfurrias, Tex., and L. E. GRESHAM and A. E. LIGON, doing business as, GLYCO LEASE SERVICE, Falfurrias, Tex., joint applicants.

NOTE: The purpose of this republication is to show L. E. Gresham and A. E. Ligon, doing business as Glyco Lease Service, Falfurrias, Tex., as joint applicant.

No. MC 112651 (Sub-No. 4) (REPUBLICATION) filed January 24, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: R. H. GIBSON, doing business as GIBSON MOTOR FREIGHT, 2000 Main Street, Post Office Box 365, Tahoka, Tex., and R. H. GIBSON, doing business as GIBSON MOTOR FREIGHT, LESSEE, 2000 Main Street, Post Office Box 365, Tahoka, Tex., and ROY W. GIBSON, doing business as GIBSON MOTOR FREIGHT, LESSOR, 2000 Main Street, Post Office Box 365, Tahoka, Tex., joint applicants. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2034, dated April 17, 1956, and as joint applicant with Roy W. Gibson, doing business as, Gibson Motor Freight, Lessor, and R. H. Gibson, doing business as, Gibson Motor Freight, Lessee, also claims "grandfather" rights covering Texas Certificate Nos. 2175 and 2292, dated January 16, 1951 and October 26, 1939, respectively, issued by the Railroad Commission of Texas, and leased by applicant for a period of 5 years, effective September 1, 1959.

NOTE: The purpose of this republication is to show joint applicants and the proper lease information.

No. MC 121511 (REPUBLICATION), filed January 14, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: BERTMAN DRILLING COMPANY—CONSTRUCTION AND LEASE SERVICE DIVISION, 513 Travis Street, Liberty, Tex., and HURSCHEL MERICLE, doing business as H-M RIGGERS CO., 513 Travis Street, Liberty, Tex., joint applicants.

NOTE: The purpose of this republication is to show that Hurschel Mericle, doing business as H-M Riggers Co., as joint applicant.

UTAH

No. MC 120098 (Sub-No. 3), filed January 28, 1963. Applicant: UINTAH FREIGHTWAYS, 348 West 1370 South, Salt Lake City 15, Utah. Applicant's attorney: William S. Richards, Walker Bank Building, Salt Lake City 11, Utah. Application filed to protect carrier's right, if any, to a certificate of registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1288, dated September 22, 1958, issued by the Utah Public Service Commission.

WISCONSIN

No. MC 104876 (Sub-No. 2), filed December 31, 1962. Applicant: A. F. MEY, doing business as A. F. MEY TRANSFER, Post Office Box 22, Newburg, Wis., and MEY TRANSFER, INC., joint applicants. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. CC-407, dated June 6, 1942, issued by the Public Service Commission of Wisconsin.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2364; Filed, Mar. 10, 1964; 8:49 a.m.]

[Notice No. 611]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 6, 1964.

The following applications are governed by special rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be

[1] Copies of special rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 151 (Sub-No. 24), filed February 28, 1964. Applicant: LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between the junction of Illinois Highway 121 and U.S. Highway 150, and Mattoon, Ill., over Illinois Highway 121, serving only those points as presently authorized, (2) between Lincoln, Ill., and Clinton, Ill., over Illinois Highway 10, as an alternate route, only in connection with applicant's presently authorized regular route operations, and (3) between Springfield, Ill., and Tuscola, Ill., over U.S. Highway 36, serving only those points as presently authorized.

NOTE: If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind.

No. MC 2202 (Sub-No. 262), filed February 28, 1964. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between San Antonio, Tex., and Houston, Tex., over U.S. Highway 90, serving no intermediate points, to be used as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations between San Antonio, Tex., and Atlanta, Ga.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at San Antonio, Tex.

No. MC 2202 (Sub-No. 263), filed February 28, 1964. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio, 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between LaGrange, Ga., and Cedartown, Ga., over U.S. Highway 27, serving no intermediate points, and (2) between Rome, Ga., and Chattanooga, Tenn., over U.S. Highway 27, serving no intermediate points.

NOTE: Applicant presently holds authority to operate between Cedartown, Ga., and Rome, Ga. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 9325 (Sub-No. 16), filed February 28, 1964. Applicant: K LINE, INC., Postoffice Box 216, Lebanon, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland 5, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, (1) between points in Oregon, on the one hand, and, on the other, points in Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Yakima, Klickitat, Benton, and Franklin Counties, Wash.; and (2) from Redding, Calif., to points in Josephine, Curry, Jackson, Klamath, Lake, Harney, Douglas, Coos, Lane, and Deschutes Counties, Oreg.

NOTE: If a hearing is deemed necessary applicant requests it be held at Portland, Oreg.

No. MC 19778 (Sub-No. 61), filed January 28, 1964, published in FEDERAL REGISTER, issue February 12, 1964, and republished as amended this issue. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago, Ill., 60606. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transmission line towers and commodities* used, or useful, in the erection, construction and maintenance of a power transmission line, (1) between Sioux Falls, S. Dak., and Sioux City, Iowa, on the one hand, and, on the other, points in Lyon, Plymouth, Sioux, and Woodbury Counties, Iowa, and (2) between Sioux City, Akron, Chatsworth, Hawarden, Inwood, and Westfield, Iowa, on the one hand, and, on the other, points in Lyon, Plymouth, Sioux, and Woodbury Counties, Iowa, and points in Minnehaha County, S. Dak.

NOTE: Common control may be involved. The purpose of this republication is to change the territorial description in (2) above.

No. MC 19945 (Sub-No. 13), filed February 24, 1964. Applicant: BEHNKEN TRUCK SERVICE, INC., Illinois Route 13, New Athens, Ill. Applicant's attorney: Ernest A. Brooks, II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, from St. Louis, Mo., to points in Illinois, Iowa, Indiana, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, and Nebraska.

No. MC 28132 (Sub-No. 67) (AMENDMENT), filed February 10, 1964, published FEDERAL REGISTER issue March 4, 1964, amended February 14, 1964, and republished as amended this issue. Applicant: HVIDSTEN TRANSPORT, INC., 225 West County Road D, Box 2805, St. Paul 12, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak.

NOTE: The purpose of this republication is to add the State of Iowa to the destination points as shown in previous publication.

No. MC 30844 (Sub-No. 139) (AMENDMENT), filed February 3, 1964, published in FEDERAL REGISTER, issue February 20, 1964, and republished as amended this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates, Packinghouse Products*, 61 M.C.C. 209 and 766, from Sidney, Nebr., to points in Wisconsin.

NOTE: The purpose of this republication is to show the destination territory as "points in Wisconsin," instead of Milwaukee, Wis., as previously published.

No. MC 30844 (Sub-No. 140), filed February 24, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Paperboard cartons*, knocked down, in cartons from Bow, N.H., to points in California, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 42405 (Sub-No. 23), filed February 24, 1964. Applicant: MISTLETOE EXPRESS SERVICE, a corporation, 111 Harrison, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in express service (except classes A and B explosives), between points in the Kansas City, Kans.-Mo. commercial zone and junction U.S. Highways 169 and 160 near Cherryvale, Kans.; From Kansas City over Interstate Highway 35 to junction U.S. Highway 59 near Ottawa, Kans., thence over U.S. Highway 59 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 160 near Cherryvale, and return over the same route, serving all intermediate points, including the off-route point of Ottawa, Kans., (2) between Parsons and Pittsburg, Kans., from Parsons over U.S. Highway 160 to junction U.S. Highway 69, thence over U.S. Highway 69 to Pittsburg and return over the same route, (3) between Tulsa and Nowata, Okla., over U.S. Highway 160, serving all intermediate points, (4) between Tulsa and Bartlesville, Okla., over U.S. Highway 75, serving all intermediate points.

NOTE: Applicant requests right to join or tack above operations with its existing routes at points of joinder.

And (5) serving the point of Burkburnett, Tex., in connection with its operations between junction of Oklahoma Highway 5 and U.S. Highway 277 approximately 5 miles west of Walters and Wichita Falls, Tex., now serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 45736 (Sub-No. 12), filed February 24, 1964. Applicant: GUIGNARD FREIGHT LINES, INC., 646 Atando Avenue, Charlotte, N.C. Applicant's representative: W. D. Turner, 1415 East Boulevard, Post Office Box 3661, Charlotte, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and built-up wood*, from Charlotte, Whiteville, and Wilmington, N.C. to points in Florida.

NOTE: Applicant states that the proposed operation is to be restricted to movement on flat bed equipment. If a hearing is deemed necessary applicant requests it be held at Charlotte, N.C.

No. MC 49387 (Sub-No. 19), filed February 24, 1964. Applicant: ORSCHELN BROS. TRUCK LINES, INC., 230 North Williams Street, Moberly, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, commodities in bulk, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading), between Chicago, Ill., and Bowling Green, Mo., from Chicago, over U.S. Highway 66, to junction U.S. Highways 66 and 36 located at or near Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highways 36 and 54 located at or near Pittsfield, Ill., thence over U.S. Highway 54 to Bowling Green, and return over the same routes serving the junction of U.S. Highways 36 and 54 located at or near Pittsfield, Ill., for joinder purpose only.

NOTE: If a hearing is deemed necessary applicant requests it be held at St. Louis, Mo.

No. MC 55883 (Sub-No. 9), filed February 24, 1964. Applicant: TRIANGLE EXPRESS, INC., Stephenson, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from Front Royal, Va., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it presently holds authority to transport canned food products from Front Royal, Va., to all States set forth above. One purpose of this application is to interchange the commodities sought herein with other motor carriers. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 63562 (Sub-No. 44), filed December 23, 1963. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, a corporation, 176 East Fifth Street, St. Paul 1, Minn. Applicant's attorney: Louis A. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Interstate Commerce Commission), (1) (a) between St. Paul-Minneapolis, Minn., and Glendive, Mont.; from St. Paul-Minneapolis, over U.S. Highway 10 to Glendive, and return over the same route, (b) between St. Paul-Minneapolis, Minn., and Glendive, Mont.; from St. Paul-Minneapolis over Interstate Highway 94 to Glendive, and return over the same route, (2) between Duluth, Minn. and Ashland, Wis.; from Duluth over U.S. Highway 2 to Ashland, and return over the same route, (3) between Duluth and St. Paul-Minneapolis, Minn.; from Duluth over U.S. Highway 61 to St. Paul-Minneapolis, and return over the same route, (4) between Superior, Wis. and Staples, Minn.; from Superior over Wisconsin Highway 105 and Minnesota Highway 39 to Carlton, Minn., thence over U.S. Highway 210 to Motley, Minn., thence over U.S. Highway 10 to Staples, and return over the same routes, (5) between Little Falls and International Falls, Minn.; from Little Falls over U.S. Highway 371 to Bemidji, Minn., thence over U.S. Highway 71 to International Falls, and return over the same routes, (6) between Little Falls and Morris, Minn. over Minnesota Highway 28, and return over the same route, (7) between junction U.S. Highway 10 and Minnesota Highway 32, and International Boundary, N. Dak.; from junction U.S. Highway 10 and Minnesota Highway 32 over Minnesota Highway 32 to junction Minnesota Highway 102, thence over Minnesota Highway 102 to junction U.S. Highway 2, thence over U.S. Highway 2 to Grand Forks, N. Dak., thence over U.S. Highway 81 to Grafton, N. Dak., thence over North Dakota Highway 17 to junction North Dakota Highway 44, thence over North Dakota Highway 44 to junction Interstate Highway 29, thence over Interstate Highway 29 to International Boundary, N. Dak., and return over the same routes, (8) between Jamestown, N. Dak. and Leeds, N. Dak.; from Jamestown over U.S. Highway 281 to junction U.S. Highway 2, thence over U.S. Highway 2 to Leeds, and return over the same routes, serving all intermediate points on the above-described routes, and all off-route points, on the lines of Northern Pacific Railway Company (called the "Railway"), including but not limited to the following: Moquah, Pokegama and Anton, Wis., Deer Creek, Henning, Battle Lake, Vining, Clitheral, Wall Lake, French, Underwood, Fergus Falls, Foxhome, Everdell, Breckenridge, Kimberly, Short Line Park, Rossburg, Brownell, Thomson, Wrenshall, Finlayson, Groningen, Ironton, Cuyuna, Manganese, Riverton, Trommald, Cloquet, Merrifield, Lake Hubert, Benedict, Laporte, Guthrie, Nary, Lavania, Shooks, Kelliher, Dale, Tilden Junction, Delorme, Perault, Red Lake Falls, Dorothy, Key West, Carthage, Bayport, Stillwater, Summit, Mahtomedi, Dellwood, Sherack, Coon Creek, Philbrook and Manitoba Junction, Minn., Wahpeton, Sykeston, Heaton, Bowdon, Chessley, Hurdsfield, Goodrich, Denhoff, McClusky, Mercer, Turtle Lake, Great Bend, Mooreton, Barney, Wyndmere, De Lamore, Milnor, Gwinner, Hoving, Stirum, Crete, Mekinock, Honeyford, Gilby, Johnstown, Forest River, Voss, Cashel, Horace, Warren, Davenport, Woods, Leonard, Sheldon, Buttzville, Lisbon, Elliott, Englevale, Verona, LaMoure, Oakes, Berlin, Medberry, Edgeley, Jud, Alfred, Gackle, Streeter, Embden, Alice, Nome, Kathryn, Hastings, Litchville, Marion, Rogers, Dazey, Walum, Hannaford, Shepard, Cooperstown, Jessie, Binford, McHenry, Ypsilanti, Montpelier, Adrian, Dickey, Grand Rapids, Glover, Brinsmade, Woodworth, Pettibone, Lake Williams, Robinson, Tuttle, Wing, Regan, Wilton, Flora, Oberon, Maddock, Hesper, Esmond, Hazelton, Temvik, Linton, Schmidt, Huff, Fort Rice, Cannon Ball, Solen, Breien, Flasher, Lark, Carson, Heil, Elgin, New Leipzig, Burt, Mott, Fort Clark, Stanton, Hazen, Beulah, Zap, Golden Valley, Dodge, Halliday, Werner, Dunn Center, Killdeer, Truax and Golva, N. Dak. and Carlyle, Mont. RESTRICTIONS: The authority sought will be subject to the following conditions: (1) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, train service of Northern Pacific Railway Company (called the "Railway"), (2) carrier shall not serve, or interchange traffic at, any point which is not a point on the rail line of the Railway, (3) no shipments shall be transported by the carrier as a common carrier by motor vehicle between any of the following points or through or to or from more than one of said points: Minneapolis and St. Paul, Minn., considered as a single point; Fargo and Mandan, N. Dak., (4) all contractual arrangements between carrier and the Railway shall be reported to the Commission and shall be subject to revision if and as the Commission finds it to be necessary, in order that such arrangements shall be fair and equitable to the parties, (5) such further specific conditions as the Commission may in the future find it necessary to impose in order to insure that the service shall be auxiliary to, or supplemental of, the train service of the Railway.

NOTE: Applicant states the proposed authority herein to the extent it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Bismarck, N. Dak.

No. MC 73165 (Sub-No. 181), filed February 24, 1964. Applicant EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's attorney: Donald L. Morris, 937 Bank for Savings Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, pipe connections, pipe couplings, meter boxes, manhole frames, and manhole covers* (except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their

products and byproducts), from Swan, Tex., and points within ten (10) miles thereof, to points in Alabama, Florida, Georgia, Mississippi, and Tennessee, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant does not specify particular location.

No. MC 73165 (Sub-No. 182), filed February 24, 1964. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d St., Birmingham, Ala. Applicant's attorney: Donald L. Morris, 937 Bank for Savings Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea* (except in tank vehicles), from Memphis and Woodstock, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, and South Carolina, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodity, on return.

NOTE: Applicant states that the proposed service is to be restricted against the transportation of the named commodity, in bags, from the named origin points to Atlanta, Ga., and points in Alabama on and bounded by a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 43 and Alabama Highway 5 to junction U.S. Highway 278, and thence east along U.S. Highway 278 to junction U.S. Highway 231, approximately eight (8) miles northeast of Blountsville, Ala., thence along U.S. Highway 231 to the Tennessee-Alabama State line, and thence along the Tennessee-Alabama State line to point of beginning. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 77214 (Sub-No. 5), filed February 24, 1964. Applicant: WALTER A. WANDKE, 445 Oak Street, Pemberville, Ohio. Applicant's attorneys: James R. Stiverson and Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat scraps and tankage*, in bulk, in tank vehicles, from Detroit, Mich. to points in Indiana on and north of U.S. Highway 40, (2) *animal and poultry feed*, in bulk and in bags, when moving in mixed shipments with bulk fertilizer, from Fort Wayne, Ind., to points in Michigan and Ohio, and (3) *bulk meal*, from points in Ohio to Fort Wayne, Ind.; and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, in (1), (2), and (3), on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Detroit, Mich.

No. MC 79695 (Sub-No. 26), filed February 20, 1964. Applicant: STEEL TRANSPORTATION CO., INC., 4000 Cline Avenue, East Chicago, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, crates, foundry alloys, and metal alloys, when moving in mixed loads with nonferrous metals, steel, iron castings, forgings, and iron and steel articles*, from Chicago, Ill., to Detroit, Mich.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 81968 (Sub-No. 25), filed February 27, 1964. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue., Newark, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *contract carrier, by* motor vehicle, over irregular routes, transporting: *Boards and slabs, composed of wood fiber and cement combined*, and *accessories therefor*, from Newark, Ohio, to points in Indiana, Michigan, Illinois, Kentucky, West Virginia, Virginia, Maryland, Delaware, the District of Columbia, Pennsylvania, New Jersey, New York, Tennessee, North Carolina, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Wisconsin, and Minnesota, limited to a transportation service to be performed under a continuing contract or contracts with National Gypsum Company.

NOTE: Applicant holds common carrier authority in MC 123255; therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 82861 (Sub-No. 12), filed February 25, 1964. Applicant: BROOKS TRUCK LINE, INC., Post Office Box 31, Puyallup, Wash. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in King, Pierce, Lewis, and Yakima Counties, Wash., to points in Oregon, and *empty containers and other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Seattle, Wash.

No. MC 93505 (Sub-No. 7), filed February 24, 1964. Applicant: JOHN DAY VALLEY FREIGHT LINES, INC., Post Office Box 176, John Day, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, those of unusual value, uncrated household goods, commodities in bulk, and those requiring special equipment), between Arlington and Huntington, Oreg.; from Arlington over U.S. Highway 30 to Huntington, serving all intermediate points, and the off-route points on Oregon Highways 203, 237, and 86 between La Grande and Baker (except no service between points west of Arlington on the one hand, and, on the other, Pendleton, Oreg., and points west of Pendleton).

NOTE: If a hearing is deemed necessary applicant requests it be held at La Grande, Oreg.

No. MC 95490 (Sub-No. 21), filed January 15, 1964. Applicant: UNION CARTAGE COMPANY, a corporation, 60 Quinsigamond Avenue, Worcester, Mass. Applicant's representative: Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude emery ore*, in bulk, in dump vehicles, from Croton-on-Hudson and Peekskill, N.Y. to North Grafton, Mass.

No. MC 98701 (Sub-No. 2), filed February 24, 1964. Applicant: CLEVELAND EXPRESS, INC., South Lee Highway, Cleveland, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Cleveland, Tenn., and Chattanooga, Tenn., (1) over U.S. Highway 11, serving all intermediate points, and (2) over Interstate Highway 75, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 99780 (Sub-No. 2), filed February 24, 1964. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and packinghouse products*, as described in section "A" of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (1) from Cedar Rapids, Iowa, to points in Bureau, and Sterling, Ill., and points in Indiana on and north and west of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 231, to Crawfordsville, Ind., thence along Indiana Highway 43 to junction U.S. Highway 421 located at or near Reynolds, Ind., thence along U.S. Highway 421 to Lake Michigan, including Crawfordsville, Lafayette, and Michigan City, Ind., and (2) from Cedar Rapids, Iowa, to points in Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 101502 (Sub-No. 2), filed February 20, 1964. Applicant: FRED E. MIZAUR, Oxford Junction, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 622, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Oxford Junction, Iowa, to Chicago, Decatur, Hillsdale, Hinsdale, Kewanee, Moline, Oregon, Peoria and Rockford, Ill., and Minneapolis and St. Paul, Minn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 102616 (Sub-No. 745), filed February 25, 1964. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* in bulk, in tank vehicles, from Bristol and Philadelphia, Pa., to points in California.

NOTE: If a hearing is deemed necessary, applicant request it be held at Washington, D.C.

No. MC 103191 (Sub-No. 13), filed February 11, 1964. Applicant: THE GEO. A. RHEMAN CO., INC., Post Office Box 2095, Station A, Charleston, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from points in Screven County, Ga., to points in South Carolina and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 103880 (Sub-No. 306), filed February 24, 1964. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Company terminal, located at Brownstown Township, approximately one-half mile west of Riverview, Mich., to points in Ohio, Indiana and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105733 (Sub-No. 31), filed February 12, 1964. Applicant: H. E. RITTER TRUCKING CO., INC., 928 South Hazelwood Avenue, Rahway, N.J. Applicant's attorney: Edmund C. Smith, 26 Broadway, New York 4, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from points in Schuyler, Tompkins, and Albany Counties, N.Y., to points in Massachusetts, New Jersey, New York, Pennsylvania, Vermont, New Hampshire, Maine, Rhode Island, and Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106398 (Sub-No. 223), filed February 24, 1964. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 North Sheridan Road, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, Suite 605, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Undercarriages, frames*, and *related items* used in connection with the transportation of trailers designed to be drawn by passenger automobiles, from points in Georgia, to points in the United States, including Alaska, but excluding Hawaii.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 106657 (Sub-No. 27), filed February 20, 1964. Applicant: MACHINERY & MATERIALS CORPORATION, 3209 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, limestone products and dolomite*, in bulk, in dump vehicles, from Thornton, Ill., to points in the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 107376 (Sub-No. 11), filed February 11, 1964. Applicant: TELISCHAK TRUCKING, INC., 12300 Farmington Road, Livonia, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete slabs and beams, of such size and weight as to require the use of special equipment, and accessories, and materials incidental to the installation thereof*, (1) from Livonia, Mich., to points in Ohio, Indiana, Pennsylvania, and Kentucky, and (2) from Kent, Ohio, to points in Michigan, Kentucky, Indiana, Pennsylvania, and (3) from Dayton, Ohio, to points in Michigan, Indiana, Pennsylvania, and Kentucky, and *returned and rejected shipments, supplies and materials, incidental to the manufacture of prestressed concrete slabs and beams*, on return.

NOTE: Applicant holds authority in No. MC 124400 Sub-No. 2 to conduct operations as a contract carrier, therefore, dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Lansing or Detroit, Mich.

No. MC 107496 (Sub-No. 308), filed February 13, 1964. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk, and in bags, from Montpelier, Iowa, and points within 5 miles thereof, to points in Iowa, Missouri, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Illinois, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 469), filed February 24, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue, SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, and Big Stone Gap, Va.

NOTE: If a hearing is deemed necessary applicant requests it be held at Orlando, Fla.

No. MC 107544 (Sub-No. 64), filed February 13, 1964. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in tank and hopper type vehicles, from Saltville, Va., to points in North Carolina and South Carolina.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113959, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 107871 (Sub-No. 27), filed February 27, 1964. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West (P.O. Box 1012), Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points on the Allegheny Pipeline Company or Texas Eastern Transmission Corporation (Little Big Inch Division) pipelines, which pass near Greensburg, Pa., and Watkins Glen and Selkirk, N.Y., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Applicant states that the proposed service will be restricted to liquefied petroleum gas that has previously moved in interstate commerce through the Allegheny Pipeline Company or Texas Eastern Transmission Corporation (Little Big Inch Division) pipelines. If hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108207 (Sub-No. 131), filed February 25, 1964. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncooked bakery goods*, from Denison, Tex., to points in Kansas, Nebraska, and Iowa.

NOTE: If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 108461 (Sub-No. 98), filed February 18, 1964. Applicant: WHITFIELD TRANSPORTATION, INC., 300 North Clark Road, Post Office Drawer 9897, El Paso 89, Tex. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW, Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A, B and C explosives*. (1) Between El Paso, Tex., and Las Cruces, N. Mex., over U.S. Highway 80, serving no intermediate points. (2) Between Albuquerque, N. Mex., and El Paso, Tex., from Albuquerque over U.S. Highway 85 to Las Cruces thence over U.S. Highway 80 to El Paso and return over the same route serving

all intermediate points. RESTRICTION: Service at Belen, N. Mex., and points north thereof shall be restricted to traffic moving to or from points south of Belen and service at Hatch, N. Mex., and points south thereof shall be restricted to traffic moving to or from points north of Hatch. (3) Between Albuquerque, N. Mex., and the site of the U.S. Engineers Project No. 76, approximately 7 miles southeast of Albuquerque, over unnumbered highway, serving no intermediate points. (4) Between Albuquerque, N. Mex., and junction of New Mexico Highway 45 and U.S. Highway 85, from Albuquerque westward over U.S. Highway 66 to junction New Mexico Highway 45 thence over New Mexico Highway 45 to junction U.S. Highway 85 (about 7 miles north of Los Lunas, N. Mex), and return over the same route, serving no intermediate points.

(5) Between Ogden, Utah and Albuquerque, N. Mex., from Ogden over U.S. Highway 89 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 160 thence over U.S. Highway 160 to junction U.S. Highway 666, thence over U.S. Highway 666 to junction U.S. Highway 66, thence over U.S. Highway 66 to Albuquerque, and return over the same route, serving the intermediate points of Salt Lake City, Provo and Ogden Arsenal, Utah, and the off-route points of Hill Field, Naval Supply Depot near Ogden, Utah, and the Geneva Steel Mills near Provo and those within 5 miles of Salt Lake City. RESTRICTION: Service will be restricted against transportation between points in Utah and subject to further restriction that shipments moving to or from points on the route granted herein north of but not including Salt Lake City, shall be restricted to traffic moving on Government bills of lading.

(6) Between Ogden, Utah and Salt Lake City, Utah, over U.S. Highway 91, as an alternate route for operating convenience only serving no intermediate points. RESTRICTION: Service will be restricted to traffic moving on Government bills of lading. (7) Between El Paso, Tex., and Las Cruces, N. Mex., across the Rio Grande River and thence over New Mexico Highway 28, serving no intermediate points, with service at Las Cruces for joinder only. (8) Between Las Cruces, N. Mex., and White Sands Proving Ground, N. Mex. (approximately 27 miles east of Las Cruces), over U.S. Highway 70 to junction unnumbered highway, thence over unnumbered highway to White Sands Proving Ground, and return over the same route, serving all intermediate points. (9) From Albuquerque over U.S. Highway 85 to junction New Mexico Highway 44 near Bernalillo, N. Mex., thence over New Mexico Highway 44 to Bloomfield, thence over New Mexico Highway 17 to Farmington, and return over the same route, serving no intermediate points.

(10) Between El Paso, Tex., and San Antonio, N. Mex., from El Paso over U.S. Highway 54 to Carrizozo, thence over U.S. Highway 380 to San Antonio, and return over the same route serving all intermediate points south of but not including Carrizozo, N. Mex., and serving Holloman Air Force Base, near Alamogordo, N. Mex., as an offroute point. (11) Serving the site of the Little Mountain, Utah, Production Testing Facility of the Marquardt Aircraft Company plant approximately 11 miles west of Ogden, Utah, as an offroute point in connection with carrier's authorized regular route operations over U.S. Highway 91. (12) Between Las Cruces, N. Mex., and El Paso, Tex., from Las Cruces over New Mexico Highway 478 to Anthony, N. Mex., thence over U.S. Highway 80 to El Paso, and return over the same route serving all intermediate points, and the offroute points of Dona Ana, N. Mex., points within 5 miles of the specified regular route and those within 5 miles of the said termini. (13) Between Hatch and Deming, N. Mex., over New Mexico Highway 26, serving the intermediate points of Florida and Nutt, N. Mex. (14) Between Deming and Columbus, N. Mex., over New Mexico Highway 11, serving all intermediate points.

(15) Between Deming, N. Mex., and Hachita, N. Mex., from Deming over U.S. Highway 70 to junction New Mexico Highway 81, thence over New Mexico Highway 81 to Hachita, and return over the same route, serving all intermediate points between Hachita and junction U.S. Highway 70 and New Mexico Highway 81. (16) Between Deming and Rodeo, N. Mex., over U.S. Highway 80 serving all intermediate points. (17) Between Lordsburg and Animas, N. Mex., from Lordsburg over U.S. Highway 80 to junction New Mexico Highway 339, thence over New Mexico Highway 338 to Animas, and return over unnumbered highway to Lordsburg, serving all intermediate points. (18) Between El Paso, Tex., and Deming, N. Mex., over U.S. Highway 80, serving the intermediate points of Akela and Cambray, N. Mex., and the off-route points of the Corrilitos Ranches, 10 miles south of U.S. Highway 80, the Johnson Ranch, 5 miles south of Cambray, the Jernigan Ranch, 4 miles northwest of Akela, the Birchfield Ranch, 20 miles southwest of Akela, and Wemple, N. Mex. (19) Between points in Luna, Grant and Cona Ana Counties, N. Mex., south of U.S. Highway 80.

(20) Between El Paso, Tex., and the site of White Sands Missile Range, N. Mex., as an alternate route for operating convenience only from El Paso over U.S. Highway 54 to junction unnumbered highway approximately 4 miles north of El Paso, thence over unnumbered highway to the White Sands Missile Range, and return over the same route, serving no intermediate points. (21) Between San Antonio and El Paso, Tex., from San Antonio over U.S. Highway 87 to Comfort, Tex., thence over Texas Highway 27 to junction U.S. Highway 290, thence over U.S. Highway 290 to junction U.S. Highway 80, and thence over U.S. Highway 80 to El Paso, and return over the same route, serving all intermediate points, and the off-route points of Royalty, Crane and Iraan, Tex.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 106304 (Sub-No. 2), filed February 24, 1964. Applicant: CHARLES P. SETTLES, doing business as CARL AND GENE TOWING SERVICE, 713 Michigan Street, Toledo 4, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged and disabled motor vehicles, and the contents thereof when loaded*, and *motor vehicles to be used for replacement of such wrecked, damaged and disabled vehicles*, in truckaway service, between points in Lucas, Fulton, Williams, and Wood Counties, Ohio, on the one hand, and, on the other, points in Indiana, the lower peninsula of Michigan, and those points in New York on and west of U.S. Highway 15 and in Pennsylvania on and west of U.S. Highway 220.

NOTE: If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 110393 (Sub-No. 16), filed February 27, 1964. Applicant: FRIGID FOOD EXPRESS, INCORPORATED, 4205 Camp Ground Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products, fresh and frozen meats, and empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, between points in Wisconsin, on the one hand, and, on the other, points in Maine and New Hampshire, and (2) *meats*, fresh, frozen, and cured, and *dairy products, and empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, between St. Paul, Minn., on the one hand, and, on the other, points in Maine and New Hampshire.

NOTE: If a hearing is deemed necessary applicant requests it be held at Louisville, Ky.

No. MC 110420 (Sub-No. 366), filed February 27, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: E. R. Kershner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coconut oil, soap, soap stock, tallow and fatty acids*, in bulk, in tank vehicles from points in Aurora Township, Kane County, Ill., to points in Indiana, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 112750 (Sub-No. 186), filed February 26, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts, dairy products, and articles distributed by meat packinghouses* (2) *frozen foods, in mixed shipments with the commodities specified in* (1), when moving in vehicles equipped with mechanical temperature controlled units, between points in Louisiana.

NOTE: Applicant states the proposed service will be restricted against transportation in bulk in tank vehicles. If a hearing is deemed necessary applicant requests that it be held at Baton Rouge, La. Common control may be involved.

No. MC 113362 (Sub-No. 36), filed February 28, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Marshall D. Becker, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bowling alleys, bowling alley equipment and supplies, pool and billiard tables and allied equipment and supplies*, from Butler and Trenton, N.J., and New York City, N.Y., to points in Minnesota on and south of Minnesota Highway 19, and to points in Iowa on and north of U.S. Highway 20.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 113622 (Sub-No. 5), filed February 24, 1964. Applicant: SAMPSON HAULING CORP., Pavilion, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y., 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Front end loaders* (tractor shovels), and *parts and components of such commodities*, from Batavia, N.Y., to points in New York, N.Y. Commercial Zone as defined by the Commission, including Port Newark and Port Elizabeth and Steamship Piers in the New York Harbor.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 113624 (Sub-No. 16), filed February 24, 1964. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Idaho to points in Wyoming.

NOTE: If a hearing is deemed necessary applicant requests it be held at Salt Lake City, Utah.

No. MC 113828 (Sub-No. 56), filed February 13, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, and boat accessories*, from points in Texas, to points in the United States (except Hawaii), and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 113828 (Sub-No. 57), filed February 19, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Greensboro, N.C., to points in South Carolina and Virginia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Raleigh, N.C.

No. MC 113828 (Sub-No. 58) filed February 19, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the outlet of the Plantation Oil Line Company of Atlanta, located at or near Newington, Va., to points in West Virginia, District of Columbia, and Maryland.

No. MC 113855 (Sub-No. 88), filed February 24, 1964. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Michael E. Miller, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignite char briquets*, from points in North Dakota, to points in Illinois, Indiana, Iowa, Minnesota, Wisconsin, Ohio, and Michigan.

NOTE: If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 113908 (Sub-No. 140), filed February 13, 1964. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, vegetable oils and blends and products thereof*, in bulk, in tank vehicles, from Omaha, Nebr., to points in Michigan, Kansas, Missouri, Indiana, Illinois, Minnesota, New York and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114004 (Sub-No. 47), filed February 24, 1964. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, and boat accessories*, from points in Texas, to points in the United States (except Hawaii), and *empty containers or other such incidental facilities* (not specified) used in transporting the above described, commodities, on return.

No. MC 112801 (Sub-No. 11), filed February 27, 1964. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 272, Chicago 50, Ill. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, resins and coatings*, in bulk, in tank vehicles, from Waukegan, Ill., to points in Connecticut, Delaware, Georgia, Indiana, Louisiana, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 112893 (Sub-No. 22), filed February 13, 1964. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Rolland K. Draves (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt products* and *road oil*, in bulk, in tank vehicles, from Rock Falls, Ill., to points in Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 123), filed February 24, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat*

NOTE: If a hearing is deemed necessary, applicant requests it be held at Austin, Tex.

No. MC 114211 (Sub-No. 43), filed February 24, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements* (other than hand), (2) *farm machinery*, (3) *tractor attachments*, (4) *automatic feeding systems*, and (5) *parts and accessories*, when moving in mixed loads with articles described in items (1), (2), (3), and (4), above, from Vinton, Dubuque, and Sac City, Iowa, Omaha and Columbus, Nebr., Glencoe and Minneapolis, Minn., Olathe, Kans., Kansas City and Independence, Mo., Bloomington and Harvard, Ill., Chattanooga, Tenn., Columbia City, Ind., and Burr Oak, Mich., to points in Wisconsin, Illinois, and the Upper Peninsula of Michigan, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 44), filed February 27, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth moving and excavating equipment, tractors, tractor attachments and snow plows* from Wausau, Wis., to points in Illinois and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114408 (Sub-No. 5), filed February 24, 1964. Applicant: W. E. BEST, INC., Box 445, Pioneer, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, limestone, lime, gravel, dirt and bituminous concrete*, in bulk, in dump trucks, (1) from points in Defiance, Paulding and Williams Counties, Ohio (except Pioneer, Ohio) to points in Hillsdale County, Mich., (2) from points in Williams, Defiance and Paulding Counties, Ohio to points in Steuben and DeKalb Counties, Ind., (3) from points in Hillsdale County, Mich., to points in Paulding County, Ohio, and (4) from points in Steuben County, Ind., to points in Williams County, Ohio.

NOTE: Applicant states proposed operations will be under a continuing contract or contracts with Northwest Materials, Inc., and France Stone Company. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 115180 (Sub-No. 7), (CLARIFICATION), filed January 2, 1964, published FEDERAL REGISTER, issue of January 29, 1964, and republished as clarified this issue. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier* Certificates, 61 M.C.C. 209, and 766 (except liquid commodities in bulk, in tank vehicles) in less than truckload quantities, from New York, N.Y., to points in Illinois, Iowa, Indiana, Ohio, Pennsylvania, and Wisconsin.

NOTE: The authority sought herein, commoditywise, is intended to provide service for any shipper including packinghouses, but not limited thereto. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115826 (Sub-No. 24), filed February 24, 1964. Applicant: W. J. DIGBY, INC., 1950 31st Street, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, (a) from Golden, Colo., to points in Idaho, and (b) from Pueblo, Colo., to points in Utah, Oregon, and Washington, and (2) *potato products, including cooked and dehydrated potatoes*, from points in Idaho, to points in Wyoming, Colorado, New Mexico, and Texas.

NOTE: If a hearing is deemed necessary applicant requests it be held at Boise, Idaho.

No. MC 115826 (Sub-No. 25), filed February 26, 1964. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* from Golden and Pueblo, Colo., to points in Arizona, (2) *malt beverages* from Phoenix, Ariz., to Gallup, Albuquerque and Santa Fe, N. Mex., Durango, Grand Junction and Denver, Colo., and Logan, St. George, Provo, Cedar City and Ogden, Utah, (3) *animal and poultry feeds and ingredients and supplements of such feeds, including cottonseed cake* and *bone meal*, from points in Arizona to points in Colorado, Nebraska and New Mexico and (4) *wine*, in containers, from points in Fresno, Sonoma, Madera, and Tulare Counties, Calif., to points in Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 115841 (Sub-No. 163) (AMENDMENT), filed January 21, 1964, published FEDERAL REGISTER issue February 6, 1964, amended February 20, 1964, republished as amended, this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West (P.O. Box 2169), Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Siloam Springs, Ark., and points within 10 miles thereof, Gentry, Ark., and the town of Kansas, Okla., to points in Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

NOTE: The purpose of this republication is to add Kansas, Okla., and the area within 10 miles of Siloam Springs, Ark.

No. MC 115841 (Sub-No. 166), filed February 24, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses, chilled and frozen foods* (except liquid commodities in bulk), in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., and points in its Commercial Zone, to points in Virginia, North Carolina, South Carolina, and Georgia (except Savannah), restricted against the transportation of shipments destined to Florida.

NOTE: If a hearing is deemed necessary applicant requests it be held at Philadelphia, Pa.

No. MC 115841 (Sub-No. 167), filed February 28, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candies and confectionery products*, in vehicles equipped with mechanical refrigeration, from Hackettstown, N.J., to New Orleans, La., and points in Tennessee.

NOTE: If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 116722 (Sub-No. 9), filed February 24, 1964. Applicant: DENVER CLIMAX TRUCK LINE, INC., 1380 Umatilla Street, Denver 4, Colo. Applicant's attorney: John P. Thompson, 450 Capitol Life Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring the use of tank vehicles), between points in Morgan, Adams, Arapahoe, and Denver Counties, Colo., and points in Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117187 (Sub-No. 1), filed February 10, 1964. Applicant: TEXAS-VERMONT TRANSPORT, INC., 8600 San Pedro Avenue (Route 13, Box 540), San Antonio, Tex. Applicant's attorney: Dan Felts, Suite 204, 904 Lavaca Street, Austin, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite monuments, markers, bases, mausoleums, memorials and surface plates*, from Barre, Vt., to points in New Mexico, Arizona, California, Nevada, Idaho, Utah, Colorado, Montana, Wyoming, Oregon, and Washington, and *broken, damaged and rejected shipments*, on return.

NOTE: Applicant states that the proposed operations will be performed under a contract with Rock of Ages Corporation. It is further noted that if a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119462 (Sub-No. 2), filed February 24, 1964. Applicant: G. W. REYNOLDS, doing business as REYNOLDS TRUCK LINE, Post Office Box 123, Clifton Hill, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., 65102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from Muncie, Kans., to points in Chariton, Howard, and Randolph Counties, Mo., and Boonville, Cooper County, Mo., and Madison, Monroe County, Mo. and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Jefferson City, Mo.

No. MC 119689 (Sub-No. 7), filed February 20, 1964. Applicant: BROWN BROTHERS EXPRESS, INC., Meadow Street Post Office Box 59, Curwensville, Pa. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Clearfield County, Pa., to points in Delaware, Maryland, New Jersey, and New York.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 119749 (Sub-No. 10), filed February 14, 1964. Applicant: RIPON TRUCKING CO., a corporation, Oshkosh Street, Ripon, Wis. Applicant's attorney: Edward Solle, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cookies*, from Ripon, Wis., to points in Rhode Island, Delaware, Kansas, Mississippi, Alabama, Georgia, Florida, North Dakota, Louisiana, and Arkansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 119767 (Sub-No. 21), filed February 20, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: E. R. Kershner, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Minneapolis, Minn., to points in Bayfield, Ashland, Burnett, Douglas, Washburn, Sawyer, Price, Polk, Barron, Rusk, Taylor, St. Croix, Dunn, Chippewa, Eau Claire, Clark, Marathon, Pierce, Pepin, Buffalo, Trempealeau, Jackson, Wood, Portage, LaCrosse, Monroe, Juneau, Adams, Vernon, Crawford, Richland, and Sauk Counties, Wis.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Minneapolis, Minn.

No. MC 119777 (Sub-No. 23), filed February 24, 1964. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, blowers, cooling and freezing machinery, and accessories, attachments, parts and fittings for cooling towers, blowers, and cooling and freezing machinery*, from the site of the Marley Company, located at Louisville, Ky., to points east of the Mississippi River, and points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, and *rejected shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 119917 (Sub-No. 14), filed February 26, 1964. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Ga. Applicant's attorney: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool*, batts and granulated, from Leeds, Ala., (1) to points in that part of Georgia bounded by a line commencing at the Georgia-Tennessee State line, and proceeding south along U.S. Highway 411 to junction U.S. Highway 41 (near Cartersville, Ga.), thence along U.S. Highway 41 to Atlanta, Ga., thence east along U.S. Highway 278 to Union Point, Ga., thence northeast along Georgia Highway 77 to Hartwell, Ga., thence along Georgia Highway 8 to the Georgia-South Carolina State line, thence along the Georgia-South Carolina State line to the Georgia-South Carolina-North Carolina State line, thence along the Georgia-North Carolina State line to the Georgia-Tennessee State line, thence along the Georgia-Tennessee State line to point of beginning, including all points on the aforesaid highways (but excluding Atlanta, Ga., and points within its commercial zone), and (2) to points in Oconee County, S.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123048 (Sub-No. 37), filed February 24, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, including tillage tools, farm machinery (except farm tractors), attachments for farm tractors and farm machinery, including earth moving attachments intended for agricultural purposes, engines, cabs, and covers for farm machinery, agricultural implements and incidental agricultural machinery parts when moving with the machinery of which they are a part*, from Cleveland and Coldwater, Ohio, Anchor, and Bloomington, Ill., West Memphis, Ark., Fulton, and Kansas City, Mo., Topeka, Salina, Manhattan, and Hesston, Kans., Fort Dodge, and Maquoketa, Iowa, Milwaukee, Glenbeulah, and New Holstein, Wis., Glencoe, and Minneapolis, Minn., and Edenton, N.C., to Fargo, N. Dak.

NOTE: Applicant states each of the commodities specified above will be restricted as follows: "Except commodities the transportation of which requires the use of special equipment or special handling." Applicant proposes to transport *rejected shipments* of the commodities specified, on return. It is further noted that if a hearing is deemed necessary applicant requests it be held at Chicago, Ill., Milwaukee, or Madison, Wis., whichever may be the earliest.

No. MC 123392 (Sub-No. 2), filed February 16, 1964. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia Street, Amarillo, Tex., 79109. Applicant's attorney: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium gas*, in tube trailers, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in the United States, including Alaska.

NOTE: If a hearing is deemed necessary applicant requests it be held at Oklahoma City, Okla.

No. MC 123405 (Sub-No. 10), filed February 20, 1964. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel chain, fishing tackle, fishing and camping equipment, oil cans, ventilators, pulpwood pails and lunch boxes*, from Lititz, Pa., to Pascagoula, Miss., and (2) *animal traps, decoy birds, hand garden tools, pulpboard jardinieres, vases, trays, steel chain, fishing tackle, fishing and camping equipment, oil cans, ventilators, pulpboard pails and lunch boxes*, from Pascagoula, Miss., to Memphis, Tenn., Birmingham, Ala., Charlotte, N.C., and Lititz, Pa.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 123604 (Sub-No. 5), filed February 17, 1964. Applicant: DUSABLON TRUCKING SERVICE, INC., Centerville, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Haydite*, in bulk (not in tank type equipment), from points in Iowa within five (5) miles of Centerville, Iowa, to points in Minnesota, east of South Dakota-Minnesota State line, and on and south of Minnesota Highway 28 to junction of Minnesota Highway 28 and U.S. Highway 52 located at or near Sauk Center, Minn., thence on and south of U.S. Highway 52 to junction of Minnesota Highway 95 located at or near St.

Cloud, Minn., thence on and south of Minnesota Highway 95, to Wisconsin State line, and points west of Minnesota-Wisconsin State line, and on and north of Iowa-Minnesota State line.

NOTE: If a hearing is deemed necessary applicant requests it be held at Des Moines, Iowa.

No. MC 123639 (Sub-No. 18), filed February 24, 1964. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Norfolk, Nebr., to Detroit, Mich., and points in Kentucky, and Indiana (except those points in the Chicago, Ill. commercial zone).

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 123639 (Sub-No. 19), filed February 24, 1964. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Denver, Colo. to Detroit, Mich., Toledo, Ohio, South Bend, Ind., Pittsburgh, Pa., Louisville, Ky., and Boston, Mass.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 123752 (Sub-No. 2), filed February 24, 1964. Applicant: SAMUEL P. TIFFEE, doing business as TIFFEE'S LIGHT OIL FIELD HAULING, 1311 Muscagni Avenue, Natchez, Miss. Applicant's attorney: Rubel L. Phillips, Post Office Box 961, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies used in or in connection with the discovery development and production of natural gas and petroleum and their products and byproducts*, between points in Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas.

NOTE: Applicant states the above proposed operations will involve shipments restricted to a total weight of 2,000 pounds or less in one vehicle. It further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 124047 (Sub-No. 24), filed February 24, 1964. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 611 South 28th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, (1) from Bluffton, Ind., and points within 5 miles thereof, to points in Ohio, and (2) from Latty, Ohio, and points within 5 miles thereof, to points in Indiana.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind.

No. MC 124154 (Sub-No. 5), filed February 13, 1964. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, Post Office Box 1372, Albany, Ga. Applicant's attorney: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and/or wrought iron piping* in 20 foot and 40 foot lengths, from Pittsburg, Pa., to Albany, Ga.

NOTE: If a hearing is deemed necessary applicant requests it be held at Albany, Ga.

No. MC 124154 (Sub-No. 6), filed February 14, 1964. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, Post Office Box 1372, Albany, Ga. Applicant's attorney: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and/or wrought iron piping* in 20 foot and/or 40 foot lengths, from Aliquippa, Pa., to Albany, Ga.

NOTE: If a hearing is deemed necessary applicant requests it be held at Albany, Ga.

No. MC 124154 (Sub-No. 7), filed February 20, 1964. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, Post Office Box 1372, Albany, Ga. Applicant's attorney: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and/or wrought iron piping* in 20 foot and/or 40 foot lengths, from Lorraine, Ohio to Albany, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, Ga.

No. MC 124154 (Sub-No. 8), filed February 20, 1964. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, Post Office Box 1372, Albany, Ga. Applicant's attorney: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and/or wrought iron piping* in 20 foot and/or 40 foot lengths, from Middletown, Ohio to Albany, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, Ga.

No. MC 124212 (Sub-No. 21), filed February 6, 1964. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of Lehigh Portland Cement Company located at Fargo, N. Dak., to points in Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Kingsbury, Marshall, McPherson, Roberts, and Spink Counties, S. Dak., points in Aitkin, Becker, Beltrami, Benton, Big Stone, Cass, Chippewa, Clay, Clearwater, Crow Wing, Douglas, Grant, Hubbard, Itasca, Kittson, Kandiyohi, Koochiching, Lac qui Parle, Lake of the Woods, Lincoln, Lyon, Mahnomen, Marshall, Mille Lacs, Morrison, Norman, Otter Tail, Pennington, Polk, Pope, Red Lake, Roseau, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, Minn., and ports of entry on the international boundary line between the United States and Canada, located in North Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 124212 (Sub-No. 22), filed February 17, 1964. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio. Applicant's attorney: John A. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, (1) from railhead point of interchange in Alabama, to points in Alabama, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Bunnell and Miami, Fla., and further restricted to shipments having a prior movement by rail; (2) from railhead point of interchange in Arkansas, to points in Arkansas, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Birmingham, Ala., Mitchell, Ind., Iola, Kans., and Mason City, Iowa, and further restricted to shipments having a prior movement by rail; (3) from railhead and/or waterport point of interchange in Delaware, to points in Delaware, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Alsen and Buffalo, N.Y., Fogelsville, Pa., Union Bridge and Baltimore, Md., and further restricted to shipments having a prior movement by rail, with the exceptions of shipments originating at Alsen, N.Y., which are further restricted to a prior movement by rail and/or by water, and shipments originating at Baltimore, Md., restricted to a prior movement by water, only; (4) from railhead point of interchange in Florida, to points in Florida, restricted to shipments originating at the plant site of Lehigh Portland Cement Company, located at Birmingham, Ala., and further restricted to shipments having a prior movement by rail; (5) from railhead and/or waterport point of interchange in Georgia, to points in Georgia, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Birmingham, Ala., Bunnell and Miami, Fla., Fordwick, Va., and Baltimore, Md., and further restricted to shipments having a prior movement by rail, with the exception of shipments originating at Baltimore, Md., restricted to a prior movement by water, only; (6) from railhead point of interchange in Illinois, to points in Illinois, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mason City, Iowa, Iola, Kans., Mitchell, Ind., and Birmingham, Ala., and further restricted to shipments having a prior movement by rail; (7) from railhead point of interchange in Indiana, to points in Indiana, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mason City, Iowa, Birmingham, Ala., and Iola, Kans., and further restricted to shipments having a prior movement by rail; (8) from railhead point of interchange in Iowa, to points in Iowa, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mitchell, Ind., and Iola, Kans., and further restricted to shipments having a prior movement by rail; (9) from railhead point of interchange in Kansas, to points in Kansas, restricted to shipments originating at the plant site of Lehigh Portland Cement Company, located at Mason City, Iowa, and further restricted to shipments having a prior movement by rail;

(10) From railhead point of interchange in Kentucky, to points in Kentucky, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mitchell, Ind., Fordwick, Va., Birmingham, Ala., Iola, Kans., and Union Bridge, Md., and further restricted to shipments having a prior movement by rail; (11) from railhead point of interchange in Louisiana, to points in Louisiana, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Birmingham, Ala., Bunnell and Miami, Fla., and Iola, Kans., and further restricted to shipments having a prior movement by rail; (12) from railhead and/or waterport point of interchange in Maine, to points in Maine, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Alsen and Buffalo, N.Y., and Fogelsville, Pa., and further restricted to shipments having a prior movement by rail, with the exception of shipments originating at Alsen, N.Y., which are further restricted to a prior movement by rail and/or by water; (13) from railhead and/or waterport point of interchange in Massachusetts, to points in Massachusetts, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Alsen and Buffalo, N.Y., and Fogelsville, Pa., and further restricted to shipments having a prior movement by rail, with the exception of shipments originating at Alsen, N.Y., which are further restricted to a prior movement by rail and/or by water; (14) from railhead point of interchange in Upper Peninsula of Michigan, to points in Upper Peninsula of Michigan, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mason City, Iowa, and Mitchell, Ind., and further restricted to shipments having a prior movement by rail; (15) from railhead point of interchange in Lower Peninsula of Michigan, to points in Lower Peninsula of Michigan, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Buffalo, N.Y. and Mitchell, Ind., and further restricted to shipments having a prior movement by rail; (16) from railhead point of interchange in Minnesota, to points in Minnesota, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mitchell, Ind., Mason City, Iowa, and Iola, Kans., and further restricted to shipments having a prior movement by rail; (17) from railhead point of interchange in Mississippi, to points in Mississippi, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Birmingham, Ala., Bunnell and Miami, Fla., and Iola, Kans., and further restricted to shipments having a prior movement by rail; (18) from railhead point of interchange in Missouri, to points in Missouri, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mason City, Iowa, Iola, Kans., Mitchell, Ind., and Birmingham, Ala., and further restricted to shipments having a prior movement by rail; (19) from railhead point of interchange in Montana, to points in Montana, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mason City, Iowa, Iola, Kans., and Metaline Falls, Wash., and further restricted to shipments having a prior movement by rail;

(20) From railhead point of interchange in Nebraska, to points in Nebraska, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mason City, Iowa, and Iola, Kans., and further restricted to shipments having a prior movement by rail; (21) from railhead and/or waterport point of interchange in New Hampshire, to points in New Hampshire, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Alsen and Buffalo, N.Y., and Fogelsville, Pa., and further restricted to shipments having a prior movement by rail, with the exception of shipments originating at Alsen, N.Y., which are further restricted to a prior movement by rail and/or by water; (22) from railhead and/or waterport point of interchange in New Jersey, to points in New Jersey, restricted to shipments originating at the Lehigh Portland Cement Company, located at Alsen and Buffalo, N.Y., Union Bridge and Baltimore, Md., and Fogelsville, Pa., and further restricted to shipments having a prior movement by rail, with the exceptions of shipments originating at Alsen, N.Y., which are further restricted to a prior movement by rail and/or by water, and shipments originating at Baltimore, Md., restricted to a prior movement by water only; (23) from railhead and/or waterport point of interchange in New York, to points in New York, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Alsen, N.Y., Fogelsville, Pa., and Mitchell, Ind., and further restricted to shipments having a prior movement by rail, with the exception of shipments originating at Alsen, N.Y., which are further restricted to a prior movement by rail and/or by water; (24) from railhead and/or waterport point of interchange in North Carolina, to points in North Carolina, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Birmingham, Ala., Bunnell, Fla., Fordwick, Va., and Union Bridge and Baltimore, Md., and further restricted to shipments having a prior movement by rail, with the exception of shipments originating at Baltimore, Md., restricted to a prior movement by water, only; (25) from railhead point of interchange in North Dakota, to points in North Dakota, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mason City, Iowa, and Iola, Kans., and further restricted to shipments having a prior movement by rail; (26) from railhead point of interchange in Ohio, to points in Ohio, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Buffalo, N.Y., Mitchell, Ind., Fordwick, Va., and Union Bridge, Md., and further restricted to shipments having a prior movement by rail; (27) from railhead point of interchange in Oklahoma, to points in Oklahoma, restricted to shipments originating at Birmingham, Ala., Mason City, Iowa, and Iola, Kans., and further restricted to shipments having a prior movement by rail; (28) from railhead point of interchange in Pennsylvania, to points in Pennsylvania, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Alsen and Buffalo, N.Y., Union Bridge, Md., and Mitchell, Ind., and further restricted to shipments having a prior movement by rail; (29) from railhead and/or waterport point of interchange in South Carolina, to points in South Carolina, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located in Birmingham, Ala., Bunnell, Fla., Union Bridge and Baltimore, Md., and Fordwick, Va., and further restricted to shipments having a prior movement by rail, with the exception of shipments originating at Baltimore, Md., restricted to a prior movement by water, only;

(30) From railhead point of interchange in South Dakota, to points in South Dakota, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mason City, Iowa, and Iola, Kans., and further restricted to shipments having a prior movement by rail; (31) from railhead point of interchange in Tennessee, to points in Tennessee, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Birmingham, Ala., Bunnell, Fla., Iola, Kans., Mitchell, Ind., Fordwick, Va., and Union Bridge, Md., and further restricted to shipments having a prior movement by rail; (32) from railhead point of interchange in Texas, to points in Texas, re-

stricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mason City, Iowa, Birmingham, Ala., and Iola, Kans., and further restricted to shipments having a prior movement by rail; (33) from railhead point of interchange in Vermont, to points in Vermont, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Alsen and Buffalo, N.Y., and Fogelsville, Pa., and further restricted to shipments having a prior movement by rail; (34) from railhead and/or waterport point of interchange in Virginia, to points in Virginia, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Fogelsville, Pa., Baltimore and Union Bridge, Md., and Birmingham, Ala., and further restricted to shipments having a prior movement by rail, with the exception of shipments originating at Baltimore, Md., restricted to a prior movement by water, only; (35) from railhead point of interchange in West Virginia, to points in West Virginia, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Union Bridge, Md., Buffalo, N.Y., Mitchell, Ind., Fordwick, Va., and Fogelsville, Pa., and further restricted to shipments having a prior movement by rail; (36) from railhead point of interchange in Wisconsin, to points in Wisconsin, restricted to shipments originating at the plant sites of Lehigh Portland Cement Company, located at Mason City, Iowa, and Mitchell, Ind., and further restricted to shipments having a prior movement by rail; and (37) *rejected and returned shipments* of the above described commodity, in reverse direction, in (1) through (36) above.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124389 (Sub-No. 3), filed February 24, 1964. Applicant: TORVAL R. MONCRIEFF, 1701 East First Avenue, Anchorage, Alaska. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as defined by the Commission, *butter, eggs, cheese, fish or shellfish and groceries*, for the account of Western Supply, Inc., from ports of entry on the International Boundary line between the United States and Canada located in Alaska to points in Alaska, restricted to traffic originating in Canada, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Anchorage, Alaska.

No. MC 124527 (Sub-No. 2), filed February 14, 1964. Applicant: GEORGE G. SOUHAN, CLARA G. SOUHAN, IDA MAY GEB, AND FRANCIS J. SOUHAN, doing business as FRANCIS J. AND GEORGE G. SOUHAN, Canal Street, Seneca Falls, N.Y. Applicant's attorney: Murray J. S. Kirshtein, 103 Oriskany Street, East, Utica 2, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw materials, dyes and chemicals (not in bulk), used in the process of knitting and the manufacture of knit goods, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between Seneca Falls and Averill Park, N.Y., and Woonsocket, R.I., on the one hand, and, on the other, Fall River, Farnumsville, Malden, Wakefield, Spencer, West Concord, Webster, East Dedham, and Lowell, Mass., Stanford and Putnam, Conn., Perth Amboy and Jersey City, N.J., Woonsocket, R.I., and Elwood and Hanover, Pa.

NOTE: If a hearing is deemed necessary applicant requests it be held at Syracuse, N.Y.

No. MC 124880 (Sub-No. 1), filed February 20, 1964. Applicant: SPRIGGS DISTRIBUTING COMPANY, a corporation, 1419 South Third Street, Ironton, Ohio. Applicant's attorney: Robert N. Krier, 3430 LeVeque-Lincoln Tower, Fifty West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages* from Belleville, Ill., and Baltimore, Md., to Huntington, W. Va., and *empty containers, empty bottles, cartons, cases, kegs, barrels, and pallets, and other such incidental facilities* (not specified), used in transporting the commodities specified, on return.

NOTE: Applicant states the proposed service will be conducted under continuing contract with Allied Beverage Company, Huntingtown, W. Va. If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 124951 (Sub-No. 1), filed February 12, 1964. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metal and junked batteries*, from Henderson, Ky., to points in Arkansas, Illinois, Indiana, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia, (2) *flour*, from Evansville and Mt. Vernon, Ind., and Owensboro, Ky., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin, (3) *fertilizer*, from Nashville and Centerville, Tenn., Louisville, Ky. and Wilson Dam, Ala., to points in Illinois, Indiana, and Kentucky, (4) *feed, feed ingredients and insecticides*, from Nashville, Tenn., Guthrie, Owensboro, Henderson, and Louisville, Ky., Evansville and Indianapolis, Ind., Vandalia, Ill., and St. Louis, Mo., to points in Illinois, Indiana, Kentucky, Missouri, and Tennessee, (5) *fertilizer, ammonium nitrate, urea fertilizer, and urea feed*, from Henderson, Stanley and Owensboro, Ky., and points in Hopkins County, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin, and (6) *malt beverages*, from Milwaukee, Wis., Peoria and Belleville, Ill., and St. Louis, Mo., to points in Kentucky on and west of U.S. Highway 31E, and *empty containers, cases, or bottles*, on return.

NOTE: Applicant holds contract carrier authority to perform part of the service requested above in MC 119809. Applicant states it will surrender any contract carrier authority held which duplicates any authority granted in this application. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 125487 (Sub-No. 1), filed February 17, 1964. Applicant: HAMPSHIRE TRUCKING COMPANY, INC., 149 West Birch Lane, Romney, W. Va. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and materials and supplies normally used in the manufacture of fertilizer*, from points in Frederick County, Va., to points in Maryland, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 125963, filed January 28, 1964. Applicant: LaVERN AFFELDT, doing business as B & L LINE, 62 Fourth Avenue North, Garrison, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, in seasonal operations between April 1 and October 15 inclusive of each year, transporting: *Cement*, in sacks, (1) between Rapid City, S. Dak. and Garrison, N. Dak., from Rapid City west over U.S. Highway 14 to junction U.S. Highway 85, thence over U.S. Highway 85 to North Dakota Highway 7, thence east over North Dakota Highway 7 to junction U.S. Highway 83, thence over U.S. Highway 83 to Garrison, and return over the same route, serving all intermediate points and the off-route points of Max, Douglas, Turtle Lake, Butte, Mercer, Underwood, Washburn and Wilton, N. Dak., and (a) between Rapid City, S. Dak. and Garrison, N. Dak., from Rapid City east over U.S. Highway 14 to junction U.S. Highway 83, thence over U.S. Highway 83 to Garrison, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with applicant's proposed regular-route in (1).

NOTE: Applicant states he intends to transport feed grains, such as barley and oats, on return. If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 125964 (AMENDMENT), filed January 29, 1964, published FEDERAL REGISTER issue February 12, 1964, amended March 2, 1964, and republished as amended this issue. Applicant: IVAN K. SILVERTHORN, 39 West Main Street, Leola, Pa. Applicant's attorney: Robert B. Einhorn, 1540–47 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in sacks, (1) between Rapid City, S. Dak. and Garrison, N. Dak., from Rapid City west over U.S. Highway 14 to junction U.S. Highway 85, thence over U.S. Highway 85 to North Dakota Highway 7, thence east over North Dakota Highway 7 to junction U.S. Highway 83, thence over U.S. Highway 83 to Garrison, and return over the same route, serving all intermediate points and the off-route points of Max, Douglas, Turtle Lake, Butte, Mercer, Underwood, Washburn and Wilton, N. Dak., and (a) between Rapid City, S. Dak. and Garrison, N. Dak., from Rapid City east over U.S. Highway 14 to junction U.S. Highway 83, thence over U.S. Highway 83 to Garrison, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with applicant's proposed regular-route in (1).

NOTE: Applicant states he intends to transport feed grains, such as barley and oats, on return. If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 125964 (AMENDMENT), filed January 29, 1964, published FEDERAL REGISTER issue February 12, 1964, amended March 2, 1964, and republished as amended this issue. Applicant: IVAN K. SILVERTHORN, 39 West Main Street, Leola, Pa. Applicant's attorney: Robert B. Einhorn, 1540–47 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products*, from Omaha, Nebr., Albert Lea, Minn., and Cedar Rapids, Iowa, to Atlantic City, N.J.

NOTE: A motion to dismiss this application was filed at the same time. The purpose of this republication is to add Albert Lea, Minn., and Cedar Rapids, Iowa, to origin points as previously published.

No. MC 126001, filed February 10, 1964. Applicant: MID-OREGON EXPRESS, INC., 539 East First Street, Bend, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives and commodities in bulk), (1) between Portland, Oreg., and Prineville, Oreg., from Portland over U.S. Highway 26 through Warm Springs, Oreg., and Madras, Oreg., to Prineville (also, from Madras over U.S. Highway 97 to Redmond, Oreg., thence over U.S. Highway 126 to Prineville), and (2) between Redmond, Oreg. and Bend, Oreg., from Redmond over U.S. Highway 97 to Bend, and return over the same routes, serving all intermediate points and off-route points within ten (10) miles of specified routes in (1) and (2), except no service to or from points located east of Portland, Oreg., and northwest of Warm Springs, Oreg., and (a) between Portland, Oreg., and Bend, Oreg., from Portland over Interstate Highway 5 to junction Oregon Highway 22, thence over Oregon Highway 22 to junction U.S. Highway 20, thence over U.S. Highway 20 to Bend, and (b) between Portland, Oreg., and Redmond, Oreg., from Portland over specified route in (a) to junction U.S. Highways 20 and 126, at or near Sisters, Oreg., thence over U.S. Highway 126 to Redmond, and return over the same routes, serving no intermediate points, as alternate routes, for operating convenience only, in connection with applicant's proposed regular-route operations, shown above.

NOTE: Common control may be involved. It is further noted if a hearing is deemed necessary, applicant requests it be held at Bend, Oreg.

No. MC 126018, filed February 18, 1964. Applicant: RONALD J. MULCAHY, doing business as MULCAHY'S EXPRESS, 7 Wentworth Street, Malden, Mass. Applicant's representative: Gerald J. Donovan, Post Office Box 128, Hyde Park 36, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soling and footwear*, between Melrose and Wakefield, Mass., on the one hand, and, on the other, Boston, Mass., points in Maine and Rhode Island, and those in that part of New Hampshire south of a line beginning at Portsmouth, N.H., and extending in a southwesterly direction through Epping, N.H. to Manchester, N.H., thence in a northwesterly direction through North Walpole, N.H. to the New Hampshire-Vermont State line.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 126021, filed February 14, 1964. Applicant: W. EMERSON GAMBLE, doing business as MULLIS TRANSFER, 5587 South Hill Street, Littleton, Colo. Applicant's attorney: Harold D. Torgan, 810 American National Bank Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used office and store equipment, goods and products sold by retail stores and manufacturing companies and new and used household goods and building materials and supplies*, from points within a twenty (20) mile radius of the courthouse of Littleton, Colo., to points in Colorado, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

No. MC 126034, filed February 24, 1964. Applicant: BUCKS COUNTY CONSTRUCTION CO., Penndel, Pa. Applicant's attorney: Carroll V. Lewis, Ohio Building, Sidney, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy equipment, construction materials, and machinery* which, because of size or weight, require the use of special equipment, between points in Pennsylvania, New Jersey, New York, Delaware, Maryland, and Virginia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 126035, filed February 17, 1964. Applicant: DAVID DAVIES, doing business as DAVIES TRUCKING, 183 Redpath Avenue, Toronto 12, Ontario, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Molten sulphur*, from the port of entry located on the International Boundary line between the United States and Canada located at Port Huron, Mich., to River Rouge, Mich., over U.S. Highway 25, serving no intermediate points, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodity, on return.

NOTE: If a hearing is deemed necessary applicant requests it to be held at Port Huron or Detroit, Mich.

No. MC 126036 (Sub-No. 1), filed February 27, 1964. Applicant: BAYNES EQUIPMENT, INC., 136 Logan Street, Bedford, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast concrete panels, slabs, beams, girders, and columns and accessories and materials* incidental to the installation thereof, from the plant site of the George Rackle & Sons Co., located at Garfield Heights, Ohio to points in New York, Pennsylvania, West Virginia, Virginia, Kentucky, Indiana, Illinois, and Michigan, and (2) *supplies and materials* incidental to the manufacture of prestressed concrete panels, slabs, beams, girders, and columns, and *returned and rejected shipments*, from points in New York, Pennsylvania, West Virginia, Virginia, Kentucky, Indiana, Illinois and Michigan to the plant site of the George Rackle & Sons Co., located at Garfield Heights, Ohio.

NOTE: The proposed service is to be performed under contract with the George Rackle & Sons Co. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 126037, filed February 24, 1964. Applicant: JOSEPH ROSE, 1122 High Street, New Market, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured stone*, on skids, from Matawan, N.J., to points in Connecticut and points in New Castle County, Del., Chester, Lancaster, York, Montgomery, Bucks, Philadelphia, Northampton, Lehigh, Berks, Lebanon, Dauphin, Northumberland, Montour, Columbia, Schuylkill, Carbon, Monroe, Luzerne, Pike, Wayne, Susquehanna, Lackawanna, Bradford, Sullivan, and Wyoming Counties, Pa., and Rockland, Westchester, Putnam, Dutchess, Orange, Rensselaer, Schoharie, Sullivan, Chenango, Madison, Otsego, Albany, Schenectady, Delaware, Greene, Columbia, and Ulster Counties, N.Y. and New York, N.Y.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Miami Stone Company. If a hearing is deemed necessary applicant requests it be held at Newark, N.J.

No. MC 126038, filed February 24, 1964. Applicant: J. R. HOWARD AND B. M. NEDRY doing business as HOWARD AND NEDRY, 10470 Northeast Sixth Drive, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cedar shakes and shingles and cedar fencing materials* from the plant sites of Upland Cedar Products, Neilton, Wash., and Crane Creek Shingle Co., Amanda Park, Wash., to points in Oregon and California, and *produce and exempt commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126039, filed February 24, 1964. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Reynolds, Ind., and points within two (2) miles thereof; to points in Illinois, Michigan and Ohio.

NOTE: If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind.

No. MC 126040, filed February 24, 1964. Applicant: CONERTY-HENIFF TRANSPORT, INC., Evergreen Park Branch, Post Office Box 815, Chicago 42, Ill. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in the Chicago, Ill., commercial zone, to points in Illinois, and

damaged and rejected shipments, on return.

NOTE: Applicant states the proposed service will be performed under a continuing contract or contracts with Gulf Oil Corporation. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126042 (Sub-No. 1), filed February 28, 1964. Applicant: C. ARTHUR FOSSE, doing business as FOSSE TRANSPORT, Post Office Box 187, Rothsay, Minn., 56579. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic hoists, truck bodies*, and *boxes*, and *component parts thereof*, from Wayne, Mich., Paris, Ill., and Sioux City, Iowa, to Minneapolis, Mankato, and Granite Falls, Minn., and Fargo, Bismarck, Grand Forks, and Minot, N. Dak.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 126049, filed February 26, 1964. Applicant: DODEN TRUCKING COMPANY, INC., Woden, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and pelts* between Mason City, Iowa, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126050, filed February 28, 1964. Applicant: ALVIS FULLER, MARY KATHERINE FULLER AND CYNTHIA ANN FULLER, doing business as FULLER LUMBER COMPANY, 610 Chestnut, Post Office Box 488, Lewisville, Ark. Applicant's attorney: Ronald A. May, 1600 Tower Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Materials handling equipment, along with repair parts, supplies, and equipment for the same*, from Battle Creek, Mich., to Little Rock, Ark.: from Battle Creek over Michigan Highway 78 to junction Michigan Highway 60, thence over Michigan Highway 60 west to junction U.S. Highway 131, thence over U.S. Highway 131 south to junction U.S. Highway 12, thence over U.S. Highway 12 west to junction Michigan Highway 103, thence over Michigan Highway 103 south to Michigan-Indiana state line, thence over Indiana Highway 15 south to junction U.S. Highway 24, thence over U.S. Highway 24 west to junction U.S. Highway 31, thence over U.S. Highway 31 south to junction Michigan Highway 100, thence over Michigan Highway 100 west to junction Interstate Highway 65, thence over Interstate Highway 65 south to junction Interstate Highway 465, thence over Interstate Highway 465 south to junction Indiana Highway 67, thence over Indiana Highway 67 south to junction U.S. Highway 50, thence over U.S. Highway 50 west to junction Illinois Highway 1, thence over Illinois Highway 1 south to junction U.S. Highway 45, thence over U.S. Highway 45 south to junction Illinois Highway 146, thence over Illinois Highway 146 west to junction Illinois Highway 37, thence over Illinois Highway 37 south to junction U.S. Highway 51, thence over U.S. Highway 51 south to junction U.S. Highway 60, thence over U.S. Highway 60 west to junction U.S. Highway 67, thence over U.S. Highway 67 south to Little Rock, serving no intermediate or offroute points.

NOTE: If a hearing is deemed necessary applicant requests it be held at Little Rock, Ark.

MOTOR CARRIERS OF PASSENGERS

No. MC 2880 (Sub-No. 21), filed February 10, 1964. Applicant: SOMERSET BUS CO., INC., 1062 Route 22, Mountainside, N.J. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Chester, N.J., and Bernardsville, N.J.: From Chester, along U.S. Highway 206 to the junction of County Road 512; thence along County Road 512 through Gladstone and Peapack to the junction of U.S. Highway 202 at Far Hills; thence along U.S. Highway 202 through Mine Brook to Bernardsville, and return over the same route serving all intermediate points.

NOTE: If a hearing is deemed necessary applicant request that it be held at Newark, N.J.

No. MC 94742 (Sub-No. 21), filed February 28, 1964. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. Applicant's attorney: Frank Daniels, 11 Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations in round trip and sightseeing tours, beginning and ending at points in Massachusetts which are east of the Connecticut River and extending to points in the United States, including the District of Columbia and Alaska.

NOTE: If a hearing is deemed necessary applicant requests it be held at Boston, Mass.

No. MC 125972 (CORRECTION), filed February 5, 1964, published in FEDERAL REGISTER issue of February 26, 1964, republished as corrected this issue. Applicant: FLEETWOOD AERO COACH COMPANY, a corporation, 18 Old Jug Court, Harrington Park, N.J. Applicant's attorney: Michael J. Marzano, 17 Academy Street, Newark 2, N.J. The purpose of this republication is to set forth that in part (2) (between the town of Clarkstown, N.Y., and LaGuardia Airport and John F. Kennedy International Airport, New York City, N.Y.), after the second reference to "(Spring Valley Interchange No. 14)" the routing should read: "thence *over access roads* to New York State Thruway, *thence over New York State Thruway to exit roads* to New York Highway 303 (West Nyack Interchange No. 12)" * * *.

NOTE: The correction is the addition of the portion italicised above.

No. MC 126047, filed February 24, 1964. Applicant: EASTERN CANADIAN GREYHOUND LINES, LIMITED, 222 First Avenue SW., Calgary, Alberta, Canada. Applicant's attorney: Robert J. Bernard, 140 South Dearborn Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada, located in Maine, New Hampshire, Vermont, New York, and Detroit and Port Huron, Mich., and extending to points in the United States (except Hawaii).

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 126052, filed February 27, 1964. Applicant: EDWARD P. SCHEIBLY, JR., Box No. 6, Rural Delivery No. 1, Rensselaer, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Albany, N.Y., and North Adams, Mass., from Albany north over Broadway through Menands, N.Y. and Watervliet, N.Y. to Troy, N.Y., thence east over New York Highway 2 to junction New York Highway 22, thence north over New York Highway 22 to junction New York Highway 346, thence southeasterly over New York Highway 346 to the New York-Vermont State line, thence over Vermont Highway 346 through North Pownal, Vt., and Pownal, Vt., to the Vermont-Massachusetts State line, thence over Massachusetts Highway 346 to Williamstown, Mass., thence east over Massachusetts Highway 2 to North Adams, Mass., and return over the same route, serving all intermediate points.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 126053, filed February 28, 1964. Applicant: JAMES W. CAWLEY & WAYNE LEE CAWLEY, a partnership, Highway No. 12 West, Baker, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail, and newspapers*, in the same vehicle with passengers, between Miles City, Mont., and Aberdeen, S. Dak., over U.S. Highway 12, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 126054, filed February 26, 1964. Applicant: DON C. McKEE, doing business as THE D.C. TRANSIT CO., Main Street, North Woodstock, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter party service, beginning and ending in Durham, Keene, and Plymouth, N.H., and points in Grafton, Coos, and Carroll Counties, N.H. and extending to points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, and New York.

NOTE: If a hearing is deemed necessary applicant requests it be held at Concord, N.H.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12893, filed February 4, 1964. Applicant: CAMPING CARAVAN, INC., 3432 Federal Avenue, Los Angeles, Calif., 90066. For a license (BMC 5) to engage in operation as a *broker* at Los Angeles, Calif., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in groups, in educational round trip tours, beginning and ending at Los Angeles, Calif., and extending to points in the United States.

WATER CARRIERS OF PROPERTY

No. W-16 (Sub-No. 6) (S. C. LOVELAND CO., INC., EXTENSION—PACIFIC COAST), filed February 26, 1964. Applicant: S. C. LOVELAND CO., INC., 151 South Front Street, Philadelphia, Pa. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C. Authority sought to extend service from Key West and Tampa, Fla., and New Orleans, La., to ports and points along the Pacific Coast and tributary waterways in California, Oregon and Washington, by nonselfpropelled vessels with the use of separate towing vessels, in the transportation of *atomic reactor vessels, component parts thereof*, and *attendant equipment*, and *return or rejected shipments* on return movements.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 21170 (Sub-No. 44), filed February 27, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Wm. S. Tomljanovich, Fisher Building, 2327 Wycliff Street, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between St. Paul, Minn., and Chicago, Ill.; (1) from St. Paul over U.S. Highway 12 to junction Interstate Highway 94 near Hudson, Wis., thence over Interstate Highway 94 to junction U.S. Highway 12 near Eau Claire, Wis., thence over U.S. Highway 12 to junction Interstate Highway 90 near Wisconsin Dells, Wis., thence over Interstate Highway 90 to Chicago, and return over the same route, and (2) from St. Paul over U.S. Highway 12 to junction Interstate Highway 94 near Hudson, Wis., thence over Interstate Highway 94 to junction U.S. Highway 12 near Eau Claire, Wis., thence over U.S. Highway 12 to junction Interstate Highway 90 near Wisconsin Dells, Wis., thence over Interstate Highway 90 to junction U.S. Highway 14 near Janesville, Wis., thence over U.S. Highway 14 to Chicago, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in connection with applicant's regular-route operations.

No. MC 29886 (Sub-No. 187), filed February 28, 1964. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 4000 West Sample Street, South Bend 21, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer parts, unfinished, pipe, tubing or channels, iron and steel, steel strip, steel plate in coils, and steel roofing*, from the plant site of Bock Industries of Elkhart, Ind., Inc., subsidiary of Elkhart Welding & Boiler Works, Inc., in Elkhart, Ind., to points in California, Idaho, Colorado, Nebraska, South Dakota, Montana, North Dakota, and Minnesota.

NOTE: Common control may be involved.

No. MC 32948 (Sub-No. 8), filed February 24, 1964. Applicant: P. A. K. TRANSPORT, INC., 96 Laurel Street, Newport, N.H. Applicant's attorney: Andre J. Barbeau, 12 Paris Terrace, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial minerals and empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

No. MC 59570 (Sub-No. 21), filed February 24, 1964. Applicant: HECHT BROTHERS, INC., Lakewood Road, Toms River, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chrome ore*, in bulk, in hopper and pneumatic type equipment, from Conshohocken, Pa., to Old Bridge and Sayreville, N.J., and *rejected shipments* on return.

No. MC 79135 (Sub-No. 32), filed February 24, 1964. Applicant: COSSITT MOTOR EXPRESS, INC., 63 W. Kendrick Avenue, Hamilton, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calendar date pads, calendar date pads and stands, calendar bases, calendars*, and *stationery* from Sidney, N.Y. to points in Delaware, Maryland, the District of Columbia, New York, New Jersey, Pennsylvania, and Virginia and *empty containers or other such incidental facilities* used in transporting the above-described commodities on return.

No. MC 102616 (Sub-No. 746), filed February 25, 1964. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the Silo Site of Hercules Cement Company at or near Fort Meade Junction, Anne Arundel County, Md., to points in Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia.

No. MC 107403 (Sub-No. 542), filed February 18, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid alum*, in bulk, in tank vehicles, from the plant site of Allied Chemical Corporation, located at Cleveland, Ohio, to Sharon and Erie, Pa.

NOTE: Common control may be involved.

No. MC 110525 (Sub-No. 642), filed February 17, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Providence, R.I., to Farmington and Wolfeboro, N.H.

No. MC 116514 (Sub-No. 23), filed February 20, 1964. Applicant: EDWARDS TRUCKING, INC., Hemingway, S.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber*, from Johnsonville, S.C., to Lebanon, Tenn., and *damaged, rejected, and returned shipments*, on return.

No. MC 117872 (Sub-No. 4), filed February 24, 1964. Applicant: WM. P. JOSEPH, ERNEST B. JOSEPH, AND BESSIE T. JOSEPH, doing business as A. JOSEPH & COMPANY, a partnership, 352 East Woodrow Wilson Street, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pineapples, when moving in the same vehicles with bananas*, from New Orleans, La., to Denver, Colo., and points within 15 miles thereof, and *exempt commodities*, on return.

No. MC 125926 (AMENDMENT), filed January 6, 1964, published in FEDERAL REGISTER, issue January 29, 1964, and republished as amended this issue. Applicant: CLAUDE R. MYERS, doing business as CLAUDE'S, INC., 9805 Northwest Expressway, Oklahoma City, Okla. Applicant's representative: John D. Fitch, State Capitol Station, Post Office Box 53441, Oklahoma City, Okla., 73105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Operable vehicles* from terminals of motor carriers to points of breakdown, returning *disabled vehicles* as directed, and towing and transporting *other operable, disabled, and wrecked vehicles* (excluding the transport of new vehicles to dealers for resale), between points in Oklahoma, Arkansas, Colorado, Kansas, Missouri, New Mexico, and Texas.

NOTE: Applicant states that the proposed service will be limited to wrecker or tow truck service only. The purpose of this republica-

tion is to change the commodity description to "operable vehicles" instead of "replacement vehicles," as previously published, and to add the limitation noted above.

No. MC 126041, filed February 24, 1964. Applicant: ROBERT IOWA, doing business as BOB'S TRUCK LINE, 326 South Main, Liberty, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Kansas City, Mo., and Liberty, Mo.

MOTOR CARRIERS OF PASSENGERS

No. MC 45626 (Sub-No. 52), filed February 19, 1964. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. Applicant's attorney: J. G. Dail, Jr., 2001 Massachusetts Avenue, NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Cambridge, Vt., and St. Albans, Vt., over Vermont Highway 104, serving all intermediate points.

NOTE: Applicant states that it already holds authority which is identical to that requested, except that it authorizes only seasonal operations, between June 15 and September 15 of each year. The purpose of this application is to remove that seasonal limitation.

No. MC 115676 (Sub-No. 4), filed February 24, 1964. Applicant: EUGENE R. CONWAY, doing business as CONWAY'S BUS SERVICE, Mendon Road, Cumberland Hill, Manville, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage of passengers*, in the same vehicle, in special operations, between Woonsocket, R.I., and points in Massachusetts and Rhode Island within ten (10) miles of Woonsocket (except Providence), R.I., and points in New York, New Jersey, Virginia, Pennsylvania, Delaware, Maryland, and the District of Columbia.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12895, filed February 19, 1964. Applicant: EARL L. HARMON, doing business as HARMON TRAVEL SERVICE, 3602 Berry Drive, Boise, Idaho. Applicant's attorney: Randall Wallis, Post Office Box 1253, Boise, Idaho, 83701. For a license (BMC 5) to engage in operations as a *broker* at Boise, Idaho, in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in regular, special, or charter operation in round-trip, all-expense tours, beginning and ending at points in Idaho and extending to points in the United States.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2363; Filed, Mar. 10, 1964; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 6, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commission.

State Docket No. 7385-CCT, filed February 6, 1964. Applicant: SUWANNEE TRANSFER, INC., 1941 Talleyrand Avenue, Jacksonville, Fla. Applicant's attorney: Dan R. Schwartz, 1730 Lynch Building, Jacksonville, Fla., 32202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except in bulk, or in tank trucks, and except household goods, articles of special value or articles requiring special equipment or handling), between all points in Duval County, Fla.

HEARING: March 27, 1964, at 9:30 a.m., in the State Office Building, 215 Market Street, Jacksonville, Fla.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Public Utilities Commission, Tallahassee, Fla., and should not be directed to the Interstate Commerce Commission.

State Docket No. C-6714, Case No. 6 (REPUBLICATION), filed December 26, 1963, published in FEDERAL REGISTER issue January 22, 1964, and republished this issue. Applicant: CENTRAL TRANSPORT, INC., 3399 East McNichols, Detroit, Mich., 48212. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich., 48226. Certificate of public convenience and necessity sought to operate a freight service over the following routes: (1) from the junction of U.S. Highway 23 and North Territorial Road in Washtenaw County, Mich., over North Territorial Road to junction Dexter-Pinckney Road, thence over Dexter-Pinckney Road to junction Darwin Road, thence over Darwin Road to McGregor Road, thence over McGregor Road southwesterly to return to Dexter-Pinckney Road, serving all intermediate points; restricted against the movement of any traffic destined to or originating at Pinckney, Mich., (2) from the junction North Territorial Road and Huron River Drive via Huron River Drive and Strawberry Lake Road to Hamburg Road, thence over Hamburg Road to Eight Mile Road, thence over Eight Mile Road to junction with U.S. Highway 23 in Washtenaw County, Mich., serving all intermediate points, (3) from the junction North Territorial Road and Mast Road via Mast Road to Strawberry Lake Road, serving all intermediate points, and (4) from the intersection of Dexter-Pinckney Road and Darwin Road, northerly over Dexter-Pinckney Road to junction Michigan Highway 36, thence easterly over Michigan Highway 36 to intersection Merrill Road, thence southerly to Strawberry Lake Road, McGregor Road between Michigan Highway 36 and Darwin Road, serving all intermediate points, restricted against the movement of any traffic destined to or originating at Pinckney, Mich.

NOTE: Applicant states the authority sought in intrastate commerce is co-extensive with the authority sought in interstate commerce as set forth above. The purpose of this republication is (1) to add restriction in first movement (2) to add the fourth movement and its restriction, as shown above, and (3) to indicate new hearing information, as set forth below.

HEARING: March 23, 1964, at 9:30 a.m., in the Offices of the Commission, Lewis Cass Building, Lansing, Mich.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. 16724, filed February 19, 1964. Applicant: ABBOTT BUS LINES, INC., 916 Cresent Street, NW., Roanoke, Va. Applicant's attorney: Jno. C. Goddin, 10 South 10th Street, Richmond, Va. Certificate of public convenience and necessity sought to operate as follows: Transportation of *passengers and their baggage, mail, newspapers* and *express*, between Roanoke, Va. and Rocky Mount, Va., over U.S. Highway 220 via Boones Mill, Va.

NOTE: Applicant states the above authority will be (1) restricted to one round-trip daily, and (2) not subject to lease or transfer.

And State Docket No. 16725, filed February 19, 1964. Applicant: (same as above). Applicant's attorney: (same as above). Certificate of public convenience and necessity sought to operate as follows: Transportation of *passengers and their baggage, mail, newspapers* and *express*, (1) between Roanoke, Va. and Clifton Forge, Va., via Fincastle and Eagle Rock, Va.; (2) between Roanoke, Va., and Rocky Mount, Va., over Virginia Highways 116, 122, and 40; and (3) between Martinsville, Va., and Rocky Mount, Va., over Virginia Highways 108 and 619 and U.S. Highway 220.

HEARING: Both of the above applications are set for hearing on April 7, 1964, at 10:00 a.m., in the Courtroom, Blanton Bldg., Richmond, Va.

Requests for procedural information, including the time for filing protests concerning these applications, should be addressed to the Virginia Corporation Commission, Post Office Box 1197, Richmond, Va., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2365; Filed, Mar. 10, 1964; 8:50 a.m.]

[Notice No. 952]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 6, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66517. By order of March 4, 1964, the Transfer Board approved the transfer to Labertew Trucking, Inc., Denver, Colo., of the operating rights issued by the Commission July 10, 1959, February 23, 1960, and July 1, 1960, under Certificates Nos. MC 117803, MC 117803 (Sub-No. 1), and MC 117803 (Sub-No. 2), respectively, to Ray E. Labertew, Denver, Colo., authorizing the transportation over irregular routes, of bananas, from New Orleans, La., to Denver, Colo., from New Orleans, La., to Colorado Springs, and Pueblo, Colo., and from Mobile, Ala., to Colorado Springs, Denver, and Pueblo, Colo. Stockton, Linville, Lewis, and Mitchell, 1650 Grant Street Building, Denver 3, Colorado, attorneys for applicants.

No. MC-FC 66617. By order of March 4, 1964, the Transfer Board approved the transfer to George D. Robinson, doing business as Robinson's Melrose Express, Melrose, Mass., of certificate in No. MC 39956, issued May 31, 1941, to Paul D. Robinson, doing business as Robinson's Melrose Express, Melrose, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Boston, Cambridge, Somerville, Medford, Everett, Malden, Melrose, Stoneham, Wakefield, and Reading, Mass. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., attorney for applicants.

No. MC-FC 66647. By order of March 4, 1964, the Transfer Board approved the transfer to John Boeve, Steen, Minn., of certificate in No. MC 95330, issued October 24, 1949, to Pete Delfs, Steen, Minn., authorizing the transportation of: livestock and grain, from Steen, Minn., and points as specified within 15 miles thereof, to Sioux Falls, S. Dak. and Rock Rapids, Iowa; agricultural implements and machinery, binder twine, building and fencing materials, wrought iron pipe, drain tile, seeds, and feed, from Sioux Falls, S. Dak. and Rock Rapids, Iowa, to Steen, Minn. and points as specified within 15 miles thereof; water, in bulk, in tank trucks, from Rock Rapids, Iowa, to Steen, Minn., and points in Minnesota and South Dakota within 15 miles of Steen; and emigrant movables, between Steen, Minn., and points as specified within 15 miles of Steen, on the one hand, and, on the other, points in Iowa and South Dakota within 200 miles of Steen.

No. MC-FC 66662. By order of March 4, 1964, the Transfer Board approved the transfer to Brick Transport, Inc., Taylor, Michigan, of the operating rights in permit in No. MC 124564, issued by the Commission, April 4, 1963, to Hubert Jenkins, Taylor, Michigan, authorizing the transportation, over irregular routes, of bricks, from Darlington, Pa., and points in Ohio (except the plant site of the Lawrence Refractory Company, at Elizabeth Township, Lawrence County, and Oak Hill, Ohio, and points within 14 miles thereof), to Detroit, Mich., as restricted. William J. Petrillo, 1800 Buhl Building, Detroit, Michigan, 48226.

No. MC-FC 66688. By order of March 4, 1964, the Transfer Board approved the transfer to R. J. Crum, Antigo, Wisconsin, of the operating rights in certificate in No. MC 119406, issued by the Commission, April 19, 1960, to Raymond R. Block, doing business as Adams Coal Co., Wittenberg, Wisconsin, authorizing the transportation, over irregular routes, of forest products, including rough and surfaced lumber, but not including veneer, plywood, dimension stock, and cedar poles and posts, between points in Baraga, Dickson, Houghton, Iron, Marquette, Menominee, and Ontonagon Counties, Mich., on the one hand, and, on the other, points in Wisconsin. Edward Solie, 1 South Pinckney Street, Madison 3, Wisconsin, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2366; Filed, Mar. 10, 1964; 8:50 a.m.]

[Rev. S.O. No. 562; Taylor's I.C.C. Order No. 165-A]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Vacation of Order

Upon further consideration of Taylor's I.C.C. Order No. 165 (The Central Railroad Company of New Jersey) and good cause appearing therefor:

It is ordered, That

(a) Taylor's I.C.C. Order No. 165, be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 1:00 p.m., March 5, 1964.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 5, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-2367; Filed, Mar. 10, 1964; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 5, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38864: *Substituted Service—Middle Atlantic Territory.* Filed by Middle Atlantic Conference, agent (No. 39), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Baltimore, Md., and Jersey City, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 17 to Middle Atlantic Conference, agent, tariff MC-I.C.C. A-1378.

FSA No. 38865: *Liquefied Chlorine Gas to Nixon, Ga.* Filed by O. W. South, Jr., agent (No. A4469), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads, from Memphis, Tenn., to Nixon, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 162 to Southern Freight Association, agent, tariff I.C.C. S-116.

FSA No. 38866: *Liquefied Chlorine Gas to Johnsonville, Tenn.* Filed by O. W. South, Jr., agent (No. A4470), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads, from Calvert, Ky., to Johnsonville, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 162 to Southern Freight Association, agent, tariff I.C.C. S-116.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2290; Filed, Mar. 9, 1964; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 6, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within

15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38367: Liquid caustic soda to Nixon, Ga. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2707), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from specified points in Michigan, New York, Ohio, and West Virginia, to Nixon, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 129 and 44 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2350; Filed, Mar. 10, 1964; 8:48 a.m.]

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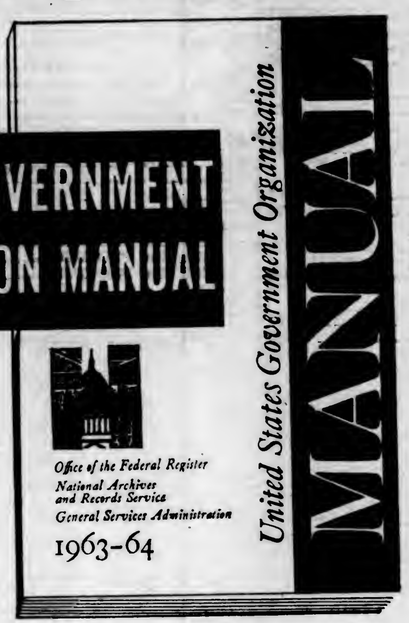
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Rules and Regulations

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56127]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry

MARCH 5, 1964.

Effective January 28, 1964 the designation of Trout River, New York, as a customs station under the supervision of the customs port of entry of Malone, New York, was revoked. At the same time the designation of Jamieson's Line, New York, as a customs station under the supervision of Malone, New York, was revoked and Jamieson's Line was designated a customs station under the supervision of the customs port of entry of Trout River, New York (T.D. 56074).

Section 1.2(d) of the Customs Regulations is amended to conform to these changes as follows: In District No. 7 (St. Lawrence) delete "Trout River, N.Y." from the column headed "Customs Station"; delete "Malone" from the column headed "Port of entry having supervision" and substitute therefor "Trout River."

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623; 5 U.S.C. 22, 19 U.S.C. 1, 2)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: March 5, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-2414; Filed, Mar. 11, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SO-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Transition Area; Designation of Transition Areas; and Revocation of Control Area Extension and Transition Area

On October 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10544) stating that the Federal Aviation Agency (FAA) proposed to alter the Savannah, Ga., control zone and the Beaufort S.C., control zone and transition area; designate transition areas at Savannah and Camp Stewart, Ga.; and revoke the Savannah control area extension and the Hampton, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Aircraft Owners and Pilots Association (AOPA) and Flight Service, Inc. objected to the inclusion of Saffold Airport in the Savannah control zone. The Air Transport Association of America (ATA) offered no objection to the proposal provided it would permit lowering of the planned holding pattern minimum altitude on the Savannah VOR 066° radial from 1,600 to 1,500 feet to bring it within 300 feet of the final approach altitude.

The FAA has reviewed the proposal, in light of these comments, and after further coordination with the U.S. Air Force, has determined that additional revisions of the prescribed instrument approach procedures at Hunter AFB are feasible. This will permit reducing the proposed length of the east control zone extension at Hunter AFB and thus relieve the necessity for including Saffold Field within the control zone. Accordingly, action is taken herein to designate the Savannah control zone east extension as extending from the Hunter AFB 5-mile radius zone to 2 miles west of the outer marker. With regard to the ATA comments, the 1,500-foot holding pattern altitude based on the Savannah VOR 066° radial will be retained.

Subsequent to publication of the Notice, proposals have been developed to simplify the airway structure in the Savannah area by revoking four alternate airway segments. However, portions of the airspace between these segments of the main and alternate airways will be required to accommodate holding, radar vector and arrival and departure procedures in the area north and northwest of Savannah. Since these portions are presently designated as controlled airspace associated with the airway segments, expansion of the proposed Savannah transition area to cover these portions will not affect the overall lateral extent of controlled airspace therein. Accordingly, action is taken herein to include, in the 1,200-foot floor portion of the Savannah transition area, the area between the proposed north boundary of the transition area and V-18 between Allendale and V-3, and between the proposed northwest boundary and V-157.

The substance of the proposed amendments having been published, and for the reasons stated herein and in the Notice, the following actions are taken:

1. Section 71.171 (29 F.R. 1101) is amended as follows:

a. The Savannah, Ga., control zone is amended to read:

Savannah, Ga.

Within a 5-mile radius of Travis Field (latitude 32°07'35" N., longitude 81°12'05" W.); within a 5-mile radius of Hunter AFB (latitude 32°00'35" N., longitude 81°08'45" W.); within 2 miles each side of the extended centerline of the Hunter AFB east/west runway, extending from the Hunter AFB 5-mile radius zone to 8 miles W of the airport; within 2 miles each side of the Hunter AFB ILS localizer E course, extending from the Hunter AFB 5-mile radius zone to 2 miles W of the Hunter AFB OM; within 2 miles each side of the Travis Field ILS localizer W course, extending from the Travis Field 5-mile radius zone to 1 mile E of the Travis Field ILS OM; and within 2 miles each side of the Savannah VORTAC 245° radial, extending from the Travis Field 5-mile radius zone to the VORTAC.

b. The Beaufort, S.C., control zone is amended to read:

Beaufort, S.C.

Within a 5-mile radius of MCAS Beaufort (latitude 32°28'40" N., longitude 80°43'20" W.); and within 2 miles each side of the MCAS Beaufort RBN 042° bearing, extending from the 5-mile radius zone to 8 miles NE of the RBN.

2. Section 71.165 (29 F.R. 1073) is amended by revoking the Savannah, Ga., control area extension.

3. Section 71.181 (29 F.R. 1160) is amended as follows:

a. The Savannah, Ga., transition area is amended to read:

Savannah, Ga.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Travis Field; within a 12-mile radius of Hunter AFB; within 2 miles each side of the Savannah VORTAC 065° radial, extending from the Travis Field 7-mile radius area to 8 miles NE of the VORTAC; within 2 miles each side of the Travis Field ILS localizer E course, extending from the Travis Field 7-mile radius area to 8 miles E of the INT of the ILS localizer E course and the Savannah VORTAC 179° radial; and within 2 miles each side of the Travis Field ILS localizer W course, extending from the Travis Field 7-mile radius area to the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°45'50" N., longitude 80°30'30" W.; to latitude 32°29'30" N., longitude 80°-12'00" W.; thence SW via a line 3 nautical miles from the coastline; to latitude 32°-13'00" N., longitude 80°30'00" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 31°30'00" N., longitude 80°51'05" W.; thence W via latitude 31°30'00" N., to the E boundary of V-267; thence northwest via the E boundary of V-267 to latitude 31°-35'00" N.; thence E via latitude 31°35'00" N., to latitude 31°35'00" N., longitude 81°-46'35" W.; to latitude 31°38'10" N., longitude 81°43'35" W.; thence clockwise along the arc of a 20-mile radius circle centered on Liberty AAF, Fort Stewart, Ga. (latitude 31°-53'20" N., longitude 81°33'45" W.); to latitude 32°04'10" N., longitude 81°50'00" W.; thence W via latitude 32°04'10" N., to the E boundary of V-157; thence NE via the E boundary of V-157 to V-18; thence E via the

S boundary of V–18 to V–3; thence S via the W boundary of V–3 to latitude 3244'00" N.; thence E via latitude 32°44'00" N., to latitude 32°44'00" N., longitude 80°43'25" W.; to the point of beginning; and that airspace extending upward from 2,700 feet MSL bounded on the N by latitude 32°04'10" N.; on the E by the arc of a 20-mile radius circle centered on Liberty AAF; on the SE by a line extending from latitude 31°38'10" N., longitude 81°43'35" W., through latitude 31°35'00" N., longitude 81°46'35" W.; on the S by latitude 31°35'00" N.; and on the W by V–267 and V–157.

b. The following transition areas are added:

Beaufort, S.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of MCAS Beaufort (latitude 32°28'-40" N., longitude 80°43'20" W.); and within a 1.5-mile radius of Beaufort County Airport (latitude 32°24'40" N., longitude 80°-38'05" W.).

Camp Stewart, Ga.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Liberty AAF (latitude 31°53'20" N., longitude 81°33'45" W.), and within 2 miles each side of the Liberty RBN 229° bearing extending from the 6-mile radius area to 8 miles SW of the RBN.

c. The following transition area is revoked:

Hampton, S.C.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 4, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2384; Filed, Mar. 11, 1964; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4012; Amdt. 364]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Pulaski VOR	Pulaski LFR	Direct	5100	T–d	*500–1	*500–1	*500–1
				C–d	800–2	800–2	800–2
				S–d	NA	NA	NA
				A–d	NA	NA	NA

Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 5100′ within 10 miles.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 059°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Pulaski LFR, make a right-climbing turn to PK–LFR at 5100′. Hold SW on PK–LFR, 248° Outbnd, 068° Inbnd, 1-minnte right turns.
*CAUTION: Mountainous terrain 1500′ higher than airport elevation S, W, and N at 5 to 8 miles. Higher terrain at greater distances. Climb to 8000′ in an area bounded by bearing of 050° through 110° from LFR within 15 miles.
MSA: NE–5400′, SE–4600′, SW–5100′, NW–5100′.

City, Dublin; State, Va.; Airport Name, New River Valley; Elev., 2105′; Fac. Class., SBMRAZ; Ident., PK; Procedure No. 1, Amdt. 1 Eff. Date, 21 Mar. 64; Sup. Amdt. No. Orig.; Dated, 22 Dec. 62

				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn	NA	NA	NA
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs 174° Outbnd, 354° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 251°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LFR, turn left, climb to 4000′ on S crs (174° Outbnd) within 15 miles.
NOTES: 1. This procedure not authorized for ADF approach. 2. VFR required from LFR to airport.
AIR CARRIER NOTE: Sliding scale not authorized.

City, Iliamna; State, Alaska; Airport Name, Iliamna; Elev.,190′; Fac. Class., BMRLZ; Ident., ILI; Procedure No. 1, Amdt. 8; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 7, Dated, 27 Jan. 62

				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn	NA	NA	NA
				A–dn	800–2	800–2	800–2

Shuttle to: 3700′ in standard 1-minute holding pattern on 276° Outbnd, 096° Inbnd.
Procedure turn S side of NW crs, 276° Outbnd, 096° Inbnd, 3100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 108°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing ORT LFR, turn right, climb to 3700′ on NW crs ORT LFR within 15 miles.

City, Northway; State, Alaska; Airport Name, Northway; Elev., 1716′; Fac. Class., SBRAZ; Ident., ORT; Procedure No. 1, Amdt. 10; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 9 Dated, 14 Dec. 63

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
AGS VOR	AIK RBn	Direct	2100	T–dn*	300–1	300–1	200–½
AGS RBN	AIK RBn	Direct	2100	C–dn*	600–1	600–1	600–1½
Monetta Int	AIK RBn	Direct	2100	A–dn*	NA	NA	NA
Steedman Int	AIK RBn	Direct	2100				

Procedure turn S side of crs 290° Outbnd, 110° Inbnd, 2100′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1100′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AIK RBn, climb to 2100′ on 110° crs from RBn within 20 miles or, when directed by ATC, turn right, climb to 2100′ proceeding direct to AGS VOR.
*Aircraft will not take off under IFR conditions without prior ATC approval. Night operations not authorized on runways 12–30; 18–36.
*IFR flight plan must be closed with AGS APC upon reaching contact at authorized minimums or immediately after landing direct to AGS CS/T.
†No local weather reporting; area weather available from AGS CS/T.

City, Aiken; State, S.C.; Airport Name, Municipal; Elev., 530′; Fac. Class., MHW; Ident., AIK; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Mar. 64

Annette Island LFR	AN RBn	Direct	4000	T–dn*	300–1	300–1	200–½
Guard Island Int	AN RBn (final)	Direct	4000	C–dn*	500–1½	500–2	500–2
				S–dn–12	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

†Procedure turn E side of crs 303° Outbnd, 123° Inbnd, 4000′ within 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs 3700′ after procedure turn only; over ANN LFR, 800′.
Crs and distance, facility to airport, 123°—9.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles after passing AN RBn, turn right, climb to 4000′ on 155° bearing from ANN LFR within 20 miles.
CAUTION: Terrain 1000′ within 1.9 miles N through E. Davison Mountain 2882′—2.9 miles E, Tamgas Mountain 3591′—5.1 miles ENE of airport.
*Runway 2–20: Night operation not authorized. Runway 2: T–d restricted to 600–1 due to high terrain N through E, 1000′ within 2 miles. Make immediate left turn after takeoff.
†Procedure turn not required when approaching SE from Guard Island Int.

City, Annette Island; State, Alaska; Airport Name, Annette Island; Elev., 119′; Fac. Class., MHW/FM; Ident., AN; Procedure No. 1, Amdt. 6; Eff. Date, 21 Mar. 64; Sup Amdt. No. 5; Dated, 21 Jan. 61

Pittsburgh surveillance radar	Within 20 miles of Greater Pittsburgh Airport.		3000	T–dn	300–1	300–1	NA
Pittsburgh surveillance radar				C–d	600–1	600–1	NA
Fix, 5 miles from BTP RBN	BTP–RBN (final)	006—5	2400	C–n	600–1½	600–1½	NA
Ellwood City VOR	BTP–RBN	Direct	3000	A–dn	NA	NA	NA

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 185° Outbnd, 005° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport 005°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if land not accomplished within 4.7 miles after passing Butler RBn, make left climbing turn to 3000′ and proceed direct to BTP RBn.
Hold N, 1-minute left turns, 185° Inbnd.
CAUTION: Unlighted tower 1491′—1 mile ESE of runway 25.
MSA: 000°–360°—3000′.

City, Butler; State, Pa.; Airport Name, Butler-Graham; Elev., 1248′; Fac. Class., MHW; Ident., BTP; Procedure No. 1, Amdt. 7; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 6; Dated, 20 Apr. 63

CPR–VOR	LOM	Direct	8000	T–dn	300–1	300–1	200–½
Ahova Int	LOM	Direct	8000	C–dn	400–1	500–1	500–1½
Glenrock Int	LOM	Direct	8000	S–dn–7	400–1	400–1	400–1
Benning Int	LOM	Direct	8000	A–dn	800–2	800–2	800–2
Airport Int*	LOM	Direct	8000				

Procedure turn N side of crs, 254° Outbnd, 074° Inbnd, 8000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 6500′.
Crs and distance, facility to airport, 074°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing CP LOM, turn left, return to LOM, climb to 8000′ within 10 miles or, when directed by ATC, turn left, proceed direct to the CPR VOR, climbing to 7500′.
Other change: Deletes caution note.
*Airport Int: Int W crs Casper ILS; R–201 Casper VOR; 254° bearing from Casper RBn.
MSA: 360°–090°—8100′; 090°–180°—10,800′; 180°–270°—10,000′; 270°–360°—8100′.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348′; Fac. Class., LOM; Ident., CP; Procedure No. 1, Amdt. 1; Eff. Date, 21 Mar. 64; Sup. Amdt. No. Orig.; Dated, 29 Apr. 61

PBF RBn	LIT RBn (final)	Direct	1400	T–dn	300–1	300–1	200–½
				C–dn	500–1	600–1	600–1½
				S–dn–32	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs 135° Outbnd, 315° Inbnd, 1800′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport 315°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing RBn, turn left, climb to 3200′ on 301° bearing from LIT RBn within 20 miles.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac. Class., BH; Ident., LIT; Procedure No. 2, Amdt. Orig.; Eff. Date, 21 Mar. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Woodland FM	SVY RBn	Direct	3200	T-dn*	300–1	300–1	200–½
LaCenter FM	SVY RBn	Direct	3200	C-dn#	700–1	700–1	700–1½
Portland VOR	SVY RBn	Direct	3200	A-dn	800–2	800–2	800–2
Portland LFR	SVY RBn	Direct	3200				
Willamette FM	SVY RBn	Direct	3200				
Newberg VOR	SVY RBn	Direct	3200				
Scappoose VHF Int	SVY RBn (final)	Direct	3000		—		
North Plains VHF Int	SVY RBn	Direct	3200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3200′ within 10 miles of Sauvies Island RBn.
Minimum altitude over SVY RBn on final approach crs, 3000′; over OM, 1100′; over LMM, 900′.
Crs and distance, facility to airport, 098°—9.4 miles; OM to airport, 098°—4.0 miles; LMM to airport, 098°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing LMM, climb to 3700′ direct to IA LOM, continue climb in a 1-minute left turn holding pattern E of IA LOM.
*200–½ authorized on Runways 10 R&L/28 R&L only. 700–2 required on Runways 2 and 20.
#CAUTION: 600′ terrain 1.8 miles SE of airport.
MSA: 000°–090°—5400′; 090°–180°—2900′; 180°–270°—4500′; 270°–360°—3300′.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23′; Fac. Class., MHW; Ident., SVY; Procedure No. 1, Amdt. 12; Eff. Date, 21 Mar. 64, Sup. Amdt. No. 11; Dated, 24 Aug. 63

Texas Int*	HSB RBn	Direct	2000	T-dn	300–1	300–1	NA
				C-dn	700–1	700–1	NA
				S-dn-24	700–1	700–1	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs 060° Outbnd, 240° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing HSB RBn, make climbing right turn to 2500′ and return to RBn.
NOTE: No weather service available.
*Texas Int: Int EVV R-280 and SAM R-205.

City, Raleigh; State, Ill.; Airport Name, Harrisburg-Raleigh; Elev., 399′; Fac. Class., NHW (Private); Ident., HSB; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Mar. 64

San Lorenzo Int	SJP RBn	Direct	2600	T-dn	300–1	300–1	200–½
SJU VOR	SJP RBn	Direct	1600	C-dn	600–1	600–1	600–1½
SJU RBn	SJP RBn	Direct	1600	S-dn-7	600–1	600–1	600–1
Greenwater Int	SJP RBn	Direct	2000	A-dn	800–2	800–2	800–2
Coral Int	SJP RBn	Direct	1900				
Mangrove Int	SJP RBn	Direct	2000				
Caribbean Int	SJP RBn	Direct	2000				
Guaynabo Int	SJP RBn	Direct	3200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N* side of crs, 280° Outbnd, 109° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 075°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing SJP RBn, climb to 1100′ on crs of 075° within 20 miles of SJP RBn.
*Nonstandard due to high terrain on S side of crs.
MSA: 000°–100°—1200′; 100°–180°—4500′; 180°–290°—4100′; 290°–360°—1000′.

City, San Juan; State, P.R.; Airport Name, Puerto Rico International; Elev., 9′; Fac. Class., MHW; Ident., SJP; Procedure No. 1, Amdt. 6; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 5; Dated, 20 July 63

Wauseon Int	LOM	Direct	2300	T-dn	300–1	300–1	200–½
McClure Int	LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Waterville VOR	LOM	Direct	2000	S-dn-7	500–1	500–1	500–1
Weston Int	LOM	Direct	2300	A-dn	800–2	800–2	800–2
Harbor View Int	LOM	Direct	2000				
Gerald Int#	LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 069°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, make climbing left turn to 2000′, proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1-minute, 069° Inbnd.
CAUTION: Tower 865′—1¾ miles S of LMM.
#Gerald Int: Int Toledo ILS SW crs and Waterville VOR R-275.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 681′; Fac. Class., LOM; Ident., TO; Procedure No. 1, Amdt. 6; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 5; Dated, 26 Oct. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
BOI RBn	BOI-VOR	Direct	4200	T-dn	300–1	300–1	200–½
Mayfield Int	BOI VOR	Direct	7000	C-dn	400–1	500–1	500–1½
Willow Creek Int	BOI-VOR	Direct	7500	S-dn-10R	400–1	400–1	400–1
				A-dn	900–2	900–2	900–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 4200′ within 10 miles.
Minimum altitude over Meridian Int or 3.5-mile DME fix on final approach, 3700′.
Crs and distance, Meridian Int or 3.5-mile DME fix to airport, 106°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BOI-VOR, climb to 5500′ on R-111 within 10 miles. All turns S.
NOTE: ADF equipment required for descent below 3700′.

City, Boise; State, Idaho; Airport Name, Boise Air Terminal; Elev., 2858′; Fac. Class., BVORTAC; Ident., BOI; Procedure No. 1, Amdt. 4; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 3; Dated, 26 May 62

				T-dn	*500–1	*500–1	*500–1
				C-dn	800–2	800–2	800–2
				A-dn	NA	NA	NA

Procedure turn E side of crs, 211° Outbnd, 031° Inbnd, 5000′ within 10 miles of PSK-VOR.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 031°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing PSK-VOR, climb to 5000′ on 60° crs within 20 miles. Reverse crs to PSK-VOR, hold SW on PSK-VOR R-211, 031° Inbnd, 1-minute right turns.
*CAUTION: Mountainous terrain 1500′ higher than airport elevation S, W, and N at 5 to 8 miles. Higher terrain at greater distances. Climb to 8000′ in an area bounded by R-050 through R-110 within 15 miles of VOR.
MSA: 000°–090°—5400′; 090°–180°—4600′; 180°–270°—5000′; 270°–360°—5100′.

City, Dublin; State, Va.; Airport Name, New River Valley; Elev., 2105′; Fac. Class., BVOR; Ident., PSK; Procedure No. 1, Amdt. 5; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 4; Dated, 24 Nov. 62

Berenda Int	FAT VOR (final)	Direct	1900	T-dn	300–1	300–1	200–½
				C-d	800–1	800–1	800–1½
				C-n	800–2	800–2	800–2
				A-dn	NA	NA	NA

Procedure turn W side of crs 313° Outbnd, 133° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport 168°—9.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles after passing FAT VOR, turn right, proceed direct to FAT VOR, climbing to 2300′ on R-303 within 20 miles.
MSA: 340°–110°—5900′; 110°–180°—2100′; 180°–270°—1900′; 270°–340°—3300′.

City, Fresno; State, Calif.; Airport Name, Fresno-Chandler Municipal; Elev., 283′; Fac. Class., BVORTAC; Ident., FAT; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Mar. 64

				T-dn	300–1	NA	NA
				C-dn	700–1	NA	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 015° Outbnd, 195° Inbnd, 1800′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 195°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing DAS-VOR, climb to 1800′, turn right and return to VOR.
CAUTION: Turf runway, soft when wet. 4′ fence at approach end Runway 16. 60′ power lines at approach end Runway 34. 4′ fence 50′ from E edge of runway. 100′ obstruction SW corner of airport.
NOTES: 1. Procedure not authorized for air carrier. 2. No weather service. Unicom available.

City, Liberty; State, Tex.; Airport Name, Liberty Air Service; Elev., 70′; Fac. Class., L-BVOR; Ident., DAS; Procedure No. 1, Amdt. 1; Eff. Date, 21 Mar. 64; Sup. Amdt. No. Orig.; Dated, 22 Feb. 64

Bailey Int *	MKG VOR (final)	Direct	2300	T-dn	300–1	300–1	200–½
Sparta Int **	MKG VOR (final)	Direct	2300	C-d	700–1	700–1	700–1½
MKG LOM	MKG VOR	Direct	2300	C-n	700–2	700–2	700–2
				A-dn	800–2	800–2	800–2
				The following minimums apply for VOR and ADF equipped aircraft and Fruit Int # identified:			
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 272°—8.4 miles; Fruit Int # to airport, 272°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing MKG-VOR, make climbing left turn to 2500′ and proceed to Bullfrog Int via MKG-VOR R-253 or, when directed by ATC, climb to 2300′ on MKG-VOR R-272, then reverse crs and return to MKG-VOR.
* Bailey Int: Int MKG-VOR R-076 and HIC-VOR R-200.
** Sparta Int: Int MKG-VOR R-115 and HIC-VOR R-200.
#Fruit Int: Int MKG-VOR R-272 and 007° bearing from MKG LOM.

City, Muskegon; State, Mich.; Airport Name, Muskegon-County; Elev., 628′; Fac. Class., BVORTAC; Ident., MKG; Procedure No. 1, Amdt. 5; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 4; Dated, 26 Oct. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SJP RBn	SJU-VOR	Direct	1500	T-dn	300-1	300-1	200-1½
SJU RBn	SJU-VOR	Direct	1600	C-dn	600-1	600-1	600-1½
Isla Verde Int	SJU-VOR	Direct	500	A-dn	800-2	800-2	800-2
				If aircraft equipped with VOR and ADF receivers and Isla Verde Int identified, the following minimum applies:			
				C-dn	500-1	500-1	500-1½

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 095° Outbnd, 275° Inbnd, 1300' within 15 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 600'; if Isla Verde Int identified, 500'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn right, climb to 2000' on R-359 within 20 miles or, when directed by ATC, turn right, climb to 1500' on R-095 within 20 miles of SJU-VOR.
MSA: 000°-100°—1200'; 100°-180°—4500'; 180°-290°—4100'; 290°-360°—1000'.

City, San Juan; State, P.R.; Airport Name, Puerto Rico International; Elev., 9'; Fac. Class., BVORTAC; Ident., SJU; Procedure No. 1, Amdt. 6; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 5; Dated, 8 Feb. 64

Gunter Int	PNX VOR	Direct	2500	T-dn#	300-1	300-1	NA
				C-dn	800-2	800-2	NA
				A-dn	NA	NA	NA

Procedure turn E side of crs 330° Outbnd, 150° Inbnd, 2500' within 10 miles. Beyond 10 miles not authorized.
Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance facility to airport 129°—6.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles after passing PNX VOR, climb on crs 129° to 2500' within 20 miles of PNX VOR.
CAUTION: Procedure not wholly within controlled airspace. 900' unlighted water tank 2.0 miles NW, two 1083' radio towers 2.8 miles N, 1040' tower 2.6 miles SSW, and 900' grain elevators 1.0 mile NW of airport.
NOTES: (1) Air carrier use not authorized. (2) No reduction in takeoff or landing minimums authorized. Maintain VFR, clear of control zone until communications are established after takeoff. All pilots using this procedure are requested to close IFR flight plan with Perrin Radar upon reaching contact, or by commercial facilities as soon as practicable after landing. No weather service at airport.
#Minimums 400-1½ day, 400-2 night required for takeoff Runway 34.

City, Sherman; State, Tex.; Airport Name, Sherman Municipal; Elev., 745'; Fac. Class., VOR; Ident., PNX; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Mar. 64

				T-dn	300-1	300-1	300-1
				C-d	500-1	500-1	600-1½
				C-n	500-2	500-2	600-2
				S-d-29*	500-1	500-1	500-1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 046° Outbnd, 226° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 234°—6.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing SIE VOR, climb to 1000' straight ahead, make a right turn and return to Sea Isle VOR at 1600'. Hold SW 1-minute right turns, 054° Inbnd.
NOTES: Instrument clearance and void time obtained by telephone with Millville Radio or Atlantic City Approach Control. Close flight plan by telephone with Millville Radio or Atlantic City Approach Control.
*Night operation not authorized on Runway 23.

City, Wildwood; State, N.J.; Airport Name, Cape May County; Elev., 22'; Fac. Class., M-BVORTAC; Ident., SIE; Procedure No. 1, Amdt. 3; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 2; Dated, 20 Jan. 62

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Greensburg Int*	LBE-VOR	Direct	3000	T-dn#	600-1	600-1	NA
IHD-VOR	LBE-VOR	Direct	4500	C-dn	800-1	800-1	NA
				A-dn	NA	NA	NA

Procedure turn W side of final approach crs, 020° Outbnd, 200° Inbnd, 3600' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LBE VOR, turn right (W) climbing to 3600', returning to VOR. Hold N of LBE VOR on R-020, 1-minute right turns, Inbnd crs 200°.
CAUTION: High terrain S and E of airport (2630' obstruction 6.1 miles E of final approach radial).
NOTES: 1. No local weather reports available. 2. Communications with PIT Center and/or Allegheny Tower available at 1342'. 3. Turn W after takeoff and climb on R-270 of LBE-VOR until reaching 3500' within 10 miles.
*Greensburg Int: Int PIT R-092 and IHD R-349.
#Runway 7-25, VFR day operation only.
MSA: 000°-090°—5000'; 090°-180°—5000'; 180°-270°—5000'; 270°-360°—3000'.

City, Latrobe; State, Pa.; Airport Name, Westmoreland-Latrobe; Elev., 1144'; Fac. Class., VORW; Ident., LBE; Procedure No. TerVOR (R-020), Amdt. 1; Eff. Date, 21 Mar. 64; Sup. Amdt. No. Orig.; Dated, 24 Nov. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Long Beach VOR	Canal Int*	Direct	3000	T-dn	300-1	300-1	200-1½
Downey RBn/FM	Canal Int*	Direct	3000	C-dn	500-1	600-1	600-1½
LAX VOR	Speedway Int**	Direct	2400	S-dn-25R	500-1	500-1	500-1
Canal Int*	Speedway Int** (final)	Direct	1800	A-dn	800-2	800-2	800-2
				If aircraft equipped with operating dual VOR receivers and Holly Int¢ received, the following minimum applies:			
				S-dn	400-1	400-1	400-1

Procedure turn S side of crs 066° Outbnd, 246° Inbnd, 2400' within 10 miles. Nonstandard due to traffic restrictions N of final approach crs.
Minimum altitude over Speedway Int** on final approach crs, 1800'.
Crs and distance, Speedway Int** to airport 246°—5.8 miles. Breakoff point to runway 24S°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing Speedway Int,** climb to 2000' via LAX VOR R-248 within 20 miles.
*Canal Int—Int LAX R-066 and LGB R-319.
**Speedway Int—Int LAX R-066 and LGB R-299.
¢Holly Int—Int LAX R-066 and LGB R-290.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126'; Fac. Class., H-BVOR; Ident., LAX; Procedure No. Ter VOR-25R, Amdt. Orig.; Eff. Date, 21 Mar. 64

SJU RBn	SJU VOR	Direct	1600	T-dn	300-1	300-1	200-1½
SJP RBn	SJU VOR	Direct	1500	C-dn	900-1	900-1	900-1½
				S-dn-7	900-1	900-1	900-1
				A-dn	900-2	900-2	900-2
				If aircraft equipped with VOR and ADF receivers operating normally and Antenna Int# received, the following minimums are authorized:			
				C-dn	500-1	500-1	500-1½
				S-dn-7	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 260° Outbnd, 080° Inbnd, 1500' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 900'; if Antenna Int# or 6-mile DME fix identified, 500'.
Facility on airport.
Crs and distance, Antenna Int# to airport, 080°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Antenna Int,# turn right and climb to 1500' on R-095 within 20 miles of SJU VOR.
NOTE: Procedure turn nonstandard due high terrain S of area.
MSA: 000°-100°—1200'; 100°-180°—4500'; 180°-290°—4100'; 290°-360°—1000'.
#Antenna Int: Int SJU VOR R-260 and 350° bearing from SJP RBn or 6-mile DME fix on SJU VOR R-260.

City, San Juan; State, P.R.; Airport Name, Puerto Rico International; Elev., 9'; Fac. Class., BVORTAC; Ident., SJU; Procedure No. Ter VOR-7, Amdt. 4; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 3; Dated, 8 Feb. 64

SJP RBn	SJU-VOR	Direct	1500	T-dn	300-1	300-1	200-1½
SJU RBn	SJU-VOR	Direct	1600	C-dn	500-1	500-1	500-1½
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 1100' within 9 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 400'.
Crs and distance, breakoff point to Runway 25, 255°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn right, climb to 2000' on R-359 within 20 miles of SJU-VOR.
NOTE: Procedure turn distance restricted to 9 miles of VOR due to warning area N of procedure turn area.
MSA: 000°-100°—1200'; 100°-180°—4500'; 180°-290°—4100'; 290°-360°—1000'.

City, San Juan; State, P.R.; Airport Name, Puerto Rico International; Elev., 9'; Fac. Class., BVORTAC; Ident., SJU; Procedure No. Ter VOR-25 Amdt. 4; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 3; Dated 3 Aug. 63

				T-d	400-1	NA	NA
				C-d	700-2	NA	NA
				S-d-2	700-2	NA	NA
				A-d	NA	NA	NA

Procedure turn E side of crs, 196° Outbnd, 016° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 2, 022°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600' on R-016 within 10 miles, then make right (E) turn, returning to the Millville VOR. Hold S 1-minute right turns, 016° Inbnd.

City, Vineland; State, N.J.; Airport Name, Downstown; Elev., 120'; Fac. Class., M-BVOR; Ident., MIV; Procedure No. Ter VOR-2, Amdt. 1; Eff. Date, 21 Mar. 64; Sup. Amdt. No. Orig.; Dated, 19 Aug. 61

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mansfield Int	CMI VOR	Direct	2700	T–dn	300–1	300–1	200–½
11-mile DME fix R-230	6-mile DME fix R-230	Direct	2300	C–dn	500–1	500–1	500–1½
				S–dn–4	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs 230° Outbnd, 050° Inbnd, 2300′ within 16 miles of VOR.
Minimum altitude over 6-mile DME fix on final approach crs, 2300′.
Crs and distance, breakoff point to Runway 4, 038°—0.75 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing CMI VOR, make right turn, climb to 2300′ southeastbound on R–120, then return to CMI VOR, or when directed by ATC, make climbing left turn to 2700′ and proceed to Mansfield Int via CMI R–325.
NOTES: (1) When authorized by ATC 12-mile DME arc at 2300′ may be used between 050° clockwise through R–240 to position aircraft for straightin approach with elimination of procedure turn. (2) When weather is less than 400–1, aircraft departing Runways 4, 31, and 36 maintain runway track until reaching 1500′ due to 1146′ tower 2.1 miles NNE.
CAUTION: Tower 1703′ 9 miles NW of airport. Tower 1146′ 2.1 miles NNE of airport.
MSA: 000°–090°—2200′; 090°–180°—2000′; 180°–270°—2300′; 270°–360°—2800′.

City, Champaign; State, Ill.; Airport Name, University of Illinois-Willard; Elev., 753′; Fac. Class., BVORTAC; Ident., CMI; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 21 Mar. 64

Mansfield Int	CMI VOR	Direct	2700	T–dn	300–1	300–1	200–½
11-mile DME fix R–120	6-mile DME fix R–120	Direct	2300	C–dn	500–1	500–1	500–1½
				S–dn–31	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs 120° Outbnd, 300° Inbnd, 2300′ within 16 miles of VOR.
Minimum altitude over 6-mile DME fix on final approach crs, 2300′.
Crs and distance breakoff point to Runway 31, 313°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing CMI VOR make left turn, climb to 2300′ and return to CMI VOR or, when directed by ATC, climb to 2700′ and proceed to Mansfield Int via CMI R–325.
NOTES: (1) When authorized by ATC 12-mile DME arc at 2300′ may be used between R–060 clockwise through R–240 to position aircraft for straightin approach with elimination of procedure turn. (2) When weather is less than 400–1, aircraft departing Runways 4, 31, and 36 maintain runway track until reaching 1500′ due to 1146′ tower 2.1 miles NNE.
CAUTION: Tower 1703′ 9 miles NW of airport. Tower 1146′ 2.1 miles NNE of airport.
MSA: 090°–090°—2200′; 090°–180°—2000′; 180°–270°—2300′; 270°–360°—2800′.

City, Champaign; State, Ill.; Airport Name, University of Illinois-Willard; Elev., 753′; Fac. Class., BVORTAC; Ident., CMI; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 21 Mar. 64

0-mile DME fix R–146	14-mile DME fix R–146	Direct	3700	T–dn	1000–2	1000–2	NA
26-mile DME fix R–146	14-mile DME fix R–146	Direct	3700	C–dn	1200–2	1200–2	NA
0-mile DME fix R–164	14-mile DME fix R–164	Direct	3000	A–dn	NA	NA	NA
24-mile DME fix R–164	14-mile DME fix R–164	Direct	3000				

Procedure turn not authorized. DME transitions to final approach required.
Minimum altitude on approach radial 14-mile DME fix R–164 to 14-mile DME fix R–146, 3000′; 14-mile DME fix R–146 to 14-mile DME fix R–120, 2100′; 14-mile DME fix R–120 to 14-mile DME fix R–103,* 1500′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a climbing left turn to 3700′ and return to Oakdale Int# on the 14-mile DME arc of GDM VOR, hold SE 326° Inbnd, right turns, 3-mile pattern.
NOTES: (1) Key position to Runway 32: Int 14-mile DME orbit and R–109 Gardner VOR. (2) Weather service not available.
CAUTION: 1230′ antenna 4.0 miles NW of airport.
#Oakdale Int: 14-mile DME fix GDM–VOR R–146.
*Missed approach fix.
MSA: 000°–090°—3000′; 090°–180°—2000′; 180°–270°—3000′; 270°–360°—4000′.

City, Fitchburg; State, Mass.; Airport Name, Fitchburg Municipal; Elev., 350′; Fac. Class., BVORTAC; Ident., GDM; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 21 Mar. 64; Sup. Amdt. No. Orig.; Dated, 2 Nov. 63

10-mile DME fix R–124	LEX VOR	Direct	2700	T–dn	300–1	300–1	200–½
LEX VOR	5-mile DME fix R–304 (final)	Direct	1600	C–dn	400–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs 124° Outbnd, 304° Inbnd, 2700′ within 10 miles. When authorized by ATC, DME may be used within 10 miles at 2800′ to position aircraft for approach with elimination of procedure turn.
Minimum altitude over facility on final approach crs, 2700′; over 5-mile DME fix R–304, 1600′.
Crs and distance, facility to airport 304°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, at 7.3-mile DME fix R–304, make climbing left turn and return to LEX VOR at 2700′. Hold E LEX VOR R–124. 1-minute, right turns 304° Inbnd.

City, Lexington; State, Ky.; Airport Name, Blue Grass; Elev., 978′; Fac. Class., VBORTAC; Ident., LEX; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 21 Mar. 64; Sup. Amdt. No. Orig.; Dated, 6 Apr. 63

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MIA RBn	MIA–VOR	Direct	1500	T–dn	300–1	300–1	200–½
MIA–VOR	5-mi DME or radar fix on R–107 or Alligator VHF/LF Int (final)	Direct	1000	C–d	1000–1	1000–1	1000–1¼
				C–n	1000–2	1000–2	1000–2
				A–dn*	NA	NA	NA
				If 5-mile DME or radar fix on R–107 or Alligator VHF/LF Int received, the following minimums are authorized:			
				C–dn	500–1	500–1	500–1¼
				S–dn–9L	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 316° Outbnd, 135° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′; at 5-mile DME or radar fix on R–107 or Alligator VHF/LF Int, #1000′.
Crs and distance, facility to airport, 107°—4.8 miles; 5-mile DME or radar fix on R–107 or Alligator VHF/LF Int # to airport, 107°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing 5-mile DME or radar fix on R–107 or Alligator VHF/LF Int, # or 9.8 miles after passing MIA VOR, climb to 1500′ on R–107 within 20 miles.
NOTE: This approach authorized during Opa Locka tower hours of operation.
*No weather information available.
#Alligator VHF/LF Int. Int MIA VOR R–107 and 337° bearing from I–MFA LMM (FA).

City, Miami, State, Fla.; Airport Name, Opa Locka; Elev., 9′; Fac. Class., H–BVORTAC; Ident., MIA; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. Date, 21 Mar. 64 Sup. Amdt. No. 2; Dated, 28 Sept. 63

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CPR–VOR	LOM	Direct	8000	T–dn	300–1	300–1	200–½
Henning Int	LOM	Direct	8000	C–dn	400–1	500–1	500–1½
Alcova Int	LOM	Direct	8000	S–dn–7	200–½	200–½	200–½
Glenrock Int	Evansville Int	Direct	8000	A–dn	600–2	600–2	600–2
Evansville Int	LOM	Direct	8000				
Airport Int #	LOM	Direct	8000				

*Procedure turn N side of W crs 254° Outbnd, 074° Inbnd, 8000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 6700′.
Altitude of glide slope and distance to approach end of runway at OM, 6680′—3.9 miles; at MM, 5648′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 7500′ on E crs of ILS within 20 miles of LMM or, when directed by ATC, turn left, proceed direct to CPR–VOR, climbing to 7500′.
NOTE: Glide slope unusable beyond 1 mile W of LOM and above 7000′ due to moderate-to-severe roughness.
*Final approach from holding pattern not authorized. Procedure turn required.
#Airport Int: Int W crs Casper ILS; 254° bearing from Casper RBn.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348′; Fac. Class., ILS; Ident., I–CPR; Procedure No. ILS–7, Amdt. 9; Eff. Date, 21 Mar. 64; Sup Amdt. No. 8; Dated, 29 Apr. 61

CPR–VOR	Henning Int	Direct	7400	T–dn	300–1	300–1	200–½
Airport Int*	Henning Int	Direct	7400	C–dn	400–1	500–1	500–1½
Glenrock Int	Cole Creek Int	Direct	7400	S–dn–25	400–1	400–1	400–1
Cole Creek Int	Henning Int (final)	Direct	7400	A–dn	800–2	800–2	800–2

Procedure turn N side E crs, 074° Outbnd, 254° Inbnd, 7400′ within 10 miles of Henning Int.
Minimum altitude over Henning Int on final approach crs, 7400′.
Crs and distance, Henning Int to airport, 254°—6.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing Henning Int, climb to 8000′ on W crs of ILS within 10 miles of LMM, or when directed by ATC, turn right, proceed direct to CPR VOR climbing to 7500′.
Other changes: Deletes transition from Parkerton Int.
*Airport Int: Int W crs Casper ILS; R–201 Casper VOR; 254° bearing from Casper RBn.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348′; Fac. Class., ILS; Ident., I–CPR; Procedure No. ILS–25 (back course), Amdt. 6; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 5; Dated, 29 Apr. 61

Lofall Int	PAE LOM	Direct	3600	T–dn#	300–1	300–1	200–½
Bainbridge LF Int	PAE LOM	Direct	3000	C–dn	600–2	600–2	600–2
PAE VOR	PAE LOM	Direct	3000	S–dn–16*	300–¾	300–¾	300–¾
				A–dn	600–2	600–2	600–2

Radar vectoring authorized utilizing Seattle Center Radar in accordance with approved patterns.
Procedure turn E side of crs 338° Outbnd, 158° Inbnd, 3000′ within 10 miles of PAE LOM.
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at OM 2693′—7.9 miles; at MM 821′—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 2000′ on R–275 of PAE VOR within 10 miles, or when directed by ATC, turn right, climb to 3000′, direct PAE LOM.
CAUTION: Numerous jet aircraft activities from airport and in immediate surrounding area.
#Takeoff minimum 200–½ authorized only for Runways 16 and 34.
*600–1 required when glide slope not used. Localizer crs displaced 3° W of runway bearing.

City, Everett; State, Wash.; Airport Name, Paine Field; Elev., 603′; Fac. Class., ILS; Ident., I–PAE; Procedure No. ILS–16, Amdt. Orig.; Eff. Date, 21 Mar. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Keller Int	Caddy Int**	Via crs FTW ILS	2700	T-dn	300–1	300–1	300–1½*
Joshua Int	Caddy Int**	Direct	2700	C-dn	500–1	600–1	600–1½
Joshua Int	Stadium Int (final)	Direct	2000	S-dn-35	400–1	400–1	400–1
Stadium Int #	Caddy Int** (final)	Direct	1400	A-dn	800–2	800–2	800–2

Radar terminal area transition altitude 2000′ within 20 miles of radar site (Greater Southwest International Airport).
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1749′ TV tower 6 miles SE; 1679′ tower 7 miles SE; 2349′ TV tower 24 miles ESE of airport.
Procedure turn E side of crs 174° Outbnd, 354° Inbnd, 2500′ within 10 miles of Stadium Int.
Minimum altitude over Caddy Int on final approach crs 1400′; 2000′ over Stadium Int.
Crs and distance, Caddy Int to airport 354°—3.2 miles.
Back course—no glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Caddy Int, climb to 2000′ on N crs of FTW ILS within 20 miles.
NOTE: Aircraft must be capable of simultaneous reception of FTW ILS localizer and GSW VOR.
AIR CARRIER NOTE: Reduction in landing minimum not authorized on cargo and ferry flights.
CAUTION: 956′ grain elevator 1.5 miles N and 990′ grain elevator 1.9 miles N of airport.
*300–1 required for takeoff Runways 9–27 and 13–31.
**Caddy Int: Int of FTW ILS S crs and GSW R–248, MAA 8000′.
#Radar vectoring may be used to position aircraft for final approach within 5 miles S of Stadium Int with elimination of procedure turn.

City, Fort Worth; State, Tex.; Airport Name, Meacham Field; Elev., 692′; Fac. Class., ILS; Ident., I–FTW; Procedure No. ILS–35 (Back Course), Amdt. 9; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 8; Dated 1 Mar. 58

Lexington VOR	Fayette Int*	Direct	2800	T-dn	300–1	300–1	200–½
Lexington LOM	Fayette Int*	Direct	2800	C-dn	500–1	500–1	500–1½
Centerville Int●	Fayette Int* (final)	Direct	2300	S-dn-22	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side NE crs, 042° Outbnd, 222° Inbnd, 2800′ within 10 miles.
Back course—no glide slope.
Minimum altitude over Fayette Int, 2300′.
Crs and distance, Fayette Int to airport, 222°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Fayette Int.,* climb to 2000′ on SW crs ILS to Lexington LOM within 10 miles.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
*Fayette Int: Int NE crs Lexington, Ky., and ILS localizer and R–340 Lexington, Ky. VOR.
●Centerville Int: Int of ILS localizer crs and Lexington, Ky., R–011.

City, Lexington; State, Ky.; Airport Name, Blue Grass; Elev., 978′; Fac. Class., ILS; Ident., I–LEX; Procedure No. ILS–22 (Back Course), Amdt. 3; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 2; Dated, 17 Dec. 60

PIH VOR	LOM	Direct	7000	T-dn	300–1	300–1	200–½
PIH LFR	LOM	Direct	7000	C-dn***	500–1	500–1	500–1½
Falls Int	LOM	Direct	7000	S-dn-21*	300–¾	300–¾	300–¾
IDA VOR	NE crs of localizer **	188°—29 miles	7400	A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of NE crs, 027° Outbnd, 207° Inbnd, 7000′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude at glide slope interception Inbnd, 7000′.
Altitude of glide slope and distance to approach end of runway at OM, 5610′—3.7; at MM, 4660′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 6500′ on R–234 PIH VOR within 15 miles or, when directed by ATC, climb to 6500′ on W crs PH LFR within 15 miles.
CAUTION: High terrain SE through SW of airport.
*400–¾ required when glide slope not utilized.
** Maintain 7400′ until interception of glide slope, descend on glide slope to cross LOM at 5610′.
*** Circling not authorized S of airport.

City, Pocatello; State, Idaho; Airport Name, Municipal; Elev., 4448′; Fac. Class., ILS; Ident., I–PIH; Procedure No. ILS–21, Amdt. 5; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 4; Dated, 3 Jan. 59

San Jose VOR	LOM (final)	Direct	1700	T-dn#	300–1	300–1	200–½
SFO VOR	LOM	Direct	2000	C-dn	500–1	600–1	600–1½
Fremont FM/HW	LOM (final)	Direct	1700	S-dn 28R%	200–½	200–½	200–½
OAK VOR	LOM	Direct	2000	A-dn	600–2	600–2	600–2
Woodside VOR	LOM	Direct	4000	S-dn 28L	400–1	400–1	400–1

Radar transitions and vectoring using San Francisco Radar authorized in accordance with approved radar patterns. No procedure turn authorized. All necessary maneuvering and descent shall be accomplished in accordance with and within the confines of the SFO LOM holding pattern (1-minute left turns, 2000′ minimum altitude. Final approach crs, 101° Outbnd, 281° Inbnd.)
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM 1720′—5.7 miles; at MM 240′—0.6 mile.
Crs and distance, OM to Runway 28L, 280°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on SFO VOR R–287 or on 287° crs from LMM within 15 miles.
CAUTION: Circling minimums do not provide standard clearance over high terrain W and SW of airport.
#300–1 required for takeoff Runway 19 R–L.
%Runway visual range 2600′ also authorized for landing on Runway 28R; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 210′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
*Runway visual range 2600′, also authorized for takeoff on Runway 28R and L in lieu of 200–½, when 200–½ authorized, providing high-intensity runway lights are operational.

City, San Francisco; State, Calif.; Airport Name, San Francisco International; Elev., 10′; Fac. Class., ILS; Ident., I–SFO; Procedure No. ILS–28R–L, Amdt. 18; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 17; Dated, 27 Apr. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HUF RBn	LOM	Direct	2100	T-dn	300–1	300–1	200–½
HUF VOR	LOM	Direct	2100	C-dn	400–1	500–1	500–1½
LEU VOR	LOM	Direct	2200	S-dn-5#	300–¾	300–¾	300–¾
Fairbanks Int	LOM	Direct	2100	A-dn	600–2	600–2	600–2
Sanford Int	LOM	Direct	2200				
Int R–248 LEU–VOR and HUF ILS SW crs.	Prairie Creek Int	Direct	2400				
Prairie Creek Int	LOM (final)	Direct	1900				
Spencer Int	LOM	Direct	2200				
Clinton Int	LOM	Direct	2200				

Procedure turn S side crs, 225° Outbnd, 045° Inbnd, 2100′ within 10 miles.
Minimum altitude at glide slope intersection Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at LOM 1848′—4.7 miles, at LMM 761′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2100′ on NE crs HUF ILS and proceed direct to Carbon Int or, when directed by ATC, make climbing right turn to 2200′ and proceed direct to LEU–VOR.
NOTE: No approach lights.
#400–1 required when glide slope not utilized.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., ILS; Ident., I–HUF; Procedure No. ILS–5, Amdt. 2; Eff. Date, 21 Mar. 64; Sup. Amdt. No. 1; Dated, 12 Oct. 63

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering altitudes by sectors and limiting distance: From—	To—	Course and Distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
280°	105°	Within 20 miles	2000	Surveillance approach			
250°	105°	Within 10 miles	1500				
				T-dn	300–1	300–1	200–½
				C-dn-7	600–1	600–1	600–1½
				C-dn-25	500–1	500–1	500–1½
				S-dn-25	400–1	400–1	400–1
				S-dn-7	800–1	600–1	600–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for Runway 7 approach, turn right and climb to 1500′ on R–065 of SJU VOR within 20 miles; for Runway 25 approach, turn right, climb to 2000′ on R–259 of SJU VOR within 20 miles.
NOTE: Descent to Runway 7 not authorized until passing 4.6-mile radar fix or Antenna Int*.
*Antenna Int: Int SJU VOR R–260 and 350° bearing from SJP RBn or 6-mile DME fix on SJU VOR R–260.
MSA: 000–100°—1200′; 100°–180°—4500′; 180°–290°—4100′; 290°–360°—1000′.

City, San Juan; State, P. R.; Airport Name, Puerto Rico International; Elev., 9′; Fac. Class. and Ident., San Juan Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Mar. 64 or upon commissioning of facility

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on February 14, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–1696; Filed, Mar. 11, 1964; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Market Agencies Paying Expenses of Livestock Buyers

Correction

In F.R. Doc. 64-331 appearing in the issue for Tuesday, January 14, 1964, at page 311, insert the word "and" following the word "Act" in the 22d line of the penultimate paragraph.

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[971.306 Amdt. 3]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Order, as amended. In § 971.306 (28 F.R. 13487, 13938; 29 F.R. 470), delete the provisions of paragraph (a) "*Grade,*" and paragraph (a) is, therefore, reserved.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated: March 10, 1964, to become effective March 11, 1964.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-2482; Filed, Mar. 11, 1964; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7739]

PART 13—PROHIBITED TRADE PRACTICES

Robert A. Johnston Company

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination Under 2(a): § 13.755 *Pooling orders of chain stores and buying groups;* § 13.795 *Warehouse rental and service.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Robert A. Johnston Company, Milwaukee, Wis., Docket 7739, Feb. 7, 1964]

Consent order requiring Milwaukee manufacturers of biscuit products to cease discriminating in price in violation of section 2(a) of the Clayton Act by use of a discount schedule based on the classification of its retailer customers into three categories: (1) Independents operating one retail outlet, (2) chains, and (3) voluntary groups of independent stores banded together for buying and advertising, and permitting the purchases of all stores of a group to be combined for the purpose of computing the percentage bracket of the schedule to be granted; and by granting to chain stores taking delivery at their own warehouses a discount of 16 percent below the prices they charged other retailer purchasers receiving no discounts.

The order to cease and desist is as follows:

It is ordered, That respondent, Robert A. Johnston Company, a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of biscuit products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Discriminating, directly or indirectly in the price of such products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser who in fact competes with such unfavored purchaser in the resale and distribution of such products. "Net price" as used in this order shall mean the ultimate net cost to the purchaser.

By "Decision of the Commission", etc., further order requiring report of compliance therewith, is as follows:

It is further ordered, That respondent, Robert A. Johnston Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: February 7, 1964.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2405; Filed, Mar. 11, 1964; 8:47 a.m.]

[Docket 7452]

PART 13—PROHIBITED TRADE PRACTICES

Schulze & Burch Biscuit Co.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Price Discrimination Under 2(a): § 13.770 *Quantity rebates or discounts;* Discriminating in price under Section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Schulze & Burch Biscuit Co., Chicago, Ill., Docket 7452, Feb. 7, 1964]

Consent order requiring Chicago manufacturers of biscuit products—malt cookies and crackers—to cease discriminating in price in violation of Sec. 2 of the Clayton Act by their use of a discount schedule which classified their retailer customers into (1) independents owning a single store, (2) chains and (3) voluntary groups of independents banded together for buying and advertising, and permitting the chain and voluntary groups to combine purchases of all their stores for the purpose of computing the percentage bracket of the schedule which they were granted, when purchases of the individual stores of the group would not qualify them for that bracket, thus violating section 2(a); and by paying advertising allowances to certain of their customers in accordance with the terms of an advertising plan which were not made known to many smaller competitors of those favored; and paying special advertising allowances to large chain and voluntary group customers—generally individually negotiated—while not so favoring other customers in competition with the groups, in violation of section 2(d).

The order to cease and desist is as follows:

It is ordered, That respondent Schulze & Burch Biscuit Co., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of its biscuit products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Discriminating, directly or indirectly, in the price of such products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser competing in fact with such unfavored purchaser in the resale and distribution of such products.

It is further ordered, That respondent Schulze & Burch Biscuit Co., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of its biscuit products in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from: Making or contracting to make to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or any other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of respondent's products, unless such payment is in fact made available on proportionally equal terms to all other customers competing in the distribution of such products.

By "Decision of the Commission", etc., further order requiring report of compliance is as follows:

It is further ordered, That respondent, Schulze & Burch Biscuit Co., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: February 7, 1964.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2406; Filed, Mar. 11, 1964; 8:47 a.m.]

[Docket 7841 o.]

PART 13—PROHIBITED TRADE PRACTICES

Stauffer Laboratories, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.;* § 13.170–74 *Reducing, non-fattening, low-calorie, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Stauffer Laboratories, Inc., et al., Los Angeles, Calif., Docket 7841, Feb. 7, 1964]

In the Matter of Stauffer Laboratories, Inc., a Corporation, and Bernard H. Stauffer, Individually and as an Officer of Said Corporation

Order requiring Los Angeles sellers of a device operating by electric current and designated as a "Posture Rest" and "Magic Couch", to cease representing falsely in advertisements in magazines and periodicals and in advertising matter and brochures distributed to dealers that the device was of value in reducing the body in particular areas such as hips, thighs, legs and stomach, as well as the over-all body weight, and that it would tone and firm sagging muscles.

The order to cease and desist is as follows:

It is ordered, That respondent Stauffer Laboratories, Inc., a corporation, and its officers, and respondent Bernard H. Stauffer, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, distribution or rental of the device designated "Magic Couch" and "Posture-Rest", or any other device of substantially the same construction, design or operation, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That said device will cause a reduction in size or weight of the human body or any particular area thereof; or that the use of said device in conjunction with a diet will cause a reduction in size or weight of the human body or any particular area thereof, unless it is clearly stated that any such reduction would be solely by reason of a diet;

(b) That said device, used separately or as part of a plan requiring a restricted diet, or as part of any other plan, will tone or firm human tissue, including muscle.

2. Disseminating or causing to be disseminated by any means any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said device in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representations prohibited in paragraphs 1(a) or 1(b) hereof.

By "Final Order", further order requiring report of compliance is as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 7, 1964.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2407; Filed, Mar. 11, 1964; 8:48 a.m.]

[Docket 7817 o.]

PART 13—PROHIBITED TRADE PRACTICES

United Biscuit Company of America

Subpart—Discriminating in price under § 2, Clayton Act—Price Discrimination Under 2(a): § 13.770 *Quantity rebates or discounts;* Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, United Biscuit Company of America, Melrose Park, Ill., Docket 7817, Feb. 7, 1964]

Order requiring a manufacturer of biscuit products with headquarters in Melrose Park, Ill., to cease violating section 2(a) of the Clayton Act by selling its products to some purchasers at higher net prices, arrived at through the use of volume discount schedules, than it charged others competing in the resale of the products with those so favored; and simultaneous consent order requiring said manufacturer to cease violating section 2(d) of the Clayton Act by making payments to certain customers for advertising and promotional activities in connection with the handling of its products unless such payments were offered on proportionally equal terms to all other customers competing in the distribution or resale of the products.

The orders to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the United Biscuit Company of America, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale and distribution of their food products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale of such products.

Paying or contracting to pay to or for the benefit of any customer anything of value as compensation or in consideration for any advertising, promotional activities, or other services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale or distribution of respondent's products, unless such payment or consideration is offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

It is further ordered, That the respondent, United Biscuit Company of America, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist as set forth in this order.

Issued: February 7, 1964.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2408; Filed, Mar. 11, 1964; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

WHITE MINERAL OIL

The Commissioner of Food and Drugs, having evaluated data in petitions filed by the American Petroleum Institute, 1271 Avenue of the Americas, New York 20, New York (FAP 302) and The Dow Chemical Company, Midland, Michigan (FAP 605), and other relevant data, has concluded that a regulation should issue to prescribe the safe use of white mineral oil in food. Therefore, pursuant to the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1785; 21 U.S.C. 348a(c)(1)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471) Subpart D of the food additive regulations is amended by the addition thereto of a new section, as follows:

§ 121.1146 White mineral oil.

White mineral oil may be safely used in food in accordance with the following conditions:

(a) White mineral oil is a mixture of liquid hydrocarbons, essentially paraffinic and naphthenic in nature obtained from petroleum. It is refined to meet the following specifications:

(1) It meets the test requirements of U.S.P. XVI for readily carbonizable substances (page 518).

(2) It meets the test requirements of U.S.P. XVI for sulfur compounds (page 518).

(3) It meets the specifications prescribed in the Journal of the Association of Official Agricultural Chemists, Volume 45, page 66 (1962) after correction of the ultraviolet absorbance for any absorbance due to added antioxidants.

(b) White mineral oil may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater that that required to produce its intended effect.

(c) White mineral oil is used or intended for use as follows:

Use	*Limitation (inclusive of all petroleum hydrocarbons that may be used in combination with white mineral oil)*
1. As a release agent, binder, and lubricant in or on capsules and tablets containing concentrates of flavoring, spices, condiments, and nutrients intended for addition to food, excluding confectionery.	Not to exceed 0.6% of the capsule or tablet.
2. As a release agent, binder, and lubricant in or on capsules and tablets containing foods for special dietary use.	Do.
3. As a float on fermentation fluids in the manufacture of vinegar and wine to prevent or retard access of air, evaporation, and wild yeast contamination during fermentation.	In an amount not to exceed good manufacturing practice.
4. As a defoamer in food	In accordance with § 121.1099.
5. In bakery products, as a release agent and lubricant	Not to exceed 0.15% of bakery products.
6. In dehydrated fruits and vegetables, as a release agent.	Not to exceed 0.02% of dehydrated fruits and vegetables.
7. In egg white solids, as a release agent	Not to exceed 0.10% of egg white solids.
8. On raw fruits and vegetables, as a protective coating	In an amount not to exceed good manufacturing practice.
9. In frozen meat, as a component of a hot-melt coating	Not to exceed 0.095% of meat.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1785; 21 U.S.C. 348a(c)(1))

Dated: March 6, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2402; Filed, Mar. 11, 1964; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3345]

[Anchorage 058542]

ALASKA

Partly Revoking Executive Order No. 2242 of August 31, 1915

By virtue of the authority vested in the President by section 1 of the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 303, 305), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 2242 of August 31, 1915, which reserved lands for townsite purposes and other purposes in connection with the construction and operation of railroad lines, is hereby revoked so far as it affects the following-described land:

ANCHORAGE

U.S. SURVEY 3458

Tract "C", lot 6:
Parcels Nos. 1 and 2 (as delineated on sketch entitled "Exhibit 'B', Brown's Point Park", filed with the Bureau of Land Management in Anchorage 058542, and containing approximately 0.50 acre).

2. The land has been classified for disposal only under the provisions of the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869–869–3), as amended. It is, therefore, not subject to disposition under any other public land law unless and until a further order is issued by an authorized officer of the Bureau of Land Management opening the land to such disposition.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 6, 1964.

[F.R. Doc. 64-2388; Filed, Mar. 11, 1964; 8:45 a.m.]

[Public Land Order 3346]

[New Mexico 0370906]

NEW MEXICO

Adding Lands to the Cibola National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in New Mexico are hereby added to and made a part of the Cibola National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 N., R. 12 W.,
Sec. 3, lots 1 to 4, incl., S½N½ and S½.

Containing 643.76 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 6, 1964.

[F.R. Doc. 64-2389; Filed, Mar. 11, 1964; 8:45 a.m.]

[Public Land Order 3347]

[Arizona 032826]

ARIZONA

Modification of Departmental Orders to Permit Disposal as a Townsite

By virtue of the authority contained in the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), the Departmental Orders of January 31, 1903, and of April 9, 1904, which withdrew public lands for reclamation purposes in connection with Colorado River surveys, are hereby modified to the extent necessary to permit disposal of the following-described lands as a townsite, as authorized by the Acts of April 16 and June 27, 1906 (34 Stat. 116, 519; 43 U.S.C. 561):

GILA AND SALT RIVER MERIDIAN

T. 11 S., R. 25 W.,
Sec. 12, NE¼NW¼, E½NW¼NW¼, and that portion of W½E½SW¼NW¼ lying east of the East Main Canal right-of-way.

The areas described aggregate approximately 64 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 6, 1964.

[F.R. Doc. 64-2390; Filed, Mar. 11, 1964; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Wildlife Refuges in South Carolina and Arkansas

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Santee National Wildlife Refuge, South Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,150 acres or 4 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, striped bass (rockfish), white bass, crappie, bream (bluegill), jackfish.

(b) Open season: March 15, 1964, through October 31, 1964. Daylight hours only.

(c) Daily creel limits: Largemouth black bass, striped bass (rockfish), white bass—no more than an aggregate of 10. Not more than 25 game fish other than bass.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Row boats, canoes, and other floating devices without motors permitted. Boats must be removed from the refuge at the close of each day unless circumstances warrant permission to be granted by the refuge officer in charge.

(3) Fishing from banks and dikes permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to November 1, 1964.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Sport fishing on the Wapanocca National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,400 acres or 90 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, crappie, other sunfish, white bass, catfish, pickerel, and other minor species permitted by State regulations.

(b) Open season: April 1, 1964, to September 30, 1964. Daylight hours only.

(c) Daily creel limits: Black bass—10, crappie—20, white bass—25, catfish (other than bullheads)—10, pickerel or sunfish (other than bass or crappie)—50, aggregate daily limit on all game fish—75.

(d) Methods of fishing:

(1) Bank fishing permitted along Ditches No. 12, 8, and the adjacent borrow pits.

(2) Fishing in the "Little Lake" area is prohibited.

(3) Pole and line, rod and reel, artificial and live baits permitted.

(4) The use of jug, drop, or trotlines is prohibited.

(5) Boats with motors no larger than 5½ h.p. permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1964.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

In FEDERAL REGISTER, Doc. 64-768, appearing at page 1387 of the issue for January 28, 1964, § 33.5 (a) and (c) are corrected as follows:

(a) Species permitted to be taken: Black bass, crappie, other sunfish, white bass, catfish, pickerel, and other minor species permitted by State regulations.

(c) Daily creel limits: Black bass—10, crappie—20, white bass—25, catfish (other than bullheads)—10, pickerel or sunfish (other than bass or crappie)—50, aggregate daily limit on all game fish—75.

JOHN D. FINDLAY,
Acting Regional Director,
Bureau of Sport Fisheries and Wildlife.

MARCH 5, 1964.

[F.R. Doc. 64-2391; Filed, Mar. 11, 1964; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

PART 1054—CONTRACT ADMINISTRATION

Subpart A—Administration of AF Contracts by Contracting Officers

Correction

In F.R. Doc. 64-1954 appearing in the issue for Saturday, February 29, 1964, at page 2845, paragraph (a) of § 1054.203 should read as follows:

§ 1054.203 Secondary administration.

(a) The prime office has the responsibility for administration of an assigned prime contract. However, due to the diversity of work locations used by a prime contractor, including intra-company transactions, it may become necessary to delegate various administrative functions to a receiving office.

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Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

AREA OF PORTS OF MINNEAPOLIS AND ST. PAUL, MINNESOTA

Proposed Change in Customs Districts, Ports, and Stations

MARCH 5, 1964.

Many trucking operations and other transportation facilities have moved their operations in recent years to outlying areas of the Twin Cities of Minneapolis and St. Paul. While these operations still require customs services, many of these facilities are outside of the present geographical limits of the port of Minneapolis and the port of St. Paul. These circumstances make it desirable to include these outlying areas within the port limits of the Twin Cities.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), it is proposed that the geographical limits of the customs port of entry of Minneapolis, Minnesota, in Customs Collection District No. 35 (Minnesota), comprising the city of Minneapolis and territory described in Treasury Decision 53033, be extended to include the city of Minneapolis and that portion of Hennepin County, Minnesota, lying south of 45°4′ north latitude and east of 93°25′ west longitude.

It is further proposed that the geographical limits of the customs port of entry of St. Paul, Minnesota, in Customs Collection District No. 35 (Minnesota), comprising the cities of St. Paul, South St. Paul, and West St. Paul, be extended to include the cities of St. Paul, South St. Paul, and West St. Paul, and that portion of Ramsey County, Minnesota, lying south of 45°2′30″ north latitude, and that part of Dakota County lying north of 44°51′ north latitude.

It is also proposed to amend § 1.1(c) of the Customs regulations to reflect these changes.

Data, views, or arguments with respect to the proposed extension of the geographical limits of the ports of Minneapolis and St. Paul, Minnesota, may be addressed in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days after publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-2415; Filed, Mar. 11, 1964; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1037, 1041]

[Docket Nos. AO-197-A10, AO-72-A26]

MILK IN NORTH CENTRAL OHIO AND TOLEDO, OHIO MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the North Central Ohio marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Stony Ridge, Ohio, on February 10–15, 1964, pursuant to notice thereof which was issued January 7, 1964 (29 F.R. 289), and a supplementary notice thereof issued on January 17, 1964 (29 F.R. 569).

The material issues on the record of the hearing relate to:

1. Extension of the marketing area and merger of Orders No. 37 and No. 41.

2. Appropriate terms and provisions of a consolidated order with respect to:

(a) The distribution of returns to producers on a marketwide or handler pool basis;

(b) Milk to be priced and pooled;

(c) Classification and allocation of milk;

(d) The determination and level of class prices and the application of location differentials;

(e) Method of payment of producers; and

(f) Administrative and miscellaneous provisions.

3. Discontinuance of the "eligible-ineligible quota plan" in the North Central Ohio Order No. 37.

4. Whether an emergency exists with respect to issue No. 3 which warrants the omission of a recommended decision and the opportunity for interested parties to file exceptions thereto on such issue only and the immediate issuance of a final decision.

This decision covers only issues 3 and 4, with respect to the eligible-ineligible quota plan in the North Central Ohio order. Other issues of the hearing will be considered in a further decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(3) *Discontinuance of the eligible-ineligible quota plan.* The eligible-ineligible quota plan for paying producers should be deleted from the order. Complementary revisions also should be made to provide proper mechanics for computing uniform prices for the months when such quota no longer will apply.

Producers propose to discontinue the quota plan. In proposing its deletion, they concede that it has been an effective instrument for evening production. They state, however, that now that production varies less on a seasonal basis, the quota plan is no longer necessary and should be discontinued.

Under the present system producers establish eligible milk quotas equal to their average daily deliveries during September through November. These quotas are used during the following April through June to calculate prices for eligible milk, or within-quota producer deliveries, and prices for over-quota, or ineligible, deliveries. In the first step of the basic procedure for calculating such prices, over-quota milk shipped to each plant is assigned a Class II value. This value is then subtracted from the total value of the handler's producer milk and the remaining value is assigned to eligible milk. Prices for ineligible and eligible milk are then determined by dividing the assigned values by over-quota and within-quota deliveries of producer milk. The quota system affects producer (uniform) prices only and has no effect on handler milk costs.

The quota plan became effective in 1957. It was placed in the order at that time to encourage producers to produce more evenly throughout the year. At the time of its introduction production in the spring was considerably higher than in the fall. Deliveries in May of 1958, for example, were 26 percent above those for the previous November. By 1963 the differences between spring peaks and fall lows in production had narrowed significantly. Marketings in May 1963 exceeded deliveries for September 1962 by only 11 percent. (Official notice is

taken of the final decision incorporating the quota plan issued May 17, 1957 (22 F.R. 3567) and the Market Administrator's Monthly Statistical Summaries for 1956 through 1963.)

Seasonal changes provided in the Class I price formula should be sufficient to guide production patterns now that more even production has been attained by producers. The Class I price provides higher returns for those producers whose marketings are greatest when milk is in short supply. The seasonally varying Class I differentials decline 45 cents during the flush production months when less milk is needed. As a result, producer blend prices are correspondingly lower in these months. A blend price increase caused by the 45-cent rise in the Class I price likewise takes place in the fall to encourage needed fall production. Thus, in the absence of quotas, there would be little incentive for producers to resume the seasonal production patterns which once existed.

Another factor present to assist in maintaining fairly even production on a year-round basis in the future is the widespread adoption of farm bulk tanks. Milk delivered in bulk tanks currently constitutes over 90 percent of the market supply. Marketings of producers with bulk tanks tend to be more even than those of producers of can milk.

Discontinuance of the quota plan also will permit easier accommodation of new producers, if additional supplies are needed. Currently, the plan creates some problem in this respect since eligible milk quotas can be established only by those producers who sell to pool plants in the North Central Ohio market or in another Federal order market during September through November. All milk from producers without such quotas is designated ineligible milk (generally valued at the Class II price) during April through June. New producers who enter the market this spring consequently would receive a price for all their milk which would be about 80 cents lower than the prices other producers would receive for eligible milk. Deletion of the plan would eliminate the lower prices for new producers who have begun shipping milk to pool plants since last fall or will begin shipments in the future.

Use of the quotas in the spring of 1964 also would create special difficulties for certain other producers. Producers in the counties most affected by last fall's drought established reduced eligible milk quotas which would cover a less than normal percentage of their production this spring. As a result they would receive ineligible prices for a relatively large share of their milk. Thus, the quota plan would have unusually heavy impact on those regular producers hardest hit by the drought last fall.

Without the quota plan it will be possible for producers to be paid at all times on the same basis as farmers selling to nearby markets most of which are under other Federal orders. This will eliminate dissatisfaction over price differences which has occurred in many instances when producers in the North Central Ohio market were paid prices for eligible and ineligible milk while neighbors shipping to regulated handlers in other markets received uniform prices directly reflecting the handlers' milk utilization.

No opposition to discontinuance of the quota plan was expressed at the hearing. In view of the foregoing, it should be removed from the order.

(4) *Emergency procedure.* The omission of a recommended decision, to expedite amendment procedure, is not warranted in the circumstances.

At the hearing proponent requested that emergency action be taken to discontinue the quota plan as soon as possible. It was requested that the Secretary issue a partial decision covering only the quota plan before considering other issues, and that he omit issuance of a recommended decision in order that any order amendment may be expedited. As an alternative, termination was requested if amendment procedure could not be completed before April 1, 1964 when the producers begin to be paid on quotas. In this instance, however, normal amendment procedure is expected to accommodate the problem. Omission of the recommended decision is not warranted under the conditions found.

Rulings on proposed findings and conclusions. No briefs were filed on behalf of interested parties on the issues covered in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the North Central Ohio marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

§§ 1037.18, 1037.19 [Revoked]

1. Sections 1037.18 and 1037.19 are revoked.

§ 1037.22 [Amended]

2. In paragraph (1) (2) of § 1037.22, the word "price(s)" is changed to "price" and the reference "§ 1037.62 and" is revoked; paragraph (j) of § 1037.22 is revoked, and paragraphs (k), (l) are redesignated (j), (k), respectively.

§ 1037.30 [Amended]

3. In paragraph (a) (1) of § 1037.30, the comma following the words "Producer milk" is changed to a semi-colon and the text "including for the months of April through June the pounds of eligible and ineligible milk;" is revoked.

§ 1037.60 [Amended]

4. In paragraph (e) of § 1037.60, the reference "or § 1037.62(d)" is revoked.

5. In § 1037.61 the introductory text to paragraph (a) is revised to read as follows:

§ 1037.61 Computation of uniform price.

For each month, the market administrator shall compute for each pool plant a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received at such pool plant as follows:

. . . . . .

§ 1037.62 [Revoked]

6. Section 1037.62 is revoked.

§ 1037.63 [Amended]

7. In paragraph (b) of § 1037.63 the word "price(s)" is changed to "price", and the reference "§§ 1037.61 and 1037.62" is changed to "§ 1037.61".

§§ 1037.64, 1037.65 [Revoked]

8. Sections 1037.64, 1037.65 and the center head "Determination of Eligible Milk Quota" are revoked.

§ 1037.70 [Amended]

9. In § 1037.70 the phrase "uniform price(s)" is changed to "uniform price".

Signed at Washington, D.C., on March 9, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-2424; Filed, Mar. 11, 1964; 8:50 a.m.]

[7 CFR Part 1137]

MILK IN EASTERN COLORADO MARKETING AREA

Notice of Proposed Termination of a Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of a provision of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered.

The provision proposed to be terminated is a phrase appearing in § 1137.46 (a)(2)(i) which reads "if such fluid milk products are not processed and packaged in the pool plant during the month".

This action has been requested by a major cooperative association serving two pool plants, each of which is regulated under separate orders. Such action will permit these two plants to exchange milk packaged in different types of containers without being affected adversely.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, not later than five days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on March 9, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-2425; Filed, Mar. 11, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

LICENSING OF BYPRODUCT MATERIAL

Interval for Testing Devices Possessed and Used Under General License, and Reporting of Test Results; Extension of Time for Public Comment

On December 19, 1963, the Commission published in the FEDERAL REGISTER (28 F.R. 13842) a notice of proposed rule making concerning the general license authorizing the possession and use, under the conditions set forth in § 30.21(c) of 10 CFR Part 30, of certain types of measuring, gauging or controlling devices containing byproduct material. The proposed amendment to 10 CFR Part 30 would permit, under certain conditions, an interval longer than the present six months interval for leak testing and testing of proper operation of the on-off mechanism and on-off indicator of devices possessed under the general license and would require reports of transfers and test results.

The 60 days allowed for public comment on the proposed amendment expired on February 17, 1964. In order to permit additional opportunity for general licensees and others to express their views, the time period for submission to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, of written comments and suggestions in connection with the proposed amendment is hereby extended until April 30, 1964. Comments received after that date will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed by the date specified.

Dated at Washington, D.C., this 9th day of March 1964.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 64-2409; Filed, Mar. 11, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 3, 4b, 18, 91 [New]]

[Notice 64-14; Reg. Docket No. 1186]

ALTIMETER SYSTEM REQUIREMENTS

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Parts 3, 4b, and 18 of the Civil Air Regulations, and Part 91 [New] of the Federal Aviation Regulations, by: (1) Revising the currently effective design requirements dealing with airplane altimeter systems; and (2) prescribing periodic inspections of such systems. Manufacturers and operators of civil airplanes may be affected by the proposed amendments. Also, for the reasons set forth herein, Draft Release No. 62-22 (27 F.R. 4340; April 27, 1962), a similar proposal of broader scope, is being withdrawn.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 11, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Currently effective regulations concerning altimeter system accuracy are keyed primarily to the lower altitudes and airspeeds associated with the landing situation; nevertheless, the prescribed accuracy has been sufficient for presently established traffic separation criteria based on altitude. The Agency is aware, however, that the accuracy of altimeter systems is adversely affected at higher altitudes and at higher airspeeds, and that a direct relation exists between altimeter accuracy and the efficiency with which the available airspace can be utilized by aircraft operating at these altitudes. Further, the Agency recognizes the contribution that improved altimeter accuracy would make with respect to collision avoidance and terrain clearance.

To deal with these problems, and with related problems, the Agency published as a notice of proposed rule making (27 F.R. 4340), and circulated as Draft Release No. 62-22, dated April 27, 1962, a proposal to amend Parts 3, 4b, 6, 7, 40, 41, 42, 43, 46, 47, and 52 of the Civil Air Regulations by prescribing more comprehensive requirements for the design, installation, and use of altimeter systems. The preamble of this notice stated that a subsequent notice of proposed rule making would be issued, or other rule making steps taken, if warranted by consideration of the comments received or by further study of the problem.

In Draft Release 62-22, it was proposed that the accuracy of the altimeter system in each new type of aircraft be determined by an in-flight calibration of a specified number of production aircraft, and that this calibration be conducted using a procedure to be specified. In addition, recurrent in-service checks of altimeter system performance and certain equipment requirements (some contingent upon the performance level of the static pressure system) were proposed. A number of interested persons, in their comments on Draft Release 62-22, raised the question whether compliance with the proposed standards could be established with certainty and whether currently available equipment is capable of attaining the proposed levels of accuracy. After evaluating these comments, and after reappraising the current situation with respect to calibration capability (particularly where recurrent altimeter system calibrations are involved), the Agency is persuaded that it will be necessary to complete work now underway on the development of standard methods of calibration before further rule making action can be taken on those proposals which, if adopted, would require a precise determination of in-flight altimeter system performance. The Agency, therefore, considers it appropriate to defer rule making action on those proposals, which constituted the bulk of Draft Release 62-22.

The decision to defer action on the bulk of the proposals in Draft Release No. 62-22 has resulted in a shift of emphasis to a field of narrower scope and the Agency is, therefore, issuing this new notice of proposed rule making setting forth narrower proposals. Accordingly, the notice published in 27 F.R. 4340, and isued as Draft Release 62-22 dated April 27, 1962, is hereby withdrawn. Interested persons are advised, however, that the deferred issues remain under active consideration as part of the Agency's long-range program to upgrade altimeter system performance. Additional notices of proposed rule making will be circulated if necessary to attain improved safety and efficiency in the use of the airspace.

Other comments on Draft Release 62-22 questioned whether its proposals should be applied to rotorcraft certificated under the provisions of Parts 6 and 7 of the Civil Air Regulations, contending that rotorcraft altimeter systems need not be as precise as those used in airplanes since rotorcraft operate at relatively low altitudes. The Agency considers this point valid, particularly in view of the reduced scope of the rule making action now being considered. Accordingly, this notice of proposed rule making applies to airplanes only.

The proposals which remain to be considered are those set forth in sections 3(a)(3), 3(a)(4), and 5 of Draft Release 62-22. These deal with the design of static pressure systems and of devices to correct static pressure errors automatically. The more significant elements of these proposals, and certain additional proposals, are discussed in the paragraphs which follow.

Recent studies indicate that considerable degradation in altimeter system accuracy occurs in service, caused primarily by leaking static pressure systems and by faulty altimeter instruments that have deviated from their original calibrations. (See, for example, the following FAA reports: FAA Project No. 307-16-SD, "Altimeter Systems Survey", August, 1963; FAA Project No. 115-22D, "Survey of Altimeter Instrument and Position Error for CAR 3 Type Aircraft", October, 1962.) The Agency considers that these problems can be solved by: (1) Adopting airworthiness requirements to insure sound design of static pressure systems, which are less likely to develop leaks (proposed §§ 3.665 and 4b.612(b)); (2) requiring periodic checks for static pressure sytem leakage (proposed § 91.170(a)(New)); and (3) requiring a periodic check of altimeter instrument accuracy (proposed §§ 18.31 and 91.170(b)(New)). To that end, appropriate amendments to §§ 3.665, 4b.612 (b), and a new § 18.31 and § 91.170 (New), are being proposed. The standard for altimeter accuracy set forth in proposed § 18.31 is derived from certain provisions in Technical Standard Order TSO-C10b. It should be noted, however, that this proposal would not require operators to purchase altimeter instruments manufactured under TSO-C10b as a condition for operation under IFR, but only that their altimeter instruments meet the accuracy standards of that TSO.

The trapping of condensed moisture at low points in static pressure lines can render the altitude reading inaccurate. To prevent this, it is necessary that the lines be kept water-free by suitable means. In Draft Release 62-22 (section 5(a)(2)), it was proposed to require positive free drainage. Interested persons pointed out, however, that this proposal would preclude the use of drain traps, which the Agency considers satisfactory for the purpose. For this reason, the word "free" is being deleted and it is now proposed to amend §§ 3.665 and 4b.612 (b) by requiring a "positive drain" in the static pressure lines.

The accumulation of ice can sharply degrade the performance of static pressure systems. Since means are currently available to protect against the adverse effects of ice, it is being proposed to amend §§ 3.665 and 4b.612(b) by requiring satisfactory static system performance when the airplane is exposed to icing conditions.

It was proposed in Draft Release 62-22 to require automatic correction devices for operations above 29,000 feet if basic altimeter system errors exceeded stipulated tolerances. As previously explained, this proposal, among others, is being deferred pending resolution of the calibration methods issue. However, such automatic correction devices are currently in use on many transport category airplanes and the Agency considers that a hazardous condition may develop should these devices malfunction or fail. Accordingly, it is being proposed to amend § 4b.612(b) by adding requirements for alternate or by-pass altimeter systems, and for failure warning indicators, similar to those proposed in Draft Release 62-22, sections 3(a)(3) and 3(a)(4).

This proposal is subject to the FAA Recodification Program announced in Draft Release 61-25 (26 F.R. 10698). The final rule, if adopted, may be in a recodified form; however, the recodification itself will not alter the substantive rules proposed herein.

Draft Release No. 62-22 is being withdrawn under the authority of Sections 313(a) of the Federal Aviation Act of 1958 (72 Stat. 752; 49 U.S.C. 1354). The amendments to Parts 3, 4b, and 18 of the Civil Air Regulations, and Part 91 (New) of the Federal Aviation Regulations are proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422).

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (27 F.R. 4340) and circulated as Draft Release No. 62-22, dated April 27, 1962, entitled "Altimeter Systems Requirements", is hereby withdrawn, and it is proposed to amend Parts 3, 4b, and 18 of the Civil Air Regulations, and Part 91 (New) of the Federal Aviation Regulations as follows:

1. By amending § 3.665 of Part 3 to read as follows:

§ 3.665 Static pressure system.

(a) All instruments provided with static air case connections shall be so vented that the influence of airplane speed, the opening and closing of windows, airflow variation, moisture, or other foreign matter will not seriously affect their accuracy.

(b) If a static pressure system is necessary for the functioning of instruments, systems, or devices, it shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The design and installation of static pressure system shall be such that:

(i) Positive drainage of moisture is provided;

(ii) Chafing of the tubing, and excessive distortion or restriction at bends in the tubing, is avoided; and

(iii) The materials used are durable, suitable for the purpose intended, and protected against corrosion.

(2) A proof test shall be conducted to demonstrate the integrity of the static pressure system under pneumatic pressure. The proof test shall be performed by evacuating the static pressure system (with the associated instruments disconnected, if necessary, and with the open ends plugged) until the pressure differential corresponds to that which would exist at the maximum altitude for which the airplane is type certificated, and by demonstrating that this pressure differential is maintained, without additional pumping, for a period of one minute.

(3) If a static pressure system is provided for any instrument, device, or system required by the operating rules of this chapter, the static pressure vent(s) shall be designed or located in such manner that the correlation between air pressure in the static pressure system and true ambient atmospheric static pressure is not altered when the aircraft encounters icing conditions. Anti-icing means may be used in showing compliance with this requirement.

2. By amending § 4b.612(b) of Part 4b by revising subparagraphs (2) and (3), and by adding a new subparagraph (6), to read as follows:

§ 4b.612 Flight and Navigational Instruments.

* * * * *

(b) *Static air vent and pressure altimeter systems.*

* * * * *

(2) The vent(s) shall be designed and located in such manner that the static pressure system performance is least affected by airflow variation, or by moisture or other foreign matter, and that the correlation between air pressure in the static pressure system and true ambient atmospheric static pressure is not altered when the airplane is exposed to the continuous and intermittent maximum icing conditions defined in § 4b.1.

(3) The design and installation of the static pressure system shall be such that:

(i) Positive drainage of moisture is provided; chafing of the tubing, and excessive distortion or restriction at bends in the tubing, is avoided; and the materials used are durable, suitable for the purpose intended, and protected against corrosion.

(ii) It is airtight except for the vent into the atmosphere. A proof test shall be conducted to demonstrate the integrity of the static pressure system. The proof test shall be performed by evacuating the static pressure system (with the associated instruments disconnected, if necessary, and with the open ends plugged) until a pressure of 5.538 inches of mercury is established, and by demonstrating that this pressure is maintained, without additional pumping, for a period of one minute.

* * * * *

(6) If an altimeter system is fitted with a device which provides corrections to the altimeter indication, the device shall be designed and installed in such manner that it can be by-passed when it malfunctions, unless an alternate altimeter system is provided. Each such correction device shall be fitted with a means for indicating the occurrence of reasonably probable malfunctions, in-

cluding power failure, to the flight crew. The indicating means shall be effective for any cockpit lighting condition likely to occur.

3. By adding a new § 18.31 to Part 18 to read as follows:

§ 18.31 Altimeter tests.

The altimeter tests required by § 91.170 (b) of this chapter shall be accomplished in accordance with paragraphs (a) through (g) of this section. Each test shall be conducted at an atmospheric pressure of 29.92 inches of mercury and at an ambient temperature of 25 degrees centigrade.

(a) *Scale error.* For a period of not less than 12 hours prior to this test, the altimeter shall not have been operated at a pressure other than approximately 29.92 inches of mercury. The barometric pressure scale shall be set at 29.92 inches of mercury and the scale error recorded. Without changing the setting, the altimeter shall be subjected successively to the pressures specified in Table I. The reduction in pressure shall be made at a rate not in excess of 20,000 feet per minute to within approximately 2,000 feet of the test point. The test point shall be approached at a rate compatible with the test equipment. The altimeter shall be kept at the pressure corresponding to each test point for at least one minute, but not more than ten minutes, before a reading is taken. The error at all test points shall not exceed the tolerances specified in Table I.

(b) *Hysteresis.* The hysteresis test shall begin not more than 15 minutes after the altimeter's initial exposure (during the scale error test prescribed in paragraph (a) of this section) to the pressure corresponding to the upper limit of the scale, while the altimeter is still at this pressure. Pressure shall be increased at a rate simulating a descent in altitude at approximately (but not exceeding) 20,000 feet per minute until within 3,000 feet of the first test point (25,000 feet). The test point shall then be approached at a rate of approximately 3,000 feet per minute. Within 10 seconds after the pressure has been stabilized at the test point, the altimeter indication shall be within 100 feet of the reading, at this test point, recorded during the scale error test prescribed in paragraph (a) of this section. The altimeter shall be kept at this pressure for at least 5 minutes, but not more than 15 minutes, before the test reading is taken. After the reading has been taken, the pressure shall be increased further, in the same manner as before, until the pressure corresponding to the second test point (20,000 feet) is reached. The altimeter shall be kept at this pressure for at least one minute, but not more than 10 minutes, before the test reading is taken. After the reading has been taken, the pressure shall be increased further, in the same manner as before, until atmospheric pressure is reached. The reading of the altimeter at either of the two test points shall not differ by more than the tolerance specified in Table II from the reading of the altimeter for the corresponding altitude recorded during the scale error test prescribed in paragraph (a) of this section.

(c) *After effect.* Not more than 5 minutes after the completion of the hysteresis test prescribed in paragraph (b) of this section, the reading of the altimeter (corrected for any change in atmospheric pressure) shall not differ from the original atmospheric pressure reading by more than the tolerance specified in Table II.

(d) *Friction.* The altimeter shall be subjected to a steady rate of decrease of pressure approximating 750 feet per minute. At each altitude listed in Table III, the change in reading of the pointers resulting from a light tapping on the altimeter shall not exceed the corresponding tolerance listed in Table III.

(e) *Case leak.* The leakage of the altimeter case, when the pressure within it corresponds to an altitude of 18,000 feet, shall not change the altimeter reading by more than the tolerance shown in Table II during an interval of one minute.

(f) *Position error.* With atmospheric pressure applied to the altimeter, the difference between the reading of the altimeter in its normal operating position and the reading when it is in any other position shall not exceed the tolerance specified in Table II.

(g) *Barometric scale error.* At constant atmospheric pressure, the barometric pressure scale shall be set at each of the pressures (falling within its range of adjustment) that are listed in Table IV, in the order listed in that table, and the altimeter reading for each setting recorded. The difference between successive altimeter readings shall not differ from 500 feet by more than 25 feet.

TABLE I

ALTITUDE VS PRESSURE

Altitude (feet)	*Equivalent pressure (inches of mercury)*	*Tolerance (feet)*
−1,000	31.0185	±20
0	29.9213	20
500	29.3846	20
1,000	28.8557	20
1,500	28.3345	25
2,000	27.8210	30
3,000	26.8167	30
4,000	25.8418	35
6,000	23.9782	40
8,000	22.2249	60
10,000	20.5769	80
12,000	19.0293	90
14,000	17.5773	100
16,000	16.2164	110
18,000	14.9421	120
20,000	13.7501	130
22,000	12.6363	140
25,000	11.1035	155
30,000	8.8854	180
35,000	7.0406	205
40,000	5.5380	230
45,000	4.3550	255
50,000	3.4247	280

TABLE II

TEST TOLERANCES

Test	*Tolerance (feet)*
Case Leak Test	±100
Position Error Test	20
Hysteresis Test	
First Test Point (25,000 feet)	75
Second Test Point (20,000 feet)	75
After Effect Test	30

TABLE III

FRICTION

Altitude (feet)	*Tolerance (feet)*
1,000	±70
2,000	70
3,000	70
5,000	70
10,000	80
15,000	90
20,000	100
25,000	120
30,000	140
35,000	160
40,000	180
50,000	250

TABLE IV

ALTITUDE-PRESSURE

Altitude (feet)	*Pressure (inches of mercury)*
−1,000	31.02
−500	30.47
0	29.921
500	29.38
1,000	28.86
1,500	28.33
2,000	27.82
2,500	27.31
3,000	26.81
3,500	26.32
4,000	25.84
4,500	25.36
5,000	24.89
5,500	24.43
6,000	23.98
6,500	23.53
7,000	23.09
7,500	22.65
8,000	22.22
8,500	21.80
9,000	21.38
9,500	20.96
10,000	20.58
10,500	20.18
11,000	19.79
11,500	19.40
12,000	19.03
12,500	18.65
13,000	18.29
13,500	17.93
14,000	17.57
14,500	17.22
15,000	16.88
15,500	16.54
16,000	16.21
16,500	15.89
17,000	15.56
17,500	15.25
18,000	14.94
18,500	14.63
19,000	14.33
19,500	14.04
20,000	13.75
20,500	13.46
21,000	13.18
21,500	12.90
22,000	12.63
22,500	12.36
23,000	12.10
23,500	11.84
24,000	11.59
24,500	11.34
25,000	11.10
25,500	10.86
26,000	10.62
26,500	10.39
27,000	10.16
27,500	9.94
28,000	9.72
28,500	9.50
29,000	9.29
29,500	9.08
30,000	8.88
30,500	8.68
31,000	8.48
31,500	8.29
32,000	8.10
32,500	7.91
33,000	7.73
33,500	7.55
34,000	7.38
34,500	7.20
35,000	7.04
35,332	6.93
35,500	6.87
36,000	6.71
36,500	6.55
37,000	6.39
37,500	6.24
38,000	6.10
38,500	5.95
39,000	5.81
39,500	5.68
40,000	5.54
40,500	5.41
41,000	5.28
41,500	5.16

TABLE IV—Continued

ALTITUDE-PRESSURE—continued

Altitude (feet)	*Pressure (inches of mercury)*
42,000	5.04
42,500	4.92
43,000	4.80
43,500	4.69
44,000	4.58
44,500	4.47
45,000	4.36
45,500	4.26
46,000	4.16
46,500	4.06
47,000	3.97
47,500	3.873
48,000	3.781
48,500	3.693
49,000	3.605
49,500	3.520
50,000	3.436

4. By adding a new § 91.170 to Part 91 [New] to read as follows:

§ 91.170 Altimeter system inspections.

Except for airplanes, operated under the provisions of Part —, —, or — of this chapter (present Part 40, 41, or 42), in which the altimeter system is maintained, checked, and inspected in accordance with a procedure, acceptable to the Administrator, that is set forth in the Manual prescribed by that Part:

(a) No person may operate an airplane after January 1, 1965, unless, within the preceding 24 calendar months, each static pressure system has been inspected during a periodic inspection, to insure that—

(1) The static pressure system is free from leaks, entrapped moisture, and restrictions;

(2) The static air vent heater, if installed, is operative; and

(3) No alterations or deformations of the airframe surface have been made that would affect the realtionship between air pressure in the static pressure system and true ambient static air pressure, for any flight conditions.

(b) No person may operate an airplane under IFR after January 1, 1965, unless, within the preceding 24 calendar months, each altimeter instrument has been tested by a certificated repair station with a Class I instrument rating in accordance with the procedures set forth in Part 18, and has been found to operate within the error tolerances specified therein.

Issued in Washington, D.C., on March 3, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2333; Filed, Mar. 11, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 4037]

LOCKHEED MODEL L-188 SERIES AIRCRAFT

Proposed Airworthiness Directives

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lockheed Model L-188 Series aircraft. There have been a number of incidents of ingestion into the engines of birds during takeoff and in flight, causing a momentary power loss sufficient to actuate the autofeathering system of one or more of the engines. In order to correct this condition, this AD requires either permanent deactivation of autofeathering or incorporation of a time delay feature in the autofeathering system.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. All communications received on or before April 13, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all L-188 Series aircraft equipped with propeller autofeathering.

Compliance required within 4,000 hours' time in service after the effective date of this AD unless already accomplished.

Autofeathering of a propeller as a result of a momentary power interruption from bird ingestion creates an unnecessary flight hazard, particularly during takeoff and when more than one engine is affected. To prevent premature and unnecessary propeller feathering from this cause, comply with (a) or (b) as follows:

(a) Positively deactivate the propeller autofeathering system mechanically or electrically and operate the airplane in accordance with the limitations and performance information appropriate to manual propeller feathering in the FAA Airplane Flight Manual; or

(b) Incorporate an FAA approved time delay system in the autofeathering system which will delay autofeathering for a sufficient interval of time (approximately 3 seconds) to permit the engine to recover power following a partial power deterioration. Such a time delay system shall be approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

Issued in Washington, D.C., on March 5, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2385; Filed, Mar. 11, 1964; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 407]

COSMETIC OR TOILET PREPARATIONS NOT WHOLLY MANUFACTURED IN A FOREIGN COUNTRY

Deceptive Use of Names or Depictions Suggesting Foreign Origin

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart F of the Commission's procedures and rules of practice, 28 F.R. 7083-84 (July 11, 1963), has initiated a proceeding for the promulgation of a Trade Regulation rule regarding the deceptive use of foreign origin denoting words, terminology or depictions to describe cosmetic and toilet preparations not wholly made in a foreign country.

The Commission has initiated this proceeding having reason to believe that: (a) Marketers of cosmetic and toilet preparations made in the United States have used words, terms and depictions suggestive of foreign origin as descriptive of such products; (b) the unqualified use of foreign denoting words, terms and depictions on labels or packages and in advertising, as descriptive of domestically made cosmetics or toilet preparations has the capacity and tendency to (1) mislead and deceive purchasers into believing that such cosmetics and toilet preparations were wholly made in a foreign country and (2) divert business from competitors who do not unqualifiedly use such words, terms and depictions to describe domestically made cosmetics or toilet preparations; and that, therefore, (c) this practice, when subject to the jurisdiction of the Commission, constitutes an unfair method of competition and/or an unfair or deceptive act or practice in violation of sections 5 and 12 of the Federal Trade Commission Act.

Accordingly, the Commission therefore proposes the following Trade Regulation Rule:

§ 407.1 The rule.

In the sale or offering for sale of cosmetic or toilet preparation products not wholly made in a foreign country, subject to the jurisdictional requirements of sections 5 and 12 of the Federal Trade Commission Act, it is an unfair method of competition and/or an unfair or deceptive act or practice to:

(a) Represent in any manner that such products are made in a foreign country, or

(b) Use any foreign word, term or phrase, or any depiction or other device or word indicative of foreign origin in any trade, brand, or product name, or otherwise, unless clear and conspicuous disclosure is made in close connection and conjunction therewith of the fact that such products were made, compounded, mixed, blended, or diluted, as the case may be, in the United States.

Examples of disclosure required by this section are:

Example No. 1. When a package, box or bottle used in the sale of any such product has a distinct front face, on which terminology or depictions indicating foreign origin appear, the disclosure of the country in which the product was compounded, mixed, blended or diluted must be placed clearly and conspicuously on such front face of the package, the box and the bottle. When such disclosure has been made, it will not be necessary to repeat the disclosure although terminology or depictions indicating foreign origin may also appear on other parts of said package, box or bottle. Nothing herein shall permit any representation prohibited by paragraph (a) of this section.

Example No. 2. When such package, box or bottle does not have a distinct front face, or has such a face upon which no terminology or depictions indicating foreign origin appear, the required disclosure must be placed clearly and conspicuously on the package, the box, and the bottle, in close connection and conjunction with any such terminology or depiction wherever used.

Example No. 3. When such terminology or depiction indicating foreign origin is used in advertising (including, but not limited to, television, radio, newspapers, periodicals, circulars, invoices, price lists, letterheads, display and sampler bottles, display cards and display packages) to describe such products, the required disclosure shall be clearly revealed.

All interested persons are hereby notified that they may file written data, views or argument concerning the proposed rule with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street at Pennsylvania Avenue NW., Washington, D.C., 20580, not later than May 7, 1964. Such written data, views or argument should be filed in duplicate.

All interested parties are also hereby given notice of opportunity to present data, views or argument orally with respect to the proposed rule at a hearing to be held at 10 a.m. on April 22, 1964 in Room 532, Federal Trade Commission Building, Washington, D.C.

The data, views or argument presented orally or in writing relating to the proposed rule will be available for examination by interested parties at the office of the Federal Trade Commission, Washington, D.C. Such data, views and argument, together with the action of the Commission and the decisions of the courts in matters which may have some bearing on the proposed rule, will be considered by the Commission in this proceeding.

All persons, firms, corporations or others, subject to the jurisdiction of the Commission, engaged in the sale and distribution of cosmetic or toilet preparation products would be subject to the requirements of any trade regulation rule promulgated in the course of this proceeding.

Where a trade regulation rule is relevant to any issue involved in any adjudicative proceeding thereafter instituted, the Commission may rely upon such rule to resolve such issue provided that the respondent shall have been given a fair hearing on the legality and propriety of applying the rule to the particular case.

Trade regulation rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

Complaints alleging that industry members are presently engaged in practices violative of the proposed rule indicate that such practices are widespread in the industry. This proceeding is designed to inform all industry members of their obligation under the law and assure equitable treatment in complying with the law.

Manufacturers and distributors of cosmetic and toilet preparation products and other interested parties are urged to submit their views concerning the proposed rule and propose any amendments thereof and give a full statement in connection therewith.

Issued: March 11, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2355; Filed, Mar. 11, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56126]

MINITANKS FROM AUSTRIA

Import Restriction

Upon evidence presented to me, I find pursuant to the provisions of § 12.42 of the Customs Regulations (19 CFR 12.42), promulgated in accordance with the authority contained in section 307, Tariff Act of 1930 (19 U.S.C. 1307), that convict labor in the Austrian prisons at Salzburg and Garsten, Austria, was used wholly or in part in the manufacture of Minitanks, model numbers 106, 107, 108, 109, 110, 111, 112; 118, 119, 120, 121; 135, 136, 137, 138, 139, 140; 164, 165, and 166 which were exported to the United States prior to October 2, 1963, by the firm Heinz Roessler, Salzburg, Austria:

Minitanks are small plastic tanks and vehicles used in conjunction with H.O. gauge model railroad cars.

Accordingly, on and after the date of publication of this finding in the FEDERAL REGISTER, collectors of customs shall prohibit, under the provisions of section 307, Tariff Act of 1930, the importation of the above-identified merchandise exported to the United States prior to October 2, 1963, by the firm Heinz Roessler, Salzburg, Austria, unless the importer establishes by satisfactory evidence, as provided for in § 12.43 of the Customs Regulations (19 CFR 12.43), that the merchandise was not manufactured wholly or in part by convict labor.

The Bureau of Customs published a notice of the proposed finding in the FEDERAL REGISTER dated December 28, 1963 (F.R. 28, page 14447). No comments were received in response thereto.

[SEAL] PHILIP NICHOLS, JR., *Commissioner of Customs.*

Approved: March 5, 1964.

JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64-2416; Filed, Mar. 11, 1964; 8:49 a.m.]

Coast Guard

[CGFR 64-14]

CERTAIN KAPOK BUOYANT CUSHIONS

Withdrawal of Approvals

1. The Act of April 25, 1940, as amended (46 U.S.C. 526e), and the regulations in 46 CFR 25.25-5(e) require that kapok bouyant cushions for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire shall be of an approved type and constructed in accordance with the applicable provisions in the specification in 46 CFR Subpart 160.048. The procedures governing the issuance, suspension, termination and withdrawal of approvals are in 46 CFR Subpart 2.75.

2. The Coast Guard has determined that kapok buoyant cushions manufactured under Certificate of Approval Nos. 160.048/68/1, 160.048/123/0, 160.048/125/0, 160.048/172/0, and 160.048/175/0, group approvals for rectangular and trapezoidal kapok buoyant cushions, manufactured by the Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens 34, N.Y., do not meet certain prescribed requirements. However, it does not appear that these discrepancies have adversely affected the required buoyancy capabilities of the finished cushion. The Swan Products Co., Inc., voluntarily surrendered the above listed Certificates of Approval and agreed to their withdrawal without a prior public hearing.

3. The delegations of authority for the Coast Guard's actions with respect to approvals of lifesaving appliances may be found in section 632 of Title 14, U.S. Code, and Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521), and the statutory authorities are R.S. 4405, as amended, 4462, as amended, and sections 6 and 17 of the Act of April 25, 1940, as amended (46 U.S.C. 375, 416, 526e and 526p), and implementing regulations in 46 CFR Chapter I.

4. *It is therefore ordered,* That:

(a) The Certificate of Approval Nos. 160.048/68/1, 160.048/123/0, 160.048/125/0, 160.048/172/0, and 160.048/175/0, suspended on January 29, 1964, shall be withdrawn and the effective date of this withdrawal of approval shall be January 29, 1964; and,

(b) The buoyant cushions manufactured by the Swan Products Co., Inc., and bearing Approval No. 160.048/68/1, 160.048/123/0, 160.048/125/0, 160.048/172/0, or 160.048/175/0 prior to January 29, 1964, which are in compliance with the specification requirements in 46 CFR Subpart 160.048, may be used or continued in use on motorboats of Classes A, 1, or 2 not carrying passengers for hire so long as such cushions are in good and serviceable condition; and

(c) The specific withdrawals of approvals are as follows:

Buoyant Cushions, Kapok. Withdrawal of Approval No. 160.048/68/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens 34, N.Y., effective January 29, 1964.

Withdrawal of Approval No. 160.048/123/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens 34, N.Y., for Boston Camping Distributor Co., Inc., 150 Oliver Street, Boston, Mass., effective January 29, 1964.

Withdrawal of Approval No. 160.048/125/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens 34, N.Y., for Viking Products Co., 130–30 180th Street, Springfield Gardens 34, N.Y., effective January 29, 1964.

Withdrawal of Approval No. 160.048/172/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens 34, N.Y., for Pacific Northwest, Ltd., Pier 70, Alaska Way and Broad Street, Seattle 1, Wash., effective Januray 29, 1964.

Withdrawal of Approval No. 160.048/175/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens 34, N.Y., for Nelson Sales Co., 620 Broadway, Kansas City 5, Mo., effective January 29, 1964.

Dated: March 6, 1964.

[SEAL] E. J. ROLAND, *Admiral, U.S. Coast Guard, Commandant.*

[F.R. Doc. 64-2417; Filed, Mar. 11, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. C3-3; Amdt.]

CALIFORNIA

Small Tract Classification

MARCH 3, 1964.

1. Effective immediately, paragraph 1 of Federal Register Document 64-967 appearing on page 1624 of the issue for January 31, 1964 is hereby amended to include the following described land:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.
Section 32: That portion of Lot 68 lying easterly of the centerline of an existing dirt road crossing said Lot 68 in a generally North-South direction.

Containing 3.5 acres, more or less.

VIRGIL L. BOTTINI, *District Manager, Redding District Office.*

[F.R. Doc. 64-2392; Filed, Mar. 11, 1964; 8:46 a.m.]

[Classification No. C3–9; Amdt. 2]

CALIFORNIA

Small Tract Classification

MARCH 3, 1964.

1. Effective immediately, paragraph 4 of Federal Register Document 64–1101, appearing on page 1744 of the issue for February 5, 1964 is hereby amended to include the following provision for rights-of-way:

Lot 33 is subject to a right-of-way reservation of 20 feet along its western boundary and any other rights-of-way of record.

VIRGIL L. BOTTINI,
District Manager,
Redding District Office.

[F.R. Doc. 64–2393; Filed, Mar. 11, 1964; 8:45 a.m.]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 4, 1964.

Notice of an application Serial No. New Mexico 0450842, for withdrawal and reservation of lands was published as Federal Register Document No. 63–11101 on page 11282 of the issue for October 22, 1963. The applicant agency has canceled its application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on March 16, 1964 relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 16 W.,
Sec. 24, N½SE¼SW¼, N½SW¼SE¼.

The area described aggregates 40 acres.

W. J. ANDERSON,
Acting State Director.

[F.R. Doc. 64–2394; Filed, Mar. 11, 1964; 8:47 a.m.]

Office of the Secretary

ALASKA

Notice of Hearing on Proposed Power Site Classification of Public Lands

Notice is hereby given that public hearing will be held at Room 4616, Department of the Interior Building, 18th and "C" Streets, NW., Washington, D.C. at 10:00 a.m. on March 24, 1964, on a recommendation of the U.S. Geological Survey for the water power site classification of about 8,900,000 acres of public lands in contemplation of the proposed Rampart Power Project along the Yukon River, extending upstream about 300 miles from Rampart, Alaska.

Notice that the U.S. Geological Survey had filed application for withdrawal of the land as a power site classification was published in the FEDERAL REGISTER on March 21, 1963 (F.R. Doc. 63–2937), amended by notices published April 11, 1963 (F.R. Doc. 63–3792) and April 24, 1963 (F.R. Doc. 63–4329).

Lands classified as potentially valuable for water power purposes are open to location under the mining laws as provided by the act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621). They also are open to development under the mineral leasing laws with reservation of power site use to the United States. They may be entered under the nonmineral public land laws with reservation of power site use to the United States if a determination permitting such entry is made by the Federal Power Commission as provided in Section 24 of the Federal Power Act (16 U.S.C. 818).

Classification would not affect valid existing rights on public lands, including vested rights of natives of Alaska.

The hearing, which follows three days of earlier hearings on the same subject held at Anchorage, Fairbanks, and Fort Yukon, Alaska, February 13–15, 1964, will be open to all interested persons who desire to be heard. The record will remain open for 10 days from the date of the hearing for receipt of written statements. Oral testimony and written statements should be restricted to the question whether power site classification should be made, and not whether the project should be constructed. Feasibility of construction is not a subject for determination at this time.

Those who wish to be heard in person at the hearing or submit a written statement should file notice thereof not later than March 20, 1964, with Assistant to the Secretary (Land Utilization), Department of the Interior, Washington, D.C., 20240.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 5, 1964.

[F.R. Doc. 64–2395; Filed, Mar. 11, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CATTLE CENTER, INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and were, therefore, subject to the Act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, Location of Stockyard and Date of Posting
CALIFORNIA
Cattle Center, Inc., Famoso; January 20, 1964.
ILLINOIS
Erie Sale Barn, Erie; December 17, 1963.
INDIANA
Southeastern Indiana Feeder Auction Association, Osgood; January 8, 1964.
MARYLAND
Friend's Stockyard, Inc., Accident; February 26, 1964.
NORTH CAROLINA
Harris Auction Company, Henderson; August 26, 1963.
PENNSYLVANIA
Blairsville Auction, Blairsville; October 24, 1963.
TENNESSEE
Kingsport Live Stock Auction Corp., Kingsport; February 22, 1964.
TEXAS
Crenshaw & Crenshaw Commission Company, Nocona; December 30, 1963.

Done at Washington, D.C., this 9th day of March 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64–2426; Filed, Mar. 11, 1964; 8:50 a.m.]

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Pecos County, Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of March 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64–2403; Filed, Mar. 11, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14868; Order E–20557]

LAKE CENTRAL AIRLINES, INC.

"Use It or Lose It" and Route Alignment Investigation; Order on Objections

Adopted by the Civil Aeronautics Board at its offices in Washington, D.C., on the 9th day of March 1964.

By Order E–20182, dated November 12, 1963, the Board instituted an investigation to determine whether continued air service is warranted under "use it or lose it" standards at designated points or over particular portions of Lake Central's route system.[1] In the same order interested persons were directed to show cause why, wholly apart from the "use it or lose it" issues, Lake Central's route should not be realigned in the manner tentatively proposed in a draft certificate attached as an appendix to the order.

Pleadings in the nature of objections to the Board's order were filed by Lake Central, other local service carriers, trunkline carriers, and civic parties.[2] Answers to the objections were filed by American Airlines, Inc., Lake Central and United. Specific relief on particular matters is also requested in additional filings by Delta, Lake Central, and Piedmont.[3]

The documents filed by the City of Columbus, Indiana, the City of Martinsburg, W. Va., and the Elkins-Randolph County Airport Authority are addressed basically to the "use it or lose it" aspects of the investigation. These parties will have ample opportunity to make their positions known and to litigate these issues during the course of the proceeding, so that no further action by the Board is now required. The balance of the filings, however, raise a variety of questions concerning the issues to be heard in connection with the proposed realignment of Lake Central's route which are appropriate for consideration at this time.

Lake Central's objections fall into several general classifications. A primary group is comprised of instances in which, according to the carrier, the Board in framing the proposed new certificate has failed to carry forward existing Lake Central exemption and change of service pattern authorizations or in which the proposed route realignment would substantially change or reduce the carrier's present certificate authority. Included in this category are omission of Lake Central's existing authority to (1) operate one stop between Charleston, W. Va., and Washington without providing two round trips to Elkins and Martinsburg, W. Va.; (2) flag stop segment junction points if no revenue traffic is involved; (3) overfly Richmond, Marion, and Kokomo-Logansport-Peru, Ind., on flights in excess of one round trip on present segment 3 between Chicago and Cincinnati, and Kokomo-Logansport-Peru on Saturday and Sunday flights over existing segments 2 and 3; and (4) omit service to Elkins on flights over existing segments 12 and 14 in excess of one round trip daily, and Columbus, Ind., on Saturday and Sunday flights over present segment 7. Lake Central also asserts that for the first time it would be required to provide two round trips to Akron-Canton before operating nonstop between Columbus and Youngstown, Ohio; that the new certificate would require two round trips to South Bend and Kalamazoo on flights between Indianapolis and Grand Rapids, whereas the carrier can now overfly the intermediate points after one daily round trip is provided; and the new certificate would require two, rather than one, round trips to Kokomo-Logansport-Peru before the point could be overflown on Chicago-Cincinnati flights over new segment 2.

As the carrier has pointed out, these situations do involve remnants of or changes in preexisting authorizations. It would also appear that continued authority of this nature might offer the carrier some additional operating flexibility without raising countervailing considerations of consequence. However, whether Lake Central should continue to retain these authorizations is a matter which can best be determined after development of the evidentiary record. The parties will be free to direct themselves to these questions as well as to the subsidiary issue of whether, if they are to be continued, such authorizations are appropriate for inclusion in Lake Central's basic certificate.[4]

Lake Central expresses concern with the treatment accorded its Columbus-Pittsburgh authority. The carrier's certificate now contains a Columbus-Pittsburgh leg on segment 5, which has been suspended, and segment 13 extends from Columbus to Wheeling and the east via Zanesville-Cambridge. Under the proposed certificate these authorizations would be combined into a new segment 7 extending from Columbus and bifurcating at Zanesville-Cambridge, with one leg going to Pittsburgh and the other through Wheeling to the east. Also, the draft certificate attached to Order E–20182 proposes in condition (4) (a) the imposition of a mandatory one stop restriction on all flights by Lake Central between Columbus and Pittsburgh. Lake Central contends that the net result would be to diminish its "residual" operating rights between Columbus and Pittsburgh, and the carrier should be permitted, subject to the present suspension, at least to operate between these points on a nonstop basis after providing two round trips to Zanesville-Cambridge.

The present suspension is not merely a permissive one but is a suspension of Lake Central's operating authority between these points, and any such operating rights cannot be reinstated unless the Board, after notice and hearing, finds that the public convenience and necessity so require. The Columbus-Pittsburgh leg of present segment 5 was retained on Lake Central's route after intermediate points on the leg were deleted, although the Board has never found a specific requirement for Columbus-Pittsburgh nonstop service by Lake Central.[5] We are not persuaded that any need exists for examining that question now, and to do so might unduly complicate the proceeding and delay decision. The Columbus-Pittsburgh realignment proposed in our order generally reflects Lake Central's present operations and is sufficiently broad in scope for the purposes of the instant investigation.

Comments offered by Lake Central concerning the status of its Bloomington-Indianapolis authority, the requirements of condition (4) (b) of the proposed certificate, and the meaning of proposed condition (4) (c) merit our attention. Although not included in the draft certificate, we will consider herein the addition of another leg on realigned segment 3 between Bloomington and Indianapolis. This will preserve the carrier's existing operating rights between these points, which is alleged by civic parties and the carrier to be a matter of some importance. Condition (4) (b) would require that all flights between Chicago and Columbus, Ohio, and specified points beyond Columbus to the north and east make a mandatory stop at Indianapolis.[6] As an alternative, we desire also to explore the possible imposition of a mandatory two stop requirement between the points in question. This alternative may prove more desirable, since it would preserve the authority the carrier now possesses to operate flights between such points by way of its upper tier cities such as Kokomo-Logansport-Peru, Lima, and Mansfield.

As far as condition (4) (c) is concerned, is was not designed to regulate in any way the manner in which flights should be scheduled.[7] Rather, the intention is to require one stop at a point east of Cincinnati on all flights scheduled between Washington, D.C., and any other of the designated cities west of Cincin-

[1] This phase of the investigation was recently expanded to include additional points by Order E–20440, dated February 4, 1964.

[2] Those filing objections were the Aeronautics Commission of Indiana, Allegheny Airlines, Inc., the City of Columbus, Ind., the City of Martinsburg, W. Va., Delta Air Lines, Inc., the Elkins-Randolph County Airport Authority, Lake Central, the Monroe County Board of Aviation Commissioners and Bloomington Chamber of Commerce, Piedmont Aviation, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[3] Delta filed a motion, which is opposed by Lake Central, to strike and dismiss certain portions of Lake Central's objections, or alternatively, to sever them, on the ground that said portions involve requests by Lake Central for new operating authority which the Board stated in Order E–20182 that it would not consider in this proceeding. Lake Central filed a petition for reconsideration of Order E–20182 that will not be entertained, since it is an unauthorized pleading under Rule 915 of the rules of practice which specifically provides that the filing of answers or motions directed to a show cause order shall be in lieu of such petitions. Piedmont requests leave to intervene only in the event that the Board retains in the proceeding any question of granting linear route authority for Lake Central between Washington or Baltimore and Charleston, W. Va.

[4] In this connection the carrier also states that it is uncertain as to whether it will retain its suspension authority at Sandusky, Ohio, on new segment 5 and at Kokomo-Logansport-Peru on Segment 1. The temporary suspension of service at both points is governed by separate orders and unaffected by the proposed realignment.

[5] See Lake Central Airlines, Inc., Temporary Intermediate Points Renewal Proceeding, Order E–16908, June 7, 1961.

[6] Section (4) (b): "Flights scheduled to serve Chicago, Ill., on the one hand, and Columbus, Ohio, Cleveland, Ohio, Akron-Canton, Ohio, Youngstown, Ohio, Erie, Pa., and Buffalo, N.Y., on the other hand, shall also serve Indianapolis, Ind."

[7] Section (4) (c) provides: "Flights scheduled to serve Washington, D.C., on the one hand, and Grand Rapids, Mich., Kalamazoo, Mich., South Bend, Ind., Indianapolis, Ind., and Cincinnati, Ohio, on the other hand, shall schedule service to one intermediate point east of Cincinnati, Ohio on segment one."

nati on segment 1. We do not consider the present language of the condition ambiguous. However, the parties may address themselves to this question in the course of the proceeding should they feel some clarification is necessary or desirable.

The balance of Lake Central's objections relate to proposals concerning such matters as additional or alternative routings, the deletion of restrictions, and route extentions, all of which would inject questions of new operating authority.[8] In our initial order herein we made clear our intention that the realignment aspect of this investigation be directed solely to reconstituting Lake Central's existing route system with a minimum of certificate modifications so that the investigation might proceed to decision expeditiously. Many of Lake Central's proposals are controversial and have competitive implications, and to undertake to resolve them here would unduly expand the issues and delay decision. Under the circumstances, a broadening of the proceeding to include these proposals would be contrary to the public interest.

Two local service carriers, Allegheny and Piedmont, object to the proposed realignment to the extent that it would permit Lake Central to operate new competitive services. Allegheny points out that one of the effects of transferring Lake Central's Erie-Pittsburgh authority from present segment 11 to new segment 6 would be to authorize an Erie-Washington/Baltimore operation in competition with Allegheny's two stop Erie-Washington service, whereas Lake Central is now effectively precluded from providing any single-plane service between these points.[9] Piedmont's concern is with the Washington-Charleston market where Piedmont has a two stop restriction and in which both Piedmont and Lake Central now operate multi-stop flights. Although Lake Central cannot presently schedule single-plane service between these points except on flights which serve either Elkins or Martinsburg, W. Va., the proposed certificate would place Charleston on a linear route with Washington/Baltimore and, according to Piedmont, substitute a one stop restriction on Charleston-Washington flights.[10]

The objections of Allegheny have merit, for the Board does not wish to litigate questions involving any significant broadening of Lake Central's competitive opportunities in relation to other local service carriers. Accordingly, for present purposes imposition of a restriction against single-plane service between Erie and Washington, as suggested by Allegheny, is entirely appropriate. As far as Piedmont's assertions are concerned, we find no basis for disturbing the route alignment proposed for Washington-Charleston flights. Lake Central now has a one stop restriction in this market, a situation that would be unchanged under the draft certificate. Piedmont will be free, if it wishes, to participate in the proceeding and seek to establish that the imposition of some other or further restriction is required.[11]

Many of the objections of the trunkline carriers have been met by our determination not to hear Lake Central's various requests for substantially expanded authority. United specifically objects to nonstop South Bend-Baltimore and Grand Rapids-Baltimore authority for Lake Central on new segment 1 as well as one stop authority between Washington and these points.[12] TWA is particularly concerned with precluding nonstop service by Lake Central between Baltimore, on the one hand, and Cincinnati and Indianapolis, on the other hand, and would have the Board amend the one stop restrictions in conditions (4) (a) and (4) (c) of the proposed certificate to include Baltimore, as well as Washington, on the theory that in practical effect Lake Central could serve Washington through Baltimore. In view of the number and character of the intermediate cities on segment 1, and the certificate provisions concerning skip-stop service, we are not convinced that the probable competitive impact is so great that the Board should preclude the nonstop and one stop services in question by the imposition of restrictions at the threshold of the proceeding. In short, the Board finds no present necessity for granting the foregoing relief requested by TWA and United.

In accordance with the requests of these carriers, we will, however, impose a one stop restriction on Chicago-Dayton flights by Lake Central which, absent the restriction, could operate nonstop over new segment 3 after the provision of two round trips to intermediate points. This can be accomplished by adding Chicago and Dayton as a point-pair in condition (4) (a) of the proposed certificate. The Chicago-Dayton market is now served with numerous nonstop schedules operated by both TWA and United. No reason is apparent for treating service between these cities any differently than the other competitive markets in which the one stop restriction applies.

In the foregoing discussion, we have treated in some detail the principal questions raised by the parties concerning the proposed route realignment. Since our basic intention clearly appears from this and our prior orders, we find no occasion formally to amend the draft certificate appended to Order E–20182. In this particular case, the exact phraseology of terms and conditions can best be formulated after development of the record. Also, disposition of the "use it or lose it" issues could affect substantially the technical route description as well as the nature and type of certificate conditions to be attached. Under these circumstances, issuance of an amended draft certificate at this time, which would be subject to substantial and probable further amendment, would serve no useful purpose.

All other objections raised by the parties have been carefully considered and do not require further discussion or action on the Board's part.[13]

Accordingly, it is ordered:

1. That this investigation proceed in due course to hearing before an examiner of the Board in accordance with the disposition of the issues made by the Board in Order E–20182, dated November 12, 1963, Order E–20440, dated February 4, 1964, and this order;

2. That the motion of Delta Air Lines, Inc., to strike and dismiss, or alternatively to sever, portions of the objections filed by Lake Central Airlines, Inc., and the petition for reconsideration of Order E–20182 filed by Lake Central Airlines, Inc., be and they hereby are dismissed;

3. That the conditional petition for leave to intervene filed by Piedmont Aviation, Inc., be and it hereby is granted;

4. That, except to the extent granted herein, the relief requested in the objections, answers, motions, and other documents filed in response to Order E–20182 by the Aeronautics Commission of Indiana, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Lake Central Airlines, Inc., the Monroe County of Aviation Commissioners and Bloomington Chamber of Commerce, Piedmont Aviation, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., be and it hereby is denied; and

5. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–2422; Filed, Mar. 11, 1964; 8:49 a.m.]

[8] Specifically, the carrier requests the Board to consider: (1) the possible addition of Muncie-Anderson-New Castle on new segments 1 or 3, as well as east-west segment 2, if the Marion-Cincinnati portion of existing segment 3 is deleted; (2) the addition of Dayton as a replacement for Richmond, Indiana, if Richmond is deleted from existing segment 3; (3) the designation of Lima and Columbus, Ohio, as intermediate points rather than alternate intermediate points on new segment 4; (4) the addition of Akron-Canton to new segment 3(a) (1) as well as segment 3(a) (11); (5) the extension of new segment 2 beyond Indianapolis to Bloomington and Evansville; (6) overflight authority for Lake Central under certain conditions at the segment junction points of Pittsburgh, Indianapolis, and Lima; and (7) deletion of the Indianapolis-Chicago one stop restriction and the existing Cincinnati-Indianapolis restriction prohibiting turnaround service.

[9] Condition (8) of Lake Central's present certificate prohibits the carrier from scheduling single-plane service between Pittsburgh and Washington.

[10] Under the proposed certificate segment 1 would extend generally from Grand Rapids to Washington and Baltimore via such points as Indianapolis, Cincinnati, and Elkins. Segment 1(a) would extend beyond Elkins to the terminal point Charleston. Lake Central now provides Charleston-Washington service only by a combination of existing segments 12 and 14.

[11] Allegheny does not provide an Erie-Baltimore service but advocates a restriction against single-plane service that would include Baltimore as well as Washington. However, no reason is now apparent for so expanding the prohibition. The Board recognizes, of course, that further changes may be necessary in the Charleston-Washington restriction as a result of the "use it or lose it" issues involving Elkins and Martinsburg.

[12] United also objects to one stop authority for Lake Central between Grand Rapids, on the one hand, and Pittsburgh and Cleveland, on the other hand, over proposed segments 5 and 8 via Toledo. However, as pointed out by Lake Central, the carrier now has one stop authority between these points via a combination of existing segments 10 and 15. The best possible Chicago-Columbus, Ohio, operation for Lake Central under the proposed certificate would be two stops rather than one stop as stated by United.

[13] In view of our disposition of the issues, Delta's motion to strike and dismiss or sever portions of Lake Central's objections will be dismissed, since the carrier in effect has been granted the relief urged although not in the precise form requested.

[Docket No. 14945; Order E–20551]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Terminal Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1964.

An agreement adopted by the Traffic Conferences of the International Air Transport Association relating to terminal services; Docket No. 14945, Agreement C.A.B. 17479, R–13.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement amends Resolution 512b (Terminal Services) by deleting reference to assembly and disassembly services including the prohibition against Members providing assembly services or facilities therefor to a consolidator. To the extent a carrier may provide assembly and disassembly services, provisions for such services will continue to appear in the carriers' tariffs together with appropriate charges.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolutions 129/512b and 232/512b, which are incorporated in the above-designated agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That, Agreement C.A.B. 17479, R–13, be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–2418; Filed, Mar. 11, 1964; 8:49 a.m.]

[Docket No. 14945; Order E–20547]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1964.

An agreement adopted by Joint Conference 1–2 of the International Air Transport Association relating to specific commodity rates; Docket No. 14945, Agreement C.A.B. 17633, R–1.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1–2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—(Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers, names an additional specific commodity rate as follows:

Item 9615—Pipes, smoking and parts thereof.

Rate: 166/155 cents per kilogram, minimum weight, 100/200 kilograms, respectively: from Arusha to New York.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered, That Agreement C.A.B. 17633, R–1, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–2419; Filed, Mar. 11, 1964; 8:49 a.m.]

[Docket No. 13777; Order E–20548]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1964.

Agreement adopted by Joint Conference 3–1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17456, R–3.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3–1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The argument, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum SPO Board/9/JT31–Rates 326, names an additional specific commodity rate as follows:

Item 1082—Hatching Eggs.

Rate: 153 cents per kilogram, minimum weight 1,000 kilograms, from New York to Manila and Tokyo.

This rate represents a reduction of 70 percent from the applicable general commodity rate.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17456, R–3, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–2420; Filed, Mar. 11, 1964; 8:49 a.m.]

[Docket No. 13777; Order E-20649]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17280 R-58 through R-63.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17280, R-58 through R-63, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2421; Filed, Mar. 11, 1964; 8:49 a.m.]

[Docket No. 14945; Order E-20558]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of March 1964.

[1] Filed as part of the original document.

In the matter of agreements adopted by Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association relating to fares; Docket No. 14945 Agreement C.A.B. 17541.[2]

There has been filed with the Board pursuant to section 412a of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA) adopted at meetings held in Montreal in January 1964. The agreement has been assigned the above-designated C.A.B. agreement number.

The agreement relates primarily to fares to be applicable on transatlantic routings to points in the Far East. In summary, it accomplishes (1) reductions of about $70 in one-way first-class fares and about $33 in one-way economy class fares to points in India, Pakistan, and Ceylon, and (2) revalidation, with limited amendments, of current resolutions providing 28-day excursion fares to India and Pakistan, reduced fare group travel, and reduced fares for U.S. military personnel.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find the following resolutions contained in Agreement C.A.B. 17541 to be adverse to the public interest or in violation of the Act:

C.A.B. No.	IATA No.	Title	Application
R-2	001b	Special Effectiveness Resolution	1/2/3
R-3	001h	Two Year Effectiveness Escape Clause—Passenger (Mid-Atlantic)	1/2
R-5	002	Standard Revalidation Resolution	1/2
R-6	002	Standard Revalidation Resolution	1/2/3
R-7	003	Standard Rescission Wesolution	1/2
R-8	008	Standard Rescission Resolution	1/2/3
R-9	014h	Construction of Combined Jet/Propeller Fares	1/2; 1/2/3
R-10	014r	Adjustment of Fares—Suspension	1/2/3
R-11	015	North American Proportional Fares—Amending	1/2/3
R-14	067	Joint Conference 123—First-Class Fares—Amending	1/2/3
R-16	067	Joint Conference 123—Economy Class Fares—Amending	1/2/3
R-17	080e	North American-India/Pakistan 28-Day Excursion Fare—Amending	1/2/3
R-22	088q	Group Fares—Joint Conference 123—Amending	1/2/3
R-23	092	Student Fares—Revalidating and Amending	1/2
R-24	095	Reduced Fares for U.S. Military Personnel—Amending	1/2/3

[1] R-2, R-3, R-5 through R-11, R-14, R-16, R-17, R-22, R-23, R-24, R-25.

2. The Board finds that, on the basis of all the facts presently known, Agreement C.A.B. 17541, R-25 (IATA Resolution 096a—Emigrant Fares, Jamaica/Trinidad/Tobago-U.K. — Revalidating and Amending) does not affect air transportation within the meaning of the Act.

Accordingly, it is ordered:

1. That portion of Agreement C.A.B. 17541 set forth in finding paragraph 1 above is approved.

2. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 17541 set forth in finding paragraph 2 above.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2423; Filed, Mar. 11, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-EA-2]

GARDEN STATE TELEVISION CABLE CORP.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (1-OE-4091) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Garden State Television Cable Corporation, Vineland, New Jersey, proposes to construct a guyed steel tower at latitude 39°27'52" north longitude 75°03'29" west, near Vineland, New Jersey, at an elevation of 573 feet above mean sea level (510 feet above ground).

The proposed structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1)(2) of the Federal Aviation Regulations by 10 feet in that it would be more than 500 feet above the ground at the site of the construction.

The aeronautical study disclosed that the structure would require an increase from 1300 feet to 1600 feet in the procedure turn and missed approach altitude for the VOR approach to runway 2 (AL 5074) at the Vineland-Downstown Airport. The study also disclosed that only 5 instrument approaches were conducted at the Vineland-Downstown Airport during FY 1963.

The study further disclosed that the structure would be located in proximity to a commonly used VFR route; however, flights conducted along the route would not be adversely affected since the minimum flight altitude in the vicinity of the proposed site is at least 1000 feet because of a congested area. Further, the affected flights could, by a slight adjustment of route, still fly at altitudes now in use. The structure would have no adverse effect upon any other VFR operation.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 (New)), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (New) (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 (New)).

Issued in Washington, D.C., on March 4, 1964.

GEORGE R. BORSARI,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 64-2386; Filed, Mar. 11, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15364]

IRVING MACHLOWITZ

Order To Show Cause

In the matter of Irving Machlowitz, Brooklyn, New York, order to show cause why there should not be revoked the license for Radio Station KBI-3922 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the captioned station;

It appearing, that, on or about May 22, October 25, and October 30, 1963, the licensee operated Citizens (Class D) radio station KBI-3922 with an antenna in excess of 20 feet in height above the man-made structure on which it was mounted, in violation of § 95.37(c) (formerly § 19.25(c)) of the Commission's rules; and

It further appearing, that, on various occasions between May 1, 1963, and February 9, 1964, and particularly on October 30, 1963, the maximum power input to the anode (plate) circuit of the electron tube or tubes supplying energy to the radiating system of Citizens (Class D) radio station KBI-3922 exceeded five watts, in violation of § 95.43 (formerly § 19.32) of the Commission's rules; and

It further appearing, that on various occasions between May 1, 1963, and October 30, 1963, and particularly on October 30, 1963, Citizens (Class D) radio station KBI-3922 was used for the transmission of music, in violation of § 95.81(b) (formerly § 19.61(b)) of the Commission's rules; and

It further appearing, that, on or about October 30, 1963, the licensee transmitted, by means of Citizens (Class D) radio station KBI-3922, communications directed to another Citizens radio station or stations which exceeded five consecutive minutes, in violation of § 95.81(f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, that, on or about October 30, 1963, the call sign of Citizens (Class D) radio station KBI-3922 was not transmitted at the beginning and termination of all communications, in violation of § 95.87 (formerly § 19.62) of the Commission's rules; and

It further appearing, that, on or about October 30, 1963, the licensee failed to make his Citizens (Class D) radio station facilities available for inspection upon the request of an authorized representative of the Commission made to the licensee or his representative, in violation of § 95.103 (formerly § 19.73) of the Commission's rules and section 303(n) of the Communications Act of 1934, as amended; and

It further appearing, that, in view of the foregoing, the licensee has willfully violated §§ 95.37(c), 95.43, 95.81(b), (f) and (g), 95.87 and 95.103 of the Commission's rules and section 303(n) of the Communications Act of 1934, as amended; and

It further appearing, that, based on the licensee's conduct in connection with the use, maintenance and operation of the captioned radio station, the Commission would be warranted in refusing to grant an application from this licensee for the same class of radio station license if the original application were now before it;

It is ordered, This 6th day of March 1964, pursuant to section 312(a)(2), (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order to the licensee at 2925 Mermaid Avenue, Brooklyn, New York, by Certified Mail—Return Receipt Requested.

Released: March 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2427; Filed, Mar. 11, 1964; 8:50 a.m.]

[Docket Nos. 15319, 15320; FCC 64M-190]

MARIETTA BROADCASTING CO., INC., (WBIE) AND COBB COUNTY BROADCASTING CO.

Statement and Order After Prehearing Conference

In re applications of Marietta Broadcasting Company, Inc. (WBIE), Marietta, Georgia, Docket No. 15319, File No. BP-15405; Sheridan W. Pruett and Charles M. Erhard, Jr., d/b as Cobb County Broadcasting Company, Marietta, Georgia, Docket No. 15320, File No. BP-15443; for construction permits.

At today's prehearing conference, among other things the following schedule was agreed to:

Exchange of applicants' direct affirmative written case: Engineering, April 21, 1964; Lay, May 5, 1964.
Receipt of notification of witnesses desired for cross-examination: Engineering, April 28, 1964; Lay, May 12, 1964.
Hearing: Tuesday, May 19, 1964, at 10 a.m., in the offices of the Commission, Washington, D.C. (rescheduled from April 6, 1964).

So ordered, This 5th day of March 1964.

Released: March 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2428; Filed, Mar. 11, 1964; 8:50 a.m.]

[Docket No. 15276; FCC 64M-192]

CHARLES A. SEAMAN

Order Continuing Prehearing Conference

In re application of Charles A. Seaman, 935 Tanner Avenue, Elizabeth, Pennsylvania, for a general class amateur operator license.

By Order of the Hearing Examiner released February 27, 1964, issued as a result of the prehearing conference held February 26, 1964, a further prehearing conference in the subject proceeding was scheduled for 10:00 a.m., March 20, 1964, at the offices of the Commission in Washington, D.C.;

It appearing, that on March 4, 1964, the Chief of the Commission's Safety and Special Radio Services Bureau (Bureau) filed an appeal from the Hearing Examiner's ruling made at the prehearing conference held February 26, requesting, in the alternative, enlargement of the issues presently specified; and

It further appearing, that disposition of the matters thusly submitted for con-

sideration of the Commission's Review Board will determine whether additional matters are to be discussed at the next prehearing conference to be convened for the purpose of reaching possible stipulations, and that pending such clarification by the Review Board the presently scheduled further prehearing conference (March 20) should be continued in the interests of expedition; and

It further appearing, that, as agreed upon by counsel for Bureau at the February 26 prehearing conference, the results of Bureau's technical investigation were to be exchanged with counsel for the other parties by March 10, 1964 and a summary of the other (lay) evidence to be introduced by Bureau by March 13, 1964, and that, in view of the continuance (see infra) of the presently scheduled further prehearing conference, it is deemed appropriate to extend the date for the exchange of Bureau's "technical data" to March 13 and to hold the exchange of a summary of the lay evidence in abeyance;

It is ordered, This 6th day of March 1964, that the date for the exchange of the results of Bureau's technical investigation is continued from March 10 to and including March 13, 1964, and that the exchange of a summary of the other (lay) evidence is held in abeyance; and

It is further ordered, That the further prehearing conference, presently scheduled for 10:00 a.m., March 20, 1964 at the offices of the Commission in Washington, D.C., is continued to a date to be established by subsequent order.

Released: March 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2429; Filed, Mar. 11, 1964; 8:51 a.m.]

[Docket Nos. 15248-15250; FCC 64R-125]

UNITED ARTISTS BROADCASTING, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of United Artists Broadcasting, Inc., Cleveland, Ohio, Docket No. 15248, File No. BPCT-3168; Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT-3191; The Superior Broadcasting Corp, Cleveland, Ohio, Docket No. 15250, File No. BPCT-3243; for construction permits for new television broadcast stations.

1. The Review Board has before it for consideration a motion to delete, modify and enlarge issues, filed by Cleveland Telecasting Corp. (Cleveland) on January 16, 1964.[1] Cleveland requests the deletion of five issues as to itself and the addition of "Suburban" and legal qualifications issues as to United Artists Broadcasting, Inc. (United Artists).

2. Several issues were designated by the Commission as to Cleveland (FCC 63-1161, released December 23, 1963). Cleveland filed a petition for leave to amend on January 13, 1964, which it contends would moot five of the issues.[2]

These are: Legal qualifications (citizenship inquiry); ownership, management, and control of station; financial qualifications; location of main studio; and minimum separation rules as to transmitter site. Cleveland asserts that this proposed amendment makes it unnecessary to adduce evidence on the above issues. A post-designation amendment, even though it purports to eliminate the need for a given hearing issue, does not constitute an appropriate basis on which to request deletion of the hearing issue. See L. B. Wilson, Incorporated, FCC 63R-58, 24 RR 1018 (1963), and cases therein cited.

3. Cleveland urges that a "Suburban" issue be added in order to determine the efforts made by United Artists to ascertain the programing needs of the Cleveland area. This contention is based solely on the facts that United Artists currently has applications for television construction permits in three cities (Cleveland, Ohio; Houston, Texas; and Boston, Massachusetts), and the financial and staffing proposals for all three stations are identical while there is a substantial similarity in program proposals. Program similarity is allegedly shown by a statistical comparison of advertising, commercial vs. sustaining, program categories, etc. Cleveland alleges that the foregoing raises a question as to whether United Artists has ascertained the particular needs and interests of the Cleveland area.

4. United Artists, in its opposition, states that the statistical data used by Cleveland to show similar programing is misleading; that there are substantial differences in the three applications; that United Artists has tailored its proposed programing to fit the area's needs; and that any questions pertaining thereto can be considered under the standard comparative issue. The Broadcast Bureau also opposes the addition of a programing issue. It asserts that Cleveland has merely pointed out superficial similarities in programing but has not shown that United Artists did not ascertain this particular area's needs. Cleveland, in its reply, asserts that sufficient similarity has been shown to raise a question which should be resolved by inclusion of a specific issue.

5. The mere showing that the percentages for types of shows are similar in three applications is insufficient to indicate a failure to ascertain a particular area's needs. For example, each proposal would devote approximately 10 percent of air time to "Talks", but the programs themselves are different in each city. One of the "Talk" programs in each city will be an events or calendar program for that city, and the news will be at least 50 percent local. In the "Education" category, Cleveland will get a TV classroom, Boston will get a school calendar program, and Houston will get a mixture of discussion and entertainment called Teenage Time.[3] There are differences in the other categories, too. Cleveland has not shown that the programs are similar in the three proposals, rather only that the amount of air time given over to each category is similar. Therefore, Cleveland's request for a "Suburban" issue will be denied.

6. Cleveland also requests a legal qualifications issue as to United Artists. It alleges that it has not been established that at least 75 percent of the voting stock of United Artists is owned or voted by United States citizens, and that the United Artists application reveals that 14.5 percent of its stock is held by investment houses as nominees for investors and that this substantial amount of unknown ownership may raise "cross-interest" problems.

7. United Artists' opposition asserts that the random sample of stockholders which was made to check on citizenship is sufficient to satisfy section 310(a)(5) of the Communications Act of 1934, as amended, and that a complete survey would be impossible. United Artists also asserts that a broad policy inquiry into the cross-interest problem is not practical in a hearing such as this one. The Broadcast Bureau also opposes Cleveland's request for a legal qualifications issue. It asserts that United Artists' showing is reasonable for section 310(a)(5) purposes. As to the cross-interest problem, the Bureau agrees that there is cause for concern, but does not think an issue is necessary. It refers to the Commission's Metromedia letter,[4] and urges that a similar non-voting condition be attached to any grant which United Artists receives.

8. A general legal qualifications issue will not be added. United Artists currently has three applications for television construction permits. In the Boston, Massachusetts, proceeding (Docket Nos. 15323, et al.), the Commission designated a multiple ownership issue and a section 310(a)(5) issue on the same facts as are present here, FCC 64-96, released February 12, 1964. In the other United Artists proceeding in Houston, Texas (Docket Nos. 15212, et al.), TVue Associates, Inc. requested a legal qualifications issue on the same facts, just as Cleveland has done here. The Review Board added a section 310(a)(5) issue and a multiple ownership issue (FCC 64R-89, released February 18, 1964), citing the Boston designation Order. On the citizenship inquiry, the Board stated that "it is incumbent upon United Artists to make a showing which provides a reasonable basis for determining the percentage of its stock that is held by American citizens." The Board held that surveying all of the stockholders is not an "impossible burden", and that if a sampling method is used, its precise basis must be shown. The Board added a multiple ownership issue because a "significant portion of the voting stock of United Artists Corporation is owned by holding companies, nominees, or others, for and on behalf of persons unknown." For the reasons set forth in the two above-mentioned Orders, multiple ownership and section 310(a)(5) issues will be added.

Accordingly, it is ordered, This 5th day of March 1964, That the motion to delete, modify and enlarge issues, filed January 16, 1964, by Cleveland Telecasting Corp., is granted to the extent indicated herein, and in all other respects denied; and that the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended.

To determine whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of § 73.636 of the Commission's Rules.

Released: March 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2430; Filed, Mar. 11, 1964; 8:51 a.m.]

[1] Also before the Board are: Broadcast Bureau's opposition, filed February 3, 1964; opposition, filed February 3, 1964, by United Artists Broadcasting, Inc.; and reply, filed February 13, 1964, by Cleveland.

[2] This amendment was substantially granted in a Memorandum Opinion and Order released February 25, 1964 (FCC 64M-158).

[3] This is the applicant's classification of the program.

[4] The letter to Metromedia, Inc. (FCC 63-1186, dated December 27, 1963) concerned a possible violation of the multiple ownership rules if an assignment of stations was consummated. The Commission permitted the assignment on the condition that the offending stockholders (mutual funds) agree not to vote their stock or attempt to influence company policies.

FEDERAL MARITIME COMMISSION

MEMBERS OF PACIFIC-STRAITS CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 5680-9, between the members of the Pacific Straits Conference, provides as a result of mergers, for the transfer of existing memberships of certain Japanese Lines, members of the Conference, their rights and obligations, to the surviving or merged companies, effective as of April 1, 1964.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 9, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2411; Filed, Mar. 11, 1964; 8:48 a.m.]

CARRIERS COMPRISING STATES MARINE LINES JOINT SERVICE AND ISTHMIAN LINES, INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9327 between States Marine Lines, Inc., Global Bulk Transport Incorporated (carriers comprising the States Marine Lines joint service operating pursuant to approved Agreement 7628, as amended), and Isthmian Lines, Inc., covers an arrangement for cooperation between the parties in the establishment and filing of rates, terms and conditions to be observed by the parties on cargo transported in trades not covered by a freight conference in which said parties hold membership, under terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 9, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2412; Filed, Mar. 11, 1964; 8:48 a.m.]

[Docket No. 1167]

REDUCED RATES ON AUTOMOBILES, ATLANTIC COAST PORTS TO PUERTO RICO

Order of Investigation and Suspension

It appearing, that, by original order dated January 7, 1964, as supplemented by additional orders in this proceeding, the Commission entered into an investigation concerning the lawfulness of certain reduced rates on automobiles published in tariff schedules designated therein and named among other carriers, Containerships, Inc., as a respondent in this proceeding;

It further appearing, that by Third Supplemental Order in this proceeding, the Commission placed all revisions of the rates or other matter affecting the transportation of automobiles in the Atlantic Coast/Puerto Rico trade subsequently filed by respondents herein, under investigation in this proceeding with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It further appearing, that, on February 14, 1964, Containerships, Inc., filed Second Revised Page No. 23, to its Tariff FMC-F No. 1 which, upon becoming effective March 15, 1964 will provide an allowance of twelve and one-half percent (12½ percent) to shippers of automobiles when such automobiles are carried on deck for the convenience of the carrier with the consent of the shipper;

It further appearing, that the effectuation of said allowance shortly following the recent rate decrease on automobiles would result in instability that might be detrimental to the Puerto Rican trade; disrupt the status quo during the investigation in Docket No. 1167; and may result in rates, charges and/or other tariff matter which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933;

It further appearing, that, the effective date of the said allowance provision should be suspended pending such investigation:

Now therefore it is ordered, That "Note F" as published on Second Revised Page No. 23 to Containerships, Inc. Tariff FMC-F No. 1, and as brought forward on Third Revised Page No. 23, be, and it is hereby suspended and that the use thereof be deferred to and including July 14, 1964 unless otherwise authorized by the Commission, and that the rates, charges, and/or other matter affecting the transportation of automobiles heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension:

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission:

It is further ordered, That there shall be filed immediately with the Commission by Containerships, Inc. a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 15th day of July 1964, unless otherwise authorized by the Commission; and that

*Concurring statement of Board Member Nelson filed as part of original document.

the matter heretofore in effect, and which was to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension may be changed until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission:

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission:

It is further ordered, That (I) a copy of this order shall forthwith be served upon all respondents, protestants and interveners herein; (II) the said respondents, protestants and interveners be duly notified of the time and place of the hearing ordered; and (III) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74).

By the Commission, March 3, 1964.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 64-2410; Filed, Mar. 11, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-157]

CARNEGIE NATURAL GAS CO.

Notice of Application

MARCH 5, 1964.

Take notice that on January 7, 1964, Carnegie Natural Gas Company (Applicant), 3904 Main Street, Munhall, Pennsylvania, filed in Docket No. CP64-157 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving the abandonment of certain connecting, regulating and measuring facilities used in the delivery of natural gas to Manufacturers Light and Heat Company, under an exchange agreement involving gas from Applicant's well No. 973 located in Green County, Pennsylvania.

Applicant states that gas production from the well has declined to a point when it is no longer economically feasible to produce and deliver gas from the location.

Applicant will continue to exchange gas at other points with Manufacturers Light and Heat Company under the terms of the agreement above-mentioned.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed with the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 31, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-2396; Filed, Mar. 11, 1964; 8:47 a.m.]

[Docket No. RI64-129]

CONTINENTAL OIL CO. ET AL.

Order Approving Action of Presiding Examiner

MARCH 5, 1964.

At the session of the hearing held in the above-styled proceeding on February 14, 1964, the presiding examiner recessed such hearing to reconvene on April 14, 1964.

The extended recess was granted by the presiding examiner to enable the Commission's staff to examine many voluminous documents which the presiding examiner had ordered the respondent producers to make available to the staff for inspection in the offices of the respondents. The action of the presiding examiner was taken on a motion made by staff counsel to require production of such documents. Staff counsel indicated to the presiding examiner that the extended recess was necessary to enable the staff to examine the documents and thereafter to prepare testimony for presentation at the further hearing.

In accordance with the provisions of § 1.13(e) of the Commission's rules of practice and procedure which require Commission approval of a continuance for a period in excess of 30 days the presiding examiner has submitted to us the report of his action granting the extended continuance.

Viewed in the light of the circumstances presented in this proceeding, we feel that the continuance granted by the presiding examiner was reasonable.

The Commission orders. The presiding examiner's action taken on February 14, 1964, recessing the hearing in the above-styled proceeding to reconvene on April 14, 1964, be and hereby is approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-2397; Filed, Mar. 11, 1964; 8:47 a.m.]

[Docket No. CP64-123]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Application

MARCH 5, 1964.

Take notice that on November 29, 1963, as supplemented on January 29, 1964, Iowa-Illinois Gas and Electric Company (Applicant), 206 East Second Street, Davenport, Iowa, filed in Docket No. CP64-123 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities in Johnson County, Iowa, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant states that it distributes natural gas, among other areas, in the Cedar Rapids and Iowa City areas, Iowa, and that the gas supply for said areas is delivered to Applicant by Natural Gas Pipeline Company of America at a point on the latter's pipeline in Iowa. From this delivery point Applicant transports gas by means of two parallel 10-inch lines and an 11.3 mile 12-inch line partially looping said parallel lines. Applicant proposes herein to construct and operate 22 miles of 16-inch line which will be a continuation of and an extension of the 11.3 miles of loop line. The application indicates that the proposed line will increase the total design capacity of all of these lines from 3,830 Mcf per hour to 5,708 Mcf per hour.

Applicant states that the proposed line is necessary to provide additional capacity for the present requirements and for anticipated increased requirements of the Cedar Rapids and Iowa City areas.

The application shows the estimated cost of the proposed facilities to be $1,112,400, which cost will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 30, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-2398; Filed, Mar. 11, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Diseased Products Disaster Declaration No. 2]

TUNA FISH FROM PACIFIC COAST AREA

Declaration of Disaster

Whereas, small business firms are engaged in catching, processing and selling tuna fish from the Pacific Coast area; and

Whereas, certain persons died in March of 1963 from eating canned tuna fish which was contaminated with botulism; and

Whereas, these deaths were followed by a drastic reduction in consumption of canned tuna fish, resulting in substantial economic injury to the Pacific Coast tuna fish industry and to processors, distributors, and retailers of said tuna fish; and

Whereas, the cause of the botulism was not known;

Now, therefore, as Administrator of the Small Business Administration, I hereby declare that the foregoing circumstances constitute a disaster within the meaning of Section 7(b)(4) (Pub. Law 88-264) of the Small Business Act, as amended. Applications for disaster assistance will be received from small business concerns which have suffered substantial economic injury as a result thereof. Financial assistance, if found to be necessary or appropriate, will be extended to small business concerns determined by Small Business Administration to have suffered substantial economic injury as a result of this disaster. No applications under this Declaration shall be accepted subsequent to August 31, 1964.

EUGENE P. FOLEY, *Administrator.*

FEBRUARY 27, 1964.

[F.R. Doc. 64-2401; Filed, Mar. 11, 1964; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ackerman Manufacturing Co., Ackerman, Miss.; effective 2-29-64 to 2-28-65 (men's cotton work shirts).

Albain Shirt Co., Inc., 501 N. E. Street, Kingston, N.C.; effective 2-18-64 to 2-17-65 (men's dress and sport shirts).

Bellcraft Manufacturing Co., Mount Olivet Road, Hartwell, Ga.; effective 3-13-64 to 3-12-65 (men's sport shirts).

Carwood Manufacturing Co., Plant No. 2, Monroe, Ga.; effective 2-19-64 to 2-18-65 (men's and boys' work coats).

Elder Manufacturing Co., Bloomfield, Mo.; effective 2-21-64 to 2-20-65. Learners may not be employed in the manufacture of men's, youth's, and boys' suits, coats, and overcoats (boys' outerwear jackets).

Kentucky Pants Co., Glasgow-Bowling Green Road and 117 North Race Street, Glasgow, Ky.; effective 3-7-64 to 3-6-65 (men's work and casual coats).

J. A. Lamy Manufacturing Co., 108 West Pacific Street, Sedalia, Mo.; effective 2-24-64 to 2-23-65 (men's, boys', and women's dungarees).

Palmetto Garment Co., Inc., P.O. Box 186, Travelers Rest, S.C.; effective 2-20-64 to 2-19-65 (children's lingerie and sleepwear).

Reidbord Bros. Co., Blairton, Washington Township, Westmoreland County, Pa.; effective 3-4-64 to 3-3-65 (men's and boys' trousers).

Southland Manufacturing Co., Inc., Benson, N.C.; effective 3-4-64 to 3-3-65 (men's and boys' sport shirts).

Tipton Manufacturing Co., Tipton, Mo.; effective 2-18-64 to 2-17-65 (men's trousers).

Vesta Corset Co., Inc., McGraw, N.Y.; effective 3-4-64 to 3-3-65 (women's corsets and garter belts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Excelsior Frocks, Inc., 396 Academy Street, Archbald, Pa.; effective 2-19-64 to 2-18-65; 10 learners (ladies' dresses).

LGAM Manufacturing Co., Inc., Woodsfield, Ohio; effective 2-26-64 to 2-25-65; 10 learners (ladies' blouses).

Plattsburg Garment Co., 612 Engles Street, Plattsburg, Mo.; effective 2-20-64 to 2-19-65; 10 learners (boys' outerwear jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Monticello Manufacturing Co., Plant No. 3, a division of Kellwood Co., Wesson, Miss.; effective 3-1-64 to 8-31-64; 90 learners (men's work trousers and casual slacks).

Sevier Industries, Sevierville, Tenn.; effective 2-17-64 to 8-16-64; 100 learners (men's and boys' work pants).

Tellico Manufacturing Co., Inc., Tellico Plains, Tenn.; effective 2-17-64 to 8-16-64; 100 learners (men's and boys' sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

A. C. Little & Percy Little, d/b/a Banner Elk Glove Co., Banner Elk, N.C.; effective 2-20-64 to 2-19-65; 10 learners for normal labor turnover purposes (leather palm work gloves).

A. C. Little & Percy Little, d/b/a Banner Elk Glove Co., Banner Elk, N.C.; effective 2-20-64 to 8-19-64; 25 learners for plant expansion purposes (leather palm work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 522.30 to 522.35, as amended).

Mullins Textile Mills, Inc., 314 Wilkes Street, Chadbourn, N.C.; effective 2-24-64 to 2-23-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' undershirts and sport shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 28th day of February 1964.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 64-2400; Filed, Mar. 11, 1964; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Arrow Co., Jasper, Ala.; effective 3-10-64 to 3-9-65 (men's dress shirts).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa.; effective 2-28-64 to 2-27-65 (men's and boys' work and semi-dress trousers).

Gant, Inc., 162 James Street, New Haven, Conn.; effective 3-2-64 to 3-1-65 (men's dress shirts).

F. Jacobson & Sons, Inc., Tipton and O'Brien Streets, Seymour, Ind.; effective 3-6-64 to 3-5-65 (men's dress shirts).

Lanier Manufacturing Co., Inc., 112 Russell Street, Easley, S.C.; effective 2-28-64 to 2-27-65 (men's sport shirts).

Luzerne Outerwear Manufacturing Corp., 87-93 North Canal Street, Shickshinny, Pa.; effective 2-27-64 to 2-26-65. Learners may not be employed in the manufacture of sport coats of suit type construction (men's and boys' outerwear jackets).

Nettleton Garment Co., Nettleton, Miss.; effective 2-29-64 to 2-28-65 (men's and boys' dress pants).

Phillips-Van Heusen Corporation, Augusta, Ark.; effective 2-28-64 to 2-27-65 (men's dress shirts).

Sharon Manufacturing Co., Sharon, Tenn.; effective 3-2-64 to 3-1-65 (children's pajamas).

Sunset Manufacturing Co., Inc., 24 Moser Road, Pottstown, Pa.; effective 3-2-64 to 3-1-64 (ladies' dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Fawn Grove Manufacturing Co., Inc., Rising Sun, Md.; effective 2-28-64 to 2-27-65; 10 learners (men's dungarees, overalls, and shirts).

Holiday Togs, Inc., 520 South Market Street, Dayton, Tenn.; effective 3-22-64 to 3-21-65; 5 learners (boys' and girls' outer shorts).

Eileen Hope, Inc., Liverpool, Pa.; effective 3-4-64 to 3-3-65; 10 learners (women's dresses).

Spruce Pine Manufacturing Co., Spruce Pine, N.C.; effective 3-7-64 to 3-6-65; 10 learners (men's and boys' dress shirts).

The Watson-Scott Co., Thomasville, Ga.; effective 3-4-64 to 3-3-65; 10 learners (men's industrial uniforms, shirts, trousers, overalls, and work jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Anvil Brand, Inc., Independence, Va.; effective 2-25-64 to 8-24-64; 110 learners (men's dress jeans).

The Arrow Co., Jasper, Ala.; effective 3-10-64 to 9-9-64; 50 learners (men's dress shirts).

Reidbord Bros. Co., Livingston St., Elkins, W. Va.; effective 3-2-64 to 9-1-64; 25 learners (men's trousers and work shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; effective 2-27-64 to 8-26-64; 25 learners for plant expansion purposes (cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Metropolis, Ill.; effective 3-10-64 to 3-9-65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Waynesboro, Miss.; effective 3-5-64 to 9-4-64; 15 learners for plant expansion purposes (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Charles H. Bacon Co., Inc., Lenoir City, Tenn.; effective 3-2-64 to 3-1-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's, and children's seamless hosiery).

Holt Hosiery Mills, Inc., Finishing Division, 733 Koury Drive, Burlington, N.C.; effective 2-28-64 to 8-27-64; 15 learners for plant expansion purposes (full-fashioned and seamless).

Virginia Maid Hosiery Mills, Inc., and Acme Hosiery Dye Works, Inc., Pulaski, Va.; effective 3-2-64 to 9-1-64; 40 learners for plant expansion purposes (ladies' full-fashioned and seamless hosiery).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are indicated.

Ansonia Mills de Puerto Rico, Inc., 404 Barbosa Avenue, Hato Rey, P.R.; effective 1-27-64 to 7-26-64; 25 learners for plant expansion purposes, in the occupation of machine operator; doffer, each for a learning period of 240 hours at the rate of 74 cents an hour (covered rubber thread).

Ansonia Mills de Puerto Rico, Inc., 404 Barbosa Avenue, Hato Rey, P.R.; effective 1-27-64 to 1-26-65; 5 learners for normal labor turnover purposes, in the occupation of machine operator; doffer, each for a learning period of 240 hours at the rate of 74 cents an hour (covered rubber thread).

Barcelonets Shoe Corporation, %, International Shoe Corporation, P.O. Box 365, Manati, P.R.; effective 2-17-64 to 8-16-64; 150 learners for plant expansion purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (men's shoes).

Barranquitas Shoe Co., Inc., P.O. Box 623, Barranquitas, P.R.; effective 2-12-64 to 2-11-65; 10 learners for normal labor turnover purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (shoes).

Barranquitas Shoe Co., Inc., P.O. Box 623, Barranquitas, P.R.; effective 2-12-64 to 8-11-64; 30 learners for plant expansion purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (shoes).

Cranbar Corporation, Barrio El Tuque, Ponce W. Ind. Dev., P.O. Box "N", Ponce, P.R.; effective 1-28-64 to 1-27-65; 23 learners for normal labor turnover purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (rubber and canvas shoes).

Dentsply Puerto Rico, Inc., P.O. Box 1131, Caguas, P.R.; effective 2-17-64 to 2-16-65; 5 learners for normal labor turnover purposes, in the occupation of moulder; driller, each for a learning period of 240 hours at the rate of 94 cents an hour (artificial teeth).

Dixon Ford Shoe Corporation, P.O. Box 765, Salinas, P.R.; effective 2-17-64 to 8-16-64; 15 learners for plant expansion purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (shoes).

Dixon Ford Shoe Corporation, P.O. Box 765, Salinas, P.R.; effective 2-17-64 to 2-16-65; 5 learners for normal labor turnover purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (shoes).

Holt Hosiery Mills, Inc., Finishing Division, 733 Koury Drive, Burlington, N.C.; effective 2-28-64 to 8-27-64; 15 learners for plant expansion purposes (full-fashioned and seamless).

Janrico, Inc., P.O. Box 152, Rincon, P.R.; effective 1-30-64 to 1-29-65; 5 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) machine operator other than sewing machine (machine trimmer); final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (brassieres).

Melisa Brassiere Co., Inc., P.O. Box 905, Caguas, P.R.; effective 1-22-64 to 7-21-64; 65 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for remaining 160 hours (brassieres).

Midland Knitting Mills, Inc., P.O. Box 267, San German, P.R.; effective 2-17-64 to 2-16-65; 15 learners for normal labor turnover purposes, in the occupations of: (1) knitter; topper; looper, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitcher; presser, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (ladies' full-fashioned sweaters).

Northridge Knitting Mills, Inc., P.O. Box 267, San German, P.R.; effective 2-17-64 to 2-16-65; 15 learners for normal labor turnover purposes, in the occupations of: (1) knitter; topper; looper, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitcher; presser, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (ladies' full-fashioned sweaters).

Puerto Rico Industrial Manufacturing Corporation, P.O. Box 505, Manati, P.R.; effective 1-27-64 to 1-26-65; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (men's work pants, shirts, and overalls).

Sun Manufacturing, Inc., P.O. Box 3207, Mayaguez, P.R.; effective 2-17-64 to 2-16-65; 15 learners for normal labor turnover purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (canvas uppers for vulcanized shoes).

Weststone Knitting Mills, Inc., P.O. Box 267, San German, P.R.; effective 2-17-64 to 2-16-65; 10 learners for normal labor turnover purposes, in the occupations of: (1) knitter; topper; looper, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitcher; presser, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (ladies' sweaters).

Wilrico, Inc., State Road 107, Km. 0.1, Barrio Camaseyes, Aguadilla, P.R.; effective 2-19-64 to 7-21-64; 50 learners for plant expansion purposes, in the occupations of: (1) baseball hand sewer for a learning period of 320 hours at the rates of 61 cents an hour for the first 160 hours and 71 cents an hour for the remaining 160 hours; and (2) winder machine operator for a learning period of 160 hours at the rate of 61 cents an hour (baseballs).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 6th day of March 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-2399; Filed, Mar. 11, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 9, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 38868—*Groundwork Paper Winding Cores to and from WTL Territory.* Filed by Western Trunk Line Committee, Agent (No. A-2351), for interested rail carriers. Rates on groundwood paper winding cores, as described in the application, in carloads, from points in official, southern and western trunk-line territories, to points in western trunk-line territory, also from points in western trunk-line territory, to points in Manitoba and Ontario, Canada. Grounds for relief—Carrier competition. Tariffs—Supplement 77 to Western Trunk Line Committee, Agent, tariff I.C.C. A-4389, and 3 other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-2413; Filed, Mar. 11, 1964; 8:48 a.m.]

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PART 213—EXCEPTED SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, subparagraph (17) of paragraph (a) of § 213.3312 is amended as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(17) Director, Office of Minerals and Solid Fuels.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-2466; Filed, Mar. 12, 1964; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) is added to paragraph (p) of § 213.3304 as set out below.

§ 213.3304 Department of State.

• • • • • •

(p) *Office of the Deputy Under Secretary for Administration.* • • •

(8) Deputy Assistant Secretary for Community Advisory Services.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-2467; Filed, Mar. 12, 1964; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Washington, and Wyoming;

(2) The following counties in Illinois: Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) All counties in Kansas except Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) All counties in Minnesota except Jackson, Lincoln, and Rock;

(5) The following counties in Missouri: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) All counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico, and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-De-Baca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) All counties in Virginia except Augusta and Highland;

(9) All counties in Wisconsin except Saint Croix.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Iowa, Kentucky, Ohio, Tennessee, and West Virginia;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following counties in Minnesota: Jackson, Lincoln, and Rock;

(5) All counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and south-

easterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-DeBaca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) The following counties in Virginia: Augusta and Highland;

(9) The following county in Wisconsin: Saint Croix.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment adds Cumberland County in the State of Pennsylvania to the free areas, and deletes such county from the infected and eradication areas as sheep scabies is no longer known to exist in this county. The entire State of Pennsylvania has now been designated as a free area. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas, as contained in 9 CFR Part 74, as amended, will not apply to Pennsylvania. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply to this State.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of March 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-2453; Filed, Mar. 12, 1964; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 775—FEED GRAINS

Subpart—1964 and 1965 Feed Grain Program Regulations

COUNTY AVERAGE YIELDS AND COUNTY RATES

The 1964 and 1965 Feed Grain Program Regulations, 29 F.R. 590, are hereby amended by adding a new section as follows:

§ 775.327 County average yields and county rates.

The county average yields and the county rates for determining the diversion payments for the 1964 crops of barley, corn, and grain sorghum under § 775.312 are as follows:

1964 FEED GRAIN PROGRAM

County 1959–62 Adjusted Average Yields (In Bushels) per Acre and County Rates Used in Determining Diversion Payments

ALABAMA

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Autauga	30.5	1.02	28.2	1.38	21.7	1.16
Baldwin			40.8	1.38	35.5	1.16
Barbour			26.7	1.38	26.2	1.16
Bibb			30.3	1.38	29.5	1.16
Blount			30.9	1.38	25.4	1.16
Bullock			24.0	1.38	27.5	1.16
Butler			29.2	1.38	23.0	1.16
Calhoun			30.1	1.38	22.0	1.16
Chambers	27.0	1.02	22.2	1.38	18.0	1.16
Cherokee	30.0	1.02	31.3	1.38	28.6	1.16
Chilton			28.9	1.38	22.2	1.16
Choctaw			27.6	1.38	23.0	1.16
Clarke			28.5	1.38	23.2	1.16
Clay			23.6	1.38	21.0	1.16
Cleburne			25.3	1.38	21.4	1.16
Coffee	27.0	1.02	26.0	1.38	24.2	1.16
Colbert	31.5	1.02	28.7	1.38	20.6	1.16
Conecuh			28.7	1.38	23.0	1.16
Coosa			25.4	1.38	15.2	1.16
Covington			27.3	1.38	23.7	1.16
Crenshaw			27.2	1.38	20.6	1.16
Cullman			32.3	1.38	23.2	1.16
Dale			27.1	1.38	22.0	1.16
Dallas	27.5	1.02	27.2	1.38	19.7	1.16
De Kalb	30.0	1.02	34.6	1.38	26.6	1.16
Elmore			27.5	1.38	27.5	1.16
Escambia			32.3	1.38	28.0	1.16
Etowah			31.4	1.38	24.2	1.16
Fayette			28.4	1.38	20.1	1.16
Franklin	29.0	1.02	27.5	1.38	25.4	1.16
Geneva			29.0	1.38	21.4	1.16
Greene			24.0	1.38	20.2	1.16
Hale	27.0	1.02	24.3	1.38	20.5	1.16
Henry			28.5	1.38	23.8	1.16
Houston	27.0	1.02	29.6	1.38	22.2	1.16
Jackson	30.0	1.02	33.3	1.38	26.8	1.16
Jefferson			31.6	1.38	23.9	1.16
Lamar			25.8	1.38	17.5	1.16
Lauderdale	30.5	1.02	28.1	1.38	24.6	1.16
Lawrence	30.0	1.02	28.4	1.38	28.5	1.16
Lee	27.0	1.02	23.9	1.38	21.6	1.16
Limestone	31.0	1.02	32.7	1.38	26.4	1.16
Lowndes			25.6	1.38	20.1	1.16
Macon			22.1	1.38	26.2	1.16
Madison	27.0	1.02	34.0	1.38	31.3	1.16
Marengo			23.5	1.38	27.0	1.16
Marion			26.8	1.38	25.1	1.16
Marshall			33.0	1.38	26.2	1.16
Mobile			34.4	1.38	30.0	1.16
Monroe			30.8	1.38	32.1	1.16
Montgomery			24.8	1.38	23.0	1.16
Morgan	28.5	1.02	28.8	1.38	22.8	1.16
Perry			27.1	1.38	23.0	1.16
Pickens			24.7	1.38	27.0	1.16
Pike			25.1	1.38	22.1	1.16
Randolph			24.0	1.38	19.1	1.16
Russell			23.4	1.38	22.5	1.16
St. Clair	28.5	1.02	28.2	1.38	29.0	1.16
Shelby	29.0	1.02	26.4	1.38	29.0	1.16
Sumter			22.9	1.38	23.0	1.16
Talladega			24.0	1.38	26.0	1.16
Tallapoosa			23.4	1.38	16.8	1.16
Tuscaloosa			26.5	1.38	24.5	1.16
Walker			29.5	1.38	26.8	1.16
Washington	27.0	1.02	30.0	1.38	24.8	1.16
Wilcox	27.5	1.02	25.6	1.38	22.5	1.16
Winston			29.0	1.38		1.16

ARKANSAS—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Pike	25.5	1.03	21.5	1.33	40.0	1.11
Poinsett	25.0	.92	36.8	1.33	28.6	1.06
Polk	39.0	.96	26.5	1.33	43.6	1.13
Pope	27.4	1.03	29.5	1.33	19.5	1.23
Prairie	30.8	1.04	28.2	1.33	22.6	1.22
Randolph	42.2	1.03	34.2	1.33	30.6	1.22
St. Francis	33.8	1.03	33.8	1.33	26.4	1.16
Saline	30.2		34.5	1.33	28.1	1.16
Scott			26.5	1.33	50.0	1.06
Searcy	14.3	.93	26.7	1.33	20.0	1.11
Sebastian	34.2	.94	37.0	1.33	27.5	1.10
Sevier			26.9	1.33	40.0	1.05
Sharp	13.4	.90	32.6	1.33	21.6	1.15
Stone			26.5	1.33	45.0	1.15
Union			35.2	1.33	18.0	1.09
Van Buren		.92	25.6	1.33	15.2	1.09
Washington	29.8	1.05	37.0	1.33	25.9	1.23
White	20.8	1.05			26.2	1.13
Woodruff	28.2	.96			26.8	1.13
Yell	21.0					

CALIFORNIA

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Alameda	35.2	1.10	52.0	1.39	38.5	1.36
Alpine	40.0	1.01				
Amador	33.5	1.10	51.5	1.39	61.0	1.36
Butte	49.0	1.08	75.2	1.39	66.0	
Calaveras	32.2	1.10	88.2	1.39	66.1	1.37
Colusa	41.9	1.09	66.3	1.39	73.0	1.35
Contra Costa	34.2	1.10			62.0	1.34
El Dorado			64.0	1.39	65.0	1.36
Fresno	58.0	1.06	61.5	1.39	65.0	1.22
Glenn	34.6	1.06			25.0	1.34
Humboldt	48.8	.97	60.0	1.39	62.8	1.19
Imperial	64.0	1.07	61.5	1.39	60.0	1.19
Inyo			68.8	1.39	68.0	1.30
Kern	50.0	1.04	66.0	1.39	56.0	1.33
Kings	59.5	1.06	25.0	1.39	52.5	
Lake	29.2	1.06	75.5	1.39		
Los Angeles	30.7	.96	28.0	1.39		
Madera	29.0	1.08	67.0	1.39	66.5	1.37
Marin	40.5	1.10			68.0	1.35
Mendocino	30.5	1.03	45.0	1.39	25.0	1.29
Merced	40.8	1.09	66.0	1.39	56.2	1.37
Modoc	54.0	.99				
Mono			40.0	1.39	35.0	1.24
Monterey			72.0	1.39	30.8	1.37
Napa			64.0	1.39	28.8	1.34
Orange	25.2	1.07	37.0	1.39	71.0	1.37
Placer	40.0	1.09	65.0	1.39		
Plumas	36.0	1.06			62.0	1.33
Riverside	57.2	1.10	60.0	1.39	72.0	1.36
Sacramento	53.0	1.06	87.0	1.39	58.6	1.26
San Benito	22.2	1.08	60.0	1.39	67.5	1.23
San Bernardino	25.3	1.06	66.0	1.39	60.0	1.40
San Diego	62.8	1.12	78.0	1.39	72.5	1.40
San Joaquin	29.0	1.09	65.6	1.39	40.0	1.33
San Luis Obispo	30.6	1.06				
San Mateo	30.6	1.10	60.0	1.39	71.5	1.31
Santa Barbara	31.5	1.04	73.0	1.39	85.0	1.34
Santa Clara	43.6	1.10				
Santa Cruz	27.0	1.00	36.0	1.39		
Shasta	25.9	.96				
Sierra	51.0	1.00				
Siskiyou	46.8	1.09	89.2	1.39	74.0	1.37
Solano	39.5	1.09	69.5	1.39	71.0	1.37
Sonoma	38.2	1.11	77.5	1.39	72.8	1.34
Stanislaus	51.2	1.09				1.35
Sutter						

ARIZONA

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Apache	42.5	0.87	24.8	1.33	20.0	1.02
Cochise	47.8	.97	29.1	1.33	29.8	1.23
Coconino	42.5	.87	33.1	1.33	20.0	1.02
Gila	40.0	.90	45.0	1.33	40.0	1.13
Graham	45.0	.92	41.3	1.33	32.5	1.13
Greenlee	47.5	.90	41.5	1.33	60.0	1.09
Maricopa	72.0	1.04	24.4	1.33	20.0	1.02
Mohave	44.5	.87	27.6	1.33	34.4	1.13
Navajo	42.5	.87	44.6	1.33	30.8	1.23
Pima	60.5	1.04	29.4	1.33	60.0	1.06
Pinal	50.0	.99	45.0	1.33	50.0	1.23
Santa Cruz	50.0	.87	55.0	1.33	42.8	1.23
Yavapai	50.0	.99			50.5	1.23
Yuma	61.0	1.05			47.5	1.32

ARKANSAS

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Arkansas	27.4	1.05	24.8	1.33	27.8	1.23
Ashley			33.1	1.33	26.4	1.13
Baxter	17.8	.96	41.3	1.33	31.2	1.09
Benton	26.0	.96	41.5	1.33	20.8	1.11
Boone			24.4	1.33	13.5	1.13
Bradley			27.6	1.33	34.4	1.14
Calhoun		.94	44.6	1.33	30.8	1.23
Carroll			29.9	1.33	22.2	1.13
Chicot	26.8		28.6	1.33	22.7	1.23
Clark		1.05	23.6	1.33	27.9	1.23
Clay	27.6	1.05	27.4	1.33	27.6	1.16
Cleburne	13.8	1.05	28.4	1.33	19.7	1.11
Cleveland			28.4	1.33	20.7	1.23
Columbia			27.0	1.33	20.7	1.20
Conway	27.5	1.03	31.6	1.33	26.1	1.23
Craighead	30.2	1.05	32.6	1.33	23.5	1.10
Crawford	28.8	.94	35.1	1.33	21.6	1.23
Crittenden	22.9	1.05	28.5	1.33	19.7	1.16
Cross	28.2	1.04	28.5	1.33	20.1	1.14
Dallas	30.0		34.8	1.33	21.4	1.22
Desha		1.04	26.7	1.33	28.0	1.16
Drew	25.7	1.03	29.4	1.33	21.5	1.11
Faulkner	29.6	.95	35.8	1.33	27.6	1.13
Fulton			27.0	1.33	14.7	1.13
Garland	30.0	.96	32.5	1.33	24.2	1.14
Grant			29.2	1.33	24.7	1.25
Greene	32.0	1.05	30.8	1.33	22.3	1.11
Hempstead	26.0	.95	30.8	1.33	26.2	1.14
Hot Springs			26.4	1.33	25.4	1.13
Howard	25.0	.94	41.5	1.33	27.1	1.19
Independence	29.6	1.02	29.8	1.33	19.2	1.14
Izard			38.8	1.33	29.8	1.23
Jackson	35.0	1.05	33.2	1.33	25.4	1.21
Jefferson			33.0	1.33	25.1	1.11
Johnson	27.2	.95	31.9	1.33	19.8	1.23
Lafayette	22.5	1.05	29.6	1.33	13.6	1.23
Lawrence	30.1	1.05	33.0	1.33	19.8	1.11
Lee			25.9	1.33	43.9	1.23
Lincoln			23.6	1.33	13.6	1.11
Little River			27.6	1.33	22.0	1.11
Logan	30.0	.94	29.7	1.33	19.3	1.23
Lonoke	22.2	1.05	41.5	1.33	34.1	1.09
Madison		.92	27.4	1.33	25.2	1.13
Marion			36.3	1.33	21.1	1.11
Miller			29.4	1.33	28.0	1.23
Mississippi	31.1	1.05	44.8	1.33	43.0	1.23
Monroe	27.2	1.05	29.0	1.33	17.8	1.11
Montgomery			23.5	1.33	25.4	1.11
Nevada			25.2	1.33	16.2	1.13
Newton			22.3	1.33	19.0	1.11
Ouachita			29.8	1.33	23.6	1.23
Perry	28.5	.96			22.7	
Phillips	37.0	1.05				

CALIFORNIA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Tehama	28.5	1.04	77.8	1.39	57.0	1.31
Tulare	50.1	1.06	66.5	1.39	61.8	1.33
Tuolumne	22.0	1.11				
Ventura	33.8	1.09	75.0	1.39	70.5	1.37
Yolo	50.6	1.10	87.8	1.39	72.5	1.38
Yuba	46.2	1.09	45.5	1.39	55.0	1.37
COLORADO						
Adams	29.8	0.86	66.0	1.28	20.9	1.02
Alamosa	40.6	.87	50.0	1.31		
Arapahoe	29.7	.86	40.4	1.29	19.1	1.02
Archuleta	36.2	.87	32.0	1.34		
Baca	20.0	.87	44.2	1.30	21.7	1.05
Bent	33.1	.87	54.0	1.30	52.0	1.02
Boulder	47.2	.86	75.0	1.29	45.6	1.02
Chaffee	41.0	.87				
Cheyenne	23.0	.88	36.0	1.28	15.6	1.02
Conejos	44.7	.87	49.0	1.32		
Costilla	41.5	.87	48.0	1.30		
Crowley	31.8	.86	54.3	1.30	47.4	1.02
Custer	28.0	.81	25.0	1.30	26.3	1.02
Delta	48.2	.87	60.0	1.36	51.8	1.02
Dolores	18.8	.87	19.0	1.38	26.8	1.02
Douglas	25.1	.88	38.2	1.30	13.2	1.02
Eagle	49.4	.87	43.0	1.34		
Elbert	23.5	.86	19.1	1.29	14.7	1.02
El Paso	19.9	.86	18.9	1.30	16.6	1.02
Fremont	30.0	.82	45.6	1.30	40.0	1.02
Garfield	48.7	.87	44.0	1.36	51.1	1.02
Grand	38.1	.87				
Gunnison	34.4	.87				
Hinsdale	36.2	.87				
Huerfano	29.8	.85	37.5	1.30	25.6	1.02
Jackson	20.8	.87				
Jefferson	35.0	.86	57.6	1.30	26.8	1.02
Kiowa	22.0	.87	32.5	1.29	18.7	1.02
Kit Carson	25.6	.88	50.9	1.27	23.5	1.02
La Plata	34.3	.87	40.8	1.36	26.8	1.02
Larimer	45.5	.86	74.0	1.28	39.8	1.02
Las Animas	22.0	.86	34.0	1.30	22.5	1.02
Lincoln	23.0	.86	35.0	1.29	17.0	1.02
Logan	26.3	.86	58.4	1.27	24.4	1.02
Mesa	41.4	.87	69.3	1.36	56.5	1.02
Mineral	36.2	.87				
Moffat	23.3	.87				
Montezuma	40.8	.87	49.7	1.38	17.0	1.02
Montrose	52.0	.87	64.5	1.36	49.9	1.02
Morgan	33.2	.86	76.0	1.27	20.2	1.02
Otero	37.7	.86	60.4	1.30	58.3	1.02
Ouray	36.8	.87	59.5	1.38		
Park	20.4	.83				
Phillips	32.1	.88	26.0	1.27	23.1	1.02
Pitkin	47.8	.87	33.0	1.34		
Prowers	27.2	.88	56.8	1.29	38.8	1.02
Pueblo	35.6	.86	58.2	1.30	40.6	1.02
Rio Blanco	29.9	.87	42.0	1.36		
Rio Grande	47.4	.87	51.0	1.34		
Routt	28.4	.87				
Saguache	51.0	.87	49.0	1.32		
San Miguel	49.4	.87	45.7	1.38		
Sedgwick	29.6	.88	62.2	1.27	28.1	1.02
Washington	25.8	.86	38.0	1.27	16.5	1.02
Weld	30.0	.86	73.1	1.27	30.0	1.02
Yuma	27.2	.88	26.7	1.27	21.1	1.02
CONNECTICUT						
Fairfield			59.5	1.46		
Hartford			68.5	1.46	52.5	1.19
Litchfield			71.2	1.46	54.4	1.19

CONNECTICUT—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Middlesex			66.5	1.46	50.8	1.19
New Haven			62.0	1.46	48.9	1.19
New London			59.0	1.46		
Tolland	34.0	1.06	67.0	1.46	51.0	1.19
Windham			64.5	1.46		
DELAWARE						
Kent	40.2	1.06	60.0	1.41	52.0	1.19
New Castle	45.3	1.06	65.0	1.41	55.0	1.19
Sussex	36.2	1.06	58.2	1.41	46.0	1.19
FLORIDA						
Alachua			33.0	1.39	36.0	1.16
Baker			20.0	1.39		
Bay			27.0	1.39		
Bradford			25.0	1.39		
Calhoun			29.8	1.39	44.0	1.16
Citrus			22.0	1.39	36.0	1.16
Clay			30.0	1.39	41.0	1.16
Columbia			27.2	1.39	37.0	1.16
Dade			47.8	1.39	39.0	1.16
De Soto			29.6	1.39		
Dixie			29.5	1.39		
Duval			42.5	1.39		
Escambia			34.5	1.39	45.0	1.16
Flagler			34.0	1.39	41.0	1.16
Gadsden			36.2	1.39	42.0	1.16
Gilchrist			29.0	1.39	36.0	1.16
Glades			30.5	1.39		
Gulf			30.8	1.39	40.0	1.16
Hamilton			32.8	1.39	38.0	1.16
Hardee			29.0	1.39		
Hendry			50.0	1.39		
Hernando			30.2	1.39	38.0	1.16
Highlands			43.8	1.39		
Hillsborough			30.3	1.39	38.0	1.16
Holmes			25.0	1.39	36.5	1.16
Jackson			32.0	1.39	40.0	1.16
Jefferson			32.0	1.39	39.0	1.16
Lafayette			26.0	1.39	35.5	1.16
Lake			35.2	1.39	39.0	1.16
Lee			27.0	1.39	39.0	1.16
Leon			30.8	1.39	38.0	1.16
Levy			29.0	1.39	37.0	1.16
Liberty			25.5	1.39		
Madison			29.0	1.39	37.0	1.16
Manatee			28.5	1.39	39.0	1.16
Marion			29.0	1.39	37.0	1.16
Martin			40.0	1.39	39.0	1.16
Nassau			29.0	1.39	41.0	1.16
Okaloosa			27.0	1.39	39.0	1.16
Okeechobee			40.0	1.39	39.0	1.16
Orange			43.2	1.39	39.0	1.16
Osceola			39.9	1.39	39.0	1.16
Palm Beach			53.5	1.39	39.0	1.16
Pasco			35.2	1.39	38.0	1.16
Polk			32.8	1.39	38.0	1.16
Putnam			39.8	1.39	41.0	1.16
St. Johns			36.5	1.39	41.0	1.16
Santa Rosa			35.0	1.39	44.0	1.16
Seminole			43.2	1.39		
Sumter			32.2	1.39	37.0	1.16
Suwannee			27.2	1.39	37.0	1.16
Taylor			29.0	1.39		
Union			27.0	1.39		
Volusia			38.2	1.39	37.0	1.16
Wakulla			24.0	1.39		
Walton	21.5	1.05	27.0	1.39	39.0	1.16
Washington			27.0	1.39	39.0	1.16

GEORGIA

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Appling			29.8	1.39	33.2	1.19
Atkinson			25.0	1.39	28.2	1.19
Bacon			33.4	1.39	30.6	1.19
Baker			28.2	1.39	24.2	1.19
Baldwin	25.0	1.05	26.0	1.39	27.8	1.19
Banks	35.1	1.05	24.2	1.39	32.2	1.19
Barrow	29.1	1.05	22.2	1.39	30.0	1.19
Bartow	36.3	1.05	36.5	1.39	22.2	1.19
Ben Hill			31.0	1.39	24.5	1.19
Berrien	32.0	1.05	35.6	1.39	30.4	1.19
Bibb	38.9	1.05	33.6	1.39	21.1	1.19
Bleckley			28.0	1.39	26.0	1.19
Brantley			36.7	1.39	25.5	1.19
Brooks	32.0	1.05	32.6	1.39	17.9	1.19
Bryan			37.6	1.39	22.0	1.19
Bulloch	30.0	1.05	34.8	1.39	22.2	1.19
Burke	25.0	1.05	25.8	1.39	28.8	1.19
Butts	25.8	1.05	26.7	1.39	45.0	1.19
Calhoun			35.5	1.39	27.5	1.19
Camden			32.7	1.39	22.2	1.19
Candler			26.2	1.39	16.9	1.19
Carroll	35.4	1.05	27.3	1.39	27.0	1.19
Catoosa	30.9	1.05	41.2	1.39	42.2	1.19
Charlton			30.4	1.39	20.0	1.19
Chatham			30.6	1.39	22.0	1.19
Chattahoochee			17.7	1.39	18.0	1.19
Chattooga			29.5	1.39	25.2	1.19
Cherokee	32.6	1.05	32.4	1.39	23.2	1.19
Clarke	42.6	1.05	27.2	1.39	35.2	1.19
Clay			32.8	1.39	25.8	1.19
Clayton	31.5	1.05	22.2	1.39	24.8	1.19
Clinch			31.5	1.39	20.0	1.19
Cobb	26.0	1.05	25.2	1.39	31.5	1.19
Coffee			33.6	1.39	20.8	1.19
Colquitt	32.0	1.05	37.6	1.39	32.8	1.19
Columbia	28.5	1.05	19.6	1.39	18.0	1.19
Cook			35.5	1.39	15.1	1.19
Coweta	38.8	1.05	28.7	1.39	19.0	1.19
Crawford	35.0	1.05	24.5	1.39	21.4	1.19
Crisp			30.9	1.39	22.2	1.19
Dade			33.5	1.39	18.0	1.19
Dawson			33.4	1.39	27.0	1.19
Decatur			32.0	1.39	28.2	1.19
De Kalb	31.4	1.05	26.6	1.39	20.4	1.19
Dodge	28.0	1.05	25.0	1.39	29.2	1.19
Dooly	45.6	1.05	27.2	1.39	20.9	1.19
Dougherty	35.0	1.05	29.4	1.39	20.8	1.19
Douglas	28.0	1.05	24.5	1.39	16.6	1.19
Early			35.8	1.39	21.8	1.19
Echols			32.8	1.39	21.5	1.19
Effingham			28.5	1.39	22.0	1.19
Elbert	31.4	1.05	23.4	1.39	24.2	1.19
Emanuel	23.1	1.05	25.0	1.39	27.5	1.19
Evans			36.1	1.39	18.0	1.19
Fannin			41.0	1.39	26.0	1.19
Fayette	28.0	1.05	26.6	1.39	35.8	1.19
Floyd			31.0	1.39	26.8	1.19
Forsyth	35.0	1.05	28.7	1.39	27.0	1.19
Franklin	33.2	1.05	25.6	1.39	21.0	1.19
Fulton	44.1	1.05	26.3	1.39	45.8	1.19
Gilmer			41.3	1.39	26.0	1.19
Glascock			21.3	1.39	17.0	1.19
Glynn			24.2	1.39	22.0	1.19
Gordon			29.8	1.39	28.2	1.19
Grady			36.4	1.39	19.0	1.19
Greene	26.3	1.05	20.4	1.39	20.0	1.19
Gwinnett	29.9	1.05	25.6	1.39	24.2	1.19
Habersham	25.8	1.05	35.7	1.39	28.0	1.19
Hall	30.4	1.05	27.6	1.39	31.0	1.19
Hancock	28.1	1.05	20.0	1.39	28.5	1.19
Haralson	28.0	1.05	22.7	1.39	22.6	1.19
Harris	25.4	1.05	20.9	1.39	19.2	1.19
Hart	32.6	1.05	25.8	1.39	24.5	1.19

GEORGIA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Heard			25.0	1.39	35.7	1.19
Henry	25.6	1.05	27.8	1.39	19.0	1.19
Houston	39.9	1.05	35.1	1.39	22.8	1.19
Irwin			34.5	1.39	23.8	1.19
Jackson	33.5	1.05	24.8	1.39	33.2	1.19
Jasper	37.5	1.05	26.8	1.39	28.0	1.19
Jeff Davis			31.8	1.39	28.4	1.19
Jefferson	30.4	1.05	26.5	1.39	19.9	1.19
Jenkins			25.6	1.39	24.0	1.19
Johnson	23.5	1.05	20.9	1.39	19.5	1.19
Jones	24.2	1.05	22.5	1.39	32.2	1.19
Lamar	31.1	1.05	29.1	1.39	17.0	1.19
Lanier			32.6	1.39	16.8	1.19
Laurens	27.0	1.05	27.3	1.39	24.8	1.19
Lee	38.4	1.05	33.4	1.39	22.4	1.19
Liberty			26.8	1.39	20.0	1.19
Lincoln	30.3	1.05	20.8	1.39	18.9	1.19
Long			33.2	1.39	20.0	1.19
Lowndes			30.7	1.39	22.0	1.19
Lumpkin			40.2	1.39	27.0	1.19
McDuffie			20.2	1.39	19.6	1.19
McIntosh			26.4	1.39	20.0	1.19
Macon	41.4	1.05	30.6	1.39	30.0	1.19
Madison	30.9	1.05	24.2	1.39	21.9	1.19
Marion	24.4	1.05	22.8	1.39	26.0	1.19
Meriwether	34.6	1.05	28.1	1.39	34.8	1.19
Miller			28.8	1.39	18.8	1.19
Mitchell			32.4	1.39	27.5	1.19
Monroe	33.0	1.05	24.7	1.39	30.0	1.19
Montgomery	29.3	1.05	25.7	1.39	18.3	1.19
Morgan	37.5	1.05	24.2	1.39	28.5	1.19
Murray	28.0	1.05	31.0	1.39	24.4	1.19
Muscogee			21.3	1.39	18.0	1.19
Newton	30.5	1.05	26.5	1.39	30.0	1.19
Oconee	33.6	1.05	23.6	1.39	21.6	1.19
Oglethorpe	33.0	1.05	24.2	1.39	19.1	1.19
Paulding	29.0	1.05	22.2	1.39	20.0	1.19
Peach	42.2	1.05	40.2	1.39	24.4	1.19
Pickens			36.2	1.39	26.0	1.19
Pierce			35.3	1.39	22.7	1.19
Pike	27.0	1.05	28.2	1.39	23.8	1.19
Polk	27.8	1.05	27.4	1.39	25.2	1.19
Pulaski	24.3	1.05	27.0	1.39	25.8	1.19
Putnam			20.4	1.39	21.3	1.19
Quitman			27.8	1.39	26.6	1.19
Rabun			47.2	1.39	30.0	1.19
Randolph	23.0	1.05	30.8	1.39	27.2	1.19
Richmond	23.5	1.05	21.3	1.39	14.5	1.19
Rockdale	28.4	1.05	24.3	1.39	24.5	1.19
Schley	24.8	1.05	20.2	1.39	40.0	1.19
Screven	35.3	1.05	31.2	1.39	20.4	1.19
Seminole	33.0	1.05	30.7	1.39	25.9	1.19
Spalding	20.0	1.05	30.8	1.39	28.8	1.19
Stephens	32.6	1.05	30.4	1.39	26.2	1.19
Stewart			27.6	1.39	21.0	1.19
Sumter	25.1	1.05	35.4	1.39	23.8	1.19
Talbot	39.8	1.05	20.8	1.39	21.8	1.19
Taliaferro	26.0	1.05	18.1	1.39	18.0	1.19
Tattnall			35.1	1.39	25.8	1.19
Taylor			29.2	1.39	27.5	1.19
Telfair			21.4	1.39	20.8	1.19
Terrell	26.2	1.05	26.2	1.39	17.4	1.19
Thomas			37.3	1.39	23.6	1.19
Tift	32.0	1.05	33.2	1.39	20.5	1.19
Toombs			34.4	1.39	24.8	1.19
Towns			49.1	1.39	30.0	1.19
Treutlen	21.5	1.05	21.2	1.39	20.0	1.19
Troup			25.7	1.39	22.8	1.19
Turner			27.2	1.39	23.0	1.19
Twiggs			23.1	1.39	21.2	1.19
Union			45.6	1.39	26.2	1.19
Upson	27.2	1.05	24.4	1.39	24.0	1.19
Walker	45.0	1.05	32.9	1.39	40.0	1.19

GEORGIA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Walton	38.4	1.05	26.0	1.39	33.8	1.19
Ware			40.4	1.39	39.5	1.19
Warren	30.0	1.05	27.5	1.39	30.3	1.19
Washington	28.9	1.05	40.3	1.39	34.0	1.19
Wayne			23.3	1.39	22.0	1.19
Webster	28.0	1.05	24.6	1.39	27.0	1.19
Wheeler	23.9	1.05	37.2	1.39	28.6	1.19
Whitfield	48.0	1.05	26.8	1.39	32.8	1.19
Wilcox	27.2	1.05	22.5	1.39	22.6	1.19
Wilkes			18.8	1.39	37.0	1.19
Wilkinson	32.0	1.05	30.2	1.39	21.8	1.19
Worth						
IDAHO						
Ada	40.1	0.97	77.2	1.34	58.0	1.02
Adams	33.9	.97	45.0	1.34		
Bannock	39.3	.97	60.0	1.34		
Bear Lake	31.8	.97				
Benewah	29.0	1.00				
Bingham	40.1	.97	60.0	1.34	48.0	1.02
Blaine	37.0	.97	50.0	1.34		
Boise	31.3	.97				
Bonner	39.6	.94	35.0	1.34		
Bonneville	34.3	.97	55.0	1.34		
Boundary	39.5	.94				
Butte	43.1	.97				
Camas	22.8	.97	79.6	1.34	38.0	1.02
Canyon	35.0	.97	48.0	1.34		
Caribou	32.5	.97	65.0	1.34	38.0	1.02
Clark	31.2	.97	40.0	1.34		
Clearwater	33.5	.94				
Custer	34.5	.97	35.0	1.34		
Elmore	34.2	.97	72.9	1.34	58.0	1.02
Franklin	36.0	.97	60.0	1.34		
Fremont	32.8	.97	45.0	1.34		
Gem	36.8	.97	72.5	1.34	55.0	1.02
Gooding	30.1	.97	46.0	1.34		
Idaho	41.4	.97	36.0	1.34	38.0	1.02
Jefferson	38.2	.97	71.6	1.34		
Jerome	40.6	.97	40.0	1.34		
Kootenai	30.0	1.00	45.0	1.34		
Latah	36.6	1.00	35.0	1.34		
Lemhi	30.8	.98				
Lewis	34.1	.97	61.9	1.34	45.0	1.02
Lincoln	31.1	.97	50.0	1.34		
Madison	31.2	.97	46.0	1.34		
Minidoka	39.4	.97	58.0	1.34		
Nez Perce	38.6	1.00	55.0	1.34		
Oneida	35.5	.97	81.6	1.34	60.0	1.02
Payette	43.1	.97	74.5	1.34	57.0	1.02
Power	19.6	.97	60.0	1.34		
Teton	28.1	.97				
Twin Falls	45.6	.97	70.6	1.34	57.0	1.02
Valley	29.4	.97				
Washington	37.1	.97	71.0	1.34	56.0	1.02
ILLINOIS						
Adams	28.2	0.99	68.0	1.25	62.2	1.09
Alexander	29.8	1.01	69.5	1.25	46.2	1.09
Bond	42.5	1.03	78.2	1.26	56.2	1.09
Boone	27.4	.99	62.0	1.25	54.1	1.09
Brown	35.0	1.01	81.5	1.26	52.5	1.09
Bureau	32.6	1.02	85.0	1.26	62.2	1.09
Calhoun						

ILLINOIS—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Carroll	30.6	0.98	72.7	1.24	60.5	1.09
Cass	30.1	1.04	61.8	1.26	58.4	1.09
Champaign	27.6	.98	53.2	1.26	45.0	1.09
Christian	34.6	1.01	77.5	1.27	61.5	1.09
Clark	37.8	1.01	66.8	1.26	62.0	1.09
Clay	31.5	1.01	70.0	1.26	62.5	1.09
Clinton	31.7	1.02	71.2	1.27	62.8	1.09
Coles	31.0	1.01	79.6	1.26		
Cook	39.0	1.01	80.5	1.23	62.1	1.09
Crawford	28.0	1.01	78.5	1.27	62.1	1.09
Cumberland	28.1	1.01	77.7	1.26	61.0	1.09
DeKalb	26.6	.99	62.2	1.25	50.5	1.09
Douglas	33.0	1.00	79.1	1.25	74.1	1.09
DuPage	32.2	1.01	54.1	1.28	55.7	1.09
Edgar	31.0	1.00	80.0	1.27	49.2	1.09
Edwards	24.8	.98	82.1	1.24	46.1	1.09
Effingham	34.3	1.01	82.1	1.26	58.3	1.09
Fayette	41.9	1.01	69.3	1.27	59.9	1.09
Ford	28.3	1.01	40.2	1.26	37.1	1.09
Franklin	39.4	1.01	77.4	1.25		
Fulton	31.0	1.01	92.4	1.27	61.0	1.09
Gallatin						
Greene	32.0	.98	72.7	1.24	58.0	1.10
Grundy	30.1	1.04	61.8	1.26	50.0	1.10
Hamilton	27.6	.98	53.2	1.26	45.0	1.10
Hancock	34.6	1.01	77.5	1.27	61.5	1.10
Hardin	37.8	1.01	66.8	1.26	62.0	1.10
Henderson	31.5	1.01	70.0	1.26	62.5	1.10
Henry	31.7	1.02	71.2	1.27	62.8	1.10
Iroquois	31.0	1.01	79.6	1.26		
Jackson	39.0	1.01	80.5	1.23	62.1	1.09
Jasper	33.0	1.01	78.5	1.27	62.1	1.09
Jefferson	28.1	1.01	77.7	1.26	61.0	1.09
Jersey	26.6	.99	62.2	1.25	50.5	1.09
Jo Daviess	33.0	1.00	79.1	1.25	74.1	1.09
Johnson	32.2	1.01	54.1	1.28	55.7	1.09
Kane	24.8	.98	80.0	1.27	49.2	1.09
Kankakee	41.5	1.01	82.1	1.24	46.1	1.09
Kendall	41.9	1.01	69.3	1.26	59.9	1.09
Knox	28.3	1.01	40.2	1.27	37.1	1.09
Lake	39.4	1.01	77.4	1.26		
La Salle	31.0	1.01	92.4	1.27	61.0	1.09
Lawrence	30.6	0.98	72.7	1.24	60.5	1.09
Lee	30.1	1.04	61.8	1.26	58.4	1.09
Livingston	27.6	.98	53.2	1.26	45.0	1.09
Logan	34.6	1.01	77.5	1.27	61.5	1.09
McDonough	37.8	1.01	66.8	1.26	62.0	1.09
McHenry	31.5	1.01	70.0	1.26	62.5	1.09
McLean	31.7	1.02	71.2	1.27	62.8	1.09
Macon	31.0	1.01	79.6	1.26		
Macoupin	39.0	1.01	80.5	1.23	62.1	1.09
Madison	33.0	1.01	78.5	1.27	62.1	1.09
Marion	28.1	1.01	77.7	1.26	61.0	1.09
Marshall	26.6	.99	62.2	1.25	50.5	1.09
Martin	33.0	1.00	79.1	1.25	74.1	1.09
Mason	32.2	1.01	54.1	1.28	55.7	1.09
Massac	24.8	.98	80.0	1.27	49.2	1.09
Menard	41.5	1.01	82.1	1.24	46.1	1.09
Mercer	41.9	1.01	69.3	1.26	59.9	1.09
Monroe	28.3	1.01	40.2	1.26	37.1	1.09
Montgomery	39.4	1.01	77.4	1.25		
Morgan	31.0	1.01	92.4	1.27	61.0	1.09
Moultrie						
Ogle	30.1	1.04	61.8	1.26	58.4	1.10
Peoria	27.6	.98	53.2	1.26	45.0	1.10
Perry	34.6	1.01	77.5	1.27	61.5	1.10
Piatt	37.8	1.01	66.8	1.26	62.0	1.10
Pike	31.5	1.01	70.0	1.26	62.5	1.10
Pope	31.7	1.02	71.2	1.27	62.8	1.10
Pulaski	31.0	1.01	79.6	1.26		
Putnam	39.0	1.01	80.5	1.23	62.1	1.09
Randolph	33.0	1.01	78.5	1.27	62.1	1.09
Richland	28.1	1.01	77.7	1.26	61.0	1.09
Rock Island	26.6	.99	62.2	1.25	50.5	1.09
St. Clair	33.0	1.00	79.1	1.25	74.1	1.09
Saline	32.2	1.01	54.1	1.28	55.7	1.09
Sangamon	24.8	.98	80.0	1.27	49.2	1.09
Schuyler	41.5	1.01	82.1	1.24	46.1	1.09
Scott	41.9	1.01	69.3	1.26	59.9	1.09
Shelby	28.3	1.01	40.2	1.26	37.1	1.09
Stark	39.4	1.01	77.4	1.25		
Stephenson	31.0	1.01	92.4	1.27	61.0	1.09
Tazewell	28.0	1.01	78.5	1.27	62.1	1.09
Union	28.1	1.01	77.7	1.26	61.0	1.09
Vermilion	26.6	.99	62.2	1.25	50.5	1.09
Wabash	33.0	1.00	79.1	1.25	74.1	1.09
Warren	32.2	1.01	54.1	1.28	55.7	1.09
Washington	24.8	.98	80.0	1.27	49.2	1.09
Wayne	41.5	1.01	82.1	1.24	46.1	1.09
White	41.9	1.01	69.3	1.26	59.9	1.09
Will	28.3	1.01	40.2	1.26	37.1	1.09
Williamson	39.4	1.01	77.4	1.25		
Winnebago	31.0	1.01	92.4	1.27	61.0	1.09
Woodford						

INDIANA

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Adams	39.4	0.98	69.2	1.26	58.0	1.10
Allen	38.4	.98	69.7	1.26	50.0	1.10
Bartholomew	29.6	.95	67.4	1.26	60.0	1.10
Benton	36.0	1.01	81.4	1.26	51.0	1.10
Blackford	32.0	.98	76.8	1.27	52.5	1.10
Boone	32.5	.95	74.5	1.26	62.0	1.10
Brown	28.0	.95	59.2	1.27	39.0	1.10
Carroll	38.3	.93	73.3	1.26	53.0	1.10
Cass	35.6	.93	76.4	1.29	46.0	1.10
Clark	36.5	1.00	72.3	1.26	41.9	1.10
Clinton	31.0	.93	82.4	1.29	39.0	1.10
Crawford	37.4	.96	72.1	1.28	57.5	1.10
Daviess	35.9	.93	69.0	1.29	46.0	1.10
Dearborn	38.9	.95	78.0	1.28	46.0	1.10
Decatur	38.9	.95	76.5	1.28	45.0	1.10
De Kalb	34.3	.96	72.4	1.26	57.3	1.10
Delaware	33.2	.93	64.6	1.26	51.5	1.10
Dubois	32.6	1.00	65.8	1.27	50.0	1.10
Elkhart	32.0	.94	72.0	1.26	60.0	1.10
Fayette	32.0	.93	72.4	1.29	46.0	1.10
Floyd	28.4	.93	72.5	1.28	52.5	1.10
Fountain	35.0	.93	69.6	1.28	50.0	1.10
Franklin	35.0	.93	69.6	1.28	52.5	1.10
Fulton	32.0	1.01	67.6	1.26	50.0	1.10
Gibson	34.5	1.00	66.9	1.29	60.0	1.10
Grant	33.0	.93	73.5	1.26	62.0	1.10
Greene	34.2	.96	68.5	1.27	55.6	1.10
Hamilton	34.2	.88	72.3	1.28	62.0	1.10
Hancock	36.2	.97	71.8	1.26	61.0	1.10
Harrison	33.6	.93	61.4	1.29	49.2	1.10
Hendricks	36.3	.88	73.1	1.28	62.0	1.10
Henry	36.7	1.00	74.0	1.26	62.5	1.10
Howard	36.1	.88	72.8	1.28	62.0	1.10
Huntington	34.5	.98	68.4	1.28	50.0	1.10
Jackson	34.1	.93	63.0	1.28	57.7	1.10
Jasper	39.0	1.03	79.0	1.26	55.0	1.10
Jay	31.4	.98	61.8	1.26	45.0	1.10
Jefferson	39.0	.94	76.6	1.28	46.0	1.10
Jennings	39.0	.96	76.9	1.28	46.0	1.10
Johnson	38.2	.96	70.9	1.26	77.5	1.10
Knox	36.4	.96	65.3	1.28	60.6	1.10
Kosciusko	34.8	1.00	68.2	1.26	53.0	1.10
LaGrange	36.2	1.00	71.6	1.26	45.0	1.10
Lake	39.2	.98	74.8	1.28	46.0	1.10
La Porte	38.4	1.02	73.4	1.26	50.0	1.10

INDIANA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Lawrence	30.6	0.98	72.7	1.24	60.5	1.10
Madison	30.8	.97	74.7	1.26	58.4	1.10
Marion	41.7	.98	66.0	1.26	62.5	1.10
Marshall	33.0	1.01	67.9	1.26	60.5	1.10
Martin	32.3	.95	74.0	1.26	48.0	1.10
Miami	38.9	1.00	73.6	1.27	62.0	1.10
Monroe	32.6	.95	70.5	1.26	58.4	1.10
Montgomery	29.4	.99	73.5	1.25	55.0	1.10
Morgan	33.3	.96	63.1	1.26	62.0	1.10
Newton	43.0	1.05	80.7	1.26	55.0	1.10
Noble	35.3	.98	64.1	1.26	43.0	1.10
Ohio	28.5	.93	62.2	1.26	45.0	1.10
Orange	31.6	.93	62.2	1.26	43.0	1.10
Owen	28.8	.96	62.1	1.26	56.2	1.10
Parke	38.4	.98	72.6	1.25	52.5	1.10
Perry	28.5	.93	62.6	1.26	50.9	1.10
Pike	32.3	.95	71.6	1.26	52.6	1.10
Porter	30.5	1.01	73.0	1.24	55.0	1.10
Posey	30.4	1.00	64.8	1.29	51.5	1.10
Pulaski	33.4	.97	71.8	1.26	53.0	1.10
Putnam	32.1	.96	71.2	1.26	55.0	1.10
Randolph	34.4	.96	68.7	1.26	48.0	1.10
Ripley	31.5	.95	72.0	1.27	50.0	1.10
Rush	33.0	.95	72.5	1.26	66.0	1.10
St. Joseph	37.1	1.00	66.6	1.27	57.7	1.10
Scott	28.5	.93	62.6	1.26	44.0	1.10
Shelby	35.8	.96	69.7	1.27	62.0	1.10
Spencer	32.2	1.00	70.2	1.26	62.5	1.10
Starke	37.6	.98	76.2	1.26	44.0	1.10
Steuben	38.6	.98	62.5	1.27	58.3	1.10
Sullivan	31.8	1.00	65.3	1.27	56.3	1.10
Switzerland	34.3	.91	56.8	1.29	44.0	1.10
Tippecanoe	32.3	1.00	81.2	1.26	55.0	1.10
Tipton	37.2	.96	68.4	1.27	62.0	1.10
Union	32.5	.96	81.9	1.26	55.0	1.10
Vanderburgh	33.8	1.03	63.0	1.26	59.0	1.10
Vermillion	30.2	1.04	73.0	1.25	57.8	1.10
Vigo	37.0	1.04	68.0	1.26	56.6	1.10
Wabash	34.4	1.00	76.7	1.25	55.0	1.10
Warren	35.0	1.00	80.0	1.26	62.5	1.10
Warrick	29.7	.92	55.6	1.29	44.2	1.10
Washington	34.1	.93	58.7	1.26	52.5	1.10
Wayne	32.8	.98	73.4	1.26	46.0	1.10
Wells	35.3	.98	69.3	1.26	50.0	1.10
White	31.8	.99	63.6	1.26	50.0	1.10

IOWA

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Adair	32.4	0.97	66.9	1.20	57.4	1.12
Adams	27.4	.98	63.6	1.21	54.4	1.14
Allamakee	40.2	.95	68.2	1.19	53.5	1.05
Appanoose	25.8	.97	56.6	1.22	45.0	1.13
Audubon	27.5	.97	62.0	1.21	52.0	1.13
Benton	37.7	.97	73.5	1.19	62.1	1.05
Black Hawk	43.6	.95	73.5	1.19	59.4	1.05
Boone	32.2	.98	68.8	1.18	60.4	1.10
Bremer	46.2	.95	68.8	1.18	62.1	1.05
Buchanan	39.6	.95	74.4	1.20	71.5	1.05
Buena Vista	41.5	.95	74.6	1.19	71.8	1.05
Butler	31.7	.94	68.7	1.18	55.8	1.05
Calhoun	42.0	.97	75.0	1.18	62.6	1.11
Carroll	35.1	.99	75.0	1.18	62.8	1.13
Cass	33.0	.96	70.0	1.20	62.6	1.13
Cedar	42.2	.95	74.1	1.18	60.4	1.05
Cerro Gordo	42.0	.95	69.2	1.16	60.0	1.06
Cherokee	39.2	.96	71.8	1.17	66.4	1.11
Chickasaw	36.0	.95	63.2	1.18	50.0	1.05
Clarke	25.0	.96	54.0	1.21	49.4	1.13
Clay	41.4	.95	67.3	1.18	60.1	1.10
Clayton	37.2	.96	65.4	1.20	51.5	1.05

IOWA—Continued

County	Barley 1959–62 adjusted average yield (bushels)	Barley Rate (dollars)	Corn 1959–62 adjusted average yield (bushels)	Corn Rate (dollars)	Grain sorghum 1959–62 adjusted average yield (bushels)	Grain sorghum Rate (dollars)
Winnebago	40.0	0.96	60.0	1.18	64.0	1.08
Winneshiek	36.4	.95	65.0	1.19	64.7	1.11
Woodbury	40.0	.96	65.9	1.18	61.8	1.08
Worth	39.8	.94	72.3	1.18	62.1	1.08
Wright						
KANSAS						
Allen	30.5	0.99	45.0	1.27	46.6	1.11
Anderson	32.0	1.01	47.5	1.25	49.2	1.13
Atchison	22.8	1.04	30.9	1.20	29.3	1.05
Barber	23.2	.94	31.6	1.20	30.2	1.07
Barton	20.5	1.00	44.8	1.27	47.0	1.13
Bourbon	26.5	.99	46.0	1.25	48.5	1.12
Brown	21.4	.96	41.8	1.23	43.5	1.07
Butler	25.4	.97	49.8	1.23	47.9	1.09
Chase	24.9	.96	44.5	1.20	42.8	1.05
Chautauqua	30.0	.99	49.8	1.23	47.9	1.09
Cherokee	34.8	.99	39.2	1.23	42.0	1.07
Cheyenne	18.0	.91	43.2	1.23	46.0	1.14
Clark	24.2	.96	43.2	1.23	46.0	1.14
Clay	24.2	.96	46.5	1.23	46.5	1.09
Cloud	26.5	.99	46.5	1.23	46.5	1.09
Coffey	21.4	.92	46.5	1.23	46.5	1.09
Comanche	26.0	.96	39.2	1.23	42.0	1.07
Cowley	23.9	.94	49.8	1.23	47.9	1.09
Crawford	25.5	.96	46.0	1.24	44.0	1.08
Decatur	23.2	.96	38.0	1.24	40.8	1.08
Dickinson	31.2	1.00	61.2	1.25	55.2	1.08
Doniphan	29.2	1.02	55.8	1.22	56.2	1.08
Douglas	24.4	.97	52.0	1.22	50.2	1.08
Edwards	24.4	.94	43.2	1.23	46.0	1.14
Elk	23.2	.95	39.2	1.23	42.0	1.07
Ellsworth	24.8	.95	46.2	1.23	46.5	1.09
Finney	30.0	.91	79.0	1.25	74.0	1.08
Ford	23.8	.93	47.2	1.24	46.0	1.08
Franklin	25.0	.97	46.0	1.24	46.0	1.08
Geary	28.5	.92	46.2	1.27	44.0	1.08
Gove	29.0	.94	38.0	1.24	40.8	1.08
Graham	22.7	.90	34.1	1.23	30.2	1.05
Grant	24.8	.94	53.0	1.24	49.2	1.08
Gray	23.5	.90	78.2	1.23	67.4	1.08
Greeley	24.2	.90	54.6	1.23	50.0	1.08
Greenwood	29.0	.96	46.2	1.23	44.0	1.07
Hamilton	24.9	.90	74.8	1.23	64.1	1.07
Harper	26.2	.95	41.8	1.23	44.0	1.08
Harvey	24.8	.91	43.0	1.24	48.0	1.13
Haskell	21.0	1.00	46.5	1.23	49.2	1.08
Hodgeman	24.8	.94	46.2	1.25	47.0	1.08
Jackson	27.3	1.02	49.2	1.27	47.0	1.08
Jefferson	25.0	.95	46.2	1.21	46.2	1.13
Jewell	25.5	1.00	67.8	1.28	58.7	1.08
Johnson	28.5	.97	31.5	1.20	29.8	1.05
Kingman	22.6	.95	49.2	1.23	47.0	1.09
Kiowa	23.5	.94	39.2	1.23	41.0	1.07
Labette	28.5	.96	46.2	1.25	44.4	1.08
Lane	21.2	.92	30.5	1.23	34.4	1.08
Leavenworth	27.5	1.02	53.5	1.25	55.2	1.08
Lincoln	23.7	.95	39.4	1.24	47.0	1.14
Linn	30.0	1.02	52.8	1.27	47.0	1.08
Logan	26.5	.91	43.2	1.23	45.6	1.10
McPherson	23.0	.94	46.2	1.23	46.2	1.07
Marion	24.6	.96	46.2	1.23	44.2	1.07
Marshall	29.2	.99	46.2	1.22	44.0	1.07
Meade	29.4	.91	74.0	1.24	64.0	1.08
Miami	29.0	.97	46.2	1.27	44.0	1.08
Mitchell	23.6	.95	46.2	1.23	42.2	1.06
Montgomery	28.0	.99	42.5	1.29	47.0	1.10

KENTUCKY—Continued

County	Barley 1959–62 adjusted average yield (bushels)	Barley Rate (dollars)	Corn 1959–62 adjusted average yield (bushels)	Corn Rate (dollars)	Grain sorghum 1959–62 adjusted average yield (bushels)	Grain sorghum Rate (dollars)
Clinton	24.8	1.00	43.6	1.33	30.8	1.16
Crittenden	28.5	1.00	45.0	1.30	32.1	1.16
Cumberland	26.0	1.00	43.0	1.34	33.0	1.16
Daviess	28.8	1.00	67.2	1.32	47.5	1.16
Edmonson	26.8	1.00	47.2	1.30	48.4	1.16
Elliott			46.2	1.35		
Estill			45.8	1.35		
Fayette	26.0	1.00	63.8	1.34	46.2	1.16
Fleming	30.6	1.00	61.6	1.33	56.0	1.16
Floyd			45.4	1.32		
Fayette	26.0	1.00	60.2	1.32	33.5	1.16
Franklin	27.5	1.00	55.9	1.30	58.8	1.16
Fulton	27.9	1.00	49.0	1.30	50.0	1.16
Gallatin	28.7	1.00	65.5	1.33	35.0	1.16
Garrard			46.2	1.30		
Grant	27.9	1.00	46.4	1.31	40.4	1.16
Graves	29.2	1.00	43.6	1.31	31.0	1.16
Grayson	30.7	1.00	49.1	1.34	33.2	1.16
Green	31.5	1.00	45.6	1.33	27.4	1.16
Greenup	27.5	1.00	49.2	1.30	37.4	1.16
Hancock	28.5	1.00	58.4	1.34	48.9	1.16
Hardin	29.2	1.00	40.1	1.37		
Harlan			39.6	1.33		
Harrison	29.6	1.00	54.6	1.33	35.4	1.16
Hart	32.2	1.00	58.1	1.30	46.6	1.16
Henderson	31.6	1.00	65.1	1.31	52.6	1.16
Henry	28.5	1.00	58.1	1.30	53.0	1.16
Hickman	34.8	1.00	42.9	1.32	41.8	1.16
Hopkins	30.2	1.00	58.9	1.36		
Jackson			42.9	1.30	33.8	1.16
Jefferson	37.0	1.00	59.1	1.34	50.8	1.16
Jessamine	31.1	1.00	46.9	1.36		
Johnson			49.8	1.30		
Kenton			36.3	1.37		
Knott			40.8	1.36		
Knox			44.6	1.32	44.9	1.16
Larue	27.5	1.00	51.8	1.32	30.8	1.16
Laurel	30.1	1.00	45.4	1.35		
Lawrence			45.0	1.36		
Lee			45.6	1.37		
Leslie			34.8	1.37		
Letcher			39.1	1.37		
Lewis	25.9	1.00	50.4	1.32		
Lincoln	31.4	1.00	57.4	1.35	35.0	1.16
Livingston	24.6	1.00	45.2	1.30	40.8	1.16
Logan	35.0	1.00	53.0	1.33	46.9	1.16
Lyon	24.9	1.00	44.4	1.32	51.2	1.16
McCracken	27.0	1.00	38.9	1.30	40.0	1.16
McCreary			39.6	1.30		
McLean	33.5	1.00	52.4	1.31	36.2	1.16
Madison	36.0	1.00	54.5	1.35	44.0	1.16
Magoffin			44.6	1.37		
Marion	30.5	1.00	55.8	1.33	48.9	1.16
Marshall	29.4	1.00	49.9	1.33	36.8	1.16
Martin			35.8	1.36		
Mason	30.0	1.00	67.8	1.32	55.0	1.16
Meade	34.2	1.00	62.5	1.30	45.2	1.16
Menifee			41.5	1.35		
Mercer	33.5	1.00	58.4	1.34	30.8	1.16
Metcalfe	29.1	1.00	44.1	1.34	32.5	1.16
Monroe	26.8	1.00	43.1	1.34	39.4	1.16
Montgomery			56.8	1.35	31.8	1.16
Morgan	28.0	1.00	50.1	1.32		
Muhlenberg	26.0	1.00	62.4	1.32	36.5	1.16
Nelson	30.0	1.00	56.2	1.34	47.0	1.16
Nicholas	29.4	1.00	52.4	1.34	40.6	1.16
Ohio	29.5	1.00	43.8	1.31	35.0	1.16
Oldham	29.0	1.00	62.1	1.34	44.0	1.16
Owen	32.2	1.00	61.9	1.31	33.4	1.16
Owsley	28.2	1.00	46.4	1.36		
Pendleton			53.9	1.31	40.9	1.16
Perry			37.0	1.37		
Pike			37.8	1.37		

KANSAS—Continued

County	Barley 1959–62 adjusted average yield (bushels)	Barley Rate (dollars)	Corn 1959–62 adjusted average yield (bushels)	Corn Rate (dollars)	Grain sorghum 1959–62 adjusted average yield (bushels)	Grain sorghum Rate (dollars)
Morris	28.8	0.97	38.8	1.25	41.0	1.09
Morton	22.5	.88	63.2	1.29	27.4	1.07
Nemaha	26.2	.99	43.2	1.23	50.6	1.11
Neosho	24.0	.89	44.0	1.28	44.5	1.14
Ness	25.2	.94	46.2	1.23	46.5	1.05
Norton	26.0	.94	27.8	1.23	29.6	1.12
Osage	27.2	1.00	45.8	1.25	46.8	1.08
Osborne	22.0	.95	45.2	1.23	38.0	1.07
Ottawa	25.7	.96	38.2	1.23	38.2	1.07
Pawnee	25.5	.94	46.2	1.27	43.1	1.08
Phillips	22.0	.94	38.6	1.22	35.1	1.05
Pottawatomie	24.0	.90	46.5	1.23	50.2	1.11
Pratt	22.4	.94	33.9	1.26	22.9	1.03
Rawlins	32.0	.91	33.6	1.25	26.4	1.02
Reno	25.8	.95	46.8	1.27	46.8	1.06
Republic	25.4	.96	43.6	1.22	40.0	1.10
Rice	26.8	.95	33.0	1.26	40.0	1.05
Riley	29.5	.99	44.8	1.24	32.2	1.05
Rooks	24.5	.94	36.8	1.26	41.0	1.05
Rush	22.4	.90	30.6	1.24	33.6	1.05
Russell	21.0	.94	33.8	1.26	41.0	1.06
Saline	26.0	.95	40.6	1.24	39.6	1.06
Scott	27.0	.91	77.5	1.26	45.3	1.02
Sedgwick	26.0	.96	44.0	1.28	46.0	1.07
Seward	21.5	.89	79.8	1.29	45.4	1.07
Shawnee	28.5	.99	45.2	1.24	44.4	1.03
Sheridan	21.7	.92	47.5	1.24	34.4	1.02
Sherman	32.0	.90	60.0	1.26	27.0	1.05
Smith	23.0	.95	41.5	1.21	37.3	1.06
Stafford	26.2	.94	33.3	1.27	30.6	1.05
Stanton	14.5	.89	78.6	1.29	48.5	1.07
Stevens	18.8	.96	74.8	1.30	53.0	1.07
Sumner	27.0	.91	41.8	1.26	28.0	1.02
Thomas	31.0	.93	32.5	1.24	31.2	1.04
Trego	27.1	.92	45.2	1.27	37.2	1.12
Wabaunsee	25.0	.99	44.0	1.22	45.5	1.09
Wallace	24.8	.97	44.0	1.26	45.0	1.02
Washington	28.3	.97	46.5	1.26	46.5	1.10
Wichita	29.0	.90	74.8	1.26	45.0	1.02
Wilson	27.5	.99	46.5	1.28	46.0	1.10
Woodson	26.0	.99	44.5	1.27	43.0	1.11
Wyandotte	26.7	1.02	57.0	1.26	35.0	1.15
KENTUCKY						
Adair	29.1	1.00	43.5	1.34	30.5	1.16
Allen	31.8	1.00	42.9	1.34	24.2	1.16
Anderson	28.4	1.00	49.8	1.33	24.0	1.16
Ballard	32.8	1.00	48.0	1.30	42.4	1.16
Barren	31.9	1.00	43.1	1.33	36.9	1.16
Bath	28.2	1.00	52.0	1.35		
Bell			44.8	1.37		
Boone	38.1	1.00	56.1	1.30	59.8	1.16
Bourbon			64.6	1.34		
Boyd	33.4	1.00	53.8	1.34	31.8	1.16
Boyle	35.4	1.00	55.2	1.34		
Breathitt	22.8	1.00	62.8	1.32	46.8	1.16
Breckenridge	32.5	1.00	49.2	1.37	39.5	1.16
Bullitt	32.8	1.00	53.1	1.30	42.0	1.16
Butler	28.1	1.00	45.7	1.32	48.4	1.16
Caldwell	24.8	1.00	45.2	1.31	40.6	1.16
Calloway	30.6	1.00	49.5	1.30	39.5	1.16
Campbell	30.0	1.00	49.0	1.34	41.3	1.16
Carlisle	32.1	1.00	45.7	1.30		
Carroll			46.4	1.34	41.2	1.16
Carter	37.0	1.00	56.6	1.33	51.2	1.16
Christian	33.5	1.00	62.1	1.35	31.8	1.16
Clark	31.0	1.00	42.5	1.36		
Clay						

LOUISIANA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
St. Helena			28.2	1.36		
St. James			27.2	1.36	45.0	1.16
St. John the Baptist			33.0	1.36		
St. Landry			30.4	1.36	30.0	1.16
St. Martin			27.0	1.36		
St. Mary			35.1	1.36		
St. Tammany			32.8	1.36	27.0	1.16
Tangipahoa			34.9	1.36	30.0	1.16
Tensas	30.0	0.93	44.4	1.36	30.0	
Terrebonne			33.6	1.36	20.0	1.16
Union			30.4	1.36	22.0	1.16
Vermilion			29.8	1.36	25.0	
Vernon			33.4	1.33		
Washington			30.7	1.36	34.4	1.16
Webster			30.7	1.36	30.0	1.16
West Baton Rouge			28.5	1.36	27.0	
West Carroll			35.4	1.36	27.0	1.16
West Feliciana			24.7	1.36		
Winn						

MAINE

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Androscoggin	37.7	1.06	56.0	1.46		
Aroostook	31.5	1.06	63.5	1.46		
Cumberland			61.0	1.46		
Franklin	33.0	1.06	56.5	1.46		1.19
Hancock	38.0	1.06	55.0	1.46	50.0	
Kennebec			60.5	1.46		
Knox			54.0	1.46		
Lincoln	30.0	1.06	62.0	1.46		
Oxford			56.0	1.46		
Penobscot		1.06	60.0	1.46		
Piscataquis	33.8	1.06	58.0	1.46		
Sagadahoc		1.06	58.0	1.46	50.0	1.19
Somerset	35.8	1.06	61.0	1.46		
Waldo	37.0		54.0	1.46	45.0	1.19
Washington			54.0	1.46		
York						

MARYLAND

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Allegany	36.8	1.06	44.2	1.41		
Anne Arundel	32.5	1.06	64.5	1.41	47.0	1.19
Baltimore	41.6	1.06	65.0	1.41	38.0	1.19
Calvert	40.1	1.06	55.3	1.41	43.0	1.19
Caroline	39.8	1.06	63.5	1.41	47.0	1.19
Carroll	43.2	1.06	64.8	1.41	47.0	
Cecil	30.0	1.06	56.1	1.41		1.19
Charles	40.3	1.06	62.0	1.41	46.5	
Dorchester	38.2	1.06	62.0	1.41	47.0	1.19
Frederick	38.4	1.06	64.8	1.41	42.0	1.19
Garrett	44.2	1.06	66.2	1.41	47.0	1.19
Harford	44.5	1.06	68.5	1.41	47.0	1.19
Howard	40.4	1.06	57.5	1.41	47.0	1.19
Kent	39.0	1.06	65.9	1.41	38.0	1.19
Montgomery	39.9	1.06	60.0	1.41	47.6	1.19
Prince Georges	33.0	1.06	58.5	1.41	26.0	1.19
Queen Annes	39.8	1.06	64.2	1.41	41.0	1.19
St. Marys	36.4	1.06	61.4	1.41	46.5	1.19
Somerset	39.8	1.06	57.7	1.41	47.0	
Talbot	34.5	1.06	51.9	1.41	41.0	1.19
Washington	32.3	1.06	56.0	1.41		
Wicomico						
Worcester						

MICHIGAN—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Midland	42.7	0.96	55.2	1.26		
Missaukee	26.5	91	49.6	1.26		
Monroe	32.8	.96	74.5	1.26	43.5	1.06
Montcalm	47.0	.94	63.0	1.26	38.5	1.06
Montmorency	26.5	.85	59.2	1.26		
Muskegon	35.4	.94	59.2	1.26		
Newaygo	31.6	.96	51.6	1.26		
Oakland	35.0	.96	64.9	1.26	34.5	1.06
Oceana	23.8	.82	44.9	1.26	26.0	1.06
Ogemaw	30.3	.93	44.8	1.26		
Ontonagon	22.0	.80	42.4	1.26		
Osceola	26.1	.88	47.0	1.26		
Oscoda	23.3	.80	43.9	1.26		
Otsego	32.6	.97	48.4	1.26	31.5	1.06
Ottawa	33.8	.95	70.8	1.26		
Presque Isle	27.2	.86	61.0	1.26	38.0	1.06
Roscommon	25.5	.85	50.2	1.26	34.2	1.06
Saginaw	37.5	.96	69.7	1.26		
St. Clair	29.9	.99	74.9	1.26		
St. Joseph	33.8	.94	70.9	1.26		
Sanilac	31.8	.97	67.0	1.26		
Schoolcraft	23.8	.85	70.4	1.26	40.7	1.06
Shiawassee	49.6	.94	67.1	1.26	31.4	1.06
Tuscola	39.8	.98	58.6	1.26	34.1	1.06
Van Buren	34.0	.97	64.4	1.26		
Washtenaw	34.7	.97	64.4	1.26		
Wayne	24.3	.92				
Wexford						

MINNESOTA

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Aitkin	31.5	0.99	46.5	1.17		
Anoka	27.5	.99	50.0	1.19		
Becker	32.5	.94	39.0	1.15		
Beltrami	30.5	.94	40.0	1.15		
Benton	31.0	.96	43.0	1.17		
Big Stone	31.0	.98	43.0	1.15	30.5	1.05
Blue Earth	36.6	.96	64.8	1.16	51.0	1.05
Brown	34.3	.98	63.5	1.16	52.0	1.05
Carlton	33.5	1.01	36.5	1.18		
Carver	36.5	.99	67.0	1.18	54.0	1.05
Cass	26.5	.95	34.0	1.16	25.0	1.05
Chippewa	34.5	.96	52.0	1.14		
Chisago	32.0	.99	56.0	1.19	43.5	1.05
Clay	32.5	.94	41.0	1.14		
Clearwater	31.5	.94	41.0	1.15		
Cottonwood	34.0	.96	53.0	1.16	43.0	1.05
Crow Wing	28.0	.97	35.0	1.16	27.0	1.05
Dakota	37.5	.99	62.0	1.19	50.0	1.05
Dodge	38.6	.96	64.7	1.17		
Douglas	34.5	.97	46.0	1.16	35.0	1.05
East Otter Tail	32.0	.96	39.2	1.15		
East Polk	33.0	.92	43.0	1.14		
Faribault	44.0	.96	67.0	1.14	53.0	1.05
Fillmore	39.0	.95	67.0	1.18	55.0	1.05
Freeborn	42.3	.98	65.5	1.16	52.0	1.05
Goodhue	38.5	.96	67.0	1.19		
Grant	35.0	.95	43.8	1.14		
Hennepin	39.0	.99	62.8	1.18	48.5	1.05
Houston	39.2	.96	73.0	1.19		
Hubbard	32.0	.95	36.5	1.15		
Isanti	31.0	.99	52.2	1.16		
Itasca	28.5	.92	46.4	1.17	45.5	1.05
Jackson	34.8	.95	62.2	1.14	44.0	1.05
Kanabec	29.0	.88	46.4	1.18		
Kandiyohi	36.5	.99	55.8	1.16		
Kittson	29.5	.90	30.0	1.14		
Koochiching	27.0	.91	40.0	1.17	37.0	1.05
Lac qui Parle	33.0	.91	49.0	1.13		
Lake of the Woods	29.5	.92	30.0	1.15		
Le Sueur	40.5	.99	65.5	1.17	52.0	1.05

KENTUCKY—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Powell	31.9	1.00	46.2	1.35		
Pulaski		1.00	46.8	1.33	40.0	1.16
Robertson			50.8	1.33		
Rockcastle	39.5	1.00	60.1	1.33	46.0	1.16
Rowan			42.9	1.33		
Russell	35.8	1.00	56.4	1.33	35.2	1.16
Scott	33.0	1.00	60.2	1.31	50.0	1.16
Shelby	30.2	1.00	65.2	1.34	51.1	1.16
Simpson	40.7	1.00	58.6	1.33	49.0	1.16
Spencer	37.0	1.00	56.2	1.33	49.6	1.16
Taylor	34.0	1.00	50.9	1.33	51.8	1.16
Todd	36.0	1.00	68.4	1.30	44.2	1.16
Trigg	31.8	1.00	66.9	1.33	46.9	1.16
Trimble	28.4	1.00	51.1	1.33	40.2	1.16
Union	40.0	1.00	53.0	1.33	45.0	1.16
Warren	33.5	1.00	50.6	1.35	47.0	1.16
Washington	28.4	1.00	53.8	1.31	34.5	1.16
Wayne			47.5	1.36		
Whitley			45.4	1.36		
Wolfe		1.00	45.6	1.34	32.5	1.16
Woodford	35.5					

LOUISIANA

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Acadia			25.6	1.36	21.1	1.16
Allen			30.3	1.36	25.4	1.16
Ascension			34.7	1.36	22.0	1.16
Assumption			36.0	1.36		
Avoyelles			29.0	1.36	35.0	1.16
Beauregard			29.9	1.36	25.0	1.16
Bienville			21.8	1.36	20.0	1.16
Bossier	30.0	0.93	39.8	1.36	39.0	1.16
Caddo	30.0	.93	35.6	1.36	31.8	1.16
Calcasieu			31.0	1.36	25.2	1.16
Caldwell			29.1	1.36	22.2	1.16
Cameron			30.9	1.36		
Catahoula			21.9	1.36	26.8	1.16
Claiborne			28.6	1.36	20.0	1.16
Concordia			21.2	1.36	26.2	1.16
De Soto			30.4	1.36	42.5	1.16
East Baton Rouge			44.6	1.36	22.0	1.16
East Carroll			30.8	1.36	34.6	1.16
East Feliciana			26.0	1.36	37.0	1.16
Evangeline			26.8	1.36	27.9	1.16
Franklin			34.9	1.36	21.0	1.16
Grant			33.2	1.36	33.0	1.16
Iberia			37.3	1.36	22.0	1.16
Iberville			27.0	1.36		
Jackson			29.3	1.36	20.0	1.16
Jefferson			28.6	1.36	26.2	1.16
Jefferson Davis	30.0	.93	26.6	1.36	21.1	1.16
Lafayette			25.5	1.36		
La Salle			27.2	1.36		
Lincoln			30.9	1.36	20.0	1.16
Livingston			28.0	1.36		
Madison	30.0	.93	43.5	1.36	36.5	1.16
Morehouse	30.0	.93	37.4	1.36	26.0	1.16
Natchitoches			33.8	1.36	39.2	1.16
Orleans			36.0	1.36		
Ouachita	30.0	.93	32.7	1.36	28.2	1.16
Plaquemines			32.5	1.36		
Pointe Coupee			38.0	1.36	30.0	1.16
Rapides			36.6	1.36	26.0	1.16
Red River			30.3	1.36	27.5	1.16
Richland			23.4	1.36	25.0	1.16
Sabine			35.5	1.36		
St. Bernard			25.0	1.36	22.0	1.16
St. Charles			31.0			

MASSACHUSETTS

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Barnstable			46.0	1.46		
Berkshire	34.0	1.06	68.8	1.46		
Bristol			57.2	1.46	53.2	1.06
Dukes			43.5	1.46	44.2	1.06
Essex			62.3	1.46		
Franklin	34.0	1.06	68.0	1.46	39.9	1.06
Hampden			69.0	1.46		
Hampshire	34.0	1.06	65.0	1.46	50.0	1.06
Middlesex			60.2	1.46		
Norfolk			46.2	1.46		
Plymouth			51.5	1.46	41.5	1.06
Worcester			54.0	1.46		

MICHIGAN

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Alcona	28.0	0.86	28.8	1.29		
Alger	35.0	.90	57.0	1.29		
Allegan	36.8	.97	64.6	1.27		
Alpena	28.8	.85	51.4	1.27	34.0	1.06
Antrim	31.8	.87	42.6	1.29		
Arenac	45.0	.91	46.9	1.29		
Baraga	31.6	.92	27.0	1.27		
Barry	41.2	.97	49.9	1.29		
Bay		.94	62.2	1.29		
Benzie			39.1	1.29		
Berrien			69.2	1.26		
Branch	41.7	1.00	64.4	1.27		
Calhoun	36.6	.98	66.6	1.27	37.7	
Cass	38.5	1.00	64.4	1.27	38.3	
Charlevoix	27.7	.86	35.4	1.26	33.0	
Cheboygan	27.6	.85	28.7	1.29		
Chippewa	23.4	.87	27.0	1.29		
Clare	32.8	.95	51.8	1.29		
Clinton	38.4	.96	67.6	1.28	39.1	
Crawford	24.4	.92	27.0	1.29		
Delta	35.7	.92	44.7	1.29		
Dickinson	33.4	.93	41.9	1.28	38.9	
Eaton	41.8	.97	63.0	1.29		
Emmet	33.4	.85	34.3	1.29		
Genesee	33.2	.95	62.5	1.28	32.1	
Gladwin	33.1	.93	47.9	1.29		
Gogebic	34.2	.94	27.0	1.29		
Grand Traverse	26.8	.90	48.7	1.29		
Gratiot	41.0	.96	69.0	1.28		
Hillsdale	34.6	.97	66.3	1.27		
Houghton	29.2	.85	27.0	1.29		
Huron	45.6	.94	65.0	1.29		
Ingham	41.1	.97	66.8	1.28		
Ionia	39.8	.96	55.2	1.28	34.2	
Iosco	28.4	.91	46.4	1.29		
Iron	28.2	.84	27.0	1.29		
Isabella	38.6	.94	55.8	1.28		
Jackson	37.6	1.00	58.5	1.28		
Kalamazoo	39.7	.99	68.3	1.27		
Kalkaska	32.5	.87	41.4	1.29		
Kent	38.8	.96	61.4	1.28		
Keweenaw	22.0	.88	27.0	1.29	31.8	
Lake	22.1	.92	33.6	1.29		
Lapeer	40.3	.96	57.1	1.28		
Leelanau	29.7	.87	42.1	1.29		
Lenawee	37.6	.97	58.2	1.28	44.4	
Livingston	36.8	.95	57.2	1.28		
Luce	20.1	.87	46.5	1.29		
Mackinac	22.6	.87	27.0	1.29		
Macomb	37.0	.97	52.4	1.28		
Manistee	37.0	.92	44.4	1.29		
Marquette	26.7	.90	27.0	1.29		
Mason	27.4	.91	52.8	1.29		
Mecosta	32.1	.92	51.1	1.28		
Menominee	38.5	.94	44.5	1.29	28.5	

MISSISSIPPI—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
George			31.2	1.35	26.5	1.16
Greene			27.0	1.35	22.5	1.16
Grenada			31.8	1.35	26.6	1.16
Hancock			38.2	1.35		
Harrison			37.4	1.35		
Hinds	21.0	1.02	34.0	1.35	31.5	1.16
Holmes	30.0	1.02	34.5	1.35	34.0	1.16
Humphreys			31.8	1.35	40.0	1.16
Issaquena			31.7	1.35	35.5	1.16
Itawamba			28.0	1.35	33.0	1.16
Jackson			34.0	1.35	26.8	1.16
Jasper			29.6	1.35	27.0	1.16
Jefferson			31.8	1.35	25.0	1.16
Jefferson Davis			24.3	1.35	20.0	1.16
Jones			29.4	1.35	27.0	1.16
Kemper			30.9	1.35	26.0	1.16
Lafayette			29.2	1.35	21.2	1.16
Lamar			29.5	1.35	25.0	1.16
Lauderdale			29.4	1.35	24.6	1.16
Lawrence			28.4	1.35	20.9	1.16
Leake	30.0	1.02	32.7	1.35	30.0	1.16
Lee	26.0	1.02	32.2	1.35	27.0	1.16
Leflore			23.7	1.35	25.2	1.16
Lincoln	34.8	1.02	38.0	1.35	37.0	1.16
Lowndes	28.7	1.20	36.4	1.35	35.0	1.16
Madison			38.9	1.35	28.6	1.16
Marion	27.1	1.02	33.7	1.35	31.0	1.16
Marshall	34.1	1.02	29.6	1.35	35.0	1.16
Monroe			29.4	1.35	29.5	1.16
Montgomery			26.8	1.35	25.0	1.16
Neshoba	25.0		27.2	1.35	22.0	1.16
Newton	31.3	1.02	35.2	1.35	26.2	1.16
Noxubee			27.4	1.35	25.0	1.16
Oktibbeha	34.7	1.02	38.9	1.35	34.0	1.16
Panola	30.0		25.7	1.35	30.6	1.16
Pearl River			37.6	1.35	24.0	1.16
Perry			28.0	1.35	26.0	1.16
Pike	30.0	1.02	42.6	1.35	24.2	1.16
Pontotoc			33.7	1.35	31.0	1.16
Prentiss	31.3	1.02	36.2	1.35	25.0	1.16
Quitman			27.4	1.35	26.0	1.16
Rankin			36.2	1.35	30.7	1.16
Scott	33.0	1.02	31.2	1.35	26.0	1.16
Sharkey			30.4	1.35	33.0	1.16
Simpson			30.8	1.35	27.0	1.16
Smith			31.9	1.35	26.0	1.16
Stone			42.7	1.35		
Sunflower	30.8	1.02	37.9	1.35	34.1	1.16
Tallahatchie	32.1	1.02	34.2	1.35	39.5	1.16
Tate	36.0	1.02	32.9	1.35	32.5	1.16
Tippah			29.6	1.35	28.2	1.16
Tishomingo			26.2	1.35	26.0	1.16
Tunica	32.0	1.02	30.7	1.35	33.0	1.16
Union			31.3	1.35	27.0	1.16
Walthall			43.0	1.35	34.1	1.16
Warren	29.8	1.02	42.7	1.35	30.6	1.16
Washington			27.9	1.35	26.8	1.16
Wayne			30.7	1.35		
Webster			30.2	1.35		
Wilkinson	25.0	1.02	27.0	1.35	29.5	1.16
Winston			31.7	1.35	29.4	1.16
Yalobusha			34.1	1.35	38.5	1.16
Yazoo						
MISSOURI						
Adair	27.1	0.98	53.8	1.25	51.7	1.13
Andrew	36.1	1.03	67.0	1.24	45.3	1.19
Atchison	38.8	1.00	65.3	1.23	61.9	1.16
Audrain	36.8	1.00	58.0	1.27	46.0	1.13

MINNESOTA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Lincoln	34.0	0.95	48.0	1.13	34.9	1.09
Lyon	35.5	.99	53.5	1.14	40.0	1.25
McLeod	41.8	.99	67.5	1.17	54.0	1.09
Mahnomen	34.0	.93	42.8	1.14		
Marshall	30.0	.91	47.0	1.14	25.0	1.16
Martin	34.9	.99	56.5	1.17	51.0	1.16
Meeker	36.0	.99	49.0	1.17	47.0	1.16
Mille Lacs	30.0	.99	41.4	1.16		
Morrison	28.5	.97	51.6	1.17	32.0	1.16
Mower	38.0	.93	64.9	1.17	41.9	1.16
Murray	34.5	.94	64.5	1.17	54.0	1.16
Nicollet	36.5	.94	67.0	1.14	43.5	1.16
Nobles	32.5	.93	57.8	1.14		
Norman	21.0	.98	34.0	1.17		
North St. Louis	35.8	.98	67.8	1.16	55.0	1.16
Olmsted	30.0	.97	58.2	1.18		
Pennington	31.0	1.00	46.2	1.18	33.0	1.16
Pine	24.5	.94	47.0	1.14	39.0	1.16
Pipestone	33.0	.97	43.5	1.15	34.0	1.16
Polk	30.0	.99	57.8	1.19		
Pope	34.9	.93	60.0	1.15	45.0	1.16
Ramsey	36.9	.97	55.6	1.16	49.0	1.16
Red Lake	36.0	.98	58.0	1.14		
Redwood	37.0	.99	66.0	1.18	39.0	1.16
Renville	36.0	.94	52.8	1.14		
Rice	33.5	.97	56.0	1.18	52.0	1.16
Rosseau	27.3	.91	39.0	1.18	33.3	1.16
Scott	32.5	.99	61.1	1.17		
Sherburne	27.0	.99	41.8	1.17		
Sibley	37.5	.96	65.0	1.17		
South St. Louis	31.0	.96	54.0	1.16	36.0	1.16
Stearns	33.5	.99	46.0	1.16		
Steele	39.0	.95	65.1	1.14	34.0	1.16
Stevens	35.5	.97	46.8	1.15	36.5	1.16
Swift	31.0	.97	40.4	1.16	32.0	1.16
Todd	34.5	.94	51.0	1.19	36.5	1.16
Traverse	36.5	.99	71.8	1.19	55.0	1.16
Wabasha	32.3	.95	55.0	1.16	25.0	1.16
Wadena	30.5	.96	66.0	1.16	53.0	1.16
Waseca	38.5	.99	67.0	1.20		
Washington	32.5	.97	62.0	1.15	44.0	1.16
Watonwan	33.0	.99	61.0	1.14		
West Otter Tail	32.5	.92	37.2	1.14	30.0	1.16
West Polk	37.5	.94	37.2	1.19		
Wilkin	37.8	.99	70.0	1.17	53.0	1.16
Winona	40.0	.99	61.0	1.14	49.0	1.16
Wright	33.1	.96	51.5		42.4	
Yellow Medicine						

MISSISSIPPI

Adams	30.0	1.02	37.6	1.36	22.0	1.16
Alcorn			34.3	1.36	24.8	1.16
Amite			29.2	1.36		
Attala			28.7	1.36	28.3	1.16
Benton			32.8	1.36	26.5	1.16
Bolivar	36.2	1.02	31.1	1.36	29.8	1.16
Calhoun			29.0	1.36	31.5	1.16
Carroll	34.7	1.02	29.8	1.36	28.5	1.16
Chickasaw			30.6	1.36	26.0	1.16
Choctaw			40.6	1.36	23.0	1.16
Claiborne			27.0	1.36	23.0	1.16
Clarke			24.8	1.36	37.0	1.16
Clay	33.5	1.02	42.3	1.36	31.3	1.16
Coahoma	31.5	1.02	35.1	1.36	31.9	1.16
Copiah			29.2	1.36	31.2	1.16
Covington			32.8	1.36	27.5	1.16
De Soto			32.5	1.36		
Forrest						
Franklin						

MISSOURI—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Pemiscot	32.4	1.05	58.4	1.30	46.1	1.28
Perry	33.5	1.01	51.4	1.27	52.6	1.16
Pettis	34.6	1.00	51.4	1.27	37.6	1.16
Phelps	32.8	1.00	40.6	1.29	37.6	1.10
Pike	33.9	1.01	58.0	1.28	48.0	1.11
Platte	27.4	1.02	49.8	1.27	52.6	1.19
Polk	26.0	.98	42.6	1.23	36.2	1.10
Pulaski	26.0	.96	42.6	1.23	36.2	1.09
Putnam	25.0	.96	50.5	1.24	41.8	1.15
Ralls	32.1	1.00	58.2	1.26	45.7	1.13
Randolph	31.8	1.00	58.2	1.27	46.7	1.16
Ray	31.0	1.02	54.5	1.28	51.2	1.09
Reynolds	28.3	1.04	37.8	1.27	32.2	1.23
Ripley	31.2	1.04	56.6	1.27	44.6	1.13
St. Charles	27.6	1.01	43.8	1.28	44.7	1.14
St. Clair	30.3	1.02	46.4	1.28	43.6	1.19
St. Francois	30.6	1.02	53.5	1.27	45.6	1.14
Ste. Genevieve	34.0	1.02	55.8	1.28	55.0	1.18
Saline	27.0	.97	55.5	1.24	46.5	1.13
Schuyler	29.0	.99	57.4	1.30	44.6	1.11
Scotland	32.6	.95	60.3	1.28	52.0	1.11
Scott	28.0	.99	41.2	1.29	44.6	1.14
Shannon	30.3	.99	60.4	1.28	45.4	1.22
Shelby	33.6	1.04	59.4	1.30	41.0	1.22
Stoddard	30.0	.97	59.6	1.30	41.6	1.11
Stone	30.0	.95	43.6	1.28	41.6	1.11
Sullivan	28.1	.95	43.1	1.30	32.2	1.11
Taney	24.3	.95	39.3	1.28	44.6	1.14
Texas	30.6	1.00	51.2	1.28	44.6	1.14
Vernon	30.1	1.04	59.2	1.28	43.0	1.11
Warren	30.4	1.02	62.5	1.28	44.6	1.11
Washington	30.4	1.04	43.6	1.29	37.6	1.28
Wayne	29.6	.99	41.3	1.29	40.0	1.10
Webster	23.5	.99	55.8	1.23	40.3	1.10
Worth	29.0	.95	40.4	1.29	31.2	1.11
Wright						

MONTANA

Beaverhead	42.5	0.83		1.27		
Big Horn	22.4	.74	61.3	1.27		
Blaine	23.5	.75	37.6	1.27		
Broadwater	26.9	.80	69.5	1.27		
Carbon	26.8	.83	79.4	1.27		
Carter	18.0	.79	14.9	1.27		
Cascade	33.7	.85	78.0	1.27		
Chouteau	19.0	.77	55.0	1.27		
Custer	24.6	.73	18.0	1.27		
Daniels	18.7	.78	32.2	1.27		
Dawson	34.0	.80		1.27		
Fallon	26.4	.90	15.2	1.27		
Fergus	31.6	.89	28.0	1.27		
Flathead	23.7	.89	40.7	1.27		
Gallatin	28.9	.90	67.5	1.27		
Garfield	18.4	.76	15.0	1.27		
Glacier	25.3	.82		1.27		
Golden Valley	25.5	.82	22.1	1.27		
Granite	37.1	.89				
Hill	29.7	.78	28.2	1.27		
Jefferson	26.4	.90	50.0	1.27		
Judith Basin	30.2	.89	62.6	1.27		
Lake	26.6	.83	73.4	1.27		
Liberty	32.0	.79	28.2	1.27		
Lincoln	28.0	.89				
McCone	17.5	.77	14.8	1.27		
Madison	32.6	.89	59.0	1.27		
Meagher	24.4	.85				
Mineral	33.7	.91	50.0	1.27		

MISSOURI—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Barry	31.6	0.97	46.4	1.30	32.3	1.09
Barton	31.0	1.02	53.0	1.27	45.6	1.09
Bates	33.5	1.02	53.0	1.27	47.6	1.13
Benton	34.2	1.00	46.9	1.29	51.0	1.16
Bollinger	30.9	1.03	41.8	1.27	37.2	1.16
Boone	36.8	1.00	57.7	1.27	46.0	1.16
Buchanan	34.7	1.02	60.2	1.28	46.7	1.10
Butler	26.8	1.04	38.8	1.27	33.0	1.09
Caldwell	25.8	1.01	55.7	1.27	44.6	1.13
Callaway	33.5	1.00	53.6	1.27	46.0	1.13
Camden	29.0	.98	40.8	1.29	33.4	1.16
Cape Girardeau	32.9	1.01	47.2	1.29	40.4	1.09
Carter	31.3	.95	39.4	1.30	32.0	1.23
Cass	26.4	1.02	55.2	1.27	46.8	1.13
Cedar	26.8	1.00	46.4	1.29	39.8	1.16
Chariton	25.9	1.00	63.7	1.27	46.8	1.14
Clark	33.5	.97	58.4	1.29	45.4	1.19
Clay	32.8	1.02	58.8	1.27	47.1	1.16
Clinton	25.4	1.01	55.6	1.27	43.8	1.11
Cole	34.8	.99	51.4	1.26	47.6	1.11
Cooper	30.1	1.00	57.5	1.27	42.1	1.11
Crawford	28.3	.99	42.7	1.29	30.0	1.16
Dade	25.8	1.01	45.8	1.29	41.2	1.11
Dallas	26.4	1.00	41.6	1.25	39.0	1.16
Daviess	25.9	1.01	56.7	1.25	42.3	1.11
DeKalb	24.0	1.01	56.7	1.23	45.6	1.16
Dent	30.0	.95	43.1	1.29	30.0	1.11
Douglas	29.0	.95	41.8	1.30	32.1	1.11
Dunklin	25.4	1.03	53.1	1.30	33.1	1.14
Franklin	36.0	1.04	59.2	1.28	40.6	1.14
Gasconade	36.2	1.01	52.2	1.28	43.4	1.14
Gentry	32.0	1.02	57.7	1.29	45.6	1.11
Greene	27.7	.97	49.0	1.29	44.6	1.14
Grundy	27.7	1.00	53.7	1.25	48.4	1.14
Harrison	24.6	1.00	55.4	1.27	41.6	1.16
Henry	26.4	1.02	49.8	1.27	44.2	1.16
Hickory	25.4	1.00	44.4	1.24	35.2	1.11
Holt	24.6	1.00	64.4	1.27	52.0	1.16
Howard	25.7	.99	56.3	1.27	47.8	1.16
Howell	24.0	.97	42.8	1.30	34.0	1.11
Iron	23.4	1.02	39.8	1.29	32.0	1.11
Jackson	25.8	1.01	60.2	1.27	43.4	1.16
Jasper	24.0	.95	56.7	1.29	45.6	1.16
Jefferson	38.6	1.04	51.0	1.26	39.8	1.16
Johnson	27.6	1.02	54.0	1.27	48.2	1.16
Knox	27.8	.98	60.6	1.25	46.8	1.16
Laclede	27.7	.97	49.8	1.29	39.0	1.16
Lafayette	31.5	.97	54.5	1.29	45.6	1.16
Lawrence	31.5	.97	48.4	1.29	34.9	1.16
Lewis	22.0	1.00	58.5	1.25	50.7	1.16
Lincoln	32.0	1.04	56.2	1.27	50.3	1.16
Linn	30.5	.99	56.9	1.26	44.3	1.16
Livingston	29.2	1.01	58.3	1.30	45.4	1.16
McDonald	32.2	.97	45.7	1.27	53.4	1.16
Macon	28.9	1.02	56.9	1.27	44.0	1.16
Madison	32.1	1.01	39.2	1.29	30.0	1.16
Marias	34.6	1.00	59.2	1.29	37.8	1.16
Marion	34.6	1.02	60.2	1.25	45.6	1.16
Mercer	26.0	.98	48.7	1.29	42.6	1.16
Miller	28.6	1.04	70.2	1.30	45.9	1.16
Moniteau	31.6	.98	50.0	1.28	50.6	1.16
Monroe	30.0	1.00	59.0	1.27	44.5	1.16
Montgomery	30.8	1.02	56.6	1.26	46.7	1.16
Morgan	30.3	1.00	45.7	1.28	42.3	1.16
New Madrid	31.1	1.05	60.2	1.26	37.9	1.16
Newton	23.7	.97	47.0	1.30	36.6	1.16
Nodaway	33.6	.99	61.8	1.23	50.0	1.16
Oregon	24.6	1.00	53.6	1.28	41.8	1.16
Osage	30.2	.96	57.4	1.30	39.8	1.16

NEBRASKA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Holt	24.3	0.95	36.1	1.28	34.8	1.06
Hooker			44.9	1.19	12.6	1.06
Howard	30.0	.97	44.1	1.21	45.7	1.06
Jefferson	26.0	.94	45.5	1.21	46.9	1.06
Johnson	30.0	.94	47.2	1.19	46.9	1.06
Kearney	27.6	.93	70.2	1.19	51.0	1.06
Keith	28.7	.81	61.0	1.19	26.9	1.06
Keya Paha	31.2	.92	57.0	1.23	47.6	1.06
Kimball	24.9	.95	42.0	1.17	26.4	1.10
Knox	27.6	.99	49.2	1.19	42.2	1.06
Lancaster	26.1	1.01	47.9	1.23	51.3	1.06
Lincoln	23.2	.92	45.9	1.23	21.3	1.06
Logan	25.9	.94	43.9	1.20	36.0	1.06
Loup			17.7	1.23	14.6	1.06
McPherson	28.4	.97	47.9	1.19	52.2	1.06
Madison	26.5	.97	66.1	1.19	46.9	1.06
Merrick	31.4	.98	61.0	1.19	45.4	1.11
Morrill	27.6	.98	47.0	1.21	32.9	1.06
Nance	29.0	.96	58.2	1.20	44.0	1.10
Nemaha	27.0	.96	58.5	1.20	51.3	1.06
Nuckolls	29.9	1.00	50.9	1.23	44.4	1.06
Otoe	26.1	.99	48.3	1.23	48.4	1.06
Pawnee	28.9	.94	56.0	1.20	46.9	1.06
Perkins	28.9	.94	68.0	1.17	48.4	1.06
Phelps	28.8	.97	47.6	1.19	48.4	1.06
Pierce	28.2	.90	51.8	1.23	46.9	1.06
Platte	32.8	.96	66.7	1.23	52.5	1.06
Polk	28.2	.93	54.1	1.23	52.5	1.06
Red Willow	27.4	.92	58.5	1.19	51.0	1.06
Richardson	27.2	.99	50.3	1.19	46.9	1.06
Rock	27.2	.93	38.3	1.20	46.9	1.06
Saline	33.7	1.20	53.8	1.20	52.5	1.06
Saunders	30.3	1.01	53.8	1.23	45.4	1.06
Scotts Bluff	31.6	.95	56.0	1.19	44.9	1.06
Seward	28.4	1.00	58.0	1.23	52.5	1.06
Sheridan	25.0	.97	26.6	1.20	24.9	1.06
Sherman	29.7	.93	41.2	1.23	42.0	1.06
Sioux	24.8	.94	61.4	1.19	24.9	1.06
Stanton	29.5	.95	64.0	1.23	50.4	1.06
Thayer	29.9	.95	50.2	1.23	17.9	1.06
Thomas			51.8	1.20	13.6	1.06
Thurston	32.9	.90	43.4	1.20	42.7	1.06
Valley	31.6	1.01	61.2	1.17	54.6	1.14
Washington	30.5	.98	50.6	1.17	54.6	1.11
Wayne	22.9	.95	48.3	1.20	45.0	1.06
Webster	23.6	.97	40.0	1.19	25.0	1.10
Wheeler	31.0	.98	67.4	1.19	56.6	1.06
York						

NEVADA

Churchill	43.8	0.97	61.0	1.40	36.0	1.06
Clark	50.0	.97	58.0	1.40	60.0	1.06
Douglas	39.8	.97				
Elko	35.0	.97	48.0	1.40	25.6	1.06
Esmeralda	30.0	.97	48.0	1.40	25.0	1.06
Eureka	26.2	.97				
Humboldt	30.0	.97	55.0	1.40	60.0	1.06
Lander	30.0	.97	55.0	1.40	30.0	1.06
Lincoln	38.8	.97	60.0	1.40	60.0	1.06
Lyon	40.0	.97	64.0	1.40	60.0	1.06
Mineral	50.5	.97				
Nye	35.0	.97	45.0	1.40	27.1	1.06
Ormsby	46.4	.97	68.0	1.40		
Pershing	42.8	.97	68.0	1.40	25.0	1.06
Storey	35.5	.97	48.0	1.40		
Washoe						
White Pine						

NEBRASKA

Adams	28.9	0.95	68.9	1.19	63.1	1.06
Antelope	29.0	.96	44.4	1.17	54.6	1.06
Arthur			23.1	1.23	13.5	1.06
Banner	28.8	.94	31.5	1.20	20.7	1.06
Blaine			37.4	1.18	18.2	1.06
Boone	27.2	.97	47.4	1.24	46.3	1.06
Box Butte	28.7	.94	32.0	1.17	30.2	1.06
Boyd	23.3	.92	54.2	1.19	41.7	1.06
Brown	26.0	.93	39.9	1.19	20.0	1.06
Buffalo	31.1	.99	52.3	1.19	52.0	1.06
Burt	31.9	1.00	55.6	1.19	57.7	1.06
Butler	31.9	1.01	56.1	1.20	67.8	1.06
Cass	32.2	.96	48.7	1.17	69.4	1.06
Cedar	27.5	.98	56.0	1.23	64.0	1.06
Chase	22.2	.95	46.2	1.21	14.4	1.06
Cherry	23.5	.95	45.2	1.25	24.8	1.06
Cheyenne	30.2	.96	71.6	1.19	64.4	1.06
Clay	29.4	1.00	61.9	1.19	62.2	1.06
Colfax	34.0	1.00	57.3	1.18	56.9	1.06
Cuming	27.5	.93	58.4	1.21	41.1	1.06
Custer	26.8	.96	63.1	1.17	53.4	1.06
Dakota	25.2	.94	22.8	1.24	30.2	1.06
Dawes	33.7	.88	64.9	1.25	52.8	1.06
Dawson	32.0	.97	65.2	1.20	51.0	1.06
Dixon	32.2	1.01	57.7	1.19	66.8	1.06
Dodge	31.0	.98	57.7	1.23	61.2	1.06
Douglas	28.0	.97	23.3	1.23	27.9	1.06
Dundy	26.4	.94	61.8	1.19	62.8	1.06
Fillmore	29.0	.97	59.7	1.21	46.1	1.06
Franklin	27.3	.92	62.1	1.21	28.5	1.06
Frontier	28.9	.99	46.4	1.24	55.8	1.06
Furnas	26.4	.94	48.1	1.20	56.7	1.06
Gage	30.3	.98	53.4	1.24	52.7	1.06
Garden	29.5	.94	46.1	1.20	42.0	1.06
Garfield	24.8	.93	42.7	1.21	38.0	1.06
Gosper	25.4	.96	72.2	1.15	41.7	1.06
Greeley	29.1	.97	72.2	1.15	64.6	1.06
Hall	31.4	.94	73.2	1.21	71.7	1.06
Hamilton	32.2	.94	58.1	1.23	55.6	1.06
Harlan	27.7	.96	49.2	1.20	28.3	1.06
Hayes	27.4	.96				
Hitchcock						

NEW HAMPSHIRE

Belknap	44.0	1.06	66.8	1.42	44.1	1.19
Carroll			67.5	1.42	44.8	1.19
Cheshire	49.5	1.06	71.0	1.42	46.9	1.19
Coos	46.0	1.06	69.0	1.42	40.2	1.19
Grafton	45.5	1.06	62.4	1.42	43.4	1.19
Hillsborough			67.5	1.42	45.5	1.19
Merrimack	45.4	1.06	60.5	1.42	47.6	1.19
Rockingham			64.5	1.42	42.7	1.19
Strafford	44.2	1.06	74.0	1.42	51.4	1.19
Sullivan	49.0	1.06	74.5	1.42	47.2	1.19
	43.5	1.06	60.2	1.42	45.6	1.19
	44.0	1.06	73.8	1.42	50.8	1.19
	49.0	1.06	71.5	1.42	50.0	1.19
			71.5	1.42	49.4	1.19
	48.0	1.06	68.0	1.42	52.5	1.19
	41.7	1.06	76.0	1.42	52.5	1.19
	28.5	1.06	79.5	1.42	55.6	1.19
	42.0	1.06	71.5	1.42	49.4	1.19
	41.9	1.06	79.2	1.42	53.9	1.19

NEW JERSEY

NEW MEXICO

Bernalillo	36.5	0.87	49.3	1.36	53.8	1.11
Catron	32.2	.87	28.8	1.36	24.0	1.11
Chaves	53.4	.94	57.4	1.36	70.0	1.11
Colfax	28.4	.87	30.5	1.36	23.0	1.11
Curry	44.0	.90	45.4	1.36	50.0	1.11
De Baca	28.3	.92	30.5	1.36	33.5	1.11
Dona Ana	58.5	.87	52.5	1.36	70.0	1.11
Eddy	52.9	.92	53.5	1.36	70.0	1.11
Grant	39.6	.87	44.1	1.36	70.7	1.11
Guadalupe	18.0	.90	26.0	1.36	25.8	1.11
Harding	25.0	.92	15.9	1.36	27.0	1.11
Hidalgo	44.6	.87	53.8	1.36	69.9	1.11
Lea	35.4	.90	42.5	1.36	46.7	1.11
Lincoln	36.2	.88	36.5	1.36	37.5	1.11
Los Alamos	46.2	.87	57.7	1.36	79.2	1.11
McKinley	25.0	.87	18.4	1.36	18.0	1.11
Mora	30.0	.88	39.9	1.36	25.8	1.11
Otero	36.0	.96	39.2	1.36	36.7	1.11
Rio Arriba	24.2	.87	22.5	1.36	20.0	1.11
Roosevelt	26.3	.87	37.3	1.36	34.0	1.11
Sandoval	38.1	.87	32.7	1.36	30.0	1.11
San Juan	30.0	.87	46.4	1.36	43.5	1.11
San Miguel	28.1	.87	18.1	1.36	43.0	1.11
Santa Fe	42.5	.87	27.2	1.36	25.0	1.11
Sierra	42.0	.87	47.0	1.36	49.8	1.11
Socorro	31.2	.87	24.9	1.36	37.3	1.11
Taos	33.7	.89	25.8	1.36	33.8	1.11
Torrance	28.7	.96	24.8	1.36	29.5	1.11
Union	37.3	.87	28.4	1.36	41.8	1.11
Valencia						

NEW YORK

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Albany	32.0	1.06	54.1	1.41	44.8	1.19
Allegany	37.5	1.06	57.5	1.41	44.8	1.19
Broome	33.0	1.06	60.0	1.41	44.8	1.19
Cattaraugus	36.6	1.06	57.5	1.41	44.8	1.19
Cayuga	32.0	1.06	57.8	1.41	44.8	1.19
Chautauqua	36.0	1.06	56.5	1.41	44.8	1.19
Chemung	32.0	1.06	58.2	1.41	44.8	1.19
Chenango	29.8	1.06	56.0	1.41	44.8	1.19
Clinton	25.5	1.06	51.6	1.41	44.8	1.19
Columbia	42.5	1.06	61.6	1.41	44.8	1.19
Cortland	32.0	1.06	52.0	1.41	44.8	1.19
Delaware	30.5	1.06	55.6	1.41	44.8	1.19
Dutchess	32.8	1.06	57.0	1.41	44.8	1.19
Erie	36.5	1.06	47.0	1.41	44.8	1.19
Essex	37.0	1.06	45.0	1.41	44.8	1.19
Franklin	30.5	1.06	52.5	1.41	44.8	1.19
Fulton	34.0	1.06	54.0	1.41	44.8	1.19
Genesee	31.4	1.06	56.2	1.41	44.8	1.19
Greene			54.0	1.41	44.8	1.19
Hamilton					44.8	1.19
Herkimer	33.8	1.06	55.0	1.41	44.8	1.19
Jefferson	36.0	1.06	49.7	1.41	44.8	1.19
Lewis	38.4	1.06	45.2	1.41	44.8	1.19
Livingston	38.5	1.06	64.5	1.41	44.8	1.19
Madison	37.8	1.06	60.0	1.41	44.8	1.19
Monroe	32.5	1.06	60.8	1.41	44.8	1.19
Montgomery					44.8	1.19
Nassau	32.8	1.06	58.0	1.41	44.8	1.19
Niagara	38.5	1.06	58.8	1.41	44.8	1.19
Oneida	37.0	1.06	57.2	1.41	44.8	1.19
Onondaga	35.8	1.06	66.8	1.41	44.8	1.19
Ontario	33.0	1.06	62.5	1.41	44.8	1.19
Orange	34.8	1.06	61.5	1.41	44.8	1.19
Orleans	37.0	1.06	49.8	1.41	44.8	1.19
Oswego	40.0	1.06	55.8	1.41	44.8	1.19
Otsego			52.5	1.41	44.8	1.19
Putnam	34.0	1.06	57.0	1.41	44.8	1.19
Rensselaer			52.5	1.41	44.8	1.19
Richmond					44.8	1.19
Rockland	35.0	1.06	57.0	1.41	44.8	1.19
St. Lawrence	33.8	1.06	47.5	1.41	44.8	1.19
Saratoga	34.0	1.06	54.0	1.41	44.8	1.19
Schenectady	32.0	1.06	50.8	1.41	44.8	1.19
Schoharie	34.2	1.06	68.5	1.41	44.8	1.19
Schuyler	37.0	1.06	67.2	1.41	44.8	1.19
Seneca	34.8	1.06	62.5	1.41	44.8	1.19
Steuben	29.4	1.06	66.2	1.41	44.8	1.19
Suffolk			56.5	1.41	44.8	1.19
Sullivan	31.0	1.06	54.5	1.41	44.8	1.19
Tioga	34.0	1.06	55.0	1.41	44.8	1.19
Tompkins	34.0	1.06	55.0	1.41	44.8	1.19
Ulster			50.0	1.41	44.8	1.19
Warren			55.5	1.41	44.8	1.19
Washington	34.2	1.06	57.5	1.41	44.8	1.19
Wayne	35.2	1.06	68.8	1.41	44.8	1.19
Westchester			61.0	1.41	44.8	1.19
Wyoming			61.5	1.41	44.8	1.19
Yates	35.8	1.06	65.0	1.41	44.8	1.19
	35.6	1.06				

NORTH CAROLINA

Alamance	40.0	1.06	46.2	1.41	33.5	1.19
Alexander	33.8	1.06	43.8	1.41	29.8	1.19
Alleghany	31.0	1.06	40.4	1.41		
Anson	39.0	1.06	53.2	1.41	38.0	1.19
Ashe			40.6	1.41		
Avery	27.5	1.06	36.8	1.41		
Beaufort	32.5	1.06	54.8	1.43	30.0	1.91
Bladen	31.8	1.06	56.5	1.43	36.8	1.19
Brunswick	36.8	1.06	37.8	1.41	27.0	1.19

NORTH CAROLINA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Stanly	37.5	1.06	41.4	1.41	38.0	1.19
Stokes	38.1	1.06	38.1	1.41	31.5	1.19
Surry	37.2	1.06	46.4	1.41	32.5	1.19
Swain			49.4	1.41		
Transylvania			57.3	1.41	34.0	1.19
Tyrrell	37.0	1.06	56.9	1.41	40.8	1.19
Union	31.9	1.06	38.3	1.41	32.0	1.19
Vance	40.2	1.06	43.3	1.41	37.0	1.19
Wake	38.0	1.06	53.8	1.41	36.5	1.19
Warren	36.0	1.06	48.5	1.41		
Washington	33.3	1.06	52.4	1.41	31.4	1.19
Watauga	35.0	1.06	44.9	1.41	30.2	1.19
Wayne	37.0	1.06	55.6	1.41	36.4	1.19
Wilkes	37.0	1.06	42.3	1.41	31.5	1.19
Wilson	29.0	1.06	67.1	1.41		
Yadkin						
Yancey						

NORTH DAKOTA

Adams	22.5	0.83	17.7	1.13	18.0	1.03
Barnes	27.5	.91	29.0	1.13	22.0	1.03
Benson	25.3	.88	26.5	1.13	21.0	1.03
Billings	22.5	.83	17.6	1.13		
Bottineau	24.4	.91	18.0	1.13		
Bowman	23.5	.83	20.0	1.13		
Burke	22.0	.87	20.9	1.13		
Burleigh	31.5	.92	33.0	1.13	26.0	1.03
Cass	25.0	.95	28.0	1.13	22.0	1.03
Cavalier	28.0	.91	29.0	1.13		
Dickey	22.0	.82	20.0	1.13		
Divide	22.0	.83	20.0	1.13		
Dunn	27.0	.99	27.0	1.13	18.0	1.03
Eddy	21.8	.95	22.0	1.13	22.0	1.03
Emmons	27.0	.90	24.0	1.13	18.0	1.03
Foster	27.0	.90	18.0	1.13	27.0	1.03
Golden Valley	24.5	.91	36.0	1.13	24.0	1.03
Grand Forks	21.8	.94	19.7	1.13	14.0	1.03
Grant	28.1	.91	27.0	1.13		
Griggs	24.5	.88	21.0	1.13		
Hettinger	21.0	.90	27.4	1.13	22.0	1.03
Kidder	22.2	.88	22.5	1.13	16.0	1.03
La Moure	22.6	.88	25.5	1.13	20.0	1.03
Logan	21.4	.90	23.5	1.13		
McHenry	22.4	.90	23.5	1.13		
McIntosh	22.4	.90	22.0	1.13	19.0	1.03
McKenzie	23.1	.83	20.0	1.13		
McLean	22.0	.83	20.2	1.13		
Mercer	21.2	.84	22.0	1.13		
Morton	26.4	.89	25.5	1.13	19.0	1.03
Mountrail	25.0	.89	22.0	1.13		
Nelson	24.0	.90	24.0	1.13	16.0	1.03
Oliver	23.0	.89	26.5	1.13		
Pembina	28.0	.87	25.5	1.13	20.0	1.03
Pierce	26.0	.90	26.5	1.13	24.0	1.03
Ramsey	23.0	.83	22.3	1.13	30.0	1.03
Ransom	28.0	.93	36.0	1.13		
Renville	24.0	.90	22.5	1.13	25.0	1.03
Richland	25.0	.92	31.0	1.13	20.0	1.03
Rolette	22.0	.87	24.0	1.13	16.0	1.03
Sargent	19.0	.85	24.0	1.13		
Sheridan	24.0	.90	30.5	1.13	16.0	1.03
Sioux	22.0	.84	17.4	1.13		
Slope	24.0	.91	19.0	1.13		
Stark	28.4	.90	28.0	1.13		
Steele	25.5	.97	26.5	1.13		
Stutsman	23.1	.89	25.0	1.13	25.0	1.03
Towner	28.0	.94	33.2	1.13		
Traill	29.9	.94	34.0	1.13	25.0	1.03
Walsh	32.0	.96	33.0	1.13		
Ward	29.9	.90	27.0	1.13	22.0	1.03
Wells						

OHIO—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Sandusky	30.8	0.96	77.0	1.30	57.2	1.10
Scioto	37.5	.95	59.6	1.32	46.2	1.10
Seneca	41.4	.96	70.8	1.30	52.8	1.10
Shelby	34.2	.96	67.4	1.27	46.8	
Stark	44.0	.99	60.4	1.33		
Summit	38.0	.99	60.4	1.37		
Trumbull	42.4	1.01	62.8	1.34	54.2	1.10
Tuscarawas	43.8	.96	67.1	1.24	50.0	1.10
Union	31.5	.96	66.2	1.25	42.4	1.10
Van Wert	45.2	.96	76.5	1.27	52.4	1.10
Vinton	34.5	.96	57.0	1.22	44.0	1.10
Warren	34.6	.96	66.6	1.26	48.4	1.10
Washington	38.0	.99	73.2	1.30		
Wayne	44.2	.96	69.4	1.33	48.4	1.10
Williams	41.0	1.00	74.1	1.27	48.4	1.10
Wood	40.0	.96	68.4	1.28	48.8	1.12
Wyandot	35.2	.96	60.1	1.29	46.8	1.12

OKLAHOMA

Adair	24.8	0.94	35.7	1.31	26.6	1.06
Alfalfa	27.3	.94	27.0	1.31	26.8	1.06
Atoka	25.2	.94	26.0	1.31	24.4	1.06
Beaver	17.5	.91	20.0	1.31	24.7	1.06
Beckham	22.1	.94	30.4	1.31	25.0	1.10
Blaine	22.4	.94	24.2	1.31	24.7	1.11
Bryan	22.4	.94	32.8	1.31	27.3	1.10
Caddo	21.4	.94	32.0	1.31	27.4	1.10
Canadian	21.4	.94	44.2	1.31	27.7	1.10
Carter	21.6	.94	34.6	1.31	26.7	1.10
Cherokee	21.6	.94	29.1	1.31	25.7	1.10
Choctaw	16.4	.94	26.5	1.31	26.7	1.06
Cimarron	25.2	.94	24.0	1.31	27.0	1.10
Cleveland	24.4	.94	34.8	1.31	27.5	1.10
Coal	24.4	.94	44.8	1.31	26.2	1.10
Comanche	24.9	.94	34.2	1.31	25.4	1.10
Cotton	24.0	.94	34.1	1.31	24.7	1.10
Craig	19.6	.94	37.6	1.31	23.2	1.10
Creek	22.4	.94	25.3	1.31	22.1	1.09
Custer	19.6	.93	25.2	1.31	19.4	1.09
Delaware	17.6	.94	40.2	1.31	28.2	1.10
Dewey	26.7	.94	34.4	1.31	28.2	1.10
Ellis	19.4	.94	29.0	1.31	22.6	1.10
Garfield	23.4	.94	40.2	1.31	28.2	1.10
Garvin	22.8	.94	34.4	1.31	26.6	1.10
Grady	22.1	.94	29.0	1.31	26.5	1.10
Grant	26.1	.94	29.0	1.31	26.6	1.06
Greer	22.0	.94	30.0	1.31	28.2	1.10
Harmon	23.0	.94	26.5	1.31	30.6	1.10
Harper	21.5	.94	20.6	1.31	19.0	1.06
Haskell	24.8	.94	34.8	1.31	28.2	1.10
Hughes	18.6	.94	34.8	1.31	26.2	1.10
Jackson	27.2	.94	25.9	1.31	27.5	1.10
Jefferson	23.4	.94	22.5	1.31	24.4	1.10
Johnston	21.8	.94	42.6	1.31	27.3	1.06
Kay	20.4	.94	27.0	1.31	21.9	1.10
Kingfisher	20.2	.94	26.3	1.31	21.9	1.10
Kiowa	27.1	.94	22.4	1.31	21.8	1.06
Latimer	25.5	.94	30.0	1.31	25.0	1.10
Le Flore	24.0	.94	33.2	1.31	23.0	1.10
Lincoln	24.2	.94	34.0	1.31	25.1	1.10
Logan	26.7	.94	27.6	1.31	26.1	1.11
Love	26.4	.94	41.9	1.31	26.2	1.10
McClain	24.9	.94	34.0	1.31	25.6	1.10
McCurtain	24.6	.94	32.4	1.31	28.0	1.10
McIntosh	24.6	.94	39.6	1.31	24.1	1.09
Major	28.2	.94	30.0	1.31	31.1	1.10
Marshall	23.0	.96	31.7	1.31		
Mayes						

NORTH CAROLINA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Buncombe	33.8	1.06	49.8	1.41	31.5	1.19
Burke	41.5	1.06	53.0	1.41	30.8	1.19
Cabarrus	30.5	1.06	48.4	1.41	33.8	1.19
Caldwell	32.4	1.06	72.2	1.41	34.5	1.19
Camden	28.6	1.06	49.4	1.41	35.2	1.19
Carteret	32.8	1.06	38.2	1.41	30.5	1.19
Caswell	36.0	1.06	44.4	1.41	34.0	1.19
Catawba	31.5	1.06	45.4	1.41	31.0	1.19
Chatham	40.8	1.06	54.4	1.41	34.0	1.19
Cherokee	29.2	1.06	56.3	1.41	36.0	1.19
Chowan			32.8	1.41	32.0	1.19
Clay	27.5	1.06	45.6	1.41	27.5	1.19
Cleveland	35.8	1.06	45.9	1.41	33.0	1.19
Columbus	28.6	1.06	43.1	1.41	34.0	1.19
Craven	28.0	1.06	38.1	1.41	30.8	1.19
Cumberland	36.1	1.06	74.2	1.41	38.4	1.19
Currituck			40.6	1.41		
Dare	36.0	1.06	41.8	1.41	36.0	1.19
Davidson	42.5	1.06	49.0	1.41	32.0	1.19
Davie	35.5	1.06	46.4	1.41	27.5	1.19
Duplin	40.0	1.06	49.5	1.41	33.0	1.19
Durham	35.8	1.06	49.4	1.41	36.4	1.19
Edgecombe	40.0	1.06	50.4	1.41	31.5	1.19
Forsyth	39.2	1.06	56.3	1.41	30.2	1.19
Franklin	33.5	1.06	53.2	1.41	32.8	1.19
Gaston						
Gates	31.2	1.06	48.8	1.41	30.0	1.19
Graham	20.0	1.06	34.9	1.41	29.5	1.19
Granville	39.2	1.06	40.1	1.41	32.5	1.19
Greene	37.5	1.06	51.8	1.41	36.0	1.19
Guilford			46.2	1.41	29.0	1.19
Halifax			52.4	1.41		
Harnett	27.2	1.06	54.6	1.41	29.5	1.19
Haywood	32.6	1.06	56.0	1.41	31.2	1.19
Henderson	37.5	1.06	43.2	1.41	26.8	1.19
Hertford			61.2	1.41		
Hoke	35.5	1.06	39.6	1.41	33.2	1.19
Hyde	37.5	1.06	54.8	1.41	28.5	1.19
Iredell			48.0	1.41	32.1	1.19
Jackson	36.8	1.06	45.6	1.41	29.5	1.19
Johnston	35.2	1.06	42.5	1.41	36.0	1.19
Jones	36.5	1.06	51.0	1.41	35.0	1.19
Lee	36.0	1.06	47.6	1.41	31.8	1.19
Lenoir	33.0	1.06	53.0	1.41	31.5	1.19
McDowell						
Macon	31.5	1.06	53.1	1.41	26.2	1.19
Madison	29.6	1.06	50.1	1.41	27.4	1.19
Martin	37.5	1.06	54.4	1.41	29.8	1.19
Mecklenburg			57.4	1.41		
Mitchell	34.5	1.06	36.6	1.41	29.5	1.19
Montgomery	36.0	1.06	34.1	1.41	30.2	1.19
Moore	37.2	1.06	52.0	1.41	36.1	1.19
Nash	34.0	1.06	43.3	1.41	36.5	1.19
New Hanover	36.2	1.06	54.3	1.41	34.0	1.19
Northampton			47.4	1.41		
Onslow	36.8	1.06	44.4	1.41	28.8	1.19
Orange	32.0	1.06	51.5	1.41	30.5	1.19
Pamlico	34.0	1.06	39.3	1.41	28.0	1.19
Pasquotank	37.2	1.06	45.2	1.41	30.8	1.19
Pender	33.8	1.06	49.2	1.41	38.9	1.19
Perquimans	34.5	1.06	50.5	1.41	32.5	1.19
Person	34.0	1.06	50.5	1.41	32.9	1.19
Pitt	36.0	1.06	38.7	1.41	36.2	1.19
Polk	37.0	1.06	43.9	1.41	33.0	1.19
Randolph	27.4	1.06	51.9	1.41	28.0	1.19
Richmond	30.2	1.06	39.4	1.41	29.1	1.19
Robeson	36.0	1.06	49.9	1.41	25.2	1.19
Rockingham	34.5	1.06	42.0	1.41	29.5	1.19
Rowan	37.0	1.06	50.3	1.41	27.0	1.19
Rutherford	39.0	1.06	38.6	1.41		
Sampson	37.0	1.06				
Scotland						

PENNSYLVANIA—Continued

OKLAHOMA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Murray	26.2	0.94	34.5	1.31	27.7	1.19
Muskogee	25.0	.94	29.3	1.31	28.0	1.19
Noble	27.9	.94	39.7	1.31	32.7	1.19
Nowata	24.7	.94	37.8	1.31	28.2	1.19
Okfuskee	21.6	.94	35.0	1.31	26.4	1.19
Oklahoma	26.4	.94	47.2	1.31	30.4	1.19
Okmulgee	24.7	.94	37.7	1.31	25.2	1.19
Osage	24.6	.94	37.6	1.31	31.3	1.19
Ottawa	25.3	.94	36.9	1.31	27.2	1.19
Pawnee	22.3	.94	32.2	1.31	24.0	1.19
Payne	25.0	.94	39.4	1.31	26.4	1.19
Pittsburg	24.4	.94	37.2	1.31	28.0	1.19
Pottawatomie	24.9	.94	43.0	1.31	27.2	1.19
Pushmataha	19.4	.94	29.4	1.31	24.1	1.19
Roger Mills	18.5	.97	31.0	1.31	26.0	1.19
Rogers	24.0	.94	29.8	1.31	24.7	1.19
Seminole	20.8	.94	30.4	1.31	21.6	1.19
Sequoyah	25.9	.94	29.5	1.31	24.6	1.19
Stephens	19.0	.94	35.0	1.31	24.4	1.19
Texas	24.4	.96	26.5	1.31	35.5	1.19
Tillman	25.1	.96	31.5	1.31	27.6	1.19
Tulsa	23.9	.94	39.9	1.31	33.0	1.19
Washington	24.3	.94	37.2	1.31	31.8	1.19
Washita	22.3	.97	34.4	1.31	25.4	1.19
Woods	20.1	.93	29.4	1.31	21.2	1.19
Woodward	22.2	.93	32.5	1.31		

OREGON

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Baker	33.6	1.00	82.0	1.36		
Benton	36.1	1.03	73.4	1.36		
Clackamas	38.5	1.05	82.5	1.36	40.0	1.19
Columbia	42.2	1.04	80.0	1.36		
Crook	32.3	1.05	82.0	1.36		
Deschutes	32.7	.96	70.2	1.36		
Douglas	35.0	1.07	60.0	1.36		
Gilliam	31.7	1.05				
Grant	23.0	.98	60.0	1.36		
Harney	35.0	1.07	82.0	1.36	50.0	1.19
Hood River	43.6	.91	84.9	1.36		
Jackson	42.1	1.07	75.0	1.36		
Jefferson	25.8	.91	78.0	1.36		
Josephine	48.1	.99				
Klamath	32.0	1.05				
Lake	32.9	1.00	68.5	1.36		
Lane	30.8	1.03	63.5	1.36	60.0	1.19
Linn	50.0	.96	76.6	1.36		
Malheur	37.8	1.05	82.5	1.36		
Marion	42.2	1.04	84.0	1.36		
Morrow	30.3	1.04	82.5	1.36		
Multnomah	43.8	1.07	80.0	1.36		
Polk	38.0	1.03	82.5	1.36		
Sherman	43.8	1.05	90.6	1.36	60.0	1.19
Umatilla	38.6	1.03				
Union	36.1	.96				
Wallowa	38.1	1.10	88.0	1.36		
Wasco	41.8	1.07	82.5	1.36		
Washington	42.2	1.03				
Wheeler	40.8	1.06	64.4	1.36		
Yamhill						

PENNSYLVANIA

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Adams	38.0	1.09	60.0	1.41		
Allegheny	34.4	1.09	55.8	1.41		
Armstrong	35.1	1.06	69.0	1.41		
Beaver	41.4	1.06	65.7	1.41		
Bedford	27.4	0.93	44.8	1.23	16.2	1.02
Berks	28.8	.90	44.6	1.15	26.7	1.02
Blair	32.0	.94	57.9	1.19	28.4	1.02
Bradford	28.5	.83	78.3	1.14	25.0	1.02
Bucks	29.7	.94	61.6	1.17	25.0	1.02
Butler	26.5	.91	54.6	1.13	26.6	1.02
Cambria	31.6	.94	44.6	1.14	26.6	1.02
Cameron	26.6	.91	60.0	1.19	41.0	1.02
Carbon	31.8	.94	62.1	1.19	16.5	1.02
Centre	31.7	.93	64.2	1.19	25.5	1.02
Chester	32.0	.94	62.6	1.19	25.5	1.02
Clarion	22.6	.94	62.6	1.19	25.5	1.02
Clearfield	27.5	.94	62.6	1.19	25.5	1.02
Clinton	22.9	.94	62.6	1.19	25.5	1.02
Columbia	26.8	.94	62.6	1.19	25.5	1.02
Crawford	26.1	.94	62.6	1.19	25.5	1.02
Cumberland	31.2	.93	41.2	1.17	19.7	1.02
Dauphin	24.3	.82	39.4	1.19	41.0	1.02
Delaware	34.8	.93	64.1	1.15	12.0	1.02
Elk	39.0	.94	59.4	1.15	55.5	1.11
Erie	38.5	1.05	62.5	1.14	24.8	1.02
Fayette	24.0	.94	39.6	1.15	41.5	1.02
Forest	29.7	.92	60.0	1.14	16.7	1.02
Franklin	32.0	.94	45.2	1.13	26.6	1.02
Fulton	33.8	.94	45.2	1.14	13.6	1.02
Greene	34.7	.94	44.8	1.13	22.2	1.02
Huntingdon	20.6	.81	13.6	1.19	47.8	1.06
Indiana	21.5	.83	44.8	1.13	42.9	1.06
Jefferson	27.8	.93	13.6	1.19	14.4	1.02
Juniata	28.0	.96	21.6	1.18	12.2	1.02
Lackawanna	22.5	.87	39.0	1.18	19.8	1.02
Lancaster	26.6	.92	26.5	1.13	32.0	1.06
Lawrence	24.6	.92	23.0	1.21	14.7	1.02
Lebanon	22.9	.87	21.4	1.17	30.5	1.02
Lehigh	29.8	.91	23.8	1.15	16.2	1.02
Luzerne	30.0	.92	44.0	1.15	24.2	1.02
Lycoming	26.8	.94	23.8	1.15	30.9	1.02
McKean	31.6	.94	51.4	1.15	49.6	1.06
Mercer	42.6	.92	44.0	1.15	49.6	1.11
Mifflin	32.2	.94	21.4	1.17	22.2	1.02
Monroe	40.0	1.05	58.6	1.41	45.7	1.19
Montgomery	33.3	.96	58.6	1.41	45.7	1.19
Montour	41.0	1.05	62.0	1.41	45.7	1.19
Northampton	40.4	1.06	63.2	1.41	45.7	1.19
Northumberland	45.0	1.06	64.0	1.41	45.7	1.19
Perry	32.9	1.05	60.6	1.41	45.7	1.19
Philadelphia	30.0	1.06	64.9	1.41	45.7	1.19
Pike	32.9	1.05	60.0	1.41	45.7	1.19
Potter	37.5	1.06	58.8	1.41	45.7	1.19
Schuylkill	36.4	1.06	58.9	1.41	45.7	1.19
Snyder	33.6	1.09	65.0	1.41	45.7	1.19
Somerset	35.0	1.05	63.0	1.41	45.7	1.19
Sullivan	39.0	1.05	64.8	1.41	45.7	1.19
Susquehanna	39.5	1.06	63.1	1.41	45.7	1.19
Tioga	38.5	1.06	59.4	1.41	45.7	1.19
Union	36.9	1.06	61.0	1.41	45.7	1.19
Venango	33.7	1.05	60.9	1.41	45.7	1.19
Warren	35.8	1.06	58.6	1.41	45.7	1.19
Washington	39.6	1.06	68.1	1.41	45.7	1.19
Wayne	36.8	1.06	58.6	1.41	45.7	1.19
Westmoreland	43.4	1.06	68.1	1.41	45.7	1.19
Wyoming	44.0	1.06	61.4	1.41	45.7	1.19
York						

RHODE ISLAND

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Bristol			45.5	1.46	44.0	1.19
Kent			45.5	1.46		
Newport			36.5	1.46		
Providence			51.3	1.46		
Washington			47.4	1.46	46.0	1.19

SOUTH DAKOTA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Fall River	27.4	0.83	44.8	1.23	16.2	1.02
Faulk	28.8	.90	44.6	1.15	26.7	1.02
Grant	32.0	.94	57.9	1.19	28.4	1.02
Gregory	28.7	.83	78.3	1.14	25.0	1.02
Haakon	29.4	.94	44.6	1.13	26.6	1.02
Hamlin	28.0	.91	60.0	1.19	41.0	1.02
Hand	28.5	.94	44.6	1.14	26.6	1.02
Hanson	31.7	.94	62.1	1.19	41.0	1.02
Harding	21.7	.83	16.2	1.19	16.5	1.02
Hughes	32.0	.94	62.6	1.19	25.5	1.02
Hutchinson	22.6	.94	62.6	1.19	25.5	1.02
Hyde	22.9	.94	62.6	1.19	25.5	1.02
Jerauld	27.5	.94	24.5	1.15	19.2	1.02
Jones	26.8	.94	24.5	1.13	19.7	1.02
Kingsbury	26.1	.94	62.6	1.19	25.5	1.02
Lake	31.2	.93	41.2	1.17	24.6	1.02
Lawrence	24.3	.82	39.4	1.19	41.0	1.02
Lincoln	34.8	.93	64.1	1.15	12.0	1.02
Lyman	28.5	.94	59.4	1.15	55.5	1.11
McCook	32.2	.94	62.6	1.14	24.8	1.02
McPherson	24.0	.89	25.2	1.14	41.5	1.02
Marshall	29.7	.92	30.6	1.13	16.7	1.02
Meade	22.0	.81	20.6	1.18	26.6	1.02
Mellette	27.2	.91	16.9	1.13	13.6	1.02
Miner	21.5	.83	21.4	1.17	22.2	1.02
Minnehaha	33.8	.94	46.2	1.14	47.8	1.06
Moody	34.7	.94	44.8	1.13	42.9	1.06
Pennington	20.6	.81	13.6	1.19	14.4	1.02
Perkins	21.5	.83	13.8	1.18	12.2	1.02
Potter	27.8	.93	21.6	1.18	19.8	1.02
Roberts	28.0	.96	23.0	1.21	32.0	1.06
Sanborn	22.5	.87	23.0	1.21	14.7	1.02
Shannon	26.6	.92	26.5	1.13	30.5	1.02
Spink	24.6	.92	23.0	1.17	15.2	1.02
Stanley	22.9	.87	21.4	1.17	24.2	1.02
Sully	24.6	.91	18.4	1.15	30.9	1.02
Todd	22.9	.92	23.8	1.15	49.6	1.06
Tripp	26.8	.94	44.0	1.15	49.6	1.11
Turner	30.0	.94	21.4	1.15	20.2	1.02
Union	33.1	.96	18.6	1.16	16.5	1.02
Walworth	22.6	.84	16.8	1.15	46.6	1.11
Washabaugh	29.0	.96	46.8	1.15	46.6	1.02
Yankton	20.7	.83	13.0	1.18	10.2	1.02
Ziebach						

TENNESSEE

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Anderson			32.6	1.27	26.0	1.16
Bedford	22.6	1.03	42.4	1.24	21.6	1.16
Benton	20.1	1.03	35.2	1.26	26.0	1.16
Bledsoe	20.0	1.03	43.2	1.26	41.4	1.16
Blount	27.1	1.03	46.1	1.26	44.6	1.16
Bradley	28.6	1.03	42.0	1.26	28.4	1.16
Campbell			32.0	1.27		
Cannon	19.7	1.03	38.2	1.23	20.1	1.16
Carter	24.5	1.03	34.3	1.26	20.4	1.16
Cheatham	35.5	1.03	26.2	1.26		
Chester			42.4	1.23	33.4	1.16
Claiborne			38.5	1.32	32.6	1.16
Clay	25.5	1.03	36.9	1.27	23.0	1.16
Cocke	29.7	1.03	38.4	1.23	45.8	1.16
Coffee	40.0	1.03	46.4	1.26	45.8	1.16
Crockett	28.0	1.03	42.2	1.24	29.1	1.16
Cumberland	29.7	1.03	38.9	1.23	34.0	1.16
Davidson	29.0	1.03	42.6	1.26		
De Kalb	23.4	1.03	38.6	1.24	24.2	1.16
Dyer	24.7	1.03	41.0	1.23	40.9	1.16
Fayette	26.0	1.03	46.1	1.31	36.0	1.16

SOUTH CAROLINA

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Abbeville	20.1	1.06	24.1	1.41	22.2	1.19
Aiken	20.9	1.06	27.5	1.41	23.2	1.19
Allendale	21.0	1.06	26.7	1.41	25.6	1.19
Anderson	29.4	1.06	35.4	1.41	22.1	1.19
Barnwell	28.0	1.06	31.6	1.41	20.9	1.19
Beaufort			21.8	1.41	20.3	1.19
Berkeley	27.9	1.06	43.7	1.41	22.7	1.19
Calhoun	24.4	1.06	21.8	1.41	24.0	1.19
Charleston	22.0	1.06	26.9	1.41	26.6	1.19
Cherokee	21.2	1.06	22.8	1.41	26.0	1.19
Chester	20.2	1.06	25.5	1.41	22.7	1.19
Chesterfield	21.2	1.06	22.6	1.41	22.6	1.19
Clarendon	26.6	1.06	34.6	1.41	24.8	1.19
Colleton	22.4	1.06	28.4	1.41		
Darlington	26.9	1.06	28.0	1.41	25.1	1.19
Dillon	22.8	1.06	25.2	1.41	22.5	1.19
Dorchester	24.6	1.06	21.2	1.41	22.7	1.19
Edgefield	22.2	1.06	35.9	1.41	26.6	1.19
Fairfield	23.3	1.06	26.5	1.41	33.0	1.19
Florence	22.9	1.06	27.1	1.41	25.0	1.19
Georgetown	26.8	1.06	42.0	1.41	24.2	1.19
Greenville	28.9	1.06	38.2	1.41	24.0	1.19
Greenwood	20.4	1.06	38.1	1.41	24.8	1.19
Hampton	27.4	1.06	26.5	1.41	20.0	1.19
Horry	23.2	1.06	25.2	1.41	23.8	1.19
Jasper	22.7	1.06	21.0	1.41	22.5	1.19
Kershaw	28.2	1.06	30.2	1.41	23.8	1.19
Lancaster	30.5	1.06	26.5	1.41	23.4	1.19
Laurens	33.8	1.06	24.1	1.41	22.6	1.19
Lee	30.9	1.06	33.0	1.41	19.8	1.19
Lexington	24.6	1.06	29.2	1.41	20.0	1.19
McCormick	23.0	1.06	29.7	1.41	30.3	1.19
Marion	24.6	1.06	24.7	1.41	15.3	1.19
Marlboro	22.2	1.06	34.2	1.41	42.0	1.19
Newberry	21.3	1.06	27.9	1.41	30.9	1.19
Oconee	30.9	1.06	29.2	1.41	23.4	1.19
Orangeburg	26.8	1.06	31.0	1.41	24.0	1.19
Pickens	24.8	1.06	27.0	1.41	27.1	1.19
Richland	33.6	1.06	30.2	1.41	22.7	1.19
Saluda	31.2	1.06	26.5	1.41	15.5	1.19
Spartanburg	32.7	1.06	32.5	1.41	34.8	1.19
Sumter	25.6	1.06	25.2	1.41	23.8	1.19
Union	31.6	1.06	23.2	1.41	26.0	1.19
Williamsburg	24.9	1.06	25.6	1.41	23.0	1.19
York	26.2	1.06	23.8	1.41	24.1	1.19

SOUTH DAKOTA

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Aurora	27.3	0.92	27.6	1.13	30.3	1.19
Beadle	25.4	.92	26.4	1.13	28.0	1.19
Bon Homme	26.6	.86	20.0	1.19	15.0	1.19
Brookings	22.3	.84	40.5	1.14	43.4	1.19
Brown	28.9	.92	25.6	1.13	25.8	1.19
Brule	26.6	.91	23.4	1.14	26.9	1.19
Buffalo	24.6	.91	22.3	1.14	23.0	1.19
Campbell	22.0	.91	19.0	1.19	30.3	1.19
Charles Mix	26.7	.93	22.2	1.15	15.3	1.19
Clark	26.7	.93	26.2	1.13	42.0	1.19
Clay	22.5	.97	48.6	1.15	30.9	1.19
Corson	27.8	.94	29.4	1.13	54.2	1.19
Custer	18.4	.83	42.8	1.17	28.4	1.19
Davison	31.3	.92	46.1	1.13	15.5	1.19
Day			26.5	1.13	34.8	1.19
Deuel	28.7	.92	27.0	1.13	26.0	1.19
Dewey	32.0	.94	27.4	1.13	27.8	1.19
Douglas	22.7	.83	16.8	1.17	18.2	1.19
Edmunds	25.6	.90	21.8	1.14	21.7	1.19

TEXAS

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Anderson	18.0	1.09	28.7	1.33	26.4	1.24
Andrews			17.2	1.33	19.4	1.11
Angelina			26.4	1.33	27.8	1.20
Aransas			26.0	1.33	26.5	1.31
Archer	21.6	.98	27.0	1.33	23.8	1.11
Armstrong	20.8	1.05	35.1	1.33	45.2	1.27
Atascosa	15.8	1.14	19.4	1.33	26.1	1.20
Austin	20.6	1.14	30.1	1.33	34.0	1.11
Bailey	31.4	.98	50.0	1.33	25.6	1.25
Bandera	26.4	1.05	19.6	1.33	26.2	1.20
Bastrop	17.5	1.06	23.8	1.33	28.2	1.31
Baylor	24.5	.98	20.8	1.33	28.3	1.28
Bee	20.0	1.12	28.1	1.33	30.5	1.23
Bell	18.7	1.05	32.8	1.33	29.3	1.23
Bexar	25.6	1.07	45.0	1.33	51.2	1.11
Blanco	22.2	1.08	21.9	1.33	22.1	1.27
Borden	15.8	.98	22.0	1.33	30.2	1.16
Bosque	19.8	1.00	30.7	1.33	22.6	1.21
Bowie	37.4	1.02	46.0	1.33	31.9	1.15
Brazoria			28.7	1.33	28.9	1.27
Brazos	20.0	1.12	32.8	1.33	34.5	
Brewster			15.0	1.33		
Briscoe	18.7	1.05	30.3	1.33	51.2	1.11
Brooks	25.6	1.07	20.0	1.33	22.1	1.27
Brown	22.2	1.08	21.9	1.33	30.2	1.16
Burleson	15.8	.98	20.0	1.33	22.6	1.21
Burnet	19.8	1.00	30.7	1.33	31.9	1.15
Caldwell	37.4	1.02	28.7	1.33	28.9	1.27
Calhoun			43.2	1.33	34.5	
Callahan	20.0	1.00	35.5	1.33	39.1	1.18
Cameron			16.5	1.33	20.0	1.28
Camp	20.0	.98	37.5	1.33	51.1	1.16
Carson	16.0	1.03	31.7	1.33	29.0	1.11
Cass	31.0	.98	75.4	1.33	76.6	1.10
Castro			28.8	1.33	24.2	1.23
Chambers			27.2	1.33	28.6	1.23
Cherokee		.98	22.8	1.33	24.6	1.11
Childress	22.2	1.00	23.0	1.33	24.0	1.18
Clay	22.7	.98	20.6	1.33	31.0	1.11
Cochran	26.2	.98	19.4	1.33	22.9	1.14
Coke	21.0	1.01	19.1	1.33	22.9	1.19
Coleman	24.4	1.04	32.7	1.33	37.1	1.28
Collin	19.0	.98	32.2	1.33	37.2	1.20
Collingsworth			18.5	1.33	28.4	1.19
Colorado	24.2	1.08	22.0	1.33	21.6	1.14
Comal	18.5	1.01	32.4	1.33	31.8	1.15
Comanche	27.4	1.02	35.8	1.33	29.8	1.21
Concho	19.0	1.05	21.4	1.33	31.0	1.11
Cooke			41.0	1.33	42.8	1.11
Coryell	21.0	.98	53.4	1.33	44.5	1.11
Cottle			30.5	1.33	34.6	1.19
Crockett	24.4	.98	32.7	1.33	33.6	1.19
Crosby	51.3	1.03	34.5	1.33	34.4	1.13
Culberson	13.9	1.03	41.8	1.33	21.9	1.13
Dallam	23.0	1.03	33.6	1.33	73.0	1.13
Dallas	16.4	.98	64.5	1.33	26.3	1.16
Dawson	34.6	.98	25.4	1.33	36.2	1.27
Deaf Smith	17.7	1.02	32.4	1.33	26.7	
Delta	23.0	1.10	16.3	1.33	35.5	
Denton	21.6	1.01	28.2	1.33	40.8	
De Witt	22.7	1.08	32.0	1.33		
Dickens	21.0	1.01	39.7	1.33	39.7	
Dimmit	20.8	.98	42.6	1.31	35.5	
Donley			36.8	1.34	40.8	
Duval	16.0	1.03	32.0	1.33		
Eastland	18.9	1.01	18.6	1.33	28.0	
Ector				1.37	29.7	
Edwards			18.8	1.33	35.5	
Ellis	20.4	1.05	27.4	1.33	40.8	
El Paso	49.3	.88	15.3	1.33		
Erath	19.0	1.02	30.2	1.31	30.3	
Falls	21.8	1.02	25.0	1.35	36.9	
Fannin			29.5	1.34	29.2	
					35.0	

TENNESSEE—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Fayette	21.2	1.03	37.6	1.32	25.0	
Fisher	33.8	1.03	42.6	1.36	34.2	
Floyd	26.4	1.03	40.2	1.31	35.6	
Foard	25.1	1.03	39.0	1.33	34.6	
Fort Bend	37.4	1.03	32.8	1.33	32.3	
Franklin	40.9	1.03	44.1	1.36	31.2	
Freestone	33.9	1.03	48.6	1.36	43.6	
Frio	27.0	1.03	47.7	1.36	42.5	
Gaines	57.4	1.03	46.0	1.35	27.2	
Galveston	33.9	1.03	36.6	1.33	37.0	
Garza	24.2	1.03	52.0	1.36		
Gillespie	35.0	1.03	36.1	1.32	38.4	
Glasscock	20.0	1.03	33.0	1.34	32.0	
Goliad	30.0	1.03	46.5	1.32	27.5	
Gonzales	25.0	1.03	37.1	1.32	36.8	
Gray	39.4	1.03	36.6	1.32	42.6	
Grayson	39.2	1.03	41.2	1.32	34.0	
Gregg	33.0	1.03	38.6	1.35	28.0	
Grimes	31.4	1.03	46.6	1.36		
Guadalupe	37.0	1.04	48.4	1.37	30.0	
Hale	36.5	1.03	42.9	1.31	47.5	
Hall	39.6	1.03	40.4	1.31	44.6	
Hamilton	29.8	1.03	41.8	1.34	33.1	
Hansford	22.8	1.03	37.1	1.33	40.7	
Hardeman	20.9	1.03	43.8	1.33		
Hardin	37.6	1.03	39.9	1.34	39.7	
Harris			42.6	1.31	35.5	
Harrison	31.4	1.03	36.8	1.34	40.8	
Hartley	22.7	1.03	39.0	1.34		
Haskell	33.8	1.03	35.2	1.37	32.2	
Hays			35.8	1.32	38.1	
Hemphill			38.9	1.32	30.7	
Henderson	31.4	1.03	44.0	1.35	27.5	
Hidalgo	29.6	1.03	46.0	1.33	35.8	
Hill	32.0	1.03	41.9	1.37	37.4	
Hockley	22.0	1.03	42.0	1.35	34.8	
Hood	37.4	1.03	35.2	1.33	35.4	
Hopkins	20.9	1.03	39.0	1.33	32.4	
Houston	37.4	1.03	39.0	1.33	35.5	
Howard	23.0	1.03	42.6	1.31	40.8	
Hudspeth	18.8	1.03	36.8	1.34	40.8	
Hunt	22.7	1.03	38.5	1.31		
Hutchinson	33.8	1.03	41.0	1.35	30.2	
Irion	23.4	1.03	36.2	1.34	32.0	
Jack	32.0	1.03	41.9	1.35	28.0	
Jackson	22.0	1.03	42.0	1.33	29.7	
Jasper	37.4	1.03	39.0	1.33	36.0	
Jeff Davis	29.0	1.03	35.5	1.33	36.9	
Jefferson	33.8	1.03	38.5	1.31	40.8	
Jim Hogg	20.9	1.03	41.0	1.35	30.2	
Jim Wells	23.4	1.03	36.2	1.34	32.0	
Johnson	39.4	1.03	46.0	1.33	35.5	
Jones	37.4	1.03	39.0	1.33	36.9	
Karnes	29.8	1.03	43.8	1.33	40.8	
Kaufman	33.8	1.03	39.9	1.34	39.7	
Kendall	37.4	1.03	42.6	1.31	35.5	
Kenedy	29.8	1.03	43.8	1.33	40.8	
Kent	30.9	.98	36.8	1.34	38.1	
Kerr	25.8	1.04	21.5	1.33	32.3	
Kimble	26.6	1.02	24.2	1.33	32.7	
King	21.0	.98	13.0	1.33	26.9	
Kinney	25.6	1.01	56.8	1.33	37.4	
Kleberg			19.1	1.33	34.6	
Knox	24.0	.98	26.6	1.33	26.6	
Lamar	19.6	1.01	20.6	1.33	47.4	
Lamb	27.0	.98	64.4	1.33	31.0	
La Salle	22.2	1.06	24.8	1.33	29.1	
Lavaca	15.0	1.02	21.4	1.33	22.3	
Lee			25.4	1.33	30.6	
Leon	17.5	1.07	27.4	1.33	37.4	
Liberty	18.0	1.10	27.6	1.33	26.4	
Limestone			22.2	1.33	23.5	
	18.4	1.00	23.1	1.33	23.0	

TEXAS—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Lipscomb	19.1	0.96	65.9	1.33	32.7	1.11
Live Oak	15.8	1.07	23.1	1.33	26.0	1.20
Llano	22.9	1.06	18.8	1.33	27.8	1.11
Loving	42.0	.90	48.0	1.33	51.0	1.11
Lubbock	16.8	.98	24.4	1.33	47.0	1.11
Lynn	21.1	1.02	22.4	1.33	22.5	1.15
McCulloch	20.9	1.03	21.6	1.33	21.6	1.27
McLennan			24.4	1.33	22.7	1.27
McMullen			14.2	1.33		1.25
Madison			24.2	1.33	22.1	1.27
Marion	41.2	.97	21.6	1.33	21.8	1.18
Martin	24.1	1.03	20.3	1.33	21.2	1.27
Mason			41.8	1.33		1.19
Matagorda	26.4	1.00	26.4	1.33	20.6	1.27
Maverick	20.4	1.03	16.5	1.33	26.7	1.11
Medina	18.0	.97	40.1	1.33	30.2	1.16
Menard	18.2	1.10	29.2	1.33	33.9	1.25
Midland	18.3	1.03	20.6	1.33	25.1	1.11
Milam	21.5	.96	19.0	1.33	29.6	1.14
Mills	20.6	1.01	22.6	1.33	24.6	1.20
Mitchell	17.0	.96	26.2	1.33	24.1	1.20
Montague			64.6	1.33	64.8	1.11
Montgomery	18.0	.96	32.4	1.33	26.2	1.18
Moore			64.6	1.33	64.8	1.11
Morris	20.2	.96	20.3	1.33	22.1	1.23
Motley			23.2	1.33	26.8	1.23
Nacogdoches	18.4	1.07	28.6	1.33	26.2	1.23
Navarro			40.1	1.33	26.7	1.23
Newton	21.4	.96	18.8	1.33	18.0	1.25
Nolan			17.2	1.33	35.6	1.23
Nueces	19.9	.96	28.4	1.33	37.1	1.23
Ochiltree	18.7	.97	18.3	1.33	27.2	1.11
Oldham			16.3	1.33	16.5	1.27
Orange	19.6	1.01	22.7	1.33	26.2	1.23
Palo Pinto	18.0	1.07	17.6	1.33	21.3	1.15
Panola	20.0	1.04	30.3	1.33	21.8	1.21
Parker	19.4	1.03	27.7	1.33	22.1	1.18
Parmer			75.4	1.33	75.4	1.11
Pecos	47.1	.97	45.4	1.33	43.4	1.23
Polk			26.3	1.33	20.6	1.27
Potter	21.0	.96	55.8	1.33	20.6	1.11
Presidio	12.0	.88	30.2	1.33	26.7	1.27
Rains	17.8	1.03	23.6	1.33	35.2	1.19
Randall	22.2	.96	47.0	1.33	40.4	1.11
Reagan			40.0	1.33	23.0	1.23
Real	25.6	.90	21.6	1.33	40.4	1.23
Red River	22.4	1.03	32.0	1.33	23.0	1.11
Reeves	44.8	.89	46.2	1.33	46.2	1.11
Refugio			28.4	1.33	44.2	1.20
Roberts	18.6	.96		1.33	21.3	1.18
Robertson	18.6	1.10	26.0	1.33	31.8	1.24
Rockwall	21.8	1.03	26.2	1.33	33.3	1.16
Runnels	22.4	1.00	30.6	1.33	31.8	1.13
Rusk			28.6	1.33	28.9	1.23
Sabine			27.2	1.33	22.3	1.20
San Augustine	18.0	1.06	27.2	1.33	24.8	1.23
San Jacinto			23.2	1.33	22.0	1.20
San Patricio			22.4	1.33	25.3	1.23
San Saba			23.6	1.33	26.5	1.32
Schleicher	21.4	1.03	24.2	1.33	32.3	1.16
Scurry	21.9	.96	17.7	1.33	22.1	1.11
Shackelford	17.5	.90	20.2	1.33	24.5	1.12
Shelby			30.6	1.33	16.5	1.27
Sherman	16.8	.98	19.1	1.33	26.2	1.23
Smith			26.6	1.33	47.4	1.11
Somervell	19.8	1.04	21.8	1.33	27.2	1.18
Starr			20.4	1.33	26.7	1.22
Stephens	17.0	1.01	18.0	1.33	19.3	1.14
Sterling	20.2	.94	20.8	1.33	20.8	1.11
Stonewall	20.9	.96	20.8	1.33	22.2	1.10
Sutton			28.4	1.33	24.0	1.11
Swisher			81.6	1.33	74.6	1.11
Tarrant			28.3	1.33	22.4	1.19

TEXAS—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Taylor	26.2	1.11	29.8	1.33	30.3	
Terrell	21.2	.96	13.3	1.33	28.8	
Terry	24.1	.98	37.1	1.33	70.8	
Throckmorton	24.4	.96	26.2	1.33	26.8	
Titus			24.6	1.33	24.9	
Tom Green	18.4	1.00	26.1	1.33	23.2	
Travis	16.6	1.03	23.5	1.33	32.8	
Trinity	17.0	.96	21.4	1.33	25.6	
Tyler			27.6	1.33	25.7	
Upshur	17.4	.96	22.6	1.33	21.6	
Upton	26.5	1.04	62.2	1.33	28.4	
Uvalde	23.0	1.00	24.4	1.33	30.0	
Val Verde	19.1	1.00	24.1	1.33	29.2	
Van Zandt	21.2	1.02	33.2	1.33	30.7	
Victoria			24.7	1.33	24.5	
Walker	27.6	1.12	28.2	1.33	33.6	
Waller	20.4	1.03	23.6	1.33	32.1	
Ward	20.8	.96	18.2	1.33	25.0	
Washington	20.2	.96	22.0	1.33	24.4	
Webb	18.1	1.04	30.0	1.33	30.2	
Wharton	17.0	.96	73.3	1.33	72.4	
Wheeler	24.6		20.7	1.33	25.2	
Wichita			26.0	1.33	26.8	
Wilbarger	16.2	.96	39.3	1.33	43.0	
Willacy	22.6	.96	20.0	1.33	33.1	
Williamson	20.0	.96	28.6	1.33	27.9	
Wilson	17.8	.96	22.2	1.33	27.8	
Winkler	16.9	1.07	57.9	1.33	27.4	
Wise			20.5	1.33	26.6	
Wood			22.6	1.33	42.5	
Yoakum			42.6	1.33	31.0	
Young			21.8	1.33	22.8	
Zapata	19.8	1.07	20.8	1.33	25.2	
Zavala	26.0	.96	20.6	1.33	25.0	
	20.0	.98	44.1	1.33	32.0	
	25.8	1.04	21.5	1.33	22.3	
	26.6	1.02	24.2	1.33	22.7	
	21.0	1.02	15.0	1.33	26.9	
	25.6	1.01	56.8	1.33	37.4	
			19.1	1.33	34.6	
	24.0	.98	26.6	1.33	26.6	
	19.6	1.01	20.6	1.33	47.4	
	27.0	.98	64.4	1.33	31.0	
	22.2	1.06	24.8	1.33	29.1	
	15.0	1.02	21.4	1.33	22.3	
			25.4	1.33	30.6	
	17.5	1.07	27.4	1.33	37.4	
	18.0	1.10	27.6	1.33	26.4	
			22.2	1.33	23.5	
	18.4	1.00	23.1	1.33	23.0	

TEXAS—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Taylor	20.8	0.99	19.2	1.33	34.8	1.12
Terrell			29.5	1.33		
Terry	33.5	.98	30.9	1.33	28.8	1.11
Throckmorton	21.2	.99	18.3	1.33	23.0	1.13
Titus			30.8	1.33	28.3	1.18
Tom Green	21.9	.98	30.6	1.33	39.1	1.11
Travis	17.5	1.09	26.1	1.33	29.3	1.24
Trinity			28.4	1.33	22.2	1.27
Tyler			29.0	1.33		
Upshur	36.2	.90	29.2	1.33	27.8	1.19
Upton	25.6	1.03	45.2	1.33	53.2	1.11
Uvalde	21.6	.98	30.5	1.33	28.6	1.23
Valverde	20.4	1.05	29.3	1.33	45.0	1.18
Van Zandt			24.9	1.33	27.0	1.19
Victoria			22.5	1.33	31.0	1.28
Walker			32.0	1.33	19.7	1.28
Waller	42.0	.93	30.0	1.33	31.8	1.29
Ward	20.6	1.12	32.2	1.33	41.0	1.11
Washington			21.4	1.33	29.8	1.28
Webb			29.8	1.33	32.4	1.24
Wharton	17.0	.97	21.8	1.33	22.8	1.28
Wheeler	24.4	.99	31.7	1.33	25.7	1.11
Wichita	24.3	.98	24.6	1.33	29.7	1.10
Wilbarger			37.2	1.33	39.8	1.23
Willacy	16.2	1.09	27.8	1.33	35.6	1.24
Williamson	22.6	1.07	21.9	1.33	29.1	1.26
Wilson	29.6	.96			34.7	1.11
Winkler	23.6	1.03	22.8	1.33	27.4	1.16
Wise			30.6	1.33	30.4	1.19
Wood	26.8	.98	37.5	1.33	27.0	1.11
Yoakum	20.8	1.01	19.0	1.33	22.2	1.14
Young			16.6	1.33	24.0	1.22
Zapata	25.6	1.01	52.2	1.33	38.8	1.20
Zavala						

UTAH

Beaver	45.0	0.92	45.3	1.39		
Box Elder	45.1	.97	59.2	1.39		
Cache	40.8	.97	61.8	1.39	40.0	1.02
Carbon	38.8	.92	39.7	1.39		
Daggett	29.4	.92	38.7	1.39		
Davis	48.8	.97	70.1	1.39	40.0	1.02
Duchesne	35.0	.92	50.2	1.39		
Emery	41.0	.92	55.0	1.39		
Garfield	50.1	.92	40.9	1.39	40.0	1.02
Grand	46.6	.92	51.7	1.39		
Iron	54.6	.92	58.6	1.39	40.0	1.02
Juab	40.0	.92	47.4	1.39	50.0	1.02
Kane	30.9	.92	38.7	1.39	50.0	1.02
Millard	47.9	.92	48.0	1.39		
Morgan	57.6	.97	48.4	1.39		
Piute	51.9	.92	42.0	1.39		
Rich	41.1	.97	41.6	1.39	60.0	1.02
Salt Lake	42.4	.97	57.2	1.39	25.0	1.02
San Juan	15.0	.92	31.3	1.39	45.0	1.02
Sanpete	45.1	.92	55.8	1.39		
Sevier	60.8	.92	58.1	1.39		
Summit	50.3	.92	38.7	1.39		
Tooele	40.7	.97	45.8	1.39		
Uintah	39.8	.92	52.7	1.39	70.0	1.02
Utah	63.2	.92	67.2	1.39		
Wasatch	52.3	.92	38.7	1.39	50.0	1.02
Washington	51.1	.92	40.0	1.39		
Wayne	50.8	.97	41.1	1.39		
Weber			66.8	1.39		

VERMONT

Addison	32.0	1.06	53.2	1.46	45.0	1.19
Bennington	32.0	1.06	70.0	1.46	45.0	1.19
Caledonia	32.0	1.06	56.4	1.46	45.0	1.19
Chittenden	32.0	1.06	68.0	1.46	45.0	1.19
Essex	32.0	1.06	51.5	1.46	45.0	1.19
Franklin	32.0	1.06	53.0	1.46	45.0	1.19
Grand Isle	32.0	1.06	50.8	1.46	45.0	1.19
Lamoille	32.0	1.06	57.5	1.46	45.0	1.19
Orange	32.0	1.06	64.0	1.46	45.0	1.19
Orleans	32.0	1.06	56.4	1.46	45.0	1.19
Rutland	32.0	1.06	53.0	1.46	45.0	1.19
Washington	32.0	1.06	64.5	1.46	45.0	1.19
Windham	32.0	1.06	68.0	1.46	45.0	1.19
Windsor			54.2	1.46		

VIRGINIA

Accomack	38.3	1.06	58.5	1.41	41.0	1.19
Albemarle	40.0	1.06	47.4	1.41	33.2	1.19
Alleghany	38.0	1.06	60.6	1.41	40.0	1.19
Amelia	44.7	1.06	43.6	1.41	38.2	1.19
Amherst	33.2	1.06	44.4	1.41	35.0	1.19
Appomattox	36.8	1.06	42.1	1.41	34.5	1.19
Augusta	45.6	1.06	64.7	1.41	44.0	1.19
Bath	38.6	1.06	61.6	1.41	40.0	1.19
Bedford	42.6	1.06	49.8	1.41	35.8	1.19
Bland	40.2	1.06	59.6	1.41	36.0	1.19
Botetourt	41.2	1.06	56.5	1.41	33.5	1.19
Brunswick	34.0	1.06	39.2	1.41	30.8	1.19
Buchanan			45.1	1.41	32.5	1.19
Buckingham	37.4	1.06	43.6	1.41	34.8	1.19
Campbell	36.4	1.06	40.8	1.41	38.1	1.19
Caroline	39.8	1.06	47.6	1.41	33.0	1.19
Carroll	36.2	1.06	56.3	1.41	35.0	1.19
Charles City	40.0	1.06	58.3	1.41	34.0	1.19
Charlotte	39.0	1.06	37.8	1.41	37.0	1.19
Chesapeake	35.2	1.06	67.1	1.41	33.1	1.19
Chesterfield	33.9	1.06	47.2	1.41	40.0	1.19
Clarke	38.2	1.06	57.0	1.41	40.0	1.19
Craig	48.9	1.06	62.2	1.41	36.0	1.19
Culpeper	42.3	1.06	58.0	1.41	34.0	1.19
Cumberland	39.7	1.06	46.3	1.41	39.1	1.19
Dickenson			47.7	1.41	35.0	1.19
Dinwiddie	36.4	1.06	46.3	1.41	38.0	1.19
Essex	45.6	1.06	54.2	1.41	35.0	1.19
Fairfax	38.7	1.06	56.8	1.41	35.0	1.19
Fauquier	39.6	1.06	56.7	1.41	33.8	1.19
Floyd	42.2	1.06	61.3	1.41	40.0	1.19
Fluvanna	41.0	1.06	46.3	1.41	33.5	1.19
Franklin	38.6	1.06	44.4	1.41	33.0	1.19
Frederick	39.4	1.06	53.3	1.41	40.0	1.19
Giles	40.6	1.06	49.8	1.41	38.0	1.19
Gloucester	42.6	1.06	59.2	1.41	41.0	1.19
Goochland	37.4	1.06	42.6	1.41	33.2	1.19
Grayson	43.1	1.06	63.6	1.41	35.0	1.19
Greene	36.5	1.06	44.9	1.41	33.0	1.19
Greensville	36.6	1.06	43.6	1.41	31.2	1.19
Halifax	34.6	1.06	37.8	1.41	36.2	1.19
Hampton	40.0	1.06	52.0	1.41	38.0	1.19
Hanover	40.1	1.06	47.6	1.41	35.0	1.19
Henrico	39.7	1.06	49.2	1.41	36.0	1.19
Henry	34.8	1.06	37.0	1.41	32.2	1.19
Highland	36.4	1.06	59.8	1.41	40.0	1.19
Isle of Wight	39.1	1.06	56.3	1.41	41.0	1.19
James City	46.1	1.06	59.6	1.41	37.0	1.19
King and Queen	39.2	1.06	55.2	1.41	33.5	1.19
King George	42.6	1.06	49.4	1.41	35.8	1.19
King William	42.7	1.06	52.7	1.41	34.0	1.19
Lancaster	41.4	1.06	58.6	1.41	41.0	1.19
Lee	38.1	1.06	55.8	1.41	40.0	1.19

VIRGINIA—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Loudoun	41.2	1.06	61.6	1.41	40.0	1.19
Louisa	36.6	1.06	48.2	1.41	35.6	1.19
Lunenburg	36.5	1.06	40.2	1.41	32.4	1.19
Madison	41.0	1.06	56.0	1.41	35.0	1.19
Mathews	39.4	1.06	54.5	1.41	41.0	1.19
Mecklenburg	34.0	1.06	36.3	1.41	31.0	1.19
Middlesex	42.1	1.06	52.6	1.41	32.8	1.19
Montgomery	37.4	1.06	54.7	1.41	36.0	1.19
Nansemond	33.6	1.06	57.4	1.41	38.2	1.19
Nelson	37.0	1.06	50.8	1.41	35.0	1.19
New Kent	39.6	1.06	56.0	1.41	33.2	1.19
Newport News	40.0	1.06	52.0	1.41	38.0	1.19
Northampton	39.1	1.06	55.2	1.41	34.2	1.19
Northumberland	41.8	1.06	59.2	1.41	41.0	1.19
Nottoway	40.1	1.06	49.3	1.41	38.6	1.19
Orange	42.8	1.06	54.7	1.41	33.5	1.19
Page	40.6	1.06	57.2	1.41	40.0	1.19
Patrick	35.8	1.06	33.4	1.41	33.8	1.19
Pittsylvania	34.7	1.06	35.6	1.41	33.5	1.19
Powhatan	40.6	1.06	47.5	1.41	35.0	1.19
Prince Edward	37.5	1.06	43.8	1.41	32.0	1.19
Prince George	35.8	1.06	50.5	1.41	39.0	1.19
Prince William	40.2	1.06	60.0	1.41	35.0	1.19
Pulaski	43.0	1.06	57.8	1.41	36.0	1.19
Rappahannock	39.7	1.06	53.0	1.41	35.0	1.19
Richmond	41.4	1.06	57.5	1.41	34.5	1.19
Roanoke	42.4	1.06	51.7	1.41	38.5	1.19
Rockbridge	39.7	1.06	53.7	1.41	39.5	1.19
Rockingham	42.0	1.06	61.5	1.41	45.5	1.19
Russell	44.8	1.06	56.0	1.41	37.0	1.19
Scott	40.0	1.06	53.4	1.41	38.0	1.19
Shenandoah	39.9	1.06	58.2	1.41	45.5	1.19
Smyth	37.0	1.06	60.6	1.41	36.0	1.19
Southampton	31.6	1.06	57.1	1.41	35.5	1.19
Spotsylvania	41.6	1.06	50.9	1.41	33.0	1.19
Stafford	41.0	1.06	49.2	1.41	40.5	1.19
Surry	37.0	1.06	57.8	1.41	33.5	1.19
Sussex	35.6	1.06	50.4	1.41	34.8	1.19
Tazewell	40.0	1.06	57.8	1.41	36.0	1.19
Virginia Beach	37.6	1.06	67.3	1.41	34.4	1.19
Warren	36.8	1.06	54.0	1.41	40.0	1.19
Washington	40.7	1.06	59.5	1.41	35.0	1.19
Westmoreland	44.6	1.06	52.9	1.41	38.0	1.19
Wise			47.8	1.41	32.5	1.19
Wythe	42.0	1.06	58.0	1.41	35.0	1.19
York	39.6	1.06	55.2	1.41	38.0	1.19

WASHINGTON

Adams	36.9	1.04	89.8	1.34	77.0	1.10
Asotin	34.0	1.00				
Benton	33.6	1.06	79.6	1.34	58.0	1.10
Chelan	21.0	1.04				
Clallam	58.5	.95				
Clark	39.0	1.05	60.0	1.34		
Columbia	48.8	1.04	69.9	1.34		
Cowlitz	35.0	1.06	65.0	1.34		
Douglas	27.2	1.03	50.0	1.34		
Ferry	26.0	.86				
Franklin	36.1	1.05	89.8	1.34	76.0	1.10
Garfield	47.0	1.02	105.0	1.34		
Grant	33.8	1.04	91.6	1.34	78.0	1.10
Grays Harbor	44.5	1.02				
Island	42.0	1.05				
Jefferson	52.5	.97				
King	37.5	1.07	50.0	1.34		
Kitsap	35.5	1.00	40.0	1.34		
Kittitas	47.4	1.08	71.8	1.34		
Klickitat	31.9	1.07				
Lewis	34.4	1.02	55.0	1.34		

WASHINGTON—Continued

County	Barley		Corn		Grain sorghum	
	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)	1959–62 adjusted average yield (bushels)	Rate (dollars)
Lincoln	37.5	1.02				
Okanogan	21.2	1.03	55.0	1.34		
Pend Oreille	29.1	.90				
Pierce	35.2	1.07				
San Juan	37.2	1.04				
Skagit	50.4	1.04	65.0	1.34		
Skamania	42.5	1.07	40.0	1.34		
Snohomish	40.0	1.05	70.0	1.34		
Spokane	37.7	1.00	35.0	1.34		
Stevens	34.7	.97	35.0	1.34		
Thurston	38.6	1.03	60.0	1.34		
Wahkiakum			75.0	1.34		
Walla Walla	49.3	1.05	74.0	1.34	47.0	1.10
Whatcom	48.5	1.03	75.0	1.34		
Whitman	45.6	1.01				
Yakima	53.4	1.05	79.0	1.34	56.0	1.10

WEST VIRGINIA

Barbour	35.2	1.03	68.2	1.40		
Berkeley	43.2	1.03	55.6	1.40		
Boone			43.4	1.40		
Braxton			56.7	1.40		
Brooke	36.4	1.03	54.8	1.40		
Cabell	35.0	1.03	43.4	1.40		
Calhoun	31.0	1.03	45.0	1.40		
Clay			46.3	1.40		
Doddridge			57.8	1.40		
Fayette	32.1	1.03	47.2	1.40		
Gilmer			47.7	1.40		
Grant	34.7	1.03	55.6	1.40		
Greenbrier	35.1	1.03	62.2	1.40		
Hampshire	36.8	1.03	55.0	1.40		
Hancock	36.6	1.03	45.7	1.40		
Hardy	35.4	1.03	56.2	1.40	40.0	1.16
Harrison	35.4	1.03	50.0	1.40		
Jackson			48.8	1.40	40.0	1.16
Jefferson	37.4	1.03	53.4	1.40		
Kanawha			42.8	1.40		
Lewis	37.0	1.03	60.6	1.40		
Lincoln			36.9	1.40		
Logan			33.6	1.40		
McDowell			32.0	1.40		
Marion	32.0	1.03	57.5	1.40		
Marshall	31.4	1.03	54.2	1.40		
Mason	34.0	1.03	57.0	1.40	42.0	1.16
Mercer	34.0	1.03	45.8	1.40		
Mineral	32.8	1.03	56.4	1.40	38.0	1.16
Mingo			32.0	1.40		
Monongalia	34.9	1.03	57.5	1.40	36.0	1.16
Monroe	36.6	1.03	62.8	1.40	38.0	1.16
Morgan	35.2	1.03	48.0	1.40		
Nicholas	33.1	1.03	57.0	1.40		
Ohio	35.5	1.03	58.6	1.40		
Pendleton	37.7	1.03	55.0	1.40	38.0	1.16
Pleasants			46.8	1.40		
Pocahontas	35.7	1.03	59.6	1.40	40.0	1.16
Preston	39.5	1.03	55.1	1.40		
Putnam	32.5	1.03	49.3	1.40		
Raleigh			48.0	1.40		
Randolph	37.2	1.03	62.4	1.40		
Ritchie	36.0	1.03	51.2	1.40		
Roane			52.1	1.40		
Summers	33.1	1.03	45.9	1.40		
Taylor	36.8	1.03	52.6	1.40		
Tucker	38.2	1.03	66.2	1.40		
Tyler	35.0	1.03	55.2	1.40		
Upshur	34.8	1.03	54.8	1.40		
Wayne			40.0	1.40		
Webster			58.6	1.40		

WISCONSIN—Continued

County	Barley 1959–62 adjusted average yield (bushels)	Barley Rate (dollars)	Corn 1959–62 adjusted average yield (bushels)	Corn Rate (dollars)	Grain sorghum 1959–62 adjusted average yield (bushels)	Grain sorghum Rate (dollars)
Rock	48.8	1.01	78.8	1.27	30.0	1.03
Rusk	34.0	.98	61.0	1.27	30.0	1.03
St. Croix	39.0	.97	69.2	1.27	30.0	1.03
Sauk	50.0	.97	69.2	1.27	30.0	1.03
Sawyer	34.8	.97	60.6	1.27	30.0	1.03
Shawano	41.0	1.03	64.0	1.27	30.0	1.03
Sheboygan	34.8	.98	64.0	1.27	30.0	1.03
Taylor	40.5	.98	64.0	1.27	30.0	1.03
Trempealeau	42.5	.98	67.0	1.27	30.0	1.03
Vernon	39.0	.91	64.0	1.27	30.0	1.03
Vilas	41.5	1.01	74.0	1.27	30.0	1.03
Walworth	30.0	.98	64.0	1.27	30.0	1.03
Washburn	39.8	1.00	74.0	1.27	30.0	1.03
Washington	39.8	.97	67.0	1.27	30.0	1.03
Waukesha	34.0	.97	67.0	1.27	30.0	1.03
Waupaca	34.0	.98	64.0	1.27	30.0	1.03
Waushara	40.5	.98	64.0	1.27	30.0	1.03
Winnebago	39.8	.98	64.0	1.27	30.0	1.03
Wood	36.5	.98	64.0	1.27	30.0	1.03
WYOMING						
Albany	31.8	0.92	62.4	1.27	47.3	1.03
Big Horn	21.5	.77	47.0	1.27	11.9	1.03
Campbell	33.3	.92				
Carbon	29.9	.75	39.4	1.27	24.9	1.03
Converse	20.2	.79	42.0	1.27	24.1	1.03
Crook	44.0	.92	62.0	1.27	10.9	1.03
Fremont	32.5	.84	64.0	1.27		
Goshen	43.0	.93	64.0	1.27	19.3	1.03
Hot Springs	29.3	.75	55.0	1.27	21.4	1.03
Johnson	26.8	.96	53.9	1.27	20.8	1.03
Laramie	32.3	.92			14.0	1.03
Lincoln	37.5	.92	51.1	1.27	14.3	1.03
Natrona	34.2	.81	25.7	1.27	20.3	1.03
Niobrara	49.0	.93	66.0	1.27	20.9	1.03
Park	27.6	.94	66.6	1.27		
Platte	29.4	.73	43.1	1.27		
Sheridan	29.7	.92			24.0	1.03
Sublette	21.2	.92				
Sweetwater	21.2	.92			44.3	1.03
Teton	37.9	.92	56.0	1.27	14.4	1.03
Washakie	31.2	.92	28.0	1.27		
Weston	31.2	.93				

(Sec. 16(b), 77 Stat. 45, 16 U.S.C. 590p(b).)

Effective: Date of publication.

Signed at Washington, D.C., this 4th day of March 1964.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-2308; Filed, Mar. 12, 1964; 8:45 a.m.]

WEST VIRGINIA—Continued

County	Barley 1959–62 adjusted average yield (bushels)	Barley Rate (dollars)	Corn 1959–62 adjusted average yield (bushels)	Corn Rate (dollars)	Grain sorghum 1959–62 adjusted average yield (bushels)	Grain sorghum Rate (dollars)
Webster			48.5	1.40		
Wirt			53.7	1.40		
Wood	37.4	1.08	60.0	1.40		
Wyoming			34.5	1.40		
WISCONSIN						
Adams	29.0	0.97	52.8	1.25	30.0	1.03
Ashland	31.8	.96	47.2	1.23	30.0	1.03
Barron	35.8	.97	55.5	1.23	30.0	1.03
Bayfield	30.2	.98	44.2	1.24	30.0	1.03
Brown	38.5	.97	68.0	1.27	30.0	1.03
Buffalo	44.2	.97	68.2	1.23	30.0	1.03
Burnett	34.0	.98	60.6	1.27	30.0	1.03
Calumet	42.5	.98	66.0	1.24	30.0	1.03
Chippewa	38.0	.94	55.0	1.24	30.0	1.03
Clark	40.8	.98	61.0	1.26	30.0	1.03
Columbia	42.2	.98	73.1	1.23	30.0	1.03
Crawford	42.2	1.00	69.2	1.26	30.0	1.03
Dane	39.8	.99	77.4	1.26	30.0	1.03
Dodge	41.2	.93	77.0	1.23	30.0	1.03
Door	34.0	1.03	68.9	1.27	30.0	1.03
Douglas	38.1	.95	58.2	1.23	30.0	1.03
Dunn	36.0	.97	64.2	1.24	30.0	1.03
Eau Claire	39.0	.93	71.3	1.27	30.0	1.03
Florence	41.2	.94	59.4	1.25	30.0	1.03
Fond du Lac	38.0	.97	74.5	1.27	30.0	1.03
Forest	42.0	1.00	74.1	1.26	30.0	1.03
Grant	41.2	.96	66.9	1.23	30.0	1.03
Green	39.5	.97	73.1	1.26	30.0	1.03
Green Lake	38.5	.94	62.0	1.23	30.0	1.03
Iowa	39.8	.95	67.0	1.24	30.0	1.03
Iron	42.5	1.01	72.2	1.26	30.0	1.03
Jackson	38.0	.96	69.1	1.23	30.0	1.03
Jefferson	38.2	1.05	73.1	1.27	30.0	1.03
Juneau	42.8	.93	70.0	1.23	30.0	1.03
Kenosha	42.0	.98	72.2	1.23	30.0	1.03
Kewaunee	42.0	.95	73.2	1.27	30.0	1.03
La Crosse	39.4	.94	57.0	1.26	30.0	1.03
Lafayette	37.7	.94	68.0	1.26	30.0	1.03
Langlade	31.2	.93	60.0	1.26	30.0	1.03
Lincoln	43.8	.94	67.0	1.26	30.0	1.03
Manitowoc	39.8	.97	67.0	1.27	30.0	1.03
Marathon	35.0	.97	58.9	1.26	30.0	1.03
Marinette	34.0	.97	67.0	1.27	30.0	1.03
Marquette	37.0	1.05	63.8	1.24	30.0	1.03
Menominee	25.0	.97	66.0	1.27	30.0	1.03
Milwaukee	33.6	.98	68.0	1.26	30.0	1.03
Monroe	37.0	.98	36.7	1.27	30.0	1.03
Oconto	37.0	.98	71.9	1.26	30.0	1.03
Oneida	40.0	.98	65.1	1.27	30.0	1.03
Outagamie	38.8	1.00	66.1	1.23	30.0	1.03
Ozaukee	36.0	.97	66.9	1.26	30.0	1.03
Pepin	36.2	.97	56.0	1.23	30.0	1.03
Pierce	42.4	.97	53.8	1.23	30.0	1.03
Polk	34.0	.94	60.0	1.27	30.0	1.03
Portage	40.5	1.03	72.1	1.24	30.0	1.03
Price	41.8	.97	60.0		30.0	1.03
Racine						
Richland						

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 37]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.413 Grapefruit Regulation 37.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of grapefruit, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such grapefruit; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 10, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) Grapefruit Regulation 36 (§ 905.411; 29 F.R. 2739) is hereby terminated at 12:01 a.m., e.s.t., March 13, 1964.

(3) During the period beginning at 12:01 a.m., e.s.t., March 13, 1964, and ending at 12:01 a.m., e.s.t., April 20, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(iii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iv) Any seedless grapefruit, grown in the production area, which are smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 11, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2516; Filed, Mar. 12, 1964; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Designation of Transition Areas; Revocation of Control Area Extension

On August 28, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9437) stating that the Federal Aviation Agency proposed to alter the Champaign and Rantoul, Ill., control zones, revoke the Rantoul control area extension and designate the Rantoul and Danville, Ill., transition areas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

Comments were received from the Air Transport Association of America (ATA) and the University of Illinois, Institute of Aviation.

The ATA commented on the controlled airspace at Danville, Ill. The ATA recommended that a lower floor be established for the procedure turn area and the final approach transition area from the Tab Intersection. The ATA stated that the lower floor would allow the use of lower altitudes which would permit many more flights to become contact and cancel IFR and thereby expedite traffic in and out of Danville. Lowering of the transition area floors solely to permit early descent to a low altitude for the purpose referred to by ATA would be contrary to CAR Amendments 60-21 and 60-29. The transition area proposed for the Vermillion County Airport at Danville is consistent with standards prescribed in Agency criteria and does not require the assignment of minimum instrument flight altitudes which adversely affect rates of descent or landing and takeoff minimums. The ATA recommendation will therefore not be adopted.

The University of Illinois, Institute of Aviation did not object to the proposal but called attention to the flight test area approved for use by the Institute of Aviation. The proposed action should not adversely affect the conduct of flight test activities within the approved area.

The substance of the proposed amendments having been published, and for reasons stated in the notice, the following actions are taken:

1. Section 71.171 (29 F.R. 1101) is amended to read:

a. The Champaign, Ill., control zone is amended to read:

Champaign, Ill.

Within a 5-mile radius of the University of Illinois-Willard Airport, Champaign, Ill. (latitude 40°02'25" N., longitude 88°16'35" W.), within 2 miles each side of the Champaign VORTAC 123° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC, and within 2 miles each side of the Champaign VORTAC 223° radial, extending from the 5-mile radius zone to 8 miles SW of the VORTAC.

b. The Rantoul, Ill., control zone is amended to read:

Rantoul, Ill.

Within a 5-mile radius of Chanute AFB, Rantoul, Ill. (latitude 40°17'40" N., longitude 88°09'20" W.), and within 2 miles each side of the Chanute VOR 270° radial, extending from the 5-mile radius zone to the VOR, from 0600 to 2400 hours, local time daily.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following transition areas:

a. Rantoul, Ill.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Chanute AFB, and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°45'00" N., on the east by longitude 87°23'00" W., on the south by a line 5 miles NW of and parallel to a direct radial from the West Point, Ind., VOR to the Vandalia, Ill., VOR and V-50, and on the west by longitude 88°40'00" W., excluding the airspace within the Decatur, Ill., transition area.

b. Danville, Ill.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vermilion County Airport, Danville, Ill. (latitude 40°11'55" N., longitude 87°35'40" W.) and within 2 miles each side of the Danville VOR 197° radial, extending from the 5-mile radius zone to the VOR.

3. Section 71.165 (29 F.R. 1073) is amended by revoking the following control area extension: Rantoul, Ill.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 5, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2431; Filed, Mar. 12, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segments and Alteration of Transition Areas

On November 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12625) stating that the Federal Aviation Agency (FAA) proposed to revoke the following low altitude airway segments: V-6 north alternate from Sidney, Nebr., to North Platte, Nebr., and from North Platte to Grand Island, Nebr.; V-10 south alternate from Dodge City, Kans., to Hutchinson, Kans.; V-17 west alternate from Garden City, Kans., to Goodland, Kans.; V-26 north alternate from Rapid City, S. Dak., to Philip, S. Dak.; V-26 south alternate from Philip to Pierre, S. Dak., and from Pierre to Huron, S. Dak.; V-169 east alternate from Chadron, Nebr., to Rapid City; V-172 north alternate from Wolbach, Nebr., to Neola, Nebr., and from Neola to Newton, Nebr.; V-216 north alternate from Hill City, Kans., to Mankato, Kans.; V-216 south alternate from Mankato to Pawnee City, Nebr.; and V-514 from Garden City to Russell, Kans. The notice also stated that the Salina, Kans., and the Topeka, Kans., transition areas would be altered by substituting V-216 main airway segment for V-216 south alternate segment in the description of these transition areas.

In commenting on the notice, the Air Transport Association of America (ATA) objected to the proposed revocation of V-26S from Philip, S. Dak., to Pierre, S. Dak., and V-26N from Philip to Rapid City, S. Dak. The ATA advised that North Central and Western Airlines each has four operations a day over the airway between Pierre and Rapid City, and that there have been many instances when V-26S and V-26N have been used to expedite the movement of these flights. The ATA also asked that we consider the limited number of navigational aids available and the considerable military activity in the South Dakota area. No other comments were received.

The FAA reviewed the airline schedules between Rapid City and Pierre and determined that V-26S may be used occasionally to effect separation between the two morning Western Airlines flights on this segment. However, North Central and Western Airlines both operate pressurized type aircraft between Pierre and Rapid City, and by regulation these aircraft must be equipped with Distance Measuring Equipment (DME) by June 30, 1964. The Rapid City, Pierre and Philip VORs are scheduled for conversion to VORTAC during March of 1964, July of 1964 and August of 1964, respectively. This will permit use of DME separation standards in effecting altitude changes between Pierre and Rapid City.

The military traffic operating from Ellsworth AFB, Rapid City, S. Dak., is primarily jet-type aircraft, and the departures are normally conducted through use of Standard Instrument Departures away from airway traffic. The military has stated no requirement for retention of the alternate airways.

The FAA review indicates there is no air traffic control requirement for retention of these two alternate airway segments.

Interested persons have been afforded an opportunity to participate in the rule making through submission of comments. Due consideration has been given to all relevant matter persented.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.123 (29 F.R. 1009) is amended as follows:

a. In V-6 "North Platte, Nebr., including an N alternate; Grand Island, Nebr., including an N alternate via INT of North Platte 073° and Grand Island 288° radials;" is deleted and "North Platte, Nebr.; Grand Island, Nebr.;" is substituted therfor.

b. In V-10 "Hutchinson, Kans., including an S alternate via INT of Dodge City 099° radial with Hutchinson direct radial to Liberal, Kans., and also an N alternate" is deleted and "Hutchinson, Kans., including an N alternate" is substituted therefor.

c. In V-17 "to Goodland, Kans., including a W alternate." is deleted and "to Goodland, Kans." is substituted therefor.

d. In V-26 "Philip, S. Dak., including an N alternate via INT of Rapid City 049° and Philip 282° radials; Pierre, S. Dak., including an S alternate; Huron, S. Dak., including an S alternate via Pierre 106° and Huron 254° radials;" is deleted and "Philip, S. Dak.; Pierre, S. Dak.; Huron, S. Dak.;" is substituted therefor.

e. In V-169 "to Rapid City, S. Dak., including an E alternate via INT of Chadron 017° and Rapid City 180° radials." is deleted and "to Rapid City, S. Dak." is substituted therefor.

f. In V-172 "Neola, Iowa, including an N alternate; Newton, Iowa, including an N alternate;" is deleted and "Neola, Iowa; Newton, Iowa;" is substituted therefor.

g. In V-216 "Mankato, Kans., including an N alternate; Pawnee City, Nebr., including an S alternate;" is deleted and "Mankato, Kans.; Pawnee City, Nebr.;" is substituted therefor.

h. In V-514 "From Tobe, Colo., via Garden City, Kans.; to Russell, Kans." is deleted and "From Tobe, Colo., to Garden City, Kans." is substituted therefor.

2. Section 71.181 (29 F.R. 1160) is amended as follows:

a. In the Salina, Kans., transition area "bounded on the NE by a line extending from Lat. 39°52'15" N., Long. 96°48'00" W., to Lat. 39°40'45" N., Long. 96°35'00" W., on the E by the Emporia, Kans., VORTAC 346° radial, on the S by the N boundary of V-4 E of the Salina VORTAC and V-108 W of the Salina VORTAC, on the W by Long. 98°30'00" N and on the N by V-216 W of the Mankato, Kans., VOR and V-216 S alternate E of the Mankato VOR;" is deleted and "bounded on the E by the Emporia, Kans., VORTAC 346° radial, on the S by the N boundary of V-4 E of the Salina VORTAC and V-108 W of the Salina VORTAC, on the W by Long. 98°30'00" W., and on the N by V-216;" is substituted therefor.

b. In the Topeka, Kans., transition area "and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at Lat. 39°52'15" N., Long. 96°48'00" W., thence E along the S boundary of V-216 S alternate and V-50 to the arc of a 20-mile radius circle centered on the Rosecrans Memorial Airport," is deleted and "and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at Lat. 40°-02'10" N., Long. 96°40'28" W., thence E along the S boundary of V-216 and V-50 to the arc of a 20-mile radius circle centered on the Rosecrans Memorial Airport" is substituted therefor; and "thence NW to Lat. 39°40'45" N., Long. 96°35'00" W., to the point of beginning." is deleted and "thence NW to the point of beginning." is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 5, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2432; Filed, Mar. 12, 1964; 8:45 a.m.]

[Airspace Docket No. 62-SO-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Areas and Controlled Airspace

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7360) stating that the Federal Aviation Agency was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations to alter the altitude and time of use of the Fort Gordon, Ga., Restricted Area R-3003 and to alter the northeast boundary and altitude of the Fort Gordon, Ga., Restricted Area R-3004.

In addition, it was proposed to include R-3003 and R-3004 in the Augusta, Ga., control area extension for joint use with the Jacksonville ARTC Center acting as the controlling agency. It was also proposed to redesignate the segment of V-1511 from Alma, Ga., as a 16-mile wide direct airway to Augusta, Ga.

The Department of the Army, in commenting on the notice, offered no objections to the proposed changes in R-3003 or the proposed revocation of the northeast portion of R-3004. However, the Army indicated that a reduction in the designated altitudes of R-3004 from "surface to 24,000 feet MSL" to "surface to 8,000 feet MSL" as proposed would make the area unusable for artillery, and that 20,000 feet MSL would be the lowest ceiling permitting continued artillery use. After the closing of the comment period, at the request of the Federal Aviation Agency, the Army investigated the feasibility of conducting their artillery firings in other restricted areas near Fort Gordon. They report that this is impractical because the restricted areas suitable for artillery are being used for higher priority missions. Accordingly, the FAA has determined that redesignation of R-3004 from the surface to 20,000 feet MSL is justified.

The AOPA commented favorably on the original proposal; however, this was in reference to lowering the ceilings of both R-3003 and R-3004 to 4,000 feet MSL and 8,000 feet MSL, respectively. Due to the Army's requirements, the ceiling of R-3004 is lowered herein to 20,000 feet MSL instead of to 8,000 feet MSL, as originally proposed.

Since the ceiling of R-3004 is not being reduced to the extent proposed in the notice, no action is being taken herein to realign V-1511 as proposed.

In consideration of the foregoing, the following actions are taken:

1. In § 73.30 *Georgia* (29 F.R. 1249), R-3003 and R-3004 Fort Gordon, Ga., Restricted Areas are amended to read:

R-3003 Fort Gordon, Ga.

Boundaries. Beginning at latitude 33°-23'35" N., longitude 82°08'30" W.; to latitude 33°22'15" N., longitude 82°06'18" W.; to latitude 33°21'35" N., longitude 82°09'-10" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to latitude 33°25'00" N., longitude 82°12'00" W.; to point of beginning.

Designated altitude. Surface to 4,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. Commanding Officer, Fort Gordon, Ga.

R-3004 Fort Gordon, Ga.

Boundaries. Beginning at latitude 33°21'-53" N., longitude 82°12'15" W.; to latitude 33°19'43" N., longitude 82°12'15" W.; to latitude 33°18'20" N., longitude 82°18'00" W.; to latitude 33°17'29" N., longitude 82°23'00" W.; to latitude 33°21'15" N., longitude 82°-18'47" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to point of beginning.

Designated altitude. Surface to 20,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. Commanding Officer, Fort Gordon, Ga.

2. Section 71.165 (29 F.R. 1073), is amended as follows:

In the Augusta, Ga., control area extension, "R-3003, R-3004 and R-6004." is deleted and "R-6004." is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 5, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-2433; Filed, Mar. 12, 1964; 8:45 a.m.]

[Airspace Docket No. 64-PC-2]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

The purpose of this amendment to § 73.72 of the Federal Aviation Regulations is to change the using agency of the Nafatan Rock, Guam, Restricted Area R-7201 from "Commanding Officer, NAS

Agana, Guam" to "Commander, Naval Forces, Marianas."

The Department of the Navy has advised the Federal Aviation Agency that the using agency of R–7201 has been changed as stated above. Accordingly, action is taken herein to reflect this change.

Since this amendment will impose no burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken:

In the text of § 73.72 Guam (29 F.R. 1285), R–7201 Nafatan Rock, Guam, "Using agency. Commanding Officer, NAS Agana, Guam." is deleted and "Using Agency. Commander, Naval Forces, Marianas." is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 5, 1964.

LEE E. WARREN,
Director,
Air Traffic Service.

[F.R. Doc. 64–2434; Filed, Mar. 12, 1964; 8:45 a.m.]

[Airspace Docket No. 63–EA–58]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area/Military Climb Corridor

Correction

In F.R. Doc. 64–2118, appearing at page 3002 of the issue for Thursday, March 5, 1964, the following correction is made in R–5003, under § 73.50: In the paragraph for designated altitudes, that matter which appears after the penultimate period should read as follows: "20,000 feet MSL to 23,000 feet MSL from 25 nmi to 30 nmi SW of point of beginning."

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. 4039; Amdt. 704]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount Model 745D Aircraft

Amendment 116, 25 F.R. 2418, AD 60–7–7, requires that certain Vickers Viscount Model 745D aircraft built to Modification D.953 standard have oversized skin to spar attachment bolts installed in the inner and outer top booms in accordance with Vickers Modification Bulletin No. D.2081. The manufacturer has now issued Preliminary Technical Leaflet No. 197, which incorporates the inspections formerly set forth only in Modification Bulletin No. D.2081. Therefore, Amendment 116 is amended to reference PTL 197.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 116, 25 F.R. 2418, AD 60–7–7, Vickers Viscount Model 745D aircraft, is amended by:

1. Deleting in the first paragraph the words "modification leaflet" and inserting in lieu thereof the words "Preliminary Technical Leaflet 197."

2. Changing the parenthetical reference statement to read:

(Modification Bulletin D.2081 and Preliminary Technical Leaflet No. 197 Issue 5 (700 Series) cover this subject.)

This amendment shall become effective March 13, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 6, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–2436; Filed, Mar. 12, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket Nos. 7420, 7421, 7631–7639]

PART 13—PROHIBITED TRADE PRACTICES

Bigelow-Sanford Carpet Co., Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination Under 2(a): § 13.725 *Cumulative quantity discounts and schedules;* § 13.755 *Pooling orders of chain stores and buying groups.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist orders, Bigelow-Sanford Carpet Company, Inc., New York, N.Y., Docket 7420, Feb. 10, 1964; Mohasco Industries, Inc., Amsterdam, N.Y., Docket 7421, Feb. 10, 1964; Magee Carpet Company, Bloomsburg, Pa., Docket 7631, Feb. 10, 1964; C. H. Masland & Sons, Carlisle, Pa., Docket 7632, Feb. 10, 1964; Beattie Manufacturing Company, Little Falls, N.J., Docket 7633, Feb. 10, 1964; Callaway Mills Company, et al., La Grange, Ga., Docket 7634, Feb. 10, 1964; Philadelphia Carpet Company, et al., Philadelphia, Pa., Docket 7635, Feb. 10, 1964; A. & M. Karagheusian, Inc., New York, N.Y., Docket 7636, Feb. 10, 1964; Roxbury Carpet Company, et al., Saxonville, Mass., Docket 7637, Feb. 10, 1964; Firth Carpet Company, New York, N.Y., Docket 7638, Feb. 10, 1964; Cabin Crafts, Incorporated, Dalton, Ga., Docket 7639, Feb. 10, 1964]

In the Matters of: Bigelow-Sanford Carpet Company, Inc., a Corporation, Mohasco Industries, Inc., a Corporation, The Magee Carpet Company, a Corporation, C. H. Masland & Sons, a Corporation, The Beattie Manufacturing Company, a Corporation, Callaway Mills Company, a Corporation, and Callaway Mills, Inc., a Corporation, Philadelphia Carpet Company, a Corporation, and Doerr Carpets, Inc., a Corporation, A. & M. Karagheusian, Inc., a Corporation, Roxbury Carpet Company, a Corporation, Roxbury Southern Mills, Inc., a Corporation, and M. J. Whittall Associates, Inc., a Corporation, The Firth Carpet Company, a Corporation, Cabin Crafts, Incorporated, a Corporation

Eight consent orders and three orders in litigated cases, approximately identical, requiring manufacturers of rugs and carpets in eastern states to cease discriminating in price in violation of section 2(a) of the Clayton Act by means of cumulative annual volume schedules with volume discounts ranging from one to five percent based on total net purchases, under which chains of stores were granted discounts based on the total purchases of all stores in a chain with the result that non-chain retail stores paid higher prices on the same or greater volume than were paid by individual stores of chains in the same market area.

The order to cease and desist, including further order requiring report of compliance therewith in the previously mentioned cases, is as follows:

It is ordered, That respondent Bigelow-Sanford Carpet Company, Inc., a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of rugs and carpets in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Discriminating, directly or indirectly, by cumulative volume discount or otherwise, in the price of rugs and carpets of like grade and quality, by selling to any purchaser at net prices lower than the net price charged any other purchaser competing in fact with such favored purchaser in the resale and distribution of such rugs and carpets.

For the purpose of determining "net price" under the terms of this order, there shall be taken into account discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are effected.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: February 10, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–2440; Filed, Mar. 12, 1964; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34–7246]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Filing of Quarterly Reports by Certain Real Estate Companies

On May 16, 1963, the Commission published in Securities Exchange Act Release No. 7077 (Securities Act Release No. 4609) and in the FEDERAL REGISTER of May 24, 1963, 28 F.R. 5217 certain proposed amendments to §§ 240.13a–15, 240.15d–15, and 249.307 (Rules 13a–15 and 15d–15 and Form 7–K under the Securities Exchange Act of 1934). These rules require certain real estate companies to file with the Commission pursuant to sections 13 and 15(d) of the Act quarterly reports with respect to distributions to shareholders. Form 7–K (§ 249.307) is the form prescribed for such reports. The Commission has considered the comments and suggestions received and has adopted the revised rules and form as proposed, subject to the changes set forth below:

I. In the last sentence of paragraph (a) in both §§ 240.13a–15 and 240.15d–15, and in clause (i) of paragraph (a) of § 249.307, the words "40 days" are changed to "60 days", and the following words are added to the end of the sentence: "except that the report for the last quarter of the fiscal year shall be filed not more than 120 days after the close of the fiscal year."

II. Paragraph (b) of § 249.307, as proposed to be amended, is changed to read as set forth below.

The amended rules and form, which were adopted pursuant to the Securities Exchange Act of 1934, particularly Sections 13 and 15(d) thereof, shall apply to any report on Form 7–K filed on or after April 1, 1964, provided that any issuer may at its option avail itself of the provisions of the amended rules and form prior to such date.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 28, 1964.

§ 240.13a–15 **Quarterly reports of certain real estate companies.**

(a) Except as provided in paragraph (b) of this section every issuer of a security registered on a national securities exchange (1) which is a real estate investment trust, as defined in Section 856 of the Internal Revenue Code, or (2) a substantial portion of whose business is that of acquiring and holding for investment real estate or interests in real estate or interests in other issuers a substantial portion of whose business is that of acquiring and holding real estate or interests in real estate for investment, shall file a report on Form 7–K for each fiscal quarter ending on or after June 1, 1962, or the date on which a class of securities of the issuer first becomes effectively registered on a national securities exchange, whichever date is later. Such reports shall be filed not more than 60 days after the end of the fiscal quarter for which they are filed except that the report for the last quarter of the fiscal year shall be filed not more than 120 days after the close of the fiscal year.

(b) Notwithstanding paragraph (a) of this section, no report need be filed pursuant to this rule with respect to—

(1) Any investment company registered under the Investment Company Act of 1940;

(2) Any partnership all of whose properties are under long term net lease to other persons; or

(3) Any issuer which during the fiscal quarter covered by the report has not made any cash distribution to shareholders from any source other than current or retained earnings, unless such issuer is a real estate investment trust or as a matter of policy or practice makes cash distributions to shareholders from any source other than current or retained earnings.

(c) Notwithstanding § 240.13a–13, any issuer which files quarterly reports pursuant to this rule for the first two fiscal quarters of any fiscal year need not file a semi-annual report on Form 9–K for the period covered by such quarterly reports.

§ 240.15d–15 **Quarterly reports of certain real estate companies.**

(a) Except as provided in paragraph (b) of this section, every issuer which, by reason of an undertaking contained in a registration statement under the Securities Act of 1933, is required to file periodic information, documents and reports pursuant to section 15(d) of the Securities Exchange Act of 1934, and (1) which is a real estate investment trust, as defined in Section 856 of the Internal Revenue Code, or (2) a substantial portion of whose business is that of acquiring and holding for investment real estate or interests in real estate or interests in other issuers a substantial portion of whose business is that of acquiring and holding real estate or interests in real estate for investment, shall file a report on Form 7–K for each fiscal quarter ending on or after June 1, 1962, or the date on which such registration statement becomes effective, whichever date is later. Such reports shall be filed not more than 60 days after the end of the fiscal quarter for which they are filed except that the report for the last quarter of the fiscal year shall be filed not more than 120 days after the close of the fiscal year.

(b) Notwithstanding paragraph (a) of this section, no report need be filed pursuant to this rule with respect to—

(1) Any investment company registered under the Investment Company Act of 1940;

(2) Any partnership all of whose properties are under long term net lease to other persons; or

(3) Any issuer which during the fiscal quarter covered by the report has not made any cash distribution to shareholders from any source other than current or retained earnings, unless such issuer is a real estate investment trust or as a matter of policy or practice makes cash distributions to shareholders from any source other than current or retained earnings.

(c) Notwithstanding § 240.15d–13, any issuer which files quarterly reports pursuant to this rule for the first two fiscal quarters of any fiscal year need not file a semi-annual report on Form 9–K for the period covered by such quarterly reports.

§ 249.307 **Form 7–K for quarterly reports of certain real estate companies.**

(a) *General instructions*—(1) *Rule as to use of Form 7–K.* (i) Form 7–K is to be used for the quarterly reports required by Rules 13a–15 and 15d–15 of the General Rules and Regulations under the Securities Exchange Act of 1934 (§§ 240.13a–15 and 240.15d–15). Reports are to be prepared and filed in accordance with Rules 12b–11 and 12b–12 (§§ 240.12b–11 and 240.12b–12), within 60 days after the end of the period covered thereby, except that the report for the last quarter of the fiscal year shall be filed not more than 120 days after the close of the fiscal year.

(ii) This is not a blank form to be filled in. It is a guide copy to be used in preparing the report in accordance with Rules 12b–11 and 12b–12 (§§ 240.12b–11 and 240.12b–12). The Commission does not furnish blank copies of this form to be filled in for filing.

(iii) These general instructions are not to be filed with the report. The instructions to the various captions of the form are also to be omitted from the report as filed.

(2) *Persons for whom the information is to be given.* (i) The required information is to be given as to the registrant or, if the registrant files consolidated financial statements with its annual reports, it shall be given for the registrant and its consolidated subsidiaries. If the information is given for the registrant and its consolidated subsidiaries, it need not be given separately for the registrant.

(ii) The required information shall also be given separately as to each unconsolidated subsidiary or group of such subsidiaries for which separate individual or group statements are required to be filed with the registrant's annual reports. It need not be furnished, however, for any such unconsolidated subsidiary which would not be required to file semi-annual reports if it were a registrant.

(3) *Presentation of information.* The information is not required to be certified and may carry a notation to that effect and any other qualification considered necessary or appropriate. Except where amounts are required to be stated on a per share basis, amounts may be stated in thousands of dollars (000 omitted), provided it is stated that such has been done.

(4) *Incorporation by reference to published statements.* If the registrant makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a quarterly financial statement containing the information required by this form, the information called for may be incorporated by reference to such published statement provided copies thereof are filed as an exhibit to the report on this form.

(5) *Delay in filing information.* If a delay is filing the report or in furnishing any of the required information becomes necessary, a request for an extension of time shall be made pursuant to § 240.12b–25.

(b) *Cover sheet of report.*

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON 25, D.C.

FORM 7–K

QUARTERLY REPORT

Pursuant to Section 13 or 15(d) for the Securities Exchange Act of 1934 for the fiscal quarter ended _____

_____

(Exact name of registrant as specified in charter)

_____

(Address of registrant's principal executive offices)

(c) *Information required in report.*

(I) *Profit and loss statement prepared on an accrual basis*

(1) Income _____ $_____
Instruction: State separately any item of a material amount.
(2) Deductions _____ _____
Instruction: State separately any item of a material amount.
(3) Extraordinary items _____ _____
Instruction: State separately interest in income or loss and any material amounts of other income or deductions of an unusual or non-recurring nature included in the determination of net income or loss during the period covered by the report. Profits or losses from syndications shall be included herein.
(4) Net income (loss) _____ _____
Instruction: Indicate clearly whether the amount stated represents income or loss.
(5) Special items _____ _____
Instruction: State separately and describe each material item not included in Caption (4). Profits or losses from sales of properties shall be included herein.
(6) Net income (loss) and special items _____ _____

(II) *Funds generated and funds disbursed*

Instruction: In Captions (7) to (21) inclusive, where applicable, the minority interests shall be segregated from the consolidated results shown and stated in a separate column, if material. If not material, the amount of minority interests reported in Caption (3) shall be added back or deducted, as appropriate, under Caption 10 and distributions made to minority interests shall be deducted separately under Caption (12).

(7) Net income (loss) as reported in Caption (4) _____ $_____
Instruction: Changes in funds resulting from transactions reported in Caption (5) are not to be reported here but shall be reported under Caption (14).
(8) Cash distributions to shareholders _____ _____
Instruction: Include a tabulation of the amounts per share and the number of shares outstanding at each distribution date. A note to this item shall indicate the amounts representing accumulated income and the amounts representing a return of capital and shall be computed on the accounting basis rather than the income tax basis.
(9) Excess (deficiency) _____ _____
(10) Add: A. Depreciation or amortization of property. B. Charges (credits) for deferred income taxes. C. Amortization of debt discount and expense. D. Other. (Describe). _____

Instruction: A. The amount reflected hereunder for depreciation or amortization of property shall be the amount deducted in Caption (2) and shall be stated separately by major classes such as depreciation on on fixed property, depreciation on personal property and amortization of leases.

B. Amortization of deferred charges other than debt discount and expense shall be provided for under Caption (16).

(11) Total _____ _____
(12) Deduct: A. Principal payments on mortgages and installment notes. B. Replacements of personal and other property and payments into funds for such replacements. _____

Instruction: Other payments and amounts specifically called for under Captions (16) and (18) shall be excluded here.

(13) Excess (deficiency) of funds generated over distributions before special items _____ _____
(14) Special items—funds generated _____ _____
Instruction: State separately any material item. The computation of funds generated from property sales shall be reflected hereunder in tabular form indented under this caption beginning with the profits or losses reported under Caption (5) with respect thereto, deducting therefrom the amount of accumulated depreciation applicable to the property sold and adding back the recovery of principal payments on mortgages previously deducted under Caption (12) with respect to the property sold. Any other adjustments made in arriving at funds generated from property sales shall also be separately stated. Where a purchase money mortgage is received as part of the consideration in the sale of property, the portion of the profit as computed above represented by the purchase money mortgage shall be recognized hereunder as funds generated only as cash collections are received. If the profit as computed above is less than the purchase money mortgage, no amount shall be reflected hereunder until cash collections reduce the purchase money mortgage to the amount of the profit. Thereafter, funds generated shall be reflected hereunder as cash collections are received. Any balance of cash proceeds from sales of properties shall be shown under Caption (16).

(15) Excess (deficiency) of funds generated over distributions after special items _____ _____
(16) Other sources of funds _____ _____
Instruction: State separately any item of a material amount. Net proceeds of refinancing of mortgages shall be included here. The change in net current assets (other than cash) and other miscellaneous items shall be reflected here or under Caption (18), as appropriate.
(17) Total _____ _____
(18) Other disposition of funds _____ _____
Instruction: State separately any item of a material amount. "Balloon" payments on mortgages not refinanced shall be reflected here.
(19) Net increase (decrease) in cash during quarter _____ _____
(20) Cash balance at beginning of quarterly period covered by this report _____ _____
(21) Cash balance at close of quarterly period covered by this report _____ _____

(III) *Cumulative amounts of excess (deficiency) of funds generated over distributions after special items (exclusive of minority interests)*

(22) Cumulative excess (deficiency) of funds generated over distributions after special items at the beginning of the fiscal year _____ $_____
Instruction: The amount reflected hereunder shall be computed from the beginning of the first fiscal year ending on or after January 1, 1959, or the date of organization of the registrant, whichever is later. The cumulative amount hereunder and the amount reflected under Caption (23) shall be computed in the same manner as is the quarterly amount shown in Caption (15) above.
(23) Net increase (decrease) in excess (deficiency) of funds generated over distribution after special items from beginning of the fiscal year to end of period covered by this report _____ _____
(24) Cumulative excess (deficiency) of funds generated over distribution after special items at end of fiscal period to date _____ _____
(25) Per share amounts declared at the date of this report for distribution in the forthcoming period(s). List separately the declaration by payment period:

Remarks: _____
_____
_____

Instruction: Under Remarks, to the extent necessary, reflect information or explanation of material significance to investors in appraising the results shown.

Instruction as to business acquired: If a business has been acquired for cash or debt during the quarter, the net current assets acquired at date of acquisition shall be stated separately under Caption (16). Cash and current obligations used for the purchase shall be shown separately under Caption (18). The operations of a purchased business from date of acquisition shall be reflected in other captions of the form.

For a business acquired in an exchange of shares during the quarter, complete separate statements may be presented in an additional column on this form, or the operations of the acquired business may be included with those of the registrant in the proper captions for the entire quarter or from date of acquisition as appropriate. The beginning balance of cash (Caption (20)) shall reflect separately the amounts contributed by the acquired business. The operations of the acquired business shall be reflected in Captions (23) and (24) only for the period included in the operations of the registrant during the quarter.

_____
(Registrant)

By _____
(Signature)*

Date _____

*Print name and title of signing officer under his signature.

(Secs. 13, 15(d), and 23(a), 48 Stat. 894, 895, 901 as amended, 15 U.S.C. 78m, 78o, 78w)

[F.R. Doc. 64–2441; Filed, Mar. 12, 1964; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9–5.51—Use of Government Sources of Supply

The following subpart is added:

Sec.
9–5.300 Scope of subpart.
9–5.302 Policy.
9–5.950 Cost-type contractor procurement from Government sources of supply.
9–5.5101 Government sources.
9–5.5101–1 Direct AEC procurement.
9–5.5101–2 Cost-type contractor procurement.
9–5.5101–3 Exclusive use on Government work.
9–5.5102 Department of Defense.
9–5.5102–1 Source.
9–5.5102–2 Requisitions.
9–5.5103 Economy Act.

AUTHORITY: The provisions of this subpart 9–5.51 issued under sec. 161; 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486.

§ 9–5.300 Scope of subpart.

This subpart sets forth procedures to be followed in making purchases from Government sources. (For the purchase of specific items, see AECPR 9–5.52, Procurement of Special Items.)

§ 9–5.302 Policy.

To the fullest extent practicable, AEC and other Federal agency excess personal property shall be used as the first sources of supply in fulfilling AEC and cost-type contractor requirements, including those for construction. (For detailed AEC instructions, see AEC Chapter 5170 and its appendix handbook, Utilization of Excess and Disposal of Surplus Personal Property.) It is also AEC policy to use Government sources of supply to the fullest extent practicable.

§ 9–5.950 Cost-type contractor procurement from Government sources of supply.

AEC cost-type contractors, when properly authorized by Managers of Field Offices, may act as agents for AEC for the purpose of issing purchase orders against Federal Supply Service Stores Depots and Government supply contracts, provided the materials, supplies, equipment and non-personal services are used exclusively on Government work. The procedure is set forth in FPR 1–5.9 for purchases from GSA stores depots and Federal Supply Schedule contracts and the Department of Justice for purchases from Federal Prison Industries, Inc. Other Government sources of supply available to AEC may be made available to AEC cost-type contractors with the consent of such source when specifically named in the letter of authorization.

§ 9–5.5101 Government sources.

§ 9–5.5101–1 Direct AEC procurement.

With respect to direct AEC procurement, Government sources of supply shall be utilized to the fullest extent practicable in accordance with applicable laws and regulations.

§ 9–5.5101–2 Cost-type contractor procurement.

Requirements shall be met from Government sources if made available and if procurement from such sources is economically advantageous to the Government. Direct procurement by the AEC, rather than by a cost-type contractor, shall be required where deemed necessary by the AEC or its authorized representative in order to carry out special requirements of appropriation acts or other applicable laws relating to particular items.

§ 9–5.5101–3 Exclusive use on Government work.

Materials, supplies and equipment procured from Government sources of supply under the procedures described herein must be used exclusively in connection with Government work. Care shall be exercised to see that cost-type contractors thoroughly understand this policy.

§ 9–5.5102 Department of Defense.

§ 9–5.5102–1 Source.

Many supply facilities and contracts of the Department of Defense are made available to AEC and its cost-type contractors. Field Offices will be notified by the Division of Contracts when such contracts and facilities are made available. Inquiries in connection with these sources may be directed to the Director, Division of Contracts, Headquarters. Requisitions or purchase orders shall be submitted directly to these sources, unless otherwise specified.

§ 9–5.5102–2 Requisitions.

Contractors' requisitions submitted to the Defense Supply center should include the following statement on the requisition in lieu of the statement set forth in FPR 1–5. "The consignee of the supplies and materials requisitioned herein is acting in behalf of and as agent for the U.S. Atomic Energy Commission with respect to the expenditure of Government funds."

§ 9–5.5103 Economy Act.

Procurement by AEC under the Economy Act of June 30, 1932, as amended (31 U.S.C. 684), from Federal agencies shall conform to the requirements of the Act and applicable regulations of the General Accounting Office. In the event a working fund or advance is made, such transaction shall be supported in advance by a memorandum of understanding between the agencies involved.

Effective date. These regulations are effective 45 days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 5th day of March 1964.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director,
Division of Contracts.

[F.R. Doc. 64–2457; Filed, Mar. 12, 1964; 8:48 a.m.]

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

PART 9–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 9–15.50—Cost Principles and Procedures

MISCELLANEOUS AMENDMENTS

1. Paragraph (e), entitled "Examples of items of unallowable costs," of § 9–7.5006–9 is amended by adding thereto the following subparagraph (27):

§ 9–7.5006–9 Allowable costs and fixed fee (CPFF operating and construction contracts).

* * * * * * *

(e) * * *

(27) *First-class air travel in excess of the cost of less than first-class air accommodations,* except when less than first-class accommodations are not reasonably available to meet necessary mission requirements, such as, where less than first-class accommodations would:

(i) Require circuitous routing,

(ii) Require travel during unreasonable hours,

(iii) Greatly increase the duration of the flight,

(iv) Result in additional costs which would offset the transportation savings,

(v) Offer accommodations which are not reasonably adequate for the medical needs of the traveler.

2. Paragraph (e), entitled "Examples of Items of Unallowable Costs," of § 9–7.5006–10 is amended by adding thereto the following subparagraph (25):

§ 9–7.5006–10 Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions).

• • • • • •

(c) • • •

(25) *First-class air travel in excess of the cost of less than first-class air accommodations,* except when less than first-class accommodations are not reasonably available to meet necessary mission requirements, such as, where less than first-class accommodations would:

(i) Require circuitous routing,

(ii) Require travel during unreasonable hours,

(iii) Greatly increase the duration of the flight,

(iv) Result in additional costs which would offset the transportation savings,

(v) Offer accommodations which are not reasonably adequate for the medical needs of the traveler.

3. Paragraph (e), entitled "Examples of items of unallowable costs," of § 9–7.5006–12 is amended by adding thereto the following subparagraph (26):

§ 9–7.5006–12 Allowable costs and fixed fee (Architect-Engineer Contracts).

• • • • • •

(c) • • •

(26) *First-class air travel in excess of the cost of less than first-class air accommodations,* except when less than first-class accommodations are not reasonably available to meet necessary mission requirements, such as, where less than first-class accommodations would:

(i) Require circuitous routing,

(ii) Require travel during unreasonable hours,

(iii) Greatly increase the duration of the flight,

(iv) Result in additional costs which would offset the transportation savings,

(v) Offer accommodations which are not reasonably adequate for the medical needs of the traveler.

4. Part 9–15 is amended by adding thereto the following section:

§ 9–15.5010–15 Air travel.

It is the policy of the AEC to require the use of less than first-class air accommodations for all cost-reimbursed travel, except when less than first-class accommodations are not reasonably available to meet necessary mission requirements. For example, less than first-class accommodations are considered not reasonably available where less than first-class accommodations would:

(a) Require circuitous routing,

(b) Require travel during unreasonable hours,

(c) Greatly increase the duration of the flight,

(d) Result in additional costs which would offset the transportation savings,

(e) Offer accommodations which are not reasonably adequate for the medical needs of the traveler.

The difference in cost between first-class air accommodations and less than first-class accommodations is an unallowable cost except as provided for in this section.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments shall become effective forty-five (45) days following the date of publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 5th day of March 1964.

For the Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director,
Division of Contracts.

[F.R. Doc. 64–2458; Filed, Mar. 12, 1964; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64–201]

PART 73—RADIO BROADCAST SERVICES

Adjustment of Pre-Sunrise Operating Disputes

MARCH 5, 1964.

By telegram adopted March 4, the Commission informed Radio Station WEEE, Rensselaer, New York, that it had no objection to that station operating during specified pre-sunrise hours with power reduced to 500 watts.

Even though licensed as a "daytime only" Class III standard broadcast station, WEEE had, until last year, operated during pre-sunrise hours with its full licensed power of 5 kilowatts under the permissive provisions of § 73.87 of the rules.

On June 4, 1963, WEEE was directed to refrain from further operation prior to local sunrise, pursuant to § 73.87(b) of the Commission's rules. This action was taken after a complaint was received from Station WFBR, Baltimore, alleging that interference was being caused within the complainant's protected nighttime service area as a result of WEEE's 5 kilowatt early morning operation.

This action, which allows WEEE to resume part of its former early morning service on a reduced-power basis, is the outgrowth of an agreement reached between WEEE and WFBR, and will remain in effect until final resolution of matters involved in rule making Docket No. 14419 or until a valid interference complaint is received from some other source.

Until recently, § 73.87 had been applied on a "go no-go" basis. For unlimited time stations causing interference this meant a return to their licensed nighttime modes; for "daytime only" stations like WEEE it meant a complete cessation of pre-sunrise operation, frequently resulting in loss of the only early morning service to a community. As a result of this action, § 73.87 will be administered to allow pre-sunrise operation with power graduated downward to a level of mutual acceptance or, absent such acceptance, downward to the extent that it does not cause objectionable interference to the complaining station. Specific proposals should be submitted to the Commission for its consideration.

Where a probable justification for the continuance or resumption of a local service is shown and the dispute cannot be satisfactorily resolved in the manner described above, the Commission will give sympathetic consideration to waiver of the current "freeze" on the acceptance of standard broadcast applications (FCC 62–516) in order to entertain applications for specified hours operation by stations against which pre-sunrise complaints have been filed. Such applications will, if compliance with treaty obligations is demonstrated, be designated for hearing to determine whether the need for the local service outweighs the need for the service lost due to interference.

Complaints not lending themselves to adjustment by power cutbacks or to adjudication by hearing will be honored in accordance with § 73.87(b) of the rules. As in the past, the complaining station must establish that it is in fact on the air during the pre-sunrise period with its authorized nighttime facilities; that the station complained of is operating during the same period with its authorized daytime facilities; and that interference to the complaining station is indicated by engineering calculations based on the skywave propagation curves contained in Figure 2, § 73.190 of the Commission's rules.

The policy of conditioning all construction permits for new Class III stations (and major changes in existing Class III stations) against pre-sunrise operation, which has been in effect since January 29, 1962 (FCC 62–98), remains unchanged by this action.

Adopted: March 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2474; Filed, Mar. 12, 1964; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

PART 170—COMMERCIAL ZONES

[Ex Parte MC–30]

Cincinnati, Ohio

At a session of the Interstate Commerce Commission, Division 1, acting as an Appellate Division, held at its office in Washington, D.C., on the 5th day of March A.D. 1964.

It appearing, that by order of the Commission, division 1, dated February 11, 1964, to become effective March 13, 1964, the limits of the zone adjacent to and commercially a part of Cincinnati, Ohio, as contemplated by section 203(b)(8) of the Interstate Commerce Act, were redefined and enlarged in certain respects;

It further appearing, that by joint petition filed February 17, 1964, protestants Robert O'Nan, doing business as O'Nan Transportation Company, and Huey Motor Express, seek reconsideration or further hearing, alleging (1) that their withdrawal of opposition to the proceeding, as set forth in a letter to the Commission dated January 27, 1964, was based on the understanding that the petition for extension of the Cincinnati commercial zone limits would be amended to exclude all of Florence, Ky., except that portion embraced within the industrial site of the Northern Kentucky Industrial Foundation, and (2) that the redefinition of the Cincinnati commercial zone limits as set forth in said order of February 11, 1964, should be revised to exclude the above-mentioned portion of Florence, Ky.;

It further appearing, that by joint reply filed February 26, 1964, petitioners Northern Kentucky Industrial Foundation, et al., contend (1) that protestants withdrew before any specific agreement with respect to amendment had been made, and (2) that the proceeding should not now be reopened for reconsideration or further hearing;

It further appearing, that the evidence in the above-entitled proceeding is not persuasive that any part of Florence, Ky., except that portion lying within the industrial site of the Northern Kentucky Industrial Foundation, should be included within the Cincinnati commercial zone, and that a revised description of said zone to accomplish this purpose would be consistent with section 203(b)(8) of the act and the Commission's decisions thereunder;

Wherefore, and good cause appearing therefor:

We find, that the zone adjacent to and commercially a part of Cincinnati, Ohio, as contemplated by section 203(b)(8) of the Interstate Commerce Act, should be modified to include those areas described in the next succeeding paragraph herein:

And it is ordered, That the order entered in this proceeding on February 11, 1964 (49 CFR 170.7), insofar as it redescribes the Cincinnati commercial zone limits, be, and it is hereby, vacated and set aside and the following revision hereby substituted in lieu thereof:

§ 170.7 Cincinnati, Ohio.

The zone adjacent to, and commercially a part of, Cincinnati, Ohio, and contiguous municipalities in which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from regulation under section 203(b)(8) of the act is hereby defined to include the following:

Addyston, Ohio.	Mariemont, Ohio.
Cheviot, Ohio.	North Bend, Ohio.
Cincinnati, Ohio.	Norwood, Ohio.
Cleves, Ohio.	St. Bernard, Ohio.
Elmwood Place, Ohio.	Covington, Ky.
Fairfax, Ohio.	Newport, Ky.

That part of Ohio bounded by a line commencing at the intersection of the Colerain-Springfield Township line and corporate limits of Cincinnati, Ohio, and extending along said township line in a northerly direction to its intersection with the Butler-Hamilton County line, thence in an easterly direction along said county line to its intersection with Ohio Highway 4, thence in a northerly direction along Ohio Highway 4 to its intersection with Mulhauser Road, thence in an easterly direction along said road to the terminus thereof west of the tracks of the Pennsylvania Railroad, thence continuing in an easterly direction in a straight line to Allen Road, thence along the latter to the junction thereof with U.S. Highway 25, thence in a southerly direction along U.S. Highway 25 to the Butler-Hamilton County line, thence along the said county line and the Warren-Hamilton County line in an easterly direction to the Symmes-Sycamore Township line, thence in a southerly direction along the Symmes-Sycamore Township line to its intersection with the Columbia Township line, thence in a westerly direction along the Sycamore-Columbia Township line to Madeira Township, thence in a clockwise direction around the boundary of Madeira Township to the Sycamore-Columbia Township line, thence in a westerly direction along said township line to Silverton Township, thence in a southerly direction along the Silverton-Columbia Township line to the Cincinnati corporate limits, thence in a southerly direction along said corporate limits to junction with Red Bank Road, thence in a southerly direction over Red Bank Road to the Cincinnati corporate limits.

That part of Kenton County, Ky., lying on and north of a line commencing at the intersection of the Kenton-Boone County line and Dixie Highway (U.S. Highways 25 and 42), and extending over said highway to the corporate limits of Covington, Ky., including communities on the described line.

That part of Campbell County, Ky., lying on and north of a line commencing at the south corporate limits of Newport, Ky., and extending along Licking Pike (Kentucky Highway 9) to junction with Johns Hill Road, thence along Johns Hill Road to junction with Alexandria Pike (U.S. Highway 27), thence northward along Alexandria Pike to junction with River Road (Kentucky Highway 445), thence over the latter to the Ohio River, including communities on the described line.

That part of Boone County, Ky., bounded by a line beginning at the Boone-Kenton County line west of Erlanger, Ky., and extending in a northwesterly direction along Donaldson Highway to the Greater Cincinnati Airport, thence clockwise around the outer perimeter of said airport to the northern tip thereof, thence in a northeasterly direction along Kentucky Highway 1334 to junction with Kentucky Highway 20, and thence along the latter to the Boone-Kenton County line.

That part of Boone and Kenton Counties, Ky., bounded by a line commencing at the intersection of the Boone-Kenton County line with the southern corporate limits of Elsmere, Ky., and extending in a southerly direction along said county line approximately 0.9 mile to the northern boundary of the Northern Kentucky Industrial Foundation, thence in a westerly direction along said boundary to its intersection with the southern corporate limits of Florence, Ky., thence in a westerly direction along said corporate limits to their intersection with U.S. Highway 42, thence in a southwesterly direction along said highway to its intersection with Interstate Highway 75, thence in a southerly direction along Interstate Highway 75 to a point 2 miles south of the Florence, Ky., corporate limits, thence in a straight line in a northeasterly direction to Richardson Road, thence in an easterly direction over Richardson Road to junction with Kentucky State Route 1303 (Turkeyfoot Road), thence in a northerly direction over Kentucky State Route 1303 to the southern boundary of Edgewood, Kenton County, Ky.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303):

It is further ordered, That except to the extent granted by this order, the joint petition of protestants be, and it is hereby, denied.

It is further ordered, That this order shall become effective as of March 13, 1964 and shall continue in effect until further notice of the Commission:

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1, acting as an Appellate Division.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–2461; Filed, Mar. 12, 1964; 8:48 a.m.]

[1] Commissioners Hyde and Ford absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN SPINACH

Proposed Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards for Grades of Frozen Spinach (7 CFR 52.1921–52.1931) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

Statement of considerations. The United States Standards for Grades of Frozen Spinach were last revised March 7, 1961. The current grade standards provide for only two styles of frozen spinach, "whole leaf", and "cut or chopped."

NOTE: Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Since the last revision, the industry has added a third style to the frozen spinach pack which has met acceptance in marketing since its introduction. This new style is known in the trade and sold as "cut leaf."

The style of "whole leaf" spinach is defined in the current standards as "frozen spinach that consists substantially of the leaf and adjoining portion of the stem." The style of "cut" or "chopped" spinach is defined as "frozen spinach that consists of the leaf and adjoining portion of the stem which has been cut into small pieces." Over the years, this later style has become commonly known to the industry as well as the consumer to consist of spinach which has been cut or chopped into small pieces of approximate squares ranging in dimensions from ¼ inch x ¼ inch to ½ inch x ½ inch.

The new style of "cut leaf" does not conform to the definitions of either the "whole leaf" or "chopped" styles since it is cut into large pieces (predominantly more than ¾ inch in the longest dimension).

The allowances for defects provided in the current standards under the different grade classifications for either the "whole leaf" or "chopped styles" do not apply to the new style of "cut leaf."

Certain government agencies are now buying this new style which is included in such government specifications as:

Interim Federal Specification; Spinach (Frozen).
Veterans Administration; Spinach, Frozen.

Among other industry interests, the standards committee of the National Association of Frozen Food Packers, recommended that a new style of "cut leaf" be included in the United States Standards for Grades of Frozen Spinach.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than June 30, 1964.

The proposed amendments are as follows:

1. In § 52.1922 *Styles of frozen spinach*, change paragraph (b) to read:

(b) "Chopped" spinach is the style of frozen spinach that consists of the leaf and adjoining portion of the stem which has been cut or chopped predominantly into small pieces less than approximately ¾ inch in the longest dimension.

2. In § 52.1922, add a new paragraph (c) as follows:

(c) "Cut leaf" spinach is the style of frozen spinach that consists of the leaf and adjoining portion of the stem which has been cut predominantly into large pieces approximately ¾ inch or more in the longest dimension.

3. In § 52.1927 *Defects*, change paragraphs (b)(7)(ii) (*a*) and (*b*) to read:

(ii) *Chopped; cut leaf.* (*a*) "Insignificant damage" means transparent areas on a portion of leaf not associated with discoloration of any kind when such transparent portion is not more than ½ square inch; and any discoloration that does not materially affect the appearance or eating quality of the unit.

(*b*) "Damage" means any area of discoloration or other injury, including transparent areas associated with discoloration, on a portion of leaf or stem that materially affects the appearance or eating quality of the unit; and transparent areas whether or not associated with discoloration when such transparent area is more than ½ square inch.

4. In § 52.1927 *Defects*, change the heading of paragraph (c)(2), to read *"Chopped"*, instead of *"Cut or chopped style"*; in paragraph (c) renumber subparagraph (3) to read (4) and insert new subparagraph (3) as follows:

(3) *Cut leaf.* The area of damage does not exceed the area prescribed for the applicable sample size in Table IV of this section;

5. In § 52.1927 *Defects*, change the heading of paragraph (d)(2) to read *"Chopped"*, instead of *"Cut or chopped"*; in paragraph (d) renumber subparagraph (3) to read (4) and insert new subparagraph (3) as follows:

(3) *Cut leaf.* The area of damage does not exceed the area prescribed for the applicable sample size in Table IV of this section;

6. In § 52.1927 *Defects*, change heading of Table III to read as follows:

Summary of Allowances for Damage in Chopped Style Spinach.

7. In § 52.1927 *Defects*, add Table IV after Table III as follows:

TABLE IV—SUMMARY OF ALLOWANCE FOR DAMAGE IN CUT LEAF STYLE SPINACH

Sample size	Area of damaged portions of leaves				
Initial 4 ounces	12/16 square inch or less—Pass for A.	13/16 to 17/16 square inch inclusive—Take another 2 ounces.	15/16 to 17/16 square inch inclusive—Pass for B.	15/16 to 73/16 square inch inclusive—Take another 2 ounces.	More than 121/16 square inch—Fails Grade B.
Cumulative 6 ounces.	19/16 square inch or less—Pass for A.	11/16 to 103/16 square inch inclusive—Pass for B.	More than 1023/16 square inch—Fails Grade B.		

8. In § 52.1928 *Character*, change heading of paragraph (b)(2) to read *"Cut leaf; chopped"* instead of *"Cut or chopped style"*; and change heading of paragraph (c)(2) to read *"Cut leaf; chopped"* instead of *"Cut or chopped style"*.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Dated: March 9, 1964.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 64-2454; Filed, Mar. 12, 1964; 8:47 a.m.]

[7 CFR Parts 1032, 1050, 1063]

[Docket Nos. AO-339, AO-313-A3, AO-105-A14]

MILK IN CENTRAL ILLINOIS, SUBURBAN ST. LOUIS AND QUAD CITIES-DUBUQUE MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Revised Recommended Decision on Proposed Marketing Agreement and Order and Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the revised recommended decision with respect to the proposed marketing agreement and order regulating the handling of milk in the Central Illinois marketing area and the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Suburban St. Louis and Quad Cities-Dubuque marketing areas, which was issued January 20, 1964 (29 F.R. 1529), is hereby extended to April 1, 1964.

Dated: March 9, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-2455; Filed, Mar. 12, 1964; 8:48 a.m.]

[7 CFR Parts 1033, 1034, 1035]

[Docket Nos. AO-166-A28, AO-175-A19, AO-176-A18]

MILK IN CINCINNATI, OHIO; DAYTON-SPRINGFIELD, OHIO; AND COLUMBUS, OHIO, MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the above designated marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Dayton, Ohio, on February 17, 1964, pursuant to notice thereof which was issued February 5, 1964 (29 F.R. 2349).

The material issues on the record of the hearing relate to:

1. Modification of the fall production incentive plan; and

2. Whether an emergency exists which warrants the omission of a recommended decision and the opportunity for interested parties to file exceptions thereto and the immediate issuance of a final decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The seasonal production incentive plans in the three orders should be modified to make them identical as to both rates of withholding in the spring months and percentages of "pay-out" to be added to the uniform price in the fall months.

Each of the three orders provides a seasonal production incentive plan under which producer monies are set aside in computing uniform prices for the spring months and are later distributed to producers during the fall, or short production, months by addition to the uniform prices for such months.

Principal cooperatives in the three markets proposed, for each market, identical rates of accumulation ("take-out") of 20, 25, 25 and 20 cents per hundredweight of producer milk for the months of April, May, June and July, respectively. The orders presently provide the following rates of "take-out" per hundredweight on producer milk for the months of April, May, June and July, respectively: Cincinnati, 30, 35, 35 and 20 cents; Columbus, 35, 35, 35, 35; and Dayton-Springfield, 20, 35, 35 and 30 cents.

Proponents proposed no change in the rates used to compute the division of the accumulated funds over the four fall pay-back months of September, October, November and December, however, except to conform the rates in the Cincinnati order, which presently call for a return to producers at the rate of 25 percent of the fund in each of such four months, to the 20, 30, 30 and 20 percent rates for the respective months presently used in both the Columbus and Dayton-Springfield orders. The pay-back months would continue to be September, October, November and December in each market.

Proponents, in support of their request for the lower rates of "take-out" during the four spring months, stated that because of technological innovations in recent years dairy farmers have tended to even out their production throughout the year. Also, such innovations as bulk tank cooling and storage on the farms, new and improved milking systems, and other technical changes have established dairy farm costs on a more constant level throughout the year. Dairy farmers, therefore, have sought to maintain a more constant level of milk production throughout the year in order to maximize the use of production facilities and thus effect greater efficiency in the farm operation.

This development, they contend, has lessened the need for the wide variations which have resulted in recent years between the blend prices of the four spring months and the higher blend prices of the four fall months as an incentive to maintain a more even level of deliveries in the market. They claim that the fairly constant level of monthly fixed costs in today's dairy farm operations supports the need for somewhat higher blend prices for producer milk marketed during the April–July period in relation to other seasons.

Proponents state further that the proposed elimination of the differences among the markets' blend prices which are caused by the varying incentive plans would result in announced uniform prices for each market which are more basically related to conditions of supply and demand in the respective market. Thus, the blend prices resulting from application of a uniform incentive plan would provide producers in overlapping supply areas with a clearer guide as to the market where the need for milk is greatest in relation to Class I sales.

It is concluded that the rates of accumulation ("take-out") and the rates for distributing each fund ("pay-back") as proposed by the proponent cooperative associations should be adopted on a uniform basis for the three markets.

The purpose of the fall production incentive plan is to induce dairy farmers to increase fall production in relation to spring production, thus encouraging a more even pattern of milk deliveries throughout the year. The plan was incorporated in the Columbus order in 1952 and in the Dayton-Springfield and Cincinnati orders in 1953 and 1955, respectively. During the first three full years of the operation of the plan in the Columbus market, fall milk production (September through December) averaged 83 percent of production during the flush months of April through July. On the other hand, for the most recent three years the ratio of fall to spring production has averaged 94 percent, indicating a significant leveling of the seasonal swing in milk production in this market.

In the Dayton-Springfield market, the percentage ratio of producer milk receipts during the four fall months in relation to the four spring months was 83 percent in 1953, the first year the plan was in effect, 89 percent in 1954, and ranged from 94 to 96 percent during the four-year period of 1960–1963.

The leveling of production in the Cincinnati market shows similar improvement with an average fall-spring production percentage ratio of 90 percent for the recent three-year period of 1961–1963, as compared with a percentage ratio of 82 percent for the three-year period of 1956–1958.

Thus, a significant leveling in seasonal production has occurred in the three markets since the establishment of the fall incentive plan in such order. Certain technological changes also have occurred in the production and marketing of milk in recent years which have contributed to, and will tend to assure a continuation of, the trend in these markets toward more even milk production. At the time the fall incentive plans were incorporated in the orders milk production came from relatively smaller producing units and the delivery of milk from farm to market in cans was the general practice. The bulk tank system of farm cooling and delivery now is the prevailing method in these markets

(Dayton-Springfield market is 100 percent converted from can to bulk tank) and milk is supplied the market by fewer producers making larger daily deliveries.

Moreover, closer marketing relationship among the three markets has developed. There is considerable overlapping of milk supply areas for the three markets. The counties of Auglaize, Champaign, Clark, Fayette, Logan, and Union, in Ohio, for example, are a common milk supply area for the three markets. In certain other counties of Ohio also, and to some extent in Indiana, the milk supply area of one market overlaps with that of another of the three. Rather uniform health requirements among these markets, together with improved roads and transportation facilities for moving milk over greater distances, have contributed to the ease with which dairy farmers can shift from one market to another in seeking the most profitable outlet.

The differing rates used to compute the amounts of "take-out" and "pay-back" in the three markets have contributed to differences in the markets' blend prices which are not strictly related to differences in market utilization or the relative needs of the markets for milk supplies, and may have represented an artificial inducement to the producer who is seeking the best market price. There is reason to conclude that, to some extent at least, the three plans, working independently, have tended to give the Columbus and Cincinnati markets a procurement advantage over Dayton-Springfield in the months when milk is seasonally short. While the major objective of the seasonal incentive plan is not to establish intermarket alignment of blend prices, and should not be the primary means of achieving such price alignment, the adoption of a uniform plan for the three markets will provide a more consistent and equitable price basis on which such markets may attract necessary supplies on a year-round basis. The generally lower rates of "take-out" proposed by proponent cooperatives will tend to lessen somewhat the swing in spring-fall blend price relationships. The high ratio of fall to spring production shown to exist at present in each of the markets makes such a reduction feasible.

The proposed rate of pay-back, 20 percent in September, 30 percent in October, 30 percent in November and 20 percent in December is appropriate. This apportioning of the pay-back employs the particular months when production is most needed. In September, when the 20 percent amount is in effect, bottling requirements have not yet fully rebounded from seasonal summer lows. In October and November, when bottling milk is most needed, the incentive to produce will be greatest as the 30 percent pay-back becomes effective. At milk needs slacken somewhat in December because of fewer school sales and the holiday period, the incentive for production, at the 20 percent figure, is reduced.

The adoption of these rates for the three orders will have the effect of raising the level of the producer blend price per hundredweight of milk for the month of April 10 cents in the Cincinnati market and by 15 cents in the Columbus market. No change would be effected in the April blend price level in the Dayton-Springfield market. For the months of May and June the levels of blend prices in the three markets would be uniformly increased by 10 cents, and for July by 10 and 15 cents in the Dayton-Springfield and Columbus orders, respectively.

Since the adopted rates of "take-out" will result in smaller accumulated funds during the spring "take-out" period, they will likewise result in consequent lesser rates of "pay-back" during the fall months. If the proposed amendment had been effective in three markets during 1963, the rate of "pay-back" per hundredweight of producer milk for the months of September, October, November and December would have been lower than the actual rates: For the Cincinnati market, by 13, 3, 3 and 13 cents; for the Columbus market, by 12, 16, 16 and 11 cents; and for the Dayton-Springfield market, by 7, 10, 9 and 7 cents.

An alternate proposal offered by a handler was considered at the hearing. This proposal also would provide for a uniform plan in the three markets but would increase the "take-out" rate for Cincinnati and Dayton-Springfield to the 35 cents per hundredweight rate currently applicable in the Columbus market for each of the months of April, May, June and July. This plan would "pay-back" to producers in September, October, November and December on the basis of 25 percent of the market's total accumulated fund in each such month, as under the present Cincinnati order. Proponent handler gave as a principal supporting reason that the proposal would align the blend prices of the three markets more closely with the Gallipolis-Scioto District of the Tri-State market and with other nearby markets.

The effect of this proposal in the Cincinnati and Dayton-Springfield markets would be to lower the average level of blend prices for the April-July "take-out" period and raise the level for the September-December "pay-back" period as compared to those levels which would be effected by adoption of the producers' proposal or those now prevailing in the markets. This proposal would not change appreciably the existing levels of blend prices in the Columbus market.

The matter of intermarket price alignment is not the function of the fall incentive plan. Although consideration of the application of such a plan to a particular market must take into account the matter of price alignment with other markets, any primary effort to achieve such alignment necessarily involves other important factors related to the make-up of the class price formulas and the proportions of class utilization in the respective markets. Such factors were not subject to review in this hearing. The proposal is therefore denied.

(2) The omission of the recommended decision to expedite amendment procedure is not warranted.

At the hearing, proponent producers requested that emergency action be taken to amend the fall production incentive plans for the three orders as soon as possible. Specifically, it was requested that the Secretary omit the issuance of a recommended decision in order that amendment action might be expedited.

The Secretary may omit the recommended decision if he finds on the basis of the record that the timely execution of his functions imperatively and unavoidably requires such omission. In this instance, however, the order amendment would have no effect until the month of April of each year. Normal amendment procedure should accommodate this matter and therefore it is concluded that omission of the recommended decision is not warranted.

Rulings on proposed findings and conclusions. No briefs on proposed findings and conclusions were filed on behalf of interested parties.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Cincinnati, Ohio:

1. In § 1033.63, paragraphs (c) and (d) are revised to read as follows:

§ 1033.63 Computation of uniform prices.

* * * * *

(c) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(d) Add for each of the months of September, October, November and December 20, 30, 30 and 20 percent, respectively, of the total amount of the obligated balance in the producer-settlement fund pursuant to § 1033.71(b) on September 30 of such year;

Dayton-Springfield, Ohio:

1. In § 1034.62, paragraphs (b) and (c) are revised to read as follows:

§ 1034.62 Computation of uniform prices.

* * * * *

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 Cents in April, 25 cents in May and June, and 20 cents in July;

(c) Add for each of the months of September, October, November and December 20, 30, 30 and 20 percent, respectively, of the obligated balance in the producer-settlement fund pursuant to § 1034.73(b) on August 31, immediately preceding;

Columbus, Ohio:

1. In § 1035.61, paragraphs (b) and (c) are revised to read as follows:

§ 1035.61 Computation of uniform price.

* * * * *

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of milk received from producers during the month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(c) Add for each of the months of September, October, November and December 20, 30, 30 and 20 percent, respectively, of the total amount subtracted during the immediately preceding April–July period pursuant to paragraph (b) of this section;

Signed at Washington, D.C., on March 10, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-2483; Filed, Mar. 12, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Doc. 4041]

AIRWORTHINESS DIRECTIVES

Boeing Model 720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Boeing Model 720 Series aircraft. There have been several instances of failure of the bolts attaching the main landing gear centering cylinder and snubber assembly to the inner cylinder assembly and to the truck assembly. To correct this condition, this AD requires replacement of the existing bolts with larger diameter bolts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. All communications received on or before April 13, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to all Model 720 Series aircraft.

Compliance required as indicated.

Several failures of bolts attaching the main landing gear centering cylinder and snubber assembly to the inner cylinder assembly and to the truck assembly have occurred. To preclude further failures, the following or an equivalent approved by FAA Engineering and Manufacturing Branch, Western Region, shall be accomplished:

(a) Within the next 500 hours' time in service after the effective date of this AD, unless already accomplished:

(1) Replace the existing bolts attaching the main landing gear centering cylinder and snubber assembly to the inner cylinder assembly and to the truck assembly with larger diameter bolts specified in step (e) and in accordance with the provisions of the "NOTE" following step (e) of paragraph 3. Modification Data of Boeing Service Bulletin No. 1570. The provisions of Boeing Service Bulletin No. 1570A shall also be accomplished; or

(2) As an alternative, remove the existing 5/16 inch-diameter bolt, P/N's 63-9663 and 66-26031, and replace with 5/16 inch-diameter Standard Press Steel (SPS), P/N's 63425-9-24 and 63425-9-28 (H.T. 220,000 p.s.i. MIN.) respectively. The bolts are to be reworked in accordance with the instructions on Figure 1 of Boeing Service Bulletin No. 1570, or later approved revisions to Boeing Service Bulletin 1570.

(b) Within the next 3,000 hours' time in service after the effective date of this AD, accomplish the following, unless already accomplished:

(1) Remove existing bolts, P/N's 63-9663 and 66-26031.

(2) Rework terminal and inner cylinder lug per Figures 3 and 5 and steps 3b and 3c of Boeing Service Bulletins Nos. 1570 and 1570A respectively.

(3) Rework truck assembly lug per Figure 4 and step 3d of Boeing Service Bulletins Nos. 1570 and 1570A.

(4) Reinstall centering cylinder and snubber assembly using bolts 66-15739-1 and 66-15739-2 as shown in Figure 2 of Boeing Service Bulletin No. 1570.

(c) The operations in (a)(1) or (a)(2) need not be accomplished if the provisions of (b) are accomplished prior to the next 500 hours' time in service following the effective date of the AD.

(Boeing Service Bulletins Nos. 1570 and 1570A cover this same subject.)

Issued in Washington, D.C., on March 6, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2437; Filed, Mar. 12, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket. No. 4040]

AIRWORTHINESS DIRECTIVES

Pratt & Whitney R-2800 "B" Series Engines

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive to Pratt & Whitney R-2800 "B" Series engines. Several instances of exhaust valve failures have occurred. To correct this condition, this AD requires replacement of the original exhaust valves with improved valves.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20553. All communications received on or before April 13, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

PRATT & WHITNEY. Applies to all Models R-2800-21, -27, -31, -43, -51, -51M4, -59, -63, -71, -75, -75M2 and -79 Series engines.

Compliance required within 800 hours' time in service after the effective date of this AD.

Because of instances of exhaust valve failures, replace the P/N 44764 exhaust valves with P/Ns 50724 or 158175 exhaust valves.

Issued in Washington, D.C., March 6, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2438; Filed, Mar. 12, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release 40-3922]

REGISTERED MANAGEMENT INVESTMENT COMPANIES

Proposed Bonding of Officers and Employees

Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of 17 CFR 270.17g-1 pursuant to sections 17(g) and 38(a) of the Investment Company Act of 1940 ("Act"). The proposed amendment relates to notification to be sent to the Commission of the cancellation, termination or modification of, or of any claim of loss under, any fidelity bond issued to a registerd management investment company against larceny or embezzlement by one or more of its officers and employees.

Section 17(g) of the Act authorizes the Commission to require by rules and regulations, for the protection of investors, that any officer and any employee of a registered management investment company be bonded by a reputable fidelity insurance company against larceny or embezzlement if such officer or employee has access, singly or jointly with others, to securities or funds of any registered company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities.

Section 270.17g-1, as now in effect, in general, requires that there shall be fidelity bonds in such reasonable amount as a disinterested majority of the board of directors may determine, subject to modification by the Commission as to the amount, type, form and coverage of such bonds. It also requires that a copy of the bond be filed with the Commission and that the investment company notify the Commission immediately upon cancellation or termination of each such bond.

As a result of the experience gained by the Commission in its administration and enforcement of the Act, including the experience derived from staff inspections of registered investment companies, it appears to the Commission that its existing rule may require amendment to include provisions which will result in adequate notice to the Commission in the event of cancellation, termination or modification of the bond or of defalcation by an officer or employee of a registered investment company, in order that the Commission may be in a position to reach informed judgments with respect to the exercise of the powers and responsibilities conferred on the Commission by the Act. Accordingly, the Commission considers that it may be in the interest of investors to amend § 270.17g-1 to provide for notification to the Commission by the fidelity insurance company in the event of cancellation, termination or modification of, or of a claim of loss under, the bond. In addition, the amended rule would require that the board of directors of the investment company determine the adequacy of the bond at least once each year.

The text of § 270.17g-1 as it is proposed to be amended, is as follows:

§ 270.17g-1 Bonding of officers and employees of registered management investment companies.

(a) Each registered management investment company shall provide and maintain a bond issued by a reputable fidelity insurance company, authorized to do business in the place where the bond is issued, against larceny and embezzlement, covering each officer and employee of the investment company, who may singly, or jointly with others, have access to securities or funds of the company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities. Such bond may be in the form of an individual bond for each such person or a schedule or blanket bond covering all such persons and shall contain provisions, in substance, as follows: The insurance company issuing the bond shall notify the Commission immediately upon the cancellation, termination or modification thereof and at the same time shall send a copy of such notification personally to each member of the board of directors of the insured investment company. Within fifteen days after the filing by a registered management investment company of a claim for loss resulting from larceny or embezzlement by any officer or employee of such company, the insurance company issuing the bond shall notify the Commission in writing of the nature and amount of any such claim. At the time the claim is settled, the insurance company shall send a copy of the terms of the settlement to the Commission.

(b) Each such bond shall be in such reasonable amount as a majority of the board of directors of the investment company who are not such officers and employees thereof shall determine, with due consideration to the value of the aggregate assets of such company to which any such officer or employee may have access, the type and terms of the arrangements made for the custody and safekeeping of such assets, and the nature of securities in the company's portfolio. This determination shall be made at least once each year. Notwithstanding any such determination the Commission may in any case, by order after appropriate notice and opportunity for hearing, prescribe minimum reasonable amounts, including the type, form and coverage, of a bond or bonds for each such officer and employee or each class of such officers and employees.

(c) A copy of each resolution of the board of directors of the investment company determining the amount, type, form and coverage of each such bond and a copy of the bond and of each amendment thereto shall be filed with the Commission within ten days after the execution of each bond together with a statement by an officer of the company as to the period for which the premiums for such bond have been paid.

(d) Where the investment company is an unincorporated company managed by a depositor or investment adviser, the terms "officer" and "employee" shall include, for the purposes of this rule, the depositor or investment adviser and its officers and employees.

All interested persons are invited to file, in triplicate, views and comments with respect to the proposed amendment. They should be submitted to the Securities and Exchange Commission, Washington, D.C., 20549, on or before April 3, 1964. All such communications should refer to Investment Company Act Release No. 3922, and they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 3, 1964.

[F.R. Doc. 64-2442; Filed, Mar. 12, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 35]

ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS AND U.S. COORDINATOR FOR ALLIANCE FOR PROGRESS

Delegation of Authority

By virtue of the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961, from the Secretary of State (26 F.R. 10608), I hereby delegate to the Assistant Secretary of State for Inter-American Affairs of the Department of State and U.S. Coordinator for the Alliance for Progress, all of the authorities now or hereafter delegated to or vested in the Assistant Administrator for Latin America of the Agency for International Development by or under any delegation of authority, regulation, directive, notice or other issuance of the Agency for International Development or any other agency of competent jurisdiction.

This delegation of authority shall be effective immediately.

Dated: March 4, 1964.

DAVID E. BELL,
Administrator.

[F.R. Doc. 64-2456; Filed, Mar. 12, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

Amended Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an amendment to their application, Washington 0844, for the withdrawal of lands described below, from all forms of location, prospecting, or entry under the general mining laws. The applicant desires the land for recreational purposes. The notice of the proposed withdrawal was published as Federal Register Document No. 55-2634 on pages 2037, 2038 and 2039 of the issue for March 31, 1955.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Washington.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The applicant agency desires to amend their application to include the following lands:

WILLAMETTE MERIDIAN

GIFFORD PINCHOT NATIONAL FOREST

Government Mineral Springs Recreation Area Addition

T. 5 N., R. 6 E., Unsurveyed,
Sec. 25, N½SE¼, SE¼SE¼.

Iron Creek Recreation Area Addition

T. 11 N., R. 7 E.,
Sec. 18, Lot 5.

Mosquito Lakes Guard Station and Recreation Area Addition

T. 7 N., R. 8 E., Unsurveyed,
Sec. 1, W½NW¼.

Tower Rock Administrative Site and Recreation Area Addition

T. 11 N., R. 8 E., Unsurveyed,
Sec. 18, SW¼SE¼ excluding patented HES 50 and 179.

Aggregate area—253.95 acres, approximately.

MOUNT BAKER NATIONAL FOREST

Pilchuck Road Roadside-Zone Addition

A strip of land 165 feet on each side of the surveyed center line of said road through the following subdivisions:

T. 30 N., R. 8 E.,
Sec. 15, SW¼;
Sec. 16, S½;
Sec. 18, S½SE¼SE¼.

Lake Kelcema Organization Campsite Addition

T. 30 N., R. 9 E.,
Sec. 1, N½SW¼SW¼.

South Fork Stillaguamish Highway Road Zone Addition

A strip of land 330 feet on each side of the surveyed center line of said road through the following subdivisions:

T. 30 N., R. 10 E.,
Sec. 22, N½SW¼, SE¼SW¼, SW¼SE¼.

Sunnyside-Red Bridge Recreation Area

T. 30 N., R. 9 E.,
Sec. 21, N½S½.

Baker Hot Springs Recreation Area

T. 38 N., R. 9 E., Unsurveyed,
Sec. 20, SW¼NW¼SW¼.

Dans Creek Road Roadside-Zone Addition

A strip of land 165 feet on each side the surveyed center line of said road through the following subdivisions:

T. 31 N., R. 10 E.,
Sec. 1, SW¼SW¼;
Sec. 2, NE¼SE¼, S½SE¼;
Sec. 4, S½SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼, N½NE¼;
Sec. 11, NW¼, W½NE¼, SE¼NE¼, N½SE¼;
Sec. 12, NW¼, N½SW¼, SW¼SW¼.
T. 32 N., R. 10 E.,
Sec. 17, Lots 3, 8, S½NW¼;
Sec. 18, E½NW¼, NE¼SE¼, S½NE¼, SE¼NE¼NE¼, SE¼NE¼NE¼.

Whitechuck Road Roadside-Zone Addition

A strip of land 330 feet on each side of the surveyed center line of said road through the following subdivisions:

T. 31 N., R. 10 E.,
Sec. 13, S½NE¼, N½SE¼, SW¼SE¼, N½SW¼, SE¼SW¼;
Sec. 14, Lot 12.
T. 31 N., R. 11 E.,
Sec. 14, SE¼SE¼, N½SE¼, S½NE¼, NE¼SW¼, S½NW¼, NW¼NW¼;
Sec. 15, NE¼, N½SW¼, S½NW¼, NE¼NW¼;
Sec. 16, N½SE¼, S½NE¼, NW¼NE¼, NW¼;
Sec. 17, N½;
Sec. 18, NE¼, S½NW¼, NE¼NW¼.

Kennedy Hot Springs Recreation Area

T. 30 N., R. 12 E.,
Sec. 1, E½SE¼NE¼.
T. 30 N., R. 13 E.,
Sec. 6, W½SW¼NW¼.

Sloan Creek Recreation Area Addition

T. 30 N., R. 12 E.,
Sec. 29, E½NE¼SW¼, W½NW¼SE¼.

Aggregate area—1,835 acres, approximately.

OLYMPIC NATIONAL FOREST

Snider Recreation Area Addition

T. 30 N., R. 11 W.,
Sec. 28, Lot 1.

South Sitkum Recreation Area Addition

T. 28 N., R. 12 W.,
Sec. 6, Lot 3.

Aggregate area—41.02 acres.
Total aggregate area—2,129.97 acres, approximately.

JOHN E. BURT, JR.,
Officer in Charge.

[F.R. Doc. 64-2451; Filed, Mar. 12, 1964; 8:47 a.m.]

Geological Survey

ALASKA

Outer Continental Shelf; Geological and Geophysical Exploration

Notice is hereby given that any person, as defined in section 2(d) of the Outer

Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462), is hereby authorized to conduct geological and geophysical explorations in that part of the Outer Continental Shelf seaward of the submerged lands of the State of Alaska upon condition (1) that he obtain a permit for such operations from the Regional Oil and Gas Supervisor of the United States Geological Survey, Anchorage, Alaska, (2) that his operations shall be confined to such area or areas as may be designated in the permit, and (3) that for the protection and conservation of aquatic life he files with the said Regional Oil and Gas Supervisor his stipulation agreeing to comply with such requirements governing the methods of and restrictions upon geological and geophysical explorations in the designated area or areas as are acceptable to the Regional Oil and Gas Supervisor.

The Regional Oil and Gas Supervisor is authorized to cooperate with the State authorities and to utilize State inspection services for the protection of aquatic life.

This general authorization to conduct geological and geophysical explorations shall become effective 10 days after publication and is subject to termination upon not less than 60 days notice published in the FEDERAL REGISTER. The authorization to conduct such explorations may be terminated as to any person upon reasonable notice. Any party conducting this type of exploration obtains no preference to an oil and gas lease.

(Sec. 11, Stat. 469; 43 U.S.C. 1340)

Dated: March 7, 1964.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 64-2450; Filed, Mar. 12, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHARD V. FORD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 24, 1964.

Dated: February 24, 1964.

RICHARD V. FORD.

[F.R. Doc. 64-2469; Filed, Mar. 12, 1964; 8:48 a.m.]

MARVIN S. PLANT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 15, 1964.

Dated: February 17, 1964.

MARVIN S. PLANT.

[F.R. Doc. 64-2470; Filed, Mar. 12, 1964; 8:48 a.m.]

RICHARD P. STEINER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 21, 1964.

Dated: February 24, 1964.

RICHARD P. STEINER.

[F.R. Doc. 64-2471; Filed, March. 12, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-170]

ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3, set forth below, to Facility License No. R-84. The license authorizes Armed Forces Radiobiology Research Institute to operate its DASA-TRIGA Mark F nuclear reactor located on the National Naval Medical Center site in Bethesda, Maryland. The amendment increases to 4.5 kilograms from 4.0 kilograms the amount of uranium-235 which Armed Forces Radiobiology Research Institute is authorized to receive, possess, and use in connection with operation of the reactor.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, and (2) the licensee's application for license amendment dated February 17, 1964, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request, addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 3d day of March 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE

DOCKET NO. 50-170

Amendment to Facility License

License No. R-84
Amendment No. 3

License No. R-84, as amended, issued to Armed Forces Radiobiology Research Institute is hereby amended in accordance with the application amendment dated February 17, 1964, in the following respects:

Paragraph 3.B. of License No. R-84 is revised in its entirety to read as follows:

3.B.—Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material" to receive, possess, and use up to 4.5 kilograms of contained uranium 235 for use in connection with operation of the reactor.

This amendment is effective as of the date of issuance.

Date of issuance: March 3, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-2459; Filed, Mar. 12, 1964; 8:48 a.m.]

[Docket No. 50-193]

RHODE ISLAND AND PROVIDENCE PLANTATIONS ATOMIC ENERGY COMMISSION

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to May 30, 1964, the latest completion date specified in Construction Permit No. CPRR-73 for the construction of a one megawatt thermal pool-type nuclear reactor at Fort Kearney in Narragansett, Rhode Island.

Copies of the Commission's order and the application for extension filed by Rhode Island and Providence Planations Atomic Energy Commission are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 6th day of March 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-2460; Filed, Mar. 12, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14945; Order E-20562]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Regarding Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of March 1964.

An agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to rates; Docket No. 14945, Agreement C.A.B. 17479, R-30.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement amends Resolution 590—Commodity Rates Board, regarding the Intermediate Point Rule, to permit the application of specified commodity rates to intermediate points within the United Kingdom.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution JT12(Mail 355)590, which is incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement C.A.B. 17479, R-30, be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2472; Filed, Mar. 12, 1964; 8:49 a.m.]

[Docket No. 14945; Order E-20563]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of March 1964.

An agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket No. 14945, Agreement C.A.B. 17633, R-2.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590t (Extension of Commodity Rates).

The agreement, adopted pursuant to unprotested notices to the carriers, names an additional specific commodity rate as follows:

Item 8421—Films, unexposed.
Rate: 331 cents per kilogram, minimum weight 200 kilograms, from New York/Boston to Johannesburg.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered, That Agreement C.A.B. 17633, R-2, is approved provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2473; Filed, Mar. 12, 1964; 8:49 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN POSITIONS IN JUNEAU, ALASKA

Cancellation of Special Salary Rates

Effective at the beginning of the first pay period which commences on or after April 1, 1964, special salary rates for the following positions in Juneau, Alaska, published in the FEDERAL REGISTER of October 8, 1960, page 9689, are cancelled:

Card Punch Operator, GS-356-3
Electric Accounting Machine Operator, GS-359-3 and 5
Electric Accounting Machine Project Planner, GS-362-5

The pay of an employee on the rolls in the special rates will be adjusted to the rate on the regular range for his grade which is equal in dollar amount to his existing rate, or if there is no equal dollar amount, the lowest rate which will not result in a pay decrease. If an employee is currently paid a rate on one of these special ranges which is in excess of the maximum rate for the grade on the regular rate range, he will continue to receive his existing rate as a rate above the maximum for the grade.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-2468; Filed, Mar. 12, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-EA-3]

E. ANTHONY AND SONS, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a

study (EA-OE-3894) to determine its effect upon the safe and efficient utilization of navigable airspace.

E. Anthony and Sons, Inc., New Bedford, Massachusetts, proposes to increase by 154 feet the height of an existing radio antenna structure near West Yarmouth, Massachusetts, at latitude 41° 38'07" north, longitude 70°14'06" west. The new overall height of the structure would be 371 feet above mean sea level (366 feet above ground).

The proposed structure would be located approximately 16,000 feet southeast of the southeast end of runway 15/33 at Barnstable Airport and would be within the boundaries of VOR Federal airways Nos. 141 and 167. It would exceed the standards for determining hazards to air navigation as defined in § 77.22(a)(2), of the Federal Aviation Regulations by 166 feet since it would be more than 200 feet above ground at the site of construction.

The aeronautical study disclosed that the structure would be located approximately 1,000 feet inland from the south shoreline of Cape Cod, and one mile east of a direct route between Nantucket, Massachusetts, and Barnstable, Massachusetts, Airports just outside the Hyannis Control Zone. The shoreline is a natural visual flight rules route around Cape Cod Bay and along the north side of Nantucket Sound. Since most VFR pilots are reluctant to fly over water for an extended period of time, aircraft operating from Provincetown, Massachusetts, Airport and other airports on the east side of the bay will generally use the shoreline as a visual navigational aid. When en route to the mainland, if visibility is restricted, these aircraft will cross to the south side of Cape Cod to avoid Otis Air Force Base with its associated climb corridor and restricted area. The south shoreline is also commonly used by aircraft flying between the Chatham, Massachusetts, Airport and the mainland.

The route between Nantucket and Barnstable is frequently used by VFR aircraft. Sea fog conditions, which are peculiar to this area, often cause aircraft en route from Nantucket to hold in the vicinity of the tower site, clear of the control zone, while awaiting a special VFR clearance to proceed inland to the Barnstable Airport. These aircraft may fly lower than 500 feet so as to maintain visual contact with a specific location. It is recorded in the Agency publication Air Traffic Patterns for VFR General Aviation, that during fiscal year 1962 approximately 880 flight plans were filed for aircraft planning flight between these two airports.

The study further disclosed that there were 1,587 instrument operations at Barnstable Airport for the period June through September 1963. Of this number approximately 80 percent or 1,270 were conducted as special VFR operations.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aeronautical operations in the area southeast of Barnstable Airport and along the south shoreline of Cape Cod, since at the proposed height it would be detrimental to the safety of aircraft in flight.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 (New)), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (New)) 27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on March 4, 1964.

GEORGE R. BORSARI,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 64-2439; Filed, Mar. 12, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15312-15315; FCC 64M-196]

ALL-FLORIDA COMMUNICATIONS CO. ET AL.

Order Continuing Hearing

In re applications of Alan H. Rosenson, d/b as All-Florida Communications Company, Docket No. 15312, File No. 2437-C2-MP-63, for modification of a construction permit for station KIN645 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Benjamin Cutler, Docket No. 15313, File No. 3320-C2-P-63, for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida; Abe Schonfeld, d/b as Tel-Car, Docket No. 15314, File No. 3536-C2-P-63, for a construction permit for station KIB527 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Professional Radio Service Corporation, Docket No. 15315, File No. 5080-C2-P-63, for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida.

As a result of an agreement reached at a hearing conference held March 4, 1964, in the above-entitled proceeding: *It is ordered*, This 6th day of March 1964, that the hearing originally scheduled to commence April 2, 1964, is hereby rescheduled to commence at 10:00 a.m., May 12, 1964, in the Commission's offices, Washington, D.C.

Released: March 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2475; Filed, Mar. 12, 1964; 8:49 a.m.]

[Docket No. 15362; FCC 64-197]

GRAYSON ENTERPRISES, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Grayson Enterprises, Incorporated, Big Spring, Texas, Docket No. 15362, File No. BPCT-3029; for construction permit to increase power, change transmitter site, and make other changes in facilities of Station KWAB-TV (formerly KEDY-TV), Big Spring, Texas.

1. The Commission has before it for consideration: (a) The above-captioned application of Grayson Enterprises, Incorporated (Grayson), licensee of Station KWAB-TV (formerly KEDY-TV), Channel 4, Big Spring, Texas; (b) "Petition to Deny" filed June 4, 1962, by Midessa Television Co., Inc. (Midessa), licensee of Station KMID-TV, Channel 2, Midland, Texas; (c) "Petition to Deny" filed June 6, 1962, by Midland Telecasting Company (Midland), permittee of Station KDCD-TV, Channel 18, Midland, Texas; (d) "Petition to Deny" filed June 6, 1962, by Southwest States, Inc. (Southwest), licensee of Station KOSA-TV, Channel 7, Odessa, Texas; (e) "Opposition to Petitions to Deny" filed July 16, 1962, by Grayson[1]; (f) Reply filed September 4, 1962, by Southwest to (e), above; (g) Reply filed September 4, 1962, by Midessa to (e), above.

2. By its application, Grayson seeks authority to change the site of the transmitter of Station KWAB-TV from Big Spring to a point approximately 22 miles southwest of Big Spring and 16 miles southeast of Midland, Texas, to increase power from 12.9 kw to 100 kw, to increase antenna height from 380 feet to 1,124 feet, and to make other changes. The applicant would continue to maintain its studio in Big Spring. Operating as proposed, Station KWAB-TV would, for the first time, place a signal intensity of 74 dbu over Midland and a Grade A signal over Odessa. Station KWAB-TV is presently operated as a semi-satellite of Station KLBK-TV (formerly KDUB-TV), Lubbock, Texas, and, according to the licensee, is operating at a profit. The licensee also owns and controls Station KSYD-TV, Wichita Falls, Texas, and owns the facilities of Station KPAR-TV, Sweetwater, Texas. The facilities of Station KPAR-TV are leased by Grayson to Texas Key Broadcasters, Inc., and Grayson has no control over the operation of that station, although Station KPAR-TV picks up its network programming from Station KLBK-TV, Lubbock.

3. Station KWAB-TV is the only television broadcast station in Big Spring, and its present City Grade contour is confined to Howard County, in which Big Spring is located, and a small portion of northern Glasscock County. Station KWAB-TV now places a Grade B signal over Midland, Texas. The Midland-Odessa area presently receives television service from three VHF stations (KMID-TV, Channel 2, Midland; KOSA-TV, Channel 7, Odessa; and KVKM-TV, Channel 9, Monahans, Texas). In addition, there is one UHF station (KDCD-TV, Channel 18, Midland) authorized but not operating.

4. Petitioners allege standing as parties in interest under the doctrine of Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470 (1940) on the basis that, as licensees and/or permittees in the area, they will suffer economic injury because of the division of available revenues in the area, in the event of a grant of the Grayson application. Concerning the merits of the proposal, the petitioners' allegations may be briefly summarized as follows: (1) The proposed move of Station KWAB-TV in the direction of Midland and Odessa would violate the provisions of § 73.685(a) of the Commission's rules because, operating as proposed, Station KWAB-TV would not place a 74 dbu signal over the entire city of Big Spring; (2) the proposed move would violate § 73.685(b) of the rules because of shadow losses and the failure of a line-of-sight from the antenna over Big Spring; (3) the proposal represents an attempt by Grayson to make Station KWAB-TV a Midland-Odessa station rather than a Big Spring station, in contravention of § 73.606(b) of the rules; (4) the proposed move would result in a substantial increase of the existing overlap between Stations KWAB-TV and KLBK-TV (Lubbock) and the applicant's ownership and control of Stations KWAB-TV, KLBK-TV, and KSYD-TV, all in western Texas, would constitute a concentration of control, all in contravention of § 73.636 of the rules. It is also charged that the applicant has successfully negotiated for an ABC affiliation because of the "dominant position" which it enjoys by virtue of its alleged concentration of control; (5) the proposed move would introduce another VHF service into the Midland-Odessa area, an area already receiving a multiplicity of VHF service, and would leave the underserved area northeast of Big Spring without adequate service, all in contravention of section 307(b) of the Communications Act; (6) there has been no showing that the applicant's program proposal would meet the needs and interests of the area proposed to be served; and, finally, (7) based on past experience, the combined total revenues for the three VHF stations in the Midland-Odessa area have not exceeded approximately $1,525,000 per year, whereas, on the basis of the average annual expenses of Station KOSA-TV, the combined total annual expenses of the three stations may be estimated at approximately $2,280,000. Thus, it is alleged, the introduction of an additional VHF service into the area where economic support is, at best, marginal, would further divide the available revenues with resultant economic injury to the existing stations and, ultimately, to the public interest. The petitioners request that the application be designated for hearing upon specified issues.

5. In its opposition to the petitions, Grayson first asserts that the petitions are defective and not entitled to consideration because they are not supported by proper affidavits, are based on information and belief, and otherwise do not comply with the requirements of section 309(d) of the Communications Act. Grayson insists that a grant would be in the public interest because Station KWAB-TV could operate as an independent station rather than as a satellite, that it could offer a full line of ABC network programming which is not now available in the area,[2] that the site chosen is the optimum site in the area, being located in one of only two areas recommended by the Federal Aviation Agency, the other area being North Northeast of Big Spring, the use of which would substantially increase the existing overlap with Station KLBK-TV, and that the proposed operation would increase the number of persons receiving Grade A and Grade B service without depriving anyone of service now being received.

6. Grayson disputes the alleged violation of § 73.685 on the grounds that petitioners' engineers have utilized methods of calculation which are not proper for the height of the tower proposed. Grayson further contends that there is no basis for the asserted violations of § 73.636 of the rules since the overlap between the proposed Station KWAB-TV Grade B contour and the Station KLBK-TV Grade B contour would amount to only 6.1 percent of the population and 16.8 percent of the area of the Station KLBK-TV Grade B contour and therefore cannot be characterized as "substantially the same area". Grayson categorically denies that it enjoys a dominant position and that a grant of its application would constitute a concentration of control. Grayson also states that there has been no guarantee or commitment from ABC as to the extent of programs which would be ordered over Station KWAB-TV nor has there been any understanding with ABC regarding an exclusive affiliation with Station KWAB-TV. Grayson argues that consideration of the alternate site, as urged by Southwest, would be inconsistent with the Commission's decision in the Wometco case (Scripps-Howard Radio, Inc., 32 FCC 59, reversed and remanded sub nom Wometco Enterprises, Inc. v. Federal Communications Commission, 314 F. 2d 266). Concerning petitioners' charges that Station KWAB-TV seeks to become a Midland-Odessa station in circumvention of § 73.606 of the rules, Grayson points out that it plans to retain its studio in Big Spring, does not intend to open any other studio, intends to concentrate on serving Big Spring with local programming, and would not provide local programming to Midland-Odessa although it recognizes its obligation to serve that area.

7. We think that it is clear that the petitioners have standing as parties in interest under the Sanders case, supra. We have also carefully examined the affidavits submitted with the petitions and we find that, with the exception of that filed by Midland, they are in compliance with the requirements of section 309(d) of the Communications Act and that they are therefore entitled to full consideration. The Midland petition is not supported by affidavit as required by section 309(d)(1) of the Communications Act and § 1.580(i) of the Commission's rules. It will, therefore, be dismissed. In view of the fact that Midland has not been on the air since January 1962, because of financial problems, it does not seem likely that the proposed move by Grayson would add significantly to Midland's present difficulties. Although the Commission remains constant in its determination to aid the development of UHF broadcasting wherever possible, we are of the opinion that no useful purpose would be served by specifying an issue on our own motion as to possible impact on UHF.

8. Grant of the Grayson application is also opposed on the grounds that the applicant, although proposing to place a City Grade signal over Midland and a predicted Grade A signal over both Midland and Odessa, has made no effort to ascertain the needs and interests of the people of these communities and the surrounding area. Indeed, the applicant itself states:

> [Grayson] intends to concentrate on serving Big Spring with its local programing and, on the assumption that KMID-TV and KOSA-TV are providing service to meet the local needs of their respective communities, would not plan to concentrate on providing local service to those communities, although it would of course serve its entire area. (Grayson "Opposition to Petitions to Deny", page 20.)

and, further:

> We intend to retain the station as a Big Spring station providing a local program service primarily for Big Spring, although we of course recognize and will undertake to meet our obligation to provide service for the entire service area. But since there is a local station in Midland and a local station in Odessa, we would not plan to concentrate on providing local service to those communities although we would be responsive to requests for service if the local stations there were unable to provide it. (Affidavit of Sidney A. Grayson, page 9.)

It is by no means clear whether the applicant has attempted to ascertain the neds and interests of Midland and Odessa, nor has it indicated how it proposes to meet those needs and interests. Accordingly, an issue will be specified concerning this matter.

9. With respect to the alleged violations of § 73.685 of the rules, there appears to be a bona fide factual dispute between reputable engineers as to the methodology to be employed in determining whether line-of-sight will be obtained over Big Spring and whether the minimum required signal intensity of 74 dbu will be placed over the whole of Big Spring. An issue with respect thereto will, accordingly, be specified. The peti-

[1] The applicant and each of the petitioners requested, and were granted, extensions of time within which to file various pleadings.

[2] At the time of the filing of the pleadings, it was true that a full line of ABC network programing was not available in the area. It appears, however, that at this time, Station KVKM-TV, Monahans, is offering a full ABC lineup in the area.

tioners also contend that a grant of the Grayson application would contravene the provisions of § 73.636 of the rules, both with regard to "duopoly" and concentration of control, and section 307(b) of the Communications Act and § 73.606 (b) of the rules on the grounds that a grant of the application would effectively make Station KWAB–TV a Midland-Odessa station. We believe that sufficient facts have been alleged to warrant issues with respect to these matters.[1]

10. Petitioners have alleged that Grayson, by virtue of its "dominant position", has successfully negotiated with ABC for an improved network affiliation agreement for Station KWAB–TV, and request an issue to determine the terms of, and circumstances surrounding, the alleged agreement. The allegations of the Midessa petition in this respect are made only on information and belief rather than on personal knowledge as required by section 309(d) (1) of the Communications Act and § 1.580(i) of the rules. Therefore, such allegations are insufficient to warrant specification of the requested issue. However, if such an agreement exists and it is, as Midessa suggests, a manifestation of Grayson's dominance in the area, evidence with respect thereto, to the extent that it may be competent, may be adduced under Issue 3 herein. Accordingly, no separate issue will be specified.

11. It has also been alleged that the Midland-Odessa market is unable to support three television stations, much less a fourth, and that a fourth station would necessarily result in severe economic injury to the existing stations, and, ultimately, in injury to the public interest. The factual recitations made by petitioners in support of these conclusions are too general, speculative, and are not sufficiently related to the economics of broadcasting to raise a substantial question as to the ability of the area involved to support another broadcast station without loss or degradation of service to the public.[4] Accordingly, we find that no issue with respect thereto is warranted.

12. Finally, Southwest has suggested the use by the applicant of a site in an area North Northeast of Big Spring, from which, it is alleged the public interest, convenience and necessity would be better served than from the site proposed by the applicant. Grayson states that, in response to its request for assistance in selecting a site, the Federal Aviation Agency recommended only two areas, the bounds of both of which are well-defined. The first area, southwest of Big Spring, includes the site proposed by the applicant; the second area, triangular in shape, is located approximately 18 miles North Northeast of Big Spring and encompasses about 14 square miles. Grayson concedes that, operating as proposed, an increase will result in the existing overlap of Station KWAB–TV's predicted Grade B contour with Station KLBK–TV's Grade B contour and there will also be a slight overlap of the Station KWAB–TV predicted Grade B contour and the Station KLBK–TV Grade A contour. On the other hand, Grayson contends that operating from a site in the alternate area, the overlap which would result between the Station KWAB–TV and Station KLBK–TV contours would be so substantial that, in effect, it would render operation from such a site impracticable. Therefore, Grayson urges that the only available site which would permit "substantial use of the channel" is the site specified in its application.

13. It is immediately apparent that a substantial factual question is raised as to whether or not there is actually an alternate site available to the applicant. Assuming that there is, there will be an increase in the existing overlap irrespective of the site from which the applicant operates. In order to permit a proper evaluation of the effect on the public interest of the applicant's proposal, it will be necessary to have all of the facts concerning operation from the alternate site, e.g., the areas and populations which could be expected to gain or lose television service and the extent of overlap of the Station KWAB–TV and KLBK–TV service contours.[5] Accordingly, appropriate issues with respect to these matters will be specified.

In view of the foregoing, except as indicated by the issues specified below, the Commission finds that the applicant is legally, technically, financially and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communciations Act of 1934, as amended, the above-captioned application of Grayson Enterprises, Incorporated, is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether a grant of the above-captioned application would be consistent with the provisions of § 73.685 of the Commission's rules with respect to shadow losses, line-of-sight, and delivery of a minimum field intensity signal of 7 dbu over the entire city of Big Spring, Texas, and, if not, whether circumstances exist which would warrant a waiver of said section.

2. To determine whether a grant of the above-captioned application would be consistent with § 73.606(b) of the Commission's rules with respect to the allocation of television broadcast channels and section 307(b) of the Communications Act of 1934, as amended, with respect to the fair, efficient, and equitable distribution of radio service among communities.

3. To determine whether a grant of the above-captioned application would be consistent with the provisions of § 73.636 of the Commission's rules.

4. To determine the efforts made by Grayson Enterprises, Incorporated, to ascertain the programing needs and interests of the area to be served and the manner in which the applicant proposes to meet such needs and interests.

5. To determine the areas and populations which may be expected to gain or lose television service from the proposed operation of Station KWAB–TV, the availability of other television service to such areas and populations, and the extent of the overlap of the service contours of Television Broadcast Stations KWAB–TV and KLBK–TV, including the areas and populations within such overlap area.

6. To determine the areas and populations which could be expected to gain or lose television service, the availability of other television service to such areas and populations, and the extent of the overlap of the service contours of Stations KWAB–TV and KLBK–TV, which could be expected to attend operation by the applicant from a site in the alternate area approximately 18 miles North Northeast of Big Spring, Texas.

7. To determine, in the light of the evidence adduced pursuant to Issue 6, above, whether there is available to the applicant a site in the alternate area from which City Grade service can be provided to Big Spring, Texas.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application of Grayson Enterprises, Incorporated, would serve the public interest, convenience and necessity.

It is further ordered, That the "Petition to Deny" filed by Midland Telecasting Company is dismissed; and

It is further ordered, That Midessa Television Co., Inc., and Southwest States, Inc., are made parties to the proceeding; and

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 6 herein is hereby placed upon Southwest States, Inc.; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the parties respondent herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order; and

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 4, 1964.

Released: March 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2476; Filed, Mar. 12, 1964; 8:49 a.m.]

[1] The Commission has, in the past specified issues relating to whether the grant of an application involving overlap of Grade B contours would be consistent with the provisions of § 73.636 of the rules (Jefferson Standard Broadcasting Company et al., Docket Nos. 13072–5, FCC 60–21). With respect to a determination as to whether the applicant's proposal represents a fair, efficient and equitable use of radio service, the applicant itself has caused the question as to what conditions would permit "substantial use of the channel" (Grayson's "Opposition", para. 29 thereof).

[4] See KXO–TV, Inc., FCC 63–759; Missouri-Illinois Broadcasting Co., FCC 63–650; Tree Broadcasting Co., FCC 63–673.

[5] Such evidence will be considered only in relation to the applicant's present proposal without regard to whether an application specifying a site in the alternate area would serve the public interest, convenience, and necessity.

[Docket Nos. 15282, 15283; FCC 64M–187]

GREYLOCK BROADCASTING CO. AND WBEC INC.

Order Continuing Hearing

In re applications of Greylock Broadcasting Company, Pittafield, Massachusetts, Docket No. 15282, File No. BPH–4148; WBEC, Incorporated, Pittsfield, Massachusetts, Docket No. 15283, File No. BPH–4154; for construction permits.

A prehearing conference having been held on March 6, 1964, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order;

It is ordered, This 6th day of March 1964, That:

(1) The direct affirmative cases of the applicants shall be presented orally, provided that either applicant may present so much of its direct written case as it may desire in the form of sworn, written exhibits;

(2) That copies of the applicants' exhibits on the engineering phases of their cases shall be informally exchanged on or before May 4, 1964;

(3) That copies of the applicants' engineering exhibits in final form and of their exhibits on the nonengineering phases of their cases shall be exchanged on or before May 18, 1964; and,

(4) That individuals sponsoring any exchanged exhibit shall be present at the hearing when the exhibit is offered into evidence, provided that the parties may agree that the presence of any such individual or individuals will not be required;

It is further ordered, That the hearing now scheduled to commence on April 23, 1964, is continued to May 25, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: March 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2477; Filed, Mar. 12, 1964; 8:49 a.m.]

[1] Chairman Henry concurring in the results and Commissioners Hyde and Ford absent.

[Docket No. 14722; FCC 64–192]

SOUTH MISSISSIPPI BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In reapplication of Holton D. Turnbough and George J. Sliman d/b as South Mississippi Broadcasting Company, Mississippi City, Mississippi, Docket No. 14722, File No. BP–14865; requests: 1520 kc, 1 kw, DA–Day, Class II, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of March 1964;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Interference which would be received from Station WGNP, Indian Rocks Beach, Florida (1520 kc, 1 kw, DA, Day) and from the operation of Station KXKW, Lafayette, Louisiana (1520 kc, 500 w, 10 kw–LS, DA–2 (DA–Day during C. H. only)), authorized on December 28, 1962, may affect more than 10 percent of the population within the proposed normally protected contour in contravention of § 73.28(d)(3) of the rules. The applicant requests waiver of this section pointing out that most of the population loss to the instant proposal occurs in the State of Louisiana in areas somewhat remote from Mississippi City (approximately 70 miles) as a result of an unusual high conductivity path afforded by the Gulf of Mexico and that population loss to the proposal, in areas adjacent to Mississippi City would amount to only 2.36 percent of the total population within the proposed 0.5 mv/m normally protected contour. However, on the basis of information presently on file, it cannot be determined that a waiver of this section of the Commission rules would be in the public interest.

2. Holton D. Turnbough, a 50 percent partner in the applicant, is the son-in-law of Hugh R. Jones, who owns controlling interest in the licensees of standard broadcast stations WHHT, Lucedale; WPMP, Pascagoula; and WRJW, Picayune, Mississippi.[1] The station proposed in the application would be located in the same relatively small area of Mississippi as the other three stations. A grant of the application, as originally submitted, would have resulted in a substantial overlap of the proposed station's primary service area by at least one of the other above-named stations (WPMP). Moreover, Turnbough was also a corporate officer of each of the three above-named stations, the general manager of WHHT, and a stockholder of WPMP and WRJW. In view of these facts, the Commission concluded in an Order dated July 18, 1962 FCC 62–789), that substantial questions existed as to the applicant's compliance with § 73.35 (a) and (b) of the rules (multiple ownership). Hoping to render these questions moot, Turnbough and his wife, on August 6, 1962, divested themselves of all official business connections with Stations WHHT, WPMP, and WRJW, and stock interests therein, transferring such interests back to Mrs. Turnbough's parents, Mr. and Mrs. Hugh R. Jones; also, on October 23, 1962, the Commission accepted for filing an amendment reducing the applicant's power request from 5 kw to 1 kw and thereby significantly reduced the extent of overlap. Having considered these later developments, the Commission finds that a substantial question under § 73.35 (b) remains.

3. In considering the application and § 73.35(b) of the Commission's rules, it appears appropriate to consider the size, extent, and location of the areas served and to be served; the extent of overlap, if any, the number of persons residing within the overlap areas; the classes of stations involved; the extent of other competitive service to the area in question; the extent to which stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; the relationship of the various members of the Jones and Turnbough families with respect to their broadcast and other interests and such other factors as will tend to demonstrate that the concentration of control will or will not be in contravention of § 73.35(b) of the Commission's rules.

It further appearing, that, in view of the outstanding proposed rulemaking proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposal in this proceeding prior to a final decision in Docket No. 14419 should be appropriately conditioned; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal and the avail-

[1] Jones owns more than 50 percent of the voting stock of Great Broadcasting Company, Inc., which (a) owns more than 70 percent of the voting stock of the licensee of WHHT and (b) is the licensee of WPMP. He also owns more than 95 percent of the voting stock of the licensee of WRJW.

ability of other primary service to such areas and populations.

2. To determine whether interference received from Station WGNP, Indian Rocks Beach, Florida, and from the operation of Station KXKW, Lafayette, Louisiana, would affect more than 10 percent of the population within the normally protected primary service area of the proposed operation, in contravention of § 73.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether a grant of the proposal would be in contravention of the provisions of § 73.35(b) of the Commission's rules with respect to concentration of control.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the instant application should be granted.

It is further ordered, That in the event of a grant of the instant proposal the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2478; Filed, Mar. 12, 1964; 8:49 a.m.]

[Docket No. 15361; FCC 64-195]

M. H. WIRTH

Order Designating Application for Hearing on Stated Issues

In re application of M. H. Wirth, Mason, Michigan, Docket No. 15361, File No. BP-15367; requests: 1110 kc, 250 w, D, Class II-B, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of March 1964;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that M. H. Wirth, the applicant herein, is also a 10 percent stockholder and a director of the licensee of Station WOAP, Owosso, Michigan; that WOAP is located approximately 32 miles from Mason and a grant of the instant proposal would result in substantial overlap of its normally protected service area (0.5 mv/m contour) with the service area of WOAP; and

It further appearing, that, in considering the application of M. H. Wirth, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenues and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designated to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other facts as will tend to demonstrate that the overlap involved will or will not be in contravention of § 73.35(a) of the Commission's rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of M. H. Wirth and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the proposal of M. H. Wirth would be in contravention of the provisions of § 73.35(a) of the Commission's rules with respect to multiple ownership of standard broadcast stations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the application of M. H. Wirth, the construction permit shall contain the following conditions:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2479; Filed, Mar. 12, 1964; 8:50 a.m.]

[Docket No. 15176, etc.; FCC 64M-195]

WTIF, INC. ET AL.

Order Regarding Further Hearings

In the matter of revocation of license of Radio Station WTIF, Inc., for standard Broadcast Station WTIF, Tifton, Georgia, Docket No. 15176; in re applications of WDMG, Inc., File No. BP-1709; Docket No. 15177, for renewal of license of standard Broadcast Station WDMG, Douglas, Georgia, WMEN, Inc., for renewal of license of standard broadcast Station WMEN, Tallahassee, Florida, Docket No. 15274, File No. BR-3030; B. F. J. Timm, Jacksonville, Florida, Docket No. 15275, File No. BP-13649; for construction permit.

It is ordered, This 9th day of March 1964, that upon completion of hearings in the above-entitled proceeding in the city of Tifton, Georgia, wherein they will be convened in the first instance on March 24, 1964, said hearings will then be moved to and reconvened in the city of Douglas, Georgia, as promptly as possible: *And, it is further ordered*, That at the time the proceedings terminate in Tifton, Georgia, the presiding Hearing Examiner, after hearing the views of all participating counsel, shall rule promptly as to whether, in keeping with Commission policy, it would be appropriate to hold hearings in Tallahassee, Florida, upon completion of sessions in Douglas, Georgia.

Released: March 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2480; Filed, Mar. 12, 1964; 8:50 a.m.]

[1] Commissioners Hyde and Ford absent.

[FCC 64-174]

PUBLIC COAST STATION WOU

Exemption From Maintenance of Watch

MARCH 5, 1964.

The Commission has exempted public coast station WOU at Boston, Massachusetts from the requirement for maintenance of a watch on the frequency 2182 kc/s for an initial period of twelve months from March 4, 1964.

This action was taken with the concurrence of the United States Coast Guard at the request of the New England Telephone and Telegraph Company, the licensee of station WOU. Application by the telephone company was made pursuant to § 81.191(c)(1) of the Commission's rules, which provides that any coast station may be exempted from this watch requirement if the Commission considers that the frequency 2182 kc/s is adequately guarded by other stations. The United States Coast Guard radio facilities at Boston, Massachusetts maintain a continuous watch on 2182 kc/s and have been shown, as a result of cooperative measurements and tests conducted by the Coast Guard and the telephone company, to have a coverage on 2182 kc/s equal to or more extensive than the existing coverage of station WOU.

The exemption has been limited to a twelve-month period ending on March 4, 1965, in order to afford the licensees and operators of affected ship stations an opportunity to evaluate the discontinuance of 2182 kc/s watch by station WOU under actual operating circumstances.

Any interested person who is of the opinion that the continuation of the above-mentioned exemption beyond March 4, 1965 is not in the public interest, may file with the Secretary, Federal Communications Commission, Washington, D.C., 20554, on or before January 4, 1965 a written statement setting forth his opinion and the reasons therefor.

Adopted: March 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2481; Filed, Mar. 12, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF PHILADELPHIA ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-84, between the City of Philadelphia (Philadelphia), and Olympia Terminals, Inc. (Olympia), provides for a five year lease of certain pier and terminal property in Philadelphia, Pennsylvania, to be operated in the conduct of a general steamship terminal business. In consideration therefor Olympia will pay Philadelphia an annual rental of $37,680. The agreement provides that at all times during the term of the lease the maximum rates for wharfage, dockage, and for use of the pier other than storage may be fixed by Philadelphia's Director of Commerce, provided that such rates shall not be discriminatory.

Agreement No. T-54, between Olympia Terminals, Inc. (Olympia), and Universal Terminal and Stevedoring Corporation (Universal), is a sublease of the facilities described in Agreement No. T-84 between Olympia and the City of Philadelphia. Under the terms of the agreement Universal will operate and maintain the facilities for Olympia. In consideration therefor Universal will pay Olympia as rental $37,680 annually plus 50 percent of receipts from wharfage, storage, etc., in excess of certain operating costs, with a minimum guarantee of $10,000. Agreement T-54 is subject to the terms of Agreement T-84 and the maximum rates for wharfage, docket, and for use of the pier other than storage may be fixed by the Director of Commerce of the City of Philadelphia, provided that such rates shall not be discriminatory.

Interested parties may inspect the agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

MARCH 10, 1964.

[F.R. Doc. 64-2463; Filed, Mar. 12, 1964; 8:48 a.m.]

FILLETTE, GREEN & CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Fillette, Green & Co. of Tampa, Tampa, Florida, is party to the following agreements, the terms of which are identical. The other parties are:

Wedemann & Godknecht, Inc., New York, N.Y.	FF-1414
Trade-Lanes Shipping Corporation, New York, N.Y.	FF-1422
Lyons Export & Import, Inc., Chicago, Ill.	FF-1425

Albert E. Bowen, Inc., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

R. G. Hobelmann & Co., Inc., Baltimore, Md.	FF-1432
W. N. Proctor Co., Boston, Mass.	FF-1433
Henry E. Sullivan Jr., Jacksonville, Fla.	FF-1434
Guy B. Barham Co., Los Angeles, Calif.	FF-1435
Reedy Fowarding Co., Inc., Miami, Fla.	FF-1436
Godwin Shipping Co., Inc., Mobile, Ala.	FF-1437
W. L. Richeson & Sons, Inc., New Orleans, La.	FF-1438
Wilfred Schade & Co., Inc., Newport News, Va.	FF-1439
Allen Forwarding Co., Philadelphia, Pa.	FF-1440
Geo. S. Bush & Co., Inc., Portland, Oreg.	FF-1441
Humphrey & MacGregor, Inc., Tampa, Fla.	FF-1442

Export Enterprises, Inc., Philadelphia, Pennsylvania, and with offices at New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

American Enterprises, Inc., Baltimore, Md.	FF-1443
Coastal Forwarders, Charleston, S.C.	FF-1444

The terms of the following agreements are similar:

Dumont Shipping Co., Inc., New York, N.Y. and Behring-South Ports Shipping, Inc., Houston, Tex.	FF-1413
H. A. Gogarty, Inc., New York, N.Y., and Coastal Forwarders, Charleston, S.C.	FF-1415
Schenkers, International Forwarders, Inc., New York, N.Y., and Seaway Forwarding Co., Cleveland, Ohio	FF-1420
Triangle Forwarding Corp., New York, N.Y., and Mattoon & Co., San Francisco, Calif.	FF-1421
Leyden Shipping Corp., New York, N.Y., and Morris & Co., Lake Charles, La.	FF-1423
C. J. Hanlon Co., Inc., New York, N.Y., and W. R. Zanes & Co. of La., Inc., New Orleans, La.	FF-1427
Export Enterprises, Inc., Philadelphia, Pa.; New York, N.Y., and The Interport Co., Chicago, Ill.	FF-1428
W. L. Richeson & Sons, Inc., New Orleans, La., and Wm. R. Filbin & Co., Inc., Detroit, Mich.	FF-1429
Daniel F. Young, Inc., New York, N.Y., and General Freight Services, Portland, Oreg.	FF-1447

[1] Commissioners Henry, Chairman; and Ford absent.

D. C. Andrews & Co., Inc., New York, N.Y.; D. C. Andrews & Co. of Ill., Inc., Chicago, Ill.; D. C. Andrews & Co. of La., Inc., New Orleans, La.; D. C. Andrews & Co. of Md., Inc., Baltimore, Md.; D. C. Andrews & Co. of Mass., Inc., Boston, Mass.; and J. K. Ebberwein, Savannah, Ga---------- FF-1445

Agreement No. FF-1416 between Hudson Shipping Co., Inc., New York, N.Y., and Sumter Marine Corp., Charleston, South Carolina, is an arrangement under which freight forwarding and service fees are divided as agreed. Ocean freight compensation will be retained by the originating party.

Agreement No. FF-1446 between Acco Foreign Shipping, Inc., Miami, Florida, and J. W. Allen & Co., Inc., New Orleans, Louisiana, is an arrangement under which freight forwarding and service fees are divided as agreed. Ocean freight compensation is to be retained by the initiating forwarder.

Agreement No. FF-1399 between Terramar Shipping Co., Inc., New York, N.Y., party (a), and Ellis Forwarding Co., Houston, Texas, party (b), is an arrangement under which party (a) will pay party (b) $5.00 plus all cash outlays incurred per shipment. Ellis Forwarding Co. will receive ⅓ and Terramar Shipping Co., Inc., will receive ⅔ of the ocean freight compensation.

Agreement No. FF-1418 between N. D. Cunningham & Co., Inc., Mobile, Ala., and Traeger Shipping Corp., Miami, Fla., is an arrangement under which freight forwarding and service fees are divided as agreed. Ocean freight compensation is to be divided equally.

Agreement No. FF-1419 between N. D. Cunningham & Co., Inc., Mobile, Ala., and C. J. Hanlon Co., Inc., New York, N.Y., is an arrangement under which freight forwarding and service fees are divided as agreed. Ocean freight compensation is to be divided equally.

Agreement No. FF-1424 between H. L. Ziegler, Inc., Houston, Texas, and Terramar Shipping Co., Inc., New York, New York, is an arrangement under which freight forwarding and service fees are divided as agreed. Ocean freight compensation is to be divided equally, (50 percent/50 percent).

Agreement No. FF-1426 between Midland Pacific Shipping Co., New York, New York, and Ellis Forwarding Co., Houston, Texas; Ellis Forwarding Co., New Orleans, Louisiana, is an arrangement under which freight forwarding and service fees will be divided as agreed. Ocean freight compensation will be retained by the Midland Pacific Shipping Company.

Agreement No. FF-1430 between J. T. Steeb & Co., Inc., Seattle, Wash., party (a), and Major Forwarding Co., Inc., New York, N.Y., party (b), is an arrangement under which party (b) agrees to pay party (a) $3.00 for completing Export Declarations. Ocean freight compensation will be divided, 33⅓ percent for party (a) and 66⅔ percent for party (b).

Agreement No. FF-1431 between J. T. Steeb & Co., Inc., Tacoma, Wash., party (a), and Major Forwarding Co., Inc., New York, N.Y., party (b), is an agreement under which party (b) agrees to pay party (a) $3.00 for completing Export Declarations. Ocean freight compensation will be divided, 33⅓ percent for party (a) and 66⅔ percent for party (b).

Agreement No. FF-1417 between Sunshine Forwarders, Inc., Jacksonville, Florida, and D. C. Andrews & Co., Inc., New York, N.Y.; D. C. Andrews & Co. of Ill., Inc., Chicago, Ill.; D. C. Andrews & Co. of La., Inc., New Orleans, Louisiana; D. C. Andrews & Co. of Md., Inc., Baltimore, Md.; D. C. Andrews & Co. of Mass., Inc., Boston, Mass., is an arrangement under which ocean freight compensation is to be divided equally between the parties. Forwarding and service fees are to be as follows:

Bermuda & Nassau: $2.50.	
All other countries:	
To pass completed export declarations	$1.25
To pass completed bills of lading	1.25
To prepare or complete and pass export declarations	2.50
To prepare or complete and pass bills of lading	2.50
Preparation of Consul documents	5.00
Consular documents (at cost).	
Telephone calls, teletypes or telegrams (at cost).	

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: March 10, 1964.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2464; Filed, Mar. 12, 1964; 8:48 a.m.]

N. V. NEDLLOYD LIJNEN AND ALCOA STEAMSHIP CO., INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8324-3 between N. V. Nedlloyd Lijnen and Alcoa Steamship Company, Inc., modifies the approved agreement, in the trade from India, Pakistan, Federation of Malaya, Colony of Singapore, and the Philippine Islands to the Virgin Islands with transhipment at the ports of New Orleans, La., and Mobile, Ala. The modification provides for expanding the trade area by adding originating ports in Chile, Peru, Ecuador and Colombia, ports in South and East Africa, between Walvis Bay/Capetown and Mombasa, including ports in Malagasy, as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 9, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2465; Filed, Mar. 12, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13732 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Accepting Offer of Settlement, Requiring Filing of Notices of Change and Contractual Amendments, Rejecting Notices of Change Requiring Refunds, Terminating Proceedings in Part, and Terminating Proceedings

JANUARY 27, 1964.

Humble Oil & Refining Company, Docket Nos. G-13732, et al.;[1] Humble Oil & Refining Company (Operator) et al., Docket Nos. G-14927, et al.[1]

On October 4, 1963, Humble Oil & Refining Company (Humble) submitted an offer of settlement, pursuant to § 1.18 (e) of the Commission's rules of practice and procedure, in these proceedings, and therewith filed executed contract amendments and notices of change in rate under its Rate Schedule Nos. 12, 14 and 22. Humble filed an amendment to its offer on November 18, 1963. These proceedings relate to eight sales of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) in Texas Railroad Commission District Nos. 1, 2, 3, and 6.

Under the terms of the offer, Humble proposes to delete the favored-nation, price redetermination, and periodic escalation provisions from the rate schedules involved, and to waive its contractual right to file for any increases in rate, in excess of the settlement rates, until February 5, 1968, under Rate Schedule No. 14, and until November 1, 1968 under Rate Schedule Nos. 12 and 22. The estimated annual decrease in rates from those being presently charged and collected, is $42,417.

Humble, in its offer, proposes to refund all amounts collected, subject to refund, for sales of natural gas to Texas Eastern under the subject rate schedules in excess of the settlement rates. The estimated total dollars to be refunded approximates $60,500, exclusive of interest. However, it may be that Texas Eastern will take the position that it is not presently under obligation to flow-through to its jurisdictional customers all or a part of their proportionate share of the amount of money it will receive from Humble. For the reasons set forth in our order in Hunt Oil Co., Docket Nos. G-9065, et al., issued July 16, 1963, —— F.P.C. ——, we shall condition our approval of Humble's settlement offer to require it to retain (without further interest obligation to it) the refunds due to Texas Eastern in a special account, and shall direct Texas Eastern to submit a report setting forth what it intends to do with the refunds if they are made to it, and, if it proposes not to pass them on to its jurisdictional customers why it believes it is entitled to retain these refunds.

On October 4, 1963, as noted above in connection with its original offer, Humble tendered notices of change in rate under Rate Schedule Nos. 12, 14 and 22, along with executed contract amendments.[2] The contract amendments are acceptable, but the proposed rate increases contained in the notices exceed the applicable area ceilings and are in excess of the rates proposed in the amended offer. We shall therefore reject the notices of change tendered on October 4, 1963.

In support of its offer, Humble cites the deletion of the favored-nation and price redetermination provisions from its gas sales contracts with Texas Eastern, and states that such provisions were important elements of consideration required by Humble under the contracts for the long-term commitment of its gas reserves to the performance of the contracts. Texas Eastern has concurred in the offer. No objections or protests to the offer have been filed by any party to any of these proceedings.

Since the proposed settlement rates are acceptable under the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61-1, issued December 20, 1960, 24 FPC 1107, as amended by Order No. 264, issued March 27, 1963, 29 FPC 589 and the Seventh Amendment to the policy statement issued November 27, 1963 in Docket No. R-251, the public interest will best be served by accepting Humble's proposed offer of settlement, as conditioned herein.

However, we desire to make it clear that our conditional acceptance of the offer of settlement shall not be construed as approval of any possible future increased rates proposed by Humble.

The Commission finds. The proposed settlement of the proceedings herein, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Humble on October 4, 1963, as amended on November 18, 1963 and herein conditioned, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act, and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by Humble on October 4, 1963, as amended on November 18, 1963, is hereby approved in accordance with the provisions of this order.

(B) Humble shall file, within 30 days from the date of issuance of this order, notices of change in its FPC Gas Rate Schedule Nos. 10, 12, 14, 22, 257 and 258, reflecting the settlement rates set forth in the appendix below, and executed contractual amendments to its FPC Gas Rate Schedule Nos. 10, 15, 19, 257 and 258 which Humble shall execute with Texas Eastern in conformity with Humble's offer of settlement, as amended, in all respects, in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) The executed contract amendments filed with the Commission by Humble on October 4, 1963, are accepted as supplements to the respective rate schedules effective as of the date of this order.

(D) The notices of change in rate tendered by Humble on October 4, 1963, to its FPC Gas Rate Schedule Nos. 12, 14 and 22 are hereby rejected.

(E) Humble shall compute the refund to Texas Eastern to the date of the issuance of this order as the difference between the rates collected subject to refund under each of the rate schedules herein and the related settlement rates, in Docket Nos. G-18324, RI60-146, RI61-126, RI61-130, RI61-348, RI62-82, RI62-313, RI62-389, and RI63-137, and shall report to the Commission, in writing, within 30 days from the date of issuance of this order, the amount of such refund, showing separately the amount of principal and interest, and the bases used for such determination.

(F) Humble shall retain the refund due to Texas Eastern, which it shall have computed in accordance with Paragraph (E) above, in a special account, with no further interest obligation after the date of issuance of this order, pending Commission action and further order respecting such monies.

(G) Upon notification by the Secretary of the Commission that Humble has complied with the terms and conditions of this order, the settlement rates set forth in the appendix below shall be effective as of the date of issuance of this order, and the proceedings in Docket Nos. G-13732, G-14927, G-16806, G-17784, G-18324, G-18470, G-19157, G-19747, RI60-146, RI60-220, RI61-126, RI61-130, RI61-132, RI61-348, RI62-82, RI62-313, RI62-389 and RI63-137 shall be deemed terminated insofar as such proceedings pertain to sales made under the rate schedules involved herein.

(H) Upon notification by the Secretary of the Commission in accordance with Paragraph (G) above, Docket Nos. G-13732, G-14927, G-16806, G-17784, G-18470, G-19747, RI60-146, RI61-126, RI61-130, RI61-132, RI61-348, RI62-82, RI62-313, RI62-389 and RI63-137 shall be severed from the consolidated area rate proceeding (Texas Gulf Coast Area) in Docket No. AR64-2 without further order of the Commission.

(I) The acceptance by the Commission of Humble's offer of settlement is without prejudice to any findings or determinations that may be made in any proceedings now pending, or hereafter instituted by or against Humble.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Texas R.R. dist.	R/S and supp.	Susp. docket	Effec. date of susp.	Suspended rate [1]	Proposed settlement rate [1]	Underlying accepted rate [1]
2	10-15	G-14927	9-29-58	[2] 14.3733	[2] 15.0	[3] [5] 11.4266
	16	G-18824	10- 1-59	[2] 15.0432		
	18	RI60-146	8- 5-60	[2] 15.3765		
	19	RI61-348	7-13-61	[2] 15.7099		
	20	RI62-313	7- 4-62	[2] 16.0432		
1	12-14	G-14927	9-29-58	[2] 13.3733	[4] 14.1	[3] [5] 10.921
2	14-12	G-14927	9-29-58	[4] 13.8733	[4] 14.1	[3] [5] 10.921
3	15-14	G-13732	4-21-58	14.4	15.0	[3] 13.509
	15	G-16806	4- 3-59	14.6		
	16	G-19747	4- 1-60	14.8		
	17	RI61-132	4- 1-61	15.0		
	18	RI62-82	4- 1-62	15.2		
	19	RI63-137	4- 1-63	15.4		
6	19-14	G-19157	1-20-60	14.6	15.0	13.2
	16	RI60-220	9-20-60	14.8		
	17	RI61-132	4- 1-61	15.0		
	18	RI62-82	4- 1-62	15.2		
	19	RI63-137	4- 1-63	15.4		
1	22-13	G-14927	9-29-58	[4] 13.8733	[4] 14.1	[3] [5] 10.921
2	257-13	G-18470	10-15-59	[2] 14.3733	[2] 15.0	[3] [5] 11.6288
	14	RI61-126	3-20-61	[2] 15.2765		
	15	RI62-389	9-19-61	[2] 15.7099		
2	258-12	G-17784	8- 3-59	[2] 14.7067	[2] 15.0	[3] [5] 11.6288
	13	RI61-130	3-20-61	[2] 15.2765		
	14	RI62-389	9-19-62	[2] 16.0432		

[1] Cents per Mcf at 14.65 psia.
[2] Includes 0.5 cent dehydration allowance paid by buyer.
[3] Includes applicable tax reimbursement.
[4] Exclusive of buyer's 0.5 cent costs to gather and dehydrate the gas.
[5] Exclusive of either seller's 0.5 cent dehydration allowance paid by buyer for gas delivered from the Hostetter Field or buyer's 0.5 cent cost for gathering and dehydrating the gas delivered from other fields.

[1] The additional dockets involved herein are set forth in the Appendix below.

[2] The contract amendments are designated as Supplement Nos. 16, 16 and 14 to Humble Rate Schedule Nos. 12, 22 and 14, respectively.

[F.R. Doc. 64-2448; Filed, Mar. 12, 1964; 8:46 a.m.]

[Docket No. G-19417 etc.]

PAN AMERICAN PETROLEUM CORP., ET AL.

Findings and Order After Statutory Hearing, Issuing Certificate of Public Convenience and Necessity, Amending Order Issuing Certificate, and Severing Proceedings

MARCH 6, 1964.

Pan American Petroleum Corporation, et al., Docket No. G-19417 et al.; Union Oil Company of California, Docket No. CI61-1620; Humble Oil & Refining Company, Docket No. CI61-1796.

On June 23, 1961, Humble Oil & Refining Company (Humble) filed in Docket No. CI61-1796 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America for resale from the Joiner City Plant, Carter County, Oklahoma, at an initial rate of 17.0 cents per Mcf at 14.65 psia, all as more fully set forth in the application.

On August 30, 1962, Union Oil Company of California (Union) filed in Docket No. CI61-1620 an application pursuant to section 7(c) of the Natural Gas Act to amend the order issuing a certificate in said docket by authorizing the sale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America for resale from additional acreage in the Putnam Field, Dewey County, Oklahoma, at a rate of 17.85 cents per Mcf at 14.65 psia, all as more fully set forth in the application.

Applicants received temporary certificates conditioned to the rate of 15.0 cents per Mcf, and the applications were consolidated for formal hearing with Docket No. G-19417, et al.

On January 13, 1964, and January 22, 1964, Humble and Union, respectively, filed motions to sever their applications from Docket No. G-19417, et al., and agreed to accept permanent authorization conditioned as was the authorization granted by the temporary certificates.

After due notice, several petitions to intervene were filed in the consolidated proceeding in Docket No. G-19417, et al., however; no answers were filed by any parties to the motions of Humble and Union.

At a hearing held on February 13, 1964, the Commission on its own motion received and made part of the record in these proceedings all evidence, including the applications and exhibits attached thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant is a "natural-gas company" within the meaning of the Natural Gas Act and is engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission.

(2) The proposed sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of Subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The proposed sale in Docket No. CI61-1796, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order and necessity in Docket No. CI61-1620 should be amended by authorizing the sale of natural gas from additional acreage.

(6) Docket Nos. CI61-1620 and CI61-1796 should be severed from the consolidated proceeding in Docket No. G-19417, et al.

The Commission orders:

(A) A certificate of public convenience and necessity be and the same is hereby issued to Applicant, Humble Oil & Refining Company in Docket No. CI61-1796, upon the conditions set forth herein authorizing the sale of natural gas in interstate commerce for resale for ultimate public consumption, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as more fully described in the application herein.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as Applicant continues the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contract herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificate.

(D) The order issuing a certificate of public convenience and necessity in Docket No. CI61-1620 be and the same is hereby amended by authorizing the sale and delivery of natural gas from additional acreage, and in all other respects said order shall remain in full force and effect.

(E) The authorizations issued herein are subject to the following conditions:

(a) The initial price, including tax reimbursement, shall not exceed 15¢ per Mcf at 14.65 psia;

(b) In the event that the Commission amends its Policy Statement No. 61-1 by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the areas involved herein, Applicants thereupon may substitute the new rates consistent with their contracts reflecting the amount of such increase, and thereafter collect these new rates prospectively in lieu of the initial rates herein required.

(c) The allowances for take-or-pay provisions in the related rate schedules are subject to the ultimate disposition with respect to such provisions in the rule-making proceeding in Docket No. R-199; however, Applicants will not be required to file take-or-pay provisions for less than 80 percent of the annual contract quantity.

(F) Docket Nos. CI61-1620 and CI61-1796 are hereby severed from the consolidated proceeding in Docket No. G-19417, et al.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-2449; Filed, Mar. 12, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4193]

ALLEGHENY POWER SYSTEM, INC.

Notice of Proposed Increase and Reclassification of Shares of Common Stock, Issuance and Sale Thereof in Connection With Stock Split and Solicitation of Proxies

MARCH 6, 1964.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, N.Y., 10022, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, and 12(e) of the Act and Rules 62 and 65 thereunder as applicable to the transactions therein proposed. All interested persons are referred to said declaration, on file in the office of the Commission, for a description of the proposed transactions which are summarized below.

Allegheny proposes to amend its charter so as to effectuate a split of its authorized, issued and unissued, shares of common stock on a two-for-one basis. Under the proposal Allegheny will be authorized to issue 25,000,000 shares of common stock having a par value of $2.50 per share in lieu of the presently authorized 12,500,000 shares of common stock having a par value of $5 per share. The amount of the aggregate stated capital applicable to the common stock of Allegheny will not be changed.

Certificates representing Allegheny's presently issued and outstanding 9,338,589 shares of common stock, having a par value of $5 per share, will not have to be surrendered but will represent the same number of shares of common stock of the par value of $2.50 each. As soon as practicable Allegheny will mail to its shareholders certificates representing their additional shares of common stock of the par value of $2.50 each.

The proposed amendment will require the affirmative vote of holders of record of not less than a majority of the outstanding shares of Allegheny's common stock entitled to vote thereon. The proposal is to be submitted at the annual meeting of Allegheny's stockholders, to be held on May 14, 1964, and Allegheny will solicit proxies in favor of its adoption. The solicitation material and the form of proxy in connection therewith have been submitted to the Commission for appropriate authorization.

If the requisite authorizations are obtained Allegheny will file the proposed amendment with the Maryland State Tax Commission and the split is expected to become effective on or about May 21, 1964.

The estimated fees and expenses to be paid by Allegheny in connection with the proposal, including expenses of the annual meeting of stockholders, aggregate $172,000 and consist of $12,500 for solicitation of proxies, $19,800 for printing, $85,500 for transfer agent's fees and expenses, $23,346 for New York Stock Exchange listing fee, $19,000 for fees and expenses of registrar, $2,500 for legal fees and $9,354 for miscellaneous expenses.

It is represented that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 26, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-2443; Filed, Mar. 12, 1964; 8:46 a.m.]

[File 7-2365, 7-2366]

AMERICAN PHOTOCOPY EQUIPMENT CO. AND CONTROL DATA CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 6, 1964.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

American Photocopy Equipment Company ---------- File 7-2365
Control Data Corporation------ File 7-2366

Upon receipt of a request, on or before March 23, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] OVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-2444; Filed, Mar. 12, 1964; 8:46 a.m.]

[File Nos. 811-886, 812-1590]

DUNHILL INTERNATIONAL, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

MARCH 9, 1964.

Notice is hereby given that Dunhill International, Inc. ("Dunhill"), 771 N. Freedom Street, Ravenna, Ohio, a closed-end investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application for an order pursuant to section 8(f) of the Act declaring that Dunhill has ceased to be an investment company as defined in section 3(a) of the Act or, alternatively, for an order pursuant to section 3(b)(2) of the Act declaring that Dunhill is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities. All interested persons are referred to the application on file with the Commission for a complete statement of Dunhill's representations which are summarized below.

Dunhill was incorporated in Delaware in 1923 to engage, generally speaking, in the tobacco business and it has operated in this field through wholly-owned subsidiaries under an agreement with the English firm of Alfred Dunhill Limited giving it the right to use the name "Dunhill", a leading trademark in the tobacco field. Dunhill registered under the Act as a closed-end, non-diversified investment company on June 4, 1959, shortly after the merger into Dunhill of New York Dock Company, a registered investment company.

Section 3(a) of the Act, in pertinent part, defines an investment company as one which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities, or one which owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of this section, "investment securities" are defined as including all securities except Government securities, securities issued by employees' securities companies and securities issued by majority-owned subsidiaries which are not investment companies.

At the end of 1959, Dunhill owned investment securities with a market value of $21,538,412, principally represented by securities of American Bank Note Company ("Bank Note"), Coty, Inc., Coty International Corporation, and A. G. Spalding & Bros., Inc. ("Spalding"). The market value of Dunhill's investment securities at December 31, 1960, and 1961 were $22,255,905 and $38,305,165, respectively. In February 1962, Dunhill merged with The Pyramid Rubber Company and a group of affiliated companies. As a result of the merger Dunhill acquired a number of operating divisions and wholly-owned subsidiaries, hereinafter referred to as the Pyramid group of companies. In the merger, Dunhill

also acquired a large block of shares of Spalding, amounting to 22.5 percent of the shares outstanding. After the merger with the Pyramid group of companies, Dunhill owned 44.1 percent of the outstanding stock of Spalding. At December 31, 1962, Dunhill's investment securities had a market value of $29,856,045.

During 1963, Dunhill acquired additional Spalding stock so that Dunhill presently owns 56 percent of the outstanding Spalding common stock. On September 24, 1963, Dunhill sold its entire holdings in Coty, Inc. and Coty International Corp. for an aggregate consideration of $5,995,936. The proceeds of this sale were used in their entirety to reduce the long-term indebtedness of Dunhill. Primarily as a result of such sale and the acquisition of a majority interest in Spalding, Dunhill's investment securities as of September 30, 1963 had a market value of $12,812,887, of which shares of Bank Note amounted to $12,403,125 and shares of Alfred Dunhill Limited, the remainder. Although Dunhill's holdings in Bank Note amount to 40.4 percent of its outstanding shares of common stock, and Dunhill has four representatives on Bank Note's thirteen-member board of directors, it does not claim that it controls Bank Note or engages in the business of Bank Note.

The total assets of Dunhill as of September 30, 1963, based on market quotations for marketable securities and all other assets at book cost, were $39,359,479 on an unconsolidated basis, and $44,891,469 on a consolidated basis. Deduction of cash items would reduce these figures to $34,423,117 and $39,386,419, respectively. Investment securities of Dunhill as of September 30, 1963 on an unconsolidated basis had a market value of $11,395,387, and, including 60,000 shares of Bank Note held by a wholly-owned subsidiary of Dunhill, a value of $12,812,887. Dunhill maintains that the book cost of its non-investment assets is a very conservative measure of their value, and, in support thereof, Dunhill points out that its stock has been selling on the New York Stock Exchange at or close to $14 a share and on this basis the public valuation of the entire Dunhill enterprise is $51,342,466. Dunhill asserts that it is apparent that the value of its investment securities represents less than 40 percent of the value of Dunhill's total assets less cash items.

The principal source of Dunhill's income is the businesses it is engaged in directly, through wholly-owned subsidiaries, and Spalding rather than its investment securities.

Dunhill owns and operates several divisions which it acquired in the merger with the Pyramid group of companies. These divisions manufacture and distribute infant feeding equipment. Most of this equipment is sold under the registered trademark "Evenflo." Dunhill also manufactures the rubber, glass and plastic products used in the infant feeding equipment in plants located in Ravenna, Ohio and Tionesta and Oil City, Pennsylvania. In addition, Dunhill carries on other related activities through wholly-owned subsidiaries, as follows: the manufacture and distribution of infant seating equipment through Infanseat Company; the publication and distribution of children's books and games through the Platt & Munk Co., Inc., and the distribution of its baby feeding equipment in Mexico by Evenflo Mexico, S.A. Dunhill also engages in the retail and wholesale distribution of tobacco products and gift items through its wholly-owned subsidiary Alfred Dunhill of London, Inc. New York Dock Railway, another wholly-owned subsidiary of Dunhill, operates a terminal railroad in Brooklyn, New York. In addition, Dunhill also manages the business of Spalding through Dunhill's five representatives on Spalding's eight-member board of directors and through its two representatives on Spalding's three-member Executive Committee of the board of directors. The other member of the Executive Committee is Spalding's President, who was selected for that position by Dunhill's representatives. One of Dunhill's officers participates on a daily basis, and others participate actively, in various aspects of Spalding's management, including the selection and compensation of executive employees, arranging bank credit, preparation of operating budgets, authorization of capital expenditures, and supervision of Spalding's marketing and manufacturing activities.

The four principal officers of Dunhill, who, with their families, are the four largest stockholders of Dunhill, were associated together in the Pyramid group of companies since 1947 and they continue to manage the manufacturing and merchandising businesses which are now integrated in Dunhill.

At a special meeting of Dunhill shareholders held on June 4, 1963, approval was given to the proposal to change the nature of Dunhill's business so that it will cease to be an investment company.

With the possible exception of New York Dock Railway, with a value of approximately $1,800,000, Dunhill intends to continue to own and operate through its divisions and subsidiaries, including Spalding, as an operating company, and will not primarily engage in the business of investing, reinvesting, or trading in securities.

Section 8(f) of the Act provides, generally speaking, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 25, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–2445; Filed, Mar. 12, 1964; 8:46 a.m.]

[File No. 24A–1613]

ESS-KAY ENTERPRISES, INC.

Notice and Order for Hearing

MARCH 9, 1964.

I. Ess-Kay Enterprises, Inc. (issuer), Suite 407, 101 Marietta Street Bldg., Atlanta, Georgia, a Georgia corporation, filed with the Commission on April 5, 1962, a notification on Form 1–A and an offering circular relating to a proposed public offering of its $10.00 par value common stock for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 as amended pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Subsequently, the filing was amended and an offering of 13,416 shares of the issuer's common stock at $15.00 per share for an aggregate amount of $201,240.00 was commenced on October 29, 1962.

II. The Commission, on March 2, 1964, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.s.t., on March 17, 1964, at the Atlanta Regional Office of the Commission, 1371 Peachtree Street NE., Atlanta, Georgia, with respect to the matters set forth in section II of the Commission's order dated March 2, 1964, which temporarily suspended the Regulation A exemption of Ess-Kay Enterprises, Inc., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

It is further ordered, That William Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Ess-Kay Enterprises, Inc.; that notice of the entry of the order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before March 13, 1964, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–2446; Filed, Mar. 12, 1964; 8:46 a.m.]

[File No. 1–545]

R. C. WILLIAMS & CO., INC.

Order Terminating Summary Suspension of Trading

MARCH 6, 1964.

The common stock, $1.00 par value, of R. C. Williams & Company, Inc., being listed and registered on the American Stock Exchange; and

The Commission having, on March 2, 1964, issued an order pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, summarily suspending trading in said security on said national securities exchange effective for the period March 2, 1964 through March 11, 1964; and

The Commission being of the opinion that the public interest does not require the continuance of said suspension of trading after March 6, 1964:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that the suspension of trading pursuant to said order of March 2, 1964, including the applicability to said security of Rule 15c2–2 under the Securities Exchange Act of 1934, shall terminate effective at the opening of business on March 9, 1964.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–2447; Filed, Mar. 12, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 963]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65985. By order of March 6, 1964, the Transfer Board approved the transfer to Culvert Carriers, Inc., St. Clairsville, Ohio, of a portion of the Certificate in No. MC 8509 issued May 1, 1951, to E. W. Thompson, Canonsburg, Pa., authorizing the transportation of: Sheet steel and sheet steel products, from Yorkville and Martins Ferry, Ohio, and Beachbottom, Follansbee, and Wheeling, W. Va., to Washington, D.C., Baltimore, Md., Philadelphia, Pa., and New York, and Buffalo, N.Y. Paul F. Beery, 44 East Broad Street, Columbus, 15, Ohio, attorney for applicants.

No. MC–FC 66428. By order of March 4, 1964, the Transfer Board approved the transfer to Main Line Hauling Co., Inc., St. Clair, Mo., of the operating rights issued by the Commission April 29, 1959, and February 17, 1959, under Certificates in Nos. MC 117717 and MC 117717 (Sub No. 1), respectively, to Billy Adam Howard, doing business as Adams Trucking Co., St. Clair, Mo., authorizing the transportation, over regular routes of general commodities, excluding household goods, commodities in bulk, and other specified commodities between Cuba, Mo., and Salem, Mo., serving all intermediate points; between Rolla, Mo., and St. Louis, Mo., serving all intermediate points, without restriction; and the off-route points of East St. Louis, and National Stock Yards, Ill., restricted to pick-up of packing house products only; between St. Clair, Mo., and St. Louis, Mo., serving no intermediate points; between St. Louis, Mo., and Parkway Village, Mo.; feed, fertilizer, lumber, carbide, roofing, agricultural implements, and storage batteries, from East St. Louis, Ill., to St. Clair, Mo., and points within 15 miles of St. Clair; and livestock, between St. Clair, Mo., and points within 15 miles of St. Clair, on the one hand, and, on the other, National Stock Yards, Ill. Joseph R. Nacy, 117 West High St. (Post Office Box 352), Jefferson City, Mo., 65102, attorney for applicants.

No. MC–FC 66455. By order of March 4, 1964, the Transfer Board approved the transfer to Carmen Addario, Sr., Carmen L. Addario, Jr., Richard J. Addario, a partnership, doing business as Addario's Express, Marginal Street, East Boston, Mass., of the operating rights claimed in No. MC 120944 (Sub No. 1) under the "grandfather" clause of Section 206(a)(7)(B), Interstate Commerce Act by Carmen Addario, doing business as Addario's Express, 155 Orleans Street, East Boston, Mass., and the substitution of tranferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transferor issued by the Department of Public Utilities of the Commonwealth of Massachusetts in No. 4983. Gerard J. Donovan, 37 Leighton Road, Hyde Park 36, Mass., registered practitioner, for applicants.

No. MC–FC 66519. By order of March 5, 1964, the Transfer Board approved the transfer to Thompson Hauling, Inc., Canonsburg, Pa., of the operating rights remaining in Certificate No. MC 8509, issued May 1, 1951, to E. W. Thompson, Canonsburg, Pa., authorizing the transportation, over irregular routes, of: Steel, and steel products, machinery of various types, including road building and heavy machinery, between points in Ohio, West Virginia, Maryland, Pennsylvania, New York, and the District of Columbia. John P. Liekar, Mellon Bank Building, Canonsburg, Pa., attorney for applicants.

No. MC–FC 66602. By order of March 3, 1964, the Transfer Board approved the transfer to H. G. Snyder Trucking, Inc., Pointe Claire, Quebec, Canada, of the Certificate in No. MC 117153 (Sub No. 1), issued January 25, 1962, to H. G. Snyder, St. Genevieve, Quebec, Canada, authorizing the transportation of: Dog food, in cans and in cartons, from the port of entry on the United States-Canada Boundary line, at or near Champlain, N.Y., to points in New York, New Jersey, Ohio, Connecticut, Rhode Island, and Massachusetts. John J. Brady, Jr., 75 State Street, Albany 7, N.Y. attorney for applicants.

No. MC–FC 66637. By order of March 5, 1964, the Transfer Board approved the transfer to Edgar W. Root, Inc., a corporation, Westfield, Mass., of the Certificate in No. MC 75835, issued April 5, 1963, to C. C. Lounsbury, Inc., a corporation, Willimantic, Conn., authorizing the transportation of: Agricultural commodities, building materials, forest products, cable, fish poles, meal, alfalfa meal, limestone, and paper, between points in Connecticut, Massachusetts,

and Rhode Island; poles and materials used in the repair and maintenance of telephone, telegraph, and electric power lines, between points in Connecticut, Massachusetts, Rhode Island, and those within a specified New York territory; and lumber, from New Haven, Hamden, West Hartford, and New London, Conn., to points in New Jersey and those in New York within 150 miles of New York, N.Y. Arthur A. Wentzell, Post Office Box 720, Worcester, Mass., representative for transferee. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for transferor.

No. MC-FC 66640. By order of March 3, 1964, the Transfer Board approved the transfer to S & M Truck Line, Inc., Silverton, Oregon, of Certificate in No. MC 9251, issued by the Commission March 11, 1958, to Olfan DeGuire, doing business as S & M Truck Line, Silverton, Oregon, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Portland, Oreg., and Silverton, Oreg., and between Silverton, Oreg., and Salem, Oreg. John G. McLaughlin, 624 Pacific Building, Portland 4, Oregon, attorney for applicants.

No. MC-FC 66684. By order of March 3, 1964, the Transfer Board approved the transfer to Baylor Trucking, Inc., Milan, Ind., of Certificates in Nos. MC 109154 and MC 109154 (Sub-No. 1), issued September 8, 1948, and May 24, 1949, respectively, to Chester Baylor, Milan, Ind., authorizing the transportation, over irregular routes, of new furniture uncrated, from Milan, Ind., to points in Illinois, Michigan, Ohio, West Virginia, and Kentucky; from Louisville, Ky., and Cincinnati, Ohio to Milan; rejected shipments of new furniture, and materials and supplies used in the manufacture, production, packing and crating of new furniture, from points in the above-named destination States to Milan; wood panels and veneer in quantities of not less than 16,000 pounds, from Milan, Ind., to points in Illinois, the lower peninsula of Michigan, Ohio, and Kentucky; glassware, from Huntington, W. Va., and points within 5 miles thereof to points in Illinois, the lower peninsula of Michigan, except Wayne and Monroe Counties and to points in Indiana north of U.S. Highway 40 from the Ohio-Indiana State line to Indianapolis, Ind., and west of Indiana Highway 37 from Indianapolis to Tell City, Ind., but not including points on said highways; and jar caps, from Chicago, Ill., to points in Indiana, lower peninsula of Michigan, Ohio, West Virginia, and Kentucky. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Indiana, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2462; Filed, Mar. 12, 1964; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Orange Reg. 36]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.414 Orange Regulation 36.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 10, 1964; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges will exceed the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of oranges as such unrestricted shipment would not be conducive to the orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., March 16, 1964, and ending at 12:01 a.m., e.s.t., April 20, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$\frac{1}{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 11, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2517; Filed, Mar. 13, 1964; 8:51 a.m.]

[Navel Orange Reg. 55]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.355 Navel Orange Regulation 55.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information

and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 12, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 15, 1964, and ending at 12:01 a.m., P.s.t., March 22, 1964, are hereby fixed as follows:

(i) District 1: 650,000 cartons;

(ii) District 2: 650,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 13, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2610; Filed, Mar. 13, 1964; 11:20 a.m.]

[Valencia Orange Reg. 73]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.373 Valencia Orange Regulation 73.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 12, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 15, 1964, and ending at 12:01 a.m., P.s.t., March 22, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: Unlimited movement;

(iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 13, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2611; Filed, Mar. 13, 1964; 11:20 a.m.]

[Grapefruit Reg. 16]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.316 Grapefruit Regulation 16.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of available information, including the results of a telephone poll of the committee conducted on March 6, 1964, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The results of the aforesaid poll and supporting information for regulation during the period specified herein, including necessary supplemental economic and statistical information upon which this regulation is based, were received by the Fruit Branch on March 9, 1964; information regarding the provisions of the section has been disseminated to shippers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., March 15, 1964, and ending at 12:01 a.m., P.s.t., April 5, 1964, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2: *Provided,* That any such grapefruit may have scars to the extent permitted by the U.S. No. 3 grade: *Provided further,* That included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel;

(ii) From the State of California or the State of Arizona to any point in Zone 1, any grapefruit grown as aforesaid, which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller; or

(iii) From the State of California or the State of Arizona to any point in Zone 2 or Zone 3, any grapefruit, grown as aforesaid, which measure less than $3^{6}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller.

(2) When used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," and "Zone 3" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforessid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 11, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2518; Filed, Mar. 13, 1964; 8:51 a.m.]

[Lemon Reg. 102]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.402 Lemon Regulation 102.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 10, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 15, 1964, and ending at 12:01 a.m., P.s.t., March 22, 1964, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 213,900 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 12, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2547; Filed, Mar. 13, 1964; 8:52 a.m.]

[Grapefruit Reg. 6, Amdt. 4]

PART 944—FRUITS; IMPORT REGULATIONS

Miscellaneous Amendments

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 6, as amended (§ 944.102; 28 F.R. 9877, 29 F.R. 311, 1316, 2857), are hereby further amended to read as follows:

§ 944.102 Grapefruit regulation No. 6.

(a) On and after 12:01 a.m., e.s.t., March 20, 1964, the importation of any grapefruit is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 Russet and be of a size not smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; or

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Market-

ing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 37 (§ 905.413); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 11, 1964, to become effective at 12:01 a.m., e.s.t., March 20, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2519; Filed, Mar. 13, 1964; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS AND GENERAL INFORMATION

Conduct of Employees

Notice is hereby given that on February 6, 1964, the Atomic Energy Commission approved the revision of its regulations governing the conduct of Commission employees which were published in the FEDERAL REGISTER on December 29, 1961, at 26 F.R. 12742; and on April 9, 1963, at 28 F.R. 3439.

These revisions are designed to implement section 208(b) of Public Law 87–849. The provisions dealing with appearances by former employees before AEC have also been revised.

Revise the Appendix to § 1.256 to read as follows:

§ 1.256 **Conduct of employees.**

• • • • •

APPENDIX—U.S. ATOMIC ENERGY COMMISSION AEC MANUAL

CHAPTER 4124—CONDUCT OF EMPLOYEES

• • • • •

4124–033 *The General Manager* assumes responsibilities assigned in Part II, A2, B2, C4, C5, and F3 and 4, of AEC Appendix 4124.

• • • • •

4124–038 *The General Counsel:*

• • • • •

b. Carries out the specific responsibilities assigned in Part IV, J2, of AEC Appendix 4124.

• • • • •

4124–055 *Certifications* by the General Manager called for by Part II, C5, and Part II, F3 and 4, of Appendix 4124 shall be published in the FEDERAL REGISTER.

4124–057 *Approval date.* The provisions of this chapter and appendix were approved on March 13, 1963, and revised on February 6, 1964.

• • • • •

II. *Conflict of interest restrictions.*

• • • • •

A. *Acts Affecting a Personal Financial Interest.* (Based on section 208, Title 18, U.S.C.)

1. Except as permitted by paragraphs 2, 3, and 4, below, no employee shall participate personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.

2. *Granting of ad hoc exemptions.*

a. If an employee desires to request an exemption from the prohibition of paragraph 1. above, he shall fully inform the field office manager, or the head of division or office, Headquarters, as appropriate, in writing of the nature and circumstances of the particular matter and of the financial interests involved and shall request a written determination in advance as to the propriety of his participation in such matter.

b. The field office manager, or the head of division or office, Headquarters, as appropriate, after examining the information submitted, may relieve the employee from participation in the particular matter and so advise him in writing; or, he may approve the employee's participation in such matter upon advising him in writing:

(1) That he has determined the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee, and

(2) That no provision of law and no instruction in this chapter would appear to be violated by the employee's participation in the particular matter.

c. When the field office manager, or head of division or office, Headquarters, believes it is inappropriate for him to make a determination as provided in b. above, he shall forthwith submit the information with his recommendation through channels to the General Manager or to the Director of Regulation, as appropriate, who shall make a determination as provided in b. above, forwarding the original of his determination to the submitting official and a copy to the employee involved.

d. A copy of each request and response made under the provisions of a. and b. above shall be forthwith forwarded through channels to the General Manager, or the Director of Regulation, as appropriate, as a matter of record. Copies of all documents referred to in a, b, and c above shall be filed by the holders thereof in their confidential files.

e. Whenever it can be reasonably anticipated that there will be a need to invoke these procedures repeatedly, and where it also appears that a burden would be placed on the AEC thereby, consideration should be given by the field office manager or head of division or office, Headquarters, to dismissal or transfer of the employee to another position where the problems will not arise, or to the elimination of the outside interest creating the difficulty. It is expected that the employee concerned will take the initiative in resolving any problem in this area.

3. *Exemption of Remote or Inconsequential Financial Interests.*

a. In accordance with the provisions of 18 U.S.C. 208(b)(2) the AEC has exempted the following financial interests from paragraph 1 and from the requirements of paragraph 2, above, upon the ground that such interests are too remote or too inconsequential to affect the integrity of its employees' services:

(1) Financial interests in an enterprise in the form of shares in the ownership thereof, including preferred and common stocks whether voting or non-voting, and warrants to purchase such shares;

(2) Financial interests in an enterprise in the form of bonds, notes, or other evidences of indebtedness;

(3) Investments in State or local government bonds and investments in shares of a widely-held diversified mutual fund or regulated investment company, except holdings in mutual investment funds or regulated investment companies dealing primarily in atomic energy stocks.

Provided, That, in the case of subparagraphs (1) and (2): (i) the total market value of the financial interests described in said subparagraphs, with respect to any individual enterprise does not exceed $7,500; and (ii) the holdings in any class of shares, or bonds, or other evidences of indebtedness, of the enterprise do not exceed one percent of the dollar value of the outstanding shares, or bonds or other evidences of indebtedness in said class.

b. Where a person covered by this exemption is a member of a group organized for the purpose of investing in equity or debt securities, the interest of such person in any enterprise in which the group holds securities shall be based upon said person's equity share of the holdings of the group in that enterprise.

c. For purposes of paragraph a. above, computations of dollar-value of financial interests in corporations shall be by means of:

(1) Market value in the case of stocks listed on national exchanges; or

(2) Over-the-counter market quotations as reported by the National Daily Quotation Service in the case of unlisted stocks; or

(3) By means of net book value (i.e. assets less liabilities) in the case of stocks not covered by the preceding two categories.

With respect to debt securities, face value shall be used for valuation purposes.

d. The dollar value and percentage of financial interests listed above in paragraph a. shall be computed as of the date on which the employee first participated personally and substantially in any particular matter, within the meaning of 18 U.S.C. section 208(a), relating to the enterprise concerned. The dollar value and percentage so computed shall govern during the entire period that the employee participates in the particular matter unless, after the aforesaid date of computation, he, or other person or organization referred to in paragraph 1 above, acquires an additional interest in the same enterprise. In the event of such subsequent acquisition, the dollar value and percentage shall be recomputed as of the date of such acquisition. If, in such case, the dollar value and percentage computed exceeds the limitations described in paragraph 3a. above, the general exemption provided therein shall no longer be applicable and an ad hoc exemption must be sought in accordance with paragraph 2 above.

4. *Special Exemption for Special Government Employees.*

The President's Memorandum of May 2, 1963, "Preventing Conflicts of Interest on the Part of Special Government Employees," provided that a special Government employee should in general be disqualified from participating as such in a matter of any type the outcome of which will have a direct and predictable effect upon the financial interests covered by section 208 of P.L. 87–849. However, the President's Memorandum also stated that the power of exemption may be exercised in this situation "if the special Government employee

renders advice of a general nature from which no preference or advantage over others might be gained by any particular person or organization." It is the policy of the Atomic Energy Commission in conformity with the President's Memorandum, to exercise the power of exemption pursuant to section 208(b) in such situations. The authority to grant such an exemption is delegated to the AEC official responsible for appointment or designation of the particular consultant or advisor. This exemption is noted on the AEC Form 443–A by the appointing official for the consultant or advisor concerned, by a statement that the employee "need not be precluded from rendering general advice in situations where no preference or advantage over others might be gained by any particular person or organization."

• • • • •

B. *Future Employment.* (Based on section 208, Title 18, U.S.C.)

• • • • •

2. No employee shall undertake to act on behalf of the AEC in any capacity in a matter that to his knowledge affects even indirectly any party outside the Government with whom he is soliciting, negotiating, or has arrangements for future employment, except pursuant to the authorization of the General Manager, or the Director of Regulation, as appropriate, after full disclosure, or in the case of a field employee, the field office manager under whom he is employed. (See paragraph A. above.)

• • • • •

G. *Appearances by Former Employees Before AEC.* When a former employee proposes to act as agent or attorney before an AEC office on behalf of anyone other than the United States in connection with any of the matters cited in F. above, he is expected to make known to the appropriate official of the AEC office the fact of his former assignment with AEC. The Manager of the AEC Field Office or the Head of the Headquarters Division or Office or employee before whom the former employee appears, before transacting business with the former employee or authorizing employees under his jurisdiction to transact any business with the former employee, shall call the former employee's attention to the restrictions and penalties contained in section 207, P.L. 87–849. No AEC official or employee shall offer an interpretation of section 207 as applied to the situation at hand to the former employee.

Dated at Germantown, Md., this 10th day of March 1964.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 64–2513; Filed, Mar. 13, 1964; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 3039; Amdt. 705]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Models 49 Through 1049H Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and replacement of the castellated nuts with self-locking castellated nuts and cotter pins on Lockheed Models 49 through 1049H Series aircraft was published in 29 F.R. 437.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Models 49, 149, 649, 649A, 749, 749A, 1049–54, 1049C, 1049D, 1049E, 1049G and 1049H Series aircraft.

Compliance required as indicated.

(a) To ensure that the bolts in the parallelogram linkages of the primary flight control boost systems remain secured and safetied, accomplish the following within 400 hours' time in service after the effective date of this AD, unless previously accomplished.

(1) Replace the five castellated nuts in each of the four parallelogram linkages between the boost valve and boost mechanism of each of the boost systems with self-locking castellated nuts and cotter pins using MS–17825(WEP) in lieu of AN 310 nuts and MS–17826(WEP) in lieu of AN 320 nuts or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(2) All torque requirements that applied to the AN 310 and 320 castellated nuts also apply to the MS–17825(WEP) and MS–17826(WEP) self-locking castellated nuts, respectively.

(b) Replace the self-locking castellated nuts with new self-locking castellated nuts prior to exceeding the reusability limits specified by the nut manufacturer.

(Lockheed Service Information Letter 514, dated November 27, 1963, covers this same subject.)

This amendment shall become effective April 14, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 10, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–2494; Filed, Mar. 13, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

PROCAINE PENICILLIN G, NEOMYCIN SULFATE, NOVOBIOCIN SODIUM, DIHYDROSTREPTOMYCIN SULFATE, PREDNISOLONE, CHLOROBUTANOL

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Upjohn Company, Kalamazoo, Michigan (FAP 267), and other relevant material, has concluded that § 121.249 should be amended to provide for the use of an additional formulation for treatment of milk-producing animals. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.249(a) is amended by adding thereto a new subparagraph (3), reading as follows:

§ 121.249 **Food additives for use in milk-producing animals.**

(a) • • •

(3)(i) It contains the following in each 10 milliliters of suspension:

Prednisolone—10 mg.
Novobiocin (from sodium novobiocin)—100 mg.
Neomycin (from neomycin sulfate)—105 mg.
Procaine penicillin G—100,000 units.
Dihydrostreptomycin (from dihydrostreptomycin sulfate)—100 mg.
Chlorobutanol, anhydrous (chloral derivative)—50 mg.
Peanut oil—2 percent aluminum monostearate vehicle, q.s.

(ii) Treat lactating cows with 10 milliliters of suspension in each infected quarter immediately after milking and allow to remain in the quarter until the next milking. Repeat at 12- and 24-hour intervals if necessary.

(iii) Milk that has been taken from animals during treatment and for 72 hours (6 milkings) after the latest treatment must not be used for food.

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has concluded that where milk-producing animals are treated for bovine mastitis in accordance with § 121.249(a)(3), a tolerance limitation is required for the formulation ingredient prednisolone in order to assure that milk from treated animals is safe for human consumption. Therefore, subpart D is amended by adding thereto the following new section:

§ 121.1147 **Prednisolone.**

A tolerance of zero is established for residues of prednisolone in milk from dairy animals.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported

by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: March 10, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2504; Filed, Mar. 13, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

INORGANIC BROMIDE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1006) filed by Ferguson Fumigants, Inc., P.O. Box 5868, Ferguson 35, Missouri, and other relevant data, has concluded that the food additive regulations should be amended to prescribe the conditions of use of a mixture of methyl bromide and ethylene dibromide as a fumigant of dried eggs, processed herbs and spices, and oat flour. It was also concluded that sufficient data are not currently available to amend existing regulations to provide for the use of the fumigant on parmesan cheese, roquefort cheese, processed nuts, and popped corn. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1020 (28 F.R. 5014) is amended to read as follows:

§ 121.1020 Inorganic bromide.

The food additive inorganic bromide may be present as a residue in certain processed foods in accordance with the following conditions:

(a) When the food additive is present either as a result of the use of methyl bromide as a fumigant or the use of 1,2-dibromo-3-chloropropane as a nematocide in the soil in which the growing crop was produced, or both, the residues of inorganic bromide (calculated as Br) shall not exceed the following levels:

(1) 250 parts per million in or on concentrated tomato products and dried figs.

(2) 100 parts per million in or on dried dates and raisins.

(3) 50 parts per million in or on dried peaches.

(4) 30 parts per million in or on dried apples, dried apricots, and dried pears.

(5) 20 parts per million in or on dried prunes.

(b) When the food additive is present as the result of the use of a mixture of methyl bromide and ethylene dibromide as a fumigant, the residues of inorganic bromide (calculated as Br) shall not exceed the following levels:

(1) 400 parts per million in or on dried eggs and processed herbs and spices.

(2) 200 parts per million in or on oat flour.

(c) Where tolerances are established under sections 408 and 409 of the act, on both the raw agricultural commodities and processed foods made therefrom, the total residues of inorganic bromide in or on the processed food shall not be greater than those designated in paragraphs (a) and (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 10, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2505; Filed, Mar. 13, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

TEXTILES AND TEXTILE FIBERS

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 521, 933, 1155) filed by Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, and other relevant material, has concluded that the food additive regulations (21 CFR 121.2535; 28 F.R. 2446) should be amended to provide for the use of additional substances as adjuvants employed in the production of textiles and textile fibers intended for use as articles or components of articles that contact dry food only. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2535(d)(5) is amended by adding alphabetically to the list of substances in the table new items, as follows:

§ 121.2535 Textiles and textile fibers.

* * * * * * *

(d) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
(ii) * * *	
Di-*tert*-butyl hydroquinone	
* * *	* * *
Fats, oils, fatty acids, and fatty alcohols described in the preceding item reacted with one or more of the following substances:	
* * *	
Hexylene glycol (2-methyl-2,4-pentanediol).	
* * *	
Isopropyl alcohol.	
* * *	* * *
2-(9-Heptadecenyl)-1-[2-(10-octadecenamido)ethyl]-2-imidazolinium ethyl sulfate.	----------
Hexylene glycol (2-methyl-2,4-pentanediol).	----------
* * *	
Isopropyl alcohol.	----------
* * *	* * *
Mono- and diisopropylated *m*- and *p*-cresols (isothymol derivative).	----------
N-Oleyl, *N'*-acetyl, *N'*-β-hydroxyethyl ethylenediamine.	----------
* * *	* * *
Polyethylene, oxidized (air blown)	----------

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 10, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2507; Filed, Mar. 13, 1964; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

FLUOROCARBON RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Allied Chemical Corporation, 40 Rector Street, New York 6, New York (FAP 1012), and Minnesota Mining and Manufacturing Company, 900 Bush Avenue, St. Paul 6, Minnesota (FAP 1232), and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of certain fluorocarbon resins as articles or components of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the food additive regulations are amended by adding to Subpart F the following new section:

§ 121.2523 Fluorocarbon resins.

Fluorocarbon resins may be safely used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, fluorocarbon resins are those produced by the homopolymerization of chlorotrifluoroethylene or by the copolymerization of chlorotrifluoroethylene with 1,1-difluoroethylene.

(b) The resins meet the extraction limitations prescribed in this paragraph:

(1) The resin pellets to be tested are ground or cut into small particles that will pass through a U.S. standard sieve No. 6 and that will be held on a U.S. standard sieve No. 10.

(2) A 100-gram sample of the resin pellets, when extracted with 100 milliliters of distilled water at reflux temperature for 8 hours, yields total extractives not to exceed 0.003 percent by weight of the resins.

(3) A 100-gram sample of the resin pellets, when extracted with 100 milliliters of 50 percent (by volume) ethyl alcohol in distilled water at reflux temperature for 8 hours, yields total extractives not to exceed 0.003 percent by weight of the resins.

(c) The resins may be used as follows:

(1) As articles or components of articles intended for one-time use in contact with food only of the types identified in § 121.2526(c), table 1, under categories I, II, VI, and VIII.

(2) As articles or components of articles intended for repeated use in contact with food.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 10, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2506; Filed, Mar. 13, 1964; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE; PLASTICIZERS IN POLYMERIC SUBSTANCES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1265) filed by Amoco Chemicals Corporation, 130 East Randolph Drive, Chicago 1, Illinois, and other relevant material, has concluded that § 121.2511 of the food additive regulations should be amended to provide for the use of polyisobutylene (minimum molecular weight 300) as a plasticizer in polyethylene identified in § 121.2510. The Commissioner has also concluded that subparagraph (3) of § 121.2510(a) should be deleted and that the plasticizer in that subparagraph, noncrystalline polypropylene, should be included in § 121.2511. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the food additive regulations are amended as set forth below:

§ 121.2510 [Amended]

1. In § 121.2510 *Polyethylene* paragraph (a) is amended by deleting subparagraph (3).

2. Section 121.2511 *Plasticizers in polymeric substances* (21 CFR 121.2511; 28 F.R. 10202, 10378, 14311), is amended by inserting alphabetically in the list of substances in paragraph (b) the following new items:

§ 121.2511 Plasticizers in polymeric substances.

* * * * * * *

(b) * * *

	Limitations
* * *	* * *
Polyisobutylene (minimum mol. wt. 300).	For use in polyethylene complying with § 121.2510, provided that the polyisobutylene is added in an amount not exceeding 0.5 percent by weight of the polyethylene, and further provided that such plasticized polyethylene shall not be used as a component of articles intended for packing or holding food during cooking.
Polypropylene, noncrystalline (density 0.80–0.88 as determined by A.S.T.M. method D–1505).	For use in polyethylene complying with § 121.2510.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 10, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2508; Filed, Mar. 13, 1964; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Procaine Penicillin-G-Novobiocin-Neomycin-Dihydrostreptomycin in Oil

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cos-

metic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended by adding thereto the following new sections:

§ 141a.109 Procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil.

(a) *Potency*—(1) *Penicillin G content.* Proceed as directed in § 141a.21(a)(1)(i), using the novobiocin-resistant strain of *Staphylococcus aureus* (ATCC 12692), except prepare the sample as follows: Place the equivalent of one dose of sample in a blending jar, add 1.0 milliliter of polysorbate 80 and a quantity of 1 percent potassium phosphate buffer, pH 6.0, sufficient to make a total of 500 milliliters. Blend for 5 minutes with a high-speed blender and make appropriate dilutions, using 1 percent potassium phosphate buffer, pH 6.0. Its content of penicillin G is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Novobiocin content.* Proceed as directed in § 141a.21(c)(1), with the following exceptions:

(i) Prepare the sample as follows: Place the equivalent of one dose of sample in a blending jar, add 1.0 milliliter of polysorbate 80 and a quantity of 0.1*M* potassium phosphate buffer, pH 8.0, sufficient to make a total of 500 milliliters. Blend for 5 minutes with a high-speed blender. To an aliquot, add sufficient penicillinase to inactivate the penicillin, further dilute with 1 percent potassium phosphate buffer, pH 6.0, to give a final concentration of 0.5 microgram novobiocin per milliliter (estimated), and allow to stand for ½-hour at 37°C. before filling the plates.

(ii) Aseptically add to the seed agar used for this assay, at the time the bacterial suspension is added, a slurry of Dowex 50 WX-4, Na^+ type 200–400 mesh, sufficient to make a total concentration of 2 percent. Prepare the slurry by adding 50 grams of the resin to 30 milliliters of distilled water and sterilize for 15 minutes at 15 pounds pressure. Mix the slurry thoroughly before adding. Its content of novobiocin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Neomycin content.* Proceed as directed in § 141e.410(b)(1) of this chapter, using the *Staphylococcus epidermidis* (ATCC 12228) procedure, except:

(i) Prepare the sample as follows: Place the equivalent of one dose of sample in a blending jar, add 1.0 milliliter of polysorbate 80 and a quantity of 0.1*M* potassium phosphate buffer, pH 8.0, sufficient to make a total of 500 milliliters. Blend for 5 minutes with a high-speed blender. To an aliquot, add sufficient penicillinase to inactivate the penicillin, further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to give a final concentration of 1.0 microgram neomycin per milliliter (estimated), and allow to stand for ½-hour at 37°C. before filling the plates.

(ii) Aseptically add to the seed agar used for this assay, at the time the bacterial suspension is added, a slurry of Dowex 1–X8, Cl type 200–400 mesh, to make a total concentration of 1 percent. Prepare the slurry by adding 50 grams of the resin to 30 milliliters of distilled water and sterilize for 15 minutes at 15 pounds pressure. Mix the slurry thoroughly before adding.

Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(4) *Dihydrostreptomycin content.* Proceed as directed in § 141a.65(a)(3), except prepare the sample by placing the equivalent of one dose in a blender, add 1.0 milliliter of polysorbate 80 and a quantity of 0.1*M* potassium phosphate buffer, pH 8.0, sufficient to make a total of 500 milliliters. Blend for 5 minutes with a high-speed blender. To an aliquot, add sufficient penicillinase to inactivate the penicillin, further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to give a final concentration of 1.0 microgram dihydrostreptomycin per milliliter (estimated), and allow to stand for ½-hour at 37° C. before filling the plates. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.7(c).

§ 146a.9 Procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil.

(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil is a suspension of procaine penicillin G, novobiocin, neomycin, and dihydrostreptomycin in refined peanut oil, with or without one or more suitable and harmless dispersing and suspending agents and with or without the addition of a hardening agent. It may contain a suitable and harmless preservative and cortisone or one or more suitable derivatives of cortisone. It contains 10,000 units of procaine penicillin G, 10 milligrams of novobiocin, 10.5 milligrams of neomycin, and 10.0 milligrams of dihydrostreptomycin per milliliter, except that if the drug is intended for use by udder instillation, each single dose as recommended in its labeling contains not more than 100,000 units of penicillin G. The moisture content is not more than 1.0 percent. The procaine penicillin G used conforms to the requirements of § 146a.44(a), except § 146a.44(a)(2), (3), and (4). The novobiocin used conforms to the standards prescribed for novobiocin by § 146a.53(a), except the standard for toxicity. The neomycin used conforms to the standards prescribed therefor by § 146e.410(a)(2) of this chapter, except the standard for toxicity. The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 or § 146b.106 of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine, or by § 146b.114(a), except the standard for toxicity. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packing; labeling; request for certification, samples; fees.* The drug conforms to all requirements and procedures prescribed for penicillin ointment by § 146a.26(b), (c), (d), and (e), except that procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil may be packaged in plastic tubes, and except that:

(1) In addition to complying with the requirements of § 146a.26(d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the dates of the latest tests and assays of the novobiocin (for potency, moisture, pH, and crystallinity), neomycin (for potency, moisture, and pH), and dihyrostreptomycin (for potency, moisture, pH, streptomycin content, and crystallinity if it is crystalline dihydrostreptomycin) used in making the batch; the number of units of penicillin G, the number of milligrams of novobiocin, the number of milligrams of neomycin, and the number of milligrams of dihydrostreptomycin per milliliter. He shall also submit in connection with his request a sample consisting of not less than eight immediate containers of the batch and (unless they were previously submitted) samples consisting of five packages of the neomycin and six packages each of the novobiocin and dihydrostreptomycin used in making the batch, each package containing equal portions of not less than 0.5 gram.

(2) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of subparagraph (1) of this paragraph shall be:

(i) $6.00 for each immediate container of the batch.

(ii) $4.00 for each immediate container in the samples of novobiocin, neomycin, and dihydrostreptomycin used in making the batch.

In the promulgation of this order, I find that notice and public procedure and delayed effective date would be contrary to the public interest. I further find that the conditions for the certification of procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil, concerning its safety and efficacy of use, have been complied with.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: March 10, 1964.

GEO P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2509; Filed, Mar. 13, 1964; 8:50 a.m.

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Feed Grade Bacitracin Powder Oral Veterinary Etc.; Change of Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for the certification of bacitracin and bacitracin-containing drugs (21 CFR 146e.427) are amended as follows:

In § 146e.427 *Feed grade bacitracin powder oral veterinary* * * *, paragraph (b) is amended by changing the final period to a comma and by adding thereto the following: ", and if it is feed grade bacitracin powder oral veterinary, an expiration date of 24 months may be used if the manufacturer has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section."

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: March 10, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2510; Filed, Mar. 13, 1964; 8:50 a.m.]

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 281—ENFORCEMENT OF THE TEA IMPORTATION ACT

Tea Standards 1964–1965

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Tea Importation Act (secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for the enforcement of this act (21 CFR 281.19) are amended by changing § 281.19(a) to read as follows:

§ 281.19 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on February 19, 1964, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1964, and ending April 30, 1965:

(1) Formosa Oolong.

(2) Black tea (all black tea except Formosa and Japan black and Congou type).

(3) Formosa black (Formosa black and Congou type).

(4) Japan black.

(5) Japan green.

(6) Canton type (all Canton type teas including scented Canton and Canton Oolong types).

These standards apply to tea shipped from abroad on or after May 1, 1964. Tea shipped prior to May 1, 1964, will be governed by the standards which became effective May 1, 1963 (28 F.R. 1871).

* * * * *

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the trade as a whole.

Effective date. This order shall become effective May 1, 1964.

(Secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50)

Dated: March 10, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2511; Filed, Mar. 13, 1964; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T. D. 6709]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1963 and Estimated Tax for the Taxable Year 1964

Section 819(b) of the Internal Revenue Code of 1954, as added by the Life Insurance Company Tax Act of 1959 (73 Stat. 136), provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign life insurance company described in section 819(a). Where this minimum figure exceeds the foreign life insurance company's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819(b)), and the amount of the "required interest" (determined under section 809(a) without regard to section 819(b)), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)). Accordingly, it is hereby determined that for purposes of computing the 1963 income tax by foreign life insurance companies a percentage of 15 shall be used in determining the "minimum figure" under section 819(b).

It is presently anticipated that the data with respect to domestic life insurance companies for 1963 required for the computation of the percentage to be used by foreign life insurance companies in computing their estimated tax for the taxable year 1964 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1964 and payments of installments thereof by foreign life insurance companies, a percentage of 15 (the percentage applicable for 1963) shall be used in determining the minimum figure under section 819(b). No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1964 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1962, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

[SEAL] STANLEY S. SURREY,
Assistant Secretary of the Treasury.

MARCH 11, 1964.

[F.R. Doc. 64-2552; Filed, Mar. 13, 1964; 8:52 a.m.]

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Conference and Practice Requirements

This part as filed with the Federal Register on June 29, 1955, and last amended on September 19, 1963, is further amended as follows:

PARAGRAPH 1. Section 601.502 is amended by revising subparagraph (1) of paragraph (c). This amended provision reads as follows:

§ 601.502 Qualifications for conference.

* * * * *

(c) *Requirement of power of attorney.* (1) Except as otherwise provided in this section, no attorney or agent shall appear on behalf of any person before any office of the Internal Revenue Service nor shall the attorney or agent be recognized in any matter

connected with the presentation of another person's interests, including the preparation and filing of necessary written documents and correspondence with the Service relating to such interests, unless the attorney or agent presents and files a power of attorney in proper form, or a true copy thereof, from the person authorizing the attorney or agent to represent him in the matter in question. Except as provided in paragraph (c) (3) and (4) of § 601.504, only one power of attorney shall be in effect in an office of the Internal Revenue Service in any one matter, and there shall be included in such power of attorney the names and addresses of all attorneys or agents to whom the taxpayer has delegated authority to represent him in the matter. A power of attorney is not required of an attorney or agent at a conference which is also attended by the person in whose behalf he appears. Unless the Service's representatives are advised to the contrary in such a case, it will be presumed that the person in whose behalf he appears places no limitations upon the authority of the attorney or agent to receive confidential information at the conference. A power of attorney shall not be required at a conference concerning an estate tax case, even though the executor or administrator is not present at the conference, if the attorney presents satisfactory evidence to the Service's representative that he:

(i) Is enrolled to practice before the Internal Revenue Service,

(ii) Prepared the estate tax return on behalf of the executor or administrator, and

(iii) Is the attorney of record for the executor or administrator before the court where the will is probated or the estate is administered.

A power of attorney is not required in the case of an attorney appointed by a court having jurisdiction over a debtor to represent a trustee in bankruptcy, debtor in possession, or receiver. For evidence of authority to be submitted in such cases, see paragraph (d) of § 601.505.

* * * * *

PAR. 2. Section 601.503 is amended to read as follows:

§ 601.503 Filing power of attorney.

One copy of a power of attorney shall be filed in each office of the Internal Revenue Service in which the attorney or agent, in connection with the matter under consideration, represents the person granting the power, with one additional copy for each prior taxable period covered by the power. If in addition to past or present periods the power of attorney relates to tax periods not presently under consideration or for which tax returns are not yet due, copies of the power of attorney will be required to be filed subsequently with respect to those periods. These copies of the power of attorney may be submitted with the subsequent returns or when the matter is under consideration by the Service. For purposes of this subpart the office of each district director of internal revenue, the office of each regional commissioner, and the office of each regional counsel shall constitute a separate office. However, where a copy of a power of attorney is filed with the office of a district director which has the matter under consideration, it shall not be necessary to file another copy of the power of attorney with the office of a regional commissioner or regional counsel which subsequently has the matter under consideration, unless such office specifically requests such additional copy. In the case of a request for the issuance of a determination letter by the district director, a copy of the power of attorney should be submitted with each request. In the case of a request or other matter to be considered in the National Office, a copy of the power of attorney should be submitted with each such request if the attorney or agent wishes to represent the person granting the power at a conference in the National Office. See paragraph (a) (1) of § 601.504 for the statement to be included in such a power of attorney in a case where it is desired that the original of the ruling (or of any correspondence in connection therewith) be addressed to the attorney or agent.

PAR. 3. Section 601.504 is amended by revising subparagraphs (1), (2), and (4) of paragraph (a), and by revising paragraphs (c) and (d). These amended provisions read as follows:

§ 601.504 Provisions respecting powers of attorney.

(a) *Formal requirements*—(1) *In general.* The use of technical language in the preparation of a power of attorney is not necessary, but the instrument should clearly express the taxpayer's intention as to the scope of the authority granted to the attorney or agent, and specify the matter or matters to which the power relates. A copy of any correspondence addressed to the taxpayer will, where feasible and appropriate, be sent to the attorney or agent designated in the power of attorney in connection with any matter in respect of which he is authorized to act under the terms of the power of attorney. The power of attorney should designate the mailing address of the attorney or agent designated to receive copies of correspondence. If the power of attorney names more than one attorney or agent and does not designate which attorney or agent is to receive the correspondence it will be sent to the attorney or agent first named. In the case of a request for a ruling, if it is desired that the original of the ruling (or of any correspondence in connection therewith) be addressed to the attorney or agent, the power of attorney should contain a statement to that effect and designate the mailing address of such attorney or agent. In the case of a power of attorney pertaining to an alcohol or tobacco tax matter, the power may be executed on Form 1534, Power of Attorney, copies of which may be obtained from the assistant regional commissioner (alcohol and tobacco tax).

(2) *Extent of authority delegated.* The authority delegated to an attorney or agent in a power of attorney enumerating specific acts which the attorney or agent is authorized to perform will be considered limited to those acts unless the power constitutes a general power as defined in subparagraph (5) (ii) of paragraph (c) of this section. Express authority to perform the following acts must be granted in any power of attorney or such acts will be considered to be beyond the scope of the authority of the attorney or agent:

(i) *Receipt of checks in payment.* To receive (but not to endorse and collect) checks in payment of any refund of internal revenue taxes, penalties, or interest. The endorsement and payment of checks drawn on the Treasurer of the United States after delivery to the taxpayer or to his attorney or agent are goverened by Treasury Department Circular No. 21, Revised September 1946, as amended (31 CFR Part 360). If the refund check is not to be endorsed by the payee personally, it should be endorsed under authority evidenced by one of the special types of powers of attorney prescribed by that circular. (See section 3477 of the Revised Statutes (31 U.S.C. 203) for restrictions on the assignment of claims, and § 601.510.)

(ii) *Substitution.* To delegate authority or to substitute another attorney or agent.

(iii) *Waivers of restrictions on assessment or collection of taxes.* To execute waivers of restrictions on assessment or collection of deficiencies in tax.

(iv) *Consents to extend period for assessment or collection of taxes.* To execute consents extending the statutory period for assessment or collection of taxes.

(v) *Closing agreements.* To execute a closing agreement under section 7121 of the Internal Revenue Code in respect of a tax liability or a specific matter.

(vi) *Protests to determinations.* To execute a protest to a determination of taxes by a district director.

* * * * *

(4) *Attestation and corporate seal*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, it is not necessary that a power of attorney granted by a corporation be attested or that the corporate seal be affixed. Spaces provided on power of attorney forms for affixing the corporate seal are for the convenience of corporations required by charter, or by the law of the jurisdiction in which they are incorporated, to affix their corporate seals in the execution of instruments. See paragraph (a) (1) of § 1.6062–1 of this chapter (Income Tax Regulations).

(ii) *Alcohol and tobacco tax matters.* The provisions of this subdivision shall apply only to alcohol and tobacco tax matters. A power of attorney pertaining to such a matter shall be attested by the secretary of the corporation and the corporate seal shall be affixed. If the officer who signs the power of attorney is also secretary, another officer of the corporation, preferably the president, vice president, or treasurer, must also sign the authorization so that two different individuals' signatures will appear thereon. If the corporation has no seal, a certified copy of a resolution duly passed by the board of directors of the corporation authorizing the execution of the power of attorney should be attached.

* * * * *

(c) *Designation of new attorneys or agents*—(1) *New power of attorney required.* In any case in which a power of attorney has been filed and thereafter the taxpayer desires:

(i) To authorize an additional attorney or agent to represent him before the same office of the Service with respect to the same matter,

(ii) To reduce the number of attorneys or agents authorized to represent him before the same office of the Service with respect to the same matter, or

(iii) To revoke the authority granted to an attorney or agent and to authorize a new attorney or agent to act before the same office of the Service with respect to the same matter,

a new power of attorney shall be filed.

(2) *New general power of attorney.* If the new power of attorney is a general power of attorney, it shall list the names and addresses of all attorneys or agents authorized to act for the taxpayer, and it shall be deemed as revoking all prior powers of attorney filed with the same office of the Service with respect to the same matter. Except as provided in subparagraph (4) of this paragraph, this automatic revocation rule shall apply even though the new general power of attorney does not contain a clause specifically revoking all prior powers of attorney.

(3) *New limited power of attorney*—(i) *Where prior power of attorney is a limited power.* If the new power of attorney is a limited power of attorney, it shall be deemed as revoking a prior limited power filed with the same office of the Service with respect to the same matter; except that the new limited power shall not be deemed as revoking a prior limited power if it contains a clause specifically stating that it does not revoke the prior limited power and a copy of the unrevoked prior limited power is attached to and filed with the new limited power. If the new limited power of attorney does not revoke all prior powers it is a "separate limited power of attorney" under the definition set forth in subparagraph (5) (iv) of this paragraph.

(ii) *Where prior power of attorney is a general power.* If the new power of attorney is a limited power of attorney, it shall not be deemed as revoking a prior general power of attorney filed with the same office of the Service with respect to the same matter; except that the new limited power shall be deemed as revoking a prior general power if it contains a specific revocation clause. Where a limited power of attorney does not revoke a prior general power of attorney filed in the same office, the new separate limited power should have attached a copy of the unrevoked prior general power of attorney, or a certificate signed by the taxpayer stating the names and addresses of all attorneys or agents authorized under the prior general power. This procedure permits a taxpayer to authorize additional attorneys or agents to represent him before the same office of the Service with respect to a specific act, without revoking the authority of attorneys or agents under a prior general power of attorney with respect to all other matters referred to in the general power.

(4) *Alcohol and tobacco tax matters.* In alcohol and tobacco tax matters, the automatic revocation rules described in subparagraphs (2) and (3) of this paragraph shall not apply. In alcohol and tobacco tax matters, the revocation of the authority of a former attorney or agent shall in no case be effective prior to the giving of written notice to the proper official in the Alcohol and Tobacco Tax Division that the authority of such attorney or agent has been revoked.

(5) *Definitions*—(i) *Matter.* For purposes of this subpart, the application of each tax imposed by the Internal Revenue Code for each taxable period shall constitute a separate matter. A power of attorney may, however, relate to several matters, as for example, a power which relates to several or all of the excise taxes imposed by subtitle D of the Code for a specified period or periods.

(ii) *General power of attorney.* A general power of attorney, for purposes of this subpart, is an appointment of an attorney or agent to represent another person before the Internal Revenue Service in connection with any matter involving specified internal revenue taxes of such person for a specified period or periods. Such power must authorize the appointee to do everything required to be done in regard to matters involving internal revenue taxes as fully as such other person might do if such person were acting in his own behalf, and must specifically authorize the appointee to receive (but not to endorse and collect) checks in payment of any refund of internal revenue taxes, penalties, or interest; delegate authority or to substitute another attorney or agent; execute waivers of restrictions on assessment or collection of deficiencies in tax; execute consents extending the statutory period for assessment or collection of taxes; execute a closing agreement under section 7121 of the Internal Revenue Code in respect of a tax liability or a specific matter; and execute a protest to a determination of taxes by a district director. A power of attorney executed on Form 2848 in accordance with its accompanying instructions shall be deemed to be a general power of attorney within the meaning of this definition.

(iii) *Limited power of attorney.* A limited power of attorney, for purposes of this subpart, is an appointment of an attorney or agent to represent another person before the Internal Revenue Service only with respect to specific acts which are expressly stated in the power of attorney. Any power of attorney which is not a general power of attorney as defined in subdivision (ii) of this subparagraph shall be deemed to be a limited power of attorney. A power of attorney executed on Form 2848–A in accordance with its accompanying instructions shall be deemed to be a limited power of attorney within the meaning of this definition.

(iv) *Separate limited power of attorney.* A separate limited power of attorney, for purposes of this subpart, is a limited power of attorney which, under the provisions of subparagraph (3) of this paragraph, does not revoke all prior powers of attorney in the same office with respect to the same matters.

(d) *Special authority required in Vinson Act cases.* A power of attorney authorizing an attorney or agent to represent a taxpayer in connection with income and excess profits tax matters will not be recognized as adequate to authorize an attorney or agent to act as representative of the taxpayer in connection with its excess profit liability under section 3 of the Vinson Act (48 Stat. 504), as amended. A power of attorney must be furnished specifically authorizing the attorney or agent to appear on behalf of the taxpayer in such cases.

PAR. 4. Section 601.505 is amended to read as follows:

§ 601.505 Instructions for execution of power of attorney in special cases.

(a) *In general.* A power of attorney to act with respect to matters involving the affairs of a dissolved partnership, a dissolved corporation, an insolvent taxpayer, a deceased taxpayer, a guardian or other fiduciary appointed by a court of record, or a trustee under agreement or declaration, must be signed by the party or parties having authority to act with respect to the matter. The Internal Revenue Service representatives may require the submission of appropriate supplementary evidence of the authority of the party or parties signing the power of attorney in these special cases.

(b) *Dissolved partnership.* A power of attorney to act with respect to matters involving the affairs of a dissolved partnership must be signed by each of the former partners. In case some of the partners are dead, their legal representatives must sign in their stead. (See paragraph (e) of this section.) If, however, under the laws of the particular State, the surviving partners at the time of the execution of the power of attorney have exclusive right to the control and possession of the firm's assets for the purpose of winding up its affairs, their signatures alone will be sufficient. If only the surviving partners sign the power of attorney, the Internal Revenue Service representatives may require the submission of a copy of or citation to the pertinent provisions of the State law under which they claim authority exclusive of the legal representatives of the deceased partners.

(c) *Dissolved corporation.* If a liquidating trustee or trustee under dissolution has been appointed, or if a trustee derives authority under a statute of the State in which the corporation was organized, the power of attorney should be executed by such trustee. If there is more than one trustee, all must join unless it is established that less than all have authority to act in the premises. The Internal Revenue Service representatives may require the submission of a copy of the instrument under which the trustee derives his authority, properly authenticated, or if the authority is derived under a State statute, citation or quotation from such statute, and a

statement made under the penalties of perjury setting forth the facts required by the statute as a condition precedent to the vesting of the authority in said trustee and stating that in the case of any trustee that his authority has not been terminated. If there is no trustee, the power of attorney must be signed by a sufficient number of individuals to make up a representation of a majority of the voting stock of the corporation at the date of dissolution. The Service representatives may require the submission of a statement showing the total number of outstanding shares of voting stock at the date of dissolution, the number held by each signatory to the power of attorney, and the date of dissolution, and containing positive averments as to the nonexistence of any trustee.

(d) *Insolvent taxpayer.* The Internal Revenue Service representatives may require the submission of a certificate from the court having jurisdiction over the insolvent showing the appointment and qualification of the trustee or receiver and that his authority has not been terminated. In cases pending before a district court of the United States an authenticated copy of the order approving the bond of the trustee or receiver will meet this requirement. If an attorney has been appointed under authority of court for the trustee or receiver, the Service representatives may require the submission of a copy of the court order appointing such attorney (where he is to represent the trustee or receiver). If no attorney has been appointed, the trustee or receiver should execute the power of attorney and the Service representatives may require the submission of the above-described evidence showing the appointment of the trustee or receiver. If the trustee or receiver does not wish to appoint an attorney, he will be recognized upon establishing his authority in the manner above described.

(e) *Deceased taxpayers.* The power of attorney should be executed by the executor or administrator if one has been appointed and is acting and responsible for disposition of the matter. The Internal Revenue Service representatives may require the submission of a short-form certificate (or authenticated copies of letters testamentary or letters of administration) showing that his authority is in full force and effect at the time such power of attorney is submitted. In the event that a trustee under the will is acting, the power of attorney should be executed by the trustee unless the executor has not been discharged and is responsible for disposition of the matter. The Service representatives may require the submission of evidence of the discharge of the executor and of the appointment of the trustee, or by other appropriate evidence of the authority of the trustee to act. If no executor, administrator, or trustee under the will is acting or responsible for disposition of the matter and the estate has been distributed to the residuary legatees, the power of attorney should be executed by the residuary legatee or legatees. The Service representatives may require the submission of a statement from the court certifying that no executor, administrator, or trustee under the will is acting or responsible for disposition of the matter, and naming the residuary legatees and indicating the proper share to which each is entitled. In the event that the decedent died intestate and the administrator has been discharged and is not responsible for disposition of the matter, or none was ever appointed, the power of attorney must be executed by the distributees. The Service representatives may require the submission of evidence of the discharge of the administrator if one had been appointed and evidence that the administrator is not responsible for disposition of the matter, and statements made under the penalties of perjury and such other appropriate evidence as can be adduced tending to show the relationship to the deceased of the signatories to the power of attorney and the right of each of them to the respective shares claimed under the law of the domicile of the deceased.

(f) *Guardians and other fiduciaries appointed by a court of record.* The power of attorney should be executed by the fiduciary, and the Internal Revenue Service representatives may require the submission of a court certificate or court order showing that such fiduciary has been appointed and that his appointment has not been terminated.

(g) *Trustee under agreement or declaration.* The power of attorney should be executed by the trustee. In cases where there are more than one trustee appointed, all should join unless it is shown that less than all have authority to act. The Internal Revenue Service representatives may require the submission of documentary evidence of the authority of the trustee to act. Such evidence may be either a copy of the trust instrument, properly certified, or a certified copy of extracts from the trust instrument, showing:

(1) Date of instrument.

(2) That it is or is not of record in any court.

(3) The beneficiaries.

(4) The appointment of the trustee, the authority granted, and such other information as may be necessary to show that such authority extends to Federal tax matters.

(5) That the trust has not been terminated, and that the trustee appointed therein is still acting.

Self-serving affidavits by the trustee in this connection will not be considered appropirate evidence. In the event that the trustee appointed in the original trust instrument is no longer acting and has been replaced by another trustee, documentary evidence of the appointment of the new trustee should be submitted.

PAR. 5. Section 601.506 is amended to read as follows:

§ 601.506 Refusal to recognize attorney or agent.

Where consideration of a matter has been held in abeyance pending the furnishing of evidence which the Service has requested an attorney or agent to submit, failure to comply with such request within three months from the date it is made may be deemed by the administrative officer before whom the matter is pending cause for refusal further to recognize the authority of such attorney or agent. The administrative officer shall, however, give written notice of such refusal to the attorney or agent, and shall briefly state the reason such action has been taken.

PAR. 6. Section 601.508 is amended to read as follows:

§ 601.508 Recognition by correspondence.

If an attorney or agent of a taxpayer desires recognition through correspondence with the Service, enrollment and power of attorney requirements must be met even though no actual appearance is made. The attorney or agent should state in his first letter or other written communication with the Service whether he is enrolled to practice before the Service, and should enclose a copy of the power of attorney authorizing him to act in the matter. In any matter in which a power of attorney has previously been filed, copies of correspondence relating to the same matter and addressed by the Service to the taxpayer will, where feasible and appropriate, be sent to the attorney or agent designated in such power of attorney. See paragraph (a) (1) of § 601.504 for the rule relating to the addressing of correspondence where a power of attorney is granted to more than one attorney or agent.

PAR. 7. Section 601.509 is amended to read as follows:

§ 601.509 Evidence required to substantiate facts alleged in conferences.

All evidence except that of a supplementary or incidental character may be required to be submitted over the signed declaration of the taxpayer made under the penalties of perjury that such evidence is true. In the case of any matter pending before the Internal Revenue Service in respect of which the taxpayer submits a protest or other similar statement, such protest or statement should contain a statement of facts on which the taxpayer relies, made under the penalties of perjury, and should meet all the issues raised by the Service which the taxpayer desires to contest. Every claim, written argument, brief, or statement of fact prepared or filed by an attorney or agent in any matter pending before the Service should have endorsed thereon a statement signed by such attorney or agent stating whether or not he prepared such document and whether or not he knows of his own knowledge that the statements of fact contained therein are true and correct.

(R.S. 161; 5 U.S.C. 22)

MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

[F.R. Doc. 64-2494; Filed, Mar. 13, 1964; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Revival of Insurance

1. In Part 6, a new § 6.19 is added to read as follows:

§ 6.19 Revival of insurance.

If the sole reason death, total permanent disability or total disability benefits under a policy of United States Government life insurance cannot be granted is because the policy was lapsed, such policy shall be deemed to have been in force by payment of premiums if (a) the policyholder died or became totally and permanently disabled or totally disabled, on or after date of promulgation (March 5, 1964) and before the next anniversary date of his policy following the date of lapse, and (b) regular dividends, accruing on such policy as the result of premiums paid since the last anniversary date, which are not payable until after the date of death or total disability of the policyholder, are sufficient to have maintained that policy in force on a premium-paying basis to the required date so that death benefits in case of death or total permanent disability benefits in the case of total permanent disability or total disability benefits in the case of total disability, which otherwise could be granted under the provisions of the contract except for the lapse, may be granted. No total disability provision or total permanent disability provision will be placed in force under this section unless it lapsed at the same time as the life insurance and both the life insurance and the disability provision attached thereto are placed in force under this section and benefits may be granted under the terms of such provision. The unpaid premiums on such insurance shall be collected from such dividends and from any other benefits payable under the policy.

2. Section 6.71 is revised to read as follows:

§ 6.71 Lapse for nonpayment of premium.

If any premium be not paid when due, the United States Government life insurance policy shall cease and become void, except as otherwise provided in the insurance regulations and policy.

3. In Part 8, a new § 8.7c is added to read as follows:

§ 8.7c Revival of insurance.

If the sole reason death or total disability benefits under a participating policy of National Service life insurance cannot be granted is because the policy was lapsed, such policy shall be deemed to have been in force under premium-paying conditions if (a) the policyholder died or became totally disabled, on or after date of promulgation (March 5, 1964) and before the next anniversary date of his policy following the date of lapse, and (b) regular dividends, accruing on such policy as the result of premiums paid since the last anniversary date, which are not payable until after the date of death or total disability of the policyholder, are sufficient to have maintained that policy in force on a premium-paying basis to the required date so that death benefits in the case of death or total permanent disability benefits in the case of total permanent disability or total disability benefits in the case of total disability, which otherwise could be granted under the provisions of the contract except for the lapse, may be granted. No total disability provision or total permanent disability provision will be placed in force under this section unless it lapsed at the same time as the life insurance and both the life insurance and the disability provision attached thereto are placed in force under this section and benefits may be granted under the terms of such provision. The unpaid premiums on such insurance shall be collected from such dividends and from any other benefits payable under the policy.

4. Section 8.16 is revised to read as follows:

§ 8.16 Lapse for nonpayment of premium.

If any premium be not paid when due, the National Service life insurance policy shall cease and become void, except as otherwise provided in the insurance regulations and policy.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: March 5, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-2503; Filed, Mar. 13, 1964; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order No. 59-A]

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Retesting of Cargo Tanks

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 5th day of March, A.D. 1964.

Upon consideration of the report of the Commission, Division 3, herein, decided October 31, 1963, and of:

(1) Petition of Compressed Gas Association for reconsideration and modification of Order 59-A and, in the alternative, for hearing, filed January 15, 1964;

(2) Petition of Humble Oil and Refining Company for amendment of Order 59-A, filed January 14, 1964;

(3) Petition of National LP-Gas Association for reconsideration and modification of Order 59-A and, in the alternative, for hearing, filed January 15, 1964;

(4) Petition of National Tank Truck Carriers, Inc., for reconsideration of Order 59-A, and, in the alternative, for public hearing, filed January 15, 1964;

(5) Petition of Producers Transport, Inc., for reconsideration of Order 59-A, filed January 15, 1964, and

(6) Letter requests for modification filed by Manufacturing Chemists Association filed January 21, 1964, Spencer Chemical Company filed January 6, 1964, Phillips Petroleum Company filed December 27, 1963, and General Aniline and Film Corporation filed December 18, 1963, and of

(7) Telegraphic request of Agricultural Ammonia Institute for modification and hearing, filed January 15, 1964,

and good cause appearing therefor:

It is ordered, That 49 CFR 77.824, be, and it is hereby modified by amending paragraph (d) of said order to read as follows:

§ 77.824 Retesting of cargo tanks.

* * * * *

(d) *Compressed gas cargo tanks, spec. MC-330.* Every cargo tank constructed in compliance with spec. MC-330 (§ 78.-336 of this chapter) and used for the transportation of any compressed gas shall be inspected and tested in accordance with the following provisions:

(1) Not later than September 30, 1964, an external and internal visual inspection shall be made to determine whether the tank is in compliance with the requirements of the regulations, specifications, and provisions of the code under which it was built, provided that an external inspection of shell and heads shall not be required on insulated tanks and internal inspection shall not be required in tanks without manways. Particular determination shall be made as follows:

(i) Whether excessive weld metal build-up, above that permitted by the code provisions, or other indication of improper welding during fabrication exists.

(ii) Whether evidence of a crack or cracks, or other damage exists.

(iii) Whether openings in the tank are grouped as required by § 78.336-1 (c) of this chapter.

(iv) Whether valves, fittings, accessories, safety relief devices, and gauging devices are adequately protected against mechanical damage as required by § 78.336-10 of this chapter.

(v) Whether marking and placarding are legible and meet the size requirements of § 77.823(d).

(vi) Whether the automatic excess flow valve required by § 73.33(o) of this chapter conforms to all requirements of that section, particularly that the capacity of all connections and lines is greater than the rated flow of the excess flow valve.

(vii) Whether the manually operated shut-off valve, required by § 73.33(o) (3) of this chapter, is operative and in conformity with the regulation.

(viii) Whether pipes, fittings, valves, valve connections, or nozzles extend to or beyond a point at which they are protected from mechanical damage.

(2) If any inspection discloses any failure to comply with requirements of the code under which the tank was built or with any other provision of Commission regulations, or if evidence of any substantial or significant damage is found, repairs, or modifications shall be made to bring the tank into compliance with such code provisions or regulations before it is returned to service.

(3) (i) At time intervals specified herein tests shall be made of all welds in or on tank shells and heads, both inside and outside, of tanks of more than 3,000 water gallon capacity, if constructed of quenched and tempered steel, and if used for transportation of toxic or flammable gases, provided that welded appurtenances need not be removed for this purpose, and provided that any tank, if insulated, need not be subjected to exterior testing and that any tank not equipped with a manway need not be subjected to internal testing. At least ten percent of the tanks in use by a carrier shall be tested not later than September 30, 1964. The test shall be made of every tank not later than the first occasion when it is due for the test required by § 73.33(k). Tanks constructed prior to January 1, 1959, shall be tested at first priority, with oldest tanks to be tested first. Any tank tested in accordance with these requirements subsequent to December 31, 1962, shall be deemed to have complied with the requirement of this subparagraph. Similar tests of not less than ten percent of the tanks in use by a carrier shall be made during each period of six months after September 30, 1964, until all tanks in service have been tested. If any carrier has less than ten such tanks, at least one such tank shall be tested during each period of six months.

(ii) The test required by this subparagraph shall be made either by the magnetic particle method, the radiographic method, or by the ultrasonic method. If the magnetic particle method is used, the test shall be conducted in accordance with appendix VI, section VIII, 1962 edition of the ASME Code, except that permanent magnets may not be used for this purpose. The ultrasonic method may be used only in full compliance with the provisions of Case Interpretation 1275N of the ASME Code. If the radiographic method is used, the test shall be conducted in accordance with the requirements of section VIII, 1962 edition of the ASME Code. If any failure to comply with the provisions of the code, or any defective plate or weldment, is disclosed by such test it shall be repaired prior to replacing the vehicle in service.

(4) Reports required:

(i) Each motor carrier, whether common, contract, or private, operating such tank vehicles, shall make a written report in triplicate, concerning all tanks inspected or tested in accordance with subparagraphs (1), (2), and (3) of this paragraph. Such reports shall be filed, in duplicate, with the District Director of the Bureau of Motor Carriers having jurisdiction at the place of the principal office of the carrier not later than 15 days after September 30, 1964, and not later than 15 days after completion of each succeeding six months period until all such tanks have been inspected and tested as required. If by September 30, 1964, or at the end of any succeeding period of six months, all tanks in use by a carrier, including any tanks acquired or placed in service during such periods, shall have been inspected or tested, that fact shall be reported and no further report is required unless and until additional vehicles are placed in the carrier's service. A copy of the report shall be retained by the carrier during the period the tank is in the carrier's service and for one year thereafter.

(ii) Each carrier shall cause to be prepared a record, signed by the inspector, of the inspection of each tank required by subparagraphs (1) and (2) of this paragraph. The signed inspection record shall be retained with the carrier's file copy of the report filed with the Commission. The report shall state the identification, by company designation number, of each vehicle inspected, the name of the inspecting agency and person, the nature of any defects or damage discovered, and shall state how such defect or damage was corrected and by what method. If no defect or damage was discovered, that fact shall be reported.

(iii) Each carrier shall cause to be furnished to it a record of the test of each tank required by subparagraph (3) of this paragraph, signed by the representative of the firm or agency making the test, or signed by the employee of the carrier making the test, which report shall be retained with the carrier's file copy of the report filed with the Commission. The report shall state the identification, by company designation number, of each vehicle tested during the period covered. The report shall state what method of test was used, the name of the inspecting agency and person, the nature of any defects or damage discovered, and how such defect or damage was corrected. If no defect or damage was discovered, that fact shall be reported. Any vehicle involved in an accident resulting in damage to the cargo tank, shall be tested and reported upon in accordance with the requirements of this subdivision and subparagraph (3) of this paragraph.

(iv) The reports required of a carrier by subdivisions (i), (ii), and (iii) of this subparagraph may be combined in a single report.

(5) The inspection and test required shall be in addition to the testing requirements of § 73.33 of this chapter.

* * * * *

It is further ordered, That the petitions and requests in all other respects be, and they are hereby, denied.

It is further ordered, That this order shall remain in effect until the further order of the Commission.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-2495; Filed, Mar. 13, 1964; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

YOSEMITE NATIONAL PARK, CALIFORNIA

Fishing; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Western Region, Order No. 3 (21 F.R. 1495), as amended, it is proposed to amend § 7.16 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of this amendment is to establish suitable fishing regulations to conform to those of the State of California for the Central Sierra Region, and to set aside certain portions of park waters as fish management research areas. These areas will furnish data for use to improve fish conservation practices.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Yosemite National Park, California, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (a) of § 7.16 is amended to read as follows, and new paragraph (k) is added thereto:

§ 7.16 **Yosemite National Park.**

(a) *Fishing*—(1) *Open season and limit of catch.* The open season for fishing and the daily bag and possession limit shall conform to that of the State of California for the Central Sierra Region, except as otherwise provided by paragraph (k) of this section.

* * * * *

(3) [Deleted]

* * * * *

(k) *Experimental fish management waters.* The Superintendent in his discretion may set aside certain portions of Park waters as experimental fish management areas and may temporarily establish specific fishing regulations for such areas as necessary to achieve project objectives: *Provided*, That said areas must be posted by appropriate signs, and public notices must be published through local information media which designate the boundaries and define the temporary regulations applicable thereto.

JOHN C. PRESTON, *Superintendent, Yosemite National Park.*

[F.R. Doc. 64-2486; Filed, Mar. 13, 1964; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 55]

EGG PRODUCTS

Grading and Inspection

Notice is hereby given that the United States Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of Egg Products (7 CFR, Part 55), issued pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

Statement of considerations. With the benefits of increased technology and new product development during the past few years, demand for dried egg solids has increased. Not only has the quantity of products used by the food industry increased, but the demand for new and different blends and mixes with varying functional properties has also increased and further development and research is desired.

The intent of the Regulations Governing the Grading and Inspection of Egg Products is to assure the production of wholesome egg products which are processed in a sanitary method. The specific cooling requirements now in effect for packaging and holding dried egg solids are unnecessarily restrictive. The proposed deletion of the specific packaging and holding temperatures for dried egg solids would have no adverse affect on the wholesomeness of the product, and would permit processors to meet the specific functional and mixture requirements requested in buyers' specifications. In addition, this would encourage development of new products and drying techniques.

Potential buyers have access through the Department, or other sources for obtaining or making tests for palatability, functional properties, and other various factors which primarily concern quality and not wholesomeness.

The proposed amendments would also allow non-inspected egg products to be received for processing in an official plant: *Provided*, That the products are received and processed under continuous USDA supervision; the products eligible for official identification are not processed concurrently with non-inspected products; and the non-inspected processed products are denatured and labeled to clearly indicate they are not for human consumption. This action would place the manufacturing and labeling of this type of product under rigid government supervision to assure proper segregation and disposition. At the same time this would provide manufacturers the opportunity to utilize their equipment, facilities and personnel to a greater extent during periods of relative inactivity, which is especially applicable in this industry because of its more or less seasonal nature.

The amendments would also change the initial strength of sanitizing solutions to be used on equipment from a minimum of 200 p.p.m. of chlorine or its equivalent to a maximum of 200 p.p.m. initial strength. This change is being made to conform with present recommendations of the Food and Drug Administration for this type of an operation.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendments should file them with the Chief, Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 30 days following publications of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Section 55.77(c) is changed by adding at the end thereof the following:

§ 55.77 **General operating procedures.**

* * * * *

(c) * * *. Non-inspected egg products may not be received into an official plant except for further processing. Receiving and processing of non-inspected products are permitted only when:

(1) An inspector or grader is on duty at all times when such operations are carried on.

(2) The processed products produced from the non-inspected products are properly denatured and labeled in a manner that will clearly indicate they are not for human consumption.

(3) Adequate provisions are made for segregation and inventory control of such non-inspected products from inspected products during storage and processing.

(4) Processing of non-inspected product is not carried on concurrently with processing of product eligible for official identification.

(5) All equipment is thoroughly cleaned and sanitized immediately following the processing of non-inspected egg products.

* * * * *

2. Change § 55.91(j) to read:

§ 55.91 **Spray process drying facilities.**

* * * * *

(j) Cooling equipment for dried egg powder shall be provided to the extent required for the product being processed.

3. Change § 55.92(f) to read:

§ 55.92 **Spray process drying operations.**

* * * * *

(f) When necessary to adequately cool the powder prior to packaging, the powder may be immediately recirculated through the cooling unit until the desired discharge temperature is obtained.

4. Change § 55.99(b)(1) to read:

§ 55.99 Cleaning and sanitizing requirements.

* * * * *

(b) *Sanitizing.* (1) Sanitizing shall be accomplished by subjecting, for not less than one minute, the equipment surfaces to a hypochlorite or other approved sanitizing solution carrying a maximum initial strength of 200 p.p.m. of chlorine or its equivalent. The solution shall be changed whenever the strength of the solution drops to 100 p.p.m. of available chlorine or its equivalent.

5. Delete § 55.102(b)(2) and renumber (b)(3) through (b)(7) as (b)(2) through (b)(6) respectively.

Done at Washington, D.C., this 10th day of March 1964.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64-2492; Filed, Mar. 13, 1964; 8:46 a.m.]

[7 CFR Part 70]

POULTRY AND EDIBLE POULTRY PRODUCTS

Grading and Inspection

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that the United States Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof; and United States Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70), under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.).

Statement of considerations: The proposed amendments would change the requirements for poultry of B quality and Procurement I grade by allowing birds of A quality fleshing to have up to one-third of the flesh exposed on any part provided the meat yield is not appreciably affected. Such products are used in further processing operations where meat yield is number one in importance and by consumers who are more interested in meat yield than appearance.

One of the major purposes of grades and standards is to reflect the true market value of product of a specific grade. Poultry which has substantial areas of skin missing would, under the present standards, have to be graded as C quality, but in the market place the value of such poultry, if it has A quality fleshing, is commensurate with that of B quality poultry. Consequently, the official USDA standards and grades are not being used for this type of product since they do not reflect true value.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendments should file them with the Chief, Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Section 70.354(e) would be amended by adding the following sentence at the end thereof:

§ 70.354 B Quality.

* * * * *

(e) * * *. Notwithstanding the foregoing, a carcass meeting the requirements of A quality for fleshing may be trimmed to remove skin and flesh defects, provided that no more than one-third of the flesh is exposed on any part and the meat yield of any part is not appreciably affected.

2. Section 70.365 would be amended by changing "¼" to read "⅓" in the 13th line of said section.

Done at Washington, D.C., this 10th day of March 1964.

G. R. GRANGE,
Deputy Administrator,
Marketing Service.

[F.R. Doc. 64-2493; Filed Mar. 13, 1964; 8:46 a.m.]

Agricultural Research Service

[9 CFR Parts 17, 18, 27]

LABELING; REINSPECTION AND PREPARATION OF PRODUCTS; IMPORTED PRODUCTS

Extension of Time for Filing Comments

On February 4, 1964, a notice of proposed amendments of Parts 17, 18 and 27 of the Federal Meat Inspection Regulations (9 CFR Parts 17, 18 and 27) was published in the FEDERAL REGISTER (29 F.R. 1696) and interested persons were given 30 days within which to submit data, views and arguments. Requests for an extension of this period of time have been received by this Department.

In view of the public interest in the proposal, it appears that an extension of time is appropriate. Accordingly, the time within which written data, views and arguments may be submitted to the Director, Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, is hereby extended to include April 4, 1964.

Done at Washington, D.C., this 11th day of March 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-2520; Filed, Mar. 13, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-4]

FEDERAL AIRWAY SEGMENT

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 (New) of the Federal Aviation Regulations, the substance of which is stated below.

The FAA proposes to extend V-133 from Traverse City via Escanaba, Mich., to Marquette, to provide air traffic service to these permanent air carrier stops and to provide route continuity from the Detroit terminal area to Marquette. The FAA has also received a request from the Air Transport Association of America for the designation of a Federal airway from Traverse City, Mich., direct to Marquette, Mich. The requested direct route from Traverse City to Marquette would have an adverse operational effect on the K. I. Sawyer Air Force Base and would require a 140-nautical mile route between navigational aids. This route distance is in excess of that utilized by FAA planning standards. The proposed route would only slightly increase the over-all route mileage but would provide more precise navigational guidance between navigational aids.

Concurrently with this proposal, it is proposed to designate the Escanaba and Marquette VORs as reporting points for IFR traffic proceeding southeast bound on V-133.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 9, 1964.

D. E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2486; Filed, Mar. 13, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-8]

CARBON STEEL BARS FROM CANADA

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

MARCH 11, 1964.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, imported from Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of such merchandise from Canada pursuant to § 14.9 of the Customs Regulations (CFR 14.9).

The complaint in this case was received on December 16, 1963.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 64-2515; Filed, Mar. 13, 1964; 8:51 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ALFRED SAFRAN ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alfred Safran, 2842 3d Avenue North, St. Petersburg, Florida, 33713; $69.13 in the Treasury of the United States.

Mrs. Edith Burta, 1015 Harper Avenue North, Los Angeles 46, California; $23.04 in the Treasury of the United States.

Mrs. Vera Magyar, 6 Museum Chambers, Burry Place, London W.C. 2, England; $17.28 in the Treasury of the United States.

Mrs. Rozalia Salamon, Geoagiu, Reg. Hunedoara, Raion Orastie, Roumania; Claim No. 35312; Voluntary Turnover (Account No. 17-100570); $69.12 in the Treasury of the United States.

Executed at Washington, D.C., on March 9, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64-2543; Filed, Mar. 13, 1964; 8:52 a.m.]

PRISKA SAFRAN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses; and also subject to the provisions of Treasury Circular No. 655, as amended, 31 CFR 211.3, and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897:

Claimant, Claim No., Property, and Location

Mrs. Priska Safran, Febr. Vitezi 8, Presov, Czechoslovakia; Claim No. 35312; Voluntary Turnover (Account No. 17-100570); $92.16 in the Treasury of the United States.

Executed at Washington, D.C., on March 9, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64-2544; Filed, Mar. 13, 1964; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 6, 1964.

The Bureau of Land Management has filed an application, Fairbanks 031915, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws but excepting the mineral leasing laws. The applicant desires the land to provide public recreational facilities and to retain recreation values in public ownership.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

CLEAR CREEK RECREATION AREA

Unsurveyed land within the following protracted areas:

PARCEL A

Township 8 South, Range 7 East, Fairbanks Meridian,
Sec. 12, S½S½NE¼, SE¼;
Sec. 13 NE¼NE¼.
Township 8 South, Range 8 East, Fairbanks Meridian,
Sec. 7, S½SW¼SW¼;
Sec. 18, NW¼NW¼.
Containing approximately 300 acres.

PARCEL B

Township 8 South, Range 8 East, Fairbanks Meridian,
Sec. 28, S½NE¼, S½N½NE¼, NE¼NW¼, N½SE¼NW¼;
Sec. 27, SW¼NW¼, S½NW¼NW¼, N½NW¼SW¼, NE¼SW¼, NW¼SE¼.
Containing approximately 340 acres.

UNSURVEYED LAND ALONG THE TAYLOR HIGHWAY IN THE AREA DRAINED BY THE FORTYMILE RIVER

1. South Fork of the Fortymile River. Township 26 North, Range 19 East, Copper River Meridian. A tract of land situated on the westerly side of the South Fork of the Fortymile River and on the north side of the Taylor Highway at approximate Mile 75 as measured from the junction of the Alaska and Taylor Highways at approximate latitude 64°05' N., longitude 141°48' W., being more particularly described as follows:

Beginning at a point on the centerline of the Taylor Highway as it intersects with the left limit of the South Fork of the Fortymile River; thence Southwesterly along the centerline of the Taylor Highway 660 ft.; Northwesterly parallel to the course of the South Fork 2640 ft.; Northeasterly 660 feet to a point on the left limit of the South Fork; Southeasterly along the left limit of the South Fork to the point of beginning.

The tract will contain 40 acres more or less.

2. Dennison Fork. Township 24 North, Range 16 East, Copper River Meridian. A parcel of land situated on the south bank of the West Fork of the Dennison Fork of the Fortymile River and west of the Taylor Highway at Milepost 50 as measured from the junction of the Alaska and Taylor Highways at approximate latitude 63°55' N., longitude 141°08' W., being more particularly described as follows:

Beginning at a point on the centerline of the Taylor Highway as it intersects with the right limit of the West Fork of the Dennison Fork of the Fortymile River; thence southerly along the centerline of the Taylor Highway approximately 1320 feet to corner 2; thence west 2640 feet to corner 3; thence

north 1320 feet to a point on the right limit of the stream which is corner 4; thence downstream along the meander of the river to the point of beginning.

Containing approximately 80 acres.

3. Walker Fork. Township 27 North, Range 19 East, Copper River Meridian. A parcel of land situated on the north side of the Walker Fork of the Fortymile River near the confluence of Jack Wade Creek at approximate latitude 64°06' N., longitude 141°36' W., being more particularly described as follows:

Beginning at a point on the centerline of the Taylor Highway at its intersection with the right limit of the Walker Fork of the Fortymile River; thence downstream along the meander of the river approximately 2640 feet to corner 2; thence northeasterly perpendicular to the course of the stream 1320 feet to corner 3; thence southeasterly parallel to the course of the Walker Fork 2640 feet to a point on the centerline of the Taylor Highway; thence continuing course across Jack Wade Creek 660 feet to corner 4; thence southerly to a point on the right limit of the Walker Fork; thence downstream along the meander of the stream to the point of beginning; containing 100 acres more or less.

4. Mile 96—Taylor Highway. Township 27 North, Range 21 East, Copper River Meridian. A parcel of land situated at the junction of the Taylor Highway and the Boundary cutoff at Milepost 96 as measured from the junction of the Alaska and Taylor Highways at approximate latitude 64°09' N., longitude 141°21' W., being more particularly described as follows:

Beginning at the junction of the Taylor Highway and the Boundary cutoff; thence east 660 feet to corner 1; thence 1320 feet to corner 2; thence west 1320 feet to corner 3; thence north 1320 feet to corner 4; thence east 660 feet to the point of beginning; containing 40 acres.

The areas described aggregate approximately 900 acres.

DANIEL A. JONES,
Manager.

[F.R. Doc. 64-2502; Filed, Mar. 13, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

MULTIUNIT COMPANIES

Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of 13 U.S.C. 181, 224, and 225, to conduct a First Quarter 1964 Survey of selected multiunit companies. This survey is similar to those conducted for previous County Business Patterns Reports. It is designed to collect information for the 1964 Report on the number of employees, taxable wages, geographic location, and kind of business for the establishments of selected multiunit companies. Only those companies which do not report in sufficient detail to other Federal agencies will be required to report in this survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed form and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing within 30 days after the date of this publication will receive consideration.

RICHARD M. SCAMMON,
Director,
Bureau of the Census.

[F.R. Doc. 64-2488; Filed, Mar. 13, 1964; 8:45 a.m.]

Bureau of International Commerce

[File 23-897]

LARS CHRISTENSEN

Order Denying Export Privileges for an Indefinite Period

In the matter of Lars Christensen, Peter Bangsvej 35, Copenhagen F., Denmark, File 23-897, respondent.

The Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondent all export privileges for an indefinite period because of the failure of said respondent to furnish answers to interrogatories without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence shows and I find that the respondent Lars Christensen is engaged in the import-export business in Copenhagen, Denmark; that the aforesaid Investigations Division is conducting an investigation into the facts surrounding the exportation from the United States of certain commodities known to have been delivered to said respondent and into the disposition of said commodities by said respondents, and also into the receipt and disposition by respondent of other U.S. origin commodities. It is impracticable to subpoena the respondent and relevant and material interrogatories were served on him pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish responsive answers to said interrogatories as required by said section and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as representative of a party to any validated export license application, (b) in the preparation or filing of any export license or reexportation authorization, or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers and written information in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. During the time when said respondent or any related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any said respondent or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: March 10, 1964.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-2489; Filed, Mar. 13, 1964; 8:45 a.m.]

Maritime Administration

APPLICATIONS FOR OPERATING-DIFFERENTIAL SUBSIDY

Procedure To Process

On January 14, 1964, American Export and Isbrandtsen Lines in a letter to the Secretary of the Maritime Administration raised certain questions about the procedure for considering an application for subsidy on a particular trade route. In essence, American Export Lines requests that Maritime Administration publish "some basic traffic statistics" concerning the service applied for by the applicant at the same time notice is given to the public regarding such application. American Export asserts that this traffic information would be useful in deciding whether to intervene in opposition to the application. American Export's letter reads as follows:

JANUARY 14, 1964.

MR. JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration,
Washington, D.C., 20235.

Re: Application of American Mail Line—Service Between West Coast of India and Pakistan and California.

DEAR MR. DAWSON:

On October 4, 1963, American Mail Line filed an application with the Maritime Administration and Maritime Subsidy Board for the privilege of carrying cargo between California and the West Coast of India and West Pakistan. The notice of said application was published in the FEDERAL REGISTER (28 F.R. 1156) of October 29, 1963, and American Export Lines, Inc., on November 12, 1963, filed a notice of intervention and a request for hearing under section 605(c) of the Act.

The intervention of American Export Lines was filed as a protective measure, in order to give the company sufficient time to analyze the consequences of the American Mail Line application and to determine whether or not the additional service requested was consistent with the requirements of section 605(c), as well as the purposes and policy of the Act.

American Export Lines has long felt that proceedings under section 605(c) have become unduly lengthy and expensive. Unfortunately, in many instances, a company is forced to file a petition for intervention in order to protect any possible interest which it might have and in order to have an opportunity to study the relevant traffic statistics, which are usually not available at the time when the notice of the application is published in the FEDERAL REGISTER.

For the purpose of obviating any unnecessary expense, not only to American Export Lines, but to American Mail Line and the staff of the Maritime Subsidy Board as well, we agreed with American Mail Line to undertake between ourselves, before the American Mail Line application was set for hearing, a study of the basic traffic data concerning this service.

American Mail Line was most cooperative in supplying to us, (1) the basic details of their proposed operation; (2) the itineraries of their voyages on their Bay of Bengal service, during the 12 months ending November 30, 1963; (3) the commercial liner cargo movement from the West Coast of India and West Pakistan to California, during the years 1960 through 1962, showing the relative participation of United States and foreign-flag vessels, together with (4) various other traffic data. In turn, American Export Lines has supplied American Mail Line with the details of its participation in the trade from the West Coast of India and West Pakistan to California.

On the basis of the study which we have made of the pertinent traffic data, American Export Lines has determined that it would not be consistent with the purposes and policy of the Merchant Marine Act, or the promotion of the American Merchant Marine, to pursue its intervention in this proceeding. Accordingly, I should like to inform you that American Export Lines is hereby withdrawing its intervention in the American Mail Line application.

I believe that the procedure which the parties have adopted in this case could well be carried over to various other subsidy applications and possible 605(c) proceedings. It seems unfortunate that when an application for subsidy on a particular trade route is published, some basic traffic statistics, concerning the service applied for in the application, are not either published by the Maritime Subsidy Board or made available to the public at that time. The Office of Statistics and Special Studies of the Maritime Administration usually has relatively current traffic data fairly readily available for each essential trade route. If such basic traffic data is not available for any service for which a subsidy application might be filed, it would seem appropriate for the Maritime Subsidy Board to await the time when the data is available before noticing the particular application in the FEDERAL REGISTER. It is suggested that such a procedure would perhaps eliminate some of the interventions that are filed in these proceedings and would focus the attention of the parties upon the basic factual issues which would develop in any section 605(c) hearing.

Sincerely yours,

J. M. WILL.

The Maritime Administration would like to have the views of interested persons whether it is necessary and/or desirable to publish such basic traffic information with the application for additional subsidized service; and, if so, who is to provide the information, in what depth, and at whose cost? In considering these questions attention should be given to known opposition of some carriers to making specific traffic information public and to the additional time that may be required for the Government to begin to consider the application.

Any comments, views, or arguments in this matter should be filed in writing, in triplicate, addressed to the Secretary, Maritime Administration, Washington, D.C., 20235, by close of business on April 17, 1964.

Dated: March 11, 1964.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-2521; Filed, Mar. 13, 1964; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FRITZSCHE BROTHERS, INC.

Notice of Filing of Petition Regarding Food Additive Ethyl Cellulose

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1346) has been filed by Fritzsche Brothers, Inc., 76 Ninth Avenue, New York 11, New York, proposing the amendment of § 121.1087 to provide for the safe use of ethyl cellulose as a fixative in flavor compounds at a level not exceeding 10 percent by weight of the flavor compound.

Dated: March 10, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-2512; Filed, Mar. 13, 1964; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-16]

UNITED CONTROL CORP.

Filing of Petition Regarding Licensing of Byproduct Material

Please take notice that United Control Corporation, Overlake Park, Redman, Washington, has filed with the Commission a petition for rule making to amend Title 10, Code of Federal Regulations, Part 30 "Licensing of Byproduct Material". The proposed amendment would amend Part 30 so as to permit distribution to airframe manufacturers and to owners and operators of aircraft, as general licensees, of ice detection systems containing sealed sources of Strontium 90.

A copy of the petition for rule making is available for public inspection in the

Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 10th day of March 1964.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 64-2487; Filed, Mar. 13, 1964; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RN64-23]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

March 10, 1964.

Take notice that on March 3, 1964, Alabama-Tennessee Natural Gas Company tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective as of January 1, 1964. The proposed changes reflect decreases in rates and charges in its Rate Schedules G-1, SG-1, and I-1.

The effect of the decreases in rates and charges on the jurisdictional cost of service in Docket No. G-19984, will be an annual reduction of approximately $11,000 and reflects the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent.

Copies of the proposed rate changes have been served by Alabama-Tennessee upon all customers and State commissions. Comments may be filed with the Commission on or before March 24, 1964.

Joseph H. Gutride,
Secretary.

[F.R. Doc. 64-2499; Filed, Mar. 13, 1964; 8:47 a.m.]

[Docket Nos. AR61-2, RI61-509]

AREA RATE PROCEEDING ET AL.

Order Permitting Withdrawal of Rate Filing and Terminating Proceeding

March 9, 1964.

Area Rate Proceeding, Docket No. AR61-2 [1]; Falcon Seaboard Drilling Company (Operator), et al., Docket No. RI61-509.

On May 1, 1961, Falcon Seaboard Drilling Company (Operator), et al., (Falcon) tendered for filing Supplement No. 1 to its FPC Gas Rate Schedule No. 8, proposing an increased rate from 21.5 cents to 24.0 cents per Mcf (amounting to $20,075 annually) for its jurisdictional sales of natural gas to the American Louisiana Pipeline Company from the Shuteston Field, St. Landry Parish, Louisiana (Southern Louisiana Area). By order issued May 31, 1961, the Commission suspended the proposed rate until November 1, 1961, and thereafter until made effective in the manner prescribed by the Natural Gas Act. The increased rate has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On November 6, 1963, Falcon filed its separate motions requesting that it be permitted to withdraw its suspended increased rate contained in Supplement No. 1 to its FPC Gas Rate Schedule No. 8, and that the Commission terminate the related suspension proceeding in Docket No. RI61-509. In support of its motions, Falcon states that pursuant to a settlement proposal filed by Falcon in Docket CI61-433, and conditionally accepted by the Commission's order issued October 25, 1963, Falcon agreed that it would withdraw the aforesaid Supplement No. 1 to its FPC Gas Rate Schedule No. 8 on the understanding that the Commission would issue an order terminating the above-captioned rate suspension proceeding, and that further rate increase filings by Falcon would be made only as proposed in and permitted by the aforesaid settlement proposal, as conditionally accepted by the Commission, and said Rate Schedule. Under the circumstances in this case, we believe Falcon's request for withdrawal of its supplement and the related rate-suspension proceeding terminated should be granted.

The Commission finds:

(1) The proceeding in Docket No. RI61-509 should be severed from the Area Rate Proceedings in Docket No. AR61-2.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act and the Regulations thereunder that Falcon be permitted to withdraw Supplement No. 1 to its FPC Gas Rate Schedule No. 8 and to terminate the proceeding in Docket No. RI61-509.

The Commission orders:

(A) The proceeding in Docket No. RI61-509 is hereby severed from the proceeding in Docket No. AR61-2.

(B) The withdrawal of Supplement No. 1 to Falcon's FPC Gas Rate Schedule No. 8 is hereby permitted.

(C) The proceeding in Docket No. RI61-509 is hereby terminated as moot.

By the Commission.

[SEAL] Joseph H. Gutride,
Secretary.

[F.R. Doc. 64-2500; Filed, Mar. 13, 1964; 8:47 a.m.]

[Docket No. RI64-273 etc.]

TRUNKLINE GAS CO. ET AL.

Declaratory Order Requiring Payment of Legally Effective Rates

March 9, 1964.

Trunkline Gas Company v. The Superior Oil Company, Docket No. RI64-273; The Superior Oil Company (Operator), et al., Docket Nos. G-18168,[1] G-20435,[1] and G-20577 [2].

On October 25, 1963, as supplemented on November 5, 1963, Trunkline Gas Company (Trunkline) filed a petition for a declaratory order, pursuant to § 1.7(c) of the Commission's rules of practice and procedure, in Docket No. RI64-273 requesting the Commission to determine that the favored-nation clauses upon which The Superior Oil Company (Superior) has relied in filing the proposed increased rates involved in Docket Nos. G-18168, G-20435 and G-20577 are contrary to the public interest and do not provide sufficient justification for these rates. Trunkline further requests that pending determination of the just and reasonable rates for the instant sales by Superior, it be permitted to pay Superior on the basis of the applicable increased rate ceilings set forth in our Statement of General Policy No. 61-1. Superior filed answers thereto on November 1, 1963, and December 5, 1963, respectively.

The dispute between Superior and Trunkline arises under Superior's FPC Gas Rate Schedule No. 1, involving the jurisdictional sale of natural gas by Superior to Trunkline from the Lake Creek, Pinehurst, and Altair Fields, in Montgomery and Colorado Counties, Texas (Texas Railroad Commission District No. 3), and under Superior's FPC Gas Rate Schedule No. 3, involving the jurisdictional sale of natural gas to Trunkline from the Lakeside, Grand Lake, and Pecan Lake Fields, Cameron Parish, Louisiana (South Louisiana).

The initial rate under Superior's FPC Gas Rate Schedule No. 1 was 8.49758 cents per Mcf at 14.65 psia. Superior tendered a notice of change to a favored-nation proposed increased rate of 15.0 cents per Mcf at 14.65 psia. Superior Supplement No. 12 to Superior's FPC Gas Rate Schedule No. 1, which became effective subject to refund on September 9, 1959, in Docket No. G-18168. Subsequently, Superior tendered a further favored-nation proposed increased rate of 20.0 cents per Mcf at 14.65 psia. The proposed increased rate, designated as Supplement No. 13 to Superior's FPC Gas Rate Schedule No. 1, was suspended and thereafter became effective subject to refund on May 24, 1960, in Docket No. G-20435.

On December 3, 1959, Superior tendered a notice of change in its FPC Gas Rate Schedule No. 3. The favored-nation proposed increased rate, from 11.26176 cents per Mcf at 15.025 psia, to 24.05 cents per Mcf at 15.025 psia, designated as Supplement No. 19 to Superior's FPC Gas Rate Schedule No. 3, was suspended and thereafter became effective subject to refund on June 9, 1960, in Docket No. G-20577.

In support of its petition, Trunkline contends that favored-nation provisions are contrary to the public interest, and are an artificial reason for Superior's rate increases, constituting insufficient justification for the increased rates involved here. Trunkline also asserts that there was a lack of arms-length bargaining with respect to the contracts with Superior, claiming that there was affiliation between the two parties at the time of execution of the contracts. Trunkline further states that Superior has collected large sums subject to refund over the periods the increased rates have been in effect. In order to reduce the amounts collected, effective with the payment to Superior for gas delivered in September 1963, Trunkline states it has computed its payments to Superior at 15.5 cents per Mcf at 15.025 psia under Superior's FPC Gas Rate Schedule No. 3 and at 14.0 cents per Mcf at 14.65 psia under Superior's FPC Gas Rate Schedule No. 1.

In the Pure Oil case, Opinion No. 341, 25 FPC 383, affirmed 299 F. 2d 370 (7th Circuit, 1962), we rejected the contention that favored-nation clauses should be stricken from rate schedules on file with the Commission.[3] The Supreme Court in Wisconsin v. F.P.C. 373 U.S. 294, rejected a similar argument by California with respect to spiral escalations. The Court stated (373 U.S. at 304):

> Further, we see no merit in California's contention. It is true that the Commission has announced prospectively that it would not accept for filing contracts containing such clauses,[13] but it would have been quite a different matter for the Commission to have declared that past rate increases were ineffective simply because they were based on spiral provisions. The effect of a contract clause of this type, of course, is only to permit the producer to resort to the filing provisions of section 4(d) of the Act. If the increase is challenged, the producer must still establish its lawfulness wholly apart from the terms of the contract. Thus we have sustained the right of a seller to file an increase under a contract which, in effect, authorized him to do so at any time. United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103. The spiral clauses here are far more limited in scope depending as they do on the occurrence of external events. (Footnote omitted.)

Trunkline's allegation of lack of arms-length bargaining appears to be founded on its contention that Superior at the time of execution of the contracts had the option to buy future issues of Trunkline stock. Trunkline also claims that some 10 months after the execution of the contracts Superior owned approximately 20 percent of Trunkline but nowhere does it allege that Superior in fact owned any stock at the time of the contractual transactions. The difficulty with this argument, aside from the question whether the lack of arms-length bargaining alone would prevent Superior from collecting its contract price, is that at the time the original sales contract was negotiated containing not only the two party favored-nation clause here in issue, but a third party favored-nation clause as well,[4] Superior had no option nor any other affiliation or basis for such claim with Trunkline. It is true that it appears that Superior was able to extract such an option as the consideration for extending the contract when the Commission failed to grant a certificate within the period originally prescribed, but there is no showing or even claim that this option had anything to do with the fact that the renewed contract contained the same favored-nation clauses as before. Taking official notice of the fact that such clauses were a common feature of gas sales contracts at the time and by no means limited to special situations in which inter-company relationships were involved, we must conclude that there has been no showing of any affiliation which could cause us to reach a different result.

In view of the foregoing, we must deny the relief requested in Trunkline's petition. There is also no justification for Trunkline's action of computing payment for gas purchased from Superior under the subject rate schedule on the basis of a lower rate than is presently on file with this Commission and in effect subject to refund. Hope Natural Gas Company v. F.P.C., 134 F. 2d 287, reversed on other grounds, 320 U.S. 591. We shall therefore also order Trunkline to discontinue this practice at once and to recompute any previous improper payments.

The Commission orders:

(A) The relief requested in the petition for a declaratory order filed by Trunkline on October 25, 1963, as supplemented on November 15, 1963, is denied.

(B) Trunkline shall, effective as of the date of issuance of this order, make payments for gas purchased from Superior under the subject rate schedules computed on the basis of the rates in effect, subject to refund, in Docket Nos. G-20435 and G-20577, unless or until such increased rates are changed in accordance with the provisions of the Natural Gas Act.

(C) Within 30 days from the date of issuance of this order, Trunkline shall recompute any previous payments it has made to Superior which were computed on the basis of lower rates than those described in paragraph (B) above, and shall make any additional payments to Superior that may be required based on such recomputation.

(D) Within 45 days from the date of issuance of this order, Trunkline shall report to the Commission in writing the details of its calculation resulting in any payments which may be required pursuant to paragraph (C) above, together with a copy of a release from Superior with respect to such payments.

By the Commission.

[SEAL] Joseph H. Gutride,
Secretary.

[F.R. Doc. 64-2501; Filed, Mar. 13, 1964; 8:48 a.m.]

[1] The proceeding in Docket No. RI61-509 was consolidated with the proceedings in Docket No. AR61-2 by the Commission's order issued May 15, 1962.

[1] Consolidated with the area rate proceeding in Docket Nos. AR64-2, et al., by order issued November 27, 1963.

[2] Consolidated with the area rate proceeding in Docket Nos. AR61-2, et al., by order issued May 10, 1961, 25 FPC 942.

[3] Cf. Opinion No. 382 issued March 15, 1963, 29 FPC 498, Shell Oil Company, et al. See also Texaco Inc., et al., Docket Nos. G-17613, et al., order issued November 19, 1963.

[4] This third party favored-nation clause was eliminated by mutual consent of Superior and Trunkline during the subsequent period of alleged affiliation.

HOUSING AND HOME FINANCE AGENCY

National Voluntary Mortgage Credit Extension Committee

ORGANIZATION DESCRIPTION

The organization description of the National Voluntary Mortgage Credit Extension Committee published at 21 F.R. 10189, December 19, 1956, is amended to read as follows:

Part
I—National Voluntary Mortgage Credit Extension Committee; Regional Subcommittees; Establishment and Organization.
II—Functions of National Committee and Regional Subcommittees.
III—Location of National Committee; Location and Jurisdiction of Regional Subcommittees.

PART I—NATIONAL VOLUNTARY MORTGAGE CREDIT EXTENSION COMMITTEE; REGIONAL SUBCOMMITTEES: ESTABLISHMENT AND ORGANIZATION

The National Voluntary Mortgage Credit Extension Committee (hereinafter called the National Committee), established by Title VI of the Housing Act of 1954 (12 U.S.C. 1750aa), consists of the Housing and Home Finance Administrator (hereinafter called the Administrator) as Chairman and fourteen persons appointed by the Administrator representing private financing institutions, builders, and real estate boards. As specified in Title VI, representatives of the Board of Governors of the Federal Reserve System, the Veterans Administration, and the Federal Home Loan Bank Board also serve on the National Committee in an advisory capacity. There are six regional subcommittees, having from nine to twelve members designated by the Administrator after consultation with the members of the National Committee. Members of the National Committee and regional subcommittees serve on a voluntary basis.

This authority terminates at the close of October 1, 1965.

PART II—FUNCTIONS OF NATIONAL COMMITTEE AND REGIONAL SUBCOMMITTEES

It is the function of the National Committee and its regional subcommittees to help obtain private mortgage credit for FHA-insured and VA-guaranteed loans in areas or communities where there may be a shortage of local capital for, or inadequate facilities for access to, such loans. This assistance is available to minority groups in any area where financing for such housing is not available on terms as favorable as for others. The National Committee and regional subcommittees are required to study and review the demand and supply of funds for residential mortgage loans in the various regions of the country. By direction of the National Committee, the regional subcommittees are also engaged in seeking private placement for project mort-

gages that are otherwise eligible for commitment and purchase by the Federal National Mortgage Association under its Special Assistance Program (12 U.S.C. 1717).

Application forms for assistance in placing an insured or guaranteed loan, or a loan eligible under the Federal National Mortgage Association's Special Assistance Program, with a private financing institution may be obtained from the regional subcommittees.

The Administrator through the Federal National Mortgage Association provides an office and staff assistance to the National Committee and to each regional subcommittee.

PART III—LOCATION OF NATIONAL COMMITTEE; LOCATION AND AREAS SERVED BY REGIONAL SUBCOMMITTEES

The headquarters office of the National Committee is in the Lafayette Building, 811 Vermont Avenue NW., Washington, D.C., 20410.

The addresses and jurisdiction of the regional subcommittees are as follows:

REGION; AREA SERVED; AND ADDRESS

I; Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Puerto Rico, Virgin Islands; 211 South Broad Street, Philadelphia, Pennsylvania, 19107.

II; Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia; 211 South Broad Street, Philadelphia, Pennsylvania, 19107.

III; Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida; Bank of Georgia Building, 34 Peachtree Street, N.E., Atlanta, Georgia, 30303.

IV; Michigan, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska; 1120 Commonwealth Edison Building, 72 West Adams Street, Chicago, Illinois, 60603.

V; Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Colorado, New Mexico; 1505 Elm Street, Dallas, Texas, 75201.

VI; Washington, Oregon, Idaho, Montana, Wyoming, Utah, Arizona, Nevada, California, Alaska, Hawaii, Guam; 3540 Wilshire Blvd., Los Angeles, California, 90005.

Effective as of the 16th day of March 1964.

ROBERT C. WEAVER,
Housing and Home Finance Administrator, Chairman, National Voluntary Mortgage Credit Extension Committee.

[F.R. Doc. 64-2514; Filed, Mar. 13, 1964; 8:51 a.m.]

OFFICE OF EMERGENCY PLANNING

JAMES B. ROSSER

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

There have been no changes since my last statement, published in the FEDERAL REGISTER August 15, 1963 (28 F.R. 8391).

Dated: December 14, 1963.

JAMES B. ROSSER.

[F.R. Doc. 64-2490; Filed, Mar. 13, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4192]

AMERICAN NATURAL GAS CORP. AND AMERICAN NATURAL GAS CO.

Proposed Transactions Relating to Reincorporation by Holding Company and Order Authorizing Solicitation of Proxies

MARCH 10, 1964.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and its newly-organized subsidiary company, American Natural Gas Corporation ("Corporation"), 30 Rockefeller Plaza, Suite 4950, New York, New York, 10020, have filed a joint application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 12(c), 12(e), and 12(f) of the Act and Rules 42, 43, and 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

On February 18, 1964, this Commission issued an order granting an application of American Natural with respect to the first step of its proposed reincorporation in the State of Delaware (Holding Company Act Release No. 15013). Pursuant thereto, the first step in the proposed reincorporation, consisting of the acquisition by American Natural of all of the capital stock (100 shares, with a par value of $10 per share) of Corporation, a Delaware corporation, has been consummated. Step 2, which is the subject of the present filing, is designated as a proposed Plan of Reorganization and Joint Agreement of Merger ("Plan"). If approved by this Commission and by the stockholders of American Natural at a special meeting to be held concurrently with the anual meeting of stockholders on April 29, 1964, and if favorable tax rulings thereon are issued by the Internal Revenue Service, the Plan will be filed and recorded in the States of New Jersey and Delaware, thus effectuating the reincorporation.

Under the Plan American Natural will be merged into Corporation, the surviving company, which will succeed to all of the rights and properties of American Natural and will assume all of its liabilities and obligations. The directors of American Natural elected at the annual meeting of stockholders on April 29, 1964, will become the directors of Corporation. Upon the effective date of the merger, the number of authorized shares of $10 par value common stock of Corporation will be increased to 15,000,000, and each issued and outstanding share of the $10 par value common stock of American Natural will be converted into one share of the $10 par value common stock of Corporation. The 100 shares of $10 par value common stock of Corporation heretofore issued to American Natural will be cancelled, and the name of the surviving corporation will become American Natural Gas Company.

Stockholders of American Natural may, following the effective date of the merger, surrender their stock certificates in exchange for certificates issued by Corporation; but, since outstanding stock certificates of American Natural will be deemed, for all corporate purposes, to evidence the ownership of the same number of shares of the common stock of Corporation, it is stated that such exchange by stockholders is not necessary.

The joint application-declaration states that under New Jersey law any stockholder of American Natural who does not vote in favor of the proposed merger and gives appropriate notice of dissent may obtain the appraised value of his stock by filing an action in the Superior Court of New Jersey against the surviving company. It is stated that in the event that any stockholder who meets the requirements of the New Jersey statute elects to dissent and obtain an award of the appraised value of his stock, any shares of common stock thereby acquired by Corporation will be held for appropriate disposition.

In connection with the Plan, American Natural proposes to solicit proxies from the holders of its common stock, to be carried out as a part of the solicitation of proxies by management for election of directors at the annual meeting of stockholders on April 29, 1964. The proposed proxy solicitation material has been included in the present filing, and in connection therewith it is stated that the ordinary expenses of the proxy solicitation will be borne by the company and that other solicitation expenses will not exceed $1,000.

The joint application-declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses expected to be incurred in connection with the proposed transactions (other than expenses of the solicitation of proxies) are estimated at $35,550, consisting of State filing and recording fees, etc., $300; stock certificate expense, $7,500; Delaware franchise tax; $3,750; fees of counsel, $8,500; New York Stock Exchange listing fees and expenses, $14,000; and miscellaneous expenses of the system service company, $1,500.

Notice is further given that any interested person may, not later than April 1, 1964, request in writing that a hearing be held on the transactions under the plan, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

It appearing to the Commission that the proposed proxy solicitation material complies with the applicable provisions of the Act and the rules thereunder:

It is ordered, Pursuant to the applicable provisions of the Act and rules thereunder, that the amended joint application-declaration insofar as it relates to the proxy solicitation be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules 24 and 62 under the Act.

For the Commission (pursuant to delegated authority) (Entered on the date first noted above.)

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2491; Filed, Mar. 13, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 11, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38869: *Iron and Steel Articles to Memphis, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-8517), for interested rail carriers. Rates on iron and steel articles, in carloads, from Tulsa, Okla., to Memphis, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 59 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

FSA No. 38870: *Iron and Steel Articles to Points in Louisiana.* Filed by Southwestern Freight Bureau, agent (No. B-8518), for interested rail carriers. Rates on iron and steel articles, in carloads, from St. Louis, Mo., also East St. Louis and Granite City, Ill., to specified points in Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 59 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

FSA No. 38871: *Liquid Caustic Soda to Charleston, S.C.* Filed by O. W. South, Jr., agent (No. A4461), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Charleston, Dock, Elk, Owens, South Charleston and South Ruffner, W. Va., to Charleston, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 129 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-102.

FSA No. 38872: *Liquid Caustic Soda from Charleston, W. Va., and Group Points.* Filed by O. W. South, Jr., agent (No. A4462), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Charleston, Dock, Elk, Owens, South Charleston and South Ruffner, W. Va., to Augusta, Ga., Clearwater, Graniteville and Langley, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 129 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-102.

FSA No. 38873: *Liquid Caustic Soda to Cartersville, Ga.* Filed by O. W. South, Jr., agent (No. A4463), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Charleston, Dock, Elk, Owens, South Charleston and South Ruffner, W. Va., to Cartersville, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 129 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-102.

FSA No. 38874: *Liquefied Chlorine Gas to Georgetown, S.C.* Filed by O. W. South, Jr., agent (No. A4464), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads, from Charleston, Dock, Elk, Owens, South Charleston and South Ruffner, W. Va., to Georgetown, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 129 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-102.

FSA No. 38875: *Liquid Caustic Soda to Enka and Pisgah Forest, N.C.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2708), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Barberton, Fairport Harbor, Painesville and Perry, Ohio, also Natrium and Perkins, W. Va., to Enka and Pisgah Forest, N.C.

Grounds for relief: Market competition.

Tariffs: Supplements 129 and 44 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

FSA No. 38876: *Lumber and Related Articles from Southwestern Territory.* Filed by Southwestern Freight Bureau, agent (No. B-8512), for interested rail carriers. Rates on lumber and related articles, in carloads, from points in southwestern territory, also Mississippi River crossings, to points on Illinois Terminal Railroad.

Grounds for relief: Carrier competition.

Tariffs: Supplement 16 to Southwestern Freight Bureau, agent, tariff I.C.C. 4561, and 3 other schedules named in the application.

FSA No. 38877: *Superphosphate to Madison, Wis.* Filed by O. W. South, Jr., agent (No. A4471), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, from Florida producing points, to Madison, Wis.

Grounds for relief: Rail-barge-rail competition.

Tariff: Supplement 26 to Southern Freight Association, agent, tariff I.C.C. S-269.

By the Commission

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-2496; Filed, Mar. 13, 1964; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 167]

NORFOLK AND WESTERN RAILWAY CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, agent, the Norfolk and Western Railway Company, is unable to transport traffic over its lines to or via Cincinnati, Ohio, due to floods and high water.

It is ordered, That:

(a) Rerouting traffic: The Norfolk and Western Railway Company, and its connections, being unable to transport traffic offered for movement to or via Cincinnati, Ohio, because of floods and high water are hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroad before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:00 a.m., March 10, 1964.

(g) Expiration date: The order shall expire at 11:59 p.m., March 20, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 10, 1964.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[SEAL]

[F.R. Doc. 64-2497; Filed, Mar. 13, 1964; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 168]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, agent, The St. Louis-San Francisco Railway Company, is unable to transport traffic over its River Division-Hoxie Sub-Division, due to washouts and bridge damage.

It is ordered, That:

(a) Rerouting traffic: The St. Louis-San Francisco Railway Company, and its connections, being unable to transport traffic offered for movement to stations on the River Division, Hoxie Sub-Division due to washouts and bridge damage are hereby authorized to divert and reroute traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroad before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:00 a.m., March 10, 1964.

(g) Expiration date: This order shall expire at 11:59 p.m., March 31, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 10, 1964.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[SEAL]

[F.R. Doc. 64-2498; Filed, Mar. 13, 1964; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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Title 3—THE PRESIDENT

Executive Order 11146

AMENDMENT OF EXECUTIVE ORDER NO. 10204,[1] PRESCRIBING REGULATIONS GOVERNING THE PAYMENT OF BASIC ALLOWANCES FOR QUARTERS

By virtue of the authority vested in me by Section 403(g) of Title 37 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces, Executive Order No. 10204 of January 15, 1951, as amended by Section 3 of Executive Order No. 11120 of October 2, 1963, is hereby amended as follows:

SECTION 1. Paragraphs 3, 4, and 5 are amended to read as follows:

"3. Any quarters or housing facilities under the jurisdiction of any of the uniformed services in fact occupied without payment of rental charges (a) by a member and his dependents, or (b) at his permanent station by a member without dependents, or (c) by the dependents of a member on field duty or on sea duty or on duty at a station where adequate quarters are not available for his dependents, shall be deemed to have been assigned to such member as appropriate and adequate quarters, and no basic allowance for quarters shall accrue to such member under such circumstances unless the occupancy (i) occurs while such member is in a duty or leave status incident to a change of permanent station and is of a temporary nature under standards prescribed by regulations issued by the Secretary of Defense in the case of members of the Army, Navy, Air Force, or Marine Corps, and the reserve components thereof, or by the appropriate Secretary in the case of members of the other uniformed services, or (ii) occurs while such member is in a leave status not incident to a change of permanent station and does not exceed seven consecutive days at one location: *Provided*, That occupancy of quarters under such circumstances for a period in excess of such 7-day period or such other temporary period as may be authorized under standards prescribed by regulations issued by the Secretary concerned shall not result in a forfeiture of basic allowance for quarters for such 7-day or other authorized period: *Provided further*, That this paragraph shall not apply to occupancy of quarters as a guest of another member.

"4. When adequate quarters for his dependents are not available for assignment at his permanent station to a member with dependents, he may occupy quarters of the United States designated for members without dependents without affecting his right to receive payment of basic allowances for quarters, if permitted or required to occupy quarters at such station. Under such circumstances, a member may not occupy quarters of the United States which exceed the minimum standards for members of his grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members.

"5. A member away from his permanent station may occupy quarters of the United States designated for members without dependents at his temporary duty station without affecting his right to receive payment of basic allowances for quarters or assignment of quarters, if any, at his permanent station. Under such circumstances, a member may not occupy quarters of the United States which exceed the minimum standards for members of his grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members."

[1] 16 F.R. 417; 3 CFR 1949–1953 Comp., p. 387.

SEC. 2. Paragraphs 6, 7, and 8 are redesignated as Paragraphs "7", "8", and "9", respectively, and the following new Paragraph 6 is inserted after Paragraph 5:

"6. A member serving outside the United States, its territories, or possessions in a duty assignment whch has official or diplomatic responsibilities involving officials of foreign governments may be assigned quarters in excess of the minimum standards set forth in Paragraphs 4 and 5 of this order, as prescribed by the Secretary concerned: *Provided*, That no such quarters shall be available on a continuous basis for single occupancy, if such quarters are otherwise adequate for assignment as family housing to members of similar rank."

SEC. 3. Paragraph 1(c) is amended by striking out "section 206 of the said Career Compensation Act of 1949" and inserting in lieu thereof "Section 305 of Title 37 of the United States Code."

SEC. 4. Paragraph 7, as redesignated by Section 2 of this order, is amended by striking out "section 102(f) of the said Career Compensation Act of 1949)" and inserting in lieu thereof "Section 101(5) of Title 37 of the United States Code)".

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 13, 1964.

[F.R. Doc. 64-2642; Filed, Mar. 16, 1964; 10:08 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 101, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.401 (Lemon Regulation 101; 29 F.R. 3149) are hereby amended to read as follows:

§ 910.401 Lemon Regulation 101.

* * * * *

(b) * * *

(1) * * *

(ii) District 2: 218,550 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 12, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2548; Filed, Mar. 16, 1964; 8:47 a.m.]

PART 916—NECTARINES GROWN IN CALIFORNIA

Redefinition and Changes of Certain Districts

Notice was published in the FEDERAL REGISTER issue of February 5, 1964 (29 F.R. 1736), that the Department was giving consideration to a proposed amendment of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 916.100 et seq.; 25 F.R. 238, 4856) currently in effect under the marketing agreement and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order; is based, insofar as practicable on shifts in nectarine production in the districts and in the production area; and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. Delete § 916.105 and substitute therefor the following:

§ 916.105 Redefinition of certain districts.

The subdivisions of the production area are redefined and renumbered as follows:

(a) "District 1" shall include the counties of Madera, Fresno, and Kings and that portion of Tulare County north of the 4th Standard Parallel south of Mount Diablo Base Line of the General Land Office.

(b) "District 2" shall include that portion of Tulare County not included in District 1.

(c) "District 3" shall include all of the production area lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino.

(d) "District 4" shall include the counties of Merced and Stanislaus and the balance of the production area.

2. Delete § 916.107 and substitute therefor the following:

§ 916.107 Changes in the representation of certain districts.

The representation or membership on the Nectarine Administrative Committee is changed to provide for:

(a) Five (5) members and their respective alternates shall be producers of nectarines in District 1;

(b) One (1) member and his alternate shall be producers of nectarines in District 2;

(c) One (1) member and his alternate shall be producers of nectarines in District 3;

(d) One (1) member and his alternate shall be producers of nectarines in District 4.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) changes in the representation of districts on the administrative committee are required to be based, insofar as practicable, on shifts in nectarine production within the districts and the production area: (2) accurate information concerning such shifts of production was not available to the Department until January 24, 1964; (3) notice that consideration was being given to the proposed amendment was issued on January 30, 1964, and published in the FEDERAL REGISTER on February 5, 1964; and (4) it is necessary that this amendment be made effective as soon as practicable in order that the Secretary may select the members and alternate members of the Nectarine Administrative Committee for the 1964 fiscal period in accordance with the redefined districts and representation set forth in this amendment.

Dated, March 12, 1964, to become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2564; Filed, Mar. 16, 1964; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1963-Crop Barley Supp., Amdt. 4]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963-Crop Barley Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation (28 F.R. 6258, 8273, 9809 and 10966) with respect to barley produced in 1963 which contain specific requirements for the 1963-crop of barley are hereby amended as follows:

1. Section 1421.2210(f) is amended to increase the basic support rate for

Sheridan County, Montana. The amended paragraph reads as follows:

§ 1421.2210 Support rates.

* * * * *

(f) *Basic support rates for counties.*

MONTANA

County	Rate per bushel	
	From—	To—
Sheridan	$0.63	$0.64

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 11, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-2565; Filed, Mar. 16, 1964; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Jacksonville Expressway Revenue Bonds

§ 1.134 Jacksonville Expressway Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $135 million Jacksonville Expressway Revenue Bonds, Series of 1963, of the Jacksonville Expressway Authority (Florida) are eligible for investment by National Banks under the provisions of paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Jacksonville Expressway Authority, a corporate agency of the State of Florida, was created pursuant to a special act of the Florida Legislature. Its principal purpose is to issue its bonds to finance an expressway system in metropolitan Jacksonville to be leased to and operated by the Florida State Road Department. It is authorized to secure its bonds by a pledge of toll and other revenues and certain gasoline tax funds. The costs of operation and maintenance of the expressway system are paid by the Florida State Road Department from monies other than the tolls and other revenues of the system. The system is presently composed of three toll bridges and a system of expressways.

(2) The proceeds from the sale of these bonds will be used to refinance the Authority's outstanding bonds (Series of 1957) and to construct an additional bridge and other expressway improvements. The financial history of the Authority over the past six years shows a steady increase in gross tolls and in available gasoline tax funds. If funds from these sources continue at the current level, they will be sufficient to cover the debt service requirements of the proposed bond issue through 1972. Engineering estimates indicate that with the construction of the new bridge and other improvements, funds available for bond service will be sufficient to enable the Authority to perform all that it undertakes to perform in connection with these bonds, including all debt service requirements.

(c) *Ruling.* It is our conclusion that a bank may in these circumstances prudently determine that there is adequate evidence that the Authority will be able to perform all that it undertakes to perform and that the Jacksonville Expressway Revenue Bonds, Series of 1963, of the Jacksonville Expressway Authority meet the requirements of § 1.5(a) of this part and are eligible for investment by National Banks under the provisions and subject to the 10 percent limitation of paragraph Seventh of 12 U.S.C. 24.

Dated: March 11, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-2554; Filed, Mar. 16, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-LAX-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Areas and Controlled Airspace

The purpose of these amendments to §§ 73.23 and 71.151 of the Federal Aviation Regulations is to designate the Federal Aviation Agency, Phoenix ARTC Center controlling agency of the following restricted areas and include the areas in the continental control area:

R-2301 Ajo, Arizona.
R-2304 Gila Bend, Arizona.
R-2305 Gila Bend, Arizona.

The Federal Aviation Agency has determined that designation of R-2301, R-2304, and R-2305 as joint use restricted areas would result in more efficient utilization of the airspace within these areas. Further, to provide for maximum flexibility in the positive control environment, the restricted areas are being included in the continental control area. The Department of the Air Force has concurred in these actions.

Since these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, the following actions are taken:

1. Section 73.23 (29 F.R. 1236) is amended as follows:

a. In R-2301 Ajo, Arizona, "Using agency. Commander, Luke AFB, Arizona." is deleted and "Controlling agency. Federal Aviation Agency, Phoenix ARTC Center. Using agency. Commander, Luke AFB, Arizona." is substituted therefor.

b. In R-2304 Gila Bend, Arizona, "Using agency. Commander, Luke AFB, Arizona." is deleted and "Controlling agency. Federal Aviation Agency, Phoenix ARTC Center. Using agency. Commander, Luke AFB, Arizona." is substituted therefor.

c. In R-2305 Gila Bend, Arizona, "Using agency. Commander, Luke AFB, Arizona." is deleted and "Controlling agency. Federal Aviation Agency, Phoenix ARTC Center. Using agency. Commander, Luke AFB, Arizona." is substituted therefor.

2. In the text of § 71.151 (29 F.R. 1067) the following are added:

R-2301 Ajo, Arizona.
R-2304 Gila Bend, Arizona.
R-2305 Gila Bend, Arizona.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 49 U.S.C. 1348)

Issued in Washington, D.C., on March 10, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-2522; Filed, Mar. 16, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. No. 4056; Amdt. 707]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Model 720 Series Aircraft

Amendment 660, 28 F.R. 14238, AD 63-26-1, requires inspection of the second and third stage compressor rotor disc spacer assemblies on Boeing Model 720 Series aircraft equipped with Pratt and Whitney JT3C-7 and JT3C-12 turbojet engines within every 500 hours' time in service. Since the issuance of Amendment 660, a failure has occurred at less than 500 hours. Therefore, Amendment 660 is being superseded by a new directive to require inspection at every 250 hours instead of 500 hours.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Model 720 Series aircraft with Pratt and Whitney JT3C-7 and JT3C-12 turbo jet engines installed.

Compliance required as indicated.

As the result of the failure of the second and third stage compressor rotor disc spacer assemblies, P/Ns 359411 and 359412, respectively, and resultant serious engine damage together with possible aircraft damage, accomplish the following:

(a) For spacer assemblies previously inspected by the procedure described in (c), reinspect in accordance with (c) as follows:

(1) Inspect spacer assemblies having 200 or more hours' time in service since the last inspection within 50 hours' time in service after the effective date of this AD, and within each 250 hours' time in service thereafter.

(2) Inspect spacer assemblies having less than 200 hours' time in service since last inspection prior to the accumulation of 250 hours' time in service and within each 250 hours' time in service thereafter.

(b) For spacer assemblies not previously inspected by the procedure described in (c), inspect in accordance with (c) as follows:

(1) Inspect spacer assemblies with 950 or more hours' time in service since last overhaul within the next 50 hours' time in service after the effective date of this AD, and every 250 hours' time in service thereafter.

(2) Inspect spacer assemblies with less than 950 hours' time in service since last overhaul prior to the accumulation of 1,000 hours' time in service since last overhaul and every 250 hours' time in service from the last inspection.

(c) Incorporate an inspection hole and plug in the compressor case and second stage pressor case and third stage vane and shroud vane and shroud assembly and in the comassembly in accordance with Pratt and Whitney Aircraft letter dated November 22, 1963, and its two enclosed sketches. Using an American Systoscope Markers Incorporated Model B-175-AS-15 or FAA approved equivalent viewing instrument inserted through these holes, inspect the second and third stage compressor rotor disc spacer assemblies for possible cracks in all the visible areas of each spacer. Give particular attention to the front and rear seal edges. If any cracks are found, remove the engine before further flight and disassemble for confirmation of the cracks. Replace any cracked spacer assemblies.

(d) When P/N's 430145 and 429175 second and third stage compressor rotor disc spacer assemblies, respectively, are incorporated, the inspections prescribed by this AD are no longer required.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Pratt and Whitney Aircraft telegraphic message dated November 20, 1963, to Eastern Air Lines and Pratt and Whitney Aircraft letter dated November 22, 1963, and enclosed two sketches to all operators of JT3C-7 turbojet engines cover the same subject.)

This supersedes Amendment 660, 28 F.R. 14238, AD 63-26-1.

This amendment shall become effective March 17, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 12, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-2568; Filed, Mar. 16, 1964; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev., Export Regs., Amdt. No. 81]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 385—EXPORTATION OF TECHNICAL DATA

Miscellaneous Amendments

1. Section 370.2 *Prohibited exportations*, paragraph (a) *General provisions*, subparagraph (1) is amended to read as follows:

§ 370.2 Prohibited exportations.

(a) *General provisions.* * * *

(1) Any exportation to Canada (see § 370.3) except: [1]

(i) Sugar, beet and cane, Schedule B No. 16190;

(ii) Walnut logs, bolts, and hewn timber, Schedule B No. 40040; and

(iii) The types of technical data described in § 385.2(c)(5) of this chapter.

* * * * *

2. Part 385—Exportation of Technical Data is amended in the following respects:

a. Sections 385.1 and 385.2 are amended to read as follows:

§ 385.1 Definitions.

(a) *Technical Data.* "Technical Data" means any professional, scientific or technical information, including any model, design, photograph, photographic film, document or other article or material, containing a plan, specification, or descriptive or technical information of any kind which can be used or adapted for use in connection with any process, synthesis, or operation in the production, manufacture, utilization, or reconstruction of articles or materials. The provisions of this Part 385—*Technical Data*, do not apply to "classified" technical data, i.e., technical data, which have been officially assigned a security classification, i.e.: "top secret," "secret," or "confidential," by an officer or agency of the United States Government. The exportation of classified technical data is controlled by the Office of Munitions Control, Department of State, Washington, D.C., 20520 (see § 370.5 of this chapter).

(b) *Exportation of Technical Data.* [2] "Exportation of Technical Data" is defined as any release of unclassified technical data for use outside the United States. It includes the actual shipment out of the United States as well as the furnishing of data in the United States to persons with the knowledge or intention that the persons to whom it is furnished will take such data out of the United States.

§ 385.2 General licenses.

(a) *Which general license may be used*—(1) *Scientific and educational technical data.* Unclassified scientific or educational technical data, as described in paragraph (d) of this section, may be exported under the provisions of General License GTDS in either published or unpublished form. At the discretion of the exporter, scientific or educational technical data may be exported under General License GTDP or GTDU if the specified provisions of either of these general licenses are met (see paragraphs (b) and (c) of this section).

(2) *Other types of technical data.* Unclassified technical data which do not fall within the definition of "scientific" or "educational" as defined in paragraph (d) of this section, may be exported as follows:

(i) Under the provisions of General License GTDP if it is generally available in published form (see paragraph (b) of this section).

(ii) Under the provisions of General License GTDU if it is not generally available in published form (see paragraph (c) of this section).

A validated export license is required if the technical data are not exportable under the provisions of General License GTDS, GTDP or GTDU.

(b) *General License GTDP; Published technical data.* A general license designated GTDP is hereby established authorizing the exportation to all destinations of unclassified technical data generally available in published form. Technical data are considered as generally available in published form if they are:

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[1] See § 379.1(d) regarding the requirement of a Shipper's Export Declaration for certain exportations to Canada.

[1] License applications for, or questions as to, the exportation of unclassified technical data relating to commodities which are licensed by government agencies other than the Department of Commerce shall be referred to the appropriate government agency for consideration.

[2] In addition to the regulations issued by the U.S. Patent Office, technical data contained in or related to inventions made in foreign countries or in the United States, are subject to the Department of Commerce regulations covering the exportation of technical data, in the same manner as the exportation of other types of technical data. Patent attorneys and others are advised to consult with the U.S. Patent Office, Department of Commerce, Washington, D.C., 20231, relative to the U.S. Patent Office regulations concerning the filing of patent applications or amendments in foreign countries.

(1) Sold at newsstands or bookstores;

(2) Available by subscription or purchase without restrictions to any person or available without cost to any person; or

(3) Freely available at public libraries.

(c) *General License GTDU; Unpublished technical data*—(1) *Applicability.* A general license designated GTDU is hereby established authorizing the exportation of unclassified technical data, which is either unpublished or not generally available in published form (that is, technical data not exportable under the provisions of General License GTDP) subject to the other provisions and limitations set forth in this paragraph (c).

(2) *Destination restrictions.* This general license shall not be applicable to any exportation of technical data directly or indirectly to any Subgroup A destination, Poland (including Danzig), or Cuba; except that technical data such as manuals, instruction sheets, or blueprints may be exported to any destination other than Communist China, North Korea, or the Communist-controlled area of Viet-Nam, provided that such technical data are:

(i) Sent as part of a transaction involving, and directly related to, a commodity licensed for export from the United States to the same consignee and destination to which the commodity was or will be exported;

(ii) Sent no later than one year following the shipment of the commodity to which the technical data are related;

(iii) Of a type normally delivered with the commodity;

(iv) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity; and

(v) Not related to the production, manufacture, or construction of the commodity.

(3) *Restriction relating to types of technical data.* This general license shall not be applicable to technical data relating to the commodities described in this subparagraph (3). The limitations set forth in this subparagraph (3) do not apply to the exportation of operating and maintenance instructional material or to technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

(i) Civil aircraft, civil aircraft equipment, parts, accessories, or components listed on the Positive List of Commodities (§ 399.1 of this chapter); or

(ii) The following electronic commodities listed on the Positive List of Commodities (§ 399.1 of this chapter):

(*a*) Electrical and electronic instruments, Schedule B Nos. 70372 and 70379, specially designed for testing or calibrating the airborne direction finding, navigational and radar equipment described in Schedule B Nos. 70797 and 70867.

(*b*) Airborne transmitters, receivers, and transceivers, Schedule B No. 70779.

(*c*) Airborne direction finding equipment, Schedule B No. 70797.

(*d*) Airborne electronic navigation apparatus and airborne radar equipment, Schedule B No. 70867.

(iii) Neutron generators employing the electrostatic acceleration of ions and designed for operation without an external vacuum system, and specially fabricated parts and accessories for such neutron generators; Schedule B No. 70999.

(4) *Requirement of written assurance for certain data, services, materials, and equipment.* No exportation of technical data of the kind described in (i) and (ii) of this subparagraph (4) may be made under the provisions of this General License GTDU until the exporter has received written assurance from the importer that neither the technical data nor the direct product[1] thereof is intended to be shipped either directly or indirectly, to a Subgroup A country, Poland (including Danzig), or Cuba, except as provided in subdivision (iii) of this subparagraph (4). The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement which restricts disclosure of the technical data to use only in a country other than Subgroup A, Poland (including Danzig), or Cuba, and prohibits shipment of the direct product[1] thereof by the licensee to a Subgroup A country, Poland (including Danzig), or Cuba. An assurance included in a licensing agreement will be acceptable for all exportations made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained. In addition this general license is not applicable to any exportation of technical data of the kind described in subdivisions (i) and (ii) of this subparagraph (4) if, at the time of exportation of the technical data from the United States, the exporter knows or has reason to believe that the direct product[1] to be manufactured abroad by use of the technical data is intended to be exported directly or indirectly to a Subgroup A destination, Poland (including Danzig) or Cuba.

(i) Technical data and services listed in (*a*) below for the plants, processes, and equipment listed in (*b*) below:

(*a*) Type of technical data and services:

(*1*) Proprietary research and the results therefrom;

(2) Processes developed pursuant to research (including technology with regard to component equipment items);

(3) Catalyst production, activation, utilization, reactivation and recovery;

(4) Plant and equipment design and layout to implement the processes; and

(5) Construction and operations of plant and equipment.

(*b*) Types of plants, equipment, and processes:

The following plants, equipment, or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom;[2]

alkylation	nitration
aromatization	oxidation
cracking	oxo process
dehydrogenation	ozonolysis
desulfurization	polymerization
halogenation	reduction
hydrogenation	reforming
isomerization	

(ii) Technical data relating to the following materials and equipment:

(*a*) Steel line pipe of a size greater than 19 inches o.d. and having a yield strength greater than 40,000 psi as determined by API test (Schedule B Nos. 60627 and 60630);

(*b*) Forged steel pipe fittings having a pipe size connection greater than 19 inches o.d. and having a yield strength greater than 40,000 psi as determined by API test (Schedule B No. 61857);

(c) Centrifugal pumps designed for an internal pump-case working pressure of over 300 psi and a power input greater than 1,000 hp, and specially fabricated parts and accessories (Schedule B Nos. 77101 and 77119);

(*d*) Air and gas compressors, reciprocating, centrifugal, axial flow and mixed flow types, capable of receiving a power input greater than 2,000 hp and designed for a discharge greater than 300 psi, and specially fabricated parts and accessories (Scheduled B Nos. 77046, 77073, 77076, and 77078);

(*e*) Steel valves, with an inlet or outlet dimension 17 inches or greater and designed for a working pressure of over 300 psi, and specially fabricated parts and accessories (Schedule B Nos. 77450, 77460, and 77465);

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data, except that petroleum or chemical products other than molecular sieves or catalysts are not included in this definition. The coverage of the term does not extend to the results of the use of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, but the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products. Conversely, if the technical data are a formula for producing either molecular sieves or catalysts, the foreign-produced molecular sieves and catalysts are included in the definition of direct product.

[2] This includes plants, equipment, or processes for the production, extraction, and purification of petroleum products, petrochemical products, and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.

(*f*) O-ing and U-ing presses specially designed for the manufacture of steel pipe of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B Nos. 74459 and 74468);

(*g*) Straightener-expander for pipes or tubes of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B Nos. 74459 and 74468);

(*h*) Portable pneumatic and hydraulic drilling machines capable of tapping steel line pipe of a size greater than 19 inches o.d. without interruption of flow (Schedule B Nos. 74570 and 74601);

(*i*) Meters with inlet or outlet diameter 10 inches or larger specially designed to measure flow in petroleum and/or natural gas pipe line (Schedule B No. 76680);

(*j*) Valves specially designed for temporarily stopping off or plugging a section of steel line pipe of a size greater than 19 inches o.d. (Schedule B No. 77450); and

(*k*) Automatic pipe welding machines capable of welding the joints of steel line pipe of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B Nos. 70106 and 70108);

(*l*) Pipe mills specially designed for the manufacture of steel pipe of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B No. 74480);

(*m*) Molecular sieves (for example, crystalline calcium alumino-silicate; crystalline sodium alumino-silicate; crystalline alkali metal alumino-silicates, etc.) (Schedule B Nos. 83799 and 83990).

(*n*) Pyrolitic graphite (i.e., graphite and doped graphites produced by vapor deposition) in any form (Schedule B No. 54809); semi-finished or finished materials or products containing pyrolitic graphite as a standing body, a coating, a lining, or a substrate (Schedule B Nos. 54730, 54805, and 54809).

(o) Electric industrial melting and refining furnaces and metal heat-treating furnaces specially designed for the production or processing of vapor deposited (pyrolitic) graphite or doped graphites whether as standing bodies, coatings, linings or substrates (Schedule B Nos. 70741 and 70744).

(iii) The limitations set forth in this subparagraph (4) do not apply to the exportation of technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

(5) *Requirement of written assurance for certain additional products and destinations.* (i) Except for technical data requiring a written assurance in accordance with the provisions of subparagraph (4) of this paragraph, and except as provided in subdivision (v) of this subparagraph; no exportation of technical data relating to the commodities described in this subdivision (i) may be made under the provisions of this General License GTDU, until the United States exporter has received a written assurance from the foreign importer (including any Canadian importer) that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly:

(*a*) Reexport, directly or indirectly, to any Subgroup A, destination, to Poland (including Danzig) or to Cuba, any technical data relating to commodities listed on the Positive List of Commodities, § 399.1 of this chapter or in § 371.52 of this chapter;

(*b*) Export, directly or indirectly, to Communist China, North Korea, the Communist-controlled area of Viet-Nam, or Cuba, any direct product[4] of the technical data if such direct product[4] is listed on the Positive List of Commodities, § 399.1 of this chapter, or in § 371.52 of this chapter;

(*c*) Export, directly or indirectly, to any destination in the European Soviet[5] bloc or to Poland (including Danzig) any direct product[4] of the technical data if such direct product[4] is identified on the Positive List of Commodities by the symbol "A".

(ii) If the direct product[4] of any technical data is a complete plant or any major component of a plant which is capable of producing a commodity shown on the Positive List of Commodities, or in § 371.52 of this chapter, or in the United States Munitions List, a written assurance by the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) shall be obtained by the United States exporter (via the foreign importer), stating that, unless prior authorization is obtained from the Office of Export Control, such person will not knowingly:

(*a*) Reexport, directly or indirectly, to any Subgroup A destination, to Poland (including Danzig), or to Cuba the technical data relating to the plant or the major component of a plant;

(*b*) Export, directly or indirectly, to Communist China, North Korea, the Communist-controlled area of Viet-Nam, or Cuba, the plant, or the major component of a plant (depending upon which is the direct product[4] of the technical data), or any product of such plant, or of such major component, if such product is listed on the Positive List of Commodities, or in § 371.52 of this chapter, or in the United States Munitions List; or

(*c*) Export, directly or indirectly, to the European Soviet bloc,[5] or to Poland (including Danzig) the plant, or the major component of a plant (depending upon which is the direct product[4] of the technical data), or any product of such plant, or of such major component, if such product is identified on the Positive List of Commodities by the Symbol "A" or in the United States Munitions List.

(iii) The required assurance may be in the form of a letter or other written communication from the importer or, if applicable, the person in control of the distribution of the products of a plant; or the assurance may be incorporated into a licensing agreement which restricts disclosure of the technical data to use only in authorized destinations, and prohibits shipment of the direct product[4] thereof by the licensee to any unauthorized destination. An assurance included in a licensing agreement will be acceptable for all exportations made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained.

(iv) In addition, this general license is not applicable to any exportation of technical data of the kind described in this subparagraph (5) if, at the time of exportation of the technical data from the United States, the exporter knows or has reason to believe that the direct product[4] to be manufactured abroad by use of the technical data is intended to be exported directly or indirectly to any unauthorized destination.

(v) The limitations set forth in this subparagraph (5) do not apply to the exportation of technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

NOTE: A written assurance is not required for the exportation under this General License GTDU of any technical data which does not fall within the description set forth in subparagraphs (4) or (5) of this paragraph.

(d) *General License GTDS; Scientific and educational technical data.* A general license designated GTDS is hereby established authorizing the exportation to all destinations of unclassified scientific and educational technical data involving:

(1) Dissemination of information not directly and significantly related to design, production and utilization in industrial processes, including such dissemination by correspondence and attendance at, or participation in, meetings; or

(2) Instruction in academic institutions and academic laboratories. "Instruction" is interpreted not to include research under contract where the research relates directly and significantly to design, production, and utilization in industrial processes.

b. Section 385.4 *Exportation under a validated license,* paragraph (c) *completion of application form and applica-*

[4] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

[5] The term "European Soviet bloc", as used in this subparagraph (5), means the following destinations: Albania, Bulgaria, Czechoslovakia, East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Rumania, and the Union of Soviet Socialist Republics.

tion processing card, subparagraph (2) *Special provisions for certain commodities* is amended by redesignating (iii) as (iv), adding a new (iii) and amending redesignated (iv) to read as follows:

§ 385.4 Exportation under a validated license.

* * * * *

(c) *Completion of application form and application processing card.* * * *

(2) *Special provisions for certain commodities.* * * *

(iii) Neutron generators employing the electrostatic acceleration of ions and designed for operation without an external vacuum system, and specially fabricated parts and accessories for such neutron generators; Schedule B No. 70999.

(iv) For all license applications covering technical data relating to any of the commodities in subdivisions (i), (ii), (iii) of this subparagraph for export to any destination other than Poland (including Danzig), a Subgroup A destination, Cuba, or the Republic of the Congo (Leopoldville), an applicant shall attach to the license application a written statement of assurance from his foreign consignee that the technical data will not be reexported directly or indirectly to any country without prior authorization from the Office of Export Control. The statement shall also show that the direct product[*] produced by use of the technical data will not be exported directly or indirectly to Poland (including Danzig), a Subgroup A destination, Cuba, or the Republic of the Congo (Leopoldville) without prior authorization from the Office of Export Control. For a license application for a shipment of such technical data to the Republic of the Congo (Leopoldville), the same written statement is required except that the list of destinations set forth thereon to which the direct product[*] may not be exported shall omit the Republic of the Congo (Leopoldville). However, if the United States exporter is not able to obtain the required statement, or the consignee is unwilling to furnish assurances with respect to all of the requirements, the exporter may attach an explanatory statement to his license application setting forth the reasons therefor.

* * * * *

This amendment shall become effective April 1, 1964, except that until June 30, 1964, the exportation of any product of United States technical data made abroad pursuant to a licensing agreement entered into prior to April 1, 1964 in compliance with the Treasury Department regulations and which remain in effect until June 30, 1964, may be made under the previous provisions of this General License GTDU without regard to the new requirement for an assurance. After June 30, 1964, any exportations of technical data not meeting these new requirements of General License GTDU will require a validated export license.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003).

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-2621; Filed, Mar. 16, 1964; 8:53 a.m.]

[*] The term "direct product" used in this sentence and in this context only, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data. The coverage of the term does not extend to the results of the use of such "direct product." For example, if the technical data relate to the design of a new or improved airborne transmitter, the airborne transmitter produced from such data is a direct product of the data. However, if the technical data relate to the design of equipment which will be used for the production of airborne transmitters, then the equipment rather than the transmitter is the direct product of the technical data.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-7250, etc.]

PART 201—RULES OF PRACTICE

Miscellaneous Amendments

The Securities and Exchange Commission has adopted amendments to its rules of practice (17 CFR Part 201) concerning the entry and service of Commission orders and the maintenance of a docket.

The judicial review provisions of the various statutes administered by the Commission provide that a petition to review a Commission order shall be filed in the appropriate court of appeals within sixty days after the "entry" of the order sought to be reviewed. The recent decision of the Court of Appeals for the Ninth Circuit in the case of Lile v. Securities and Exchange Commission, 324 F. 2d 772 (1963), has caused uncertainty as to the meaning of the term "entry" and the running of the sixty-day period. The court appears to have construed Rule 22(b) of the Commission's rules of practice (17 CFR § 201.22(b)), which provides that "a docket of all proceedings shall be maintained," as referring to a docket similar to that in which the orders of a court are entered by the clerk of the court.

To avoid the present uncertainty, the Commission has deleted from its rules of practice the requirement that a docket be maintained and has adopted a definition of the term "entry." The rules changes also include a clarifying amendment relating to the service of Commission orders, a provision concerning the inspection of orders by interested persons and by the public, and several technical amendments. The text of the Commission's action is as follows:

I. Section 201.21 is amended by striking the word "issuance" in pararaph (e) and inserting in lieu thereof the word "entry". As so amended, § 201.21(e) reads:

§ 201.21 Hearings before the Commission.

* * * * *

(e) *Petition for rehearing.* Any petition for rehearing by the Commission shall be filed within 5 days after entry of the order complained of and shall clearly state the specific grounds and the specific matters upon which rehearing is sought.

II. Section 201.22 is amended by striking paragraph (b), which relates to the maintenance of a docket.

III. Section 201.22 is further amended by (i) striking the word "docket" in paragraph (g) and inserting in lieu thereof the word "file"; and (ii) adding at the end of § 201.22 a new paragraph (k). As so amended, § 201.22 reads:

§ 201.22 Filing; formalities; computation of time.

* * * * *

(b) [Deleted]

* * * * *

(g) *Title page.* All papers filed must include at the head thereof, or on a title page, the name of the Commission, the title of the proceeding, the names of the parties, and the subject of the particular paper or pleading, and the file number assigned to the proceeding.

* * * * *

(k) *Entry of orders.* In computing any period of time involving the date of the entry of an order by the Commission, the date of entry shall be (1) the date of the adoption of the order by the Commission, as reflected in the caption of the order, or (2) in the case of orders reflecting action taken pursuant to delegated authority, the date when such action is taken, as reflected in the caption of the order. The order shall be available for inspection by the public from and after the date of entry, unless it is a non-public order. A non-public order shall be available for inspection from and after the date of entry by any person entitled to inspect it.

IV. Section 201.23 is amended by striking in paragraph (d) the words "decisions, orders and rulings by the Commission on any written application" and inserting in lieu thereof the words "rulings by the Commission on any written application, and decisions and orders of the Commission". As so amended, § 201.23(d) reads:

§ 201.23 Service of pleadings, etc., other than moving papers.

* * * * *

(d) *Service of decisions and orders.* Copies of all recommended decisions, rulings by the Commission on any written application, and decisions and orders of the Commission shall be served by the Secretary or other duly designated officer of the Commission on the applicant and, if made in connection with a pending proceeding, on all parties thereto.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly section 19(a) thereof; the Securities Exchange Act of 1934, particularly section 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly section 20(a) thereof; the Trust Indenture Act of 1939, particularly section 319(a) thereof; the Investment Company Act of 1940, particularly section 38(a) thereof; and the Investment Advisers Act of 1940, particularly section 211(a) thereof.

The Commission finds that the foregoing action involves rules of practice or procedure and not substantive rules and that compliance with subsections (a), (b) and (c) of section 4 of the Administrative Procedure Act is not required.

The Commission's action is effective March 5, 1964.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

MARCH 5, 1964.

[F.R. Doc. 64-2526; Filed, Mar. 16, 1964; 8:54 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Miscellaneous Amendments

The Foreign Assets Control Regulations (31 CFR § 500.101 et seq.) are being amended as follows:

(1) Section 500.204 is amended by the inclusion in paragraph (a)(2) thereof of commodities which have always been subject to § 500.204, but which are specifically named therein for the first time. The following commodity changes are also made in §500.204(a)(2)(ii): Black walnuts, pickled walnuts, and peacock feathers have been excepted from the applicable prohibitions of the section; eri silk and hair pencils have been added to the list of commodities subject to the section; and non-star aniseed, whole fresh eggs, and peppermint oil have been deleted from the list of subject commodities. Further, live fish has been deleted from § 500.204(a)(4).

(2) Section 500.508 is amended to authorize transfers between blocked accounts in domestic banks under certain circumstances.

(3) Section 500.808 is amended by reducing the number of copies of certain documents required to be submitted to the Collector of Customs, and the Customs procedures for processing these documents have been altered.

In addition to these changes in the regulations, there is published herewith an appendix to § 500.204 which sets forth definitions and interpretations of § 500.204; statements of licensing policies which are applicable to dealings in commodities subject to the prohibitions of § 500.204; and certain authorizations for the import of commodities subject to § 500.204.

A revised list of commodities subject to § 500.204, for which appropriate certificates of origin, as defined in § 500.536(d) of the regulations, are available from certain foreign countries is also contained in the appendix to § 500.204.

The appendix to § 500.204 also contains a commodity index, with references to the pertinent subparagraph of § 500.204, to the countries which issue appropriate certificates of origin for each commodity, and to applicable statements of licensing policy and authorizations found in that appendix. It should be noted that there are commodities subject to § 500.204 which are not specifically named therein. An effort has been made, however, to list those commodities which, in the experience of the Office of Foreign Assets Control, have been of interest to commercial importers or to tourists.

1. Chapter V headnote is revised to read as set forth above.

2. Section 500.204 of the Foreign Assets Control Regulations (31 CFR § 500.204) is amended to read as follows:

§ 500.204 Importation of and dealings in certain merchandise.

(a) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, or rulings, instructions, licenses, or otherwise, no person subject to the jurisdiction of the United States may purchase, transport, import, or otherwise deal in or engage in any transaction with respect to any merchandise outside the United States if such merchandise is:

(1) Merchandise the country of origin of which is China (except Formosa) or North Korea. Articles which are the growth, produce or manufacture of China (except Formosa) or North Korea shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa) or North Korea notwithstanding that they may have been subjected to one or any combination of the following processes in another country: (i) Grading; (ii) testing; (iii) checking; (iv) shredding; (v) slicing; (vi) peeling or splitting; (vii) scraping; (viii) cleaning; (ix) washing; (x) soaking; (xi) drying; (xii) cooling, chilling, or refrigerating; (xiii) roasting; (xiv) steaming; (xv) cooking; (xvi) curing; (xvii) combining of fur skins into plates; (xviii) blending; (xix) flavoring; (xx) preserving; (xxi) pickling; (xxii) smoking; (xxiii) dressing; (xxiv) salting; (xxv) dyeing; (xxvi) bleaching; (xxvii) tanning; (xxviii) packing; (xxix) canning; (xxx) labeling; (xxxi) carding; (xxxii) combing; (xxxiii) pressing; (xxxiv) any process similar to any of the foregoing. Any article wheresoever manufactured shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa) or North Korea, if there shall have been added to such article any embroidery, needle point, petit point, lace, or any other article of adornment which is the product of China (except Formosa) or North Korea notwithstanding that such addition to the merchandise may have occurred in a country other than China (except Formosa) or North Korea.

(2) Merchandise specified in this subparagraph, howsoever processed, unless such merchandise originated in a country named as excepted for that type of merchandise and is imported directly from that country:

Type of merchandise	*Excepted countries*
(i) All merchandise, not elsewhere specified in this paragraph, if prior to December 17, 1950, imports thereof into the United States were chiefly of Chinese origin within the meaning of this chapter, and	None.
(ii) All of the following specified types of merchandise:	
Aniseed, star	None.
Aniseed oil	None.
Antiques, Chinese type (except Chinese porcelain which qualifies within the provisions of par. 1811 of the Tariff Act of 1930 and which is decorated with the armorial bearing, crests, monograms, cyphers, or badges of European or American families or societies or bearing motifs based thereon, or with European or American political, memorial, or Masonic scenes or devices or with European or American figures, ships or other scenes, or with motifs or inscriptions in English, Latin, or any other European language).	None.
Bamboo, split	None.
Braids, straw	Italy, Japan.
Bristles, hog	None.
Brushes, paint and hair pencil, and parts thereof, containing hog bristles more than one and one half inches in total length or more than one and one quarter inches in length out of the ferrule.	None.
Carpet wool, Tibetan and Napalese types.	None.
Cashmere	Iran.
Cassia	Indonesia.
Cassia oil	None.
Chinese type:	
Art objects	None.
Beverages	None.
Drugs	None.
Foodstuffs	None.
Garments	None.
Herbs	None.
Ivory articles	None.
Jade articles	None.
Medicines, prepared	None.
Rugs	None.
Tea	Formosa.
Cinnamic aldahyde	None.
Cinnamon oil	Ceylon, Seychelles.
Cornmint oil	Argentina, Brazil.
Eggs, poultry:	
Whole in the shell, preserved.	None.
Dried (whole, albumen or yolks).	None.

Type of merchandise	Excepted countries
(11) All of the following specified types of merchandise—continued	
Embroideries and embroidered articles of types chiefly imported from China prior to December 17, 1950.	None.
Feathers and down, Asiatic, except peacock feathers.	Burma, India, Taiwan, Thailand, and those areas of Viet-Nam which are not under Communist control.
Firecrackers	None.
Floor coverings, grass, straw and seagrass.	Japan.
Fur skins:	
Goat and kid	Argentina, Ethiopia, Iran, Iraq.
Kolinsky	Republic of Korea.
Weasel	Canada.
Gallnuts, except Aleppo gallnuts	None.
Ginger root, candied or otherwise prepared or preserved.	None.
Hair, human:	
Asiatic	None.
Nets and netting	None.
Hats, unfinished:	
Manila hemp (abaca)	None.
Palm leaf	Mexico, Philippines.
Straw	Brazil, Dominican Republic, Italy, Japan, Philippines.
Jade stones, cut but not set, suitable for use in jewelry.	None.
Menthol, natural and synthetic (except racemic).	Brazil.
Musk	None.
Rutin	None.
Seagrass mats and squares.	Japan.
Silk, tussah, muga, eri	None.
Silk piece goods, tussah, muga, eri.	None.
Sophora Japonica	None.
Tannic acid, from gallnuts other than Aleppo gallnuts.	None.
Tung oil	Argentina, Brazil, Paraguay.
Walnuts, except black or pickled walnuts.	France, Iran, Italy, Turkey.
Yak hair	None.

(3) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong, Macao, or any country not in the authorized trade territory.

TYPE OF MERCHANDISE

Agar-agar.
Bamboo:
Bags, baskets and other manufactures, except furniture.
Poles and sticks.
Brocades and brocade articles.
Camphor, natural and synthetic.
Camphor oil, natural and synthetic.
Cane webbing.
Carpet wool.
Carpets.
Castor bean.
Castor oil.
Chinaware.
Citronella oil.
Cotton manufactures.
Cotton waste.
Earthenware.
Embroideries and embroidered articles.
Hair, animal.
Hair nets of any material.
Handkerchiefs.
Hardwood manufactures, except bentwood furniture.
Hats, paper.
Hides, buffalo.
Ivory manufactures.
Lace and lace articles.
Linen manufactures, except wearing apparel not containing any lace, embroidery or brocade.
Ores and metals:
Antimony.
Bismuth.
Mercury.
Molybdenum.
Tin.
Tungsten.
Peanut oil.
Peanuts.
Ramie.
Rugs.
Seagrass manufactures.
Sesame oil.
Sesame seed.
Shoes, leather soled with non-leather uppers, except ladies' high-heel shoes.
Silk:
Manufactures except Western style suits and Indian saris.
Raw.
Waste.
Skins, deer and goat.
Stones, semi precious.
Stones, semi precious, manufactures.
Straw manufactures.
Tapestries.
Tapioca.
Tapioca flour.

(4) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong or Macao.

TYPE OF MERCHANDISE

Feather manufactures.
Glass, sheet (window).
Graphite.
Honey.
Marine products, edible.
Pigeons, frozen or otherwise prepared or preserved.
Poultry, frozen or otherwise prepared or preserved.

APPENDIX TO § 500.204

DEFINITIONS AND INTERPRETATIONS

(1) *Chinese type* refers to items which are typically and principally used by Chinese or which are prepared, processed or designed in the Chinese manner. Excluded are certain items such as rice customarily consumed by Chinese but also consumed in considerable quantities by others.

(2) *Braids, straw* does not include unfinished hats of straw braid.

(3) *Bristles, hog* includes bristles in knots or other processed condition.

(4) *Cane webbing* includes rattan webbing.

(5) *Cashmere* includes cashmere in any processed form (e.g. scoured, dehaired, top, rovings, noils, and yarn waste) but does not include cashmere which has been spun, woven or knitted, i.e., yarn and fabric.

(6) *Cinnamic aldehyde* does not include synthetic cinnamic aldehyde.

(7) *Cotton manufactures* does not include rubber soled shoes with canvas uppers, cotton umbrellas, or mixed tetron, dacron, orlon or rayon articles of less than 50 percent cotton content.

(8) *Cotton waste* does not include linters or grabbots.

(9) *Currency, coins, postage and other stamps* issued by China (except Formosa) or North Korea are merchandise of Chinese or North Korean origin and subject to § 500.204(a)(1).

(10) *Embroidered articles* does not include beaded articles.

(11) *Furskins* includes the fur or hair removed from the skin, e.g., goat hair from goat fur skins, and includes fur neck pieces. It does not include fur scarves and stoles which are fur manufactures.

(12) *Hair, human, Asiatic* includes nets, netting, braids, tresses, buns and wefts, which are processed forms of hair. It does not include hair pieces, wigs, wiglets, wefted wiglets, chignons, switches, beards, mustaches, and eyelashes, which are hair manufactures, provided the hair is permanently affixed to a basic foundation.

(13) *Hats* finished in third countries from hat bodies made in China (except Formosa) or North Korea are merchandise of Communist Chinese or North Korean origin.

(14) *Hides, buffalo,* includes those of Indian water buffalo.

(15) *Linen manufactures* includes wearing apparel made in whole or in part of brocade, embroidery or lace.

(16) *Musk* includes musk dissolved in a fluid.

(17) *Ores and metals.*

(a) Antimony includes antimony oxide and sodium antimonate, but does not include antimonial lead of less than 5 percent antimony.

(b) Molybdenum does not include ferromolybdenum.

(c) Tungsten includes tungstic acid, hubnerite (manganese tungstate), tungsten oxide, ammonium paratungstate and tungsten powder, but does not include ferrotungsten.

(18) *Silk, tussah, muga and eri* includes raw silk, silk waste, silk noils, and continuous filament silk yarn and thread, but does not include other silk yarn or thread.

(19) *Silk piece goods, tussah,* includes antung, honan, nanshan, pongee and shantung, but does not include any fabrics containing 5 percent or less tussah fibers, or wool fabrics containing tussah silk if the material consists chiefly of wool.

(20) *Stones, semi-precious* includes all gem stones except diamonds, rubies, sapphires, and emeralds. It does not include pearls.

(21) *Stones, semi-precious manufactures,* includes jewelry made of semi-precious stones.

(22) *Straw manufactures* includes tea pads.

(23) *Tea chest paper* is joss paper, which is subject to § 500.204(a)(2)(1).

(24) *Dealings abroad in commodities subject to the Regulations.* Section 500.204 prohibits not only the importation into the United States of certain commodities, but also prohibits persons subject to the jurisdiction of the United States from purchasing, transporting or otherwise dealing in or engaging in *any* transactions with respect to such commodities which are outside the United States, unless authorized by license or otherwise. The term "persons subject to the jurisdiction of the United States" includes foreign firms owned or controlled by Americans, as defined in § 500.329.

(25) *Rejection of imports.* Imports of merchandise subject to § 500.204(a)(2), (3) or (4) are refused, although an appropriate certificate of origin or specific license has been obtained, if there is reason to believe either that the merchandise is of Communist Chinese or North Korean origin or that there exists an interest of a designated national therein (see also (31) below).

(26) *Process v. manufacture.* A commodity subject to § 500.204 remains subject howsoever it has been processed. If it has been manufactured in a country other than China (except Formosa) or North Korea, it remains subject only if the manufactured item itself is specified in the section. It should not be assumed that a subject commodity which has undergone operations other than those listed in § 500.204(a)(1), has become a manufactured form of the commodity rather than a processed form thereof. In case of question, a ruling should be requested from the Office of Foreign Assets Control. Requests for rulings in the form of license applications or otherwise should include adequate technical detail.

It should be noted that it is quite possible for merchandise to have China as its "country of origin" for Foreign Assets Control purposes while having some other country as its "country of origin" for marking or statistical purposes.

(27) *Unlicensed commitments.* In the absence of an appropriate general license, contractual commitments with respect to merchandise subject to § 500.204 should be made only if the contract specifies that it is subject to the issuance of a specific Foreign Assets Control license or other authorization from the Office of Foreign Assets Control. General licenses which may be applicable are §§ 500.536, 500.537, 500.538, and 500.539.

The fact that an unlicensed firm commitment or payment may have been made for commodities subject to § 500.204 is not a basis for licensing a transaction.

LICENSING POLICIES

(28) *Quotas for certain commodities from the Soviet Bloc.* Quotas have been established for the importation of certain commodities from countries not in the authorized trade territory (except Communist China and North Korea), based on records of imports of such commodities into the United States during the period 1948–1951. The principal commodities which have been licensed under these quotas are certain types of animal hair and textile waste from the U.S.S.R. and Outer Mongolia, including:

Badger hair.	Horse tail hair.
Carpet wool.	Other horse hair.
Cotton waste.	Silk waste.
Goat hair.	Yak hair.
Horse mane hair.	

(For definition of "authorized trade territory" see § 500.322.)

(29) *Quotas for imports of certain commodities from other countries.* Under certain limited circumstances, quotas have been established for the importation of certain commodities from countries in the authorized trade territory under annual limitations set by the amount determined as currently available for export.

Licenses have been issued in recent years for:

Feathers, Asiatic, from Japan, Malaysia
Firecrackers from Macao
Lotus seeds from Thailand
Lychees from Mexico
Mung beans from Peru, Thailand
Tung oil from Nyasaland
Vegetables, fresh, Chinese type, from Mexico
Walnuts from India, Pakistan, and Yugoslavia

(For definition of "authorized trade territory" see § 500.322.)

(30) *Proof of origin.* Except as set forth in (31) below, the Office of Foreign Assets Control does not prescribe the documents which will satisfactorily prove the origin of merchandise, but will consider all documents submitted by importers to establish origin of merchandise. However, it has been found that affidavits, statements, invoices and other documents prepared by manufacturers, processors, sellers or shippers cannot be relied on and are therefore not by themselves accepted by the Office of Foreign Assets Control as satisfactory proof of origin.

(31) *Certificates of origin.* There are many types of certificates of origin issued by governmental and commercial agencies abroad. However, the only certificates of origin which will be accepted by Customs for Foreign Assets Control purposes in connection with imports of commodities subject to § 500.204 are certificates issued pursuant to special agreements between the country of issue and the Treasury Department. Such certificates are described in § 500.536(d). The name of the issuing agency in each country and the list of commodities for which such certificates are available from each country appear in this Appendix. Additions to the list are published in the FEDERAL REGISTER.

The Office of Foreign Assets Control reserves the right to refuse importations when the certificate of origin presented to Customs in connection with an importation under § 500.536 has been improperly issued. Certificates must be requested from the certifying country prior to exportation. Certificates may be improperly issued if the goods were not produced in the certifying country or were produced in the certifying country by a non-registered producer. Further, if the certificate does not fully and specifically describe the merchandise to which it refers, it may likewise be rejected.

(32) *Direct import and continuous carriers' custody.* The term *"imported directly"* as used in § 500.204(a)(2) includes shipment via a third country on a through bill of lading as well as direct shipment from the country of origin. Specific licenses are issued for merchandise subject to § 500.204(a)(2) when the merchandise is imported from an excepted country via a third country without a through bill of lading if the Control is satisfied that the merchandise remained in "continuous carriers' custody." Such licenses require that the applicant furnish: (1) name of the ship on which merchandise will arrive, port of arrival, and identification of the merchandise (case markings and numbers); (2) evidence of shipment of the merchandise from the excepted country to the port of transshipment; and (3) evidence that the merchandise from the time of its arrival in said port until the time of its shipment therefrom on the ship named in (1) above was at no time in the custody of any person other than a carrier, or a person acting solely as agent for a carrier, and that no person other than a carrier or its agent had access thereto.

(33) *Physical examination.* The Office of Foreign Assets Control is satisfied that the non-Communist Chinese or North Korean origin of certain types of merchandise subject to § 500.204 can be reliably determined by physical examination. Licenses to import these types of merchandise are issued subject to physical examination by Customs examiners at the time of entry. Examples are:

Bristles, hog, not dyed, from Japan and Iran.
Camel hair from Outer Mongolia.
Cashmere.
Chinaware from Eastern Europe.
Earthenware from Eastern Europe.
Embroidered articles, peasant-type, from Eastern Europe.
Hair, human, from India and Iran.
Rugs, grass, from Spain and Portugal.
Straw manufactures from Eastern Europe.
Woodenware from Eastern Europe.

(34) *Export of animal hair and skins for processing abroad.* Reimports of commodities subject to § 500.204 of the Regulations which were exported from the United States for processing abroad (principally animal hair and skins), are licensed on the basis of satisfactory documentary proof of the export and an estimate of the yield of processed material.

(35) *Other exports.* Reimports of other merchandise subject to § 500.204 of the Regulations are licensed on proof of the export. Persons planning to export such merchandise for exhibition, repair, or for any other purpose, should first ascertain that reimport will be authorized. Generally, reimport is authorized only if Customs Form 4455 was obtained at the time of export.

(36) *Publications from China and North Korea.* Publications imported directly from mainland China or North Korea may be licensed for commercial importation provided all payments due to the Chinese or Korean suppliers are made into blocked accounts. Publications from mainland China and North Korea may also be licensed without restriction as to shipment or method of payment under programs approved by the Librarian of Congress or the National Science Foundation for universities, libraries, research and scientific institutions. Such publications may also be licensed in exchange for publications from the United States.

(37) *Chinese language films and publications from other areas.* Imports of Chinese language films, books, magazines and almanacs may be licensed if the Control is satisfied that they were produced outside of mainland China or North Korea and that no designated national of Communist China or North Korea has an interest in the transaction.

(38) *Exhibitions.* Certain merchandise subject to § 500.204 being imported for exhibition at trade fairs, expositions, museums, etc., may be licensed for entry for that purpose only and eventual re-export or destruction under Customs supervision.

(39) *Sample quantities.* Commodities subject to § 500.204, including commodities from mainland China and North Korea, may be licensed for import for bona fide research purposes in sample quantities only.

(40) *Goods of mainland Chinese or North Korean origin.* Licenses for articles of mainland Chinese or North Korean origin are generally issued only on submission of documary evidence satisfactory to the Control of the location outside China or North Korea of the merchandise at all times since December 17, 1950, and of the absence of any Communist Chinese or North Korean interest in the merchandise during that period. Except as noted below, affidavits from persons purporting to have knowledge of the location and ownership of the merchandise are not satisfactory documentary evidence of such facts. Bills of lading, insurance policies, museum catalogues, etc., may constitute such evidence.

In the case of antiques, if no satisfactory documentary evidence is available, such as exhibition catalogues dated prior to December 17, 1950, an affidavit from a person subject to the jurisdiction of the United States who can from his own knowledge affirm as to the location and ownership of the merchandise at all times on and since December 17, 1950 may be acceptable as satisfactory documentary evidence. In certain cases of antiques located in Western Europe or the United Kingdom, affidavits from persons not subject to the jurisdiction of the United States may also be acceptable.

AUTHORIZATIONS

(41) *Chinaware.* Well-known brands of chinaware, such as Dresdenware, Meissenware, Spode, Noritake, Haviland, etc., subject to § 500.204(a)(3) are hereby authorized to be imported without a certificate of origin or specific license, provided there has been no interest therein of a designated national.

(42) *Foodstuffs, Chinese type.* The following Chinese-type foodstuffs subject to § 500.204(a)(2) are hereby authorized to be imported without a certificate of origin or

specific license, provided there has been no interest therein of a designated national:

Beche de mer.
Bird's nests.
Bird's nest soup.
Thick soy.

(43) *Foodstuffs, Chinese type, from Japan.* The following Chinese-type foodstuffs subject to § 500.204(a)(2) are hereby authorized to be imported directly from Japan without a certificate of origin or specific license, provided there has been no interest therein of a designated national:

Seaweed, dried.
Fish, dried, except dried cuttlefish.
Oysters, dried, or otherwise prepared in a Chinese manner.
Scallops, dried, or otherwise prepared in a Chinese manner.

(44) *Hardwood manufactures.* The following hardwood manufactures subject to § 500.204(a)(3) are hereby authorized to be imported without a certificate of origin or specific license, provided there has been no interest therein of a designated national:

Boats, western style.
Cabinets with radio or other electronic equipment installed.
Clothes pins, spring type.

(45) *Hats, unfinished.* Unfinished hats subject to § 500.204(a)(2) of the following types are hereby authorized to be imported without a certificate of origin or specific license, provided there has been no interest therein of a designated national:

Lindu.
Lintao.
Macorra.
Panama.
Pandan.
Raffia.
Toquilla.
Yeddo.

(46) *Tea pads used for packing.* Tea pads or other plaited straw subject to § 500.204 which enter as incidental packing for other imported goods are hereby authorized to be imported without a certificate of origin or specific license.

(47) *Cotton manufactures from Eastern Europe.* Cotton manufactures (other than embroideries and laces, embroidered and lace articles, handkerchiefs, wearing apparel, and piece goods) from an Eastern European country are hereby authorized to be imported without a specific license if Customs is satisfied that the merchandise is of a type which was imported into the United States from that country prior to December 17, 1957, provided there has been no interest therein of a designated national.

(48) *Linen manufactures from Eastern Europe.* Linen piece goods, table cloths, toweling, towels, and other household articles, but not including any embroidered goods, are hereby authorized to be imported without a specific license from Eastern European countries, provided there has been no interest therein of a designated national.

(49) *Animal hair from U.S.S.R.* Seal, otter, reindeer and Mongolian dog hair are hereby authorized to be imported from the U.S.S.R. without a specific license, provided there has been no interest therein of a designated national.

(50) *Angora rabbit hair from Czechoslovakia.* Angora rabbit hair is hereby authorized to be imported from Czechoslovakia without a specific license, provided there has been no interest therein of a designated national.

(51) *Purchases in Defense Department installations.* Merchandise subject to § 500.204 which was purchased in a Defense Department installation (Army Post Exchange, Navy Base Exchange, Ship's Store, etc.) is authorized to be imported without a certificate of origin or specific license upon presentation to Customs of the sales slip therefor.

LIST OF AVAILABLE CERTIFICATES OF ORIGIN

Attention is directed to the provisions of § 500.536 (c) and (d) of the Foreign Assets Control Regulations, pursuant to which certain merchandise affected by § 500.204 of the Regulations may be imported if the origin thereof is appropriately certified by the country of exportation.

Notice is hereby given that appropriate certificates of origin issued by the governments hereinafter listed under procedures agreed upon between the specified certifying agencies of those governments and the Office of Foreign Assets Control are available for the importation into the United States *only* (except as noted) of the commodities listed below, directly or on a through bill of lading, from the respective countries.

Changes in the list of certifiable commodities will be published in the FEDERAL REGISTER.

From Australia (Certificates issued by Comptroller General of Customs):

Ginger root, candied or otherwise prepared or preserved.
Menthol, synthetic.

From Belgium (Certificates issued by the Ministry of Economic Affairs):

Cashmere:
Washed (scoured).
Noils.

From Canada (Certificates issued by the Department of Trade and Commerce):

Foodstuffs, Chinese type.

From France (Certificates issued by the Ministere de l'Industrie et du Commerce):

Menthol, synthetic.
Silk piece goods, tussah.

From the Federal Republic of Germany (Certificates issued by the local Chamber of Industry and Commerce and countersigned by a Customs Official of the Federal Ministry of Finance):

Jade stones, cut.
Menthol, natural, synthetic.

From Hong Kong ("Comprehensive" Certificates issued by the Department of Commerce and Industry):

Abacuses.
Apricots, preserved.
Arrowhead.
Bambooware, machine-made from Formosan bamboo.
Bean curd, thread.
Bean fertilizer, dried.
Beans, salted.
Brass trays.
Brocade articles.
Brocades, other than cotton.
Bronze imitation antiques.
Cabbage, white, dried.
Camphor tablets.
Cane webbing.
Candles, joss, novelty (Chinese type).
Ceramics, including Japanese porcelain decorated in Hong Kong.
Chilli sauce.
Cloissonneware.
Confectionery.
Cotton manufactures, waste.
Cucumber, bitter, white.
Doll clothes.
Duck, preserved.
Embroidered articles.
Feather manufactures.
Fish gravy.
Fish maw, dried.
Fish, salted in oil.
Fish, spotted.
Footwear, Chinese type.
Ginger, preserved.
Gold plated articles, Chinese type.
Graphite.
Greeting cards and book markers.
Hardwood manufactures.
Hoi sin sauce.
Ink, liquid, Chinese type.
Ivory manufactures.
Jade, cut, jewelry, carvings, other manufactures.
Joss paper.
Junks.
Lacquerware.
Lamps, table.
Lanterns, silk, rayon.
Lemon sauce.
Lemons, red, yellow.
Linen manufactures.
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Lychees.
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Mollusks, dried.
Mullet, canned.
Mushrooms.
Musical instruments, Chinese type.
Mustard, preserved.
Needlework tapestries.
Olives, black, white.
Oysters, oyster sauce.
Paintings and scrolls, Chinese type.
Paper novelties.
Peas, garden.
Pewter novelties.
Pictures, cork, iron.
Plum sauce.
Plums, preserved.
Po Chun Balm.
Punk, firecracker.
Radishes.
Rice powder.
Rice sticks.
Rickshaws.
Rugs, cotton rag.
Rugs, woolen (knotted and hooked).
Sampans.
Sandalwood manufactures.
Seagrass articles, including mats and squares.
Shark fins.
Shrimp, dried slices, noodles, sauce, paste.
Silk manufactures.
Silver articles, including plate, Chinese type.
Soybean sauce.
Stones, semi-precious, cut, jewelry, carvings, manufactures.
Straw manufactures.
Sugar, slab, white rock.
Taro.
Tea, Formosan.
Textile novelties.
Theatrical costumes, Chinese type.
Tiger Balm.
Tinware novelties.
Tungsten ore, concentrates.
Turnips, preserved.
Vinegar, white, red, black.
Wallpaper and textile fabrics, hand painted in Chinese type designs.
Wampei.
Wastepaper baskets, folding, silk, rayon.
Water chestnuts, water chestnut powder.
Wheat starch.
White flower oil (Pak Feh Yeow).
Wine, Chinese type, medicinal, non-medicinal.
Wooden novelties.
Yams.

(Certificates are also available for:
(a) Shipments to third countries when the shipment is financed in U.S. dollars by the Agency for International Development;
(b) Purchases by persons subject to the jurisdiction of the United States who reside in Hong Kong;
(c) Merchandise to be transshipped through the United States; and
(d) Shipments to the Philippine Islands financed in U.S. dollars.)

From India (Certificates issued by the Ministry of International Trade):

Musk.
Silk piece goods, tussah, muga, eri.

From Italy (Certificates issued by the Department of Commerce):

Silk piece goods, tussah.

From Japan (Certificates issued by the Ministry of International Trade and Industry):

Abalone, canned, dried.
Bamboo, split.
Bamboo sprouts, canned, dried and shredded, raw.
Cuttlefish, dried.
Fish (sea bream), canned, prepared.
Ginger.
Ginko nuts, in the shells, canned or otherwise prepared.
Hair, (human) raw.
Hats, unfinished, manila hemp (abaca).
Lotus root, canned, dried.
Menthol.
Mushrooms, canned, baked, dried or otherwise prepared.
Oyster juice.
Plums, candied.
Quail, frozen.
Red beans.
Red bean flour.
Scallions, pickled.
Shark fins.
Silk piece goods, tussah.
Silk waste derived from the production of tussah silk piece goods.
Soybean, soybean meal, oil, paste, sauce.
Walnuts.

(Certificates are also available for shipments to third countries when the shipment is financed in US dollars by the Agency for International Development.)

From Korea, Republic of (Certificates issued by the Ministry of Commerce and Industry):

Abalone, canned, dried.
Bristles, hog.
Cornmint oil.
Crabmeat, canned.
Cuttlefish, dried.
Duck products, dried, canned.
Feathers, domestic cock, pheasant cock.
Fish, salted.
Floor coverings, grass, including seagrass mats and squares.
Gallnuts.
Ginger, preserved.
Ginseng, raw, wine, tea, tonic.
Goat hair.
Hair, human, raw.
Herbs, medicinal, raw.
Jujube (red dates), dried.
Menthol.
Mushrooms, dried.
Seaweeds, dried.
Shark fins.
Straw braids.
Walnuts.

(Certificates are also available for shipments to third countries when the shipment is financed by the Agency for International Development.)

From the Netherlands (Certificates issued by the Department of Agriculture, Fisheries, and Food):

Eggs, dried (whole, albumen, yolk).
Rhubarb, Chinese type.

From Spain (Certificates issued by the Ministry of Commerce):

Menthol, synthetic.

From Switzerland (Certificates issued by the Federal Department of Public Economics):

Cashmere noils, top.
Silk piece goods, tussah.

From Taiwan (Formosa) (Certificates issued by the Ministry of Economic Affairs):

Bakou and hemp hoods (hat bodies).
Bamboo shoots, canned.
Bamboo, split.
Bean thread (Fen-sau).
Bristles, hog.
Cabbage, preserved.
Cornmint oil.
Cucumber, sweet, canned.
Cuttlefish, dried.
Duck eggs, salted, preserved.
Firecrackers.
Ginger root, candied or otherwise preserved.
Grass squares, citronella.
Grass squares, Yueh Tao.
Hair (human) nets, netting, other products.
Handicraft items, including:
Ceramics, including vases, bowls, dishes, and animal figures.
Dolls.
Embroideries and drawn work, including ladies' garments, accessories, shawls, piece goods and cushion covers.
Furniture, chests, house furnishings, kitchen utensils, bowls, baskets, gift items made in whole or in part of bamboo, rattan or wood.
Greeting cards and miscellaneous paper decorative objects.
Lanterns.
Matting and floor coverings.
Musical instruments.
Scrolls, paper, silk.
Wallpaper.
Miscellaneous items made in whole or in part of shell, coral, fishbone, metal, buffalo horn, ramie, seagrass or jute.
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Joss paper.
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Lungngan, dried, pulp, canned, fresh.
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Menthol.
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Peanuts, dried and/or salted.
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Prunes, preserved.
Radish, dried.
Rice wine, Shaohsing.
Rose wine, Mai Kwai Lu.
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Silver articles.
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Water chestnuts, powdered.
Wong Lo Kat herb ingredients, mixtures.

(Certificates are also available for shipments to third countries when the shipment is financed in U.S. dollars by the Agency for International Development.)

From the United Kingdom (Certificates issued by the Customs and Excise):

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Silk piece goods, tussah.

From Viet-Nam (Certificates issued by the Ministry of National Economy):

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Stamps; (a) (2) (i), App. 9.
Star aniseed; (a) (2) (ii).
Stoles, fur; (a) (2) (ii), App. 11.
Stones, semi precious and manufactures; (a) (3), App. 20, App. 21; Hong Kong.
Straw braids; (a) (2) (ii), App. 2; Korea.
Straw manufactures; (a) (3), App. 22, App. 33; Hong Kong.
Straw hats, unfinished; (a) (2) (ii).
Straw packing; (a) (2) (ii), App. 46.
Sugar slab, white rock; (a) (2) (ii); Hong Kong.
Switches, hair; (a) (2) (ii), App. 12.
Table cloths, linen; (a) (3), App. 48.
Tannic acid; (a) (2) (ii).
Tapestries (see also needlework tapestries); (a) (3).
Tapioca flour; (a) (3).
Taro; (a) (2) (ii); Hong Kong.
Tea, Chinese type; (a) (2) (ii); Hong Kong.
Tea chest paper; (a) (2) (i), App. 23.
Tea pads; (a) (2) (ii), App. 22, App. 46.
Tetron/cotton articles; App. 7.
Textile novelties; (a) (3); Hong Kong.
Theatrical costumes; (a) (2) (i); Hong Kong.
Thick soy; (a) (2) (ii), App. 43.
Through bill of lading; App. 32.
Tiger Balm; (a) (2) (ii); Hong Kong.
Tin; (a) (3).
Tinware novelties; (a) (3); Hong Kong.
Toquilla hats; (a) (2) (ii), App. 45; Hong Kong.
Towels, towelling, linen; (a) (3), App. 48.
Tresses, hair; (a) (2) (ii), App. 12.
Tung oil; (a) (2) (ii), App. 29.
Tungsten; (a) (3), App. 17; Hong Kong.
Tungsten oxide; (a) (3), App. 17.
Tungstic acid; (a) (3), App. 17.
Turnips, preserved; (a) (2) (ii); Hong Kong.
Tussah silk; (a) (2) (ii), App. 18, App. 19.
Umbrellas; (a) (3), App. 7.
Vegetables, fresh; (a) (2) (ii), App. 29.
Vinegar; (a) (2) (ii); Hong Kong.
Wallpaper; (a) (2) (i); Taiwan.
Wallpaper and textile fabrics hand painted; (a) (2) (i), (a) (3); Hong Kong.
Walnuts; (a) (2) (ii), App. 29; Japan, Korea.
Wampei; (a) (2) (ii); Hong Kong.
Wastepaper baskets, folding, silk, rayon; (a) (2) (i); Hong Kong.
Water chestnuts, water chestnut powder; (a) (2) (ii); Hong Kong, Taiwan.
Wearing apparel; (a) (3), App. 15, App. 47.
Weasel fur skins; (a) (2) (ii).
Wefts, wefted wiglets; (a) (2) (ii), App. 12.
Wheat starch; (a) (2) (ii); Hong Kong.
White flower oil (Pak Fah Yeow); (a) (2) (ii); Hong Kong.
Wigs, wiglets; (a) (2) (ii), App. 12.
Wine; (a) (2) (ii); Hong Kong, Taiwan.
Wong Lo Kat herb ingredients, mixtures; (a) (2) (ii); Taiwan.
Wood furniture, handicrafts; (a) (2) (i); Taiwan.
Wooden novelties; (a) (2) (ii); Hong Kong.
Wooden ware; (a) (3), App. 33.
Wool, carpet (carpet wool); (a) (2) (ii), (a) (3).
Yak hair; (a) (2) (ii), App. 26.
Yams; (a) (2); Hong Kong.
Yeddo hats; (a) (2) (ii), App. 45.
Yolks (egg) dried; (a) (2) (ii).

3. Section 500.508 of the Foreign Assets Control Regulations (31 CFR § 500.508) is amended to read as follows:

§ 500.508 Payments to blocked accounts in domestic banks.

(a) Any payment or transfer of credit to a blocked account in a domestic bank in the name of any designated national is hereby authorized providing such payment or transfer shall not be made from any blocked account if such payment or transfer represents, directly or indirectly, a transfer of the interest of a designated national to any other country or person.

(b) This section does not authorize:

(1) Any payment or transfer to any blocked account held in a name other than that of the designated national who is the ultimate beneficiary of such payment or transfer; or

(2) Any foreign exchange transaction including, but not by way of limitation, any transfer of credit, or payment of an obligation, expressed in terms of the currency of any foreign country.

(c) This section does not authorize any payment or transfer of credit comprising an integral part of a transaction which cannot be effected without the subsequent issuance of a further license.

(d) This section does not authorize the crediting of the proceeds of the sale of securities held in a blocked account or a sub-account thereof, or the income derived from such securities to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held.

(e) This section does not authorize any payment or transfer from a blocked account in a domestic bank to a blocked account held under any name or designation which differs from the name or designation of the blocked account from which the payment or transfer is made.

4. Section 500.808 of the Foreign Assets Control Regulations (31 CFR § 500.808) is amended to read as follows:

§ 500.808 Customs procedures; merchandise specified in § 500.204.

(a) With respect to merchandise specified in § 500.204, whether or not such merchandise has been imported into the United States, collectors of customs shall not accept or allow any:

(1) Entry for consumption (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone, until either:

(i) A specific license pursuant to this chapter is presented,

(ii) Instructions from the Foreign Assets Control, either directly or through the Federal Reserve Bank of New York, authorizing the transaction are received, or

(iii) The original of an appropriate certificate of origin as defined in § 500.536(d) is presented.

(b) Whenever a specific license is presented to a collector of customs in accordance with this section, one additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the collector of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the collector in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise the collector, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal or other appropriate document shall be forwarded by the collector to the Office of Foreign Assets Control, Treasury Department, Washington, D.C., 20220.

(c) (1) Whenever the original of an appropriate certificate of origin as defined in Section 500.536(d) is presented to a collector of customs in accordance with this section, an additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the collector of customs at the port where the transaction is to take place. Each copy of the entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the following statement: "This document is presented under the provisions of § 500.536(c) of the Foreign Assets Control Regulations." The original of the certificate of origin shall not be returned to the person presenting it. It shall be securely attached to the additional copy required by this subparagraph and shall be forwarded by the collector to the Office of Foreign Assets Control, Treasury Department, Wash-

ington, D.C., 20220. Collectors may forward such documents weekly or more often if the volume warrants.

(2) If the original of an appropriate certificate of origin is properly presented to a collector of customs with respect to a transaction which is the first of a series of transactions which may be allowed in connection therewith under subdivision (iii) of paragraph (a) of this section (as, for example, where merchandise has been entered in a bonded warehouse and an appropriate certificate of origin is presented which relates to all of the merchandise entered therein but the importer desires to withdraw only part of the merchandise in the first transaction), the collector shall so note on the original of the appropriate certificate of origin and return it to the importer. In addition, the collector shall endorse his pertinent records so as to record what merchandise is covered by the appropriate certificate of origin presented. The collector may thereafter allow subsequent authorized transactions on presentation of the certificate of origin. The collector shall, with respect to each such transaction, demand an additional copy of each withdrawal or other appropriate document, which copy shall be promptly forwarded by the collector to the Office of Foreign Assets Control, Treasury Department, Washington, D.C., 20220, with an endorsement thereon reading:

This document has been accepted pursuant to § 500.808(c)(2) of the Foreign Assets Control Regulations. Appropriate certificate of origin No. ------ from (country).

When the final transaction has been effected under the certificate of origin, the original shall be taken up and attached to the entry and forwarded as in (c) above.

(d) Whenever a person shall present an entry, withdrawal or other appropriate document affected by this section and shall assert that no specific Foreign Assets Control license or appropriate certificate of origin as defined in § 500.536 (d) is required in connection therewith, the collector of customs shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York to request that instructions be issued to the collector to authorize him to take action with regard thereto.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64-2559; Filed, Mar. 16, 1964; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15161; FCC 64-205]

PART 89—PUBLIC SAFETY RADIO SERVICES

Report and Order Regarding Certain Modifications of Existing Radio Systems

1. The Commission issued a notice of proposed rule making in the above-entitled matter which was duly published in the FEDERAL REGISTER (September 19, 1963, 28 F.R. 10272) inviting comments in favor of or in opposition to the amendments proposed therein. The date for submitting such comments has passed, and all those which were timely filed have been considered by the Commission in reaching its determinations set forth below.

2. All the comments recognized the validity of the Commission's efforts to increase the efficient assignment of the frequencies available to the public safety radio services. It was generally agreed that to require applicants seeking to move their station locations, raise their antenna heights, or increase their operating power, to comply with the provisions of § 89.15 would aid in reducing potential interference. There was also accord with the proposal that the actual, rather than the maximum, permissible power should be specified on the authorization.

3. In fact, many of the comments recommended that the Commission's proposals should be extended to cover effective radiated power (ERP).. It was pointed out that limitations on height and input power are less than completely effective as long as users can employ high gain antennae without restriction. The whole subject of ERP is currently being studied by the Commission with a view toward proposing appropriate regulations to govern all the land mobile services. However, the engineering considerations are complex and necessitate the analysis of a considerable amount of data. Hence, while it is recognized that those advocating rules regarding ERP have a sound point, the instant proceeding is not regarded as the appropriate vehicle for initiating such limitations.

4. The comment from the Southeastern Association of State Highway Officials while supporting the proposal sought exemption of the frequencies from 47.02 Mc/s through 47.40 Mc/s. These frequencies are available for assignment in accordance with § 89.409(f)(7) (formerly § 10.405(f)(7)) which reads as follows: "This frequency will be assigned only in accordance with a geographical assignment plan." It is the contention of this comment that since this limitation in fact restricts usage of these frequencies to States and since the plan has been formulated on the basis that "• • • it is impossible for one state to interfere with another during normal operation," it seems logical to exclude state applicants for these frequencies from the requirements of § 89.15. Certain frequencies in both the Police and Forestry-Conservation Radio Services contain similar limitations (§§ 89.309 (h)(7) and 89.459(e)(7), respectively). The purpose of this rulemaking is to provide for greater efficiency in the utilization of frequencies available to the Public Safety Radio Services. It is not designed to burden applicants by forcing them to comply with § 89.15 needlessly. In the instant case, the Commission is persuaded that applications from states for the frequencies governed by the aforementioned limitations need not be accompanied by the showing set forth in § 89.15.

5. The Commission proposed that licensees be permitted to utilize up to an actual input power which is double that which the applicant stated would be used. This is to obviate the need for filing modification applications when a minimal increase in input power is desired. The comments generally supported this proposal although, as stated supra, the concensus favored control over effective radiated power. It was recognized, however, that requiring applicants to hold their operations to a specific power level would be of some aid to other licensees.

6. The State of Colorado in its comments pointed out that many of the antenna height and excess power problems which arise are due in large measure to the practice of crowding several antennas on the same mountain top. In order to avoid the interference which frequently results, the licensees often raise their power or are forced to erect antennas higher off the ground at lower locations. Hence, it is Colorado's opinion that as a concurrent matter to the proposals herein the problem of "antenna farms" should be the subject of regulation. The Commission wishes to point out that it encourages licensees sharing an antenna location to form agreements governing their usage; however, this proceeding does not appear to be an appropriate vehicle for formal regulation. Also, it should be noted that a Public Safety licensee who is required to move its antenna location or increase its power in order to obtain proper area coverage should have little difficulty in complying with § 89.15.

7. Recognizing that this proceeding is a first step in the regulation of modifications of antenna heights and in the more stringent control over power input, the Commission is of the opinion that the proposals set forth in the Notice, with the exception of the exclusions set forth in paragraph 3, supra, should be adopted. It may be anticipated that other proposals designed to promote more efficient frequency utilization will be forthcoming in the near future.

Authority for the amendment set forth below is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

Therefore, it is ordered, That effective August 1, 1964, Part 89 of the Commission's rules is amended as set forth below.

Adopted: March 11, 1964.

Released: March 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 89 of the Commission's rules is amended as follows:

1. Section 89.15(a) is amended to read as follows:

§ 89.15 Frequency coordination procedures.

(a) Except for: Applications from states requesting frequencies in accordance with a geographical assignment plan, applications in the Special Emergency Radio Service, and applications requesting assignment of frequencies in the band 27.23–27.28 Mc/s or of frequencies above 453.950 Mc/s, the following applications shall be accompanied by information required by either paragraph (b) or (c) of this section:

(1) Requests for assignment of a frequency not previously authorized for use by the applicant; or

(2) Requests for modification of an existing authorization to increase power input in excess of that set forth in the authorization and/or raise the height of the antenna and/or move the station location (including the antenna) to a site other than that authorized.

• • • • •

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[F.R. Doc. 64-2569; Filed, Mar. 16, 1964; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Expenses for Care of Certain Dependents; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T: P, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 214 of the Internal Revenue Code of 1954 to the Act of April 2, 1963 (Public Law 88–4, 77 Stat. 4), such regulations are amended as follows:

PARAGRAPH 1. Section 1.214 is amended by revising section 214(c)(3) and by adding a historical note. These amended and added provisions read as follows:

§ 1.214 Statutory provisions; expenses for care of certain dependents.

Sec. 214. *Expenses for care of certain dependents*—• • •

(c) *Definitions.* • • •

(3) *Determination of status.* A woman shall not be considered as married if (A) she is legally separated from her spouse under a decree of divorce or of separate maintenance at the close of the taxable year, or (B) she has been deserted by her husband, does not know his whereabouts (and has not known his whereabouts at any time during the taxable year), and has applied to a court of competent jurisdiction for appropriate process to compel him to pay support or otherwise to comply with the law or a judicial order, as determined under regulations of the Secretary or his delegate.

[Sec. 214 as amended by sec. 1, Act of April 2, 1963 (Pub. Law 88–4, 77 Stat. 4)]

PAR. 2. Paragraph (b) of § 1.214–1 is amended by revising subparagraphs (2) and (4). These amended provisions read as follows:

§ 1.214–1 Expenses for the care of certain dependents.

• • • • •

(b) *Taxpayers who may qualify for the deduction.* • • •

(2) *A married woman whose husband is capable of self-support.* If the expenses are paid by a woman (i) who is married at the time the expenses are incurred, (ii) whose husband at that time is not incapable of self-support because he is mentally defective or physically disabled, (iii) who is not divorced or legally separated at the end of the taxable year, and (iv) in the case of a woman who has been deserted by her husband and who does not meet all of the conditions set forth in subparagraph (4)(ii) of this paragraph, the deduction is allowable, but only if she files a joint income tax return with her husband for the taxable year in which the expenses are paid. Further, the amount otherwise deductible shall be reduced by the amount, if any, by which the combined adjusted gross income of the taxpayer and her spouse exceeds $4,500 for the taxable year in which the expenses are paid. The amount otherwise deductible is the amount expended for child care or $600, whichever is lesser. The determination of whether the taxpayer's husband is incapable of self-support because of a mental defect or physical disability shall be made without regard to his income from sources other than his own earnings. For purposes of this subparagraph, the term "earnings" means wages, salaries, commissions, professional fees, and other amounts received as compensation for personal services actually rendered. It does not include income such as pensions, annuities sick-pay, interest, dividends, or rents.

• • • • •

(4) *A single woman.* (i) the deduction is also allowed without regard to the limitation described in subparagraph (2) of this paragraph for expenses paid by a woman who (*a*) is unmarried at the time the expenses are incurred, or (*b*) is, at the close of the taxable year, legally separated from her husband under a decree of divorce or of separate maintenance.

(ii) For taxable years ending after April 2, 1963, the deduction is also allowed without regard to the limitation described in subparagraph (2) of this paragraph for expenses paid by a woman who (*a*) has been deserted by her husband, (*b*) at the time her return for the taxable year is filed, does not know the whereabouts of her husband, (*c*) has not known the whereabouts of her husband at any time during the taxable year, and (*d*) has applied to a court of competent jurisdiction for appropriate process to compel her husband to pay support or otherwise to comply with the law or a judicial order. In general, a wife shall be considered to be deserted by her husband during any period of time during which there is an actual, willful, and voluntary abandonment of the wife by her husband which abandonment is in violation of a legal obligation without legal justification or excuse. The determination as to whether a wife has been deserted by her husband is a question of fact which will not necessarily be governed by provisions of state law relating to desertion or abandonment. The determination as to whether a wife knew the whereabouts of her husband at any particular moment of time will be determined in the light of the particular facts of each case. A wife will be considered to have known the whereabouts of her husband if on a particular day she knew the address at which he was, on such day, residing or carrying on his trade or business, or if she knew the name and address of the person by whom he was employed on such day. A wife will not be considered to have known the whereabouts of her husband merely because she had information that he was residing or working in a particular city or state. To satisfy the requirement of (*d*) of this subdivision the wife must have initiated legal proceedings consistent with the applicable state law for the purpose of compelling her husband to pay support or, upon failure of the husband to comply with an order or decree of a court requiring the payment of support, must have initiated legal proceedings, consistent with the applicable state law, for the purpose of requiring compliance by the husband of the order or decree of the court. As used in this subdivision, the term "legal proceedings" includes criminal and quasi criminal proceedings as well as civil proceedings.

[F.R. Doc. 64–2553; Filed, Mar. 16, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1138]

[Docket No. AO–335–A3]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at El Paso, Texas, on November 13–15, 1963, pursuant to notice thereof issued on October 29, 1963 (28 F.R. 11697).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on December 27, 1963 (28 F.R. 14526; F.R. Doc. 63–13508) and on January 29, 1964 (29 F.R. 1656; F.R. Doc. 64–1032) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decisions containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decisions (28 F.R. 14526; F.R. Doc. 63–13508) and (29 F.R. 1656; F.R. Doc. 64–1032) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. In the recommended decision issued December 27, 1963 (28 F.R. 14526; F.R. Doc. 63–13508) the three paragraphs immediately following the list of material issues are deleted and in the recommended decision issued January 29, 1964 (29 F.R. 1656; F.R. Doc. 64–1032) the two paragraphs immediately following the list of material issues are deleted and a new paragraph is added.

2. In the recommended decision issued January 29, 1964 (29 F.R. 1656; F.R. Doc. 64–1032) under 7 and 8, *Marketing area and regulation of the own-farm production of a handler*, the first and second paragraphs are revised.

The material issues on the record of the hearing relate to:

1. Class I price.
2. Location differentials.
3. Base and excess price plan.
4. Class III classification of milk dumped or used for fertilizer and livestock feed.
5. Payment to cooperative association handlers.
6. Producer butterfat differential.
7. Marketing area.
8. Regulation of the own-farm production of a handler.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The seasonal Class I price differentials in the Rio Grande Valley order should be continued for 18 months at the present rate of $2.35 during the months of July through February and $2.05 during the months of March through June. The Class I price should continue to be adjusted during this period by a supply-demand adjustor equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kansas (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); and North Texas (Part 1126 of this chapter) milk marketing orders.

The Class I pricing provision of the order expires December 31, 1963. The cooperative association (Dairy Farmers' Association) representing the majority of the producers on the market proposed that the present Class I price differentials be continued but with an emergency 10 cents added for each month in the six-month period beginning December 1, 1963. A cooperative association (New Mexico Milk Producers Association) representing a small number of producers but a substantial volume of milk on the market proposed that the present Class I price differential of $2.35 be continued through February 1964, and effective March 1, 1964, the Class I differential be $2.25 each month.

Handlers did not object to the continuation of the present Class I price differentials nor to a uniform $2.25 Class I price differential for each month if the annual level of Class I price was not increased. Handlers did object, however, to the proposed 10-cent price increase for the six-month period beginning December 1, 1963. One handler supported the 10-cent price increase provided it would not apply to Class I sales delivered under military contracts entered into prior to the date the amendment would be effective.

The Class I price in the Rio Grande Valley market should reflect local milk supply and sales relationships as well as a reasonable alignment with other market prices.

Both total Class I sales and total producer receipts have increased since the order became effective July 1, 1962, while the percentage of producer milk utilized as Class I has remained about the same. Producer receipts are not adequate in all months for Class I sales of handlers regulated by the order, an indication that the Class I price level has not been higher than necessary to bring forth the required supply of fluid milk for Class I needs. The Dairy Farmers' Association imported over one and one-half million pounds of milk from other Federal order markets during September and October to supply handler's needs.

Some handlers secure either part or all of their fluid milk supply from handlers regulated under other Federal orders. Large quantities of milk are received in the Rio Grande Valley marketing area from plants in Wichita, Kansas, and Waterloo, Iowa. Milk at the Wichita plant is priced under the Wichita, Kansas, order and milk at the Waterloo plant is priced under the North Central Iowa order. Milk transported from the Wichita plant is hauled to the Rio Grande Valley area in 5,500 gallon tanks for 50 cents per loaded truck mile. This is translated into a transportation cost factor of 1.06 cents per hundredweight per 10 miles between plants. The cost of transporting milk to Albuquerque and Santa Fe from Wichita is about 61 cents per 100 pounds. Using the same transportation cost factor, the cost of transporting milk which moves to El Paso, Texas, from Waterloo, a distance of about 1,300 miles, would be around $1.39 per 100 pounds. The Class I prices applicable in the Rio Grande Valley marketing area should not exceed the Class I prices of these alternate sources of milk for any extended period by any amount substantially more than the transportation costs from these two markets.

The Class I price at Albuquerque and Santa Fe has averaged 67 cents over the Class I price at Wichita and the Class I price applicable at El Paso has average $1.48 over the Class I price at Waterloo for the most recent 12-month period for which Class I prices for the three orders are available. The present applicable annual average differentials under the Rio Grande Valley order of $2.25 at Albuquerque-Santa Fe and $2.35 at El Paso, together with the supply-demand adjustor, have maintained prices generally in line with the prices of alternate supplies of milk from these two sources.

The proposal by New Mexico Milk Producers Association for a Class I price differential of $2.25 each month effective March 1, 1964, was coupled with their proposal for a base and excess price plan for paying producers. The base-excess price plan is denied in this decision. This association asked for the differential of $2.25 each month even if the base-excess plan was not adopted on the basis that several competing Federal orders have uniform Class I price differentials. Of the two principal Federal order markets from which milk is shipped to the Rio Grande market, one, Wichita, has a uniform Class I differential, and the other, North Central Iowa, has seasonally variable Class I differentials. The markets in western Texas to the east of the Rio Grande market have seasonal Class I differentials while markets to the north and west have uniform differentials.

The differentials in the Rio Grande order result in higher Class I prices during months when the Dairy Farmers' Association has imported milk to fill needs for Class I sales of handlers. The lower differentials in the spring also tend to discourage seasonally high milk production in months when receipts are adequate for fluid sales. The present seasonally variable Class I price differentials in the Rio Grande Valley order are appropriate under marketing conditions existing in the area and the need to change to a uniform differential was not shown.

The Dairy Farmers' Association asked for the temporary 10-cent Class I price increase on an emergency basis because of the drought conditions which prevail generally throughout the area. The cooperative felt that the price increase was necessary to assure an adequate supply for the market.

The record indicates the existence of drought conditions of varying severity throughout the area. Range conditions in some areas have been somewhat below last year's conditions but rains have altered this situation in parts of New Mexico. Hay appears to be in high demand and reported prices per ton of alfalfa hay range from $5.00 to $15.00 above a year ago. Feed grains and proteins, while in ample supply, have increased in price over the prices which prevailed a year ago. Drought conditions prevailing in the area are similar to the conditions in other areas where price increases have been granted. However, drought relief, as such, cannot

properly be granted to producers through amendment of the order issued under the Agricultural Marketing Agreement Act of 1937.

Under the standards provided in this Act, the Secretary is required to fix prices which will reflect factors affecting market supply and demand for milk in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest. The adequacy of milk supplies, therefore, is an important factor in fixing prices under an order.

The combined receipts and sales for the Rio Grande Valley market reveal that the ratio of supplies to sales in September and October 1963 was virtually identical to that which prevailed in 1962, approximately 92.5 and 94 percent for each of the two months, respectively, of producer milk being utilized in Class I. Historically this market has relied on importation of other source milk to augment producer supplies during all months of the year. As mentioned previously, the Dairy Farmers' Association, during September and October, imported over one and one-half million pounds of milk to supply handlers' needs. This milk was imported from the Wichita and Dodge City, Kansas, areas at prices of $5.15 to $5.19 per hundredweight. The Rio Grande Valley Class I prices for September and October were $5.37 and $5.40, respectively, per hundredweight.

Handlers offered testimony in opposition to the proposed increase in the Class I price. Most handlers opposed the amendment on the grounds that the Rio Grande Valley market Class I price would would be out of line with alternate supplies of milk under other Federal orders.

Since producer milk on the market is supplemented with milk from other Federal orders at costs which are generally in line with the Class I prices under the Rio Grande Valley order, the Class I price under the order should not be increased at this time.

The Rio Grande Valley Class I price adjustor is based on the simple average of the supply-demand adjustments effective for the same month pursuant to the North Texas, Oklahoma Metropolitan and Wichita orders. The erratic pattern of producer milk on the market during some months of the period since the order became effective precludes the development at this time of a Class I price adjustor for the market based on the supply-demand relationship of producer receipts and handlers' Class I sales in this market. The present supply-demand adjustor has served to align the Class I price in the Rio Grande Valley order with prices in other Federal order markets and should be retained. However, data which more accurately represent the conditions in this market should be available on or before the end of the 18-month effective period of the proposed Class I pricing provision of the order. The Class I pricing provisions of the Rio Grande Valley order should be reconsidered when adequate data are available. In any event, if it is evident that conditions have changed before the end of the 18-month period, another hearing should be called at such time to review the Class I price level.

2. *Location differentials.* The location differential provisions of the Rio Grande Valley order should not be changed.

The Dairy Farmers' Association proposed that the location differential credit applicable to producer milk received at pool plants located in eastern New Mexico including the locations of Tucumcari, Clovis, Portales, Roswell, Artesia, and Carlsbad be reduced by 10 cents. The Central West Texas producers' Association proposed that the Class I price effective at Clovis be identical to the Class I price effective at Albuquerque, New Mexico.

The present location differentials subtracted from the Class I price applicable at Albuquerque and Santa Fe at the following locations in eastern New Mexico are: Tucumcari—22 cents; Clovis—26 cents; Roswell—15 cents; and Carlsbad—11 cents. During October 1963, the latest month for which data were available, there were no pool plants located in Portales and Artesia, New Mexico. The location differentials applicable at pool plants located in Tucumcari and Clovis are based on the alternative cost of hauling milk to Albuquerque (Bernalillo County) or Santa Fe (Santa Fe County). The location differentials applicable at pool plants located in Roswell and Carlsbad are based on the cost of hauling milk to El Paso, Texas.

The Dairy Farmers' Association representative asserted that producer milk is no longer being hauled from the Clovis area to plants located in Albuquerque and Santa Fe as was the situation at the time of the order promulgation hearing. The association now occasionally moves producer milk from the Clovis area to Albuquerque or Santa Fe but only to balance supplies. This change was brought about by the opening of a new milk plant in Clovis (Curry County) during May 1963. The association furnishes this plant a full supply of milk primarily from producers' farms located in Curry County or Roosevelt County which borders Curry County to the south. The average hauling cost from farm to plant is about 31.5 cents per hundredweight. The additional cost when the cooperative hauls the milk from Clovis to Santa Fe is 26 cents per hundredweight.

The association representative further stated that a 10-cent higher price at Clovis is necessary to align the Clovis price with nearby Federal order markets in West Texas and to prevent producers from shifting to these markets. The Central West Texas Producers' Association, a cooperative representing approximately 40 percent of the producers on the Lubbock-Plainview market and 98 percent of the producers on the Central West Texas market, also based its proposal on the alignment of prices between Clovis and the Texas markets of Lubbock-Plainview, Texas Panhandle and Central West Texas. The Central West Texas Producers' Association representative stressed that the new milk plant located in Clovis had considerable Class I sales in competition with the higher priced western Texas markets.

Dairy farmers located in Curry or Roosevelt County ship milk to the Texas Panhandle and Lubbock-Plainview markets as well as to Clovis and Roswell, New Mexico. Farmers in Lea County, just south of Roosevelt County, ship milk to the Central West Texas market. The average Class I price at Clovis for the latest 12-month period available has been considerably lower than the Class I prices of the three Texas markets, particularly so when compared with the costs of hauling milk from farms in the Roosevelt-Curry County area to plants in Clovis and the Texas Panhandle and Lubbock-Plainview markets.

A handler with a plant located in Santa Fe, New Mexico, proposed that all minus location adjustments in areas east and south of Albuquerque be eliminated and that the Class I price at El Paso be the Albuquerque Class I price plus 32 cents. Another handler with a plant located in El Paso, Texas, proposed that all location differentials be revoked.

These proposals would involve the location differentials applicable to handlers with pool plants located in El Paso, Texas; Durango, Colorado; and Alamogordo, Las Cruces, Farmington, and Aztec, New Mexico, in addition to the location differentials at locations previously mentioned. The present location differential applicable at El Paso, Alamogordo and Las Cruces, all located south of Albuquerque and Santa Fe, is plus 10 cents. The location differential applicable at Durango is minus 26 cents, at Farmington is minus 24 cents and at Aztec is minus 23 cents. These three locations are to the north and west of Albuquerque and Santa Fe.

Other handlers generally opposed any changes in location differentials on the grounds that the location adjustments are necessary to provide equity among handlers and producers and that there have been no significant changes in conditions since the order became effective. One handler opposing the proposed increase in price at El Paso asked that the El Paso price be the same as the Albuquerque-Santa Fe price.

Producer milk should be priced in relation to its location value. Since the value of producer milk varies with the proximity of a producer to a market, milk prices are usually higher at delivery points in the major consumption centers. With the value of producer milk established in relation to the major consumption centers, all producer milk received by handlers in a given area has an alternative value based on the highest net price paid f.o.b. such centers less the cost of hauling milk to the respective market.

Albuquerque, Santa Fe and El Paso are the primary alternate markets for milk produced in eastern New Mexico. Producers supplying the Rio Grande Valley market from the Roosevelt-Curry County area have not shifted to the higher priced Texas markets because handlers under those markets will not as yet accept their milk. Hauling costs of producer milk from this area to Albuquerque and Santa Fe do not warrant a change in location differentials. The Dairy Farmers' Association's cost for hauling producer milk from Clovis to Albuquerque is 26 cents per hundredweight, the same as provided for under the location differential.

The proponent of the proposal to increase the Class I price at El Paso introduced handlers' costs of moving packaged products to support his proposal. The plus 10 cents applicable at El Paso is based on the difference in approximate costs of moving producer milk to El Paso or the alternate markets of Albuquerque and Santa Fe by efficient means. Producer milk is moved from the Carlsbad, Roswell and Portales areas to pool plants in El Paso. There was no evidence offered on changes in hauling costs of producer milk in these areas which would warrant a change in location differentials.

The location differentials applicable at plants located northwest of Albuquerque and Sante Fe should not be changed. The Dairy Farmers' Association and a handler testified that producer milk moved from this area to Albuquerque at a cost slightly in excess of the location differentials presently applicable.

The reported hauling costs in the Rio Grande Valley market area are equal to or slightly in excess of the present location adjustments. However, these costs have been greatly reduced, primarily through the efforts of the Dairy Farmers' Association. If further reductions in the hauling costs of producer milk are realized, the general scheme of location differentials for the order should be reviewed at that time.

3. *Base and excess price plan.* The proposal to provide that minimum payments to producers be distributed according to a base and excess price plan is denied.

The New Mexico Milk Producers Association proposed the base-excess plan to encourage level patterns of seasonality in milk deliveries by producers. An additional consideration was the fact that the New Mexico Milk Producers Association and the Dairy Farmers' Association, representing over 80 percent of the producers on the market, started a cooperative base-excess plan beginning with the first base-setting month of August 1963. The New Mexico Milk Producers Association contended that a base-excess plan for the order was necessary to provide member producers operating under the cooperative base-excess plan equal treatment with other producers during base-paying months. As proposed, the base-forming period would be the months of August through November and the base-paying period would be the months of April through June.

Other producer groups representing the majority of the producers on the market testified that the base-excess plan was not needed since seasonal pricing is provided. The Dairy Farmers' Association and the Neosho Valley Producers Association, a cooperative with approximately 59–60 producers on the market, did not support the base-excess plan. Since there was no clear showing of need for a base plan, none should be adopted.

4. *Class III classification of milk dumped or used for fertilizer and livestock feed.* The proposal to provide for Class III classification of all milk, the skim milk portion of which, during the months May through August and December, is disposed of for fertilizer and livestock feed or dumped after prior notification to the market administrator should not be adopted.

Two handlers, with the support of the Dairy Farmers' Association, proposed the optional Class III classification and a Class III price to aid in the disposal of surplus milk of a cooperative which cannot be used at handlers' plants. The Southwest Milk Producers Association also supported the Class III classification for a cooperative's surplus milk. The handlers making the proposal stated that they would not support the proposal if the adoption of Class III classification would require an upward adjustment of the order Class II price. The New Mexico Milk Producers Association opposed the establishment of a third price class for the Rio Grande Valley order but would not object to the lowering of the price for skim milk which was "surplus" to the market if the order provided for a higher than Class II price for the butterfat contained in such milk.

The proposed Class III price would be computed by multiplying the butter price specified in the basic formula price by 1.25 and multiplying the result by 3.5. A specific Class III butterfat differential was not proposed. The butterfat in the surplus milk, the skim portion of which is dumped or used for fertilizer and livestock feed, would be priced to the handler according to its use. The Class I and Class II handler butterfat differentials for the order have averaged 72 and 67 cents per pound, respectively, for the past 12 months.

As proposed, the Class III price for the Rio Grande Valley order would have averaged $2.54 per hundredweight for the past year for milk of 3.5 percent butterfat content as compared to the order price for Class II milk which averaged $2.96 per hundredweight for the same period.

The interest of the handlers in making the proposal was to accommodate the cooperative in disposing of surplus milk. Surplus skim milk could be dumped at the proposed Class III price as an alternative to incurring the costs of diverting milk to manufacturing milk plants. The Dairy Farmers' Association during the months of December 1962 and April, May, June, July and August 1963, diverted in excess of eight percent of the total producer milk on the market. Very little nonmember milk was diverted.

Although the cooperative claimed losses of from 50 to 60 cents per hundredweight on surplus milk diverted, there was no detailed information in the record as to the cost of moving the milk to surplus outlets. The cooperative testified that one plant paid 87 cents per pound of butterfat for milk for manufacturing, or $3.04 for milk of 3.5 percent butterfat. This plant is located in Roosevelt County and milk from that area could be diverted to the manufacturing plant with a shorter farm-to-plant haul than when moved from this area to distributing plants. If the milk were moved from more distant areas, some additional hauling expense would be involved. However, since Roosevelt County is an area of heavy milk production, some rearrangement of milk supplies to retain milk in that county for manufacturing when total producer deliveries exceed Class I sales could accomplish important savings in transporting diverted milk.

The Dairy Farmers' Association has been diverting surplus milk for only a short period and is constantly attempting to devise ways to minimize the cost of diverting such milk. As previously mentioned, the supply of producer milk on the market varied widely during several months of 1963. The amounts of surplus milk diverted and the cost of diversion can be expected to change considerably as the cooperative gains experience and when a normal pattern of producer supplies on the market is realized.

The present Class II price is generally in line with the cost of imported cream and nonfat dry milk. Cream is available to the market for about 83 cents per pound of butterfat. On a 3.5 percent butterfat content basis, this would amount to a cost of $2.905 per hundredweight. Nonfat dry milk would cost at least 14 cents per pound. Even with the cost of separating and handling surplus milk the value of the butterfat in such milk plus the skim milk which could be used in making ice cream would be at least the Class II price of $2.96.

5. *Payment to cooperative association handlers.* Proposal No. 12 as it appeared in the hearing notice was to amend the Rio Grande Valley order to provide that each handler pay for milk received by such handler during the month from a cooperative association, for which the association is a handler, on the same dates and at the same rates as prescribed by the order for payments by handlers to producers. This proposal was modified by its proponent at the hearing to provide that each handler who receives milk from a cooperative association acting with handler status under another Federal milk marketing order pay such cooperative association for such milk on the same dates as specified by the Rio Grande Valley order for payment by handlers to producers or to cooperative associations authorized by its members to collect payment for their milk. The modified proposal did not specify any rates at which such payments should be made. There were objections that the modified proposal went beyond the proposal as it appeared in the hearing notice.

The modification of the proposal to provide that payments be required for milk received from a cooperative association acting with handler status under another Federal order raises many questions as to how the amount of such payments is to be determined as well as the date of payment. Such milk is already priced under another order but at a location other than that at which received by the Rio Grande handler. Plant handling and transportation costs have been incurred. Are they to be included in required payments?

The record is not clear as to how these items should be treated in determining required payments. Until more specific

consideration is given to such matters in a hearing the proposal should not be adopted.

6. *Producer butterfat differential.* The proposal to reduce the uniform price to producers for milk containing less than 3.25 percent butterfat by 20 cents per hundredweight for each one-tenth of one percent by which such butterfat content is less than 3.25 percent was withdrawn at the hearing by its proponent. There is no basis for amending the order in this respect on the basis of this record.

7 and 8. *Marketing area and regulation of the own-farm production of a handler.* The proposals to delete the New Mexico counties of Mora and San Miguel from the Rio Grande Valley marketing area and to exempt the own-farm production of a handler from any regulation by the Rio Grande Valley order are denied. These proposals should be considered together since the end result of both proposals, if adopted, would allow the proponents of the proposals to purchase unlimited amounts of fluid milk products from other sources while maintaining exemption from pooling their own-farm production.

The proposal to delete Mora and San Miguel Counties from the marketing area was made by two producer-handlers who have all of their sales in the two counties. One pool handler gave testimony in opposition to the proposal. The Dairy Farmers' Association's representative testified that regulated handlers to whom they sell milk must not be placed at a competitive disadvantage with unregulated handlers. Three pool handlers and the New Mexico Milk Producers Association opposed the deletion of the two counties from the marketing area in their briefs.

The two producer-handlers have from 60 to 90 percent, according to different estimates, of the sales in Mora County and from 65 to 80 percent of the sales in in San Miguel County. The remaining sales in these two counties are made by handlers fully regulated under the Rio Grande Valley order.

One of the producer-handlers sells an average of 128,000 pounds of milk per month on routes in the two counties with approximately 12 percent of these sales in Mora County and 88 percent in San Miguel County. This producer-handler does not normally purchase fluid milk products from any other source but purchases in May 1963 qualified the plant as a pool plant under the Rio Grande Valley order for that month. The other producer-handler sells an average of 100,000 pounds of milk per month on routes in the two counties with approximately 10 percent of these sales in Mora County and 90 percent in San Miguel County. This producer-handler processes all of his fluid milk products from milk he produces, except for sweet cream which he purchases from a pool plant. Both producer-handlers testified that their milk supply and sales have remained relatively unchanged since the order became effective.

The proponent of the proposal to exempt the own-farm production of a handler from any regulation by the order is a fully regulated handler under the Rio Grande Valley order whose plant is located at El Paso, Texas. This handler purchases around 800,000 pounds of milk per month and has own-farm production of approximately 1,000,000 pounds per month. The plant was operated in essentially the same manner before the order became effective with about 40 percent of the handler's needs supplied from sources other than his own-farm production. This handler, as well as both producer-handlers, wanted the opportunity to purchase unlimited amounts of fluid milk products from other sources but still maintain exemption from pooling own-farm production.

Exemption from pricing and pooling under the order is afforded to producer-handlers with respect to their own-farm production. However, certain conditions must be met for producer-handler status. A producer-handler, as presently defined under the order, includes any person who processes and packages milk from his own-farm production, who distributes any portion of such milk on routes within the marketing area, and who receives no fluid milk products from other dairy farmers or from any source other than a pool plant (and receipts from pool plants shall not be in excess of 11,000 pounds per month).

Purchases not in excess of 11,000 pounds monthly from pool plants are allowed producer-handlers to deal with any emergency a producer-handler might experience with his own milk supply. To provide that a producer-handler be permitted to purchase supplemental needs through Class I transfers from pool plants in unlimited quantities would result in the situation whereby the pool of producer milk would carry the reserve for such producer-handler's sales. The exemption from pooling carries with it the obligation that the producer-handler bear the burden of his necessary reserve except for the small quantity he may buy from pool plants. In carrying his own reserves, he will necessarily have some milk in excess of that which he needs for Class I sales. If he were permitted to buy unlimited amounts from the producer pool, he could avoid using any of his own milk for uses other than Class I.

The deletion of the counties of Mora and San Miguel from the marketing area would exempt the two producer-handlers from any regulation under the order. A fully regulated handler with substantial sales in the two counties objected to such deletion on the grounds that he would then be at a disadvantage in meeting the competition from the two plants. The producer-handlers submit bids for supplying milk to schools in these counties. As producer-handlers, the amount of fluid milk they can supply under contract is limited to their own-farm production plus 11,000 pounds monthly from pool plants. Hence, they must consider their ability to supply such sales from their own-farm production.

If completely unregulated, the two plants would be free to purchase fluid milk from any source in unlimited quantities if they so desired. They would thus be relieved of the responsibility of providing a reserve supply through their own production since the reserve could be obtained from other sources. Their sales in the two counties would be made in competition with fully regulated handlers who purchase milk from producers at order prices. These regulated handlers would be at a competitive disadvantage in competing for sales in Mora and San Miguel Counties. Therefore, it is concluded that the retention of Mora and San Miguel Counties as part of the marketing area is necessary to effectuate orderly marketing in the Rio Grande Valley marketing area.

The handler who proposed that his own-farm production be exempt from regulation by the order objected to the payments required by the order to the producer-settlement fund on his own-produced milk

When the Rio Grande Valley order was instituted, it was determined that a marketwide pooling arrangement best met the needs of both handlers and producers. Under marketwide pooling, each producer receives a "blend" price for his milk which reflects the average utilization in the market. Each handler pays for the milk at the class prices according to the use of the milk in his plant. The utilization of all pool plants is averaged to derive the uniform "blend" price for all producers. A producer-settlement fund is provided to balance payments from pool plants with higher than the market average utilization with payments to pool plants with lower than the market average utilization.

To exempt the own-farm production of a fully regulated handler from any regulation under the order would give such a handler an advantage over other "pool handlers" or producers. If his own-farm production was valued at the order "blend" price and utilized in Class I products, he would have a competitive advantage over other handlers who must pay the order Class I price for milk utilized in Class I products. If his own-farm production was utilized in Class I products and valued at the order Class I price, he would have an advantage over other producers who receive only the order "blend" price for their milk. Therefore, it is necessary that the own-farm production of a fully regulated handler be included in the producer pool to effectuate orderly marketing in the Rio Grande Valley marketing area.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Rio Grande Valley marketing area", and "Order amending the order regulating the handling of milk in the Rio Grande Valley marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of January 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Rio Grande Valley marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 12, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area.

§ 1138.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, on December 27, 1963, and published in the FEDERAL REGISTER on December 31, 1963 (28 F.R. 14526; F.R. Doc. 63-13508), shall be and are the terms and provisions of this order, and are set forth in full herein.

In § 1138.51, paragraph (a) is revised as follows:

§ 1138.51 Class prices.

* * * * * *

(a) *Class I milk.* During the period from the effective date of this order until July 1, 1965, the price for Class I milk shall be the basic formula price for the preceding month plus $2.35 during each of the months July through February and plus $2.05 during each of the months March through June. This price shall be increased or decreased by a supply-demand adjustment equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kansas (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); and North Texas (Part 1126 of this chapter) milk marketing orders. If the supply-demand adjustment in any of these markets is limited in its effect by another provision of the respective order, the supply-demand adjustment to be used in this computation shall be the net adjustment which determines the Class I price in such market.

* * * * * *

[F.R. Doc. 64-2567; Filed, Mar. 16, 1964; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Allotment and Marketing Quota, 1963 and Subsequent Crops

Pursuant to authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), a proposed amendment is being prepared to amend the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920, 28 F.R. 11811).

As presently contemplated the amendment would:

1. Amend § 729.1424(c), as amended, to (1) provide that the farm peanut history acreage shall not, under any circumstances, exceed the farm allotment, (2) eliminate the provision under which the final acreage, as adjusted, cannot exceed the planted acreage to permit an adjustment in cases where because of conditions beyond the control of the farm operator the acreage planted is less than 75 percent of the farm allotment, and (3) specify that in no case shall an adjustment be made for abnormal conditions unless the farm operator files a request for such an adjustment at the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

office of the county committee prior to November 1 of the current year.

2. Amend paragraphs (a) and (b) of § 729.1435, as amended, to establish April 1 as the closing date for all counties in California for voluntarily releasing peanut acreage which will not be used on the farm to which allotted, and the date by which the farm owner or operator must file a written request for reapportionment of acreage released from other farms.

Prior to the amendment being issued, consideration will be given to any data, views and recommendations which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. To be considered, any such submission must be postmarked not later than 10 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 11, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-2566; Filed, Mar. 16, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Docket No. 15080]

EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS AND SUBSTITUTE SERVICE

Notice of Proposed Rule Making

MARCH 13, 1964.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 288 to set new minimum rates for MATS cargo charters in fiscal year 1965 which will take into account the operating costs of pure jet cargo aircraft, as well as the costs of the turbo-prop CL-44 aircraft which were used as the basis for the new minimum rates adopted by the Board on February 28, 1964 in Regulation ER-401. The amendment is proposed under authority of sections 204(a), 407, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before March 27, 1964 will be considered by the Board before taking action. In view of the importance of establishing new minimum rates for MATS cargo charters prior to the award of the fiscal year 1965 contracts by the Department of Defense in April, the Board does not anticipate granting requests for extensions of time for submitting comments. Copies of communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 288 provides the exemption authority for air carriers to perform short notice MATS charters and substitute service in foreign and overseas air transportation and between the 48 contiguous states, on the one hand, and the state of Alaska or Hawaii, on the other. Such authority is conditioned upon the observance of the minimum rates specified in § 288.7, which are also made applicable to all MATS charters to points outside the 48 contiguous states by § 399.16 of the Board's Policy Statements, governing the grant of individual exemptions for overseas and foreign MATS charters, and by § 208.30, which conditions the military certificate authority of supplemental carriers.

In Regulation ER-401, which amended Part 288 effective March 1, 1964, the Board, inter alia, revised the minimum rates for MATS cargo charters to reflect the lower costs of turbine aircraft as opposed to piston aircraft formerly predominantly used for MATS charters. The new minimum cargo rates were based on the cost experience of turbo-prop CL-44 aircraft which presently perform most of the MATS cargo charters. The Board noted, however, that the pure jet aircraft, such as the DC-8F and B-707-320C, are expected to be used to an increasing extent during fiscal year 1965 and that it contemplated an early notice of proposed rule making for the purpose of setting new minimum rates for MATS cargo charters which would take into account the costs of pure jet operations.

The new minimum rates[1] here proposed for July 1, 1964 effectiveness compare with those presently specified in Part 288 as follows:

	Present	Proposed	Unit
	Cents	*Cents*	
Round-trip cargo	11.5	10.5	Per ton-mile.
One-way cargo	21.0	19.0	Do.

The proposed minimum cargo rates are based on an average daily aircraft utilization of 8 hours, which is approximately the recent experience of Seaboard World Airlines, Inc., and The Flying Tiger Line Inc., which operate all-cargo charter services. The rates are also predicated on an even division between the usage of pure jets and CL-44's in MATS foreign and overseas cargo charter services in fiscal year 1965 and onward.

Because convertible jets, the pure jet aircraft types used in cargo services, are so new, experience data are limited. We have therefore relied upon the cost forecasts submitted by the carriers in connection with the proposal to amend Part 288 in Docket 14749. These data are shown in the attached Appendix[2] Pan American World Airways, Inc., submitted separate cost forecasts for passenger operations with B-707-300 type aircraft and for cargo operations with B-707-320C type aircraft. After adjustments consistent with those for passenger operations shown in Appendix A to ER-401, and in other particulars as described for other carriers hereunder, an adjusted cargo forecast for Pan American has been derived. The other carriers' forecasts are as shown in Appendix A to ER-401, with adjustments to eliminate passenger service expenses and the general burden associated therewith; adjustments of insurance expense, flight equipment depreciation, and amortization of preoperating expenses to reflect 8 hours utilization; and with income taxes at 49 percent (the average of the corporate rate of 50 percent in 1964 and 48 percent for 1965). The investments have been adjusted to reflect 8 hours utilization, and the net book value of flight equipment and unamortized balance of deferred preoperating expenses has been adjusted to July 1, 1964, the beginning of fiscal year 1965.

Instead of a weighting factor by carrier that was used in preparing the minimum rates adopted in ER-401, the simple arithmetic average cost of the six convertible jet aircraft operators was used. This method produced a figure of 9.66 cents per ton-mile, as indicated by the following table:

	Cargo cost per ton-mile (cents)
Pan American	10.26
World	10.76
Trans Caribbean	8.85
Riddle	9.49
Trans International	9.42
Capitol	9.19
Average	9.66

The costs of the CL-44 cargo charter were adjusted to reflect a 49 percent tax liability, in lieu of the former 52 percent, and to reflect the investment in flight equipment and deferred preoperating expenses as of July 1, 1964. The former and revised data for the CL-44 cargo carriers are shown below:

	CL-44 cargo cost per ton-mile	
	ER-401	As revised
	Cents	*Cents*
Flying Tiger	11.78	11.48
Slick	10.74	10.45
Seaboard	11.84	11.53
Weighted average	11.48	Not computed
Simple average	11.45	11.15

On the basis that cargo charters will be evenly distributed between pure jet and CL-44 aircraft in fiscal year 1965, the average cost is 10.41 cents per ton-mile. The current minimum rate, based on CL-44 costs exclusively, is 11.5 cents per ton-mile for round-trip services. The simple average of the current rate of 11.5 cents and the estimated average cost for pure jets of 9.66 cents is 10.58 cents. It is therefore proposed that the fair and reasonable rate for round-trip cargo operations for fiscal year 1965 should be 10.5 cents, which is a rough average of the two bases.

If the principle adopted in ER-401 were followed to provide a yield for one-way cargo charters that is 91 percent of the yield for round-trip cargo charters, the one-way cargo rate would be 19.1 cents per ton-mile. A rate of 19.0 cents for one-way charter trips is being here proposed. That figure is close to the 91 percent ratio in the existing rates and it will also make the cargo one-way yield per mile for convertible jet aircraft approximately equal to the passenger one-way yield per mile for the same aircraft.

Proposed rule. It is proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288) as follows:

In § 288.7(a), redesignate subparagraphs (5) and (6) as subparagraphs (6) and (7), respectively, and add new paragraph (5) to read:

(5) For services performed on and after July 1, 1964, other than services specified in subparagraphs (6) and (7) below:

(i) All round trips on which passengers are carried on at least one segment thereof, 2.55 cents per passenger-mile.

(ii) Round-trip cargo services, 10.5 cents per cargo ton-mile.

(iii) One-way passenger and mixed passenger-cargo services, 4.2 cents per passenger-mile.

(iv) One-way cargo services, 19.0 cents per cargo ton-mile.

Provided, That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to the passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

[F.R. Doc. 64-2631; Filed, Mar. 16, 1964; 8:53 a.m.]

[1] It is not proposed to change existing rate levels for application to piston services in areas where turbine operations are not feasible.

[2] Appendix filed as part of original document.

FEDERAL AVIATION AGENCY

[14 CFR Part 11 [New]]

[Reg. Docket No. 4003; Notice 64-9A]

ASSIGNMENT OF NAVIGABLE AIRSPACE

Notice of Proposed Rule Making; Extension of Comment Period

In a notice of proposed rule making published in the FEDERAL REGISTER February 14, 1964 (29 F.R. 2467), it was stated that the Federal Aviation Agency is considering a proposal to amend the Agency's general rule making procedures to authorize FAA Regional Directors to issue regulations assigning the navigable airspace. This notice was slightly modified by an editorial change published in the FEDERAL REGISTER February 25, 1964 (29 F.R. 2677).

Subsequent to the publication of the notice, the Department of Defense notified the Agency that the proposal could significantly affect the processes of coordination with the FAA by the military departments and that there is not sufficient time to obtain, correlate and consolidate all the responses that the Department of Defense is soliciting from the various military departments by the published date for closing of comments, March 16, 1964. The Department of Defense therefore requested a thirty day extension of time for the receipt of comments to the subject proposal.

Accordingly, the notice is hereby amended to extend the period for the filing of comments by all persons for an additional thirty days to April 15, 1964.

Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553.

These amendments are proposed under the authority of section 307 of the Federal Aviation Act of 1958, 49 U.S.C. 1348.

Issued in Washington, D.C., on March 12, 1964.

NATHANIEL H. GOODRICH,
General Counsel.

[F.R. Doc. 64-2523; Filed, Mar. 16, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 23, 87]

[Docket No. 12169]

REDUCED SEPARATION BETWEEN ASSIGNABLE FREQUENCIES

Closing and Terminating of Proceeding; Supplemental Order Number Ten

The Commission having under consideration the First Report and Order in the above-entitled matter (FCC 57-1393), adopted December 18, 1957; and

It appearing, under the terms of the subject First Report and Order, that Part 2 of the Commission's rules was amended as set forth therein, and that Parts 7, 8, 10, 11, and 16 of the rules were amended by subsequent orders of the Commission; and

It further appearing, that amendment of Parts 6 and 9 (subsequently renumbered Parts 23 and 87) was never necessary; that the matters involved are now moot in view of subsequent action by the Commission in Docket No. 13616 (FCC 60-1228, adopted October 12, 1960); and, therefore, that this docket should be formally closed and the proceeding terminated; and

It further appearing, that the authority for the action herein ordered is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and § 0.261 of the Commission's rules;

It is ordered, This 10th day of March 1964, effective March 18, 1964, that Docket No. 12169 is closed and the proceeding is terminated.

Released: March 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2570; Filed, Mar. 16, 1964; 8:58 a.m.]

[47 CFR Part 73]

[Docket No. 15377, RM-543; FCC 64-214]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, ROSCOE, S. DAK.

Notice of Proposed Rule Making

1. Notice is hereby given in the above-entitled matter.

2. The Commission has before it for consideration a petition filed November 29, 1963, by the South Dakota Educational Television Association and M. F. Coddington, State Superintendent of Public Instruction of the State of South Dakota. The petition requests rule making to assign Channel 2 to Roscoe, South Dakota, as a reserved noncommercial educational channel.

3. Roscoe, South Dakota, with a population of 532, is located in Edmunds County. That county's population according to the 1960 U.S. Census is 6,079. There are no television channels assigned to Roscoe.

4. Petitioners state that "* * * The essential purpose of the instant request is to make possible the creation of a statewide network of five noncommercial educational VHF stations, which will serve approximately 95 percent of the entire population of South Dakota * * *" Currently there are four VHF channels reserved in South Dakota: Brookings, Channel *8; Vermillion, Channel *2; Pierre, Channel *10; and Rapid City, Channel *9. A fifth VHF channel evidently is desired because of its wide coverage potential.

5. Petitioners hope to use the proposed channel and network in both general, and in school educational programs. Petitioners allege that, at the present time South Dakota is suffering from a severe shortage of teachers. It is expected that the proposed noncommercial educational television service will ameliorate that general problem as well as the problem of providing sufficient instruction to students in foreign languages, frequently required for admittance to college. Further it is maintained that television can be of particular educational service in sparsely populated rural areas and that assignment of Channel *2 to Roscoe will meet all of the Commission's minimum mileage separation requirements.

6. The Commission is of the view that it is in the public interest that rule making proceeding should be instituted in respect to the following proposal so as to permit all interested parties to submit their views and other relevant data.

City	*Channel No.* *Present*	*Proposed*
Roscoe, South Dakota		*2

7. Since Roscoe, South Dakota, is within 250 miles of the U.S.-Canadian border, assignment of Channel *2 to that community would require the concurrence of Canadian authorities, in accordance with the U.S.-Canadian agreement of 1952. No final action on the proposal will be taken without formal Canadian concurrence.

8. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission Rules, interested persons may file comments on or before April 20, 1964, and reply comments on or before April 30, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: March 11, 1964.

Released: March 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-2571; Filed, Mar. 16, 1964; 8:53 a.m.]

[47 CFR Part 85]

[Docket No. 15372; FCC 64-206]

PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Ship-Shore Public Telephone Service in All Zones; Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter. The amendments proposed to be adopted are set forth below.

2. Section 85.260 (formerly § 14.260) of the Commission's rules provides, among other things, for use of the frequency 2134 kc/s in all zones of the Alaska area by public ship stations for communications exclusively with coast stations of the Alaska Communications System (hereinafter referred to as ACS) which are located in the Alaska area and are open to public correspondence. These coast stations are operated by the U.S. Air Force as Government stations and are open to the public upon request for ship-shore communications.

3. The Department of the Air Force, Headquarters United States Air Force, Washington, D.C., 20330, has requested that Part 85 (formerly Part 14) of the Commission's rules be amended to set forth an additional frequency which would be available for use by ship stations to communicate with ACS coast stations. The Department of the Air Force has indicated that only one channel is now available for such purpose, resulting in severe traffic congestion and interference in certain areas. The provision of a second frequency, 2240 kc/s, will relieve this problem.

4. In addition, it is proposed to delete the optional use of telegraph emission (Class A1) in the ACS ship-shore public telephone service and to authorize single sideband operations.

5. To allow sufficient time for Commission rule making procedures, and for the addition of 2240 kc/s to ship radiotelephone transmitters where required, it is proposed that the effective date of proposed use of 2240 kc/s be July 1, 1964.

6. The proposed amendment is issued under the authority contained in section 303 (c) and (r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 20, 1964, and reply comments on or before April 30, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

8. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: March 11, 1964.

Released: March 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

A. Part 85 Public Fixed Stations and Stations of the Maritime Services in Alaska, is amended as follows:

1. Section 85.260(a) is amended to read:

§ 85.260 Frequencies in the band 1605–3400 kc/s for ship-shore public telephone service in all zones.

(a) (1) The frequencies 2134 kc/s and 2240 kc/s are authorized carrier frequencies for use in all zones of the Alaska area by public ship stations, in accordance with Subpart E of this part, for communication exclusively with coast stations of the Alaska Communication System which are located in the Alaska area and are open to public correspondence. When transmitting on these frequencies to any ACS coast stations, ship stations shall employ class A3, A3A, A3H, or A3J emission for telephony. The associated frequency to be used for transmission from the ACS coast station to the ship station shall be within the band 1605 to 3400 kc/s and shall be designated for each location by the ACS.

(2) Public ship stations shall use the frequencies shown below for working with the particular ACS coast stations designated herewith. The hours of service of each ACS coast station may be obtained upon request made to the ACS or to the Commission's Engineer-in-Charge at Anchorage, Alaska, or Seattle, Washington.

For communication with ACS coast stations located in the vicinity of—	Ship station transmitting frequency	Respective ACS coast station frequency
	(kc/s)	(kc/s)
Anchorage, Alaska	2134	2312
Cordova, Alaska	2134	2312
Cold Bay, Alaska	2134	2312
King Salmon, Alaska	2134	2312
Unalaska, Alaska	2134	2312
Ketchikan, Alaska	2134	2312
Petersburg, Alaska	2134	2312
Juneau, Alaska	2240	2400
Kodiak, Alaska	2240	2400
Nome, Alaska	2240	2400
Sitka, Alaska	2240	2400

* * * * *

[F.R. Doc. 64-2572; Filed, Mar. 16, 1964; 8:53 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R-256]

ELECTRIC UTILITIES AND NATURAL GAS COMPANIES

Annual Reporting of Research and Development Activities; Notice of Extension of Time for Comments

MARCH 11, 1964.

Upon consideration of the request filed on March 5, 1964, by Edison Electric Institute for an extension of time within which to file data, views, and comments in the above-designated matter;

Notice is hereby given that the time is extended from March 16, 1964, to and including April 15, 1964, within which all parties may file data, views, and comments on the Notice of Proposed Rule Making issued February 11, 1964, in the above-designated matter.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-2529; Filed, Mar. 16, 1964; 8:45 a.m.]

[1] Commissioner Lee absent.

Notices

DEPARTMENT OF STATE

[Public Notice 229]

[No. 104-4]

DELEGATION OF AUTHORITY

By virtue of the authority vested in me by Executive Order No. 10973 of November 3, 1961 (26 F.R. 10469), the Foreign Assistance Act of 1961, as amended (75 Stat. 612) and section 4 of the Act of May 26, 1949, it is directed that Delegation of Authority No. 104 of November 3, 1961 (26 F.R. 10608) be, and it is hereby, further amended as follows:

By deleting paragraph "(f)" of section 6 in its entirety and substituting in lieu thereof the following:

(f) The Administrator and any other officer to whom functions are delegated by this Delegation of Authority may, to the extent consistent with law: (1) delegate or assign any of the functions delegated or assigned to him by this Delegation of Authority, including with respect to the Administrator, authority to delegate or assign any of such functions to an officer of the Department of State, and (2) authorize any officer to whom functions are so delegated or assigned successively to redelegate or reassign any of such functions.

This delegation of authority shall be effective immediately.

[SEAL] DEAN RUSK, *Secretary of State.*

MARCH 4, 1964.

[F.R. Doc. 64-2609; Filed, Mar. 16, 1964; 8:53 a.m.]

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

STATEMENT OF ORGANIZATION

The statement of organization of the Foreign Assets Control published in the FEDERAL REGISTER (15 F.R. 776) pursuant to section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002) (currently published in the "United States Government Organization Manual," at pp. 98-99) is hereby amended to read as follows:

The Office of Foreign Assets Control, originally established as a Division of the Office of International Finance under Treasury Department Order No. 128 of December 14, 1950, was established as the Office of Foreign Assets Control separate from the Office of International Finance (now designated as Office of International Affairs) by an amendment of October 15, 1962, to Treasury Department Order No. 128. The Office of Foreign Assets Control is headed by a Director who reports to the Assistant Secretary for International Affairs through the Assistant to the Secretary (National Security Affairs).

The Office administers controls over the assets in the United States of, and financial transactions by, China (except Formosa), North Korea, Cuba, and their nationals for the purpose of preventing transactions which would be inimical to the interests of the United States. The controls are administerd through a system of licenses, rulings and other documents (see 31 CFR Chapter V) pursuant to powers of the President under section 5(b) of the Trading With the Enemy Act, as amended, and any proclamations, orders, regulations or rulings that have been or may be issued thereunder. The Office of Foreign Assets Control is represented in the field by the Federal Reserve Bank of New York.

The Director of the Office of Foreign Assets Control has been delegated by the Secretary of the Treasury power to exercise and perform all authority, duties and functions which the Secretary is authorized or required to exercise or perform under Sections 3 and 5(b) of the Trading With the Enemy Act, as amended, and any proclamations, orders, regulations, or rulings that have been or may be issued thereunder.

Authority to take final licensing action on certain applications for specific licenses authorizing certain types of transactions prohibited by the regulations is delegated to the Federal Reserve Bank of New York, subject to policies and procedures prescribed by the Office of Foreign Assets Control.

The public may in general secure any information or make submittals, requests or petitions with respect to any Foreign Assets Control matters by communicating through correspondence or telephone or by coming in person or sending a representative, either to the central office in Washington or to the Federal Reserve Bank of New York.

Correspondence with the central office should be directed to "Foreign Assets Control, United States Treasury Department, Washington, D.C., 20220." Personal inquiries to the central office should be made to the Main Treasury Building, Washington, D.C., 20220. All correspondence or inquiries to the Federal Reserve Bank of New York should be addressed as follows: Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, New York, 10045.

[SEAL] MARGARET W. SCHWARTZ, *Director, Office of Foreign Assets Control.*

[F.R. Doc. 64-2560; Filed, Mar. 16, 1964; 8:45 a.m.]

PATENT AND TECHNICAL DATA CONTROLS

Export Control Regulations

The Department of Commerce is announcing the amendment effective April 1, 1964 of its Export Control Regulations governing the export of patent information or technical data from the United States, and the Office of Foreign Assets Control hereby announces corresponding changes in certain Treasury Regulations. After April 1, 1964, persons subject to the jurisdiction of the United States who license foreign firms to use patents or technical data will no longer be required by the Office of Foreign Assets Control to incorporate in the license agreements certain restrictions on the disposition of commodities produced abroad under such license agreements.

Heretofore, the Office of Foreign Assets Control has under the Foreign Assets Control Regulations (31 CFR Part 500) required that licensors include in licensing agreements undertakings by the foreign licensees not to sell any item produced under the license to Communist China or North Korea or their nationals, without prior permission from the licensor. Such permission could not be given in the absence of a license granted by the Treasury to the licensor authorizing the specific transaction. Similarly, under the Transaction Control Regulations (31 CFR Part 505), American licensors have been required to incorporate in licensing agreements undertakings by the foreign licensees not to sell any strategic item produced under the license to European Soviet Bloc nations, without prior permission of the licensor. Again, such permission could not be given in the absence of a license granted by the Treasury to the licensor.

These undertakings are no longer required so far as licensing agreements entered into on or after April 1, 1964, are concerned. The restrictions contained in licensing agreements entered into before April 1, 1964, should continue to be enforced by the licensor. However, if the licensee signs a certification which meets the requirements of General License GTDU of the Export Control Regulations administered by the Department of Commerce, as now amended, this certification will be acceptable evidence that the requirements of the Treasury Regulations applicable to such prior licensing agreements have been complied with.

Attention is directed to the fact that the restrictions of the Treasury Regulations remain in full force and effect insofar as they involve foreign firms which are directly or indirectly controlled by persons subject to the jurisdiction of the United States in any way other than by licensing agreements. For example, foreign subsidiaries of U.S. firms and foreign firms which are joint ventures by a U.S. firm and a foreign firm continue to be affected by the restrictions of the Treasury Regulations.

[SEAL] MARGARET W. SCHWARTZ, *Director Office of Foreign Assets Control.*

[F.R. Doc. 64-2563; Filed, Mar. 16, 1964; 8:50 a.m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Office of the General Counsel

The Statement of the Department's Organization and Administration, as published in the FEDERAL REGISTER of September 11, 1962, at pages 8962 and 9007, and as amended by 27 F.R. 11558–11559, 12452–12453, 28 F.R. 914, 2690, 3674, 7362, 8295–8296, 11322–11323 and 29 F.R. 1661, is further amended by making the following changes in 823.2 to remove from the Office of the General Counsel the function of adjusting postmaster claims for loss of public funds and accountable paper as a result of fire, burglary, or other unavoidable casualty. Effective April 1, 1964 this function is delegated to Regional Directors.

I. Under 823.2 amend paragraph "g" to read as follows:

§23.2—GENERAL COUNSEL

* * * * *

g. Acts for the Postmaster General, with authority to redelegate the function to General Counsel staff members, in the settlement of personal or property damage claims of $100 to $2,500, inclusive, brought against the Department; formulates and administers policies and standards governing the adjudication and settlement by regional offices of personal or property damage claims under $100.

II. Under 823.252 Claims Division delete paragraph "d" and redesignate paragraph "e" as new paragraph "d".

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-2545; Filed, Mar. 16, 1964; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification Orders Canceled in Their Entirety

MARCH 10, 1964.

Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 2, Delegation of Authority (28 F.R. 294) dated January 9, 1963, it is hereby ordered effective immediately that the following Small Tract Classification Orders are hereby canceled in their entirety:

(a) No. 76 dated November 13, 1953
(b) No. 117 dated June 15, 1962

This order affects 171 tracts aggregating approximately 217 acres.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 64-2541; Filed, Mar. 16, 1964; 8:46 a.m.]

[Montana 030933]

MONTANA

Order Providing for Opening of Public Lands

MARCH 9, 1964.

1. An order of the Bureau of Reclamation dated January 10, 1956, concurred in by the Director, Bureau of Land Management, revoked Departmental Orders of August 18, 1902, and August 25, 1904, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Milk River Project, Montana, and provided that such revocation should not affect the withdrawal of any other lands by said orders or affect any order withdrawing or reserving the lands described:

PRINCIPAL MERIDIAN, MONTANA

T. 28 N., R. 32 E.,
Sec. 25, SW¼NW¼ and W½SW¼;
Sec. 26, SE¼SE¼.

The areas described total 160 acres of public lands.

2. The lands were not opened to entry at the time the Order of Revocation issued because they were included in a pending homestead application, which had been suspended by the Secretary's decision dated December 20, 1918. The homestead application was finally rejected June 10, 1963, and the lands are now cleared for opening under the public land laws.

3. The area described is moderately rolling grazing land, located twenty five miles southeast of Malta, Montana, in Phillips County. These lands support an average stand of native grasses. The soil is heavy clay loam with underlying shale. Due to adverse topographic features, limited rainfall, and marginal soils, the lands are not suited for intensive agricultural use.

4. No application for these lands will be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable, for such type of application, or shall be so classified upon consideration of an appropriate petition. Any petition that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m., on September 8, 1964, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the non-mineral public land laws other than any from the State of Montana presented at or prior to 10:00 a.m., on September 8, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been opened to applications and offers under the mineral leasing laws. They will be opened to location under the United States mining laws after 10:00 a.m., September 8, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana 59101.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 64-2542; Filed, Mar. 16, 1964; 8:47 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order 60]

TOLEDO-LUCAS COUNTY PORT AUTHORITY

Temporary Suspension and Withdrawal From Foreign-Trade Zone

In the matter of the application of the Toledo-Lucas County Port Authority of Toledo, Ohio, Grantee, to temporarily suspend and withdraw from zone use areas within the boundary of Foreign-Trade Zone No. 8.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Toledo-Lucas County Port Authority, as Grantee of Foreign-Trade Zone No. 8, Toledo, Ohio, filed application on November 12, 1963, requesting that the Foreign-Trade Zones Board authorize the Bureau of Customs to approve temporary suspension and withdrawal from, and subsequent return to, zone status of certain areas within the Toledo Foreign-Trade Zone, upon request of the Grantee;

Whereas, the Toledo-Lucas County Port Authority states that a major portion of income-producing business now conducted in the zone consists of the storage and handling of domestic merchandise not requiring foreign-trade zone facilities, and use of zone facilities for these purposes results in burdensome operating costs;

Whereas, the Toledo-Lucas County Port Authority desires that the suspension and withdrawal of portions of the zone be made on a temporary basis, in order that these facilities will be readily available to accommodate any future increase in zone business of sufficient volume to warrant their use economically;

Now, therefore, the Foreign-Trade Zones Board, after full consideration of the matter and a finding that the proposal, as herein modified, is in the public interest, hereby orders:

That the Toledo-Lucas County Port Authority, as Grantee, may suspend and withdraw from foreign-trade zone status, and subsequently return to zone status, specifically designated areas and physical facilities within the limits of Foreign-Trade Zone No. 8 as the zone is presently constituted, provided that it is shown to the satisfaction of the Collector of Customs of Cleveland, Ohio, that Custom's requirements for physical security and protection of the revenue are met, and that building facilities remaining in zone status contain a minimum of sixty thousand square feet of floor space; and provided further, that such zone changes may be made only within two years from the date of publication of this order in the FEDERAL REGISTER. The area and physical facilities remaining in zone status at the expiration of the two-year period shall constitute Foreign-Trade Zone No. 8 and thereafter any zone changes shall be made upon application to the Board.

The Collector of Customs shall furnish a report to the Executive Secretary of the Foreign-Trade Zones Board with respect to each action taken under the provisions of this Order within fifteen (15) days following such action. A detailed map, as described in § 400.603(j) of the Board Regulations, to be furnished by the Grantee, shall be presented with each such report.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary in connection with the issuance of this Order. Its application is restricted to one Foreign-Trade Zone and is of a nature that it imposes no burden on the parties of interest. The effective date of this Order, is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 6th day of March 1964.

FOREIGN-TRADE ZONES BOARD,
[SEAL] FRANKLIN D. ROOSEVELT, Jr.,
Acting Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

RICHARD H. LAKE,
Executive Secretary, Foreign-Trades Zones Board.

[F.R. Doc. 64-2526; Filed, Mar. 16, 1964; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-141]

BOARD OF TRUSTEES OF LELAND STANFORD JUNIOR UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6, set forth below, to Facility License No. R-60. The license authorizes The Board of Trustees of the Leland Stanford Junior University to possess and operate the pool-type nuclear reactor located on the University's campus near Palo Alto, California. The amendment would permit the reactor to be operated using either of two speeds for the regulating blade which is used to bring the reactor to criticality and to compensate for small changes in reactivity during reactor operation. The amendment was requested by the licensee in an application for license amendment dated July 16, 1963.

The Commission has found that:

1. Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

2. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated July 16, 1963, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 6th day of March 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-2527; Filed, Mar. 16, 1964; 8:45 a.m.]

BUREAU OF THE BUDGET

CERTAIN HOSPITALIZATION AND DISPENSARY SERVICES

Notice of Modification of Rates of Charges

Notice is hereby given that, pursuant to authority vested in the President by the last sentence of section 4 of the Act of May 10, 1943 (24 U.S.C. 34), and delegated to the Director of the Bureau of the Budget by section 1(w) of Executive Order No. 10530, as added by Executive Order No. 11116 of August 5, 1963 (28 F.R. 8075), the rates of charges for certain hospitalization and dispensary services prescribed by section 1(1)(ii) of Executive Order No. 11116 have been modified as follows: On and after March 1, 1964, charges for such care shall be at such rates as may be established for comparable care of dependents of uniformed services personnel under the Dependents' Medical Care Act (10 U.S.C. 1085).

The appropriate agencies of the Government have been notified accordingly. The rates presently established for inpatient care of dependents under the Dependents Medical Care Act are $39.00 per day effective for the period March 1, 1964, to June 30, 1964, and $40.00 per day for the fiscal year 1965.

Any future changes in rates prescribed by Executive Order No. 11116 are expected to be made by the Director of the Bureau of the Budget with notice to the agencies concerned and without publication in the FEDERAL REGISTER.

WILLIAM D. CAREY,
Executive Assistant Director.

MARCH 11, 1964.

[F.R. Doc. 64-2626; Filed, Mar. 16, 1964; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-377]

ACCIDENT AT GAINESVILLE MUNICIPAL AIRPORT, GAINESVILLE, FLA.

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 2999, which occurred at Gainesville Municipal Airport, Gainesville, Florida, February 3, 1964; Docket No. SA-377.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 1:30 p.m. (local time), on Tuesday, March 24, 1964, at the Alachua County Courthouse, Gainesville, Florida.

Dated this 24th day of February 1964.

[SEAL] CLAUDE M. SCHONBERGER,
Hearing Officer.

[F.R. Doc. 64-2555; Filed, Mar. 16, 1964; 8:48 a.m.]

[Docket No. 14868]

LAKE CENTRAL AIRLINES, INC.

"Use It or Lose It" and Route Alignment Investigation; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 7, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., March 12, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2556; Filed, Mar. 16, 1964; 8:48 a.m.]

[Docket No. 13777; Order E-20583]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of March 1964.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to fares; Docket No. 13777, Agreement C.A.B. 17419, R-1.

In Order No. E-20286, dated December 20, 1963, the Board deferred action on Resolution JT31(Mail 85)150a, assigned the above C.A.B. Agreement Number, adopted by Joint Conference 3-1 of the International Air Transport Association (IATA), proposing to establish a 5-percent round-trip discount on South Pacific fares as opposed to the 10-percent round-trip discount now offered. In deferring action, the Board noted, among other things, that no economic justification had been submitted in support of the agreement which would permit increased fares and provided a 15-day period in which to receive comments from carrier parties to the agreement or other interested persons. Comments were received from Pan American World Airways within the 15-day period in support of increased round-trip fares.[1]

Pan American relies upon data extracted from the IATA Cost Committee Report, dated July 1963, intended to show unprofitable results on South Pacific services. Pan American shows its load factors, actual for 1962 and estimated for 1963-64, as below industry actual and estimated load factors for the same periods, which, in turn, are below break-even load factors as forecast for the industry for 1964.

We are herein disapproving the subject agreement. The data submitted are based upon a composite average of the carriers' operating results. No details used in its development are available, and we have no means of evaluating the information. Moreover, the data are deficient in themselves in that they do not reflect actual operating results for the current period for either Pan American or the industry; nor is a comparison made of Pan American's actual load factors with its break-even requirements. Here we would note that the Board has made clear on numerous occasions its views that fares must bear a proper relationship to attainable costs of operations and that proposals contemplating adjustments in fares be so documented as to demonstrate clearly the actual operating experience upon which the adjustment is predicated.

Without reaching a conclusion as to whether an increase in the South Pacific fares can be justified on the basis of the economics related to the routes, we would point out that the Board generally tests the reasonableness of fares on the basis of carrier experience in broad geographical areas. In this regard, it must be recognized that an economically sound level of fares in a given area must necessarily embrace certain services that are not wholly profitable. As noted in the order deferring action on this agreement, the Board in acting on the Chandler fare agreement (Orders E-19294 and E-19385) disapproved a similar resolution revising the round-trip discount for application on the Pacific where it found that the existing fares produced more than adequate earnings. In the ensuing time, the Board has maintained a continuing scrutiny of United States carriers' transpacific operating results. These data, as set forth below, demonstrate more favorable results than those upon which the Board relied in disapproving the Chandler agreement.

Calendar year	Percent of return on investment [2]	
	Northwest	Pan American
1959	13.10	5.77
1960	4.46	10.39
1961	13.02	10.84
1962	15.0	15.4
1963 [3]	17.8	18.5

[2] Net profit after taxes and special items, but before interest expense, as a percent of net worth plus long-term debt.
[3] 12 months ended September 30, 1963.

On the basis of these data, it may be concluded that there is no need for increased fares in transpacific operations. We are not therefore prepared at this time to approve the proposed fare increase for South Pacific services.

Indeed, based on the financial results of the United States-flag carriers, the only such data available to us, it appears quite clear by our standards that fares are higher than are required to support profitable and efficient services. We are therefore convinced that a reduction in fares is both economically feasible and required in the public interest. For this reason, we urge the carriers to reexamine the level of fares with this objective in mind. We would assume that such re-examination would be undertaken within the framework of IATA. On the other hand, IATA fares are open in the Pacific area and we perceive no bar to individual carrier filings to effect prompt and appropriate reductions.

Our concern, it should be understood, is with the over-all general level of transpacific passenger fares, not with the amount of the round-trip discount as such. If an appropriate reduction of basic fares is accomplished we would not hesitate to approve the proposed five-percent round-trip discount both as proposed on South Pacific routes, and on the Central and Northern routes as well. In addition, we would be willing to consider an increase in basic South Pacific fares if the operating results on those routes so indicate, provided reductions are effected elsewhere so that the general level of transpacific fares is not excessive.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds Resolution JT31(Mail 85)150a (Round-Trip Discount, South Pacific), which is incorporated in the above-described agreement, to be adverse to the public interest.

Accordingly, it is ordered, That, Agreement C.A.B. 17419, R-1, be and hereby is disapproved insofar as it is applicable in air transportation as defined by the Act.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2557; Filed, Mar. 16, 1964; 8:48 a.m.]

[Docket No. 13777; Order E-20569]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1964.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17456, R-4.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notice to the carriers and promulgated in IATA memorandum JT31/Rates 327, names the following additional specific commodity rates:

Item 4420—Radio, Television and Combination Radio, Television and Phonograph Apparatus.

From	To	Rate in cents per kg.	Minimum weight
			kgs.
Hong Kong	New York	215	200
Hong Kong	West Coast	185	200

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement C.A.B. 17456, R-4, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of traffic publication.

[1] At the request of IATA, an additional 15-day period was granted, but no further information was submitted.

[1] Dissenting statement of Gurney and Gilliland, Members, filed as part of the original document.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2558; Filed, Mar. 16, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-5]

ATHENS CABLEVISION, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-3116) to determine its effect upon the safe and efficient utilization of navigable airspace.

Athens Cablevision, Inc., Atlanta, Georgia, proposes to construct a television receiving antenna structure near Athens, Alabama, at latitude 34°49'50" north, longitude 86°57'48" west. The overall height of the structure would be 1,265 feet above mean sea level (500 feet above ground).

The proposed structure would be located approximately 12 miles north of Pryor Field, Decatur, Alabama, within the procedure turn obstruction clearance area for its only instrument approach procedure, and within the boundaries of VOR Federal airways Nos. 54, 54N, and 7E. At this location the structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(2) of the Federal Aviation Regulations by 300 feet as applied to the above airways.

The aeronautical study disclosed that the structure would require an increase from 2000 feet to 2300 feet in the minimum en route altitude for that segment of Victor 54N between Muscle Shoals, Alabama, VOR and Toney, Alabama, Intersection and an increase from 2000 feet to 2300 feet in the minimum obstruction clearance altitude for that segment of Victor 7E between Tanner, Alabama, and Bethel, Tennessee, Intersections. The increase in the minimum en route altitude for V54N would result in the loss of the cardinal altitude of 2000 feet. However, the increase in MEA on V54N and MOCA on V7E would have no adverse effect on aeronautical operations since the minimum altitudes are not used and there are no plans for their use.

The study disclosed that the proposed structure, if erected, would require an increase from 2000 feet to 2300 feet in the procedure turn altitude for standard instrument approach procedure AL-719-VOR-RWY 18 for Pryor Field. The rate of descent required by the increase in the procedure turn altitude would result in the cancellation of the straight-in approach procedure to Pryor Field. During FY 1963, there were 446 instrument approaches made at Pryor Field, 262 of these approaches were air carrier, 174 were general aviation, and 10 were Air Force.

The study further disclosed that although procedural changes could be made, such changes would complicate approach procedures, increase the time required for each approach, and generally reduce the instrument approach and landing capability at Pryor Field. Furthermore, the changes would not permit retention of the straight-in approach procedure for aircraft with single VOR equipment.

Based upon the aeronautical study, it is the finding of the Agency that the changes in IFR procedures that would be necessary to accommodate the proposed structure would have a substantial adverse effect on aeronautical operations at Pryor Field.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 (New)), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace, and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (New) (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on March 6, 1964.

GEORGE R. BORSARI,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 64-2524; Filed, Mar. 16, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15365]

JIM HARPER

Order To Show Cause

In the matter of Jim Harper, East Point, Georgia, Docket No. 15365, order to show cause why there should not be revoked the license for radio station 6W4919 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76; (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated September 4, 1963, alleging violation of §§ 19.24(a)(1) and 19.61 (a) (now §§ 95.35(a)(1) and 95.81(a)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated September 6, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules;

It is ordered, This 9th day of March 1964, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by certified mail—return receipt requested to the said licensee at his last known address of 1270 East Virginia Avenue, East Point, Georgia.

Released: March 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2577; Filed, Mar. 16, 1964; 8:51 a.m.]

[Docket Nos. 15303, 15304; FCC 64M-207]

CASCADE BROADCASTING CO. AND SUNSET BROADCASTING CO. (KNDX-FM)

Order Regarding Procedural Dates

In re applications of Cascade Broadcasting Company, Yakima, Washington, Docket No. 15303, File No. BPH-4072; David Zander Pugsley tr/as Sunset Broadcasting Company (KNDX-FM), Yakima, Washington, Docket No. 15304, File No. BPH-4180; for construction permits.

The Hearing Examiner having under consideration the desirability of the change of date for commencement of hearing in view of possible developments which will eliminate the need for hearing;

It is ordered, This 10th day of March 1964, that the current date for commencement of hearing, April 8, 1964, is cancelled; and

It is further ordered, That a further prehearing conference will be held May 1, 1964.

Released: March 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2573; Filed, Mar. 16, 1964; 8:50 a.m.]

[Docket No. 15247; FCC 64M-206]

FRANKLIN BROADCASTING CO. ET AL.

Order Continuing Hearing

In re application of Franklin Broadcasting Company (Transferor), and William F. Johns, Sr., and William F. Johns, Jr. (Transferees), Docket No. 15247, File No. BTC-4303, for transfer of control of WLOD, Inc., Pompano Beach, Florida.

The Hearing Examiner having before him Broadcast Bureau's request for continuance, filed on March 9, 1964, requesting that the date for exchange of exhibits and the date of hearing in this proceeding be continued; and

It appearing that no other party to the proceeding has objection to grant of the request;

It is ordered, This 10th day of March 1964, that the Broadcast Bureau's Request for Continuance, filed on March 9, 1964, is granted, and the date for exchange of exhibits is continued from March 23, 1964, to March 30, 1964, and hearing now scheduled for April 6, 1964, is continued to April 13, 1964.

Released: March 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2574; Filed, Mar. 16, 1964; 8:50 a.m.]

[Docket No. 15362; FCC 64M-203]

GRAYSON ENTERPRISES, INC.

Order Scheduling Hearing

In re application of Grayson Enterprises, Incorporated, Big Spring, Texas, Docket No. 15362, File No. BPCT-3029; for construction permit to increase power, change transmitter site, and other changes in facilities of Station KWAB-TV (formerly KEDY-TV), Big Spring, Texas.

It is ordered, This 9th day of March 1964, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 4, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., April 2, 1964.

Released: March 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2575; Filed, Mar. 16, 1964; 8:50 a.m.]

[Docket Nos. 15299, 15300; FCC 64M-197]

GREAT NORTHERN BROADCASTING SYSTEM AND MIDWESTERN BROADCASTING CO.

Statement and Order After Prehearing Conference

In re applications of Robert L. Greaige and Roderick C. Maxson, d/b as Great Northern Broadcasting System, Traverse City, Michigan, Docket No. 15299, File No. BPH-3963; Midwestern Broadcasting Company, Traverse City, Michigan, Docket No. 15300, File No. BPH-4079; for construction permits.

At today's prehearing conference, among other things the following schedule was agreed to:

Exchange of direct affirmative written cases of applicants, April 27, 1964.
Receipt of notification of witnesses desired for cross-examination, May 5, 1964.
Hearing, Tuesday, May 12, 1964 (Rescheduled from April 7, 1964).

So ordered, This 9th day of March 1964.

Released: March 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2576; Filed, Mar. 16, 1964; 8:51 a.m.]

[Docket No. 15358; FCC 64M-213]

LOMPOC VALLEY CABLE TV

Order Scheduling Hearing

In re application of Lompoc Valley Cable TV (KGT-30), Docket No. 15358, File No. 30779-IB-53X; for operational fixed stations in the Business Radio Service.

It is ordered, This 9th day of March 1964, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 18, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., April 3, 1964.

Released: March 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2578; Filed, Mar. 16, 1964; 8:51 a.m.]

[Docket No. 15358; FCC 64-170]

LOMPOC VALLEY CABLE TV

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Lompoc Valley Cable TV (KGT-30), Docket No. 15358, File No. 30779-IB-53X, for operational fixed stations in the Business Radio Service.

1. The Commission has before it for consideration: (a) a "Petition for Reconsideration" filed December 6, 1963, by Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli, d/b as Central Coast Television (petitioner), permittee of Television Broadcast Station KCOY-TV, Channel 12, Santa Maria, California, directed against the Commission's action announced November 6, 1963, granting the above-captioned application which had been filed May 24, 1963; (b) an "Opposition to Petition for Reconsideration" filed January 10, 1964, by Lompoc Valley Cable TV; (c) a "Reply to Opposition to Petition for Reconsideration" filed January 22, 1964, by petitioner; and (d) the Commission's opinion in Lompoc Valley Cable TV, FCC 64-73, ordering a stay of the grant of the above-captioned application pending further Commission decision.

2. On November 6, 1963, the Commission granted the unopposed application of Lompoc Valley Cable TV (Lompoc Valley) for authority to construct a microwave relay system in the Business Radio Service to relay the signals of seven Los Angeles television stations to a community antenna system to be constructed to serve the residents of Vandenburg Village and Mission Hills in Santa Barbara County, California. Lompoc Valley accepted the grant subject to the condition that,

If the CATV system operates in an area within the predicted Grade A contour of any television broadcast station in operation, or which subsequently comes into operation, the CATV system must not duplicate simultaneously or 30 days prior or subsequent thereto a program broadcast by such television broadcast station, provided the CATV operator has received at least 30 days advance notification from the broadcast station licensee of the date of such broadcast. Further, if requested by such television station, the CATV system must carry the signal of such station without any material degradation in quality.

Subsequently the condition was modified in accordance with the Commission's Further Notice of Proposed Rule Making in Docket No. 14895 released December 13, 1963. On December 6, 1963, petitioner filed the present "Petition for Reconsideration" of the grant of the above-captioned application as well as a "Petition for Stay". On February 5, 1964, the Commission adopted the above-cited opinion ordering the requested stay pending this decision.

3. Petitioner is the permittee of Station KCOY-TV, Channel 12, Santa Maria, California, which is presently being constructed. It is clear that this station would compete for audience with community antenna systems operating in Vandenburg Village and Mission Hills. Therefore, it is clear that petitioner has standing as a "person aggrieved or whose interests are adversely affected" within the meaning of Section 405 of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470. Lompoc Valley has raised the related question of petitioner's failure to file a pre-grant petition to deny its application as a bar to its present petition. However, as petitioner points out, it could not comply with the pre-grant procedures of the rules since it did not receive its grant until September 13, 1963. And in any event, the Commission considers the problem raised here to be so substantial as to require Commission consideration in the public interest as provided for in § 1.106(c)(3) of the Commission's rules.

4. Petitioner contends that if Lompoc Valley is permitted to bring such extensive multiple services into the area by microwave it will be exposed to the danger of severe, if not fatal, competition with subsequent injury to the public which would lose the benefit of a local television station. In addition, petitioner urges that there is a strong possibility that RKO General, Inc., may acquire control of Lompoc Valley.[1] Petitioner questions, as a matter of policy, whether a multiple owner such as RKO General, Inc., should be permitted to acquire such extensive holdings in the community antenna field or whether the policy underlying the Commission's multiple ownership rules requires that the Commission strive to prevent such entry.

5. Lompoc Valley relies on the fact that it has accepted the Docket No. 14895 conditions as sufficient rebuttal for petitioner's economic claims. Petitioner, in turn, claims that the competition which could result to Station KCOY-TV would be so intense that the station could not be sufficiently protected by the conditions. The purpose of the Commission's interim procedure for processing applications for microwave facilities in the Business Radio Service is to avoid a total freeze upon the processing and grant of such applications without permitting microwave communication systems to go into operation under conditions that may be inconsistent with the policy upon which the Commission finally determines. TV Cable of Austin, Inc., FCC 63-1146, 1 R.R. 2d 587, 589. It seems obvious that Lompoc Valley's willingness to accept the Docket No. 14895 conditions cannot be an adequate answer if, in fact, its operation would endanger Station KCOY-TV.[2] The pleadings presently before the Commission do not supply all of the information which could be considered in attempting to assess the effect of a grant. Consequently, the Commission believes it necessary to designate the present application for hearing in order to gather on a record the full background of information—including such matters as the populations affected and the other television service, both from operating stations and from existing or proposed community antenna systems—to estimate the potential impact of Lompoc Valley's proposal. Petitioner's other arguments, related to possible ownership of Lompoc Valley by RKO General, Inc., need not be disposed of in the present proceeding since the pending transfer application (see Footnote 1) will provide a more convenient vehicle for Commission consideration.

[1] Lompoc Valley is wholly owned by H & B American Corp. There is presently pending in the Commission's Common Carrier Bureau, an application (2400-CL-TC-(9)-64) for transfer of control of various H & B interests to Video Independent Theatres, Inc., a wholly owned subsidiary of RKO General, Inc.

[2] The Commission notes that on February 19, 1964, Central Coast Television filed a Petition to Deny directed against an application (File No. 4966-C1-P-64) of Golden West Communications, which proposes to modify the facilities of Station KNK-60 to permit it to furnish seven channels to a community antenna system in San Luis Obispo, California.

6. In view of the foregoing, the Commission is of the opinion that grant of the above-captioned application should be set aside and the application designated for evidentiary hearing.

Accordingly, it is ordered, That the grant of the above-captioned application is set aside.

It is further ordered, That, pursuant to section 405 of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine the areas and populations which would receive a predicted signal from Station KCOY-TV and to determine what other television service—either from broadcast stations or from community antenna systems—is presently available, or will be, to the public in this area.

2. To determine what impact a grant of the above-captioned application will have upon the operation of Station KCOY-TV, Santa Maria, California, and the resulting injury, if any, to the public to be served thereby.

3. To determine in view of the evidence adduced pursuant to the foregoing issues whether and, if so, under what conditions a grant of the above captioned application would serve the public interest, convenience and necessity.

It is further ordered, That the "Petition for Reconsideration" filed by petitioner on December 6, 1963, is granted to the extent indicated above and is otherwise denied.

It is further ordered, That Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli, d/b as Central Coast Television and Chief, Broadcast Bureau are made parties to this proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issues 1 and 2 is hereby placed on Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli, d/b as Central Coast Television.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and the party respondent herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Adopted: March 4, 1964.

Released: March 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2579; Filed, Mar. 16, 1964; 8:51 a.m.]

[3] Chairman Henry and Commissioner Ford absent; Commissioners Bartley and Loevinger dissenting.

[Docket No. 8218, etc.; FCC 64M-201]

NORTHWESTERN INDIANA RADIO CO., INC., ET AL.

Order Scheduling Hearing

In re applications of Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, Docket No. 8218, File No. BP-5574; Anthony Santucci, Robert Jones, Kenneth Berres, Albert Geller and Gabriel Aprati d/b as Valley Broadcasting, Kankakee, Illinois, Docket No. 15359, File No. BP-15459; Merlin J. Meythaler, Merton J. Gonstead, Rex N. Eyler and James B. Goetz, d/b as Livingston County Broadcasting Company, Pontiac, Illinois, Docket No. 15360, File No. BP-15470; for construction permits.

It is ordered, This 9th day of March 1964, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 25, 1964, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., April 15, 1964.

Released: March 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2580; Filed, Mar. 16, 1964; 8:52 a.m.]

[Docket No. 14722; FCC 64M-202]

SOUTH MISSISSIPPI BROADCASTING CO.

Order Scheduling Hearing

In re application of Holton D. Turnbough and George J. Sliman d/b as South Mississippi Broadcasting Company, Mississippi City, Mississippi, Docket No. 14722, File No. BP-14865; for construction permit.

It is ordered, This 9th day of March 1964, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 11, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., April 3, 1964.

Released: March 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2581; Filed, Mar. 16, 1964; 8:52 a.m.]

[Docket Nos. 15254, 15255; FCC 64M-198]

ULTRAVISION BROADCASTING CO. AND WEBR, INC.

Order Continuing Hearing

In re applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, Buffalo, New York, Docket No.

15254, File No. BPCT-3200; WEBR, Inc., Buffalo, New York, Docket No. 15255, File No. BPCT-3211; for construction permits for new television broadcast stations.

The Hearing Examiner has under consideration (1) a petition for leave to amend filed January 22, 1964, on behalf of Ultravision Broadcasting Company; (2) an opposition to petition for leave to amend filed January 27, 1964, on behalf of WEBR, Inc.; (3) response of Broadcast Bureau to petition for leave to amend filed January 31, 1964; (4) a second petition for leave to amend filed February 19, 1964, on behalf of Ultravision Broadcasting Company; and (5) an opposition to the second petition for leave to amend filed February 26, 1964, on behalf of WEBR, Inc.

The purpose of the proposed amendments is to reflect the manner in which the applicant proposes to finance the construction and initial operation of the proposed station and to amend the application to conform to the proof which is to be offered in response to the presently pending financial issue.

The petitions for leave to amend and the comments and oppositions thereto were discussed at the prehearing conference held March 9, 1964. The Hearing Examiner, for reasons stated on the record, dismissed as moot the first petition of Ultravision Broadcasting Company for leave to amend and granted the second petition for leave to amend.

At the hearing conference, it was also agreed that a further prehearing conference will be held immediately after the Review Board has acted on petitions presently pending before that Board to (a) enlarge issues, and (b) delete issues. It was further agreed that the date for the start of the evidentiary hearing now scheduled for March 31, 1964, will be continued to a date to be announced following the conclusion of the next hearing conference.

It is ordered, This the 9th day of March 1964, in accordance with the rulings of the Hearing Examiner made on the record at the prehearing conference of this date, that (1) the petition of Ultravision Broadcasting Company for leave to amend filed January 22, 1964, is dismissed as moot; and (2) the petition of Ultravision Broadcasting Company for leave to amend filed February 19, 1964, is granted and the amendments attached thereto are accepted; and

It is further ordered, That a further prehearing conference will be held at the first available date after the Review Board has acted on petitions presently pending before that Board to (a) enlarge issues, and (b) delete issues; and

It is further ordered, That the evidentiary hearing in the above-entitled proceeding now scheduled for March 31, 1964, is continued to a date to be specified at the conclusion of the next prehearing conference.

Released: March 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2582; Filed, Mar. 16, 1964; 8:52 a.m.]

[Docket No. 15339; FCC 64M-208]

JAMES E. WALLEY (KAOR)

Order Continuing Hearing

In re application of James E. Walley (KAOR), Oroville, California; Docket No. 15339, File No. BP-15814, for construction permit.

To formalize the agreements and rulings made on the record at a prehearing conference held on March 10, 1964 in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 10th day of March 1964, that:

Exchange of exhibits is scheduled for April 30, 1964;

Notification of witnesses is scheduled for May 11, 1964; and

Hearing presently scheduled for April 16, 1964 is rescheduled for May 27, 1964.

Released: March 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2583; Filed, Mar. 16, 1964; 8:52 a.m.]

[Docket Nos. 15204-15207; FCC 64R-128]

WHDH, INC. (WHDH-TV) ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of WHDH, Inc. (WHDH-TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT-530, for renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT-3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT-3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT-3171; for construction permits for new VHF television broadcast stations.

1. The Review Board has before it for consideration a petition to enlarge issues, filed November 18, 1963, by Charles River Civic Television, Inc. (Charles), and related pleadings.[1] Charles requests the addition of legal and character qualifications issues and an issue to determine whether there has been an unauthorized transfer of control, all as to WHDH, Inc. (WHDH), the existing licensee in this comparative case.

2. Charles' first allegation is that WHDH's parent company, the Boston Herald-Traveler Corp. (Herald-Traveler), may not have the necessary legal or character qualifications to be a licensee.[2] In support of this allegation, Charles sets out the fact that WHDH filed Form 301 information with respect to the Herald-Traveler stockholders in 1954 when the original WHDH application was filed, but that no such information has been filed since that time despite the fact that there have been changes in stockholders.[3] All that have been filed are Form 303 renewal applications and Form 323 Ownership Reports,[4] and Charles alleges that even in the latter case WHDH has been remiss because it has failed to identify the beneficial owners of some of the stock.[5] Thus, Charles' main complaint is that the lack of Form 301 information about some of Herald-Traveler's current stockholders makes it difficult, if not impossible, to determine that WHDH is legally qualified. Charles did uncover some information which a current Form 301 would have revealed about WHDH.[6] These facts, plus WHDH's failure to identify the beneficial owners of some of Herald-Traveler stock, lead Charles to its allegation of a lack of legal and character qualifications.

3. The Broadcast Bureau opposes Charles' request because it does not "specifically challenge" WHDH's legal and character qualifications. The Bureau asserts that evidence on the matters raised by petitioner can be adduced under the standard comparative issue, and if the matters are shown to be significant, issues can be added later. WHDH also opposes the petition, and points out that it has complied with all the Commission Rules. It states that Form 301 information is required only of new applicants; that WHDH is not a new applicant; that only Form 303 need be filed for renewal applicants such as WHDH; and that it has duly filed a Form 303 plus the periodic Form 323 Ownership Reports.

[1] Also before the Board are: Opposition, filed December 10, 1963, by WHDH, Inc.; Broadcast Bureau's comments, filed December 10, 1963; and reply, filed December 19, 1963, by Charles.

[2] WHDH is wholly owned by Herald-Traveler.

[3] Form 301 information must be filed for officers and directors, and 3 percent stockholders. Section II of Form 301 requires extensive information to be set out concerning the business and financial interests and identity of the above-named persons.

[4] Renewal Form 303 does not require any information as to directors, officers or stockholders. Form 323 must be filed for all stock transfers involving an officer or director, or a stockholder holding more than 1 percent of the stock. No information about the stockholder is required except his name, address and percentage holding of stock.

[5] 12.22 percent of the Herald-Traveler stock is held by an irrevocable voting trust. This is the largest single bloc of stock. WHDH's Form 323 does not contain the identity of the beneficial owners, although such information is required by that form.

[6] Some of the information which Charles has uncovered, plus information from Commission files, has revealed the following:

1. Merrill Lynch, a brokerage firm, owned 1.01 percent of Herald-Traveler as of December 31, 1963. It also owned, as of October 31, 1963, 6.85 percent of RKO-General, licensee of WNAC-TV in Boston; more than 1 percent of Westinghouse Broadcasting Co., licensee of WBZ-TV in Boston, as of July 31, 1963; and more than 1 percent of American Broadcasting-Paramount Theaters, Inc., as of December 31, 1959.

2. Salkeld and Co., an investment firm, owned 4.11 percent of Herald-Traveler as of November 30, 1963; and more than 1 percent of American Broadcasting-Paramount Theaters, Inc., which owns the permissible limit of broadcast properties.

3. There is a total of four new 3 percent stockholders since 1954, and no Form 301 information exists for them. One 3 percent stockholder in 1954, Sidney Winslow, Jr., died in 1963 and his estate now holds the stock (7.60 percent). Winslow was a director as was Robert B. Choate, who also died in 1963. Similar shifts in officers have occurred.

4. WHDH is correct in stating that it has filed all of the required forms. However, this case is not the usual renewal proceeding. WHDH received a four month license on September 25, 1962 (FCC 62-986, 24 RR 255 (1962)), in a decision in which special circumstances were involved. In December, 1962, the Commission released an Order directing that new applications would be accepted (FCC 62-1318, 25 RR 80 (1962)). The three applications now consolidated with WHDH were filed early in 1963. Under these circumstances, WHDH cannot be treated as an ordinary renewal applicant. This situation is more closely analogous to a hearing with all new applicants. Accentuating the need for Form 301 information is the great turnover of officers, directors and principal stockholders in Herald-Traveler since 1954. Thus, Form 301 information is needed as to Herald-Traveler in order to properly evaluate WHDH's legal qualifications for the purposes of this proceeding. Further, the facts set out in footnote 6, supra, raise a multiple ownership question under § 73.636 of the Commission's rules. Issues directed to these questions will therefore be added. However, Charles' request for a character qualifications issue will be denied. WHDH has filed all required forms, and has not been shown to have misrepresented any facts. Thus, there are no allegations that impinge upon its character.

5. Charles' next allegation is that there has been an unauthorized transfer of control of Herald-Traveler, the parent corporation of WHDH. Section 310(b) of the Communications Act of 1934, as amended, requires Commission consent to a transfer of control of a licensee (or parent corporation, as here). Such a transfer occurs when the licensee's original owners no longer own 50 percent of the licensee. To help enforce section 310(b), the Commission requires changes in stock ownership to be reported (FCC Form 323). However, when a licensee corporation has 50 or more stockholders, the Commission, as a matter of convenience, only requires stock transfers to be reported in the case of stockholders who own 1 percent or more of the stock, and officers and directors. Because of this fact, Charles asserts that a different test for transfer of control must be used under section 310(b) for widely held corporations. Charles suggests that the control of such a licensee rests in the hands of those stockholders whose stock transfers must be reported. Charles calls these stockholders the "control group". Applying its theory to the subject case, Charles shows the following:

"CONTROL GROUP" MAKEUP

Control group	Percent of control group stock	Percent of all Herald-Traveler stock
1954	100.0	31.9
1963 old (1954 remainder)	37.5	12.7
1963 new	62.5	33.0
	100.0	52.7

Those stockholders who owned 100 percent of the "control group" stock in 1954 now own only 37.5 percent of the "control group", a shift of 62.5 percent. Charles' theory labels this a transfer of control.

6. Charles' suggested test of control for a widely-held licensee is not satisfactory. The stockholders in the 1954 "control group" only owned 31.9 percent of Herald-Traveler in 1954, so they never had de jure control of the corporation to transfer. The total apparent shift in stock by these 1954 people was a little over 12 percent from 31.9 percent to 19.7 percent. The total stock transfer figure is undoubtedly somewhat higher because the new members of the "control group" now own 33 percent of all Herald-Traveler stock, whereas in 1954 they either owned no stock or else did not own enough to be in the "control group". But Charles' 1954 "control group" had no de jure control and it has not been shown that they had de facto control, thus Charles has failed to allege facts sufficient to show that there has been a transfer of control. Therefore, an issue as to whether there has been an unauthorized transfer of control under section 310(b) of the Act will not be added.

7. However, Charles has cast some negative doubts about Herald-Traveler's control. For example, none of the major 1954 stockholders remain; there are four new 3 percent shareholders; and there has been a large turnover in the board of directors and officers. The first issue added below requires information to be submitted by WHDH, Inc. comparable to the information required by section II of FCC Form 301. On the basis of this information and any other pertinent evidence, a determination of where control of WHDH, Inc.'s parent corporation, the Boston Herald-Traveler Corp., presently lies must be made in order to arrive at a meaningful determination of the standard comparative issue.

Accordingly, it is ordered, This 11th day of March 1964, That the petition to enlarge issues, filed November 18, 1963, by Charles River Civic Television, Inc., is granted as indicated herein, and denied in all other respects; and the issues in this proceeding are enlarged by the addition of the following issues:

To determine, with respect to the stockholders, directors, and officers of WHDH, Inc.'s parent corporation, the Boston Herald-Traveler Corp., the information required by section II of FCC Form 301, and, in light of the evidence adduced, to determine whether WHDH, Inc. is legally qualified.

To determine whether a grant of the application of WHDH, Inc. would be consistent with the provisions of § 73.636 of the Commission's rules.

Released: March 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2584; Filed, Mar. 16, 1964; 8:53 a.m.]

[1] Review Board Member Slone concurring; Member Nelson not participating.

[Docket No. 15361; FCC 64M-204]

M. H. WIRTH

Order Scheduling Hearing

In re application of M. H. Wirth, Mason, Michigan, Docket No. 15361, File No. BP-15367, for construction permit.

It is ordered, This 9th day of March 1964, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 14, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., April 6, 1964.

Released: March 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2585; Filed, Mar. 16, 1964; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND CHINA NAVIGATION CO., LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9328, between American President Lines, Ltd., and China Navigation Co., Ltd., covers and is restricted to the transportation of Asbestos in bags under through bills of lading from ports in Western Australia to Los Angeles, California,, with transhipment at the port of Singapore.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 12, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2561; Filed, Mar. 16, 1964; 8:49 a.m.]

FRANCESCO PARISI FORWARDING CORP. ET AL.

Independent Ocean Freight Forwarder Applications; Notice of Revision

Notice is hereby given of changes in the following applications for independ-

ent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

NAME AND ADDRESS

Francesco Parisi Forwarding Corp., The, No. 770, 17 State Street, New York, New York, 10004; Withdrawn February 24, 1964.
Riverside Forwarding Corp., No. 447, 830 Tenth Avenue, New York, New York; Revoked February 28, 1964.
White, Inc., Gordon W., No. 830, 17 Battery Place, New York, New York; Revoked February 27, 1964.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

NON-GRANDFATHER APPLICANTS

NAME AND ADDRESS

Arnel International Corporation, 6 State Street, New York, New York; Lawrence W. Beinhacker, President; Helen Beinhacker, Secretary-Treasurer.
Karmel Forwarding Inc., G., 11 Broadway, New York, New York, 10004; George Karmel, President-Treasurer; Rachelle Karmel, Secretary; Adele Katz, Director.
Nippon Express U.S.A., Inc., 2 West 46th Street, New York, New York, 10036; Yoshikazu Hosoi, President-Treasurer-Director; Takeshi Nagaoka, Vice President-Director; Thomas T. Hayashi, Secretary-Director; Yukito Ikeda, Director.
Rees, Joe I., 200 North 11th Street, Easton, Pennsylvania; Joe I. Rees, Owner.

Notice is hereby given of changes in the following application for independent ocean freight forwarder licenses to the following applicants, pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

NON-GRANDFATHER APPLICANTS

Martinez, Enrique G., 55 West 42d Street, New York, New York; Withdrawn February 12, 1964.
Westerlund, Ulf, 450 72d Street, Brooklyn, New York; Withdrawn February 6, 1964.

Dated: March 9, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2562; Filed, Mar. 16, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3037, etc.]

FORDS-BROOK DRILLING CO. ET AL.

Notice of Applications for Certificates et al.; Correction

MARCH 9, 1964.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued March 2, 1964 and published in the FEDERAL REGISTER March 10, 1964 (F.R. Doc. 64-2226; 29 F.R. 3212), change protest date to read "March 30, 1964" in lieu of March 30, 1963 in the first complete paragraph of the second column.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2531; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket No. G-4883 etc.]

IRVE C. GRIMM, JR., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 10, 1964.

Irve C. Grimm, Jr. (Successor to Doham Gas Company), and other applicants listed herein, Docket Nos. G-4883, et al.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-4883 E 2-24-64	Irve C. Grimm, Jr. (successor to Doham Gas. Co.	The Manufacturers Light and Heat Co., McClellan District, Doddridge County, W. Va.	20.0	15.325
G-5146 C 2-28-64	Humble Oil & Refining Co.	El Paso Natural Gas Co., Yarbrough-Allen Field, Ector County, Tex.	9.0	14.65
G-7039 C 2-2-64	Dalport Oil Corp.	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	15.5	14.65
G-7074 C 2-27-64	Columbian Fuel Corp.	Hope Natural Gas Co., Elk District, Kanawha County, W. Va.	23.5	15.325
G-8552 E 2-26-64	International Oil & Gas Corp. (Operator), et al. (successor to International Oil Corp. (Operator), et al.).	United Gas Pipe Line Co., Emma Haynes Field, Goliad County, Tex.	12.0	14.65
G-11720 E 2-26-64	do	Texas Eastern Transmission Corp., Yoward Field, Bee County, Tex.	10.2	14.65
G-13103 C 2-24-64	Aztec Oil & Gas Co.	Southern Union Gathering Co., acreage in San Juan County, N. Mex.	13.0	15.025
G-14594 E 2-26-64	International Oil & Gas Corp. (successor to International Oil Corp.).	Texas Eastern Transmission Corp., Yoward Field, Bee County, Tex.	10.2	14.65
G-17339 D 2-28-64	The California Co., a division of California Oil Co.	Hope Natural Gas Co., South Bosco Field, Acadia and Lafayette Parishes, La.	(2)	
G-19707 C 2-26-64	Cities Service Oil Co. (formerly Cities Service Production Co.)	Tennessee Gas Transmission Co., South Timbalier Bay Area, Offshore LaFourche Parish, La.	19.0	15.025
CI61-1091 C 2-28-64	Amerada Petroleum Corp.	Michigan Wisconsin Pipe Line Co., acreage in Dewey County, Okla.	15.0	14.65
CI63-574 C 3-4-64	Austral Oil Co., Inc.	Valley Gas Transmission, Inc., acreage in Live Oak County, Tex.	14.0	14.65
CI63-819 C 3-3-64	The Atlantic Refining Co.	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	16.0	14.65
CI63-1317 C 3-2-64	Columbian Fuel Corp.	Texas Gas Transmission Corp., Midland Field, Acadia Parish, La.	19.5	15.025
CI64-946 A 2-27-64	Tenneco Oil Co. (operator), et al.	Michigan Wisconsin Pipe Line Co., Curtis Area, Woodward County, Okla.	19.5	14.65
CI64-947 A 2-28-64	The Atlantic Refining Co.	Northern Natural Gas Co., Ivanhoe Field, Beaver County, Okla.; Kiowa Creek and Bechthold Fields, Lipscomb County, Tex.	17.0	14.65
CI64-948 B 2-27-64	Cline Gas Co.	Hope Natural Gas Co., Clearfork District, Wyoming County, W. Va.	(2)	
CI64-949 A 2-27-64	Mohawk Petroleum Corp.	Colorado Interstate Gas Co., Desert Springs Field, Sweetwater County, Wyo.	14.5	14.65
CI64-950 A 2-27-64	Texas Crude Oil Co.	Northern Natural Gas Co., Upper Morrow Field, Hansford County, Tex.	17.0	14.65
		Northern Natural Gas Co., Horizon Northwest, Cleveland Field, Hansford County, Tex.	15.0	14.65

Filing Code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI64-951 A 2-27-64	Martha Featherstone	Colorado Interstate Gas Co., Patrick Draw Area, Sweetwater County, Wyo.	14.5	14.65
CI64-952 A 2-28-64	Worldwide Petroleum Corp.	Lake Shore Pipe Line Co., Conneaut Township, Erie County, Pa.	27.0	15.025
CI64-953 A 2-27-64	John Franks	Florida Gas Transmission Co., North Veltin Field, St. Landry Parish, La.	15.0	15.025
CI64-954 A 2-2-64	BTA Oil Producers (Operator), et al.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	16.0	14.65
CI64-955 A 2-3-64	W. H. Pitts, et al.	Hope Natural Gas Co., Collins Settlement District, Lewis County, W. Va.	25.0	15.325
CI64-956 A 2-3-64	A. C. Radford & Walter Fredericks.	Columbian Fuel Corp., Elk District, Kanawha County, W. Va.	15.0	15.325
CI64-957 B 2-3-64	Yucca Petroleum Co. (Operator), et al.	Panhandle Eastern Pipe Line Co., Eva Field, Texas County, Okla.	Depleted	
CI64-958 A 2-3-64	Union Oil Co. of Calif.	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb County, Tex.	17.0	14.65
CI64-959 A 2-14-64	Medallion Oil Co. (successor to Westates Petroleum Co., et al.) (partial succession).	Texas Eastern Transmission Corp., Rodessa Field, Marion County, Tex.	14.8	14.65
CI64-960 A 2-4-64	Amerada Petroleum Corp.	Northern Natural Gas Co., N. E. Catesby and Ivanhoe Fields, Ellis and Beaver Counties, Okla.	17.0	14.65
CI64-961 A 2-4-64	Amadarko Production Co.	Panhandle Eastern Pipe Line Co., Greenwood Field, Morton County, Kans.	16.0	14.65
CI64-962 A 2-4-64	Cooper Petroleum Co., (Operator), et al.	Texas Eastern Transmission Corp., West May Field, Kleberg County, Tex.	12.0	14.65
CI64-963 A 2-4-64	Blackburn Gas Co., a partnership	United Fuel Gas Co., Campbells Creek Field, Blount, W. Va.	(3)	15.325
CI64-964 A 2-5-64	Pan American Petroleum Corp.	El Paso Natural Gas Co., Bita Peak Field, Apache County, Ariz.	[3] 15.0	15.025
CI64-965 A 2-5-64	Union Pacific Railroad Co.	Colorado Interstate Gas Co., Table Rock Field, Sweetwater County, Wyo.	15.0	14.65
CI64-966 A 2-5-64	Tenneco Inc.	do	15.0	14.65

[1] Price is 23.0 cents plus 2.0 cent/Mcf for transporting.
[2] Approximately less 3.2143 cents/Mcf for sweet gas.
[3] Uneconomical.

[F.R. Doc. 64-2532; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket Nos. RI64-408, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings, et al.; Correction

MARCH 9, 1964.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 20, 1963 and published in the FEDERAL REGISTER December 28, 1963 (F.R. Doc. 63-13409; 28 F.R. 14451-14454), after "By the Commission." change "Commissioner O'Connor not participating in Docket No. RI64-413, General Crude Oil Company." to "Commissioner O'Connor not participating in Docket No. RI64-427, J. F. Merrick (Operator), et al."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2533; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket Nos. CP61-45, CP63-292]

INDIANA NATURAL GAS CORP. AND INDIANA NATURAL GAS CORP.

Notice of Postponement of Hearing

MARCH 10, 1964.

Notice is hereby given that the hearing in the above-numbered dockets now scheduled to commence on March 17, 1964, is postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2534; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket No. CP64-168]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

MARCH 10, 1964.

Take notice that on January 27, 1964, The Manufacturers Light and Heat Company (Applicant) filed in Docket No. CP64-168, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 8.14 miles of 26-inch gas transmission pipeline in Marshall County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The pipeline proposed to be constructed hereunder consists of 8.14 miles of 26-inch gas transmission pipeline looping its existing 20-inch Line No. 1758 from a connection with its existing Adaline Compressor Station in Liberty District, Marshall County, West Virginia, in a northerly direction to a point in Cameron District, Marshall County, West Virginia. The estimated total capital cost of this proposed facility is $949,500.00 to be financed through the issuance and sale of promissory notes or common stock to Applicant's parent company, The Columbia Gas System, Inc.

Applicant states that the proposed facility is necessary in order to serve the 1964-1965 winter requirements of its market area.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2535; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket No. E-7155]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MARCH 11, 1964.

Take notice that on March 3, 1964, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at 831 Second Avenue South, Minneapolis 2, Minnesota, seeking authority to increase the par value of its common shares by an amendment to its Certificate of Incorporation. Applicant proposes to increase its common stock par value from $5 per share to $15 per share on 2,354,738 shares outstanding and transfer the entire balance of $20,125,482.78 now in the Premium on Common Stock account and transfer the amount of $3,421,897.22 out of the earned surplus account, thereby increasing the common stock account in the total amount of $23,547,380 or $10 per share.

According to the Applicant, the proposed change will provide the Applicant with a more balanced capital structure.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR

1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2536; Filed, Mar. 16, 1964; 8:46 a.m.]

[Project No. 1957]

OTTER RAPIDS PROJECT, WISCONSIN PUBLIC SERVICE CORP.

Notice of Land Withdrawal; Wisconsin

MARCH 11, 1964.

Conformable to the provisions of Section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described, insofar as title thereto remains in the United States is included in constructed power Project No. 1957 (Other Rapids Project) for which an application for license was filed September 25, 1946, and supplemented January 31, 1949.

On February 19, 1964, the licensee, Wisconsin Public Service Corporation, 1029 North Marshall Street, Milwaukee 1, Wisconsin, requested this Commission to include the following-described parcel of United States land in the project withdrawal. Under said Section 24 this land is from the date of filing, noted above, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

4th P.M.—WISCONSIN

T. 40 N., R. 10 E.,
Section 25: Lot 9.

The area of United States land reserved pursuant to the request submitted by the licensee on February 19, 1964, is 0.37 acre, as depicted on a sketch identified as No. C-7978. Copies of this sketch have been transmitted to the Bureau of Land Management and Geological Survey along with copies of the J & K exhibit (FPC No. 1957-1) which shows the project as licensed.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2537; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket Nos. RI64-622, RI64-624]

SOCONY MOBIL OIL CO., INC., ET AL.

Order Providing for Hearings, et al.; Correction

MARCH 6, 1964.

Socony Mobil Oil Company, Inc. (Operator), et al., Docket Nos. RI64-622 etc.: Humble Oil & Refining Company, Docket No. RI64-624.

In the order providing for hearings on and suspension of proposed changes in rates, issued February 26, 1964 and published in the FEDERAL REGISTER March 3, 1964 (F.R. Doc. 64-2031; 20 F.R. 2918), after "Docket No.", in the chart, change "RI64-623, Humble Oil & Refining Company" to read "Docket No. RI64-624, Humble Oil & Refining Company".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2538; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket Nos. G-19934; CI64-351]

SUPERIOR OIL CO. ET AL.

Findings and Order After Statutory Hearing, Issuing Certificate of Public Convenience and Necessity, Making Successor in Interest Co-Respondent, Redesignating Proceeding, and Requiring Successor To File Agreement and Undertaking

MARCH 10, 1964.

The Superior Oil Company, and Bowers Drilling Company, Inc., Docket No. G-19934;[1] Bowers Drilling Company, Inc. (Successor to The Superior Oil Company), Docket No. CI64-351.

On September 16, 1963, Bowers Drilling Company (Applicant) filed in Docket No. CI64-351 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce for resale for ultimate public consumption, all as more fully set forth in the application.

Applicant proposes to sell natural gas to Cities Service Gas Company (Cities Service) from acreage in the Boggs Field, Barber County, Kansas, at a rate of 13.0 cents per Mcf at 14.65 psia. Part of the producing property dedicated to the contract[2] between Applicant and Cities Service was previously dedicated to a contract[3] between The Superior Oil Company (Superior) and Cities Service. Superior was collecting 13.0 cents per Mcf subject to refund as finally determined in the rate proceeding in Docket No. G-19934.

After due notice, no petition to intervene, notice of intervention or protest to the granting of the application has been filed.

At a hearing held on February 27, 1964, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, submitted in support of the authorization sought herein, and upon consideration of the record.

The Commission finds:

(1) Applicant, Bowers Drilling Company, Inc., will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of the service under the authorization hereinafter granted.

(2) The sale of natural gas hereinbefore described, as more fully described in the application herein, will be made in interstate commerce, subject to the jurisdiction of the Commission; and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sale of natural gas by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(4) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) Applicant should be joined as a party respondent with The Superior Oil Company in the proceeding in Docket No. G-19934; said proceeding should be redesignated accordingly; and Applicant should be required to file an agreement and undertaking in Docket No. G-19934.

The Commission orders:

(A) A certificate of public convenience and necessity be and the same is hereby issued, upon the terms and conditions of this order, authorizing the sale by Applicant, Bowers Drilling Company, Inc., to sell natural gas in interstate commerce at a price of 13.0 cents for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in this proceeding.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as Applicant continues the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any price or related provisions in the gas purchase contract herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to precude the imposition of any sanctions

[1] Consolidated with Docket No. AR64-1, et al.

[2] Bowers Drilling Company, Inc., FPC Gas Rate Schedule No. 2.

[3] The Superior Oil Company FPC Gas Rate Schedule No. 46.

pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

(D) Bowers Drilling Company, Inc., be and is hereby joined as a party respondent with the Superior Oil Company in the proceeding in Docket No. G-19934, and the proceeding is hereby redesignated as "The Superior Oil Company and Bowers Drilling Company, Inc."

(E) Within 30 days from the issuance of this order, Bowers Drilling Company, Inc., shall execute in the form set out below and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. G-19934 to assure refund of any portion of the increased rate found by the Commission not to be justified therein, together with interest at the rate of 7 percent per annum, insofar as such proceeding pertains to the sale of natural gas by Bowers Drilling Company, Inc., from the producing property acquired from The Superior Oil Company from the time of such acquisition. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(F) Bowers Drilling Company, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and its agreement and undertaking filed in Docket No. G-19934 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

SUGGESTED AGREEMENT AND UNDERTAKING

BEFORE THE

FEDERAL POWER COMMISSION

(Name of Respondent) Docket No.

Agreement and Undertaking of (Name of Respondent) To Comply With Refunding and Reporting Provisions of § 154.102 of the Commission's Regulations Under the Natural Gas Act

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of Section 154.102 of the Commission's Regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this day of , 196 .

[1] If a corporation.

(Name of Respondent),

By _____

Attest:

_____

[F.R. Doc. 64-2539; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket No. CP64-96]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MARCH 10, 1964.

Take notice that on October 25, 1963, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas, filed in Docket No. CP64-96 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities and the sale and delivery of an additional 53,663 Mcf of natural gas per day to certain existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows the proposed construction consists of approximately 116 miles of 30- and 36-inch pipeline loops and 10,960 additional compressor horsepower in existing mainline compressor stations together with miscellaneous sales and appurtenant facilities. The application indicates the total proposed additional service of 53,663 Mcf per day will consist of 43,845 Mcf per day of pipeline service, 8,818 Mcf per day of storage service and 1,000 Mcf per day of liquified natural gas service.

Applicant states that the proposed construction and additional service is designed to meet the demand of Applicant's customers commencing with the 1964-65 heating season. The application indicates that the proposed facilities will increase Applicant's system capacity to 2,581,352 Mcf per day.

The application shows the estimated total cost of the proposed facilities to be $24,422,000, which cost will be financed initially through short-term bank loans. Long-term financing will be accomplished as part of a financing program covering the proposed and other facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2540; Filed, Mar. 16, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-5218]

GENERAL BOATS CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 11, 1964.

I. General Boats Corporation (issuer), 32 West 46th Street, New York, New York, was incorporated under the laws of the State of New York on July 7, 1959. On July 29, 1960, the issuer filed a notification under Regulation A to cover a proposed offering of 20,000 shares of common stock (par value 20 cents per share) at $5 per share or $100,000 in the aggregate.

Prior to the commencement of the public offering, the issuer decided to revise the terms of the offering and accordingly filed an amendment to the notification on October 14, 1960, to cover a proposed offering of 240 units, each unit consisting of $470 principal amount five year 6 percent subordinated debentures due October 31, 1965, and 100 shares of common stock (par value 20 cents per share) or an aggregate of $112,800 principal amount of debentures and 24,000 shares of common stock at $620 per unit or $148,800 in the aggregate. The issuer was notified that the staff had no further comments on the notification and that the offering could commence on October 27, 1960.

II. The Commission has been advised that the terms and conditions of Regulation A have not been complied with in that the issuer failed to file Form 2-A reports of sales as required by Rule 260 of Regulation A.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended:

It is ordered, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the presentation and consideration of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-2546; Filed, Mar. 16, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 07-0019]

MID-AMERICA CAPITAL CORP.

Notice of Order To Show Cause

I. Pursuant to section 309(c) of the Small Business Investment Act of 1958, as amended (15 USC 661 et seq.) (hereinafter called the Act) and § 109.4 of the regulations promulgated thereunder (13 CFR 109.4), the Licensee is hereby ordered to show cause, if any it has, why an order suspending its license, or a cease and desist order, or any other appropriate order should not be issued.

II. Examination of the Licensee as of January 31, 1962, revealed numerous violations of the Act and regulations and was the basis for a report, dated May 3, 1962, which was brought to the attention of the Licensee. This report is included in this order by reference as if set forth in full.

III. The deficiencies set forth in the aforementioned report have not been rectified despite the request of the Administration at the time it forwarded a copy of the report to the Licensee that appropriate corrective action be taken. Subsequently, numerous efforts on the part of the Administration have failed in getting the Licensee to take appropriate corrective action.

IV. Among the deficiencies and violations of the Act and regulations revealed by the examination were:

(1) Licensee acquired a 50 percent stock interest in a borrowing small business concern, Case Lot Grocers, Inc., by purchase of such stock from other shareholders in violation of section 304(a) and 305(a) of the Act and § 107.501 of the regulations (13 CFR 107.501):

(2) No record of the renegotiation, whereby Licensee acquired the stock from other stockholders of Case Lot Grocers, Inc., appeared on the books of Licensee in violation of § 107.802 of the regulations;

(3) Licensee guaranteed to Rockwell Manufacturing Company the obligation of Mobile Classroom Rental, Inc. Sections 304(a) and 305(a) of the Act do not recognize Licensee guaranteeing the obligation of a small business concern. Such activity is in violation of § 107.704 (a) of the regulations. Further, the guarantee exceeded permissible loan limits in violation of § 107.708 of the regulations;

(4) Licensee's investment in Drive-O-Ed Company, Inc., is in violation of §§ 107.501 and 107.704(a) of the regulations in that Drive-O-Ed Company, Inc., was organized and wholly owned by Licensee for the sole purpose of purchasing an 85 percent interest from the shareholders of a small business concern and is not an activity contemplated by sections 304(a) and 305(a) of the Act; and

(5) Licensee violated the provisions of sections 304(a) and 305(a) of the Act and § 107.501 of the regulations establishing the permissible activities of a Licensee in that Licensee acquired the stock of Plastic Contact Lens Co. directly from individual stockholders of Plastic Contact Lens Co.

V. Licensee was ordered to divest itself of its investments in Case Lot Grocers, Inc., Mobile Classroom Rental, Inc., Drive-O-Ed Company, Inc., and Plastic Contact Lens Co., but has failed to do so.

VI. Licensee has failed to pay interest installments as they became due on the subordinated debentures issued to the Small Business Administration. Three semi-annual interest installments of $3,750.00 each are past due and owing to the Small Business Administration. Licensee has failed to pay these delinquent installments despite representations that the past due installments would be paid in September, October and December 1963.

VII. As of December 31, 1963, Licensee has failed to submit a certified annual report (SBA Form 468) as of March 31, 1963, which was required by § 107.802(c) (1) of the regulations to be submitted to the Small Business Administration by June 30, 1963.

VIII. In addition to the foregoing, Licensee has failed to keep its books and records as required by § 107.704(c) (4) of the regulations in that Licensee has failed to promptly notify the Small Business Administration of changes in directors and officers and also Licensee has failed to prepare and execute appropriate SBA Forms 480 in connection with Licensee's investments as required by § 107.704(e) of the regulation.

Licensee's failure to comply with SBA's order to divest itself of certain investments, its failure to meet interest installments, its failure to submit appropriate reports, its failure to maintain its books and records in the required manner coupled with its failure to take appropriate corrective action in respect thereto is indicative of contumacy and a willful disregard of the Act and regulations.

Accordingly, the Licensee is required to show cause, if any it has, why it has failed to comply with the orders and directions of the Administration, has failed to meet its commitments, and has failed to take indicated appropriate action to comply with the Act and the regulations. Failure of the Licensee to show cause will result in the Administration issuing an order suspending the License, or an order to cease and desist, or such other order as the Administration determines is necessary to insure compliance with the Act and regulations.

Pursuant to § 109.5(a) of the regulations, a hearing will be held at the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., at 9:00 a.m. on April 15, 1964, to determine whether the License should be suspended, whether a cease and desist order should be issued or any other appropriate action be taken.

Dated this 4th day of March A.D. 1964.

ROSS D. DAVIS, *Acting Administrator.*

[F.R. Doc. 64-2641; Filed, Mar. 16, 1964; 8:53 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 954]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 12, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66291 (REPUBLICATION). By order of March 10, 1964, the Transfer Board approved the transfer of the rights in No. MC 59531 (Sub-No. 71) which supplements the order of December 19, 1963, published in the FEDERAL REGISTER December 28, 1963, which approved the transfer to Estate of Harry E. Stewart, Peter P. Stewart, Henry Exall, Jr., Peter Stewart Trust A-E, Walso E. Stewart Trust 1-5, and Ian, Inc., a partnership, doing business as Auto Convoy Co., Dallas, Texas, of the operating rights in Certificates Nos. MC 59531, MC 59531 (Sub-No. 53), MC 59531 (Sub-No. 54), MC 59531 (Sub-No. 59), MC 59531 (Sub-No. 61), MC 59531 (Sub-No. 67), MC 59531 (Sub-No. 73), MC 59531 (Sub-No. 78), MC 59531 (Sub-No. 82), MC 59531 (Sub-No. 85), MC 59531 (Sub-No. 86), and MC 59531 (Sub-No. 87). No. MC 59531 (Sub-No. 71) was inadvertently omitted, which was issued July 3, 1957, to Auto Convoy Co., a corporation, authorizing the transportation of new automobiles, in secondary movements, in truckaway service, from Anthony, N. Mex., to points in Texas and Oklahoma; and damaged shipments of new automobiles, from points in Texas and Oklahoma to Anthony, N. Mex.

NOTE: The purpose of this republication is to include authority transferred in MC 59531 (Sub-No. 71).

No. MC-FC 66502. By order of March 10, 1964, the Transfer Board approved the transfer to Richards Moving & Storage Co., a corporation, Melrose Park, Ill., of the operating rights in Certificate No. MC 49544, issued August 12, 1955 to Kott Storage & Van Co., Inc., Berwyn, Ill., authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between Chicago, Ill., and points in Illinois within 50 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Illinois, Indiana, Michigan, Ohio, Missouri, Iowa, Wisconsin, Minnesota, Kentucky, Alabama, Nebraska, Tennessee, and the District of Columbia. Alvin Altman, 1776 Broadway, New York, N.Y., 10019, attorney for transferor, and Louis J. Mark, 11 South LaSalle St., Chicago, Ill., 60603, attorney for transferee.

No. MC-FC 66567. By order of March 10, 1964, the transfer Board approved the transfer to Branson Truck Line, Inc., Lyons, Kans., of the operating rights in Certificate in No. MC 117375, issued April 4, 1960, to Leigh Showalter and Ray Showalter, doing business as Showalter Brothers, South Hutchinson, Kans., authorizing the transportation, over irregular routes, of: Livestock (other than ordinary), and emigrant movables, subject to certain restrictions, between points in Kansas within 100 miles of Hutchinson, Kans., on the one hand, and, on the other, points in the United States, except Alaska, Hawaii, and the District of Columbia. Leland M. Spurgeon, 308 Casson Bldg., Topeka, Kans., 66603, attorney for applicants.

No. MC-FC 66659. By order of March 9, 1964, the Transfer Board approved the transfer to Gene Mitchell, West Liberty, Iowa, of the operating rights issued by the Commission April 18, 1950, and September 24, 1953, under Certificates in Nos. MC 15855 and MC 15855 (Sub-No. 5), respectively, to Perry L. Bodle, doing business as The Bodle Lines, West Liberty, Iowa, authorizing the transportation, over irregular routes, of livestock and seeds, farm machinery and parts, and farm hardware, petroleum products, in containers, and batteries and tires, radios and radio parts, refrigerators and refrigerator parts, washing machines and washing machine parts, new furniture and undertakers' supplies, tomatoes, empty tomato containers, feed, tankage, fertilizer, beans, agricultural implements, building materials, hardware, windmills, drain tiles, wire fencing, and posts, coal, empty tin cans, limestone, grain and fresh cabbage, lumber, sand, and gravel, binder twine, livestock, household goods, and emigrant movables, from, to, and between specified points in Iowa, Illinois, Minnesota, Missouri, Nebraska, and Wisconsin, varying with the commodities indicated. William A. Landau, 1307 East Walnut St., Des Moines, Iowa, 50306, representative for applicants.

No. MC-FC 66674. By order of March 10, 1964, the Transfer Board approved the transfer to Cecil Beatty and J. W. England III, a partnership, doing business as Beatty-England Trucking Service, Ottawa, Kans., of the operating rights issued by the Commission June 21, 1954, under Certificate in No. MC 21753, to Elvin E. Malburg and Elmer Malburg, a partnership, doing business as Malburg Bros. Truck Line, Williamsburg, Kans., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Williamsburg, Kans., and Kansas City, Mo., serving the intermediate point of Kansas City, Kans., and intermediate and off-route points within 10 miles of Williamsburg; from Kansas City, Mo., to Ottawa, Kans., and livestock, between Kansas City, Mo., and Ottawa, Kans., serving the intermediate point of Kansas City, Kans., and intermediate and off-route points within 11 miles of Ottawa. Kenton C. Granger, % Anderson & Byrd, First National Bank Bldg., Ottawa, Kans., attorney for applicants.

No. MC-FC 66676. By order of March 10, 1964, the Transfer Board approved the transfer to Mitchko Trucking, Inc., Boonton, N.J., of the operating rights in Certificates in Nos. MC 30114, MC 30114 (Sub-No. 1), MC 30114 (Sub-No. 2) and MC 30114 (Sub-No. 3), issued June 10, 1941, August 22, 1947, August 22, 1951 and May 15, 1953, authorizing the transportation, over irregular routes, of general commodities, with exceptions, and commodities of a general commodity nature, between specified points and designated areas in Delaware, Maryland, New Jersey, New York, and Pennsylvania. Bert Collins, 140 Cedar St., New York 6, N.Y., representative for applicants.

No. MC-FC 66690. By order of March 10, 1964, the transfer Board approved the transfer to Page Perkinson, Wise, N.C., of the operating rights issued by the Commission December 14, 1961, under Certificate in No. MC 123368, to Furney McCoy Rivers, R.F.D. 2, Box 16, Warrenton, N.C., authorizing the transportation, over irregular routes, of livestock and poultry feed, and fertilizers, other than liquid, from Norfolk and Hopewell, Va., to points in Vance and Warren Counties, N.C.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-2549; Filed, Mar. 16, 1964; 8:47 a.m.]

[Notice 954-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 12, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66668. By order of March 11, 1964, the Transfer Board approved the transfer to Harbourt Air Freight Service, Inc., West Trenton, N.J., of Certificate in No. MC 123579, issued November 21, 1961, to Howard A. Harbourt, doing business as Harbourt Air Freight Service, West Trenton, N.J., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Philadelphia International Airport, Philadelphia, Pa., La Guardia Airport and International (Idlewild) Airport, Long Island, N.Y., and Newark Municipal Airport, Newark, N.J., on the one hand, and, on the other, Rocky Hill, Plainsboro, Monmouth Junction, Dayton, Cranbury, and Lambertville, N.J., points in Mercer and Burlington Counties, N.J., north of Rancocas Creek; and points in Bucks County, Pa., on and south and east of Pennsylvania Highway 232. Robert Watkins, 170 South Broad Street, Trenton, New Jersey, 08608, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-2550; Filed, Mar. 16, 1964; 8:47 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 169]

RAILROADS SERVING PENNSYLVANIA, WEST VIRGINIA, OHIO, KENTUCKY, INDIANA, ILLINOIS, AND MISSOURI

Rerouting of Traffic

In the opinion of Charles W. Taylor, agent, railroads serving the States of Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, and Missouri are unable to transport traffic routed over their lines because of floods, washouts, and damage to tracks.

It is ordered, That:

(a) Rerouting of traffic: Railroads serving the States of Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, and Missouri being unable to transport traffic in accordance with shippers routing because of floods, washouts, and damage to tracks are hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroad before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2:00 p.m., March 10, 1964.

(g) Expiration date: This order shall expire at 11:59 p.m., March 31, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 10, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-2551; Filed, Mar. 16, 1964; 8:48 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11147

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE CARRIERS REPRESENTED BY THE NATIONAL RAILWAY LABOR CONFERENCE AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes between the carriers represented by the National Railway Labor Conference, designated in List A attached hereto and made a part hereof, and certain of their employees represented by the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers; Brotherhood of Railway Carmen of America; International Brotherhood of Electrical Workers; International Association of Machinists; Sheet Metal Workers' International Association; International Brotherhood of Firemen, Oilers, Helpers, Round House and Railway Shop Laborers functioning through the Railway Employes' Department, AFL–CIO, labor organizations; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the disputes within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the disputes arose.

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 17, 1964.

LIST A

EASTERN RAILROADS

Akron, Canton & Youngstown Railroad Company
Ann Arbor Railroad Company
Baltimore and Ohio Railroad Company
Baltimore & Ohio Chicago Terminal Railroad Company
Staten Island Rapid Transit Railway Company
Strouds Creek and Muddlety Railroad
Bangor and Aroostook Railroad
Bessemer and Lake Erie Railroad
Boston and Maine Railroad
Brooklyn Eastern District Terminal
Buffalo Creek Railroad
Canadian National Railways
Lines in the United States
St. Lawrence Region
Great Lakes Region
Canadian Pacific Railway Company
Central Railroad Company of New Jersey
New York & Long Branch Railroad Company
Central Vermont Railway
Chicago Union Station Company
Cincinnati Union Terminal Company

Dayton Union Railway Company
Delaware and Hudson Railroad Corporation
Detroit and Toledo Shore Line Railroad Company
Detroit Terminal Railroad
Detroit, Toledo and Ironton Railroad Company
Erie-Lackawanna Railroad Company
Grand Trunk Western Railroad Company
Indianapolis Union Railway Company
Lehigh and Hudson River Railway Company
Lehigh Valley Railroad
Maine Central Railroad Company
  Portland Terminal Company
Monon Railroad
Monongahela Railway Company
Montour Railroad Company
New York Central System
  New York Central Railroad Company
    New York District
      Grand Central Terminal
    Eastern District
      Boston & Albany Division
    Western District
    Northern District
    Southern District
    Indiana Harbor Belt Railroad Company
    Chicago River & Indiana Railroad Company
    Pittsburgh & Lake Erie Railroad Company
      Lake Erie & Eastern Railroad Company
    Cleveland Union Terminals Company
New York, Chicago & St. Louis Railroad Company
New York, New Haven & Hartford Railroad Company
New York, Susquehanna & Western Railroad
New York Dock Railway
Pittsburgh & West Virginia Railway Company
Reading Company
Toledo Terminal Railroad Company
Washington Terminal Company
Western Maryland Railway Company

WESTERN RAILROADS

Alton and Southern Railroad
Atchison, Topeka & Santa Fe Railway
  Gulf, Colorado and Santa Fe Railway
  Panhandle and Santa Fe Railway
Belt Railway Company of Chicago
Butte, Anaconda and Pacific Railway
Camas Prairie Railroad
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago and North Western Railway
  (Including the former C.St.P.M. & O., M. & St.L., L. & M., M.I. and Railway Transfer Company of the City of Minneapolis)
Chicago and Western Indiana Railroad
Chicago, Burlington & Quincy Railroad
Chicago Great Western Railway
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago, Rock Island and Pacific Railroad
Chicago, West Pullman and Southern Railroad
Colorado and Southern Railway
Colorado and Wyoming Railway
Denver and Rio Grande Western Railroad
Des Moines Union Railway
Duluth, Missabe and Iron Range Railway
Duluth Union Depot & Transfer Company
Duluth, Winnipeg & Pacific Railway
Elgin, Joliet and Eastern Railway
Fort Worth and Denver Railway
Galveston, Houston and Henderson Railroad
Great Northern Railway
Green Bay and Western Railroad
Houston Belt & Terminal Railway
Illinois Central Railroad
Illinois Northern Railway
Illinois Terminal Railroad
Joint Texas Division of the C.R.I. & P. RR and Ft. Worth & Denver Railway
Kansas City Southern Railway
Kansas City Terminal Railway
Kansas, Oklahoma & Gulf Railway
  Midland Valley Railroad
Lake Superior & Ishpeming Railroad
Lake Superior Terminal and Transfer Railway
Los Angeles Junction Railway
Louisiana & Arkansas Railway
Manufacturers Railway
Minneapolis, Northfield and Southern Railway
Minnesota Transfer Railway

Missouri-Kansas-Texas Railroad
Missouri Pacific Railroad
  Missouri-Illinois Railroad
Northern Pacific Railway
Northern Pacific Terminal Company of Oregon
Northwestern Pacific Railroad
Ogden Union Railway and Depot Company
Peoria and Pekin Union Railway Company
Port Terminal Railroad Association
Pueblo Joint Interchange Bureau
St. Joseph Terminal Railroad
St. Louis-San Francisco Railway
  St. Louis, San Francisco & Texas Railway
St. Louis Southwestern Railway
Saint Paul Union Depot Company
San Diego & Arizona Eastern Railway
Soo Line Railroad
Southern Pacific Company (Pacific Lines)
Southern Pacific Company (Texas and Louisiana Lines)
Spokane, Portland and Seattle Railway
  Oregon Trunk Railway
  Oregon Electric Railway
Terminal Railroad Association of St. Louis
Texas and Pacific Railway
  Abilene and Southern Railway
  Fort Worth Belt Railway
  Texas-New Mexico Railway
  Weatherford, Mineral Wells and Northwestern Railway
Texas Mexican Railway
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans
Toledo, Peoria & Western Railroad
Union Pacific Railroad
Union Railway (Memphis)
Union Terminal Company (Dallas)
Wabash Railroad
Western Pacific Railroad
Wichita Terminal Association
Yakima Valley Transportation Company

SOUTHEASTERN RAILROADS

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  Western Railway of Alabama
Atlanta Joint Terminals
Atlantic Coast Line Railroad
Chesapeake & Ohio Railway
Clinchfield Railroad
Georgia Railroad
Gulf, Mobile & Ohio Railroad
Kentucky & Indiana Terminal Railway
Louisville & Nashville Railroad
Norfolk Southern Railway
Norfolk & Portsmouth Belt Line Railroad
Norfolk & Western Railway
Richmond, Fredericksburg & Potomac Railroad
Seaboard Air Line Railway

[F.R. Doc. 64-2702; Filed, Mar. 17, 1964; 11:53 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 54, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 907.354 (Navel Orange Regulation 54, 29 F.R. 3148) are hereby amended to read as follows:

(i) District 1: 725,000 cartons;
(ii) District 2: 675,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 13, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2612; Filed, Mar. 17, 1964; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1963-Crop Wheat Supplement, Amdt. 3]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963-Crop Wheat Loan and Purchase Agreement Program

BASIC SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 28 F.R. 6959, 9979, and 10636, and containing specific requirements of the 1963-crop wheat loan and purchase agreement program are hereby amended as follows:

Section 1421.2113(e) *Basic support rates (counties)* is amended to increase the basic county support rate for Sheridan County, Montana, from $1.69 per bushel to $1.70 per bushel.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 306, 76 Stat. 614; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 12, 1964.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64–2628; Filed Mar. 17, 1964; 8:49 a.m.]

PART 1438—NAVAL STORES

Subpart—1964 Gum Naval Stores Price Support Loan Program

Statement with respect to the Gum Naval Stores Price Support Loan Program for the calendar year 1964, formulated by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (hereinafter respectively referred to as "CCC" and "ASCS").

Sec.
1438.1501 Administration.
1438.1502 Definitions.
1438.1503 Loan to ATFA.
1438.1504 Advances to producers.
1438.1505 Rate of advance to producers.
1438.1506 Maturity of loan.
1438.1507 Redemption by ATFA.
1438.1508 Net gains.
1438.1509 Right of CCC upon maturity.
1438.1510 Personal liability.

AUTHORITY: The provisions of this subpart issued under sec. 4(d), 62 Stat. 1070, 15 U.S.C. 714b. Interprets or applies sec. 5(a), 62 Stat. 1072, 15 U.S.C. 714c; secs. 301, 401, 63 Stat. 1053, 1054, 7 U.S.C. 1421, 1447.

§ 1438.1501 General statement and administration.

CCC and ASCS will make price support available to producers of gum naval stores during the calendar year 1964 through the American Turpentine Farmers Association Cooperative (hereinafter referred to as "ATFA"), under the terms and conditions stated herein. The Producer Associations Division, ASCS, will supervise the administration of the program. The Data Processing Center, Kansas City, Missouri, will perform accounting functions.

§ 1438.1502 Definitions.

(a) "Eligible producer" means a producer who (1) is a member of ATFA in good standing under membership requirements approved by CCC, (no producer who is otherwise eligible may be excluded from membership in ATFA), (2) is a cooperator in the 1964 Naval Stores Conservation Program of the U.S. Department of Agriculture or otherwise follows one or more forestry conservation practices established by State and Federal forestry services, as determined by ATFA, (3) has made satisfactory arrangements to pay any indebtedness to the U.S. Department of Agriculture or any agency thereof, as evidenced by the debt records maintained by the Agricultural Stabilization and Conservation county committees of the U.S. Department of Agriculture, and (4) has executed, and has not breached his obligations under, the Producer's Marketing Agreement (ATFA Form 1–1964), or any other similar agreement.

(b) "Eligible naval stores" means eligible rosin and the rosin content in eligible oleoresin.

(c) "Eligible rosin" means gum rosin which (1) was produced from eligible oleoresin, (2) grades "K" or better, (3) is free and clear from all liens and encumbrances, (4) has not been theretofore delivered for an advance under this or any similar program and in which the beneficial interest is and always has been in the producer, (5) is packed to the net weight approved by CCC, in eligible metal drums, (6) is transparent, (7) is free from visible foreign materials and contains no extraneous matter resulting from chemical or other treatment of the rosin, or of the oleoresin or the trees from which it came, and (8) conforms as to softening point to not less than Federal Specifications LLL–R–626b, to-wit: 158 degrees Fahrenheit (American Society for Testing Materials Methods No. E–28–58T). Rosin must be federally inspected and weighed or the weights checked prior to delivery for an advance.

(d) "Eligible oleoresin" means oleoresin (1) which was produced in 1964 in the United States by an eligible producer,

(2) which is free and clear from all liens and encumbrances, (3) the rosin content in which has not been theretofore delivered for an advance under this or any similar program and in which the beneficial interest is and always has been in the producer, and (4) which will yield rosin of the prescribed grades and quality. When a producer's eligible oleoresin is commingled with oleoresin produced by other producers in the processing operation, the rosin delivered for an advance by the producer as representing the processed equivalent of his eligible oleoresin will be deemed to be, if otherwise eligible, eligible rosin produced by such producer.

(e) "Eligible metal drums" means conforming to the specifications for metal drums approved by CCC, obtainable from and on file in the office of ATFA.

§ 1438.1503 Loan to ATFA.

Under a Loan Agreement, CCC will make a loan to ATFA which will enable ATFA to make price support advances or to make price support advances available to eligible producers on eligible naval stores. As security for such loan ATFA will pledge such naval stores to CCC. The loan will be in an amount equal to (a) the amount of the price support advances made by ATFA to producers, except that loans will be made only on full drums of rosin or the equivalent thereof in oleoresin, (b) the administrative and operating expenses, approved by CCC, incurred by ATFA in making advances to producers and in making such advances available, and in the handling, preservation, and redemption of pledged naval stores, (c) storage charges or other charges on pledged naval stores, and (d) an indemnification charge to cover the assumption by CCC of the risk of loss on pledged naval stores.

§ 1438.1504 Advances to producers.

Each producer desiring to obtain advances will execute a Producer's Marketing Agreement with ATFA. Eligible naval stores will be deemed tendered for advance by the producer to ATFA only when such naval stores have been (a) processed (except where unprocessed rosin content in oleoresin is offered for advance), (b) placed in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement (ATFA Form 2–1964) with ATFA, or in the custody of ATFA acting under a Storage Agreement with CCC, and (c) offered for advance on a Producer's Offer (ATFA Form 4–1964) (the date of which, unless it is a first offer and is dated not later than April 1, 1964, will be not later than thirty (30) days from the date of delivery of eligible naval stores, but in no event later than December 31, 1964). Advances will not be made on any naval stores offered by a producer later than December 31, 1964. If there are any liens or encumbrances on the naval stores offered for advance, proper waivers are required on a Lienholders' Waiver and Agreement (ATFA Form 3–1964). All processing charges, including the cost of the eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for advance will be borne by the producer.

§ 1438.1505 Rate of advance to producers.

ATFA will make advances to producers based on the rate of $35.60 per standard barrel (435 lbs. net weight each) of oleoresin (crude pine gum), processed basis. Although no advance is made on turpentine, the oleoresin price support level includes a weight for turpentine equal to the estimated 1964 market value of the turpentine content in a barrel of oleoresin. The price support advance rates on rosin are $10.50 for grade WG, $10.65 for grades X and WW, and $10.20 for grades N, M, and K per hundred pounds net packed in eligible metal drums.

§ 1438.1506 Maturity of loan.

The loan made by CCC to ATFA will be due and payable upon demand.

§ 1438.1507 Redemption by ATFA.

(a) Subject to the terms and conditions of the Loan Agreement, ATFA may redeem naval stores pledged by ATFA to CCC upon application to CCC therefor prior to the maturity of the loan and upon payment of the redemption cost. All rights of the producer in and to naval stores pledged by ATFA to CCC will be subject to the Loan Agreement between ATFA and CCC.

(b) The redemption cost will be determined by CCC and will be the amount outstanding under the Loan Agreement, including any unpaid accrued expenses and charges, plus interest at the rate of three and one-half percent (3½ percent) per annum, applied ratably to the naval stores to be redeemed. Any naval stores redeemed will not be thereafter eligible for price support.

§ 1438.1508 Net gains.

ATFA will disburse in cash on a fair and equitable basis to participating producers all net gains, less cost of disbursements, resulting from ATFA's sale of redeemed naval stores, unless a disposition other than cash disbursement has been approved by CCC. For example, when net gains are insufficient to justify disbursement expense, ATFA may upon request to and approval of CCC, utilize such net gains for and in behalf of all of its producer-members.

§ 1438.1509 Right of CCC upon maturity.

Upon maturity and nonpayment of the loan, CCC will take title to any unredeemed naval stores, without a sale thereof, and CCC will have no obligation to pay or account to ATFA for any market value which such naval stores may have in excess of the amount of the loan, plus interest and charges.

§ 1438.1510 Personal liability.

Any fraudulent representation by ATFA or the producer in the program documents will render it or him subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the naval stores involved are less than the amount of indebtedness incurred by ATFA with respect thereto.

Effective date: Date of signature.

Signed at Washington, D.C., on March 12, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-2629; Filed, Mar. 17, 1964; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

PART 299—IMMIGRATION FORMS

Exchange Aliens

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The second, third, and fourth sentences of paragraph (j) of § 214.2 are amended so that when taken with the introductory material and the amended sentences § 214.2(j) will read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

The general requirements in § 214.1 are modified for the following nonimmigrant classes:

• • • • •

(j) *Exchange aliens.* As used in this chapter the term "exchange alien" means a nonimmigrant alien who was admitted to the United States under section 101 (a) (15) (J) of the Act or acquired such status after admission, or who acquired exchange-visitor status under the United States Information and Educational Exchange Act of 1948, as amended. An exchange alien coming to the United States as a participant in a program designated pursuant to section 101(a) (15) (J) of the Act and his accompanying spouse and minor children shall not be eligible for admission unless the participant presents completely executed Form DSP–66. The spouse and minor children following to join the participant shall not be eligible for admission unless they present a copy of the current Form DSP–66 issued to the participant by his program sponsor properly endorsed by the program sponsor to indicate the date of expiration of the participant's authorized stay in the United States as shown on his Form I–94. Form DSP–66 presented by an exchange alien returning from a temporary absence may be retained by such alien and used for any number of reentries during the balance of his previously authorized stay. When applying for an extension of stay, a spouse or child of a participant in a designated exchange program shall be classified under section 101(a) (15) (J) of the Act unless the spouse or child is applying for an extension of stay for a purpose other than to accompany the participant. A spouse or child accompanying a participant shall not be eligible for an extension of stay unless the participant is eligible for an extension of stay.

§ 299.1 [Amended]

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2. The list of Forms in § 299.1 *Prescribed forms* is amended by deleting the following form:

Form No.	*Title and description*
DSP–67	Certificate of Eligibility for Program Transfer of Exchange Visitors.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure and conform to the rules promulgated by the Department of State relating to exchange visitors on February 28, 1964 (29 F.R. 2783).

Dated: March 12, 1964.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 64-2627; Filed, Mar. 17, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–EA–23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration and Designation of Control Zones and Designation of Transition Areas

On December 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 13941) stating that the Federal Aviation Agency proposed to alter the Richmond, Va., control zone, designate a transition area at Richmond, and designate a control zone and a transition area at Blackstone, Va.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.171 (29 F.R. 1101) is amended as follows:

a. The Richmond, Va., control zone is amended to read:

Richmond, Va.

Within a 5-mile radius of Byrd Field (latitude 37°30'20" N., longitude 77°19'10" W.); within 2 miles each side of the Richmond VOR 132° radial, extending from the 5-mile radius zone to 6 miles SE of the VOR; within 2 miles each side of the Richmond VOR 230° radial, extending from the 5-mile radius zone to 6 miles SW of the VOR; and within 2 miles each side of the 212° bearing from the Richmond RBN, extending from the 5-mile radius zone to 6 miles SW of the RBN.

b. The Blackstone, Va., control zone is added:

Blackstone, Va.

Within a 4-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.), excluding the portion within R–6602; and within 2 miles each side of the 129° bearing from the Blackstone RBN, extending from the 4-mile radius zone to the RBN.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following transition areas:

a. Richmond, Va.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Byrd Field (latitude 37°80'20" N., longitude 77°19'10" W.); within 2 miles each side of the Richmond VOR 136° radial, extending from the 8-mile radius area to 12 miles SE of the VOR; within 5 miles NW and 9 miles SE of the Richmond ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 38°30'00" N., longitude 77°44'00" W.; to latitude 38°24'00" N., longitude 77°-29'00" W.; to latitude 38°05'00" N., longitude 77°35'00" W.; to latitude 38°01'00" N., longitude 77°15'00" W.; to latitude 38°14'00" N., longitude 77°04'00" W.; to latitude 37°55'30" N., longitude 76°46'00" W.; to latitude 38°-38'15" N., longitude 77°19'15" W.; to latitude 38°33'00" N., longitude 77°57'00" W.; to latitude 38°33'00" N., longitude 78°43'00" W.; to latitude 37°00'00" N., longitude 78°-38'00" W.; to the point of beginning, excluding the portion within R–6602.

b. Blackstone, Va.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.), excluding the portion within R–6602.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 11, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 64-2586; Filed, Mar. 17, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SO–33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones; Designation of Transition Areas; and Revocation of Control Area Extension

On December 12, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 13463) stating that the Federal Aviation Agency (FAA) proposed to alter the Dothan, Ala., and the Fort Rucker, Ala., control zones; revoke the Fort Rucker control area extension and the Andalusia, Ala., transition area; and designate the Fort Rucker transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA), while offering no objection to the airspace action, objected to a proposal to revise the final approach fix crossing altitude associated with the Dothan AL–122–VOR instrument approach procedure which was informally introduced as an action to accompany the airspace action. The FAA, in a subsequent review, has determined that the existing Dothan VOR final approach fix crossing altitude will be retained.

Subsequent to publication of the notice, the U.S. Army requested that the airspace within a 3-mile radius of Shell AAF be included in the Fort Rucker control zone to provide protection for newly developed VOR and GCA instrument approach procedures at this airport. Since half of the airspace within the requested 3-mile radius control zone lies within the Fort Rucker control zone as proposed, inclusion of the remainder is considered a minor addition and such action is being taken herein. In addition, further refinement of the instrument approach procedures based on the Lowe, Ala., RBN and the Hanchey, Ala., VOR require minor changes in alinement of the Fort Rucker control zone extensions based on these facilities. Accordingly, the extension proposed for alinement on the Lowe RBN 248° bearing will be aligned on the 242° bearing, and the extension proposed for alinement on the Hanchey VOR 357° radial will be aligned on the 358° radial.

The substance of the proposed amendments having been published, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the following actions are taken:

a. The Dothan, Ala., control zone is amended to read:

Dothan, Ala.

Within a 5-mile radius of the Dothan Municipal Airport (latitude 31°14'15" N., longitude 85°26'30" W.); within a 5-mile radius of Napier Field, Dothan (latitude 31°19'10" N., longitude 85°27' 30" W.); within 2 miles each side of the Dothan VORTAC 010° radial, extending from the Napier Field 5-mile radius zone to 8 miles N of the VORTAC; and within 2 miles each side of the Dothan VORTAC 143° radial, extending from the Dothan Municipal Airport 5-mile radius zone to 8 miles SE of the VORTAC.

b. The Fort Rucker, Ala., control zone is amended to read:

Fort Rucker, Ala.

Within a 9-mile radius of latitude 31°18'-30" N., longitude 85°42'20" W.; within 2 miles each side of the Cairns, Ala., VOR 233° radial, extending from the 9-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Lowe, Ala., RBN 242° bearing, extending from the 9-mile radius zone to 8 miles W of the RBN; within 2 miles each side of the Hanchey, Ala., VOR 358° radial, extending from the 9-mile radius zone to 8 miles N of the VOR; within a 3-mile radius of Shell AAF, Enterprise, Ala., (latitude 31°21'54" N., longitude 85°51'03" W.); and within a 2-mile radius of Blackwell Field,

Ozark, Ala., (latitude 31°25'50" N., longitude 85°37'10" W.), excluding the portion within R-2103.

2. Section 71.165 (29 F.R. 1073) is amended by revoking the Fort Rucker, Ala., control area extension.

3. Section 71.181 (29 F.R. 1160) is amended as follows:

a. The following transition area is added:

Fort Rucker, Ala.

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at the INT of the E boundary of V-115 and the S boundary of V-70; thence NE via V-70 to V-7; thence S via V-7 to V-241; thence SW via V-241 to and clockwise along the arc of a 5-mile radius circle centered at latitude 31°03'00" N., longitude 86°19'33" W.; to latitude 31°03'00" N., longitude 86°24'30" W.; to the point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at the INT of the E boundary of V-115 and the S boundary of V-70; thence NE via V-70 to and counterclockwise along the arc of an 11-mile radius circle centered on the Eufaula, Ala., VOR to and SW along a line 6 miles E of and parallel to the centerline of V-241 to and clockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55" N., longitude 85°46'20" W., to and along the W boundary of V-7W.; to and along the N boundary of V-22; to and along the E boundary of V-115; to the point of beginning; and within 12 miles W and 8 miles E of the Crestview, Fla., VOR 013° radial, extending from 22 miles N to 10 miles S of the INT of the Crestview VOR 013° and the Evergreen, Ala., VOR 114° radials, excluding the portion within R-2103.

b. The following transition area is revoked:

Andalusia, Ala.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 11, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2587; Filed, Mar. 17, 1964; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-10]

PART 375—NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1964.

The Board, by publication in 28 F.R. 3454 and 4850 and by circulation of SPDR-5, Docket 14419, issued a notice of proposed rule making proposing to amend Part 375 of the special regulations to require specific pre-flight authorization by the Board for the navigation within the United States of foreign civil aircraft not registered in member States of ICAO; to extend to additional situations the right to operate foreign civil aircraft to the United States with an air safety authorization from the Federal Aviation Agency in lieu of an airworthiness certificate; to require owners and operators of foreign civil aircraft to waive the defense of sovereign immunity from suit in any action or proceeding in a court or other tribunal in the United States based upon any claim arising out of operations under or pursuant to this Part; to define more fully "stops for non-traffic purposes"; and to permit foreign air carriers to provide free transportation to certain persons without prior application to the Board on flights between certain points between which they are not authorized to engage in air transportation.

Comments were submitted by the Federal Aviation Agency, Japan Air Lines (JAL), and the Rules Service Company. After consideration of these comments, the Board has concluded that the amendments should be adopted essentially in the form proposed with two additions along the lines suggested by JAL. First, parents of officers and employees will be added to the classes of persons in § 375.35 to whom foreign air carriers may provide free transportation over certain non-traffic segments. Addition of these persons would bring this provision into line with section 403(b) of the Federal Aviation Act of 1958 which governs traffic segments and which was amended in July 1960 (P.L. 86-627) specifically to permit free transportation of parents of officers and employees. Second, we will broaden § 375.35 to grant blanket authority to foreign air carriers to provide free transportation into and out of points in the United States at which they make non-traffic stops on scheduled services under the International Air Services Transit Agreement. Such authority will be limited to the same persons and property authorized on the other two non-traffic segments covered by § 375.35, rather than extended on a blanket basis to all those to whom IATA carriers grant free and reduced rate transportation, as suggested by JAL.

We have not adopted the suggestion of the Administrator that we withhold the requirement for specific approval of flights by aircraft of non-ICAO countries. Section 1108(b) of the Federal Aviation Act of 1958 requires that, before authorizing flights in this country by foreign aircraft, we find that the foreign nation grants a similar privilege for U.S. aircraft and that the flights are in the interest of the public. In order to make these findings in the case of aircraft of countries which have not accepted the various mutual obligations imposed by the Chicago Convention, we feel that it is necessary that we have the opportunity to review applications involving the aircraft from these countries on a case-by-case basis. The Board does not believe that amending our rule in this manner will interfere in any way with changes the Administrator may later wish to make in the Federal Aviation Regulations governing the same aircraft.

Our second proposal was to amend § 375.20 to add foreign test and demonstration aircraft to those for which the Board grants blanket authority for operations in this country on the basis of air safety flight authorizations from the Administrator rather than an airworthiness certificate from the country of registry. Although this proposed change was not supported by the Administrator, on balance we feel that it is consistent with the existing regulatory pattern of Part 375, that it will have administrative advantages, and that its adoption is therefore warranted.

We have also added language to § 375.26, which deals with waiver of sovereign immunity, to make clear that such waiver applies only with respect to immunity from suit arising out of the proprietary or commercial activities of a foreign government and would not obtain in the case of strictly governmental or public functions.

We do not find that adoption of any of the other changes suggested would be in the interest of the public.

In consideration of the foregoing, the Board hereby amends Part 375 of the Special Regulations (14 CFR Part 375), effective April 17, 1964, as follows:

1. By amending § 375.11 to read as follows:

§ 375.11 Civil aircraft registered in other States.

Aircraft registered in foreign countries other than those referred to in § 375.10 may be navigated in the United States only when so authorized by the Board under the provisions of Subpart G of this part.

2. By amending § 375.20: By replacing the reference "(d)" in the proviso in the introductory paragraph with "(e)" so that the paragraph will read as follows and by adding a new paragraph "(e)" to read as follows:

§ 375.20 Airworthiness and registration certificates.

Foreign civil aircraft shall carry aboard currently effective certificates of registration and airworthiness issued or rendered valid by the country of registry and shall display the nationality and registration markings of that country: *Provided*, That in the cases of operations specified in paragraphs (a) through (e) of this section an unexpired air safety flight authorization issued by the Administrator of the Federal Aviation Agency, his designee or duly authorized representative, under Title VI of the Act, authorizing and circumscribing such operations, may be carried on board the aircraft in lieu of such certificate of airworthiness:

* * * * * * *

(e) A foreign civil aircraft is brought to the United States for the purpose of demonstration or test of the whole or any part thereof.

3. By inserting in Subpart C a new § 375.26 to read as follows:

§ 375.26 Waiver of sovereign immunity.

By navigating a foreign civil aircraft in the United States pursuant to authorization granted by or under this part, the owners and operators of such aircraft when engaged in proprietary or commercial activities waive any right they may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against any of them in any court or other tribunal in the United States, based upon any claim arising out of operations by such persons pursuant to such authorization.

4. By striking out the present provision of § 375.33 and substituting therefor the following:

§ 375.33 Transit flights, irregular operations.

(a) Foreign civil aircraft carrying passengers, property or mail for remuneration or hire but not engaged in scheduled international air services, are authorized to navigate non-stop across the territory of the United States and to make stops for non-traffic purposes.

(b) "Stops for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail or for other than strictly operational purposes. The navigation of foreign civil aircraft in the United States is not authorized under this section when the elapsed time between landing and takeoff at a stop in the United States exceeds 24 hours and passengers are permitted to leave the airport or when passengers, property or mail are transferred to another aircraft: *Provided*, That flights involving stops under such circumstances may be performed in the case of emergency relating to the safety of the aircraft, passengers, cargo or crew.

5. By adding a new § 375.35 to Subpart D, to read as follows:

§ 375.35 Free transportation.

(a) Foreign civil aircraft may be navigated in the United States by a foreign air carrier for the transportation of persons and property specified in paragraph (b) of this section over the following non-traffic segments provided such transportation is not for compensation or hire:

(1) Between two or more points in the United States named in the carrier's permit issued under section 402 of the Act;

(2) Between a point in the United States and a point outside thereof when operating pursuant to a permit issued under section 1108(b) of the Act which authorizes the carrier to combine on the same aircraft traffic which is moving in air transportation with traffic which is not moving in air transportation; and

(3) Between a point in the United States and a point outside thereof when the carrier lands at the United States point for non-traffic purposes in exercise of the privilege granted under the International Air Services Transit Agreement.

(b) Free transportation may be provided under this section for the following categories of persons and property:

(1) Directors, officers and employees, and their parents and immediate families, of the foreign air carrier operating the aircraft;

(2) Directors, officers and employees, and their parents and immediate families, or an air carrier or another foreign air carrier traveling pursuant to a pass interchange arrangement;

(3) Witnesses and attorneys attending any legal investigation in which any such foreign air carrier is involved;

(4) Persons injured in aircraft accidents and physicians and nurses attending such persons; and

(5) Any person or property with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation.

(c) A charge reasonably related to the value of meals and beverages furnished enroute shall not be deemed to constitute compensation or hire for purposes of this section.

(Secs. 204(a) and 1108(b) of the Federal Aviation Act of 1958; 72 Stat. 743, 798; 49 U.S.C. 1324, 1508)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2630; Filed, Mar. 17, 1964; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. 4055; Amdt. 706]

PART 507—AIRWORTHINESS DIRECTIVES

Hughes Model 269 Series Helicopters

There have been several instances of fatigue failure of the lower coupling drive shaft on Hughes Model 269 Series helicopters. Failure of this shaft results in sudden complete loss of power to the rotors and in a rapid overspeed of the engine. To correct this unsafe condition, an airworthiness directive is being issued to require replacement of this shaft with a redesigned shaft, and in the interim to require periodic inspection of the shaft and replacement if any cracks are found.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HUGHES. Applies to Model 269A helicopters, Serial Numbers 0011 to 0314 inclusive, Model 269A-1 helicopters, Serial Numbers 0001 to 0007 inclusive, and Model 269B helicopters, Serial Numbers 0001 to 0079 inclusive.

Compliance required as indicated.

As a result of several recent failures of the lower coupling drive shaft (Hughes P/N 269A5504) accomplish the following:

(a) Within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 75 hours' time in service, and every 100 hours' time in service thereafter from the last inspection until accomplishment of (b), remove the lower coupling drive shaft and conduct a dye penetrant or magnetic particle inspection of the shaft. Pay particular attention to the radii at the end splines, alignment collar and boot mounting collar. Replace any shaft exhibiting evidence of cracking before further flight.

(b) Within 500 hours' time in service after the effective date of this AD but not to exceed 1,500 hours total time in service on the part, replace the lower coupling drive shaft P/N 269A5504 with a shaft P/N 269A5504-3.

(Hughes Service Information Notices Nos. 2A-33(269A), 2A-1-01(269A-1) and 2B-01 (269B), all dated February 18, 1964, cover this same subject.)

This amendment shall become effective March 18, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 12, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-2588; Filed, Mar. 17, 1964; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-7253]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Reports of Proposed Rule Changes by Exchanges

On January 9, 1964, in Securities Exchange Act Release No. 7218, and in the FEDERAL REGISTER of January 18, 1964, 29 F.R. 478, the Securities and Exchange Commission published a proposal to adopt 17 CFR 240.17a-8 (Rule 17a-8 under the Securities Exchange Act of 1934) to require every national securities exchange to file with the Commission reports of proposed changes in its rules. The Commission has considered the comments and suggestions received and has adopted the rule substantially as proposed and as set forth below, effective April 6, 1964.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 3, 1964.

§ 240.17a-8 Reports of proposed rule changes by exchanges.

(a) Each national securities exchange shall file with the Commission three copies of a report of any proposed amendment or repeal of, or any addition to, its rules not less than three weeks (or such shorter period as the Commission may authorize) before any action is taken on such amendment, repeal or addition by the members of such exchange or by any governing body thereof: *Provided, however*, That under emergency circumstances such report need not be filed as hereinabove provided, but in such case the exchange shall file three copies of a report giving the Commission as much notice as the circumstances permit, together with a written statement of the reasons why the filing of a

report as above provided was impracticable.

(b) If any change is made in a proposed amendment, repeal or addition after the report is filed with the Commission, the three-week period (or such shorter period as the Commission may authorize) will commence to run from the time the Commission is notified of such change unless the change does not alter the substance of the proposed amendment, repeal or addition, or the change is made in conformity to a suggestion by the Commission.

(c) For the purpose of this rule the term "rules" of an exchange shall mean its constitution, articles of incorporation, by-laws, or rules or instruments corresponding thereto whatever the name, and its stated policies.

(d) The failure on the part of an exchange to file a report as hereinabove provided shall not affect the validity, force or effect of any rule of the exchange or of any exchange action or omission to act thereunder.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, as amended; 15 U.S.C. 78q, 78w)

[F.R. Doc. 64-2592; Filed, Mar. 17, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CHEMICALS USED IN WASHING FRUITS AND VEGETABLES

Subsequent to the issuance of an amendment to § 121.1091 prescribing the use of sodium dodecylbenzenesulfonate, comments were received from The Procter and Gamble Company, Ivorydale Technical Center, Cincinnati 17, Ohio, and California Chemical Company, Oronite Division, 200 Bush Street, San Francisco 20, California. Each comment maintained that the current definition of the additive was unnecessarily restrictive and that the current specifications should be broadened. The Commissioner of Food and Drugs has evaluated these comments and has concluded that such specifications may be broadened without affecting the safety of the additive under the regulated conditions of use.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348), and under the authority delegated to the Commisisoner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1091(a)(2) is amended by changing the specifications for the item sodium dodecylbenzenesulfonate to read as follows:

§ 121.1091 Chemicals used in washing fruits and vegetables.

* * * * * * *

(a) * * *

(2) * * *

Substances	*Limitations*
* * *	* * *
Sodium dodecylbenzenesulfonate (alkyl group predominantly C_{12} and not less than 95% C_{10} to C_{16})	Not to exceed 0.2% in wash water. May be used in the washing or to assist in the lye peeling of fruits and vegetables.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348)

Dated: March 11, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2622; Filed, Mar. 17, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

HOT-MELT STRIPPABLE FOOD COATINGS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1296) filed by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of cellulose acetate propionate in hot-melt strippable food coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the "List of substances" in paragraph (b)(2) of § 121.2578 *Hot-melt strippable food coatings* is amended to read as follows:

§ 121.2578 Hot-melt strippable food coatings.

* * * * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
Acetylated monoglycerides	Complying with § 121.1018.
Cellulose acetate butyrate	
Cellulose acetate propionate	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 2, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2623; Filed, Mar. 17, 1964; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6710]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Limitation on Acceleration of Accrual of Taxes

On November 13, 1963, notice of proposed rule making with respect to the Income Tax Regulations (26 CFR Part 1) under section 461(d) of the Internal Revenue Code of 1954 to reflect the amendment made by section 6 of the Act of September 14, 1960 (Public Law 86-781, 74 Stat. 1020), was published in the FEDERAL REGISTER (28 F.R. 12095). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as proposed are hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: March 12, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to reflect the amendment made by section 6 of the Act of September 14, 1960 (Public Law 86-781, 74 Stat. 1020), the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Section 1.461 is amended by adding a new subsection (d) to section 461 and by adding a historical note at the end thereof. These added provisions read as follows:

§ 1.461 Statutory provisions; general rule for taxable year of deduction.

SEC. 461. *General rule for taxable year of deduction.* * * *

(d) *Limitation on acceleration of accrual of taxes*—(1) *General rule.* In the case of a taxpayer whose taxable income is computed under an accrual method of accounting, to the extent that the time for accruing taxes is earlier than it would be but for any action of any taxing jurisdiction taken after December 31, 1960, then, under regulations prescribed by the Secretary or his delegate, such taxes shall be treated as accruing at the time they would have accrued but for such action by such taxing jurisdiction.

(2) *Limitation.* Under regulations prescribed by the Secretary or his delegate, paragraph (1) shall be inapplicable to any item of tax to the extent that its application would (but for this paragraph) prevent all persons (including successors in interest) from ever taking such item into account.

[Sec. 461 as amended by sec. 6, Act of Sept. 14, 1960 (Pub. Law 86-781, 74 Stat. 1020)]

PAR. 2. Section 1.461-1 is amended by adding the following new paragraph (d) at the end thereof:

§ 1.461-1 General rule for taxable year of deduction.

* * * * * * *

(d) *Limitation on acceleration of accrual of taxes.* (1) Section 461(d)(1) provides that, in the case of a taxpayer whose taxable income is computed under an accrual method of accounting, to the extent that the time for accruing taxes is earlier than it would be but for any action of any taxing jurisdiction taken after December 31, 1960, such taxes are to be treated as accruing at the time they would have accrued but for such action. Any such action which, but for the provisions of section 461(d) and this paragraph, would accelerate the time for accruing a tax is to be disregarded in determining the time for accruing such tax for purposes of the deduction allowed for such tax. Such action is to be disregarded not only with respect to a taxpayer (whose taxable income is computed under an accrual method of accounting) upon whom the tax is imposed at the time of the action, but also with respect to such a taxpayer upon whom the tax is imposed at any time subsequent to such action. Thus, in the case of a tax imposed on property, the acceleration of the time for accruing taxes is to be disregarded not only with respect to the taxpayer who owned the property at the time of such acceleration, but also with respect to any subsequent owner of the property whose taxable income is computed under an accrual method of accounting. Similarly, such action is to be disregarded with respect to all property subject to such tax, even if such property is acquired after the action. Whenever the time for accruing taxes is to be disregarded in accordance with the provisions of this paragraph, the taxpayer shall accrue the tax at the time (original accrual date) the tax would have accrued but for such action, and shall, in the absence of any action of the taxing jurisdiction placing the time for accruing such tax at a time subsequent to the original accrual date, continue to accrue the tax as of the original accrual date for all future taxable years.

(2) For purposes of this paragraph—

(i) The term "a taxpayer whose taxable income is computed under an accrual method of accounting" means a taxpayer who, for Federal income tax purposes, accounts for any tax which is the subject of "any action" (as defined in subdivision (iii) of this subparagraph) under an accrual method of accounting. See section 446 and the regulations thereunder. If a taxpayer uses an accrual method as his overall method of accounting, it shall be presumed that he is "a taxpayer whose taxable income is computed under an accrual method of accounting." However, if the taxpayer establishes to the satisfaction of the district director that he has, for Federal income tax purposes, consistently accounted for such tax under the cash method of accounting, he shall be considered not to be "a taxpayer whose taxable income is computed under an accrual method of accounting."

(ii) The time for accruing taxes shall be determined under section 461 and the regulations in this section.

(iii) The term "any action" includes the enactment or reenactment of legislation, the adoption of an ordinance, the exercise of any taxing or administrative authority, or the taking of any other step, the result of which is an acceleration of the accrual event of any tax. The term also applies to the substitution of a substantially similar tax by either the original taxing jurisdiction or a substitute jurisdiction. However, the term does not include either a judicial interpretation, or an administrative determination by the Internal Revenue Service, as to the event which fixes the accrual date for the tax.

(iv) The term "any taxing jurisdiction" includes the District of Columbia, any State, possession of the United States, city, county, municipality, school district, or other political subdivision or authority, other than the United States, which imposes, assesses, or collects a tax.

(3) The provisions of this paragraph may be illustrated by the following examples:

Example (1). State X imposes a tax on intangible and tangible personal property used in a trade or business conducted in the State. The tax is assessed as of July 1, and becomes a lien as of that date. As a result of administrative and judicial decisions, July 1 is recognized as the proper date on which accrual method taxpayers may accrue their personal property tax for Federal income tax purposes. In 1961 State X, by legislative action, changes the assessment and lien dates from July 1, 1962, to December 31, 1961, for the property tax year 1962. The action taken by State X is considered to be "any action" of a taxing jurisdiction which results in the time for accruing taxes being earlier than it would have been but for that action. Therefore, for purposes of the deduction allowed for such tax, the personal property tax imposed by State X, for the property tax year 1962, shall be treated as though it accrued on July 1, 1962.

Example (2). Assume the same facts as in example (1) except that State X repeals the personal property tax and in lieu thereof enacts a franchise tax which is imposed on the privilege of conducting a trade or business within State X, and is based on the value of intangible and tangible personal property used in the trade or business. The franchise tax is to be assessed and will become a lien as of December 31, 1961, for the franchise tax year 1962, and on December 31 for all subsequent franchise tax years. Since the franchise tax is substantially similar to the former personal property tax and since the enactment of the franchise tax has the effect of accelerating the accrual date of the personal property tax from July 1, 1962, to December 31, 1961, the action taken by State X is considered to be "any action" of a taxing jurisdiction which results in the time for accruing taxes being earlier than it would have been but for that action. Therefore, for purposes of the deduction allowed for such tax, the franchise tax imposed by State X shall be treated as though it accrued on July 1, 1962, for the franchise tax year 1962, and on July 1 for all subsequent franchise tax years.

Example (3). Assume the same facts as in example (1) except that State X repealed the personal property tax and empowered the counties within the State to impose a personal property tax. Assuming the counties in State X subsequently imposed a personal property tax and chose December 31 of the preceding year as the assessment and lien date, the action of each of the counties would be considered to be "any action" of a taxing jurisdiction which results in the time for accruing taxes being earlier than it would have been but for that action since it is immaterial whether the original taxing jurisdiction or a substitute jurisdiction took the action.

(4) Section 461(d)(1) shall not be applicable to the extent that it would prevent the taxpayer and all other persons, including successors in interest, from ever taking into account, for Federal income tax purposes, any tax to which that section would otherwise apply. For example, assume that State Y imposes a personal property tax on tangible personal property used in a trade or business conducted in the State during a calendar year. The tax is assessed as of February 1 of the year following the personal property tax year, and becomes a lien as of that date. As a result of administrative and judicial decisions, February 1 of the following year is recognized as the proper date on which accrual method taxpayers may accrue the personal property tax for Federal income tax purposes. In 1962 State Y, by legislative action, changes the assessment and lien dates for the personal property tax year 1962 from February 1, 1963, to December 1, 1962, and to December 1 of the personal property tax year for all subsequent years. Corporation A, an accrual method taxpayer

which uses the calendar year as its taxable year, pays the tax for 1962 on December 10, 1962. On December 15, 1962, the property which was taxed is completely destroyed and, on December 20, 1962, corporation A transfers all of its remaining assets to its shareholders, and is dissolved. Since corporation A is not in existence in 1963, and therefore could not take the personal property tax into account in computing its 1963 Federal income tax if February 1, 1963, is considered to be the time for accruing the tax, and no other person could ever take such tax into account in computing his Federal income tax, such tax shall be treated as accruing as of December 1, 1962. To the extent that any person other than the taxpayer may at any time take such tax into account in computing his taxable income, the provisions of section 461(d)(1) shall apply. Thus, upon the dissolution of a corporation or the termination of a partnership between the time which, but for the provisions of section 461(d)(1) and this paragraph, would be the time for accruing any tax which was the subject of "any action" (as defined in subdivision (iii) of subparagraph (2)), and the original accrual date, the corporation or the partnership would be entitled to a deduction for only that portion, if any, of such tax with respect to which it can establish, to the satisfaction of the district director, that no other taxpayer can properly take into account in computing his taxable income. However, to the extent that the corporation or partnership cannot establish, at the time of its dissolution or termination, as the case may be, that no other taxpayer would be entitled to take such tax into account in computing his taxable income, and it is subsequently determined that no other taxpayer is entitled to take such tax into account in computing his taxable income, the corporation or partnership may file a claim for refund for the year of its dissolution or termination (subject to the limitations prescribed in section 6511) and claim as a deduction therein the portion of such tax determined to be not deductible by any other taxpayer.

(5) Section 461(d) and this paragraph shall apply to taxable years ending after December 31, 1960.

[F.R. Doc. 64-2613; Filed, Mar. 17, 1964; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order 8540.1]

DMO 8540.1—HEALTH MANPOWER OCCUPATIONS

1. *Purpose and authority.* This Order issues the List of Health Manpower Occupations in accordance with the authority contained in Executive Order No. 11001, dated February 16, 1962 (27 F.R. 1534), which assigns to the Secretary of Health, Education, and Welfare, emergency preparedness functions to include development of preparedness programs covering civilian health manpower. It provides further for the issuance of the List of Health Manpower Occupations by the Director of the Office of Emergency Planning after agreement by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

2. *Definitions.* Executive Order No. 11001 defines health manpower as "physicians (including osteopaths), dentists, sanitary engineers, registered professional nurses; and such other occupations as may be included in the List of Health Manpower Occupations."

3. *Responsibilities.* Executive Orders No. 11000 and No. 11001 assign civilian manpower mobilization planning responsibilities to the Department of Labor and civilian health manpower mobilization planning responsibilities to the Department of Health, Education, and Welfare.

The Department of Health, Education, and Welfare, therefore, and appropriate State and local health officials have the primary responsibility for planning the organization, training, and utilization of civilian health manpower. The facilities of the Department of Labor and its affiliated State employment agencies will be utilized in carrying out the health program (e.g., recruitment, referral, and other manpower measures).

The skills identified in the attached List of Health Manpower Occupations are those which will be immediately required for the provision of essential emergency public health and medical services. Persons possessing the listed skills and allocated by appropriate officials to meet nonmilitary requirements will be made available to health services. However, as health hazards are brought under control and medical care loads permit, health officials will release for utilization in other essential activities the health manpower that is no longer critically needed. Following the post-attack period, during which survival of the population is the pre-eminent consideration, Federal health and manpower officials will review the List and make recommendations to the Director of the Office of Emergency Planning for appropriate revisions.

Supporting manpower, integral to health operations, e.g., hospital, sanitation, and laboratory helpers, and engineering, clerical, food service and custodial personnel, is not listed. Such civilian manpower employed at the time of attack by a medical facility or laboratory, or governmental health agency, will, if not ordered to military service, remain with the employing organization. All others will be provided according to priorities established by the manpower agency or ranking governmental official.

4. *Effective date.* This Order is effective the date of issuance.

Dated: March 11, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

LIST OF HEALTH MANPOWER OCCUPATIONS [1]

Occupational title	*Department of Labor Occupational Code No.*
Audiologist [2]	0-39.925
Biochemist	0-07.02
Clinical Radioisotope Technician	([3])
Dental Hygienist	0-50.07
Dental Technician (Bus. Serv.)	0-50.06
Dentist	0-13
Food and Drug Inspector (Govt. Serv.)	0-95.11
Health Physicist	([4])
Medical Physiologist	0-26.50
Medical Record Librarian	0-23.25
Medical Technician (Med. Serv.)	0-50.01
Medical Technologist (Med. Serv.)	0-50.01
Bacteriology Technician	0-50.01
Biochemistry Technician	0-50.01
Bloodbank Technician	0-50.01
Cytology Technician	0-50.01
Hematology Technician	0-50.01
Parasitology Technician	0-50.01
Serology Technician	0-50.01
Tissue Technician	0-50.01
Virology Technician	0-50.01
Midwife	2-38.20
Natural Scientists (N.E.C.)	0-35
Anatomist (Prof. and Kindred)	0-35.36
Biophysicist [5]	0-35.49
Dairy Bacteriologist	0-35.33
Food Bacteriologist	0-35.33
Hematologist	0-35.38
Histopathologist	0-35.37
Medical Bacteriologist	0-35.33
Parasitologist, Medical	0-35.31
Pharmaceutical Bacteriologist	0-35.33
Pharmacologist	0-35.34
Public Health Bacteriologist	0-35.33
Veterinarian Bacteriologist [6]	0-35.33
Nurse Aide (Med. Serv.)	2-42.20
Nurse, Licensed Vocational	0-62.83
Nurse, Practical	2-38.20
Nurse, Professional	0-33
Occupational Therapist	0-32.04
Optometrist	0-39.92
Orderly (Med. Serv.)	2-42.10
Orthopedic Technician	5-09.410
Osteopathic Physician	0-39.96
Pharmacist (Prof. and Kindred)	0-25.10
Podiatrist [8]	0-39.901
Psychologist, Clinical [7]	0-36.22
Physicians & Surgeons	0-26
Physical Therapist (Med. Serv.)	0-52.00
Sanitarian [9]	0-39.976
Sanitary Engineer	0-16.01
Social Worker, Medical	0-27.20
Social Worker, Psychiatric	0-27.20
Speech Pathologist	0-32.07
Superintendent, Hospital (Med. Serv.)	0-99.84
Veterinarian [6]	0-34
X-ray Technician (Med. Serv.)	0-50.04

[1] Includes students, trainees, and interns whose training or education leading to any of the indicated skills is sufficiently advanced to qualify them to contribute to the technical tasks of providing health services.

[2] Unpublished definition and code.

[3] Coding and nomenclature not yet received from Department of Labor.

[4] *Health Physicist.* Devises and directs a research training and monitoring program to protect plant personnel from radiation hazards. Conducts research to develop inspection standards, radiation exposure limits for personnel, safe work methods, and decontamination procedures and tests surrounding areas to assure that releases to environment are not in excess of permissible radiation standards. Designs or modifies health physics equipment, such as detectors and counters to improve radiation protection. Assists in developing standards of permissible concentrations of radioisotopes in liquids and gases. Directs testing and monitoring of equipment and recording of personnel radiation exposure dates.

Requests special bio-assay samples of individuals believed to be exposed. Consults with scientific personnel regarding new experiments to determine that equipment or plant design conforms to health physics standards for protection of personnel. Supervises radiation monitoring and directs monitoring of plant areas and work sites. Requisitions and maintains inventory of instruments. Records location and quantity of radioactive sources assigned to departments. Instructs personnel in principles, policies, rules, and regulations related to radiation hazards. Assigns film badges and dosimeters to personnel and recommends changes in assignment for health reasons. May advise public authorities on methods of dealing with radiation hazards and procedures to be followed in radiation incidents and assists in civil defense planning. Reports findings and recommends improvements in safety measures. A bachelor's degree with a major in physics, chemistry, engineering, or a biological science, plus at least one year of specialized training in health physics is required.

[5] *Biophysicist.* Studies the physical principles of living cells and organisms, including mechanics, heat, light, radiation, sound, and electricity. Is trained in both physics and biology. May specialize, for example, in the field of radiobiology which includes such activities as the study and use of radiation and nuclear particles in the treatment of cancer or the use of atomic isotopes in discovering the transformation of substances in cells.

[6] *Veterinarian Bacteriologist.* Though current planning provides that many veterinarians be utilized in casualty care and preventive medicine activities in the immediate postattack period, veterinarians will continue to be needed to perform services of a strictly veterinary nature after most of the human casualties have been cared for temporarily. Such veterinary activities will include protection of food animals against diseases and the effects of atomic, biological, and chemical warfare; meat and poultry inspection and supplementing food inspection forces for certain food processing plants, and food storage facilities.

[7] *Clinical Psychologist.* Diagnoses mental and emotional disorders of individuals in clinics; hospitals, prisons, and other institutions and administers program of treatment. Interviews patient, studies medical and social case history, observes patient in play or other situations, and selects, administers, and interprets projective and other psychological tests to diagnose disorder and formulate plan of treatment. Treats psychological disorders to effect improved adjustment through psychodrama, play therapy, and other techniques of individual and group therapy. Selects approach to use in individual therapy such as directive, nondirective, and supportive therapy and plans frequency, intensity, and duration of therapy. May collaborate with Psychiatrist; Pediatrician; Social Worker, Psychiatric; and other specialists in developing treatment programs for patients, based on analysis of clinical data. May instruct and direct students serving psychological internships in hospitals and clinics. May develop experimental design and conduct research in field of personality development and adjustment and on problems of diagnosis, treatment, and prevention of mental illness. May serve as consultant to social, educational, welfare and other agencies on individual cases or in evaluation, planning, and development of mental health programs. May specialize on one of the following: behavior problems, crime and delinquency, group therapy, individual diagnosis and therapy, mental deficiency, objective tests, projective techniques, and speech pathology. A Clinical Psychologist is identified as an individual who is working in the field of clinical psychology and who meets one of the following criteria: (1) Is a diplomate in clinical psychology of the American Board of Examiners in Professional Psychology; (2) is a fellow of the Division of Clinical and Abnormal Psychology of the American Psychological Association; or (3) holds a Ph. D. degree in clinical psychology.

[8] *Sanitarian.* Interprets and enforces sanitation laws and regulations to protect and promote public health. Inspects and investigates sanitation facilities and conditions in such places as dwellings, water supply and sewerage plants, recreational areas, industrial plants, barber shops, beauty salons, and food processing and serving establishments to determine compliance with standards. Takes samples of such materials as water, food, and air and performs or orders a variety of chemical, physical or biological tests for contamination. Formulates plans and oversees programs for insect and rodent extermination and control. Issues corrective notices and orders, and follows up on compliance. Collaborates with public health personnel in epidemiology survey, analyses, and control programs. Reviews and makes recommendations on sanitary laws and regulations. Plans, organizes and conducts training programs in sanitary practices for such personnel as food handling, pest extermination and recreational workers. Confers with governmental, community, industrial, and civil defense personnel and organizations to interpret and promote sanitation standards and practices. In some states, may be required to hold license or be registered. When employed by public health agency, is known as Public Health Sanitarian. In large public agencies, and in industry, may be designated according to specialization, as Food-and-Industrial Sanitarian (profess. and kin.); Housing Sanitarian (profess. and kin.); Milk Sanitarian (profess. and kin.).

[9] *Podiatrist* (Medical ser.) 0-39.901. chiropodist; orthopedic specialist. Diagnoses and treats diseases and deformities of human foot: Diagnoses foot ailments such as tumors, ulcers, fractures, skin or nail diseases, and congenital or acquired deformities, utilizing such medically accepted methods as urinalysis, blood tests, and X-ray analysis. Treats deformities such as flat or weak feet and foot imbalance by mechanical methods such as whirlpool or paraffin baths, or by electrical methods such as short wave and low voltage currents. Treats conditions such as corns, calluses, ingrowing nails, tumors, shortened tendons, cysts, and abscesses by surgical methods including suturing, medications, and administration of local anesthetics. Does not perform amputations of the foot. Corrects deformities by means of plaster casts and strappings. Makes and fits prosthetic appliances. Prescribes corrective footwear. Refers patients to physician when symptoms observed in feet and legs evidence systemic disorders such as arthritis, heart disease, diabetes or kidney trouble. May treat bone, muscle and joint disorders and be known as podiatrist, orthopedic; children's foot diseases and be known as podopedatrician, or perform surgery and be known as podiatric surgeon.

(Approved March 1958 for the Master D.O.T. File but not published)

[F.R. Doc. 64-2599; Filed, Mar. 17, 1964; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-PC-19]

CONTROL ZONE

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA has under consideration the designation of a part-time control zone at Wheeler AFB, Hawaii. The proposed control zone would be designated from 0600 to 2200 hours, local time, daily, within a 3-mile radius of Wheeler AFB (latitude 21°29'00" N., longitude 158°02' 30" W.), and within 2 miles each side of the Honolulu, Hawaii, VORTAC 358° True radial extending from the 3-mile radius zone to the intersection of the Honolulu VORTAC 358° True and the Koko Head, Hawaii, VOR 298° True radials, excluding the portion within R-3109. This control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at Wheeler AFB.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Pacific Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu, Hawaii, 96812. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 11, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2589; Filed, Mar. 17, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-SO-1]

FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 11 is designated in part from Mobile, Ala., to Laurel, Miss. VOR Federal airway No. 20 is designated in part from Mobile to Evergreen, Ala., with a north alternate segment from Mobile to Evergreen via the intersection of the Mobile 015° and the Evergreen 247° True radials. VOR Federal airway Nos. 70 and 837 are designated in part as a common airway from Picayune, Miss., to Evergreen.

The FAA is commissioning a new VOR navigational facility in the vicinity of Greene County, Miss. (latitude 31°05'52" N., longitude 88°29'10" W.) on or about April 30, 1964. The Agency has under consideration the following actions predicated on this new facility.

1. Realign V-11 from Mobile via Greene County to Laurel.

2. Realign V-20 north alternate from Mobile to Evergreen via the intersection of the Mobile 015° True radial and the direct radial from Greene County to Evergreen.

3. Realign V-70/V-837 from Picayune via Greene County to Evergreen.

These proposed actions would provide more precise navigational guidance for aircraft operating along these airway segments through use of this new facility.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 11, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2590; Filed, Mar. 17, 1964; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 3065; Notice No. 64-5A]

AIRBORNE DISTANCE MEASURING EQUIPMENT OPERATING WITHIN THE RADIO-FREQUENCY RANGE OF 960-1215 MEGACYCLES—TSO-C66a

Extension of Comment Period

In the notice of proposed rule making on TSO-C66a airborne distance measuring equipment operating within the radio-frequency range of 960-1215 megacycles, Notice No. 64-5, published in the FEDERAL REGISTER on January 24, 1964 (29 F.R. 615), it was stated that consideration would be given to all relevant comments received on or before April 15, 1964.

It has subsequently been determined that the proposed standard for TSO-C66a was not readily available on the date that the proposal was published in the FEDERAL REGISTER. For this reason, the specified comment date of April 15, 1964, does not afford interested persons sufficient time within which to submit their comments.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on proposed TSO-C66a (Notice No. 64-5) will be received is extended to June 1, 1964.

Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All comments submitted will be available both during and after the comment period, in the Docket Section for examination by interested persons.

Issued in Washington, D.C., on March 12, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-2591; Filed, Mar. 17, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-7266]

CUSTOMERS' FREE CREDIT BALANCES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 15c3-2 under the Securities Exchange Act of 1934 (17 CFR § 240.15c3-2). This rule would prohibit a broker-dealer who holds customers' free-credit balances from using such funds in his business unless he notifies customers that they may request repayment without prior notice; that such funds will become a part of the assets of the broker-dealer and used in his business; and that interest will (or will not) be paid on such funds, and if so, the rate or other basis of computation. The rule would also require the broker-dealer to send the customer a quarterly statement of the amount due to the customer, and reminding the customer that the funds are a part of the assets of the broker-dealer and may be used in the business.

Many customers of broker-dealers are not aware (1) that when they leave free-credit balances (funds which the customer has an unrestricted right to withdraw[1]) with a broker-dealer the funds generally are not segregated and held for the customer, but rather are commingled with other assets of the broker-dealer and used in the operation of the business, and (2) that the relationship between the broker-dealer and the customer as a result thereof is that of creditor-debtor. The Report of the Special Study of the Securities Markets[2] recommended that such broker-dealers be required to give such customers notice that their funds are not segregated and may be used in the firm's business; that the customer may request repayment without prior notice; and that interest will (or will not) be paid, and if so, the rate or basis of computation.

The proposed rule, which would implement the above recommendation, would be adopted under the provisions of the Securities Exchange Act of 1934, and particularly section 15(c)(3) thereof. This section authorizes the Commission to prescribe rules and regulations in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility of brokers and dealers.

The proposed rule would not preclude any exchange or other self-regulatory organization from imposing a more comprehensive requirement upon its members if it considered that to be appropriate.

The text of the proposed rule would read substantially as follows:

§ 240.15c3-2 Customers' free credit balances.

No broker or dealer shall use any funds arising out of any free-credit balance carried for the account of any customer in connection with the operation of the business of such broker or dealer, unless such broker or dealer has established adequate procedures pursuant to which (a) each customer will be informed in writing, when such customer opens an account with such broker or dealer (or within 30 days after the effective date of this section in the case of any customer for whose account such broker or dealer is carrying any free-credit balance at such time), that such customer may request repayment of such funds without prior notice; that such funds will become a part of the assets of such broker or dealer and may be used in connection with the operation of any business of such broker or dealer; and that interest will (or will not) be paid on such funds and, if so, the rate or other basis of computation; and (b) each customer for whom a free-credit balance is carried will be given or sent, not less frequently than once every 3 months, (1) a written statement informing such customer of the exact amount due to the customer by such broker or dealer on the date of such statement, and (2) a written notice that such funds are a part of the assets of such broker or dealer and may be used in connection with the operation of any business of such broker or dealer, and that such customer may request withdrawal of such funds without prior notice. For the purpose of this rule the term "customer" shall mean every person other than a broker or dealer.

(Secs. 15(c)(3), 23(a), 48 Stat. 895, 901, as amended, 15 U.S.C. 78o, 78w)

All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, Washington, D.C., 20549, on the proposed rule on or before April 6, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 11, 1964.

[F.R. Doc. 64-2593; Filed, Mar. 17, 1964; 8:46 a.m.]

[1] They may arise when a customer gives cash to a broker-dealer to hold pending receipt of instructions to purchase securities; or when free securities are sold and the proceeds are held pending further investment or further instructions from the customer; or from interest or dividends on the customer's securities being held by the broker-dealer.

[2] Chapter III.D.5.1.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 13961; FCC 64-215]

STATEMENT OF PROGRAM SERVICE; BROADCAST APPLICATION FORMS 301, 303, 314 AND 315

Order Relating to Oral Proceedings

At a session of the Federal Communications Commission at its offices in Washington, D.C., this 11th day of March 1964;

The Commission having before it for consideration its third notice of further proposed rule making (FCC 64-45), released January 28, 1964, proposing a new program reporting form for use in standard and FM radio broadcast applications and setting the date of April 23, 1964, for an en banc oral proceeding concerning this form;

It appearing, that further consideration of the proposed radio program form, similar to that now taking place in connection with the new television form (discussion by a joint committee of Commission staff members, broadcasters, and members of the communications bar) may be appropriate, and that the oral proceeding should not occur until after further developments in this connection; and

It further appearing, that therefore the en banc oral proceeding should be postponed for approximately a month:

It is ordered, That the en banc oral proceeding herein concerning the proposed program form for radio, previously scheduled for April 23, is postponed until May 25, 1964; and

It is further ordered, That parties intending to appear before the Commission shall notify the Secretary of the Commission in writing on or before May 1, 1964, indicating the approximate amount of time they wish to use; and

It is further ordered, That parties not participating in the oral proceeding may submit statements on or before May 25, 1964, in the form or a written statement for inclusion in the record (submit an original and 14 copies).

Released: March 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2634; Filed, Mar. 17, 1964; 8:49 a.m.]

[1] Commissioner Lee absent.

Notices

POST OFFICE DEPARTMENT

DIRECTOR, PROCUREMENT DIVISION, BUREAU OF FACILITIES

Delegation of Authority

The following is the text of Order P–64–33 by the Director, Procurement Division, Bureau of Facilities (21 F.R. 162 and 27 F.R. 1463):

Authority is hereby delegated to the Manager, or in his absence the Acting Manager, Mail Equipment Shops, Washington, D.C., to perform the following procurement functions:

(a) To place orders with Federal Prison Industries, Inc., for mail bags and for canvas required for the manufacture of mail bags at the Mail Equipment Shops or the repair of mail bags at Mail Bag Repair Centers.

(b) To place orders not in excess of $1,000 in amount with commercial concerns for expendable supplies; equipment, and services required in operation of the Mail Equipment Shops.

(c) To place orders not to exceed $2,500 in amount with GSA schedule contractors for expendable supplies, equipment, and services required in operations of the Mail Equipment Shops, except that the dollar limitation on Fuel Oil is $5,000.

(d) To sign correspondence, orders, and shipping instructions as contracting officer in connection with (a), (b), and (c) above.

The authority delegated herein is subject to the following limitations and restrictions:

(a) All orders drawn under (a) above which exceed $25,000 shall be submitted to the Director, Procurement Division, through the Assistant Director of the Division, for review and approval prior to signature.

(b) The procurement of expendable supplies, equipment, and services under (b) above shall be in accordance with Subpart 1–3.6 of the Federal Procurement Regulations.

(c) When written quotations are solicited for purchases of $1,000 or less pursuant to FPR 1–3.603–1(d), the requirements of FPR 1–16.201–2 shall be observed.

(d) A legible copy of each order issued pursuant to the authority delegated hereby shall be filed in numerical order in the Office of the Chief, Mail Bag Equipment Branch.

Except as provided in Part 652.214 of the Postal Manual, this delegation does not authorize the procurement from commercial sources of any item, or substitute therefor, which is available from the Area Supply Center or from the GSA Federal Supplies Service Stores Depots or from GSA Schedule contracts. The high-speed twist drills and grinding wheels for surface grinders used in production work of the Shops may be purchased from commercial sources in the amount of not to exceed $1,000 during any one fiscal year, provided the files on each transaction are properly documented to reflect the reasons for not using similar GSA items. All proposed procurements exceeding the limitations specified herein shall be submitted to the Inventory and Distribution Branch on POD Form 4957, Exigency Supply Requisition, for appropriate action.

This delegation of authority is effective March 4, 1964.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64–2602; Filed, Mar. 17, 1964; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

IDAHO

Phosphate Land Classification Order Idaho No. 10

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

BOISE MERIDIAN, IDAHO

RECLASSIFIED PHOSPHATE LANDS FROM NON-PHOSPHATE LANDS

Prior classification of the following as non-phosphate lands is hereby revoked and the lands are reclassified as phosphate lands:

T. 9 S., R. 46 E.,
Sec. 6, lot 2, SW¼NE¼, SE¼SW¼.

The area described aggregates 120 acres, more or less.

Dated: March 10, 1964.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64–2608; Filed, Mar. 17, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CALIFORNIA VEGETABLE CONCENTRATES, INC., ET AL.

Notice of Filing of Petition Regarding Food Additive Kelp

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 4I1) has been filed by:

California Vegetable Concentrates, Inc.,
Post Office Box 149,
2067 Clarendon Avenue,
Huntington Park, Calif.

Diketan Laboratories, Inc.,
9201 Wilshire Boulevard,
Los Angeles, Calif.

Kopco, Inc.,
Dock 1,
Port Hueneme, Calif.

Philip R. Park, Inc.,
Berth 42, Outer Harbor
San Pedro, Calif.

S. O. Barnes & Sons, Inc.,
17250 South Main Street,
Gardena, Calif.

Thurston Laboratories,
3355 Glendale Road,
Los Angeles, Calif.

proposing the issuance of a regulation to provide for the safe use of kelp as a source of iodine in foods for special dietary use, when the amount of iodine so provided for daily intake does not exceed 0.15 milligram.

Dated: March 12, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–2624; Filed, Mar. 17, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15079; Order E–20571]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of March 1964.

Westbound general commodity rates of American Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., and United Air Lines, Inc.; Docket No. 15079.

By tariffs marked to become effective March 14 or March 15, 1964,[1] American Airlines, Inc. (American), and United Air Lines, Inc. (United), propose westbound general commodity rates for shipments of 100 pounds and over. The proposed rates (1) meet the lower competitive rates of Trans World Airlines, Inc. (TWA), in major markets and (2) represent similar reductions at points intermediate to competitive origins and/or destinations. Further filings to meet such lower rates have been filed defensively by The Flying Tiger Line Inc. (Tiger) for effectiveness March 15, 1964. The proposals represent reduction of about 7 percent below rates in effect for the proponents.

[1] American has also filed certain minor corrections for effectiveness Mar. 18 and 28, 1964.

Tiger has filed a complaint against the proposed reductions of American and United, requesting suspension and investigation of such proposals, as well as of Tiger's own defensive filing. The complaint also protests the identical rates of TWA (currently effective), requesting investigation.[2] In support of its complaint, Tiger alleges that (1) American and United fail to justify their proposed reductions; (2) the proponent's claim of "meeting competition" is a subterfuge because the current rates have been in effect for over a year without significant diversionary effect; (3) the trunklines cannot justify cutting general commodity rates when their losses in operating all-cargo aircraft approximate 50 percent of their cargo revenues; (4) the proposed reduction at major competitive points will accentuate the discrimination inherent in the dual rate structure that the proponents maintain in competition with the all-cargo carriers; (5) the reduced rates will not generate new or added traffic but will dilute revenue for all carriers; and (6) the lower level of rates which TWA has maintained is below cost and contrary to law, and should be investigated.

In their justification of their proposals and in their answers to the complaint, American and United emphasize the competitive need of their filing. American states that it did not previously reduce rates to meet TWA because of that carrier's formerly limited capacity, but that TWA's recent acquisition of all-cargo jets has made it essential for American to reduce its rates. The answers criticize the use made by Tiger of the Board Chairman's statement regarding losses of operating all-cargo aircraft; such losses are disputed or, in any case, considered irrelevant with respect to the instant proposals.

Upon consideration of the complaint and all relevant matters, the Board finds that the proposals may be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, and should be investigated. The rates appear unduly low for westbound general commodity rates. The yields per ton-mile for shipments weighing between 100 and 999 pounds (covering perhaps the bulk of the number of shipments) would range from approximately 19 to 20½ cents. These appear low in comparison with the average yields for average shipments of about the same size for the chief transcontinental combination (passenger-cargo) carriers (19½–22½ cents per ton-mile for the 12-month period ended September 30, 1963), when consideration is given to the importance of westbound traffic. If cargo operations are to be profitable, on a fully allocated cost basis, the westbound rates must provide relatively high revenues because they apply to the predominant movement of each round trip.

The level of the current westbound rates may be an important factor in the losses incurred in operating all-cargo aircraft, as determined by our staff, essentially based upon a costing formula developed and proposed by the industry. Neither American nor United makes any claim that the proposed rates are compensatory. Nor do these carriers allege that the reductions would result in significant increases in the volume to be transported by air carriers as a group.

However, we have decided not to suspend the proposals, but to permit them to become effective pending investigation, because the proponents are primarily meeting TWA's rates currently in effect. TWA has recently obtained all-cargo jet aircraft, which will enable it to offer enlarged capacity. Inasmuch as Flying Tiger has met, and TWA is maintaining, the rates which we are hereby ordering investigated, their rates will be included in such a proceeding.

Accordingly, purusant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A hereto,[3] including subsequent revisions or reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions;

2. The complaint of The Flying Tiger Line, Inc. in Docket 15047 is dismissed, except to the extent granted herein;

3. Copies of this order shall be served upon American Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., United Air Lines, Inc., and WTC Air Freight, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–2632; Filed, Mar. 17, 1964; 8:49 a.m.]

[2] By letter of Feb. 29, 1964, addressed to the Board, WTC Air Freight (an air freight forwarder) also protests the proposals of American, Flying Tiger, and United, primarily because of the reduction in spreads between the rates for smaller and larger shipments. This is not considered as a complaint, inasmuch as it has not been filed in accordance with our economic regulations.

[3] Filed as part of the original document.

[Docket Nos. 13795 etc.; Order E–20573]

SUPPLEMENTAL AIR SERVICE

Order on Procedure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1964.

By notice of July 12, 1963, from the Chief Examiner, the Board announced its intention to move forward with the processing of some 55 applications listed in the notice which appeared to seek certificates of public convenience and necessity authorizing supplemental air transportation under section 401(d)(3) of the Act. All interested persons were offered an opportunity to express their views on such matters as the scope of the proceeding, the issues therein, and the manner in which the proceeding should be processed, and to comment on the suggestions made by others.

Numerous motions, suggestions, and comments have been received.[1] The Board has carefully considered all documents filed and is taking this opportunity to set forth its conclusions with respect to procedural matters to the extent that such action is appropriate at this time.

A matter of paramount importance is the establishment of the issues to be tried in the proceeding. The applications noticed for hearing raise a multitude of questions apart from requests for certification to provide supplemental air transportation services. Some involve issues solely in terms of conventional route-type certificates; a few request interim operating authority under Public Law 87–528; others specifically or implicity seek individually ticketed and individually waybilled authority for the transportation of persons and property; and still others request authority cast in terms of "charter" and "nonscheduled" air transportation, air transportation "on a charter basis", or similar variants from the statutory definition of supplemental air transportation.[2]

[1] Applicants filing motions were AAXICO Airlines, Inc., American Flyers Airline Corp. and Capitol Airways, Inc., California Air Charter, Inc. and Richard D. Neumann, Coral Airlines, East Coast Flying Service, Inc., Edde Airlines, Inc., Johnson Flying Service, Inc., Modern Air Transport, Inc., Overseas National Airways, Inc., Purdue Aeronautics Corp., Saturn Airways, Inc., Sourdough Air Transport, Inc., Southern Air Transport, Inc., Standard Airways, Inc., Trans International Airlines, U.S. Overseas Airlines, Inc., World Airways, Inc., and Zantop Air Transport, Inc. Motions or statements were filed on behalf of the 11 certificated route carriers, Bureau of Economic Regulation, Bonanza Air Lines, Inc., Lake Central Airlines, Inc., Pan American-Grace Airways, Inc., and Seaboard World Airlines, Inc. Answers were submitted by the 11 certificated route carriers, Bureau of Economic Regulation, Capitol Airways, Inc. and American Flyers Airline Corp., Modern Air Transport, Inc., Richard D. Neumann, Overseas National Airways, Inc., Saturn Airways, Inc., and Southern Air Transport, Inc.

[2] Section 401(d)(3) of the Act authorizing the issuance of certificates for supplemental air transportation provides as follows:

"(3) In the case of an application for a certificate to engage in supplemental air transportation, the Board may issue a certificate, to any applicant not holding a certificate under paragraph (1) or (2) of this subsection, authorizing the whole or any part thereof, and for such periods as may be required by the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform the transportation covered by the application and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder. Any certificate issued pursuant to this paragraph shall contain such limitations as the Board shall find necessary to assure that the service rendered pursuant thereto will be limited to supplemental air transportation as defined in this Act."

"Supplemental air transportation" is in turn defined in section 101(33) of the Act

As indicated initially, the Board's purpose in causing issuance of the notice was to consider such applications as request authority to engage in supplemental air transportation within the meaning of the Act. We adhere to that determination, and we will consolidate the noticed applications herein only insofar as the relief they seek comports with the statutory definition. Were the Board also to permit litigation of the host of extraneous questions of the type outlined, the basic function and utility of this proceeding effectively would be destroyed and there would be substituted in its place a proceeding of clearly unmanageable proportions. Because of the extremely broad nature and scope of many of the applications, a precise severance of particular applications or portions thereof is for the most part impracticable.[4] All applicants are placed on notice that to the extent they intended by their applications under consideration to seek authority not falling within the scope of supplemental air transportation, it will be incumbent upon them to file new applications which will take their regular place on the Board's docket.

With the proceeding restricted in this manner, the ultimate issues to be determined are those posed by section 401 (d) (3). These issues are (1) whether the public convenience and necessity require the supplemental air transportation requested by the applications; (2) whether the applicants are fit, willing, and able properly to perform the transportation covered by their applications and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder; and (3) what limitations, if any, should be imposed by the Board to assure that the service rendered pursuant to any certificate to be issued will be limited to supplemental air transportation as defined in the Act. Since the authority of supplemental air carriers to engage in operations for the military is now contained in their currently effective interim certificates, also pertinent is the question of the extent to which any of the applicants should be certificated to provide air transportation services for the Department of Defense. Subsidiary issues within this broad general framework may well be desirable. These are, however, matters best left for formulation and resolution by the examiner as a result of the prehearing conference or in some other appropriate manner.

The applications of World Wide in Dockets 13915 and 13916 are interim applications which were denied by the Board, with the qualification that action upon the request for reconsideration of the denial of interim authority would be held in abeyance pending an expedited hearing on the fitness issues involved in the carrier's applications for permanent certification. Order E–19009, dated November 14, 1962. The carrier did not avail itself of the opportunity afforded. Since we are not here considering further requests for interim authority and the basis for the deferment in Order E–19009 no longer exists, the applications will be finally denied.

We find no persuasive basis for severance and separate consideration of the applications of Purdue in Dockets 13798 and 13799 as requested by Lake Central, and therefore the carrier's motion seeking this relief will be denied.

In view of the breadth of the authority requested, the complexity of the questions involved, and the number of applicants seeking authorizations, the determination of the best means of processing the applications is a particularly difficult one. On this question the filings of the parties reveal a wide divergence of views.

A few applicants desire separate hearings on their individual applications. Most recognize that some form of consolidated hearings is both necessary and desirable but differ markedly on the procedures to be followed. As far as geographic area is concerned, some applicants desire that all applications be heard together so that the issues will be world-wide in scope; others suggest separate proceedings to be conducted successively, the first dealing with overseas and foreign authority and the second with domestic issues; and still others would divide the proceeding into three or more geographic areas for separate consideration. A similar diversity of opinion exists on whether the questions of public convenience and necessity and the fitness of the individual applicants should be heard together or separately, and if separately, which should precede the other. Also, there are suggestions to the effect that this proceeding be limited to applicants who now hold interim operating authority as supplemental air carriers and that all other applications be set for separate hearing and disposition.

After giving due weight to all of the views expressed, we have concluded that the public interest would best be served by hearing all applications on both public convenience and necessity and fitness questions in a single consolidated proceeding. If the applications were compartmentalized for separate consideration in terms of such matters as issues, geographic scope, and type of applicant, some benefits would be achieved, particularly from the standpoint of narrowing the questions to be resolved at any one time. However, these applications raise common and interrelated problems which in many respects transcend geographical divisions and can best be treated in broad perspective. All things considered, the single proceeding conducted with all issues present offers the procedural vehicle most likely to provide for a comprehensive and cohesive review of the future role of the supplemental air transportation industry, which is our primary task.

We consider it likely that the area approach would increase the total time necessary to process the applications. Moreover, the division of the applications on an area basis would require multiple participation by at least a majority of the applicants in two or more separate proceedings, since virtually all of them seek overseas and foreign as well as interstate authority, and this procedure might thus constitute a substantial drain on their energies and resources. From the standpoint of most of the applicants, the single proceeding in which all applications are heard would appear to provide the least costly and burdensome procedure.

As so constituted, the proceeding will encompass all applications to the extent that they request authority to engage in interstate, overseas, and foreign supplemental air transportation.[4] We are not persuaded that anything is to be gained here by segregating public convenience and necessity and fitness issues for separate hearing and decision. On the contrary, in the circumstances of the present proceeding, we believe that the Board would benefit from the ability to assess public convenience and necessity in the light of data concerning the operating plans, financial status, and other attributes of the fitness of particular applicants. Nor do we find any sound basis for excluding from participation in this proceeding any of the three categories of applicants desiring supplemental air transportation authorizations—new applicants, applicants holding interim authority, and those denied interim authority. Except to the extent that particular applicants may be affected by the outcome of pending cases, it would appear that all should be entitled to prosecute their applications herein.[5]

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to mean "charter trips in air transportation, other than the transportation of mail by aircraft, rendered pursuant to a certificate of public convenience and necessity issued pursuant to section 401(d)(3) of this Act to supplement the scheduled service authorized by certificates of public convenience and necessity issued pursuant to sections 401(d)(1) and (2) of this Act."

[3] Some applications are, however, clearly subject to severance. Included in this category are the applications of Edde in Docket 14044 and World in Dockets 14539 and 14530, which in substance seek certification under other provisions of section 401(d).

[4] As urged by some of the parties, we will not, however, consider herein issues related to civil passenger charter authority in the transatlantic area. Such issues are under consideration in the Transatlantic Charter Investigation, Docket 11908 et al., and no reason is apparent to relitigate them in this proceeding. The Board's decision in the Charter Investigation was served on March 3, 1964 (Orders E–20530 and 20531).

[5] By Order E–19009, dated Nov. 14, 1962, the Board, among other things, set the 401 (d) (3) applications of the following carriers for hearing, with the direction that the question of fitness, willingness, and ability be heard and decided before any remaining issues: Air Cargo Express, Inc. (ACE), d.b.a. Columbia Airlines (Docket 13894 and 13895); Airline Transport Carriers, Inc., d.b.a. California-Hawaiian Airlines (13884 and 13885); Blatz Airlines, Inc. (13871 and 13872); Paramount Airlines, Inc. (13897 and 13990); Quaker City Airways, Inc. d.b.a. Admiral Airways, Inc. (13877 and 13878); and World Wide Airlines, Inc. (13904 and 13905). Subsequently, Airline Transport Carriers, Blatz, and Paramount were found unfit for permanent certification and their applications were therefore denied in their entirety (Orders E–20227 and 20228, served Dec. 3, 1963, E–20474 and E–20475, served Feb. 14, 1964, and E–20263 and E–20264, served Dec. 16, 1963); and prehearing conferences on the ACE and World Wide applications were indefinitely postponed at the request of the applicants, while further procedural steps with respect to Admiral were postponed pending Board decision in the Paramount case. If the latter three carriers desire to further prosecute their applications, it will be incumbent upon them to make that desire known by an appropriate filing within the period allowed for requesting reconsideration of this order, after which the Board will prescribe the appropriate further procedures.

Several of the parties have suggested that once the Board has set the scope of this proceeding and acted upon related procedural questions, further procedural steps should be held in abeyance until after final decision in the Transatlantic Charter Investigation, Docket 11908 et al. and in the rulemaking proceeding in Docket 14148.[6] The proponents point out that at issue in the Charter Investigation are questions such as market size, liberalization of the charter rules, and whether the applicants therein will be treated as a class, all of which could have a bearing on the future course of this proceeding. Further, the possible amendments to Part 207 involved in Docket 14148 might have a major effect on the size of the charter market realistically available to the supplemental air carriers. It is asserted that for these reasons the deferment suggested would permit the development of a more meaningful record.

While there is substantial merit to this suggestion, there are countervailing factors to be considered. Since the Board's decision in the Charter Investigation has been issued, any pertinent principles to be gleaned from that proceeding are now available subject, of course, to the normal procedures with respect to petitions for reconsideration. The time of final decision in Docket 14148 is presently undetermined, and awaiting its final outcome could mean a substantial further delay in the process of hearing and deciding the present applications—a process which, under the most favorable conditions, will be protracted. Moreover, while the decisions rendered in the Charter Investigation and Docket 14148 may be useful in the conduct of this proceeding, they can serve only as guides and will not preclude the applicants herein from contending for the use of different rules, standards and concepts in the disposition of their applications. In addition, we cannot overlook the distinct element of public interest in avoiding unnecessary delay in disposing of the applications of carriers who have long sought the stability which would flow from permanent status. Balancing all of these considerations, we believe the better course is to move forward with this proceeding at this time.

Included in some of the filings are requests that the Board establish ground rules for the trial of this proceeding on a variety of questions, such as the scope of new authorizations that might be granted, the standards of fitness to be applied, and the type of limitations that might be imposed to assure that operations are truly supplemental in nature. These questions go beyond considerations of procedure and involve matters of substance which the Board should not undertake to decide in advance of development and evaluation of the record.

For example, the scope of permissible operations will be governed in large measure by the meaning ascribed "charter", a term undefined in the Act. As in the case of the Transatlantic Charter Investigation, the parties herein will be free to urge their own constructions of the term as it should be applied to any awards for supplemental air transportation. Similarly, in the Large Irregular Air Carrier Investigation, the Board made its views known in some detail on considerations affecting fitness. The question of whether and to what extent the standards heretofore applied must or should be changed or modified in the light of the Court's decision in the United case[7] and the enactment of Public Law 87–528 is a matter to be litigated in this proceeding.

In the course of processing the applications for interim operating authority pursuant to Public Law 87–528, the Board reviewed, insofar as pertinent here, the fitness of some 23 carriers, granting interim authority to 15 carriers and denying it to the remaining 8. The Bureau of Economic Regulation (Bureau) proposes that, as to the scope of the fitness issues in the present proceeding, the Board's decisions on the interim applications should "as a matter of policy be deemed res judicata" with respect to events which occurred prior to the interim proceedings. In view of the fact that those decisions were related to the grant of interim authorizations and were not based on a hearing record, we are not prepared to treat the interim decisions as res judicata.

A petition for leave to intervene has been filed on behalf of 11 certificated route carriers,[8] and the petition is opposed by Modern, Saturn, and World. Modern asserts that no facts or circumstances have been demonstrated which warrant intervention, particularly since petitioners are not themselves engaged in supplemental air transportation. Saturn takes the position that intervention by these carriers should be limited to specific areas in which they have a legitimate interest. World charges that the petitioners have entered into a conspiracy to drive the supplemental air carriers out of business, and that in furtherance of that conspiracy they have entered into various agreements subject to section 412 of the Act which have not been filed with the Board for approval.

World concludes that intervention should be denied on the grounds that petitioners "are law violators and come into this case with unclean hands and the real purpose of said carriers is to monopolize air transportation."

We find that petitioners have sufficient competitive interest to warrant intervention and that their participation may reasonably be expected to assist in the development of a sound record. Petitioners possess extensive authority to provide charter services without regard to the points named in their certificates. For the most part, the applications herein are equally broad in scope, so that limiting petitioners' participation to specific areas is not practicable. However, we expect petitioners to utilize joint presentations and joint representation to the maximum extent deemed feasible by the examiner, and the use of multiple counsel is to be avoided. These steps will go far in simplifying the record and expediting the conduct of the proceeding.[9]

The contentions of World are without merit. No facts are set forth in support of the carrier's allegations, and if such facts exist, there are ample procedures available by which World may seek to have them brought on in appropriate fashion for consideration by the Board. Unsupported charges of this nature, however, provide no sound basis for withholding intervention.

On the matter of intervention, we note that while the American et al. and Flying Tiger petitions are directed to the consolidated proceeding, other carriers and persons previously have filed petitions for leave to intervene with respect to many of the individual applications being consolidated herein. All such persons are placed on notice that if they desire to seek leave to intervene in this proceeding as now constituted, it will be necessary for them to file new petitions within the time limits prescribed by the Board's rules of practice.

One further procedural matter requires comment. The applications here under consideration, which were responsive to amendments to the Act made by Public Law 87–528, have been on file for over a year, and by the notice process preceding the issuance of this order all interested persons have been given a full opportunity to comment upon the principal factors involved in establishing this proceeding. Under these circumstances, there is no necessity for providing an extensive further period for the filing of new applications, motions to consolidate, or other requests addressed to the issues. Our order will therefore provide an accelerated cutoff date for the filing of such documents, after which no such further filings will be entertained. The period for filing petitions for reconsideration of this order will be coextensive with the cutoff date thus established.

All other motions and answers have been fully considered and have been found not to require comment or action by the Board.

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[6] Docket 14148 is concerned with revisions in Part 207 of the Economic Regulations which may be necessary or desirable as the result of section 3 of Public Law 87–528, which ammended section 401(e) of the Act so as to grant certificated all-cargo route carriers the statutory right to engage in passenger charters subject to regulations prescribed by the Board.

[7] United Air Lines, Inc., v. C.A.B., 278 F. 2d 446 (1960), vacated sub nom. All American Airways, et al. v. United Air Lines, et al., 364 U.S. 297 (1960).

[8] American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

[9] For similar reasons we will grant the petition for leave to intervene filed by The Flying Tiger Line Inc., which is opposed by Saturn.

Accordingly, it is ordered, That:

1. The following applications be and they hereby are consolidated for hearing and decision in this proceeding to the extent that they request certificates of public convenience and necessity for supplemental air transportation pursuant to section 401(d)(3) of the Act: AAXICO Airlines, Inc., Dockets 13795 and 13796; American Flyers Airline Corp., Docket 13860, 13861, and 13862; California Air Charter, Inc., Dockets 13886 and 13887; Capitol Airways, Inc., Dockets 13863, 13864, and 13865; Conner Air Lines, Inc., Dockets 13874 and 13875; Coral Airlines, Dockets 14372 and 14382; East Coast Flying Service, Inc., Docket 14464; Imperial Airlines, Inc., Dockets 13929 and 13930; Johnson Flying Service, Inc., Dockets 13867 and 13868; Marshfield Airways, Inc., Docket 14284; Modern Air Transport, Inc., Dockets 13857 and 13858; Overseas National Airways, Inc., Dockets 13881 and 13882; Purdue Aeronautics Corp., Dockets 13798 and 13799; Richard D. Neumann, Dockets 13888 and 13889; Saturn Airways, Inc., Dockets 13853 and 13854; Sourdough Air Transport, Inc., Dockets 13820 and 13821; Southern Air Transport, Inc., Dockets 13818 and 13819; Standard Airways, Inc., Dockets 13816 and 13817; Trans International Airlines, Dockets 13835 and 13836; Transocean Air Lines, Dockets 13921 and 13922; U.S. Overseas Airlines, Inc., Dockets 13906 and 13907; Vance Roberts, Dockets 13827 and 13828; World Airways, Inc., Dockets 13811 and 13812; and Zantop Air Transport, Inc., Dockets 13912 and 13913;

2. The following applications be and they hereby are severed from this proceeding: Edde Airlines, Inc., Docket 14044; World Airways, Inc., Dockets 14529 and 14530; and World Wide Airlines, Inc., Dockets 13904, 13905, 13915 and 13916;

3. Order E-19009, dated November 14, 1962, be and it hereby is vacated insofar as it deferred action on portions of the petition of World Wide for reconsideration of Order E-18877 and consolidated the petition, as deferred, with proceedings on the carrier's applications for certificates of public convenience and necessity in Dockets 13904 and 13905, and the said petition of World Wide for reconsideration of Order E-18877 and its applications in Dockets 13915 and 13916 be and there hereby are denied in their entirety;

4. Petitions for reconsideration of this order, motions to consolidate applications, and all other requests addressed to the issues shall be filed within twenty (20) days after the date of service of this order, and no further such petitions, motions, or requests filed thereafter will be entertained;

5. Answers to the petitions, motions, and requests described in ordering paragraph 4 hereof shall be filed within ten (10) days after the expiration of the period provided for the filing of such petitions, motions, and requests;

6. The persons having applications listed in ordering paragraph 1 hereof be and they hereby are made parties to this proceeding;

7. The petitions for leave to intervene filed by the Flying Tiger Line Inc. and on behalf of American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., be and they hereby are granted;

8. To the extent not granted herein, all motions and requests be and they hereby are denied;

9. This proceeding shall be set down before an examiner of the Board for further proceedings in conformity with the provisions of this order; and

10. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2633; Filed, Mar. 17, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15371]

MIKE HIOTT

Order To Show Cause

In the matter of Mike Hiott, Round "O", South Carolina, Docket No. 15371; order to show cause why there should not be revoked the license for Radio Station 6Q1698 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated December 10, 1963, alleging violation of § 19.61(a) (now § 95.81(a)) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 26, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, that licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued.

It is ordered, This 12th day of March 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of Round "O", South Carolina.

Released: March 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2635; Filed, Mar. 17, 1964; 8:50 a.m.]

[Docket No. 15369]

CHARLES A. LITTLE

Order To Show Cause

In the matter of Charles A. Little, Grand Rapids, Michigan, Docket No. 15369; order to show cause why there should not be revoked the license for Radio Station KHI-3883 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated January 2, 1964, alleging violation of § 95.81(a) (formerly § 19.61(a)) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated January 21, 1964, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 12th day of March 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of 7064 Buchanan SW., Grand Rapids, Michigan.

Released: March 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2636; Filed, Mar. 17, 1964; 8:50 a.m.]

[Docket No. 8218 etc.; FCC 64M-217]

NORTHWESTERN INDIANA RADIO CO., INC., ET AL.

Order Advancing Date of Prehearing Conference

In re applications of Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, Docket No. 8218, File No. BP-5574; Anthony Santucci, Robert Jones, Kenneth Berres, Albert Geller and Gabriel Aprati d/b as Valley Broadcasting, Kankakee, Illinois, Docket No. 15359, File No. BP-15459; Merlin J. Meythaler, Merton J. Gonstead, Rex N. Eyler and James B. Goetz, d/b as Livingston County Broadcasting Company, Pontiac, Illinois, Docket No. 15360, File No. BP-15470; for construction permits.

The Hearing Examiner having for consideration the Order of the Chief Hearing Examiner released herein on March 11, 1964.

It is ordered, This 12th day of March 1964, on the Hearing Examiner's own motion, that the prehearing conference herein now scheduled for April 15, 1964, is advanced to April 13, 1964, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: March 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2637; Filed, Mar. 17, 1964; 8:50 a.m.]

[Docket No. 15370]

RAYMOND G. PARMITER

Order To Show Cause

In the matter of Raymond G. Parmiter, Longmont, Colorado, Docket No. 15370; order to show cause why there should not be revoked the license for Radio Station KGB-0234 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated December 3, 1963, alleging violation of § 95.45 (formerly § 19.33) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated January 6, 1964, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 12th day of March 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of Box 805, Longmont, Colorado.

Released: March 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2638; Filed, Mar. 17, 1964; 8:50 a.m.]

[Docket Nos. 15326-15328; FCC 64M-216]

SPRINGFIELD TELEVISION BROADCASTING CORP. ET AL.

Order Continuing Hearing

In re applications of Springfield Television Broadcasting Corporation, Toledo, Ohio, Docket No. 15326, File No. BPCT-3157; D. H. Overmyer, Toledo, Ohio, Docket No. 15327, File No. BPCT-3173; Producers, Inc., Toledo, Ohio, Docket No. 15328, File No. BPCT-3178; for construction permits for new Television Broadcast Stations.

A prehearing conference in the above-entitled matter having been held on March 11, 1964, and it appearing from the record made therein that certain agreements were reached which properly should be formalized by order:

It is ordered, This 11th day of March 1964 that:

(1) All exhibits to be offered in evidence in the presentation of direct affirmative cases shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on May 4, 1964;

(2) The hearing herein presently scheduled to commence on April 20, 1964 is continued to May 11, 1964.

Released: March 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2639; Filed, Mar. 17, 1964; 8:51 a.m.]

[Docket No. 15373; FCC 64-203]

WHITNEY TELEPHONE ANSWERING SERVICE

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Helen J. Monaco, d/b as Whitney Telephone Answering Service, Docket No. 15373, File No. 4028-C2-P-63; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Hamden, Connecticut.

1. The Commission has before it an application filed February 19, 1963 by Helen J. Monaco, d/b as Whitney Telephone Answering Service (Whitney), to establish new two-way and one-way communications services, utilizing a base station frequency of 152.12 Mc/s and a mobile station frequency of 158.58 Mc/s, in the Domestic Public Land Mobile Radio Service at Hamden, Connecticut; and a Petition To Designate For Hearing Or To Deny, filed on September 16, 1963 by Connecticut Radio Foundation, Inc. (Connecticut), licensee of station KCC479 in the Domestic Public Land Mobile Radio Service at New Haven, Connecticut.

PETITION TO DESIGNATE FOR HEARING OR TO DENY

2. Connecticut is the licensee of station KCC479 in New Haven, Connecticut, and provides two-way and one-way communications common carrier services. Whitney's proposed operation will serve substantially the same area that the petitioner now serves.[1] Connecticut argues that it has standing to protest the application and in support thereof alleges that a grant of said application will cause economic injury to petitioner by reducing its revenues and limiting the further expansion of its service, and that it has sustained an operating loss in four of the five years of its operation. Pe-

[1] Whitney's application and exhibits show a contemplated primary service area which includes Hamden, New Haven, North Haven, West Haven, East Wallingford, and Woodbridge.

titioner also alleges, in effect, that there is insufficient demand for common carrier services in the New Haven area to justify the operation of two carriers; and that the authorization of another carrier would result in destructive competition and the possible demise of both carriers.

3. Connecticut alleges "that Whitney has and is also doing business under the name of 'Hamden Telephone Answering Service'" (Hamden) and that neither Whitney nor Hamden "has ever been authorized by the Commission to render a communications service for hire." Connecticut submitted "a reproduction of an advertisement which appears on page 325 of the New Haven, Connecticut, Telephone Directory published by The Southern New England Telephone Company on October 11, 1962, almost three months prior to the filing of the Whitney application." In this exhibit the address of the Hamden Telephone Answering Service is the same as that listed for Whitney (247 Still Hill Road, Hamden, Connecticut) and Hamden announces therein "a New Service—Mobile Communications Service" and pictorially illustrates a radio communications service to vehicles. Connecticut further alleges that its investigation has indicated the presence of: "• • • an unauthorized communications service for hire at 247 Still Hill Road, Hamden, Connecticut, during 1962 and during the winter and spring months of 1963. It is believed that such operation was engaged in by Service Associates of Connecticut, Inc. (a licensee in the Safety and Special Radio Services authorized to operate on the Business Radio Frequency 161.655 [sic] megacycles to render service to members on a nonprofit, cost-sharing basis), through the dispatching facilities of Hamden Telephone Answering Service."

In addition, Connecticut quotes from a January 2, 1963 Commission letter to Service Associates of Connecticut, Inc., which states in part as follows: "Inspection of your station indicates that the control point authorized at 247 Still Hill Road is located in the offices of Hamden Telephone Answering Service. Further it appeared that you did not exercise the control required of a licensee in that your calls were placed through the telephone answering service utilizing their control points."

Further, Connecticut alleges that "On April 7, 1963 the control point of Service Associates was located at 247 Still Hill Road, Hamden, Connecticut as the Commission files will reflect" and states: "• • • that even after its application for common carrier facilities was signed, Whitney was still involved in a communications operation in violation of the Commission's rules and concerning which the Commission has made official inquiry."

Connecticut concludes that a complete investigation may reflect unfavorably upon Whitney's qualifications to be a radio licensee and requests that if the application is designated for hearing, an issue relating to the applicants character qualifications should be included.

4. Connecticut also requests that an issue be included "to determine the nature and extent of the interference which would be caused by the proposed service to the operation of co-channel station KED349, Somers, New York." However, Connecticut has not submitted any engineering or other factual data to support the possibility of co-channel interference and the licensee of station KED349 has not filed a protest to the reference application.

DISPOSITION

5. Connecticut is an established radio common carrier licensee offering similar services in the same general area as those proposed by Whitney. Connecticut's uncontroverted allegations that the proposed facilities will be in direct competition with its existing facilities in support of its contention that such competition will result in serious economic injury to it gives Connecticut standing to protest Whitney's applications. Furthermore, Connecticut's allegations that there is insufficient public demand to support the operation of two carriers in the New Haven area and that the destructive competition ensuing from a grant of Whitney's application would lead to the demise of both carriers are sufficient to raise an issue as to whether a grant of Whitney's application would serve the public interest, convenience and necessity. Additionally, the failure of the applicant to show that existing facilities in the area can not satisfy current demands for new service augments the need for a hearing to determine whether a grant of the instant application will result in a wasteful duplication of common carrier facilities.

6. Connecticut has also made allegations concerning possible unauthorized communications services by Whitney, which, if true, may reflect unfavorably upon the applicant's qualifications to be a licensee in the Domestic Public Land Mobile Radio Service. Furthermore, Whitney has not contested said allegations. We find that the allegations concerning unauthorized common carrier operations require full and careful consideration in reaching a final determination on Whitney's application.

7. In view of the lack of factual allegations regarding potential interference, we find no justification for an issue concerning possible co-channel interference between applicant's proposed facilities and the facilities of station KED349.

8. It appears that § 21.504 of the rules and regulations of the Commission describes a median field strength of 37 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in two-way communications service and a median field strength contour of 43 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in one-way signaling service. It further appears that the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F 50,50) contours of the facilities involved in this proceeding.

9. Further, we find that except for the issues herein specified, the applicant is financially, technically, legally and otherwise qualified to render the services it has proposed.

10. Accordingly, in view of our conclusions in paragraphs 5 through 9 inclusive, and in order to carry out the intent of Congress with respect to section 309(e) of the Communications Act of 1934, as amended:

It is ordered, That pursuant to the Communications Act of 1934, as amended, the captioned application is designated for hearing, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the nature and extent of the services proposed by the applicant, Helen J. Monaco, d/b as Whitney Telephone Answering Service, including the rates, charges, practices, personnel, classifications, regulations and facilities pertaining thereto.

(b) To determine the nature and extent of the services currently offered by petitioner, Connecticut Radio Foundations, Inc., including the rates, charges, practices, personnel, classifications, regulations and facilities pertaining thereto.

(c) To determine the areas and populations which may be expected to receive services from the facilities proposed by the applicant, within its 37 dbu (two-way) and 43 dbu (one-way) contours, determined in accordance with the standards set forth in paragraph 8 above; and to determine the need for such service in the said areas.

(d) To determine the areas and populations which may be expected to receive services from station KCC479 within its 37 dbu (two-way) and 43 dbu (one-way) contours, determined in accordance with the standards set forth in paragraph 8 above; and to determine the present use and demand for such services in the said areas, and the subscriber capacity of the said system.

(e) To determine the nature and extent of any unauthorized radio communications activities currently or heretofore engaged in by the applicant.

(f) To determine, in the light of the evidence adduced on all the foregoing issues, whether or not, and under what conditions, the public interest, convenience or necessity would be served by a grant of the subject application:

11. *It is further ordered*, That the burden of proof on issues (a), (c), and (f) is placed on the applicant; and the burden of proof on issues (b), (d), and (e) is placed on the petitioner; and

12. *It is further ordered*, That Connecticut Radio Foundation, Inc. is made a party to the proceedings herein;

13. *And it is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: March 11, 1964.

Released: March 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2640; Filed, Mar. 17, 1964; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order No. 1; Amdt. 6]

ORGANIZATION AND FUNCTIONS

The purpose of this amendment is to assign to the Managing Director the responsibility for (a) the managerial direction and coordination of the organizations and activities of the Office of the Secretary, Office of the Hearing Examiners and the Office of the General Counsel; and (b) the direction and administration of the organization and activities of Office of International Affairs.

Accordingly, section 3 of the basic order is hereby amended in its entirety, current Section 5.07 is renumbered to 5.06 and amended, and current Section 5.06 is renumbered to 5.069.

SEC. 3. *Lines of responsibility.*

3.01 The Managing Director shall be responsible to and report to, the Chairman, Federal Maritime Commission.

3.02 The Office of the Secretary, Office of Hearing Examiners and Office of the General Counsel shall report to the Chairman, subject to the managerial direction and coordination of the Managing Director. The Managing Director shall, with respect to the activities of such offices, (1) coordinate the development and execution of major programs, policies, plans and projects to accomplish objectives established by the Chairman and/or the Commission; (2) determine work priorities and schedule the flow of work to meet such priorities; (3) review program and activity progress and otherwise maintain surveillance to assure the accomplishment of programs and projects of major importance.

3.03 The Office of Administration, Office of Information Services, Office of International Affairs and the Bureau of Foreign Regulation, Bureau of Domestic Regulation, Bureau of Hearing Counsel, Bureau of Investigation, Bureau of Financial Analysis and the Offices of the District Managers shall be responsible to, and report to, the Managing Director.

SEC. 5. *Specific Functions of the Organizational Components of the Federal Maritime Commission.*

5.06 The *Managing Director* directs and administers the organizations and activities as enumerated in subsections 5.061 through 5.069 below; provides managerial administrative direction to, and effects work coordination with, the Office of the General Counsel, Office of the Secretary, Office of Hearing Examiners; and assists, advises, and consults with the Chairman and/or the Federal Maritime Commission in the performance of major executive functions; directs general administrative activities.

(Subsections 5.061 through 5.069 continue in effect without change)

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Ret.),
Chairman.

FEBRUARY 28, 1964.

[F.R. Doc. 64-2625; Filed, Mar. 17, 1964; 8:49 a.m.]

No. 54——4

FEDERAL POWER COMMISSION

[Docket No. G-20176, etc.]

ANADARKO PRODUCTION CO.

Notice of Applications for Certificates of Public Convenience and Necessity [1]

MARCH 10, 1964.

Take notice that Anadarko Production Company (Applicant) has filed a number of applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale of natural gas in interstate commerce as set forth in the tabulation which is appended hereto, and as more fully set forth in the respective applications and any amendments or supplements thereto, which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and filing date	Field and location	Purchaser	Initial price per Mcf and psia pressure base	Related rate schedule No.	Related rate schedule Supp.
G-20176 (A-11-18-59)	Mocane Field, Beaver County, Okla.	Colorado Interstate Gas Co.	15.0 cents at 14.65.	10 and 1-8	
(8-7-61)*				10	9
(12-13-63)*				10	10
G-20177 (A-11-18-59)	Greenwood Field, Morton County, Kans.	Colorado Interstate Gas Co.	16.0 cents at 14.65.	8 and 1-9	
(8-7-61)*				8	10
(12-13-63)*				8	11
G-20178 (A-11-18-59)	Greenwood Field, Morton County, Kans.	Colorado Interstate Gas Co.	16.0 cents at 14.65.	12	
(B-8-1-60)	(Additional acreage)			12	1
(8-7-61)*				12	2
G-20179 (A-11-18-59)	Keyes Field, Cimarron and Texas Counties, Okla.	Colorado Interstate Gas Co.	16.0 cents at 14.65.	13	
(18-7-61)*				13	1
(12-13-63)*				13	2
G-20180 (A-11-18-59)	Mocane Field, Beaver County, Okla.	Colorado Interstate Gas Co.	15.0 cents at 14.65.	11 and 1-4	
(B-6-24-60)	(Additional acreage)			11	5
(8-7-61)*				11	6
G-20181 (A-11-18-59)	Southwest Camp Creek Field, Beaver County, Okla.	Colorado Interstate Gas Co.	15.0 cents at 14.65.	9 and 1-7	
(8-7-61)*				9	8
C160-486 (A-4-18-60)	Boyer Field, Meade County, Kans.	Panhandle Eastern Pipe Line Co.	15.0 cents at 14.65.	14 and 1-3	
(8-7-61)*				14	4
C160-765 (A-6-15-60)	Glenwood Area, Beaver County, Okla.	Panhandle Eastern Pipe Line Co.	17.0 cents at 14.65.	16 and 1	
C160-823 (A-6-27-60)	Singley and Talogn Fields, Morton County, Kans., and Carthage and North West Eva Fields, Texas County, Okla.	do	16.0 cents at 14.65.	18 and 1	
(B-10-2-61)	(Additional acreage)			18	2
(B-2-23-62)	(Additional interest)			18	3
C161-61 (A-7-14-60)	Mocane Gas Area, Beaver County, Okla.	Panhandle Eastern Pipe Line Co.	17.0 cents at 14.65.	22 and 1	
C161-542 (A-10-10-60)	Davies Area Field, Seward County, Kans.	do	16.0 cents at 14.65.	26	

Filing Code: A—Initial service certificate application.
B—Application to amend pending certificate application.
C—Application to amend certificate by adding acreage.
D—Application to amend certificate by deleting acreage.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and filing date	Field and location	Purchaser	Initial price per Mcf and psia pressure base	Related rate schedule No.	Related rate schedule Supp.
CI61-654 (A-10-31-60)	Interstate Field, Morton County, Kans.	Panhandle Eastern Pipe Line Co.	16.0 cents at 14.65.	28	
(B-2-21-61)	(Additional interests)				
(B-4-28-62)	(Additional interest)				
CI61-708 (A-11-2-60)	Eva Area Field, Texas County, Okla.	Panhandle Eastern Pipe Line Co.	16.0 cents at 14.65.	31 and 1	
CI62-872 (A-12-7-60)	Mocane Field, Beaver County, Okla.	do	16.0 cents at 14.65.	35	
CI61-873 (A-12-7-60)	Greenwood Field, Morton County, Kans.	do	16.0 cents at 14.65.	34	
(B-4-28-62)	(Additional acreage)			34	1
CI61-963 (A-12-13-60)	Panoma Gas Field, Stevens, Morton and Seward Counties, Kans.	Panhandle Eastern Pipe Line Co.	14.0 cents at 14.65.	36 and 1	
CI61-964 (A-12-27-60)	North Richland Center and South Hovey Fields, Texas County, Okla.	do	17.0 cents at 14.64.	37 and 1-2	
CI61-1565 (A-4-24-61)	North Richland Center and Northeast Postle Fields, Texas County, Okla.	do	17.0 cents at 14.65.	40	
(B-7-10-61)	(Additional acreage)			40	1
CI61-1617 (A-5-10-61)	Carthage, Reiss, Topeka Area, Texas County, Okla.	Panhandle Eastern Pipe Line Co.	16.0 cents at 14.65.	41	
(B-7-5-61)	(Additional acreage)			41	1
(B-9-13-61)	(Additional acreage)			41	2
CI61-1618 (A-5-10-61)	Greenwood Field, Morton County, Kans.	Panhandle Eastern Pipe Line Co.	16.0 cents at 1465.	42	
(B-9-18-61)	(Additional acreage)			42	1
CI-61-1758 (A-6-15-61)	Liberal, Light and Mocane Fields, Beaver County, Okla.	Panhandle Eastern Pipe Line Co.	17.0 cents at 14.65.	44	
(B-6-30-61)	(Additional acreage)			44	1
CI62-431 (A-10-25-61)	Hugoton Field, Stevens County, Kans.	Panhandle Eastern Pipe Line Co.	11.0 cents at 14.65.	54 and 1	
CI62-827 (A-1-25-62)	Greenough N.E. Field, Beaver County, Okla.	do	16.0 cents at 14.65.	58 and 1	
(B-3-12-62)	(Additional acreage)			58	2
CI62-834 (A-1-25-62)	Light-Oklahoma Field, Beaver County, Okla.	Panhandle Eastern Pipe Line Co.	17.0 cents at 14.65.	57 and 1	
CI62-846 (A-1-29-62)	Mocane Field, Beaver County, Okla.	Panhandle Eastern Pipe Line Co.	17.0 cents at 14.65	59 and 1	
CI62-928 (A-2-12-62)	North Hardesty Field, Texas County, Okla.	do	16.4 cents at 14.65	60	
CI62-1307 (A-5-7-62)	Mocane Field, Beaver County, Okla.	do	17.0 cents at 14.65	61 and 1	
CI62-1325 (A-6-22-62)	Northeast Postle Area, Texas County, Okla.	do	17.0 cents at 14.65	62	
CI62-1546 (A-6-25-62)	Mocane Area, Beaver County, Okla.	do	17.0 cents at 14.65	63	
(B-7-23-62)	(Corrects contract summary)			63	1
CI63-86 (A-7-20-62)	Carthage, Reiss Roaldin Fields, Texas County, Okla.	Panhandle Eastern Pipe Line Co.	16.0 cents at 14.65	67	
CI63-94 (A-7-23-62)	Richfield Field, Morton County, Kans.	do	16.0 cents at 14.65	65 and 1	
CI63-288 (A-9-4-62)	Light Field, Beaver County, Okla.	do	17.0 cents at 14.65	69 and 1	

*Supplement Rate to Schedule.

[F.R. Doc. 64-2528; Filed, Mar. 17, 1964; 8:45 a.m.]

[Docket No. CP64-180]

AMERICAN LOUISIANA PIPE LINE CO.

Notice of Application

MARCH 11, 1964.

Take notice that on February 13, 1964, American Louisiana Pipe Line Company (Applicant) One Woodward Avenue, Detroit, Michigan, 48226, filed in Docket No. CP64-180 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period following June 12, 1964, and the operation of gas purchase facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $2,000,000 and no single project will exceed a cost of $500,000. The application states that the proposed facilities will be financed with cash generated from operations, and that it will not be necessary to undertake any new financing for this purpose.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2603; Filed, Mar. 17, 1964; 8:46 a.m.]

[Docket Nos. RI64-642, etc.]

BAYVIEW OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 11, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made

[1] Does not consolidate for hearing or dispose of the several matters herein.

effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 23, 1964.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-642	Bayview Oil Corp., 2300 Republic National Bank Bldg., Dallas 1, Tex.	8	5	El Paso Natural Gas Co. (Gallegos Canyon Field, San Juan County, N. Mex.) (San Juan Basin Area).	$233	2-11-64	[3] 3-13-64	8-13-64	[4] 13.0495	[4] [5] 14.0578	RI64-1
RI64-643	Texaco Inc., P.O. Box 52332, Houston, Tex., 77052.	203	1	Northern Natural Gas Co. (Crossett Gasoline Plant, Upton County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	2,873	2-24-64	[6] 4-1-64	9-1-64	13.5789	[7] 14.5878	----------
RI64-644	The Atlantic Refining Co., P.O. Box 2819, Dallas, Tex., 75221.	172	8	Natural Gas Pipeline Co. of America (Guymon Hugoton Area, Tex. and Beaver Counties, Okla.) (Panhandle Area).	47	2-20-64	[3] 3-22-64	8-22-64	[4] 17.4	[7] [8] 17.6	RI63-359
	Do	223	3	Natural Gas Pipeline Co. of America (Northwest Dower Field, Beaver County, Okla.) (Panhandle Area).	90	2-24-64	[3] 3-26-64	8-26-64	[4] 17.4	[7] [8] 17.6	RI63-359
RI64-645	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa, Okla., 74102.	17	6	Phillips Petroleum Co. (West Panhandle Field, Moore County, Tex.) (R.R. District No. 10).	1,341	2-18-64	[6] 4-1-64	9-1-64	[9] [10] 12.1182	[7] [8] [10] 13.1248	RI60-215
RI64-646	Graham-Michaelis Drilling Co. (Operator), et al., 211 North Broadway, Wichita, Kans.	33	8	Colorado Interstate Gas Co. (Keyes Field, Texas County, Okla.) (Panhandle Area).	1,051	[11] 2-10-64	[3] 3-12-64	8-12-64	[9] [10] 16.096	[7] [8] [10] 17.102	----------
RI64-647	Thomas N. Berry & Company (Operator), et al., P.O. Box 111, Stillwater, Okla.	1	2	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Oklahoma Panhandle Area).	2,128	2-24-64	[3] 3-26-64	8-26-64	[9] [10] 17.145	[7] [8] [10] 18.464	----------
RI64-648	The Bradley Producing Corp., 313 North Main Street, Wellsville, N.Y.	1	8	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Oklahoma Panhandle Area).	295	2-24-64	[6] 5-10-64	10-10-64	[4] 17.4	[7] [8] 17.6	RI63-405
	do	2	8	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Oklahoma Panhandle Area).	25	2-24-64	[3] 3-26-64	8-26-64	[4] 17.4	[7] [8] 17.6	RI63-405
	do	3	8	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Oklahoma Panhandle Area).	32	2-24-64	[3] 3-26-64	8-26-64	[4] 17.4	[7] [8] 17.6	RI63-405
RI64-649	Carl Oil, et al., Hawn Building, P.O. Box 876, Corpus Christi, Tex.	5	3	Tennessee Gas Transmission Co. (Carmichael Field, Jackson County, Tex.) (R.R. District No. 2).	2,000	2-19-64	[3] 3-21-64	8-21-64	15.33333	[7] 16.33333	----------
	do	6	3	Tennessee Gas Transmission Co. (South Gabrysch Field, Jackson County, Tex.) (R.R. District No. 2).	2,000	2-19-64	[3] 3-21-64	8-21-64	15.33333	[7] 16.33333	----------

[3] The stated effective date is the first day after expiration of the required statutory notice.
[4] Periodic rate increase.
[5] Pressure base is 15.025 psia.
[6] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[7] The stated effective date is the effective date requested by Respondent.
[8] Pressure base is 14.65 psia.
[9] Subject to a downward Btu adjustment.
[10] Includes tax reimbursement.
[11] Sweet gas. Contract also contains separate pricing provisions for sour gas.
[12] Filing completed February 24, 1964.
[13] Includes base rate of 16.0 cents plus 0.096 cent upward Btu adjustment before increase and base rate of 17.0 cents plus 0.102 cent upward Btu adjustment after increase. Btu content is 1006.
[14] Subject to upward and downward Btu adjustment based on 1000 Btu's.
[15] Includes base rates of 15.0 cents plus 2.145 cents upward Btu adjustment before increase and 16.0 cents plus 2.464 cents upward Btu adjustment after increase based on 1,143 and 1,184 Btu's, respectively, shown in filing.

Bayview Oil Corporation requests an effective date of January 1, 1964, and The Atlantic Refining Company requests an effective date of March 21, 1964, for their proposed rate increases. Thomas N. Berry & Company (Operator), et al., request a retroactive effective date of July 17, 1963, for their proposed rate increase. The Bradley Producing Company requests an effective date of March 21, 1964, for its proposed rate increases contained in Supplements No. 8 to Bradley's FPC Gas Rate Schedules Nos. 2 and 3, respectively. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-2530; Filed, Mar. 17, 1964; 8:45 a.m.]

[Docket No. CP64-184]

EL PASO NATURAL GAS CO.

Notice of Application

MARCH 11, 1964.

Take notice that on February 19, 1964, El Paso Natural Gas Company ("El Paso"), a Delaware corporation, whose mailing address is P.O. Box 1492, El Paso, Texas, 79999, filed at Docket No. CP64-184, an application for a certificate of public convenience and necessity under 7(c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain minor facilities and the sale and delivery of natural gas for resale by use thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that El Paso proposes to construct, at a total estimated cost of $42,200, five (5) measuring and regulating stations and thirteen (13) mainline taps in order to accommodate routine natural gas requests received from seven (7) of its existing authorized resale customers. Natural gas proposed to be delivered to each of the resale customers through the proposed facilities will be resold to domestic, commercial, irrigation and industrial consumers.

The existing resale customers whom El Paso proposes to serve are as follows: The Tucson Gas, Electric Light and Power Company; Western Gas Service Company; Southern Union Gas Company; Arizona Public Service Company; California-Pacific Utilities Company; Northwest Natural Gas Company and Washington Natural Gas Company. The delivery facilities proposed in the application to serve these customers will

be situated at various points throughout El Paso's system. Facilities proposed to be constructed by the customers will consist of routine distribution facilities at an aggregate cost of $393,886.

The application states that during the three-year prospective period considered therein, peak day and annual natural gas requirements of the consumers proposed to be served will aggregate 4,071 Mcf and 675,853 Mcf, respectively.

The sales and deliveries which are the subject of the application are proposed to be made in accordance with and at rates contained in El Paso's existing FPC Gas Tariff.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 7, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2604; Filed, Mar. 17, 1964; 8:46 a.m.]

[Docket No. RI64-614]

FOREST OIL CORP.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates

MARCH 12, 1964.

On January 23, 1964, Forest Oil Corporation (Forest) filed with the Commission a proposed change in rate, from 14.189¢ to 15.189¢ per Mcf, designated as Supplement No. 2 to Forest's FPC Gas Rate Schedule No. 13 which pertains to its jurisdictional sales of natural gas from San Miguel Creek Field, McMullen County, Texas (R.R. District No. 1) to Transcontinental Gas Pipe Line Corporation. The Commission by order issued February 12, 1964, suspended Forest's proposed rate increase and deferred the use thereof for five months until August 10, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

On February 24, 1964, Forest tendered an amended rate increase filing, designated as Supplement No. 1 to Supplement No. 2 to Forest's FPC Gas Rate Schedule No. 13, to correct the tax reimbursement portion of the previous increased rate which was suspended by the Commission's order issued February 12, 1964, in Docket No. RI64-614. After revision to reflect the contractually provided for tax reimbursement, the proposed rate is 15.2025¢ per Mcf, with an increase in annual amount of $266.00 over the previously reported amount of $19,745, and exceeds the area ceiling for increased rates in Texas Railroad District No. 1, as did the previously suspended rate in said docket. Since Forest's corrective rate filing includes tax reimbursement, we believe that it would be in the public interest to accept the corrected rate filing and to amend our order issued February 12, 1964, to make such rate filing subject to the suspension proceeding in Docket No. RI64-614, with the suspension period of such corrective rate filing to terminate concurrently with the suspension period (August 10, 1964) ordered in said docket.

The Commission finds. Good cause exists for amending the Commission's order issued herein on February 12, 1964, in Docket No. RI64-614, to the extent hereinafter provided.

The Commission orders:

(A) Forest's increased rate filing, designated as Supplement No. 1 to Supplement No. 2 to Forest's FPC Gas Rate Schedule No. 13, is hereby accepted for filing subject to the suspension proceeding in Docket No. RI64-614. The suspension period for such rate filing shall terminate concurrently with the suspension period (August 10, 1964) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on February 12, 1964, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2605; Filed, Mar. 17, 1964; 8:47 a.m.]

[Docket No. RP64-24]

HOME GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 12, 1964.

Take notice that on March 6, 1964, Home Gas Company tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, to become effective as of March 1, 1964. The proposed changes reflect reductions in rates and charges in its Rate Schedules, CDS-1, CDS-PR, CDS-EPR and AOS-1.

The annual reduction in rate level is $53,705, based upon sales for the twelve months period ended December 31, 1963, and reflects the recent reduction in the corporate Federal income tax rate from 52 percent to 50 percent.

Copies of the proposed rate changes have been served by Home upon its customers and the New York Public Service Commission. Comments may be filed with the Commission on or before March 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2606; Filed, Mar. 17, 1964; 8:47 a.m.]

[Docket No. CP64-73]

UNITED FUEL GAS CO.

Notice of Application

MARCH 11, 1964.

Take notice that on September 26, 1963, United Fuel Gas Company (United), 1700 MacCorkle Avenue SE., Charleston, West Virginia, filed an application in Docket No. CP64-73, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, the sale and delivery of natural gas to Gas Transport, Inc. (Gas Transport), and the utilization of existing transmission pipeline facilities in the exchange of natural gas with Gas Transport, all as more fully set forth in the application on file with the Commission and open to public inspection.

United proposes to interconnect its 8-inch transmission pipeline with the 14-inch transmission pipeline of Gas Transport at a point of intersection near United's Rockport Compressor Station, Wood County, West Virginia, and to initiate the sale and delivery of 6500 Mcf of natural gas daily to Gas Transport utilizing existing measuring and regulating equipment.

United and Gas Transport propose to amend their transportation and exchange agreement so as to permit the continued delivery by United of 1500 Mcf exchange volumes at its Sandyville interconnection with Gas Transport simultaneously with the proposed sale of 6500 Mcf of natural gas to Gas Transport.

The estimated cost of the proposed facilities is $850 and will be defrayed from current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2607; Filed, Mar. 17, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-5090]

ALL STATE COMMODITY TRADERS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 12, 1964.

I. On November 18, 1963, All State Commodity Traders, Inc. (All State), 25 Broad Street, New York, N.Y., filed a notification pursuant to Regulation A in connection with a proposed offering of 30,000 shares of its 1 cent par value common stock at an offering price of $6 per share. The notification states that the proposed offering is to be made by officers and directors of All State who will receive no extra compensation or sales commissions.

All State is a New York corporation located at 25 Broad Street, New York, New York. According to the offering circular, it proposes to conduct a brokerage business for customers desiring to trade in the commodities market.

II. The Commission has reason to believe that:

The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

(1) Predecessors and promoters of All State;

(2) The consideration received by All State for stock issued prior to the filing of the notification;

(3) The proposed method of distribution of the securities;

(4) The financial statements of the issuer.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the presentation and consideration of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for a hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2594; Filed, Mar. 17, 1964; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

MARCH 12, 1964.

In the matter of trading on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange In the Common Stock, 10 cents par value and trading on the American Stock Exchange in the 6 percent Convertible Subordinated Debentures due September 1, 1976, of Continental Vending Machine Corporation; File No. 1-3421.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period March 13, 1964 through March 22, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2595; Filed, Mar. 17, 1964; 8:46 a.m.]

[File Nos. 8-9883, 24W-2579]

A. J. DAVIS CO. AND TRANSPORT INDUSTRIES, INC.

Order Consolidating Public Proceedings and Setting Date and Place of Hearing and Designating Hearing Officer

MARCH 12, 1964.

The Commission, by order dated January 9, 1964, instituted public proceedings pursuant to section 15(b) and 15A of the Securities Exchange Act of 1934 in the matter of A. J. Davis Company, 345 4th Avenue, Pittsburgh 22, Pennsylvania, and directed that a hearing for the purpose of taking evidence on the questions set forth in section 3 of said order be held at a time and place to be fixed and before a hearing officer to be designated by further order of the Commission. On January 23, 1964 the Commission issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the exemption under Regulation A of Transport Industries, Inc., 126 Pearl Street, Albion, Pennsylvania, and afforded to any person having any interest therein an opportunity to request a hearing. A written request of Transport Industries, Inc. for a hearing has been received by the Commission.

It appearing to the Commission that the aforesaid matters involve common questions of law and fact and that a consolidation of the hearings in these matters may tend to avoid unnecessary costs and delays:

It is ordered, That the public proceedings ordered January 9, 1964 pursuant to the Exchange Act in the matter of A. J. Davis Company be consolidated with the proceedings ordered January 23, 1964 pursuant to the Securities Act of 1933 in the matter of Transport Industries, Inc.:

It is further ordered, That a consolidated public hearing be held in these matters on May 6, 1964 at 10:00 a.m. in the main office of the Securities and Exchange Commission, 425 Second Street NW., Washington, D.C. before Irving Schiller, hearing officer, or such other hearing officer as the Commission may designate. Upon completion of the taking of evidence in this consolidated matter, the hearing officer will prepare a recommended decision pursuant to Rule

16(f) of the rules of practice of the Commission unless such decision is waived.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-2596; Filed, Mar. 17, 1964; 8:46 a.m.]

[File No. 24A-1470]

GREATER MIAMI INDUSTRIAL PARK, INC.

Order Canceling Hearing and Vacating Order Temporarily Suspending Regulation A Exemption

MARCH 12, 1964.

Greater Miami Industrial Park, Inc. (issuer), 310 Southeast Second Avenue, Miami, Florida, has filed a motion requesting that the Commission vacate its order dated September 13, 1962, which temporarily suspended that company's Regulation A exemption. A hearing on this matter has been ordered but, at the issuer's request, was postponed to allow time for the issuer to prepare and submit an Offer of Settlement pursuant to Rule VIII of the Commission's rules of practice.

The Commission accepted issuer's Offer of Settlement which provided that the issuer file a registration statement pursuant to the Securities Act of 1933, as amended, providing for an offer of rescission for the 115,000 shares previously sold under the Regulation A offering. Said registration became effective on January 30, 1964. Issuer has notified the Commission that 9,950 shares have been tendered for recission and that the offer has now been terminated.

Accordingly, it appearing that it is not in the public interest that issuer's motion be denied:

It is ordered, That the order dated September 13, 1962, temporarily suspending issuer's exemption under Regulation A be, and it hereby is, vacated.

It is further ordered, That the hearing in this matter is hereby canceled.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-2597; Filed, Mar. 17, 1964; 8:46 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

MARCH 12, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period March 13, 1964, through March 22, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-2598; Filed, Mar. 17, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 13, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Deviation No. 5) PRESTON TRUCKING COMPANY, INC., Preston, Md., filed March 5, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 50 and 301 and Maryland Highway 2 (near Annapolis, Md.) over U.S. Highways 50 and 301 to junction Maryland Highway 3, thence over U.S. Highway 301 to junction Virginia Highway 207, and thence over Virginia Highway 207 to junction U.S. Highway 1, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore over U.S. Highway 1 to Petersburg, Va., and thence over U.S. Highway 460 to Norfolk, Va., and return over the same route.

No. MC 2202 (Deviation No. 70) ROADWAY EXPRESS, INC., 1077 Gorge Blvd., Post Office Box 471, Akron, Ohio, 44309, filed February 27, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 69 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 12, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over Indiana Highway 67 to junction Indiana Highway 9, thence over Indiana Highway 9 via Anderson, Ind., to Marion, Ind., thence over Indiana Highway 15 to Wabash, Ind., thence over U.S. Highway 24 via Huntington, Ind., to Ft. Wayne, Ind., thence over U.S. Highway 27 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Interstate Highway 94, and return over the same route.

No. MC 2202 (Deviation No. 71), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, filed March 2, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Augusta, Ga., and Birmingham, Ala., over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Augusta over U.S. Highway 78 to Thompson, Ga., thence over U.S. Highway 278 to junction U.S. Highway 29, thence over U.S. Highway 29 to Atlanta, Ga., thence over U.S. Highway 78 to Austell, Ga., thence over U.S. Highway 278 to Gadsden, Ala., thence over U.S. Highway 411 to junction Alabama Highway 23, thence over Alabama Highway 23 to St. Clair, Ala., thence over U.S. Highway 11 to Birmingham, and return over the same route.

No. MC 8600 (Deviation No. 6), WERNER TRANSPORTATION COMPANY, 2601 32d Avenue, South, Minneapolis, Minn., filed February 24, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: Between Dayton and Cincinnati, Ohio, over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fort Wayne, Ind., over U.S. Highway 30 to Van Wert, Ohio, thence over U.S. Highway 127 to Greenville, Ohio, thence over Ohio Highway 49 to Dayton, Ohio, thence over U.S. Highway 25 to Cincinnati (also from Greenville over U.S. Highway 127 to Cincinnati), and return over the same route.

No. MC 35469 (Deviation No. 6), MODERN TRANSFER COMPANY, INC., Allentown, Pa., filed March 5, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Wilmington, Del., and Baltimore, Md., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Baltimore over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Wilmington, Del., thence over U.S. Highway 202 to West Chester, Pa., thence over Pennsylvania Highway 100 to Hereford, Pa., thence over Pennsylvania Highway 29 to Allentown, Pa. and thence over U.S. Highway 22 to Easton, Pa., and return over the same route.

No. MC 42487 (Deviation No. 24), CONSOLIDATION FREIGHTWAYS CORPORATION OF DELAWARE, Post Office Box 5138, Chicago 80, Ill., filed March 1, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Waltham, Mass., over Massachusetts Highway 128 to junction Massachusetts Highway 138 near Braintree, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: Between Boston, Mass., and Springfield, Mass., over U.S. Highway 20; and, from Boston over Massachusetts Highway 138 to Fall River, Mass., thence over U.S. Highway 6 to Peekskill, N.Y. (also from junction U.S. Highway 6 and Alternate U.S. Highway 6 near Hop River, Conn., over Alternate U.S. Highway 6 to junction U.S. Highway 6 near Woodbury, Conn., and also from Taunton, Mass., over U.S. Highway 44 to Providence, R.I.), and return over the same routes.

No. MC 48956 (Deviation No. 10), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo., filed March 1, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Decatur, Tex., over Texas Highway 24 to Denton, Tex., thence over Interstate Highway 35E to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Amarillo, Tex., over U.S. Highway 287 via Wichita Falls, Tex., to Rhome, Tex., thence over Texas Highway 114 to Dallas; and, from Amarillo to Wichita Falls, as specified above, thence over U.S. Highway 281 to Jacksboro, Tex., thence over Texas Highway 199 to Fort Worth, Tex., thence over U.S. Highway 80 to Dallas, and return over the same routes.

No. MC 59485 (Deviation No. 4), DARLING TRANSFER, INC., 1020 J Street, Auburn, Nebr., filed March 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Brownville, Nebr., east over U.S. Highway 136 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction Interstate Highway 29, thence over Interstate Highway 29 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Auburn, Nebr., over U.S. Highway 73 to Union, Nebr.; from Auburn over Nebraska Highway 3 (now U.S. Highway 136) to Brownville; from Falls City, Nebr., over U.S. Highway 73 to junction Nebraska Highway 67, thence over Nebraska Highway 67 to junction Nebraska Highway 62, thence over Nebraska Highway 62 to junction Nebraska Highway 54, thence over Nebraska Highway 54 to junction U.S. Highway 73, thence over U.S. Highway 73 to Omaha, Nebr.; (from Falls City over U.S. Highway 73 to Atchison, Kans., thence over U.S. Highway 59 to St. Joseph, Mo., and return from St. Joseph over U.S. Highway 36 to Hiawatha, Kans., and thence over U.S. Highway 73 to Falls City); from Horton, Kans., over U.S. Highway 73 via Atchison, to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., and return over the same routes.

No. MC 60879 (Deviation No. 1), F. T. TRUCKING CO., INC., 410 O'Farrell Street, Collinsville, Ill., filed March 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Marine, Ill., over unnumbered highway to St. Jacob, Ill., thence over U.S. Highway 40 to junction Interstate Highways 55 and 70, thence over Interstate Highways 55 and 70 to St. Louis, Mo.; (B) from Marine over Illinois Highway 143 to junction Illinois Highway 43, thence over Illinois Highway 43 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Interstate Highways 55 and 70, thence over Interstate Highways 55 and 70 to St. Louis, and (C) from Marine over Illinois Highway 143 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Interstate Highways 55 and 70, thence over Interstate Highways 55 and 70 to St. Louis, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from Marine over unnumbered highway to St. Jacob, return over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis; and, from Marine over Illinois Highway 143 to junction Illinois Highway 43, thence over Illinois Highway 43 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, and return over the same routes.

No. MC 65920 (Deviation No. 2), BISHOP MOTOR EXPRESS, INC., 607 Century Avenue SW., Grand Rapids, Mich., filed February 23, 1964. Attorney: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Grand Rapids, Mich., over relocated U.S. Highway 16 (Interstate Highway 96), to Muskegon, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route as follows: From Grand Rapids, over U.S. Highway 16 to Marine, Mich., thence over unnumbered highways via Conklin, Harrisburg and Ravenna, Mich., to Muskegon, and return over the same route.

No. MC 76266 (Deviation No. 15), ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed February 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Gary, Ind. and Detroit, Mich., over Interstate Highway 94, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Gary over U.S. Highway 20 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Indiana Highway 120, thence over Indiana Highway 120 to junction U.S. Highway 25, thence over U.S. Highway 25 to Detroit, and return over the same route.

No. MC 76266 (Deviation No. 16), ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed March 2, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 69 and Missouri Highway 33 over Missouri Highway 33 to junction Missouri Highway 116, thence over Missouri Highway 116 to junction U.S. Highway 69, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 69 and Missouri Highway 33 over U.S. Highway 69 to junction Missouri Highway 116, and return over the same route.

No. MC 78632 (Deviation No. 23), HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn., filed February 24, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Nashville, Tenn. and Knoxville, Tenn., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport these same commodities over

a pertinent service route as follows: From Nashville over U.S. Highway 70S to Crossville, Tenn. (also from Nashville over U.S. Highway 70N to Crossville), thence over U.S. Highway 70 to Knoxville, and return over the same route.

No. MC 111231 (Deviation No. 22), JONES TRUCK LINES, INC., 514 East Emma Avenue, Springdale, Ark., filed February 26, 1964. Representative: B. J. Wiseman, Springdale, Ark. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions, over a deviation route as follows: From junction U.S. Highways 70, 61, and 63 and Interstate Highway 55, approximately 3 miles west of Memphis, Tenn., over Interstate Highway 55 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to Campbell, Mo., thence over U.S. Highway 62 to Pocahontas, Ark., thence over U.S. Highway 67 to Hoxie, Ark., thence over U.S. Highway 63 to Turrell, Ark., thence over U.S. Highway 61 to West Memphis, Tenn., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 162), GREYHOUND LINES, INC. (Central Greyhound Lines Division), 1740 Main Street, Kansas City 8, Mo., filed February 27, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction U.S. Highway 66 and unnumbered highway east of Lebanon, Mo., over U.S. Highway 66 to junction unnumbered highway south of Lebanon, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passsengers over a pertinent service route as follows: From Hazelgreen, Mo., over U.S. Highway 66 to junction unnumbered highway near Lebanon, thence over unnumbered highway via Lebanon to junction U.S. Highway 66, and return over the same route.

No. MC 1515 (Deviation No. 163) (Cancelling Deviation Nos. 14 and 42), GREYHOUND LINES, INC. (Central Greyhound Lines Division), 1740 Main Street, Kansas City, Mo., filed March 2, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: From Chicago, over Illinois Highway 194 to junction Interstate Highway 90 (O'Hare Field Interchange), thence over Interstate Highway 90 to the Illinois-Wisconsin State line (also, from junction Interstate Highway 90 and Illinois Highway 25 over Illinois Highway 25 to Elgin, Ill., thence over Illinois Highway 31 to junction Interstate Highway 90) (also, from junction Interstate Highway 90 and unnumbered highway over unnumbered highway to Belvidere, Ill.) (also, from junction Interstate Highway 90 and unnumbered highway over unnumbered highway to Cherry Valley, Ill.) (also, from junction Interstate Highway 90 and U.S. Highway 20 over U.S. Highway 20 to Rockford, Ill) (also, from junction Interstate Highway 90 and Illinois Highway 75 over Illinois Highway 75 to junction U.S. Highway 51, thence over U.S. Highway 51 to Beloit), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Chicago over U.S. Highway 20 to junction U.S. Highway 45; and, from Melrose Park, Ill. over U.S. Highway 20 to Belvidere, thence over Illinois Highway 5 to Rockford, thence over U.S. Highway 51 to Roscoe, Ill., thence over Illinois Highway 8 to Rockton, Ill. (also, from Rockford over Illinois Highway 2 to Rockton), thence over Illinois Highway 2 to the Illinois-Wisconsin State line at the outskirts of Beloit, Wis., and return over the same routes.

No. MC 1940 (Deviation No. 12), TRAILWAYS OF NEW ENGLAND, INC., 400 Trailways Building, 1200 I Street NW., Washington, D.C., filed March 4, 1964. Applicant's attorney: Charles B. McInnis, Continental Building, 1012 14th Street NW., Washington, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (1) From junction U.S. Highway 202, and Massachusetts Highway 122, and new Massachusetts Highway 2 near Orange, Mass., over new Massachusetts Highway 2 to junction U.S. Highway 202 in Templeton, Mass., and (2) from junction Massachusetts Highway 2A and new Massachusetts Highway 2 in Gardner, Mass., over new Massachusetts Highway 2 to junction Massachusetts Highway 2A in Westminster, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Hartford, Conn., over Alternate U.S. Highway 5 to Springfield, Mass., thence over Massachusetts Highway 116 to junction U.S. Highway 202, thence over U.S. Highway 202 to Athol, Mass., thence over Massachusetts Highway 2 to East Templeton, Mass., thence over Massachusetts Highway 101 to Gardner, Mass., thence over Massachusetts Highway 68 to junction Massachusetts Highway 2, thence over Massachusetts Highway 2 to Littleton Common, Mass., and thence over Massachusetts Highway 110 to Haverhill, Mass., and return over the same route.

No. MC 28462 (Deviation No. 2), DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC., 2450 Curtis Street, Denver, Colo., 80205, filed March 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction Interstate Highway 25 and Colorado Highway 86 northwest of Castle Rock, Colo., over Interstate Highway 25 to junction unnumbered county road southwest of Castle Rock, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Denver over U.S. Highway 85 to Trinidad, Colo., and return over the same route.

No. MC 29957 (Deviation No. 4), CONTINENTAL SOUTHERN LINES, INC., Box 4407, Alexandria, La., filed February 24, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: Between junction Interstate Highway 10 and U.S. Highway 165 and Lake Charles, La., over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent route as follows: From Lake Charles over U.S. Highway 90 to Iowa, La., thence over U.S. Highway 165 via Kinder, Alexandria, and Monroe, La., to Bastrop, La., thence over Louisiana Highway 204 to Tipton, La., thence over Louisiana Highway C–1490 via Beekman, La., to the Louisiana-Arkansas State Line, and thence over Arkansas Highway 133 to Crossett, Ark., and return over the same route.

No. MC 107586 (Deviation No. 3), CONTINENTAL BUS SYSTEM, Inc., 2450 Curtis Street, Denver, Colo., 80205, filed March 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* over a deviation route as follows: Between Albuquerque, N. Mex., and Bernalillo, N. Mex., over Interstate Highway 25, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Albuquerque over U.S. Highway 85 to Bernalillo, and return over the same route.

No. MC 109780 (Deviation No. 10) TRANSCONTINENTAL BUS SYSTEM, INC., Box 730, Wichita 1, Kans., filed March 4, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: from Bennett Corner, Colo., over Interstate Highway 70, to junction U.S. Highway 36, at or near Byers, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: from Phillipsburg, Kans., over U.S. Highway 36, to Denver, Colo., and return over the same route.

By the Commission:

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–2615; Filed, Mar. 17, 1964; 8:47 a.m.]

[Notice 612]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 13, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A—MOTOR CARRIERS OF PROPERTY

No. MC 69116 (Sub-No. 82) (AMENDMENT), filed March 3, 1964, published FEDERAL REGISTER issue March 11, 1964, and republished as amended this issue. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Churubusco, Ind., as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE: The purpose of this republication is to delete "to and from Fort Wayne, Ind." as shown in previous publication.

HEARING: Remains as assigned April 6, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 71516 (Sub-No. 67), filed March 11, 1964. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles* (including, but not limited to *valves, fire hydrants*, and *parts* and *accessories* therefor), and (2) *pipe and pipe fittings*, from points in Alabama to points in Louisiana west of the Mississippi River, and points in Oklahoma and Arkansas.

NOTE: Applicant states that the proposed service is to be restricted against the transportation of commodities used in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. Common control may be involved.

HEARING: April 6, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner James O'D. Moran.

No. MC 104149 (Sub-No. 172) (AMENDMENT), filed January 24, 1964, published in the FEDERAL REGISTER issue of February 12, 1964 and republished as amended this issue, with hearing information. Applicant: OSBORNE TRUCK LINE, INC., 520 North 31st Street Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles* (including but not limited to *valves, fire hydrants* and *parts* and *accessories* therefor), and (2) *pipe* and *pipe fittings* from points in Alabama to points in Louisiana west of the Mississippi River, and points in Oklahoma and Arkansas.

NOTE: This authority will be restricted against the transportation of commodities used in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products. The application was formerly published in the February 12, 1964 issue of the FEDERAL REGISTER. It is being republished herein to specify the commodities and area to be served, as above, rather than as previously published, to add the restriction, and to assign it for hearing.

HEARING: April 6, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner James O'D. Moran.

No. MC 118292 (Sub-No. 4), filed March 13, 1964. Applicant: BALLENTINE PRODUCE, INC., Post Office Box 312, Alma, Ark. Applicant's attorney: Lester M. Bridgeman, 1030 Woodward Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Tennessee and Arkansas to points in Washington, Oregon, California, Idaho, Nevada, Utah, Montana, New Mexico, Colorado, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, and Louisiana.

NOTE: Applicant is also authorized to conduct operations in Permit No. MC 118434, therefore dual operations may be involved.

HEARING: March 31, 1964, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner James O'D. Moran.

No. MC 123993 (Sub-No. 1), filed February 10, 1964. Applicant: LOIS M. FOGLEMAN, doing business as FOGLEMAN TRUCK LINE, Post Office Box 603, Crowley, La. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plant site of Cargill, Inc., located at Chalmette, La., to points in Arkansas, Alabama, Florida, Georgia, Mississippi, Texas, Tennessee, South Carolina, and North Carolina.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 41116 and Subs thereunder; therefore dual operations may be involved. This application was formerly published in the February 26, 1964 issue of the FEDERAL REGISTER. It is being republished herein for the purpose of assigning it for hearing.

HEARING: March 31, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

SECTION B—MOTOR CARRIERS OF PROPERTY

No. MC 2934 (Sub-No. 2), filed March 16, 1959. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 863 Massachusetts Avenue, Indianapolis 6, Ind. Applicant's attorney: James L. Beattey, Suite 1021–1029, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska and points in the United States, and (2) between points in Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 5429 (Sub-No. 7), filed March 27, 1959. Applicant: LYON VAN LINES, INC., 1950 South Vermont Avenue, Los Angeles 7, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *empty containers*, or *other such incidental facilities* (not specified) used in transporting the above-specified commodities, (1) between points in Alaska, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, and (2) between points in Alaska.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 6992 (Sub-No. 3), filed January 30, 1959. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., 1000 Illinois Building, Indianapolis, Ind. Applicant's attorney: Homer S. Carpenter, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, (1) between points in Alaska; and (2) between points in Alaska, on the one hand, and, on the other, points in the United States except those in Nevada, Utah, Idaho, North Dakota, Montana, Oregon and Washington. Applicant is authorized to transport household goods throughout the United States, except Nevada, Utah, Idaho, North Dakota, Montana, Oregon and Washington.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 8768 (Sub-No. 18), filed March 31, 1959. Applicant: SECURITY VAN LINES, INC., 533 City Park Avenue, Post Office Box 1148, New Orleans 19, La. Applicant's attorney: Tom B. Kretsinger,

1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska; and (2) between points in Alaska, on the one hand, and, on the other, points in the south 48 States and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Oregon, South Carolina, Tennessee, Virginia, Washington, and the District of Columbia.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 15735 (Sub-No. 12), filed December 12, 1958. Applicant: ALLIED VAN LINES, INC., 25th and Roosevelt, Broadview, Ill. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Alaska; (2) between points in Alaska and points in the United States including the District of Columbia.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 36900 (Sub-No. 6), filed July 13, 1959. Applicant: UNITED STATES VAN LINES, INC., 3340 Mannheim Road, Franklin Park, Ill. Applicant's attorney: Ramon S. Regan, 2255 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska; and (2) between points in Alaska, on the one hand, and, on the other, points in the Continental United States. Applicant is authorized to conduct operations in all States except Alabama, Mississippi, Nevada, New Hampshire, New Mexico, Vermont, and Alaska.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 41098 (Sub-No. 8), filed February 1, 1959. Applicant: GLOBAL VAN LINES, INC., 9100 East Garvey Avenue, South San Gabriel, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in Ex Parte MC–19, (1) between points in Alaska, on the one hand, and, on the other, points in the United States except those in Arizona, Iowa, Maine, Minnesota, North Dakota, South Dakota, and Wyoming. Applicant is authorized to conduct operations throughout the United States, except Arizona, Iowa, Maine, Minnesota, North Dakota, South Dakota, and Wyoming.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 42866 (Sub-No. 6), filed January 30, 1959. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Road, Broadview, Ill. Applicant's attorney: Homer S. Carpenter, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska; and (2) between points in Alaska on the one hand, and, on the other, points in the United States and the District of Columbia.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 52793 (Sub-No. 10), filed February 28, 1959. Applicant: BEKINS VAN LINES CO., a corporation, 333 South Center Street, Hillside, Ill. Applicant's attorney: Warren N. Grossman, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *empty containers or other such incidental facilities* used in transporting household goods, between points in Alaska, on the one hand, and, on the other, points in the Continental United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 66900 (Sub-No. 27) (REPUBLICATION), filed September 23, 1963, published in FEDERAL REGISTER issue of November 14, 1963, and republished, this issue. Applicant: HOUFF TRANSFER INCORPORATED, Weyers Cave, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. By application filed September 23, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, over irregular routes, as a common carrier by motor vehicle, of paper, pulpboard and fiberboard, from Frederick, Md., to New Oxford, Pa. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on December 18, 1963, at Washington, D.C. At the hearing it was found that the purpose of the application was to allow applicant to serve New Oxford from any point in its authorized territory by tacking through Frederick. A report and order, served February 3, 1964, which became effective March 4, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle over irregular routes, of paper, pulpboard and fiberboard, from West Point, Va., to New Oxford, Pa. The Examiner further finds that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, and that an appropriate certificate should be issued. Issuance of authority, however, shall be withheld until the lapse of 30 days from the date of such republication, during which period any proper party in interest may file a petition for further hearing.

No. MC 67234 (Sub-No. 2), filed October 22, 1958. Applicant: UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, Maplewood 17, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in the United States, on the one hand, and, on the other, points in Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 95265 (Sub-No. 16), filed November 29, 1963. Applicant: ROBERTSON TRANSPORTATION CO., INC., 1000 Robertson Road, Madison 14, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (I)(a) between authorized points on applicant's presently certificated regular routes under Certificate No. MC 95265 in Wisconsin and Illinois, on the one hand, and, on the other, the following named service points via the following described routes (by tacking); and (b) between all such named terminal, intermediate and off-route service points via the proposed described routes, as set forth below: (1) From LaCrosse, Wis., over U.S. Highway 14 to Madison, Wis., and thence over U.S. Highway 18 to Milwaukee, Wis., and return over the same route, serving the intermediate points of Coon Valley, Westby, Viroqua, Readstown, Bosstown, Richland Center, Sextonville, Gotham, Lone Rock, Spring Green, Arena, Mazomanie, Black Earth, Cross Plains, Middleton, Madison, Cambridge, Jefferson, Helenville, Sullivan, Dousman, Wales, and Waukesha, Wis.; (2) from Milwaukee, Wis., over U.S. Highway 16 to its east junction with U.S. Highway 12 and return over the same route, serving all intermediate points and the off-route points of Wauwatosa and West Allis, Wis.; (3) from Oconomowoc, Wis., over Wisconsin Highway 67 to its junction with U.S. Highway 18 and return over the same route, serving all intermediate points; (4) from Milwaukee, Wis., over Wisconsin Highway 190 to Pewaukee, Wis., and return over the same route, serving no intermediate points; (5) from LaCrosse, Wis., over U.S. Highway 53 to Eau Claire, Wis., and return over the same route, serving all intermediate points; (6) from West Salem, Wis., over LaCrosse County Highway B to its west junction with U.S. Highway 16 and return over the same route, serving no intermediate points; (7) from LaCrosse, Wis., over Wisconsin Highway 35 to Prairie du Chien, Wis., and return over the same route serving all intermediate points; (8) from Prairie du Chien, Wis., over U.S. Highway 18 to its west junction with U.S. Highway 151 and return over the same route, serving no intermediate points; (9) from Gotham, Wis., over Wisconsin Highway 60 to junction with U.S. Highway 18 and return over the same route, serving the intermediate points of Bridgeport, Wauzeka, West Prairie, Port Andrews, and Orion, Wis.; (10) from Lone Rock, Wis., over Wisconsin Highway 130 to its junction with Wisconsin Highway 137, thence over Wisconsin Highway 137 to its junction with Wisconsin Highway 80, thence over Wisconsin Highway 80 to Richland Center, Wis., and return over the same route, serving the intermediate points of Muscoda and Avoca, Wis.; (11) from La Crosse, Wis., over Wisconsin Highway 33 to Cashton, Wis., and thence over Wisconsin Highway 27 to Prairie du Chien, Wis., and return over the same route, serving the intermediate points of Portland, Middle Ridge, St. Joseph, Newbert Corners, Cashton, Westby, Viroqua, Rising Sun, Mount Sterling, Seneca, and Eastman, Wis., (12) from Viroqua, Wis., over Wisconsin Highway 82 to LaFarge, Wis., thence over Wisconsin Highway 131 to Steuben, Wis., and thence over Wisconsin Highway 179 to its junction with Wisconsin Highway 27 and return over the same route, serving the intermediate points of LaFarge, Viola, Redstown, Soldiers Grove, Gays Mills, Bell Center, Barnum, and Steuben, Wis., (13) from Viola, Wis., over Wisconsin Highway 56 to its junction with Wisconsin Highway 82 and return over the same route, serving no intermediate points, (14) from DeSoto, Wis. over Wisconsin Highway 82 to Fargo, Wis., and return over the same route, serving no intermediate points but serving the off-route point of Retreat, Wis., (15) from Boscobel, Wis. over U.S. Highway 61 to its junction with Wisconsin Highway 171 and thence over Wisconsin Highway 171 to its junction with Wisconsin Highway 35, and return over the same route, serving the intermediate points of Mount Zion, Gays Mills and Mount Sterling, Wis., (16) from Lynxville, Wis. over Crawford County Highway F to its junction with Wisconsin Highway 27 and return over the same route, serving no intermediate points, and (17) over Crawford County Highway E from its junction with Wisconsin Highway 27 to its junction with Wisconsin Highway 179 and return over the same route, serving no intermediate points; and (II) between Madison, Wis., and Milwaukee, Wis., over Wisconsin Highway 30 and Interstate Highway 94, for operating convenience only as alternate to Section I, Route (1) offering no service except at the terminal points of Madison and Milwaukee, Wis.

HEARING: April 20, 1964, at the U.S. Courtrooms, Madison, Wis., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 107012 (Sub-No. 24), filed February 13, 1959. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. Applicant's representative: Richard D. Logan, office counsel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia. Applicant is authorized to conduct operations between points in the United States as authorized in Certificate No. MC 107012.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 110585 (Sub-No. 7), filed March 11, 1959. Applicant: REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, vania, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 112263 (Sub-No. 5), filed January 12, 1959. Applicant: MARTIN VAN LINES, INC., 1461 Elliott Avenue West, Seattle 99, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alaska, on the one hand, and, on the other, points which applicant is presently authorized to serve in Certificate No. MC 112263. Applicant is authorized to conduct operations in California, Colorado, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming.

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 113470 (Sub-No. 1), filed November 8, 1963. Applicant: SLINGER TRANSFER CO., INC., 1001 West Layton Avenue, Milwaukee 15, Wis. Applicant's attorney: Claude J. Jasper, 111 South Fairchild Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Addison, Wis., and junction Wisconsin Highway 33 and U.S. Highway 41, from Addison over Wisconsin Highway 33 to junction U.S. Highway 41, (2) between junction Wisconsin Highways 175 and 33 and Milwaukee, Wis., from junction Wisconsin Highways 175 and 33 over Wisconsin Highway 175 to Milwaukee, (3) between junction Wisconsin Highways 83 and 175 and junction Wisconsin Highway 83 and Washington County Trunk K, from junction Wisconsin Highways 83 and 175 over Wisconsin Highway 83 to junction Washington County Trunk K, (4) between junction Washington County Trunk W and Wisconsin Highway 175 and junction Washington County Trunk W and U.S. Highway 41, from junction Washington County Trunk W and Wisconsin Highway 175 over Washington County Trunk W to junction U.S. Highway 41, (5) between Slinger, Wis., and the Schubert Cheese Factory (approximately 2½ miles north of Slinger, Wis.), from Slinger over Washington County Trunk NN to Schubert Cheese Factory, (6) between North Lake, Wis., and Milwaukee, Wis., from North Lake over Wisconsin Highway 74 to Milwaukee, and (7) between junction Waukesha and Washington County Trunk J and Wisconsin Highway 74 and junction Waukesha and Washington County Trunk J and Wisconsin Highway 175, from junction Waukesha and Washington County Trunk J and Wisconsin Highway 74 over Waukesha and Washington County Trunk J to junction Wisconsin Highway 175.

Note: Applicant states it intends to return over the same routes, serving all intermediate points, as described in (1) through (7) above, with (a) between junction U.S. Highway 41 and Wisconsin Highway 33 and Milwaukee, Wis., from junction U.S. Highway 41 and Wisconsin Highway 33 over U.S. Highway 41 to Milwaukee, (b) between junction Wisconsin Highway 60 and U.S. Highway 41 and junction Wisconsin Highways 60 and 83, from junction Wisconsin Highway 60 and U.S. Highway 41 over Wisconsin Highway 60 to junction Wisconsin Highway 83, (c) between junction Wisconsin Highways 83 and 60 and North Lake, Wis., from junction Wisconsin Highways 83 and 60 over Wisconsin Highway 83 to North Lake, and (d) between junction Milwaukee County Trunk F and Wisconsin Highway 100 and junction Milwaukee County Trunk F and U.S. Highway 41, from junction Milwaukee County Trunk F and Wisconsin Highway 100 over Milwaukee County Trunk F to junction U.S. Highway 41, and return over the same routes, serving no intermediate points, as alternate routes, for operating convenience only, to be used in connection with applicant's proposed regular-route operations described in (1) through (7) above.

HEARING: April 24, 1964, in the U.S. Courtrooms, Madison, Wis., before Joint Board No. 96, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 115523 (Sub-No. 118), filed December 20, 1963. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Edward M. Berol,

100 Bush Street, Suite 2107, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients* and *fertilizer compounds*, between points in Montana.

HEARING: April 20, 1964, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 82.

No. MC 118457 (Sub-No. 2) (AMENDMENT), filed November 20, 1963, published in FEDERAL REGISTER issue February 19, 1964, and republished as amended this issue. Applicant: THOMAS W. ROBBINS and RAYMOND S. PULDA, doing business as ROBBINS DISTRIBUTING COMPANY, 1113 Grand Avenue, Racine, Wis. Applicant's attorney: William C. Dineen, 710 N. Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and damaged and returned shipments of frozen foods*, between Chicago, Ill., and points in Waukesha County, Wis.

NOTE: The purpose of this republication is to change Waukesha, Wis., to points in Waukesha County, Wis., as noted above.

HEARING: Remains as assigned, April 7, 1964, at the U.S. Courtrooms, Madison, Wis., before Joint Board No. 17.

No. MC 124813 (Sub-No. 5) (CORRECTION), filed December 23, 1963, published in the FEDERAL REGISTER issue of February 19, 1964, and republished as corrected this issue. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. The purpose of this republication is to correctly set forth authority sought in part (3) as follows: (3) *feed ingredients* (except liquids, in bulk, in tank vehicles), from Eagle Grove, Iowa, to points in Montana, North Dakota, South Dakota, and that part of Illinois south of U.S. Highway 24 and *east* of U.S. Highway 51, and from Terre Haute, Ind., to Eagle Grove, Iowa. The previous notice specified "*west* of U.S. Highway 51" in error.

HEARING: April 9, 1964, in Room 401, Old Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Examiner Wm. N. Culbertson.

No. MC 125780, filed October 28, 1963. Applicant: DON TRIPP TRUCKING, a corporation, 1000 West Central, Missoula, Mont. Applicant's attorney: Robert P. Ryan, 500 Main Street, Deer Lodge, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and steel roofing material*, from St. Paul, Minneapolis, and Duluth, Minn., to points in Montana, and *lumber and plywood* owned by the shipper, on return.

HEARING: May 4, 1964, at the Yellowstone County Courthouse, Billings, Mont., before Examiner Harry M. Shooman.

No. MC 125806, filed November 6, 1963. Applicant: WILLIAM E. SELISKI, 665 Woodworth Avenue, Missoula, Mont. Applicant's attorney: Clinton J. Hansen, 608–616 Hennessy Building, Butte, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from St. Paul and Minneapolis, Minn., to Butte, Anaconda, and Missoula, Mont., and *empty bottles and empty containers or other such incidental facilities* used in the transportation of beer, and *exempt commodities*, on return.

HEARING: May 5, 1964, at the Yellowstone County Courthouse, Billings, Mont., before Examiner Harry M. Shooman.

NOTICE OF FILING OF PETITIONS

No. MC 11207 and No. MC 11207 (Sub-No. 47), (PETITION FOR INTERPRETATION OF CERTIFICATES), filed March 2, 1964. Petitioner: DEATON TRUCK LINE, INC., 3409 Tenth Avenue North, Birmingham, Ala. Petitioner's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Petitioner is authorized in No. MC 11207 to transport "Contractor's tools and equipment . . . from points and places in Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, and Louisiana, to Birmingham, Ala., and points and places within 10 miles of Birmingham"; and in No. MC 11207 (Sub-No. 47) to transport "Contractor's tools and equipment, and machinery, between points and places in Alabama, on the one hand, and, on the other, points and places in Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, and Louisiana". By the instant petition, petitioner seeks interpretation of its existing authority to transport contractors' machinery, tools and equipment in light of *W. T. Mayfield Sons Trucking Co.—Interpretation*, 92 M.C.C. 167. Simultaneously with the filing of this petition, petitioner has filed an application for permanent authority in MC 11207 (Sub-No. 223), published this issue of FEDERAL REGISTER, within the geographical scope of operations it now performs for TVA. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

No. MC 12133 (PETITION FOR CHANGE IN PLACE FOR DOING BUSINESS), filed March 5, 1964. Petitioner: A–1 COACH TOURS, INC., Brooklyn, N.Y. Petitioner's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, 5, D.C. Petitioner holds a license to engage in operations as a broker at Brooklyn, N.Y., in arranging for the transportation of passengers and their baggage, between New York, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). By the instant petition, petitioner requests the Commission to reissue its broker's license to read "New York, N.Y." rather than "Brooklyn, N.Y." as the place at which it may engage in operations as a broker. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

No. MC 59694 (Sub-No. 11) (PETITION FOR WAIVER OF RULE 101(e) AND TO REOPEN AND CLARIFY ROUTE DESCRIPTION), filed August 29, 1963. Petitioner: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street (Post Office Box 1034), El Paso, Tex. Petitioner's attorney: Mert Starnes, 721 Brown Building, Austin 1, Tex. Petitioner is authorized by virtue of Certificate No. MC 59694 (Sub-No. 11), dated June 21, 1957, to transport, over regular routes: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Houston, Tex. and Ozona, Tex.: From Houston over Alternate U.S. Highway 90 to junction Texas Highway 102 (formerly alternate U.S. Highway 90), at Eagle Lake, Tex., thence over Texas Highway 102 to junction U.S. Highway 90, near Columbus, Tex., thence over U.S. Highway 90 via Columbus and Waelder, Tex., to San Antonio, Tex., thence over U.S. Highway 87 to Comfort, Tex., thence over Texas Highway 27 to junction U.S. Highway 290 via Sonora, Tex., to Ozona, and return over the same route, serving all intermediate points; (2) between Houston, Tex. and junction U.S. Highway 90 and Texas Highway 102 (formerly alternate U.S. Highway 90) near Columbus, Tex.: from Houston over U.S. Highway 90 to junction Texas Highway 102 (formerly alternate U.S. Highway 90), near Columbus, and return over the same route, serving no intermediate points; and (3) between Waelder, Tex., and San Antonio, Tex.: from Waelder over Texas Highway 97 (formerly Texas Highway 3) to Gonzales, Tex., thence over Alternate U.S. Highway 90 (formerly Texas Highway 3) to Seguin, Tex., and thence over unnumbered highway to San Antonio, and return over the same route, serving all intermediate points. By the instant petition, petitioner states that the foregoing route descriptions, though substantially correct to the extent they describe routes between the points named, are (a) incomplete in that they do not describe all of the interstate authority possessed by petitioner and its predecessors at points located between Houston and San Antonio, and (b) do not accurately describe certain routes as they are presently designated. Specifically, petitioner states that its Sub 11 certificate is incomplete and incorrect as the following route description is not contained therein: "Between Gonzales, Tex., and Luling, Tex., over U.S. Highway 183, serving all intermediate points;" and, further the aforementioned route between Waelder and San Antonio should be clarified to read: "From Waelder over Texas Highway 97 (formerly Texas Highway 3) to Seguin, Tex., thence over Texas Farm Road 78 and unnumbered highways via McQueeney, Schertz, Randolph Field and Converse to San Antonio, and return over the same route." Petitioner requests that the Commission correct and clarify its certificate of public convenience and necessity No. MC 59694 (Sub-No. 11) in the manner shown above. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

No. MC 106647 (Sub-No. 25) and No. MC 106647 (Sub-No. 31) (PETITION FOR MODIFICATION OF EXISTING CERTIFICATES PURSUANT TO THE REPORT AND ORDER OF THE COMMISSION IN NO. MC–C–3024), filed March 9, 1964. Petitioner: CLARK TRANSPORT COMPANY, Chicago Heights, Ill. Petitioner's attorney: Clay R. Moore, 1000 First National Bank Building, Minneapolis, Minn., 55402. Petitioner is authorized in Certificate No. MC 106647 (Sub-No. 25) to transport automobiles, trucks and chassis, in secondary movements, by the truckaway method, and bodies and cabs, over irregular routes, from Minneapolis, Minn., to points in South Dakota, subject to the restriction that the authority may not be joined with other authority held by it for the purpose of performing through operations in the transportation (1) of shipments from Duluth, Minn., to points in South Dakota, which have had a prior movement by water; and (2) of shipments moving to points beyond South Dakota. Petitioner also has authority in Certificate No. MC 106647 (Sub-No. 31), which generally authorizes it to engage in secondary truckaway movements of automobiles, trucks and trailers, from St. Paul-Minneapolis, Minn., to Fargo and Grand Forks, N. Dak., over specified regular routes, and to all other points in North Dakota, over irregular routes. Its Sub 31 certificate also authorizes secondary movements from Minnesota points to various points in Montana. In view of the Report of the Commission in No. MC–C–3024, *National Automobile Transporters Association Petition for Declaratory Order* (wherein provision is made for modification of existing authorities under certain conditions), the holder of the above-described operating authorities, by the instant petition, requests the Commission to modify its existing Certificate in No. MC 106647 (Sub-No. 31) by adding thereto the following grant of authority: *"Automobiles, Trucks, Tractors, Chassis, and parts and attachments therefor*, when moving in the same vehicle therewith, in secondary movements, in truckaway service, from Fargo, N. Dak., to points in North Dakota, South Dakota and Montana". Any person or persons desiring to participate in this proceeding may file replies to said petition (original and fourteen (14) copies each) within 45 days from the date of this publication in the FEDERAL REGISTER.

No. MC 111862 (Sub-No. 5) (PETITION TO ADD NEW SHIPPER), dated February 27, 1964. Petitioner: HENNES TRUCKING CO., Milwaukee, Wis., Petitioner's attorney: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio, 45202. Petitioner holds a permit in No. MC 111862 (Sub-No. 5), to conduct operations, over irregular routes, transporting: Cement, in bulk, between points in Illinois, Indiana, Kentucky, Ohio, and Wisconsin, restricted to shipments having an immediately prior movement by rail, and limited to a transportation service to be performed, under a continuing contract, or contracts, with Dundee Cement Company, of Dundee, Mich. By the instant petition petitioner prays the modification of its permit in MC 111862 (Sub-No. 5) to add as a shipper Louisville Cement Company under a continuing contract for the same type of service presently being rendered for Dundee Cement Company. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 17778 (Sub-No. 35), filed March 8, 1964. Applicant: YALE TRANSPORT CORP., 460 12th Avenue, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk and those requiring special equipment), between all points in Connecticut.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. This application is directly related to MC–F–8691 to be published this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.250).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8436 (WATKINS MOTOR LINES, INC. — CONTROL — LAHN TRANSPORTATION), published in the May 22, 1963, issue of the FEDERAL REGISTER, on page 5119. Amendment to the application filed March 11, 1964, to include merger into WATKINS MOTOR LINES, INC., of the operating rights and property of LAHN TRANSPORTATION.

No. MC–F–8690. Authority sought for purchase by ANDERSON TRUCKING SERVICE, INC., 203–211 Cooper Avenue North, St. Cloud, Minn., 56301, of a portion of the operating rights of LeROY L. WADE & SON, INC., 1615 Izard Street, Omaha 2, Nebr., and for acquisition by HAROLD E. ANDERSON, 1020 14th Avenue South, St. Cloud, Minn., of control of such rights through the purchase. Applicants' attorneys: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402, and Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Operating rights sought to be transferred: *Cast iron pressure pipe* and *fittings and accessories therefor* when moving with such pipe, as a *common carrier* over irregular routes, from Council Bluffs, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming; and *damaged shipments* of the above-specified commodities, from points in Arkansas, Colorado, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, to Council Bluffs, Iowa. Vendee is authorized to operate in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8691. Authority sought for purchase by YALE TRANSPORT CORP., 460 12th Avenue, New York 18, N.Y., of the operating rights of ATLANTIC BONDED TRANSPORTATION CO., INCORPORATED, 140 King Street, New Haven, Conn., and for acquisition by YALE EXPRESS SYSTEM, INC., also of New York 18, N.Y., and in turn by, BENJAMIN ESKOW, also of New York 18, N.Y., of control of such rights through the purchase. Applicants' attorneys and representative respectively: Zelby & Burstein, 160 Broadway, New York 38, N.Y., and Herman M. Levy, 152 Temple Street, New Haven 10, Conn. Operating rights sought to be transferred: Under the "grandfather" provisions of section 206

(a)(7) of the Act, pursuant to BOR–99, in No. MC–120321 Sub-1, seeking a certificate of registration, covering the transportation of general commodities within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, New Jersey, Connecticut, Florida, Maryland, Pennsylvania, Delaware, New Hampshire, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–17778 Sub-35 is a matter directly related.

No. MC–F–8692. Authority sought for continuance in control by JOHN S. RICE, 712 Central Avenue West, Great Falls, Mont., of CHEMICAL TRANSPORT, 712 Central Avenue West, Great Falls, Mont., pursuant to the conditions in the Report and Order of the Commission, in No. MC–113271 (Sub-10), decided January 23, 1964, for the issuance of a certificate therein. Applicants' attorney: Randall Swanberg, 314 Montana Bldg., Great Falls, Mont. Operating rights sought to be controlled: *Acids, and chemicals*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Portland, Oreg., and Tacoma, Wash., to points in Montana, Wyoming, and North Dakota; *muriatic acid*, in bulk, in tank vehicles, from the site of the plant of the Stauffer Chemical Company at or near Henderson, Nev., to Kevin and Conrad, Mont.; and *anhydrous ammonia*, in bulk, in pressurized tank vehicles, from Finley, Wash., to points in Montana. JOHN S. RICE holds no authority from this Commission. However, he owns 77.78 percent and 91.02 percent of the outstanding capital stock of CHEMICAL TRANSPORT, and RICE TRUCK LINES, 712 Central Avenue West, Great Falls, Mont., respectively. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–2626; Filed, Mar. 17, 1964; 8:47 a.m.]

[Notice 613]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 13, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

SECTION A—MOTOR CARRIERS OF PROPERTY

No. MC 42343 (Sub-No. 13), filed March 11, 1964. Applicant: MACHISE EXPRESS COMPANY, INC., 500 North Egg Harbor Road, Hammonton, N.J., Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the Colonial Pipe Line Company facilities and terminals located at points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 114457 (Sub-No. 15), filed March 2, 1964. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in North Dakota, South Dakota, Wisconsin, and Minnesota.

NOTE: Applicant states that the proposed operations will be restricted to traffic originating at Darien, Wis.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

SECTION B—MOTOR CARRIERS OF PROPERTY

No. MC 17481 (Sub-No. 24), filed October 28, 1963. Applicant: MOORE FREIGHT, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 43421 (Sub-No. 29), filed October 28, 1963. Applicant: DOHRN TRANSFER COMPANY, Post Office Box 156, Rock Island, Ill. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 52110 (Sub-No. 79), filed October 28, 1963. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

NOTE: Common control may be involved.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 56388 (Sub-No. 28) (AMENDMENT), filed November 13, 1963, republished FEDERAL REGISTER issue January 29, 1964, amended March 6, 1964, and republished as amended this issue. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. Applicant's attorney: Francis J. Ortman, National Press Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from all distribution points on the Colonial Pipe Line, including all spur lines, located at points in Maryland, and Virginia, to points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: The purpose of this republication is to include service to "all distribution points on the Colonial Pipe Line, including all spur lines" as shown above, which did not appear in the previous publications.

HEARING: Remains as reassigned April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 78643 (Sub-No. 52), filed October 28, 1963. Applicant: HART MOTOR EXPRESS, INC., 2417 North Cleveland, St. Paul 13, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 52964 (Sub-No. 7), filed October 28, 1963. Applicant: EUGENE PIKOVSKY, doing business as FREIGHT TRANSIT CO., 2600 University Avenue SE., Minneapolis, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

NOTE: Common control may be involved.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 80443 (Sub-No. 6), filed October 27, 1963. Applicant: OVERNITE EXPRESS, INC., 122 Eighth Street SE., Minneapolis 14, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 102616 (Sub-No. 732) (AMENDMENT), filed September 9, 1963, published in FEDERAL REGISTER issue of January 29, 1964, amended and republished FEDERAL REGISTER issue of March 11, 1964, amended and republished this issue. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the pipeline terminals of the Colonial Pipelines in Virginia, to points in Maryland, Pennsylvania, Virginia, West Virginia, Delaware, and the District of Columbia.

NOTE: The purpose of this republication is to include points in Delaware in the destination territory, and delete reference to Plantation Pipelines.

HEARING: Remains as assigned April 6, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 103017 (Sub-No. 20), filed October 28, 1963. Applicant: MERCURY MOTOR FREIGHT LINES, INC., 954 Hersey Street, St. Paul 14, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate before Examiner Harry M. Shooman.

No. MC 108158 (Sub-No. 54), filed October 28, 1963. Applicant: MID CONTINENT FREIGHT LINES, INC., 11 Southeast Oak Street, Minneapolis 14, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 108223 (Sub-No. 12), filed October 28, 1963. Applicant: CENTURY MOTOR FREIGHT, INC., 3245 Fourth Street SE., Minneapolis 14, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis

Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 108449 (Sub-No. 39), filed October 28, 1963. Applicant: STRONG TRANSPORTATION COMPANY, INC., 1450 Hadley Avenue, St. Paul 13, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 109397 (Sub-No. 34), filed October 28, 1963. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 110420 (Sub-No. 1), filed October 28, 1963. Applicant: QUALITY CARRIERS, INC., 1400 West Hanover Avenue, Post Office Box 186, Plainfield, N.J. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 110525 (Sub-No. 1), filed October 28, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 110563 (Sub-No. 39), filed October 28, 1963. Applicant: COLDWAY FOOD EXPRESS, INC., Post Office Box 747, Fort Wayne, Ind. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 111729 (Sub-No. 69), filed October 28, 1963. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 112304 (Sub-No. 1), filed October 28, 1963. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Rollins Road, Burlingame, Calif. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 112520 (Sub-No. 77), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 112520 (Sub-No. 78), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 112520 (Sub-No. 79), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 112520 (Sub-No. 80), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 112520 (Sub-No. 81), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 112520 (Sub-No. 82), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 112520 (Sub-No. 83), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 112520 (Sub-No. 84), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 112520 (Sub-No. 85), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 112520 (Sub-No. 86), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 112520 (Sub-No. 87), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 112520 (Sub-No. 88), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 112520 (Sub-No. 89), filed October 28, 1963. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Donald A. Morken, 1000 First National Bank

Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 108835 (Sub-No.), filed October 28, 1963. Applicant: HYMAN TRANSPORTATION COMPANY, a corporation, 8 North State Street, Aberdeen, S. Dak. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 108987 (Sub-No. 10), filed October 28, 1963. Applicant: POOLE TRANSFER, INC., 807 East Fourth St., Muscatine, Iowa. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 109538 (Sub-No. 15), filed October 27, 1963. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, Wis. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 109557 (Sub-No. 10) (AMENDMENT), filed April 29, 1963, published in FEDERAL REGISTER issued June 12, 1963, amended March 6, 1964, republished as amended this issue. Applicant: WILLETT BROS. TRANSPORTATION, INCORPORATED, Post Office Box 972, Roanoke, Va. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Virginia, to points in Virginia, West Virginia, Maryland, North Carolina and the District of Columbia, and *returned and rejected shipments* of the above described commodities, on return.

NOTE: The purpose of this republication is to broaden the scope of territory involved in the proposed operations.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 111496 (Sub-No. 7), filed October 28, 1963. Applicant: TWIN CITY-FARGO FREIGHT, INC., 122 Eighth Street SE., Minneapolis 14, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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No. MC 111594 (Sub-No. 26), filed October 28, 1963. Applicant: CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, a corporation, Post Office Box 200, Wisconsin Rapids, Wis. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

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By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–2617; Filed, Mar. 17, 1964; 8:47 a.m.]

[Notice 614]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 13, 1964.

The following applications are governed by special rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 3261 (Sub-No. 32), filed March 2, 1964. Applicant: KRAMER-CONSOLIDATED FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich.

[1] Copies of special rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

Applicant's attorney: Walter N. Bieneman, Suite 1700–One Woodward Avenue, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and those requiring special equipment), (1) from the junction of U.S. Highway 20 and Indiana State Highway 13, over Indiana Highway 13 to junction with U.S. Highway 131 and thence over U.S. Highway 131 to Constantine, Mich., and return over the same route, serving only those points otherwise authorized to be served and with the right to connect intersecting authorized routes via the Indiana Turnpike and U.S. Highway 12, and (2) from the junction of U.S. Highway 20 and U.S. Highway 31 over U.S. Highway 31 to junction with U.S. Highway 12 (formerly US Highway 112), and return over the same route, serving only those points otherwise authorized to be served and with the right to connect the intersecting authorized route over the Indiana Turnpike.

NOTE: If a hearing is deemed necessary applicant requests it be held at Lansing, Mich.

No. MC 11207 (Sub-No. 223), filed March 2, 1964. Applicant: DEATON TRUCK LINE, INC., 3409 Tenth Avenue North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction, maintenance, power distribution*, and *plant machinery, tools and equipment*, and *parts, accessories*, and *attachments therefor* (not including contractors' machinery, tools and equipment), between points in Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi and Louisiana.

NOTE: If a hearing is deemed necessary applicant requests it be held at Knoxville, Tenn. Simultaneously with the filing of this application, applicant has filed a petition in Nos. MC 11207 and MC 11207 (Sub-No. 47), published this issue of the FEDERAL REGISTER, and has requested that the petition and this application be consolidated and determined on a joint record.

No. MC 17379 (Sub-No. 9), filed March 3, 1964. Applicant: M. & M. TRUCKING CO., 1103 East Poland Avenue, Bessemer, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from Bessemer, Pa., to points in Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above named commodity on return.

NOTE: Applicant states that the proposed service is to be limited to a transportation service to be performed under a continuing contract, or contracts, with Bessemer Cement Company Division Diamond Alkali Company, Bessemer, Pa. If a hearing is deemed necessary applicant requests it be held at Pittsburgh, Pa.

No. MC 22214 (Sub-No. 14), filed February 28, 1964. Applicant: ACCELERATED TRANSPORT-PONY EXPRESS, INC., 23–61 West Lee Street, Hagerstown, Md. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, alcoholic beverages, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Washington, D.C., and Trenton, N.J., from Washington, over U.S. Highway 50 to junction with Maryland Highway 3, thence over Maryland Highway 3 to Baltimore, Md., thence over Interstate Highway 95 to the Delaware Memorial Bridge, thence over U.S. Highway 130 to the junction with U.S. Highway 206, located at or near Bordentown, N.J., and thence over U.S. Highway 206, to Trenton, and return over the same route, serving the intermediate points of Baltimore, Md., and Camden, N.J., as an alternate route for operating convenience only, in connection with applicant's presently authorized regular route operations.

NOTE: Applicant states the proposed service is to be "restricted to shipments originating at or destined to the State of West Virginia, and with that portion of the through movement between West Virginia and Washington, D.C., restricted to movement in rail piggyback service only." If a hearing is deemed necessary the applicant requests it be held at Washington, D.C.

No. MC 41404 (Sub-No. 45), filed March 2, 1964. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, chilled and frozen foods, and packinghouse products*, fresh and frozen, from Nashville, Tenn., to Blytheville and Little Rock, Ark.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 52294 (Sub-No. 1), filed March 2, 1964. Applicant: PAUL C. CARTER, doing business as CARTER VAN LINES, 740 West Sycamore Street, Zionsville, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Indianapolis, Ind., and points within 45 miles thereof, to points in Minnesota, Iowa, Missouri, Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, North Caroline, and Virginia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind.

No. MC 52858 (Sub-No. 100), filed March 2, 1964. Applicant: CONVOY COMPANY, a corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's Marvin Handler and Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, and busses* in secondary movements in truckaway service and in driveaway service, from Milpitas, Calif., to points in Nevada.

NOTE: Applicant states that the proposed service is to be restricted to shipments having prior movement by rail. If a hearing is deemed necessary applicant requests it be held at San Francisco, Calif.

No. MC 64932 (Sub-No. 337), filed March 2, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Swanton, Ohio, to points in Alabama, Arkansas, Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 78632 (Sub-No. 120), filed March 2, 1964. Applicant: HOOVER MOTOR EXPRESS CO., INC., Polk Avenue, Nashville, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 417 Stahlman Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), to, from, and between points within fifteen (15) miles of Jackson, Tenn., including Jackson.

NOTE: Applicant states that said proposed authority will be used in conjunction with all of its present authority in Docket No. MC 78632 and Sub numbers. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Memphis, Tenn.

No. MC 98499 (Sub-No. 3), filed March 2, 1964. Applicant: WHITE TRUCK LINE, INC., 1534 Jonesboro Road SE., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 214 Standard Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, livestock, commodities in bulk and those requiring spe-

cial equipment), (1) between Gainesville, Ga., and Commerce, Ga.: from Gainesville, over Georgia Highway 11 to Jefferson, Ga., thence over Georgia Highway 15 to Commerce, and return over the same route, serving all intermediate points. (Applicant states that the proposed service in (1) will be restricted against transporting traffic moving between Commerce, Ga., on the one hand, and, on the other, Atlanta, Ga., and points beyond Atlanta), (2) serving the Tucker-Stone Mountain Industrial District, DeKalb County, Ga., and Stone Mountain Industrial Park, DeKalb County, Ga., as off-route points in connection with applicant authorized regular route operations, and (3) serving Peachtree City, Ga., as an off-route point in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 94350 (Sub-No. 28), filed March 2, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Sumter County, S.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *damaged and rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 95540 (Sub-No. 574), filed March 4, 1964. Applicant: WATKINS MOTOR LINES, INC., Post Office Box 828, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Charlotte, Concord and Greensboro, N.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, Texas, Virginia and to Kansas City, Kans. and Kansas City, Mo.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 95540 (Sub-No. 575), filed March 2, 1964. Applicant: WATKINS MOTOR LINES, INC., Post Office Box 828, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Greensboro, N.C., to points in Oklahoma and Texas.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 105461 (Sub-No. 57), filed March 2, 1964. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, play yards, cribs and walkers*, from Newburgh, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and Washington, D.C., and points in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 544), filed March 2, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, from Barberton, Ohio, to points in Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107496 (Sub-No. 309), filed February 24, 1964. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt emulsion*, in bulk, in tank vehicles, from Rock Falls, Ill., and points within 5 miles thereof, to points in LaCrosse, Monroe, Juneau, Adams, Marquette, Vernon, Crawford, Richland, Suak, Columbia, Grant, Iowa, Dane Lafayette Green, and Rock Counties, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 471), filed March 2, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, 214 Standard Federal Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Spalding and Pike Counties, Ga., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, West Virginia, and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108435 (Sub-No. 18), filed February 26, 1964. Applicant: OSCAR C. RADKE, doing business as RADKE TRANSIT, Ross Street, Schofield, Wis. Applicant's attorney: Claude J. Jasper, Suite 301 Provident Building, 111 South Fairchild Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum window frames*, with and without panels, from points in Marathon County, Wis., to points in Iowa, Michigan, Illinois (except points in the Chicago Commercial Zone), Indiana (except points in the Chicago Commercial Zone), Ohio, Pennsylvania, New Jersey, New York, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Kentucky, Tennessee, West Virginia, Virginia, District of Columbia, and Maryland.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 109584 (Sub-No. 122), filed March 2, 1964. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in hopper and tank vehicles, between points in California, and points in Arizona.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Los Angeles, Calif.

No. MC 110012 (Sub-No. 13), filed March 2, 1964. Applicant: G.B.C., Inc., Post Office Box 68, Morristown, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Springs and mechanisms*, from Holyoke, Mass., to Morristown, Tenn., (2) *foam rubber*, from Shelton, Conn., to Morristown, Tenn., (3) *ply tape* from Cambridge, Mass., to Morristown, Tenn., (4) *plastics* from Lawrence, Mass. and Philadelphia, Pa., to Morristown, Tenn., (5) *fabrics* from Canton, Lowell, and Reading, Mass., and Providence, R.I., to Morristown, Tenn., and (6) *jute webbing, tacking strips, tape, tacks, dowels, sheeting, plastics, fabrics, nails, zippers and zipper cloth, swivels, motors, swatches, mechanisms, foam rubber, buttons, and screws*, from West Springfield, Mass., to Morristown, Tenn.

NOTE: If a hearing is deemed necessary applicant requests it be held at Knoxville or Morristown, Tenn.

No. MC 110420 (Sub-No. 366) (AMENDMENT), filed February 27, 1964, published in FEDERAL REGISTER issue March 6, 1964, and republished as amended this issue. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: E. R. Kershner (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coconut oil, soap, soap stock, tallow and fatty acids*, in bulk, in tank vehicles, from points in Aurora Township, Kane County, Ill. to points in Indiana, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin, and (2) *glycerine*, in bulk, in tank vehicles, from points in Aurora Township, Kane County, Ill., to points in Michigan and Missouri.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill. The purpose of this republication is to add (3) above.

No. MC 1110525 (Sub-No. 643), filed March 6, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Pennsylvania and New York, on the Allegheny Pipeline Co. and Texas Eastern Transmission Corporation (Little Big Inch Division) pipelines to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 644), filed March 8, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar*, in bulk, in tank and hopper-type vehicles from Alstead, N.H., to points in Connecticut, Massachusetts, New Jersey, and New York.

No. MC 111467 (Sub-No. 6), filed February 26, 1964. Applicant: ARTHUR J. PAPE, doing business as ART PAPE TRANSFER, Cascade, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk (except in tank vehicles) from Streator, Ill., to points in Iowa.

NOTE: If a hearing is deemed necessary applicant requests it be held at Des Moines, Iowa.

No. MC 111545 (Sub-No. 60), filed February 26, 1964. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction equipment*, (2) *maintenance equipment, and* (3) *parts, attachments, and accessories for commodities specified in* (1) *and* (2) *above*, from Erie, Pa., and Evansville, Ind., and points within ten (10) miles thereof, to points in Florida.

NOTE: If a hearing is deemed necessary applicant requests it be held at Miami, Fla.

No. MC 111812 (Sub-No. 240), filed March 2, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building (Post Office Box 747), Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (including *fruit juices* and *vegetable juices and concentrates thereof*), *in mixed shipments with canned goods* (including *fruit juices and vegetable juices, and concentrates thereof*, not frozen), (2) *frozen foods*, including *fruit juices* and *vegetable juices and concentrates thereof, in mixed shipments with commodities, the transportation of which is partially exempt* under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods, (3) *canned goods* (including *fruit juices* and *vegetable juices and concentrates thereof*, not frozen), *in mixed shipments with commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with canned goods, (4) *canned goods* (including *fruit juices and vegetable juices and concentrates thereof*, not frozen), and (5) *frozen foods* (including *fruit juices and vegetable juices and concentrates*), from points in California and Arizona, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: Applicant states that it seeks no duplicating authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 112059 (Sub-No. 5), filed March 2, 1964. Applicant: ARLO MILLER, doing business as M & N TRUCK LINE, Post Office Box 267, Afton, Wyo. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, other grain and livestock feed, in bulk), between Salt Lake City, Utah, and Pocatello, Idaho, from Salt Lake City, over U.S. Highway 91 and Interstate Highway 15 to Brigham City, Utah, thence from Brigham City, over U.S. Highway 191 and Interstate Highway 15 to Downey, Idaho, thence from Downey, over U.S. Highways 91 and 191 and Interstate Highway 15 to Pocatello, Idaho, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular-route operations.

NOTE: If a hearing is deemed necessary applicant requests it be held at Salt Lake City, Utah.

No. MC 112617 (Sub-No. 169), filed March 2, 1964. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, 600 Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups and blends and mixtures thereof*, in bulk, in tank vehicles, from Fort Wayne, Ind., to points in Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind.

No. MC 112617 (Sub-No. 170), filed March 2, 1964. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, 600 Munsey Building, Washington, D.C., 2004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 113267 (Sub-No. 124), filed March 2, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food preparations*, from Mattawan, Mich., and Chicago, Ill. to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: The proposed service at Chicago, Ill., will be restricted to the completion of the loading of a through trailer, originating shipments at Mattawan, Mich., and en route to one or more destination states named herein. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114019 (Sub-No. 116), filed February 28, 1964. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaska Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products*, and *meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Columbus Junction, Iowa, to points in Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., but it would have no objection to Des Moines, Iowa, or Omaha, Nebr.

No. MC 114211 (Sub-No. 45), filed February 28, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North LaSalle

Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, and stationary engines, and parts therefor*, when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above specified commodities, which, because of their size or weight require the use of special equipment), from Dubuque, Iowa, to points in North Dakota.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 46), filed March 2, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Black Hawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, and agricultural implements and parts*, from Cherokee, Iowa, to points in Nebraska, South Dakota, Wisconsin, Illinois, Missouri, Texas, and Indiana, and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 47), filed March 4, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, tractors, attachments and parts thereof*, from Davenport, Iowa, and Moline, East Moline, and Rock Island, Ill., to points in Nebraska, South Dakota, North Dakota, and Colorado, and *rejected shipments* on return.

NOTE: Applicant states the purpose of this application is to eliminate the necessity of operating through the gateway of Waterloo, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 83) (AMENDMENT), filed January 17, 1964, published in FEDERAL REGISTER issue of January 29, 1964, amended March 2, 1964 and republished as amended this issue. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: Carl Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Papers, used* in the processing of data by computing machines, *punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports, and documents* and *office records*, (1) between Chicago, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 40, points in Brown, Calumet, Columbia, Dane, Dodge, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, and Winnebago Counties, Wis., and points in Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Macomb, Mecosta, Midland, Monroe, Montcalm, Muskegon, Newaygo, Oakland, Oceana, Ottawa, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, and Wayne Counties, Mich., (2) between Detroit, Mich., and Indianapolis, Ind., (3) between Toledo, Ohio and Alma, Mich., and (4) between Kansas City, Mo., on the one hand, and, on the other, points in that part of Kansas east of a line beginning at the Oklahoma-Kansas State line and extending along the western boundary of Harper County, Kans., to the southern boundary of Kingman County, Kans., thence along the southern boundary of Kingman County to the western boundary of Kingman County, and fence along the western boundaries of Kingman, Reno, Rice, Ellsworth, Lincoln, Mitchell and Jewell Counties, Kans., to the Kansas-Nebraska State line, and points in Nuckolls and Richardson Counties, Nebr. RESTRICTION: The service authorized herein is subject to the following conditions: (1) The service shall be limited to the transportation of packages each weighing 100 pounds or less, and (2) the carrier shall not transport more than one package from one consignor at one location to one consignee at one location on any one day.

NOTE: (1) Applicant is presently authorized under MC 114533 Sub-No. 24, to transport the commodities involved herein within the territory sought to be served herein, limited to shipments of packages each weighing 25 pounds or less. (2) The purpose of this application is to increase the weight of the packages sought to be transported to 100 pounds or less. (3) The purpose of this republication is to add points in Dodge, Jefferson, Columbia, Kenosha, and Walworth Counties, Wis., as destination points in Part (1).

No. MC 114608 (Sub-No. 16), filed March 2, 1964. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids, Mich., 49509. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used in the manufacture of laundry equipment*, from points in Illinois, Indiana, and Ohio to Grand Rapids, Mich.

NOTE: Applicant states that the proposed service is to be performed under a contract or contracts with the Kelvinator Division of American Motors Corporation. If a hearing is deemed necessary applicant requests it be held at Detroit or Lansing, Mich.

No. MC 114717 (Sub-No. 1), filed March 2, 1964. Applicant: RENTAL SERVICE COMPANY, INC., Williston, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, *and machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing or picking up thereof (except the stringing or picking up of pipe in connection with main or trunk pipelines), between points in North Dakota, South Dakota, and Montana.

NOTE: If a hearing is deemed necessary applicant requests it be held at Bismarck, N. Dak.

No. MC 114897 (Sub-No. 49), filed March 2, 1964. Applicant: WHITFIELD TANK LINES, INC., 300-316 North Clark Road, Post Office Box 9897, El Paso, Tex. Applicant's attorney: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals, acids, fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, and (2) *fertilizer*, in bulk, in tank and hopper vehicles, between points in Arizona on the one hand, and, on the other, points in New Mexico.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Santa Fe, N. Mex.

No. MC 115162 (Sub-No. 88), filed March 2, 1964. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, Post Office Box 6202, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, knocked down *and parts therefor*, from Wapakoneta, Ohio, to points in Alabama, Georgia, Louisiana, Florida, and Mississippi.

NOTE: If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 115180 (Sub-No. 10), filed February 28, 1964. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *dairy products* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plant site of Swift and Co. located at or near Grand Island, Nebr., to points in Pennsylvania..

No. MC 115379 (Sub-No. 12), filed February 25, 1964. Applicant: JOHN D. BOHR, JR., Post Office Box 217, Annville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn cobs, ground, crushed, pulverized, whole and in sections*, between points in Pennsylvania, on the one hand, and, on the other, points in Delaware and Maryland.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115648 (Sub-No. 6), filed February 25, 1964. Applicant: LUTHER LOCK, doing business as LUTHER LOCK TRUCKING, 705 13th Street, Wheatland, Wyo. Applicant's attorney: Ward A. White, Post Office Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone* from points in Platte County, Wyo., to points in Scottsbluff, Banner, Kimball, Morrill, and Cheyenne Counties, Nebr., and Weld, Larimer, Boulder, Jefferson, Morgan, and Denver Counties, Colo., and to rail loading points in Platte County, Wyo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 117574 (Sub-No. 89), filed February 28, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Self propelled vehicles* (except highway trucks, truck tractors and automobiles) and *attachments for self propelled vehicles*, and (2) *parts and accessories for self propelled vehicles when moving in mixed loads with items in (1) above*, from Charles City, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117920 (Sub-No. 2) (CORRECTION), filed February 3, 1964, published in FEDERAL REGISTER issue of February 20, 1964, and republished as corrected this issue. Applicant: W. M. TYNAN & COMPANY, INC., 76 Ninth Avenue, New York 11, N.Y. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa and cocoa products*, from New York, N.Y., to Bensenville, Ill.

NOTE: The purpose of this republication is to show the destination point as Bensenville in lieu of Bensonville as previously published.

No. MC 118866 (Sub-No. 2), filed February 26, 1964. Applicant: PAUL ZAMBERLAN, Post Office Box 15, Lewis Run, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, and rejected materials*, between points in McKean, Potter, Elk, Warren, Cameron, and Forest Counties, Pa., on the one hand, and, on the other, points in Ohio, New York, and West Virginia, (2) *new and used pipe, and rejected materials*, between points in McKean, Potter, Elk, Warren, Cameron, Forest, Venango, Clearfield, and Clinton Counties, Pa., on the one hand, and, on the other, points in West Virginia, New York, Ohio, and Kentucky, and (3) *brick, tile and clay products*, from points in McKean, County, Pa., to points in Kentucky and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities and *rejected materials*, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 45500; therefore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Buffalo, N.Y.

No. MC 119270 (Sub-No. 4), filed February 26, 1964. Applicant: REUBEN W. HARTJE, doing business as HARTJE'S TRANSFER, La Valle, Wis. Applicant's attorney: Claude J. Jasper, Suite 301 Provident Building, 111 South Fairchild Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese, fruit juices, cocktail dips and other dairy products ordinarily handled by retail dairies*, from Rochester, Minn. to La Crosse, Holmen, Reedsburg, and Eau Claire, Wis.

No. MC 119443 (Sub-No. 14), filed February 25, 1964. Applicant: P. E. KRAMME, INC., Monroeville, N.J. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coatings, chocolate liquor, chocolate products, cocoa butter and confectioners' coating*, in bulk, in tank vehicles, from Fulton, N.Y., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 119522 (Sub-No. 6), filed February 26, 1964. Applicant: McLAIN TRUCKING, INC., 1242 North Jefferson, Muncie, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, ammonium nitrate fertilizer and potash*, dry in bags, from Reynolds, Ind., and points within two (2) miles thereof, to points in Illinois, Michigan, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119655 (Sub-No. 4), filed March 2, 1964. Applicant: MORRIS H. APPLEBAUM, 1235 West 21st Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radios, televisions, talking machines, recording sets*, and *combinations thereof, air conditioners, heaters, dehumidifiers, humidifiers, air purifiers* and *parts of and for the foregoing items*, from Philadelphia, Pa., points in the New York Commercial Zone including New York City, and points in New Jersey to Detroit, Mich., St. Louis, Mo., and Carpentersville, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119810 (Sub-No. 10), filed March 2, 1964. Applicant: NEBRASKA EASTERN EXPRESS, INC., Livestock Exchange Building, Omaha, Nebr. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Swift and Company, located at or near Grand Island, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and to Washington, D.C.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119903 (Sub-No. 6), filed February 25, 1964. Applicant: D. J. WALRAVEN, 2713 Maple Road, Rome, Ga. Applicant's attorney: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk, from Calhoun, Ga., to points in Alabama on and east of U.S. Highway 72 beginning at the Alabama-Tennessee State line and extending to Scottsboro, Ala., thence over Alabama Highway 79 to junction U.S. Highway 431, thence over U.S. Highway 431 to Gadsden, Ala., thence over Alabama Highway 77 to junction Alternate U.S. Highway 231, thence over Alternate U.S. Highway 231 to Sylacauga, Ala., thence over U.S. Highway 280 to the southern boundary of Talladega County, Ala., and thence east along the southern boundaries of Talladega, Clay and Randolph Counties, Ala., to the Georgia-Alabama State line.

NOTE: Applicant states the proposed operations will be under contract with the Cotton Producers Association and its affiliates and members. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 120460 (Sub-No. 1), filed March 2, 1964. Applicant: GOODWINE TRUCKING CO., a corporation, 3236 39th Avenue, Rock Island, Ill. Applicant's attorney: Joseph R. Rosborough, 1528 Sixth Avenue, Moline, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock, horses, sheep, brick, tile, canned goods, agricultural implements, machinery and supplies, road machinery and road building equipment, feed, tankage, household goods and coal*, between points in Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Moline, Ill.

No. MC 123012 (Sub-No. 3), filed February 26, 1964. Applicant: DEWEY MILICH, Rural Delivery 2, Box 301, Brownsville, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailer running gear assemblies, and component parts thereof*, in flatbed equipment, from the plant site of Liggett Spring and Axle Company, in Forward Township, Allegheny County, Pa., to Goodletsville, Tenn., Fort Madison, Iowa, Bellevue, Ohio, St. Louis, Mo., Streator, Ill., and Tulsa, Okla.; and (2) *hubs, drums, wheels, and other trailer component parts*, from Detroit, Mich., to the said plant of Liggett Springs and Axle Company, in Forward Township, Allegheny County, Pa. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 102), filed February 1, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, and mineral mixtures*, in bulk, from points in Kansas, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832 and Subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 124813 (Sub-No. 9), filed February 26, 1964. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk (except in tank vehicles), from Streator, Ill., to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125407 (Sub-No. 2), filed March 2, 1964. Applicant: CHARLES E. KING, JR. AND HAROLD A. SCOTT, a partnership, doing business as KING AND SCOTT, Gray, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse and Milwaukee, Wis., to Carroll, Iowa, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125474 (Sub-No. 4), filed February 26, 1964. Applicant: BULK HAULERS, INC., 1901 Dawson Street, Wilmington, N.C. Applicant's attorney: Cyrus D. Hogue, Jr., Post Office Box 1268—608 Carolina Power and Light Building, Wilmington, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers and dry fertilizer materials*, in bulk, in covered, dump, tank and hopper type vehicles, from Wilmington, N.C., and points within 20 miles thereof to points in South Carolina, and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, N.C.

No. MC 125654 (Sub-No. 1), filed March 2, 1964. Applicant: W. E. PARTAIN, 1301 Oak Street, Crossett, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Planer mill, saw mill and lumber mill refuse and waste* from Shreveport, La., to Crossett, Ark.

NOTE: Applicant states the proposed operations will be for the account of Olin Mathieson Chemical Corporation, Forest Products Operations, West Monroe, La. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 125925 (Sub-No. 2), filed March 3, 1964. Applicant: SAM TOWLER, 3319 Collins Street, Annandale, Va. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone, and stone dust*, in bulk, in dump vehicles, from points in Montgomery and Prince Georges Counties, Md., and the District of Columbia to Herndon, Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 125954, filed January 20, 1964. Applicant: BENNETT MOTOR COMPANY, doing business as BENNETT FORD, a corporation, 47 West Sixth South, Salt Lake City, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, damaged, stolen, repossessed, and abandoned vehicles* and *replacements thereof*, together with *parts and cargoes* related to such vehicles, by use of wrecker equipment, between points in Utah on the one hand, and, on the other, points in Colorado, Utah, Arizona, Idaho, Nevada, New Mexico, and Wyoming.

NOTE: Applicant states that the subject application does not cover the emergency transportation of any accidentally wrecked or disabled motor vehicle in interstate or foreign commerce by towing. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 126011, filed February 14, 1964. Applicant: EDWARD K. BOYDSTUN, doing business as APACHE TRUCK LINE, Box 397, Apache, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Apache, Okla., and Lawton, Okla., and between Apache, Okla., and Oklahoma City, Okla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 126029 (Sub-No. 1), filed February 26, 1964. Applicant: BERNARD STINN, Harlan, Iowa. Applicant's attorney: Jake S. More, Harlan, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, and feed ingredients*, from Weeping Water, Nebr., to points in Audubon, Guthrie, Dallas, Shelby, and Pottawattamie Counties, Iowa, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Omaha, Nebr.

No. MC 126045, filed February 19, 1964. Applicant: ALTER COMPANY, a corporation, 2333 Rockingham Road, Davenport 5, Iowa. Applicant's attorney: Richard J. Phelan, 135 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients*, including *dicalcium phosphate* and *difluorinated phosphate*, from Montpelier, Iowa, and points within a 25 mile radius of Montpelier, and Davenport, Iowa, to points in Illinois, Minnesota, Wisconsin, Nebraska, South Dakota, and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa.

No. MC 126046, filed February 19, 1964. Applicant: DUNDALK LEASING CO. INC., 2700 Broening Highway, Warehouse 1, Baltimore 22, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used motor vehicles, farm tractors, and military vehicles*, between points in Alabama, Arkansas, Connecticut, the District of Columbia, Florida, Georgia, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 126048, filed February 25, 1964. Applicant: CONNECTICUT AIR FREIGHT, INC., R.F.D. No. 4 Mohegan Hill, Uncasville, Conn. Applicant's attorney: Kevin W. Conway, 16 Jay Street, New London, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from Norwich and New London, Conn., to airport terminals located in Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 126051, filed February 27, 1964. Applicant: DOUGLAS SEHORNE, 1734 Chopping Branch, McRoberts, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with general commodities, between points in the United States, including Alaska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Washington, D.C.

No. MC 126065, filed February 24, 1964. Applicant: INTERNATIONAL AUTOMOBILE DELIVERY, INC., 7821 Noremac Avenue, Miami Beach, Fla. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in driveaway operations, from points in Florida to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami Beach, Fla.

No. MC 126066, filed February 24, 1964. Applicant: A B C DRIVERS EXCHANGE, INC., 147 West 42d Street, New York, N.Y. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in driveaway operations, from points in Connecticut on and west of U.S. Highway 5, points in New York on and east of Interstate Highway 81, Ithaca, N.Y., and points in New Jersey on and north of U.S. Highway 30 to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126068, filed February 27, 1964. Applicant: SOUTHERN TRANSPORT, INC., Post Office Box 686, Rome, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-manufactured or prefabricated houses*, between the plant site of Inland Homes Corporation located at or near Cedartown, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126069, filed February 28, 1964. Applicant: JOE L. LANGER, 924 West Avenue F, Muleshoe, Tex. Applicant's attorney: Morris Stagner, 108 West Fifth Street, Post Office Box 925, Clovis, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Condemned boxcars, houses, structures, and buildings*, intact, in sections, or knocked down, (2) *empty containers or other such incidental facilities* (not specified), and *pole trailers, skids, and dollies*, used to transport the specified commodities, between points in Parmer, Bailey, Lamb, Castro, Swisher, Deaf Smith, Randall, Potter, and Cochran Counties, Tex., and points in Roosevelt, De Baca, Curry, Lea, Chaves, Eddy, Quay, and Torrance, N. Mex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 126070, filed February 28, 1964. Applicant: BERNARD J. HEMMINGER, doing business as QUICK VAN LINES, 1801 Griswold, Sterling, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home and office appliances* from Connersville, Ind., to points in Illinois and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 126071, filed March 2, 1964. Applicant: WARNER A. STUENKEL, 620 Porter, Centralia, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bags, and in bulk (except in bulk, in tank vehicles), from East St. Louis, Ill., to points in Boone County, Mo., and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with fertilizer. If a hearing is deemed necessary applicant requests it be held at Jefferson City, Mo.

No. MC 126072, filed March 2, 1964. Applicant: CYRIL G. REIER and JAMES E. REIER, doing business as C. G. REIER & SON, Route 1, St. Marys, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Department of Defense *surplus equipment, supplies*, and *materials*, between Lima, Ohio, Decatur, Ill., and Detroit, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE: Applicant states that the proposed service is to be performed under continuing contracts with Fair Radio Sales Co., Lima, Ohio, M. J. Heightman, Decatur, Ill., and Radio & Electronic Surplus Co., Detroit, Mich. If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 126073, filed March 2, 1964. Applicant: DELMER W. STOREY, doing business as D. W. STOREY CONSTRUCTION COMPANY, 839 Cedar Street, Lewiston, Idaho. Applicant's attorney: Herbert H. Freise, 200 Jones Building, Walla Walla, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt and processed asphalt road mix*, between points in Nez Perce County, Idaho, and points in Columbia, Garfield, and Asotin Counties, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lewiston, Idaho, or Clarkston, Wash.

No. MC 126074, filed March 2, 1964. Applicant: RONALD ACHESON, doing business as ACHESON TRUCKING, Rural Route No. 3, Fort Recovery, Ohio. Applicant's attorney: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, grain, meal, soy bean, poultry supplies, fertilizer, and feed ingredients*, between points in Ohio and Indiana on the one hand, and, on the other, points in Ohio and Michigan.

NOTE: Applicant states the proposed service will be under continuing contracts with Stover Feed & Grain, Inc., Greenville, Ohio and St. Clair Mills, Inc., Fort Recovery, Ohio. If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 126075, filed March 2, 1964. Applicant: ROBERT H. FROHN, Post Office Box 362, Amite, La. Applicant's attorney: James N. Clay III, 340 Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring, trim* and *pallets*, from Hazelhurst, Miss., to points in Colorado, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson Miss., New Orleans or Baton Rouge, La.

No. MC 126076, filed March 2, 1964. Applicant: CHATTAHOOCHEE VALLEY RAILWAY COMPANY, a corporation, Fourth Avenue and Eighth Street, West Point, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from Bleecker, Ala., to North West Point, Ga., from Bleecker, over county roads adjacent to and generally parallel to Chattahoochee Valley Railway to Fairfax, Ala., thence over U.S. Highway 29 or city streets through West Point, Ga., to North West Point, and return over the same route, serving all stations of Chattahoochee Valley Railway as intermediate points.

NOTE: Applicant states the proposed transportation will move in carload and less-than-carload lots, and also will move prior to or subsequent to this movement by rail in substituted rail service. If a hearing is deemed necessary applicant requests it be held at Montgomery, Ala.

MOTOR CARRIERS OF PASSENGERS

No. MC 37640 (Sub-No. 5), filed March 2, 1964. Applicant: TEXAS BUS LINES, a corporation, Post Office Box 418,

Galveston, Tex. Applicant's attorney: Leroy Hallman, 617 First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers, and mail*, in the same vehicle with passengers, (1) between Beaumont, Tex., and Port Arthur, Tex., over U.S. Highway 69, serving no intermediate points, (2) between Beaumont, Tex., and Port Arthur, Tex., over Texas Highway 347 via Nederland, Tex., serving all intermediate points, (3) between Nederland, Tex., and junction county highway and old U.S. Highway 69: from Nederland over county highway to Port Neches, thence south over county highway to junction old U.S. Highway 69, and return over the same route, serving all intermediate points, (4) between Waco, Tex., and Mt. Pleasant, Tex.: from Waco over U.S. Highway 84 to junction Texas Highway 31, thence over Texas Highway 31 via Dawson and Corsicana, Tex., to Tyler, Tex., thence over U.S. Highway 271 to junction Texas Highway 155, thence over Texas Highway 155 to Winona, Tex., thence over unnumbered highway to junction U.S. Highway 271 at a point approximately five miles east of Winona, Tex., thence over U.S. Highway 271 to Mount Pleasant, and return over the same route, serving all intermediate points, (5) between junction Texas Highway 155 and U.S. Highway 271, and junction unnumbered highway and U.S. Highway 271 east of Winona, Tex., over U.S. Highway 271, serving the intermediate point of New Route, Tex., (6) between Gilmer, Tex., and Winona, Tex., over Texas Highway 155, serving the intermediate points of Pritchett, Old Union School, Big Sandy, and Gulf, Tex., (7) between Tyler, Tex., and Lufkin, Tex., over U.S. Highway 69 via Jacksonville and Ruske, Tex., serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 96007 (Sub-No. 20), filed February 28, 1964. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Applicant's attorney: Frank Daniels, 11 Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Norfolk, Plymouth, Suffolk, Middlesex and Essex Counties, Mass., and Hillsboro County, N.H., and extending to points in Connecticut, Delaware, the District of Columbia, Florida, Illinois, Louisiana, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 98674 (Sub-No. 3), filed March 3, 1964. Applicant: WINTER GARDEN BUS LINE, INC., Post Office Box 1041, Eagle Pass, Tex. Applicant's attorney: Morgan Nesbitt, International Life Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, between Eagle Pass, Tex. and San Antonio, Tex.; from Eagle Pass over U.S. Highway 277 to junction with Texas Highway 76, thence over Texas Highway 76, via La-Pryor and Batesville, to junction with U.S. Highway 81, thence over U.S. Highway 81 and Interstate Highway 35 to San Antonio, and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary applicant requests it be held at San Antonio and Eagle Pass, Tex.

No. MC 123334 (Sub-No. 3) filed February 28, 1964. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 280 Bartlett Street, Lewiston, Maine. Applicant's attorney: Frank Daniels, 11 Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Maine and extending to points in Connecticut, Delaware, the District of Columbia, Florida, Illinois, Louisiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lewiston, Maine.

No. MC 125222 (Sub-No. 3), filed February 26, 1964. Applicant: RED ARROW LINES, INC., 19 West Fifth Street, Chester, Pa. Applicant's attorney: David Berger, 2220 Philadelphia Saving Fund Building, Philadelphia, Pa., 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, within the Cherry Hill Township, N.J., beginning at Kings Highway and Munn Avenue (Old Salem Road), thence over Munn Avenue (Old Salem Road) to Caldwell Avenue, thence over Caldwell Avenue to Brace Road, thence over Brace Road to Haddonfield-Berlin Road, thence over Haddonfield-Berlin Road to its intersection with Whitman Boulevard and Hillside Lane, and return over the same route, serving all intermediate points.

NOTE: Applicant states the proposed service will be used as an extension of authority granted in Docket No. MC 125222 (Sub-No. 1), which includes its regular-route (1) between Philadelphia, Pa., and Medford Lakes, N.J., and its spur route (2) between Ellisburg, N.J., and Kingsway Village, N.J. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125706 (Sub-No. 1), filed February 26, 1964. Applicant: BALTIMORE-SOLOMONS BUS LINES, INC., Prince Frederick, Md. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, between Solomons, Md., and Washington, D.C.: From Solomons, over Maryland Highways 2 and 416, to junction Maryland Highway 416, thence over Maryland Highway 416 to junction Maryland Highway 4 at Drury, Md., (also from junction Maryland Highways 2 and 416, over Maryland Highway 2, to junction Maryland Highway 4), thence over Maryland Highway 4 to Washington, D.C., and return over the same route serving all intermediate points (except those between Washington, D.C., and the junction of Maryland Highways 260 and 416).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Prince Frederick, Md.

No. MC 126061, filed March 4, 1964. Applicant: NEW YORK-PITTSFIELD BUS LINES, INC., 343 Pecks Road, Pittsfield, Mass. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and personal effects*. (A) Between Pittsfield, Mass., and New York, N.Y.: From Pittsfield bus terminal over city streets to U.S. Highway 7, thence over U.S. Highway 7 to Danbury, Conn., thence over U.S. Highways 6 and 202 to Brewster, N.Y., thence over New York Highway 22 to Kotomah, N.Y., thence over New York Highway 117 to Chappaqua, N.Y., thence over New York Highway 141 to junction U.S. Highway 9A at or near Hawthorne, N.Y., thence over U.S. Highway 9A through Elmsford, N.Y., to the New York Thruway at or near Ardsley, N.Y., thence over New York Thruway (Interstate Highway 87) to New York City, thence over city streets to Port Authority Bus Terminals, and return over the same routes, serving all intermediate points. (B) As an alternate route for express service only, leaving the above route at Elmsford, N.Y. proceeding over Interstate Highway 287 to Tarrytown, N.Y., thence over Tappan Zee Bridge to South Nyack, N.Y., thence over U.S. Highway 9W to Fort Lee, N.J., thence over the George Washington Bridge to New York, N.Y., thence over city streets to Port Authority Bus Terminals, and return over the same routes, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsfield, Mass., or New York, N.Y.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PROPERTY

No. MC 12894 (AMENDMENT), filed February 6, 1964, published in FEDERAL REGISTER, issue February 20, 1964, and republished as amended this issue. Applicant: GABE W. LEWIS, 301 Logan Street (Post Office Box 1903), Laredo, Tex. For a license (BMC 4) to engage in operations as a *broker* at Laredo, Tex., in arranging for transportation, by

motor vehicle in interstate or foreign commerce of *refrigerated and frozen products only*, between points in the United States.

NOTE: The purpose of this republication is to change the commodity description from general commodities, mostly frozen strawberries and meat, to that specified above.

MOTOR CARRIERS OF PASSENGERS

No. MC 12738 (Sub-No. 1), filed March 9, 1964. Applicant: ONEITA REES AUSTIN, doing business as ONEITA AUSTIN TOURS, 1130 Jackson Street, Idaho Falls, Idaho. For a license (BMC 5) to engage in operations as a *broker* at Idaho Falls, Idaho, in arranging for transportation by motor vehicle, in intestate or foreign commerce of *passengers and their baggage*, in special and charter operations in round-trip all-expense tours, beginning and ending at points in Idaho and extending to points in the United States including Alaska and Hawaii.

No. MC 12896, filed February 19, 1964. Applicant: ANNE WILLIAMS DUNN, doing business as WILLIAMS TOURS, 115 Cotton Avenue, Birmingham, Ala., 35211. Applicant's attorney: Horace Perry, First National Bank Building, Montgomery 4, Ala. For a license (BMC 5) to engage in operations as a *broker* at Birmingham, Alabama in arranging for transportation, by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in groups, in chartered guided tours, between points in the United States including ports of entry on the International Boundary line between the United States and Canada.

No. MC 12897, filed February 24, 1964. Applicant: WHITCOMB TRAVEL SERVICE, INC., 2 Main Street, Leominster, Mass. For a license (BMC 5) to engage in operations as a *broker* at Leominster, Mass., in arranging for transportation, by motor vehicle, in interstate or foreign commerce, of *passengers*, both as individuals and in groups, and *their baggage*, between points in the United States.

No. MC 12898, filed February 20, 1964. Applicant: FRANCISCO OLIVERIA TRAVEL AGENCY, INC., 265 Rivet Street, New Bedford, Mass. Applicant's attorney: Samuel L. Lipman, 415 Olympia Building, New Bedford, Mass. For a license (BMC 5) to engage in operations as a *broker* at New Bedford, Mass., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *individual passengers, and groups of passengers, and baggage of passengers*, in charter operations, beginning and ending at New Bedford, Mass., and extending to points in the United States.

APPLICATION FOR FREIGHT FORWARDERS

No. MC FF-260 (Sub-No. 1) (TRIPLE R TRUCKING COMPANY, INC. EXTENSION—PHILADELPHIA), filed March 3, 1964. Applicant: TRIPLE R TRUCKING COMPANY, INC., 15 Hunters Lane, Roslyn, N.Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a freight forwarder in interstate or foreign commerce, through the use of facilities of common carriers by motor vehicle in the transportation of *baggage and trunks* containing personal belongings and effects between points in Philadelphia, Buck, Chester, and Montgomery Counties, Pa., and Mercer, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, and Atlantic Counties, N.J., on the one hand, and, on the other, points in Orange, Dutchess, Ulster, Sullivan, Delaware, Schoharie, Albany, Rensselaer, Putnam, Columbia, Greene, Broome, and Delaware Counties, N.Y., Fairfield, Hartford, and New Haven, Conn., Hampden, Hampshire, Franklin and Berkshire, Mass., and Bradford, Susquehanna, Wayne, Pike, North Hampton, Carron, Luzerne, Monroe, and Wyoming, Pa.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 623 (Sub-No. 61), filed March 2, 1964. Applicant: H. MESSICK, INC., Post Office Box 214, Joplin, Mo. Applicant's attorney: Turner White III, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, blasting materials and supplies*, from Freeburg, Ill., to points in Arkansas, Indiana, Iowa, Kentucky, Missouri, Tennessee, and Wisconsin.

No. MC 623 (Sub-No. 62), filed March 2, 1964. Applicant: H. MESSICK, INC., Post Office Box 214, Joplin, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, blasting materials and blasting supplies*, from Shumaker, Ark. to Ishpeming, Mich., Virginia, Minn., and Freeburg, Ill.

No. MC 114789 (Sub-No. 12), filed February 26, 1964. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's attorney: William S. Rosen, 400 Minnesota Building, St. Paul 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dried milk products*, and *animal and poultry feed*, from Spencer, Wis., to Shreveport, La., and points in Texas, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states the proposed operations will be performed under a continuing contract with Land O'Lakes Creameries Incorporated. It is further noted that applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 117940; therefore dual operations may be involved.

No. MC 114848 (Sub-No. 18), filed March 2, 1964. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. Applicant's attorney: Dale Woodall, 150 East Court Avenue, Memphis 1, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except chemicals and liquified petroleum gas, in bulk, in tank vehicles), from Perryville, Tenn., to that part of Mississippi on and east of U.S. Highway 51, and on and north of U.S. Highway 82, and those points in Alabama on and north of U.S. Highway 82 and U.S. Highway 11, and on and west of U.S. Highway 31 and points in Kentucky on and west of U.S. Highway 31W.

No. MC 119670 (Sub-No. 6) (AMENDMENT), filed February 7, 1964, published in FEDERAL REGISTER issue of February 26, 1964, amended March 2, 1964, and republished as amended this issue. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati 32, Ohio. Applicant's attorney: Robert H. Kinker, 7th Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk and in containers, from Ludington and Midland, Mich., to points in Washington, County, Va., Walker County, Ga., and Tennessee and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

NOTE: The purpose of this republication is to correctly show the manner in which the above commodities are to move.

No. MC 125037 (Sub-No. 5), filed February 26, 1964. Applicant: RENCHER HALL, Highway 69 North, Greensboro, Ala., Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, can openers*, and *advertising material*, from Peoria, Ill., and Milwaukee, Wis., to points in Calhoun County, Ala., and *empty bottles and returned merchandise*, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 39), filed February 24, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: Raymond H. Warns, Eastern Greyhound Lines Division, 1400 West Third Street, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Express, mail and newspapers*, in the same vehicle with passengers, (1) between New York, N.Y., and the United States-Canada boundary line, serving the intermediate points of Albany and Saratoga Springs, N.Y., and all other intermediate points on the specified route except those between Albany and Saratoga Springs, N.Y.: from New York over U.S. Highway 9 via Albany, Saratoga Springs and Glens Falls, N.Y., to junction New York Highway 9B, and thence over New York Highway 9B to the United States-Canada Boundary line, and return over the same route, (2) between Schenectady, N.Y., and Saratoga Springs, N.Y., serving all intermediate points, over New York Highway 50, (3) between Glens Falls, N.Y., and the United States-Canada Boundary line, serving all intermediate points: from Glens Falls over New York Highway 32B to junction U.S.

Highway 4, thence over U.S. Highway 4 to Rutland, Vt., and thence over U.S. Highway 7 via Burlington, Vt., to the United States-Canada Boundary line, and return over the same route, (4) between Burlington, Vt., and Champlain, N.Y., serving all intermediate points: From Burlington over U.S. Highway 2 to Rouses Point, N.Y., and thence over U.S. Highway 11 to Champlain, and return over the same route, (5) between junction U.S. Highway 9 and New York Highway 9B, and the United States-Canada boundary line, serving all intermediate points: From junction U.S. Highway 9 and New York Highway 9B, over U.S. Highway 9 to Champlain, and thence over unnumbered highway to the United States-Canada boundary line, and return over the same route, (6) between Ausable Chasm, N.Y., and Port Kent, N.Y., serving all intermediate points, over New York Highway 373, (7) between Plattsburg, N.Y., and Chazy, N.Y., serving all intermediate points: from Plattsburg over New York Highway 22 to junction New York Highway 348, and thence over New York Highway 348 to Chazy, and return over the same route, (8) between Keeseville, N.Y., and Saranac Lake, N.Y., serving all intermediate points: from Keeseville over New York Highway 9N to Jay, N.Y., and thence over New York Highway 86 to Saranac Lake, and return over the same route, and (9) between Jay, N.Y., and Port Henry, N.Y., serving all intermediate points: from Jay over New York Highway 9N to Westport, N.Y., thence over the highways known as town and county highways Nos. 744, 1017, and 1410, through the village and town of Westport, town of Moriah, and the village of Port Henry, N.Y., to Port Henry, and return over the same route.

NOTE: Common control may be involved. Applicant presently holds authority to transport passengers and their baggage over the above routes.

No. MC 1515 Sub-No. 40), filed February 26, 1964. Applicant: GREYHOUND LINES, INC., Room 1500, 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: R. H. Warns, Eastern Greyhound Lines, 1400 West Third Street, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (a) between Alexandria, Va., and junction Interstate Highway 495 and Virginia Highway 350; from Alexandria, over Interstate Highway 495 in a westerly direction to its junction with Virginia Highway 350, and return over the same route, serving no intermediate points, (b) between junction Interstate Highway 495 and Virginia Highway 350 and junction Interstate Highway 495 and U.S. Highway 240; from junction Interstate Highway 495 and Virginia Highway 350 over Interstate Highway 495 in a northwesterly direction to its junction with U.S. Highway 240 (Rockville Pike), approximately two (2) miles north of Bethesda, Md., and return over the same route, with no service at intermediate points except for the purpose of joinder with carrier's other authorized routes, and (c) change the authority on the route between the south end of Highway Bridge (across the Potomac River on U.S. Highway 1, southwest of Washington, D.C.) and junction Virginia Highway 350 and U.S. Highway 1 (near Woodbridge, Va.) via Virginia Highway 350, which route is contained in the certificate of public convenience and necessity issued to The Greyhound Corporation under Docket No. MC 1501, sub 211, dated November 30, 1960 and shown at the top of Sheet No. 4, as follows: Between the south end of Highway Bridge across the Potomac River, on U.S. Highway 1, southwest of Washington, D.C., and junction Virginia Highway 350 and U.S. Highway 1 near Woodbridge, Va., with no service at intermediate points, or at the termini except for the purpose of combining the route described immediately below with carrier's routes herein for the conduct of through service: "from the south end of Highway Bridge west over Pentagon Roadway to junction Virginia Highway 350, and thence over Virginia Highway 350 to junction U.S. Highway 1, and return over the same route" to read as follows: "between south end of Highway Bridge (across the Potomac River, on U.S. Highway 1, southwest of Washington, D.C.) and junction Virginia Highway 350 and U.S. Highway 1 as follows: from south end of Highway Bridge (across the Potomac River, on U.S. Highway 1, southwest of Washington, D.C.) west over Pentagon Roadway to junction Virginia Highway 350, thence over Virginia Highway 350 to its junction with U.S. Highway 1 approximately two (2) miles north of Woodbridge, Va., and return over the same route, with no service at intermediate points except for the purpose of joinder with carrier's other authorized routes."

NOTE: Common control may be involved.

No. MC 98396 (Sub-No. 2), filed March 2, 1964. Applicant: THE BEE LINE, INC., 2140 Beechmont Street, Keego Harbor, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing, Mich., 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, package express, mail, newspapers and/or baggage of passengers in the same vehicle with passengers*, between Pontiac, Mich., and Utica, Mich., from Pontiac over Michigan Highway 59 to junction Michigan Highway 150, thence over Michigan Highway 150 to Rochester and return over Michigan Highway 150 to junction Michigan Highway 59, thence over Michigan Highway 59 to Utica and return over the same route, serving all intermediate points, (2) between Pontiac, Mich., and Ann Arbor, Mich., from Pontiac over Michigan Highway 219, to Orchard Lake, thence over County Highway 397 to junction U.S. Highway 16, thence over U.S. Highway 16 to Farmington, thence over County Road 401 to junction County Road 398 (Eight Mile Road), thence over County Road 398 to Northville, thence over County Road 413 to Plymouth, thence over Michigan Highway 14 to Ann Arbor, and return over the same route, serving all intermediate points, (3) between Pontiac, Mich., and Lapeer, Mich., from Pontiac over Michigan Highway 24 to Orion, thence over Michigan Highway 24 to Oxford, thence over Michigan Highway 24 to Lapeer, and return over the same route, serving all intermediate points and (4) between Pontiac, Mich., and Commerce, Mich., over unnumbered County Road, and return over the same route, serving all intermediate points.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12832 (Sub-No. 1), filed February 28, 1964. Applicant: CLYDE H. SHAFFER, doing business as SHAFFER TRAVEL SERVICE, 189 Washington Avenue, Vandergrift, Pa. Applicant's attorney: Philip M. Browning, Jr., 1515 Park Building, Pittsburgh 22, Pa. For a license (BMC 5) to engage in operations as a *broker* at Vandergrift, Pa., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in charter and special operations and round trip all-expense tours, beginning and ending at points in Indiana and Armstrong Counties, Pa. and those points in Allegheny and Westmoreland Counties, Pa. north and east of the Pennsylvania Turnpike (Interstate Highway 80S), and extending to points in the United States.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2618; Filed, Mar. 17, 1964; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 13, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 12428, filed February 14, 1964. Applicant: LEROY COUNTERMAN AND C. E. BLAIR doing business as C & B TRUCKS, Route 1, Chester, S.C. Applicant's representative: Robert W. Hayes, Post Office Box 987, Rock Hill, S.C. Certificate of public convenience and necessity sought to operate as a freight service as follows: Transportation of *general commodities* (except petroleum products in bulk in tank trucks, Classes A and B explosives and Classes A, C, and D poisons as defined under explosives and other dangerous articles in American Trucking Association, Inc., agent, Tariff No. 10 MC-ICC No. 11, PSCSC No. 11, supplements thereto or reissues thereof, and household goods and related articles, as defined in Motor Truck Rate Bureau, agent, Household Goods Tariff, Motor Freight Tariff No. 8-C SCPSC-MF No. 79, supplements thereto or reissues thereof), (1) between points in Chester County, S.C., and (2) between points in Chester County, S.C., and points in South Carolina.

HEARING: April 7, 1964, at 11:00 a.m., in Room 317, Wade Hampton State Office Building, Columbia, S.C.

Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the South Carolina Public Service Commission, Wade Hampton State Office Building, Columbia, S.C., and should not be directed to the Interstate Commerce Commission.

MOTOR CARRIERS OF PASSENGERS

State Docket No. B899, filed February 5, 1964. Applicant: LLOYD V. PESTER, doing business as MUSTANG STAGE LINE, Elmwood, Nebr. Certificate of Public convenience and necessity sought to operate as follows: Transportation of *passengers, baggage of passengers, mail, express and newspapers*, over the following routes: (1) Between Lincoln, Nebr., and Superior, Nebr., from Lincoln over U.S. Highway 77 to junction Nebraska Highway 33, thence over Nebraska Highway 33 to Crete, Nebr., thence over Nebraska Highway 82 to Wilber, Nebr., thence over Nebraska Highway 41 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to Fairbury, Nebr., thence over U.S. Highway 136 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to Nelson and Superior, Nebr., and return over the same route, serving all intermediate points; and (2) between Fairbury, Nebr. and Beatrice, Nebr., over U.S. Highway 136, serving all intermediate points; also, an alternate route to be used in connection with authorized intrastate regular-route operations between Lincoln, Nebr. and Superior, Nebr., via Fairbury, Nebr., and Crete, Nebr., from Beatrice, Nebr. over U.S. Highway 77 to junction Nebraska Highway 33.

NOTE: Applicant states the above proposed authority is subject to the following restrictions: (a) transportation is not authorized solely between Beatrice, Nebr. and Lincoln, Nebr.; (b) transportation is not authorized solely between points both of which are intermediate between Beatrice, Nebr. and junction U.S. Highway 77 and Nebraska Highway 33; or (c) transportation is not authorized solely between Beatrice, Nebr. or Lincoln, Nebr. on the one hand, and, on the other, points intermediate between Beatrice and junction U.S. Highway 77 and Nebraska Highway 33.

HEARING: April 6, 1964, at 9:30 a.m., in the Courthouse, Wilber, Nebr.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln, Nebr., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.F. Doc. 64-2619; Filed, Mar. 17, 1964; 8:48 a.m.]

[Notice 955]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 13, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66491. By order of March 10, 1964, the Transfer Board approved the transfer to Acme Transport Company, a Corporation, Oelwein, Iowa of Certificate in No. MC 30169, issued July 13, 1950, to W. C. Garbers, doing business as Garbers Truck Line, Van Horne, Iowa, authorizing the transportation of: Livestock and poultry from Elberon, Iowa, to Chicago, Ill., and farm implements and parts, iron and steel products, egg case materials, and twine, from Chicago, to Elberon, and farm implements and parts, from Sandwich, Ill., to Elberon, Iowa. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306, attorney for applicants.

No. MC-FC 66562. By order of March 9, 1964, the Transfer Board approved the transfer to Prickett and Son, Inc., Plainville, Kans., of certificate in No. MC 119345, and permits in Nos. MC 115754 and MC 115754 (Sub-No. 1), issued August 31, 1960, December 31, 1957, and August 29, 1960, respectively, to William L. Prickett, Plainville, Kans. The certificate authorizes the transportation of: Processed mill feeds and animal and poultry feeds, in packages and containers, and in bulk in vehicles other than tank vehicles, from St. Joseph and Kansas City, Mo., to a specified part of Kansas. The permits authorize the transportation of: Malt beverages from St. Paul, Minn., St. Joseph and St. Louis, Mo., and Omaha, Nebr., to Norton, Kans., and empty containers on the return and malt beverages and advertising material for its sale, from Minneapolis and St. Paul, Minn., to Hays, Kans., and empty containers and other such incidental facilities used in transporting such commodities, from Hays, Kans., to Minneapolis and St. Paul, Minn. Erle W. Francis, 214 West Sixth St., Topeka 3, Kansas, 66603, attorney for applicants.

No. MC-FC 66706. By order of March 12, 1964, the Transfer Board approved the transfer to News & Film Service, Inc., Englewood, Colorado, of the operating rights in Certificate of Registration No. MC 117551 (Sub-No. 2), issued February 5, 1964, to A. E. Snider and Margaret J. Snider, a partnership, doing business as News & Film Service, Denver, Colo., corresponding to the grant of intrastate authority to transferor issued by the Colorado Public Utilities Commission, in PUC No. 4181, granted by Decision No. 50810, dated August 20, 1958. Leslie R. Kehl, 526 Denham Building, Denver, Colorado 80202, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2620; Filed, Mar. 17, 1964; 8:48 a.m.]

[Notice 615]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 16, 1964.

The following publications are governed by the new special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 1122 (Sub-No. 5), filed March 16, 1964. Applicant: WHEELER-DART EXPRESS CO., a corporation, 32 Chesterton Street, Boston, Mass. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Massachusetts on and east of Massachusetts Highway 12.

NOTE: This is a matter directly related to MC-F 8696, to be published this issue. If a hearing is deemed necessary applicant requests it be held at Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8696. Authority sought for control and merger by WHEELER-DART EXPRESS CO., 32 Chesterton Street, Boston, Mass., of the operating rights and property of LARAMEE'S TRANSIT, INC., 299 First Avenue, Woonsocket, R.I.,

and for acquisition by ANTHONY T. GRASSO, also of Boston, Mass., of control of such rights and property through the transaction. Applicants' attorney: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, and except livestock, dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between New Bedford, Mass., and Lawrence, Mass., serving all intermediate and certain off-route points; *wool, wool tops, yarn, textile products, chemicals, machinery*, and *commodities* used or useful in the manufacture of woolen yarn and textile products, over irregular routes, between Woonsocket, North Smithfield, Burrillville, Pawtucket, and Providence, R.I., on the one hand, and, on the other, Barre, Boston, Fitchburg, Holyoke, and Norton, Mass., between Woonsocket, R.I., and Putnam, Conn.; *household goods*, between Woonsocket, R.I., on the one hand, and points in Massachusetts, Connecticut, and Rhode Island, within 50 miles of Woonsocket, on the other. WHEELER-DART EXPRESS CO., is authorized to operate as a *comomn carrier* in Massachusetts. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-1122 (Sub-5) is a matter directly related.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2668; Filed, Mar. 17, 1964; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 13, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38878: *Oyster Shells to Points in WTL and Illinois Freight Association Territories.* Filed by Southwestern Freight Bureau, agent (No. B-8519), for interested rail carriers. Rates on oyster shells, crushed or ground, in carloads, from Mobile, Ala., Berwick, Morgan City, New Orleans, Ramos, La., and Houston, Tex., to points in western trunk-line and Illinois Freight Association territories.

Grounds for relief: Market competition.

Tariffs: Southwestern Freight Bureau, agent, tariff I.C.C. 4573, and Southern Freight Association, agent, tariff I.C.C. S-238, supplement 13.

FSA No. 38879: *Scrap Iron or Steel to Federal (Alton), Ill.* Filed by O. W. South, Jr., agent (No. A4472), for interested rail carriers. Rates on iron or steel, scrap or pieces, in carloads, from Greenville, Miss., to Federal (Alton), Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 15 to Southern Freight Association, agent, tariff I.C.C. S-338.

FSA No. 38880: *Crude Sulphur to Roseport, Minn.* Filed by V. P. Brown, agent (No. 5), for interested rail carriers. Rates on sulphur (brimstone), crude (unground or unrefined), in carloads, from Lignite and Tioga, N. Dak., to Roseport, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 32 to V. P. Brown, agent, tariff I.C.C. 18.

FSA No. 38881: *Cement to Points in Colorado and Nebraska.* Filed by Southwestern Freight Bureau, agent (No. B-8520), for interested rail carriers. Rates on cement, in carloads, from specified points in Oklahoma and Texas, also Bauxite, Ark., to CB&Q RR stations in Colorado and Nebraska.

Grounds for relief: Carrier competition.

Tariff: Supplement 143 to Southwestern Freight Bureau, agent, tariff I.C.C. 4325.

FSA No. 38882: *Processed Clay to Crystal City, Mo.* Filed by O. W. South, Jr., agent (No. A4473), for interested rail carriers. Rates on processed clay, in carloads, from Toomsboro, Ga., and points in Georgia and South Carolina taking same rates, to Crystal City, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 29 to Southern Freight Association, agent, tariff I.C.C. S-206.

FSA No. 38883: *Liquid Caustic Soda from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A4474), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Saltville, Va., to Columbus, Ga., Fairfax, Lanett and Opelika, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 70 to Southern Freight Association, agent, tariff I.C.C. S-207.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2614; Filed, Mar. 17, 1964; 8:47 a.m.]

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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

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Rules and Regulations

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

SUBCHAPTER L—POSTAL UNION MAIL

PART 111—CONDITIONS APPLICABLE TO ALL CLASSES

I. In § 111.1, subparagraph (1) of paragraph (b) is amended to show that addressing of mail to "Boxholder" or "Householder" is not permitted. As so amended, subparagraph (1) reads as follows:

§ 111.1 Preparing and addressing.

* * * * *

(b) *Addressing.* (1) Address mail articles in legible roman letters placed on the right-hand side of the article, lengthwise, in such a way as to leave space for the postage stamps or postage-paid impressions and the service labels and notations (postmarks, etc.). Addressing of mail to "Boxholder" or "Householder" is not permitted.

NOTE: The corresponding Postal Manual section is 221.121.

* * * * *

II. In § 111.2 *Postage*, as amended by 28 F.R. 123, 5423, and 29 F.R. 2758, make the following changes: Amend paragraphs (b) and (c) (2) for the purpose of clarification to read as follows; and paragraph (d) (1), subdivision (iii) is amended to revise the instructions for preparation and marking of diplomatic and consular mail. As amended, paragraphs (b) and (c) (2) and (d) (1) (iii) read as follows:

§ 111.2 Postage.

* * * * *

(b) *How paid*—(1) *Stamps.* Postage and fees and special services may be paid by means of United States postage stamps or by meter stamps of a bright red color. Precanceled stamps may be used under the same conditions as in the domestic mail. Airmail stamps may be used on airmail articles only, and special delivery stamps may be used only for payment of special delivery fees.

(2) *Other means.* Postage may be paid by permit imprints, subject to the general conditions stated in part 34 of this chapter. Permit imprints must show the amount of postage paid on each article and may be of any color. Postage on second-class and controlled circulation matter mailed by publishers or registered news agents may be paid in money under the conditions stated in § 112.4(e) (3) (ii) of this chapter.

(3) *Stamps not rated for postage.* See § 31.6 of this chapter.

(c) *Articles mailed aboard ships (Paquebot).* * * *

(2) Any mail to be forwarded by air must be accompanied by an AV–2 form, prepared by the ship's officer, showing the weight of the articles for each destination. When airmail is presented at a post office that is not an international exchange office, the postmaster must transmit the AV–2 form to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260 for accounting purposes.

NOTE: The corresponding Postal Manual sections are 221.22 and 221.232.

* * * * *

(d) *Mailing without postage*—(1) *Diplomatic and consular mail.* * * *

(iii) *Preparation and marking.* Diplomatic and consular mail will be either letters, letter-packages, or printed matter packages. Letter mail may be sealed, whereas printed matter packages must be unsealed and bear the words "Printed Matter" on the address side of the package. Envelopes, labels, etc., used by members of the PUAS diplomatic corps for postage free mail must show in the upper left corner of the address side the name of the Ambassador or Minister or name of the Embassy or Legation, with post office address. In the upper right corner should be the words "Diplomatic Mail" over the word "Free". In the case of consulates, the name and address of the consul or consulate as well as the name of the country must appear over the words "Official Correspondence" in the upper left corner. The words "Consular Mail" must be written above "Free" in the upper right corner.

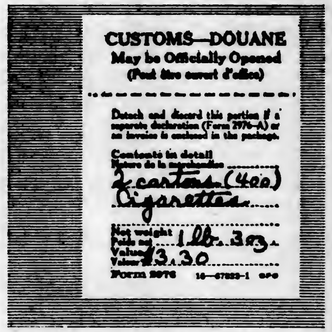
NOTE: The corresponding Postal Manual section is 221.24C.

* * * * *

III. In § 111.4 paragraph (a) is amended for the purpose of clarification to read as follows:

§ 111.4 Documentation.

(a) *Green customs label.* A green customs label, Form 2976, must be obtained at the post office and placed by the sender on the address side of each letter or letter package containing dutiable merchandise, on each package of dutiable prints, and on each small packet. See § 112.1(e) and § 112.4(e) (6), and § 112.7(f) of this chapter. The following facsimile illustrates the type of information the sender must supply when the label is used in its entirety:



When the label is used in its entirety there is no need to enclose the paper form of customs declaration, Form 2976–A, in the package (see paragraph (b) of this section), except for countries which specifically require it. (See § 168.5 *Individual country regulations.*) If the sender prefers not to show the nature and value of contents on the outside of the article, or if for any reason the use of the label in its entirety is not practicable, the upper part (detached by cutting along the dotted line) may be affixed to the cover, and the paper customs declaration enclosed in the article. The label is not, under any circumstances, to be used on parcel post packages, nor are parcel post forms to be used on postal union mail articles.

NOTE: The corresponding Postal Manual section is 221.411.

* * * * *

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

IV. In § 112.1, as amended by 28 F.R. 123, 1142, paragraph (e) is amended to clarify instructions for acceptance of letters packages containing non-dutiable merchandise. As so amended, paragraph (e) reads as follows:

§ 112.1 Letters and letter packages.

* * * * *

(e) *Merchandise in letters*—(1) *Dutiable merchandise.* Letters or letter packages may contain merchandise which is dutiable in the country of destination unless the country is unwilling to accept such mailings. This information is shown under "Postal Union Mail" in "Individual country regulations" in § 168.5 of this chapter. The postal service is not able to inform patrons whether or not any items are dutiable in other countries. When mailing articles which

may be dutiable, senders must comply with the provisions concerning documentation shown in § 111.4 and with any special instructions in the Directory of International Mail.

(2) *Nondutiable merchandise.* Articles which the senders know are not dutiable may be mailed to countries which do not accept dutiable merchandise, but only at the risk of the senders. The Post Office Department assumes no responsibility for the treatment which such articles may be given by the foreign postal or customs authorities. As the presence of the green label (Form 2976) mentioned in § 111.4(a) of this chapter, generally denotes dutiable contents, it should be omitted from letter-mail articles when the sender knows the contents are not dutiable.

NOTE: The corresponding Postal Manual section is 222.15.

* * * * *

V. In § 112.2 paragraphs (a) and (b) are respectively amended to clarify surface and air-mail rates and to show current minimum dimensions of post cards. As so amended, paragraphs (a) and (b) read as follows:

§ 112.2 **Post cards.**

(a) *Rates*—(1) *Surface.* Canada and Mexico, 4 cents single; reply-paid, 4 cents each half. All other countries, 7 cents single; reply-paid, 7 cents each half.

(2) *Airmail.* Canada and Mexico, 6 cents single; reply-paid, 8 cents on message half, 4 cents on reply half. All other countries, 11 cents single; reply-paid, letter rate (13, 15, or 25 cents) on message half and 7 cents on reply half. Postage for return of the reply card by air cannot be paid with United States stamps. See § 131.3(c) of this chapter regarding prepayment of foreign reply-paid cards to be transmitted to other countries by airmail.

(3) *Other rates.* The letter rate (surface or air), or the surface printed matter rate if the card conforms to printed matter requirements, applies to double cards without prepaid reply and to single cards exceeding the dimensions for post cards.

(b) *Dimensions.* Maximum dimensions 6 by 4¼ inches. Minimum dimensions 4¼ by 3 inches.

NOTE: The corresponding Postal Manual sections are 222.21 and 222.22.

* * * * *

PART 113—TREATMENT OF OUTGOING POSTAL UNION MAIL

VI. Section 113.2 is amended to include the current procedures for handling shortpaid and unpaid outgoing postal union mail. As so amended § 113.2 reads as follows:

§ 113.2 **Shortpaid and unpaid.**

(a) *At mailing office.* Mailing offices shall return shortpaid and unpaid articles to sender for deficient postage using stock rubber stamp R–1300–230. The following exceptions apply.

(1) *Special-delivery.* Dispatch to appropriate exchange office, unless deficiency can be obtained without delaying the article.

(2) *Letter mail and post cards with return address at an office other than the mailing office.* Dispatch to appropriate exchange office.

(3) *Articles without return address.* Send letter mail and post cards to appropriate exchange office. Send "Other articles" to proper dead letter branch.

(4) *Mail for Canada.* Endorse to show that postage due charges are to be collected from the addressee, as follows, and dispatch to appropriate exchange office:

(i) Double the amount of the deficient postage on ordinary (unregistered) letter mail and post cards.

(ii) The actual amount of the deficiency on ordinary "other articles" and on all registered mail.

(b) *Dispatch to exchange office or dead letter branch.* When shortpaid or unpaid mail is dispatched to exchange offices or to dead letter branches pursuant to paragraph (a) of this section, apply stock rubber stamp R–1300–4, Postage Due ____ Cents, but do not indicate the amount of shortpayment, except as provided in paragraph (a)(4) of this section for mail addressed to Canada. Dispatch to exchange offices by surface means when surface mail is involved and by air when airmail is involved. Intermediate offices that handle transit mail shall not check mail for postage deficiencies.

(c) *Credit for postage already affixed.* Credit is allowed for postage already affixed in figuring correct amount on articles returned to senders for deficient postage.

NOTE: The corresponding Postal Manual section is 223.2.

VII. In § 113.5, add a new paragraph (c) to read as follows:

§ 113.5 **Return.**

* * * * *

(c) Precancelled stamps on mail returned to the United States must be defaced before delivery to the sender.

NOTE: The corresponding Postal Manual section is 223.53.

PART 114—TREATMENT OF INCOMING POSTAL UNION MAIL

VIII. In § 114.1, as amended by 28 F.R. 4252, paragraph (b) is amended for the purpose of clarification to read as follows:

§ 114.1 **Charges.**

* * * * *

(b) *Shortpaid mail.* Post offices will collect from the addressees of shortpaid letters and post cards the amount indicated in United States currency by the receiving exchange office. The amount is accounted for by affixing and canceling postage due stamps, and is retained by the postal service. Postage due ratings can be verified from § 168.2 of this chapter and inquiries may be directed to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260.

NOTE: The corresponding Postal Manual section is 224.12.

* * * * *

SUBCHAPTER M—PARCEL POST

PART 121—OUTGOING PARCELS

IX. In § 121.5 amend paragraph (b) by adding a subparagraph (6) to read as follows:

§ 121.5 **Prohibitions and restrictions.**

* * * * *

(b) *Restricted articles.* * * *

(6) *Radioactive materials.* Radioactive materials are restricted as stated in § 15.2(d) of this chapter.

NOTE: The corresponding Postal Manual section is 231.526.

* * * * *

X. In § 121.6 *Documentation* make the following changes: In paragraph (a), subparagraph (2) is amended to show that the postal service is not responsible for the accuracy of the sender's indications placed on customs declarations and to include instructions for avoiding undeliverable parcels; and strike out the illustrations in paragraphs (a)(4), (b)(3), and (c)(4), and insert in lieu thereof the following. The amended portions read as follows:

§ 121.6 **Documentation.**

(a) *Customs declaration, Form 2966* * * *

(2) *Preparation by sender.* Complete the declarations in ink or by typewriter. The postal service assumes no responsibility for the accuracy of the indications shown by the sender. Show on each declaration the following:

(i) The name and address of the sender and the addressee:

(ii) The disposal to be made of the parcel if it proves to be undeliverable as addressed. If an alternate addressee is given, it is recommended that the sender also indicate whether he wishes to have the parcel returned or treated as abandoned if it proves to be undeliverable to both the original and alternate addressees. This is done by checking the ultimate disposal in addition to the one showing the alternate addressee. (See illustrations in paragraph (c)(4) of this section.) Senders should give instructions for abandonment of any parcels on which they are not willing to pay the return charges mentioned in § 122.5(a)(1) of this chapter.

(iii) A complete and accurate description of the contents in the English language. An interlineation in another language is permitted, and in some cases is required (see part 168 of this chapter). In the case of parcels containing more than one article, or articles of different kinds, state the exact quantity and value of each kind or article. If the sender wishes to declare that the contents of a parcel have "No Value", he is permitted to do so. It is sufficient to use simply such words as coat, or stockings, but the materials of which the articles are composed must be shown, as fur coat, silk stockings. Also, for instance, in the case of dried fruits the particular kinds, such as figs, raisins, currents, etc. must be shown. General terms such as worn clothing, groceries, presents, merchandise, samples, and the like, will not suffice. In case the customs declaration does not furnish enough space on which to give a complete list of the contents, an additional declaration form may be used, or the list place on the wrapper, making reference to the fact on the declaration itself.

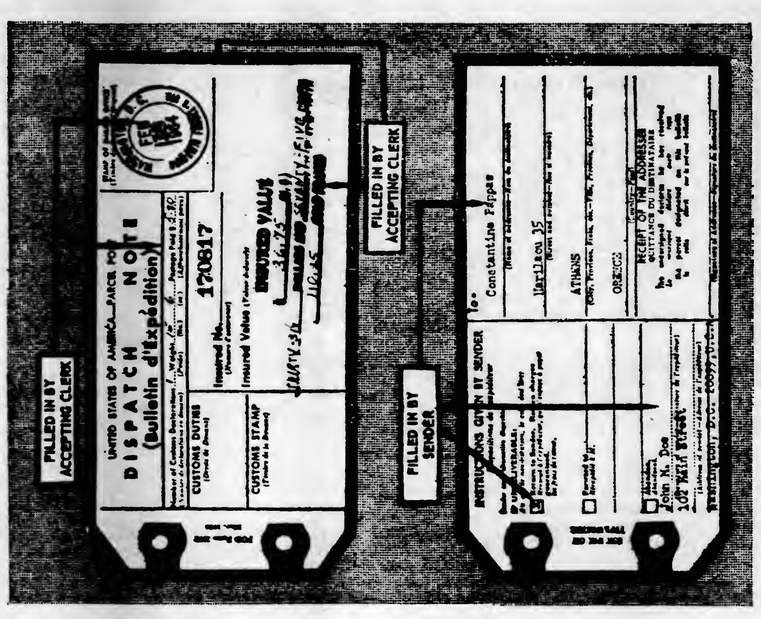
(iv) If the parcel is to be insured, show in the space provided the amount for which it is insured (see §§ 133.4 and 133.5(a)(2) of this chapter).

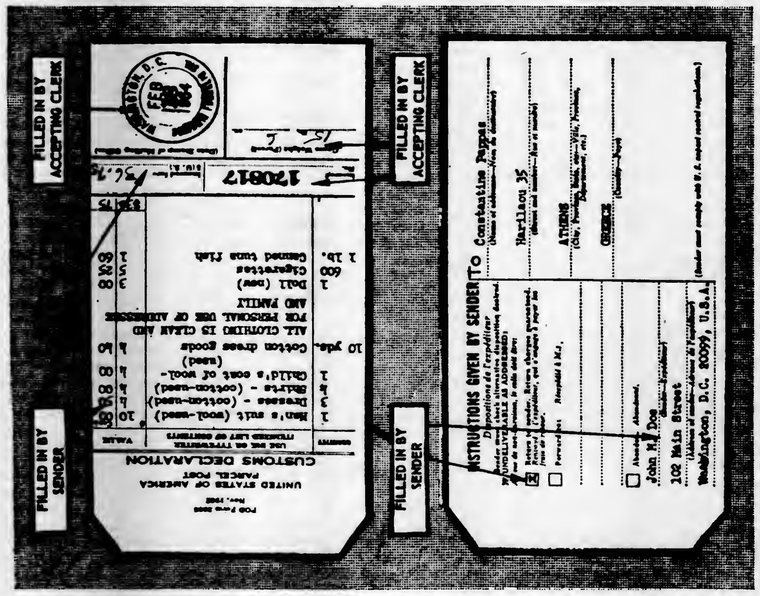
NOTE: The corresponding Postal Manual section is 231.612.

* * * * *

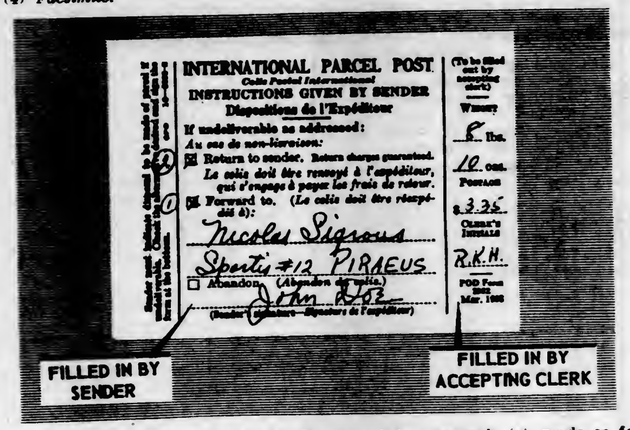
(b) *Dispatch note, Form 2972.* * * *

(3) *Facsimile.* * * *





(c) *Parcel post sticker, Form 2922.* • • •
(4) *Facsimile.* • • •



NOTE: The corresponding Postal Manual sections are 231.614, 231.623, and 231.634.

• • • • •

XI. Section 121.8 is added to include instructions for forwarding of parcels by the country of address. As so added, § 121.8 reads as follows:

§ 121.8 Forwarding.

(a) *International.* Parcels addressed to other countries will generally be forwarded to a new address of the addressee in the country of destination, subject to collection of redirection charges prescribed by the internal regulations of the country. A parcel may be forwarded to a third country provided it complies with the conditions required for its further conveyance, and provided, as a rule, that the extra postage is paid at the time of redirection or the country concerned is satisfied that it will be able to recover the redirection charges. The sender may forbid forwarding by a notation on the wrapper in a language understood in the country to which the parcel is addressed.

(b) *Domestic.* If the addressee of a domestic parcel has moved to another country do not forward the parcel. Treat it as undeliverable. If the sender of an undeliverable dometic parcel has moved to another country, or if the parcel bears a return address in another country, hold the parcel and request instructions from the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, indicating the sender's new address, the weight of the parcel, whether ordinary or insured, and, if possible, the nature of the contents.

NOTE: The corresponding Postal Manual section is 231.8

PART 122—INCOMING PARCELS

XII. In § 122.1 paragraph (c) is amended to clarify the regulations regarding retention of incoming parcels at the disposal of addressees. As so amended, paragraph (c) reads as follows:

§ 122.1 Charges.

• • • • •

(c) *Storage.* The post office will collect 10 cents for each day, exclusive of Sundays and holidays, the addressee fails to take delivery of a parcel, beginning with the eleventh day after first delivery attempt has been made or first notice of available delivery has been issued. The charges are accounted for by affixing postage-due stamps to the parcel or to a postage-due bill and canceling. The same charge is applied on packages requiring formal customs entry that are held in post office custody or on post office premises awaiting customs clearance. For formal entry parcels, the charge will begin on the eleventh day after the date on which notice on Customs Form 3509 is mailed to the consignee (addressee), or on the eleventh day after receipt of the parcel at the office where it is to receive formal customs treatment if the customs notice has been issued at another customs port. Cooperation of customs officers should be solicited to enable post offices to collect any storage charges which may accrue on formal entry parcels. When an addressee protests the rate or amount of duty assessed (see § 151.5(d)(5) of this chapter), the time required for the Customs Service to come to a decision in the matter is not counted. See § 122.5(b)(1)(v) concerning collection of storage charges on parcels held beyond the usual retention period, and § 122.5(b)(4) regarding the marking of undeliverable parcels on which storage charges are due.

NOTE: The corresponding Postal Manual section is 232.13.

• • • • •

XIII. In § 122.3 paragraph (b) is amended to prescribe a 60 day retention period for foreign dispatch notes found loose in the mail. As so amended, paragraph (b) reads as follows:

§ 122.3 Delivery.

• • • • •

(b) *Foreign dispatch notes.* If parcels are received at delivery offices with dispatch notes (bulletin d'expédition) attached, they are delivered with the parcels. These forms have a space provided for the addressee's acknowledgment of receipt, but do not require signature. They must not be confused with foreign return receipts which are designated "Avis de reception" and are completed as prescribed in § 132.5(e)(1) of this chapter. If a parcel is returned as undeliverable, the post office will mark the dispatch note as well as the wrapper to show the reason for nondelivery, and leave the dispatch note attached to the parcel. Dispatch notes that can not be associated with the relative parcels may be disposed of as waste after 60 days.

NOTE: The corresponding Postal Manual section is 232.32.

XIV. In § 122.4 paragraphs (a) and (c) are amended for the purpose of clarification to read as follows:

§ 122.4 Forwarding.

(a) *Within United States.* A parcel may be forwarded to the original addressee or alternate addressee at another post office in the United States by surface transportation, subject to collection on delivery of postage at the United States domestic zone rate. Forwarding by air must be prepaid. The Post Office forwarding an unprepaid parcel by surface in the United States will mark the wrapper "Postage due" giving the amount of domestic postage along with storage charges if any. When delivering an unprepaid forwarded parcel, the post office will collect the necessary amount for domestic transmission in postage-due stamps even if the postage due marking is omitted. The fee prescribed in § 121.1(a) of this chapter is also collectible on any forwarded dutiable parcel.

• • • • •

(c) *To third country.* If the addressee has moved to another country (other than the country of parcel's origin), or if the parcel bears instructions to deliver it to an alternate addressee in a third country, the post office will hold the parcel and request instructions from the International Service Division, Bureau of Transportation and International Service, Post Office Department, Washington, D.C., 20260. The request should include the names and addresses of the sender and the addressee, or the alternate addressee, the weight of the parcel, whether ordinary, registered, or insured, and nature and value of the contents as shown on the customs declaration, so that the International Service Division may communicate with the foreign postal administration to secure forwarding postage. If the sender has indicated that the parcel is to be treated as abandoned if undeliverable as addressed, dispose of it as prescribed in § 122.5(b)(3). See § 122.5(a)(2) concerning domestic third- and fourth-class parcels addressed to persons who have moved to another country.

NOTE: The corresponding Postal Manual sections are 222.41 and 222.43.

• • • • •

XV. In § 122.5 *Undeliverable* make the following changes: Amend paragraph (a) for the purpose of clarification; and in paragraph (b) subparagraphs (1)(ii) and (4) are respectively amended to clarify instructions regarding retention of incoming parcels at the disposal of the addressee and for the purpose of clarification. The amended portions read as follows:

§ 122.5 Undeliverable.

(a) *United States origin.* Returned parcels are subject on delivery to the sender to collection of return postage and any other charges assessed by the foreign postal authorities. The amount of such charges will be indicated by the exchange office. If the sender refuses the parcel, it shall be disposed of as dead parcel post. If the sender has moved to another address in the United States the parcel may be redirected, subject to forwarding postage at the United States domestic zone rate. If the sender has moved to another country, the post office will hold the parcel and request instructions from the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, indicating the new address of the sender, the amount of return charges due on the parcel, weight, whether ordinary, registered, or insured, and the nature of the contents as shown on the customs declaration tag.

NOTE: The corresponding Postal Manual section is 232.51.

(b) *Foreign origin*—(1) *Retention period.* • • •

(ii) A parcel bearing the sender's request for delivery to an alternate addressee shall be held 15 days at the disposal of the first addressee and 15 days at the disposal of the second. If the alternate addressee is at another post office, the parcel is forwarded subject to § 122.4(a) and the 15-day period begins from the date of receipt at the second office of address. Under the circumstances given in subdivision (v) of this subparagraph, the parcel may be held for 30 days at the disposal of each addressee.

• • • • •

(4) *Storage charge.* If a parcel to be returned to origin or forwarded to another country has storage charges due, the wrapper shall be marked with the amount so that appropriate action may be taken at the exchange office.

NOTE: The corresponding Postal Manual sections are 232.521b and 232.524.

SUBCHAPTER N—SPECIAL SERVICES

PART 131—AIR SERVICE

XVI. In § 131.3, paragraph (c) is amended for the purpose of clarification to read as follows:

§ 131.3 Prepayment.

• • • • •

(c) *Double or reply—paid postcards.* If a patron wishes to airmail a foreign reply-paid card to the country represented by the postage on the card he must pay with United States stamps the difference between the United States surface and airmail post card rates to the country concerned. If the first or message part of the card is left attached to the reply half, the additional postage required will be the difference between the surface postcard rate and the airmail letter rate to the country concerned. See § 112.2(a)(2) of this chapter for postage required to transmit a United States reply-paid post card by airmail.

NOTE: The corresponding Postal Manual section is 241.33.

XVII. In § 131.5, as amended by 28 F.R. 4252, paragraph (c) is amended to revise the procedures for handling aerograames containing enclosures. As so amended, paragraph (c) reads as follow:

§ 131.5 Aerograames.

• • • • •

(c) *Containing enclosures.* Aerograames that contain enclosures are treated as regular airmail letters. When required additional postage has not been placed on the articles they are returned to the sender for the deficiency or otherwise handled in accordance with § 113.2 of this chapter.

NOTE: The corresponding Postal Manual section is 241.53.

PART 137—RECALL AND CHANGE OF ADDRESS

XVIII. In § 137.3 as amended by 29 F.R. 2758, paragraph (c) is amended to require senders to furnish a written guarantee to pay forwarding charges when a request for change of address necessitates forwarding a parcel post package to another country. As so amended, paragraph (c) reads as follows:

§ 137.3 Services and fees.

• • • • •

(c) *Search in country of destination.* A request will be sent to the postal administration of the country of destination to return an article or change its address if the mailer furnishes a facsimile of the address and pays the 13-cent fee in stamps unless he has already paid it. (See paragraphs (a) and (b) of this section.) If the request is to be transmitted by telegraph or cable, the application must be accompanied with an amount sufficient to pay the telegraph or cable charges. Otherwise the application must be accompanied with additional stamps in the amount of 60 cents to cover transmission of the request by registered mail, and with airmail postage if it is desired that it be transmitted to the foreign administration by air. The fee and cost of registration is not charged if the request is being made as the result of official notice to the sender in reply to an inquiry (See part 161 of this chapter) or in the form of advice of nondelivery by the postal service of destination, showing that the article or parcel is undeliverable as addressed. If a request for change of address involves forwarding a parcel post package to another country the sender must furnish a written guarantee to pay the forwarding charges in the event they are not paid by the addressee in the new country. If the mailer wishes to have the foreign administration report by airmail, telegraph, or cable on the result of the action taken he must furnish the additional return airmail postage or an amount sufficient to cover the cost of a prepaid telegraph or cable reply. Any amount remaining after transmitting a telegram or a cablegram will be returned to the mailer. Return postage is charged on parcel post packages and 8-ounce merchandise packages but not on other articles returned from other countries. See § 137.5(c) regarding a statement to be furnished when the article is addressed to a country which does not generally accept requests for recall or change of address.

NOTE: The corresponding Postal Manual section is 247.33.

XIX. In § 137.5, paragraph (a) is amended to show the current list of countries not permitting senders of postal union mail articles to withdraw them from the mail or to change their address. As so amended, paragraph (a) reads as follows:

§ 137.5 Countries not permitting.

(a) *For postal union mail.* The legislation of the following countries does not allow senders of postal union articles to withdraw them from the mail or to change their address: Aden, Australia, Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gibraltar, Great Britain, and Northern Ireland, Hong Kong, India (permits only requests for return), Ireland, Kenya and Uganda, Kuwait, Leeward Islands (except Antigua), Malaysia, Malta, New Zealand (permits only requests for return), Nigeria, Northern Rhodesia, Nyasaland, Persian Gulf Ports, St. Helena, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa (Rep. of), Southern Rhodesia, Tanganyika, Trinidad and Tobago, and Windward Islands (except Dominica).

NOTE: The corresponding Postal Manual section is 247.51.

• • • • •

SUBCHAPTER Q—INQUIRIES, INDEMNITIES, AND REFUNDS

PART 162—INDEMNITY CLAIMS AND PAYMENTS

XX. In § 162.2 subparagraph (10) of paragraph (d) is amended to provide that limited indemnity may be specially paid for mail erroneously accepted for insurance to other countries. As so amended, subparagraph (10) reads as follows:

§ 162.2 Indemnity payments.

• • • • •

(d) *Principal exceptions.* • • •

(10) In the case of parcels which contain matter of no intrinsic value or matter which did not conform to the stipulations of the conventions applicable, or which were not posted in the manner prescribed. However, in the event of loss, rifling or damage of mail erroneously accepted for insurance to other countries, limited indemnity may specially be paid as if it had been addressed to a domestic destination, i.e., on the basis of the indemnity limits for domes-

tic insured mail. If erroneously accepted as registered mail limited indemnity may be specially paid under the conditions in paragraph (a) of this section. If postage was erroneously collected at other than parcel post rates, but the parcel was otherwise properly accepted for insurance, indemnity may specially be paid under paragraph (c) of this section.

NOTE: The corresponding Postal Manual section is 272.24j.

* * * * *

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-2601; Filed, Mar. 18, 1964; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 141—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION IN PUBLIC SCHOOLS

Miscellaneous Amendments

Part 141 of Title 45 of the Code of Federal Regulations, dealing with regulations for the administration of sections 301-304, inclusive, of Title III of the National Defense Education Act of 1958, 72 Stat. 1588, as amended, 20 U.S.C. 441-444, is amended as follows:

In § 141.1:

1. Paragraph (e) is amended by striking out the words "as part of the public elementary school system of the State", and by inserting in lieu thereof "or, if such school is not in any State, as determined by the Commisisoner".

2. Paragraph (i) is amended by changing the period at the end thereof to a comma, and by adding the following: "or any other public institution or agency having administrative control and direction of a public elementary or secondary school."

3. Paragraphs (h), (j), (l), (n), (o), (r), and (t) are amended, and paragraph (w) is added, as follows:

§ 141.1 Definitions.

* * * * *

(h) "Laboratory and other special equipment" means (1) fixed or movable articles, which are particularly appropriate for use in providing science, mathematics, or modern foreign language education in a public elementary or secondary school, and which are to be used either by teachers in connection with teaching or by students in learning in such courses; (2) audiovisual equipment, such as motion picture, slide, filmstrip, overhead, and micro projectors, recording equipment, and television receivers, to be used, either by teachers in connection with teaching or by students in learning, primarily in providing education in science, mathematics, or modern foreign languages in a public elementary or secondary school; (3) "materials" as defined in paragraph (j) of this section, and devices (other than for duplication or printing, such as mimeograph machines, ditto machines, and offset printing machines and standard keyboard typewriters) to be used primarily for preparation of science, mathematics, or modern foreign language audiovisual materials; (4) storage equipment to be used solely for the care and protection of the foregoing items when used in laboratories or classrooms for science, mathematics, or modern foreign language education; (5) test grading equipment to be used primarily in providing education in science, mathematics, or modern foreign languages in a public elementary or secondary school; and (6) specialized equipment for audiovisual libraries serving public elementary or secondary schools when such equipment is to be used primarily in providing science, mathematics, or modern foreign language education. (The term does not include such items as general-purpose furniture, radio or television broadcasting apparatus, intercommunication systems, or items for the maintenance and repair of equipment except equipment provided for in subparagraph (6) of this paragraph.)

* * * * *

(j) "Materials" means those items which with reasonable care and use may be expected to last for more than one year and are suitable for and are to be used in providing education in science, mathematics, or modern foreign languages in an elementary or secondary school. The term includes such items as tapes and discs; slides and transparencies; films and filmstrips; books, pamphlets, and periodicals for reference use; and other printed and published materials such as maps and charts. The term does not include such items as textbooks (as defined in paragraph (v) of this section) or chemicals and other supplies which are consumed in use.

* * * * *

(l) "Minor remodeling" means those minor alterations in a previously completed building in space used or to be used as a laboratory or classroom for science, mathematics, or modern foreign language education, which are necessary to make effective use of equipment used in providing education in science, mathematics, or modern foreign languages. The term also includes those minor alterations in a previously completed building which are necessary to make effective use of the items referred to in subparagraphs (5) and (6) of paragraph (h) of this section. The term may also include the extension of utility lines, such as for water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of such previously completed building, to the extent attributable to make effective use of equipment used in providing education in science, mathematics, or modern foreign languages. The term does not include building construction, structural alterations to building, building maintenance, or building repairs.

* * * * *

(n) "Project," as applied to the acquisition of laboratory or other special equipment or minor remodeling, means (1) a proposal submitted by a local educational agency, or agencies, or other public school authority below the State level, or (2) in cases where the State educational agency operates one or more public elementary or secondary schools or audiovisual libraries, a proposal submitted by the highest administrative officer of such school or audiovisual library. Such proposal shall contain: (i) Itemized description and current cost estimates of the equipment to be acquired and/or minor remodeling, if any; (ii) certification that the equipment is to be used primarily for providing education in science, mathematics, or modern foreign languages, except that in the case of storage equipment the certification shall be to the effect that the storage equipment will be used solely for the care and protection of equipment and materials for science, mathematics, or modern foreign language education; and (iii) information showing the direct relationship of the proposed expenditures to the overall design for enriching the planned educational program and the achievement of desired curriculum goals in the particular subject area.

(o) "Public," as applied to any school or institution, includes a school or institution of any agency of the United States, except that no such school or institution shall be eligible to receive any grant, loan, or other payment under the Act.

* * * * *

(r) "Secondary school" means a school which provides secondary education, as determined under State law, or, if such school is not in any State, as determined by the Commissioner, except that the term does not include any education provided beyond grade 12. Such term may include a public junior college, as determined under State law, or, if such school is not in any State, as determined by the Commissioner.

* * * * *

(t) "State" means a State of the Union, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, or the Virgin Islands.

* * * * *

(w) "Audiovisual library" means a facility operated by a State or local educational agency or other public school authority below the State level and used for the collection, custody, cataloging, maintenance, and distribution of audiovisual materials for science, mathematics, or modern foreign language education in public elementary or secondary schools.

Section 141.13(a) and (c) are amended to read as follows:

§ 141.13 Federal participation in general.

(a) *Projects under section 303(a)(1) of the Act.* The Federal Government will pay from each State's allotment an amount equal to one-half of the sums expended for the purchase of equipment and for minor remodeling, when expended for an approved project under an approved State plan, as provided for in section 303(a)(1) of the Act. There can be no Federal financial participation in the expenditures for a project if the project, including any amendments thereto, has not been approved by the State educational agency prior to the incurrence of the obligation. However, an administrative approval of a project or of the estimated cost of a project does not of itself constitute an expenditure for the purpose of Federal financial participation.

* * * * *

(c) *Equipment from a Communist country.* Annual appropriation acts for the Department of Health, Education, and Welfare, such as the Department of Health, Education, and Welfare Appropriation Acts, 1963 (76 Stat. 361, 367) and 1964 (77 Stat. 224, 231), have provided that no part of the funds appropriated for "Defense Educational Activities" shall be available for the purchase of science, mathematics, or modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source. Such a prohibition applies to expenditures with respect to which Federal participation is requested from allotments (1) for supervisory services and administration through the use of allotments under section 302(b) or section 1008 of the Act and (2) for the acquisition of equipment through the use of allotments under section 302(a) or section 1008 of the Act. It also applies to the acquisition of equipment from allotments carried over to a subsequent fiscal year as the result of former section 302(a)(4) of the Act.

Section 141.15 is amended to read as follows:

§ 141.15 Allotment carry-over and reallotment.

(a) *Allotment carry-over.* A State may earn its allotment under section 302(a) of the Act for fiscal year 1963 for projects under section 303(a)(1) thereof until the end of the fiscal year 1964. Thereafter, no allotment of funds may be carried over for use during a subsequent fiscal year.

(b) *Reallotment.* In order to provide a basis for reallotments by the Commissioner under section 302(c) of the Act, each State agency shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need during the current fiscal year for the amounts previously allotted, or any amounts needed to be added thereto. Such a statement or statements shall reflect the actual utilization of prior year allotments, the pending projects awaiting State approval, the anticipated State-level activities which will require the expenditure during that fiscal year of funds previously allotted or of additional funds, and such further information as the Commissioner may require for the purpose of making such reallotments.

Section 141.23 is amended to read as follows:

§ 141.23 Federal payments.

Payments will be made in advance to States with approved plans on the basis of estimates and reports referred to in sections 141.15(b), 141.22 and 141.25 of this part, with appropriate adjustments for underpayments or overpayments for any prior period. In settling accounts subsequent to the termination of Title III of the Act or the termination of a State plan, the State shall refund to the Commissioner any overpayment which might have been made under section 304 of the Act.

§ 141.25 [Amended]

Section 141.25 is amended by deleting the words "For each semi-annual fiscal period the", and by inserting in lieu thereof the word "The".

Section 141.26 is amended to read as follows:

§ 141.26 Certifying payment.

Payment will be certified after: (1) The State has on file in the Office of Education a plan approved by the Commissioner; (2) the pertinent estimates and reports required by §§ 141.15(b), 141.22 and 141.25 of this part have been reviewed; and (3) the Commissioner is satisfied that the State needs the funds and will be able to carry out the plan during the current fiscal year.

(Secs. 301-304, 72 Stat. 1588-1589, as amended by sec. 23, 77 Stat. 416; sec 1001, 72 Stat. 1602, 20 U.S.C. 441-444, 581).

Dated: March 9, 1964.

FRANCIS KEPPEL,
U.S. Commissioner of Education.

Approved: March 13, 1964.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 64-2663; Filed, Mar. 18, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTISTATIC AGENTS IN PLASTICS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1145) filed by Armour and Company, P.O. Box 9222, Chicago 90, Illinois, and other relevant material, has concluded that the food additive regulations (21 CFR Part 121) should be amended to provide for the use of *N,N*-bis(2 - hydroxyethyl) alkyl(C_{14} - C_{18}) amine as an antistatic agent at levels not to exceed 0.1 percent by weight of polyolefin food-contact films. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the food additive regulations are amended by adding to Subpart F the following new section:

§ 121.2527 Antistatic agents in plastics.

The substances listed in paragraph (b) of this section may be safely used as antistatic agents in plastics used in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect nor any limitations further provided.

(b) List of substances:

	Limitations
N,N-Bis(2-hydroxyethyl) alkyl(C_{14}-C_{18})amine.	For use only at levels not to exceed 0.1 percent by weight of polyolefin food-contact films.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 12, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-2661; Filed, Mar. 18, 1964; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

GENERAL PROVISIONS

Pursuant to the authority vested in the Secretary of Health, Education, and

Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785; 21 U.S.C. 348) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471), the food additive regulations are amended by adding thereto a new section prescribing general provisions applicable to subpart F. This regulation is responsive, in part, to a petition submitted by the Society of the Plastics Industry, Inc., 250 Park Avenue, New York 17, New York, which requested that Subpart F be amended to clarify the term "good manufacturing practice" as it is generally used in connection with food additives resulting from contact with containers or equipment. The new section added to Subpart F reads as follows:

§ 121.2500 General provisions applicable to Subpart F.

(a) Regulations prescribing conditions under which food additive substances may be safely used predicate usage under conditions of good manufacturing practice. For the purpose of this Subpart F, good manufacturing practice shall be defined to include the following restrictions:

(1) The quantity of any food additive substance that may be added to food as a result of use in articles that contact food shall not exceed, where no limits are specified, that which results from use of the substance in an amount not more than reasonably required to accomplish the intended physical or technical effect in the food-contact article; shall not exceed any prescribed limitations; and shall not be intended to accomplish any physical or technical effect in the food itself, except as such may be permitted by regulations in this Part 121.

(2) Any substance used as a component of articles that contact food shall be of a purity suitable for its intended use.

(b) The existence in this Subpart F of a regulation prescribing safe conditions for the use of a substance as an article or component of articles that contact food shall not be construed to relieve such use of the substance or article from compliance with any other provision of the Federal Food, Drug, and Cosmetic Act. For example, if a regulated food-packaging material were found on appropriate test to impart odor or taste to a specific food product such as to render it unfit within the meaning of section 402(a)(3) of the act, the regulation would not be construed to relieve such use from compliance with section 402(a)(3).

(c) The existence in this Subpart F of a regulation prescribing safe conditions for the use of a substance as an article or component of articles that contact food shall not be construed as implying that such substance may be safely used as a direct additive in food.

(d) Substances that under conditions of good manufacturing practice may be safely used as components of articles that contact food include the following, subject to any prescribed limitations:

(1) Substances generally recognized as safe in or on food.

(2) Substances generally recognized as safe for their intended use in food packaging.

(3) Substances used in accordance with a prior sanction or approval.

(4) Substances permitted for use by regulations in this Subpart F.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is interpretative in nature and serves to clarify existing regulations.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1785; 21 U.S.C. 348)

Dated: March 12, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-2662; Filed, Mar. 18, 1964; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3348]

[(Nevada 051744, 051097) (1825382)]

NEVADA

Withdrawing Lands for Pahranagat National Wildlife Refuge; Partly Revoking Executive Order No. 7373 of May 20, 1936 (Desert Game Range)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, as a part of the Pahranagat National Wildlife Refuge:

MOUNT DIABLO MERIDIAN

T. 7 S., R. 61 E.,
Sec. 27, W½SE¼SE¼ and SW¼NE¼SE¼;
Sec. 34, SE¼NE¼, W½NE¼NE¼, SE¼NE¼NE¼ and SW¼NE¼NE¼NE¼;
Sec. 35, W½SW¼SW¼, SW¼NW¼SW¼ and W½NW¼NW¼SW¼.
T. 8 S., R. 61 E.,
Sec. 3, E½SE¼;
Sec. 11, NE¼NW¼ and SW¼NW¼SE¼;
Sec. 13, W½SW¼SW¼SW¼;
Sec. 14, E½SW¼SW¼ and SW¼SW¼NE¼NE¼;
Sec. 15, NE¼NE¼NE¼;
Sec. 23, NE¼SE¼NW¼ and W½SE¼;
Sec. 24, W½NW¼NW¼ and SW¼NW¼;
Sec. 25, lots 1, 2, 5, 6 and 7;
Sec. 36, lot 1.
T. 8 S., R. 62 E.,
Sec. 30, lot 5, SW¼NE¼SW¼;
Sec. 31, lots 1 and 2, SW¼NE¼NE¼ and NE¼SW¼;
Sec. 32, SW¼NW¼SE¼ and S½SE¼.
T. 9 S., R. 62 E.,
Sec. 3, E½SW¼;
Sec. 4, SW¼NE¼NW¼, N½SW¼ and SW¼SW¼SW¼NE¼;
Sec. 5, S½N½, NE¼SW¼ and N½SE¼.

The areas described aggregate 1,311.41 acres.

2. Executive Order No. 7373 of May 20, 1936, which established the Desert Game Range, is hereby revoked so far as it affects any of the lands described in paragraph 1, above.

3. The withdrawal made by this order shall be subject to the condition that livestock permitted or licensed under regulations administered by the Bureau of Land Management, shall have access to watering places on the lands, the location of necessary access routes or water lanes to be determined by the Refuge Manager. The construction of fences or other improvements in connection with the access routes is to be done at the expense of the grazing licensees or permittees who benefit therefrom and in accordance with plans approved by the Refuge Manager.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 13, 1964.

[F.R. Doc. 64-2644; Filed, Mar. 18, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket Nos. 63-CE-75, 63-CE-82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones, Revocation of Control Area Extension, Designation and Revocation of Transition Areas

Correction

In F.R. Doc. 64-2033, appearing at page 2930 of the issue for Wednesday, March 4, 1964, the following corrections are made:

1. In the entry for Wichita, Kans., (Wichita Municipal), under § 71.171, the latitude cited within the parenthesis should read "latitude 37°39'10" N.," instead of "latitude 37°30'10" N.,".

2. In the ninth line from the end of the entry for Wichita, Kans., under § 71.181, "VOR 384°" should read "VOR 334°".

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4022; Amdt. 365]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Nutbush Int	Blackstone RBn	Direct	2200	T-dn	300-1	300-1	NA
Amelia Int	Blackstone RBn	Direct	2200	C-dn	500-1	500-1	NA
				S-dn	NA	NA	NA
				A-dn	800-2	800-2	NA

Procedure turn W side of crs, 314° Outbnd, 134° Inbnd, 2200′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 134°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing BKT RBn, make left climbing turn to 2200′ and return to BKT RBn. Hold NW, 1-minute right turns, 134° Inbnd.
CAUTION: 461′ water tank 1 mile S of airport; 440′ tower 2 miles W of airport on U.S. Route 40. 550′ water tank 1 mile S of airport. 620′ tanks 1 mile S of airport. 490′ terrain 1 mile SE of Nutbush Int.
NOTE: Authorized for military use only, except by prior arrangement.

City, Blackstone; State, Va.; Airport Name, Blackstone AAF; Elev., 436′; Fac. Class., MHW; Ident., BKT; Procedure No. 1, Amdt. 1; Eff. Date, 28 Mar. 64; Sup. Amdt. No. Orig.; Dated, 2 Nov. 63

				T-dn	300-1	300-1	300-1
				C-d	600-1½	600-1½	600-1½
				C-n	600-2	600-2	600-2
				S-dn-15	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs 332° Outbnd, 152° Inbnd, 3000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs 2000′.
Crs and distance, facility to airport 152°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing GRK RBn, climb to 3000′ on 152° bearing within 15 miles.
NOTE: Authorized for military use only, except by prior arrangement.

City, Fort Hood; State, Tex.; Airport Name, Robert Gray AAF; Elev., 1015′; Fac. Class., HW; Ident., GRK; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Mar. 64

Kingsland Int	LOM (final)	Direct	1900	T-dn	300-1	300-1	200-½
Decatur Int$	LOM (final)	Direct	2100	C-dn	400-1	500-1	500-1½
Osborne Int#	LOM	Direct	2400	S-dn-31	400-1	400-1	400-1
Fort Wayne VOR	LOM	Direct	2100	A-dn	800-2	800-2	800-2
Whitely Int	LOM	Direct	2200				
New Haven Int	LOM	Direct	2200				
Monroe Int	LOM	Direct	2200				
Rock Creek Int	LOM	Direct	2200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side SE crs, 135° Outbnd, 315° Inbnd, 2100′ within 10 miles.
Minimum altitude over LOM on final approach crs, 1900′.
Crs and distance, LOM to approach end of Runway 31, 315°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2600′ on crs of 315° and proceed to Whitely Int via R-281 FWA VOR, or when directed by ATC climb to 2600′ on 315° crs and proceed direct to Wolflake VOR.
#Osborne Int: Int FWA R-128 and DFI R-201.
$Decatur Int: Int FWA R-128 and DFI R-219.
MSA: 000°-090°—2200′; 090°-180°—2200′; 180°-270°—2200′; 270°-360°—2600′.

City, Fort Wayne: State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., LOM; Ident., FW; Procedure No. 1, Amdt. 9; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 8; Dated, 15 Feb. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Honolulu VOR	HN LOM	Direct	3600	T–dn	300–1	300–1	200–½
Breakers Int	10-mile DME fix, R-238 HNL VOR	Direct	2000	C–dn*	500–1	500–1	500–1½
10-miles DME fix, R-238 HNL-VOR	HN LOM (final)	Direct	2000	S–dn–8	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 258° Outbnd, 078° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, **2000′.
Crs and distance, facility to airport, 079°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing HN LOM, make right turn, climb to 4000′ on a 168° bearing from HN LOM, reverse crs and return to the HN LOM at 5000′.
CAUTION: Terrain rises sharply N side of final approach crs; within 2.2 miles, 1000′; 4.1 miles, 2566′; 5.4 miles, 3098′.
Other change: Deletes transition from Honolulu LFR.
*Circling N of airport not authorized due 385′ terrain 1.5 miles N and 524′ 2 miles NE.
**Do not descend below 2000′ until over LOM Inbnd due NAS Barber's Point traffic pattern.
MSA: 000°–090°—5100′; 090°–180°—3100′; 180°–270°—2800′; 270°–360°—6100′.

City, Honolulu; State, Hawaii; Airport Name, Honolulu International; Elev., 13′; Fac. Class., LOM; Ident., HN; Procedure No. 1, Amdt. 4; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 3; Dated, 6 July 63

Hurt Int*	Evington RBn (final)	Direct	2900	T–dn–6 and 3#..	500–1	500–1	500–1
Bedford Int	Evington RBn	Direct	3000	T–dn–35, 24, 21, and 17.	300–1	300–1	200–½
Lynchburg VOR	Evington RBn	Direct	2900	C–dn	700–1	700–1	700–1½
Sweetbriar Int	Evington RBn	Direct	3000	S–dn–3	600–1	600–1	600–1
Sycamore Int	Evington RBn (final)	Direct	2900	A–dn	800–2	800–2	800–2
Concord Int	Evington RBn	Direct	3000	If OM received, the following minimum applies:			
				S–dn–3	500–1	500–1	500–1

Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2900′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over Evington RBn on final approach crs, 2900′.
Crs and distance, facility to airport, 032°—7.2 miles.
Distance to approach end of runway at OM—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles after passing EVI RBn, make immediate left climbing turn to 2900′ direct to Evington RBn. Hold SW of Evington RBn, 032° Inbnd, 1-minute right turns.
NOTE: Procedure turn not required if Hurt Int* or Sycamore Int is received.
*Hurt Int: Int LYH VOR R-211 and SBV R-333.
#CAUTION NOTE: Runways 6 and 3: 1350′ terrain 1.5 miles NE of airport.
MSA: 000°–090°—5000′; 090°–180°—3100′; 180°–270°—4000′; 270°–360°—6200′.

City, Lynchburg; State, Va.; Airport Name, Lynchburg Municipal-Preston Glenn; Elev., 942′; Fac. Class., MHW; Ident., EVI; Procedure No. 1, Amdt. 2; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 1; Dated, 28 Mar. 63

Amboy VHF Int	LOM (final)	Direct	1500	T–dn	300–1	300–1	200–½
Chatham RBn	LOM	Direct	2000	C–dn*	600–1	600–1	600–1½
				S–dn–4	600–1	600–1	600–1
				A–dn*	800–2	800–2	800–2
				*The following minimums apply to turbo-jet aircraft when circling W of runways 4/22 centerlines extended.			
				C–dn	900–2	900–2	900–2
				A–dn	900–2	900–2	900–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 217° Outbnd, 037° Inbnd, 1500′ within 10 miles. (Nonstandard due to ATC.)
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 037°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing LOM, climb to 1000′ on crs 037° from LOM, then make left climbing turn to 2000′ direct to Chatham RBn. Hold NE Chatham RBn 2000′, 1-minute right turns, Inbnd crs 241°.
CAUTION: Building 598′ 2.2 miles N of airport.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., LOM; Ident., EW; Procedure No. 1, Amdt. 17; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 16; Dated, 26 Oct. 63

Paterson RBn	TEB LMM	Direct	1800	T–dn	300–1	300–1	200–½
TEB LMM	AR LOM (final)	Direct	1200	C–dn*	900–1	900–1	900–1½
				S–dn–22	900–1	900–1	900–1
				A–dn	1000–2	1000–2	1000–2
				*The following minimum applies to turbo-jet aircraft when circling W of runways 4/22 centerlines extended.			
				C–dn*	900–2	900–2	900–2

Radar transitions authorized in accordance with approved patterns.
Procedure turn W side of crs, 037° Outbnd, 217° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs 1200′.
Crs and distance, facility to airport, 217°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing LOM, climb to 2000′ on crs 217°, intercept R–069 ARD–VOR, then make right turn, proceed to Kilmer Int at 2000′. Hold SW, 1-minute, right turns, Inbnd crs 069°.
CAUTION: Building 598′ 2.2 miles N of airport.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., LOM; Ident., AR; Procedure No. 2, Amdt. 3; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 2; Dated, 14 Sept. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pinon Int	LOM	Direct	7300	T–dn*	300–1	300–1	200–½
PUB VOR	LOM	Direct	7000	C–d	800–1	800–1	800–1½
Hanover RBn	LOM	Direct	7300	C–n	800–2	800–2	800–2
Charles Int	LOM	Direct	7300	A–dn	800–2	800–2	800–2
Stone DME Int@	LOM (final)	Direct	6800	If the 7-mile DME Fix from PUB VOR is received, the following minimums apply:			
				C–dn	600–1	600–1	600–1½
				S–dn–7	400–1	400–1	400–1

Procedure turn S side of crs, 255° Outbnd, 075° Inbnd, 7000′ within 10 miles of LOM.
Minimum altiturle over facility on final approach crs, 6800′.
Crs and distance, facility to airport, 075°—6.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing LOM, climb to 6500′ on crs 075° within 10 miles or, when directed by ATC, right climbing turn to 7000′ on PUB VOR R–163 within 10 miles.
CAUTION: 6322′ tower 5.5 miles NW of airport.
Other change: Deletes transition from Cedarwood Int.
*When takeoff is made from Runway 30, a right or left turn must be made to avoid 6322′ tower 5.5 miles NW of airport.
@Stone DME Int: 19 miles DME PUB VOR R–262.
MSA: 180°–270°—14,300′; 270°–360°—12,500′; 360°–090°—8300′; 090°–180°—8200′.

City, Pueblo; State, Colo.; Airport Name, Pueblo-Memorial; Elev., 4725′; Fac. Class., LOM; Ident., PU; Procedure No. 1, Amdt. 2; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 1; Dated, 23 Feb. 63

ADW LFR	DC RBn	Direct	2000	T–dn	300–1	300–1	200–½
Herndon VOR	DC RBn	Direct	2000	C–dn	700–1	700–1	700–1½
Potomac Int	DC RBn	Direct	2000	S–dn–36	500–1	500–1	500–1
GTN RBn	DC RBn	Direct	2000	A–dn	800–2	800–2	800–2
Ironsides Int	DC RBn	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs 181° Outbnd, 001° Inbnd, 2000′ within 10 miles.
Nonstandard to avoid Andrews traffic.
Minimum altitude over facility on final approach crs 1400′.
Crs and distance, facility to airport 001°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing DC RBn, make a left climbing turn as soon as practicable, climb to 2000′, proceed to GTN RBn, hold NW GTN RBn on bearing 144°, 1-minute right turns.
CAUTION: 442′ monument 117 miles W of final approach crs, 193′ stacks 1.3 miles S of airport, 506′ monument approximately 1.6 miles N of airport.

City, Washington; State, D.C.; Airport Name, National; Elev., 15′; Fac. Class., SABH; Ident., DC; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Mar. 64

PROCEDURE CANCELLED, EFFECTIVE 28 MAR. 1964.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., SABH; Ident., DC; Procedure No. 2, Amdt. 8; Eff. Date, 22 Jun. 63; Sup. Amdt. No. 7; Dated, 20 Sept. 62

Herndon VOR	GTN RBn	Direct	2000	T–dn	300–1	300–1	200–½
Unity Int	GTN RBn	Direct	2000	C–dn	900–1	900–1	900–1½
ADW LFR	GTN RBn	Direct	2000	S–dn–16	900–1	900–1	900–1
Ironsides Int	GTN RBn	Direct	2000	A–dn	1000–2	1000–2	1000–2
DC RBn	GTN RBn	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs 324° Outbnd, 144° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs 1600′.
Crs and distance, facility to airport, 144°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing GTN RBn, climb to 1000′ on crs of 144°, make a right turn and proceed to DC RBn 1800′, climb in holding pattern to 2000′, hold S DC RBn on bearing 181° Outbnd, 001° Inbnd, 1-minnte left turns.
CAUTION: 596′ monument 1.6 miles N of airport.

City, Washington; State, D.C.; Airport Name, National; Elev., 15′; Fac. Class., MHW; Ident., GTN; Procedure No. 2, Amdt. Orig.; Eff. Date, 28 Mar. 64

PROCEDURE CANCELLED, EFFECTIVE 28 MAR. 1964.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., MHW; Ident., GTN; Procedure No. 3, Amdt. 9; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 8; Dated, 20 Sept. 62

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	NA	NA
				C-d	900–1	NA	NA
				C-n	900–2	NA	NA
				A-dn	NA	NA	NA

Dallas radar (Love Field) may be used to position aircraft on final approach when within 5 miles N of DAL VOR with elimination of procedure turn.
Procedure turn E side of crs, 009° Outbnd, 189° Inbnd, 2200' within 16 miles. Beyond 10 miles not authorized.
Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs 2000'.
Crs and distance, facility to airport 189°—9.8 miles.
If visual contact not established upon descent to authorized land minimums or if landing not accomplished within 9.8 miles after passing Dallas VOR, turn left, climb to 2500' on crs 090° within 20 miles.
NOTE: No weather service available. Night operations restricted to Runway 13–31. Procedure not wholly contained within controlled airspace.
CAUTION: Final approach crs 1 mile E of Temco-Garland Airport. 1026' radio tower 2.2 miles NNE, 809' and 911' towers 4.3 miles E of airport. Full length of runway 13–31 not visible from NW end. Obtain traffic information from Garland unicom prior to takeoff SE. Pilots using this procedure are requested to close their IFR flight plan with DAL approach control when landing at Garland airport is assured, or by commercial facilities as soon as practicable after landing.
MSA: 000°–090°—2100'; 090°–180°—2000'; 180°–270°—3300'; 270°–360°—2200'.

City, Dallas; State, Tex.; Airport Name, Dallas-Garland; Elev., 614'; Fac. Class., H-BVORTAC; Ident., DAL; Procedure No. 1, Amdt. 1; Eff. Date, 28 Mar. 64; Sup. Amdt. No. Orig.; Dated, 25 Jan. 64

				T-dn	300–1	NA	NA
				C-dn	600–1	NA	NA
				A-dn	NA	NA	NA

Procedures turn S side of crs, 287° Outbnd, 107° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 107°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing FKN-VOR, make a left climbing turn and return to the Franklin VOR to 2000'. Hold W on R-287, 1-minute right turns.
NOTE: Instrument takeoff not authorized from Runway 22. Right turn after takeoff from Runway 14 not authorized.
CAUTION: 277' smoke stacks 0.9 mile SW of airport. 268' antenna 1.7 miles W of airport.
MSA: 000°–090°—2100'; 090°–180°—1300'; 180°–270°—1400'; 270°–360°—1400'.

City, Franklin; State, Va.; Airport Name, Franklin Municipal; Elev., 37'; Fac. Class., BVOR-DME; Ident., FKN; Procedure No. 1, Amdt. 4; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 3; Dated, 1 June 63

Hurt Int**	Lynchburg VOR (final)	Direct	2200	T-dn–6 and 3°	500–1	500–1	500–1
				T-dn–35, 24, 21, and 17	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn–3	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 025°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LYH-VOR, make a left climbing turn to 2900'. Hold SW of Lynchburg VOR R-205 1-minute right turns.
*CAUTION NOTE: Runway 6–2—1340' terrain 1.5 miles NE of airport.
**Hurt Int: Int LYH VOR R-211 and SBV VOR R-333. If Hurt Int is received procedure turn not required.
MSA: 000°–090°—6000'; 090°–180°—3100'; 180°–270°—4000'; 270°–360°—6200'.

City, Lynchburg; State, Va.; Airport Name, Lynchburg Mun.-Preston Glenn; Elev., 943'; Fac. Class., BVORTAC; Ident., LYH; Procedure No. 1, Amdt. 3; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 2; Dated, 22 June 63

MDO BHZ	MDO VOR	Direct	2000	T-d	300–1	300–1	200–½
				C-d	700–1	700–1	700–1½
				S-d	NA	NA	NA
				A-d	NA	NA	NA

Procedure turn N side of crs, 017° Outbnd, 197° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 015°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MDO VOR, turn left, climb to 1500' on R-017 MDO VOR within 15 miles.
CAUTION: No control zone, weather available 1 hour prior notice (special observation) through Cordova radio. Local communications with Cordova radio. Night operations not authorized. Air carrier sliding scale not authorized. Altimeter setting not available.

City, Middleton Island; State, Alaska; Airport Name, Middleton Island; Elev., 87'; Fac. Class., BVOR; Ident., MDO; Procedure No. 1, Amdt. 2; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 1; Dated, 7 Mar. 64

Charles Int	PUB–VOR	Direct	7300	T-dn*	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
HNK RBn	PUB–VOR	Direct	6800	S-dn–25	400–1	400–1	400–1
PU LOM	PUB–VOR	Direct	6500	A-dn	800–2	800–2	800–2
Ordway Int	PUB–VOR	Direct	7300				
Pinon Int	PUB–VOR	Direct					

Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 6500' within 10 miles. Procedure turn S for more favorable terrain.
Minimum altitude over facility on final approach crs, 5400'.
Crs and distance, facility to airport, 248°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing VOR, make left climbing turn to 7000' on R-163 within 10 miles or, when directed by ATC, make left climbing turn, return to PUB VOR, continue climb to 7000' on R-850 PUB VOR within 10 miles.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
CAUTION: Tower 6322' 5.5 miles NW of field.
Other changes: Deletes transitions from OOS LOM and Cedarwood Int.
*Runway 30, make right or left turn after takeoff to avoid 6322' tower.
MSA: 180°–270°—10,000'; 270°–360°–10,000'; 360°–090°—8200'; 090°–180°—8500'.

City, Pueblo; State, Colo.; Airport Name, Pueblo-Memorial; Elev., 4725'; Fac. Class., BVORTAC; Ident., PUB; Procedure No. 1, Amdt. 10; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 9; Dated, 2 Feb. 63

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Stanne Int*	BDR–VOR (final)	Direct	600	T-dn	300–1	300–1	200–½
				C-dn	700–1½	700–1½	700–1½
				S-dn–6	700–1½	700–1½	700–1½
				A-dn	800–2	800–2	800–2
				If aircraft equipped with Dual VOR and Stanne Int* received, the following minimums apply:			
				C-dn	600–1	600–1	600–1½
				S-dn–6	600–1	600–1	600–1

Procedure turn S side of crs, 242° Outbnd, 062° Inbnd, 1700' within 10 miles of BDR–VOR.
Minimum altitude until over Stanne Int* on final approach crs, 700'.
Crs and distance, Stanne Int* to airport, 062°—3.9 miles; Stanne Int* to VOR 4.3 miles.
Crs and distance, breakoff point to approach end of runway, 057°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BDR VOR, climb to 1700' on BDR VOR R-062 within 10 miles of BDR VOR. Then make left turn and return to BDR VOR at 1700'. Hold NE 1-minute left turns, Inbnd crs 229°.
*Stanne Int: Int BDR R-242 and TRN R-131.

City, Bridgeport; State, Conn; Airport Name, Bridgeport Municipal; Elev., 9'; Fac. Class., LVOR; Ident., BDR; Procedure No. TerVOR–6, Amdt. 3; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 2; Dated, 5 Jan. 63

Milford FM	Bridgeport VOR (final)	Direct	*400	T-dn	300–1	300–1	200–½
				C-dn*	700–1	700–1	700–1½
				S-d–24*	400–1	400–1	400–1
				S-n–24*	400–1	400–1	400–1½
				A-dn*	800–2	800–2	800–2

Procedure turn E side of crs, 049° Outbnd, 229° Inbnd, 2000' within 10 miles of BDR VOR. Nonstandard to avoid obstructions.
Minimum altitude until over Milford FM on final approach crs, *1000'.
Crs and distance, Milford FM to airport, 229°—3.2 miles; Milford FM to VOR, 3.6 miles.
Crs and distance, breakoff point to approach end of runway, 237°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BDR VOR, make a climbing left turn to 3000' on R–049 within 10 miles of BDR VOR. Then make right turn and proceed direct to VOR. Hold NE 1-minute left turns Inbnd crs 229°.
NOTE: Contact Westchester approach control for ATC clearance.
*If Milford FM not received, maintain 1000' over BDR–VOR (minimums of 1000–2 will apply).

City, Bridgeport; State, Conn.; Airport Name, Bridgeport Municipal; Elev., 9'; Fac. Class., LVOR; Ident., BDR; Procedure No. TerVOR–24, Amdt. 2; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 1; Dated, 17 Mar. 62

				T-dn	2100–2	2100–2	2100–2
				C-dn	2100–2	2100–2	2100–2
				A-dn	2500–3	2500–3	2500–3

Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 10,200' within 10 miles.
Minimum altitude over facility on final approach crs 9400'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing ELY VOR, right turn climb to 11,000' on R–150 within 18 miles of ELY VOR. No turns authorized prior to reaching 10,500'.

City, Ely; State, Nev.; Airport Name, Yelland Field; Elev., 6258'; Fac. Class., VOR; Ident., ELY; Procedure No. TerVOR–286, Amdt. Orig.; Eff. Date, 28 Mar. 64

Steele Int	Clair Int* (final)	Direct	2200	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn–6	400–1	400–1	400–1
				A-dn#	800–2	800–2	800–2

Procedure turn S side of crs, 231° Outbnd, 051° Inbnd, 3000' within 10 miles of Clair Int*.
Minimum altitude on final approach crs until passing Clair Int*, 2200'.
Crs and distance, Clair Int* to VOR, 051°—5.8 miles; breakoff point to Runway 6,060'—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 3000' on R–040 within 15 miles.
NOTE: This procedure is authorized only for aircraft having two operating VOR receivers and Clair Int* received.
#Alternate minims authorized for air carriers only, provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.
*Clair Int: Int GAD R–231 and ANB R–340.
MSA: 000°–090°—2900'; 090°–180°—3100'; 180°–270°—2600'; 270°–360°—2500'.

City, Gadsden; State, Ala.; Airport Name, Gadsden Mun.; Elev., 564'; Fac. Class., BVOR; Ident., GAD; Procedure No. TerVOR–6, Amdt. 1; Eff. Date, 28 Mar. 64; Sup. Amdt. No. Orig.; Dated, 13 July 63

HSV VOR	Rocket Int#	Direct	2600	T-dn	300–1	300–1	200–½
Harvest Int%	Rocket Int/FM or abeam HUA RBn (final)	Direct	1700	C-d	1000–1	1000–1	1000–1½
Tanner Int	HUA VOR	Direct	2600	C-n	1000–2	1000–2	1000–2
				S-d–17	500–1	500–1	500–1
				S-n–17	600–1	600–1	600–1
				A-dn	1000–2	1000–2	1000–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 2600' within 10 miles of Rocket Int#.
Minimum altitude over Harvest Int% on final approach crs, 2300'; over Rocket Int#, 1700'*; over HUA VOR, 1200'.
Crs and distance Rocket Int# to airport, 169°—3.5 miles; breakoff point to runway 167°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of HUA VOR, make right climbing turn and climb to 2600' on HUA R–349 within 20 miles.
CAUTION: High terrain 1.7 miles E of airport with Tower, elev. 1371'.
NOTE: Authorized for military use only, except by prior arrangements.
Other changes: Deletes transitions from HSV VOR and Ballard Int.
#Rocket Int: HUA R–349 and HSV R–220 (may also be identified on final by Rocket FM or abeam HUA RBn).
%Harvest Int: Int HUA R–349 and HSV R–260.
*Descent below 2300' not authorized unless Harvest Int% identified on final.
MSA: 000°–090°—2900'; 090°–180°—2600'; 180°–270°—2600'; 270°–360°—2600'.

City, Huntsville; State, Ala.; Airport Name, Redstone AAF; Elev., 682'; Fac. Class., VOR; Ident., HUA; Procedure No. TerVOR–17, Amdt. 6; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 5; Dated, 4 Jan. 64

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Whitely Int	LOM	Direct	2200	T-dn	300-1	300-1	200-½
New Haven Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Monroe Int	LOM	Direct	2200	S-dn-31	*200-½	200-½	200-½
Fort Wayne VOR	LOM	Direct	2100	A-dn	600-2	600-2	600-2
Rock Creek Int	LOM	Direct	2200				
Osborne Int#	LOM	Direct	2400				
Kingsland Int	LOM	Direct	2100				
Decatur Int$	LOM	Direct	2100				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of SE crs, 135° Outbnd, 315° Inbnd, 2100′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100′.
Altitude of glide slope and distance to approach end or runway at OM, 2045′—3.8 miles; at MM, 1075′—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2600′ on NW crs ILS and proceed to Whitely Int via R-281 FWA VOR or, as directed by ATC, climb on NW crs ILS to 2600′ and proceed direct to Wolfake VOR.
*400-1 required when glide slope not utilized.
#Osborne Int: Int FWA R-128 and DFI R-201.
$Decatur Int: Int FWA R-128 and DFI R-219.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., ILS; Ident., I-FWA; Procedure No. ILS-31, Amdt. 9; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 8; Dated, 16 June 62

CO LOM	Brown Int*	Direct	2500	T-dn	300-1	300-1	200-½
Advance Int	Brown Int* (final)	Via IND R-311 and NW crs.		C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
		ILS	2500	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 2600′ within 10 miles of Brown Int.*
Minimum altitude over Brown Int* on final approach crs, 2500′.
Crs and distance, Brown Int* to airport, 133°—6.0 miles.
No glide slope, outer marker, middle marker or approach lights.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing Brown Int* climb to 2400′ and proceed direct to the CO LOM or when directed by ATC, make right climbing turn to 2500′ and proceed direct to the IND VOR.
NOTES: 1. Aircraft executing missed approach may be radar controlled after radar identification. 2. This ILS procedure not authorized when radar is inoperative unless aircraft is equipped to receive VOR and ILS simultaneously.
*Brown Int: Int IND NW crs ILS and IND VOR R-223.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., ILS; Ident., I-COA; Procedure No. ILS-13 (Back Course), Amdt. Orig.; Eff. Date, 28 Mar. 64

Amboy VHF Int	LOM (final)	Direct	1800	T-dn**	300-1	300-1	200-½
Chatham RBn	LOM	Direct	2000	C-dn%	600-1	600-1	600-1½
				S-dn-4*#	200-½	200-½	200-½
				A-dn%	600-2	600-2	600-2
				%The following minimums apply to turbo-jet aircraft when circling W of Runways 4/22 centerlines extended.			
				C-dn	900-2	900-2	900-2
				A-dn	900-2	900-2	900-2

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn W side SW crs, 217° Outbnd, 037° Inbnd, 1500′ within 10 miles. (Nonstandard due to ATC.)
Minimum altitude at glide slope interception Inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1500′—4.9 miles; at MM, 250′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on 037° crs from LOM to interception of LGA-VOR R-292, make left turn and proceed to Morristown VHF Int at 2000′, hold SW 1-minute, left turns Inbnd crs 061°.
CAUTION: Building 598′ 2.2 miles N of airport.
*Runway visual range 2000′ also authorized for takeoff and landing on Runway 4; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 218′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2000′ also authorized for takeoff on Runway 4 in lieu of 200-½ when 200-½ authorized, providing high-intensity runway lights are operational.
#600-1 required with glide slope inoperative.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., ILS; Ident., I-EWR; Procedure No. ILS-4, Amdt. 17; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 16; Dated, 11 Jan. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Chatham RBn	NE crs ILS	095°-15.0 miles	2000	T-dn	300-1	300-1	200-½
Paterson RBn	NE crs ILS (final)	161°-7.4 miles	2000	C-dn#	600-1	600-1	600-1½
Teterboro LMM	LOM (final)	Direct	2000	S-dn-22*	200-½	200-½	200-½
				A-dn#	600-2	600-2	600-2
				#The following minimums apply to turbojet aircraft when circling W of Runways 4/22 centerlines extended.			
				C-dn	900-2	900-2	900-2
				A-dn	900-2	900-2	900-2

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn W side NE crs, 037° Outbnd, 217° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2029′—6.1 miles; at MM, 236′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ straight ahead on SW crs of Newark ILS to Amboy VHF Int, then turn right and proceed direct to Kilmer VHF Int at 2000′. Hold SW Kilmer Int right turns, 1-minute, 069° Inbnd.
CAUTION: 1. Building 598′ 2.2 miles N of airport. 2. 50′ hangar row 200′ E of approach light lane between MM and end of Runway 22. 3. Procedure turn accomplished over Teterboro LMM. Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.
*600-1 required when glide slope inoperative.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., ILS; Ident., I-ARK; Procedure No. ILS-22, Amdt. 8; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 7; Dated, 6 July 63

PUB VOR	LOM	Direct	7000	T-dn*	300-1	300-1	200-½
Charles Int	LOM	Direct	7300	C-dn#	600-1	600-1	600-1½
Hanover RBn	LOM	Direct	7300	S-dn-7#	200-½	200-½	200-½
Pinon Int	LOM	Direct	7300	A-dn	600-2	600-2	600-2
Stone DME Int @	LOM (final)	Direct	6800	#If glide slope not utilized and 7-miles DME fix from PUB VOR is received, the following minimums are authorized:			
				C-dn	600-1	600-1	600-1½
				S-dn-7	400-1	400-1	400-1

Procedure turn S side of W crs, 255° Outbnd, 075° Inbnd, 7000′ within 10 miles of the LOM.
Minimum altitude at glide slope interception Inbnd, 6800′.
Altitude of glide slope and distance to approach end of runway at OM, 6780′—6.4 miles; at MM, 4920′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 6500′ on the E course of PUB ILS within 10 miles of the LOM or, when directed by ATC, right climbing turn to 7000′ on the PUB VOR R-163 within 10 miles.
NOTE: Final approach from bolding pattern not authorized. Procedure turn required.
Other change: Deletes transition from Cedarwood Int. Deletes alternate minimums on secondary minimums.
*Takeoff on Runway 30 requires right or left turn to avoid 6322′ tower.
#400-1 required with any component of the ILS inoperative except 700-1 required when glide slope and 7-mile DME fix not utilized.
@Stone DME Int: 19-mile DME PUB VOR R-262.

City, Pueblo; State, Colo.; Airport Name, Pueblo-Memorial; Elev., 4725′; Fac. Class., ILS; Ident., I-PUB; Procedure No. ILS-7, Amdt. 4; Eff. Date, 28 Mar. 64; Sup. Amdt. No. ILS-6, Amdt. 3; Dated, 16 Mar. 63

Ordway Int	Boone Int	Direct	6500	T-dn*	300-1	300-1	200-½
Pueblo VOR	Devine Int	Direct	6500	C-dn	600-1	600-1	600-1½
Boone Int	Devine Int (final)	Direct	5400	S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 075° Outbnd, 255° Inbnd, 6500′ within 10 miles of Devine Int.
Nonstandard due to terrain.
Minimum altitude over Devine Int on final approach 5400′.
Crs and distance, Devine Int to airport, 255°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing Devine Int, climb to 7000′ direct to LOM or, when directed by ATC, turn left and climb to 7000′ on R-163 PUB-VOR within 10 miles.
CAUTION: Tower 6322′ 5.5 miles NW of field.
Other change: Deletes transition from Cedarwood Int.
*Runway 30—make right or left turn after takeoff to avoid 6322′ tower.

City, Pueblo; State, Colo.; Airport Name, Pueblo Memorial; Elev., 4725′; Fac. Class., ILS; Ident., I-PUB; Procedure No. ILS-25, Amdt. 2; Eff. Date, 28 Mar. 64; Sup. Amdt. No. ILS-26, Amdt. 1; Dated, 2 Feb. 63

McClure Int	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Waterville VOR	LOM	Direct	2000	C-dn	600-1	600-1	600-1½
Watseon Int	LOM	Direct	2300	S-dn-7*	300-¾	300-¾	300-¾
Weston Int	LOM	Direct	2300	A-dn	600-2	600-2	600-2
Harbor View Int	LOM	Direct	2000				
Gerald Int	LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1975′—3.8 miles; at MM, 1029′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing left turn to 2000′ and proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1-minute, 069° Inbnd.
NOTE: ILS touchdown point approximately 2100′ in from approach end of runway.
CAUTION: Tower 865′ 1¾ miles S of LMM.
*400—¾ if glide slope not utilized.

City, Toledo; State, Ohio; Airport Name, Toledo-Express; Elev., 684′; Fac. Class., ILS; Ident., I-TOL; Procedure No. ILS-7, Amdt. 7; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 6; Dated, 12 Dec. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Collinsville Int	DW LOM	Direct	2200	T-dn	300-1	300-1	*200-½
Tulsa VOR	DW LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Big Cabin Int	DW LOM	Direct	2200	S-dn-17L	400-1	400-1	400-1
Will Rogers Int	DW LOM	Direct	2200	A-dn	800-2	800-2	800-2
Murnan Int	DW LOM (final)	Direct	2200				

Radar vectoring authorized in accordance with approved patterns. Radar may be used to position aircraft for a final approach within 5 miles N of DW LOM with the elimination of a procedure turn.

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2200′ within 10 miles.

No glide slope. Minimum altitude over DW LOM on final approach crs, 2200′.

Bearing and distance, DW LOM to airport, 174°—5.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing DW LOM, climb to 2200′ on S crs ILS within 20 miles of DW LOM or, when directed by ATC, climb to 2200′ on R-035 TUL VOR within 20 miles.

NOTE: LOM is MH facility.

*300-1 required on Runways 3L, 21R, 17R and 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class., ILS; Ident., I-TUL; Procedure No. ILS-17L (Back Course), Amdt. Orig.; Eff. Date, 28 Mar. 64

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
058°	090°	Within 20 miles	2500	Precision approach			
All other sectors	Radar site	20 miles	2000	S-dn-4°	200-½	200-½	200-½
				A-dn-4£	600-2	600-2	600-2
				Surveillance approach			
				T-dn£	300-1	300-1	200-½
				C-dn%£	600-1	600-1	600-1½
				C-dn-22£	900-1	900-1	900-1½
				S-dn%	600-1	600-1	600-1
				S-dn-22	900-1	900-1	900-1
				A-dn%£	800-2	800-2	800-2
				A-dn-22	900-2	900-2	900-2
				£The following minimums apply to turbojet aircraft when circling west of Runway 4/22 centerlines extended:			
				C-dn	900-2	900-2	900-2
				A-dn	900-2	900-2	900-2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 4: Climb to 2000′ on 037° crs from EW LOM to interception of LOA VOR R-292, make left turn, proceed to Morristown VHF Int at 2000′, hold SW 1-minute left turns, 061° Inbnd. Runway 22: Climb to 2000′ on crs 217° from AR LOM to intercept ARD R-069, then make right turn, proceed to Kilmer Int at 2000′. Hold SW 1-minute right turns, Inbnd crs 069°. Runway 29: Climb straight ahead to 2000′, proceed direct to CAT RBn. Hold NE of CAT RBn 1-minute right turns Inbnd crs 241°. Runway 11: Make right climbing turn to 2000′, proceed direct to EW LOM. Thence via 217° bearing to intercept ARD R-069. Then proceed to Kilmer Int at 2000′. Hold SW 1-minute right turns Inbnd crs 069°.

%Runways 4–11–29.

*Runway 4 only—200–½ or runway visual range of 2000′; provided, that approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high-intensity runway lights shall be in normal operation and (2) descent below the authorized landing minimum altitude of 218′ shall not be made unless (a) visual contact with the approach lights has been established or (b) the aircraft is clear of clouds. (3) Both compass locators required to be operative for RVR 2000′.

£Runway 4 only—runway visual range of 2000′ may be utilized in lieu of 200–½ when 200–½ is authorized.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class. and Ident., Newark Radar; Procedure No. 1, Amdt. 13; Eff. Date, 28 Mar. 64; Sup. Amdt. No. 12; Dated, 28 Sept. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on February 24, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–1950; Filed, Mar. 18, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 4034; Amdt. 708]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on March 4, 1964, and made effective immediately as to all known United States operators of Boeing Model 727 Series aircraft. The directive required inspection of the flight spoiler actuator rod and fittings and replacement of any parts found cracked.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing Model 727 Series aircraft by individual telegrams dated March 4, 1964. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

BOEING. Applies to all Models of the 727 Series aircraft listed in Boeing Alert Service Bulletin No. 27–18.

Compliance required as indicated.

(a) Conduct daily visual inspection of rod end fittings P/N 907 008 001 on all flight spoiler actuators. Pay particular attention near the runout end of the keyway slot cut into the eye portion of the fitting.

(b) On airplanes with 350 or more hours' time in service, within the next 25 hours' time in service unless already accomplished, turn rod end out one-half turn to relieve hold down load in affected actuator rod end fittings. Continue daily inspections.

(c) Replace cracked parts and continue daily inspections.

(d) The special inspections noted in (a), (b), and (c) may be discontinued when FAA Engineering and Manufacturing Branch, Western Region approved redesign and revised rigging procedures are incorporated.

(Boeing Alert Service Bulletin No. 27–18 covers this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated March 4, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 13, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–2643; Filed, Mar. 18, 1964; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Operation and Maintenance Charges; Notice of Proposed Rule Making

Basis and purpose. Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210), and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454–7), notice is hereby given of the intention to modify §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for nondistrict lands of the Flathead Indian Irrigation Project for 1964 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of $3.15 per acre, for the season of 1964 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and ten cents ($2.10) per acre foot or fraction thereof.

Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Divisions.

(a) (1) An annual minimum charge of $3.34 per acre, for the season of 1964 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty-three cents ($2.23) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $4.26 per acre, for the season of 1964 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and eighty-four cents ($2.84) per acre foot or fraction thereof.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 64–2645; Filed, Mar. 18, 1964; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1049]

[Docket No. AO–319–A4]

MILK IN INDIANAPOLIS, IND., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Indianapolis, Indiana, on February 7, 1964, pursuant to notice thereof issued on January 29, 1964 (29 F.R. 1656).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on March 4, 1964 (29 F.R. 3160; F.R. Doc. 64–2260) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (29 F.R. 3160; F.R. Doc. 64–2260) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Pooling requirements for distributing plants; and

2. Whether an emergency exists which warrants the omission of a recommended decision and the opportunity for interested parties to file exceptions thereto and the immediate issuance of a final decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) Pooling requirements for a distributing plant should be changed so that a handler can pool by selling therefrom on routes (as Class I milk) 50 percent of the Grade A milk receipts from producers and pool supply plants in lieu of such percentage of all Grade A milk receipts at the plant.

This revision will modify the present pooling standards in only one major respect. It will permit the handler to subtract receipts from other pool distributing plants and nonpool plants (ordinarily received for manufacturing use) in calculating whether the plant meets the Class I percentage requirement and thus qualifies as a pool plant. Thus, the percentage requirement for Class I use as a basis for pooling will be related to the normal and regular quantities of milk received to fulfill such use.

The present pooling provisions require a handler to dispose of on routes 50 percent of all Grade A milk receipts (except diverted milk from other order plants), including any surplus milk of other plants bought for manufacturing, in order to pool a distributing plant. Proponent indicated that he could not buy all the milk that would be offered to his New Bremen, Ohio, distributing plant during the coming flush production months and still retain pool status. It was stated that if he accepted for processing the increased quantities of surplus Grade A milk which would be available from area distributing plants, the plant's Class I utilization would almost certainly fall below the 50 percent figure required for pooling.

Proponent wishes to remain an Indianapolis regulated handler in the coming months in order to avoid operational problems involved in switching back and forth from regulated to unregulated status or to pool status under some other order.

Proponent's pool distributing plant at New Bremen, Ohio, is a combination bottling and manufacturing operation. Bottling milk for the routes served from the plant is regularly supplied by about 230 can and bulk tank producers. Additional milk for fluid use is bought when needed from an Indianapolis pool supply plant at Bluffton, Indiana.

In the manufacturing portion of the plant ungraded milk and surplus Grade A milk are processed into butter, nonfat dry milk powder and condensed milk. Surplus can and bulk tank milk flows into the manufacturing operation from sources in Indiana, Ohio and Michigan. Surplus milk customarily is received from regulated plants in the Indianapolis, Dayton-Springfield, Fort Wayne, Cincinnati, North Central Ohio, Northeastern Ohio and Southern Michigan Federal order markets. The manufacturing portion of the plant has capacity to process up to a million pounds of milk per day.

Increased milk receipts at this plant are likely this spring and summer. This is partly because of the recent closing of a large milk manufacturing plant at Union City, Indiana. Before its closing last year, the Union City plant was a major outlet for surplus milk from Indianapolis area plants. With this plant shut-down, milk which once was processed there is being channeled instead to proponent's New Bremen, Ohio manufacturing operation. This shift of milk has already begun and it is likely to accelerate as milk production rises in the coming spring months. Several Indianapolis distributors who previously had sold surplus milk to the Union City plant are also now shifting milk to the New Bremen plant. With the decline in the number of fluid milk plants receiving can milk, milk from can producers is seeking this outlet since the New Bremen plant is one of the few remaining outlets for can milk in the area.

It is essential that this important manufacturing outlet remain in position to receive the Indianapolis market's normal seasonal surplus of milk. If the New Bremen handler were forced to cutback purchases of surplus milk of the Indianapolis market in order to pool, it is likely that some milk would be without a nearby market this spring. This would force the shipment of at least some of such surplus milk to considerably more distant plants for manufacture. Moreover, the market for milk in cans would be diminished if this New Bremen plant were to curtail its purchases since there are so few other reasonably available outlets for this milk.

On the other hand, if the New Bremen plant bought all the surplus milk offered and thereby lost pool status, there would also be undesirable effects for the Indianapolis market. In this circumstance the milk of approximately the 230 producers supplying the plant would be made ineligible for pooling and thus be denied the minimum price guarantee of the order. An additional 200 producers supplying the New Bremen plant from the Bluffton, Indiana supply plant likewise could become ineligible for the order's minimum prices. This is so because such plant depends partly on the New Bremen plant's pool eligibility (as a distributing plant) for its own qualification as a pool plant.

This amendment likewise would increase opportunities for other Indianapolis regulated handlers to handle surplus milk within the market. Such distributors will be assisted in accommodating occasional loads of surplus milk from other bottlers without fear of losing pool status. This will allow local processing at pool plants of some milk which otherwise would have to be shipped to more distant outlets.

The proposed amendment was supported also by another pool handler and by a producer association. No opposition testimony was offered. The provision should be adopted.

(2) The omission of a recommended decision, to expedite amendment procedure, is not warranted in the circumstances.

At the hearing proponent requested that emergency action be taken to amend the pooling provisions as soon as possible. It was requested that the Secretary omit the issuance of a recommended decision in order that any order amendment may be expedited. The Secretary may omit the recommended decision if he finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission. In this instance, however, the recommended order amendment deals with a problem associated primarily with the normal seasonal rise in milk production. Normal amendment procedure will accommodate the problem. Omission of the recommended decision is not warranted under the conditions found.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed on behalf of interested parties.

Marketing Agreement and Order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Indianapolis, Indiana Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Indianapolis, Indiana Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of December 1963 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Indianapolis, Indiana marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 13, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Indianapolis, Indiana Marketing Area

§ 1049.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceeding to formulate marketing agreements and marketing orders have been met.

and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indianapolis, Indiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the Indianapolis, Indiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

Section 1049.12(a) is revised to read as follows:

§ 1049.12 Pool plant.

* * * * *

(a) A distributing plant from which not less than 50 percent of the Grade A milk received at such plant from producers and pool supply plants as defined in paragraph (b) of this section is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area: *Provided*, That a distributing plant which was a pool plant in each of the months of September through May, inclusive, shall continue to be a pool plant in the months of June, July, and August, immediately following if fluid milk products are disposed of from the plant in the marketing area on routes during such month;

* * * * *

[F.R. Doc. 64-2660; Filed, Mar. 18, 1964; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Great Lakes Pilotage Administration

[46 CFR Part 401]

GREAT LAKES PILOTAGE REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that amendments to the Great Lakes Pilotage Regulations (46 CFR Part 401) set forth in tentative form below are proposed to be promulgated by the Administrator, Great Lakes Pilotage Administration. Prior to the adoption of such amendments a hearing will be held by the Administrator at 10:00 a.m. on April 13, to be continued on April 14, 1964, if required, in the Auditorium, City County Building, Detroit, Michigan.

Interested persons may submit such written data, views, and arguments as they may desire directly to the Administrator, Great Lakes Pilotage Administration, U.S. Department of Commerce, Washington, D.C., 20230, prior to completion of the hearing. Persons desiring to present their views at the hearing are requested to notify the Administrator prior to the hearing.

The proposed amendments to the regulations are to be issued under the authority contained in sections 4 and 5 of the Great Lakes Pilotage Act of 1960 (74 Stat. 260, 261; 46 U.S.C. 216).

Subpart A—General, is amended to add:

§ 401.120 Federal reservation of pilotage regulations.

No state, municipal, or other local authority shall require the use of pilots or regulate any aspect of pilotage in any of the waters specified in the Act. Only those persons registered as United States Registered Pilots or Canadian Registered Pilots as defined in this subpart may render pilotage services on any vessel subject to the Act and the Memorandum of Arrangements between the Secretary of Commerce and the Minister of Transport.

In Subpart B—Registration of Pilots:

Section 401.210 is amended to read as follows:

§ 401.210 Requirements and qualifications for Registration.

(a) No person shall be registered as a United States Registered Pilot unless:

(1) He holds an unlimited master's license authorizing navigation on the Great Lakes and suitably endorsed thereon for pilotage on routes specified therein, issued by the head of the Department in which the Coast Guard is operating.

(2) He is a citizen of the United States.

(3) He is of good moral character and temperate habits.

(4) He is physically competent to perform the duties of a U.S. Registered Pilot and meets the medical requirements prescribed by the Administrator.

(5) He has not reached the age of 65.

(6) He possesses a validated Merchant Mariner's Document issued by the Coast Guard.

(7) He agrees that he will be continuously available for service under such terms and conditions as may be approved or prescribed by the Administrator.

(8) He has complied with the requirements set forth in § 401.220(b) for Applicant Pilots if applying for registration for waters in which a pilotage pool is authorized.

(9) He agrees to comply with all applicable provisions of this part and amendments thereto.

(b) Notwithstanding the provisions of subparagraph (5) of paragraph (a) of this section, the Administrator may, if he determines that it is in the public interest, issue a Certificate of Registration to a person who has reached the age of 65 if satisfactory evidence is furnished that such person is physically competent to perform the duties of a Registered Pilot.

(c) Any person registered as a United States Registered Pilot pursuant to the provisions of this part whose application is found to contain false or misleading statements, or who otherwise furnished false or misleading information in furtherance of the application, or concealed information of a substantive nature material to the determination of his qualifications under this section, shall be in violation of this part and may be proceeded against under § 401.250(a) or § 401.500 of this part.

Section 401.211 is amended to read as follows:

§ 401.211 Requirements for training of Applicant Pilots.

(a) The Administrator shall determine the number of Applicant Pilots required to be in training by each Association authorized to form a pool in order to assure an adequate number of Registered Pilots. No Applicant Pilot shall be selected for training unless:

(1) He meets the requirements and qualifications set forth in subparagraphs (1) through (4), (6), and (7) of § 401.210 (a).

(2) He shall not have reached the age of 60.

(3) He has within five (5) years preceding date of application satisfactorily served (i) on vessels of not less than 4,000 gross tons as master for one year or one season of eight (8) months as master on enrolled vessels on the Great Lakes or (ii) on vessels of not less than 4,000 gross tons as chief mate for two years or two seasons of eight months each as chief mate on enrolled vessels on the Great Lakes or (iii) on vessels of not less than 2,500 gross tons as a licensed deck officer for four years or four seasons of eight months each as a licensed deck officer on enrolled vessels on the Great Lakes or (iv) as a pilot of oceangoing vessels of not less than 4,000 gross tons for one year under a government-regulated, military, or industrially controlled pilotage service.

Section 401.220 is amended to read as follows:

§ 401.220 Registration of pilots.

(a) The Administrator shall determine the number of pilots required to be registered in order to assure adequate and efficient pilotage service in the United States waters of the Great Lakes and to provide for equitable participation of United States Registered Pilots with Canadian Registered Pilots in the rendering of pilotage services.

(b) Registration of pilots required for waters designated by the President pursuant to section 3 of the Great Lakes Pilotage Act of 1960 where pilotage pools have been authorized pursuant to Subpart C shall be made from among those Applicant Pilots who have (1) completed the minimum number of trips prescribed by the Administrator over the waters for which application is made on oceangoing vessels, in company with a Registered Pilot, within one year of date of application; (2) completed a course of instruction for Applicant Pilots prescribed by an association authorized to establish a pilotage pool, which has been approved by the Administrator; and (3) received recommendations from member Registered Pilots of the association upon completion of the course of instruction.

(c) Registration of pilots for waters of the Great Lakes other than those for which pilotage pools have been authorized pursuant to Subpart C of this part shall be made from applicants who have (1) the greatest number of years of experience, and have been actively engaged in piloting oceangoing vessels over the waters for which application is made; (2) qualified as Applicant Pilots under paragraph (b) of this section and have made the greatest number of trips in the waters for which application is made in connection with such qualifications; (3) the greatest number of years of experience in piloting oceangoing vessels in other waters; and (4) the greatest number of years as a pilot.

(d) Subject to the provisions of paragraphs (a), (b), and (c) of this section, a pilot found to be qualified under this subpart shall be issued a Certificate of Registration, valid for a term of two (2) years or until the expiration of his unlimited master's license or until the pilot reaches age 65, whichever occurs first, provided, however, a pilot who has reached the age of 65 may be issued a Certificate of Registration valid for a term of one (1) year or until the expiration of his unlimited master's license, whichever occurs first.

(e) Notwithstanding the provisions set forth in paragraphs (a), (b), (c), and (d) of this section the Administrator may, when necessary to assure adequate and efficient pilotage service, issue a Certificate of Registration for a period of less than two (2) years to an Applicant Pilot for service as a Registered Pilot on waters which are within the dispatching responsibility of the authorized pool of which he is a member.

Section 401.230(c) is amended to read as follows:

(c) A Certificate of Registration evidencing registration of the holder is the property of the Great Lakes Pilotage Administration and it shall not be pledged, deposited, or surrendered to any person except as authorized by this part. A Certificate of Registration may not be photostated or copied. A Certificate which has expired without renewal, or renewal of which has been denied under the provisions of this section, shall be surrendered to the Administrator upon demand.

Section 401.240 is amended to read as follows:

§ 401.240 Renewal of Certificates of Registration.

(a) An application for renewal of a Certificate of Registration shall be made on the form to be prescribed by the Administrator, and shall be filed with the Administrator at least fifteen (15) days prior to the expiration date of the existing certificate. A renewal fee of five dollars ($5.00) by check or money order, drawn to the order of the U.S. Department of Commerce, shall accompany an application for renewal of registration, which will be refunded if registration is not renewed. Failure of a registered pilot to comply with these requirements or file a complete and sufficient application may constitute cause for denying renewal of the Certificate of Registration.

(b) No Certificate of Registration shall be renewed unless the applicant for renewal thereof meets the requirements and qualifications set forth in § 401.210 for issuance of an original Certificate of Registration; excepting that compliance with § 401.210(a)(4) shall not be required if the examination was satisfactorily passed on a previous application for registration within six (6) months next preceding date of renewal application.

(c) If the Administrator determines that there is good cause for denying renewal of a Certificate of Registration, the applicant therefor shall be notified in writing of such determination and the cause thereof. The applicant may thereupon apply within fifteen (15) days of the date of such notice for a hearing in regard to such cause for the denying of a renewal of the certificate, which hearing shall be granted.

(d) In any case in which the applicant has made timely and sufficient application for renewal of his registration, no such registration shall expire until such application shall have been finally determined by the Administration unless the public health, interest, or safety requires otherwise.

Section 401.250 is amended to read as follows:

§ 401.250 Suspension and revocation of Certificates of Registration.

(a) A Certificate of Registration issued pursuant to the provisions of this part may be suspended or revoked by the Administrator upon a determination by him on the record, after opportunity for a hearing in accordance with the Administrative Procedure Act (5 U.S.C. 1001 et seq.), that the pilot has violated any provision of this chapter or is no longer eligible for registration.

(b) Notwithstanding the provisions of paragraph (a) of this section, the basis for suspension or revocation of a Certificate of Registration shall not extend to or include matters which may be the basis for suspension or revocation of the pilot's unlimited master's license by the Coast Guard under sec. 4450, Revised Statutes (46 U.S.C. 239), or under any law or regulation administered or prescribed by the Coast Guard, except that suspension or revocation by the Coast Guard of such license shall operate as an automatic suspension or revocation of a Certificate of Registration.

(c) When a Certificate of Registration which is about to expire is suspended, the renewal of such certificate may be withheld until the expiration of the period of suspension.

(d) The Administrator shall advise the Coast Guard of the name, Coast Guard license number, and registration number of each pilot whose Certificate of Registration has been suspended or revoked.

(e) In cases of willfulness or those in which the public health, interest, or safety requires, a pilot registered pursuant to the provisions of this part may be denied dispatch for a period not in excess of thirty (30) days pending investigation by the Administration or appropriate agency having jurisdiction in the matter.

In Subpart C—Establishment of Pools by Voluntary Associations of United States Registered Pilots:

Section 401.320 is amended to read as follows:

§ 401.320 Requirements and qualifications for authorization to establish pools.

No voluntary association shall be authorized to establish a pool unless:

(a) The Administrator determines that a pool is necessary for the efficient dispatching of vessels and the providing of pilotage services in the area concerned.

(b) The stock, equity, or other financial interest of the voluntary association, with right of control, is held only by member registered pilots.

(c) The voluntary association establishes that it possesses the ability, experience, financial resources, and other qualifications necessary to enable it to operate and maintain an efficient and effective pilotage service.

(d) The voluntary association agrees that:

(1) Pilotage services will be provided on a first-come, first-serve basis to vessels giving proper notice of arrival time to the pilot station, except that pilots will not be required to board vessels which do not provide safe boarding facilities;

(2) It will submit working rules for approval of the Administrator;

(3) It will adopt and use the uniform system of accounts, records, and reports to be prescribed by the Administrator;

(4) It will be subject to audit and inspection by the Administrator, and will submit annually at its own expense an audit report prepared by an independent certified public accountant;

(5) It will be subject to such other provisions as may be prescribed by the Administrator governing the operation of pools;

(6) It will coordinate on a reciprocal basis with similar pool arrangements es-

tablished by the Canadian Government and pursuant to the provisions of the United States-Canada Memorandum of Arrangements, Great Lakes Pilotage, effective May 1, 1961 and amendments thereto, or any other Arrangements established by the United States and Canadian Governments.

In Subpart D—Rates, Charges and Conditions for Pilotage Services:

Section 401.400 is amended to read as follows:

§ 401.400 Rates and charges on designated waters.

(a) Except as provided under § 401.420 of this subpart the following rates and charges shall be payable for all services performed by United States or Canadian Registered Pilots in the following areas of the United States waters of the Great Lakes described in § 401.300, pursuant to the written arrangements between the United States and Canada of May 1, 1961, as amended:

(1) *District No. 1.*

(i) Snell Lock to Cape Vincent or Kingston	$250
(ii) Snell Lock to Cardinal, Prescott, or Ogdensburg	135
(iii) Cardinal, Prescott, or Ogdensburg to Cape Vincent or Kingston	165
(iv) Trips commencing or terminating at any intermediate point within the District other than Cardinal, Prescott, or Ogdensburg, an amount computed on a pro rata basis set forth in (i) according to the distance piloted shall be charged as pilotage dues with a minimum charge therefor of	50

(2) *District No. 2.*

(i) The Welland Canal	$200
(ii) Trips commencing or terminating at any intermediate point within the Welland Canal an amount computed on the basis of $5 for each mile of distance piloted plus $15 for each lock transited except that the minimum charge for such part pilotage shall be	50
and the maximum charge for such part pilotage shall not exceed	200
(iii) Southeast Shoal (pilots board at the Welland Canal) to Lake Huron Lightship (includes direct transit of undesignated Lake Erie waters)	150
(iv) Southeast Shoal (pilots board at the Welland Canal) to any point on Lake Erie west of Southeast Shoal (includes direct transit of undesignated Lake Erie waters)	95
(v) Southeast Shoal (pilots board at the Welland Canal) to any point on the Detroit River (includes direct transit of undesignated Lake Erie waters)	95
(vi) Any point on Lake Erie west of Southeast Shoal to any point on the St. Clair River or to Lake Huron Lightship	150
(vii) Any point on Lake Erie west of Southeast Shoal to any point on the Detroit River	95
(viii) Any point on the Detroit River to any point on the St. Clair River or to Lake Huron Lightship	95
(ix) Any point on the Detroit River or the St. Clair River to any point on the same river, or from any point on Lake Erie west of Southeast Shoal to any other point on Lake Erie west of Southeast Shoal	$50

(3) *District No. 3.*

(i) Detour Reef Light to Gros Cap Reefs Light	$200
(ii) Detour Reef Light to Sault Ste. Marie, Mich. or Sault Ste. Marie, Ontario	165
(iii) Detour Reef Light to Algoma Steel Corp. Wharf at Sault Ste. Marie, Ontario	200
(iv) Sault Ste. Marie, Mich. or Sault Ste. Marie, Ontario including the Algoma Steel Corp. Wharf to Gros Cap Reefs Light	75
(v) Harbor movement of vessels within District No. 3, per movement	50

(b) When a vessel in transit of a District puts into a port for the purpose of loading or discharging cargo, or otherwise interrupts her passage through the District for the convenience of the vessel, excluding ice, weather and traffic delay, and the pilot remains on board for the convenience of the vessel, an additional charge of $5 per hour, with a maximum of $50 for each 24-hour period, shall be payable.

Section 401.410 is amended to read as follows:

§ 401.410 Rates and charges on undesignated waters.

Except as provided under §401.420 of this subpart the rates or charges for all pilotage services performed by United States or Canadian Registered Pilots in undesignated waters, other than the direct transit of Lake Erie, covered by the rates as specified in District No. 2, paragraph (a)(2), (iii), (iv), and (v) of § 401.400, payable for the first 24-hour period or part thereof shall be $75, and $50 for each succeeding 24-hour period or part thereof. An additional charge of $25 shall be made for a harbor moveage or docking or undocking the vessel upon arrival or departure, if performed by the pilot. No travel expenses other than pilot boat expense reasonably incurred shall be payable.

In § 401.420, amend headnote to read as follows:

§ 401.420 Cancellation or delay in rendition of services on designated or undesignated waters.

A new § 401.431 is added to read as follows:

§ 401.431 Disputed charges.

(a) Any rate or charge applied against any vessel, owner, or master thereof by a registered pilot which the owner or master disputes as a charge prohibited by § 401.430 of this subpart, may be appealed to the Administrator for an advisory opinion as to whether such rate or charge is a prohibited charge.

(b) The appeal shall be in writing and set forth the amounts and description of the rates and charges disputed. The appeal must be supported by evidence that a reasonable attempt has been made to resolve the matter between the parties and that a bona fide controversy exists.

(c) The respondent shall be furnished a copy of the appeal and be notified by the appellant that the matter has been appealed for an advisory opinion.

(d) The respondent shall be allowed a reasonable time of at least twenty (20) days in which to file with the Administrator and the appellant any data or arguments desired to be submitted in further defense of the disputed rates and charges.

(e) The Administration shall consider all relevant matter presented and issue an advisory opinion which shall be accompanied by an express recital that all relevant material received has been considered. The advisory opinion shall set forth the rates and charges in dispute, a discussion of the facts and relevant material considered, and a statement of opinion.

(f) When it is found that the disputed rates and charges, in the opinion of the Administrator, are charges prohibited by § 401.430, the respondent shall have a reasonable time of not more than thirty (30) days in which to refund moneys, adjust invoices, and otherwise conform to the advisory opinion.

(g) Failure or refusal to comply with the advisory opinion within the time allowed may form a basis for a determination that there is a violation of the Great Lakes Pilotage Regulations subject to the provisions of § 401.500 of this part.

Section 401.440 is amended to read as follows:

§ 401.440 Advance payment of charges.

Subject to the approval of the Administrator, a United States or Canadian Registered Pilot performing pilotage services in accordance with the rates and charges set forth in this subpart may require advance payment of such rates or charges or a suitable bond securing payment.

Section 401.510 is amended to add the following:

(b) Under the provisions of paragraph (a) of this section, a vessel may be navigated when the Secretary or his designee, with the concurrence of the head of the department in which the Coast Guard is operating, or his designee, notifies the master that a United States or Canadian Registered Pilot is not available.

(1) The Administrator, Great Lakes Pilotage Administration, is the designee of the Secretary pursuant to the authorities delegated by Department Order #169 effective September 8, 1960. The Commander, Ninth Coast Guard District, Cleveland, Ohio, is the designee of the Commandant, U.S. Coast Guard.

(2) Notification to the master that a pilot is not available will be made by the Administrator through the appropriate United States pilotage pool either orally or in writing as the circumstances admit and shall not be deemed given until the notice is actually delivered to the vessel by the pilotage pool.

(3) The determination that a pilot is not available will be made on an individual basis and only when a vessel has given proper notice of its pilotage service requirements to the pilotage pool having dispatching jurisdiction at the time. The vessel has no obligation or responsibility with respect to such notification other than properly informing the pilotage pool of its pilotage requirements. However, the failure or delay by the pool in processing a pilotage service request, or refusal or delay by the Administration in notifying the vessel that a pilot is not available, does not constitute constructive notice that a pilot is not available, and the vessel is not relieved of compliance with the applicable provisions of the Great Lakes Pilotage Act of 1960.

(4) Upon receipt of proper notice of a vessel's pilotage requirements, the pilotage pool shall then determine from the tour de role the availability of a pilot to render the service required. If no pilot is reasonably expected to be available for service within six hours of the time the pilotage services are required by the vessel, the pilotage pool shall promptly inform the Administrator through the U.S. Coast Guard communications system in the manner as may be prescribed from time to time by the Commandant. The Coast Guard units designated to receive messages for transmission to the Administrator via the Commandant, Ninth Coast Guard District are: Group Commander, Oswego; Group Commander, Buffalo; Group Commander, Detroit; Group Commander, Duluth; and Group Commander, Sault Ste. Marie. The Administrator shall be informed of:

1. Name and flag of the vessel;
2. Route of vessel for which a pilot is not available;
3. Time elapsing before a pilot is reasonably expected to become available;
4. Whether vessel has an "other officer" on board;
5. Familiarity of master with route to be transited by the vessel;
6. Draft of vessel; and
7. Any circumstance of traffic or weather, or condition of the vessel or its cargo which would adversely affect the safety of the vessel in transiting without a pilot.

(5) When a pilot is expected to become available within six hours of the time his services are required, the vessel shall be informed that a pilot is available and the approximate time he will report on duty. However, should any unusual circumstance or condition exist which may justify notification that a pilot is not available in less than six hours, the pilotage pool shall inform the Administrator as in subparagraph (4) of this paragraph, along with the circumstances involved. Every reasonable effort is to be made to prevent undue delay to the vessel consistent with the intent and purpose of the Great Lakes Pilotage Act of 1960.

(6) Any vessel which requires the services of a pilot and is navigated without a pilot or proceeds prior to delivery of a message that a pilot is not available shall be reported as in violation of section 7 of the Great Lakes Pilotage Act of 1960 by the pilotage pool to the local Coast Guard unit having jurisdiction; and the notice, if subsequently received by the pilotage pool, shall not be delivered without the concurrence of the Coast Guard officer to whom the violation was reported.

(7) United States pilotage pools informing the Administrator that a pilot is not available for a vessel shall also obtain notice that a pilot is not available from the appropriate Canadian Supervisor of Pilots for those portions of the route which are in Canadian waters in the manner prescribed by them. The notice for Canadian District No. 1 waters shall be obtained from the Supervisor of Pilots, Department of Transport, Cornwall, Ontario; and the notice for Canadian District No. 2 waters shall be obtained from the Supervisor of Pilots, Department of Transport, Port Weller, Ontario. Authority to issue notice for Canadian waters of District No. 3 has been granted to the Administrator by the Superintendent of Pilotage, Department of Transport, Ottawa, and separate notice from Canada for this District is not required.

(8) Notice that a pilot is not available shall not be delivered to any vessel unless the message contains the concurrence of the Commander, Ninth Coast Guard District, and notice for Canadian waters of Districts No. 1 and No. 2 if required has been obtained from the appropriate Canadian authority.

(9) In the event of an emergency or any other compelling circumstance, the Administrator may issue, without the specific request for service as provided under subparagraph (3) of this paragraph, individual or general notification that a pilot or pilots are not available. Pilotage pools shall advise the Administration of any condition or circumstance coming to their attention which may warrant such a determination.

Dated: March 13, 1964.

A. T. MESCHTER,
Administrator,
Great Lakes Pilotage Administration.

[F.R. Doc. 64-2672; Filed, Mar. 18, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3–p]

AMMONIUM PHOSPHATE TYPE FERTILIZER FROM CANADA

Purchase Price; Foreign Market Value

MARCH 13, 1964.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of ammonium phosphate type fertilizer imported from Canada is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of ammonium phosphate type fertilizer from Canada pursuant to § 14.9 of the Customs regulations (19 CFR 14.9).

The complaint in this case was received on March 8, 1963, and was made by Northwest Cooperative Mills, Inc., St. Paul, Minnesota.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 64–2659; Filed, Mar. 18, 1964; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 64–1717, appearing at page 2653 of the issue for Friday, February 21, 1964, the entry for section 18, under T. 19 N., R. 9 E., should read as follows:

Sec. 18, S½ Lot 7, N½ Lot 8, N½NE¼, and SW¼NE¼;

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 12, 1964.

The U.S. Department of Agriculture, Forest Service has filed an application, Serial Number Anchorage 060861 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws except the mining laws and the mineral leasing laws.

The applicant desires the lands as additions to the Tongass and Chugach National Forests.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the U.S. Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are all of the public lands lying within the boundaries described as follows:

JUNEAU ICEFIELD

Beginning at a point where the International Boundary line between the State of Alaska and Canada crosses the summit of a peak known as Devil's Paw (Boundary Point 93) at latitude 58°43'47" N., longitude 133°-50'19" W., having an elevation of 8,584 feet;

Thence in a southwesterly direction on the boundary of the Tongass National Forest to the summit of a peak having an elevation of 5,977 feet, in Mendenhall Glacier;

Thence northwesterly on said National Forest boundary to the summit of a peak known as Snow Top (Boundary Point 106) at latitude 59°16'53" N., longitude 134°-57'29" W., having an elevation of 6,576 feet on the said International Boundary line;

Thence in a southeasterly direction on the said International Boundary line to the summit of Devil's Paw, the point of beginning.

Containing approximately 479,000 acres.

DEVIL'S THUMB ICEFIELD

Beginning at a point where the International Boundary line between the State of Alaska and Canada crosses the summit of Elbow Mountain (Boundary Point 66) at latitude 56°42'12" N., longitude 131°51'32" W., having an elevation of 4,235 feet;

Thence northwesterly on the boundary of the Tongass National Forest to the summit of the most westerly of Twin Peaks having an elevation of 7,180 feet;

Thence northwesterly on said National Forest boundary to the summit of a peak (Boundary Point 79) at latitude 58°09'14" N., longitude 133°10'14" W., having an elevation of 5,821 feet, on the said International Boundary line;

Thence in a general southeasterly direction on the said International Boundary line to Elbow Mountain, the point of beginning.

Containing approximately 470,000 acres.

BRABAZON RANGE—ALSEK RIVER—MOUNT FAIRWEATHER AREA

Beginning at a point where the International Boundary line between the State of Alaska and Canada crosses the summit of Mount Jette (Boundary Point 77) at latitude 59°59'43" N., longitude 139°03'07" W;

Thence in a southeasterly direction on said International Boundary line to Mount Fairweather (Boundary Point 164) at latitude 58°54'24" N., longitude 137°31'27" W;

Thence due west on the boundary of Glacier Bay National Monument to the point where said National Monument boundary intercepts the shore line of the Pacific Ocean;

Thence in a northwesterly direction along said shore line to the left bank of the most easterly outlet of the Alsek River;

Thence in a general northerly direction along the left bank of said river on the boundary of the Tongass National Forest to a point midway between the mouth of the river and the intersection of the river with the said International Boundary line;

Thence in a northwesterly direction on the said National Forest boundary to the foot of Yakutat Glacier;

Thence in a northerly direction on the said National Forest boundary to the summit of Mount Jette, the point of beginning.

Containing approximately 1,150,000 acres.

NELLIE JUAN RIVER AREA

Beginning at Triangulation Station Rocky at latitude 60°22'53" N., longitude 148°56'50" W., located at elevation 2,926 feet on the hydrographic divide between the Nellie Juan River and Snow River;

Thence in a northerly direction on the boundary of the Chugach National Forest and said hydrographic divide to the intersection with latitude 60°25' N.;

Thence due east on said National Forest boundary to a point due north of the head of Puget Bay;

Thence due south on said National Forest boundary to a point intersecting an easterly extension of the Seward Base line;

Thence due west on said base line extension to the Chugach National Forest boundary on the hydrographic divide between the drainages to Resurrection Bay and Day Harbor and Nellie Juan River;

Thence in a northerly direction on the boundary of said National Forest and said hydrographic divides to Triangulation Station Rocky, the point of beginning.

Containing approximately 225,000 acres.

The areas described aggregate approximately 2,324,000 acres.

JAMES W. SCOTT,
District Manager.

[F.R. Doc. 64–2646; Filed, Mar. 18, 1964; 8:45 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 12, 1964.

The Geological Survey has filed an application, Serial Number Idaho 015127 for the withdrawal for powersite classification purposes of the lands described below, from all forms of appropriation under the public land laws, subject to existing valid rights, excepting locations of mining claims as provided for in the Act of August 11, 1955 (69 Stat. 681), mineral leasing under the mineral leasing laws, and disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604), as amended.

The classification is to protect the potential value of reservoir sites which may be developed along this stretch of the Snake River for conservation of water and for development of hydroelectric power.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Geological Survey.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

POWERSITE CLASSIFICATION NO. 454

BOISE MERIDIAN, IDAHO

T. 8 S., R. 14 E.,
Sec. 17, lots 9, 10, and 11;
Sec. 19, lot 8;
Sec. 20, lots 8 and 9;
Sec. 33, lots 9 and 10.
T. 9 S., R. 14 E.,
Sec. 4, lot 19;
Sec. 10, lot 8.
T. 9 S., R. 15 E.,
Sec. 6, lots 21, 22, and 28;
Sec. 9, lots 15 and 16;
Sec. 10, lot 14.
T. 9 S., R. 17 E.,
Sec. 33, lot 3.
T. 11 S., R. 20 E.,
Sec. 4, lot 3;
Sec. 6, lot 1.

The areas described aggregate 160.98 acres.

ORVAL G. HADLEY,
Acting Land Office Manager.

[F.R. Doc. 64–2647; Filed, Mar. 18, 1964; 8:45 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Washington, 05063, for the withdrawal of lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the lan dfor future reclamation development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Washington.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing wil be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

T. 19 N., R. 41 E.,
Sec. 6, Lots 1, 2, 6, 7, 9.
T. 20 N., R. 41 E.,
Sec. 22, Lot 3;
Sec. 32, Lot 2.

The areas described aggregate approximately 136.23 acres.

JOHN E. BURT, JR.,
Officer in Charge.

[F.R. Doc. 64–2648; Filed, Mar. 18, 1964; 8:45 a.m.]

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 12, 1964.

Notice of an application, Serial Number 059792, for withdrawal and reservation of lands was published as Federal Register Document No. 63–480 on page 458 of the issue for January 17, 1963. The applicant has canceled its application. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on March 22, 1964, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 S., R. 54 E.,
Secs. 1 and 2;
Sec. 3, E½;
Sec. 10, E½;
Secs. 11 and 12.
T. 16 S., R. 55 E.,
Secs. 4–9, incl.

The area as described contains approximately 7,052.85 acres.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 64–2649; Filed, Mar. 18, 1964; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–10]

NUCLEAR ENGINEERING CO., INC.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 18 to License No. 4–3766–1 which amends the license to provide for removal of any inner container from any shipping cask provided that there is not more than 500 curies of solid byproduct material within the inner shipping container and the inner shipping container is buried at the licensee's facility near Beatty, Nevada, immediately upon removal from the shipping cask.

The licensee has adequate equipment for the removal of containers from shipping casks and subsequent burial. The licensee will be required to provide operating instructions to its personnel for each operation which involves the removal of inner containers from shipping casks.

In view of the foregoing and information regarding the licensee's equipment, facilities, and procedures previously submitted by the licensee and to the extent authorized by the license amendment, the Atomic Energy Commission has found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

B. The licensee is qualified by training and experience to use the material for

the purpose requested in such manner as to protect health and minimize danger to life or property;

C. The application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, and is for a purpose authorized by that act.

The Commission has also determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of the amendment is attached to this notice.

Dated at Bethesda, Md., March 10, 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

BYPRODUCT, SOURCE AND SPECIAL NUCLEAR MATERIAL LICENSE

NUCLEAR ENGINEERING COMPANY, INC.

[Docket No. 27-10]

License No. 4-3766-1 (B64)
Amendment No. 18

License No. 4-3766-1 is hereby amended to add the following condition:

24. Notwithstanding the prohibition in Condition 22 of this license against the removal from shipping containers of byproduct, source, and special nuclear material in solid form, the licensee may remove any inner container containing only byproduct material from any shipping cask, provided that the inner container does not contain more than 500 curies of byproduct material in the solid state. Immediately upon removal of an inner container from a shipping cask, the inner container shall be buried at the licensee's facility near Beatty, Nevada, without any interim storage or processing. The licensee shall provide written instructions to employees for each operation in which an inner container is removed from a shipping cask. The operations authorized in this condition shall be carried out in accordance with the procedures and limitations contained in the application dated September 19, 1963, and amendments thereto dated October 30, 1963; December 31, 1963; January 29, 1964; and February 13, 1964.

Date of issuance: March 10, 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[F. R. Doc. 64-2650; Filed, Mar. 18, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15063]

AEROVIAS QUISQUEYANA, C. POR A.

Notice of Prehearing Conference

Application for a foreign air carrier permit for the carriage of mail, passengers, and cargo on a schedule basis between the Dominican Republic, Santo Domingo and/or Santiago and San Juan, Puerto Rico. Permission is also requested for off-route charter authority.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 24, 1964, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., March 13, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2682; Filed, Mar. 18, 1964; 8:49 a.m.]

[Docket No. 14468]

DELTA AIR LINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC., INTERCHANGE AGREEMENT

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned to be heard on March 25, 1964, is canceled.

Dated at Washington, D.C., March 13, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2683; Filed, Mar. 18, 1964; 8:49 a.m.]

[Docket No. 13487 etc.]

DIRECTIONAL CHARTER RATES

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on April 8, 1964, at 10:00 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 16, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2684; Filed, Mar. 18, 1964; 8:50 a.m.]

[Docket No. 11728; Order E-20578]

DOMESTIC AIR FREIGHT RATE INVESTIGATION

Order Regarding Dismissal of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of March 1964.

By Order E-15672, on August 19, 1960, the Board instituted an investigation for the purpose of determining whether the minimum freight rate orders theretofore issued should be modified or revoked. Thereafter on August 28, 1961, the Board revoked the minimum domestic rates for air freight and suspended further action in Docket 11728. Since that time the instant investigation has remained inactive.

In conformity with the Board's policy of reviewing docketed cases to determine whether they have become moot, obsolete, no longer of significance, or otherwise unnecessary to process, we have reexamined the need to maintain an open docket in this matter. In consideration of the age of this case and the priority which must be given to processing other more recent and significant cases, the liklihood of activating this matter in the foreseeable future is most remote. Under these circumstances no valid purpose would appear to be served by maintaining this proceeding on the Board's docket in an inactive status and we have concluded that it should be dismissed.

The Board's action herein does not constitute a determination of any issue in Docket 11728 and shall be without prejudice to any pending or future proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. The investigation in Docket 11728 be dismissed without prejudice in or to any pending or subsequent investigation, and

2. That a copy of this order be served upon all parties in this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2685; Filed, Mar. 18, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15379]

MICHAEL ALLAN BAKER

Order To Show Cause

In the matter of Michael Allan Baker, Walden, New York, Docket No. 15379; order to show cause why there should not be revoked the license for Radio Station KBI-1862 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated November 19, 1963, alleging violation of § 19.61(a) (now § 95.81(a)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 5, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 13th day of March 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by certified mail—return receipt requested to licensee at his last known address of 26 Coldenham Road, Walden, New York.

Released: March 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2673; Filed, Mar. 18, 1964; 8:48 a.m.]

(Docket No. 15367]

CLARICE A. GREEN

Order To Show Cause

In the matter of Clarice A. Green, Mableton, Georgia, Docket No. 15367; order to show cause why there should not be revoked the license for Radio Station KDB-7479 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned Class D Citizens radio station;

It appearing, that on September 2, 1963, and on December 11, 1963, the licensee's Citizens radio station was operated with excessive frequency deviation, in violation of § 95.45 (formerly § 19.33) of the Commission's rules; and

It further appearing, that on August 18, September 2, 29, and December 8, 9, and 26, 1963, and on January 12, 1964, the licensee's Citizens radio station was used to communicate with units of other stations in the Citizens Radio Service other than when necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 95.81(a) (formerly § 19.61(a) of the Commission's rules; and

It further appearing, that on August 18, and September 2 and 29, 1963, the licensee's Citizens radio station, after use for communications with other Citizens radio stations, was used to engage in other communications without observing two-minute silent periods, in violation of § 95.81(f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, that on December 8 and 9, 1963, the licensee's Citizens radio station transmitted communications designed to elicit responses from random or unknown stations, in violation of § 95.81(g) (formerly § 19.61(g)) of the Commission's rules; and

It further appearing, that on August 18, 1963, and January 12, 1964, the licensee's Citizens radio station was operated without transmitting its authorized call sign at the beginning and end of communications, in violation of § 95.87 (formerly § 19.62) of the Commission's rules; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §§ 95.45, 95.81(a), 95.81(f), and 95.81(g), and 95.87 of the Commission's rules; and

It further appearing, that pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notices of violation dated August 20, September 4, October 2, and December 11, 12, and 27, 1963, and January 14, 1964, calling attention to the foregoing violations and requiring explanatory responses, were served upon the licensee at her address of record; and

It further appearing, that the foregoing violations of §§ 95.81(a) and 95.87 of the Commission's rules and the related facts create apparent liability by the licensee to a monetary forfeiture of $200 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subjects the license of the above-captioned radio station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 13th day of March 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by certified mail—return receipt requested to the licensee at her last known address of 109 Kenneth Lane, Mableton, Georgia.

Released: March 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2675; Filed, Mar. 18, 1964; 8:48 a.m.]

[Docket No. 15378]

DIANN N. ROOSA

Order To Show Cause

In the matter of Diann N. Roosa, Somerville, Massachusetts, Docket No. 15378; order to show cause why there should not be revoked the license for Radio Station KBC-1555 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the captioned station;

It appearing, that, on or about March 5, May 1, 2, 15, and 19, October 30, November 25, 1963, and January 9, 1964, Citizens radio station KBC-1555, licensed to Diann N. Roosa, was used for the transmission of communications to units of other Citizens radio stations other than when necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 95.81(a) (formerly § 19.61(a)) of the Commission's rules; and

It further appearing, that, on or about March 5, May 15 and 19, and October 30, 1963, and January 9, 1964, the communications between Citizens radio station KBC-1555 and other Citizens radio stations were not restricted to five consecutive minutes, in violation of § 95.81(f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, that, on or about March 5, May 1 and 2, and October 30, 1963, and January 9, 1964, the transmissions from Citizens radio station KBC-1555 were not identified by the call sign assigned to such station at the beginning and termination of each communication, in violation of § 95.87 (formerly § 19.62) of the Commission's rules; and

It further appearing, that, on or about November 25, 1963, Citizens radio station KBC-1555 was willfully used for the transmission of communications containing obscene, indecent or profane language, in violation of Title 18, United States Code, Section 1464; and

It further appearing, that, in view of the foregoing, Citizens radio station

KBC–1555 has been repeatedly operated in violation of §§ 95.81(a) and (f) and 95.87 of the Commission's rules and has been willfully operated in violation of Title 18, United States Code, Section 1464; and

It further appearing, that, based on the usage made of the captioned radio station as set forth above, the Commission would be warranted in refusing to grant an application from this licensee for the same class of radio station license if the original application were now before it; and

It is ordered, This 13th day of March 1964, pursuant to section 312(a)(2), (4) and (6) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, That the licensee show cause why the license for the above-captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by certified mail—return receipt requested—air mail to the licensee at her last known address of 331 Lowell Street, Somerville, Massachusetts.

Released: March 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2679; Filed, Mar. 18, 1964; 8:49 a.m.]

[Docket 15366]

W. O. SASSER

Order To Show Cause

In the matter of W. O. Sasser, Savannah, Georgia, Docket 15366; order to show cause why there should not be revoked the license for Radio Station WF–6459 aboard the vessel "American Team."

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated December 9, 1963, and January 9, 1964, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.89 of the Commission's rules;

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 13th day of March 1964; pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, That said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by certified mail—return receipt requested to the said licensee at the address of record, Route 2, Box 287, Savannah, Georgia.

Released: March 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2680; Filed, Mar. 18, 1964; 8:49 a.m.]

[Docket Nos. 15279–15281; FCC 64M–227]

PAUL DEAN FORD ET AL.

Order Rescheduling Procedural Dates

In re applications of Paul Dean Ford and J. T. Winchester, London, Ohio, Docket No. 15279, File No. BPH–3936; Charles H. Chamberlain, Urbana, Ohio, Docket No. 15280, File No. BPH–3993; The Brown Publishing Company, Urbana, Ohio, Docket No. 15281, File No. BPH–4138; for construction permits.

The Hearing Examiner having under consideration a joint motion filed on March 11, 1964, by applicants Paul Dean Ford and J. T. Winchester; Charles H. Chamberlain; and The Brown Publishing Company, requesting that certain changes be made in procedural dates heretofore specified in the above-entitled proceeding; and

It appearing, that certain pleadings are now pending before the Commission and negotiations are under way between the two Urbana applicants, which may result in simplifying the hearing; and

It further appearing, that in view of the foregoing, the applicants desire to avoid the additional, and perhaps unnecessary, expense that would be incurred by proceeding with exhibit exchanges and the hearing on the basis of the present schedule; and

It further appearing, that changes in the schedule in this proceeding, as shown in the ordering clause below, have been agreed upon by all of the parties and are satisfactory to the Broadcast Bureau; and all of the parties have informally agreed to a waiver of the Commission's Rules to permit immediate consideration of the matter;

It is ordered, This 13th day of March 1964, that the joint motion be and it is hereby granted; and the procedural dates are rescheduled as follows:

From	To	For
Mar. 16, 1964	Apr. 16, 1964	Preliminary exchange of engineering exhibits.
Mar. 23, 1964	Apr. 23, 1964	Requests for additional technical data.
Apr. 3, 1964	May 4, 1964	Exchange of engineering exhibits and direct engineering case in final form.
Apr. 10, 1964	May 11, 1964	Exchange of exhibits involving non-technical comparative matters and Furnishing of names of witnesses to be called in direct cases.
Apr. 16, 1964	May 18, 1964	Requests for witnesses of opposing applicants for cross-examination (both engineering and non-engineering).
Apr. 20, 1964	May 20, 1964	Commencement of hearing.

Released: March 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2674; Filed, Mar. 18, 1964; 8:48 a.m.]

[Docket Nos. 15374–15376; FCC 64–212]

KTIV TELEVISION CO. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: KTIV Television Company (KTIV), Sioux City, Iowa, Docket No. 15374, File No. BPCT–3127; for construction permit to make changes in the facilities of Television Broadcast Station KTIV; Peoples Broadcasting Corporation (KVTV), Sioux City, Iowa, Docket No. 15375, File No. BPCT–3128; for construction permit to make changes in the facilities of Television Broadcast Station KVTV; Central Broadcasting Company (WHO–TV), Des Moines, Iowa, Docket No. 15376, File No. BPCT–3138; for construction permit to make changes in the facilities of Television Broadcast Station WHO–TV.

1. The Commission has before it for consideration: (a) The above-captioned application of KTIV Television Company (KTIV), licensee of Television Broadcast Station KTIV, Channel 4, Sioux City, Iowa; (b) the application of Peoples Broadcasting Corporation (KVTV), licensee of Television Broadcast Station KVTV, Channel 9, Sioux City, Iowa; (c) the application of Central Broadcasting Company (WHO–TV), licensee of Television Broadcast Station WHO–TV, Channel 13, Des Moines, Iowa; (d) "Petition to Deny" filed January 11, 1963, by Northwest Television Company (KQTV), licensee of Television Broadcast Station KQTV, Channel 21, Fort Dodge, Iowa, against (a) and (b), above; (e) "Opposition" filed February 20, 1963, by KTIV and KVTV jointly, to (d), above; (f) Reply, filed March 15, 1963, by petitioner to (e), above; (g) "Joint Petition for Immediate Consideration and Grant" filed May 22, 1963, by KTIV and KVTV, jointly; (h) "Opposition" filed May 31, 1963, by KQTV to (g), above; (i) Reply filed June 10, 1963, by KTIV and KVTV, jointly, to (h), above; (j) "Petition to Deny" filed February 11, 1963, by KQTV against (c), above; (k) "Opposition" filed March 20, 1963, by KQTV against (j), above; and, finally, (m), Reply, filed April 16, 1963, by petitioner to (k), above.

2. KTIV seeks authority to change the site of the transmitter of Station KTIV from its present location 8 miles north of Sioux City, Iowa, to a site 11 miles northeast of Sioux City (4 miles east and ¾ of a mile north of James, Iowa) 7 miles in the direction of Fort Dodge, Iowa, where it proposes to share a common tower with Station KVTV. The proposal also contemplates a change of antenna height above average terrain from the present 770 feet to 1,915 feet. No change in effective radiated power is involved. The KVTV proposal involves a change of site from 41st and Howard Streets in Sioux City, an increase of antenna height above average terrain from 720 feet to 2,025 feet, and an increase of visual effective radiated power from 288 kw to 310 kw.

3. WHO–TV seeks authority to change the site of its transmitter from its present location one mile south of Mitchellville, Iowa, to a site 2 miles northwest of Polk City, Iowa (15.5 miles north northwest of Des Moines, Iowa), a move of 22 miles toward Fort Dodge, Iowa. The proposal also contemplates an increase of antenna height above average terrain from 780 feet to 1,545 feet. No change in effective radiated power is proposed.

4. At the present time, neither Station KTIV nor Station KVTV places a Grade A or Grade B signal into KQTV's Grade B coverage area, although WHO–TV's Grade A contour barely intersects KQTV's Grade B contour and the present WHO–TV Grade B contour lies well within the KQTV Grade A contour. The present overlap of the WHO–TV and KQTV Grade B contours encompasses 19,743 persons (11.6 percent of the population within the KQTV Grade B contour) and 789 square miles. Operating as proposed, Station KTIV and Station KVTV would, for the first time, place Grade B signals within KQTV's Grade A and Grade B coverage areas; WHO–TV would, for the first time, place a Grade A signal over parts of the City of Fort Dodge itself, and the proposed WHO–TV predicted Grade B contour would extend 19 miles beyond KQTV's transmitter site, covering 66 percent of the present KQTV coverage area. Moreover, the present KQTV Grade B contour is invaded by the Grade B signals of three additional VHF stations and the Grade A signal of yet another. Petitioner's Grade A contour is penetrated by the Grade B contours of four VHF stations (including WHO–TV) and the Grade A contour of one of them. Thus, Station KQTV, the only UHF station in Iowa and the only television station in Fort Dodge,[1] finds its service contours invaded by seven VHF stations and it is to the further encroachment by three of these that petitioner objects.

5. Petitioner alleges that a grant of all or any of these applications would result in immediate, severe, and permanent economic injury to it and therefore claims standing as a "party in interest" within the meaning of section 309(d)(1) of the Communications Act. We find that the Petition to Deny complies with the statutory requirements and, accordingly, that the petitioner has such standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470.

6. Station KQTV is affiliated with the NBC network. Station KTIV carries ABC and NBC and Station KVTV carries ABC and CBS, while Station WHO–TV is an NBC affiliate. Petitioner fears that the further incursion of the NBC-affiliated VHF stations would jeopardize its own NBC affiliation.

7. Simply stated, the Commission is asked to prevent the further encroachment by the applicants into the area presently served by the Fort Dodge UHF station. KQTV states that it is operating at a loss, but that, in the past five years, it has made progress toward economic stability. As the only UHF station in Iowa and the only television station in the City of Fort Dodge, Station KQTV's coverage area includes a "UHF island" which will not be included within the predicted Grade B contours of any of the applicants in the event of a grant of these applications. KQTV alleges, however, that a grant of any or all of the applications would deprive it of vital advertising revenues and would result in its certain demise. This, KQTV states, would leave a "white area" in the so-called "UHF island", depriving the residents of their only television service. The applicants, on the other hand, seek to show that the improvement of their facilities and the consequent expansion of their coverage areas would bring television service to persons and areas now receiving no television service and new television service to persons and areas now within the coverage area of only one station, with no concomitant loss of service to anyone. The Sioux City applicants (KTIV and KVTV) allege that the economic effect of their proposed moves on KQTV would be de minimis.

8. The Commission's concern with the plight of UHF stations in a VHF-dominated area is too well known to require further discussion here. That concern is, however, even more acute where, as here, the UHF station appears to be in a precarious financial condition. We do not propose to provide a "protected contour area" for KQTV, but rather we are interested in the effect on the public interest of the possible demise of KQTV in the event of a grant of any or all of these applications. In Triangle Publications, Inc. (29 FCC 315; affirmed, 291 F. 2d 342), we said:

> The inescapable conclusion to be drawn from the record herein is that an existing UHF station will suffer losses in income following the introduction of a new or improved VHF signal into the market area of a UHF station. The same is true of our experience in general.

The question which the Commission must determine is whether a grant of any, or all of these applications may occasion the demise of KQTV and, if so, whether the local television service which may be lost thereby could be replaced by the new service which the applicants propose. The demise of KQTV becomes of paramount importance to the extent that the service which might be lost thereby could not be replaced. In the matter now before us, the Commission is not able to determine, from the pleadings, the areas and populations which may gain or lose television service in the event of a grant of these applications, nor the areas and populations which may lose service by the demise of KQTV, nor what other television service is available in such areas. Furthermore, we do not know what the effect may be on the public interest of a grant of only one or two of the applications. These questions, together with the question of whether grant of any or all of the applications would impair the ability of KQTV to survive, should be explored in an evidentiary hearing.

9. Petitioner requests that the three applications be designated for hearing in a consolidated proceeding, alleging that the question raised by each application with respect to the impact on Station KQTV's ability to survive and, ultimately, on the public interest, is common to all and can be most expeditiously explored in a single proceeding. The applicants, however, contend that each is entitled to have its application considered unfettered by the problems which petitioner may have with any of the other applicants. Applicants cite Wabash Valley Broadcasting Corp. (FCC 59–466; 18 RR 559) as authority for the proposition that consolidation is not warranted merely on the basis of the convenience of one who is a party in more than one proceeding. However valid this proposition may be, it has no applicability in the instant matter. In Wabash Valley, the common party was applicant for two different channels in the same community, each application being mutually exclusive with that of another applicant. Unlike Wabash Valley the situation in which the petitioner finds itself is not of its own making; neither does it have a choice of whether it will appear in one or another of the proceedings if it is to protect its vital interests. Furthermore, the basic issues raised by the pleadings, i.e. the impact of the incursion of each of three VHF stations into the coverage area of Station KQTV on the ability of that station to survive, is common to all three applications. Under these conditions, it is difficult to see how the proper dispatch of the Commission's business and the ends of justice could be better served by three proceedings than by one. We are of the view that the question raised by the petitioner in all three instances can be more expeditiously resolved through consolidation into a single proceeding and we will, accordingly, order consolidation upon our own motion. Since this solution commends itself even without the petitioner's request, the question raised by the applicants as to the sufficiency of the petitioner's pleadings in this respect, is moot.

[1] Television Broadcast Translator Station K70CL, with its antenna on the Station KQTV tower, picks up the signals of Television Broadcast Station KRNT–TV, Channel 8, Des Moines, Iowa (CBS-affiliated), and rebroadcasts on Channel 70 in Fort Dodge.

Except as indicated by the issues specified below, the Commission finds that KTIV Television Company, Peoples Broadcasting Corporation, and Central Broadcasting Company, are legally, technically, financially and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of any of the above-captioned applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of KTIV Television Company, Peoples Broadcasting Corporation, and Central Broadcasting Company, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose television service in the event of a grant of the above-captioned applications, or any of them, and the availability of other television service to such areas and populations.

2. To determine whether a grant of the above-captioned applications, or any of them, would impair the ability of Television Broadcast Station KQTV to compete effectively, or would jeopardize, in whole or in part, the continuation of its existing service.

3. To determine, if issue 2, above, is resolved in the affirmative, the areas and populations, if any, which may be expected to lose television service and the availability of other television service to such areas and populations.

4. To determine, in the light of the evidence adduced pursuant to Issues 1, 2, and 3, above, whether a grant of the above-captioned applications, or any of them, would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

5. To determine, in the light of the evidence adduced pursuant to Issues 1, 2, and 3, above, whether a grant of the above-captioned applications, or any of them, would be consistent with the objective of providing at least one television service to all parts of the United States and each community with at least one television broadcast service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-captioned applications of KTIV Television Company, Peoples Broadcasting Corporation and Central Broadcasting Company, or any of them, would serve the public interest, convenience and necessity.

It is further ordered, That Northwest Television Company is made a party to the proceeding; and

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issues 2 and 3 herein is hereby placed upon Northwest Television Company; and

It is further ordered, That the Petitions to Deny filed by Northwest Television Company are granted; the Joint Petition for Immediate Consideration and Grant, filed by KTIV Television Company and Peoples Broadcasting Corporation, jointly, is dismissed as moot; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 11, 1964.

Released: March 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2676; Filed, Mar. 18, 1964; 8:48 a.m.]

[Docket No. 8218, etc.; FCC 64-194]

NORTHWESTERN INDIANA RADIO CO., INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, Docket No. 8218, File No. BP-5574; requests: 1080 kc, 250 w, Day; Anthony Santucci, Robert Jones, Kenneth Berres, Albert Geller and Gabriel Aprati d/b as Valley Broadcasting, Kankakee, Illinois, Docket No. 15359, File No. BP-15459; requests: 1080 kc, 500 w, DA-Day, Class II; Merlin J. Meythaler, Merton J. Gonstead, Rex N. Eyler and James B. Goetz, d/b as Livingston County Broadcasting Company, Pontiac, Illinois, Docket No. 15360, File No. BP-15470; requests: 1080 kc, 1 kw, DA-Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of March 1964, the Commission having under consideration the above-captioned and described applications,

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The above-captioned proposals involve varying degrees of interlinking interference. The proposals of Northwestern Indiana Radio Company, Inc. and Valley Broadcasting involve mutually destructive interference. The latter proposal, aside from the aforementioned interference, would receive interference in excess of the amout permitted by § 73.28(d)(3) of the Commission's rules from the existing operation of Station WIBC, Indianapolis, Indiana and the proposal of Livingston County Broadcasting Company. Accordingly, the three applications must be consolidated for hearing.

2. The application of Northwestern Indiana Radio Company, Inc. is deficient in that a plat of the transmitter site indicating boundary lines and the layout of the ground system, as required by Section V-A of FCC Form 301, has not been provided. In addition, the site photograph does not show sufficient detail within the 1 volt/m contour. Accordingly, an issue will be included to determine whether the proposed site is satisfactory.

3. The parties listed below are partners in Valley Broadcasting and have other broadcast interests as follows:

Party	Interest	Station	Location	Power
	Percent			
Anthony Santucci, President	19.5	WCGO	Chicago Hts, Ill	1kw
Gabriel Aprati, Director	2.5			
Robert A. Jones, Partner	33.3	BP-14888	Valparaiso, Ind	250w

Chicago Heights and Valparaiso are located approximately 33 and 45 miles, respectively from Kankakee, Illinois. Jones is one of the partners in the Valparaiso Broadcasting Company, applicant for a construction permit for the Valparaiso station (Docket No. 14806, File No. BP-14888). The Valparaiso proposal is now the subject of a hearing proceeding. In the event of a grant of the application of the Valparaiso Broadcasting Company, substantial overlap of the service areas of WCGO and the Valparaiso proposal would result. The business privity shared by Santucci, Aprati and Jones in Valley Broadcasting raises the question of whether their relationship as copartners would tend to diminish competition between the proposed Valparaiso station and WCGO. Accordingly, an appropriate issue will be specified to permit a resolution of the question.

4. WIBC, Inc., licensee of Station WIBC, Indianapolis, Indiana, on November 7, 1962, filed a "Petition to Designate for Hearing". The petition, with engineering affidavit attached, alleges that the Valley Broadcasting proposal would cause objectionable interference within their normally protected service area affecting 6,135 persons. The petition was unopposed. Based on the data submitted, the Commission finds that interference, in fact, would occur. Accordingly, we will grant the petition, include an appropriate issue, and make WIBC, Inc. a party to the proceeding ordered below.

5. Figure 3 of the February 5, 1963 amendment of the Valley Broadcasting application indicates that the transmitter site is to be located near Bradley Village and not in Kankakee proper as stated in Sections V-A and V-G of FCC Form 301. Bradley is listed as a separate community in the 1960 U.S. Census and its population is not included in that of Kankakee. Accordingly, a question arises as to whether the applicant has accurately described the proposed transmitter location.

6. The photographs of the proposed transmitter site submitted by Valley Broadcasting show that there are two elevated water tanks in the vicinity of the directional antenna array which might act as parasitic antennas and distort the proposed radiation pattern.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communcations Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed new stations and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the proposals would cause to and receive from each other and the interference that each of the proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the other proposals.

3. To determine whether the interference received by each proposal from the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 73.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the proposal of Valley Broadcasting would cause objectionable interference to Station WIBC, Indianapolis, Indiana, or any other existing standard broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the transmitter site proposed by Northwestern Indiana Radio Company, Inc. is satisfactory with particular regard to any conditions which may exist in the vicinity of the antenna system which would distort the proposed radiation pattern, and whether property boundaries would permit the installation of an adequate ground system.

6. To determine, in the light of the joint interests of Anthony Santucci, Gabriel Aprati and Robert A. Jones in Valley Broadcasting and their respective interests in Station WCGO, Chicago Heights, Illinois, and in a proposed new standard broadcast station in Valparaiso, Indiana, and the overlap which would exist between the Valparaiso proposal and the existing operation of WCGO, whether a grant of the instant proposal would tend to diminish open, arms-length competition between the Valparaiso Broadcasting Company and Station WCGO.

7. To determine whether the transmitter site proposed by Valley Broadcasting is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

8. To determine whether Valley Broadcasting has accurately described the location of its proposed transmitter location as required by Sections V-A and V-G of FCC Form 301.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That the "Petition to Designate For Hearing", filed November 7, 1962 by WIBC, Inc., is hereby granted,

It is further ordered, That WIBC, Inc., licensee of Station WIBC, is made a party to the proceeding.

It is further ordered, That in the event of a grant of the application of Valley Broadcasting, the construction permit shall contain the following condition:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That in the event of a grant of any of the applications herein, the construction permits shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2677; Filed, Mar. 18, 1964; 8:49 a.m.]

[Docket No. 15180; FCC 64M-220]

OTTAWA BROADCASTING CORP. (WJBL)

Order Rescheduling Procedural Dates

In re application of Ottawa Broadcasting Corporation (WJBL), Holland, Michigan, Docket No. 15180, File No. BP-15189; for construction permit.

The applicant has petitioned for rescheduling of procedural dates. Good cause has been sufficiently stated; the request is unopposed.

Accordingly, it is ordered, This 12th day of March 1964, That the petition is granted, that the commencement date of the hearing is postponed from April 14 to June 16, 1964, and that the other procedural dates are rescheduled as follows: May 6 for the informal exchange of engineering material related to the question of interference to Station WFBM; May 20 for the formal exchange of the applicant's entire direct case; May 28 for the notification of witnesses, if any are to be produced. The other ground rules established at the conference continue to govern the conduct of this proceeding.

Released: March 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2678; Filed, Mar. 18, 1964; 8:49 a.m.]

[1] Commissioners Hyde and Ford absent.

[2] Commissioner Lee absent.

[Docket No. 15089, etc.; FOO 6424–228]

SPANISH INTERNATIONAL TELEVISION CO., INC., ET AL.

Order After Further Prehearing Conference

In re applications of: Spanish International Television Company, Inc., Paterson, New Jersey, Docket No. 15089, File No. BPCT–3032; Bartell Broadcasters, Inc., Paterson, New Jersey, Docket No. 15091, File No. BPCT–3103; Trans-Tel Corp., Paterson, New Jersey, Docket No. 15092, File No. BPCT–3114; for construction permits for new television broadcast stations.

It is ordered, This 13th day of March 1964, on the Hearing Examiner's own motion, in accordance with the understandings and agreements of counsel of record, reached during a further prehearing conference in the above-entitled proceeding held this day, That the hearing is scheduled to commence at 10 a.m., Monday, June 29, 1964, at the Commission's offices, Washington, D.C.; that direct case exhibits are to be exchanged among counsel, with one copy of each exhibit to the Hearing Examiner by June 5, 1964; and that other deadlines and matters agreed upon during the said prehearing conference are hereby approved, as shown in the transcript thereof, which is incorporated by reference.

Released: March 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2681; Filed, Mar. 18, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

MEMBER LINES OF NEW YORK FREIGHT BUREAU (HONG KONG)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 5700–5–D between the member lines of the New York Freight Bureau (Hong Kong) (Agreement No. 5700) further modifies temporary pooling and ceiling Agreement 5700–5 covering the trade from Hong Kong to U.S. Atlantic and Gulf Ports, by increasing the ceiling of 1800 revenue tons to 2200 revenue tons for sailings occurring on and after March 7, 1964.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 16, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–2664; Filed, Mar. 18, 1964; 8:47 a.m.]

[Docket No. 1167]

ATLANTIC COAST PORTS TO PUERTO RICO

Reduced Rates on Automobiles; Order of Investigation and Suspension

It appearing, that, by original order dated January 7, 1964, as supplemented by additional orders in this proceeding, the Commission entered into an investigation concerning the lawfulness of certain reduced rates on automobiles published in tariff schedules designated therein and named among other carriers, American Union Transport, Inc. (AUT) as a respondent in this proceeding;

It further appearing, that by Third Supplemental Order in this proceeding, the Commission placed all revisions of the rates and/or other matter affecting the transportation of automobiles in the Atlantic Coast/Puerto Rico trade subsequently filed by respondents herein, under investigation in this proceeding with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It further appearing, that, on February 20, 1964, AUT filed an amendment to its tariff which, upon becoming effective March 21, 1964 will reduce the rate on automobiles from 35 to 32 cents per cubic foot;

It further appearing, that the effectuation of said allowance shortly following the recent rate decrease on automobiles would result in instability that might be detrimental to the Puerto Rican trade; disrupt the status quo during the investigation in Docket No. 1167; and may result in rates, and/or charges which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933;

It further appearing, That, the effective date of the said allowance provision should be suspended pending such investigation:

Now therefore it is ordered, That the 32 cents per cubic foot rates published under "Passenger Cars viz" on 21st Revised Page No. 44 to American Union Transport, Inc. Tariff FMC–F No. 6 be, and they are hereby suspended and that the use thereof be deferred to and including July 20, 1964 unless otherwise authorized by the Commission, and that the rates, charges, and/or other matter affecting the transportation of automobiles heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension:

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission:

It is further ordered, That there shall be filed immediately with the Commission by American Union Transport, Inc. a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 21st day of July 1964, unless otherwise authorized by the Commission; and that the matter heretofore in effect, and which was to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission:

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission:

It is further ordered, That (I) a copy of this order shall forthwith be served upon all respondents, protestants and interveners herein; (II) the said respondents, protestants and interveners be duly notified of the time and place of the hearing ordered; and (III) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74).

By the Commission, March 10, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64–2666; Filed, Mar. 18, 1964; 8:47 a.m.]

[Docket No. 1167]

ATLANTIC COAST PORTS TO PUERTO RICO

Reduced Rates on Automobiles; Notice of Expansion of Investigation To Include Waterman Steamship Corporation of Puerto Rico

Whereas, By order dated January 7 and as amended from time to time, the Commission entered into an investigation concerning the lawfulness of certain reduced rates and other matters affecting the transportation of automobiles from Atlantic Coast port to ports in Puerto Rico and named Sea-Land Service, Inc., Puerto Rican Division; Seatrain Lines, Inc.; American Union Transport, Inc.; Containerships, Inc.; TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee); and South Atlantic & Caribbean Line, Inc., as respondents in this proceeding;

Whereas, On March 2, 1964, Waterman Steamship Corporation of Puerto Rico (Waterman) filed amendments to its tariff FMC–F No. 1 which, upon becoming effective April 6, 1964, will reduce Waterman's rate on automobiles moving from Gulf Coast ports to Puerto Rico from .38 to .35 cent per cubic foot;

Whereas, The Commission is of the opinion that Waterman's reduced automobile rate should be made the subject of a public investigation to the same extent as other matter affecting the transportation of automobiles currently under investigation herein, to determine whether it is unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933.

Now therefore it is ordered, That this proceeding be, and it is hereby expanded to include, in addition to matters now under investigation herein, an investigation into and a hearing concerning the lawfulness of the proposed .35 cent per cubic foot automobile rate currently scheduled to become effective April 6, 1964, published in the aforementioned tariff, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That Waterman Steamship Corporation of Puerto Rico be and it is hereby made respondent in this proceeding and that all subsequent revisions of the rates or other matter affecting the transportation of automobiles, filed by Waterman shall be, and they are hereby placed under investigation in this proceeding:

It is further ordered, That the Commission's action in placing Waterman's proposed rate reduction under investigation at this time will not prejudice the right of the Commission to suspend said rate, either upon protest thereto or upon its own motion, prior to April 6, 1964:

It is further ordered, That (I) a copy of this order shall forthwith be served upon all respondents, protestants and interveners herein; (II) the said respondents, protestants and interveners be duly notified of the time and place of the hearing ordered; and (III) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74).

By the Commission, March 10, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64–2665; Filed, Mar. 18, 1964; 8:47 a.m.]

[Docket No. 1171]

HIGH-PRESSURE BOILERS (UTILITY TYPE), PARTS AND RELATED STRUCTURAL COMPONENTS

Outbound Rates Affecting the Exportation; Notice of Investigation

The Far East Conference and its member lines, the River Plate and Brazil Conferences and its member lines and the India, Pakistan, Ceylon and Burma Outward Freight Conference and its member lines, operating in the foreign commerce of the United States, publish tariffs containing rates on High-Pressure Boilers (Utility Type), Parts and Related Structural Components, from United States Atlantic and Gulf ports to ports in Japan and the Philippines, Brazil and Argentina, and India and Pakistan, respectively.

The published rates for the movement of these products and commodities to Japan are from 39 percent to 160 percent higher than are the rates from Japan to the United States. The Commission has information which indicates that the rates from the United States to the other countries named above are substantially higher than are the rates to those countries from Germany, France and the Netherlands, and from the United Kingdom to India, Pakistan and the Philippines, although the distance involved is in some cases shorter than from the United States.

In these circumstances the rates from the United States may be impeding the exportation of these products and commodities, to the prejudice of American exporters and to the detriment of the commerce of the United States. The maintenance of such rates may be in violation of sections 17 and 18(b)(5) of the Shipping Act, 1916, as amended, in that they may be unjustly prejudicial to exporters of the United States as compared with their foreign competitors and may be so unreasonably high as to be detrimental to the commerce of the United States. The maintenance of such rates by the conferences, which operate pursuant to approved agreements, may be unjustly discriminatory or unfair between exporters from the United States and their foreign competitors; may operate to the detriment of the commerce of the United States; or may be contrary to the public interest and require cancellation or modification of such agreements, as provided in section 15 of said Act.

Therefore, by virtue of the authority vested in this Commission by section 22 of the Shipping Act, 1916, as amended, and pursuant to the provisions of section 212(e) of the Merchant Marine Act, 1936:

It is ordered, That an investigation is hereby instituted to determine whether the freight rates on the aforesaid commodities set forth in the tariffs of the Conferences and carriers named in Appendix A hereto are in violation of sections 17 and 18(b)(5) of the Shipping Act, 1916, and should be disapproved and/or altered pursuant to those provisions, and to determine whether any of the Conference agreements should be modified or disapproved pursuant to section 15 of the Act:

And it is further ordered, That the Conferences and/or carriers listed in Appendix A, below and made a part hereof, be made respondents in this proceeding; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any persons other than respondents, who desire to become party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 31, 1964, with copy to respondents:

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission, March 12, 1964.

THOMAS LISI,
Secretary.

APPENDIX A

FAR EAST CONFERENCE (NO. 17)

American President Lines, Ltd., 601 California Street, San Francisco, California.
Daido Kaiun Kaisha Ltd., General SS Corp., Agents, 432 California Street, San Francisco 4, California.
Fern-Ville Lines-Fearnley & Eger and A. F. Klaveness & Co. A/S, 17 Battery Place, New York 4, New York.
Iino Kaiun Kaisha, Ltd., Kerr SS Co., Inc., 51 Broad Street, New York 4, New York.
Isthmian Lines, Inc., 90 Broad Street, New York 4, New York.
Kawasaki Kisen Kaisha, Ltd., Kerr SS Co., Inc., 51 Broad Street, New York 4, New York.
Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans 12, Louisiana.
Maritime Company of the Philippines, Inc., North American Maritime Agencies, General Agents, 26 Broad Street, New York 4, New York.
Mitsubishi Kaiun Kaisha, Ltd., Oceanic Agencies, Inc., 2 Broadway, New York 4, New York.
Mitsui Steamship Co., Ltd., 17 Battery Place, New York 4, New York.
A. P. Moller-Maersk Line, 67 Broad Street, New York 4, New York.
Nippon Yusen Kaisha, 25 Broadway, New York, New York.
Osaka Shosen Kaisha, Ltd., 17 Battery Place, New York 4, New York.
Shinnihon Steamship Co., Ltd., Texas Transport & Terminal Co., Inc., Agents, 52 Broadway, New York 4, New York.
States Marine Lines, 90 Broadway, New York 4, New York.
United Philippine Lines, Inc., Stockard Shipping Co., Inc., General Agents, 17 Battery Place, New York 4, New York.

Wilh. Wilhelmsen Interests, 17 Battery Place, New York 4, New York.
United States Lines Company, 1 Broadway, New York 4, New York.
Yamashita Kisen Kaisha, Ltd., Norton Lilly & Co., Inc., 26 Beaver Street, New York 4, New York.

RIVER PLATE AND BRAZIL CONFERENCE (NO. 58)

Aktieselskapet Ivarans Rederi, Stockard Shipping Co., Inc., Agents, 17 Battery Place, New York 4, New York.
Booth Steamship Company, Limited, 17 Battery Place, New York 4, New York.
Brodin Line-A. L. Burbank, General Agents, 120 Wall Street, New York 5, New York.
Dampskibsselskabet Torm (Torm Lines), 24 State Street, New York 4, New York.
Dovar S. A. International Shipping & Trading Company (Dovar Line), 24 State Street, New York 4, New York.
Empresa Lineas Maritimas Argentinas, Boyd, Weir & Sewell, Inc., 24 State Street, New York 4, New York.
Hamburg-Suedamerikanische Dampfschiff-fahrts-Gesellschaft Eggert & Emsinck-Columbus Line, Inc., 26 Broadway, New York 6, New York.
Lamport & Holt Line, Ltd., Booth American Shipping Corp., 17 Battery Place, New York 4, New York.
Lloyd Brasileiro (Patrimonio Nacional), 17 Battery Place, New York 4, New York.
Mississippi Shipping Company, Inc. (Delta Line), 17 Battery Place, New York 4, New York.
Moore-McCormack Lines, Inc. (American Republics Line), 2 Broadway, New York 4, New York.
North Pan-America Line, A/S, Nopal Line, 21 West Street, New York 6, New York.
Norton Line, Norton, Lilly & Co., Inc., 26 Beaver Street, New York 4, New York.
Van Nievelt, Gourdriaan & Co's.-Stoomvaart-Maatschappij (Holland Pan-American Line) Furness Withy & Co., Ltd., 34 Whitehall Street, New York 4, New York.

THE INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE (NO. 7600)

American Export and Isbrandtsen Lines, 26 Broadway, New York 4, New York.
Central Gulf Lines, 1 Whitehall Street, New York 4, New York.
Hellenic Lines Limited, 39 Broadway, New York 6, New York.
Hoegh Lines-Kerr Steamship Co., Inc., Agents, 51 Broad Street, New York, New York.
Isthmian Lines, Inc., 90 Broad Street, New York 4, New York.
N. V. Nedlloyd Lijnen, 25 Broadway, New York 4, New York.
Scindia Steam Navigation Co., Ltd., U.S. Navigation Co., Inc., General Agents, 17 Battery Place, New York, New York.
Shipping Corporation of India Limited, Norton, Lilly & Co., Inc., General Agents, 26 Beaver Street, New York 4, New York.
T. J. Stevenson & Co., Inc. (Stevenson Lines), 80 Broad Street, New York 4, New York.
American President Lines, Ltd., 601 California Street, San Francisco, California.

[F.R. Doc. 64-2667; Filed, Mar. 18, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-178]

LONE STAR GAS CO.

Notice of Application

MARCH 13, 1964.

Take notice that on February 10, 1964, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP64-178 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Denton County, Texas, and the transportation of natural gas in order to serve the City of Shady Shores and the Lake Shore Park Addition to said city, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) Approximately 1,200 feet of 2-inch transmission Line F-15 from 16-inch Line F to a city gate measuring station to be installed near the City of Shady Shores, and,

(2) Approximately 300 feet of 2-inch transmission Line F-14 from 16-inch Line F to a proposed regulator station and measurement facilities when warranted by the number of customers, to be installed for service to the Lake Shore Park Addition.

The application shows the total estimated third year peak day and annual requirements for the two communities to be 234 Mcf and 13,519 Mcf (at 14.73 psia), respectively.

The cost of the proposed facilities is estimated to be $9,010, which cost will be financed out of funds on hand.

Applicant states that it will construct and operate the distribution system necessary for the proposed service.

The application indicates that Applicant has obtained the necessary franchise from Shady Shores.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2651; Filed, Mar. 18, 1964; 8:46 a.m.]

[Docket No. CP64-153]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 12, 1964.

Take notice that on January 3, 1964, as supplemented and amended on February 10, 1964, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. CP64-153 an application pursuant to section 7 of the Natural Gas Act for authority to abandon three 1,350 horsepower compressor units at its Spraberry Compressor Station, Midland County, Texas, and for a certificate of public convenience and necessity authorizing the relocation and installation of the said compressor units to be abandoned at three gathering stations located in the Hugoton Field, Morton and Steven Counties, Kansas, all as more fully set forth in the application, as supplemented and amended, on file with the Commission and open to public inspection.

Applicant states that the volumes of low pressure gas delivered to it by Phillips Petroleum Company at the Spraberry Station have declined and will continue to decline in future years; therefore, the available horsepower at said station is greater than required. Furthermore, Applicant states that due to the fracturing of wells, deliverability has been increased and additional horsepower is needed in the Kansas Hugoton Field. Applicant proposes to relocate and install the three 1,350 horsepower units at its Stevens County Nos. 1 and 2 gathering stations and its Morton County No. 1 gathering station, all in the Hugoton Field.

The application shows the total estimated cost of the proposed project is $855,330 which total costs include $398,294 for material and supplies transferred from the Spraberry Station. The estimated cost will be financed from cash-on-hand, reserve accruals and retained earnings.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2652; Filed, Mar. 18, 1964; 8:46 a.m.]

[Docket No. CP62-307]

NORTHERN NATURAL GAS CO.

Notice of Application To Amend

MARCH 13, 1964.

Take notice that on February 17, 1964, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP62-307, an application to amend an order of the Commission issued March 18, 1963, in its above docket authorizing among other things the construction by March 18, 1964, of 1.5 miles of 6-inch to 12-inch pipeline and the installation of a 550 Hp compressor unit in order to test and develop the Vincent Underground Storage Field in Humboldt, Webster and Wright Counties, Iowa, at a total estimated cost of $209,600. The application to amend seeks authorization to extend the date for completion of construction to December 31, 1964, to enlarge approximately 1000 feet of 4-inch tie-over pipeline to 8-inch, and to install an additional 550 Hp compressor unit for the injection of gas in said Storage Field, at a revised estimated total cost of $417,300.

The application to amend states the enlargement of the tie-over pipeline and the additional compressor unit are necessitated by a decrease in operating pressures and will not affect the total authorized volume of 5000 MMcf for the testing and development of the field.

Protest, petitions to intervene or request for hearing in this proceeding may be filed with the Federal Power Commission, Washington D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2653; Filed, Mar. 18, 1964; 8:46 a.m.]

[Project No. 2305]

SABINE RIVER AUTHORITY OF TEXAS AND SABINE RIVER AUTHORITY, STATE OF LOUISIANA

Notice of Application for Approval of Contract for Sale of Power Extending Beyond Date of Termination of License

MARCH 16, 1964.

Public notice is hereby given that a joint application has been filed under the Federal Power Act (the Act) by Sabine River Authority of Texas (correspondence to: John W. Simmons, Executive Vice President and General Manager, P.O. Box 579, Orange, Texas), and by Sabine River Authority, State of Louisiana (correspondence to: Claude Kirkpatrick, Baton Rouge, Louisiana) for Commission approval for a period of a proposed contract for the sale and delivery by the joint applicants of power to be generated at their proposed Toledo Bend Project on the Sabine River (Project No. 2305) to Central Louisiana Electric Company, Inc., Gulf States Utilities Company, and Louisiana Power and Light Company. The period of the proposed contract for which the joint applicants seek Commission approval pursuant to section 22 of the Act (16 U.S.C. 815), is the period of about four and one-half (4½) years extending beyond the date of termination of the license for Project No. 2305.

Protests or petitions to intervene in the proceeding on the aforesaid application for approval of contract pursuant to section 22 of the Federal Power Act, may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8, 1.10 or 1.37). The last day upon which protests or petitions may be filed is April 6, 1964. The aforesaid application and proposed contract are on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2699; Filed, Mar. 18, 1964; 8:50 a.m.]

[Docket No. G-20260]

TOWN OF ROXIE, MISSISSIPPI

Notice of Application To Amend

MARCH 13, 1964.

Take notice that Southern Natural Gas Company (Southern Natural) P.O. Box 2563, Birmingham, Alabama, 35202, filed on February 24, 1964, in Docket No. G-20260, an application to amend an order of the Commission issued April 7, 1960, directing Southern Natural to establish a physical connection of its facilities with the facilities of the Town of Roxie, Mississippi, and to sell and deliver up to 232 Mcf of natural gas per day to the Town of Roxie for distribution and resale in the area proposed to be served as more fully described in the application (for service only to residential and commercial customers). The application to amend seeks removal of the volumetric limitation so as to permit the Town of Roxie to serve the Southern Pine Superior Stud Corporation, natural gas for processing purposes, all as more fully set forth in the application on file with the Commission, and open to public inspection.

The application states Southern Natural and the Town of Roxie have entered into a new service agreement dated February 10, 1964, providing for gas service under Rate Schedule CD-1, which agreement supersedes the present service agreement dated September 12, 1963, providing for gas service under Rate Schedule G-1.

The Town of Roxie by answer filed March 2, 1964, supports the motion of Southern Natural.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2655; Filed, Mar. 18, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1664]

GREATER WASHINGTON INDUSTRIAL INVESTMENTS, INC.

Notice of Filing of Application for an Order Exempting Transactions Between Affiliates

MARCH 13, 1964.

Notice is hereby given that Greater Washington Industrial Investments, Inc., 1725 K Street NW., Washington, D.C., 20006, ("applicant"), a District of Columbia corporation licensed under the Small Business Investment Company Act of 1958 ("SBI Act") and a closed-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act certain transactions between applicant and American Scientific Corporation ("American"). All interested persons are referred to the application filed with the Commission for a full statement of applicant's representations which are summarized below.

American, a Virginia corporation and a small business concern as defined by the Small Business Administration for purposes of the SBI Act, has outstanding 1,048,742 shares of common stock. Applicant owns 170,000 shares of common stock of American or approximately 16.21 percent and American and applicant are therefore affiliated persons of each other under the provisions of section 2(a)(3) of the Act.

On November 30, 1962 Reed Research, Inc. ("Reed"), a Delaware corporation, was merged into Servonics, Inc. ("Servonics"), a Virginia corporation, which subsequently changed its name to American Scientific Corporation. Pursuant to an agreement dated September 17, 1962 between applicant, Reed and Servonics, applicant exchanged its notes, convertible debentures and common stock of Reed for 170,000 shares of common stock and a $100,000 note of American. This note bears interest at the rate of 6 percent and is payable in quarterly installments of $2,500 beginning February 1964 and the unpaid balance is due in November 1965. Also pursuant to the above described merger, American issued sixteen notes in the total amount of $225,000 with substantially the same terms as those of applicant's note and four notes

in the total amount of $21,000 which are due in full in November 1964. Five of the above noteholders are directors of American and a sixth, Lee K. Simon, is President, a director and the holder of 15.26 percent of the common stock of American. Mr. Simon and applicant are the only shareholders of American who own or control 5 percent or more of the common stock of American.

On January 14, 1964, American made an offer to all of its noteholders pursuant to which each noteholder would have the option to convert his note to common stock of American at the rate of one share of American for each 50 cents face amount of note, accept new notes of extended maturity accompanied by warrants to purchase common stock of American at a price of 85 cents per share, or accept neither choice and maintain the status quo. Applicant proposes to convert its notes to common stock, accept new notes of extended maturity accompanied by warrants or maintain the status quo, all in proportion to the election made by other noteholders in the aggregate. Applicant states that the conversion of notes and extension of maturities will have the effect of relieving American from payment of substantial amounts of maturing indebtedness and retaining in American working capital needed to finance an increased volume of business. Applicant, while stating that it is in its best interest to do whatever is reasonably possible to safeguard its investment by insuring the fiscal health of American, does not wish to change its position as a noteholder except in proportion to such change by other noteholders as a class.

Applicant asserts that the terms of the proposed transactions are fair and reasonable; there is no overreaching on the part of any person concerned; the transactions are consistent with its policy as recited in its registration statement and reports; they are in the best interests of shareholders and consistent with the general purposes of the Act.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company from selling to or purchasing from such registered company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than March 27, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–2657; Filed, Mar. 18, 1964; 8:46 a.m.]

[File No. 70–4194]

NEW ORLEANS PUBLIC SERVICE INC. AND MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Charter Amendment; Transfer of Capital Surplus to Common Capital; and Intrasystem Issues of and Acquisitions of Common Stock

MARCH 13, 1964.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), Two Broadway, New York, N.Y., 10004, a registered holding company, and its public-utility subsidiary company, New Orleans Public Service Inc. ("New Orleans"), 317 Baronne Street, New Orleans, La., 70160, have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 7, 9(a)(1), 10, and 12(f) of the Act and Rule 43 thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file in the office of the Commission, for a statement of the transactions proposed therein which are summarized below:

At December 31, 1963, the authorized common capital stock of New Orleans consisted of 2,000,000 shares without nominal or par value, of which 1,420,529.78 shares with an aggregate stated value of $35,513,244.50 (i.e., $25 per share) were outstanding and held by Middle South. New Orleans proposes to amend its charter so as to reclassify its authorized common stock into 6,000,000 shares with a par value of $10 per share and, in connection therewith, to issue to Middle South 3,551,324.45 shares of its new common stock in place of the 1,420,529.78 shares of its no par value common stock presently held by Middle South. The balance in New Orleans' common capital stock account will thereby remain unchanged at $35,513,244.50.

Upon the completion of these transactions, New Orleans further proposes to transfer the balance, $3,906,456.90, from its capital surplus account to its common capital stock account and, in connection therewith, to issue to Middle South 390,645.69 additional shares of its new $10 par value common stock. Upon consummation of all the proposed transactions, New Orleans will have outstanding 3,941,970.14 shares of new $10 par value common stock with an aggregate par value of $39,419,701.40.

At December 31, 1963, Middle South carried its investment in New Orleans common stock at $41,492,898. No change will be made by Middle South in its investment account other than to restate the number of shares representing its investment in New Orleans.

It is represented that no fees and only nominal expenses will be paid in connection with the proposed transactions. It is further represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 3, 1964, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit, or in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–2658; Filed, Mar. 18, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 956]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 16, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66648. By order of March 13, 1964, the Transfer Board approved the transfer to William C. Martin, doing business as Martin Trucking Company, Adel, Ga., of Certificate in No. MC 124888 (Sub-No. 1), issued November 20, 1963, to Everett L. Evans, doing business as Adel Trucking Company, Adel, Ga., authorizing the transportation, over irregular routes, of: Fertilizer and fertilizer materials, and similar farm commodities, from points in a specified portion of Georgia to specified points in Florida. Hugh D. Wright, 201 North Hutchinson Avenue, Adel, Ga., attorney for applicants.

No. MC–FC 66651. By order of March 13, 1963, the Transfer Board approved the transfer to Aljay Trucking Corporation, a corporation, Chelsea, Mass., of Certificates in Nos. MC 120001 (Sub-No. 1) and MC 120001 (Sub-No. 2), issued September 15, 1960 and November 29, 1962, respectively, to Jack Waldman, doing business as Al Jay Trucking, Chelsea, Mass., authorizing the transportation of bananas, over irregular routes, from New York, N.Y., to Boston, Mass.; and from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to Lawrence, Mass. Eli Fleishman, 148 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC–FC 66666. By order of March 12, 1964, the Transfer Board approved the transfer to Mass. & R.I. Express, Inc., Somerset, Mass., of Certificate in No. MC 9721, issued April 27, 1937, to Ethlyn M. Drown, doing business as Drown's Warren & Providence Express, Warren, R.I., authorizing the transportation, over irregular routes, of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Warren, R.I., on the one hand, and, on the other, points in Rhode Island, and Bristol County, Mass. James W. Killoran, 7 Purchase Street, Fall River, Mass., and George C. O'Brien, 33 Broad Street, Boston, Mass., attorneys for applicants.

No. MC–FC 66667. By order of March 12, 1964, the Transfer Board approved the transfer to Leo C. Snyder, doing business as Ace Moving Engineers, Eau Claire, Wis., of that portion of the operating rights in Corrected Certificate in No. MC 109538 (Sub-No. 11), issued by the Commission November 5, 1958, to Chippewa Motor Freight, Inc., Eau Claire, Wis., authorizing the transportation, over irregular routes, of household goods, between Eau Claire, Wis., and points within 75 miles of Eau Claire, on the one hand, and, on the other, points in Minnesota, Michigan, Illinois, Iowa, North Dakota, South Dakota, Indiana, Kentucky, and Ohio. Edward Solie, 1 South Pinckney Street, Madison 3, Wisconsin, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–2669; Filed, Mar. 18, 1964; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION II

S. S. Kresge Co., No. 367, 124 Smith Street, Perth Amboy, N.J.; effective 2–7–64 to 9–2–64 (variety store; 19 employees).

REGION VII

Graves Drug Store, No. 1, 107 North Main, El Dorado, Kans.; effective 2–17–64 to 9–2–64 (drug store; 16 employees).

S. H. Kress and Co., 7 South Jefferson Street, Iola, Kans.; effective 2–26–64 to 9–2–64 (variety store; 12 employees).

REGION VIII

S. H. Kress and Co., 105 East Grand Avenue, Ponca City, Okla.; effective 2–27–64 to 9–3–64 (variety store; 28 employees).

Persimmon Variety, Inc., d/b/a T. G. & Y. Stores Co., 3921 North MacArthur, Oklahoma City, Okla.; effective 3–20–64 to 9–2–64 (variety store; 14 employees).

REGION IX

Capin's El Paso Store, 125 Morley Avenue, Nogales, Ariz.; effective 2–4–64 to 8–31–64 (department store; 105 employees).

La Ville De Paris Department Store, 101 Morley Avenue, Nogales, Ariz.; effective 2–4–64 to 8–31–64 (department store; 96 employees).

REGION XI

Rose's 5–10–25 Cent Store, No. 148, Midland Center, 2638 Two Notch Road, Columbia, S.C.; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

Rose's 5–10–25 Cent Store, No. 49, Main Street, Union, S.C.; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Britts, Loyal Plaza Shopping Center, Williamsport, Pa.; effective 9–5–64 to 9–2–64; office clerk, sales clerk, stock clerk; 10 percent for each month (variety store; 48 employees).

S. H. Kress and Co., Palmetto Plaza Shopping Center, Guignard Dr., Sumter, S. Car.; effective 2–10–64 to 9–2–64; stock boy, sales clerk; between 2.7 percent and 9.5 percent (variety store; new store).

S. H. Kress and Co., Fort Hill Village Shopping Center, Lynchburg, Va.; effective 2–7–64 to 9–2–64; sales clerk, stock boy; between 1.8 percent and 10 percent (variety store; 72 employees).

G. C. Murphy Co., No. 102, 230–232 Main Street, Tifton, Ga.; effective 2–1–64 to 9–2–64; sales, clerical, janitorial, stock keeping; between 3.1 percent and 9.7 percent (variety store; 21 employees).

Parisian Mercantile Corp., 205 Morley Avenue, Nogales, Ariz.; effective 2–4–64 to 4–30–64; sales clerks, merchandise markers, gift wrappers; between 2.9 percent and 3.1 percent. (department store; 43 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the man-

ner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 10th day of March 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-2656; Filed, Mar. 18, 1964; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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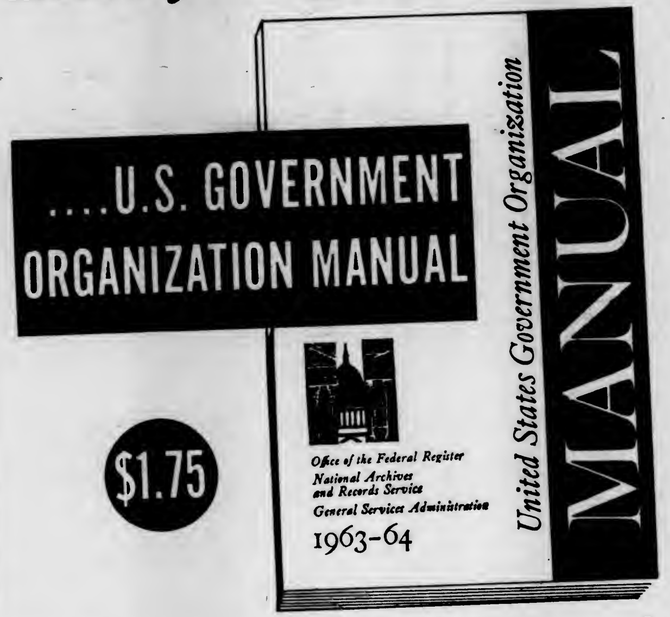
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[1963]

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PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Miscellaneous Amendments

1. Effective April 15, 1964, § 511.201 of Subpart B. "Coverage of the Classification Act" of Part 511 is revised as set out below:

Subpart B—Coverage of the Classification Act

§ 511.201 Coverage of and exclusions from the Classification Act.

(a) *Coverage.* This part and the Classification Act apply to all positions in the departments except those specifically excluded by the act, by section 2 of the Act of August 4, 1947 (61 Stat. 727; 5 U.S.C. 1052), and by paragraph (b) of this section.

(b) *Exclusions.* In addition to the positions specifically excluded by the act and by section 2 of the Act of August 4, 1947, the following positions are excluded from this part and the Classification Act:

Auxiliary medical therapy students, Department of Health, Education, and Welfare, as follows: vocational guidance counselors (student); recreation leaders (student); occupational therapists (student); vocational rehabilitation advisers (student); teachers (student) (educational administration and supervision); teachers (student) (business training); teachers (student) (music); teachers (student) (art); and chaplains (student), approved training after a minimum of one year college level training.

Chaplain interns, Department of Health, Education, and Welfare, first year approved clinical training following completion of three or more years approved postgraduate theological training.

Chaplain residents, Department of Health, Education, and Welfare, fifteen months approved clinical training following completion of four or more years approved postgraduate theological training.

Chaplain residents, Department of Health, Education, and Welfare, third year approved clinical training following completion of five or more years approved postgraduate theological training.

Chaplain student interns, Department of Health, Education, and Welfare and Government of the District of Columbia, approved clinical training during second year approved postgraduate theological training.

Clinical psychology interns, Department of Health, Education, and Welfare, second, third, and fourth years approved postgraduate training (predoctoral).

Clinical psychology interns, Government of the District of Columbia, third and fourth years approved postgraduate training (predoctoral).

Clinical psychology interns, Department of the Navy, third year approved postgraduate training (predoctoral).

Clinical psychology residents, Department of Health, Education, and Welfare, first and second years approved postdoctoral training.

Clinical psychology residents, Government of the District of Columbia, first year approved postdoctoral training.

Clinical psychology students, Department of Health, Education, and Welfare, first year approved postgraduate training.

Counseling psychology interns, Department of Health, Education, and Welfare, approved postgraduate training during program for graduate degree.

Dental hygiene students, Department of Health, Education, and Welfare, approved training during clinical affiliation.

Dietetic residents, second year approved postgraduate training.

Hospital administration interns, Department of Health, Education, and Welfare, first year approved postgraduate training.

Hospital administration residents, second year approved postgraduate training.

Hospital administration residents, Department of Health, Education, and Welfare, third year approved postgraduate training.

Medical record interns, Department of Health, Education, and Welfare, one year approved training after a minimum of three years college level training.

Medical record students, Department of Health, Education, and Welfare, one year approved training after two years college level training.

Medical student interns, approved training during third and fourth years of medical school.

Occupational therapy students, Department of the Army, approved training after a minimum of two years college level training.

Pharmaceutical interns, Department of Health, Education, and Welfare, one year approved postgraduate training.

Physical therapy students, Department of the Army, approved training after a minimum of two years college level training.

Psychiatric nurse interns (postgraduate student nurses), Department of Health, Education, and Welfare, one year approved postgraduate training.

Psychiatric nurse students, Department of Health, Education, and Welfare, approved training, undergraduate level.

Psychodrama interns, Department of Health, Education, and Welfare, first, second, and third years approved postgraduate training.

Psychodrama residents, Department of Health, Education, and Welfare, fourth year approved postgraduate training, and fifth year approved postgraduate training or first year approved postdoctoral training.

Psychology student trainee, Department of the Navy, approved postgraduate training in a summer practicum following attainment of bachelor's degree.

Recreation interns, Department of Health, Education, and Welfare, one year approved postgraduate training.

Social worker interns (student social workers), Department of Health, Education, and Welfare, approved postgraduate training during program for Master of Science degree.

Sociology interns, Department of Health, Education, and Welfare, approved postgraduate training during program for graduate degree.

Speech pathology and audiology students, Department of Health, Education, and Welfare: Approved postgraduate training during program for graduate degree.

Speech therapy interns, Department of Health, Education, and Welfare, approved postgraduate training during program for graduate degree.

Student dental assistants, Department of Health, Education, and Welfare, approved training during clinical affiliation.

Student dental technicians, Department of Health, Education, and Welfare, approved training during clinical affiliation.

Student dietitians, Department of the Army and Department of Health, Education, and Welfare, approved training after a minimum of three years college level training.

Student educational therapists, Department of Health, Education, and Welfare, approved training after a minimum of two years college level training.

Student hospital administration interns, Department of Health, Education, and Welfare, approved training prior to first year postgraduate training in hospital administration.

Student laboratory technicians, Department of the Army and Department of Health, Education, and Welfare, one year approved training after a minimum of two years college level training.

Student manual arts therapists, Department of Health, Education, and Welfare, approved training after a minimum of two years college level training.

Student medical librarians, first and second years approved postgraduate training during program for Master of Science degree.

Student medical technologists (interns), Department of the Army and Department of Health, Education, and Welfare, one year approved training after a minimum of three years college level training.

Student medical typists, Department of Health, Education, and Welfare, approved training for a 90-day period.

Student nurse anesthetists, Department of Health, Education, and Welfare, eighteen months approved postgraduate training.

Student nursing assistants, Department of Health, Education, and Welfare, eighteen weeks approved clinical training.

Student pharmacists, Department of Health, Education, and Welfare, approved training after a minimum of three years college level training.

Student practical nurses, D.C. General Hospital and Department of Health, Education, and Welfare, approved training during clinical affiliation.

Student practical nurses, Department of Health, Education, and Welfare, one year approved training.

Student public health nutritionists, Department of Health, Education, and Welfare, approved training during program for graduate degree.

Student X-ray technicians, Department of Health, Education, and Welfare, twenty-four months approved training.

(Sec. 3, 61 Stat. 727 and sec. 1101, 63 Stat. 971; 5 U.S.C. 1052, 1072)

2. Effective April 15, 1964, §§ 534.202 and 534.204 of Subpart B—"Trainees in Government Hospitals" of Part 534 are revised as set out below.

Subpart B—Trainees in Government Hospitals

§ 534.202 Maximum stipends.

(a) Maximum stipends (including overtime pay, maintenance allowances,

and other payments in money or kind) are prescribed according to the academic levels of the approved training for which the positions are excluded from the Federal Employees Pay Act and the Classification Act.

MAXIMUM STIPENDS PRESCRIBED

Code symbol	Academic level of approved training program	Maximum stipends [1] [2]		
		Per year	Per month	Per week
L-A	Below high school graduation	$2,990	$249	$57
L-1	First year college undergraduate	3,305	275	63
L-2	Second year college undergraduate	3,565	297	68
L-3	Third year college undergraduate	3,775	314	72
L-4	Fourth year college undergraduate	3,935	327	75
L-5	First year postgraduate predoctoral	4,210	350	80
L-6	Second year postgraduate predoctoral Third year medical school	5,210	434	100
L-7	Third year postgraduate predoctoral Fourth year medical school	6,340	528	121
L-8	Fourth year postgraduate predoctoral Medical or dental internship	6,925	577	133
L-9	Fifth year postgraduate without doctorate First year postdoctoral (Ph. D.) First year medical or dental residency	7,570	630	145
L-10	Second year postdoctoral (Ph. D.) Second year medical or dental residency	8,990	749	172
L-11	Third year medical or dental residency	9,980	831	191
L-12	Fourth year medical or dental residency	10,570	880	203

[1] Includes overtime pay, maintenance allowances, and other payments in money or kind.
[2] Subject to adjustment for lesser periods.

(b) Each category of positions is assigned a code symbol, which determines the applicable maximum stipend, as follows:

Auxiliary medical therapy students, Department of Health, Education, and Welfare, as follows: Vocational guidance counselors (student), recreation leaders (student), occupational therapists (student), vocational rehabilitation advisers (student), teachers (student) (educational administration and supervision), teachers (student) (business training), teachers (student) (music), teachers (student) (art), chaplains (student): Approved year college level training ---------- L-2
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Psychodrama residents, Department of Health, Education, and Welfare:
Fourth year approved postgraduate training ---------- L-8
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Psychology student trainees, Department of the Navy: Approved postgraduate training in a summer practicum following attainment of bachelor's degree ---------- L-5
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Speech pathology and audiology students, Department of Health, Education, and Welfare: Approved postgraduate training during program for graduate degree ---------- L-5
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Student dental assistants, Department of Health, Education, and Welfare: Approved training during clinical affiliation ---------- L-1
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Student pharmacists, Department of Health, Education, and Welfare: Approved training after a minimum of three years college level training. L-4
Student practical nurses, D.C. General Hospital: Approved training during clinical affiliation ---------- L-A
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First twelve months ---------- L-1
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§ 534.204 Agency requests for additional exclusions.

An agency may request the Commission to:

(a) Exclude from the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1949, as amended, positions in addition to those referred to in § 534.201 which are filled by student-employees who are assigned or attached to a hospital, clinic, or medical or dental laboratory; and

(b) Prescribe maximum stipends for such positions.

The agency shall submit each request to the Commission with full supporting information, including complete identification of the positions concerned.

(Secs. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-2722; Filed, Mar. 19, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 877.15, Interpretation]

PART 877—SUGARCANE; PUERTO RICO

Fair and Reasonable Prices; 1962–63 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), the following interpretation is made to clarify the regulations contained in determinations of fair and reasonable prices for sugarcane in Puerto Rico as set forth for the 1962–63 crop in § 877.15 of Chapter VIII of Title 7 of the Code of Federal Regulations (28 F.R. 959), published February 1, 1963:

Interpretation. The provisions of regulations as set forth in 7 CFR 877.15 for determining the yield of raw sugar shall be deemed to have been met with respect to sugarcane delivered to a processor by a producer from the Island of Vieques where sugarcane of several producers is commingled, provided the yield of raw sugar was determined with respect to each barge load of sugarcane by applying the formula in Schedule A to the sugarcane of each barge load without segregating the sugarcane of each producer, and provided that each producer received payment or sugar for his share of the total sugar produced from the barge load of sugarcane determined on the basis of the ratio of the net weight of each producer's sugarcane to the total net weight of the barge load of sugarcane.

STATEMENT OF BASES AND CONSIDERATIONS

This interpretation provides that the sugar yield of each producer's sugarcane which was commingled while being loaded or transported from the Island of Vieques to the processor's mill shall have been properly determined if the formula in Schedule A was applied to the total sugarcane of each barge load and if each producer received payment or sugar for his share of the total sugar produced from the barge load of sugarcane determined on the basis of the ratio of the net weight of each producer's sugarcane to the total net weight of the barge load of sugarcane.

Approximately 300 growers produce sugarcane on the Island of Vieques. This sugarcane is transported from the growers' farms by trucks or carts to a scale in chained bundles. The sugarcane is then transferred to railroad cars and transported to a pier where the cane is loaded on sea barges. The cane is barged for a distance of approximately 18 miles where the bundles of cane are unchained and loaded into railroad cars. The sugarcane is then transported by railroad to the mill and each car may contain sugarcane produced by several different growers, but is not identifiable with respect to each grower inasmuch as it has been commingled when loaded or transported to mill. Juice samples are taken daily from each railroad car at the factory and the yield of sugar is determined. Such yield is applied to the net weight of cane received on the barge to determine the total sugar content. The total sugar so determined is credited to each grower in proportion to the cane delivered by him. This method of handling sugarcane and allocation of sugar yields has been followed with respect to sugarcane produced on the Island of Vieques over an extended period of years without objection by the growers and without any question being raised of compliance with applicable regulations. This interpretation makes clear that such procedure is within the meaning of the provisions of prior fair and reasonable price determinations for Puerto Rico.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended)

Signed at Washington, D.C., on March 17, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-2717; Filed, Mar. 19, 1964; 8:49 a.m.]

[Sugar Determination 877.16]

PART 877—SUGARCANE; PUERTO RICO

Fair and Reasonable Prices; 1963–64 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in Santurce, Puerto Rico, on October 17, 1963, the following determination is hereby issued:

§ 877.16 Fair and reasonable prices for the 1963–64 crop of Puerto Rican sugarcane.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1963–64 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to 96° basis.

(2) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The

period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(3) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) for the period January 1, 1964, through December 31, 1964, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(4) "Inferior varieties of sugarcane" means sugarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213 and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formula set forth in Schedule A attached hereto and made a part hereof.

(6) "Net sugarcane" means (i) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of 5 percent of the gross weight, or (ii) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of 5 percent of such gross weight.

(7) "Trash" means green or dried leaves, sugarcane tops, soil, stones, and all other extraneous material.

(8) "Area Office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico.

(b) *Payment for sugarcane.* (1) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar, whichever method is agreed upon by the producer and the processor.

(2) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the payment shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane:	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the payment shall be not less than the quantity determined by subtracting 3⅓ pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(4) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B attached hereto and made a part hereof.

(c) *Molasses payment.* For each ton of net sugarcane delivered the processor shall either deliver to the producer 66 percent of the average production of blackstrap molasses per ton of net sugarcane of the 1963–64 crop processed at each mill or shall pay to the producer the money value of such quantity of molasses, whichever method is agreed upon between the producer and the processor. If settlement with the producer is made in cash such settlement shall be based upon the average gross sales price of molasses less the admissible deductions for selling and delivery expenses in accordance with Schedule C attached hereto and made a part hereof. A processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor. If a processor has not sold 1963–64-crop molasses by the time he is required to submit to the Area office a statement as required by paragraph (g)(2) of this section, he shall make a provisional molasses payment to producers of not less than 75 percent of the average of the net proceeds per gallon realized by all other processors in Puerto Rico who made cash settlements for 1963–64-crop molasses, as determined by the Director of the Area office. Final settlement with producers shall be made promptly after the 1963–64-crop molasses has been sold, based upon the average gross proceeds therefrom and the processor shall promptly submit to the Area office a statement as required by paragraph (g)(2) of this section.

(d) *Determination of net sugarcane.* (1) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (i) not in excess of 5 percent of the gross weight, or (ii) in excess of 5 percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of 5 percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of 5 percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separate therefrom all trash. The weight of trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. The net weight of the sugarcane delivery from which the sample was taken shall be determined by deducting from the gross weight of such sugarcane, a percentage thereof which represents the excess, if any, of the trash over 5 percent, and the same adjustment as determined above shall be applied to the gross weight of all other deliveries of sugarcane delivered by that producer during the same day which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken.

(2) With respect to the sample taken as provided in subparagraph (1) of this paragraph, the processor may make a separate determination of the weight of soil and stones contained in such sample and may charge the producer 5 cents per ton of net sugarcane delivered during the day which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(e) *Sampling charges.* The processor may charge the producer 66 percent of the actual cost, but not to exceed $2.64, for each sample taken to cover the cost of sampling and measuring the actual quantity of trash. If a separate determination is made of the weight of soil and stones, the cost thereof shall be borne by the processor.

(f) *Services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1964, and shall bear the costs thereof.

(2) Allowances made to producers by the processor for the 1962–63 crop shall be made for the 1963–64 crop at the rates which were effective under comparable conditions in 1962–63; the costs of services which were borne by the processor for the 1962–63 crop shall be borne for the 1963–64 crop: *Provided*, That nothing in this subparagraph shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change results in allowances which are fair and reasonable.

(g) *Reporting requirements.* (1) The processor shall submit to the Area office a list of those producers with whom settlement will be made in cash and those with whom settlement will be made in sugar, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than 7 days after grinding commences, except that in extenuating circumstances an extension may be granted by the Director of the Area office.

(2) If the processor makes settlement in cash he shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the gross proceeds from the sales of molasses and the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than June 1, 1965, except that in extenuating circumstances an extension may be granted by the Director of the Area Office.

(h) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1963–64 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1963–64 price determination.* This determination continues the provisions of the 1962–63 crop determination, except that the sugar yield formula as provided in Schedule A is modified by extending the trash correction factor to provide for sugarcane containing trash up to 30 percent or more, and the items of "wharfage" and "freight", which are admissible selling and delivery expenses for molasses as provided in Schedule C, are revised to include charges resulting from new methods of handling molasses at a port facility.

A public hearing was held in Santurce, Puerto Rico, on October 17, 1963, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1963–64 crop of sugarcane. The notice of hearing requested views and recommendations on the definition of selling and delivery expenses for molasses with particular reference to "wharfage" and "storage."

The representative of the Grower-Processor Committee recomended that the provisions of the 1962–63 price determination be continued for the 1963–64 crop without change. The witness suggested that the definition of selling and delivery expenses for molasses be deferred for subsequent study. The witness stated that the sugarcane trash problem still persists and that a recent study conducted by the Puerto Rico Department of Agriculture indicated that the excessive trash delivered with sugarcane is responsible for the prevailing low yields and substantial losses of sugar.

A representative of a processing company stated that dirt delivered with the cane has been a factor in low yields of sugar and that the company had decided to install a cane washing facility to be in operation for the 1963–64 crop; that plans are to wash slightly more than 50 percent of the crop which is about the expected percentage of mechanically loaded cane to be received at the mill; that the juice of the washed cane will be somewhat diluted as compared to the juice of the cane that is not washed; and that some provision should be made in the sugar yield formula to compensate for the diluted juice.

The President of the Sugar Board of Puerto Rico testified that the Sugar Board had approved revised regulations relating to the delivery of trash with sugarcane, and that the Board planned more rigid enforcement of the regulations. The witness said that in his opinion dirt delivered with sugarcane caused far greater sugar losses than leaves and cane tops, and that the Sugar Board was encouraging the washing of sugarcane to remove dirt and mud.

Representatives of producers on the Island of Vieques recommended that the sugar yield be determined on the basis of the individual producer's sugarcane and not on a total barge load of commingled sugarcane as has been the practice in the past; and that payments to producers be based on the weight of sugarcane delivered by each producer at the scales on the Island of Vieques.

Consideration has been given to the recommendations made at the hearing and to other pertinent information.

The provisions of the determination relating to deductions for excessive trash and other extraneous material, and the conversion factors required to be applied in determining sugar yields have been reexamined and are deemed to be equitable. The determination contains no provision which would prohibit the washing of sugarcane prior to milling.

For many years sugarcane from the Island of Vieques has been transported to the mill by the combined use of trucks or carts, railroad cars and sea barges. In the loading and transporting operations the sugarcane of several producers is commingled and therefore not identifiable with respect to deliveries of cane by each producer. Juice samples are taken daily at the mill from each railroad car, the yield of sugar is determined, and such yield is applied to the net weight of sugarcane received on the barge to determine the total sugar content. The total sugar so determined is credited in proportion to the net weight of cane delivered by each producer. Investigation indicates that it would not be economical or practicable to handle separately the sugarcane of each producer because of the excessive costs of sorting bundles and the necessity of doubling the number of railroad cars. Accordingly, the sugar yield of sugarcane which is commingled while being loaded or transported from the Island of Vieques to the processor's mill shall be the total sugar produced from the barge load of sugarcane, determined in accordance with Schedule A of this determination. The producers' share of such sugar shall be apportioned on the basis of the ratio of the net weight of each producer's sugarcane to the total net weight of the barge load of sugarcane. The sugarcane of each grower shall be weighed at scales on the Island of Vieques to determine gross weight. The net weight of commingled cane from the barge load shall be determined at the mill in accordance with the applicable provisions of this determination, and the difference in gross and net weights shall be distributed among the growers who supplied the barge load of cane in proportion to the tonnage delivered by each grower.

In 1962, a processor constructed molasses tanks, pipelines, and pumping facilities at a port terminal for the purpose of handling molasses more efficiently and at lower cost. However, this facility resulted in expense items which had not been clearly classified as admissible selling and delivery expenses in arriving at the net proceeds for molasses. The total charges for transporting, handling and pumping molasses aboard ships under the new method of handling have been reduced by about 50 percent as compared with the prior costs for handling molasses, thus, benefitting both the processor and producers. Accordingly, to encourage more efficient methods of marketing molasses, the items of freight and wharfage, specified in Schedule C of the prior determination have been revised to include expenses resulting from the utilization of the molasses port facility.

On the basis of an examination of all the pertinent factors, the provisions of this determination are deemed fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S. Sup. 1131)

Signed at Washington, D.C., on March 17, 1964.

CHARLES S. MURPHY,
Acting Secretary.

SCHEDULE A

FORMULA FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

$$R = TI(S - 0.3B)F$$

Where:

R = Yield of raw sugar, 96° basis;

S = Polarization of the crusher juice obtained from the sugarcane of each producer;

B = Brix of the crusher juice obtained from the sugarcane of each producer;

T = Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.90075 for sugarcane which contains an amount of trash in excess of 16 percent but not in excess of 17 percent of the gross weight of sugarcane, and for each 1.0 percent trash or fraction thereof above 17 percent, such correction factor shall be decreased 0.01. For trash in excess of 30 percent, the correction factor shall not be more than 0.76075.

I = Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P (where $P = 100 S \div B$), of the crusher juice of sugarcane is equal to 75 or more, the factor, $I = 0.9$; or

(b) When the purity, P (where $P = 100 S \div B$), of the crusher juice of such sugarcane is less than 75, the factor, $I = 0.9 - 0.02 (75 - P)$;

F = Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar", 96° basis, for each producer delivering sugarcane during the settlement period from the product of the formula $(S - 0.3B)$, the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and

(b) Divide the pounds of raw sugar, 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

The sugar yield of sugarcane which is commingled while being loaded or transported from the Island of Vieques to the processor's mill shall be the total sugar produced from the barge load of sugarcane, determined by applying the formula prescribed by this Schedule A to the sugarcane of each barge load without segregating the cane of each producer; and the producers' share of such sugar shall be apportioned on the basis of the ratio of the net weight of each producer's sugarcane to the total net weight of the barge load of sugarcane. The sugarcane of each grower shall be weighed at scales on the Island of Vieques to determine gross weight. The net weight of commingled cane from the barge load shall be determined at the mill in accordance with the applicable provisions of this determination, and the difference in gross and net weights shall be distributed among the growers who supplied the barge load of cane in proportion to the tonnage delivered by each grower.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses on 1963–64 crop raw sugar are limited to the sum of the following expenses for each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;

(2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility;

(3) Ocean freight;

(4) Unloading at destination;

(5) Freight demurrage resulting from causes beyond the control of the shipper; and

(6) An allowance of 7.0 cents per hundredweight of 96° raw sugar, in lieu of the following expenses:

(i) Reclaiming, weighing, and loading at mill or where stored;

(ii) Shore risk, marine and war risk insurance;

(iii) Brokerage or commission and exchange;

(iv) Weighing, testing and sampling at destination;

(v) All other expenses not itemized herein.

When any of the necessary services included in items (1), (3), (4), or (5) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor,

(4) Direct supplies; and

(5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area office shall be computed as follows:

(1) If the processor delivers less than 33 percent of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall not exceed the average of the admissible selling and delivery expenses approved by the Director of the Area office for all 1963–64 crop raw sugar produced in Puerto Rico which was delivered to mainland refiners.

(2) If the processor delivers 33 percent or more of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses as approved by the Director of the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

The statement as required by paragraph (g)(2) of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that as a result of the audit performed of the books of Central ---------- as of ----------, the deductions set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1963–64 crop of Puerto Rican sugarcane.

SCHEDULE C

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1963–64 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses;

(1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;

(2) Freight incurred or which would have been incurred on direct shipment from tanks located at the mill to shipside, or to a waterfront tank facility, or to local buyers when such molasses is sold on a delivered price basis;

(3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;

(4) Weighing and testing;

(5) Wharfage, including charges arising from utilization of water-front facilities such as pipelines (including fees paid for right of way privileges), pumps, and tanks (a) to store molasses in anticipation of shipment and (b) to deliver such molasses within the hold of the ship;

(6) Shore risk insurance (limited in coverage from mill to shipside);

(7) Freight demurrage resulting from causes beyond the control of the shipper;

(8) Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisor labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor,

(4) Fuel, energy or direct supplies; and

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The statement as required by paragraph (g)(2) of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that, as the result of the audit performed of the books of Central ---------- as of ----------, the gross proceeds from the sales of molasses as herein stated are true and correct and the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1963–64 crop of Puerto Rican sugarcane.

[F.R. Doc. 64–2718; Filed, Mar. 19, 1964; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 950—IRISH POTATOES GROWN IN MAINE

Approval of Expenses

Notice of rule making regarding proposed expenses to be made effective under Marketing Agreement No. 122 and Order No. 950, both as amended (7 CFR Part 950), regulating the handling of Irish potatoes grown in Maine, was published in the FEDERAL REGISTER January 29, 1964 (29 F.R. 1475). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 30 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Maine Potato Marketing Committee established pursuant to said marketing agreement and order, both as amended, it is hereby found and determined that:

§ 950.211 Expenses.

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Marketing Committee, to enable such committee to perform its functions pursuant to the provisions of Marketing Agreement No. 122, and this part, both as amended, during the fiscal period ending August 31, 1964, will amount to $14,379.00.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 17, 1964, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64–2719; Filed, Mar. 19, 1964; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8604]

PART 13—PROHIBITED TRADE PRACTICES

Theodore Brogmus and Nebraska Seed & Grain Co.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 *Business methods, policies, and practice;* § 13.1513 *Operations generally; Misrepresenting oneself and goods—Goods:* § 13.1663 *Individual's special selection or situation;* § 13.1747 *Special or limited offers.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Theodore Brogmus, doing business as Nebraska Seed & Grain Company, Norfolk, Nebr., Docket 8604, Feb. 24, 1964]

In the Matter of Theodore Brogmus, an Individual, Trading and Doing Business as Nebraska Seed & Grain Company

Order requiring an individual in Norfolk, Nebr., engaged in the sale of seeds and grain to the public, to cease representing falsely, directly and through his sales agents calling upon prospective customers, that such prospects were specially "selected" to participate, to their profit, in a program of seed grain production he was establishing, that he was contractually bound to purchase at premium prices the harvest produced from seed he sold customers, and that the seed was in limited supply.

The order to cease and desist is as follows:

It is ordered, That respondent, Theodore Brogmus, an individual, trading as Nebraska Seed & Grain Company, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of seeds, grain or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondent is establishing, sponsoring or maintaining a program for the production or marketing of seed grain or other products for his customers' participation; or misrepresenting in any other manner the nature of respondent's business.

2. Prospective customers are "chosen", "selected", "designated" or otherwise specially selected.

3. Products offered by respondent are in limited supply.

4. Respondent is in the business of buying seed grain or other products from his customers; that he usually or regularly purchases the harvest or increase from such products; or misrepresenting in any manner the opportunities afforded to customers to market their products at premium or other prices.

5. Respondent will purchase or is contractually bound to purchase all or part of the harvest or increase grown or raised by his customers from products sold by respondent; or misrepresenting in any manner the obligations incurred by respondent under his contracts with purchasers.

By "Decision of the Commission", etc., order requiring report of compliance is as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: February 24, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–2689; Filed, Mar. 19, 1964; 8:45 a.m.]

[Docket No. C–717]

PART 13—PROHIBITED TRADE PRACTICES

L'Aiglon Apparel, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 45) [Cease and desist order, L'Aiglon Apparel, Inc., Philadelphia, Pennsylvania, Docket C–717, Feb. 27, 1964]

Consent order requiring a corporation engaged in selling wearing apparel products in commerce to cease violating section 2(d) of the Clayton Act by such practices as granting substantial payments for the promoting and advertising of its products to certain department stores and others purchasing for resale while not offering comparable allowances to all competitors of those so favored.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent L'Aiglon Apparel, Inc., a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering

for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further Order of the Commission.

Issued: February 27, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2691; Filed, Mar. 19, 1964; 8:45 a.m.]

[Docket No. 8501]

PART 13—PROHIBITED TRADE PRACTICES

Sylvania Electric Products Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services and facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Sylvania Electric Products Inc., Waltham, Mass., Docket 8501, Feb. 26, 1964]

Consent order requiring a Waltham, Mass., manufacturer of photographic lighting products, including flash lamps, flood lamps and projection lamps, to cease violating section 2(d) of the Clayton Act by such practices as paying a membership service corporation composed of wholesale druggists at least $18,000 as compensation for advertising and at least $2,700 for promotional or other services furnished in connection with the sale of respondent's products, while not making comparable allowances available to all competitors of the favored wholesale druggists.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Sylvania Electric Products Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in the course of business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, or contracting for the payment of, anything of value to, or for the benefit of, any customer of respondent as compensation, or in consideration for advertising, promotional, consultation, advisory or any other services or facilities furnished by or through such customer, in connection with the processing, handling, sale, or offering for sale of flash lamps, flood lamps, projection flash lamps and other miscellaneous types of photographic lighting products manufactured, sold or offered for sale by respondent unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 28, 1964.

By the Commission, Commissioner Reilly not participating.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2692; Filed, Mar. 19, 1964; 8:46 a.m.]

[Docket No. 8448]

PART 13—PROHIBITED TRADE PRACTICES

Heavenly Creations, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.95 *Identity of product;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.236 *Source or origin:* § 13.235–50 *Maker or seller, etc.;* § 13.235–60 *Place:* § 13.235–60 (c) *Foreign, in general;* § 13.250 *Success, use or standing.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price;* § 13.1325 *Source or origin:* § 13.1325–60 *Maker or seller;* § 13.1325–70 *Place:* § 13.1325–70 (c) *Foreign, in general.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, or make material disclosure: § 13.1845 *Composition:* § 13.1845–70 *Textile Fiber Products Identification Act.* Subpart—Simulating another or product thereof: § 13.2220 *Name, containers or dress of products.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended: 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Heavenly Creations, Inc. (New York, N.Y.), et al., Docket 8448, Feb. 25, 1964]

In the Matter of Heavenly Creations, Inc., a Corporation, J. B. Promotions, Inc., a Corporation, Americana Star Silver Corp., a Corporation, and Sam S. Goldstein and Sylvia Goldstein, Individually and as Copartners Trading as Sun Gold Industries and as Officers of Each of Said Corporations

Order requiring New York City distributors of various articles of merchandise to distributors and jobbers and to retailers, to cease representing falsely, in advertising and preticketing, that excessive amounts were the usual retail selling price of perfume; through use of the picture of the Eiffel Tower and such words as "Paris Inspired", particularly with fictitiously high prices, that perfume was manufactured in France; through use of the trade name "Bride O Erin" and the picture of a shamrock against a green background, that tablecloths and napkins from Japan were made in Ireland; that blankets and other merchandise described as "Macgregor", with the word almost an exact copy in pattern and configuration of the letters used in that name by McGregor Dorniger Inc. of Fifth Ave., N.Y., and registered as its trade mark were products of the latter company; and that their perfume and blankets had been continuously advertised in well known magazines; and to cease selling textile fiber products without disclosing the generic name and other information required by the Textile Fiber Products Identification Act.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is ordered, That respondents, Heavenly Creations, Inc., J. B. Promotions, Inc., and Americana Star Silver Corp., all corporations, and their officers, and Sam S. Goldstein and Sylvia Goldstein, individually, and as officers of said corporations, and as copartners doing business under the name of Sun Gold Industries, and respondents' representatives, agents, employees, successors and assigns, directly or indirectly, under any name or through any corporate or other device, in connection with the offering for sale, sale or distribution of any articles of merchandise, in commerce, shall forthwith cease and desist from:

(a) Advertising, disseminating or distributing any list, preticketed or suggested retail price that is not established in good faith as an honest estimate of the actual retail price or that appreciably exceeds the highest price at which substantial sales are made in respondents' trade area;

(b) Stating or implying, by words or pictures or a combination thereof or otherwise, that any merchandise is manufactured or originates in any foreign country or geographical area, unless such is the fact;

(c) Stating or implying that any product has been frequently and/or continuously advertised in any magazine or other medium of communication, unless such is the fact;

(d) Stating or implying that any product has a capacity, content or size different from what it in fact has;

(e) Misrepresenting the identity of the guarantor of any product;

(f) Furnishing any distributor, dealer or retailer with any means whereby to deceive the purchasing public in the manner forbidden by the above provisions of this order;

Respondents shall, within sixty (60) days of service of this order upon them, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Issued: February 25, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2690; Filed, Mar. 19, 1964; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-7261, etc.]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

PART 201—RULES OF PRACTICE

Miscellaneous Amendments

The Securities and Exchange Commission has amended §§ 201.11(d), 201.11 (e), and 201.12(a) (Rules 11 (d) and (e) and 12(a) of its Rules of Practice). The amendments authorize hearing officers to consider and rule upon prehearing motions as well as those made during the course of a hearing, and also give greater effect to interlocutory rulings of hearing officers by prescribing more restrictive conditions for appeals from such rulings. At the same time the Commission amended § 200.20–6 in Subpart A of its Statement of Organization, Conduct and Ethics; and Information and Requests, to provide for delegation by the Commission to the Director of the Office of Opinion Writing of the functions of denying an application for review of an interlocutory ruling which a hearing examiner has refused to certify, and of affirming an interlocutory ruling which a hearing examiner has certified. As in the case of other delegations, the Director may submit to the Commission any delegated matter which he believes appropriate. Moreover, § 201.27(a) (Rule 27(a) of the Rules of Practice) is also amended to refer to the delegation with respect to interlocutory rulings, so as to make applicable thereto the provision of § 201.27(d) that the Commission may on its own initiative order review by it of any determination at a delegated level.

The action of the Commission follows:

I. A new § 200.30–6 is added to the Commission's Statement of Organization, Conduct and Ethics; and Information and Requests to read as follows:

§ 200.30–6 Delegation of authority to Director of Office of Opinion Writing.

Pursuant to the provisions of Public Law No. 87–592, 76 Stat. 394, the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Office of Opinion Writing to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to proceedings conducted pursuant to the Securities Act of 1933, 15 U.S.C. 77a et seq., the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a et seq., the Trust Indenture Act of 1939, 15 U.S.C. 77aaa et seq., the Investment Company Act of 1940, 15 U.S.C. 80a–1 et seq., and the Investment Advisers Act of 1940, 15 U.S.C. 80b–1 et seq.:

(1) To consider an application for review of an interlocutory ruling which a hearing examiner has refused to certify, and to deny such application upon determining that the hearing examiner did not err in refusing to certify the matter.

(2) To consider an interlocutory ruling which a hearing examiner has certified, and to affirm such ruling upon determining that such action is appropriate.

(b) Notwithstanding anything in the foregoing, in any case in which the Director of the Office of Opinion Writing believes it appropriate, he may submit the matter to the Commission.

II. The title and paragraphs (d) and (e) of § 201.11 are amended to read as follows:

§ 201.11 Hearings for the purpose of taking evidence; motions and applications to hearing officer.

* * * * *

(d) *Functions of hearing officer.* The hearing officer shall regulate the course of the hearing and shall perform the functions specified in paragraph (e) of this section. Upon notice to all parties, the hearing officer may reopen any hearing prior to the filing of a recommended decision therein, or, if no recommended decision is to be filed, prior to the time fixed for the filing of final briefs with the Commission.

(e) *Rulings by hearing officer; exceptions.* Except as otherwise directed by the Commission, or where these rules specifically provide otherwise, all applications, motions and objections made during a proceeding prior to the filing of a recommended decision therein, or, if no recommended decision is to be filed, prior to the time fixed for the filing of final briefs with the Commission, shall be made to or referred to and decided by the hearing officer, except that where his ruling would dispose of the proceeding in whole or in part, it shall be made only in a recommended decision submitted after the conclusion of the hearing. Except where the hearing officer prescribes or permits a different procedure, any application or motion shall be in writing and shall be accompanied by a written brief of the points and authorities relied upon in support of the same and any party may file an answer within five days after service upon him of such motion or application as provided in § 201.23. Objections to the admission or exclusion of evidence must be made on the record and shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the hearing officer. Rulings by the hearing officer on all applications, motions and objections shall be part of the record. Exceptions to any ruling thereon by the hearing officer need not be noted at the time of the ruling in order to be urged before the Commission. Such exceptions will be deemed waived however, unless raised in accordance with § 201.12(a) or in the manner of a proposed finding in accordance with § 201.16(d) or in the manner of an exception to a recommended decision in accordance with § 201.17.

* * * * *

III. The title and paragraph (a) of § 201.12 are amended to read as follows:

§ 201.12 Interlocutory review; motions and applications to Commission.

(a) *Review of hearing officer's rulings.* The Commission will not review a ruling of the hearing officer prior to its consideration of the entire proceeding in the absence of extraordinary circumstances. Except as provided in § 201.11 (c), a hearing officer shall not certify a ruling for interlocutory review by the Commission unless a party so requests and (1) the hearing officer finds, either on the record or in writing, that in his opinion a subsequent reversal of his ruling would cause unusual delay or expense, taking into consideration the probability of such reversal, or (2) his ruling would compel testimony of Commission members, officers or employees or the production of documentary evidence in their custody. The certification by the hearing officer shall be in writing and shall specify the material relevant to the ruling involved. The Commission may decline to consider the ruling certified, if it determines that interlocutory review is not warranted or appropriate under the circumstances. If the hearing officer does not certify a matter, a party who had requested certification may apply to the Commission for review, or the Commission on its own motion may direct that any matter be submitted to it for review. An application for review shall be in writing and shall briefly state the grounds relied on. Review will not be granted unless the Commission concludes that the hearing officer erred in failing to certify the matter. Unless otherwise ordered by the hearing officer, the hearing before the hearing officer shall continue whether or not such certification or application is made. Failure to request certification or to make such application will not waive the right to seek review of the ruling of the hearing officer after the close of the hearing pursuant to §§ 201.16 (d) and 201.17. The Commission will prescribe the procedure for each application hereunder and paragraph (c) of this section shall not apply.

* * * * *

IV. Paragraph (a) of § 201.27 is amended to read as follows:

§ 201.27 Review by the Commission of determinations at a delegated level.

(a) *Scope of rule.* This rule is applicable to determinations at a delegated level made pursuant to authority delegated in Articles 30–1 to 30–6 of Subpart A of the Commission's Statement of Organization, Conduct and Ethics, and Information Practices, 17 CFR 200.30–1 to 200.30–6.

* * * * *

(Public Law 87–592, 76 Stat. 394; secs. 19(a), 23(a), 48 Stat. 85, 901, as amended, 15 U.S.C. 77s, 78w; sec. 20(a), 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a–37; and sec. 211(a), 54 Stat. 855, as amended 15 U.S.C. 80b–11)

The Commission finds that the foregoing actions relate to agency organization, procedure or practice and that compliance with sections 4 (a), (b), and (c) of the Administrative Procedure Act is unnecessary. Accordingly, the foregoing actions become effective March 5, 1964.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

MARCH 5, 1964.

[F.R. Doc. 64-2693; Filed, Mar. 19, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 4060; Amdt. 61-7]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

Age Requirement for Taking the Airline Transport Pilot Written Test

The purpose of this amendment is to permit an applicant for an airline transport pilot certificate to take the written test for that certificate before his 23d birthday.

Section 61.143 [New] of the Federal Aviation Regulations states in part that an applicant for an airline transport pilot certificate must, after meeting the requirements of § 61.141, make a grade of at least 70 percent on the written test. Section 61.141(a), in turn, requires that the applicant be "at least 23 years of age." These sections may be interpreted to require that an applicant must be 23 years old before taking the written test, although before the recodification of these sections he was permitted to take the test before reaching that age. Since no substantive change was intended by the recodification, this amendment is issued to make it clear that the applicant need not be 23 years of age before taking the written test.

Since this amendment is clarifying in nature and imposes no additional burden on any person but rather relieves a restriction, compliance with the notice and procedures provisions of the Administrative Procedure Act is unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, Part 61 [New] of the Federal Aviation Regulations (14 CFR Part 61 [New]) is amended, effective March 20, 1964, by amending the introductory paragraph in § 61.143 to read as follows:

§ 61.143 Airplane rating: aeronautical knowledge.

An applicant for an airline transport pilot certificate with an airplane rating must, after meeting the requirements of §§ 61.141 (except paragraph (a) thereof) and 61.145, make a grade of at least 70 percent on a written test on—

* * * * *

This amendment is made under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1422).

Issued in Washington, D.C., on March 13, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-2686; Filed, Mar. 19, 1964; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

NOTE: The heading of Title 18 of the Code of Federal Regulations is revised to read as set forth above. A new Chapter III—Delaware River Basin Commission is added to Title 18.

Chapter III—Delaware River Basin Commission

PART 401—RULES OF PRACTICE AND PROCEDURE

A resolution by the Delaware River Basin Commission to adopt 18 CFR Part 401 (Part II of the Administrative Manual), entitled "Rules of Practice and Procedure".

Whereas, at its meeting of January 7, 1964, the Commission authorized and directed the staff to circulate copies of a proposed draft of 18 CFR Part 401 (Part II of the Administrative Manual) to all interested persons for purposes of review, informal discussion and submission of comments; and

Whereas, the proposed draft was circulated and a public hearing thereon was announced on February 4, 1964 (29 F.R. 2312), and held in Trenton, New Jersey, on February 21, 1964; and

Whereas, all comments and suggestions received at the public hearing and otherwise have been duly compiled, reviewed and considered, and the draft of the proposed regulations has been revised accordingly; now therefore be it resolved:

1. Part 401 of Title 18, Chapter II, of the Code of Federal Regulations (Part II of the Administrative Manual), entitled "Rules of Practice and Procedure", a copy of which is annexed hereto and made a part hereof, is hereby approved and adopted.

2. The Secretary is authorized and directed to certify and file copies of this resolution and of the annexed regulations with the Office of the Federal Register and with the Secretary of State of the respective signatory states.

3. The Secretary is further authorized and directed to cause a sufficient quantity of the rules of practice and procedure to be printed and to distribute copies upon request, without charge, within the limits of the available supply.

Adopted: February 27, 1964.

NELSON ROCKEFELLER,
Chairman.

W. BRINTON WHITALL,
Secretary.

Subpart A—Comprehensive Plan

Sec.
401.0 Introduction.
401.1 Scope.
401.2 Concept of the Plan.
401.3 Other agencies.
401.4 Amendments and revisions.
401.5 Review of proposal.
401.6 Further action.
401.7 Public projects under Article II of the Compact.
401.8 Custody and availability.

Subpart B—Water Resources Program

401.21 Scope.
401.22 Concept of the Program.
401.23 Procedure.
401.24 Preparation and adoption.
401.25 Alternatives for public projects.
401.26 Inventory of other projects.

Subpart C—Project Review Under Section 3.8 of the Compact

401.31 Scope.
401.32 Concept of section 3.8.
401.33 Administrative Agreements.
401.34 Submission of project required.
401.35 Classification of projects for review under section 3.8 of the Compact.
401.36 Sequence of approval.
401.37 Form of referral by State or federal agency.
401.38 Form of submission of projects not requiring prior approval by State or federal agencies.
401.39 Preliminary action; informal conference; emergencies.
401.40 Hearings.
401.41 Objections.
401.42 Conduct of hearings.
401.43 Findings and report.
401.44 Action by the Commission.
401.45 Supplementary details.
401.46 Expert testimony.
401.47 Waiver of rules.
401.48 Limitation of approval.

Subpart D—General Provisions

401.51 Definitions.
401.52 Construction.

AUTHORITY: The provisions of this Part 401 issued under sec. 14.2, Delaware River Basin Compact, 75 Stat. 708.

§ 401.0 Introduction.

(a) The regulations in this part govern the process whereby the Commission will include projects in the Comprehensive Plan and extend them into an annual Water Resources Program. Also set forth herein are the procedures and definitions that the Commission will use in screening projects proposed by others to test their compatibility with the Comprehensive Plan. An interrelationship among these three requirements is apparent in the Delaware River Basin Compact.

(b) Article 13 of the Compact calls for the adoption of the Comprehensive Plan and Water Resources Program. These documents are defined as follows:

(1) Comprehensive Plan: A plan that includes all public and private projects and facilities which are required in the judgment of the Commission for optimum planning, development, conservation, use, management, and control of the water resources of the Delaware Basin to meet present and future needs. The Comprehensive Plan is dynamic and will be periodically revised.

(2) Water Resources Program: An annual presentation, based upon the Comprehensive Plan, of the quantity and quality of water resources needs of the area to be served during the ensuing six years or for such reasonably foreseeable period as the Commission may determine, balanced by existing and proposed projects required to satisfy such needs, including all public and private projects to be anticipated, together with a separate statement of the projects proposed to be undertaken by the Commission during such period.

(c) To protect the integrity of the Comprehensive Plan and avoid conflicts of jurisdiction, the Compact provides generally, in Article 11, for cooperative planning of all public projects, and more specifically, in section 3.8 of the Compact, confers certain regulatory authority upon the Commission. Section 3.8 provides for a review of water resources projects to determine two matters: First whether the project will have "a substantial effect on the water resources of the basin"; and secondly, whether a project having such an effect would "substantially impair or conflict with the Comprehensive Plan." The basic concept is thus both comprehensive and integrated planning and development.

(d) A project may enter the Comprehensive Plan in the discretion of the Commission whenever the project is ready for such action, both on its own merits and in relation to other projects which are part of the Plan. Subpart A of this part develops the concept of the Comprehensive Plan and the procedure to be followed for inclusion of new projects or modification of existing ones. The Water Resources Program represents a selection of projects by the Commission taken from the Comprehensive Plan. These are projects which the Commission recommends for action during the ensuing six-year period. Procedures that the Commission will follow in developing the Water Resources Program are contained in Subpart B of this part.

(e) The regulatory power of the Commission under section 3.8 of the Compact extends to all public and private projects. However, since the Compact also provides for cooperative planning of public projects (Article 11), a special procedure to accelerate Commission approval of such projects is provided as part of the process of adoption of a Water Resources Program. Under Subpart B and Subpart C of this part, the sponsor of a public project has a choice of routes for Commission approval: where advance approval is necessary or desirable, the sponsor may secure approval through the process of project inclusion in the Water Resources Program; and this is an opportunity that will be available at a specified time each year. Where the sponsor may for any reason prefer the alternate course, the public project may be submitted for review under section 3.8 of the Compact. In brief, approval of a public project as ready for action within the Water Resources Program will have the effect of approval for purposes of section 3.8, but omission of a project from the Water Resources Program will still leave the door open for the project sponsor to proceed under section 3.8. Finally, under the regulations in this part, private projects are required to proceed under section 3.8.

Subpart A—Comprehensive Plan

§ 401.1 Scope.

This subpart shall govern the submission, consideration, and inclusion of projects into the Comprehensive Plan.

§ 401.2 Concept of the Plan.

(a) The Comprehensive Plan, as required in section 13.1 of the Compact, will provide for the immediate and long-range development and use of the water resources of the basin. The Plan will include all public and private projects and facilities which are required, in the judgment of the Commission, for the optimum planning, development, conservation, use, management, and control of the water resources of the basin, in light of present and foreseeable future needs. It will consist of statements of policy, criteria, and standards, as well as the principal physical projects, objectives, and programs that will be involved in the development of the river basin.

(b) The Plan will be a body of documents expressing a systematic set of policies and programs for the future, and the means for carrying them out. It will be expressed through narrative text, maps, charts, schedules, budgets, and other means.

(c) From time to time specific projects and facilities and programs may be incorporated, deleted, or modified to reflect changing conditions, research results, and new technology. At any given time the degree of detail describing particular projects will vary depending upon the state of their development.

§ 401.3 Other agencies.

For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the Commission as a regional agency of the signatory parties to the Compact, federal, State, and local agencies shall follow the requirements of Article 11 of the Compact.

NOTE: As to Federal agencies, the Compact provides: "No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility nor shall it be deemed authorized, unless it shall have first been included by the Commission in the Comprehensive Plan."

As to State and local agencies, the Compact provides: "No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility unless it shall have first been included by the Commission in the Comprehensive Plan."

As to federal, State, and local agencies the Compact provides: "The planning of all projects related to powers delegated to the Commission by this Compact shall be undertaken in consultation with the Commission * * *." Each * * * "agency otherwise authorized, by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority except as specifically provided by this section."

§ 401.4 Amendments and revisions.

The Comprehensive Plan will be open, upon application of any interested party, for review and inclusion of new projects and for deletion or alteration of previously included projects. To this end, the Commission will receive and consider proposals for changes and additions to the Comprehensive Plan which may be submitted by any agency of the signatory parties, or any interested person, organization, or group. Any such proposal shall be submitted in such form as may be required by the Executive Director to facilitate consideration by the Commission, and shall include at least the following information:

(a) Purpose or purposes, including quantitative measures of physical benefits anticipated from the proposal.

(b) Approximate location, dimensions (if a structural project) and land area required.

(c) Draft or description of a proposed standard, policy or other nonstructural measure.

(d) Forecast of the cost (if structural) or effect on the utilization of water resources (if a non-structural measure).

(e) Relation to other parts of the existing Comprehensive Plan.

§ 401.5 Review of proposal.

Following staff study, examination, and review of each proposal, the Commission will take such action on the proposal as may be appropriate, and will hold such public hearings thereon as are required by the Compact.

§ 401.6 Further action.

The Commission will review the Comprehensive Plan in its entirety at least once every six years from the date of the initial adoption of the Comprehensive Plan (Phase I, March 28, 1962). The amendments, additions, and deletions will be compiled and the Plan as so revised will be republished annually.

§ 401.7 Public projects under Article 11 of the Compact.

(a) After a project of any federal, State, or local agency has been included in the Comprehensive Plan, no further action will be required by the Commission or by the agency to satisfy the requirements of Article 11 of the Compact, except as the Comprehensive Plan may be amended or revised pursuant to the Compact and the regulations in this part. Any project which is changed substantially from the project as described in the Comprehensive Plan will be deemed to be a new and different project for the purposes of Article 11 of the Compact. Whenever a change is made the sponsor shall advise the Executive Director who will determine whether the change is deemed substantial within the meaning of the regulations in this part.

(b) Any project not having a substantial effect on the water resources of the basin, as defined in Subpart C of this part, may proceed without reference to Article 11 of the Compact.

§ 401.8 Custody and availability.

The Comprehensive Plan shall be and remain in the custody of the Executive Director. The Plan, including all maps, charts, descriptions and supporting data shall be and remain a public record open to examination during the regular business hours of the Commission, under such

safeguards as the Executive Director may determine to be necessary to preserve and protect the Plan against loss, damage or destruction. Copies of the Comprehensive Plan or any part or parts thereof shall be made available by the Executive Director for public sale at a price covering the cost of production and distribution.

Subpart B—Water Resources Program

§ 401.21 Scope.

This subpart shall govern the submission, consideration and inclusion of projects into the Water Resources Program.

§ 401.22 Concept of the Program.

The Water Resources Program, as defined and described in section 13.2 of the Compact, will be a reasonably detailed amplification of that part of the Comprehensive Plan which the Commission recommends for action within the ensuing six-year period. That part of the Program consisting of a presentation of the water resources needs of the basin will be revised only at such intervals as may be indicated to reflect new findings and conclusions, based upon the Commission's continuing planning programs.

§ 401.23 Procedure.

Each project included in the Water Resources Program shall have been previously included in the Comprehensive Plan, except that a project may be added to both the Plan and the Program by concurrent action of the Commission. The project's sponsor shall furnish the following information prior to the inclusion of the project in the Water Resources Program:

(a) The Comprehensive Plan data brought up-to-date for the period of the Water Resources Program.

(b) Specific location and dimension of a structural project, and specific language of a standard, policy or other nonstructural proposal.

(c) The plan of operation of a structural project.

(d) The specific effects of a non-structural project.

(e) Sufficient data to indicate a workable financial plan under which the project will be carried out.

(f) A timetable for implementation.

§ 401.24 Preparation and adoption.

The Water Resources Program will be prepared and considered by the Commission for adoption annually during the month of February. Projects required to satisfy the basin needs during the period covered by the Program may be classified as follows:

A list: This shall include public projects which require no further review, and inclusion in such list shall be deemed to be approval for the purposes of section 3.8 of the Compact;

B list: This shall include public projects not included in the *A* list and privately sponsored projects which are proposed or anticipated by the Commission.

§ 401.25 Alternatives for public projects.

Any public project which has been included in the Comprehensive Plan but is not on the "A" list of the current Water Resources Program, at the option of the sponsor, may be submitted for review and approval under section 3.8 of the Compact in accordance with Subpart C of this part.

§ 401.26 Inventory of other projects.

Each Water Resources Program will include, for information purposes only, an inventory of projects approved during the previous year pursuant to section 3.8 of the Compact but which are not part of the Comprehensive Plan or Water Resources Program.

Subpart C—Project Review Under Section 3.8 of the Compact

§ 401.31 Scope.

This subpart shall govern the submission and review of projects under section 3.8 of the Delaware River Basin Compact.

§ 401.32 Concept of section 3.8.

Section 3.8 is intended to protect and preserve the integrity of the Comprehensive Plan. This section of the Compact provides:

> No project having a substantial effect on the water resources of the basin shall hereafter be undertaken by any person, corporation or governmental authority unless it shall have been first submitted to and approved by the Commission, subject to the provisions of sections 3.3 and 3.5. The Commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the Comprehensive Plan and may modify and approve as modified, or may disapprove any such project whenever it finds and determines that the project would substantially impair or conflict with such Plan. The Commission shall provide by regulation for the procedure of submission, review and consideration of projects, and for its determinations pursuant to this section. Any determination of the Commission hereunder shall be subject to judicial review in any court of competent jurisdiction.

§ 401.33 Administrative Agreements.

The Executive Director is authorized and directed to enter into cooperative Administrative Agreements with federal and State regulatory agencies concerned with the review of projects under federal or State law as follows:

(a) To facilitate the submission and review of applications and the determinations required under section 3.8 of the Compact;

(b) To avoid unnecessary duplication of staff functions and hearings required by law;

(c) For such other and different purposes as he may deem feasible and advantageous for the administration of the Compact or any other law;

(d) Provided that any such Administrative Agreement shall be effective solely for purposes of intergovernmental cooperation and the failure of any applicant to comply with the provisions of any such agreement shall not prejudice his application or the consideration thereof.

§ 401.34 Submission of project required.

Any project which may have a substantial effect on the water resources of the basin, except as provided in paragraph (d) of this section, shall be submitted to the Commission for a determination as to whether the project will have a substantial effect on the water resources of the basin and, if so, whether the project impairs or conflicts with the Comprehensive Plan, as follows:

(a) Where the project is subject to review by a State or federal agency which has entered into an Administrative Agreement with the Commission, such project will be referred to the Commission in accordance with the terms of the Administrative Agreement, and appropriate instructions will be prepared and issued by the Executive Director for guidance of project sponsors and applicants.

(b) Where no other State or federal agency has jurisdiction to review and approve a project, or no Administrative Agreement is in force, the project sponsor shall apply directly to the Commission.

(c) Any project proposal, which may have a substantial effect on the water resources of the basin, may be received and reviewed by the staff informally in conference with the project sponsor during the preliminary planning phase to assist the sponsor to develop the project in accordance with the Commission's requirements.

(d) Whenever a project sponsored by one of the signatory parties, or by any agency, political subdivision or public corporation thereof, has been included in the Water Resources Program in the "A List" classification, the project, to the extent of such inclusion and as described in the Program, shall be deemed approved for the purpose of section 3.8 of the Compact.

§ 401.35 Classification of projects for review under section 3.8 of the Compact.

(a) Except as the Commission may specially direct by notice to the project owner or sponsor, or as a State or federal agency may refer under paragraph (c) of this section, a project in any of the following classifications will be deemed not to have a substantial effect on the water resources of the basin and is not required to be submitted under section 3.8 of the Compact:

(1) The construction of new impoundments or the enlargement or removal of existing impoundments, for whatever purpose, when the storage capacity is less than 100 million gallons.

(2) A withdrawal from ground water for any purpose when the daily average gross withdrawal during any calendar month does not exceed 100,000 gallons.

(3) A withdrawal from impoundments or running streams for any purpose when the daily average gross withdrawal during any calendar month does not exceed 100,000 gallons.

(4) The construction of new municipal sewage treatment facilities or alteration or addition to existing municipal sewage treatment facilities when the design capacity of such facilities is less than a daily average rate of 50,000 gallons, and all local sewage collector systems and improvements discharging into authorized trunk sewage systems.

(5) The construction of new facilities or alteration or addition to existing facilities for the direct discharge to surface or ground waters of industrial waste water having design capacity of less than 50,000 gallons per day, except where such waste water contains toxic concentrations of waste materials.

(6) A change in land cover on major ground water infiltration areas when the amount of land that would be altered is less than three square miles.

(7) Deepening, widening, cleaning or dredging existing stream beds or relocating any channel, and the placement of fill or construction of dikes, on streams within the basin except the Delaware River and tidal portions of tributaries thereto, and streams draining more than one state.

(8) Periodic maintenance dredging.

(9) Encroachments on streams within the basin caused by:

(i) Floating docks and anchorages and buoys and navigational aids;

(ii) Temporary construction such as causeways, coffer-dams and falsework required to facilitate construction on permanent structures.

(10) Bridges and highways unless they would pass in or across an existing or proposed reservoir or recreation project area as shown in the Comprehensive Plan.

(11) Liquid petroleum products pipelines and appurtenances designed to operate under pressures less than 150 psi; local electric distribution lines and appurtenances; local communication lines and appurtenances; local natural and manufactured gas distribution lines and appurtenances; local water distribution lines and appurtenances, and local sanitary sewer mains.

(12) Electric transmission or bulk power system lines and appurtenances, major trunk communication lines and appurtenances, natural and manufactured gas transmission lines and appurtenances, major water transmission lines and appurtenances, unless they would pass in, on, under or across an existing or proposed reservoir or recreation project area as shown in the Comprehensive Plan.

(13) Liquid petroleum products pipelines and appurtenances designed to operate under pressures of more than 150 psi, unless they would pass in, on, under or across an existing or proposed reservoir or recreation project area as shown in the Comprehensive Plan, or in, on, under or across any stream within the basin.

(b) All other projects which have or may have a substantial effect on the water resources of the basin shall be submitted to the Commission in accordance with these regulations for determination as to whether the project will have a substantial effect on the water resources of the basin and, if so, whether the project impairs or conflicts with the Comprehensive Plan. Among these are projects involving the following (except as provided in paragraph (a) of this section):

(1) Impoundment of water.

(2) Withdrawal of ground water.

(3) Withdrawal of water from impoundment or streams.

(4) Diversion of water into or out of the basin.

(5) Deepening or widening of existing stream beds, channels, anchorages, harbors or turning basins, or the construction of new or enlarged channels, anchorages, harbors or turning basins, or the dredging of the bed of any stream or lake and disposal of the dredged spoil, when the nature or location of the project would affect the quantity or quality of ground or surface waters, or fish and wildlife habitat.

(6) Discharge of pollutants into waters of the basin.

(7) Facilities designed to intercept and transport sewage to a common point of discharge; and pipelines and electric power and communication lines.

(8) Facilities for the direct discharge to surface or ground waters of industrial waste water.

(9) Stream encroachments.

(10) Change in land cover on major ground water infiltration areas.

(11) Hydroelectric power projects, including pumped storage projects.

(12) Projects or facilities of federal, state and local agencies such as highways, buildings and other public works and improvements, affecting the water and related land resources of the basin.

(c) Whenever a State or federal agency determines that a project falling within an excluded classification (as defined in paragraph (a) of this section) may have a substantial effect on the water resources of the basin, such project may be referred by the State or federal agency to the Commission for action under the rules in this part.

§ 401.36 Sequence of approval.

A project will be considered by the Commission under section 3.8 of the Compact either before or after any other State or federal review, in accordance with the provisions of the Administrative Agreement applicable to such project.

§ 401.37 Form of referral by State or federal agency.

Upon approval by any State or federal agency of any project reviewable by the Commission under this part, if the project has not prior thereto been reviewed and approved by the Commission, such agency shall refer the project for review under section 3.8 of the Compact in such form and manner as shall be provided by Administrative Agreement.

§ 401.38 Form of submission of projects not requiring prior approval by State or federal agencies.

Where a project does not require approval by any other State or federal agency, or where such approval is required but an Administrative Agreement is not in force, the project shall be submitted directly to the Commission for review and determination of compatability with the Comprehensive Plan, in such form of application, with such supporting documentation, as the Executive Director may reasonably require for the administration of the provisions of the Compact. These shall include without limitation thereto:

(a) *Exhibits to accompany application.* The application shall be accompanied by the following exhibits: (1) Abstract of proceedings authorizing project, where applicable; (2) general map showing specific location and dimension of a structural project, or specific language of a standard or policy in the case of a non-structural proposal; (3) section of the United States Geological Survey topographic map showing the territory and watershed affected; (4) maps, drawings, specifications and profiles of any proposed structures, or a description of the specific effects of a non-structural project; (5) written report of the applicant's engineer showing the proposed plan of operation of a structural project; (6) map of any lands to be acquired or occupied; (7) estimate of the cost of completing the proposed project, and sufficient data to indicate a workable financial plan under which the project will be carried out.

(b) *Letter of transmittal.* The application shall be accompanied by a letter of transmittal in which the applicant shall include a list of all enclosures, the names and addresses to which communications may be directed to the applicant, and the names and addresses of the applicant's engineer and counsel, if any.

(c) *Number of copies.* Unless otherwise ordered by the Commission, two copies of the application and accompanying papers shall be filed. If an application is contested, the Commission may require additional copies of the application and all accompanying papers to be furnished by the applicant. In such cases, certified copies or photographic prints or reproductions may be used.

§ 401.39 Preliminary action; informal conference; emergencies.

(a) Whenever the Executive Director shall deem necessary, or upon request of the applicant, an informal conference may be scheduled to explain, supplement or review an application.

(b) In the event of an emergency requiring immediate action to protect the public interest or to avoid substantial and irreparable injury to any private person or property, and the circumstances do not permit a review, hearing and determination in the regular course of these regulations, the Executive Director with the approval of the Chairman of the Commission may issue an emergency certificate authorizing an applicant to take such action as the Executive Director may deem necessary and proper in the circumstances, pending review, hearing and determination by the Commission as otherwise required in this part.

§ 401.40 Hearings.

(a) The Executive Director may, and whenever any substantial objection is filed pursuant to this section shall, cause a hearing to be scheduled upon an application received under § 401.38. He may, and at the request of the applicant shall, cause a hearing to be scheduled as to any application referred under § 401.37. Notice of the intention of the Commission to act upon an application received pursuant to § 401.38, or upon

a request for a hearing with regard to an application received pursuant to § 401.37, shall be published by the Executive Director in one or more newspapers of general circulation in the area affected, at least once a week for two successive weeks, which publications shall not be less than seven nor more than twenty-one days prior to the date on which action is proposed to be taken. Such notice shall direct any person objecting to the application to file his objection with the Commission not later than two days before the scheduled date of action. If the Executive Director determines that any filed objection is substantial, he shall defer consideration by the Commission, furnish a copy of each such objection to the applicant, and schedule a hearing on the application to be held not less than ten nor more than thirty days after the last day for filing objections. Notice of the hearing shall be served forthwith by certified mail upon the applicant and each person filing a substantial objection. Proof of such publication and of service of notice shall be filed with the Commission on or before the date for which the hearing is scheduled.

(b) The application and supporting documents, maps and data, as filed or amended shall be open to inspection by any interested person prior to the hearing.

§ 401.41 Objections.

Every objection filed pursuant to § 401.40 shall be in writing and shall particularly specify the ground thereof. Amendments to the objections may be permitted by the Commission. All objections and supporting documents shall be filed in duplicate in such form as the Director may prescribe. No person may be heard in opposition to an application except on objections so filed.

§ 401.42 Conduct of hearings.

(a) Hearings shall be conducted by the Executive Director or by such member of the Commission staff as he may designate, or by the Commission itself. The Executive Director shall cause the schedule for each hearing day to be listed in advance upon a "hearing docket" which shall be posted in public view at the office of the Commission.

(b) The officer conducting the hearing shall cause each witness to be sworn, and shall hear the applicant, the objectors, reply by the applicant, in that order. Cross-examination of witnesses shall be permitted.

(c) The applicant may appear and be heard in person or be represented by attorney at law or, if the applicant is a corporation, by one of its corporate officers, an authorized employee, or by attorney at law.

(d) Briefs may be permitted or required by the hearing officer.

(e) A record of each hearing will be made by a stenographer designated by the Executive Director. Two copies of the transcript of the hearing will be delivered to the Commission. The stenographer may furnish to an applicant, objector, or other person, copies of the transcript at such price as may be agreed upon by the stenographer and person desiring the transcript.

(f) The expense directly attributable to the hearing will be certified by the Commission to the applicant and shall be paid by applicant within thirty days thereafter, in accordance with the certificate of the Commission, except that there shall be no charge to a signatory party or to any public corporation, agency or instrumentality.

§ 401.43 Findings and report.

The hearing officer shall prepare a report of his findings, which shall be served by certified mail upon the applicant and upon each objector complying with the provisions of § 401.41 unless all of them have waived service of the report. The applicant and any such objector may file objections within twenty days after the service upon him of a copy of the report. A brief shall be filed together with any objections. The report of the hearing officer together with objections and briefs shall be promptly submitted to the Commission. The Commission may require or permit oral argument upon such submission.

§ 401.44 Action by the Commission.

After all presentations and hearings, the Commission will act upon the application pursuant to law. The determination of the Commission will be in writing and will be filed together with all plans, maps, exhibits and other papers, records or documents relating to the application. All such records, papers and documents may be examined by any person at the office of the Commission, and shall not be removed therefrom except temporarily upon the written order of the Secretary after the filing of a receipt therefor in form prescribed by the Secretary. Copies of any such records and papers may be made in the office of the Commission by any person, subject to such reasonable safeguards for the protection of the records as the Executive Director may require.

§ 401.45 Supplementary details.

Forms, procedures and supplementary information, to effectuate these regulations, may be provided or required by the Executive Director as to any project or class of projects.

§ 401.46 Expert testimony.

The testimony of an expert witness may be submitted and made part of the record at the hearing whether or not the expert is present, provided that such testimony is reduced to writing, sworn, and copies thereof distributed to all parties of record at least five days prior to the hearing, and provided that such testimony shall not be admitted whenever the expert is not present and available for cross examination at the hearing unless all parties waive the right of cross examination.

§ 401.47 Waiver of rules.

The Commission may, for good cause shown, waive rules or require additional information in any case.

§ 401.48 Limitation of approval.

Approval by the Commission under this part shall expire three years from the date of Commission action unless prior thereto the sponsor has expended substantial funds (in relation to the cost of the project) in reliance upon such approval. An approval may be extended or renewed by the Commission upon application.

Subpart D—General Provisions

§ 401.51 Definitions.

For the purposes of this part, except as the context may otherwise require:

(a) All words and phrases which are defined by section 1.2 of the Compact shall have the same meaning herein.

(b) Words and phrases which are defined by Part I of the Administrative Manual (Section 1–3) shall have the same meaning for the purposes of this Part 401.

(c) "Application" shall mean a request for action by the Commission in any written form, including without limitation thereto, a letter, referral by any agency of a signatory party, or an official form prescribed by the Commission; provided that whenever an official form of application has been duly required, an application shall not be deemed to be pending before the Commission until such time as such form, together with the information required thereby, has been completed and filed.

(d) "Applicant" shall mean any sponsor or other person who has submitted an application to the Commission.

(e) "Sponsor" shall mean any person authorized to initiate, construct or administer a project.

§ 401.52 Construction.

This part is promulgated pursuant to section 14.2 of the Compact and shall be construed and applied subject to all of the terms and conditions of the Compact and of the provisions of section 15.1 of Public Law 87–328, 75 Stat. 688.

Effective date. This part shall take effect immediately upon publication and filing pursuant to law.

[F.R. Doc. 64–2709; Filed, Mar. 19, 1964; 8:47 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

Labeling of Malt Beverages Reconstituted From Beer Concentrate; Correction

Treasury Decision No. 6672 (27 CFR Part 7) published at 28 F.R. 9637 is corrected by changing the parenthetical reference in 27 CFR 7.24(f) "other than names found by the Director under Paragraph (f) of this section to have become generic" to "other than names found by the Director under paragraph (g) of this section to have become generic".

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: March 14, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64–2705; Filed, Mar. 19, 1964; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast and Geodetic Survey, Department of Commerce

PART 303—CHARGES FOR CERTIFYING, SEARCHING, AND COPYING SERVICES

Insofar as the Administrative Procedures Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rule-making procedure, or postpone the effective date thereof.

Part 303 of Chapter III, Title 33, is revised as follows:

Sec.
303.1 Certification and validation.
303.2 Litigation copies of out-of-print charts.
303.3 Copies of geodetic control data.
303.4 Reproductions of geomagnetism records.
303.5 Reproductions of oceanographic records.
303.6 Reproductions of surveys.
303.7 Reproductions of maps.
303.8 Aerial photographic reproductions.
303.9 Reproductions of seismology records.
303.10 Mailing costs.
303.11 Special items or services.
303.12 Prices.

AUTHORITY: The provisions of this Part 303 issued under sec. 501, 65 Stat. 290; 5 U.S.C. 140.

§ 303.1 Certification and validation.

Certification and validation of reports, documents, maps, charts, photographs, etc., with or without the Department of Commerce Seal—50 cents each.

§ 303.2 Litigation copies of out-of-print charts.

Charges for litigation copies of out-of-print charts (charge for certification is extra):

	Price for the first copy	Price for each additional copy of the same item
Bromide print	$7.50	$5.00

§ 303.3 Copies of geodetic control data.

Charges for copies of geodetic control data:

Diagrams—(regardless of size or area covered) ea. $0.50
Data Sheets—4 types as follows ea. $0.06
Geographic position sheets.
Plane coordinate sheets.
Quadrangle format by sheets (furnished only in unassembled sheets when request is for a few stations by name or station number or when sent, as supplements, to subscribers to automatic mailing service).
Unadjusted data sheets.
Booklets—(assembled data)—5 types as follows:
Vertical control (state numbered lines).
Horizonal control description booklets.
Quadrangles (horizontal control).
Quadrangles (vertical control).
CWA (C&GS and state survey data available for limited areas on specific request):
3 sheets or less, per booklet $0.06
4 to 15 sheets, per booklet .25
16 to 32 sheets, per booklet 1.00
33 to 50 sheets, per booklet 2.00
51 or more sheets, per booklet 3.00
Complete data coverage by states—(Note: Prices do not include diagrams or new unpublished data):

State	Horizontal control	Vertical control
Alabama	$25.00	$30.00
Alaska	(***)	5.00
Arizona	50.00	(*)
Arkansas	(*)	16.00
California	(*)	**114.00
Colorado	(*)	21.00
Connecticut	27.00	2.00
Delaware	10.00	2.00
District of Columbia	14.00	2.00
Florida	95.00	24.00
Georgia	39.00	(*)
Hawaii	15.00	.50
Idaho	40.00	28.00
Illinois	**64.00	**29.00
Indiana	**77.00	**39.00
Iowa	(*)	**23.00
Kansas	(*)	13.00
Kentucky	**56.00	**41.00
Louisiana	46.00	16.00
Maine	48.00	8.00
Maryland	70.00	13.00
Massachusetts	73.00	3.00
Michigan	**42.00	**21.00
Minnesota	(*)	(*)
Mississippi	41.00	16.00
Missouri	(*)	**25.00
Montana	**30.00	(*)
Nebraska	(*)	22.00
Nevada	50.00	20.00
New Hampshire	13.00	3.00
New Jersey	53.00	6.00
New Mexico	(*)	15.00
New York	99.00	21.00
North Carolina	(*)	(*)
North Dakota	**32.00	(*)
Ohio	**38.00	**38.00
Oklahoma	(*)	9.00
Oregon	100.00	21.00
Pennsylvania	49.00	22.00
Puerto Rico	16.00	No control
Rhode Island	14.00	1.00
South Carolina	31.00	12.00
South Dakota	(*)	(*)
Tennessee	**56.00	**32.00
Texas	136.00	82.00
Utah	(*)	9.00
Vermont	9.00	2.00
Virginia	88.00	32.00
Washington	156.00	24.00
West Virginia	(*)	(*)
Wisconsin	(*)	(*)
Wyoming	**17.00	13.00

*Current price will be furnished upon request.
**Conversion of data to quadrangle units is complete.
***Unclassified horizontal control data for Alaska are available as follows:
1° x 1° quadrangles, sold at the booklet rates listed above. These supply all data, except descriptions and azimuths and distances, for which volume and page references are included.
Description booklets, sold at the booklet rates listed above.
Old format geographic position sheets (including azimuths and distances), 6 cents each.
Unadjusted data sheets, 6 cents each.

Data are being converted to quadrangle units which are sold at the booklet rates listed above. Limiting purchases of data in the old format to immediate requirements is suggested to minimize duplication when purchasing data in the new quadrangle format.

Minimum charges:
Minimum charge per order, except automatic mailing list shipments $1.00
Automatic Mailing List—special service charge per shipment (additional to the subscription price) .25

Special subscription service:
Special subscriptions to an automatic mailing service for new and revised data are available. Details concerning this service are available on request.

§ 303.4 Reproductions of geomagnetism records.

Charges for reproductions of geomagnetism records:

Form of record	Copies available	Unit cost	Group cost	Minimum charge
Film:				
35 mm	35-mm film (contact prints, rapid-run magnetograms, or standard magnetograms).	$0.13/ft		$4.00 (ea. roll).
	Continuous paper-positive photos in strip form (35-mm film, rapid-run magnetograms or standard magnetograms).	.10/ft		15.00 (ea. roll).
	Paper prints of individual frames of rapid-run or standard magnetograms.	.50 ea.		1.00
	Paper prints of individual frames of hourly scalings.	.40 ea.		1.00
Paper:	Photostats:			
Rapid-run magnetograms	Full size	1.50 ea.	37.00/mo.	1.50
	Half size	.25 ea.	6.00/mo.	1.00
	Positive photostats:			
Standard magnetograms	Full size	3.00 ea.	71.00/mo.	3.00
	Photostats:			
	Full size	.80	18.50/mo.	1.00
	Half size	.20	4.50/mo.	1.00
	Positive Photostats:			
	Full size	1.50	35.50/mo.	1.50
Hourly scalings (each sheet 8 x 10¼ inches, contains scalings for 3 days, 3 elements).	Photostats:			
	Full size	.40	3.00/mo.	1.00
	Half size	.10	1.00/mo.	1.00
Variograms:				
(Askania 12 x 68½ cm)	Photostats:			
	Full size	.50	12.50/mo.	1.00
	Half size	.13	3.00/mo.	1.00
K-Indices	Photostats	1.50/4 mos.		
Quarterly storm reports	Photostats	Prices for a particular quarter are available upon request.		

See footnotes at end of table.

§ 303.5 Reproductions of oceanographic records.

Charge for reproductions of oceanographic records:

	Price for the first copy per station month	Price for each additional copy of the same item per station month	Price for the first copy per station year	Price for each additional copy of the same item per station year
Tide predictions			$5.00	$0.25
Tidal current predictions			7.50	.50
High- and low-water observations	$0.50	$0.10	4.50	1.00
Hourly height observations	.50	.20	6.00	1.50
Sea water temperature and density	.50	.10	4.50	1.00

§ 303.6 Reproductions of surveys.

Charges for reproductions of surveys:

	Price for the first copy	Price for each additional copy of the same item
Ozalid prints of shoreline surveys	$2.00	$1.00
Bromide prints of hydrographic survey sheets	8.50	5.00
Film positive, up to 42" x 70", of a hydrographic survey or shoreline survey	15.00	10.50

Photostats of portions of hydrographic survey sheets, up to 18" x 24": Each—$8.00 for negative, $9.00 for positive, and $1.00 for each additional positive from same negative.

§ 303.7 Reproductions of maps.

Charges for reproductions of maps.

	Price for the first copy	Price for each additional copy of the same item
Ozalid prints of planimetric maps	$2.00	$1.00
Film positive, up to 42" x 70", of a planimetric map	15.00	10.50

§ 303.8 Aerial photographic reproductions.

Charges for aerial photographic reproductions: Ozalid prints of photo index sheets: 50 cents each.

SINGLE-LENS AERIAL PHOTOGRAPHS

PANCHROMATIC

Contact prints, 9" x 9": 1 to 5, $1.00 each; 6 to 100, 85 cents each; 101 to 1,000, 65 cents each; over 1,000, 60 cents each.

RATIO PRINTS

Ratio	Approximate size	1 to 5 prints	6 to 100 prints	Over 100 prints
2 times	18" x 18"	$2.20 ea.	$1.90 ea.	$1.70 ea.
3 times	27" x 27"	2.60 ea.	2.30 ea.	2.10 ea.
4 times	36" x 36"	5.60 ea.	4.70 ea.	4.00 ea.
Selected parts of negatives (any size up to 36" square)		5.60 ea.	4.70 ea.	4.00 ea.

Film positives: 1 to 100, $2.50 each; over 100, $2.00 each.

Copy negatives: 1 to 100, $5.00 each; over 100, $4.00 each.

Contact diapositives: 1 to 5, $5.50 each; 6 to 100, $5.00 each; over 100, $4.50 each.

Infrared: Prices of contact prints and enlargements are the same as for panchromatic photography.

Color: Printon contact prints and positive transparencies of selected areas: $3.00 each. Enlargements are not available.

NINE-LENS AERIAL PHOTOGRAPHS

Fourteen dollars each; additional copies from the same negative, $7.00 each, if requested with the original order.

§ 303.9 Reproductions of seismology records.

Charges for reproductions of seismology records:

SEISMOGRAMS

Item	Price
Contact prints from 70-mm roll	$0.03/copy
Contact prints from 35-mm roll	.008/copy
Chip-to-roll contact prints	.03/chip
Chip-to-full-size paper copy	.32/chip

§ 303.10 Mailing costs.

Shipment by first-class mail or parcel post is prepaid. Shipment by express, airmail, or involving any special handling will be paid by purchaser.

§ 303.11 Special items or services.

Charges for special items or services not included in this part will be based on labor, material, reproduction, handling, mailing, and overhead costs.

§ 303.12 Prices.

All prices in this part are based on a single order and are not to be considered subscription prices.

The effective date of this revision is April 1, 1964.

H. ARNOLD KARO,
Rear Admiral, United States Coast and Geodetic Survey, Director.

[F.R. Doc. 64-2600; Filed, Mar. 19, 1964; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency

PART 2-1—GENERAL

PART 2-12—LABOR

Miscellaneous Amendments

This chapter is supplemented and revised as follows:

Subpart 2-1.3—General Policies

Sec.
2-1.310-6 Determination of responsibility.
2-1.310-10 Performance records.
2-1.310-50 Master file.

AUTHORITY: The provisions of this Subpart 2-1.3, issued under secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

Subpart 2-1.3—General Policies

§ 2-1.310-6 Determination of responsibility.

(a) In every case where the procurement exceeds $10,000, the contracting officer shall prepare, in duplicate, a positive statement of the facts on which the determination of responsibility is based. One copy shall be placed in the contract file and the remaining copy shall be forwarded to the Procurement Service Branch, IM-290 for inclusion in the Agency master file of vendor information. This statement should be accompanied by any supporting data such as pre-award on-site evaluation reports.

(b) A partial list of the factors which should be applied in pre-award evaluation is given below. The nature of the supply or service to be procured and the type and amount of contract may be considered in applying these factors:

(1) Management and personnel;
(2) Technical capability;
(3) Production capability;
(4) Physical plant and public utilities;
(5) Facilities and equipment (including production, packaging, inspection, testing shipping, and transportation);
(6) Performance record on prior and current Government contracts;
(7) Quality assurance program and procedures;
(8) Cost estimating and accounting system;
(9) Purchasing system (make or buy program);
(10) Financial capability;
(11) Security clearance and plant protection;
(12) Nondiscrimination policy;
(13) Subcontracting policy;
(14) Property and inventory control;
(15) Ability to meet delivery schedule or performance date;

Contracting officers are required by law to award contracts only to responsible prospective contractors.

§ 2-1.310-10 Performance records.

(a) *Contractor performance evaluation.* Upon completion or termination of each contract exceeding $10,000 in value, a Contractor Performance Evaluation Form, FAA Form 3458 will be completed. The primary objective for evaluating and recording a contractor's performance is to provide a basis for determining the responsibility of the contractor in the award of future contracts.

(b) *Source of information.* The form shall be prepared by the contract specialist with the most intimate knowledge of the contractor's performance and it shall be approved by the contracting officer. Information in the contract files, as well as personal knowledge of the contractor's performance by the contract specialist, project manager, inspector or other cognizant personnel should provide the basis for ratings. To assure equitable treatment for all contractors the form must be prepared factually and impartially. It should be clearly ascertained that delay in delivery or performance is the contractor's fault before charging him with responsibility for such delay. It is essential that the contract specialist avail himself of all pertinent information before determining the appropriate ratings.

(c) *Rating instructions.* It is important that the ratings of "outstanding", "satisfactory", "unsatisfactory", assigned to contractors for the various items accurately portray the contractor's performance, as they will be considered in determining the contractor's responsibleness for future awards. When a "satisfactory" rating is assigned to an item, no additional information is required to support the rating. When either an "outstanding" or "unsatisfactory" rating is assigned to an item, the reasons for such a rating must be included in the space provided.

(1) *Application of adjective ratings.* A contractor shall be rated "satisfactory" on the various items unless his performance is clearly above or below contractual requirements or general business practices in which case the rating of "outstanding" and "unsatisfactory", respectively, would apply. Below are examples of instances where the various adjective ratings might be appropriate. These examples are provided solely for the purpose of achieving a degree of uniformity as to the interpretation of the adjective ratings and they do not include all matters which should be considered in rating each factor.

(i) Quality of end products or services.

(a) Outstanding—Contractor provides a product or services of a quality above the contractual requirements, or on his own initiative, recommends ways and means of improving specifications with the result that a better end item is produced.

(b) Unsatisfactory—Contractor is held in default for failure to furnish an acceptable product, or contractor had to repeatedly take corrective action to produce an acceptable product.

(ii) Timeliness of performance.

(a) Outstanding—Contractor delivers or performs substantially before the contract due date either on his own initiative or by request of the contracting officer; or contractor accepts a tight delivery schedule and performs on time.

(b) Unsatisfactory—Contractor is substantially late due to his own deficiencies in performing his contract or fails to perform the contract and is held in default.

(iii) Compliance with clauses.

(a) Outstanding—Contractor maintained an active and effective subcontracting program which provided maximum assistance to small business concerns and concerns located in labor surplus areas.

(b) Unsatisfactory—Contractor fails to comply with labor laws, nondiscrimination provisions, etc.; and it was necessary for the contracting officer to repeatedly instruct him to comply.

(iv) Cost contract management (applicable to cost-type contracts only).

(a) Outstanding—Contractor has demonstrated ability to control costs for highly complex work under cost contracts, or contractor was extremely efficient in managing Government-furnished property and Government-owned facilities.

(b) Unsatisfactory—Contractor failed to properly manage contract resulting in substantial cost overruns, or he was careless in managing Government-owned property and facilities.

(v) General business conduct.

(a) Outstanding—Contractor maintained an effective line of communication with the contracting officer concerning progression of the contract, and anticipated delays; or demonstrated unusual perseverance and integrity in discharging his contractual responsibilities.

(b) Unsatisfactory—Contractor ignored instructions of the contracting officer to take corrective actions to comply with contract, failed to respond to communications, or in any way failed to demonstrate integrity in the conduct of his business dealings with the Government.

(d) *Distribution and use of completed forms.* The form shall be prepared in duplicate. One copy shall be inserted in the contract file while the other copy shall be forwarded to the Procurement Service Branch, IM-290 for inclusion in the Agency master file.

§ 2-1.310-50 Master file.

(a) The Procurement Service Branch (IM-290) of the headquarters Procurement Division will compile and maintain a file on prospective suppliers to assist contracting officers in determining the responsibleness of contractors. The file will contain copies of the following data:

(1) Contractor Performance Evaluation, FAA Form 3458.

(2) Determinations of contractor responsibleness (including Dun & Bradstreet reports and other supporting data). (See § 2-1.310-6.)

(3) Debarment or ineligibility information.

(b) The information in these files will be available for use by all procurement offices throughout the Agency. Quarterly, the Procurement Service Branch will prepare and distribute to all procurement offices a listing of all firms on which there has been accumulated substantial information. Subsequently, if a contracting officer is in the process of making a determination as to the responsibility of a prospective contractor, whose name appears on the list, he shall secure the file from the above Branch. In the case of field requests, the contents of the file may be reproduced and forwarded if deemed more practical than lending the file.

Part 2-12 of the Federal Aviation Procurement Regulations published in the FEDERAL REGISTER on December 13, 1961 (26 F.R. 11904) is hereby cancelled in its entirety.

Effective date. These regulations are effective April 6, 1964.

Dated: March 13, 1964.

JOHN E. PERNICE,
Chief, Procurement Division, Installation & Materiel Service.

[F.R. Doc. 64-2694; Filed, Mar. 19, 1964; 8:46 a.m.]

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-202—MINIMUM WAGE DETERMINATIONS

Adjustment to Wage Increases Under the Fair Labor Standards Act

On July 23, 1963, notice was filed for publication in the FEDERAL REGISTER (28 F.R. 7513) of a proposal to make a final prevailing minimum wage determination under section 1(b) of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(b)) for effect as to all contracts subject to the Public Contracts Act, bids for which are invited, offers for which are solicited, or negotiations otherwise commenced on or after September 3, 1963, that the prevailing minimum wage is $1.25 per hour in all those groups of industries currently operating in each locality in which the materials, articles, or equipment are to be manufactured or furnished under such contracts, except those particular or similar industries for which minimum wage determinations higher than $1.25 per hour will have been made.

The notice of proposed determination took official notice, as provided in section 7(d) of the Administrative Procedure Act, of all of the facts prerequisite to the determination it proposed.

Persons adversely affected or aggrieved by the proposal were given an opportunity to appear at a hearing, and to make a showing contrary to the facts officially noticed (28 F.R. 12625).

A representative of the American Federation of Labor and Congress of Industrial Organizations appeared in support of the proposal. No one appeared in opposition.

Accordingly, pursuant to sections 1, 4, and 10 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 2038, 66 Stat. 308; 41 U.S.C. 35, 38, 43a), 41 CFR Part 50-202 is hereby amended in the manner indicated below.

The determination hereby made will not affect in any way proceedings which are currently pending to make determinations for particular or similar industries.

This revision shall become effective immediately. Good cause is hereby found for not providing further delay. The $1.25 minimum wage hereby determined will not have any substantial application beyond the employers and employees affected by that portion of the Fair Labor Standards Act of 1938 which, as amended by the Fair Labor Standards Amendments of 1961, requires payment of a minimum wage of $1.25 an hour.

1. Section 50-202.2 is amended to read as follows:

§ 50-202.2 Minimum wage in all industries except to the extent to which a higher minimum wage is provided in Subpart C.

In all industries, except to the extent to which a higher minimum wage is provided in Subpart C, the minimum wage payable to employees described in § 50-201.102 of this chapter shall be not less than $1.25 per hour.

§ 50–202.4 [Deleted]

2. Section 50–202.4, entitled "Iron and steel industry", is deleted.

§ 50–202.8 [Deleted]

3. Section 50–202.8, entitled "Small arms ammunition, explosives and related products industry", is deleted.

4. Paragraph (c) of 41 CFR 50–202.11 is amended to read as follows:

§ 50–202.11 Chemical and related products industry.

* * * * *

(c) *Tolerances.* In the bone black, carbon black, and lamp black branch of the chemical and related products industry, beginners may be employed for 320 hours at wages of not less than $1.35 an hour.

§ 50–202.12 [Deleted]

5. Section 50–202.12, entitled "Woolen and worsted industry", is deleted.

§ 50–202.13 [Deleted]

6. Section 50–202.13, entitled "Surgical instruments and apparatus industry", is deleted.

7. Subparagraph (4) of paragraph (b) of 41 CFR 50–202.23 is amended to read as follows, and 41 CFR 50–202.23(c)(1)(iv) is deleted.

§ 50–202.23 Paper and paperboard containers and packaging products industry.

* * * * *

(b) *Minimum wages.* * * *

(4) The minimum wage for persons employed in the manufacture or furnishing of products of the wrapping products branch of the paper and paperboard containers and packaging products industry as defined in subdivision (a)(2)(iii) of this section shall be not less than the minimum wage prescribed in § 50–202.2.

§ 50–204.24 [Deleted]

8. Section 50–202.24, entitled "Electronic component parts industry", is deleted.

9. Paragraph (b) of § 50–202.33 is amended by deleting the words "persons employed" where they inadvertently appear before the words "engaged exclusively". As amended, this paragraph reads as follows:

§ 50–202.33 Conveyors and conveying equipment industry.

* * * * *

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of the products of the conveyors and conveying equipment industry, except those engaged exclusively in the installation of such products, shall be not less than $1.70 an hour.

(Secs. 1, 4, 49 Stat. 2036, 2038, 66 Stat. 308; 41 U.S.C. 35, 38, 43a)

Signed at Washington, D.C., this 13th day of March 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64–2761; Filed, Mar. 19, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Earnings and Profits of Controlled Foreign Corporations

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 964(a) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended to include the following new section:

§ 1.964–1 Determination of the earnings and profits of a foreign corporation.

(a) *In general.* For purposes of sections 951 through 964, the earnings and profits (or deficit in earnings and profits) of a foreign corporation for its taxable year shall, except as provided in paragraph (f) of this section, be computed substantially as if such corporation were a domestic corporation by—

(1) Preparing a profit and loss statement with respect to such year from the books of account regularly maintained by the corporation for the purpose of accounting to its shareholders;

(2) Making the adjustments necessary to conform such statement to the accounting principles described in paragraph (b) of this section;

(3) Translating the amounts shown on such adjusted statement into United States dollars in accordance with paragraph (c) of this section;

(4) Making the further adjustments necessary to conform such translated statement to the tax accounting standards described in paragraph (d) of this section; and

(5) Adjusting the amount of profit or loss shown on such translated and adjusted statement in accordance with paragraph (e) of this section to reflect any exchange gain or loss determined thereunder.

(b) *Accounting adjustments*—(1) *In general.* The accounting principles to be applied in making the adjustments required by paragraph (a)(2) of this section shall be those accounting principles generally accepted in the United States for purposes of consolidating the operations of foreign affiliates, including the following:

(i) *Clear reflection of income.* Any accounting practice designed for purposes other than the clear reflection on a current basis of income and expense for the taxable year shall not be given effect. For example, any practice which introduces an excessive level of conservatism into the profit and loss statement shall not be used to reduce the net income which otherwise would be shown on such statement.

(ii) *Physical assets, depreciation, etc.* All physical assets (as defined in paragraph (e)(5)(ii) of this section), including inventory when not written down to market value, shall be taken into account at historical cost. The historical cost of such an asset shall not reflect any appreciation or depreciation in its value or in the relative value of the currency in which its cost was incurred. Depreciation, depletion, and amortization allowances shall be based on the historical cost of the underlying asset and no effect shall be given to any such allowance determined on the basis of a factor other than historical cost. For special rule for determining historical cost of an asset acquired during a taxable year beginning before January 1, 1950, see subparagraph (3) of this paragraph. For the definition of market value, see paragraph (a) of § 1.471–4.

(iii) *Valuation of assets and liabilities.* Any accounting practice which results in the systematic undervaluation of assets or overvaluation of liabilities shall not be given effect, even though expressly permitted or required under foreign law, except to the extent allowable under paragraph (d) of this section.

(iv) *Income equalization.* Income and expense shall be taken into account without regard to equalization over more than one accounting period; and any equalization reserve or similar provision affecting income or expense shall not be given effect, even though expressly permitted or required under foreign law, except to the extent allowable under paragraph (d) of this section.

(v) *Foreign currency.* Transactions effected in a foreign currency other than that in which the books of the corporation are kept shall be translated into the foreign currency reflected in the books in a manner substantially similar to that prescribed by paragraph (c) of this section for the translation of foreign currency amounts into United States dollars.

(2) *Adjustment must be material.* No adjustment shall be made pursuant to subparagraph (1) of this paragraph unless it is material. Whether an adjustment is material depends on the facts and circumstances of the particular case, including the amount of the adjustment, its size relative to the general level of the corporation's total assets and annual profit or loss, the consistency with which the unacceptable practice has been applied, and whether the item to which the adjustment relates is of a recurring nature.

(3) *Historical cost.* For purposes of this section, the historical cost of an asset acquired by the foreign corporation during a taxable year beginning before January 1, 1950, shall be determined, if it is so elected by or on behalf of such corporation, as though the asset were purchased on January 1, 1950, at a cost equal to the amount (reduced by the depreciation reserve) representing that asset as of that date on the books of account of the corporation regularly maintained for the purpose of accounting to its shareholders. The election under this subparagraph shall be made for the first taxable year beginning after December 31, 1962, in which the foreign corporation is a controlled foreign corporation (within the meaning of section 957) or for which it is included in a chain or group under section 963(c)(2)(B) or (3)(B). Once made, such election shall be irrevocable. For the time and manner in which an election may be made on behalf of a foreign corporation, see paragraph (d)(3) of this section.

(4) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). Corporation M is a controlled foreign corporation which regularly maintains books of account for the purpose of accounting to its shareholders in accordance with the accounting practices prevalent in country X, the country in which it operates. As a consequence of those practices, the profit and loss statement prepared from these books of account reflects an allocation to an arbitrary reserve out of income and depreciation allowances based on replacement values which are greater than historical cost. Adjustments are necessary to conform such statement to accounting principles generally accepted in the United States. Assuming these adjustments to be material, the unacceptable practices will have to be eliminated from the statement, an increase in the amount of profit (or a decrease in the amount of loss) thereby resulting.

Example (2). Corporation N is a foreign corporation which is not a controlled foreign corporation but which is included in a chain, for minimum distribution purposes, under section 963(c)(2)(B). Corporation N regularly maintains books of account for the purpose of accounting to its shareholders in accordance with the accounting practices of country Y, the country in which it operates. As a consequence of those practices, the profit and loss statement prepared from these books of account reflects the inclusion in income of stock dividends and of corporate distributions representing a return of capital. Adjustments are necessary to conform such statement to accounting principles generally accepted in the United States. Assuming these adjustments to be material, the unacceptable practices will have to be eliminated from the statement, a decrease in the amount of profit (or increase in the amount of loss) thereby resulting.

(c) *Translation into United States dollars*—(1) *In general*—(i) *General rule.* Except as provided in subdivisions (ii), (iii), and (iv) of this subparagraph, the amounts to be shown on the profit and loss statement, adjusted pursuant to paragraph (b) of this section, shall be translated into United States dollars (as required by paragraph (a)(3) of this section) at the appropriate exchange rate for the translation period (as defined in subparagraph (6) of this paragraph) to which they relate.

(ii) *Cost of goods sold.* Amounts representing items of inventory reflected in the cost of goods sold shall be translated—

(*a*) To the extent that such amounts represent items included in the opening inventory balance, so as to obtain the same amount of United States dollars which represented (after translation and adjustment) such items in the closing inventory balance for the preceding taxable year,

(*b*) To the extent that such amounts represent items purchased or otherwise first included in inventory during the taxable year, at the appropriate exchange rate for the translation period in which the historical cost of such items was incurred, and

(*c*) To the extent that such amounts represent items included in the closing inventory balance, at the appropriate exchange rate for the translation period in which the historical cost of such items was incurred, except that if such amounts are written down to market value, such market value shall be determined at the year-end exchange rate for the taxable year.

(iii) *Depreciation, depletion, and amortization.* Amounts representing allowances for depreciation, depletion, or amortization shall be translated at the appropriate exchange rate for the translation period in which the historical cost of the underlying asset was incurred or is deemed to have been incurred. For purposes of this section, the historical cost of an asset acquired during a taxable year beginning before January 1, 1950, for which an election is made under paragraph (b)(3) of this section shall be deemed to have been incurred on January 1, 1950.

(iv) *Prepaid expenses or income.* Amounts representing expenses or income paid or received in a prior taxable year shall be translated at the appropriate exchange rate for the translation period during which they were paid or received.

(2) *Appropriate exchange rate*—(i) *In general.* Where the value of the foreign currency relative to the United States dollar does not fluctuate substantially during a translation period, a single exchange rate shall be appropriate for all amounts representing classes of items which relate to such period, such rate to be a simple average determined by dividing the sum of the closing rates for each of the calendar months ending with or within such period by the number of such months. On the other hand, where the value of the foreign currency relative to the United States dollar does fluctuate substantially during a translation period, the exchange rate appropriate to an amount representing a class of items which relates to such period shall be either (*a*) a simple average determined in accordance with the preceding sentence, or (*b*) a weighted average taking into account the volume of transactions (reflected by the amount being translated) for the calendar months ending with or within such period, depending upon which average would produce a result more representative of that which would have been obtained by translating the individual transactions reflected by that amount at the closing rate for the month to which each such transaction relates. Whether the value of the foreign currency relative to the United States dollar fluctuates substantially during the translation period is a question of fact, depending upon, among other things the extent to which the volume of transactions varies from month to month. In general, however, the degree of fluctuation will be considered substantial if the closing rate for any calendar month ending with or within the translation period varies by more than 10 percent from the closing rate for any preceding calendar month ending within that period.

(ii) *Monthly rate.* Notwithstanding subdivision (i) of this subparagraph, if it is so elected by or on behalf of the foreign corporation, and if the closing rate for any calendar month ending with or within a translation period does not vary by more than 3 percent from the closing rate for any preceding calendar month ending within that period, the appropriate exchange rate for amounts representing all classes of items relating to such period shall be the closing rate for any calendar month ending with or within that period which is designated in the election. An election under this subdivision may be made with respect to any translation period of any taxable year of the foreign corporation beginning after December 31, 1962. Such election shall be effective only with respect to the translation period for which it is made, and once made shall be irrevocable with respect to that period. See paragraph (d)(3) of this section for the time and manner in which an election may be made on behalf of the foreign corporation.

(iii) *Class of items.* For purposes of this subparagraph, the term "class of items" means any category which is reflected separately on financial statements. For example, sales is a class of items which is reflected separately on the profit and loss statement, and accounts receivable is a class of items which is reflected separately on the balance sheet.

(3) *Closing rate.* The closing rate for any calendar month shall be the exchange rate on the last day of that month determined by reference to the qualified list of exchange rates which, under subparagraph (5) of this paragraph, is employed in computing the earnings and profits of the foreign corporation.

(4) *Year-end exchange rate.* The year-end exchange rate shall be the closing rate for the last calendar month of the taxable year.

(5) *Qualified list of exchange rates.* A qualified list of exchange rates shall be any compilation of monthly exchange rates which is published regularly and which reflects actual transactions in a free market. For the first taxable year beginning after December 31, 1962, in which the foreign corporation is a controlled foreign corporation (within the meaning of section 957) or for which it is included in a chain or group under section 963(c)(2)(B) or (3)(B), there may be adopted by such corporation or on its behalf any qualified list of exchange rates for purposes of computing its earnings and profits. Once adopted, however, such a list must continue to be employed so long as it qualifies unless the Commissioner consents to a change to another list. If a list selected by or on behalf of a foreign corporation no longer qualifies, there may be adopted by such corporation or on its behalf any qualified list of exchange rates. If a qualified list of exchange rates is not adopted by or on behalf of the foreign corporation for such first taxable year or for the first taxable year in which the list previously adopted no longer qualifies, any exchange rates taken into account in the computation of its earnings and profits shall be determined by reference to the free market rate set forth in the pertinent monthly issue of "International Financial Statistics" or a successor publication of the International Monetary Fund or, in the event that the International Monetary Fund discontinues the regular publication of monthly exchange rates reflecting actual transactions in a free market, by reference to any compilation of monthly exchange rates which is published regularly, which reflects actual transactions in a free market, and which the Commissioner designates as appropriate for this purpose. See paragraph (d)(3) of this section for the manner in which a qualified list of exchange rates may be adopted or changed to on behalf of the foreign corporation.

(6) *Translation period*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, the translation period shall be a taxable year.

(ii) *Currency fluctuations.* If it is so elected by or on behalf of the foreign corporation and if the closing rate for any calendar month ending with or within a taxable year varies by more than 10 percent from the closing rate for any preceding calendar month ending within that year, the taxable year shall be divided into groups of consecutive calendar months, each such group constituting a separate translation period. The first translation period of the taxable year shall begin with the first day of such year and each subsequent translation period shall begin with the first day of the first calendar month thereafter ending with or within such year for which the closing rate varies by more than 10 percent from the closing rate for any month in the preceding translation period. An election under this subdivision may be made with respect to any taxable year of the foreign corporation beginning after December 31, 1962. Such election shall be effective only with respect to the taxable year for which it is made, and once made shall be irrevocable with respect to such year. See paragraph (d)(3) of this section for the time and manner in which an election may be made on behalf of the foreign corporation.

(7) *Actual transactions.* Notwithstanding any other provisions of this paragraph—

(i) *Dollar transactions.* Any transaction involving the payment or receipt of United States dollars shall be reflected in the profit and loss statement by the amount of United States dollars involved in such transaction.

(ii) *Conversion transactions.* Any transaction involving the conversion of a foreign currency into United States dollars, or the conversion of United States dollars into a foreign currency, shall be reflected in the profit and loss statement by an amount expressed in United States dollars and determined by translation at the exchange rate at which conversion was effected if the foreign corporation knows, or reasonably should know, that exchange rate.

(8) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). M Corporation, a controlled foreign corporation organized on January 1, 1963, employs the calendar year as its taxable year and maintains its books of account in abbas, the currency of the country in which it operates. During 1963 M Corporation's monthly sales amounted to 100,000 abbas per month, its total payroll and other expenses for the year amounted to 180,000 abbas, and its total inventory purchases amounted to 1,050,000 abbas. Also during 1963, M Corporation purchased depreciable assets for 1,000,000 abbas. The value of the abba relative to the United States dollar fluctuated only slightly in 1963; the monthly closing rate moved between 19.8 abbas and 20.2 abbas per United States dollar and stood at 20 abbas per United States dollar for most of the year and at yearend. An election under subparagraph (2)(ii) of this paragraph is made on behalf of M Corporation to use a single exchange rate of 20 abbas per United States dollar as the exchange rate appropriate for 1963. Assuming that none of the amounts shown therein reflects a transaction described in subparagraph (7) of this paragraph, M Corporation's adjusted profit and loss statement for 1963 would be translated into United States dollars as follows:

	Local currency	Exchange rate	U.S. dollars
Sales	1,200,000	20:1	60,000
Cost of goods sold:			
Purchases	1,050,000	20:1	52,500
Less: Closing inventory	350,000	20:1	17,500
	700,000		35,000
Wages and other expenses	180,000	20:1	9,000
Depreciation	200,000	20:1	10,000
Total costs and expenses	1,080,000		54,000
Operating profit	120,000		6,000

Example (2). The facts are the same as in example (1) and in addition during 1964 M Corporation had annual sales of 1,470,000 abbas, annual wages and other expenses of 252,000 abbas, and inventory purchases of 910,000 abbas. Also during 1964, M Corporation purchased additional depreciable assets for 430,000 abbas, the bulk of such purchases being made in the last half of the year. The value of the abba relative to the United States dollar gradually declined in 1964, the monthly closing rate moving from 20 abbas per United States dollar down to 22 abbas per United States dollar. For most classes of items, the appropriate exchange rate is a simple average of monthly closing rates or 21 abbas per United States dollar. However, since the bulk of the depreciable asset purchases were made in the last half of the year, the rate representative of those transactions is a weighted average of 21.5 abbas per United States dollar. Assuming that none of the amounts shown therein reflects a transaction described in subparagraph (7) of this paragraph, M Corporation's adjusted profit and loss statement for 1964 would be translated into United States dollars as follows:

	Local currency	Exchange rate	U.S. dollars
Sales	1,470,000	21:1	70,000
Cost of goods sold:			
Opening inventory	350,000	20:1	17,500
Purchases	910,000	21:1	43,333
Less: Closing inventory	418,000	21:1	19,905
	842,000		40,928
Wages and other expenses	252,000	21:1	12,000
Depreciation:			
(1963 assets)	150,000	20:1	7,500
(1964 assets)	86,000	21.5:1	4,000
Total costs and expenses	1,330,000		64,428
Operating profit	140,000		5,572

Example (3). The facts are the same as in examples (1) and (2) except that the 1964 sales of M Corporation amounted to 1,260,000 abbas plus $10,500 in United States dollars. M Corporation's adjusted profit and loss statement for 1964 would be translated as follows:

	Local currency	Exchange rate	U.S. dollars
Sales—Abbas	1,260,000	21:1	60,000
Sales—U.S. dollars	215,250	(1)	10,500
Total sales	1,475,250		70,500
Cost of goods sold:			
Opening inventory	350,000	20:1	17,500
Purchases	910,000	21:1	43,333
Less: Closing inventory	418,000	21:1	19,905
	842,000		40,928
Wages and other Expenses	252,000	21:1	12,000
Depreciation:			
1963 assets	150,000	20:1	7,500
1964 assets	86,000	21.5:1	4,000
Total costs and expenses	1,330,000		64,428
Operating profit	145,250		6,072

[1] Transaction.

Example (4). The facts are the same as in examples (1) and (2). M Corporation continues to operate during 1965 and the value of the abba relative to the United States dollar declines materially during that year; the monthly closing rate drops from 22 abbas per United States dollar to 26 abbas per United States dollar, a decrease of more than 10 percent. An election under subparagraph (6)(ii) of this paragraph is made on behalf of M Corporation to divide the year into translation periods, the applicable periods being January 1 through July 31 and August 1 through December 31. For most classes of items, the appropriate exchange rate for each of these translation periods is a simple average of monthly closing rates, or 23 abbas and 25 abbas per United States dollar, respectively. However, all of the depreciable asset purchases were made at the end of the first translation period—January 1 through July 31—and, therefore, the rate representative of those transactions is a weighted average of 24 abbas per United States dollar. The classes of items reflecting M Corporation's 1965 financial transactions and the representative rates of exchange for such classes of items are as follows:

	Local currency	Exchange rate
Sales:		
Jan. 1–July 31	1,000,000	23:1
Aug. 1–Dec. 31	500,000	25:1
Inventory Purchases:		
Jan. 1–July 31	559,000	23:1
Aug. 1–Dec. 31	361,000	25:1
Expenses:		
Jan. 1–July 31	115,000	23:1
Aug. 1–Dec. 31	145,000	25:1
Fixed asset purchases	216,000	24:1
Closing inventory	430,000	(1)

[1] Historical.

Assuming that M Corporation uses the first-in, first-out method of inventory valuation, the closing inventory is assumed in normal circumstances to consist of purchases made during the most recent translation period as follows:

	Local currency	Exchange rate	U.S. dollars
All of the August–December purchases	361,000	25:1	14,440
Balance from January–July purchases	69,000	23:1	3,000
Total closing inventory	430,000		17,440

Assuming that none of the amounts shown therein reflects a transaction described in subparagraph (7) of this paragraph, M Corporation's adjusted profit and loss statement for 1965 would be translated into United States dollars as follows:

	Local currency	Exchange rate	U.S. dollars
Sales:			
Jan. 1-July 31	1,000,000	23:1	43,478
Aug. 1-Dec. 31	500,000	25:1	20,000
	1,500,000		63,478
Cost of goods sold:			
Opening inventory	418,000	21:1	19,905
purchases	559,000	23:1	24,304
Jan. 1-July 31	361,000	25:1	14,440
Aug. 1-Dec. 31			
Less: Closing inventory	430,000	(1)	17,440
	908,000		41,209
Wages and other expense:			
Jan. 1-July 31	115,000	23:1	5,000
Aug. 1-Dec. 31	145,000	25:1	5,800
Depreciation:			
1963 assets	120,000	20:1	6,000
1964 assets	64,500	21.5:1	3,000
1965 assets	43,200	24:1	1,800
Total costs and expenses	1,395,700		62,809
Operating profit	104,300		669

[1] Historical.

(d) *Tax adjustments*—(1) *In general.* The tax accounting standards to be applied in making the adjustments required by paragraph (a)(4) of this section shall be the following:

(i) *Accounting methods.* The method of accounting shall reflect the provisions of section 446 and the regulations thereunder.

(ii) *Inventories.* Inventories shall be taken into account in accordance with the provisions of sections 471 and 472 and the regulations thereunder.

(iii) *Depreciation.* Depreciation shall be computed in accordance with section 167 and the regulations thereunder.

(iv) *Elections.* Effect shall be given to any election made in accordance with an applicable provision of the Code and the regulations thereunder and these regulations.

Except as provided in subparagraphs (2) and (3) of this paragraph, any requirements imposed by the Code or applicable regulations with respect to making an election or adopting or changing a method of accounting must be satisfied by or on behalf of the foreign corporation just as though it were a domestic corporation if such election or such adoption or change of method is to be taken into account in the computation of its earnings and profits.

(2) *Adoption of method.* For the first taxable year beginning after December 31, 1962, in which the foreign corporation is a controlled foreign corporation (within the meaning of section 957) or for which it is included in a chain or group under section 963(c)(2)(B) or (3)(B), there may be adopted by such corporation or on its behalf any method of accounting allowable under subparagraph (1) of this paragraph notwithstanding that, in previous years, its earnings and profits were computed, or its books prepared, on a different basis. If a different basis is used in previous years, ratable adjustments shall be made in the earnings and profits attributable to such previous years to prevent any duplication or omission of amounts that would otherwise result from the adoption of such method. See subparagraph (3) of this paragraph for the manner in which a method of accounting may be adopted on behalf of the foreign corporation.

(3) *Action on behalf of corporation*—(i) *In general.* An election shall be deemed made, or an adoption or change in method of accounting deemed effectuated, on behalf of the foreign corporation only if its controlling United States shareholders (as defined in subparagraph (5) of this paragraph)—

(a) Satisfy for such corporation any requirements imposed by the Code or applicable regulations with respect to such election or such adoption or change in method, such as the filing of forms, the execution of consents, securing the permission of the Commissioner, or maintaining books and records in a particular manner,

(b) File the written statement described in subdivision (ii) of this subparagraph at the time and in the manner prescribed therein, and

(c) Provide the written notice required by subdivision (iii) of this subparagraph at the time and in the manner prescribed therein.

For purposes of the preceding sentence, the books of the foreign corporation shall be considered to be maintained in a particular manner if the controlling United States shareholders regularly keep the records and accounts required by section 964(c) and the regulations thereunder in that manner. Any election required to be made or information required to be filed with a tax return shall be deemed made or furnished on behalf of the foreign corporation if its controlling United States shareholders file the written statement described in subdivision (ii) of this subparagraph with respect to such election within the period specified therein.

(ii) *Written statement.* The written statement required by subdivision (i) of this subparagraph shall be jointly executed by the controlling United States shareholders, shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C., 20225, within 90 days after the close of the taxable year of the foreign corporation with respect to which the election is made or the adoption or change of method effected, or 90 days after the publication of this section in the FEDERAL REGISTER as a Treasury decision, whichever is later, and shall set forth the name and country of organization of the foreign corporation, the names, addresses and stock interests of the controlling United States shareholders, the nature of the action taken, the names and addresses of all other United States shareholders notified of the election or adoption or change of method and such other information as the Commissioner may by forms require.

(iii) *Notice.* Prior to the filing of the written statement described in subdivision (ii) of this subparagraph, the controlling United States shareholders shall provide written notice of the election made or the adoption or change of method effected to all other persons known by them to be United States shareholders who own (within the meaning of section 958(a)) stock of the foreign corporation. Such notice shall set forth the name and country of organization of the foreign corporation, the names, addresses and stock interests of the controlling United States shareholders, the nature of the action taken and such other information as the Commissioner may by forms require.

(4) *Effect of action by controlling United States shareholders.* Any action taken by the controlling United States shareholders on behalf of the foreign corporation pursuant to subparagraph (3) of this paragraph shall be reflected in the computation of the earnings and profits of such corporation under this section to the extent that it bears upon the tax liability of a United States shareholder who either—

(i) Was a controlling United States shareholder with respect to the action taken;

(ii) Received the written notice provided by subparagraph (3)(iii) of this paragraph;

(iii) Failed to file any of the returns required by section 6046 and the regulations thereunder within the period prescribed by section 6046(d); or

(iv) Was notified by the Director of International Operations of the action taken within 150 days after the close of the taxable year (of the foreign corporation) to which such action relates.

To the extent that the computation of the earnings and profits of the foreign corporation bears upon the tax liability of any United States shareholder other than those enumerated in the preceding sentence, the computation shall reflect the action taken only if such shareholder assents to such treatment. Such assent may be given at any time, but not later than 90 days after the shareholder is first apprised of such action by the Director of International Operations. The shareholder shall signify his assent by filing a written statement with the Director of International Operations, Internal Revenue Service, Washington, D.C., 20225, setting forth the name and country of organization of the foreign corporation, his own name, address, and stock interest in the corporation, the nature of the action being assented to, and such other information as the Commissioner may by forms require.

(5) *Controlling United States shareholders.* For purposes of this paragraph the controlling United States shareholders of a foreign corporation shall be those United States shareholders (as defined in section 951(b)) who, in the aggregate, own (within the meaning of section 958(a)) more than 50 percent of the total combined voting power of all classes of the stock of such corporation entitled to vote and who undertake to act on its behalf. In the event that the foreign corporation is not a controlled foreign corporation but is included in a chain or group under section 963(c)(2)(B) or (3)(B), the controlling United States shareholder with respect to such foreign corporation shall be deemed to be the

domestic corporation which elects to receive the minimum distribution from such chain or group. In the event that the foreign corporation is a controlled foreign corporation but the United States shareholders (as defined in section 951(b)) do not, in the aggregate, own (within the meaning of section 958(a)) more than 50 percent of the total combined voting power of all classes of the stock of such corporation entitled to vote, the controlling United States shareholders of the foreign corporation shall be all those United States shareholders who own (within the meaning of section 958(a)) stock of such corporation.

(6) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). X Corporation is a controlled foreign corporation which maintains its books, in accordance with the laws of the country in which it operates, by taking inventoriable items into account under the "first-in first-out" method. A, B, and C, the United States shareholders of X Corporation, own 45 percent, 30 percent, and 25 percent of its voting stock, respectively. For the first taxable year of X Corporation beginning after December 31, 1962, B and C adopt on its behalf the "last-in first-out" inventory method, notifying A of the action taken. Even though A may object to such action, adjustments must be made to reflect the use of the LIFO method of inventorying in the computation of the earnings and profits of X Corporation with respect to him as well as with respect to B and C.

Example (2). Y Corporation is a controlled foreign corporation which maintains its books, in accordance with the laws of the country in which it operates, by employing the straight-line method of depreciation. D, E, and F, the United States shareholders of Y Corporation, own 30 percent, 25 percent, and 10 percent of its voting stock, respectively. For the first taxable year of Y Corporation beginning after December 31, 1962, D and E adopt on its behalf the declining balance method of depreciation. However, not knowing that F is a United States shareholder of the company, they fail to provide him with notice of the action taken. Assuming that F has filed the return required by section 6046 and the regulations thereunder within the period prescribed by section 6046(d), adjustments in the computation of earnings and profits will not be required with respect to him unless the Director of International Operations notifies him of the action taken within 150 days after the close of Y's taxable year. If notice is not provided to F within this period, he will not be compelled to make the adjustments. At his option, however, he may accept the action taken by assenting thereto not later than 90 days after he is first apprised of such action by the Director of International Operations.

(e) *Exchange gain or loss*—(1) *In general.* The exchange gain or loss determined in accordance with subparagraph (2) of this paragraph shall be applied against and reduce, or applied to and increase, as the case may be, the amount of profit or loss shown on the profit and loss statement prepared pursuant to paragraph (a)(1) of this section, as adjusted and translated pursuant to paragraph (a)(2), (3), and (4) of this section. For the manner in which the exchange gain or loss is to be allocated to or applied against subpart F income, see section 952 and the regulations thereunder.

(2) *Determination of exchange gain or loss.* The exchange gain (or loss) for the taxable year shall be the amount which equals—

(i) The retained earnings for the taxable year as determined under subparagraph (3) of this paragraph, plus

(ii) The amount of any distributions made during the taxable year translated at the exchange rate appropriate to the translation period during which such distributions were made (or taken into account in accordance with paragraph (c)(7) of this section, if applicable), minus

(iii) The amount representing retained earnings for the preceding taxable year as determined under subparagraph (3) of this paragraph, minus

(iv) The amount of profit (or plus the amount of any loss) shown on the profit and loss statement for the taxable year prepared pursuant to paragraph (a)(1) of this section and adjusted and translated pursuant to paragraph (a)(2), (3), and (4) of this section.

(3) *Retained earnings.* The retained earnings for any taxable year shall be determined by first—

(i) Preparing a balance sheet as of the end of such year from the books of account regularly maintained by the foreign corporation for the purpose of accounting to its shareholders;

(ii) Making the adjustments necessary to conform such balance sheet to the accounting principles described in paragraph (b) of this section;

(iii) Translating the amounts shown on the balance sheet (other than amounts representing retained earnings) into United States dollars in accordance with subparagraph (4) of this paragraph; and

(iv) Making the further adjustments necessary to conform such translated balance sheet to the tax accounting standards described in paragraph (d) of this section.

The retained earnings shall be an amount equal to the excess of the aggregate amount representing assets on the balance sheet (as adjusted and translated under this subparagraph) over the aggregate amount representing liabilities, reserves (other than reserves out of current or accumulated earnings), and paid-in capital on the balance sheet (as adjusted and translated under this subparagraph). For the treatment of earnings and profits segregated into reserve accounts from which distribution is prevented by restrictions and limitations imposed by a foreign government, see section 964(b) and the regulations thereunder.

(4) *Translation of balance sheet.* Amounts shown on the balance sheet as adjusted pursuant to subparagraph (3)(ii) of this paragraph (other than amounts representing retained earnings) shall be translated into United States dollars as follows:

(i) *Financial assets.* Amounts representing financial assets shall be translated at the year-end exchange rate.

(ii) *Physical assets.* Amounts representing physical assets (other than inventory) shall be translated at the appropriate exchange rate for the translation period in which the historical cost of the asset was incurred or is deemed to have been incurred. For special rule for determining date on which the historical cost of certain assets acquired in taxable years beginning before January 1, 1950, is deemed to have been incurred, see paragraph (b)(3) of this section.

(iii) *Depreciation and similar reserves.* Amounts representing depreciation, depletion, and amortization reserves shall be translated at the appropriate exchange rate for the translation period in which the historical cost of the underlying asset was incurred or is deemed to have been incurred.

(iv) *Inventory.* Amounts representing items of inventory shall be translated at the appropriate exchange rate for the translation period in which the historical cost of the item was incurred or, in the event that such amounts are written down to market value, such market value shall be determined, at the year-end exchange rate.

(v) *Bad debt reserves.* Amounts representing bad debt reserves shall be translated at the year-end exchange rate.

(vi) *Prepaid income or expense.* Amounts representing prepaid income or expense shall be translated at the appropriate exchange rate for the translation period in which the income was received or the expense paid.

(vii) *Short-term liabilities.* Amounts representing short-term liabilities shall be translated at the year-end exchange rate.

(viii) *Long-term liabilities.* Amounts representing long-term liabilities shall be translated at the appropriate exchange rate for the translation period in which such liabilities were incurred.

(ix) *Paid-in capital.* Amounts representing paid-in capital shall be translated at the appropriate exchange rate for the translation period in which such capital was paid in.

Notwithstanding any other provisions of this subparagraph, where the amount representing an item shown on the balance sheet reflects a transaction described in paragraph (c)(7) of this section, such transaction shall be taken into account in accordance with that paragraph.

(5) *Definitions.* For purposes of this paragraph—

(i) *Financial assets.* A financial asset shall be any asset reflecting a fixed amount of foreign currency, such as cash on hand, bank deposits, and loans and accounts receivable. Securities (within the meaning of section 1236(c)) shall be considered financial assets whether or not they reflect a fixed amount of foreign currency. However, the term "financial asset" shall not include any securities of, or advances on open account to, any corporation in which the foreign corporation and any related persons (within the meaning of section 954(d)(3) and the regulations thereunder) with respect thereto own at least 10 percent of the combined voting power of all classes of stock entitled to vote.

(ii) *Physical assets.* A physical asset shall be any asset other than a financial asset and shall include goodwill, patents and other intangibles.

(iii) *Short-term liabilities.* A short-term liability shall be any indebtedness of the foreign corporation which is due or overdue as of the date of the balance sheet or which will become due within one year thereafter.

(iv) *Long-term liabilities.* A long-term liability is any indebtedness of the foreign corporation other than a short-term liability.

For the definition of "appropriate exchange rate", "year-end exchange rate" and "translation period", see paragraph (c) (2), (4), and (6) respectively of this section.

(6) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). N Corporation is a controlled foreign corporation which uses the calendar year as its taxable year and which maintains its books in yuccas, the currency of the country in which it operates. For 1963, its operating profit is 140,000 yuccas or $55,720. At the end of the year, its balance sheet, as translated and adjusted pursuant to subparagraph (3) of this paragraph, is as follows:

	Local currency	Exchange rate	U.S. dollars
Cash	$77,000	2.20:1	35,000
Accounts receivable	209,000	2.20:1	95,000
Inventory	418,000	(1)	199,050
Fixed assets	1,430,000	(1)	700,000
Less: Accumulated depreciation	436,000	(1)	215,000
Total assets	1,698,000		814,050
Current liabilities	338,000	2.20:1	153,640
Long-term liabilities	300,000	(1)	150,000
Paid-in capital	800,000	(1)	400,000
Retained earnings	260,000		110,410
Total liabilities and net worth	1,698,000		814,050

[1] Historical.

N Corporation's retained earnings for 1962 are determined on the basis of its balance sheet as of the end of that year, translated as follows:

	Local currency	Exchange rate	U.S. dollars
Cash	70,000	2.00:1	35,000
Accounts receivable	180,000	2.00:1	90,000
Inventory	350,000	(1)	175,000
Fixed assets	1,000,000	(1)	500,000
Less: Accumulated depreciation	200,000	(1)	100,000
Total assets	1,400,000		700,000
Current liabilities	180,000	2.00:1	90,000
Long-term liabilities	300,000	(1)	150,000
Paid-in capital	800,000	(1)	400,000
Retained earnings	120,000		60,000
Total liabilities and net worth	1,400,000		700,000

The exchange gain or loss of N Corporation for 1963 may be computed as follows:

Retained earnings—1963			110,410
Less: Retained earnings—1962	60,000		
Operating profit—1963	55,720		115,720
Exchange loss			5,310

[1] Historical.

Example (2). Assume the same facts as in example (1). For 1964, N Corporation's operating profit is 104,300 yuccas or $15,740. It pays a dividend of 26,000 yuccas during a translation period when the appropriate exchange rate is 2.60 yuccas per United States dollar. At year-end, its balance sheet, as translated and adjusted pursuant to subparagraph (3) of this paragraph is as follows:

	Local currency	Exchange rate	U.S. dollars
Cash	91,000	2.60:1	35,000
Accounts receivable	260,000	2.60:1	100,000
Inventory	430,000	(1)	174,400
Fixed assets	1,646,000	(1)	790,000
Less: Accumulated depreciation	663,700	(1)	323,000
Total assets	1,763,300		776,400
Current liabilities	225,000	2.60:1	125,000
Long-term liabilities	300,000	(1)	150,000
Paid-in capital	800,000	(1)	400,000
Retained earnings	338,300		101,400
Total liabilities and net worth	1,763,300		776,400

The exchange gain or loss of N Corporation for 1964 would be computed as follows:

Retained earnings—1964			101,400
Add: Dividends—1964			10,000
Predistribution earnings			111,400
Less: Retained earnings—1963	110,410		
Operating profit—1964	15,740		126,150
Exchange Loss			14,750

[1] Historical.

(f) *Determination of earnings and profits as if a domestic corporation.* If the books of account regularly maintained by a foreign corporation for the purpose of accounting to its shareholders are kept in United States dollars and in accordance with accounting principles generally accepted in the United States, and if it is so elected by or on behalf of such corporation, the earnings and profits of the foreign corporation for a taxable year shall be determined in every respect as if it were a domestic corporation. Such election shall be effective only for the taxable year with respect to which the election is made. Once made, such election shall be irrevocable. See paragraph (d)(3) of this section for the time and manner in which an election may be made on behalf of a foreign corporation.

[F.R. Doc. 64-2671; Filed, Mar. 19, 1964; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 949]

IRISH POTATOES GROWN IN RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Notice of Rule Making With Respect to Termination of Marketing Agreement and Order

Notice is hereby given that the Secretary of Agriculture, upon recommendation of the Red River Valley Potato Committee, is considering termination of Marketing Agreement No. 135 and Order No. 949 (7 CFR Part 949). This program has been effective since September 19, 1957, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The committee advised that its recommendation is based on committee polls indicating the order (7 CFR Part 949, formerly Marketing Order No. 38) is no longer favored by a majority of potato producers in the production area.

Consideration will be given to any data, views, or arguments pertaining to this notice which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 60 days following its publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: March 17, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-2720; Filed, Mar. 19, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 101]

LANDS CONTAINING RANGE OR OTHER IMPROVEMENTS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by section 2478 of the Revised statutes (43 U.S.C. 1201) it is proposed to amend 43 CFR Part 101 as set forth below. A purpose of this amendment is to place in the regulations the rule that lands are appropriated from alienation or other disposition if range or other improvements have been placed on them by or pursuant to an agreement with the United States, or if funds have been allocated for such improvements. This principle has been enunciated both in court and departmental decisions. Another purpose is to state that compensation for improvements will be required if alienation or other disposition of the improved lands is to be permitted.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C. within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

A new center heading and § 101.22 are added to Part 101, to read as follows:

LANDS CONTAINING IMPROVEMENTS

§ 101.22 Lands containing range or other improvements.

Lands upon which improvements, including but not limited to range improvements, have been placed by or pursuant to an agreement with the United States, and lands which have been identified for construction of such improvements by definite allocation thereto of any available funds, are appropriated for a public use and are not subject to disposition under the public land laws unless and until a determination is made otherwise. In the event a determination is made to allow a requested disposition, such disposition will not be approved unless evidence is furnished that the requestor has agreed to make compensation for improvements placed upon the land, if there is to be no reservation of such improvements. If agreement between the requestor and the United States or the person who made the improvements or his successor in interest cannot be reached, the amount, manner, and time for compensation shall be fixed by the authorized officer. The refusal or failure of the requestor to comply with the agreement or the conditions fixed by the authorized officer shall be just cause for rejection of the request or cancellation of any right or interest in the lands acquired by reason of approval of the requested disposition.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 16, 1964.

[F.R. Doc. 64-2698; Filed, Mar. 19, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Economic Regs. Docket No. 14640]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Supplemental Notice of Proposed Rule Making

MARCH 17, 1964.

The Board, by publication in 28 F.R. 12281 and by circulation of a notice of proposed rule making and Request for Comments and Information, EDR-62, dated November 12, 1963, gave notice that it has under consideration amendment of § 298.21(b) (1) and (2) to eliminate the restriction against scheduled services by air taxi operators within the territories and possessions of the United States and within the State of Hawaii. The Board requested interested persons to submit specific economic data and information to enable the Board to reach an informed judgment of the need for regular and frequent air taxi service in these areas and the competitive impact of such authorizations on the carriers presently serving these areas. The notice provided that the economic data and information be filed on or before December 20, 1963, and that data, views, or arguments pertaining solely to the communications previously filed by other interested persons be submitted on or before January 20, 1964.

By supplemental notices of proposed rule making, EDR-62A and EDR-62B dated December 4, 1963 (28 F.R. 13311) and January 14, 1964 (29 F.R. 433), respectively, the Board extended the dates for submitting data and for commenting on such communications to February 20, 1964, and March 20, 1964, respectively.

Counsel for Aloha Airlines, Inc., has asserted that additional time is required to submit comments on the data and information that have been filed and requests that the date for submitting comments on such communications be extended for a period of 30 days. The undersigned finds that good cause has been shown for an extension of time for submitting data, views, or arguments pertaining to such communications.

Accordingly, pursuant to authority delegated under § 7.3C of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the time for submitting data, views, or arguments, pertaining solely to communications filed by other interested persons from March 20, 1964, to April 20, 1964. All relevant data, views, or arguments received on or before April 20, 1964, will be considered by the Board before taking final action.

Copies of all communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Secs. 204(a), 401(a), and 416(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 771; 49 U.S.C. 1324, 1371, 1386)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Special Counsel Division.

[F.R. Doc. 64-2710; Filed, Mar. 19, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Antibiotics for Growth Promotion and Feed Efficiency; Proposed Amendments; Extension of Time for Filing Comments

In the matter of amending the food additive regulations to include a requirement that animal feeds containing an antibiotic for growth promotion bear a label statement of the quantity contained therein:

The notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of February 6, 1964 (29 F.R. 1807), and granted a period of 30 days for the filing of comments. The Commissioner of Food and Drugs has received requests for an extension of time for filing comments. Good reason therefor appearing, the time for filing comments in this matter is extended to June 5, 1964.

This action is taken pursuant to section 409(d) of the Federal Food, Drug, and Cosmetic Act (72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: March 13, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-2715; Filed, Mar. 19, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-122]

FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 161 is designated, in part, from Rochester, Minn., to the intersection of the Farmington, Minn., 077° and the Minneapolis, Minn., 131° True radials. VOR Federal airway No. 462 is designated, in part, from Houghton, Mich., to Whitefish, Mich.

The FAA is considering the following airspace actions:

1. Extend V-161 from the intersection of Farmington 077° and Minneapolis 131° True radials (Prescott INT); via Minneapolis; Brainerd, Minn.; to Grand Rapids, Minn.

2. Designate a segment of V-462 to extend from Bemidji, Minn., via Grand Rapids; to Duluth, Minn.

The proposed segment of V-161 from the Prescott INT to Brainerd would be designated as a common segment with V-82. The proposed segment of V-161 from Brainerd to Grand Rapids would provide a VOR route for aircraft operating between these points. The proposed segment of V-462 would provide a VOR route for aircraft operating between Duluth and Bemidji.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 13, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2695; Filed, Mar. 19, 1964; 8:46 a.m.]

[14 CFR Part 105 [New]]

[Reg. Docket No. 4067; Notice 64-15]

INTENTIONAL PARACHUTE JUMPING

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Part 105 [New] of the Federal Aviation Regulations to permit a person making an intentional parachute jump to drift over a congested area, an open air assembly of persons, or an airport, with an opened parachute if he is at a sufficient altitude to avoid creating a hazard to air traffic or to persons or property on the ground.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. All communications received on or before May 20, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 105.15 of the Federal Aviation Regulations prohibits an intentional parachute jump when it is made "over or into a congested area of a city, town, or settlement, or an open air assembly of persons unless a certificate of authorization for that jump has been issued • • •." A parachute jump is defined by § 105.1 (b) so that it includes the use of a parachute during "all or part of that descent." Therefore, "drifting over" a congested area or an open air assembly with an opened parachute is prohibited by § 105.15.

The Agency is of the opinion that it would be appropriate to relax the rule, and accordingly proposes to amend the regulations, not only with regard to § 105.15, but also § 105.17, which pertains to jumps over or onto airports. Section 105.17 has also been rewritten to make it clear that the airport management must give approval of a parachute jump over an airport that does not have a functioning control tower, as well as onto any airport.

Jumping into or through a cloud is already prohibited by §§ 105.29 and 105.31, but the lead-in clause of § 105.29 is rewritten to state more specifically that prohibition.

In consideration of the foregoing, it is proposed to amend Part 105 [New] of the Federal Aviation Regulations as follows:

1. By amending § 105.15(a) [New] by adding a new sentence to read as follows: "However, a parachutist may drift over that congested area or open air assembly with a fully deployed and properly functioning parachute if he is at a sufficient altitude to avoid creating a hazard to persons or property on the surface."

2. By amending § 105.17 [New] to read as follows:

§ 105.17 Jumps over or onto airports.

Unless prior approval has been given by the airport management, no person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft—

(a) Over an airport that does not have a functioning control tower operated by the United States; or

(b) Onto any airport.

However, a parachutist may drift over that airport with a fully deployed and properly functioning parachute if he is at a sufficient altitude to avoid creating a hazard to air traffic or to persons or property on the surface.

3. By amending the introductory paragraph of paragraph (a) of § 105.29 [New] to read as follows:

(a) No person may make a parachute jump into or through a cloud and no person may make a parachute jump:

• • • • • •

This notice of proposed rule making is issued under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on March 13, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-2696; Filed, Mar. 19, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 4]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for the Motion Picture Production and Motion Picture Service Industries

Notice is hereby given that the Administrator of the Small Business Administration proposes, for the purpose of Government procurement and SBA business loans, to amend the Small Business Size Standards Regulation (Revision 4) by establishing specific definitions of a small business concern in the motion picture production (SIC 7811) and motion picture services (SIC 7821) industries.

It has come to SBA's attention that the $1 million annual sales or receipts definition presently applicable to industries SIC 7811 and 7821 is too low, thereby precluding small businesses from participating in Government procurements set aside for small businesses. Therefore, it is proposed to define a concern in either of the above industries as a small business if its average annual sales or receipts for its preceding three fiscal years do not exceed $3 million.

Interested persons may file with the Small Business Administration within thirty days after publication in the FEDERAL REGISTER, written statements of fact, opinions, or arguments concerning the proposed change.

All correspondence shall be addressed to:

Samuel S. Solomon, Director,
Size Standards Division,
Small Business Administration,
Washington, D.C., 20416.

It is proposed to establish the definition of small business motion picture production and services industries as follows:

The Small Business Size Standards Regulation (Revision 4) is hereby amended by:

1. Deleting § 121.3-8(e) and substituting in lieu thereof new § 121.3-8(e) as follows:

§ 121.3-8 Definition of small business for Government procurement.

• • • • • •

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section is classified:

(1) As small if its average annual sales or receipts for its preceding three fiscal years do not exceed $3 million.

(2) As small if it is bidding on a contract for motion picture production (SIC 7811) and its average annual sales or receipts for its preceding three fiscal years do not exced $3 million.

(3) As small if it is bidding on a contract for motion picture services (SIC 7821) and its average annual sales or receipts for its preceding three fiscal years do not exceed $3 million.

2. Adding new § 121.3-10(d) (8) and (9) to § 121.3-10(d) as follows:

§ 121.3-10 Definition of small business for SBA Business Loans.

• • • • • •

(d) *Services.* • • •

(8) As small if it is engaged in the motion picture production industry and its annual receipts do not exceed $3 million.

(9) As small if it is engaged in the motion picture services industry and its annual receipts do not exceed $3 million.

• • • • • •

Dated: March 12, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-2704; Filed, Mar. 19, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23-933]

SOCORIN ET AL.

Order Denying Export Privileges for an Indefinite Period

In the matter of SOCORIN (Societa Per Il Commercio Internazionale I.N.C.), Dante Perinetti and Francesco Ferrarese, Via Trento 15, Trieste, Italy, respondents; File No. 23-933.

The Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondents all export privileges for an indefinite period because of the failure of said respondents to furnish responsive answers to interrogatories and to produce records and other writings without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence shows and I find that the respondent SOCORIN (Societa Per Il Commercio Internazionale I.N.C.) is a partnership consisting of Dante Perinetti and Francesco Ferrarese and has a place of business in Trieste, Italy; that the aforesaid Investigations Division is conducting an investigation into the facts surrounding the exportation from the United States of certain commodities, including electronic equipment, known to have been delivered to said respondents and into the disposition of said commodities by said respondents. It is impracticable to subpoena the respondents and relevant and material interrogatories and requests to furnish pertinent records and writings were served on them pursuant to § 382.15 of the Export Regulations. Said respondents have failed to furnish responsive answers to said interrogatories or to furnish the records and writings requested, as required by said section and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as representative of a party to any validated export license application, (b) in the preparation or filing of any export license or reexportation authorization, or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. During the time when any respondent or successors, or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export priviliges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

This order shall become effective on March 17, 1964.

Dated: March 7, 1964.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64-2707; Filed, Mar. 19, 1964; 8:47 a.m.]

Office of the Secretary

RICHMOND LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 27, 1964.

Dated: March 3, 1964.

RICHMOND LEWIS,

[F.R. Doc. 64-2706; Filed, Mar. 19, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRAIN PROCESSING CORP.

Notice of Filing of Petition Regarding Food Additives Manganese Bacitracin, Procaine Penicillin, Hygromycin B, Arsanilic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1275) has been filed by Grain Processing Corporation, Muscatine, Iowa, 52761, proposing the amendment of §§ 121.213 and 121.253 to provide for the safe use of manganese bacitracin with procaine penicillin, hygromycin B, and arsanilic acid in specified combinations, as follows:

§ 121.213 *Hygromycin B.*

• • • • • • •

(c) • • •

TABLE 2—HYGROMYCIN B WITH OR WITHOUT OTHER ADDITIVES IN SWINE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
7. Hygromycin B..	12.0	Bacitracin.....	10–50	As manganese bacitracin; withdraw 48 hours prior to slaughter.	Control of infestation of large roundworms (Ascaris suis), nodular worms (Oesophagostemum dentatum), and whipworms (Trichuris suis), and growth promotion and feed efficiency.
8. Hygromycin B..	12.0	Bacitracin+ penicillin.	3.6–50	Not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin; as manganese bacitracin+procaine penicillin; withdraw 48 hours prior slaughter.	Do.

• • • • • • •

§ 121.253 *Arsanilic acid.*

• • • • • • •

(c) • • •

ARSANILIC ACID IN FINISHED CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
2. Arsanilic acid....	45–90 (0.005 percent–0.01 percent).			For chickens and turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
a. Arsanilic acid..	45–90	Bacitracin.....	4–50	For chickens and turkeys; as manganese bacitracin.	Do.
b. Arsanilic acid..	45–90	Bacitracin+ penicillin.	3.6–50	For chickens and turkeys; not less than 0.6 gm. of penicillin nor less than 3 gm. of bacitracin; as manganese bacitracin+procaine penicillin.	Do.
c. Arsanilic acid..	45–90	Bacitracin+ hygromycin B.	4–50 8–12	For chickens; as manganese bacitracin.	§ 121.213(c), table 1, item 1., and growth promotion and feed efficiency.
d. Arsanilic acid..	45–90	Bacitracin+ penicillin+ hygromycin B.	3.6–50 8–12	For chickens; not less than 0.6 gm. of penicillin nor less than 3 gm. of bacitracin; as manganese bacitracin+procaine penicillin.	Do.

Dated: March 16, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–2716; Filed, Mar. 19, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15007]

AIR AFRIQUE FOREIGN PERMIT

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on March 24, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 17, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64–2712; Filed, Mar. 19, 1964; 8:48 a.m.]

[Docket 14903]

PLEASANT TRAVEL SERVICE AND INTERNATIONAL TRAVEL CONTRACTORS

Enforcement Proceeding; Notice of Hearing

S. M. Stein Enterprises, Inc., d/b/a Pleasant Travel Service, and as International Travel Contractors.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on April 14, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., March 17, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64–2713; Filed, Mar. 19, 1964; 8:48 a.m.]

[Docket 15079]

WESTBOUND GENERAL COMMODITY RATES [1]

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 16, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the Examiner and other parties on or before April 7, 1964: (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 17, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64–2714; Filed, Mar. 19, 1964; 8:48 a.m.]

[Docket No. 13777; Order E–20579]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares and Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of March 1964.

An agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to fare and rate matters; Docket No. 13777, Agreement C.A.B. 17632.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

This agreement revalidates, for a further period, the special rules relating to the sale of transportation in Brazil.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution 100(Mail 359)003d, which is incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That, Agreement C.A.B. 17632 be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–2711; Filed, Mar. 19, 1964; 8:48 a.m.]

[1] See Order E–20571, 3/12/64 CAB.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PIKES PEAK STOCKMEN CENTER ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
COLORADO	
Pikes Peak Stockmen Center, Colorado Springs, Apr. 12, 1961.	Pikes Peak Livestock Commission Co., Inc., Dec. 6, 1963.
ILLINOIS	
Harry Schrader Consignment Sale, Dakota, Nov. 23, 1959.	Harry Schrader Marketing Center, Jan. 1, 1964.
INDIANA	
Vincennes Producers Livestock, Association, Vincennes, Apr. 26, 1959.	Producers Livestock Association, Oct. 16, 1963.
IOWA	
Wehrheim and Peterson Sales Pavilion, Webster City, May 19, 1959.	E. V. Wehrheim Sales Pavilion, Feb. 19, 1964.
NORTH CAROLINA	
Warrenton Stock Yards, Warrenton, Sept. 3, 1960....	Warrenton Livestock Market, Feb. 1, 1964.
OHIO	
Bucyrus Union Stockyards, Bucyrus, Mar. 9, 1937....	Producers Livestock Association, Oct. 16, 1963.
Producers Stockyards, Chillicothe, Mar. 12, 1954....	Producers Livestock Association, Oct. 16, 1963.
Producers Stockyards of Columbus, Columbus, Feb. 27, 1935.	Producers Livestock Association, Oct. 16, 1963.
Preble County Livestock Producers, Association, Eaton, June 1, 1959.	Producers Livestock Association, Oct. 16, 1963.
Highland Producers Association, Hillsboro, June 11, 1959.	Producers Livestock Association, Oct. 16, 1963.
Marion Union Stock Yards, Marion, Feb. 5, 1934....	Producers Livestock Association, Oct. 16, 1963.
Producers Stock Yards, Mt. Vernon, Mar. 24, 1954...	Producers Livestock Association, Oct. 16, 1963.
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Done at Washington, D.C., this 17th day of March 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64–2721; Filed, Mar. 19, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP64–22]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

Correction

In F.R. Doc. 64–2499, appearing at page 3408 of the issue for March 14, 1964, the docket number should read as set forth above.

[Docket No. RP64–16]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Order Suspending Proposed Revised Tariff Sheets, Providing for Hearing and Prescribing Procedure

MARCH 13, 1964.

On January 31, 1964, Kansas-Nebraska Natural Gas Company (K–N) tendered for filing certain revised tariff sheets [1] to its FPC Gas Tariff, First Revised Volume No. 1. The tendered tariff sheets provide for increases in jurisdictional rates and charges, which K–N proposes be made, effective as of March 17, 1964.

K–N operates about 6,200 miles of gathering and transmission lines and delivers gas to consumers in Kansas, Nebraska, Colorado and Wyoming. Gas sales for the base period, the 12 months ended September 30, 1963, approximated 79.1 million Mcf. The proposed rates would increase the company's annual revenues by about $853,600, or 18 percent over the revenues computed at existing rates, based upon sales during the year ended September 30, 1963.

The reason for the increases in rates, K–N states is due principally to a large investment which has been made to provide pipeline and storage capacity and to increases in purchased gas costs. The increase in investment relates particularly to facilities which have been certificated by the Commission during the past year. Further, the company states that the embedded cost of debt capital has increased.

K–N's tendered filing raises a number of issues, including, but not limited to (1) purchased gas costs; (2) operating expenses; (3) rate of return and income tax allowance; (4) cost allocation and rate design; (5) annual depreciation rates; and (6) determination of whether certain sales are jurisdictional.

The proposed rates and charges contained in the revised tariff sheets tendered for filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates,

[1] First Revised Sheet Nos. 6, 8, 8A, 8B, 8C, 8D, 8E, and 10A; Second Revised Sheet Nos. 2, 3 and 7; and Third Revised Sheet Nos. 4, 5 and 9 to its FPC Gas Tariff, First Revised Volume No. 1.

charges, classification and services contained in the revised tariff sheets to K–N's FPC Gas Tariff, First Revised Volume No. 1, which were tendered for filing January 31, 1964, and that said revised tariff be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 8 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date fixed by notice by Presiding Examiner Ames W. Williams, or by any other officer who may be designated by the Chief Examiner for that purpose, concerning the lawfulness of the rates, charges, classifications, and services contained in the revised tariff sheets to K–N's First Revised Volume No. 1 which were tendered for filing January 31, 1964.

(B) Pending such hearing and decision thereon, the revised tariff sheets to K–N's First Revised Volume No. 1, and the rates and charges contained therein are hereby suspended and the use thereof deferred until August 17, 1964, or until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) The Commission staff and all interveners proposing to present evidence in this proceeding shall serve their testimony and exhibits upon the Presiding Examiner and all parties as follows: Staff, on or before June 15, 1964; Interveners on or before July 1, 1964.

(D) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a pre-hearing conference before the Presiding Examiner shall commence at 10:00 a.m., e.s.t., on July 13, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of reaching such agreements as will expedite the determination herein, including, but not limited to stipulation of facts, naming and defining of issues, and establishment of dates for service of rebuttal testimony and for cross-examination of witnesses.

(E) The cross-examination, when commenced shall be continuous as to all witnesses to be presented, unless the Presiding Examiner finds that extraordinary circumstances preclude such procedure.

(F) The Presiding Examiner shall control the progress of this proceeding to its prompt conclusion.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–2700; Filed, Mar. 19, 1964; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

GIRARD TRUST BANK

Order Approving Merger of Banks

In the matter of the application of Girard Trust Bank for approval of merger with The First National Bank of Riegelsville.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Girard Trust Bank,[1] Philadelphia, Pennsylvania, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The First National Bank of Riegelsville, Riegelsville, Pennsylvania, under the charter and title of the former. As an incident to the merger, the sole office of The First National Bank of Riegelsville would become a branch of Girard Trust Bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[2] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 13th day of March 1964.

By order of the Board of Governors.[3]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64–2697; Filed, Mar. 19, 1964; 8:47 a.m.]

[1] Entitled "Girard Trust Corn Exchange Bank" prior to March 9, 1964.

[2] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551 or to the Federal Reserve Bank of Philadelphia.

[3] Voting for this action: Vice Chairman Balderston, and Governors Mills, Robertson, Shepardson, Mitchell, and Daane. Absent and not voting: Chairman Martin.

GENERAL SERVICES ADMINISTRATION

[Docket No. 73,100–U]

[Delegation of Authority 425]

SECRETARY OF DEFENSE

Authority To Represent Interests of Executive Agencies of Federal Government in Matter of Issuance of a Show Cause Order Concerning Certain Pipeline Companies Before Kansas State Corporation Commission

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority is hereby delegated to the Secretary of Defense, in accordance with sections 201(a)(4) and 205(d) and (e) thereof, to represent the interests of the executive agencies of the Federal Government In the Matter of the Issuance of a Show Cause Order Concerning Certain Pipeline Companies, before the Kansas State Corporation Commission, Docket No. 73,100–U.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective March 10, 1964.

Dated: March 16, 1964.

BERNARD L. BOUTIN, *Administrator of General Services.*

[F.R. Doc. 64–2708; Filed, Mar. 19, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 17, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38884: *Liquid Caustic Soda to Nixon, Ga.* Filed by Southwestern Freight Bureau, agent (No. B–8521), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from points in Louisiana and Texas, to Nixon, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 34, 129 and 19 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450, and 4534, respectively.

FSA No. 38885: *Sodium Silicate to Mobile, Ala.* Filed by Southwestern Freight Bureau, agent (No. B–8522), for interested rail carriers. Rates on dry sodium (soda) silicate, in carloads, from Dallas, Tex., to Mobile, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 19 to Southwestern Freight Bureau, agent, tariff I.C.C. 4534.

FSA No. 38886: *Soda Ash to Cedar Springs, Ga.* Filed by Southwestern Freight Bureau, agent (No. B–8523), for interested rail carriers. Rates on soda ash, in carloads, from points in Louisiana and Texas, also Baldwin, Ark., to Cedar Springs, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 33, 129 and 19 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450 and 4534, respectively.

FSA No. 38887: *Liquefied Chlorine Gas from Lake Charles, La.* Filed by Southwestern Freight Bureau, agent (No. B–8524), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads, from Lake Charles, La., to Demopolis and Green Tree, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 129 to Southwestern Freight Bureau, agent, tariff I.C.C. 4450.

FSA No. 38888: *Clay to McNeil and Waterloo, Ark.* Filed by Southwestern Freight Bureau, agent (No. B–8525), for interested rail carriers. Rates on processed clay, noibn, in carloads, from Dolan, Lufkin, Martin and Nacogdoches, Tex., to McNeil and Waterloo, Ark.

Grounds for relief: Market competition.

Tariff: Supplement 12 to Southwestern Freight Bureau, agent, tariff I.C.C. 4481.

FSA No. 38889: *Ferro Alloys to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8526), for interested rail carriers. Rates on ferro alloy metals, as described in the application, in carloads, from Relief, Ohio and Graham, W. Va., to Houston, Tex.

Grounds for relief: Truck-barge competition.

Tariff: Supplement 178 to Southwestern Freight Bureau, agent, tariff I.C.C. 4397.

FSA No. 38890: *Soda Ash to Hillsboro and Lincoln, Ill.* Filed by Southwestern Freight Bureau, agent (No. B–8527), for interested rail carriers. Rates on soda ash, other than modified, in carloads, from Freeport, Tex., to Hillsboro and Lincoln, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 4 to Southwestern Freight Bureau, agent, tariff I.C.C. 4564.

FSA No. 38891: *Iron or Steel Articles to Pascagoula, Miss.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2709), for interested rail carriers. Rates on iron or steel articles, viz: plate or sheet, noibn, galvanized or plain, corrugated or not corrugated, strip steel, noibn, in carloads, from points in Ohio, Pennsylvania and West Virginia, to Pascagoula, Miss.

Grounds for relief: Barge-rail and market competition.

Tariff: Supplement 32 to Traffic Executive Association-Eastern Railroads agent, tariff I.C.C. C–282.

FSA No. 38892: *T.O.F.C. Service from and to Clinton, Okla., and Burris, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8528), for interested rail carriers. Rates on various commodities moving on class and commodity rates and loaded in trailers and transported on railroad flat cars, between Clinton, Okla., and Burris, Tex., on the one hand, and points in official (including Illinois), southern, southwestern and western trunk-line territories, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 169 to Southwestern Freight Bureau, agent, tariff I.C.C. 4345 and 7 other schedules named in the application.

FSA No. 38893: *T.O.F.C. Service from and to Points in Southwestern Territory.* Filed by Southwestern Freight Bureau, agent (No. B–8529), for interested rail carriers. Rates on fresh meats and packinghouse products loaded in trailers and transported on railroad flat cars, between points in southwestern territory, on the one hand, and points in Illinois Freight Association and western trunk-line territories, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 169 and 95 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4345 and 4480, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–2703; Filed, Mar. 19, 1964; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 18, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38895: *Starch and Dextine from Points in Iowa.* Filed by Western Trunk Line Committee, agent (No. A–2353), for interested rail carriers. Rates on starch and dextrine, in carloads, from specified points in Iowa, to points in Alabama, Florida, Georgia, Louisiana, North Carolina, and South Carolina.

Grounds for relief: Market competition.

Tariff: Supplement 125 to Western Trunk Line Committee, agent, tariff I.C.C. A–4396.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38894: *Pullman Charges in Eastern Territory.* Filed by The Pullman Company (No. 13), for interested rail carriers. Pullman charges for upper and lower berths, sections, duplex roomettes, roomettes, bedrooms, bedroom suites, compartments and drawing rooms, between points in the United States.

Grounds for relief: Experimental space charges to meet competition of other modes of transportation.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–2736; Filed, Mar. 19, 1964; 8:50 a.m.]

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VOLUME 29 NUMBER 57

Washington, Saturday, March 21, 1964

THE UNIVERSITY OF MICHIGAN
MAR 24 1964
MAIN READING ROOM

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Now Available

CODE OF FEDERAL REGULATIONS

(As of January 1, 1964)

The following revised books and pocket supplements are now available:

Title 7 (Parts 1030–1059) (Rev.)	**$1.00**
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A cumulative checklist of CFR issuances for 1964 appears in the first issue of each month under Title 1.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 213.3360 is amended as set out below.

§ 213.3360 **Peace Corps.**

* * * * * *

(b) Two Confidential Secretaries (Stenography) to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–2785; Filed, Mar. 20, 1964; 8:52 a.m.]

PART 213—EXCEPTED SERVICE

President's Committee on Consumer Interests

Effective upon publication in the FEDERAL REGISTER, § 213.3371 is added to Part 213 as set out below.

§ 213.3371 **President's Committee on Consumer Interests.**

(a) One Confidential Assistant.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–2754; Filed, Mar. 20, 1964; 8:49 a.m.]

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Miscellaneous Amendments

The enactment of Public Law 88–284, amending the Federal Employees Health Benefits Act of 1959, requires that the regulations be changed to coincide with the amending provisions of the Act.

The Commission has found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER because it was the intent of Congress that, except as hereinafter noted, Public Law 88–284 should become effective immediately and in the respects therein set forth, and to effectuate the declared policy of the Act this amendment must become effective as of the same time.

Therefore, it is ordered that these amendments are effective as of March 17, 1964, except changes in § 890.501, which are effective on the first day of the first pay period which begins on or after June 16, 1964.

Part 890 of Chapter I of Title 5, Code of Federal Regulations is amended in the following respects:

Section 890.201(a)(4) is amended to read as follows:

§ 890.201 **Minimum standards for health benefits plans.**

(a) To be qualified to be approved by the Commission, a health benefits plan shall:

(4) Provide for conversion to a contract for health benefits regularly offered by the carrier, or an appropriate affiliate, for group conversion purposes, which shall be guaranteed renewable, subject to such amendments as apply to all contracts of this class, except that it may be canceled for fraud, over-insurance, or nonpayment of periodic charges. A carrier shall permit conversion within the time allowed by the temporary extensions of coverage provided under section 890.401 for each employee, annuitant, and member of family entitled to convert. When an employing office gives an employee written notice of his privilege of conversion, the carrier shall permit conversion at any time before (i) 15 days after the date of notice or (ii) 75 days after his enrollment is terminated, whichever is earlier. When the Commission requests an extension of time for conversion because of delayed determination of ineligibility for immediate annuity, the carrier shall permit conversion until the date specified by the Commission in its request for extension. On conversion, the contract becomes effective as of the day following the last day of the temporary extension, and the employee, annuitant, or member of the family, as the case may be, shall pay the entire cost thereof directly to the carrier. The nongroup contract may not deny or delay an obstetrical or other benefit covered by the contract for a person converting from a plan approved under this part, except to the extent that benefits are continued under the health benefits plan from which he converts.

* * * * * *

Section 890.301(1) is revised and a new § 890.301(r) is added, as follows:

§ 890.301 **Opportunities to register to enroll and change enrollment.**

* * * * * *

(1) *On reaching 21.* An employee who is not registered to be enrolled may register to be enrolled within 31 days after he becomes 21 years of age.

* * * * * *

(r) *Public Law 88–284.* (1) An employee who is not enrolled on March 17, 1964, may register, at any time before July 1, 1964, to be enrolled, and an employee or annuitant who is enrolled for self alone may register, at any time before July 1, 1964, to change his enrollment to self and family in the same plan and option.

(2) An annuitant who becomes eligible to continue his enrollment by virtue of Public Law 88–284 may register, at any time before January 1, 1965, to be enrolled.

Section 890.302(b) is revoked and § 890.302(c) is revised as follows:

§ 890.302 **Coverage of family members.**

* * * * * *

(c) *Child incapable of self-support.* When an employee or annuitant enrolls for a family which includes a child incapable of self-support who has become 21 years of age, the employing office shall require the employee or annuitant to submit a certificate of the physician that the child is incapable of self-support because of a physical or mental disability which existed before the child became 21 years of age, and can be expected to continue for more than 1 year. The certificate shall include a statement of the name of the child, the nature of his disability, the period of time it has existed, and its probable future course and duration. The certificate shall be signed by the physician and show his office address. When an employee or annuitant is enrolled for a family which includes a child under 21 years of age who is incapable of self-support because of a physical or mental disability, the employing office shall require the employee or annuitant to submit the certificate on or before the date the child becomes 21 years of age. However, the employing office may accept otherwise satisfactory evidence of incapacity not timely filed.

* * * * * *

Section 890.501 (a) and (b) are revised to read as follows:

§ 890.501 **Government contributions.**

(a) The Government contribution for all plans, except those for which another contribution is set by paragraph (b) of this section for each enrolled employee who is paid biweekly is as follows:

For an employee enrolled for self alone	$1.30
For an employee enrolled for self and family	3.12

(b) The biweekly Government contribution for each employee or annuitant enrolled in a plan whose total enrollment charge is less than twice the appropriate contribution listed in paragraph (a) of this section is 50 percent of the enrollment charge.

* * * * * *

Section 890.503 (b) and (c)(1) are revised to read as follows:

§ 890.503 Reserves.

• • • • • •

(b) The administrative reserve is credited with (1) the one one-hundred-and-fourth of the enrollment charge set aside for the administrative reserve, and (2) income from the investment of the reserve. The administrative reserve is available for payment of administrative expenses of the Commission incurred under this part, and for such other purposes as may be authorized by law.

(c) (1) The contingency reserve for each plan is credited with (i) the three one-hundred-and-fourths of the enrollment charge set aside for the contingency reserve from the enrollment charges for employees and annuitants enrolled for that plan, (ii) amounts transferred in accordance with law from other contingency reserves and the administrative reserve, (iii) income from investment of the reserve, and (iv) all dividends, rate adjustments, or other refunds made by the plan. The preferred minimum balance for the contingency reserve is 1 month's subscription charges at the average monthly rate paid from the Employees Health Benefits Fund for the plan during the most recent contract period.

• • • • • •

(Sec. 10, 73 Stat. 715; 5 U.S.C. 3009)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-2807; Filed, Mar. 20, 1964; 9:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 5—PROCUREMENT POLICY

Revocation

Part 5 of Chapter I of Title 10 of the Code of Federal Regulations is revoked.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201)

Dated at Germantown, Md., this 16th day of March 1964.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director, Division of Contracts.

[F.R. Doc. 64-2751; Filed, Mar. 20, 1964; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56131]

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

Recordation of Copyrighted Works

It is necessary to amend the list of parties to the Universal Copyright Convention to include a number of countries which have recently become members of the Universal Copyright Convention. Accordingly, § 11.19(b) is amended by inserting "Belgium, Canada, Denmark, Finland, Ghana, Greece, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, and Sweden" in alphabetical order in the list of countries which are parties to the Universal Copyright Convention. This list will read as follows:

§ 11.19 Recordation of copyrighted works.

• • • • • •

(b) • • •

Andorra, Argentina, Austria, Belgium, Brazil, Cambodia, Canada, Chile, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Finland, France, German Federal Republic, Ghana, Greece, Haiti, Holy See, Iceland, India, Ireland, Israel, Italy, Japan, Laos, Lebanon, Liberia, Liechtenstein, Luxembourg, Mexico, Monaco, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Spain, Sweden, Switzerland, United Kingdom, and United States of America.

(Secs. 9, 109, 61 Stat. 655, as amended, 664; 17 U.S.C. 9, 109)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: March 12, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury

[F.R. Doc. 64-2749; Filed, Mar. 20, 1964; 8:49 a.m.]

[T.D. 56130]

PART 14—APPRAISEMENT

Antidumping; Chromic Acid From Australia

MARCH 12, 1964.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority a determination was made, and on November 20, 1963, the United States Tariff Commission was advised that chromic acid from Australia is being, or is likely to be, sold in the United States at less than its fair value.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on February 26, 1964, it notified the Secretary of the Treasury, that an industry in the United States is being injured by reason of the importation of chromic acid from Australia at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to chromic acid from Australia.

Section 14.13(b) of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise and Country	*T.D.*
Chromic Acid, Australia	56130

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-2733; Filed, Mar. 20, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4058; Amdt. 113]

PART 95—IFR ALTITUDES [NEW]

Miscellaneous Amendments

This amendment is adopted to provide safety in air commerce for IFR operations by prescribing the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes also assure navigational coverage that is adequate and free of frequency interference for such a route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662, Part 95 [New] (14 CFR Part 95 [New])) is amended as follow":

Section 95.239 *Red Federal airway 39* is amended to read in part:

From Bethel, Alaska, LF/RBN; to *Aniak, Alaska, LFR; MEA 2,300. *3,500—MCA, Aniak, LFR, northeastbound.

Section 95.287 *Red Federal airway 87* is deleted:

Section 95.627 *Blue Federal airway 27* is amended to read in part:

From King Salmon, Alaska, LFR; to Bethel, Alaska, LF/RBN; MEA 7,500.

From Bethel, Alaska, LF/RBN; to Nome, Alaska, LFR; MEA 3,500.

Section 95.1001 *Direct route—U.S.* is amended to delete:

From Koko Head, TH VOR; to Southgate INT, TH, northeastbound; MEA 4,500; southwestbound; MEA 3,000.

From Makapuu Point, TH LF/RBN; to 10 miles SW, Makapuu Point, LF/RBN, southwestbound only; MEA 4,000.

From 10 miles SW Makapuu Point, LF/RBN; to Southgate INT, TH, southwestbound only; MEA 2,000.

From Maui, TH LFR; to Makapuu Point, LF/RBN; MEA 6,000.

Section 95.1001 *Direct route—U.S.* is amended by adding:

From Miami, Fla., MF-LOM; to Dania INT, Fla.; MEA 2,000.

From Miami, Fla., MF-LOM; to Chester INT, Fla.; MEA *1,500. *1,300—MOCA.

From Miami, Fla., MF-LOM; to Golden Beach, INT, Fla.; MEA 2,000.

Section 95.1001 *Direct route—U.S.* is amended to read in part:

From 8 Lima Pike INT, Bh.; to Collar INT, Bh.; MEA *2,000. *1,000—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to delete:

From Ephrata, Wash., VOR, via N alter.; to *Spokane, Wash., VOR, via N alter.; MEA 5,000. *5,600—MCA Spokane VOR, eastbound.

Section 95.6004 *VOR Federal airway 4* is amended to delete:

From Kansas City, Mo., VOR, via N alter.; to Excelsior INT, Mo., via N alter.; MEA *2,600. *2,400—MOCA.

From Excelsior INT, Mo., via N alter.; to Tina INT, Mo., via N alter.; MEA *3,000. *2,100—MOCA.

From Tina INT, Mo., via N alter.; to Dalton INT, Mo., via N alter.; MEA *4,900. *2,400—MOCA.

From Dalton INT, Mo., via N alter.; to Hallsville, Mo., VOR, via N alter.; MEA 2,400.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

From Folkston INT, Ga.; to Alma, Ga., VOR; MEA *2,000. *1,600—MOCA.

From Jacksonville, Fla., VOR, via W alter.; to Cabins INT, Ga., via W alter.; MEA *2,000. *1,300—MOCA.

From Cabins INT, Ga., via W alter.; to *Bolen INT, Ga., via W alter.; MEA **2,000. *2,100—MRA; **1,500—MOCA.

From Bolen INT, Ga., via W alter.; to Alma, Ga., VOR, via W alter.; MEA *2,000 *1,600—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to delete:

From *Ogden, Utah, VOR, via N alter.; to Blacksmith INT, Utah, via N alter.; MEA **13,000. *11,000—MCA Ogden VOR, northbound. **12,000—MOCA.

From Blacksmith INT, Utah, via N alter.; to Fort Bridger, Wyo.; VOR, via N alter.; westbound, MEA 13,000; eastbound, MEA 12,000.

From Fort Bridger, Wyo., VOR, via N alter.; to Rock Springs, Wyo., VOR, via N alter.; MEA 10,000.

From Rock Springs, Wyo., VOR, via N alter.; to Cherokee, Wyo., VOR, via N alter.; MEA 10,000.

From Cherokee, Wyo., VOR, via N alter.; to Medicine Bow, Wyo., VOR, via N alter.; MEA 11,000.

From Sidney, Nebr., VOR, via N alter.; to North Platte, Nebr., VOR, via N alter.; MEA 6,100.

From North Platte, Nebr., VOR, via N alter.; to Int. 061 M rad North Platte VOR and 277 M rad Grand Island VOR, via N alter.; MEA *5,400. *4,300—MOCA.

From Int. 061 M rad, North Platte, VOR, and 277, M rad, Grand Island, VOR, via N alter.; to Grand Island, Nebr., VOR, via N alter.; MEA *5,400. *4,100—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

From Moscow INT, Iowa; to Cordova, Ill., VOR; MEA *2,300. *2,000—MOCA.

From Cordova, Ill., VOR; to Hinckley INT, Ill.; MEA *2,700. *2,100—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From Moscow INT, Iowa; to Cordova, Ill., VOR; MEA *2,300. *2,000—MOCA.

From Cordova, Ill., VOR; to Hinckley INT, Ill.; MEA *2,700. *2,100—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended by adding:

From Bryce Canyon, Utah, VOR, via S alter.; to *Hanksville, Utah, VOR, via S alter.; MEA 13,000. *11,000—MCA Hanksville, VOR, southwestbound.

Section 95.6009 *VOR Federal airway 9* is amended to delete:

From Malden, Mo., VOR, via W alter.; to Farmington, Mo., VOR, via W alter.; MEA 2,400.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

From Greenwood, Miss., VOR; to Coldwater INT, Miss.; MEA *2,400. *1,800—MOCA.

From Coldwater INT, Miss.; to Memphis, Tenn., VOR; MEA 1,900.

From Sardis INT, Miss., via E alter.; to Independence INT, Miss., via E alter.; MEA 2,000.

From Independence INT, Miss., via E alter.; to Memphis, Tenn., VOR, via E alter.; MEA 1,900.

From Greenwood, Miss., VOR, via W alter.; to Arkabutla INT, Miss., via W alter.; MEA *2,000. *1,900—MOCA.

From Arkabutla INT, Miss., via W alter.; to Memphis, Tenn., VOR, via W alter.; MEA *1,900. *1,800—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

From Burlington, Iowa, VOR; to Bradford, Ill., VOR; MEA *2,600. *2,100—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to delete:

From Kirksville, Mo., VOR, via S alter.; to Burlington, Iowa, VOR, via S alter.; MEA *2,500. *2,100—MOCA.

From Burlington, Iowa, VOR, via N alter.; to Bradford, Ill., VOR, via N alter.; MEA 2,100.

From Dodge City, Kans., VOR, via S alter.; to Pratt INT, Kans., via S alter.; MEA *4,300. *3,700—MOCA.

From Pratt INT, Kans., via S alter.; to Hutchinson, Kans., VOR, via S alter.; MEA *4,300. *3,200—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

From Anderson INT, Tenn., via E alter.; to *Humboldt INT, Tenn., via E alter.; MEA 2,100. *4,000—MRA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

From Amarillo, Tex., VOR; to Gage, Okla., VOR; MEA *5,300. *4,900—MOCA.

From Amarillo, Tex., VOR, via N alter.; to Borger, Tex., VOR, via N alter.; MEA *5,300. *4,900—MOCA.

From Borger, Tex., VOR, via N alter.; to Int. 238 M rad, Gage VOR, and 050, M rad, Borger VOR, via N alter.; MEA *4,800. *4,600—MOCA.

From Int. 238, M rad, Gage VOR, and 050, M rad, Borger VOR, via N alter.; to Gage, Okla., VOR, via N alter.; MEA *4,700. *4,400—MOCA.

From *Conway INT, Kans., via S alter.; to Wichita, Kans., VOR, via S alter.; MEA **2,900. *3,000—MRA. **2,700—MOCA.

From Wichita, Kans., VOR; to DeGraff INT, Kans.; MEA *3,000. *2,800—MOCA.

From DeGraff INT, Kans., to *Cassoday INT, Kans.; MEA **3,100. *4,500—MRA. **2,800—MOCA.

From Whitewater INT, Kans., via N alter.; to *Florence INT, Kans., via N alter.; MEA **3,100. *5,000—MRA. **2,700—MOCA.

From Anthony, Kans., VOR; to Milton INT, Kans.; MEA 2,900.

From Wheeling, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 3,000.

Section 95.6013 *VOR Federal airway 13* is amended to delete:

From Kansas City, Mo., VOR, via E alter.; to Lamoni, Iowa, VOR, via E alter.; MEA *2,900. *2,400—MOCA.

From Lamoni, Iowa, VOR, via E alter.; to Des Moines, Iowa, VOR, via E alter.; MEA *3,000. *2,300—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to delete:

From Neosho, Mo., VOR, via N alter.; to Miller INT, Mo., via N alter.; MEA *3,000. *2,500—MOCA.

From Miller INT, Mo., via N alter.; to Springfield, Mo., VOR, via N alter.; MEA *3,000. 2,600—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to delete:

From Kansas City, Mo., VOR, via E alter.; to Paradise INT, Mo., via E alter.; MEA *2,600. *2,400—MOCA.

From Paradise INT, Mo., via E alter.; to Plattsburg INT., Mo., via E alter.; MEA *2,600. *2,100—MOCA.

From Plattsburg INT, Mo., via E alter.; to St. Joseph, Mo., VOR, via E alter.; MEA 2,800.

From St. Joseph, Mo., VOR via E alter.; to Elliott INT, Iowa, via E alter.; MEA *2,900. *2,400—MOCA.

From Elliott INT, Iowa, via E alter.; to Neola, Iowa, VOR, via E alter.; MEA *3,100. *2,500—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

From Sioux Falls, S. Dak., VOR via W alter.; to Mitchell, S. Dak., VOR, via W alter.; MEA *5,500. *3,000—MOCA.

From Mitchell, S. Dak., VOR, via W alter.; to Huron, S. Dak., VOR, via W alter.; MEA *3,000. *2,600—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

From Pipe Line INT, Tex.; to Mustang INT, Tex.; MEA *6,300. *4,500—MOCA.

From *Salt Flat, Tex., VOR; to Orla INT, Tex.; MEA 10,00. *9,100—MCA Salt Flat VOR, eastbound.

From Orla INT, Tex.; to Wink, Tex., VOR; MEA *5,000. *4,300—MOCA.

From Riverhead, N.Y., VOR; to Saybrook INT, Conn.; MEA 2,000.

From Saybrook INT, Conn.; to Salem INT, Conn.; MEA *2,000. *1,500—MOCA.

From Salem INT, Conn.; to Norwich, Conn., VOR; MEA *2,300. *1,700—MOCA.

From Norwich, Conn., VOR; to Sterling INT, Conn.; MEA *2,500. *1,700—MOCA.

From Sterling INT, Conn.; to Foster INT, R.I.; MEA *2,500. *2,000—MOCA.

From Foster INT, R.I.; to Woonsocket INT, R.I.; MEA *2,400. *1,700—MOCA.

From Woonsocket INT, R.I.; to Boston, Mass., VOR; MEA 1,800.

From Int. 075, M rad, Pine Bluff, VOR, and 220, M rad, Memphis, VOR, via S alter.; to Eudora INT, Miss., via S alter.; MEA *3,000. *2,000—MOCA.

From Eudora INT, Miss., via S alter.; to Memphis, Tenn., VOR, via S alter.; MEA *1,900. *1,800—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to delete:

From Garden City, Kans., VOR, via W alter.; to Goodland, Kans., VOR, via W alter.; MEA *6,400. *5,500—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

From Monroe, La., VOR, via S alter.; to *Bolton INT, Miss., via S alter.; MEA 2,300. *3,400—MRA.

From Bolton INT, Miss., via S alter.; to Jackson, Miss., VOR, via S alter.; MEA 2,000.

Section 95.6019 *VOR Federal airway 19* is amended to delete:

From Douglas, Wyo., VOR, via E alter.; to Casper, Wyo., VOR, via E alter.; MEA 7,700.
From Casper, Wyo., VOR, via E alter.; to Crazy Woman, Wyo., VOR, via E alter.; MEA 7,500.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

From Palacios, Tex., VOR; to Arcola INT, Tex.; MEA 1,800.
From Arcola INT, Tex.; to Houston, Tex., VOR; MEA 2,000.
From Rosenberg INT, Tex., via N alter.; to Houston, Tex., VOR, via N alter.; MEA 2,500.
From Lake Charles, La., VOR, via N alter.; to Hathaway INT, La., via N alter.; MEA *1,800. *1,400—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

From Daggett, Calif., VOR, via W alter.; to Int. 047, M rad, Daggett VOR and 032, M rad, Hector VOR, via W alter.; MEA 10,000.

Section 95.6022 *VOR Federal airway 22* is amended to read in part:

From Sabine Pass, Tex., VOR; to White Lake, La., VOR; MEA *5,000. *2,000—MOCA.
From White Lake, La., VOR; to Tibby, La., VOR; MEA *5,000. *1,500—MOCA.

Section 95.6026 *VOR Federal airway 26* is amended to delete:

From Rapid City, S. Dak., VOR, via N alter.; to Elm Springs INT, S. Dak., via N alter.; MEA *4,500. *4,200—MOCA.
From Elm Springs INT, S. Dak., via N alter.; to Philip, S. Dak., VOR, via N alter.; MEA *4,500. *4,100—MOCA.
From Philip, S. Dak., VOR, via S alter.; to Pierre, S. Dak., VOR, via S alter.; MEA *4,000. *3,400—MOCA.
From Pierre, S. Dak., VOR, via S alter.; to Stephan INT, S. Dak., via S alter.; MEA *3,900. *3,400—MOCA.
From Stephan INT, S. Dak., via S alter.; to Huron, S. Dak., VOR, via S alter.; MEA 3,400.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

From Weaverville INT, N.C., via W alter.; to Unicoy INT, Tenn., via W alter.; MEA **8,000. *6,500—MCA Unicoy INT, southbound. **7,500—MOCA.
From Unicoy INT, Tenn., via W alter.; to Holston Mountain, Tenn., VOR, via W alter.; MEA 6,000.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

From Buffalo INT, Iowa; to Moline, Ill., VOR; MEA *2,300. *2,100—MOCA.
From Annawan INT, Ill.; to *Triumph INT, Ill.; MEA **3,800. *3,800—MCA Triumph INT, Westbound. **2,000—MOCA.

Section 95.6040 *VOR Federal airway 40* is amended to read in part:

From Briggs, Ohio, VOR; to Wellsville INT, Pa.; MEA 3,100.
From Wellsville INT, Pa.; to Imperial, Pa., VOR; MEA 3,000.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

From Dundee INT, Mich.; to Salem, Mich., VOR; MEA *2,500. *2,100—MOCA.

Section 95.6048 *VOR Federal airway 48* is amended to read in part:

From Burlington, Iowa, VOR; to London INT, Ill.; MEA *2,400. *1,900—MOCA.
From London INT, Ill.; to Peoria, Ill.; VOR MEA 1,900.

Section 95.6050 *VOR Federal airway 50* is amended to delete:

From Kirksville, Mo., VOR, via S alter.; to Quincy, Ill., VOR, via S alter.; MEA *2,700. *2,100—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

From Folkston INT, Ga.; to Alma, Ga., VOR; MEA *2,000. *1,600—MOCA.
From Jacksonville, Fla., VOR, via W alter.; to Cabins INT, Ga., via W alter.; MEA *2,000. *1,300—MOCA.
From Cabins INT, Ga., via W alter.; to *Bolen INT, Ga., via W alter.; MEA **2,000. *2,100—MRA. **1,600—MOCA.
From Bolen INT, Ga., via W alter.; to Alma, Ga., VOR, via W alter.; MEA *2,000. *1,600—MOCA.

Section 95.6052 *VOR Federal airway 52* is amended to delete:

From Des Moines, Iowa, VOR, via S alter.; to Ottumwa, Iowa, VOR, via S alter.; MEA *2,700. *2,200—MOCA.
From Ottumwa, Iowa, VOR, via N alter.; to *Quincy, Ill., VOR, via N alter.; MEA 2,600. *2,600—MCA Quincy VOR, northwestbound.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

From Ottumwa, Iowa, VOR; to Luray INT, Mo.; MEA *2,600. *2,000—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

From Memphis, Tenn., VOR, via S alter.; to Int. 163, M rad, Memphis, VOR and 276, M rad, Holly Springs, VOR, via S alter.; MEA 1,900.
From Int. 163, M rad, Memphis VOR and 276, M rad, Holly Springs, VOR, via S alter.; to Holly Springs, Miss., VOR, via S alter.; MEA *2,000. *1,500—MOCA.

Section 95.6058 *VOR Federal airway 58* is amended to read in part:

From Hartford, Conn., VOR; to Salem INT, Conn.; MEA *2,600. *2,000—MOCA.

Section 95.6061 *VOR Federal airway 61* is amended to read in part:

From *Wichita Falls, Tex., VOR; to Lawton, Okla., VOR; MEA **2,700. *3,000—MCA Wichita Falls, VOR, southeastbound. **2,200—MOCA.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

From Burlington, Iowa, VOR; to Buffalo INT, Ill.; MEA *2,300. *2,000—MOCA.
From Buffalo INT, to Ill.; to *Big Rock INT, Iowa; MEA **3,500. *3,500—MRA. *5,300—MCA Big Rock INT, northeastbound. **2,000—MOCA.
From Charlotte INT, Iowa; to Freeport INT, Ill.; MEA *4,000. *2,000—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

From Hudspeth, Tex., VOR; to Pecos, Tex., VOR; MEA *9,000. *8,700—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

From Shreveport, La., VOR; to *Cotton INT, La.; MEA **1,800. *2,000—MRA. **1,300—MOCA.
From Cotton INT, La.; to Homer INT, La.; MEA *1,600. *1,500—MOCA.
From Homer INT, La.; to *Gordon INT, La.; MEA **2,000. *3,000—MRA. **1,600—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

From Lafayette, La., VOR, via N alter.; to Baton Rouge, La., VOR, via N alter.; MEA *1,700. *1,500—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

From Baton Rouge, La., VOR; to *Woodville INT, La.; MEA **2,000. *3,000—MRA. **1,700—MOCA.
From Woodville INT, La.; to Natchez, Miss., VOR; MEA *2,000. *1,700—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

From Hoosick INT, N.Y.; to *Newfane INT, Vt.; MEA 6,000. *6,000—MCA, Newfane INT, westbound.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

From *Pryor INT, Okla., via N alter.; to Short INT, Okla., via N alter.; MEA **5,500. *2,800—MRA. **2,600—MOCA.
From Short INT, Okla., via N alter.; to Ft. Smith, Ark., VOR, via N alter.; MEA *4,000. *2,600—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

From *Wichita Falls, Tex., VOR; to Ft. Sill INT, Okla.; MEA **2,900. *3,000—MCA Wichita Falls VOR, southwestbound. **2,400—MOCA.
From Ft. Sill INT, Okla.; to *Norge INT, Okla.; MEA **3,000. *5,000—MRA. **2,500—MOCA.
From *Wichita Falls, Tex., VOR, via E alter.; to Temple INT, Okla., via E alter.; MEA **3,000. *3,000—MCA Wichita Falls VOR, southwestbound. **2,300—MOCA.
From Temple INT, Okla., via E alter.; to Duncan, Okla., VOR via E alter.; MEA *2,600. *2,300—MOCA.
From Ponca City, Okla., VOR; to *Mayfield INT, Kans.; MEA **3,000. *3,000—MRA. **2,400—MOCA.
From Mayfield INT, Kans.; to *Conway INT, Kans.; MEA **3,000. *3,000—MRA. **2,700—MOCA.
From Conway INT, Kans.; to Milton INT, Kans.; MEA *3,400. *2,500—MOCA.
From Whitewater INT, Kans.; to *Florence INT, Kans.; MEA **3,100. *5,000—MRA. **2,700—MOCA.
From Florence INT, Kans.; to Wilsey INT, Kans.; MEA *4,500. *2,600—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to delete:

From Amarillo, Tex., VOR via E alter.; to Dalhart, Tex., VOR, via E alter.; MEA 5,200.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

From Amarillo, Tex., VOR; to Dalhart, Tex., VOR; MEA *5,700. *5,300—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

From *Salt Flat, Tex., VOR; to Orla INT, Tex.; MEA 10,000. *9,100—MCA Salt Flat VOR, eastbound.
From Orla INT, Tex.; to Wink, Tex., VOR; MEA *5,000. *4,300—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to delete:

From Knoxville, Tenn., VOR, via W alter.; to Clinton INT, Tenn., via W alter.; MEA 3,000.
From *Clinton INT, Tenn., via W alter.; to London, Ky., VOR, via W alter.; MEA 5,500. *4,500—MCA Clinton INT, northwestbound.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

From *Salt Flat, Tex., VOR; to **Carlsbad, N. Mex., VOR; MEA 10,800. *10,600—MCA Salt Flat VOR, northeastbound. **7,000—MCA Carlsbad VOR, southwestbound.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

From Amarillo, Tex., VOR; to Claude INT, Tex.; MEA 4,700.
From Claude INT, Tex.; to Childress, Tex., VOR; MEA 5,000.
From Amarillo, Tex., VOR, via N alter.; to Childress, Tex., VOR, via N alter.; MEA *5,300. *4,700—MOCA.
From Finley INT, Tex., via S alter.; to Childress, Tex., VOR, via S alter.; MEA *5,000. *4,700—MOCA.
From *Dupont INT, La.; to **Knapp INT, La.; MEA 1,400. *2,000—MRA. **2,000—MRA.
From Alexandria, La., VOR, via N alter.; to Marks INT, La., via N alter.; MEA *2,900. *1,700—MOCA.
From Marks INT, La., via N alter.; to *Clinton INT, La., via N alter.; MEA 6,000. *2,200—MRA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

From Old Concord INT, Pa.; to Munhall INT, Pa.; MEA 3,200.
From Munhall INT, Pa.; to Pittsburgh, Pa., VOR; MEA 3,000.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

From Imperial, Pa., VOR; to Freeport INT, Pa.; MEA 3,000.
From Freeport INT, Pa.; to East Brady INT, Pa.; MEA 3,300.
From Wellsville, N. Y., VOR; to Burna INT, N.Y.; MEA 4,500.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

From Pierre, S. Dak., VOR; to Mitchell, S. Dak., VOR; MEA *5,000. *3,300—MOCA.
From Mitchell, S. Dak., VOR; to Sioux Falls, S. Dak., VOR; MEA *3,500. *3,000—MOCA.

Section 95.6130 *VOR Federal airway 130* is amended to read in part:

From Norwich, Conn., VOR; to Lafayette INT, R.I.; MEA *2,300. *1,600—MOCA.

Section 95.6131 *VOR Federal airway 131* is amended to read in part:

From Tulsa, Okla., VOR; to Coffeeville INT, Kans.; MEA *2,500. *1,900—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

From *Watch Hill INT, R.I.; to Wakefield INT, R.I.; MEA **3,000. *3,000—MRA. **1,500—MOCA.
From Wakefield INT, R.I.; to Greenwich INT, R.I.; MEA *2,300. *1,600—MOCA.
From Greenwich INT, R.I.; to Providence, R.I., VOR; *2,300. *1,800—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

From Dyersburg, Tenn., VOR, via S alter.; to *Humboldt INT, Tenn., via S alter.; MEA 2,100. *4,000—MRA.
From Humboldt INT, Tenn., via S alter.; to Graham, Tenn., VOR, via S alter.; MEA *4,000. *2,500—MOCA.
From Amarillo, Tex., VOR, via N alter.; to Int. 277, M rad, Sayre VOR and 061, M rad, Amarillo VOR, via N alter.; MEA *5,300. *4,700—MOCA.
From Int. 277, M rad, Sayre VOR, and 061, M rad, Amarillo VOR, via N alter.; to Sayre, Okla., VOR, via N alter.; MEA *4,800. *4,600—MOCA.

Section 95.6146 *VOR Federal airway 146* is amended to read in part:

From Putnam, Conn., VOR; to Foster INT, R.I.; MEA *2,500. *2,000—MOCA.
From Foster INT, R.I.; to Providence, R.I., VOR; MEA *2,400. *1,800—MOCA.
From Providence, R.I., VOR; to Coastal INT, Mass.; MEA *2,000. *1,800—MOCA.
From Coastal INT, Mass.; to Martha's Vineyard, Mass., VOR; MEA 1,500.

Section 95.6151 *VOR Federal airway 151* is amended to read in part:

From Providence, R.I., VOR; to Woonsocket INT, R.I.; MEA *2,400. *1,800—MOCA.
From Woonsocket INT, R.I.; to Gardner, Mass., VOR; MEA 3,000.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA 2,200.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

From Hartford, Conn., VOR; to Clarks INT, Mass.; MEA *2,600. *2,000—MOCA.
From Clarks INT, Mass.; to Providence, R.I., VOR; MEA *2,500. *1,800—MOCA.
From Providence, R.I., VOR; to Turner INT, Mass.; MEA *2,000. *1,800—MOCA.
From Turner INT, Mass.; to Dennis INT, Mass.; MEA *2,500. *1,500—MOCA.

Section 95.6169 *VOR Federal airway 169* is amended to delete:

From Chadron, Nebr., VOR, via E alter.; to Rapid City, S. Dak., VOR, via E alter.; MEA *6,400. *5,900—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to delete:

From Wolbach, Nebr., VOR, via N alter.; to Blair INT, Nebr., via N alter.; MEA *4,500. *3,100—MOCA.
From Blair INT, Nebr., via N alter.; to Neola, Iowa, VOR, via N alter.; MEA 2,700.
From Neola, Iowa, VOR, via N alter.; to Newton, Iowa, VOR, via N alter.; MEA *3,600. *3,500—MOCA.
From Newton, Iowa VOR, via S alter.; to Guernsey INT, Iowa, via S alter.; MEA *2,800. *2,200—MOCA.
From Guernsey INT, Iowa, via S alter.; to Cedar Rapids, Iowa, VOR, via S alter.; MEA *2,500. *2,100—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

From Charlotte INT, Iowa; to Thomson INT, Ill.; MEA *2,600. *2,000—MOCA.
From Thomson INT, Ill., to Polo, Ill. VOR; MEA *2,700. *2,200—MOCA.

Section 95.6176 *VOR Federal airway 176* is amended to read in part:

From Memphis, Tenn. VOR, via S alter.; to Int. 163 M rad, Memphis VOR, and 276 M rad, Holly Springs VOR, via S alter.; MEA 1,900.
From Int. 163 M rad, Memphis VOR, and 276 M rad, Holly Springs VOR, via S alter.; to Holly Springs, Miss., VOR, via S alter.; MEA *2,000. *1,500—MOCA.

Section 95.6179 *VOR Federal airway 179* is amended to delete:

From Centralia, Ill., VOR; to Cartter INT, Ill.; MEA *2,200. *1,700—MOCA.
From Cartter INT, Ill.; to Bible Grove, Ill., VOR; MEA *2,300. *1,600—MOCA

Section 95.6180 *VOR Federal airway 180* is amended to read in part:

From *Conoco INT, Tex.; to Rosenberg INT, Tex.; MEA 1,600. *2,800—MRA.
From Rosenberg INT, Tex.; to Arcola INT, Tex.; MEA 2,000.

Section 95.6210 *VOR Federal airway 210* is amended to delete:

From Kansas City, Mo., VOR, via N alter.; to Excelsior INT, Mo., via N alter.; MEA *2,600. *2,400—MOCA.
From Excelsior INT, Mo., via N alter.; to Tina INT, Mo., via N alter.; MEA *3,000. *2,100—MOCA.
From Tina INT, Mo., via N alter.; to Dalton INT, Mo., via N alter.; MEA *4,900. *2,400—MOCA.
From Dalton INT, Mo., via N alter.; to Hallsville, Mo., VOR, via N alter.; MEA 2,400.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

From Bellaire, Ohio, VOR; to Wolfdale INT, Pa.; MEA 3,300.
From Wolfdale INT, Pa.; to Pittsburgh, Pa. VOR; MEA 3,000.
From Columbus, Ohio, ILS loc.; to Hanover INT, Ohio; MEA 2,600.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

From Ottumwa, Iowa, VOR; to *Richland INT, Iowa; MEA **2,600. *3,200—MRA. **2,000—MOCA.

Section 95.6216 *VOR Federal airway 216* is amended to delete:

From Hill City, Kans., VOR, via N alter.; to Mankato, Kans., VOR, via N alter.; MEA 3,800.
From Mankato, Kans., VOR, via S alter.; to Pawnee City, Nebr., VOR, via S alter.; MEA 3,000.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

From Lake Charles, La., VOR; to Hathaway INT, La.; MEA *1,800. *1,400—MOCA.
From Hathaway INT, La.; to Goony INT, La.; MEA *2,500. *1,800—MOCA.
From Goony INT, La.; to *Woodville INT, La.; MEA **5,000. *3,000—MRA. **1,800—MOCA.
From Woodville INT, La.; to McComb, Miss., VOR; MEA *3,000. *1,800—MOCA.

Section 95.6233 *VOR Federal airway 233* is amended to delete:

From Capital, Ill., VOR, via E alter.; to Peoria, Ill., VOR, via E alter.; MEA 2,300.

Section 95.6233 *VOR Federal airway 233* is amended to read in part:

From Peoria, Ill., VOR; to Cordova, Ill., VOR; MEA *2,400. *2,100—MOCA.
From Cordova, Ill., VOR; to *Big Rock INT, Ill.; MEA **2,400. *3,500—MRA. **2,000—MOCA.

Section 95.6237 *VOR Federal airway 237* is deleted:

Section 95.6243 *VOR Federal airway 243* is amended to delete:

From Jacksonville, Fla., VOR; to Callahan INT, Fla.; MEA *1,600. *1,300—MOCA.
From Callahan INT, Fla.; to Cabins INT, Fla.; MEA *2,000. *1,300—MOCA.
From Cabins INT, Fla.; to Waycross, Ga. VOR; MEA 2,200.
From Waycross, Ga., VOR; to Vienna, Ga., VOR; MEA *2,200. *1,700—MOCA.
From Cabins INT, Fla., via E alter.; to *Bolen INT, Ga., via E alter.; MEA **2,000. *2,100—MRA. **1,700—MOCA.
From Bolen INT, Ga., via E alter.; to Alma, Ga., VOR, via E alter.; MEA *2,000. *1,700—MOCA.
From Alma, Ga., VOR, via E alter.; to Rochelle INT, Ga., via E alter.; MEA *2,000. *1,400—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended by adding:

From Jacksonville, Fla., VOR; to Folkston INT, Ga.; MEA *2,000. *1,300—MOCA.
From Folkston INT, Ga.; to Alma, Ga., VOR; MEA *2,000. *1,600—MOCA.

From Alma, Ga., VOR; to Vienna, Ga., VOR; MEA *2,000. *1,400—MOCA.

Section 95.6246 *VOR Federal airway 246* is amended to read in part:

From Rosewood, Ohio, VOR; to Meeker INT, Ohio; MEA 2,800.
From Meeker INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,400.

Section 95.6250 *VOR Federal airway 250* is amended to read in part:

From Finley INT, Pa.; to Wolfdale INT, Pa.; MEA 3,300.
From Wolfdale INT, Pa.; to Imperial, Pa., VOR; MEA 3,000.

Section 95.6255 *VOR Federal airway 255* is amended to read in part:

From Burlington, Iowa, VOR; to Moline, Ill., VOR; MEA *2,300. *2,100—MOCA.
From Cordova, Ill., VOR; to Thomson INT, Ill.; MEA *2,600. *1,900—MOCA.

Section 95.6270 *VOR Federal airway 270* is amended to read in part:

From Jamestown, N.Y., VOR; to Valley INT, N.Y.; MEA 4,000.
From Valley INT, N.Y.; to Wellsville, N.Y., VOR; MEA 4,500.
From Wellsville, N.Y., VOR; to Woodhull INT, N.Y.; MEA 4,500.
From Woodhull INT, N.Y.; to Elmira, N.Y., VOR; MEA 4,000.

Section 95.6272 *VOR Federal airway 272* is amended by adding:

From Dalhart, Tex., VOR; to Borger, Tex., VOR; MEA *5,700. *5,200—MOCA.
From Borger, Tex., VOR; to Sayre, Okla., VOR; MEA *4,800. *4,600—MOCA.

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

From Paulton INT, Pa.; to Ellwood City, Pa., VOR; MEA 3,000.
From Ellwood City, Pa., VOR; to Akron, Ohio, VOR; MEA 3,000.
From U.S.-Canadian border; to Carleton, Mich., VOR; MEA *2,100. *2,000—MOCA.

Section 95.6304 *VOR Federal airway 304* is added to read:

From Amarillo, Tex., VOR; to Borger, Tex., VOR; MEA *5,300. *4,900—MOCA.
From Borger, Tex., VOR; to Liberal, Kans., VOR; MEA *4,800. *4,800—MOCA.
From Borger, Tex., VOR, via W alter.; to Liberal, Kans., VOR, via W alter.; MEA *4,800. *4,700—MOCA.

Section 95.6433 *VOR Federal airway 433* is amended to read in part:

From La Guardia, N.Y., VOR; to Int. 011, M rad, Kennedy VOR, and 217 M rad, Trinity VOR; MEA *2,500. *1,900—MOCA.
From Int. 011, M rad, Kennedy VOR, and 217 M rad, Trinity VOR; to Trinity, N.Y., VOR; MEA *2,500. *1,900—MOCA.

Section 95.6434 *VOR Federal airway 434* is amended to read in part:

From Eliza INT, Iowa; to Moline, Ill., VOR; MEA *2,300. *2,100—MOCA.
From Moline, Ill., VOR; to Elmwood INT, Ill.; MEA *2,400. *2,100—MOCA.

Section 95.6436 *VOR Federal airway 436* is amended to read in part:

From Augustine INT, Alaska; to Clam Gulch INT, Alaska; MEA *7,000. *1,700—MOCA.

From Clam Gulch INT, Alaska; to Kenai, Alaska, VOR; MEA *2,000. *1,700—MOCA.

Section 95.6451 *VOR Federal airway 451* is amended to read in part:

From Coastal INT, Mass.; to Whitman, Mass., VOR; MEA *1,900. *1,500—MOCA.

Section 95.6452 *VOR Federal airway 452* is amended to read:

From Galena, Alaska, VOR; to Int. 066, M rad, Galena VOR, and 219, M rad, Tanana VOR; MEA 6,000.
From Int. 066, M rad, Galena VOR, and 219, M rad, Tanana VOR; to Nenana, Alaska, VOR; MEA *7,000. *4,500—MOCA.

Section 95.6457 *VOR Federal airway 457* is amended to read in part:

From Norwich, Conn., VOR; to Providence, R.I., VOR; MEA *2,400. *1,700—MOCA.

Section 95.6475 *VOR Federal airway 475* is amended to read in part:

From Norwich, Conn., VOR, via E alter.; to Putnam, Conn., VOR, via E alter.; MEA *2,500. *2,000—MOCA.

Section 95.6514 *VOR Federal airway 514* is amended to delete:

From Garden City, Kans., VOR; to Russell, Kans., VOR; MEA *5,000. *4,200—MOCA.

Section 95.6802 *VOR Federal airway 802* is amended to read in part:

From Wheeling, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 3,000.

Section 95.6804 *VOR Federal airway 804* is amended to read in part:

From East Brady INT, Pa.; to Freeport INT, Pa.; MEA 3,300.
From Freeport INT, Pa.; to Imperial, Pa., VOR; MEA 3,000.

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

From *Watch Hill INT, R.I.; to Wakefield INT, R.I.; MEA **3,000. *3,000—MRA. **1,500—MOCA.
From Wakefield INT, R.I.; to Greenwich INT, R.I.; MEA *2,300. *1,600—MOCA.
From Greenwich INT, R.I.; to Providence, R.I., VOR; MEA *2,300. *1,800—MOCA.

Section 95.6845 *VOR Federal airway 845* is amended to read in part:

From Bradford, Ill., VOR; to Burlington, Iowa, VOR; MEA *2,600. *2,100—MOCA.

Section 95.6846 *VOR Federal airway 846* is amended to read in part:

From Polo, Ill., VOR; to Thomson INT, Ill.; MEA *2,600. *2,000—MOCA.
From Thomson INT, Ill.; to Charlotte INT, Ill.; MEA *2,700. *2,200—MOCA.

Section 95.6861 *VOR Federal airway 861* is amended to read in part:

From Hartford, Conn., VOR; to Clarks INT, Mass.; MEA *2,600. *2,000—MOCA.
From Clarks INT, Mass.; to Sterling INT, R.I.; MEA *2,500. *1,800—MOCA.
From Sterling INT, R.I.; to Foster INT, R.I.; MEA *2,500. *2,000—MOCA.
From Foster INT, R.I.; to Woonsocket INT, R.I.; MEA *2,400. *1,700—MOCA.
From Woonsocket INT, R.I.; to Boston, Mass., VOR; MEA 1,800.

Section 95.6863 *VOR Federal airway 863* is amended to read in part:

From Norwich, Conn., VOR; to Sterling INT, Conn.; MEA *2,500. *1,700—MOCA.
From Sterling INT, Conn.; to Foster INT, R.I.; MEA *2,500. *2,000—MOCA.
From Foster INT, R.I.; to Woonsocket INT, R.I.; MEA *2,400. *1,700—MOCA.
From Woonsocket INT, R.I.; to Boston, Mass., VOR; MEA 1,800.

Section 95.6879 *VOR Federal airway 879* is amended to read in part:

From Putnam, Conn., VOR; to Norwich, Conn., VOR; MEA *2,500. *2,000—MOCA.
From Norwich, Conn., VOR; to Salem INT, Conn.; MEA *2,300. *1,700—MOCA.
From Salem INT, Conn.; to Saybrook INT, Conn.; MEA *2,000. *1,500—MOCA.
From Saybrook INT, Conn.; to Riverhead, N.Y., VOR; MEA 2,000.

Section 95.6880 *VOR Federal airway 880* is amended to read in part:

From Bradford, Ill., VOR; to Burlington, Iowa, VOR; MEA *2,600. *2,100—MOCA.

Section 95.6885 *VOR Federal airway 885* is amended to read in part:

From *Watch Hill INT, R.I.; to Wakefield INT, R.I.; MEA **3,000. *3,000—MRA. **1,500—MOCA.
From Wakefield INT, R.I.; to Greenwich INT, R.I.; MEA *2,300. *1,600—MOCA.
From Greenwich INT, R.I.; to Providence, R.I., VOR; MEA *2,300. *1,800—MOCA.

Section 95.6888 *VOR Federal airway 888* is amended to read in part:

From Putnam, Conn., VOR; to Norwich, Conn., VOR; MEA *2,500. *2,000—MOCA.

Section 95.1509 *VOR Federal airway 1509* is amended to delete:

From Pulaski, Va., VOR; to Parkersburg, W. Va., VOR; MEA 14,500, MAA 24,000.

Section 95.1619 *VOR Federal airway 1619* is deleted.

Section 95.1630 *VOR Federal airway 1630* is amended to read in part:

From Sabine Pass, Tex., VOR; to White Lake, La., VOR; MEA 14,500, MAA 24,000.
From White Lake, La., VOR; to Tibby, La., VOR; MEA 14,500, MAA 24,000.

Section 95.1691 *VOR Federal airway 1691* is amended to read in part:

From Int. 077, M rad, Kennedy VOR, and 169, M rad, Clermont VOR; to Clermont, N.Y., VOR; MEA 14,500, MAA 24,000.

Section 95.1693 *VOR Federal airway 1693* is amended to read in part:

From Int. 216, M rad, Riverhead VOR, and 167, M rad, Kennedy VOR; to Riverhead, N.Y., VOR; MEA 14,500, MAA 24,000.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

These rules shall become effective April 30, 1964.

Issued in Washington, D.C., on March 12, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-2687; Filed, Mar. 20, 1964; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4026; Amdt. 366]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED EFFECTIVE 4 APR. 1964.							
City, Grand Forks; State, N. Dak.; Airport Name, Municipal; Elev., 836'; Fac. Class., BMLZ; Ident., GK; Procedure No. 1, Amdt. 8; Eff. Date, 19 Nov. 60; Sup. Amdt. No. 7; Dated, 17 Dec. 55							
SEA VOR	SJ LFR	Direct	2000	T–dn	300–1	300–1	200–½
Bainbridge LF Int	SJ LFR	Direct	2000	C–dn	500–1	500–1	500–1½
Elliott LF Int*	SJ LFR (final)	Direct	1500	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs 297° Outbnd 117° Inbnd 2000' within 10 miles.
Minimum altitude over SZ LOM on final approach crs, 1500'; over SJ LFR, 1200'.
Crs and distance, facility to airport, 194°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing SJ LFR, climb to 2000' direct to SE LOM, or when directed by ATC, climb to 2000' on S crs SJ–LFR within 10 miles of SJ LFR.
CAUTION: Terrain and trees to 591' immediately N and NE of airport.
*Elliott Int: Int 170° bearing from Boeing, Wash., LOM and NW crs Seattle LFR.
MSA: 000°–090°, 6400'; 090°–135°, 5500'; 135°–270°, 2900'; 270°–360°, 2000'.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428'; Fac. Class., SABRAZ; Ident., SJ; Procedure No. 1, Amdt. 19; Eff. Date, 4 Apr. 64; Sup. Amdt. No. 18; Dated, 29 Feb. 64

PROCEDURE CANCELLED EFFECTIVE 4 APR. 1964.

City, Sioux City; State, Iowa; Airport Name, Sioux City; Elev., 1097'; Fac. Class., SBMRLZ; Ident., SX; Procedure No. 1, Amdt. 10; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 9; Dated, 22 Dec. 56

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Radar terminal area transitions—all directions.	BBN-RBn	Within 25 miles of JFK.	3000	T–dn	300–1	300–1	300–1
				C–dn	500–1	500–1½	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 177° Outbnd, 357° Inbnd, 1500 within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 357°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing Babylon RBn, climb on a crs of 357° to 1500' within 10 miles, make left turn, proceed direct to BBN RBn. Hold S BBN RBn 1-minute right turns, Inbnd crs 357°.

City, Amityville; State, N.Y.; Airport Name, Zahns; Elev., 54'; Fac. Class., MHW; Indent., BBN; Procedure No. 1, Amdt. 4; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 3; Dated, 20 Sept. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Radar terminal area transitions—all directions.		Within 25 miles of JFK.	3000	T-dn	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 323°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing BBN RBn, climb on crs 323° to 1500′ within 10 miles, make left turn, proceed direct to BBN RBn, hold S, 1-minute right turns, Inbnd crs 323°.

City, Bethpage; State, N.Y.; Airport Name, Grumman-Bethpage; Elev., 119′; Fac. Class., MHW; Ident., BBN; Procedure No. 1, Amdt. 1; Eff. date, 2 Apr. 64; Sup. Amdt. No. Orig.; Dated, 20 Sept. 62

Radar terminals area transitions—all directions.	BBN-RBn	Within 25 miles of JFK Radar.	3000	T-dn	300–1	300–1	
				C-dn	500–1½	500–1½	
				S-dn–1, 32	500–1	500–1	
				A-dn	800–2	800–2	

Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to Runway 1, 347°—3.2 miles; to Runway 32, 356°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 3.2 miles after passing Babylon RBn, climb on a crs of 356° to 1500′ within 10 miles, make left turn, proceed direct to BBN RBn. Hold S BBN RBn 1-minute right turns, Inbnd crs 347°.
NOTE: Final approach approved on a crs of 360° to the Babylon RBn within 10 miles as determined by surveillance radar. Procedure approved only during the hours that the control tower is in operation.

City, Farmingdale; State, N.Y.; Airport Name, Republic Aviation; Elev., 82′; Fac. Class., MHW; Ident., BBN; Procedure No. 1, Amdt. 3; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 2; Dated, 20 Sept. 62

PROCEDURE CANCELLED EFFECTIVE 4 APR. 1964.

City, Fort Bridger; State, Wyo.; Airport Name, Fort Bridger; Elev., 7016′; Fac. Class., SABH; Ident., FBR; Procedure No. 1, Amdt. Orig.; Eff. Date, 6 Apr. 63, or upon commissioning of facility

Pleasant Is., FM	GAV MHW	Direct	2700	T-dn*	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn–10	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs 286° Outbnd, 106° Inbnd, 2700′ within 10 miles.
Minimum altitude over MHW Inbnd on final 1100′; over GST LFR 800′.
Crs and distance, facility to airport, 106°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles of MHW, climb to 4500′ on 106° bearing within 20 miles; alternate missed approach, when directed by ATC, within 3.9 miles of MHW turn right, climb on NW crs GST LFR to 3000′ within 10 miles.
CAUTION: Maneuvering N and E of airport not authorized due to high terrain.
*Takeoff N of Runway 1, 700–2 day and night.

City, Gustavus; State, Alaska; Airport Name, Gustavus; Elev., 36′; Fac. Class., MHW; Ident., GAV; Procedure No. 1, Amdt. 5; Eff. Date, 4 Apr. 64, or upon conversion of the LOM to MHW; Sup. Amdt. No. Amdt. 4; Dated, 13 Apr. 57 (combining ILS–ADF)

HUA VOR	ITS–RBn	Direct	2500	T-dn	300–1	300–1	200–½
HUA RBn	ITS–RBn	Direct	2500	C-d	1000–1	1000–1	1000–1½
HSV VOR	ITS–RBn	Direct	2500	C-n	1000–2	1000–2	1000–2
				S-d–35	700–1	700–1	700–1
				S-n–35	700–2	700–2	700–2
				A-dn	1000–2	1000–2	1000–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 169° Outbnd, 349° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 349°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing ITS RBn, climb to 2600′ on crs of 349° from ITS RBn within 20 miles.
NOTE: Authorized for military use only, except by prior arrangements.
CAUTION: Flight terrain 1.7 miles E of airport with tower, elev. 1371′.
MSA: 000°–090°—2400′; 090°–180°—2600′; 180°–270°—2300′; 270°–360°—2600′.

City, Huntsville; State, Ala.; Airport Name, Redstone AAF; Elev., 682′; Fac. Class., MHW; Ident., ITS; Procedure No. 1, Amdt. 4; Eff. Date, 4 Apr. 64; Sup. Amdt. No. 3; Dated, 4 Jan. 64

Goodsprings Int	LAS RBn	Direct	7000	T-dn	300–1	300–1	200–½
Kids Int	LAS RBn	Direct	5100	C-d	700–1	700–1	700–1½
Las Vegas VOR	LAS RBn	Direct	5100	C-n	700–2	700–2	700–2
BLD VOR	LAS RBn	Direct	6000	A-dn	800–2	800–2	800–2
Charleston Int	LAS RBn	Direct	5100				

Procedure turn E* side of crs, 028° Outbnd, 208° Inbnd, 5100′ within 10 miles.
Minimum altitude over facility on final approach crs, 4600′.
Crs and distance, facility to airport, 195°—8.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.7 miles after passing Las Vegas RBn, turn right, climb to 5100′ on 203° crs within 15 miles of Las Vegas RBn.
NOTE: Final approach from holding pattern at LAS RBn not authorized. Procedure turn required.
*All turns E side of crs, traffic restrictions W.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171′; Fac. Class., SABHIZ; Ident., LAS; Procedure No. 1, Amdt. 1; Eff. Date, 4 Apr. 64; Sup. Amdt. No. Orig.; Dated, 14 July 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Sandy Hook VHF Int	JF OM/RBn (final)	Direct	1000	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn–4R, 4L	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs 223° Outbnd, 043° Inbnd, 1200′ within 10 miles of OM/RBn.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to Runway 4R, 043°—2.7 miles; to Runway 4L, 032°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing OM/RBn, make right climbing turn to 3000′ on JFK VOR R–078 to DPK VOR. Hold E, 1-minute left turns, Inbnd crs 257° or, when directed by ATC, climb on crs 043° to 1900′ to Kennedy (IW) LOM, hold NE, 1-minute left turns, Inbnd crs 223°.
CAUTION: Circling and straight-in landing minimums do not provide standard clearance over stack 277′ 1.1 miles SSE of Runway 4R.
MSA: 000°–090°—1900′; 090°–180°—1300′; 180°–270°—1600′; 270°–360°—2500′.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12′; Fac. Class., MHW; Ident., JFK; Procedure No. 1, Amdt. 22; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 21; Dated, 9 Nov. 63

Kennedy VOR	LOM	Direct	1900	T-dn	300–1	300–1	200–½
Deer Park VOR	Roslyn Int*	Via LGA, VOR R–101.	2000	C-dn	500–1	500–1	500–1½
Roslyn Int*	LOM (final)	Direct	1700	S-dn–22L	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side NE crs, 043° Outbnd, 223° Inbnd, 1900′ within 10 miles of IW/LOM. (Nonstandard to avoid La Guardia traffic.)
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 223°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing IW/LOM, make left climbing turn to 2000′ on JFK VOR R–190 to Sandy Hook Int. Hold S, 1-minute right turns, Inbnd crs 010° or, when directed by ATC, climb on crs 223° to 1500′ to JFK (JF) OM/RBn. Hold SW, 1-minute right turns, Inbnd crs 043°.
CAUTION: Circling minimums do not provide clearance over 277′ stack 1.1 miles SSE of Runway 4R.
*Roslyn Int: Int LGA–VOR R–101 and 043° bearing from Kennedy (IW) LOM.
MSA: 000–090°—1900′; 090°–180°—1300′; 180°–270°—1600′; 270°–360°—2500′.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12′; Fac. Class., LOM; Ident., IW; Procedure No. 2, Amdt. 4; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 3; Dated, 9 Nov. 63

Liberty VHF Int	Prospect VHF Int	Via radar vectors to JFK VOR R–270 and 044° bearing to LG LOM.	2500	T-dn*	300–1	300–1	200–½
				C-dn	700–1	700–2	700–2
				S-dn–4	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
Prospect VHF Int	LG LOM (final)	%Via LGA, VOR R–221.	1300				
LGA–VOR	LG LOM	Direct	2500				

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2500′ S of Prospect Int within 10 miles of LG LOM#.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 044°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LG LOM, climb to 2500′ on crs 043° to UR LOM. Hold UR LOM right turns, 1-minute, 043° Inbnd.
CAUTION: (1) Standard clearance not provided over obstructions in final approach area and in missed approach area. (2) Unlighted obstructions in approach zone (Runway 4) protruding 40′ above lights at beginning of approach lightlane decreasing to 10′ above lights at 1100′ from approach end of runway. (3) Tower 415′ 3.8 miles SW; tower 390′ 3.5 miles SW; bldg. 968′ 6.7 miles SW.
AIR CARRIER NOTES: (1) Sliding scale not applicable to circling minimums. (2) Adjustment of alternate ceiling and visibility minimums not authorized.
*Takeoff minimums for Runways 4 and 31 will not be less than 200–1 during such periods when tower advisories indicate presence of surface ships in channel.
#Maintain 2500′ Inbnd on final approach crs until crossing Prospect Int.
%LGA–VOR R–221 must be monitored on ADF approach until passing LG LOM.
MSA: 045°–135°—1600′; 135°–225°—1600′; 225°–315°—2500′; 315°–045°—2400′.

City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 21′; Fac. Class., LOM; Ident., LG; Procedure No. 1, Amdt. 22; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 21; Dated 17 Aug. 63

SEA–VOR	SE LOM	Direct	2000	T-dn	300–1	300–1	200–½
SI–LFR	SE LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Niton VHF Int	SE LOM (final)	Direct	1600	S-dn–34	400–1	400–1	400–1
Fairgrounds VHF Int*	SE LOM	Direct	2000	A-dn	800–2	800–2	800–2
Burton VHF Int	SE LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 338°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing SE LOM, climb to 2000′ direct to SZ LOM. Continue climb on crs 338° Outbnd, 158° Inbnd, within 10 miles of SZ LOM or, when directed by ATC, turn left, climb to 2000′ on R–225 SEA–VOR within 15 miles.
CAUTION: Terrain and trees to 591′ located immediately N and NE of airport.
Other change: Deletes transition from SZI RBn.
*Transition to Fairgrounds VHF Int authorized from TM LFR on 020° crs, 2000′.
MSA: 000°–045°—4100′; 045°–135°—6000′; 135°–180°—4700′; 180°–360°—2900′.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., LOM; Ident., SE; Procedure No. 1, Amdt. 23; Eff. Date, 4 Apr. 64; Sup. Amdt. No. 22; Dated, 25 July 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Bainbridge Int	SZ LOM	Direct	2000	T-dn	300–1	300–1	200–½
SJ–LFR	SZ LOM	Direct	2000	C-dn	500–1	500–1	500–1½
SEA–VOR	SZ LOM	Direct	2000	A-dn	800–2	800–2	800–2
PAE VOR	SZ LOM	Direct	2000				
Burton Int	SZ LOM	Direct	2000				
Lofall Int	SZ LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 158°—4.1 miles.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing SZ LOM, climb to 2000′ on crs 158° to SE LOM or, when directed by ATC, turn right, climb to 2000′ direct to SEA VOR, thence turn right, continue climb on R–225 within 10 miles SEA VOR.
CAUTION: Terrain and trees to 591′ located immediately N and NE of airport.
*Distance indicated is to the displaced threshold.
MSA: 000°–135°—6200′; 135°–225°—3000′; 225°–270°—4700′; 270°–360°—4500′.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., LOM; Ident., SZ; Procedure No. 2, Amdt. 3; Eff. Date, 4 Apr. 64; Sup. Amdt. No. 2; Dated, 15 Feb. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	300–1
				C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Radar transitions authorized in accordance with approved radar patterns of Kennedy ASR.
Procedure turn N side of final approach crs, 053° Outbnd, 233° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 233°—6.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing Deer Park VOR, climb on crs, 233° to 1500′ within 10 miles, make left turn, proceed direct to Deer Park VOR, hold NE 1-minute right turns, Inbnd crs 233°.

City, Amityville; State, N.Y.; Airport Name, Zahns; Elev., 54′; Fac. Class., BVOR; Ident., DPK; Procedure No. 1, Amdt. 1; Eff., Date, 2 Apr. 64; Sup. Amdt. No. Orig.; Dated 26 Jan. 63

				T-dn	300–1	300–1	200–½
				C-dn*	400–1	500–1	500–1½
				S-dn	NA	NA	NA
				A-dn	800–2	800–2	800–2

Radar transitions authorized within approved radar patterns of Kennedy Radar.
Procedure turn N side of crs, 085° Outbnd, 265° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 265°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.0 miles after passing DPK–VOR or 2.4 miles after passing Sunrise Int#, make left climbing turn to 1600′, proceed direct to DPK–VOR. Hold E 1-minute right turns, Inbnd crs 265°.
*Maintain 900′ until passing Sunrise Int.# If Sunrise Int# not identified, ceiling minimums of 800–1 are applicable for landing.
#Sunrise Int: Int DPK–VOR R–265 and 174° bearing from Plainview RBn.

City, Bethpage; State, N.Y.; Airport Name, Grumman-Bethpage; Elev., 119′; Fac. Class., BVOR; Ident., DPK; Procedure No. 1, Amdt. 1; Eff. Date, 2 Apr. 64; Sup. Amdt. No. Orig.; Dated, 31 Aug. 63

Pipe Line Int*	DUG–VOR (final)	Direct	5400	T-dn	300–1	300–1	200–½
				C-dn**	500–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side crs, 289° Outbnd, 109° Inbnd, 7000′ within 10 miles. Procedure turn N of crs; high terrain S.
Minimum altitude over facility on final approach crs, 5400′.
Crs and distance, facility to airport, 118°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing DUG–VOR, turn left and climb to 8000′ on R–289 within 20 miles.
*Pipe Line Int: Douglas, Ariz. R–289 and Cochise, Ariz. R–175.
**Runway 12–30 closed to all aircraft over 12,500 pounds gross weight.
MSA: 000°–090°—10,800′; 090°–180°—7,400′; 180°–270°—9,400′; 270°–360°—8,200′.

City, Douglas; State, Ariz.; Airport Name, Bisbee-Douglas International; Elev., 4158′; Fac. Class., L–BVOR; Ident., DUG; Procedure No. 1, Amdt. 9; Eff. Date, 4 Apr. 64; Sup. Amdt. No. 8; Dated, 21 July 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	
				C-dn	600–1½	600–1½	
				A-dn	800–2	800–2	

Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 1600′ within 10 miles.
Crs and distance, facility to airport, 245°—6.2 miles.
Minimum altitude over facility on final approach crs, 1000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing Deer Park VOR make a right climbing turn to 1600′ proceed direct to Deer Park VOR.
Hold NE 1 minute right turns, Inbnd crs 245°.
NOTE: This approach authorized only during the hours that the control tower is in operation. Radar transitions authorized in accordance with approved radar patterns of Kennedy ASR.

City, Farmingdale; State, N.Y.; Airport Name, Republic Aviation; Elev., 82′; Fac. Class., BVOR; Ident., DPK; Procedure No. 1, Amdt. 1; Eff. Date, 2 Apr. 64; Sup. Amdt. No. Orig.; Dated, 21 July 62

PROCEDURE CANCELLED EFFECTIVE 4 APR. 64

City, Grand Forks; State, N. Dak.; Airport Name, International; Elev., 836′; Fac. Class., BVOR GFK; Ident., GFK; Procedure No. 1, Amdt. 2; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 1; Dated, 19 Nov. 60

PROCEDURE CANCELLED EFFECTIVE 4 APR. 64

City, Lamoni; State, Iowa; Airport Name, Lamoni; Elev., 1163′; Fac. Class., BVOR; Ident., LMN; Procedure No. 1, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 27 Feb. 60

Searsdale VHF Int	Randall Int**	Direct	1500	T-dn	300–1	300–1	200–½
Randall Int**	LGA VOR (final)	Direct	*700	C-dn	700–1	700–2	700–2
				A-dn	800–2	800–2	800–2

Procedure turn not authorized. Final approach crs, 226°.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 178°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile after passing LGA VOR, climb to 2500′ on LGA VOR R–221 to Prospect Int. Hold SW Prospect Int left turns, 1-minute Inbnd, crs 041°.
AIR CARRIER NOTES: (1) Sliding scale not applicable to circling minimums. (2) Adjustment of alternate ceiling and visibility minimums not authorized.
NOTES: 1. Radar vectors may be substituted for the above transitions. 2. Dual VOR equipment required for execution of this procedure.
*Descent to landing minimums authorized only after passing Randall VHF Int**.
**Randall VHF Int: Int LGA VOR R–046 and JFK VOR R–002.
†Takeoff minimums for Runways 4 and 31 will not be less than 200–1 during period when tower advisories indicate presence of surface ships in channel.
MSA: 045°–135°—1600′; 135°–225°—1600′; 225°–315°—2500′; 315°–045°—2400′.

City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 21′; Fac. Class., L–VOR; Ident., LGA; Procedure No. 1, Amdt. 3; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 2; Dated, 17 Aug 63

Liberty VHF Int	Int LGA ILS SW crs and JFK R–270	Via radar vectors to IDL R–270.	2500	T-dn†	300–1	300–1	200–½
Keansburg VHF Int	Prospect VHF Int	Direct	2500	C-dn	700–1	700–2	700–2
Int LGA ILS SW crs and JFK R–270	Prospect VHF Int	Direct	2500	A-dn	800–2	800–2	800–2
Prospect VHF Int	Diamond Int**	Direct	*1200				
Diamond Int**	LGA VOR (final)	Direct	700				

Procedure turn not authorized. Final approach crs, 041°.
Minimum altitude over Diamond Int on final approach, 1200′.
Crs and distance, Diamond Int** to VOR, 041°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LGA VOR, climb to 4000′ on LGA VOR R–046 to Stamford Int. Cross Scarsdale Int at 3000′ or above. Hold NE Stamford Int, 1-minute left turns, Inbnd crs 226°.
AIR CARRIER NOTE: (1) Sliding scale not applicable to circling minimums. (2) Adjustment of alternate ceiling and visibility minimums not authorized.
NOTES: 1. Radar vectors may be substituted for the above transitions. 2. Dual VOR equipment required for execution of this procedure.
*Descent to landing minimums authorized only after passing Diamond VHF Int**.
**Diamond VHF Int: Int LGA VOR R–221 and JFK VOR R–317.
†Takeoff minimums for Runways 4 and 31 will not be less than 200–1 during period when tower advisories indicate presence of surface ships in channel.
MSA: 045°–135°—1600′; 135°–225°—1600′; 225°–315°—2500′; 315°–045°—2400′.

City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 21′; Fac. Class., L–VOR; Ident., LGA; Procedure No. 2, Amdt. 3; Eff. Date, 2 Apr. 64; Sup Amdt. No. 2; Dated, 17 Aug 63

				T-dn	300–1	300–1	NA
				C-d	500–1	500–1	NA
				C-n	500–2	500–2	NA
				A-dn	800–2	800–2	NA

Procedure turn E side of crs 196° Outbnd, 016° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs 2600′.
Crs and distance, facility to airport, 016°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing RWF VOR, make left climbing turn to 2600′ and return to RWF VOR.

City, Redwood Falls; State, Minn.; Airport Name, Redwood Falls; Elev., 1022′; Fac. Class., M–BVOR; Ident., RWF; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Apr. 64

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Deer Park VOR	JFK-VOR	Direct	1900	T-dn	300-1	300-1	200-½
Sandy Hook Int	JFK-VOR	Direct	1900	C-dn	600-1	600-1	600-1½
				S-dn-4L/R	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 223° Outbnd, 043° Inbnd, 1300' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of JFK VOR, make right climbing turn to 3000' on JFK VOR R-078 to DPK VOR. Hold E 1-minute left turns, Inbnd crs 257°.
CAUTION: Straight-in landing minimums do not provide standard clearance over 277' stack 1.1 miles SSE of Runway 4R. MSA: 000°-090°—1900'; 090°-180°—1300'; 180°-270°—1600'; 270°-360°—2500'.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., BVORTAC; Ident., JFK; Procedure No. TerVOR-4L/R, Amdt. 8; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 7; Dated, 9 Nov. 63

Deer Park VOR	JFK-VOR	Direct	1900	T-dn	300-1	300-1	200-½
Sandy Hook Int	JFK-VOR	Direct	1900	C-dn	600-1	600-1	600-1½
				S-dn-22R/L	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 043° Outbnd, 223° Inbnd, 1900' within 10 miles. (Nonstandard to avoid La Guardia traffic.)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of JFK VOR, make left climbing turn to 2000' on JFK VOR R-190 to Sandy Hook Int. Hold S of Sandy Hook Int right turns, 1 minute, Inbnd crs 010°.
MSA: 000°-090°—1900'; 090°-180°—1300'; 180°-270°—1600'; 270°-360°—2500'.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., BVORTAC; Ident., JFK; Procedure No. TerVOR-22R/L, Amdt. 9; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 8; Dated, 9 Nov. 63

Deer Park VOR (23.4-mile DME fix JFK-VOR R-078).	JFK-VOR R-065 (23.4-mile DME fix)*	23.4 miles counter-clockwise arc.	3000	T-dn	300-1	300-1	200-½
JFK-VOR R-065 (23.4-mile DME fix)	Baldwin Int (7-mile DME fix) (final)**	Direct	1900	C-dn	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectors or DME transition to final approach are required.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, breakoff point to approach end of Runway 25, 252°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of JFK-VOR, make a left climbing turn to 2000' on R-190 JFK-VOR to Sandy Hook VHF Int (19-mile DME fix), hold S 1-minute right turns Inbnd crs 010°.
*Final approach radial 065.
**Baldwin Int: Int JFK VOR R-065 and LGA VOR R-129.
MSA: 000°-090°—1900'; 090°-180°—1300'; 180°-270°—1600'; 270°-360°—2500'.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., BVORTAC; Ident., JFK; Proce dure No. TerVOR-25, Amdt. 4; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 3; Dated, 9 Nov. 63

Deer Park VOR (23.4-mile DME fix JFK-VOR R-078).	JFK-VOR R-117 (23.4-mile DME fix).*	23.4 miles clock-wise arc.	3000	T-dn	300-1	300-1	200-½
Sandy Hook VHF Int (19-mile DME fix JFK-VOR R-190).	JFK-VOR R-117 (19-mile DME fix)*.	19 miles counter-clockwise arc.	2000	C-dn	1000-3	1000-3	1000-3
JFK-VOR R-117 (23.4 or 19-mile DME fix).*	Helen Int (7-mile DME fix) (final)**	Direct	1500	A-dn	1000-3	1000-3	1000-3

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectors or DME transitions to final approach are required.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, breakoff point to approach end of Runway 31R, 312°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of JFK-VOR, make a left climbing turn to 2000' on R-190 JFK-VOR to Sandy Hook VHF Int (19-mile DME fix.) Hold S 1-minute right turns Inbnd crs 010°.
*Final approach R-117.
**Helen Int: Int JFK-VOR R-117 and DPK-VOR R-244.
MSA: 000°-090°—1900'; 090°-180°—1300'; 180°-270°—1600'; 270°-360°—2500'.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., BVORTAC; Ident., JFK; Procedure No. TerVOR-31R, Amdt. 3; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 2; Dated, 9 Nov. 63

Deer Park VOR	JFK VOR R-105	Via radar vectors*	2500	T-dn	300-1	300-1	200-½
Sandy Hook VHF Int	JFK VOR R-105	Via radar vectors*	2500	C-dn	700-1	700-1	700-1½
Dianne Int#	JFK VOR (final)##	Via R-105	700	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectors to final approach crs required. Final approach radial 105°.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, breakoff point to approach end of R-31R, 312°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of JFK VOR, make left climbing turn to 2000' on R-190 of JFK VOR to Sandy Hook VHF Int. Hold S right turns 1-minute, 010° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
*Radar vectors to final approach crs will intercept final approach radial E of the final approach fix.
#Dianne Int: Int DPK-VOR R-247 and JFK-VOR R-105.
##Maintain 2500' to Dianne Int.#
MSA: 000°-090°—1900'; 090°-180°—1300'; 180°-270°—1600'; 270°-360°—2500'.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., BVORTAC; Ident., JFK; Procedure No. TerVOR(R-105), Amdt. 4; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 3; Dated, 9 Nov. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Deer Park VOR	JFK VOR R-141	Via radar vectors.*	2500	T-dn	300-1	300-1	200-½
Sandy Hook VHF Int	JFK VOR R-141	Via radar vectors.*	2500	C-dn	700-1	700-1	700-1½
Bonnie VHF Int#	JFK VOR (final)	Via R-141	700	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectors to final approach crs required final approach radial 141°.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, breakoff point to approach end of R-31L, 312°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of JFK VOR, make left climbing turn to 2000' on 190° radial of JFK VOR to Sandy Hook Int. Hold S of Sandy Hook Int, right turns 1-minute 010° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
*Radar vectors to final approach crs will intercept final approach radial SE of the final approach fix.
#Bonnie VHF Int: Int DPK-VOR R-237 and JFK-VOR R-141.
MSA: 000°-090°—1900'; 090°-180°—1300'; 180°-270°—1600'; 270°-360°—2500'.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., BVORTAC; Ident., JFK; Procedure No. TerVOR (R-141), Amdt. 5 Eff. Date, 2 Apr. 64; Sup. Amdt. No. 4; Dated, 9 Nov. 63

				T-dn	300-1	300-1	NA
				C-dn	500-1	500-1	NA
				S-dn-31	500-1	500-1	NA
				A-dn*	NA	NA	NA

Procedure turn E side of crs 130° Outbnd, 310° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs 1600'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of TVF VOR make left climbing turn to 2200' on R-130 within 10 miles.
*Alternate minimums of 800-2 authorized for air carriers with weather reporting service available at the airport.
MSA: 000°—360°—2600'.

City, Thief River Falls; State, Minn.; Airport Name, Municipal; Elev., 1115'; Fac. Class., L-BVOR; Ident., TVF; Procedure No. TerVOR-31, Amdt. Orig.; Eff. Date, 4 Apr. 64

5. By amending the following very high frequency omnir ange-distance measuring equipment (VOR-DME) procedures prescribed in § 97.15 to read:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
10-mile DME fix R-264	CRW VOR	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs 264° Outbnd, 084° Inbnd, 3000' within 10 miles. Beyond 10 miles not authorized.
When authorized by ATC, DME may be used within 10 miles at 3500' to position aircraft for approach with elimination of procedure turn.
Minimum altitude over facility on final approach crs 3000'; over 6 miles DME fix R-084, 1900'.
Crs and distance, facility to airport 084°—8.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles after passing CRW VOR, climb to 2000' on CRW VOR R-084, then make a right climbing turn to 3000' and proceed direct to CRW VOR. Hold W, 1-minute, right turns, 081° Inbnd.
NOTE: This approach authorized only for aircraft with installed operational VOR and DME equipment.
MSA: 000°-090°—3400'; 090°-180°—4600'; 180°-270°—4100'; 270°-360°—4000'.

City, Charleston; State, W. Va.; Airport Name, Ka nawha County; Elev., 982'; Fac. Class., BVORTAC; Ident., CRW; Procedure No. VOR/DME 1, Amdt. Orig.; Eff. Date, 4 Apr. 64

Deer Park VOR	23.4-mile DME fix JFK R-141	Via 23.4-mile orbit (clock-wise).	3000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1¼
Sandy Hook VHF Int	19-mile DME fix JFK R-141	Via 19-mile orbit (counterclock-wise).	2000	A-dn	800 2	800 2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectors or DME transitions to final approach required.
Minimum altitude on approach radial 19-mile DME fix to 4-mile DME fix R-141, 1500'; 4-mile DME fix to 3-mile DME fix R-141, 1200'; 3-mile DME fix to 2-mile DME fix R-141, 900'; 2-mile DME fix to 1-mile DME fix R-141, 600'.
Crs and distance, breakoff point to approach end of Runway 31L, 312°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of JFK-VOR, make left climbing turn to 2000' on R-190 JFK-VOR and proceed to Sandy Hook VHF Int, hold at Sandy Hook Int right turns, 1-minute, 010° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
MSA: 000°-090°—1900'; 090°-180°—1300'; 180°-270°—1600'; 270°-360°—2500'.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., BVORTAC; Ident., JFK; Procedure No. VOR/DME No. 1, Amdt. 3, Eff. Date, 2 Apr. 64; Sup. Amdt. No. 21; Dated, 9 Nov. 63

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Deer Park VOR	23.4-mile DME fix JFK R-105	Via 23.4-mile orbit (clockwise).	3000	T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
Sandy Hook VHF Int	19-mile DME fix JFK R-105	Via 19-mile orbit (counterclockwise).	2000	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectors or DME transitions to final approach required.
Minimum altitude on approach radial 19-mile DME fix to 6-mile DME fix R-105, 1800'; 6-mile DME fix to 5-mile DME fix R-105, 1500'; 5-mile DME fix to 4-mile DME fix R-105, 1200'; 4-mile DME fix to 3-mile DME fix R-105, 900'; 3-mile DME fix to 2-mile DME fix R-105, 600'.
Crs and distance, breakoff point to approach end of Runway 31R, 312°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing JFK-VOR, make left climbing turn to 2000' on R-190 JFK-VOR and proceed to Sandy Hook VHF Int. Hold at Sandy Hook VHF Int, right turns, 1 minute, 010° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
MSA: 000°–090°—1900'; 090°–180°—1300'; 180°–270°—1600'; 270°–360°—2500'.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., BVORTAC; Ident., JFK; Procedure No. VOR/DME No. 2, Amdt. 3; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 2; Dated, 9 Nov. 63

10-mile DME fix R-050	TUL VOR (final)	Direct	1900	T–dn	300–1	300–1	*200–½
10-mile DME fix R-079	TUL VOR (final)	Direct	1900	C–dn	400–1	500–1	500–1½
				S–dn–26	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring using Tulsa Radar, authorized in accordance with approved patterns.
Radar may be used to position aircraft on final approach crs within 10 miles of Tulsa VOR with the elimination of procedure turn.
Procedure turn N side of crs 079° Outbnd, 259° Inbnd, 1900' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1900'; over 1.3-mile DME fix 1500'.
Crs and distance, VOR to airport 259°—4.3 miles; 1.3-mile DME fix to airport, 259°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing the Tulsa VOR, or 3.0 miles after passing DME fix, climb to 2500' on R-288 of the Tulsa VOR.
NOTE: When authorized by ATC, DME may be used to orbit at 10 miles between R-357 clockwise to R-179 at 2500', to position aircraft on final approach with elimination of procedure turn.
*300-1 required on 3L, 21R, 17R, and 35L.

City, Tulsa; State, Okla.; Airport Name, Tulsa Municipal; Elev., 674'; Fac. Class., BVORTAC; Ident., TUL; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 4 Apr. 64

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

ILS PORTION OF THIS PROCEDURE CANCELLED EFFECTIVE 4 APRIL 1964 OR UPON DECOMMISSIONING OF FACILITY.

City, Gustavus; State, Alaska; Airport Name, Gustavus; Elev., 28'; Fac. Class., ILS; Ident., GST; Procedure No. 1; Amdt. 4, Combining ILS–ADF; Eff. Date, 13 Apr. 57; Sup. Amdt. No. 3; Dated, 23 Mar. 57

Sandy Hook VHF Int	LOM (final)	Direct	1000	T–dn*	300–1	300–1	200–½
Sandy Hook VHF Int (19-mile DME fix)	ILS SW crs (19-mile DME fix, Kennedy VOR R-224).	19-mile clockwise arc.	2000	C–dn	500–1	500–1	500–1½
				S–dn–4R**	200–½	200–½	200–½
ILS SW crs (19-mile DME fix Kennedy VOR R-224).	LOM	Direct	1200	A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 223° Outbnd, 043° Inbnd, 1200' within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 1000'.
Altitude of glide slope and distance to approach end of Runway at OM, 747'—2.6 miles; at MM, 209°—.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 500' then make a climbing right turn to 3000' on JFK R-078 to Deer Park VOR (23.4-mile DME fix). Hold E 1-minute left turns, Inbnd crs 257°.
CAUTION: Circling landing minimums do not provide standard clearance over stack 277' 1.1 miles SSE of airport.
*Runway visual range 2000' is authorized for takeoff on Runway 4R and on Runway 31L in lieu of 200–½ when 200–½ authorized; provided associated high intensity runway lights are operational.
**Runway visual range 2000' also authorized for landing on Runway 4R; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 212' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., ILS; Ident., I–JFK; Procedure No. ILS–4R, Amdt. 7; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 6; Dated, 27 July 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Deer Park VOR (23.4 mile DME fix JFK R-078).	Roslyn VHF Int#	JFK R-078 to to 11.4-mile counter clockwise arc.	2000	T–dn**	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–22L*	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
Roslyn VHF Int#	OM (final)	Direct	1700				
Kennedy VOR	OM	Direct	1900				
Deer Park VOR	Roslyn VHF Int#	LGA R-101	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of NE crs, 043° Outbnd, 223° Inbnd, 1900' within 10 miles of OM. (Nonstandard to avoid LGA traffic.)
Minimum altitude at glide slope interception Inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1692'—5.6 miles; at MM, 218'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 500' straight ahead, make climbing left turn to 2000 on JFK R-190 to Sandy Hook VHF Int (19-mile DME fix), hold S 1-minute right turns Inbnd crs 010°.
CAUTION: Circling minimums do not provide standard clearance over the following obstructions: 277' stack 1.1 miles SSE of Runway 4R.
*400–¾ required when glide slope not utilized.
**Runway visual range 2000' is authorized for takeoff on Runways 31L and 4R in lieu of 200–½ when 200–½ is authorized provided associated high-intensity runway lights are operational.
#Roslyn Int: Int LGA VOR R-101 and IWY NE ILS crs (11.4-mile DME fix JFK VOR R-042).

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., ILS; Ident., I–IWY; Procedure No. ILS–22L, Amdt. 10; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 9; Dated, 9 Nov. 63

Keansburg VHF Int	Prospect VHF Int	Direct	2500	T–dn#	300–1	300–1	200–½
LGA–VOR	Prospect VHF Int	Direct	2500	C–dn#	700–1	700–2	700–2
Liberty VHF Int	Int SW crs LGA ILS and JFK R-270.	Via radar vectors to JFK R-270.	2500	S–dn–4*	400–¾	400–¾	400–¾
				A–dn	700–2	700–2	700–2
Int SW crs LGA ILS and JFK R-270.	Prospect Int (final)	Direct	2500				

Radar vectors may be substituted for the above transitions.
Procedure turn S side SW crs, 224° Outbnd, 044° Inbnd, 2500' S of Prospect Int but within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2500' at Prospect Int.
Altitude of glide slope and distance to approach end of runway at OM 1310'—3.9 miles, at MM 295°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4000' on LGA–VOR R-046 to Stamford VHF Int, cross Scarsdale VHF Int at 3000' or above. Hold NE Stamford Int 1-minute left turns, Inbnd crs 226°.
CAUTION: (1) Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area. (2) Unlighted obstructions in approach zone (runway 4) protruding 40' above lights at beginning of approach lightlane decreasing to 10' above lights at 1100' from approach end of runway. (3) Tower 415' 3.8 miles SW, tower 390' 3.5 miles SW, bldg 968' 6.7 miles SW.
AIR CARRIER NOTE: (1) Sliding scale not applicable to circling minimums. (2) Adjustment of alternate ceiling and visibility minimums not authorized.
*500–1 required with glide slope inoperative. 400–1 required with approach lights inoperative.
#Takeoff minimums for Runways 4 and 31 will not be less than 200–1 during period when tower advisories indicate presence of surface ships in channel.

City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 21; Fac. Class., ILS; Ident., I–LGA; Procedure No. ILS–4, Amdt. 21; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 20; Dated, 17 Aug. 63

Marion Int	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Rochester VOR	LOM	Direct	2000	C–dn**	500–1	600–1	600–1½
Fishers Int	LOM	Direct	2000	S–dn–28*	200–½	200–½	200–½
Fishers Int	ILS E crs (final)	Via crs 345°	2000	A–dn#	600–2	600–2	600–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 2000' within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 2000'—4.5 miles; at MM, 780'**—0.6 mile; at RBn, 990'—1.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on R-298 ROC VOR. Turn left, return to VOR at 2000'. Hold W on R-298 ROC VOR, 1-minute right turns, 118° Inbnd.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 not authorized.
CAUTION: Multiple unshielded lights in final approach area.
Other Change: Deletes glide slope clearance note.
*Circling minimums applicable with glide slope inoperative.
**Minimum altitude 1300' over MM with glide slope inoperative.
#All installed components of the ILS must be operating otherwise alternate minimums of 800–2 apply.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560'; Fac. Class., ILS; Ident., I–ROC; Procedure No. ILS–28, Amdt. 12; Eff. Date, 4 Apr. 64; Sup. Amdt. No. 11; Dated, 14 Mar. 64

Bainbridge LF Int	SZ LOM	Direct	2000	T–dn##	300–1	300–1	200–½
SJ LFR	SZ LOM	Direct	2000	C–dn	500–1	500–1	500–1½
SEA VOR	SZ LOM	Direct	2000	S–dn–16R#	200–½	200–½	200–½
PAE VOR	SZ LOM	Direct	2000	A–dn	600–2	600–2	600–2
Burion VHF Int	SZ LOM	Direct	2000				
Lofall VHF Int	SZ LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2000' within 10 miles.
Final approach from holding pattern at SZ LOM not authorized, procedure turn required.
Minimum altitude at glide slope interception Inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1700'—4.1 miles;* at MM, 644'—0.6 mile.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1700' direct to SE LOM. Continue climb on crs 158° Outbnd, 338° Inbnd within 10 miles of SE LOM or, when directed by ATC, turn right, climb to 2000' on R-226 SEA VOR to Burton Int.
CAUTION: Terrain and trees to 591' located immediately N and NE of airport.
*400–1 required when glide slope not utilized.
**Distance indicated is to the displaced threshold.
#Runway visual range (RVR) 2600' also authorized for landing on Runway 16, provided that all components of the high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 628' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2600' also authorized for takeoff on Runway 16 in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428'; Fac. Class., ILS; Ident., I–SZI; Procedure No. ILS–16, Amdt. 1; Eff. Date, 4 Apr. 64; Sup. Amdt. No. Orig.; Dated, 29 Feb. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SJ LFR	SE LOM	Direct	2000	T–dn##	300–1	300–1	300–1
SEA VOR	SE LOM	Direct	2000	C–dn	500–1	500–1	500–1½
Milton VHF Int	SE LOM (final)	Direct	1600	S–dn–34%%	200–½	200–½	200–½
Fairgrounds VHF Int*	SE LOM	Direct	2000	A–dn	600–2	600–2	600–2
Burton VHF Int	SE LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 1700′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1585′—4.0 miles; at MM, 560′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ direct to SZ LOM. Continue climb on crs 338° Outbnd, 158° Inbnd within 10 miles of SZ LOM or, when directed by ATC, turn left, climb to 2000′ on R–225 SEA VOR to Burton Int.
CAUTION: Terrain and trees to 501′ located immediately N and NE of airport.
*Transition to Fairgrounds Int authorized from McChord AFB RBn on crs 020°, 2000′.
%400–1 required when glide slope not utilized.
#Runway visual range (RVR) 2600′ also authorized for landing on Runway 34, provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 628′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2600′ also authorized for takeoff on Runway 34 in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., ILS; Ident., I–SEA; Procedure No. ILS–34, Amdt. 24; Eff. Date, 4 Apr. 64; Sup. Amdt. No. 23; Dated, 14 Mar. 64

Chatham RBn via crs 095°	ILS SW crs	Direct	2000	T–dn	300–1	300–1	300–1
Chatham RBn	ILS SW crs	Via crs 095°	2000	C–dn	1000–1	1000–1	1000–1½
Newark LOM	ILS SW crs	Via crs 348°	1800	S–dn–6*	500–1	500–1	500–1
Paterson RBn	EB LMM	Direct	2000	A–dn	1000–2	1000–2	1000–2
Cranford VHF% Int	EB OM	Direct	#1800				
Morristown VHF Int	EB LMM	Direct	2000				

Radar vectors may be utilized to effect above transitions.
Procedure turn W side SW crs, 240° Outbnd, 060° Inbnd, 1800′ within 10 miles of OM.
Minimum altitude at glide slope interception Inbnd, 1400′.
Minimum altitude at glide slope interception Inbnd at Kearney VHF Int,** 1800′.
Altitude of glide slope and distance to approach end of runway at Kearney Int,** 1800′—6.0 miles; at OM, 1325′—4.0 miles; at MM, 240°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on a heading of 060°, turn left, climb to 2000′ on ADF crs to Paterson RBn.
CAUTION: Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems. Empire State Building 1522′ 6.5 miles SE of airport.
*700–1½ required with any component of the ILS inoperative.
#Final ILS descent authorized after passing Kearney VHF Int.
%Cranford VHF Int: Int R–181 SAX VOR and Teterboro SW localizer crs.
**Kearney VHF Int: Int Kennedy VOR R–309 and Teterboro SW localizer crs.

City, Teterboro; State, N.J.; Airport Name, Teterboro; Elev., 7′; Fac. Class., ILS; Ident., I–TEB; Procedure No. ILS–6, Amdt. 12; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 11; Dated, 11 Jan. 62

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within			Precision approach		
090° CW to 180°	Radar site	30 miles	3000	T–dn	300–1	300–1	300–1½
180° CW to 090°	Radar site	30 miles	2700	C–d	400–1	500–1	500–1½
				C–n	400–1½	500–1½	500–1½
				S–dn–9–27*	300–¾	300–¾	300–¾
				A–dn	600–2	600–2	600–2
					Surveillance approach		
				T–dn	300–1	300–1	300–1½
				C–d–9	400–1	500–1	500–1½
				C–n–9	400–1½	500–1½	500–1½
				C–d–27	500–1	500–1	500–1½
				C–n–27	500–1½	500–1½	500–1½
				S–dn–9	400–1	400–1	400–1
				S–dn–27	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 9—Climb to 3000′ on E crs of ILS within 10 miles or, when directed by ATC, make left climbing turn to 3000′ on R–005 DLH VOR within 15 miles.
Runway 27—Climb to 3000′ on W crs of ILS within 10 miles or, when directed by ATC, make right climbing turn to 3000′ on R–005 DLH VOR within 15 miles.
NOTE: Aircraft on missed approach may be radar directed in accordance with approved patterns.
*No approach lights.

City, Duluth; State, Minn.; Airport Name, Duluth International; Elev., 1429′; Fac. Class. and Ident., USAF Radar; Procedure No. 1, Amdt. 1; Eff. Date, 4 Apr. 64; Sup. Amdt. No. Orig.; Dated, 1 Feb. 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition	Ceiling and visibility minimums			
	Condition	2-engine or less		More than 2-engine, more than 65 knots
		65 knots or less	More than 65 knots	
Within 10 miles	Precision approach			
344°–028°, 3000′; 028°–054°, 2000′; 054°–128°, 1500′; 128°–182°, 2200′; 182°–215°, 1500′; 215°–256°, 1000′; 256°–344°, 3200′	S–dn–28R	300–1	300–1	300–1
	S–dn–28L**	200–½	200–½	200–½
	A–dn	600–2	600–2	600–2
Within 20 miles	Surveillance approach			
340°–018°, 6000′; 018°–037°, 7000′; 037°–045°, 4500′; 045°–080°, 2600′; 080°–128°, 1500′; 128°–194°, 2500′; 194°–215°, 1500′; 214°–256°, 1000′; 256°–262°, 2000′; 262°–303°, 4000′; 303°–328°, 3600′; 328°–340°, 3500′.	T–dn#	300–1	300–1	200–½
	C–dn	500–1	600–1	600–1½
	S–dn*	500–1	500–1	500–1
Within 30 miles	A–dn	800–2	800–2	800–2
340°–357°, 6000′; 357°–010°, 7500′; 010°–037°, 9000′; 037°–045°, 7200′; 045°–051°, 5000′; 051°–057°, 4500′; 057°–062°, 3000′; 062°–098°, 2500′; 098°–128°, 1500′; 128°–194°, 2600′; 194°–215°, 1500′; 215°–256°, 1000′; 256°–256°, 2000′; 256°–262°, 3000′; 262°–285°, 4500′; 285°–303°, 4000′; 303°–312°, 4500′; 312°–340°, 5000′.				

Radar term. area trans. altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on Outbnd crs of 248° from LAX RBn within 20 miles. (Runways 25R–L, 24.) Climb direct to Downey RBn at 2000′; not authorized beyond Downey. (Runways 7R, 6.)
*Runways 25L, 7R, 6, 24. Aircraft Inbnd on final approach to Runway 24 will descend not lower than 1300′ until pilot is notified by Radar Approach Controller that he has passed a point 4.0 miles from the runway.
#Runway visual range 2600′ also authorized for takeoff on Runways 25L and 25R in lieu of 200–½ when 200–½ is authorized, providing high-intensity runway lights are operational.
**Runway visual range 2600′ also authorized for landing on Runway 25L; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 326′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class. and Ident., Los Angeles Radar; Procedure No. 1, Amdt. 18; Eff. Date, 4 Apr. 64; Sup. Amdt. No. 17; Dated, 23 Mar. 63

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within			Precision approach		
All directions	Radar site	25 miles	2500	C–dn	500–1	500–1	500–1½
All directions#	Radar site	20 miles	1500	S–dn–4R**	200–½	200–½	200–½
				A–dn–4R	600–2	600–2	600–2
					Surveillance approach		
				T–dn*	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–4L	500–1	500–1	600–1
				S–dn–22R, 25L	500–1	500–1	500–1
				S–dn–7R, 31R	400–1	400–1	400–1
				A–dn–All	800–2	800–2	800–2

#Except W of LGA–VOR Radials 046–220, 2500′ minimum altitude required.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runways 4R, 4L, 7R: Make right climbing turn to 3000′ on JFK VOR R–078 to DPK VOR. Hold E 1-minute left turns. Inbnd crs 257°.
Runways 22R, 25L, 31R: Make left climbing turn to 2000′ on JFK VOR R–190 to Sandy Hook Int. Hold S, 1-minute right turns, Inbnd crs 010°.
CAUTION: Circling minimums do not provide standard clearance over 277′ stack 1.1 miles SSE of airport.
*Runway visual range 2000′ is authorized for takeoff on Runways 4R and 31L in lieu of 200–½ when 200–½ is authorized; provided associated high-intensity runway lights are operational.
**Runway visual range 2000′ also authorized for landing on Runway 4R; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 212′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
MSA: 000°–090°—1900′; 090°–180°—1300′; 180°–270°—1600′; 270°–360°—2500′.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12′; Fac. Class. and Ident., Kennedy Radar; Procedure No. 1, Amdt. 6; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 5; Dated, 9 Nov. 63

000°	360°	Within 10 miles	2500	Precision approach			
000°	360°	20 miles	5500	T–dn#	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–16%##**	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
					Surveillance approach		
				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–34	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 34: Climb to 2000′ direct to SZ LOM, continue climb, on crs 338° Outbnd, 158° Inbnd within 10 miles of SZ LOM or, when directed by ATC, turn left, climb to 2000′, intercept R–225 of Seattle VOR, thence to Burton Int.
Runway 2: Left turn, climb to 2000′ direct to SZ LOM, continue climb on crs 338° Outbnd, 158° Inbnd within 10 miles of SZ LOM or, when directed by ATC, turn left climb to 2000′, intercept R–225 of Seattle VOR, thence to Burton Int.
Runway 16: Climb to 2000′ direct to SE LOM or, when directed by ATC, turn right, climb to 2000′, intercept R–225, thence to Burton Int.
Runway 20: Left turn, climb to 2000′ direct to SE LOM or, when directed by ATC, turn right, climb to 2000′, intercept R–225, thence to Burton Int.
Alternate missed approach (all runways): Climb to 2000′ direct to Seattle LFR.
CAUTION: Terrain and trees to 501′ located immediately N and NE of airport.
#Runway visual range 2600′ also authorized for takeoff on Runways 16 and 34 in lieu of 200–½ when 200–½ is authorized, provided high intensity lights are operational.
##Runway visual range (RVR) 2600′ also authorized for landing on Runways 16 and 34, provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 628′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class. and Ident., Seattle-Tacoma Radar; Procedure No. 1, Amdt. 8; Eff. Date, 4 Apr. 64; Sup. Amdt. No. 7; Dated, 15 Feb. 64

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on February 28, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-2170; Filed, Mar. 20, 1964; 8:45 a.m.]

[Reg. Docket No. 1896; Amdt. 153-1]

PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS [NEW]

Covenants and Reverter Clauses in Conveyances

The purpose of this amendment is to provide for the inclusion, in instruments of conveyance of property interests in United States land to public agencies for airport purposes under section 16 of the Federal Airport Act (49 U.S.C. 1115), of covenants that the transferees will not grant or permit any exclusive right to conduct any aeronautical activity on the Airport unless authorized by the Administrator.

On August 6, 1963, this Agency issued notice of proposed rule making No. 63-33 (28 F.R. 8292) in which it set forth a proposal to conform Part 153 (New) of the Federal Aviation Regulations with the Agency's determination, announced in its Policy Statement issued July 17, 1962, Prohibition of Exclusive Rights on Airports Receiving Federal Funds (27 F.R. 7054), that ordinarily it regards the grant of an exclusive right on an airport on which Federal funds have been expended as contrary to the requirements of section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349). Several comments were received from interested persons, and due consideration has been given to all relevant matter presented. The only adverse comment suggested that local governmental authority, rather than the Administrator, should exercise the function of permitting exclusive rights in exceptional situations. This suggestion can not be followed since the decision whether exceptional circumstances exist that justify an exclusive right, is a function of the Administrator under the Agency's policy announced in its Policy Statement issued July 17, 1962.

The convenants provided by this amendment do not apply to the sale of gasoline and oil at an airport embracing property acquired under the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1622(g)), in view of the exclusion of that kind of sale from the definition of "exclusive right" contained in that statute.

In consideration of the foregoing, effective April 20, 1964, § 153.13 of Part 153 [New] of the Federal Aviation Regulations is amended as follows:

By inserting the designation "*Covenants*" at the beginning of paragraph (a), by redesignating subparagraphs (3), (4), and (5) of paragraph (a) as subparagraphs (5), (6), and (7), respectively, and adding new subparagraphs (3) and (4), by inserting the designation "*Reverter clause*" at the beginning of paragraph (b), and by adding a new paragraph (c). The amended and added portions read as follows:

§ 153.13 Covenants and reverter clauses in conveyances.

(a) Covenants. • • •

• • • • • •

(3) That the grantee will not grant or permit any exclusive right for the use of the airport contrary to the prohibition in section 308 of the Federal Aviation Act of 1958 and will otherwise comply with all applicable law;

(4) That in furtherance of this covenant, but without limiting its general applicability and effect, the grantee specifically agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm or corporation the exclusive right for the conduct of any aeronautical activity on the airport, including charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activities, repair and maintenance of aircraft, sale of aircraft parts, and any other activities that because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

• • • • • •

(c) *Surplus property airports.* The covenants set forth in paragraph (a) of this section that prohibit exclusive rights do not affect the rights or obligations of the grantee under a surplus property instrument of transfer that conveyed surplus property of the United States to the grantee under section 13(g) of the Surplus Property Act of 1944, as amended, 50 U.S.C. App. 1622(g).

This amendment is issued under the authority of section 16 of the Federal Airport Act (49 U.S.C. 1115); section 13(g) of the Surplus Property Act, as amended (50 U.S.C. App. 1622(g)); and section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349).

Issued in Washington, D.C., on March 13, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-2723; Filed, Mar. 20, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1964 and Subsequent Crops of Rice

On page 1853 of the FEDERAL REGISTER of February 7, 1964, was published a notice of proposed rule making to issue an amendment to the regulations for determination of acreage allotments for 1964 and subsequent crops of rice. Interested persons were given 15 days from the date of publication of such notice in which to submit written data, views or recommendations with respect to the proposed amendment. No data, views or recommendations were received and the amendment is adopted for 1964 and subsequent crop years as set forth below.

1. A paragraph of basis and purpose is added immediately preceding the text of the amendment.

2. An effective date provision is added immediately following the text of the amendment.

3. An authority clause is added immediately following the effective date provision.

Signed at Washington, D.C., on March 18, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

Basis and purpose. The amendment to subparagraph (3) of paragraph (b) of § 730.1525 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, particularly the amendment to section 353(f) of the Act contained in Public Law 88-261, approved January 28, 1964. As so amended, the Act no longer requires that the transferee of rice history acreage acquire the land owned by the transferor to which any of the transferred rice history acreage may be ascribed. The purpose of the amendment is to incorporate in the regulations the provisions of Public Law 88-261.

Subparagraph (3) of paragraph (b) of § 730.1525 is amended to read as follows:

§ 730.1525 Succession of interest in producers allotments.

• • • • • •

(b) • • •

(3) (i) If a producer permanently withdraws from the production of rice as provided in this subparagraph (3), his allotment current at the time of such withdrawal and related rice history acreage during the applicable base period may be transferred to another producer or producers who have had previous rice producing experience, provided the transferee or transferees acquire, except for land, the transferor's entire rice farming operation, including all production and harvesting equipment and irrigation equipment not permanently attached to the land. The transferor at the earliest practicable date shall advise the county committee in writing of his intention to withdraw from the production of rice and the crop year for which the withdrawal is to become effective. He shall also furnish the names and addresses of the persons who will succeed him in his rice farming operations and the percentage of his current allotment that each person is to receive. The related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferees in the same proportions that the allotment is divided. To qualify as having had previous rice producing experience as referred to in this subparagraph (3), the transferee must have actually participated in producing, harvesting and marketing one or more crops of rice as a producer.

(ii) In order for the transfer to remain effective, the transferee must actually plant or cause to be planted at least 90 percent of his producer allotment (after release and before reapportionment), including the allotment determined on the basis of the rice history acreage acquired from the transferor, for at least three out of the next four years following the transfer. If the transferee fails to comply with this minimum planting provision, the transfer shall become invalid and the county committee shall reduce the transferee's allotment for the year current at the time of such failure in the same proportion that his producer allotment, immediately before the transfer, bears to the total allotment established for the producer as a result of the transfer. The rice history acreages credited to the transferee for each year of the period the transfer was in effect shall be reduced in the same proportion as the allotment is reduced.

• • • • • •

Effective date. Since the final date for filing an application for transfer of allotment and related history acreage is April 1 of the current year, it is essential that this amendment be made effective at the earliest possible date. Accordingly, it is hereby determined that compliance with the effective date provision of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to public interest and this amendment shall become effective upon the date of filing with the Director, Office of Federal Register.

(Secs. 353, 375, 52 Stat. 61, as amended, 66, as amended, 76 Stat. 6; 7 U.S.C. 1353, 1375)

[F.R. Doc. 64-2760; Filed, Mar. 20, 1964; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 56]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.356 Navel Orange Regulation 56.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 22, 1964, and ending at 12:01 a.m., P.s.t., March 29, 1964, are hereby fixed as follows:

(i) District 1: 550,000 cartons;
(ii) District 2: 650,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 20, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2838; Filed, Mar. 20, 1964; 11:22 a.m.]

[Valencia Orange Reg. 74]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.374 Valencia Orange Regulation 74.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for

preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 22, 1964, and ending at 12:01 a.m., P.s.t., March 29, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 125,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 20, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2834; Filed, Mar. 20, 1964; 11:22 a.m.]

[Lemon Reg. 103]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.403 Lemon Regulation 103.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 17, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 22, 1964, and ending at 12:01 a.m., P.s.t., March 29, 1964, are hereby fixed as follows:

(i) District 1: 7,440 cartons;
(ii) District 2: 232,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 19, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-2786; Filed, Mar. 20, 1964; 8:52 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 2]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans on Certain Commodities

TERMINATION OF OFFER TO PARTICIPATE

The revised regulations issued by the Commodity Credit Corporation published in 28 F.R. 2489, as amended at 28 F.R. 9420, containing the terms and conditions for participation by financial institutions in pools of CCC price support loans on certain commodities are hereby further amended to provide for the termination of CCC's offer to financial institutions for participation in such pools by adding a new § 1421.3811 as follows:

§ 1421.3811 Termination of offer to participate.

The offer of CCC to financial institutions to participate in pools of price support program loans, contained in § 1421.3804(b), is hereby terminated with respect to 1964 and subsequent crop year loans. Such termination does not affect the obligations of CCC or of the financial institution under these regulations with respect to participation by financial institutions in pools of 1963 and prior crop year price support loans.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Effective on date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 18, 1964.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-2762; Filed, Mar. 20, 1964; 8:51 a.m.]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

This subpart contains the regulations providing the terms and conditions under which commercial banks may participate in pools of loans made to producers on certain agricultural commodities under price support programs announced by the Commodity Credit Corporation, U.S. Department of Agriculture.

Sec.
1421.3821 Definition of terms.
1421.3822 Pooling of price support program loans.
1421.3823 Conversion of loan drafts to certificates and acceptance of terms.
1421.3824 Purchase of certificates by CCC.
1421.3825 Rate of interest and basis of computation of interest earned.
1421.3826 Maturity date of certificates.
1421.3827 Transfer and exchange of certificates.
1421.3828 Purchase by CCC of certificates presented through banking channels.
1421.3829 Purchase by CCC of certificates presented to the Data Processing Center.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c.

§ 1421.3821 Definition of terms.

As used in §§ 1421.3821 through 1421.3829, the following terms shall have the following meanings:

(a) "CCC" shall mean the Commodity Credit Corporation of the U.S. Department of Agriculture.

(b) "ASCS" shall mean the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "Data Processing Center" shall mean the Kansas City ASCS Data Processing Center, P.O. Box 205, Kansas City, Missouri, 64141.

(d) "Commercial Bank" shall mean any bank in the United States which accepts demand deposits.

(e) "Bank ABA Number" shall mean the ABA transit number of a commercial bank.

(f) "Price support program loans" shall mean loans approved under the price support programs of the Commodity Credit Corporation.

(g) "Producer" shall mean any person, firm, association, or other legal entity eligible to obtain price support program loans.

(h) "Loan draft" shall mean Commodity Credit Corporation Loan Draft and Certificate of Interest (Form CCC-514), the document issued by an ASCS County Office to the producer, or to a payee designated by the producer, in disbursement of a price support program loan on certain 1964 or subsequent crop year commodities.

(i) "Certificate" shall mean a loan draft which has had the bank ABA number and date of investment entered thereon by a commercial bank, or a Commodity Credit Corporation Certificate of Interest (Form CCC-515) issued by the Data Processing Center, the documents which evidence the banks' participation in financing price support program loans.

(j) "Holder" shall mean the commercial bank which has converted a loan draft to a certificate in accordance with § 1421.3823, the commercial bank designated by the bank ABA number on the face of a certificate issued by the Data Processing Center, or the commercial bank which acquired a certificate by transfer.

§ 1421.3822 Pooling of price support program loans.

CCC shall place in a single pool for each crop year beginning with the 1964 crop year, all price support program loans on barley, corn, dry edible beans, flaxseed, grain sorghums, honey, oats, peanuts, rice, rye, soybeans, tung oil, and wheat. CCC may place in the pool for any crop year any other unmatured price support program loans which were made under a CCC price support program for any crop year. Commercial banks may participate in the pools by conversion of loan drafts to certificates in accordance with § 1421.3823 and holding the certificates as evidence of participation in the loan pools. The loan draft will show a crop year indicating the pool to which it applies. CCC reserves the right to issue certificates to commercial banks for loan advances made pursuant to CCC lending agency agreements on any price support loans placed in the pool for any crop year. Certificates issued by CCC will show a crop year indicating the pool to which they apply. CCC will not issue certificates to itself but shall have an interest in the pool to the same extent as though certificates were issued equal to the amount by which the unpaid principal amount of loans comprising the pool exceeds the face value of outstanding certificates. To the extent of its interest, CCC reserves the right to offer commercial banks the opportunity to participate in the pool through issuance of certificates upon the payment to CCC of the face amount thereof. Offers to sell certificates, when made, will be by special announcement. CCC may remove from the pool at any time loans representing all or any part of its interest in the pool. CCC shall have the residual interest in any proceeds of the pool remaining after payment of the face value of certificates plus earned interest.

§ 1421.3823 Conversion of loan drafts to certificates and acceptance of terms.

(a) *Handling of loan drafts by commercial banks.* Commercial banks may acquire loan drafts, which have been endorsed by the payee, through regular banking transactions. The commercial bank may convert a loan draft to a certificate in accordance with paragraph (b) of this section, or may obtain immediate cash reimbursement for the draft by presenting it as a cash item to the Federal Reserve Bank of Kansas City, through regular banking channels.

(b) *Conversion of loan drafts to certificates by commercial banks.* Commercial banks may convert a loan draft to a certificate by entering the date of investment and the bank's ABA number in the designated spaces on the face of the loan draft. The date of investment shall be the date the bank exchanged cash for the loan draft, received it for deposit or otherwise invested funds in it through a regular banking transaction. After conversion of a loan draft to a certificate, the certificate shall evidence participation in the loan pool for the crop year shown on the face of the document and shall be subject to all the provisions of this subpart relating to certificates.

(c) *Liability for discrepancies or errors.* Commercial banks shall not be responsible for any discrepancies which may be determined to exist between a loan draft and the related producer note or for a loan draft which was issued by the ASCS county office in error and shall be held harmless by CCC from any loss sustained as a consequence of such discrepancies or errors.

(d) *Acceptance of terms.* The regulations in this subpart constitute the offer of CCC to commercial banks to participate in pools of CCC price support program loans on the commodities listed in § 1421.3822. A commercial bank which makes an election to participate in pools of CCC price support program loans by conversion of loan drafts to certificates in accordance with this section shall by such act evidence acceptance of the terms and conditions contained in this subpart.

§ 1421.3824 Purchase of certificates by CCC.

CCC shall purchase any outstanding certificate at its face value plus earned interest upon presentation by the holder as provided in §§ 1421.3828 and 1421.3829. CCC reserves the right to purchase at its option, at any time, any outstanding certificate at its face value plus earned interest, and will, in the event the face value of outstanding certificates in any pool on the last day of any month exceeds the unpaid principal amount of the loans comprising the pool, as determined by CCC, call in for purchase outstanding certificates in a total amount sufficient to reduce the face value of outstanding certificates to or below the unpaid principal amount of the loans comprising the pool. The specific certificate(s) to be called in for purchase shall be determined by CCC. Commercial banks will be notified of the certificate numbers of certificates to be purchased by CCC at least 15 days prior to the date such certificates are to be presented to CCC for purchase. Payment of the face amount and earned interest will be made as prescribed in §§ 1421.3828 and 1421.3829.

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 3½ percent per annum.

(b) *Rate increases or decreases.* The rate of interest as specified in paragraph (a) of this section may be increased or decreased by CCC upon publication in the FEDERAL REGISTER of an amendment to these regulations providing for such increase or decrease: *Provided,* That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 15 days subsequent to the date of publication of such amendment in the FEDERAL REGISTER. Commercial banks will be promptly notified of all interest rate increases and decreases.

(c) *Basis of computation of interest earned.* Interest earned will be paid on a 365 day basis from and including the date of investment shown on a certificate, or the date shown on a certificate issued by the Data Processing Center, to, but not including, the maturity date, the date the certificate is purchased by CCC, or the date a certificate is to be presented to CCC for purchase pursuant to a call by CCC, whichever date first occurs. Notwithstanding any other provision of this subpart, if the interest payable to a commercial bank on certif-

icates purchased on any day by CCC is computed to be three dollars or less, or certificates are presented for purchase earlier than 10 days after investment of funds by a commercial bank, no interest shall be payable on such certificates, and, if any certificate established by conversion of a loan draft is presented for purchase later than 60 days after maturity, interest computed as provided in this section shall be payable only if satisfactory evidence is furnished to CCC that the commercial bank invested funds in the loan draft before the maturity date.

§ 1421.3826 Maturity date of certificates.

The maturity date of certificates shall be August 1 of the year next following the crop year indicated on the certificate. If August 1 falls on a Saturday, Sunday or national holiday, the maturity date of the certificate shall be the next succeeding business day.

§ 1421.3827 Transfer and exchange of certificates.

(a) *Transfers between commercial banks.* A certificate may be transferred to another commercial bank by endorsement and delivery. A commercial bank which acquires a certificate by endorsement and delivery may transfer it to another commercial bank, present it for purchase by CCC pursuant to §§ 1421.3828 or 1421.3829, or tender it to the Data Processing Center for exchange as set forth in this section. Section 1421.3828 provides that interest on a certificate presented for payment through banking channels will be paid only to the commercial bank indicated by the bank ABA number shown on the face of the certificate; therefore, a commercial bank which holds certificates as an investment should exchange those certificates acquired by endorsement and delivery from another commercial bank before presenting them through banking channels for purchase by CCC at or before maturity.

(b) *Exchange and consolidation of certificates.* A commercial bank may tender certificates to the Data Processing Center for exchange or for exchange and consolidation. Only certificates relating to the same crop year pool which have earned interest at the same rate or rates from the date of investment, or date shown on certificates issued by the Data Processing Center, will be consolidated. The tendering commercial bank shall indicate the payee's name, bank ABA number and dollar amount of certificates desired for each group of certificates tendered. The new certificates shall show the name and bank ABA number of the tendering commercial bank or of another commercial bank designated by the tendering commercial bank as payee. New certificates will be issued in the dollar amounts requested: *Provided*, That the total face value of such certificates issued shall be equal to the total face value of certificates tendered for exchange. Interest will not be paid at the time certificates are tendered for exchange. The date to be shown on consolidated certificates issued shall be the weighted average date determined in accordance with paragraph (c) of this section. Exchange certificates issued without consolidation will show the same date as the date of investment or the certificate date, as applicable, of the certificates they replace.

(c) *Formula for determining the weighted average date of certificates issued in exchange for certificates presented for exchange and consolidation.* The formula for determining the weighted average date shall be as follows: (1) the focal interest date shall be the date certificates were received by the Data Processing Center; (2) dollar days shall be computed for each certificate from the date of investment, or the date of a certificate issued by the Data Processing Center, to, but not including, the focal interest date; (3) total dollar days shall be divided by the total face value of the certificates tendered for exchange to determine the average number of days the certificates were outstanding (fractions of ½ day or more will be raised to the next whole digit; fractions of less than ½ day will be disregarded); and (4) the average number of days outstanding shall be subtracted from the focal interest date to determine the date to be shown on the certificates to be issued.

(d) *Certificates tendered for exchange during the 15 day period prior to maturity.* Certificates tendered for exchange during the 15 day period prior to maturity will be held by the Data Processing Center until maturity, at which time the face amount plus interest will be paid to the commercial bank which tendered the certificates.

§ 1421.3828 Purchase by CCC of certificates presented through banking channels.

The holder of a certificate may receive payment for the face amount thereof at any time by presentation of the certificate through normal banking channels to the Federal Reserve Bank of Kansas City. The Federal Reserve Bank will receive the certificate as a cash item for the face amount thereof. The Data Processing Center will compute interest earned on the total face value of certificates showing the same bank ABA number paid through the Federal Reserve Bank each day, and will promptly pay such interest, computed according to § 1421.3825, to the commercial bank indicated by the bank ABA number shown on the face of the certificates.

§ 1421.3829 Purchase by CCC of certificates presented to the Data Processing Center.

When certificates are presented directly to the Data Processing Center, payment of the face amount, plus earned interest, computed according to § 1421.3825, will be made by that office to the commercial bank which presented the certificates. Certificates must be endorsed to CCC or bear the standard stamp endorsement customarily used by the commercial bank. For prompt credit of the face amount, certificates should be presented for payment through banking channels as provided in § 1421.3828.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 18, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-2761; Filed, Mar. 20, 1964; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-715]

PART 13—PROHIBITED TRADE PRACTICES

Ald, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.100 *Individual attention;* § 13.143 *Opportunities;* § 13.225 *Services;* § 13.255 *Surveys.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ald, Inc. (Chicago, Ill.), et al., Docket C-715, Feb. 19, 1964]

In the Matter of Ald, Inc., a Corporation, and Frank J. Wright, Individually and as an Officer of Said Corporation, and Frank E. Ross, Individually, and as a Former Officer of Said Corporation

Consent order requiring Chicago sellers of equipment for laundromat stores to the public to cease misrepresenting their business methods, the cost of establishing a laundromat store, the operating expenses involved, the profits to be derived, and other matters, as in the order below indicated.

The order to cease and desist, including further order requiring report of compliance, therewith, is as follows:

It is ordered, That respondents Ald, Inc., a corporation, and its officers, and Frank J. Wright, individually and as an officer of said corporation, and Frank E. Ross, individually and as a former officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of laundromat equipment or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly that:

1. A laundromat store can be established and started for any designated amount of money in any particular area or location unless respondents can establish that the amount stated is an accurate figure for the total actual cost of the equipment and an estimate of the total cost of delivery and installation of said equipment and all reasonably anticipated additional expenses incidental to opening for business; and unless clear and conspicuous disclosure is additionally made of estimated operating costs.

2. Representing that any costs which are based upon estimates are other than estimated costs and unless respondents can establish that such estimated costs are not less than those which may reasonably be expected to be incurred by such purchaser.

3. The operator or operators of a laundromat store or stores can realize gross receipts or net profits of any designated amounts when such amounts are in excess of those which respondents can establish as being the gross receipts or net profits such operator or operators may reasonably expect to achieve.

4. Equipment being sold for laundromat stores has a life expectancy of any period of time which is greater than respondents can establish to be the fact.

5. Respondents assist laundromat store owners in the operation of their business in any manner not in accordance with the facts.

6. Respondents make a survey or an investigation of neighborhoods for suitable locations for laundromat stores for their customers unless the nature and extent of such survey or investigation is clearly and expressly revealed and the respondents can establish that such survey or investigation actually has been made.

7. Any inexperienced person will be successful in operating a laundromat store.

8. Respondents will deliver their merchandise within a specific period of time, or on a specific date, unless in each instance such delivery is made as represented by respondents, or misrepresenting in any other manner the time within which respondents' merchandise will be delivered; or representing that respondents assist in the installation of laundromat equipment unless respondents in each instance furnish such assistance at the time of the delivery.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 19, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2725; Filed, Mar. 20, 1964; 8:45 a.m.]

[Docket No. 8460 o.]

PART 13—PROHIBITED TRADE PRACTICES

Around-the-World Shoppers Club et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155–40 Exaggerated as regular and customary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Around-The-World Shoppers Club, et al., Newark, N.J., Docket 8460, Feb. 17, 1964]

In the Matter of Around-The-World Shoppers Club, a Corporation Trading as Trans-World Shoppers Club, and David W. Margulies, Don Haas, Joe Vine, and I. G. Margulies, Individually and as Officers of Said Corporation

Order requiring operators of buying clubs—members of which received monthly, in return for their so-called membership fees, an article of merchandise from a foreign country—to cease representing falsely in promotional material mailed to prospective customers and subscribers, that excessive amounts were the usual retail prices of silverplated coffee and tea services and cameras offered for $10.00 as special bonuses to attract new members, and of a "400 day" clock given "free" for the same purpose.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Around-The-World Shoppers Club, a corporation trading under that or any other trade name or names, and David W. Margulies and Joe Vine, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of coffee and tea service sets, cameras, clocks or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that said merchandise is being offered for sale at a price lower than the price charged by others for the same merchandise when the represented higher price appreciably exceeds the highest price at which substantial sales of the merchandise are being made in the trade area in which respondent is doing busineses.

2. Using the word "free," or any other word or words of similar import or meaning, in advertising or in other offers to the public, to designate or describe articles of merchandise, when a charge is made for such merchandise.

It is further ordered, That the initial decision be, and it hereby is, vacated and set aside.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Don Haas and I. G. Margulies.

It is further ordered, That respondents Around-The-World Shoppers Club, a corporation, David W. Margulies and Joe Vine shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order set forth herein.

Issued: February 17, 1964.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2726; Filed, Mar. 20, 1964; 8:45 a.m.]

[Docket No. C-716]

PART 13—PROHIBITED TRADE PRACTICES

Sav-Cote Chemical Laboratories, Inc., Et Al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–215 *Organization and operation;* § 13.70 *Fictitious or misleading guarantees;* § 13.85 *Government approval, action, connection or standards:* § 13.85–75 *Use;* § 13.170 *Qualities or properties of product or service:* § 13.170–30 *Durability or permanence;* § 13.170–40 *Fire-extinguishing or fire-resistant;* § 13.170–96 *Waterproof, waterproofing, water-repellent;* § 13.265 *Tests and investigations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sav-Cote Chemical Laboratories, Inc., et al., Alexandria, Va., Docket C-716, Feb. 19, 1964]

In the Matter of Sav-Cote Chemical Laboratories, Inc., a Corporation, and William Moskowitz, Individually and as an Officer of Said Corporation

Consent order requiring an Alexandria, Va., mail order seller of its "Sav-Cote" products and other paints or coatings, to cease making—in direct-mail and newspaper advertisements and otherwise—numerous false statements concerning its business organization, the durability and the water and flame resistant and other protective qualities of "Sav-Cote", the use of the products by the armed forces, tests and approval by the Navy, and the guarantee to purchasers, among other deceptive claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondents Sav-Cote Chemical Laboratories, Inc., a corporation and its officers, and William Moskowitz, individually, and as an officer of said corporation, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Sav-Cote plasticlear or Sav-Cote colors, or any other paint or coating, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Falsely representing, directly or by implication, that respondents' business is divided into departments or divisions.

2. Representing, directly or by implication, that any of such products defy aging or last indefinitely without aging or put an end to paint and surface coating problems; or misrepresenting, in any manner, the durability of any of such products.

3. Using the unqualified representation "Waterproofs" or "Stops rust & rot" or "Resists * * * flame" or "Doesn't Peel, * * * or Crack" or "forms a * * * leakproof * * * skin" or "Goes over old paints" or any other word or words of similar unqualified import or meaning; or misrepresenting, in any manner, any

merits or characteristic of any of such products.

4. Using the word "Elastic" to describe any finish which is not capable of being readily stretched or expanded without essential alteration.

5. Using the word "Proven", or any other word or words of similar import or meaning in connection with any representation, unless respondents have scientific or empirical evidence available which establishes the truth of such representation.

6. Representing, directly or by implication, that any of such products has been tested by any person, company, organization or group which has not tested such product; or misrepresenting, in any manner, the results of any test conducted on any of such products.

7. Representing, directly or by implication, that any of such products has been approved by any person, company, organization or group which has not approved such products; or misrepresenting, in any manner, the approval given or granted to any of such products.

8. Representing, directly or by implication, that any person, company, organization or group has used any of such products unless such person, company, organization or group has usually, normally and regularly used such products.

II. *It is further ordered,* That respondents Sav-Cote Chemical Laboratories, Inc., a corporation and its officers, and William Moskowitz, individually, and as an officer of said corporation, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Sav-Cote plasticlear or Sav-Cote colors, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication, that any product is guaranteed unless the nature and extent of the guarantee, the manner of performance and the identity of the guarantor are clearly and conspicuously disclosed.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 19, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2727; Filed, Mar. 20, 1964; 8:46 a.m.]

[Docket No. 8534 o.]

PART 13—PROHIBITED TRADE PRACTICES

Product Testing Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–195 *Nature;* § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* §§ 13.155–93 *Special or test offers;** § 13.180 *Quantity:* § 13.180–35 *Offered;* § 13.230 *Size or weight;* § 13.255 *Surveys;* § 13.265 *Tests and investigations.* Subpart—Using misleading name—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45). [Cease and desist order, Product Testing Company, Inc., et al., Elizabeth, N.J., Docket 8534, Feb. 17 1964]

In the Matter of Product Testing Company, Inc., a Corporation, and Damar Products, Inc., a Corporation, Doing Business as Mrs. Dorothy Damar, Damar's, Emma and Jed's Country Store, The Consumer Research Bureau, and Product Testing Bureau, and David W. Margulies, Individually and as an Officer of Each of Said Corporations

Order requiring Elizabeth, N.J., mail order sellers of coffeemakers, dinnerware, luggage, toaster-broilers and other merchandise to cease making—in circulars, return mail pieces and other promotional material distributed to prospective customers—such false claims concerning the character of their business operations and the prices, quality, guarantee, performance and other characteristics of their merchandise, as in the order below more specifically set forth.

The order to cease and desist is as follows:

It is ordered, That respondents Product Testing Company, Inc., a corporation, and its officers, Damar Products, Inc., a corporation, and its officers, also doing business as Mrs. Dorothy Damar, Damar's, Emma and Jed's Country Store, The Consumer Research Bureau, and Product Testing Bureau, and David W. Margulies, individually, and as an officer of each of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of coffeemakers, dinnerware, luggage, toaster-broilers, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Testing" or the words "Consumer Research Bureau" or "Research Bureau" or any other word or words of similar import or meaning as a part of their respective corporate names or trade names unless such business is actually engaged in conducting bona fide, independent consumer tests, trial offerings or surveys to determine consumer reaction, preference or marketability of products.

2. Representing, directly or by implication, through the use of the words "This is a Consumer Test" or "Product Testing Service," or any other word or words of similar import or meaning that respondents are engaged in conducting bona fide, independent consumer tests, trial offerings or surveys to determine consumer reaction, preference or marketability of products; or misrepresenting, in any manner, the purpose or reason merchandise is offered for sale.

3. Representing, directly or by implication, that any offer to sell said merchandise is made to a limited number of preferred customers; or misrepresenting, in any manner, the class, group or number of persons to whom offers to sell merchandise are made.

4. Representing, directly or by implication, that any amount is the usual and customary price of merchandise in the trade area or areas where the representations are made when it is in excess of the generally prevailing price or prices at which said merchandise is sold in said trade area or areas.

5. Using the expressions "Retail," "Suggested Retail," or any other words or terms of similar import or meaning in connection with the retail prices of merchandise unless the prices so designated are the generally prevailing price or prices at which said merchandise is sold in the trade area or areas where the representations are made.

6. Representing, directly or by implication, that any saving from a trade area price is afforded in the purchase of merchandise unless the price at which it is offered is lower than the generally prevailing price or prices at which said merchandise is sold in the trade area or areas in which the representations are made.

7. Misrepresenting, in any manner, the savings available to purchasers of respondents' merchandise or the amount by which the price of merchandise has been reduced from the price at which it is customarily sold by respondents or their competitors in the usual course of business, in the trade area or areas where the representations are made.

8. Representing, directly or indirectly, that said coffeemaker has the capacity to make or brew any specified number of cups of coffee unless it will in fact brew the specified number of cups of coffee so that each cup may contain five ounces or more; or that any of said products has a capacity, content or size different from what it has in fact.

9. Representing, directly or by implication, that said products are guaranteed unless the nature, extent and duration of the guarantee, the manner in which the guarantor will perform thereunder and the name and address of the guarantor are clearly and conspicuously disclosed and respondents do in fact fulfill all of their requirements under the terms of said guarantee.

10. Using the expression "15 piece • • • heavy • • • aluminum • • • cookware" or any other words or terms of similar import or meaning to describe a cookware set which does not in fact contain the specified number of separate cooking utensils; or misrepresenting in any manner or by any means the number of pieces or constituent parts making up or comprising any of the aforesaid items or sets of merchandise.

11. Representing, directly or by implication, that said merchandise is purchased directly from the manufacturer or without the payment of profits to middlemen unless such is the fact.

* New.

By "Final Order", further order requiring report of compliance is as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 17, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-2739; Filed, Mar. 20, 1964; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4677, etc.]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

PART 201—RULES OF PRACTICE

PART 203—RULES RELATING TO INVESTIGATIONS

Miscellaneous Amendments

The Securities and Exchange Commission has adopted a new Part 203 of Title 17, CFR, consisting of rules relating to investigations conducted by the Commission, and has made other changes in existing rules, as it deemed appropriate. These rule changes are designed to clarify existing procedures, incorporate certain established Commission policies, and adopt certain recommendations of the Administrative Conference of the United States.[1] In the past, the incorporation of the Commission's rules dealing with investigations in the Commission rules of practice has sometimes caused confusion. Accordingly, the rules relating to investigations have been separated from the rules of practice.

Rule 1 (§ 203.1) of the new rules states that the rules relating to investigations are applicable only to investigations conducted by the Commission and not to adjudicative or rule making proceedings. Rule 2 (§ 203.2) provides that information or documents obtained by the Commission during the course of an investigation are non-public unless made a matter of public record. This embodies the principle formerly contained in paragraph (c) of Rule 26 of the Commission's rules of practice (17 CFR § 201.26 (c)) and the policy established by Rule 122 under the Securities Act of 1933 and Rule O–4 under the Securities Exchange Act of 1934 (§§ 230.122 and 240.0–4 of this chapter). Rule 2 is not intended to prohibit the Commission or its staff from making available to other persons information obtained in an investigation when necessary to the furtherance of an investigation conducted by the Commission or another government agency. Rule 3 (§ 203.3) makes clear that Rule 2(e) of the Commission's rules of practice (§ 201.2(e) of this chapter) relating to denial or suspension of the right to practice or appear before the Commission, is applicable to Commission investigations.

Rule 4(a) (§ 203.4(a)) states that Rules 4 through 8 of the Rules Relating to Investigations (§§ 203.4 to 203.8) are applicable to all formal investigative proceedings, which are defined as proceedings held pursuant to a Commission order for investigation or examination. Rule 4(b) (§ 203.4(b)) provides that such proceedings may be held before the Commission, or one or more of its members or any officer designated by it for this purpose. Rule 5 (§ 203.5), embodies the established Commission policy that all formal investigative proceedings shall be non-public unless ordered by the Commission.

Rule 6 (§ 203.6) was derived from and replaces Rule 3(b) of the Commission's rules of practice (§ 201.3(b) of this chapter). This rule reflects existing Commission policy and provides that transcripts of formal investigative proceedings are to be recorded solely by the reporter or other person or means designated by the officer conducting the investigation. It, therefore, precludes a witness from having his own stenographer record his testimony in any investigation and his counsel from making a verbatim transcript of his testimony. Rule 6 also incorporates the former provisions of Rule 3(b) (§ 201.3(b)) which permitted a witness to obtain a copy of his transcript of testimony upon request to the Commission and payment of appropriate fees, unless the Commission denied such request for good cause. Rule 6 further provides that a witness may obtain a copy of his documentary evidence but, unlike § 201.3(b), does not provide for denial of such a request by the Commission. Finally, Rule 6 formalizes the present Commission practice of allowing a witness or his counsel to inspect a transcript of his testimony.

Rule 7(a) (§ 203.7(a)) reflects present Commission policy, and grants a witness the right to inspect a copy of a formal order of investigation but permits retention of such order only when the appropriate Division Director is satisfied that it will not impede the investigation and is consistent with protection of the privacy of persons involved in the investigation. Rule 7(b) (§ 230.7(b)) replaces Rule 3(c) of the Commission's rules of practice (§ 201.3(c) of this chapter) relating to the right to counsel of witnesses in Commission investigation. Pursuant to Recommendation 25[3] of the Administrative Conference, it extends to witnesses appearing voluntarily in a Commission investigation the same right to be accompanied, represented, and advised by counsel as guaranteed under Section 4 of the Administrative Procedure Act to witnesses appearing under subpoena. Rule 7(b) also defines counsel as it is defined in Rule 2(b) of the Commission's rules of practice (§ 201.2(b) of this chapter). It further provides that sequestration of witnesses shall be applicable in investigations and unless the officer conducting the investigation in his discretion shall rule otherwise, no witness or his counsel may be present during the examination of any other witness. This rule therefore will preclude the same counsel from representing more than one witness in a formal investigative proceeding unless permitted in the discretion of the officer conducting the investigation.

Rule 7(c) (§ 203.7(c)) is in accordance with Recommendation 15[4] of the Administrative Conference with respect to the meaning of the right of a witness to be accompanied, represented and advised by counsel. It provides that a witness may have an attorney present with him during any formal investigative proceeding for the purpose of advising the witness, questioning him briefly at the conclusion of the examination to clarify answers given by him and making summary notes during the examination for the use of the witness.

Rule 7(d) (§ 203.7(d)) is in accordance with Recommendation 15[4] of the Administrative Conference. It provides that if the record in a public formal investigative proceeding contains any implication of wrongdoing by an individual, he shall have an opportunity to appear, cross-examine and produce rebuttal evidence in his defense to the extent consistent with administrative efficiency and avoidance of undue delay as determined by the officer conducting the investigation. Rule 7(e) (§ 203.7(e)) authorizes the officer conducting the investigation to report to the Commission any instance of dilatory, obstructionist or contumacious conduct by any witness or counsel or any other violations of these rules and provides that the Commission will take such further action as the circumstances warrant, including exclusion from further participation in the investigation and suspension or denial of the right to appear before the Commission pursuant to Rule 2(e) of the rules of practice (§ 201.2(e) of this chapter). Rule 8 (§ 203.8) makes clear that the service of the subpoena in formal investigative proceedings is to be governed by Rule 14(b) of the Commission's rules of practice (§ 201.14(b) of this chapter).

In connection with the adoption of these rules, Rule 1 of the rules of practice (17 CFR § 201.1) has been amended to make clear that the rules of practice (Part 201 of this chapter) do not apply to investigations, except where specifically made applicable by the rules relating to investigations (Part 203 of this chapter). In addition, Rule 3 and paragraph (c) of Rule 26 of the rules of practice (§§ 201.3 and 201.26(c)) have been rescinded, but that part of former § 201.26(c) relating to disclosure of confidential information by Commission officers and employees has been moved to a new § 200.40 of subpart B, Regulation

[1] See, Selected Reports of the Administrative Conference of the United States, S. Doc. No. 24, 88th Cong., 1st Sess. (1963).

[2] S. Doc. No. 24, supra at p. 223.

[3] S. Doc. No. 24, Supra at p. 223.

[4] S. Doc. No. 24, Supra at p. 223.

Concerning Conduct of Members and Employees and Former Members and Employees of the Commission, of Part 200.

The action of the Commission follows:

I. Subpart B of Part 200 is amended by the addition of a new § 200.40 at the end thereof, to read as follows:

§ 200.40 Disclosure of confidential information by officers and employees.

Any officer or employee who is served with a subpoena requiring the disclosure of non-public information or documents shall, unless the Commission authorizes the disclosure of such information, respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this rule. Any officer or employee who is served with such a subpoena shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability in the public interest of making available such information or documents.

II. Section 201.1 is amended by the insertion of the following new sentence at the end thereof: "These rules do not apply to investigations, except where made specifically applicable by the Rules Relating to Investigations (Part 203 of this chapter)." As so amended, the section reads:

§ 201.1 Scope of rules of practice.

These rules of practice are generally applicable to proceedings before the Commission under the statutes which it administers, particularly those which involve a hearing or opportunity for hearing before the Commission or its duly designated officer. In connection with any particular matter, reference should also be made to any special requirements of procedure and practice that may be contained in the particular statute involved or the rules and forms adopted by the Commission thereunder, which special requirements are controlling. These rules do not apply to investigations, except where made specifically applicable by the Rules Relating to Investigations (Part 203 of this chapter).

§ 201.3 [Deleted]

III. Section 201.3 is rescinded.

§ 201.26 [Amended]

IV. Paragraph (c) of § 201.26 is rescinded.

V. A new Part 203 of this chapter is added to read as follows:

PART 203—RULES RELATING TO INVESTIGATIONS

SUBPART A—IN GENERAL

Sec.
203.1 Application of the rules of this part.
203.2 Information obtained in investigations and examination.
203.3 Suspension and disbarment.

SUBPART B—FORMAL INVESTIGATIVE PROCEEDINGS

203.4 Applicability of §§ 203.4 through 203.8.
203.5 Non-public formal investigative proceedings.
203.6 Transcripts.
203.7 Rights of witnesses.
203.8 Service of subpoenas.

AUTHORITY: The provisions of this Part 203 issued under secs. 19(a), 23(a), 48 Stat. 85, 901, as amended, 15 U.S.C. 77s, 78w; sec. 20(a), 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a-37; and sec. 211(a) 54 Stat. 855, as amended, 15 U.S.C. 80b-11.

Subpart A—In General

§ 203.1 Application of the rules of this part.

The rules of this part apply only to investigations conducted by the Commission. They do not apply to adjudicative or rule making proceedings.

§ 203.2 Information obtained in investigations and examinations.

Information or documents obtained by the Commission in the course of any investigation or examination, unless made a matter of public record, shall be deemed non-public.

§ 203.3 Suspension and disbarment.

The provisions of § 201.2(e) of this chapter (Rule 2(e) of the Commission's rules of practice) are hereby made specifically applicable to all investigations.

Subpart B—Formal Investigative Proceedings

§ 203.4 Applicability of §§ 203.4 through 203.8.

(a) Sections 203.4 through 203.8 shall be applicable to a witness who is sworn in a proceeding pursuant to a Commission order for investigation or examination, such proceeding being hereinafter referred to as a "formal investigative proceeding."

(b) Formal investigative proceedings may be held before the Commission, before one or more of its members, or before any officer designated by it for the purpose of taking testimony of witnesses and receiving other evidence. The term "officer conducting the investigation" shall mean any of the foregoing.

§ 203.5 Non-public formal investigative proceedings.

Unless otherwise ordered by the Commission, all formal investigative proceedings shall be non-public.

§ 203.6 Transcripts.

Transcripts, if any, of formal investigative proceedings, shall be recorded solely by the official reporter, or by any other person or means designated by the officer conducting the investigation. A person who has submitted documentary evidence or testimony in a formal investigative proceeding shall be entitled to procure a copy of his documentary evidence or a transcript of his testimony on payment of the appropriate fees: *Provided, however*, That in a non-public formal investigative proceeding a person seeking a transcript of his testimony shall file a written request stating the reason he desires to procure such transcript, and the Commission may for good cause deny such request. In any event, any witness (or his counsel), upon proper identification, shall have the right to inspect the official transcript of the witness' own testimony.

§ 203.7 Rights of witnesses.

(a) Any person who is compelled or requested to furnish documentary evidence or testimony at a formal investigative proceeding shall upon request be shown the Commission's order of investigation. Copies of formal orders of investigation shall not be furnished, for their retention, to such persons requesting the same except with the express approval of a Director of the Division or Divisions conducting or supervising the investigation. Such approval shall not be given unless the Division Director in his discretion is satisfied that there exist reasons consistent both with the protection of privacy of persons involved in the investigation and with the unimpeded conduct of the investigation.

(b) Any person compelled to appear, or who appears by request or permission of the Commission, in person at a formal investigative proceeding may be accompanied, represented and advised by counsel, as defined in § 201.2(b) of this chapter (Rule 2(b) of the Commission's rules of practice): *Provided, however*, That all witnesses shall be sequestered, and unless permitted in the discretion of the officer conducting the investigation no witness or the counsel accompanying any such witness shall be permitted to be present during the examination of any other witness called in such proceeding.

(c) The right to be accompanied, represented and advised by counsel shall mean the right of a person testifying to have an attorney present with him during any formal investigative proceeding and to have this attorney (1) advise such person before, during and after the conclusion of such examination, (2) question such person briefly at the conclusion of the examination to clarify any of the answers such person has given, and (3) make summary notes during such examination solely for the use of such person.

(d) Unless otherwise ordered by the Commission, in any public formal investigative proceeding, if the record shall contain implications of wrongdoing by any person, such person shall have the right to appear on the record; and in addition to the rights afforded other witnesses hereby, he shall have a reasonable opportunity of cross-examination and production of rebuttal testimony or documentary evidence. "Reasonable" shall mean permitting persons as full an opportunity to assert their position as may be granted consistent with administrative efficiency and with avoidance of undue delay. The determination of reasonableness in each instance shall be made in the discretion of the officer conducting the investigation.

(e) The officer conducting the investigation may report to the Commission any instances where any witness or counsel has been guilty of dilatory, obstructionist or contumacious conduct during the course of an investigation or any other instance of violation of these rules. The Commission will thereupon take such further action as the circumstances may warrant, including suspension or disbarment of counsel from further appearance or practice before it, in accordance with § 201.2(e) of this chapter (Rule 2(e) of the Commission's rules of practice), or exclusion from further participation in the particular investigation.

§ 203.8 Service of subpoenas.

Service of subpoenas issued in formal investigative proceedings shall be effected in the manner prescribed by § 201.14(b) of this chapter (Rule 14(b) of the Commission's rules of practice).

The Commission finds that the foregoing rules involve a matter of practice or procedure and that notice and subsequent procedure pursuant to section 4 of the Administrative Procedure Act are not required. Also, the Commission finds that the provisions of section 4(c) of the Administrative Procedure Act regarding the postponement of the effective date are inapplicable inasmuch as this is not a substantive rule.

Accordingly, the foregoing action is taken pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940 and the Investment Advisers Act of 1940, and shall become effective April 1, 1964.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 12, 1964.

[F.R. Doc. 64-2728; Filed, Mar. 20, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Tannic Acid and Barium Enema Preparations

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(f)(1), 701(a), 52 Stat. 1051, as amended, 1055; 21 U.S.C. 352(f), 371(a)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), Part 3 is amended by adding thereto the following new section:

§ 3.12 Tannic acid and barium enema preparations.

(a) It has become a widespread practice for tannic acid to be added to barium enemas to improve X-ray pictures. Tannic acid is capable of causing diminished liver function and severe liver necrosis when absorbed in sufficient amounts. The medical literature reports a number of deaths associated with the addition of tannic acid to barium enemas. There is a lack of scientific evidence to establish the conditions, if any, under which tannic acid is safe and effective for use in enemas. Tannic acid for rectal use to enhance X-ray visualization is regarded as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act.

(b) In view of the hazards involved when tannic acid is used in barium enemas, any shipments of tannic acid labeled to come within the exemptions under 502(f) of the Act containing such phrases as: "Caution: For manufacturing, processing, or repackaging," "For prescription compounding," or "Diagnostic reagent—For professional use only" will be regarded by the Commissioner of Food and Drugs as misbranded within the meaning of section 502(f) of the Federal Food, Drug, and Cosmetic Act unless the label and the labeling bear conspicuously a warning to the effect: "Warning—Not for use in enemas."

(c) Any tannic acid intended for use by man and found within the jurisdiction of the Federal Food, Drug, and Cosmetic Act labeled contrary to this section after 60 days from the date of its publication in the FEDERAL REGISTER may be made the subject of regulatory proceedings.

(Secs. 502(f), 701(a), 52 Stat. 1051, as amended, 1055; 21 U.S.C. 352(f), 371(a))

Dated: March 17, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-2764; Filed, Mar. 20, 1964; 8:51 a.m.]

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

TOASTED PARTIALLY DEFATTED COOKED COTTONSEED FLOUR; CONFIRMATION OF EFFECTIVE DATE; DELETION FROM PROVISIONAL LISTINGS

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2)), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of February 6, 1964 (29 F.R. 1801), with reference to the color additive toasted partially defatted cooked cottonseed flour. Accordingly, the amendments promulgated by that order will become effective April 6, 1964.

2. Effective April 6, 1964, § 8.501 *Provisional lists for color additives* is amended by deleting from paragraph (e) the item "Toasted partially defatted cooked cottonseed flour."

(Sec. 706(b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2))

Dated: March 17, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-2743; Filed, Mar. 20, 1964; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1323), filed by American Cyanamid Company, Berdan Avenue, Wayne, New Jersey, 07470, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of the monomer triallyl cyanurate in the production of polymers used in food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the list "Components of Adhesives" in paragraph (c)(5) of § 121.2520 *Adhesives* is amended by inserting alphabetically in the list of monomers under the item "Polymers: Homopolymers and copolymers * * *", the new monomer: Triallyl cyanurate.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 28, 1964.

WINTON B. RANKIN, *Assistant Commissioner for Planning.*

[F.R. Doc. 64-2744; Filed, Mar. 20, 1964; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Demethylchlortetracycline Hydrochloride Ointment; Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), § 146c.258 *Demethylchlortetracycline hydrochloride ointment* is amended by changing the last sentence in paragraph (b) to read:

§ 146c.258 Demethylchlortetracycline hydrochloride ointment.

* * * * *

(b) * * * Its expiration date shall be 18 months after the month during which the batch was certified, except that the date that is 24 months or 36 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: March 17, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2745; Filed, Mar. 20, 1964; 8:48 a.m.]

PART 148i—NEOMYCIN SULFATE

Neomycin Sulfate for Prescription Compounding

The Commissioner of Food and Drugs has duly considered the comments received in response to the notice published in the FEDERAL REGISTER of December 13, 1963 (28 F.R. 13505), proposing the issuance of a regulation to provide for the certification of containers of neomycin sulfate or neomycin undecylenate intended for use in the extemporaneous compounding of prescriptions by practicing pharmacists and to exempt from the certification requirements the prescriptions so compounded. The Commissioner has concluded that the regulation should issue for neomycin sulfate. Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 507, 701, 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), Title 21 is amended by adding thereto a new part as follows:

PART 148i—NEOMYCIN SULFATE

§ 148i.22 Neomycin sulfate for prescription compounding.

(a) *Requirements for certification.* (1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate for prescription compounding is the sulfate salt of a kind of neomycin or a mixture of two or more such salts. It is so purified and dried that:

(i) It has a potency of not less than 600 micrograms of neomycin per milligram.

(ii) It is nontoxic.

(iii) Its moisture content is not more than 8 percent.

(iv) Its pH is an aqueous solution containing 33 milligrams per milliliter is not less than 5.0 nor more than 7.5.

(v) It exhibits absorption maxima within ±2 mμ at 232 mμ and 278 mμ when heated in sulfuric acid and the ratio of the absorption peak at 232±2 mμ, and 278 mμ±2mμ, $\frac{A278}{A232}$, is not less than 1.20 and not more than 1.50.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. Each such container shall contain not less than 10 grams and not more than 100 grams of neomycin sulfate.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and on the immediate container the following:

(i) The statements "For prescription compounding" and "Caution: Federal law prohibits dispensing without prescription".

(ii) The statement "Not sterile."

(iii) The batch mark.

(iv) The number of milligrams of neomycin activity in each gram of the neomycin sulfate.

(v) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(vi) The number of grams of neomycin sulfate in each immediate container of the batch.

(4) *Requests for certification; samples.* (i) In addition to complying with the conditions of § 146.2 of this chapter, a person who requests certification of a batch of neomycin sulfate for prescription compounding shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, and identity.

(ii) Such person shall submit with his request a sample consisting of a 0.5 gram portion for each 5,000 packages in the batch, but in no case less than 10 such portions. Each such portion shall be collected at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(5) *Fees.* $4.00 for each container submitted in accordance with subparagraph (4) (ii) of this paragraph.

(b) *Tests and methods of assay.*—(1) *Potency, toxicity, moisture, pH.* Proceed as directed in § 141e.410(b) (1), (2), (3), and (4) of this chapter.

(2) *Identity.* Place about 10 milligrams into a test tube (19 millimeters x 150 millimeters), dissolve with 1 milliliter of water and then add 5 milliliters of 40 percent sulfuric acid solution. Heat in a boiling water bath for 100 minutes. Cool and dilute to a volume of 25 milliliters with water. Use a suitable recording ultraviolet spectrophotometer and 1-centimeter quartz cells. Set the instrument at 100 percent transmission with an 8 percent sulfuric acid solution. Record the spectrum from 220 mμ to 300 mμ. The ratio of the two absorbances $\frac{(A278)}{(A232)}$ should be not less than 1.20 and not more than 1.50.

(Sec. 507, 59 Stat. 463, as amended, 76 Stat. 785, 786, 787; 21 U.S.C. 357)

Effective date. This order shall be effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Secs. 507, 701, 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371)

Dated: March 16, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2765; Filed, Mar. 20, 1964; 8:52 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 10—PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE TREASURY DEPARTMENT

Conflict of Interest

On December 28, 1963, notice of proposed rule making with respect to the amendments of the regulations set forth in 31 CFR Part 10 (Treasury Department Circular No. 230 (Revised)) in order to conform these practice regulations to the criminal provisions of new section 207 of Title 18, U.S.C., as amended by Public Law 87-849 (76 Stat. 1123), was published in the FEDERAL REGISTER (28 F.R. 14430). Since no relevant matter was presented by any interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

PARAGRAPH 1. Section 10.30 is amended by designating the existing section as paragraph (a) and adding paragraph (b). These provisions read as follows:

§ 10.30 Partnerships.

(a) *Certain partnerships prohibited.* No enrolled attorney or agent shall maintain a partnership for the practice of law, accountancy, or other related professional service with a person who is under disbarment from practice before the Internal Revenue Service or any other department or agency of the Federal Government, or with an unenrolled person who is neither an attorney legally practicing law nor a certified public accountant or a public accountant legally practicing accounting. Nothing in this section shall be construed to authorize the maintenance of a partnership contrary to recognized ethical standards which are to be followed pursuant to § 10.21.

(b) *Partners of Government employees.* No partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, shall represent anyone in any matter administered by the Internal Revenue Service in which such officer or employee of the Government participates or has participated personally and substantially as a Government employee or which is the subject of his official responsibility. See 18 U.S.C. 207(c).

PAR. 2. Section 10.32 is amended by revising paragraphs (a) and (b) and adding paragraph (c). These amended and added provisions read as follows:

§ 10.32 Practice by former Government employees.

(a) *In general.* No former officer or employee of the United States Government, of any independent agency of the United States, or of the District of Columbia, whether or not enrolled to practice before the Internal Revenue Service, shall represent anyone in any matter administered by the Internal Revenue Service if the representation would violate any of the laws of the United States.

(b) *Personal and substantial participation.* No former officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, whether or not enrolled to practice before the Internal Revenue Service, shall represent anyone in any matter administered by the Internal Revenue Service, involving a specific party or parties, in which he participated personally and substantially as an officer or employee. See 18 U.S.C. 207(a).

(c) *Official responsibility.* No former officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, whether or not enrolled to practice before the Internal Revenue Service, shall, within one year after his employment has ceased, appear personally as agent or attorney for anyone before the Internal Revenue Service in any matter administered by the Internal Revenue Service, involving a specific party or parties, which was under his official responsibility as an officer or employee of the Government at any time within a period of one year prior to the termination of such responsibility. See 18 U.S.C. 207(b).

PAR. 3. Section 10.33 is amended by replacing paragraphs (a) and (b) with a new paragraph (a) and revising and redesignating paragraph (c) as paragraph (b). These amended paragraphs read as follows:

§ 10.33 Practice by former Internal Revenue Service employees.

(a) *Form 901 Declaration.* No former officer or employee of the Internal Revenue Service shall, within one year after the termination of his Internal Revenue Service employment, practice or in any manner act as attorney or agent or as the employee of an attorney or agent in any matter involving a specific party or parties which was pending in the Internal Revenue Service during the period of his employment therein, unless he shall first file a declaration stating that he did not participate personally and substantially in such matter and that he is not and will not knowingly be associated with any former officer or employee who participated personally and substantially in such matter while employed by the Internal Revenue Service and that his employment is not prohibited by law or by the regulations of the Internal Revenue Service. If the declarant desires to appear personally before the Internal Revenue Service, his declaration must also state that the matter was not under his official responsibility as an officer or employee of the Government at any time within a period of one year prior to the termination of such responsibility. Declarations shall be submitted on Form 901 and filed with the office of the Director of Practice. The declaration should state the declarant's former connection with the Internal Revenue Service, identify the matter in which he intends to act and specify whether or not he desires to appear personally in the matter before the Internal Revenue Service. The declarant will be advised whether or not investigation of the declaration has disclosed any information indicating that his representation in the matter would be violative of § 10.32. False statements on the Form 901 declaration shall be cause for suspension or disbarment.

(b) *Pending matter.* For the purpose of this section, a matter shall not be deemed pending in the Internal Revenue Service merely by virtue of the filing of a tax return, but it shall be considered as pending from the time an examination was commenced by interviewing, corresponding with, or examining the books and records of, a taxpayer, or from the time a taxpayer made a presentation or inquiry to the Internal Revenue Service which is related to the matter.

PAR. 4. Section 10.34 is amended to read as follows:

§ 10.34 Assistance from or to former employees.

In connection with any matter involving practice before the Internal Revenue Service, no enrolled attorney or agent shall knowingly assist, accept assistance from, or share fees with, any person who participated personally and substantially in the matter as a Government officer or employee, or knowingly assist, accept assistance from, or share fees with, any person appearing personally before the Internal Revenue Service within one year after his Government employment in any matter which was under his official responsibility within one year prior to the termination of such responsibility.

PAR. 5. Section 10.40 is added to read as follows:

§ 10.40 Definition of terms.

For purposes of §§ 10.30, 10.32, 10.33 and 10.34 the term "officer or employee" includes a "special Government employee" as defined in 18 U.S.C. 202. The term "official responsibility" has the meaning as provided in 18 U.S.C. 202.

(Sec. 3, Act of July 7, 1884, 23 Stat. 258, 5 U.S.C. 261; R.S. 161, 5 U.S.C. 22; secs. 2 to 12, 60 Stat. 237 et seq. (5 U.S.C. 1001 to 1011); Reorg. Plan No. 26 of 1950, 64 Stat. 1280, 5 U.S.C. 133z)

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64-2750; Filed, Mar. 20, 1964; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

Miscellaneous Amendments

1. Section 3.330 is revised to read as follows:

§ 3.330 Resumption of rating when veteran subsequently reports for Veterans Administration examination.

Such ratings will be governed by the provisions of § 3.158, "Abandoned Claims," and § 3.655, "Failure to report for Veterans Administration examination." The period following the termination or reduction for which benefits are precluded by the cited regulations will be stated in the rating. If the evidence is insufficient to evaluate disability during any period following the termination or reduction for which payments are not otherwise precluded, the rating will contain a notation reading "Evidence insufficient to evaluate from ---------- to ----------".

2. The cross reference immediately following § 3.330 is changed to read as follows:

CROSS REFERENCE: Failure to report for Veterans Administration examination. See § 3.655.

3. Section 3.341 is revised to read as follows:

§ 3.341 Total disability ratings for compensation purposes.

Total compensation ratings may be assigned under the provisions of § 3.340. However, if the total rating is based on a disability or combination of disabilities for which the 1945 Schedule for Rating Disabilities provides an evaluation of less than 100 percent, it must be determined that the service-connected disabilities are sufficient to produce the unemployability without regard to advancing age.

4. In § 3.342, paragraph (b) (1) is amended to read as follows:

§ 3.342 Permanent and total disability ratings for pension purposes.

* * * * *

(b) *Criteria.* In addition to the criteria for determining total disability and permanency of total disability contained in § 3.340, the following special considerations apply in pension cases:

(1) Permanent total disability pension ratings will be authorized for congenital, developmental, hereditary or familial conditions, provided the other requirements for entitlement are met.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: March 18, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-2742; Filed, Mar. 20, 1964; 8:47 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Further Interpretation of Shipping Act, 1916

§ 530.4 Further interpretation of the Shipping Act, 1916.

(a) Section 3 of Public Law 87-346, as amended by Public Law 88-5, provides:

Sec. 3. Notwithstanding the provisions of sections 14, 14b, and 15, Shipping Act, 1916, as amended by this Act, all existing agreements which are lawful under the Shipping Act, 1916, immediately prior to enactment of this Act, shall remain lawful unless disapproved, cancelled, or modified by the Commission pursuant to the provisions of the Shipping Act, 1916, as amended by this Act: *Provided, however,* That all such existing agreements which are rendered unlawful by the provisions of such Act as hereby amended must be amended to comply with the provisions of such Act as hereby amended, and if such amendments are filed for approval within six months after the enactment of this Act, such agreements so amended shall be lawful for a further period but not beyond April 3, 1964. Within such period the Commission shall approve, disapprove, cancel or modify all such agreements and amendments in accordance with the provisions of this Act.

(b) (1) The Federal Maritime Commission interprets this section to mean that all currently lawful dual rate agreements may require revision immediately with the effective date of Commission approval, disapproval, or modification of the particular agreement or on April 4, 1964, whichever first occurs, and to permit carriers and conferences of carriers to use subsequent to that time only the agreement as approved or modified by the Commission. Therefore, if a carrier or conference subsequent to such time desires to use a dual rate system, its agreement form must be that approved or modified by the Commission.

(2) In recognition of the administrative burdens imposed by the necessity of executing new agreement forms following Commission approval and/or modification of the new agreement, carriers may accept from shippers and consignees who desire to continue under the new agreement a writing stating merely that the shipper or consignee wishes to be bound by the new agreement and that he will execute a copy of the new agreement form upon one being tendered by the carriers. Shippers and consignees so indicating to the carrier or conference must be accorded contract rates. The carriers must then tender to the shipper or consignee a full copy of the new agreement, as approved or modified by the Commission, within ninety (90) days from the Commission's approval or modification.

By the Commission, March 18, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2717; Filed, Mar. 20, 1964; 8:52 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3349]

[Montana 063662, 063663, 063664]

MONTANA

Revoking Stock Driveway Withdrawals (Stock Driveway No. 13)

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental orders of April 24, 1918, August 23, 1920, and April 22, 1932, and any other order or orders withdrawing lands for stock driveway purposes are hereby revoked so far as they affect the following-described lands:

MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 36 E.,
Secs. 2 and 11;
Sec. 13, lot 3;
Sec. 14, lots 1 and 2, and E½.
T. 23 N., R. 36 E.,
Sec. 23;
Sec. 24, S½;
Secs. 25, 26 and 27;
Sec. 28, S½N½ and S½;
Sec. 29 to 35, incl.
T. 22 N., R. 37 E.,
Sec. 4;
Sec. 8, lots 2, 3, and N½SE¼;
Sec. 9, lots 1, 2, 3, 4, NE¼, NW¼, and N½SW¼;
Sec. 10, lots 3 and 4.
T. 23 N., R. 37 E.,
Sec. 19, S½;
Sec. 20, S½;
Sec. 21, S½;
Sec. 22, SW¼;
Sec. 25, SW¼NW¼ and S½;
Sec. 26, S½N½ and S½;
Secs. 27 and 28;
Sec. 29, N½;
Sec. 30;
Sec. 33, W½E½ and W½.
T. 23 N., R. 38 E.,
Secs. 2, 3, 7, 8, 9, 10 and 11;
Sec. 13, S½;
Secs. 14 and 15;
Secs. 17 and 18;
Sec. 19, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 22, lots 1, 2, 3, and 4;
Sec. 23, lots 1 to 4, incl.;
Sec. 24, lots 1 and 2;
Sec. 30, lots 2, 3, 5, 6, 7, E½SW¼ and NW¼SE¼.
T. 24 N., R. 38 E.,
Secs. 22, 25, 26, 27, 34 and 35.
T. 23 N., R. 39 E.,
Sec. 3, lots 3, 4, 7, 8½NW¼ and N½SW¼.
T. 24 N., R. 39 E.,
Secs. 1, 2, 3, 11, 12, 13, 14, 19, 20, 23 and 25 to 30 incl.;
Sec. 21, NE¼ and S½;
Secs. 22, 24 and 34.
T. 25 N., R. 39 E.,
Secs. 2, 3, 10, 11, 14, 15, 22, 23, 24, 26, 27, 34 and 35.
T. 26 N., R. 39 E.,
Secs. 22 to 27, incl., 34 and 35.
T. 24 N., R. 40 E.,
Sec. 19, S½;
Sec. 29, lots 1, 2, 3, N½, N½SW¼ and SW¼SW¼;
Sec. 30, N½.
T. 25 N., R. 40 E.,
Secs. 19, 20 and 21;
Sec. 22, lot 1, SW¼NE¼, W½ and W½SE¼.

The areas described aggregate approximately 55,177 acres. The lands are withdrawn for the Charles M. Russell National Wildlife Range, and in part for the Fort Peck Reservoir.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 16, 1964.

[F.R. Doc. 64-2729; Filed, Mar. 20, 1964; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 990]

CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Proposed Expenses of Grape Crush Administrative Committee for 1963-64 Crop Year and Proposed Suspension of Certain Provisions

Notice is hereby given of proposals regarding expenses of the Grape Crush Administrative Committee for the 1963-64 crop year pursuant to § 990.71, and suspension of certain provisions of the marketing agreement and Order No. 990 (7 CFR Part 990) regulating the handling of Central California grapes for crushing (hereinafter referred to collectively as the "order"), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Expenses in the amount of $84,000 and suspension of the aforesaid provisions are contained in the proposals hereinafter set forth.

The Committee has unanimously recommended (1) a budget of expenses in the total amount of $84,000 for the 1963-64 crop year (July 1, 1963—June 30, 1964), (2) in lieu of a 1963-64 rate of assessment which would be fixed pursuant to § 990.72(a) to provide funds for such expenses, that the money collected as assessments for the 1962-63 crop year and not expended in connection with the Committee's operations during that year be used directly for such proposed expenses, sufficient excess assessments being available for such use, and (3) that certain provisions of the order be suspended to achieve the foregoing.

A referendum (28 F.R. 6590) was conducted early during the current (1963-64) crop year to determine whether producers favored termination of the order at the end of the crop year, and such termination was favored. No free and surplus percentages were made effective under the order for current crop year. On the basis of the foregoing, the Committee's activities during this crop year primarily have been concerned with disposition of setaside from prior crop years, and preparation for termination and liquidation in accordance with the order. While most of the expenses incurred by the Committee in connection with these activities are chargeable to setaside accounts, some expenses incurred by the Committee are chargeable to administration of the order and thus payable from handler assessments. The Committee recognizes that funds for the latter expenses, estimated in the amount of $84,000, could be obtained by assessing handlers on their 1963-64 receipts of grapes for crushing and billing handlers for the assessed amount, or assessing handlers and deducting the assessed amounts from refunds which may be due them. However, the Committee deems it more practicable and advisable to directly use the excess 1962-63 assessment funds to cover such expenses, in lieu of the 1963-64 assessments.

Consideration will be given to any written data, views, or arguments pertaining to the proposals which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, and received within 10 days after publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

1. To approve expenses of the Grape Crush Administrative Committee as follows:

§ 990.303 Expenses of the Grape Crush Administrative Committee for the 1963-64 crop year.

Expenses (other than expenses incurred in receiving, handling, holding or disposing of setaside) in the amount of $84,000 are reasonable and likely to be incurred by the Grape Crush Administrative Committee during the 1963-64 crop year (July 1, 1963-June 30, 1964) for the maintenance and functioning of the Committee and the Grape Crush Advisory Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

2. To suspend the following provisions:

a. "and rate of assessment" in the last sentence of § 990.71;

b. The second and third sentences of § 990.72(a); and

c. "for a period of four months subsequent to the end of such crop year" in the first sentence, and the second and third sentences, of § 990.72(b).

Dated: March 17, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-2734; Filed, Mar. 20, 1964; 8:46 a.m.]

[7 CFR Part 1094]

MILK IN NEW ORLEANS MARKETING AREA

Conclusions of Secretary of Agriculture Regarding Data, Views, and Arguments Submitted at Public Meeting

Following receipt of a petition for termination of Order No. 94 regulating the handling of milk in the New Orleans, Louisiana, marketing area, filed on behalf of 519 dairy farmers, the Secretary called a public meeting (28 F.R. 13752) for the convenience of interested parties as a forum to permit full disclosure of the factual situations in the market and the expression of views and arguments with respect to the question of whether or not the order should be terminated.

Petitioners viewed the basic purpose of the Federal order as assuring an adequate milk supply for the market which objective they suggest was reached some years ago. They stated that the State officials have more understanding of the local marketing problems than the Federal Government officials and, hence, can be more effective in providing the type of regulation which petitioners feel is needed under the current market situation. Specifically, they believe that individual-handler pooling is a necessary step to achieving their view of a more desirable supply-sales relationship and higher producer returns.

The question of pooling procedure was not an appropriate matter for consideration at the meeting. The single matter here before the Secretary is whether on the basis of known facts and data, including those presented at the public meeting, it can be concluded that the order is no longer effectuating the purposes of the Act. Only on such a conclusion can the requested termination of the order be effectuated.

Clearly, if petitioners had represented a majority of the New Orleans producers there would be no necessity for these deliberations. The Act specifically provides that the Secretary must terminate an order when he finds that such termination is favored by a majority of the producers producing more than 50 percent of the volume of milk under the order. Lacking the necessary voting strength, however, petitioners have asked the Secretary to terminate the order on his own volition as not effectuating the purposes of the Act.

Assurance of an adequate milk supply, advanced by petitioners as the basic purpose for a federal order, is in reality an ancillary, though necessary, result of regulation. Fundamentally, the intent of Congress as expressed in the Act is the establishment and maintenance of continuing orderly marketing conditions in the interest of producers, consumers and the public. This is achieved under the order through the application of classified pricing at levels reflecting the supply-demand balance in the market, assurance of an equitable sharing by all producers of the Class I sales of the market and of the burden of carrying the necessary market reserves, assurance to handlers of equality in the minimum prices established for milk and assurance of more dependable markets for milk offered by local dairymen and acceptable for fluid use in the market.

While petitioners contend that the order has attracted a greater than necessary supply, and rely on comparisons of the New Orleans situation with that existing in surrounding local markets

under State regulation to support their position, the size and structure of the New Orleans market in relation to the surrounding local markets are so different that such comparisons are not significent. The New Orleans market is a large complex metropolitan market with an extensive milkshed extending into two States from which milk must move long distances to the central market. To accommodate the day-to-day and seasonal variations in both supply and demand it is necessary to carry reserve supplies over and above the immediate Class I needs of the market. The amount of reserve supplies obviously will vary as between markets and, in fact, between handlers in a single market. Some factors to be considered are day-to-day and seasonal variations in both supplies and sales, number of days on which milk is bottled during the week, the distance from supply area to the central market, the extent of interchanges of milk among handlers, the availability of and cost of alternative supplies and the availability of facilities for the orderly disposition of milk in excess of fluid requirements. While it is clear that the New Orleans market is adequately supplied it is not clear that the supplies are excessive as petitioners allege.

For the year 1963, producer receipts totaled 432.5 million pounds of which 293.3 million pounds (67.8 percent) was utilized as Class I milk and 139.2 million pounds (32.2 percent) was utilized as Class II milk. This utilization is above the 1963 average of 62 percent for all Federal order markets and is generally comparable to markets of comparable size throughout the country. Further, there has been a steady improvement in the average Class I utilization of the market during the past three years. Sixty-five percent of producer receipts were utilized in Class I in 1961, 66 percent in 1962, and 68 percent in 1963. During the most recent months of November and December 1963 and January 1964, 72 percent of producer receipts were utilized in Class I, four percentage points higher than the utilization of the corresponding months two years earlier and five percentage points higher than that of the preceding year. This has been directly reflected in the amount of the adjustment of the Class I price level resulting from the application of the supply-demand adjustment made. In February and March 1963, the supply-demand adjustment averaged a minus 41 cents and in February and March 1964, averaged a minus 9 cents. Class I prices averaged $5.68 for February and March 1964 as compared to $5.30 for February and March 1963.

Since milk is a highly perishable product it must be marketed promptly—normally within 48 hours after being produced. To insure continuous orderly marketing, outlets must be found for the total volume of milk normally produced for and available to the market. Under the present order, providing for market-wide pooling, all producers similarly located with respect to the central market receive an identical price for milk of similar quality and test and the minimum price applicable for each use of milk in a given location and for a given butterfat test is the same for all handlers. These procedures of uniform class prices and marketwide pooling previously have been determined to be a necessary means for assuring the orderly disposition of the total market supply. Clearly, the order has been effective to this end. In addition it is apparent that the order also has had a stabilizing influence on the adjacent local markets not under federal regulation. Producers losing their local market have generally found an outlet for their milk in the New Orleans market and in addition, the reserve supplies of the New Orleans market are used as balancing supplies for these local markets.

These conclusions were corroborated by the Gulf Milk Association, Inc., representing more than 60 percent of the producers on the New Orleans market. A copy of a resolution, opposing withdrawal of the federal order, passed unanimously by its Board of Directors on the 21st day of December 1963, was placed in the record of the meeting. In addition, the spokesman for the cooperative review the history of the market and detailed the role of the federal order in maintaining market stability over a long period of continually changing market conditions. The witness for that organization said that the Federal order program has been one of the best programs yet devised for assisting dairy farmers with the complex problems of milk marketing and that continuation of the order is essential for the continuing stability of this large metropolitan market which has also the correlative effect of contributing to the stability of the adjacent local markets not under Federal regulation.

Clearly, the information, views and arguments presented at the meeting do not disclose that the present order fails to effectuate the purpose of the Act. Hence, there is no apparent necessity or basis for termination of the order as requested. The subject matter presented by the petitioners has been fully evaluated. The request for termination of the order is denied and the proceeding begun on December 11, 1963, is hereby ended.

Signed at Washington, D.C., on March 18, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-2763; Filed, Mar. 20, 1964; 8:51 a.m.]

[7 CFR Part 1137]

MILK IN EASTERN COLORADO MARKETING AREA

Notice of Extension of Time for Submitting Written Data, Views, or Arguments in Connection with Proposed Termination of Provision of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for submitting written data, views, or arguments with respect to a proposed termination of a provision of the order regulating the handling of milk in the Eastern Colorado marketing area, which was issued March 9, 1964 (29 F.R. 3309), is hereby extended to April 1, 1964.

Dated: March 17, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-2735; Filed, Mar. 20, 1964; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-SW-3]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Agency (FAA) is considering amendments to Part 71 (New) of the Federal Aviation Regulations which would designate a 1,200-foot transition area and alter the control zone at Longview, Texas.

The Longview, Tex., control zone is designated as that airspace within a 5-mile radius of the Gregg County Airport, Longview, Tex. (latitude 32°23'15" N., longitude 94°42'50" W.), and within 2 miles each side of the Gregg County VOR 313° True radial extending from the 5-mile radius zone to 12 miles NW of the VOR.

The FAA proposes to redesignate the Longview, Tex., control zone as follows:

Within a 5-mile radius of the Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.), within 2 miles each side of the Gregg County VOR 313° True radial extending from the 5-mile radius zone to 8 miles northwest of the VOR, within 2 miles each side of the Gregg County ILS localizer northwest course extending from the 5-mile radius zone to the outer marker locator (LOM) and within 2 miles each side of the Gregg County ILS localizer southeast course extending from the 5-mile radius zone to the intersection of the ILS localizer southeast course and the Marshall, Tex., VOR 251° True radial.

In addition, a transition area would be designated at Longview to extend upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Gregg County ILS localizer southeast course extending from the intersection of the Gregg County ILS localizer southeast course and the Marshall, Tex., VOR 251° True radial to 12 miles southeast, and within 5 miles each side of the Marshall VOR 230° True radial extending from the intersection of the Gregg County VOR 181° True radial and the Marshall VOR 230° True radial to the intersection of the Gregg County ILS localizer SE course and the Marshall VOR 230° True radial, excluding the portion within Federal airways.

The proposed alteration of the Longview control zone would provide protection for aircraft executing prescribed VOR, ADF and ILS approach procedures. The proposed transition area would provide protection for aircraft executing the prescribed ILS instrument approach procedure turn and transition to the runway 31 ILS course, utilizing the Cushing and Cherokee Intersections.

Further review of the controlled airspace requirements in the Longview, Tex., area will be accomplished under the CAR Amendments 60-21/60-29 implementation program.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 16, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2724; Filed, Mar. 20, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 64-4]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted, or terminated as described in this document, during the period from November 22, 1963, to December 31, 1963 (List Nos. 26-63 and 1-64). These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in section 632 of Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithtsanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Approval No. 160.002/98/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Massachusetts, for West Products Company, P.O. Box 707, Newark 1, New Jersey, effective November 22, 1963.

Approval No. 160.002/99/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Massachusetts, for West Products Company, P.O. Box 707, Newark 1, New Jersey, effective November 22, 1963.

WINCHES, LIFEBOAT

Approval No. 160.015/53/1, Type C–70A lifeboat winch for use with mechanical davits, fitted with wire rope not more than 9/16-inch in diameter and with not more than 4 wraps of the falls on the drums; approval limited to mechanical components and for a maximum working load of 7,000 pounds pull at the drums (3,500 pounds per fall), identified by arrangement dwg. No. 3717 dated July 13, 1958, revised September 18, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective December 11, 1963. (It is an extension of Approval No. 160.015/53/1 dated December 31, 1958.)

Approval No. 160.015/62/1, Type B–135M lifeboat winch, approval limited to mechanical components and for a maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by general arrangement dwg. No. 2105–8 revised October 21, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective December 11, 1963. Fitted with an extra label plate defining maximum load per fall as follows: With Improved Plow Steel 6 x 19 x ¾" wire rope—6,750 pounds; With Improved Plow Steel 6 x 19 x ⅝" wire rope—5,567 pounds. (It is an extension of Approval No. 160.015/62/1 dated December 31, 1958.)

Approval No. 160.015/75/0, Type 31H lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½-inch in diameter and with not more than 7 wraps of the falls on the drums; approved for a maximum working load of 6,200 pounds pull at the drums (3,100 pounds per fall), identified by general assembly dwg. No. 1010–2E dated January 1958, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, New Jersey, effective December 11, 1963. (It is an extension of Approval No. 160.015/75/0 dated December 31, 1958, and change of address of manufacturer.)

Approval No. 160.015/76/0, Type 31M lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½-inch in diameter and with not more than 7 wraps of the falls on the drum; approval limited to mechanical components and for a maximum working load of 6,200 pounds pull at the drums (3,100 pounds per fall), identified by general assembly dwg. No. 1011–2E dated February 1958, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, New Jersey, effective December 11, 1963. (It is an extension of Approval No. 160.015/76/0 dated December 31, 1958, and change of address of manufacturer.)

Approval No. 160.015/78/0, Type CL–17.5B lifeboat winch, approval limited to mechanical components and for a maximum working load of 10,250 pounds pull at the drums (5,125 pounds per fall), identified by general assembly dwg. No. CL–17.5–1 dated April 4, 1950, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, New Jersey, effective December 11, 1963. (It is an extension of Approval No. 160.015/78/0 dated December 31, 1958, and change of address of manufacturer.)

Approval No. 160.015/86/0, Type CGB–135 MV lifeboat winch, approval is limited to mechanical components only, and for a maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by general arrangement dwg. W–80489 (Rev. A), dated June 10, 1963, and drawing list dated September 25, 1963, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective December 13, 1963. See dwg. W–80490 (Rev. C), dated October 28, 1963, for Hilliard 83–H–410 CL as alternate centrifugal clutch.

LIFEBOATS

Approval No. 160.035/417/1, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic, motor-propelled (diesel) class B lifeboat, 74-person capacity, identified by construction and arrangement drawing No. 80305, Rev. E dated November 29, 1963, 5.4 knots with Sheppard Engine, Model 17CGLB; 6.3 knots with Model 19CGLB2, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective November 29, 1963. (It supersedes Approval No. 160.035/417/0 dated April 3, 1962.)

SIGNALS, DISTRESS, HAND ORANGE SMOKE

Approval No. 160.037/4/0, Bristol Marine hand orange smoke distress signal, dwg. No. 600 revised June 2, 1958, formerly named "Samuel Jackson's Sons, Inc." manufactured by Bristol Flare Corp., State Road, Bristol, Pennsylvania, effective November 26, 1963. (It is an extension of Approval No. 160.037/4/0 dated December 31, 1958.)

LINE-THROWING APPLIANCE, IMPULSE-PROJECTED ROCKET TYPE (AND EQUIPMENT)

Approval No. 160.040/1/4, Model GR–52–A impulse-projected rocket-type line-throwing appliance, assembly dwg. KM 1911, Rev. 6, dated October 22, 1953, pistol and adapter assembly dwg. KM 1912, Rev. 11, dated October 7, 1963, formerly Harvell-Kilgore Sales Corporation, Bolivar, Tennessee, manufactured by Harvell-Kilgore Corporation, Toone, Tennessee, effective December 11, 1963. (It supersedes Approval No. 160.040/1/3 dated April 23, 1962, to show change of name and address of manufacturer.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/562/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Massachusetts, for West Products Company, P.O. Box 707, Newark 1, New Jersey, effective November 22, 1963.

Approval No. 160.047/563/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow, Co., 273–285 Congress Street, Boston 10, Massachusetts, for West Products Company, P.O. Box 707, Newark 1, New Jersey, effective November 22, 1963.

Approval No. 160.047/564/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Massachusetts, for West Products Company, P.O. Box 707, Newark 1, New Jersey, effective November 22, 1963.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/228/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Massachusetts, for West Products Company, P.O. Box 707, Newark 1, New Jersey, effective November 22, 1963.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/56/0, special approval for 15" x 15" x 4⅜" (cored) rectangular vinyl-dipped unicellular plastic foam buoyant cushions, dwg. No. 5334–X, Rev. 1 dated November 15, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Virginia, effective December 5, 1963.

Approval No. 160.049/57/0, special approval for 15" x 15" x 4⅜" (cored) rectangular vinyl-dipped unicellular plastic foam buoyant cushions, Crawford dwg. No. 5334–X, Rev. 1 dated November 15, 1963, manufactured by Crawford Manufacturing Co., 3rd and Decatur Streets, Richmond 12, Virginia, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Illinois, effective December 5, 1963.

Approval No. 160.049/60/0, special approval for P/N BSC–10, 15" x 15" x 4⅜" (cored) rectangular vinyl-dipped unicellular plastic foam buoyant cushion, Carlon dwg. No. 5334–X dated November 4, 1963, manufactured by Carlon Rubber Co., One New Haven Avenue, Derby, Connecticut, for Elvin Salow Company, 273–285 Congress Street, Boston 10, Massachusetts, effective December 31, 1963.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/17/1, 30-inch unicellular plastic ring lifebuoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich dwg. No. 12988, Rev. 4 dated September 24, 1963, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective December 10, 1963. Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Connecticut. (It supersedes Approval No. 160.050/17/0 dated March 14, 1959, to show change in construction.)

Approval No. 160.050/18/1, 24-inch unicellular plastic ring lifebuoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich dwg. No. 12988, Rev. 4 dated September 24, 1963, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective December 10, 1963. Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Connecticut. (It supersedes Approval No. 160.050/18/0 dated March 14, 1959, to show change in construction.)

Approval No. 160.050/19/1, 20-inch unicellular plastic ring lifebhoy, U.S.C.G. Specification Subpart 160.050 and B.F. Goodrich dwg. No. 12988, Rev. 4 dated September 24, 1963, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective December 10, 1963. Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Connecticut. (It supersedes Approval No. 160.050/19/0 dated March 14, 1959, to show change in construction.)

Approval No. 160.050/36/1, 30-inch unicellular plastic ring lifebuoy, U.S.C.G. Specification Subpart 160.050 and B.F. Goodrich dwg. No. 12988, Rev. 4 dated September 24, 1963, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective December 10, 1963. Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Connecticut. (It supersedes Approval No. 160.050/36/0 dated September 28, 1961, to show change in construction.)

Approval No. 160.050/37/1, 24-inch unicellular plastic ring lifebuoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich dwg. No. 12988, Rev. 4 dated September 24, 1963, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, effective December 10, 1963. Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Connecticut. (It supersedes Approval No. 160.050/37/0 dated September 28, 1961, to show change in construction.)

Approval No. 160.050/38/1, 20-inch unicellular plastic ring lifebuoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich dwg. No. 12988, Rev. 4 dated September 24, 1963, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, effective December 10, 1963. Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Connecticut. (It supersedes Approval No. 160.050/38/0 dated September 28, 1961, to show change in construction.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/10/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification subpart 160.052, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Kentucky, effective December 11, 1963. (Formerly "The Red Head Brand Co.," 4311 Belmont Avenue, Chicago 11, Illinois.) (It is an extension of Approval No. 160.052/10/0 dated December 31, 1958, and change of name and address of manufacturer.)

Approval No. 160.052/11/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052 ,formerly "The Red Head Brand Co.," 4311 Belmont Avenue, Chicago 11, Illinois, manufactured by

Brunswick Corporation, Brunswick Sports Division, Eminence, Kentucky, effective December 11, 1963. (It is an extension of Approval No. 160.052/11/0 dated December 31, 1958, and change of name and address of manufacturer.)

Approval No. 160.052/12/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, formerly "The Red Head Brand Co.," 4311 Belmont Avenue, Chicago 11, Illinois, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Kentucky, effective December 11, 1963. (It is an extension of Approval No. 160.052/12/0 dated December 31, 1958, and change of name and address of manufacturer.)

Approval No. 160.052/156/1, Type II, Model 511-U-15.5, Sea Master, adult unicellular plastic foam buoyant vest, dwg. Nos. 63F1074 and 63F1075 (Rev. A) dated December 14, 1963, and Bill of Materials dated December 16, 1963 manufactured by Gentex Corporation, Carbondale, Pennsylvania, effective December 20, 1963. (It supersedes Approval No. 160.052/156/0 dated February 15, 1962, to show change in construction.)

Approval No. 160.052/225/1, Type II, Model AD, adult, vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 25 (Rev. 1) and Bill of Materials dated December 10, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Virginia, effective December 12, 1963. (It supersedes Approval No. 160.052/225/0 dated June 18, 1963, to show change in construction.)

Approval No. 160.052/226/1, Type II, Model MD, child medium, vinyl-type unicellular plastic foam buoyant vest, dwg. No. 24 (Rev. 1) and Bill of Materials dated December 10, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Virginia, effective December 12, 1963. (It supersedes Approval No. 160.052/226/0 dated June 18, 1963, to show change in construction.)

Approval No. 160.052/227/1, Type II, Model SD, child small, vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 23 (Rev. 1) and Bill of Materials dated December 10, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Virginia, effective December 12, 1963. (It supersedes Approval No. 160.052/227/0 dated June 18, 1963, to show change in construction.)

Approval No. 160.052/228/1, Type II, Model AD, adult, vinyl-dipped unicellular plastic foam buoyant vest, Crawford dwg. No. 25 (Rev. 1) and Bill of Materials dated December 10, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Virginia, for Montgomery Ward and Co., Inc., 619 West Chicago Avenue, Chicago 7, Illinois, effective December 12, 1963. (It supersedes Approval No. 160.052/228/0 dated June 18, 1963, to show change in construction.)

Approval No. 160.052/229/1, Type II, Model MD, child medium, vinyl-dipped unicellular plastic foam buoyant vest, Crawford dwg. No. 24 (Rev. 1) and Bill of Materials dated December 10, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Virginia, for Montgomery Ward and Co., Inc., 619 West Chicago Avenue, Chicago 7, Illinois, effective December 12, 1963. (It supersedes Approval No. 160.052/229/0 dated June 18, 1963, to show change in construction.)

Approval No. 160.052/230/1, Type II, Model SD, child small, vinyl-dipped unicellular plastic foam buoyant vest, Crawford dwg. No. 23 (Rev. 1) and Bill of Materials dated December 10, 1963, manufactured by Crawford Manufacturing Co., Third and Decatur Streets, Richmond 12, Virginia, for Montgomery Ward and Co., Inc., 619 West Chicago Avenue, Chicago 7, Illinois, effective December 12, 1963. (It supersedes Approval No. 160.052/230/0 dated June 18, 1963, to show change in construction.)

Approval No. 160.052/249/0, Type II, Model 57006, adult vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. A-1 and Bill of Materials dated August 8, 1963, Rev. 1 dated November 26, 1963, manufactured by Hawthorn Co., New Haven, Missouri, 63068, for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago 7, Illinois, effective November 29, 1963.

Approval No. 160.052/250/0, Type II, Model 57007, child medium vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. CM-1 and Bill of Materials dated August 8, 1963, Rev. 1 dated November 26, 1963, manufactured by Hawthorn Co., New Haven, Missouri, 63068, for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago 7, Illinois, effective November 29, 1963.

Approval No. 160.052/251/0, Type II, Model 57008, child small vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. CS-1 and Bill of Materials dated August 8, 1963, Rev. 1 dated November 26, 1963, manufactured by Hawthorn Co., New Haven, Missouri, 63068, for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago 7, Illinois, effective November 29, 1963.

Approval No. 160.052/252/0, Type II, Model 01238, adult vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. A-1 and Bill of Materials dated August 8, 1963, Rev. 1 dated November 26, 1963, manufactured by Hawthorn Co., New Haven, Missouri, 63068, for H. Wenzel Tent and Duck Co., 1280 Research Boulevard, St. Louis 32, Missouri, effective November 29, 1963.

Approval No. 160.052/253/0, Type II, Model 01239, child medium vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. CM-1 and Bill of Materials dated August 8, 1963, Rev. 1 dated November 26, 1963, manufactured by Hawthorn Co., New Haven, Missouri 63068, for H. Wenzel Tent and Duck Co., 1280 Research Boulevard, St. Louis 32, Missouri, effective November 29, 1963.

Approval No. 160.052/254/0, Type II, Model LG-62, adult unicellular plastic foam buoyant vest, dwg. No. 3 dated September 12, 1963, and Bill of Materials dated September 17, 1963, manufactured by Stearns Manufacturing Co., Division Street at 30th Street, St. Cloud, Minnesota, effective December 11, 1963.

Approval No. 160.052/255/0, Type II, Model LG-62-M, child medium unicellular plastic foam buoyant vest, dwg. No. 2, Rev. 1 dated November 27, 1963, and Bill of Materials dated September 17, 1963, manufactured by Stearns Manufacturing Co., Division Street at 30th Street, St. Cloud, Minnesota, effective December 11, 1963.

Approval No. 160.052/256/0, Type II, Model LG-62-S, child small unicellular plastic foam buoyant vest, dwg. No. 1 dated September 12, 1963, and Bill of Materials dated September 17, 1963, manufactured by Stearns Manufacturing Co., Division Street at 30th Street, St. Cloud, Minnesota, effective December 11, 1963.

Approval No. 160.052/273/0, Type II, Model 01240, child small vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. CS-1 and Bill of Materials dated August 8, 1963, Rev. 1 dated November 26, 1963, manufactured by Hawthorn Co., New Haven, Missouri 63068, for H. Wenzel Tent and Duck Co., 1280 Research Boulevard, St. Louis 32, Missouri, effective November 29, 1963.

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/1/1, automatic floating electric water light (with bracket for mounting), dwg. No. 1000 dated July 16, 1948, Alt. 2, manufactured by Sea Light Engineering Co., P.O. Box 409, Silver Spring, Maryland, effective November 26, 1963. (It is an extension of Approval No. 161.001/1/1 dated December 31, 1958.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/37/4, sound-powered telephone station, selective ringing, common talking, drip-proof, bulkhead mounting, dwg. No. 70-525, Alt. 10 dated August 21, 1958, Types 2, 8, 17, 2-0, 8-0, 17-0, 2-3, 8-3, 17-3, 2-6, 8-6, 17-6, 2-8, 8-8, 17-8, 2-R, 8-R, and 17-R, manufactured by Henschel Corporation, Amesbury, Massachusetts, effective December 11, 1963. For use in locations not exposed to the weather. Stations Type 2-0, 8-0, and 17-0 are without bell; and type 2-R, 8-R, and 17-R are without bell with relay. These stations shall be supplemented by a separately mounted magneto-operated bell. (It supersedes Approval No. 161.005/37/4 dated October 22, 1963.)

Approval No. 161.005/38/1, sound-powered telephone station with internal ringer, selective ringing, common talking, desk type, Types 2, 8, and 17, dwg. No. 70-529, Alt. 2 dated March 14, 1963, for use in staterooms, chart room and radio room, manufactured by Henschel Corporation, Amesbury, Massachusetts, effective December 11, 1963. (It supersedes Approval No. 161.005/38/1, dated October 22, 1963.)

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS OR MATERIALS

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Termination of Approval No. 160.026/34/0, container for emergency drinking water, dwg. No. R-0115-E-1, dated February 8, 1962, and Specification No. SR-0119-E dated January 22, 1962, manufactured by Associated Processors, Inc., Williamsport, Pennsylvania, effective December 17, 1963. (Termination of Approval No. 160.026/34/0 dated April 6, 1962, as manufacturer is no longer in business.)

LIFEBOATS

Termination of Approval No. 160.035/15/2, 20.0' x 6.5' x 2.6' steel, oar-propelled lifeboat, 20-person capacity, identified by general arrangement dwg. No. G-2020 dated April 1958 and revised August 15, 1958; if mechanical disengaging apparatus is fitted, it shall be of an approved type and installed in accordance with drawings approved by the Commandant; manufactured by C. C. Galbraith and Son, Inc., 99 Park Place, New York 7, New York, effective December 31, 1963. (Expiration and termination of Approval No. 160.035/15/2 dated December 31, 1958.)

Termination of Approval No. 160.035/180/2, 20.0' x 6.5' x 2.75' steel, oar-propelled lifeboat, 21-person capacity, identified by construction and arrangement dwg. No. 3191 dated December 22, 1952 and revised August 18, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective December 31, 1963. (Expiration and termination of Approval No. 160.035/180/2 dated December 31, 1958.)

Termination of Approval No. 160.035/298/1, 30.0' x 10.0' x 4.13' aluminum, motor-propelled lifeboat without radio cabin (Class B), 68-person capacity, identified by construction and arrangement dwg. No. 30-1D, Alt. B, dated September 12, 1952 and revised August 24, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective December 31, 1963. (Expiration and termination of Approval No. 160.035/298/1 dated December 31, 1958.)

DECK COVERING

Termination of Approval No. 164.009/5/0, "Cel-O-Crete" magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG3610-1232:FR1806 dated October 30, 1940, approved for use without other insulating material as meeting Class A-60 requirements in a 1¾-inch thickness, manufactured by Johns-Manville Sales Corp., 1617 Pennsylvania Boulevard, Philadelphia 3, Pennsylvania, effective December 31, 1963. (Expiration and termination of Approval No. 164.006/5/0 dated December 31, 1958.)

INCOMBUSTIBLE MATERIALS

Termination of Approval No. 164.009/55/0, "Fiberglas PF-452" fibrous insulation type incombustible material identical to that described in National Bureau of Standards Report No. TG10210-2029:FP3463 dated August 14, 1958, approved in a nominal density of 1.75 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio, effective December 31, 1963. (Expiration and termination of Approval No. 164.009/55/0 dated December 31, 1958.)

Dated: March 12, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-2748; Filed, Mar. 20, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Recreation and Public Purposes Classification Order No. 174; Cancellation

MARCH 16, 1964.

1. Pursuant to the authority delegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in Delegation of Authority (F.R. Doc. 63-219) dated January 9, 1963, I hereby cancel Recreation and Public Purposes Classification Order No. 174 dated June 13, 1962, which classified the following described lands as suitable for lease or sale for public purposes under the Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869; 43 CFR Part 254) as amended:

FAIRBANKS MERIDIAN

T. 6 S., R. 5 E.
Sec. 31 (unsurveyed)
Containing approximately 640 acres.

2. The subject lands are located in District Unit No. 2, and in a title transfer area; therefore, it has been determined that this classification should be cancelled to allow State selection of the subject lands.

3. This cancellation will take effect immediately.

ROSS A. YOUNGBLOOD,
District Manager.

[F.R. Doc. 64-2730; Filed, Mar. 20, 1964; 8:46 a.m.]

ALASKA

Small Tract Classification Order; Cancellation

MARCH 16, 1964.

1. Pursuant to the authority delegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in Delegation of Authority (F.R. Doc. 63-219) dated January 9, 1963, I hereby cancel Small Tract Classification No. 3 dated November 30, 1960, which classified the following described land as suitable for lease and sale for recreation purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

FAIRBANKS MERIDIAN

T. 7 S., R. 5E.
Sec. 12, lots 3, 4 and that portion of lot 5 which is normal subdivision would be described as N½N½SW¼SW¼ and SW¼NW¼SW¼SW¼.
T. 7 S., R. 6 E.
Sec. 7, lots 1, 2, 4 and NE¼NW¼.

Containing approximately 219.57 acres.

2. Since the State of Alaska has selected the subject lands, it is felt this classification is no longer needed.

3. This cancellation will take effect immediately.

ROSS A. YOUNGBLOOD,
District Manager.

[F.R. Doc. 64-2731; Filed, Mar. 20, 1964; 8:46 a.m.]

National Park Service

[Order No. 2]

FORT VANCOUVER NATIONAL HISTORIC SITE, VANCOUVER, WASH.

Administrative Assistant; Delegation of Authority

Delegation of authority regarding execution of contracts for supplies, equipment or services:

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $2,500.00 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any coordinated area.

2. This authority supersedes Order No. 1 dated June 3, 1963.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535; 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: March 2, 1964.

HAROLD O. EDWARDS,
Superintendent, Fort Vancouver National Historic Site.

[F.R. Doc. 64-2732; Filed, Mar. 20, 1964; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4535 etc.]

SINCLAIR OIL & GAS CO.

Order Amending Orders of Public Convenience and Necessity

MARCH 11, 1964.

Sinclair Oil & Gas Company (Successor to Western Natural Gas Company),[1] Docket Nos. G-4535, G-4536, G-4537, G-4538, G-4539, G-4540, G-4541, G-4542, G-4543, G-4544, G-4545, G-4546, G-4547, G-4548, G-4550, G-4881, G-4882, G-8880, G-12041, G-13964, G-15300, G-16099, G-19252,[2] G-19828,[3] CI61-1249, CI61-1454, RI60-45,[2] RI60-213,[4] RI60-263,[3] RI61-142,[2] RI61-437, RI63-415,[3] RI63-484, RI64-106, RI64-107, RI64-108, RI64-119.

[1] Various of these proceedings have "et al." or "(Operator), et al." as part of the complete designation of the predecessor and successor. The full designation of each certificate holder and corespondent will be found in the appendix hereto.

[2] Consolidated with Docket No. AR61-1, et al.

[3] Consolidated with Docket No. AR64-2, et al.

[4] Consolidated with Docket No. AR64-1, et al.

Order amending orders issuing certificates of public convenience and necessity to reflect new certificate holder, substituting respondent in and redesignating rate proceedings, and accepting successor's agreements and undertakings.

On October 31, 1963, Sinclair Oil & Gas Company (Sinclair) filed in the following dockets an application pursuant to section 7(c) of the Natural Gas Act to be substituted as certificate holder in said proceedings in lieu of Western Natural Gas Company (Western), all as more fully set forth in the application:

G–4535	G–4542	G–4550	G–15300
G–4536	G–4543	G–4881	G–16099
G–4537 [4]	G–4544	G–4882	G–16760 [4]
G–4538	G–4545	G–8880	CI61–971 [4]
G–4539	G–4546	G–12041	CI61–1249
G–4540	G–4547	G–13964	CI61–1454
G–4541	G–4548		

By Agreement of Purchase and Sale dated as of June 28, 1963, between Sinclair and Western, Western agreed to assign to Sinclair certain properties and assets, together with all rights and obligations incident thereto, which properties are involved in the sales of natural gas authorized in the aforementioned proceedings. All benefits and obligations arising from the operation of the subject properties began to accrue to Sinclair as of July 1, 1963.

On November 18, 1963, Sinclair and Western filed in the following dockets a joint motion to make Sinclair a party respondent effective as of July 1, 1963, and to relieve Western of all undertakings in said proceedings insofar as the same relate to refunds with respect to sales and deliveries made on and after July 1, 1963, all as more fully set forth in the motion:

G–19252	RI60–263	RI63–484	RI64–119
G–19828	RI61–142	RI64–106	
RI60–45	RI61–437	RI64–107	
RI60–213	RI63–415	RI64–108	

On October 31, 1963, Sinclair filed in each docket, except Docket No. RI64–119, an agreement and undertaking to refund any portions of the increased rates collected under the subject rate schedules on and after July 1, 1963, found by the Commission in said docket to be not justified, together with interest. The increased rate in Docket No. RI64–119 was suspended until February 2, 1964, and therefore not included in the proposed Agreement of Assumption between Sinclair and Western submitted as an exhibit to the subject motion.

By letter dated November 26, 1963, the temporary certificates issued in Docket Nos. G–4537 (Supplement No. 6 to Western's FPC Gas Rate Schedule No. 3), G–16760, and CI61–971 were amended to reflect Sinclair as certificate holder in lieu of Western. The same letter accepted notices of succession and related assignments for filing and redesignated the FPC Gas Rate Schedules of Western as those of Sinclair, all as more fully set forth in the Appendix hereto.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders [1] of the Commission issuing permanent certificates of public convenience and necessity in the following dockets should be amended by substituting Sinclair Oil & Gas Company in lieu of Western Natural Gas Company as certificate holder:

G–4535	G–4541	G–4547	G–12041
G–4536	G–4542	G–4548	G–13964
G–4537	G–4543	G–4550	G–15300
G–4538	G–4544	G–4881	G–16099
G–4539	G–4545	G–4882	CI61–1249
G–4540	G–4546	G–8880	CI61–1454

(2) Sinclair Oil & Gas Company should be made a party respondent in the following rate proceedings [1] as of July 1, 1963, said dockets should be redesignated accordingly, and the agreements and undertakings submitted by Sinclair Oil & Gas Company should be accepted for filing:

G–19252	RI60–263	RI63–484	RI64–119 [7]
G–19828	RI61–142	RI64–106	
RI60–45	RI61–437	RI64–107	
RI60–213	RI63–415	RI64–108	

The Commission orders:

(A) The orders [1] of the Commission issuing permanent certificates of public convenience and necessity in the following dockets be and the same are hereby amended by substituting Sinclair Oil & Gas Company in lieu of Western Natural Gas Company as certificate holder, and in all other respects said orders shall remain in full force and effect.

G–4535	G–4541	G–4547	G–12041
G–4536	G–4542	G–4548	G–13964
G–4537	G–4543	G–4550	G–15300
G–4538	G–4544	G–4881	G–16099
G–4539	G–4545	G–4882	CI61–1249
G–4540	G–4546	G–8880	CI61–1454

(B) Sinclair Oil & Gas Company be and is hereby made a party respondent in the following pending rate proceedings [1] in lieu of Western Natural Gas Company with respect to sales made on and after July 1, 1963, and Western Natural Gas Company shall remain a respondent with respect to sales made before July 1, 1963:

G–19252	RI60–263	RI63–484	RI64–119
G–19828	RI61–142	RI64–106	
RI60–45	RI61–437	RI64–107	
RI60–213	RI63–415	RI64–108	

(C) The agreements and undertakings submitted by Sinclair Oil & Gas Company on October 31, 1963, in the proceedings listed in paragraph (B) above (except in Docket No. RI64–119 [7]), assuming all obligations to make refunds arising on or after July 1, 1963, are accepted for filing.

(D) Sinclair Oil & Gas Company shall comply with the refund and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreements and undertakings filed in the aforementioned dockets shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX

Docket No.	Applicant	New designation: Rate schedule No.	New designation: Supplement No.	Former designation	Purchaser	Location	Related rate proceeding
G–4550	Sinclair Oil & Gas Co. (Operator), et al.	264		Western Natural Gas Co. (Operator), et al., FPC Gas Rate Schedule No. 2, Supplement Nos. 1–4, Notice of Succession (10–31–63).	Tennessee Gas Transmission Co.	San Salvador Field, Hidalgo County, Tex.	RI61–142 RI60–260 G–19828
		264	1–4				
		264	5	Agreement (6–28–63)			
G–4537	do	265		Western Natural Gas Co. (Operator), et al., FPC Gas Rate Schedule No. 3, Supplement Nos. 1–8, Notice of Succession (10–31–63).	El Paso Natural Gas Co.	Jalmat, Justis, et al., Fields, Lea County, N. Mex.	RI64–108 RI61–437 RI60–45 G–19252
		265	1–8				
		265	9	Agreement (6–28–63)			
G–4536	Sinclair Oil & Gas Co	266		Western Natural Gas Co., FPC Gas Rate Schedule No. 4, Supplement Nos. 1–4, Notice of Succession (10–31–63).	El Paso Natural Gas Co.	Langlie Mattix Field, Lea County, N. Mex.	
		266	1–4				
		266	5	Agreement (6–28–63)			
G–4535	do	267		Western Natural Gas Co., FPC Gas Rate Schedule No. 5, Supplement Nos. 1–8, Notice of Succession (10–31–63).	Transcontinental Gas Pipe Line Corp.	Ray Wilcox Field, Bee County, Tex.	
		267	1–8				
		267	9	Agreement (6–28–63)			

[1] See footnote on page 363.

[4] A permanent certificate has been issued in Docket No. G–4537 authorizing sales pursuant to Western's FPC Gas Rate Schedule No. 3 and Supplement Nos. 1–5 thereto. A temporary certificate has been issued in the subject docket for sales pursuant to Supplement No. 6 to said rate schedule.

[6] Temporary certificate.

[7] An agreement and undertaking was not filed in this proceeding on October 31, 1963.

APPENDIX—Continued

Docket No.	Applicant	New designation: Rate schedule No.	New designation: Supplement No.	Former designation	Purchaser	Location	Related rate proceeding
G–4545	do	268		Western Natural Gas Co., FPC Gas Rate Schedule No. 6, Supplement Nos. 1–8, Notice of Succession (10–31–63).	Transcontinental Gas Pipe Line Corp.	Mineral Field, Bee County, Tex.	
		268	1–8				
		268	9	Agreement (6–28–63)			
G–4544	Sinclair Oil & Gas Co. (Operator), et al.	269		Western Natural Gas Co., et al., FPC Gas Rate Schedule No. 7, Supplement Nos. 1–27, Notice of Succession (10–31–63).	Transcontinental Gas Pipe Line Corp.	Various fields, various counties, Texas.	
		269	1–27				
		269	28	Agreement (6–28–63)			
G–4543	Sinclair Oil & Gas Co	270		Western Natural Gas Co., FPC Gas Rate Schedule No. 8, Supplement Nos. 1–3, Notice of Succession (10–31–63).	Tennessee Gas Transmission Co.	Cleveland Townsite Field, Liberty County, Tex.	
		270	1–3				
		270	4	Agreement (6–28–63)			
G–4548	Sinclair Oil & Gas Co. (Operator), et al.	271		Western Natural Gas Co., (Operator), et al., GRS No. 9, Supplement Nos. 1–4, Notice of Succession (10–31–63).	El Paso Natural Gas Co.	Langlie Mattix Field, Lea County, N. Mex.	
		271	1–4				
		271	5	Agreement (6–28–63)			
G–4547	Sinclair Oil & Gas Co	272		Western Natural Gas Co., (Operator) et al., FPC Gas Rate Schedule No. 10.	El Paso Natural Gas Co.	Pictured Cliffs and Mesa Verde Formations, Blanco and South Blanco Fields, San Juan County, N. Mex.	RI64–106
		272	1–4	Supplement Nos. 1–4, Notice of Succession (10–31–63).			
		272	5	Agreement (6–28–63)			
G–4546	do	273		Western Natural Gas Co., FPC Gas Rate Schedule No. 11, Supplement No. 1, Notice of Succession (10–31–63).	El Paso Natural Gas Co.	Ignacio Field, LaPlata County, Colo.	
		273	1				
		273	2	Agreement (6–28–63)			
G–4542	Sinclair Oil & Gas Co. (Operator), et al.	274		Western Natural Gas Co. (Operator), et al., FPC Gas Rate Schedule No. 12, Supplement Nos. 1–4, Notice of Succession (10–31–63).	El Paso Natural Gas Co.	Langlie Mattix Field, Lea County, N. Mex.	
		274	1–4				
		274	5	Agreement (6–28–63)			
G–4541	Sinclair Oil & Gas Co	275		Western Natural Gas Co., FPC Gas Rate Schedule No. 13, Supplement Nos. 1–20, Notice of Succession (10–31–63).	El Paso Natural Gas Co.	Langlie Mattix Field, Lea County, N. Mex.	
		275	1–20				
		275	21	Agreement (6–28–63)			
G–4540	do	276		Western Natural Gas Co., FPC Gas Rate Schedule No. 14, Supplement Nos. 1–2, Notice of Succession (10–31–63).	El Paso Natural Gas Co.	Blanco and San Juan Fields, San Juan, County, N. Mex.	RI64–106
		276	1–2				
		276	3	Agreement (6–28–63)			
G–4539	Sinclair Oil & Gas Co. (Operator), et al.	277		Western Natural Gas Co. (Operator), et al., FPC Gas Rate Schedule No. 15, Supplement Nos. 1–3, Notice of Succession (10–31–63).	El Paso Natural Gas Co.	Langlie Mattix Field, Lea County, N. Mex.	
		277	1–3				
		277	4	Agreement (6–28–63)			
G–4538	Sinclair Oil & Gas Co	278		Western Natural Gas Co., FPC Gas Rate Schedule No. 16, Supplement Nos. 1–11, Notice of Succession (10–31–63).	Transcontinental Gas Pipe Line Corp.	West Tuleta Field, Bee County, Tex.	
		278	1–11				
		278	12	Agreement (6–28–63)			
G–4882	Sinclair Oil & Gas Co. (Operator), et al.	279		Western Natural Gas Co., FPC Gas Rate Schedule No. 17, Supplement Nos. 1–5, Notice of Succession (10–31–63).	Cities Service Gas Co.	Hugoton Field, Grant and Stanton Counties, Kans.	RI60–213
		279	1–5				
		279	6	Agreement (6–28–63)			
G–4881	do	280		Western Natural Gas Co., FPC Gas Rate Schedule No. 18, Supplement Nos. 1–13, Notice of Succession (10–31–63).	Champlin Oil & Refining Co.	San Salvador Field, Hidalgo County, Tex.	
		280	1–13				
		280	14	Agreement (6–28–63)			
G–8880	Sinclair Oil & Gas Co	281		Western Natural Gas Co., FPC Gas Rate Schedule No. 20, Supplement Nos. 1–9, Notice of Succession (10–31–63).	Texas Eastern Transmission Corp.	Jennie Bell Field, DeWitt County, Tex.	RI63–415
		281	1–9				
		281	10	Agreement (6–28–63)			
G–12041	Sinclair Oil & Gas Co., et al.	282		Western Natural Gas Co., FPC Gas Rate Schedule No. 22, Supplement Nos. 1–6, Notice of Succession (10–31–63).	Texas Eastern Transmission Corp.	Karon Field, Live Oak County, Tex.	RI63–415
		282	1–6				
		282	7	Agreement (6–28–63)			
G–15300	Sinclair Oil & Gas Co	283		Western Natural Gas Co., FPC Gas Rate Schedule No. 23, Supplement Nos. 1–2, Notice of Succession (10–31–63).	El Paso Natural Gas Co.	Vinegarrone Field, Val Verde County, Tex.	RI63–484
		283	1–2				
		283	3	Agreement (6–28–63)			
G–13964	Sinclair Oil & Gas Co. (Operator), et al.	284		Western Natural Gas Co. (Operator), et al., FPC Gas Rate Schedule No. 24, Supplement No. 1, Notice of Succession (10–31–63). Agreement (6–28–63).	El Paso Natural Gas Co.	Boundary Butte Area, San Juan County, Utah.	
		284	1				
		284	2				
G–16760	Sinclair Oil & Gas Co., et al.	285		Western Natural Gas Co., et al., FPC Gas Rate, Schedule No. 25, Notice of Succession (10–31–63).	United Gas Pipe Line Co.	Normanna Area, Bee County, Tex.	
		285	1	Agreement (6–28–63)			
G–16099	Sinclair Oil & Gas Co	286		Western Natural Gas Co., FPC GAS Rate Schedule No. 26.	El Paso Natural Gas Co.	Brown Bassett Field, Terrell County, Tex.	RI64–119
		286	1–6	Supplement Nos. 1–6, Notice of Succession (10–31–63).			
		286	7	Agreement (6–28–63)			
CI61–971	do	287		Western Natural Gas Co., FPC Gas Rate Schedule No. 27.	El Paso Natural Gas Co.	Sawyer Area, Lea County, N. Mex.	
		287	1–2	Supplement Nos. 1–2, Notice of Succession (10–31–63).			
		287	3	Agreement (6–28–63)			

APPENDIX—Continued

Docket No.	Applicant	New designation: Rate schedule No.	New designation: Supplement No.	Former designation	Purchaser	Location	Related rate proceeding
C161-1249	Sinclair Oil & Gas Co., et al.	288		Western Natural Gas Co., et al., FPC Gas Rate Schedule No. 28.	El Paso Natural Gas Co.	Dakota Field, San Juan County, N. Mex.	R164-107
		288	1	Supplement No. 1, Notice of Succession (10-31-63).			
		288	2	Agreement (6-28-63)			
C161-1454	Sinclair Oil & Gas Co. (Operator), et al.	289		Western Natural Gas Co. (Operator), et al., FPC Gas Rate Schedule No. 29.	El Paso Natural Gas Co.	Hiway and North Farmington Areas, San Juan County, N. Mex.	R164-106
		289	1	Supplement No. 1, Notice of Succession (10-31-63).			
		289	2	Agreement (6-28-63)			

[F.R. Doc. 64-2654; Filed, Mar. 20, 1964; 8:45 a.m.]

[Project No. 2429]

ALPENA POWER CO.

Notice of Application for License

MARCH 17, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Alpena Power Company (correspondence to: Mr. Orville Murch, Alpena Power Company, 307 South Third Avenue, Alpena, Michigan), for license for constructed Project No. 2429, known as Upper South Reservoir Dam (Fletcher Floodwaters), located on Upper South Branch of the Thunder Bay River in Alpena and Montmorency Counties, Michigan, in the vicinity of Flanders.

As described in the application, the project consists of: A dam about 330 feet long, including earth fill sections and a concrete section (about 45 feet long and 18 feet high with four gates, each eight feet wide); concrete wing walls extending upstream and downstream; a storage reservoir about 8,500 acres in area, with a maximum storage capacity of about 40,100 acre-feet.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 5, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2755; Filed, Mar. 20, 1964; 8:49 a.m.]

[Docket No. CP64-172]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

MARCH 17, 1964.

Take notice that on January 31, 1964, Eastern Shore Natural Gas Company (Applicant), 120 East Main Street, Salisbury, Maryland, filed in Docket No. CP64-172 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in deliveries of firm gas from 100 Mcf per day to 250 Mcf per day by Applicant to the City of Dover, Delaware, McKee Run Electric Generating Plant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the proposed increased volumes of gas will be used in the present City of Dover boilers for pilot and main flame stabilization purposes during hours of minimum electric load and will serve as an added safety factor. Applicant states that no new facilities will be required to render the proposed increased service.

Applicant and the City of Dover have entered into an amendatory agreement, dated October 22, 1963, providing for the increased service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 8, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2756; Filed, Mar. 20, 1964; 8:49 a.m.]

[Docket No. CP63-174]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Approving Continuance of Hearing in Excess of Thirty Days

MARCH 17, 1964.

On March 3, 1964, the presiding examiner recessed the hearing in the above-entitled case until May 5, 1964, subject to the Commission's approval, in response to a joint application for a continuance by counsel for the Natural Gas Pipeline Company of America and the Midwest Coal Producers Institute, Inc., on the grounds that certain witnesses are unable to appear at the currently scheduled hearing, that prepared rebuttal testimony may require revision in the light of information to be obtained by subpoena from Commonwealth Edison Company, Chicago, and that conflicting prior engagements of said counsel and the examiner would require that the hearing be recessed for a period in excess of 30 days.

The Commission orders: The continuance of the hearing in the above-entitled case until May 5, 1964, be and hereby is approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2757; Filed, Mar. 20, 1964; 8:50 a.m.]

[Project No. 2425]

NORTHERN VIRGINIA POWER CO.

Notice of Application for License

MARCH 17, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Northern Virginia Power Company (correspondence to: J. M. McCardell, Secretary, Northern Virginia Power Company, 200 East Patrick Street, Frederick, Maryland) for license for constructed Project No. 2425, known as Luray Hydroelectric Development and the Newport Hydroelectric Development, located on South Fork of the Shenandoah River, Page County, Virginia, in the vicinity of Luray and Newport.

The project consists of: Luray Development—a concrete buttress dam 525 feet long and 18½ feet high, creating a reservoir of 125 acres; a powerhouse integral with the dam containing one 400 kilowatt and two 600 kilowatt generators for a total capacity of 1,600 kilowatts; and appurtenant electrical and mechanical facilities; and Newport Development—a concrete buttress dam 453 feet long and 24 feet high, creating a reservoir of 102 acres; a powerhouse integral with the dam containing one 600 kilowatt and two 400 kilowatt generators for a total capacity of 1,400 kilowatts; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 11, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2758; Filed, Mar. 20, 1964; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

MANUFACTURERS' ASSOCIATION FOR NATIONAL DEFENSE

Notice of Small Business Concern Withdrawn from Participation in Small Business Defense Production, Research & Development Pool

Pursuant to sections 9(d) and 11 of the Small Business Act (72 Stat. 391, 394), and section 1 of Executive Order 10493 (18 F.R. 6583), dated October 15, 1953, notice by publication is hereby given of the following small business concern which has withdrawn from membership in the Manufacturers' Association for National Defense (MANDCO), a small business defense production and research and development pool:

Charles E. Larson & Sons, Inc., Chicago, Illinois.

The original list of applicants was published in 27 F.R. 2167 (March 6, 1962).

Dated: March 16, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-2741; Filed, Mar. 20, 1964; 8:47 a.m.]

[Declaration of Disaster Area 455]

VERMONT

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1963, because of the effects of certain disasters, damage resulted to residences and business property located in Caledonia and Windsor Counties in the State of Vermont;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about March 5, 1964.

Offices

Small Business Administration Regional Office, 470 Atlantic Avenue, Boston, Massachusetts.
Small Business Administration Branch Office, 79 Main Street, Montpelier, Vermont.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1964.

Dated: March 9, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-2740; Filed, Mar. 20, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-80]

BARNES-HIND PHARMACEUTICALS, INC., SUNNYVALE, CALIF.

Notice of Opportunity for Hearing

Notice is hereby given to the applicant Barnes-Hind Pharmaceutical, Inc., Sunnyvale, California, that the Commissioner of Food and Drugs proposes to issue an order withdrawing approval of New-Drug Application No. 13-094 and all amendments and effective supplements thereto held by said applicant for the drug "Clysodrast," consisting of packages containing 1.5 milligrams of 4,4'-(diacetoxydiphenyl)-(pyridyl-2)-methane and 2.5 grams of tannic acid U.S.P., on the ground that new evidence of clinical experience, not contained in such application or not available until after such application was approved, evaluated together with the evidence available when the application was approved, shows that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved, in that cumulative clinical experience shows that the use of "Clysodrast," and that the use of tannic acid, a component of "Clysodrast," by rectal administration as an enema has been associated with a number of deaths involving necrosis of the liver, and there is no available adequate evidence of toxicity studies in animals and liver-function studies in man showing the levels of safe use of tannic acid alone or in combination with other components of "Clysodrast" when used as an enema in preparation for a barium enema.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in 21 CFR Part 130, the Commissioner will give the applicant an opportunity for a hearing in Washington, D.C., at which time the applicant may produce evidence and arguments to show why approval of New-Drug Application No. 13-094 should not be withdrawn.

On or before the thirtieth day after receipt of this notice, the applicant is required to file with the Hearing Clerk of the Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, North Building, Department of Health, Education, and Welfare, 3d and Independence Avenue SW., Washington, D.C., 20201, a written appearance electing whether:

1. To avail himself of the opportunity for a hearing; or

2. Not to avail himself of the opportunity for a hearing.

If the applicant elects not to avail himself of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing the approval of the New-Drug application.

Failure of the applicant to file such a written appearance of election, on or before the thirtieth day after receipt of this notice of opportunity for hearing, will be construed as an election by the applicant not to avail himself of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing concerning a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the applicant specifies otherwise in his appearance.

If the applicant elects to avail himself of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing. At the hearing, the applicant may present such evidence and argument as are relevant and material to the above-specified ground on which it is proposed to withdraw the approval of the application. The Food and Drug Administration of the Department of Health, Education, and Welfare will also be permitted to produce evidence and argument relevant and material to such grounds.

This notice is issued pursuant to the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and under the authority delegated to the Commissioner of Food and Drugs

by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: March 16, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2766; Filed, Mar. 20, 1964; 8:51 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization and Delegations of Authority

Part 8 of the Statement of Organization and Delegations of Authority of the department (22 F.R. 1050), as amended, is hereby amended by revising section 8.10 to read as follows:

SEC. 8.10 *Organization.* (a) The Social Security Administration which is under the supervision and direction of the Commissioner of Social Security, consists of:

Office of the Commissioner
Division of Accounting Operations
Division of the Actuary
Central Planning Staff
Division of Claims Control
Division of Claims Policy
Division of Disability Operations
Bureau of Federal Credit Unions
  Division of Administration
  Division of Examination and Accounting
  Division of Organization and Standards
  Division of Statistical Research and Analysis
Division of Field Operations
Bureau of Hearings and Appeals
  Division of Administration
  Appeals Council
  Field Division
  Medical Advisory Staff
  Program Division
Office of Information
Division of Management
Division of Program Evaluation and Planning
Division of Research and Statistics

(b) *Order of succession.* In the absence of the Commissioner of Social Security, the Executive Director acts for him.

Dated: March 17, 1964.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 64-2746; Filed, Mar. 20, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-218]

LUIGI SERRA, INC.

Notice of Application for Utilization Facility Export License

Please take notice that Luigi Serra, Inc., 7 Water Street, New York, New York, 10004, has submitted an application, dated February 3, 1964, for a license authorizing the export of a 30 watt open pool type nuclear critical assembly to Comitato Nazionale per L'Energia Nucleare (C.N.E.N.), Centro di Studi Nucleari della Casaccia, Rome, Italy.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 13th day of March, 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-2752; Filed, Mar. 20, 1964; 8:49 a.m.]

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Notice of Issuance of Provisional Operating License

Please take notice that a notice of proposed issuance of provisional operating license having been published in the FEDERAL REGISTER on January 30, 1964, 29 F.R. 1593 and no request for a hearing having been filed following such publication, the Atomic Energy Commission has issued Provisional Operating License No. DPR-11. The license authorizes Northern States Power Company to operate the Pathfinder nuclear reactor, which is located approximately five and one-half miles northeast of Sioux Falls, South Dakota, at power levels up to one (1) megawatt thermal.

The Commission has found that:

A. Construction of the reactor has been completed in conformity with the construction permit, the application as amended, the provisions of the Act, and the rules and regulations of the Commission, except for fabrication of the nuclear fuel for the superheater region of the core, installation of a stop valve in the safety valve discharge line and associated installation of a rupture disc on a new branch line from the present discharge line, final operational testing of the pressure control system, permanent repairs to the fuel storage canal and the water level instrumentation utilized in flooding the superheater, all of which are not required for operations authorized by the provisional operating license;

B. There is reasonable assurance that the uncompleted items will be completed in conformity with the construction permit, the application as amended, the provisions of the Act, and the rules and regulations of the Commission;

C. There is reasonable assurance (i) that the activities authorized by this provisional operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

D. Northern States is technically and financially qualified to engage in the activities authorized by this provisional operating license in accordance with the rules and regulations of the Commission, and to assume responsibility for payment of Commission charges for the special nuclear material allocated;

E. Northern States has submitted proof of financial protection which satisfies the requirements of 10 CFR Part 140, and has executed an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140;

F. The reactor is ready for initial loading of nuclear fuel for operations authorized by the provisional operating license.

G. The issuance of this provisional operating license is not inimical to the common defense and security or to the health and safety of the public.

The license, as issued, is substantially as set forth in the Notice of Proposed Issuance of Provisional Operating License cited above, except that the statement of the Commission's findings have been eliminated from the text of the license and are set forth herein.

Dated at Bethesda, Md., this 12th day of March, 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-2753; Filed, Mar. 20, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14945; Order No. E-20585]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of March 1964, an agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates. Docket 14945, Agreement C.A.B. 17633, R-3 and R-4.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers, names additional specific commodity rates as follows:

Item 2418: Shoes and Slippers, Finished; Shoe and Slipper Soles, Heels and Uppers, excluding any other parts thereof.

Rate: 96 cents per kilogram, minimum weight 500 kilograms, from Casablanca/Rabat to New York.

Item 8207: Musical Instruments, N.E.S., and parts thereof.

Rate: 65 cents per kilogram, minimum weight 200 kilograms, from Amsterdam to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered, That Agreement C.A.B. 17633, R-3 and R-4, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2747; Filed, Mar. 20, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 957]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 18, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66654. By order of March 13, 1964, the Transfer Board approved the transfer to J. Rollman & Son, Inc., Lititz, Pa., of the operating rights in Certificate in No. MC 94835 issued June 6, 1961, to Joshua Rollman and Henry Rollman, doing business as J. Rollman & Son, Lititz, Pa., authorizing the transportation, over irregular routes, of Brick, from and to specified points and designated areas in the States of New Jersey, New York, Pennsylvania, and New Hampshire. Christian V. Graf, 407 North Front Street, Harrisburg, Pennsylvania, attorney for applicants.

No. MC-FC 66698. By order of March 13, 1964, the Transfer Board approved the transfer to Charles Glenn, St. Petersburg, Fla., of the operating rights in Certificate No. MC 103613 issued December 13, 1956 to Harry C. Waller, Charles I. Waller, and Asher B. Waller, doing business as H. C. Waller & Company, Mineola, Long Island, N.Y., authorizing the transportation, over irregular routes, of Flowers and plants, from points in Nassau County, N.Y., to points in eight (8) of the States named below, and the District of Columbia, and Horses (other than ordinary livestock), and equipment and paraphernalia incidental thereto, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., attorney for transferor, and A. Pickens Coles, First National Bank Building, Tampa 2, Fla., attorney for transferee.

No. MC-FC 66700. By order of March 13, 1964, the Transfer Board approved the transfer to Ajax Transfer Co., Inc., Memphis, Tenn., of Permit in No. MC 123347 issued November 17, 1961 to B. T. Lovelace, doing business as Ajax Transfer Co., Memphis, Tenn., authorizing the transportation, over irregular routes, of corrugated metal pipe, and fittings, accessories and attachments thereof, asphalt coated and uncoated, in mixed shipments; and septic tanks, asphalt coated, separately and in mixed shipments with corrugated metal pipe, fittings, accessories and attachments, from the plant site of Armco Drainage & Metal Products, Inc., of Memphis, Tenn., to points in Arkansas and Mississippi. R. Connor Wiggins, Jr., 710 Sterick Building, Memphis 3, Tennessee, attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-2738; Filed, Mar. 20, 1964; 8:47 a.m.]

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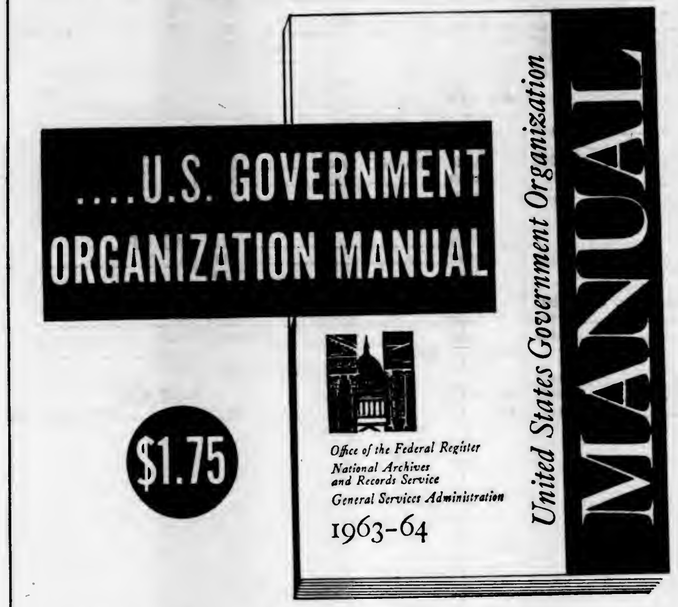
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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

President's Committee on Juvenile Delinquency and Youth Crime

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 213.3166 is amended as set out below.

§ 213.3166 President's Committee on Juvenile Delinquency and Youth Crime.

(a) Until July 30, 1966, all positions on the staff.

• • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-2805; Filed, Mar. 23, 1964; 8:50 a.m.]

Federal Deposit Insurance Corporation

Effective upon publication in the FEDERAL REGISTER, paragraph (e) is added to § 213.3333 as set out below.

§ 213.3333 Federal Deposit Insurance Corporation.

• • • • •

(e) Executive Assistant and Controller.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-2804; Filed, Mar. 23, 1964; 8:50 a.m.]

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

Persons Who Lost Eligibility Because of Military Service

Subparagraph (1) of paragraph (a) of § 332.322 is amended as set out below.

§ 332.322 Persons who lost eligibility because of military service.

(a) • • •

(1) He has not served more than four years following the date of his entrance on active military duty, exclusive of any additional service imposed pursuant to law. The date of entrance on duty means the first date between June 30, 1950, and July 1, 1967, on which he began a new period of active military duty, whether it was by original entry, reentry or extension.

• • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-2806; Filed, Mar. 23, 1964; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 627, 7th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.80–2 of the regulations supplemental to the witchweed quarantine (7 CFR 301.80–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.80–2a are hereby revised to read as follows:

§ 301.80–2a Administrative instructions designating regulated areas under the witchweed quarantine.

Infestations of the witchweed have been determined to exist in the quarantined States, in the civil divisions and premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and premises, and parts thereof, and all highways and roadways abutting thereon, are hereby designated as witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Anson County. The Matthew Morris farm located on the east side of State Highway 742 at the junction of said highway with State Secondary Road 1105.

Bladen County. All of Bladen County.

Brunswick County. The Luther H. Hugh farm located at the end of farm road on the west side of State Highway 130, said farm road junctions with State Highway 130 at a point 1.1 miles south of the junction of State Highway 130 and State Secondary Road 1321.

The A. M. Register farm located at the end of a dirt road, 0.4 mile west of the junction of said dirt road with State Highway 130, said junction being 1.1 miles northwest of Ash.

The John R. Russ farm located on both sides of State Secondary Road 1308 and 1 mile west of the junction of said road with State Highway 904 at Longwood.

The B. Coda Smith farm located on the west side of a dirt road and 0.6 mile north of its junction with State Secondary Road 1322, said junction being 0.1 mile west of the junction of State Secondary Road 1322 and State Secondary Road 1321.

The Newman Smith farm located on the south side of State Secondary Road 1322 at its junction with State Secondary Road 1321.

The N. G. Ward farm located on the southwest side of State Secondary Road 1300, 0.5 mile west of the junction of said road with U.S. Highway 17.

Columbus County. That part of the county lying north and west of a line beginning at a point where Livingston Creek junctions with the Cape Fear River and extending south along said creek to its intersection with the Seaboard Air Line Railroad, thence west along said railroad to its intersection with State Secondary Road 1740, thence west and south along said road to its junction with U.S. Highways 74 and 76, thence west along said highways to their intersection with Bogue Swamp, thence south along said swamp to its junction with the Waccamaw River and continuing south along said river to its junction with White Marsh Swamp, thence north and northwest along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

The Ernest H. Long farm located on the northeast side of State Secondary Road 1934, and 0.1 mile north of its junction with State Secondary Road 1935.

The A. J. Norris farm located on both sides of State Secondary Road 1134 and 1 mile south of its junction with State Secondary Road 1005.

The J. Carl Prince farm located on both sides of State Secondary Road 1119 and 2.2 miles west of its junction with State Secondary Road 1103.

Craven County. The Harold Stilley farm located on the north side of State Secondary Road 1003, and 0.8 mile east of its junction with State Secondary Road 1628.

Cumberland County. That portion of the county lying south and east of a line beginning at the intersection of the southern boundary line of the Fort Bragg Military Reservation and the Cumberland-Hoke County line and extending northeast along the south boundary line of the Fort Bragg Military Reservation to its junction with State Secondary Highway 1404, thence eastward along said highway to its junction with Interstate Highway 95, thence northeast along said highway to its junction with State Secondary Road 1714, thence north along said road to its junction with State Secondary Road 1722, thence east along said road to its junction with U.S. Highway 301,

thence northeast along said highway to its junction with State Highway 102, thence east along said highway to its junction with Interstate Highway 95, thence northeast along said highway to its junction with State Secondary Road 1005, thence northeast along said road to its junction with the Cumberland-Sampson County line, excluding the corporate limits of the city of Fayetteville.

The Mrs. R. H. Barbour farm located on both sides of State Secondary Road 1611 and 1.2 miles west of the junction of said road with U.S. Highway 401.

The W. H. Blackmon farm located on the west side of U.S. Highway 301 and 0.3 mile south of the junction of said highway with State Highway 102.

The A. V. Dawkins farm located on the east side of State Secondary Road 1706 and 1.5 miles south of the junction of said road with State Secondary Road 1609.

The Charles M. Elmore farm located on the north side of State Secondary Road 1446 and 0.3 mile southwest of the junction of said road with State Highway 210.

The J. C. Ennis farm located on the west side of U.S. Highway 401 and 0.3 mile north of the junction of said highway with State Secondary Road 1608.

The T. G. Green farm located on the north said of U.S. Highway 401 and 0.3 mile west of the intersection of said highway with State Secondary Road 1609.

The J. K. Hubbard farm located on the north side of State Secondary Road 1404 and 0.5 mile east of the intersection of said road with State Secondary Road 1403.

The Bessie Kelly farm located on the south side of a dirt road and 0.2 mile west of its junction with State Secondary Road 1714, said junction being 0.1 mile north of the junction of said secondary road and State Secondary Road 1730.

The McLaurin & McLaurin farm located on the north side of State Secondary Road 1722 and 0.3 mile west of the junction of said road with U.S. Highway 301.

The George McLaurin farm located on the north side of State Secondary Road 1722 and 0.5 mile west of the intersection of said road with U.S. Highway 301.

The Octavius McLaurin farm located at the end of a dirt road and 0.3 mile north of its junction with State Secondary Road 1722, said junction being 0.5 mile west of the junction of said secondary road with U.S. Highway 301.

The Oscar McLean farm located on the south side of a dirt road and 0.1 mile west of its junction with State Secondary Road 1714, said junction being 0.1 mile north of the junction of said secondary road and State Secondary Road 1730.

The Jasper S. McMillan farm located at the end of a dirt road and 0.2 mile west of State Highway 210 at its junction with State Secondary Road 1614.

The Troy Matthews farm located on the north side of State Secondary Road 1813 and 0.2 mile southeast of the intersection of said road with Interstate Highway 95.

The E. V. Nixon farm located on both sides of State Secondary Road 1706 and 1 mile south of the junction of said road with State Secondary Road 1609.

The J. T. Piner farm located on the west side of U.S. Highway 401 and 0.3 mile north of the junction of said highway with State Secondary Road 1600.

The Bob Pruitt Trailer Court located at the end of a dirt road and 0.6 mile north of its junction with State Secondary Road 1602, said junction being 0.8 mile east of the junction of said secondary road with State Highway 210.

The Ray Speas farm located on the southeast side of State Highway 210 and 0.1 mile north of the junction of said highway with State Secondary Road 1635.

The Norwood Tatum farm located on the northwest side of Bernadine Road and 0.1 mile southwest of the junction of said road with State Highway 210.

The M. T. Taylor farm located on the south side of a dirt road and 1.5 miles east of its junction with U.S. Highway 401, said junction being 0.4 mile north of the junction of State Secondary Road 1600 with U.S. Highway 401.

The Robert Westly Williams farm located on the north side of State Secondary Road 1813 and 0.1 mile southeast of the intersection of said road with Interstate Highway 95.

Duplin County. That area bounded by a line beginning at a point where State Highway 24 intersects the Duplin-Sampson County line, thence north along said county line to its intersection with State Secondary Road 1337, thence northeast along said road to its junction with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1355, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence north along said road to its junction with State Highway 403, thence northeast along said highway to its intersection with State Secondary Road 1306, thence southeast along said road to its junction with State Secondary Road 1368, thence northeast along said road to its junction with State Secondary Road 1367, thence southeast along said road to its junction with State Secondary Road 1365, thence northeast along said road to its junction with State Secondary Road 1004, thence southeast along said road to its junction with State Secondary Road 1503, thence northeast along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its intersection with State Secondary Road 1306, thence west along said road to its intersection with State Secondary Road 1004, thence south along said road to its junction with State Highway 11, thence northeast along said highway to its junction with State Secondary Road 1700, thence southeast along said road to its intersection with the Northeast Cape Fear River, thence south along said river to its junction with Grove Creek, thence west along said creek to its junction with Marsh Branch, thence west along said branch to its intersection with State Highway 24, thence southeast along said highway to its junction with State Highway 11, thence southwest along said highway to its junction with State Secondary Road 1003, thence west along said road to its junction with State Secondary Road 1900, thence northwest along said road to its intersection with State Secondary Road 1107, thence southwest along said road to its junction with State Secondary Road 1106, thence northwest along said road to its junction with State Secondary Road 1113, thence southwest along said road to its junction with State Secondary Road 1105, thence southwest along said road to its junction with State Secondary Road 1112, thence southwest along said road to its junction with State Secondary Road 1106, thence north along said road to its junction with State Secondary Road 1110, thence northeast along said road to its junction with State Secondary Road 1105, thence northeast along said road to its junction with State Highway 24, thence west along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1702 intersects State Highway 24, thence east along said highway to its junction with State Secondary Road 1962, said junction being 0.7 mile west of Beulaville, thence south along State Secondary Road 1962 to its junction with State Secondary Road 1724, thence southwest along said road to its junction with State Secondary Road 1800, thence northwest along said road to its junction with State Secondary Road 1961, thence west along said road to its junction with State Secondary Road 1702 at Hallsville, thence north along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1002 intersects the Duplin-Lenoir County line, thence southeast along said county line to its intersection with State Highway 11, thence west along said highway to its junction with State Highway 111, thence west and north along said highway to its junction with State Secondary Road 1002 at Albertson, thence north along said road to the point of beginning, excluding the town of Albertson.

The Paisly Bonham farm located on the north side of State Secondary Road 1977 and 1 mile west of Pin Hook.

The F. J. Bostic farm located on the west side of State Highway 50, at the junction of said highway and State Secondary Road 1730.

The T. C. Crow farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The I. R. Faison farm located on the east side of State Secondary Road 1301 and 1.4 miles north of its junction with State Secondary Road 1335.

The Emmitt Jackson farm located on the east side of State Secondary Road 1301 and 1.3 miles north of its junction with State Secondary Road 1335.

The Lorena Herring farm located on the northeast side of State Secondary Road 1100 and 0.7 mile southeast of its intersection with State Secondary Road 1003.

The C.M. Johnson farm located on the southwest side of State Secondary Road 1139 and 0.6 mile northwest of the junction of said road with State Secondary Road 1133.

The J. N. Kalmar farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Henry Kissner farm located on the southwest side of State Secondary Road 1139 and 0.7 mile northwest of its junction with State Secondary Road 1133.

The Ethel Kornegay farm located 0.2 mile east of State Secondary Road 1501 at a point 0.6 mile south of the intersection of said road with State Secondary Road 1519.

The E.W. Melvin farm located at the end of a farm road 0.3 mile north of the junction of said farm road with State Secondary Road 1130, said junction being 0.3 mile east of the intersection of State Secondary Road 1130 and the Duplin-Sampson County line.

The Maggie T. Norris farm located on the south side of State Secondary Road 1700 and 1.4 miles east of Sarecta.

The H. J. Page farm located on the west side of State Secondary Road 1128 and on the north side of State Secondary Road 1129 at the intersection of said roads.

The W. C. Peterson farm located on the north side of State Secondary Road 1130 and 0.2 mile east of the junction of said road with the Duplin-Sampson County line.

The J. L. Rich farm located on the west side of State Secondary Road 1923 and at the junction of said road with State Secondary Road 1922.

The Oliver Summerlin farm located on the south side of State Highway 403 and 0.1 mile east of the corporate limits of the town of Faison.

The J. R. Thomas farm located on the north side of State Secondary Road 1700 and 1.5 miles east of Sarecta.

The Joseph Westbrook farm located 0.7 mile west of State Highway 11 at a point 0.2 mile southwest of the junction of said highway with State Secondary Road 1501.

The Fate Williams Heirs farm located on the south side of State Secondary Road 1003 and 0.5 mile east of its intersection with State Secondary Road 1100.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1209 intersect and extending southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its junction with the Harnett-Cumberland County line, thence west along said county line to its junction with the Harnett-Moore County line, thence northwest along said county line to its junction with the Harnett-Lee County line, thence northeast along said county line to the point of beginning.

The Carlie Adams farm located on the south side of State Secondary Road 1291 and 0.4 mile east of the junction of said road with State Secondary Road 1251.

The Everett Barnes farm located on both sides of State Secondary Road 1532 and 0.4 mile west of the junction of said road with State Secondary Road 1547.

The Clarence J. Blalock farm located at the end of a dirt road and 0.4 mile northwest of the junction of said road with State Secondary Road 1540, said junction being 0.4 mile northeast of the junction of said secondary road with State Secondary Road 1542.

The F. P. Blalock farm located on the northeast side of State Highway 55 and 0.3 mile northwest of the intersection of said highway with State Secondary Road 1006.

The Charles Edwards farm located on the north side of State Secondary Road 1128 and 0.9 mile southwest of the junction of said road with State Secondary Road 1130.

The Luke Harrington farm located on both sides of State Highway 27 and 0.4 mile west of the junction of said highway with State Secondary Road 1242.

The Redin Harrington farm located at the end of a dirt road and 0.8 mile north of the junction of said road with State Highway 27, said junction being 1 mile west of the junction of said highway with State Secondary Road 1242.

The Cecil Jenkins farm located on both sides of State Secondary Road 1251 and 1 mile south of the junction of said road with State Secondary Road 1291.

The Carl McLeod farm located on both sides of State Highway 27 and 0.8 mile west of the junction of said highway and State Secondary Road 1242.

The E. O. Parker farm located on the north side of State Secondary Road 2034 and 0.7 mile west of the junction of said road with U.S. Highway 401.

The Eddie L. Parriah farm located on both sides of State Secondary Road 1532 and 1 mile west of the junction of said road with State Secondary Road 1547.

The W. L. Wagner farm located on both sides of State Highway 55 and 0.2 mile northwest of the intersection of said highway and State Secondary Road 1006.

Hoke County. That area bounded by a line beginning at a point where State Highway 211 intersects the Hoke-Moore County line and extending southeast along said highway to its intersection with U.S. Highway 401 (Bypass), thence northeast along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to Rockfish Creek, thence northwest along said creek to its intersection with the southern boundary of Fort Bragg Military Reservation, thence east along said military boundary to its intersection with the Hoke-Cumberland County line, thence southeast along said county line to the Hoke-Robeson County line, thence southwest and west along said county line to the Hoke-Scotland County line, thence northwest along said county line to the intersecting point of Hoke, Richmond, and Moore Counties, thence northeast along the Hoke-Moore County line to the point of beginning.

That portion of the Fort Bragg Military Reservation known as the Ashley Heights Sand Pit located on the south side of Plank Road, said sand pit being located approximately 1 mile northeast of Montrose.

The Leslie Little farm located at the end of State Secondary Road 1314 and 0.5 mile north of the junction of said road with State Highway 211.

The N. A. McDonald farm located on the north side of State Highway 211 and 0.4 mile southeast of the junction of said highway with State Secondary Road 1214.

The N. A. McFayden farm located on the east side of State Highway 211 and 0.3 mile southeast of the junction of said highway with State Secondary Road 1215.

The James C. Phillips farm located on the northwest side of State Secondary Road 1316 and 1 mile northeast of the junction of said road with State Highway 211.

The Alvin Seaford farm located at the end of State Secondary Road 1316 and 1.5 miles northeast of the junction of said road with State Highway 211.

The J. B. Thomas farm located on the west side of State Secondary Road 1300 and 0.6 mile northwest of the junction of said road with U.S. Highway 401 (Bypass).

Johnston County. That area bounded by a line beginning at a point where State Secondary Road 1116 and State Highway 50 intersect and extending southeast along said highway to its intersection with the Johnston-Sampson County line, thence west along said county line to its intersection with State Highway 242, thence north along said highway to its intersection with State Secondary Road 1116, thence east along said road to the point of beginning.

The Rufus P. Beasley farm located on the west side of State Secondary Road 1138, and 0.4 mile south of its junction with Secondary Road 1144.

Jones County. That area bounded by a line beginning at a point where State Secondary Road 1117 intersects the Jones-Onslow County line, thence northwest along said road to its junction with State Secondary Road 1116, thence east and southeast along said road to its junction with State Secondary Road 1118, thence southwest along said road to its intersection with the Jones-Onslow County line, thence northwest and west along said county line to the point of beginning.

The Eugene Eubanks farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1124.

The J. L. Jarman farm located on the east side of State Secondary Road 1142 and 0.6 mile south of the junction of said road with State Secondary Road 1130.

The R. T. Johnson farm located on the northwest side of State Secondary Road 1132 and 0.3 mile southwest of the junction of said road with State Secondary Road 1131.

The Ed McDaniel farm located on the south side of State Secondary Road 1122 at a point 0.8 mile southwest of the junction of said road and State Highway 58, said junction being 1.2 miles northwest of Olive Cross Roads.

The Leah Smith property located in the town of Trenton on the south side of Jones Street at a point 0.5 mile west of the junction of said street and Webber Street.

Lee County. The C. N. Castleberry farm located on the north side of State Secondary Road 1162 and 0.7 mile northwest of the junction of said road and State Secondary Road 1001.

Lenoir County. That area bounded by a line beginning at a point where State Secondary Road 1311 and State Secondary Road 1002 junction, and extending northeast along State Secondary Road 1311 to its junction with State Secondary Road 1309, thence north along said road to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1331, thence north along said road to its junction with State Secondary Road 1332, thence east along said road to its junction with State Secondary Road 1333, thence north along said road to its junction with State Secondary Road 1330, thence east along said road to its junction with State Secondary Road 1336, thence southeast along said road to its junction with State Secondary Road 1324, thence southwest along said road to Whitelace Creek, thence east and south along said creek to the Neuse River, thence west along said river to Dailys Creek, thence south along said creek to State Secondary Road 1300, thence west along said road to State Secondary Road 1301, thence southwest along said road to its junction with State Highway 55, thence west along said highway to State Secondary Road 1002, thence north along said road to the point of beginning.

The Roland Carter farm located on the east side of State Highway 11 and 0.2 mile south of the junction of said highway and State Secondary Road 1113.

The Eugene Chambers farm located on the northeast side of the junction of State Secondary Road 1167 and State Secondary Road 1143.

The Kate Edwards farm located on the south side of State Secondary Road 1143 and 0.2 mile west of its intersection with State Secondary Road 1154.

The J. D. Grady farm located on the south side of State Secondary Road 1143 and the east side of State Secondary Road 1154 at Wootens Crossroads.

The W. Clifton Grady farm located on the west side of State Secondary Road 1154 and the south side of State Secondary Road 1143 at Wootens Crossroads.

The Clarence Howard farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The W. L. Measley farm located on the east side of State Secondary Road 1327 and 0.2 mile northeast of its intersection with State Secondary Road 1519.

The Hugh Nobles farm located on both sides of State Secondary Road 1120 and 0.7 mile west of its junction with U.S. Highway 258.

The Nick Smith farm located on the south side of State Secondary Road 1168 and 0.1 mile west of its junction with State Secondary Road 1111.

Montgomery County. The Therese Edward Glover farm located on the southwest side of State Secondary Road 1524 and 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Colon Hoover farm located on the southwest side of State Secondary Road 1524 and 0.9 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Walter Lane farm located at the end of a dirt road and 0.3 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 1.0 mile northwest of the intersection of said secondary road with the Montgomery-Moore County line.

The Haywood N. Thomas farm located on the southwest side of State Secondary Road 1524 and 0.8 mile northwest of the intersection of said road with the Montgomery-Moore County line.

Moore County. That area bounded by a line beginning at a point where State Secondary Road 2075 and State Highway 211 junction and extending west along State

Highway 211 to its intersection with State Secondary Road 2063, thence north and northwest along said road to its junction with State Highway 5, thence northeast along said highway to its junction with State Secondary Road 2042, thence northeast along said road to its junction with State Secondary Road 2074, thence east along said road to its intersection with State Secondary Road 2075, thence south and southwest along said road to the point of beginning.

The T. M. Baker farm located on the south side of State Secondary Road 2026 and 0.7 mile east of the junction of said road with U.S. Highway 1.

The M. C. Bass farm located on the south side of State Secondary Road 2005 and 0.7 mile east of the junction of said road with State Secondary Road 1001.

The R. P. Beasly farm located on the east side of U.S. Highway 1 and 0.7 mile northeast of the junction of said highway with U.S. Highway 1A.

The Walter Black farm located at the end of State Secondary Road 1215 and 0.4 mile north of the junction of said road with State Secondary Road 1216.

The R. E. Bryant farm located on both sides of State Secondary Road 1815 and 0.5 mile southwest of the junction of said road with U.S. Highway 15–501.

The Sam Burwell farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road with State Secondary Road 1853.

The Wilbur Currie farm located on the east side of State Secondary Road 1806 and 0.3 mile south of the junction of said road with State Secondary Road 1805.

The Elijah Faulk farm located at the end of State Secondary Road 2016 and 0.4 mile east of the junction of said road with State Secondary Road 2014.

The J. G. Henning's Estate farm located on the east side of State Secondary Road 2017 and 0.4 mile north of the intersection of said road with State Secondary Road 1001.

The Herman Kelley farm located on the west side of State Secondary Road 1229 and 0.4 mile south of the intersection of said road and State Secondary Road 1239.

The William A. Lacon farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1113.

The E. M. Marks farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

The Conner Martin farm located on the northeast side of State Secondary Road 1802 and 1.2 miles southeast of the intersection of said road with the State Secondary Road 1853.

The Grover McGrimmon farm located at the end of State Secondry Road 2028 and 1 mile southeast of the junction of said road with State Secondary Road 2026.

The Lena Bell McNeill farm located on the northwest side of State Secondary Road 2077 and 1 mile southwest of the junction of said road with State Highway 211.

The Jack Page farm located on the south side of State Secondary Road 2026 and 0.9 mile east of the junction of said road with U.S. Highway 1.

The W. R. Robinson farm located on the south side of State Secondary Road 1118 and 0.9 mile east of the intersection of said road with State Secondary Road 1004.

The F. L. Smith farm located on both sides of State Secondary Road 1814 and 1 mile northwest of the junction of said road with State Secondary Road 1661.

The M. L. Smith farm located on the east side of State Secondary Road 1004 and 0.8 mile north of the intersection of said road with State Secondary Road 1113.

The A. C. Vaughn farm located on the west side of State Secondary Road 1210 and 0.4 mile south of the intersection of said road with State Secondary Road 1229.

Onslow County. The John E. Freeman farm located on the southwest side of State Secondary Road 1434 and 1.1 miles northwest of its junction with State Secondary Road 1425.

The Bill Henderson farm located on the east side of State Secondary Road 1528 and on the north side of State Secondary Road 1518 at the junction of said roads.

The Leo E. Morton farm located on the south side of State Secondary Road 1485 and 0.6 mile west of its junction with State Secondary Road 1434.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, thence northeast along said county line to its junction with Black River, thence east along said river to its junction with Colvins Creek, thence north and northwest along said creek to its intersection with State Secondary Road 1201, thence east along said road to its intersection with the Atlantic Coast Line Railroad, thence southeast along said railroad to its intersection with State Secondary Road 1125, thence northeast along said road to its intersection with Moores Creek, thence northeast and northwest along said creek to its intersection with State Secondary Road 1128, thence southwest along said road to its junction with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1208, thence west along said road to its junction with State Secondary Road 1206, thence northeast along said road to its intersection with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1209, thence east along said road to its intersection with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1113, thence southwest along said road to its intersection with the Atlantic Coast Line Railroad, thence northwest along said railroad to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the point of beginning, excluding the corporate limits of the towns of Atkinson and Currie.

That area bounded by a line beginning at a point where State Secondary Road 1517 junctions with U.S. Highway 117, thence northwest along said highway to its intersection with State Secondary Road 1412, thence east along said road to its junction with State Secondary Road 1411, thence southwest along said road to its intersection with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence west along said road to the point of beginning.

The W. D. Pridgen farm located on the southwest side of State Secondary Road 1103 and 0.7 mile southeast of the junction of said road with State Secondary Road 1104.

The Katy Shaw farm located on the east side of State Secondary Road 1520 and 3.6 miles north of the junction of said road and State Highway 210.

The John H. Williams and Heirs farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

Pitt County. The Allen Garris farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

The J. D. Hice farm located on the northeast side of State Secondary Road 1401 and 0.5 mile northwest of its junction with State Secondary Road 1402.

The R. E. Roger farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

Richmond County. The Dormie Dial farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The George W. Jenkins farm located on the southwest side of State Secondary Road 1486 and 1.8 miles northwest of its junction with U.S. Highway 1.

The W. R. Jones farm located on the south side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Mrs. A. W. Porter farm located on the northeast side of State Secondary Road 1999 and 1 mile east of the intersection of said road with U.S. Highway 1.

The Douglas Quick farm located in the northwest quadrant of intersection of State Secondary Roads 1802 and 1800.

The Robert Teal farm located on the northwest side of State Secondary Road 1802 and 0.3 mile southwest of the intersection of said road and State Secondary Road 1800.

The Talley Wallace farm located on both sides of State Secondary Road 1800 and 1.2 miles northwest of the intersection of said road and State Secondary Road 1155.

Robeson County. All of Robeson County.

Sampson County. That area bounded by a line beginning at a point where U.S. Highway 421 and the Sampson-Harnett County line intersect, and extending southeast along said highway to its intersection with State Secondary Road 1005, thence east along said road to its intersection with State Secondary Road 1620, thence southeast along said road to its intersection with State Secondary Road 1626, thence south along said road to its junction with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1337, thence north along said road to its junction with State Secondary Road 1636, thence east along said road to its intersection with State Secondary Road 1609, thence north along said road to its junction with U.S. Highway 13, thence east along said highway to its junction with State Secondary Road 1639, thence north along said road to its junction with State Secondary Road 1620, thence northwest along said road to its junction with State Secondary Road 1638, thence north along said road to its junction with State Secondary Road 1635, thence east along said road to its junction with State Secondary Road 1643, thence southeast along said road to its junction with State Secondary 1647, thence south along said road to its junction with State Secondary 1703, thence south along said road to its junction with State Secondary Road 1746, thence southeast along said road to its intersection with U.S. Highway 701, thence south along said highway to its junction with State Secondary Road 1842, thence southwest along said road to its junction with U.S. Highway 421, thence southeast along said highway to its intersection with State Highway 24, thence east along said highway to its intersection with Six Runs Creek, thence north along said creek to its intersection with State Secondary Road 1919, thence east along said road to its junction with State Secondary Road 1906, thence north and northeast along said road to its junction with State Secondary Road 1905, thence east along said road to its intersection with the Sampson-Duplin County line, thence south along said county line to its intersection with State Secondary Road 1948, thence west along said road to its junction with U.S. Highway 421, thence south along said highway to Harrell's Store, thence south and southwest along State Secondary Road 1007 to its junction with the Sampson-Bladen County line, thence northwest along said county line to its junction with the Sampson-Cumberland County line, thence northwest and north along said county line to its junction with the Sampson-Harnett County line, thence north along said county line to the point of beginning, excluding the corporate limits of the towns of Clinton and Harrell's Store.

The Ernest Bannerman farm located on the south side of State Secondary Road 1007 and 0.7 mile east of the intersection of said road with the Sampson-Bladen County line.

The Carroll A. Britt farm located on the east side of State Highway 403 and 0.1 mile southwest of Poplar Grove.

The Tommy and Jermire Devane farm located on the south side of State Secondary Road 1106 and 0.2 mile east of its junction with State Secondary Road 1100.

The J. P. Daughtry farm located on the north side of State Secondary Road 1818, and 0.9 mile west of the junction of said road and U.S. Highway 701.

The Oscar Jackson farm located on the west side of State Secondary Road 1757 and 0.5 mile north of its junction with State Secondary Road 1731.

The Addie Jordan farm located on the south side of State Secondary Road 1818 and 1.4 miles west of its junction with U.S. Highway 701.

The Edna B. Moore farm located on the south side of State Secondary Road 1818 and 1.2 miles east of the junction of said road and State Secondary Road 1100.

The Liston McNeil farm located on the west side of a farm road and 0.2 mile south of its junction with State Secondary Road 1106 and 0.2 mile east of such farm road's junction with State Secondary Road 1100.

The Henry Sellers farm located on the west side of a farm road and 0.2 mile south of its junction with State Secondary Road 1106 and 0.2 mile east of such farm road's junction with State Secondary Road 1100.

The Jasper Strickland farm located on the west side of State Secondary Road 1717 and 0.4 mile north of its junction with State Secondary Road 1722.

The Mrs. Nettie Thompson farm located on the south side of State Secondary Road 1711 and 0.9 mile east of its junction with State Secondary Road 1710.

The Vivy Best Underwood farm located on the northwest side of State Secondary Road 1814 and 0.9 mile northeast of its junction with State Secondary Road 1703.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 15–401 intersects the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highway 15A–401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15–401, thence southwest along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 15–501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said state line to the point of beginning, excluding the corporate limits of the city of Laurinburg and town of East Laurinburg.

The Archie W. Bunch farm located at the intersection of State Secondary Roads 1328 and 1001.

The Luther Butler farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The J. Lloyd King farm located on the northwest side of State Secondary Road 1128 and 0.3 mile southwest of its junction with State Secondary Road 1101.

The Peter F. Newton farm located at the intersection of State Secondary Roads 1334, 1336, and 1345.

The Hobson Odoms farm located on both sides of State Secondary Road 1108 and 0.4 mile west of its junction with State Secondary Road 1100.

Wake County. The Leonard Dean farm located on the south side of State Secondary Road 2501 and 0.2 mile west of the intersection of said road and State Secondary Road 1003.

Wayne County. That area bounded by a line beginning at a point where U.S. Highway 70 and the Wayne-Lenoir County line intersect and extending south along said county line to its junction with the Wayne-Duplin County line, thence southwest and west along said county line to its intersection with State Secondary Road 1937, thence north on said road to its junction with State Secondary Road 1939, thence west on said road to its junction with State Secondary Road 1938, thence north on said road to its junction with State Secondary Road 1120, thence east along said road to its intersection with State Secondary Road 1926, thence north on said road to its intersection with State Secondary Road 1929, thence east on said road to its junction with State Secondary Road 1930, thence east along said road to its junction with State Secondary Road 1927, thence east on said road to its junction with State Secondary Road 1932, thence northeast along said road to its junction with State Secondary Road 1915, thence south on said road to its junction with State Secondary Road 1120, thence east along a line projected from a point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning, excluding the corporate limits of the town of Seven Springs and the town of Dudley.

That area bounded by a line beginning at a point where U.S. Highway 13 and State Secondary Road 1006 intersect, extending south along said road to its junction with State Secondary Road 1108, thence west along said road to its junction with State Secondary Road 1109, thence west along said road to its junction with State Secondary Road 1105, thence south along said road to its intersection with the Wayne-Sampson County line, thence northwest along said county line to its intersection with State Secondary Road 1009, thence north along said road to its junction with State Secondary Road 1103, thence north along said road to its junction with State Secondary Road 1101, thence east along said road to its intersection with State Secondary Road 1105, thence north along said road to its intersection with U.S. Highway 13, thence east along said highway to the point of beginning.

The L. A. Dawson farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Thel Herring farm located on the west side of State Secondary Road 1711, and 0.4 mile north of its junction with U.S. Highway 70A.

The D. D. Montague farm located on the southwest side of State Secondary Road 1928 and 1 mile southeast of the junction of said road with State Secondary Road 1918.

The H. H. Oliver farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The M. L. Parker farm located on the north side of State Secondary Road 1929 and 0.4 mile east of its junction with State Secondary Road 1926.

The Charlie Rogers farm located on both sides of State Secondary Road 1710 and 0.9 mile southwest of the junction of said road with U.S. Highway 70A.

SOUTH CAROLINA

Chesterfield County. The Alton Holdbrook farm located on the north side of State Secondary Highway 22 and 1.5 miles east of its intersection with State Secondary Highway 20.

The James Earle Howle farm located on the north side of a dirt road and 1 mile east of the intersection of said dirt road and State Secondary Highway 81, said intersection being 1 mile south of the intersection of State Secondary Highway 149 and State Secondary Highway 81.

The Elise J. Parker farm located on the south side of State Secondary Highway 61 and 0.1 mile east of its intersection with State Secondary Highway 348.

Clarendon County. The J. W. Hodge farm located on the south side of State Secondary Highway 211 and 1.5 miles west of its junction with State Secondary Highway 50.

Darlington County. That area bounded by a line beginning at a point where the Atlantic Coast Line Railroad and State Secondary Highway 20 intersect and extending east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence south along a line projected due south from said junction to the intersection of the projected line and State Primary Highway 34, thence west along said highway to its intersection with a dirt road, said intersection being 0.9 mile east of Mechanicsville, thence south along said dirt road to its intersection with the Darlington-Florence County line, thence west and south along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 228, thence northwest along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the point of beginning.

The William Cooper farm located 0.25 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The County Prison Farm located on the south side of State Primary Highway 34 and 1 mile west of the junction of said highway and State Secondary Highway 42.

The M. L. Green farm located on the east side of State Secondary Highway 133 and 0.1 mile north of the junction of said highway and State Secondary Highway 29.

The Mrs. Minnie W. Ham farm located on both sides of State Secondary Highway 355 and 0.9 mile west of the junction of said highway with State Secondary Highway 44.

The Jessie K. Jordan farm located on the west side of a dirt road and 0.2 mile northeast of its junction with a second dirt road, said junction being 0.1 mile northeast of the junction of said second dirt road and State Secondary Highway 44, said second

junction being 0.3 mile northeast of the junction of said highway and State Primary Highway 408.

The Liston J. Pickett farm located on the west side of a dirt road and 0.2 mile north of its junction with State Secondary Highway 179, said junction being 2 miles southeast of the junction of said highway and State Secondary Highway 35.

Dillon County. All of Dillon County.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, thence along a line projected due east from said junction to its intersection with the Great Pee Dee River, thence south along said river to its junction with Jeffries Creek, thence northwest and west along said creek to its intersection with State Primary Highway 327, thence south along said highway to its intersection with Willow Creek, thence southwest along said creek to its junction with Cypress Creek, thence south and west along said creek to its intersection with State Primary Highway 51, thence north along said highway to its intersection with State Primary Highway 327, thence northwest and west along said highway to its intersection with a dirt road, said intersection being 1.5 miles west of the intersection of State Primary Highway 51 and State Primary Highway 327, thence northwest along said dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, thence northeast along said second dirt road to its junction with State Secondary Highway 57, thence southeast along said highway to its intersection with the Seaboard Air Line Railroad, thence northwest along said railroad to its junction with State Secondary Highway 13, thence east along said highway to its junction with State Secondary Highway 918, thence north and northeast along said highway to its junction with State Primary Highway 327, thence north along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 925, thence north along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, thence northeast along said highway to its intersection with State Secondary Highway 34, thence southeast along said highway to its junction with State Secondary Highway 360, thence northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, thence southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, thence southwest along said dirt road to its junction with State Secondary Highway 34, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its junction with State Secondary Highway 47, thence northwest and west along said highway to the corporate limits of the town of Scranton, thence north and west along the east and north perimeter of said corporate limits to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the corporate limits of the town of Coward, thence north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, thence northeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Air Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its intersection with Deep Creek, thence southwest along said creek to its junction with Lynches River, thence west along said river to its junction with Little Swamp, thence north along said swamp to its intersection with State Secondary Highway 66, thence east along said highway to the point of beginning.

The A. A. Alford farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Mary Hart Bacot farm located on the east side of State Secondary Highway 26 and 2.1 miles northeast of its intersection with Black Creek.

The Elnoreah Braddy farm located on the west side of State Secondary Highway 633 and 0.15 mile south of its intersection with State Secondary Highway 58.

The H. L. Broach farm located on the east side of a dirt road and 0.3 mile north of its junction with State Secondary Highway 132, said junction being 0.4 mile northwest of the intersection of State Secondary Highways 105 and 132.

The Hattie Carroway farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Juanita Floyd farm located on the north side of State Secondary Highway 24 and 0.2 mile west of its intersection with Jeffries Creek.

The L. J. Gause farm located on the south side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Luther Gause farm located on the north side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The W. Max Hill farm located on the east side of State Secondary Highway 136 and 1 mile north of its intersection with State Secondary Highway 35.

The Henry Holliday farm located on the west side of State Primary Highway 51 and 1.6 miles north of its intersection with State Secondary Highway 66.

The Melvin Hyman farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Roland Jeffords farm located on the west side of a dirt road and 0.2 mile south of its junction with a second dirt road, said junction being 0.8 mile west of the intersection of said second dirt road and State Secondary Highway 105.

The Cal McAllister farm located on the west side of the junction of State Secondary Highway 57 and State Secondary Highway 105.

The R. F. McPherson farm located on the south side of State Secondary Highway 57 and 1.5 miles southeast of the intersection of said highway and State Primary Highway 51.

The Mrs. J. J. Poston farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

The W. A. Turner farm located on the west side of State Secondary Highway 633 and 0.1 mile south of its junction with State Secondary Highway 58.

The S. L. Yarborough farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of Sardis.

Horry County. That area bounded by a line beginning at a point where State Secondary Highway 38 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 906, thence west along said highway to its intersection with State Secondary Highway 142, thence south along said highway to its junction with State Primary Highway 9, thence northwest along said highway to its intersection with State Secondary Highway 59, thence southwest and south along said highway to its junction with State Primary Highway 917, thence southwest along said highway to its intersection with State Secondary Highway 19, thence south and southeast along said highway 19 to its intersection with U.S. Highway 701 at Allsbrook, thence northeast along said highway to its intersection with State Primary Highway 9, thence east along said highway for seven miles to its intersection with the west prong of Buck Creek and its junction with a dirt road, thence south along said dirt road to its junction with a second dirt road, thence southwest along said second dirt road to its junction with State Secondary Highway 347, thence southeast along said highway 0.2 mile to its intersection with Cowpen Swamp, thence south along said swamp to its intersection with a dirt road, thence southeast along said dirt road to its junction with State Primary Highway 905, thence southwest along said highway to its intersection with Simpson Creek, thence south along said creek to its junction with the Waccamaw River, thence east along said river to Star Bluff Ferry landing, thence south along a dirt road to its intersection with another dirt road, thence southwest and west along said second dirt road, known as Telephone Road, to its junction with Jones Big Swamp, thence northwest along said swamp to its junction with the Waccamaw River, thence west along said river to its intersection with Stanley Creek, thence north along said creek 1.6 miles, thence northwest along said creek 2.8 miles, thence north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State Primary Highway 905, thence southwest along said highway to its junction with State Secondary Highway 19, thence north along said highway 2.4 miles to its junction with a dirt road, thence southwest along said road to its intersection with Maple Swamp, thence north along said swamp to its intersection with State Secondary Highway 65, thence southwest along said highway to its junction with U.S. Highway 701, thence south along said highway to its intersection with U.S. Highway 501, thence northwest along said highway 4.8 miles to its junction with a dirt road, thence north along said dirt road to its intersection with State Secondary Highway 97, thence east 0.2 mile to its intersection with a dirt road, thence north along said dirt road to its intersection with State Primary Highway 319, thence northwest along said highway to its junction with State Secondary Highway 131, thence east and north along said highway to its intersection with Loosing Swamp, thence west and northwest along said swamp to its intersection with State Secondary Highway 45, thence southwest along said highway to its junction with State Secondary Highway 129, thence northwest along said highway to its junction with U.S. Highway 501, thence northwest along said highway to its intersection with the Little Pee Dee River, thence northwest along said river to its junction with the Lumber River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along said state line to the point of beginning, excluding the corporate limits of the towns of Conway and Loris.

The Alex Alford farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Henry Arnett and D. C. Arnett farm located on both sides of a dirt road and 2.5 miles east of its junction with State Secondary Highway 33, said junction being 2.5 miles north of the junction of said highway and State Primary Highway 410.

The John A. Atkinson farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Emma Brown farm located on both sides of a dirt road and being 0.5 mile northwest of the junction of said dirt road with State Secondary Highway 57, said junction being at Brooksville.

The Lewis Brown farm located on the north side of a dirt road and being 0.5 mile west of the junction of said dirt road and U.S. Highway 501, said junction being in the Brown Swamp Community.

The James E. Cooper farm located on the south side of a dirt road and 0.5 mile east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Nina L. Edge farm located on the west side of a dirt road and 0.8 mile southeast of its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The John G. Floyd farm located on the south side of a dirt road and 1 mile north of the intersection of said dirt road and State Secondary Highway 548, said intersection being 2 miles west of the intersection of said highway and U.S. Highway 501.

The Jennie Bell Fowler farm located at the end of a farm road which junctions with a county road, said junction being 0.5 mile east of the Oakdale Baptist Church.

The L. C. Frye farm located on the south side of a dirt road and 1 mile west of the junction of State Secondary Highways 24 and 62, said junction being in the Dog Bluff Community.

The Lawson Gore farm located on the north side of U.S. Highway 17 and 2.5 miles east of the intersection of said highway and State Primary Highway 9, said intersection being called Nixon's Crossroads.

The Sumpter Gore farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Gorestown.

The Bud Neals Graham farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road, said junction being 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Ed Hucks farm located on the north side of a dirt road and 0.4 mile east of the junction of said dirt road with State Secondary Highway 29, said junction being 2 miles southwest of the junction of said highway and State Secondary Highway 135.

The Rosetta Inman farm located on the northwest side of a junction of two dirt roads, said junction being 1.4 miles northwest of the intersection of the dirt road running northwest from State Secondary Highway 57 and Brooksville.

The J. E. Jordan farm located on the north side of a dirt road and being 0.7 mile west of the junction of said dirt road and U.S. Highway 501, said junction being in the Brown Swamp Community.

The Boyd Lewis farm located on the north side of a dirt road and 0.75 mile west of the intersection of said dirt road and State Secondary Highway 24, said intersection being in the Dog Bluff Community.

The J. T. Lewis farm located on the south side of State Secondary Highway 100, and 1.9 miles west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Tommy Lewis farm located on both sides of State Secondary Highway 50, and 1.6 miles north of the intersection of State Secondary Highway 50 and U.S. Highway 17, said intersection being at Little River.

The Flory Long farm located on the south side of a dirt road and being 0.2 mile west of the junction of said dirt road and State Secondary Highway 111, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 57.

The Cordie Page farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Mattie C. Page farm located on the north side of a dirt road and 0.2 mile east of the junction of said dirt road and State Secondary Highway 129, said junction being 0.3 mile southeast of the intersection of said highway and State Secondary Highway 130.

The Talmage Richardson farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The O. R. Shelley farm located on the east side of a dirt road and 0.8 mile northeast of the junction of said dirt road and State Secondary Highway 306, said junction being 1.1 miles west of the intersection of State Secondary Highway 306 and the South Carolina-North Carolina State line.

The Vide Williamson farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Lee County. The Clark W. Thomas farm located on the north side of State Secondary Highway 168 and 1.1 miles east of its junction with State Primary Highway 58.

The E. W. Thomas farm located on the north side of State Secondary Highway 168 and 1.4 miles east of its junction with State Primary Highway 58, said farm being immediately north of the Clark W. Thomas farm.

Marion County. That area bounded by a line beginning at a point where the Marion-Dillon County line and the Lumber River join and extending southwest along said river to its junction with Little Pee Dee River, thence southwest along said river to its junction with Reedy Creek, thence northwest along said creek to its intersection with State Primary Highway 41, thence northeast along said highway to its junction with State Secondary Highway 33, thence west along said highway to its intersection with State Primary Highway 41A, thence north along said highway to its junction with U.S. Highway 501, thence northwest along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 64, thence due southwest along a line projected from said intersection to the Marion-Florence County line, thence northwest and north along said county line to its junction with the Marion-Dillon County line, thence north and northeast and southeast along said county line to the point of beginning, excluding all the corporate limits of the towns of Marion, Mullins, Nichols, Rains, and Sellers, except the W. P. Clark farm located on Marion Street in the town of Mullins one block south of the Mullins Armory, and the Harry Sellers farm located on the west side of U.S. Highway 301 in the town of Sellers.

That area bounded by a line beginning at a point where State Secondary Highway 9 and State Secondary Highway 40 junction and extending southeast along State Secondary Highway 40 to its junction with State Secondary Highway 47, thence southwest along said highway to its junction with State Secondary Highway 9, thence south along said highway to its junction with U.S. Highway 378, thence southwest along said highway to its intersection with the Great Pee Dee River, thence northwest along said river to its junction with Catfish Creek, thence north along said creek to its junction with Collins Creek, thence east and southeast along said creek to its junction with State Secondary Highway 9, thence southwest along said highway to the point of beginning.

That area bounded by a line beginning at a point where U.S. Highway 378 and State Secondary Highway 86 junction and extending north along State Secondary Highway 86 for 0.4 mile to its intersection with a stream, thence east along said stream to its junction with the Little Pee Dee River, thence south along said river to its junction with the Sampson Landing Road; thence west along said road to its junction with State Secondary Highway 49, thence northwest along said highway to its junction with U.S. Highway 378, thence southeast along said highway to the point of beginning.

The W. J. Atkinson farm located at the end of a dirt road and 0.4 mile southeast of its junction with State Secondary Highway 9, said junction being 2.85 miles southwest of the junction of State Secondary Highway 9 and State Primary Highway 41A.

The Otto Byrd farm located on the north side of a dirt road 0.5 mile northwest of its junction with State Secondary Highway 25, said junction being 1.3 miles southwest of the junction of said highway and State Secondary Highway 34.

The William Davis farm located on the northeast side of a dirt road and 1.5 miles southeast of its junction with State Secondary Highway 9, said junction being 1.5 miles southeast of the junction of State Secondary Highway 9, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 40.

The Earl and John Dozier farm located at the end of a dirt road which extends 5.5 miles in a west, southwest, and then in a southeastward direction from its junction with State Secondary Highways 248 and 25.

The Lotto Franklinton farm located on the south side of a dirt road 1.25 miles southwest of its junction with State Primary Highway 41A, said junction being 1.5 miles south of the intersection of said highway and State Secondary Highway 9.

The Louise Miles farm located on the northwest side of a dirt road, 0.4 mile southwest of the junction of said road with State Primary Highway 41A, said junction being 1 mile north of the junction of said highway and State Secondary Highway 389.

The J. L. Richardson farm located on the west side of State Secondary Highway 86, 3 miles north of the junction of State Secondary Highway 86 and U.S. Highway 378.

The Paul M. Richardson farm located on the southeast side of State Secondary Highway 207 and 1.1 miles southwest of the junction of said highway with State Primary Highway 908.

The Paul J. Richardson farm (The Paul J. Richardson Estate) located on the northwest side of State Secondary Highway 207 and 1 mile southwest of the junction of said highway with State Primary Highway 908.

The A. M. Rose and Lucile R. Deal (Roses Evergreen Farm) farm located at the south end of State Secondary Highway 65, and 2 miles southwest of the junction of said highway and U.S. Highway 501.

The W. W. Wilson farm located on the east side of State Secondary Highway 9, 1 mile south of its junction with State Secondary Highway 47.

The Clifton Woodberry farms located on the north side of a dirt road 0.35 mile west of its junction with State Secondary Highway

86, said junction being 2.1 miles southeast of the junction of said highway and State Primary Highway 908.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Gus Bowen farm located on the south side of the junction of State Secondary Highways 23 and 48, said junction being 3.9 miles northwest of Tatum.

The C. C. Caulk farm located on th east side of State Secondary Highway 383 and 0.3 mile east of the junction of said highway and State Primary Highway 38.

The Graham Lee Chavis farm located between State Secondary Highways 204 and 209 at their junction with State Secondary Highway 30.

The Hossie Conwell farm located on both sides of a dirt road and 1.3 miles northeast from the junction of said dirt road and State Secondary Highway 30, said junction being 0.5 mile northwest from the intersection of said State Secondary Highway 30 and State Secondary Highway 165.

The Oscar J. Fletcher farm located on the southwest side of State Secondary Highway 28 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Lois P. Hamer farm located on both sides of a dirt road 0.1 mile north of the junction of said dirt road and U.S. Highway 15, said junction being 0.1 mile northwest of the intersection of U.S. Highway 15 and State Secondary Highway 22 at Tatum.

The James Joseph farm located on the southeast side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The Leila McEachern farm located on the north side of U.S. Highway 15 at the intersection of said highway and the South Carolina-North Carolina State line.

The Cleveland McKay farm located on the north side of State Secondary Highway 54 and the west side of State Secondary Highway 30 at the intersection of said highways.

The Ina Odom farm located on the northwest side of a dirt road and 0.4 mile northeast of its junction with State Secondary Highway 30, said junction being 0.3 mile northeast of the intersection of said highway and State Secondary Highway 54.

The D. M. Parker farm located on the northeast side of State Secondary Highway 28 and 0.2 mile northwest of its junction with U.S. Highway 15.

The Archie Pearson farm located on the east side of a dirt road 0.5 mile southwest of the junction of said dirt road and State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The D. C. Rainwater farm located on the west side of State Primary Highway 79 at the junction of said highway and State Secondary Highway 345.

The Tony Rosser farm located on the east side of a dirt road and 0.6 mile northeast of the junction of said dirt road and State Secondary Highway 30, said junction being 0.3 mile north of the junction of said highway and State Secondary Highway 54.

The James Tyson Smith farm located on the northwest side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The Pauline Steel farm located on the north side of State Secondary Highway 63 and the east side of Crooked Creek at the intersection of said highway and creek.

The Marvin Strong farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its junction with State Primary Highway 177.

Williamsburg County. The Ernest V. Carter farm located on the north side of a dirt road and 1.6 miles west of its junction with State Secondary Highway 51, said junction being 0.8 mile south of the junction of said highway and State Primary Highway 261.

The S. Wayne Gamble farm located on both sides of State Primary Highway 375 and 2 miles southeast of its intersection with U.S. Highway 52.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee; 19 F.R. 74, as amended; 7 CFR 301.80–2. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

These revised administrative instructions shall become effective March 24, 1964, when they shall supersede P.P.C. 627, 6th Revision, effective April 27, 1963 (7 CFR 301.80–2a).

The purpose of these amendments is to include within the regulated areas additional farms in the following partially regulated counties: North Carolina—Counties of Brunswick, Columbus, Cumberland, Duplin, Jones, Lenoir, Moore, Pender, Sampson, Scotland, and Wayne. South Carolina—Counties of Chesterfield, Clarendon, Florence, Horry, Lee, Marion, Marlboro, and Williamsburg. In addition, individual farms are being placed under regulation for the first time in the following counties in North Carolina: Craven County (1 farm), Lee County (1 farm), and Onslow County (3 farms).

The restrictions imposed are necessary in order to prevent the interstate spread of the witchweed. This revision should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of March 1964.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 64–2803; Filed, Mar. 23, 1964; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 102, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.402 (Lemon Regulation 102, 29 F.R. 3391) are hereby amended to read as follows:

§ 910.402 Lemon Regulation 102.

* * * * * * *

(b) * * *

(1) * * *

(ii) District 2: 246,450 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 19, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2787; Filed, Mar. 23, 1964; 8:47 a.m.]

[970.304 Amdt. 4]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and Order No. 970, both as amended (7 CFR Part 970), regulating the handling of carrots grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will maintain orderly marketing conditions tending to increase returns to carrot growers in the production area.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the marketing season for 1963–64 crop South Texas carrots has begun, and shipments are now being made, (2) to maximize benefits to growers, this amendment should apply to as many shipments of carrots as possible during the remainder of the 1963–64 season, (3) regulations have been issued under the order since 1960, so compliance with this amendment will not require any special preparation on the part of handlers, (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of carrots.

Order, as amended. In § 970.304 (28 F.R. 11666, 12358; 29 F.R. 601, 2672), amend paragraph (b)(1) to read as follows:

§ 970.304 Limitation of shipments.

* * * * * * *

(b) *Sizing requirements.* * * *

(1) *Medium-to-large:* ¾ inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length, with an average of 30 percent by count 1 inch minimum diameter or larger and no sample with less than 15 percent by count 1 inch or larger in diameter.

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C 601 et seq.)

Dated: March 18, 1964, to become effective March 27, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 64–2788; Filed, Mar. 23, 1964; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Control Zone and Transition Area

On June 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6017) stating that the Federal Aviation Agency (FAA) proposed to designate a control zone and transition area at Worthington, Minn.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments.

In response to the notice, the Air Transport Association of America (ATA) registered the request that the Worthington control zone be designated with a 5-mile radius rather than the 3-mile radius proposed in the notice. The basis for this request was that plans were underway to lengthen a runway at the Worthington Municipal Airport from 4,000 to 5,000 feet, and, that this increase will permit larger and faster aircraft to utilize the airport.

The ATA also stated that the action proposed in the notice did not give recognition to the special use instrument approach procedures used at Worthington by North Central Airlines. The ATA commented that supplementary information they had received in conjunction with the action proposed in the notice indicated the FAA had recommended the cancellation of the North Central Airlines' special use ADF Procedure No. 1 and that the North Central Airlines' special use ADF Procedure No. 2 was not given consideration in developing the controlled airspace requirements in the Worthington terminal area.

The FAA has reviewed the ATA's comments and finds that the construction involved in the proposed lengthening of the runway at Worthington could not be accomplished with any degree of assurance before late 1964. Additionally, the fact that the runway may be lengthened does not in itself dictate that a larger than 3-mile radius control zone be designated. The more dominant factor is the operational characteristics of the aircraft that are actually using the airport. When it is firm that larger and faster aircraft are scheduled to begin serving the Worthington area, the FAA will give immediate consideration to increasing the radius of the control zone.

The ATA's comments with respect to the use and intended disposition of North Central Airlines' special use ADF instrument approach procedures by the FAA in developing the Worthington terminal area structure requirements are partially correct. However, neither of the special use procedures referred to by ATA will be cancelled without coordination with the ATA. The ATA's request that additional control zone and transition areas be designated at Worthington for the protection of special use procedures, goes beyond the scope of the proposal and requires consideration of matters not covered in the notice. Under such circumstances, the FAA has determined that such substantive changes in the provisions of the notice should not be made without further study and an opportunity for comment by all interested persons. Accordingly, the matter of providing controlled airspace to protect special use instrument approach procedures as recommended by the ATA will be given further consideration by the FAA and if such a change is deemed appropriate, it will be the subject of further rule making action.

The action herein adopts the changes proposed in the notice except for a reduction in the effective hours of the Worthington control zone. The ATA has advised that the hours North Central Airlines personnel will be able to conduct weather reporting service at Worthington must be limited to the normal North Central Airlines workday schedule, which is currently from 1000 to 1900 hours, local time, daily. Therefore, the action taken herein designates the Worthington control zone as being effective coincident with the hours during which weather reporting service will be available.

The substance of the proposed amendments having been published, and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 71.171 (29 F.R. 1101) is amended by adding the following control zone:

Worthington, Minn.

Within a 3-mile radius of the Worthington Municipal Airport (latitude 43°39'10" N., longitude 95°34'50" W.), and within 2 miles each side of the 358° bearing from Worthington Municipal Airport, extending from the 3-mile radius zone to 7 miles N of the airport, from 1000 to 1900 hours, local time, daily.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following transition area:

Worthington, Minn.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Worthington Municipal Airport (latitude 43°39'10" N., longitude 95°34' 50" W.), and within 8 miles W and 5 miles E of the 358° bearing from Worthington Municipal Airport, extending from the airport to 13 miles N of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 178° bearing from Worthington Municipal Airport, extending from the airport to the S boundary of V–120.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 16, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2768; Filed, Mar. 23, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SO–67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration and Designation of Transition Area

On December 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 13789) stating that the Federal Aviation Agency (FAA) proposed to designate a transition area at Dublin, Ga.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, a change in the proposed missed approach procedure eliminated the requirement for the portion of the proposed Dublin transition area extending upward from 1,200 feet. Therefore, the FAA has withdrawn such portion from the proposed designation of the Dublin transition area. It was also determined in the further study of the Dublin terminal area that the designation of the Macon, Ga., transition area (28 F.R. 4610, 9250) resulted in the minimum en route altitude on V–154 being raised from 2,000 feet to 3,300 on the segment between Oconee Intersection and the Dublin VOR. This action was not intended nor necessary. Therefore, action is taken herein to alter the Macon tran-

sition area by eliminating a small triangular area south of the Dublin Municipal Airport.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, § 71.181 (29 F.R. 1160) is amended as follows:

1. The following transition area is added:

Dublin, Ga.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dublin Municipal Airport (latitude 32°-33'55" N., longitude 82°59'10" W.); within 2 miles each side of the Dublin VOR 071° radial, extending from the 5-mile radius area to the VOR.

2. The Macon, Ga., transition area is amended as follows:

In the text "within the area E of Macon extending from the 35-mile radius area bounded on the N by V-56, on the E by longitude 82°30'00" W., on the S by V-70, and on the W by V-267;" is deleted and "within the area E of Macon bounded on the N by V-56, on the E by longitude 82°30'00" W., on the SE by V-70, on the S by V-154 and on the W by the 35-mile radius area;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 16, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2769; Filed, Mar. 23, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Buffered Crystalline Penicillin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.37) are amended as follows:

Section 146a.37 is amended by changing paragraph (a) to provide for the optional use of citric acid in the buffering system of buffered crystalline penicillin. As amended, paragraph (a) reads as follows:

§ 146a.37 Buffered crystalline penicillin.

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(a) It contains the buffer sodium citrate in a quantity not less than 4.0 percent and not more than 5.0 percent by weight of its total solids. Citric acid may be substituted for not more than 0.15 percent of the sodium citrate. Such sodium citrate and citric acid conform to the standards prescribed therefor by the U.S.P.;

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Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment merely provides for the optional use of an inactive ingredient in buffered crystalline penicillin and the finished product is safe and efficacious for use.

This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: March 18, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-2795; Filed, Mar. 23, 1964; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6712]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On December 3, 1963, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 165, 167, 179, 611, 642, 652, and 1014 of the Internal Revenue Code of 1954 to reflect the changes made by section 13 (c) and (g) of the Revenue Act of 1962 (76 Stat. 1034) was published in the FEDERAL REGISTER (28 F.R. 12824). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as proposed are hereby adopted.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: March 14, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The Income Tax Regulations (26 CFR Part 1) under sections 165, 167, 179, 611, 642, 652, and 1014 of the Internal Revenue Code of 1954 are hereby amended to reflect the amendments made to such Code by section 13 (c) and (g) of the Revenue Act of 1962 (76 Stat. 1034). Such regulations are amended as follows:

PARAGRAPH 1. Paragraph (a)(5) of § 1.165-7 is amended to read as follows:

§ 1.165-7 Casualty losses.

(a) *In general.* • • •

(5) *Property converted from personal use.* In the case of property which originally was not used in the trade or business or for income-producing purposes and which is thereafter converted to either of such uses, the fair market value of the property on the date of conversion, if less than the adjusted basis of the property at such time, shall be used, after making proper adjustments in respect of basis, as the basis for determining the amount of loss under paragraph (b)(1) of this section. See paragraph (b) of § 1.165-9, and § 1.167(g)-1.

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PAR. 2. Paragraphs (b)(3) and (c) of § 1.165-9 are amended to read as follows:

§ 1.165-9 Sale of residential property.

• • • • •

(b) *Property converted from personal use.* • • •

(3) For rules relating to casualty losses of property converted from personal use, see paragraph (a)(5) of § 1.165-7. To determine the basis for depreciation in the case of such property, see § 1.167(g)-1. For limitations on the loss from the sale of a capital asset, see paragraph (c)(3) of § 1.165-1.

(c) *Examples.* The application of paragraph (b) of this section may be illustrated by the following examples:

Example (1). Residential property is purchased by the taxpayer in 1943 for use as his personal residence at a cost of $25,000, of which $15,000 is allocable to the building. The taxpayer uses the property as his personal residence until January 1, 1952, at which time its fair market value is $22,000, of which $12,000 is allocable to the building. The taxpayer rents the property from January 1, 1952, until January 1, 1955, at which time it is sold for $16,000. On January 1, 1952, the building has an estimated useful life of 20 years. It is assumed that the building has no estimated salvage value and that there are no adjustments in respect of basis other than depreciation, which is computed on the straight-line method. The loss to be taken into account for purposes of section 165(a) for the taxable year 1955 is $4,200, computed as follows:

Basis of property at time of conversion for purposes of this section (that is, the lesser of $25,000 cost or $22,000 fair market value)	$22,000
Less: Depreciation allowable from January 1, 1952, to January 1, 1955 (3 years at 5 percent based on $12,000, the value of the building at time of conversion, as prescribed by § 1.167(g)-1)	1,800
Adjusted basis prescribed in § 1.1011-1 for determining loss on sale of the property	20,200
Less: Amount realized on sale	16,000
Loss to be taken into account for purposes of section 165(a)	4,200

In this example the value of the building at the time of conversion is used as the basis for computing depreciation. See example (2) of this paragraph wherein the adjusted basis of the building is required to be used for such purpose.

Example (2). Residential property is purchased by the taxpayer in 1940 for use as his personal residence at a cost of $23,000, of which $10,000 is allocable to the building. The taxpayer uses the property as his personal residence until January 1, 1953, at which time its fair market value is $20,000, of which $12,000 is allocable to the building. The taxpayer rents the property from January 1, 1953, until January 1, 1957, at which time it is sold for $17,000. On January 1, 1953, the building has an estimated useful life of 20 years. It is assumed that the building has no estimated salvage value and that there are no adjustments in respect of basis other than depreciation, which is computed on the straight-line method. The loss to be taken into account for purposes of section 165(a) for the taxable year 1957 is $1,000, computed as follows:

Basis of property at time of conversion for purposes of this section (that is, the lesser of $23,000 cost or $20,000 fair market value)	$20,000
Less: Depreciation allowable from January 1, 1953, to January 1, 1957 (4 years at 5 percent based on $10,000, the cost of the building, as prescribed by § 1.167(g)-1)	2,000
Adjusted basis prescribed in § 1.1011-1 for determining loss on sale of the property	18,000
Less: Amount realized on sale	17,000
Loss to be taken into account for purposes of section 165(a)	1,000

PAR. 3. Paragraphs (a) and (c) of § 1.167(a)-1 are amended to read as follows:

§ 1.167(a)-1 Depreciation in general.

(a) *Reasonable allowance.* Section 167(a) provides that a reasonable allowance for the exhaustion, wear and tear, and obsolescence of property used in the trade or business or of property held by the taxpayer for the production of income shall be allowed as a depreciation deduction. The allowance is that amount which should be set aside for the taxable year in accordance with a reasonably consistent plan (not necessarily at a uniform rate), so that the aggregate of the amounts set aside, plus the salvage value, will, at the end of the estimated useful life of the depreciable property, equal the cost or other basis of the property as provided in section 167(g) and § 1.167(g)-1. An asset shall not be depreciated below a reasonable salvage value under any method of computing depreciation. However, see section 167(f) and § 1.167(f)-1 for rules which permit a reduction in the amount of salvage value to be taken into acount for certain personal property acquired after October 16, 1962. See also paragraph (c) of this section for definition of salvage. The allowance shall not reflect amounts representing a mere reduction in market value. See section 179 and § 1.179-1 for a further description of the term "reasonable allowance."

• • • • •

(c) *Salvage.* (1) Salvage value is the amount (determined at the time of acquisition) which is estimated will be realizable upon sale or other disposition of an asset when it is no longer useful in the taxpayer's trade or business or in the production of his income and is to be retired from service by the taxpayer. Salvage value shall not be changed at any time after the determination made at the time of acquisition merely because of changes in price levels. However, if there is a redetermination of useful life under the rules of paragraph (b) of this section, salvage value may be redetermined based upon facts known at the time of such redetermination of useful life. Salvage, when reduced by the cost of removal, is referred to as net salvage. The time at which an asset is retired from service may vary according to the policy of the taxpayer. If the taxpayer's policy is to dispose of assets which are still in good operating condition, the salvage value may represent a relatively large proportion of the original basis of the asset. However, if the taxpayer customarily uses an asset until its inherent useful life has been substantially exhausted, salvage value may represent no more than junk value. Salvage value must be taken into account in determining the depreciation deduction either by a reduction of the amount subject to depreciation or by a reduction in the rate of depreciation, but in no event shall an asset (or an account) be depreciated below a reasonable salvage value. See, however, paragraph (a) of § 1.167(b)-2 for the treatment of salvage under the declining balance method, and § 1.179-1 for the treatment of salvage in computing the additional first-year depreciation allowance. The taxpayer may use either salvage or net salvage in determining depreciation allowances but such practice must be consistently followed and the treatment of the costs of removal must be consistent with the practice adopted. For specific treatment of salvage value, see §§ 1.167(b)-1, 1.167(b)-2, and 1.167(b)-3. When an asset is retired or disposed of, appropriate adjustments shall be made in the asset and depreciation reserve accounts. For example, the amount of the salvage adjusted for the costs of removal may be credited to the depreciation reserve.

(2) For taxable years beginning after December 31, 1961, and ending after October 16, 1962, see section 167(f) and § 1.167(f)-1 for rules applicable to the reduction of salvage value taken into account for certain personal property acquired after October 16, 1962.

PAR. 4. Paragraph (a) of § 1.167(b)-2 is amended to read as follows:

§ 1.167(b)-2 Declining balance method.

(a) *Application of method.* Under the declining balance method a uniform rate is applied each year to the unrecovered cost or other basis of the property. The unrecovered cost or other basis is the basis provided by section 167(g), adjusted for depreciation previously allowed or allowable, and for all other adjustments provided by section 1016 and other applicable provisions of law. The declining balance rate may be determined without resort to formula. Such rate determined under section 167(b)(2) shall not exceed twice the appropriate straight line rate computed without adjustment for salvage. While salvage is not taken into account in determining the annual allowances under this method, in no event shall an asset (or an account) be depreciated below a reasonable salvage value. However, see section 167(f) and § 1.167(f)-1 for rules which permit a reduction in the amount of salvage value to be taken into account for certain personal property acquired after October 16, 1962. Also, see section 167(c) and § 1.167(c)-1 for restrictions on the use of the declining balance method.

PAR. 5. Section 1.167(f) is redesignated as § 1.167(g) and a historical note is added at the end thereof. The section reads as follows:

§ 1.167(g) Statutory provisions; depreciation; basis for depreciation.

Sec. 167. *Depreciation.* • • •

(g) *Basis for depreciation.* The basis on which exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the adjusted basis provided in section 1011 for the purpose of determining the gain on the sale or other disposition of such property.

[Sec. 167(g) as relettered by sec. 13(c), Rev. Act 1962 (76 Stat. 1034)]

PAR. 6. Section 1.167(f)-1 is redesignated as § 1.167(g)-1. The section headnote reads as follows:

§ 1.167(g)-1 Basis for depreciation.

PAR. 7. Section 1.167(g) is redesignated as § 1.167(h), and a historical note is added at the end thereof. The section reads as follows:

§ 1.167(h) Statutory provisions; depreciation; life tenants and beneficiaries of trusts and estates.

Sec. 167. *Depreciation.* • • •

(h) *Life tenants and beneficiaries of trusts and estates.* In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each. In the case of an estate, the allowable deduction shall be apportioned between the estate and the heirs, legatees and devisees on the basis of the income of the estate allocable to each.

[Sec. 167(h) as relettered by sec. 13(c), Rev. Act 1962 (76 Stat. 1034)]

PAR. 8. Section 1.167(g)-1 is redesignated as § 1.167(h)-1. The section headnote reads as follows:

§ 1.167(h)-1 Life tenants and beneficiaries of trusts and estates.

PAR. 9. Section 1.167(h) is redesignated as § 1.167(i) and a historical note is added at the end thereof. The section reads as follows:

§ 1.167(i) Statutory provisions; depreciation; depreciation of improvements in the case of mines, etc.

Sec. 167. *Depreciation.* • • •

(i) *Depreciation of improvements in the case of mines, etc.* For additional rule applicable to depreciation of improvements in the case of mines, oil and gas wells, other natural deposits, and timber, see section 611.

[Sec. 167(i) as relettered by sec. 13(c), Rev. Act 1962 (76 Stat. 1034)]

PAR. 10. Section 1.167(h)-1 is redesignated as § 1.167(i)-1. The section headnote reads as follows:

§ 1.167(i)-1 Depreciation of improvements in the case of mines, etc.

PAR. 11. There are inserted immediately after § 1.167(e)-1 the following new sections:

§ 1.167(f) Statutory provisions; depreciation; salvage value.

Sec. 167. *Depreciation.* • • •

(f) *Salvage value*—(1) *General rule.* Under regulations prescribed by the Secretary or his delegate, a taxpayer may, for purposes of computing the allowance under subsection (a) with respect to personal property, reduce the amount taken into account as salvage value by an amount which does not exceed 10 percent of the basis of such property (as determined under subsection (g) as of the time as of which such salvage value is required to be determined).

(2) *Personal property defined.* For purposes of this subsection, the term "personal property" means depreciable personal property (other than livestock) with a useful life of 3 years or more acquired after the date of the enactment of the Revenue Act of 1962.

[Sec. 167(f) as added by sec. 13(c), Rev. Act 1962 (76 Stat. 1034)]

§ 1.167(f)–1 Reduction of salvage value taken into account for certain personal property.

(a) *In general.* For taxable years beginning after December 31, 1961, and ending after October 16, 1962, a taxpayer may reduce the amount taken into account as salvage value in computing the allowance for depreciation under section 167(a) with respect to "personal property" as defined in section 167(f)(2) and paragraph (b) of this section. The reduction may be made in an amount which does not exceed 10 percent of the basis of the property for determining depreciation, as of the time as of which salvage value is required to be determined (or when salvage value is redetermined), taking into account all adjustments under section 1016 other than (1) the adjustment under section 1016(a)(2) for depreciation allowed or allowable to the taxpayer, and (2) the adjustment under section 1016(a)(19) for a credit earned by the taxpayer under section 38, to the extent such adjustment is reflected in the basis for depreciation. See paragraph (c) of § 1.167(a)–1 for the definition of salvage value, the time for making the determination, the redetermination of salvage value, and the general rules with respect to the treatment of salvage value. See also section 167(g) and § 1.167(g)–1 for basis for depreciation. A reduction of the amount taken into account as salvage value with respect to any property shall not be binding with respect to other property. In no event shall an asset (or an account) be depreciated below a reasonable salvage value after taking into account the reduction in salvage value permitted by section 167(f) and this section.

(b) *Definitions and special rules.* The following definitions and special rules apply for purposes of section 167(f) and this section.

(1) *Personal property.* The term "personal property" shall include only depreciable—

(i) Tangible personal property (as defined in section 48 and the regulations thereunder) and

(ii) Intangible personal property

which has an estimated useful life (determined at the time of acquisition) of 3 years or more and which is acquired after October 16, 1962. Such term shall not include livestock. The term "livestock" includes horses, cattle, hogs, sheep, goats, and mink and other fur-bearing animals, irrespective of the use to which they are put or the purpose for which they are held. The original use of the property need not commence with the taxpayer so long as he acquired it after October 16, 1962; thus, the property may be new or used. For purposes of determining the estimated useful life, the provisions of paragraph (b) of § 1.167(a)–1 shall be applied. For rules determining when property is acquired, see subparagraph (2) of this paragraph. For purposes of determining the types of intangible personal property which are subject to the allowance for depreciation, see § 1.167(a)–3.

(2) *Acquired.* In determining whether property is acquired after October 16, 1962, property shall be deemed to be acquired when reduced to physical possession, or control. Property which has not been used in the taxpayer's trade or business or held for the production of income and which is thereafter converted by the taxpayer to such use shall be deemed to be acquired on the date of such conversion. In addition, property shall be deemed to be acquired if constructed, reconstructed, or erected by the taxpayer. If construction, reconstruction, or erection by the taxpayer began before October 17, 1962, and was completed after October 16, 1962, section 167(f) and this section apply only to that portion of the basis of the property which is properly attributable to such construction, reconstruction, or erection after October 16, 1962. Property is considered as constructed, reconstructed, or erected by the taxpayer if the work is done for him in accordance with his specifications. The portion of the basis of such property attributable to construction, reconstruction, or erection after October 16, 1962, consists of all costs of the property allocable to the period after October 16, 1962, including the cost or other basis of materials entering into such work. It is not necessary that such materials be acquired after October 16, 1962, or that they be new in use. If construction or erection by the taxpayer began after October 16, 1962, the entire cost or other basis of such construction or erection qualifies for the reduction provided for by section 167(f) and this section. In the case of reconstruction of property, section 167(f) and this section do not apply to any part of the adjusted basis of such property on October 16, 1962. For purposes of this section, construction, reconstruction, or erection by the taxpayer begins when physical work is started on such construction, reconstruction, or erection.

(c) *Illustrations.* The provisions of paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1). Taxpayer A purchases a new asset for use in his business on January 1, 1963, for $10,000. The asset qualifies for the investment credit under section 38 and for the additional first-year depreciation allowance under section 179. A is entitled to an investment credit of $700 (7% × $10,000) and elects to take an additional first-year depreciation allowance of $2,000 (20% × $10,000). The basis for depreciation (determined in accordance with the provisions of section 167(g) and § 1.167(g)–1) is computed as follows:

Purchase price		$10,000
Less:		
Adjustment required under section 1016(a)(19) for the investment credit	$700	
Adjustment required under section 1016(a)(2) for the additional first-year depreciation allowance	2,000	
		2,700
Basis for depreciation		7,300

However, the basis of the property for determining depreciation as of the time as of which salvage value is required to be determined is $10,000, the purchase price of the property. A files his income tax returns on a calendar year basis and uses the straight line method of depreciation. A estimates that he will use the asset in his business for 10 years after which it will have a salvage value of $500, which is less than $1,000 (10% × $10,000, the basis of the property for determining depreciation as of the time as of which salvage value is required to be determined). Thus, in computing his depreciation allowance on the asset, A may reduce the amount taken into account as salvage value to zero and may deduct $730 ($7,300 ÷ 10) for each year of the useful life of the property. Accordingly, A may claim depreciation deductions (including the additional first-year depreciation allowance) totaling $9,300, i.e., the purchase price of the property ($10,000) less the adjustment for the investment credit ($700).

Example (2). Assume the same facts as in example (1) except that A in a subsequent taxable year redetermines the estimate of the useful life of the asset and at the same time also redetermines the estimate of salvage value. Assume also that at such time there are no adjustments to basis other than for depreciation allowed or allowable and for the investment credit under section 38. Accordingly, the reduction under section 167(f) and this section will be computed with regard to the purchase price and not the unrecovered basis for depreciation at the time of the redetermination.

Example (3). Assume the same facts as in example (1) except that A estimates that the asset will have a salvage value of $1,200 at the end of its useful life. In computing his depreciation for the asset, A may reduce the amount taken into account as salvage value to $200 ($1,200 − $1,000) and may deduct $710 ($7,300 − $200 ÷ 10) for each year of the useful life of the property. Accordingly, A may claim depreciation deductions (including the additional first-year depreciation allowance) totaling $9,100, i.e., the purchase price of the property ($10,000) less the adjustment for the investment credit ($700) and the amount taken into account as salvage value ($200).

Example (4). Assume the same facts as in example (1) except that the taxpayer had taken into account salvage value of only $200 but that the estimated salvage value had actually been $700. The amount of salvage value taken into account by the taxpayer is permissible since the reduction of salvage value by $500 ($700 − $200) would be within the limit provided for in section 167(f), i.e., $1,000 (10% × $10,000).

Example (5). On January 1, 1963, taxpayer B, a taxicab operator, traded his old taxicab plus cash for a new one, which had an estimated useful life of three years, in a transaction qualifying as a nontaxable exchange. The old taxicab had an adjusted basis of $2,500. B was allowed $3,000 for his old taxicab and paid $1,000 in cash. The basis of the new taxicab for determining depreciation (as determined under section 167(g) and § 1.167(g)–1) is the adjusted basis of the old taxicab at the time of trade-in ($2,500) plus the additional cash paid out ($1,000), or $3,500. In computing his depreciation allowance on the new taxicab, B may reduce the amount taken into account as salvage value by $350 (10% of $3,500).

Example (6). Taxpayer C purchases a new asset for use in his business on January 1, 1963, for $10,000. At the time of purchase, the asset has an estimated useful life of 10 years and an estimated salvage value of $1,500. C elects to compute his depreciation allowance for the asset by the declining balance method of depreciation, using a rate of 20%, which is twice the normal straight line rate of 10% (without adjustment for salvage value). C files his income tax returns on a calendar year basis. In computing his depreciation allowance for the year 1966, C changes his method of determining the depreciation allowance for the asset from the declining balance method to the straight line method (in which salvage value is accounted for in determining the annual depreciation allowances) in accordance with the provisions of section 167(e) and paragraph (b) of § 1.167(e)–1. He also wishes to reduce the amount of salvage value taken into account in accordance with the provisions of section 167(f) and this section. At the close of the year 1966, the only adjustments which had been made to the basis of the asset were for depreciation allowances and for the investment credit under section 38. Thus, C may reduce the amount of salvage value taken into account by $1,000 (10% of $10,000, the basis of the asset when it was acquired), and, therefore, will account for salvage value of only $500 in computing his depreciation allowance for the asset in 1966 and subsequent years.

Example (7). Taxpayer D purchases a station wagon for his personal use on January 1, 1962, for $4,500. On January 1, 1963, D converts the use of the station wagon to his business, and at that time it has an estimated useful life of 4 years, an estimated salvage value of $500, and a basis of $3,000 (as determined under section 167(g) and § 1.167(g)–1). Thus, for purposes of section 167(f) and this section, D is deemed to have acquired the station wagon on January 1, 1963. D elects the straight line method of depreciation in computing the depreciation allowance for the station wagon and also wishes to reduce the amount of salvage value taken into account in accordance with the provisions of section 167(f) and this section. Accordingly, D may reduce the amount of salvage value taken into account by $300 (10% of $3,000). D files his income tax returns on a calendar year basis. His depreciation allowance for the year 1963 would be computed as follows:

Basis for depreciation		$3,000
Less:		
Salvage value	$500	
Reduction permitted by section 167(f)	300	
		200
Amount to be depreciated over the useful life		2,800

D's depreciation allowance on the station wagon for the year 1963 would be $700 ($2,800 divided by 4, the remaining useful life).

PAR. 12. Section 1.179 is amended by revising section 179(d)(5) and (8) and by revising the historical note. These amended provisions read as follows:

§ 1.179 Statutory provisions; additional first-year depreciation allowance.

Sec. 179. *Additional first-year depreciation allowance for small business.* • • •

(d) *Definitions and special rules.* • • •

(5) *Estates.* In the case of an estate, any amount apportioned to an heir, legatee, or devisee under section 167(h) shall not be taken into account in applying subsection (b) of this section to section 179 property of such heir, legatee, or devisee not held by such estate.

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(8) *Adjustment to basis; when made.* In applying section 167(g), the adjustment under section 1016(a)(2) resulting by reason of an election made under this section with respect to any section 179 property shall be made before any other deduction allowed by section 167(a) is computed.

• • • • • •

[Sec. 179 as added by sec. 204, Small Business Tax Revision Act 1958 (72 Stat. 1679); as amended by sec. 13(c), Rev. Act 1962 (76 Stat. 1034)]

PAR. 13. Paragraph (d) of § 1.179–1 is amended to read as follows:

§ 1.179–1 Additional first-year depreciation allowance.

• • • • • •

(d) *Salvage.* The allowance under section 179 is computed without regard to any salvage value which is estimated will be realizable upon the sale or other disposition of the section 179 property when it is no longer useful in the taxpayer's trade or business or in the production of his income and is to be retired from service by the taxpayer. But see paragraphs (a) and (c) of § 1.167(a)–1 and § 1.167(f)–1 for rules relating to salvage in computing the depreciation allowance under section 167 on the unrecovered cost of the section 179 property after the allowance of the deduction under section 179.

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PAR. 14. Paragraph (b)(1) of § 1.611–5 is amended to read as follows:

§ 1.611–5 Depreciation of improvements.

• • • • • •

(b) *Special rules for mines, oil and gas wells, other natural deposits and timber.* (1) For principles governing the apportioning of depreciation allowances under sections 611 and 167 in the case of property held by one person for life with remainder to another or in the case of property held in trust or by an estate, see § 1.167(h)–1.

• • • • • •

PAR. 15. Section 1.642(e) is amended and a historical note is added at the end thereof. These amended and added provisions read as follows:

§ 1.642(e) Statutory provisions; estates and trusts; special rules for credits and deductions; deduction for depreciation and depletion.

Sec. 642. *Special rules for credits and deductions.* • • •

(e) *Deduction for depreciation and depletion.* An estate or trust shall be allowed the deduction for depreciation and depletion only to the extent not allowable to beneficiaries under sections 167(h) and 611(b).

[Sec. 642 (e) as amended by sec. 13(c), Rev. Act 1962 (76 Stat. 1034)]

PAR. 16. Section 1.642(e)–1 is amended to read as follows:

§ 1.642(e)–1 Depreciation and depletion.

An estate or trust is allowed the deductions for depreciation and depletion, but only to the extent the deductions are not apportioned to beneficiaries under sections 167(h) and 611(b). For purposes of sections 167(h) and 611(b), the term "beneficiaries" includes charitable beneficiaries. See the regulations under those sections.

PAR. 17. Section 1.642(f)–1 is amended to read as follows:

§ 1.642(f)–1 Amortization of emergency or grain storage facilities.

An estate or trust is allowed amortization deductions with respect to an emergency facility as defined in section 168(d) and with respect to a grain storage facility as defined in section 169(d) in the same manner and to the same extent as in the case of an individual. However, the principles governing the apportionment of the deductions for depreciation and depletion between the fiduciaries and the beneficiaries of an estate or trust (see sections 167(h) and 611(b) and the regulations thereunder) shall be applicable with respect to such amortization deductions.

PAR. 18. Paragraph (c) of the example in § 1.652(c)–4 is amended to read as follows:

§ 1.652(c)–4 Illustration of the provisions of sections 651 and 652.

• • • • • •

(c) The distributable net income of the trust computed under section 643(a) is $91,100, determined as follows (cents are disregarded in the computation):

Rents		$25,000
Dividends		50,000
Tax-exempt interest	$25,000	
Less: Expenses allocable thereto (25,000/100,000 × $3,900)	975	
		24,025
Total		99,025
Deductions:		
Expenses directly attributable to rental income	$5,000	
Trustee's commissions ($3,900 less $975 allocable to tax-exempt interest)	2,925	
		7,925
Distributable net income		91,100

In computing the distributable net income of $91,100, the taxable income of the trust was computed with the following modifications: No deductions were allowed for distributions to the beneficiaries and for personal exemption of the trust (section 643(a)(1) and (2)); capital gains were excluded and no deduction under section 1202 (relating to the 50-percent deduction for long-term capital gains) was taken into account (section 643(a)(3)); the tax-exempt interest (as adjusted for expenses) and the dividend exclusion of $50 were included (section 643(a)(5) and (7)). Since all of the income of the trust is required to be currently distributed, no deduction is allowable for depreciation in the absence of specific provisions in the governing instrument providing for the keeping of the trust corpus intact. See section 167(h) and the regulations thereunder.

• • • • • •

PAR. 19. Paragraph (b)(3)(iii)(a) of § 1.1014–6 is amended to read as follows:

§ 1.1014–6 Special rule for adjustments to basis where property is acquired from a decedent prior to his death.

* * * * *

(b) *Multiple interests in property described in section 1014(b)(9) and acquired from a decedent prior to his death.* * * *

(3) * * *

(iii) * * *

(*a*) In cases where the value of the life interest is not included in the decedent's gross estate, the amount of such allowance to the life tenant under section 167(h) (or section 611(b)) shall not exceed (or be less than) the amount which would have been allowable to the life tenant if no portion of the basis of the property was determined under section 1014(a). Proper adjustment shall be made for the amount allowable to the life tenant, as required by section 1016. Thus, an appropriate adjustment shall be made to the uniform basis of the property in the hands of the trustee, to the basis of the life interest in the hands of the life tenant, and to the basis of the remainder in the hands of the remainderman.

* * * * *

(Sec. 7805 of the Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64–2792; Filed, Mar. 23, 1964; 8:48 a.m.]

SUBCHAPTER B—ESTATE TAX

[T.D. 6711]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

Extension of Time for Filing Return

In order to permit district directors in certain cases to grant extensions of time for filing estate tax returns applied for after the due date of the return, paragraph (b) of § 20.6081–1 of the Estate Tax Regulations (26 CFR Part 20) is amended to read as follows:

§ 20.6081–1 Extension of time for filing the return.

* * * * *

(b) The application for an extension of time for filing the return shall be addressed to the district director for the district in which the return is to be filed, and must contain a full recital of the causes for the delay. It should be made before the expiration of the time within which the return otherwise must be filed and failure to do so may indicate negligence and constitute sufficient cause for denial. It should, where possible, be made sufficiently early to permit the district director to consider the matter and reply before what otherwise would be the due date of the return.

Because the above amendment is favorable to taxpayers, it is hereby found that it is unnecessary to issue this amendment with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: March 14, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64–2791; Filed, Mar. 23, 1964; 8:48 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6715]

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

PART 212—FORMULAS FOR DENATURED ALCOHOL AND RUM

Miscellaneous Amendments

On December 27, 1963, a notice of proposed rule making to amend 26 CFR Parts 211 and 212 was published in the FEDERAL REGISTER (28 F.R. 14325). As stated in the notice, the purposes of the proposed amendments were to (1) liberalize the requirements of regulations regarding the manufacture and shipment or sale of special industrial solvents, printing inks, and reagent alcohol, the reporting of changes in officers and stockholders, the procurement of specially denatured alcohol, the filing of notices of bond termination, the storage of denatured alcohol and articles in tank cars and tank trucks, the labeling of articles, the use of optional ingredients in certain articles, the preparation of sales records, and the use of substitute records, (2) clarify the provisions of regulations regarding the distinction between proprietary solvents and special industrial solvents, the filing of certain consents of surety, the submission of summary reports on Form 1482, the procurement of samples of specially denatured spirits, and the labeling of substances which are subject to labeling requirements under other laws and regulations, (3) require that samples of perfume oils be submitted with Forms 1479–A, (4) explain the responsibilities and liabilities of carriers, (5) require the maintenance of sales records by subsidiary or affiliated sales companies, (6) include the provisions of certain revenue rulings and procedures, (7) redesignate "rubbing alcohol compound" as "rubbing alcohol," (8) revise the provisions with respect to the authorized use of sodium ethylate, anhydrous, and (9) make nonsubstantive editorial changes. In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions or to request a public hearing pertaining thereto. No request for a public hearing was received; however, one letter of comment was received within the 30-day period prescribed in the notice. After consideration of all relevant matter as was presented regarding the rules proposed, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following clarifying changes:

1. Paragraph A, item 21, is changed by revising the first sentence of § 211.181 to read, "Special industrial solvents may be sold by producers to any person for use in manufacturing or as a solvent, and to wholesale distributors and other producers of such solvents for resale."

2. Paragraph A, item 24, is changed by revising the third sentence of § 211.183a to read, "All containers of special industrial solvents shall be labeled to show the brand name and the name and address of the distributing producer."

3. Paragraph A, item 36, is changed by revising the second sentence of § 211.242 to read, "In case of theft, the carrier shall also immediately notify the consignee's assistant regional commissioner of the facts and circumstances."

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: March 18, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

PARAGRAPH A. 26 CFR Part 211 is amended as follows:

1. Section 211.11 is amended to redefine the terms "Proprietary solvents" and "Special industrial solvents." As amended, § 211.11 reads as follows:

§ 211.11 Meaning of terms.

* * * * *

Proprietary solvents. Solvents containing more than 25 percent of alcohol by volume which are manufactured with specially denatured alcohol in accordance with proprietary solvent formulations as authorized by this part.

* * * * *

Special industrial solvents. Solvents containing more than 25 percent of alcohol by volume which are manufactured with specially denatured alcohol in accordance with special industrial solvent formulations as authorized by this part.

* * * * *

2. Section 211.23 is amended to change the designation of "rubbing alcohol compound" to "rubbing alcohol." As amended, § 211.23 reads as follows:

§ 211.23 Formulas and processes.

Except as otherwise provided in this section, the Director is authorized to approve all formulas and processes submitted on Form 1479–A. The assistant regional commissioner is authorized to approve all formulas for rubbing alcohol submitted on Form 1479–A.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.32 [Revoked]

3. Section 211.32 is revoked.

4. The undesignated center head immediately preceeding § 211.33 is amended to read "Marks and Brands".

5. A new section, § 211.33a, relating to labeling requirements imposed by other governmental agencies, is inserted, immediately following § 211.33, to read as follows:

§ 211.33a Labeling of hazardous substances.

(a) *General.* In addition to the marks and brands required by this part, governmental agencies which are concerned with the transportation and household introduction of hazardous substances may impose labeling requirements on denatured spirits, and articles made therefrom. It is the responsibility of the person filling containers with articles manufactured under the provisions of this part to assure that the labels or marks on such containers satisfy all pertinent State and Federal requirements.

(b) *Federal Hazardous Substances Labeling Act.* Whenever this part requires the container of any substance to be marked or labeled so as to convey information with respect to hazardous properties of the substance, and such substance is also subject to substantially similar requirements under the Federal Hazardous Substances Labeling Act (72 Stat. 372) and regulations in 21 CFR Part 191, information on the container of such substance shall be deemed to comply with the requirements of this part, insofar as they relate to the hazardous properties of the substance, if such information complies with the labeling requirements of such Act and of regulations in 21 CFR Part 191.

6. Sections 211.44 and 211.55 are amended with respect to the reporting of changes after original qualification of permittees. As amended, §§ 211.44 and 211.55 read as follows:

§ 211.44 Exceptions to application requirements.

The assistant regional commissioner may, in his discretion, waive detailed application and supporting data requirements, other than the requirements of paragraphs (a), (b), (c), and (e) of § 211.43, and of paragraph (f) of such section as it relates to recovery, in the case of applications, Form 1479, filed by States or political subdivisions thereof or the District of Columbia. Also, he may waive such detailed application and supporting data requirements in the case of applications, Form 1479, filed by other applicants, if the quantity of specially denatured spirits to be obtained does not exceed 60 gallons per year. The waiver of the requirements for the submission of detailed application and supporting data shall terminate when a permittee, other than a State or a political subdivision thereof or the District of Columbia, files an application, Form 1485, for an increase in the quantity of specially denatured spirits to an amount in excess of 60 gallons per year; in such case the permittee shall furnish information in respect of the previously waived items, as provided in § 211.55.

§ 211.55 Changes affecting applications and permits.

(a) *General.* When there is a change relating to any of the information contained in, or considered as a part of, the application on Form 1474 or Form 1479 for an industrial use permit, the permittee shall, within 30 days (except as otherwise provided in this subpart), file with the assistant regional commissioner a written notice, in duplicate, of such change. Similarly, when any waiver under § 211.44 is terminated, the permittee shall file such a written notice furnishing current information as to the items previously waived. When the terms of an industrial use permit are affected by the change, and the permittee has not filed an application for an amended permit, the assistant regional commissioner shall require the permittee to file an application on Form 1474 or Form 1479, as the case may be, for an amended industrial use permit. Items which remain unchanged shall be marked "No change since Form 1474 (or Form 1479) Serial No. _____."

(b) *Changes in officers, directors, and stockholders.* In case of a change in the officers or directors listed under the provisions of § 211.53(a)(2), the notice required by paragraph (a) of this section shall be supported by a certified list, in duplicate, reflecting such change: *Provided*, That if the permittee shows to the satisfaction of the assistant regional commissioner that the holders of certain corporate offices, as listed on the original application, have no responsibilities in connection with operations under this part, the assistant regional commissioner may waive the requirement for the giving of the notice required by paragraph (a) of this section to cover changes in the holders of such corporate offices. Notices of changes in the list of stockholders furnished under the provisions of § 211.53(c)(1), may, in lieu of being submitted within 30 days as required by paragraph (a) of this section, be submitted annually by the permittee, except where the sale or transfer of capital stock results in a change in ownership or control which is required to be reported under § 211.56. Such annual notice of changes shall be submitted by July 10 of each year unless the permittee has filed a request with the assistant regional commissioner for permission to submit such annual notice at some other time, and the assistant regional commissioner has approved such request.

(72 Stat. 1370; 26 U.S.C. 5271)

7. Section 211.78 is amended to delete the requirement for the giving of a power of attorney to cover the execution by an agent of a notice of termination of a bond. As amended, § 211.78 reads as follows:

§ 211.78 Notice by surety of termination of bond.

A surety on any bond required by this part may at any time, in writing, notify the principal and the assistant regional commissioner with whom the bond is filed, that he desires, after a date named, to be relieved of liability under such bond. Such date shall be not less than 90 days after the date the notice is received by the assistant regional commissioner an acknowledgment or other proof of service of such notice on the principal.

(72 Stat. 1372; 26 U.S.C. 5272)

8. Section 211.102 is amended to change the designation of "rubbing alcohol compound" to "rubbing alcohol." As amended, § 211.102 reads as follows:

§ 211.102 Formulas for rubbing alcohol.

A person desiring to produce rubbing alcohol shall submit a quantitative formula on Form 1479–A to the assistant regional commissioner for each such product to be produced by him. The label to be used on such product shall be attached to each copy of the Form 1479–A.

(72 Stat. 1372; 26 U.S.C. 5273)

9. Section 211.106 is amended to require the resubmission of labels when there is a change in name or location, and to clarify the scope of the Director's approval of labels. As amended, § 211.106 reads as follows:

§ 211.106 Labels and advertising matter for articles.

A manufacturer or reprocessor of articles shall attach to each copy of the Form 1479–A covering articles which contain denatured spirits, and, when required by the Director, to each copy of the Form 1479–A covering articles which do not contain denatured spirits, samples of labels to be used on containers of such articles or facsimiles of such labels (or sketches, subject to the filing of actual labels, if approved). If a manufacturer or reprocessor makes changes in approved labels, or provides new labels, for articles, samples of the changed or new labels shall similarly be submitted; if the formula is not changed, it need not be restated on Form 1479–A, but the form shall be marked "For label approval only," and shall give the name under which the article was previously approved, the laboratory number of the approved sample, if any, and the date of approval. Manufacturers and reprocessors shall submit to the Director advertising matter for articles when so required by him. The Director's approval of labels submitted under the provisions of this part is limited to approval of the information required by this part to be shown on labels. Such approval carries no import of relief from other statutory or regulatory labeling requirements. Further, such approval does not constitute an endorsement by the Government of the article, directions for use, claims of efficiency or strength, or similar statements; nor does such approval authorize the use of any material on the label in infringement of any copyright, trade-mark, or registration. Labels submitted for approval under the provisions of this part will not be approved even though they comply with the provisions of title 26, U.S.C., and of this part, if it is known that they do not conform to requirements imposed by other laws or regulations.

(72 Stat. 1372; 26 U.S.C. 5273)

10. Section 211.107 is amended with respect to the submission of samples with Form 1479–A, and to the redesignation of "rubbing alcohol compound" as "rub-

bing alcohol." As amended, § 211.107 reads as follows:

§ 211.107 Samples of articles and ingredients.

In connection with the submission of Form 1479–A covering the proposed manufacture of an article (except a rubbing alcohol, a proprietary solvent, or a special industrial solvent) containing specially denatured spirits, the applicant shall submit to the Director duplicate 8-ounce samples of the article (except that duplicate 2-ounce samples will be sufficient for a perfume which contains more than 6 ounces of perfume oils per gallon). For all toilet preparations containing specially denatured spirits, the applicant shall also submit duplicate 1-ounce samples of the perfume oils (or of purchased mixtures consisting of perfume oils with other ingredients) to be used. The Director may at any time require the submission of samples of (a) any ingredients included in a formula, and (b) proprietary antifreeze solutions containing completely denatured alcohol.

(72 Stat. 1372; 26 U.S.C. 5273)

11. Section 211.108 is amended to require that labels be submitted whenever there is a change in a previously approved container size, and to delete an unnecessary administrative instruction. As amended, § 211.108 reads as follows:

§ 211.108 Approval or disapproval of samples, formulas, processes, labels, and advertising matter.

In addition to the limitations in this part, and where necessary to protect the revenue, the Director may, when approving Forms 1479–A, specify thereon the size of containers in which any article may be sold and the maximum quantity that may be sold to any person at one time, and may restrict the sale of articles to a specific class of vendee and for a specific use. Approval by the Director of samples, formulas, processes, labels, and advertising matter shall mean only that they conform to the standards of the Internal Revenue Service, and such approval shall in no way require the assistant regional commissioner to issue an industrial use permit to use specially denatured spirits in such processes, formulas, or articles. A change in container size necessitates resubmission of the label if the Director, when approving Forms 1479–A, specified thereon the container sizes in which the article may be sold.

(72 Stat. 1370, 1372; 26 U.S.C. 5271, 5273)

12. Section 211.115 is amended to permit the storage of completely denatured alcohol in tank cars and tank trucks. As amended, § 211.115 reads as follows:

§ 211.115 Receipt.

Unless completely denatured alcohol received in bulk conveyances or by pipeline is to be used immediately, it shall be deposited in storage tanks, stored in the tank cars or tank trucks in which received, or drawn into packages which shall be marked or labeled as required by this subpart.

13. Section 211.139 is amended to permit the storage of specially denatured spirits in tank cars and tank trucks. As amended, § 211.139 reads as follows:

§ 211.139 Receipt of specially denatured spirits.

Specially denatured spirits received in bulk conveyances or by pipeline by bonded dealers shall be (a) deposited in storage tanks provided for in § 211.91, (b) drawn into packages marked or labeled as required by § 211.142, or (c) stored within the dealer's premises in the tank cars or tank trucks in which received. Such conveyances, while specially denatured spirits are being stored therein or while packages are being filled therefrom, shall be effectively immobilized within an enclosure approved as suitable for that purpose by the assistant regional commissioner pursuant to application, in duplicate, by the dealer. The formula number of the specially denatured spirits stored in tanks, tank cars, or tank trucks shall be shown on such containers or, in the case of underground tanks, at a convenient and suitable location. Portable containers received or filled by the bonded dealer shall be deposited in a storeroom provided for in § 211.91. On receipt, the bonded dealer shall ascertain an account for any losses in transit in accordance with Subpart M of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor (noting thereon any loss or deficiency in the shipment), forward the original to the assistant regional commissioner of his region, and file the copy in chronological order.

(72 Stat. 1370; 26 U.S.C. 5271)

14. Section 211.161 is amended to liberalize the requirements relating to the procurement of specially denatured spirits. As amended, § 211.161 reads as follows:

§ 211.161 Application for withdrawal permit.

(a) *Application.* To procure specially denatured spirits, a user shall file with the assistant regional commissioner an application on Form 1485 for a withdrawal permit. He shall specify in his application—

(1) The period to be covered by the withdrawal permit.

(2) The formula numbers of the denatured spirits to be withdrawn (not listing any formula which is not covered by a Form 1479–A).

(3) The estimated average quantity, in gallons, of denatured spirits of each formula that will be required in one month. (The applicant shall specify the quantities and the formulas in accordance with his bona fide business needs.)

A user may, if he so desires, file more than one application and receive more than one withdrawal permit; however, in such case he shall allot among the several applications the total to be withdrawn.

(b) *Limitations on withdrawals.* A user holding a permit on Form 1485 may, during any month and as to each formula specified, withdraw not more than twice the number of gallons specified under paragraph (a)(3) of this section, or fifty-five gallons (one drum), whichever is the larger: *Provided*, That, as to any one such formula, the total quantity withdrawn under the permit shall not exceed the number of gallons specified under paragraph (a)(3) of this section multiplied by the number of months (considering any fraction of a month as a month) in the period of withdrawal covered by the permit.

(c) *Exceptions.* If, because of the seasonal nature of the user's business or for other valid reasons, the limitations contained in paragraph (b) of this section adversely affect the user's operations, he may in his application request a larger withdrawal as to one or more formulas during a calendar month, still subject to the limitations in paragraph (b) of this section on withdrawals during the period covered by the permit. In such case he shall furnish with his application sufficient information to enable the assistant regional commissioner to judge the merits of the request. Such larger withdrawals may, if the user so requests in his application, be authorized on the basis of an aggregate quantity of a combination of two or more formulas; in such case the user's request shall be specific as to the aggregate quantity and the formulas involved.

(72 Stat. 1370; 26 U.S.C. 5271)

15. Section 211.169 is amended to change the designation of "rubbing alcohol compounds," to "rubbing alcohol,". As amended, § 211.169 reads as follows:

§ 211.169 General.

Uses of specially denatured spirits shall be as authorized under Part 212 of this chapter. Specially denatured spirits shall not be used until Form 1479–A showing the intended use, process, formula, or article has been approved, as required by Subpart G of this part. Specially denatured spirits shall not be used in the manufacture of medicinal preparations or flavoring extracts for internal human use where any of the spirits remain in the finished product. Liquid products containing specially denatured spirits shall be unfit for beverage or internal human use. The essential oils and chemicals used in their manufacture shall make the finished products conform to the samples and formulas for such products submitted by the applicant with Form 1479–A and approved by the Director or, in the case of rubbing alcohol, by the assistant regional commissioner. Whenever the assistant regional commissioner has reason to believe that the spirits in any articles are being reclaimed or diverted to beverage or internal human use, the permittee shall be directed to appear on a day named and show cause why the authorized formula and article should not be so changed and modified as to prevent such reclamation or diversion. In the event the permittee should fail to appear, or appearing, should fail to prove to the satisfaction of the assistant regional commissioner that the spirits in the authorized article are not reclaimable and are not being diverted to beverage or internal human use, he shall, at the direction of the assistant regional commissioner, discontinue the use of the formula until it has been modified and again approved.

(72 Stat. 1372; 26 U.S.C. 5273)

16. Section 211.172 is amended, without substantive change, to read as follows:

§ 211.172 Use in manufacturing.

When a proprietary solvent is used in the manufacture, for sale, of an article containing more than 25 percent of alcohol by volume, sufficient ingredients shall be added to definitely change the composition and character of the proprietary solvent. Such articles shall not be manufactured until a Form 1479–A covering production of the article has been submitted to and approved by the Director, except that Form 1479–A need not be submitted to cover the manufacture of surface coatings (including such products as inks) containing two pounds or more of solid coating material per gallon of such article. The formulation number (see § 211.170) of the proprietary solvent to be used in manufacturing the article shall be stated in the Form 1479–A.

17. The heading and text of § 211.173 are amended, without substantive change, to read as follows:

§ 211.173 Shipments in bulk conveyances.

Proprietary solvents may be shipped in bulk conveyances (a) by producers to themselves or to distributors, (b) by distributors to themselves, and (c), on written notice to the assistant regional commissioner, by producers or distributors to other persons. Such notice, which shall be filed in duplicate if the consignee is located in another region, shall designate, by name, address, and type of business, the persons to whom bulk shipments are to be made, and shall state the approximate quantity to be shipped and the use to be made of the solvents by the consignee. Such notice may be given on a continuing basis, in which case the quantity to be shipped may be shown on a monthly or other periodic basis. The assistant regional commissioner may require the consignor to furnish additional information as to the needs of the consignee and the specific uses to be made of the proprietary solvents. Proprietary solvents of one manufacturer shall not be placed in the same compartment of a bulk conveyance with proprietary solvents of another manufacturer. Not less than the entire contents of a compartment may be delivered to a consignee at any one location.

18. Section 211.174 is amended to permit the storage of proprietary solvents in tank cars and tank trucks. As amended, § 211.174 reads as follows:

§ 211.174 Receipt.

Unless proprietary solvents received in bulk conveyances are to be used immediately, they shall be deposited in storage tanks, stored in the tank cars or tank trucks in which received, or drawn into packages which shall be marked or labeled as required by this subpart.

19. Section 211.176 is amended with respect to the filling of proprietary solvents into packages. As amended, § 211.176 reads as follows:

§ 211.176 Filling of packages.

Proprietary solvents may be packaged by producers, by agents of producers, by distributors, and by persons using such products, in containers of any size not exceeding 55 gallons. Containers (except those filled for convenience by persons using such products at their own plant premises) shall be marked or labeled as required by § 211.177 or 211.179, as applicable. Proprietary solvents filled into packages by a user thereof may be transferred to other plant premises operated by him if he (a) first gives written notice to the assistant regional commissioner of the operation and (b) marks and labels the containers to be transferred as required by § 211.177 or 211.179, as applicable.

20. Section 211.180 is amended to revise the formulations for special industrial solvents and add a new formulation. As amended, § 211.180 reads as follows:

§ 211.180 Manufacture.

Special industrial solvents shall be manufactured with specially denatured alcohol Formula No. 1 or 3–A. The formulations shall be as follows, except as may otherwise be authorized by the Director:

(1) *Formulation A.*	*Gallons*
Specially denatured alcohol Formula No. 1 or 3–A	100
Isopropyl alcohol or methyl alcohol	10
Methyl isobutyl ketone	1
(2) *Formulation B.*	***Gallons***
Specially denatured alcohol Formula No. 1 or 3–A	100
Isopropyl alcohol	5
Methyl isobutyl ketone	1
Methyl alcohol	5
(3) *Formulation C.*	***Gallons***
Specially denatured alcohol Formula No. 1 or 3–A	100
Methyl isobutyl ketone	1
Ethyl acetate	5
(4) *Formulation D.*	***Gallons***
Specially denatured alcohol Formula No. 1 or 3–A	100
Isopropyl alcohol or methyl alcohol	15
Methyl isobutyl ketone	1

21. Section 211.181 is amended to provide for the sale of special industrial solvents by the producer thereof to other producers of such solvents. As amended, § 211.181 reads as follows:

§ 211.181 Sales by producers.

Special industrial solvents may be sold by producers to any person for use in manufacturing or as a solvent, and to wholesale distributors and other producers of such solvents for resale. Sale of such solvents for distribution through retail channels is prohibited.

22. The heading and text of § 211.182 are amended, without substantive change, to read as follows:

§ 211.182 Use in manufacturing articles for sale.

When a special industrial solvent is used in the manufacture of an article for sale, sufficient ingredients shall be added to definitely change the composition and character of the special industrial solvent; such an article shall not be manufactured until a Form 1479–A covering its production has been submitted to, and approved by, the Director. The formulation letter (see § 211.180) of the special industrial solvent to be used shall be stated in the Form 1479–A. Special industrial solvents shall not be reprocessed into other solvents, containing more than 25 percent alcohol by volume, for sale.

23. Section 211.183 is amended to prohibit the sale of samples of special industrial solvents furnished prospective customers. As amended, § 211.183 reads as follows:

§ 211.183 Sales to and by distributors.

A distributor shall not purchase or sell more than 550 gallons of special industrial solvents during a calendar month, unless he first notifies the assistant regional commissioner, in writing, stating the reasons for such purchase or sale. In the case of sales, the notice shall designate, by name, address, and type of business, the persons to whom sales are to be made and the uses to be made of the solvents by such consignees. Distributors shall not relabel special industrial solvents under their own brand names, and shall not repackage such solvents except for the purpose of shipping samples in containers of not more than 5 gallons capacity to prospective customers. Such samples shall be used only for evaluation purposes, and shall not be sold by the prospective customer.

24. A new section, § 211.183a, relating to the filling and labeling of containers of special industrial solvents, is inserted, immediately following § 211.183, to read as follows:

§ 211.183a Filling and labeling containers.

Producers of special industrial solvents, and their agents, may fill and ship such solvents only in bulk conveyances or in packages having a capacity of 50 gallons or more, except that they may fill samples of such solvents into containers of not more than 5 gallons capacity for shipment to prospective customers. Such samples shall be used only for evaluation purposes, and shall not be sold by the prospective customer. All containers of special industrial solvents shall be labeled to show the brand name and the name and address of the distributing producer. If such solvents are packaged by a producer's agent, the name and address of the agent may also be shown as the packager on the principal label or on a separate label. In the case of a shipment in a bulk conveyance, the label shall be affixed to a route board or other suitable device on such conveyance.

25. Section 211.184 is amended to provide for numbering packages of special industrial solvents by agents of producers. As amended, § 211.184 reads as follows:

§ 211.184 Numbering of containers.

Containers of special industrial solvents, except sample packages of 5 gal-

lons or less, shall be consecutively numbered commencing with "1" and continuing in regular sequence. When any series reaches "1,000,000" the series may be recommenced; the recommenced series shall be given an alphabetical prefix or suffix. An agent filling packages for a producer may use either serial numbers from a block of numbers assigned to him by the producer or a separate series of serial numbers (differentiated from that of the producer by a suitable prefix) to identify the packages filled by him.

26. The heading of § 211.185 is changed, and the text is amended to authorize producers to ship special industrial solvents in bulk conveyances to their agents and to other producers. As amended, § 211.185 reads as follows:

§ 211.185 Shipments in bulk conveyances.

Shipments of special industrial solvents in bulk conveyances may be made by producers to themselves at other locations, to their agents, as provided in § 211.185a, and to other producers. Pursuant to the producer's or agent's written notice to the assistant regional commissioner, the producer or his agent may make such shipments to industrial solvent users. Such notice, which shall be filed in duplicate if the consignee is located in another region, shall designate, by name, address, and type of business, the person to whom bulk shipments are to be made, and shall state the approximate quantity to be shipped and the use to be made of the solvents by the consignee. Such notice may be given on a continuing basis, in which case the quantity to be shipped may be shown on a monthly or other periodic basis. The assistant regional commissioner may require the producer or agent to furnish additional information as to the needs of the consignee and the specific uses to be made of the special industrial solvents. Special industrial solvents from only one consignor may be placed in any one compartment of a bulk conveyance. Not less than the entire contents of a compartment may be delivered to a consignee at any one location.

27. Two new sections, §§ 211.185a and 211.185b, relating respectively to applications by producers to ship special industrial solvents to their agents and to the storage of such solvents, are inserted, immediately following § 211.185, to read as follows:

§ 211.185a Approval of shipments by agents.

A producer desiring to ship special industrial solvents in bulk conveyances to his agent for packaging and distribution, or for shipment in bulk conveyances to customers, shall first submit an application therefor, in duplicate, to the assistant regional commissioner and receive his approval thereof. The application shall be accompanied by the following:

(a) A list, separate from the application, of names and addresses of the producer's agents (designating those who will package and distribute the special industrial solvents and those who will reship such solvents in bulk conveyances).

(b) A copy of each contract of agency (an additional copy if the agent is located in a region other than the one in which the producer is located, and further copies, as appropriate, if the agent operates at locations in more than one such region). Such contract shall reflect a true agency agreement and shall include stipulations which provide for (1) the right of access by internal revenue officers to inspect the business (including records) and premises of the agency, (2) the maintenance of records of the receipt and disposition of all special industrial solvents, and (3) the submission of such reports as the assistant regional commissioner may require.

(c) A consent of surety extending the conditions of the producer's bond, Form 1480, to specifically cover shipments of special industrial solvents by the principal to his agents, and the receipt, storage, sale, and disposition of such solvents by such agents.

§ 211.185b Receipts.

Unless special industrial solvents received in a bulk conveyance are to be used immediately, packaged under the provisions of § 211.183a, or reshipped by the producer's agent in the conveyance in which received, such solvents shall be deposited in a storage tank or stored in the tank car or tank truck in which received.

28. In order to provide current terminology for alcohol rubs, to authorize the use of Bitrex (THS–839) and colorative materials in alcohol rubs, and to make clarifying changes, the undesignated centerhead immediately preceding § 211.186 and §§ 211.186 through 211.188 are amended to read as follows:

RUBBING ALCOHOL

§ 211.186 General.

All preparations which are to be labeled or represented to be alcohol rubs, without any qualification as to type of alcohol contained therein, shall be manufactured with specially denatured alcohol in accordance with § 211.187. The labeling of a preparation as "Rubbing Alcohol" or with a substantially similar name, without such a qualification, is held to connote that it was manufactured with specially denatured alcohol. Accordingly, an alcohol rub produced from any other material (such as isopropyl alcohol) shall not be labeled "Rubbing Alcohol" or with a name substantially similar thereto, unless such name is appropriately modified to effectively inform the public that the preparation was not made with specially denatured alcohol. Alcohol rubs made with specially denatured alcohol shall be packaged and labeled only by the manufacturer who made the product and shall not be repackaged or relabeled by any other person. Such alcohol rubs shall be packaged in containers not exceeding one pint in capacity.

§ 211.187 Manufacture.

Rubbing alcohol shall be manufactured only with specially denatured alcohol Formula No. 23–H, and only in accordance with the following formulas:

FORMULA A

Specially denatured alcohol, Formula No. 23–H	103.3 fl. ozs.
Sucrose octa-acetate	0.5 av. oz.
Water (and, if desired, odorous, medicinal, and/or colorative ingredients)	q.s. 1 gallon

FORMULA B

Specially denatured alcohol, Formula No. 23–H	103.3 fl. ozs.
Benzyldiethyl (2: 6-xylylcarbamoyl methyl) ammonium benzoate (Bitrex (THS–839))	0.88 grain
Water (and, if desired, odorous, medicinal, and/or colorative ingredients)	q.s. 1 gallon

The odorous, medicinal, and/or colorative ingredients may be used only if included in the formula submitted on Form 1479–A to the assistant regional commissioner and approved by him. The finished product shall be 70 percent absolute alcohol by volume.

§ 211.188 Labeling.

The manufacturer shall label each container of rubbing alcohol with a brand label showing:

(a) The brand name (if any) of the product;

(b) The words "Rubbing Alcohol" (in letters of the same color and size);

(c) His name and address; or his industrial use permit number and the name and address of the particular wholesale or retail druggist for whom he packaged the product;

(d) The legend "Contains 70 percent alcohol by volume", "Contains 70 percent ethyl alcohol by volume", or "Contains 70 percent absolute alcohol by volume"; and

(e) The warning "For external use only. If taken internally, will cause serious gastric disturbances."

The manufacture may include additional statements on the brand label, or on a separate label appearing in conjunction with the brand label, if such statements do not contradict, or obscure the meaning of, the required labeling. The labels shall not contain any statement which may give the impression that the product is pure alcohol or that it is susceptible of beverage use. No label shall be used on any container of rubbing alcohol made with specially denatured alcohol unless it has first been approved by the assistant regional commissioner in accordance with § 211.102.

§ 211.189 [Revoked]

29. Section 211.189 is revoked.

30. Section 211.190 is amended to reflect current terminology for alcohol rubs and to liberalize the rule regarding sales of alcohol rubs. As amended, § 211.190 reads as follows:

§ 211.190 Sales of rubbing alcohol.

Rubbing alcohol may be sold only by the manufacturers thereof and by wholesale and retail druggists. Such persons may sell the product, in quantities larger than the customary retail quantities, only to wholesale druggists, retail druggists, and to those users of the product who have legitimate need for such larger quantities for external use (examples of such users are hospitals, sanitariums, clinics, Turkish baths, athletic associations, physicians, dentists, veterinarians). Manufacturers and wholesale and retail druggists may sell rubbing alcohol to persons generally, in customary retail quantities only, for external use.

31. Section 211.192 is amended to provide an alternate ingredient for use in the manufacture of toilet waters. As amended, § 211.192 reads as follows:

§ 211.192 Manufacture.

All bay rum, alcoholado, or alcoholado-type toilet waters made with specially denatured alcohol shall contain (a) 1.10 grains of benzyldiethyl (2:6-xylylcarbamoyl methyl) ammonium benzoate (Bitrex (THS–839)) in each gallon of finished product in addition to any such material used as a denaturant in the specially denatured alcohol, or (b) 32 grains of tartar emetic in each gallon of finished product, or (c) 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product. Preparations manufactured with specially denatured alcohol Formula No. 39–C shall contain in each gallon of finished product not less than 2 fluid ounces of perfume material (essential oils, isolates, aromatic chemicals, etc.) satisfactory to the Director.

32. Section 211.195 is amended to liberalize requirements for showing permit numbers on labels. As amended, § 211.195 reads as follows:

§ 211.195 Labels.

(a) *Manufacturer.* Where products specified in § 211.191 are packaged or bottled by the manufacturer, the labels shall show (1) the name of the manufacturer and the address or addresses of the actual place or places of manufacture; or (2) the name of the manufacturer, the address of the principal office, and the permit number or numbers of the place or places of manufacture; or (3) the permit number of the manufacturer and the name and address of the person for whom the bottles or other containers are filled. Where the same premises are operated under one or more approved trade names, any one or more of such trade names may be shown on the label as the name of the manufacturer.

(b) *Persons other than a manufacturer.* A person, other than a manufacturer, who bottles, repackages, or reprocesses the products specified in § 211.191 for himself, shall show on the label his own name and address and either the permit number of the manufacturer or his own permit number. A person, other than a manufacturer, who bottles, repackages, or reprocesses such products for another, shall show on the label the name and address of the person for whom the product is packaged and either the permit number of the manufacturer or his own permit number.

(c) *Exceptions.* The requirements of paragraphs (a) and (b) of this section shall not apply to (1) witch hazel packaged in containers of one gallon or less, (2) products specified in § 211.191 which have been approved as containing 6 fluid ounces or more of perfume oil per gallon of finished product, or which have been approved as containing not more than 16 fluid ounces of specially denatured alcohol per gallon of finished product, or (3) any product marketed under a trade-name or brand-name label in containers of 8 fluid ounces or less capacity: *Provided*, That the manufacturer or bottler specifies on the Form 1479–A with which the label is submitted for approval that such label is to be used only on such products or containers. The requirements of this section for showing the permit number on labels shall not apply to products which are contained in pressurized aerosol containers of 32 fluid ounces or less.

33. Section 211.199 is amended to permit the manufacture of aqueous dilutions of reagent alcohol and to revise the labeling requirements. As amended, § 211.199 reads as follows:

§ 211.199 Reagent alcohol.

(a) *Production, packaging, and sales.* Users who are proprietors of bona fide laboratory supply houses may manufacture an article, designated as reagent alcohol, consisting of 95 parts by volume of specially denatured alcohol Formula No. 3–A and 5 parts by volume of isopropyl alcohol. Water may be added to the article at the time of manufacture. Reagent alcohol shall be packaged in containers holding not more than 1 gallon and may be sold to school laboratories, medical laboratories, physicians, and others requiring small quantities for scientific purposes.

(b) *Labels.* Containers of reagent alcohol shall bear a front label as follows:

REAGENT ALCOHOL

Specially Denatured Alcohol Formula 3–A—95 parts by vol.

and

Isopropyl Alcohol—5 parts by vol.

CAUTION • • • POISON
CONTAINS METHYL ALCOHOL
NOT FOR INTERNAL OR EXTERNAL USE

If water is added to the article at the time of manufacture, the front label shall be modified appropriately to accurately reflect the composition of the diluted product. A back label shall be attached bearing the word "ANTIDOTE", followed by suitable directions therefor.

34. Section 211.200 is amended to authorize the manufacture of printing inks, for sale. As amended, § 211.200 reads as follows:

§ 211.200 Solvents not specifically authorized.

Articles such as duplicating and printing fluids containing specially denatured alcohol shall not be sold for other solvent use and shall not be reprocessed into other products for sale, except that duplicating and printing fluids containing 1 percent or more by weight of a glycol ether and 10 percent or more by weight of methyl alcohol may be reprocessed into printing ink for sale pursuant to formulas on Form 1479–A submitted by the reprocessor and approved by the Director. Where a person finds that proprietary solvents, special industrial solvents, or other authorized solvents are unsatisfactory for his particular purpose, and he therefore desires to manufacture a suitable solvent for his own use (but not for sale), he shall first qualify as a user under the provisions of Subparts D and E of this part, and shall, as provided in Subpart G of this part, submit Form 1479–A for approval to cover the process to be used or article to be made by him.

35. Section 211.233 is amended to delete the requirement respecting the recording of shipments on the permit, Form 1486. As amended, § 211.233 reads as follows:

§ 211.233 Procurement of specially denatured spirits.

When specially denatured spirits are to be procured by a U.S. Governmental agency, the permit on Form 1486, received from the Director pursuant to an application filed in accordance with the provisions of § 211.231, shall be forwarded to the denaturer or bonded dealer from whom the specially denatured spirits are to be obtained. A purchase order shall be submitted by the Governmental agency for any specially denatured spirits shipped under the permit. At the time of shipment, the vendor shall return the permit to the Governmental agency unless he has been authorized by such agency to retain the permit for the purpose of making future shipments.

(72 Stat. 1372; 26 U.S.C. 5273)

36. Subpart M is amended to state the responsibilities and liabilities of carriers. As amended, Subpart M reads as follows:

Subpart M—Losses of Specially Denatured Spirits

Sec.
211.241 Liability and responsibility of carriers.
211.242 Losses in transit.
211.243 Losses at premises of bonded dealer or user.
211.244 Claims.

AUTHORITY: The provisions of this Subpart M issued under sec. 7805 of the Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805.

§ 211.241 Liability and responsibility of carriers.

Any person who transports specially denatured spirits in violation of laws pertaining thereto or of the regulations in this part, and all such denatured spirits, shall be subject to all provisions of law pertaining to spirits that are not denatured, including those requiring the payment of tax thereon; and the person so transporting the specially denatured spirits shall be required to pay such tax. A person transporting specially denatured spirits shall be responsible for safe delivery of such denatured spirits to the consignee (or, under the provisions of this part, the safe return of such denatured spirits to the consignor) and shall account for any such denatured spirits not delivered.

(72 Stat. 1314; 26 U.S.C. 5001)

§ 211.242 Losses in transit.

The carrier shall determine as soon as possible the quantity of specially de-

natured spirits lost in transit and shall immediately inform the consignee, in writing, of the facts and circumstances of such loss. In case of theft, the carrier shall also immediately notify the consignee's assistant regional commissioner of the facts and circumstances. The consignee shall determine, at the time the shipment or report of loss is received, the quantity of specially denatured spirits lost. He shall report such quantity on Form 1473, and on Form 1478 or Form 1482 as the case may be. If the quantity lost from wooden packages contained in a shipment exceeds 3 percent of their original aggregate contents, or the loss from any other containers in a shipment exceeds 1 percent of their original aggregate contents, and the quantity lost is more than 5 gallons, the consignee shall file claim for allowance of the entire quantity lost: *Provided*, That when the loss is due to theft, he shall file claim for allowance of the entire quantity lost, regardless of the percentage of loss or the quantity lost. If losses in transit (other than losses due to theft) do not exceed the quantities specified in this section and there are no circumstances indicating that any part of the quantity lost was unlawfully used or removed, claim for allowance will not be required.

§ 211.243 Losses at premises of bonded dealer or user.

Losses of specially denatured spirits from storage tanks and from tank cars and tank trucks being used as storage containers shall be determined at the time such containers are emptied and by physical inventory of the contents of such containers at the close of each month. Losses, if any, from packages shall be determined at the time the packages are removed for shipment or dumped. Losses due to theft shall be determined at the time such losses are discovered. All losses on a bonded dealer's premises shall be recorded in the records required by § 211.264 and reported on Form 1478 by such dealer for the month in which they are discovered. Losses of specially denatured spirits at a user's premises shall be determined and recorded in the records required by § 211.265 and reported on Form 1482. If the quantity lost during any one month exceeds 1 percent of the quantity of specially denatured spirits to be accounted for during the month, and the quantity lost is more than 5 gallons, the bonded dealer or the user shall file claim for allowance of the entire quantity lost: *Provided*, That when the loss is due to theft, he shall file claim for allowance of the entire quantity lost, regardless of the percentage of loss or the quantity lost. If losses on the premises (other than losses due to theft) do not exceed the quantities specified in this section, and there are no circumstances indicating that any part of the quantity lost was unlawfully used or removed, claim for allowance will not be required.

§ 211.244 Claims.

Claims for allowance of losses of specially denatured spirits shall be filed, on Form 2635, with the assistant regional commissioner within 30 days from the date the loss is ascertained, and shall set forth the following:

(a) Name, address, and permit number of the claimant;

(b) Identification and location of the container or containers from which the specially denatured spirits were lost;

(c) Quantity of specially denatured spirits lost from each container, the total quantity of specially denatured spirits covered by the claim, and the aggregate quantity involved;

(d) Date of the loss (or, if not known, date of discovery), the cause or nature of the loss and all the facts relative thereto, including facts establishing whether the loss occurred as a result of any negligence, connivance, collusion, or fraud on the part of any person participating in, or responsible in any manner for, the transaction, or any employee or agent of such person; and

(e) Name of the carrier where a loss in transit is involved. The carrier's statement regarding the loss (required by § 211.242) shall accompany the claim.

The assistant regional commissioner may require the submission of additional evidence.

37. Section 211.252 is amended to clarify the provisions relating to the filing of a consent of surety. As amended, § 211.252 reads as follows:

§ 211.252 Return to d e n a t u r e r or bonded dealer.

If, for any valid reason, a permittee desires to return specially denatured spirits to a denaturer or bonded dealer (whether or not to the original shipper) he shall obtain the denaturer's or bonded dealer's agreement to accept the return of the specially denatured spirits, and his assistant regional commissioner's permission to so return such spirits. Application for permission shall be filed in triplicate (quadruplicate if the bonded dealer or denaturer is in another region). If the application is approved the assistant regional commissioner will forward a copy to the permittee, a copy to the denaturer or bonded dealer, and the additional copy, if any, to the consignee's assistant regional commissioner. Where specially denatured spirits are to be returned to a bonded dealer as provided in this section or in § 211.254, the bonded dealer shall file a consent of surety on his bond to extend the terms thereof to cover the return of such spirits to him; he may, if he so desires, file one consent of surety on his bond to extend the terms thereof to cover all such spirits which may be so returned to him.

38. Sections 211.265 and 211.266 are amended with respect to the keeping of sales records and the use of substitute records. As amended, §§ 211.265 and 211.266 read as follows:

§ 211.265 Records of users of specially denatured spirits.

(a) *Persons manufacturing bay rum, hair lotions, skin lotions, and similar products which contain specially denatured alcohol.* Permittees using specially denatured alcohol in the manufacture of products specified in § 211.191 shall keep a manufacturing record on Form 133, covering all such products which contain specially denatured alcohol. Such records shall accurately and clearly reflect the details of all specially denatured alcohol received and used in such products, and all such products manufactured. The details of manufacture, showing the quantities of essential oils, chemicals, or other materials used in manufacturing, shall be shown on a separate batch record, identified by serial number. In lieu of Form 133, other manufacturing records may be maintained for such products, if such other records reflect all of the data required by Form 133 and are maintained in such a manner as to enable internal revenue officers to readily determine the proper use of all specially denatured alcohol: *Provided*, That the assistant regional commissioner may require the maintenance of Form 133 by a permittee when, in his opinion, the interests of the United States so demand. Such permittees shall also keep a bottling or packaging and sales record of each product which contains specially denatured alcohol, which record shall accurately and clearly reflect the details of the bottling or packaging of the product and the sales thereof, showing the names and addresses of the consignees: *Provided*, That the record may show only the totals disposed of daily through sales in individual quantities of less than 5 gallons. Where the estimated average monthly requirement of specially denatured alcohol as stated on Form 1485, does not exceed 25 gallons, or, in the case of users who also reprocess products containing specially denatured alcohol, where the estimated average monthly requirement of specially denatured alcohol plus the quantity of such products received for reprocessing does not exceed 25 gallons per month, the records required by this paragraph (a) need not be maintained. Records of products specified in § 211.191 which are made with specially denatured alcohol but which do not contain specially denatured alcohol shall be kept in accordance with paragraph (b) of this section.

(b) *Persons manufacturing other articles.* Permittees using specially denatured spirits for purposes other than the manufacture of products specified in § 211.191 and which contain specially denatured spirits shall keep records which accurately and clearly reflect the details of specially denatured spirits received, used, and recovered, and of articles recovered. Such records shall contain all data necessary (1) to enable the permittee to prepare Form 1482, and (2) to enable any internal revenue officer to verify and trace each operation or transaction, to verify claims, and to ascertain whether there has been compliance with law and regulations. The records shall include the following information:

(i) The quantity of each formula of specially denatured spirits received, and the name and address of the consignor;

(ii) The quantity, by formula and code number, of specially denatured spirits used and each purpose for which used (if used in the manufacture of an article, the name of each such article and the quantity used in its manufacture);

(iii) The quantity of each article manufactured; and

(iv) Details of the disposition of each article, showing names, addresses, and quantities.

Where the estimated average monthly requirement of specially denatured spirits as stated on Form 1485, does not exceed 25 gallons, the records required by this paragraph (b) need not be maintained.

(c) *Sales by subsidiary or affiliated sales companies.* Where a person required to keep sales records under paragraph (a) or (b) of this section disposes of articles, manufactured by him, through a subsidiary or affiliated sales company, such sales company shall also keep, as applicable, the sales records required by paragraph (a) or (b) of this section.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.266 Records of reprocessing, repackaging, bottling, and resale of bay rum, hair lotions, skin lotions, and similar products.

Persons authorized under § 211.193 to reprocess products specified in § 211.191 which contain specially denatured alcohol shall keep records on Form 133, or other records, in the same manner and under the same conditions as prescribed in § 211.265 for manufacturers of such products. All persons who purchase such products in containers larger than one gallon for repackaging, bottling, or resale, shall also keep a record of the receipt, bottling, or packaging, and sales thereof: *Provided*, That the record may show only the totals disposed of daily through sales in individual quantities of less than 5 gallons. The records required by this section need not be maintained if the total quantity of such products received during a month does not exceed 25 gallons.

(72 Stat. 1373; 26 U.S.C. 5275)

39. Section 211.271 is amended to require the submission of summary reports on Form 1482. As amended, § 211.271 reads as follows:

§ 211.271 Reports of users.

Every person holding a permit to use specially denatured spirits or recover specially denatured spirits or articles shall prepare monthly reports on Form 1482: *Provided*, That any such permittee may submit an annual report on Form 1482, on a fiscal year (July 1 through June 30) basis, in lieu of monthly reports, if—

(a) He is authorized to withdraw not more than 660 gallons per annum; or

(b) He is authorized to withdraw more than 660 gallons per annum and the assistant regional commissioner, pursuant to application, finds that he maintains an accounting system which affords adequate control, and that the filing of an annual report will not interfere with the effective administration of this part.

Notwithstanding the foregoing provisions in this section, the assistant regional commissioner may at any time require the submission of monthly reports on Form 1482 by any permittee. A permittee required to file monthly reports under this section shall also submit an annual summary on Form 1482 of the quantity of specially denatured spirits used and recovered during the fiscal year. A permittee discontinuing business shall file a summary report on Form 1482 of all transactions from July 1 to the date of discontinuance, marking such summary report "Final Report." Separate reports shall be prepared covering specially denatured alcohol and denatured rum. The permittee shall submit the original of the Form 1482 to the assistant regional commissioner not later than the 10th day of the month succeeding the period for which the report is submitted and retain the duplicate for his files.

(72 Stat. 1373; 26 U.S.C. 5275)

40. Section 211.275 and its heading are amended to delete reference to Form 134. As amended, § 211.275 reads as follows:

§ 211.275 Form 133 to be provided by users at own expense.

Form 133 shall be provided by the users thereof at their own expense and shall be in the form prescribed by the Director.

41. The heading of § 211.281 is changed, and the text is amended to restate the conditions under which samples of specially denatured spirits may be procured. As amended, § 211.281 reads as follows:

§ 211.281 S a m p l e s of specially denatured spirits.

Applicants and prospective applicants for permits to use specially denatured spirits, and users, may procure samples of such spirits for experimental purposes or for use in the preparation of samples of finished products for submission with Form 1479–A. Samples of specially denatured spirits shall be procured only from proprietors of distilled spirits plants or from bonded dealers. Samples in excess of 1 quart shall be procured pursuant to a permit under § 211.283; samples of 1 quart or less may be procured without a permit. A user may, during any calendar month, use for experimental purposes or for preparation of samples of finished products for submission with Form 1479–A not more than 5 gallons of specially denatured spirits from his stock obtained under his withdrawal permit.

(72 Stat. 1372; 26 U.S.C. 5273)

PAR. B. 26 CFR 212 is amended as follows:

1. Paragraph (b)(2) of § 212.17 is amended to delete the parenthesized words "(for own use only)". As amended, paragraph (b)(2) reads as follows:

§ 212.17 Formula No. 2–B.

• • • • • •

(b) *Authorized uses.*

• • • • • •

(2) As a raw material:

• • • • • •

524. Sodium ethylate, anhydrous.

• • • • • •

2. Paragraph (b)(2) of § 212.18 is amended to delete the line for code 524. As amended, paragraph (b)(2) reads as follows:

§ 212.18 Formula No. 2–C.

• • • • • •

(b) *Authorized uses.*

• • • • • •

(2) As a raw material:

523. Miscellaneous ethyl esters.
530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
575. Drugs and medicinal chemicals.
579. Other chemicals.

• • • • • •

3. Paragraph (b)(1) of § 212.19 is amended by inserting in numerical sequence a new line in the list of authorized uses. As amended, paragraph (b)(1) reads as follows:

§ 212.19 Formula No. 3–A.

• • • • • •

(b) *Authorized uses.* (1) As a solvent:

• • • • • •

043. Special solvents (restricted sale).

• • • • • •

4. Paragraph (b)(1) of § 212.32 is amended by changing the designation of code 220 from "Rubbing alcohol compounds" to "Rubbing alcohols." As amended, paragraph (b)(1) reads as follows:

§ 212.32 Formula No. 23–H.

• • • • • •

(b) *Authorized uses.* (1) As a solvent:

• • • • • •

220. Rubbing alcohols.

• • • • • •

5. The list of uses in § 212.105 is amended by redesignating "Rubbing alcohol compound" as "Rubbing alcohol", by deleting Formula 2–C as an authorized formula for sodium ethylate, and by adding Formula 3–A as an authorized formula for "Solvents, special (restricted sale)". As amended, §212.105 reads as follows:

§ 212.105 Listing of products and processes using specially denatured alcohol and rum and formulas authorized therefor.

• • • • •		
Rubbing alcohol	220	23–H
• • • • •		
Sodium ethylate, anhydrous (restricted)	524	2–B
• • • • •		
Solvents, special (restricted sale)	043	1, 3–A
• • • • •		

[F.R. Doc. 64–2784; Filed, Mar. 23, 1964; 8:47 a.m.]

[T.D. 6714]

PART 213—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

Miscellaneous Amendments

On December 27, 1963, a notice of proposed rule making to amend 26 CFR Part 213, with respect to (1) the reporting of changes after original qualification of permittees, (2) the procurement of tax-free alcohol, (3) the filing of a notice of bond termination, (4) the responsibilities and liabilities of carriers of tax-free spirits, (5) the listing of storage tanks on Form 2600, Application for Permit to Use Alcohol Free of Tax, and (6) the recording of shipments on the permit, Form 1444, was published in the FEDERAL REGISTER (28 F.R. 14332). The notice afforded interested persons an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following clarifying changes:

1. Paragraph 5 is changed by substituting the word "for" for the word "and" in the heading of § 213.109.

2. Paragraph 7 is changed to revise the second sentence of § 213.152 to read, "In case of theft, the carrier shall also notify the consignee's assistant regional commissioner of the facts and circumstances."

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: March 14, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

§ 213.29 [Revoked]

PARAGRAPH 1. Section 213.29 is revoked.

PAR. 2. Paragraph (f) of § 213.42 is amended to require the listing of storage tanks on applications for permits to use alcohol free of tax. As amended, paragraph (f) reads as follows:

§ 213.42 Data for application.

* * * * * *

(f) Listing of the size, description, and location of each storeroom, compartment, or stationary storage tank where tax-free alcohol will be stored, and of principal equipment for the recovery and restoration of alcohol (including the serial number, kind, capacity, name and address of owner, and intended use of distilling apparatus).

* * * * * *

(72 Stat. 1318, 1370; 26 U.S.C. 5005, 5271)

PAR. 3. Sections 213.43 and 213.54 are amended with respect to the reporting of changes after original qualification of permittees. As amended, §§ 213.43 and 213.54 read as follows:

§ 213.43 Exceptions to application requirements.

The assistant regional commissioner may, in his discretion, waive detailed application and supporting data, requirements, other than the requirements of paragraphs (a), (b), (c), and (e) of § 213.42, and of paragraph (f) of such section as it relates to recovery, in the case of applications, Form 2600, filed by States or political subdivisions thereof or the District of Columbia. Also, he may waive such detailed application and supporting data requirements in the case of applications, Form 2600, filed by other applicants, if the quantity of tax-free alcohol to be obtained does not exceed 120 proof gallons per year. The waiver of the requirements for the submission of detailed application and supporting data shall terminate when a permittee, other than a State or a political subdivision thereof or the District of Columbia, files an application, Form 1450, for an increase in the quantity of tax-free alcohol to an amount in excess of 120 proof gallons per year; in such case the permittee shall furnish information in respect of the previously-waived items, as provided in § 213.54.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.54 Changes affecting applications and permits.

(a) *General.* When there is a change relating to any of the information contained in, or considered as part of, the application on Form 2600 for an industrial use permit, the permittee shall, within 30 days (except as otherwise provided in this subpart), file with the assistant regional commissioner a written notice, in duplicate, of such change. Similarly, when any waiver under § 213.43 is terminated the permittee shall file such a written notice furnishing current information as to the items previously waived. When the terms of an industrial use permit are affected by the change, and the permittee has not filed an application for an amended permit, the assistant regional commissioner shall require the permittee to file an application on Form 2600 for an amended industrial use permit. Items which remain unchanged shall be marked "No change since Form 2600 Serial No. ----."

(b) *Changes in officers, directors, and stockholders.* In case of a change in the officers or directors listed under the provisions of § 213.52(a)(2), the notice required by paragraph (a) of this section shall be supported by a certified list, in duplicate, reflecting such change; *Provided*, That if the permittee shows to the satisfaction of the assistant regional commissioner that the holders of certain corporate offices, as listed on the original application, have no responsibilities in connection with operations under this part, the assistant regional commissioner may waive the requirement for the giving of the notice required by paragraph (a) of this section to cover changes in the holders of such corporate offices. Notices of changes in the list of stockholders furnished under the provision of § 213.52(c)(1), may, in lieu of being submitted within 30 days as required by paragraph (a) of this section, be submitted annually by the permittee, except where the sale of transfer of capital stock results in a change in ownership or control which is required to be reported under § 213.55. Such annual notice of changes shall be submitted by July 10 of each year unless the permittee has filed a request with the assistant regional commissioner for permission to submit such annual notice at some other time, and the assistant regional commissioner has approved such request.

(72 Stat. 1370; 26 U.S.C. 5271)

PAR. 4. Section 213.77 is amended to delete the requirement for the giving of a power of attorney to cover the execution by an agent of a notice of termination of a bond. As amended, § 213.77 reads as follows:

§ 213.77 Notice by surety of termination of bond.

A surety on any bond required by this part may at any time, in writing, notify the principal and the assistant regional commissioner with whom the bond is filed, that he desires, after a date named, to be relieved of liability under such bond. Such date shall be not less than 90 days after the date the notice is received by the assistant regional commissioner. The surety shall also file with the assistant regional commissioner an acknowledgment or other proof of service of such notice on the principal.

(72 Stat. 1372; 26 U.S.C. 5272)

PAR. 5. Sections 213.109 and 213.115 are amended to liberalize the requirements relating to the procurement of alcohol free of tax. As amended, §§ 213.109 and 213.115 read as follows:

§ 213.109 Application for withdrawal permit.

(a) *Application.* Except as provided in Subpart I of this part, every person desiring to procure tax-free alcohol shall file with the assistant regional commissioner an application on Form 1450 for a withdrawal permit. He shall specify in his application the period to be covered by the withdrawal permit and the estimated average quantity, in proof gallons, of tax-free alcohol that will be required in one month. The quantity specified shall be in accordance with the applicant's bona fide needs. The applicant may, if he so desires, file more than one application and receive more than one withdrawal permit; however, in such case he shall allot among the several applications the total to be withdrawn.

(b) *Limitation on withdrawals.* A user holding a permit on Form 1450 may, during any month, withdraw not more than twice the number of proof gallons specified under paragraph (a) of this section, or fifty-five wine gallons (one drum), whichever is the larger: *Provided*, That the total quantity withdrawn during the period of withdrawal specified under paragraph (a) of this section shall not exceed the number of proof gallons specified under paragraph (a) of this section multiplied by the number of months (considering any fraction of a month as a month) in such period of withdrawal. If, because of the seasonal nature of usage or for other valid reasons, these limitations will adversely affect the permittee's operations, he may request a larger withdrawal during a calendar month, still subject to the limitations of this paragraph on total withdrawals during the period of the permit. In such case he shall furnish with his application sufficient information to enable the assistant regional commissioner to judge the merits of the request.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.115 Regulation of withdrawals.

A permittee shall so regulate his withdrawals that he will not have on hand, in transit, and unaccounted for at any one time more than the quantity of tax-free alcohol shown in his application on Form 2600 for an industrial use permit. Recovered alcohol and alcohol received under § 213.117 shall be taken into account in determining the quantity of alcohol on hand. For this purpose, tax-free alcohol and recovered alcohol shall be deemed to be unaccounted for if lost under circumstances where a claim for allowance is required by this part and such claim has not been allowed, or if used or disposed of otherwise than as provided in this part.

PAR. 6. Section 213.143 is amended to delete the requirement respecting the recording of shipments on the permit, Form 1444. As amended, § 213.143 reads as follows:

§ 213.143 Procurement of tax-free spirits.

When tax-free spirits are to be procured by a U.S. Governmental agency, the permit, Form 1444, shall be forwarded to the vendor. A purchase order shall be submitted by the Governmental agency for any tax-free spirits shipped under the permit. At the time of shipment, the vendor shall return the permit to the Governmental agency unless he has been authorized by such agency to retain the permit for the purpose of making future shipments.

PAR. 7. Subpart J is revised to include a statement of the responsibilities and liabilities of carriers. As amended, Subpart J reads as follows:

Subpart J—Losses

Sec.
213.151 Liability and responsibility of carriers.
213.152 Losses in transit.
213.153 Losses at user's premises.
213.154 Claims.

AUTHORITY: The provisions of this Subpart J issued under sec. 7805 of the Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805.

§ 213.151 Liability and responsibility of carriers.

Any person who transports tax-free alcohol in violation of laws pertaining thereto or of the regulations in this part, and all such alcohol, shall be subject to all provisions of law relating to alcohol subject to tax, including those requiring the payment of tax thereon; and the person so transporting such alcohol shall be required to pay such tax. A person transporting tax-free alcohol shall be responsible for safe delivery of such alcohol to the consignee (or, under the provisions of this part, the safe return of such alcohol to the consignor) and shall account for any such alcohol not delivered.

(72 Stat. 1314; 26 U.S.C. 5001)

§ 213.152 Losses in transit.

The carrier shall determine as soon as possible the quantity of tax-free alcohol lost in transit and shall immediately inform the consignee, in writing, of the facts and circumstances of such loss. In case of theft, the carrier shall also immediately notify the consignee's assistant regional commissioner of the facts and circumstances. The consignee shall determine, at the time the shipment or report of loss is received, the quantity of tax-free alcohol lost. He shall report such quantity on Form 1473 and on Form 1451. If the quantity lost from containers comprising a shipment exceeds 1 percent of their original aggregate contents, and the quantity lost is more than 5 proof gallons, the consignee shall file claim for allowance of the entire quantity lost: *Provided*, That when the loss is due to theft, he shall file claim for allowance of the entire quantity lost, regardless of the percentage of loss or the quantity lost. If losses in transit (other than losses due to theft) do not exceed the quantities specified in this section and there are no circumstances indicating that any part of the quantity lost was unlawfully used or removed, claim for allowance will not be required.

§ 213.153 Losses at user's premises.

The quantity of tax-free alcohol lost on the premises of a permittee shall be determined and recorded at the end of each month at the time the inventory of tax-free alcohol required under § 213.172 is taken, except that losses due to theft, casualty, or other unusual causes shall be determined and recorded at the time of discovery. All losses on the premises of the permittee shall be recorded in the records required by § 213.171 and be reported on Form 1451. If the quantity lost during any one month exceeds 1 percent of the quantity of tax-free alcohol to be accounted for during the month, and is more than 5 proof gallons, claim for allowance of the entire quantity lost shall be made by the permittee: *Provided*, That when the loss is due to theft, he shall file claim for allowance of the entire quantity lost, regardless of the percentage of loss or the quantity lost. If losses on the premises (other than losses due to theft) do not exceed the quantities specified in this section, and there are no circumstances indicating that any part of the quantity lost was unlawfully used or removed, claim for allowance will not be required.

§ 213.154 Claims.

Claims for allowance of losses of tax-free alcohol shall be filed, on Form 2635, with the assistant regional commissioner within 30 days from the date the loss is ascertained, and shall set forth the following:

(a) Name, address, and permit number of the claimant;

(b) Identification and location of the container or containers from which the tax-free alcohol was lost;

(c) Quantity of tax-free alcohol lost from each container, the total quantity of such alcohol covered by the claim, and the aggregate quantity involved;

(d) Date of the loss (or, if not known, date of discovery), the cause or nature of the loss, and all the facts relative thereto, including facts establishing whether the loss occurred as a result of any negligence, connivance, collusion, or fraud on the part of any person participating in, or responsible in any manner for, the transaction, or any employee or agent of such person; and

(e) Name of carrier where a loss in transit is involved. The carrier's statement regarding the loss (required by § 213.152) shall accompany the claim.

The assistant regional commissioner may require the submission of additional evidence.

[F.R. Doc. 64-2783; Filed, Mar. 23, 1964; 8:47 a.m.]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6713]

PART 301—PROCEDURE AND ADMINISTRATION

Miscellaneous Amendments

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by section 3 of the Act of October 23, 1962 (Public Law 87-870, 76 Stat. 1160), such regulations are amended as follows:

PARAGRAPH 1. Immediately after § 301.7514-1 there are inserted the following new sections:

§ 301.7515 Statutory provisions; special statistical studies and compilations and other services on request.

SEC. 7515. *Special statistical studies and compilations and other services on request.* The Secretary or his delegate is authorized within his discretion, upon written request, to make special statistical studies and compilations involving data from any returns, declarations, statements, or other documents required by this title or by regulations or from any records established or maintained in connection with the administration and enforcement of this title, to engage in any such special study or compilation jointly with the party or parties requesting it, and to furnish transcripts of any such special study or compilation, upon the payment, by the party or parties making the request, of the cost of the work or services performed for such party or parties.

[Sec. 7515 as added by sec. 3(a), Act of Oct. 23, 1962 (Pub. Law 87-870, 76 Stat. 1160)]

§ 301.7515-1 Special statistical studies and compilations on request.

The Commissioner is authorized within his discretion, upon written request of any person and payment by such person of the cost of the work to be performed, to make special statistical studies and compilations involving data from returns, declarations, statements, or other documents required by the Code or regulations or from records established or maintained in connection with the administration and enforcement of the Code; to engage in any such special

study or compilation jointly with the party or parties requesting it; and to furnish transcripts of any such study or compilation. The requests for services should be addressed to the Commissioner of Internal Revenue, Attention: PR, Washington, D.C., 20224. The requests should describe fully the nature of the study or compilation desired, giving detailed specifications for all tables to be prepared, and should include a general statement regarding the use to be made of the data requested.

§ 301.7516 Statutory provisions; supplying training and training aids on request.

SEC. 7516. *Supplying training and training aids on request.* The Secretary or his delegate is authorized within his discretion, upon written request, to admit employees and officials of any State, the Commonwealth of Puerto Rico, any possession of the United States, any political subdivision or instrumentality of any of the foregoing, the District of Columbia, or any foreign government to training courses conducted by the Internal Revenue Service, and to supply them with texts and other training aids. The Secretary or his delegate may require payment from the party or parties making the request of a reasonable fee not to exceed the cost of the training and training aids supplied pursuant to such request.

[Sec. 7516 as added by sec. 3(a), Act of Act. 23, 1962 (Pub. Law 87-870, 76 Stat. 1160)]

§ 301.7516-1 Training and training aids on request.

The Commissioner is authorized, within his discretion, upon written request, to admit employees and officials of any State, the Commonwealth of Puerto Rico, any possession of the United States, any political subdivision or instrumentality of any of the foregoing, the District of Columbia, or any foreign government to training courses conducted by the Internal Revenue Service, and to supply them with texts and other training aids. Requests for such training or training aids should be addressed to the Commissioner of Internal Revenue, Attention: PR, Washington, D.C., 20224. The Commissioner may require payment from the party or parties making the request of a reasonable fee not to exceed the cost of the training and training aids supplied pursuant to such request.

PAR. 2. Section 301.7809 is amended by revising section 7809(a), and by adding a new section 7809(c) and a historical note. These amended and added provisions read as follows:

§ 301.7809 Statutory provisions; deposit of collections.

SEC. 7809. *Deposit of collections*—(a), *General rule.* Except as provided in subsections (b), and (c) and in sections 4735, 4762, 7651, 7652, and 7654, the gross amount of all taxes and revenues received under the provisions of this title, and collections of whatever nature received or collected by authority of any internal revenue law, shall be paid daily into the Treasury of the United States under instructions of the Secretary or his delegate as internal revenue collections, by the officer or employee receiving or collecting the same, without any abatement or deduction on account of salary, compensation, fees, costs, charges, expenses, or claims of any description. A certificate of such payment, stating the name of the depositor and the specific account on which the deposit was made, signed by the Treasurer of the United States, designated depository, or proper officer of a deposit bank, shall be transmitted to the Secretary or his delegate.

* * * * * *

(c) *Deposit of certain receipts.* Moneys received in payment for—

(1) Work or services performed pursuant to section 7515 (relating to special statistical studies and compilations and other services on request);

(2) Work or services performed (including materials supplied) pursuant to section 7516 (relating to the supplying of training and training aids on request); and

(3) Other work or services performed for a State or a department or agency of the Federal Government (subject to all provisions of law and regulations governing disclosure of information) in supplying copies of, or data from, returns, statements, or other documents filed under authority of this title or records maintained in connection with the administration and enforcement of this title,

shall be deposited in a separate account which may be used to reimburse appropriations which bore all or part of the costs of such work or services, or to refund excess sums when necessary.

[Sec. 7809 as amended by sec. 3(b), Act of Oct. 23, 1962 (Pub. Law 87-870, 76 Stat. 1161)]

Because this Treasury decision relates to regulations which constitute a general statement of policy and establish rules of Departmental practice and procedure, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: March 14, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-2793; Filed, Mar. 23, 1964; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Black Warrior-Tombigbee Rivers, Alabama and Mississippi

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.180 is hereby amended with respect to paragraph (d)(8) prescribing regulations to govern the operation of tows on the Black Warrior-Tombigbee River System, Alabama and Mississippi, effective on publication in the FEDERAL REGISTER, as follows:

§ 207.180 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries and outlets) from St. Marks, Fla.; to the Rio Grande; use, administration and navigation.

* * * * * *

(d) *Locks and floodgates.* * * *

(8) *Number of lockages.* Tows or rafts locking in sections will generally be allowed only two consecutive lockages if individual vessels are waiting for lockage, but may be allowed more in special cases. If tows or rafts are waiting above and below a lock for lockage, sections will be locked both ways alternately whenever practicable. When two or more tows or rafts are waiting lockage in the same direction, no part of one shall pass the lock until the whole of the one preceding it shall have passed. On the Black Warrior-Tombigbee River System between Bankhead Lock and Lock 13, when a tow requiring fewer lockages is behind a tow requiring a greater number of lockages and waiting at a lock, then when the lock is passed, the tow requiring the greater number of lockages must allow the tow requiring fewer lockages to pass in the pool adjoining such lock before the next lock is reached. However, when upbound tows are locking at Lock 16 and down bound tows are locking at Lock 14, allowing fewer lockage tows to pass before the next lock is reached will not be required.

* * * * * *

[Regs., March 11, 1964, 1507-32 (Black Warrior-Tombigbee River, Ala.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-2774; Filed, Mar. 23, 1964; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Department of the Interior

PART 33—SPORT FISHING

Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin; Correction

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The special regulation submitted January 28, 1964, for publication in the

FEDERAL REGISTER under part (c) Daily creel limits should read:

IOWA

Northern pike: 5; walleyed pike and sauger: 10 aggregate; largemouth and smallmouth bass: 10 aggregate; bullfrogs: 12; creel limits for other minor species are as prescribed by state regulations.

R. W. BURWELL,
Regional Director.

MARCH 16, 1964.

[F.R. Doc. 64-2775; Filed, Mar. 23, 1964; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1033, 1034, 1035]

[Docket Nos. AO–166–A28, AO–175–A19, AO–176–A18]

MILK IN THE GREATER CINCINNATI; DAYTON-SPRINGFIELD, OHIO; AND COLUMBUS, OHIO, MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dayton, Ohio, on February 17, 1964, pursuant to notice thereof issued on February 5, 1964 (29 F.R. 2349).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on March 10, 1964 (29 F.R. 3365; F.R. Doc. 64–2483) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (29 F.R. 3365; F.R. Doc. 64–2483) are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Modification of the fall production incentive plan; and

2. Whether an emergency exists which warrants the omission of a recommended decision and the opportunity for interested parties to file exceptions thereto and the immediate issuance of a final decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The seasonal production incentive plans in the three orders should be modified to make them identical as to both rates of withholding in the spring months and percentages of "pay-out" to be added to the uniform price in the fall months.

Each of the three orders provides a seasonal production incentive plan under which producer monies are set aside in computing uniform prices for the spring months and are later distributed to producers during the fall, or short production, months by addition to the uniform prices for such months.

Principal cooperatives in the three markets proposed, for each market, identical rates of accumulation ("take-out") of 20, 25, 25 and 20 cents per hundredweight of producer milk for the months of April, May, June and July, respectively. The orders presently provide the following rates of "take-out" per hundredweight on producer milk for the months of April, May, June and July, respectively: Cincinnati, 30, 35, 35 and 20 cents; Columbus, 35, 35, 35, 35; and Dayton-Springfield, 20, 35, 35 and 30 cents.

Proponents proposed no change in the rates used to compute the division of the accumulated funds over the four fall pay-back months of September, October, November and December, however, except to conform the rates in the Cincinnati order, which presently call for a return to producers at the rate of 25 percent of the fund in each of such four months, to the 20, 30, 30 and 20 percent rates for the respective months presently used in both the Columbus and Dayton-Springfield orders. The pay-back months would continue to be September, October, November and December in each market.

Proponents, in support of their request for the lower rates of "take-out" during the four spring months, stated that because of technological innovations in recent years dairy farmers have tended to even out their production throughout the year. Also, such innovations as bulk tank cooling and storage on the farms, new and improved milking systems, and other technical changes have established dairy farm costs on a more constant level throughout the year. Dairy farmers, therefore, have sought to maintain a more constant level of milk production throughout the year in order to maximize the use of production facilities and thus effect greater efficiency in the farm operation.

This development, they contend, has lessened the need for the wide variations which have resulted in recent years between the blend prices of the four spring months and the higher blend prices of the four fall months as an incentive to maintain a more even level of deliveries in the market. They claim that the fairly constant level of monthly fixed costs in today's dairy farm operations supports the need for somewhat higher blend prices for producer milk marketed during the April–July period in relation to other seasons.

Proponents state further that the proposed elimination of the differences among the markets' blend prices which are caused by the varying incentive plans would result in announced uniform prices for each market which are more basically related to conditions of supply and demand in the respective market. Thus, the blend prices resulting from application of a uniform incentive plan would provide producers in overlapping supply areas with a clearer guide as to the market where the need for milk is greatest in relation to Class I sales.

It is concluded that the rates of accumulation ("take-out") and the rates for distributing each fund ("pay-back") as proposed by the proponent cooperative associations should be adopted on a uniform basis for the three markets.

The purpose of the fall production incentive plan is to induce dairy farmers to increase fall production in relation to spring production, thus encouraging a more even pattern of milk deliveries throughout the year. The plan was incorporated in the Columbus order in 1952 and in the Dayton-Springfield and Cincinnati orders in 1953 and 1955, respectively. During the first three full years of the operation of the plan in the Columbus market, fall milk production (September through December) averaged 83 percent of production during the flush months of April through July. On the other hand, for the most recent three years the ratio of fall to spring production has averaged 94 percent, indicating a significant leveling of the seasonal swing in milk production in this market.

In the Dayton-Springfield market, the percentage ratio of producer milk receipts during the four fall months in relation to the four spring months was 83 percent in 1953, the first year the plan was in effect, 89 percent in 1954, and ranged from 94 to 96 percent during the four-year period of 1960–1963.

The leveling of production in the Cincinnati market shows similar improvement with an average fall-spring production percentage ratio of 90 percent for the recent three-year period of 1961–1963, as compared with a percentage ratio of 82 percent for the three-year period of 1956–1958.

Thus, a significant leveling in seasonal production has occurred in the three markets since the establishment of the fall incentive plan in such order. Certain technological changes also have occurred in the production and marketing of milk in recent years which have contributed to, and will tend to assure a continuation of, the trend in these markets toward more even milk production. At the time the fall incentive plans were incorporated in the orders milk production came from relatively smaller producing units and the delivery of milk from farm-to market in cans was the general practice. The bulk tank system of farm cooling and delivery now is the prevailing method in these markets (Dayton-Springfield market is 100 percent converted from can to bulk tank) and milk is supplied the market by fewer producers making larger daily deliveries.

Moreover, closer marketing relationship among the three markets has developed. There is considerable overlapping of milk supply areas for the three markets. The counties of Auglaize, Champaign, Clark, Fayette, Logan, and Union, in Ohio, for example, are a common milk supply area for the three markets. In certain other counties of Ohio also, and to some extent in Indiana, the milk supply area of one market overlaps with that of another of the three. Rather uniform health requirements among these markets, together with improved roads and transportation facilities for moving milk over greater distances, have contributed to the ease with which dairy farmers can shift from one market to another in seeking the most profitable outlet.

The differing rates used to compute the amounts of "take-out" and "pay-back" in the three markets have contributed to differences in the markets' blend prices which are not strictly related to differences in market utilization or the relative needs of the markets for milk supplies, and may have represented an artificial inducement to the producer who is seeking the best market price. There is reason to conclude that, to some extent at least, the three plans, working independently, have tended to give the Columbus and Cincinnati markets a procurement advantage over Dayton-Springfield in the months when milk is seasonally short. While the major objective of the seasonal incentive plan is not to establish intermarket alignment of blend prices, and should not be the primary means of achieving such price alignment, the adoption of a uniform plan for the three markets will provide a more consistent and equitable price basis on which such markets may attract necessary supplies on a year-round basis. The generally lower rates of "take-out" proposed by proponent cooperatives will tend to lessen somewhat the swing in spring-fall blend price relationships. The high ratio of fall to spring production shown to exist at present in each of the markets makes such a reduction feasible.

The proposed rate of pay-back, 20 percent in September, 30 percent in October, 30 percent in November and 20 percent in December is appropriate. This apportioning of the pay-back employs the particular months when production is most needed. In September, when the 20 percent amount is in effect, bottling requirements have not yet fully rebounded from seasonal summer lows. In October and November, when bottling milk is most needed, the incentive to produce will be greatest as the 30 percent pay-back becomes effective. As milk needs slacken somewhat in December because of fewer school sales and the holiday period, the incentive for production, at the 20 percent figure, is reduced.

The adoption of these rates for the three orders will have the effect of raising the level of the producer blend price per hundredweight of milk for the month of April 10 cents in the Cincinnati market and by 15 cents in the Columbus market. No change would be effected in the April blend price level in the Dayton-Springfield market. For the months of May and June the levels of blend prices in the three markets would be uniformly increased by 10 cents, and for July by 10 and 15 cents in the Dayton-Springfield and Columbus orders, respectively.

Since the adopted rates of "take-out" will result in smaller accumulated funds during the spring "take-out" period, they will likewise result in consequent lesser rates of "pay-back" during the fall months. If the proposed amendment had been effective in three markets during 1963, the rate of "pay-back" per hundredweight of producer milk for the months of September, October, November and December would have been lower than the actual rates: For the Cincinnati market, by 13, 3, 3 and 13 cents; for the Columbus market, by 12, 16, 16 and 11 cents; and for the Dayton-Springfield market, by 7, 10, 9 and 7 cents.

An alternate proposal offered by a handler was considered at the hearing. This proposal also would provide for a uniform plan in the three markets but would increase the "take-out" rate for Cincinnati and Dayton-Springfield to the 35 cents per hundredweight rate currently applicable in the Columbus market for each of the months of April, May, June and July. This plan would "pay-back" to producers in September, October, November and December on the basis of 25 percent of the market's total accumulated fund in each such month, as under the present Cincinnati order. Proponent handler gave as a principal supporting reason that the proposal would align the blend prices of the three markets more closely with the Gallipolis-Scioto District of the Tri-State market and with other nearby markets.

The effect of this proposal in the Cincinnati and Dayton-Springfield markets would be to lower the average level of blend prices for the April-July "take-out" period and raise the level for the September-December "pay-back" period as compared to those levels which would be effected by adoption of the producers' proposal or those now prevailing in the markets. This proposal would not change appreciably the existing levels of blend prices in the Columbus market.

The matter of intermarket price alignment is not the function of the fall incentive plan. Although consideration of the application of such a plan to a particular market must take into account the matter of price alignment with other markets, any primary effort to achieve such alignment necessarily involves other important factors related to the make-up of the class price formulas and the proportions of class utilization in the respective markets. Such factors were not subject to review in this hearing. The proposal is therefore denied.

(2) The omission of the recommended decision to expedite amendment procedure is not warranted.

At the hearing, proponent producers requested that emergency action be taken to amend the fall production incentive plans for the three orders as soon as possible. Specifically, it was requested that the Secretary omit the issuance of a recommended decision in order that amendment action might be expedited.

The Secretary may omit the recommended decision if he finds on the basis of the record that the timely execution of his functions imperatively and unavoidably requires such omission. In this instance, however, the order amendment would have no effect until the month of April of each year. Normal amendment procedure should accommodate this matter and therefore it is concluded that omission of the recommended decision is not warranted.

Rulings on proposed findings and conclusions. No briefs on proposed findings and conclusions were filed on behalf of interested parties.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on exceptions. Exceptions were not filed on behalf of any interested party.

Marketing agreements and orders. Annexed hereto and made a part hereof are six documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Cincinnati Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Greater Cincinnati Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area", and "Marketing Agreement Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical

with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of December 1963 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Greater Cincinnati; Dayton-Springfield, Ohio; and Columbus, Ohio, marketing areas, are approved or favored by producers, as defined under the terms of the respective orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas, respectively.

Signed at Washington, D.C., on March 20, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Cincinnati Marketing Area

§ 1033.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Cincinnati marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Cincinnati marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 10, 1964, and published in the FEDERAL REGISTER on March 13, 1964 (29 F.R. 3365; F.R. Doc. 64-2483), shall be and are the terms and provisions of this order, and are set forth in full herein.

In § 1033.63, paragraphs (c) and (d) are revised to read as follows:

§ 1033.63 Computation of uniform prices.

* * * * *

(c) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(d) Add for each of the months of September, October, November and December 20, 30, 30 and 20 percent, respectively, of the total amount of the obligated balance in the producer-settlement fund pursuant to § 1033.71(b) on September 30 of such year;

Order[1] Amending the Order Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area

§ 1034.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Dayton-Springfield marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act:

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Dayton-Springfield marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 10, 1964, and published in the FEDERAL REGISTER on March 13, 1964 (29 F.R. 3365; F.R. Doc. 64-2483), shall be and are the terms and provisions of this order, and are set forth in full herein.

In § 1034.62, paragraphs (b) and (c) are revised to read as follows:

§ 1034.62 Computation of uniform prices.

* * * * *

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(c) Add for each of the months of September, October, November and December 20, 30, 30 and 20 percent, respectively, of the obligated balance in the producer-settlement fund pursuant to § 1034.73(b) on August 31, immediately preceding;

Order[1] Amending the Order Regulating the Handling of Milk in the Columbus, Ohio Marketing Area

§ 1035.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provi-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

sions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Columbus marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Columbus marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 10, 1964, and published in the FEDERAL REGISTER on March 13, 1964 (29 F.R. 3365; F.R. Doc. 64-2483), shall be and are the terms and provisions of this order, and are set forth in full herein.

In § 1035.61, paragraphs (b) and (c) are revised to read as follows:

§ 1035.61 Computation of uniform price.

* * * * *

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of milk received from producers during the month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(c) Add for each of the months of September, October, November and December 20, 30, 30 and 20 percent, respectively, of the total amount subtracted during the immediately preceding April–July period pursuant to paragraph (b) of this section;

[F.R. Doc. 64-2685; Filed, Mar. 23, 1964; 8:51 a.m.]

[7 CFR Parts 1037, 1041]

[Docket Nos. AO-197-A10, AO-72-A26]

MILK IN THE NORTH CENTRAL OHIO AND TOLEDO, OHIO, MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Stony Ridge, Ohio, on February 10–15, 1964, pursuant to notice thereof which was issued on January 7, 1964 (29 F.R. 289), and a supplementary notice thereof issued on January 17, 1964 (29 F.R. 569).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on March 9, 1964 (29 F.R. 3308; F.R. Doc. 64-2424) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (29 F.R. 3308; F.R. Doc. 64-2424) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Extension of the marketing area and merger of Orders No. 37 and No. 41.

2. Appropriate terms and provisions of a consolidated order with respect to:

(a) The distribution of returns to producers on a marketwide or handler pool basis;

(b) Milk to be priced and pooled;

(c) Classification and allocation of milk;

(d) The determination and level of class prices and the application of location differentials;

(e) Method of payment of producers; and

(f) Administrative and miscellaneous provisions.

3. Discontinuance of the "eligible-ineligible quota plan" in the North Central Ohio Order No. 37.

4. Whether an emergency exists with respect to issue No. 3 which warrants the omission of a recommended decision and the opportunity for interested parties to file exceptions thereto on such issue only and the immediate issuance of a final decision.

This decision covers only issues 3 and 4, with respect to the eligible-ineligible quota plan in the North Central Ohio order. Other issues of the hearing will be considered in a further decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(3) *Discontinuance of the eligible-ineligible quota plan.* The eligible-ineligible quota plan for paying producers should be deleted from the order. Complementary revisions also should be made to provide proper mechanics for computing uniform prices for the months when such quota no longer will apply.

Producers propose to discontinue the quota plan. In proposing its deletion, they concede that it has been an effective instrument for evening production. They state, however, that now that production varies less on a seasonal basis, the quota plan is no longer necessary and should be discontinued.

Under the present system producers establish eligible milk quotas equal to their average daily deliveries during September through November. These quotas are used during the following April through June to calculate prices for eligible milk, or within-quota producer deliveries, and prices for over-quota, or ineligible, deliveries. In the first step of the basic procedure for calculating such prices, over-quota milk shipped to each plant is assigned a Class II value. This value is then subtracted from the total value of the handler's producer milk and the remaining value is assigned to eligible milk. Prices for ineligible and eligible milk are then determined by dividing the assigned values by over-quota and within-quota deliveries of producer milk. The quota system affects producer (uniform) prices only and has no effect on handler milk costs.

The quota plan became effective in 1957. It was placed in the order at that time to encourage producers to produce more evenly throughout the year. At the time of its introduction production in the spring was considerably higher than in the fall. Deliveries in May of 1958, for example, were 26 percent above those for the previous November. By 1963 the differences between spring peaks and fall lows in production had narrowed significantly. Marketings in May 1963 exceeded deliveries for September 1962 by only 11 percent. (Official notice is taken of the final decision incorporating the quota plan issued May 17, 1957 (22 F.R. 3567) and the Market Administrator's Monthly Statistical Summaries for 1956 through 1963.)

Seasonal changes provided in the Class I price formula should be sufficient to guide production patterns now that more even production has been attained by producers. The Class I price provides higher returns for those producers whose marketings are greatest when milk is in short supply. The seasonally varying Class I differentials decline 45 cents during the flush production months when less milk is needed. As a result, producer blend prices are correspondingly lower in these months. A blend price increase caused by the 45-cent rise in the Class I price likewise takes place in the fall to encourage needed fall production. Thus, in the absence of quotas, there would be little incentive for producers to resume the seasonal production patterns which once existed.

Another factor present to assist in maintaining fairly even production on a

year-round basis in the future is the widespread adoption of farm bulk tanks. Milk delivered in bulk tanks currently constitutes over 90 percent of the market supply. Marketings of producers with bulk tanks tend to be more even than those of producers of can milk.

Discontinuance of the quota plan also will permit easier accommodation of new producers, if additional supplies are needed. Currently, the plan creates some problem in this respect since eligible milk quotas can be established only by those producers who sell to pool plants in the North Central Ohio market or in another Federal order market during September through November. All milk from producers without such quotas is designated ineligible milk (generally valued at the Class II price) during April through June. New producers who enter the market this spring consequently would receive a price for all their milk which would be about 80 cents lower than the prices other producers would receive for eligible milk. Deletion of the plan would eliminate the lower prices for new producers who have begun shipping milk to pool plants since last fall or will begin shipments in the future.

Use of the quotas in the spring of 1964 also would create special difficulties for certain other producers. Producers in the counties most affected by last fall's drought established reduced eligible milk quotas which would cover a less than normal percentage of their production this spring. As a result they would receive ineligible prices for a relatively large share of their milk. Thus, the quota plan would have unusually heavy impact on those regular producers hardest hit by the drought last fall.

Without the quota plan it will be possible for producers to be paid at all times on the same basis as farmers selling to nearby markets most of which are under other Federal orders. This will eliminate dissatisfaction over price differences which has occurred in many instances when producers in the North Central Ohio market were paid prices for eligible and ineligible milk while neighbors shipping to regulated handlers in other markets received uniform prices directly reflecting the handlers' milk utilization.

No opposition to discontinuance of the quota plan was expressed at the hearing. In view of the foregoing, it should be removed from the order.

(4) *Emergency procedure.* The omission of a recommended decision, to expedite amendment procedure, is not warranted in the circumstances.

At the hearing proponent requested that emergency action be taken to discontinue the quota plan as soon as possible. It was requested that the Secretary issue a partial decision covering only the quota plan before considering other issues, and that he omit issuance of a recommended decision in order that any order amendment may be expedited. As an alternative, termination was requested if amendment procedure could not be completed before April 1, 1964 when the producers begin to be paid on quotas. In this instance, however, normal amendment procedure is expected to accommodate the problem. Omission of the recommended decision is not warranted under the conditions found.

Rulings on proposed findings and conclusions. No briefs were filed on behalf of interested parties on the issues covered in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed on behalf of interested parties.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the North Central Ohio Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the North Central Ohio Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of December 1963 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order set forth below, as amended and as hereby proposed to be amended, regulating the handling of milk in the North Central Ohio marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 20, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the North Central Ohio Marketing Area

§ 1037.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Central Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Central Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the foresaid order, as

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 9, 1964, and published in the FEDERAL REGISTER on March 12, 1964 (29 F.R. 3308; F.R. Doc. 64-2424), shall be and are the terms and provisions of this order, and are set forth in full herein:

§§ 1037.18, 1037.19 [Revoked]

1. Sections 1037.18 and 1037.19 are revoked.

§ 1037.22 [Amended]

2. In paragraph (i) (2) of § 1037.22, the word "price(s)" is changed to "price" and the reference "§ 1037.62 and" is revoked; paragraph (j) of § 1037.22 is revoked, and paragraphs (k), (l) are redesignated (j), (k), respectively.

§ 1037.30 [Amended]

3. In paragraph (a) (1) of § 1037.30, the comma following the words "Producer milk" is changed to a semi-colon and the text "including for the months of April through June the pounds of eligible and ineligible milk;" is revoked.

§ 1037.60 [Amended]

4. In paragraph (e) of § 1037.60, the reference "or § 1037.62(d)" is revoked.

5. In § 1037.61 the introductory text to paragraph (a) is revised to read as follows:

§ 1037.61 Computation of uniform price.

For each month, the market administrator shall compute for each pool plant a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received at such pool plant as follows:

* * * * *

§ 1037.62 [Revoked]

6. Section 1037.62 is revoked.

§ 1037.63 [Amended]

7. In paragraph (b) of § 1037.63 the word "price(s)" is changed to "price", and the reference "§§ 1037.61 and 1037.62" is changed to "§ 1037.61".

§§ 1037.64, 1037.65 [Revoked]

8. Sections 1037.64, 1037.65 and the center head "Determination of Eligible Milk Quota" are revoked.

§ 1037.70 [Amended]

9. In § 1037.70 the phrase "uniform price(s)" is changed to "uniform price".

[F.R. Doc. 64-2856; Filed, Mar. 23, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-AL-24]

FEDERAL AIRWAY AND CONTROLLED AIRSPACE

Proposed Alteration

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

VOR Federal airway No. 440 extends in part from Middleton Island, Alaska, via the intersection of the Middleton Island 320° and the Anchorage, Alaska, 118° True radials to Anchorage. This segment of Victor 440 is expanded beginning at 45 nautical miles from Middleton Island to 14 miles wide to 45 nautical miles from Anchorage. Control 1310 extends in part from the Anchorage radio range via the Whittier, Alaska, Intersection (intersection of the Anchorage radio range southeast course and the Hinchinbrook, Alaska, radio range northwest course) to the Middleton Island radio beacon. The segment of Control 1310 from Anchorage to the Whittier Intersection is designated as 10 miles wide and from the Whittier Intersection to Middleton Island, it is designated as 32 miles wide.

The FAA has under consideration the realignment of this segment of Victor 440 direct between Middleton and Anchorage and expanding this portion of the airway in width, beginning at 45 nautical miles from Middleton Island in graduated steps of one mile for every 5 nautical miles in length to 60 nautical miles from Middleton Island, thence 14 miles wide to 60 nautical miles from Anchorage, thence decreasing in width of one mile for every 5 nautical miles in length to 45 nautical miles from Anchorage. Control 1310 would be realigned from the Anchorage VOR direct to the Middleton Island VOR and expanded in width in the same manner to coincide with the Middleton I.-Anchorage segment of Victor 440. The segment of Control 1310 southeast of Middleton Island would remain unaltered except that it would be based on the Middleton Island VOR in lieu of the Middleton Island radio beacon.

The realignment of this portion of Victor 440 would provide for a lower MEA along this route and would shorten the distance 3 nautical miles. The expanded width of the airway would provide adequate controlled airspace for aircraft operating along the airway while at a distance greater than 45 nautical miles from either facility. The realignment and continued designation of Control 1310 would be for flight planning simplification.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on March 16, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2770; Filed, Mar. 23, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-LAX-7]

FEDERAL AIRWAY

Proposed Alteration

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

VOR Federal airway No. 25 is designated, in part, from Los Angeles, Calif., via the intersection of the Los Angeles VOR 257° and the Ventura, Calif., VOR 155° True radials to Ventura. The FAA is considering a realignment of this segment of V-25 from Los Angeles via the intersection of the Los Angeles VOR 261° and the Ventura VOR 145° True radials to Ventura. This realignment would reduce the airway mileage for this segment which is utilized as a transition route to and from the Santa Monica, Calif., Municipal Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under sections 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on March 16, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2771; Filed, Mar. 23, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-WA-10]

FEDERAL AIRWAYS SEGMENTS

Proposed Revocation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 21 is designated in part from Idaho Falls, Idaho, to Dubois, Idaho, including an east alternate via the intersection of Idaho Falls 030° and Dubois 155° True radials. The Federal Aviation Agency is considering the revocation of the east alternate and altering the main airway via the alignment of the east alternate.

The latest Federal Aviation Agency IFR peak day airway traffic survey for these segments of Victor 21 and Victor 21 east alternate shows a combined maximum count of only four aircraft movements between Dubois and Idaho Falls. Accordingly, it would appear that retention of both airway segments is unjustified as an assignment of airspace. When IFR weather conditions exist at Idaho Falls, aircraft approaching this terminal from Dubois via Victor 21 are required to make a procedure turn when executing the instrument approach procedure at Fanning Field. Under the same weather conditions, aircraft approaching Idaho Falls from Dubois via Victor 21 east alternate are authorized straight-in approaches to Fanning Field. Accordingly, it would appear to be in the public interest to revoke the direct airway segment between these terminals and renumber the alternate as Victor 21.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 16, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2772; Filed, Mar. 23, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 2038]

AIRWORTHINESS DIRECTIVES; LOCKHEED MODELS 188A AND 188C SERIES AIRCRAFT

Notice of Withdrawal of Proposed Rule Making

The Flight Standards Service of the Federal Aviation Agency has had under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lockheed Models 188A and 188C Series aircraft, to require inspection of the rudder trailing edge. The reasons therefor were set forth in the preamble to the notice of proposed rule making which was published in the FEDERAL REGISTER November 2, 1963 (28 F.R. 11737).

Upon further investigation by the agency of the condition which prompted the issuance of the notice of proposed rule making, and in the light of the comments received in response to the notice of proposed rule making, it has now been determined that the rudder problem does not presently exist to the extent originally believed. In consideration of the above and since the rudder is structurally adequate and remains flutter-free during flight, no airworthiness directive is required at this time.

Withdrawal of this notice of proposed rule making constitutes only such action, and does not preclude the agency from issuing another notice in the future, or commit the agency to any course of action in the future.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER November 2, 1963 (28 F.R. 11737), is hereby withdrawn.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 17, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-2773; Filed, Mar. 23, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 11, 21]

[Docket Nos. 14895, 15233]

AUTHORIZATIONS IN BUSINESS RADIO SERVICE AND DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

Proposed Rule Making Regarding Extending Time for Filing Comments and Reply Comments

In the matters of amendment of Subpart L, Part 11, to adopt rules and regulations to govern the grant of authorizations in the Business Radio Service for microwave stations to relay television signals to community antenna systems, Docket No. 14895; amendment of Subpart I, Part 21, to adopt rules and regulations to govern the grant of authorizations in the Domestic Public Point-to-Point Microwave Radio Service for microwave stations used to relay television broadcast signals to community antenna television systems, Docket No. 15233.

The Commission having under consideration its order (FCC 64-128) in the above-captioned proceedings, extending the time for filing comments to March 25, 1964, and the time for filing reply comments to April 14, 1964; and

It appearing, in the light of recent developments, that interested persons will require additional time in which to prepare complete and meaningful comments; and

It further appearing, that the public interest, convenience, and necessity will be served by extending the date for filing comments to April 20, 1964, and the date for filing reply comments to May 11, 1964;

It is ordered, This 16th day of March 1964 pursuant to § 0.251(b) of the rules and regulations, that the time for filing comments in the above-captioned proceedings is extended to April 20, 1964; and that the time for filing reply comments extended to May 11, 1964.

Released: March 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2776; Filed, Mar. 23, 1964; 8:46 a.m.]

[47 CFR Part 73]

[Docket No. 15389; FCC 64-238]

FM BROADCAST STATIONS; SOUTH BEND, IND.

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (South Bend, Indiana); Docket No. 15389, RM-580.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition requesting rule making filed on March 5, 1964 by Lester Sumrall Evangelistic Association, Inc., applicant for a new FM broadcast station in South Bend, Indiana. The petitioner requests the assignment of Channel 276A to South Bend in lieu of presently assigned Channel 252A.

3. Petitioner submits that it is an applicant for a new FM station on Channel 252A at South Bend; that in order to meet the separation requirements of the rules a station on this channel would have to locate in an area where no suitable sites are available due to proximity of homes, college campuses and an airport; that at this location the ground elevation is such that a tower height of 300 feet would be needed to obtain an antenna height of 300 feet above average terrain; and that in order to take advantage of the more suitable sites south of the city it was necessary to request a waiver of the spacing rules. Petitioner urges that Channel 276A would meet all the requirements of the rules; that a site could be used south of the city of South Bend at the location of other radio stations; and that it would permit greater flexibility in selecting a suitable site for the proposed station.

4. The Commission is of the view that it is in the public interest that rule making should be instituted on this proposal so as to permit all interested parties to submit their views and other relevant data. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
South Bend, Ind.	225, 252A, 268, 280A.	225, 268, 276A, 280A.

5. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested persons may file comments on or before March 31, 1964 and reply comments on or before April 8, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: March 18, 1964.

Released: March 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2798; Filed, Mar. 23, 1964; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 15390, FCC 64-239]

FM BROADCAST STATIONS; CONNEAUT, OHIO, AND ERIE, PA.

Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Conneaut, Ohio and Erie, Pa.); Docket No. 15390, RM-581.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition requesting rule making filed on March 10, 1964 by Louis W. Skelly, permittee of FM Station WFIZ, Conneaut, Ohio. The petitioner requests that Channel 288A, Erie, Pa., be deleted and substituted for Channel 285A at Conneaut, Ohio.

3. Petitioner states that it has constructed its station in accordance with the construction permit and has begun equipment tests prior to commencement of regular operation. The frequency of Channel 285A is 104.9 Mc/s. The second

[1] Commissioners Hyde and Bartley absent.

harmonic of this frequency is 209.8 Mc/s. TV Station WICU–TV operates on Channl 12 (204–210 Mc/s) at Erie, Pa. The aural carrier of WICU–TV is 209.75 Mc/s. Thus, the difference between the second harmonic of WFIZ and the aural carrier of WICU–TV is only 50 kc/s. As a result, petitioner found that the aural reception of WICU–TV is a wide area in Conneaut was blanked out by the transmissions of WFIZ.

4. Mr. Skelly submits that extensive tests in the area showed that the TV interference was caused either by the second harmonic radiation from WFIZ or the generation of a second harmonic signal within the television receivers due to the blanketing effect of the strong FM signal. The second harmonic radiation was determined to be at least 100 db below that of the unmodulated carrier. In view of the above it was decided that the only solution to this problem was the assignment of another channel to Conneaut for use by WFIZ.

5. Petitioner urges that Channel 288A, presently assigned to Erie, be deleted from that city and assigned to Conneaut to replace Channel 285A. He points out that this assignment would meet all the spacing requirements of the rules and the "Working Arrangement for Allocation of FM Broadcasting Stations on Channels 221–300 Under the Canada-United States FM Agreement of 1947". Channel 288A was selected because it would require the least changes in the transmitting equipment of WFIZ due to the closeness of the two channels.

6. While we believe that this type of "interference" is essentially a problem of transmitter and receiver design and ordinarily not a factor in the assignment of FM channels, we have in the past made changes in assignments where a simple solution was found to be accepable to all parties concerned. The proposed solution to the immediate problem described above is simple and does not adversely affect any other stations. While petitioner does not suggest a replacement for Channel 288A in Erie, it appears that Channel 272A may be assigned to Erie as a substitute for 288A. Since the assignments proposed herein are within 250 miles of the U.S.-Canadian border, they require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963.

7. In view of the foregoing, comments are invited on the following proposal:

City	Channel No.	
	Present	Proposed
Conneaut, Ohio	285A	288A
Erie, Pa	260, 279, 288A, 292A.	260, 272A, 279 292A.

Since WFIZ is authorized to operate on Channel 285A it will be necessary to modify the authorization for this station to specify operation on Channel 288A in the event the proposed changes are adopted.

8. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before March 31, 1964, and reply comments on or before April 8, 1964. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: March 18, 1964.

Released: March 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64–2799; Filed, Mar. 23, 1964; 8:49 a.m.]

[1] Commissioners Hyde and Bartley absent.

Notices

DEPARTMENT OF STATE

Agency for International Development

DEPUTY U.S. COORDINATOR FOR THE ALLIANCE FOR PROGRESS

Redelegation of Authority

By virtue of the authority delegated to me by Delegation of Authority No. 35, dated March 4, 1964, from the Administrator of the Agency for International Development, I hereby redelegate to the Deputy U.S. Coordinator for the Alliance for Progress all of the authorities so delegated to or vested in the Assistant Secretary of State for Inter-American Affairs and U.S. Coordinator for the Alliance for Progress. This delegation of authority shall be deemed to have become effective as of March 4, 1964. All redelegations of authority from the Assistant Administrator of the Bureau for Latin America executed prior to the effective date of this delegation are hereby ratified and confirmed and shall continue in full force and effect.

THOMAS C. MANN,
Assistant Secretary of State for Inter-American Affairs, and U.S. Coordinator, Alliance for Progress.

MARCH 13, 1964.

[F.R. Doc. 64–2782; Filed, Mar. 23, 1964; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ALASKA

Notice of Filing of Protraction Diagrams for Northern Alaska and of Availability of Lands for Noncompetitive Oil and Gas Leasing

Notice is hereby given that the following approved protraction diagrams will be officially filed in the Land Office, Bureau of Land Management, Fairbanks, Alaska, at 10 a.m. on March 31, 1964.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

APPROVED MAY 17, 1962

UMIAT MERIDIAN

Folio No. 3, Sheet No. 14, Tps. 1 to 4 N., Rs. 9 to 12 E.
Folio No. 3, Sheet No. 9, Tps. 5 to 8 N., Rs. 9 to 12 E.
Folio No. 3, Sheet No. 15, Tps. 1 to 4 N., Rs. 13 to 16 E.
Folio No. 3, Sheet No. 8, Tps. 5 to 8 N., Rs. 13 to 16 E.
Folio No. 11, Sheet No. 2, Tps. 1 to 4 S., Rs. 9 to 12 E.
Folio No. 11, Sheet No. 7, Tps. 5 to 8 S., Rs. 9 to 12 E.
Folio No. 11, Sheet No. 1, Tps. 1 to 4 S., Rs. 13 to 16 E.
Folio No. 11, Sheet No. 8, Tps. 5 to 8 S., Rs. 13 to 16 E.
Folio No. 12, Sheet No. 4, Tps. 1 to 4 S., Rs. 17 to 20 E.
Folio No. 12, Sheet No. 5, Tps. 5 to 8 S., Rs. 17 to 20 E.

(1) By Public Land Order 1621 of April 16, 1958 (23 F.R. 2637), the lands in the above described townships and ranges were opened to oil and gas leasing, subject to the filing of approved leasing maps.

(2) The foregoing protraction diagrams, additionally labeled "Official Leasing Map—PLO 1621," and "Revised December 23, 1963 to show leasing blocks," are hereby approved and will be officially filed simultaneously with the protraction diagrams. They constitute the approved leasing maps required by Public Land Order 1621.

(3) On the date the approved leasing maps are officially filed in the Fairbanks Land Office, the lands described therein will become available for noncompetitive oil and gas leasing pursuant to the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. sec. 181 et seq.), as amended, the regulations 43 CFR Part 192, and the provisions of this notice.

(a) In accordance with section 6 of Public Land Order 1621, all offers to lease the above described lands must describe the land applied for by block numbers in the specified townships as shown on the approved leasing maps. Each leasing block will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR 192.140.

(b) Offers to lease these lands in the manner set out in paragraph (c) may be filed in the Fairbanks Land Office of the Bureau of Land Management from the date the above listed approved leasing maps are officially filed in that office until 10 a.m. June 2, 1964. Such offers will be considered as having been simultaneously filed. The priorities of all conflicting offers will be determined in accordance with the regulation 43 CFR 295.8.

(c) Offers to lease must be submitted on a "Special Oil and Gas Drawing Entry Card," Form 4–1720, signed by the applicant. The card will constitute the applicant's offer to lease the described block of land by participating in the drawing to determine the successful drawee. By signing and submitting the entry card, the applicant agrees that he will be bound to a lease on Form 4–1158 for the described block if such a lease is issued to him as the result of the drawing. Only one entry card will be drawn for each leasing block. The entry card must be accompanied by a $10 filing fee and the first year's advance rental for the total area as shown on the appropriate approved leasing map. The advance rental must be paid by cash, money order, certified check, bank draft, or bank cashiers check. The "Special Oil and Gas Drawing Entry Cards" may be obtained from the land offices of the Bureau of Land Management in Fairbanks and Anchorage, Alaska, from the Field Administrative Office of the Bureau of Land Management, at the Federal Center, Denver, Colorado, or from the office of the Director of the Bureau of Land Management, Washington 25, D.C.

(d) Upon the determination of the successful drawee for a particular block, and upon execution of the lease in behalf of the United States by the authorized officer, the first year's rental will be immediately earned and deposited in the United States Treasury, and will not be returnable. However, if an offeror withdraws his offer to lease prior to the drawing or if his offer is rejected, the advance rental will be returned to him. Unsuccessful drawees will be notified thereof by the return of their respective entry cards.

(e) Any lands which are not included in offers to lease filed during the simultaneous filing period, or for which leases do not issue, will become subject to leasing in the usual manner on a priority of filing basis and in accordance with the regulations in 43 CFR Part 192, except that such offers to lease must describe the lands by the leasing blocks as shown on the approved leasing maps.

(4) Copies of the protraction diagrams listed herein and the approved leasing maps may be purchased at $1 per sheet from the Fairbanks Land Office, Bureau of Land Management, 516 Second Avenue, Fairbanks, Alaska.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 19, 1964.

[F.R. Doc. 64–2794; Filed, Mar. 23, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing of Applications for Federal Financial Assistance

Notice is hereby given that effective with this publication the following described applications for federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Clover Park School District No. 400, Lakewood Center, Washington, File No. 58, to improve and replace production facilities of the noncommercial educational television broadcasting station KPEC–TV, Channel 56, Lakewood Center, Washington.

The trustees of Indiana University, Bloomington, Indiana, 47405, File No. 59, for the establishment of a new noncommercial educational television broadcasting station on Channel 30, Bloomington, Indiana.

State Board of Higher Education for the use and benefit of University of North Dakota and North Dakota State University, University of North Dakota, Grand Forks, North Dakota, File No. 60, for the establishment of a new noncommercial educational television broadcasting station on Channel 2, Grand Forks, North Dakota.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 64-2796; Filed, Mar. 23, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15374-15376; FCC 64M-231]

KTIV TELEVISION CO. (KTIV) ET AL.

Order Scheduling Hearing

In re applications of KTIV Television Company (KTIV), Sioux City, Iowa, Docket No. 15374, File No. BPCT-3127; for construction permit to make changes in the facilities of Television Broadcast Station KTIV; Peoples Broadcasting Corporation (KVTV), Sioux City, Iowa, Docket No. 15375, File No. BPCT-3128; for construction permit to make changes in the facilities of Television Broadcast Station KVTV; Central Broadcasting Company (WHO-TV), Des Moines, Iowa, Docket No. 15376, File No. BPCT-3138; for construction permit to make changes in the facilities of Television Broadcast Station WHO-TV.

It is ordered, This 16th day of March 1964, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 11, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., April 6, 1964.

Released: March 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2777; Filed, Mar. 23, 1964; 8:46 a.m.]

[Docket Nos. 14425, 14440; FCC 64M-234]

SAUL M. MILLER AND BI-STATES BROADCASTERS

Order Continuing Hearing

In re applications of Saul M. Miller, Kutztown, Pennsylvania, Docket No. 14425, File No. BP-13844; Chandler W. Drummond and E. Theodore Mallyck, d/b as Bi-States Broadcasters Annville-Cleona, Pennsylvania, Docket No. 14440, File No. BP-14890; for construction permit.

Upon oral request of counsel for Saul M. Miller, and with the consent of the other parties to this proceeding: *It is ordered*, This 17th day of March 1964 that the hearing presently scheduled to be held on March 17, 1964 at 2:00 p.m., be and the same is, hereby continued to April 1, 1964 at 2:00 p.m.

Released: March 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2778; Filed, Mar. 23, 1964; 8:46 a.m.]

[Docket No. 15322; FCC 64M-232]

SPARTAN RADIOCASTING CO.

Order Continuing Hearing

In re application of Spartan Radiocasting Company, Asheville, North Carolina, Docket No. 15322, File No. BPTTV-1996; for construction permit for new Television Broadcast Translator Station.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 16th day of March 1964, that the hearing presently scheduled to commence on March 31, 1964, is continued to a date to be fixed at the further prehearing conference on May 1, 1964.

Released: March 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2779; Filed, Mar. 23, 1964; 8:47 a.m.]

[Docket No. 15373; FCC 64M-230]

WHITNEY TELEPHONE ANSWERING SERVICE

Order Scheduling Hearing

In re application of Helen J. Monaco, d/b as Whitney Telephone Answering Service, Docket No. 15373, File No. 4028-C2-P-63; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Hamden, Connecticut.

It is ordered, This 16th day of March 1964, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 25, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., April 6, 1964.

Released: March 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2780; Filed, Mar. 23, 1964; 8:47 a.m.]

[Docket No. 15380]

RICHARD H. SANDERS

Order To Show Cause

In the matter of Richard H. Sanders, Fort Lauderdale, Florida, Docket No. 15380; order to show cause why there should not be revoked the license for Radio Station 7W2005 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the captioned station;

It appearing, that, on July 8, 1962, and January 13, May 25, July 20, and December 20, 1963, Citizens radio station 7W2005 was used to communicate with units of other stations in the Citizens Radio Service when such use was not necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 95.81(a) (formerly § 19.61(a)) of the Commission's rules; and

It further appearing, that, on January 13, July 20, and December 20, 1963, the communications of Citizens radio station 7W2005 with other Citizens radio stations were not restricted to five consecutive minutes, in violation of § 95.81 (f) (formerly § 19.61(f)) of the Commission's rules;

It further appearing, that, on September 8, and 26, and November 10, 1963, the communications of Citizens radio station 7W2005 with other Citizens radio stations were not followed by silent periods of 2 minutes each, in violation of § 95.81(f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, that, on May 25, 1963, communications of Citizens radio station 7W2005 were not addressed to specific persons or stations within the direct groundwave coverage range of station 7W2005, in violation of § 95.81(g) (formerly § 19.61(g)) of the Commission's rules; and

It further appearing, that, on January 13, July 20, September 28, October 19, and December 20, 1963, Citizens radio station 7W2005 was not identified at the beginning and end of each exchange of communications by the call sign assigned to such station, in violation of § 95.87 (formerly § 19.62) of the Commission's rules; and

It further appearing, that the alleged violations of the Commission's rules set forth above, except the alleged violation of § 95.81(a) of the rules occurring on December 20, 1963, were brought to the licensee's attention by Official Notices of Violation mailed on July 12, 1962, and January 18, June 1, July 25, September 16, October 10, October 22, November 26 and December 27, 1963; and

It further appearing, that, notwithstanding the licensee's receipt of the above-mentioned notices advising him of the violations of the Commission's rules described therein, the licensee continued to violate such rules; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §§ 95.81 (a) and (f) and 95.87 of the Commission's rules, and has wilfully violated § 95.81(g) of the Commission's rules; and

It further appearing, that the licensee's repeated and/or willful violations of § 95.81(a) of the rules, as alleged above, create apparent liability to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject him to revocation proceedings under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 17th day of March 1964, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested (air mail) to the licensee at his last known address of 5890 Rose Terrace, Plantation, Fort Lauderdale, Florida.

Released: March 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2800; Filed, Mar. 23, 1964; 8:49 a.m.]

[List 55; FCC 64-235]

STANDARD BROADCAST APPLICATION

Ready and Available for Processing

MARCH 19, 1964.

In accordance with the Commission's action of March 18, 1964, granting a waiver of § 1.571(c) allowing the below-described application to be placed at the top of the processing line, notice is hereby given that on April 28, 1964, the following application:

New, Saratoga Springs, New York, Community Radio of Saratoga Springs, New York, Inc.; Req: 900 kc, 250 watts, Day, Class II.

will be considered as ready and available for processing, and that pursuant to §§ 1.227(b)(1) and 1.591(c) of the Commission's rules, an application, in order to be considered with this application or with any other application on file by the close of business on April 27, 1964, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on April 27, 1964, or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The Commission hereby waives the provisions of the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962 (see note to § 1.571 of the Commission's rules), to the extent necessary to permit the acceptance of other applications specifying substantially the same facilities requested by Community Radio of Saratoga Springs, New York, Inc.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: March 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2802; Filed, Mar. 23, 1964; 8:50 a.m.]

[List 54; FCC 64-233]

STANDARD BROADCAST APPLICATION

Ready and Available for Processing

MARCH 19, 1964.

By Order of March 4, 1964, the Commission waived the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962 (See Note to §1.571 of the rules) in order that the application listed below might be accepted for filing. Accordingly, notice is hereby given that on April 28, 1964, the following application:

BP-16000, New, Loiza, Puerto Rico, Luis Prado Martorell; Req: 1030 kc, 10 kw, Day, Class III.

will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the rules, an application in order to be considered with this application, or with any other application on file by the close of business on April 27, 1964 which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by whichever date is earlier: (a) The close of business on April 27, 1964; or (b) the earlier effective cut-off date which this application or any conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The Commission hereby waives the provisions of the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962 to the extent necessary to permit the acceptance of applications specifying substantially the same facilities requested by Luis Prado Martorell.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: March 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2801; Filed, Mar. 23, 1964; 8:50 a.m.]

[1] Commissioner Bartley, absent.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER THE LONG TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Amendments to Long Term International Cotton Textile Arrangement Category by Tariff Schedules of the United States Annotated Numbers

MARCH 16, 1964.

There is published below an amendment to the list of Tariff Schedules of the United States Annotated Numbers, arranged by the 64 categories of cotton textiles and cotton textile products. This amendment replaces the list for Categories 25 through 27, 40 through 53, and 59 through 64, published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551). The amendment to the list published in the FEDERAL REGISTER on January 30, 1964 (29 F.R. 1603), is hereby superseded.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

AMENDMENTS TO LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBERS

Category	Description	Item	Statistical suffix
25	Woven fabric, not elsewhere specified, yarn dyed, combed	322....	74
		322....	82
		322....	86
		325....	74
		325....	82
		325....	86
		*328....	74
		328....	82
		328....	86
		331....	74
		331....	82
		331....	86
26	Woven fabric, not elsewhere specified, other, carded [1]	320....	01
		320....	02
		320....	03
		320....	04
		320....	06
		320....	08
		320....	*22
		320....	34
		320....	*36
		320....	76
		320....	88
		320....	92
		321....	01
		321....	02
		321....	03
		321....	04
		321....	06
		321....	08
		321....	*22
		321....	34
		321....	*36
		321....	76
		321....	88
		321....	92
		322....	01
		322....	02
		322....	03
		322....	04
		322....	06
		322....	*22
		322....	34
		322....	*36
		322....	76
		322....	88
		322....	92
		323....	*22
		323....	*36
		323....	76
		323....	88
		323....	92
		324....	22
		324....	*36
		324....	78
		324....	88
		324....	92
		325....	*22
		325....	*36
		325....	76
		325....	88
		325....	92
		[1] 326....	01
		*[1] 326....	02
		[1] 326....	03
		[1] 326....	04
		[1] 326....	06
		[1] 326....	08
		[1] 326....	*22
		[1] 326....	34
		[1] 326....	*36
		[1] 326....	76
		[1] 326....	88
		[1] 326....	92
		[1] 327....	01
		[1] 327....	02
		[1] 327....	03
		[1] 327....	04
		[1] 327....	06
		[1] 327....	08
		[1] 327....	*22
		[1] 327....	34
		[1] 327....	*36
		[1] 327....	76
		[1] 327....	88
		[1] 327....	92
		[1] 328....	01
		[1] 328....	02
		[1] 328....	03
		[1] 328....	04
		[1] 328....	06
		[1] 328....	08
		[1] 328....	*22
		[1] 328....	34
		[1] 328....	*36
		[1] 328....	76
		[1] 328....	88
		[1] 328....	92
		[1] 329....	*22

* See footnote 5.

AMENDMENTS TO LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBERS—Continued

Category	Description	Item	Statistical suffix
26	Woven fabric, not elsewhere specified, other, carded [1] (Continued)	[1] 329....	*36
		[1] 329....	76
		[1] 329....	88
		[1] 329....	92
		[1] 330....	*22
		[1] 330....	*36
		[1] 330....	76
		[1] 330....	88
		[1] 330....	92
		[1] 331....	*22
		[1] 331....	*36
		[1] 331....	76
		[1] 331....	88
		[1] 331....	92
		332.10	20
		346.30	20
		346.32	20
		346.34	20
		346.40	20
		346.45	20
		346.70	20
		357.05	12
		357.06	16
		364.11	20
27	Woven fabric, not elsewhere specified, other combed	320....	*24
		320....	*70
		320....	78
		320....	90
		320....	94
		321....	*24
		321....	*70
		321....	78
		321....	90
		321....	94
		322....	*24
		322....	*70
		322....	78
		322....	90
		322....	94
		323....	*24
		323....	*70
		323....	78
		323....	90
		323....	94
		324....	*24
		324....	*70
		324....	78
		324....	90
		324....	94
		325....	*24
		325....	*70
		325....	78
		325....	90
		325....	94
		326....	*24
		326....	*70
		326....	78
		326....	90
		326....	94
		327....	*24
		327....	*70
		327....	78
		327....	90
		327....	94
		328....	*24
		328....	*70
		328....	78
		328....	90
		328....	94
		329....	*24
		329....	*70
		329....	78
		329....	90
		329....	94
		330....	*24
		330....	*70
		330....	78
		330....	90
		330....	94
		331....	*24
		331....	*70
		331....	78
		331....	90
		331....	94
		332.10	40
		346.30	40
		346.32	40
		346.34	40
		346.40	40
		346.45	40
		357.05	14
		357.06	18
40	Hose and half hose	374.06	20
		374.10	20
		374.40	20
		374.45	20
41	T-shirts, all white, knit, men's and boys'	380.06	35
42	T-shirts, other knit	380.03	07
		380.03	08
		380.06	40

AMENDMENTS TO LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBERS—Continued

Category	Description	Item	Statistical suffix
42	T-shirts, other knit—Con	382.03	11
		382.05	60
43	Shirts, knit, other than T-shirts and sweatshirts	380.06	50
		382.05	70
44	Sweaters and cardigans	380.06	55
		382.06	80
45	Shirts, dress, not knit, man's and boys'	380.06	57
		380.08	58
		380.27	52
		380.27	55
		380.27	59
		380.27	62
		380.27	65
		380.27	69
		382.05	98
		382.33	70
46	Shirts, sport, not knit, men's and boys'	380.06	59
		380.27	82
		380.27	85
		380.27	87
		380.27	89
		380.27	92
		380.27	95
		380.27	97
		380.27	99
		382.06	97
		382.33	98
47	Shirts, work, not knit, men's and boys'	380.27	72
		380.27	75
		380.27	77
		380.27	78
		380.27	79
48	Raincoats, ¾ length or longer, not knit	380.09	10
		380.09	20
		380.12	10
		380.12	20
		382.06	02
		382.09	04
		382.09	06
		382.09	08
		382.09	10
		382.09	12
		382.12	02
		382.12	04
		382.12	06
		382.12	08
		382.12	10
		382.12	12
49	Coats, other, not knit	380.09	40
		380.09	60
		380.09	80
		380.09	90
		380.12	40
		380.12	60
		380.12	80
		380.12	90
		382.09	14
		382.09	16
		382.09	18
		382.09	20
		382.09	22
		382.09	24
		382.12	14
		382.12	16
		382.12	18
		382.12	20
		382.12	22
		382.12	24
50	Trousers, slacks and shorts (outer), not knit, men's and boys'	380.39	22
		380.39	25
		380.39	27
		380.39	29
		380.39	32
		380.39	35
		380.39	37
		380.39	39
51	Trousers, slacks and shorts (outer), not knit, women's, girls' and infants'	382.03	74
		382.03	75
		382.33	46
		382.33	48
		382.33	50
		382.33	52
		382.33	54
		382.33	56
		382.33	58
		382.33	60
		382.33	62
		382.33	64
52	Blouses, not knit	382.03	54
		382.03	55
		382.03	59

AMENDMENTS TO LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBERS—Continued

Category	Description	Item	Statistical suffix
52	Blouses, not knit—Con	382.33	04
		382.33	05
		382.33	06
		382.33	10
		382.33	12
53	Dresses (including uniforms) not knit	382.03	53
		382.03	54
		382.03	65
		382.03	66
		382.03	67
		382.03	68
		382.33	14
		382.33	16
		382.33	18
		382.33	20
		382.33	22
		382.33	24
59	All other underwear, not knit	378.06	62
		378.08	64
		378.06	71
		378.20	18
		378.20	30
		378.25	18
		378.25	30
60	Pajamas and other nightwear	380.03	06
		380.06	25
		380.21	00
		380.24	00
		380.30	09
		382.03	09
		382.06	50
		382.21	00
		382.24	00
		382.33	26
61	Brassieres and other body supporting garments	378.24	25
		378.24	55
		378.24	90
		378.26	25
		378.26	65
		378.28	90
62	Wearing apparel, knit, not elsewhere specified	372.10	10
		372.15	20
		373.05	10
		373.10	10
		374.15	20
		378.10	12
		378.15	12
		380.03	01
		380.03	02
		380.03	03
		380.03	05
		380.03	09
		380.03	11
		380.03	12
		380.03	13
		380.03	16
		380.03	10
		380.03	15
		380.05	20
		380.05	45
		380.06	30
		380.06	60
		380.06	90
		382.06	01
		382.06	02
		382.06	03
		382.06	04
		382.06	05
		382.06	06
		382.06	07
		382.06	08
		382.06	09
		382.06	10
		382.06	11
		382.06	12
		382.06	13
		382.06	14
		382.06	15
		382.06	17
		382.06	18
		382.06	05
		382.06	10
		382.06	15
		382.06	20
		382.06	25
		382.06	30
		382.06	35
		382.06	40
		382.06	45
		382.06	55
		382.06	65
		382.06	75
		382.06	85
		382.06	90
		382.06	95
		702.06	12
		702.06	16
		702.06	22
		702.06	26

AMENDMENTS TO LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBERS—Continued

Category	Description	Item	Statistical suffix
63	Wearing apparel, not knit, not elsewhere specified	372.10	40
		372.15	40
		372.15	60
		373.05	40
		373.10	45
		376.54	00
		380.03	50
		380.03	51
		380.03	52
		380.03	54
		380.03	55
		380.03	60
		380.03	61
		380.03	63
		380.30	00
		380.33	00
		380.36	00
		380.39	90
		382.03	60
		382.03	61
		382.03	62
		382.03	70
		382.03	72
		382.03	73
		382.03	76
		382.03	77
		382.27	00
		382.30	00
		382.33	34
		382.33	36
		382.33	38
		382.33	40
		382.33	42
		382.33	44
		382.33	90
		702.10	12
		702.10	16
		702.10	22
		702.10	26
64	All other cotton textiles	300.50	20
		300.60	22
		300.60	24
		300.60	26
		300.60	28
		303.10	00
		303.20	40
		303.20	42
		315.05	00
		315.10	00
		315.15	00
		332.40	20
		332.40	40
		345.10	20
		345.10	40
		346.45	60
		347.10	00
		347.15	00
		347.25	20
		347.33	20
		347.33	40
		347.33	80
		348.00	10
		348.05	10
		349.10	10
		349.10	12
		350.00	10
		351.05	00
		351.25	10
		351.40	10
		351.46	10
		351.50	10
		351.60	10
		351.80	10
		351.90	10
		352.10	10
		352.20	10
		352.40	10
		352.60	00
		352.80	10
		353.10	10
		353.50	12
		353.50	14
		353.50	16
		355.05	10
		355.50	00
		355.65	10
		356.10	10
		356.15	10
		356.20	00
		356.25	10
		357.60	10
		357.70	10
		357.80	10
		358.05	10
		358.10	10
		358.24	10
		358.26	10
		359.10	20
		359.10	40
		359.10	60
		360.20	00
		360.25	00

AMENDMENTS TO LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBERS—Continued

Category	Description	Item	Statistical suffix
64	All other cotton textiles—Continued	360.30	00
		360.75	22
		360.80	22
		361.05	22
		361.05	42
		361.15	10
		361.50	00
		361.54	22
		361.56	22
		363.01	00
		363.05	10
		363.05	25
		363.40	20
		363.40	40
		363.45	20
		363.45	40
		363.60	25
		363.60	40
		364.12	20
		364.15	20
		365.00	00
		365.15	10
		365.25	10
		365.31	10
		365.35	10
		365.40	10
		365.50	10
		365.55	00
		365.60	10
		365.70	10
		365.75	10
		365.78	40
		366.03	60
		366.06	00
		366.09	00
		366.15	20
		366.45	00
		366.46	00
		366.47	00
		366.57	20
		366.60	00
		366.63	00
		366.65	00
		366.69	00
		366.77	00
		366.79	00
		372.05	10
		376.04	20
		385.25	00
		385.30	00
		385.40	00
		385.55	20
		385.60	20
		385.70	20
		385.75	20
		385.80	20
		386.05	10
		386.20	00
		386.25	00
		386.30	00
		386.40	00
		386.50	00
		706.20	10
		706.20	20
		706.20	30
		706.22	20
		706.22	40
		706.22	60
		706.24	10
		706.24	20
		706.24	30
		727.80	20
		727.80	40
		731.40	00
		734.50	45
		745.74	20

[F.R. Doc. 64-2670; Filed, Mar. 23, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14938]

TRANS-TEXAS AIRWAYS "USE IT OR LOSE IT" INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 5, 1964, at 10:00

a.m., local time, in the Travis Room of the Sheraton-Dallas Hotel, Dallas, Texas, before the undersigned Examiner.

Dated at Washington, D.C., March 18, 1964.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 64-2797; Filed, Mar. 23, 1964; 8:49 a.m.]

[Docket 15073]

LUFTHANSA

Notice of Prehearing Conference

Application of LUFTHANSA to amend its foreign air carrier permit by extending its route beyond New York to Santiago, Chile, via the intermediate points Montego Bay, Jamaica; Kingston, Jamaica; Quito, Ecuador; Guayquil, Ecuador; and Lima, Peru.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 26, 1964, at 10:00 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ross I. Newmann.

Dated at Washington, D.C., March 20, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2850; Filed, Mar. 23, 1964; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1760]

DOHENY LEASING CO., INC.

Notice of Filing of Application Exempting Transaction Between Affiliates

MARCH 19, 1964.

Notice is hereby given that Doheny Leasing Company, Inc. ("Doheny"), 776 East Washington Boulevard, Los Angeles, Calif., a California corporation engaged in the business of leasing business machine equipment to other business enterprises has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) certain proposed transactions between Doheny and Westland Capital Corporation ("Westland"), a California corporation and a registered closed-end nondiversified management investment company. All interested persons are referred to the application filed with the Commission for a complete statement of the representations therein which are summarized below.

Westland is a small business investment company licensed under the Small Business Investment Act of 1958, as amended. Doheny is a small business concern within the requirements of the Small Business Investment Act of 1958, as amended and the regulations thereunder. On November 5, 1962, Doheny and its 85 percent owned subsidiary Associated Business Machine Sales, Inc. ("ABMS") entered into a loan agreement with Westland pursuant to which, among other things, Doheny, on December 10, 1962, borrowed from Westland $100,000 and issued a 7 percent subordinated debenture in the principal amount of the loan and a detachable stock purchase warrant entitling Westland to purchase an aggregate of 1,250 shares of Doheny's common stock, par value $10 per share, at varying prices. In addition to the loan Doheny sold to Westland 4,166⅔ shares, or approximately 45 percent, of its common stock for an aggregate consideration of $1.00 and the president of Doheny, who owned the balance of its common stock, executed and delivered to Westland an irrevocable proxy to insure the election of two Westland representatives to Doheny's board of seven directors. Pursuant to the loan agreement, an agreement of Doheny and Westland for the rendition of financial and advisory services to Doheny by Westland for a period of six years for compensation of $150 per month became effective. The loan agreement also gave Doheny the right to repurchase from Westland the 4,166⅔ shares of Doheny common stock for $100,000.

It is represented that since Doheny has a need for additional funds with which to finance the expansion of its business and since Westland is not in a position to lend Doheny additional funds because Westland is in the process of liquidation and dissolution, having recently filed with the California Secretary of State a certificate of election to dissolve, Doheny on March 3, 1964, entered into a Loan and Stock Purchase Agreement including supplemental letter agreements with Capital For Technical Industries ("CTI"), a California corporation also a small business investment company registered under the Act and licensed under the Small Business Investment Act of 1958. The Loan and Stock Purchase Agreement provides, among other things, for borrowing by Doheny from CTI of $450,000, for which Doheny will issue to CTI its 7½ percent eight year subordinated debentures in the principal amount of $450,000 and sale and issuance by Doheny to CTI of 2,400 shares of Doheny's capital stock for an aggregate consideration of $50,000.

Since performance of the CTI Loan and Stock Purchase Agreement would conflict with many of the provisions of the loan agreement between Doheny and Westland, Doheny, ABMS, and Westland executed an Agreement on March 3, 1964 which provides, among other things, for redemption, at principal amount plus accrued interest, by Doheny of the $100,000 7 percent subordinated debenture held by Westland, surrender by Westland to Doheny for cancellation of 3,366⅔ of the 4,166⅔ shares of Doheny's stock owned by Westland, cancellation and termination of the stock purchase warrant issued by Doheny to Westland, and cancellation of the Loan Agreement including the consultation arrangement. It was also agreed that the consummation of this agreement is conditional, among other things, upon concurrent consummation of the transactions contemplated by the CTI Loan and Stock Purchase Agreement and that Doheny will obtain a bank commitment to lend it at least $2,000,000. Upon consummation of these transactions, the outstanding stock of Doheny will be owned 60 percent (4,800 shares) by its President, 30 percent (2,400 shares) by the CTI and 10 percent (800 shares) by Westland.

By reason of Westland's acquisition of approximately 45 percent of Doheny's presently outstanding stock which Westland still owns, Doheny is an "affiliated person" of Westland within section 2(a)(3) of the Act. Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company or any company controlled by such registered company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Applicant represents that the Agreement among Doheny, ABMS and Westland dated March 3, 1964, is the result of arms-length negotiations among them and that the terms of the transactions proposed thereunder are fair and reasonable and do not involve overreaching on the part of any person or corporation concerned; and that there is no affiliation among said persons and corporations except as stated in the application.

Notice is further given that any interested person may, not later than March 31, 1964, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2789; Filed, Mar. 23, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 456]

PENNSYLVANIA, WEST VIRGINIA, OHIO, KENTUCKY, INDIANA, ILLINOIS, AND MISSOURI

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1964, because of the effects of floods, damage resulted to residences and business property located in the States of Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, and Missouri;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected:

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in the aforesaid states, and areas adjacent thereto, suffered damage or other destruction as a result of flooding of the Ohio and Mississippi Rivers and their tributaries beginning on or about March 10, 1964.

Offices

Small Business Administration Regional Office, 1015 Chestnut Street, Philadelphia, Pa.
Small Business Administration Branch Office, 107 Sixth Street, Pittsburgh, Pa.
Small Business Administration Regional Office, 1904 Byrd Avenue, Richmond, Va.
Small Business Administration Branch Office, 500 Quarrier Street, Charleston, W. Va.
Small Business Administration Branch Office, 227 West Pike Street, Clarksburg, W. Va.
Small Business Administration Regional Office, 1370 Ontario Street, Cleveland 13, Ohio.
Small Business Administration Branch Office, Beacon Building, 50 West Gay Street, Columbus, Ohio.
Small Business Administration Branch Office, Fourth and Broadway, Louisville 2, Ky.
Small Business Administration Regional Office, 105 West Adams Street, Chicago, 3, Ill.
Small Business Administration Branch Office, 150 East Washington Street, Indianapolis 4, Ind.
Small Business Administration Regional Office, 911 Walnut Street, Kansas City 6, Mo.
Small Business Administration Branch Office, 1520 Market Street, St. Louis 3, Mo.

2. Temporary disaster offices may be established in the areas, announcements to be made locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1964.

Dated: March 12, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-2781; Filed, Mar. 23, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

DESCRIPTION OF THE CENTRAL AND FIELD ORGANIZATION

JANUARY 1, 1964.

The following revised current description of the central and field organization of the Interstate Commerce Commission is supplemental to the "Organization Minutes of the Interstate Commerce Commission Relating to the Organization of Divisions and Boards and Assignments of Work" 26 F.R. 4773, 5167, 8434, and 10991 and 12789; 27 F.R. 1234, 1747, 2500, 3830, and 9997; and 28 F.R. 198, 896, 8013, and 8185, and is published pursuant to the provisions of section 3(a) of the Administrative Procedure Act (60 Stat. 237). For last prior statement as amended see 27 F.R. 2424 and 28 F.R. 7693.

1. *The Commission.* The Interstate Commerce Commission is a Federal independent regulatory agency existing under the Interstate Commerce Act (49 U.S.C. 11, 24).

(a) *Offices.* The central and principal office of the Commission is located at 12th Street and Constitution Avenue NW., Washington, D.C., 20423. In the field, there are 7 Regional Offices and 82 detached offices, located in the more important transportation centers throughout the United States. A listing of these offices is included in an appendix attached hereto.

(b) *Hours.* Office hours in Washington, D.C., are from 8:30 a.m. to 5:00 p.m. Office hours of field offices are also from 8:30 a.m. to 5:00 p.m., local time of the place where located, except where local conditions require otherwise.

(c) *Sessions.* General sessions of the Commission are held at Washington, D.C., but special sessions may be held at any place in the United States. Hearings or investigations may be conducted by one or more Commissioners, by one or more hearing examiners, by boards authorized by sections 17 and 205 of the Interstate Commerce Act, or by other authorized personnel, at any place in the United States or its territories. (Sections 17, 19, and 205; 49 USC 17, 19, 305.)

(d) *Definitions*—(1) *Acts.* The words "Act" or "the Act" used in this part shall be construed to mean the Interstate Commerce Act and other acts administered by the Commission, unless the context indicates that a different meaning is intended.

(2) *Commission.* Where reference is made to the exercise of any authority or the determination of any matter by the "Commission", the term shall be construed to mean the entire Commission, a division thereof, an individual Commissioner, a board of employees, a joint board, or an examiner to whom, according to the assignment of duties, that authority or the determination of such matters has been assigned, unless the context indicates that a different meaning was intended.

(3) *Carrier.* Where reference is made to a carrier, in this part, the term will include railroads, express companies and sleeping car companies, common and contract motor carriers and brokers of motor transportation, private and exempt motor carriers, pipelines (other than those for water or gas), freight forwarders and certain domestic water carriers.

2. *Public information*—(a) *Releases by the Commission.* All releases to the public and press are issued through the Office of the Secretary, which is the first point of contact for information relating to any matter or proceeding pending before the Commission.

(b) *Requests for information.* Requests for information or advice concerning any matter within the jurisdiction of the Commission may be addressed to the Secretary, the Director of the bureau or office which handles the particular subject matter, or to field offices of various bureaus to the extent stated in the description of bureau organization.

(c) *Reports and orders.* The reports and orders of the Commission are initially prepared for service upon the parties to the proceedings in duplicated form. Copies of all such reports and orders are made available for public inspection at the time of issuance through the Secretary's Office and, to the extent that copies are available, are furnished to interested persons without charge.

The more important reports of the Commission are printed and sold in advance sheet form and in bound volumes by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. Reports concerning other than valuation and motor carrier application matters are published in volumes entitled "Interstate Commerce Commission Reports," commonly cited "—— I.C.C. ——." Reports concerning motor carrier application matters are published in a separate series of reports entitled, "Interstate Commerce Commission Reports, Motor Carrier Cases," commonly cited "—— MCC ——." The first 21 volumes of reports relating to valuation matters are included in the "ICC" series of reports, but beginning with Volume 22, these reports are published in a separate series entitled, "Interstate Commerce Commission Valuation Reports," commonly cited "—— Val Rep ——."

Copies of reports and orders, including those printed as described above may

be examined at the Washington office of the Commission.

(d) *Inspection of records.* (1) The following specific files and records in the custody of the Secretary are available to the public (sections 16, 204, 316, and 417 of the Act, 49 USC 16, 304, 916, and 1017), and may be inspected at the Commission's office in Washington, upon reasonable request:

(i) Copies of tariffs, rate schedules, Section 22 quotations or tenders, classifications, powers of attorney, concurrences and contracts filed with the Commission pursuant to sections 6, 22, 217, 218, 306, 405, and 409 of the Act (49 USC 6, 22, 317, 318, 906, 1005, and 1009).

(ii) Annual and other periodic reports filed with the Commission pursuant to sections 20, 220, 313, and 412 of the Act (49 USC 20, 320, 913, and 1012).

(iii) Annual reports, maps, profiles, and other data filed with the Commission pursuant to section 19a.

(iv) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and orders of the Commission in any proceeding.

(v) File of instruments or documents recorded pursuant to section 20c and index thereto.

(vi) Other files and records, depending on their nature, may be available for public inspection where the disclosure would be consistent with the public interest and the duties of the Commission.

(2) *Requests to inspect records.* Requests to inspect public records should be made at the Secretary's Office or at one of the public reference rooms, in the Commission's Washington office. Copies of certain rate schedules, tariffs, reports and operating authorities filed by and applicable to motor carriers are available for inspection at field offices where personnel of the Bureau of Motor Carriers are located.

(3) *Certified copies of records, etc.* Copies of and extracts from public records will be certified by the Secretary, under the seal of the Commission. Persons requesting the Commission to prepare such copies should clearly state the material to be copied, and whether they shall be certified. A charge will be made for certification and for the preparation of copies.

3. *Bureau and Office Organization*—(a) *Central Organization.* The Commission's staff is organized into 10 bureaus, and 3 offices, the duties of which will be hereafter described. Each bureau is headed by a director, and the bureaus are divided into sections headed by section chiefs. Boards of employees provided for by section 17 are shown as units within the bureaus of which they form a part. The portions of the work, business, and functions of the Commission which have been assigned to the boards are described in the Organization Minutes and will not be repeated in this publication. Immediately following the name of each board is a reference, in parentheses, to the pertinent item number of the Organization Minutes. Each bureau and office reports as provided in item 9.1 of the Organization Minutes.

(b) *Field Organization.* The regional and other field offices are staffed with employees who perform certain investigative and other duties more specifically outlined as part of the functional descriptions of the individual bureaus to which they are attached and to which they are generally responsible. The Regional Offices are headed by Regional Managers who are responsible to the Managing Director for certain administrative and managerial matters.

(c) *Office of the Managing Director.* The Managing Director is responsible for the day-to-day administration of the Commission and the management of Commission operations, and reports to the Chairman through the Vice Chairman.

(1) *Budget and Fiscal Office.* Responsible for the preparation and execution of the Commission's budget; assessment of manpower utilization and requirements; for analysis of work processes as relate thereto; for fiscal accounting, auditing, payrolling, and leave administration; and for internal fiscal audit.

(2) *Personnel Office.* Is responsible for planning, organizing, directing, accomplishing and evaluating the overall personnel program and providing organizational and functional management studies in the Commission.

(3) *Section of Administrative Services.* Responsible for all property supply, maintenance, space and facilities functions within the Commission; for providing central stenographic and typing services for the Commission; for the preparation of administrative and other issuances; and for the operation of the Commission's Class "A" printing plant.

(4) *Section of Systems Development.* Responsible for conducting studies to determine the feasibility of applying automatic and other data processing methods to Commission operations and work processes. Develops and implements complete systems for those areas determined to be susceptible to such methods. Designs, develops and implements work measurement and work reporting systems and conducts paperwork management program for the Commission. Utilizing electronic data processes operates automated control system which reflects the status of proceedings cases and specifically identifies those cases and steps in which processing should be reviewed for expediting action.

(d) *Office of the Secretary.* The Secretary is the official through whom the Commission, its divisions, individual Commissioners, boards of employees, joint boards, and examiners issue their orders and decisions; he is custodian of the seal and records of the Commission and is responsible for the proper documentation of Commission decisions, procedures, and other transactions; pursuant to the Rules of Practice, he is responsible for processing the official documents pending before the Commission and for service on parties to formal proceedings; and he supervises the Sections of Dockets, Reference Services, and Mails and Files. The Secretary's Office, which includes the Public Information Officer, is the medium through which decisions, orders, statements, releases and other information, including individual votes contained in the Commission's minutes, are made available to the press and public.

(1) *Section of Dockets.* Is responsible for maintaining all docket files of the Commission proceedings; serving all reports, orders, notices, etc.; scheduling or arranging for the use of hearing rooms and oral argument in Washington and the field; preparing and maintaining records of motor carrier applications for authority to operate and the Commission disposition thereof; the progressive status of all proceedings; the recording of documents evidencing the lease, mortgage, etc., of railroad equipment; and processing applications for admission to practice and maintenance of the roster of practitioners.

(2) *Section of Mails and Files.* Processes all incoming and outgoing mail in the Commission; provides messenger services in the Washington office; and maintains the Commission's central files.

(3) *Section of Reference Services.* For the use of Commission personnel, other Government agencies, practitioners and the public, compiles and maintains the following publications and reference facilities: (i) index-digests and tables for publication in the Commission's bound report volumes; (ii) consolidated digests and consolidated tables, covering reports 1887 to date; and (iii) the Interstate Commerce Acts annotated, a bound set which is supplemented by Advance Bulletins in the intervals between issuance of bound volumes. In addition, maintains a special library of transportation materials and provides a coordinated reference service.

(e) *Office of the General Counsel.* This Office, under the direction of the General Counsel, furnishes general legal advisory service to the Commission in all matters involving its functions and activities under the Act and other statutes administered by it and concerning other laws or statutes applicable to or affecting the Commission; and defends, on behalf of the Commission, in all court proceedings to set aside, enjoin, cancel, or annul orders of the Commission. This Office does not participate as public counsel in Commission proceedings nor does it act as investigator or prosecutor in proceedings to enforce the requirements of the Act or to exact penalties for violations.

(f) *Bureau of Accounts.* Performs the accounting, cost finding and valuation functions necessary in the regulatory work of the Commission to bring about accurate, uniform and comprehensive disclosure of financial data by carriers in the public interest. This includes the development of uniform systems of accounts, valuation regulations, regulations governing the destruction of carrier records, and other related regulations for all transportation companies subject to the Act; examining the accounts, records and financial statements filed by such companies to ascertain compliance with Commission accounting and related regulations; development of equitable and reasonable depreciation rates for carrier property; preparing studies and analyses of the costs and revenues of transportation services of carriers subject to the Act; maintaining

inventories of railroad and pipeline properties, and developing property valuation data; preparing accounting, cost and valuation data for use in proceedings before the Commission; rendering assistance in accounting matters in finance proceedings; and analyzing cost evidence presented by other parties in rate proceedings.

(1) *Section of Accounting.* Prepares uniform systems of accounts and general accounting rules applicable to carriers in the several modes of transportation subject to Commission regulation. Prepares regulations governing the destruction of carrier records, and the forms and recording of passes for free transportation or at reduced fares. Prepares modifications and revisions of such systems and rules to keep them abreast of current conditions including special rules for carriers undergoing financial reorganization, merger, consolidation, acquisition or abandonment of property, etc. Furnishes interpretations of accounting and related rules as required to meet needs of the Commission and the carriers subject to its regulation. Renders assistance in proceedings before the Commission, the courts and Congressional Committees involving the application of accounting rules and principles. Reviews and disposes of accounting entries submitted by carriers pursuant to Commission orders in finance proceedings. Reviews for approval by the Commission agreements between common carriers by railroad or express companies with persons furnishing protective services against heat or cold to property transported in interstate or foreign commerce.

(2) *Section of Cost Finding.* Prepares cost formulas and studies to reflect the cost of transportation by railroads; motor carriers; inland, coastal and intercoastal water carriers. Furnishes cost data for use in considering rate proposals. Analyzes cost evidence submitted by carriers in petitions for vacation of suspension orders and in rate proceedings, and evaluates the adequacy of the studies in relation to the issues. Prepares cost exhibits and supplies witnesses in a variety of cases when directed by the Commission.

(3) *Section of Field Service—Departmental.* Directs and coordinates the field work program covering the examination of carrier accounting, valuation and related records and practices. Reviews and evaluates all reports and related working papers pertaining to general accounting and valuation examinations made by the Bureau's field staff; ascertains the appropriate disposition of all deviations from prescribed regulations and other matters reported therein.

Field Staff. Examines accounts and records of carriers to ascertain compliance with accounting, valuation and related regulations prescribed by the Commission. Ascertains that the payments made by railroads or express companies are just and reasonable and in accordance with agreements with persons furnishing protective services. Provides expert testimony in courts of law and proceedings before the Commission with respect to matters developed in field examinations and investigations.

(4) *Section of Valuation and Reports.* Performs work necessary to ascertain the value of railroad and pipeline properties pursuant to section 19a of the Act and to determine equitable and reasonable depreciation rates for carrier property as required by section 20(4). This includes maintaining current inventories of carrier property; ascertaining the original and current reproduction cost of carrier property; ascertaining the present value of land and the development of other pertinent information for finding final property values. Examines accounting elements of annual reports filed by motor carriers of property and passengers to determine that accounts and related cost data are being maintained in conformity with prescribed regulations.

(g) *Bureau of Finance.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the Act, relative to: authority to construct, acquire, or abandon lines of a railroad or the operation thereof; proposed discontinuance or changes in the operation by railroads of trains or ferries; approval for motor carriers, water carriers and railroads to enter into contracts and agreements for the pooling or division of traffic and earnings; authority to consolidate, merge, transfer ownership, or acquire control of carriers, and when directly related to such authority the granting of certificates or permits to motor carriers in connection therewith; authority for a railroad to acquire trackage rights over, or joint ownership or use of railroad lines and terminals; ordering the use by one railroad of terminal facilities of another; authority to issue securities or to assume obligation and liability with respect to securities of others; authority to sell securities without competitive bidding; authority to alter or modify outstanding securities and obligations; transfers of brokers' licenses and of certificates and permits of motor carriers, water carriers, and permits of freight forwarders; authority to hold position of officer or director of more than one railroad; the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property; and formal investigations concerning possible violations of the act relating to the foregoing subjects; and, under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings.

(1) *Section of Hearings.* Schedules hearings in all bureau proceedings requiring an oral hearing and handles procedural questions arising in connection therewith until the report and recommended order are served. Conducts hearings, prepares initial reports on proceedings handled in the Bureau and releases for service all initial reports and recommended orders. Reviews procedures and makes recommendations for changes designed to promote efficiency and to expedite the processing of proceedings.

(2) *Section of Proceedings.* Performs duties in connection with the handling of all applications, petitions, and other pleadings (except in matters handled by The Transfer Board, pleadings filed in proceedings pending at the time in the Section of Hearings, and matters related to the guaranty of loans to railroads) in proceedings handled by the Bureau of Finance; recommends the appropriate procedure necessary for their disposition; and refers to the Section of Hearings matters which require a hearing. In all such cases except loan guaranty and Transfer Board matters, prepares drafts of final reports and orders (in those cases on a Commissioner's personal docket, under the direction and supervision of the Commissioner) for the consideration and adoption by the Commission, a division, a single Commissioner, or a board of employees.

(3) *Section of Financial Analysis.* Performs duties in connection with the handling of the proceedings described above relating to the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property. Also, prepares financial analyses in connection with the other proceedings described above.

(4) *Transfer Board.* See Item 7.5 of the Organization Minutes as amended for functions and duties.

(5) *Finance Board No. 1.* See Item 7.6 of the Organization Minutes as amended for functions and duties.

(6) *Finance Board No. 2.* See Item No. 7.6 of the Organization Minutes as amended for functions and duties.

(7) *Finance Board No. 3.* See Item No. 7.6 of the Organization Minutes as amended for functions and duties.

(8) *Finance Review Board.* See Item 7.6 of the Organization Minutes as amended for functions and duties.

(h) *Bureau of Inquiry and Compliance.* Investigates violations, prosecutes in court and assists the Department of Justice in prosecuting civil and criminal proceedings arising under all parts of the Act (except violations of the Safety Acts which are handled by the Section of Railroad Safety, Bureau of Safety and Service), and related acts such as the Elkins Act, the Clayton Anti-Trust Act and the Transportation of Explosives Act. When specifically authorized by the Commission, a division thereof, or the Vice Chairman, in any particular case or class of cases, participates in Commission proceedings, for the purpose of developing the facts and issues.

(i) *Section of Motor Carrier Enforcement.* Supervises and handles the legal activities involved in the enforcement of Part II of the Act, the Explosives and Dangerous Articles Act, the Clayton Anti-Trust Act and related acts involving motor vehicle transportation.

Field Staff Regional Trial Attorneys. Provides legal advice in connection with investigation of violations and makes recommendations with respect to enforcement action to be taken; prosecutes or assists United States Attorneys in the prosecution of civil and criminal proceedings in Federal Courts; and participates in Commission proceedings as counsel.

(2) *Section of Rail, Water and Forwarder Enforcement.* Supervises and handles the legal activities involved in the enforcement of Parts I, III, and IV of the Act (except violations of the Safety Acts which are handled by the Section of Railroad Safety, Bureau of Safety and Service), and the Elkins Act, and related acts as they relate to railroads, water carriers and freight forwarders; prosecutes or assists United States Attorneys in the prosecution of civil and criminal proceedings arising under the aforesaid acts; and participates as counsel in Commission proceedings.

(3) *Section of Investigations.* Plans, programs and directs conduct of investigations made by field staff of special agents; initiates and prepares procedures, instructions and manuals to facilitate investigative work; coordinates investigative activities so as to obtain a balanced program of enforcement; provides interchangeable utilization of special agents' services between the Sections of Rail, Water and Freight Forwarder Enforcement and Motor Carrier Enforcement.

Field Staff Regional Special Agents. Conducts investigations of carriers and shippers to obtain evidence of violations. Appear as witnesses in court cases and Commission proceedings.

(l) *Bureau of Motor Carriers.* Performs duties in connection with the Commission's programs involving the regulation of motor carriers and brokers under Part II of the Act insofar as they involve: initiating and administering the rules and regulations governing the filing and approval of security or insurance for the protection of the public and designation of agents for service of process; initiating and administering safety regulations concerning qualifications and maximum hours of service of employees and safety of operation and equipment of all for-hire and private carriers in interstate or foreign commerce; initiating and administering the rules and regulations governing the lease and interchange of vehicles by motor carriers; investigating and reporting on serious accidents and the transportation of explosives and other dangerous articles; initiating and administering regulations relating to the safe transportation of migratory workers; inspecting the operations and records of the carriers and others in the field to inform them of the requirements of the Act and regulations and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, insurance, annual reports, extensions of credit or unsafe operating practices; and issuing informal interpretations of Commission's certificates, permits and regulations affecting motor carrier operations.

(1) *Interpretations Staff.* Advises the Director and others regarding legal interpretations and other information concerning the motor carrier provisions of the Act and the regulations and operating authorities issued thereunder; advises and assists in the development of recommendations and proposals pertaining to motor carrier regulations; and assembles, prepares and maintains reference materials on these matters.

(2) *Section of Insurance.* Performs work in connection with the administration of Section 215 of the Act pertaining to the furnishing of insurance or other security by motor carriers and brokers for the protection of shippers and the public. This includes the preparation of recommendations to the Commission with regard to applications to self insure. The section also approves or disapproves certificates of insurance and bonds, and in connection therewith evaluates the acceptability of the issuing agency. In addition, performs work similar to that described above, in connection with the administration of section 403(c) of the Act applicable to freight forwarders. Also performs work in connection with the administration of section 221(a) and (c) of the Act pertaining to the designations of the agents to receive service of judicial process.

(3) *Section of Motor Carrier Safety.* Performs work in connection with the promulgation of regulations pertaining to safety, hours of service of employees, and standards of equipment; compiles and publishes statistical and other information pertaining to these matters; presents evidence in Commission proceedings where the matter of carriers' safety records is involved; prepares accident reports for Board approval; and provides guidance to the field staff respecting the administration of the motor carrier safety regulations and procedures.

(4) *Section of Field Service—Departmental.* Plans, programs and supervises the work of the field staff; initiates and prepares procedures and instructions to facilitate execution of field work in coordination with the work of the other sections of the bureau, as well as other bureaus to the extent that the field staff provides services for them; and reviews the effectiveness of the field work performed to insure that the Commission's policies in this area are properly accomplished.

(5) *Field Staff.* Conducts inspections and investigations of the activities of motor carriers to ascertain their compliance with the law and regulations under Part II of the Act, including: safety of operations and equipment, hours of service, posting and adherence to rate and tariff schedules, filing of insurance, operating in accordance with authority and like matters; provides reports on applications for temporary operating authority; prepares investigation reports; recommends prosecutions and serves as witnesses in prosecutions and other proceedings respecting these matters.

(6) *Motor Carrier Board No. 1.* See Item 7.8 of the Organization Minutes as amended for functions and duties.

(7) *Motor Carrier Board No. 2.* See Item 7.8 of the Organization Minutes as amended for functions and duties.

(8) *Motor Carrier Board No. 3.* See Item 7.8 of the Organization Minutes as amended for functions and duties.

(j) *Bureau of Operating Rights.* Performs duties in connection with the Commission's proceedings involving motor common and contract carriers, brokers of motor carrier transportation, water carriers, and freight forwarders, under the various sections of the Act, relative to operating authority matters, provisions, and exemptions, including investigations looking to the prescription of rules and regulations governing operations of such carriers; formal complaints and investigations concerning failure of carriers to comply with the Act or any requirement established thereunder, with respect to operating practices under the jurisdiction of Division 1; the suspension, change, or revocation of certificates, permits, and licenses; and the granting of temporary authorities for motor carrier service. Operations are conducted on functional bases by and through the Director's Office, the sections, the Operating Rights Review Board, the Temporary Authorities Board, and Operating Rights Boards Nos. 1 and 2. The Director's Office is responsible for, among other things, maintenance of the case processing and other statistical records; handling of correspondence; official travel authorizations; Joint Board appointments; case status information; special studies and projects; clerical support for the scheduling and postponement of hearings and modified procedure; extensions of dates for filing pleadings; processing of uncontested filings of State certificates under the second proviso of section 206(a)(1) of the Interstate Commerce Act; and the handling of uncontested requests for authority under the Deviation Rules.

(1) *Section of Hearings.* Schedules hearings in all bureau proceedings requiring an oral hearing and handles procedural questions arising in connection therewith until the report and recommended order are served. Conducts hearings, prepares initial reports on proceedings handled in the Bureau and releases for service all initial reports and recommended orders. Reviews procedures and makes recommendations for changes designed to promote efficiency and to expedite the processing of proceedings.

(2) *Section of Proceedings.* After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral argument, if any, report writers assigned to this section (a) under the direction and supervision of the Commissioner to whom the case is assigned, prepare draft final reports and orders and (b) in cases which have not been assigned to individual Commissioners independently prepare draft reports and orders for circulation to boards of employees for consideration and adoption.

(3) *Section of Appeals.* Independently prepares and reviews memoranda recommending the action the Commission, a Division, or an individual Commissioner should take on petitions for rehearing, reargument, or reconsideration, and petitions for other relief.

(4) *Section of Certificates and Captions.* Examines applications for operating rights, prepares correspondence to applicants concerning sufficiency of such applications, prepares summaries of such applications for publication in the FEDERAL REGISTER as notice to the public. Prepares certificates, permits, and licenses specifying permanent grants of authorities approved by the Commission; processes orders reissuing such authorities upon approval of transfer in finance proceedings, and orders vacating or amending such operating authorities after action by the Commission; and processes uncontested revocation proceedings.

(5) *Temporary Authorities Board.* See Item 7.4 of the Organization Minutes as amended for functions and duties.

(6) *Operating Rights Board No. 1.* See Item 7.11 of the Organization Minutes as amended for functions and duties.

(7) *Operating Rights Board No. 2.* See Item 7.11 of the Organization Minutes as amended for functions and duties.

(8) *Operating Rights Review Board.* See Item 7.11 of the Organization Minutes as amended for functions and duties.

(k) *Bureau of Rates and Practices.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the Act, relative to rates, fares, charges and practices and relief from anti-trust laws relative to collective rate-making agreements; and conducts proceedings arising under a number of miscellaneous provisions of the Act and other acts such as the Railway Mail Service Pay Act, Railroad Retirement Act, etc., which require Commission findings and determinations.

(1) *Section of Administration.* Performs the Bureau's administrative work pertaining to cases processed which includes maintaining records, handling procedural matters, preparing notices and orders, and conducting correspondence with parties to the cases.

(2) *Section of Hearings.* Schedules hearings in all bureau proceedings requiring an oral hearing and handles procedural questions arising in connection therewith until the report and recommended order are served. Conducts hearings, prepares initial reports on proceedings handled in the Bureau and releases for service all initial reports and recommended orders. Reviews procedures and makes recommendations for changes designed to promote efficiency and to expedite the processing of proceedings.

(3) *Section of Proceedings.* After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral arguments, if any, report writers assigned to this section (a) under the direction and supervision of the Commissioner to whom the case is assigned, prepare draft-final reports and orders and (b) in cases which have not been assigned to individual Commissioners (generally those which have not been the subject of an oral hearing) independently prepare draft-final reports and orders for circulation to the Commission or to the Rates and Practices Review Board for decision; and (c) prepare and present memoranda recommending disposition of petitions to the Commission.

(4) *Rates and Practices Review Board.* See Item 7.12 of the Organization Minutes as amended for functions and duties.

(l) *Bureau of Safety and Service.* Performs duties in connection with the Commission's programs respecting: (1) car service provisions of the Act which include preparing proposed regulations and emergency orders regarding the use, control, supply, movement, distribution, interchange and return of locomotives, cars and other vehicles used in the transportation of property; (2) the Locomotive Inspection Act, to promote safety of employees and travelers on railroads, making the inspections to determine that locomotives are in proper condition, safe to operate and comply with the rules and regulations, and to determine that the required inspections of locomotives are made by the carriers and the defects are repaired before the locomotive is returned to service; (3) the Safety Appliance Act, the Ashpan Act, the Hours of Service Act, Accident Reports Act, Block Signal Resolution, Power Brake Law of 1958, etc., relating to investigation of safety appliances or systems intended to promote safety of railway operation; and (4) the transportation of explosives and other dangerous articles by rail, highway and water.

(1) *Section of Car Service.* Performs necessary duties relating to the administration of the car service provisions of the Act, pertaining to use, control, supply, movement, distribution, exchange, interchange and return of locomotives, cars and other vehicles used in the transportation of property, including special types of equipment, and supervises the field staff engaged in inspecting for compliance with respect to these items.

(2) *Section of Locomotive Inspection.* Performs necessary duties relating to the administration of the Locomotive Inspection Act, 45 U.S.C. 22–34, as amended, which requires compliance by carriers engaged in interstate commerce upon whose line any locomotive is used; makes inspections to determine if locomotives are equipped and maintained by carriers in accordance with the Commission's regulations and are in safe condition to operate; takes corrective action in connection with locomotives not conforming to requirements; makes investigations of accidents caused by failure of any part of a locomotive; and prepares reports for Commission approval on such investigations when such action is in the public interest. Supervises the field staff of district inspectors engaged in inspection and investigation to assure compliance with respect to these item.

(3) *Section of Railroad Safety.* Performs necessary duties respecting the administration of various Safety Appliance Acts (45 U.S.C. 1–16, 17–21, 36), the Accident Reports Act (15 U.S.C. 38–43), the Hours of Service Act (45 U.S.C. 61–64), the Block Signal Resolution (45 U.S.C. 35), and section 25 of the Act (49 U.S.C. 25), as related to railways, other than those pertaining particularly to locomotives and the transportation of explosives and other dangerous articles by rail, highway, and water; supervises the field staff engaged in making inspections of carrier operations as prescribed and recommends reporting of violations to the proper United States District Attorneys for prosecution; investigates applications for approval of material modifications of block signal systems and interlocking devices; and investigates train accidents and makes recommendations as to corrective measures to be taken by the carriers.

(4) *Field Staff.* Conducts investigations and performs other field work in connection with the duties of the sections described above.

(5) *Safety and Service Board No. 1.* See item 7.7 of the Organization Minutes as amended for functions and duties.

(6) *Safety and Service Board No. 2.* See Item 7.7 of the Organization Minutes as amended for functions and duties.

(m) *Bureau of Traffic.* Performs duties relative to the filing of schedules or tariffs of rates, fares and charges, and of transportation and protective service contracts, of carriers subject to the Act; the suspension of tariff provisions pending investigation of their lawfulness, and the administration of the long-and-short-haul and aggregates-of-intermediate-rate provisions of the Act; confers and corresponds with carriers, shippers and other interested parties, expressing its views, concerning the application of rates and other tariff provisions, as a possible means of settling controversies; processes applications of carriers requesting authority to make reparation on past shipments; and advises with, and acts as consultant to, the Commission and its staff with respect to tariff policies, rate adjustments, general rate investigations, tariff interpretations, and rate-making principles.

(1) *Section of Tariffs.* Receives, examines and maintains the official files of all tariff publications, except passenger and express publications; processes applications for special permission to es-

tablish rates and charges or other tariff provisions on less than statutory notice or for waiver of tariff circular rules, including those of motor carriers when such carriers have been granted temporary operating authority by the Commission; receives, examines and files powers of attorney, concurrences, also quotations filed under section 22 of the Act; makes recommendations to the Commission as to changes in tariff circular rules; and maintains a complete file of tariffs of all carriers, section 22 quotations and contracts between freight forwarders and motor carriers filed under section 409 of the Act, for use of the public.

(2) *Section of Rates and Informal Cases.* Provides rate information and interpretations of published tariffs and schedules for the Commission and its staff; assists in the settlement of informal negotiations as between shippers and carriers of controversies involving the proper interpretation of tariffs; processes reparation applications; performs the administrative work in connection with contracts covering protective service filed by railroads and by express companies; receives, examines and maintains the official files of tariff publications for passenger and express transportation; and ascertains and computes short-line distances and first-class rates for waybill study purposes.

(3) *Board of Suspension.* See Item 7.3 of the Organization Minutes as amended for functions and duties.

(4) *Fourth Section Board.* See Item 7.2 of the Organization Minutes as amended for functions and duties.

(5) *Released Rates Board.* See item 7.10 of the Organization Minutes as amended for functions and duties.

(6) *Special Permission Board.* See Item 7.9 of the Organization Minutes as amended for functions and duties.

(n) *Bureau of Transport Economics and Statistics.* Performs economic, statistical and related analytical work, concerning transportation, necessary to the Commission in the performance of its functions to foster sound economic conditions consistent with the National Transportation Policy. In performing this work, the bureau advises the Commission on economic matters and develops and prepares for publication data concerning such matters as finances, physical characteristics, operations and traffic consist of the various carriers, as well as statistical and economic evaluations of the effects of the Commission's regulatory policies on carriers, shippers, consumers, and the national economy and the effects of developments pertaining to the latter on the Commission's responsibilities.

(1) *Section of Reports.* Prepares in coordination with other bureaus and offices the statistical and accounting reporting requirements of carriers; sets forth policies and practices to be followed in filing the annual and periodic reports, including railroad accident reports; examines and verifies carrier reports to determine accuracy, completeness and compliance with reporting requirements and conducts correspondence with carriers regarding same; initiates action leading to institution of appropriate proceedings against carriers failing to observe reporting requirements; compiles and prepares for publication transportation statistics based on reports submitted by the carriers covering such matters as finances, operations, and railroad accidents; prepares special statistical and financial analysis for the Commission, Congress, and other governmental agencies; and advises industry, Government agencies, and others regarding the scope and content of the reports and related matters.

(2) *Section of Traffic Statistics.* Provides traffic statistics based primarily on a one percent sample of carload shipments terminated by Class I railroads; compiles and makes special and continuing studies of these data to determine the effect of Commission decisions on rate structures; and to analyze other traffic characteristics; issues a continuing series of annual and other periodical publications based upon the carload sample showing various distributions of traffic characteristics; develops and maintains an inventory of motor carrier authorities to facilitate identification of operating rights with given characteristics for Commission information and utilization; operates automatic data processing equipment for these and other bureaus and Commission processing requirements; provides technical and professional advice and assistance in statistical matters, the waybill sample and operating authorities inventory, and automatic data processing.

(3) *Section of Research.* Conducts formal research studies of basic transportation problems and developments affecting the several modes of transportation or the national transportation system to assist the Commission in the performance of its regulatory and administrative functions; advises the Commission on economic matters and prepares special studies and analyses of economic data to meet specific current needs of the Commission; and provides economic, statistical and other material for Commission and Bureau publications.

(o) *Bureau of Water Carriers and Freight Forwarders.* Performs duties in connection with the Commission's programs involving the regulation of water carriers, freight forwarders, and rate bureaus under Parts III and IV, and Section 5a of the Act. Processes the applications (1) of water carriers for temporary authorities and exemptions, and (2) of common carriers for approval of collective rate-making agreements. Inspects the operations of water carriers, freight forwarders and rate bureaus to inform them of the requirements of the Act and Commission regulations and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, annual reports, extensions of credit or procedures for collective rate-making under approved agreements.

(1) *Field Staff.* Conducts the investigations and performs the other field work included in the functional statement for the Bureau.

[SEAL] HAROLD D. McCOY,
Secretary.

INTERSTATE COMMERCE COMMISSION FIELD OFFICES

ICC regions	Location of offices	Bureaus and offices represented
1	Boston, Mass.; Regional Headquarters, 15 Court Square.	A, I&C, MC, OMD, S&S.
	Lebanon, N.H., 6 Campbell St.	MC.
	Portland, Maine; 306 Post Office and Court House, 76 Pearl St.	MC.
	Providence, R.I., 187 Westminster St.	MC.
	Springfield, Mass., 338 Federal Building, 436 Dwight St.	MC.
	New York, N.Y.,[1] Room 1111, 346 Broadway.	A, I&C, MC, S&S, WC.
	Albany, N.Y., 518 Federal Building, Maiden Lane and Broadway.	MC, S&S.
	Binghamton, N.Y., 215 Post Office and Court House.	MC.
	Buffalo, N.Y., 324 Post Office Building, 121 Ellicott St.	MC, S&S.
	Hartford, Conn., 223 Federal Building, 135 High St.	MC.
	Newark, N.J., 963 Industrial Office Building, 1060 Broad St.	A, MC, S&S.
	Syracuse, N.Y., 1026 Chimes Building, 109 West Onondaga St.	MC, S&S.
	Trenton, N.J., 410 Post Office Building, 402 East State St.	MC.
2	Philadelphia, Pa.; Regional Headquarters, 900 Custom House, 2d and Chestnut Sts.	A, I&C, MC, OMD, S&S.
	Baltimore, Md., 312 Appraisers' Stores Building, 103 South Gay St.	MC, S&S.
	Harrisburg, Pa., 218 Central Industrial Building, 100 North Cameron St.	MC.
	Norfolk, Va., 250 Post Office Building, 600 Granby St.	S&S.
	Richmond, Va., 10-502 Federal Building, 400 North Eighth St.	A, I&C, MC, S&S.
	Roanoke, Va., 215 Campbell Avenue, S.W.	MC, S&S.
	Salisbury, Md., 206-B Post Office Building East Main and Baptist Sts.	MC.
	Scranton, Pa., 309 Post Office Building, North Washington Ave. and Linden St.	MC.
	Washington, D.C., Interstate Commerce Commission, Building, 12th and Constitution Avenue N.W.	A, MC, S&S.
	Columbus, Ohio, 236 New Post Office Building, 85 Marconi Blvd.	I&C, MC, S&S.
	Charleston, W. Va., 3202 Federal Office Building, 500 Quarrier St.	MC, S&S.
	Cincinnati, Ohio, 753 Post Office and Court House.	MC, S&S.
	Cleveland, Ohio, 118 Federal Building, 216 Superior Ave. N.E.	MC, S&S.
	Pittsburgh, Pa., 203 Victory Building, 212 9th St.	A, I&C, MC, S&S.
	Toledo, Ohio, 5234 Federal Building, 234 Summit St.	MC, S&S.
	Wheeling, W. Va., 531 Hawley Building, 1025 Main St.	MC.
	Youngstown, Ohio, 610 Schween Wagner Building, 125 West Commerce St.	S&S.

[1] Regional director of Water Carriers and Freight Forwarders stationed in this office also responsible for water carrier and freight forwarder matters in Region II.

INTERSTATE COMMERCE COMMISSION FIELD OFFICES—Continued

ICC regions	Location of offices	Bureaus and offices represented
3	Atlanta, Ga.; Regional Headquarters, 690 West Peachtree St. NW.	A, I&C, MC, S&S OMD.
	Birmingham, Ala., 1326 City Federal Building, 2026 2d Ave. North.	MC, S&S.
	Charlotte, N.C., Room 206, 327 North Tryon St.	A, MC, S&S.
	Columbia, S.C., 509 Federal Office Building, 901 Sumter St.	MC.
	Coral Gables, Fla., Room 3, 4112 Aurora St.	MC.
	Jacksonville, Fla., 428 Post Office Building, 311 West Monroe.	A, MC, S&S.
	Mobile, Ala., 217 U.S. Court and Custom House.	S&S.
	Raleigh, N.C., 401 Oberlin Rd.	MC.
	Tampa, Fla., Room 154, 300 Tampa St.	S&S.
	Nashville, Tenn., 706 U.S. Court House, 801 Broadway.	A, I&C, MC, S&S.
	Jackson, Miss., 320 Post Office and Courthouse.	MC.
	Lexington, Ky., 207 Exchange Building, 147 North Upper St.	MC.
	Louisville, Ky., 426 Post Office Building, 601 West Broadway.	MC, S&S.
	Memphis, Tenn., 1121 Falls Building, 22 North Front St.	I&C, MC, S&S.
4	Chicago, Ill.; Regional Headquarters, 552 Custom House, 610 South Canal St.	A, I&C, MC, S&S, WC, OMD.
	Detroit, Mich., 1420 Book Building, 1249 Washington Blvd.	A, MC, S&S.
	Fort Wayne, Ind., 306 Federal Building.	MC.
	Indianapolis, Ind., 8th Floor, Century Building, 36 South Pennsylvania St.	MC, S&S.
	Lansing, Mich., 221 Federal Building, 325 West Allegan St.	MC.
	Springfield, Ill., 719 Meyers Building, 8th and Washington Sts.	MC.
	Minneapolis, Minn., 448 Federal Building and U.S. Court House, 110 South Fourth St.	A, I&C, MC, S&S.
	Duluth, Minn., 425 Post Office Building.	S&S.
	Fargo, N. Dak., 116 South Plaza Building, 1621 South University Dr.	MC, S&S.
	Madison, Wis., Room 100, 214 North Hamilton St.	MC.
	Milwaukee, Wis., 511 Cawker Building, 108 West Wells St.	MC.
	Pierre, S. Dak., Karcher Building, 306½ South Pierre St.	MC.
5	Fort Worth, Tex.; Regional Headquarters, 816 Texas and Pacific Building, Throckmorton and Lancaster Sts.	A, I&C, MC, S&S, OMD.
	Amarillo, Tex., 443 Amarillo Petroleum Building, 8th and Tyler Sts.	MC, S&S.
	Dallas, Tex., 3-101 Mart Building, 500 South Ervay St.	A, MC, S&S.
	El Paso, Tex., 203 U.S. Court House.	S&S.
	Houston, Tex., 8610 Federal Building and U.S. Courthouse, 515 Rusk Ave.	A, I&C, MC, S&S.
	Little Rock, Ark., 2519 Federal Office Building.	MC.
	New Orleans, La.,[1] 709 Masonic Temple, 333 St. Charles Ave.	MC, S&S, WC.

[1] Regional director of Water Carriers and Freight Forwarders stationed in this office also responsible for water carrier and freight forwarder matters in Region III.

INTERSTATE COMMERCE COMMISSION FIELD OFFICES—Continued

ICC regions	Location of offices	Bureaus and offices represented
6	Fort Worth, Tex.—Con. Oklahoma City, Okla., Room 350, American General Building, 210 Northwest Sixth St.	MC, S&S.
	San Antonio, Tex., 553 Post Office and Court House, 615 East Houston St.	MC, S&S.
	Shreveport, La., 625 Ricon-Brewster Building, 425 Milam St.	S&S.
	Kansas City, Mo., 1100 Federal Office Building, 911 Walnut St.	A, I&C, MC, S&S.
	Davenport, Iowa, 235 Post Office Building, 4th and Perry Sts.	MC.
	Des Moines, Iowa, 227 Federal Office Building, 5th St. and Court Ave.	MC., S&S.
	Lincoln, Nebr., 218 U.S. Courthouse and Post Office Building.	MC.
	Omaha, Nebr., 705 Federal Building, 106 South 15th St.	MC, S&S.
	Sioux City, Iowa, 304 Post Office Building.	MC.
	St. Louis, Mo., 3248 Federal Building, 1520 Market St.	A, MC, S&S.
	Topeka, Kans., 309 Federal Building.	MC.
	Wichita, Kans., 906 Schweiter Building, 106 North Main St.	MC, S&S.
6	Portland, Oreg.;[2] Regional Headquarters, 538 Pittock Block, 921 Southwest Washington St.	A, I&C, MC, OMD, S&S, WC.
	Boise, Idaho, 203 Eastman Building, 105 North 8th St.	MC.
	Seattle, Wash., 6120 Arcade Building, 1219 2d Ave.	A, MC, S&S.
	Spokane, Wash., 401 Post Office Building, West 914 Riverside Ave.	MC, S&S.
	Billings, Mont., 318 Post Office and Courthouse.	MC.
	Great Falls, Mont., Civic Center Building.	S&S.
	Anchorage, Alaska,[4] Room 51-52, Federal Building.	MC.
7	San Francisco, Calif.,[1] Regional Headquarters, 602 Sheldon Building, 9 First St.	A, I&C, MC, OMD, OR, S&S.
	Carson City, Nev., 212 Telegraph Building, 11 West Telegraph St.	MC.
	Los Angeles, Calif., 1819 West 6th St.	A, I&C, MC, S&S.
	Phoenix, Ariz., 5045 Federal Building, 230 North 1st St.	MC, S&S.
	Salt Lake City, Utah, 114 Atlas Building, 36½ West 2d South St.	MC, S&S.
	Denver, Colo., 602 Denham Building, 635 18th St.	A, I&C, MC, S&S.
	Albuquerque, New Mexico, 109 U.S. Court House, 4th and Gold Sts.	MC, S&S.

*A —Accounts
I&C —Inquiry and Compliance
MC —Motor Carriers
OMD—Office of the Managing Director
OR —Operating Rights
S&S —Safety and Service
WC —Water Carriers and Freight Forwarders

[1] Regional director of Water Carriers and Freight Forwarders also responsible for water carrier and freight forwarder matters in Region VII.
[2] Receives technical direction from Central Office in Washington, D.C.
[3] Regional Auditor also responsible for accounting matters in Region VI.

TERRITORIAL COVERAGE OF THE FIELD OFFICES OF THE BUREAU OF MOTOR CARRIERS

District No.	Headquarters office	States
1	Boston, Mass.	Massachusetts, Maine, New Hampshire, Vermont, Rhode Island.
2	New York, N.Y.	New York, New Jersey, Connecticut.
3	Philadelphia, Pa.	Eastern Pennsylvania, Maryland, Delaware, District of Columbia, Virginia.
4	Columbus, Ohio	Ohio, Western Pennsylvania, West Virginia.
6	Atlanta, Ga.	Georgia, Florida, Alabama, North Carolina, South Carolina.
7	Nashville, Tenn.	Tennessee, Kentucky, Mississippi.
8	Chicago, Ill.	Illinois, Indiana, Michigan.
9	Minneapolis, Minn.	Minnesota, Wisconsin, North Dakota, South Dakota.
10	Kansas City, Mo.	Missouri, Iowa, Nebraska, Kansas.
12	Fort Worth, Tex.	Texas (excluding El Paso County), Oklahoma, Arkansas, Louisiana.
13	Denver, Colo.	Colorado, Wyoming, New Mexico, Utah, Montana, El Paso County, Texas.

[F.R. Doc. 64-2737; Filed, Mar. 23, 1964; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 19, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38896: *Unground Barytes to Natrium, W. Va.* Filed by Missouri Pacific Railroad Company (No. 1131), for itself and on behalf of The Baltimore and Ohio Railroad Company. Rates on barytes (not ground), not further processed than washed, jigged, tabled, crushed or decrepitated, in bulk, in carloads, subject to aggregate minimum weight of 350 net tons, from Lumtie and Potosi, Mo., to Natrium, W. Va.

Grounds for relief: Carrier competition.

Tariff: Supplement 51 to Missouri Pacific Railroad Company, tariff I.C.C. A–10237.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38897: *Unground Barytes to Natrium, W. Va.* Filed by Missouri Pacific Railroad Company (No. 1132), for interested rail carriers. Rates on barytes (not ground), not further processed, than washed, jigged, tabled, crushed or decrepitated, in bulk, in carloads, subject to aggregate minimum weight of 350 net tons, from Lumtie and Potosi, Mo., to Natrium, W. Va.

Grounds for relief: Maintenance of depressed rates published to meet market competition without use of such rates

as factors in constructing combination rates.

Tariff: Supplement 51 to Missouri Pacific Railroad Company, tariff I.C.C. A–10237.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–2790; Filed, Mar. 23, 1964; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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VOLUME 29 NUMBER 59

Washington, Wednesday, March 25, 1964

THE UNIVERSITY OF MICHIGAN
MAR 30 1964
READING ROOM

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[87th Cong., 2d Sess.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11148

DESIGNATING THE SECRETARY OF THE INTERIOR AS A MEMBER OF THE INTERAGENCY COMMITTEE ON EXPORT EXPANSION

By virtue of the authority vested in me as President of the United States, Section 1(a) of Executive Order No. 11132 of December 12, 1963, is hereby amended by inserting "the Secretary of the Interior;" immediately after "the Secretary of Defense;".

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 23, 1964.

[F.R. Doc. 64-2970; Filed, Mar. 24, 1964; 11:52 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

Subpart—Proclamation of the Results of Marketing Quota Referenda for (1) Fire-Cured Tobacco and (2) Dark Air-Cured Tobacco

Basis and purpose. The purpose of this proclamation is to add §§ 724.32 and 724.33 to announce the results of the fire-cured tobacco and dark air-cured tobacco marketing quota referenda for the three marketing years beginning October 1, 1964. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, and dark air-cured (types 35 and 36) tobacco for the 1964–65, 1965–66 and 1966–67 marketing years, and announced the amounts of the national marketing quotas for such kinds of tobacco for the 1964–65 marketing year (29 F.R. 1639). The Secretary announced (29 F.R. 1664) that referenda would be held on February 28, 1964, to determine whether fire-cured tobacco and dark air-cured tobacco producers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1964. Since the only purpose of this proclamation is to announce the results of the referenda, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary.

§ 724.32 Proclamation of the results of the fire-cured tobacco marketing quota referendum for the three-year period beginning October 1, 1964.

In a referendum of farmers engaged in the production of the 1963 crop of fire-cured tobacco held on February 28, 1964, 11,978 farmers voted. Of those voting, 11,349 or 94.7 percent, favored quotas for a period of three years beginning October 1, 1964; 629 or 5.3 percent were opposed to quotas. Therefore, the national marketing quota of 11,168,000 pounds for fire-cured (type 21) tobacco, and the national marketing quota of 45,800,000 pounds for fire-cured (types 22, 23 and 24) tobacco, proclaimed January 30, 1964 (29 F.R. 1639) for the 1964–65 marketing year will be in effect for such year, and marketing quotas on such kinds of tobacco will be in effect for the three marketing years beginning October 1, 1964.

§ 724.33 Proclamation of the results of the dark air-cured tobacco marketing quota referendum for the three-year period beginning October 1, 1964.

In a referendum of farmers engaged in the production of the 1963 crop of dark air-cured tobacco held on February 28, 1964, 9,113 farmers voted. Of those voting, 8,916 or 97.8 percent, favored quotas for a period of three years beginning October 1, 1964; 197 or 2.2 percent were opposed to quotas. Therefore, the national marketing quota of 21,800,000 pounds proclaimed January 30, 1964 (29 F.R. 1639) for dark air-cured (types 35 and 36) tobacco for the 1964–65 marketing year will be in effect for such year, and marketing quotas on such kind of tobacco will be in effect for the three marketing years beginning October 1, 1964.

(Secs. 312, 375; 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375.)

Done at Washington, D.C., this 19th day of March, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture.

[F.R. Doc. 64-2844; Filed, Mar. 24, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4022; Amdt. 365]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

Correction

In F.R. Doc. 64-1950, appearing at page 3525 of the issue for Thursday, March 19, 1964, the following correction is made in the amendment of § 97.11(b), in the first entry for National Airport, Washington, D.C.: The paragraph headed "Caution:" should begin with the words "442' monument 1.7 miles * * *" instead of the words "442' monument 117 miles * * *".

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 4067; Amdt. 709]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Models A-26B and A-26C Series Aircraft

There have been several instances of failure of the wing structure in the area of the left rear and front upper and lower wing spar caps at the inboard flap hinge points on Douglas Models A-26B and A-26C Series aircraft. To correct this unsafe condition, an airworthiness directive is being issued to require inspection and repair of the inboard flap hinge point bolt holes and the front and rear upper and lower spar cap of both wings.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all Models A-26B and A-26C Series aircraft.

Compliance required as indicated.

As a result of failure of the wing structure in the area of the left rear upper and lower wing spar cap at the inboard flap hinge points, and in the area of the lower left front spar cap at the nacelle attach fitting at Station 140, accomplish the following:

(a) Within 15 hours' time in service after the effective date of this AD, unless already accomplished within the last 110 hours' time in service, inspect the areas described in (a)(1) and (a)(2) for cracks by means of visual and dye penetrant methods. Reinspect at periods not to exceed 125 hours' time in service from the last inspection.

(1) Inspect for cracks in the inboard flap hinge point bolt holes, the 1¾ diameter spotfaces, and the area surrounding these holes. These holes are located on the rear upper and lower spar caps, left and right wings, 8¾ inches outboard of the wing-to-fuselage attach points. Pay particular attention to the bolt holes and edges of the holes.

(2) Inspect the front lower spar cap at Station 140.00 of both wings for cracks in the three ½-inch bolt holes used for attaching the nacelle attach fitting to spar cap. Pay particular attention to the bolt holes and edge of holes.

(b) If cracks are found, rework in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region, before further flight.

This amendment shall become effective March 31, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 18, 1964.

EDWARD C. HOBSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2808; Filed, Mar. 24, 1964; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Order No. 277; Docket No. R-258]

PART 1—RULES OF PRACTICE AND PROCEDURE

Exceptions to Intermediate Decisions, Briefs, Oral Argument

MARCH 18, 1964.

The Commission has concluded that it is desirable to reduce the paper work relating to appeals from examiners' decisions and to facilitate the improvement of the briefs which bring the issues to the Commission.

Accordingly, we are revising § 1.31 of the rules of practice and procedure. In the future, a party objecting to all or parts of an examiner's decision shall in 30 days after service of the decision file his objections in a single document entitled "Brief on Exceptions," comprising the grounds of objection to a decision stated in a reasoned and documented written argument or brief. The style of organization of the brief is prescribed along lines familiar to the bar in appellate briefs. In generally similar style, any party disagreeing with the briefs on exceptions may answer them and support the disputed decision or the challenged parts in a "Brief Opposing Exceptions" filed within 20 days after the time limited for service of briefs on exceptions.

By this revision we are eliminating the present system of separate filing of exceptions and briefs supporting exceptions, the simultaneous filing of exceptions and statements in support of the decision, and the filing of reply briefs.

Under the revised rule, each brief will be limited in length to 50 pages and each must be self contained, i.e., the brief must contain within itself the argument that the party filing desires the Commission to consider, without incorporating by reference earlier briefs or arguments. The 50-page limitation may be altered or waived for each class of brief for good cause on timely application to the Chief Examiner of the Commission.

The revised rule also covers oral argument before the Commission on matters raised by the briefs, and the subject of briefs and oral argument to the Commission in any case where the intermediate decision of the examiner is waived.

The amendment will be effective May 1, 1964, but to avoid confusion as to whether the revised rule or its predecessor applies to examiners' decisions rendered immediately prior to that date, we are providing that the revised rule shall not apply to the intermediate decisions of examiners issued prior to May 1, 1964.

The Commission has been greatly assisted in the revision of the rule by the suggestions of the Committee on Rules of Practice and Procedure of the Federal Power Bar Association.

The Commission finds:

(1) Since the amendments adopted herein involve matters of Commission practice and procedure the notice, hearing and effective date requirements of section 4 of the Administrative Procedure Act are not applicable.

(2) The adoption of these amendments are necessary and appropriate to the administration of both the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 308 and 309 thereof (49 Stat. 858; 16 U.S.C. 825g, 825h), and the Natural Gas Act, as amended, particularly sections 15 and 16 thereof (52 Stat. 829, 830; 15 U.S.C. 717n, 717o) orders:

(A) Delete § 1.31 of Part 1, Rules of Practice and Procedure, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, and insert in lieu thereof the following:

§ 1.31 Exceptions to intermediate decisions, briefs; briefs and oral arguments before the Commission.

(a) *Briefs on exceptions, briefs opposing exceptions, filing of.* Any party or staff counsel desiring to appeal to the Commission shall, within 30 days after the service of a copy of an intermediate decision (initial or recommended by subordinates, or tentative by Commission), or such other time as may be fixed by the Secretary, file exceptions to the decision or part thereof in a brief (designated "Brief on Exceptions"). "Briefs Opposing Exceptions" may be filed in response to briefs on exceptions within 20 days after the time limited for the filing of briefs on exceptions or such other time as may be fixed by the Secretary. No further response will be entertained unless the Commission, upon motion or its own initiative, so orders.

(b) *Nature and service of briefs on exceptions and of briefs opposing exceptions.* (1) Briefs on exceptions shall contain (i) a short statement of the case, (ii) a summary of the basic position of the party filing, (iii) the grounds upon which the exceptions rest and (iv) the argument in support with appropriate references to the record and legal authorities. There may also be included specific findings and conclusions proposed in lieu of those to which exception is taken and any proposed additional findings and conclusions. Exceptions to the form of order or rule shall specify the portions thereof to which exception is taken, and may set forth a form of order or rule suggested in lieu of that served. Briefs opposing exceptions shall generally follow the same style prescribed for briefs on exceptions, but may omit a statement of the case if it was correctly stated in a brief on exceptions.

(2) Briefs on exceptions and briefs opposing exceptions shall be self contained and limited to fifty pages in length, provided that for good cause the limitation on length may be altered or waived for either class of briefs upon application to and order of the Chief Examiner of the Commission, or an examiner acting in his absence, within the time limited for filing of the respective briefs.

(3) Subject to the foregoing requirements, briefs shall conform to the applicable provisions of §§ 1.15, 1.16, and 1.17, as to copies, form, and service, but need not be verified under oath. Fifteen copies of each such document shall be filed with the Commission in addition to the copies served on the parties to the proceedings.

(c) *Failure to except or to object to rulings on evidence results in waiver.* Failure to file a brief on exceptions within the time allowed under this section shall constitute a waiver of all objections to the intermediate decisions served. Objections to any part of an intermediate decision which is not the subject of exceptions may not thereafter be raised before the Commission in oral argument, or in an application for Commission rehearing, and shall be deemed to have been waived. The Commission may refuse to consider exceptions to a ruling admitting or excluding evidence unless there was an objection at the time the ruling was made or within any deferred time provided by the presiding officer.

(d) *Oral argument on exceptions.* Any party or staff counsel filing a brief on exceptions or brief opposing exceptions may by motion request an opportunity to present oral argument to the Commission on the intermediate decision. Such motion must be filed within the time limited for the filing of briefs opposing exceptions. If oral argument is ordered, it shall be limited, unless otherwise specified, to matters properly raised by the briefs.

(e) *Briefs and oral argument on waiver of intermediate decision.* Parties requesting a decision by the Commission without an intermediate decision in a proceeding in which the Commission has not presided at the reception of the evidence shall include their requests for opportunity to file briefs or to make oral argument in the motion for waiver of the intermediate decision, as provided in § 1.30(c). Such briefs and argument as may be ordered shall conform to the requirements of § 1.29 insofar as applicable.

(Secs. 308, 309, 49 Stat. 858, 16 U.S.C. 825g, 825h; secs. 15, 16, 52 Stat. 829, 830, 15 U.S.C. 717n, 717o)

(B) This amendment shall be effective May 1, 1964, except that it shall not apply to intermediate decisions issued before May 1, 1964.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2815; Filed, Mar. 24, 1964; 8:46 a.m.]

[Order No. 278; Docket Nos. R-241, R-244]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT

PART 250—FORMS

Miscellaneous Amendments

MARCH 18, 1964.

Applications by independent producers pursuant to section 7 of the Natural Gas Act—miscellaneous amendments; Docket No. R-241.

Rate filings and certificate applications by independent producers—miscellaneous amendments; Docket No. R-244.

Though initiated separately, these two proceedings[1] are concerned with closely related proposals to amend the Commission's regulations under the Natural Gas Act with respect to the requirements to be followed by independent producers of natural gas in filing rate schedules and applying for certificates of public convenience and necessity or for authority to abandon service. Accordingly, we are considering the proposals simultaneously and, to avoid any possible confusion, will dispose of all the amendments proposed in the two dockets as hereinafter ordered.

The amendments are designed to simplify the filing requirements and expedite Commission action on applications and rate filings through the use of forms by which summaries of contract provisions and other information normally supplied in the body of an application would be made conveniently available on the first page of the filings.

In response to the invitation in the two notices, comments were received from six producing companies, one pipeline company, two distributing companies and two State commissions.

All respondents favored the proposals in Docket No. R-241 and some recommended that various items be added to the form (§ 250.5) to emphasize gas quality, and delivery conditions under the contract, percentum of ownership of coowners, names of signatory sellers, dates of fixed escalations and resulting prices, take-or-pay clauses, depths of producing horizons and description of any options granted in the contracts. We do not believe that the possible value of such information is sufficient to justify the added burden which would be imposed upon the producer-applicants.

Of the four producer companies commenting on the proposals in R-244, two were opposed. Others indicated objection to certain portions of the amendments but we are of the opinion that they are not of sufficient merit to overbalance the public interest which would be served by our adoption of the proposed amendments substantially as proposed.

One point requires clarification. The amendments proposed in R-244 are not intended to secure information with respect to the assignment of non-productive acreage. It is clear, however, that the assignee of any such acreage which is dedicated under the assignor's sales contracts, while not required to secure approval of the assignment, is now required, and will continue to be required under the amendments herein adopted, to obtain certificate authorization to sell gas from such acreage. Such assignees (farmouts) will be required to indicate that the sale for which a certificate is applied results from a farmout agreement and to complete the applicable portions of Part II of the contract summary. See § 157.24(a) and the note and item (5) in § 250.5.

Question was raised as to what may appear to be an unnecessary duplication of filings where a partial assignment of interests is involved. See § 154.92(d)(2) which requires the assignee to file copies of the assignor's contract and the instrument of assignment. We have found, however, that this minor degree of duplication is justified and that filed rate schedules of both the assignor and the assignee must be complete in themselves if the Commission staff in its administration of the Act and outside parties referring to these schedules are to be able to proceed with accuracy and dispatch. The assignor's rate schedule, following a partial assignment, must include both his basic contract and the instrument of assignment to show its current status. By the same token, the assignee's rate schedule must contain the same documents. Thus, the rights and obligations of each with respect to the assignor's basic contract, a portion of which was assigned, will be apparent from an examination of the filed schedule of each.

We have concluded, therefore, to adopt the amendments substantially as they were proposed in the two notices. However, one change in form, but not in substance, is being made. In Docket No. R-244, a new form, "Summary to be filed by assignee as a successor in interest" (§ 250.9) was proposed in the notice. But since all applicants are also required to file the form of "Contract summary" specified in § 250.5, we have revised the latter to include the information contained in § 250.9, as noticed. The amendment to § 157.24(a) which, as proposed, required the use of two forms if the applicant is a successor in interest, has been changed to require only the one form, Part I of which is to be completed by all applicants. Applicants who are successors in interest will, in addition, complete Part II to the extent applicable.

One amendment made herein was not proposed in either of the notices. It amends § 154.102(a) to provide that three copies shall be filed of a motion to make a suspended rate schedule effective at the end of the period of suspension. The lack of such a provision seems to have caused some confusion as to how many copies should be filed.

Upon consideration of the entire record in this proceeding which includes the notices of proposed rulemaking and all the comments, views and data filed in response thereto, the Commission further finds:

(1) Adoption of these amendments to the regulations under the Natural Gas Act are necessary and appropriate to the administration of the Natural Gas Act.

(2) For the reasons heretofore expressed, good cause exists for the adoption herein of the amendment to § 154.102(a) without giving the prior notice required by section 4 of the Administrative Procedure Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 4, 7 and 16 thereof (52 Stat. 822, 824, 825, 830; 56 Stat. 83, 84, 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o), orders:

(A) Parts 154, 157 and 250 of the Commission's regulations and forms under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, are amended in the following respects:

1. Amend § 154.92 by adding a new paragraph (d) to read as follows:

§ 154.92 Filing of rate schedules by independent producer.

* * * * *

(d)(1) Every independent producer seeking authority to render natural gas service previously authorized by the Commission, as successor in interest in all the properties or other rights covered by a particular rate schedule, shall file three copies of the instrument of assignment whereby the assignee acquired the properties (or rights therein) involved, along with a request that the assignor's rate schedule be redesignated as the rate schedule of the assignee. He shall also file three copies of an informational summary, in the form prescribed in § 250.8 of this chapter, for each contract of sale or transportation of gas involved in the assignment.

(2) Where the authority being sought under subparagraph (1) of this paragraph relates only to an assigned portion of the rights covered by the rate schedule of the assignor, the assignee shall file, as his rate schedule, three copies of the assignor's basic contract of sale, as amended, and of the instrument of assignment together with the informational summary required by subparagraph (1) of this paragraph.

(3) If the rate schedule of the assignor relating to the rights assigned is in effect subject to refund or if the sale is being made by the assignor under temporary authorization subject to a rate refund condition, authority to render service will be granted to the assignee only upon condition that he file assurance by way of bond or undertaking that he will refund, at such times and in such amounts to such persons as the Commission may find to be entitled thereto any portion of the rate which had been permitted to become effective pursuant to § 154.102 or the rate condition in the assignor's temporary authorization, as may be found by the Commission not to be justified. Assignee's obligation to refund, in the absence of his voluntary assumption of some greater proportion

[1] In Docket No. R-241, the notice of proposed rulemaking, issued May 14, 1963, was published in the FEDERAL REGISTER May 23, 1963 (28 F.R. 5181). The notice in R-244, issued July 15, 1963, was published July 20, 1963 (28 F.R. 7433).

of assignor's liability, shall attach as of the effective date of the Commission's order granting the assignee a certificate or temporary certificate as the case may be unless otherwise ordered or provided.

2. Amend § 154.97 by amending the headnote, amending and redesignating the present text as paragraph (a), and adding a new paragraph (b). As thus amended the section will read as follows:

§ 154.97 Cancellation or termination—assignment of interest.

(a) When a rate schedule or part thereof is proposed to be cancelled or is to terminate by its own terms and no new rate schedule or part thereof is to be filed in its place, the independent producer shall notify the Commission of the proposed cancellation or termination at least 30 days prior to the proposed effective date of such cancellation or termination. Such notice shall be in the form prescribed in § 250.9 of this chapter and shall contain a statement showing the reasons for the cancellation or termination and a certification that such notice of cancellation or termination has been served on the affected party or parties, together with names of parties to whom the notice has been mailed.

(b) When part of the acreage or other interest of an independent producer is proposed to be assigned to a successor who intends to render service from the same acreage as the assignor pursuant to the terms of the assignor's effective rate schedule, the assignor shall file with the Commission three copies of the instrument whereby the assignment is effected.

3. Amend § 154.102(a) to specify the number of copies to be filed. As so amended the paragraph will read as follows:

§ 154.102 Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.

(a) If a rate suspension proceeding initiated under section 4(e) of the Natural Gas Act has not been concluded and an order made at the expiration of the suspension period, the proposed change of rate, charge, classification, or service shall go into effect upon motion of the independent producer proposing the change as the legally effective rate and shall be charged, effective as of a date not earlier than the date of receipt of such motion by the Commission or the expiration of the suspension period, whichever is later. Three copies of the motion and any accompanying papers shall be filed. The Secretary, upon receipt of such a motion, shall, if the motion is legally adequate for the purpose, notify the movant that the proposed change shall be effective as provided in this section: *Provided*, That the Secretary shall refer to the Commission any motion requesting that a change in rate, charge, classification, or service be made effective, if in his judgment the motion should receive the specific attention of the Commission;

• • • • • •

(Secs. 4, 16, 52 Stat. 822, 830; 76 Stat. 73; 15 U.S.C. 717c, 717o)

4. Amend § 157.24(a) by amending the text preceding subparagraph (1) to read as follows:

§ 157.24 Contents of application.

(a) Every application for a certificate of public convenience and necessity required under § 157.23 shall be filed with the Commission and shall contain, in the form specified in § 250.5, a summary of each contract for the sale or transportation of natural gas for which a certificate is requested. All applicants shall complete Part I of the form. If the application is filed by an assignee seeking authority, as successor in interest, only to render service previously authorized by the Commission or to initiate service resulting from a farmout agreement, he shall complete Part II–A and, if applicable, Part II–B of the form. In addition the application shall set forth in the order indicated the following:

• • • • • •

5. Subparagraph (5) of § 157.24(a) is revoked.

6. Designate the text of § 157.30 as paragraph (a) and add a new paragraph (b) to read as follows:

§ 157.30 Abandonment of service.

(a) • • •

(b) Every application for abandonment of service under this section shall contain, on the first page of such application, a summary, in the form specified in § 250.7, of each contract for sale or transportation of gas for which abandonment authorization is requested."

(Secs. 7, 16, 52 Stat. 824, 825, 830; 56 Stat. 83, 84; 15 U.S.C. 717f, 717o)

7. Revise § 250.5 to read as follows:

§ 250.5 Form of contract summary to be filed by all applicants for certificates of public convenience and necessity, including successors in interest.

(See § 157.24(a) of this chapter.)

NOTE: All applicants shall complete Part I. An applicant who is an assignee (including farmout) filing as a successor shall complete, also, Part II–A, and Part II–B if the related rate schedule is under suspension, or the rate is in effect subject to refund, or if the sale is being made by the assignor under temporary certificate with a rate refund condition.

Date _____

PART I

(1) Name of applicant _____
(2) Person responsible for application:
(a) Name and title _____
(b) Mailing address _____
(3) Name of purchaser _____
(4) Are applicant and purchaser affiliated: No __; Yes __.
(5) Location of sale _____
(Field, county, state)
(6) Type of application [1] _____
(7) Date of contract _____
(8) Total price per Mcf (including all adjustments and tax reimbursement) _____
(9) Measurement pressure base (psia) _____
(10) Types of escalation provisions _____
(11) BTU price adjustment if any Up _____ Down _____ Estimated adjustment _____ (cents/Mcf).
(12) Other price adjustments: _____
(Specify as to type (gathering, dehydration, compression, liquefiable hydrocarbons, etc.) and per Mcf added or deducted)
(13) Estimated sales volumes (Mcf per month) _____
(14) Delivery pressure (psig) _____
(15) Delivery point: _____
(Wellhead, plant tailgate, central point in field, etc.)
(16) Any other special conditions affecting price _____

PART II–A

(17) Assignor _____
(18) Description of service to be continued: (a) FPC Docket No.(s) under which assignor was originally authorized; (b) proposed disposition of assignor's FPC Gas Rate Schedule(s) _____

PART II–B

(19) Suspension Docket No. _____
(20) Price currently being collected subject to refund _____ cents/Mcf
(21) Date price made effective subject to refund _____
(22) Estimated amount subject to possible refund annually $_____
(23) In addition to the refund obligation required by § 154.92(d)(3), does assignee intend to file bond or undertaking to assure total refund from the date increased rate of assignor became effective subject to refund or from date operation commenced under assignor's temporary certificate containing a refund condition, as the case may be? Yes ( ) No ( ).

[1] Specify whether initial service, add acreage, delete acreage, continue service of predecessor, farmout, other (give details).

8. Add a new § 250.7 to read as follows:

§ 250.7 Form of contract summary for abandonment applications.

(See § 157.30(b) of this chapter.)

1. Name of seller _____
2. Sale authorized in Docket No. _____
3. Name of purchaser _____
4. Location of sale _____
(Field, county, state)
5. Date of basic contract and Rate Schedule No. _____
6. Last effective rate (cents/Mcf) _____
7. Measurement pressure base (psia) _____
8. Involved in suspension proceeding: No __ Yes __ Docket No. _____
9. Purchaser has indicated concurrence: Yes __ No __.
10. Reasons for abandonment _____
(Specify)

9. Add a new § 250.8 to read as follows:

§ 250.8 Summary to accompany rate schedule filed by an assignee as successor in interest.

(See § 154.92(d) of this chapter.)

(1) Name of assignee _____
(2) Name of assignor _____
(3) Designation of assignor's FPC Gas Rate Schedule _____
(4) Effective date of transfer of ownership _____
(5) Proposed effective date of assignment _____
(6) (a) Is related certificate application filed herewith: Yes ( ); No ( ). If no, reason(s) _____
(b) Is motion to be substituted for assignor being filed in any formal rate docket involving the assignor's rate schedule: Yes ( ); No ( ). If yes, give docket number(s).
(7) Additional comments: _____
(8) _____
(Signature (or name) of assignee)
By _____
(Title)
Dated: _____

Parties served copies of this summary:

10. Add a new § 250.9 to read as follows:

§ 250.9 Form of notice of proposed cancellation or termination of independent producer rate schedule or part thereof, where no new schedule is to be filed in its place.

(See § 154.97(a) of this chapter.)

Date _____

(1) Rate schedule proposed to be canceled _____
(2) Type of cancelation—Partial ( ); Complete ( ).
(3) Proposed effective date of cancellation _____
(4) (a) Has service ceased from acreage involved: Yes ( ); No ( ).
(b) Is application to abandon filed herewith: Yes ( ); No ( ). (1) If No, give reason: _____
(5) Reason for cancelation (not necessary if the reasons are stated in any related accompanying abandonment application) _____
(6) Additional comments _____
(7) Signature and title of producer or person authorized to sign in his behalf:
_____
(Signature)
_____
(Title)
(8) The following persons have been served with copies of this notice."

(Secs. 4, 7, 16, 52 Stat. 822, 824, 825, 830; 56 Stat. 83, 84; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o)

(B) The amendments adopted herein shall become effective on May 1, 1964.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-2816; Filed, Mar. 24, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-7]

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Orange Juice and Orange Juice Products; Definitions and Standards of Identity; Order Staying Portions of Order of October 11, 1963

In the matter of establishing definitions and standards of identity for orange juice, pasteurized orange juice, canned orange juice, sweetened pasteurized orange juice, canned sweetened orange juice, concentrated orange juice, sweetened concentrated orange juice, reconstituted orange juice, sweetened reconstituted orange juice, and industrial orange juice with added chemical preservatives:

Petitions having been filed to review the order entered in the above-entitled matter published in the FEDERAL REGISTER of October 11, 1963 (28 F.R. 10900); and, it appearing that certain requirements made in said order should be stayed during the pendency of proceedings in the Circuit Court of Appeals and such proceedings as may be had in the United States Supreme Court: *It is ordered*, That, pending the determination of the issues raised in said petitions by the Court of Appeals, and if review of such determination is sought by Petitions for Certiorari to the Supreme Court of the United States, then during the pendency of any such further proceedings:

1. The labeling requirements of §§ 27.107(d) and (e), 27.108(d), 27.109 (c), and 27.111(c) and (d) be stayed.

2. That the portion of § 27.111(a) which requires that the product contain 11.8 percent orange juice soluble solids be stayed; but in no event shall any such product while this stay is in effect contain orange juice soluble solids in an amount less than that required for products under § 27.107(a).

Effective date. This order shall become effective upon signature.

(Sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 371)

Dated: March 18, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-2842; Filed, Mar. 24, 1964; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Sacramento River, Calif.; Gulf of Mexico, Texas; Banana River, Fla.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.716(a)(2) is hereby amended to prescribe regulations to govern the operation of the state of California highway bridge and the Southern Pacific Company railroad bridge across Sacramento River, Sacramento, California, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.716 Sacramento River and its tributaries, California.

(a) *Sacramento River.* • • •

(2) *State of California highway (Tower) bridge and Southern Pacific Company railroad ("I" Street) bridge at Sacramento*—(i) *Closed periods.* From 4:30 p.m. to 6:00 p.m. Monday to Friday, inclusive, and 4:00 p.m. to 6:00 p.m. on Sundays and national holidays, the draws need not be opened for the passage of vessels except in time of flood or other emergency when the closed periods may be suspended or modified by the District Engineer, Corps of Engineers.

(ii) The signal for opening the Southern Pacific Railroad Bridge shall be four long blasts.

NOTE: • • •

• • • • •

[Regs., March 12, 1964, 1507-32 (Sacramento River, Calif.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.162 establishing and governing the use and navigation of two danger zones in the Gulf of Mexico, Texas, is hereby amended in its entirety to revoke Area "A" and to make the regulations applicable to the remaining area only, effective upon publication in the FEDERAL REGISTER since danger zone, Area "A" is no longer needed, as follows:

§ 204.162 Gulf of Mexico off Matagorda Island, Tex.; Air Force practice gunnery, bombing, and rocket firing range.

(a) *The danger zone.* (1) The waters of the Gulf of Mexico encompassed by an arc of a circle having a radius of 5 statute miles centered at latitude 28°17', longitude 96°32'.

(2) *Use of area.* The area will be used daily from sunrise to sunset for air-to-ground gunnery, dive bombing, rocket firing, horizontal bombing and firing at radio controlled targets.

(b) *The regulations.* (1) Except in an emergency involving danger to life or property, no vessel shall enter or remain in the danger zone between sunrise and sunset unless authorized to do so in writing by the enforcing agency.

(2) Vessels making scheduled trips over prescribed routes will be given prior written permission to transit the danger zone by the enforcing agency. Vessels so authorized to transit the danger zone shall pass directly through without unnecessary delay and shall display such identification as may be required by the enforcing agency.

(3) The regulations in this section shall be enforced by the Commanding Officer, Bergstrom Air Force Base, Austin, Texas, and such agencies as he may designate.

[Regs., March 12, 1964, 1507-32 (Gulf of Mexico, Texas)—ENGCW-ON] (Sec. 7, 40 Stat. 266, 892; 33 U.S.C. 1, 3)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C.

1), § 207.171d is hereby redesignated as § 207.171e and a new § 207.171d is hereby prescribed establishing and governing the use and navigation of a prohibited area in Banana River at Patrick Air Force Base, Florida, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.171d Banana River at Patrick Air Force Base, Fla.; prohibited area.

(a) *The area.* The water area within a semicircle with a radius of 600 feet having its center at latitude 28°14'14.1", longitude 80°36'54.7" near the easterly shore of Banana River. The offshore boundary will be marked with appropriate warning signs.

(b) *The regulations.* (1) All unauthorized watercraft shall stay clear of the area at all times.

(2) The regulations in this section shall be enforced by the Commander, Air Force Missile Test Center, Patrick Air Force Base, Florida, and such agencies as he may designate.

§ 207.171e Atlantic Ocean near Port Everglades, Fla.; Naval restricted area. [Redesignated]

[Regs., March 11, 1964, 1507-32 (Banana River, Fla.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-2810; Filed, Mar. 24, 1964; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14785; FCC 64-224]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

PART 87—AVIATION SERVICES

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Miscellaneous Amendments

In the matter of amendment of Parts 2, 21, 81, 87, 89, 91, and 93 (formerly Parts 2, 21, 7, 9, 10, 11, and 16, respectively) of the Commission's rules to provide for 20 kc/s channeling in the 72–76 Mc/s band for fixed stations in the Domestic Public Radio Services and Operational Fixed Stations in the Safety and Special Radio Services; Docket No. 14785, FCC 64-224.

1. The Commission issued a notice of proposed rule making in the above-entitled matter which was duly published in the FEDERAL REGISTER (27 F.R. 9728, October 2, 1962). Comments were invited either for or against the proposals set forth therein. The date for filing such comments has passed and all those which were timely submitted have been considered by the Commission in arriving at the determinations set forth below.

2. This proceeding arose as a result of the Commission's Second Memorandum Opinion and Order in Docket Number 13928 which pre-empted 40 kc/s channels from 73.0 to 74.6 Mc/s for the Radio Astronomy Service. While existing users in this part of the band, authorized on or before December 1, 1961, were permitted to continue operating, the Commission's Notice of Inquiry in Docket Number 14477 looked toward making 73.0 to 74.6[1] Mc/s available exclusively to radio astronomy on a world-wide basis. Hence, to accommodate new users and as a protection against the possible time when present users in the 73.0–74.6 Mc/s might have to move, the Commission proposed to split the remaining 40 kc/s channels in the 72–76 Mc/s band and to reduce frequency deviation from ±15 kc/s to ±5 kc/s. This would regain 38 of the 40 channels lost to the Radio Astronomy Service.

3. The comments generally favored splitting the channels. Filings from those representing the Public Safety, Industrial, and Land Transportation Services welcomed the opportunity of obtaining new frequencies to compensate for those lost to the Radio Astronomy Service. In addition, filings from the various manufacturers support the technical feasibility of 20 kc/s channeling. Hence, this part of the proposal is adopted without change. However, mention must still be made of some comments which while supporting this "split channeling" because of the need for the frequencies nevertheless objected to an approach which seeks to solve Land Mobile frequency shortages by constantly splitting the available channels. They point out that while technically feasible in this band, channel splitting results in premature equipment replacement and necessitates receiver adjustments; all of which requires the Land Mobile Services to spend additional money and does not resolve the frequency problem equitably. In this regard, it should be noted that the Commission is currently considering a variety of alternatives designed to alleviate the overcrowding, particularly in the metropolitan areas, now being experienced in the Land Mobile Services.

4. Several comments contended that the protection afforded television channels 4 and 5 in this band, which is to be continued unchanged, imposes unnecessary restrictions on other users and should be eased. This raises an issue which goes beyond the questions of should channels be split, and if so, what kind of a narrow-band timetable should be imposed. Hence, no consideration of changing the area of protection to channels 4 and 5 is being given at this time.

5. With respect to compliance with the technical standards, the Commission proposed that existing licensees in this band who are utilizing 36F3 or 40F3 emission must comply fully with all narrow band standards by October 31, 1967, and that the deviation of all transmitters operating in the 72.0–73.0 and 75.4–76.0 Mc/s bands be reduced to ±5 kc/s within six months after the effective date of the Order in this docket. A careful review of the changes to be made by the proposed October 31, 1967 date indicates that deferment until that date is unnecessary and that a considerable improvement in frequency utilization and administrative efficiency in the band could be achieved by requiring that all equipment be in full compliance with the narrow band technical standards by October 15, 1965. This advance in the compliance date appears to be reasonable since under existing rules all land mobile licensees had to be in compliance with narrow-band frequency tolerance requirements by October 31, 1963; therefore, they are not affected in this respect. Some licensees authorized prior to 1950 whose stations may not now have a modulation limiter and audio filter will be given approximately 18 months within which to make those changes. There is no need to provide the latter group of licensees with an amortization period, since they have now been operating the affected equipment for at least 14 years. The review also indicates that those users now operating in the radio astronomy portion of the 72–76 Mc/s band (73.0–74.6 Mc/s) should not be required to update existing equipments since no expansions are permitted and no new stations may be assigned. Accordingly, we are providing such an exemption for operations in the band 73.0–74.6 Mc/s. Further, we are providing that all existing users operating in the bands 72.0–73.0 and 75.4–76.0 Mc/s reduce the deviation of their transmitters to ±5 kc/s within six months after the effective date of this Order and that all existing equipment in these bands comply fully with the technical specifications set forth herein in approximately 18 months after such effective date. Any new station authorized after the effective date of this Order would be required immediately to utilize equipment meeting the narrow band technical requirements including the requirement of reduced frequency deviation.

6. In line with its policy in previous split-channel proceedings, the Commission proposed that complaints of interference to a fixed service or operational fixed receiver designed for use in a wide-band system will not be recognized as valid if caused by a transmitter operating in accordance with the narrow-band technical standards on a frequency one or more channels removed from the frequency of the receiver affected. Again, those who commented favored this proposal, and, hence, it is adopted.

[1] Implementation of the decisions of the international space allocations conference with respect to this band will be the subject of separate rule-making after completion of the treaty ratification process.

7. Several comments were directed toward the merits of the National Association of Manufacturers' (NAM) petition to set aside certain channels in this band for lower power usage, exclusively for the Manufacturers Radio Service. This petition was separately treated in Docket Number 15131, and these filings were considered in conjunction with that proceeding. It should be noted that a Report and Order in this Docket is being issued simultaneously with the instant Report and Order. The impact of that proceeding in this Docket is essentially a reduction of ten frequencies to the fixed services and the sharing of twenty additional frequencies with 1-watt mobile stations in the Manufacturers Radio Service.

8. Therefore, in view of the foregoing: *It is ordered,* This 18th day of March 1964, That, effective May 1, 1964, Parts 2, 21, 81, 87, 89, 91, and 93 are amended so as to provide the following:

(a) The following frequencies in the 72–76 Mc/s band will be available to operational fixed stations in the Aviation, Industrial, Marine, Public Safety, Land Transportation Services and fixed stations in the Domestic Public Radio Services subject to the same restriction for the protection of television channels 4 and 5 as now exist:

Mc/s	Mc/s	Mc/s	Mc/s
72.02*	72.42	72.82	75.64
72.04*	72.44**	72.84	75.66
72.06*	72.46	72.86	75.68
720.08*	72.48**	72.88	75.70
72.10*	72.50	72.90	75.72
72.12*	72.52**	72.92	75.74
72.14*	72.54	72.94	75.76
72.16*	72.56**	72.96	75.78
72.18*	72.58	72.98	75.80
72.20*	72.60**	75.42	75.82
72.22*	72.62	75.44**	75.84
72.24*	72.64	75.46	75.86
72.26*	72.66	75.48**	75.88
72.28*	72.68	75.50	75.90
72.30*	72.70	75.52**	75.92
72.32*	72.72	75.54	75.94
72.34*	72.74	75.56**	75.96
72.36*	72.76	75.58	75.98
72.38*	72.78	75.60**	
72.40*	72.80	75.62	

*These frequencies were made available on a shared basis with the operational fixed service for mobile use in the Manufacturers Radio Service subject to the restrictions contained in the Commission's Report and Order in Docket Number 15131.

**These frequencies were made available exclusively for mobile use in the Manufacturers Radio Service in the Commission's Report and Order in Docket Number 15131.

(b) That stations which were authorized for operation on December 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue to be authorized for such operation and must comply with the following technical specifications:

Frequency tolerance: 0.005 percent.
Frequency deviation: ±15 kc/s.
Authorized bandwidth: 40 kc/s.
Modulation limiter: Required if transmitter authorized or installed after July 1, 1950.
Audio low pass filter: Not required.

(c) That all users of existing stations operating in the bands 72.0–73.0 and 75.4–76.0 Mc/s reduce the modulation frequency deviation of such stations to a value of not more than ±5 kc/s within six months after the effective date of this Order.

(d) That the narrow band technical standards applicable to all new stations authorized after the effective date of this Order in the bands 72.0–73.0 and 75.4–76.0 Mc/s and applicable to all transmitters operating in these bands after October 15, 1965[2] are as follows:

Frequency tolerance: Fixed stations 0.0005 percent. Mobile stations power input not to exceed 1 watt 0.005 percent.
Frequency deviation: ±5 kc/s.
Authorized bandwith: 20 kc/s.
Modulation limiter: Required—except for mobile stations.
Audio low pass filter:[3] Required—except for mobile stations.

(e) After the effective date of the final rules in this Docket, the Commission will not recognize as valid any complaint of interference caused by a transmitter operating one or more channels removed in accordance with the narrow-band technical standards, to a fixed service or operational fixed receiver designed for use in a wide-band system.

The formal codification of the changes described above for each of the service parts concerned will be accomplished by subsequent orders of the Commission.

9. *It is further ordered,* That effective May 1, 1964, the Table of Frequency Allocations, Part 2, § 2.106, is amended by revising Footnote NG33 to read as follows:

NG33 The spacing between frequency assignments in this band shall be 20 kc/s. The first and last assignable frequencies are those indicated in column 10.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2857; Filed, Mar. 24, 1964; 8:50 a.m.]

[2] Since these tolerances are now applicable to stations operating under the provisions of Parts 89, 91, and 93, this date relates solely to those Parts which do not now contain such a requirement.

[3] The audio low pass filter shall be installed between the modulation limiter and the modulated stage and, at audio frequencies between 3 kc/s and 15 kc/s: shall have an attenuation greater than the attenuation at 1 kc/s by at least:

$$40 \log_{10}(f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc/s the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc/s.

[4] Commissioner Bartley absent.

[Docket No. 15131; FCC 64-221]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 91—INDUSTRIAL RADIO SERVICES

Miscellaneous Amendments

In the matter of amendment of Parts 2 and 11[1] of the Commission's rules, concerning the allocation and assignment of frequencies in the 72–73 and 75.4–76 Mc/s Bands; Docket No. 15131, RM-331, FCC 64-221.

1. The Commission's Order in this document provides basically that manufacturers may now use 30 narrow band channels (20 kc/s each), in the 72 and 75 Mc/s bands, for apparatus and equipment control, safety communications, and other purposes, employing low or "flea" powered (1 watt input) radio transmitters.

2. This proceeding commenced with the adoption of a notice of proposed rule making on July 24, 1963. That notice was published in the FEDERAL REGISTER on August 1, 1963, at volume 28, page 7854. Persons interested in our proposal were given until October 1, 1963 to file Comments; and until November 1, 1963 to file Reply Comments.

3. The Commission's proposal in this proceeding was essentially as follows:

To provide the Manufacturers Radio Service with 30 narrow band (20 kc/s each) channels, for apparatus and equipment control, and safety, and other functions, employing mobile, low powered (1 watt input) transmitters. Of the 30 frequencies proposed to be made available, 25 are located in the 72–73 Mc/s band; and of these 25 channels, 5 would be allotted to the manufacturers on an exclusive basis, while the remaining 20 would be shared with users in the Fixed Service. The balance of five channels is located in the 75.4–76 Mc/s band, and would be allotted on an exclusive basis to the manufacturers. All transmitters operating on the subject frequencies would be required to be operated solely within plant, mill, yard, or other manufacturing areas, in order to obviate the possibility of interfering with television reception on channels 4 and 5. Tone, as well as voice transmissions would be allowed; and multiple frequency systems would be authorized. Use of the frequencies by the manufacturers is subject to the condition that no harmful interference will be caused to reception of television channels 4 or 5. No protection from television interference will be afforded the manufacturers.

[1] Subsequent to the institution of this proceeding, Part 11 of the Commission's rules was re-designated Part 91. All references to rules sections in this document will reflect the re-designated prefix, § 91.—.

The adoption of the above noted proposals, as reflected in the rules contained in the Appendix to this document, is being ordered.

4. A wide range of opinion was expressed in the original comments filed by 20 participants in this proceeding. Some of these comments engendered the reply comments of 4 parties—2 of whom had not filed original comments. Most of the comments filed were generally favorable to the purpose of the Commission's proposal. Areas of disagreement, however, centered about certain of the details of the proposal.

5. The following notations will serve as an index of the various opinions expressed:

1. "Flea power" operations should be conducted in the 450 Mc/s band.

2. The Manufacturers Radio Service should not be given an exclusive allocation of 10 frequencies.

3. Protection should be afforded Fixed Service users on the 20 frequenices to be shared with the manufacturers .

4. Other users of radio also have a need for "flea power" type communications, and should be allowed to participate in the use of the subject or comparable frequencies.

5. Too much protection is afforded television reception on channels 4 and 5.

6. Too little protection is afforded television reception on channels 4 and 5.

7. The requirement that antennas be directly affixed to transmitters is too restrictive.

Some of the comments reflected 2 or more of these opinions.

6. The Forest Industries Radio Communications (FIRC) has suggested that "flea" powered operations be conducted in the 450 Mc/s band. In response to this suggestion, we would point out, as we did in our notice, that our essential purpose in instituting this proceeding was to consider a method of achieving a more efficient use of certain portions of the VHF spectrum. The bands under consideration were deemed to be uniquely suitable for the "flea" power purposes of the manufacturers because of the compatible nature of the Fixed Service's use of the band, the safe distance from the channels 4 and 5 television bands, and finally, by the very nature of the uses to which the manufacturers would dispose the subject frequencies. FIRC's suggestion is therefore rejected.

7. Several commentators were of the view that the manufacturers should not be given exclusive access to 10 frequencies. The International Municipal Signal Association (IMSA), the International Association of Fire Chiefs (IAFC), the Central Committee on Communications facilities of the American Petroleum Institute (API), and the National Committee for Utilities Radio (NCUR), all expressed this view. The last two mentioned parties expressed the further view that if "flea" power operations are to be allowed, they should be allowed on a basis of non-interference to the Operational Fixed users in the subject bands. The North Carolina Highway Patrol, an adjunct of the Department of Motor Vehicles of the State of North Carolina has also suggested that protection from interference be afforded Operational Fixed users in these bands.

8. The opposition to our proposal to make 10 exclusive channels available to the manufacturers and the concurrent desire for protection on the 20 frequencies to be shared with users in the Fixed Service, is premised on the importance of current Fixed operations being conducted in the band and the fear that a scarcity of frequencies for Fixed purposes will develop. Without degrading the importance of many licensees' Fixed operations in the subject bands, we would point out, as did the North Carolina Highway Patrol, that the likelihood of interference to Operational Fixed stations by "flea" power stations is slight. The wide disparity in the amounts of transmitter input power which we will authorize—one watt for the manufacturers "flea" power transmitters as opposed to 500 watts for Operational Fixed Stations—render the argument about interference practically moot. At the same time, this proposal is premised, to a great extent on the fact that the very nature and locations of the operations of the Fixed users and the manufacturers are such to render their mutual use of the subject frequencies compatible. But most important is the fact that 48 other frequencies between 72 and 76 Mc/s are available to the Fixed Service—frequencies upon which the manufacturers "flea" power operations will not be allowed.

9. A number of the participants in this proceeding filed comments which, in effect, stated that the idea of low powered operations in the subject bands was meritorious, but that it should be broadened to include other Radio Services not just the Manufacturers Service. Thus, a need for "flea" power type operations was alleged to exist in various of our Public Safety Radio Services, The Special Industrial Radio Service, the Petroleum Radio Service, the Power Radio Service, and the Business or Citizens Radio Services. The Comments of the following parties reflected this view:

1. Associated Public-Safety Communications Officers, Inc. (APCO)

2. The Halliburton Company

3. Central Committee on Communications Facilities of the American Petroleum Institute (API)

4. National Committee for Utilities Radio (NCUR)

5. Hoffman Electronics

6. Academy of Model Aeronautics

10. The scope of this proceeding was confined to the Manufacturers Radio Service by reason of the fact that the Manufacturers, in their Petition, presented a proposition which, on its face at least, had considerable merit, and at the same time, a large measure of possibility of fulfillment. This is not to say that other of our various radio services may not have equally compelling needs for "flea" powered type operations, which are at the same time reasonably capable of being fulfilled. We are not however, at this stage, sufficiently persuaded on the basis of what has been presented by the various commentators noted above, to undertake any wholesale exploitation of the subject bands by "flea" powered users. At some later date, the Commission may consider the advisability of expanding "flea" powered operations, including the possibility of inter-service sharing of frequencies devoted to "flea" power use.

11. We note that the Academy of Model Aeronautics, concurrent with the filing of its Comments in this proceeding, filed a Petition for Rule Making (RM-496) which looks toward the amendment of our Business or, in the alternative, Citizens Radio Service Rules, to allow low power operations in the 72–76 Mc/s band for the control of model aircraft. As this Petition was filed pursuant to § 1.401 of our rules, it will be considered in appropriate order at some later date, pursuant to § 1.407.

12. The National Broadcasting Company (NBC), in its comments, asserts that not enough protection from interference is afforded television reception on channels 4 and 5. NBC is the licensee of three channel 4 television stations and one channel 5 station. In opposing our "flea" power proposal, NBC has relied heavily on the measure of protection that is required to be rendered to channels 4 and 5 reception by Operational Fixed Service licensees operating in the bands between channels 4 and 5. NBC suggests the adaptation of the same rules provisions that now relate to Fixed use in these bands (§ 91.8(g)) to the Manufacturers "flea" powered operations. To do so, however, might well invalidate the whole idea of "flea" power operations because of the extremely restrictive assignment criteria contained in § 91.8(g). As we noted above, in paragraph 8, Operational Fixed Stations that are authorized in the bands between 72 and 76 Mc/s, may use as much as 500 watts input power and are frequently located in areas of low television signals. Contrasted to this picture, we are establishing a maximum input power of 1 watt for the "flea" power operations which will frequently be located in areas of high TV signals strength. Additionally, as is the case with Fixed users operating in the band between channels 4 and 5, any licensee of a "flea" powered system who causes interference to television reception will be required, under the rules that we are adopting, to eliminate this interference, even if it means going off the air permanently. This last measure is, of course, the ultimate in terms of protection from interference. It is the final measure in a series of measures designed to protect the viewing public from interference to their television reception, caused by the operation of any manufacturer's "flea" powered transmitters. Licensees in the Manufacturers Radio Service will accept their authorizations subject to the proscription against causing interference. In view of these considerations, NBC's suggestion is rejected.

13. In direct contrast to the position taken by NBC, the California Public-Safety Radio Association (CPRA) has asserted that too much protection is afforded television reception on channels 4 and 5. CPRA would have us revise the wording of subsection (d) of § 91.729 to eliminate any doubt "* * * concerning received television signals which could be considered reliable." Thus, CPRA would define interference from "flea" powered transmitters as the impairment of a television signal of 1500 microvolts per meter, or better. The Columbia Broadcasting System (CBS), Inc., in reply Comments, took exception to the CPRA's suggestion. CBS has pointed out that "The minimum protected signal of less than 1500 microvolts per meter proposed by CPRA corresponds to a signal substantially in excess of Grade B service for both low band and high band VHF operation. If CPRA's suggestion were to be adopted there would be no protection against interference from the operation of these proposed stations in the Manufacturers Radio Service in areas where Grade B or better television service on channels 4 or 5 is otherwise normally adequate and reliable but where the signal is less than 1500 microvolts per meter. It goes without saying, of course, that protection from interference in such areas of lower signal strength is especially important." We agree with CBS that it is in areas of low television signal strength that the greatest likelihood of interference exists and that consequently the greatest measure of protection should be afforded. CPRA's suggestion is therefore rejected.

14. That portion of our proposal in this proceeding which drew the most significant opposition was the proposed requirement that "* * * all antennas shall be immediately attached to, and integral parts of, transmitters * * * (and) that * * * antennas may not be located or employed at points away from transmitters." The Land Mobile Communications Section of The Electronics Industries Association (EIA), Motorola, Inc., Seismograph Service Corporation, the National Association of Manufacturers (NAM) and the Monsanto Chemical Co. (in Reply Comments) all voiced their opposition to this restriction. We have carefully reconsidered this portion of our proposal and concluded that the requirement that antennas be mounted upon or directly attached to transmitters is unduly restrictive insofar as vehicle mounted units are concerned. Accordingly, we will allow a separation between antennas and transmitters, as convenience requires, when these units are permanently installed aboard a vehicle. When used as base or fixed stations however, no separation between antennas and transmitters will be alowed. Our reasons for not allowing this separation rest basically on the nature of the prime uses to which "flea" powered transmitters would be disposed. Thus, "flea" powered transmitters, owing to their size and the extremely small amount of input power that will be allowed, are viewed essentially as personal and hand carried pieces of equipment intended to serve as person to person communications or equipment control devices, in plant areas and under circumstances where other means of communication are unavailable, unreliable or inefficient. In addition, the very short distances over which it has been said that most communications will be conducted, together with what has been described as basically line-of-sight transmission paths, lead us to reject the suggestions that we permit, as a general principle, antennas to be located at points away from transmitters. This restriction will not, in our view, substantially inhibit the employment of "flea" powered transmitters to provide the operational functions of base or fixed type stations. To resolve any doubt which may exist as to the uses to which "flea" powered transmitters may be disposed, we are incorporating a provision in the text of § 91.730(b)(8) which states in unequivocal terms that "flea" power stations may be used to provide the operational functions of base or fixed stations.

15. The National Association of Manufacturers Committee on Radio Use was the Petitioner in this proceeding. In its comments, the NAM objected to our proposal to make only 10 frequencies available to the manufacturers on an exclusive basis. The NAM had calculated that manufacturers would require 30 such exclusive frequencies, or more specifically, 15 pairs of exclusive channels, in order to satisfy their "flea" power communications needs. In adhering to our original proposal to make but 10 frequencies available on an exclusive basis, we have taken into consideration the fact that there has been no regular operating experience as yet with "flea" powered transmitters in these bands and that as previously indicated, other of our radio services may have equally compelling requirements for assignments in these bands.

16. Although not specifically mentioned elsewhere in this document the comments of Femco, Inc., of Irwin, Pa., the Aerospace Flight Test Radio Coordinating Council (AFTRCC), the Association of Maximum Service Telecasters, Inc. (MST) and the National Association of Broadcasters (NAB) were considered before arriving at our conclusion to amend Parts 2 and 91 of our Rules in the manner noted below. Femco and AFTRCC both supported our proposal, while MST took "* * * no position for or against adoption of the proposed allocations themselves", and the NAB noted that "So long as * * * safeguards for the protection of television reception are contained in the final rules, the Association would have no objection to this proposal."

17. At paragraph 5 of our notice of proposed rule making in this proceeding, it was pointed out that "channel splitting", or a reduction in channel widths from 40 to 20 kc/s each, in the bands under consideration, would have to be accomplished before this proceeding could be concluded. The Commission's proposal to reduce channel spacings in appropriate frequency bands between 72 and 76 Mc/s was contained in Docket No. 14785. The proceeding in Docket No. 14785 is being concluded simultaneously with the instant one.

18. In view of the foregoing, the Commission finds that the public interest, convenience, and necessity will be served by the rules amendments ordered herein. Therefore, pursuant to authority contained in sections 4(i), 303 (b), (f), and (r) of the Communications Act of 1934, as amended, *it is ordered*, That effective May 1, 1964, Parts 2 and 91 of the Commission's rules are amended in the manner set forth below; and the proceedings in this Docket No. 15131 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: March 18, 1964.

Released: March 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

Parts 2 and 91 are amended as follows:

1. In § 2.106, a new footnote designator, NG49, is added in column 7 for the frequency bands 72–73 and 75.4–76 Mc/s; and a new footnote is added to the table to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

NG49 The frequencies 72.02, 72.04, 72.06, 72.08, 72.10, 72.12, 72.14, 72.16, 72.18, 72.20, 72.22, 72.24, 72.26, 72.28, 72.30, 72.32, 72.34, 72.36, 72.38, 72.40, 72.44, 72.48, 72.52, 72.56, 72.60, 75.44, 75.48, 75.52, 75.56, and 75.60 Mc/s may be authorized for low powered (one watt input) mobile operations in the Manufacturers Radio Service.

2. In § 91.729, the text of paragraph (d) is deleted and a new paragraph (d) is inserted in lieu thereof.

§ 91.729 Station limitations.

* * * * *

(d) Mobile stations proposed to be operated on frequencies from within the 72 and 75 Mc/s bands will be authorized subject to the following exemptions and conditions:

(1) Authorizations for multiple frequency operations will be granted notwithstanding the provisions of § 91.8(c).

(2) All communications must be conducted within the boundaries or confines of plant, factory, shipyard, mill or other manufacturing areas, which are occupied and controlled by the licensee.

(3) All operation on frequencies in the 72 and 75 Mc/s bands is subject to the condition that no interference is caused to the reception of television stations operating on Channels 4 or 5. Interference will be considered to occur whenever reception of a regularly used television signal is impaired by signals radiated by stations operating under these rules in the 72 and 75 Mc/s bands, regardless of the quality of such reception or the strength of the signal so used. In order to minimize the hazard of such interference, it shall be the duty of the licensee to determine whether interference is being caused to television reception, wherever television receivers other than those under the control of the licensee, are located within 100 feet of any point where the stations licensed under these rules may be operated. In any case, it shall be the responsibility of the licensee to correct at its own expense, any such interference and if the interference cannot be eliminated by the application of suitable techniques, the operation of the offending transmitter shall be suspended. If the complainant refuses to permit

[2] Commissioner Bartley absent.

the licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment of the original reception, the licensee is absolved of further responsibility.

3. In § 91.730, paragraph (a) is amended by adding the following entries in numerical sequence in the table, and paragraph (b) is amended by revising subparagraph (1) and adding new subparagraphs (7) and (8), as follows:

§ 91.730 Frequencies available.

(a) • • •

Frequency	Class of Station(s)	Limitations
• • •	• • •	• • •
72.02	Mobile	7, 8
72.04	do	7, 8
72.06	do	7, 8
72.08	do	7, 8
72.10	do	7, 8
72.12	do	7, 8
72.14	do	7, 8
72.16	do	7, 8
72.18	do	7, 8
72.20	do	7, 8
72.22	do	7, 8
72.24	do	7, 8
72.26	do	7, 8
72.28	do	7, 8
72.30	do	7, 8
72.32	do	7, 8
72.34	do	7, 8
72.36	do	7, 8
72.38	do	7, 8
72.40	do	7, 8
72.44	do	8
72.48	do	8
72.52	do	8
72.56	do	8
72.60	do	8
75.44	do	8
75.48	do	8
75.52	do	8
75.56	do	8
75.60	do	8

• • • • • •

(b) • • •

(1) This frequency is shared with the Forest Products and Petroleum Radio Services. The plate power input to the final radio frequency stage of all transmitters operating on this frequency shall not exceed 180 watts.

• • • • • •

(7) This frequency is shared with stations in the Fixed Service, and is subject to no protection from interference.

(8) The maximum transmitter final amplifier plate input power that will be authorized on this frequency is 1 watt; and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: *Provided however*, That when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 kc/s. This frequency is available for voice or tone control transmissions, and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

[F.R. Doc. 64-2858; Filed, Mar. 24, 1964; 8:50 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 100]

PART 309—VALUES FOR WAR RISK INSURANCE

Miscellaneous Amendments

Correction

In F.R. Doc. 64-2021, appearing at page 2944 of the issue for Wednesday, March 4, 1964, the following correction is made in the first sentence of § 309.201: The reference reading "§§309.201 through 309.24" should read "§§309.201 through 309.204".

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 233]

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Proposed Interim Regulations and Rates

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by R.S. section 161, as amended (5 U.S.C. (1958 ed.) sec. 22), section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210–211), it is proposed to amend 25 CFR Part 233 as set forth below. The primary purpose of this amendment is to provide additional power revenue to meet the increased cost of operating and maintaining the power system of the San Carlos Indian Irrigation Project, Arizona. It is proposed to accomplish this by (1) increasing the power rates for domestic customers under Rate Schedule No. 1—Combination Rate; (2) adjusting the existing rates under Rate Schedule No. 2—General Rate; (3) increasing the rates for power for pumping under Rate Schedule No. 3—Irrigation and Commercial Pumping Rate; and (4) adding a new section to provide a rate for street and area lighting under a rate schedule designated Rate Schedule No. 4—Street and Area Lighting Rate.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Sections 233.51, 233.52 and 233.53 are amended to read as follows:

§ 233.51 Rate Schedule No. 1—Combination Rate.

(a) *Application of schedule.* This schedule is applicable to either single phase or three phase service for all purposes. It is especially suitable for residences, farms, stores, commercial uses and installations with similar load characteristics having normal load factors and maximum demands of less than 50 kilowatts. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will independently be calculated for each meter.

(b) *Monthly rate.* (1) 4 cents per kilowatt hour for the first 50 kilowatt hours.

(2) 3 cents per kilowatt hour for the next 150 kilowatt hours.

(3) 2 cents per kilowatt hour for the next 200 kilowatt hours.

(4) 1.5 cents per kilowatt hour for the next 100 kilowatt hours.

(5) 1.5 cents per kilowatt hour for the next 40 kilowatt hours per kilowatt of demand over 10 kilowatts.

(6) 1.15 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be $2.00 per month except when a higher minimum bill is stipulated in the contracts.

(d) *Determination of demand.* The demand shall be average kilowatts supplied during the 15-minute period of maximum use during the month, as determined by project metering.

§ 233.52 Rate Schedule No. 2—General Rate.

(a) *Application of schedule.* This schedule is applicable to three phase electric service for all purposes. Unless specifically permitted by the contract, use must be limited to the customer's premises and the power supplied must not be resold. If more than one meter is required by the customer's installations, or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) 2.4 cents per kilowatt hour for the first 25 kilowatt hours per kilowatt of billing demand.

(2) 1.6 cents per kilowatt hour for the next 50 kilowatt hours per kilowatt of billing demand.

(3) 1.2 cents per kilowatt hour for all additional kilowatt hours.

(c) *Discounts.* The following discounts will be applied in accordance with the contract demand as defined below. Discounts do not apply to the minimum charge.

	Percent
Less than 25 kw of contract demand	0
25 kw and more but less than 37 kw of contract demand	10
37 kw and more but less than 51 kw of contract demand	11
51 kw and more but less than 70 kw of contract demand	12
70 kw and more but less than 96 kw of contract demand	13
96 kw and more but less than 130 kw of contract demand	14
130 kw and more but less than 170 kw of contract demand	15
170 kw and more but less than 215 kw of contract demand	16
215 kw and more but less than 270 kw of contract demand	17
270 kw and more but less than 340 kw of contract demand	18
340 kw and more but less than 410 kw of contract demand	19
410 kw and more but less than 500 kw of contract demand	20
500 kw and more but less than 600 kw of contract demand	21
600 kw and more but less than 720 kw of contract demand	22
720 kw and more but less than 860 kw of contract demand	23
860 kw and more but less than 1,000 kw of contract demand	24
1,000 kw and more of contract demand	25

(d) *Minimum bill.* The minimum bill shall be 50 cents per month per kilowatt of billing demand and no discount shall apply to this minimum.

(e) *Contract demand.* Each contract shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. this quantity is called the contract demand. The stated quantity need not be the same for all months of the year, but the contract demand shall not be less than 20 kilowatts in any month for which a demand is stipulated.

(f) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable, the actual demand shall be connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected lights, appliances, and equipment, or from check metering.

(g) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for the month, whichever is greater.

§ 233.53 Rate Schedule No. 3—Irrigation and Commercial Pumping Rate.

(a) Application of schedule: This schedule is applicable to three phase electric service for irrigation or commercial pumping loads of 25 kilowatts demand or more. The necessary metering equipment will be supplied and maintained by the project for all installations. Each service will be at one point of delivery and measured through one meter. This schedule is not applicable to temporary, breakdown, standby, supplementary, nor resale service.

(b) Monthly rate, either of the following:

(1) The sum of demand and energy charges as follows where project furnishes and maintains substation facilities:

(i) Demand charges of 50 cents per kilowatt of billing demand, and

(ii) Energy charges of 6.5 mills per kilowatt hour for the first 200 kilowatt hours per kilowatt of billing demand, and

(iii) Energy charges of 9 mills per kilowatt hour for all additional kilowatt hours, or

(2) The sum of demand and energy charges as follows where the customer furnishes and maintains substation facilities:

(i) Demand charges of 50 cents per kilowatt of billing demand, and

(ii) Energy charges of 6.5 mills per kilowatt hour for first 200 kilowatt hours per kilowatt of billing demand, and

(iii) Energy charges of 8½ mills per kilowatt hour for all additional kilowatt hours.

(c) Minimum bill: The minimum bill shall be 50 cents per month per kilowatt of billing demand.

(d) Billing demand: The billing demand for a month shall be the contract demand or the actual demand for that month, whichever is the greater.

(e) Contract demand: Each customer shall state the number of kilowatts which the customer expects to require and desires to reserve for his service. This quantity is called the contract demand. The contract demand shall apply for not less than eight (8) months of the year. During the remainder of the year the customer may elect to reduce his contract demand to not less than 25 kilowatts on this schedule, arrange for power under another rate schedule, or disconnect his facilities.

(f) Actual demand: The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable or inoperable, the actual demand shall be the connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected load or from check metering.

(g) Substation facilities: Substation facilities shall be considered to include high voltage safety and isolating equipment, transformers, and substation structures. Normal utilization voltages shall be 240 volts, 480 volts, 2,400 volts or such primary distribution voltages as may be available. Measurement of power and energy used will be at secondary voltages.

A new section is added to Part 233 to read as follows:

§ 233.54 Rate Schedule No. 4—Street and Area Lighting.

(a) *Availability.* Street and area lighting service is available in cities, towns, and unincorporated communities in which the project does a general retail business and where the project has installed a multiple or series street lighting system of adequate capacity for the service to be rendered.

(b) *Application.* This rate schedule applies to service for lighting public streets, alleys, thoroughfares, public parks, school yards, and playgrounds by the use of project's standard facilities where such service for the whole area is contracted for under this rate schedule by the city, town, or a responsible person for unincorporated communities; and in yards, parking lots and alleys where such service for the area is contracted for under this rate schedule by individuals. Service is from dusk-to-dawn and project will own, operate, and maintain the lighting system including lamps and globe replacements.

(c) *Monthly rate.* (1) Lamps:

	Per lamp
2,500 lumens, incandescent	$0.80
4,000 lumens, incandescent	1.00
6,000 lumens, incandescent	1.30
10,000 lumens, incandescent	2.15
15,000 lumens, incandescent	2.50
15,000 lumens, or less, mercury vapor	1.90
20,000 lumens, mercury vapor	2.30
10,000 lumens, sodium vapor	1.95

(2) Standards (see "Special Provisions"):

Investment cost provided by:	Project	Others
Type A	$4.35	$1.65
Type B	3.15	1.35
Type C	1.80	.95
Type D	1.25	.80
Type E	1.65	.80
Type F	1.05	.60
Type G	4.65	2.10
Type H	4.00	1.85
Type I	2.80	1.40
Type J	2.30	1.30
Type K	3.10	1.50
Type L	2.75	1.25

(3) Underground Circuits:

	Project	Others
Per foot of cable installed under paving	$0.05	$0.00
Per foot of cable not installed under paving	.03	.00

(4) Minimum $1.40 per lamp.

(d) *Adjustment.* Monthly billing rate for lamps is based on the estimated average monthly kilowatt hour usage as billed under Rate Schedule No. 1, Combination Rate, § 233.51, Interim Regulations and Rates, San Carlos Irrigation Project, Part 233, Title 25, Code of Federal Regulations. Revisions or changes in the above Rate Schedule No. 1 will be reflected by corresponding changes in the lamp rates.

(e) *Special provisions.*

(1) The project's standard street lighting standards are as follows:

Type A: Enclosed grass luminaire with 8-foot or less up-sweep brackets mounted on 35-foot anchor base monotube or fluted steel pole.

Type B: Enclosed glass luminaire with 8-foot or less up-sweep bracket mounted on 35-foot embedded base metal pole (steel pipe or tubular steel at project's option).

Type C: Enclosed glass luminaire with 14-foot or less bracket mounted on wood pole carrying only street lighting equipment.

Type D: Enclosed glass luminaire with 14-foot or less bracket mounted on wood pole carrying only street lighting equipment. type pole paid for under another standard charge.

Type E: Open type units with 4-foot bracket mounted on wood pole carrying only street lighting equipment.

Type F: Open type unit with 4-foot bracket mounted on wood pole carrying distribution circuits.

Type G: Mercury vapor luminaire with 8-foot or less up-sweep bracket on 35-foot or 40-foot anchor base monotube or fluted steel pole.

Type H: Mercury vapor luminaire with 8-foot or less up-sweep bracket mounted on 35-foot or 40-foot embedded base metal pole (steel pipe or tubular steel at project's option).

Type I: Mercury vapor luminaire with 14-foot or less bracket mounted on wood pole carrying only street lighting equipment.

Type J: Mercury vapor luminaire with 14-foot or less bracket mounted on wood pole. carrying distribution circuits, or on other type pole paid for under another standard charge.

Type K: Sodium vapor luminaire with 14-foot or less bracket mounted on wood pole.

Type L: (Park lighting) Enclosed glass luminaire with 4-foot up-sweep bracket mounted on 23-foot steel pipe pole, or similar type, subject to approval by project.

(2) Presently installed units which do not conform to the above types will be billed in accordance with the type which is most nearly like such units.

(3) The project will use diligence in maintaining service. Monthly bills will not be reduced on account of lamp outages.

(4) If the customer elects to be billed under the column headed "Investment Cost Provided by—Others" in Rate B & C, it must install the system at its own expense in accordance with the project's specifications, or make a nonrefundable advance to cover the project's cost of installing the system. The project will maintain and operate the system.

(5) The project shall not be required to extend its street lighting more than 300 feet for each lighting installation.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 19, 1964.

[F.R. Doc. 64-2823; Filed, Mar. 24, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

[Docket No. AO 144-A11]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Handling; Notice of Hearing With Respect to Proposed Further Amendment of the Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, at 9:30 a.m., P.s.t., April 9, 1964, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments were proposed by the Lemon Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. In § 910.12, delete the figure "20" and substitute, in lieu thereof, the figure "16."

2. Delete from the second sentence of § 910.57 the words "next week in which the handling of lemons is regulated under this subpart" and substitute, in lieu thereof, the words "next succeeding week."

3. Delete the proviso in § 910.61a and substitute, in lieu thereof, the following: *Provided, however,* That early availability allotments issued to any handler shall not permit the handling, prior to general maturity being declared in District 3, of a larger share of the lemons available for current shipment of such handler than the share of lemons available for current shipment in District 3 estimated at the beginning of the season to be allotted to all handlers.

Coastal Citrus Sales, Ventura, California, has proposed the following amendments:

4. Amend paragraphs (c) and (d) of § 910.22 to read as follows:

(c) All cooperative marketing organizations which market lemons and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate one grower member, one alternate grower member, one handler member, and one alternate handler member;

(d) All growers who are not affiliated with a cooperative marketing association which markets lemons shall nominate two grower members, two alternate grower members, two handler members, and two alternate handler members. At least one of the nominees for member or alternate member shall be a grower in District 3 and not more than one nominee each for grower member, grower alternate member, handler member, and handler alternate member may be a producer of lemons or be affiliated with a handler of lemons which are marketed by the same marketing organization.

5. Delete the third and fourth sentences of § 910.23 and substitute, therefor, the following: "From the nominations made pursuant to § 910.22(c) or from other qualified growers and handlers, the Secretary shall select one grower member of the committee and an alternate to such grower member, and one handler member and an alternate to such handler member. From the nominations made pursuant to § 910.22 (d) or from other qualified growers and handlers, the Secretary shall select two grower members of the committee and an alternate to each such grower member, and two handler members of the committee and an alternate to each such handler member."

Sunkist Growers, Box 2706, Terminal Annex, Los Angeles, California, has proposed the following amendments:

6. Amend the provisions of § 910.21 *Term of office* to read as follows:

§ 910.21 Term of office.

The term of office of committee members and alternate members shall be a period of two years beginning on August 1 of each even numbered year. Members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

7. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendments which may result from the hearing.

Colonel N. J. Riebe, P.O. Box 1811, 2372 4th Avenue, Yuma, Arizona, has proposed the following amendments:

8. Delete the provision of § 910.12 and substitute, in lieu thereof, the following:

§ 910.12 Lemons available for current shipment.

"Lemons available for current shipment" means (a) with respect to Districts 1 and 3, all lemons as measured by the tree crop, and (b) with respect to District 2, the total quantity of lemons which has been delivered to the handler in such district during the preceding 20-week period, provided that any and all such lemons shall be of merchantable quality and be reasonably capable of maintaining such quality during the transportation and marketing process.

9. Delete the first sentence of § 910.28 (a) and substitute, in lieu thereof, the following:

(a) Seven members of the committee shall constitute a quorum and any action of the committee shall require a majority of concurring votes.

10. Delete paragraph (b) of § 910.50 and substitute, in lieu thereof, the following:

(b) The estimated utilization of the crop, showing the quantity and percentage of the crop that will be marketed in domestic, export and by-product channels, together with quantities otherwise to be disposed of, which estimate shall show the comparison of quantities and percentages estimated for all the districts;

11. Delete paragraph (d) of § 910.50 and substitute, in lieu thereof, the following:

(d) Level and trend of consumer income and level and trend of grower return;

12. Delete § 910.51(a) and substitute, in lieu thereof, the following:

(a) It shall be the duty of the committee to investigate the supply and demand conditions, and the current marketing, handling, and production costs for lemons and the relation of each to the parity price level. Whenever the committee finds that an imbalance exists in either grower return or orderly and proper marketing conditions, or finds that such is likely to occur or that other conditions make it advisable to regulate, pursuant to § 910.52, the handling of lemons, during any week of the fiscal year, it shall recommend to the Secretary the quantity of merchantable quality of lemons which it deems advisable to be handled during such week in each district as defined in § 910.64. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

13. Delete § 910.51(b) and substitute, in lieu thereof, the following:

(b) In making such recommendations, the committee shall give due consideration to the following factors: (1) Quantity of lemons in storage; (2) current and prospective crop; (3) lemons on hand in and en route to the principal markets; (4) the relative amount of lemons, in terms of the percentage of available fresh fruit, to be shipped from each district, into the domestic market; (5) trend in consumer income; (6) trend and current condition of grower return; (7) present and predicted weather conditions; (8) present and prospective prices of lemons; and (9) other relevant factors.

14. Revise the provisions of § 910.51 (c) as follows: Wherever the word "quantity" appears it shall be followed by the words "and quality," as may be appropriate.

15. Revise the provisions of § 910.52 by adding after the word "quantity" in lines 5, 9 and 11, the words "and/or quality."

16. Delete § 910.56 and substitute, in lieu thereof, the following:

§ 910.56 Allotments.

Whenever the Secretary has fixed the quantity of merchantable quality lemons which may be handled during any week in a district, based upon a reasonably equitable overall percentage of fresh fruit to be allotted to each district, the committee shall calculate the quantity of merchantable quality lemons which each handler may handle during such week. The said quantity shall be the allotment of each such handler and shall be in an amount equal to the product of the handler's prorate base and the quantity of lemons fixed by the Secretary as the quantity which may be handled during such week in such district. The committee shall give adequate notice to each handler of the allotment computed for him pursuant to this section.

17. Delete the first sentence of § 910.61 a and substitute, in lieu thereof, the following: "Notwithstanding the provisions of § 910.56 the committee shall, prior to the time marketable lemons are available on a majority of the bearing trees in District 3, issue special allotments, upon request, to handlers in such district who have, under this definition, lemons available for handling."

18. Revise the headnote of § 910.65 to read:

§ 910.65 Recommendation for size and grade regulation.

19. Revise the headnote of § 910.66 to read:

§ 910.66 Issuance of size and grade regulations.

20. Revise the headnote of § 910.67 to read:

§ 910.67 Exemptions from size and grade regulations.

21. Revise the provisions of §§ 910.65 and 910.66 as follows: Wherever the word size or sizes appears in §§ 910.65 or 910.66 such shall be followed by the words

"and/or grade" or "and/or grades" as may be appropriate.

22. Insert a new section, § 910.68, entitled "Inspection and Certification" to read as follows:

§ 910.68 Inspection and certification.

(a) During any period in which the Secretary has regulated the handling of lemons pursuant to § 910.52 and under the definition of § 910.12, each handler shall, prior to the handling of any such lemons, cause such fruit to be inspected by an authorized representative of the Federal or federal-state Inspection Service. Promptly thereafter, such handler shall submit to the Administrative Committee a copy of the inspection certificate issued thereon. The provisions of this section shall not be applicable to a handler who handles any lemons which have been so inspected and a copy of such inspection certificate has been submitted to the Administrative Committee;

(b) The Administrative Committee may enter into an agreement with the federal and federal-state Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

23. Revise §§ 910.52, 910.56, 910.57, 910.58 and others that may be in conflict by adding the words "and/or quality" after the word "quantity" wherever same appears therein, as may be appropriate.

Dated: March 19, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-2845; Filed, Mar. 24, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 13961; FCC 64-226]

STATEMENT OF PROGRAM SERVICE; BROADCAST APPLICATION FORMS

Order Relating to Oral Proceedings

At a session of the Commission at its offices in Washington, D.C., on the 18th day of March 1964;

The Commission having before it for consideration: (1) Its second notice of further proposed rule making (FCC 63-1163), issued herein on December 20, 1963; and (2) the Order issued herein on February 13, 1964 (FCC 64-123), postponing until April 16, 1964 the date for en banc oral proceedings or the filing of written statements concerning the proposed new TV program form (notices of appearances at such oral proceeding to be filed by March 26, 1964);

It appearing, that since early February a joint committee composed of members of the Commission staff, broadcasters and members of the communications bar have been working to see if a television form somewhat simpler than that proposed can be evolved, which will get the needed information with less burden on applicants; and

It further appearing, that this joint committee's work is nearing completion, and there is indication that some of its work may warrant inclusion in the subject proceeding, but that the Commission will not have had time by April 16 to review the committee's efforts and if appropriate give opportunity for public comment with respect thereto; and that therefore the date for oral argument and written statements should be postponed;

In view of the foregoing, *It is ordered*, That the en banc proceeding relating to the proposed television program form (previously scheduled for April 16, 1964), is postponed, until May 18, 1964; and

It is further ordered, That parties intending to appear before the Commission shall notify the Secretary of the Commission in writing on or before May 1, 1964, indicating the approximate amount of time they wish to use; and

It is further ordered, That parties not participating in the oral proceeding may submit statements on or before May 18, 1964, in the form of a written statement (submit an original and 14 copies of such statement).

Released: March 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2859; Filed, Mar. 24, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg Docket No. 4066]

AIRWORTHINESS DIRECTIVES

de Havilland Model DHC-2 "Beaver" Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for de Havilland Model DHC-2 "Beaver" aircraft. Several instances of failure of the elevator trim tab end blocks have occurred. Failure of these end blocks in the elevator trim tabs can cause fouling of the blocks on the elevator structure and restriction of elevator movement. In order to correct this condition, this AD requires inspection of the elevator trim tab end blocks and replacement of any found defective.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 27, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

de HAVILLAND. Applies to all Model DHC-2 Series aircraft.

Compliance required as indicated.

As a result of failure of the elevator trim tab end blocks, C2TE49ND and C2TE50ND, which could lead to restriction of elevator movement, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service, and thereafter within 500 hours' time in service from the last inspection, visually inspect all four red fibre end blocks in elevator trim tabs, C2TE43A and C2TE44A, for indications of delamination, warping, and cracks, especially around the rivet holes.

(b) Replace any defective part with a new part of the same part number, or an FAA-approved equivalent, before further flight, except that one flight may be made in accordance with the provisions of CAR 1.76 for the purpose of obtaining these repairs.

(de Havilland Engineering Bulletin Series "B" No. 30, dated October 15, 1963, available from de Havilland Aircraft of Canada, Ltd., Toronto, Canada, covers this same subject.)

Issued in Washington, D.C., on March 18, 1964.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2809; Filed, Mar. 24, 1964; 8:45 a.m.]

[1] Commissioner Bartley absent.

Notices

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Field Service; Port Lavaca-Port Comfort, Texas

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

District No. 36—Port Isabel, Tex., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service*, is amended by adding in alphabetical sequence the following port of entry: "Port Lavaca-Port Comfort, Tex."

Dated: March 19, 1964.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 64-2849; Filed, Mar. 24, 1964; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPREDATING GOLDEN EAGLES

Order Permitting Taking to Seasonally Protect Domestic Livestock in Certain New Mexico Counties; Amendment

The change set forth below should be made in Federal Register Document 64-1067, appearing on page 1702 of the issue for February 4, 1964.

The introductory paragraph of the depredation order is amended to read as follows, with the numbered subparagraphs remaining unchanged:

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 250; 16 U.S.C. 668), as amended, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from February 1, 1964 through June 15, 1964, in New Mexico, subject to the following conditions:

March 18, 1964.

DANIEL H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

[F.R. Doc. 64-2821; Filed, Mar. 24, 1964; 8:46 a.m.]

REGIONAL DIRECTORS AND FIELD PERSONNEL

Delegations of Authority

Chapter 4, Part 4, of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is amended to: (1) Delegate authority in section 4.9G(2) to district game management agents in charge to issue permits to kill migratory birds that are injuring crops or other property; (2) Delegate authority to the Regional Director, Region 1, to exercise the authority of the Secretary in 50 CFR 16.23(b); (3) List in a new section 4.9I, the specific federal fish and game laws that U.S. game management agents, U.S. deputy game wardens, refuge management agents, and wildlife management agents are authorized to enforce; and (4) Delegate additional authority to the designated employees in section 4.9G(3) to issue and revoke permits governing the taking, possessing, and transporting of golden eagles, pursuant to the October 4, 1962 amendment to the Bald Eagle Act.

1. Section 4 AM 4.9 is amended to read as follows:

4.9 *Wildlife Matters.* * * *

G. *Migratory bird and eagle permits*—(1) *Acquisition and possession of migratory birds*—(a) *Regional offices.* Regional directors and chiefs, regional divisions of wildlife, may issue permits within their respective regions pursuant to 50 CFR 16.1–16.13 for the following purposes.

(1) The taking, sale, purchase or other acquisition, and possession of migratory birds and their eggs for propagating purposes.

(2) The taking, sale, purchase or other acquisition, and possession of migratory birds, or parts, nests, or eggs thereof for scientific and other limited purposes.

(3) The disposition and transportation of such birds, or parts, nests, or eggs and their increase.

(4) The mounting or other preparation by a taxidermist of such birds, or parts, nests, or eggs, thereof.

(b) *Washington Office.* The Assistant Director—Wildlife and the Chief, Division of Management and Enforcement may exercise all of the authority set forth in sec. (a), above, and in addition may issue permits for the importation and exportation into or out of the United States of migratory birds, or parts, nests, or eggs, thereof.

(2) *Killing of migratory birds.* The Assistant Director—Wildlife, regional directors, chiefs, regional divisions of wildlife, and district game management agents in charge may issue permits pursuant to 50 CFR 16.21 to kill, frighten, or otherwise herd migratory birds injuring crops or other property. Game management agents may issue permits to frighten or otherwise herd (but not to kill) migratory birds injuring crops or other property.

The Regional Director, Region 1, may exercise the authority of the Secretary in 50 CFR 16.23(b), to request reports from any Commissioner of Agriculture in the State of California.

(3) *Killing or capturing bald eagles and golden eagles.* The Assistant Director—Wildlife and regional directors and chiefs, regional divisions of wildlife, may exercise all of the authority of the Secretary contained in 50 CFR, Part 11, and relating to the issuance and revocation of permits governing the taking, possession, and transportation of bald eagles and golden eagles or their nests, and eggs.

H. *Evidence of violations of laws.* The Chief, and the Assistant Chief, Division of Management and Enforcement, may authorize and approve payments in aggregate total not exceeding the statutory limitations for information or evidence concerning violations of laws administered by the Bureau.

I. *Enforcement authority of certain Bureau employees.* U.S. game management agents, U.S. deputy game wardens, refuge management agents, and wildlife management agents are authorized to:

(1) Enforce any or all of the following Federal fish and game laws, and any regulation in 50 CFR of the Secretary of the Interior issued pursuant to these laws, including the authority to require and receive information concerning violations of such laws and regulations:

(a) Migratory Bird Treaty Act of 1918, as amended (40 Stat. 755, 16 U.S.C. 703–711).

(b) Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451, 16 U.S.C. 718–718h).

(c) Migratory Bird Conservation Act of 1929, as amended (45 Stat. 1222, 16 U.S.C. 715–715r).

(d) Lacey Act of 1900, as amended (31 Stat. 187, 18 U.S.C. 41–44, 3054, 3112).

(e) Bald Eagle Act of 1940, as amended (54 Stat. 250, 16 U.S.C. 668–668d).

(f) Black Bass Act of 1926, as amended (44 Stat. 576, 16 U.S.C. 851–856).

(g) Upper Mississippi River Wildlife and Fish Refuge Act of 1924, as amended (43 Stat. 650, 16 U.S.C. 721–731).

(h) Bear River Migratory Bird Refuge Act of 1928 (45 Stat. 448, 16 U.S.C. 690–690h).

(2) Administer to or take from any person an oath, affirmation, or affidavit for use in prosecutions and proceedings under any of the fish and wildlife laws in (1), above, and any regulation in 50 CFR issued by authority of these laws, pursuant to the authority of the act of January 31, 1925, as amended (43 Stat. 803; 5 U.S.C. 521, 522).

DANIEL H. JANZEN,
Director.

MARCH 17, 1964.

[F.R. Doc. 64-2822; Filed, Mar. 24, 1964; 8:46 a.m.]

Bureau of Land Management

[BLM 077860; Survey Group No. 47]

LOUISIANA

Notice of Filing of Plat of Dependent Resurvey and Accretion Survey

MARCH 19, 1964.

The plat of dependent resurvey and accretion survey, accepted February 7, 1964, embracing the newly surveyed lands described below will be officially filed in this office on April 27, 1964.

LOUISIANA MERIDIAN, LOUISIANA

T. 14 S., R. 11 E.,
Sec. 26, lot 8, containing 24.27 acres; lot 9, containing 30.37 acres; lot 10, containing 8.95 acres.

The area described contains 63.59 acres.

The surveys reported herein were undertaken to meet needs pertinent to the administration of the public lands within secs. 26 and 35. The plat represents the dependent resurveys of sec. 35 and so much of sec. 26 situated south and west of Little Bayou Chene and Duck Lake; the survey of accreted lands within sec. 26 on the west side of Duck Lake not included in any previous survey, and the re-meander of the westerly bank of Duck Lake in sec. 35. In the original survey, Duck Lake and the connecting bayous entering the lake had not been meandered and segregated from the areas of secs. 26 and 35.

The general elevation of the accreted area in sec. 26 is from one half to one foot above the ordinary high water elevation of Duck Lake. The timber growth consists of a dense coverage of cypress, gum, and willow, up to 24 inches in diameter, some of which is more than 40 years of age. The undergrowth is of young trees, arrow weed, bull-tongue and alligator grass.

The lands above described are open to application, location, selection, and petition under the public land laws, subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable laws, rules and regulations. The lands will not be subject to occupancy or disposition until they have been classified.

All inquiries relating to the lands should be directed to the Manager, Land Office, Division of Field Services, Bureau of Land Management, Washington, D.C., 20240.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 64-2824; Filed, Mar. 24, 1964; 8:46 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 16, 1964.

The Bureau of Indian Affairs, Department of the Interior, has filed an application, Fairbanks, 031945, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of material under the Materials Act of 1947 as amended.

The applicant desires the land for establishing a school reserve under the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353(a)).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Indian Affairs.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

Lot 1 of U.S. Survey 4011, located at Pilot Station, Alaska.

The areas described aggregate approximately 2.38 acres.

DANIEL A. JONES,
Manager.

[F.R. Doc. 64-2825; Filed, Mar. 24, 1964; 8:46 a.m.]

[Classification No. 124]

ALASKA

Small Tract Classification, Opening Order, and Public Sale Number 23-ALD

March 17, 1964.

1. Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 2, Delegation of Authority (28 F.R. 294) dated January 9, 1963, I hereby classify and open the lands listed below and offer them for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended.

2. All of the tracts involved are located in Sunrise, Alaska. The area known as Sunrise lies on the west bank of Six Mile Creek near the point where the creek flows into Turnagain Arm. It is approximately 30 air miles southeast of Anchorage, Alaska. Road access from Anchorage can be had by traveling approximately 80 miles over a highway network consisting of the paved Seward and Sterling Highways and the graveled Hope Highway. Eight of the tracts front on Six Mile Creek or on the tidal mud flat along the creek. One tract is crossed by the Hope Highway and the two remaining tracts lie near the Highway. Excepting the tract crossed by the highway, the tracts have no road access.

The Sunrise area is within the Chugach National Forest and is primarily a summer recreation area. Approximately 15 summer recreation cabins are located on lands in the area. Some commercial facilities are available at Hope, Alaska, approximately 10 miles west and at Portage, Alaska, approximately 30 miles southeast.

3. The following applicants, having filed prior applications are accorded a preference right as provided for by 43 CFR 257.5:

Name	Serial number	Land applied for
Roland H. Lane	A-050340	Lot 5, U.S. Survey 2789.
J. Robert Evanhoe	A-060328	Lot 1, U.S. Survey 2789.
Clayton R. Rasmussen.	A-060332	Lot 10, U.S. Survey 2789.
Eunice Fullar	A-060333	Lot 24, U.S. Survey 2789.
Jacqueline W. Moore.	A-060334	Lot 23, U.S. Survey 2789.
Muriel M. Qwartney.	A-060335	Lot 22, U.S. Survey 2789.
Byron R. Beard	A-060389	Filed on same tract as above.

These are identified on the following list by an asterisk. Any of the above tracts for which the priority right is not exercised will, upon expiration of the priority period, be offered to the public at the next sale session.

4. The tracts listed below will be offered for sale at a public auction to be held in the Anchorage Land Office on the third floor of the Cordova Building at 555 Cordova Street, Anchorage, Alaska, beginning at 11 a.m. on Friday, May 1, 1964. If all of the tracts are not sold on that day, the sale will be adjourned until 11 a.m. on Friday, May 8, 1964, when and thereafter it will be resumed in the Anchorage Land Office for another one hour period or until adjourned for resumption at 11 a.m. on succeeding Fridays for additional one hour periods until all tracts are sold or until the sale is otherwise terminated.

Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered at a sale session only if received at the Anchorage Land Office prior to 3 p.m. of the day *preceding* the particular sale session. At each sale session those tracts will be offered for which timely filed sealed bids have been received or for which nominations are made by oral bidders present at the sale. Late sealed bids will be held for consideration at succeeding scheduled sessions if the lands for which the bid was submitted remain unsold.

Sealed bids will be opened in the presence of the public during the progress of the sale. No sealed bid will be accepted if it is less than the appraised price listed for the tract. No oral bid will be accepted unless it is at least $10 greater than the highest sealed bid, or if there is none, it is less than the appraised price listed for the tract. Sealed bids must be in units of $10 unless otherwise specified at the sale.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted under the circumstances.

In the event that the showing is not acceptable, the tract will again be offered for sale to the public at the next sale session after such determination is final.

6. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Small Tract Public Sale No. 23-ALD, and (c) the legal description of the land for which the bid is made, described in accordance with the list below. Each bid must be accompanied by the full amount of the bid in the form of a certified or cashier's check, post office money order(s), or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope, but payment need accompany only the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must carry on its reverse side the following information and nothing else: (a) "Small Tract Public Sale No. 23-ALD", (b) the legal description of the tract for which the bid is made, in accordance with the list below.

7. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the tract at the close of bidding. A personal check will be acceptable for that purpose.

8. The individual tracts vary in size as shown below. Right-of-way easements for roads and public utilities will be reserved as shown below. All minerals in the lands will be reserved to the United States. Desirability of these tracts varies greatly with some being good throughout, while others contain wet, steep, inaccessible, or other undesirable characteristics. Prospective bidders are cautioned to carefully inspect the tract, if possible, or to fully acquaint themselves with its characteristics by inspection of maps or other sources of information before offering to buy. All sales are final.

9. Notice is hereby given to the right of the undersigned or his delegate to reappraise the tracts or to adjourn, postpone, or vacate this sale or continuances thereof in whole or in part at any time prior to, during, or after completion of any sale session where such action appears to be necessary to protect the government's interest in the land.

10. A qualified purchaser of each tract in this sale will, upon tendering full payment thereof, receive a receipt as evidence of the sale. Patent will be issued to the purchaser at a later date without any further compliance or action upon the purchaser's part. There are no building requirements upon these tracts.

11. Inquiries concerning these lands should be addressed to the Manager, Anchorage Land Office, Cordova Building, 555 Cordova Street, Anchorage, Alaska. Copies of the United States Survey plat involved are available for sale.

The following tracts are offered for sale at public auction as noted above.

Legal Description	Easements	Acreage	Appraised price
U.S. Survey 2789			
Lot 1[1]	33' on South	1.36	$400.00
Lot 2	33' on North and South.	1.30	350.00
Lot 3	33' on North and South.	4.22	300.00
Lot 4	33' on South	2.90	150.00
Lot 5[1]	33' on South	2.07	250.00
Lot 10[1]	33' on North	4.29	250.00
Lot 14	33' on South	2.98	150.00
Lot 15	33' on North	2.45	800.00
Lot 22[1]	33' on South	5.00	450.00
Lot 23[1]	33' on North	5.00	450.00
Lot 24[1]	33' on North and South.	5.00	800.00
11 Lots		36.57	4,350.00

[1] Subject to valid prior application.

JAMES W. SCOTT,
District Manager, Anchorage.

[F.R. Doc. 64-2826; Filed, Mar. 24, 1964; 8:46 a.m.]

WASHINGTON

Notice of Filing of Washington State Protraction Diagram

Notice is hereby given that effective May 5, 1964, the following protraction diagram, approved February 3, 1964, is officially filed of record in the Washington Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

WASHINGTON PROTRACTION DIAGRAM NO. 6

WILLAMETTE MERIDIAN

T. 39 N., R. 37 E.,
Secs. 1 and 2;
Sec. 11, N½, SE¼;
Sec. 12, N½, SW¼.

Copies of this diagram are for sale at the Washington State Land Office, Bureau of Land Management, Room 670 Bon Marche Building, Spokane, Washington, 99201.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 64-2827; Filed, Mar. 24, 1964; 8:47 a.m.]

WASHINGTON

Notice of Filing of Washington State Protraction Diagrams; (Unsurveyed Land)

Notice is hereby given that effective May 1, 1964, the following protraction diagram, approved January 9, 1964, is officially filed of record in the Washington Land Office. In accordance with Title 43, Code of Federal Regulations this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

WASHINGTON PROTRACTION DIAGRAM NO. 5

WILLAMETTE MERIDIAN

T. 37 N., R. 6 E.,
Secs. 1 and 2;
Sec. 3, E½;
Sec. 10, E½;
Secs. 11 to 14 inclusive;
Sec. 23, NE¼;
Sec. 24;
Sec. 25, N½.
T. 34 N., R. 7 E.,
Secs. 1, 2, and 3;
Sec. 10, E½;
Secs. 11 to 14 inclusive;
Sec. 15, E½.
T. 35 N., R. 7 E.,
Sec. 28, S½;
Sec. 33;
Sec. 34, W½.
T. 36 N., R. 7 E.,
Sec 1;
Sec. 3, excluding mineral survey;
Secs. 4 and 5.
T. 37 N., R. 7 E.
T. 38 N., R. 7 E.
T. 39 N., R. 7 E.,
Sec. 13;
Sec. 23, E½;
Secs. 24 and 25;
Sec. 26, E½;
Sec. 35, E½;
Sec. 36.
T. 34 N., R. 8 E.,
Secs. 6, 7, and 18.
T. 37 N., R. 8 E.
T. 38 N., R. 8 E.
T. 39 N., R. 8 E.,
Secs. 1 to 4 inclusive;
Secs 5 and 6 excluding mineral survey;
Secs. 7 to 36 inclusive.
T. 40 N., R. 8 E.,
Secs. 1 to 30 inclusive;
Secs. 31, 32, and 33 excluding mineral surveys;
Secs. 34 and 35.
T. 41 N., R. 8 E. (Part: International Boundary);
Sec. 31, SE¼;
Secs. 32 to 36, inclusive.
T. 37 N., R. 9 E.,
Secs. 1, 12, 13, 23, 24, 25, 26, and 36.
T. 38 N., R. 9 E.,
Secs. 1 to 4 inclusive;
Sec. 5, excluding mineral survey;
Secs. 6 to 19 inclusive;
Sec. 24, N½.
T. 39 N., R. 9 E.,
Secs. 1 to 31 inclusive;
Sec. 32 excluding mineral survey;
Secs. 33 to 36 inclusive.
T. 40 N., R. 9 E.,
Secs. 1 and 2;
Secs. 3 and 4 excluding mineral survey;
Secs. 5 to 9 inclusive;
Sec. 10 excluding mineral survey;
Secs. 11 to 14 inclusive;
Sec. 15 excluding mineral survey;
Secs. 16 to 21 inclusive;
Secs. 22 to 28 excluding mineral surveys;
Secs. 24 to 30 inclusive;
Secs. 32 to 36 inclusive.
T. 41 N., R. 9 E. (Part: International Boundary),
Secs. 31 to 33 inclusive;
Sec. 34 excluding mineral survey;
Secs. 35 and 36.

T. 34 N., R. 10 E.,
Secs. 11 to 13 inclusive;
Sec. 21, SE¼;
Sec. 23 to 27 inclusive;
Sec. 28, NE¼;
Secs. 34, 35, and 36.
T. 35 N., R. 10 E.
T. 37 N., R. 10 E.
T. 38 N., R. 10 E.
T. 39 N., R. 10 E.
T. 40 N., R. 10 E.
T. 41 N., R. 10 E. (Part: International Boundary),
Secs. 31 to 36 inclusive.
T. 29 N., R. 11 E.,
Sec. 1;
Secs. 2 and 3 excluding mineral surveys;
Secs. 4, 5, and 6;
Sec. 7 excluding mineral survey;
Secs. 8 to 12 inclusive;
Secs. 13 to 18 inclusive, excluding mineral surveys;
Secs. 19 and 20;
Secs. 21 to 24 inclusive, excluding mineral surveys;
Sec. 25;
Secs. 26 to 29 inclusive, excluding mineral surveys;
Sec. 30;
Secs. 31 to 33 inclusive, excluding mineral surveys;
Secs. 34 to 36 inclusive.
T. 34 N., R. 11 E.
T. 36 N., R. 11 E.,
Secs. 3 to 6 inclusive;
Sec. 7, W½;
Sec. 8, N½;
Sec. 9;
Sec. 10, N½, SW¼ excluding mineral surveys;
Sec. 11, SE¼;
Sec. 12, NE¼, S½;
Sec. 13;
Sec. 14 excluding mineral survey;
Sec. 16, N½;
Sec. 18;
Sec. 22, E½;
Secs. 23 to 27 inclusive;
Sec. 28, S½;
Sec. 32, E½;
Secs. 33 to 36 inclusive.
T. 37 N., R. 11 E.,
Secs. 1 to 24 inclusive;
Secs. 26 to 35 inclusive.
T. 38 N., R. 11 E.
T. 39 N., R. 11 E.
T. 40 N., R. 11 E.
T. 41 N., R. 11 E (Part: International Boundary),
Secs. 31 to 36 inclusive.
T. 28 N., R. 12 E.,
Secs. 1 to 17 inclusive;
Sec. 18, W½;
Secs. 20 to 28 inclusive;
Secs. 33 to 36 inclusive.
T. 29 N., R. 12 E.
T. 34 N., R. 12 E.
T. 35 N., R. 12 E.,
Sec. 1;
Secs. 2 and 3 excluding mineral survey;
Secs. 4 and 5;
Sec. 6, E½, NW¼;
Sec. 7, W½, SE¼;
Sec. 9;
Secs. 10 and 11 excluding mineral survey;
Secs. 12 to 15 inclusive;
Sec. 16, E½;
Sec. 17, W½;
Secs. 18 to 20 inclusive;
Secs. 22 to 27 inclusive;
Sec. 28, W½;
Secs. 29 to 36 inclusive.
T. 36 N., R. 12 E.
T. 37 N., R. 12 E.,
Secs. 1 to 19 inclusive;
Secs. 22 to 27 inclusive;
Secs. 35 and 36.
T. 38 N., R. 12 E.
T. 39 N., R. 12 E.
T. 40 N., R. 12 E.
T. 41 N., R. 12 E. (Part: International Boundary),
Secs. 31 to 36 inclusive.
T. 27 N., R. 13 E.,
Secs. 1 to 4 inclusive.
T. 28 N., R. 13 E.
T. 29 N., R. 13 E.,
Secs. 1 and 2;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 35 and 36.
T. 30 N., R. 13 E.,
Secs. 1 and 2;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 35 and 36.
T. 31 N., R. 13 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 32 N., R. 13 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 33 N., R. 13 E.
T. 34 N., R. 13 E.,
Secs. 1 and 2 excluding mineral survey;
Secs. 3 to 10 inclusive;
Sec. 11 excluding mineral survey;
Secs. 12 to 36 inclusive.
T. 35 N., R. 13 E.,
Secs. 1 to 12 inclusive;
Sec. 13 excluding mineral survey;
Secs. 14 to 23 inclusive;
Secs. 24, 25, 26, and 27 excluding mineral surveys;
Secs. 28 to 33 inclusive;
Secs. 34, 35, and 36 excluding mineral surveys.
T. 36 N., R. 13 E.
T. 37 N., R. 13 E.,
Sec. 1;
Secs. 2, 3, 4, and 5 excluding Diablo Lake;
Secs. 6 and 7;
Secs. 8, 9, 10, and 11 excluding Diablo Lake;
Secs. 12 to 14 inclusive;
Sec. 15 excluding Diablo Lake;
Secs. 16 to 21 inclusive;
Secs. 22 and 23 excluding Diablo Lake;
Secs. 24 to 36 inclusive.
T. 38 N., R. 13 E.,
Sec. 1 excluding Ross Lake;
Secs. 2 to 11 inclusive;
Secs. 12, 13, and 14 excluding Ross Lake;
Secs. 15 to 22 inclusive;
Secs. 23 to 24 excluding Ross Lake;
Secs. 25 to 34 inclusive;
Secs. 35 and 36 excluding Ross Lake.
T. 39 N., R. 13 E.,
Secs. 1 and 2 excluding Ross Lake;
Secs. 3 to 11 inclusive;
Secs. 12 and 13 excluding Ross Lake;
Secs. 14 to 24 inclusive;
Sec. 25 excluding Ross Lake;
Secs. 26 to 35 inclusive;
Sec. 36 excluding Ross Lake.
T. 40 N., R. 13 E.,
Sec. 1;
Secs. 2 and 3 excluding Ross Lake;
Secs. 4 to 9 inclusive;
Secs. 10 and 11 excluding Ross Lake;
Secs. 12 and 13;
Secs. 14 and 15 excluding Ross Lake;
Secs. 16 to 22 inclusive;
Secs. 23, 24, 25, and 26 excluding Ross Lake;
Secs. 27 to 34 inclusive;
Secs. 35 and 36 excluding Ross Lake.
T. 41 N., R. 13 E. (Part: International Boundary),
Secs. 31 to 33 inclusive;
Secs. 34 and 35 excluding Ross Lake;
Sec. 36.
T. 27 N., R. 14 E.,
Secs. 1, 2, 11, and 12.
T. 28 N., R. 14 E.,
Secs. 1 and 2;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 35 and 36.
T. 29 N., R. 14 E.
T. 30 N., R. 14 E.
T. 31 N., R. 14 E.
T. 32 N., R. 14 E.,
Secs. 7 to 36 inclusive.
T. 33 N., R. 14 E.
T. 34 N., R. 14 E.,
Secs. 1 to 5 inclusive;
Secs. 6 excluding mineral survey;
Secs. 7 to 36 inclusive.
T. 35 N., R. 14 E.,
Secs. 1 to 4 inclusive;
Secs. 5, 6, 7, 8, and 9 excluding mineral surveys;
Sec. 10;
Sec. 11 excluding mineral survey;
Secs. 12 and 13;
Secs. 14 to 21 inclusive, excluding mineral surveys;
Secs. 22 to 26 inclusive;
Secs. 29 to 32 inclusive, excluding mineral surveys;
Secs. 33 to 36 inclusive.
T. 36 N., R. 14 E.
T. 37 N., R. 14 E.,
Secs. 1 to 3 inclusive;
Secs. 4, 5, and 6 excluding Diablo Lake;
Secs. 7 and 8;
Sec. 9 excluding Diablo Lake;
Secs. 10 to 36 inclusive.
T. 38 N., R. 14 E.,
Secs. 1 to 5 inclusive;
Secs. 6 and 7 excluding Ross Lake;
Secs. 8 to 17 inclusive;
Secs. 18 and 19 excluding Ross Lake;
Secs. 20 to 29 inclusive;
Secs. 30 and 31 excluding Ross Lake;
Secs. 32 to 36 inclusive.
T. 39 N., R. 14 E.,
Secs. 1 to 5 inclusive;
Secs. 6 and 7 excluding Ross Lake;
Secs. 8 to 16 inclusive;
Secs. 17, 18, 19, and 20 excluding Ross Lake;
Secs. 21 to 28 inclusive;
Secs. 29, 30, and 31 excluding Ross Lake;
Secs. 32 to 36 inclusive.
T. 40 N., R. 14 E.,
T. 41 N., R. 14 E. (Part: International Boundary),
Secs. 31 to 36 inclusive.
T. 27 N., R. 15 E.,
Secs. 1 and 2;
Sec. 3 excluding mineral survey;
Secs. 4 to 9 inclusive;
Sec. 10 excluding mineral survey;
Secs. 11 to 18 inclusive.
T. 28 N., R. 15 E.,
Secs. 1 to 12 inclusive;
Sec. 13 excluding H.E.S. #170;
Secs. 14 to 23 inclusive;
Sec. 24 excluding H.E.S. #59;
Secs. 25 to 36 inclusive.
T. 29 N., R. 15 E.
T. 30 N., R. 15 E.
T. 31 N., R. 15 E.,
Secs. 1 to 9 inclusive;
Secs. 10 and 11 excluding mineral surveys;
Secs. 12, 13, and 14;
Sec. 15 excluding mineral survey;
Secs. 16 to 36 inclusive.
T. 32 N., R. 15 E.,
Secs. 7 to 36 inclusive.
T. 27 N., R. 16 E.,
Secs. 1 to 3 inclusive;
Sec. 10 excluding H.E.S. surveys;
Secs. 11 and 12;
Sec. 19, NW¼, S½;
Sec. 20, S½;
Sec. 21, S½;
Sec. 22, S½;
Secs. 27 to 29 inclusive;
Sec. 30, N½, SW¼.
T. 28 N., R. 16 E.,
Secs. 1 to 16 inclusive;
Sec. 17, E½;
Sec. 20, E½;
Secs. 21 to 28 inclusive;
Sec. 29, E¼ excluding H.E.S. #224;
Secs. 33 to 36 inclusive.
T. 29 N., R. 16 E.
T. 30 N., R. 16 E.,
Secs. 1 and 2;
Sec. 3 excluding mineral survey;
Secs. 4 to 9 inclusive;

Secs. 10 and 11 excluding mineral survey;
Secs. 12 and 13;
Secs. 14 and 15 excluding mineral survey;
Secs. 16 to 26 inclusive;
Sec. 27 excluding mineral survey;
Secs. 28 to 36 inclusive.
T. 31 N., R. 16 E.,
Secs. 1 to 15 inclusive;
Sec. 16 excluding mineral survey;
Secs. 17 to 20 inclusive;
Secs. 21 to 22 excluding mineral survey;
Secs. 23 to 36 inclusive.
T. 32 N., R. 16 E.
T. 33 N., R. 16 E.
T. 34 N., R. 16 E.,
Secs. 1 to 20 inclusive;
Sec. 21 excluding mineral surveys;
Secs. 22 to 36 inclusive.
T. 35 N., R. 16 E.
T. 36 N., R. 16 E.
T. 37 N., R. 16 E.,
Secs. 1 to 5 inclusive;
Secs. 8 and 9;
Secs. 10 and 11 excluding mineral survey;
Secs. 12 and 13;
Sec. 14 excluding mineral survey;
Secs. 15, 16, and 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 38 N., R. 16 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 39 N., R. 16 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 40 N., R. 16 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 28 N., R. 17 E.,
Secs. 1 to 18 inclusive.
T. 29 N., R. 17 E.,
Secs. 1 to 31 inclusive, excluding H.E.S. #167;
Secs. 32 to 36 inclusive.
T. 30 N., R. 17 E.
T. 31 N., R. 17 E.,
Secs. 1 to 6 inclusive;
Sec. 7 excluding mineral survey;
Secs. 8 to 16 inclusive;
Secs. 17 and 18 excluding mineral survey;
Sec. 19;
Sec. 20 excluding mineral survey;
Secs. 21 to 36 inclusive.
T. 32 N., R. 17 E.,
Sec. 1 excluding Lake Chelan;
Secs. 2 to 11 inclusive;
Sec. 12 excluding Lake Chelan;
Secs. 13 to 36 inclusive.
T. 33 N., R. 17 E.,
Secs. 1 to 6 inclusive;
Secs. 7, 8, and 9 excluding H.E.S. 149, 150, and 233;
Secs. 10 to 14 inclusive;
Secs. 15, 16, and 17 excluding H.E.S. 148, 208, 207, and 233;
Secs. 18 to 21 inclusive;
Secs. 22 and 23 excluding H.E.S. 205 and 235;
Sec. 24;
Sec. 25, N½;
Secs. 27 to 35 inclusive;
Sec. 36, SW¼.
T. 34 N., R. 17 E.
T. 35 N., R. 17 E.
T. 36 N., R. 17 E.
T. 37 N., R. 17 E.,
Secs. 1 and 2;
Secs. 3, 4, and 5 excluding mineral surveys;
Secs. 6 to 8 inclusive;
Secs. 9 and 10 excluding mineral surveys;
Secs. 11 to 28 inclusive;
Secs. 29 and 30 excluding mineral surveys;
Secs. 31 to 36 inclusive.
T. 38 N., R. 17 E.,
Secs. 1 to 29 inclusive;
Secs. 30 to 34 inclusive, excluding mineral surveys;
Secs. 35 and 36.
T. 39 N., R. 17 E.
T. 40 N., R. 17 E.
T. 28 N., R. 18 E.
T. 29 N., R. 18 E.
T. 30 N., R. 18 E.
T. 31 N., R. 18 E.,
Sec. 1;
Secs. 2, 3, 4, and 5 excluding mineral surveys and Lake Chelan;
Secs. 6, 7, and 8 inclusive;
Secs. 9, 10, 11, 12, 13, and 14 excluding mineral surveys and Lake Chelan;
Secs. 15 to 23 inclusive;
Secs. 24 and 25 excluding Lake Chelan;
Secs. 26 to 36 inclusive.
T. 32 N., R. 18 E.,
Secs. 1 to 5 inclusive;
Secs. 9 to 16 inclusive;
Sec. 19;
Sec. 21, E½;
Secs. 22 to 27 inclusive;
Secs. 30 and 31;
Secs. 34 and 35;
Sec. 36 excluding mineral survey.
T. 33 N., R. 18 E.,
Secs. 1 to 30 inclusive;
Secs. 32 to 36 inclusive.
T. 34 N., R. 18 E.,
Secs. 1 to 21 inclusive;
Sec. 22, excluding mineral survey;
Secs. 23 to 26 inclusive;
Sec. 27 excluding mineral survey;
Secs. 28 to 36 inclusive.
T. 35 N., R. 18 E.
T. 36 N., R. 18 E.
T. 37 N., R. 18 E.
T. 38 N., R. 18 E.
T. 39 N., R. 18 E.
T. 40 N., R. 18 E.
T. 29 N., R. 19 E.,
Secs. 1, 2, and 3 excluding Lake Chelan;
Secs. 4 to 36 inclusive.
T. 30 N., R. 19 E.,
Secs. 1 to 4 inclusive;
Secs. 5, 6, 7, and 8 excluding Lake Chelan;
Secs. 9 to 15 inclusive;
Secs. 16, 17, and 18 excluding Lake Chelan;
Sec. 19;
Secs. 20, 21, and 22 excluding Lake Chelan;
Secs. 23 to 25 inclusive;
Secs. 26, 27, and 28 excluding Lake Chelan;
Secs. 29 to 32 inclusive;
Secs. 33, 34, 35, and 36 excluding Lake Chelan.
T. 31 N., R. 19 E.,
Secs. 1 to 17 inclusive;
Sec. 18, E½;
Sec. 19, E½;
Secs. 20 to 28 inclusive;
Secs. 29, 30, 31, and 32 excluding Lake Chelan;
Secs. 33 to 36 inclusive.
T. 32 N., R. 19 E.,
Secs. 1 to 30 inclusive;
Sec. 31 excluding mineral survey;
Secs. 32 to 36 inclusive.
T. 33 N., R. 19 E.,
Secs. 1 to 11 inclusive;
Sec. 12 excluding H.E.S. #189;
Secs. 13 to 36 inclusive.
T. 34 N., R. 19 E.
T. 35 N., R. 19 E.
T. 36 N., R. 19 E.,
Secs. 1 to 3 inclusive;
Secs. 4, 5, and 6 excluding H.E.S. surveys;
Sec. 7;
Secs. 8, 9, and 10 excluding H.E.S. surveys;
Secs. 11 to 13 inclusive;
Secs. 14, 15, and 16 excluding H.E.S. surveys;
Secs. 17 to 21 inclusive;
Secs. 22 to 27 inclusive, excluding H.E.S. surveys;
Secs. 28 to 35 inclusive;
Sec. 36 excluding H.E.S. surveys.
T. 37, N., R. 19 E.,
Secs. 1 to 30 inclusive;
Secs. 31 and 32 excluding H.E.S. surveys;
Secs. 33 to 36 inclusive.
T. 38 N., R. 19 E.
T. 39 N., R. 19 E.
T. 40 N., R. 19 E.
T. 28 N., R. 20 E.
T. 29 N., R. 20 E.,
Sec. 6, SW¼SW¼ excluding Lake Chelan;
Secs. 7, 8, 9, 14, 15, and 16 excluding Lake Chelan;
Secs. 17 to 20 inclusive;
Sec. 21, N½, SW¼;
Sec. 22, N½;
Sec. 23, N½;
Secs. 29 to 32 inclusive;
Sec. 33, W½.
T. 30 N., R. 20 E.,
Secs. 1 to 30 inclusive;
Sec. 31 excluding Lake Chelan;
Secs. 32 to 36 inclusive.
T. 31 N., R. 20 E.
T. 32 N., R. 20 E.
T. 33 N., R. 20 E.,
Secs. 1 and 2 excluding H.E.S. surveys;
Secs. 3 to 9 inclusive;
Secs. 10, 11, and 12 excluding H.E.S. surveys;
Sec. 13;
Secs. 14 to 18 inclusive, excluding H.E.S. surveys;
Sec. 19;
Secs. 20 and 21 excluding H.E.S. surveys;
Secs. 22 to 36 inclusive.
T. 34 N., R. 20 E.,
Sec. 1, excluding H.E.S. 217 and 218;
Secs. 2 to 36 inclusive.
T. 36 N., R. 20 E.,
Secs. 1 to 9 inclusive;
Secs. 15 and 16;
Sec. 17, N½;
Sec. 18, N½.
T. 37 N., R. 20 E.
T. 38 N., R. 20 E.
T. 39 N., R. 20 E.
T. 40 N., R. 20 E.
T. 29 N., R. 21 E.,
Secs. 2 to 10 inclusive;
Sec. 11, N½, SW¼.
T. 30 N., R. 21 E.
T. 31 N., R. 21 E.,
Secs. 1 to 10 inclusive;
Secs. 11 to 14 inclusive, excluding H.E.S. 183, 184, 185, and 261;
Secs. 15 to 21 inclusive;
Secs. 22 and 23 excluding H.E.S. 261 and 265;
Sec. 24;
Sec. 25 excluding H.E.S. 191 and 215;
Secs. 26 to 36 inclusive.
T. 33 N., R. 21 E.,
Secs. 19 to 22 inclusive;
Sec. 25 excluding H.E.S. surveys;
Secs. 26 to 35 inclusive;
Sec. 36 excluding H.E.S. surveys.
T. 37 N., R. 21 E.
T. 38 N., R. 21 E.
T. 39 N., R. 21 E.
T. 40 N., R. 21 E.
T. 29 N., R. 22 E.,
Secs. 1 to 24 inclusive;
Sec. 25 excluding H.E.S. No. 100;
Secs. 26 to 36 inclusive.
T. 35 N., R. 22 E.,
Secs. 1 to 6 inclusive;
Sec. 7 excluding H.E.S. No. 211;
Secs. 8 to 17 inclusive;
Sec. 18 excluding H.E.S. No. 211;
Secs. 19 to 29 inclusive;
Secs. 33 to 36 inclusive.
T. 36 N., R. 22 E.
T. 37 N., R. 22 E.
T. 38 N., R. 22 E.
T. 39 N., R. 22 E.
T. 40 N., R. 22 E.
T. 34 N., R. 23 E.,
Secs. 1 to 30 inclusive;
Sec. 31 excluding H.E.S. No. 108;
Sec. 32 to 36 inclusive.

T. 35 N., R. 23 E.
T. 36 N., R. 23 E.,
Sec. 1;
Secs. 2 and 3 excluding mineral survey;
Secs. 4 to 36 inclusive.
T. 36 N., R. 24 E.,
Secs. 4 to 9 inclusive;
Secs. 16 to 20 inclusive;
Sec. 21, N½, SW¼.

Copies of this diagram are for sale at the Washington State Land Office, Bureau of Land Management, Room 670 Bon Marche Building, Spokane, Washington, 99201.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 64-2828; Filed, Mar. 24, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 87 (Rev.); Amdt. 1]

COAST AND GEODETIC SURVEY

Delegation of Authority

The following amendment to the order was issued by the Secretary of Commerce on March 9, 1964. The material appearing at 28 F.R. 3424 of April 6, 1963 is amended as follows:

Section 3.01 of Department Order No. 87 (Revised) of March 26, 1963 is hereby amended to read:

SEC. 3. *Delegation of authority.*

.01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary of Commerce for Science and Technology may prescribe, the Director, Coast and Geodetic Survey, is hereby delegated the authority to perform the functions vested in or delegated to the Secretary under:

1 Title 33, Chapter 17, U.S. Code (Coast and Geodetic Survey);

2 Title 10, U.S. Code, sections 1201-1203, 1210(f), 1211(b)(1), and 1401a (Public Law 88-132) relating to the retirement or separation, for physical disability, of commissioned officers of the Coast and Geodetic Survey;

3 Executive Order 11023 of May 28, 1962; sections 1 (a), (b), (c), (f), (g), (h), (i), (j) and (l); section 2(l); section 5; and section 6 relating to the appointment, retirement, separation and resignation of commissioned officers of the Coast and Geodetic Survey; and the employment of public vessels for carrying out assigned functions; and

4 Any other existing or subsequent legislation with respect to surveying, cartography, oceanography, and terrestrial and space investigations, including research and development activities, within the special competence of the Coast and Geodetic Survey.

Effective date: March 9, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-2811; Filed, Mar. 24, 1964; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

LUDLOW CORP.

Notice of Filing of Petition Regarding Food Additive Sodium Nitrite

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1026) has been filed by Ludlow Corporation, Needham Heights, Massachusetts, 02194, proposing the amendment of § 121.2551 of the food additive regulations to provide for the safe use of sodium nitrite as a corrosion inhibitor for steel or tinplate that contacts food.

Dated: March 18, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-2843; Filed, Mar. 24, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14498]

KODIAK RENEWAL CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence Wednesday, June 3, 1964, at 10 a.m. (Alaska time), in the Conference Room of the Little Red Schoolhouse, Kodiak Naval Station, Kodiak, Alaska, before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Do the public convenience and necessity require the renewal of Kodiak's certificate in whole or in part and, if so, do the public convenience and necessity require and should the Board, pursuant to section 401 of the Act, alter, amend, or modify such certificate so as to redescribe Kodiak's operating authority;

2. Is Kodiak fit, willing and able to provide such air transportation as may be required by the public convenience and necessity under item (1) above; and

3. If the application, or any part thereof, is granted what should be the duration of the certificate and what terms, limitations, or conditions, if any, should be attached to any such certificate or authority that may be granted to Kodiak herein?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., March 20, 1964.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 64-2851; Filed, Mar. 24, 1964; 8:50 a.m.]

[Docket No. 13777; Order E-20593]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of March 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17280, R-64 through R-66.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Tariff Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17280, R-64 through R-66, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2853; Filed, Mar. 24, 1964; 8:50 a.m.]

[1] Filed as part of the original document.

[Docket No. 13777; Order E-20594]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Regarding Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of March 1964.

An agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to fares; Docket No. 13777, Agreement C.A.B. 17663.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carrier, foreign air carriers, and other carriers, embodied in the resolutions of Tariff Conference 1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

Essentially, this agreement amends the current Resolution 049b—(Changes in Fares—Brazil) to more clearly define the application of the 30-day validity period in respect to tickets which provide for travel originating in Brazil. The agreement is marked to expire on March 31, 1965.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolutions 100(Mail 361)003 and 100(Mail 361)049b, which are incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That, Agreement C.A.B. 17663 be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2854; Filed, Mar. 24, 1964; 8:50 a.m.]

[Docket 15079; Order No. E-20595]

BRANIFF AIRWAYS, INC., AND DELTA AIR LINES, INC.

Proposed Westbound General Commodity Rates; Order of Investigation

MARCH 20, 1964.

The Board, by Order E-20571, adopted March 12, 1964, instituted an investigation of numerous current or proposed westbound general commodity rates of American Airlines, Inc. (American), The Flying Tiger Line Inc. (Flying Tiger), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United) chiefly because of their relatively low level.

By tariff revisions marked to become effective March 25, 1964, Braniff Airways, Inc. (Braniff) and Delta Air Lines, Inc. (Delta) propose rates essentially identical to a number of the foregoing rates. The reasons relied upon in Order E-20571 for instituting the investigation in Docket 15079 are equally applicable to the rates of Braniff and Delta, and we will therefore add their rates to the investigation in this Docket.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A hereto,[1] including subsequent revisions or reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates and provisions;

2. The investigation ordered herein be consolidated into the investigation in Docket 15079.

3. Copies of this order shall be served upon Braniff Airways, Inc., and Delta Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2852; Filed, Mar. 24, 1964; 8:50 a.m.]

[1] Appendix A filed as part of original document.

OFFICE OF EMERGENCY PLANNING

INDIANA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 17, 1964, reading in part as follows:

I hereby determine the damage in the various areas of the State of Indiana, adversely affected by severe storms and flooding beginning on or about March 5, 1964, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the state of Indiana to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 17, 1964:

The counties of:

Clark.	Martin.
Crawford.	Ohio.
Daviess.	Orange.
Dearborn.	Perry.
Dubois.	Pike.
Floyd.	Posey.
Franklin.	Ripley.
Gibson.	Scott.
Harrison.	Spencer.
Jackson.	Switzerland.
Jefferson.	Vanderburgh.
Jennings.	Warrick.
Lawrence.	Washington.

Dated: March 18, 1964.

EDWARD A. MCDERMOTT,
Director, Office of Emergency Planning.

[F.R. Doc. 64-2812; Filed, Mar. 24, 1964; 8:45 a.m.]

KENTUCKY

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 17, 1964, reading in part as follows:

I hereby determine the damage in the various areas of the Commonwealth of Kentucky, adversely affected by severe storms and flooding beginning on or about March 4, 1964, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the Commonwealth of Kentucky to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 17, 1964:

The counties of:

Ballard.	Hardin.
Boone.	Harrison.
Boyd.	Henderson.
Bracken.	Henry.
Breckinridge.	Hickman.
Bullitt.	Hopkins.
Caldwell.	Jefferson.
Calloway.	Kenton.
Campbell.	Lewis.
Carlisle.	Livingston.
Carroll.	Lyon.
Christian.	McCracken.
Daviess.	McLean.
Estill.	Marshall.
Franklin.	Mason.
Fulton.	Meade.
Gallatin.	Oldham.
Graves.	Owen.
Greenup.	Pendleton.
Hancock.	Powell.

Scott. Trimble.
Shelby. Union.
Spencer. Webster.
Trigg.

Dated: March 18, 1964.

EDWARD A. McDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-2813; Filed, Mar. 24, 1964; 8:45 a.m.]

VERMONT

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 17, 1964, reading in part as follows:

I hereby determine the damage in the various areas of the State of Vermont, adversely affected by flooding beginning on or about March 5, 1964, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the state of Vermont to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 17, 1964:

The counties of Caledonia, Franklin, Windsor.

Dated: March 18, 1964.

EDWARD A. McDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-2814; Filed, Mar. 24, 1964; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3709 etc.]

WARREN AMERICAN OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 18, 1964.

Warren American Oil Company (formerly Natural Gasoline Corporation) and other applicants listed herein:

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 13, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-3709, et al. [1] 1-13-64	Warren American Oil Co. (formerly Natural Gasoline Corp.).	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	12.5541	14.65
G-3793	do	do	12.5541	14.65
G-3794	do	do	12.5541	14.65
G-3795	do	do	12.5541	14.65
G-3796	do	Arkansas Louisiana Gas Co., Willow Springs Field, Grenz County, Tex.	11.7438	14.65
G-3797	do	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	12.5541	14.65
G-3798	do	do	12.5541	14.65
G-12908 [2] D 2-14-64	Union Oil Co. of Calif.	Michigan Wisconsin Pipe Line Co., Laverne Area, Beaver County, Okla.	(3)	
G-13290 [2] C 2-24-64	Sinclair Oil & Gas Co.	Michigan Wisconsin Pipe Line Co., Miller Morrow Unit, Harper County, Okla.	17.0	14.65
G-18977 [2] C 2-19-64	Gulf Oil Corp.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	17.0	14.65
G-18977 C 2-[illegible]-64	do	Michigan Wisconsin Pipe Line Co., Luther Hill Area, Ellis County, Okla.	17.0	14.65
G-19046 C 3-5-64	Carl G. Hine	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	11.0	15.025
G-20020 C 3-11-64	The Atlantic Refining Co.	Tennessee Gas Transmission Co., South Timbalier Bay Area, Bay Marchand Block 2 Field, Offshore La.	19.0	15.025
CI60-448 [1] 10-25-63	Warren American Oil Co., (formerly Natural Gasoline Corp.).	Transwestern Pipeline Co., Lipscomb Field, Lipscomb County, Tex.	17.0	14.65
CI61-1266 C 3-6-64	Southern Union Production Co.	Southern Union Gathering Co., Mesaverde and Dakota Formations, San Juan County, N. Mex.	13.0	15.025
CI62-105 D 3-12-64	The Atlantic Refining Co.	Northern Natural Gas Co., Sitka Field, Clark County, Kans.	Assigned	
CI63-137 E 3-9-64	Glenn H. Johnson, Agent (successor to Dalton and Hanna).	Hope Natural Gas Co., Elk and Union Districts, Barbour County, W. Va.	20.0	15.325
CI63-1414 10-25-63 [4]	Warren American Oil Co., et al. (formerly Natural Gasoline Corporation, et al.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[5] 17.0	14.65
CI64-82 C 3-12-64	Robert W. Adams & Associates d/b/a Durinda Leigh Drilling Co., Inc., et al.	Hope Natural Gas Co., Triadelphia District, Logan County, W. Va.	25.0	15.325
CI64-267 A 3-6-64	Price Oil Co.	Hope Natural Gas Co., Central District, Doddridge County, W. Va.	25.0	15.325
CI64-268 A 3-6-64	Frontier Savings Stamps, Inc. of Lubbock, Texas (Operator), et al.	Northern Natural Gas Co., North Hansford Field, Hansford County, Tex.	17.0	14.65
CI64-269 A 3-6-64	Coastal States Gas Producing Co.	Transcontinental Gas Pipe Line Corp., Dilworth Dome Field, McMullen County, Tex.	14.294	14.65
CI64-270 A 3-9-64	Greenwich Oil & Gas, Inc. (Partial succession).	Colorado Interstate Gas Co., Acreage in various counties in Kans.	13.5	14.65
CI64-271 A 3-9-64	Chelsea Oil & Gas, Inc.	do	13.5	14.65
CI64-272 B 3-9-64	Humble Oil & Refining Co.	Texas Eastern Transmission Corp., Trebloc Field, Chickasaw County, Miss.	Assigned	
CI64-273 A 3-9-64	Texaco Inc.	Kansas-Nebraska Natural Gas Co., Inc. Boyd Northeast Field, Beaver County, Okla.	(7)	14.65
CI64-274 A 3-9-64	Tidewater Oil Co.	Natural Gas Pipeline Co., of America, West Crane Field, Custer and Dewey Counties, Okla.	15.0	14.65
CI64-275 A 3-9-64	Clarence Mase	Cabot Corp., Sherman District, Calhoun County, W. Va.	15.2	15.325
CI64-276 A 3-9-64	Texaco Inc.	Kansas-Nebraska Natural Gas Co., Inc. Bradshaw Gas Area, Hamilton County, Kans.	12.5	14.65
CI64-277 A 3-9-64	Rutter and Wilbanks Brothers, et al.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	16.0	14.65

Filing code:
A—Initial Service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI64-978 B 3-9-64	General American Oil Co. of Tex.	Texas Eastern Transmission Corp., Nagel Unit, De Witt County, Tex.	Depleted	
CI64-979 A 3-10-64	H. N. Burnett	J. M. Huber Corp., West Panhandle Field, Carson County, Tex.	13.0	14.65
CI64-980 A 3-10-64	Ashland Oil & Refining Company (Operator), et al.	Texas Gas Transmission Corp., Bastrop Area, Morehouse Parish, La.	16.75	15.025
CI64-981 A 3-10-64	Sun Oil Co.	Northern Natural Gas Co., N. E. Dower Field, Beaver County, Okla.	17.0	14.65
CI64-982 A 3-10-64	The Superior Oil Co.	Florida Gas Transmission Co., Fausse Pointe Field, Iberia Parish, La.	16.0	15.025
CI64-1079 A 3-12-64	Socony Mobil Oil Co., Inc.	Colorado Interstate Gas Co., Hugoton Field, Grant and Kearny Counties, Kans.	11.0	14.65
CI64-1080 A 3-11-64	Marathon Oil Co.	Southern Union Gathering Co., La Plata River Area (Dakota Formation), San Juan County, N. Mex.	13.0	15.025
CI64-1081 A 3-10-64	George A. Carlson	Cities Service Gas Co., acreage in Kay County, Okla.	12.0	14.65
CI64-1082 A 3-12-64	Twin Gas Co.	Lone Star Gas Co., acreage in Stephens County, Okla.	15.0	14.65
CI64-1083 A 3-12-64	The Hefner Co., and W. J. Hefner.	Lone Star Gas Co., East Doyle Field, Stephens County, Okla.	15.0	14.65
CI64-1084 A 3-12-64	Southwest Gas Producing Co., Inc., et al.	United Fuel Gas Co., Midland Field, Acadia Parish, La.	17.5	15.025

[1] Amendment filed to reflect change in cooperate name.
[2] Presently consolidated with G-4281, et al., Sunray DX Oil Co. et al.
[3] Amendment to delete acreage per Letter Agreement between parties dated May 13, 1963.
[4] Supra.
[5] Application pending outcome of upward Btu proceedings, Docket Nos. G-4281, et al, Sunray DX Oil Company, et al.
[6] Price subject to Btu adjustment and subject to refund of any amounts collected in excess of 17.0 cents, pursuant to conditioned temporary certificate issued 8-5-63.
[7] Price is 11.0 cents/Mcf for natural gas produced from above the base of the Wolfcamp Series; 17.0 cents/Mcf for natural gas produced from below the base of the Wolfcamp Series.

[F.R. Doc. 64-2759; Filed, Mar. 24, 1964; 8:45 a.m.]

[Project No. 2438]

NEW YORK STATE ELECTRIC & GAS CORP.

Notice of Application for License; Correction

MARCH 18, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by New York State Electric & Gas Corporation (correspondence to: Kenneth W. Hasbrouck, Vice President, New York State Electric & Gas Corporation, 108 E. Green Street, Ithaca, New York) for constructed Project No. 2438, known as the Seneca Falls Development, located on the Seneca River, Seneca County, New York.

The project consists of two developments described as follows: Seneca Falls Development—located at the State owned Dam at Seneca Falls on the Seneca Outlet which has been canalized and made a part of the New York State Barge Canal System, consisting of a single story brick powerhouse containing four hydroelectric generating units with a capacity of 2,000 kilowatts each under a gross head of 49 feet, and other appurtenances; and Waterloo Development—located five miles upstream from the Seneca Development and consisting of a concrete gravity type dam or substructure (which impounds no water itself) 86 feet long and 33 feet high (a canal used to deliver the water to the turbines), a powerhouse superposed on the dam containing four hydroelectric generating units with a capacity of 480 kilowatts each, and other appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 1, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2818; Filed, Mar. 24, 1964; 8:46 a.m.]

[Docket No. E-7157]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Application

MARCH 19, 1964.

Take notice that on March 12, 1964, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Orange and Rockland Utilities, Inc. (Applicant), a corporation organized under the laws of the State of New York and qualified to do business in the State of New Jersey with its principal business office at Nyack, New York, seeking an order authorizing the issuance of short-term unsecured promissory notes in the maximum principal amount of $24,150,000 outstanding at any one time. Applicant proposes to issue such notes to mature not later than one year from the date thereof and in any event not later than June 30, 1965. According to the application, the notes will be issued to commercial banks or similar institutions, will not be for resale to the public, and no finders fee or other fee, commission or remuneration is to be paid in connection therewith to any third person for negotiating the transaction.

Of the proceeds, $23,000,000 will be utilized for Applicant's construction program estimated at $18,382,907 in 1964 and $16,724,900 in 1965. The principal projects are the construction of a 170 mw unit at the Lovett steam plant and construction of 138 kv transmission lines and substation to serve, from Lovett, the load centers at Hillburn and West Nyack. The balance of the proceeds will be utilized to refund $1,150,000 face amount of First Mortgage Bonds 3 percent Series, due June 1, 1965, issued by The Orange and Rockland Electric Company, a predecessor company.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 7th day of April, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 C.F.R. 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2819; Filed, Mar. 24, 1964; 8:46 a.m.]

[Docket No. RP64-25]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Proposed Changes in Rates and Charges

MARCH 24, 1964.

Take notice that on March 6, 1964 Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 to become effective as of January 1, 1964. The proposed changes reflect decreases in rates and charges as set forth in the following revised tariff sheets: Second Revised Sheets Nos. 6, 12, 15, 18, 19-A, and 19-B and Third Revised Sheets Nos. 9 and 13, to its FPC Gas Tariff Second Revised Volume No. 1.

The annual decrease in rate level is approximately $1,370,000 based upon sales for the twelve months period ended December 31, 1963 and reflects the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent.

Copies of the proposed rate changes have been served by Natural upon all customers and State commissions. Comment may be filed with the Commission on or before April 1, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2966; Filed, Mar. 24, 1964; 11:52 a.m.]

[Docket No. RI64-653, etc.]

R. O. MANGUM ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 19, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-653	R. O. Mangum (Operator), et al., 534 Mellie Esperson Building, Houston, Tex., 77002.	1	6	Texas Eastern Transmission Corp. (West George West Field, Live Oak County, Tex.) (R.R. District No. 2).	$15,183	2-27-64	[1] 3-28-64	8-28-64	[10] 13.8733	[11] 14.3733	
RI64-654	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	207	1	Northern Natural Gas Co. (Crossett Gasoline Plant, Upton County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	54	2-27-64	[7] 4-1-64	8-1-64	13.5643	[8] 14.5710	
RI64-655	Standard Oil Co. of Texas, a Division of California Oil Co., P.O. Box 1949, Houston, Tex., 77001.	39	4	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	666	2-26-64	[7] 3-28-64	8-28-64	[9] [10] 13.2295	[9] [11] 14.2486	RI64-60

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 psia.
[4] Rate is the result of a settlement offer accepted by the Commission by letter dated April 13, 1960.
[5] Rate is exclusive of 0.5 cent per Mcf charge by buyer for dehydration and central point delivery.
[7] The stated effective date is the effective date requested by Respondent.
[8] Pressure base is 15.025 psia.
[9] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[10] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

R. O. Mangum (Operator), et al. (Mangum), request waiver of notice to make their proposed rate increase effective as of the date of filing, February 27, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mangum's proposed rate filing and such request is denied.

Mangum's presently effective rate of 13.8733 cents per Mcf is the result of an offer of settlement accepted by the Commission by letter dated April 13, 1960. Such offer provided for the deletion of favored-nation clauses under the basic contract and established a 1.0 cent periodic escalation every five years commencing February 5, 1963, in lieu of the 0.2 cent per Mcf periodic escalation each year. The proposed increased rate of 14.3733 cents per Mcf, which was contractually due on February 5, 1963, is equivalent to 14.8733 cents per Mcf when the 0.5 cent standard contract differential for gathering and dehydration is taken into consideration, and exceeds the area ceiling price for increased rates in Texas Railroad District No. 2.

The proposed rate increase of Standard Oil Company of Texas, a Division of California Oil Company (Standard) includes partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent effective April 1, 1963. El Paso Natural Gas Company (El Paso) questions the right of Standard under its tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of .55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, they claim there is controversy as to whether or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circumstances, we shall provide that the hearing provided for herein for Standard shall concern itself with the contractual basis as well as the statutory lawfulness of Standard's proposed rate filing.

Standard did not include in its proposed rate the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate plus the periodic increase results in a total rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for Standard's proposed rate filing which El Paso has protested, as well as the statutory lawfulness of all of the producers' proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly, sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of Standard's proposed rate filing which El Paso has protested, as set forth above, and the statutory lawfulness of all of the producers' proposed rate changes contained in the above-designated rate supplements.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 6, 1964.

By the Commission. Commissioner Woodward not participating in the suspension of the filing in Docket No. RI64-655, Standard Oil Company of Texas.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-2817; Filed, Mar. 24, 1964; 8:46 a.m.]

[Docket No. RI64-650 etc.]

E. C. SIDWELL ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 19, 1964.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 6, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-650	E. C. Sidwell, et al., P.O. Box 1659, Pampa, Tex.	[6] 1	2	El Paso Natural Gas Co. (E. Panhandle Field, Collingsworth County, Tex.) (R.R. District No. 10).	$847	3-2-64	[1] 4-2-64	[1] 4-3-64	12.0	[6] 13.0	
RI64-651	The Frontier Refining Co., 4040 East Louisiana Ave., Denver 22, Colo. Attn: Mr. Ben H. Parker.	4	5	El Paso Natural Gas Co. (Gallegos Gallup Pool, San Juan County, N. Mex.) (San Juan Basin Area).	(Decrease) (022)	2-24-64	[1] 3-26-64	[1] 3-27-64	[9] 13.0495	[7] 12.0495	RI64-139
RI64-652	El Paso Natural Gas Products Co.,[12] P.O. Box 3986, Odessa, Tex., Attn: Mr. John A. Woodward.	1	5	El Paso Natural Gas Co. (San Juan Basin Area, San Juan County, N. Mex.) (San Juan Basin Area).	(Decrease) (1,073)	2-24-64	[1] 3-26-64	[1] 3-27-64	[10] 13.0495	[7] [11] 12.0495	RI64-142

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Suspension period is limited to one day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 psia.
[6] Contract dated December 5, 1960, subsequent to issuance of the Commission's Statement of General Policy No. 61-1, as amended.
[7] Renegotiated rate increase.
[8] Pressure base is 15.025 psia.
[9] 14.0495 cents per Mcf rate suspended until June 1, 1964, in Docket No. RI64-319.
[10] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[11] For gas well gas produced from Gallup Formation only.
[12] A wholly owned subsidiary of El Paso Natural Gas Company.

E. C. Sidwell, et al. (Sidwell), request waiver of notice to make their proposed rate increase effective as of January 1, 1963. The Frontier Refining Company (Frontier) requests an effective date of January 1, 1964, and El Paso Natural Gas Products Company (Products Company) requests that its proposed rate filing be made effective as of February 1, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

Frontier and Products Company have certain wells producing at low pressures and, in letter agreements with El Paso Natural Gas Company, have provided for a 1.0 cent per Mcf reduction in price and deletion of the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids as consideration for a reduction in line pressure from 500 psig to 250 psig. Frontier and Products Company's notices of change propose the decreased rates for low pressure gas. The proposed rates (12.0495 cents) are below the San Juan Basin Area ceiling for increased rates; however, as the reduction in pressure will later be a compression cost to the buyer, such cost should be added to the proposed rates. A cost amounting to 1.0 cent per Mcf for gas delivered at pressures between 201 and 499 psig has been tentatively set up as a price adjustment for deviation from standard pressure (500 psig) for "pipeline quality" gas in notice of proposed rule making, Docket No. R-200. The addition of this 1.0 cent per Mcf compression adjustment to the proposed base rate of 12.0 cents would cause the proposed rate to exceed the area ceiling of 13.0 cents per Mcf by the amount of the tax reimbursement (0.0495 cent), and should be suspended as hereinbefore ordered. However, since rate decreases are involved, the suspension period for each may be shortened to one day from March 26, 1964, the date of expiration of the required statutory notice. The proposed rate increase filed by Products Company is also suspended because it relates to sales made to its affiliate, El Paso Natural Gas Company.

Sidwell commenced service after September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56) and the proposed rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, that Sidwell's rate filing should be suspending for one day from April 2, 1964, the date of expiration of the required statutory notice.

[F.R. Doc. 64-2820; Filed, Mar. 24, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15271; FCC 64M-239]

AMERICAN COLONIAL BROADCASTING CORP.

Order Continuing Hearing

In re application of American Colonial Broadcasting Corporation, Ponce, Puerto Rico, Docket No. 15271, File No. BPCT-3104; for construction permit to change transmitter site and antenna height above average terrain of Station WSUR-TV, Channel 9, Ponce, Puerto Rico.

The Hearing Examiner having under consideration an informal request from the counsel for American Colonial Broadcasting Corporation to change the date for commencement of hearing;

It appearing, that the hearing is now scheduled to commence on April 21, 1964, but owing to circumstances peculiar to this proceeding a later date would be desirable; and

It further appearing, that neither the respondent nor the Broadcast Bureau has any objections to any change:

It is ordered, This 18th day of March 1964, that the date for commencement of

[1] Does not consolidate for hearing or dispose of the several matters herein.

hearing is changed from April 21 to June 23, 1964.

Released: March 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2860; Filed, Mar. 24, 1964; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND BLUE FUNNEL LINE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9331 between American President Lines, Ltd., and the Blue Funnel Line, covers and is restricted to the transportation of Asbestos in Bags from ports in Western Australia to Los Angeles, California, with transhipment at Singapore.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2846; Filed, Mar. 24, 1964; 8:49 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND BLUE FUNNEL LINE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9332 between American President Lines, Ltd; and the Blue Funnel Line, covers and is restricted to the transportation of Tanning Extract from ports in Western Australia to Los Angeles, California, with transhipment at Singapore.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2847; Filed, Mar. 24, 1964; 8:49 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND CHINA NAVIGATION CO., LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9330 between American President Lines, Ltd., and the China Navigation Co., Ltd., covers and is restricted to the transportation of Tanning Extract from ports in Western Australia to Los Angeles, California, with transhipment at Singapore.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2848; Filed, Mar. 24, 1964; 8:50 a.m.]

MOORE-McCORMACK LINES, INC., ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9040-1 between:

Moore-McCormack Lines, Inc.,
Lloyd Brasileiro (Patrimonio Nacional),
Empresa Lineas Maritimas Argentinas (E.L.M.A.),
Montemar S.A. Comercial y Maritima,
Hamburg-Suedamerikamische Dampfschiffahrts-Gesellschaft Eggert & Amsinck (Columbus Line),
A/S Ivarans Rederi (Ivaran Lines),
Dampskibsselskabet Torm (Torm Lines),
Holland Pan-American Line,
The Northern Pan-America Line, A/S (Nopal Line),
Delta Steamship Lines, Inc. (Delta Line),
Brodin Line joint service, and
Norton Line joint service,

modifies approved Agreement 9040, of the parties, which covers an arrangement for the pooling and division of all revenues derived from coffee transported by these carriers in the trade from Brazil, south of and including Victoria, to U.S. Atlantic and Gulf ports. The purpose of the modification is to provide (1) for an extension of the pooling arrangement for the period from February 29, 1964, to May 31, 1964; and (2) that the accounting following the accounting for the six calendar month period ending on February 29, 1964, will be for three months ending on May 31, 1964.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2835; Filed, Mar. 24, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1668]

AMPAL-AMERICAN ISRAEL CORP.

Notice of Filing of Application With Respect to Certain Proposed Transactions

MARCH 19, 1964.

Notice is hereby given that Ampal-American Israel Corporation ("Ampal"), 17 East 71st Street, New York, New York, has filed an application pursuant to sections 6(c) and 17(d) of the Investment Company Act of 1940 ("Act") and rule 17d-1 promulgated thereunder to permit, subject to certain conditions set forth below, Ampal and Israel Development Corporation, a registered, closed-end, non-diversified investment company of which Ampal is an affiliate, to make loans during Ampal's fiscal year ending January 31, 1965 to the Jewish Agency for Israel and the National Committee for Labor Israel. All interested persons are referred to the application, which is on file with the Commission for a full statement of Ampal's representations which are summarized below.

Ampal owns approximately 8.2 percent of the outstanding voting securities of Israel Development Corporation and by reason of these holdings Ampal and Israel Development Corporation are affiliated persons of each other.

It is contemplated that Israel Development Corporation and the applicant will, during Ampal's current fiscal year ending January 31, 1965, make loans in the approximate amounts stated below:

By Ampal:	*Approximate amount*
To Jewish Agency for Israel	$5,000,000.00
To National Committee for Labor Israel	500,000.00
By Israel Development Corporation:	*Approximate amount*
To Jewish Agency for Israel	$3,000,000.00
To National Committee for Labor Israel	500,000.00

The loans of both corporations, which are payable in semi-annual installments, will bear interest at the rate of 5½ percent per annum on unpaid balances. All other terms will be similar except that Ampal will make those loans with maturities of two years or more and Israel Development Corporation those with maturities of less than two years. The exact dates of the loans cannot now be determined. The differences in amounts of loans to be made by Ampal and Israel Development Corporation reflect differences in the amount of funds each will have available for investment during the year.

Both the Jewish Agency for Israel, which is a principal instrument for resettlement and rehabilitation of immigrants in Israel, and National Committee for Labor Israel, which supports social and educational programs in Israel, are eleemosynary institutions.

Both institutions are borrowing the amounts indicated in anticipation of future receipts from charitable contributions and similar sources. Although no arrangements have been made concerning prepayments Ampal has undertaken that it will not accept any prepayments unless at least proportional prepayments are made to Israel Development Corporation.

Section 17(d) of the Act and rule 17d-1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement as used in rule 17d-1 is defined as any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered company, or any affiliated person of such person or principal underwriter, have a joint or a joint and several participation in, or share in the profits of, such enterprise or undertaking.

Ampal has agreed that the order of the Commission in this matter may provide that:

1. The applicant and its affiliates will not make any of the above loans unless at least ten (10) days advance notice is given to the Commission of any such loans.

2. The Commission may, at any time during the 10 day period, advise Ampal that it may forthwith make the loans.

3. If the Commission, during the ten-day period, determines that a substantial question exists as to whether the continued exemption from the provisions of section 17(d) from such transaction is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, or whether participation by Israel Development Corporation is on a basis less advantageous than that of Ampal or its affiliates, the Commission shall give notice thereof to Ampal, whereupon the exemption from the provisions of section 17(d) of the Act for such proposed transaction shall terminate.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 2, 1964 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Ampal at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2830; Filed, Mar. 24, 1964; 8:47 a.m.]

[File No. 812-1660]

CENTRAL INVESTMENT CORPORATION OF DENVER

Notice of Filing of Application for Order Exempting Proposed Transaction

MARCH 19, 1964.

Notice is hereby given that an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") has been filed by Central Investment Corporation of Denver ("Central"), 611 Central Bank Building, Denver, Colorado, a registered closed-end non-diversified management investment company and a small business investment company licensed under the Small Business Investment Act of 1958, as amended. The application requests an order exempting from the provisions of section 17(a) of the Act the proposed acquisition of a note and debentures of Custom Contracting Company ("Custom") in the total principal amount of $150,000. All interested persons are referred to the application on file with the Commission for a full statement of Central's representations which are summarized below:

Custom has been engaged in the real estate development business since 1955. At present, its principal holdings consist of two commercial buildings and land being developed for residential purposes. These buildings and land have a book value of $212,054.71. All of the outstand-

ing stock of Custom is owned by B. H. Smartt and his wife who also own 50 percent of the outstanding stock of Smartt Development Corporation ("Smartt Development"), another company engaged in the real estate development business. Central owns the remaining 50 percent of Smartt Development stock. Since Custom and Smartt Development are deemed to be under the common control of the Smartts, Custom is an affiliated person of an affiliated person of Central for purposes of the Act.

Central will acquire a note of Custom in the principal amount of $105,374, payable in approximately equal quarterly installments from June 20, 1966 to December 2, 1971, and convertible debentures of Custom in the principal amount of $44,626.50 payable in approximately equal quarterly installments from March 20, 1972 through March 20, 1974. The note and debentures will bear interest at the rate of 8 percent per annum and the debentures will be convertible into common stock of Custom at any time until their retirement at a conversion price of $31.65 face amount of debentures for each share of common stock, the book value at November 30, 1963. The note and the debentures to be held by Central will be collateralized by a second deed of trust on 15 acres of land owned by Smartt and valued by Central at $225,000, subject to a first deed of trust in the amount of $54,000.

Custom and B. H. Smartt, in his individual capacity, propose to jointly construct a 408 room apartment house at an estimated cost of $850,000. The interest of each of the parties in the apartment house is to be 50 percent. Custom will contribute the sum of $150,000 in cash representing the proceeds of the proposed loan from Central described above. Smartt, who is to be the manager of the apartment, will contribute $30,000 in cash; the equity in 12.1 acres of land having an appraised value of $181,000 less an existing first deed of trust of $66,000, his personal guarantee of the first mortgage financing on the apartment house in the amount of $677,000 and the second deed of trust, described above, on the 15 acres of land which is adjacent to the site of the proposed construction. It is anticipated that the apartment building will be leased to the government on a year-to-year basis to be used as private housing for servicemen from a nearby Air Force base.

Section 17(a) of the Act, insofar as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from, such registered company or any company controlled by such company securities or property, unless the Commission upon application pursuant to section 17(b) grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than March 31, 1964 at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by registered mail to the Director, Office of Investment, Small Business Administration, Washington, D.C., 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 64–2831; Filed, Mar. 24, 1964; 8:47 a.m.]

[File No. 812–1551]

LIFE INSURANCE INVESTORS, INC.

Notice and Order for Hearing on Application for Order or, in the Alternative, for Order Granting Application With Respect To Proposed Transactions

MARCH 18, 1964.

Notice is hereby given that Life Insurance Investors, Inc. ("Life Investors"), 10 South LaSalle Street, Chicago, Illinois, an open-end, diversified investment company registered under the Investment Company Act of 1940 ("Act"), J. C. Bradford, J. C. Bradford, Jr., Eleanor Currie, Einar Nielson, David Steine, Kenneth H. Wood, Albert S. Hill, Allen T. Sullivan, Melville M. Barnes, Charles H. Robinson, Kenneth B. Schoen, Thomas H. Stafford, Raymond T. Smith and George W. Wells (sometimes hereinafter collectively referred to as "applicants") have filed a joint application for an order of the Commission declaring that the proposed sale by the applicants of certain shares of the common stock of The Old Line Life Insurance Company of America ("Old Line") through underwriters, as more fully described below, is not subject to the provisions of section 17(d) of the Act or rule 17d–1 promulgated thereunder. In the alternative, the joint application requests an order of the Commission pursuant to section 17(d) of the Act and rule 17d–1 promulgated thereunder permitting the proposed sale by certain of the Applicants of Old Line stock through underwriters. Applicants have designated section 38(a) of the Act as applicable to their request for the declaratory order.

All interested persons are referred to the application on file with the Commission for a complete statement of Applicants' representations, some of which are summarized below:

The relationship of each of the individual applicants to Life Investors is as follows: three of the applicants, J. C. Bradford, Raymond T. Smith and George W. Wells are members of Life Investors' board of directors consisting of five members; six of the other applicants, J. C. Bradford, Jr., Eleanor Currie, Einar Nielson, David Steine, Kenneth H. Wood and Albert S. Hill, are partners of J. C. Bradford in the investment banking firm, J. C. Bradford and Company ("Bradford & Co."); the remaining five applicants, Allen T. Sullivan, Melville M. Barnes, Charles H. Robinson, Kenneth B. Schoen and Thomas H. Stafford, are employees of Bradford & Co. As a result of their described relationships J. C. Bradford, Smith and Wells are "affiliated persons" of Life Investors within the meaning of section 2(a)(3) of the Act, and each of the other individual applicants is an affiliated person within the meaning of that section of an affiliated person (J. C. Bradford) of Life Investors, a registered company.

The number of shares of Old Line common stock owned by Life Investors and each of the aforementioned affiliated persons is set forth in the following table:

	Number of Old Line shares owned	Percent of 600,000 shares of Old Line common stock outstanding
Life Investors	27,996	4.66
Affiliates of Life Investors		
Directors of Life Investors (Board of 6)		
J. C. Bradford*	27,996	4.66
R. T. Smith	2,802	.47
G. Wells	2,802	.47
Total	33,600	5.60
Partners in Bradford & Co.**		
J. C. Bradford, Jr.	2,802	.47
E. Currie	2,802	.47
E. Nielson	8,400	1.40
D. Steine	2,802	.46
K. H. Wood	2,802	.46
A. S. Hill	2,802	.47
Total	22,410	3.73
Employees of Bradford & Co.		
A. T. Sullivan	4,200	.70
M. M. Barnes	4,200	.70
C. M. Robinson	4,200	.70
K. B. Schoen	4,200	.70
T. H. Stafford	2,412	.40
Total	19,212	3.20
Total holdings of Affiliates of Life Investors	75,222	12.53

* Partner in Bradford & Co.
** J. C. Bradford is also a partner in Bradford & Co.

The applicants state that their holdings of Old Line common stock were acquired under the following circumstances: The number of shares and the prices hereinafter mentioned have been adjusted to reflect the subsequent issuance by Old Line of five shares of additional stock for each share held as a result of a five for 1 stock split and a 20 percent stock dividend.

For some years before September 15, 1961, J. C. Bradford and Raymond T. Smith, who in addition to being a director of Life Investors is also a vice-president of Alfred M. Best & Co., had been following the affairs of Old Line with the view to the possibility of acting as agents in selling a controlling interest in Old Line to another insurance company. During 1961 Bradford and Smith were informed by a large stockholder of Old Line that 275,382 shares of Old Line common stock were being offered for sale. Bradford and Smith attempted unsuccessfully to arrange a sale of this block of stock to another insurance company and then determined to form a syndicate to purchase it because of their belief that the price at which it had been offered was well below its intrinsic value.

After this determination was made, Bradford informed the other directors of Life Investors, certain of his partners and employees and other persons that Old Line common stock was for sale. The application states that the directors of Life Investors decided to purchase 27,996 shares of Old Line common stock, although the company's investment policy as well as its resources would have enabled it to purchase around 100,000 shares of such stock. However, the directors decided to limit its investment in Old Line to approximately $500,000 for the reasons, among others, that the directors considered there was an element of risk because at that time Old Line's management was comparatively new and was not well known, and that since its organization Life Investors had followed the practice of not acquiring more than a very small percentage of the outstanding stock of any company. The application also states that the directors of Life Investors also decided that the company's purchase of 27,996 shares of Old Line stock should be made "not as a member of the syndicate being formed by Bradford but by purchase directly from the sellers in a separate transaction." Pursuant to agreements dated September 15, 1961, the syndicate organized by Bradford acquired 167,610 shares of Old Line stock, and Life Investors acquired 27,996 such shares, all at an average cost of $17.86 per share.

The applicants state that they do not own any securities of Old Line other than those shown in the table above; and that they have no contracts or affiliations with Old Line, except that J. C. Bradford, who became a director of Old Line in November 1961 following the acquisition of Old Line shares described hereinabove, was a director of Old Line at the time the application was filed.

The applicants now propose that Bradford & Co. form an underwriting syndicate to distribute common stock of Old Line acquired pursuant to the agreements mentioned above. Under the proposal, this syndicate would invite all the Applicants and the other purchasers referred to hereinabove to sell their holdings of Old Line common stock. The application indicates that the applicants anticipate that all of them, with the exception of J. C. Bradford and Life Investors, will sell all of their holdings of Old Line stock through such syndicate. As respects J. C. Bradford and Life Investors, the former does not propose to sell any of his holdings and the latter will have the opportunity to decide to sell all or any part of its holdings of Old Line stock at any time prior to the signing of an underwriting agreement. It is represented that the directors of Life Investors who hold stock of Old Line will not participate in the decision as to whether Life Investors should sell. In the event that Life Investors should decide to sell Old Line stock, Bradford & Co. will withdraw from the underwriting group.

Section 17(d) of the Act and rule 17d–1 thereunder, taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement as used in rule 17d–1 is defined as any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered company, or any affiliated person of such person or principal underwriter, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

The applicants contend that all of the purchasers of Old Line stock acted severally, and that their respective purchases were not subject to the provisions of section 17(d) of the Act. Applicants further contend that the sale of their Old Line common stock in the manner proposed would not be subject to section 17(d) of the Act. As stated hereinabove, the applicants request that, if the Commission determines that the proposed sales are subject to the provisions of section 17(d) of the Act, that the Commission issue its order under section 17(d) and rule 17d–1 granting the joint application with respect to the proposed sale under section 17(d) of the Act and rule 17d–1 thereunder.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 22d day of April, 1964 at 10:00 a.m. in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by rule 9(c) of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That James G. Ewell or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the contemplated sale by the applicants referred to hereinabove of any part of their holdings of Old Line common stock constitutes participation in, or effectuation of any transaction in connection with any joint enterprise, or other joint arrangement or profit-sharing plan in which Life Investors is a participant.

(2) If so, whether the participation of Life Investors in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act; and whether such participation is on a basis different from or less advantageous than that of other participants.

(3) Whether section 38(a) of the Act is applicable, and if so, whether the Commission should grant the application filed pursuant to that section; and if section 38(a) of the Act is not applicable, whether the Commission should grant the application filed pursuant to section 17(d) of the Act and rule 17d–1 thereunder.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to each of the applicants, and that notice to all other persons be given

by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-2832; Filed, Mar. 24, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 297]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 20, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 72) ROADWAY EXPRESS, INC., 1977 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309, filed March 8, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Petersburg, Va., and Montgomery, Ala., over Interstate Highway 85, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Petersburg over U.S. Highway 1 to Henderson, N.C., thence over U.S. Highway 158 to Oxford, N.C., thence over U.S. Highway 15 to Durham, N.C., thence over U.S. Highway 70, junction Alternate U.S. Highway 70 thence over Alternate U.S. Highway 70 to Greensboro, N.C., thence over U.S. Highway 29 via Greenville, S.C., and Atlanta, Ga., to Auburn, Ala., thence over Alabama Highway 14 to Wetumpka, Ala., thence over U.S. Highway 231 to Montgomery, and return over the same route.

No. MC 29120 (Deviation No. 4), WILSON STORAGE AND TRANSFER CO., 1500 I Avenue, Sioux Falls, S. Dak., filed March 8, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill. over Interstate Highway 90 to junction U.S. Highway 14, near Janesville, Wis., thence over U.S. Highway 14 to junction U.S. Highway 16 at LaCrosse, Wis., thence over U.S. Highway 16 across the Mississippi River to junction Minnesota Highway 44, thence over Minnesota Highway 44 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 16, thence over U.S. Highway 16 to junction Interstate Highway 90 near Beaver Creek, Minn., thence over Interstate Highway 90 to Sioux Falls, S. Dak., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Sioux City over Iowa Highway 141 to junction U.S. Highway 59, thence over U.S. Highway 59 to Denison, Iowa, thence over U.S. Highway 30 to junction Iowa Highway 330, thence over Iowa highway 330 to Marshalltown, Iowa, thence over unnumbered highway to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway via Montour, Iowa, to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, and thence over Alternate U.S. Highway 30 to Chicago; from Chicago over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway southeast of Marshalltown, Iowa, thence over unnumbered highway to Marshalltown, Iowa, thence over Iowa Highway 330 to junction U.S. Highway 30, thence over U.S. Highway 30 to Denison, Iowa, thence over U.S. Highway 59 to junction Iowa Highway 141, thence over Iowa Highway 141 to Sioux City; and, from Oacoma, S. Dak.; over U.S. Highway 16 to Sioux Falls, thence over U.S. Highway 77 to Sioux City, and return over the same route.

No. MC 29130 (Deviation No. 5), THE ROCK ISLAND MOTOR TRANSIT COMPANY, Post Office Box 1355, Des Moines 5, Iowa, filed March 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From junction U.S. Highway 69 and Missouri Highway 33 over Missouri Highway 33 to junction Missouri Highway 116, thence over Missouri Highway 116 to U.S. Highway 69, and return over the same route, for operating convenience only. The notice indicates that the carrier is presenly authorized to transport the same commodities over a pertinent service route as follows; Between junction U.S. Eighway 69 and Missouri Highway 33 and junction U.S. Highway 69 and junction Missouri Highway 116 over to U.S. Highway 69.

No. MC 35320 (Deviation No. 12) T.I.M.E. FREIGHT, INC., Post Office Box 1120, Lubbock, Tex., filed March 12, 1964. Applicant's representative: John T. Coon (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Nashville, Tenn. and Oklahoma City, Okla., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Little Rock over U.S. Highway 65 to Conway, Ark., thence over U.S. Highway 64 to Russellville, Ark., thence over Arkansas Highway 7 to Dardanelle, Ark., thence over Arkansas Highway 22 to Fort Smith, Ark., thence over U.S. Highway 64 to Warner, Okla., thence over U.S. Highway 266 to junction U.S. Highway 62, thence over U.S. Highway 62 to Oklahoma City; from Memphis over U.S. Highway 70 to Little Rock; from Memphis over U.S. Highway 70 to Jackson; from Brownsville over U.S. Highway 79 (formerly Tennessee Highway 76) to Paris, Tenn., thence over Tennessee Highway 54 to Dresden, Tenn., thence over Tennessee Highway 22 to Union City, and from Nashville over U.S. Highway 70S (formerly U.S. Highway 70) to junction U.S. Highway 70, thence over U.S. Highway 70 to Atwood, Tenn., and return over the same routes.

No. MC 44447 (Deviation No. 22), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio, 43212, carrier's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, filed March 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, over a deviation route as follows: Between Huntington, W. Va., and Charleston, W. Va., over Interstate Highway 64, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Huntington over U.S. Highway 60 to Charleston, and return over the same route.

No. MC 69116 (Deviation No. 21), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Driver, Chicago, Ill., 60606, filed March 11, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to junction Illinois East-West Toll Road, thence over Illinois East-West Toll Road to Sugar Grove, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over U.S. Highway 30 to Sugar Grove, and return over the same route.

No. MC 69116 (Deviation No. 22), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed March 11, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Chicago, Ill., over Illinois Highway 7 and Illinois Highway 4A to Joliet, Ill., and (B) from Chicago over Illinois Highway 4A to Joliet, and return over the same routes, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to Joliet, and return over the same route.

No. MC 70451 (Deviation No. 11) WATSON-WILSON TRANSPORTATION SYSTEM, INC., 1910 Harney Street, Omaha, Nebr., filed March 11, 1964. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over U.S. Highway 76 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction U.S. Highway 85, thence over U.S. Highway 85 to junction U.S. Highway 60, thence over U.S. Highway 60 to Show Low, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta over U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 41A to junction U.S. Highway 460, thence over U.S. Highway 460 to junction Illinois Highway 15, thence over Illinois Highway 15 to junction Illinois Highway 13, thence over Illinois Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Kansas Highway 27, thence over Kansas Highway 27 to junction U.S. Highway 36, thence over U.S. Highway 36 to Denver, Colo., thence over U.S. Highway 87 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction U.S. Highway 550, thence over U.S. Highway 550 to junction U.S. Highway 666, thence over U.S. Highway 666 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Arizona Highway 77, thence over Arizona Highway 77 to Show Low, and return over the same route.

No. MC 76266 (Deviation No. 17), ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed March 12, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 69 and Interstate Highway 35 north of Des Moines, Iowa, over Interstate Highway 35 to junction U.S. Highway 69, near Osceola, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 69 and Interstate Highway 35, approximately one (1) mile north of Des Moines over U.S. Highway 69 to junction Interstate Highway 35 near Osceola, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 164) GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed March 11, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: Between junction Louisiana Highway 13 and Interstate Highway 10 and Lake Charles, La., over Interstate Highway 10, and over the following access routes: (A) Between Crowley, La. and junction Louisiana Highway 13 and Interstate Highway 10, over Louisiana Highway 13, (B) between junction Interstate Highway 10 and Louisiana Highway 97, and junction Louisiana Highway 97, and U.S. Highway 90, over Louisiana Highway 97, (C) between junction Interstate Highway 10 and Louisiana Highway 26, and junction Louisiana Highway 26 and U.S. Highway 90, over Louisiana Highway 26, and (D) between junction Interstate Highway 10 and U.S. Highway 165, and junction U.S. Highways 165 and 90, over U.S. Highway 165, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 90 via New Orleans, La., to junction Louisiana Highway 30, thence over Louisiana Highway 30 to Luling, La., thence over unnumbered highway to Boutte, La., and thence over U.S. Highway 90 to Lake Charles, La., and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-2836; Filed, Mar. 24, 1964; 8:47 a.m.]

[Notice 616]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 20, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A—MOTOR CARRIERS OF PROPERTY

No. MC 64932 (Sub-No. 338), filed March 10, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerol* (glycerin), crude and refined, *coconut oil, coconut oil soap stock, liquid soap* and *inedible tallow*, including fatty acids thereof, in bulk, in tank vehicles, from Aurora, Ill., and points within five (5) miles thereof, to points in Indiana, Illinois, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

HEARING: April 6, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 110698 (Sub-No. 272), filed February 28, 1964. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000-16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animals oils and fats*, and *blends thereof*, in bulk, in tank vehicles, from points in Mecklenburg County, N.C., to points in Tennessee.

NOTE: Common control may be involved.

HEARING: April 10, 1964, at the U.S. Courtrooms, Columbia, S.C., before Joint Board No. 289.

No. MC 116063 (Sub-No. 41), filed March 6, 1964. Applicant: WESTERN TRANSPORT CO., INC., Post Office Box 7346, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products*, and *mineral mixtures* from Chalmette, La., to points in Texas, Arkansas, and Mississippi.

NOTE: Common control may be involved.

HEARING: March 31, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 125487 (Sub-No. 1) (REPUBLICATION), filed February 17, 1964, published in the FEDERAL REGISTER issue of March 11, and republished this issue to furnish hearing information. Application: HAMPSHIRE TRUCKING COMPANY, INC., 149 West Birch Lane, Romney, W. Va. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and materials and supplies normally used in the manufacture of fertilizer*, from points in Frederick County, Va., to points in Maryland,

Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: This application was formerly published in the March 11, 1964 issue of the FEDERAL REGISTER. It is being republished herein for the purpose of assigning it for hearing.

HEARING: April 28, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

SECTION B—MOTOR CARRIERS OF PROPERTY

No. MC 29566 (Sub-No. 82) (REPUBLICATION), filed November 12, 1963, published FEDERAL REGISTER issue of November 28, 1963, and republished, this issue. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's representative: Vernon M. Masters (same address as applicant). By application filed November 12, 1963, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, and meat byproducts, and articles distributed by meat packinghouses (except commodities in bulk, in tank vehicles), as described in sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Miami, Okla., and Carthage, Mo., to points in Iowa, Kansas, Minnesota, Nebraska, and Wisconsin, subject to the following restriction:

This authority may not be tacked to or joined with any other authority held by applicant for the purpose of performing a through movement; and applicant may not interline any shipments under this authority with any other carrier at Miami, Okla. The application was referred to Examiner Samuel Horwich for hearing and the recommendation of an appropriate order thereon. The application was heard on a consolidated record on December 9, 1963, at Kansas City, Mo. At the hearing, applicant moved that its application be further amended to include dairy products from Carthage to points in the States sought other than Kansas. The motion was overruled. The parties, however, were permitted to submit evidence respecting such operations with the understanding that any grant of authority made with respect thereto would be subject to republication in the FEDERAL REGISTER. A report and order, served February 6, 1964, which became effective March 9, 1964, finds that the present and future public convenience and necessity requiring operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of *Meats, meat products,* and *meat byproducts,* and *articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Miami, Okla., and Carthage, Mo., to points in Iowa, Kansas, Minnesota, Nebraska, and Wisconsin, and (2) of *Dairy products,* as described in section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Carthage, Mo., to points in Iowa, Kansas, Minnesota, Nebraska, and Wisconsin, and (2) of *Dairy products,* as described in section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Carthage, Mo., to points in Iowa, Minnesota, Nebraska, and Wisconsin, subject to the following restrictions:

(1) This authority may not be tacked to or joined with any other authority held by applicant for the purpose of performing a through movement; and applicant may not interline any shipments under this authority with any other carrier at Miami, Okla. and (2) any duplication between the authority granted herein and any other authority held by applicant shall be considered as resulting in a single operating right only, not severable by sale or otherwise. The examiner further finds that the applicant is fit, willing, and able properly to perform the proposed operations, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that prior to the issuance of an appropriate certificate, proper notice of the complete scope of the authority granted herein should be republished in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the broadened scope of such grant, with respect to the notice of the application as previously filed, may file an appropriate pleading.

No. MC 73688 (Sub-No. 9), filed March 16, 1964. Applicant: SOUTHERN TRUCKING CORPORATION, 546 Weakley Street, Memphis, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 417 Stahlman Building, Nashville, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel;* and *iron and steel articles,* including but not limited to *valves, fire hydrants,* and *parts and accessories* therefor, and (2) *pipe and pipe fittings,* from points in Alabama, to points in Arkansas, Oklahoma, and points in Louisiana west of the Mississippi River.

NOTE: Applicant states that the proposed operations will be restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas, and petroleum and their by-products.

HEARING: April 6, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner James O'D. Moran.

No. MC 94265 (Sub-No. 122), filed December 17, 1963. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses,* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, 766, from Austin, Minn., to points in West Virginia on and south of U.S. Highway 60, points in Pike County, Ky., and points in Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn.

HEARING: May 15, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Harry M. Shooman.

No. MC 106644 (Sub-No. 50) (AMENDMENT), filed February 25, 1964, published in FEDERAL REGISTER issue March 4, 1964, amended March 12, 1964, and republished as amended this issue Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel,* and *iron and steel articles,* including, but not limited to, valves, *fire hydrants* and *pipe* and *pipe fittings* and *parts* and *accessories thereof,* from points in Alabama, to points in Arkansas, Oklahoma and points in Louisiana west of the Mississippi River.

NOTE: Applicant states that the above proposed authority will be restricted against the transportation of commodities used in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts. The purpose of this republication is to include the aforementioned restriction.

HEARING: Remains as assigned April 6, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner James O'D. Moran.

No. MC 108207 (Sub-No. 126) (REPUBLICATION), filed October 7, 1963, published FEDERAL REGISTER issue of October 30, 1963, and republished, this issue. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., 617 First National Bank Building, Dallas, Tex. By application filed October 7, 1963, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle over irregular routes, of meats, meat products, and meat byproducts, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions In Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Miami, Okla. and Carthage, Mo., to points in Kansas, Minnesota, Wisconsin, Nebraska, and Iowa, subject to the following restriction:

This authority may not be tacked to or joined with any other authority held by applicant for the purpose of performing a through movement; and applicant may not interline any shipments under this authority with any other carrier at Miami, Okla. The application was referred to Examiner Samuel Horwich for hearing and the recommendation of an appropriate order thereon. The application was heard on a consolidated record on December 9, 1963, at Kansas City, Mo. At the hearing, applicant moved its application be further amended to include dairy products from Carthage to points in the States sought other than Kansas. The motions were overruled. The parties, however, were permitted to submit evidence respecting such operations with the understanding that any grant of authority made with respect thereto would be subject to republication in the FEDERAL REGISTER. A report and order, served February 6, 1964, which became effective March 9, 1964, finds that the present and future public convenience and necessity require operation by applicant, Frozen Food Express, Inc., in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes,

(1) of *Meats, meat products,* and *meat byproducts,* and *articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions In Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Miami, Okla., and Carthage, Mo., to points in Kansas, Minnesota, Wisconsin, Nebraska, and Iowa and (2) of *Dairy products,* as described in sections B of Appendix I to the report in *Descriptions In Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Carthage, Mo., to points in Minnesota, Wisconsin, Nebraska, and Iowa, subject to the following restrictions:

(1) This authority may not be tacked to or joined with any other authority held by applicant for the purpose of performing a through movement; and applicant may not interline any shipments under this authority with any other carrier at Miami, Okla., and (2) any duplication between the authority granted herein and any other authority held by applicant shall be considered as resulting in a single operating right only, not severable by sale or otherwise. The examiner finds that the applicant is fit, willing, and able properly to perform the proposed operations, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that prior to the issuance of an appropriate certificate proper notice of the complete scope of the authority granted herein should be republished in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the broadened scope of such grant, with respect to the notice of the application as previously filed, may file an appropriate pleading.

No. MC 125430 (Sub-No. 1) (AMENDMENT), filed December 19, 1963, published FEDERAL REGISTER issue February 19, 1964, republished as amended, this issue. Applicant: CLAUDE W. WAGNER, McHenry, Md. Applicant's attorney: James J. Doherty, 432 West Pratt Street, Baltimore 1, Md. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by retail grocery stores,* between points in Fayette, Westmoreland, Allegheny, and Washington Counties, Pa., Garrett and Allegany Counties, Md., and Preston and Mineral Counties, W. Va., (2) *lumber and lumber products,* between points in Garrett and Allegany Counties, Md., on the one hand, and, on the other, points in North Carolina, Tennessee, South Carolina, Virginia, and points in Fayette, Westmoreland, Allegheny, and Washington Counties, Pa., and (3) *fertilizer,* between points in York County, Pa., on the one hand, and, on the other, points in Garrett and Allegany Counties, Md.

NOTE: The purpose of this republication is to add the state of Virginia and the counties in Pennsylvania in (2), to eliminate barn cleaning powder as a commodity in (3), and to show the postponement of the original hearing date of March 25, 1964, to date as shown below.

HEARING: April 28, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

MOTOR CARRIERS OF PASSENGERS

No. MC 12871 (REPUBLICATION), filed June 12, 1963, published FEDERAL REGISTER issue of August 14, 1963, and republished, this issue. Applicant GRACE CONKLIN, doing business as GRACE CONKLIN TOURS, 541 Croyden Road, Cheltenham, Pa. Applicant's attorney: Harry J. J. Bellwoar, Jr., 2901–04 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia 7, Pa. By application filed June 12, 1963, applicant seeks a license authorizing operation at Cheltenham, Pa., as a broker in arranging transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage as individuals and groups in round trip all expense tours, beginning and ending at Philadelphia, Pa., and extending to points in the United States. The application was referred to Joint Board No. 65 for hearing and the recommendation of an appropriate order thereon. The board waived its right to participate in the proceeding by the failure of any member to appear and the hearing was held before Examiner H. Reece Harrison.

Hearing was held on November 15, 1963, at Philadelphia and on December 3, 1963, at Washington, D.C. At the hearing the application was amended so that it is now seeking authority to begin and end the operations at Elkins Park, Pa., and extending to points in the United States. A report and order, served January 27, 1964, which became effective February 26, 1964, finds that operation by applicant at Cheltenham, Pa., as a broker in arranging for transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in charter operations in round trip all-expense tours beginning and ending at Elkins Park, Pa., and extending to points in Virginia, West Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New York, Connecticut, and Massachusetts, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and with the rules and regulations of the Commission thereunder and that an appropriate license should be issued.

The grant of authority to operate from and to Elkins Park is different from the application as originally filed and as published in the FEDERAL REGISTER. The evidence established a need for the operation as described in the findings. However, before a license is issued, the findings should be republished in the FEDERAL REGISTER to afford any interested person, other that protestants that have presented evidence in the proceeding, who may be adversely affected by such grant of authority 30 days to petition for reconsideration of the proceeding in order to protect their interest in the matter.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 119988 (Sub-No. 8), filed October 3, 1963. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberland Drive, Lufkin, Tex. Applicant's attorney: Mert Starnes, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wirebound poultry boxes,* from Picayune, Miss., to points in Calcasieu Parish, La., and to points in Texas within the following described boundary including points on such boundary: From Texarkana, over U.S. Highway 67 to Greenville, thence over Texas Highway 34 to Ennis, thence over Interstate Highway 45 to Corsicana, thence over Texas Highway 31 to Waco, thence over Texas Highway 6 to Navasota, thence over Texas Highway 90 to Roans Prairie, thence over Texas Highway 30 to Huntsville, thence over U.S. Highway 190 to the Texas-Louisiana boundary, thence north along the boundary of Texas and Louisiana to Texarkana; and *damaged and rejected shipments,* on return.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY § 1.240 TO THE EXTENT APPLICABLE

No. MC 98645 (Sub-No. 2), filed March 19, 1964. Applicant: AYERS CARTAGE COMPANY, a corporation, 500 East South Water Street, Chicago, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except household goods and commodities in bulk, in tank or hopper type vehicles) within a fifty (50) mile radius of 464 West 24th Place, Chicago, Illinois, and to transport such property to or from any point outside of such authorized area of operations for a shipper or shippers within such area; (2) *general commodities* (except household goods and commodities in bulk, in tank or hopper type vehicles) moving on Government Bills of Lading, between points in Illinois; and (3) *Classes A, B and C explosives,* and *dangerous articles,* between points in Illinois.

NOTE: This is a matter directly related to MC–F 8698, published this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice

of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8645 (HYMAN TRANSPORTATION CO.—PURCHASE—BEN BLINDER), published in the January 15, 1964, issue of the FEDERAL REGISTER, on page 385. Application filed March 16, 1964, for temporary authority under section 210a(b).

No. MC-F-8694. Authority sought for purchase by KEYSTONE TRUCK LINES, INC., 321 Heavy Trafficway, Tulsa, Okla., of a portion of the operating rights of TEXAS-OKLAHOMA EXPRESS, INC., 2515 Irving Boulevard, Dallas 21, Tex., and for acquisition by PRENTISS SHELLEY, also of Tulsa, Okla., of control of such rights through the purchase. Applicants' attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Tulsa, Okla., and Enid, Okla., serving only points between Tulsa, on the one hand, and Tonkawa, Garber, Billings, and Enid, Okla., on the other, and between any two of the following points, Ponca City, Tonkawa, Garber, Billings, and Enid, Okla., between Enid, Okla., and Fairview, Okla., serving all intermediate points, between Fairview, Okla., and Woodward, Okla., serving the intermediate points of Cestos, Cici, and Sharon, Okla. Vendee is authorized to operate as a *common carrier* in Oklahoma, Texas, Arkansas, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8695. Authority sought for purchase by ARROW TRUCKING CO., Post Office Box 8627, 3131 North Lewis, Tulsa, Okla., of a portion of the operating rights of D. E. McALISTER GRAHAM, doing business as McALISTER TRUCKING CO., Post Office Box 839, Abilene, Tex., and for acquisition by C. F. COURTNEY, also of Tulsa, Okla., of control of such rights through the purchase. Applicants' attorneys: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla., and Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipe lines, as a *common carrier* over irregular routes, between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana; *machinery, and equipment*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites, between points in Texas, on the one hand, and, on the other, points in Wyoming; *machinery, equipment, materials, and supplies* used in or in connection with, the drilling of water wells, between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana; and *machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana. Vendee is authorized to operate as a *common carrier* in Oklahoma, Kansas, Texas, Louisiana, Arkansas, Mississippi, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8697. Authority sought for merger into GORDONS TRANSPORTS, INC., 185 West McLemore, Memphis, Tenn., of the operating rights and property of HUFF TRUCK LINE, INC., 185 West McLemore, Memphis, Tenn., and for acquisition by A. W. GORDON, JR., M. M. GORDON, and ESTHER GORDON CATO (EXECUTORS of the estate of A. W. GORDON, SR.), M. M. GORDON, A. W. GORDON, JR., JOHN K. GORDON, ESTHER G. CATO, and MARY CONAWAY, all of 185 West McLemore, Memphis, Tenn., of control of such rights and property through the transaction. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between points in Louisiana as follows: from New Orleans over Louisiana Highway 30 via Luling to Donaldsonville, thence over Louisiana Highway 168 to Port Allen, thence over U.S. Highway 190 to junction Louisiana Highway 93, and thence over Louisiana Highway 93 to New Roads (also from New Orleans over U.S. Highway 90 via Boutte to Raceland, thence over Louisiana Highway 29 to Donaldsonville; also from Luling over unnumbered highway to Boutte), from New Orleans over U.S. Highway 51 to Kentwood, from Fluker over Louisiana Highway 35 to Greensburg, from Tangipahoa over Louisiana Highway 149 to Spring Creek, from Arcola over Louisiana Highway 302 to junction Louisiana Highway 1095, thence over Louisiana Highway 1096 to junction Louisiana Highway 973, thence over Louisiana Highway 973 to junction Louisiana 149, and thence over Louisiana Highway 149 to Spring Creek, serving all intermediate points; between La Place, La., and Baton Rouge, La., serving all intermediate points, between Kenner, La., and Baton Rouge, La., serving all intermediate points between Baton Rouge and Burnside, La., between Burnside, La., and Sorrento, La., serving all intermediate points, between Greensburg, La., and Baton Rouge, La., serving no intermediate points, between Baton Rouge, La., and Greenwell Springs, La., between Baton Rouge, La., and Port Allen, La., serving all intermediate points, between junction Louisiana Highways 37 and 449 and Burnside, La., serving all intermediate points between Denham Springs, and Burnside, La. GORDONS TRANSPORTS, INC., is authorized to operate as a *common carrier* in Illinois, Tennessee, Missouri, Mississippi, Louisiana, Alabama, Kentucky, Arkansas, Georgia, Oklahoma, and Texas. Application has not been filed for temporary authority under section 210a(b).

NOTE: GORDONS TRANSPORTS, INC., controls HUFF TRUCK LINE, INC., through ownership of capital stock, pursuant to authority granted in Docket No. MC-F-7474, effective October 3, 1961.

No. MC-F-8698. Authority sought for control by PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland 4, Calif., of AYERS CARTAGE COMPANY, 500 East South Water Street, Chicago 1, Ill. Applicants' attorney: W. S. Pilling, 1417 Clay Street, Post Office Box 958, Oakland 4, Calif. Operating rights sought to be controlled: Under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR-99, in No. MC-98645 Sub-1, seeking a certificate of registration covering the transportation of *General commodities* (except household goods and commodities in bulk in tank or hopper type vehicles) within a fifty (50) mile radius of 464 West 24th Place, Chicago, Illinois, and to transport such property to or from any point outside of such authorized area of operations for a shipper or shippers within such area; *general commodities* (except household goods and commodities in bulk, in tank or hopper type vehicles) moving on Government Bills of Lading, between all points in the State of Illinois; and class A, B and C explosives, and dangerous articles, between all points in the State of Illinois. PACIFIC INTERMOUNTAIN EXPRESS CO., is authorized to operate as a *common carrier* in Colorado, Utah, Wyoming, California, Nevada, Idaho, Missouri, Kansas, Illinois, Oregon, Washington, Oklahoma, Iowa, Nebraska, Wisconsin, Arizona, Montana, Texas, New Mexico, Michigan, Indiana, Ohio, Minnesota, North Dakota, and Florida. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-98645 Sub 2 to be handled concurrently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 64-2838; Filed, Mar. 24, 1964; 8:47 a.m.]

[Notice 617]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 20, 1964.

The following publications are governed by the new special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 30844 (Sub-No. 143), filed March 16, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Ohio, Oklahoma, and Texas.

NOTE: Applicant states that the proposed operations will be restricted against tacking and interlining at origin.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 31600 (Sub-No. 562), filed March 9, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's attorney: Harry C. Ames, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the Colonial Pipe Line Company facilities and terminals located in Delaware, Maryland, New Jersey, New York, and Pennsylvania, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: April 6, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 42261 (Sub-No. 81), filed March 12, 1964. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the Colonial Pipe Line Company facilities and terminals located in Delaware, Maryland, New Jersey, New York, and Pennsylvania, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: April 6, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 103490 (Sub-No. 54), filed March 10, 1964. Applicant: PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroluem products*, in bulk, in tank vehicles, from the Colonial Pipe Lines Company facilities and terminal located at points in New Jersey, New York, and Pennsylvania to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

NOTE: Applicant has a pending contract application MC-125709; therefore dual operations may be involved.

HEARING: April 6, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 108188 (Sub-No. 8), filed March 18, 1964. Applicant: ROLLO TRUCKING CORPORATION, INC., 295 Broadway and Maple Place, Keyport, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the Colonial Pipeline Company terminals and facilities located in Delaware, Maryland, New Jersey, New York, and Pennsylvania to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, and Connecticut.

HEARING: April 6, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113267 (Sub-No. 127), filed March 18, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred M. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 119792 (Sub-No. 12), filed March 12, 1964. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site of Libby, McNeill & Libby at or near Darien, Wis., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. RESTRICTION: The authority sought herein is restricted to the transportation of shipments originating at the plant site of Libby, McNeill & Libby at or near Darien, Wis.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 119792 (Sub-No. 13), filed March 12, 1964. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A, B, and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company, located at or near Emporia, Kans., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 125368 (Sub-No. 4), filed March 11, 1964. Applicant: CONNELL TRANSPORT CO., INC., Post Office Box 846, Warren, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packinghouses*, other than

commodities in bulk, in tank vehicles, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company located at or near Emporia, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, West Virginia, and Delaware.

NOTE: Applicant holds contract carrier authority in MC 111442; therefore dual operations may be involved.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2839; Filed, Mar. 24, 1964; 8:47 a.m.]

[Notice 618]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 20, 1964.

The following applications are governed by special rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 340 (Sub-No. 14), filed March 16, 1964. Applicant: QUERNER TRUCK LINES, INC., 1131 Austin Street, San Antonio, Tex. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Village of Champ, Mo. (also known as Champ Industrial Village), as an off-route point in connection with applicant's authorized regular route operation to and from St. Louis, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 906 (Sub-No. 44), filed March 9, 1964. Applicant: CONSOLIDATED FORWARDING CO., INC., 1300 North 10th, St. Louis, Mo. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). (1) Between Kansas City, Kans. and Marshall, Mo., from Kansas City over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to Higginsville, Mo., and thence over Missouri Highway 20 to Marshall, and return over the same route. Service will be authorized without restriction to and from all intermediate points, intermediate and off-route points in Wyandotte County, Kans., off-route points in that part of Missouri bounded by a line beginning at Sweet Springs and extending along Missouri Highway 127 to junction Missouri Highway 20, thence along Missouri Highway 20 to junction Missouri Highway 13, thence along Missouri Highway 13 to the Blackwater River, thence along the Blackwater River to Missouri Highway 127 and thence along Missouri Highway 127 to the point of beginning, off-route points in that part of Johnson County, Mo., north of the Blackwater River, including points on the indicated portions of the highways specified in describing the foregoing off-route point areas, and the off-route points of Mayview, Lexington, and Mt. Leonard, Mo. Service will also be authorized to all other off-route points within ten miles of Higginsville, restricted to pickup of livestock and delivery of general commodities. (2) Between Higginsville, Mo. and East St. Louis, Ill.; from Higginsville over Missouri Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to East St. Louis, and return over the same route. Service will be authorized to and from the intermediate points of St. Louis, Concordia and Sweet Springs, Mo., and the off-route points of Warrensburg and Emma, Mo.

NOTE: Applicant states it now holds the above authority subject to the following restriction: "The service authorized herein is restricted against service on traffic that originates or is handled through interchange at points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, as defined by the Commission, and is destined to points in the Kansas City, Mo.-Kansas City, Kans. Commercial Zone as defined by the Commission, or on similar movements in the reverse direction." Applicant states further that the purpose of this application is to remove the aforementioned restriction. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 2754 (Sub-No. 13), filed March 9, 1964. Applicant: NEUENDORF TRANSPORTATION CO., a corporation, 121 South Stoughton Road, Madison, Wis. Applicant's attorney: Edward Solie, 4513 Vernon Boulevard, Madison 5, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Medford, Wis., and Park Falls, Wis., over Wisconsin Highway 13, serving all intermediate points, (2) between Ogema, Wis., and Tomahawk, Wis., over Wisconsin Highway 86, serving all intermediate points, (3) between junction U.S. Highway 51 and Portage County Highway D, and Almond, Wis., over Portage County Highway D, serving all intermediate points, (4) between junction U.S. Highway 51 and Wisconsin Highway 82 and Oxford, Wis., over Wisconsin Highway 82, serving all intermediate points, (5) between junction Wisconsin Highways 64 and 97, west of Goodrich, and Merrill, Wis., over Wisconsin Highway 64, serving all intermediate points, (6) between junction of U.S. Highway 51 and Wisconsin Highway 73, west of Plainfield, and Tomahawk, Wis., over U.S. Highway 51, serving all intermediate points, (7) between Portage, Wis., and Wisconsin Rapids, Wis.; from Portage over U.S. Highway 16 to Wisconsin Dells, thence over Wisconsin Highway 13 to Wisconsin Rapids, and return over the same route, serving all intermediate points except Wisconsin Dells, (8) between Wausau, Wis., and Eau Claire, Wis.; from Wausau over Wisconsin Highway 29 to Chippewa Falls, thence over U.S. Highway 53 to Eau Claire, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points except as now authorized in Certificate MC 2754, and (9) between Madison, Wis., and junction U.S. Highways 12 and 10, east of Fairchild, over U.S. Highway 12, as an alternate for operating convenience only, serving no intermediate points.

NOTE: Applicant states that the proposed operations will be tacked to its present regular-route operations. If a hearing is deemed necessary applicant requests it be held at Madison, Wis.

No. MC 11618 (Sub-No. 4) filed March 9, 1964. Applicant: ABRAHAM LUSTBERG, doing business as ALCO EXPRESS CO., 2709 Summit Avenue, Union City, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials and supplies used in the manufacture thereof*, between Rahway, N.J., on the one hand, and, on the other, New York, N.Y.

NOTE: If a hearing is deemed necessary applicant requests it be held at Newark, N.J.

No. MC 24538 (Sub-No. 10), filed March 5, 1964. Applicant: FRED STEWART, CORDELIA STEWART, RODNEY STEWART AND TROY STEWART, doing business as FRED STEWART COMPANY, a partnership, Post Office Box 659, Magnolia, Ark. Applicant's attorney: Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies used in, and in connection with, the discovery, development, production, refining, manufacture processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, and in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines*, including (except in connection with main and trunk pipelines), the stringing and picking up thereof, between points in Oklahoma, on the one hand, and, on the other, points in Arkansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 29566 (Sub-No. 86), filed March 16, 1964. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Arkansas City, Kans., to points in Arkansas, (2) from Arkansas City, Kans., to points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, and (3) from Arkansas City, Kans., to Milwaukee, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, in (1), (2), and (3) on return.

NOTE: Applicant states that the proposed operation is to be restricted against any transportation in bulk, in tank vehicles. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 44128 (Sub-No. 32), filed March 4, 1964. Applicant: THE TRANSPORT CORPORATION, 126 South Main Street, Blackstone, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted, reconstructed* or *homogenized tobacco*, from Bermuda Hundred, Va., to Durham and Reidsville, N.C., Richmond, Va., and Louisville, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52743 (Sub-No. 14), filed March 9, 1964. Applicant: MIAMI TRANSPORTATION COMPANY, INC. OF INDIANA, 1220 Harrison Avenue, Cincinnati, Ohio, 45214. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Marietta, Ohio, and Parkersburg, W. Va., from Marietta over Ohio Highway 7 to Belpre, Ohio, thence over U.S. Highway 50 to Parkersburg, and (2) between Saint Albans, W. Va., and Point Pleasant, W. Va., from Saint Albans over U.S. Highway 60 to junction West Virginia Highway 17, thence over West Virginia Highway 17 to Henderson, W. Va., thence over West Virginia Highway 2 to Point Pleasant, and return over the same routes in (1) and (2), serving no intermediate points as alternate routes, for operating convenience only, in connection with applicant's authorized regular-route operations, and (3) serving Northfield and West Richfield, Ohio, as off-route points, in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 55236 (Sub-No. 84), filed March 16, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from Waukegan, Ill., and points within five (5) miles thereof to points in Indiana, Ohio, Michigan, New York, Louisiana, Georgia, Delaware, North Carolina, South Carolina, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 56082 (Sub-No. 53), filed March 5, 1964. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y., 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, from New York, N.Y., and Newark, N.J., to points in New York, Ohio, Indiana, Illinois, Michigan, Missouri, and Louisville, Ky., and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 56082 (Sub-No. 54), filed March 5, 1964. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables and processed foods*, (1) from points in New York, west of U.S. Highway 11 to points in California, Colorado, Kansas, Missouri, Oregon, and Washington, and (2) from points in California, Idaho, Oregon, and Washington, to points in Ohio, New York, and Pennsylvania, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Buffalo, N.Y.

No. MC 73688 (Sub-No. 8), filed March 5, 1964. Applicant: SOUTHERN TRUCKING CORPORATION, 546 Weakley, Memphis, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 417 Stahlman Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Knocked down *incinerators*, garbage or offal, iron or steel, and *accessories thereto* including *blow pipe*, in truckload lots on flatbed trailers, from Memphis, Tenn., to points in Arkansas, Louisiana, Kentucky, Texas, Florida, South Carolina, Virginia, Mississippi, Missouri, Alabama, Oklahoma, Georgia, and North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 76032 (Sub-No. 185), filed March 3, 1964. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A, B, and C explosives, shipper owned compressed gas trailers loaded with compressed gas* (other than liquefied petroleum gas), or empty, and *general commodities*, (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), and those injurious or contaminating to other lading), between junction U.S. Highways 285 and 64 located at or near Espanola, N. Mex., and junction U.S. Highway 160 and Colorado Highway 159, located at or near Fort Garland, Colo., from junction U.S. Highways 285 and 64, over U.S. Highway 64 to junction New Mexico Highway 3 located at or near Taos, N. Mex., thence over New Mexico Highway 3 to New Mexico-Colorado State line, thence over Colorado Highway 159 to junction with U.S. Highway 160 located at or near Fort Garland, Colo., and return over the same route, serving the intermediate point of Questa, N. Mex., the junctions of U.S. Highways 285 and 64 and U.S. Highway 160 and Colorado Highway 159 for joinder purposes only, and the plant site of Molybdenum Corporation of America, located

[1] Copies of special rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

at or near Questa, N. Mex., as an off-route point in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Santa Fe, N. Mex.

No. MC 82808 (Sub-No. 7), filed March 4, 1964. Applicant: LEWIS R. HUNT AND C. L. HUNT, doing business as HUNT AND SON, Holden, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Veneering, lumber, building materials, special tools for farm machinery, special farm machinery, equipment and accessories for farm machinery, special tools for road equipment, equipment and accessories for road equipment, saws, sawmills, woodworking equipment and machinery*, and *anchors*, from Pleasant Hill, Mo., to points in Missouri, Illinois, Kansas, Nebraska, Oklahoma, Iowa, Indiana, Ohio, Pennsylvania, Colorado, Arkansas, Minnesota, Tennessee, Mississippi, Michigan, Texas, Kentucky, and Wisconsin, (2) *coke, pig iron, and steel stock*, from points in Missouri, Illinois, Kansas, Nebraska, Oklahoma, Iowa, Indiana, Ohio, Pennsylvania, Colorado, Arkansas, Minnesota, Tennessee, Mississippi, Michigan, Texas, Kentucky, and Wisconsin to Pleasant Hill, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94265 (Sub-No. 128), filed March 9, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in mechanically refrigerated equipment, from New Albany, Ind., to points in Pennsylvania, Virginia, South Carolina, North Carolina, and Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103051 (Sub-No. 169), filed March 9, 1964. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Suite 403–11 Healey Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid urea*, in bulk, in tank vehicles, from Tyner, Tenn., to points in Colquitt County, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103252 (Sub-No. 2), filed March 5, 1964. Applicant: C. S. STUART, INC., 17 Pope Lane, South Windham, Maine. Applicant's attorney: Frederick T. McGonagle, 431 Congress Street, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, *livestock, and equipment and paraphernalia incidental* to the transportation, care, and display of such horses, between points in Florida, Georgia, North Carolina, South Carolina, Maryland, Kentucky, Ohio, and New York.

NOTE: Applicant intends to tack the proposed authority with its present authority in MC 108252, which authorizes the transportation of horses, other than ordinary, between points in Maine, New Hampshire, Vermont, Massachusetts, New York, and Pennsylvania. If a hearing is deemed necessary applicant requests it be held at Portland, Maine.

No. MC 103654 (Sub-No. 78), filed March 9, 1964. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Owatanna, Minn., to points in Wisconsin and Iowa.

NOTE: If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 103654 (Sub-No. 79), filed March 9, 1964. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar, coal tar products* and *coke*, in bulk, from points in Hennepin and Ramsey Counties, Minn., to points in Iowa, Wisconsin, Minnesota, and the Upper Peninsula of Michigan.

NOTE: If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 106400 (Sub-No. 50), filed March 5, 1964. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling, Sugar Creek, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Palmyra, Mo., and points within ten (10) miles thereof, to points in Iowa, Illinois, and Missouri, and *damaged and rejected shipments only*, on return.

NOTE: If a hearing is deemed necessary applicant does not specify a particular location.

No. MC 106644 (Sub-No. 51), filed March 4, 1964. Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Monty Schumacher, 1375 Peachtree Street NE., Atlanta, Ga., 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe, composed of cement and asbestos fiber, and fittings, parts, and accessories thereof*, from Ragland, Ala. to points in Mississippi, Louisiana, Arkansas, Texas, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, and Kentucky, and *returned, damaged, and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 106644 (Sub-No. 52), filed March 16, 1964. Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Guy H. Postell, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight, require the use of special equipment or special handling, and parts, and *iron and steel articles* as described in Appendix V, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 276–279, between points in Delaware and Connecticut, on the one hand, and, on the other, points in Alabama and Georgia.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 106644 (Sub-No. 53), filed March 12, 1964. Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment or special handling, and *parts, cast iron pipe, fittings, accessories*, or *parts, iron* and *steel articles* as defined in Appendix V to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276–279, and *hydrants* and *valves*, between points in West Virginia, on the one hand, and, on the other, points in Alabama and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 107423 (Sub-No. 5), filed March 6, 1964. Applicant: CONKEN FREIGHT LINES, INC., 2121 Worth Street, Knoxville, Tenn. Applicant's attorney: Fred F. Bradley, McClure Building, Post Office Box 127, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), (1) between Knoxville, Tenn., on the one hand, and, on the other, points in Lee and Wise Counties, Va., (2) between points in Harlan County, Ky., on the one hand, and, on the other, points in Lee and Wise Counties, Va., and (3) between Middlesboro, Ky., on the one hand, and, on the other, points in Lee and Wise Counties, Va.

NOTE: Applicant states if (2) above is granted it will surrender its present authority from points in Harlan County, Ky., to points in Lee and Wise Counties, Va. If a hearing is deemed necessary applicant requests it be held at Knoxville, Tenn.

No. MC 107496 (Sub-No. 311), filed March 3, 1964. Applicant: RUAN TRANSPORT CORPORATION, 406 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Owatonna, Minn., to points in Wisconsin and Iowa.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 107515 (Sub-No. 474), filed March 5, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 214, Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts* as defined by the Commission, from points in Genesee County, Mich., to points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, the District of Columbia, and Virginia.

NOTE: Applicant states it will be traversing Ohio and West Virginia for operating convenience only. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 107515 (Sub-No. 475), filed March 6, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 214–217 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as defined by the Commission, in vehicles equipped with mechanical refrigeration, meat rails, and meat hooks, from points in Cherokee County, S.C., to points in North Carolina on and east of U.S. Highways 13 and 17.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 108449 (Sub-No. 177), filed March 5, 1964. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Owatonna, Minn., to points in Iowa and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108676 (Sub-No. 14), filed March 13, 1964. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction, maintenance, power distribution*, and *plant machinery, tools* and *equipment*, and *parts, accessories*, and *attachments therefor*, between Knoxville, Tenn., and points within seventy-five (75) miles of Knoxville, on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, Virginia, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held in Tennessee or at Washington, D.C.

No. MC 109637 (Sub-No. 256), filed March 11, 1964. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar, and coal tar products*, in bulk, in tank vehicles, from Cincinnati, Ohio to points in Indiana, Kentucky, and West Virginia. If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 110393 (Sub-No. 16) (AMENDMENT), filed February 27, 1964, published in FEDERAL REGISTER, issue March 11, 1964, and republished as amended this issue. Applicant: FRIGID FOOD EXPRESS, INCORPORATED, 4205 Camp Ground Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products, fresh and frozen meats*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, between points in Wisconsin, on the one hand, and, on the other, points in Maine, New Hampshire, and Delaware, and (2) *meats*, fresh, frozen, and cured, *dairy products, and empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, between St. Paul, Minn., on the one hand, and, on the other, points in Maine, New Hampshire, and Delaware.

NOTE: The purpose of this republication is to add Delaware as a destination area in (1) and (2) above. If a hearing is deemed necessary applicant requests that it be held at Louisville, Ky.

No. MC 111002 (Sub-No. 19), filed March 10, 1964. Applicant: CLARA MILES SCHREYER, FRANCES H. MILES, and THOMAS M. MILES, doing business as T. M. MILES OIL COMPANY, 306 Railroad Avenue, Milton, Pa. Applicant's attorney: Preston L. Davis, 37 Arch Street, Milton, Pa., 17847. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Potassium silicate*, in bulk, in semitank trailers, built and owned by Sylvania Electric Products, from Towanda, Pa., to Plainview, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 105351; therefore dual operations may be involved. If a hearing is deemed necessary applicant requests that it be held at Harrisburg, Pa.

No. MC 111228 (Sub-No. 7), filed March 10, 1964. Applicant: JAMES P. DAVIS, doing business as DAVIS TRUCKING COMPANY, Post Office Box 464, Pottsville, Pa. Applicant's attorney: George W. Heffner, 501 West Market Street, Pottsville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in dump type vehicles, from the Sheridan Slag Company plant site located in Lebanon (Lebanon County), Pa., to the plant sites of Picone Bros. located at Brookhaven (Suffolk County) and Brooklyn, N.Y.

NOTE: If a hearing is deemed necessary applicant requests it be held at Philadelphia, Pa.

No. MC 111401 (Sub-No. 150), filed March 4, 1964. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between Brownsville and North Seadrift, Tex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

NOTE: Applicant has a pending contract carrier application in Docket No. MC 125020. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 111812 (Sub-No. 241), filed March 9, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen meats, smoked meats, cured meats, syrups, flours, cheese and cheese products*, from Fort Atkinson, Wis., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Ohio, Pennsylvania, Michigan (Lower Peninsula only), and the District of Columbia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Madison, Wis.

No. MC 111909 (Sub-No. 9), filed February 27, 1964. Applicant: POOL TRUCK, INC., 365 Victor Avenue, Highland Park, Mich. Applicant's attorneys: Edwald E. Kundtz and John Andrew Kundtz, 1050 Union Commerce Building, Cleveland, Ohio, 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, trahsporting: *Such commodities as are dealt in by Montgomery Ward & Co., Inc., mail order and retail department stores*, from the distribution center of Montgomery Ward & Co., Inc., located in Allen Park, Mich., to points in Oakland, Macomb, St. Clair, Genesee, and Washtenaw Counties Mich., and *empty containers or*

other such incidental facilities used in transporting the above described commodities, and *returned, damaged and rejected shipments*, on return.

NOTE: Applicant states that the proposed operations will be performed under a continuing contract with Montgomery Ward & Co., Inc. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 112223 (Sub-No. 67), filed March 9, 1964. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501—11th Avenue South, Minneapolis, Minn. Applicant's attorney: Earl Hacking, 503 Eleventh Avenue South, Minneapolis 15, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags and in bulk, from Fargo, N. Dak., and points within twenty (20) miles thereof, to points in Minnesota, Montana, North Dakota, South Dakota and ports of entry located on the international boundary line between the United States and Canada in Minnesota, Montana, and North Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

No. MC 112617 (Sub-No. 171), filed March 10, 1964. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana, Kentucky, and West Virginia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 113267 (Sub-No. 125) filed March 9, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, in peddler delivery service, from New Albany, Miss., to Birmingham, Mobile, and Montgomery, Ala., Jacksonville, Mayport, Miami, Orlando, Pensacola, St. Petersburg, and Tampa, Fla., Albany, Americus, Atlanta, Columbus, Macon, Quitman, and Valdosta, Ga., New Orleans, La., Chattanooga, Johnson City, Knoxville, Memphis, and Nashville, Tenn., and Bristol, Va.

NOTE: Applicant states the proposed operation will be restricted to shipments weighing less than 15,000 pounds, further restricted against the transportation of commodities in bulk in tank vehicles, and subject to the restriction that any authority granted herein cannot be tacked with authority presently held by the applicant to perform a through service. If a hearing is deemed necessary applicant requests it be held at Memphis, Tenn.

No. MC 113267 (Sub-No. 126), filed March 9, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses and such commodities as are used by meatpackers* in the conduct of their business when destined to and for use by meatpackers as described in sections A, B, C, and D, of Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plant site and/or warehouse facilities utilized by Armour & Co., located at or near Aurora, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states the proposed service is restricted against the transportation of commodities in bulk and in tank vehicles. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 113336 (Sub-No. 68), filed March 15, 1964. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone* and *mineral filler*, (1) between points in North Carolina, (2) between points in South Carolina, and (3) between points in Georgia.

NOTE: Applicant states that the above proposed operations will be restricted to traffic having a prior movement by rail. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113410 (Sub-No. 45), filed March 4, 1964. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn., 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Owatonna, Minn., to points in Iowa and Wisconsin, and *rejected shipments* on return.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 113855 (Sub-No. 89), filed March 4, 1964. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Michael E. Miller, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Towers, water cooling with blowers*, thicker than 20 gauge, of steel and wood combined with hardware, packaged, (2) *machine, cooling or freezing*, with winter control, and (3) *accessories, attachments or fittings therefor*, when moving in connection with the commodities named in (1) and (2) above, from the plant site of the Marley Company, Louisville, Ky., to points in Wisconsin, Minnesota, Iowa, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, Utah, Idaho, Washington, Oregon, Nevada, and California.

NOTE: If a hearing is deemed necessary applicant requests it be held in Washington, D.C.

No. MC 114004 (Sub-No. 48), filed March 5, 1964. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement by truckaway method, from points in Webster County, Ky., to points in the United States (except Hawaii), and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 114211 (Sub-No. 48), filed March 9, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm equipment, agricultural machinery and agricultural implements*, from Bradford, Ill., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, and *damaged, returned and rejected shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 49), filed March 9, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *agricultural implements*, and *parts thereof* when moving incidental to and in the same vehicle with said commodities restricted against the transportation of any of the described commodities which because of size or weight require the use of special equipment, from Tulsa, Okla., to points in the United States (excluding Alaska and Hawaii), and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115331 (Sub-No. 70), filed March 3, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Palmyra, Mo., and points within 10 miles thereof, to points in Iowa, Illinois, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115841 (Sub-No. 168), filed March 5, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Siloam Springs, and points within 10 miles thereof, Gentry, Ark., and Kansas, Okla., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, South Dakota, Oregon, Utah, Washington, and Wyoming. Applicant does not specify any preference for place of hearing.

No. MC 116063 (Sub-No. 40), filed March 6, 1964. Applicant: WESTERN TRANSPORT CO., INC., Post Office Box 7346, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins and vegetable oils, including vegetable oils modified, and blends thereof*, in bulk, in tank vehicles, from Valley Park, Mo., to points in Oklahoma.

NOTE: Common control may be involved. If a hearing is deemend necessary, applicant requests it be held at Dallas, Tex.

No. MC 116063 (Sub-No. 42), filed March 9, 1964. Applicant: WESTERN TRANSPORT CO., INC., Post Office Box 7346, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients*, and *fertilizer solutions*, in bags and packages, and in bulk, from points in Texas on and west of U.S. Highway 83 to points in Oklahoma, Kansas, Colorado, Wyoming, Nebraska, Missouri, and New Mexico.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116254 (Sub-No. 38), filed March 9, 1964. Applicant: CHEMHAULERS, INC., Post Office Box 345, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia and nitrogen fertilizer solutions*, in bulk, from Memphis, Tenn., to points in Arkansas, points in that part of Missouri on and east of U.S. Highway 65 and on and south of U.S. Highway 66, and points in Mississippi on and north of U.S. Highway 80, and (2) *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Kentucky and points in that part of Alabama on and north of U.S. Highway 78.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 116282 (Sub-No. 12) filed March 11, 1964. Applicant: ONILE P. FRANCOEUR, doing business as NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., 246 Broad Street, Auburn, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Lynn, Mass., to Rochester, N.H., and Bangor, Lewiston, Portland, and Biddeford, Maine, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed operation will be performed under a continuing contract with Elm Farm Foods Co. If a hearing is deemed necessary applicant requests it be held at Boston, Mass.

No. MC 116544 (Sub-No. 51), filed March 11, 1964. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorneys: Harry Ross, Warner Building, Washington 4, D.C., and Robert R. Hendon, 4000 Tunlaw Road NW., Washington 7, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Nebraska to points in Arkansas, Kansas, Missouri, Oklahoma, Texas, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, Florida, North Carolina, and South Carolina.

NOTE: If a hearing is deemed necessary applicant requests it be held at Little Rock, Ark.

No. MC 116720 (Sub-No. 3), filed March 4, 1964. Applicant: DONALD E. MILLER, 15 A Third Street West, Lemmon, S. Dak. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *supplies, signs and materials* used in the sale and distribution thereof, from Minneapolis, St. Paul, Minn., to Mobridge, S. Dak., and *empty containers*, on return, limited to a transportation service to be performed under a continuing contract with Mobridge Beverage Co., Mobridge, S. Dak.; and (2) *empty malt beverage containers*, from Mobridge, S. Dak., to Minneapolis-St. Paul, Minn., for and on the account of C. L. Olson, doing business as Olson Distributing Company, Mobridge, S. Dak.

NOTE: Applicant states it's presently authorized, as a contract carrier, to render the service herein requests for C. L. Olson, doing business as Olson Distributing Company, Mobridge, S. Dak. The effect of (1) above is merely to add Mobridge Beverage Co., as another authorized shipper to the existing service. Applicant's present permit authorizing service for Olson Distributing Company of Mobridge, S. Dak., does not authorize the transportation of empty containers on return from Mobridge, S. Dak., to Minneapolis, St. Paul, Minn. The effect of (2) above, will authorize the return of said empty containers. If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 117344 (Sub-No. 119), filed March 4, 1964. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117344 (Sub-No. 120), filed March 12, 1964. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Cincinnati, Ohio to points in Indiana, Kentucky, and West Virginia. If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 117427 (Sub-No. 39), filed March 4, 1964. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed ingredients*, animal and poultry, in bulk and in bags (except in tank vehicles), from Terre Haute, Ind., to points in Tennessee, Georgia, Florida, North Carolina, South Carolina, and Virginia, and (2) *dehydrated and sun-cured alfalfa meal and pellets*, in bulk and in bags (except in tank vehicles), from points in Lenawee and Monroe Counties, Mich., to points in New York, Pennsylvania, and Maryland, and *returned and rejected shipments*, in (1) and (2) above, on return. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 116145; therefore dual operations may be involved.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 117516 (Sub-No. 1), filed March 9, 1964. Applicant: LOWELL G. KINNISON, doing business as KINNISON TRUCK LINE, Route 4, Red Oak, Iowa. Applicant's representative: C. A. Ross, 621 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, empty bags and sacks, fly spray and mange oil*, and *advertising materials*, from Sioux City, Iowa, and points within ten (10) miles thereof, to points in Adams, Antelope, Boone, Buffalo, Burt, Butler, Cass, Cedar, Chase, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Keith, Knox, Lancaster, Lincoln, Logan, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York Counties, Nebr.; those in that part of Iowa on and west of U.S. Highway 65 and on and south of a line beginning at Junction U.S. Highways 65 and 30 and extending along

U.S. Highway 30 to junction unnumbered highway (formerly U.S. Highway 30), thence along unnumbered highway to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line; and those in that part of Missouri on and west of U.S. Highway 65 and on and north of a line beginning at junction U.S. Highways 65 and 36 and extending along U.S. Highway 36 to junction unnumbered highway (formerly U.S. Highway 36), thence along unnumbered highway to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *exempt commodities*, on return. If a hearing is deemed necessary applicant requests it be held at Omaha, Nebr.

No. MC 117671 (Sub-No. 1), filed March 13, 1964. Applicant: THOMAS VON MELLO, County Road, Marion, Mass. Applicant's attorney: Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boat accessories*, when transported in the same vehicle with boats of which they are a part or to which they are to be attached, from Fall River and New Bedford, Mass., to points in Michigan, Illinois, Minnesota, Alabama, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117686 (Sub-No. 38), filed March 4, 1964. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bags, from Winona, Minn., to points in Alabama, California, Florida, Georgia, Louisiana, Mississippi, Oregon, Texas, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119268 (Sub-No. 28), filed March 2, 1964. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textile and textile products, made of natural or synthetic fibres, metallic yarn, rugs, carpeting, carpeting products and manufactured textile products, and exempt commodities*, between points in North Carolina and South Carolina on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 119702 (Sub-No. 11), filed March 11, 1964. Applicant: STAHLY CARTAGE CO., a corporation, 130-A Hillsboro Avenue, Edwardsville, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Palmyra, Mo., and points within ten (10) miles thereof, to points in Iowa and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119777 (Sub-No. 23) (AMENDMENT) filed February 24, 1964, published FEDERAL REGISTER, issue of March 11, 1964, and republished as amended, this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, blowers, cooling and freezing machinery, and accessories, attachments, parts and fittings for cooling towers, blowers, and cooling and freezing machinery*, from the site of the Marley Company, located at Louisville, Ky., to points in all states east of the Mississippi River, and points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and New Mexico, and *rejected shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C. The purpose of this republication is to add New Mexico as a destination state.

No. MC 119890 (Sub-No. 1), filed March 9, 1964. Applicant: CORDIE NAYLOR, Fayette, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, dry, in bulk, and in bags, from points in the Kansas City, Kans., Commercial Zone, to points in Howard, Boone, and Cooper Counties, Mo., and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 119934 (Sub-No. 80), filed March 4, 1964. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferric sulphate*, in bulk, in rubber-lined tank vehicles, from Indianapolis, Ind., to points in Ohio, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind.

No. MC 119934 (Sub-No. 81), filed March 5, 1964. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphoric acid, phosphatic fertilizer solutions, tetra-potassium-pyrophosphates*, and *dry phosphates*, in bulk, in tank vehicles, from Fernald, Ohio, to points in Kentucky, Maryland, New Jersey, Pennsylvania, New York, and West Virginia, and (2) *returned and rejected shipments of phosphoric acid*, and *spent phosphoric acid*, from points in Kentucky, Maryland, New Jersey, Pennsylvania, New York, and West Virginia, to points in Iowa, Illinois, Indiana, New York, Missouri, and Ohio.

NOTE: Applicant states that the movements in part 2 above shall be in conjunction only with an immediate inbound movement of virgin phosphoric acid from Fernald, Ohio. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119934 (Sub-No. 82), filed March 5, 1964. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Returned and rejected shipments of phosphoric acid and spent phosphoric acid*, from Sheboygan, Wis., to points in Illinois and Indiana.

NOTE: Applicant states that the movements from Sheboygan shall be in conjunction only with an immediate inbound movement of virgin phosphoric acid, to Sheboygan. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 121180 (Sub-No. 2), filed March 4, 1964. Applicant: ORVILLE R. FADLER, doing business as FREDERICKTOWN DAILY EXPRESS, Fredericktown, Mo. Applicant's attorney: Gerhard J. Petzall, 434 Paul Brown Building, 818 Olive Street, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between St. Louis, Mo., and Fredericktown, Mo., over U.S. Highway 67, serving all intermediate points located on said route in Madison County (except Mine La Motte, Mo.).

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 123393 (Sub-No. 30), filed March 6, 1964. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Citrus products* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with citrus products, (a) from Waycross, Ga., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, the District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Colorado, Kansas, Missouri, Oklahoma, Texas, Louisiana, and Arkansas, and (b) from points in Florida to Waycross, Ga., subject to the restriction that traffic from Florida must stop at Waycross, Ga., for unloading or further loading in combination with such commodities from Waycross, Ga., to points beyond, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states it seeks no duplication of authority by this application. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Jefferson City, Mo.

No. MC 123639 (Sub-No. 20), filed March 16, 1964. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Swift and Company, at or near Grand Island, Nebr., to points in Michigan, Ohio, Indiana, Illinois, and Iowa.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 123952 (Sub-No. 6), filed March 5, 1964. Applicant: RENTAR TRUCKING, INC., 89-89 Union Turnpike, Glendale 27, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 15, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores, and materials, supplies, equipment and fixtures used in the operation of such stores*, between stores and warehouse facilities of E. J. Korvette, Inc., in New York City, Carle Place, West Islip, Huntington, Nanuet, Scarsdale, and Port Chester, N.Y., North Brunswick, Watchung, Audubon, Trenton, West Orange, and Paramus, N.J., Hartford and Trumbull, Conn., Camp Hill, Springfield, Philadelphia, and King of Prussia, Pa., Towson, Glen Burnie, and Rockville, Md., and Baileys Crossroads, Va.

NOTE: Applicant states: (1) The purpose of this application is to add Rockville, Md., and Baileys Crossroads, Va., to present authority and (2) the proposed operations will be under a continuing contract, or contracts, with E. J. Korvette, Inc., of New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124174 (Sub-No. 23), filed March 13, 1964. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Iowa, Indiana, Illinois, Wisconsin, Kansas, and Missouri.

NOTE: Applicant states the above proposed authority will (a) be limited to shipments originating at the plant site of Armour & Co.; (b) exclude liquid commodities, in bulk, in tank vehicles; and (c) restricted against tacking or interlining at the involved origin. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125205 (Sub-No. 4), filed March 12, 1964. Applicant: P. C. TAYLOR, doing business as TAYLOR TRUCKING COMPANY, 908 1st Avenue SE., Moultrie, Ga. Applicant's attorney, Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, machinery and equipment*, used, loose and uncrated, between Moultrie, Ga., on the one hand, and, on the other, points in Alabama, Florida, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Jacksonville, Fla.

No. MC 125368 (Sub-No. 5), filed March 11, 1964. Applicant: CONNELL TRANSPORT CO., INC., Post Office Box 846, Warren, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, other than commodities in bulk, in tank vehicles, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Swift & Company located at or near Grand Island, Nebr., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, District of Columbia, West Virginia, and Delaware.

NOTE: Applicant holds contract authority under MC-111442; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125515 (Sub-No. 1), filed March 9, 1964. Applicant: ALBERT SCHMIDT, doing business as SCHMIDT'S TRANSPORTATION COMPANY, Box 362, Bethel, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Bethel, Alaska, and between points in Bethel and points within ten (10) miles thereof.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Bethel, Alaska.

No. MC 125633 (Sub-No. 1), filed March 4, 1964. Applicant: VITO J. PICIONE, 29473 Lorain Road, North Olmsted, Ohio. Applicant's representative: J. D. Schriner, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed gases*, in shipper and government owned trailers, between Cleveland, Ohio, and points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 125826 (Sub-No. 2), filed March 3, 1964. Applicant: JAMES E. BARTLESON & CHARLES BARTLESON, doing business as BARTLESON BROTHERS, a partnership, Box 116C, Penns Grove, N.J. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa., 17566. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied carbon dioxide*, moving in shipper owned trailers, and *solidified carbon dioxide*, from the plant site of Cardox Division of Chemtron Corporation, Gibbstown, N.J., to depots operated by Cardox Division of Chemtron Corporation, located at Stratford, Conn., Boston, Mass., Harrisburg and Pittsburgh, Pa., Providence, R.I., Suffolk, Va., and Frederick, Md., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states that the proposed operations will be performed under a continuing contract or contracts with the Cardox Division of Chemtron Corporation of Gibbstown, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125909 (Sub-No. 1), filed March 15, 1964. Applicant: UNIVERSAL TRANSPORT, INC., Post Office Box 3124, Rapid City, S. Dak. Applicant's attorney: Truman A. Stockton, Jr., the 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and aggregates, their products* and *their byproducts*, between points in Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, and Kansas, restricted to traffic having a prior movement by rail.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Rapid City, S. Dak., Billings, Mont., or Cheyenne, Wyo.

No. MC 125949 (Sub-No. 2), filed March 10, 1964. Applicant: MOLNER TRANSPORT CO., a corporation, 504 South Kane Street, Baltimore 24, Md. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points on the Plantation Pipe line, or spurs thereof, at or near Newington, Va., to points in the District of Columbia, Maryland, West Virginia, and Pennsylvania.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 125987 (Sub-No. 1), filed March 9, 1964. Applicant: CLEBERG TRUCKING COMPANY, a corporation, Vail, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle,

over irregular routes, transporting: *Building construction units, building materials, and component parts*, in shipper-owned trailers, from Vail, Ariz., to points in New Mexico and California, and *building materials and component parts* owned by shipper and loaded in shipper-owned trailers, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Tucson, Ariz.

No. MC 125993 (Sub-No. 1), filed March 9, 1964. Applicant: NELSON BROTHERS, INC., Box 207, Parrish, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer*, in bags, and in bulk, to farm, mine, and job sites (but excluding service to warehouses), from Parrish, Ala., and points within five (5) miles thereof, to points in Georgia, on and north of U.S. Highway 80, points in Tennessee on and east of U.S. Highway 45, the points in Virginia on and west of the junction of U.S. Highway 29 and U.S. Highway 60, and points on and south of U.S. Highway 60, from the Virginia-West Virginia State line to junction of U.S. Highway 29 and U.S. Highway 60, and *rejected shipments*, of the commodity specified, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Birmingham, Ala.

No. MC 126067, filed February 26, 1964. Applicant: UNIVERSAL CARTAGE CO., a corporation, 205 Harrison Street, Flint, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Flint, Mich., on the one hand, and, on the other, points in Bay, Clinton, Eaton, Genesee, Ingham, Jackson, Lapeer, Midland, Saginaw, and Shiawassee Counties, Mich., restricted to freight moving for the account of ABC Freight Forwarding Corp., 201 11th Avenue, New York, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 126080, filed March 3, 1964. Applicant: ROY De ANGELO, 286 Raritan Avenue, Staten Island, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans, loose and in packages, can ends, spouts, caps, seals, handles, and accessories for cans, and cartons, bags, and accessories and parts for packing and wrapping cans*, from the plant site of Eastern Can Company, Inc., located in Passaic, N.J., to points in Fairfield, Hartford, Litchfield, Middlesex, and New Haven Counties, Conn., Delaware, Pennsylvania, and points in Maryland, on and east of U.S. Highway 15, and points in New York on and east of U.S. Highway 209, from Port Jervis, to Kingston, N.Y., and on and south of New York Highway 199 from the east bank of the Hudson River to the New York-Connecticut State line.

NOTE: Applicant states the proposed service is to be under contract with Eastern Can Company, Inc. If a hearing is deemed necessary applicant requests it be held in New York, N.Y.

No. MC 126081, filed March 5, 1964. Applicant: BILLY BYBEE, Universal, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Louisville, Ky., and Peoria, Ill., to Clinton, Ind., and *empty containers or other such incidental facilities* used in transporting the above-described commodities on return.

NOTE: Applicant states the proposed operations will be under a continuing contract with Lowry Wholesale Beverage, Inc. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126082, filed March 5, 1964. Applicant: VIRGIL SLENTZ, CLIFFORD SLENTZ AND DELMAR SLENTZ, doing business as SLENTZ & SONS TRUCKING CO., Rural Route No. 2, Grabill, Ind. Applicant's attorney: James L. Beattey, Suite 1019, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk and in bags, (a) from Butler, Ind., to points in the Lower Peninsula of Michigan, and (b) from Butler, Ind., to points in that part of Ohio bounded on the south by Ohio Highway 29 and U.S. Highway 33 from the Indiana-Ohio State line to junction U.S. Highway 33 and U.S. Highway 25, on the east by U.S. Highway 25 from said junction to Ohio-Michigan State line, and on the north by the Ohio-Michigan State line; (2) *grain*, from points in DeKalb, Allen, Whitley and Steuben Counties, Ind., to Toledo and Maumee, Ohio, and *empty containers or other such incidental facilities* used in transporting the above described commodities in (1) and (2) above on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Wayne, Ind.

No. MC 126083, filed March 5, 1964. Applicant: LOUIS R. LEGG, doing buiness as S & L TRUCKING COMPANY, Post Office Box 404, Roscommon, Mich. Applicant's attorney: Wilmer B. Elmer, 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precut and prefabricated buildings, houses and cottages, and materials and supplies incidental to the installation and erection thereof*, from Roscommon, Mich., to the ports of entry on the international boundary line between the United States and Canada at Sault Ste. Marie, Mich., Port Huron, Mich., and Detroit, Mich., and to points in the United States on and east of the Mississippi River, and *materials and supplies used in the manufacture of precut and prefabricated buildings, houses and cottages*, on return; (2) *wooden reels*, assembled and knocked down, from Grayling, Mich., to points in Illinois, Indiana, Ohio, Wisconsin, Pennsylvania, and New York, and to the ports of entry on the international boundary line between the United States and Canada at Sault Ste. Marie, Mich., Port Huron, Mich. and Detroit, Mich., and *materials and supplies used or useful in the manufacture of wooden reels*, on return; and (3) *wood veneer*, from Kalkaska, Mich., to points in Wisconsin, Indiana, Illinois, and Ohio.

NOTE: Applicant states that the proposed operations in (1) will be performed under a continuing contract with Pioneer Log Cabin Co., those in (2) will be performed under a continuing contract with Grayling Reel, Inc., and those in (3) will be performed under a continuing contract with American Made Veneer Corporation. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 126084, filed March 4, 1964. Applicant: LOUIS HETTERVAN, Rural Route 1, Brownsburg, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sacked commercial fertilizer*, from Danville, Ill., to New Augusta, Ind. and points within 10 miles thereof, and (2) *sacked feed*, from Davenport, Iowa, to New Augusta, Ind., and points within 10 miles thereof.

NOTE: If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind.

No. MC 126085, filed March 4, 1964. Applicant: DAN KUSIC TRUCKING CO., a corporation, 627 Franklin Avenue, Steubenville, Ohio. Applicant's representative: D. L. Bennett, 213 First National Bank Building, 2207 National Road, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, from Weirton, W. Va., to points in Ohio, Pennsylvania, and New York.

NOTE: Applicant holds authority in MC 1239 as a contract carrier for the same authority proposed herein, and requests the Commission to revoke its Permit and substitute therefor common carrier authority. If a hearing is deemed necessary applicant requests it be held at Pittsburgh, Pa.

No. MC 126086, filed March 5, 1964. Applicant: JOHN HARDESTY, 511 Laurel Street, Minneapolis, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Camper coaches, camper trailers, parts, accessories and supplies thereof*, between Minneapolis, Kans. and points within 5 miles thereof, and points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 126087, filed March 6, 1964. Applicant: WAYNE C. SELBY, Camdenton, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, palletized, from St. Paul, Minn., to Camdenton, Mo., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 126088, filed March 6, 1964. Applicant: ALFRED F. KAPPEL, Mahopac, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, fuel oil and kerosene*, in bulk, in tank vehicles, from Bridgeport, Conn., to the towns of Lewisboro, North Salem, Somers and Yorktown (Westchester County), N.Y., and points in Putnam County, N.Y.

NOTE: Applicant states the proposed service is to be performed under a continuing contract, or contracts, with Spain Oil Corporation, Mahopac, N.Y. If a hearing is deemd necessary applicant requests it be held at New York, N.Y.

No. MC 126089, filed March 9, 1964. Applicant: BRAZOS TRANSPORT CO., a Corporation, East Highway 80 (P.O. Box 2031), Abilene, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum*, and *materials* and *supplies* used in the manufacture and distribution thereof, between the plant sites of National Gypsum Company within a five (5) mile radius of Rotan, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, New Mexico and Oklahoma.

NOTE: Applicant states the proposed operation will be rendered under a continuing contract with National Gypsum Company. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 126090, filed March 8, 1964. Applicant: TRIPLE L. TRUCKING CO., INC., 136 N. Market Street, East Palestine, Ohio. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Consumable hot tops, and hot topping compounds*, from East Palestine, and Negley, Ohio, and Wampum, Pa., to points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, and West Virginia, and (2) *steel mill supplies*, from East Palestine, Ohio, to points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, and West Virginia.

NOTE: Applicant states the proposed service "will be restricted to a service to be performed under a continuing contract or contracts with Insul Company, Inc., Lakewood Chemical & Supply Co., Inc., and Ritetherm Co., Inc. All of these companies are under common control and management." If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 126091, filed March 9, 1964. Applicant: K. J. FRALEY and E. W. SCHILLING, doing business as FRALEY AND SCHILLING, Rushville, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys and silicon metal*, from the plant sites of the Vanadium Corporation of America located in Jefferson and Guernsey Counties, Ohio, and Mason County, W. Va., to points in Maryland, New Jersey, West Virginia, New York, Pennsylvania, Virginia, Ohio, Michigan, Indiana, Illinois, and Wisconsin.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C. Applicant states that the proposed service is to be restricted to service under a continuing contract with the Vanadium Corporation of America.

No. MC 126092 filed March 9, 1964. Applicant: EDWARD P. DEETS, Rural Delivery No. 4, Box 370, Mountain Top, Pa. Applicant's attorney: Jerome L. Cohen, 960 Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel products*, from Wilkes-Barre, Pa., to points in the United States east of the Mississippi River.

NOTE: Applicant states the proposed service will be under contract with Stressed Steel Corporation, as requests for the steel products are received. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 126092 (Sub-No. 1), filed March 9, 1964. Applicant: EDWARD P. DEETS, Rural Delivery No. 4, Box No. 370, Mountain Top, Pa. Applicant's attorney: Jerome L. Cohen, 960 Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressed steel*, from Wilkes-Barre, Pa., to points in Pennsylvania, New York, Delaware, Connecticut, and New Jersey.

NOTE: Applicant states the proposed operations will be for the account of Foster Wheeler Corporation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126093, filed March 9, 1964. Applicant: J. A. WOODRUFF, Route No. Box 327W, Dallas, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from points in Oregon to points in Utah and Idaho.

NOTE: If a hearing is deemed necessary applicant requests it be held at Salt Lake City, Utah.

No. MC 126096, filed March 6, 1964. Applicant: JOHN J. MORRISON, doing business as MORRISON TRANSIT, Rural Delivery No. 3, Box 261, Mountaintop, Pa. Applicant's attorney: John J. Dempsey, Jr., Suite 1200, Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural trailers* having portability, *house trailers, mobile homes, portable houses* and *single unit deliveries of camping or travel trailers*, from points in Lackawanna, Luzerne, Columbia, Northumberland, and Schuylkill Counties, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia, and *refused, rejected, returned* and *damaged units* on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Philadelphia, Pa.

No. MC 126097, filed March 10, 1964. Applicant: T. C. SMITH, Old Clark Howell Highway, College Park, Ga. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay*, from Wrens, Ga., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states that the proposed operations will be limited to a service to be performed under a continuing contract or contracts with Georgia-Tennessee Mining and Chemical Co., Ltd., Wrens, Ga. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126098 filed March 10, 1964. Applicant: STORMS TRUCKING, INC., West Nyack, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and aggregates*, in bulk, in dump vehicles, from points in Rockland, Dutchess, Ulster, and Westchester Counties, N.Y., to points in Connecticut, and New Jersey (except those in Cumberland, Salem, Gloucester, Cape May, Camden, Atlantic, and Burlington Counties, N.J.) and points in Massachusetts, and (2) *lightweight kiln processed aggregates*, in bulk, in dump vehicles, from points in Ulster County, N.Y., to points in Connecticut and New Jersey (except those in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.) and points in Massachusetts.

NOTE: If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 42), filed March 9, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill., 60603. Appli-

cant's attorney: Robert J. Bernard (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, consisting of round trip tours, beginning and ending at Chicago, Ill., and extending to Honey Bear Farm near Powers Lake, Wis., and the Lake Geneva Recreational Area near Lake Geneva, Fontana, and Williams Bay, Wis.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 48864 (Sub-No. 2), filed March 5, 1964. Applicant: COTTRELL SAFETY SERVICE, INC., 2306 Walden Avenue, Buffalo 25, N.Y. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, restricted to traffic originating at points in the territory indicated in round trip charter operations, from Buffalo, N.Y., and points in that part of New York within 75 miles of Buffalo to points in New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Delaware, Maryland, Virginia, District of Columbia, West Virginia, North Carolina, Michigan, Indiana, Ohio, and Illinois.

NOTE: Applicant states that no duplicating operating authority is requested. If a hearing is deemed necessary applicant requests it be held at Buffalo, N.Y.

No. MC 111504 (Sub-No. 7), filed March 9, 1964. Applicant: STARR TRANSIT CO., INC., 50 North Johnston Avenue, Trenton, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at Fort Dix, McGuire Air Force Base, and Wrightstown, N.J., and extending to points in Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wrightstown, N.J.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12899, filed February 24, 1964. Applicant: M. K. & O. HIGHWAY TOURS, INC., 319 South Cincinnati, Tulsa, Okla. For a license (BMC 5) to engage in operations as a *broker* at Tulsa, Okla., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicle, both as individuals and in groups, between points in the United States.

NOTE: Common control may be involved.

APPLICATION FOR WATER CARRIERS

WATER CARRIERS OF PROPERTY

No. W-525 (Sub-No. 14) (BLUE STACK TOWING CO. EXTENSION—TEXAS), filed March 12, 1964. Applicant: BLUE STACK TOWING CO., Post Office Box 1171, Tampa, Fla. Applicant's attorney: Donald Macleay, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought for authority under Part III of the Interstate Commerce Act, to operate as a common carrier by water in the transportation of *general commodities*, in bulk, loaded and carried without wrappers or containers, and received and delivered by carrier without transportation mark or count, between Tampa, Fla. (including Port Tampa and East Tampa) on the one hand, and, on the other, all other ports and points on the Gulf of Mexico and connecting waters, except New Orleans and Burnside, La., and the Mississippi River above the Port of Baton Rouge, La.

No. W-1197 (TWENTY GRAND MARINE SERVICE, INC. EXEMPTION APPLICATION), filed March 10, 1964. Applicant: TWENTY GRAND MARINE SERVICE, INC., Post Office Box 1279, Morgan City, La. Exemption under provisions of Part III, section 302(e) of the Interstate Commerce Act, sought in view of the following: (1) Applicant owns and operates a substantial fleet of vessels consisting of tugs, barges and workboats which work in connection with marine construction projects in the Gulf Intracostal Waterways and navigable inland tributaries thereto between Brownsville, Texas,. and Jacksonville, Fla., waters offshore of Texas, Louisiana, Mississippi, Alabama, and Florida, in bays and sounds between Brownsville, Tex., and Jacksonville, Fla., including the Mississippi River System above its confluence with the Atchafalaya River (use of the Mississippi River is for the sole purpose of gaining entrance to the White-Arkansas River navigation system), and the White River-Arkansas River navigation system from its confluence with the Mississippi River to Little Rock, Ark. (2) Heretofore applicant's operations have been confined to the movement of exempt materials such as oil field materials. (3) The area to be served does not readily permit the movement of marine construction equipment to an operational area by means other than specialized and semi-specialized marine equipment. (4) Applicant's base at Morgan City, La., provides natural access to the areas involved in construction projects, which have primitive transportation facilities, or none at all. (5) Many major marine construction projects will require equipment found only in the vicinity of Morgan City because of a high concentration of heavy equipment in the area, such as transported by the applicant.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIER OF PROPERTY

No. MC 923 (Sub-No. 7), filed March 11, 1964. Applicant: MEADE TRANSFER, INC., Post Office Box 266, Brandenburg, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Owensboro, Ky., and Falls of Rough State Park, Ky.; from Owensboro over Kentucky Highway 54 to junction Kentucky Highway 105, thence over Kentucky Highway 105 to Falls of Rough State Park, and return over the same route, serving all intermediate points and off-route points within three (3) miles of the described route but restricted against serving any points in Indiana within the Owensboro, Ky., Commercial Zone, and (2) between Harned, Ky. and Falls of Rough State Park, Ky.; from Harned over Kentucky Highway 259 to junction Kentucky Highway 108 (near Axtel), thence over Kentucky Highway 108 through Axtel to junction access road, thence over access road to Falls of Rough State Park, and return over the same route, serving all intermediate points and off-route points within three (3) miles of the described route.

No. MC 22195 (Sub-No. 99), filed March 3, 1964. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, Post Office Box 946, 41st and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum asphalts, petroleum road oils* in bulk, in tank vehicles, to road construction and maintenance sites (1) from points in North Dakota to points in Minnesota and South Dakota, (2) from points in South Dakota to points in Iowa, Minnesota, Nebraska, and North Dakota, and (3) from points in that part of Nebraska on and north of U.S. Highway 20 beginning at the Iowa-Nebraska state line to the Wyoming-Nebraska state line to points in Iowa, Minnesota, and South Dakota, and rejected shipments of the above specified commodities in (1), (2), and (3), above on return.

NOTE: Applicant states no duplicating authority is sought.

No. MC 42487 (Sub-No. 595), filed March 16, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Gettysburg, Pa., and Hagerstown, Md.; from Gettysburg over Pennsylvania Highway 116 to junction Pennsylvania Highway 16, thence over Pennsylvania Highway 16 to junction of unnumbered highway (one mile west of Rouzerville), thence over unnumbered highway to Ringgold, Md., thence over Maryland Highway 418 to junction of Maryland Highway 60, thence over Maryland Highway 60 to Hagerstown, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Common control may be involved.

No. MC 64112 (Sub-No. 20), filed March 9, 1964. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, Post Office Box 1493, 2508 Starita Road, Charlotte, N.C. Applicant's representative: W. D. Turner, Post Office Box 3661, Charlotte, N.C., 28203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings and related articles*, on flatbed equipment, from Charlotte, N.C., to points in Duval County, Fla.

No. MC 102616 (Sub-No. 747), filed March 17, 1964. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street, Washington, 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Granville, W. Va., to points in Fayette County, Pa. (except Uniontown and points within 5 miles thereof).

No. MC 113828 (Sub-No. 59), filed March 4, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue NW., Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends thereof*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Montgomery County, Md.

No. MC 115162 (Sub-No. 89), filed March 11, 1964. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 3029 West Fairview Avenue, Montgomery 6, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from points in Santa Rosa County, Fla., to points in Florida.

No. MC 115354 (Sub-No. 2), filed March 3, 1964. Applicant: HERMAN COLUSSY, doing business as COLUSSY ICE COMPANY, 647 Baldwin Street, Bridgeville, Pa. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing and heating fixtures, materials*, and *supplies*, between Pittsburgh, Pa., on the one hand, and, on the other, points in New York, Ohio, Pennsylvania, Maryland, and West Virginia bounded by a line beginning at the junction of U.S. Highways 20 and 42 in Cleveland, Ohio, and extending east and north along U.S. Highway 20 through Buffalo, N.Y., to junction U.S. Highway 15 near Avon, N.Y., thence south along U.S. Highway 15 to Frederick, Md., thence west along U.S. Highway 40 to Cumberland, Md., thence south along U.S. Highway 220 to junction U.S. Highway 50, to Parkersburg, W. Va., thence north along U.S. Highway 21 to Cleveland, the point of beginning, including points on the indicated portions of the highways specified.

NOTE: The proposed service will be restricted to a "service to be performed under a continuing contract with Acme Plumbing Supply, Inc., of Pittsburgh, Pa.

No. MC 123268 (Sub-No. 2), filed March 5, 1964. Applicant: STEVENS EXPRESS, INC., 1013 East 11th Street, Post Office Box 92, Hutchinson, Kans. Applicant's attorney: James F. Miller, Suite N-13 Medical & Professional Building, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), between Hutchinson, Kans., and Kansas City, Mo.: From Hutchinson over U.S. Highway 50 to junction with Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, Kans., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations.

No. MC 123684 (Sub-No. 4), filed March 5, 1964. Applicant: THE H. R. LINE, INC., Box 447, Arcadia, Ind. Applicant's attorney: Thomas F. Quinn, Suite 715-716, First Federal Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, from the plant site of the Harris Pine Mills, Inc., located near Hamburg, Pa., to points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, and Vermont.

No. MC 123888 (Sub-No. 2), filed March 5, 1964. Applicant: CANA TRANSPORT CO., INC., 706 Franklin Street, Endicott, N.Y. Applicant's attorney: Donald C. Carmien, 300 Press Building, Binghamton, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies used in the production and manufacture of shoes*, from Endicott and Johnson City, N.Y., to Ackerman, Miss., and (2) *finished footwear in boxes, returned shipments of materials and supplies used in the manufacture and production of shoes, miscellaneous machinery for the manufacture of footwear, dollies, boxes, paper and shipping cartons*, from Ackerman, Miss., to Knoxville, Tenn., and Endicott and Johnson City, N.Y.

No. MC 123992 (Sub-No. 14), filed March 16, 1964. Applicant: SCHWERMAN CO. OF PA., INC., 611 South 28 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from West Winfield, Pa., to points in Chautauqua, Cattaraugus, and Allegany Counties, N.Y.

NOTE: Common control may be involved.

MOTOR CARRIERS OF PASSENGERS

No. MC 45626 (Sub-No. 51) (CORRECTION), filed February 10, 1964, published FEDERAL REGISTER issue March 4, 1964, republished as corrected, this issue. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. Applicant's attorney: J. G. Dail, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036. The purpose of this republication is to show (9) and (10) as serving all intermediate points as follows: (9) between Rochester, Vt., and Castleton, Vt.: from Rochester over Vermont Highway 73 to Brandon, Vt., and thence over unnumbered highway to Hubbardton, Vt., thence over Vermont Highway 30 to Castleton, and return over the same route, serving all intermediate points, and serving Castleton for purpose of joinder with carrier's existing certificated routes, (10) between Windsor, Vt., and junction Vermont Highways 106 and 10: from Windsor over Vermont Highway 44 to junction Vermont Highway 106 thence over Vermont Highway 106 to junction Vermont Highway 10, and return over the same route, serving all intermediate points, with right of joinder at Amsden.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 64-2840; Filed, Mar. 24, 1964; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 20, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. L-8859, Case No. 3, filed February 20, 1964. Applicant: MERCHANT'S DELIVERY SERVICE, 925 Evergreen Street SE., Grand Rapids, Mich. Applicant's attorney: J. M. Neath, Jr., 300 Michigan Trust Building, Grand Rapids, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *merchandise* in packages no larger than 12 cubic feet or ninety pounds, from Aldens Catalog Offices, Inc. and Spiegel, Incorporated of Michigan, from Grand Rapids, Mich., and points

in its Commercial Zone, to points within forty (40) miles of Grand Rapids, Mich:

HEARING: April 6, 1964, at 9:30 a.m., in the offices of the Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. E-12896 (AMENDED), filed March 9, 1964. Applicant: POULSBO-SEATTLE AUTO FREIGHT, INC., 2100 Alaskan Way, Seattle, Wash. Applicant's attorney: George H. Hart, 640 Central Building, Seattle, Wash. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, over regular routes, between Seattle, Wash., on the one hand, and, on the other, Bremerton and Port Orchard, Wash., as follows: (1) Via ferry between Seattle, Wash., and Bainbridge Island, thence via Agate Pass Bridge to Poulsbo, Wash., thence over Washington Highway 21 to Bremerton, Wash., and Washington Highway 14 to Port Orchard, Wash.; or (2) via ferry between Seattle, Wash. and Bremerton, Wash.; or (3) via U.S. Highway 99 to Tacoma Wash. and the Narrows Bridge and Washington Highway 14 to Fort Orchard, Wash.

NOTE: Applicant states proposed service will include all intermediate points and off-route points in Kitsap County, Wash. (except those located on Bainbridge Island), and all points within ten (10) miles of Seattle, Wash. This application appeared as State Docket No. E-12896, in the FEDERAL REGISTER issue of December 18, 1963, seeking authority to transport general commodities, with certain exceptions, over irregular routes, between Seattle, Wash., on the one hand, and, on the other, points in Kitsap County, Wash. (excluding Bainbridge Island), and between points in Kitsap County, Wash. (excluding Bainbridge Island).

HEARING: April 21, 1964, in Seattle, Wash.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2841; Filed, Mar. 24, 1964; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 20, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38898: *Joint motor-rail rates—Middle Atlantic.* Filed by Middle Atlantic Conference, agent (No. 40), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middle Atlantic territory, also between points in Middle Atlantic territory, on the one hand, and points in New England territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 18 to Middle Atlantic Conference, agent, tariff MF-I.C.C. A-1430.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2837; Filed, Mar. 24, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Arrow Co., Bremen, Ga.; effective 3-13-64 to 3-12-65 (men's shirts).

Atwood, Inc., Mooresville, N.C.; effective 3-9-64 to 3-8-65 (men's work pants and shirts).

Bee & Gee Pants Manufacturing Co., Inc., 416-418 Main Street, Dickson City, Pa.; effective 3-14-64 to 3-13-65 (men's and boys' pants).

Big Yank Corporation, Dixie Factory, 109 Ferguson Street, Hattiesburg, Miss.; effective 3-3-64 to 3-2-65 (men's work shirts and men's and boys' pants).

Bishopville Manufacturing Co., Gregg Street, Bishopville, S.C.; effective 3-18-64 to 3-17-65 (women's dresses).

Bowcar Manufacturing Corporation, Bowman, S.C.; effective 3-2-64 to 3-1-65 (men's overalls, slacks, and outerwear jackets).

Capitol City Manufacturing Co., 1651 Holland Street, West Columbia, S.C.; effective 3-18-64 to 3-17-65 (women's house dresses).

Carolina Sportswear Co., Warrenton, N.C.; effective 3-6-64 to 3-5-65 (men's and boys' sport shirts).

Edgewood Casuals, Inc., Lexington, N.C.; effective 3-11-64 to 3-10-65 (men's sport and dress shirts).

Gip's Manufacturing Co., Randall Street, Hartwell, Ga.; effective 3-10-64 to 3-9-65 (men's and boys' slacks and shorts).

Greer Shirt Corporation, P.O. Box 390, Greer, S.C.; effective 3-4-64 to 3-3-65 (men's and boys' sport shirts).

Flintrock Shirt Co., Inc., Marshall, Ark.; effective 3-6-64 to 3-5-65 (men's sport shirts).

Hickman Garment Co., Hickman, Ky.; effective 3-5-64 to 3-4-65 (men's and boys' outerwear jackets).

Edward Hyman Co., Prentiss, Miss.; effective 3-15-64 to 3-14-65 (men's work pants).

Imperial Shirt Corporation, True Loom Division, Lafayette, Tenn.; effective 3-6-64 to 3-5-65 (men's sport shirts).

F. Jacobson & Sons, Inc., Monticello Road, Charlottesville, Va.; effective 3-9-64 to 3-8-65 (men's woven pajamas).

Lake Sleepwear Corporation, P.O. Box 266, Route 58, Boydton, Va.; effective 3-1-64 to 2-28-65 (women's and children's nightwear).

The H. D. Lee Company, Inc., 117 W. 20th Street, Kansas City, Mo.; effective 3-7-64 to 3-6-65 (men's overalls, work pants, and work jackets).

Miller Manufacturing Co., Inc., P.O. Box 1148, Joplin, Jasper County, Mo.; effective 3-6-64 to 3-5-65 (men's work shirts and trousers).

Oberman Manufacturing Co., Harrison, Ark.; effective 3-10-64 to 3-9-65 (men's and boys' pants).

Ottenheimer Bros. Manufacturing Co., a division of Kellwood Co., dress division, Second and Victory Streets, Little Rock, Ark.; effective 3-14-64 to 3-13-65 (women's and misses' dresses and uniforms).

Ottenheimer Bros. Manufacturing Co., shirt division, 5801 Scott Hamilton Drive, Little Rock, Ark.; effective 3-14-64 to 3-13-65 (women's, misses', and children's shirts).

Reidbord Bros. Co., Lumber Street, Buckhannon, W. Va.; effective 3-7-64 to 3-6-65 (men's dress and work trousers).

Shutzer Manufacturing Co., Inc., 250 Canal Street, Lawrence, Mass.; effective 3-9-64 to 3-8-65 (men's, boys' and women's outerwear jackets).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; effective 3-10-64 to 3-9-65 (men's cotton and synthetic slacks).

Summerville Dress Co., Inc., Summerville, S.C.; effective 3-2-64 to 3-1-65 (children's dresses).

Weaver Pants Co., Inc., 503 Polk Street, Corinth, Miss.; effective 3-9-64 to 3-8-65 (men's slacks).

Jack Winter Manufacturing Corporation, Marianna, Ark.; effective 3-5-64 to 3-4-65 (men's and ladies' slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Ann Lee Frocks, 108 South Main Street, Pittston, Pa.; effective 3-9-64 to 3-8-65; 5 learners (women's dresses).

Berlin Manufacturing Co., Inc., Berlin, Md.; effective 3-4-64 to 3-3-65; 10 learners (men's work pants).

Duquesne Manufacturing Co., 852 Constitution Boulevard, New Kensington, Pa.; effective 4-1-64 to 3-31-65; 10 learners (women's dresses).

Love Land Tog's Inc., 270 Bradford Street, Albany, N.Y.; effective 3-2-64 to 3-1-65; 10 learners (children's dresses).

Rock Hall Manufacturing Co., Rock Hall, Md.; effective 3-9-64 to 3-8-65; 10 learners (men's and boys' knit shirts).

Smart Style, Inc., 109 Country Club Drive, Asheboro, N.C.; effective 3-9-64 to 3-8-65; 10 learners. Learners may not be employed at special minimum wage rates in the production of skirts (ladies' dresses).

Troup Industries, Park Lane, West Point, Ga.; effective 3-5-64 to 3-4-65; 10 learners. Learners may not be employed at special minimum wage rates in the production of skirts (ladies' pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Form-O-Uth Brassiere Co., d/b/a Marie Foundations Branch, Pampa, Tex.; effective 3-9-64 to 9-8-64; 70 learners (women's brassieres and girdles).

Gip's Manufacturing Co., Randall Street, Hartwell, Ga.; effective 3-10-64 to 9-9-64; 20 learners (men's and boys' slacks and walking shorts).

Hickman Garment Co., Hickman, Ky.; effective 3-5-64 to 9-4-64; 15 learners (men's and boys' outerwear jackets).

LGAM Manufacturing Co., Inc., Woodsfield, Ohio; effective 3-5-64 to 9-4-64; 15 learners (ladies' blouses).

Top-Notch Manufacturing Co., 2101 Cypress Street, El Paso, Tex.; effective 3-9-64 to 9-8-64; 40 learners (men's and boys' overalls).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

T. E. Brooks & Co., Poplar and Dewey Streets, York, Pa.; effective 3-9-64 to 3-8-65; 10 learners for normal labor turnover purposes (machine made cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Templeton Glove Co., Inc., 5 Corey Street, Amsterdam, N.Y.; effective 3-6-64 to 3-5-65; 10 learners for normal labor turnover purposes (ladies' and children's gloves).

Templeton Glove Co., Inc., Midway Place, Fonda, N.Y.; effective 3-6-64 to 3-5-65; 10 learners for normal labor turnover purposes (ladies' and children's gloves).

Templeton Glove Co., Inc., 286 Arch Street, Schenevus, N.Y.; effective 3-6-64 to 3-5-65; 10 learners for normal labor turnover purposes (ladies' and children's gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Movie Star of Magnolia, Inc., Magnolia, Miss.; effective 3-9-64 to 3-8-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Melisa Brassiere Co., Inc., P.O. Box 905, Caguas, P.R.; effective 1-22-64 to 1-21-65; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88¢ an hour for the first 320 hours and 98¢ an hour for the remaining 160 hours (brassieres).

Swan Textile Finishing Corporation, Km. 66.8 Road No. 2, P.O. Box 693, Arecibo, P.R.; effective 2-17-64 to 8-16-64; 24 learners for plant expansion purposes, in the occupation of machine operator; tender; fixer, each for a learning period of 240 hours at the rate of 72¢ an hour (dyeing of triocot cloth).

Virginia Garment Co., P.O. Box 79, San Sebastian, P.R.; effective 2-10-64 to 8-9-64; 13 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72¢ an hour for the first 240 hours and 84¢ an hour for the remaining 240 hours (ladies' underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 13th day of March 1964.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 64-2829; Filed, Mar. 24, 1964; 8:47 a.m.]

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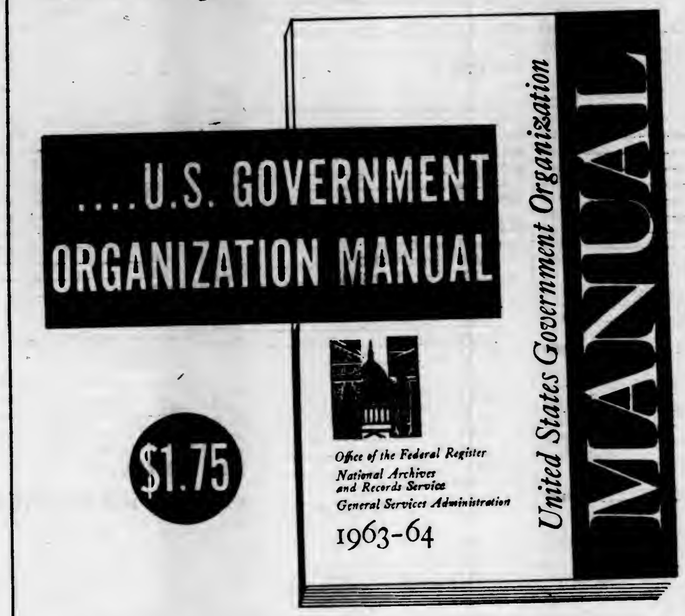
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Maximum Stipends

Correction

In F.R. Doc. 64–2722, appearing at page 3559 of the issue for Friday, March 20, 1964, the following correction is made in § 534.202:

In paragraph (b), the phrase in the first paragraph of category positions now reading, "Approved year college level training ..... L–2", should be corrected to read, "Approved training after a minimum of one year college level training ..... L–2".

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN PREMISES AS REGULATED AREA

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions are hereby issued as follows, listing premises in which infestation of the khapra beetle has been determined to exist and designating such premises as a regulated area within the meaning of said quarantine and regulations.

§ 301.76–2a Administrative instructions designating certain premises as regulated area under the khapra beetle quarantine and regulations.

Infestation of the khapra beetle has been determined to exist in the premises listed below. Accordingly, such premises are hereby designated as a regulated area within the meaning of the provisions in this subpart:

ARIZONA

S & W Feed Lot, P.O. Box 1590, Yuma, located 1 mile east of Gila Center Store and ½ mile north of Highway 95.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76–2)

These administrative instructions shall become effective March 26, 1964.

These administrative instructions designate certain premises in Arizona, in which khapra beetle infestation has been determined to exist, as a regulated area under the khapra beetle quarantine and regulations.

These instructions impose restrictions supplementing khapra beetle quarantine regulations already in effect. They must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 23d day of March 1964.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 64–2916; Filed, Mar. 25, 1964; 8:50 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published in the FEDERAL REGISTER on March 27, 1963 (28 F.R. 2977), August 3, 1963 (28 F.R. 7931), August 30, 1963 (28 F.R. 9501), and December 20, 1963 (28 F.R. 13863), which were designated for barley crop insurance for the 1964 crop year.

MONTANA

Big Horn. Fallon.

PENNSYLVANIA

Cumberland.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64–2918; Filed, Mar. 25, 1964; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the lists of counties published in the FEDERAL REGISTER on August 17, 1963 (28 F.R. 8439), and December 20, 1963 (28 F.R. 13863), which were designated for corn crop insurance for the 1964 crop year.

MINNESOTA

Pope.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64–2919; Filed, Mar. 25, 1964; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the lists of counties published in the FEDERAL REGISTER on August 17, 1963 (28 F.R. 8441), and December 20, 1963 (28 F.R. 13863), which were designated for cotton crop insurance for the 1964 crop year.

NORTH CAROLINA

Greene.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64–2920; Filed, Mar. 25, 1964; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DELETION FROM LIST OF COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Gaines County, Texas, is hereby deleted from the list of counties published

in the FEDERAL REGISTER on August 17, 1963 (28 F.R. 8441), which were designated for cotton crop insurance for the 1964 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2921; Filed, Mar. 25, 1964; 8:51 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE

The appendix designating counties for dry bean crop insurance for the 1964 crop year which was published in the FEDERAL REGISTER on August 17, 1963 (28 F.R. 8439), is hereby amended by adding "pink" to the classes of beans on which insurance is offered in the following counties.

WASHINGTON

Adams. Grant.
Franklin.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2922; Filed, Mar. 25, 1964; 8:51 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published in the FEDERAL REGISTER on August 17, 1963 (28 F.R. 8441), which were designated for flax crop insurance for the 1964 crop year.

MINNESOTA

Ottertail.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2923; Filed, Mar. 25, 1964; 8:51 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9140), which were designated for oat crop insurance for the 1964 crop year.

WISCONSIN

La Crosse.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2924; Filed, Mar. 25, 1964; 8:51 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEA (CANNING AND FREEZING) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9140), which were designated for pea (canning and freezing) crop insurance for the 1964 crop year.

WISCONSIN

Columbia. Fond du Lac.
Dane.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2925; Filed, Mar. 25, 1964; 8:51 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9141), which were designated for peanut crop insurance for the 1964 crop year. The type of peanuts on which insurance is offered is shown opposite the county name.

VIRGINIA

Prince George-Virginia Type.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2926; Filed, Mar. 25, 1964; 8:52 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

The appendix designating counties for peanut crop insurance for the 1964 crop year, which was published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9141), is hereby amended as follows:

(a) Spanish is deleted as a type of peanut on which insurance is offered in each of the following counties:

ALABAMA

Coffee. Geneva.
Covington. Henry.
Crenshaw. Houston.
Dale. Pike.

(b) Virginia is added as a type of peanut on which insurance is offered in each of the following counties:

FLORIDA

Jackson.

GEORGIA

Baker. Irwin.
Bulloch. Lee.
Calhoun. Miller.
Clay. Mitchell.
Coffee. Randolph.
Colquitt. Terrell.
Cook. Tift.
Early. Worth.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2927; Filed, Mar. 25, 1964; 8:52 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DELETION FROM LIST OF COUNTIES DESIGNATED FOR POTATO CROP INSURANCE

Adams and Franklin Counties, Washington, are hereby deleted from the list of counties published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9141), which were designated for potato crop insurance for the 1964 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2928; Filed, Mar. 25, 1964; 8:52 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9141), which were designated for rice crop insurance for the 1964 crop year.

ARKANSAS

Jefferson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2929; Filed, Mar. 25, 1964; 8:52 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9141), and December 20, 1963 (28 F.R. 13863), which were designated for soybean crop insurance for the 1964 crop year.

TENNESSEE

Fayette. Haywood.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2930; Filed, Mar. 25, 1964; 8:52 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9142), which were designated for tobacco crop insurance for the 1964 crop year. The type of tobacco on which insurance is offered in this county is shown opposite the name of the county.

VIRGINIA

Prince George—11a.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2931; Filed, Mar. 25, 1964; 8:52 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR TOBACCO CROP INSURANCE

The appendix designating counties for tobacco crop insurance for the 1964 crop year, which was published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9142), is hereby amended by adding "22" to the types of tobacco on which insurance is offered in Simpson County, Kentucky.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2932; Filed, Mar. 25, 1964; 8:53 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOMATO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9143), which were designated for tomato crop insurance for the 1964 crop year.

INDIANA

Grant. Miami.
Howard. Tipton.

OHIO

Lucas. Wood.
Sandusky.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-2933; Filed, Mar. 25, 1964; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 69, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Valencia oranges grown in Arizona and designated part of California.

b. *Order, as amended.* The provisions in paragraph (b)(1) of § 908.369 (Valencia Orange Regulation 69, 29 F.R. 2643) are hereby amended to read as follows:

§ 908.369 Valencia Orange Regulation 69.

* * * * * *

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., March 22, 1964, and ending at 12:01 a.m., P.s.t., January 31, 1965, no handler shall handle any Valencia oranges grown in District 3 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.20 inches in diameter: * * *

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 20, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2888; Filed, Mar. 25, 1964; 8:47 a.m.]

[Valencia Orange Reg. 75]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.375 Valencia Orange Regulation 75.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., March 29, 1964, and ending at 12:01 a.m., P.s.t., January 31, 1965, no handler shall handle any Valencia oranges grown in District 1 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.20 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 1" shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2917; Filed, Mar. 25, 1964; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 6]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair

NO PAYMENTS FOR 1963 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Mohair, as amended (27 F.R. 7417; 28 F.R. 579, 1033, 6532, 10289, 12160, 12735), are further amended by adding the following new paragraph (c) at the end of § 1468.205:

§ 1468.205 Rate of payment.

* * * * * * *

(c) No payments will be made on mohair sold in the 1963 marketing year (i.e., the period from April 1 through December 31, 1963) because the national average price of 88.1 cents a pound, grease basis, received by producers for mohair marketed during that period exceeded the support price of 76 cents a pound (§ 1468.202(c)).

* * * * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306; 15 U.S.C. 714e, 7 U.S.C. 1781–1787, 1446)

Effective date: Date of signature.

Signed at Washington, D.C., on March 19, 1964.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64–2889; Filed, Mar. 25, 1964; 8:47 a.m.]

[Amdt. 7]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

PAYMENT AND DEDUCTION RATES FOR 1963 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), as amended (27 F.R. 933, 9714; 28 F.R. 579, 1034, 6532, 10290, 12160, 12735), are further amended as follows:

1. At the end of § 1472.1105 the following new paragraph (c) is added:

§ 1472.1105 Rate of incentive payment.

* * * * * * *

(c) The national average price received by producers for shorn wool marketed during the 1963 marketing year (i.e., the period from April 1 through December 31, 1963) was 48.5 cents a pound, grease basis, which was 13.5 cents a pound below the incentive price of 62 cents. Therefore, the rate of incentive payment for the 1963 marketing year is 27.8 percent.

2. At the end of § 1472.1121 the following new paragraph (c) is added:

§ 1472.1121 Rate of payment.

* * * * * * *

(c) The rate of payment on unshorn lambs sold during the 1963 marketing year is 54 cents per hundredweight of live animals based on a difference of 13.5 cents a pound between the incentive price of 62 cents and the national average price of 48.5 cents a pound received by producers for shorn wool during the 1963 marketing year (§ 1472.1105(c)).

3. At the end of § 1472.1148 the following new paragraph (c) is added:

§ 1472.1148 Deductions for promotion.

(c) For the 1963 marketing year, a deduction will be made from each shorn wool payment at the rate of 1 cent a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 5 cents per hundredweight of live animals, as announced in the Department's press release issued November 21, 1963. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1446)

Effective date: Date of signature.

Signed at Washington, D.C., on March 19, 1964.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64–2890; Filed, Mar. 25, 1964; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following states, territories, and district, or parts thereof as specified, are not known to be infected with scabies, and such states, territories, district, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Washington, Wisconsin, and Wyoming;

(2) The following counties in Illinois: Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the state of Illinois lying south thereof;

(3) All counties in Kansas except Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) All counties in Minnesota except Lincoln, and Rock;

(5) The following counties in Missouri: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the state of Missouri lying south thereof;

(6) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) All counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico, and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-DeBaca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) All counties in Virginia except Augusta and Highland.

(b) Notice is hereby given also that sheep scabies exists in all states and territories and parts of states not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following states, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such states, and parts thereof, are hereby designated as eradication areas:

(1) Iowa, Kentucky, Ohio, Tennessee, and West Virginia;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the state of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following counties in Minnesota: Lincoln and Rock;

(5) All counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the state of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-DeBaca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) The following counties in Virginia: Augusta and Highland.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment adds Jackson County in Minnesota and Saint Croix County in Wisconsin to the free areas, and deletes such counties from the infected and eradication areas as sheep scabies is no longer known to exist in these counties. The entire state of Wisconsin has now been designated as a free area. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas, as contained in 9 CFR Part 74, as amended, will not apply to Jackson County in Minnesota or to the State of Wisconsin. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply to such county and state.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and

other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of March 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-2891; Filed, Mar. 25, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-123]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

On December 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 14336) stating that the Federal Aviation Agency (FAA) proposed to extend VOR Federal airway No. 47 from Nabb, Ind., via the intersection of the Nabb VOR 252° and the Evansville, Ind., VOR 065° True radials to Evansville.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (29 F.R. 1009) is amended as follows:

In V-47 "From Nabb, Ind., via" is deleted and "From Evansville, Ind., via INT of Evansville 065° and Nabb, Ind., 252° radials; Nabb;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on March 19, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2861; Filed, Mar. 25, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Register Document

On January 23, 1964, Federal Register Document 64-586 was published in the FEDERAL REGISTER (29 F.R. 556) and amended Part 71 [New] by realigning VOR Federal airway No. 251 from Sparta, N.J., via the intersection of Sparta 081° and Trinity, N.Y., 232° True radials, Trinity; to Hartford. This action was taken to provide separation between aircraft en route on Victor 251 and aircraft executing holding procedures up to 8,000 feet MSL at the Peekskill, N.Y., Intersection (intersection of Poughkeepsie, N.Y., 218° and Trinity 286° magnetic radials). Subsequent to publication of the document, a determination has been made to hold aircraft at the Peekskill Intersection up to 10,000 feet MSL. To provide separation between aircraft en route on Victor 251 and aircraft executing holding procedures at this altitude, it is necessary to realign Victor 251 via the Sparta 082° True radial in lieu of the 081° True radial. Such action is taken herein.

Since this change is minor in nature, notice and public procedure hereon are unnecessary and the effective date of the rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, the amendment in Federal Register Document 64-586 (29 F.R. 556) is altered to read as follows:

Section 71.123 (29 F.R. 1009) is amended as follows: In V-251 "to Hartford, Conn." is deleted and "INT of Sparta 082° and Trinity, N.Y. 232° radials; Trinity; to Hartford, Conn." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 19, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2862; Filed, Mar. 25, 1964; 8:45 a.m.]

[Airspace Docket No. 63-LAX-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On December 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 14336) stating that the Federal Aviation Agency proposed to revoke the south alternate segment of VOR Federal airway No. 12 from Winslow, Arizona, to Zuni, New Mexico.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No adverse comments were received.

The substance of the proposal having been published and for the reason stated in the notice § 71.123 (29 F.R. 1009) is amended as follows: In V-12 "including an S alternate via INT of Winslow 109° and Zuni 252° radials" is deleted.

This amendment shall become effective 0001 e.s.t., May 26, 1964.

(Sec. 307(a), 72 Stat. 749; 29 U.S.C. 1348)

Issued in Washington, D.C. on March 19, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2863; Filed, Mar. 25, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12944) stating that the Federal Aviation Agency proposed to revoke the north alternate segments of VOR Federal airway No. 32 from Battle Mountain, Nev., to Elko, Nev., and from Elko via Wells, Nev., to Bonneville, Utah.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, the FAA has determined that a continual need exists for the north alternate segment of V-32 between Elko and Bonneville as it is frequently utilized as a transition route between VOR Federal airway Nos. 6/854 and Nos. 32/810. Accordingly, actions is taken herein to revoke only the north alternate segment of V-32 from Battle Mountain to Elko.

The substance of the proposed amendment having been published and for the reasons stated herein and in the notice, § 71.123 (29 F.R. 1009) is amended as follows: In V-32 "via Elko, Nev., including an N alternate via Battle Mountain 062° and Elko 273° radials;" is deleted and "via Elko, Nev.;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on March 19, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2864; Filed, Mar. 25, 1964; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 6716]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

PART 81—REGULATIONS RELATING TO ESTATE TAX

Liens for Taxes; Extension of Time for Payment of Estate Tax on Value of Reversionary or Remainder Interest in Property

In order to conform the Estate Tax Regulations (26 CFR Part 20) and the Gift Tax Regulations (26 CFR Part 25) under sections 6323 and 6324 of the Internal Revenue Code of 1954 to section 236 of the Revenue Act of 1964 (78 Stat. 127), and to conform the Estate Tax Regulations (26 CFR Part 20) under section 6163 of the Internal Revenue Code of 1954 and Regulations 105—1939 Code, relating to estate tax, 26 CFR (1939), Part 81, under section 925 of the Internal Revenue Code of 1939 to section 240 of the Revenue Act of 1964 (78 Stat. 129), such regulations are amended as follows:

PARAGRAPH 1. Section 20.6163 (Estate Tax Regulations (26 CFR Part 20)) is amended by revising section 6163(b) and the historical note to read as follows:

§ 20.6163 Statutory provisions; extension of time for payment of estate tax on value of reversionary or remainder interest in property.

SEC. 6163. *Extension of time for payment of estate tax on value of reversionary or remainder interest in property.* • • •

(b) *Extension to prevent undue hardship.* If the Secretary or his delegate finds that the payment of the tax at the expiration of the period of postponement provided for in subsection (a) would result in undue hardship to the estate, he may extend the time for payment for a reasonable period or periods not in excess of 3 years from the expiration of such period of postponement.

• • • • • •

[Sec. 6163 as amended by sec. 66(b)(1), Technical Amendments Act 1958 (72 Stat. 1658); sec. 240, Revenue Act 1964 (78 Stat. 129)]

PAR. 2. Paragraph (a) of § 20.6163-1 is amended to read as follows:

§ 20.6163-1 Extension of time for payment of estate tax on value of reversionary or remainder interest in property.

(a)(1) In case there is included in the gross estate a reversionary or remainder interest in property, the payment of the part of the tax attributable to that interest may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property. The provisions of this section are limited to cases in which the reversionary or remainder interest is included in the decedent's gross estate as such and do not extend to cases in which the decedent creates future interests by his own testamentary act.

(2) If the district director finds that the payment of the tax at the expiration of the period of postponement described in subparagraph (1) of this paragraph would result in undue hardship to the estate, he may—

(i) After September 2, 1958, and before February 27, 1964, extend the time for payment for a reasonable period or periods not to exceed in all 2 years from the expiration of the period of postponement, but only if the precedent interest or interests in the property terminated after March 2, 1958, or

(ii) After February 26, 1964, extend the time for payment for a reasonable period or periods not to exceed in all 3 years from the expiration of the period of postponement, but only if the time for payment of the tax, including any extensions thereof, did not expire before February 26, 1964.

See paragraph (b) of § 20.6161-1 for the meaning of the term "undue hardship". An example of undue hardship is a case where, by reason of the time required to settle the complex issues involved in a trust, the decedent's heirs or beneficiaries cannot reasonably expect to receive the decedent's remainder interest in the trust before the expiration of the period of postponement. The extension will be granted only in the manner provided in paragraph (c) of § 20.6161-1, and the amount of the tax for which the extension is granted, with the additions thereto, shall be paid on or before the expiration of the period of extension without the necessity of notice and demand from the district director.

• • • • • •

PAR. 3. Section 20.6323 is amended by revising so much of section 6323(a) as precedes paragraph (1), by redesignating section 6323(d) as section 6323(e), by inserting after section 6323(c) a new section 6323(d), and by adding a historical note. These amended and added provisions read as follows:

§ 20.6323 Statutory provisions; validity against mortgagees, pledgees, purchasers, and judgment creditors.

SEC. 6323. *Validity against mortgagees, pledgees, purchasers, and judgment creditors*—(a) *Invalidity of lien without notice.* Except as otherwise provided in subsections (c) and (d), the lien imposed by section 6321 shall not be valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice thereof has been filed by the Secretary or his delegate—

• • • • • •

(d) *Exception in case of motor vehicles*—(1) *Exception.* Even though notice of a lien provided in section 6321 has been filed in the manner prescribed in subsection (a) of this section, the lien shall not be valid with respect to a motor vehicle, as defined in paragraph (2) of this subsection, as against any purchaser of such motor vehicle for an adequate and full consideration in money or money's worth if—

(A) At the time of the purchase of the purchaser is without notice or knowledge of the existence of such lien, and

(B) Before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(2) *Definition of motor vehicle.* As used in this subsection, the term "motor vehicle" means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(e) *Disclosure of amount of outstanding lien.* • • •

(Sec. 6323 as amended by sec. 236, Revenue Act 1964 (78 Stat. 127))

PAR. 4. Section 20.6324 is amended by revising so much of section 6324(a) as precedes paragraph (1), by adding a section 6324(d), and by adding a historical note. These amended and added provisions read as follows:

§ 20.6324 Statutory provisions; special liens for estate and gift taxes.

SEC. 6324. *Special liens for estate and gift taxes*—(a) *Liens for estate tax.* Except as otherwise provided in subsection (c) (relating to transfers of securities) and subsection (d) (relating to purchases of motor vehicles)—

• • • • • •

(d) *Exception in case of motor vehicles.* The lien imposed by subsection (a) or (b) shall not be valid with respect to a motor vehicle, as defined in section 6323(d)(2), as against any purchaser of such motor vehicle for an adequate and full consideration in money or money's worth if—

(1) At the time of the purchase the purchaser is without notice or knowledge of the existence of such lien, and

(2) Before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

[Sec. 6324 as amended by sec. 236, Revenue Act 1964 (78 Stat. 127)]

PAR. 5. Section 25.6323 (Gift Tax Regulations (26 CFR Part 25)) is amended by revising so much of section 6323(a) as precedes paragraph (1), by redesignating section 6323(d) as section 6323(e), by inserting after section 6323(c) a new section 6323(d), and by adding a historical note. These amended and added provisions read as follows:

§ 25.6323 Statutory provisions; validity against mortgagees, pledgees, purchasers, and judgment creditors.

SEC. 6323. *Validity against mortgages, pledgees, purchasers, and judgement creditors*—(a) *Invalidity of lien without notice.* Except as otherwise provided in subsections (c) and (d), the lien imposed by section 6321 shall not be valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice thereof has been filed by the Secretary or his delegate—

• • • • • •

(d) *Exception in case of motor vehicles*—(1) *Exception.* Even though notice of a lien provided in section 6321 has been filed in the manner prescribed in subsection (a) of this section, the lien shall not be valid with respect to a motor vehicle, as defined in paragraph (2) of this subsection, as against any purchaser of such motor vehicle for an adequate and full consideration in money or money's worth if—

(A) At the time of the purchase the purchaser is without notice or knowledge of the existence of such lien, and

(B) Before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(2) *Definition of motor vehicle.* As used in this subsection, the term "motor vehicle" means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(e) *Disclosure of amount of outstanding lien.* • • •

(Sec. 6323 as amended by sec. 236, Revenue Act 1964 (78 Stat. 127))

PAR. 6. Section 25.6324 is amended by revising section 6324(b), by adding a section 6324(d), and by adding a historical note. These amended and added provisions read as follows:

§ 25.6324 Statutory provisions; special liens for estate and gift taxes.

SEC. 6324. *Special liens for estate and gift taxes.* • • •

(b) *Lien for gift tax.* Except as otherwise provided in subsection (c) (relating to transfers of securities) and subsection (d) (relating to purchases of motor vehicles), the gift tax imposed by chapter 12 shall be a lien upon all gifts made during the calendar year, for 10 years from the time the gifts are made. If the tax is not paid when due, the donee of any gift shall be personally liable

for such tax to the extent of the value of such gift. Any part of the property comprised in the gift transferred by the donee (or by a transferee of the donee) to a bona fide purchaser, mortgagee, or pledgee for an adequate and full consideration in money or money's worth shall be divested of the lien herein imposed and the lien, to the extent of the value of such gift, shall attach to all the property (including after-acquired property) of the donee (or the transferee) except any part transferred to a bona fide purchaser, mortgagee, or pledgee for an adequate and full consideration in money or money's worth.

• • • • •

(d) *Exception in case of motor vehicles.* The lien imposed by subsection (a) or (b) shall not be valid with respect to a motor vehicle, as defined in section 6323(d)(2), as against any purchaser of such motor vehicle for an adequate and full consideration in money or money's worth if—

(1) At the time of the purchase the purchaser is without notice or knowledge of the existence of such lien, and

(2) Before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

[Sec. 6324 as amended by sec. 236, Revenue Act 1964 (78 Stat. 127)]

PAR. 7. There is inserted immediately preceding § 81.79 (Regulations 105—1939 Code (26 CFR (1939), Part 81)) the following:

SEC. 240. *Extension of time for payment of estate tax on value of reversionary or remainder interest in property [Revenue Act of 1964, approved February 26, 1964].*

• • • • •

(b) *Extension under 1939 Code.* Section 925 of the Internal Revenue Code of 1939 (relating to periods of extension of time for paying estate tax attributable to future interests) is amended by striking out "not in excess of 2" and inserting in lieu thereof "or periods not in excess of 3".

(c) *Effective date.*

• • • • •

(2) The amendment made by subsection (b) shall apply in the case of any reversionary or remainder interest only if the time for payment of the tax under chapter 3 of the Internal Revenue Code of 1939 attributable to such interest, including any extensions thereof, has not expired on the date of the enactment of this Act.

PAR. 8. Section 81.79, as amended by Treasury Decision 6529, is further amended by revising the first undesignated paragraph (26 CFR (1939) 81.79 (b)(1) of paragraph (b) to read as follows:

(b) *For payment of tax attributable to a reversionary or remainder interest.* (1) In case there is included in the gross estate a reversionary or remainder interest in property, the payment of the part of the tax attributable to that interest may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property. In addition, if the district director finds that the payment of the tax at the expiration of the period of postponement described in the preceding sentence would result in undue hardship to the estate, as such term is described in paragraph (a) of this section, he may, under conditions the same as those under which extensions of time for payment of tax are granted under paragraph (a) of this section—

(i) After September 2, 1958, and before February 27, 1964, extend the time for payment for a reasonable period or periods not to exceed in all 2 years from the expiration of the period of postponement, but only if the precedent interest or interests in the property terminated after March 2, 1958, or

(ii) After February 26, 1964, extend the time for payment for a reasonable period or periods not to exceed in all 3 years from the expiration of the period of postponement, but only if the time for payment of the tax, including any extensions thereof, did not expire before February 26, 1964.

The above provisions are limited to cases in which the reversionary or remainder interest is included in the decedent's gross estate as such and do not extend to cases in which the decedent creates future interests by his own testamentary act.

Because the amendments made by this Treasury decision merely conform the regulations to the provisions of section 236 (78 Stat. 127) and section 240 (78 Stat. 129) of the Revenue Act of 1964 and are favorable to taxpayers, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) and section 3791 of the Internal Revenue Code of 1939 (53 Stat. 467; 26 U.S.C. 3791).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: March 20, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-2903; Filed, Mar. 25, 1964; 8:49 a.m.]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 73]

PART 152—REGULATORY TAXES ON MARIHUANA

The following regulations are prescribed under chapter 39, subchapter A, parts II and III of the Internal Revenue Code of 1954.

This Treasury decision shall be effective upon filing for publication in the FEDERAL REGISTER.

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AUTHORITY: §§ 152.1 to 152.134, issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

SUBPART A—INTRODUCTORY

§ 152.1 Scope of regulations.

The regulations in this part deal with the tax computation, procedure, forms of records and returns, and similar matters, pertaining to the special (occupational) taxes upon persons engaged in activities involving marihuana, as well as with the stamp (transfer) tax upon the transfer of marihuana to any person within the United States.

§ 152.2 Laws applicable.

The provisions of law which are applicable in respect of the taxes specified in § 152.1 are those set forth in parts II and III, subchapter A, chapter 39, of the Internal Revenue Code of 1954, together with all other provisions of law which, by reference or otherwise, are applicable to such taxes.

§ 152.3 Arrangement and numbering.

Unless otherwise indicated, references in these regulations to the "Internal Revenue Code" or "the Code" are references to the Internal Revenue Code of 1954, as amended. Where the word "section" is followed by a number as, for example "section 4751", the reference is to a section of the Internal Revenue Code of 1954, as amended. The sections of the regulations in this part are preceded by a section symbol and the part number, arabic number 152, followed by a decimal point and a number as, for example "§ 152.11".

SUBPART B—DEFINITIONS

§ 152.11 Meaning of terms.

As used in this part:

(a) The term "United States" shall include the several States, the District of Columbia, and the insular possessions of the United States except Puerto Rico and the Virgin Islands. It does not include the Canal Zone.

(b) The terms "manufacturer" and "compounder" shall include any person who subjects marihuana to any process of separation, extraction, mixing, compounding, or other manufacturing operation. They shall not include one who merely gathers and destroys the plant, one who merely threshes out the seeds on the premises where produced, or one who in the conduct of a legitimate business merely subjects seeds to a cleaning process.

(c) The term "producer" means any person who induces in any way the growth of marihuana; and any person who harvests it, either in a cultivated or wild state, from his own or any other land, and transfers or makes use of it, including one who subjects the marihuana which he harvests to any processes rendering him liable also as a manufacturer or compounder. Generally all persons are included who gather marihuana for any purpose other than to destroy it. The term does not include one who merely plows under or otherwise destroys marihuana with or without harvesting. It does not include one who grows marihuana for use in his own laboratory for the purpose of research, instruction, or analysis and who does not use it for any other purpose or transfer it.

(d) The term "miller" means any person who at a mill manufactures or produces from the plant Cannabis sativa L. any fiber or fiber products.

(e) The term "special tax" is used to include any of the taxes, pertaining to the several occupations or activities covered by section 4751, imposed upon persons who import, manufacture, produce, compound, sell, deal in, dispense, prescribe, administer, or give away marihuana.

(f) The term "person" occurring in the regulations in this part is used to include an individual, partnership, trust, association, company, or corporation; also a hospital, college or pharmacy, medical or dental clinic, sanatorium, or other institution or entity.

(g) Words importing the singular may include the plural; words importing the masculine gender may be applied to the feminine or the neuter.

(h) The definitions contained in this section shall not be deemed exclusive.

SUBPART C—SPECIAL TAXES

REGISTRATION

§ 152.19 Persons liable.

Liability to payment of special tax and registration attaches to every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana. As to the liability of a person engaged in one or more of the foregoing activities to several taxes see § 152.29.

§ 152.20 Manner and time of registration.

Every person required to register pursuant to section 4753 shall execute and file, with the district director for the internal revenue district in which he proposes to engage in any activity mentioned in § 152.19, an application for registration on Form 678 and pay the special tax or taxes enumerated in § 152.29. Form 678 shall be executed by new applicants and approved by the district director before the activity is commenced. Renewal applications shall be executed and filed on or before the succeeding July 1, and annually thereafter as long as liability is incurred. Form 678 may be obtained from the district director. For the purpose of the special tax imposed by section 4751, Form 678 shall be considered a return.

§ 152.21 Investigation of millers' applications.

(a) All applications filed by millers on Form 678 shall be referred by the district director to the appropriate narcotic district supervisor for investigation, report, and recommendation. Applications on Form 678 for reregistration shall also be referred by the district director to the appropriate narcotic district supervisor for investigation, report, and recommendation, if the district director is in doubt as to the applicant's qualifications to engage in the activity for which he seeks registration.

(b) In the case of applications which have been so referred, the district director shall not issue a special tax stamp in connection with any registration until information has been submitted to him

by the narcotic district supervisor, that the applicant is lawfully entitled to engage in the activity in the internal revenue district in which he seeks registration.

(c) Upon receipt of such application for registration or reregistration, the narcotic district supervisor shall immediately cause an investigation to be made of the applicant to determine whether he meets the qualifications set forth in section 4753(b) of the Internal Revenue Code of 1954. Particularly, in the case of a new applicant, the investigation shall include a comprehensive inquiry to determine whether the applicant is equipped with technical facilities and technical skill adequate to establish and maintain the proposed milling operation with a reasonable degree of efficiency; whether the applicant has a market for the prospective fiber products; and whether there are or will be appropriate safeguards against diversion of marihuana while en route to, or at, the mill premises. The narcotic district supervisor shall make a complete report of the result of the investigation, with a statement of his findings and his recommendation, to the Commissioner of Narcotics who will notify the district supervisor of his approval or disapproval of the application or direct that more information be furnished or that additional investigation be made before decision of approval or disapproval is made.

(d) Upon receipt of said notification, the narcotic district supervisor shall return the application to the district director with a statement that it has been approved or disapproved by the Commissioner of Narcotics including, in case of disapproval, representation of the points wherein the applicant lacks statutory qualification. The application together with the statement shall be returned to the district director within 20 days from date of receipt of the application by the district supervisor, unless a longer time shall be required within which to complete an investigation and report. In the latter event the district supervisor shall, upon or before the expiration of the said 20 days, notify the district director stating the estimated additional time required.

(e) If the application is returned disapproved, the district director shall so notify the applicant with a statement of the points wherein he lacks the necessary qualifications, and shall deny him registration.

(f) If the narcotic district supervisor shall find, after investigation, that a miller already registered has not complied or is not complying with the requirements of section 4753(b) or that grounds exist which would justify the refusal to permit the original registration of such person under said section, he shall report the result of his investigation, with a statement of his findings and his recommendation, to the Commissioner of Narcotics whether or not an application by the miller for reregistration (renewal) has been submitted or is pending. The Commissioner of Narcotics may direct that more information be furnished or that additional investigation be made before decision is made in the case. The final decision of the Commissioner of Narcotics shall be communicated to the narcotic district supervisor and if adverse to the registrant, will include a statement showing wherein said registrant is deemed to be disqualified.

(1) The district director shall immediately notify the registrant of an adverse decision with the included statement of disqualification, and that his current registration is canceled and that reregistration will be denied, or if application is pending that it will be denied. Since the public health, interest and safety require otherwise, the registrant shall not be accorded opportunity to demonstrate or achieve compliance with the lawful requirements before cancellation of registration or denial of reregistration.

(2) Within 15 days from the date of the district director's notification of cancellation of existing registration or denial of reregistration, the registrant so notified may request a hearing by letter addressed and mailed to the Commissioner of Narcotics, Washington, D.C., 20226. Upon receipt of timely application, the Commissioner of Narcotics shall arrange a hearing at a time and place convenient to the parties, but effort will be made to hold such hearing within 30 days, before a hearing officer to be designated by said Commissioner and pursuant to such rules as the Commissioner may deem necessary to secure the efficient and expeditious conduct of the hearing.

§ 152.22 Investigation of applicants other than millers.

(a) All new applications on Form 678 shall be referred by the district director to the appropriate narcotic district supervisor for investigation, report, and recommendation. Renewal applications on Form 678 shall also be referred by the district director to the appropriate narcotic district supervisor for investigation, report, and recommendation, if the district director is in doubt as to the applicant's being lawfully entitled to engage in the activity for which he seeks registration. The provisions of this section shall not apply in the case of any application to which the provisions of § 152.21 apply.

(b) In the case of applications which have been so referred, the district director shall not issue a special tax stamp in connection with any registration until information has been submitted to him, by the narcotic district supervisor, that the applicant is properly licensed or otherwise lawfully entitled to engage in the activity in the internal revenue district in which he seeks registration.

(c) All applications for registration that are referred to the narcotic district supervisor shall be returned by him to the district director with recommendation for approval or disapproval and, in case of disapproval, with a statement annexed concerning applicant's lack of license or qualification, to lawfully engage in the activity for which registration is sought. The application together with any required statement shall be returned to the district director within 10 days from date of receipt of the application by the supervisor, unless a longer time shall be required within which to complete an investigation. In the latter event the district supervisor shall, upon or before the expiration of the said 10-day period, so notify the district director stating the estimated additional time required.

§ 152.23 Evidence of qualification.

The application of every person shall show that, under the laws of the jurisdiction in which he is operating or proposes to operate, he is legally qualified or lawfully entitled to engage in the activities for which registration is sought.

§ 152.24 False applications.

The false or fraudulent execution or signing of any application for registration or any supporting statement required shall subject the offending person to the liabilities imposed by section 7206.

§ 152.25 Signatures.

(a) *Individuals.* The application must be signed by the person desiring registration.

(b) *Firms and corporations.* The application of a firm must be signed by a member, that of a corporation by an officer duly authorized to act. The names of the real owners must be disclosed if the business is being carried on under an assumed or trade name or that of a former owner. If owned by a partnership, the name of each partner must appear. In the case of a corporation, the names of the principal officers must be shown.

(c) *Institutions.* When an institution is subject to tax the head thereof or of the department wherein marihuana is used shall sign the application for registration.

§ 152.26 Inventory required.

Every person, making application for registry or reregistry in Class III who is not required to render returns on Form 961 and its supplements or on Form 810 and its supplements, or in Class IV or V, shall prepare, in duplicate, an inventory of all marihuana and preparations thereof on hand. Persons making application for registry or reregistry shall prepare the inventory as of December 31 preceding the date of the application or any date between December 31 and the date of the application. The inventories shall be prepared on Form 678 (used by registrants under the provisions of § 151.27 of this chapter for submitting inventories of narcotic drugs on hand), copies of which may be obtained from district directors upon request. If the taxpayer is engaged in more than one of these classes of business, a separate inventory must be prepared for each class. The original inventory shall be forwarded to the district director with the application for registration, and the duplicate must be kept on file by the maker for a period of 2 years. Persons also applying for registration under the provisions of section 4722 and Subpart C of Part 151 of this chapter in any one of the classes with respect to which they are required to submit inventories, on Form 678, of narcotic drugs and preparations on hand, may include the marihuana inventory on this same form.

§ 152.27 Registry numbers.

Upon approval of the application the district director will assign a registry number to the applicant. The numbers are issued serially without regard to classes. The same number shall be retained throughout all the consecutive periods for which the applicant may be registered. In the case of one engaged in business at two or more places or registered in two or more classes at the same place a separate number will be assigned for each place or class. The registry number of a person who discontinues operations will not be assigned to any other person for any portion of the same fiscal year.

§ 152.28 Employer identification numbers.

(a) Except as provided in paragraph (b) of this section, an application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any act with respect to which a tax is imposed by section 4751, but who prior to such time neither has been assigned an employer identification number nor has applied therefor.

(b) The provisions of this section shall not apply in respect of those employees and officials referred to in section 4772.

(c) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application on Form SS–4 shall be filed with any district director with whom a return on Form 678 will be filed by the person who is required to make the application. The application shall be filed on or before the seventh day after the first date, after September 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4751. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

(d) The employer identification number assigned to a person liable for the tax imposed by section 4751 shall be shown in any return, statement, or other document made by such person for any period commencing after June 30, 1963.

(e) Each taxpayer shall make application for, and shall be assigned, only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 678.

(f) For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

CLASSIFICATION

§ 152.29 Rates of tax.

(a) Persons subject to tax are divided into classes as shown by the table below:

Class	Annual tax rate	Persons liable
I	$24	Importers, manufacturers, and compounders.
II	1	Producers, except those included in class V.
III	3	Dealers, other than physicians, dentists, veterinary surgeons, or other practitioners.
IV	1	Physicians, dentists, veterinary surgeons, and other practitioners.
V	1	Producers and other persons, other than importers, manufacturers, producers, and compounders, who use marihuana in a laboratory for the purpose of research, instruction, or analysis.
VI	1	Millers.

(b) Persons registering in Classes I or III shall pay the entire tax if business is commenced in July, but if business is commenced after the month of July the amount due is to be reckoned proportionately from the first day of the month in which business is begun to July 1 following. Persons registering in Classes II, IV, V, or VI, shall pay the tax of $1 a year or for any fractional part thereof, regardless of when business is commenced.

§ 152.30 Importers.

Every person who imports marihuana is subject to tax as an importer at the rate of $24 per annum in Class I. A manufacturer or compounder who is also an importer is not thereby required to pay more than one tax.

§ 152.31 Manufacturers and compounders.

Every person coming within the definition set out in § 152.11(b) is subject to tax as a manufacturer or compounder at the rate of $24 per annum in Class I.

§ 152.32 Producers.

Every person coming within the definition set out in § 152.11(c) is subject to tax as a producer at the rate of $1 per annum or fraction thereof in Class II.

§ 152.33 Dealers.

Generally, one who sells, gives away, or dispenses marihuana in any form, is subject to tax as a dealer at the rate of $3 per annum in Class III. However, liability as a dealer does not attach to a physician, dentist, veterinary surgeon, or other practitioner who, incidentally to the legitimate practice of his profession, dispenses marihuana. A physician, dentist, veterinary surgeon, or other practitioner who sells or dispenses marihuana apart from the legitimate practice of his profession incurs liability as a dealer. A manufacturer, compounder, or producer, who has paid special tax in such capacity does not incur additional liability on account of sales of his own products at the place of production, or in the case of an importer at his principal place of business. As to the limited right of a manufacturer or producer to sell free from payment of additional special tax away from the factory or place of production, see § 152.37. Except as indicated, liability for additional tax as a dealer is incurred at each additional place where sales are made. Retail druggists who have paid tax as dealers do not incur liability as manufacturers or compounders on account of compounding marihuana preparations to fill legitimate prescriptions even though the preparations are compounded in advance of receipt of prescriptions, so long as they are used for prescription purposes only.

§ 152.34 Practitioners and interdistrict practice.

(a) Physicians, dentists, veterinary surgeons, and other practitioners, including institutions, who prescribe, distribute, dispense, give away, or administer marihuana, and who are entitled to do so under the laws of the jurisdiction in which they practice, are subject to tax at the rate of $1 per annum or fraction thereof in Class IV.

(b) A practitioner maintaining an office where he is duly registered with the district director of the internal revenue district in which the office is located, and where his complete stock of marihuana and marihuana records are kept, may distribute, dispense, give away, administer, or prescribe marihuana in other internal revenue districts in which he may be lawfully engaged in the practice of his profession, within the United States, in the course of his professional practice only, without incurring additional tax liability.

§ 152.35 Laboratory use.

Chemists occupying an independent status and not that of employees, in other words, in business for themselves, who, being lawfully entitled so to do, make analyses of marihuana or use marihuana in analyzing other substances in a laboratory, and persons who produce or obtain and use in a laboratory any marihuana for the purpose of research, instruction, or analysis, if not registered as an importer, manufacturer, compounder, or producer, are subject to tax at the rate of $1 per annum or fraction thereof in Class V, provided no marihuana is manufactured or compounded for sale or for removal for consumption or sale.

§ 152.36 Millers.

Every person who at a mill manufactures or produces from the marihuana plant any fiber or fiber products is subject to tax as a miller at the rate of $1 per annum or fraction thereof in Class VI.

PARTICULAR SITUATIONS

§ 152.37 Several places of business.

Generally a taxpayer must pay as many special taxes as he has places of business. Thus, if a concern has one or more separate branches where any

of the various taxable businesses is carried on, tax must be paid for each branch separately. However, a manufacturer or producer upon a single payment of special tax may sell products of his own manufacture or production at both the place of manufacture or production and his principal office or place of business, provided no products, except samples, are kept at said office or place of business. Tax does not attach with respect to a warehouse where marihuana is stored provided no sales are made at such place.

§ 152.38 Itinerant vendors.

No person is permitted to deal in marihuana except upon orders received or engagements made at, with respect to, or by reason of, a fixed address. A peddler of marihuana will be regarded as incurring a separate tax liability and committing an additional offense at each place where a sale is made.

§ 152.39 Partnerships.

A partnership is subject to the same tax liability as an individual. Should either of the partners also individually engage in a taxable activity, he will incur additional liability with respect to such activity.

§ 152.40 Institutions.

Hospitals, colleges, medical and dental clinics, sanatoriums, and other institutions not exempt as public institutions are subject to the same special tax liability as other persons dealing in or handling marihuana in the same manner.

§ 152.41 Principals.

Principals, rather than agents, are liable to the taxes imposed. Employers and other principals will be regarded as responsible for the acts of employees and other agents within the scope of their employment.

§ 152.42 Employees.

An employee of a person who has registered and paid tax will not himself incur liability to tax so long as he acts solely within the scope of his employment. However, an employee who, within or without the scope of his employment, does any unlawful act, will be held personally liable.

§ 152.43 Nurses.

Nurses are regarded as agents of the practitioners of institutions under whose direction or supervision their duties are performed, and they are not permitted to register, nor are they permitted to be in possession of marihuana except as such agents, or as patients. Marihuana left by a practitioner with a nurse, to be administered during his absence, upon discharge of the nurse must be returned to the practitioner, who will account for the marihuana on his records. Any marihuana found in the possession of a nurse not at the time under the supervision of a practitioner shall be forfeited to the Government.

§ 152.44 Traveling salesmen.

Traveling salesmen who merely solicit orders and forward them to their respective principals are not required to register or pay any tax.

§ 152.45 Operation of State laws.

Payment of special tax under Federal law confers no right or privilege to conduct business contrary to State law. The holder of a special-tax stamp issued by the Federal Government may still be punishable under a State law prohibiting or regulating the production, manufacture, or sale of marihuana. On the other hand, compliance with State law affords no immunity under Federal law. Persons who engage in business in violation of the law of a State are, nevertheless, required to pay special tax as imposed under the internal-revenue laws of the United States.

DELINQUENT AND FALSE RETURNS

§ 152.46 Delinquent returns.

(a) Every person from whom a special-tax return is required who, without reasonable cause, fails to file such return on or before the date prescribed for filing (determined with regard to any extensions granted) is subject to certain penalties. Under section 6651 (a), the penalty for delinquency is 5 percent of the amount of tax required to be shown on the return if the failure is for not more than 1 month, and an additional 5 percent for each additional month or fraction thereof, during which the delinquency continues, not to exceed 25 percent in the aggregate.

(b) A taxpayer who wishes to avoid the addition to the tax for delinquency must make an affirmative showing on all the facts alleged as reasonable cause for failure to file the return on time. Such showing should be made in the form of a written statement containing a declaration that it is made under penalties of perjury. The statement should be filed with the district director with whom the return is required to be filed. If the district director or the director of the regional service center determines that the delinquency was due to a reasonable cause, and not to willful neglect, the addition to the tax will not be assessed. If the taxpayer exercised ordinary business care and prudence and was nevertheless unable to file the returns within the prescribed time, then the delay is due to reasonable cause.

(c) The addition to the tax under section 6651 is not applicable where a 50 percent addition to the tax for fraud is assessed under the provisions of section 6653(b). See § 152.50.

§ 152.47 Sickness or absence.

If the district director is satisfied that failure to file a return is due to sickness or absence, he may extend the time for filing for not more than 30 days. Since any member of a firm may make the return, sickness or absence of less than all the members of a firm will not relieve from liability to the penalty for failure to make return, nor afford ground for extension of time.

§ 152.48 Failure of agent.

If an attorney or agent is delegated to make a return and pay special tax, the principal will incur the penalty if the return is not filed within the time prescribed by law.

§ 152.49 Delinquent payment.

(a) Under section 6601 interest at the rate of 6 percent per annum shall be paid on any unpaid amount of tax (special or transfer) from the last date prescribed for payment of the tax (determined without regard to any extension of time for payment) to the date on which payment is received.

(b) If by reason of jeopardy, a notice and demand for payment of any tax is issued before the last date otherwise prescribed for payment, such last date shall, nevertheless, be used for the purpose of the interest computation, and no interest shall be imposed for the period commencing with the date of the issuance of the notice and demand and ending on such last date. If the tax is not paid on or before such last date, interest will automatically accrue from such last date to the date on which payment is received.

(c) Interest shall be assessed and collected in the same manner as tax and shall be paid upon notice and demand by the district director or the director of the regional service center. Interest on tax may be assessed and collected at any time within the period of limitation on collection after assessment of the tax on which it relates.

(d) No interest under section 6601 shall be payable on any interest provided by such section.

(e) Interest shall not be imposed on any assessable penalty, unless such assessable penalty is not paid within 10 days from the date of notice and demand therefor. If interest is imposed it shall be imposed only for the period from the date of notice and demand to the date on which payment is received.

(f) If notice and demand is made for any amount and such amount is paid within 10 days after the date of such notice and demand, interest shall not be imposed for the period after the date of such notice and demand.

§ 152.50 False returns.

For making a false or fraudulent return, additional liability amounting to 50 percent of the underpayment of the tax is incurred. If a penalty for fraud is assessed, the penalty for failure to file a return will not be assessed with respect to the same underpayment.

§ 152.51 When penalty accrues.

In view of the positive language of section 4901(a), all persons engaging in activities specified in section 4751 will be regarded as delinquent and the penalties and interest provided are applicable unless applications are filed not later than July 1 of each year or on or before the date upon which liability is incurred.

CHANGES AFTER TAX PAYMENT

§ 152.52 Change of control.

(a) Certain persons other than the taxpayer may, without incurring additional liability, carry on the business at the same address and for the remainder of the period for which special tax was paid. To secure such right the party or parties continuing the business must execute, within 30 days, a return on Form 678, showing the basis of the right. As to liability for failure to register change, see § 152.57. Under the conditions indicated the parties having such right include the following:

(1) The relict, children, or other legal representatives of a deceased taxpayer.

(2) A receiver or referee in bankruptcy, or an assignee for the benefit of creditors.

(3) The partner or partners remaining after death or withdrawal of a member.

(b) Special tax, reckoned from the first day of the month in which the change occurs, is incurred and must be paid by the parties indicated under the following conditions:

(1) Where additional partners are taken into a firm operating under the old or a new firm name.

(2) Where a corporation is formed to continue the business of a partnership, or an existing corporation is reincorporated.

(3) Where a stockholder or other party continues a business previously conducted by a corporation, whether or not the corporation is dissolved.

§ 152.53 Change of name or location.

The name of an individual, firm, or corporation that has paid special tax may be changed, or a special-tax payer may relocate his place of business, without incurring additional tax liability, provided the change is registered with the district director.

§ 152.54 Registration.

A special-tax payer who changes his name or relocates his place of business shall within 30 days execute a new return on Form 678, marked "Revised Registry". The return shall set forth the date of change and the new name or address. The return shall be forwarded with the special-tax stamp to the district director who issued the stamp for recording the change.

§ 152.55 Removal within district.

Where a taxpayer removes his business to another address within the internal revenue district the district director will enter on his Record 10 the new address and the date of removal, and will note the change on the face of the special-tax stamp which he will return to the taxpayer.

§ 152.56 Removal to another district.

Where a taxpayer removes his business to another internal revenue district the district director who issued the stamp will enter on his Record 10 the new address and date of removal, and will transmit the stamp to the district director of the district to which the taxpayer removed. The district director of that district will then make entry on his Record 10, as in the case of a new registrant, and note the taxpayer's new address and the district director's name, title, and the internal revenue district, and the date on the stamp, which he will return to the taxpayer.

§ 152.57 Liability for failure to register change.

A person succeeding to a business for which tax has been paid, or a taxpayer who relocates his business without registering the change within 30 days, as required by §§ 152.52 and 152.54, respectively, will be liable for the tax, or the penalty set forth in § 152.46 for failure to make a return and also for the penalty for carrying on a business without payment of tax.

SPECIAL TAX STAMPS

§ 152.58 Issuance of stamps.

District directors will distinctly write or print on the stamp, before it is issued, the taxpayer's name, address, and registry number, and the number of the class in which registered.

§ 152.59 Posting of stamps.

Every special-tax stamp issued to a taxpayer must be kept posted conspicuously on the premises where the business is operated. One who fails so to post a stamp thereby incurs liability to a penalty, equal to and in additon to the tax, but in no case shall the penalty be less than $10. Where the failure is willful the penalty is doubled. This liability is additional to any and all liability otherwise incurred.

§ 152.60 Certificates in lieu of stamps lost or destroyed.

The regulations in this part shall apply to certificates on Form 785 issued in lieu of special-tax stamps lost or destroyed.

SUBPART D—TRANSFER TAXES

RATES OF TAX

§ 152.61 Scope of tax.

Except as otherwise provided, each transfer of marihuana to a person within the United States is subject to tax, to be paid in the manner hereinafter indicated. The tax is due whether the transferor be located within the United States or elsewhere. The tax applies to every transfer, no matter how often the same material may be transferred. It is no basis of exemption that a transferred article was produced from material on the transfer of which tax was paid.

152.62 Amount of tax.

Where the transfer is to a taxable person who has duly registered and paid special tax, the transfer tax is at the rate of $1 per ounce or fraction thereof. If the transfer is to a person who has not registered and paid the special tax under this act, tax at the rate of $100 per ounce or fraction thereof is due.

§ 152.63 Method of payment.

The tax is paid by attachment of adhesive stamps to order forms as hereinafter shown. Stamps of various denominations are available. Payment for the stamps shall be made when application for the order form is submitted.

§ 152.64 Affixing and canceling of stamps.

The proper stamp, evidencing the payment of the transfer tax, shall be affixed to the original order form by the district director or his representative, and the person so affixing the stamp shall cancel it by writing or stamping thereon, in ink, his initials, and the day, month, and year, or shall, by cutting with a machine or punch affix his initials and the date as aforesaid, in such manner as to render it unfit for reuse. The cancellation shall not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

§ 152.65 Reuse of stamps prohibited.

A stamp once affixed to one order form cannot lawfully be removed and affixed to another. As to refunds for amounts paid for stamps, see § 152.124.

ORDER FORMS

§ 152.66 Written order required for transfer of marihuana.

Except as otherwise provided, every person seeking to obtain marihuana shall make application on Form 679a (Marihuana) to the district director of internal revenue for the district in which the transferee is located for the purchase of an order form. The application shall show (a) the transferee's name, address, and, if registered, the registration number, (b) the name and address of the transferor, and (c) a description, including quantities, of the desired articles or materials to be transferred. The application must be accompanied by a check, cash, or money order in payment of the transfer tax (see § 152.62), plus 2 cents in payment for the order form.

§ 152.67 Signing of application.

Generally, applications for order forms shall be signed by the same person or persons signing the application for registration (see § 152.25). However, when it is impracticable for the person signing the aplication for registration to sign the applications for order forms they may be signed by another person, provided a power of attorney authorizing such other person to sign the applications for order forms has previously been filed with and approved by the district director. The power of attorney shall be executed on Form 1315, or a substantially similar form, in the same manner as applications for registration, shall show the signature of the person thereby authorized to sign applications for order forms, and shall affirm that the signature so shown is his signature.

§ 152.68 Signatures to be compared.

Upon receipt by the district director of an application for an order form the signature on such application shall be compared with that appearing on the application for registration or in the power of attorney (see § 152.67). Unless the district director is satisfied that the application is authentic it will not be honored.

§ 152.69 Procedure regarding order forms.

Upon receipt of a properly executed application, accompained by a sum sufficient to cover the transfer tax and the price of the order form, the district director will issue the order form in

triplicate. There shall be shown on each of the three copies the date of issuance, the name and address of the proposed transferor, the name and address of the transferee, and a description, including quantities, of the desired articles or materials. As to affixing of the tax stamp to the original order form, see § 152.64. The duplicate and triplicate shall show the date the stamp was purchased and canceled. The original and duplicate shall be delivered the the transferee, who shall in turn submit the original to the transferor. The triplicate shall be retained by the district director. The transferor shall preserve the original, and the transferee shall preserve the duplicate, for a period of 2 years so as to be readily accessible for inspection by any officer, agent, or employee mentioned in section 4773.

§ 152.70 Applications to be filed.

The district director will stamp each application with the date when the order form is issued, enter thereon the serial number of the order form sold in pursuance thereof, and file all applications numerically according to such serial numbers.

§ 152.71 Importations.

A district director of internal revenue issuing an order form for the procurement of marihuana from a foreign country shall prepare and issue to the transferee (importer) a document reciting that an order form has been issued. The document shall show the serial number of the order form, the name and address of the transferee, the name and address of the transferor, and the kind and quantity of marihuana covered by the order form. The transferee, in order to obtain release of the marihuana from customs' custody, shall present the document to the collector of customs at the port of entry. No importation of marihuana shall be released from customs' custody until the aforesaid document has been presented to the collector of customs. Seeds may be imported by a registered importer without payment of transfer tax or procurement of order forms (see section 4742(b)(5)). A registered importer desiring to import seeds without the use of order forms shall obtain from the district director of internal revenue for the district in which he is registered a certificate of registration (see § 152.88), and no importation of seeds shall be released from customs' custody without evidence of issuance of an order form or presentation of a certificate of registration.

EXCEPTIONS

§ 152.72 When order forms not required.

The use of order forms in effecting transfers of marihuana is not required:

(a) For dispositions of patients or for use of animals by duly qualified and registered practitioners in the course of their professional practice only.

(b) For dispositions by registered dealers pursuant to properly executed prescriptions of registered practitioners.

(c) For lawful exportations.

(d) For dispositions to exempt officials.

(e) For transfers of any seeds of the plant Cannabis sativa L. to any person registered under section 4753.

(f) For transfers of the plant Cannabis sativa L. or any parts thereof (including seeds of the plant), from any person registered under section 4753 to a person who is also registered under section 4753 as a taxpayer required to pay the tax imposed by section 4751.

§ 152.73 Dispensing by practitioners.

(a) Practitioners may dispense marihuana to bona fide patients pursuant to the legitimate practice of their professions without prescriptions or order forms.

(b) All persons and institutions registered as members of Class IV (practitioners, see § 152.34), whether they be physicians, dentists, veterinary surgeons, hospitals, sanatoriums, medical schools, or colleges, dispensaries not connected with a Federal, State, county, or municipal institution, welfare bureaus, or charitable institutions, must keep a daily record showing the kind and quantity of marihuana dispensed or administered, the name and address of each person to whom dispensed or administered, the name and address of the person upon whose authority the marihuana is dispensed or administered, and the purpose for which it is dispensed or administered. Such records shall be kept for a period of 2 years in such manner as to be readily accessible to inspection by investigating officers.

§ 152.74 Form of record.

No special record form will be furnished by the Government for the use of those registered as practitioners. Hospitals and institutions should keep records in the manner best calculated to meet the conditions existing therein. The record that is kept, however, should enable an inspecting officer quickly to ascertain the quantity and kind of marihuana used daily. The initials of the practitioner giving directions for the administering of marihuana should appear on the patient's record chart, or a separate prescription giving the name and address of the patient, the date, and the physician's signature or initials should be filed with the pharmacist in charge of the drug room before the marihuana leaves his charge. If both chart and prescription are used, reference to the prescription should be made on the chart.

§ 152.75 Who may issue prescriptions.

A prescription for marihuana may be used only by a physician, dentist, veterinary surgeon, or other practitioner who has duly registered, or an exempt official.

§ 152.76 Who may fill prescriptions.

A prescription for marihuana may only be filled by a dealer registered in Class III or by an exempt official, or by a member of Class I who is qualified to sell marihuana at retail.

§ 152.77 Purpose of issue.

A prescription, in order to be effective in legalizing the possession of marihuana and eliminating the necessity for use of order forms, must be issued for legitimate medical purposes.

§ 152.78 Responsibility for issue.

The duty of properly preparing prescriptions is upon the practitioner, and he is liable for the penalties for failure to insert the information required by law. A prescription may be prepared by a secretary or agent for the signature of a practitioner, but the practitioner will be held responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the dealer who fills a prescription not prepared in the form prescribed by law.

§ 152.79 Manner of execution.

All prescriptions for marihuana must be dated as of and signed on the day when issued and must bear the full name and address of the patient and the name, address, and registry number of the practitioner. A practitioner may sign a prescription in the same manner as he would sign a check or legal document, as, for instance, J. H. Doe, John H. Doe, or John Henry Doe. Prescriptions should be written with ink or indelible pencil or typewritten; if typewritten, they should be signed by the practitioner.

§ 152.80 Refilling.

The refilling of a prescription for marihuana is prohibited.

§ 152.81 Partial filling.

As a general rule, the partial filling of marihuana prescriptions is unlawful. If, however, a dealer is unable to supply the full quantity called for in a prescription, he may, if an emergency exists, and he later advises the issuing practitioner, supply a portion of the marihuana called for by the prescription, provided he makes a suitable notation on the face of the prescription of the quantity furnished and a suitable explanation of the reason for not supplying the full quantity on the back of the prescription. No further quantity will be supplied except upon a new prescription.

§ 152.82 Telephone orders.

Except as hereinafter provided, the furnishing of marihuana pursuant to telephone advice of practitioners is prohibited whether prescriptions covering such orders are subsequently received or not. In an emergency a dealer may deliver marihuana through his employee or responsible agent pursuant to a telephone order, provided the employee or agent is supplied with a properly prepared prescription before delivery is made, such prescription to be turned over to the dealer and filed by him as required by law within a reasonable time after delivery.

§ 152.83 Form to be used.

The Government does not furnish prescription forms. Any prescription form may be used, provided it is properly executed and shows the required information.

§ 152.84 Filing.

Dealers who fill marihuana prescriptions are required to keep them in a separate file for a period of 2 years in such manner as to be readily accessible

to inspection by investigating officers. However, if the dealer is registered under the provisions of section 4722 and § 151.46 of this chapter (Narcotic Tax Regulations) as a retail dealer, and keeps marihuana prescriptions on the narcotic prescription file, it will be deemed a compliance with this section.

§ 152.85 Labels on containers.

The dealer filling a prescription must affix to the container a label showing the name and registry number of the dealer, the serial number of the prescription, the name and address of the patient, and the name, address, and registry number of the person writing the prescription.

§ 152.86 Exportations.

Any person desiring to export marihuana to a country which regulates importations thereof shall present to the nearest collector of customs an application on Form 161a, for authorization to make such exportation, which application shall be accompanied by an import permit issued by the government of the country of destination or other evidence which shall be satisfactory to the Commissioner of Narcotics that the applicant has complied with the requirements of the laws and regulations of the country of destination with respect to such proposed exportation thereto. Such application will be forwarded by the collector of customs to the Commissioner of Narcotics who, if satisfied that the applicant has complied with such laws and regulations of the country of destination, shall approve the application, which approval will authorize the collector of customs at the port of export to clear the shipment for exportation without the use of order forms or payment of the transfer tax.

§ 152.87 Orders and prescriptions.

Persons registered under section 4753 may transfer marihuana to exempt officials pursuant to orders and prescriptions issued by such exempt officials. Such orders and prescriptions should be prepared on official blanks if such blanks are provided, or otherwise on official stationery, and must show the name, title, and official address of the person by whom executed. No order may be filled unless it is accompanied by a certificate of exemption which has been issued by the district director (see §§ 152.111–152.119).

§ 152.88 Transfer of seeds.

Before making transfers of unsterilized seeds, the transferor must receive from the transferee a certificate of registration showing him (the transferee) to be qualified under the Internal Revenue Code to acquire such seeds. Certificates of registration will be issued by the district director for the internal revenue district in which the transferee is registered, upon request of the transferee. Records covering receipts and dispositions of such seeds must be kept in the same manner as records of other transactions in marihuana (see § 152.98).

§ 152.89 Transfer of the plant Cannabis sativa L.

Before making transfers of the plant Cannabis sativa L., the transferor must receive from the transferee a certificate of registration showing such person to be qualified under the Internal Revenue Code to acquire such plant. Certificates of registration will be issued by the district director for the district in which the transferee is registered, upon request of the transferee. Records covering receipt and disposition of such plant must be kept in the same manner as records of other transactions in marihuana (see § 152.98).

SUBPART E—INFORMATION RETURNS AND RECORDS

RETURNS

§ 152.91 Returns required of importers for other than medicinal use.

Every person registered as an importer, who imports marihuana in any form for any purpose other than the manufacture of medicinal products or the distribution through wholesale or retail drug channels for medicinal use, shall render a quarterly return on Form 961, and its supplement Form 961a, to the district director for the district on or before the fifteenth day of April, July, October, and January, for the quarterly periods ending March 31, June 30, September 30, and December 31, respectively. Each such return shall account for all marihuana on hand and imported, in whatever form, and all sales, exports, or other dispositions of marihuana.

§ 152.92 Returns required of manufacturers and compounders for other than medicinal use.

Every person registered as a manufacturer or compounder, who uses marihuana in any form in the manufacture or compounding of other than medicinal products, shall render a quarterly return on Form 961, and its supplement, Form 961a, to the district director for the district on or before the fifteenth day of April, July, October, and January, for the quarterly periods ending March 31, June 30, September 30, and December 31, respectively. Each such return shall account for all marihuana, and all marihuana products other than those specifically excepted by section 4742(b), which are on hand, purchased, or otherwise acquired, all manufacture or compounding thereof, and all sales, exports, or other dispositions of marihuana or its products.

§ 152.93 Returns required of importers, manufacturers, and compounders for medicinal use.

(a) Every person registered as an importer, manufacturer, or compounder, in Class I under section 4753, who imports, purchases, or otherwise acquires marihuana or preparations containing marihuana for use in the manufacture or compounding of medicinal products or for distribution through wholesale or retail drug channels or direct to practitioners for medicinal use, shall render a monthly return on Form 810 and its supplements, Forms 810a, 810b, 810c, 810d, and 811c to the district director of internal revenue for the district on or before the fifteenth day of the month succeeding that for which the return is rendered. Returns for marihuana and its medicinal products will be rendered on these forms in accordance with instructions appearing thereon relating to opium and coca leaves and their derivatives. All receipts of marihuana for medicinal distribution or manufacture or compounding will be reported on Form 810a, all dispositions on Form 810b, all manufacturing or compounding operations on Form 810c, all packaging operations on Form 810d, and a semiannual inventory of marihuana and preparations on hand will be rendered as of June 30 and December 31, and will be made a part of the June and December returns, respectively.

(b) Where a person required by this section to render a return for marihuana on Form 810 and its supplements is also registered in Class I under the provisions of section 4722 and §§ 151.42 to 151.44, inclusive, of this chapter (Narcotic Tax Regulations) and renders a return under the provisions of § 151.261 of such regulations on these same forms, the marihuana return may be made a part of such monthly narcotic return, but separate detail sheets, Forms 810a, 810b, 810c, 810d, and 811c, must be used to report marihuana transactions. The totals of the various detail sheets of marihuana transactions will be carried to the "Other opium alkaloids" column of the summary, Form 810.

§ 152.94 Returns required of producers.

(a) Every person registered as a producer of marihuana in Class II under section 4753, shall render an annual return on Form 960, to the district director of internal revenue for the district on or before the fifteenth day of January, for the annual period ending December 31 of the preceding year. Each such return shall show, both by the number of plots or fields and their total area, all marihuana under cultivation at the beginning of the period, planted or brought under cultivation during the period, harvested or otherwise disposed of during the period and under cultivation at the close of the period. Each such return shall also account for all bulk marihuana on hand and produced during the period, in whatever form, and all sales, exports, or other dispositions of marihuana during the period.

(b) Farmers producing hemp for fiber by retting the entire crop in the field where grown, removing only the matured hemp stalks and no other part of the plant from the field will report either the quantities of such matured stalks gathered or the total fiber yield in the space provided therefor at the bottom of summary No. 1. No further accounting for such matured stalks need be made. If any part of the plant, other than such matured stalks, is removed from the field such material must be fully accounted for in summary No. 2. Producers who are also registered as manufacturers, compounders, or dealers will also render returns on the forms prescribed for manufacturers, compounders, or dealers to cover transactions entered into under such registration.

§ 152.95 Returns required of dealers for other than medicinal use.

Every person registered as a dealer in Class III under section 4753, who purchases and sells or otherwise acquires and disposes of marihuana or its products for other than distribution through wholesale or retail drug channels, shall render a quarterly return on Form 961, and its supplement Form 961a, to the district director of internal revenue for the district on or before the fifteenth day of April, July, October, and January for the quarterly periods ending March 31, June 30, September 30, and December 31, respectively. Each such return shall account for all marihuana on hand and purchased, or otherwise acquired, in whatever form, and all sales, exports, or other dispositions of marihuana.

§ 152.96 Returns required of dealers for medicinal use.

(a) Every wholesale or retail druggist, pharmacist, or other person registered as a dealer in Class III under section 4753, who purchases or otherwise acquires and sells or otherwise transfers marihuana or its preparations exclusively for medicinal purposes in any manner except pursuant to prescriptions of registered practitioners, as elsewhere authorized in these regulations, shall render a monthly return on Form 810 and its supplements Forms 810a, 810b, and 811c to the district director of internal revenue for the district or or before the fifteenth day of the month succeeding that for which the return is rendered. Returns for marihuana and its medicinal products will be rendered on these forms in accordance with instructions appearing thereon relating to opium and coca leaves and their derivatives. All receipts of marihuana for medicinal distribution will be reported on Form 810a, and all transfers or other dispositions on Form 810b, and a semiannual inventory of marihuana and preparations on hand will be rendered as of June 30 and December 31, and will be made a part of the June and December returns, respectively.

(b) Where a person required by this section to render a return for marihuana on Form 810 and its supplements is also registered in Class I under the provisions of section 4722 and §§ 151.42 to 151.44, inclusive, of this chapter (Narcotic Tax Regulations) and renders a return under the provisions of § 151.261 of such regulations on these same forms, the marihuana return may be made a part of such monthly narcotic return, but separate detail sheets, Forms 810a and 810b, must be used to report marihuana transactions. The totals of the various detail sheets of marihuana transactions will be carried to the "Other opium alkaloids" column of the summary, Form 810.

§ 152.97 Returns required of millers.

(a) Every person registered as a miller who receives Cannabis sativa L. plants or parts thereof for the purpose of manufacturing or producing any fiber or fiber products, shall render a quarterly return on Form 961, and its supplement, Form 961a. The return shall be submitted to the district director of internal revenue for the district on or before the 15th day of April, July, October, and January, for the quarterly periods ending March 31, June 30, September 30, and December 31, respectively. Each such return shall account for all Cannabis sativa L. plants or parts thereof on hand, purchased, or otherwise acquired, all manufacture or producing of fiber or fiber products, and all sales, exports, or other dispositions of such plants or parts thereof, or their products.

(b) All marihuana yield of such Cannabis sativa L. plants or parts thereof (green or dried flowering tops, foliage and seed) shall be destroyed on the miller's premises, and each return shall bear a written statement of the approximate weight of marihuana, or the approximate weight of marihuana and other commingled plant waste material, destroyed during the quarterly period and the method of destruction.

§ 152.98 General requirements regarding records required of registrants.

(a) The details of all marihuana imported, purchased, received, compounded, or manufactured, and all marihuana exported, sold, used in compounding or manufacture, or otherwise disposed of as reported on Form 961 shall be reported in supplemental detail sheets, Form 961a, which shall be affixed to and become a part of such return. Detail sheets will be fully identified and numbered to correspond with the numbers of the summaries and lines to which they relate. The detailed report of imports shall show for each importation the name and address of the foreign consignor, the foreign port of export, the American port of import, and the kind and quantity of marihuana imported. Producers will report the details of all seeds purchased or received for planting and all marihuana exported, sold or otherwise disposed of on page 3, Form 960. The detailed report of purchases shall show for each purchase the name and address of the seller, and the kind and quantity of marihuana purchased. The detailed report of other receipts shall show for each entry full information as to the circumstances of such receipt, the name and address of the person from whom acquired, and the kind and quantity of marihuana received. The detailed report of nonmedicinal marihuana products manufactured or compounded will show the date of completed manufacture or compounding and the kind and quantity of the product.

(b) The detailed report of exports shall show in each instance the name and address of the foreign consignee, the kind and quantity of marihuana exported, the American port of export, and the foreign port of import. The detailed report of sales shall show for each sale the name, address, internal revenue district, and registry number of the purchaser, the kind and quantity of marihuana sold, and the value of tax stamps affixed to the order form pursuant to which the sale was made. The detailed report of other dispositions shall show for each entry full information as to the disposition made of such marihuana and the kind and quantity of marihuana so disposed of. The detailed report of marihuana used in manufacture or compounding will show the kind and quantity so used, the date placed into process and the name of the product to be manufactured or compounded therefrom. Returns shall be prepared in duplicate and the duplicate retained by the registrant.

§ 152.99 Signing and verifying returns.

All returns required by the regulations in this part shall be rendered under penalties of perjury, and shall be signed by the registrant, if an individual, by a member of the firm, if a partnership, or by a principal officer, if a corporation. Where it is impracticable for the person interested to execute returns, they may be executed by another person pursuant to power of attorney prepared and filed as outlined in § 152.67.

RECORDS

§ 152.100 Laboratory use.

Persons who have registered and paid the tax to obtain and use in a laboratory any marihuana for the purpose of research, instruction, or analysis, are required to keep complete records relating to the receipt, disposal, and stock on hand, of all marihuana. A special record shall also be kept showing the date, the quantity and kind of marihuana used, the particular purpose or object of such use, and also showing as to the resulting product or residue, the date, quantity and kind, and manner of disposition. The Government does not furnish blanks for the keeping of this record, but it should be in a form substantially as follows:

Marihuana used				Identification and disposition of marihuana or resulting products and residues			
Date	Detailed description	Quantity	Purpose	Date	Products or residues	Quantity	Disposition

§ 152.101 Processing by millers.

Persons who have registered and paid the tax to process the Cannabis sativa L. plants and parts thereof, for the purpose of extracting any fiber or fiber products therefrom, are required to keep complete records relating to the receipt, disposal, and stock on hand, of all such plants and parts thereof and products therefrom. The Government does not furnish blanks for the keeping of this record, but it should be in a form substantially as follows:

Date	Cannabis sativa L. plants and parts		Disposed of		On hand			Remarks
	Received (lbs.)	Processed (lbs.)	Fiber (lbs.)	Fiber products (lbs.)	Plants (lbs.)	Fiber (lbs.)	Products (lbs.)	

GENERAL PROVISIONS

§ 152.102 Records and returns to be retained.

All order forms, duplicate forms, prescription records, returns, and inventories required to be kept on file by the taxpayer shall be retained and available for inspection for a period of not less than 2 years.

§ 152.103 Special reports.

Statements pursuant to section 4754 (a) shall be rendered on Form 680 in the manner and at the time requested by the district director of internal revenue.

§ 152.104 Examining records.

Any officer, agent, or employee of the Treasury Department authorized to enforce the provisions of subchapter A, chapter 39 relating to marihuana, and any officer of any State, Territory, the District of Columbia, or insular possession of the United States charged with the enforcement of any law or municipal ordinance relating to the traffic in marihuana, shall have authority to examine the books, papers, and records kept pursuant to the regulations in this part, and may require the production thereof.

§ 152.105 Records open to inspection.

All order forms, duplicate forms, prescription records, returns, and inventories required under the provisions of subchapter A, chapter 39, relating to marihuana, or the regulations in this part to be kept on file shall be kept so that they can be readily inspected.

SUBPART F—SPECIAL EXEMPTIONS

EXEMPT OFFICIALS

§ 152.111 Exempt officials.

Officials of the United States, the District of Columbia, any State, Territory, or insular possession of the United States, or of any county, municipality, or other political subdivision therein, who, in the exercise of their official duties, acquire, dispense, or handle marihuana, are not thereby required to register or pay special tax, but their right to such exemption shall be evidenced as provided in this subpart.

§ 152.112 Military and naval officers.

Each official of the Army, Navy, Air Force, Public Health Service, or National Guard, who is authorized to procure or purchase marihuana for official use shall file with the district director for the internal revenue district in which he is located a certificate from a superior official showing the name, official address and official status of the person claiming exemption. Each such certificate shall be renewed on or before July 1 of each year. With respect to procurement of marihuana by officials of the character indicated, see § 152.114. No exemption certificate shall be required under this section for officials who only prescribe, dispense, or administer marihuana in the course of their official duties.

§ 152.113 Civil officers.

Each civil officer of the United States, or the District of Columbia, or of any State, Territory, or insular possession of the United States, or any county, municipality, or other political subdivision, claiming exemption from registration and tax under section 4772(b), shall file with the district director for the district in which he is located a certificate from a superior official showing the official status and official address of the person claiming exemption and (a) whether he is to purchase the marihuana or obtain it from official stocks, and (b) whether or not the officer is to administer or dispense marihuana. Each such statement must be renewed on or before July 1 of each year.

§ 152.114 Procurement of marihuana.

(a(Each order for the purchase of marihuana by an exempt official must be accompanied by a certificate, issued by the district director for the district in which the purchasing official is located, on official stationery in the following form:

_____
(Name)

_____
(Rank or official capacity)

_____
(Post of duty or official address)

has evidenced his exemption from registration and payment of taxes under section 4772 (b) of the Internal Revenue Code, in the manner prescribed by the Commissioner of Narcotics, with the approval of the Secretary of the Treasury, and is entitled to purchase marihuana without the use of official order forms for the use of

_____
(Name of government and department thereof)

Certificates in accordance with the foregoing form will be issued by the district director upon request but no certificate may be issued for any officer or official unless the list or statement on file indicates that such officer or official is required to purchase marihuana.

(b) If an official is engaged in a private business or privately practices a profession in which marihuana is imported, manufactured, produced, compounded, sold, dealt in, dispensed, prescribed, administered, or given away, such official must register and pay the special tax for such private activity, and the marihuana for such private purposes must be secured upon regular order forms.

§ 152.115 Enforcement officers.

(a) Special agents and customs agents, for the establishment of a drawback under customs laws and regulations, inspectors of the Food and Drug Administration, Department of Health, Education, and Welfare, in connection with their duties in enforcing the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040; 21 U.S.C. Chapter 1) and State or Federal officials engaged in their duties in enforcing any State or Federal marihuana law are entitled to procure from any person registered under the provisions of section 4753, samples of marihuana, and registrants may lawfully furnish to any such persons for the purposes stated, the required samples, taking a receipt therefor, which shall be filed with their official order forms and records.

(b) For drawback regulations of the Bureau of Customs, see 19 CFR Part 22. For regulations under the Federal Food, Drug, and Cosmetic Act, see 21 CFR Part 1.

TRANSFER PROCEDURE BY OFFICIALS

§ 152.116 Orders and prescriptions.

Orders and prescriptions issued by exempt officials as such for marihuana should be prepared on official blanks if such blanks are provided, or otherwise on official stationery, and must show the name, title, and official address of the person by whom executed.

§ 152.117 Filling and filing orders and prescriptions.

An order issued for marihuana by an exempt official as such may be filled only by a person registered as an importer, manufacturer, compounder, producer, or dealer. Prescriptions of like issue may be filled only by retail druggists registered as dealers or by manufacturers supplying thereon marihuana of their own manufacture or compounding. Any registrant who fills an improperly prepared order or prescription may be charged with violation of section 4742. Orders and prescriptions of exempt officials should, when filled, be filed with the regular marihuana orders and prescriptions otherwise required.

TRANSFERS TO PUERTO RICO AND THE VIRGIN ISLANDS

§ 152.118 Transfers to be made pursuant to orders.

No person in the United States may transfer marihuana to a person in Puerto Rico or in the Virgin Islands, except pursuant to an order form, bearing appropriate transfer tax stamp, issued by the appropriate officers in those islands. The transfer or other disposition of marihuana by any person in the United States to any person in Puerto Rico or in the Virgin Islands otherwise than as above described, shall subject the offending party or parties to the penalties provided for illegal transfer of marihuana.

§ 152.119 Record of transfers required.

Each transfer or other disposition of marihuana to persons in Puerto Rico or the Virgin Islands shall be recorded and reported by the transferor in the same

manner as a transfer within the United States.

SUBPART G—ADMINISTRATIVE PROVISIONS

ASSESSMENT OF TAX

§ 152.121 Assessment of taxes not paid by stamp.

Tax due on the transfer of marihuana not paid by attachment of stamps to order forms shall be reported for assessment. Special tax which the taxpayer refuses or fails to pay may likewise be reported for assessment. The district director is authorized and required, and the director of the regional service center is authorized, to make all assessments of all taxes imposed by the Internal Revenue Code of 1954 or any prior internal revenue law.

§ 152.122 Jeopardy assessment.

(a) If the district director believes that the collection of any tax will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for filing the return or paying such tax has expired, immediately assess such tax, together with all interest, additional amounts and additions to the tax provided by law.

(b) The tax, interest, additional amounts, and additions to tax will, upon assessment, become immediately due and payable, and the district director shall, without delay, issue a notice and demand for payment thereof in full. Upon failure or refusal to pay the amount demanded, collection thereof by levy shall be lawful without regard to the 10-day period provided in section 6331(a).

(c) The collection of a jeopardy assessment of any tax may be stayed by filing with the district director a bond on the form to be furnished by the district director upon request. The bond may be filed at any time before the time collection by levy is authorized under section 6331(a), or after collection by levy is authorized and before levy is made on any property or rights to property, or in the discretion of the district director, after any such levy has been made and before the expiration of the period of limitations on collection. The bond must be in an amount equal to the portion (including interest thereon to the date of payment as calculated by the district director) of the jeopardy assessment collection of which is sought to be stayed. The bond shall be conditioned upon the payment of the amount (together with interest thereon), the collection of which is stayed, at the time which, but for the making of the jeopardy assessment, such amount would be due. See section 7101 and the regulations thereunder, relating to the form of bond and the sureties thereon. Upon the filing of a bond in accordance with this section, the collection of so much of the assessment as is covered by the bond will be stayed. The taxpayer may at any time waive the stay of collection of the whole or any part of the amount covered by the bond. If as a result of such waiver any part of the amount covered by the bond is paid, or if any portion of the jeopardy assessment is abated by the district director, then the bond shall at the request of the taxpayer be proportionately reduced.

(d) For Public Debt Service regulations relating to bonds, notes, and other obligations of the United States, see 31 CFR Chapter II.

§ 152.123 Payment by check, etc.

(a) District directors may accept checks drawn on any bank or trust company incorporated under the laws of the United States or under the laws of any State, territory, or possession of the United States, or money orders in payment for the special tax and for stamps provided such checks or money orders are collectible in United States currency at par. A check or money order is payable at par only if the full amount thereof is payable without any deduction for exchange or other charges. As used in this section, the term "money order" means: (1) United States postal, bank, express, or telegraph money order; (2) money order issued by a domestic building and loan association (as defined in section 7701(a)(19)) or by a similar association incorporated under the laws of a possession of the United States; and (3) a money order issued by such other organization as the Commissioner may designate. However, the district director may refuse to accept any personal check whenever he has good reason to believe that the check will not be honored upon presentment.

(b) The person who tenders any check or money order in payment for taxes or stamps is not released from his liability until the check or money order is paid; and, if the check or money order is not duly paid, he shall also be liable for all legal penalties and additions, to the same extent as if such check or money order had not been tendered.

(c) If a taxpayer gives a check or money order as payment for stamps but the check or money order is not paid upon presentment, then the district director or the director of the regional service center shall assess the amount of the check or money order against the taxpayer as if it were a tax due at the time the check or money order was received by the district director.

(d) If a check or money order is tendered in the payment for the special tax or for stamps, and such check or money order is not paid upon presentment, a penalty of 1 percent of the amount of the check or money order, in addition to any other penalties provided by law, shall be paid by the person who tendered such check or money order. If, however, the amount of the check or money order is less than $500, the penalty shall be $5 or the amount of the check or money order, whichever amount is the lesser. Such penalty shall be paid in the same manner as tax upon the issuance of a notice and demand therefor. The penalty set forth in this paragraph shall not apply if the person tendered such check or money order in good faith and with reasonable cause to believe that it would be duly paid.

§ 152.124 Claims.

(a) Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, may be redeemed, or an allowance may be made for such stamps, upon a claim properly presented to the district director.

(b) All claims for the redemption of or an allowance for stamps described in paragraph (a) of this section must be made on Form 843, and must be filed with the district director within 3 years after the purchase of the stamps from the Government. Such stamps must be submitted with the claim, or if it is impracticable to remove the stamps from the instruments or articles to which they are attached they must be presented to an internal revenue officer who shall write on the face of the stamps the words "Claim for refund filed" and attach to the claim a statement showing that such endorsement has been made. In any case where the date of purchase of the stamps from the Government cannot be given, it must be shown definitely in the claim that they were so purchased within 3 years prior to the date of filing the claim.

If an overpayment occurs because—

(a) The rates represented by stamps, including special-tax stamps, or

(b) The amounts paid in respect of assessments of the transfer and the special taxes

are excessive in amount, paid in error, or in any manner wrongfully collected, a refund may be allowed for the overpayment pursuant to section 6402 upon a claim therefor on Form 843 properly presented to the district director. Such a claim is not valid unless it is presented within 3 years next after payment of the taxes. The amount of refund shall not exceed the portion of the tax paid within 3 years immediately preceding the filing of the claim.

MISCELLANEOUS

§ 152.126 Safeguarding of marihuana.

Marihuana must at all times be securely kept and properly safeguarded where it will be available for inspection by properly authorized officers, agents, and employees of the Treasury Department.

§ 152.127 Procedure in case of loss.

(a) Where, through breakage of the container or other accident, otherwise than in transit, marihuana is lost or destroyed, the person having title thereto shall make a signed statement as to the kinds and quantities of the marihuana items lost or destroyed and the circumstances involved, and immediately forward the statement to the narcotic district supervisor. A copy of such statement shall be retained and filed with the other marihuana records.

(b) Where marihuana is lost by theft, or otherwise lost or destroyed in transit, a signed statement of the facts, including a list of marihuana items stolen, lost, or destroyed, and documentary evidence that the local authorities were notified, shall immediately upon ascertainment of the occurrence be filed with the narcotic district supervisor by the consignee. A copy of the statement shall be retained and filed with the other marihuana records of the consignee.

(c) In case of loss in transit the transferor is not authorized to make good the loss by duplicating the shipment on the same order form. A separate order form covering each and every shipment of marihuana is required. But see § 152.124 as to claims for redemption of stamps unnecessarily used.

§ 152.128 Procedure on discontinuance of business.

(a) Where it is desired to discontinue business the taxpayer shall, before the discontinuance, dispose of all marihuana on hand. Where the discontinuance occurs on any date other than June 30 the special-tax stamp or stamps should be returned to the district director who will mark each such stamp "Business discontinued" with the date, and return the stamp to the taxpayer who shall file it with his marihuana records and retain it for a period of 2 years. The rendering of returns subsequent to the date of discontinuance will not be demanded, provided all marihuana has been accounted for and a signed statement is submitted in duplicate to the district director certifying that no further transactions of that class will be consummated. One copy of this signed statement will be forwarded to the Commissioner of Narcotics. Before business is discontinued the marihuana on hand may be disposed of either pursuant to an order form or to an exempt official, or by shipment to the narcotic district supervisor of the district, as provided in paragraphs (b) and (c) of this section for the disposition of excess, undesirable, or useless stock.

(b) Excess, undesirable, or useless marihuana in the possession of a registered person may be disposed of by shipment, charges prepaid, to the narcotic district supervisor of the district. If the person has paid tax in a class under which returns are required to be rendered and the marihuana to be disposed of is a part of the stock for such class, an inventory of the marihuana shipped must be prepared in triplicate on the form used for detailed reporting of dispositions. The original inventory must be filed with the return for such class for the period in which the disposition takes place, the duplicate copy to be made a part of the retained copy of the return and the triplicate copy to be forwarded with the marihuana when shipped for disposition. If the marihuana is stock with respect to which returns are not required, an inventory shall be prepared in quadruplicate on Form 142, the duplicate of which shall be forwarded with the marihuana when shipped and the triplicate retained on file by the taxpayer for a period of 2 years. The shipper shall notify the narcotic district supervisor, advising of the size and description of the container in which the marihuana is being forwarded, and enclosing the original and quadruplicate copy of the inventory which has been prepared.

(c) The narcotic district supervisor will retain the quadruplicate copy of Form 142 in his file and forward the original to the Commissioner of Narcotics.

FORFEITURES AND PENALTIES

§ 152.129 Disposition of forfeited marihuana.

Marihuana forfeited to the United States under these provisions of the law may be delivered to any department, bureau, or other agency of the United States Government upon proper application addressed to the Commissioner of Narcotics. The application shall show the name, address, and official title, bureau or agency, and department, of the person to whom the marihuana is to be delivered, the kind and quantity of marihuana desired, and the purpose for which intended. The delivery of such marihuana shall be ordered by the Commissioner of Narcotics if, in his opinion, there exists a medical or scientific need therefor. The order will be filled by the Drugs Disposal Committee which will obtain a receipt for marihuana delivered.

§ 152.130 Court sales.

Court officers in making sales of marihuana under judicial proceedings shall require the purchaser thereof, if other than an exempt official, who must be a registered person, to furnish order forms for such sales or transfers.

§ 152.131 List of taxpayers.

The list of marihuana special-tax payers required by section 6107, shall be kept on Record 10, and may be inspected and copied in the district director's office at such reasonable and proper times as not to interfere with the district director's use of it, or exclude other persons from inspecting it.

§ 152.132 Specific penalty.

Persons who violate or fail to fulfill the provisions of law set forth in subchapter A, chapter 39, relating to marihuana, are liable to punishment as provided in section 7237.

GENERAL

§ 152.133 Correspondence.

Correspondence relative to interpretation of the provisions of subchapter A of chapter 39, relating to marihuana tax, and the regulations in this part may be addressed to the Commissioner of Narcotics, Washington, D.C., 20226. Inquiries relative to registration and requests for blank forms should be addressed to the district director of internal revenue. All remittances should be sent to the district director of internal revenue. Correspondence regarding charges of violations of the law or regulations should be addressed to the narcotic district supervisor in charge of the proper district.

§ 152.134 Effective date.

The regulations in this part shall be effective upon filing for publication in the FEDERAL REGISTER and shall supersede all regulations heretofore made and promulgated which relate to the subject matter in this part.

Because the principal purpose of this Treasury decision is to conform prior regulations, Regulations 1, to the provisions of chapter 39, subchapter A, parts II and III, of the Internal Revenue Code of 1954, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

HENRY L. GIORDANO,
Commissioner of Narcotics.

Approved: March 20, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-2942; Filed, Mar. 25, 1964; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[No. MC-C-3 (Sub-No. 1)]

PART 170—COMMERCIAL ZONES AND TERMINAL AREAS

Chicago, Ill., Commercial Zone Extension—Sag Area

At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 12th day of March A.D. 1964.

It appearing, that the Commission has made and filed its report, 1 M.C.C. 673, and 86 M.C.C. 735, under No. MC-C-3, Chicago, Ill., Commercial Zone, describing the zone adjacent to and commercially a part of Chicago, Ill., contemplated by section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8));

It further appearing, that by petition filed November 5, 1962, UBS Chemical Division of A. E. Staley Manufacturing Company and North American Car Corporation seek modification so as to include certain additional territory within the limits of the commercial zone of Chicago, Ill.;

It further appearing, that on November 26, 1963, the Commission, division 1, entered its report and order in the above-entitled proceeding, denying the petition;

It further appearing, that upon consideration of the record and of a petition for reconsideration filed January 3, 1964, by petitioners, and of a reply by Chicago Suburban Motor Carriers Association, Inc., and 37 member carriers thereof, protestants, filed January 27, 1964, and for good cause shown, by order of February 11, 1964, the proceeding was reopened for reconsideration on the present record;

And it further appearing, that reconsideration of the matters and things involved in the above-entitled proceeding has been given, and that the Commission, Division 1, acting as an Appellate Division, on the date hereof, has made and filed a report on reconsideration herein containing its findings of fact and conclusions thereon, which report and the said report and order of November 26, 1963, are hereby referred to and made a part hereof:

It is ordered, That the said report and order of November 26, 1963, be, and it is hereby, vacated and set aside.

It is further ordered, That the proceeding in No. MC-C-3, Chicago, Ill., Commercial Zone, be, and it is hereby, reopened for further consideration.

It is further ordered, That the order entered in No. MC-C-3, Chicago, Ill., Commercial Zone, on September 18, 1961 (49 CFR 170.2), be, and it is hereby, vacated and set aside, and the following is hereby substituted in lieu thereof:

§ 170.2 Chicago, Ill.

The zone adjacent to and commercially a part of Chicago, Ill., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), includes and is comprised of all points as follows:

The area within the corporate limits of Chicago, Evanston, Oak Park, Cicero, Berwyn, River Forest, Willow Springs, Bridgeview, Hickory Hills, Worth, Homewood, and Lansing, Ill.; the area within the township limits of Niles, Maine, Leyden, Norwood Park, Proviso, Lyons, Riverside, Stickney, Worth, Calumet, Bremen, and Thornton Townships, Cook County, Ill.; the area comprised of that part of Lemont Township, Cook County, and that part of Downers Grove Township, DuPage County, Ill., bounded by a line beginning at the intersection of Archer Avenue and the southern corporate limits of Willow Springs, Ill., and extending in a southwesterly direction along Archer Avenue to its junction with Chicago Joliet Road (Sag Lemont Highway), thence in a westerly direction over Chicago Joliet Road to its junction with Walker Road, thence directly north along an imaginary line to the southern shore line of the Chicago Sanitary and Ship Canal, thence in a northeasterly direction along said shore line to the corporate limits of Willow Springs, including points on the indicated portions of the highways specified; and the area within the corporate limits of Hammond, Whiting, East Chicago, and Gary, Ind.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective May 18, 1964, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2901; Filed, Mar. 25, 1964; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

WHEAT

Notice of Determinations To Be Made With Respect to Marketing Quotas, National, State and County Acreage Allotments, Commercial Wheat-Producing Area, County Normal Yields, Date of Referendum, Land Use Program Diversion Factor, Wheat Marketing Allocation, and National Allocation Percentage for 1965 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1332, 1333, 1334, 1334a, 1335, 1336, 1339, 1379b), including amendments contained in the Food and Agriculture Act of 1962, the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1965–66 marketing year; and if marketing quotas are so required to be proclaimed, to determine and proclaim the national acreage allotment for the 1965 crop of wheat, to apportion among States and counties the national acreage allotment for the 1965 crop of wheat, to designate the 1965 commercial wheat-producing area, to formulate regulations for establishing county normal yields for the 1965 crop of wheat, to establish the date of the referendum for marketing quotas for the 1965 crop of wheat, and to determine the land use program diversion factor, wheat marketing allocation and the national allocation percentage for the 1965–66 marketing year. In the event marketing quotas are proclaimed for the 1965–66 marketing year, the Secretary will also determine and declare whether marketing quotas shall also be in effect for the 1966–67 marketing year or for the 1966–67 and 1967–68 marketing years as necessary to effectuate the policy of the Act.

Subsections (a) and (b) of section 332 of the Act, as amended by section 311 of the Food and Agriculture Act of 1962, reads as follows:

SEC. 332. (a) Whenever prior to April 15 in any calendar year the Secretary determines that the total supply of wheat in the marketing year beginning in the next succeeding calendar year will, in the absence of a marketing quota program, likely be excessive, the Secretary shall proclaim that a national marketing quota for wheat shall be in effect for such marketing year and for either the following marketing year or the following two marketing years, if the Secretary determines and declares in such proclamation that a two- or three-year marketing quota program is necessary to effectuate the policy of the Act.

(b) If a national marketing quota for wheat has been proclaimed for any marketing year, the Secretary shall determine and proclaim the amount of the national marketing quota for such marketing year not earlier than January 1 or later than April 15 of the calendar year preceding the year in which such marketing year begins. The amount of the national marketing quota for wheat for any marketing year shall be an amount of wheat which the Secretary estimates (i) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported in the form of wheat or products thereof, and (iv) as the average amount which was utilized as livestock (including poultry) feed in the marketing years beginning in 1959 and 1960; less (A) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the Act: *Provided*, That if the Secretary determines that the total stocks of wheat in the Nation are insufficient to assure an adequate carryover for the next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover: *And provided further*, That the national marketing quota for wheat for any marketing year shall be not less than one billion bushels.

Section 333 of the Act, as amended by section 312 of the Food and Agriculture Act of 1962, reads as follows:

SEC. 333. Whenever the amount of the national marketing quota for wheat is proclaimed for any marketing year, the Secretary at the same time shall proclaim a national acreage allotment for the crop of wheat planted for harvest in the calendar year in which such marketing year begins. The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of expected yields and expected underplantings of farm acreage allotments will together with (1) the expected production on the increases in acreage allotments for farms based upon small-farm base acreages pursuant to section 335, and (2) the expected production on increased acreages resulting from the small-farm exemption pursuant to section 335, make available a supply of wheat equal to the national marketing quota for wheat for such marketing year.

Section 334(a) of the Act, as amended, requires that the national acreage allotment of wheat for the 1965 crop, less a reserve of not to exceed one per centum thereof, be apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1954–63 (plus, in applicable years, the acreage diverted under agricultral adjustment, conservation, and soil bank programs), with adjustments for abnormal weather conditions and trends in acreage during such period. Section 334(b) of the Act requires that the State acreage allotment of wheat for the 1965 crop, less a reserve of not to exceed 3 per centum thereof, be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the ten calendar years 1954–1963 (plus, in applicable years, the acreage diverted under agricultural adjustment, conservation, and soil bank programs), with adjustment for abnormal weather conditions and trends in acreage during such period and for the promotion of soil conservation practices.

Section 106(a) of the Soil Bank Act (7 U.S.C. 1824(a)) provides that in the establishment of State, county and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended, reserve acreages applicable to any commodity shall be credited to the State, county, and farm as though such acreage has actually been devoted to the production of the commodity. Section 106(b) of the Soil Bank Act (7 U.S.C. 1824(b)) provides that in applying the provisions of paragraph (6) of Public Law 74, 77th Congress, relating to reduction of the storage amounts of wheat, the reserve acreage of wheat on any farm shall be regarded as wheat acreage.

Section 377 of the Act provides that in any case in which, during any year within the period 1956 to 1959 inclusive, for which acreage planted to wheat on any farm is less than the wheat acreage allotment for such farm, the entire wheat acreage allotment for such farm shall be considered for purposes of future State, county and farm acreage allotments to have been planted to such commodity in such year, except that for 1956, the entire allotment shall be considered as planted to wheat for such purposes only if the owner or operator of such farm notifies the county committee prior to the sixtieth day preceding the beginning of the marketing year for wheat of his desire to preserve such allotment. This section is not applicable in any case in which the amount of wheat required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted.

Subsections (a) and (b) of section 334 of the Act, as amended, provide that in establishing State and county acreage allotments the acreage seeded plus acreage diverted for 1959 and subsequent years for a farm on which the entire farm marketing excess is delivered to the Secretary or stored to avoid or postpone penalty shall be the farm base acreage determined for such year, but if such stored excess is subsequently depleted, resulting in penalty, the seeded plus diverted acreage for the farm for the year for which the excess was produced shall be reduced to the farm acreage allotment for such year. Section 334(d) of the Act, as amended, provides that effective with the 1959 and subsequent crops of wheat, for the purposes of establishing

State, county, and farm acreage allotments for 1961 and future years, any farm (other than a farm to which an exemption has been granted for the 1961, 1962 or 1963 crop under the feed wheat exemption provisions of section 335(b) of the Act prior to its repeal by the Food and Agriculture Act of 1962) for which a wheat marketing quota is applicable, on which the acreage of wheat exceeds the farm allotment, and on which the farm marketing excess is zero shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with regulations to avoid or postpone penalty.

Section 334(i) of the Act, as amended, redesignated as section 334(h) by section 313 of the Food and Agriculture Act of 1962, provides for increasing farm acreage allotments in the irrigable portion of the Tulelake division of the Klamath project in Modoc and Siskiyou Counties, California, for the years 1958 through 1963 to permit increased production of Durum Wheat (Class II) and provides that acreage planted to wheat pursuant to such increased farm allotments shall be taken into acount in establishing future State, county, and farm acreage allotments.

Public Law 86–793 provides that any acreage diverted from the production of wheat in order to carry out a contract under the Great Plains conservation program or Soil Bank program or in order to maintain for such period after expiration of such contract as is equal to the contract period any change in land use from cultivated cropland to permanent vegetation carried out under the contract shall be considered acreage devoted to wheat for the purposes of establishing future State, county, and farm acreage allotments.

Section 334(h) of the Act, as amended, redesignated as section 334(g) by section 313 of the Food and Agriculture Act of 1962, provides that notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State and county acreage allotments except where the farm marketing excess is stored or delivered to the Secretary to avoid or postpone payment of the penalty.

Section 334a of the Act, as added by section 314 of the Food and Agriculture Act of 1962, provides that if the acreage allotment for any State for the 1965 crop of wheat is 25,000 acres or less, the Secretary, in order to promote efficient administration of the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949, may designate such State as outside the commercial wheat-producing area for the 1965–1966 marketing year. That section also provides that the acreage allotments in any State shall not be increased by reason of such designation and that if any State is so designated, acreage allotments for the 1965 crop of wheat and marketing quotas for the 1965–1966 marketing year shall not be applicable to any farm in such State.

Section 335 of the Act, as amended by the Food and Agriculture Act of 1962, provides for the determination of a small-farm base acreage for each farm for which a farm acreage allotment of less than 15 acres is determined. Such small-farm base acreage shall be the smaller of (1) 15 acres, and (2) the average acreage of wheat planted for harvest in a 3-year period. No farm marketing quota shall be applied to a farm if the acreage of wheat on the farm does not exceed the small-farm base acreage unless the operator of the farm elects in writing to be subject to the quota in which case the farm acreage allotment shall be the larger of (A) the small-farm base acreage, reduced by the same percentage by which the national acreage allotment for the crop is reduced below fifty-five million acres, or (B) the farm acreage allotment otherwise determined for the farm.

Section 336 of the Act, as amended by section 316 of the Food and Agriculture Act of 1962, provides that if a national marketing quota for wheat for one, two, or three marketing years is proclaimed, the Secretary shall, not later than sixty days after such proclamation is published in the FEDERAL REGISTER, conduct a referendum, by secret ballot, of farmers to determine whether they favor or oppose marketing quotas for the marketing year or years for which proclaimed; that the Secretary shall proclaim the results of any referendum within thirty days after the date of such referendum, and if he determines that more than one-third of the farmers voting in the referendum voted against marketing quotas, he shall proclaim that marketing quotas will not be in effect with respect to the crop of wheat produced for harvest in the calendar year following the calendar year in which the referendum is held. Section 336 of the Act also provides that if the Secretary determines that two-thirds or more of the farmers voting in a referendum approve marketing quotas for a period of two or three marketing years, no referendum shall be held for the subsequent year or years of such period.

Subparagraphs (D) and (F) of section 301(b)(13) of the Act, as amended by section 320 of the Food and Agriculture Act of 1962, provide for the determination of county normal yields of wheat on the basis of the average yields per acre of wheat for the county during the five calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Provision is also made that if for any year during such five year period the data are not available, or there is no actual yield, an appraised yield for such year shall be determined in accordance with regulations issued by the Secretary of Agriculture, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, and that such appraised yield shall be used as the actual yield for such year. Provision is further made that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of the 5-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if, on account of abnormally favorable weather conditions, the yield for any year of such five-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

As defined in section 301 of the Act, for the purpose of these determinations, "total supply" for any marketing year is the carryover of wheat for such marketing year, plus the estimated production of wheat in the United States during the calendar year in which such marketing year begins and estimated imports of wheat into the United States during such marketing year; and "marketing year" for wheat is the period July 1–June 30.

Section 318 of the Food and Agriculture Act of 1962 added a new section 339 to the Agricultural Adjustment Act of 1938 which provides for a land use program during any year in which wheat marketing quotas are in effect under which the producers on any farm (except new farms) on which any crop is produced on acreage required to be diverted from the production of wheat shall be subject to penalty in addition to any marketing quota penalty, with certain exceptions. The acreage required to be diverted from wheat production on any farm shall be an acreage of cropland equal to the number of acres determined by multiplying the farm acreage allotment by the diversion factor determined by dividing the number of acres by which the national acreage allotment is reduced below fifty-five million acres by the number of acres in the national acreage allotment.

Section 324 of the Food and Agriculture Act of 1962 added a new subtitle, designated "Subtitle D—Wheat Marketing Allocation" to title III of the Agricultural Adjustment Act of 1938. Under the sections of the Act comprising this new subtitle (§§ 379a to 379j, inclusive), during any marketing year for which a national marketing quota is in effect for wheat, beginning with the 1964–1965 marketing year, a wheat marketing allocation program shall be in effect. Whenever such a program is in effect for any marketing year the Secretary is required to determine the wheat marketing allocation for such year, which shall be the amount of wheat which in determining the national marketing quota for such marketing year the Secretary estimated would be used during such year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, and that portion of the amount of wheat which in determining such quota be estimated would be exported in the form of wheat or products thereof during such marketing year on which the Secretary determines that marketing certificates should be issued to producers in order to achieve, insofar as practicable, the price and income objectives of subtitle D. The Secretary is also required to determine the national allocation percentage which shall be the percentage which the national marketing allocation is of the national marketing quota.

It is proposed that in connection with apportionment of the national wheat acreage allotment among States a reserve of not to exceed one per centum of the national acreage allotment shall be withheld for apportionment to counties on the basis of their relative needs for additional allotment because of reclamation or other new areas coming into the production of wheat during the preceding ten calendar years, as authorized by section 334(a) of the Act.

It is proposed that in connection with the apportionment of the State acreage allotments among counties of the State, the Agricultural Stabilization and Conservation Committee for each State with the approval of the Secretary of Agriculture shall determine the percentage of the State acreage allotment, not in excess of three per centum, which shall be reserved for apportionment to farms in the State on which wheat will be produced in 1965, but classified as new wheat farms in 1965, because such farms do not have wheat history acreages for any of the three years 1962, 1963 and 1964.

States with acreage allotments of 25,000 acres or less were designated as being outside the commercial wheat-producing area for each of the years 1955 through 1963. In view of the fact, however, that marketing certificates are required to be issued for farms both within and without the commercial wheat-producing area for 1965, it is proposed that each State for which a State wheat acreage allotment of 25,000 acres or less is determined, shall be designated within the commercial wheat-producing area.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, including the determination and allocation of reserves for the 1965 crop of wheat, the designation of the 1965 commercial wheat-producing area, the date of the referendum, the formulation of regulations for the establishment of county normal yields for the 1965 crop of wheat, the land use program diversion factor, the wheat marketing allocation, and the national allocation percentage for the 1965–66 marketing year, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Policy and Program Appraisal Division, ASCS, United States Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than fifteen days after the date of publication of notice in the FEDERAL REGISTER.

Issued at Washington, D.C., this 24th day of March 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64–2984; Filed, Mar. 25, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 399]

[Economic Regs. Docket No. 14148]

CHARTER TRIPS AND SPECIAL SERVICES AND STATEMENTS OF GENERAL POLICY

Supplemental Notice of Proposed Rule Making

MARCH 23, 1964.

The Board in 29 F.R. 1476 and by circulation of a supplemental notice of proposed rule making, EDR–48B and a notice of proposed rule making PSDR–8, dated January 23, 1964, gave notice that it had under consideration revising Part 207 of the Board's Economic Regulations and Part 399 of its Policy Statements as set out in the proposed rules below. Interested persons were invited to participate in these rule making proceedings by the submission of ten (10) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before February 28, 1964; and by the submission of ten (10) copies of comments responsive to the initial comments on or before March 15, 1964. The date for submission of comments addressed to the notice was subsequently extended to March 9, 1964, and the date for submission of comments addressed to the initial comments was extended to March 25, 1964.

The National Air Carrier Association has requested on behalf of its member supplemental air carriers that the date for submitting comments on initial communications be extended from March 25 to April 3, 1964. The Association states that the additional time is needed because: (1) About 85 interested persons have filed comments; (2) some of the persons preparing responses have not been served with the initial set of comments; and (3) the supplemental air carriers are preparing joint reply comments, which must be approved by the participating carriers. The undersigned finds that it is in the public interest to extend the date for filing reply communications from March 25 until April 3, 1964.

Accordingly, pursuant to authority delegated under § 7.3C of Public Notice PN–15, dated July 3, 1961, the undersigned hereby extends the date for reply comments until April 3, 1964. All relevant matter in communications received on or before that date will be considered by the Board before taking action on these proposals. Copies of these communications will be available for examination in the Docket Section, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof, and shall also be served as provided in EDR–48D.

(Secs. 204(a) and 1001 of the Federal Aviation Act of 1958; 72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Special Counsel Division.

[F.R. Doc. 64–2893; Filed, Mar. 25, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–EA–18]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Control Zones and Designation of Transition Areas

In a notice of proposed rule making published in the FEDERAL REGISTER on January 23, 1964, (29 F.R. 571) it was stated that the Federal Aviation Agency proposed to alter control zones and designate transition areas in the Greater Providence/NAS Quonset Point, R.I., terminal area.

Subsequent to publication of the notice, it has been determined that a requirement exists for the retention of controlled airspace, with a floor of 700 feet above the surface, in the immediate vicinity of the Taunton, Mass., Municipal Airport, to provide protection for aircraft executing the instrument approach and departure procedure prescribed for the Taunton Municipal Airport.

Accordingly, the notice is hereby amended to propose, in addition to those actions stated therein, the designation of the Taunton transition area as that airspace extending upward from 700 feet above the surface within a 4-mile radius of the Taunton Municipal Airport (latitude 41°52'35'' N., longitude 71°01'00'' W.), and within 2 miles each side of the Whitman, Mass., VOR 187° True radial, extending from the 4-mile radius area to the Whitman VOR.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to 30 days after the date of publication of this supplemental notice in the FEDERAL REGISTER.

Communications should be submitted to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 19, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–2866; Filed, Mar. 25, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-87]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airway

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 (New) of the Federal Aviation Regulations. This proposal relates to the designation of navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

VOR Federal airway No. 139 is designated in part from Whitman, Mass., via the intersection of the Whitman VOR 041° and the Boston, Mass., VOR 133° True radials; to Boston. The Federal Aviation Agency is considering alteration and extension of this segment of V-139, from Whitman via the intersection of the Whitman VOR 041° and the Manchester, N.H., VOR 130° True radials; intersection of the Manchester VOR 130° and the Boston VOR 014° True radials; to the intersection of the Manchester VOR 117° and the Boston VOR 014° True radials (Ipswich, Mass.), at which point it would terminate. This airway realignment and extension would provide a bypass route east of the Boston terminal area for air traffic destined for terminals north of Boston.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on March 19, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2867; Filed, Mar. 25, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 15381; FCC 64-220]

EX PARTE COMMUNICATIONS IN HEARING PROCEEDINGS

Notice of Proposed Rule Making

1. Notice is hereby given of rule making in the above-captioned matter. The text of the proposed rules is set forth below.

GENERAL

2. Need. The problem of ex parte communications in proceedings required to be decided on the basis of an exclusive record is one of preserving and enhancing public confidence in the proceedings of administrative agencies. Standards governing communications with respect to such proceedings have been considered extensively in agency and court decisions, and express prohibitions are set forth in section 409(c) of the Communications Act. The problem has nevertheless been a matter of continuing concern to all branches of the Government and, most recently, to the Administrative Conference of the United States. We now feel it is desirable to formulate more precise standards than those set forth in the Communications Act and specific cases, and to specify procedures designed to augment enforcement of those standards.

3. In its Final Report of December 15, 1962 (Recommendation 16), the Administrative Conference stated that it is "essential that the administrative process • • • be protected from improper influences," and recommended that "each agency promulgate a code of behavior governing ex parte contacts between persons outside and persons inside the agency which should be based upon the principles (set forth in the Report)." In formulating these proposed rules, we have been guided by the principles recommended by the Administrative Conference, though our proposal varies in detail and, to some extent, in approach from the Conference Recommendation. For example, the rules incorporate the separation of functions provisions of sections 409(c) of the Communications Act and 5(c) of the Administrative Procedure Act and, to that extent, exceed in scope the Conference Recommendation.[1]

4. Purpose. The proposed rules specify minimum standards of conduct in all adjudicative proceedings and in those rule making proceedings required by statute to be decided on the record after opportunity for hearing. They serve in this sense to particularize standards in the context of Commission proceedings which are widely known and accepted in their general application. To the fullest extent feasible, they identify the proceedings, the persons, and the communications governed by these standards, so that all persons may inform themselves as to the proper course of conduct. They specify procedures which provide for bringing communications addressed to those charged with the decision of hearing cases to the attention of parties to the proceeding, so that they may assess the nature of such communications and take such action as may be appropriate to protect their interests. They indicate, finally, the sanctions which may be imposed for violation of the prescribed standards. This combination—the specification of standards and sanctions and the requirement of disclosure—is intended to deter the making of improper communications and to maintain public confidence in the Commission's proceedings.

5. Scope. It should be emphasized that the proposed rules are addressed only to adjudicative or record rule making proceedings which have been designated for hearing—as recommended by the Administrative Conference. They have no application to other proceedings and should not be construed as prohibiting or authorizing ex parte communications in such proceedings. Thus, for example, principles pertaining to ex parte communications in certain nonrecord rule making proceedings were set forth in Sangamon Valley Television Corp, v. United States, 269 F. 2d 221 (C.A.D.C. 1959), and rules pertaining to communications in such proceedings are pending consideration by the Commission in Docket 12947. Further, even where the proceeding had not as yet been designated for hearing, parties would obviously be precluded, for example, from making use of personal or financial relationships with decision making personnel in an effort to influence their decision. Cf Root Refining Co. v. Universal Oil Products Co., 169 F. 2d 514 (C.A. 3, 1948); WKAT, Inc., 29 F.C.C. 216 and 221.

6. It should also be emphasized that the proposed rules are directed only to communications involving decision making Commission personnel. They should not be construed as prohibiting communication with Commission personnel (such as Bureau Counsel or the Executive Director) who do not participate in the decision making process. This avenue for the submission of information pertaining to restricted proceedings has, in fact, been carefully preserved, so that information affecting the public interest may be brought to the attention of responsible Commission officials. Information submitted in this manner will be considered in the decision making process only if, and after, it is made a part of the record in accordance with the rules of evidence and procedure.

DISCUSSION OF SPECIFIC PROVISIONS

7. Section 1.1201. Section 1.1201 contains definitions of terms used throughout the proposed rules. The terms "restricted proceeding" and "decision making Commission personnel" are further defined in lists set forth in §§ 1.1203, 1.1205, 1.1207, and 1.1209.

8. Sections 1.1203 and 1.1207. We have endeavored, in these sections, to list all of the types of adjudicative and record rule making proceedings conducted by the Commission. The lists avoid uncertainty with respect to the proceedings listed. They are not necessarily complete, however, and additional proceedings which might be listed should be called to our attention in the comments. The rules, in any event, apply to all adjudicative and record rule making proceedings, even if some of those proceedings are not listed in these sections.

9. Sections 1.1205 and 1.209. These sections list the categories of Commission personnel who participate or may participate in the decision of adjudicative and record rule making proceedings. The categories are the same, except for the fact that the Common Carrier Bureau does not participate in the decision of adjudicative proceedings. The General Counsel and the Chief Engineer may be called upon to advise the Commission in either type of proceeding and therefore are included in these lists. It should be emphasized that the restrictions apply to categories of Commission personnel (e.g., all hearing examiners) rather than only to those persons who are actively engaged in deciding the case in question (e.g., the presiding officer). It should also be emphasized that the restrictions apply to all of the listed categories of personnel at every stage of the proceeding after designation for hearing. Thus, communication with a hearing examiner is prohibited, even though he has issued his initial decision and the proceeding is pending before the Commission. The only exception in this respect pertains to the General Counsel in his capacity as counsel for the Commission in matters pertaining to judicial review of a Commission order (§ 1.1225(c)).

10. Sections 1.1221, 1.1223, 1.1225 and 1.1227. Section 1.1221 defines the term "ex parte communication"; § 1.1223 specifies those ex parte communications which are prohibited; and § 1.1225 specifies those which are expressly authorized. Section 1.1227 prohibits any solicitation of ex parte communications, including communications by persons having no interest in the outcome of the proceeding.

11. Section 1.1229. Section 1.1229 provides that the parties should advise the Executive Director if they have reason to believe that an ex parte communication prohibited by the proposed rules has been solicited, attempted, or made. This section thus specifies an accepted course of action by which parties who believe such communications are being made may protect their interests. (They may also, of course, raise such questions on the record of the hearing proceeding.) In the past, persons who have made ex parte communications have alleged that they acted, in response to rumors, to "neutralize" the improper activities of other parties. WKAT, Inc., 29 F.C.C. 221, 231 (1958). Such a motive does not in any way excuse the making of improper communications, Id. at 232. Section 1.1229 specifically sets forth the proper course of action to be followed in such circumstances.

12. Sections 1.1241 and 1.1243. Sections 1.1241 and 1.1243 specify procedures under which ex parte communications are to be brought to the attention of the parties. Provision is made for the preparation and service of statements pertaining to oral ex parte communications, or for actual notice of such communications in lieu of service. Provision is made for the service of (or notice with respect to) written communications which have, in the judgment of the Executive Director, been submitted or solicited by persons having an interest in the outcome of the proceeding or which should, for any other reason, be brought specifically to the attention of the parties. Innocuous written communications from members of the general public who have no apparent connection with persons interested in the outcome of the proceeding are of little or no concern to the parties and will not be served. They will, of course, be available for inspection in the Commission's public files.

13. Sections 1.1251, 1.1253 and 1.1255. Sections 1.1251, 1.1253, and 1.1255 specify the administrative sanctions applicable to parties, attorneys, and Commission personnel found to have violated the provisions of the proposed rules.

14. Pursuant to the procedures set forth in § 1.415 of the rules and regulations, interested persons may file comments on or before April 30, 1964, and reply comments on or before May 11, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

15. Authority for the amendments herein proposed is contained in sections 4(i), 4(j), 303(r) and 409(c) of the Communications Act of 1934, as amended.

16. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished the Commissioned.

Adopted: March 18, 1964.

Released: March 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

Subpart H—Ex Parte Communications

GENERAL

§ 1.1201 General definitions.

(a) *Restricted proceeding.* A proceeding in which the restrictions set forth in this subpart apply. See §§ 1.1203 and 1.1207.

(b) *Commission personnel.* All members, officers, and employees of the Commission.

(c) *Decision making Commission personnel.* All Commission personnel who decide restricted proceedings, or who render advice and assistance to those who decide such proceedings. Commission personnel in this category are listed in §§ 1.1205 and 1.1209.

(d) *Participating Commission personnel.* Commission personnel who have presented, or prepared for presentation, a Bureau's position in a restricted adjudicative proceeding, or who have engaged in investigative or prosecuting functions in that proceeding or in a factually related proceeding.

(Sec. 5, 60 Stat. 239, 5 U.S.C. 1004(c); sec. 16, 66 Stat. 721, as amended, 47 U.S.C. 409(c))

§ 1.1203 Restricted adjudicative proceedings.

All adjudicative proceedings, including the following, are "restricted" from the time they are designated for hearing until they are removed from hearing status or have been decided by the Commission and are no longer subject to reconsideration by the Commission or to review by any court:

(a) Any proceeding involving the issuance, renewal, modification, or assign-

[1] Administrative Conference Recommendation 19, concerning the separation of functions in record rule making proceedings, is under separate consideration.

[2] Commissioner Bartley absent.

ment of any instrument authorizing the construction or operation of radio facilities under Title III of the Communications Act of 1934, as amended.

(b) Any proceeding involving the transfer of control of a corporate licensee or permittee under section 310 of the Communications Act.

(c) Any revocation and/or cease and desist proceeding under section 312 of the Communications Act, unless and until the hearing is waived pursuant to the provisions of § 1.92.

(d) Any proceeding involving the issuance or suspension of an operator license or permit under section 303 (l) or (m) of the Communications Act.

(e) Any proceeding involving the establishment of "physical connections with other carriers" under section 201(a) of the Communications Act.

(f) Any proceeding conducted pursuant to the provisions of sections 206, 207, 212, 214, 221(a), or 222 (b), (c), (d), or (f) of the Communications Act.

(g) Any proceeding involving the reasonableness of present or past "charges, classifications; practices, regulations, and other terms and conditions" under section 201(c)(2) of the Communications Satellite Act of 1962.

(h) Any proceeding conducted pursuant to the provisions of section 201(c)(6), (7), (8), (9) or (10); section 304(b)(1); or section 304(f), of the Communications Satellite Act of 1962.

§ 1.1205 Decision making Commission personnel (restricted adjudicative proceedings).

The following categories of persons are designated as decision making Commission personnel in restricted adjudicative proceedings:

(a) The Commissioners and their personal office staffs.

(b) The Chief of the Office of Opinions and Review and his staff.

(c) The Review Board and its staff.

(d) The Chief Hearing Examiner, the hearing examiners, and the staff of the Office of Hearing Examiners.

(e) The General Counsel and his staff.

(f) The Chief Engineer and his staff.

§ 1.1207 Restricted rule making proceedings.

Rule making proceedings which are required by statute to be decided on the record after opportunity for hearing, including the following, are "restricted" from the time they are designated for hearing until they are removed from hearing status or have been decided by the Commission and are no longer subject to reconsideration by the Commission or to review by any court:

(a) Any proceeding conducted pursuant to the provisions of section 201(a) of the Communications Act of 1934, as amended, which does not involve the establishment of "physical connections with other carriers".

(b) Any proceeding conducted pursuant to the provisions of sections 204, 205, 213(a), 221(c), or 222(e) of the Communications Act.

(c) Any proceeding involving the establishment of "charges, classifications, practices, regulations, and other terms and conditions", or the allocation of available facilities and stations among users, conducted pursuant to the provisions of section 201(c)(2) of the Communications Satellite Act of 1962.

(d) Any proceeding conducted pursuant to the provisions of section 201(c)(5) of the Communications Satellite Act of 1962.

§ 1.1209 Decision making Commission personnel (restricted rule making proceedings).

The following categories of persons are designated as decision making Commission personnel in restricted rule making proceedings:

(a) The Commissioners and their personal office staffs.

(b) The Chief of the Office of Opinions and Review and his staff.

(c) The Review Board and its staff.

(d) The Chief Hearing Examiner, the hearing examiners, and the staff of the Office of Hearing Examiners.

(e) The Chief of the Common Carrier Bureau and his staff.

(f) The General Counsel and his staff.

(g) The Chief Engineer and his staff.

PROHIBITED COMMUNICATIONS

§ 1.1221 Ex parte communication; definition.

Communications in the following categories are ex parte communications:

(a) Any written communication concerning a restricted Commission proceeding, between decision making Commission personnel and persons not in this category, which is not served upon the parties to the proceeding. Service shall be made, on or before the day on which the communication is made, in accordance with the provisions of § 1.47.

(b) Any oral communication concerning a restricted Commission proceeding, between decision making Commission personnel and persons not in this category, which is made without advance notice to the parties to the proceeding and opportunity for them to be present.

§ 1.1223 Prohibited ex parte communications.

Except as provided in §1.1225, the following ex parte communications are prohibited:

(a) *Oral communication.* (1) No person outside the Commission shall, directly or indirectly, communicate or attempt to communicate orally with decision making Commission personnel concerning any restricted proceeding, except upon advance notice to the parties and opportunity for them to be present.

(2) In restricted adjudicative proceedings, participating Commission personnel shall not, directly or indirectly, communicate or attempt to communicate orally with decision making Commission personnel concerning that proceeding except upon advance notice to the parties and opportunity for them to be present.

(b) *Written communication.* No person having a direct or indirect interest in the outcome of a restricted proceeding shall, directly or indirectly, communicate or attempt to communicate in writing with decision making Commission personnel concerning that proceeding, unless the communication is served upon parties to the proceeding. The following, among others, are considered, for purposes of this subpart, to have a direct or indirect interest in the outcome of a restricted proceeding:

(1) Parties to a restricted proceeding.

(2) Attorneys or agents for parties to a restricted proceeding.

(3) Other persons who might be aggrieved or adversely affected by the outcome of the proceeding, or their agents.

(4) In restricted adjudicative proceedings, participating Commission personnel.

(c) *Communication initiated by decision making Commission personnel.* No written or oral ex parte communication concerning any restricted proceeding shall be made, directly or indirectly, by decision making Commission personnel to persons outside the Commission or, in restricted adjudicative proceedings, to participating Commission personnel.

§ 1.1225 Ex parte communications expressly authorized.

Nothing in this subpart shall be construed as prohibiting or restricting ex parte communications which fall in the following categories, and such communications are expressly authorized:

(a) Ex parte communications authorized by statute or by the Commission's rules. See, for example, § 1.333(d). (However, pleadings which are required to be served but which may be ruled on ex parte do not fall within this category (see, for example, §§ 1.296 and 1.298(a)); such pleadings may not be submitted ex parte.)

(b) Ex parte communications, directed by decision making Commission personnel to attorneys for parties to the proceeding or to participating Commission personnel, concerning procedural developments in the proceeding.

(c) Ex parte communications, directed by attorneys for parties to the proceeding or by participating Commission personnel to decision making personnel, limited to advising them of the need for unusually expeditious handling of a pleading or other document which is being, or has been, filed.

(d) Any communication made by or to the General Counsel of his staff concerning judicial review of any matter which has been decided by the Commission.

(e) Any communication from an agency of the Federal Government involving classified security information.

(f) Any request for information solely with respect to the status of a restricted proceeding.

§ 1.1227 Solicitation of ex parte communications.

(a) No person having a direct or indirect interest in the outcome of a restricted proceeding (see § 1.1223(b)) shall solicit or encourage other persons to communicate ex parte concerning that proceeding with decision making Commission personnel.

(b) Decision making Commission personnel shall not encourage or solicit ex parte communications from any person, and shall not entertain ex parte communications which are made to them, except as such communications are expressly authorized by § 1.1225.

§ 1.1229 Disclosure of information concerning ex parte communications.

Any party to a restricted proceeding who has reason to believe that an ex parte communication prohibited by this subpart has been solicited, attempted or made, or who has information regarding such a communication, should promptly advise the Executive Director in writing of all the facts and circumstances concerning that communication which are known to him.

PROCEDURES FOR HANDLING EX PARTE COMMUNICATIONS

§ 1.1241 Written communications.

(a) To the extent possible, written ex parte communications not expressly authorized under § 1.1225 will be directed by the Mail and Files Division or by the secretarial staff to the Executive Director rather than to the addressee.

(b) Unauthorized written ex parte communications which reach decision making Commission personnel will be directed by them to the Executive Director. If the circumstances in which the communication was made are not apparent from the communication itself, a statement describing those circumstances shall be submitted to the Executive Director with the communication.

(c) Unauthorized written ex parte communications, and all statements and correspondence pertaining thereto, will be placed in a public file, which will be associated with the file of the restricted proceeding to which the communication pertains. But no such communication will be considered in determining the merits of the proceeding unless it has been received in evidence.

(d)(1) If in the judgment of the Executive Director the communication in question is prohibited by § 1.1223(b); or if in his judgment the communication was solicited or encouraged by persons having an interest in the outcome of the proceeding as prohibited by § 1.1227; or if in his judgment the communication should, for any other reason, be brought specifically to the attention of the parties, the Executive Director will serve copies of the communication, together with copies of any statement describing the circumstances in which it was made, upon the parties to the proceeding.

(2) If the written communication is voluminous or the parties numerous, or if other circumstances satisfy the Executive Director that service of the communication would be unduly burdensome, he may (in lieu of service) notify the parties to the proceeding that the communication has been made and that it is available for public inspection.

(e) A copy of any statement describing the circumstances in which any unauthorized written ex parte communication was submitted will be forwarded to the person who submitted the communication. Within 10 days after the statement is mailed to him, the person who submitted the communication may himself file with the Executive Director a notarized statement with regard to those circumstances, which the Executive Director may (if he deems service appropriate) serve upon parties to the proceeding.

§ 1.1243 Oral communications.

(a) If an oral communication prohibited by this subpart is made to decision making Commission personnel, they will advise the person making the communication that it is prohibited and terminate the discussion of such matters.

(b) As soon as practicable after any such oral communication, the person to whom the communication was made shall forward to the Executive Director a statement containing such of the following information as is known to him:

(1) The name of the restricted proceeding.

(2) The name and address of the person making the communication and his relationship (if any) to the parties to the proceeding or their attorneys.

(3) The date and time of the communication, its duration, and the circumstances (telephone, personal interview, casual meeting, etc.) under which it was made.

(4) A brief statement as to the substance of the matters discussed.

(5) Whether the person making the communication persisted in doing so after having been advised that the communication is prohibited.

(6) The date and time at which the statement was prepared.

(c) All statements submitted to the Executive Director pursuant to the provisions of this section, and all correspondence pertaining thereto, shall be placed in a public file, which will be associated with the file of the restricted proceeding to which the prohibited communication pertains. But no such statement will be considered in determining the merits of the proceeding unless it has been received into evidence.

(d) All statements submitted to the Executive Director pursuant to the provisions of this section shall be served by the Executive Director on the parties to the proceeding. If the parties are numerous, or if other circumstances satisfy the Executive Director that service of the statement would be unduly burdensome, he may (in lieu of service) notify the parties to the proceeding that the communication has been made and that a statement with respect to it is available for public inspection.

(e) The Executive Director will forward to the person who made the communication a copy of the statement prepared by the person to whom the communication was made. Within 10 days after that statement is mailed to him, the person who made the communication may himself file with the Executive Director a notarized statement with respect to the substance of the communication and the circumstances in which it was made, which the Executive Director may (if he deems service appropriate) serve upon parties to the proceeding.

SANCTIONS

§ 1.1251 Sanctions applicable to parties.

Any party to a restricted proceeding who directly or indirectly makes any ex parte communication prohibited by this subpart, or who encourages or solicits others to communicate ex parte with decision making Commission personnel, may be disqualified from further participation in that proceeding. Such alternative or additional sanctions as may be appropriate in the context of that proceeding may be imposed.

§ 1.1253 Sanctions applicable to attorneys or other persons who represent others before the Commission.

If it appears that any attorney or any other person who represents others before the Commission has made or solicited communications prohibited by this subpart, charges may be preferred against that person, and he may be censured, suspended, or barred from representing others before the Commission. See § 1.24.

§ 1.1255 Sanctions applicable to Commission personnel.

Violations of the provisions of this subpart by Commission personnel will be disposed of in accordance with the procedures set forth in Administrative Order No. 10 and the penalties therein specified.

[F.R. Doc. 64-2913; Filed, Mar. 25, 1964; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release 40-3931]

REGISTERED INVESTMENT COMPANIES

Disclosures Required in Proxy Statements

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed amendments to 17 CFR § 270.20a-2 (Rule 20a-2 under the Investment Company Act of 1940 ("Act")). The proposed amendments relate to certain financial and other information to be disclosed in proxy statements of registered investment companies. Such amendments would be promulgated pursuant to authority conferred by sections 20(a) and 38(a) of the Act.

Section 20(a) of the Act makes it unlawful to solicit any proxy, consent or authorization in respect of any security of which a registered investment company is the issuer in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. Section 38(a) authorizes the Commission to make, issue, amend and rescind such rules and regulations as are necessary or appropriate to the exercise of the powers conferred upon the Commission by the Act.

Rules 20a-1, 20a-2 and 20a-3 (§§ 270.20a-1, 270.20a-2, and 270.20a-3) previously have been adopted under section 20(a). Rules 20a-1 (§ 270.20a-1) makes applicable to the aforementioned solicitations the Commission's proxy rules

adopted under section 14(a) of the Securities Exchange Act of 1934 and, in addition, provides for the furnishing of information with respect to the investment adviser or prospective investment adviser, and its affiliated persons.

Rule 20a–2 (§ 270.20a–2) presently requires that a proxy statement relating to a registered investment company include certain information with respect to, among other things, the investment advisory contract, ownership and control of the investment adviser, and interests of the management of the investment company in the investment adviser. Except where the investment adviser is a bank, a balance sheet of the investment adviser must be included, unless the Commission, for good cause shown, permits the omission of such balance sheet. Certain information also is required with respect to the relationship between the investment company or the investment adviser and the principal underwriter of the investment company's securities. Where action is to be taken by the security holders of the investment company with respect to an investment advisory contract, information is also to be included with respect to such contract and with respect to certain collateral arrangements or understandings in connection therewith.

Rule 20a–3 (§ 270.20a–3) calls for the disclosure in a proxy statement relating to an investment company of information with respect to the material interests of each officer, director and nominee for election as a director of the investment company in material transactions or material proposed transactions to which the investment adviser or any of its parents or subsidiaries was or is to be a party.

The effect of the proposed revision of Rule 20a–2 (§ 270.20a–2) would be to:

(1) Require information to be provided with respect to the principal underwriter, the prospective principal underwriter and the principal underwriting contract comparable to that presently required with respect to the investment adviser, the prospective investment adviser and the investment advisory contract; [1]

(2) Require disclosure of certain financial information concerning (a) the investment company, (b) the investment advisory contract, where action is to be taken by the security holders with respect thereto, and (c) the principal underwriting contract, where action is to be taken by the security holders with respect thereto; and

(3) Require the inclusion of such financial information with respect to both the investment advisory contract and the principal underwriting contract if action is to be taken by the security holders with respect to either, and the investment adviser and principal underwriter are the same person or one is an affiliated person of, or an affiliated person of an affiliated person of, the other.

The continuing experience of the Commission in the administration of the Act and its analysis of the data provided in the study of mutual funds prepared by the Wharton School of Finance and Commerce of the University of Pennsylvania indicate that disclosure of financial data with respect to the fundamental contracts pursuant to which the business of an investment company is conducted would be in the public interest and in the interest of investors. Accordingly, it appears to the Commission necessary and appropriate to consider whether Rule 20a–2 under the Act (§ 270.20a–2) should be amended in the respects indicated by the foregoing.

In addition to the consideration which the Commission is giving to the attached proposed amendment to § 270.20a-2, it appears to the Commission that it should also consider the appropriateness of amending the present provisions which relate to the disclosure of the remuneration which certain persons associated with investment companies derive from the investment company business. The Commission therefore intends as soon as practicable to issue a public notice inviting comments on proposed amendments of the provisions of its proxy rules which relate to such remuneration.

The text of § 270.20a-2 as it is proposed to be amended follows:

§ 270.20a–2 Information pertaining to investment adviser, investment advisory contract, principal underwriter and principal underwriting contract.

(a) If action is to be taken with respect to the election of directors of the investment company and the solicitation is made by or on behalf of the management of the investment company or by or on behalf of an investment adviser or a principal underwriter, the following information shall also be included in the proxy statement.

Instructions. 1. Information comparable to that required hereunder to be included in the proxy statement with respect to the investment adviser and the investment advisory contract shall also be provided with respect to the principal underwriter and the principal underwriting contract.

2. Information with respect to a prospective investment adviser or a prospective principal underwriter shall be furnished to the extent applicable.

(1) State the name and address of the investment adviser, the date of the existing investment advisory contract, the date on which it was last submitted to a vote of security holders of the investment company and the purpose of such submission. Briefly describe the terms of the contract, including the rate of compensation of the investment adviser. State the aggregate amount of the investment adviser's fee and the amount and purpose of any other material payments by the investment company to the investment adviser during the last fiscal year of the investment company. If any person is acting as an investment adviser of the investment company otherwise than pursuant to a written contract which has been approved by the security holders of such company, identify such person and describe the nature of the services and arrangements therefor.

(2) State the name, address and principal occupation of the principal executive officer and each director or general partner of the investment adviser.

(3) State the names and addresses of all parents of the investment adviser and show the basis of control of the investment adviser and each parent by its immediate parent.

Instructions. 1. If any person named is a corporation, include the percentage of its voting securities owned by its immediate parent.

2. If any person named is a partnership, the general partners having the three largest partnership interests (computed by whatever method is appropriate in the particular case) shall be named.

(4) If the investment adviser is a corporation and if, to the knowledge of the persons making the solicitation or the persons on whose behalf the solicitation is made, any person not named in answer to subparagraph (3) of this paragraph owns of record or beneficially 10 percent or more of the outstanding voting securities of the investment adviser, indicate that fact and state the name and address of each such person.

(5) Name each officer, director or nominee for election as a director of the investment company who is an officer, employee, director or general partner of the investment adviser. As to any officer, director or nominee for election as a director of the investment company who is not a director or general partner of the investment adviser and who owns any securities of or has any other material direct or indirect interest in the investment adviser or any person controlling, controlled by or under common control with the investment adviser, state the nature of such interest.

(6) Describe any action with respect to the investment advisory contract which has been taken since the beginning of the last fiscal year by the board of directors of the investment company, unless such action was described in the proxy statement for the last annual meeting for the election of directors. Identify any director of the investment company who, at the time of the action described, owned any securities of, or had any other material direct or indirect interest in, the investment adviser or any person controlling, controlled by or under common control with the investment adviser, and state the nature of such interest.

(7) Name each person employed as a broker by or on behalf of the investment company in which the investment adviser, any officer, director or general partner, any person controlling, controlled by or under common control with the investment adviser, or any officer, director or nominee for election as a director of the investment company has any material direct or indirect interest. State the nature of such interest and amount of brokerage fees received by or participated in by each such broker from business originating with the investment company during its last fiscal year.

(8) If any officer, director or any nominee for election as a director of the investment company, any investment adviser, or any person named in response to subparagraph (2) or (3) of this paragraph purchased or sold any securities of the investment adviser or any of its parents, subsequent to the beginning of the last fiscal year of the investment company or is a party to any contract for the purchase or sale of any such securities, describe the transaction, identify the parties, state the consideration, the terms of payment and describe any arrangement or understanding with respect to the composition of the board of directors of the investment company or of the investment adviser, or with respect to the selection or appointment of any person to any office with either such company.

Instruction. Transactions involving securities in an amount not exceeding 1 per cent of the outstanding securities of any class of the investment adviser or any of its parents may be omitted.

(9) Unless the investment adviser is a bank, include a balance sheet of the investment adviser as of the end of its last fiscal year. Such balance sheet shall be certified by an independent public or certified public accountant. The Commission for good cause shown may, however, in its discretion permit (i) the omission of certification of such balance sheet, or (ii) the summarization or omission of such balance sheet if the investment adviser is primarily engaged in a business or businesses other than the underwriting or distribution of investment company securities or the performance of advisory services for registered investment companies.

Instruction. If during its last fiscal year the principal underwriter filed a certified statement of financial condition on Form X–17A–5, the balance sheet of the principal underwriter required by this item may be uncertified.

(10) If, since the beginning of the investment company's last fiscal year, any investment advisory contract was terminated for any reason, state the date of such termination, identify the investment adviser and describe the circumstances of such termination.

(b) If action is to be taken with respect to an investment advisory contract, the following information shall be included in the proxy statement:

(1) The information specified in paragraph (a). This information shall be furnished with respect to the existing investment adviser or any prospective investment adviser, whichever is appropriate.

(2) Describe (i) the nature of the action to be taken and the reasons therefor; (ii) the terms of the contract to be acted upon and any material differences between such contract and the arrangements then or previously existing; and (iii) if the action is to be taken because of the termination or prospective termination of a prior or existing contract, the circumstances giving rise to such termination.

(3) Describe any arrangement or understanding made in connection with the proposed investment advisory contract with respect to the composition of the board of directors of the investment company or the investment adviser or with respect to the selection or appointment of any person to any office with either such company.

(4) If the investment adviser acts as such with respect to any other management investment company, identify and state the size of each such other company and state the rate of the investment adviser's compensation.

(5) State for each of not less than the immediately preceding three fiscal years of the investment company the aggregate amount of the investment company's expenses, the aggregate amount of the investment company's average net assets, the aggregate amount of the investment company's investment income and the ratio of such expenses to its average net assets, and the ratio of such expenses to its investment income.

Instruction. If the contract being submitted for security holder approval provides for a change in the fees or expenses being paid by the investment company, the pro forma effect of such change for the last fiscal year of the investment company shall also be stated.

(6) State for each of not less than the immediately preceding three fiscal years of the investment adviser the following items of income received and expenses incurred by the investment adviser in acting pursuant to the advisory contract with the investment company: (i) the amount of the gross income received; (ii) the aggregate amount of the expenses incurred (showing separately the aggregate amount of the salaries or other compensation paid to officers, directors and persons who directly or indirectly own 5% or more of the equity of the investment adviser); (iii) the amount of the net income, both before and after provision for income taxes; and (iv) the ratio of net income, both before and after provision for income taxes, to gross income.

Instructions. 1. If the investment adviser acts as such for other registered management investment companies, the information required may be stated either in the aggregate as to all such companies, or separately for each such company and in the aggregate for all such companies.

2. If the contract being submitted for security holder approval provides for a change in the fees or expenses paid by the investment company, the pro forma effect of such change for the last fiscal year of the investment adviser shall also be stated.

3. So far as feasible, the information required shall be stated in tabular form.

(c) If action is to be taken with respect to a principal underwriting contract, the following information shall be included in the proxy statement:

(1) Information with respect to the principal underwriter and principal underwriting contract comparable to that required by paragraph (a) and subparagraphs (2), (3), (4) and (5) of paragraph (b) of this section.

(2) State for each of not less than the immediately preceding three fiscal years of the principal underwriter the amount and purpose of any material payments by the investment company to the principal underwriter.

(3) State for each of not less than the immediately preceding three fiscal years of the principal underwriter the following items of income received and expenses incurred by the principal underwriter in acting pursuant to the principal underwriting contract with the investment company: (i) The aggregate amount of the gross sales load received; (ii) the aggregate amount of the allowances to dealers; (iii) the aggregate amount of the net sales load retained; (iv) the amount of the expenses incurred other than allowances to dealers (showing separately the aggregate amount of the salaries or other compensation paid to officers, directors and persons who directly or indirectly own 5% or more of the equity of the principal underwriter); (v) the amount of the net income, both before and after provision for income taxes; and (vi) the ratio of net income, both before and after provision for income taxes, to net sales load.

Instructions to subparagraphs (2) and (3). 1. If the principal underwriter acts as such for other registered management investment companies, the information required may be stated either in the aggregate for all such companies, or separately for each such company and in the aggregate for all such companies.

2. If the contract being submitted for shareholder approval provides for a modification in the sales load charged on the purchase of securities issued by the investment company, or in the amount of any material payments by the investment company to the principal underwriter, the pro forma effect of such modification for the last fiscal year of the principal underwriter shall also be stated.

3. Where the distribution of shares of the investment company is effected through salesmen or sales representatives whose compensation is paid by the principal underwriter or an affiliated person of the principal underwriter, the net income ratio of the principal underwriter required by cause (vi) of subparagraph (3) shall be stated as a percent of gross sales load received by the principal underwriter and also as a percent of gross sales load less compensation paid to salesmen or sales representatives. If the distribution is effected through the principal underwriter and an affiliated person thereof, the data required by subparagraph (3) shall be shown on a combined or a consolidated basis as appropriate.

4. So far as feasible, the information required shall be stated in tabular form.

(d) The information required by both paragraph 2 (b) and (c) of this section (Rules 20a–2(b) and 20a–2(c)) shall be included in the proxy statement if action is to be taken with respect to either an investment advisory contract or a principal underwriting contract and the investment adviser and principal underwriter are the same person or one is an affiliated person of, or an affiliated person of an affiliated person of, the other.

(e) The definitions in § 270.8b–2 (Rule 8b–2) shall be applicable to the terms used in this section.

(Secs. 20(a), 38(a), 54 Stat. 822, 841, 15 U.S.C. 80a–20(a), 80a–37(a))

[1] For example: The first sentence of the present Rule 20a–2(a)(1) (§ 270.20a–2(a)(1)) reads, "State the name and address of the investment adviser, the date of the existing investment advisory contract, the date on which it was last submitted to a vote of security holders of the investment company and the purpose of such submission." Under the proposed amendment, the first instruction to Rule 20a–2(a)(1) would require that the proxy statement also state the name and address of the principal underwriter, the date of the existing principal underwriting contract, the date on which it was last submitted to a vote of security holders of the investment company and the purposes of such submission.

All interested persons are invited to submit their views and comments on the proposed amendment of § 270.20a–2, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before May 4, 1964. All such communications should refer to Investment Company Act Release No. 3931 and will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 18, 1964.

[F.R. Doc. 64–2881; Filed, Mar. 25, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 4]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for the Motion Picture Production and Motion Picture Service Industries

Correction

In F.R. Doc. 64–2704, appearing at page 3584 of the issue for Friday, March 20, 1964, the following correction is made in § 121.3–8(e)(1), as proposed: The words "do not exceed $3 million." should read "do not exceed $1 million.".

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. 167–61]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 2), there are transferred to the Commandant, U.S. Coast Guard the functions of the Secretary contained in Bureau of the Budget Circular A–15 (Revised), dated May 11, 1962, concerning determinations as to the furnishings to be provided for housekeeping quarters for Government personnel.

The Commandant may provide for performance by subordinates in the Coast Guard of the functions delegated herein.

Dated: March 19, 1964.

[SEAL] JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64–2904; Filed, Mar. 25, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W–0266519]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MARCH 20, 1964.

The notice of proposed withdrawal and reservation of lands published on page 2707 of the FEDERAL REGISTER, issued February 26, 1964, as F.R. Doc. 64–1797; filed Feb. 25, 1964; 8:47 a.m., is hereby corrected to include and show the NE¼ NW¼ sec. 31, T. 57 N., R. 94 W. Also, the number of acres is corrected by deleting 10,792.69 and replacing it with 10,832.69 acres.

ED PIERSON, *State Director.*

[F.R. Doc. 64–2876; Filed, Mar. 25, 1964; 8:46 a.m.]

[Serial No. Idaho 015116]

IDAHO

Order Providing for Opening of Public Lands

MARCH 19, 1964.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

Tract 1

T. 2 N., R. 24 E.,
Sec. 4, lots 3, 6, SE¼NW¼, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 9, lots 2, 3, 5, W½NE¼, E½NW¼, NW¼SE¼.

Totaling 582.89 acres.

Tract 2

T. 2 N., R. 24 E.,
Sec. 23, S½SW¼.

Totaling 80 acres.

Tract 3

T. 3 N., R. 25 E.,
Sec. 33, SW¼NE¼, E½SW¼, NW¼SE¼.

Totaling 160 acres.

Tract 4

T. 1 S., R. 28 E.,
Sec. 25, S½S½.
T. 1 S., R. 29 E.,
Sec. 31.

Totaling 800 acres.

The areas described aggregate 1622.89 acres.

2. All of the lands are located in Butte County. Tracts 1, 2, and 3 are located about 18 to 20 miles southwest of Arco, Idaho, and to the north of the Craters of the Moon National Monument. Tract 4 is located about 20 miles southeast of Arco and about 7½ miles southwest of Big Southern Butte. Tracts 1 and 2 are mountainous in character and have a sagebrush-grass type vegetative cover. Tracts 3 and 4 are desert in character and also have a sagebrush-grass type vegetative cover. The soils of these latter two tracts are generally of good quality for agricultural development under irrigation. However no surface irrigation water is available.

3. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to the filing of petition-applications, selections, and locations in accordance with the following:

a. Petition-applications and selections under the nonmineral public land laws, except applications under the Small Tract Act, may be presented to the manager mentioned below, beginning on the date of this order. Such petition-applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid petition-applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. April 23, 1964, will be considered as simultaneously filed at that hour. Rights under such petition-applications and selections filed after that hour will be governed by the time of filing.

b. The minerals in the lands described in Tract 1 have been open to mining location and mineral leasing.

c. The lands described in Tracts 2, 3 and 4 will be open to mineral leasing and to location under the United States mining laws, beginning at 10:00 a.m. on April 23, 1964.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing petition-applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning the lands should be addressed to the Manager, Idaho Land Office, P.O. Box 2237, Boise, Idaho.

ORVAL G. HADLEY, *Acting Land Office Manager.*

[F.R. Doc. 64–2877; Filed, Mar. 25, 1964; 8:46 a.m.]

ALASKA

Small Tract Classification No. 39; Cancellation

MARCH 20, 1964.

1. Pursuant to the authority delegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in delegation of authority (F.R. Doc. 64–2127) dated March 4, 1964, I hereby cancel Small Tract Classification No. 39 dated April 16, 1951, which classified the following described lands as suitable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. Sec. 682a) as amended:

FAIRBANKS MERIDIAN

T. 5 S., R. 4 E.,
Sec. 22, lot 1;
Sec. 23, NW¼NW¼, lots 2 and 3.

2. The subject lands are located in a terminal area; therefore, it has been determined that this classification should

be cancelled to allow the state of Alaska to select the subject lands.

3. This cancellation should become effective immediately.

ROSS A. YOUNGBLOOD,
District Manager.

[F.R. Doc. 64-2878; Filed, Mar. 25, 1964; 8:46 a.m.]

ALASKA

Small Tract Classification No. 110; Cancellation

MARCH 20, 1964.

1. Pursuant to the authority delegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in delegation of authority (F.R. Doc. 64-2127) dated March 4, 1964, I hereby cancel Small Tract Classification No. 110 dated April 9, 1956, which classified the following described lands as suitable for lease and sale for recreational purpose under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

FAIRBANKS MERIDIAN

T. 7 S., R. 5 E.,
Sec. 13, SW¼SE¼.

Containing 40 acres.

2. The subject classification does not preclude state selection. Since the state of Alaska has selected the subject land, it is recommended this classification be cancelled so the lands can be conveyed to the state of Alaska.

3. This cancellation will take effect immediately.

ROSS A. YOUNGBLOOD,
District Manager.

[F.R. Doc. 64-2879; Filed, Mar. 25, 1964; 8:46 a.m.]

[BLM 077412]

MINNESOTA

Survey Group No. 92

MARCH 19, 1964.

The plat of survey of an island described below, accepted February 6, 1964, will be officially filed in this office effective 10 a.m. on April 27, 1964.

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 138 N., R. 43 W.,
Sec. 12, lot 3, containing 2.34 acres.

The survey of this island was undertaken as an administrative measure pursuant to notice of its existence. The plat represents the survey of an island in Cormorant Lake. The character of the island and the timber growth thereon attest to its existence in 1858, when Minnesota was admitted into the Union, and at all subsequent dates and has the status of public domain.

The formation of the island is in all regards similar to the opposing mainland, with an elevation ranging from 0 to 5 feet above mean-high-water line. The island is of rich loam, land rolling, which supports a growth of mature timber, ranging in size from 4 to 37 inches in diameter, of willow, birch, ash, elm, and butternut.

The island is well over 50 percent upland in character within the interpretation of the swamp land act.

The island above described is open to application, location, selection and petition under the public land laws; subject to valid existing rights, the provisions of existing withdrawals, and requirements of applicable laws, rules and regulations. The land will not be subject to occupancy or disposition until it has been classified.

All inquiries relating to the lands should be directed to the Manager, Land Office, Division of Field Services, Bureau of Land Management, Washington, D.C., 20240.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 64-2880; Filed, Mar. 25, 1964; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-138]

CURTISS-WRIGHT CORP.

Notice of Application for Utilization Facility Export License

Please take notice that Curtiss-Wright Corporation, Rockefeller Center, 1271 Avenue of the Americas, New York 20, New York, has submitted an application, dated March 4, 1964, for a license authorizing the export of the remaining parts of the 1000 kilowatt nuclear research reactor shipped to the Thai Atomic Energy Commission for Peace under previous AEC export licenses.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 18th day of March, 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-2869; Filed, Mar. 25, 1964; 8:46 a.m.]

[Docket No. 50-217]

GENERAL DYNAMICS CORP.

Notice of Proposed Issuance of Facility Export License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's "Rules of Practice", 10 CFR Part 2, the Commission proposes to issue to General Dynamics Corporation a facility export license on Form AEC-250 containing the authority set forth in the text below authorizing the export of a 30 kilowatt TRIGA Mark II nuclear reactor to The Johannes Gutenberg University at Mainz in the State of Rheinland-Pfalz, Federal Republic of Germany.

Pursuant to Section 104 of the Atomic Energy Act of 1954, as amended, and Title 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission has found that:

1. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. The reactor proposed to be exported is a utilization facility as defined in said Act and regulations;

3. The issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation between the Governments of the United States and the Federal Republic of Germany.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

A copy of the application, dated December 20, 1963, is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 24th day of March 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulations.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954 and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, General Dynamics Corporation, P.O. Box 608, San Diego, California, is authorized to export a 30 kilowatt TRIGA Mark II nuclear reactor to The Johannes Gutenberg University at Mainz in the State of Rheinland-Pfalz, Federal Republic of Germany, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by Section 108 of the Atomic Energy Act of 1954, and to all of the other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission.

This license is effective as of the date of issuance and shall expire on December 31, 1965.

For the Atomic Energy Commission.

[F.R. Doc. 64-2977; Filed, Mar. 25, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15383]

JERRY LEE GREEN

Order To Show Cause

In the matter of Jerry Lee Green, Atlanta, Georgia, Docket No. 15383, order to show cause why there should not be revoked the license for radio station KDB-7499 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned Citizens (Class D) radio station;

It appearing, that on January 6, April 11, and April 30, 1963, the licensee's Citizens radio station was used to communicate with units of other stations in the Citizens Radio Service other than when necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 95.81(a) (formerly §19.61(a)) of the Commission's rules; and

It further appearing, that on January 6, and April 30, 1963, the licensee's Citizens radio station, after use for communications with other Citizens radio stations, was used to engage in other communications without observing two-minute silent periods, in violation of § 95.81(f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, that in view of the foregoing, the licensee has repeatedly violated §§ 95.81(a) and 95.81(f) of the Commission's rules; and

It further appearing, that pursuant to § 1.89 (formerly § 1.76) of the Commission's rules written notices of violation, dated January 24, 1963, April 18, 1963, and May 9, 1963, calling attention to the foregoing violations and requiring explanatory responses, were served upon the licensee at his address of record.

It is ordered, This 19th day of March 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 1341 Avon Avenue, Atlanta, Georgia.

Released: March 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2914; Filed, Mar. 25, 1964; 8:50 a.m.]

[Docket No. 15382]

EMANUEL CAMILO ZAVALA

Order to Show Cause

In the matter of Emanuel Camilo Zavala, South San Gabriel, California, Docket No. 15382; order to show cause why the license for radio station KEJ-4583 in the Citizens Radio Service should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official communication dated October 11, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules."

It further appearing, that the licensee did not reply to that communication or to a follow-up letter dated December 6, 1963, also mailed to the licensee at his address of record; and

It further appearing, that the foregoing communications from the Commission called for responses by the licensee within 10 and 15 days, respectively; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 19th day of March 1964 pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of 2502 Strathmore Street, South San Gabriel, California, and 500 East El Monte Street, San Gabriel, California.

Released: March 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2915; Filed, Mar. 25, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1174]

U.S. NORTH ATLANTIC—UNITED KINGDOM AND BALTIC TRADE

Investigation of Freight Rates on Liquors and Distilled Spirits

Information before the Commission indicates that certain conference and non-conference common carriers by water operating between United States North Atlantic ports and United Kingdom and Baltic ports have established and are maintaining and applying freight rates which are substantially higher on liquors and/or distilled spirits moving outward from the United States than are the rates on liquors and/or distilled spirits moving inward to the United States North Atlantic ports.

It appears that such freight rates for liquors and/or distilled spirits may be so unreasonably high or low as to be detrimental to the commerce of the United States in violation of section 18(b)(5), of the Shipping Act, 1916, as amended.

It further appears that the North Atlantic United Kingdom Freight Conference, the North Atlantic Westbound Freight Association, the North Atlantic Baltic Freight Conference, and/or the Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference and/or the carriers comprising such conferences, in establishing and maintaining such rates on liquors and distilled spirits pursuant to their organic agreements (Nos. 7100, 5850, 7670, and 8450, respectively), approved pursuant to section 15 of the Act, may have carried out such agreements in a manner which is detrimental to the commerce of the United States, or contrary to the public interest.

The Commission has a duty under section 212(e) of the Merchant Marine Act, 1936 to investigate all discriminatory rates, charges, classifications, and practices whereby exporters and shippers of cargo originating in the United States are required by any common carrier by water in the foreign trade of the United States to pay a higher rate from any United States port to a foreign port than the rate charged by such carrier on similar cargo from such foreign port to such United States port, and recommended to Congress measures by which such discrimination may be corrected.

Therefore, it is ordered, That pursuant to sections 15, 18(b)(5), and 22 of the Shipping Act, 1916, as amended, and section 212(e) of the Merchant Marine Act, 1936, as amended, the Commission upon its own motion, enter upon a proceeding of investigation and hearing to determine (1) whether any of the rates on distilled spirits or liquors of any of the conferences and/or carriers named in Appendixes 1 and 2 should be disapproved pursuant to section 18(b)(5), of the Act, and (2) whether any of the agreements of the conference carriers named in Appendix No. 1 should be disapproved, modified, or canceled pursuant to section 15 of the Act, and

It is further ordered, That the conferences and carriers named in Appendixes 1 and 2 hereto be made respondents in this proceeding, and

It is further ordered, That this matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner, and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and

notice of hearing be served upon the respondents named in the aforesaid appendixes, and

It is further ordered, That any persons, other than respondents, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., on or before April 4, 1964, with copy to respondents, and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or pre-hearing conference, shall be mailed directly to all parties of record.

By the order of the Commission, March 17, 1964.

THOMAS LISI,
Secretary.

APPENDIX 1

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE (NO. 7670)

17 Battery Place, New York 4, N.Y.

Black Diamond Steamship Corp., 2 Broadway, New York 4, N.Y.
Compagnie Maritime Belge, S.A./Compagnie, Maritime Congolaise, SCRL, Belgian Line, 67 Broad St., New York 4, N.Y.
Den Norske Amerikalinje A/S Oslo, Norwegian America Line, 24 State St., New York 4, N.Y.
Det Forenede Dampskibs-Selskab, Scandinavian American Line, 25 Broadway, New York 4, N.Y.
Hamburg American Line, United States Navigation Co., Inc., General Agents, 17 Battery Pl., New York 4, N.Y.
Meriviente Oy (Finnlines), Boise-Griffin Steamship Co., Inc., General Agents, 90 Broad St., New York 4, N.Y.
Moore-McCormack Lines, Inc., 2 Broadway, New York 4, N.Y.
North German Lloyd, United States Navigation Co., Inc., 17 Battery Pl., New York 4, N.Y.
N. V. Nederlandsch-Amerikaansche Stoomvaart - Maatschappij, Holland - America Line, Pier 40, North River, New York 14, N.Y.
Polish Ocean Lines, Stockard Shipping Co., Inc., 17 Battery Pl., New York, N.Y., 10004.
Swedish American Line (AB Svenska Amerika Linien), Transatlantic Steamship Co., Ltd. (Rederiaktiebolaget Transatlantic), 24 Whitehall St., New York 4, N.Y.
Thorden Lines A/B, 90 Broad St., New York 4, N.Y.
United States Lines Co., 1 Broadway, New York 4, N.Y.
Wilhelmsen Line, 17 Battery Pl., New York 4, N.Y.

SCANDINAVIA BALTIC/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE (NO. 8550)

Packhusplatsen 6, Gothenburg, Sweden

Moore-McCormack Lines, Inc., 2 Broadway, New York 4, N.Y.
Swedish American Line, 24 Whitehall St., New York 4, N.Y.
Transatlantic Steamship Co., Ltd., 24 Whitehall St., New York, N.Y.
Thorden Lines AB, 90 Broad St., New York 4, N.Y.

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE (NO. 7100)

17 Battery Pl., New York 4, N.Y.

Anchor Line, Limited (Anchor Line), Cunard SS Co., Ltd., Agents, 25 Broadway, New York 4, N.Y.
Bristol City Line of Steamship, Ltd., Hill, Charles & Sons Inc., Agents, One Broadway, New York 4, N.Y.
Cunard Steam-Ship Company Limited, 25 Broadway, New York 4, N.Y.
Irish Shipping Limited, Oceanic Agencies, 2 Broadway, New York 4, N.Y.
Lamport & Holt Line, Ltd., 101 Royal Liver Bldg., Liverpool 3, England.
Manchester Liners Ltd., Furness, Withy & Co., Ltd., Agents, 34 Whitehall St., New York 4, N.Y.
Johnston Warren Lines Ltd. (Johnston Warren Lines), Furness, Withy & Co., Ltd., Agents, 34 Whitehall St., New York, N.Y.
N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij, Holland-Amerika Lijn, Pier 40 North River, New York 14, N.Y.
Ulster Steamship Company, Ltd., Ellerman's Wilson Line, Agents, 24 State St., New York 4, N.Y.
United States Lines Co., 1 Broadway, New York 4, N.Y.
American Export and Isbrandtsen Lines, 26 Broadway, New York 4, N.Y.
Compagnie Generale Transatlantique, French Line, 17 State St., New York 4, N.Y.

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION (NO. 5850)

McDiarmid & Co., Secretaries,
Cunard Building, Liverpool 3, England.

Americana Shipping Corporation (American Star Line), % American Hemisphere Marine Agencies, Inc., 26 Broadway, New York 4, N.Y.
Anchor Line, Ltd. (Anchor Line), Cunard SS Co., Ltd., Agents, 25 Broadway, New York 4, N.Y.
Armement Deppe S.A., Hansen & Tidemann Inc., Agents, 310 Sanlin Building, New Orleans, La.
Bristol City Line of Steamships, Ltd., Hill, Charles & Sons Inc., Agents, One Broadway, New York 4, N.Y.
Cunard Steam-Ship Co., Ltd., 25 Broadway, New York 4, N.Y.
Furness, Withy & Co., Ltd., 34 Whitehall St., New York, N.Y.
Hamburg-Amerika Linie, U.S. Navigation Inc., General Agents, 17 Battery Pl., New York 4, N.Y.
Irish Shipping Ltd., Oceanic Agencies, 2 Broadway, New York 4, N.Y.
Manchester Liners Limited, Furness, Withy & Co., Ltd., Agents, 34 Whitehall St., New York 4, N.Y.
Norddentscher Lloyd, U.S. Navigation Co., Inc., General Agents, 17 Battery Pl., New York 4, N.Y.
Ulster Steamship Co., Ltd. (Head Line and Lord Line), Ellerman's Wilson Line, Agents, 24 State St., New York 4, N.Y.
United States Lines Co., 1 Broadway, New York 4, N.Y.

APPENDIX 2

INDEPENDENT CARRIERS

States Marine Lines, Inc., 90 Broad St., New York 4, N.Y.
Global Bulk Transport Inc., 90 Broad St., New York 4, N.Y.
Isthmian Lines, Inc., 90 Broad St., New York 4, N.Y.

[F.R. Doc. 64-2894; Filed, Mar. 25, 1964; 8:48 a.m.]

[Docket No. 1175]

AGREEMENT 9306—NORTH ATLANTIC CONTINENTAL POOL

Order of Investigation

On February 6, 1964, Agreement No. 9306 was filed with the Federal Maritime Commission for approval under section 15 (46 U.S.C. 814) of the Shipping Act.

The parties to Agreement No. 9306 are:

Meyer Line, P. Meyer (Independent Norwegian Line),

and the following lines which comprise some of the membership of the North Atlantic Continental Freight Conference and the Continental North Atlantic Westbound Freight Conference:

Black Diamond Steamship Corp.
Compagnie Maritime Belge/Compagnie Maritime Congolaise.
Cosmopolitan Line.
Hamburg-Amerika Linie.
Moore-McCormack Lines, Inc.
Norddeutscher Lloyd.
N.V. Nederlandsch Amerikaansche Stoomvaart-Maatschappij, Holland Amerika Lijn.
United States Lines Company.

Agreement No. 9306 purports to establish a freight revenue pool covering, with a few specific exceptions, all cargoes carried by the parties both eastbound and westbound between North Atlantic ports of the United States and ports in Belgium, Holland, and Germany (excluding German/Baltic ports). The agreement provides that the pool be divided into two sections, one covering the trade from North Atlantic ports and the other covering the trade to North Atlantic ports. Specified carrying deductions are provided for and Mayer Line, in each section, would be entitled to 16⅔ percent of all pool revenues while the other carriers, in each section, would be entitled to 83⅓ percent to be divided among themselves in the same ratio which each such member's contribution bears to the total pool revenue of all parties except Meyer Line.

The Commission has considered Agreement No. 9306 and is of the opinion that it warrants investigation. Therefore, the Commission, pursuant to section 15 (86 U.S.C. 814) and section 22 (46 U.S.C. 821) of the Shipping Act, hereby institutes an investigation to determine (1) whether Agreement No. 9306 represents the entire agreement between the parties, (2) whether any agreement with respect to carryings or sailings, or to the distribution of revenues, or to rates, have been carried out by the parties without the prior approval of the Commission with respect hereto, (3) whether approval of Agreement 9306 would be detrimental to the commerce of the United States, or contrary to the public interest in that among other things it may result in increased rates or may unjustly discriminate or be unfair as between carriers, shippers, exporters, importers, or ports, and (4) whether Agreement No. 9306 should be approved, disapproved, or modified.

All parties to Agreement No. 9306 are hereby made respondents in this proceeding and the matter is assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Presiding Examiner. A copy of this order shall be served upon the respondents and published in the FEDERAL REGISTER.

Persons, other than respondents, who desire to become parties to this proceeding and to participate herein should promptly notify the Secretary, Federal Maritime Commission, Washington, D.C., 20573, and shall file with the Secretary a Petition for Leave to Intervene in accordance with Rule 5(n) of the Commission's rules of practice and procedure on or before April 3, 1964.

All future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, should be mailed directly to all parties of record.

By order of the Commission, March 19, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2895; Filed, Mar. 25, 1964; 8:48 a.m.]

ALCOA STEAMSHIP COMPANY, INC. ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat 7.63; 46 U.S.C. 814):

Agreement 8086-4 between the Alcoa Steamship Company, Inc., American Export & Isbrandtsen Lines, American Export Lines, Inc., American President Lines, Ltd., American Union Transport Lines, Inc., Bloomfield Steamship Company, Central Gulf Steamship Corporation, Farrell Lines Incorporated, Grace Line Inc., Great Lakes Bengal Lines, Inc., Isthmian Lines, Inc., Lykes Bros. Steamship Co., Inc., Matson Navigation Company, Moore-McCormack Lines, Inc., Pacific Seafarers, Inc., Prudential Lines, Inc., States Marine Lines (joint service), Stevenson Lines, United States Lines Company, and Waterman Steamship Corporation, modifies approved agreement 8086, as amended, which provides for transportation and related services to and from United States Atlantic, Great Lakes and Gulf of Mexico ports, and to and from ports in territories and possessions of the United States, also between foreign ports, for and at the request of the Military Sea Transportation Service and related "Shipper Services". The purpose of this modification is to amend Article 2(b) of Agreement 8086, to provide that the Secretary shall be designated as the official agent of the parties for the purpose of filing schedules of rates, charges, and conditions of carriage negotiated between the parties and the M.S.T.S. and related "Shipper Services", as required by section 18(b) of the Shipping Act, 1916.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2896; Filed, Mar. 25, 1964; 8:48 a.m.]

MEMBER LINES OF THE ASSOCIATED STEAMSHIP LINES (MANILA) CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 5600-25, between the member lines of the Associated Steamship Lines (Manila), modifies the approved agreement of that conference, which covers the trade from the Philippine Islands, direct to or with transhipment at, or via ports in the United States of America, Canada, Cuba, Mexico, Central America, Canal Zone, South America, Caribbean Sea ports, and the West Indies. The purpose of this modification is to (1) eliminate the reference to the trade from the Philippine Islands to Cuba, Mexico, Central America, Canal Zone, South America, Caribbean Sea ports, and the West Indies from the scope of the conference; (2) expand the scope of the conference to include the trade from the Philippine Islands to territories and possessions of the United States; and (3) provide that the jurisdiction of the Pan-American Group of conference carriers shall relate to the trade to ports in Puerto Rico and the U.S. Virgin Islands.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2897; Filed, Mar. 25, 1964; 8:48 a.m.]

PARTIES TO COTTON POOL, AGREEMENT 8682

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8682-2 between certain carriers who are members of the Far East Conference engaged in the transportation of raw cotton from Gulf ports of the the United States to ports in Japan, modifies Agreement No. 8682, as amended, to provide for reapportionment of the percentage participation and minimum sailings of the Japanese companies parties to the agreement, because of merger of certain of the Japanese carriers with other Japanese lines.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2898; Filed, Mar. 25, 1964; 8:48 a.m.]

PORT OF OAKLAND AND ENCINAL TERMINALS

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8335-4, between the Port of Oakland and Encinal Terminals will (1) revise the cancellation provisions of the agreement to permit each party to cancel annually; (2) permit cancellation with respect to either the Outer Harbor or Ninth Avenue or both parcels; (3) fix adjusted minimum rentals in the event of cancellation as to one parcel only; and (4) provide for the rights of the parties to berth vessels and use the apron area near Berth 7, Outer Harbor.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washing-

ton, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

Dated: March 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2899; Filed, Mar. 25, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-274]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application To Amend

MARCH 19, 1964.

Take notice that Mississippi River Transmission Corporation (Mississippi River), 9900 Clayton Road, St. Louis, Missouri, filed on February 3, 1964, in Docket No. CP61-274, an application, and a supplement thereto on February 7, 1964, to amend an order of the Commission issued July 21, 1961, in the above docket (last amended December 18, 1963), granting a certificate of public convenience and necessity authorizing among other things the transportation of natural gas through its system to provide cushion or base storage gas to Storage Corporation (Storage) for the development of a natural gas storage project in the St. Jacob Field near St. Jacob, Illinois, and the construction and operation of certain facilities to enable the transportation to, and the injection of natural gas into the storage reservoir, all as more fully set forth in the application and supplement on file with the Commission and open to public inspection.

The application to amend, as supplemented, states Mississippi River seeks authorization (1) to install and operate a 300 Hp field compressor unit in lieu of a 550 Hp compressor unit authorized, (2) to increase the volume limitations imposed in the order of April 19, 1961, to a total of 6,000,000 Mcf for the field rather than 3,000,000 Mcf, and to permit the injection of 2,000,000 Mcf yearly instead of 1,000,000 Mcf, and (3) to extend the time for installation of authorized facilities to March 31, 1965.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2873; Filed, Mar. 25, 1964; 8:46 a.m.]

[Docket No. G-12244 etc.]

TEXACO INC.

Notice of Applications

MARCH 19, 1964.

Take notice that Texaco Inc. (Applicant), or its predecessor in interest, has filed applications pursuant to section 7 (c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale of natural gas in interstate commerce for resale as set forth in the accompanying tabulation, all as more fully described in the respective applications, and any amendment thereto, which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and filing date	Field and location	Purchaser	Initial price per Mcf and psia pressure base	Related rate schedule	
				Number	Supplement
G-12244	Texaco Inc., N.E. Waynoka Field, Woods County, Okla.	Cities Service Gas Co.	13.0 cents at 14.65.	161	5
(C-6/29/61)					
(C-3/26/62)	do	do	do	161	6
G-17378	Texaco Inc., North Stratford Field, Sherman County, Tex. (District 10).	Transwestern Pipeline Co.	17.0 cents at 14.65.	215	1-3
(A-12/19/58)					
(B-12/9/60)	Fields in Ochiltree, Lipscomb, Roberts, Hansford and Wheeler Counties, Tex. (District 10).	do	do	215	4,5
(B-3/30/61)	Dude Wilson Field, Ochiltree County, Tex. (District 10).	do	do	215	6
(B-4/12/62)	Deletes acreage in North Stratford Field, Sherman County, Tex.	do	do	215	7
G-17379	Texaco Inc., S.E. Griggs Field Cimarron County, Okla.	do	17.0 cents at 14.65.	214	1-3
(A-12/19/58)				214	4
(B-11/21/60)	Fields in Ellis County, Okla.	do	do	214	5
(B-3/31/61)	Harper County, Okla., and Clark County, Kans.	do	16.0 cents (in Kansas).		
G-18887	Texaco Inc., E. Mustang Island Field, Nueces County, Tex. (District 4).	Florida Gas Transmission Co.	15.0 cents* at 14.65.	279	
(A-6/30/59)					
C160-32	Texaco Inc., LaBarge Field, Lincoln and Sublette Counties, Wyo.	El Paso Natural Gas Co.	15.384 cents at 15.025.	211	7
(C-5/17/63)					
CI61-677	Texaco Inc., N.E. Thompsonville Field, Jim Hogg County, Tex. (District 4).	Natural Gas Pipeline Co. of America.	15.0 cents* at 14.65.	228	1
(A-10/28/60)					
CI61-895	Texaco Inc., Dude Wilson Field, Ochiltree County, Tex. (District 10).	Transwestern Pipeline Co.	17.0 cents at 14.65.	280	
(A-12/13/60)					
CI61-1078	Texaco Inc., Nelsonville Field, Austin County, Tex. (District 3).	Tennessee Gas Transmission Co.	16.0 cents* at 14.65.	235	1,2
(A-1/19/61)					
CI62-63	Texaco Inc., Gutierrez Field, Jim Hogg County, Tex. (District 4).	South Texas Natural Gas Gathering Co.	15.0 cents at 14.65.	245	
(A-7/21/61)					
CI62-1018	Texaco Inc., Mocane Field, Beaver County, Okla.	Panhandle Eastern Pipe Line Co.	17.0 cents at 14.65.	289	1
(C-12/17/62)					
CI62-1181	Texaco Inc., Basin Dakota Field, San Juan County, N. Mex.	El Paso Natural Gas Co.	13.0 cents* at 15.025.	290	1
(A-4/2/62)					
(B-10/1/62)	do	do	do*	290	2
(B-5/17/63)	do	do	do*	290	3
(B-7/17/63)	do	do	do*	290	4
(B-10/23/63)	do	do	do*	290	6
CI63-1196	Texaco Inc., Table Rock Field, Sweetwater County, Wyo.	Colorado Interstate Gas Co.	15.384 cents at 15.025.	310	1-3
(A-3/22/63)					
CI63-1206	Texaco Inc., Alkali Butte Field, Fremont County, Wyo.	Kansas-Nebraska Natural Gas Co., Inc.	15.384 cents at 15.025.	321	
(A-3/25/63)					

Filing Code: A—Initial service certificate application.
B—Application to amend pending certificate application.
C—Application to amend certificate by adding acreage.
D—Application to amend certificate by deleting acreage.

*Agreed settlement price (less than initial contract price).

[F.R. Doc. 64-2874; Filed, Mar. 25, 1964; 8:46 a.m.]

[Docket No. CP63-163]

CHATTAHOOCHEE VALLEY GAS DISTRICT

Notice of Amendment to Application and Date of Hearing

MARCH 19, 1964.

Take notice that Chattahoochee Valley Gas District (Valley Gas), an Alabama municipal corporation with principal place of business at Clio, Alabama, filed on August 30, 1963, as supplemented November 6, 1963, an amendment to its original application filed December 10, 1962, in Docket No. CP63-163, pursuant to section 7(a) of the Natural Gas Act for an order requiring Southern Natural Gas Company (Southern) to establish physical connection of its transportation facilities with those proposed to be constructed by Valley Gas and to sell natural gas to the latter for distribution in six Alabama communities, all as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in the above-mentioned application, amendment, and supplements thereto which are on file with the Commission and open for public inspection.

By notice issued February 8, 1963, and published in the FEDERAL REGISTER on February 15, 1963, 28 F.R. 1491, Valley Gas' application was consolidated for purposes of hearing with other applications in Southern Natural Gas Co., et al., Docket Nos. CP63-26, et al. A further notice issued March 4, 1963, and published in the FEDERAL REGISTER on March 9, 1963, 28 F.R. 2317, stated that Valley Gas' application, as supplemented on February 18, 1963, was interdependent upon applications to be filed by South Georgia Natural Gas Company and the town of Ashford, Alabama. Since these interdependent applications had not been filed, Valley Gas' application was considered incomplete, pursuant to § 157.13(c) of the Commission's Regulations under the Natural Gas Act, and was therefore severed from the consolidated proceeding in Docket Nos. CP63-26, et al.

Valley Gas' amendment to its application, filed August 30, 1963, changes the scope of the natural-gas service originally proposed in Docket No. CP63-163 by eliminating Valley Gas' prior proposal to transport gas for South Georgia Natural Gas Company and the town of Ashford, Alabama, and by deleting Valley Gas' prior proposal to construct natural-gas distribution systems in the towns of Columbia and Cottonwood, Alabama. Consequently, Valley Gas' application in Docket No. CP63-163 now proposes service only to the six Alabama communities of Ariton, Clayton, Clio, Hurtsboro, Louisville, and Midway.

Valley Gas proposes to make an interconnection with Southern's system at a point approximately eight miles south of Opelika, Alabama, adjacent to Alabama Highway No. 37. Valley Gas' main transmission system would consist of approximately 81.2 miles of pipeline, ranging from 4½ to 2⅞ inches in diameter, extending southward into the counties of Russell, Bullock, Barbour, and Dale, Alabama. Valley Gas will also construct the distribution systems in all of the six communities it proposes to serve. The total estimated cost of its transmission and distribution systems is $1,725,000. Valley Gas proposes to finance its project by the issuance of 30-year 5 percent bonds which Valley Gas expects to sell through a private investment firm. The bonds are to be payable solely from the revenues to be derived from operation of Valley Gas' proposed natural-gas system.

Valley Gas estimates that its third-year peak day and annual requirements will total 2,658 Mcf and 219,072 Mcf, respectively. Its only proposed large commercial customer is the Tri States Sand Company, Hurtsboro, Alabama, which has signed a precedent agreement with Valley Gas dated October 21, 1963, indicating that Tri States Sand Company will purchase annually about 57,200 Mcf of natural gas in lieu of 572,000 gallons of L.P. gas, the fuel presently being used. Valley Gas' market study also shows that a large number of residential L.P. gas consumers are expected to convert to natural gas.

Valley Gas proposes to purchase the gas to serve the markets heretofore described from Southern under the latter's G-2 Rate Schedule which currently provides for a charge of 40.3 cents per Mcf, although Valley Gas' economic feasibility exhibits were prepared on the assumption that its cost of purchasing gas from Southern would be 40.9 cents per Mcf. Valley Gas estimates that its debt service ratio, based on a third-year leveling of its total gas sales, would be 1.508.

Southern filed answers to Valley Gas' amendment to its application and to Valley Gas' supplement to the amendment to its application on September 12, 1963, and November 18, 1963, respectively. Southern's answers allege that Southern does not now have the main-line capacity to supply Valley Gas' requirements even if Southern should be allowed to construct all the facilities for which it is seeking a certificate in its application filed in Docket No. CP63-26 which is pending for decision before the Commission on exceptions to the Examiner's decision issued October 24, 1963, in Docket Nos. CP63-26, et al. Southern also indicated that it is giving consideration to the filing during 1964 of an application for authorization to construct and operate facilities to increase its system capacity and that if such an application were filed that Southern would be willing to make provision for meeting Valley Gas' proposed requirements.

This matter should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held April 22, 1964, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., 20426, concerning the matters involved in and the issues presented by the application filed in Docket No. CP63-163.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 8, 1964. Prior to the severance of Valley Gas' application from the consolidated proceeding in Docket Nos. CP63-26, et al., Alabama Gas Corporation, Carolina Pipeline Company, South Carolina Natural Gas Company, Fuels Research Council, Inc., Mississippi Valley Gas Company, and Long Island Lighting Company filed petitions to intervene in the consolidated proceeding. Examination of these petitions to intervene indicates that the aforementioned parties did not show a specific interest in Valley Gas' application. Therefore, no petition to intervene heretofore filed in the consolidated proceeding in Docket Nos. CP63-26, et al., will be considered as a petition to intervene in the hearing scheduled to be held in Docket No. CP63-163.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2870; Filed, Mar. 25, 1964; 8:46 a.m.]

[Docket Nos.. G-2721, etc.]

CITIES SERVICE OIL CO.

Notice of Application

MARCH 20, 1964.

In the matter of Cities Service Oil Company (Successor to Cities Service Production Company), Docket Nos. G-2721, G-4579, G-10139, G-11046, G-11092, G-12597, G-13228, G-14355, G-14356, G-16854, G-19707, CI60-20, CI62-135, CI64-619.

Take notice that on December 19, 1963, as supplemented on January 3, 1964, Cities Service Oil Company filed in the above-docketed proceedings an application pursuant to section 7(c) of the Natural Gas Act to amend the orders issuing certificates of public convenience and necessity in said dockets to Cities Service Production Company or to amend pending certificate applications by substituting Cities Service Oil Company as certificate holder or Applicant therein as a result of a merger, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The related FPC gas rate schedules of Cities Service Production Company have been redesignated as FPC gas rate schedules of Cities Service Oil Company as set forth in the Appendix hereto.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Docket No.	Cities Service Oil Company		Cities Service Production Company		Purchaser	Location	Price (cent/s Mcf) and pressure base (psia)
	Rate schedule	Supplement	Rate schedule	Supplement			
G-2721	176		1		United Fuel Gas Co.	Bourg Field, Terrebonne and Lafourche Parishes, La.	19.9 at 15.025
	176	1-18	1	1-18			
G-4579	177		3		El Paso Natural Gas Co.	Peyton Field, Pecos and Ward Counties, Tex.	15.7063 [1] at 14.65.
	177	1-12	3	1-12	Tennessee Gas Transmission Co.	West Delta Area, offshore La.	19.5 at 15.025
G-10139	178		4				
	178	1-9	4	1-9	Lone Star Gas Co.	Balfour No. 1 Gas Unit, Smith County, Tex.	14.49 at 14.65
G-12597	[2] 179		[2] 5				
	179	1, 2	5	1, 2	Tennessee Gas Transmission Co.	East and West Cameron and Vermilion Areas, offshore La.	18.5 at 15.025
G-11046	180		6				
	180	1-15	6	1-15	Transcontinental Gas Pipeline Corp.	Chegby Field, St. James and Lafourche Parishes, La.	20.625 at 15.025
G-16854	[2] 181		[2] 7				
	181	1-3	7	1-3	Michigan Wisconsin Pipeline Co.	Laverne Field, Harper and Beaver Counties, Okla.	17.0 at 14.65
G-13228	[2] 182		[2] 8				
	182	1-5	8	1-5	Transcontinental Gas Pipeline Corp.	South Bourg Field, Terrebonne Parish, La.	20.625 at 15.025
G-14356	183		9				
	183	1-3	9	1-3	Florida Gas Transmission Co.	Bay Natchez Field, Assumption and Iberville Parishes, La.	19.75 at 15.025
G-11092	[2] 184		10				
	184	1-4	10	1-4	Southern Natural Gas Co.	Fausse Point Field, Iberia and St. Martin Parishes, La.	20.625 at 15.025
C160-20	[2] 185		[2] 11				
	185	1	11	1	Tennessee Gas Transmission Co.	Grand Isle Block 47 Field, Offshore La.	19.0 at 15.025
G-19707	186		12				
	186	1-5	12	1-5	Tennessee Gas Transmission Co.	East Cameron Blocks 47 and 48, Offshore La.	19.5 at 15.025
CI62-135	187		13				
	187	1, 2	13	1, 2	Transcontinental Gas Pipeline Corp.	Willow Woods Field, Terrebonne Parish, La.	20.625 at 15.025
G-14355	188		14				
	188	1, 2	14	1, 2	Tennessee Gas Transmission Co.	Garden Island Bay Field, Plaquemines Parish, La.	21.25 at 15.025
CI64-619	[2] 189		[2] 15				

[1] Effective subject to refund in Docket No. G-20396.
[2] "(Operator), et al."

[F.R. Doc. 64-2906; Filed, Mar. 25, 1964; 8:49 a.m.]

[Docket No. CI62-1506]

CONTINENTAL OIL CO.

Notice of Application

MARCH 19, 1964.

Take notice that on June 18, 1962, Continental Oil Company (Applicant), 1300 Main Street, Houston 2, Texas, filed in Docket No. CI62-1506 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the sale and delivery of natural gas to Arkansas Louisiana Gas Company from acreage in the East Haynesville Field, Claiborne Parish, Louisiana, which sale was originally authorized to be made by J. R. Frankel, et al. (Frankel) by order of the Commission issued October 24, 1956, in Docket No. G-4011 (Docket No. G-2603, et al.), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On September 6, 1961, Berkshire Oil Company (Berkshire) filed a motion to amend the aforesaid certificate order in Docket No. G-4011 (among others) by substituting Berkshire for Frankel as certificate holder thereunder, and Berkshire, on November 2, 1961, assigned its interests to Continental Oil Company, the Applicant in subject Docket No. CI62-1506.

The related rate schedule for the subject service is designated as Continental Oil Company FPC Gas Rate Schedule No. 223, as supplemented, and the initial contract price is 13.4783 cents at 15.025 psia.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2871; Filed, Mar. 25, 1964; 8:46 a.m.]

[Docket No. E-7156]

DUKE POWER CO. AND DUKE POWER COMPANY OF NORTH CAROLINA

Notice of Application

MARCH 19, 1964.

Take notice that on March 9, 1964, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by the Duke Power Company (hereinafter referred to as "Duke-New Jersey") and the Duke Power Company of North Carolina (hereinafter referred to as "Duke-North Carolina") for authorization to merge into a single corporation with Duke-North Carolina being the survivor. Duke-New Jersey is a public utility incorporated under the laws of the State of New Jersey and doing business in the States of North Carolina and South Carolina.

Duke-New Jersey's principal business is the ownership and operation of an electric system in the States of North Carolina and South Carolina. Its service area embraces all or part of 37 counties in North Carolina and 15 counties in South Carolina. It also operates local transportation systems in Greensboro and Durham, North Carolina and in Spartansburg and Anderson, South Carolina, and operates water supply systems in Rutherfordton and Spindale, North Carolina and in Anderson, South Carolina.

Duke-North Carolina has been incorporated for the sole purpose of furnishing a vehicle for transferring the corporate domicile of Duke-New Jersey to the State of North Carolina. On the effective date of the merger, it will assume ownership and operation of all of the property and businesses of Duke-New Jersey herein above described. Duke-North Carolina is a public utility incorporated under the laws of the State of North Carolina and doing business in the States of North Carolina and South Carolina with its principal business office at Charlotte, North Carolina.

On the effective date of the merger, Duke-New Jersey will cease to exist as a corporate entity and Duke-North Carolina will succeed to all of Duke-New Jersey's licenses, franchises, permits, corporate assets, tangible and intangible property and will assume all of Duke-New Jersey's debts and obligations of all kinds. By the Articles of Merger and Joint Agreement, each share of Common or Preferred Stock of Duke-New Jersey outstanding on the effective date of the merger will be converted into shares of Common Stock or Preferred Stock of Duke-North Carolina as of that date, except for those shares held by dissenting stockholders who will be entitled to be paid in cash the value of their shares and except for the Duke-New Jersey 7 percent Series A Preferred which will be retired on the close of business, March 31, 1964, pursuant to a vote of the stockholders of Duke-New Jersey. No other consideration will be given for the merger. Since the purpose of the proposed merger is to change the state of incorporation from the State of New Jersey to the State of North Carolina and is designed to have no effect on the assets and liabilities of Duke-New Jersey other than to invest them into Duke-North Carolina, no net proceeds or profits of any kind will be realized by either of the Applicants as a result of said merger. No change in the method of operation of the facilities of Duke-New Jersey will be brought about as a result of the said merger. The joint Applicants state that the change of the corporate domicile from the State of New Jersey to the State of North Carolina should result in improved relations with customers and the public generally.

According to the application, all of Duke-New Jersey's corporate and individual customers are located in the States of North Carolina and South Carolina and 60 percent of its individual stockholders are residents of those states. Applicant also believes that a slight overall decrease in taxes will be effected by the change in corporate domicile.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 8th day of April 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 C.F.R. 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2872; Filed, Mar. 25, 1964; 8:46 a.m.]

[Docket Nos. G-15050, etc.]

MAPCO PRODUCTION CO. ET AL.

Notice of Applications

MARCH 20, 1964.

In the matter of Mapco Production Company (Operator), et al. (Successor to Producing Properties, Inc. (Operator), et al.); Mapco Production Company (Successor to Producing Properties, Inc.); Docket Nos. G-15050, G-15051, G-15052, G-16146.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act in the above-docketed proceedings to amend the orders issuing certificates of public convenience and necessity in said proceedings by authorizing Applicants in lieu of their predecessors in interest to sell and deliver natural gas in interstate commerce for resale for ultimate public consumption, all as more fully set forth in the Appendix herein and in the applications which are on file with the Commission and open to public inspection.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1964.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Docket No.	Filing date	Predecessor's FPC Gas Rate Schedule	Purchaser	Location	Price (¢/Mcf) [1] at 14.65 psia	Related Rate Proceeding
G-15050	1-2-64	5	Mississippi River Fuel Corp.	Woodlawn Field, Harrison County, Tex.	14.3844	
G-15051	1-2-64	7	Mississippi River Fuel Corp.	Woodlawn Field, Harrison County, Tex.	14.8892	RI61-366 RI62-457
G-15052	1-2-64	8	Mississippi River Fuel Corp.	Woodlawn Field, Harrison County, Tex.	14.8892	RI61-366
		10	Mississippi River Fuel Corp.	Woodlawn Field, Harrison County, Tex.	14.8892	RI60-433 RI61-442
G-16146	1-13-64	28	Northern Natural Gas Co.	Hugoton Field, Haskell, Finney, and Seward Counties, Kans.	11.0	RI63-354
		29	Colorado Interstate Gas Co.	Hugoton Field, Stanton, Finney, Haskell, Stevens, Hamilton, and Seward Counties, Kans., and Baca County, Colo.	12.0	
		30	Colorado Interstate Gas Co.	Greenwood Field, Baca County, Colo.	16.0	RI63-56
		31	Northern Natural Gas Co.	Hugoton Field, Finney County, Kans.	13.0	RI63-173

[1] In each case where there is a related rate proceeding, the stated price is being collected subject to refund, and Applicant has requested to be made respondent in said proceeding.

[F.R. Doc. 64-2908; Filed, Mar. 25, 1964; 8:49 a.m.]

[Docket No. CP64-186]

UNITED GAS PIPE LINE CO.

Notice of Application

MARCH 19, 1964.

Take notice that on February 24, 1964, United Gas Pipe Line Company (Applicant) filed an application in Docket No. CP64-186 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the following:

Construct approximately 1.06 miles of 4-inch pipe line loop beginning at the Ellisville tap on the Laurel, Mississippi, lateral near Milepost 6.66, in Section 5, Township 7 North, Range 12 West, and extending in a southeasterly direction to Ellisville in section 8, Township 7 North, Range 12 West, all being in Jones County, Mississippi;

all as more fully set forth in the application.

Applicant states that the facilities will be used for the sale and delivery of additional quantities of natural gas to United Gas Corporation, for resale in the Town of Ellisville, Mississippi, to meet the increased requirements of such Town which is a present customer of Corporation. Applicant states that the facilities for which a certificate is sought will cost $25,200.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed with the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2875; Filed, Mar. 25, 1964; 8:46 a.m.]

[Docket No. G-20081]

FOUR STATES DRILLING CO., INC.

Order Redesignating Proceeding

MARCH 20, 1964.

Four States Drilling Company, Inc. (Operator), et al. (Four States), filed a motion requesting that the certificate of public convenience and necessity issued to Jett Drilling Company, Inc. (Operator), et al. (Jett), in Docket No. G-12505, be amended, and the rate suspension proceeding in Docket No. G-20081 be redesignated in the name of Four States. Four States also filed an amendment to its agreement and undertaking changing the name from Jett to Four States.

In support of its motion, Four States states that (1) on May 9, 1962, pursuant to a unanimous vote of its stockholders, Jett filed with the Secretary of State of Texas, wherein it is lawfully incorporated, an amendment to its corporate charter, changing its name as indicated

above; (2) no other corporate changes have been made; (3) it is the same corporate entity for all purposes and in all respects as Jett except for the name; (4) there has been no change in assets, liabilities or capitalization of Jett under its new name; and (5) Four States will continue without cessation or interruption the operation and corporate activities heretofore performed under its former name of Jett.

On October 21, 1959, Jett tendered for filing a notice of change in its FPC Gas Rate Schedule No. 2, involving the jurisdictional sale of natural gas to United Gas Pipe Line Company from the Maxie-Pistol Ridge Fields, Forrest, Lamar, and Pearl River Counties, Mississippi. The proposed increased rate, designated as Supplement No. 1 to Jett's FPC Gas Rate Schedule No. 2, was suspended by order issued November 10, 1959, in Docket No. G-20081, until April 24, 1960, when it became effective subject to refund.

By letter order issued August 16, 1962, in Docket No. G-12505, Four States' notices of succession to Jett's rate schedules were accepted for filing, and Jett's FPC Gas Rate Schedule No. 2, as supplemented, was redesignated as Four States' FPC Gas Rate Schedule No. 2, as supplemented.

The Commission finds. The proceeding in Docket No. G-20081 should be redesignated in the name of Four States and the amendment to the agreement and undertaking filed by Jett should be accepted for filing.

The Commission orders:

(A) The proceeding in Docket No. G-20081 is redesignated as "Four States Drilling Co., Inc. (Operator), et al."

(B) The amendment to the agreement and undertaking appears to be satisfactory and is accepted for filing.

By the Commisison.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2905; Filed, Mar. 25, 1964; 8:49 a.m.]

[Docket No. CP62-265]

EL PASO NATURAL GAS CO.

Notice of Application To Amend Order

MARCH 20, 1964.

Take notice that on February 24, 1964, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, 79999, filed an application to amend further the Commission's order Adopting Initial Decision of Presiding Examiner, issued May 16, 1963, as amended, in Docket No. CP62-265 so as to delete therefrom authorization for 320 compressor horsepower to have been installed at Applicant's proposed Portland Station, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The order of May 16, 1963, as amended, authorized Applicant to construct and operate, among other facilities, three (3) 1,440 horsepower compressor units (for a total 4,320 hp) at a new compressor station to be known as the Portland Compressor Station and to sell and deliver natural gas to California-Pacific Utilities Company for resale and distribution by the latter in southwestern Oregon.

Applicant states that upon re-evaluation it has been determined that a total of 4,000 horsepower at said Portland Station will be capable of handling the designed volumes, and, therefore, two (2) 2,000 horsepower units have been installed in lieu of the three (3) 1,440 horsepower units hereinbefore authorized.

Therefore, Applicant requests herein that the order of May 16, 1963, as amended, be further amended accordingly.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 13, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2907; Filed, Mar. 25, 1964; 8:49 a.m.]

[Docket Nos. CP63-12, CP63-13]

MISSISSIPPI RIVER TRANSMISSION CORP. AND MISSISSIPPI RIVER FUEL CORP.

Notice of Postponement of Hearing

MARCH 20, 1964.

Upon consideration of the request filed on March 17, 1964 by Mississippi River Fuel Corporation and Mississippi River Transmission Corporation for continuance of the hearing now scheduled to convene at 10:00 a.m., March 24, 1964; notice is hereby given that said hearing is postponed to 10:00 a.m., April 7, 1964.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2909; Filed, Mar. 25, 1964; 8:49 a.m.]

[Docket No. RP64-26]

OHIO FUEL GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 16, 1964.

Take notice that on March 10, 1964, The Ohio Fuel Gas Company tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, to become effective as of March 1, 1964. The proposed changes reflect reductions in rates and charges in its Rate Schedules CDS-1, CDS-1A, AOS-1, AOS-1A, SGS-1 and SGS-1A.

The annual reduction in rate level is $652,226, based upon adjusted sales for the year 1963, and reflects the recent reduction in the corporate Federal income tax rate from 52 percent to 50 percent, and the reduction in the cost of gas purchases from Texas Gas Transmission Corporation brought about by the reduction in Federal income tax. Ohio Fuel also intends to make appropriate refunds to its customers reflecting amounts received as refunds from Texas Gas for January and February 1964, as a result of the tax reduction.

Copies of the proposed rate changes have been served by Ohio Fuel upon its customers and the Public Utilities Commission of Ohio. Comments may be filed with the Commission on or before March 30, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2910; Filed, Mar. 25, 1964; 8:49 a.m.]

[Docket No. CP64-94]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MARCH 20, 1964.

Take notice that on October 18, 1963, Texas Gas Transmission Corporation (Texas Gas) filed in Docket No. CP64-94 an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction and operation of approximately 13.5 miles of 26-inch pipeline and one meter station, as more fully set forth in said application as filed and open to public inspection.

The proposed pipeline will extend from the discharge side of Texas Gas' Lafayette, Louisiana, Compressor Station to a delivery point in Section 21, Township 13 South, Range 4 East, Vermilion Parish, Louisiana.

The new pipeline will connect a new gas supply which Texas Gas has acquired under a gas purchase contract entered into with Texaco Inc. (Texaco).

The estimated cost of the facilities is $1,552,700, and will be financed from cash on hand.

On October 22, 1963, Texaco filed an application in Docket No. CI64-475 for a certificate of public convenience and necessity pursuant to the provisions of section 7 of the Act, authorizing the sale of approximately 1 trillion cubic feet of gas to Texas Gas. Notice of the filing of this application was issued October 29, 1963 (28 F.R. 11752). Texas Gas has filed the application in Docket No. CP64-94 to enable it to receive this gas from Texaco.

The new gas will be added to Texas Gas' general system supply for existing customers and the acquisition is not contingent upon any expansion program of Texas Gas.

The reserves dedicated to Texas Gas are covered by Texaco's leases in the Light House Point and Tiger Shoal Fields, Southwest Marsh Area, and the Mound Point Field, South Marsh Island Area, Offshore, Louisiana.

The gas will be delivered by Texaco to Texas Gas at a point 13.5 miles south of Texas Gas' Lafayette Compressor Station following gathering from the offshore Marsh Island area fields.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of April 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2911; Filed, Mar. 25, 1964; 8:49 a.m.]

[Docket No. CP64-185]

UNITED GAS PIPE LINE CO.

Notice of Application

MARCH 20, 1964.

Take notice that on February 20, 1964, United Gas Pipe Line Company (Applicant), P.O. Box 1407, Shreveport, Louisiana 71102, filed in Docket No. CP64-185, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas to Hillside Gas Company, Inc., (Hillside), for resale and distribution by the latter in the communities of Garrison, Nacogdoches County, Texas, and Joaquin, Shelby County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities:

(a) Approximately 50-feet of 2-inch pipeline, positive meter and regulator station and appurtenant facilities, on its Acme Brick Company lateral, Nacogdoches County, Texas, and,

(b) Approximately 60-feet of 2-inch pipeline, positive meter and regulator station and appurtenant facilities, on its 10-inch Joaquin Field Lateral, Shelby County, Texas.

The application indicates that the total estimated third-year peak day and annual natural gas requirements for the two communities to be served, to be 700 Mcf and 79,735 Mcf, respectively.

The application shows the total estimated cost of the proposed facilities to be $16,594, which cost will be financed out of current working funds.

Applicant states that Hillside had been receiving natural gas service from the Sabine Gas Company; however, such service was terminated on February 29, 1964.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 13, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2912; Filed, Mar. 25, 1964; 8:50 a.m.]

[Docket No. RP64-27]

NORTH PENN GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 23, 1964.

Take notice that on March 16, 1964, North Penn Gas Company tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective as of January 1, 1964. The proposed changes reflect reductions in rates and charges in its Rate Schedules G-1 and P-1.

The annual reduction in rate level is $6,947 based upon North Penn's cost of service for the twelve months ended April 30, 1961, the test period upon which North Penn's present rates were determined in Docket No. G-20513, and reflects the recent reduction in the corporate Federal income tax rate from 52 percent to 50 percent.

Comments may be filed with the Commission on or before April 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2967; Filed, Mar. 25, 1964; 8:50 a.m.]

[Docket No. RP64-28]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Changes in Rates and Charges

MARCH 24, 1964.

Take notice that on March 20, 1964, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes No. 1 and 2, to become effective January 1, 1964. The proposed changes reflect reductions in rates and charges in its Rate Schedules CD-1, CD-2, CD-3, GSS, G-1, G-2, G-3, OG-1, OG-2, OG-3, E-1, E-2, E-3, LTF-2, LTF-3, S-2, ACQ-3, PS-1, of Original Volume No. 1 and Rate Schedule X-11 of Original Volume No. 2. Transco's filing includes a further reduction in its GSS rates from those proposed by Transco in Docket No. RP64-22, to become effective March 1, 1964.

The annual reduction in rate level is $1,154,000 based upon adjusted sales for the twelve months ended October 31, 1963, and reflects the recent reduction in the corporate Federal income tax rate from 52 percent to 50 percent. Transco also proposes to make refunds for past billings to reflect the January 1, 1964, effective date of the tax reduction.

Copies of the proposed rate changes have been served by Transco upon its customers and State commissions. Comments may be filed with the Commission on or before April 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2968; Filed, Mar. 25, 1964; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

MARCH 20, 1964.

In the matter of trading on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange in the Common Stock, 10 cents par value and Trading on the American Stock Exchange in the 6 percent Convertible Subordinated Debentures due September 1, 1976, of Continental Vending Machine Corporation; File No. 1-3421.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period March 23, 1964 through April 1, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2882; Filed, Mar. 25, 1964; 8:47 a.m.]

[File No. 59-102]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

Order Requiring Divestment of Non-Retainable Properties and Permitting Retention of Service Company

MARCH 19, 1964.

The Commission having instituted proceedings pursuant to section 11(b)(1) of the Public Utility Holding Company Act of 1935 with respect to New England Electric System ("NEES") and its subsidiary companies to determine what action, if any, should be required to limit the operations of the system to a single integrated public utility system and to such additional systems and other businesses as are retainable under the provisions of section 11(b)(1) of the Act;

The Commission having previously found that the electric utility properties of NEES constituted a single integrated public utility system within the definition set forth in section 2(a)(29)(A) of the Act and having dismissed the proceedings relating to that issue while retaining jurisdiction over the remaining issues (38 S.E.C. 193 (1958));

A public hearing having been held after appropriate notice, at which evidence was adduced with respect to the remaining issues whether the gas utility assets of NEES are retainable by NEES as an additional integrated utility system and whether NEES may retain its interest in New England Power Service Company as a business whose operations are reasonably incidental or economically necessary or appropriate to the operations of the integrated electric utility system; and briefs and proposed findings and conclusions having been filed, and oral argument having been heard; and

The Commission having considered the record, and having this day issued its Findings and Opinion herein; on the basis of such Findings and Opinion

It is ordered, Pursuant to section 11(b)(1) of the Act, that the New England Electric System dispose of the gas utility properties presently controlled by it and terminate its relationship with the following companies by disposing of or causing the disposition, in an appropriate manner not in contravention of the Act or the rules, regulations or orders of the Commission thereunder, of all interests, direct or indirect, which it holds in those companies:

Central Massachusetts Gas Company
Lawrence Gas Company
Lynn Gas Company
Mystic Valley Gas Company
North Shore Gas Company
Northampton Gas Light Company
Norwood Gas Company
Wachusett Gas Company

It is further ordered, That the proceedings be, and they hereby are, dismissed insofar as they relate to the issue of whether the operations of New England Power Service Company are reasonably incidental and economically necessary and appropriate to the operations of the integrated electric utility system of New England Electric System and are retainable as such.

It is further ordered, That jurisdiction be, and it hereby is, reserved to take such further steps as are necessary and appropriate to carry out the terms of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-2883; Filed, Mar. 25, 1964; 8:47 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

MARCH 20, 1964.

In the matter of trading on the American Stock Exchange in the common stock, 67 cents par value, of Tastee Freez Industries, Inc.; File No. 1-4722.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period March 23, 1964, through April 1, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-2884; Filed, Mar. 25, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 23, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38899: *Fresh Meats and Packinghouse Products to Southern Territory.* Filed by Illinois Freight Association, agent (No. 231), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, from Galt and Rochelle, Ill., to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 1 to Illinois Freight Association, agent, tariff I.C.C. 1036.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-2900; Filed, Mar. 25, 1964; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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VOLUME 29 NUMBER 61

Washington, Friday, March 27, 1964

THE UNIVERSITY OF MICHIGAN
MAR 30 1964
MAIN READING ROOM

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Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

PART 300—ADMINISTRATIVE PROVISIONS

In Part 300 of Chapter III, Title 6, Code of Federal Regulations (24 F.R. 7719, 26 F.R. 10031), the provisions of Subpart A are transferred to a new Subpart B, the present Subpart B is redesignated as Subpart C, a new Subpart A entitled "Organization and General Functions of the Farmers Home Administration" and a new Subpart B entitled "Assignment of Functions" is added to Part 300 which in its entirety is revised to read as follows:

Subpart A—Organization and General Functions of the Farmers Home Administration

Sec.
300.1 General.
300.2 National Office.
300.3 State Offices.
300.4 County Offices.

Subpart B—Assignment of Functions

300.11 Functions assigned to the Farmers Home Administration.
300.12 Functions reserved by the Secretary of Agriculture.

Subpart C—Delegations of Authority

300.21 General.
300.22 National Office Staff and State Directors.
300.23 State Office Staff and County Office employees.
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Subpart A—Organization and General Functions of the Farmers Home Administration

AUTHORITY: The provisions of this Subpart A issued under Orders of Sec. of Agr., Dec. 24, 1953, Aug. 27, 1963, Jan. 10, 1964, Feb. 6, 1964 (19 F.R. 74, 28 F.R. 9676, 29 F.R. 366, 2433); 7 U.S.C. 1006a, 1006b, 1011(e), 1921, 16 U.S.C. 1004, 1006a, 40 U.S.C. 440, 486, 42 U.S.C. 1471, 43 U.S.C. 451f.

§ 300.1 General.

The Farmers Home Administration was established by Order of the Secretary of Agriculture, dated August 14, 1946, (11 F.R. 9007). Its organization consists of a National Office located in the South Building of the United States Department of Agriculture in Washington, D.C.; a Finance Office located in St. Louis, Missouri; 43 State Offices (some serving more than one state); and approximately 1,500 local County Offices. This Agency is responsible for loan, grant, and other assistance programs, including Farm Operating, Farm Ownership, Soil and Water, Rural Housing, Emergency, Watershed, Rural Areas Development, and Rural Renewal programs, and the servicing of similar type loans made by predecessor agencies. The foregoing programs are administered in accordance with regulations and delegations of authority and assignments of functions published in the FEDERAL REGISTER. The regulations are codified in Chapter III, Title 6, Code of Federal Regulations. A general description of the functions of the offices and divisions of the National Office and of the State and County Offices is contained in the following sections:

§ 300.2 National Office.

(a) *Administrator and Deputy Administrator*—(1) *Administrator.* Responsible for the development of policies and procedures and general direction and supervision of programs assigned to the Farmers Home Administration, under the general direction of the Assistant Secretary for Rural Development and Conservation.

(2) *Deputy Administrator.* Assists the Administrator in formulating and administering the policies and programs of the Farmers Home Administration. Serves as Acting Administrator in the absence of the Administrator.

(b) *Assistant Administrator.* Assist the Administrator in the direction and supervision of the Farmers Home Administration programs as follows:

(1) *Assistant Administrator (Operating loans).* Responsible for the activities of the Operating and Emergency Loan Divisions, and the Rural Renewal Division.

(2) *Assistant Administrator (Real Estate Loans).* Responsible for the activities of the Farm Ownership, Rural Housing, and Soil and Water Loan Divisions.

(3) *Assistant Administrator (Management).* Responsible for the activities of the National Finance Office, and the Budget, Personnel, and Business Services Divisions.

(4) *Assistant Administrator (Insured Loan Funds).* Responsible for the insured loan funds activities.

(c) *Staff offices.* Assist the Administrator in the direction and supervision of the following functions:

(1) *Farm Planning and Supervision Staff.* Responsible for the overall program of farm and home planning and supervision under the several loan programs.

(2) *Program Development and Administrative Coordination Staff.* Responsible for program planning, scheduling and evaluation; developing, coordinating and evaluating training programs; evaluating workloads and staffing; reports and statistical information; and coordination of the review of internal audit reports in the National Office.

(d) *Staff division.* The Information Division reports directly to the Administrator and is responsible for informational activities. It develops and recommends policies and procedures with respect to such activities, and provides technical advice and assistance to field personnel.

(e) *Program divisions under the direction of the Assisstant Administrator (Operating Loans).* Each of the following divisions is responsible to the Assistant Administrator (Operating Loans) for developing and recommending policies and procedures, for providing advice and assistance to field personnel, and for otherwise assisting in administering programs under its jurisdiction.

(1) *Operating Loan Division.* Responsible for operating loan program, including the servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(2) *Emergency Loan Division.* Responsible for Emergency loan program, including the servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(3) *Rural Renewal Division.* Responsible for Rural Renewal and Rural Areas Development activities of Farmers Home Administration, for coordination of Rural Renewal project activities of all agencies of the Department of Agriculture, and for otherwise assisting in the Rural Areas Development program of the Department of Agriculture. Also maintains liaison with other agencies of the Executive Branch in connection with these activities.

(f) *Program Divisions under the direction of the Assistant Administrator (Real Estate Loans).* Each of the following Divisions is responsible to the Assistant Administrator (Real Estate Loans) for developing and recommending policies and procedures, for providing advice and assistance to field personnel, and for otherwise assisting in administering programs under its jurisdiction.

(1) *Farm Ownership Loan Division.* Responsible for the Farm Ownership loan program, including the servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(2) *Rural Housing Loan Division.* Responsible for Rural Housing loan and grant programs.

(3) *Soil and Water Loan Division.* Responsible for Soil and Water and Watershed programs of loans and advances, including the servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(g) *The National Finance Office and the Service Divisions of the National Office.* Each of the following Divisions is responsible to the Assistant Administrator (Management) for developing and recommending policies and procedures, for providing advice and assistance to field personnel, and for otherwise assisting in administering functions under its jurisdiction.

(1) *National Finance Office.* Responsible for fiscal and accounting activities and providing service to field offices in

connection with supplies, space, property, and purchasing.

(2) *Budget Division.* Responsible for the budget activities, including those pertaining to the State Rural Rehabilitation Corporations.

(3) *Personnel Division.* Responsible for personnel activities, including employment, classification, salary administration, employee relations and development, training, safety, health, and disciplinary actions.

(4) *Business Services Division.* Responsible for business services, including rules and regulations, forms control, organization, management improvement, property and space management, travel authorizations, and communications and records management.

§ 300.3 State Offices.

Each State Office is under the supervision of a State Director who is responsible to the Administrator, in accordance with established policies and delegated authorities, for the Farmers Home Administration programs in one or more states. State Advisory Committees serve in an advisory capacity to the State Directors on all phases of the Farmers Home Administration programs.

§ 300.4 County Offices.

Each County Office is under the direction of a County Supervisor who is responsible to the State Director, in accordance with established policies and procedures, for the Farmers Home Administration programs in one or more counties. Usually, this office is located in a county seat; however, depending upon the volume of business in certain counties, the County Office located in one county may also serve one or more adjoining counties. The local County Office is the normal channel through which the public is expected to seek information, make application for assistance, and conduct business with the Farmers Home Administration. County or Area Committees composed of three individuals residing in the county or area, all of whom at the time of appointment shall be farmers, review applications for Farmers Home Administration assistance, make certifications and recommendations with respect to loans, grants, debt settlement, and release from personal liability, and advise on all phases of the Farmers Home Administration programs in the county or area.

(This Subpart A supersedes the Administrator's Order of November 15, 1946 (11 F.R. 14221, 6 CFR Part 300) as amended.)

Subpart B—Assignment of Functions

AUTHORITY: The provisions of this Subpart B issued under Orders of Sec. of Agr., Aug. 27, 1963, Feb. 6, 1964, 28 F.R. 9676, 29 F.R. 2433.

§ 300.11 Functions assigned to the Farmers Home Administration.

The following is a statement of functions which have heretofore been assigned by the Secretary of Agriculture to the Farmers Home Administration in the above cited authorities:

(a) The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), except those contained in section 342 of said Act (7 U.S.C. 1013a). These assigned functions, powers, duties, and assets pertain to programs authorized under said Act as well as to prior programs and authorities of the Farmers Home Administration and its predecessor agencies; the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D.C. The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), was made effective on October 15, 1961 (26 F.R. 10031), except (1) the authorization to make and sell insured loans which was made effective by regulations issued on September 13, 1961 (26 F.R. 9307), and (2) the provision of Title IV of the Bankhead-Jones Farm Tenant Act requiring mineral reservations in lands disposed of under Title III of the Act which remained effective until December 7, 1961 (26 F.R. 10031).

(b) Title V of the Housing Act of 1949 (42 U.S.C. 1471), except those pertaining to research.

(c) The Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440), and under the trust, liquidation and other agreements entered into pursuant thereto.

(d) Section 8, and those with respect to repayment of the obligations under section 4, of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a, 1004).

(e) Rural Areas Development Program activities consisting of (1) furnishing technical information and services in initiating and implementing projects, (2) certifying individual over-all economic development programs in rural areas as being consistent with the general objectives of the economic development of rural areas of the United States, and (3) certifying industrial and commercial water factility projects and community facility projects as being consistent with approved over-all economic development programs for the areas involved. The foregoing are part of the functions, powers, and duties under the Area Redevelopment Act (42 U.S.C. 2501), delegated by the Secretary of Commerce to the Secretary of Agriculture (26 F.R. 9933).

(f) Rural Renewal Program activities consisting of coordination, direction, and supervision of Rural Renewal Projects and assistance in planning, developing, and carrying out such projects under section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

(g) Servicing, collection, settlement, and liquidation of:

(1) Deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719), as amended.

(2) Puerto Rican Hurricane Relief loans under the Act of July 11, 1956 (70 Stat. 525).

(h) Disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture is authorized to dispose of by the Administrator of the General Services Administration (40 U.S.C. 486).

§ 300.12 Functions reserved by the Secretary of Agriculture.

The following functions relating to the assignments described in § 300.11 have been reserved by the Secretary in the above cited authorities:

(a) Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929), and Title V of the Housing Act of 1949 (42 U.S.C. 1484, 1485(b)), and requesting advances of funds evidenced by said notes and any similar notes executed under prior authorities (including 7 U.S.C. 1005b(j), 1005c(b), 1006e(a), 16 U.S.C. 590x-3(d)); where such notes or requests for advances thereunder would cause the aggregate outstanding unpaid principal balances thereon to exceed $135,000,000, or to exceed $25,000,000 thereof for domestic farm labor housing, or $10,000,000 thereof for rental housing for elderly persons and families.

(b) Designation of areas in which Emergency loans may be made (7 U.S.C. 1961).

Subpart C—Delegations of Authority

AUTHORITY: the provisions of this Subpart C issued under Orders of Sec. of Agr., Dec. 24, 1953, Aug. 27, 1963, Jan. 10, 1964, Feb. 6, 1964 (19 F.R. 74, 28 F.R. 9676, 29 F.R. 366, 2433); 7 U.S.C. 1006a, 1006b, 1011(e), 1921, 16 U.S.C. 1004, 1006a, 40 U.S.C. 440, 486, 42 U.S.C. 1471, 43 U.S.C. 451f.

§ 300.21 General.

The authorities contained in this Subpart C apply to all assets, functions, and programs now or hereafter administered or serviced by the Farmers Home Administration, including but not limited to those relating to indebtedness, security, and other assets obtained or contracted through the Secretary of Agriculture, Resettlement Administration, Farm Security Administration, Emergency Crop and Feed Loan Offices of the Farm Credit Administration, Soil Conservation Service in connection with water conservation and utilization projects, Puerto Rico Hurricane Relief Commission and successor agencies in connection with Puerto Rican hurricane relief loans to individuals, State Rural Rehabilitation Corporations, the United States of America or its officials as trustee of the assets of State Rural Rehabilitation Corporations, Regional Agricultural Credit Corporations, Defense Relocation Corporations, land leasing and purchasing associations, and other similar associations, corporations, and agencies, and whether the interest of the United States in the indebtedness, instrument of debt, security, security instrument, or other assets is that of obligee, owner, holder, insurer, assignee, mortagee, beneficiary, trustee or other interest.

§ 300.22 National Office staff and State Directors.

The following officials of the Farmers Home Administration, in accordance with applicable laws, are severely authorized, for and on behalf of an in the name of the United States of America or the Farmers Home Administration, to do and perform all acts necessary in connection with making and insuring loans, making grants, and advances, servicing loans and other indebtedness, and obtaining, servicing, and enforcing security and other instruments related thereto: the Deputy Administrator; the Assistant Administrator (Operating Loans); the Assistant Administrator (Real Estate Loans); the Director, National Finance Office; each Deputy Director and the Insured Loan Officer, National Finance Office; the Director, Operating Loan Division; the Director, Emergency Loan Division; the Director, Rural Renewal Division; the Director, Farm Ownership Loan Division; the Director, Rural Housing Loan Division; the Director, Soil and Water Loan Division; and each State Director within the area of his jurisdiction; and in the absence or disability of any such official, the person acting in his position; and the delegates of any such official. This authority includes but is not limited to authority to:

(a) Effect the assignment of, or the declaration of trust with respect to, insured security instruments to place them in trust with the United States of America as trustee for the benefit of any holder of the promissory note or bond secured by such security instrument.

(b) Acknowledge receipt of notice of sale or assignment of insured loans and security instruments.

(c) Appoint or request the appointment or substitute trustees in deeds of trust.

(d) Execute proofs of claim in bankruptcy, death, and other cases.

(e) Sell or otherwise dispose of real estate or interests therein, and execute and deliver quitclaim deeds, easements, right-of-way conveyances, and other instruments to effectuate such sale or disposition.

(f) Compromise, adjust, cancel, release, charge off, and liquidate indebtedness, including modification of contracts and other instruments.

(g) Consent to sale or assignment of, or sell or assign, direct or insured loans and security instruments, and execute any necessary assignments, endorsements, reinsurance agreements, or other instruments in connection therewith.

(h) Approve and accept transfers of security property or interests therein to the United States of America, and approve and consent to transfers of security property or interests therein to other parties.

(i) Accelerate and declare entire real estate indebtedness due and payable, foreclose or request foreclosure of real estate security instruments by exercise of power of sale or otherwise, and bid for and purchase at any foreclosure or other sale or otherwise acquire real property pledged, mortgaged, conveyed, attached, or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(j) Execute agreements to insure and reinsure, and to purchase and repurchase insured loans and security instruments.

(k) Request loan checks from lenders for loans to be insured, insure loans by execution of insurance endorsements, and endorse promissory notes in connection with insurance of loans.

(l) Execute and deliver or approve in writing, suspensions, releases or terminations of assignments of income, renewals, extensions, partial and full releases and satisfactions of security and personal or indemnity liability for indebtedness, waivers, subordination agreements, severance agreements, affidavits, acknowledgments, certificates of residence, evidence of consent, and other instruments or documents.

(m) Require and accept further or additional security.

(n) Accelerate and declare entire nonreal estate indebtedness due and payable, and foreclose or request foreclosure of chattel security instruments by exercise of power of sale or otherwise.

(o) Bid for and purchase at any foreclosure or other sale, or otherwise acquire personal property pledged, mortgaged, conveyed, attached or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(p) Take possession of, maintain, and operate security or acquired real or personal property or interests therein, sell or otherwise dispose of such personal property, and execute and deliver contracts, caretaker's agreements, leases, and other instruments in connection therewith, as appropriate.

(q) Execute proofs of loss on insurance contracts and endorse without recourse loss payment drafts and checks.

(r) Issue, publish, and serve notices and other instruments.

(s) File or record instruments, whether separate instruments, or by making marginal entries, or by use of other methods permissible under State law.

§ 300.23 State Office staff and County Office employees.

The following officials and employees of the Farmers Home Administration, in accordance with applicable laws, for and on behalf of and in the name of the United States of America or the Farmers Home Administration, are also severally authorized within the area of their respective jurisdictions to perform the acts specified in paragraphs (k) to (s), both inclusive, of § 300.22; Chief, Program Operations; Chief, Real Estate Loans; Chief, Operating Loans; Program Loan Officer; Real Estate Loan Officer; Operating Loan Officer; and State Supervisor; each Area Supervisor, County (including Parish) Supervisor, Assistant County Supervisor, Emergency Loan Supervisor, Assistant Emergency Loan Supervisor, or other supervisor or assistant supervisor; and in the absence or disability of any such official or employee, the person acting in his position.

§ 300.24 Ratification.

All deeds, releases, satisfactions, subordination agreements, severance agreements, consents, waivers, assignments, declarations of trust, and other written instruments affecting title to real or personal property heretofore executed by officials or employees of the agencies or other entities referred to in § 300.21 to carry out any purpose authorized by law, incident to the administration of programs under the jurisdiction of said agencies or other entities, are hereby approved, confirmed, and ratified.

§ 300.25 Effect on other regulations.

This Subpart C supersedes the Administrator's Order of September 17, 1959 (24 F.R. 7719), but does not revoke or modify any other delegation or redelegation, instruction, procedure, or regulation issued by, or under authority of, the Administrator of the Farmers Home Administration.

Dated: March 20, 1964.

FLOYD F. HIGBEE,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 64-3002; Filed, Mar. 26, 1964; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 362—REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Revision of Sections

On September 6, 1963, there was published in the FEDERAL REGISTER (F.R. Doc. 63-9541) a notice of proposed rule making concerning the revision of the regulations (7 CFR 362.1-362.25) for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act. Interested persons were given until November 30, 1963, to submit written data, views, or arguments. In view of the comments received, certain changes were made and, on January 16, 1964, the proposed revision of said regulations was published in the FEDERAL REGISTER (F.R. Doc. 64-392) for further consideration. Interested persons were given twenty days in which to submit written data, views, or arguments.

After consideration of all relevant matter presented by interested persons, and pursuant to section 6 of said Act (7 U.S.C. 135d.), the proposed regulations (7 CFR 362.1-362.25) as so published on January 16, 1964, are hereby adopted, subject to the changes set forth below.

1. Paragraph (a)(1) of § 362.8 is amended by adding the phrase "which have been fasted for a period of 24 hours" after the word "rats."

2. Paragraph (a) of § 362.9 is amended by adding the phrase "or if the nature of the product is such that it is likely to be used on infants or small children without causing injury under any reasonably foreseeable conditions," after the phrase "extremely remote,".

3. Paragraph (e) of § 362.10 is changed by deleting the phrase "a registrant" in

the paragraph heading and the word "registrant" in the first sentence and inserting therefor in each instance the phrase "applicant for registration".

4. Paragraph (a)(5) of § 362.14 is not adopted at this time. Further opportunity to submit views on this provision will be afforded in accordance with a notice of extension of time for filing comments on this proposal published concurrently herewith.

5. Paragraph (b)(4)(i) of § 362.17 is amended by deleting the phrase "An affidavit" and inserting therefor the phrase "A certification".

6. Paragraph (b)(6) of § 362.17 is amended by adding a new subdivision (vi).

7. Said paragraph (b)(6) is further amended by transferring the third sentence to a new paragraph following new subdivision (vi).

§ 362.1 Words in singular form.

Words used in the singular form in this subpart shall include the plural, and vice versa, as the case may require.

§ 362.2 Terms defined.

Terms used in this subpart shall have the meanings set forth for such terms in the Act. In addition, as used in this subpart, the following terms shall have the meanings stated below:

(a) *Act.* "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

(b) *Director.* "Director" means the Director of the Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, or any officer or employee to whom he has heretofore lawfully delegated or to whom he may hereafter lawfully delegate the authority to act in his stead.

(c) *Economic poison.* "Economic poison" includes all preparations intended for use as insecticides, rodenticides, nematocides, fungicides, herbicides, amphibian and reptile poisons or repellents, bird poisons or repellents, fish poisons or repellents, mammal poisons or repellents, invertebrate animal poisons or repellents, plant regulators, plant defoliants, and plant desiccants. A product shall be deemed to be an economic poison regardless of whether intended for use as packaged or after dilution or mixture with other substances, such as carriers or baits. Products intended only for use after further processing or manufacturing, such as grinding to dust or more extensive operations, shall not be deemed to be economic poisons. Substances which have recognized commercial uses other than uses as economic poisons shall not be deemed to be economic poisons unless such substances are:

(1) Specially prepared for use as economic poisons, or

(2) Labeled, represented, or intended for use as economic poisons, or

(3) Marketed in channels of trade where they will presumably be purchased as economic poisons.

(d) *Fungicide.* "Fungicide" includes all preparations intended for preventing, destroying, repelling, or mitigating any fungi or any viruses (other than those on or in living man or other animals). Examples of fungicides include but are not limited to: (1) Plant fungicides, seed fungicides, fungicidal wood preservatives, and mildew and mold preventatives, and

(2) Disinfectants, sanitizers, and sterilizers, except those for use only on or in living man or other animals.

(e) *Herbicide.* "Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed, including any algae or other aquatic weed, or any plant parts growing where not wanted.

(f) *Nematocide.* "Nematocide" includes only those products intended for preventing, destroying, repelling, or mitigating nematodes inhabiting soil, water, plants, or plant parts. The term does not include products intended for use against nematodes in or on living man or other animals.

(g) *Plant regulator.* "Plant regulator" includes those substances intended to alter the behavior of ornamental or crop plants or the produce thereof through physiological rather than physical action. The term includes, but is not limited to, substances intended to accelerate or retard the rate of growth or maturation of ornamental or crop plants, enhance fruit set, prevent fruit drop, accelerate root formation and elongation, prolong or break domancy of ornamental or crop plants or the produce thereof, but shall not include substances intended solely for use as plant nutrients or fertilizers.

(h) *Active ingredient.* An "active ingredient" is an ingredient which: (1) Is capable in itself, and when used in the same manner and for the same purposes as directed for use of the product, of preventing, destroying, repelling, or mitigating insects, fungi, rodents, weeds, nematodes, or other pests, or altering through physiological action the behavior of ornamental or crop plants or the produce thereof, or causing leaves or foliage to drop from a plant, or artificially accelerating the drying of plant tissue.

(2) Is present in the product in an amount sufficient to add materially to its effectiveness; and

(3) Is not antagonistic to the activity of the principal active ingredient: *Provided, however,* That the Director may require an ingredient to be designated as an active ingredient if, in his opinion, it sufficiently increases the effectiveness of the economic poison to warrant such action.

(i) *Official inspector.* "Official inspector" means any employee or agent of the Department of Agriculture or the Treasury Department authorized by the Director or by the Secretary of the Treasury to make investigations in connection with enforcement of the Act.

(j) *Vertebrate animals.* "Vertebrate animals" means all species of the subphylum vertebrata including domestic vertebrates and vertebrate species of fish and wildlife.

(k) *Invertebrate animals.* "Invertebrate animals" means all forms of animal life other than vertebrate animals, including both domestic and wild species.

§ 362.3 Administration.

The Director is authorized to take such action as, in his discretion, may be necessary in the administration and enforcement of the Act and the regulations in this part.

LABELING

§ 362.4 Labeling required.

Every economic poison shall bear a label containing the information specified in the Act and the regulations in this part.

§ 362.5 Language to be used.

All statements, words, and other information required by the Act or the regulations in this part to appear on the label or labeling of any economic poison shall be in the English language: *Provided,* That shipments of articles intended solely for sale in foreign countries may bear labels or labeling in the appropriate foreign language. The Director may permit the use of an appropriate foreign language version of the label or labeling in addition to the English version on products intended for distribution in areas of the United States where a large percentage of the population does not speak English.

§ 362.6 Labeling.

(a) *Contents of label and labeling.* The label of every economic poison must show, clearly and prominently, the name, brand or trademark under which the product is sold; the name and address of the manufacturer, registrant, or person for whom manufactured; the net contents as prescribed in paragraph (e) of this section; an ingredient statement as prescribed in § 362.7, and an appropriate warning or caution statement as prescribed in § 362.9. The label or labeling of every economic poison must bear directions for use which are necessary and if complied with, adequate for the protection of the public.

(b) *Placement of label.* The label shall appear on the economic poison or the immediate container thereof. If the immediate container is enclosed within a wrapper or outside container through which the label cannot be clearly read by a person with normal vision, the label must also appear on such outside wrapper or container if it is a part of the retail package.

(c) *Name and address of manufacturer, distributor, packer, formulator, or registrant.* An unqualified name and address given on the label shall be considered as the name and address of the manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, or if the name of the person for whom the economic poison was manufactured appears on the label, it must be qualified by appropriate wording such as "Packed for • • •", "Distributed by • • •," or "Sold by • • •" to show that the name is not that of the manufacturer. If a person has two or more locations at which an economic poison is manufactured or packaged, or from which it is distributed, the name and address of the person's principal office will be accepted except in cases where the Director determines that the address of the exact location is necessary for the protection of the public. The address of the manufacturer, registrant, or person for whom manufactured shall include the street address, if any, unless the street address is shown in a current city directory or telephone directory.

(d) *Name, brand, or trade-mark of economic poison.* The name, brand, or trade-mark of the economic poison, appearing on the label shall be that under which the economic poison is registered.

(e) *Net content.* (1) The net content shall be exclusive of wrappers or other material, and shall be deemed to be average content unless stated as a minimum quantity.

(2) Net content shall be stated in the terms of weight or measure in general use by consumers and users of the type of economic poison to give accurate information as to the quantity of the economic poison. If there is no general use, the net content statement shall be in terms of liquid measure if the product is a liquid, and in terms of weight if it is solid, semi-solid, viscous, or a mixture of liquid and solid. Statements of liquid measure shall be in terms of the United States gallon, quart, pint, and fluid ounce at 68° F. The statements of weight shall be in terms of avoirdupois pound and ounce. All statements of net content shall be in terms of the largest unit present.

(3) If the contents are stated as a minimum quantity, variation below the stated quantity is not permissible and variation above shall not be unreasonably large.

(4) If the contents are not stated as a minimum quantity, variation shall be permitted only to the extent that it represents deviations unavoidable in good packing practice. The average quantity in the packages in a shipment shall not fall below the average quantity stated, nor shall there be any unreasonable variation from the average in the contents of any package.

(f) *Legibility of label and labeling.* All words, statements, graphic representations, or designs required by the regulations in this part to appear on the label or labeling must be clearly legible and easy to read by a person with normal vision. The signal word, when required, and the statement "Keep out of reach of children" prescribed in § 362.9(a) shall be of a size bearing a reasonable relationship to the other type on the front part of the label and to the size of the container. The signal word, when required, shall not be less than 18 point type and the said warning statement shall not be less than 12 point type, unless the label space on the container is too small to accommodate such type sizes in which case the Director shall prescribe the type size. When the size of the label space requires a reduction in type size, the reduction shall be made to a size no smaller than is necessary and in no event to a size smaller than 6 point type.

§ 362.7 Ingredient statement.

(a) *Location of ingredient statement.* The ingredient statement must appear on the front panel or that part of the label displayed under customary conditions of purchase, except in cases where the Director determines that, due to the size or form of the container, a statement on that portion of the label is impracticable, and permits such statement to appear on another side or panel of the label. Regardless of the placement of the ingredient statement on the label, it shall be sufficiently prominent and in type size which can be easily read by a person with normal vision. The ingredient statement must run parallel with other printed matter on the panel of the label on which it appears and must be on a clear contrasting background not obscured or crowded.

(b) *Names of ingredients.* The well-known common name of each of the listed ingredients must be given or, if an ingredient has no common name, the correct chemical name which conforms most closely with generally accepted rules of chemical nomenclature. If there is no common name and the chemical composition is complex, the Director may permit the use of a new or coined name which he finds to be appropriate for the information and protection of the user. If the use of a new or coined name is permitted, the Director may prescribe the terms under which it may be used. A trade-mark or trade name shall not be used as the name of an ingredient except when it has become a common name.

(c) *Percentages of ingredients.* Percentages of ingredients shall be determined by weight and the sum of the percentages of the ingredients shall be 100. Sliding scale forms of ingredient statements shall not be used.

(d) *Designation of ingredients.* (1) Active ingredients and inert ingredients shall be so designated, and the term "inert ingredients" shall appear in the same size type and be equally as prominent as the term "active ingredients."

(2) If the name but not the percentage of each active ingredient is given, the names of the active and inert ingredients shall, respectively, be shown in the descending order of the percentage of each present in each classification and the name of each ingredient shall be given equal prominence.

(e) *Active ingredient content.* As long as an economic poison is subject to the Act the percentages of active ingredients in the economic poison shall be those declared in the ingredient statement.

§ 362.8 Economic poisons highly toxic to man.

(a) Economic poisons which fall within any of the following categories when tested on laboratory animals as specified in subparagraphs (1), (2), or (3) of this paragraph are highly toxic to man or contain substances or quantities of substances highly toxic to man within the meaning of the Act (such economic poisons being hereinafter in this part referred to as economic poisons highly toxic to man): *Provided, however,* That the Director may, upon application and after opportunity for hearing, exempt any economic poison which is in any of these categories, but which is not in fact highly toxic to man, from the requirements of the Act and the regulations in this part with respect to economic poisons highly toxic to man:

(1) *Oral toxicity.* An economic poison which has a single dose LD_{50} of 50 milligrams or less per kilogram of body weight when administered orally to both male and female rats which have been fasted for a period of 24 hours (or to other rodent or nonrodent species specified by the Director); or

(2) *Toxicity on inhalation.* An economic poison which has an LC_{50} of 2,000 micrograms or less of dust or mist per liter of air or 200 parts per million or less by volume of a gas or vapor, when administered by continuous inhalation for one hour to both male and female rats (or to other rodent or nonrodent species specified by the Director), if the Director finds that it is reasonably foreseeable that such concentration will be encountered by man; or

(3) *Toxicity by skin absorption.* An economic poison which has an LD_{50} of 200 milligrams or less per kilogram of body weight when administered by continuous contact for twenty-four hours with the bare skin of rabbits (or other rodent or nonrodent species specified by the Director).

(b) *Tests on other species.* Tests on other specified rodent or nonrodent species may be required by the Director with respect to individual economic poisons or to classes of economic poisons whenever he finds that tests on other species are necessary to determine whether an economic poison is highly toxic to man.

(c) *Terms LD_{50} and LC_{50}.* An LD_{50} as used in connection with oral toxicity and skin absorption toxicity tests specified in paragraph (a) (1) and (3) of this section is the dose and LC_{50} as used in connection with inhalation tests specified in paragraph (a) (2) of this section is the concentration which is expected to cause death within 14 days in 50 percent of the test animals so treated.

(d) *Toxicity based on human experience.* If the Director finds, after opportunity for hearing, that available data on human experience with any economic poison indicate a toxicity greater than that determined from the above described tests on animals, the human data shall take precedence and, if he finds that the protection of the public so requires the Director shall declare such an economic poison to be highly toxic to man for the purposes of this Act and the regulations thereunder.

§ 362.9 Warning or caution statement.

Warning or caution statements, which are necessary and, if complied with, adequate to prevent injury to living man and useful vertebrate animals, useful vegetation, and useful invertebrate animals, must appear on the label in a place sufficiently prominent to warn the user, and must state clearly and in nontechnical language the particular hazard involved in the use of the economic poison, e.g., ingestion, skin absorption, inhalation, flammability or explosion, and the precautions to be taken to avoid accident, injury, or damage.

(a) The label of every economic poison shall bear warnings or cautions which are necessary for the protection of the public, including the statement, "Keep out of reach of children," and a signal word such as "Danger," "Warning," or "Caution" as the Director may prescribe, on the front panel or that part of the label displayed under customary conditions of purchase: *Provided, how-*

ever, The Director may permit reasonable variations in the placement of that part of the required warnings and cautions other than the statement "Keep out of reach of children" and the required signal word, if in his opinion such variations would not be injurious to the public. If an economic poison is marketed in channels of trade where the likelihood of contact with children is extremely remote, or if the nature of the product is such that it is likely to be used on infants or small children without causing injury under any reasonably foreseeable conditions, the Director may waive the requirement of the statement "Keep out of reach of children" if in his opinion such a statement is not necessary to prevent injury to the public. The Director may permit a statement such as "Keep away from infants and small children" in lieu of the statement "Keep out of reach of children" if he determines that such a variation would not be injurious to the public.

(b) The label of every economic poison which is highly toxic to man as described in § 362.8 shall bear the word "Danger" along with the word "Poison" in red on a contrasting background in immediate proximity to the skull and crossbones and an antidote statement including directions to call a physician immediately, on the front panel or that part of the label displayed under customary conditions of purchase: *Provided, however*, The Director may permit reasonable variations in the placement of the antidote statement if some reference such as "See antidote statement on back panel" appears on the front panel near the word "Poison" and the skull and crossbones.

REGISTRATION

§ 362.10 Registration.

(a) *Eligibility.* Any manufacturer, packer, seller, distributor, or shipper of an economic poison is eligible to apply for registration of such economic poison.

(b) *Effect of registration.* If an economic poison is registered under the Act no further registration under the Act by other persons is required: *Provided*, That

(1) The product is in the manufacturer's or registrant's original unbroken immediate container; and

(2) The claims made for it and the directions for its use do not differ from the representations made in connection with registration; and

(3) The product contains the labeling accepted in connection with registration and otherwise complies with the Act.

(c) *Procedure for registration.* Applications for registration should be addressed to Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250. Application forms will be furnished upon request. All applications for registration shall be accompanied by duplicate copies of the proposed labeling, including all printed or graphic matter which is to accompany the economic poison at any time and, if requested by the Director, a full description of the tests made and the results thereof upon which the claims for the economic poison are based, together with such other information as may be necessary to assure compliance with the Act and the regulations in this part. If any part of the proposed labeling submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. Applications should be submitted as far in advance as possible, and at least 30 days, before it is desired that registration take effect. However, the period of time required to process applications to determine the adequacy of the proposed labeling may exceed 30 days in some cases. Applications which require consultation with other governmental agencies will take a longer period of processing. No fees are charged for registration.

(d) *Effective date of registration.* Registration of an economic poison shall become effective on the date the notice of registration is issued.

(e) *Responsibility of applicant for registration.* The applicant for registration is responsible for the accuracy and completeness of all information submitted in connection with his application for registration of an economic poison.

(f) *Changes in labeling or formulas.* (1) Changes in the labeling or changes in the formula of a registered economic poison must be submitted in advance to the Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250. The registrant must describe the exact changes desired and the proposed effective date and, upon request, shall submit a description of tests which justify such changes.

(2) After the effective date of a change in labeling or formula, the product shall be marketed only under the new claims or formula: *Provided, however*, The Director may permit a reasonable time for the disposition of stocks of the discontinued product, if in his opinion such an extension would not endanger the public.

(g) *Claims must conform to registration.* Claims made for an economic poison must not differ from representations made in connection with registration, including representations with respect to effectiveness, ingredients, directions for use, or pests against which the product is recommended.

(h) *Duration of registration.* If at any time it does not appear to the Director that the economic poison is such as to warrant the proposed claims for it or if the economic poison and its labeling and other material required to be submitted do not comply with the provisions of the Act, the Director shall notify the registrant of the facts involved and afford him an opportunity to bring the product and its labeling into compliance with the Act. If after a reasonable period of time, the registrant has not made such corrections, the Director may cancel the registration under the provisions of section 4.c. of the Act. Unless cancelled in accordance with this paragraph or with the acquiescence of the registrant, or unless continued in effect in accordance with the provisions of paragraph (i) of this section, the registration of an economic poison shall be cancelled at the end of a period of five years following the date of registration of such economic poison, or at the end of five years following the date of any subsequent registered change in formula or labeling, or at the end of five years following the date of any continuance of registration pursuant to paragraph (i) of this section: *Provided, however*, That prior to any such cancellation the Pesticides Regulation Division shall send to the registrant a notice of intent to cancel, and, in the event such notice is not sent to the registrant 30 days prior to the expiration of the five-year period, the registration shall remain in effect until 30 days following the date such notice has been sent to the registrant at his latest address submitted to the Pesticides Regulation Division.

(i) *Continuance of registration.* If a registrant desires to continue the registration in effect, he shall notify the Pesticides Regulation Division in writing and it shall be continued in effect under the same terms as the original registration: *Provided, however*, That if, on the basis of information available at the time, it appears that the product or its labeling fails to comply with the Act, the registrant shall be so notified and afforded the opportunity to make the necessary corrections. If the corrections are not made, registration will be cancelled as provided in section 4.c. of the Act.

(j) *Limitations on registrations.* The Director may refuse to register any economic poison or any specific use thereof if, in his opinion, directions and warnings cannot be written which will prevent injury to the general public when the product is used in accordance with warnings and directions or in accordance with commonly recognized practices. If, however, such an economic poison is proposed for certain acceptable uses, the Director may require the label to bear a warning against specific unacceptable uses such as in the home or home garden.

GUARANTEES

§ 362.11 Guarantee of economic poison.

(a) *By whom given; effect of guarantee.* Any manufacturer, distributor, wholesaler, or other person residing in the United States may furnish to any person to whom he sells an economic poison a guarantee that the economic poison was lawfully registered at the time of sale and delivery to such person, and that the economic poison complies with all the requirements of the Act and of the regulations in this part. The Act provides that penalties for violation of section 3.a. of the Act shall not apply to a person who establishes that he has received a guarantee as specified in the Act.

(b) *Reference to guarantee.* No reference to a guarantee or suggestion that such a guarantee has been given shall be made in the labeling of any economic poison.

(c) *Contents of guarantee.* In order to afford effective protection, each guarantee must:

(1) Be signed by and contain the name and address of the person giving it; and

(2) State that the economic poison was lawfully registered at the time of sale and delivery and that it complies with all other requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(d) *Scope of guarantee.* A guarantee may be (1) limited to a specific shipment or other delivery of a product, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment or delivery, or (2) general and continuing, in which case, in its application to any shipment or other delivery of a product it shall be considered to have been given at the date when such product was shipped or delivered by the person giving the guarantee.

(e) *Expiration of guarantee.* Any guarantee shall expire when the product is repacked or relabeled by the purchaser or when it becomes in violation of the Act or the regulations in this part after shipment or other delivery by the person giving the guarantee.

(f) *Forms of guarantee.* The following are suggested forms of guarantee:

(1) *Limited form for use on invoice or bill of sale.*

---------- hereby guarantees
(Name of guarantor)
that the economic poison herein listed is lawfully registered with the Secretary of Agriculture and that the same complies with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(Signature and post office address of guarantor)

(Date)

(2) *General and continuing form.*

The economic poisons comprising each shipment or other delivery hereafter made by ----------, to or on the order of
(Name of guarantor)
---------- are hereby
(Name and address of person receiving guarantee)
guaranteed to be lawfully registered with the Secretary of Agriculture and to comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, as of the date of such shipment or delivery.

(Signature and post office address of guarantor)

(Date)

COLORATION OF ECONOMIC POISONS

§ 362.12 Coloration and discoloration.

The white economic poisons hereinafter named shall be colored or discolored in accordance with this section. The hues, values, and chromas specified are those contained in the Munsell Book of Color, Munsell Color Company, 10 East Franklin Street, Baltimore, Md.

(a) *Coloring agent.* The coloring agent must produce a uniformly colored product not subject to change in color beyond the minimum requirements specified in the regulations in this part during ordinary conditions of marketing or storage, and must not cause the product to be ineffective or result in its causing damage when used as directed.

(b) *Arsenicals and barium fluosilicate.* Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue, except the yellow-reds and yellows, having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(c) *Solium fluoride and sodium fluosilicate.* Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(d) *Exceptions.* (1) Notwithstanding the provisions of paragraphs (b) and (c) of this section, the Director, after opportunity for hearing, may permit other hues to be used for any particular purpose if he determines that use of the prescribed hues is not feasible for such purpose and that such action will not be injurious to the public.

(2) Any economic poison specified in this part which is intended solely for use by a textile manufacturer or commercial laundry, cleaner or dyer as a mothproofing agent, which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric may be exempted by the Director from the requirements of section 3.a.(4) of the Act and the requirements of this section.

(3) The economic poison sodium fluoride shall be exempt from the requirements of section 3.a.(4) of the Act and paragraph (c) of this section when (i) it is intended for use as a fungicide solely in the manufacture or processing of rubber, glue, or leather goods; (ii) coloration of the economic poison in accordance with said requirements will be likely to impart objectionable color characteristics to the finished goods; (iii) the economic poison will not be present in such finished goods in sufficient quantities to cause injury to any person; and (iv) the economic poison will not come into the hands of the public except after incorporation into such finished goods.

ADULTERATION AND MISBRANDING

§ 362.13 Adulteration.

An economic poison is adulterated if its strength or purity falls below the professed standard or quality as expressed on its labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

(a) A valuable constituent will be considered as wholly abstracted whenever the designation or representation of the product imports its presence therein and such constituent has been wholly omitted therefrom in the preparation of the product or has been wholly removed from the completed product.

(b) A valuable constituent will be considered as partly abstracted whenever the designation or representation of the product imports its presence therein, and such constituent is not present in the usual or customary amount or in the amount indicated in the labeling.

§ 362.14 Misbranding.

An economic poison or device is misbranded if the article or its labeling is false or misleading to the public in any particular.

(a) Examples of statements or representations in the labeling of an economic poison or device which render it misbranded are the following:

(1) A false or misleading statement concerning composition of the product.

(2) A false or misleading statement concerning the effectiveness of the product as an economic poison or device.

(3) A false or misleading statement about the value of the product for purposes other than as an economic poison or device.

(4) A false or misleading comparison with other economic poisons or devices.

(5) [Reserved.]

(6) Any statement directly or indirectly implying that the economic poison or device is recommended or endorsed by any agency of the Federal Government.

(7) The name of an economic poison which contains two or more principal active ingredients if it suggests the name of one or more but not all such principal active ingredients even though the names of the other ingredients are stated elsewhere in the labeling.

(8) Prominent reference in the labeling to one or more active ingredients without giving their percentages in immediate proximity thereto or without giving equal prominence to the other active ingredients or to the inert ingredients.

(9) A true statement used in such a way as to give a false or misleading impression to the purchaser.

(b) *Justification of false and misleading statements not permitted.* (1) The use of any false or misleading statement on any part of the labeling, given as the statement or opinion of any person or based upon such statement or opinion, shall not be justified by the fact that the statement or opinion is actually that of such person.

(2) The use of a false or misleading statement in the labeling cannot be justified by an explanatory statement.

ENFORCEMENT

§ 362.15 Enforcement.

(a) *Collection of samples.* Samples of economic poisons and devices shall be collected by official inspectors or by any employee of the Federal Government, or of a State or Territory, or political subdivision thereof who has been duly authorized by the Director to collect samples.

(b) *Examination of samples.* Methods of examination of samples shall be those adopted and published by the Association of Official Agricultural Chemists, where applicable, or such other methods as the Director may find necessary to determine whether the product complies with the law.

(c) *Notice of apparent violation.* (1) If, from an examination or analysis, an economic poison or device appears to be in violation of the Act, a notice in writing shall be sent to the person against whom criminal proceedings are contemplated, giving him 20 days within which to offer such written explanation as he may desire. The notice shall state the manner in which the sample fails to meet the requirements of the Act and the regulations thereunder.

(2) Any such person may, in addition to his reply to such notice, file within 20 days of its receipt a written request for an opportunity to present his views orally in connection therewith.

(3) No notice or hearing is required prior to the seizure of any economic poison or device.

§ 362.16 Notices of judgment.

Publication of notices of judgments of the courts in cases arising under the criminal or seizure provisions of the Act shall be made in the form of notices, circulars, or bulletins as the Director may prescribe.

TEMPORARY PERMITS

§ 362.17 Limited shipments for experimental purposes.

Temporary permits not to exceed a period of one year may be issued for shipment of limited amounts of a product which is to be tested further, usually on a larger scale, to determine its limitations. Permits will be issued only for bonafide experimental programs under the supervision of qualified persons. The Director may require the submission of such information and data concerning the product and the program which he deems necessary for the protection of the public. If, in the opinion of the Director, such information has not been submitted he may, for the protection of the public, refuse to issue the permit.

(a) *Articles for which no permit is required.* (1) A substance or mixture of substances being put through tests in which the purpose is only to determine its value for economic poison purposes or to determine its toxicity or other properties, and where the user does not expect to receive any benefit in pest control from its use, is not considered an economic poison within the meaning of section 2a of the Act. Therefore, no permit under the Act is required for its shipment.

(2) An economic poison shipped or delivered for experimental use by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of economic poisons shall not be subject to the provisions of the Act and the regulations in this part.

(b) *Articles for which permit is required.* (1) An economic poison shipped or delivered for experimental use by qualified persons but not under the supervision of a Federal or State agency authorized by law to conduct research in the field of economic poisons, for which a permit has been issued by the Director pursuant to the provisions of this section, shall otherwise be exempt from the provisions of the Act and of the regulations in this part. Permits will be of two types, specific and general. A specific permit will be issued to cover a particular shipment on a specified date to a named person. A general permit will be issued to cover more than one shipment over a period of time to the same or different persons.

(2) If an economic poison is to be tested in such a manner that residues may result in or on food or feed, a permit for shipment will not be issued unless:

(i) Sufficient data are submitted to the Director to show that no residue will be present on food or feed involved in the experimental program or

(ii) A tolerance or exemption from the need of a tolerance or a temporary tolerance or exemption from the need of a temporary tolerance, has been established by the Food and Drug Administration to cover any detectable residue which may be present on food or feed involved in the experimental program and sufficient data are submitted to the Director to show that such program will not result in any residue in excess of any such tolerance or

(iii) The food or feed derived from the experimental program will be destroyed or fed only to laboratory animals or otherwise disposed of in a manner which will protect the public and which is approved by the Director.

(3) A permit for shipment of any experimental economic poison for testing in any place likely to be frequented by people will be granted only if it is clearly shown in the application for such permit that the applicant's instructions for use reasonably assure the avoidance of injury to all persons concerned.

(4) All applications for permits covering shipments for experimental use shall be filed in duplicate with the Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, and must be signed by the shipper and must contain the following:

(i) A certification to the effect that food or feed derived from the experimental program will not be used or offered for consumption or sale for consumption, except by laboratory or experimental animals if illegal residues are present in or on such food or feed.

(ii) Name and address of the shipper and place or places from which the shipment will be made.

(iii) Proposed date of shipment or proposed shipping period not to exceed one year.

(iv) A statement of the composition of material to be covered by the permit which should apply to a single material or group of closely allied formulations of the material.

(v) A statement of the approximate quantity of material to be shipped.

(vi) Available data or information, or reference to available data or information, on the toxicity of the economic poison.

(vii) A statement of the nature of the proposed experimental program, including designation of the type of pests or organisms to be experimented with, the crops or animals on which the economic poison is to be used, a statement of the dates during which the proposed experimental program will be conducted, and the states or geographical areas where it is proposed to conduct the program, and including the results of previous tests where necessary to justify the issuance of a permit for the quantity requested.

(viii) The percentage of the total quantity of material specified under subdivision (v) of this subparagraph which will be supplied without charge to the user.

(ix) A statement that the economic poison is intended for experimental use only.

(x) Proposed labeling which must bear (*a*) the prominent statement "For Experimental Use Only" on the container label and any accompanying circular or other labeling, (*b*) a warning or caution statement if in the opinion of the Director it is necessary, which statement shall, if complied with, be adequate in his opinion, for the protection of those who may handle or be exposed to the experimental formulations, (*c*) the name and address of the applicant for the permit, (*d*) the name or designation of the formulation, (*e*) an ingredient statement as prescribed in § 362.7, and (*f*) necessary directions for use including crops or sites to be treated, limitations on dosage to be used, and if the economic poison is to be tested on food or feed crops the number of days required between last application and harvest.

(5) The Director may limit the quantity of economic poison covered by a permit to such less quantity than requested as he may determine if the available information on effectiveness, or toxicity or other hazards, is not sufficient to justify the scope of experimental use proposed in the application, or may make such other limitations in the permit as he may determine to be necessary for the protection of the public.

(6) Reports on experimental program: During the period in which a permit is effective, the holder shall submit to the Director periodic reports regarding the status of the experimental program. Reports shall be submitted at 3-month intervals and at the end of the experimental program. These reports shall include the following information:

(i) Amount of the economic poison shipped during reporting period.

(ii) Name and address of consignee of each shipment.

(iii) A summary of data on effectiveness, phytotoxicity, or other pertinent information obtained during the reporting period.

(iv) Any additional data on residues or analytical methods obtained during the reporting period.

(v) Any additional data on toxicity obtained during the reporting period.

(vi) Such other information and data as the Director may require.

The Director may at any time request additional reports on the experimental program if, in his opinion, such reports are necessary for the protection of the public.

(7) An economic poison shipped under a permit shall not be offered for general retail sale.

(c) *General permit for economic poisons for experimental use which are also subject to the new drug requirements of the Federal Food, Drug, and Cosmetic Act.* (1) Notwithstanding the provisions of paragraph (b) of this section, a general permit is hereby issued under section 7.a.(4) of the Act to the manufacturers and shippers of economic poisons for experimental use only, to ship such economic poisons: *Provided,* (i) That the product is a "new drug" within the meaning of section 201(p) and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. sec. 321(p) and sec. 355); (ii) that it is subject to, and the manufacturer or shipper complies with, the provisions of section 505(i) of said Act (21 U.S.C. sec. 355(i)) and § 130.3 of the regulations (21 CFR 130.3) thereunder; and (iii) that the documents referred to in said § 130.3 shall be made available for inspection upon the request of any officer or employee of the Agricultural Research Service of the United States Department of Agriculture at any reasonable time within two years after the introduction of the product into interstate commerce.

(2) The general permit referred to in the preceding subparagraph shall apply only insofar as the experimental uses are for drug purposes within the meaning of the Federal Food, Drug, and Cosmetic Act. It shall not apply to other experimental uses even though the product may be intended for both drug and nondrug uses.

(d) *Cancellation of permits.* Any permit for shipment for experimental use may be canceled at any time for any violation of the terms thereof or if it shall appear to the Director that the permit should be canceled for the protection of the public.

§§ 362.18–362.24 [Reserved]

DECLARATION OF PESTS

§ 362.25 Forms of plant and animal life and viruses declared to be pests.

(a) Each of the following forms of plant and animal life and viruses is declared to be a pest under the Act when it exists under circumstances that make it injurious to plants, man, domestic animals, other useful vertebrates, useful invertebrates, or other articles or substances:

Mammals, including but not limited to dogs, cats, moles, bats, wild carnivores, armadillos, and deer;
Birds, including but not limited to starlings, English sparrows, crows, and blackbirds;
Fishes, including but not limited to the jawless fishes such as the sea lamprey, the cartilaginous fishes such as the sharks, and the bony fishes such as the carp;
Amphibians and reptiles, including but not limited to poisonous snakes;
Aquatic and terrestrial invertebrates, including but not limited to slugs, snails, and crayfish;
Roots and other plant parts growing where not wanted;
Viruses, other than those on or in living man or other animals.

Effective date. These regulations shall become effective 30 days after publication in the FEDERAL REGISTER with the following exceptions:

The provisions of paragraph (*f*) of §§ 362.6 and 362.9 shall become effective sixty days after publication in the FEDERAL REGISTER: *Provided, however,* That the effective date of these provisions with respect to products for which labeling is accepted prior to the expiration of said 60 days, shall be January 1, 1965.

The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 23d day of March 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-2985; Filed, Mar. 26, 1964; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-WE-110]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On December 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 14337) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would revoke VOR Federal airway No. 10 north alternate from Lamar, Colo., to Garden City, Kans.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments and all comments received were favorable.

In consideration of the foregoing, the following action is taken: § 71.123 (29 F.R. 1009) is amended as follows: In V-10 "Garden City, Kans., including an N alternate via INT of Lamar 076° and Garden City 296° radials;" is deleted and "Garden City, Kans.," is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 20, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2944; Filed, Mar. 26, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-88]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Jet Route

On December 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 14338) stating that the Federal Aviation Agency (FAA) proposed alteration of Jet Route No. 58 between Alexandria, La., and New Orleans, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

The substance of the proposed amendment having been published, therefore, for the reasons stated in the notice, the following action is taken:

In § 75.100 (29 F.R. 1287 January 24, 1964) Jet Route No. 58 is amended as follows: In the text "Alexandria, La., to New Orleans, La." is deleted and "Alexandria La.; INT of the Alexandria 126° and the New Orleans, La., 295° radials; to New Orleans." is substituted therefore.

This amendment shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 20, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2945; Filed, Mar. 26, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-99]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Revocation of Segment of Jet Route

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12944) stating that the Federal Aviation Agency (FAA) proposed the revocation of Jet Route No. 23 between Cheyenne, Wyoming and Hill City, Kansas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published, therefore, for the reasons stated in the notice, the following action is taken:

In § 75.100 (29 F.R. 1287 January 24, 1964) Jet Route No. 23 is amended to read:

Jet Route No. 23 (San Antonio, Tex., to Hill City, Kans.). From San Antonio, Tex., via Mineral Wells, Tex.; Oklahoma City, Okla.; Wichita, Kans.; to Hill City, Kans.

This amendment shall become effective 0001 e.s.t. May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 20, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2946; Filed, Mar. 26, 1964; 8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 7—Financial Interests of Employees

A new Subpart 7 added.

Sec.
1204.700 Scope of subpart.
1204.701 Statement of exemptions.
1204.702 Categories of financial interests exempted.

AUTHORITY: The provisions of this Subpart 7 are issued under 76 Stat. 1125; 18 U.S.C. 208(b)(2).

§ 1204.700 Scope of subpart.

This subpart sets forth general exemptions from the requirement of the conflict of interest law (18 U.S.C. 208(a)) that a NASA employee shall be disqualified from acting in a matter in his governmental capacity if he or certain other persons or organizations have a financial interest therein. The exemptions are granted in relation to specified categories of financial interests.

§ 1204.701 Statement of exemptions.

Pursuant to the authority contained in 18 U.S.C. 208(b)(2), it is hereby determined that the categories of financial interests described in § 1204.702 are, to the extent indicated, exempted from the application of the prohibition of 18 U.S.C. 208(a), because they are too remote or too inconsequential to affect the integrity of a NASA employee's services in any matter in which he may act in his governmental capacity. Therefore, the provisions of 18 U.S.C. 208(a) do not preclude the participation by a NASA employee, including a special Government employee and civilian and military personnel regularly detailed to NASA, in matters of a type covered by the prohibition of section 208(a) where the financial interest involved has been exempted hereunder.

§ 1204.702 Categories of financial interests exempted.

(a) The following exemptions apply to financial interests which are held directly by a NASA employee or his spouse or minor child, whether jointly or individually, by a NASA employee and his partner or partners as joint assets of the partnership:

(1) Ownership of bonds other than corporate bonds, regardless of the value of such interest. This exemption extends also to any financial interests that the organization whose bonds are so owned may have in other business entities.

(2) Ownership of shares in a mutual fund, regardless of the value of such interest. This exemption extends also to any financial interests that the mutual fund may have in other business entities.

(b) If a NASA employee or his spouse or minor child has a present beneficial interest or a vested remainder interest under a trust, the ownership under the trust of shares in a mutual fund will be extempt regardless of the value of such interest. This exemption extends also to any financial interests that the mutual fund may have in other business entities.

(c) If a NASA employee is an officer, director, trustee, or employee of an educational institution, or if he is negotiating for, or has an arrangement concerning prospective employment with such an institution, a direct financial interest which the institution has in any matter will not itself be exempt, but any financial interests that the institution may have in the matter through its holdings of securities issued by business entities will be exempt, provided the NASA employee is not serving as a member of the investment committee of the institution or is not otherwise advising it on its investment portfolio.

(d) If a NASA employee has continued to participate in a bona fide pension, retirement, group life, health or accident insurance plan, or other employee welfare or benefit plan that is maintained by a business or nonprofit organization of which he is a former employee, his financial interest in that organization will be exempt except to the extent that the welfare or benefit plan is a profit sharing or stock bonus plan. This exemption extends also to any financial interests that the organization may have in other business entities.

Effective date. The exemptions provided for herein shall be effective upon publication of this Subpart 7 in the FEDERAL REGISTER.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 64-2947; Filed, Mar. 26, 1964; 8:45 a.m.]

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 8—Standards of Conduct for Employee Organizations and Code of Fair Labor Practices

New Subpart 8 added:

Sec.
1204.800 Scope of subpart.
1204.801 Policy.
1204.802 Standards of conduct for employee organizations.
1204.803 Code of fair labor practices.
1204.804 Special code enforcement procedures

AUTHORITY: The provisions of this Subpart 8 issued under Executive Order 10988 (3 CFR Part 130, Supplement 1962) and President's Memorandum of May 21, 1963 (Standards of Conduct for Employee Organizations and Code of Fair Labor Practices (28 F.R. 5127-5132)).

§ 1204.800 Scope of subpart.

This subpart sets forth NASA policies and procedures for the implementation of the President's Memorandum of May 21, 1963—Standards of Conduct for Employee Organizations and the Code of Fair Labor Practices (28 F.R. 5127-5132).

§ 1204.801 Policy.

(a) Primary reliance will be placed on informal settlement of differences and disputes by discussions between NASA management officials and employee organization representatives.

(b) Except in cases which are processed through an established grievance or appeal procedure, all hearings held in accordance with this Subpart 8 will be conducted by a hearing officer who is a NASA employee, but who is organizationally located outside the NASA installation concerned.

§ 1204.802 Standards of conduct for employee organizations.

(a) *General.* Part A of the President's Memorandum of May 21, 1963, "Standards of Conduct for Employee Organizations" (hereinafter referred to as the "Standards") shall apply to all employee organizations accorded informal, formal or exclusive recognition under Executive Order 10988 (3 CFR 130, Supplement 1962). An organization seeking recognition under Executive Order 10988 would have to meet the provisions of sections 2.2 and 2.4 of the "Standards."

(b) *Meeting requirements of "Standards."* An employee organization may meet the requirements of the "Standards" in one of the following ways:

(1) Stating, in writing, that it is a member of the AFL-CIO and that it is governed by and subscribes to the AFL-CIO Codes of Ethical Practices; or

(2) Providing a copy of its constitution and by-laws which contain explicit and detailed provisions satisfying the "Standards;" or

(3) Providing a copy of the rules and regulations of its organization which have been officially adopted by the membership and which contain explicit and detailed provisions satisfying the "Standards."

(c) *Requiring further evidence of compliance.* Once an employee organization has placed itself on record as complying with the "Standards," either by action under subparagraph (b) of this section or by other action satisfactory to the NASA installation with which it wishes to deal, further evidence of compliance with the "Standards" should be sought only under the conditions described in section 2.4(a) of the "Standards."

(d) *Proposing action in cases of noncompliance with "Standards."* Denial, suspension or withdrawal of recognition because of failure on the part of an employee organization to conduct itself in accordance with the "Standards" shall be made only by the Administrator, National Aeronautics and Space Administration (NASA). Therefore, when information of the nature covered by section 2.4(a) of the "Standards" comes to the attention of a NASA installation, appropriate inquiry or investigation shall be made to develop all pertinent facts. A full and complete report will then be made to the Administrator, NASA, via the Director of Personnel, NASA.

(e) *Denial, suspension or withdrawal of recognition.* The authority for denying, suspending, or withdrawing recognition of any employee organization for failure to comply with the "Standards," for providing required hearings under section 2.4(b) of the "Standards," and for all necessary consultations with the Secretary of Labor in connection with such matters is retained by the Administrator, NASA. Decisions made by the Administrator, NASA, under this authority shall be binding on all NASA installations and on the employee organization involved. The Director of Personnel, NASA, will formulate such procedures, on an ad hoc basis, as may be required to assist the Administrator, NASA, in carrying out this responsibility.

§ 1204.803 Code of fair labor practices.

(a) *General.* Part B of the President's Memorandum of May 21, 1963—"Code of Fair Labor Practices" (hereinafter referred to as the "Code") shall apply to all employee organizations which seek or are accorded informal, formal, or exclusive recognition under Executive Order 10988. The "Code" deals only with fair labor practices; it does not pertain to ethical and democratic practices for employee organizations covered by the "Standards." Enforcement of the "Code" shall be in accordance with the procedures set forth in this § 1204.803 and § 1204.804.

(b) *Cases subject to established grievance or appeals procedure.* (1) In cases initiated by a NASA employee or several employees with the same complaint, the established grievance procedure or appeals system, to the extent to which such procedure or system is applicable, shall be the exclusive procedure used.

(2) At the time a grievance or appeal is filed, the NASA employee or employees concerned will be required to specify, in writing, whether a fair labor practice complaint is involved and, if so, to indicate clearly the nature of the complaint. The employees filing the action shall not thereafter be allowed to process the same complaint under a different appeals procedure. This fact should be made clear to any employee or employees who appeal an action under the "Code."

(3) NASA employees who file an action under this subparagraph b through the NASA Grievance Procedure and who are not satisfied with the final decision as rendered in that procedure shall have the right of appeal to the Administrator, NASA. Such appeals will be:

(i) A review of the grievance record only,

(ii) Restricted to only that part of the grievance which relates to the alleged violation of the "Code," and

(iii) The final decision within NASA.

(c) *Cases involving any strike, work stoppage, slowdown, or related picketing.* All cases involving any strike, work stoppage, slowdown, or related picketing against the Government of the United States will be governed by the following procedures:

(1) *Action against individual employees.* Individual employees who engage in any of these acts will be subject to established disciplinary procedures which will apply without regard to the "Code" and this Subpart 8,

(2) *Action against employee organizations.* When the Director of a NASA Field Installation, or the Deputy Associate Administrator for Administration at NASA Headquarters, has evidence that members of a recognized employee organization who are employed in the respective installation are engaging in any act prohibited by section 3.2(b)(4) of the "Code" he will immediately advise the head of the employee organization of this fact. If there is no evidence that the employee organization ordered, approved or authorized the prohibited act and prompt steps are taken by it to disavow the act and orders its members to cease their participation, no further action will be taken against the organization. However, if there is evidence that the employee organization ordered, approved, or authorized the prohibited act, the appropriate NASA official will promptly report all facts with respect to the matter to the Administrator, NASA, via the Director of Personnel, NASA. Decisions made by the Administrator, NASA, in these matters shall be binding upon the employee organizations involved.

(d) *Applicability of special code enforcement procedures.* Certain classes of complaints are not appropriate to be processed through established grievance or appeals procedures. Therefore, the "Special code enforcement procedures," set forth in § 1204.804 will be used in the following types of cases arising under the "Code:"

(1) Complaints filed by one employee organization against another employee organization,

(2) Complaints filed by one or more employee organizations against a NASA installation,

(3) Complaints filed by a NASA installation against one or more employee organizations, and

(4) Complaints filed by an employee or several employees against an employee organization under section 3.2(b) of the "Code."

§ 1204.804 Special code enforcement procedures.

(a) *Processing complaints.* Complaints charging fair labor practice violations of the type listed in § 1204.803(d) will be processed under the "Special code enforcement procedures" as set forth in this § 1204.804. All other cases arising under the "Code" will be processed through the applicable procedure as set forth in § 1204.803 (b) and (c). No employee organization may seek review of a given fair labor practices complaint under more than one procedure, either concurrently or sequentially.

(b) *Use of informal methods.* It is expected there will be maximum use of informal contacts and discussions with and between the parties involved and any national or international organization with which a local organization is affiliated. Such means should produce an acceptable resolution or adjustment of the complaint without resort to more formal procedures.

(c) *Documentation.* All complaints of alleged violation of the "Code" filed under this procedure must:

(1) Be in writing,

(2) Be directed to the Administrator, NASA, via the Director of Personnel, NASA, and

(3) State in detail the incident or incidents which gave rise to the complaint.

A copy of the complaint must be furnished by the complainant to the party or parties to the proceeding.

(d) *Procedures—(1) Step 1—preliminary review.* Cases received will be reviewed by the Director of Personnel, NASA, and additional efforts will be made to resolve the matter by informal means. If the parties fail to come to an acceptable resolution, the Director of Personnel, NASA, will forward the case to the Administrator, NASA, with recommendation for a formal review.

(2) *Step 2—formal review.* Upon receipt of a case, the Administrator will designate an ad hoc Fair Labor Practice Review Officer (hereinafter referred to as the Review Officer) who will establish the facts of the case and recommend its disposition. The Review Officer will be a NASA employee who is organizationally located outside the NASA installation concerned. In carrying out his responsibility, the Review Officer will proceed in accordance with the applicable provisions of section 3.3 of the "Code" and the following procedures:

(i) The Review Officer will make a preliminary inquiry into the matter to determine if further investigation, including a hearing, is necessary to develop the facts.

(ii) If a hearing is determined to be necessary, the Review Officer will act as hearing officer using, as a general guide, the Civil Service Commission's Personnel Methods Series Pamphlet No. 16, "Conducting Hearings on Employee Appeals."

(iii) The Review Officer will set forth the results of the investigation or hearing, in writing, in the form of findings of fact, conclusions, and recommendations, and forward such report to the Administrator, NASA, for decision.

(3) *Final Decision.* The Administrator, NASA, will review the report and records of the case and will render a final decision consistent with the requirements of section 3.4 of the "Code". There is no appeal from this decision of the Administrator, NASA.

Effective date. The procedures provided for herein shall be effective upon publication of this Subpart 8 in the FEDERAL REGISTER.

HUGH L. DRYDEN,
Deputy Administrator.

[F.R. Doc. 64-2948; Filed, Mar. 26, 1964; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 27—OFFICIAL MAIL

PART 48—UNDELIVERABLE MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 13.1, paragraph (c) is amended to include reference to instructions for mail which must bear a return address. As so amended, paragraph (c) reads as follows:

§ 13.1 General information.

• • • • •

(c) All mail should bear the name and address of the sender. For instructions concerning mail which must bear a return address, see:

(1) Second-Class mail in envelopes or wrappers—§ 16.2(f).

(2) Fourth-Class mail—§ 15.5(a)(1).

(3) Air parcel post—§ 26.6(a).

(4) Mail of any class, when its return is desired—§ 48.3.

(5) Registered mail—§ 51.7(a).

(6) Insured mail—§ 52.1(b).

(7) COD mail—§ 53.2(c).

• • • • •

NOTE: The corresponding Postal Manual section is 123.13.

II. In § 13.4 paragraphs (c) and (d) are respectively amended to clarify information postmasters may furnish regarding number of patrons, and to include regulations for the use of the simplified form of address by Members and Members-elect of the House of Representatives. As so amended, paragraphs (c) and (d) read as follows:

§ 13.4 Simplified address.

• • • • • •

(c) *Number of patrons.* On request postmasters will furnish without charge information as follows (see also §13.5(c)):

(1) Number of post office boxholder patrons.

(2) Route numbers, and number of boxholders on each rural and star route.

(3) Route numbers, and number of families on each rural route.

(4) Number of possible deliveries or possible stops with or without stores or office buildings within the total delivery area or on particular carrier routes.

(d) *Mailing under Congressional frank—(1) Members and Members-elect of the Senate.* All mail sent under the franking privilege by a Member or Member-elect of the Senate must be addressed to the recipient by name and post office address. See § 13.1. Franked mailings of a Member or Member-elect of the Senate may not be accepted when addressed in a simplified form for delivery either by rural or star route carrier, to any post office boxholder, or by city or village lettercarrier. This subparagraph is not applicable to nonfranked personal mailings by Members of the Senate upon which the postage is prepaid.

(2) *Members and Members-elect of the House of Representatives.* (i) Mail sent under the franking privilege of a Member or Member-elect of the House of Representatives may be addressed under the simplified forms in paragraphs (a)(1) and (b) of this section for delivery to patrons within the district which the Member or Member-elect was elected to represent. Mail so addressed will be delivered within that district to any or all of the following:

(*a*) Each boxholder on a rural or Star route or each family on a rural or Star route.

(*b*) Each post office boxholder.

(*c*) Each stop or possible delivery on city carrier routes.

(ii) The information in paragraph (c) of this section will, on request, be furnished for a Congressional district in those instances where a post office serves areas which are located in more than one district.

(iii) Simplified address mailings sent under the frank of a Member or Member-elect of the House of Representatives must be prepared as prescribed in paragraph (a)(2) of this section and each facing slip should show the Congressional district in which delivery is to be made.

(iv) Representatives elected at large may send franked mail with simplified address to patrons within the entire State which elected the Member.

(v) Franked mail of a Member or Member-elect addressed to a recipient outside of his Congressional district must be addressed by name and post office address. See § 13.1.

(vi) This subparagraph is not applicable to nonfranked personal mailings of Members or Members-elect of the House of Representatives upon which the postage is paid.

• • • • • •

NOTE: The corresponding Postal Manual sections are 123.43 and 123.44.

III. In § 13.8 strike out the illustrations in paragraphs (a) and (b) and insert in lieu thereof the following to show the proper forms for addressing overseas military mail:

§ 13.8 Overseas military mail.

(a) *Army and Air Force.* • • •

Mr. John Smith
123 6th St.
Roanoke, Virginia 24012

Pvt. Willard J. Doe, RA32000000
Company F
167th Infantry Regt.
APO 801
New York, New York 09801

Mrs. W. J. Doe
4850 First St.
Denver, Colorado 80206

A/1c Harold F. Doe, AF15000000
2d Bomb Squadron
APO 236
New York, New York 09236

(b) *Navy and Marine Corps.* • • •

Mr. J. C. Doe
238 Third St.
Akron, Ohio 44323

John M. Doe, QMSN USN
USS Lyman K. Swenson (00729)
Fleet Post Office
San Francisco, California
96601

Mrs. R. P. Doe
4687 Second St.
Boise, Idaho 83714

Maj. John M. Doe USMCR
Staff, Fleet Marine Force, Pacific
Fleet Post Office
San Francisco, California
96601

§ 15.4 [Amended]

IV. In § 15.4 *Plant quarantines*, as amended by 28 F.R. 7837, amend subdivision (iv) of paragraph (c)(6) by inserting "Chula Vista" in the alphabetical list therein of terminal inspection places in California.

NOTE: The corresponding Postal Manual section is 125.456d.

V. Amend § 27.7 to read as follows:

§ 27.7 Former Presidents and widows of former Presidents.

All mail of former United States Presidents Herbert Hoover, Harry S. Truman, and Dwight D. Eisenhower; and all mail of Jacqueline Bouvier Kennedy, widow of former President John F. Kennedy, shall be accepted without prepayment of postage if it bears the written signature of sender, or a facsimile signature, in the upper right corner of the address side. Such matter may be dispatched by air if it bears the words "Air Mail" on the address side.

NOTE: The corresponding Postal Manual section is 137.7.

VI. Section 48.3 is amended to show that senders must place "Return Requested" on post and postal cards if return is desired and for the purpose of clarification. As so amended, § 48.3 reads as follows:

§ 48.3 Return address.

The return address of the sender must be shown on the address side of mail to secure its return. The following rules apply:

(a) The proper location is in the upper left corner on envelopes, cards, labels, tags, or wrappers. On post and postal cards and on second-class mail and third- and fourth-class mail of no obvious value, the sender must place "Return Requested" below the return address.

(b) The sender may in his return address request that mail (other than registered, insured, and certified) be held for not less than 3 days or more than 30 days. (See § 48.4(b) for registered, insured, and certified mail retention periods.) Examples:

Return in 3 days to:
Frank B. White,
2416 Front St.,
St. Louis, Mo. 63135

Return in 30 days to:
Frank B. White,
2416 Front St.,
St. Louis, Mo. 63135
Return Requested.

(c) Requests to lengthen or shorten retention perids specified by sender to not less than 3 nor more than 30 days will be honored only at the sender's and not addressee's request.

NOTE: The corresponding Postal Manual section is 158.3.

VII. In § 48.4, subdivisions (iv) and (v) of paragraph (a)(1) are amended to add regulations for retention periods of ordinary mail. As so amended, subdivisions (iv) and (v) read as follows:

§ 48.4 Retention periods.

(a) *Ordinary mail.* (1) • • •

(iv) Retained in general delivery not to exceed 30 days, at request of sender, if addressed in manner to indicate addressee is expected to call for mail, or if addressee normally calls there for mail.

(v) Retained as follows when not specifically addressed or when sender does not specify a retention period:

(*a*) Five days if for delivery by village, rural, or star route carrier.

(*b*) Ten days if intended for general delivery service at an office having city carrier service, except that the mail may be held up to 30 days if the addressee has given notice to the postmaster that he will be delayed in arrival.

(*c*) Fifteen days if intended for general delivery service at an office not having city carrier service.

NOTE: The corresponding Postal Manual sections are 158.411 (d) and (e).

VIII. In § 48.7, subparagraph (1) of paragraph (b) is amended to clarify the regulations for treatment of dead mail at last office of address. As so amended, subparagraph (1) reads as follows:

§ 48.7 Dead mail.

• • • • • •

(b) *Treatment—(1) At last office of address.* At the end of retention period specified in § 48.4, mail is declared dead. Dead mail described in § 48.5 (a) through (f) is disposed of locally. First-class letters, first-class parcels, and other articles that have obvious value are forwarded on fixed schedules to dead letter or dead parcel post branches for final disposition.

• • • • • •

NOTE: The corresponding Postal Manual section is 158.721.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-2902; Filed, Mar. 26, 1964; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importation of and Dealings in Certain Merchandise; Correction

Section 500.204(a)(2)(ii) is corrected as follows:

The words in the parenthetical clause following the item "Antiques, Chinese type," which read "within the provisions of par. 1811 of the Tariff Act of 1930" are corrected to read "under items 766.20–25 of Title I—Tariff Schedules of the United States, Tariff Act of 1930, as amended." The item as amended reads as follows:

§ 500.204 Importation of and dealings in certain merchandise.

(a) • • •

(2) • • •

Type of merchandise	*Excepted countries*
(ii) All of the following specified types of merchandise:	
• • • • •	
Antiques, Chinese type (except Chinese porcelain which qualifies under items 766.20–25 of Title I—Tariff Schedules of the United States, Tariff Act of 1930, as amended and which is decorated with the armorial bearing, crests, monograms, cyphers, or badges of European or American families or societies or bearing motifs based thereon, or with European or American political, memorial, or Masonic scenes or devices or with European or American figures, ships or other scenes, or with motifs or inscriptions in English, Latin, or any other European language).	None.
• • • • •	

[SEAL] MARGARET W. SCHWARTZ,
Director,
Foreign Assets Control.

[F.R. Doc. 64-2991; Filed, Mar. 26, 1964; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3342]

[Sacramento 050013]

CALIFORNIA

Withdrawal for Forest Service Administrative and Public Service Sites, Recreation Areas, Campgrounds, and Roadside Zones

Correction

In F.R. Doc. 64-2171, appearing at page 3109 of the issue for Friday, March 6, 1964, the following correction is made in the land description headed "Roadside Zone Along the U.S. Highway No. 50, California Forest Highway No. 32": Under T. 11 N., R. 16 E., the entry for Section 24 should read as follows:

Sec. 24, S½N½, N½SE¼;

[Public Land Order 3350]

[New Mexico 0437684]

NEW MEXICO

Withdrawal for Forest Service Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as a recreation area:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

McGaffey Recreation Area

T. 13 N., R. 16 W.,
Sec. 2, SW¼;
Sec. 3, W½, NE¼SE¼, W½SE¼, and W½SE¼SE¼;
Sec. 4, E½ and NW¼;
Sec. 9, E½NE¼ and E½SW¼NE¼;
Sec. 10, SW¼NW¼, W½SW¼ and E½SE¼;
Sec. 11, W½;
Sec. 14, NE¼NW¼, S½NW¼NW¼ and S½NW¼;
Sec. 15, NE¼.
T. 14 N., R. 16 W.,
Sec. 19, E½;
Sec. 20;
Sec. 28, N½, N½N½SW¼, SW¼NW¼SW¼, W½SW¼SW¼, and SE¼;
Sec. 29, E½ and NW¼;
Sec. 32, NE¼;
Sec. 33, E½NE¼, E½NW¼NE¼, SW¼NE¼, NW¼NW¼, S½NW¼, and S½;
Sec. 34, SW¼.

The areas described aggregate approximately 4,910 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 23, 1964.

[F.R. Doc. 64-2971; Filed, Mar. 26, 1964; 8:48 a.m.]

[Public Land Order 3351]

[Riverside 03926]

CALIFORNIA

Withdrawal for Forest Service Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the San Bernardino National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws but not from leasing under the mineral leasing laws in aid of programs of the Forest Service for utilization of the surface as a picnic area and a campground, as indicated:

SAN BERNARDINO MERIDIAN

DESERT VIEW PICNIC AREA

T. 2 N., R. 2 E.,
Sec. 5 S½NW¼NW¼ and N½SW¼NW¼.

GROUT BAY PUBLIC CAMPGROUND

T. 2 N., R. 1 W.,
Sec. 14, W½NE¼NE¼ and S½SE¼NE¼NE¼.

The areas described aggregate approximately 65 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 23, 1964.

[F.R. Doc. 64-2972; Filed, Mar. 26, 1964; 8:48 a.m.]

[Public Land Order 3352]

[Utah 0118454]

UTAH

Withdrawing Lands for Access Road to Natural Bridges National Monument, and for Protection of Scenic and Recreation Values

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, for the establishment of an access road to the Natural Bridges National Monument, and for protection and preservation of scenic and recreation values:

SALT LAKE MERIDIAN

A strip of land 200 feet wide on either side of the centerline of an approach road connecting to Utah State Road 95, and traversing the following-described lands:
T. 37 S., R. 18 E., Partly surveyed;
Unsurveyed:
Sec. 3, NW¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 4, NW¼NW¼, S½NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼;
Sec. 5, N½N½;
Sec. 10, NE¼, NE¼NW¼ and NE¼SE¼.

Containing approximately 175 acres.

The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 23, 1964.

[F.R. Doc. 64-2973; Filed, Mar. 26, 1964; 8:48 a.m.]

[Public Land Order 3353]

[Sacramento 076330]

CALIFORNIA

Power Site Restoration No. 602; Partly Revoking Power Site Reserve No. 88 (Project No. 237)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and pursuant to the determination of the Federal Power Commission docketed as DA-1032-California, it is ordered as follows:

1. The temporary Power Site withdrawal No. 88 of December 20, 1909, and the Executive Order of July 2, 1910, creating Power Site Reserve No. 88, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 9 E.,
Sec. 16, S½SW¼;
Sec. 20, N½NE¼.

Containing 160 acres.

2. In DA-1032-California, the Federal Power Commission vacated the existing power withdrawal created by the filing of an application for a preliminary permit on July 25, 1921, for proposed Project No. 237, affecting the following-described land:

T. 17 N., R. 9 E.,
Sec. 16, S½SW¼.

Containing 80 acres.

3. Until 10:00 a.m. on September 21, 1964, the State of California shall have the preferred right of application to select any of the restored land for school land indemnity purposes, as provided by sec. 2(c) of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The State of California also has a more limited preferred right of application for the restored land for highway easement or for highway material site purposes as provided by sec. 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

4. At 10:00 a.m. on September 21, 1964, the land shall be subject to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received prior to 10:00 a.m. on June 22, 1964, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

5. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 23, 1964.

[F.R. Doc. 64-2974; Filed, Mar. 26, 1964; 8:49 a.m.]

[Public Land Order 3354]

[Sacramento 077398]

CALIFORNIA

Reservoir Site Restorations Nos. 38 and 39; Revoking Certain Reservoir Site Reserves

By virtue of the authority contained in the Act of October 2, 1888 (25 Stat. 526), as amended by the Act of August 30, 1890 (26 Stat. 391) and section 17 of the Act of March 3, 1891 (26 Stat. 1101; 43 U.S.C. 662, 663), it is ordered as follows:

1. The Departmental orders of January 10, 1890 and January 25, 1890, establishing Rattlesnake Reservoir Site No. 1 and the South Highland Lake Reservoir Site, respectively, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

A. RATTLESNAKE RESERVOIR SITE NO. 1

T. 45 N., R. 11 E.,
Secs. 21 to 28, incl., and secs. 32 to 36, incl.
T. 44 N., R. 12 E.,
Secs. 5 to 8, incl., secs. 17 to 20, incl., and secs. 28 to 33, incl.
T. 45 N., R. 12 E.,
Secs. 30 and 31.

B. SOUTH HIGHLAND LAKE RESERVOIR SITE

T. 7 N., R. 20 E.,
Secs. 4 to 8, incl., unsurveyed.
T. 8 N., R. 20 E.,
Secs. 32 and 33, partly unsurveyed.

The areas described total in the aggregate approximately 22,791 acres.

The lands are national forest lands in the Modoc, Stanislaus, and Toiyabe National Forests.

2. At 10:00 a.m. on April 28, 1964, they shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 23, 1964.

[F.R. Doc. 64-2975; Filed, Mar. 26, 1964; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

YOSEMITE NATIONAL PARK, CALIFORNIA

Domestic Water Supplies and Sanitary Disposal of Sewage on Privately Owned Lands

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Western Region Order No. 3 (21 F.R. 1495), as amended, it is proposed to amend § 7.16 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of this amendment is to establish sanitary regulations governing domestic water supplies and the disposal of sewage, including household waste, on privately owned lands within Yosemite National Park.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Yosemite National Park, California, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

A new paragraph (j) is added to § 7.16 to read as follows:

§ 7.16 Yosemite National Park.

* * * * *

(j) *Domestic water supplies and sewage disposal systems*—(1) *Sewage disposal systems*—(i) *Construction.* Any dwelling or establishment constructed on privately owned land within Yosemite National Park for the purpose of housing one or more persons must be served by an approved sewage disposal system prior to occupancy. Such system may not be initially constructed or rebuilt without a permit issued by the Superintendent. Such permit shall be issued only after the receipt by the Superintendent of written notification by the County Health Officer that the plans for such construction or reconstruction are consistent with the requirements of the State and county health laws and ordinances applicable to systems not located on lands within the park.

(ii) *Existing systems.* Any sewage disposal system which was constructed and was in use prior to the effective date of this regulation shall be subject to inspection by the County Health Officer or his duly authorized representative for the purpose of ascertaining whether or not such existing sewage disposal system would meet the requirements of the State and county health laws and ordinances were such system not located on lands within the park. In the event such existing system is found by the Health Officer to be substandard and a hazard to health, the person, corporation, or other organization controlling the structure served by such system shall have one (1) year after service of a written notice by the Superintendent to comply with the requirements of the State and county health laws and ordinances. Such notice shall describe briefly the deficiency as noted by the County Health Officer and shall specify what steps must be taken to achieve conformity with health regulations. In the event the deficiency described in the notice is not remedied within the period set forth above, the structures affected by or served by such sewage system shall be deemed unfit for human habitation and shall be vacated until such deficiency is remedied and a certificate of approval is filed with the Superintendent.

(2) *Water supply facilities*—(i) *Construction of new facilities.* Domestic water supply facilities for the use of two (2) or more families or for use of the general public may not be constructed, installed, or reconstructed on the privately owned land within Yosemite National Park unless the plans for such facilities are consistent with the requirements of State and county health laws and ordinances which would be applicable if such water supply facilities were located on privately owned lands outside of the park. Facilities for such a new water supply system shall not be constructed or reconstructed without a permit issued by the Superintendent. A permit will be issued only after the receipt by the Superintendent of written notification by the County Health Officer that the plans for the construction or reconstruction of the water supply system are consistent with the requirements of the State and county health laws and ordinances applicable to structures and establishments located outside of the park.

(ii) *Existing systems.* All water supply systems for the use of two (2) or more families or for use by the general public, regardless of size and whether or not constructed and in use prior to the effective date of this regulation, shall be subject to inspection from time to time by the County Health Officer or his duty authorized representative for the purpose of ascertaining whether or not such water supply systems meet the requirements of the State and county health laws and ordinances. In the event any existing system is found by the Health Officer to be substandard and a hazard to health, the person, corporation, or other organization controlling the premises served by such system shall have one (1) year after service of a written notice by the Superintendent to comply with the requirements of the State and county health laws and ordinances. Such notice shall describe briefly the deficiency as noted by the County Health Officer and shall specify what steps must be taken to achieve conformity with health regulations. In the event the deficiency described by the notice is not remedied within the period set forth above, the structures affected by such deficiency shall be considered unfit for human habitation and shall be vacated until such deficiency is remedied and certificate of approval by the County Health Officer is filed with the Superintendent.

(3) *Inspection.* The County Health Officer or his duly authorized representative shall have the right of inspection for the purpose of ascertaining whether domestic water supplies and sewage disposal systems located on privately owned lands within Yosemite National Park meet State and county health standards. Inspection may be made by the County Health Officer to assure that construction of such systems, and facilities as may be built, rebuilt, or installed complies with approved plans.

(4) *Issuance of permits.* Permits for the construction or reconstruction of sewage or water supply systems shall be issued without charge by the Superintendent after written notification by the County Health Officer that the plans and specifications for any proposed system are deemed to be in conformity with the requirements of the State and county health laws and ordinances. Any applicant or permittee aggrieved by an action of the Superintendent in refusing or in conditioning a permit for the construction or reconstruction of a sewage disposal or a water supply system may appeal to the Regional Director, Western Region, National Park Service. Such appeal shall be filed in writing within 20 days after receipt of notice by the applicant or permittee of the action of the Superintendent. A final decision of the Regional Director may be similarly appealed to the Director of the National Park Service within 15 days after receipt of notice by the applicant or permittee of the Regional Director's decision.

(5) *Permits.* Permit to construct or reconstruct domestic water facilities or a sewage disposal system authorized to be issued by the Superintendent in this paragraph shall contain general regulatory provisions as hereinafter set forth and may include such special conditions as the Superintendent deems necessary. A permit shall be in a form substantially as follows:

No. ------

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

PERMIT TO CONSTRUCT, BUILD, OR REBUILD DOMESTIC WATER SYSTEMS AND SEWAGE DISPOSAL SYSTEMS

Permission is hereby granted ---------- of ---------- to construct, build, or rebuild a ----------

(Specify water system, sewage disposal system)

on the following described privately owned lands within Yosemite National Park, over which the United States exercises exclusive jurisdiction ----------

----

subject to the general provisions and any special conditions stated on the reverse hereof.

Issued at ---------- this ------ day of ----------, 19--.

(Superintendent)

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied therein.

[1] ----------

Address ----------

Address ----------

Two witnesses to signature(s):

Address ----------

Address ----------

[1] Sign name or names as written in body of permit; for copartnership, permittees should sign as "Members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the secretary, with corporate seal, in lieu of witnesses.

REVERSE OF PERMIT

GENERAL REGULATORY PROVISIONS OF THIS PERMIT

1. Permittee shall construct, build, or rebuild a domestic water system and/or a sewage disposal system in accordance with the standards of the Mariposa County Health Department.

2. Permittee shall not occupy constructed dwelling or establishment until completion of a bona fide, operational sewage disposal system.

3. Failure of the permittee to comply with all State and county laws and ordinances applicable to domestic water supplies and the disposal of sewage, including household waste, or with the conditions imposed by this permit will be grounds for requiring the permittee to vacate the dwelling or establishment until compliance.

4. Permittee shall take all reasonable precautions to prevent forest fires and shall assist the Superintendent to extinguish forest fires within the vicinity of the structure herein permitted.

5. This permit may not be transferred or assigned without the consent, in writing, of the Superintendent.

6. The following special provisions are made a part of this permit:

JOHN C. PRESTON,
Superintendent,
Yosemite National Park.

[F.R. Doc. 64-2956; Filed, Mar. 26, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

INSECTICIDES, FUNGICIDES, AND RODENTICIDES

Notice of Extension of Time for Filing Comments

On September 6, 1963, there was published in the FEDERAL REGISTER (F.R. Doc. 63-9541) a notice of proposed rule making concerning the revision of the regulations (7 CFR Part 362) for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act. Interested persons were given until November 30, 1963, to submit written data, views, or arguments. In view of the comments received, certain changes were made and, on January 16, 1964, the proposed revision of said regulations was published in the FEDERAL REGISTER (F.R. Doc. 64-392) for further consideration. Interested persons were given twenty days in which to submit written data, views, or arguments.

Requests have been received for a further extension of time for submission of views with respect to the proposal to amend § 362.14(a)(5). Accordingly, the time within which comments may be submitted to the Director, Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, is hereby extended to include the thirtieth day after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of March 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-2986; Filed, Mar. 26, 1964; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 152]

HOSIERY INDUSTRY

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice (July 1963), the Federal Trade Commission proposes to revise § 152.7 Deceptive price representations of the Trade Practice Rules for the Hosiery Industry promulgated August 30, 1960, to read as follows:

§ 152.7 Deceptive price representations.

Members of the industry shall not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: On December 20, 1963 the Commission adopted Guides Against Deceptive Pricing which became effective on January 8, 1964 and which supersede the Guides on this subject as adopted October 2, 1958. The 1964 Guides are set forth as an appendix to these rules. [Rule 7]

Interested or affected parties may submit their views, suggestions, objections or other information concerning the proposed revision to the Chief, Division of Trade Practice Conferences and Guides, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C., 20580, in writing not later than April 30, 1964. Due consideration will be given by the Commission to all comments received before final action is taken in this matter.

Approved: March 9, 1964.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2965; Filed, Mar. 26, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-7275]

BROKERS AND DEALERS

Proposed Rule Making Regarding Fictitious Quotations

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt 17 CFR 240.15c2-7 (Rule 15c2-7 under the Securities Exchange Act of 1934, and particularly section 15(c)(2) of the Act), which authorizes the Commission to adopt rules and regulations designed to prevent fictitious quotations by brokers and dealers.

Under the proposed rule it would be unlawful for a broker or dealer to furnish a quotation to an inter-dealer-quotation-system unless certain conditions were met. First, the broker-dealer submitting the quotation would have to disclose whether it is submitted in furtherance of one or more of the following arrangements: (A) he is acting as a correspondent for another broker-dealer, (B) the quotation is furnished for the joint account of the broker-dealer and another broker-dealer, or (C) it is furnished in furtherance of some other arrangement (including a guarantee of profit, guarantee against loss, a commission, markup, or markdown) with any other broker-dealer, or as an accommodation for any other broker-dealer. Secondly, the broker-dealer furnishing the quotation would have to disclose the identity of the other broker or dealer, except in those arrangements (under (C) above) where neither the broker-dealer submitting the quotation, nor the other broker-dealer, has any similar arrangement involving the same security with any third broker or dealer. (Even where the identity of the other broker-dealer need not be disclosed, the existence of the arrangement must be disclosed.) Thirdly, the quotation would have to be submitted to an inter-dealer-quotation-system which makes it a general practice, by symbol or otherwise, to differentiate the different types of arrangements referred to above, and discloses the identity of the broker or dealer for whom the quotation is furnished where the identity of such broker-dealer is required to be supplied to the quotation system under the provisions of the rule. The inter-dealer-quotation-system could use any simple feasible identification,

such as a numbering or coding system, to identify particular broker-dealers.

The proposed rule implements a recommendation of the Report of the Special Study of Securities Markets designed to improve the reliability and informativeness of the wholesale quotations system through which dealers advertise their buying or selling interests in securities traded over-the-counter. The report points out that the wholesale quotations system is important because it tells at any given time and over spans of time what dealer interest exists, the basic price levels at which particular securities are capable of being bought and sold, and the spread between these levels. The report also states that the depth of dealer interest and the identity of dealers making a market are extremely pertinent in evaluating the marketability of a particular security. However, the report notes that broker-dealers inserting quotations in wholesale quotation systems are not required to differentiate quotations entered on behalf of another broker-dealer nor are they required to indicate the kind of arrangements involving this practice.

While the report recognizes that there may be legitimate reasons for a broker-dealer to insert a quotation for another firm, it also points out that this practice may create a misleading impression (such as when one firm has a number of firms appear in the quotation system for a particular security in order to give an appearance of increased trading interest and activity in such security), and may be used for other improper purposes. The report therefore recommended that broker-dealers using an inter-dealer-quotation-system should be required to designate quotations entered on behalf of another, with clear differentiation between correspondent arrangements and other arrangements involving this practice, so that there will be a clear indication where two or more quotations in different names represent a single quotation.

The text of the proposed rule is as follows:

§ 240.15c2–7 Identification of quotations.

(a) It shall constitute an attempt to induce the purchase or sale of a security by making a "fictitious quotation," within the meaning of section 15(c)(2) of the Act, for any broker or dealer to furnish or submit, directly or indirectly, any quotation to an inter-dealer-quotation-system unless:

(1) The inter-dealer-quotation-system is informed, if such is the case, that the quotation is furnished or submitted

(i) by a correspondent broker or dealer for the account or on behalf of another broker or dealer, and if so, the identity of such other broker or dealer; and/or

(ii) for the joint account of the broker or dealer furnishing or submitting the quotation and another broker or dealer, and if so, the identity of such other broker or dealer; and/or

(iii) in furtherance of any other arrangement (including a guarantee of profit, guarantee against loss, a commission, markup or markdown) between the broker or dealer furnishing or submitting the quotation and any other broker or dealer, or as an accommodation for any other broker or dealer, and if so, the identity of such other broker or dealer, except that the identity of such other broker or dealer need not be supplied if neither the broker or dealer submitting the quotation, nor the other broker or dealer, has any similar arrangement involving the same security with any third broker or dealer; and

(2) The inter-dealer-quotation-system to which the quotation is furnished or submitted makes it a general practice to disclose with each published quotation, by appropriate symbol or otherwise, all of the specific categories (subparagraph (1)(i), (ii) and (iii) of this paragraph) in furtherance of which the quotation is submitted, and the identity of the broker or dealer for whom the quotation is furnished or submitted where the identity of such broker or dealer is required to be supplied to the inter-dealer-quotation-system under the provisions of subparagraph (1) of this paragraph.

(b) For purposes of this section:

(1) The term "inter-dealer-quotation-system" shall mean any system of general circulation to brokers and dealers which regularly disseminates quotations.

(2) The term "quotation" shall mean any bid or offer, or any indication of interest (such as OW or BW) in any bid or offer.

(3) The term "joint account" shall mean an agreement, option, or right (whether or not in writing), pursuant to which two or more brokers or dealers are to share in the purchase, sale or ownership of securities with equal or proportionate risk or financial participation.

(Secs. 15(c)(2), 23(a), 48 Stat. 895, 901, as amended, 15 U.S.C. 78o, 78w)

All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, Washington, D.C., 20549, on or before April 20, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 24, 1964.

[F.R. Doc. 64-2982; Filed, Mar. 26, 1964; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 64-13]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from September 12, 1963, to January 21, 1964 (List No. 2–64). These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions, with respect to approvals may be found in section 632, of Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), 167–15 dated January 3, 1955 (20 F.R. 840), 167–20 dated June 18, 1956, (21 F.R. 4894), CGFR 56–28 dated July 24, 1956 (21 F.R. 5659), or 167–38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544 as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e), or sec. 3(c), 68 Stat. 675 (50 (U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

SIGNALS, DISTRESS, HAND RED FLARE

Approval No. 160.021/5/2, Coston's hand red flare distress signal, 500 candlepower, 2-minute burning time, assembly dwg. No. FXC–740, Rev. 1, dated October 26, 1961, manufactured by Harvell-Kilgore Corporation, Toone, Tennessee, for Coston Supply Co., Inc., 31 Water Street, New York 4, New York, effective January 8, 1964. (Formerly Kilgore, Inc., and Harvell-Kilgore Sales Corp., respectively.) It supersedes Approval No. 160.021/5/2 dated July 2, 1962, to show change of name and address of manufacturer.)

Approval No. 160.021/6/2, International's hand red flare distress signal, 500 candlepower, 2-minute burning time, assembly dwg. No. FXC–740, Rev. 1, dated October 26, 1961, manufactured by Harvell-Kilgore Corporation, Toone, Tennessee, effective January 8, 1964. (Formerly Kilgore, Inc., and Harvell-Kilgore Sales Corp., respectively). (It supersedes Approval No. 160.021/6/2 dated July 2, 1962, to show change of name and address of manufacturer.)

SIGNALS, DISTRESS, FLOATING ORANGE SMOKE

Approval No. 160.022/5/0, Kilgore Model K–5 floating orange smoke distress signal, assembly dwg. No. GXC–323, Rev. 2, dated December 18, 1953, manufactured by Harvell-Kilgore Corporation, Toone, Tennessee, effective January 8, 1964. (Formerly Kilgore, Inc., and Harvell-Kilgore Sales Corp., respectively.) (It supersedes Approval No. 160.022/5/0, dated June 25, 1959, to show change of name and address of manufacturer.)

Approval No. 160.022/8/0, Model K–5A floating orange smoke distress signal, assembly dwg. No. GXC–413, Rev. 4, dated October 5, 1961, manufactured by Harvell-Kilgore Corporation, Toone, Tennessee, effective January 8, 1964. (Formerly Kilgore, Inc., and Harvell-Kilgore Sales Corp., respectively.) (It supersedes Approval No. 160.022/8/0 dated April 23, 1962, to show change of name and address of manufacturer.)

LIFE FLOATS

Approval No. 160.027/58/0, 12.0′ x 7.58′ (15¼″ x 15″ boy section) rectangular life float, fibrous glass reinforced plastic (FRP) shell with unicellular polyurethane foam core, 60-person capacity, dwg. No. B–80470, Rev. C dated December 31, 1963, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, New Jersey, effective January 10, 1964.

LIFEBOATS

Approval No. 160.035/15/3, 20.0′ x 6.5′ x 2.6′ steel, oar-propelled lifeboat, 20-person capacity, identified by general arrangement dwg. No. G–2020 dated April 1958 and revised December 31, 1963, manufactured by C. C. Galbraith and Son, Inc., 99 Park Place, New York 7, New York, effective January 21, 1964. (If mechanical disengaging apparatus is fitted, it shall be of an approved type and installed in accordance with drawings approved by the Commandant.) (It reinstates and supersedes Approval No. 160.035/15/2 terminated December 31, 1963.)

SIGNALS, DISTRESS, HAND-HELD ROCKET-PROPELLED PARACHUTE RED FLARE

Approval No. 160.036/2/0, Model K–500 hand-held rocket-propelled parachute red flare distress signal, general arrangement dwg. No. GK–500, Rev. 2, dated January 14, 1958, Parts List dwg. No. B/M 173 dated March 26, 1953, manufactured by Harvell-Kilgore Corporation, Toone, Tennessee, effective January 8, 1964. (Formerly Kilgore, Inc., and Harvell-Kilgore Sales Corp., respectively.) (It supersedes Approval No. 160.036/2/0 dated April 23, 1962, to show change of name and address of manufacturer.)

SIGNALS, DISTRESS, HAND ORANGE SMOKE

Approval No. 160.037/1/2, Coston's hand orange smoke distress signal, dwg. Nos. CXC–117, Rev. 4, dated June 17, 1957, and CXC–118, Rev. 5, dated October 5, 1961, manufactured by Harvell-Kilgore Corporation, Toone, Tennessee, for Coston Supply Co., Inc., 31 Water Street, New York 4, New York, effective January 8, 1964. (Formerly Kilgore, Inc., and Harvell-Kilgore Sales Corp., respectively.) (It supersedes Approval No. 160.037/1/2 dated September 27,

1963, to show change of name and address of manufacturer.)

Approval No. 160.037/2/2, International's hand orange smoke distress signal, dwg. Nos. CXC–117, Rev. 4, dated June 17, 1957, and CXC–118, Rev. 5, dated October 5, 1961, manufactured by Harvell-Kilgore Corporation, Toone, Tennessee, effective January 8, 1964. (Formerly Kilgore, Inc., and Harvell-Kilgore Sales Corp., respectively.) (It supersedes Approval No. 160.037/2/2 dated April 25, 1962, to show change of name and address of manufacturer.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/393/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens 34, N.Y., effective January 8, 1964. (It supersedes Approval No. 160.047/393/0 dated June 21, 1960, to show change of address of manufacturer.)

Approval No. 160.047/394/0, Type I, model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens 34, N.Y., effective January 8, 1964. (It supersedes Approval No. 160.047/394/0 dated June 21, 1960, to show change of address of manufacturer.)

Approval No. 160.047/395/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens 34, N.Y., effective January 8, 1964. (It supersedes Approval No. 160.047/395/0 dated June 21, 1960, to show change of address of manufacturer.)

Approval No. 160.047/405/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Kentucky, for the S and M Company, Arthur and Kennedy Streets NE., Minneapolis, Minnesota, effective January 9, 1964. (It supersedes Approval No. 160.047/405/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/406/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Kentucky, for the S and M Company, Arthur and Kennedy Streets NE., Minneapolis, Minnesota, effective January 9, 1964. (It supersedes Approval No. 160.047/406/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/407/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Kentucky, for the S and M Company, Arthur and Kennedy Streets NE., Minneapolis, Minnesota, effective January 9, 1964. (It supersedes Approval No. 160.047/407/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/565/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Texas, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minnesota, effective January 10, 1964.

Approval No. 160.047/566/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Texas, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minnesota, effective January 10, 1964.

Approval No. 160.047/567/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Texas, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minnesota, effective January 10, 1964.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/229/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Texas, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minnesota, effective January 10, 1964.

Approval No. 160.048/230/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, Schoellkopf dwg. No. 160.048–7(C)–1, Rev. 1 dated November 6, 1963, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Texas, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minnesota, effective January 10, 1964.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/61/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Texas, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minnesota, effective January 10, 1964.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/274/0, Type II, Model No. 100, adult unicellular plastic foam buoyant vest, Schoellkopf dwg. Nos. 1 and 4, Rev. 1 dated March 8, 1963, and Bill of Materials dated February 15, 1963, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Texas, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minnesota, effective January 10, 1964.

Approval No. 160.052/275/0, Type II, Model No. 200, child medium unicellular plastic foam buoyant vest, Schoellkopf dwg. Nos. 2 and 4, Rev. 1 dated March 8, 1963, and Bill of Materials dated February 15, 1963, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Texas, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minnesota, effective January 10, 1964.

Approval No. 160.052/276/0, Type II, Model No. 300, child small unicellular plastic foam buoyant vest, Schoellkopf dwg. Nos. 3 and 4, Rev. 1 dated March 8, 1963, and Bill of Materials dated February 15, 1963, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Texas, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minnesota, effective January 10, 1964.

Approval No. 160.052/280/0, Type II, Model No. BDA, adult unicellular plastic foam buoyant vest with vinyl dip coating, Billy Boy dwg. Nos. 1 and 5 dated October 9, 1962, manufactured by Billy Boy Products, Inc., Quincy, Michigan, for Bulldog Marine Products, Inc., 5825 S. Western Avenue, Chicago 36, Illinois, effective January 15, 1964.

Approval No. 160.052/281/0, Type II, Model BDM, child medium unicellular plastic foam buoyant vest with vinyl dip coating, Billy Boy dwg. Nos. 2 and 5 dated October 9, 1962, manufactured by Billy Boy Products, Inc., Quincy, Michigan, for Bulldog Marine Products, Inc., 5825 S. Western Avenue, Chicago 36, Illinois, effective January 15, 1964.

Approval No. 160.052/282/0, Type II, Model BDC–1, child small unicellular plastic foam buoyant vest with vinyl dip coating, Billy Boy dwg. Nos. 3 and 5 dated October 9, 1962, manufactured by Billy Boy Products, Inc., Quincy, Michigan, for Bulldog Marine Products, Inc., 5825 S. Western Avenue, Chicago 36, Illinois, effective January 15, 1964.

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/95/0, 4" vacuum relief valve, Fig. 4103–05X, cast aluminum with stainless steel trim, for liquefied inflammable gas and anhydrous ammonia at a minimum temperature of 50° F., S and J Co., dwgs. TM–4903–1, EM–1039, EM–1040, and Specification Sheets No. 10 (6/13/62) and No. 23 (10/27/61), manufactured by Shand and Jurs Co., 2600 Eighth Street, Berkeley 10, California, effective January 21, 1964.

Approval No. 162.017/96/0, 6" vacuum relief valve, Fig. 4100–07X, cast steel impact tested for −50° F. service, with aluminum and stainless steel trim, for liquefied inflammable gas and anhydrous ammonia at a minimum temperature of −50° F., S and J Co., dwgs. No. 4100–07X, EM–1037; and Specification Sheet No. 10 (6/13/62), manufactured by Shand and Jurs Co., 2600 Eighth Street, Berkeley 10, California, effective January 21, 1964.

FIRE EXTINGUISHING SYSTEMS, CARBON DIOXIDE TYPE

Approval No. 162.038/1/0, Kidde Carbon Dioxide Type Fire Extinguishing Systems, Typical Installation dwg. Nos. R–98686, Rev. C dated February 27, 1963; R–98687, Rev. C dated February 27, 1963; and L–98688, Rev. C dated February 27, 1963; and Parts List revised December 31, 1963, manufactured by Walter Kidde and Company, Inc., Industrial and Marine Division, Belleville 9, New Jersey, effective January 7, 1964. (For parts used exclusively for the Type RB Audible and Visual, Supervised Smoke Detecting Systems, see Certificate of Approval No. 161.002/6/0.)

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS OR MATERIALS

WINCHES, LIFEBOAT

Termination of Approval No. 160.015/73/1, Type H–55A lifeboat winch for use with Type G–55P gravity davit, approved for a maximum working load of 5,500 pounds pull at the drums (2,750 pounds per fall), identified by sectional view dwg. 3684–3, Rev. C dated May 8, 1958, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, New Jersey, effective January 6, 1964. (Used only with Type G–55P gravity davit.) (Approval No. 160.032/158/1.)

DAVITS

Termination of Approval No. 160.032/158/1, gravity davit, Type G–55P, for use with Type H–55A lifeboat winch, approved for a maximum working load of 11,000 pounds per set (5,500 pounds per arm), using two-part falls, identified by general arrangement dwg. 3684, revision G dated July 30, 1963, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, New Jersey, effective January 6, 1964.

Dated: March 12, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64–2992; Filed, Mar. 26, 1964; 8:50 a.m.]

Office of the Secretary

REDEMPTION OF SILVER CERTIFICATES

Pursuant to the authority vested in me by the Act of June 4, 1963 (Public Law 88–36), silver certificates shall hereafter be exchangeable for silver on demand only at the United States Assay Office at New York and the United States Assay Office at San Francisco, and only for silver bullion of equivalent value computed at the monetary value of silver of $1.292929292 per fine troy ounce. Pursuant to the Act of August 27, 1935 (31 U.S.C. 773a), silver certificates will continue to be exchangeable at the United States Treasury for coins and currency other than silver dollars.

The Treasury will also continue to accept, under the procedure established July 22, 1963,[1] requests for silver bullion in fine silver bars of approximately 1,000 ounces accompanied by tenders of funds other than silver certificates. Under this procedure, a person desiring silver bullion in this form may request the Federal Reserve Bank of New York, at New York, or the Federal Reserve Bank of San Francisco, at San Francisco, to acquire for his account silver certificates in an equivalent amount and, upon acquisition of the required amount of silver certificates, to accept them for the account of the assay office for exchange for silver bullion. Funds other than silver certificates thus tendered must be in a form satisfactory to the Federal Reserve Bank and must be equal to the monetary value of the silver bullion requested raised to the next higher dollar.

Dated: March 25, 1964.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64–3041; Filed, Mar. 25, 1964; 3:00 p.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 20, 1964.

The United States Department of Agriculture has cancelled its Proposed Withdrawal Application Serial No. Sacramento 067685 for withdrawal and reservation of lands published as Federal Register Document 62–11818, on Page 11821 of the issue for November 30, 1962. Therefore pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on April 20, 1964, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

T. 18 N., R. 7 E.,
Sec. 5, Lots 1, 2, 3, and 4, S½NE¼, S½NW¼ and SE¼;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, SE¼NW¼ and E½SW¼.
T. 19 N., R. 7 E.,
Sec. 31, Lots 5, 7, and 8, NE¼SW¼ and S½SE¼.

The area described totals approximately 1,580.70 acres in the Plumas National Forest and was patented in the Soper-Wheeler Company Forest Exchange, Serial No. Sacramento 066463.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 64–2955; Filed, Mar. 26, 1964; 8:46 a.m.]

[1] 28 F.R. 7530.

OUTER CONTINENTAL SHELF OFF OREGON, WASHINGTON, AND LOUISIANA

Oil and Gas Lease Offer

The notice published in the FEDERAL REGISTER on February 19, 1964 (29 F.R. 2562) and the notice published on February 26, 1964 (29 F.R. 2703) as amended by correction notice published on March 5, 1964 (29 F.R. 3018) invited, respectively, the submission of sealed bids for the lease of oil and gas in certain areas of the Outer Continental Shelf adjacent to the States of Oregon and Washington, and adjacent to the State of Louisiana.

The foregoing notices are hereby amended to require that each bidder submit the certification required by § 60–1.6 (b)(1), Title 43 CFR, of the rules and regulations of the President's Committee on Equal Employment Opportunity as amended September 7, 1963 (28 F.R. 9812).

Copies of Form 4–1729 which may be obtained from the Manager, Bureau of Land Management, Pacific Coast Outer Continental Shelf Office, Bartlett Building, Room 1130, 215 West 7th Street, Los Angeles, California and; Manager, Bureau of Land Management, T–9003 Federal Office Building, 701 Loyola Avenue, New Orleans, Louisiana, may be utilized for this purpose.

CHARLES H. STODDARD,
Director,
Bureau of Land Management.

Approved: March 20, 1964.

JAMES K. CARR,
Acting Secretary of the Interior.

[F.R. Doc. 64–2943; Filed, Mar. 26, 1964; 8:45 a.m.]

REORGANIZATION AND EDITORIAL REVISION OF REGULATIONS

The revised regulations of the Bureau of Land Management (Title 43, Code of Federal Regulations) will be published as Part II of the FEDERAL REGISTER issue of Tuesday, March 31, 1964. These rules pertain to the public lands. The FEDERAL REGISTER issue will be the only official version of the revised rules available until approximately May 1, 1964, at which time a paperback supplement to Title 43, Code of Federal Regulations, will be available. Persons interested in the rules and regulations for public lands are urged to place orders for these rules as soon as possible with the Superintendent of Documents. The price for Part II of the FEDERAL REGISTER issue of March 31, 1964, will be 50 cents a copy.

Orders for copies of either or both the Part II of the FEDERAL REGISTER issue and the paperback supplement of Title 43 should be placed as soon as possible and should be addressed to:

Superintendent of Documents,
U.S. Government Printing Office,
Washington, D.C., 20402.

Do not address orders to the Department of the Interior. Remittance should be by check or money order payable to the Superintendent of Docu-

ments. Currency may be sent at the senders risk.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 64-3077; Filed, Mar. 26, 1964; 10:33 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Secretary's Memorandum 1489, Rev.]

ASSIGNMENT OF DEFENSE RESPONSIBILITIES IN USDA

Section 1—General—1. *Purpose.* This Memorandum outlines the defense responsibilities of the Department of Agriculture and the organization for carrying them out at the national, regional, State and county levels. It establishes responsibility for Departmental direction and coordination, and assigns major defense functions to USDA agencies doing related work, so as to build full capability into existing organization. Other defense assignments may be made from time to time. Defense responsibilities will be regarded as equal in importance to regular programs and activities.

2. *Summary of USDA defense responsibilities.* The Department of Agriculture has been delegated defense program responsibilities relating to:

a. Processing, storage and distribution of food from the farm through the wholesaler level;

b. Food production on farms;

c. Domestic distribution of farm equipment and fertilizer;

d. Use of facilities associated with food production, processing, storage, and distribution and domestic distribution of farm equipment and fertilizer;

e. Salvage of food and rehabilitation of food facilities;

f. Stockpiling of food;

g. Protection of crops, livestock, and products thereof from biological and chemical warfare;

h. Purity and wholesomeness of livestock, meat and meat products, poultry and poultry products in establishments subject to USDA inspection and commodities owned by the Commodity Credit Corporation or the Secretary. This includes monitoring for fallout on such foods;

i. Research on matters relating to defense;

j. Defense information and education program;

k. Emergency credit;

l. Rural fire defense and timber production, including production and utilization of forest products;

m. Emergency use of soils and water;

n. Agricultural statistics relating to defense;

o. Radiological defense for agricultural purposes;

p. Assessment of effects of attack on assigned resources;

q. Claiming manpower, equipment, supplies and services needed to support food and other program responsibilities;

r. Analyzing food requirements and supplies;

s. Cooperation with the Office of Emergency Planning on economic stabilization and rationing policies.

Section 2—Responsibilities at National Headquarters—3. *Direction, coordination and liaison*—a. *The Special Assistant to the Secretary on Defense* (referred to hereafter as Special Assistant) is responsible to the Secretary for directing the total defense program of USDA. This includes maintaining liaison with executive departments and the Congress with respect to policy matters, supervision and direction of USDA National, State and County Defense Boards, the USDA defense representative at the regional level, the USDA part of the National Defense Executive Reserve Program, and providing policy guidance to USDA agencies in carrying out specific defense assignments. In an emergency, the Special Assistant would serve as a principal staff assistant to the Secretary for defense matters including estimating effects of the emergency and serving as claimant for requisites for the food and other USDA programs.

b. *USDA National Defense Board.* A USDA National Defense Board made up of the heads of agencies with major defense assignments has been established to provide help and counsel as may be required by the Special Assistant in directing and coordinating the defense work of the Department. This Board will advise the Secretary on defense matters. Members of the Board as heads of their agencies will be responsible for carrying out the pre-emergency defense planning and providing technical direction to agency representatives in the field as needed to carry out their agency and the Departmental program.

4. *Agricultural Marketing Service.* The Agricultural Marketing Service is responsible for pre-emergency and emergency operations relating to management of food from the time it enters marketing channels until it ceases to be a USDA responsibility: *Provided, however,* That ASCS shall be responsible for seed and feed, and provided further that responsibility for grain and grain products shall be shared with the ASCS as follows: ASCS shall be responsible for the storage and movement of all grain in raw form including grain and grain products used for feed and seed. AMS shall determine civilian requirements for grain and will advise ASCS concerning movement of grain for processing into products for human consumption and shall be responsible for the processing, storage, and distribution of grain products for human consumption.

Subject to the above limitations, the AMS responsibilities include:

a. Emergency food orders and plans relating to food processing, storage, and distribution through the wholesaler level and the direct procurement of food as necessary under emergency conditions;

b. Analysis of food processing, storage, and distribution capability, and developing emergency programs as needed for these areas;

c. Programs for emergency salvage of food that is an AMS responsibility, and for the use and rehabilitation of food facilities for which AMS is assigned responsibility;

d. Programs to provide assistance to food processing, storage, and distribution industries and advising food industry groups of USDA plans for post-attack food management;

e. Determination of requirements of the food processing, storage, and distribution industries for nonfood requisites including manpower, equipment, supplies, services, and credit and reporting these requirements to the ASCS for consolidation with requirements submitted by other USDA agencies;

f. Development, in cooperation with ASCS, of plans for meeting emergency transportation needs of farmers and food handlers;

g. Presentation of claims for food for the civilian population to the Economic Research Service;

h. Cooperation with ERS in the development of recommendations concerning economic stabilization and rationing policies;

i. Inspection and grading of agricultural commodities and inspection to insure the purity and wholesomeness of poultry and poultry products in slaughtering and processing plants subject to continuous AMS inspection.

j. Maintenance of a capability for radiological monitoring of the poultry slaughtering and processing plants subject to continuous AMS inspection and for agricultural commodities (including grain owned by the Commodity Credit Corporation or USDA (except those stored on farms, ranches, or at bin sites);

k. Development and management in the pre-emergency period of programs relating to stockpiles of processed foods and the management of such stockpiles in the emergency period. This includes cooperation with ASCS in rotation of CCC stocks of processed foods;

l. Designation and training of staff (including Executive Reservists) to carry out AMS emergency assignments;

m. Market quality and transportation and facilities research on matters related to AMS defense responsibilities.

5. *Agricultural Research Service.* The Agricultural Research Service is responsible for pre-emergency and emergency operations covering:

a. Defense against biological and chemical warfare in relation to crops, livestock and products thereof and determination of the extent and effects of biological and chemical warfare agents employed by an enemy on agriculture;

b. Inspection to insure the purity and wholesomeness of livestock, meat and meat products in slaughtering and processing plants subject to continuous inspection of ARS;

c. Research in support of defense needs and anticipated emergency operations except as noted under "Agricultural Marketing Service", "Economic Research Service", "Forest Service", and the "Cooperative State Experiment Station Service";

d. Determination of requirements for and information and advice on equipment, chemicals and other requisites needed in support of the assigned activities;

e. Maintaining a capability for radiological monitoring at meat slaughtering and processing plants and stockyards subject to continuous ARS inspection;

f. Organization and direction of a system of radiological monitoring, including (1) arrangements with OCD–DOD for the acquisition,use, and disposition of monitoring equipment; (2) training of instructors in the use of monitoring equipment and general assistance to agencies of the Department in coordinating radiological training; and (3) development and formulation of guidelines for use in determining the most efficient countermeasures for production, processing, and distribution of agricultural commodities. These guidelines are the results of research studies conducted in cooperation with other Federal departments, including the Department of Defense, the Atomic Energy Commission, and the Department of Health, Education, and Welfare;

g. Administrative functions on behalf of the Secretary relating to radiological safety within the Department.

6. *Agricultural Stabilization and Conservation Service.* The Agricultural Stabilization and Conservation Service is responsible for pre-emergency and emergency operations relating to production of crops and livestock, and to the processing, storage, and distribution of feed and seed and to the domestic distribution of farm equipment and fertilizer. ASCS responsibilities include:

a. Production goals and food production program actions involving use of production facilities;

b. Assistance to farmers, grain storage industry, the domestic farm equipment and fertilizer distribution industries and the feed and seed industries including determination of requirements for manpower, equipment, supplies, and services;

c. Programs relating to the management and stockpiling of CCC-owned commodities. Such plans shall be coordinated with AMS stockpile management operations;

d. Programs for emergency period controls on feed and seed and on domestic distribution of farm equipment and fertilizer, and for advising industry of control plans;

e. Programs for salvaging of food and for use and rehabilitation of facilities within the areas of ASCS' assignment, and for farm land;

f. Programs for handling, storage and distribution of all grain prior to export, processing for human consumption or industrial use. Grain for livestock feed including mixed feed and grain for seed are assigned to ASCS at all levels;

g. Supplying ERS with information on livestock, feed, and seed requirements for food production purposes and on food production capabilities, based on known or assumed level of availability of essential production requisites;

h. Cooperation with ERS in developing recommended economic stabilization and rationing policies;

i. Designation and training of staff (including Executive Reservists) to carry out ASCS' emergency assignments.

The following additional functions will be performed by ASCS as a coordinating service for the Special Assistant:

j. Consolidation of all claims for manpower, equipment, supplies and services needed to support food and other program responsibilities of USDA. Supplying to AMS, ARS, ERS, and FS information on availability of non-food requisites for the USDA programs;

k. Representing USDA at interagency meetings relative to defense, as designated or upon request;

l. Servicing of USDA State and County Defense Boards;

m. Developing a readiness of assigned USDA personnel to function as a USDA Regional Defense Board to provide policy direction if, in an emergency, USDA State Defense Boards are cut off from National direction; maintaining liaison with regional offices of OEP and OCD (DOD) and representatives of other Federal agencies at the regional level;

n. Coordinating activities relating to assessment of attack effects on food and related facilities and other resources that are USDA responsibilities and processing data from sources within USDA needed for defense;

o. Assembly of defense reports of various USDA agencies on defense activities, preparing defense reports for the Department and advising on the maintenance of records needed for emergency action.

7. *Cooperative Extension Service.* The Cooperative Extension Service is responsible for pre-emergency and emergency operations through the State Extension Services covering:

a. Information to farmers, other rural people and individual members of the food industry concerning their role in an emergency and educational assistance in reducing vulnerability of homes, crops, livestock and forests to either covert or overt attack;

b. Maintaining close working relationships with organizations and groups serving the community and information media to obtain understanding and support of USDA defense activities;

c. Information and education services essential to carrying out the defense programs of USDA:

d. Information and education services essential to application of science and technology to meet emergency agricultural production goals;

e. Under delegation from the Office of Civil Defense, carrying out the rural shelter program.

8. *Cooperative State Experiment Station Service.* The Cooperative State Experiment Station Service is responsible for utilizing the services of cooperating State agencies in carrying out the Department's emergency defense responsibilities. It shall also encourage research by cooperating agencies to support the program of the U.S. Department of Agriculture and assure coordination of such work with the USDA defense program responsibilities.

9. *Economic Research Service.* The Economic Research Service is responsible for conducting economic analysis and maintaining related economic data in support of defense programs and emergency operations, including current and projected supplies of and requirements for food and fiber, production capacity and adjustment potentials for food and fiber, and needs for and substitution possibilities for farm production goods and marketing services, both domestically and for foreign countries. Such data shall be developed cooperatively with the appropriate agencies of the Department.

The following functions shall be performed by ERS for the Special Assistant:

a. Maintaining a centralized system to provide intelligence currently on the agricultural and overall food situation and making appropriate projections based on such intelligence;

b. Recommending basic food allocations to major food claimants on the basis of ERS estimates of supplies and requirements, taken into consideration the claims and other data furnished by AMS, ASCS, FAS, and other Federal agencies with assigned food claimancy responsibilities;

c. Recommending economic stabilization and rationing policies after consultation with AMS, ASCS, and FAS on effects of proposed recommendations. Upon request, representing USDA at interagency meetings relative to these recommendations.

10. *Farmers Home Administration.* The Farmers Home Administration is responsible for pre-emergency and emergency operations covering:

a. Emergency credit to farmers in support of the food production program;

b. Technical assistance relating to guarantees and other credit arrangements for food processors and distributors in support of the food management program.

11. *Foreign Agricultural Service.* The Foreign Agricultural Service is responsible for pre-emergency and emergency operations relating to:

a. Assistance to ERS in the acquiring and analysis of information related to food and agricultural commodities on a worldwide basis by commodities;

b. In cooperation with the Department of State, the assembling and analyses of food requirements for foreign allies and making recommendations regarding allocations;

c. In cooperation with the Canadian Government, assemble and present Canadian food requirements whenever food allocations are to be made;

d. Export controls under the Export Control Act, and import controls of agricultural commodities;

e. Support of the activities of international defense organizations, such as NATO and SEATO and their respective suborganizations concerned with food and agriculture whether carried on in this or other countries.

12. *Forest Service.* The Forest Service is responsible for pre-emergency and emergency operations covering:

a. Prevention and control of fires in rural areas caused by effects of enemy

attack (in cooperation with State government and appropriate Federal agencies) and determining damage to National Forests and other forested areas resulting from enemy attack;

b. Emergency protection, management, and utilization of National Forest timber, range, water, and related resources;

c. Emergency production, availability and utilization of timber and timber products by agreement with the Department of Commerce which has primary responsibility under Executive orders;

d. Determination of requirements for and information and advice on equipment, manpower, fuels, chemicals, and other requisites needed for carrying out the assigned activities;

e. Guidance and coordination of monitoring for rural fire control and operational monitoring on lands within National Forest boundaries and all State or privately owned forest and range land protected by the Forest Service under cooperative agreement;

f. Research in support of defense and emergency operations relating to management, utilization of forest resources, and defense against rural land fires.

13. *Rural Electrification Administration.* The Rural Electrification Administration is responsible for pre-emergency and emergency operations covering:

a. Emergency credit to REA-financed rural electrification and communications systems;

b. Technical assistance and advice on restoration of electric power and telephone service, and in meeting emergency conditions, including facilities protection; estimating electric power requirements and supply capabilities of REA-finanlced systems; and preparation of plans to claim materials, manpower, equipment, supplies and services needed by REA-financed systems and to meet the requirements of their customers.

14. *Soil Conservation Service.* The Soil Conservation Service is responsible for pre-emergency and emergency operations relating to:

a. Radiological monitoring of agricultural lands and water, farm commodities stored or harvestable on farms, ranches, and at bin sites, and advising on safety for livestock;

b. Providing technical assistance to farmers and others in the selection of land for food and fiber production; and use, conservation, disposal and control of water so as to assure adequate usable water and flood prevention.

15. *Statistical Reporting Service.* The Statistical Reporting Service is responsible for obtaining and supplying agricultural statistics necessary to support defense planning and emergency operations. This shall include development of procedures for adapting available statistics to defense needs. SRS will represent ERS personnel located in the State on the State Defense Board and will be prepared to arrange for ERS participation in evaluating farm production problems and potential in a cut-off situation.

16. *Office of Budget and Finance.* The Office of Budget and Finance is responsible for pre-emergency and emergency operations for the budgeting and financing of both administrative and program defense activities and for establishing budget and finance operations at USDA relocation sites.

17. *Office of General Counsel.* The Office of General Counsel is responsible for advice and assistance to legal aspects of food orders, and other proposed defense actions in pre-emergency and emergency periods.

18. *Office of Information.* The Office of Information is responsible for defense information services at the national level in pre-emergency and emergency circumstances and for providing assistance and advice regarding proper use of informational media in the field. It shall also determine and institute actions to obtain any additional informational materials not prepared by appropriate USDA agencies.

19. *Office of Personnel.* The Office of Personnel is responsible for pre-emergency and emergency activities relating to personnel, including information to employees on safety and survival actions, assistance to other USDA agencies in staffing USDA emergency headquarters and in developing procedures for recruiting and appointing personnel under post-attack conditions and developing plans for safety of families of USDA personnel.

It shall, as a service to the Special Assistant, develop a training program and materials for the USDA unit of the National Defense Executive Reserve, keep such records as are needed and manage necessary personnel operations. It shall also coordinate executive reserve training programs of individual USDA agencies with the Departmental program.

20. *Office of Plant and Operations.* The Office of Plant and Operations is responsible for pre-emergency and emergency activities relating to alerting employees in event of an emergency, office space for employees, office equipment and supplies, reproduction of material, coordination of employee transportation, communications and other administrative services essential under emergency conditions.

21. *Agency Coordination, organization and staffing*—a. *Coordination.* Each USDA agency or office with a defense assignment will coordinate its responsibility with related responsibilities of other USDA agencies or offices.

b. *Emergency Organization and Staffing.* The head of each agency or office given a defense assignment will consider the internal organization and staff which he would need in an emergency to carry out his assigned area of responsibility at the headquarters level. This organization will conform as nearly as possible to existing organization and existing organization units will be used whenever possible.

c. *Assistance to Agencies.* Where existing units appear to be insufficient to carry out defense assignments, the responsible agency will work out arrangements for either setting up defense committees, establishing an executive reserve, or utilizing staffs of other agencies to perform the necessary defense functions. The Special Assistant will continuously evaluate emergency functions of USDA agencies in order to determine priorities for emergency assignments to USDA personnel.

d. *Approval of Emergency Organization Plans.* When adaptations of current organization to meet an emergency have been worked out, they shall be submitted to the Special Assistant for approval.

Section 3—Responsibilities of USDA regional level offices—22. *USDA Regional Representation.* Since USDA agency operations are not normally carried out on a uniform regional basis, USDA has designated a person to become USDA Regional Defense Representative in an emergency at each of the eight OEP–OCD (DOD) Regional Offices. They shall be assisted at these sites by representatives of the following agencies:

(1) Agricultural Marketing Service
(2) Agricultural Stabilization and Conservation Service
(3) Agricultural Research Service
(4) Cooperative Extension Service
(5) Farmers Home Administration
(6) Forest Service
(7) Soil Conservation Service

In the event it is impossible to contact USDA national headquarters in an emergency, each Regional Defense Representative and the agency representatives designated to assist him will constitute a Regional Defense Board.

a. *Pre-Emergency.* The USDA Regional Defense Representatives and the USDA agency representatives designated to assist them will receive training and assistance in developing readiness to carry out emergency Board responsibilities from the ASCS national headquarters. Agency representatives will also receive technical advice from their individual agencies. (Liaison between USDA and regional offices of the OEP–OCD (DOD) and regional offices of other Federal agencies in the pre-emergency period will be carried out by ASCS national headquarters for the Special Assistant.)

b. *Emergency Responsibilities.* In an emergency, each USDA Regional Defense Representative will be responsible to an appropriate national level official for:

(1) Liaison with OEP–OCD (DOD) and other agencies of Government at the regional level;

(2) Claiming necessary manpower, equipment, supplies, and services needed to support essential USDA functions within the region;

(3) Keeping USDA representatives in the field and at national headquarters informed; and

(4) Providing technical assistance to the Chairman of USDA State Defense Boards.

If communications with higher authority are cut off, each Chairman of a USDA Regional Defense Board is responsible for providing policy direction for all USDA programs in his region until communications are restored. This includes policy direction to Chairman of USDA State Defense Boards.

23. *AMS Food Distribution Area Offices.* The AMS Food Distribution Area Offices for defense purposes are parts of the national office organization and do not come under the emergency control of USDA State or Regional Defense Boards. However, when communications with USDA national headquarters are cut off, program direction to the USDA State Defense Board Chairmen will be through and with concurrence of the Chairman of the USDA Regional Defense Board. When communications are intact, program direction to the State Defense Board Chairmen will be through and with concurrence of USDA national headquarters. If communications with both the USDA Regional Defense Board and USDA national headquarters are cut off, the AMS Food Distribution Area Offices are authorized to carry out the following functions listed below without other concurrence. With respect to its assigned geographical area and subject to conditions stated above, each AMS Food Distribution Area Office shall, under direction of national headquarters, develop a capability to carry out in an emergency the following functions:

a. Obtaining and analyzing data from USDA State Defense Boards and other sources on the food supply-requirements situation and reporting the results to national headquarters and to appropriate USDA Regional Defense Boards;

b. Assisting USDA State Boards and in a cut-off situation the USDA Regional Defense Boards by arranging for inter-State readjustment of food supplies within its area including: (1) Requisitioning of "stranded food shipments" so they can be used; (2) requesting ASCS Commodity Offices to supply CCC stocks to meet critical deficits; (3) when appropriate, request ASCS Commodity Offices to arrange for the procurement and shipment of other food to meet urgent needs of other areas; (4) programming utilization of other Government-owned stocks of processed foods; and (5) providing technical guidance to the food management representatives on USDA State Defense Boards in carrying out USDA food distribution functions within a State when both are cut off from national office direction;

c. Administering food orders, as assigned by those orders;

d. Continuing regular functions of AMS Food Distribution Area Offices which, as appropriately modified, would be essential during the emergency period and taking other steps, not inconsistent with this memorandum, which the Area Office Supervisor may deem appropriate to reduce inequities in the food supply in his area.

24. *ASCS Commodity Offices.* The ASCS Commodity Offices for defense purposes are parts of the national office organization and do not come under emergency control of USDA State or Regional Defense Boards. However, when communications with USDA national headquarters are cut off, program direction to the USDA State Defense Board Chairmen will be through and with concurrence of the Chairman of the USDA Regional Defense Board. When communcations are intact, program direction to the State Defense Board Chairmen will be through and with concurrence of USDA national headquarters. If communications with both the USDA Regional Defense Board and USDA national headquarters are cut off, the ASCS Commodity Offices are authorized to carry out the following functions listed below without other concurrence. Each ASCS Commodity Office, with respect to its assigned commodity responsibilities and subject to conditions stated above, under the direction of national headquarters, shall develop a capability to carry out in an emergency the following functions:

a. Managing stocks, including stockpiles, owned or managed by the Commodity Credit Corporation at the time of attack or subsequently acquired, including storage, handling, arranging for processing to another form, and shipment in accordance with instructions from national headquarters or as cooperatively worked out with AMS Food Distribution Area Offices in a cut-off situation to meet State needs;

b. Procuring agricultural commodities of the types normally handled by the Commodity Offices to meet inter-State needs which cannot be met by normal trade operations;

c. Working with AMS Food Distribution Area Offices in procuring and shipping food as required by the emergency situation following national direction or national policy guidance;

d. Providing technical guidance to USDA State Defense Boards with respect to carrying out CCC stocks management functions for the Commodity Offices;

e. Administering food orders, as assigned by those orders;

f. Continuing regular functions of Commodity Offices which, as appropriately modified, would be essential during the emergency period and taking such other steps, not inconsistent with this memorandum, as the Director may deem appropriate in maximizing the utilization of Government-owned stocks of agricultural commodities.

25. *USDA Research Stations and Forest Service Regional Offices.* The USDA Research Stations and Forest Service Regional Offices shall be regarded as arms of the national office of the USDA in carrying out the defense responsibilities of the Department and do not come under the control of USDA State or Regional offices. If in an emergency, communication between the National office and the Regions-Stations are inoperative, emergency activities will be directed by the Director or Acting Chief as provided in a chain of command designation until such time as communication with national headquarters is restored.

The following delegations of responsibility shall be in effect in an emergency:

a. If a cut-off of communications precludes directing activities by national headquarters, each Research Station Director and Regional Forester is authorized to make all emergency program decisions relating to Departmental research activities and National Forest administration within their respective territory;

b. If USDA Research or National Forest Offices are cut off from communications with their respective Research Stations or Regional Offices, direction of emergency activities will be in accordance with the respective Research Station Director's or Regional Forester's predetermined delegation and plan; and

c. In a cut-off situation, the Research Station Directors and Regional Foresters will keep the appropriate USDA State and Regional Defense Board Chairman advised of actions taken and utilize the assistance of these offices to obtain needed requisites to carry out related Departmental responsibilities.

Section 4—Responsibilities at the State level—26. *USDA State Defense Boards.* The USDA has a USDA State Defense Board in each State, plus one covering Puerto Rico and the Virgin Islands. A USDA Defense Board for the District of Columbia has also been established and shall be guided by directions to USDA State Defense Boards except in matters of membership. Membership of each USDA State Defense Board includes a representative of each of the following agencies:

a. Agricultural Marketing Service
b. Agricultural Stabilization and Conservation Service (Chairman)
c. Agricultural Research Service
d. Cooperative Extension Service
e. Farmers Home Administration
f. Forest Service
g. Soil Conservation Service
h. Statistical Reporting Service.

To assist the USDA State Defense Board members, agencies with limited field personnel may arrange for personnel of other agencies to represent them on USDA State Defense Boards. If such an arrangement is needed, the National offices of the agencies involved shall be requested to approve the proposed assignments. The Chairman of the USDA State Defense Board is generally the ASCS State Executive Director, who also represents ASCS on the Board. The ASCS State Office will provide supporting services, such as typing, filing, reproduction and mailing for the Board.

27. *Pre-Emergency.* The Chairman of the USDA State Defense Board, under direction of the Special Assistant, is responsible for:

a. Maintaining liaison with the State government defense organization and other appropriate agencies and officials at the State level;

b. Assuring that his Board members have an adequate organization and staff to carry out USDA responsibilities at the State level in event of emergency;

c. Assuring that programs are adequate at the State level covering assessment of attack effects; food requirements and allocations, claimancy for manpower, equipment, supplies and services, etc.;

d. Coordinating and guiding representatives of each USDA agency at the State level in fulfilling their agency defense assignments as listed in Section 2 above;

e. Supervising and directing defense work by Chairmen and members of USDA Defense Boards at the county level;

f. Collecting and reporting data needed to support defense programs.

28. *Emergency responsibilities.* In an emergency, the Chairman of the USDA State Defense Board will be responsible, under direction of an appropriate official at the national level for coordinating the

administration of all USDA programs at the State level. This will include:

a. Maintaining liaison with the Chairman of the USDA Regional Defense Board, if such a Board is operating and representing USDA in relations with State government officials and with representatives of other appropriate agencies at the State level;

b. Obtaining attack data and coordinating assessment of effects of attack;

c. Determining food requirements and supply situation;

d. Claiming necessary manpower, equipment, supplies and services from control authorities;

e. Directing and coordinating activities of the various USDA agency representatives at the State level in accordance with assignments in Section 2 above;

f. Directing the activity of the Chairmen of the USDA County Defense Boards.

The Chairman will be assisted by other members of the Board and by the additional staff designated in the pre-emergency period. Each Board member, under the direction of the Chairman, shall carry out his agency's National level assignments as listed in Section 2 above within the State, following National office policy directives. When communications with USDA national headquarters are cut off, the Chairman of the USDA State Defense Board will seek policy guidance from the Chairman of the appropriate USDA Regional Defense Board. Failing this, the Chairman of the USDA State Defense Board has authority to make all necessary program decisions following USDA National policy guidelines.

It shall be the responsibility of the USDA State Defense Board Chairman to establish and provide over-all direction to the USDA County or Metropolitan Area Defense Boards. Agency members of the USDA State Defense Board will name their members to USDA County Defense Boards and provide them with instructions for carrying out agency responsibilities.

Section 5—Responsibilities at the local level—29. *USDA County Defense Board.* The USDA shall have a County Defense Board in each county or metropolitan area. Membership of each Board shall include, where available, a representative of the following agencies:

a. Agricultural Stabilization and Conservation Service

b. Cooperative Extension Service

c. Farmers Home Administration

d. Soil Conservation Service.

Where possible, representation from Agricultural Research Service and Forest Service will be provided. In a metropolitan area it will usually be possible for an AMS representative to serve on the Board. Where there is a shortage of qualified personnel, agencies may arrange for personnel of other agencies to represent them on USDA County Defense Boards. If such an arrangement is made, the Chairman of the USDA State Defense Board will be notified. Except in certain metropolitan areas or other special situations, the Chairman of the USDA County Defense Board is the ASCS County Office Manager, who also serves as ASCS representative on the Board. The ASCS county office will provide supporting services such as typing, filing, reproduction, and mailing for the Board. In the case of a USDA Metropolitan Area Defense Board, the Food Management Member shall be Chairman and the AMS office shall provide supporting services. USDA Metropolitan Area Defense Boards shall be in only one State but may cooperate with USDA Defense Boards in adjoining States.

30. *Pre-Emergency.* The Chairman of the USDA County Defense Board, in cooperation with other Board members and under direction of the Chairman of the USDA State Defense Board, is responsible for:

a. Maintaining liaison with the county government defense organization and other officials in the county as necessary;

b. Developing within his County Board an adequate organization and staff to carry out USDA responsibilities at the county level in event of an emergency;

c. Developing programs for (1) assessment of effects of attack, (2) estimating food requirements and supplies, and (3) claiming non-food requisites from local civil authorities;

d. Coordinating and guiding the planning done by representatives of each USDA agency at the county level in fulfilling their agency assignments as listed in Section 2 above;

e. Collecting and reporting data needed to support defense planning.

31. *Emergency responsibilities.* In an emergency when communications are in tact, the Chairman of the USDA County (or Metropolitan Area) Defense Board will be responsible to the Chairman of the USDA State Defense Board for the following functions:

a. Maintaining liaison with county government and other officials at the county level;

b. Obtaining attack information and reporting observed or otherwise known effects of attack;

c. Coordinating development of food requirements and supply data;

d. Claiming non-food materials and manpower;

e. Directing and coordinating activities of USDA agency representatives in the county, in accordance with assignments listed in section 2 above.

At the county level, all USDA responsibilities shall be carried out jointly by the Chairman and the representatives of all the USDA agencies represented on the Board in the county.

In an emergency, when communications with higher authority are cut off, the Chairman of the USDA County (or Metropolitan Area) Defense Board has authority to make all program decisions necessary to carry out USDA responsibilities.

Section 6—Supersedence of existing directives—32. *Superseded documents.* This Memorandum supersedes and cancels the original version of Secretary's Memorandum 1489 dated February 1, 1962.

33. *Review of other documents.* Each Official of USDA given responsibility by this Memorandum will examine the defense documents which he or his predecessor has issued. Any which are inconsistent with provisions of this Memorandum will be cancelled or updated.

The effective date of this memorandum is February 7, 1963.

(E.O. 10998, dated February 16, 1962, 27 F.R. 1524, E.O. 10958, dated August 14, 1961, 26 F.R. 7571)

ORVILLE L. FREEMAN,
Secretary of Agriculture.

MARCH 20, 1964.

[F.R. Doc. 64-2934; Filed, Mar. 26, 1964; 8:45 a.m.]

[USDA Emergency Delegation 1]

EMERGENCY DELEGATION OF PRIORITIES AND ALLOCATIONS POWERS

1. *Authority.* This emergency delegation of authority is issued pursuant to the Defense Production Act of 1950, as amended (50, Appendix U.S.C. 2071, et seq.), Executive Order 10480 (18 F.R. 4939), as amended, and Defense Mobilization Order 8400.1 (28 F.R. 12164), and implements Secretary's Memorandum No. 1489 (Revised) dated February 7, 1963 (F.R.), or as it may be subsequently revised.

2. *General.* (a) Subject to the provisions of paragraph 3, in the event of an attack on the United States the priorities and allocations powers provided in section 101(a) of the Defense Production Act of 1950, as amended, and the power and authority provided in sections 704, 705 and 706 of such Act, as they are now vested in the Secretary of Agriculture or may hereafter be vested in him with respect to food and with respect to the domestic distribution of farm equipment and commercial fertilizer, are hereby delegated as set forth below:

(1) To the Administrator of Agricultural Marketing Service with power to redelegate for the functions assigned that agency in Memorandum of the Secretary No. 1489 (Revised), or as it may be subsequently revised and to the Administrator of Agricultural Stabilization and Conservation Service with power to redelegate for the functions assigned that agency in such Memorandum, or as it may be subsequently revised;

(2) To each Chairman of each USDA Regional Defense Board within his region, during such periods of time as communications are inoperative between the USDA Regional Defense Board and the national headquarters of the U.S. Department of Agriculture (hereafter called "national headquarters");

(3) To each Chairman of each USDA State Defense Board within his State or assigned area, during such periods of time as communications are inoperative between the headquarters of such Board and both the USDA Regional Defense Board and the national headquarters;

(4) To each Chairman of each USDA County or Metropolitan Defense Board within his county or assigned area, during such periods of time as communications are inoperative between the headquarters of such Board and the headquarters of the appropriate USDA State Defense Board, the headquarters of the USDA Regional Defense Board, and the national headquarters;

(5) To each Director of each ASCS Commodity Office with respect to food during such period of time as communications are inoperative between such Commodity Office and the national headquarters. This authority shall be exercised in accordance with responsibilities assigned to ASCS Commodity Offices in Secretary's Memorandum 1489 (Revised), or as it may be subsequently revised.

(b) The geographic boundaries of the USDA Regional Defense Board regions as shown in Schedule A of this emergency delegation.

(c) The text of section 101(a) of the Defense Production Act of 1950, as amended, is shown in Schedule B of this emergency delegation.

(d) The types of action which might be taken under the priorities and allocations powers are shown in Schedule C of this emergency delegation.

(e) The nature of the authority provided for in sections 704, 705 and 706 of the Defense Production Act of 1950, as amended, is shown in Schedule D of this emergency delegation.

3. *Limitations.* (a) The authority delegated by paragraph 2 shall be exercised in the interests of national defense to control production, distribution and use of "food", and the domestic distribution and use of "farm equipment" and "fertilizer", as defined in section 601-(h), (i) and (j) of Executive Order 10480, as amended.

(b) The authority delegated by paragraph 2 shall be exercised in conformity with policies, rules, regulations, and orders of the Office of Emergency Planning and the USDA National Defense Board, or their successor agencies.

This delegation shall take effect March 20, 1964.

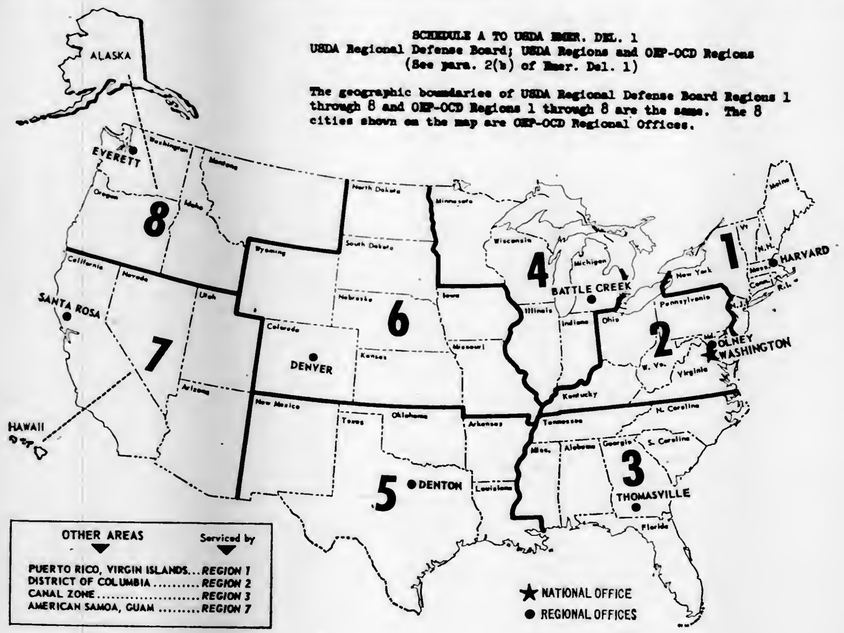
Done at Washington, D.C., this 20th day of March 1964.

(50 Appen. U.S.C. 2071, et seq.; E.O. 10480 (18 F.R. 4939), as amended; Defense Mobilization Order 8400.1 (28 F.R. 12164))

ORVILLE L. FREEMAN,
Secretary of Agriculture.

SCHEDULE A TO USDA EMER. DEL. 1
USDA Regional Defense Board; USDA Regions and OEP-OCD Regions
(See para. 2(b) of Emer. Del. 1)

The geographic boundaries of USDA Regional Defense Board Regions 1 through 8 and OEP-OCD Regions 1 through 8 are the same. The 8 cities shown on the map are OEP-OCD Regional Offices.



SCHEDULE B TO USDA EMER. DEL. 1

TEXT OF SECTION 101(A) OF DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

(See para. 2(c) of Emer. Del. 1)

"The President is hereby authorized (1) to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense, shall take priority over performance under any other contract or order, and for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and (2) to allocate materials and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense."

SCHEDULE C TO USDA EMER. DEL. 1

TYPES OF PRIORITIES AND ALLOCATIONS ACTIONS

(See para. 2(d) of Emer. Del. 1)

Among the types of action which might be taken under the priorities and allocations powers are the following:

(1) To authorize use of priorities and to issue directives.
(2) To require preference in the performance of a contract or order.
(3) To require rescheduling of production and deliveries.
(4) Issuance of "set-aside" order requiring producer to reserve part of production for certain purposes.
(5) Require use of a producer's facilities for production of designated products (allocation of facilities).
(6) Establishment of inventory restrictions.
(7) Limit delivery of materials to designated purchasers or classes of purchasers (allocation of materials).

SCHEDULE D TO USDA EMER. DEL. 1

NATURE OF AUTHORITY PROVIDED FOR IN CERTAIN SECTIONS OF DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

(See para. 2(a) of Emer. Del. 1)

Section 704 provides authority to issue regulations.
Section 705 provides authority to obtain information.
Section 706 provides authority to apply to courts for injunctive relief restraining violations or enforcing compliance with orders and regulations.

[F.R. Doc. 64-2935; Filed, Mar. 26, 1964; 8:45 a.m.]

[USDA Emergency Delegation 2]

SECRETARY OF THE INTERIOR

Delegation of Authority With Respect to Fishery Commodities or Products

The Department of the Interior has certain responsibilities and exercises certain functions with respect to the production of the Nation's supply of fishery commodities. It is highly desirable in order to insure the necessary production that the exercise of all functions with respect to the production of fish be closely coordinated. To effectuate this purpose and to utilize to the fullest extent possible the technical knowledge and experience of the fishery staff of the Department of the Interior, it is the purpose of the Secretary of Agriculture to delegate to the Secretary of the Interior certain defense functions delegated to the Secretary of Agriculture.

Therefore, pursuant to the provisions of section 602(b) of Executive Order 10480 (18 F.R. 4939), as amended, the Secretary of Agriculture hereby delegates, subject to the terms and conditions set forth herein, to the Secretary of the Interior the following functions vested in the Secretary of Agriculture by and under Executive Order 10480:

1. The priorities and allocations functions set forth in section 201(a)(2) of Executive Order 10480, as amended, with respect to the production of fishery commodities or products.

2. The claimant functions with respect to all materials and facilities requisite to the production of fishery commodities or products: *Provided*, That the Secretary of the Interior shall submit to or through the Secretary of Agriculture claims for (1) container supply and (2) materials and any additional facilities to be used in common for the processing of fish and other foods; and, further, that such claims and allocations of materials therefor may be adjusted by the Secretary of Agriculture, if necessary, in light of his over-all responsibilities for food supply.

3. Such functions relating to financial aids and incentives to expansion of productive capacity and supply as are delegated or assigned to the Secretary of Agriculture by or under sections 301, 302 (a), 303, and 312 of Excutive Order 10480, as amended, with respect to the production of fishery commodities or products.

4. Such functions relating to labor supply as are delegated to the Secretary of Agriculture under section 401(b) of Executive Order 10480, as amended, with respect to the production of fishery commodities or products.

5. The functions delegated to the Secretary of Agriculture under sections 501, 602(a) and 602(b) of Executive Order 10480, as amended, with respect to the production of fishery commodities or products.

The term "production" as used herein means the catching and harvesting of any form of aquatic animal or plant life and the processing thereof.

The term "fishery commodities or products" as used herein means any edible or nonedible fish, any form of aquatic animal or plant life, or any other commodity or product, including fats and oils, of marine or fresh water origin, which is within the meaning of the term "food" as defined in section 601(h) of Executive Order 10480, as amended.

The function hereby delegated to the Secretary of the Interior shall be exercised with respect to the production of fishery commodities or products to fulfill the requirements for military, essential civilian, and foreign needs, as determined by the Secretary of Agriculture.

Nothing herein shall be construed to delegate to the Secretary of the Interior functions vested in the Secretary of Agriculture with respect to (1) the distribution of unprocessed fishery commodities after delivery to the initial purchaser; or (2) the distribution or procurement of completely processed fishery commodities or products. This delegation shall apply to planning as well as emergency functions.

Defense Food Delegation No. 2, as revised March 17, 1952 (17 F.R. 2369), is hereby revoked.

This delegation shall take effect March 20, 1964.

Done at Washington, D.C., this 20th day of March 1964.

(E.O. 10480, 18 F.R. 4939)

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 64-2936; Filed, Mar. 26, 1964; 8:45 a.m.]

[USDA Emergency Delegation 3]

DESIGNATION OF CLAIMANT AGENCIES WITH RESPECT TO FOOD

In accordance with the description of responsibilities set forth in section 201 of Executive Order No. 10480 (18 F.R. 4939), as amended, and Defense Mobilization Order I-7 (18 F.R. 5366, 6736), as amended, the following agencies of the Government are hereby designated as claimant agencies before the Secretary of Agriculture with respect to food as defined in section 601(h) of Executive Order 10480:

1. Department of Defense with respect to military requirements for all persons eating out of military supplies. (Such Department shall advise the Departments of State and Agriculture of requirements by countries whenever the military requirements submitted include food for foreign civilians or for foreign forces.)

2. Department of Commerce with respect to requirements for food for nonfood industrial uses.

3. Department of State with respect to requirements, other than military requirements, of foreign nations for food produced in the United States unless valid international arrangements stipulate other procedures. (The Foreign Agricultural Service of the Department of Agriculture shall advise and cooperate with the Department of State in developing a procedure for foreign countries to use in supplying estimates of their food requirements for United States sources. The Foreign Agricultural Service will further advise and cooperate with the Department of State in analyzing such requirements and in developing estimates of requirements in the absence of a submission by the countries concerned.)

4. Department of the Interior with respect to requirements for food for civilians in United States possessions, territories, and trust territories other than those included in the military requirements and areas cited in 5 below. (Requirements for food from sources other than the United States shall be reported separately.)

5. Department of Agriculture, through such official or agency thereof as may be designated by the Secretary, with respect to requirements for food for all persons eating out of civilian supplies and for all other domestic nonindustrial uses (e.g., feed, seed) in the States of the United States, Puerto Rico, the Virgin Islands, and the District of Columbia. The Department of Agriculture, in cooperation with the foreign governments concerned, will also present food requirements on behalf of countries which have valid arrangements with the United States for such procedure. (The Department of Defense will advise regarding civilian food requirements whenever its functions under Executive Order 10952 (26 F.R. 6577), dated July 20, 1961, are concerned).

This designation of claimant agencies supersedes the "Designation of Claimant Agencies with Respect to Food" which was approved on the 23d day of December 1957, and filed with the FEDERAL REGISTER on the 27th day of December 1957 (22 F.R. 10964). This designation of claimant agencies shall apply to planning as well as to emergency operations.

This delegation shall take effect March 20, 1964.

Done at Washington, D.C., this 20th day of March 1964.

(50, Append. U.S.C. 2071, et seq.; E.O. 10480 (18 F.R. 4939), as amended; Defense Mobilization Order I-7 (18 F.R. 5366, 6736), as amended)

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 64-2937; Filed, Mar. 26, 1964; 8:45 a.m.]

[USDA Emergency Delegation 4]

CENSUS BUREAU

Delegation of Authority With Respect to Certain Reports Under Defense Production Act

Pursuant to the authority vested in me by section 602(b) of Executive Order No. 10480 (18 F.R. 4939), the Director of the Bureau of the Census, Department of Commerce is hereby authorized to exercise the authority vested in the Secretary of Agriculture by section 602(a) of Executive Order No. 10480 to secure reports under section 705(a) of the Defense Production Act of 1950 (50, Appendix U.S.C. 2155(a)), in compliance with the request of any authorized official of the Department of Agriculture.

The authority delegated hereby may be exercised by the Director of the Bureau of the Census through such officials and employees of that Bureau as he may designate.

Nothing contained herein shall be construed as limiting the authority of the Secretary of Agriculture to exercise any functions vested in him by the aforesaid Executive Order.

This delegation supersedes United States Department of Agriculture "Defense Food Delegation No. 6" (16 F.R. 1963).

This delegation shall become effective immediately.

(E.O. 10480, 18 F.R. 4939)

Done at Washington, D.C., this 20th day of March 1964.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 64-2938; Filed, Mar. 26, 1964; 8:45 a.m.]

[USDA Emergency Delegation 5]

PROCUREMENT AND USE OF CCC COMMODITIES

Emergency Delegation

1. *Authority.* The authority to procure agricultural commodities and to make available agricultural commodities in Commodity Credit Corporation stocks as requested by the President or his delegate during the existence of a state of civil defense emergency, in accordance with sections 201(h), 302, and 303 of the Federal Civil Defense Act, is delegated as follows:

(1) To each Chairman of each USDA Regional Defense Board with respect to commodities stored within his region, during such periods of time as communications are inoperative between the USDA Regional Defense Board and the national headquarters of the United States Department of Agriculture (hereinafter referred to as "national headquarters");

(2) To each Chairman of each USDA State Defense Board with respect to commodities stored within his State or assigned area, during such periods of time as communications are inoperative between the headquarters of such Board and both the headquarters of the USDA Regional Defense Board and the national headquarters;

(3) To each Chairman of each USDA County or Metropolitan Defense Board with respect to commodities stored within his county or assigned area, during such periods of time as communications are inoperative between the headquarters of such Board and the headquarters of the appropriate USDA State Defense Board, the headquarters of the USDA Regional Defense Board, and the national headquarters;

(4) To each Director of each ASCS Commodity Office for commodities under his jurisdiction, during such period of time as communications are inoperative between such Commodity Office and the national headquarters. This authority shall be exercised in accordance with the responsibilities assigned to ASCS Commodity Offices in Secretary's Memorandum 1489 (Revised), dated February 7, 1963, or as it may be subsequently revised.

2. *Limitations.* The powers and authorities delegated herein shall be exercised in conformity with policies, rules, regulations, and orders of the Director of the Office of Emergency Planning, Commodity Credit Corporation Board, President or Executive Vice President of the Commodity Credit Corporation, and Secretary of Agriculture, or their successors.

This delegation shall take effect March 20, 1964.

Done at Washington, D.C., this 20th day of March 1964.

(Commodity Credit Corporation Charter Act, 15 U.S.C. 714; Federal Civil Defense Act, 50 U.S.C., app., 2281(h), 2292, 2293)

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 64-2939; Filed, Mar. 26, 1964; 8:45 a.m.]

[USDA Emergency Delegation 6]

ADMINISTRATION OF ASCS PROGRAMS

Emergency Delegation

1. *Authority.* In the event of an attack upon the United States, the powers and authorities vested in the Administrator, ASCS, under the regulations governing the Conservation Reserve Program, the 1963 Land Use Adjustment Program, the Cropland Conversion Program, the Feed Grain Programs, Wheat Stabilization Programs, and the Agricultural Conservation Program are delegated as follows:

(1) To each Chairman of each USDA State Defense Board within his State or assigned area, during such periods of time as communications are inoperative between the headquarters of such Board and national headquarters of the United States Department of Agriculture (hereinafter referred to as "national headquarters"); and

(2) To each Chairman of each USDA County Defense Board within his county or assigned area, during such periods of time as communications are inoperative between the headquarters of such Board and the headquarters of the appropriate USDA State Defense Board and the national headquarters.

2. *Limitations.* The powers and authorities delegated herein shall be exercised in conformity with policies, rules, regulations, and orders of the Administrator, ASCS, and the Secretary of Agriculture or their successors.

This delegation shall take effect March 20, 1964.

Done at Washington, D.C., this 20th day of March 1964.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 64-2940; Filed, Mar. 26, 1964; 8:45 a.m.]

[USDA Emergency Delegation 7]

ADMINISTRATION OF COMMODITY CREDIT CORPORATION ACTIVITIES

Emergency Delegation

1. *Authority.* In the event of an attack upon the United States, the powers and authorities vested in the Executive Vice President, CCC, to carry out activities of the Commodity Credit Corporation are delegated to each Director of each ASCS Commodity Office, within his assigned area of responsibility, during such period of time as communications are inoperative between such Commodity Office and the national headquarters of the U.S. Department of Agriculture.

2. *Limitation.* This authority shall be exercised in accordance with the bylaws of Commodity Credit Corporation and applicable programs, policies, and procedures.

3. *Revocation.* Delegation of authority with respect to Commodity Credit Corporation's inventory and procurement in case of national defense emergency (Ca-52) of May 18, 1955 (20 F.R. 3645) is hereby revoked.

This delegation shall take effect March 20, 1964.

Done at Washington, D.C., this 20th day of March 1964.

(Commodity Credit Corporation Charter Act, 15 U.S.C. 714)

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 64-2941; Filed, Mar. 26, 1964; 8:46 a.m.]

PENNSYLVANIA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Chester County, Pennsylvania, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative landing agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of March 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-2963; Filed, Mar. 26, 1964; 8:48 a.m.]

WISCONSIN

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the counties of Crawford and Jefferson in the State of Wisconsin, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of March 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-2964; Filed, Mar. 26, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23-836]

AKKU LICHT G. WUNSCH

Order Denying Export Privileges for an Indefinite Period

In the matter of Gunther Wunsch, trading as Akku Licht G. Wunsch, Ziegeloffengasse 17, Vienna 5, Austria; File 23-836; respondent.

The Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondent all export privileges for an indefinite period because the said respondent failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that Gunther Wunsch, trading as Akku Licht G. Wunsch has a place of business in Vienna, Austria; that the aforesaid Investigations Division is conducting an investigation into the disposition of certain strategic commodities of U.S. origin which were exported to Austria; that the respondent participated in a transaction involving one of such commodities. It is impracticable to subpoena the respondent and relevant and material interrogatories and request to furnish certain specific documents were served on him pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on March 24, 1964.

Dated: March 16, 1964.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-2976; Filed, Mar. 26, 1964; 8:49 a.m.]

Maritime Administration

[Docket No. S-165]

MOORE-MCCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit its owned vessel, the "SS Robin Mowbray," which is under time charter to States Marine Lines, Inc., for a period of about three to six months from January 10, 1964, to load lumber and/or lumber products, commencing about April 7, 1964, for carriage on one eastbound voyage from U.S. North Pacific ports to U.S. Atlantic ports.

This application may be inspected by interested parties in the Chief Hearing Examiner's Office, Maritime Subsidy Board/Maritime Administration, Room 3043, GAO Building, 441 G Street NW., Washington, D.C.

A hearing on the application has been set for April 1, 1964, at 10:00 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on March 31, 1964, notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on March 31, 1964, will not be granted in this proceeding.

By order of the Maritime Administrator.

Dated: March 25, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-3052; Filed, Mar. 26, 1964; 8:52 a.m.]

Office of the Secretary

[Dept. Order No. 90 (Rev.)]

NATIONAL BUREAU OF STANDARDS

Authority and General Functions

The following order was issued by the Secretary of Commerce on January 30, 1964. This material supersedes Department Order No. 90 (Revised) appearing at 28 F.R. 6590 of June 26, 1963; Department Order No. 179 (Revised) appearing at 28 F.R. 6661-6662 of June 27, 1963; and Section 4-4 of Amendment No. 1 of June 21, 1963 to Department Order No. 177 (Revised) appearing at 28 F.R. 6921 of July 6, 1963.

SECTION 1. *Purpose.* The purpose of this order is to delegate authority to the Director and to describe the general functions of the National Bureau of Standards.

SEC. 2. *General.* .01 The National Bureau of Standards, established by Act of March 3, 1901 (31 Stat. 1449; 15 U.S.C. 271) is hereby continued as a primary organization unit of the Department of Commerce. The Bureau may also be identified additionally as the Institutes for Science and Technology. The Bureau is headed by a Director appointed by the President with the advice and consent of the Senate.

.02 The Director, National Bureau of Standards is assisted by a Deputy Director who shall be the principal assistant to the Director and shall perform the functions of the Director during the latter's absence.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by law (including Reorganization Plan No. 5 of 1950), and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Science and Technology may prescribe, the Director is hereby delegated the authority to perform the functions vested in the Secretary of Commerce under:

1 Title 15, Chapter 6 U.S. Code (Weights and Measures and Standard Time);

2 Title 15, Chapter 7 U.S. Code (The Bureau of Standards);

3 15 U.S.C. 1193 (Flammable Fabrics);

4 15 U.S.C. 1213, (Household Refrigerators);

5 15 U.S.C. 1301-1303 (Brake Fluid Regulation);

6 Title 15, Chapter 23 U.S. Code (Dissemination of Technical, Scientific and Engineering Information);

7 Part VI of Reorganization Plan No. 3 of 1946 (Certain functions under the National Bureau of Standards) see text under 5 U.S.C. 133y-16; and

8 Any other existing or subsequent legislation with respect to engineering, mathematics and physical science activities within the special competence of the National Bureau of Standards.

.02 The Director of the National Bureau of Standards may redelegate his authority to appropriate officials of the National Bureau of Standards subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *General Functions.* The National Bureau of Standards shall perform the following functions: (1) Develop and maintain the national standards of measurement, and the provisions of means for making measurements consistent with those standards; (2) determine physical constants and properties of materials; (3) develop methods for testing materials, mechanisms, and structures, and make such tests as may be necessary, particularly for Government agencies; (4) cooperate in the establishment of standard practices for incorporation in codes and specifications; (5) provide advisory service to Government agencies on scientific and technical problems; (6) invent and develop devices to serve special needs of the Government; (7) assist industry, business and consumers in the development and acceptance of commercial standards and simplified trade practice recommendations; (8) conduct programs, in cooperation with United States business groups and standards organizations, for the development of international standards of practice; (9) administer the Civilian Industrial Technology Program; and (10) maintain a clearinghouse for the collection and dissemination of scientific, technical, and engineering information.

SEC. 5. *Transfer of Personnel, Funds, Records, and Property.* .01 The personnel, funds, records, and property of the Office of Technical Services, Office of the Secretary, are transferred to the National Bureau of Standards.

.02 The personnel, funds, records, and property assigned to the Civilian Technology Program in the Office of the Secretary, and the administration of the program, are hereby transferred to the National Bureau of Standards.

.03 The Assistant Secretary for Administration, acting through the appropriate offices of the Department, shall determine and arrange for the transfer of personnel, funds, records, and property of the Office of Technical Services as provided herein.

.04 The Assistant Secretary for Administration, acting through the appropriate offices of the Department, shall determine and arrange for the transfer of personnel, funds, records, and property assigned to the Civilian Technology Program in the Office of the Secretary, and the administration of the program, as provided herein.

SEC. 6. *Saving Provisions.* All rules, regulations, orders, certificates, and delegations of authority issued by or relating to the National Bureau of Standards or

the Office of Technical Services or any official thereof shall remain in effect until specifically revoked or amended by proper authority.

Effective date: January 30, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-2950; Filed, Mar. 26, 1964; 8:46 a.m.]

[Organization and Function Supp. (Rev.) Dept. Order No. 90 (Rev.)]

NATIONAL BUREAU OF STANDARDS

Organization and Assignment of Functions

The following Organization and Function Supplement to Department Order No. 90 (Revised) of January 30, 1964, supersedes the Organization and Function Supplement of June 7, 1963 to Department Order No. 90 (Revised) appearing at 28 F.R. 6590-6592 of June 26, 1963 and the organization and Function Supplement of August 22, 1963 to Department Order No. 179 (Revised) appearing at 28 F.R. 9677-9678 of September 4, 1963.

SECTION 1. *Purpose.* The purpose of this Organization and Function Supplement is to prescribe the organization and assignment of functions within the National Bureau of Standards.

SEC. 2. *Organization.* .01 The National Bureau of Standards is a principal focal point in the Federal Government for assuring maximum application of the physical and engineering sciences to the advancement of technology in industry and commerce. To this end the Bureau's research and central national services are conducted in four broad program areas: (1) Basic measurement standards, (2) materials research, (3) engineering standards and applied technology, and (4) radio propagation. An "Institute" is established for each of three program areas to facilitate coordination and management of programs involving similar technical objectives, staff, and facilities. A "Laboratory" is established for the same purposes in the radio propagation area.

.02 The Institute for Basic Standards conducts programs of basic measurements standards, which include research and services oriented toward the needs of the scientific and engineering community of the nation. The Institute comprises a series of divisions, each serving a classical subject matter area of science and engineering.

.03 The Institute for Materials Research conducts materials research and provides associated reference material services. Beyond their direct interest to the nation's scientists and engineers, the activities of this Institute yield services which are essential to the advancement of technology in industry and commerce. The Institute comprises a series of divisions organized primarily by technical field.

.04 The Central Radio Propagation Laboratory conducts research and provides related services on basic radio propagation phenomena. These programs are of particular value to other agencies of Government as well as to science and industry.

.05 The Institute for Applied Technology stimulates technical innovation and industrial use of the results of modern science and technology. The principal elements of the Institute are: (1) A Textiles and Apparel Technology Center furnishing specialized technical services to that industry; (2) technical divisions which provide services in technology of more general applicability, and (3) the Office of Technical Services which promotes widest effective use by the scientific community, industry, and commerce of current information in all fields of industrial technology.

.06 The National Bureau of Standards shall comprise the organization units enumerated in subsequent sections of this order.

SEC. 3. *Office of the Director.* .01 The Director determines the policies of the Bureau and directs the development and execution of its programs.

.02 The Deputy Director assists the Director in the direction of the Bureau, with particular regard to planning and internal coordination of its programs, and performs the functions of the Director in the latter's absence.

SEC. 4. *Special Offices Reporting to the Director.* .01 The Manager, Boulder Laboratories plans and provides technical and administrative management services in support of the technical programs conducted at the Bureau's Boulder Laboratories, Boulder, Colorado; plans and directs basic programs and employee development activities to improve efficiency of management of programs and/or services over which he has been assigned responsibility; undertakes independent appraisals for the Director of the effectiveness with which the technical programs of the Boulder Laboratories are conducted; and serves as the principal representative of the Director in interpreting and applying the general administrative policies of the National Bureau of Standards to the operation of the Boulder Laboratories, and in negotiations concerning the Laboratories with officials of other Federal agencies and representatives of state and local government, industry, commerce, universities, and private organizations with respect to those matters over which he has cognizance and/or responsibility.

.02 The Office of Public Information conducts the public information activities of the Bureau, including: coordination of relations with the general press; provision of an inquiry service for the general public; and the operation of exhibits, tours, and informational films programs.

.03 The Technical Analysis Group conducts broad studies utilizing operations research and other modern techniques to determine the impact of technology on the economy. This group is concerned with the collection, organization, and analysis of information needed to assure the most effective orientation of the Department's technical programs toward the needs of American industry.

.04 The Office of Program Planning and Evaluation coordinates advisory services to the Bureau; develops estimates of resources required to carry out long-range plans; explores alternative resources (intramural vs. extramural) for the conduct of Bureau programs; studies the relation of the Bureau's programs to those of other Government agencies; and assists in the evaluation of progress made toward mission objectives.

.05 The Director will have available to him the services of a legal counsel under the supervision of the General Counsel of the Department of Commerce to provide necessary legal advice. This includes preparation of legislation, providing legal advice regarding patent questions, advising on legal problems connected with grants and contracts, and advising on problems connected with the use of proprietary rights and in the applications of standards of practice. He also provides legal assistance, where necessary, in negotiations with private industry to establish cooperative research associations and in the negotiation of grants and contracts.

SEC. 5. *Institute for Basic Standards.* .01 The Institute for Basic Standards provides the central basis within the United States of a complete and consistent system of physical measurement; coordinates that system with the measurement systems of other nations; and furnishes essential services leading to accurate and uniform physical measurements throughout the nation's scientific community, industry, and commerce.

.02 The Director, Institute for Basic Standards, directs the development, execution, and evaluation of the programs of the Institute. The Deputy Director assists in the direction of the Institute and performs the functions of the Director in the latter's absence.

.03 The Office of Standard Reference Data administers the National Standard Reference Data System which provides critically evaluated data in the physical sciences on a national basis. This requires arrangement for the continuing systematic review of the national and international scientific literature in the physical sciences, the evaluation of the data it contains, the stimulation of research needed to fill important gaps in the data, and the compilation and dissemination of evaluted data through a variety of publication and reference services tailored to the user needs in science and industry.

.04 The Divisions of the Institute for Basic Standards are as follows:

Electricity.
Metrology.
Heat.
Radiation Physics.
Mechanics.
Applied Mathematics.
Atomic Physics.
Physical Chemistry.
Laboratory Astrophysics.
*Radio Standards Laboratory.
Radio Standards Physics.
Radio Standards Engineering.

*The closely allied Radio Standards Physics and Radio Standards Engineering Divisions are grouped under the Radio Standards Laboratory for facility in administration.

Each division except the Applied Mathematics Division engages in such of the following functions as are appropriate to the subject matter field indicated generally by the division title:

1 Develop and maintain the national standards for physical measurement, develop appropriate multiples and submultiples of prototype standards, and develop transfer standards and standard instruments;

2 Determine important fundamental physical constants which may serve as reference standards, and analyze the self-consistencies of their measured values;

3 Conduct experimental and theoretical studies of fundamental physical phenomena of interest to scientists and engineers with the general objective of improving or creating new measurement methods and standards to meet existing or anticipated needs;

4 Conduct general research and development on basic measurement techniques and instrumentation, including research on the interaction of basic measuring processes on the properties of matter and physical and chemical processes;

5 Calibrate instruments in terms of the national standards, and provide other measurement services to promote accuracy and uniformity of physical measurements;

6 Correlate with other nations the national standards and definitions of the units of measurement; and

7 Provide advisory services to Government, science, and industry on basic measurement problems.

The Applied Mathematics Division:

1 Conducts research in various fields of mathematics important to physical and engineering sciences with emphasis on statistical and numerical analysis and mathematical physics;

2 Provides computation and consultative services to the Bureau and other Federal agencies; and

3 Develops tools for mathematical work, such as mathematical tables, manuals, and computer programs and advises on their use.

SEC. 6. *Institute for Materials Research.* .01 The Institute for Materials Research assists and stimulates industry in the development of new and improved products by supplying increased understanding of basic properties of materials. The main functions of the Institutes are: (1) Conduct research on the fundamental properties of matter and materials which are of importance to science, industry, and commerce, and the collection and dissemination of data on these properties; (2) develop techniques for the preparation of experimental materials and for the measurement of their properties; (3) develop criteria by which the performance characteristics of basic materials may be evaluated; and (4) develop, produce, and distribute standard reference materials which provide a basis for comparison of measurements on materials and aid in the control of production processes in industry.

.02 The Director, Institute for Materials Research, directs the development, execution and evaluation of the programs of the Institute. The Deputy Director assists in the direction of the Institute and performs the functions of the Director in the latter's absence.

.03 The Office of Standard Reference Materials evaluates the requirements of science and industry for carefully characterized reference materials, stimulates the Bureau's efforts to develop methods for production of needed reference materials and directs their production and distribution.

.04 The Divisions of the Materials Research Institute are as follows:

Analytical Chemistry.
Polymers.
Metallurgy.
Inorganic Materials.
Reactor Radiations.
Cryogenics.

Each division engages in such of the following functions as are appropriate to the subject matter field indicated generally by the division title:

1 Conduct research on the chemical and physical constants, properties, constitution, and structure of matter;

2 Devise and improve methods for the preparation, purification, analysis, and characterization of materials;

3 Investigate fundamental chemical, metallurgical, and physical phenomena of importance to science and industry such as fatigue and fracture, crystal growth and imperfections, stress corrosion, etc.;

4 Develop techniques for measurement of the properties of materials under carefully controlled conditions extending to the extremes of high and low temperature and pressure, and exposure to different types of radiation;

5 Assist in the development of standard methods and equipment for testing materials;

6 Conduct research and develop methodology leading to the production of standard reference materials and produce these materials; and

7 Provide advisory services to Government, science and industry on basic materials problems.

SEC. 7. *Central Radio Propagation Laboratory.* .01 The Central Radio Propagation Laboratory is the central agency of the Federal Government for the collection, analysis, and dissemination of information on the propagation of radio waves at all frequencies along the surface of the earth, in the atmosphere, and in space, and performs studies looking toward new techniques for the efficient use and conservation of the radio spectrum.

.02 The Director, Central Radio Propagation Laboratory, directs the development, execution, and evaluation of the programs of the Laboratory. The Deputy Director assists in the direction of the Laboratory and performs the functions of the Director in the latter's absence.

.03 The Divisions of the Central Radio Propagation Laboratory are as follows:

Ionospheric Research and Propagation.
Troposphere and Space Telecommunications.
Radio Systems.
Upper Atmosphere and Space Physics.

Each division engages in such of the following functions as are appropriate to the subject matter field indicated generally by the division title:

1 Conducts basic research on the nature of radio waves, the pertinent properties of the media through which radio waves are transmitted, the interaction of radio waves with those media, and on the nature of radio noise and interference effects;

2 Performs studies of specific radio propagation mechanisms and performs scientific studies looking toward the development of techniques for efficient use and conservation of the radio spectrum;

3 Furnishes advisory and consultative services on radio wave propagation, on radio frequency utilization, and on radio system problems to other organizations in the United States, public and private;

4 Prepares and issues predictions of radio wave propagation and noise conditions and warnings of disturbances in these conditions;

5 Acts as a central repository for data, reports, and information in the field of radio wave propagation; and

6 Performs scientific liaison and exchanges data and information with other nations to advance knowledge of radio wave propagation and interference phenomena and spectrum conservation techniques, including liaison required by international responsibilities and agreements.

SEC. 8. *Institute for Applied Technology.* .01 The Institute for Applied Technology provides a variety of industry-oriented technical services to facilitate and promote the use by industry of available technology and to facilitate technological innovation. The main functions of the Institute are: (1) Identify and evaluate obstacles to technical innovation in industry; (2) develop a technical basis for the evaluation of technological products and services; (3) maintain continuous cooperation with public and private organizations leading to the development of technological standards such as codes, methods of test, and engineering standards; and (4) disseminate technical information.

.02 The Director, Institute for Applied Technology, directs the development, execution, and evaluation of the programs of the Institute. The Deputy Director assists in the direction of the Institute and performs the functions of the Director in the latter's absence.

.03 The Office of Technical Services is a central clearinghouse for the collection and dissemination of scientific and technical information from domestic and foreign sources. Its purpose is to make the results of science and technology more readily available to industry, commerce, and the general public. Through the Technical Documentation Center it provides: (1) a center for technical reference, referral, documents sales and reference to technical work in progress for Federally generated research and development in the public domain; (2) a clearinghouse for information on available technical translations; and (3) an inquiry-responding

service concerning the application of available technology.

.04 The Office of Industrial Services (1) cooperate with private industrial research organizations and associations in the United States and abroad to stimulate private research competence and to promote the interchange of technical information; (2) encourages private groups to undertake with their own resources research and development of importance to industry and provides information and guidance to industrial associations concerning the organization and management of such research projects; (3) coordinates the Bureau's industrial research associates program; and (4) provides general analysis of the needs for and problems associated with technological innovation in broad areas of industry, including studies of the similarities and differences in the technical problems of various industries.

.05 The Office of Weights and Measures provides technical services to the States, business and industry with regard to testing, specifications, and tolerances for weighing and measuring devices; the design, construction, and use of standards of weight and measure and associated instruments; and the training of State and local weights and measures officials.

.06 The Office of Engineering Standards serves as a focal point for cooperation with other standardizing organizations and trade associations in the development of engineering and industrial standards, provides central coordination of the Bureau's participation in such standardizing activities, and is responsible for cooperation in international standards activities.

.07 The Textiles and Apparel Technology Center: (1) Cooperates with trade associations and other appropriate organizations to identify obstacles to technical innovation in the textile industry and to formulate programs to overcome these; (2) collects, analyzes and disseminates technical information of particular importance to the industry; (3) develops criteria for evaluation of textiles and apparel; (4) cooperates in the development of industry standards; and (5) provides support for research in private laboratories on problems of general importance in the industry.

.08 Divisions of the Institute for Applied Technology and the functions of each are as follows:

1 The Building Research Division develops criteria for performance standards of building products, structures, and systems; and cooperates with industry, other Government agencies, and the professional associations of the industry in the development of standards and methods of measurement.

2 The Industrial Equipment Technology Division develops criteria for evaluation of products and services in the general field of industrial production equipment; cooperates with appropriate trade associations in identifying needs for improved equipment technology; and cooperates in the development of standards, codes, and specifications.

3 The Information Technology Division develops criteria for evaluation of products and services in the general field of information storage, retrieval, and processing; cooperates with appropriate trade associations in identifying needs for improved technology; and cooperates in the development of standards, codes, and specifications.

4 The Performance Test Development Division develops data on end product materials essential to permit formulation of methods for testing and evaluation of new products, particularly those to be used by the Federal Government. This activity involves extensive cooperation with other Federal agencies having responsibility for procurement of supplies and materials.

5 The Instrumentation Division develops criteria for the evaluation of products and services in the general field of industrial instrumentation; cooperates with appropriate trade associations in identifying needs for improved instrumentation technology; and cooperates in the development of standards, codes, and specifications.

6 The Transport Systems Division develops methodology and models to permit measurement and evaluation of the engineering, economic, and social factors essential to the understanding of the transportation function and to decision making on national transportation policies. Technical assistance is provided to other organization units of the Department and Government concerned with transportation research.

SEC. 9. *Office of the Associate Director for Administration.* .01 The Associate Director for Administration makes certain that the Bureau's programs are carried forward within applicable regulatory and procedural restraints, plans and operates centralized services in the fields of administrative management, and serves as the Director's principal staff adviser on management matters. On matters pertaining to administration and management, the Office of the Associate Director for Administration and all other organizational components, as applicable, of the National Bureau of Standards are subject to the authorities of the staff service offices in the Office of the Assistant Secretary for Administration as provided in Department Order No. 134 (Revised) of July 1, 1963, and Organization and Function Supplements thereto.

.02 Functions of each of the organization units reporting to the Associate Director for Administration are:

1 The Accounting Division administers the official system of central fiscal records, payments and reports, provides test administration service, and provides staff assistance on accounting and related matters;

2 The Personnel Division advises on personnel policy and utilization, and administers recruitment, placement, classification, training and employee relations activities, and assists operating officials of these and other aspects of personnel management;

3 The Budget and Management Division advises on financial management and provides staff assistance in the preparation of estimates and the utilization of funds, provides staff assistance in improvement of management practices, makes organization and procedures studies, provides advisory service on administrative requirements of technical programs, develops and maintains allied programs such as issuances, records and forms management, and coordinates administrative procedures and actions where several administrative divisions are affected;

4 The Administrative Services Division has staff responsibility for security, safety, emergency relocation planning, and civil defense activities, and administers custodial functions, duplicating service, and local transportation service;

5 The Internal Audit Division assists the Director and other Bureau officials by conducting independent, objective, and constructive appraisals of the effectiveness and efficiency with which the Bureau's operating administrative and financial programs are being carried out and reporting its findings and recommendations for consideration and action;

6 The Supply Division performs or facilitates the procurement and distribution of material, keeps records and promotes effective utilization of property, acts as the contracting office for all research, construction, supply, and lease contracts entered into by the Bureau, and administers communication services; and

7 The Plant Division maintains the physical plant at Washington, and performs staff work in planning and providing grounds, buildings, and improvements at all Bureau locations.

SEC. 10. *Office of the Associate Director for Technical Support.* .01 The Associate Director for Technical Support plans and operates centralized technical services which directly support the Bureau's technical programs. He also serves as the Director's principal staff adviser on technical support matters.

.02 The functions of each of the organization units reporting to the Associate Director for Technical Support are:

1 The Technical Publications Division assists in the preparation, scheduling, printing, and distribution of Bureau publications, and maintains relations with the technical press to foster the outward communication of the Bureau's scientific findings and related technical information to science and industry;

2 The Research Information Division furnishes diversified information services to the staff of the Bureau, including conventional library services, bibliographic, reference, and translation services, and conducts studies associated with the mechanization of the foregoing services;

3 The Radiation Safety Division is responsible for radiation safety in the Bureau, operation of health physics activities, A.E.C. licensing for radiation sources, and accountability for radioactive materials;

4 The Professional Development Division serves as the focal point for the Bureau's cooperation with the academic sector, coordinates arrangements for staff exchanges between the Bureau and academic institutions, and provides information to colleges and universities regarding career opportunities in the Bureau; and

5 The Instrument Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment.

Effective date: January 30, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

APPENDIX A (REVISED)

NATIONAL BUREAU OF STANDARDS—FIELD ORGANIZATION

Field Organization	*Location*
Boulder Laboratories	Boulder, Colo.
Materials Testing Laboratories.	San Francisco, Calif., Denver, Colo., Seattle, Wash.
Visual Landing Aids Field Laboratory.	Arcata, Calif.
Master Railway Track Scale Depot.	Clearing, Ill.

[FR. Doc. 64-2951; Filed, Mar. 26, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN ANILINE AND EXTRACT CO., INC.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1349) has been filed by American Aniline and Extract Co., Inc., Venango and F Streets, Philadelphia 34, Pa., proposing the amendment to §§ 121.2520 and 121.2571 to provide for the use of glycidyl methacrylate as a monomer in polymers used in compounding adhesives and in coatings for paper and paperboard that contact dry food.

Dated: March 20, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-2960; Filed, Mar. 26, 1964; 8:47 a.m.]

DIAMOND ALKALI CO.

Notice of Filing of Petition Regarding Pesticide Chemical Dimethyl 2,3,5,6-Tetrachloroterephthalate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 411) has been filed by Diamond Alkali Company, P.O. Box 348, Painesville, Ohio, proposing the establishment of tolerances for residues of the herbicide dimethyl, 2,3,5,6-tetrachloroterephthalate in or on the raw agricultural commodities named:

5 parts per million in or on mustard greens, peanuts, peanut hay, peavine hay, and turnip greens.

1 part per million in or on broccoli, brussels sprouts, cabbage, cantaloupes, cauliflower, collards, cowpeas (dry and succulent), cowpea vine hay, cucumbers, eggplants, field beans (dry), garlic (green or dry), honeydew melons, kale, lettuce, lima beans (dry and succulent), lima bean vine hay, mung beans (dry and succulent), onions (green or dry), peas (dry and succulent), peppers, pimentos, potatoes, snap beans, soybeans (dry and succulent), soybean hay, strawberries, summer squash, sweetpotatoes, tomatoes, turnips, watermelons, winter squash, and yams.

The analytical methods proposed in the petition for determining residues of dimethyl 2,3,5,6-tetrachloroterephthalate and of its metabolites monomethyl 2,3,5,6-tetrachloroterephthalate and 2,3,5,6-tetrachloroterephthalic acid are (1) the colorimetric method of Shuldt et al., as published in Contributions, Boyce Thompson Institute, volume 21, page 163 (1961); and (2) extraction of the residues with methylene chloride, cleanup by passage through an alumina column, and determination of the residues by a microcoulometric gas chromatographic technique.

Dated: March 20, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-2961; Filed, Mar. 26, 1964; 8:47 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Pesticide Carbaryl

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 405) has been filed by Union Carbide Corporation, 270 Park Avenue, New York, New York, proposing the establishment of a tolerance of 100 parts per million for residues of the insecticide carbaryl in or on each of the raw agricultural commodities green fodder and straw and a tolerance of zero in or on grain of wheat, barley, oats, and rye.

The analytical method proposed in the petition for determining residues of carbaryl is that described in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238), except that the method determines simultaneously the total residues of carbaryl and accompanying residues of its degradation product 1-naphthol.

Dated: March 20, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-2962; Filed, Mar. 26, 1964; 8:48 a.m.]

CHEMICAL AFFILIATES, INC.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1312) has been filed by Chemical Affiliates, Inc., 274 Madison Avenue, New York 16, New York, proposing that paragraph (b) of § 121.2566 *Antioxidants and/or stabilizers for polymers* be amended by inserting in the "List of substances" the following additional items:

BHT. Sorbitan monostearate.
Calcium benzoate.

Dated: March 20, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-2983; Filed, Mar. 26, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 70-774]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of License

Notice is hereby given that the Atomic Energy Commission, on March 19, 1964 issued Special Nuclear Materials License No. SNM-745 to National Aeronautics and Space Administration which authorizes the licensee to ship irradiated PBR fuel elements from the Plum Brook Reactor Facility to the Commission's Idaho Chemical Processing Plant in the type of cask specified and in accordance with the procedures described in the application. For further details see (1) the application dated June 12, 1963 as supplemented, and (2) a Safety Analysis by the Fuels Processing Branch of the Division of Licensing and Regulation (see Docket No. 70-774), which are on file at the AEC's Public Document Room. A copy of the Safety Analysis by the Fuels Processing Branch is available upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 19th day of March 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-2949; Filed, Mar. 26, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-20603]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Amending Approval of Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of March 1964.

Agreement adopted by the traffic conference of the International Air Transport Association relating to charters; Docket No. 13777, Agreement C.A.B. 16847, R–7.

By Order E–19426, adopted March 28, 1963, the Board approved Resolution R–7, filed as part of Agreements C.A.B. 16847, the Charter Resolution (045) of the International Air Transport Association (IATA), subject to certain conditions contained in an appendix to the order. Among these conditions were numerous restrictions on the activities of travel agents in connection with charter flights (see conditions (d)(1) through (d)(6) of the appendix to that order). These conditions were originally imposed by the Board in 1959[1] in order to make the charter operations of the IATA carriers subject to the same restrictions with respect to agent activities as were then applicable to transatlantic passenger charters of United States supplemental and all-cargo carriers pursuant to the provisions of Part 295 of the Board's Economic Regulations.

In its decision in the Transatlantic Charter Investigation (Orders E–20530 and E–20531, served March 3, 1964, in Docket 11908 et al.), the Board issued a revision of Part 295 to be effective April 18, 1964, which, among other things, liberalizes various provisions of that regulation. These liberalizations include revision of the restrictions on travel agent activities, which if carried over into the Board's conditions on the LATA Resolution, would involve rescission of conditions (d) (1), (2), (3), and (5). Thus, an agent would be permitted to assist in the organization or assembly of a charter group, solicit individual members of the organization both for the flight or land tours, receive individual deposits, distribute literature to individual members, and extend credit to the chartering organization in connection with expenses of solicitation or administration.[2] The prohibition on commission where an agent is a member of the chartering organization would also be removed. However, two restrictions would remain in effect: (1) The agent could not receive a commission from both the carrier and the charterer for the same service, and (2) he could not make payments or extend gratuities to any member of a chartering organization.

Consistent with the Board's findings in Docket 11908 that certain restrictions on agent activities are no longer necessary or desirable, we will remove the equivalent restrictions, as above described, from our approval of the IATA Charter Resolution. Such action will become effective on April 18, 1964 (i.e., concurrent with the effective date of the revisions in Part 295), unless before that time we should find reason to do otherwise as would be indicated by subsequent order. In this connection we will provide that any interested person may submit comments within a period of 15 days from the date of service of this order.

Accordingly, it is ordered:

1. That Order E–19426 be and it hereby is amended so as to rescind paragraph (d) in the appendix thereto and substitute therefor the following:

"(d) With respect to passenger charters in air transportation, as defined in the Act, where the cost of the charter is partially or wholly passed on to the passengers: [3]

(1) A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service.

(2) A travel agent shall make no payments not extend gratuities of any kind, directly or indirectly, to any member of a chartering organization, whether in relation to air transportation or otherwise. Nothing in this paragraph is intended to restrict the travel agent from offering each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

2. That this amendment shall take effect on April 18, 1964, unless previously modified or rescinded by order of the Board; and

3. That any interested person may, within 15 days from the date of service of this order, submit a statement in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein.[4]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–2988; Filed, Mar. 26, 1964; 8:50 a.m.]

[1] Order E–13681, adopted March 30, 1959.

[2] Nothing herein is designed to permit a travel agent to take the initiative in organizing a charter, or to proceed with the solicitation of members of an organization without the approval and cooperation of such organization. This is patent from the requirement, among others, that there be a central membership list against which individual eligibility can be checked by those responsible for administration of the charter. Since maintenance and authentication of such membership lists is a primary responsibility of the organization, approval and cooperation of the organization is a prime requisite before any agency action may be undertaken. See also section 295.36 and the appended Statement of Supporting Information referred to therein, particularly Section B of Part II of the Statement which requires the signatures of the chief officer of the chartering organization and the person within the organization in charge of charter arrangements.

[3] Paragraph (d) is not applicable to those charters exempted from Resolution 045 by subparagraph (2)(a) thereof.

[4] An original and 19 copies of such statements should be filed with the Board's Docket Section. Since we have provided for a period of time to respond to this order, petitions for reconsideration will not be entertained.

[Docket No. 14868]

LAKE CENTRAL AIRLINES, INC. "USE IT OR LOSE IT" AND ROUTE ALIGNMENT INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter which was assigned to be held on April 7, 1964, is hereby reassigned to be held on April 9, 1964, at 10:00 a.m. e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C. March 23, 1964.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 64–2989; Filed, Mar. 26, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15368]

RICHARD J. LOVETT

Order To Show Cause

In the matter of Richard J. Lovett, Vallejo, California, order to show cause why there should not be revoked the license for Radio Station KFC–1335 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated November 15, 1963, alleging violation of §§ 19.33 and 19.61(a) (now §§ 95.45 and 95.81(a)) of the Commission's rules.

It further apearing, that said licensee did not reply to such communication or to a follow-up letter dated December 10, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 12th day of March, 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of 2014 Indiana Street, Vallejo, California.

Released: March 12, 1964

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2993; Filed, Mar. 26, 1964; 8:50 a.m.]

[Docket No. 15392]

JACK R. ULRICH

Order To Show Cause

In the matter of Jack R. Ulrich, Bell Gardens, California, order to show cause why the license for radio station KEJ–7444 in the Citizens Radio Service should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated November 19, 1963, alleging violation of section 19.33 (now § 95.45) of the Commission's rules.

It further appearing, that the licensee did not reply to that communication or to a follow-up letter dated December 23, 1963, also mailed to the licensee at his address of record; and

It further appearing, that the foregoing communications from the Commission called for responses by the licensee within 10 and 15 days, respectively; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 23rd day of March 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of Route 1, Box 800, Spring Lake, North Carolina.

Released: March 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2994; Filed, Mar. 26, 1964; 8:50 a.m.]

[Docket No. 15344]

RICHARD R. ZIMPEIMAN

Order To Show Cause

In the matter of Richard R. Zimpeiman, Spring Lake, North Carolina, order to show cause why there should not be revoked the license for radio station KCI–1019 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated December 27, 1963, alleging violation of § 95.81(a) (formerly § 19.61 (a)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated January 7, 1964, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of Section 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 27th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of Route 1, Box 800, Spring Lake, North Carolina.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2995; Filed, Mar. 26, 1964; 8:51 a.m.]

[Docket Nos. 15384–15387; FCC 64–231]

BERKSHIRE BROADCASTING CORP. (WLAD) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of the Berkshire Broadcasting Corporation (WLAD), Danbury, Connecticut, has 800 kc, 250 w, Day, requests 800 kc, 1 kw, Day, Docket No. 15384, File No. BP–13925; Chambersburg Broadcasting Company (WCHA), Chambersburg, Pennsylvania, has 800 kc, 1 kw, Day, requests 800 kc, 5 kw, Day, Docket No. 15385, File No. BP–14743; South Jersey Broadcasting Co. (WKDN), Camden, New Jersey, has 800 kc, 1 kw, Day, requests 800 kc, 5 kw, DA, Day, Docket No. 15386, File No. BP–14986; Richard M. Brescia, Jack Wormser and Marnette L. Saz, d/b as Eaglecon, Rockville, Connecticut, requests 800 kc, 1 kw, DA, Day, Docket No. 15387, File No. BP–14491; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of March, 1964;

The Commission having under consideration the above-captioned and described applications and a "Petition to Deny" the application of the Chambersburg Broadcasting Company, filed June 5, 1962 by the Reese Broadcasting Corporation, licensee of standard broadcast Station WCBG, Chambersburg, Pennsylvania and other documents related thereto;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate as proposed, The Berkshire Broadcasting Corporation, Chambersburg Broadcasting Company and the South Jersey Broadcasting Co. are financially qualified, but for reasons hereinafter indicated, it cannot be determined that Eaglecon is financially qualified; and

It further appearing, that the following matters are to be considered in con-

nection with the aforementioned issues specified below:

1. With respect to The Berkshire Broadcasting Corporation (WLAD) application, it appears that the following matters must be considered in connection with the issues specified below:

(a) The Berkshire Broadcasting proposal may receive interference from the existing operations of Stations WKDN, Camden, New Jersey, and WGY, Schenectady, New York, affecting more than 10 percent of the population within the normally protected primary service area, in contravention of § 73.28(d)(3) of the Commission's Rules. With regard to the interference involved, field intensity measurement data submitted by this applicant were not made strictly in accordance with § 73.186 of the rules to establish that interference would not be involved.

(b) The proposal may involve mutual co-channel interference with the above-captioned Eaglecon and South Jersey Broadcasting Co. (WKDN) proposals.

(c) The proposal may involve mutual adjacent channel interference, 10 kilocycles removed, with the existing operation of Station WGY, Schenectady, New York and mutual co-channel interference with the existing operation of WKDN.

2. With respect to the Chambersburg Broadcasting Company (WCHA) application, it appears that the following matters must be considered in connection with the issues specified below:

(a) The Chambersburg Broadcasting proposal would receive interference from the existing operations of Stations WKDN, Camden, New Jersey, and CKLW, Windsor, Ontario, Canada, affecting more than 10 percent of the population within its normally protected primary service area, in contravention of § 73.28(d)(3) of the rules.

(b) The proposal would involve mutual co-channel interference with the existing operation and the above-described proposed operation of Station WKDN.

(c) The Reese Broadcasting Corporation, licensee of standard broadcast Station WCBG, Chambersburg, Pennsylvania, has filed a "Petition to Deny" the Chambersburg Broadcasting proposal for the reasons set forth in subparagraphs (a) and (b). The petitioner contends, correctly, that it has standing as a party in interest with respect to the Chambersburg Broadcasting application since a grant of that application might result in economic injury to the petitioner. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 9 R.R. 2008 (1940).

3. With respect to the South Jersey Broadcasting Co. (WKDN) application, the proposal would cause interference to the existing and proposed operation of Station WLAD and would receive interference from the proposal of WLAD. Measurement data utilized by the applicant to indicate that interference would not be caused are not considered adequate in accordance with the requirements of § 73.186 of the rules.

4. With respect to the Eaglecon application, it appears that the following matters must be considered in connection with the issues specified below:

(a) The financial information submitted by Eaglecon is not sufficiently complete to provide a basis for a finding that the firm is financially qualified to meet the costs of construction and initial operation of the proposed station. The balance sheets of Messrs. Brescia and Saz do not show cash and/or liquid assets in the amount required to meet their commitments to partnership capital. Eaglecon has submitted a letter from an equipment-manufacturer showing an estimated cost of equipment as $32,435 while section III of the application shows an estimate of the total cost of the station as $27,900. This discrepancy requires clarification.

(b) The Eaglecon proposal may receive interference from existing stations and from the proposed operation of WLAD affecting more than 10 percent of the population within its normally protected primary service area, in contravention of § 73.28(d)(3) of the Commission rules.

(c) The proposal may involve mutual interference with the above-captioned Berkshire Corporation (WLAD) proposal and with the existing operations of WGY, Schenectady, New York and WCCM, Lawrence, Massachusetts. Measurement data made on Station WGY and submitted with the Eaglecon proposal are not considered adequate in accordance with the provisions of § 73.186 of the rules to establish that no interference would be involved with Station WGY.

(d) Richard M. Brescia, one of the Eaglecon partners, is general manager of Station WDEW, Westfield, Massachusetts, which lies within the proposed service area and serves a substantial portion of the area which would receive the signal of the Eaglecon proposal. Therefore, in the event of a grant of the Eaglecon application, program tests will not be authorized until the permittee has submitted evidence that Brescia has severed his connections with WDEW.

It further appearing, that the proposed operation of WKDN would involve slight mutual interference with an operation proposed in the application (File No. BP-5970) of The Chesapeake Broadcasting Corporation, which requests authority to increase power of former Station WABW (now WYRE), Annapolis, Maryland; that the present provisions of the Commission's rules do not permit consideration of the Annapolis proposal; that the licensee who filed the Annapolis proposal is no longer licensee of the station; that the mutual interference between the WKDN proposal and the Annapolis proposal is not significant but that any grant of the WKDN application will be subject to the condition that the permittee shall accept any interference that may result in the event of a subsequent grant of the Annapolis proposal; and

It further appearing, that the Eaglecon proposal is in contravention of § 1.569 of the Commission's rules (formerly § 1.351) with respect to Class I–A channels within 30 kilocycles of the proposed frequency but that studies indicate the proposed operation would not materially prejudice future consideration of the Class I–A channels and, accordingly, the Commission, on its own motion, will waive the provisions of said rule; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the Eaglecon proposal and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WLAD, WCHA, and WKDN and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the proposals would cause to and receive from each other and the interference that each of the proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the proposals.

4. To determine whether the proposal of The Berkshire Broadcasting Corporation would cause objectionable interference to Station WGY, Schenectady, New York, and WKDN, Camden, New Jersey, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the proposal of the Chambersburg Broadcasting Company would cause objectionable interference to Station WKDN, Camden, New Jersey, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the proposal of South Jersey Broadcasting Co. would cause objectionable interference to Station WLAD, Danbury, Connecticut, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether the proposal of Eaglecon would cause objectionable interference to Stations WGY, Schenectady, New York and WCCM, Lawrence, Massachusetts, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the proposals.

8. To determine whether the interference received by each proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 73.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

9. To determine whether Eaglecon is financially qualified to construct and operate its proposed station.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That the General Electric Company, licensee of Station WGY, Schenectady, New York; the Curt Gowdy Broadcasting Corporation, licensee of Station WCCM, Lawrence, Massachusetts; and the Reese Broadcasting Corporation, licensee of Station WCBG, Chambersburg, Pennsylvania, are made parties to the proceeding.

It is further ordered, That The Berkshire Broadcasting Corporation (WLAD), Chambersburg Broadcasting Company (WCHA), and the South Jersey Broadcasting Co. (WKDN), are made parties respondent with respect to their existing operations.

It is further ordered, That the petition filed June 5, 1962 by Reese Broadcasting Corporation is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof, with respect to the above-stated issues referred to in the Reese Broadcasting petition is hereby placed upon the applicant.

It is further ordered, That the provisions of § 1.569 of the Commission's rules are waived with respect to the Eaglecon proposal.

It is further ordered, That in the event of a grant of the South Jersey Broadcasting Co. application, the construction permit shall contain the following condition:

Permittee shall accept any interference which may result in the event of a subsequent grant of the application filed by The Chesapeake Radio Corporation, File No. BP-5970, to increase the power of Station WABW (now WYRE), Annapolis, Maryland, to one kilowatt.

It is further ordered, That, in the event of a grant of the application of The Berkshire Broadcasting Corporation and the Chambersburg Broadcasting Company, the construction permits shall include the following condition:

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

It is further ordered, That, in the event of a grant of the application of Eaglecon,

by, and the availability of other primary service to such areas and populations.

8. To determine whether the interference received by each proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 73.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

9. To determine whether Eaglecon is financially qualified to construct and operate its proposed station.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That the General Electric Company, licensee of Station WGY, Schenectady, New York; the Curt Gowdy Broadcasting Corporation, licensee of Station WCCM, Lawrence, Massachusetts; and the Reese Broadcasting Corporation, licensee of Station WCBG, Chambersburg, Pennsylvania, are made parties to the proceeding.

It is further ordered, That The Berkshire Broadcasting Corporation (WLAD), Chambersburg Broadcasting Company (WCHA), and the South Jersey Broadcasting Co. (WKDN), are made parties respondent with respect to their existing operations.

It is further ordered, That the petition filed June 5, 1962 by Reese Broadcasting Corporation is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof, with respect to the above-stated issues referred to in the Reese Broadcasting petition is hereby placed upon the applicant.

It is further ordered, That the provisions of § 1.569 of the Commission's rules are waived with respect to the Eaglecon proposal.

It is further ordered, That in the event of a grant of the South Jersey Broadcasting Co. application, the construction permit shall contain the following condition:

Permittee shall accept any interference which may result in the event of a subsequent grant of the application filed by The Chesapeake Radio Corporation, File No. BP-5970, to increase the power of Station WABW (now WYRE), Annapolis, Maryland, to one kilowatt.

It is further ordered, That, in the event of a grant of the application of The Berkshire Broadcasting Corporation and the Chambersburg Broadcasting Company, the construction permits shall include the following condition:

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

It is further ordered, That, in the event of a grant of the application of Eaglecon, program tests will not be authorized until the permittee has submitted evidence that Richard M. Brescia has severed his connections with Station WDEW, Westfield, Massachusetts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2996; Filed, Mar. 26, 1964; 8:51 a.m.]

[1] Commissioner Bartley absent.

[Docket Nos. 12865, 12866; FCC 64M-247]

CHRONICLE PUBLISHING CO. (KRON–TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO–TV)

Order Scheduling Prehearing Conference

In re applications of Chronicle Publishing Company (KRON–TV), San Francisco, California, Docket No. 12865, File No. BPCT–2168; American Broadcasting-Paramount Theatres, Inc. (KGO–TV), San Francisco, California, Docket No. 12866, File No. BPCT–2401; for construction permits.

Pursuant to a prehearing conference as of this date: *It is ordered*, This 23d day of March 1964, that the hearing in the above-entitled proceeding, now scheduled for May 6, 1964, be and the same is hereby cancelled;

It is further ordered, That there will be a further prehearing conference hereon on April 13, 1964, 9:00 a.m., in the Commission's Offices, Washington, D.C.

Released: March 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2997; Filed, Mar. 26, 1964; 8:51 a.m.]

[Docket Nos. 15260, 15261; FCC 64M-245]

COOSA VALLEY RADIO CO. AND ROME BROADCASTING CORP.

Order Continuing Hearing

In re applications of Coosa Valley Radio Company, Rome, Georgia, Docket No. 15260, File No. BPH–4108; Rome Broadcasting Corporation, Rome, Georgia, Docket No. 15261, File No. BPH–4136; for construction permits.

The Hearing Examiner having under consideration a motion filed March 18, 1964 by Rome Broadcasting Corporation, requesting that the hearing herein, presently scheduled to commence on April 13, 1964, be continued for a period of 60 to 90 days, and that the dates agreed upon for procedural matters be cancelled;

It appearing, that there is the possibility of allocating another FM channel to Rome, Georgia, that there is being prepared by petitioner's consulting radio engineer an engineering report to support a petition for rule making looking toward the allocation of such a channel, that such a petition will be filed within the next two weeks, and that if another channel is allocated the subject proceeding will be unnecessary; and

It further appearing, that counsel for all other parties join in the subject request and that the public interest requires immediate consideration thereof;

It is ordered, This 20th day of March 1964, that the subject motion is granted; that the March 23, 1964 date for exchange of exhibits and the April 6, 1964 date for notification of witnesses, if any, desired for cross-examination are cancelled; and that the hearing, presently scheduled to commence on April 13, 1964, is continued to 10:00 a.m., June 22, 1964.

Released: March 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2998; Filed, Mar. 26, 1964; 8:51 a.m.]

[Docket Nos. 15374–15376; FCC 64M-246]

KTIV TELEVISION CO. (KTIV) ET AL.

Order Continuing Prehearing Conference

In re applications of KTIV Television Company (KTIV), Sioux City, Iowa, Docket No. 15374, File No. BPCT–3127, for construction permit to make changes in the facilities of Television Broadcast Station KTIV; Peoples Broadcasting Corporation (KVTV), Sioux City, Iowa,

Docket No. 15375, File No. BPCT-3128, for construction permit to make changes in the facilities of Television Broadcast Station KVTV; Central Broadcasting Company (WHO-TV), Des Moines, Iowa, Docket No. 15376, File No. BPCT-3138, for construction permit to make changes in the facilities of Television Broadcast Station WHO-TV.

Upon verbal request by counsel for applicants in the above-entitled proceeding: *It is ordered*, This 23d day of March 1964, that the prehearing conference now scheduled for April 6, 1964, be and the same is hereby rescheduled for 10:00 a.m., April 10, 1964, in the Commission's Offices, Washington, D.C.

Released: March 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2999; Filed, Mar. 26, 1964; 8:51 a.m.]

[Docket No. 15388; FCC 64-232]

SUNDIAL BROADCASTING CORP. (KIBE)

Order Designating Application for Hearing on Stated Issues

In re application of Sundial Broadcasting Corporation (KIBE), Palo Alto, California, has 1220 kc, 1 kw, Day, requests 1220 kc, 5 kw, Day, Docket No. 15388, File No. BP-14755, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of March 1964;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate KIBE as proposed but that the proposed operation of Station KIBE would increase the interference now being received by Station KLIP, Fowler, California (1220 kc, 250 w, Day); and

It further appearing, that the licensee of Station KWG, Stockton, California, was authorized to increase power in 1961 at which time KWG and KIBE agreed to accept any mutual interference which might result from the previously authorized KWG operation and the presently proposed KIBE operation and that, therefore, mutual interference between KWG and KIBE will not be considered under the issues specified below; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding, without a hearing, that a grant of the KIBE application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KIBE and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station KIBE would cause objectionable interference to Station KLIP, Fowler, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Morris Mindel, licensee of Station KLIP, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3000; Filed, Mar. 26, 1964; 8:52 a.m.]

[Docket No. 15248-15250; FCC 64M-242]

UNITED ARTISTS BROADCASTING, INC., ET AL.

Order Continuing Hearing

In re applications of United Artists Broadcasting, Inc., Cleveland, Ohio, Docket No. 15248, File No. BPCT-3168; Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT-3191; The Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT-3243; for construction permits for new television broadcast stations.

There is pending on behalf of United Artists Broadcasting a Petition for Leave to Amend, the grant of which would result in a removal of that applicant from this hearing. While responsive pleadings are being formed and until decision is had upon the matter, the machinery for moving forward with trial of this proceeding will be held in abeyance. Under the circumstance, the dates now scheduled for the commencement of hearing cannot be met.

Accordingly, it is ordered, This 20th day of March 1964, that the date of May 25, 1964, now scheduled for the beginning of hearing in this proceeding is cancelled and the proceeding is continued to a date to be fixed by subsequent order.

Released: March 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3001; Filed, Mar. 26, 1964; 8:52 a.m.]

[1] Commissioner Bartley absent.

FEDERAL POWER COMMISSION

[Project No. 1971]

IDAHO POWER CO.

Order Approving Continuance of Hearing

MARCH 23, 1964.

Pursuant to the Commission's order issued December 11, 1963, the Presiding Examiner convened a prehearing conference in this proceeding on February 25, 1964. The parties agreed that the report on the evaluation studies made by the fishery agencies would be circulated by May 1, 1964; that by May 15, 1964, all parties would circulate requests for any additional testimony or evidence; and that on June 2, 1964, the hearing would reconvene.

The Presiding Examiner, on February 25, 1964, fixed the continuance of the hearing to the above date.

The Commission finds. In view of the foregoing, the continuance in excess of 30 days granted by the Presiding Examiner to June 2, 1964, should be approved.

The Commission orders:

The continuance granted by the Presiding Examiner to June 2, 1964, is hereby approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2969; Filed, Mar. 26, 1964; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

PIG TIN HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 98,000 long tons of pig tin now held in the national stockpile.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critcial Materials Stock Piling Act, 50 U.S.C. 98a(a), that said pig tin is excess to stockpile needs.

Since the revised determination is not by reason of obsolescence of the pig tin for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to make said pig tin available for transfer to other Government agencies, for sale on a competitive basis, or otherwise to dispose of it in the best interest of the Government upon the express approval by the Congress but not earlier than six months after the date of publication of this notice in the FEDERAL REGISTER.

The 98,000 long tons of pig tin will be disposed of over a period of approximately six to eight years. To insure that this disposal program is fully coordinated with other Government programs and objectives it shall be reviewed annually or, if necessary, more frequently, by the Administrator of General Services in consultation with other interested departments and agencies. The rate and conditions of disposal will be established with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss.

Dated: March 20, 1964.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 64-2954; Filed, Mar. 26, 1964; 8:46 a.m.]

[Delegation of Authority No. 117, Revised]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Delegation of Authority To Lease Space in Idaho Falls, Idaho

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority is hereby delegated to the Chairman, United States Atomic Energy Commission, to perform all functions in connection with the leasing of not to exceed a total of 70,000 inside gross square feet of office and related storage and special purpose space in or near Idaho Falls, Idaho, for the use of the Idaho Operations Office of the said Atomic Energy Commission.

2. This authority shall include authority to contract by lease and authority thereafter to modify and amend said lease, assign and reassign the space demised, including the operation, maintenance, control and protection thereof. This authorization shall extend to leasing space under authority contained in section 210(h)(1) of the above-cited Act for a firm term of ten years with two renewal terms of five years each.

3. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a) and other applicable statutes and regulations.

4. The authority herein contained may be redelegated to any officer or employee of the Atomic Energy Commission.

5. This delegation of authority is effective immediately.

Dated: March 23, 1964.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 64-2990; Filed, Mar. 26, 1964; 8:50 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER THE LONG TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Announcement of ITAC Actions and Restraint Levels

MARCH 16, 1964.

The purpose of this notice is to announce certain actions taken by the United States Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962.

1. *Bilateral agreements.* Pursuant to Article 4 of the Long-Term Arrangement, a bilateral agreement between Portugal and the United States has been concluded.

In addition, consultations are in progress with India and also with Pakistan concerning trade in cotton textiles with the United States. These talks are being undertaken pursuant to a recommendation by the GATT Cotton Textiles Committee at its meeting in Geneva in December 1963 that individual importing and exporting countries schedule regular periodic consultations on developments in their trade in cotton textiles.

2. *Completed restraint actions.* On March 16, 1964, the Interagency Textile Administrative Committee announced that discussions had been completed with Mexico under Article 3 of the Long-Term Arrangement with regard to the following categories, for a period of twelve months in the amounts indicated:

Category	Restraint level	Effective date
22	100,000 square yards	July 15, 1963
26*	1,000,000 square yards	Feb. 15, 1964

*Exports of duck may not exceed 80 percent of the total permissible shipments under the restraint level.

3. *New actions.* On March 16 the ITAC announced that under Article 3 of the LTA, the Hong Kong authorities have provisionally agreed for a twelve-month period to the following restraint:

Category	Restraint level	Effective date
55	111,500 dozen	Oct. 1, 1963

Discussions were continuing with the governments of several countries concerning the restraint of certain exports of cotton textiles and cotton textile products which are causing or threatening to cause disruption in the United States market as follows:

Country	Category
Argentina	1
Brazil	9
Trinidad and Tobago	26 and 61

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

[F.R. Doc. 64-2987; Filed, Mar. 26, 1964; 8:50 a.m.]

OFFICE OF EMERGENCY PLANNING

H. BURKE HORTON

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last Statement submitted 1 July 1963, and published in the FEDERAL REGISTER August 15, 1963 (28 F.R. 8391).

Dated: February 15, 1964.

H. BURKE HORTON.

[F.R. Doc. 64-2952; Filed, Mar. 26, 1964; 8:46 a.m.]

WEST VIRGINIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 20, 1964, reading in part as follows:

I hereby determine the damage in the various areas of the State of West Virginia, adversely affected by severe storms and flooding beginning on or about March 9, 1964, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of West Virginia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 20, 1964:

The counties of:

Brooke.	Ohio.
Cabell.	Pleasants.
Hancock.	Tyler.
Jackson.	Wayne.
Marshall.	Wetzel.
Mason.	Wood.

Dated: March 20, 1964.

EDWARD A. MCDERMOTT,
Director, Office of Emergency Planning.

[F.R. Doc. 64-2953; Filed, Mar. 26, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 459]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Los Angeles County in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from fire and accompanying conditions occurring on or about March 16, 1964.

Office:
Small Business Administration Regional Office,
312 West Fifth St.,
Los Angeles 13, Calif.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1964.

Dated: March 17, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-2957; Filed, Mar. 26, 1964; 8:47 a.m.]

[Declaration of Disaster Area 457]

PENNSYLVANIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Clinton, Lycoming, Northumberland, Union, Montour, Snyder and Dauphin Counties in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about March 10, 1964.

Office:
Small Business Administration Regional Office,
1015 Chestnut St.,
Philadelphia, Pa.

2. A temporary disaster field office will be established, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1964.

Dated: March 12, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-2958; Filed, Mar. 26, 1964; 8:47 a.m.]

TARIFF COMMISSION

[AA1921-33]

[TC Publication 122]

STEEL REINFORCING BARS FROM CANADA

Determination of Likelihood of Injury

MARCH 23, 1964.

On December 23, 1963, the Tariff Commission was advised by the Assistant Secretary of the Treasury that steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited through its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, are being, or are likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act. Accordingly, the Commission on December 24, 1963, instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Public notices of the institution of the investigation and of a public hearing to be held in connection therewith were published in the FEDERAL REGISTER (26 F.R. 14534 and 29 F.R. 519). The hearing was held on February 11, 1964.

In arriving at a determination in this case, due consideration was given by the Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all information obtained by the Commission's staff.

On the basis of the investigation, the Commission has determined (Commissioners Dorfman, Talbot, and Fenn dissenting)[1] that an industry in the United States is likely to be injured by reason of the importation of steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited through its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons for affirmative determination. The steel reinforcing bars (re-bars) found by the Assistant Secretary of the Treasury to have been purchased from the subject Canadian plant at less than fair value have been entering the United States since mid 1960. They continue to be imported. At first the imports were sold in a wide area of the United States. However, in 1962 the importer concentrated most of his sales in the Northwest area of the United States (principally Oregon and Washington) which now constitutes the only major competitive market area in which the imported re-bars are sold. This area, except for imports, is served almost exclusively by three domestic mills located within that area. In recent years there have been only rare instances in which special circumstances have made it feasible for other domestic mills to ship re-bars into that competitive market area. This is principally because of the peculiar location of the market area and the higher shipping costs applicable to shipments of the other more distant mills. The price level of re-bars in the Northwest market area is affected only within broad ranges by the general price level of domestic re-bars sold throughout the remainder of the United States.

During the years 1962 and 1963, the importer sold his re-bars at prices materially lower than the price of any domestic re-bars sold in the area with three possible minor exceptions; out of an estimated 800 sales of domestic re-bars, three made in the last quarter of 1963 were sold at prices that may have been slightly lower than the price of the imported re-bars. Adequate data were not at hand to determine whether these three sales were actually made at lower prices.

No evidence obtained in this investigation clearly indicates that other imported re-bars are price leaders in the Northwest area of the United States. Offshore imports come in shorter lengths and frequently contain excessive rust. After taking into consideration the higher waste factors and other facts associated with offshore imports, it is clear that the price level of such imports in the Northwest market area is generally as high or higher than the price of domestic re-bars. Such imports have no appreciable influence on the market price levels for re-bars in the Northwest market area. Moreover, shipments from the Canadian plant have a peculiar advantage over offshore imports in that the importer can make prompt deliveries comparable to deliveries by the domestic mills selling in the Northwest market area.

It is evident that the market price for re-bars in the Northwest area began to soften in late 1959 or early 1960. However, a sharp decline in prices did not occur until the sales of the imported Canadian re-bars were concentrated in that area. The importer, an apparent novice in the steel business, has demonstrated a phenomenal success in establishing a re-bar business in the Northwest area having gross sales in excess of $500,000 per year during each of the years 1962 and 1963. This unusual and easy success can only be attributed to his significant underselling of the prices for all domestic re-bars sold in the market area by the three local mills. These facts are persuasive that his gross underselling of the domestic product helped depress prices in the last two years. The depressed prices cannot be accurately measured, especially within the time directed by statute for this investigation. Nevertheless, it is clear that the price levels have been depressed at least 9 percent and that they may have been depressed by as much as 24 percent in some sales.

The interrelationships among the various influences in this industry are very complex: There are various size and grade combinations; there are at least three clearly different channels of distribution (warehouses, independent fabricators and integrated producer-fabricators plus combinations thereof and changing patterns therein); geographically there is a clearly distinguishable pattern of production and distribution almost exclusive to the states of Oregon and Washington but, at the same time, there are inter-market influences; and the production of end products of the mills can be shifted easily from one product to another, e.g., from merchant bars to re-bars.

Given this multitude of interrelated forces in this particular case, it is difficult during the allotted time for this investigation to appraise accurately and finally all the cause and effect relationships. However, one thing clearly emerges from this complex of circumstances: the likelihood of material injury to the domestic industry if sales at less than fair value continue unabated. Having so concluded, there is no necessity to probe more deeply into the question as to whether material injury has occurred.

As to likelihood of injury, we note the following:

1. Imports at less than fair value continue.

2. Sales of such imports in the United States continue to be made at prices grossly lower than prices of domestic re-bars in the competitive market area as explained heretofore in this statement.

3. Although the importer states that his imports in 1964 will not exceed the level of his imports in the preceding two years because of the non-availability of such re-bars for export to the United States, he nevertheless has a confidential contractual relationship with the Canadian producer that is quite persuasive that such imports will increase.

4. The Canadian producer offers his marginal production of re-bars to the importer under an arrangement which is quite patently designed for the disposal of such marginal production in a market which will not interfere with his home market.

5. The Canadian producer can easily increase his production of re-bars by merely making less merchant bars, bar-size shapes, and small structurals as only a portion of its steel production now goes into re-bars.

Under these circumstances it is clear that such imports would continue to have a price-depressing effect in the Northwest market area and the anti-competitive effect of such imports could be expected to grow if condoned by a negative determination. In view of all the facts that may be properly considered under the Antidumping Act it is our opinion that an industry is likely to be injured by such imports.

We further observe that markets are valuable assets of an industry. In fact, the value of a plant, an organization, or industrial know-how can be destroyed by the loss of markets for the output. The national policy of the United States is to encourage international trade and this certainly has not expressed itself in protecting domestic industries from all lower prices and all market pressures generated by imports. Domestic industry has been expected to adjust. While no industry has unlimited, preemptive or continuing property rights to a market there are some types of competition which the Antidumping Act is intended to control. If one wants to get extremely technical one can argue that the existence or likelihood of injury is a fact relating solely to the party on the receiving end and has nothing to do with the perpetrator of the act. But in the Dominican cement case, a majority of the Commission found that the fact that the foreign producer had both "the capacity and incentive" to continue selling below fair value was relevant to its determination of likelihood of injury. Similar conditions prevail here.

There is also a question of whether and to what extent the condition of the alleged victim should be taken into account in appraising injury. Is an extremely strong person less injured or his rights less violated by a given loss than is a weak person? Men are likely to become more incensed at an attack upon one who is weak than one who is strong and may even be tempted to forgive the first attack on the strong because the immediacy of injury is less apparent. On the other hand, condoning continued attacks on the strong is likely to lead to eventual material injury even to the strong.

The contention has been made during this investigation that the principle of de minimis should be applied in this case because the competitive market area consumes only about 5 percent of all re-bars sold in the United States and as a consequence thereof there could be no injury or likelihood of injury if virtually all the imports at less than fair value are sold in such a limited market area. Such a bare contention is as untenable as the parallel argument that the loss of a hand, which weighs less than one percent of the weight of a man's body, does not constitute material injury to that man. Every case must be decided on the basis of its own peculiar circumstances.

This determination and statement of reasons are published pursuant to 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 64-2959; Filed, Mar. 26, 1964; 8:47 a.m.]

[1] The views of Commissioners Dorfman and Talbot and the separate views of Commissioner Fenn follow the statement of reasons for the affirmative determination. (Views filed as part of original document.) Section 201(a) of the Antidumping Act provides that the "Commission shall be deemed to have made an affirmative determination if the Commissioners of the said Commission voting are evenly divided as to whether its determination should be in the affirmative or in the negative."

INTERSTATE COMMERCE COMMISSION

[Notice No. 958]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 24, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66701. By order of March 23, 1964, The Transfer Board approved the transfer to Laber Russo Trucking Company, Inc., Johnston, R.I., of the operating rights issued by the Commission November 8, 1954, to Elsie Russo, doing business as Laber Russo Trucking, Johnston, R.I., authorizing the transportation, over irregular routes, of ice and liquid petroleum products, between Fall River and Blackstone, Mass., on the one hand, and on the other, Warwick, R.I., and points in Providence County, R.I., Fred Brosco, Brosco & Brosco, 144 Westminster Street, Providence, R.I., Attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–2979; Filed, Mar. 26, 1964; 8:49 a.m.]

[Notice No. 958–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 24, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66196. By order of March 19, 1964, Division 3, Acting as an Appellate Division, approved the transfer to Roger R. Sitterly, Greenfield, Mass., of the operating rights issued by the Commission January 5, 1954, under Certificate No. MC 42761, to John W. Melbourne, doing business as J. W. Melbourne Moving and Storage, Springfield, Mass., authorizing the transportation, over irregular routes, of household goods, between Springfield, Mass., and points within 15 miles of Springfield, on the one hand, and, on the other, points in New Hampshire, Maine, Vermont, •Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and the District of Columbia; and boilers, radiators, and boiler and radiator parts, between Springfield, Mass., on the one hand, and, on the other, points in Connecticut.

William L. Mobley 1694 Main St., Springfield, Mass., 01103, Registered Practitioner for Applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–2980; Filed, Mar. 26, 1964; 8:49 a.m.]

[Rev. S.O. No. 562; Taylor's I.C.C. Order No. 136; Amdt. No. 14]

RUTLAND RAILROAD CORP.

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 136 (Rutland Railroad Corporation) and good cause appearing therefor:

It is ordered, That Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1964, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–2981; Filed, Mar. 26, 1964; 8:50 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 29 NUMBER 61

Washington, Friday, March 27, 1964

Department of Labor

Bureau of Labor Standards

Safety and Health Regulations for Ship Repairing

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1501—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

On August 23, 1963, a proposal to amend the safety and health regulations for ship repairing under section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) was published in the FEDERAL REGISTER (28 F.R. 9291). Interested persons were provided opportunities to submit data, views, and argument both orally and in writing in regard to the proposals. After consideration of all relevant matter presented, I have decided to and do hereby revise 29 CFR Part 1501 to read as set forth below.

The revised regulations shall become effective on April 26, 1964. Moreover, all variations (26 F.R. 9326, 10643 and 11256) granted in accordance with the previous regulations are terminated on April 26, 1964, because the activities permitted by such variations are authorized by the new regulations.

Signed at Washington, D.C., this 20th day of March 1964.

W. WILLARD WIRTZ,
Secretary.

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Appendix I—Threshold Limit Values for 1963.

AUTHORITY: The provisions of this Part 1501, issued under sec. 41, 44 Stat. 1444; sec. 1, 72 Stat. 835; 33 U.S.C. 941.

Subpart A—General Provisions

§ 1501.1 Purpose, scope and responsibility.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including drydocks. Public Law 85–742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees." It is the purpose of the regulations of this part to carry out the intent of Public Law 85–742.

(b) Pursuant to Public Law 85–742 the regulations of this part do not make determinations with respect to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim), including, but not restricted to, the master, ship's officers, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949–1953 Comp., pp. 356, 778, and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

(c) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 1501.2(c).

(d) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

(e) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1501.2 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in ship repair or related employments as defined in this section on the navigable waters of the United States, including dry docks, graving docks and marine railways.

(d) The term "employee" means any ship repairman or other person engaged in ship repair or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to repair any vessel under 18 net tons.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1501.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1501.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "ship repair" means any repair of a vessel including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with ship repair work, including, but not restricted to, inspection, testing and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts B, C, and D, of this part except for §§ 1501.11(a)(1)(iv) and 1501.24(b)(8), to which the above definition applies, the competent person must also meet the additional requirements of § 1501.10.

(m) The term "confined space" means a compartment of small size and limited access such as a double bottom tank, cofferdam, or other space which by its small size and confined nature can readily create or aggravate a hazardous exposure.

(n) The term "enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

(o) The term "hot-work" means riveting, welding, burning or other fire or spark producing operations.

(p) The term "cold-work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(q) The term "portable unfired pressure vessel" means any pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure, excepting pressure vessels built to ICC regulations under 49 CFR Part 78, Subparts C and H.

(r) The term "powder actuated fastening tool" means a tool or machine which drives a stud, pin, or fastener by means of an explosive charge.

§ 1501.3 Penalty.

(a) As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000.

(b) The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

§ 1501.4 Variation from the regulations of this part.

As provided in Public Law 85–742, in case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from the regulations of this part or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulations or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act (ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the Office of the Secretary and be open to public inspection.

§ 1501.5 Reference specifications, standards, and codes.

(a) Specifications, standards, and codes of agencies of the United States Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the United States Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass., Subpart B, § 1501.13(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill., Subpart B, § 1501.12(b) and Subpart C, § 1501.24(b)(7).

American Standard Safety Code for Portable Wood Ladders, A14.1–1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart E, § 1501.42(a)(6).

American Standard Safety Code for Portable Metal Ladders, A14.2–1956, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart E, § 1501.42(a)(4).

American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1–1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart I, §§ 1501.81(a)(1), 1501.83(b).

American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, 1963, American Society of Mechanical Engineers, 29 West 39th Street, New York 18, N.Y., Subpart K, § 1501.101(a).

§ 1501.6 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form BEC—202 (approved by Budget Bureau No. 44–R 887.3) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily. (44 Stat. 1444; 33 U.S.C. 930)

§ 1501.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

Subpart B—Explosive and Dangerous Atmospheres

§ 1501.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B, C, and D of this part, except for §§ 1501.11(a)(1)(iv) and 1501.24(b)(8), one or more competent

persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts B, C, and D of this part are always carried out by an N.F.P.A. Certified Marine Chemist.

(2) The employer shall indicate on U.S. Department of Labor Form MAR–8, "Designation of Competent Person" either those employees designated as competent persons or that the prescribed functions of such persons are always carried out by an N.F.P.A. Certified Marine Chemist in addition to his professional duties. When additions or changes are made in the personnel so designated, a new Form MAR–8 shall be executed. A copy of this executed form shall be forwarded to the nearest office of the Bureau of Labor Standards.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the N.F.P.A. Certified Marine Chemist or person authorized by the U.S. Coast Guard referred to in § 1501.13 or issued by the person in charge of the fumigating referred to in § 1501.11(a)(1)(iv).

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts B, C, and D of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which repair work is done.

(5) Capability to perform the tests and inspections required by Subparts B, C and D of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts B, C, and D of this part, except those referred to in §§ 1501.11(a)(1)(iv) and 1501.24(b)(8), are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form MAR–9, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be available for inspection in the immediate vicinity of the affected operations while they are in progress. This record or copy thereof shall be kept on file for a period of at least three months from the date of the completion of the job.

(3) A copy of any certificate issued in accordance with § 1501.13 and of any instructions issued by the N.F.P.A. Certified Marine Chemist shall be kept on file with the log for a period of at least three months from the date of the completion of the job. The certificate and instructions issued by the person doing the fumigating referred to in § 1501.11(a)(1)(iv) shall also be kept on file for the same period of time.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general ship repair work. They do not apply to employers whose work involves situations to which Subparts B, C and D of this part are not applicable, such as general cleaning work in which flammable and toxic atmospheres are not involved. Any employer whose work involves only certain portions of Subparts B, C and D of this part, such as work on small craft in boat yards where only combustible gas indicator tests are necessary for fuel tank leaks or when using flammable paints below decks, may designate persons as competent on the basis of the applicable portion of the criteria set forth in paragraph (b) of this section.

§ 1501.11 Precautions before entering.

(a) *Gassy atmospheres.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) to (iv) of this subparagraph, either the atmosphere shall be considered to be immediately dangerous to life and the employees shall be protected with self-contained breathing apparatus or hose masks with blowers in accordance with § 1501.82 (a) and (b)(2)(i) or (ii), or the atmosphere shall be tested by a competent person to determine whether or not a flammable atmosphere is present.

(i) Cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk.

(ii) Cargo spaces or other spaces containing or having last contained bulk liquid or gas cargoes of a poisonous, corrosive, or irritant nature.

(iii) Spaces in tank vessels immediately above or adjacent to those described in subdivisions (i) and (ii) of this subparagraph.

(iv) Spaces that have been fumigated.

(2) If the atmosphere is found to contain flammable or explosive vapors in concentrations at or above ten (10) percent of their lower explosive limit, either the space shall be ventilated sufficiently to bring the concentration below ten (10) percent of the lower explosive limit and, when necessary, the provisions of subparagraph (4) of this paragraph shall be applied, or employees shall be protected by self-contained breathing apparatus or hose masks with blowers in accordance with § 1501.82 (a) and (b)(2)(i) or (ii).

(3) Only emergency work shall be performed in spaces where conditions exist requiring self-contained breathing apparatus or hose masks as prescribed by subparagraph (2) of this paragraph and paragraph (b)(1) of this section.

(4) If the atmosphere is found to contain a concentration of hazardous contaminants below ten (10) percent of the lower explosive limit and not immediately dangerous to life, but above the threshold limit values for toxic substances, employees shall be protected in accordance with § 1501.82 (a) and (c).

(5) Where tests indicate that no flammable vapors are present the competent person shall test for the presence of sufficient oxygen as specified by paragraph (b)(2) of this section.

(b) *Oxygen deficient atmospheres.* (1) Before employees are permitted to enter sealed compartments, spaces which have been in a state of preservation, or any non-ventilated compartments which have been freshly painted, either the atmosphere shall be considered to be immediately dangerous to life and the employees shall be protected in accordance with the provisions of § 1501.82(a) and (b)(2)(i) or (ii), or the atmosphere shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains sufficient oxygen to sustain life.

(2) For purposes of this paragraph, an atmosphere containing 16.5 per cent oxygen or capable of supporting a flame shall be considered to contain sufficient oxygen to sustain life.

(3) Mechanical ventilation which will provide at least one complete change of uncontaminated air may be substituted in lieu of either of the requirements of subparagraph (1) of this paragraph.

§ 1501.12 Cleaning and other cold work.

(a) Employees shall be permitted to perform manual cleaning to remove residue materials, scale and debris or to perform other cold work in spaces described in § 1501.11(a)(1)(i) through (iv) before they have been certified as gas free only under the following conditions:

(1) Liquid residues of flammable and toxic materials shall be removed from the spaces as thoroughly as practicable before employees start actual cleaning operations in these spaces. Drippings and spills of these materials on deck or elsewhere alongside the vessel shall be cleaned up as the work progresses. Special care shall be taken to prevent the spilling or the draining of these materials into the water surrounding the vessel.

(2) Continuous natural or mechanical ventilation shall be provided to keep the concentration of flammable vapors below ten (10) percent of the lower explosive limit in all parts of the space, provided that if, because of the high volatility of the residues, a uniform concentration of less than ten (10) percent of the lower explosive limit cannot be achieved, sufficient exhaust ventilation shall be provided to reduce the concentration to or below that level in the major portions of the compartment.

(3) Tests shall be made by a competent person prior to commencement of cold work and with sufficient frequency thereafter, in accordance with temperature, volatility of the residues and other existing conditions in and about the spaces, to ensure that the concentration stated in subparagraph (2) of this paragraph is not exceeded.

(4) Cold work only shall be permitted.

(5) Tests shall be made by a competent person to ensure that the exhaust vapors from these spaces are not accumulating in other areas within or around the vessel, marine railway, dry-dock, graving dock, or under the pier where sources of ignition may be present. Should such accumulations be found, any sources of ignition within the affected area shall be removed or extinguished.

(b) In spaces described in paragraph (a) of § 1501.13 only approved explosion-proof, self-contained battery-fed portable lamps shall be used. Battery-fed portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

(c) Signs shall be posted on the open deck adjacent to the access to spaces described in paragraph (a) of § 1501.13 prohibiting smoking and the use of open flames.

(d) Jet type air moving devices shall be electrically bonded to the vessel's structure.

§ 1501.13 Certification before hot work is begun.

(a) Employees shall not be permitted to engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries or pipe lines until a certificate setting forth that the hot work can be done in safety is issued. Such certificate shall be acceptable only if issued by a Marine Chemist certificated by the National Fire Protection Association, except that a certificate issued by another person authorized by the U.S. Coast Guard pursuant to the provisions of 46 CFR 35.01–1(c)(1) for tank vessels, 46 CFR 71.60–1(c)(1) for passenger vessels, and 46 CFR 91.50–1(c)(1) for cargo and miscellaneous vessels is acceptable for a particular inspection:

(1) *On tank vessels.* (i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk, or within spaces adjacent to such cargo tanks.

(ii) Within or on the boundaries of fuel tanks.

(iii) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(2) *On dry cargo, miscellaneous and passenger vessels.* (i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk.

(ii) Within spaces adjacent to cargo tanks which have been used to carry flammable gases, or liquids with a flash point below 150° F., except where the distance between such cargo tanks and the work to be performed is not less than twenty-five (25) feet.

(iii) Within or on the boundaries of fuel tanks.

(iv) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(b) In dry cargo holds for which a gas free certificate is not required by paragraph (a)(2)(ii) of this section, hot work may be performed only after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases and vapors. If flammable liquids, gases or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases or vapors have been removed and a test indicates that the space is safe for fire.

(c) Before hot work is performed in engine room and boiler room spaces of any vessel for which a gas free certificate is not required by the provisions of paragraph (a) of this section or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases and vapors. If flammable liquids, gases or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases or vapors have been removed and a test indicates that the space is safe for fire.

§ 1501.14 Maintaining gas free conditions.

The following rules shall apply in maintaining gas free conditions:

(a) Pipe lines which may convey hazardous substances into the spaces certified "Safe For Men—Safe For Fire" shall be disconnected or blanked off, or other positive means shall be used to prevent discharge of hazardous substances from entering the space. Manholes and other closures which were secured when tests were made shall remain secured. If such manholes or other closures are opened or any manipulation of valves takes place which tends to alter existing conditions, work in the affected spaces or areas shall be stopped and not resumed until such time as the area has been retested and again certified "Safe For Men—Safe For Fire" in accordance with the requirements of § 1501.13(a).

(b) Before hot work is commenced on the weather deck over spaces which, under these regulations, are not required to be gas freed or inerted, all valves, closures and vents, except those which are vented up masts, connecting with non-gas free tanks or compartments below, shall be closed. Valves, closures and vents shall not be opened until hot work is completed unless the hot work is stopped and the work location posted as unsafe for fire. The latter notice shall not be removed nor hot work resumed until the area is again made safe.

(c) The employer shall inform masters and chief engineers of vessels of the provisions of this section and shall confirm that they are aware of their responsibilities for seeing that their crews understand and obey all warning signs, tags, and the limitations stated on the gas free certificates.

(d) When conditions in a tank are such that there is a possibility of hazardous vapor being released from residues or other sources after a gas-free certificate has been issued, a competent person shall make tests to ensure that the gas-free condition is maintained irrespective of whether hot work is being performed in the tank. When the competent person finds that atmospheric conditions have altered, work shall be stopped and a new gas-free certificate in accordance with the requirements of § 1501.13(a) shall be obtained before work is resumed.

(e) Before hot work is begun on any metal covered with preservative coatings the requirements of § 1501.33 shall be met.

§ 1501.15 Warning signs.

(a) Except as provided in paragraph (c) of this section, all tanks, compartments, or spaces which have been certified "Safe For Men—Not Safe for Fire," or "Not Safe For Men—Not Safe For Fire" shall be plainly and conspicuously marked with paint or signs indicating that no hot work shall be performed on such tanks, compartments, or spaces or in the vicinity thereof.

(b) Except as provided in paragraph (c) of this section, all tanks, compartments or spaces which have been inerted with gas or certified "Not Safe For Men—Safe For Fire" shall be plainly and conspicuously marked with paint or signs indicating that the tank, compartment or space contains a gas which will not support life or is hazardous to employees.

(c) The warning marks or signs required by paragraphs (a) and (b) of this section need not be posted on individual tanks, compartments or spaces if the entire vessel has been certified "Safe For Men—Not Safe For Fire," "Not Safe For Men— Not Safe For Fire," or if the entire vessel has been inerted or certified "Not Safe For Men—Safe For Fire," and if a sign to this effect is conspicuously posted at the gangway and at all other means of access to the vessel.

Subpart C—Surface Preparation and Preservation

§ 1501.21 Toxic cleaning solvents.

(a) Before any solvents are used, the employer shall ascertain, whenever possible, the toxic properties of such solvents and shall employ at least one of the following measures to safeguard the health of employees exposed to toxic solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to the point at which an unsafe concentration does not exist.

(3) Employees shall be protected by suitable respiratory protective equipment in accordance with the requirements of § 1501.82 (a) and (c).

(b) The Table of Threshold Limit Values set forth in Appendix I shall be used as a guide in determining safe concentrations of vapors.

(c) When the toxic properties of a solvent cannot be ascertained or the concentration of its vapors cannot be determined, employees shall be protected by respiratory protective equipment in accordance with the requirements of § 1501.82 (a) and (c).

(d) The employer shall advise the employees who are exposed to solvents of the hazardous nature of the solvents and of the measures taken to safeguard their health.,

(e) When flammable solvents are used, precautions shall be taken in accordance with the requirements of § 1501.25.

§ 1501.22 Chemical paint and preservative removers.

(a) Employees shall be protected against skin contact during the handling and application of chemical paint and preservative removers and shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1501.81 (a) and (b).

(b) When using flammable paint and preservative removers precautions shall be taken in accordance with the requirements of § 1501.25.

(c) When using chemical paint and preservative removers which contain volatile and toxic solvents, such as benzol, acetone and amyl acetate, the provisions of § 1501.21 shall be applicable.

(d) When using paint and rust removers containing strong acids or alkalies, employees shall be protected by suitable face shields to prevent chemical burns on the face and neck.

(e) When steam guns are used, all employees working within range of the blast shall be protected by suitable face shields. Metal parts of the steam gun itself shall be insulated to protect the operator against heat burns.

§ 1501.23 Mechanical paint removers.

(a) *Power tools.* (1) Employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1501.81(a).

(2) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(3) Portable electric tools shall be grounded in accordance with the requirements of § 1501.72 (a) and (b).

(4) In a confined space, mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum shall be used, or employees shall be protected by respiratory protective equipment in accordance with the requirements of § 1501.82(a) and (d).

(b) *Flame removal.* (1) Hardened preservative coatings shall not be removed by flame in enclosed spaces unless the employees exposed to fumes are protected by air line respirators in accordance with the requirements of § 1501.82 (a). Employees performing such an operation in the open air, and those exposed to the resulting fumes, shall be protected by a fume filter type respirator in accordance with requirements of paragraphs (a) and (d)(2)(iv) of § 1501.82.

(2) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(c) *Abrasive blasting*—(1) *Equipment.* Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) *Hoses.* Hose of a type to prevent shocks from static electricity shall be used.

(ii) *Hose couplings.* Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) *Nozzles.* Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(2) *Replacement.* Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(3) *Personal protective equipment.* (i) Abrasive blasters working in enclosed spaces shall be protected by hoods and air fed respirators or by air helmets of a positive pressure type in accordance with the requirements of § 1501.82(a).

(ii) Abrasive blasters working in the open shall be protected as indicated in subdivision (i) of this subparagraph except that when synthetic abrasives containing less than one percent free silica are used filter type respirators approved by the Bureau of Mines for exposure to lead dusts may be used in accordance with § 1501.82 (a) and (d).

(iii) Employees, other than blasters, including machine tenders and abrasive recovery men, working in areas where unsafe concentrations of abrasive materials and dusts are present shall be protected by eye and respiratory protective equipment in accordance with the requirements of §§ 1501.81 (a) and (b) and 1501.82 (a) and (d).

(iv) The blaster shall be protected against injury from exposure to the blast by appropriate protective clothing, including gloves.

(v) Since surges from drops in pressure in the hose line can be of sufficient proportions to throw the blaster off the staging, the blaster shall be protected by a safety belt when blasting is being done from elevations where adequate protection against falling cannot be provided by railings.

§ 1501.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* (1) When paints mixed with toxic vehicles or solvents are sprayed, the following conditions shall apply:

(i) In confined spaces, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1501.82(a).

(ii) In tanks or compartments, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1501.82(a). Where mechanical ventilation is provided, employees shall be protected by respirators in accordance with the requirements of § 1501.82 (a) and (e).

(iii) In large and well ventilated areas, employees exposed to such spraying shall be protected by respirators in accordance with the requirements of § 1501.82 (a) and (e).

(2) Where brush application of paints with toxic solvents is done in confined spaces, or other areas where lack of ventilation creates a hazard, employees shall be protected by filter respirators in accordance with the requirements of § 1501.82 (a) and (c).

(3) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of § 1501.25.

(4) Jet type air moving devices shall be electrically bonded to the vessel's structure.

(b) *Paints and tank coatings dissolved in highly volatile, toxic and flammable solvents.* Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80° F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(1) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten (10) percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(2) If the ventilation fails or if the concentration of solvent vapors rises above ten (10) percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten (10) percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten (10) percent of the lower explosive limit shall be provided.

(3) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas free shall be made after the ventilating equipment has been shut off for at least ten minutes.

(4) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(5) All motors and control equipment shall be of the explosion proof type with non-ferrous fan blades. Air ducts shall also be of non-ferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(6) Only non-sparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is non-sparking.

(7) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(8) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(9) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling such highly volatile paints shall be protected. All footwear

shall be non-sparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing shall be of cotton. Rubber, rather than plastic gloves shall be used because of the danger of static sparks.

(10) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(11) All solvent drums taken into the compartment shall be placed on non-ferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(12) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of § 1501.82(a). Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of § 1501.82 (a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of § 1501.82 (a) and (e).

§ 1501.25 Flammable liquids.

(a) In all cases when liquid solvents, paint and preservative removers, paints or vehicles, other than those covered by § 1501.24(b), are capable of producing a flammable atmosphere under the conditions of use the following precautions shall be taken:

(1) Smoking, open flames, arcs and spark-producing equipment shall be prohibited in the area.

(2) Ventilation shall be provided in sufficient quantities to keep the concentration of vapors below ten (10) percent of their lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(3) Scrapings and rags soaked with these materials shall be kept in a covered metal container.

(4) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(5) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(6) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

Subpart D—Welding, Cutting and Heating

§ 1501.31 Ventilation and protection in welding, cutting and heating.

(a) *Mechanical ventilation requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen from a cylinder or torch shall not be used for ventilation purposes.

(b) *Welding, cutting and heating in confined spaces.* (1) Except as provided in paragraphs (b)(3) and (c)(2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with § 1501.46(b) (1) and (2).

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1501.82(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1501.82(a).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of paragraphs (a) and (d)(2)(iv) of § 1501.82, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1501.82(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *Inert-gas metal-arc welding.* (1) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred (200) feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 1501.36(e) shall be protected by filter lenses meeting the requirements of § 1501.81 (a) and (c). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of § 1501.81 (a) and (c) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of paragraph (c)(2) of

this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(e) *General welding, cutting and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraphs (b), (c) or (d) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physcial or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of § 1501.81 (a) and (c).

(f) *Residues and cargos of metallic ores.* (1) Residues and cargos of metallic ores of toxic significance shall be removed from the area or protected from the heat before welding, cutting or heating is begun.

§ 1501.32 Fire prevention.[1]

(a) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards including residues of combustible bulk cargos in the vicinity shall be taken to a safe place.

(b) If the object to be welded, cut or heated cannot be moved and if all the fire hazards including combustible cargos cannot be removed, positive means shall be taken to confine the heat, sparks, and slag, and to protect the immovable fire hazards from them.

(c) No welding, cutting or heating shall be done where the application of flammable paints or the presence of other flammable compounds or of heavy dust concentrations creates a hazard.

(d) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. In addition, when hot work is being performed aboard a vessel and pressure is not available on the vessel's fire system, an auxiliary supply of water shall be made available where practicable, consistent with avoiding freezing of the lines or hose.

(e) When the welding, cutting or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting or heating operations are being performed and for a sufficient period of time after completion of the work to ensure that no possibility of fire exists.

(f) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(g) In order to eliminate the possibility of fire in enclosed spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the enclosed space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts the torch and hose shall be removed from the enclosed space. Open end fuel gas and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas consuming device.

§ 1501.33 Welding, cutting and heating in way of preservative coatings.

(a) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable they shall be stripped from the area to be heated to prevent ignition. A 1½-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(c) *Protection against toxic preservative coatings.* (1) In enclosed spaces all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of § 1501.82(a).

(2) In the open air employees shall be protected by a filter type respirator in accordance with requirements of § 1501.82 (a) and (d).

(d) Before welding, cutting or heating is commenced in enclosed spaces on metals covered by soft and greasy preservatives, the following precautions shall be taken:

(1) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such vapors are determined to be present, no hot work shall be commenced until such precautions have been taken as will ensure that the welding, cutting or heating can be performed in safety.

(2) The preservative coatings shall be removed for a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heated area may be used to limit the size of the area required to be cleaned. The prohibition contained in § 1501.23(b)(2) shall apply.

(e) Immediately after welding, cutting or heating is commenced in enclosed spaces on metal covered by soft and greasy preservatives, and at frequent intervals thereafter, a competent person shall make tests to ensure that no flammable vapors are being produced by the coatings. If such vapors are determined to be present, the operation shall be stopped immediately and shall not be resumed until such additional precautions have been taken as are necessary to ensure that the operation can be resumed safely.

§ 1501.34 Welding, cutting and heating of hollow metal containers and structures not covered by § 1501.11.

(a) Drums, containers, or hollow structures which have contained flammable substances shall, before welding, cutting, or heating is undertaken on them, either be filled with water or throughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

(c) Before welding, cutting, heating, or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other non-flammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled, or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1501.35 Gas welding and cutting.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty or when cylinders are moved at any time, the cylinder valves shall be closed.

(9) Acetylene cylinders shall be kept in an upright position at all times.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel.

(e) *Manifolds.* (1) Manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) All manifolds shall be placed in safe and accessible locations.

(3) Manifold hose connections shall be such that hose cannot be interchanged between fuel gases and oxygen manifolds. Adaptors shall not be used to permit the interchange of hose. Manifold hose connections shall be kept free of grease and oil.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 8 inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundred (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

(g) *Torch tips.* Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(h) *Pressure regulators.* Oxygen and fuel gas pressure regulators including their related gauges shall be in proper working order while in use.

§ 1501.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of ten (10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases or flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying

[1] 46 CFR 146.02-20 contains Coast Guard regulations pertaining to welding and cutting while explosives and dangerous cargoes are being handled.

capacity equal to that required by subparagraph (1) of this paragraph.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

§ 1501.37 Uses of fissionable material in ship repair.

(a) In ship repair and related activities involving the use of and exposure to sources of ionizing radiation not only on conventionally powered but also on nuclear powered vessels, the applicable provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive material, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1501.41 Scaffolds or staging.

(a) *General requirements.* (1) All scaffolds and their supports whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine, or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, cans, loose bricks or other unstable objects shall not be used for the support of planking intended as scaffolds or working platforms.

(7) No scaffold shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(8) No welding, burning, riveting or open flame work shall be performed on any staging suspended by means of fiber rope.

(9) Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is assured.

(10) Unless the crane hook has a safety latch or is moused, the lifting bridles on working platforms suspended from cranes shall be attached by shackles to the lower lifting block or other positive means shall be taken to prevent them from becoming accidentally disengaged from the crane hook.

(b) *Independent pole wood scaffolds.* (1) All pole uprights shall be set plumb. Poles shall rest on a foundation of sufficient size and strength to distribute the load and to prevent displacement.

(2) In light-duty scaffolds not more than 24 feet in height, poles may be spliced by overlapping the ends not less than 4 feet and securely nailing them together. A substantial cleat shall be nailed to the lower section to form a support for the upper section except when bolted connections are used.

(3) All other poles to be spliced shall be squared at the ends of each splice, abutted, and rigidly fastened together by not less than two cleats securely nailed or bolted thereto. Each cleat shall overlap each pole end by at least 24 inches and shall have a width equal to the face of the pole to which it is attached. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the pole.

(4) Ledgers shall extend over two consecutives pole spaces and shall overlap the poles at each end by not less than 4 inches. They shall be left in position to brace the poles as the platform is raised with the progress of the work. Ledgers shall be level and shall be securely nailed or bolted to each pole and shall be placed against the inside face of each pole.

(5) All bearers shall be set with their greater dimension vertical and shall extend beyond the ledgers upon which they rest.

(6) Diagonal bracing shall be provided between the parallel poles, and cross bracing shall be provided between the inner and outer poles or from the outer poles to the ground.

(7) Minimum dimensions and spacing of members shall be in accordance with table E–1 in § 1501.68.

(8) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(c) *Independent pole metal scaffolds.* (1) Metal scaffold members shall be maintained in good repair and free of corrosion.

(2) All vertical and horizontal members shall be fastened together with a coupler or locking device which will form a positive connection. The locking device shall be of a type which has no loose parts.

(3) Posts shall be kept plumb during erection and the scaffold shall be subsequently kept plumb and rigid by means of adequate bracing.

(4) Posts shall be fitted with bases supported on a firm foundation to distribute the load. When wooden sills are used, the bases shall be fastened thereto.

(5) Bearers shall be located at each set of posts, at each level, and at each intermediate level where working platforms are installed.

(6) Tubular bracing shall be applied both lengthwise and crosswise as required.

(7) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(8) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(d) *Wood trestle and extension trestle ladders.* (1) The use of trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet is prohibited. The total height of base and extension may, however, be more than 20 feet.

(2) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows:

(i) Ladders up to and including those 16 feet long shall have side rails of not less than 1 5/16 x 2 3/4 inch lumber.

(ii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1 5/16 x 3 inch lumber.

(3) The side rails of the extension section of the extension trestle ladder shall be parallel and shall have minimum dimensions as follows:

(i) Ladders up to and including 12 feet long shall have side rails of not less than 1 5/16 x 2 1/4 inch lumber.

(ii) Ladders over 12 feet long and up to and including those 16 feet long shall have side rails of not less than 1 5/16 x 2 1/2 inch lumber.

(iii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1 5/16 x 2 3/4 inch lumber.

(4) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be not less than 5 1/2 inches per foot of the length of the ladder.

(5) The width between the side rails at the bottom of the trestle ladder or of the base section of the extension trestle ladder shall be not less than 21 inches for all ladders and sections 6 feet or less in length. For longer lengths of ladder the width shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension section of the trestle ladder shall be not less than 12 inches.

(6) In order to limit spreading, the top ends of the side rails of both the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or of equivalent construction, and shall be provided with a metal hinge.

(7) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of each trestle ladder or extension trestle ladder.

(8) Rungs shall be parallel and level. On the trestle ladder, or on the base section of the extension trestle ladder, rungs shall be spaced not less than 8 inches nor more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches nor more than 12 inches apart.

(9) Platform planking shall be in accordance with the requirements of paragraph (h) of this section, except that the width of the platform planking shall not exceed the distance between the side rails.

(10) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(e) *Painters' suspended scaffolds.* (1) The supporting hooks of swinging scaffolds shall be constructed to be equivalent in strength to mild steel or wrought iron, shall be forged with care, shall be not less than 7/8 inch in diameter, and shall be secured to a safe anchorage at all times.

(2) The ropes supporting a swinging scaffold shall be equivalent in strength to first-grade 3/4 inch diameter manila rope properly rigged into a set of standard 6 inch blocks consisting of at least one double and one single block.

(3) Manila and wire ropes shall be carefully examined before each operation and thereafter as frequently as may be necessary to ensure their safe condition.

(4) Each end of the scaffold platform shall be supported by a wrought iron or mild steel stirrup or hanger, which in turn is supported by the suspension ropes.

(5) Stirrups shall be constructed so as to be equivalent in strength to wrought iron 3/4 inch in diameter.

(6) The stirrups shall be formed with a horizontal bottom member to support the platform, shall be provided with means to support the guardrail and midrail and shall have a loop or eye at the top for securing the supporting hook on the block.

(7) Two or more swinging scaffolds shall not at any time be combined into one by bridging the distance between them with planks or any other form of platform.

(8) No more than two men shall be permitted to work at one time on a swinging scaffold built to the minimum specifications contained in this paragraph. Where heavier construction is used, the number of men permitted to work on the scaffold shall be determined by the size and the safe working load of the scaffold.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(10) The swinging scaffold platform shall be one of the three types described in subparagraphs (11), (12), and (13) of this paragraph.

(11) The ladder-type platform consists of boards upon a horizontal ladder-like structure, referred to herein as the ladder, the side rails of which are parallel. If this type of platform is used the following requirements shall be met:

(i) The width between the side rails shall be no more than 20 inches.

(ii) The side rails of ladders in ladder-type platforms shall be equivalent in strength to a beam of clear straight-grained spruce of the dimensions contained in Table E–2 in § 1501.68.

(iii) The side rails shall be tied together with tie rods. The tie rods shall be not less than 5/16 inch in diameter, located no more than 5 feet apart, pass through the rails, and be riveted up tight against washers at both ends.

(iv) The rungs shall be of straight-grained oak, ash, or hickory, not less than 1 1/8 inches diameter, with 7/8 inch tenons mortised into the side rails not less than 7/8 inch and shall be spaced no more than 18 inches on centers.

(v) Flooring strips shall be spaced no more than 5/8 inch apart except at the side rails, where 1 inch spacing is permissible.

(vi) Flooring strips shall be cleated on their undersides.

(12) The plank-type platform consists of planks supported on the stirrups or hangers. If this type of platform is used, the following requirements shall be met:

(i) The planks of plank-type platforms shall be of not less than 2 x 10 inch lumber.

(ii) The platform shall be no more than 24 inches in width.

(iii) The planks shall be tied together by cleats of not less than 1 x 6 inch lumber, nailed on their undersides at intervals of not more than 4 feet.

(iv) The planks shall extend not less than 6 inches nor more than 18 inches beyond the supporting stirrups.

(v) A cleat shall be nailed across the platform on the underside at each end outside the stirrup to prevent the platform from slipping off the stirrup.

(vi) Stirrup supports shall be not more than 10 feet apart.

(13) The beam-type platform consists of longitudinal side stringers with cross beams set on edge and spaced not more than 4 feet apart on which longitudinal platform planks are laid. If this type platform is used the following requirements shall be met:

(i) The side stringers shall be of sound, straight-grained lumber, free from knots, and of not less than 2 x 6 inch lumber, set on edge.

(ii) The stringers shall be supported on the stirrups with a clear span between stirrups of not more than 16 feet.

(iii) The stringers shall be bolted to the stirrups by U-bolts passing around the stirrups and bolted through the stringers with nuts drawn up tight on the inside face.

(iv) The ends of the stringers shall extend beyond the stirrups not less than 6 inches nor more than 12 inches at each end of the platform.

(v) The platform shall be supported on cross beams of 2 x 6 inch lumber between the side stringers securely nailed thereto and spaced not more than 4 feet on centers.

(vi) The platform shall be not more than 24 inches wide.

(vii) The platform shall be formed of boards 7/8 inch in thickness by not less than 6 inches in width, nailed tightly together, and extending to the outside face of the stringers.

(viii) The ends of all platform boards shall rest on the top of the cross beams, shall be securely nailed, and at no intermediate points in the length of the platform shall there by any cantilever ends.

(f) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E–3 in § 1501.68.

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (i) of this section.

(g) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of

paragraphs (a), (h) and (i) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(h) *Scaffold or platform planking.* (1) Except as otherwise provided in paragraph (e) (11) and (13) of this section, platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E-4 in § 1501.68 shall be used as a guide in determining safe loads for scaffold planks.

(i) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located halfway between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1501.84(b), and employees working over water shall be protected by buoyant working vests meeting the requirements of § 1501.84(a).

(4) Employees working from swinging scaffolds which are triced out of a vertical line below their supports or from scaffolds on paint floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(j) *Access to staging.* (1) Access from below to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1501.42 or rigid type non-collapsible trestles with parallel and level rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of § 1501.42 or a Jacob's ladder properly secured, meeting the requirements of § 1501.44(d).

§ 1501.42 Ladders.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraphs (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American Standard Safety Code for Portable Metal Ladders, A14.2.

(5) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American Standard Safety Code for Portable Wood Ladders, A14.1.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.* (1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides, and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than ½ inch in diameter or within ½ inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding ⅛ inch in width, 2 inches in length and ½ inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11½ inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least ¼ inch for each additional 2 feet in length.

(6) Side rails shall be at least 1⅝ x 3⅝ inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails ½ inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least 25/32 x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least 25/32 x 3¾ inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

§ 1501.43 Guarding of deck openings.

(a) When employees are working in the vicinity of flush manholes and other small openings of comparable size in the deck and other working surfaces, such openings shall be suitably covered or guarded to a height of not less than 30 inches, except where the use of such guards is made impracticable by the work actually in progress.

(b) When employees are working around open hatches not protected by coamings to a height of 24 inches or around other large openings, the edge of the opening shall be guarded in the working area to a height of 36 to 42 inches, except where the use of such guards is made impracticable by the work actually in progress.

§ 1501.44 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a gangway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of paragraph (d) (1) and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with a mid rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times.

(3) Gangways on vessels inspected and certificated by the U.S. Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessel's regular gangway is not being used.

(4) The gangway shall be kept properly trimmed at all times.

(5) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(6) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(7) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with mid rails on both sides.

(8) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(9) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(10) Obstructions shall not be laid on or across the gangway.

(11) The means of access shall be adequately illuminated for its full length.

(12) Unless the construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. In any event loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraph (a) (1), (2), (9), (10), (11) of this section shall be provided for access from wing wall to vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of subparagraph (1) of this paragraph or a safe walkway in accordance with the requirements of paragraph (a) (7) of this section shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraph (a) (9), (10) and (11) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1501.45 Access to and guarding of dry docks.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a mid rail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a mid rail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering or leaving the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42 inch railings with a mid rail. When such a railing would be impracticable or ineffective, other effective means shall be provided to prevent men from falling into the water.

(f) Access to wingwalls from floors of dry-docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1501.42.

§ 1501.46 Access to cargo spaces and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. When conditions are such that a straight ladder cannot be used, a Jacob's ladder meeting the requirements of § 1501.44(d) may be used.

(4) When cargo is stowed within 4 inches of the back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(5) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that cargo drafts or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere in the space except where the structure or arrangement of the vessel makes this provision impractical.

(2) When the ventilation ducts required by these regulations must pass through these means of access, the ducts shall be of such a type and so arranged as to permit free passage of an employee through at least two of these means of access.

§ 1501.47 Working surfaces.

When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

Subpart F—General Working Conditions

§ 1501.51 Housekeeping.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or dry docks shall be kept clear of all debris such as welding rod tips, bolts, nuts, and similar material. Welding leads, burner hose and air hose in aisles or passageways shall be elevated over or placed under the walkway surfaces or covered by cross-over planks.

(b) All working areas on vessels and dry docks shall be kept reasonably free of debris, and construction material shall be so piled as not to present a hazard to employees.

(c) Slippery conditions on walkways or working surfaces shall be eliminated as they occur.

(d) Free access shall be maintained at all times to all exits and to all fire-alarm boxes or fire-extinguishing equipment.

(e) All oils, paints, thinners, solvents waste, rags, or other flammable substances shall be kept in fire resistant covered containers when not in use.

§ 1501.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1501.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of empoyees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited. In non-gas free spaces, portable lights shall meet the requirements of § 1501.12(b).

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1501.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall ascertain from responsible vessel's representatives, having knowledge of the condition of the plant, the safe working pressure of the vessel's steam system. The employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose and fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and hose and temporary piping shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall ascertain from responsible vessel's representatives, having a knowledge of the condition of the vessel's electrical system, that all circuits to be energized are in a safe condition.

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1501.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 1501.31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

§ 1501.55 Work on or in the vicinity of radar and radio.

(a) No employees other than radar or radio repairmen shall be permitted to work on masts, king posts or other aloft areas unless the radar and radio are secured or otherwise made incapable of radiation. In either event, the radio and radar shall be appropriately tagged.

(b) Testing of radar or radio shall not be done until the employer can schedule such tests at a time when no work is in progress aloft or personnel can be cleared from the danger area according to minimum safe distances established for and based on the type, model, and power of the equipment.

§ 1501.56 Work in or on lifeboats.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that the boat is secured independently of the releasing gear to prevent the boat from falling due to accidental tripping of the releasing gear and movement of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to remain in boats while the boats are being hoisted into final stowed position.

(c) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

§ 1501.57 Health and sanitation.

(a) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employee. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(b) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation.

(c) The employer shall not permit employees to work in the immediate vicinity of uncovered garbage and shall ensure that employees working beneath or on the outboard side of a vessel are not subject to contamination by drainage or waste from overboard discharges.

§ 1501.58 First aid.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand, shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1501.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and, when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

(b) The safe working load of gear as specified in §§ 1501.62 and 1501.63 shall not be exceeded.

§ 1501.62 Ropes, chains and slings.

(a) *Manila rope and manila rope slings.* (1) Table G-1 in § 1501.68 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G-2 through G-5 in § 1501.68 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G-6 in § 1501.68 shall be used to determine the number and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G-7 and G-8 in § 1501.68 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G-9 in § 1501.68 has been reached.

(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in subparagraph (4) of this paragraph shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1501.63 Shackles and hooks.

(a) *Shackles.* (1) Table G-10 in § 1501.68 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

§ 1501.64 Chain falls and pull-lifts.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

§ 1501.65 Hoisting and hauling equipment.

(a) The moving parts of hoisting and hauling equipment shall be guarded.

(b) Mobile crawler or truck cranes used on a vessel:

(1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(3) The area within the swing radius of the body of a crawler or truck crane and the extended parts thereof shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(c) Marine railways:

(1) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

§ 1501.66 Use of gear.

(a) Loads shall be safely rigged before being hoisted.

(b) Plates shall be handled on and off hulls by means of shackles whenever possible. Clips or pads of ample size shall be welded to the plate to receive the shackle pins when there are no holes in the plate. When it is not possible to make holes in or to weld pads to the plate, alligator tongs, grab hooks, grab clamps or screw clamps may be used. In such cases special precautions shall be taken to keep employees from under such lifts.

(c) Tag lines shall be provided on loads likely to swing or to need guidance.

(d) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(e) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(f) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(g) Loose ends of idle legs of slings in use shall be hung on the hook.

(h) Employees shall not be permitted to ride the hook or the load.

(i) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(j) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured or removed as early as possible.

(k) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(l) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(m) A section of hatch through which materials or equipment are being raised, lowered, moved or otherwise shifted by a crane, winch, hoist or derrick, shall be completely opened. The beams and pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent them from being unshipped.

(n) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(o) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object.

§ 1501.67 Qualifications of Operators.

(a) When ship's gear is used to hoist materials aboard, a competent person shall determine that the gear is properly rigged, that it is in safe condition, and that it will not be overloaded by the size and weight of the lift.

(b) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(c) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

(d) No minor under eighteen (18) years of age shall be employed in occupations involving the operation of any power-driven hoisting apparatus or assisting in such operations by work such as hooking on, loading slings, rigging gear, etc.

§ 1501.68 Tables.

TABLE E-1

DIMENSIONS AND SPACING OF WOOD INDEPENDENT-POLE SCAFFOLD MEMBERS

Structural Members	Light duty (Up to 25 pounds per square foot)			Heavy duty (25 to 75 pounds per square foot)		
	Height in feet			Height in feet		
	24 or less	24–40	40–60	24 or less	24–40	40–60
Poles or uprights (in inches)	2 x 4	3 x 4 or 2 x 6	4 x 4	3 x 4	4 x 4	4 x 6
Bearers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 10
Ledgers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 8
Stringers (not supporting bearers) (in inches)	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Braces (in inches)	1 x 4	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Pole spacing—longitudinally (in feet)	7½	7½	7½	7	7	7
Pole spacing—transversely (in feet)	6½ min	7½ min	8½ min	6½	10	10
Ledger spacing—vertically (in feet)	7	7	7	4½	4½	4½

TABLE E-2

SPECIFICATIONS FOR SIDE RAILS OF LADDERS

Length (in feet)	Cross section (in inches)	
	At ends	At center
15	1⅞ x 2¾	1⅞ x 3¾
16	1⅞ x 2¾	1⅞ x 3¾
18	1⅞ x 3	1⅞ x 4
20	1⅞ x 3	1⅞ x 4
24	1⅞ x 3	1⅞ x 4½

TABLE E-3

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
	Inches	*Inches*	*Inches*
Legs	2 x 4	3 x 4	4 x 6
Bearers or headers	2 x 6	2 x 8	4 x 6
Crossbraces	2 x 4 or 1 x 8	2 x 4	2 x 6
Longitudinal braces	2 x 4	2 x 6	2 x 6

TABLE E-4

SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

Span in Feet	Lumber dimensions in inches									
	A	B	A	B	A	B	A	B	A	B
	2 x 10	1⅜ x 9¼	2 x 12	1⅜ x 11½	3 x 8	2¾ x 7½	3 x 10	2¾ x 9¼	3 x 12	2¾ x 11½
6	256	309	526	667	807					
8	192	232	395	500	605					
10	153	186	316	400	484					
12	128	155	263	333	404					
14	110	133	225	286	346					
16		116	197	250	303					

(A)—Rough lumber.
(B)—Dressed lumber.

TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2680	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.15	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH																	
	Vertical			60°			45°			30°								
	A	B	C	A	B	C	A	B	C	A	B	C						
6x19 CLASSIFICATION																		
1/4"	1.1	1.0	.97	1.9	1.7	1.6	1.6	1.4	1.3	1.1	1.0	.92	.83	.79	.75	.70	.59	.56
3/8"	2.5	2.3	2.2	3.8	3.5	3.3	3.2	2.9	2.8	2.2	2.0	1.9	1.7	1.6	1.5	1.4	1.2	1.1
1/2"	4.4	4.0	3.8	6.6	6.0	5.7	5.5	5.0	4.8	3.8	3.5	3.3	2.9	2.8	2.6	2.4	2.1	1.9
5/8"	6.8	6.2	5.9	10.	9.2	8.8	8.5	7.7	7.3	5.9	5.4	5.1	4.5	4.3	4.0	3.7	3.2	3.0
3/4"	9.7	8.9	8.4	14.	13.	12.	12.	11.	10.	8.4	7.7	7.3	6.4	6.1	5.7	5.3	4.6	4.2
7/8"	13.	12.	11.	19.	17.	16.	16.	14.	14.	11.	10.	9.8	8.6	8.2	7.6	7.1	6.1	5.6
1"	17.	15.	14.	24.	22.	21.	20.	19.	18.	14.	13.	12.	11.	10.	9.8	9.3	7.8	7.2
1-1/8"	21.	19.	18.	30.	28.	26.	25.	24.	22.	18.	16.	16.	14.	13.	12.	11.	9.8	9.0
6x37 CLASSIFICATION																		
1-1/4"	24.	23.	21.	35.	33.	30.	29.	28.	25.	21.	19.	18.	17.	16.	15.	13.	12.	10.
1-3/8"	29.	28.	25.	42.	40.	36.	35.	33.	30.	25.	23.	22.	21.	19.	18.	16.	15.	13.
1-1/2"	35.	33.	30.	50.	47.	43.	41.	39.	36.	30.	28.	26.	25.	23.	21.	19.	17.	15.
1-3/4"	47.	44.	40.	66.	63.	57.	55.	52.	48.	40.	37.	35.	33.	31.	29.	26.	23.	20.
2"	61.	57.	53.	86.	81.	74.	71.	67.	62.	51.	48.	46.	43.	40.	37.	34.	30.	26.
2-1/4"	76.	72.	66.	108.	102.	93.	89.	84.	77.	64.	60.	57.	54.	50.	47.	43.	38.	33.
2-1/2"	93.	88.	81.	132.	124.	114.	109.	103.	95.	78.	74.	70.	66.	62.	58.	53.	47.	41.
2-3/4"	112.	106.	97.	159.	150.	137.	132.	124.	114.	95.	89.	84.	80.	75.	70.	64.	57.	49.
3"	134.	126.	116.	190.	179.	164.	157.	148.	136.	113.	107.	101.	95.	89.	83.	76.	68.	59.
3-1/4"	157.	148.	136.	223.	210.	192.	185.	174.	160.	133.	125.	118.	112.	105.	98.	89.	80.	69.
3-1/2"	183.	172.	158.	259.	244.	223.	214.	202.	185.	154.	145.	137.	130.	122.	113.	104.	92.	80.
3-3/4"	210.	198.	182.	298.	280.	257.	247.	232.	213.	177.	167.	158.	149.	140.	130.	119.	106.	92.
4"	240.	226.	207.	339.	319.	293.	281.	265.	243.	202.	190.	180.	170.	160.	148.	136.	121.	105.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-5
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.89	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

TABLE G-10
SAFE WORKING LOADS FOR SHACKLES
[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
5/16	5/8	1.4
3/8	3/4	2.2
1/2	7/8	3.2
5/8	1	4.3
3/4	1 1/8	5.6
7/8	1 1/4	6.7
1	1 3/8	8.2
1 1/8	1 1/2	10.0
1 1/4	1 5/8	11.9
1 3/8	1 3/4	16.2
2	2 1/4	21.2

TABLE G-9
MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
1/4 (9/32)	3/64
5/16	5/64
3/8	7/64
1/2	9/64
5/8	11/64
3/4	13/64
7/8	15/64
1	2/16
1 1/8	2/16
1 1/4	2/16
1 3/8	2/16
1 1/2	2/16
1 3/4	3/16
2	4/16

TABLE G-6
NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved Plow Steel, Rope Diameter, Inches	Number of Clips: Drop Forged	Number of Clips: Other Material	Minimum Spacing, Inches
1/2	3	4	3
5/8	3	4	3 3/4
3/4	4	5	4 1/2
7/8	4	5	5 1/4
1	5	6	6
1 1/8	5	6	6 3/4
1 1/4	6	7	7 1/2
1 3/8	6	7	8 1/4
1 1/2	6	8	9

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
• 1/4	1060	1835	1500	1060
• 5/16	1655	2865	2340	1655
• 3/8	2385	2.1	3370	2385
• 7/16	3250	2.8	2.3	3250
• 1/2	2.1	3.7	3.0	2.1
• 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

• These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE I-1

FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1–6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to ½ inch	4 or 5
Medium gas welding, ½–½ inch	5 or 6
Heavy gas welding, over ½ inch	6 or 8
Shielded Metal-Arc Welding 1/16- to 5/32-inch electrodes.	10
Inert-gas Metal-Arc Welding (Nonferrous) 1/16- to 5/32-inch electrodes.	11
Inert-gas Metal-Arc Welding (Ferrous) 1/16- to 5/32-inch electrodes.	12
Shielded Metal-Arc Welding: 3/16- to ¼-inch electrodes	12
5/16- and ¾-inch electrodes	14
Atomic Hydrogen Welding	10 to 14
Carbon Arc Welding	14

Subpart H—Tools and Related Equipment

§ 1501.71 General precautions.

(a) Hand lines, slings, or tackles of adequate strength shall be provided to handle tools, materials and equipment so that employees can have their hands free when using ship's ladders and access ladders. The use of hoses or electric cords for this purpose shall be prohibited.

(b) When air tools of the reciprocating type are not in use, the dies and tools shall be removed.

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry docks shall be guarded.

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

§ 1501.72 Portable electric tools.

(a) The frames of portable electric tools and appliances shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the closed position.

(d) Worn or frayed electric cables shall not be used.

(e) The employer shall notify the officer in charge of the vessel before using electric power tools operated with the vessel's current.

§ 1501.73 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1501.74 Abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed ⅛ inch from the surface of the wheel.

(c) All portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to insure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of § 1501.81 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

§ 1501.75 Powder actuated fastening tools.

(a) *General precautions.* (1) Powder actuated fastening tools shall be tested each day before loading to ensure that the safety devices are in proper working condition. Any tool found not to be in proper working order shall be immediately removed from service until repairs are made.

(2) Powder actuated fastening tools shall not be used in an explosive or flammable atmosphere.

(3) All tools shall be used with the type of shield or muzzle guard appropriate for a particular use.

(4) Fasteners shall not be driven into very hard or brittle materials, such as cast iron, glazed tile, surface hardened steel, glass block, live rock, face brick or hollow tile.

(5) Fasteners shall not be driven into soft materials unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the opposite side.

(6) Unless a special guard, fixture or jig is used, fasteners shall not be driven directly into materials such as brick or concrete within 3 inches of the unsupported edge or corner, or into steel surfaces within ½ inch of the unsupported edge or corner. When fastening other material, such as 2 x 4 inch lumber to a concrete surface, fasteners of greater than 7/32 inch shank diameter shall not be used and fasteners shall not be driven within 2 inches of the unsupported edge or corner of the work surface.

(7) Fasteners shall not be driven through existing holes unless a positive guide is used to secure accurate alignment.

(8) No attempt shall be made to drive a fastener into a spalled area caused by an unsatisfactory fastening.

(9) Employees using powder actuated fastening tools shall be protected by eye protection equipment in accordance with the requirements of § 1501.81 (a) and (b).

(b) *Instruction of operators.* Before employees are permitted to use powder actuated tools, they shall have been thoroughly instructed by a competent person with respect to the requirements of paragraph (a) of this section and the safe use of such tools as follows:

(1) Before using a tool, the operator shall inspect it to determine that it is clean, that all moving parts operate freely and that the barrel is free from obstructions.

(2) When a tool develops a defect during use, the operator shall immediately cease to use it and shall notify his supervisor.

(3) Tools shall not be loaded until just prior to the intended firing time and the tool shall not be left unattended while loaded.

(4) The tool, whether loaded or empty, shall not be pointed at any person, and hands shall be kept clear of the open barrel end.

(5) In case of a misfire, the operator shall hold the tool in the operating position for at least 15 seconds and shall continue to hold the muzzle against the work surface during disassembly or opening of the tool and removal of the powder load.

(6) Neither tools nor powder charges shall be left unattended in places where they would be available to unauthorized persons.

Subpart I—Personal Protective Equipment

§ 1501.81 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by these regulations shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets or hand shields equipped with filter lenses in accordance with the requirements of paragraphs (a) and (c)(2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I–1 in § 1501.68, except that variations of one or two shade numbers are permissible to suit individual preferences.

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I–1 in § 1501.68.

§ 1501.82 Respiratory protection.

(a) *General.* (1) All respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter which will remove oil, water, and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(6) In all cases when an employee is stationed outside a compartment, tank or space as a tender or safety man for men working inside in an atmosphere immediately dangerous to life, the tender shall have immediately available for emergency use respiratory protective equipment equivalent to that required for the men in the compartment. When a tender is stationed outside a compartment for men working inside in an atmosphere not immediately dangerous to life, the tender shall wear respiratory protective equipment equivalent to that required for the men in the compartment if he is exposed for prolonged periods to the same concentration of atmospheric contaminants.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than 2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

NOTE: A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the gaseous contaminant as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentrations of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following gases or groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subdivision (ii) of this subparagraph.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particulate contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in the regulations of this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-producing mists, chromic acid mists, and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances).

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described in subdivisions (i) through (iv) of this subparagraph.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, as in spray painting, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c) (2) of this section and a filter for the particular type of particulate contaminant as specified in paragraph (d) (1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in subdivision (ii) of this subparagraph.

§ 1501.83 Head, foot and body protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the American Standard Safety Code for Head, Eye and Respiratory Protection, Z-2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed energized circuits of the vessel's electrical system.

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

§ 1501.84 Life saving equipment.

(a) *Buoyant working vests.* (1) When employees are working from small boats or floats, near the unguarded edges of decks, or over water on scaffolds without guard rails, they shall be protected by U.S. Coast Guard approved buoyant working vests.

(b) *Safety belts and life lines.* (1) When employees are working aloft, or over a solid surface on staging more than 5 feet high without guard rails, they shall be protected by safety belts equipped with life lines which are secured with a minimum amount of slack to a fixed structure.

(2) When employees are working in atmospheres immediately dangerous to life, they shall be protected by a safety belt and an adequate, attended life line.

(3) Prior to each use, belts and life lines shall be inspected for dry rot, chemical damage or other defects which may affect their strength. Defective belts and life lines shall not be used.

(4) When employees are working in any location requiring a safety belt and a life line, as required in paragraph (b) (1) or (2) of this section, care shall be exercised to ensure that the life line is not cut, pinched or led over a sharp edge. In hot work operations or those involving the use of acids or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the life line continuously attached with a minimum of slack to a fixed structure the attachment point of the life line shall be appropriately changed as the work progresses.

(c) *Life rings and ladders.* (1) At least three 30 inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places aboard each vessel afloat on which work is being performed. Life rings shall be located, one forward, one aft, and one on the gangway, except on vessels under 200 feet in length, in which case one at the gangway will be sufficient.

(2) At least one life ring with a line attached shall be located on each staging float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel on which employees are working over water or close to unguarded deck edges there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Subpart J—Ship's Machinery and Piping Systems

§ 1501.91 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of boilers, the employer shall ensure that the following steps are taken:

(1) The isolation and shut-off valves connecting the dead boilers with the live boilers shall be secured, blanked, and tagged indicating that employees are working in the boilers. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boilers, or until the work is completed.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened.

(3) A warning sign calling attention to the fact that employees are working in the boilers shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are out of the boilers.

§ 1501.92 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system that has carried a high temperature medium, the employer shall ensure that the following steps are taken:

(1) The isolation and shut-off valves connecting the dead system with a live system or systems, shall be secured, blanked, and tagged indicating employees are working on the system. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened.

§ 1501.93 Ship's propulsion machinery.

(a) Before work is performed on the main engine, reduction gear, or connecting accessories, the employer shall ensure that the following steps are taken:

(1) The jacking gear shall be engaged to prevent the main engine from turning over. A sign shall be posted at the throttle indicating that the jacking gear is engaged. This sign shall not be removed until the jacking gear can be safely disengaged.

(2) If the jacking gear is steam driven, the stop valves to the jacking gear shall be secured, locked, and tagged indicating that employees are working on the main engine.

(3) If the jacking gear is electrically driven, the circuit controlling the jacking gear shall be deenergized by tripping the circuit breaker, opening the switch or removing the fuse, whichever is appropriate. The breaker, switch, or fuse location shall be tagged indicating that employees are working on the main engine.

(b) Before the jacking engine is operated, the following precautions shall be taken:

(1) A check shall be made to ensure that all employees, equipment, and tools are clear of the engine, reduction gear, and its connecting accessories.

(2) A check shall be made to ensure that all employees, equipment and tools are free of the propeller.

(c) Before work is started on or in the immediate vicinity of the propeller, a warning sign calling attention to the fact that employees are working in that area shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are free of the propeller.

(d) Before the main engine is turned over (e.g., when warming up before departure or testing after an overhaul) a check shall be made to ensure that all employees, equipment, and tools are free of the propeller.

§ 1501.94 Ship's deck machinery.

(a) Before work is performed on the anchor windlass or any of its attached accessories, the employer shall ensure that the following steps are taken:

(1) The devil claws shall be made fast to the anchor chains.

(2) The riding pawls shall be in the engaged position.

(3) In the absence of devil claws and riding pawls, the anchor chains shall be secured to a suitable fixed structure of the vessel.

Subpart K—Portable, Unfired Pressure Vessels, Drums and Containers, Other Than Ship's Equipment

§ 1501.101 Portable air receivers and other unfired pressure vessels.

(a) Portable, unfired pressure vessels, built after the effective date of this regulation, shall be marked and reported indicating that they have been designed and constructed to meet the standards of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, 1963. They shall be subjected to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(b) Portable, unfired pressure vessels, not built to the code requirements of paragraph (a) of this section, and built prior to the effective date of this regulation, shall be examined quarterly by a competent person. They shall be subjected yearly to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(c) The relief valves on the portable, unfired pressure vessels in paragraphs (a) and (b) of this section shall be set to the safe working pressure of the vessels, or set to the lowest safe working pressure of the systems, whichever is lower.

(d) A record of such examinations and tests made in compliance with the requirements of paragraphs (a) and (b) of this section shall be maintained.

§ 1501.102 Drums and containers.

(a) Shipping drums and containers shall not be pressurized to remove their contents.

(b) A temporarily assembled pressurized piping system conveying hazardous liquids or gases shall be provided with a relief valve and by-pass to prevent rupture of the system and the escape of such hazardous liquids or gases.

(c) Pressure vessels, drums and containers containing toxic or flammable liquids or gases shall not be stored or used where they are subject to open flame, hot metal, or other sources of artificial heat.

(d) Unless pressure vessels, drums and containers of 30 gallon capacity or over containing flammable or toxic liquids or gases are placed in an out-of-the-way area where they will not be subject to physical injury from an outside source, barriers or guards shall be erected to protect them from such physical injury.

(e) Containers of 55 gallons or more capacity containing flammable or toxic liquid shall be surrounded by dikes or pans which enclose a volume equal to at least 25 percent of the total volume of the containers.

(f) Fire extinguishers adequate in number and suitable for the hazard shall be provided. These extinguishers shall be located in the immediate area where pressure vessels, drums and containers containing flammable liquids or gases are stored or in use. Such extinguishers shall be ready for use at all times.

Subpart L—Electrical Machinery

§ 1501.111 Electrical circuits and distribution boards.

(a) Before an employee is permitted to work on an electrical circuit, except when the circuit must remain energized for testing and adjusting, the circuit shall be deenergized by an authorized employee by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized except by the authorized employee who placed the tag or by another employee authorized by the employer.

(b) When work is performed immediately adjacent to an open-front energized board or in back of an energized board, the board shall be covered or some other equal means shall be used to prevent contact with any of the energized parts.

APPENDIX I

THRESHOLD LIMIT VALUES FOR 1963

These values should be used as guides in the control of health hazards and should not be regarded as fine lines between safe and dangerous concentrations. They represent conditions under which it is believed that nearly all workers may be repeatedly exposed, day after day, without adverse effect. The values listed refer to time-weighted average concentrations for a normal workday. The amount by which these figures may be exceeded for short periods without injury to health depends upon a number of factors such as the nature of the contaminant, whether very high concentrations even for short periods produce acute poisoning, whether the effects are cumulative, the frequency with which high concentrations occur, and the duration of such periods. All must be taken into consideration in arriving at a decision as to whether a hazardous situation exists. Because it has been recognized that the threshold limits of certain acutely-acting substances may not provide a safety factor comparable to that of chronically-acting substances for which a time-weighted average applies, a "C" designation or "ceiling" has been affixed to such values indicating that the Threshold Limit Value should not be exceeded. The bases for the "C" listing is given in appendix C.

Special consideration should be given to the application of these values in assessing the health hazards which may be associated with exposure to mixtures of two or more substances. A brief discussion of basic considerations involved in developing threshold limit values for mixtures, and methods for their development, amplified by specific examples are given in appendix B.

Threshold limits are based on the best available information from industrial experience, from experimental studies, and, when possible, from a combination of the two. These values are based on various criteria of toxic effects or on marked discomfort; thus, they should not be used as a common denominator of toxicity, nor should they be considered as the sole criterion in proving or disproving diagnosis of suspected occupational disease.

These limits are intended for use in the field of industrial hygiene and should be interpreted and applied only by persons trained in this field. They are not intended for use, or for modification for use, (1) as a relative index of toxicity, by making a ratio of two limits, or (2) in the evaluation or control of community air polution or air pollution nuisances, or (3) in estimating the toxic potential of continuous uninterrupted exposures.

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)

Substance	ppm*	Mg/M³**
Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene tetrabromide	1	14
† Acrolein	0.1	0.25
Acrylonitrile—Skin	20	45
Aldrin (1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-dimethano-naphthalene)—Skin	—	0.25
† Allyl alcohol—Skin	2	5
Allyl chloride	1	3
C Allylglycidylether (AGE)	10	45
Allyl propyl disulfide	2	12
† Ammonia	50	35
Ammonium sulfamate (Ammate)	—	15
† Amyl acetate	100	525
Amyl alcohol (isoamyl alcohol)	100	360
Aniline—Skin	5	19
Antimony	—	0.5
ANTU (alpha naphthyl thiourea)	—	0.3
Arsenic	—	0.5
Arsine	0.05	0.2
Barium (soluble compounds)	—	0.5

†1963 Revision.
*Parts of vapor or gas per million parts of air by volume at 25° C and 760 mm. Hg pressure.
**Approximate milligrams of particulate per cubic meter of air.

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)—continued

Substance	ppm*	Mg/M³**
C Benzene (benzol)—Skin	25	80
Benzidine	—	A¹
Benzyl chloride	1	5
Beryllium	—	0.002
Boron oxide	—	15
C Boron trifluoride	1	3
Bromine	0.1	0.7
Butadiene (1,3-butadiene)	1,000	2,200
2-Butanone (methyl ethyl ketone)	200	590
2-Butoxy ethanol (Butyl Cellosolve)	50	240
Butyl acetate (n-butyl acetate)	200	950
Butyl alcohol	100	300
tert. Butyl Alcohol	100	300
C Butylamine	5	15
n-Butylglycidylether (BGE)	50	270
Butyl mercaptan	10	35
p-tert. Butyltoluene	10	60
Cadmium oxide fume	—	0.1
Calcium arsenate	—	1
Carbon dioxide	5,000	9,000
Carbon disulfide—Skin	20	60
Carbon monoxide	100	110
Carbon tetrachloride—Skin	10	65
Chlordane (1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene)	—	0.5
Chlorinated camphene, 60%	—	0.5
Chlorinated diphenyl oxide	—	0.5
Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine trifluoride	0.1	0.4
C Chloroacetaldehyde	1	3
Chlorobenzene (monochlorobenzene)	75	350
Chlorobromomethane	200	1,050
Chlorodiphenyl (42% Chlorine)—Skin	—	1
Chlorodiphenyl (54% chlorine)—Skin	—	0.5
C Chloroform (trichloromethane)	50	240
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene)	25	90
Chromic acid and chromates (as CrO_3)	—	0.1
Cobalt	—	0.5
Crag (R) herbicide (sodium 2-[2,4-dichlorophenoxy] ethanol hydrogen sulfate)	—	15
Cresol (all isomers)—Skin	5	22
Cyanide (as CN)—Skin	—	5
Cyclohexane	400	1,400
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	400	1,350
2,4-D (2,4-dichlorophenoxyacetic acid)	—	10
DDT (2,2-bis [p-chlorophenyl]-1,1,1-trichloroethane)—Skin	—	1
Decaborane—Skin	0.05	0.3
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
Diborane	0.1	0.1
1,2-Dibromoethane (Ethylene dibromide)	25	190
o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1,1-Dichloroethane	100	400
1,2-Dichloroethane (ethylene dichloride)	50	200
1,2-Dichloroethylene	200	790
C Dichloroethyl ether	15	90
Dichloromonofluoromethane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
Dichlorotetrafluoroethane	1,000	7,000
Dieldrin (1,2,3,4,10,10-hexachloro-6, 7-epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4, 5, 8,-dimethanonaphthalene)—Skin	—	0.25
Diethylamine	25	75
Difluorodibromomethane	100	860
†C Diglycidyl ether (DGE)	0.5	2.8
Diisobutyl ketone	50	290
Dimethyl acetamide—Skin	10	35
Dimethylaniline (N-dimethylaniline)—Skin	5	25
Dimethylformamide	20	60
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylsulfate—Skin	1	5
Dinitrobenzene—Skin	—	1
Dinitrotoluene—Skin	—	1.5
Dinitro-o-cresol—Skin	—	0.2
Dioxane (diethylene dioxide)	100	360
Dipropylene glycol methyl ether	100	600

†1963 Revision.
*Parts of vapor or gas per million parts of air by volume at 25° C and 760 mm. Hg pressure.
**Approximate milligrams of particulate per cubic meter of air.
A Numbers, See Appendix A.

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)—continued

Substance	ppm*	Mg/M³**
EPN (O-ethyl O-p-nitrophenyl thionobenzenephosphonate)—Skin	—	0.5
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	25	45
C Ethylbenzene	200	870
Ethyl bromide	200	890
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
†C Ethyl mercaptan	20	52
Ethyl silicate	100	850
Ethylene chlorobydrin—Skin	5	16
Ethylenediamine	10	30
Ethylene glycol dinitrate (Combined EGDN+NG)—Skin	0.2	1.2
Ethylene imine—Skin	5	9
Ethylene oxide	50	90
2-Ethoxyethanol (Cellosolve)	200	740
2-Ethoxyethylacetate (Cellosolve Acetate)	100	540
Ferbam (ferric dimethyl dithiocarbamate)	—	15
Ferrovanadium dust	—	1
Fluoride (as F)	—	2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
C Formaldehyde	5	6
Furfural	5	20
Furfuryl alcohol	50	200
Gasoline	500	2,000
Glycidol (2,3-Epoxy-1-propanol)	50	150
Heptane (n-heptane)	500	2,000
Hexane (n-hexane)	500	1,800
Hexanone (methyl butyl ketone)	100	410
† sec-Hexyl acetate	50	295
Hexone (methyl isobutyl ketone)	100	410
C Hydrazine—Skin	1	1.3
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen fluoride	3	2
Hydrogen peroxide, 90%	1	1.4
Hydrogen selenide	0.05	0.2
C Hydrogen sulfide	20	30
Hydroquinone	—	2
C Iodine	0.1	1
Iron oxide fume	—	15
Isophorone	25	140
Isopropylamine	5	12
Isopropyl glycidyl ether (IGE)	50	240
Ketene	0.5	0.9
Lead	—	0.2
Lead arsenate	—	0.15
Lindane (hexachlorocyclohexane, gamma isomer)	—	0.5
Lithium hydride	—	0.025
Magnesium oxide fume	—	15
Malathion (o,o-dimethyl dithiophosphate of diethyl mercaptosuccinate)—Skin	—	15
C Manganese	—	5
Mercury—Skin	—	0.1
Mercury (organic compounds)—Skin	—	0.01
Mesityl oxide	25	100
Methoxychlor (2,2-di-p-methoxyphenyl-1,1,1-trichloroethane)	—	15
Methyl acetate	200	610
Methyl acetylene	1,000	1,650
Methyl acrylate—Skin	10	35
Methylal (dimethoxymethane)	1,000	3,100
Methyl alcohol (methanol)	200	260
C Methyl bromide—Skin	20	80
Methyl cellosolve (2-methoxyethanol)—Skin	25	80
Methyl cellosolve acetate (ethylene glycol monomethyl ether acetate)	25	120
C Methyl chloride	100	210
† Methyl chloroform (1,1,1-trichloroethane)	350	1,900
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
Methylcyclohexanone	100	460
Methyl formate	100	250
Methyl isobutyl carbinol (methyl amyl alcohol)	25	100
C Methyl mercaptan	20	40
α-Methyl styrene	100	480
Methylene chloride (dichloromethane)	500	1,750
Monomethyl aniline—Skin	2	9
Molybdenum (soluble compounds)	—	5
(insoluble compounds)	—	15
Naphtha (coal tar)	200	800
Naphtha (petroleum)	500	2,000
β-Naphthylamine	—	A¹
Nickel carbonyl	0.001	0.007
Nicotine—Skin	—	0.5
Nitric acid	10	25
p-Nitroaniline—Skin	1	6

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)—continued

Substance	ppm*	Mg/M³**
Nitrobenzene—Skin	1	5
Nitroethane	100	310
C Nitrogen dioxide	5	9
O Nitroglycerin (combined EGDN+NG)—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
N-Nitrosodimethylamine (Dimethylnitrosamine)—Skin	A³	—
Nitrotoluene—Skin	5	30
Octane	500	2,350
Osmium tetroxide	—	0.002
Ozone	0.1	0.2
Parathion (O, O, diethyl-O-p-nitrophenyl thiophosphate)—Skin	—	0.1
Pentaborane	0.005	0.01
Pentachloronaphthalene—Skin	—	0.5
Pentachlorophenol—Skin	—	0.5
Pentanone (methyl propyl ketone)	200	700
Pentane	1,000	2,950
Perchloroethylene (tetrachloroethylene)	100	670
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	13.5
Phenol—Skin	5	19
Phenyl glycidyl ether (PGE)	50	310
Phenylhydrazine—Skin	5	22
Phosdrin (2-carbomethoxy-1-methyl vinyl dimethyl phosphate)	—	0.1
Phosgene (carbonyl chloride)	1	4
† Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorus pentachloride	—	1
Phosphorus pentasulfide	—	1
Phosphorus trichloride	0.5	3
Picric acid—Skin	—	0.1
Platinum (Soluble Salts)	—	0.002
Propyl acetate	200	840
Propyl alcohol (isopropyl alcohol)	400	980
Propyl ether (isopropyl ether)	500	2,100
n-Propyl nitrate	25	110
Propylene dichloride (1,2-dichloropropane)	75	350
Propylene imine—Skin	25	60
Propylene oxide	100	240
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
Rotenone (commercial)	—	5
Selenium compounds (as Se)	—	0.1
Sodium fluoroacetate (1080)—Skin	—	0.05
Sodium hydroxide	—	2
Stibine	0.1	0.5
Stoddard solvent	500	2,900
Strychnine	—	0.15
Styrene monomer (phenylethylene)	100	430
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
2,4,5T (2,4,5-Trichlorophenoxyacetic acid)	—	10
TEDP (tetraethyl dithionopyrophosphate)—Skin	—	0.2
Teflon (R) decomposition products	—	A⁴
TEPP (tetraethyl pyrophosphate)—Skin	—	0.05
Tellurium	—	0.1
1,1,2,2-Tetrachloroethane—Skin	5	35
Tetrahydrofuran	200	590
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenylmethylnitramine)—Skin	—	1.5
Thallium (soluble compounds)—Skin	—	0.1
Thiram (tetramethyl thiuram disulfide)	—	5
Titanium dioxide	—	15
C Toluene (toluol)	300	750
o-Toluidine—Skin	5	22
C Tolylene-2,4-diisocyanate	0.02	0.14
Trichloroethylene	100	535
Trichloronaphthalene—Skin	—	5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromonobromomethane	1,000	6,100
Trinitrotoluene—Skin	—	1.5
Triorthocresyl phosphate	—	0.1
Triphenyl phosphate	—	3
Turpentine	100	560
Uranium (soluble compounds)	—	0.05
(insoluble compounds)	—	0.25
Vanadium (V₂O₅ dust)	—	0.5
(V₂O₅ fume)	—	0.1

NOTE: The word "Skin" following a substance indicates that the substance can penetrate the skin to contribute to the exposure and threshold limit value should be reduced accordingly.

Radioactivity: For permissible concentrations of radio-isotopes in air, see U.S. Department of Commerce' National Bureau of Standards, Handbook 69, "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," June 5, 1959. Also, see U.S. Department of Commerce, National Bureau of Standards, Handbook 59, "Permissible Dose from External Sources of Ionizing Radiation," September 24, 1954, and addendum of April 15, 1958.

MINERAL DUSTS

Substance	m.p.p.c.f.§
SILICA	
Crystalline	
Quartz, Threshold Limit calculated from the formula	250 / %SiO₂+5
Cristabalite, Threshold Limit calculated from the formula	
Amorphous, including natural diatomaceous earth	20
SILICATES (less than 1% crystalline silica)	
Asbestos	5
Mica	20
Soapstone	20
Talc	20
Portland Cement	50
Miscellaneous (less than 1% crystalline silica)	50

Conversion factors
mppcf×35.3=million particles per cubic meter
=particles per c.c.

§Millions of particles per cubic foot of air, based on impinger samples counted by light-field technics.
‡The percentage of crystalline silica in the formula is the amount determined from air-borne samples, except in those instances in which other methods have been shown to be applicable.

TENTATIVE VALUES

Substance	ppm*	Mg/M³**
C tert. Butyl chromate (as CrO_3)—Skin	—	0.1
† Calcium oxide	—	5
Camphor	—	2
† Copper Fume	—	0.1
Dusts & Mists	—	1.0
† Demeton (R) (Systox)	—	1
Endrin (1,2,3,4,10,10,-hexachloro-6, 7-epoxy-1,4,4a,5, 6,7,8,8a-octa hydro 1,4-endo - 5,8 - dimethanonaphthalene)—Skin	—	0.1
Epichlorhydrin	5	19
Ethanolamine	3	6
† Graphite	—	15 mppcf
† Hafnium	—	0.5
Heptachlor (1,4,5,6,7,8,8a - heptachloro-3a,4,7,7a-tetrahydro - 4,7 - methanoindene)	—	0.5
† Methylamine	25	31
† Methyl Methacrylate	100	410
†C Methylene bis phenylisocyanate	0.02	0.2
† Mineral Wool (Fiberglas)	—	2
† Naphthalene	10	50
Oil (mineral)	—	5
† β-Propiolactone	—	A²
† Silver	—	0.05
† Tantalum	—	5
† 1,1,1,2, - Tetrachloro - 2,2, - difluoroethane	1,000	8,340
† 1-1-2-2 - Tetrachloro - 1,2 - difluoroethane	500	4,170
† Tetraethyl lead	—	0.075
† Tin (inorganic compounds)	—	2
(organic compounds as Sn)—Skin	—	0.1

†1962 Additions.
*Parts of vapor or gas per million parts of air by volume at 25° C and 760 mm. Hg pressure.
**Approximate milligrams of particulate per cubic meter of air.
A Numbers, See Appendix A.

APPENDIX A

A¹ Benzidine. Because of high incidence of bladder tumors in man, any exposure, including skin, is extremely hazardous.

A² β-Naphthylamine. Because of the extremely high incidence of bladder tumors in workers handling this compound, and the inability to control exposures, β-naphthylamine has been prohibited from manufacture, use and other activities that involve human contact by the State of Pennsylvania.

A³ N-Nitrosodimethylamine. Because of extremely high toxicity and presumed carcinogenic potential of this compound, contact by any route should not be permitted.

A⁴ Teflon ® decomposition products. At least one identified component of Teflon decomposition products is extremely toxic, but in the absence of more complete toxicity information and suitable analytic methods, a definite threshold limit value is not recommended at this time; but air concentrations should be minimal.

A² β-Propiolactone. Because of high acute toxicity and demonstrated skin tumor production in animals, contact by any route should be avoided.

APPENDIX B

THRESHOLD LIMIT VALUES FOR MIXTURES

When two or more hazardous substances are present, their combined effect, rather than that of either individually, should be given primary consideration. In the absence of information to the contrary, the effects of the different hazards should be considered as additive. That is, if the sum of the following fractions,

$$\frac{C_1}{T_1}+\frac{C_2}{T_2}+\cdots\frac{Cn}{Tn}$$

exceeds unity, then the threshold limit of the mixture should be considered as being exceeded. C indicates the observed atmospheric concentration, and T_1 the corresponding threshold limit. (See Example 1A.a.)

Exceptions to the above rule may be made when there is good reason to believe that the chief effects of the different harmful substances are not in fact additive, but independent as when purely local effects on different organs of the body are produced by the various components of the mixture. In such cases the threshold limit ordinarily is exceeded only when at least one member of the series

$$\left(\frac{C_1}{T_1}\text{ or }\frac{C_2}{T_2}\text{ etc.}\right)$$

itself has a value exceeding unity. (See Example 1A.b.)

Antagonistic action or potentiation may occur with some combinations of atmospheric contaminants. Such cases at present must be determined individually. Potentiating or antagonistic agents are not necessarily harmful by themselves. Potentiating effects of exposure to such agents by routes other than that of inhalation is also possible, e.g., imbibed alcohol and inhaled narcotic (trichloroethylene). Potentiation is characteristically exhibited at high concentrations, less probably at low.

When a given operation or process characteristically emits a number of harmful dusts, fumes, vapors or gases, it will frequently be only feasible to attempt to evaluate the hazard by measurement of a single substance. In such cases, the threshold limit used for this substance should be reduced by a suitable factor, the magnitude of which will depend on the number, toxicity and relative quantity of the other contaminants ordinarily present.

Examples of processes which are typically associated with two or more harmful atmospheric contaminants are welding, automobile repair, blasting, painting, lacquering, certain foundry operations, diesel exhausts, etc. (Example 2.)

THRESHOLD LIMIT VALUES FOR MIXTURES

EXAMPLES

1A. General case, where air is analyzed for each component.

a. **ADDITIVE EFFECTS**

$$\frac{C_1}{T_1}+\frac{C_2}{T_2}+\frac{C_3}{T_3}+\cdots\frac{C_n}{T_n}=1$$

Air contains 5 ppm of carbon tetrachloride (TLV, 10), 20 ppm of ethylene dichloride (TLV,50) and 10 ppm of ethylene dibromide, (TLV, 25).

$$\frac{5}{10}+\frac{20}{50}+\frac{10}{25}=\frac{65}{50}=1.3$$

Threshold limit is exceeded.

b. **INDEPENDENT EFFECTS**

Air contains 0.15 mg/m³ of lead (TLV, 0.2) and 0.7 mg/m³ of sulfuric acid (TLV, 1).

$$\frac{0.15}{0.20}=0.75;\ \frac{0.7}{1}=0.7$$

Threshold limit is not exceeded.

1B. Special case when source of contaminant is a mixture and atmospheric composition is assumed similar to that of original material, i.e. vapor pressure of each component is the same at the observed temperature.

a. **ADDITIVE EFFECTS**, approximate solution.

1. A mixture of equal parts (1) trichloroethylene (TLV, 100), and (2) methyl chloroform (TLV, 350).

$$\frac{C_1}{100}+\frac{C_2}{350}=\frac{C_m}{T_m}$$

Solution applicable to "spot" solvent mixture usage, where all or nearly all, solvent evaporates.

$$C_1=C_2=\frac{1}{2}C_m$$

$$\frac{C_1}{100}+\frac{C_1}{350}=\frac{2C_1}{T_m}$$

$$\frac{7C_1}{700}+\frac{2C_1}{700}=\frac{2C_1}{T_m}$$

$$T_m=700\times\frac{2}{9}=155\text{ ppm}$$

1B.b. General Exact Solution for Mixtures of N Components With Additive Effects and Different Vapor Pressures.

(1) $\frac{C_1}{T_1}+\frac{C_2}{T_2}+\ldots+\frac{C_n}{T_n}=1$;

(2) $C_1+C_2+\cdots+C_n=T$;

(2.1) $\frac{C_1}{T}+\frac{C_2}{T}+\ldots+\frac{C_n}{T}=1$.

By the Law of Partial Pressures,

(3) $C_i=ap_v$

And by Raoult's Law,

(4) $p_i=F_i\,p_i{}^o$.

Combine (3) and (4) to obtain

(5) $C_i=aF_ip_i{}^o$.

Combining (1), (2.1), and (5), we obtain

(6) $\frac{F_1p_1{}^o}{T}+\frac{F_2p_2{}^o}{T}+\ldots+\frac{F_np_n{}^o}{T}=\frac{F_1p_1{}^o}{T_1}+\frac{F_2p_2{}^o}{T_2}+\ldots+\frac{F_np_n{}^o}{T_n}$ and solving for T_1

(6.1) $T=\frac{F_1p_1{}^o+F_2p_2{}^o+\ldots+F_np_n{}^o}{\frac{F_1p_1{}^o}{T_1}+\frac{F_2p_2{}^o}{T_2}+\ldots+\frac{F_np_n{}^o}{T_n}}$

or

(6.2) $T=\frac{\sum_{i=1}^{i=n}F_ip_i{}^o}{\sum_{i=1}^{i=n}\frac{F_ip_i{}^o}{T_i}}$

T = Threshold limit value in ppm.
C = Vapor concentration in ppm.
p = Vapor pressure of component in solution.
p° = Vapor pressure of pure component.
F = Mol fraction of component in solution.
a = A constant of proportionality.
Subscripts 1,2, . . . n relate the above quantities to components 1,2, . . . n, respectively.
Subscript i refers to an arbitrary component from 1 to n.
Absence of subscript relates the quantity to the mixture.

Solution to be applied when there is a reservoir of the solvent mixture whose composition does not change appreciably by evaporation.

Exact Arithmetic Solution of Specific Mixture

	Mol. wt.	Density	T	p° at 25°C	Mol fraction in half-and half solution by volume
Trichloroethylene (1)	131.4	1.46 g/ml	100	73mm Hg	0.527
Methylchloroform (2)	133.42	1.33 g/ml	350	125mm Hg	0.473

$$F_1p_1^\circ = (0.527)(73) = 38.2$$
$$F_2p_2^\circ = (0.473)(125) = 59.2$$

$$T = \frac{38.2 + 59.2}{\frac{38.2}{100} + \frac{59.2}{350}} = \frac{(97.4)\ (350)}{133.8 + 59.2} = \frac{(97.4)\ (350)}{193.0} = 177$$

T = 177 ppm (Note difference in T.L.V. when account is taken of vapor pressure and mol fraction in comparison with above example where such account is not taken).

2. A mixture of one part of (1) parathion (TLV, 0.1) and two parts of (2) EPN (TLV, 0.5).

$$\frac{C_1}{0.1} + \frac{C_2}{0.5} = \frac{C_m}{T_m};\quad C_2 = 2C_1$$
$$C_m = 3C_1$$
$$\frac{C_1}{0.1} + \frac{2C_1}{0.5} = \frac{3C_1}{T_m}$$
$$\frac{7C_1}{0.5} = \frac{3C_1}{T_m}$$
$$T_m = \frac{1.5}{7} = 0.21\ mg/m^3$$

1C. INDEPENDENT EFFECTS

1. From naphtha (TLV, 500) containing 10 mole per cent benzene (TLV, 25) the narcotic effects can considered as approximately the same as that of benzene-free naphtha.

The blood effects can be considered as due to the benzene alone.

For intermittent exposure, a TLV of 500 ppm may be used as long as the average concentration does not exceed $25 \times \frac{100}{10} = 250$ ppm, the TLV based on the benzene content.

2. Diesel engine exhaust contains several irritants, one of which is nitrogen dioxide. A limit of 2 ppm NO_2 has been found to correlate fairly well with the beginning of subjective (irritation) effects from such gases, although no subjective effects are experienced from NO_2 alone at 5 ppm.

Appendix C

BASES FOR ASSIGNING LIMITING "C" VALUES*

T.L.V. RANGE ppm* or mg/m³	Permitted Fluctuation Factor of T.L.V. for 5, 10 or 30 min.	Examples
0 to 1	3	Boron trifluoride (1 ppm) at 3 ppm if repeatedly encountered for periods of 5, 10, or 30 minutes, may lead to pneumonitis; a "C" listing recommended.
1+ to 10	2	
10+ to 100	1.5	Ethyl benzene (200 ppm) at 250 ppm if repeatedly encountered for periods of 5 or 10 minutes may prove intolerably irritating to the eyes; a "C" listing recommended.
100+ to 1000	1.25	

* According to this limitation, the presently listed TLVs will or will not be candidates for a "C" (ceiling) listing. 1963 TLVs not coming within this limitation will bear a "C" before the substance name. Judgement is based on whether the excursions in concentration under the time limits stated may result in a) intolerable irritation, b) chronic or irreversible tissue change, or c) narcosis of sufficient degree to increase accident proneness or materially reduce work efficiency.

[F.R. Doc. 64-2885; Filed, Mar. 26, 1964; 8:45 a.m.]

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PART III

FEDERAL REGISTER

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Department of Labor

Bureau of Labor Standards

Safety and Health Regulations for Shipbuilding

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1502—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

On August 23, 1963, a proposal to amend the safety and health regulations for shipbuilding under section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) was published in the FEDERAL REGISTER (28 F.R. 9291). Interested persons were provided opportunities to submit data, views, and argument both orally and in writing in regard to the proposals. After consideration of all relevant matter presented, I have decided to and do hereby revise 29 CFR Part 1502 to read as set forth below.

The revised regulations shall become effective on April 26, 1964.

Signed at Washington, D.C., this 20th day of March 1964.

W. WILLARD WIRTZ,
Secretary.

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1502.2 Definitions.
1502.3 Penalty.
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1502.5 Reference specifications, standards and codes.
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Subpart G—Gear and Equipment for Rigging and Materials Handling

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1502.91 Ship's boilers.
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Subpart K—Portable, Unfired Pressure Vessels, Drums and Containers, Other Than Ship's Equipment

1502.101 Portable air receivers and other unfired pressure vessels.
1502.102 Drums and containers.

Subpart L—Electrical Machinery

1502.111 Electrical circuits and distribution boards.

Appendix I—Threshold Limit Values for 1963.

AUTHORITY: The provisions of this Part 1502 issued under sec. 41, 44 Stat. 1444; sec. 1, 72 Stat. 835; 33 U.S.C. 941.

Subpart A—General Provisions

§ 1502.1 Purpose, scope and responsibility.

(a) Section 41 of the Longshoremen's and Harbor Workers' Compensation Act requires every employer to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered thereby (the Act applies to all injuries sustained by employees on navigable waters of the United States if the employees are employed by an "employer" as defined in section 2(4) of the Act, i.e., "an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any drydock)." Calbeck v. Travelers Insurance Co. and Donovan v. Avondale Shipyards, Inc. (52 S. Ct. 1196 (1962)) and to install, furnish, maintain, and use devices and safeguards (with particular reference to equipment used by such employers and working conditions established by them) determined by the Secretary of Labor to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment and to prevent injury to such employees. The purpose of this part is to make determinations under this standard with respect to shipbuilding activity.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1–1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401, et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949–1953 Comp., pp. 356, 778, and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Also, this part does not apply to owners, operators, agents, or masters of vessels unless they are acting as "employers". However, this part is not intended to relieve owners, operators, agents, or masters of vessels who are not "employers" from responsibilities or duties now placed upon them by law, regulations, or custom.

(c) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1502.2 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States, including dry docks, graving docks, and marine railways, and any of whose employees are employed, in whole or in part, in shipbuilding or related employments as defined in paragraphs (i) and (j) of this section, on the navigable waters of the United States, including drydocks, graving docks, and marine railways.

(d) The term "employee" means any person employed in shipbuilding or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, by an employer as defined in paragraph (c) of this section.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1502.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1502.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "shipbuilding" means the construction of a vessel, including the installation of machinery and equipment.

(j) The term "related employment" means any employments performed as an incident to or in conjunction with shipbuilding work including, but not restricted to inspection, testing trials and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts C and D of this part, except for § 1502.24(b)(8), to which the above definition applies, the competent person must also meet the additional requirements of § 1502.10.

(m) The term "confined space" means a compartment of small size and limited access such as a double bottom tank, cofferdam, or other space which by its small size and confined nature can readily create or aggravate a hazardous exposure.

(n) The term "enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters and machinery and boiler spaces.

(o) The term "hot work" means riveting, welding, burning or other fire or spark producing operations.

(p) The term "cold work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(q) The term "portable unfired pressure vessel" means any pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure, excepting pressure vessels built to ICC regulations under 49 CFR Part 78, Subparts C and H.

(r) The term "powder actuated fastening tool" means a tool or machine which drives a stud, pin or fastener by means of an explosive charge.

§ 1502.3 Penalty.

(a) As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000.

(b) The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

§ 1502.4 Variation from the regulations of this part.

(a) As provided in Public Law 85–742, in case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from the regulations of this part or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulations or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act (ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the Office of the Secretary and be open to public inspection.

§ 1502.5 Reference specifications, standards and codes.

(a) Specifications, standards and codes of agencies of the United States Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the United States Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston 10, Massachusetts, Subpart B, § 1502.10(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill.; Subpart C, § 1502.24(b)(7).

American Standard Safety Code for Portable Wood Ladders, A14.1—1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y.; Subpart E, § 1502.42(a)(6).

American Standard Safety Code for Portable Metal Ladders, A14.2—1956, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y.; Subpart E, § 1502.42(a)(4).

American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1—1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y.; Subpart I, §§ 1502.81(a)(1), 1502.83(b).

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code Section VIII, Rules for Construction of Unfired Pressure Vessels, 1963, American Society of Mechanical Engineers, 29 West 39th Street, New York 18, N.Y.; Subpart K, § 1502.101(a).

§ 1502.6 Notification of accidents resulting in fatalities or serious injuries.

(a) Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form BEC—202 (approved by Budget Bureau No. 44–R 887.3) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily. (44 Stat. 1444; 33 U.S.C. 930.)

§ 1502.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

Subpart B—Explosive and Dangerous Atmospheres

§ 1502.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts C and D of this part, except for § 1502.24(b)(8), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts C and D of this part are always carried out by an N.F.P.A. Certified Marine Chemist.

(2) The employer shall indicate on U.S. Department of Labor Form MAR–8, "Designation of Competent Person" either those employees designated as competent persons or that the prescribed functions of such persons are always carried out by an N.F.P.A. Certified Marine Chemist in addition to his professional duties. When additions or changes are made in the personnel so designated, a new Form MAR–8 shall be executed. A copy of this executed form

shall be forwarded to the nearest office of the Bureau of Labor Standards.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the N.F.P.A. Certified Marine Chemist or issued by a consultant or chemist who may be used by the employer to make the tests and inspections required by Subparts C and D of this part.

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts C and D of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which construction work is done.

(5) Capability to perform the tests and inspections required by Subparts C and D of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts C and D of this part, except those in § 1502.24 (b)(8), are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form MAR–9, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be available for inspection in the immediate vicinity of the affected operations while they are in progress. This record or copy thereof shall be kept on file for a period of at least 3 months from the date of the completion of the job.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general vessel construction. They do not apply in their entirety to employers whose work involves only certain portions of Subparts C and D of this part, such as the building of some wooden vessels, where only knowledge of the precautions to be taken when using flammable paints is necessary. In such cases employers may designate persons who are competent on the basis of the applicable portions of the criteria set forth in paragraph (b) of this section.

Subpart C—Surface Preparation and Preservation

§ 1502.21 Toxic cleaning solvents.

(a) Before any solvents are used, the employer shall ascertain, whenever possible, the toxic properties of such solvents and shall employ at least one of the following measures to safeguard the health of employees exposed to toxic solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to the point at which an unsafe concentration does not exist.

(3) Employees shall be protected by suitable respiratory protective equipment in accordance with the requirements of § 1502.82 (a) and (c).

(b) The Table of Threshold Limit Values set forth in Appendix I shall be used as a guide in determining safe concentrations of vapors.

(c) When the toxic properties of a solvent cannot be ascertained or the concentration of its vapors cannot be determined, employees shall be protected by respiratory protective equipment in accordance with the requirements of § 1502.82 (a) and (c).

(d) The employer shall advise the employees who are exposed to solvents of the hazardous nature of the solvents and of the measures taken to safeguard their health.

(e) When flammable solvents are used, precautions shall be taken in accordance with the requirements of § 1502.25.

§ 1502.22 Chemical paint and preservative removers.

(a) Employees shall be protected against skin contact during the handling and application of chemical paint and preservative removers and shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1502.81 (a) and (b).

(b) When using flammable paint and preservative removers, precautions shall be taken in accordance with the requirements of § 1502.25.

(c) When using chemical paint and preservative removers which contain volatile and toxic solvents, such as benzol, acetone and amyl acetate, the provisions of § 1502.21 shall be applicable.

(d) When using paint and rust removers containing strong acids or alkalies, employees shall be protected by suitable face shields to prevent chemical burns on the face and neck.

(e) When steam guns are used, all employees working within range of the blast shall be protected by suitable face shields. Metal parts of the steam gun itself shall be insulated to protect the operator against heat burns.

§ 1502.23 Mechanical paint removers.

(a) *Power tools.* (1) Employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1502.81(a).

(2) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(3) Portable electric tools shall be grounded in accordance with the requirements of § 1502.72 (a) and (b).

(4) In a confined space, mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum shall be used, or employees shall be protected by respiratory protective equipment in accordance with the requirements of § 1502.82 (a) and (d).

(b) *Flame removal.* (1) Hardened preservative coatings shall not be removed by flame in enclosed spaces unless the employees exposed to fumes are protected by air line respirators in accordance with the requirements of § 1502.82 (a). Employees performing such an operation in the open air, and those exposed to the resulting fumes, shall be protected by a fume filter type respirator in accordance with requirements of paragraphs (a) and (d)(2)(iv) of §1502.82.

(2) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(c) *Abrasive blasting*—(1) *Equipment.* Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) *Hoses.* Hose of a type to prevent shocks from static electricity shall be used.

(ii) *Hose couplings.* Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) *Nozzles.* Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(2) *Replacement.* Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(3) *Personal protective equipment.* (i) Abrasive blasters working in enclosed spaces shall be protected by hoods and air fed respirators or by air helmets of a positive pressure type in accordance with the requirements of § 1502.82(a).

(ii) Abrasive blasters working in the open shall be protected as indicated in subdivision (i) of this subparagraph except that when synthetic abrasives containing less than one percent free silica are used filter type respirators approved by the Bureau of Mines for exposure to lead dusts may be used in accordance with § 1502.82 (a) and (d).

(iii) Employees, other than blasters, including machine tenders and abrasive recovery men, working in areas where unsafe concentrations of abrasive materials and dusts are present shall be protected by eye and respiratory protective equipment in accordance with the requirements of §§ 1502.81 (a) and (b) and 1502.82 (a) and (d).

(iv) The blaster shall be protected against injury from exposure to the blast by appropriate protective clothing, including gloves.

(v) Since surges from drops in pressure in the hose line can be of sufficient proportions to throw the blaster off the staging, the blaster shall be protected by a safety belt when blasting is being done from elevations where adequate protection against falling cannot be provided by railings.

§ 1502.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* (1) When paints mixed with toxic vehicles or solvents are sprayed, the following conditions shall apply:

(i) In confined spaces, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1502.82(a).

(ii) In tanks or compartments, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of §1502.82(a). Where mechanical ventilation is provided, employees shall be protected by respirators in accordance with the requirements of § 1502.82 (a) and (e).

(iii) In large and well ventilated areas, employees exposed to such spraying shall be protected by respirators in accordance with the requirements of § 1502.82 (a) and (e).

(2) Where brush application of paints with toxic solvents is done in confined spaces, or other areas where lack of ventilation creates a hazard, employees shall be protected by filter respirators in accordance with the requirements of § 1502.82 (a) and (c).

(3) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of § 1501.25.

(4) Jet type air moving devices shall be electrically bonded to the vessel's structure.

(b) *Paints and tank coatings dissolved in highly volatile toxic and flammable solvents.* Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80° F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(1) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten (10) percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(2) If the ventilation fails or if the concentration of solvent vapors rises above ten (10) percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten (10) percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten (10) percent of the lower explosive limit shall be provided.

(3) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas free shall be made after the ventilating equipment has been shut off for at least ten minutes.

(4) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(5) All motors and control equipment shall be of the explosion proof type with non-ferrous fan blades. Air ducts shall also be of non-ferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(6) Only non-sparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is non-sparking.

(7) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(8) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(9) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling such highly volatile paints shall be protected. All footwear shall be non-sparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing shall be of cotton. Rubber, rather than plastic gloves shall be used because of the danger of static sparks.

(10) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(11) All solvent drums taken into the compartment shall be placed on non-ferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(12) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of § 1502.82(a). Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of § 1502.82 (a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of § 1502.82 (a) and (e).

§ 1502.25 Flammable liquids.

(a) In all cases when liquid solvents, paint and preservative removers, paints or vehicles, other than those covered by § 1502.24(b), are capable of producing a flammable atmosphere under the conditions of use the following precautions shall be taken:

(1) Smoking, open flames, arcs and spark-producing equipment shall be prohibited in the area.

(2) Ventilation shall be provided in sufficient quantities to keep the concentration of vapors below ten (10) percent of their lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(3) Scrapings and rags soaked with these materials shall be kept in a covered metal container.

(4) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard shall be used.

(5) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(6) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

Subpart D—Welding, Cutting and Heating

§ 1502.31 Ventilation and protection in welding, cutting and heating.

(a) *Mechanical ventilation; requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen from a cylinder or torch shall not be used for ventilation purposes.

(b) *Welding, cutting and heating in confined spaces.* (1) Except as provided in paragraphs (b)(3) and (c)(2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with § 1502.46(b)(1) and (2).

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1502.82(a), and an employee on the outside of such a confined space shall be

prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 1502.36(e) shall be protected by filter lenses meeting

consistent with avoiding freezing of the lines or hose.

(e) When the welding, cutting or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the

(1) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such

secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting

valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1502.82(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1502.82(a).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals.

Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of paragraphs (a) and (d)(2)(iv) of § 1502.82, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1502.82(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *Inert-gas metal-arc welding.* (1) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred (200) feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 1502.36(e) shall be protected by filter lenses meeting the requirements of § 1502.81 (a) and (c). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of § 1502.81 (a) and (c) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of paragraph (c)(2) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(e) *General welding, cutting and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraphs (b), (c) or (d) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of § 1502.81 (a) and (c).

§ 1502.32 Fire prevention.[1]

(a) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(b) If the object to be welded, cut or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks, and slag, and to protect the immovable fire hazards from them.

(c) No welding, cutting or heating shall be done where the application of flammable paints or the presence of other flammable compounds or of heavy dust concentrations creates a hazard.

(d) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. In addition, when hot work is being performed aboard a vessel and pressure is not available on the vessel's fire system, an auxiliary supply of water shall be made available where practicable, consistent with avoiding freezing of the lines or hose.

(e) When the welding, cutting or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting or heating operations are being performed and for a sufficient period of time after completion of the work to ensure that no possibility of fire exists.

(f) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(g) In order to eliminate the possibility of fire in enclosed spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the enclosed space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts the torch and hose shall be removed from the enclosed space. Open end fuel gas and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas consuming device.

§ 1502.33 Welding, cutting and heating in way of preservative coatings.

(a) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable they shall be stripped from the area to be heated to prevent ignition. A 1½-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(c) Protection against toxic preservative coatings. (1) In enclosed spaces all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of § 1502.82(a).

(2) In the open air employees shall be protected by a filter type respirator in accordance with requirements of § 1502.82 (a) and (d).

(d) Before welding, cutting or heating is commenced in enclosed spaces on metals covered by soft and greasy preservatives, the following precautions shall be taken:

[1] 46 CFR 146.02-20 contains Coast Guard regulations pertaining to welding and cutting while explosives and dangerous cargoes are being handled.

(1) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such vapors are determined to be present, no hot work shall be commenced until such precautions have been taken as will ensure that the welding, cutting or heating can be performed in safety.

(2) The preservative coatings shall be removed for a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heated area may be used to limit the size of the area required to be cleaned. The prohibition contained in § 1502.23(b)(2) shall apply.

(e) Immediately after welding, cutting or heating is commenced in enclosed spaces on metal covered by soft and greasy preservatives, and at frequent intervals thereafter, a competent person shall make tests to ensure that no flammable vapors are being produced by the coatings. If such vapors are determined to be present, the operation shall be stopped immediately and shall not be resumed until such additional precautions have been taken as are necessary to ensure that the operation can be resumed safely.

§ 1502.34 Welding, cutting and heating of hollow metal containers and structures.

(a) Drums, containers, or hollow structures which have contained toxic or flammable substances shall, before welding, cutting or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any build-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other non-flammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled, or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1502.35 Gas welding and cutting.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one verticle position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty or when cylinders are moved at any time, the cylinder valve shall be closed.

(9) Acetylene cylinders shall be kept in an upright position at all times.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator). The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel.

(e) *Manifolds.* (1) Manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) All manifolds shall be placed in safe and accessible locations.

(3) Manifold hose connections shall be such that hose cannot be interchanged between fuel gases and oxygen manifolds. Adaptors shall not be used to permit the interchange of hose. Manifold hose connections shall be kept free of grease and oil.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together,

not more than 4 inches out of 8 inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services.

the vicinity from the direct rays of the arc.

§ 1502.37 Uses of fissionable material in shipbuilding.

(a) In shipbuilding and related activi-

(b) *Independent pole wood scaffolds.* (1) All pole uprights shall be set plumb. Poles shall rest on a foundation of sufficient size and strength to distribute the load and to prevent displacement.

(2) In light-duty scaffolds not more

(8) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(d) *Wood trestle and extension trestle ladders.* (1) The use of trestle ladders,

shall not exceed the distance between the siderails.

(10) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

not more than 4 inches out of 8 inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundred (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

(g) *Torch tips.* Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(h) *Pressure regulators.* Oxygen and fuel gas pressure regulators including their related gauges shall be in proper working order while in use.

§ 1502.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of ten (10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases or flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying capacity equal to that required by subparagraph (1) of this paragraph.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

§ 1502.37 Uses of fissionable material in shipbuilding.

(a) In shipbuilding and related activities involving the use of an exposure to sources of ionizing radiation not only on conventionally powered but also on nuclear powered vessels, the applicable provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive material, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1502.41 Scaffolds or staging.

(a) *General requirements.* (1) All scaffolds and their supports, whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, cans, loose bricks or other unstable objects shall not be used for the support of planking intended as scaffolds or working platforms.

(7) No scaffolds shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(8) No welding, burning, riveting or open flame work shall be performed on any staging suspended by means of fiber rope.

(9) Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is assured.

(10) Unless the crane hook has a safety latch or is moused, the lifting bridles on working platforms suspended from cranes shall be attached by shackles to the lower lifting block or other positive means shall be taken to prevent them from becoming accidentally disengaged from the crane hook.

(b) *Independent pole wood scaffolds.* (1) All pole uprights shall be set plumb. Poles shall rest on a foundation of sufficient size and strength to distribute the load and to prevent displacement.

(2) In light-duty scaffolds not more than 24 feet in height, poles may be spliced by overlapping the ends not less than 4 feet and securely nailing them together. A substantial cleat shall be nailed to the lower section to form a support for the upper section except when bolted connections are used.

(3) All other poles to be spliced shall be squared at the ends of each splice, abutted, and rigidly fastened together by not less than two cleats securely nailed or bolted thereto. Each cleat shall overlap each pole end by at least 24 inches and shall have a width equal to the face of the pole to which it is attached. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the pole.

(4) Ledgers shall extend over two consecutive pole spaces and shall overlap the poles at each end by not less than 4 inches. They shall be left in position to brace the poles as the platform is raised with the progress of the work. Ledgers shall be level and shall be securely nailed or bolted to each pole and shall be placed against the inside face of each pole.

(5) All bearers shall be set with their greater dimension vertical and shall extend beyond the ledgers upon which they rest.

(6) Diagonal bracing shall be provided between the parallel poles, and cross bracing shall be provided between the inner and outer poles or from the outer poles to the ground.

(7) Minimum dimensions and spacing of members shall be in accordance with Table E–1 in § 1502.68.

(8) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(c) *Independent pole metal scaffolds.* (1) Metal scaffold members shall be maintained in good repair and free of corrosion.

(2) All vertical and horizontal members shall be fastened together with a coupler or locking device which will form a positive connection. The locking device shall be of a type which has no loose parts.

(3) Posts shall be kept plumb during erection and the scaffold shall be subsequently kept plumb and rigid by means of adequate bracing.

(4) Posts shall be fitted with bases supported on a firm foundation to distribute the load. When wooden sills are used, the bases shall be fastened thereto.

(5) Bearers shall be located at each set of posts, at each level, and at each intermediate level where working platforms are installed.

(6) Tubular bracing shall be applied both lengthwise and crosswise as required.

(7) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(8) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(d) *Wood trestle and extension trestle ladders.* (1) The use of trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet is prohibited. The total height of base and extension may, however, be more than 20 feet.

(2) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows:

(i) Ladders up to and including those 16 feet long shall have side rails of not less than $1\frac{5}{16}$ x $2\frac{3}{4}$ inch lumber.

(ii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than $1\frac{5}{16}$ x 3 inch lumber.

(3) The side rails of the extension section of the extension trestle ladder shall be parallel and shall have minimum dimensions as follows:

(i) Ladders up to and including 12 feet long shall have side rails of not less than $1\frac{5}{16}$ x $2\frac{1}{4}$ inch lumber.

(ii) Ladders over 12 feet long and up to and including those 16 feet long shall have side rails of not less than $1\frac{5}{16}$ x $2\frac{1}{2}$ inch lumber.

(iii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than $1\frac{5}{16}$ x $2\frac{3}{4}$ inch lumber.

(4) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be not less than $5\frac{1}{2}$ inches per foot of the length of the ladder.

(5) The width between the side rails at the bottom of the trestle ladder or of the base section of the extension trestle ladder shall be not less than 21 inches for all ladders and sections 6 feet or less in length. For longer lengths of ladder the width shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension section of the trestle ladder shall be not less than 12 inches.

(6) In order to limit spreading, the top ends of the side rails of both the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or of equivalent construction, and shall be provided with a metal hinge.

(7) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of each trestle ladder or extension trestle ladder.

(8) Rungs shall be parallel and level. On the trestle ladder, or on the base section of the extension trestle ladder, rungs shall be spaced not less than 8 inches nor more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches nor more than 12 inches apart.

(9) Platform planking shall be in accordance with the requirements of paragraph (h) of this section, except that the width of the platform planking shall not exceed the distance between the siderails.

(10) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(e) *Painters' suspended scaffolds.* (1) The supporting hooks of swinging scaffolds shall be constructed to be equivalent in strength to mild steel or wrought iron, shall be forged with care, shall be not less than $\frac{7}{8}$ inch in diameter, and shall be secured to a safe anchorage at all times.

(2) The ropes supporting a swinging scaffold shall be equivalent in strength to first-grade $\frac{3}{4}$ inch diameter manila rope properly rigged into a set of standard 6 inch blocks consisting of at least one double and one single block.

(3) Manila and wire ropes shall be carefully examined before each operation and thereafter as frequently as may be necessary to ensure their safe condition.

(4) Each end of the scaffold platform shall be supported by a wrought iron or mild steel stirrup or hanger, which in turn is supported by the suspension ropes.

(5) Stirrups shall be constructed so as to be equivalent in strength to wrought iron $\frac{3}{4}$ inch in diameter.

(6) The stirrups shall be formed with a horizontal bottom member to support the platform, shall be provided with means to support the guardrail and midrail and shall have a loop or eye at the top for securing the supporting hook on the block.

(7) Two or more swinging scaffolds shall not at any time be combined into one by bridging the distance between them with planks or any other form of platform.

(8) No more than two men shall be permitted to work at one time on a swinging scaffold built to the minimum specifications contained in this paragraph. Where heavier construction is used, the number of men permitted to work on the scaffold shall be determined by the size and the safe working load of the scaffold.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(10) The swinging scaffold platform shall be one of the three types described in subparagraphs (11), (12) and (13) of this paragraph.

(11) The ladder-type platform consists of boards upon a horizontal ladder-like structure, referred to herein as the ladder, the side rails of which are parallel. If this type of platform is used the following requirements shall be met:

(i) The width between the side rails shall be no more than 20 inches.

(ii) The side rails of ladders in ladder-type platforms shall be equivalent in strength to a beam of clear straight-grained spruce of the dimensions contained in Table E–2 in § 1502.68.

(iii) The side rails shall be tied together with tie rods. The tie rods shall be not less than $\frac{5}{16}$ inch in diameter, located no more than 5 feet apart, pass through the rails, and be riveted up tight against washers at both ends.

(iv) The rungs shall be of straight-grained oak, ash, or hickory, not less than

1⅛ inches diameter, with ⅞ inch tenons mortised into the side rails not less than ⅞ inch and shall be spaced no more than 18 inches on centers.

(v) Flooring strips shall be spaced no more than ⅝ inch apart except at the side rails, where 1 inch spacing is permissible.

(vi) Flooring strips shall be cleated on their undersides.

(12) The plank-type platform consists of planks supported on the stirrups or hangers. If this type of platform is used, the following requirements shall be met:

(i) The planks of plank-type platforms shall be of not less than 2 x 10 inch lumber.

(ii) The platform shall be no more than 24 inches in width.

(iii) The planks shall be tied together by cleats of not less than 1 x 6 inch lumber, nailed on their undersides at intervals of not more than 4 feet.

(iv) The planks shall extend not less than 6 inches nor more than 18 inches beyond the supporting stirrups.

(v) A cleat shall be nailed across the platform on the underside at each end outside the stirrup to prevent the platform from slipping off the stirrup.

(vi) Stirrup supports shall be not more than 10 feet apart.

(13) The beam-type platform consists of longitudinal side stringers with cross beams set on edge and spaced not more than 4 feet apart on which longitudinal platform planks are laid. If this type platform is used the following requirements shall be met:

(i) The side stringers shall be of sound, straight-grained lumber, free from knots, and of not less than 2 x 6 inch lumber, set on edge.

(ii) The stringers shall be supported on the stirrups with a clear span between stirrups of not more than 16 feet.

(iii) The stringers shall be bolted to the stirrups by U-bolts passing around the stirrups and bolted through the stringers with nuts drawn up tight on the inside face.

(iv) The ends of the stringers shall extend beyond the stirrups not less than 6 inches nor more than 12 inches at each end of the platform.

(v) The platform shall be supported on cross beams of 2 x 6 inch lumber between the side stringers securely nailed thereto and spaced not more than 4 feet on centers.

(vi) The platform shall be not more than 24 inches wide.

(vii) The platform shall be formed of boards ⅞ inch in thickness by not less than 6 inches in width, nailed tightly together, and extending to the outside face of the stringers.

(viii) The ends of all platform boards shall rest on the top of the cross beams, shall be securely nailed, and at no intermediate points in the length of the platform shall there be any cantilever ends.

(f) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E–3 in § 1502.68.

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (i) of this section.

(g) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of paragraphs (a), (h) and (i) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(h) *Scaffold or platform planking.* (1) Except as otherwise provided in paragraph (e) (11) and (13) of this section, platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E–4 in § 1502.68 shall be used as a guide in determining safe loads for scaffold planks.

(i) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located halfway between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1502.84(b), and employees working over water shall be protected by buoyant working vests meeting the requirements of § 1502.84(a).

(4) Employees working from swinging scaffolds which are triced out of a vertical line below their supports or from scaffolds on paint floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(j) *Access to staging.* (1) Access from below to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1502.42 or rigid type non-collapsible trestles with parallel and level rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of § 1502.42 or a Jacob's ladder properly secured, meeting the requirements of § 1502.44(d).

§ 1502.42 Ladders.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraphs (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American Standard Safety Code for Portable Metal Ladders, A14.2.

(5) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American Standard Safety Code for Portable Wood Ladders, A14.1.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.*

(1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides, and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than ½ inch in diameter or within ½ inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding ⅛ inch in width, 2 inches in length and ½ inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11½ inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least ¼ inch for each additional 2 feet of length.

(6) Side rails shall be at least 1⅝ x 3⅝ inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails ½ inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least $\frac{25}{32}$ x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least $\frac{25}{32}$ x 3¾ inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

§ 1502.43 Guarding of deck openings.

(a) When employees are working in the vicinity of flush manholes and other small openings of comparable size in the deck and other working surfaces, such openings shall be suitably covered or guarded to a height of not less than 30 inches, except where the use of such guards is made impracticable by the work actually in progress.

(b) When employees are working around open hatches not protected by coamings to a height of 24 inches or around other large openings, the edge of the opening shall be guarded in the working area to a height of 36 to 42 inches, except where the use of such guards is made impracticable by the work actually in progress.

§ 1502.44 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a gangway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of paragraph (d) (1) and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with mid rail. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(3) The gangway shall be kept properly trimmed at all times.

(4) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(5) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(6) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with mid rails on both sides.

(7) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(8) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(9) Obstructions shall not be laid on or across the gangway.

(10) The means of access shall be adequately illuminated for its full length.

(11) Loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraph (a) (1), (2), (8), (9) and (10) of this section shall be provided for access from wing wall to vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of subparagraph (1) of this paragraph or a safe walkway in accordance with the requirements of paragraph (a)(7) of this section shall be provided. When a walkway is impracticable, a substantial ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraph (a)(8), (9) and (10) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1502.45 Access to and guarding of dry docks.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a mid rail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a mid rail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering or leaving the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42-inch railings with a mid rail. When such a railing would be

impracticable or ineffective, other effective means shall be provided to prevent men from falling into the water.

(f) Access to wingwalls from floors of dry docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1502.42.

§ 1502.46 Access to cargo spaces and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. When conditions are such that a straight ladder cannot be used, a Jacob's ladder meeting the requirements of § 1502.44(d) may be used.

(4) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that equipment, materials or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or the crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere in the space except where the structure or arrangement of the vessel makes this provision impractical.

(2) When the ventilating ducts required by these regulations must pass through these means of access, the ducts shall be of such a type and so arranged as to permit free passage to an employee through at least two of these means of access.

§ 1502.47 Working surfaces.

(a) When firebox floors present tripping hazards of exposed tubing or from missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

Subpart F—General Working Conditions

§ 1502.51 Housekeeping.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or dry docks shall be kept clear of all debris such as welding rod tips, bolts, nuts, and similar material. Welding leads, burner hose and air hose in aisles or passageways shall be elevated over or placed under the walkway surfaces or covered by cross-over planks.

(b) All working areas on vessels and dry docks shall be kept reasonably free of debris, and construction material shall be so piled as not to present a hazard to employees.

(c) Slippery conditions on walkways or working surfaces shall be eliminated as they occur.

(d) Free access shall be maintained at all times to all exits and to all fire-alarm boxes or fire-extinguishing equipment.

(e) All oils, paints, thinners, solvents, waste, rags, or other flammable substances shall be kept in fire resistant covered containers when not in use.

§ 1502.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1502.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of employees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited.

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1502.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose and fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and hose and temporary piping shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall insure that all of the vessel's circuits to be energized are in a safe condition.

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1502.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 1502.31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

§ 1502.55 Work on or in the vicinity of radar and radio.

(a) No employees other than radar or radio repairmen shall be permitted to work on masts, king posts or other aloft areas unless the radar and radio are secured or otherwise made incapable of radiation. In either event, the radio and radar shall be appropriately tagged.

(b) Testing of radar or radio shall not be done until the employer can schedule such tests at a time when no work is in progress aloft or personnel can be cleared from the danger area according to minimum safe distances established for and based on the type, model, and power of the equipment.

§ 1502.56 Work in or on lifeboats.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that the boat is secured independently of the releasing gear to prevent the boat from falling due to accidental tripping of the releasing gear and movements of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to remain in boats while the boats are being hoisted into final stowed position.

(c) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

§ 1502.57 Health and sanitation.

(a) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where

contaminants can, by ingestion or absorption, be detrimental to the health of the employee. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(b) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation.

§ 1502.58 First aid.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1502.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and, when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

(b) The safe working load of gear as specified in §§ 1502.62 and 1502.63 shall not be exceeded.

§ 1502.62 Ropes, chains and slings.

(a) *Manila rope and manila rope slings.* (1) Table G–1 in § 1502.68 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G–2 through G–5 in § 1502.68 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G–6 in § 1502.68 shall be used to determine the number and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G–7 and G–8 in § 1502.68 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9 in § 1502.68 has been reached.

(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in subparagraph (4) of this paragraph shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1502.63 Shackles and hooks.

(a) *Shackles.* (1) Table G–10 in § 1502.68 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

§ 1502.64 Chain falls and pull-lifts.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

§ 1502.65 Hoisting and hauling equipment.

(a) The moving parts of hoisting and hauling equipment shall be guarded.

(b) *Mobile crawler or truck cranes used on a vessel.* (1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(3) The area within the swing radius of the body of a crawler or truck crane and the extended parts thereof shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or

caught between the crane and fixed parts of the vessel or of the crane itself.

(c) *Marine railways.* (1) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

§ 1502.66 Use of gear.

(a) Loads shall be safely rigged before being hoisted.

(b) Plates shall be handled on and off hulls by means of shackles whenever possible. Clips or pads of ample size shall be welded to the plate to receive the shackle pins when there are no holes in the plate. When it is not possible to make holes in or to weld pads to the plate, alligator tongs, grab hooks, grab clamps or screw clamps may be used. In such cases special precautions shall be taken to keep employees from under such lifts.

(c) Tag lines shall be provided on loads likely to swing or to need guidance.

(d) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(e) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(f) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(g) Loose ends of idle legs of slings in use shall be hung on the hook.

(h) Employees shall not be permitted to ride the hook or the load.

(i) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(j) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured as early as possible.

(k) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(l) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(m) A section of hatch through which materials or equipment are being raised, lowered, moved or otherwise shifted by a crane, winch, hoist or derrick, shall be completely opened. The beams and pontoons left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent them from being unshipped.

(n) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(o) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object.

§ 1502.67 Qualifications of operators.

(a) When ship's gear is used to hoist materials aboard, a competent person shall determine that the gear is properly rigged, that it is in safe condition, and that it will not be overloaded by the size and weight of the lift.

(b) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(c) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

(d) No minor under eighteen (18) years of age shall be employed in occupations involving the operation of any power-driven hoisting apparatus or assisting in such operations by work such as hooking on, loading slings, rigging gear, etc.

§ 1502.68 Tables.

TABLE E-1

DIMENSIONS AND SPACING OF WOOD INDEPENDENT-POLE SCAFFOLD MEMBERS

Structural Members	Light duty (Up to 25 pounds per square foot)			Heavy duty (26 to 75 pounds per square foot)		
	Height in feet			Height in feet		
	24 or less	24–40	40–60	24 or less	24–40	40–60
Poles or uprights (in inches)	2 x 4	3 x 4 or 2 x 6	4 x 4	3 x 4	4 x 4	4 x 6
Bearers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 10
Ledgers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 8
Stringers (not supporting bearers) (in inches)	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Braces (in inches)	1 x 4	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Pole spacing—longitudinally (in feet)	7½	7½	7½	7	7	7
Pole spacing—transversely (in feet)	6½ min	7½ min	8½ min	6½	10	10
Ledger spacing—vertically (in feet)	7	7	7	4½	4½	4½

TABLE E-2

SPECIFICATIONS FOR SIDE RAILS OF LADDERS

Length (in feet)	Cross section (in inches)	
	At ends	At center
15	1⅜ x 2¾	1¾ x 3¾
16	1⅜ x 2¾	1⅜ x 3¾
18	1⅜ x 3	1⅜ x 4
20	1⅜ x 3	1¾ x 4
24	1¾ x 3	1¾ x 4½

TABLE E-3

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
	Inches	*Inches*	*Inches*
Legs	2 x 4	3 x 4	4 x 6
Bearers or headers	2 x 6	2 x 8	4 x 6
Crossbraces	2 x 4 or 1 x 8	2 x 4	2 x 6
Longitudinal braces	2 x 4	2 x 6	2 x 6

TABLE E-4

SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

Span in Feet	Lumber dimensions in inches									
	A	B	A	B	A	B	A	B	A	B
	2 x 10	1¾ x 9¼	2 x 12	1¾ x 11¼	3 x 8	2¾ x 7¼	3 x 10	2¾ x 9¼	3 x 12	2¾ x 11¼
6	256	309	526	667	807					
8	192	232	396	500	605					
10	153	186	316	400	484					
12	128	155	263	333	404					
14	110	133	225	286	346					
16		116	197	250	303					

(A)—Rough lumber.
(B)—Dressed lumber.

TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

TABLE G-2

RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS

(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia., Inches	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
TWO - LEG BRIDLE OR BASKET HITCH												
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.78	.75	.58	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.8	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.3	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

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TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
• 1/4	1060	1835	1500	1060
• 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
• 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
• 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.8	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

• These sizes of wrought iron chain are no longer manufactured in the United States.

RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
TWO - LEG BRIDLE OR BASKET HITCH												
6x19 CLASSIFICATION												
1/4	.09	1.0	.08	.05	.08	.05	.77	.73	.70	.55	.51	.49
3/8	2.1	2.3	2.1	2.1	1.8	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	3.7	4.1	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	5.8	6.3	5.8	6.3	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	8.3	9.0	8.3	9.0	7.6	6.9	6.7	6.2	5.8	4.8	4.4	3.9
7/8	11.	12.	10.	12.	10.	9.1	9.1	8.4	7.8	6.4	5.9	5.1
1	13.	15.	13.	15.	13.	11.	12.	11.	10.	8.4	7.7	6.7
1-1/8	17.	19.	17.	19.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	13.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	15.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-6
NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved Plow Steel, Rope Diameter, Inches	Number of Clips		Minimum Spacing, Inches
	Drop Forged	Other Material	
1/2	3	4	3
5/8	3	4	3¾
3/4	4	5	4½
7/8	4	5	5¼
1	5	6	6
1¼	5	6	6¾
1¼	6	7	7½
1½	6	8	8¼
1½			9

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

TABLE G-9

MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
1/4 (9/32)	3/64
3/8	5/64
1/2	7/64
5/8	9/64
3/4	3/32
7/8	1 1/64
1	3/16
1 1/8	7/32
1 1/4	1/4
1 3/8	9/32
1 1/2	5/16
1 3/4	1 1/32

TABLE G-10

SAFE WORKING LOADS FOR SHACKLES

[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
1/2	5/8	1.4
5/8	3/4	2.2
3/4	7/8	3.2
7/8	1	4.3
1	1 1/4	5.6
1 1/4	1 1/4	6.7
1 1/4	1 3/8	8.2
1 3/8	1 1/2	10.0
1 1/2	1 5/8	11.9
1 3/4	2	16.2
2	2 1/4	21.2

TABLE I-1

FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1–6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to 1/2 inch	4 or 5
Medium gas welding, 1/2–1/2 inch	5 or 6
Heavy gas welding, over 1/2 inch	6 or 8
Shielded Metal-Arc Welding 1/16- to 5/32-inch electrodes	10
Inert-gas Metal Arc Welding (Nonferrous) 1/16- to 5/32-inch electrodes.	11
Inert-gas Metal-Arc Welding (Ferrous) 1/16- to 5/32-inch electrodes.	12
Shielded Metal-Arc Welding:	
3/16- to 1/4-inch electrodes	12
5/16- and 3/8-inch electrodes	14
Atomic Hydrogen Welding	10 to 14
Carbon Arc Welding	14

Subpart H—Tools and Related Equipment

§ 1502.71 General precautions.

(a) Hand lines, slings, or tackles of adequate strength shall be provided to handle tools, materials and equipment so that employees can have their hands free when using ship's ladders and access ladders. The use of hoses or electric cords for this purpose shall be prohibited.

(b) When air tools of the reciprocating type are not in use, the discs and tools shall be removed.

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry docks shall be guarded.

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

§ 1502.72 Portable electric tools.

(a) The frames of portable electric tools and appliances shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the closed position.

(d) Worn or frayed electric cables shall not be used.

§ 1502.73 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1502.74 Abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed 1/8 inch from the surface of the wheel.

(c) All portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to insure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of § 1502.81 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

§ 1502.75 Powder actuated fastening tools.

(a) *General precautions.* (1) Powder actuated fastening tools shall be tested each day before loading to ensure that the safety devices are in proper working condition. Any tool found not to be in proper working order shall be immediately removed from service until repairs are made.

(2) Powder actuated fastening tools shall not be used in an explosive or flammable atmosphere.

(3) All tools shall be used with the type of shield or muzzle guard appropriate for a particular use.

(4) Fasteners shall not be driven into very hard or brittle materials, such as cast iron, glazed tile, surface hardened steel, glass block, live rock, face brick or hollow tile.

(5) Fasteners shall not be driven into soft materials unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the opposite side.

(6) Unless a special guard, fixture or jig is used, fasteners shall not be driven directly into materials such as brick or concrete within 3 inches of the unsupported edge or corner, or into steel surfaces within 1/2 inch of the unsupported edge or corner. When fastening other material, such as 2 x 4 inch lumber to a concrete surface, fasteners of greater than 7/32-inch shank diameter shall not be used and fasteners shall not be driven within 2 inches of the unsupported edge or corner of the work surface.

(7) Fasteners shall not be driven through existing holes unless a positive guide is used to secure accurate alignment.

(8) No attempt shall be made to drive a fastener into a spalled area caused by an unsatisfactory fastening.

(9) Employees using powder actuated fastening tools shall be protected by eye protection equipment in accordance with the requirements of § 1502.81 (a) and (b).

(b) *Instruction of operators.* Before employees are permitted to use powder actuated fastening tools, they shall have been thoroughly instructed by a competent person with respect to the requirements of paragraph (a) of this section and the safe use of such tools as follows:

(1) Before using a tool, the operator shall inspect it to determine that it is clean, that all moving parts operate freely and that the barrel is free from obstructions.

(2) When a tool develops a defect during use, the operator shall immediately cease to use it and shall notify his supervisor.

(3) Tools shall not be loaded until just prior to the intended firing time and the tool shall not be left unattended while loaded.

(4) The tool, whether loaded or empty, shall not be pointed at any person, and hands shall be kept clear of the open barrel end.

(5) In case of a misfire, the operator shall hold the tool in the operating position for at least 15 seconds and shall continue to hold the muzzle against the work surface during disassembly or opening of the tool and removal of the powder load.

(6) Neither tools nor powder charges shall be left unattended in places where they would be available to unauthorized persons.

Subpart I—Personal Protective Equipment

§ 1502.81 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by these regulations shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets or hand shields equipped with filter lenses in accordance with the requirements of paragraphs (a) and (c) (2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I–1 in § 1502.68 except that variations of one or two shade numbers are permissible to suit individual preferences.

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I–1 in § 1502.68.

§ 1502.82 Respiratory protection.

(a) *General.* (1) All respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be

cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter which will remove oil, water, and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(6) In all cases, when an employee is stationed outside a compartment, tank or space as a tender or safety man for men working inside in an atmosphere immediately dangerous to life, the tender shall have immediately available for emergency use repiratory protective equipment equivalent to that required for the men in the compartment. When a tender is stationed outside a compartment for men working inside in an atmosphere not immediately dangerous to life, the tender shall wear respiratory protective equipment equivalent to that required for the men in the compartment if he is exposed for prolonged periods to the same concentration of atmospheric contaminants.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than 2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

NOTE: A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the gaseous contaminant as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentration of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following gases or groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subdivision (ii) of this subparagraph.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particulate contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in the regulations of this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-producing mists, chromic acid mists, and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances).

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described in subdivisions (i) through (iv) of this subparagraph.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, as in spray painting, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c) (2) of this section and a filter for the particular type of particulate contaminant as specified in paragraph (d) (1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in subdivision (ii) of this subparagraph.

§ 1502.83 Head, foot and body protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the American Standard Safety Code for Head, Eye and Respiratory Protection, Z-2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed energized circuits of the vessel's electrical system.

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

§ 1502.84 Life saving equipment.

(a) *Buoyant working vests.* (1) When employees are working from small boats or floats, near the unguarded edges of decks, or over water on scaffolds without guard rails, they shall be protected by U.S. Coast Guard approved buoyant working vests.

(b) *Safety belts and life lines.* (1) When employees are working aloft, or over a solid surface on staging more than 5 feet high without guard rails, they shall be protected by safety belts equipped with life lines which are secured with a minimum amount of slack to a fixed structure.

(2) When employees are working in atmospheres immediately dangerous to life, they shall be protected by a safety belt and an adequate, attended life line.

(3) Prior to each use, belts and life lines shall be inspected for dry rot, chemical damage or other defects which may affect their strength. Defective belts and life lines shall not be used.

(4) When employees are working in any location requiring a safety belt and a life line, as required in paragraph (b) (1) or (2) of this section, care shall be exercised to ensure that the life line is not cut, pinched or led over a sharp edge. In hot work operations or those involving the use of acids or caustics, the line shall be kept clear to avoid its being burned or weakened.

(c) *Life rings and ladders.* (1) At least three 30-inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places aboard each vessel afloat on which work is being performed. Life rings shall be located, one forward, one aft, and one on the gangway, except on vessels under 200 feet in length, in which case one at the gangway will be sufficient.

(2) At least one life ring with a line attached shall be located on each staging float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel on which employees are working over water or close to unguarded deck edges there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Subpart J—Ship's Machinery and Piping Systems

§ 1502.91 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of boilers, the employer shall ensure that the following steps are taken:

(1) The isolation and shut-off valves connecting the dead boilers with the live boilers shall be secured, blanked, and tagged indicating that employees are working in the boilers. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boilers, or until the work is completed.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened.

(3) A warning sign calling attention to the fact that employees are working in the boilers shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are out of the boilers.

§ 1502.92 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system that has carried a high temperature medium, the employer shall ensure that the following steps are taken:

(1) The isolation and shut-off valves connecting the dead system with a live system or systems, shall be secured, blanked, and tagged indicating employees are working on the system. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened.

§ 1502.93 Ship's propulsion machinery.

(a) Before work is performed on the main engine, reduction gear, or connecting accessories, the employer shall ensure that the following steps are taken:

(1) The jacking gear shall be engaged to prevent the main engine from turning over. A sign shall be posted at the throttle indicating that the jacking gear is engaged. This sign shall not be removed until the jacking gear can be safely disengaged.

(2) If the jacking gear is steam driven, the stop valves to the jacking gear shall be secured, locked, and tagged indicating that employees are working on the main engine.

(3) If the jacking gear is electrically driven, the circuit controlling the jacking gear shall be deenergized by tripping the circuit breaker, opening the switch or removing the fuse, whichever is appropriate. The breaker, switch, or fuse location shall be tagged indicating that employees are working on the main engine.

(b) Before the jacking engine is operated, the following precautions shall be taken:

(1) A check shall be made to ensure that all employees, equipment, and tools are clear of the engine, reduction gear, and its connecting accessories.

(2) A check shall be made to ensure that all employees, equipment and tools are free of the propeller.

(c) Before work is started on or in the immediate vicinity of the propeller, a warning sign calling attention to the fact that employees are working in that area shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are free of the propeller.

(d) Before the main engine is turned over (e.g., when warming up before departure or testing after an overhaul) a check shall be made to ensure that all employees, equipment, and tools are free of the propeller.

§ 1502.94 Ship's deck machinery.

(a) Before work is performed on the anchor windlass or any of its attached accessories, the employer shall ensure that the following steps are taken:

(1) The devil claws shall be made fast to the anchor chains.

(2) The riding pawls shall be in the engaged position.

(3) In the absence of devil claws and riding pawls, the anchor chains shall be secured to a suitable fixed structure of the vessel.

Subpart K—Portable, Unfired Pressure Vessels, Drums, and Containers, Other Than Ship's Equipment

§ 1502.101 Portable air receivers and other unfired pressure vessels.

(a) Portable, unfired pressure vessels, built after the effective date of this regulation, shall be marked and reported indicating that they have been designed and constructed to meet the standards of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, 1963. They shall be subjected to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(b) Portable, unfired pressure vessels, not built to the code requirements of paragraph (a) of this section, and built prior to the effective date of this regulation, shall be examined quarterly by a competent person. They shall be subjected yearly to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(c) The relief valves on the portable, unfired pressure vessels in paragraphs (a) and (b) of this section shall be set to the safe working pressure of the vessels, or set to the lowest safe working pressure of the systems, whichever is lower.

(d) A record of such examinations and tests made in compliance with the requirements of paragraphs (a) and (b) of this section shall be maintained.

§ 1502.102 Drums and containers.

(a) Shipping drums and containers shall not be pressurized to remove their contents.

(b) A temporarily assembled pressurized piping system conveying hazardous liquids or gases shall be provided with a relief valve and by-pass to prevent rupture of the system and the escape of such hazardous liquids or gases.

(c) Pressure vessels, drums and containers containing toxic or flammable liquids or gases shall not be stored or used where they are subject to open flame, hot metal, or other sources of artificial heat.

(d) Unless pressure vessels, drums and containers of 30-gallon capacity or over containing flammable or toxic liquids or gases are placed in an out-of-the-way area where they will not be subject to physical injury from an outside source, barriers or guards shall be erected to protect them from such physical injury.

(e) Containers of 55 gallons or more capacity containing flammable or toxic liquid shall be surrounded by dikes or pans which enclose a volume equal to at least 25 percent of the total volume of the containers.

(f) Fire extinguishers adequate in number and suitable for the hazard shall

be provided. These extinguishers shall be located in the immediate area where pressure vessels, drums, and containers containing flammable liquids or gases are stored or in use. Such extinguishers shall be ready for use at all times.

Subpart L—Electrical Machinery

§ 1502.111 Electrical circuits and distribution boards.

(a) Before an employee is permitted to work on an electrical circuit, except when the circuit must remain energized for testing and adjusting, the circuit shall be deenergized by an authorized employee by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized except by the authorized employee who placed the tag or by another employee authorized by the employer.

(b) When work is performed immediately adjacent to an open-front energized board or in back of an energized board, the board shall be covered or some other equal means shall be used to prevent contact with any of the energized parts.

Appendix I

THRESHOLD LIMIT VALUES FOR 1963

These values should be used as guides in the control of health hazards and should not be regarded as fine lines between safe and dangerous concentrations. They represent conditions under which it is believed that nearly all workers may be repeatedly exposed, day after day, without adverse effect. The values listed refer to time-weighted average concentrations for a normal workday. The amount by which these figures may be exceeded for short periods without injury to health depends upon a number of factors such as the nature of the contaminant, whether very high concentrations even for short periods produce acute poisoning, whether the effects are cumulative, the frequency with which high concentrations occur, and the duration of such periods. All must be taken into consideration in arriving at a decision as to whether a hazardous situation exists. Because it has been recognized that the threshold limits of certain acutely-acting substances may not provide a safety factor comparable to that of chronically-acting substances for which a time-weighted average applies, a "C" designation or "ceiling" has been affixed to such values indicating that the Threshold Limit Value should not be exceeded. The bases for the "C" listing is given in appendix C.

Special consideration should be given to the application of these values in assessing the health hazards which may be associated with exposure to mixtures of two or more substances. A brief discussion of basic considerations involved in developing threshold limit values for mixtures, and methods for their development, amplified by specific examples are given in appendix B.

Threshold limits are based in the best available information from industrial experience, from experimental studies, and, when possible, from a combination of the two. These values are based in various criteria of toxic effects or on marked discomfort; thus, they should not be used as a common denominator of toxicity, nor should they be considered as the sole criterion in proving or disproving diagnosis of suspected occupational disease.

These limits are intended for use in the field of industrial hygiene and should be interpreted and applied only by persons trained in this field. They are not intended for use, or for modification for use, (1) as a relative index of toxicity, by making a ratio of two limits, or (2) in the evaluation or control of community air pollution or air pollution nuisances, or (3) in estimating the toxic potential of continuous uninterrupted exposures.

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)

Substance	ppm*	Mg/M³**
Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene tetrabromide	1	14
† Acrolein	0.1	0.25
Acrylonitrile—Skin	20	45
Aldrin (1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-dimethano-naphthalene)—Skin	—	0.25
† Allyl alcohol—Skin	2	5
Allyl chloride	1	3
C Allyl glycidyl ether (AGE)	10	45
Allyl propyl disulfide	2	12
† Ammonia	50	35
Ammonium sulfamate (Ammate)	—	15
† Amyl acetate	100	525
Amyl alcohol (isoamyl alcohol)	100	360
Aniline—Skin	5	19
Antimony	—	0.5
ANTU (alpha naphthyl thiourea)	—	0.3
Arsenic	—	0.5
Arsine	0.05	0.2
Barium (soluble compounds)	—	0.5
C Benzene (benzol)—Skin	25	80
Benzidine	—	A¹
Benzyl chloride	1	5
Beryllium	—	0.002
Boron oxide	—	15
C Boron trifluoride	1	3
Bromine	0.1	0.7
Butadiene (1,3-butadiene)	1,000	2,200
2-Butanone (methyl ethyl ketone)	200	590
2-Butoxy ethanol (Butyl Cellosolve)	50	240
Butyl acetate (n-butyl acetate)	200	950
Butyl alcohol	100	300
tert. Butyl Alcohol	100	300
C Butylamine	5	15
n-Butyl glycidyl ether (BGE)	50	270
Butyl mercaptan	10	35
p-tert. Butyltoluene	10	60
Cadmium oxide fume	—	0.1
Calcium arsenate	—	1
Carbon disulfide	5,000	9,000
Carbon disulfide—Skin	20	60
Carbon monoxide	100	110
Carbon tetrachloride—Skin	10	65
Chlordane (1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene)	—	0.5
Chlorinated camphene, 60%	—	0.5
Chlorinated diphenyl oxide	—	0.5
Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine trifluoride	0.1	0.4
C Chloroacetaldehyde	1	3
Chlorobenzene (monochlorobenzene)	75	350
Chlorobromomethane	200	1,050
Chlorodiphenyl (42% Chlorine)—Skin	—	1
Chlorodiphenyl (54% Chlorine)—Skin	—	0.5
C Chloroform (trichloromethane)	50	240
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene)	25	90
Chromic acid and chromates (as CrO_3)	—	0.1
Cobalt	—	0.5
Crag (R) herbicide (sodium 2-(2,4-dichlorophenoxy) ethanol hydrogen sulfate)	—	15
Cresol (all isomers)—Skin	5	22
Cyanide (as CN)—Skin	—	5
Cyclohexane	400	1,400
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	400	1,350
2,4-D (2,4-dichlorophenoxyacetic acid)	—	10

†1963 Revision.
*Parts of vapor or gas per million parts of air by volume at 25° C and 760 mm. Hg pressure.
**Approximate milligrams of particulate per cubic meter of air.
A Numbers, See Appendix A.

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)—continued

Substance	ppm*	Mg/M³**
DDT (2,2-bis [p-chlorophenyl]-1, 1, 1-trichloroethane)—Skin	—	1
Decaborane—Skin	0.05	0.3
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
Diborane	0.1	0.1
1,2-Dibromoethane (Ethylene dibromide)	25	190
o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1,1-Dichloroethane	100	400
1,2-Dichloroethane (ethylene dichloride)	50	200
1,2-Dichloroethylene	200	790
C Dichloroethyl ether	15	90
Dichloromonofluoromethane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
Dichlorotetrafluoroethane	1,000	7,000
Dieldrin (1, 2, 3, 4, 10, 10-hexachloro-6, 7-epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1,4,5,8,-dimethanonaphthalene)—Skin	—	0.25
Diethylamine	25	75
Difluorodibromomethane	100	860
†C Diglycidyl ether (DGE)	0.5	2.8
Diisobutyl ketone	50	290
Dimethyl acetamide—Skin	10	35
Dimethylaniline (N-dimethylaniline)—Skin	5	25
Dimethylformamide	20	60
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylsulfate—Skin	1	5
Dinitrobenzene—Skin	—	1
Dinitrotoluene—Skin	—	1.5
Dinitro-o-cresol—Skin	—	0.2
Dioxane (diethylene dioxide)	100	360
Dipropylene glycol methyl ether	100	600
EPN (O-ethyl O-p-nitrophenyl phenonobenzenephosphonate)—Skin	—	0.5
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	25	45
C Ethylbenzene	200	870
Ethyl bromide	200	890
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
†C Ethyl mercaptan	20	52
Ethyl silicate	100	850
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	30
Ethylene glycol dinitrate (Combined EGDN+NG)—Skin	0.2	1.2
Ethylene imine—Skin	5	9
Ethylene oxide	50	90
2-Ethoxyethanol (Cellosolve)	200	740
2-Ethoxyethyl acetate (Cellosolve Acetate)	100	540
Ferbam (ferric dimethyl dithiocarbamate)	—	15
Ferrovanadium dust	—	1
Fluoride (as F)	—	2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
C Formaldehyde	5	6
Furfural	5	20
Furfuryl alcohol	50	200
Gasoline	500	2,000
Glycidol (2,3-Epoxy-1-propanol)	50	150
Heptane (n-heptane)	500	2,000
Hexane (n-hexane)	500	1,800
Hexanone (methyl butyl ketone)	100	410
† sec-Hexyl acetate	50	295
Hexone (methyl isobutyl ketone)	100	410
C Hydrazine—Skin	1	1.3
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen fluoride	3	2
C Hydrogen peroxide, 90%	1	1.4
Hydrogen selenide	0.05	0.2
C Hydrogen sulfide	20	30
Hydroquinone	—	2
C Iodine	0.1	1
Iron oxide fume	—	15
Isophorone	25	140
Isopropylamine	5	12
Isopropylglycidyl ether (IGE)	50	240
Ketene	0.5	0.9
Lead	—	0.2
Lead arsenate	—	0.15
Lindane (hexachlorocyclohexane, gamma isomer)	—	0.5
Lithium hydride	—	0.025
Magnesium oxide fume	—	15
Malathion (o,o-dimethyl dithiophosphate of diethyl mercaptosuccinate)—Skin	—	15
C Manganese	—	5
Mercury—Skin	—	0.1

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)—continued

Substance	ppm*	Mg/M³**
Mercury (organic compounds)—Skin	—	0.01
Mesityl oxide	25	100
Methoxychlor (2,2-H-p-methoxyphenyl-1, 1, 1-trichloroethane)	—	15
Methyl acetate	200	610
Methyl acetylene	1,000	1,650
Methyl acrylate—Skin	10	35
Methylal (dimethoxymethane)	1,000	3,100
Methyl alcohol (methanol)	200	260
C Methyl bromide—Skin	20	80
Methylcellosolve (2-methoxyethanol)—Skin	25	80
Methyl cellosolve acetate (ethylene glycol monomethyl ether acetate)	25	120
C Methyl chloride	100	210
† Methyl chloroform (1,1,1-trichloroethane)	350	1,900
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
Methylcyclohexanone	100	460
Methyl formate	100	250
Methyl isobutyl carbinol (methyl amyl alcohol)	25	100
†C Methyl mercaptan	20	40
α Methyl styrene	100	480
Methylene chloride (dichloromethane)	500	1,750
Monomethyl aniline—Skin	2	9
Molybdenum (soluble compounds)	—	5
(insoluble compounds)	—	15
Naphtha (coal tar)	200	800
Naphtha (petroleum)	500	2,000
β-Naphthylamine	—	A²
Nickel carbonyl	0.001	0.007
Nicotine—Skin	—	0.5
Nitric acid	10	25
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
Nitroethane	100	310
C Nitrogen dioxide	5	9
C Nitroglycerin (combined EGDN+NG)—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
N-Nitrosodimethylamine (Dimethylnitrosamine)—Skin	A³	—
Nitrotoluene—Skin	5	30
Octane	500	2,350
Osmium tetroxide	—	0.002
Ozone	0.1	0.2
Parathion (O, O, diethyl-O-p-nitrophenyl thiophosphate) —Skin	—	0.1
Pentaborane	0.005	0.01
Pentachloronaphthalene—Skin	—	0.5
Pentachlorophenol—Skin	—	0.5
Pentanone (methyl propyl ketone)	200	700
Pentane	1,000	2,950
Perchloroethylene (tetrachloroethylene)	100	670
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	13.5
Phenol—Skin	5	19
Phenyl glycidyl ether (PGE)	50	310
Phenylhydrazine—Skin	5	22
Phosdrin (2-carbomethoxy-1-methyl vinyl dimethyl phosphate)—Skin	—	0.1
Phosgene (carbonyl chloride)	1	4
† Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorus pentachloride	—	1
Phosphorus pentasulfide	—	1
Phosphorus trichloride	0.5	3
Picric acid—Skin	—	0.1
Platinum (soluble salts)	—	0.002
Propyl acetate	200	840
Propyl alcohol (isopropyl alcohol)	400	980
Propyl ether (isopropyl ether)	500	2,100
n-Propyl nitrate	25	110
Propylene dichloride (1,2-dichloropropane)	75	350
Propylene imine—Skin	25	60
Propylene oxide	100	240
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
Rotenone (commercial)	—	5
Selenium compounds (as Se)	—	0.1
Sodium fluoroacetate (1080)—Skin	—	0.05
Sodium hydroxide	—	2
Stibine	0.1	0.5
Stoddard solvent	500	2,900
Strychnine	—	0.15

†1963 Revision.
*Parts of vapor or gas per million parts of air by volume at 25° C and 760 mm. Hg pressure.
**Approximate milligrams of particulate per cubic meter of air.
A Numbers, See Appendix A.

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)—continued

Substance	ppm*	Mg/M³**
Styrene monomer (phenylethylene)	100	420
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
C Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
2,4,5T (2,4,5-Trichlorophenoxyacetic acid)	—	10
TEDP (tetraethyl dithionopyrophosphate)—Skin	—	0.2
Teflon (R) decomposition products	—	A⁴
TEPP (tetraethyl pyrophosphate)—Skin	—	0.05
Tellurium	—	0.1
1,2,2,2-Tetrachloroethane—Skin	5	35
Tetrahydrofuran	200	590
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenylmethylnitramine)—Skin	—	1.5
Thallium (soluble compounds)—Skin	—	0.1
Thiram (tetramethyl thiuram disulfide)	—	5
Titanium dioxide	—	15
C Toluene (toluol)	200	750
o-Toluidine—Skin	5	22
C Tolylene-2,4-diisocyanate	0.02	0.14
Trichloroethylene	100	520
Trichloronaphthalene—Skin	—	5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromonobromomethane	1,000	6,100
Trinitrotoluene—Skin	—	1.5
Triorthocresyl phosphate	—	0.1
Triphenyl phosphate	—	3
Turpentine	100	560
Uranium (soluble compounds)	—	0.05
(insoluble compounds)	—	0.25
Vanadium C (V_2O_5 dust)	—	0.5
(V_2O_5 fume)	—	0.1
C Vinyl chloride (chloroethylene)	500	1,300
Vinyl toulene	100	480
Warfarin (3[α acetonylbenzyl]-4-hydroxycoumarin)	—	0.1
Yttrium	—	5
C Xylene (xylol)	200	870
Xylidene—Skin	5	25
Zinc oxide fume	—	5
Zirconium compounds (as Zr)	—	5

NOTE: The word "Skin" following a substance indicates that the substance can penetrate the skin to contribute to the exposure and threshold limit value should be reduced accordingly.

Radioactivity: For permissible concentrations of radio-isotopes in air, see U.S. Department of Commerce, National Bureau of Standards, Handbook 69, "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," June 5, 1959. Also, see U.S. Department of Commerce, National Bureau of Standards, Handbook 59, "Permissible Dose from External Sources of Ionizing Radiation," September 24, 1954, and addendum of April 15, 1958.

MINERAL DUSTS

Substance	m.p.p.c.f.§
SILICA	
Crystalline	
Quartz, Threshold Limit calculated from the formula	$\frac{250}{\%SiO_2+5}$
Cristobalite, Threshold Limit calculated from the formula	
Amorphous, including natural diatomaceous earth	20
SILICATES (less than 1% crystalline silica)	
Asbestos	5
Mica	20
Soapstone	20
Talc	20
Portland Cement	50
Miscellaneous (less than 1% crystalline silica)	50
Conversion factors	
mppcf x 35.3 = million particles per cubic meter = particles per c.c.	

§Millions of particles per cubic foot of air, based on impinger samples counted by light-field technics.
‡The percentage of crystalline silica in the formula is the amount determined from air-borne samples, except in those instances in which other methods have been shown to be applicable.

TENTATIVE VALUES

Substance	ppm*	Mg/M³**
C tert. Butyl chromate (as CrO_3)—Skin	—	0.1
† Calcium oxide	—	5
Camphor	—	2
† Copper Fume	—	0.1
Dusts & Mists	—	1.0

TENTATIVE VALUES—continued

Substance	ppm*	Mg/M³**
DDVP (O, O-Dimethyl-2,2-dichlorovinyl phosphate)	—	1
† Demeton (R) (Systox)	—	0.1
Endrin (1,2,3,4,10,10,-hexachloro-6, 7-epoxy-1,4,4a, 5,6,7,8,8a-octa hydro 1,4-endo-5,8-dimethanonaphthalene)—Skin	—	0.1
Epichlorhydrin	5	19
Ethanolamine	3	6
† Graphite	—	15 mppcf
† Hafnium	—	0.5
Heptachlor (1,4,5,6,7,8,8a-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene)	—	0.5
† Methylamine	25	31
† Methyl Methacrylate	100	410
†C Methylene bis phenylisocyanate	0.02	0.2
† Mineral Wool (Fiberglas)	—	2
† Naphthalene	10	50
Oil (mineral)	—	5
† β-Propiolactone	—	A⁵
† Silver	—	0.05
† Tantalum	—	5
† 1,1,1,2,-Tetrachloro-2,2,-difluoroethane	1,000	8,340
† 1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
† Tetraethyl lead	—	0.075
† Tin (inorganic compounds)	—	2
(organic compounds as Sn)—Skin	—	0.1

†1962 Additions.
*Parts of vapor or gas per million parts of air by volume at 25° C and 760 mm. Hg pressure.
**Approximate milligrams of particulate per cubic meter of air.
A numbers, See Appendix A.

Appendix A

A¹ Benzidine. Because of high incidence of bladder tumors in man, any exposure, including skin, is extremely hazardous.

A² β-Naphthylamine. Because of the extremely high incidence of bladder tumors in workers handling this compound, and the inability to control exposures, β-naphthylamine has been prohibited from manufacture, use and other activities that involve human contact by the State of Pennsylvania.

A³ N-Nitrosodimethylamine. Because of extremely high toxicity and presumed carcinogenic potential of this compound, contact by any route should not be permitted.

A⁴ Teflon ® decomposition products. At least one identified component of Teflon decomposition products is extremely toxic, but in the absence of more complete toxicity information and suitable analytic methods, a definite threshold limit value is not recommended at this time; but air concentrations should be minimal.

A⁵ β-Propiolactone. Because of high acute toxicity and demonstrated skin tumor production in animals, contact by any route should be avoided.

Appendix B

THRESHOLD LIMIT VALUES FOR MIXTURES

When two or more hazardous substances are present, their combined effect, rather than that of either individually, should be given primary consideration. In the absence of information to the contrary, the effects of the different hazards should be considered as additive. That is, if the sum of the following fractions,

$$\frac{C_1}{T_1}+\frac{C_2}{T_2}+\cdots\frac{Cn}{Tn}$$

exceeds unity, then the threshold limit of the mixture should be considered as being exceeded. C indicates the observed atmospheric concentration, and T_1 the corresponding threshold limit. (See Example 1A.a.)

Exceptions to the above rule may be made when there is good reason to believe that the chief effects of the different harmful substances are not in fact additive, but inde-

pendent as when purely local effects on different organs of the body are produced by the various components of the mixture. In such cases the threshold limit ordinarily is exceeded only when at least one member of the series

$$\left(\frac{C_1}{T_1} \text{ or } \frac{C_2}{T_2} \text{ etc.}\right)$$

itself has a value exceeding unity. (See Example 1A.b.)

Antagonistic action or potentiation may occur with some combinations of atmospheric contaminants. Such cases at present must be determined individually. Potentiating or antagonistic agents are not necessarily harmful by themselves. Potentiating effects of exposure to such agents by routes other than that of inhalation is also possible, e.g., imbibed alcohol and inhaled narcotic (trichlorethylene). Potentiation is characteristically exhibited at high concentrations, less probably at low.

When a given operation or process characteristically emits a number of harmful dusts, fumes, vapors or gases, it will frequently be only feasible to attempt to evaluate the hazard by measurement of a single substance. In such cases, the threshold limit used for this substance should be reduced by a suitable factor, the magnitude of which will depend on the number, toxicity and relative quantity of the other contaminants ordinarily present.

Examples of processes which are typically associated with two or more harmful atmospheric contaminants are welding, automobile repair, blasting, painting, lacquering, certain foundry operations, diesel exhausts, etc. (Example 2.)

THRESHOLD LIMIT VALUES FOR MIXTURES

EXAMPLES

1A. General case, where air is analyzed for each component.

a. ADDITIVE EFFECTS

$$\frac{C_1}{T_1} + \frac{C_2}{T_2} + \frac{C_3}{T_3} + \ldots \frac{C_n}{T_n} = 1$$

Air contains 5 ppm of carbon tetrachloride (TLV, 10), 20 ppm of ethylene dichloride (TLV,50) and 10 ppm of ethylene dibromide, (TLV, 25).

$$\frac{5}{10} + \frac{20}{50} + \frac{10}{25} = \frac{65}{50} = 1.3$$

Threshold limit is exceeded.

b. INDEPENDENT EFFECTS

Air contains 0.15 mg/m³ of lead (TLV, 0.2) and 0.7 mg/m³ of sulfuric acid (TLV, 1).

$$\frac{0.15}{0.20} = 0.75; \frac{0.7}{1} = 0.7$$

Threshold limit is not exceeded.

1B. Special case when source of contaminant is a mixture and atmospheric composition is assumed similar to that of original material, i.e. vapor pressure of each component is the same at the observed temperature.

a. ADDITIVE EFFECTS, approximate solution.

1. A mixture of equal parts (1) trichloroethylene (TLV, 100), and (2) methyl chloroform (TLV, 350).

$$\frac{C_1}{100} + \frac{C_2}{350} = \frac{C_m}{T_m}$$

Solution applicable to "spot" solvent mixture usage, where all or nearly all, solvent evaporates.

$$C_1 = C_2 = \frac{1}{2} C_m$$

$$\frac{C_1}{100} + \frac{C_1}{350} = \frac{2C_1}{T_m}$$

$$\frac{7C_1}{700} + \frac{2C_1}{700} = \frac{2C_1}{T_m}$$

$$T_m = 700 \times \frac{2}{9} = 155 \text{ ppm}$$

1B.b. General Exact Solution for Mixtures of N Components With Additive Effects and Different Vapor Pressures.

(1) $\frac{C_1}{T_1} + \frac{C_2}{T_2} + \ldots + \frac{C_n}{T_n} = 1;$

(2) $C_1 + C_2 + \ldots + C_n = T;$

(2.1) $\frac{C_1}{T} + \frac{C_2}{T} + \ldots + \frac{C_n}{T} = 1.$

By the Law of Partial Pressures,

(3) $C_1 = ap_n$

And by Raoult's Law,

(4) $p_1 = F_1 p_1^\circ$.

Combine (3) and (4) to obtain

(5) $C_1 = aF_1p_1^\circ$.

Combining (1), (2.1), and (5), we obtain

(6) $\frac{F_1p_1^\circ}{T} + \frac{F_2p_2^\circ}{T} + \ldots + \frac{F_np_n^\circ}{T} = \frac{F_1p_1^\circ}{T_1} + \frac{F_2p_2^\circ}{T_2} + \ldots + \frac{F_np_n^\circ}{T_n}$, and solving for T,

(6.1) $T = \frac{F_1p_1^\circ + F_2p_2^\circ + \ldots + F_np_n^\circ}{\frac{F_1p_1^\circ}{T_1} + \frac{F_2p_2^\circ}{T_2} + \ldots + \frac{F_np_n^\circ}{T_n}}$

or

(6.2) $T = \frac{\sum_{i=1}^{i=n} F_ip_i^\circ}{\sum_{i=1}^{i=n} \frac{F_ip_i^\circ}{T_i}}$

T = Threshold limit value in ppm.
C = Vapor concentration in ppm.
p = Vapor pressure of component in solution.
p° = Vapor pressure of pure component.
F = Mol fraction of component in solution.
a = A constant of proportionality.
Subscripts 1,2, . . . n relate the above quantities to components 1,2, . . . n, respectively.
Subscript i refers to an arbitrary component from 1 to n.
Absence of subscript relates the quantity to the mixture.
Solution to be applied when there is a reservoir of the solvent mixture whose composition does not change appreciably by evaporation.

Exact Arithmetic Solution of Specific Mixture

	Mol. wt.	Density	T	p° at 25°C	Mol fraction in half-and half solution by volume
Trichloroethylene (1)	131.4	1.46 g/ml	100	73mm Hg	0.527
Methylchloroform (2)	133.42	1.33 g/ml	350	125mm Hg	0.473

$F_1p_1^\circ = (0.527)(73) = 38.2$

$F_2p_2^\circ = (0.473)(125) = 59.2$

$$T = \frac{38.2 + 59.2}{\frac{38.2}{100} + \frac{59.2}{350}} = \frac{(97.4)\ (350)}{133.8 + 59.2} = \frac{(97.4)\ (350)}{193.0} = 177$$

T = 177 ppm (Note difference in T.L.V. when account is taken of vapor pressure and mol fraction in comparison with above example where such account is not taken).

2. A mixture of one part of (1) parathion (TLV, 0.1) and two parts of (2) EPN (TLV, 0.5).

$$\frac{C_1}{0.1} + \frac{C_2}{0.5} = \frac{C_m;\ C_2 = 2C_1}{T_m}$$

$$C_m = 3C_1$$

$$\frac{C_1}{0.1} + \frac{2C_1}{0.5} = \frac{3C_1}{T_m}$$

$$\frac{7C_1}{0.5} = \frac{3C_1}{T_m}$$

$$T_m = \frac{1.5}{7} = 0.21 \text{ mg/m}^3$$

1C. INDEPENDENT EFFECTS

1. From naphtha (TLV, 500) containing 10 mole per cent benzene (TLV, 25) the narcotic effects can considered as approximately the same as that of benzene-free naphtha.
   The blood effects can be considered as due to the benzene alone.
   For **intermittent exposure,** a TLV of 500 ppm may be used as long as the **average** concentration does not exceed $25 \times \frac{100}{10} = 250$ ppm, the TLV based on the benzene content.
2. Diesel engine exhaust contains several irritants, one of which is nitrogen dioxide. A limit of 2 ppm NO_2 has been found to correlate fairly well with the beginning of subjective (irritation) effects from such gases, although no subjective effects are experienced from NO_2 alone at 5 ppm.

Appendix C

BASES FOR ASSIGNING LIMITING "C" VALUES*

T.L.V. RANGE ppm° or mg/m³	Permitted Fluctuation Factor of T.L.V. for 5, 10 or 30 min.	Examples
0 to 1	3	Boron trifluoride (1 ppm) at 3 ppm if repeatedly encountered for periods of 5, 10, or 30 minutes, may lead to pneumonitis; a "C" listing recommended.
1+ to 10	2	
10+ to 100	1.5	Ethyl benzene (200 ppm) at 250 ppm if repeatedly encountered for periods of 5 or 10 minutes may prove intolerably irritating to the eyes; a "C" listing recommended.
100+ to 1000	1.25	

* According to this limitation, the presently listed TLVs will or will not be candidates for a "C" (ceiling) listing. 1963 TLVs not coming within this limitation will bear a "C" before the substance name. Judgment is based on whether the excursions in concentration under the time limits stated may result in a) intolerable irritation, b) chronic or irreversible tissue change, or c) narcosis of sufficient degree to increase accident proneness or materially reduce work efficiency.

[F.R. Doc. 64-2886; Filed, Mar. 26, 1964; 8:45 a.m.]

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PART IV

FEDERAL REGISTER

VOLUME 29 NUMBER 61

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Department of Labor

Bureau of Labor Standards

Safety and Health Regulations for Shipbreaking

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1503—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

On August 23, 1963, a proposal to establish safety and health regulations for shipbreaking under section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) was published in the FEDERAL REGISTER (28 F.R. 9303). Interested persons were provided opportunities to submit data, views, and argument both orally and in writing in regard to the proposals. After consideration of all relevant matter presented, I have decided to and do hereby establish a new 29 CFR Part 1503 to read as set forth below.

The revised regulations shall become effective on April 26, 1964.

Signed at Washington, D.C., this 20th day of March, 1964.

W. WILLARD WIRTZ,
Secretary.

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1503.81 Eye protection.
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Appendix I—Threshold Limit Values for 1963.

AUTHORITY: The provisions of this Part 1503 issued under sec. 41, 44 Stat. 1444; sec. 1, 72 Stat. 835; 33 U.S.C. 941.

Subpart A—General Provisions

§ 1503.1 Purpose, scope and responsibility.

(a) Section 41 of the Longshoremen's and Harbor Workers' Compensation Act requires every employer to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered thereby (the Act applies to all injuries sustained by employees on navigable waters of the United States if the employees are employed by an "employer" as defined in section 2(4) of the Act i.e., "an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any dry dock)." Calbeck v. Travelers Insurance Co. and Donovan v. Avondale Shipyards, Inc. (52 S. Ct. 1196 (1962)) and to install, furnish, maintain and use devices and safeguards (with particular reference to equipment used by such employers and working conditions established by them) determined by the Secretary of Labor to be reasonably necessary to protect the life, health and safety of such employees, and to render safe such employment and places of employment and to prevent injury to such employees. The purpose of this part is to make determinations under this standard with respect to shipbreaking activity.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1–1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949–1953 Comp., pp. 356, 778 and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Also, this part does not apply to owners, operators, agents or masters of vessels unless they are acting as "employers". However, this part is not intended to relieve owners, operators, agents or masters of vessels who are not "employers" from responsibilities or duties now placed upon them by law, regulations or custom.

(c) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1503.2 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in shipbreaking or related employments as defined in paragraphs (i) and (j) of this section on navigable waters of the United States, including dry docks, graving docks and marine railways, and any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States, including dry docks, graving docks and marine railways.

(d) The term "employee" means any person employed in shipbreaking or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, by an employer as defined in paragraph (c) of this section.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1503.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1503.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "shipbreaking" means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment or any component part of a vessel.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with shipbreaking work, including, but not restricted to, inspection, survey and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts B and D, the competent person shall be one meeting the requirements of § 1503.10.

(m) The term "confined space" means a compartment of small size and limited access such as a double bottom tank, cofferdam or other space which by its small size and confined nature can readily create or aggravate a hazardous exposure.

(n) The term "enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters and machinery and boiler spaces.

(o) The term "hot work" means riveting, welding, burning or other fire or spark producing operations.

(p) The term "cold work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(q) The term "powder actuated fastening tool" means a tool or machine which drives a stud, pin or fastener by means of an explosive charge.

§ 1503.3 Penalty.

(a) As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part and any employer or other person who willfully interferes with, hinders or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000.

(b) The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

§ 1503.4 Variation from the regulations of this part.

(a) As provided in Public Law 85–742, in case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from the regulations of this part or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulations or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act (ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the Office of the Secretary and be open to public inspection.

§ 1503.5 Reference specifications, standards and codes.

(a) Specifications, standards and codes of agencies of the United States Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards and codes of organizations which are not agencies of the United States Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass., Subpart B, § 1503.13(b).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill., Subpart B, § 1503.12(b).

American Standard Safety Code for Portable Wood Ladders, A14.1—1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart E, § 1503.42(a)(6).

American Standard Safety Code for Portable Metal Ladders, A14.2—1956, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart E, § 1503.42(a)(4).

American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1—1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart I, §§ 1503.81(a)(1), 1503.83(b).

§ 1503.6 Notification of accidents resulting in fatalities or serious injuries.

(a) Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form BEC—202 (approved by Budget Bureau No. 44–R887.3) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily. (44 Stat. 1444; 33 U.S.C. 930)

§ 1503.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

Subpart B—Explosive and Dangerous Atmospheres

§ 1503.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B and D of this part one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts B and D of this part are always carried out by an N.F.P.A. Certified Marine Chemist.

(2) The employer shall indicate on U.S. Department of Labor Form MAR–8, "Designation of Competent Person" either those employees designated as competent persons or that the prescribed functions of such persons are always carried out by an N.F.P.A. Certified Marine Chemist in addition to his professional duties. When additions or changes are made in the personnel so designated, a new Form MAR–8 shall be executed. A copy of this executed form shall be forwarded to the nearest office of the Bureau of Labor Standards.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the N.F.P.A. Certified Marine Chemist.

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts B and D of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which breaking work is done.

(5) Capability to perform the tests and inspections required by Subparts B and D of this part and to write the required logs.

(c) *Logging of inspections and tests* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts B and D of this part are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be

recorded on U.S. Department of Labor Form MAR–9, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be available for inspection in the immediate vicinity of the affected operations while they are in progress. This record or copy thereof shall be kept on file for a period of at least 3 months from the date of the completion of the job.

(3) A copy of any certificate issued in accordance with § 1503.13 and of any instructions issued by the N.F.P.A. Certified Marine Chemist shall be kept on file with the log for a period of at least 3 months from the date of the completion of the job.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general shipbreaking work where both Subparts B and D of this part are applicable. They do not apply in their entirety to employers whose work involves only certain portions of Subparts B and D of this part, such as the breaking of vessels with no exposure to fuel oil or other flammable hazards. In such cases employers may designate persons who are competent on the basis of the applicable portions of the criteria set forth in paragraph (b) of this section.

§ 1503.11 Precautions before entering.

(a) *Gassy atmospheres.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) to (iii) of this subparagraph, either the atmosphere shall be considered to be immediately dangerous to life and the employees shall be protected with self-contained breathing apparatus or hose masks with blowers in accordance with § 1503.82 (a) and (b) (2) (i) or (ii), or the atmosphere shall be tested by a competent person to determine whether or not a flammable atmosphere is present.

(i) Cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk.

(ii) Cargo spaces or other spaces containing or having last contained bulk liquid or gas cargoes of a poisonous, corrosive, or irritant nature.

(iii) Spaces in tank vessels immediately above or adjacent to those described in subdivisions (i) and (ii) of this subparagraph.

(2) If the atmosphere is found to contain flammable or explosive vapors in concentrations at or above ten (10) percent of their lower explosive limit, either the space shall be ventilated sufficiently to bring the concentration below ten (10) percent of the lower explosive limit and, when necessary, the provisions of subparagraph (4) of this paragraph shall be applied, or employees shall be protected by self-contained breathing apparatus or hose masks with blowers in accordance with § 1503.82 (a) and (b) (2) (i) or (ii).

(3) Only emergency work shall be performed in spaces where conditions exist requiring self-contained breathing apparatus or hose masks as prescribed by subparagraph (2) of this paragraph and paragraph (b) (1) of this section.

(4) If the atmosphere is found to contain a concentration of hazardous contaminants below ten (10) percent of the lower explosive limit and not immediately dangerous to life, but above the threshold limit values for toxic substances, employees shall be protected in accordance with § 1503.82 (a) and (c).

(5) Where tests indicate that no flammable vapors are present the competent person shall test for the presence of sufficient oxygen as specified by paragraph (b) (2) of this section.

(b) *Oxygen deficient atmospheres.* (1) Before employees are permitted to enter sealed compartments, spaces which have been in a state of preservation, or any nonventilated compartments, either the atmosphere shall be considered to be immediately dangerous to life and the employees shall be protected in accordance with the provisions of § 1503.82 (a) and (b) (2) (i) or (ii), or the atmosphere shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains sufficient oxygen to sustain life.

(2) For purposes of this paragraph, an atmosphere containing 16.5 percent oxygen or capable of supporting a flame shall be considered to contain sufficient oxygen to sustain life.

(3) Mechanical ventilation which will provide at least one complete change of uncontaminated air may be substituted in lieu of either of the requirements of subparagraph (1) of this paragraph.

§ 1503.12 Cleaning and other cold work.

(a) Employees shall be permitted to remove residue materials or to perform other cold work in spaces described in § 1503.11(a) (1) (i) through (iii) only under the following conditions:

(1) Liquid residues of flammable and toxic materials shall be removed from the spaces as thoroughly as practicable before employees start actual cleaning operations in these spaces. Drippings and spills of these materials on deck or elsewhere alongside the vessel shall be cleaned up as the work progresses. Special care shall be taken to prevent the spilling or the draining of these materials into the water surrounding the vessel.

(2) Continuous natural or mechanical ventilation shall be provided to keep the concentration of flammable vapors below ten (10) percent of the lower explosive limit in all parts of the space, provided that if, because of the high volatility of the residues, a uniform concentration of less than ten (10) percent of the lower explosive limit cannot be achieved, sufficient exhaust ventilation shall be provided to reduce the concentration to or below that level in the major portions of the compartment.

(3) Tests shall be made by a competent person prior to commencement of cold work and with sufficient frequency thereafter, in accordance with temperature, volatility of the residues and other existing conditions in and about the spaces to ensure that the concentration stated in subparagraph (2) of this paragraph is not exceeded.

(4) Cold work only shall be permitted.

(5) Tests shall be made by a competent person to ensure that the exhaust vapors from these spaces are not accumulating in other areas within or around the vessel, marine railway, dry dock, or under the pier where sources of ignition may be present. Should such accumulations be found, any sources of ignition within the affected area shall be removed or extinguished.

(b) In spaces described in paragraph (b) of § 1503.13 only approved explosion-proof, self-contained, battery-fed portable lamps shall be used. Battery-fed portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the United States Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

(c) Signs shall be posted on the open deck adjacent to the access to spaces described in paragraph (b) of § 1503.13 prohibiting smoking and the use of open flames.

(d) Jet-type air-moving devices shall be electrically bonded to the vessel's structure.

§ 1503.13 Certification before hot work is begun.

(a) *Hot work in the open.* Before hot work is performed from open decks or in tanks or compartments from which the overhead has been completely removed, on the boundaries of cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, the following steps shall be taken:

(1) Tests shall be made by a competent person to determine the concentration of flammable vapors in these spaces. The permissible level of concentration of flammable vapors shall not exceed ten (10) percent of the lower explosive limit in all parts of the spaces.

(2) When the tests indicate that a space contains a concentration of flammable vapors above the permissible concentration, the space shall be inerted with a nonflammable gas or with water, or sufficient ventilation shall be provided to reduce the concentration below the permissible level.

(3) When the bottom of a space contains flammable residues, it shall be flooded with water to cover all parts of the space to a depth of at least one (1) foot unless the space is inerted.

(b) *Hot work below decks.* Employees shall not be permitted to engage in hot work in or on the following spaces, boundaries or pipelines until a certificate setting forth that the hot work can be done in safety is issued. Such certificate shall be acceptable only if issued by a Marine Chemist certificated by the National Fire Protection Association.

(1) On tank vessels:

(i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk, or within spaces adjacent to such cargo tanks.

(ii) Within or on the boundaries of fuel tanks.

(iii) On pipelines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(2) On dry cargo, miscellaneous, and passenger vessels:

(i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk.

(ii) Within spaces adjacent to cargo tanks which have been used to carry flammable gases, or liquids with a flash point below 150° F., except where the distance between such cargo tanks and the work to be performed is not less than twenty-five (25) feet.

(iii) Within or on the boundaries of fuel tanks.

(iv) On pipelines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(3) In dry cargo holds for which a gas free certificate is not required by paragraph (b) (2) (ii) of this section, hot work may be performed only after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases, and vapors. If flammable liquids, gases or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases or vapors have been removed and a test indicates that the space is safe for fire.

(4) Before hot work is performed in engine room and boiler room spaces of any vessel for which a gas free certificate is not required by the provisions of paragraph (b) (1) and (2) of this section or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases and vapors. If flammable liquids, gases or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases or vapors have been removed and a test indicates that the space is safe for fire.

§ 1503.14 Maintaining gas free conditions.

(a) *Hot work in the open.* (1) During the performance of hot work from open decks or in tanks or compartments from which the overhead has been completely removed, on the boundaries of spaces described in § 1503.13(a), other than those filled with water, the competent person shall make frequent tests to ensure that the inert atmosphere is being maintained or that the concentration of flammable vapors remains below ten (10) percent of the lower explosive limit.

(b) *Hot work below decks.* (1) When conditions in spaces below decks described in § 1503.13(b) (1) and (2) are such that there is a possibility of hazardous vapors being released from residues or other sources, after a gas free certificate has been issued, a competent person shall make tests to ensure that the gas free condition is maintained irrespective of whether hot work is being performed in or on the aforementioned spaces. When the competent person finds that the atmospheric conditions have altered, work shall be stopped and a new gas free certificate, in accordance with § 1503.13 (b) (1) and (2) shall be obtained, before work is resumed.

Subpart C—[Reserved]

Subpart D—Welding, Cutting and Heating

§ 1503.31 Ventilation and protection in welding, cutting and heating.

(a) *Mechanical ventilation; requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen from a cylinder or torch shall not be used for ventilation purposes.

(b) *Welding, cutting and heating in confined spaces.* (1) Except as provided in subparagraph (3) of this paragraph and paragraph (c) (2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) The means of access shall be provided to a confined space in accordance with § 1503.46(b) (1) and (2).

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1503.82(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1503.82 (a).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with requirements of paragraphs (a) and (d) (2) (iv) of § 1503.82, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1503.82(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *General welding, cutting and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraph (b) or (c) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of § 1503.81 (a) and (c).

§ 1503.32 Fire prevention.

(a) When hot work is performed below decks or in other situations in which accidental fire would jeopardize the safety of employees the following precautions shall be taken:

(1) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(2) If the object to be welded, cut or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks and slag, and to protect the immovable fire hazards from them.

(3) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(4) In order to eliminate the possibility of fire in enclosed spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the enclosed space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts the torch and hose shall be removed from the enclosed space. Open end fuel gas and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas consuming device.

(b) In all cases suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

§ 1503.33 Welding, cutting and heating in way of preservative coatings.

(a) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) When coatings are determined to be highly flammable either they shall be stripped from the area to be heated to prevent ignition or they shall be burned away under controlled conditions. A 1½-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(c) Protection against toxic preservative coatings. (1) In enclosed spaces all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of § 1503.82(a).

(2) In the open air, employees shall be protected by a filter type respirator in accordance with requirements of § 1503.82 (a) and (d).

§ 1503.34 Welding, cutting and heating of hollow metal containers and structures not covered by § 1503.11.

(a) Drums, containers or hollow structures which have contained flammable substances shall, before welding, cutting or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other nonflammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1503.35 Gas welding and cutting.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty, or when cylinders are moved at any time, the cylinder valves shall be closed.

(9) Acetylene cylinders shall be kept in an upright position at all times.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator). The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel.

(e) *Manifolds.* (1) Manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) All manifolds shall be placed in safe and accessible locations.

(3) Manifold hose connections shall be such that hose cannot be interchanged between fuel gases and oxygen manifolds. Adaptors shall not be used to permit the interchange of hose. Manifold hose connections shall be kept free of grease and oil.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 8 inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundred (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

(g) *Torch tips.* Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(h) *Pressure regulators.* Oxygen and fuel gas regulators including their related gauges shall be in proper working order while in use.

§ 1503.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of ten (10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases or flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying capacity equal to that required by subparagraph (1) of this paragraph.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1503.41 Scaffolds or staging.

(a) *General requirements.* (1) All scaffolds and their supports, whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, cans, loose bricks or other unstable objects shall not be used for the support of planking intended as scaffolds or working platforms.

(7) No scaffold shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(b) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E–1 in § 1503.68.

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity, and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured

when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (d) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (e) of this section.

(c) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of paragraphs (a), (d), and (e) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(d) *Scaffold or platform planking.* (1) Platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E–2 in § 1503.68 shall be used as a guide in determining safe loads for scaffold planks.

(e) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located half-way between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1503.84(b), and employees working over water shall be protected by buoyant working vests meeting the requirements of § 1503.84(a).

(4) Employees working from scaffolds on floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(f) *Access to staging.* (1) Access to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1503.42 or rigid type non-collapsible trestles with parallel and level rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of § 1503.42 or a Jacob's ladder properly secured, meeting the requirements of § 1503.44(d).

§ 1503.42 Ladders.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraph (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American Standard Safety Code for Portable Metal Ladders, A14.2.

(5) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American Standard Safety Code for Portable Wood Ladders, A14.1.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.* (1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides, and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than ½ inch in diameter or within ½ inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding ⅛ inch in width, 2 inches in length and ½ inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11½ inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least ¼ inch for each additional 2 feet of length.

(6) Side rails shall be at least 1⅝ x 3⅝ inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails ½ inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least $25/32$ x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least $25/32$ x 3¾ inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

§ 1503.43 [Reserved]

§ 1503.44 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. In an emergency a Jacob's ladder meeting the requirements of paragraph (d) (1) and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with a midrail. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(3) The gangway shall be kept properly trimmed at all times.

(4) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(5) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(6) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with midrails on both sides.

(7) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(8) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(9) Obstructions shall not be laid on or across the gangway.

(10) The means of access shall be adequately illuminated for its full length.

(11) Loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraph (a) (1), (2), (8), (9) and (10) of this section shall be provided for access from wing wall to vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of subparagraph (1) of this paragraph or a safe walkway in accordance with the requirements of paragraph (a)(6) of this section shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. In an emergency a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraph (a) (8), (9) and (10) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1503.45 Access to and guarding of dry docks.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a midrail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a midrail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42-inch railings with a mid rail. When such a railing would be impracticable or ineffective, other effective means shall be provided to prevent men from falling into the water.

(f) Access to wingwalls from floors of dry docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1503.42.

§ 1503.46 Access to cargo and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. In an emergency a Jacob's ladder meeting the requirements of § 1503.44(d) may be used.

(4) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that equipment, materials, scrap or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere.

(2) When the ventilating ducts required by these regulations must pass through these means of access an additional means of access shall be provided.

Subpart F—General Working Conditions

§ 1503.51 Housekeeping.

(a) All working areas on or immediately surrounding the vessel in a dry dock and graving dock or on a marine railway shall be kept in a reasonable state of order. Scrap, equipment and other materials shall be so piled as not to present a hazard to employees.

(b) Adequate aisles and passageways shall be maintained, as far as practicable, in all work areas, except when impossible due to the nature of the work being performed.

(c) Free access shall be maintained at all times to all exits and to fire-extinguishing equipment.

§ 1503.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1503.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of employees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited. In non-gas free spaces, portable lights shall meet the requirements of § 1503.12(b).

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each

branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1503.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall ascertain the safe working pressure of the vessel's steam system. The employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and hose and temporary piping shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall ensure that all circuits to be energized are in a safe condition.

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1503.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 1503.31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

§ 1503.55 [Reserved]

§ 1503.56 Work in or on lifeboats.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that the boat is secured independently of the releasing gear to prevent the boat from falling due to accidental tripping of the releasing gear and movement of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

§ 1503.57 Health and sanitation.

(a) The employer shall provide adequate washing facilities for employees engaged in the various shipbreaking operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employee. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(b) The employer shall not permit eating or smoking in the immediate areas where shipbreaking operations produce atmospheric contaminants.

(c) No minor under 18 years of age shall be employed in shipbreaking or related employments.

§ 1503.58 First aid.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand, shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job, and at least weekly on each job, to ensure that the expended items are replaced.

(d) There shall be available for each vessel one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1503.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and, when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

(b) The safe working load of gear as specified in §§ 1503.62 and 1503.63 shall not be exceeded.

§ 1503.62 Ropes, chains and slings.

(a) *Manila rope and manila rope slings.* Table G–1 in § 1503.68 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G–2 through G–5 in § 1503.68 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G–6 in § 1503.68 shall be used to determine the number and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G–7 and G–8 in § 1503.68 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9 in § 1503.68, has been reached.

(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in paragraph (d) of this section shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1503.63 Shackles and hooks.

(a) *Shackles.* (1) Table G–10 in § 1503.68 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

§ 1503.64 Chain falls and pull-lifts.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

§ 1503.65 Hoisting and hauling equipment.

(a) The moving parts of hoisting and hauling equipment shall be guarded.

(b) Mobile crawler or truck cranes used on a vessel:

(1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(3) The area within the swing radius of the body of a crawler or truck crane and the extended parts thereof shall be guarded in such a manner as to prevent an employer from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(c) Marine railways:

(1) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

§ 1503.66 Use of gear.

(a) Loads shall be safely rigged before being hoisted.

(b) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(c) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(d) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(e) Loose ends of idle legs of slings in use shall be hung on the hook.

(f) Employees shall not be permitted to ride the hook or the load.

(g) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(h) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured or removed as early as possible.

(i) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(j) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(k) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(l) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object.

(m) A section of hatch through which materials or equipment are being raised, lowered, moved or otherwise shifted by a crane, winch, hoist or derrick, shall be completely opened. The beams and pontoons left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent them from being unshipped.

§ 1503.67 Qualifications of operators.

(a) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailment which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

§ 1503.68 Tables.

TABLE E–1

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
	Inches	*Inches*	*Inches*
Legs	2 x 4	3 x 4	4 x 6
Bearers or headers	2 x 6	2 x 8	4 x 6
Crossbraces	2 x 4 or 1 x 8	2 x 4	2 x 6
Longitudinal braces	2 x 4	2 x 6	2 x 6

TABLE E–2

SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

Span in feet	Lumber dimensions in inches									
	A	B	A	B	A	B	A	B	A	B
	2 x 10	1⅝ x 9½	2 x 12	1⅝ x 11½	3 x 8	2½ x 7½	3 x 10	2½ x 9½	3 x 12	2½ x 11½
6	256	309		526		667		807		
8	192	232		395		500		605		
10	153	186		316		400		484		
12	128	155		263		333		404		
14	110	133		225		286		346		
16	-------	116		197		250		303		

(A)—Rough lumber.
(B)—Dressed lumber.

TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

No. 36——9

TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
• 1/4	1060	1835	1500	1060
• 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
• 7/16	3250	2.8	2.3	3250
• 1/2	2.1	3.7	3.0	2.1
• 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

• These sizes of wrought iron chain are no longer manufactured in the United States.

RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	Vertical A	Vertical B	Vertical C	TEO – LEG BRIDLE OR BASKET HITCH 60° A	60° B	60° C	45° A	45° B	45° C	30° A	30° B	30° C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.88	.85	.77	.73	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.8	5.8	5.3	5.0	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.6	8.8	8.3	8.3	7.6	7.2	6.7	6.2	5.5	4.6	4.4	3.9
7/8	13.	12.	11.	11.	10.	9.8	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	14.	14.	13.	13.	12.	11.	9.4	8.4	7.5	6.4
1-1/8	21.	19.	17.	16.	14.	13.	13.	13.	12.	10.	9.3	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.6
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	36.	32.	28.	30.	27.	24.	25.	22.	20.	18.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) – Socket or Swaged Terminal attachment.
(B) – Mechanical Sleeve attachment.
(C) – Hand Tucked Splice attachment.

TABLE G-6
NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter (inches)	Number of clips: Drop forged	Number of clips: Other material	Minimum spacing (inches)
1/4	3	4	3
5/16	3	4	3½
3/8	4	5	4½
7/16	4	5	5
1/2	5	6	6
9/16	5	6	6½
5/8	6	7	7½
3/4	6	8	9
7/8	7	8	10½
1	7	9	12
1-1/8	8	9	13½
1-1/4	8	9	15

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

TABLE G-9
MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
¼ (9/32)	9/64
5/16	5/64
3/8	7/64
7/16	9/64
1/2	5/32
9/16	11/64
5/8	3/16
11/16	7/32
3/4	1/4
13/16	9/32
7/8	5/16
15/16	11/32

TABLE I-1
FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1–6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to ½ inch	4 or 5
Medium gas welding, ½–½ inch	5 or 6
Heavy gas welding, over ½ inch	6 or 8
Shielded Metal-Arc Welding 1/16- to 5/32-inch electrodes	10
Inert-gas Metal-Arc Welding (Non-ferrous) 1/16- to 5/32-inch electrodes	11
Inert-gas Metal-Arc Welding (Ferrous) 1/16- to 5/32-inch electrodes	12
Shielded Metal-Arc Welding:	
3/16 to ¼ inch electrodes	12
5/16 and 3/8 inch electrodes	14
Atomic Hydrogen Welding	10 to 14
Carbon Arc Welding	14

TABLE G-10
SAFE WORKING LOADS FOR SHACKLES
(In tons of 2,000 pounds)

Material size (inches)	Pin diameter (inches)	Safe working load
½	5/8	1.4
5/8	¾	2.2
¾	7/8	3.2
7/8	1	4.3
1	1⅛	5.6
1¼	1¼	6.7
1½	1⅜	8.2
1¾	1½	10.0
1⅞	1⅝	11.9
2	1¾	16.2
2½	2¾	21.2

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry docks shall be adequately guarded.

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

§ 1503.72 Portable electric tools.

(a) The frames of portable electric tools and appliances shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the closed position.

(d) Worn or frayed electric cables shall not be used.

§ 1503.73 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1503.74 Abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work

Subpart H—Tools and Related Equipment

§ 1503.71 General precautions.

(a) Hand lines, slings, or tackles of adequate strength shall be used to handle tools, materials and equipment so that employees can have their hands free when using ship's ladders and access ladders. The use of hose or power cables for this purpose shall be prohibited.

(b) When air tools of the reciprocating type are not in use, the dies and tools shall be removed.

requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed ⅛ inch from the surface of the wheel.

(c) All portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to ensure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of § 1503.81 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

Subpart I—Personal Protective Equipment

§ 1503.81 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by the regulations in this part shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets or hand shields equipped with filter lenses in accordance with the requirements of paragraphs (a) and (c) (2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I–1 in § 1503.68, except that variations of one or two shade numbers are permissible to suit individual preferences.

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I–1 in § 1503.68.

§ 1503.82 Respiratory protection.

(a) *General.* (1) All respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter which will remove oil, water, and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(6) In all cases, when an employee is stationed outside a compartment, tank or space as a tender or safety man for men working inside in an atmosphere immediately dangerous to life the tender shall have immediately available for emergency use respiratory protective equipment equivalent to that required for the men in the compartment. When a tender is stationed outside a compartment for men working inside in an atmosphere not immediately dangerous to life the tender shall wear respiratory protective equipment equivalent to that required for the men in the compartment if he is exposed for prolonged periods to the same concentration of atmospheric contaminants.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than 2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

NOTE: A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the gaseous contaminant as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentrations of ammonia of less than 3 percent or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following cases or groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subdivision (ii) of this subparagraph.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particulate contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in the regulations of this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-producing mists, chromic acid mists and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances.)

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described in subdivisions (i) through (iv) of this subparagraph.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentrations of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c) (2) of this section and a filter for the particular type of particulate contaminant as specified in paragraph (d) (1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in subdivision (ii) of this subparagraph.

§ 1503.83 Head, foot and body protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the American Standard Safety Code for Head, Eye and Respiratory Protection, Z–2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed energized circuits of the vessel's electrical system.

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

§ 1503.84 Life saving equipment.

(a) *Buoyant working vests.* (1) When employees are working from small boats or floats, near the unguarded edges of decks, or over water on scaffolds without guard rails, they shall be protected by U.S. Coast Guard approved buoyant working vests.

(b) *Safety belts and life lines.* (1) When employees are working aloft, or over a solid surface on staging more than 5 feet high without guard rails, they shall be protected by safety belts equipped with life lines which are secured with a minimum amount of slack to a fixed structure.

(2) When employees are working in atmospheres immediately dangerous to life, they shall be protected by a safety belt and an adequate, attended life line.

(3) Prior to each use, belts and life lines shall be inspected for dry rot, chemical damage or other defects which may affect their strength. Defective belts and life lines shall not be used.

(4) When employees are working in any location requiring a safety belt and a life line, as required in subparagraph (1) or (2) of this paragraph, care shall be exercised to ensure that the life line is not cut, pinched or led over a sharp edge. In hot work operations or those involving the use of acids or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the life line continuously attached with a minimum of slack to a fixed structure, the attachment point of the life line shall be appropriately changed as the work progresses.

(c) *Life rings and ladders.* (1) At least three 30-inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places in the immediate vicinity of each vessel afloat on which work is being performed.

(2) At least one life ring with a line attached shall be located on each staging float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel on which employees are working over water or close to unguarded deck edges there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Appendix I

Threshold Limit Values for 1963

These values should be used as guides in the control of health hazards and should not be regarded as fine lines between safe and dangerous concentrations. They represent conditions under which it is believed that nearly all workers may be repeatedly exposed, day after day, without adverse effect. The values listed refer to time-weighted average concentrations for a normal workday. The amount by which these figures may be exceeded for short periods without injury to health depends upon a number of factors such as the nature of the contaminant, whether very high concentrations even for short periods produce acute poisoning, whether the effects are cumulative, the frequency with which high concentrations occur, and the duration of such periods. All must be taken into consideration in arriving at a decision as to whether a hazardous situation exists. Because it has been recognized that the threshold limits of certain acutely-acting substances may not provide a safety factor comparable to that of chronically-acting substances for which a time-weighted average applies, a "C" designation or "ceiling" has been affixed to such values indicat-

ing that the Threshold Limit Value should not be exceeded. The basis for the "C" listing is given in appendix C.

Special consideration should be given to the application of these values in assessing the health hazards which may be associated with exposure to mixtures of two or more substances. A brief discussion of basic considerations involved in developing threshold limit values for mixtures, and methods for their development, amplified by specific examples are given in appendix B.

Threshold limits are based on the best available information from industrial experience, from experimental studies, and, when possible, from a combination of the two. These values are based on various criteria of toxic effects or on marked discomfort; thus, they should not be used as a common denominator of toxicity, nor should they be considered as the sole criterion in proving or disproving diagnosis of suspected occupational disease.

These limits are intended for use in the field of industrial hygiene and should be interpreted and applied only by persons trained in this field. They are not intended for use, or for modification for use, (1) as a relative index of toxicity, by making a ratio of two limits, or (2) in the evaluation or control of community air pollution or air pollution nuisances, or (3) in estimating the toxic potential of continuous uninterrupted exposures.

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)

Substance	ppm*	Mg/M³**
Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene tetrabromide	1	14
† Acrolein	0.1	0.25
Acrylonitrile—Skin	20	45
Aldrin (1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-dimethano-naphthalene)—Skin	—	0.25
† Allyl alcohol—Skin	2	5
Allyl chloride	1	3
C Allylglycidylether (AGE)	10	45
Allyl propyl disulfide	2	12
† Ammonia	50	35
Ammonium sulfamate (Ammate)	—	15
† Amyl acetate	100	525
Amyl alcohol (isoamyl alcohol)	100	360
Aniline—Skin	5	19
Antimony	—	0.5
ANTU (alpha naphthyl thiourea)	—	0.3
Arsenic	—	0.5
Arsine	0.05	0.2
Barium (soluble compounds)	—	0.5
C Benzene (benzol)—Skin	25	80
Benzidine	—	A¹
Benzyl chloride	1	5
Beryllium	—	0.002
Boron oxide	—	15
C Boron trifluoride	1	3
Bromine	0.1	0.7
Butadiene (1,3-butadiene)	1,000	2,200
2-Butanone (methyl ethyl ketone)	200	590
2-Butoxy ethanol (Butyl Cellosolve)	50	240
Butyl acetate (n-butyl acetate)	200	950
Butyl alcohol	100	300
tert. Butyl Alcohol	100	300
C Butylamine	5	15
n-Butylglycidylether (BGE)	50	270
Butyl mercaptan	10	35
p-tert. Butyltoluene	10	60
Cadmium oxide fume	—	0.1
Calcium arsenate	—	1
Carbon dioxide	5,000	9,000
Carbon disulfide—Skin	20	60
Carbon monoxide	100	110
Carbon tetrachloride—Skin	10	65
Chlordane (1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene)	—	0.5
Chlorinated camphene, 60%-	—	0.5
Chlorinated diphenyl oxide-	—	0.5
Chlorine	1	3
Chlorine dioxide	0.1	0.3

†1963 Revision.
*Parts of vapor or gas per million parts of air by volume at 25° C and 760 mm. Hg pressure.
**Approximate milligrams of particulate per cubic meter of air.
A Numbers, See Appendix A.

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)—continued

Substance	ppm*	Mg/M³**
C Chlorine trifluoride	0.1	0.4
C Chloroacetaldehyde	1	3
Chlorobenzene (monochlorobenzene)	75	350
Chlorobromomethane	200	1,050
Chlorodiphenyl (42% Chlorine)—Skin	—	1
Chlorodiphenyl (54% Chlorine)—Skin	—	0.5
C Chloroform (trichloromethane)	50	240
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene)	25	90
Chromic acid and chromates (as CrO_3)	—	0.1
Cobalt	—	0.5
Crag (R) herbicide (sodium) 2-(2,4-dichlorophenoxy) ethanol hydrogen sulfate)	—	15
Cresol (all isomers)—Skin	5	22
Cyanide (as CN)—Skin	—	5
Cyclohexane	400	1,400
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	400	1,350
2,4-D (2,4-dichlorophenoxyacetic acid)	—	10
DDT (2,2-bis [p-chlorophenyl-1,1,1-trichloroethane)—Skin	—	1
Decaborane—Skin	0.05	0.3
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
Diborane	0.1	0.1
1,2-Dibromoethane (Ethylene dibromide)	25	190
o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1,1-Dichloroethane	100	400
1,2-Dichloroethane (ethylene dichloride)	50	200
1,2-Dichloroethylene	200	790
C Dichloroethyl ether	15	90
Dichloromonofluoromethane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
Dichlorotetrafluoroethane	1,000	7,000
Dieldrin (1,2,3,4,10,10-hexachloro-6, 7-epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4, 5,-8,-dimethanonaphthalene)—Skin	—	0.25
Diethylamine	25	75
Difluorodibromomethane	100	860
†C Diglycidyl ether (DGE)	0.5	2.8
Diisobutyl ketone	50	290
Dimethyl acetamide—Skin	10	35
Dimethylaniline (N-dimethylaniline)—Skin	5	25
Dimethylformamide	20	60
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylsulfate—Skin	1	5
Dinitrobenzene—Skin	—	1
Dinitrotoluene—Skin	—	1.5
Dinitro-o-cresol—Skin	—	0.2
Dioxane (diethylene dioxide)	100	360
Dipropylene glycol methyl ether	100	600
EPN (O-ethyl O-p-nitrophenyl thionobenzenephosphonate)—Skin	—	0.5
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	25	45
C Ethylbenzene	200	870
Ethyl bromide	200	890
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
†C Ethyl mercaptan	20	52
Ethyl silicate	100	850
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	30
Ethylene glycol dinitrate (Combined EGDN+NG)—Skin	0.2	1.2
Ethylene imine—Skin	5	9
Ethylene oxide	50	90
2-Ethoxyethanol (Cellosolve)	200	740
2-Ethoxyethylacetate (Cellosolve Acetate)	100	540
Ferbam (ferric dimethyl dithiocarbamate)	—	15
Ferrovanadium dust	—	1
Fluoride (as F)	0.1	2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
C Formaldehyde	5	6
Furfural	5	20
Furfuryl alcohol	50	200
Gasoline	500	2,000
Glycidol (2,3-Epoxy-1-propanol)	50	150
Heptane (n-heptane)	500	2,000
Hexane (n-hexane)	500	1,800
Hexanone (methyl butyl ketone)	100	410

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)—continued

Substance	ppm*	Mg/M³**
† sec-Hexyl acetate	50	295
Hexone (methyl isobutyl ketone)	100	410
C Hydrazine—Skin	1	1.3
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen fluoride	3	2
Hydrogen peroxide, 90%	1	1.4
Hydrogen selenide	0.05	0.2
C Hydrogen sulfide	20	30
Hydroquinone	—	2
C Iodine	0.1	1
Iron oxide fume	—	15
Isophorone	25	140
Isopropylamine	5	12
Isopropylglycidylether (IGE)	50	240
Ketene	0.5	0.9
Lead	—	0.2
Lead arsenate	—	0.15
Lindane (hexachlorocyclohexane, gamma isomer)	—	0.5
Lithium hydride	—	0.025
Magnesium oxide fume	—	15
Malathion (o,o-dimethyl dithiophosphate of diethyl mercaptosuccinate)—Skin	—	15
C Manganese	—	5
Mercury—Skin	—	0.1
Mercury (organic compounds) —Skin	—	0.01
Mesityl oxide	25	100
Methoxychlor (2,2-di-p-methoxyphenyl-1, 1, 1-trichloroethane)	—	15
Methyl acetate	200	610
Methyl acetylene	1,000	1,650
Methyl acrylate—Skin	10	35
Methylal (dimethoxymethane)	1,000	3,100
Methyl alcohol (methanol)	200	260
C Methyl bromide—Skin	20	80
Methyl cellosolve (2-methoxyethanol)—Skin	25	80
Methyl cellosolve acetate (ethylene glycol monomethyl ether acetate)	25	120
C Methyl chloride	100	210
† Methyl chloroform (1,1,1-trichloroethane)	350	1,900
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
Methylcyclohexanone	100	460
Methyl formate	100	250
Methyl isobutyl carbinol (methyl amyl alcohol)	25	100
†C Methyl mercaptan	20	40
α Methyl styrene	100	480
Methylene chloride (dichloromethane)	500	1,750
Monomethyl aniline—Skin	2	9
Molybdenum (soluble compounds)	—	5
(insoluble compounds)	—	15
Naphtha (coal tar)	200	800
Naphtha (petroleum)	500	2,000
β-Naphthylamine	—	A²
Nickel carbonyl	0.001	0.007
Nicotine—Skin	—	0.5
Nitric acid	10	25
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
Nitroethane	100	310
C Nitrogen dioxide	5	9
C Nitroglycerin (combined EGDN+NG)—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
N-Nitrosodimethylamine (Dimethylnitrosamine)—Skin	A²	—
Nitrotoluene—Skin	5	30
Octane	500	2,350
Osmium tetroxide	—	0.002
Ozone	0.1	0.2
Parathion (O, O, diethyl-O-p-nitrophenyl thiophosphate) —Skin	—	0.1
Pentaborane	0.005	0.01
Pentachloronaphthalene—Skin	—	0.5
Pentachlorophenol—Skin	—	0.5
Pentanone (methyl propyl ketone)	200	700
Pentane	1,000	2,950
Perchloroethylene (tetrachloroethylene)	100	670
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	13.5
Phenol—Skin	5	19
Phenylglycidyl ether (PGE)	50	310
Phenylhydrazine—Skin	5	22
Phosdrin (2-carbomethoxy-1-methyl vinyl dimethyl phosphate)	—	0.1
Phosgene (carbonyl chloride)	1	4
† Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorus pentachloride	—	1
Phosphorus pentasulfide	—	1

RECOMMENDED VALUES (IN ALPHABETICAL ORDER)—continued

Substance	ppm*	Mg/M³**
Phosphorus trichloride	0.5	3
Picric acid—Skin	—	0.1
Platinum (soluble salts)	—	0.002
Propyl acetate	200	840
Propyl alcohol (isopropyl alcohol)	400	980
Propyl ether (isopropyl ether)	500	2,100
n-Propyl nitrate	25	110
Propylene dichloride (1,2-dichloropropane)	75	350
Propylene imine—Skin	25	60
Propylene oxide	100	240
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
Rotenone (commercial)	—	5
Selenium compounds (as Se)	—	0.1
Sodium fluoroacetate (1080)—Skin	—	0.05
Sodium hydroxide	—	2
Stibine	0.1	0.5
Stoddard solvent	500	2,900
Strychnine	—	0.15
Styrene monomer (phenylethylene)	100	420
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
C Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
2,4,5T (2,4,5-Trichlorophenoxyacetic acid)	—	10
TEDP (tetraethyl dithionopyrophosphate)—Skin	—	0.2
Teflon (R) decomposition products	—	A⁴
TEPP (tetraethyl pyrophosphate)—Skin	—	0.05
Tellurium	—	0.1
1,2,2,2 - Tetrachloroethane — Skin	5	35
Tetrahydrofuran	200	590
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenylmethylnitramine)—Skin	—	1.5
Thallium (soluble compounds)—Skin	—	0.1
Thiram (tetramethyl thiuram disulfide)	—	5
Titanium dioxide	—	15
C Toluene (toluol)	200	750
o-Toluidine—Skin	5	22
C Tolyene-2,4-diisocyanate	0.02	0.14
Trichloroethylene	100	520
Trichloronaphthalene—Skin	—	5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromonobromomethane	1,000	6,100
Trinitrotoluene—Skin	—	1.5
Triorthocresyl phosphate	—	0.1
Triphenyl phosphate	—	3
Turpentine	100	560
Uranium (soluble compounds)	—	0.05
(insoluble compounds)	—	0.25
Vanadium (V$_2$O$_5$ dust)	—	0.5
(V$_2$O$_5$ fume)	—	0.1
C Vinyl chloride (chloroethylene)	500	1,300
Vinyl toulene	100	480
Warfarin (3(α acetonylbenzyl)-4-hydroxycoumarin)	—	0.1
Yttrium	—	5
C Xylene (xylol)	200	870
Xylidene—Skin	5	25
Zinc oxide fume	—	5
Zirconium compounds (as Zr)	—	5

NOTE: The word "Skin" following a substance indicates that the substance can penetrate the skin to contribute to the exposure and threshold limit value should be reduced accordingly.

†1963 Revision.
*Parts of vapor or gas per million parts of air by volume at 25° C and 760 mm. Hg pressure.
**Approximate milligrams of particulate per cubic meter of air.
A Numbers, See Appendix A.

Radioactivity: For permissible concentrations of radio-isotopes in air, see U.S. Department of Commerce, National Bureau of Standards, Handbook 69, "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," June 5, 1959. Also, see U.S. Department of Commerce, National Bureau of Standards, Handbook 59, "Permissible Dose from External Sources of Ionizing Radiation," September 24, 1954, and addendum of April 15, 1958.

MINERAL DUSTS

Substance	m.p.p.c.f.‡
SILICA	
Crystalline	
Quartz, Threshold Limit calculated from the formula	$\frac{250}{\%SiO^2+5}$
Cristobalite, Threshold Limit calculated from the formula	
Amorphous, including natural diatomaceous earth	20
SILICATES (less than 1% crystalline silica)	
Asbestos	5
Mica	20
Soapstone	20
Talc	20
Portland Cement	50
Miscellaneous (less than 1% crystalline silica)	50

Conversion factors
mppcf x 35.3 = million particles per cubic meter
= particles per c.c.

‡Millions of particles per cubic foot of air, based on impinger samples counted by light-field technics.
†The percentage of crystalline silica in the formula is the amount determined from air-borne samples, except in those instances in which other methods have been shown to be applicable.

TENTATIVE VALUES

Substance	ppm*	Mg/M³**
C tert. Butyl chromate (as CrO_3)—Skin	—	0.1
† Calcium oxide	—	5
Camphor	—	2
† Copper Fume	—	0.1
Dusts & Mists	—	1.0
DDVP (O, O-Dimethyl-2,2 - dichlorovinyl phosphate)	—	1
† Demeton (R) (Systox)	—	0.1
Endrin (1,2,3,4,10,10,-hexachloro-6, 7-epoxy-1,4,4a, 5,6,7,8,8a-octa hydro 1,4-endo - 5,8 - dimethano-naphthalene)—Skin	—	0.1
Epichlorhydrin	5	19
Ethanolamine	3	6
† Graphite	—	15 mppcf
† Hafnium	—	0.5
Heptachlor (1,4,5,6,7,8,8a-heptachloro-3a,4,7,7a-tetrahydro - 4,7 - methanoindene)	—	0.5
† Methylamine	25	31
† Methyl Methacrylate	100	410
†C Methylene bis phenylisocyanate	0.02	0.2
† Mineral Wool (Fiberglas)	—	2
† Naphthalene	10	50
Oil (mineral)	—	5
† β-Propiolactone	—	A³
† Silver	—	0.05
† Tantalum	—	5
† 1,1,1,2, - Tetrachloro - 2,2, - difluoroethane	1,000	8,340
† 1,1,2,2 - Tetrachloro - 1,2 - difluoroethane	500	4,170
† Tetraethyl lead	—	0.075
† Tin (inorganic compounds)	—	2
(organic compounds as Sn)—Skin	—	0.1

†1962 Additions.
*Parts of vapor or gas per million parts of air by volume at 25° C and 760 mm. Hg pressure.
**Approximate milligrams of particulate per cubic meter of air.
A numbers, See Appendix A.

APPENDIX A

A¹ Benzidine. Because of high incidence of bladder tumors in man, any exposure, including skin, is extremely hazardous.

A² β-Naphthylamine. Because of the extremely high incidence of bladder tumors in workers handling this compound, and the inability to control exposures, β-naphthylamine has been prohibited from manufacture, use and other activities that involve human contact by the State of Pennsylvania.

A³ N-Nitrosodimethylamine. Because of extremely high toxicity and presumed carcinogenic potential of this compound, contact by any route should not be permitted.

A⁴ Teflon ® decomposition products. At least one identified component of Teflon decomposition products is extremely toxic, but in the absence of more complete toxicity information and suitable analytic methods, a definite threshold limit value is not recommended at this time; but air concentrations should be minimal.

A⁵ β-Propiolactone. Because of high acute toxicity and demonstrated skin tumor production in animals, contact by any route should be avoided.

APPENDIX B

THRESHOLD LIMIT VALUES FOR MIXTURES

When two or more hazardous substances are present, their combined effect, rather than that of either individually, should be given primary consideration. In the absence of information to the contrary, the effects of the different hazards should be considered as additive. That is, if the sum of the following fractions,

$$\frac{C_1}{T_1}+\frac{C_2}{T_2}+\cdots\frac{Cn}{Tn}$$

exceeds unity, then the threshold limit of the mixture should be considered as being exceeded. C indicates the observed atmospheric concentration, and T_1 the corresponding threshold limit. (See example 1A.a.)

Exceptions to the above rule may be made when there is good reason to believe that the chief effects of the different harmful substances are not in fact additive, but independent as when purely local effects on different organs of the body are produced by the various components of the mixture. In such cases the threshold limit ordinarily is exceeded only when at least one member of the series

$$\left(\frac{C_1}{T_1}\text{ or }\frac{C_2}{T_2}\text{ etc.}\right)$$

itself has a value exceeding unity. (See Example 1A.b.)

Antagonistic action or potentiation may occur with some combinations of atmospheric contaminants. Such cases at present must be determined individually. Potentiating or antagonistic agents are not necessarily harmful by themselves. Potentiating effects of exposure to such agents by routes other than that of inhalation is also possible, e.g., imbibed alcohol and inhaled narcotic (trichlorethylene). Potentiation is characteristically exhibited at high concentrations, less probably at low.

When a given operation or process characteristically emits a number of harmful dusts, fumes, vapors or gases, it will frequently be only feasible to attempt to evaluate the hazard by measurement of a single substance. In such cases, the threshold limit used for this substance should be reduced by a suitable factor, the magnitude of which will depend on the number, toxicity and relative quantity of the other contaminants ordinarily present.

Examples of processes which are typically associated with two or more harmful atmospheric contaminants are welding, automobile repair, blasting, painting, lacquering, certain foundry operations, diesel exhausts, etc. (Example 2.)

THRESHOLD LIMIT VALUES FOR MIXTURES

EXAMPLES

1A. General case, where air is analyzed for each component.

a. **ADDITIVE EFFECTS**

$$\frac{C_1}{T_1}+\frac{C_2}{T_2}+\frac{C_3}{T_3}+\ldots\frac{C_n}{T_n}=1$$

Air contains 5 ppm of carbon tetrachloride (TLV, 10), 20 ppm of ethylene dichloride (TLV,50) and 10 ppm of ethylene dibromide, (TLV, 25).

$$\frac{5}{10}+\frac{20}{50}+\frac{10}{25}=\frac{65}{50}=1.3$$

Threshold limit is exceeded.

b. **INDEPENDENT EFFECTS**

Air contains 0.15 mg/m³ of lead (TLV, 0.2) and 0.7 mg/m³ of sulfuric acid (TLV, 1).

$$\frac{0.15}{0.20}=0.75;\ \frac{0.7}{1}=0.7$$

Threshold limit is not exceeded.

1B. Special case when source of contaminant is a mixture and atmospheric composition is assumed similar to that of original material, i.e. vapor pressure of each component is the same at the observed temperature.

a. **ADDITIVE EFFECTS**, approximate solution.

1. A mixture of equal parts (1) trichloroethylene (TLV, 100), and (2) methyl chloroform (TLV, 350).

$$\frac{C_1}{100}+\frac{C_2}{350}=\frac{C_m}{T_m}$$

Solution applicable to "spot" solvent mixture usage, where all or nearly all, solvent evaporates.

$$C_1=C_2=\frac{1}{2}C_m$$

$$\frac{C_1}{100}+\frac{C_1}{350}=\frac{2C_1}{T_m}$$

$$\frac{7C_1}{700}+\frac{2C_1}{700}=\frac{2C_1}{T_m}$$

$$T_m=700\times\frac{2}{9}=155\text{ ppm}$$

1B.b. General Exact Solution for Mixtures of N Components With Additive Effects and Different Vapor Pressures.

(1) $\frac{C_1}{T_1}+\frac{C_2}{T_2}+\ldots+\frac{C_n}{T_n}=1$;

(2) $C_1+C_2+\ldots+C_n=T$;

(2.1) $\frac{C_1}{T}+\frac{C_2}{T}+\ldots+\frac{C_n}{T}=1$.

By the Law of Partial Pressures,

(3) $C_i=ap_i$.

And by Raoult's Law,

(4) $p_i=F_i\,p_i^\circ$.

Combine (3) and (4) to obtain

(5) $C_i=aF_ip_i^\circ$.

Combining (1), (2.1), and (5), we obtain

(6) $\frac{F_1p_1^\circ}{T}+\frac{F_2p_2^\circ}{T}+\ldots+\frac{F_np_n^\circ}{T}=\frac{F_1p_1^\circ}{T_1}+\frac{F_2p_2^\circ}{T_2}+\ldots+\frac{F_np_n^\circ}{T_n}$, and solving for T,

(6.1) $T=\frac{F_1p_1^\circ+F_2p_2^\circ+\ldots+F_np_n^\circ}{\frac{F_1p_1^\circ}{T_1}+\frac{F_2p_2^\circ}{T_2}+\ldots+\frac{F_np_n^\circ}{T_n}}$

or

(6.2) $T=\frac{\sum_{i=1}^{i=n}F_ip_i^\circ}{\sum_{i=1}^{i=n}\frac{F_ip_i^\circ}{T_i}}$

T = Threshold limit value in ppm.
C = Vapor concentration in ppm.
p = Vapor pressure of component in solution.
p° = Vapor pressure of pure component.
F = Mol fraction of component in solution.
a = A constant of proportionality.
Subscripts 1,2, . . . n relate the above quantities to components 1,2, . . . n, respectively.
Subscript i refers to an arbitrary component from 1 to n.
Absence of subscript relates the quantity to the mixture.

Solution to be applied when there is a reservoir of the solvent mixture whose composition does not change appreciably by evaporation.

Exact Arithmetic Solution of Specific Mixture

	Mol. wt.	Density	T	p° at 25°C	Mol fraction in half-and half solution by volume
Trichloroethylene (1)	131.4	1.46 g/ml	100	73mm Hg	0.527
Methylchloroform (2)	133.42	1.33 g/ml	350	125mm Hg	0.473

$F_1p_1^\circ=(0.527)(73)=38.2$

$F_2p_2^\circ=(0.473)(125)=59.2$

$$T=\frac{38.2+59.2}{\frac{38.2}{100}+\frac{59.2}{350}}=\frac{(97.4)\ (350)}{133.8+59.2}=\frac{(97.4)\ (350)}{193.0}=177$$

T = 177 ppm (Note difference in T.L.V. when account is taken of vapor pressure and mol fraction in comparison with above example where such account is not taken).

2. A mixture of one part of (1) parathion (TLV, 0.1) and two parts of (2) EPN (TLV, 0.5).

$$\frac{C_1}{0.1}+\frac{C_2}{0.5}=\frac{C_m}{T_m};\ C_2=2C_1$$

$$C_m=3C_1$$

$$\frac{C_1}{0.1}+\frac{2C_1}{0.5}=\frac{3C_1}{T_m}$$

$$\frac{7C_1}{0.5}=\frac{3C_1}{T_m}$$

$$T_m=\frac{1.5}{7}=0.21\text{ mg/m}^3$$

1C. **INDEPENDENT EFFECTS**

1. From naphtha (TLV, 500) containing 10 mole per cent benzene (TLV, 25) the narcotic effects can considered as approximately the same as that of benzene-free naphtha.

The blood effects can be considered as due to the benzene alone.

For **intermittent exposure**, a TLV of 500 ppm may be used as long as the **average** concentration does not exceed $25\times\frac{100}{10}=250$ ppm, the TLV based on the benzene content.

2. Diesel engine **exhaust contains** several irritants, one of which is nitrogen dioxide. A limit of 2 ppm NO_2 has been found to correlate fairly well with the beginning of subjective (irritation) effects from such gases, although no subjective effects are experienced from NO_2 alone at 5 ppm.

Appendix C

BASES FOR ASSIGNING LIMITING "C" VALUES*

T.L.V. RANGE ppm* or mg/m³	Permitted Fluctuation Factor of T.L.V. for 5, 10 or 30 min.	Examples
0 to 1	3	Boron trifluoride (1 ppm) at 3 ppm if repeatedly encountered for periods of 5, 10, or 30 minutes, may lead to pneumonitis; a "C" listing recommended.
1+ to 10	2	
10+ to 100	1.5	Ethyl benzene (200 ppm) at 250 ppm if repeatedly encountered for periods of 5 or 10 minutes may prove intolerably irritating to the eyes; a "C" listing recommended.
100+ to 1000	1.25	

* According to this limitation, the presently listed TLVs will or will not be candidates for a "C" (ceiling) listing. (96) TLVs not coming within this limitation will bear a "C" before the substance name. Judgment is based on whether the excursions in concentration under the time limits stated may result in a) intolerable irritation, b) chronic or irreversible tissue change, or c) narcosis of sufficient degree to increase accident proneness or materially reduce work efficiency.

[F.R. Doc. 64-2887; Filed, Mar. 26, 1964; 8:45 a.m.]

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PART I

FEDERAL REGISTER

VOLUME 29 NUMBER 62

Washington, Saturday, March 28, 1964

THE UNIVERSITY OF MICHIGAN
MAR 30 1964
MAIN READING ROOM

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Title 3—THE PRESIDENT

Proclamation 3577

CANCER CONTROL MONTH, 1964

By the President of the United States of America

A Proclamation

WHEREAS the scourge of cancer will be felt this year by more than half a million Americans; and

WHEREAS continued research can lead to further increases in the number of cancer patients saved from death by this dread disease; and

WHEREAS the gap between actual and potential gains in the cure of cancer patients can be narrowed by educating the public to cooperate with the medical profession in seeking earlier diagnosis and treatment; and

WHEREAS further efforts to control this disease result not only in protecting the Nation's health but also in encouraging the scientists, medical practitioners, and official and voluntary health agencies already engaged in such efforts; and

WHEREAS the Congress, by a joint resolution approved March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting apart the month of April as Cancer Control Month:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the month of April 1964 as Cancer Control Month; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also ask the medical and allied health professions, the communications industries, and all other interested persons and groups to unite during the appointed month in public reaffirmation of this Nation's efforts to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fifth day of March in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-3112; Filed, Mar. 26, 1964; 4:28 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 38]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.415 Grapefruit Regulation 38.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of other available information including the results of a telegraphic poll of the Shippers Advisory and Growers Administrative Committees, conducted on March 25, 1964, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of grapefruit, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such grapefruit; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time, and good cause exists for making the provisions hereof effective as hereinafter set forth. The results of the aforesaid poll and supporting information for regulation during the period specified herein, including necessary supplemental economic and statistical information upon which this section is based, were received on March 26, 1964; information regarding the provisions of the regulation has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) Grapefruit Regulation 37 (§ 905.413; 29 F.R. 3355) is hereby terminated at 12:01 a.m., e.s.t., March 30, 1964.

(3) During the period beginning at 12:01 a.m., e.s.t., March 30, 1964, and ending at 12:01 a.m., e.s.t, May 4, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{12}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{6}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 26, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3113; Filed, Mar. 27, 1964; 8:53 a.m.]

[Navel Orange Reg. 57]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.357 Navel Orange Regulation 57.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 26, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 29, 1964, and ending at 12:01 a.m., P.s.t., April 5, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 650,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same

meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 27, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–3147; Filed, Mar. 27, 1964; 11:20 a.m.]

[Valencia Orange Reg. 76]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.376 Valencia Orange Regulation 76.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 26, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 29, 1964, and ending at 12:01 a.m., P.s.t., April 5, 1964, are hereby fixed as follows:

(i) District 1: 23,627 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 175,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 27, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–3148; Filed, Mar. 27, 1964; 11:20 a.m.]

[Grapefruit Reg. 17]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.317 Grapefruit Regulation 17.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on March 20, 1964, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on March 25, 1964; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Grapefruit Regulation 16 (§ 909.316; 29 F.R. 3390) is hereby terminated at 12:01 a.m., P.s.t., March 29, 1964.

(2) During the period beginning at 12:01 a.m., P.s.t., March 29, 1964, and ending at 12:01 a.m., P.s.t., April 12, 1964, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2: *Provided*, That any such grapefruit may have scars to the extent permitted by the U.S. No. 3 grade: *Provided further*, That, included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point in Zone 1 or Zone 2 any grapefruit, grown as aforesaid, which measure less than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller.

(3) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," and "Zone 2" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 26, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–3114; Filed, Mar. 27, 1964; 8:53 a.m.]

[Lemon Reg. 104]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.404 Lemon Regulation 104.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 3346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 24, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 29, 1964, and ending at 12:01 a.m., P.s.t., April 5, 1964, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 26, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–3091; Filed, Mar. 27, 1964; 8:53 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program—Payment in Kind (GR–345) Terms and Conditions

General statement. The following amendment is part of a program undertaken to minimize the cost to CCC of payments on the exportation of wheat during remaining period of the IWA and to maintain export prices of wheat at competitive world prices within the International Wheat Agreement price range during such period so that the U.S. can exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement. The program arises from the possibility that beginning with the new marketing year for wheat, there may be a decline in domestic market prices below competitive world prices within the IWA price range.

Separate regulations will be issued which will provide for licensing of all exportations of wheat and wheat flour. In general, they will provide that licenses can be obtained for exportations pursuant to Notices of Registration issued by CCC on sales of wheat and flour under Announcements GR–345 and GR–346 and for exportations pursuant to competitive bid contracts involving durum wheat under GR–345. Licenses would also be issued on exportations made pursuant to contracts for the acquisition of wheat from CCC at competitive world prices, such as sales for cash, sales for credit, and barter transactions, and in connection with wheat donated abroad by CCC. Thus, if an exporter does not make an exportation in accordance with requirements of Announcements GR–345 and 346, the only means by which a commercial exportation could be accomplished is through the acquisition of wheat from CCC stocks. Exportations in violation of the licensing requirements would subject the exporter to the provisions of section 3(d) of the International Wheat Agreement Act of 1949 (7 U.S.C. 1642(d)). This statute provides that any person who knowingly and wilfully exports wheat or wheat flour from the United States in excess of the quantity permitted to be exported under regulations issued by the President shall forfeit to the United States a sum equal to two times the market value at the time of commission of any such act, of the quantity of wheat or wheat flour by which any such exportation exceeds the authorized amount. The President's authority under the Act has been delegated to the Secretary of Agriculture by Executive Order 11108.

Announcements GR–345 and GR–346 now provide for export payments by CCC on sales made for export during periods when world prices are lower than domestic prices. The following amendment would make such subsidies conditional and subject to refund in whole or part on sales registered for export during periods when world prices exceeded domestic prices, unless the export was in connection with the acquisition of wheat from CCC stocks at competitive world prices. Thus, as consideration for CCC making payments in the future and enabling exporters to make commercial exportations out of privately owned stocks in periods when domestic prices exceeded world prices, the exporter would be required to agree to refund such payment if certain exportations were made in periods when the price situation was reversed. Refunds will be made on both commercial sales under the IWA and on non-IWA commercial sales and would not exceed the amount of conditional payments previously received. Refunds will reflect the difference between world and domestic prices and will be computed in the same manner as export payments. The amendment is designed so that the net export payments (after adjustment for subsidy refunds) which are made to a particular exporter from the effective date of the amendment until termination of the IWA are only in amounts necessary to assure that his total export sales during such period will be made at competitive world prices within the International Wheat Agreement price range.

Revision III—Amendment 3. The Terms and Conditions of the Wheat Export Program—Payment in Kind (GR–345) (27 F.R. 6415), as amended (27 F.R. 10741 and 28 F.R. 7120), are further

amended by adding the following new sections:

§ 1483.102 Conditional export payments.

In order to minimize the cost to CCC of subsidizing the exportation of wheat during the remaining period of the International Wheat Agreement and to control prices of wheat produced in the United States moving in foreign commerce during any period when domestic prices (including the cost of any export marketing certificates required under applicable legislation) are below world prices so that the United States can exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, all export payments made by CCC on contracts under §§ 1483.140 and 1483.113 resulting from a Notice of Sale or durum bid made on or after the effective date of this amendment shall be conditional and subject to refund in whole or in part as hereinafter provided. The exporter's filing of a Notice of Sale on wheat (other than durum wheat) or making a bid for an export payment on durum wheat under these regulations on and after such effective date shall constitute his agreement to make a refund as provided herein of any payment received in connection with such Notice or such durum bid and otherwise to comply with the terms and conditions prescribed in these regulations.

REFUNDS

§ 1483.150 Export payment refunds; general.

(a) Refunds shall be based on rates announced by CCC except that in the case of durum wheat the refund rate shall be established by competitive bidding among exporters. Refunds shall be both on sales under the International Wheat Agreement and on non-IWA commercial sales, including transactions under Titles I and IV of Public Law 480, 83d Congress, as amended and other transactions to which regulations apply. The total amount to be refunded by an exporter shall not exceed the amount of conditional export payments previously received by him from CCC.

(b) No refund shall be required (1) on wheat exported when the exportation is in connection with the acquisition of an equivalent quantity of wheat from CCC at competitive world prices, as determined by CCC, including sales for cash, sales on deferred payment and barter transactions, or (2) on wheat donated abroad.

(c) CCC will determine which sales involving refunds registered under the program are considered eligible for recording under the International Wheat Agreement, and will report such sales to the Wheat Council. An exporter is not relieved of the obligation to make a refund under these regulations if any transaction is not ultimately recorded by the Wheat Council.

(d) If wheat exported is composed in part of wheat produced outside the United States, no refund need be made to CCC on that portion which it is established to the satisfaction of the Director was produced outside the United States.

(e) Refunds shall not be required on exportations of wheat by or to a United States Government agency as defined in § 1483.195.

(f) Wheat on which refunds must be paid under these regulations is wheat as defined in § 1483.197, including sample grade wheat and any wheat included in mixed grain.

(g) The term "domestic prices" as used in the refund provisions of these regulations means domestic prices, as determined by CCC, including the cost to the exporter of any export marketing certificates required under applicable legislation.

§ 1483.151 Refunds on wheat other than durum wheat.

(a) Except as otherwise provided in § 1483.150 (b), (d) and (e), the exporter shall refund to CCC a portion of the conditional payments previously received by him if (1) a sale of wheat (other than durum wheat) is made for exportation in any period when the IWA is in effect, (2) at the time the sale is made CCC has determined that domestic prices of such wheat for delivery during the period of export provided in the contract are below competitive world prices or below the IWA minimum price and (3) CCC has announced a refund rate applicable thereto. Refunds shall be made in connection with the net quantity of wheat (i) sold and subsequently exported and (ii) exported prior to sale as provided in paragraph (g) of this section.

(b) *Refund rates.* (1) Refund rates, representing the difference between domestic prices and world prices, as determined by CCC, will be announced by CCC in the same maner as provided in § 1483.120. Different refund rates may be announced for separate coasts or ports, and various classes of wheat, destinations and periods of exportation.

(2) The refund rate applicable to a sale made for export in a period when it is determined by CCC that the domestic price of the wheat sold is below the world price or below the IWA minimum price shall be the rate in effect at the time of sale to the foreign buyer or at the time of filing a Notice of Sale as required by § 1483.125, whichever rate is the higher, for the export rate period which covers the period of export specified in the Notice of Sale. If the wheat is exported at a different time than in such export rate period, the refund rate applicable to the wheat so exported shall be the rate in effect at the time of sale or time of filing Notice of Sale, whichever is the higher, for exportations which occur in the rate period applicable to the time of actual exportation, but not less than the rate which would have applied had exportation been made in the period specified in the Notice of Sale. Notwithstanding the foregoing, an extension of time to export without any increase in the refund rate will be granted to the extent the exporter establishes to the satisfaction of CCC that the delay in exportation was due to causes without his fault or negligence. Such causes shall include, but are not restricted to, acts of God, or of the public enemy, acts of the Government, fire, flood, explosion, quarantine restrictions, strikes, and unusually severe weather. If exportation is delayed for any reason until a period for which there was no refund rate established at the time of sale or time of filing Notice of Sale, the refund rate shall be as prescribed by CCC.

(c) *Time of sale.* The time of sale for the purpose of refunds shall be determined on the basis of the supporting evidence of sale submitted by the exporter in the form prescribed in § 1483.127(d), and the factors set forth in § 1483.121, except as hereinafter provided:

(1) On any sale under Public Law 480, as amended, where the price of the wheat or commission originally reported by the exporter was disapproved, the exporter shall have five calendar days following the date of the notification telegram within which to submit a price and commission which may be approved by the General Sales Manager. If within this period, an acceptable price and commission are submitted, the time of sale shall be regarded as the time of the original sale, and the refund rate applicable to the sale shall be the rate in effect at time of original sale or the time of giving the original Notice of Sale, whichever is the higher.

(2) If the time of day at which the sale was made is not established and two refund rates are in effect on such day, the time of sale shall be deemed to occur at the time the higher of the two refund rates was in effect.

(3) If a sale is made through an intermediary, for the purposes of determination of the applicable refund rate, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(4) In any unusual cases involving factors other than those enumerated above, an exporter should make a written request for a determination in writing from the office indicated in § 1483.178, in advance of making the sale as to the effect of such factors on the time of sale.

(d) *Notice of sale.* The exporter shall file a Notice of Sale as soon as possible after the time of sale, in accordance with § 1483.125. A sale shall not be made with a foreign buyer which would require refund of a larger amount than the conditional export payments previously received by the exporter. If the time of filing the Notice of Sale cannot be established and two refund rates are in effect on the date of filing, the time of filing the Notice of Sale shall be deemed to be the time the higher of the two rates is in effect. Notices shall be filed on all bona fide sales transactions which would require a refund to CCC for shipment to any designated country defined in § 1483.187 whether or not such buyer is located in the country of destination. Neither brokers nor agents of the seller or the foreign buyer shall be named as the buyer in the Notice or Declaration of Sale. Export sales may include sales to affiliates of the U.S. exporter in which the affiliate is acting in its own behalf as an independent buyer and not in behalf of the exporter.

(e) *Notice of registration.* CCC will register the sale in the manner prescribed in § 1483.126 unless it determines that the sales price is below the IWA minimum price or that the sale is not otherwise in the interests of the program. On issuance of a Notice of Registration the exporter shall be obligated to export the quantity of wheat to which the notice relates and make a refund of conditional payments previously received by him in accordance with the provisions of these regulations. In the telegram of registration the Contracting Officer, CCC may utilize the code letters RLR to indicate Registered as Liable for Refund. An exporter shall not export wheat other than durum wheat pursuant to an export sales contract which would require a refund to CCC unless he has received a Notice of Registration from CCC.

(f) *Declaration of sale and evidence of sale.* The exporter shall prepare a Declaration of Sale and submit evidence of sale as described in § 1483.127.

(g) *Wheat exported prior to sale.* (1) Except as otherwise provided in § 1483.150 (b), (d), and (e), an exporter is obligated to make refund to CCC in connection with any quantity of wheat other than durum wheat (i) exported from the United States prior to sale or (ii) shipped to Canada and exported from a Canadian Port prior to sale, if a sale of such wheat is thereafter made at a time when, as determined by CCC, the IWA is in effect, domestic prices for the wheat are below competitive world prices or the IWA minimum price and CCC has announced a refund rate applicable thereto. Unless otherwise approved in writing by CCC, all unsold wheat exported from a U.S. or Canadian port (other than durum wheat and wheat referred to in § 1483.150 (b), (d), and (e)) shall be shipped on a vessel which also carries wheat sold by the same exporter under this program, or other export programs of CCC. In the case of a full cargo shipment, the unsold portion shall not exceed ½ of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat exported.

(2) Any wheat exported under the conditions described in subparagraph (1) above shall be reported by the exporter at the time of exportation in the manner and with the information required by § 1483.109(b). When the wheat is sold, the exporter shall submit a Notice of Sale to the office indicated in § 1483.178 as provided in § 1483.125. In reporting the sale the exporter shall state that the wheat sold was reported to the office indicated in § 1483.178 as required by this paragraph. This may be done by the use of the code word "ABROAD". The wheat shall be sold no later than 15 days after export.

(3) The exporter shall make refund to CCC on the wheat exported and reported to CCC under this paragraph (g). The refund is due on sales made by the person who exports the wheat and not on sales made by the person who buys the wheat after exportation. The refund rate applicable to a sale shall be the refund rate in effect at time of the sale, or at the time of giving Notice of Sale, whichever is the higher, for the then current export rate period which applies (i) to the port from which the wheat was exported and (ii) to the country shown in the Declaration of Sale. If the wheat is not sold within 15 days after export, the exporter shall nevertheless be liable for refund and the refund rate applicable to the wheat exported shall be the higher of the rate in effect on the date of export or the rate in effect on the fifteenth day after the date of export. If wheat is exported prior to sale in excess of the quantities specified in subparagraph (1) of this paragraph (g), and such excess is determined by CCC not to have been knowingly and wilfully exported, the exporter shall nevertheless be liable to make a refund to CCC at the rate applicable to the balance of wheat shipped unsold plus liquidated damages of 5 cents per bushel on such excess.

(h) *Loading tolerances.* A contract loading tolerance of not to exceed ten percent more or less is permitted on export sales of wheat which would require a refund to CCC, or if no loading tolerance is specified in the contract, a loading tolerance of one percent more or less is permitted. Refunds shall be made to CCC on quantities loaded on vessels, cars, or trucks which are in excess of the contract quantity as shown on the Declaration of Sale plus such loading tolerance. Refunds to CCC on such excess quantities of wheat loaded shall be at the highest of the refunds rates in effect on the date and time of sale, date and time of filing Notice of Sale, or the date of export. Exportation of any such excess quantity requires submission of a new Notice of Sale and a new Declaration of Sale for the excess quantity loaded, and a new Notice of Registration issued by CCC in connection therewith. Failure to export the contract quantity less the loading tolerance shall subject the exporter to the provisions of paragraph (j) of this section for the deficiency in the quantity exported.

(i) *Countries and buyers to which wheat may be exported.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, exports under this program which require a refund to CCC shall be made only to the designated country and buyer named in the Declaration of Sale and the exporter shall not ship, transship or cause the wheat to be transshipped to any other country, or transship the wheat through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River).

(2) Shipment shall be made only to the country named in the Declaration of Sale, unless the exporter (i) obtains the written approval of CCC, for shipment to another designated country and (ii) furnishes a certification to the Contracting Officer, CCC that such shipment is at the request of the buyer named in the Declaration of Sale, that such shipment constitutes delivery against the exporter's sale to the foreign buyer on which the refund is based and is not in connection with a different sale, and that the exporter knows of no circumstances with respect to such shipment which would impair the integrity of such sale.

(3) Shipment may be made to a consignee or notify party other than the buyer named in the Declaration of Sale, provided the exporter furnishes a certification to CCC, as required in subparagraph (2) of this paragraph.

(j) *Failure to export.* Failure of the exporter to export or cause exportation of the quantity of wheat specified in the exporter's contract registered with CCC which would require a refund to CCC shall constitute a breach of his obligations to CCC and cause serious and substantial damages to CCC's export and price support program and the incurrence of storage, administrative and other costs. Since it will be difficult, if not impossible to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages in the amount of the refund which was due on such exportation plus 15 cents per bushel, promptly upon demand, for each bushel of wheat not exported. The exporter shall be excused from such payment to the extent he establishes to the satisfaction of CCC that failure to export was due to causes without his fault or negligence. Such causes shall include but are not limited to acts of God, acts of the Government, fire, flood, explosion, quarantine restrictions, strikes and unusually severe weather.

(k) *Re-entry and transshipment.* If any quantity of wheat exported pursuant to the exporter's contract with CCC which would require a refund to CCC is re-entered into the United States including Alaska, Hawaii, or Puerto Rico, whether or not such re-entry is caused by the exporter, or if any quantity of wheat exported is transshipped or caused to be transshipped by the exporter, to any country excluded by § 1483.187, the exporter shall be in default and shall pay to CCC liquidated damages of 15 cents per bushel on such wheat in addition to refund made with respect to such wheat. Such amount is agreed to be a reasonable estimate of the damages that would be incurred by CCC. The exporter shall not be liable for such liquidated damages to the extent he establishes to the satisfaction of CCC that (1) the re-entry resulted from causes without his fault or negligence and promptly after he received notice of re-entry he exported the wheat re-entered or a quantity equivalent thereto to a designated country, paid the refund applicable to such exportation, and no person received any export payment on such exportation, or (2) the wheat re-entered was lost, damaged or destroyed and the physical condition is such that its re-entry into the United States will not impair CCC's price support program.

(l) *Contract amendments.* The terms and conditions of the exporter's contract with the foreign buyer which would require a refund to CCC may be changed if approved in writing by CCC, before or after exportation subject to such adjustment in the refund rate as may be deter-

mined by CCC. If exportation is made specified in § 1483.147 not including the

no event shall such value be less than

to receive from any person, firm, or cor-

time, Monday through Saturday and

mined by CCC. If exportation is made pursuant to a contract which would require a refund to CCC and which has been amended without CCC's approval, and in a manner which directly or indirectly affects the price, or if exportation is made in violation of the requirements of paragraph (i) of this section there will result serious and substantial damages to CCC's export program and the incurrence of administrative and other costs. Since it will be difficult if not impossible to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages of 5 cents per bushel in addition to the refund paid to CCC. Such amount is agreed to be a reasonable estimate of the damages that would be incurred by CCC. Notwithstanding the foregoing, exportation in a different period of time then specified in the contract registered with CCC shall be subject to paragraph (b) of this section.

§ 1483.152 Refunds on durum wheat.

(a) Except as otherwise provided in § 1483.150 (b), (d), and (e), an exporter who wishes to export durum wheat at a time when CCC determines that domestic prices of durum wheat are below world prices shall submit an offer to CCC in which he proposes that on such exportation he shall make a refund of a conditional payment previously received by him at a rate specified by him in his offer. Offers shall be submitted as provided in § 1483.112, except that a refund rate expressed in whole cents per bushel shall be expressed in the offer instead of an export payment rate. CCC will consider offers on a competitive basis, and will accept eligible offers which are deemed to be within an acceptable refund range. On CCC's acceptance of the offer, the exporter shall be obligated to make an exportation of durum wheat and pay a refund to CCC on such exportation in accordance with his offer and the terms and conditions of these regulations in effect on the date of submission of the offer. Refunds under this program shall be made on the basis of the net quantity, excluding dockage, of durum wheat exported. The provisions of §§ 1483.111 (b), 1483.113 and 1483.114 are applicable to export sales of durum wheat which would require a refund to CCC.

(b) *Exportation requirements on durum wheat.* (1) The exporter shall export or cause exportation of the durum wheat to the designated country shown in the Notice of Sale (see § 1483.114(b)(5)) in accordance with his contract with CCC without transshipment through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River). Exportation to a designated country other than that shown in the Notice of Sale may be made if the Contracting Officer, CCC is promptly notified of the change. Exportation in a different period will be acceptable only if approved in writing by CCC, before or after such exportation subject to such adjustment in the refund rate (expressed in a rate per bushel) as may be specified by CCC.

(2) The exporter shall promptly furnish to CCC evidence of exportation as specified in § 1483.147 not including the evidence required in § 1483.147 (g) and (k)(2). Failure to furnish evidence of exportation on or before 30 calendar days from the final date of export pursuant to subparagraph ( ) of this section, shall constitute prima facie evidence of failure to export.

(3) Failure of the exporter to make exportation as provided in subparagraph (1) of this paragraph shall constitute a default of his obligations to CCC. Exportation to other than a designated country, or transshipment through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River) or exportation during a period of time other than that specified in the exporter's contract with CCC or approved in writing by the Contracting Officer, CCC, as provided in subparagraph (1) of this paragraph will cause serious damages to CCC's export program and the incurrence of administrative and other costs. Since it will be difficult if not impossible to prove the exact amount of such damages the exporter shall pay CCC as liquidated damages 5 cents per bushel in addition to the refund paid CCC for each bushel involved in the default. Moreover, if the exporter does not export the quantity of durum wheat specified in the exporter's contract with CCC, except as provided in paragraph (c) of this section, there will result serious and substantial damages to CCC's export and price support programs and the incurrence of storage, administrative and other costs. Since it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages in the amount of the refund which was due on such contract plus 15 cents per bushel promptly upon demand for each bushel of such durum wheat not exported. An exportation which has not been made within 60 calendar days after the expiration date of the export period applicable to the exporter's contract with CCC shall be deemed not to have been made at all. In addition to the foregoing, an exporter may be denied the right to continue participating in this program for his failure to export in accordance with the provisions of his contract with CCC. The foregoing rates of liquidated damages are agreed by the exporter and CCC to be a reasonable estimate of the probable actual damages that would be incurred by CCC.

(4) If any quantity of durum wheat exported pursuant to the exporter's contract with CCC is re-entered into the United States, including Alaska, Hawaii, or Puerto Rico, whether or not such reentry is caused by the exporter, or if any quantity of durum wheat exported is transshipped or caused to be transshipped by the exporter to any country excluded by § 1483.187, the exporter shall be in default, and shall be subject to the provisions of § 1483.151(k).

(c) *Quantity tolerance on Durum wheat.* If any exporter exports or causes exportation in accordance with the requirements of § 1483.115 of a net quantity of Durum wheat less than the net quantity provided in the exporter's contract with CCC, but not less than 95 percent of such quantity, he shall not be required to pay liquidated damages for failure to export the undershipped quantity. If an exporter exports or causes exportation in accordance with the requirements of § 1483.115 of a net quantity greater than the net quantity provided in the exporter's contract with CCC, the refund rate specified in the exporter's contract with CCC shall apply to the entire net quantity exported up to an amount not exceeding 105 percent of the net quantity provided in the exporter's contract. Exportation of a quantity in excess of such amount shall not be made unless otherwise permitted under these regulations. If any durum wheat is exported in excess of such quantity and such excess is determined by CCC not to have been knowingly and wilfully exported, the exporter shall nevertheless be liable to make a refund to CCC on such excess at the highest rate approved by CCC for the export of durum wheat between the date of the contract with CCC applicable to the balance of the wheat shipped and the date of export.

§ 1483.153 Time and manner of making refunds.

(a) *Time of refund.* Unless otherwise approved by CCC, payment of any refund due CCC shall be made to CCC no later than 10 days after the date of exportation, except in the case of wheat exported prior to sale under § 1483.151(g) in which case payment shall be made no later than 25 days after exportation. If payment of any refund is not made as provided herein interest shall accrue at the rate of six percent per annum beginning on the date of exportation and ending on the date of payment.

(b) *Conditional wheat export payment refund voucher.*

Each refund to CCC accompanied by an original and two (2) copies of Conditional Wheat Export Payment Refund Voucher, CCC Form 370, prepared by the exporter and the evidence of export as required by § 1483.147 (except for § 1483.147 (g) and (k)(2)) shall be submitted to the Kansas City ASCS Commodity Office. Supplies of CCC Form 370 and detailed instructions regarding preparation and submission of the form may be obtained from the Kansas City ASCS Commodity Office.

(c) *Method of payment.* The refund shall be paid to CCC by the exporter in cash, money order or by check drawn to the order of "Commodity Credit Corporation".

§ 1483.154 Excess refunds.

If an exportation is made which results in a refund which would be due Commodity Credit Corporation under these regulations except for the fact that such refund is in excess of the conditional export payments previously received by him, the exporter shall be obligated to accept from Commodity Credit Corporation wheat of such qualities as may be declared available for sale by Commodity Credit Corporation and as may be designated by the exporter and of a quantity equivalent to the excess wheat exported. The wheat shall be valued at competitive world prices as of the date of export of such excess quantity but in no event shall such value be less than that determined by using the current domestic price as of such date plus the refund which otherwise would have been due on such excess wheat. Such values and prices shall be as determined by CCC. Such wheat shall be delivered by CCC in accordance with applicable export sales announcements of Commodity Credit Corporation. The exportation of the excess wheat shall be determined to be in satisfaction of export requirements of the wheat acquired from Commodity Credit Corporation. The exporter shall pay to Commodity Credit Corporation on demand the amount due on such acquisition, after applying any amount refunded as a credit to the acquisition price.

The effective date is the date on which this amendment is filed for public inspection by the Office of the Federal Register.

(Secs. 4 and 5, 62 Stat. 1070 and 1072; secs. 2 and 3, 68 Stat. 945 as amended; secs. 102 and 406, 68 Stat. 454, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1641, 1642, 1702 and 1736)

Signed at Washington, D.C., on March 24, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-3054; Filed, Mar. 27, 1964; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Service, Department of Agriculture

PART 203—STATEMENT OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Correction of CFR Supplement as of January 1, 1964

An inadvertent omission occurs in § 203.2 as it appears in the Title 9 Supplement as of January 1, 1964. Section 203.2, as corrected, reads as follows:

§ 203.2 Statement of general policy with respect to the giving by meat packers of meat and other gifts to Government employees.

(a) In recent months, the Department has received information, confirmed by investigation, that a number of packers subject to the Packers and Stockyards Act have made gifts of meat to Government employees responsible for conducting service activities of the Department. Such gifts have the implications of fraud, even if not made specifically for the purpose of influencing these employees in the performance of their duties.

(b) It is a violation of the Meat Inspection Act for any person, firm, or corporation to give to any employee of the Department performing duties under such act anything of value with intent to influence such employee in the discharge of his duties, or for such employee to receive from any person, firm, or corporation engaged in interstate or foreign commerce any gift given with any intent or purpose whatsoever (21 U.S.C. 90). Under the Federal meat grading regulations, the giving or attempting to give by a packer of anything of value to any employee of the Department authorized to perform any function under such regulations is a basis for the withdrawal of Federal meat grading service (7 CFR 53.13). The receiving by an employee of the Department of any gift from any person for whom grading, inspection, or other service work is performed is specifically prohibited by Departmental regulations.

(c) Upon the basis of paragraphs (a) and (b) of this section, it is the view of the Department that it is an unfair and deceptive practice in violation of section 202(a) of the Packers and Stockyards Act (7 U.S.C. 192(a)) for any person subject to the provisions of Title II of said Act to give or offer to give meat, money, or anaything of value to any Government employee who performs inspection, grading, reporting, or regulatory duties directly relating to the purchase or sale of livestock or the preparation or distribution of meats, meat food products, livestock products in unmanufactured form, poultry or poultry products.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-EA-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the time of designation of the Manchester, N.H., control zone.

The Manchester control zone is presently designated from 0600 to 2300 hours, local time, Monday through Saturday and from 0700 to 2300 hours, local time, Sunday. However, military personnel at Grenier Field are now providing an additional hour of weather reporting service on Sundays between 0600 and 0700 local time. Therefore, action is taken herein to increase the time of designation of the control zone to include an additional one hour on Sunday. Controlled airspace requirements for this area will be further reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since the change effected by this amendment is minor in nature, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following action is taken:

In § 71.171 (29 F.R. 1101) the Manchester, N.H., control zone is amended as follows: "from 0800 to 2300 hours, local time, Monday through Saturday and from 0700 to 2300 hours, local time Sunday." is deleted and "from 0600 to 2300 hours, local time, daily." is substituted therefor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3003; Filed, Mar. 27, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The Alexandria, Louisiana (England AFB) control zone is now described, in part, by reference to the Alexandria LF/MF radio range. This range will be converted to a radio beacon approximately April 7, 1964. The purpose of this amendment is to revise the description of the control zone accordingly.

Since this amendment is editorial in nature, compliance with the notice and public procedure requirements of the Administrative Procedure Act is unnecessary and it may be made effective April 7, 1964.

For the above reason, in § 71.171 (29 F.R. 1101) the Alexandria, La. (England AFB) control zone is amended to read:

Alexandria, La. (England AFB).

Within a 5-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within 2 miles each side of the 300° and 120° bearings from the Alexandria RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN; and within 2 miles each side of the Alexandria VOR 156° and 336° radials, extending from the 5-mile radius zone to 10 miles SE of the VOR.

This amendment shall become effective 0001 e.s.t., April 7, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3004; Filed, Mar. 27, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The Shreveport, Louisiana (Downtown Airport-Barksdale AFB) control zone is now described, in part, by reference to the Shreveport LF/MF radio range. This range will be converted to a radio beacon approximately May 1, 1964.

The purpose of this amendment is to revise the description of the control zone

2. Section 71.165 (29 F.R. 1073) is amended by revoking the following con-

Regulations is to revoke the Bayview Intersection (intersection of the Hil-

The substance of the proposed amend-

It is ordered, That respondent Fred

9. Using any technique or practice

The purpose of this amendment is to revise the description of the control zone accordingly.

Since this amendment is editorial in nature, compliance with the notice and public procedure requirements of the Administrative Procedure Act is unnecessary. Due to the planned conversion date and the time required for changes to the appropriate aeronautical charts, this amendment will become effective more than 30 days after publication.

For the above reason, in § 71.171 (29 F.R. 1101) the Shreveport, La. (Downtown Airport-Barksdale AFB) control zone is amended to read:

Shreveport, La. (Downtown Airport-Barksdale AFB).

Within a 5-mile radius of Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44'40" W.), excluding the portion within the Greater Shreveport control zone; within 2 miles each side of the 334° bearing from the Shreveport RBN, extending from the Downtown Airport 5-mile radius zone to 12 miles NW of the RBN; within a 5-mile radius of the Barksdale AFB latitude 32°30'05" N., longitude 93°39'45" W.); within 2 miles each side of the Shreveport VORTAC 155° radial, extending from the Barksdale 5-mile radius zone to the VORTAC; and within 2 miles each side of the Barksdale AFB VOR 330° and 150° radials, extending from the 5-mile radius zone to 8 miles SE of the VOR.

This amendment shall become effective 0001 e.s.t., May 1, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3005; Filed, Mar. 27, 1964; 8:45 a.m.]

[Airspace Docket No. 62-WE-131]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Area Extension

On January 29, 1964, Federal Register Document 64-802 was published in the FEDERAL REGISTER (29 F.R. 1445) which, in part, amended § 71.165 of the Federal Aviation Regulations. This document inadvertently omitted the revocation of the Miramar, Calif., control area extension as proposed in the Notice of Proposed Rule Making published in the FEDERAL REGISTER (28 F.R. 10717) dated October 4, 1963. Accordingly, action is taken herein to rectify this omission.

Since this change corrects an error and imposes no additional burden on any person, compliance with Section 4 of the Administrative Procedure Act is unnecessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document 64-802 (29 F.R. 1445) is altered as follows:

Numbered paragraph 2. which amends § 71.165 (29 F.R. 1073) is amended to read:

2. Section 71.165 (29 F.R. 1073) is amended by revoking the following control area extensions:

a. San Diego, Calif.
b. Miramar, Calif.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3006; Filed, Mar. 27, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Modification of Amendment to Control Zone

On January 23, 1964, there was published in the FEDERAL REGISTER (29 F.R. 557) an amendment to § 71.171 of the Federal Aviation Regulations which designated a control zone at Victoria, Texas.

The control zone, to become effective April 2, 1964, was designated to be in effect from 0600 to 0000 hours, local time, daily. The U.S. Weather Bureau will provide daily weather service from 0600 to 2200 hours. Trans Texas Airways personnel were to provide weather service from 2200 to 0000 hours. However, due to flight schedule changes, Trans Texas Airways will be unable to provide official weather information after 2200 hours for public use. Therefore, action is taken herein to alter the effective hours of the control zone.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the original effective date may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 63-SW-48 (29 F.R. 557) is hereby modified as follows: In the description of the Victoria, Tex., control zone "effective from 0600 to 0000 hours, local time, daily." is deleted and "effective from 0600 to 2200 hours, local time, daily." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3007; Filed, Mar. 27, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Reporting Point

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke the Bayview Intersection (intersection of the Hilo, Hawaii, 091° radial and the 022° bearing from the Pahoa, Hawaii, radio beacon as a reporting point at all altitudes. Air traffic control requirements periodically change with regard to specific reporting points due to modifications of operating procedures or alterations to airway configurations. Recent changes of this nature obviate the requirement for the Bayview reporting point.

Since this amendment is procedural in nature and does not involve assignment of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

Since this action involves the revocation of a reporting point outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In consideration of the foregoing, the following action is taken: In § 71.215 (29 F.R. 1230) "Bayview INT: INT Hilo, Hawaii, 091° radial, 022° bearing Pahoa, Hawaii, RBN." is revoked.

This amendment shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3008; Filed, Mar. 27, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-77]

PART 75—ESTABLISHMENT OF JET ROUTE [NEW]

Alteration of Segment of Jet Route

On December 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 14337) stating that the Federal Aviation Agency (FAA) proposed alteration of Jet Route No. 105 between Springfield, Mo., and Milwaukee, Wis., by aligning this segment via Bradford, Ill., in lieu of via Moline, Ill.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Department of the Navy did not object to the proposal but suggested that the Bradford VOR be converted to a VORTAC before realigning the route. However, the Bradford VOR is scheduled for conversion to VORTAC in June of 1964; and there are four other VORTAC facilities available for use between Springfield and Milwaukee.

The only other comment received was from the Air Transport Association of America which did not object to the proposal.

The substance of the proposed amendment having been published and for the reasons stated herein and in the notice, the following action is taken: In § 75.100 (29 F.R. 1287 January 24, 1964) Jet Route No. 105 is amended to read as follows:

Jet Route No. 105 (Dallas, Tex., to Milwaukee, Wis.). From Dallas, Tex., via Springfield, Mo.; Bradford, Ill.; to Milwaukee, Wis.

This amendment shall become effective 0001 e.s.t. May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3009; Filed, Mar. 27, 1964; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8560]

PART 13—PROHIBITED TRADE PRACTICES

Fred Astaire Dance Studio, Washington, D.C., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.115 *Jobs and employment service;* § 13.150 *Premiums and prizes:* § 13.150–35 *Prizes;* § 13.190 *Results.* Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Fred Astaire Dance Studio, Washington, D.C., Inc., et al., Washington, D.C., Docket 8560, Feb. 28, 1964]

In the Matter of Fred Astaire Dance Studio, Washington, D.C., Inc., a Corporation, and Patrick W. Arabia, Eugene T. Valentine, and Lea W. Peclet, Individually and as Officers of Said Corporation, and George J. Strombos, Individually and as Manager of Said Corporation, and Fred Astaire Dance Studios Corporation, a Corporation

Order requiring Washington, D.C., operators of dancing schools under licenses from the Fred Astaire Dance Studios Corporation in New York City—components of a chain of dance studios operating under the licensor's name throughout the country to teach the "Fred Astaire Method of Dancing"—to cease using a variety of deceptive practices in advertising and through their agents to induce persons to enroll for their dancing instruction, as in the order below set forth.

The order to cease and desist is as follows:

It is ordered, That respondent Fred Astaire Dance Studio, Washington, D.C., Inc., a corporation, and its officers, and respondents Patrick W. Arabia, Eugene T. Valentine, and Lea W. Peclet, individually and as officers of said corporation, and George J. Strombos, individually and as Manager of said corporation, and respondent Fred Astaire Dance Studios Corporation, a corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the solicitation, advertising or sale of lessons or courses of dancing instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by means of radio broadcasts, newspaper advertisements, telephone quizzes, or by any other means, that a course of dancing instruction or a specified number of dancing lessons, or any other service or thing of value, will be furnished free of charge, at a reduced price, or for any price, unless the period or periods of bona fide dancing instruction or other service or thing of value is in fact furnished as represented.

2. Refusing to honor the terms and provisions of any offer or promise.

3. Failing or refusing to disclose the terms and conditions of any offer of prizes, awards, gifts or invitations to parties.

4. Requesting pupils or prospective pupils to sign uncompleted contracts or agreements or misrepresenting to pupils or prospective pupils what is or will be due or payable.

5. Using in any single day "relay salesmanship", that is, consecutive sales talks or efforts of more than one representative, with or without the employment of hidden listening devices, to induce the purchase of dancing instruction.

6. Representing in any manner that dancing instructor jobs are obtainable at their studio where the purpose of such offer is to induce applicants to purchase respondents' courses of instruction or representing that such instructors will be paid $3.00 per hour, or any other amount, unless such is the fact.

7. Falsely representing to or assuring pupils or prospective pupils that a given course of dancing instruction will enable him or her to achieve a given standard of dancing proficiency.

8. Contracting with a pupil or prospective pupil for a specific course of dancing instruction and thereafter, prior to the completion of the given course, subjecting such pupil or prospective pupil to sales effort toward the purchase of additional lessons, unless (a) any contract for additional lessons is subject to cancellation by such pupil or prospective pupil, with or without cause, at any time up to and including one week after the completion of the units of dancing instruction previously contracted for, without cost or obligation, except that a charge may be made for not in excess of two additional lessons furnished during such week and (b) all of such units previously contracted for shall be used or completed prior to the commencement of the additional lessons.

9. Using any technique or practice similar to those set out in Paragraphs 4 through 8 hereof to mislead, coerce, or induce by other unfair or deceptive means the purchase of dancing instruction.

By "Decision of the Commission", etc., order requiring report of compliance is as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-3016; Filed, Mar. 27, 1964; 8:47 a.m.]

[Docket No. C-720]

PART 13—PROHIBITED TRADE PRACTICES

Beecham Products Inc.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service;* § 13.170–52 *Medicinal, therapeutic, healthful, etc.;* § 13.170–70 *Preventive or protective.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Beecham Products Inc., Clifton, N.J., Docket C-720, Feb. 28, 1964]

Consent order requiring a distributor of drug preparations, with headquarters in Clifton, N.J., to cease representing falsely in radio and magazine advertising and otherwise that the vitamins in its "Scott's Emulsion" and "Scott's Emulsion capsules" were more beneficial than those from synthetic sources, that its said products were more digestible and functioned more quickly than any other cod liver oil preparation and that their use was of benefit in the prevention and treatment of colds, infections and sickness.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Beecham Products Inc., a corporation and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated "Scott's Emulsion" or the preparation designated "Scott's Emulsion Capsules", or any other preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any ad-

vertisement which represents directly or

vertisement which represents directly or by implication:

(a) That either vitamin A or vitamin D from natural sources, as supplied in said preparation, is more beneficial than the vitamin A or vitamin D from synthetic sources;

(b) That Scott's Emulsion Capsules will be easier to digest, easier to absorb or will function effectively in the body more quickly than any other cod liver oil preparation;

(c) That Scott's Emulsion will be easier to digest, easier to absorb or will function effectively in the body more quickly than any other cod liver oil preparation, unless such advertisement be expressly limited to a comparison with non-emulsified cod liver oil;

(d) That the use of said preparation will be of benefit in the prevention, relief or treatment of colds or infections;

(e) That the use of said preparation will be of benefit in the prevention of sickness, unless such advertisement expressly limits the effectiveness of the preparation to the prevention of sickness due to a deficiency of vitamin A or of vitamin D provided by the preparation, and further, unless the advertisement clearly and conspicuously reveals the facts that in cases of persons of both sexes and all ages who experience sickness in the United States, such sickness is rarely cause by a deficiency of vitamin A or vitamin D as provided by the preparation, and that in such persons the preparation will seldom be of benefit in increasing resistance to sickness.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in, or which fails to comply with the affirmative requirements of, Paragraph 1 hereof.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3017; Filed, Mar. 27, 1964; 8:47 a.m.]

[Docket No. 7609 o.]

PART 13—PROHIBITED TRADE PRACTICES

Carroll F. Chatham et al.

Subpart—Advertising falsely or misleadingly: § 13.135 *Nature of product or service.* Subpart—Using misleading name—Goods: § 13.2315 *Nature.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Carroll F. Chatham trading as Chatham Research Laboratories (San Francisco, Calif.), et al., Docket 7609, Feb. 28, 1964]

In the Matter of Carroll F. Chatham, an Individual Trading as Chatham Research Laboratories; Anglomex, Inc., a Corporation, Dan E. Mayers, Individually and as an Officer of Said Corporation; Ipekdjian, Inc., a Corporation, and Adom Ipekdjian, and Georges Ipekdjian, Individually and as Officers of Said Corporation; Cultured Gem Stones, Inc., a Corporation, and Adom Ipekdjian, and Georges Ipekdjian, Individually and as Officers of said Corporation

Order reinstating consent order of April 4, 1960 (56 F.T.C. 1196)—vacated April 5, 1962—requiring a San Francisco manufacturer of man-made stones having the appearance of emeralds, and the New York City wholesalers of the stones, to cease representing falsely that said stones were cultured or natural or identical to natural stones, and using the word "emerald" as descriptive thereof unless preceded by the word "synthetic" or some other word which would clearly disclose that the product was not natural; and adding the provision that the charges of the complaint be dismissed in so far as they might be construed to allege that the term "Chatham-Created Emeralds" was deceptive.

The order to cease and desist is as follows:

It is ordered, That respondents Carroll F. Chatham, an individual, trading as Chatham Research Laboratories, or under any other name; Anglomex, Inc., a corporation, and its officers, and Dan E. Mayers, individually and as an officer of said corporation; Ipekdjian, Inc., a corporation, and its officers, and Cultured Gem Stones, Inc., a corporation, and its officers, and Adom Ipekdjian and Georges Ipekdjian, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture for sale, offering for sale, sale and distribution of stones now known as "Chatham Emeralds" or "Chatham-Cultured Emeralds", or any other manufactured stone having essentially the same optical, physical and chemical properties, as a natural stone, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that such stones have been cultured, are natural stones, or are identical to natural stones;

2. Using the world "emerald" or the name of any other precious or semi-precious stone as descriptive of such stones unless such word or name is immediately preceded, with equal conspicuity, by the word "synthetic" or by some other word or phrase of such meaning as clearly to disclose the nature of such product and the fact that it is not a natural stone; provided, however, that this prohibition shall not be construed as requiring respondents, or any of them, to disclose the method or process, or any part thereof, used by respondent Chatham in the manufacture of his stones.

And it is further ordered, That the charges of the complaint insofar as they may be construed to allege that the statement "Chatham-Created Emeralds" is deceptive when used exclusively and unaccompanied by the name of an advertiser whose corporate or firm name suggests it markets cultured gems is herein and hereby dismissed.

By "Decision of the Commission", etc., further order requiring report of compliance therewith is as follows:

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 28, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3018; Filed, Mar. 27, 1964; 8:47 a.m.]

[Docket No. 8449 o.]

PART 13—PROHIBITED TRADE PRACTICES

Majestic Electric Supply Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-80 *Retail as cost, wholesale, discounted, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Majestic Electric Supply Company, Inc., et al., Skokie, Ill., Docket 8449, Feb. 28, 1964]

In the Matter of Majestic Electric Supply Company, Inc., a Corporation, and Charles Mostow, Arthur Mostow and Leon Gurny, Individually and as Officers of Said Corporation

Order requiring Skokie, Ill., mail order sellers of general merchandise such as watches, jewelry, cameras, furniture, appliances, sporting goods and others, to individuals, firms and associations, to cease representing falsely in catalogs—which set forth two prices: one a "coded" selling price, represented to be the wholesale price, and a higher price designated as "Retail"—and circulars distributed to customers in about 25 states that it was a wholesaler and that the prices of all of its merchandise were wholesale prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Majestic Electric Supply Company, Inc., a corporation, and its officers, and Arthur Mostow, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise to the ultimate consumer in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication that said merchandise is being offered for sale at wholesale prices.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents, Charles Mostow and Leon Gurny, in their individual capacities.

It is further ordered, That the allegations of the complaint that the respondents falsely and deceptively represented that the prices designated as "Retail" in their catalogs were the prices at which the merchandise referred to was usually and customarily sold at retail and that the difference between their coded price and "Retail" price represented savings from the usual and customary retail prices in the trade areas where the representations were made, be, and they hereby are, dismissed.

It is further ordered, That respondents Majestic Electric Supply Company, Inc., and Arthur Mostow shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 28, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3019; Filed, Mar. 27, 1964; 8:47 a.m.]

[Docket No. C-721]

PART 13—PROHIBITED TRADE PRACTICES

Radiant Industries Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Radiant Industries Corporation, et al., Brooklyn, N.Y., Docket C-721, Feb. 28, 1964]

In the Matter of Radiant Industries Corporation, a Corporation, and Norman Krisberg, and Fred Levitan, Individually and as Officers of Said Corporation

Consent order requiring Brooklyn, N.Y., distributors of water softening and conditioning devices and other merchandise to wholesalers and jobbers, to cease representing falsely in advertisements in magazines, catalog sheets and other promotional materials—which they also furnished their jobbers for use in promoting sales—that all component parts of said water softening devices were "Guaranteed For Life Against Corrosion and Rust", when the guarantee applied only to the "pressure vessel" part of the devices and had numerous undisclosed conditions.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Radiant Industries Corporation, a corporation, and its officers, and Norman Krisberg and Fred Levitan, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of water softening and conditioning devices, pump equipment or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any of respondents' products are guaranteed unless the nature, duration and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and the respondents do in fact fulfill all of their requirements under the terms of said guarantee.

2. Furnishing or otherwise placing in the hands of distributors, jobbers and others the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3020; Filed, Mar. 27, 1964; 8:48 a.m.]

[Docket No. C-718]

PART 13—PROHIBITED TRADE PRACTICES

Reader's Digest Association, Inc.

Subpart—Advertising falsely or misleadingly: § 13.125 *Limited offers or supply;* § 13.240 *Special or limited offers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Reader's Digest Association, Inc., Pleasantville, N.Y., Docket C-718, Feb. 28, 1964]

Consent order requiring a publisher with headquarters in Pleasantville, N.Y., to cease representing falsely, in advertisements in its Reader's Digest Magazine and in pamphlets, brochures and other advertising matter sent to subscribers and others on its mailing list, that phonograph record albums it offered for sale were available only to subscribers to Reader's Digest and that the offer was limited in point of time.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The Reader's Digest Association, Inc., a corporation, and its officers, and respondent's agents, representatives and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of phonograph record albums or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the sale of respondent's products is being restricted to subscribers to the Reader's Digest Magazine or to any other class or group of persons without clearly and conspicuously disclosing in conjunction with such representation whether such products will be sold subsequently to other groups or to the public.

2. Representing, directly or by implication, that the supply of products being advertised is limited when an adequate supply is, in fact, available to respondent, or that any offer is limited in point of time or in any other manner unless such restriction or limitation is actually imposed, and adhered to, by respondent.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3021; Filed, Mar. 27, 1964; 8:48 a.m.]

[Docket No. C-719]

PART 13—PROHIBITED TRADE PRACTICES

Seacrest Industries Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* § 13.155-75 *Product or quantity covered;* § 13.180 *Quantity;* § 13.180-35 *Offered;* § 13.185 *Refunds, repairs, and replacements;* § 13.260 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Seacrest Industries Corportaion, et al., Yonkers, N.Y., Docket C-719, Feb. 28, 1964]

In the Matter of Seacrest Industries Corporation, a Corporation, and Eugene Lissauer, William Lissauer, and Sol Feldman, Individually and as Officers of Said Corporation, and Sidney Lissauer, and Walter S. Blazer, Individuals

Consent order requiring Yonkers, N.Y., sellers of freezers, food and freezer food plans through four wholly owned subsidiary corporations, to cease making various false representations in brochures and circulars and otherwise, concerning purported savings, and professional assistance afforded purchasers of

their products, guarantees, terms of sale and other matters, as in the order below

any of the representations or misrepresentations prohibited in Paragraphs 1

or any other name, do forthwith cease and desist from:

sale or distribution of clothing or any other merchandise in commerce, as

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housing or property acquired, held or constructed pursuant to the Atomic

their products, guarantees, terms of sale and other matters, as in the order below set out.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

PART I

It is ordered, That respondents Seacrest Industries Corporation, a corporation, and its officers, and Eugene Lissauer, William Lissauer and Sol Feldman, individually and as officers of said corporation, and Sidney Lissauer and Walter S. Blazer, individuals, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of freezers, food or freezer food plans in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication that:

(a) Purchasers of a freezer food plan will receive the same or any amount of food and a freezer for the same or less money than they have been paying for food alone;

(b) Purchasers of a freezer food plan will save enough money on the purchase of their food to pay for the freezer;

(c) Food ordered by purchasers will be sufficient to last such purchasers any stated or specified period of time;

(d) A "home economist" or other formally trained individual will assist purchasers of the aforesaid freezer food plan in planning their food orders;

(e) Any freezer, or any part thereof, or any food is guaranteed or insured in any manner, unless the nature and extent of the guarantee or insurance and the manner in which the guarantor or insurer will perform thereunder, are clearly and conspicuously disclosed in immediate conjunction with any such representation;

(f) Purchasers of their freezer food plan make but one monthly payment covering the food and the freezer;

(g) Money paid by purchasers for a freezer or a freezer food plan will be refunded if they are not satisfied.

2. Misrepresenting in any manner the savings realized by purchasers of a freezer food plan, freezer, or food.

PART II

It is further ordered, That respondents Seacrest Industries Corporation, a corporation, and its officers, and Eugene Lissauer, William Lissauer, and Sol Feldman, individually and as officers of said corporation, and Sidney Lissauer and Walter S. Blazer, individuals, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any food or any purchasing plan involving food, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in Paragraphs 1 and 2 of Part I of this Order.

2. Disseminating, or causing the dissemination of any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any food, or any purchasing plan involving food in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in Paragraphs 1 and 2 of Part I of this Order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3022; Filed, Mar. 27, 1964; 8:48 a.m.]

[Docket No. 8490 o.]

PART 13—PROHIBITED TRADE PRACTICES

Sinkram Inc. and Samuel N. Kram

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–35 *Educational, informative, training.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sinkram Incorporated, et al., Brooklyn, N.Y., Docket 8490, Feb. 28, 1964]

In the Matter of Sinkram Incorporated, a Corporation, and Samuel N. Kram, Individually and as an officer of Said Corporation

Order requiring Brooklyn, N.Y. sellers of a home instruction course or program offered for the increasing of body height, known as "The Height Increase System" to cease representing falsely by use of the words, "Height Increase" as part of their trade name and by other statements in advertisements in newspapers and magazines and other advertising, that use of their course would permanently add inches to, and increase the body height of all persons who followed the instructions set forth.

The order to cease and desist is as follows:

It is ordered, That respondents Sinkram Incorporated, and its officers, and Samuel N. Kram, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce as "commerce" is defined in the Federal Trade Commission Act, of an exercise instruction course or program for body height increase, or any other course or program of a similar nature and purpose, sold under the same or any other name, do forthwith cease and desist from:

1. Using the word "Institute", or any simulation thereof, in or as part of a corporate or trade name, or otherwise in any manner through any means or device, representing directly or by implication, that the business operated by them, or any of them, is an organization for the promotion of research, experimentation, investigation and study, or anything other than a private business enterprise for profit.

2. Using the words "Height Increase" or any other words of similar import to describe a course or program, or representing or implying in any other manner that the use of a course or program will thereby cause, contribute to or result in an increase in ultimate body height.

3. Representing directly or by implication that a course or program, or the results of the use thereof, are guaranteed, unless the terms and conditions of such guarantee, and the manner and form in which the guarantor will perform are clearly and conspicuously set forth.

By "Final Order", order requiring report of compliance is as follows:

It is ordered, That respondent shall file, within sixty (60) days of receipt of this order a written report setting forth in detail the manner and form of their compliance with the order.

Issued: February 28, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3023; Filed, Mar. 27, 1964; 8:48 a.m.]

[Docket No. 8476 o.]

PART 13—PROHIBITED TRADE PRACTICES

Virginia Dare Stores Corp.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Virginia Dare Stores Corporation, New York, N.Y., Docket 8476, Feb. 28, 1964]

Order requiring the corporate operator of numerous department stores using "Atlantic Mills" as part of their trade name and selling clothing and other merchandise, purchased from manufacturers, to the general public, to cease using the word "Mills" or any other word or similar meaning as part of its trade name until it owns and operates or controls, the manufacturing plant wherein its merchandise is made.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Virginia Dare Stores Corporation, a corporation, and its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale,

sale or distribution of clothing or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the word "Mills" or any other word of similar import or meaning in or as a part of respondent's corporate or trade name, or representing in any other manner that respondent is the manufacturer of the clothing and other merchandise sold by it unless and until respondent owns and operates, or directly and absolutely controls, the manufacturing plant wherein such clothing and other merchandise is made; provided however, that should respondent so desire for reasons of continuity, it may use the identifying phrase "formerly Atlantic Mills Thrift Center Stores" or words of similar import in its advertising for a period not to exceed one year from the effective date of this order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: February 28, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3024; Filed, Mar. 27, 1964; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In § 200.52a paragraph (e) is amended to read as follows:

§ 200.52a Associate Deputy Commissioner for Operations and Deputy.

* * * * *

(e) To approve or disapprove the noncollection or refund of fees, to extend the period within which a mortgagee or lender is required to take action in order to prevent the expiration of a multifamily housing commitment or in order to reopen an expired multifamily housing commitment, and to approve or disapprove the retroactive reinstatement or reopening of an expired multifamily housing commitment.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., March 24, 1964.

PHILIP N. BROWNSTEIN, *Federal Housing Commissioner.*

[F.R. Doc. 64-3058; Filed, Mar. 27, 1964; 8:52 a.m.]

No. 62—Pt. I——8

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In Part 207 pertinent section headings in the Table of Contents are amended and a new section heading is added to read as follows:

Sec.
207.1 Application filing and required fees.
207.2 Charges by mortgagee.
207.36a Actions by Commissioner.

Section 207.1 is amended to read as follows:

§ 207.1 Application filing and required fees.

(a) *Application.* An application for insurance of a mortgage on a project shall be submitted by an approved mortgagee and by the sponsors of such project through the local FHA office on an approved FHA form.

(b) *Application fee.* An application fee of $1.50 per thousand dollars of the amount of the loan applied for shall accompany the application.

(c) *Commitment*—(1) *Conditions of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the mortgage will be insured.

(2) *Types of commitments.* The commitment may provide for the insurance of advances of mortgage money made during construction or may provide for the insurance of the mortgage after completion of the improvements.

(3) *Term of commitment.* (i) If the commitment fee is paid as required, a commitment shall have a term which is determined as follows:

(a) A commitment to insure advances shall be effective for a period of not more than 180 days from the date of issuance.

(b) A commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and if construction is begun as required, the commitment shall be effective for such additional period, estimated by the Commissioner, as will allow for completion of construction.

(ii) The term of a commitment may be extended in such manner as the Commissioner may, from time to time, prescribe.

(iii) If the payment of a commitment fee is not received by the Commissioner within 30 days after the date of issuance of a commitment, the commitment shall expire on the 30th day.

(d) *Commitment fee.* A commitment fee which, when added to the application fee, will aggregate $3.00 per thousand dollars of the face amount of the loan set forth in the commitment, shall be paid within 30 days after the date of the commitment. The payment of a commitment fee shall not be required in connection with an insured mortgage involving the sale by the Government of housing or property acquired, held or constructed pursuant to the Atomic Energy Community Act of 1955, as provided in § 207.31(b)(4).

(e) *Inspection fee.* The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the commitment. If an inspection fee is required, it shall be paid as follows:

(1) If the case involves the insurance of advances, it shall be paid at the time of initial endorsement.

(2) If the case involves insurance upon completion, it shall be paid prior to the date construction is begun.

(f) *Fees on increases*—(1) *Increase in commitment prior to endorsement.* Upon an application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding commitment, an additional application fee of $1.50 per thousand dollars computed upon the amount of the increase requested shall accompany the application. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase. The additional commitment fee shall be paid within 30 days after the date of the issuance of the amended commitment. If the additional commitment fee is not paid within 30 days, the commitment for the increased amount will expire and the previous commitment will be reinstated. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5.00 per thousand dollars of the amount of increase in commitment. Where insurance of advances are involved, the additional inspection fee shall be paid at the time of initial endorsement. Where insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or within 30 days after the date of the issuance of the amended commitment, if construction has begun.

(2) *Increase in mortgage between initial and final endorsement.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the mortgage, either by amendment or by substitution of a new mortgage, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application. The approval of any increase in the amount of the mortgage shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase granted. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5.00 per thousand dollars of the amount of the increase granted. The additional commitment and inspection fees shall be paid within 30 days after the increase is granted.

(3) *Increase in mortgage after final endorsement to cover operating loss.*

Upon application for an increase in the

ditional charges shall be subject to prior

Upon application for an increase in the amount of an insured mortgage under the provisions authorizing such increase to cover operating losses incurred during the first two years following completion of the project, a combined application and commitment fee of $3.00 per thousand dollars shall be paid on the amount of the increase granted. The combined application and commitment fee shall be paid within 30 days after the issuance of the commitment to insure such increase. No inspection fee shall be required.

(g) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. A commitment which has expired because of failure to pay the commitment fee may be reopened only upon payment of the commitment fee and the reopening fee. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted. If a commitment for an increased amount has expired because of failure to pay an additional commitment fee based on the amount of the increase, the reopening fee shall be computed on the basis of the amount of the commitment increase rather than on the amount of the original commitment.

(h) *Transfer fee.* Upon application for approval of a case involving the transfer of physical assets or involving the substitution of mortgagors, a transfer fee of 50 cents per thousand dollars shall be paid on the original face amount of the mortgage.

(i) *Refund of fees.* If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application fee or any portion thereof may be returned to the applicant. Commitment, inspection and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that there is a lack of need for the housing or that the construction or financing of the project has been prevented because of condemnation proceedings or other type of legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

Section 207.2 is amended to read as follows:

§ 207.2 Charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart and may charge the mortgagor an initial service charge to reimburse itself for the cost of closing the transaction in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any additional charges shall be subject to prior approval of the Commissioner.

In Part 207 a new § 207.36a preceded by a centered heading "Extension of Time" is added as follows:

EXTENSION OF TIME

§ 207.36a Actions by Commissioner.

Where the mortgagee or lender has failed to take action within the period of time required in order to prevent the expiration of a commitment or in order to reopen an expired commitment, the Commissioner may extend such period and may retroactively reinstate or reopen such commitment.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

In § 213.2 paragraph (c) is amended to read as follows:

§ 213.2 Preliminary examination; filing of application and issuance of commitment.

* * * * *

(c) *Commitment*—(1) *Conditions of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the mortgage will be insured.

(2) *Types of commitment.* The commitment may provide for the insurance of advances of mortgage money made during construction or may provide for the insurance of the mortgage after completion of the improvements.

(3) *Term of commitment.* (i) If the commitment fee is paid as required, a commitment shall have a term which is determined as follows:

(*a*) A commitment to insure advances shall be effective for a period of not more than 180 days from the date of issuance.

(*b*) A commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and if construction is begun as required, the commitment shall be effective for such additional period, estimated by the Commissioner, as will allow for completion of construction.

(ii) The term of a commitment may be extended in such manner as the Commissioner may, from time to time, prescribe.

(iii) If the payment of a commitment fee is not received by the Commissioner within 30 days after the date of issuance of a commitment, the commitment shall expire on the 30th day.

In § 213.3 paragraphs (a) (2), (d) and (e) are amended; paragraph (f) is redesignated as paragraph (h) and revised; and new paragraphs (f) and (g) are added as follows:

§ 213.3 Fees required by Commissioner.

(a) *Private mortgagors.* * * *

(2) *Commitment fee.* A commitment fee which, when added to the application fee, will aggregate $3.00 per thousand dollars of the face amount of the loan set forth in the commitment, shall be paid within 30 days after the date of the commitment. The payment of a commitment fee shall not be required in connection with an insured mortgage involving the sale by the Government of housing or property acquired, held or constructed pursuant to the Atomic Energy Community Act of 1955, as provided in § 213.45(b)(4).

* * * * *

(d) *Fees on increases*—(1) *Increase in commitment prior to endorsement.* Upon an application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding commitment, an additional application fee of $1.50 per thousand dollars computed upon the amount of the increase requested shall accompany the application. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase. The additional commitment fee shall be paid within 30 days after the date of the issuance of the amended commitment. If the additional commitment fee is not paid within 30 days, the commitment for the increased amount will expire and the previous commitment will be reinstated. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5.00 per thousand dollars of the amount of increase in commitment. Where insurance of advances are involved, the additional inspection fee shall be paid at the time of initial endorsement. Where insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or within 30 days after the date of the issuance of the amended commitment, if construction has begun.

(2) *Increase in mortgage between initial and final endorsement.* Upon application, filed between initial and final endorsement, for an increase in the amount of the mortgage either by amendment or by substitution of a new mortgage, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application. The approval of any increase in the amount of the mortgage shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase granted. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5.00 per thousand dollars of the amount of the increase granted. The additional commitment and inspection fees shall be paid within 30 days after the increase is granted.

(3) *Increase in mortgage after final endorsement to cover operating loss.* Upon application for an increase in the amount of an insured mortgage under the provisions of § 213.7(k) relating to operating loss, a combined application and commitment fee of $3.00 per thousand dollars shall be paid on the amount of the increase granted. The combined application and commitment fee shall be paid within 30 days after the issuance of the commitment to insure such increase. No inspection fee shall be required.

(e) *Inspection fee.* The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the commitment. If an inspection fee is required, it shall be paid as follows:

(1) If the case involves the insurance of advances, it shall be paid at the time of initial endorsement.

(2) If the case involves insurance upon completion, it shall be paid prior to the date construction is begun.

(f) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. A commitment which has expired because of failure to pay the commitment fee may be reopened only upon payment of the commitment fee and the reopening fee. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted. If a commitment for an increased amount has expired because of failure to pay an additional commitment fee based on the amount of the increase, the reopening fee shall be computed on the basis of the amount of the commitment increase rather than on the amount of the original commitment.

(g) *Transfer fee.* Upon application for approval of a case involving the transfer of physical assets or involving the substitution of mortgagor, a transfer fee of 50 cents per thousand dollars shall be paid on the original face amount of the mortgage.

(h) *Refund of fees.* If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application fee or any portion thereof may be returned to the applicant. Commitment, inspection and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that there is a lack of need for the housing or that the construction or financing of the project has been prevented because of condemnation proceedings or other type of legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

In Part 220 the pertinent section headings in the Table of Contents are amended to read as follows:

Sec.
220.554 Commitment and commitment fee.
220.560 Fees on increases.

Section 220.552 is amended to read as follows:

§ 220.552 Form of application.

An application for insurance of an improvement loan on a project shall be submitted by an eligible lender and by the sponsors of such project through the local FHA office on an approved FHA form.

Section 220.553 is amended to read as follows:

§ 220.553 Application fee.

An application fee of $1.50 per thousand dollars of the amount of the loan applied for shall accompany the application.

Section 220.554 is amended to read as follows:

§ 220.554 Commitment and commitment fee.

(a) *Commitment*—(1) *Conditions of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the loan will be insured.

(2) *Types of commitments.* The commitment may provide for the insurance of advances of loan money during construction or may provide for the insurance of the loan after completion of the improvements.

(3) *Term of commitment.* (i) If the commitment fee is paid as required, a commitment shall have a term which is determined as follows:

(*a*) A commitment to insure advances shall be effective for a period of not more than 180 days from the date of issuance.

(*b*) A commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and if construction is begun as required, the commitment shall be effective for such additional period, estimated by the Commissioner, as will allow for completion of construction.

(ii) The term of a commitment may be extended in such manner as the Commissioner may, from time to time, prescribe.

(iii) If the payment of a commitment fee is not received by the Commissioner within 30 days after the date of issuance of a commitment, the commitment shall expire on the 30th day.

(4) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. A commitment which has expired because of failure to pay the commitment fee may be reopened only upon payment of the commitment fee and the reopening fee. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted. If a commitment for an increased amount has expired because of failure to pay an additional commitment fee based on the amount of the increase, the reopening fee shall be computed on the basis of the amount of the commitment increase rather than on the amount of the original commitment.

(b) *Commitment fee.* A commitment fee which, when added to the application fee, will aggregate $3.00 per thousand dollars of the face amount of the loan set forth in the commitment, shall be paid within 30 days after the date of the commitment.

Section 220.555 is amended to read as follows:

§ 220.555 Inspection fee.

The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the amount of the loan set forth in the commitment. If the inspection fee is required, it shall be paid as follows:

(a) If the case involves the insurance of advances, it shall be paid at the time of initial endorsement.

(b) If the case involves insurance upon completion, it shall be paid prior to the date construction is begun.

Section 220.560 is amended to read as follows:

§ 220.560 Fees on increases.

(a) *Increase in commitment prior to endorsement.* Upon an application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding commitment, an additional application fee of $1.50 per thousand dollars computed upon the amount of the increase requested shall accompany the application. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase. The additional commitment fee shall be paid within 30 days after the date of the issuance of the amended commitment. If the additional commitment fee is not paid within 30 days, the commitment for the increased amount will expire and the previous commitment will be reinstated. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5.00 per thou-

sand dollars of the amount of increase

§ 221.504 Commitment fee.

on the amount of the increase requested

sand dollars of the amount of increase in commitment. Where insurance of advances are involved, the additional inspection fee shall be paid at the time of initial endorsement. Where insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or within 30 days after the date of the issuance of the amended commitment, if construction has begun.

(b) *Increase in loan between initial and final endorsement.* Upon application, filed between initial and final endorsement, for an increase in the amount of the loan either by amendment or by substitution of a new loan, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application. The approval of any increase in the amount of the loan shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase granted. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5.00 per thousand dollars of the amount of the increase granted. The additional commitment and inspection fees shall be paid within 30 days after the increase is granted.

Section 220.561 is amended to read as follows:

§ 220.561 Refund of fees.

If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application fee or any portion thereof may be returned to the applicant. Commitment inspection and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that the improvements or financing of the project have been prevented because of condemnation proceedings or other type of legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In Part 221 in the Table of Contents the pertinent section heading is amended and a new section heading is added as follows:

Sec.
221.506 Fees on increases.
221.506a Transfer fee.

Section 221.504 is amended to read as follows:

§ 221.504 Commitment fee.

A commitment fee which, when added to the application fee, will aggregate $3.00 per thousand dollars of the face amount of the loan set forth in the commitment, shall be paid within 30 days after the date of the commitment. The payment of a commitment fee shall not be required in connection with an insured mortgage involving the sale by the Government of housing or property acquired, held or constructed pursuant to the Atomic Energy Community Act of 1955, as provided in § 221.559(b)(4).

Section 221.505 is amended to read as follows:

§ 221.505 Inspection fee.

The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the commitment. If the inspection fee is required, it shall be paid as follows:

(a) If the case involves the insurance of advances, it shall be paid at the time of initial endorsement.

(b) If the case involves insurance upon completion, it shall be paid prior to the date construction is begun.

Section 221.506 is amended to read as follows:

§ 221.506 Fees on increases.

(a) *Increase in commitment prior to endorsement.* Upon an application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion) for an increase in the amount of an outstanding commitment, an additional application fee of $1.50 per thousand dollars computed upon the amount of the increase requested shall accompany the application. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase. The additional commitment fee shall be paid within 30 days after the date of the issuance of the amended commitment. If the additional commitment fee is not paid within 30 days, the commitment for the increased amount will expire and the previous commitment will be reinstated. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5.00 per thousand dollars of the amount of the increase in commitment. Where insurance of advances are involved, the additional inspection fee shall be paid at the time of initial endorsement. Where insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or within 30 days after the date of the issuance of the amended commitment, if construction has begun.

(b) *Increase in mortgage between initial and final endorsement.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the mortgage, either by amendment or by substitution of a new mortgage, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application. The approval of any increase in the amount of the mortgage shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase granted. If an inspection was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5.00 per thousand dollars of the amount of the increase granted. The additional commitment and inspection fees shall be paid within 30 days after the increase is granted.

(c) *Increase in mortgage after final endorsement to cover operating loss.* Upon application for an increase in the amount of an insured mortgage under the provisions of § 221.514(e) relating to operating loss, a combined application and commitment fee of $3.00 per thousand dollars shall be paid on the amount of the increase granted. The combined application and commitment fee shall be paid within 30 days after the issuance of the commitment to insure such increase. No inspection fee is required.

In Part 221 a new § 221.506a is added to read as follows:

§ 221.506a Transfer fee.

Upon application for approval of a case involving the transfer of physical assets or involving the substitution of mortgagor, a transfer fee of 50 cents per thousand dollars shall be paid on the original face amount of the mortgage.

Section 221.507 is amended to read as follows:

§ 221.507 Refund of fees.

If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application fee or any portion thereof may be returned to the applicant. Commitment, inspection and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that there is a lack of need for the housing or that the construction or financing of the project has been prevented because of condemnation proceedings or other type of legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

Section 221.509 is amended to read as follows:

§ 221.509 Issuance of commitment.

(a) *Conditions of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the mortgage will be insured.

(b) *Types of commitments.* The commitment may provide for the insurance of advances of mortgage money made during construction or may provide for the insurance of the mortgage after completion of the improvements.

(c) *Term of commitment.* (1) If the commitment fee is paid as required, a commitment shall have a term which is determined as follows:

(i) A commitment to insure advances shall be effective for a period of not more than 180 days from the date of issuance.

(ii) A commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and if construction is begun as required, the commitment shall be effective for such additional period, estimated by the Commissioner, as will allow for completion of construction.

(2) The term of a commitment may be extended in such manner as the Commissioner may, from time to time, prescribe.

(3) If the payment of a commitment fee is not received by the Commissioner within 30 days after the issuance of a commitment, the commitment shall expire on the 30th day.

(d) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. A commitment which has expired because of failure to pay the commitment fee may be reopened only upon payment of the commitment fee and the reopening fee. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted. If a commitment for an increased amount has expired because of failure to pay an additional commitment fee based on the amount of the increase, the reopening fee shall be computed on the basis of the amount of the commitment increase rather than on the amount of the original commitment.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In Part 232 in the Table of Contents the pertinent section headings is amended and new section headings are added to read as follows:

Sec.
232.13 Fees on increases.
232.13a Transfer fee.
232.96 Actions by Commissioner.
232.98 Amendment of regulations.

Section 232.11 is amended to read as follows:

§ 233.11 Commitment fee.

A commitment fee which, when added to the application fee, will aggregate $3.00 per thousand dollars of the face amount of the loan set forth in the commitment, shall be paid within 30 days after the date of the commitment.

Section 232.12 is amended to read as follows:

§ 232.12 Inspection fee.

The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the commitment. If an inspection fee is required, it shall be paid as follows:

(a) If the case involves the insurance of advances, it shall be paid at the time of initial endorsement.

(b) If the case involves insurance upon completion, it shall be paid prior to the date construction is begun.

Section 232.13 is amended to read as follows:

§ 232.13 Fees on increases.

(a) *Increase in commitment prior to endorsement.* Upon an application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding commitment, an additional application fee of $1.50 per thousand dollars computed upon the amount of the increase requested shall accompany the application. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase. The additional commitment fee shall be paid within 30 days after the date of the issuance of the amended commitment. If the additional commitment fee is not paid within 30 days, the commitment for the increased amount will expire and the previous commitment will be reinstated. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5.00 per thousand dollars of the amount of the increase in the commitment. Where insurance of advances are involved, the additional inspection fee shall be paid at the time of initial endorsement. Where insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or within 30 days after the date of the issuance of the amended commitment, if construction has begun.

(b) *Increase in mortgage between initial and final endorsement.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the mortgage, either by amendment or by substitution of a new mortgage, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application. The approval of any increase in the amount of the mortgage shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase granted. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5.00 per thousand dollars of the amount of the increase granted. The additional commitment and inspection fees shall be paid within 30 days after the increase is granted.

(c) *Increase in mortgage after final endorsement to cover operating loss.* Upon application for an increase in the amount of an insured mortgage under the provisions of § 232.31(b) relating to operating loss, a combined application and commitment fee of $3.00 per thousand dollars shall be paid on the amount of the increase granted. The combined application and commitment fee shall be paid within 30 days after the issuance of the commitment to insure such increase. No inspection fee shall be required.

In Part 232 a new § 232.13a is added to read as follows:

§ 232.13a Transfer fee.

Upon application for approval of a case involving the transfer of physical assets or involving the substitution of mortgagor, a transfer fee of 50 cents per thousand dollars shall be paid on the original face amount of the mortgage.

Section 232.14 is amended to read as follows:

§ 232.14 Refund of fees.

If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application fee or any portion thereof may be returned to the applicant. Commitment, inspection and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that there is a lack of need for the housing or that the construction or financing of the project has been prevented because of condemnation proceedings or other type of legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

In § 232.50 paragraph (c) is amended and a new paragraph (d) is added to read as follows:

§ 232.50 Commitment to insure.

* * * * *

(c) *Term of commitment.* (1) If the commitment fee is paid as required, a commitment shall have a term which is determined as follows:

(i) A commitment to insure advances shall be effective for a period of not more than 180 days from the date of issuance.

(ii) A commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and if construction is begun as required, the commitment shall be effective for such additional period, estimated by the Commissioner, as will allow for completion of construction.

(2) The term of a commitment may be extended in such manner as the Commissioner may, from time to time, prescribe.

(3) If the payment of a commitment fee is not received by the Commissioner within 30 days after the date of issuance of a commitment, the commitment shall expire on the 30th day.

(d) *Reopening of expired commit-*

§ 1.402(a)-1 Taxability of beneficiary

dered, except in cases of imminent

(d) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. A commitment which has expired because of failure to pay the commitment fee may be reopened only upon payment of the commitment fee and the reopening fee. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted. If a commitment for an increased amount has expired because of failure to pay an additional commitment fee based on the amount of the increase, the reopening fee shall be computed on the basis of the amount of the commitment increase rather than on the amount of the original commitment.

In Part 232 former § 232.95 is renumbered § 232.98 and a new § 232.96 preceded by a centered heading "Extension of Time", is added as follows:

EXTENSION OF TIME

§ 232.96 Actions by Commissioner.

Where the mortgagee has failed to take action within the period of time required in order to prevent the expiration of a commitment or in order to reopen an expired commitment, the Commissioner may extend such period and may retroactively reinstate or reopen such commitment.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

Issued at Washington, D.C., March 24, 1964.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 64-3057; Filed, Mar. 27, 1964; 8:51 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6717]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Tax Treatment of Distributions of United States Savings Bonds by an Exempt Employees' Trust

The rules relating to the tax treatment of distributions of United States savings bonds by an exempt employees' trust have been given further consideration, and the applicable rules will be set forth in a revenue ruling issued by the Internal Revenue Service. In order to remove from paragraph (a)(1)(iii) of § 1.402(a)-1 of the Income Tax Regulations (26 CFR Part 1) the rule relating to such distributions, such subdivision is amended to read as follows:

§ 1.402(a)-1 Taxability of beneficiary under a trust which meets the requirements of section 401(a).

(a) *In general.* (1) • • •

(iii) Except as provided in paragraph (b) of this section, a distribution of property by a trust described in section 401(a) and exempt under section 501(a) shall be taken into account by the distributee at its fair market value.

• • • • • •

Because the example removed by the adoption of this Treasury decision provided a rule only for a distribution of a United States savings bond purchased in the name of the trustee, and because it is more appropriate to provide rules for the tax treatment of distributions of United States savings bonds by revenue ruling since the rule to be applied in each case may depend upon additional facts in that case which did not appear in the example, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: March 21, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3042; Filed, Mar. 27, 1964; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 501—EMPLOYMENT OF TROOPS IN AID OF CIVIL AUTHORITIES

Basic Policies

Section 501.1 is revised to read as follows:

§ 501.1 Basic policies.

(a) The protection of life and property and the maintenance of law and order within the territorial jurisdiction of any State are the primary responsibility of State and local authorities. Intervention with Federal troops pursuant to the provisions of this part, will take place only:

(1) After State and local authorities have utilized all of their own forces and are unable to control the situation, or

(2) When the situation is beyond the capabilities of State or local authorities, or

(3) When State and local authorities will not take appropriate action, or

(4) Under the provisions of certain statutes, and

(5) Only when the Department of the Army has generally or specifically so ordered, except in cases of imminent necessity as provided under § 501.2.

(b) The Department of the Army has primary responsibility among the military services for rendering assistance to civil authorities in civil disturbances. The other military services have a collateral function for providing such assistance. In the absence of joint or mutual agreements, the Army is responsible for coordinating the functions of all the military services in this activity.

(c) Whenever the provision of military aid to civil authority in civil disturbances is required within the continental United States, the Chief of Staff, United States Army is responsible for coordinating the functions of all the military services in this activity and exercises direct operational control of forces actually conducting operations in the objective area. He will issue pertinent instructions direct to the designated field commander for inclusion in the field commander's employment plan. Interested headquarters will be kept informed. Employment plans and their supporting plans are subject to final approval of Chief of Staff, United States Army.

(d) Whenever the provision of military aid to civil authority in civil disturbances is required within the States of Alaska or Hawaii, the Commonwealth of Puerto Rico, or U.S. possessions, the commander of the unified command concerned controls and coordinates such aid.

(e) Within the Department of the Army, the Deputy Chief of Staff for Military Operations has Army staff responsibility for matters relating to intervention with Federal troops in civil disturbances. He will be kept fully and currently informed on all matters relating to such intervention, or the possibility thereof, through normal military channels and will advise the Deputy Chief of Staff for Logistics when national defense materials, premises, or utilities are involved.

[AR 500-50, 25 February 1964] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 331, 332, and 333, 70A Stat. 15; 10 U.S.C. 331, 332, and 333)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-3025; Filed, Mar. 27, 1964; 8:48 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER B—AIRCRAFT

PART 822—USE OF AIR FORCE INSTALLATIONS BY OTHER THAN UNITED STATES GOVERNMENT-OWNED AIRCRAFT

Miscellaneous Amendments

1. The heading of Part 822 is amended to read as shown above.

2. Section 822.1 is set forth to amend the statutory citation as follows:

§ 822.1 Purpose.

This part establishes the responsibilities and describes the procedures for use of Air Force installations by other than U.S. Government-owned aircraft under the authority of the Federal Aviation Act of 1958 (secs. 1107 and 1108) 72 Stat. 798; 49 U.S.C. 1507, 1508.

3. In § 822.2 revise paragraphs (l)(1) and (2) and (p) to read as follows:

§ 822.2 Definitions.

• • • • • •

(l) *Bailed, leased, or loaned aircraft*—(1) *Bailed aircraft.* Government-owned aircraft delivered by the Government to a Government contractor for a specific purpose directly related to a Government contract. The identity of the bailed aircraft and the rights and obligations of the parties in connection with the bailment are evidenced by a bilateral agreement. Operators of bailed aircraft are required to comply with §§ 822.1 to 822.19 before use of an Air Force installation.

(2) *Leased aircraft.* Government-owned aircraft delivered by the Government to a lessee subject to terms and conditions prescribed in a bilateral agreement. The agreement generally includes the requirement for payment of rental fees for the aircraft, but excludes provisions limiting the lessee's use of the aircraft to Government business or performance of Government contracts. A leased aircraft is defined as a civil aircraft.

• • • • • •

(p) *Approving authority.* An installation commander, air attache, major air commander, or Headquarters USAF (AFNIN) and (AFOAP) possess delegated authority under this part to approve or disapprove use of an AF installation and to execute the required AF Form 181 or the "Foreign Government Aircraft Landing Request." (See § 822.11.)

4. In § 822.3 paragraph (b) is set forth to revise the symbol, as follows:

§ 822.3 Policy.

• • • • • •

(b) *Foreign aircraft (non-civil).* All military and government aircraft of a foreign government must have written authorization from Hq USAF (AFNIN) before landing at AF installations. (See § 822.8(b).)

• • • • • •

5. Revise § 822.5 to read as follows:

§ 822.5 Emergency landings at Air Force installations by civil aircraft.

The Air Force policy is that any aircraft may land at any Air Force installation in any type of aircraft emergency. However, in order to avoid any interference with the combat alert and minimum reaction time capability, the Air Force prefers that the pilot of a civil aircraft land at a civil airfield when the emergency is such that he can select the time and place of landing. The following will apply when an emergency landing has been made:

(a) *Clearance of runway.* The Air Force reserves the right to use any method or means to clear a runway of aircraft or wreckage. Care will be taken to preclude unnecessary damage in removing wrecked aircraft consistent with actual national defense requirements.

(b) *Payment of costs to the Air Force.* The user making the emergency landing will be billed for all charges incurred to the Government as a direct result of the emergency landing (see §§ 859.1 to 859.4 of this chapter). Charges will not include landing fees. Charges will include cost of labor, materials, or parts expended or furnished, rental of equipment and tools, and so forth, for:

(1) Spreading foam on the runway before the aircraft crash-lands.

(2) Fire and crash control, and rescue.

(3) Movement and storage of aircraft or wreckage.

(4) Damage to runway, lights, navigation aids, and so forth.

(c) The base operations officer will provide the base accounting and finance officer with necessary data or documentation of all costs incurred by the Air Force as a result of a civil aircraft emergency. The base accounting and finance officer will prepare billings and collect therefor.

(d) The pilot of the aircraft or the employer of the pilot will be requested to file a complete narrative report of the emergency with the installation commander. If such a report cannot be obtained, the base operations officer will file the report, using the most reliable facts available.

(e) The commander of the installation will complete AF Form 181 (without requiring AF Forms 180 and 203). In item 7 of the AF Form 181 show the circumstances of the emergency landing. Make normal distribution of the AF Form 181. Also, report the circumstances of the emergency landing to:

(1) The General Aviation District Office of the Federal Aviation Agency if the installation is within the United States, its Territories, or possessions.

(2) The USAF air attache if the installation is within a foreign country.

6. In § 822.7(c) add new subparagraphs (3) and (4) as follows:

§ 822.7 Special types of use.

• • • • • •

(c) *Other aircraft.* • • •

(3) Civil aircraft operated by the Federal Aviation Agency under a lease or other contractual agreement. Such aircraft are used by FAA employees in connection with official FAA business, and are within the definition of § 822.2(f). AF Forms 180, 181, and 203 are not required.

(4) Civil aircraft operated by USAF-CAP liaison officers under U.S. Government contract. Such aircraft are used by USAF-CAP liaison officers in connection with official USAF business and are within the definition of § 822.2(f). AF Forms 180, 181, and 203 are not required.

NOTE: Do not confuse these aircraft with CAP aircraft discussed in paragraph (a)(1)(ii) of this section.

7. In § 822.8(a) revise subparagraph (1)(i) and delete subdivision (ii) of this subparagraph; in paragraph (b)(2) the symbol is revised; and in paragraph (c) revise subparagraphs (1) and (2) only, to read as follows:

§ 822.8 How to request use of Air Force installations.

(a) *Civil aircraft.* The user will:

(1) Complete AF Forms 180 and 181 and have his insurer complete AF Form 203 (see §§ 822.9 and 822.10 and AFR 55-20, Attachment 1) as follows:

(i) Forward one signed copy each of the AF Forms 180 and 203 and six signed copies of AF Form 181 to the appropriate approving authority (see § 822.11). Prepare a separate set of AF Form 181 for each type of use requested.

(ii) [Deleted]

• • • • • •

(b)(2) Forward the request through its air attache to Hq USAF (AFNINCBB), Washington 25, D.C., at least 10 days before the first intended landing.

• • • • • •

(c) *Joint use.* (1) A community's request for joint use of an Air Force installation within the United States will be accepted only from authorized community representatives (mayor, airport committee, city council). The request should be in a letter addressed to the commander of the installation where joint use is desired. When discussing this matter with the community representatives, commanders are not authorized to comment on long-term use of the installation by the Air Force or to refer to the possibility of joint use being approved, until specifically authorized to do so in writing by Headquarters USAF. Commanders will forward the request with his comments through military channels to Headquarters USAF (AFOAP). The request must include:

• • • • • •

(2) The community must forward a duplicate copy of the request to the FAA for approval. The FAA will forward requests it approves to Headquarters USAF (AFOAP). Headquarters USAF will not give final consideration to the community's request until it has been forwarded by the FAA.

• • • • • •

8. In § 822.11 revise the introductory paragraph; in paragraph (a) revise subparagraph (6)(i); revise the symbol in Note 2 and add new Note 3; and delete present paragraphs (c) and (d) and insert new paragraphs (c) through (f) as follows:

§ 822.11 Who may approve use of Air Force installations.

The authority to disapprove or approve (and sign the AF Form 181, "Civil Aircraft Landing Permit," or the "Foreign Government Aircraft Landing Request," as appropriate) is delegated to (but cannot be redelegated below their headquarters):

(a) • • •

(6) • • •

(i) The President or Vice President or past President of the United States.

• • • • • •

NOTE 2. Installation commanders receiving requests for foreign civil aircraft to land at AF installations in any country, other than the country where the aircraft is registered, will forward the request for consideration by Hq USAF (AFNINCBB).

NOTE 3. Installation commanders may not approve use of any installation other than

their own and may not approve use for commercial, training, or testing purposes.

• • • • •

(c) *Major air commands.* For civil aircraft landing at airfields under their control when use is:

(1) Directly connected with official business.

(2) A one-time request:

(i) For not more than 8 landings within a 5-day period, in connection with Government or community interests, and

(ii) No adequate civil airport is available.

(3) In accordance with § 822.7(a)(1) and (2)(b).

(d) *Commander, Caribbean Air Command.* For military or Government aircraft of any Latin American country to use Air Force installations under his control.

(e) *Commander, Alaskan Air Command.* In addition to paragraph (c) of this section, may approve occasional use of the various airstrip-type installations under his control without restriction as to type of use when such use does not interfere with the Air Force mission and does not involve use of any Air Force supplies, equipment, or facilities except a landing strip.

(f) *Headquarters USAF—(1) Assistant Chief of Staff, Intelligence (AFNIN).* For foreign military or foreign government non-commercially operated aircraft to use Air Force installations.

(2) *Directorate of Aerospace Programs (AFOAP).* For all other requests for civil aircraft to use Air Force installations, such as for:

(i) More than one installation on one permit.

(ii) Flights between different countries or over international areas, except that delegated to USAF air attaches in § 822.11(b).

(iii) The major civil airfield in a community, by either commercial or general aviation.

(iv) Regular use for other than official business, except the types stated in § 822.7(a)(1)(i). (See paragraph (a) of this section.)

(v) Commercial, training, or testing purposes.

Limitations: Reference paragraph (f)(2)(iii) and (v) of this section. AF Form 181 may not be approved with an authorized supplier shown in item 20 of the form. All use approved must be for flights operating only within the geographical area of the country within which the installations are located and not involving flight over international areas.

9. In § 822.12 the Note, and paragraphs (d)(1) and (e)(1), are set forth to revise the symbols, as follows:

§ 822.12 Action by approving authority.

• • • • •

NOTE: Hq USAF (AFNIN) will assign an aircraft landing authorization number (ALAN) to each approved foreign request.

(d) • • •

(1) Original to Hq USAF (AFOAPDA), Washington 25, D.C.

• • • • •

(e) • • •

(1) Hq USAF (AFOAPDA) and

• • • • •

§ 822.13 [Amendment]

10. In § 822.13(b)(3)(i) amend the symbol to read "(AFOAP)."

11. In § 822.18 revise paragraph (b)(2) and (3) to read as follows:

§ 822.18 Reporting violations.

• • • • •

(b) • • •

(2) Complete AF Form 181 (AF Form 203 is not required), including in item 7 a statement of the reasons for landing. (Note: The installation commander will make normal distribution of the AF Form 181.)

(3) Pay in cash three times the amount of the normal landing fee (except that no landing fee will be collected if the aircraft landed because of an emergency as explained in § 822.3(c)(4)).

• • • • •

§ 822.19 [Amendment]

12. In § 822.19 amend the symbol to read "(AFNINCBB)."

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 49 U.S.C. 1507–1508) [AFR 55–20A, April 15, 1963]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–3026; Filed, Mar. 27, 1964; 8:48 a.m.]

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart A—Introduction

Revise § 1001.111–2 to read as follows:

§ 1001.111–2 Noncompetitive practices.

Reports of noncompetitive practices will be forwarded through channels, including AFLC (MCIMF) to Deputy Chief of Staff, Systems and Logistics, DCS/S&L, Hq NSAF, for submission to the Secretary.

Subpart C—General Policies

In § 1001.357(c), subparagraph (4) is redesignated subparagraph (5) and a new subparagraph (4) is added as follows:

§ 1001.357 Use of new contracts for follow-on procurement.

• • • • •

(c) • • •

(4) Exploratory and advanced development contracts where the period of performance will not exceed 3 years from the date of the initial contract.

• • • • •

Subpart D—Procurement Responsibility and Authority

In § 1001.457(a) revise subparagraph (12) to read as follows:

§ 1001.457 Authority to enter into, execute and approve contracts.

(a) • • •

(12) *Administrative contracting officers.* Authority is limited to: (i) Pricing and, where a price redetermination clause is applicable, repricing orders against Basic Ordering Agreements, and executive documents establishing such initial or revised prices after review and approval, subject to the requirements of paragraph (b) of this section; (ii) pricing (but not repricing, if applicable) support items procured under a provisioning document, and executing contractual documents establishing such prices (estimated cost and fee) after review and approval; (iii) executing orders for supplies and services pursuant to the terms of a contract that authorizes such action; (iv) issuing POODs to obligate other Services' funds previously committed when necessary to cover obligations arising from authorized contractual actions; (v) executing supplemental agreements for interim refunds and revised billing prices according to Subpart X, Part 1054 of this subchapter, and (vi) executing authorized storage agreements.

Subpart F—Debarred, Ineligible and Suspended Bidders

1. In §§ 1001.601–3, 1001.602, 1001.603, 1001.604, 1001.604–3, 1001.605, 1001.605–4 and 1001.610(a), (a)(2)(iv) and (b) the symbol "(MCICE)" is changed to "(MCIMF)." The sections now read as follows:

§ 1001.601–3 Joint Consolidated List.

Additions, deletions, or modifications to the Joint Consolidated List (AFL 70–23) will be forwarded through the Frauds Analysis Office (MCIMF), Hq AFLC, to DCS/S&L, Hq USAF for transmittal to the Department of the Army. MCIMF will recommend to DCS/S&L action to be taken.

§ 1001.602 Limitation.

Pursuant to the authority granted to the Secretary concerned or his representatives as set forth in Subpart F, Part 1 of this title, the DCS/S&L, Hq USAF, will, upon the recommendation of the Frauds Analysis Office (MCIMF), Hq AFLC, determine whether a firm or individual will be administratively debarred or suspended and included in the list.

§ 1001.603 Grounds for listing and treatment to be accorded listed concerns.

(a) The DSC/S&L, Hq USAF, may, when appropriate, authorize exceptions to the restrictions imposed by Type A (iii) and Type D listings upon determination that such action is in the best interest of the Government. In such cases where it is considered necessary or advisable to award a contract, including sales contract, to a listed firm or individual, the contracting officer will submit a written determination to AFLC (MCIMF) citing complete and detailed

justification for the proposed award. The determination will be based on such factors as (1) Urgent delivery schedules or (2) inability to secure the supplies or services from other sources due to lead time, proprietary rights or lack of procurement data. MCIMF will recommend to DCS/S&L, Hq USAF (AFSPPCA) action to be taken in connection with individual requests for exceptions to restrictions when such action is deemed appropriate.

(b) DCS/S&L, Hq USAF, will determine, based on recommendation of MCIMF, Hq AFLC, whether it is in the best interest of the Air Force to terminate current contracts and/or withhold all or part of funds due firms and individuals appearing on the list. DCS/S&L, Hq USAF will request the Air Force Accounting and Finance Center, Denver, Colorado, to notify all AF accounting and finance officers to withhold payments where such action is considered appropriate.

(c) If award of a subcontract to a listed firm or individual is considered in the best interest of the Government, the administrative contracting officer (ACO), prior to approving such award, will request an exception to restrictions according to the procedures outlined in paragraph (a) of this section. Approval may be granted by MCIMF notwithstanding the fact that the firm or individual is carried on the list. Doubtful cases will be referred by MCIMF to Hq USAF (AFSPPCA), for review and determination. In the case of subcontracts already in effect, prime contractors will not be required by ACOs to terminate subcontracts with a listed firm or individual unless provisions of the prime contract reserve to the Government such control over subcontracts permitting the Government to require their termination. If the Government has such control, the ACO will decide whether termination of a subcontract would be detrimental to the interest of the Government. If the ACO finds that such detriment exists, he will forward his recommendations, with the facts in the case, to AFLC (MCIMF), for review and advise as to further appropriate action.

§ 1001.604 Causes and conditions under which departments may debar contractors.

Fully substantiated recommendations for debarment of firms or individuals should be submitted to AFLC (MCIMF) for review and appropriate action. MCIMF will recommend to DCS/S&L, Hq USAF, action to be taken. Consideration should be given to provisions of § 1.606 of this title.

§ 1001.604–3 Notice of debarment.

The DCS/S&L, Hq USAF, will furnish the notice of debarment required by § 1.604–3 of this title. All inquiries or correspondence from or in behalf of debarred contractors concerning their status, reasons for debarment action, etc., will be referred through command channels to AFLC (MCIMF) for appropriate action. MCIMF will refer these matters to DCS/S&L, Hq USAF (AFSPPCA) if review, advice, or action by that Headquarters is considered appropriate.

§ 1001.605 Suspension of bidders.

Fully substantiated recommendations for suspension of firms or individuals should be submitted to AFLC (MCIMF) for review and appropriate action. MCIMF will recommend to DCS/S&L, Hq USAF, action to be taken. Consideration should be given to provisions of § 1.606 of this title.

§ 1001.605–4 Notice of suspension.

The DCS/S&L, Hq USAF, will furnish the notice of suspension required by § 1.605–4 of this title. All inquiries or correspondence from or in behalf of suspended contractors concerning their status, reasons for suspension action, etc., will be referred through command channels to AFLC (MCIMF) for appropriate action. MCIMF will refer these matters to DCS/S&L, Hq USAF (AFSPPCA) if review, advice, or action by that Headquarters is considered appropriate.

§ 1001.610 Use of overseas lists within the United States.

(a) *Determination of overseas listings.* (1) Within the United States: Prior to the award of a prime or subcontract (where the prime contract reserves the right of approval of subcontracts by the ACO) to an offshore supplier the cognizant U.S. procuring or administrative contracting officer will contact AFLC (MCIMF) in writing, to determine whether or not the firm or individual in question appears on any of the oversea lists.

(2) • • •

(iv) AFLC (MCIMF)

• • • • •

(b) *Proposals regarding products of listed concerns.* Proposals by contractors to furnish products of a concern listed on an oversea list will be referred by the contracting officer to Hq USAF (AFSPPCA) through AFLC (MCIMF).

§ 1001.606 [Deleted]

2. Delete § 1001.606.

3. Revise § 1001.651 to read as follows:

§ 1001.651 Supplemental lists.

Under department authority of § 1.905–1(b) of this title, all major commands are authorized to establish and maintain records and experience data relative to firms or individuals and to maintain a list of such firms or individuals for the guidance of contracting officers in placing new procurements.

Subpart I—Responsible Prospective Contractors

Revise § 1001.904–1 (a)(2) and (a)(3) to read as follows:

§ 1001.904–1 Requirement.

(a) • • •

(2) Include the following clause in all invitations for bids or requests for proposals estimated to involve a procurement of less than $10,000:

(Nov. 1961)

If a bid or proposal submitted in response to this invitation is favorably considered, a survey team may contact your facility to determine your ability to perform. Current financial statements and other pertinent data should be available at that time if not already on file with the Air Force Systems Command. The team may also evaluate your system for determining the financial and technical ability of your proposed subcontract or procurement sources to perform.

(3) The PCO will make, sign, and place in the contract file the necessary determination required by § 1.904–1 of this title. Except as provided in subparagraph (4) of this paragraph, an FCR, SSS, or SSSB recommendation will constitute sufficient basis for either an affirmative or negative finding by a contracting officer. See also § 1001.902–1(c). The FCR, SSS, or SSSB report and supporting data made will be attached to the determination. If additional explanation of an FCR is required, the PCO will request the FCR activity to furnish any data he requires before making a determination. If the PCO is aware of factors that may not have been considered by the FCR activity, he may request a review of the FCR in the light of such information before making a determination. In making the determination, the PCO through channels prescribed by his command and AFSC divisions and centers, may reject a FCR recommendation, provided clear and compelling circumstances dictate such action. Complete documentation is required. When an AFLC AMA is the procuring activity, the contracting officer will, prior to rejecting the recommendation contained in a FCR, submit written findings supported by necessary and relevant documentation through normal channels to the director of procurement and production of the AMA for review and approval. The FCR serial number as furnished by the FCR activity will be shown on the contract cover page (face). If an FCR was not required "FCR not required" with the specific applicable AFPI section relied upon will be shown on the contract file cover sheet.

• • • • •

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

Revise § 1003.101–51 to read as follows:

§ 1003.101–51 Verification of the requirement.

During the course of negotiation, the contracting officer will verify the requirement with the initiating office to insure that only required supplies or services are procured. This is particularly important in those circumstances where negotiations have been prolonged, or the description of the item or delivery schedule is changed in negotiation. Except for procurements of $2,500 or less utilizing the procedures in Subpart F, Part 3 of this title and Subpart F of this part, the contracting officer will again verify the requirement within 20 days prior to final execution of the contract for the Government and will document the record accordingly.

Subpart P—Circumstances Permitting

otherwise specifically provided in this con-

PART 1020—APPENDIXES TO AIR

[Public Land Order 3356]

[Public Land Order 3357]

St. Johns River, Fla.

Subpart B—Circumstances Permitting Negotiation

In § 1003.217–2(a) the reference "(d)" is changed to "a," and a new paragraph (e) is added as follows:

§ 1003.217–2 Application.

(a) Except as indicated in paragraphs (b) through (e) of this section, contracts will be negotiated under this authority only upon approval of the Secretary. Requests for approval will contain a statement of pertinent facts and reasons therefor, and will be transmitted according to § 1003.306.

• • • • •

(e) Procurements negotiated pursuant to section 15, Small Business Act, 15 U.S.C. 644 (Public Law 536, 85th Congress, as amended).

Subpart H—Price Negotiation Policies and Techniques

§§ 1003.808—1003.808–5 [Deleted]

Delete §§ 1003.808 through 1003.808–5.

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart X—Contract Vehicle Maintenance

In § 1004.2402(g)(3) the word "certificate" is changed to "certification." This subparagraph now reads as follows:

§ 1004.2402 Contracts for vehicle maintenance.

• • • • •

(g) *Payment procedures.* • • •

(3) The contracting officer will review the documents, execute on SF 1034 the certification that the account is correct and proper for payment, and forward to the accounting and finance officer for payment. The accounting and finance officer will compare the dollar amount of each completed order with dollar amount previously recorded as an obligation and adjust the obligated amounts as necessary.

PART 1007—CONTRACT CLAUSES

Subpart BB—Clauses for Short-Form Facilities Contracts

In § 1007.2803–18 the word "not" has been inserted in line 3 between "shall" and "be." This clause now reads as follows:

§ 1007.2803–18 Title and possession.

Insert the following clause:

TITLE AND POSSESSION (MAR. 1958)

Title to all property furnished by the Government shall remain in the Government. Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any realty. Except as otherwise specifically provided in this contract, the Contractor (i) shall not pledge, assign, or transfer title to any Government property, nor do or suffer anything to be done whereby any Government property may be seized, taken in execution, attached, destroyed or injured, and (ii) shall not remove or otherwise part with possession of, or permit the use by others of any Government property.

• • • • •

Subpart NW—Special Clauses

§ 1007.4054 [Amendment]

In § 1007.4054(b)(4), line 22, footnote "*" is amended to read "1."

PART 1008—TERMINATION OF CONTRACTS

Subpart E—Disposition of Termination Inventory

In § 1008.511–2(a) revise subparagraph (1) and reserve subparagraph (2) as follows:

§ 1008.511–2 Storage at the expense and risk of the Government.

(a) *General.* (1) All storage agreements at the expense and risk of the Government will be in the prescribed format. Variations in this format will be submitted to AFSC (SCK–3), Andrews AFB, Washington, D.C. The property stored will be listed on inventory schedules.

(2) [Reserved]

• • • • •

PART 1009—PATENTS, DATA, AND COPYRIGHTS

Subpart A—Patents

In § 1009.107–1 [29 F.R. 2850, February 29, 1964] the section and paragraph headings were erroneously set forth. This section should read as follows:

§ 1009.107–1 General.

(a) to (c) No implementation.

(d) *Contracting officer's duties.* In arriving at his decisions as to whether the title criteria of § 9.107–1(c) of this title apply and if said criteria reasonably apply, whether to request the deviation referred to in Assistant Secretary of Defense (I&L) memorandum of November 7, 1963, to insert the Patents Rights (License) clause in the contract (solicitation), the contracting officer should consult with the project engineer and his patent advisor. As an aid in obtaining information upon which to base his decisions, the check list set forth below may be used by contracting officers. Answers to each question on the check list must be supported by a brief narrative explanation. The check list with narrative explanation attached or similar documentation will be inserted in and become part of the contract file.

CHECKLIST AND DETERMINATION

• • • • •

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

In § 1030.2, Part IV—Miscellaneous Provisions, revise paragraph (c) of item B–450 to read as follows:

• • • • •

§ 1030.2 Appendix B—Manual for control of Government property in possession of contractors.

B–450 *Reusable containers.* • • •

(c) Disposition of reusable containers: Reusable containers will be either returned to AF, Army or Navy supply, or processed through the contractor's approved scrap and salvage procedures with disposition accomplished locally as appropriate.

PART 1053—CONTRACTS; GENERAL

In § 1053.404–6(b) revise subparagraphs (11), (15), and (17) to read as follows:

§ 1053.404–6 Geographical areas of CMRs, CMDs, and AFPROs.

• • • • •

(b) *CMDs* • • •

(11) *Newark Contract Management District (ECMR).* Richmond County in New York State, and the entire State of New Jersey.

(15) *Philadelphia Contract Management District (ECMR).* Delaware, Maryland, Virginia, West Virginia, the District of Columbia, and Pennsylvania, excluding Erie, Mercer, and Crawford Counties.

(17) *Rochester Contract Management District (ECMR).* Erie, Mercer, and Crawford Counties in Pennsylvania, and that portion of New York State north and west of, but not including Ulster, Orange, Greene, and Columbia Counties.

• • • • •

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. 38, Jan. 30, 1964; AFPI 103, Dec. 26, 1963; 7, Feb. 6, 1964]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, United State Air Force, Chief, Special Activities Group Office of The Judge Advocate General.

[F.R. Doc. 64–3027; Filed, Mar. 27, 1964; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

St. Johns River, Fla.

Subparagraph (3) of § 202.183(b) is revised to read as follows:

§ 202.183 St. Johns River, Fla.

• • • • •

(b) *The regulations.* • • •

(3) Anchorage E shall be used only by vessels awaiting quarantine inspection, or by special permit from the Captain of the Port.

[Amendment, March 10, 1964, ENGCW–ON] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 64–3028; Filed, Mar. 27, 1964; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3355]

[Idaho 014120]

IDAHO

Withdrawal for Forest Service Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Payette National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws, but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture for utilization of the surface as recreation areas as indicated:

BOISE MERIDIAN

STEELHEAD FLATS PUBLIC SERVICE SITE

T. 18 N., R. 6 E.,
Sec. 27, that portion of NE¼NE¼ described as follows: Beginning at a point on the east bank of South Fork Salmon River, which is 20 rods West of the section corner common to sections 22, 23, 26 and 27; thence south 80 rods; thence West approximately 8 rods to the east bank of the South Fork of Salmon River; thence following the high water line along the east bank of the river northerly around the bend to the point of beginning.

SHEEP ROCK OVERLOOK AND PICNIC AREA

T. 21 N., R. 3 W.,
Sec. 2, S½NE¼ of lot 5, N½SE¼ of lot 5, S½NW¼ of lot 6, N½SW¼ of lot 6 and SE¼ of lot 6.

KINNEY POINT OVERLOOK AND PICNIC AREA

T. 21 N., R. 3 W.,
Sec. 11, SW¼NW¼SE¼SE¼ and NW¼SW¼SE¼SE¼.

The areas described aggregate approximately 44 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 24, 1964.

[F.R. Doc. 64–3029; Filed, Mar. 27, 1964; 8:48 a.m.]

[Public Land Order 3356]

[Riverside 03134]

CALIFORNIA

Excluding Lands From the Los Padres National Forest

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

The following-described lands are hereby excluded from the Los Padres National Forest, and the boundaries of the said forest are adjusted accordingly:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 25 W.,
Sec. 17, S½SW¼;
Sec. 18, lot 4, S½SE¼, and SE¼SW¼;
Sec. 19, lots 1 to 5, incl.;
Sec. 20, lots 1 to 4, incl., and N½N½;
Sec. 21, lots 1 to 5, incl., and SW¼NE¼;
Sec. 22, lots 1 to 3, inclu., NW¼SE¼, N½SW¼, and SE¼SW¼;
Sec. 23, lots 1 and 2, NW¼SE¼, S½SE¼, and NE¼SW¼;
Sec. 24, SW¼SW¼;
Sec. 25, lots 1 and 2, and NW¼NW¼;
Sec. 26, lots 1 to 3, incl.;
Sec. 27, lots 1 and 2.
T. 4 N., R. 26 W.,
Sec. 6, lot 7, S½SE¼ and SE¼SW¼;
Sec. 7, lots 1 to 4, incl.;
Sec. 8, lots 1 to 4, incl.;
Sec. 9, lots 1 to 4, incl.;
Sec. 10, lots 1 to 4, incl., NE¼, NE¼SE¼, and NE¼NW¼;
Sec. 11;
Sec. 13, lots 1 and 2 and S½SE¼;
Sec. 14, lots 1 to 7, incl., NE¼, NE¼SE¼, and NE¼NW¼;
Sec. 24, lots 1 to 3, incl.
T. 4 N., R. 27 W.,
Sec. 1, S½;
Sec. 2, S½;
Sec. 3, S½ and S½N½;
Sec. 4, lots 1, 2, and lots 5 to 10, incl., SW¼, and S½NW¼;
Sec. 5, lots 3 to 6, incl., SE¼, S½NE¼, S½NW¼, and N½SW¼;
Sec. 6, lots 1 to 10, incl., S½NE¼ and SE¼NW¼.
T. 5 N., R. 27 W.,
Sec. 31, lots 3 and 4, SE¼ and E½SW¼.
T. 5 N., R. 28 W.,
Sec. 31, lots 4 to 6, incl.;
Sec. 32, lots 1 to 4, incl.;
Sec. 33, lots 3 and 4, SE¼ and E½SW¼;
Sec. 34, S½;
Sec. 35, S½;
Sec. 36, S½.
T. 4 N., R. 29 W.,
Sec. 1, lots 1 to 3, incl.
T. 5 N., R. 29 W.,
Sec. 31, lots 1 to 3, incl., and lot 7;
Sec. 32, S½S½;
Sec. 33, SW¼SE¼ and S½SW¼;
Sec. 34, S½S½;
Sec. 35, S½SW¼;
Sec. 36, S½S½.

The areas described aggregate approximately 8,797 acres of patented lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 24, 1964.

[F.R. Doc. 64–3030; Filed, Mar. 27, 1964; 8:48 a.m.]

[Public Land Order 3357]

[Sacramento 077223]

CALIFORNIA

Partly Revoking Executive Order No. 5237 of December 10, 1929, Which Withdrew Lands for Classification

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5237 of December 10, 1929, which withdrew lands for classification, is hereby revoked so far as it affects the following-described lands:

HUMBOLDT MERIDIAN

T. 3 S., R. 1 W.,
Sec. 4, E½SW¼;
Sec. 9, NE¼NW¼;
Sec. 10, NW¼NW¼;
Sec. 12, SW¼SW¼;
Sec. 13, NW¼NW¼.
T. 3 S., R. 2 W.,
Sec. 3, SE¼SW¼ and SE¼SE¼;
Sec. 10, SE¼NW¼;
Sec. 11, NW¼SW¼ and NW¼SE¼.

The areas described aggregate approximately 440 acres.

2. The State of California has waived the preference right of application granted by section 2(c) of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852), as to the following-described lands:

HUMBOLDT MERIDIAN

T. 3 S., R. 1 W.,
Sec. 4, E½SW¼;
Sec. 9, NE¼NW¼;
Sec. 12, SW¼SW¼;
Sec. 13, NW¼NW¼.
T. 3 S., R. 2 W.,
Sec. 3, SE¼SW¼ and SE¼SE¼;
Sec. 10, SE¼NW¼.

3. Until 10:00 a.m. on September 22, 1964, the State of California shall have a preferred right of application to select the NW¼NW¼, sec. 10, T. 3 S., R. 1 W., and the NW¼SW¼ and NW¼SE¼, sec. 11, T. 3 S., R. 2 W., described in paragraph 1 of this order, as provided by section 2(c) of the Act of August 27, 1958, supra. On and after that date and hour the lands shall become subject to application, petition, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference right applications from the State, received at or prior to 10:00 a.m. on September 22, 1964, shall be considered as simultaneously filed at that time.

4. Subject to any valid existing rights and equitable claims, the requirements of applicable law, and the provisions of any existing withdrawals, the lands described in paragraph 2, above, are hereby opened to filing of applications, petitions, and selections. All valid applications and selections under the nonmineral public land laws presented at or prior to 10:00 a.m. on April 29, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location under the United States mining laws for nonmetalliferous minerals at 10:00 a.m. on April 29, 1964, as to the lands described in paragraph 2, hereof, and at 10:00 a.m. on September 22, 1964, as to those described in paragraph 3.

6. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their application setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 24, 1964.

[F.R. Doc. 64-3081; Filed, Mar. 27, 1964; 8:48 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Further Interpretation of Shipping Act, 1916

On March 21, 1964, the Federal Maritime Commission published in the FEDERAL REGISTER (29 F.R. 3624) a further interpretation of the Shipping Act, 1916, as § 530.4 of Title 46, CFR. That interpretation is hereby amended by the addition of subparagraph (3) to paragraph (b) of § 530.4, as follows:

§ 530.4 Further interpretation of Shipping Act, 1916.

• • • • • •

(b) • • •

(3) The Commission further construes section 14b and section 14b(6) as binding for only ninety (90) days shippers and consignees who furnish such a written statement, unless during such period they are tendered a full copy of the new agreement, as approved or modified by the Commission, and agree to be bound thereby.

By the Commission, March 26, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3089; Filed, Mar. 27, 1964; 11:56 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

UPLAND COTTON AND EXTRA LONG STAPLE COTTON

Notice of Formulation of Regulations Governing Marketing Quotas for 1964 and Succeeding Crops

Consideration is being given to formulation of regulations governing farm marketing quotas for the 1964 and succeeding crops of upland cotton and extra long staple cotton. This will involve the consolidation of regulatory provisions for the two separate commodities in a new subpart. It is expected that minor revisions will also be incorporated. Such new regulations will supersede the regulations pertaining to marketing quotas for upland cotton of the 1961 and succeeding crops (26 F.R. 3672), as amended, and the regulations pertaining to marketing quotas for extra long staple cotton of the 1961 and succeeding crops (26 F.R. 5489), as amended.

Prior to formulating such regulations, consideration will be given to any data, views and recommendations which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250, within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Signed at Washington, D.C., on March 24, 1964.

H. D. GODFREY,
Adminstrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-3056; Filed, Mar. 27, 1964; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 42]

EGGS AND EGG PRODUCTS; DRIED WHOLE EGGS, DRIED EGG YOLKS

Proposed Standards of Identity

Notice is given that Fermco Laboratories, 4941 S. Racine Avenue, Chicago, Illinois, has petitioned for amendments of the identity standards for dried whole eggs and dried egg yolks (21 CFR 42.30, 42.60) to provide for the enzymatic removal of glucose. The petition does not set forth the specific wording of the amendments requested; however, it proposes that the two standards should be expanded to give recognition to the optional use of a process for removing glucose by adding a glucose-oxidase-catalase preparation and hydrogen peroxide to the egg products in liquid form before drying them. Only such glucose-oxidase-catalase preparation as is generally recognized as safe within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act is to be recognized as permissible for use. The petition proposes that the Amendments shall require, when the liquid whole eggs or liquid egg yolks have been subjected to the enzymatic removal of glucose process and subsequently dried, that the dried whole eggs or the dried egg yolks shall be labeled "enzyme stabilized."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471) all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 24, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3044; Filed, Mar. 27, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-116]

FEDERAL AIRWAYS AND CONTROL AREA EXTENSION

Withdrawal of Proposal for Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 63-CE-116 on December 5, 1963 (28 F.R. 12942), it was stated that the Federal Aviation Agency (FAA) proposed to realign VOR Federal airway No. 15 west alternate segment from Sioux Falls, S. Dak., to Huron, S. Dak., via Mitchell, S. Dak.; realign VOR Federal airway No. 120 segment from Pierre, S. Dak., to Sioux Falls via Mitchell; and to revoke a portion of the Sioux Falls control area extension.

The commissioning of the Mitchell VOR as an instrument flight rule navigation aid has been delayed for an indefinite period. Accordingly, the FAA has determined it would be in the public interest to withdraw the proposals contained in Airspace Docket No. 63-CE-116. These proposals will be resubmitted at a later date consistent with the commissioning of the Mitchell VOR as an IFR nagivation aid.

In consideration of the foregoing, notice is hereby given that the proposals contained in Airspace Docket No. 63-CE-116 are withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3010; Filed, Mar. 27, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-7]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 169 is designated in part from Chadron, Nebraska, via Smithwick, S. Dak., to Rapid City, S. Dak. The FAA is considering redesignating this segment of V-169 from Chadron direct to Rapid City. This redesignation would provide a direct route between those terminals and would shorten the route mileage.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of

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the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3011; Filed, Mar. 27, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-EA-7]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 290 is designated in part from Rainelle, W. Va., to Montebello, Va. The Federal Aviation Agency is considering extending Victor 290 from Montebello direct to Flat Rock, Va.

Air traffic between Richmond, Va., and Charleston, W. Va., is cleared on a circuitous route via either Gordonsville, Va., or Lynchburg, Va. Extension of Victor 290, as proposed herein, would provide a more direct route between Richmond and Charleston which would result in reduced airway mileage between these terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3012; Filed, Mar. 27, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-SW-10]

FEDERAL AIRWAY

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA is considering designating a VOR Federal airway from Austin, Tex., direct to Daisetta, Tex. This proposed airway would join VOR Federal airway No. 222 north alternate airway at Daisetta and would provide a direct route bypassing the Houston, Tex., terminal area for VOR equipped aircraft operating between Austin and Lake Charles, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3013; Filed, Mar. 27, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-WA-9]

POSITIVE CONTROL AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Positive control area is presently designated throughout most of the continental control area between flight level 240 and flight level 600 for the provision of positive separation of en route and local aircraft operations in accordance with rules set forth in § 91.97 of the Federal Aviation Regulations. The FAA has under consideration the lowering of the floor of positive control area from flight level 240 to 18,000 feet MSL within an area that would generally coincide with the high altitude boundaries of the following air route traffic control centers: Oakland, Los Angeles, Salt Lake City, Denver, Kansas City, Chicago, Indianapolis, Detroit, Cleveland, New York and Washington. Additionally, a part of the high altitude portion of the Phoenix Air Route Traffic Control Center area would be included.

The Agency announced more than a year ago through correspondence, briefings and discussions that it would propose the provision of positive separation of aircraft operating between 18,000 feet and flight flight level 240. This action together with the modification of the airway/route system proposed in Airspace Docket No. 63-WA-74 will simplify the airway/route system and essentially supplant the existing positive control route segments proposed for revocation with the intermediate altitude airways.

Some minor adjustments may have to be effected in the lateral and vertical limits of the proposed area in light of comments received in order to resolve local operating problems and to provide airspace in mountainous regions for the use by VFR traffic. In no case would more airspace be designated as positive control area than that described below.

This action would designate as positive control area, from 18,000 feet MSL to flight level 240, the airspace within the following geographical boundary:

Beginning at latitude 40°10'00" N., longitude 124°20'00" W.; thence to latitude 40°45'00" N., longitude 123°00'00" W.; thence to latitude 40°45'00" N., longitude 119°40'00" W.; thence to latitude 41°14'00" N., longitude 119°48'00" W.; thence to latitude 43°30'00" N., longitude 119°35'00" W.; thence to latitude 45°05'00" N., longitude 118°15'00" W.; thence to latitude 45°30'00" N., longitude 117°30'00" W.; thence to latitude 45°30'00" N., longitude 115°00'00" W.; thence to latitude 45°20'00" N., longitude 115°00'00" W.; thence to latitude 45°20'00" N., longitude 107°45'00" W.; thence to latitude 45°07'00" N., longitude 104°15'00" W.; thence to latitude 44°37'00" N., longitude 101°00'00" W.; thence to latitude 44°20'00" N., longitude 101°00'00" W.; thence to latitude 43°30'00" N., longitude 100°26'00" W.; thence to latitude 43°30'00" N., longitude 97°17'00" W.; thence to latitude 43°00'00" N., longitude 96°43'00" W.; thence to latitude 43°07'20" N., longitude 94°52'00" W.; thence to latitude 42°49'00" N., longitude 93°42'00" W.; thence to latitude 42°46'30" N., longitude 93°04'00" W.; thence to latitude 42°43'30" N., longitude 91°43'30" W.; thence to latitude 43°22'00" N., longitude 91°05'00" W.; thence to latitude 44°05'30" N., longitude 90°50'30" W.; thence to latitude 44°24'30" N., longitude 90°39'30" W.; thence to latitude 45°34'30" N., longitude 89°18'00" W.; thence to latitude 45°10'00" N., longitude 88°35'30" W.; thence to latitude 44°50'00" N., longitude 88°00'00" W.; thence to latitude 44°04'00" N., longitude 85°00'00" W.; thence to latitude 43°52'00" N., longitude 84°10'00" W.; thence to latitude 43°52'00" N., longitude 82°11'20" W.; thence along the U.S./Canadian boundary to latitude 43°38'00" N., longitude 76°47'30" W.; thence to latitude 42°45'00" N., longitude 76°50'00" W.; thence to latitude 42°12'00" N., longitude 77°21'00" W.; thence to latitude 42°21'00" N., longitude 75°37'00" W.; thence to latitude 42°05'00" N., longitude 73°26'30" W.; thence to latitude 41°47'00" N., longitude 73°28'00" W.; thence to latitude 41°20'00" N., longitude 72°24'00" W.; thence to latitude 41°07'00" N., longitude 71°58'00" W.; thence to latitude 41°01'20" N., longitude 71°50'45" W.; thence south via a line three nautical miles from the mainland to latitude 33°58'30" N., longitude 77°50'00" W.; thence to latitude 34°00'00" N., longitude 78°07'00" W.; thence to latitude 34°12'00" N., longitude 78°17'00" W.; thence to latitude 34°21'00" N., longitude 79°17'00" W.; thence to latitude 34°31'00" N., longitude 79°30'00" W.; thence to latitude 34°33'00" N., longitude 79°43'20" W.; thence to latitude 34°51'00" N., longitude 79°55'00" W.; thence to latitude 34°52'00" N., longitude 80°10'20" W.; thence to latitude 35°01'45" N., longitude 80°02'00" W.; thence to latitude 35°47'20" N., longitude 79°31'00" W.; thence to latitude 36°19'00" N., longitude 79°16'00" W.; thence to latitude 36°29'30" N., longitude 79°26'30" W.; thence to latitude 36°35'30" N., longitude 79°32'50" W.; thence to latitude 37°00'20" N., longitude 80°27'40" W.; thence counterclockwise along a 15 statute mile arc centered on latitude 37°05'16" N., longitude 80°42'33" W.; to latitude 37°18'15" N., longitude 80°44'45" W.; thence to latitude 36°34'00" N., longitude 84°01'00" W.; thence to latitude 36°30'00" N., longitude 84°45'00" W.; thence to latitude 36°11'00" N., longitude 85°17'00" W.; thence to latitude 36°54'00" N., longitude 85°34'00" W.; thence to latitude 37°18'00" N., longitude 86°09'00" W.; thence to latitude 37°16'30" N., longitude 87°23'50" W.; thence to latitude 37°43'30" N., longitude 88°19'00" W.; thence to latitude 37°32'00" N., longitude 88°50'00" W.; thence to latitude 37°09'00" N., longitude 90°34'00" W.; thence to latitude 36°30'00" N., longitude 93°00'00" W.; thence to latitude 36°35'00" N., longitude 93°53'00" W.; thence to latitude 36°24'00" N., longitude 94°30'00" W.; thence to latitude 36°55'00" N., longitude 95°05'00" W.; thence to latitude 36°25'00" N., longitude 96°53'00" W.; thence to latitude 36°26'00" N., longitude 97°12'30" W.; thence to latitude 36°03'00" N., longitude 97°23'30" W.; thence to latitude 35°48'00" N., longitude 98°18'00" W.; thence to latitude 36°15'00" N., longitude 99°20'00" W.; thence to latitude 35°57'00" N., longitude 100°03'00" W.; thence to latitude 35°38'30" N., longitude 100°20'00" W.; thence to latitude 35°45'00" N., longitude 100°24'00" W.; thence to latitude 36°33'00" N., longitude 100°04'30" W.; thence to latitude 36°46'00" N., longitude 102°28'00" W.; thence to latitude 37°44'00" N., longitude 102°20'00" W.; thence to latitude 35°26'00" N., longitude 110°00'00" W.; thence to latitude 35°00'00" N., longitude 110°00'00" W.; thence to latitude 34°11'00" N., longitude 113°30'00" W.; thence to latitude 34°02'00" N., longitude 114°00'00" W.; thence to latitude 32°15'00" N., longitude 114°00'00" W.; thence along the U.S./Mexican boundary to latitude 32°31'00" N., longitude 117°11'00" W.; thence via a line three nautical miles from the mainland to the point of beginning.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C.; on March 23, 1964.

D. D. THOMAS,
Associate Administrator for Programs.

[F.R. Doc. 64-3037; Filed, Mar. 27, 1964; 8:49 a.m.]

[14 CFR Parts 71, 75 [New]]

[Airspace Docket No. 63-WA-74]

AIRWAY AND ROUTE STRUCTURE

Proposed Revision

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] and Part 75 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Federal Aviation Agency is considering the following actions:

1. Alter the lateral and vertical extent of all Federal airways except those in Alaska and Hawaii, where the existing vertical extent would be retained.

2. Alter the vertical extent of jet routes.

3. Revoke intermediate altitude VOR Federal airways and associated positive control route segments.

4. Revoke intermediate altitude reporting points.

On April 6, 1961 (26 F.R. 1079) the Agency inaugurated the present three-layer airway structure which consists of low altitude Federal airways extending upward to but not including the continental control area, intermediate altitude VOR Federal airways extending upward from 14,500 feet MSL to but not including Flight Level 240, and jet routes extending upward from Flight Level 240. This action was taken to provide the basis for more efficient air traffic management of the increasing volume of air traffic and for interference-free frequency assignment of the VOR, VORTAC and TACAN navigation aids. Implementation of the three-layer airway structure revealed it was too complex. This complexity increased pilot and controller workload, required additional aeronautical navigation charts, and created problems for both pilot and controller in transitioning aircraft between structures.

The Agency has completed a study of air traffic control requirements, pilot requirements, frequency protection capability for navigational aids, radar coverage and operational characteristics of propeller driven and turbo-jet aircraft, as they apply to airspace assignments, and has determined that the adoption of a two-layer airway/route structure would alleviate many of the complexities encountered in the present three-layer structure and simplify the application of air traffic control procedures and transitioning of air traffic between route structures. In addition, it would lift the requirement for intermediate altitude en route navigation charts. A ceiling of up to but not including 18,000 feet MSL was selected for

the low altitude airway structure as

nautical miles each side of the airway

In addition to the application of the

ing at angles of 4.5° from the centerline

§ 71.11 Control zones.
§ 71.107 Red Federal Airways.

the low altitude airway structure as being the most desirable considering the aircraft inventory and the fact that it is near the maximum altitude at which VORTAC navigation facilities supporting the low altitude airways could be afforded frequency protection. Jet routes would extend from 18,000 feet MSL to Flight Level 450 inclusive. The ceiling of Flight Level 450 for the jet route structure is beyond the present authorized operational altitude of civil air carrier aircraft; however, this would provide additional altitudes for future operations. Aircraft operations above Flight Level 450 would be conducted on a point-to-point basis and navigational guidance would be provided on an area basis. Navigational guidance on an area basis would also be available at lower flight levels and altitudes. In this regard the action taken herein would preserve the ground environment for navigation by means of off-course computers and cockpit pictorial display.

As a result of the frequency protection and other studies, it was determined that navigational facilities employed in the low altitude structure would normally be frequency protected for a distance of at least 40 nautical miles up to 18,000 feet MSL; the navigational facilities used in the jet route structure would normally be frequency protected for a distance of 130 nautical miles up to 45,000 feet MSL. Navigational guidance above Flight Level 450 would be provided to a distance of 100 nautical miles from the facilities used to support the jet route structure. In those instances where it would be necessary to designate airways/jet routes via facilities more than 80 and 260 nautical miles apart respectively, the radials used to determine the airway or jet route centerline would be frequency protected for the distance and altitude necessary to provide interference-free navigation.

The nautical mile has been accepted as the standard measure for many aviation activities and is now employed as the linear measure of Federal airways and jet routes. It is proposed to use this standard in designating the width of Federal airways and additional control areas, and in describing the lateral area for protection of aircraft while operating along jet routes or point-to-point elsewhere in controlled airspace. A figure of 4 nautical miles each side of the centerline for airway widths was selected as being the nearest nautical mile equivalent to the present figure of 5 statute miles. An increase to 5 nautical miles would exceed the present airway widths and, in quite a few instances, require alteration of airway alignments to avoid other operations which are now compatible with the present structure. A review of the operational characteristics of the more sophisticated ground-based and airborne VOR navigation equipment in use today has revealed that a systems accuracy factor of 4.5° can be maintained at altitudes up through the usable limits of the radial utilized.

To provide adequate controlled airspace for the protection of en route aircraft, low altitude Federal airways would be designated as the airspace within 4 nautical miles each side of the airway centerline and would include that additional airspace resulting from application of a 4.5° systems accuracy figure. This would provide additional controlled airspace for aircraft when operating at distances of more than 51 nautical miles from navigation facilities. This same formula would be applied to control areas associated with jet routes outside the continental control area and to additional control areas designated for en route operations. The formula would also be used in planning jet routes and in determining the lateral extent of airspace to be protected for point-to-point navigation elsewhere in controlled airspace. In addition, the Agency would propose in separate airspace actions the designation of transition areas at those points where a study of actual use of an airway indicates that additional controlled airspace is necessary for aircraft holding or executing turns from one segment of an airway to another.

The formula for determining the lateral extent of airways would require the application of changeover points. To provide the basis for this use of changeover points in Part 71, the Agency has proposed in a separate notice that these points be incorporated into Part 95 [New] of the Federal Aviation Regulations. Under that proposal (Regulatory Docket No. 4023, Notice 64–11), changeover points would be designated for all Federal airways and jet routes. Reference to the lists of points included in that Notice will enable persons reviewing this proposal to determine how application of the new formula would affect airways of particular interest to them.

It is the present policy of the Agency to apply the 4.5° systems accuracy figure in expanding VOR airway widths when the associated facilities are used for distances greater than 51 nautical miles. Since there are relatively few low frequency airways and since these are being phased out of the Federal airway system in favor of VOR airways, no previous attempt has been made to alter the width of the airways in this structure. As stated previously, the four-nautical mile figure is the nearest nautical mile equivalent to the present five-statute mile figure. An increase to five nautical miles each side the airway centerline would exceed the present airway widths and in quite a few instances require alteration of airway alignments to avoid other operations which are now compatible with the present structure. For this reason and to avoid separate descriptions for VOR and low frequency airways, the Agency proposes to apply the 8-nautical mile width to low frequency airways, and in no case will less airspace be designated for low frequency airways than for VOR airways.

To reduce verbiage in the descriptions of Federal airways, § 71.5, Extent of Federal Airways, would clearly specify the formula for increased lateral extent so that each airway would be increased automatically in width where necessary. This would preclude a detailed description of increased lateral dimension each time an airway is designated or altered.

In addition to the application of the nautical mile as the standard unit of measurement in the airway structure, it is proposed to apply this unit of measurement to the lateral extent of jet advisory areas. These areas are presently described as 16 statute miles each side of the appropriate centerline. The nearest nautical mile equivalent to 16 statute miles is 14 when rounded off to the nearest whole number. Accordingly, action is proposed herein to express the lateral extent of jet advisory areas as 14 nautical miles each side of the appropriate centerline.

With the revocation of the intermediate altitude airway structure, the intermediate altitude reporting points would be revoked since they would no longer serve a useful purpose.

Any action to designate jet routes, jet advisory areas, continental control area, or to alter the vertical extent of airways in Alaska would be the subject of a separate notice of proposed rule making.

In consideration of the foregoing, it is proposed to amend Parts 71 and 75 [New] of the Federal Aviation Regulations as hereinafter set forth.

PART 71—DESIGNATION OF FEDERAL AIRWAYS CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Subpart A—General

§ 71.1 Applicability.

(a) The airspace areas that are described in Subparts B and C are designated as Federal airways.

(b) Those airspace areas that are described in Subparts B through I are designated as control areas, the continental control area, control zones, transition areas, positive control route segments, positive control areas, and reporting points, as described in the appropriate subpart.

§ 71.3 Classification of Federal airways.

Federal airways are classified as follows:

(a) Colored Federal airways—
(1) Green Federal airways.
(2) Amber Federal airways.
(3) Red Federal airways.
(4) Blue Federal airways.
(b) VOR Federal airways.

§ 71.5 Extent of Federal airways.

(a) Each Federal airway is based on a centerline that extends from one navigation aid or intersection to another navigation aid (or through several navigation aids or intersections) specified for that airway.

(b) Unless otherwise specified in Subpart B or C of this part—

(1) Each Federal airway includes the airspace within parallel boundary lines 4 miles each side of the centerline. Where an airway changes direction, it includes the airspace that is enclosed by extending the boundary lines of the airway segments until they meet.

(2) Where the changeover point for an airway segment is more than 51 miles from either of the facilities defining that segment, and—

(i) The changeover point is midway between the facilities, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at each facility and extending until they intersect opposite the changeover point.

(ii) The changeover point is not midway between the facilities, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at the facility farther from the changeover point, and extending until they intersect with the bisector of the angle of the centerlines at the changeover point; and between lines connecting these points of intersection and the facility nearer to the changeover point.

(3) Where an airway terminates, it includes the airspace within a circle centered at the specified navigation aid or intersection and having a diameter equal to the airway width at that point. However, an airway does not extend beyond the domestic/oceanic control area boundary.

(c) Unless otherwise specified in Subpart B or C of this part—

(1) Each Federal airway includes the airspace that extends upward from 700 feet (until designated from 1,200 feet or more) above the surface of the earth to, but not including, 18,000 feet MSL, except that Federal airways for Alaska and Hawaii have no upper limits.

(2) The airspace of a Federal airway within the lateral limits of a transition area has a floor coincident with that of the transition area.

(d) One or more alternate airways may be designated between specified navigational aids or intersections along each VOR Federal airway described in Subpart C of this part. Unless otherwise specified, the centerline of an alternate VOR Federal airway and the centerline of the main VOR Federal airway are separated by 15°.

(e) A Federal airway does not include the airspace of a prohibited area.

§ 71.7 Control areas.

(a) Control areas consist of the airspace designated in Subparts B, C, and E of this part, but do not include the continental control area.

(b) Control areas include:

(1) The airspace designated as Federal airways.

(2) Unless otherwise designated, the airspace between a main and associated alternate VOR Federal airway, with the vertical extent of the area corresponding to the vertical extent of the main airway.

§ 71.9 Continental control area.

The continental control area consists of the airspace of the 48 contiguous states and the District of Columbia at and above 14,500 feet MSL, but does not include—

(a) The airspace less than 1,500 feet above the surface of the earth; or

(b) Prohibited and restricted areas, other than restricted area military climb corridors and the restricted areas listed in Subpart D of this part.

§ 71.11 Control zones.

The control zones listed in Subpart F consist of controlled airspace extending upward from the surface of the earth. A control zone may include one or more airports and is normally a circular area with a radius of five miles and any extensions necessary to include instrument approach and departure paths.

§ 71.13 Transition areas.

The transition areas listed in Subpart G of this part consist of controlled airspace extending upward from 700 feet or more above the surface of the earth when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed; or from 1,200 feet or more above the surface of the earth when designated in conjunction with airway route structures or segments. Unless otherwise specified, transition areas terminate at the base of the overlying controlled airspace.

§ 71.15 Positive control route segments and positive control areas.

(a) The positive control areas listed in Subpart H consist of controlled airspace within which there is positive control of aircraft.

(b) [Reserved]

§ 71.17 Reporting points.

(a) The reporting points listed in Subpart I of this part consist of geographic locations, in relation to which the position of an aircraft must be reported in accordance with § 91.125 of this chapter.

(b) Unless otherwise designated, each reporting point applies to all directions of flight. In any case where a geographic location is designated as a reporting point for one or more airways, or for a particular direction of flight along an airway only, it is so indicated by including the airways or direction of flight in the designation of geographic location.

(c) Unless otherwise specified, place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.19 Bearings; radials; miles.

(a) All bearings and radials in this Part are true from point of origin.

(b) Except as otherwise specified and except that mileages for Federal airways are stated as nautical miles, all mileages in this part are stated as statute miles.

Subpart B—Colored Federal Airways

§ 71.101 Designation.

The airspace areas described in this subpart are designated as colored Federal airways.

§ 71.103 Green Federal Airways.

(To be published separately.)

§ 71.105 Amber Federal Airways.

(To be published separately.)

§ 71.107 Red Federal Airways.

(To be published separately.)

§ 71.109 Blue Federal Airways.

(To be published separately.)

Subpart C—VOR Federal Airways

§ 71.121 Designation.

The airspace areas described in this subpart are designated as VOR Federal airways. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC navigational facilities identified by those names.

§ 71.123 Domestic VOR Federal Airways.

(To be published separately.)

§ 71.125 Alaskan VOR Federal Airways.

(To be published separately.)

§ 71.127 Hawaiian VOR Federal Airways.

(To be published separately.)

Subpart D—Continental Control Area

§ 71.151 Restricted areas included.

The airspace of the following restricted areas at or above 14,500 feet MSL and 1,500 feet or more above the surface of the earth is continental control area. (To be published separately.)

Subpart E—Control Areas and Control Area Extensions

§ 71.161 Designation of control areas associated with jet routes outside the continental control area.

Unless otherwise specified, the airspace areas centered on the following jet route segments and having a lateral extent identical to that of a Federal airway are designated as control areas. Unless otherwise specified, the place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names. (To be published separately.)

§ 71.163 Designation of additional control areas.

Unless otherwise specified, each control area designated below has a lateral extent identical to that of a Federal airway and extends upward from 700 feet (until designated from 1,200 feet or more) above the surface of the earth, except that the airspace of a control area within the lateral limits of a transition area has a floor coincident with that of the transition area. (To be published separately.)

§ 71.165 Designation of control area extensions.

Unless otherwise specified, each control area extension designated below extends upward from 700 feet above the surface of the earth, except that the airspace of a control area extension within the lateral limits of a transition area has a floor coincident with that of the transition area. (To be published separately.)

Subpart F—Control Zones

(To be published separately.)

Subpart G—Transition Areas

§ 71.171 Designation.

The airspace areas described in this subpart are designated as transition areas.

§ 71.173 Transition areas; high altitude navigational facilities.

(To be published separately.)

§ 71.175 Transition areas; low altitude navigational facilities.

(To be published separately.)

§ 71.177 Transition areas; airports.

(To be published separately.)

Subpart H—Positive Control Route Segments and Positive Control Areas

§ 71.191 Designation.

The airspace areas described in this subpart are designated as positive control route segments and positive control areas.

§ 71.193 Positive control route segments.

(To be published separately.)

§ 71.195 Positive control areas.

(To be published separately.)

Subpart I—Reporting Points

§ 71.201 Designation.

The reporting points described in this subpart are designated as reporting points.

§ 71.203 Reporting points; high altitude navigational facilities.

(To be published separately.)

§ 71.205 Reporting points; low altitude navigational facilities.

(To be published separately.)

§ 71.207 Reporting points; airports.

(To be published separately.)

§ 71.209 Reporting points; intersections.

(To be published separately.)

§ 71.211 Reporting points; miscellaneous.

(To be published separately.)

§ 71.213 Reporting points; Canadian.

(To be published separately.)

§ 71.215 Reporting points; Mexican.

(To be published separately.)

§ 71.217 Reporting points; Cuban.

(To be published separately.)

§ 71.219 Reporting points; Bahamian.

(To be published separately.)

§ 71.221 Reporting points; Jamaican.

(To be published separately.)

§ 71.223 Reporting points; Netherlands Antilles.

(To be published separately.)

§ 71.225 Reporting points; Venezuelan.

(To be published separately.)

§ 71.227 Reporting points; Colombian.

(To be published separately.)

§ 71.229 Reporting points; Panamanian.

(To be published separately.)

§ 71.231 Reporting points; Guatemalan.

(To be published separately.)

§ 71.233 Reporting points; Honduran.

(To be published separately.)

§ 71.235 Reporting points; Salvadoran.

(To be published separately.)

§ 71.237 Reporting points; Nicaraguan.

(To be published separately.)

§ 71.239 Reporting points; Costa Rican.

(To be published separately.)

§ 71.241 Reporting points; Haitian.

(To be published separately.)

§ 71.243 Reporting points; Dominican.

(To be published separately.)

§ 71.245 Reporting points; Puerto Rican.

(To be published separately.)

§ 71.247 Reporting points; Virgin Islands.

(To be published separately.)

redesignation of this area from July 1, 1964, to March 28, 1964, is necessary to provide for the orderly transition of aircraft operations from the old to the new airway structure.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Agency, Attention: Chief, Airspace Utilization Division, 1711 New York Avenue NW., Washington, D.C. 20553. All communications received on or before April 27, 1964, will be considered by the Administrator before taking action on the proposed rule. No hearing is contemplated at this time, but one may be held at a later date if the Administrator finds that it would be in the public interest. The proposal contained in this notice may be changed in the light of comments received. All comments will be available in the Docket for examination by interested persons.

The official Docket will be available

Subpart F—Control Zones

§ 71.171 Designation.

The parts of airspace described below are designated as control zones. (To be published separately.)

Subpart G—Transition Areas

§ 71.181 Designation.

The parts of airspace described below are designated as transition areas. (To be published separately.)

Subpart H—Positive Control Route Segments and Positive Control Areas.

§ 71.191 Designation of positive control areas.

The parts of airspace described below are designated as positive control areas. (To be published separately.)

§ 71.193 [Reserved]

Subpart I—Reporting Points

§ 71.201 Designation.

The locations described in this subpart are designated as reporting points.

§ 71.203 Domestic low altitude reporting points.

The reporting points listed below are designated up to but not including 18,000 feet MSL. (To be published separately.)

§ 71.207 Domestic high altitude reporting points.

The reporting points listed below are designated at 1,800 feet MSL to Flight Level 450. (To be published separately.)

§ 71.209 Other domestic reporting points.

The reporting points listed below are designated at all altitudes. (To be published separately.)

§ 71.211 Alaskan low altitude reporting points.

The reporting points listed below are designated up to and including 15,200 feet MSL. (To be published separately.)

§ 71.213 Alaskan high altitude reporting points.

The reporting points listed below are designated above 15,200 feet MSL. (To be published separately.)

§ 71.215 Hawaiian reporting points.

The reporting points listed below are designated at all altitudes. (To be published separately.)

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Subpart A—General

§ 75.1 Applicability.

The routes described in Subpart B of this part between high altitude navigational aids or intersections of their signals are designated as jet routes along which aircraft may be operated between 18,000 feet MSL and flight level 450. The areas described in Subpart C are designated as jet advisory areas along specified jet route segments, VOR/VOR–TAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control areas, or in the vicinity of specific geographical locations.

§ 75.11 Jet routes.

Each jet route consists of a direct course for navigating aircraft between 18,000 feet MSL and flight level 450, inclusive, between the navigational aids and intersections specified for that route. They are designated in Subpart B of this part.

§ 75.13 High altitude navigational aids.

The navigational facilities used in the jet route descriptions in Subpart B of this part, and the following, are high altitude navigational aids:

(a) Nantucket, Mass.—CONSOLAN
(b) Newark, N.J.—RR
(c) Wilmington (Carolina Beach), N.C.—RBN
(d) Marathon, Fla.—RBN
(e) Galveston, Tex.—RBN
(f) Grand Isle, La.—RBN
(g) Egmont Key, Fla.—RBN
(h) Miami, Fla.—RBN
(i) Pensacola, Fla.—RBN
(j) Millville, N.J.—RR
(k) Boston, Mass.—RBN
(l) Squantum, Mass.—RBN

§ 75.15 Jet advisory areas.

(a) Jet advisory areas consist of airspace within the continental control area, as designated in Subpart C of this part.

(b) En route radar jet advisory areas consist of areas within which jet advisory service is provided by using radar. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 240 through flight level 410, inclusive.

(c) Terminal radar jet advisory areas consist of areas in which jet advisory service is provided by using radar. Unless otherwise designated, each of them includes the area within 14 miles on each side of the VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas from flight level 240 through flight level 410, inclusive.

(d) Nonradar jet advisory areas consist of areas within which jet advisory service is provided on a procedural basis without the use of radar. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 270 through flight level 310, inclusive, and from flight level 370 through flight level 410, inclusive.

(e) Jet advisory areas do not include the airspace within positive control areas, prohibited areas, or restricted areas except restricted area military climb corridors and those restricted areas specified in subpart D of Part 71 of this chapter.

(f) Jet advisory areas that are based on jet routes are identified by the associated jet route number. Those based on VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas and those in the vicinity of geographical locations, are identified by geographical names.

§ 75.17 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.

(b) Unless otherwise specified, all mileages in this part are stated as nautical miles.

Subpart B—Jet Routes

§ 75.100 Jet routes.

(To be published separately.)

Subpart C—Jet Advisory Areas

§ 75.200 En route jet advisory areas.

(To be published separately.)

§ 75.300 Terminal jet advisory areas.

(To be published separately.)

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on March 23, 1964.

D. D. THOMAS,
Associate Administrator for Programs.

[F.R. Doc. 64–3036; Filed, Mar. 27, 1964; 8:49 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63–WE–131]

RESTRICTED AREA

Proposed Designation

On July 18, 1963, a rule was published in the FEDERAL REGISTER (28 F.R. 7342) which designated the Blanding, Utah, Restricted Area R–6410, encompassing 102 square miles of airspace from the surface to an unlimited altitude, for continuous use by the Commander, Air Force Missile Development Center, Holloman AFB, New Mexico, September 9, 1963, to November 1, 1963. The Federal Aviation Agency is considering a proposal by the Department of the Air Force for

redesignation of this area from July 1, 1964, to July 31, 1964, inclusive.

The Air Force advised that a series of off-range missile firings will be required to support in-service weapons training and classified research projects. To fulfill the objectives of these projects, redesignation of R–6410 is required. If R–6410 is redesignated as proposed, intermittent missile launchings would be conducted from this area to impact areas within the White Sands, New Mexico, restricted area complex. Except during periods when missile launchings are actually being conducted from R–6410, the using agency would release the area to the Denver ARTC Center for air traffic use.

Since the missiles fired in support of these projects will leave and re-enter restricted airspace at or above flight level 600, they will not adversely affect present aeronautical activity and no restricted area corridor is proposed between the launch and impact sites. However, the Air Force must comply with the provisions of Part 101 of the Federal Aviation Regulations before conducting any missile activity outside restricted airspace, including obtaining any necessary waivers.

The Air Force has assured the Federal Aviation Agency that the White Sands Missile Range safety personnel will take appropriate measures and actions to insure that the firings from the proposed restricted area do not present a hazard to nonparticipating aircraft or persons and property on the ground.

In consideration of the foregoing, it is proposed that R–6410 be redesignated as follows:

R–6410 Blanding, Utah.

Boundaries. Beginning at latitude 37°–33'00" N., longitude 109°33'00" W.; to latitude 37°21'00" N., longitude 109°21'00" W.; to latitude 37°17'00" N., longitude 109°29'–00" W.; to latitude 37°31'00" N., longitude 109°36'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous; July 1, 1964, to July 31, 1964.

Controlling agency. Federal Aviation Agency, Denver ARTC Center.

Using agency. Commander, Air Force Missile Development Center. Holloman AFB, New Mexico.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–3014; Filed, Mar. 27, 1964; 8:46 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63–EA–106]

JET ROUTE

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 84 presently extends from Oakland, Calif., to Northbrook, Ill. The FAA proposes to extend that jet route via the intersection of the Northbrook, Ill., VORTAC 093° and the Carleton, Mich., VORTAC 271° radials; the Carleton VORTAC; the Jefferson, Ohio, VORTAC; the Williamsport, Pa., VORTAC; the intersection of the Williamsport, Pa., 098° and the Kennedy, N.Y., 308° radials; to the Kennedy, N.Y., VORTAC. Such action would augment the existing jet route structure by providing an additional route between mid-eastern and eastern terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–3015; Filed, Mar. 27, 1964; 8:47 am.]

[14 CFR Part 91 [New]]

[Notice No. 64–16; Docket No. 4073]

STANDARD ALTIMETER SETTING

Lowering the Base Altitude

The Federal Aviation Agency is considering a proposal to amend § 91.81 of the Federal Aviation Regulations to lower the base altitude of the standard altimeter setting (QNE) to 18,000 feet MSL. This amendment would provide an adjustment factor for determining, according to the current atmospheric pressure, the minimum safe altitudes and IFR operation altitudes prescribed under §§ 91.79 and 91.119, and would also amend §§ 91.109 and 91.121 (VFR and IFR cruising altitudes or flight levels) to conform with the QNE base altitude.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 13, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 91.81 currently requires the use of two different altimeter setting systems. Paragraph (a)(1) of the section establishes the corrected pressure system (QNH) and provides, in essence, that, during flight at and below 23,500 feet MSL, the cruising altitudes shall be maintained by reference to an altimeter set to the current reported altimeter setting of a station along the route of flight within 100 nautical miles. Paragraph (b) of that section establishes the standard pressure system (QNE) and provides that the flight level of aircraft operating at or above 24,000 feet MSL shall be maintained by reference to an altimeter set to 29.92" Hg.

(ii) On a magnetic course of 180 de-

Prior to January 15, 1959, all altitudes were determined by reference to an altimeter set to a corrected atmospheric pressure. On that date, Civil Air Regulations Amendment 60–13 was adopted and use of the dual altimeter setting begun. After considerable experience had been gained in the use of the standard altimeter setting, the Agency on July 22, 1961, issued Draft Release No. 61–15 to consider the use of the QNE setting above 14,500 feet MSL and the QNH setting at and below 14,500 feet. However, after the issuance of D.R. 61–15, the Agency initiated a study to convert the three-layer airway structure to a two-layer structure. It was envisioned that the planned "dividing" altitude between the two structures would be established at some altitude above 14,500 feet MSL. Accordingly, the continuity between the proposed QNE base altitude and the "dividing" altitude between airway structures would have been lost. This was the primary reason for withdrawal of D.R. 61–15 in September, 1962. However, the comments received in response to that Draft Release were considered in the development of this notice.

Since the development of the new two-layer airway system is nearing completion, it is now possible to establish a base altitude for standard altimeter setting consistent with the "dividing" altitude of the proposed two-level structure, i.e., 18,000 feet MSL. Accordingly, this proposal is made on the bases that:

(1) The standard altimeter setting increases altimeter uniformity between aircraft in flight;

(2) Reduction of the number of altimeter settings will minimize errors resulting from poor enunciation, difficult radio communications, misreadings or missetting the instrument;

(3) There will be a resultant decrease in pilot-controller workload;

(4) The adjustment tables adequately provide for operations in high terrain areas;

(5) Experience with the standard altimeter setting as currently required has been favorable; and

(6) The proposed rule will establish a procedure adaptable to any future program for an automatic altitude reporting system.

Accordingly, it is proposed herein to amend Section 91.81 to require the use of the standard altimeter setting at all times during flight at or above 18,000 feet MSL and to require the use of the corrected pressure system at all times during flight below 18,000 feet MSL. It is necessary to recognize in the rule that, whenever the pressure is less than 29.92" Hg., the level of the aircraft would be below the altimeter indication. For this reason, measures to provide terrain clearance and to preclude conflict between the two systems are included herein. To remain at or above the minimum altitudes prescribed in §§ 91.79 and 91.119, the pilot would apply an adjustment factor computing the minimum altitude in flight levels for various altimeter settings below 29.92"Hg. To maintain prescribed minimum altitudes and the altitudes separation provided by the rules on cruising altitudes, pilots would not be permitted to select nor controllers assign certain flight levels when the altimeter setting is below 29.92"Hg. The number of flight levels so affected would be dependent on the altimeter setting in the area. Flights operating VFR at or above 18,000 feet MSL, but less than 3,000 feet above the surface, would not be required to conform to the hemispheric cruising altitude rules and could, therefore, operate at any flight level at or above the minimum safe altitude.

Two tables would be included in the rule. One table specifies the lowest usable flight level under various atmospheric pressure conditions. The other table specifies the adjustment factor to be applied so as to remain at or above the required minimum altitude. Both tables are scaled in increments of 500 feet with respect to altimeter setting increments of one-half inch of mercury.

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations as follows:

1. By amending § 91.81 to read:

§ 91.81 Altimeter settings.

(a) Each person operating an aircraft shall maintain that aircraft's cruising altitude or flight level, as the case may be, by reference to an altimeter that is set, when operating—

(1) Below 18,000 feet MSL, to—

(i) The current reported altimeter setting of a station along the route and within 100 nautical miles of the aircraft;

(ii) If there is no station within the area prescribed in subdivision (i) of this subparagraph, the current reported altimeter setting of an appropriate available station; or

(iii) In the case of an aircraft not equipped with a radio, the elevation of the departure airport or an appropriate altimeter setting available before departure; or

(2) At or above 18,000 feet MSL, to 29.92"Hg.

(b) The lowest usable flight level is determined by the atmospheric pressure in the area of operation, as shown in the following table:

Altimeter setting (current reported)	Adjustment factor
29.92 or higher	None.
29.91 to 29.42	500 feet.
29.41 to 28.92	1000 feet.
28.91 to 28.42	1500 feet.
28.41 to 27.92	2000 feet.
27.91 to 27.42	2500 feet.
27.41 to 26.92	3000 feet.

(c) In order to convert the minimum altitude in feet to the minimum altitude in flight level, as prescribed under §§ 91.79 and 91.119, the pilot shall take the flight level equivalent of the minimum altitude in feet and add the appropriate number of feet specified below according to the current reported altimeter setting:

Altimeter setting (current reported)	Lowest usable flight level
29.92 or higher	180
29.91 to 29.42	185
29.41 to 28.92	190
28.91 to 28.42	195
28.41 to 27.92	200
27.91 to 27.42	205
27.41 to 26.92	210

2. By amending § 91.109 to read as follows:

§ 91.109 VFR cruising altitude or flight level.

Except while holding in a holding pattern of two minutes or less, or while turning, each person operating an aircraft under VFR in level cruising flight at or above 3,000 feet above the surface, shall maintain the appropriate altitude prescribed below:

(a) When operating below 18,000 feet MSL and—

(1) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude plus 500 feet (such as 3,500, 5,500, or 7,500), or

(2) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude plus 500 feet (such as 4,500, 6,500, or 8,500).

(b) When operating above 18,000 feet MSL to flight level 290 (inclusive), and—

(1) On a magnetic course of zero degrees through 179 degrees, any odd flight level plus 500 feet (such as 195, 215, or 235).

(2) On a magnetic course of 180 degrees through 359 degrees, any even flight level plus 500 feet (such as 185, 205, or 225).

(c) When operating above flight level 290 and—

(1) On a magnetic course of zero degrees through 179 degrees, any flight level, at 4,000 foot intervals, beginning at and including flight level 300 (such as flight level 300, 340, or 380); or

(2) On a magnetic course of 180 degrees through 359 degrees, any flight level, at 4,000 foot intervals, beginning at and including flight level 320 (such as flight level 320, 360, or 400).

3. By amending § 91.121 to read as follows:

§ 91.121 IFR cruising altiture or flight level.

(a) *In controlled airspace.* Each person operating an aircraft under IFR in level cruising flight in controlled airspace shall maintain the altitude or flight level assigned that aircraft by ATC. However, if the ATC clearance assigns "VFR conditions-on-top," he shall maintain an altitude or flight level as prescribed by § 91.109.

(b) *In uncontrolled airspace.* Except while holding in a pattern of two minutes or less, or while turning, each person operating an aircraft, under IFR, in level cruising flight in uncontrolled airspace, shall maintain an appropriate altitude as follows:

(1) When operating below 18,000 feet MSL and—

(i) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude (such as 3,000, 5,000, or 7,000); or

(ii) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude (such as 2,000, 4,000, or 6,000).

(2) When operating at or above 18,000 feet MSL, but below flight level 290, and—

(i) On a magnetic course of zero degrees through 179 degrees, any odd flight level (such as 190, 210, or 230); or

(ii) On a magnetic course of 180 degrees through 359 degrees, any even flight level (such as 180, 200, or 320).

(3) When operating at flight level 290 and above, and—

(i) On a magnetic course of zero degrees through 179 degrees, any flight level, at 4,000 foot intervals, beginning at and including flight level 290 (such as flight level 290, 330, or 370); or

(ii) On a magnetic course of 180 degrees through 359 degrees, any flight level, at 4,000 foot intervals, beginning at and including flight level 310 (such as flight level 310, 350, or 390).

This amendment is proposed under section 307 of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 24, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64–3038; Filed, Mar. 27, 1964; 8:50 a.m.]

purpose classified; they have been ex- extending to February 28, 1965, the ex- cotta Boston, Massachusetts, Docket No.

Notices

POST OFFICE DEPARTMENT

DIRECTOR, PROCUREMENT DIVISION, BUREAU OF FACILITIES

Delegation of Authority

The following is the text of Orders P–64–34 and P–64–35 by the Director, Procurement Division, Bureau of Facilities, dated March 10, 1964:

ORDER No. P–64–34

I do hereby redelegate to the Chief, Inventory and Distribution Branch, or the officer designated as Acting Chief, the authority to sign in his own name:

(a) Invitations for Bids and Amendments thereto.

(b) Contracts, purchase orders and related documents drawn for accountable paper, stamps and stamped paper, (as defined in section 421.1, Postal Manual), and amendments or revisions thereto.

(c) Recommendations on findings and determinations when mistakes in bids solicited at Headquarters are alleged after opening and prior to award.

(d) Recommendations on findings and determinations when mistakes in bids solicited in the field are alleged after opening and either before or subsequent to award.

(e) As approving officer on proposed field contracts exceeding delegated authority, for the local procurement of capital equipment items, for the transfer of excess equipment between regions, and for designating local contracting officers.

(f) Correspondence to organizational components of the Department (except other than routine matters), Regional Directors, postmasters, and private industry, and other official documents in connection with the administration of contracts, purchase orders and other procurement matters authorized in paragraphs (a), (b) and (e) of this order, and in connection with other functions and activities of the Inventory and Distribution Branch.

I do hereby redelegate to the Chief, Supplies, Section, authority to sign in his own name:

(a) Standard Form 1, Printing and Binding Requisitions.

(b) Standard Form 1–C, Printing and Binding Requisition for Specialty Items.

(c) Form GPO 3019 Rev., Printing and Reproduction Service Requisition.

(d) Requisitions for Disbursing Officer's Checks.

(e) POD Form 4710, Shipping Instructions for Purchase Order.

(f) POD Form 3207, Shipping Instructions for Postal Cards.

(g) POD Form 3229, Stamped Paper Transfer Order.

(h) POD Form 1888, Graphics, Printing or Reproduction Order (for field use only).

In the absence of the Chief, Supplies Section, the Assistant Chief of that section is authorized to sign.

I do hereby redelegate to the Chief, Equipment Section, and to Heads of the Furniture and Screenline Unit and the Mechanical Unit, authority to sign POD Form 339, Shipping Instructions for Material in Storage, and POD Form 4710, Shipping Instructions for Purchase Order.

I do hereby redelegate to the Chief, Traffic Section, authority to sign in his own name as Traffic Manager routine correspondence, reports and documents relating to the functions and activities of the Traffic Section, including reports and replies to General Services Administration and General Accounting Office on routings, rates, claims, adjustments and settlements and actions concerning the supplying and processing of Government bills of lading.

This order is effective immediately and cancels Order No. P–63–34 dated April 22, 1963 (28 F.R. 4586).

ORDER No. P–64–35

I do hereby redelegate to the Chief, Contract Branch, the authority to sign in his own name:

(a) All Procurement Division contracts and purchase orders, except those drawn for accountable paper, stamps and stamped paper (as defined in section 421.1, Postal Manual), negotiated contracts as provided for in Assistant Postmaster General, Bureau of Facilities, Order No. 215, dated January 29, 1962, and except for those assigned to other Branches.

(b) Amendments or revisions to contract and purchase orders authorized in paragraph (a) of this order.

(c) General correspondence including that to postmasters and Regional Directors and official documents in connection with the Administration of contracts and purchase orders authorized in paragraphs (a) and (b) of this order, and in connection with other functions and activities of the Contract Branch, except when addressed to other organizational components of the Post Office Department involving other than normal routine matters. The above delegation is subject to the following provisions:

(1) All procurement actions must be submitted for review of the Chief Procurement Officer of the Post Office Department before signature when such procurement actions individually exceed or are expected to exceed $50,000.

(2) All initial procurements of equipment which have been adopted as standard, regardless of purchase amount, must be submitted for review of the Chief Procurement Officer of the Post Office Department before signature.

I do hereby redelegate to the Assistant Chief of the Contract Branch and Head of the Compliance and Review Section the authority to sign contracts, purchase orders and all other contractual correspondence and documentation as outlined above, subject to the same limitations and except that all procurement actions individually in excess of $40,000, and changes and price adjustments to existing contracts in excess of or expected to exceed $10,000, must be submitted for the review of the Chief, Contract Branch.

In the absence of the Chief, Contract Branch, the Assistant Chief has the full authority delegated above to the Chief, Contract Branch.

In the absence of the Chief, Contract Branch, and the Assistant Chief and Head of the Compliance and Review Section, the same authority is delegated to the Head, Inspection and Acceptance Section, as is delegated above to the Chief, Contract Branch, except that changes and price adjustments to existing contracts in excess of or expected to exceed $10,000, must be approved by the Office of General Counsel.

The Chief, Contract Branch, is hereby delegated authority to further redelegate authority to sign general correspondence and other official documents not involving the obligation of funds.

This order is effective immediately and cancels Order No. P–63–42, dated June 7, 1963 (28 F.R. 6300).

(U.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64–3053; Filed, Mar. 27, 1964; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Recreation and Public Purposes Classification Order No. 37–2; Cancellation

MARCH 23, 1964.

1. Pursuant to the authority delegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in Delegation of Authority (F.R. Doc. 64–2127) dated March 4, 1964, I hereby cancel Recreation and Public Purposes Classification Order No. 37–2, covering lands described as follows:

Beginning at the point where the centerline of the Livengood-Eureka Road crosses Hutlinana Creek at approximately 65°09'30" N. Latitude, 150°09'45" W. Longitude;

Thence north 5 chains to the true point of beginning, and corner No. 1; West 5 chains to corner No. 2; South 10 chains to corner No. 3; East 10 chains to corner No. 4; North 10 chains to corner No. 5; West 5 chains to the point of beginning.

Containing 10 acres.

2. Further examination indicates that the lands are no longer needed for the purpose classified; they have been selected by the State of Alaska under the Act of July 7, 1958.

3. This cancellation shall take effect immediately.

ROSS A. YOUNGBLOOD,
District Manager.

[F.R. Doc. 64–3032; Filed, Mar. 27, 1964; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

PRICE SUPPORT PROGRAMS; 1964 AND SUBSEQUENT CROPS

Announcement of Interest Rate

Commodity Credit Corporation announces rate of interest applicable to price support programs on 1964 and subsequent crops or production as follows:

(1) Loans on barley, corn, dry edible beans, flaxseed, grain sorghums, honey, oats, rice, rye, soybeans, tung oil, and wheat shall bear interest at the rate of 30 cents per $100.00 (fractions disregarded) for each calendar month or fraction thereof that the loan is outstanding, excluding the calendar month of repayment.

(2) Loans on all other commodities shall bear interest at the per annum rate of 3½ percent from the date of disbursement of the loan.

(3) Notwithstanding the foregoing, if there has been fraudulent representation in the loan documents, in obtaining the loan, or in connection with settlement or delivery under the loan, or there has been an unlawful disposition of any portion of the commodity under loan, such loan and related charges shall bear interest at the per annum rate of 6 percent from the date of disbursement thereof.

(4) If there has been a fraudulent representation in connection with settlement or delivery under the purchase provisions of a price support program, or in connection with any documents thereunder, any amount paid by FCC on such purchase shall bear interest at the per annum rate of 6 percent from the date of disbursement thereof.

Effective on date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 24, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64–3055; Filed, Mar. 27, 1964; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–133]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an order extending to February 28, 1965, the expiration date specified in Provisional Operating License No. DPR–7 issued to Pacific Gas and Electric Company, authorizing operation at thermal power levels up to 165 megawatts of the Humboldt Bay Unit No. 3 nuclear reactor located in Humboldt County, California.

Copies of the Commission's order and the application dated January 16, 1964, filed by Pacific Gas and Electric Company are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 26th day of March 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of
Licensing and Regulation.

[F.R. Doc. 64–3033; Filed, Mar. 27, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15384–15387; FCC 64M–251]

BERKSHIRE BROADCASTING CORP. (WLAD) ET AL.

Order Scheduling Hearing

In re applications of The Berkshire Broadcasting Corporation (WLAD), Danbury, Connecticut, Docket No. 15384, File No. BP–13925; Chambersburg Broadcasting Company (WCHA), Chambersburg, Pennsylvania, Docket No. 15385, File No. BP–14743; South Jersey Broadcasting Co. (WKDN), Camden, New Jersey, Docket No. 15386, File No. BP–14986; Richard M. Brescia, Jack Wormser and Marnette L. Saz, d/b as Eaglecon, Rockville, Connecticut, Docket No. 15387, File No. BP–14991; for construction permits.

It is ordered, This 23d day of March 1964, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 26, 1964, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., April 24, 1964.

Released: March 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–3059; Filed, Mar. 27, 1964; 8:52 a.m.]

[Docket Nos. 15323–15325; FCC 64M–252]

INTEGRATED COMMUNICATION SYSTEMS, INC., OF BOSTON ET AL.

Order Scheduling Prehearing Conference

In re applications of Integrated Communication Systems, Inc., of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT–3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT–3169; WGBH Educational Foundation, Boston, Massachusetts, Docket No. 15325, File No. BPCT–3277; for construction permits for new television broadcast stations.

Further prehearing conference will be held in this proceeding beginning at 10:00 a.m. on April 2, 1964, to consider the scheduling of new dates for the commencement of hearing.

So ordered, This 24th day of March 1964.

Released: March 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–3060; Filed, Mar. 27, 1964; 8:52 a.m.]

[Docket No. 15388; FCC 64M–250]

SUNDIAL BROADCASTING CORP. (KIBE)

Order Scheduling Hearing

In re application of Sundial Broadcasting Corporation (KIBE), Palo Alto, California, Docket No. 15388, File No. BP–14755; for construction permit.

It is ordered, This 23d day of March 1964, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 26, 1964, in Washington, D.C.; *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., April 24, 1964.

Released: March 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–3061; Filed, Mar. 27, 1964; 8:52 a.m.]

[Docket Nos. 15304–15207; FCC 64M–253]

WHDH, INC. (WHDH–TV)

Order Scheduling Prehearing Conference

In re applications of WHDH, INC. (WHDH–TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT–530, for renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT–3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT–3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT–3171; for construction permits for new VHF television broadcast stations.

It is ordered, This 24th day of March 1964, that a further prehearing conference is scheduled for Tuesday, March 31,

1964, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3062; Filed, Mar. 27, 1964; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

A. F. BURSTROM & SON, INC., ET AL.

Notice of Freight Forwarder Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

A. F. Burstrom & Son, Inc., Detroit, Michigan, is party to the following agreements, the terms of which are identical. The other parties are:

Barco International Corp., Miami, Fla	FF-1451
W. C. Sullivan & Co., Chicago, Ill	FF-1452
James G. Wiley, San Francisco, Calif	FF-1453
John S. Connor, Inc., Baltimore, Md	FF-1454
Morris Friedman & Co., Philadelphia, Pa	FF-1455
R. G. Hobelmann & Co., Inc., Baltimore, Md	FF-1462

Premier Shipping Co., Inc., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

Smith & Kelly Co., Savannah, Ga	FF-1464
Chas. Kurz Co., Philadelphia, Pa	FF-1465

The following agreements have similar terms:

W. L. Richeson & Sons, Inc., New Orleans, La., and Bennett Forwarding Co., Houston, Tex	FF-1448
Jay International, Inc., Philadelphia, Pa., and Competent Shipping Co., New York, N.Y	FF-1456
Trans World Shipping Corp., New York, N.Y., and Stone Forwarding Co., Inc., Corpus Christi, Texas; Houston & Galveston, Tex	FF-1457
J. E. Lowden & Co., San Francisco, Calif., and Jessie M. Paxton, San Diego, Calif	FF-1459
United Forwarders Service, Inc., New York, N.Y., and Coastal Forwarders, Charleston, S.C	FF-1460
Ralph Valls, Corpus Christi, Texas, and Meadows Wye & Co., Inc., New York, N.Y	FF-1461
Seaport Shipping Co. (Seattle), Seattle, Wash., and Tice & Lynch, Inc., New York, N.Y	FF-1468

Agreement No. FF-1449 between Sunshine Forwarders, Inc., Jacksonville, Florida, and Marine Forwarding Co., Inc., New York, New York, is an arrangement whereunder the ocean freight compensation is divided equally. Forwarding and service fees are agreed upon as follows:

Bermuda & Nassau: $2.50.
All other countries:

To pass completed export declarations	$1.25
To pass completed bills of lading	1.25
To prepare or complete and pass export declarations	2.50
To prepare or complete and pass bills of lading	2.50
Preparation of Consul Documents	5.00
Consular Documents (at cost).	
Telephone calls, teletypes or telegrams (at cost).	

Agreement No. FF-1450 between J. T. Steeb & Co., Inc., Portland, Oregon, party (a), and Major Forwarding Co., Inc., New York, New York, party (b), is an arrangement whereunder party (b) agrees to pay $3.00 to party (a) for completing Export Declarations. Ocean freight compensation is to be divided 33⅓ percent for party (a) and 66⅔ for party (b).

Agreement No. FF-1458 between Acco Foreign Shipping, Inc., Miami, Fla., and R. G. Hobelmann & Co., Inc., Philadelphia, Pa., is an arrangement under which forwarding and service fees will be divided as agreed. Ocean freight compensation will be collected in full by the initiating forwarder.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: March 24, 1964.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3047; Filed, Mar. 27, 1964; 8:50 a.m.]

UNIVERSAL TERMINAL AND STEVEDORING CORPORATION AND PRUDENTIAL LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-61, between Universal Terminal and Stevedoring Corporation (Universal), and Prudential Lines, Inc. (Prudential), provides that Universal provide stevedoring and terminal services for Prudential for a term of three years at Pier 11, Brooklyn, New York, at rates set forth in the agreement. Universal also guarantees Prudential two berths at Pier 11, for the berthing of its vessels. As compensation Prudential agrees to pay a guaranteed minimum wharfage charge monthly, plus a fixed amount per each manifest ton handled in excess of 60,000 tons per year.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together wtih a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

MARCH 24, 1964.

[F.R. Doc. 64-3048; Filed, Mar. 27, 1964; 8:50 a.m.]

[Commission Order 1; Amdt. 7]

ORGANIZATION AND FUNCTIONS

Freight Forwarder Licensing

MARCH 5, 1964.

The purpose of this amendment is to delegate to the Managing Director additional authority with respect to freight forwarder licensing as hereinafter provided.

Section 7.04 of the basic order is hereby amended:

Authority to (a) approve, within the framework of prescribed Commission policy and criteria, applications for licenses and to issue or reissue or transfer licenses to persons, partnerships, corporations, or associations desiring to engage in the business of ocean freight forwarding; (b) issue a letter stating that the Commission intends to deny an application unless within 20 days applicant requests a hearing to show that denial of the application is unwarranted or unless within 30 days required security has been filed; (c) deny any application for freight forwarder license where applicant has received a letter of intent to deny and, within the notice period, has not requested a hearing or has not furnished the required security; (d) rescind letters of intent to deny or grant extensions of the time specified in such letters; (e) revoke the grandfather rights of applicants who have requested withdrawal of the application, moved from their last known address and reasonable efforts to locate their present whereabouts have failed, or been denied a license in accordance with subsection (c) of this section.

By order of the Commission.

[SEAL] THOMAS LISI,
Secretary.

MARCH 5, 1964.

[F.R. Doc. 64-3049; Filed, Mar. 27, 1964; 8:50 a.m.]

[Fact Finding Investigation 7]

RATES ON PLYWOOD

Possible Violations of Various Sections of the Shipping Act, 1916

The Federal Maritime Commission has determined from tariffs on file with it that the rates on plywood in the trades from West Coast ports of the United States to Japan, the United Kingdom and Europe are higher than those on the same commodity in the reciprocal trades. A study of the rates involved indicates that the outbound rates on softwood plywood may be so unreasonably high and the inbound rates on hardwood plywood so unreasonably low as to be detrimental to the commerce of the United States, in contravention of section 18(b)(5) of the Shipping Act, 1916; may be contrary to the standards enunciated in section 15 of said Act; and that the failure of the carriers to maintain separate rates for softwood and hardwood plywood in these trades may subject one or both of these commodities to undue or unreasonable prejudice or disadvantage in violation of section 16 of said Act. It is the opinion of the Commission that an investigation for the purpose of developing further information regarding the referred to rates and their impact on the foreign commerce of the United States is necessary in order for the Commission to discharge its duties and responsibilities under the shipping statutes.

Therefore it is ordered, That pursuant to section 22 of the Shipping Act, 1916, a non-adjudicatory investigation is hereby instituted into the rates on plywood from and to the United States, from and to Japan, the United Kingdom and Europe, said investigation to be conducted pursuant to the Commission's rules of practice and procedure, 46 CFR 502.291-302.

It is further ordered, That Leroy F. Fuller of the Commission is appointed as Investigative Officer with full authority as designated in the Commission's rules, 46 CFR 502.291 et seq.

It is further ordered, That it should be in the discretion of the Investigative Officer whether any hearings held hereunder shall be public or non-public. Any persons desiring to present evidence or testimony relevant to this investigation are requested to so inform the Investigative Officer at the offices of the Commission, Washington, D.C., on or before April 15, 1964.

This order shall be published in the FEDERAL REGISTER.

By the Commission, March 24, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3050; Filed, Mar. 27, 1964; 8:51 a.m.]

HOUSING AND HOME FINANCE AGENCY

National Voluntary Mortgage Credit Extension Committee

ORGANIZATION DESCRIPTION

The organization description of the National Voluntary Mortgage Credit Extension Committee published at 29 F.R. 3409, March 14, 1964, is amended under Part III in the following respects:

1. At the end of the first sentence, by changing the number "20410" to "20414".

2. Under the subheading "Region; Area Served; and Address", as to Region II, by inserting after "Delaware," the area "District of Columbia,". As so amended, the Region II regional subcommittee area served and address read as follows:

II; Pennsylvania, New Jersey, Delaware, District of Columbia, Maryland, West Virginia, Virginia; 211 South Broad Street, Philadelphia, Pennsylvania, 19107.

Effective as of the 16th day of March 1964.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator, Chairman, National Voluntary Mortgage Credit Extension Committee.

[F.R. Doc. 64-3039; Filed, Mar. 27, 1964; 8:50 a.m.]

OFFICE OF EMERGENCY PLANNING

JOSEPH D. KEENAN

Appointee's Statement of Change in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Bought: Rank Organization, Kentucky Central Life Insurance, Alleghany Pepsi-Cola.
Sold: None.

This amends statement previously published in the FEDERAL REGISTER August 15, 1963 (28 F.R. 8390).

Dated: March 17, 1964.

JOSEPH D. KEENAN.

[F.R. Doc. 64-3045; Filed, Mar. 27, 1964; 8:50 a.m.]

OTTO L. NELSON

Appointee's Statement of Changes in Business Interests

The following statements lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

There have been no changes since I filed my "Appointee's Statement of Business Interests" dated June 19, 1963, and published in the FEDERAL REGISTER August 15, 1963 (28 F.R. 8391).

Date: February 15, 1964.

OTTO L. NELSON.

[F.R. Doc. 64-3046; Filed, Mar. 27, 1964; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 811-1022, 31-627]

ELECTRIC BOND & SHARE CO.

Notice of and Order for Hearing, and Order Consolidating Proceeding

MARCH 24, 1964.

In the matter of Electric Bond and Share Company, Two Rector Street, New York, New York, 10006; File Nos. 811-1022, and 31-627.

I. Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a closed-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Investment Company Act"), has filed an application (File No. 811-1022) pursuant to section 8(f) of that Act for an order declaring that Bond and Share is not an investment company as defined in section 3(a) thereof; or, alternatively, pursuant to section 3(b)(2) thereof, that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly or through majority-owned subsidiaries. All interested persons are referred to the application on file with the Commission for a complete statement of the representations made therein which are summarized below.

Bond and Share was originally a holding company for a large public-utility company system. Through its controlling interests in five sub-holding company subsidiaries it controlled a large number of public utility operating companies located in the United States and several foreign countries. Until 1961 Bond and Share was subject to the Public Utility Holding Company Act of 1935 ("Holding Company Act") as a registered holding company. In order to comply with certain requirements of that Act, Bond and Share divested itself of all of its interests in domestic electric utility companies and all but relatively minor interests in domestic gas utility companies. It retained, however, a 52.3 percent interest (since reduced to 51.2 percent as of December 31, 1963) in the common stock of American & Foreign Power Company Inc., an exempt holding company whose public-utility subsidiary companies operated in Latin America. With the cash proceeds of its divestments, it acquired a portfolio of marketable securities under a program initiated pursuant to an interim exemption from certain sections of the Holding Company Act. By Findings and Opinion and Order dated December 6, 1960 (40 S.E.C. 387, Holding Company Act Release No. 14326) and pursuant to section 3(a)(5) of the Holding Company Act, Bond and Share

was granted, subject to certain conditions and the imposition of additional conditions if it should become necessary, as to which jurisdiction was reserved, an exemption from the Holding Company Act as a holding company. On February 6, 1961, Bond and Share registered as an investment company under the Investment Company Act. Prior to that time, and subsequent thereto, Bond and Share took major steps to organize or acquire majority-owned subsidiaries, which it states has resulted in its no longer being an investment company as defined in the Investment Company Act.

Bond and Share's assets as of December 31, 1963, consisted of the following:

	Percent voting securities of subsidiaries owned	Valuation by bond and share
Cash		$7,047,763
Interest receivable, prepayments, etc		64,408
Total		7,112,171
Securities of majority-owned subsidiaries:		
Chemical Construction Corp	100.0	31,000,000
Ebasco Services Inc	100.0	
Walter Kidde Constructors, Inc	100.0	
Two Rector Street Corp	100.0	
Escambia Chemical Corp	98.5	30,000,000
EBS Development Corp	100.0	5,175,000
American & Foreign Power Company Inc	51.2	36,970,923
Total majority-owned subsidiaries		103,145,923
Securities of unaffiliated issuers:		
Marketable securities		68,028,557
Prime commercial paper		8,907,323
Miscellaneous		386,575
Total securities of unaffiliated issuers		77,324,455
Total assets		187,582,549

The securities of Bond and Share's majority-owned subsidiaries, except American & Foreign Power Company Inc., were valued by the Board of Directors of Bond and Share in the absence of quoted markets for such securities. The securities of American & Foreign Power Company Inc. and the marketable securities owned by Bond and Share were valued at their market values as of December 31, 1963, and prime commercial paper was valued at amortized cost.

Bond and Share states that none of its majority-owned subsidiaries is engaged in the business of an investment company. Chemical Construction Corporation designs and builds process plants for the chemical, petro-chemical and petroleum industries; Ebasco Services Incorporated provides engineering, construction and management consulting services; Walter Kidde Constructors, Incorporated designs and constructs industrial facilities and commercial and institutional buildings; Two Rector Street Corporation owns and operates an office building occupied by Bond and Share and certain of its subsidiaries; Escambia Chemical Corporation produces industrial chemicals, plastics and resins and plant nutrient materials for agriculture; EBS Development Corporation is engaged in the acquisition, management and development of controlling interests in non-utility enterprises, including retail building material and hardware supermarkets through a wholly-owned subsidiary; and American & Foreign Power Company Inc. is primarily engaged in the public utility business through majority-owned subsidiaries operating in Latin America.

Section 3(a)(1) of the Act defines an investment company as any issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities. Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of section 3(a)(3), "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies. Section 3(b)(2) of the Act provides that, notwithstanding section 3(a)(3), the term "investment company" does not include an issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses. Section 8(f) of the Act provides that whenever the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, subject to appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order the registration of such company as an investment company shall cease to be in effect.

Bond and Share asserts that it is not an investment company as defined in section 3(a)(1) of the Act. It further states that on the basis of its valuations of its assets as of December 31, 1963, set forth in the table above, investment securities constituted 39.9 percent of the value of its total assets (exclusive of Government securities and cash items), and that it was therefore not an investment company as defined in section 3(a)(3) of the Act. In this calculation, Bond and Share has considered prime commercial paper as cash items rather than investment securities. If prime commercial paper is considered to be investment securities, the ratio of investment securities owned by Bond and Share would be 42.8 percent. Bond and Share points out that by reason of fluctuations in values, the value of its holdings of investment securities may at a particular time be somewhat more than 40 percent of the value of its total assets, thereby bringing Bond and Share within the definition of an investment company in section 3(a)(3) of the Act.

The application states that in addition to the fact that the value of Bond and Share's holdings of securities of its majority-owned subsidiaries as of December 31, 1963, constituted 60.1 percent of the value of its total assets (exclusive of Government securities and cash items), dividends and interest received by Bond and Share from such majority-owned subsidiaries represented 65.4 percent of total dividends and interest received by Bond and Share from all sources in the year 1961, 71.6 percent in 1962, and 75.1 percent in 1963. It is stated that the officers of Bond and Share participate fully in the affairs of the subsidiaries as if such subsidiaries were divisions of Bond and Share, and that, with the exception of a vice president in active charge of the portfolio of marketable securities, such officers devote practically all of their time to the management, advice and operation of such subsidiaries rather than to investment company activities. The application states that Bond and Share intends to increase the scope and size of its non-investment business engagements through the expansion and acquisition of majority-owned subsidiaries, which will result in an increase in the percentage of its assets represented by the securities of such subsidiaries.

Bond and Share states that in its statements of policy and its reports to stockholders for the last several years, it has set forth its program of transition to a company whose business is not that of an investment company. Pursuant to section 13(a)(4) of the Act, a proposal that Bond and Share cease to be an investment company was adopted by the stockholders of the company at the annual meeting held on June 26, 1963.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application.

II. The Commission has been advised by its Division of Corporate Regulation that it has made an examination of the representations, conditions, circumstances and considerations upon which Bond and Share was granted exemption as a holding company from the Holding Company Act and enabled to do business as an investment company registered under the Investment Company Act; that it has also examined the application for an order declaring that it has ceased to be an investment company; and that such examination discloses what appear to be material changes in the present and contemplated business and policy of Bond and Share and that the circumstances which gave rise to the order of December 6, 1960, may no longer exist.

The Commission, upon the basis of the information supplied by the Division, deems it appropriate in the public interest and in the interest of investors and consumers that a proceeding, pursuant to section 3(c) of the Holding Company Act and the jurisdiction reserved in its order of December 6, 1960, be instituted to determine whether the Commission's Order of December 6, 1960, granting exemption to Bond and Share pursuant to section 3(a)(5) of the Holding Company Act (Holding Company Act Release No. 14326) should be revoked, modified, or further conditioned, and that a hearing be held in such proceeding.

III. It appearing to the Commission that common issues of law and fact with respect to the proceeding on the application of Bond and Share to be declared not to be an investment company (File No. 811-1022) and the proceeding with respect to Bond and Share's exemption as a holding company (File No. 31-627) are presented or may arise under the applicable provisions of the Investment Company Act and the Holding Company Act making it appropriate that the two proceedings be consolidated;

It is hereby ordered, (a) That pursuant to section 40(a) of the Investment Company Act a hearing be held upon the application under the applicable provisions of that Act and the Rules promulgated thereunder; and (b) that a proceeding (File No. 31-627) be, and the same hereby is, instituted pursuant to sections 3(a)(5), 3(c) and 20(a) of the Holding Company Act in respect of Bond and Share to determine whether the Commission's Order of December 6, 1960 (Holding Company Act Release No. 14326) should be revoked, modified or further conditioned.

It is further ordered, That the proceeding on the application under sections 3(b)(2) and 8(f) of the Investment Company Act and the proceeding under sections 3(a)(5), 3(c) and 20(a) of the Holding Company Act be, and they hereby are, consolidated, without prejudice, however, to the Commission's right, upon its own motion or upon application, to sever such proceedings or any issues therein for hearing or determination.

It is further ordered, That a hearing in the consolidated proceeding be held on the 14th day of April 1964, at 10:00 a.m., at the office of the Commission, 425 Second Street NW., Washington, D.C. Any person desiring to be heard in connection with the consolidated proceeding or proposing to intervene therein shall file with the Secretary of the Commission, Washington, D.C., 20549, on or before the 10th day of April 1964, a written request as prescribed by Rule 9 of the Commission's rules of practice. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address noted above, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) filed contemporaneously with such request.

It is further ordered, That Samuel Binder, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 42 and 42(b) of the Investment Company Act, section 18(c) of the Holding Company Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof and the examination with respect to Bond and Share's exemption as a holding company, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether Bond and Share is an investment company within the meaning of section 3(a)(3) of the Act;

(2) Whether Bond and Share is primarily engaged in a business or businesses other than of investing, reinvesting, owning, holding or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses;

(3) Whether Bond and Share has ceased to be an investment company;

(4) Whether it is necessary for the protection of investors to impose appropriate conditions in connection with the entry of any order declaring that Bond and Share has ceased to be an investment company;

(5) Whether the circumstances which gave rise to the issuance of the Commission's Order of December 6, 1960 pursuant to section 3(a)(5) of the Public Utility Holding Company Act no longer exist; or whether said order should be revoked, modified, or further conditioned.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to Bond and Share, and that notice to all persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3034; Filed, Mar. 27, 1964; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 5]

DEPUTY ADMINISTRATOR FOR PROCUREMENT ASSISTANCE

Delegation of Authority Regarding Procurement Assistance

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended; there is hereby delegated to the Deputy Administrator for Procurement Assistance, the following authority:

A. *Procurement assistance.*

1. To (a) enter into, (b) negotiate, and (c) recommend approval of joint agreements and memoranda of understanding with other Government contracting, procurement or disposal agencies.

2. To take any and all actions necessary to carry out the provisions of joint agreements and memoranda of understanding with other Government contracting, procurement or disposal agencies.

3. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of total Government procurements, including research and development procurements, be made from small business.

4. To take any and all actions necessary to carry out SBA's authority to encourage the letting of subcontracts by prime contractors to small business concerns.

5. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total sales of Government property be made to small business concerns.

6. To appeal determinations made under joint agreements or memoranda of understanding by Government contracting, procurement or disposal agencies to the heads of such agencies.

7. To take any and all actions relating to SBA prime contracting authority.

8. To take any and all actions necessary to carry out the certificate of competency provisions of the Small Business Act, including the issuance or denial of such certificates.

9. To take any and all actions necessary to carry out SBA's authority to make an inventory of productive facilities of small business concerns.

10. To take any and all actions necessary to carry out SBA's authority to utilize effectively the productive facilities of small business concerns.

11. To take any and all actions necessary to carry out SBA's authority to enable small business to obtain materials from its normal sources.

12. To take any and all actions necessary to carry out SBA's authority for procurement assistance in surplus labor areas and area redevelopment areas in the implementation of procurement assistance programs in such areas.

II. The specific authority delegated in subsections I.A.1(a) and I.A.6 may not be redelegated.

III. All authorities delegated herein may be exercised by any employee of SBA designated as Acting Deputy Administrator for Procurement Assistance.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for Procurement Assistance in Delegation of Authority No. 20 (Revision 4), as amended (25 F.R. 7417, 26 F.R. 4440) is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date: March 2, 1964.

EUGENE P. FOLEY, *Administrator.*

[F.R. Doc. 64-3035; Filed, Mar. 27, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 25, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38902: *Cement from Redwood, Miss.* Filed by Southwestern Freight Bureau, agent (No. B-8533), for interested rail carriers. Rates on cement and related articles, in carloads, from Redwood, Miss., to points in Arkansas, Louisiana and Texas.

Grounds for relief: Market competition and short-line distance formula.

Tariff: Supplement 13 to Southwestern Freight Bureau, agent, tariff I.C.C. 4531.

FSA No. 38903: *Processed Clay to Crystal City, Mo.* Filed by O. W. South, Jr., agent (No. A4475), for interested rail carriers. Rates on processed clay, in carloads, from Attapulgus, Ga., Crossley, Fla., and points taking same rates, to Crystal City, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 30 to Southern Freight Association, agent, tariff I.C.C. S-206.

FSA No. 38904: *Ground Barytes from Points in Missouri.* Filed by Southwestern Freight Bureau, agent (No. B-8531), for interested rail carriers. Rates on ground barite (barytes), in carloads, from specified points in Missouri, to Henderson, Mineola and Tyler, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 17 to Southwestern Freight Bureau, agent, tariff I.C.C. 4509.

FSA No. 38905: *Common Salt from Saline and Promontory Point, Utah.* Filed by Trans-Continental Freight Bureau, agent (No. 418), for interested rail carriers. Rates on common salt, as described in the application, in carloads, from Saline and Promontory Point, Utah, to points in Colorado and Wyoming.

Grounds for relief: Market competition and short-line distance formula.

Tariffs: Supplement 3 to Denver and Rio Grande Western Railroad Company tariff I.C.C. 1079 and supplement 14 to Union Pacific Railroad Company tariff I.C.C. 5541.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3051; Filed, Mar. 27, 1964; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 24, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38900: *Screened Gravel from Dickason Pit, Ind.* Filed by Illinois Freight Association, agent (No. 233), for and on behalf of the Chicago & Eastern Illinois Railroad Company. Rates on screened gravel, in carloads, from Dickason Pit, Ind., to Cadwell, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 35 to Chicago & Eastern Illinois Railroad Company tariff I.C.C. 330.

FSA No. 38901: *Screened Gravel from Dickason Pit, Ind.* Filed by Illinois Freight Association, agent (No. 234), for and on behalf of the Chicago & Eastern Illinois Railroad Company. Rates on screened gravel, in carloads, from Dickason Pit, Ind., to Shelbyville, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 35 to Chicago & Eastern Illinois Railroad Company tariff I.C.C. 330.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-2978; Filed, Mar. 26, 1964; 8:49 a.m.]

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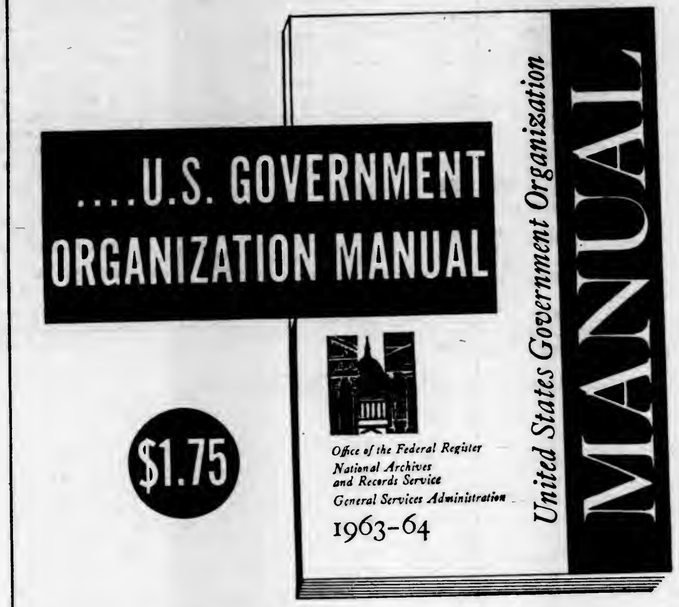
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PART II

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Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

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PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

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PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Sterility Test Methods and Procedures

In the matter of amending the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs that are required to be sterile:

An order in the above-entitled matter was published in the FEDERAL REGISTER June 4, 1963 (28 F.R. 5462 et seq.). Subsequently, numerous comments and objections were received, meeting were held with various manufacturing groups, and the changes effected are shown in the following republication of the amendments. This republication revokes the order of June 4, 1963.

Title 21, Chapter I (21 CFR Parts 141, 141a, 141b, 141c, 141d, 141e, 146, 146a, 146b, 146c, 146d, 146e), is amended as follows:

1. By adding to Title 21, Chapter I, Subchapter C, the following new part:

Sec.
141.1 [Reserved]
141.2 Sterility test methods and procedures.

§ 141.1 [Reserved]

§ 141.2 **Sterility test methods and procedures.**

(a) *Laboratory facilities.* The test must be performed using aseptic techniques in an area as free from contamination as is possible to achieve. Testing should not be conducted under direct exposure to ultraviolet light or in areas under aerosol treatment. Environmental tests to assess the suitability of testing conditions should be made frequently enough to assure the validity of test results.

(b) *Culture media.* Use ingredients that conform to the standards prescribed by the U.S.P. or N.F. In lieu of preparing the media from the individual ingredients, they may be made from dehydrated mixtures which, when reconstituted with distilled water, have the same or equivalent composition as such media and have growth-promoting, buffering, and oxygen tension-controlling properties equal to or better than such media. The pH of each medium should be adjusted with 2*N* hydrochloric acid or sodium hydroxide before sterilization, so that after sterilization and the addition of the penicillinase, if necessary, the pH will fall within the specified range.

Dispense 90±10 milliliter quantities of the liquid media into individual test tubes (38 millimeters x 200 millimeters). Close the tubes with suitable closures, and sterilize in an autoclave at 121° C. for 20 minutes. The autoclave temperature should be reached within 10 minutes. After sterilization, cool the medium at once to approximately 25° C. and store at 20° C. to 30° C. The sterility of each lot of tubes of liquid medium may be confirmed by incubating an adequate number of tubes as described in the test procedures in paragraph (e) of this section.

(1) *Medium A.* Use U.S.P. fluid thioglycolate medium I.

(2) *Medium B.* Use U.S.P. fluid thioglycolate medium I, with sufficient sterile penicillinase added to inactivate the penicillin activity in the sample under test. The penicillinase must be added to individual tubes of sterile medium A, using aseptic technique. Prior to use, or at the time of the test, a representative number of the tubes containing added penicillinase are incubated at 30° C.–32° C. for 24 hours to 48 hours, and are examined for sterility. If the sample contains penicillin as the only antibiotic, the ability of the penicillinase to inactivate all the penicillin in the sample under test is checked as follows: Add to one test tube of medium B the proper amount of penicillin from one of the individual containers under test.

(3) *Diluting fluid C.* Dissolve 0.5 gram use that volume that contains 300,000

Then add 1.0 milliliter of a 1: 1,000 dilution of an 18–24 hour culture of Staphylococcus aureus (American Type Culture Collection 6538–P) in medium A. Typical microbial growth must be observable after 24 hours incubation at 30° C.–32° C. If the sample contains a mixture of penicillin plus some other antibiotic, the ability of the penicillinase to inactivate all the penicillin in the sample is not tested directly on the sample under test, but is determined separately, using an amount of penicillin alone equivalent to the amount of penicillin in the sample or by any other suitable method for standardizing the penicillin-inactivating power of the penicillinase preparation.

(3) *Medium C.* To each liter of medium A add 5.0 milliliters of polysorbate 80 before sterilization. To each tube of sterilized medium add sufficient sterile penicillinase, and proceed as directed for medium B.

(4) *Medium D.* To each liter of medium A add 5.0 milliliters of polysorbate 80 and sufficient 2*N* sodium hydroxide so that the pH will be 7.9±0.1 after sterilization. Then add sufficient sterile penicillinase to each tube and proceed as directed for medium B.

(5) *Medium E.* Use U.S.P. fluid Sabouraud medium.

(6) *Medium F.* To each liter of medium E add 5.0 milliliters of polysorbate 80 before sterilization. To each tube of sterilized medium add sufficient sterile penicillinase to solubilize the penicillin in the sample to be tested.

(7) *Medium G.* Prepare as follows:

Peptic digest of animal tissue	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.6±0.1.

Suspend the powder in a liter of distilled water. Allow to stand for 5 minutes, then mix thoroughly. Boil for 1 or 2 minutes or until solution is complete. Dispense in suitable flasks and sterilize at 121° C. for 15 minutes. Aseptically pour approximately 25-milliliter quantities into sterile Petri dish bottoms measuring 20 millimeters x 100 millimeters. Cover plates with sterile porcelain tops, glazed on the outside. Allow plates to stand at room temperature for 48 hours prior to use as a control on the sterility of the plates.

(8) *Medium H.* Prepare, sterilize, and dispense as described for medium G, except as follows:

Dextrose	40.0 gm.
Peptic digest of animal tissue	10.0 gm.
Agar	15.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 5.6±0.1 after sterilization.

(c) *Diluting fluids*—(1) *Diluting fluid A.* Dissolve 1 gram of U.S.P. peptic digest of animal tissue or equivalent in sufficient distilled water to make 1,000 milliliters. Dispense in flasks and sterilize as described in paragraph (b) of this section. Final pH=7.1±0.1.

(2) *Diluting fluid B.* To each liter of diluting fluid A add 5.0 milliliters of polysorbate 80 before sterilization.

(3) *Diluting fluid C.* Dissolve 0.5 gram of sodium thioglycolate in sufficient distilled water to make 1,000 milliliters, and adjust with NaOH so that after sterilization the final pH will be pH 6.6±0.6. Dispense in flasks and sterilize as described in paragraph (b) of this section.

(d) *Bacterial membrane filter.* The filter has a nominal porosity of 0.45 micron ±0.02 micron, a diameter of approximately 47 millimeters, and a flow-rate of 55 milliliters to 75 milliliters of distilled water passing each square centimeter of filter area per minute with a differential pressure of 70 centimeters of mercury at 25° C.

(e) *Conduct of test*—(1) (i) *Bacterial membrane filter method.* From each of 20 immediate containers, aseptically transfer approximately 300 milligrams of solids if it is not a liquid drug, or 1 milliliter by volume if it is a liquid drug, or the entire contents if the container contains less than these amounts; except that if it is a liquid drug containing penicillin in a concentration greater than 300,000 units per milliliter, use the volume that contains 300,000 units, into a sterile 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. (If it is a composite sample packaged in one immediate container in accordance with the requirements of § 146.1(c) of this chapter, transfer the entire contents, or approximately 6 grams, into the Erlenmeyer flask.) Stopper the flask and swirl to dissolve the drug. As soon as the sample has completely dissolved, aseptically filter the solution through a bacteriological membrane filter. All air entering the filtering system is filtered through air filters capable of removing microorganisms. Filter three 100-milliliter quantities of diluting fluid A through the membrane to remove residual antibiotic. By means of a sterile circular blade, paper punch, or any other suitable sterile device, cut a circular portion (approximately 17.5 millimeters diameter) from the center of the filtering area. Transfer the cut center area to a sterile 38 millimeters x 200 millimeters (outside dimensions) test tube containing 90±10 milliliters of sterile medium A. Incubate the tube for 7 days at 30° C.–32° C. Using sterile forceps, transfer the remaining outer portion of the membrane into a second similar tube containing 90±10 milliliters of medium E. Incubate the second tube for 7 days at 22° C.–25° C.

(ii) In lieu of the method described in subdivision (i) of this subparagraph, two separate tests may be performed, using a pool of 10 containers for each test. This modification must be used if the pooled portions from 20 containers will not dissolve completely in 200 milliliters of diluting fluid or will not filter rapidly.

(2) *Direct method.* From each of 20 immediate containers, transfer approximately 300 milligrams of solids if it is not a liquid drug, or 1 milliliter by volume if it is a liquid drug, or the entire contents if it contains less than these amounts, except if it is a liquid drug containing penicillin in a concentration greater than 300,000 units per milliliter use that volume that contains 300,000 units, into individual sterile test tubes (38 millimeters x 200 millimeters) containing 90±10 milliliters of medium A. Incubate all tubes at 30° C.–32°C. for 7 days. Gently agitate the tubes every 1 to 3 days or until complete solubilization occurs. At intervals, examine all tubes for visible growth. If growth is observed in any tube, confirm by microscopic examination. From each of the same 20 immediate containers, transfer approximately 300 milligrams of antibiotic activity to individual sterile test tubes (38 millimeters x 200 millimeters) containing 90±10 milliliters of medium E, or use the entire contents of 20 additional containers, if each container has less than 300 milligrams of antibiotic activity. Incubate all tubes at 22° C. to 25° C. for 7 days. Gently agitate the tubes every 1 to 3 days or until complete solubilization occurs. At intervals, examine all tubes for visible growth. If growth is observed in any tube, confirm by microscopic examination.

(f) *Evaluation of results*—(1) *Bacterial membrane-filter method.* The batch, or the part of the batch represented by a particular filling operation, meets the requirements of the test if no sample tube shows growth. If growth is observed in any sample tube, run a second test in the appropriate medium, except perform it in duplicate, using 40 immediate containers. If in the original test, growth is observed in only one of the two media, test both portions of the cut filter membrane by placing each into a separate tube of the same medium. The batch meets the requirements if no tube on the second test shows growth. If growth is observed in any of the control tubes as well as in the sample tubes in either the original or the second test, such test is invalid and must be performed again. In any event, further tests may be justified if there is sufficient reason to believe that the results obtained in the first and second tests may not be valid. In such instances, the batch is satisfactory if on the final test no tube shows growth.

(2) *Direct method.* The batch, or the part of the batch represented by a particular filling operation, meets the requirements of the test if no tube shows growth after incubation. If growth is observed in any sample tube, run a second test in the appropriate medium using 40 immediate containers. The batch is satisfactory if, on the second test, no tube shows growth. If growth is observed in any of the control tubes (except inoculated tubes, if the sample is penicillin) as well as in the sample tubes in either the original or the second test, such test is invalid and must be performed again. In any event, further tests may be justified if there is sufficient reason to believe that the results obtained on the first and second tests may not be valid. In such instances the batch is satisfactory if in the final test no tube shows growth.

(Secs. 507, 701, 52 Stat. 1055, 59 Stat. 463, as amended, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389, 76 Stat. 785, 786, 787; 21 U.S.C.A. 357, 371)

2. Section 141a.2 is changed to read:

§ 141a.2 Sodium penicillin, calcium penicillin, potassium penicillin; sterility.

Processed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) or (2) of that section, except if using the method in paragraph (e)(2), use medium B in lieu of medium A.

3. In § 141a.7 *Penicillin in oil and wax*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

4. In § 141a.17 *Penicillin sulfonamide powder*, paragraph (c) is amended to read:

(c) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

5. In § 141a.23 *Crystalline penicillin and epinephrine in oil*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

6. In § 141a.24 *Aluminum penicillin*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

7. In § 141a.26 *Procaine penicillin*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

8. Section 141a.27 *Procaine penicillin in oil* is amended by adding thereto paragraphs (b) and (c) as follows:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

(c) *Moisture.* Proceed as directed in § 141a.7(c).

9. In § 141a.29 *Procaine penicillin for aqueous injection*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

10. In § 141a.30 *Ephedrine penicillin*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) or (2) of that section, except if using the method in paragraph (e)(2), use medium B in lieu of medium A.

11. In § 141a.34 *Procaine penicillin and crystalline penicillin in oil*, paragraph (e) is amended to read:

(e) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

12. In § 141a.39 *Penicillin-streptomycin; penicillin-dihydrostreptomycin veterinary*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter using the method described in paragraph (e)(1) of that section, except if the product contains procaine penicillin add sufficient penicillinase to the peptone water and swirl the flask to completely solubilize the procaine penicillin before filtration. However, if the preparation contains *l*-ephenamine penicillin, or if homogenizers or suspending agents prevent solubilization, proceed as directed in § 141.2(e)(2) of this chapter, except use medium B in lieu of medium A. If the preparation contains diethylaminoethyl ester penicillin G hydriodide, proceed as described in § 141.2(e)(2) of this chapter, except use medium D in lieu of medium A.

13. In § 141a.42 *Crystalline penicillin and bacitracin*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

14. In § 141a.43 *l-Ephenamine penicillin G*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E.

15. In § 141a.44 *l-Ephenamine penicillin G in oil*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E.

16. In § 141a.45 *l-Ephenamine penicillin G for aqueous injection*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E.

17. In § 141a.46 *Procaine penicillin in streptomycin sulfate solution; procaine penicillin in dihydrostreptomycin sulfate solution veterinary*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

18. In § 141a.47 *Benzathine penicillin G*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, medium F in lieu of medium E, and during the period of incubation shake the tubes at least once daily.

19. In § 141a.51 *Diethylamioethyl ester penicillin G hydriodide*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium D in lieu of medium A.

20. In § 141a.52 *Diethylaminoethyl ester penicillin G hydriodide for aqueous injection*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium D in lieu of medium A.

21. In § 141a.54 *Benzathine penicillin G for aqueous injection*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

22. In § 141a.55 *Benzathine penicillin G and buffered crystalline penicillin for aqueous injection*, paragraph (e) is amended to read:

(e) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

23. In § 141a.59 *Penicillin-streptomycin-bacitracin dental paste; penicillin-dihydrostreptomycin-bacitracin dental paste*, paragraph (c) is amended to read:

(c) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use 0.5 milliliter of the sample, medium B in lieu of medium A, and add sufficient 2*N* sodium hydroxide to medium E so that the pH will be 7.4 after sterilization.

24. In § 141a.60 *Penicillin and dihydrostreptomycin-streptomycin sulfates veterinary* • • •, paragraph (b) is changed to read:

(b) *Sterility*—(1) *Penicillin and dihydrostreptomycin-streptomycin sulfate solution.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(2) *Procaine penicillin in dihydrostreptomycin-streptomycin sulfate solu-*

46. In § 141c.235 *Tetracycline hydro-*

chapter, using the method described in

residue of approximately 200 milligrams

tion. Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

25. In § 141a.61 *Benzathine-procaine buffered crystalline penicillins for aqueous injection*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

26. In § 141a.67 *Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution* * * *, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

27. In § 141a.68 *Benzathine penicillin G and streptomycin* * * *, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

28. In § 141a.72 *Dibenzylamine penicillin G (dibenzylamine penicillin G salt)*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

29. In § 141a.78 *Benzathine penicillin G in oil*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

30. In § 141a.79 *Benzathine penicillin G and procaine penicillin G in oil*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

31. In § 141a.80 *Benzathine penicillin G-procaine penicillin G-streptomycin in oil* * * *, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

32. In § 141a.83 *Benzathine penicillin V (benzathine penicillin V salt)*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

33. In § 141a.99 *Benzathine penicillin V for aqueous injection veterinary*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubations, shake the tubes at least once daily.

34. In § 141a.103 *Methicillin sodium*, paragraph (b) is amended to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) or (2) of that section. If using the method in paragraph (e)(2) of that section, use medium B in lieu of medium A.

35. Section 141b.102 is amended to read:

§ 141b.102 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; sterility.

Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

36. In § 141b.108 *Dihydrostreptomycin sulfate* * * *, paragraph (c) is changed to read:

(c) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

37. In § 141b.114 *Streptomycin-bacitracin-polymyxin gauze pads*, paragraph (b) is changed to read:

(b) *Sterility.* Using the entire gauze pad when possible or the largest portion that can be inserted into the culture tube, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section.

38. In § 141b.121 *Streptonicozid sulfate*, paragraph (d) is changed to read:

(d) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

39. In § 141c.201 *Chlortetracycline hydrochloride*, paragraph (b) is changed to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use 50 milligrams in lieu of 300 milligrams.

40. In § 141c.206 *Chlortetracycline aphthalmic* * * *, paragraph (c) is changed to read:

(c) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use 50 milligrams in lieu of 300 milligrams.

41. In § 141c.211 *Chlortetracycline surgical powder* * * *, paragraph (b) is changed to read:

(b) *Sterility.* Use approximately 50 milligrams from each immediate container and proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section. However, if it is packaged with inert gases, thoroughly cleanse the valve (do not flame) of each container to be tested with a suitable disinfectant. Into each of two empty, sterile Erlenmeyer flasks stoppered with a cotton plug, spray approximately the equivalent of 50 milligrams (activity) from 10 separate cans by removing the plug temporarily and using aseptic technique while spraying; allow propellant to evaporate, add 250 milliliters of diluting fluid A as described in § 141.2(c)(1) of this chapter, and proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

42. In § 141c.213 *Chlortetracycline gauze packing*, paragraph (b) is changed to read:

(b) *Sterility.* Using the entire gauze packings when possible, or the largest portion that can be inserted into the culture tube, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section.

43. In § 141c.214 *Chlortetracycline dressing*, paragraph (b) is changed to read:

(b) *Sterility.* Using approximately one-fourth of each individual dressing to be tested, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section.

44. In § 141c.221 *Tetracycline hydrochloride for intramuscular use* * * *, paragraph (b) is changed to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use 50 milligrams in lieu of 300 milligrams.

45. In § 141c.227 *Chlortetracycline spray dressing (chlortetracycline hydrochloride spray dressing)*, paragraph (b) is changed to read:

(b) *Sterility.* Use approximately 50 milligrams from each immediate container, and proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section.

46. In § 141c.235 *Tetracycline hydrochloride-oleandomycin phosphate for aqueous injection*, paragraph (b) is changed to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use 50 milligrams in lieu of 300 milligrams.

47. In § 141c.242 *Tetracycline neomycin complex powder topical* * * *, paragraph (b) is changed to read:

(b) *Sterility.* Thoroughly cleanse with a suitable disinfectant the valve (do not flame) of each container to be tested. Into each of two empty, sterile Erlenmeyer flasks stoppered with a cotton plug, spray quantities sufficient to yield a dry residue of approximately the equivalent of 50 milligrams from 10 separate cans by removing the plug temporarily and using aseptic technique while spraying; allow propellant to evaporate, add 250 milliliters to 500 milliliters of diluting fluid B in lieu of diluting fluid A, and swirl the flasks to dissolve the contents. Then proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

48. In § 141c.244 *Tetracycline hydrochloride-neomycin spray ointment topical*, paragraph (b) is changed to read:

(b) *Sterility.* Use 500 milligrams of ointment from each immediate container and proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section.

49. In § 141c.247 *Chlortetracycline hydrochloride impregnated surgical silk*, paragraph (b) is changed to read:

(b) *Sterility.* Using individual sutures, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section.

50. In § 141c.249 *Rolitetracycline for intravenous use*, paragraph (b) is changed to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use 50 milligrams in lieu of 300 milligrams.

51. In § 141c.250 *Rolitetracycline for intramuscular use*, paragraph (b) is changed to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use 50 milligrams in lieu of 300 milligrams.

52. In § 141d.301 *Chloramphenicol*, paragraph (b) is changed to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use 50 milligrams in lieu of 300 milligrams.

53. In § 141d.304 *Chloramphenicol ophthalmic*, paragraph (c) is changed to read:

(c) *Sterility.* Use entire contents, and proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except if it contains a corticoid use 0.5 milliliter of the suspension of the sample prepared according to label directions and proceed as directed in paragraph (e)(2) of that section.

54. § 141d.307 *Chloramphenicol solution* * * * paragraph (b) is changed to read:

(b) *Sterility*—(1) *Chloramphenicol solution.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except add the contents of each container directly to the dry filter, thus eliminating the preliminary solubilization step.

(2) *Chloramphenicol for aqueous injection.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use 50 milligrams in lieu of 300 milligrams.

55. In § 141d.314 *Chloramphenicol sodium succinate*, paragraph (b) is changed to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

56. In § 141d.315 *Chloramphenicol sodium succinate for aqueous injection*, change paragraph (b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

57. In § 141e.401 *Bacitracin*, paragraph (b) is changed to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

58. In § 141e.408 *Bacitracin ophthalmic*, paragraph (d) is changed to read:

(d) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

59. In § 141e.430 *Bactitracin-neomycinpolymyxin powder topical* * * *, paragraph (c) is revised to read:

(c) *Microorganism count*—(1) *Conduct of test for bacteria*—(i) *Dry powder.* Using approximately 200 milligrams of powder from each of five separate immediate containers, proceed as directed in § 141.2(e)(1) of this chapter, except after the three washings transfer the entire filter membrane from one of the filters to the surface of medium G as described in § 141.2(b)(7) of this chapter. Incubate the plate for 5 days at 30° C.–32° C. Count the number of colonies appearing on each filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(ii) *Powder packaged with inert gases.* Thoroughly cleanse the valve of each container to be tested with a suitable disinfectant. Into an empty, sterile Erlenmeyer flask stoppered with a cotton plug, spray a quantity sufficient to yield a dry residue of approximately 200 milligrams from each of five separate immediate containers, by removing the cotton plug temporarily and using aseptic technique while spraying. Allow the propellant to evaporate, add 250 milliliters to 500 milliliters of diluting fluid C as described in § 141.2(c)(3) of this chapter, and swirl the flask to dissolve the contents. Then proceed as described in subparagraph (1)(i) of this paragraph.

(2) *Conduct of test for molds and yeasts*—(i) *Dry powder.* Proceed as directed in § 141.2(e)(1) of this chapter, using approximately 200 milligrams from each of the five containers tested, except use the agar medium H as described in § 141.2(b)(8) of this chapter, and incubate at 22° C.–25° C. for 5 days. Count the number of colonies appearing on the filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(ii) *Powder packaged with inert gases.* Proceed as directed in subparagraph (1)(ii) of this paragraph, use agar medium H as described in § 141.2(b)(8) of this chapter, and incubate at 25° C. for 5 days.

(3) *Evaluation of results.* The microorganism count of the sample is satisfactory if the average number of viable microorganisms is not more than 10 per gram of powder, or of residue exculsive of propellant, if it is packaged with inert gases.

60. Section 146.1 is amended by deleting paragraph (k) and by adding thereto the following new paragraphs (n) and (o):

§ 146.1 Definitions and interpretations applicable to Parts 146, 146a, 146b, 146c, 146d, 146e, and 147.

* * * * * *

(n)(1) The term "filling operation" when used in connection with samples of a batch required for sterility testing refers to that period of time not longer than 24 consecutive hours during which a homogeneous quantity of a drug is being filled continuously into market-size containers and during which no changes are made in the equipment used for filling. (Short rest periods for operators of the filling equipment and the time required to change operators between consecutive shifts are not considered as a break in continuity of the filling operation.) If more than one filling device is used during the filling operation, the samples shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill a batch, each container in the sample shall be identified with the number of the operation.

(2) For the purpose of sterility testing, the term "sample" means the total number of containers from each filling operation.

(o) If a batch of a sterile antibiotic is packaged for repacking or for use as an ingredient in the manufacture of another drug, the sample required for sterility testing may be packaged in one container, in lieu of 20 containers, or in

two containers in lieu of 40 containers, under the following conditions:

(1) The weight or volume of the sample is equivalent to the composite weight or volume required for a multiple container sample;

(2) The sample is a composite of samples taken from all parts of the batch; and

(3) The sterility method prescribed for the drug by the regulations in this chapter is "Bacterial membrane filter method" described in § 141.2(e)(1) of this chapter.

61. Section 146a.15 is amended in the following respects:

a. By changing paragraph (d) (2) and (3) to read:

§ 146a.15 Methicillin sodium.

• • • • • •

(d) *Request for certification; samples.* • • •

(2) If such batch is packaged for dispensing, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: Nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $5.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) (i) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test in accordance with paragraph (d) (2) (ii) and (3) (ii) of this section.

62. Section 146a.19 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (i) and (ii) and the concluding sentence to subparagraph (4) to read:

§ 146a.19 Benzathine penicillin V for aqueous injection, veterinary.

• • • • • •

(d) *Request for certification; samples.* • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams.

(4) • • •

(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages each containing approximately 600 milligrams.

Each such package shall be taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3 (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

63. Section 146a.24 is amended in the following respects.

a. By changing paragraph (d) (2) and (3) to read:

(2) If such batch is packaged for dispensing, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility: One immediate container for each 5,000 containers in the batch, but in no case less than the following number of containers:

(*a*) If it is not crystalline penicillin, six.

(*b*) If it is crystalline penicillin, but it is not crystalline penicillin G or crystalline penicillin O, eight.

(*c*) If it is crystalline penicillin G or crystalline penicillin O, ten.

(*d*) If it is packaged in containers of less than 100,000 units each for dental use, 20, if it is not crystalline penicillin; and 40 if it is crystalline penicillin.

Such samples shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams.

(3) If such batch is packaged for repacking or for use in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: Six packages; or in the case of crystalline penicillin, 10 packages, containing approximately equal portions of not less than 60 milligrams each.

(ii) For sterility testing: 20 packages each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) (*a*), (*b*), and (c), (3) (i), and (4) of this section; $1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) (i) (*d*) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) and (3) (ii) of this section.

64. Section 146a.25 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (ii) and the concluding sentence to subparagraph (3) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than five packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 146a.24(b).

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (ii) (*b*) of this section.

65. Section 146a.35 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (ii) and the concluding sentence in subparagraph (3) to read:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers, unless each such container is packaged to contain more than 1 gram, in which case the sample shall consist of 1 gram for each 5,000 immediate containers in the batch, but in no case less than 5 grams.

Such samples shall be collected by taking single immediate containers or 1-gram portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams of powder.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility: Five packages; or in the case of crystalline penicillin, 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 146a.24(b).

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (ii) (*b*) of this section.

66. Section 146a.41 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (ii) and the concluding sentence in subparagraph (3) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 500 packages in the batch, but in no case less than five packages or more than 15 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility: 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 146a.24(b).

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*) and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (ii) (*b*) of this section.

67. Section 146a.42 is amended in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and the concluding sentence in subparagraph (2) to read:

(i) For all tests except sterility: Six packages, containing approximately equal portions of not less than 60 milligrams each.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) of this section.

68. Section 146a.43 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (ii) and the concluding sentence in subparagraph (3) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 500 packages in the batch, but in no case less than three packages or more than 12 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility: 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 146a.24(b).

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*) and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (b) and (ii) (*b*) of this section.

69. Section 146a.44 is amended in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and the concluding sentence in subparagraph (2) to read:

(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) of this section.

70. Section 146a.45 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (ii) and the concluding sentence in subparagraph (3) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than five packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams.

(ii) The aluminum penicillin used in making the batch:

(*a*) For all tests except sterility: Six packages, each containing approximately equal portions of not less than 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of § 146a.42(b).

b. By changing paragraph (e)(1) to read:

(1) $8.00 for each package in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) (*a*) and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (b) and (ii) (*b*) of this section.

71. Section 146a.46 is amended in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and the concluding sentence in subparagraph (2) to read:

(i) For all tests except sterility: Six packages, containing approximately equal portions of not less than 60 milligrams each.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) of this section.

72. Section 146a.47 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (ii) and the concluding sentence in subparagraph (3) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 500 packages in the batch, but in no case less than three packages or more than 12 packages.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility: 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 146a.24(b).

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*) and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (ii) (*b*) of this section.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams.

(ii) The procaine penicillin used in making the batch:

(*a*) For all tests except sterility: 10 packages, each containing approximately equal portions of 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of § 146a.44(b).

b. By changing paragraph (e)(1) to read:

(i) $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii)(*a*), and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(3)(i)(*b*) and (ii)(*b*) of this section.

71. Section 146a.47 is amended in the following respects:

a. By changing paragraph (d)(3)(i), and (4)(i) and (ii) and the concluding sentence in subparagraph (4) to read:

(d) • • •
(3) • • •
(i) The batch:
(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams.

• • • • • •
(4) • • •
(i) For all tests except sterility: 10 packages each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(2) to read:

(2) $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(3)(i)(*b*) and (4)(ii) of this section.

72. Section 146a.48 is amended in the following respects:

a. By changing paragraph (d)(2)(i) and (ii) and the concluding sentence in subparagraph (2) to read:

(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(2)(ii) of this section.

73. Section 146a.52 is amended in the following respects:

a. By changing the last sentence of paragraph (a)(3) to read: "In addition to the 20 immediate containers required by § 146a.45(d)(3)(i)(*b*), he shall also submit in connection with his request a sample consisting of not less than six packages of the batch of procaine penicillin and crystalline penicillin in oil; a sample of the crystalline penicillin used in making the batch, consisting of 10 packages, each containing approximately equal portions of not less than 60 milligrams; and 20 packages for sterility testing, each containing approximately equal portions of not less than 600 milligrams."

b. By changing paragraph (b)(3) to read:

(3) $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (a)(3) of this section.

74. Section 146a.58 is amended in the following respects:

a. By changing paragraph (d)(3)(i) and (4)(ii) to read:

(d) • • •
(3) • • •
(i) The batch:
(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

• • • • • •
(4) • • •
(ii) For sterility testing: 20 packages, each containing approximately equal portions of at least 600 milligrams.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(ii), (iii), and (iv) of this section; $5.00 for each immediate container submitted in accordance with paragraph (d)(3)(i)(*a*) and (4)(i) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(3)(i)(*b*) and (4)(ii) of this section.

75. Section 146a.63 is amended in the following respects:

a. By changing paragraph (d)(3)(i) and (4)(ii) to read:

(d) • • •
(3) • • •
(i) The batch:
(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

• • • • • •
(4) • • •
(ii) For sterility testing: 20 packages, each containing approximately equal portions of at least 600 milligrams.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(2)(ii) of this section.

76. Section 146a.64 is amended in the following respects:

a. By changing paragraph (d)(2)(i) and (ii) and the concluding sentence in subparagraph (2) to read:

(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(2)(ii) of this section.

77. Section 146a.65 is amended in the following respects:

a. By changing paragraph (d)(3)(i) and (ii) and the concluding sentence in subparagraph (3) to read:

(i) The batch:
(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than five packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

(ii) The *l*-ephenamine penicillin G used in making the batch:

(*a*) For all tests except sterility: 10 packages, each containing approximately equal portions of not less than 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 146a.64(b).

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii)(*a*), and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(3)(i)(*b*) and (ii)(*b*) of this section.

78. Section 146a.66 is amended in the following respects:

a. By changing paragraph (d)(3)(i) and (4)(i) and (ii) and the concluding sentence in subparagraph (4) to read:

(d) • • •
(3) • • •
(i) The batch:
(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

• • • • • •
(4) • • •
(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(2)(ii) of this section.

79. Section 146a.67 is amended in the following respects:

a. By changing paragraph (d)(3)(i) and (4)(ii) to read:

(d) • • •
(3) • • •
(i) The batch:
(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

• • • • • •
(4) • • •
(ii) For sterility testing: 20 packages, each containing approximately equal portions of at least 4 milliliters.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(ii), (iii), and (iv) of this section; $5.00 for each immediate container submitted in accordance with paragraph (d)(3)(i)(*a*) and (4)(i) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(3)(i)(*b*) and (4)(ii) of this section.

80. Section 146a.68 is amended in the following respects:

a. By changing paragraph (d)(2)(i) and (ii) and the concluding sentence in subparagraph (2) to read:

(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(2)(ii) of this section.

81. Section 146a.74 is amended in the following respects:

a. By changing paragraph (d)(2)(i) and (ii) and the concluding sentence in subparagraph (2) to read:

(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(2)(ii) of this section.

82. Section 146a.75 is amended in the following respects:

a. By changing paragraph (d)(3)(i), (4)(i) and (ii), and the concluding sentence in subparagraph (4) to read:

(d) • • •
(3) • • •
(i) The batch:
(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 miligrams.

• • • • •

(4) • • •

(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different portion of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

83. Section 146a.77 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (i) and (ii), and the concluding sentence in subparagraph (4) to read:

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

• • • • •

(4) • • •

(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different portion of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) of this section.

85. Section 146a.80 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (i) and (ii), and the concluding sentence in subparagraph (4) to read:

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

• • • • •

(4) • • •

(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

86. By amending § 146a.82 in the following respects:

a. By changing paragraph (d) (3) to read:

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than seven packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility: Five packages, or in the case of crystalline penicillin, 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is not procaine penicillin, and not less than 300 milligrams if it is procaine penicillin.

(*b*) For sterility testing: 20 packages, each containing approximately equal portions of 600 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146a.24(b) or § 146a.44(b).

(iii) The streptomycin or dihydrostreptomycin used in making the batch:

(*a*) For all tests except sterility: Five packages containing approximately equal portions of not less than 0.5 gram.

(*b*) For sterility testing: 20 packages, each containing approximately equal portions of 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146b.101(b) of this chapter.

(iv) The bacitracin used in making the batch:

(*a*) For all tests except sterility: Six packages, each containing approximately equal portions of not less than 0.5 gram.

(*b*) For sterility testing: 20 packages, each containing approximately equal portions of 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146e.401(b) of this chapter.

(v) In case of an initial request for certification: Each other ingredient used in making the batch; one package of each, containing approximately 5 grams.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container submitted in accordance with paragraph (d) (3) (ii) (*a*), (iii) (*a*), (iv) (*a*), and (v) of this section; $6.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $4.00 for each immediate container submitted in accordance with paragraph (d) (3) (ii) (*a*) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test in accordance with paragraph (d) (3) (i) (*b*), (ii) (*b*), (iii) (*b*), and (iv) (*b*) of this section.

87. Section 146a.84 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 13 (14 if it contains benzathine penicillin G) immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 1.0 gram.

• • • • •

(4) • • •

(ii) For sterility testing: 20 packages, each containing approximately equal portions of at least 1.0 gram.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each container submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), (v), (vi), and (vii) of this section; $6.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

88. Section 146a.94 is amended in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and the concluding sentence in subparagraph (2) to read:

(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) of this section.

89. Section 146a.101 is amended in the following respects:

a. By changing paragraph (a) (4) (ii) to read:

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

b. By changing paragraph (b) (3) to read:

(3) $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (a) (4) (ii) of this section.

90. Section 146a.102 is amended in the following respects:

a. By changing the second sentence in paragraph (a) (3) to read: "He shall also submit in connection with his request a sample consisting of not less than seven immediate containers of the batch, and (unless it was previously submitted) a sample consisting of five packages (for all tests except sterility) and 20 packages for sterility testing, each containing approximately 0.5 gram of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter."

b. By changing paragraph (b) (3) to read:

(3) $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test.

91. Section 146a.105 is amended in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and the concluding sentence in subparagraph (2) to read:

(i) for all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) of this section.

92. Section 146b.101 is amended in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and (3) (ii) to read:

(d) • • •

(2) • • •

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

• • • • •

(3) • • •

(ii) For sterility testing: 20 packages.

b. By changing paragraph (e) (1) to read:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test in accordance with paragraph (d) (2) (ii) and (3) (ii) of this section.

93. Section 146b.105 is amended in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) to read:

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch; but in no case less than 50 immediate containers.

Such samples shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

b. By changing paragraph (e) (1) to read:

(1) $1.00 for each immediate container submitted in accordance with paragraph (d) (2) (i) of this section; $4.00

for each package in the sample submitted in accordance with paragraph (d) (3) of this section; $12.00 for all con-

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •

98. Section 146c.201 is amended in the following respects:

a. By changing paragraph (d) (2) (i)

(b) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation,

no case less than 10 immediate containers.

paragraph (d) (3) (i) (*b*) of this section; $4.00 for each immediate container in the samples submitted in accordance

for each package in the sample submitted in accordance with paragraph (d) (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) of this section.

94. Section 146b.106 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (ii) and the concluding sentence in subparagraph (3) to read:

(i) The batch, if packaged for dispensing:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch; but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(ii) The batch, if packaged for use in the manufacture of another drug:

(*a*) For all tests except sterility: Five packages.

(*b*) For sterility testing: 20 packages.

Each such package shall contain approximately 2 milliliters, taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e) (1) to read:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (5) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (iii) and (iv) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (ii) (*b*) of this section.

95a. Section 146b.109 (d) (3) (i) (*b*) is amended to read:

(*b*) For sterility testing: 20 pads.

b. Section 146b.109 is further amended by changing paragraph (e) (1) to read:

(1) $1.00 for each pad in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), and (v) of this section; $12.00 for all pads in the sample submitted for the initial sterility test, and $24.00 for all pads in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) of this section.

96. Section 146b.113 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •
(3) • • •
(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than six immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

• • • • •
(4) • • •
(ii) For sterility testing: 20 packages.

b. By changing paragraph (e) (1) to read:

(e) • • •

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $4.00 for each sample submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

97. Section 146b.116 is amended in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and the concluding sentence in subparagraph (2) and (3) (ii) to read:

(d) • • •
(2) • • •
(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than six immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal:

(ii) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(3) • • •

(ii) For sterility testing: 20 packages, each containing the equivalent of approximately 0.5 gram.

b. By changing paragraph (e) (1) to read:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) and (3) (ii) of this section.

98. Section 146c.201 is amended in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and (3) (ii) to read:

(d) • • •
(2) • • •
(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than eight immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(3) • • •

(ii) For sterility testing: 20 packages, each containing approximately 50 milligrams.

b. By changing paragraph (c) (1) to read:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section; $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (5) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) and (3) (ii) of this section.

99. Section 146c.206 is amended in the following respects:

a. By changing paragraph (d) (3) (i) to read:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) of this section.

100. Section 146c.211 is amended in the following respects:

a. By changing paragraph (d) (3) (i) (*b*) and (ii) (*b*) to read:

(d) • • •
(3) • • •
(i) • • •

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(ii) • • •

(*b*) For sterility testing: 20 packages, each containing approximately 50 milligrams packaged in accordance with the requirements of § 146c.201 (b).

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (ii) (*b*) of this section.

101. Section 146c.213 is amended in the following respects:

a. By changing paragraph (d) (3) (i) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than five packages.

(*b*) For sterility testing: 20 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) and (iii) of this section; $12.00 for all packages in the sample submitted for the initial sterility test, and $24.00 for all packages in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) of this section.

102. Section 146c.214 is amended in the following respects:

a. By changing paragraph (d) (3) (i) (*b*) to read:

(*b*) For sterility testing: 20 dressings.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) of this section.

103. Section 146c.221 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •
(3) • • •
(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

• • • • •
(4) • • •
(ii) For sterility testing: 20 packages, each containing approximately 50 milligrams of tetracycline hydrochloride or tetracycline phosphate complex.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

104. Section 146c.227 is amended in the following respects:

a. By changing paragraph (d) (3) (i) (*b*) to read:

(*b*) For sterility testing: 20 containers.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test; in accordance with paragraph (d) (3) (i) (*b*) of this section.

105. Section 146c.235 is amended in the following respects:

a. By changing paragraph (d) (3) (i) to read:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 12 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

b. By changing paragraph (e) (1) to read:

(1) $5.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test in accordance with paragraph (d) (3) (i) (*b*) of this section; $4.00 for each immediate container in the samples submitted, in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section.

106. Section 146c.242 is amended in the following respects:

a. By changing the second sentence in paragraph (b) (2) to read: "He shall also submit in connection with his request a sample consisting of 20 immediate containers of the batch for sterility testing."

b. By changing paragraph (b) (3) (i) to read:

(i) $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test.

107. Section 146c.244 is amended in the following respects:

a. By changing paragraph (d) (3) (i) (*b*) to read:

(*b*) For sterility testing: 20 packages.

b. By changing paragraph (e) (1) to read:

(1) $5.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test in accordance with paragraph (d) (3) (i) (*b*) of this section; $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section.

108. Section 146c.247 is amended in the following respects:

a. By changing paragraph (d) (3) (i) (*b*) to read:

(*b*) For sterility testing: 20 packages.

b. By changing paragraph (e) (1) to read:

(1) $1.50 for each package in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) of this section.

109. Section 146c.249 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •
(3) • • •
(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 immediate containers collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immedi-

(ii) For sterility testing: 20 immedi-

(1) $10.00 for each immediate con-

tion; $12.00 for all containers in the

(b) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

• • • • • •

(4) • • •

(ii) For sterility testing: 20 packages, each containing approximately 50 milligrams of rolitetracycline.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and 4(i) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and 4(ii) of this section.

110. Section 146c.250 is amended in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 immediate containers collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

• • • • • •

(4) • • •

(ii) For sterility testing: 20 packages, each containing approximately 50 milligrams of rolitetracycline.

b. By changing paragraph (e)(1) to read:

(i) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

111. Section 146d.301 is amended in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and (3) (ii) and the concluding sentence in subparagraph (3) to read:

(d) • • •

(2) • • •

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than eight immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(3) • • •

(ii) For sterility testing: 20 packages, each containing approximately 50 milligrams.

Each such package shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section; $12.00 for all containers in the samples submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) and (3) (ii) of this section.

112. Section 146d.304 is amended in the following respects:

a. By changing paragraph (d) (3) (i) to read:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

b. By changing paragraph (e) (1) to read:

(1) $10.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*), of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) of this section.

114. Section 146e.401 is amended in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and (3) (ii) to read:

(d) • • •

(2) • • •

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than six immediate containers. If a sample of such batch has not been previously submitted in accordance with subparagraph (3) or (4) of this paragraph, such person shall submit one additional package containing 1.0 gram of the batch.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(3) • • •

(ii) For sterility testing: 20 packages.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (2) (ii) and (3) (ii) of this section.

115. Section 146e.408 is amended in the following respects:

a. By changing paragraph (d) (3) (i) to read:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container or package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), and (iii) of this section; $12.00 for all containers in the

sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d) (3) (i) (*b*) of this section.

Effective date. This order shall become effective 90 days after its publication in the FEDERAL REGISTER.

(Secs. 507, 701, 52 Stat. 1055, 59 Stat. 463, as amended 61 Stat. 11, 63 Stat. 409, 67 Stat. 389, 76 Stat. 785, 786, 787; 21 U.S.C.A. 357, 371)

Dated: March 20, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-3043; Filed, Mar. 27, 1964; 8:50 a.m.]

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Washington, Tuesday, March 31, 1964

APR 1964

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3578

SENIOR CITIZENS MONTH, 1964

By the President of the United States of America

A Proclamation

WHEREAS the number of Americans aged sixty-five and over comprise a segment of our population which is growing at an accelerating rate as the miracles of modern medicine contribute to increased life expectancy; and

WHEREAS, since not everyone is blessed with the gift of long life, those who are so endowed should occupy a place of special honor among us; and

WHEREAS our country, although more blessed with abundance than any other, cannot afford to be wasteful of its resources if it is to achieve its fullest potential; and

WHEREAS the Federal Government is deeply and constantly concerned with the well-being of all its citizens; and

WHEREAS this Nation can and should offer leadership and assistance to the States, municipalities, and voluntary organizations in their efforts to extend special recognition to and make continuing maximum use of the skills of our senior citizens:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the month of May 1964 as Senior Citizens Month, and I urge all public and private organizations and all citizens to make the theme of this special month—*Opportunities for Older Americans*—become a living reality. Let us repay our older Americans for their sustained creative participation in our national and community life by providing them with a wide range of meaningful opportunities. Let us take all necessary steps to see that they have a real chance to enjoy health, love, and a life of dignity. Let us find ways to employ the skill and wisdom that so many of our older Americans possess and long to share. Let us make this month outstanding in our continuing effort to keep in the mainstream of our national life all those who have lived so long and contributed so generously.

I also invite the Governors of the States, the Governor of the Commonwealth of Puerto Rico, the Commissioners of the District of Columbia, and appropriate officials in other areas subject to the jurisdiction of the United States to join in the observance of Senior Citizens Month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of March in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-3190; Filed, Mar. 30, 1964; 11:09 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

President's Committee on Consumer Interests

Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 213.3371 as set out below.

§ 213.3371 President's Committee on Consumer Interests.

• • • • •

(b) The Executive Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–3102; Filed, Mar. 30, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 842.2, Amdt. 3]

PART 842—BEET SUGAR AREA

1964 and Subsequent Crops

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, § 842.2 (22 F.R. 2994, 23 F.R. 6784, 28 F.R. 1584) is further amended in the following respects:

(1) For the 1957 through 1963 crops, the second sentence of subparagraph (6) of paragraph (a) is amended to read as follows: "A farm shall be regarded as located in the State, county and local producing area in which the farm headquarters is situated, or if there is no farm headquarters, the farm shall be regarded as located in the State, county and local producing area in which the major portion of land in the farm suitable for the production of sugarbeets is situated."

(2) For the 1964 and subsequent crops, subparagraph (6) of paragraph (a) is amended to read as follows:

§ 842.2 Eligibility for acreage abandonment and crop deficiency payments.

(a) *Eligibility requirements.* • • •

(6) The farm was located in a county or a local producing area in which the ASC County Committee determines for the applicable crop year that due to drought, flood, storm, disease, freeze, or insects, the actual yields of commercially recoverable sugar from the acreages planted to a crop of sugarbeets on farms in such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms, or for those farms on which were planted 10 percent or more of the total acres of sugarbeets planted on all farms in such county or local producing area. A farm shall be regarded as located in the State, county and local producing area in which the farm headquarters is situated, or if there is no farm headquarters, the farm shall be regarded as located in the State, county and local producing area in which the major portion of land in the farm suitable for the production of sugarbeets is situated. Subject to the provisions of subdivision (1) of this paragraph which follow, and for all purposes of this section, in all States except Texas and Utah a local producing area shall mean a township as established by Federal survey, or in the absence of a Federal survey a local producing area shall mean a township as such term is commonly used and generally accepted in the State for land descriptions and other public purposes; and in Texas and Utah, a local producing area shall mean an ASC community with boundaries as fixed by the ASC State Committee at the time of issuance of this determination and as shown on maps available for inspection in the respective ASC county offices.

(i) Notwithstanding the foregoing provisions of this paragraph, the following designated counties and designated combinations of townships or ASC communities within counties shall be local producing areas for purposes of this section effective beginning with the 1964 crop of sugarbeets.

CALIFORNIA

Individual counties which are local producing areas.

Contra Costa.	Tehama.
Orange.	Ventura.
San Bernardino.	Yuba.
Santa Cruz.	

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Alameda

1. T. 3 S., R. 2 W.; T. 4 S., Rs. 1 and 2 W.;
2. T. 3 S., Rs. 1 E. and 1 W.; T. 2 S., R. 4 E.

Butte

1. Tps. 22 and 23 N., R. 1 W.; T. 22 N., R. 1 E.;
2. Tps. 20 and 21 N., R. 1 E.; T. 21 N., R. 1 W.

Colusa

1. T. 16 N., Rs. 1 and 2 W.; T. 17 N., Rs. 1 and 2 W.;
2. T. 15 N., Rs. 1, 2 and 3 W.;
3. T. 14 N., Rs. 1, 2 and 3 W.;
4. Tps. 13 and 14 N., R. 1 E.;
5. T. 13 N., Rs. 1 and 2 W.

Fresno

1. T. 10 S., R. 13 E.; T. 11 S., Rs. 12 and 13 E.;
2. T. 12 S., Rs. 11, 12, 13 and 14 E.; T. 13 S., Rs. 12, 13 and 14 E.; T. 14 S., R. 14 E.;
3. T. 13 S., Rs. 15 and 16 E.; T. 14 S., Rs. 15 and 16 E.; T. 15 S., Rs. 15, 16 and 17 E.;
4. T. 16 S., Rs. 15, 16 and 17 E.; T. 17 S., Rs. 15, 16, 17 and 18 E.; T. 18 S., Rs. 15, 16, 17 and 18 E.; T. 19 S., Rs. 16, 17 and 18 E.; T. 20 S., Rs. 15, 16, 17 and 18 E.;
5. T. 13 S., Rs. 17, 18 and 19 E.; T. 14 S., Rs. 17, 18 and 19 E.;
6. T. 15 S., Rs. 18 and 19 E.; T. 16 S., Rs. 18 and 19 E.; T. 17 S., Rs. 19, 20, 21 and 22 E.

Glenn

1. Tps. 20, 21 and 22 N., R. 2 W.;
2. Tps. 18 and 19 N., R. 1 E.; Tps. 18 and 19 N., R. 1 W.;
3. Tps. 18 and 19 N., R. 4 W.

Imperial

1. T. 11 S., Rs. 13, 14 and 15 E.;
2. T. 12 S., Rs. 11, 12 and 13 E.;
3. T. 12 S., Rs. 14, 15 and 16 E.;
4. T. 13 S., Rs. 12 and 13 E.;
5. T. 13 S., Rs. 15 and 16 E.;
6. T. 14 S., Rs. 15 and 16 E.;
7. T. 15 S., Rs. 12 and 13 E.;
8. T. 15 S., Rs. 15 and 16 E.;
9. T. 16 S., Rs. 12 and 13 E.; T. 16½ S., R. 12 E.; T. 17 S., R. 13 E.;
10. Tps. 16 and 17 S., R. 14 E.;
11. T. 16 S., Rs. 15 and 16 E.; T. 17 S., Rs. 15 and 16 E.

Kern

1. T. 25 S., Rs. 24 and 25 E.; T. 26 S., Rs. 23, 24, 25 and 26 E.;
2. T. 27 S., Rs. 23 and 24 E.;
3. T. 27 S., Rs. 25 and 26 E.; T. 28 S., Rs. 25 and 26 E.;
4. T. 28 S., Rs. 23 and 24 E.; T. 29 S., R. 23 E.; T. 30 S., R. 24 E.;
5. T. 29 S., Rs. 25 and 26 E.; T. 30 S., R. 27 E.;
6. T. 30 S., Rs. 28 and 29 E.; T. 31 S., Rs. 27, 28 and 29 E.;
7. T. 32 S., Rs. 27, 28 and 29 E.;
8. T. 32 S., Rs. 25 and 26 E.; Tps. 11 and 12 N., R. 21 W.

Kings

1. T. 17 S., Rs. 21 and 22 E.; T. 19 S., Rs. 19, 20, 21, 22 and 23 E.; T. 18 S., Rs. 19, 20, 21, 22 and 23 E.;
2. T. 20 S., Rs. 19, 20, 21 and 22 E.; T. 21 S., Rs. 18, 19 and 20 E.

Los Angeles

1. T. 8 N., Rs. 8, 9, 10 and 11 W.; T. 7 N., Rs. 8, 9, 10 and 11 W.; T. 6 N., Rs. 8, 9, 10 and 11 W.;
2. T. 8 N., Rs. 12, 13, 14, 15, 16 and 17 W.; T. 7 N., Rs. 12, 13, 14, 15, 16 and 17 W.; T. 6 N., Rs. 12, 13, 14, 15, 16 and 17 W.

Madera

1. Tps. 9, 10 and 11 S., R. 15 E.; Tps. 10 and 11 S., R. 14 E.; T. 10 S., R. 13 E.; T. 11 S., Rs. 16 and 17 E.;
2. Tps. 12 and 13 S., Rs. 14, 15, 16, 17 and 18 E.

Merced

1. Tps. 7, 8, 9 and 10 S., R. 9 E.; Tps. 9, 10 and 11 S., R 10 E.; Tps. 9, 10, 11 and 12 S., R. 11 E.; Tps. 9, 10 and 11 S., R. 12 E.; Tps. 9 and 10 S., R. 13 E.;
2. Tps. 7 and 8 S., R. 14 E.; Tps. 8 and 9 S., R. 15 E.; T. 8 S., R. 16 E.

Monterey

3. T. 13 N., Rs. 4 and 5 E.; T. 12 N., R. 4 E.;

2. Tps. 9 and 10 S., R. 101 W.; Tps. 1 and 2

Genesee

2. Tps. 10 and 11 S., R. 15 E.;

Bay

Monterey

1. T. 12 S., Rs. 2 and 3 E.;
2. Tps. 13 and 14 S., R. 2 E.;
3. Tps. 13 and 14 S., R. 3 E.; T. 14 S., R. 4 E.;
4. Tps. 15 and 16 S., R. 5 E.;
5. T. 18 S., Rs. 5 and 6 E.;
6. T. 20 S., Rs. 8 and 9 E.;
7. T. 21 S., R. 9 E.; T. 22 S., R. 10 E.; T. 23 S., R. 8 E.; T. 23 S., R. 13 E.

Riverside

1. Tps. 3, 4 and 5 S., R. 3 W.; Tps. 3 and 4 S., R. 2 W.;
2. T. 5 S., Rs. 6, 7 and 8 E.; T. 6 S., Rs. 7, 8 and 9 E.; T. 7 S., Rs. 7, 8 and 9 E.

Sacramento

1. T. 2 N., R. 2 E.; T. 3 N., Rs. 2 and 3 E.;
2. T. 5 N., Rs. 3, 4 and 5 E.;
3. T. 6 N., R. 4 E.; T. 7 N., Rs. 4 and 5 E.; T. 8 N., R. 4 E.;
4. T. 6 N., R. 6 E.; T. 7 N., R. 7 E.; T. 8 N., Rs. 5 and 6 E.;
5. T. 9 N., R. 4 E.; T. 10 N., Rs. 3, 4 and 5 E.

San Benito

1. T. 11 S., Rs. 4 and 5 E.;
2. T. 12 S., Rs. 4, 5 and 6 E.;
3. T. 13 S., Rs. 4 and 5 E.; T. 14 S., R. 6 E.

San Joaquin

1. T. 5 N., R. 5 E.; T. 4 N., Rs. 5 and 6 E.; T. 3 N., R. 4 E.;
2. T. 3 N., Rs. 6 and 7 E.;
3. T. 2 N., Rs. 5 and 6 E.;
4. Tps. 1 and 2 N., R. 7 E.;
5. T. 2 N., R. 8 E.; T. 3 N., R. 9 E.;
6. Weber, Grant;
7. T. 1 N., Rs. 4, 5 and 6 E.;
8. T. 1 N., Rs. 8 and 9 E.;
9. T. 1 S., Rs. 4 and 5 E.;
10. T. 1 S., Rs. 6 and 7 E.;
11. Tps. 2 and 3 S., R. 5 E.;
12. T. 2 S., Rs. 6 and 7 E.;
13. T. 3 S., Rs. 6 and 7 E.

San Luis Obispo

1. T. 27 S., Rs. 8, 9 and 10 E.; Tps. 29, 30 and 31 S., R. 11 E.;
2. Tps. 11 and 12 N., R. 35 W.; T. 32 S., R. 15 E.; T. 10 N., Rs. 34 and 35 W. (Santa Barbara County).

Santa Barbara

1. T. 8 N., R. 34 W.; T. 9 N., R. 32 W.; T. 10 N., Rs. 33, 34, 35 and 36 W.;
2. T. 6 N., Rs. 33 and 34 W.; T. 7 N., Rs. 34 and 35 W.;
3. T. 5 N., R. 32 W.; T. 6 N., Rs. 30, 31 and 32 W.; T. 7 N., Rs. 30 and 31 W.

Santa Clara

1. T. 6 S., R. 1 W.; T. 7 S., R. 1 E.; T. 8 S., Rs. 1 and 2 E.;
2. T. 9 S., R. 3 E.; T. 10 S., Rs. 3 and 4 E.; T. 11 S., Rs. 4 and 5 E.; T. 12 S., R. 4 E.

Solana

1. Tps. 4 and 5 N., R. 3 E.;
2. Tps. 4 and 5 N., R. 2 E.;
3. T. 6 N., Rs. 1 and 2 E.;
4. T. 6 N., R. 2 E.; Tps. 5 and 6 N., R. 1 E.; Tps. 5 and 6 N., R. 1 W.

Stanislaus

1. T. 2 S., R. 8 E.; T. 3 S., R. 7 E.; T. 4 S., Rs. 6, 7, 8 and 9 E.;
2. T. 5 S., R. 7 E.; Tps. 5, 6, 7 and 8 S., R. 7 E.; T. 6 S., R. 6 E.

Sutter

1. Tps. 14 and 15 N., R. 1 E.; W. ½, T. 14 N., R. 2 E.; T. 13 N., Rs. 1 and 2 E.; T. 12 N., Rs. 2 and 3 E.; T. 11 N., Rs. 2 and 3 E.;
2. T. 17 N., Rs. 1, 2 and 3 E.; T. 16 N., Rs. 2 and 3 E.; T. 15 N., Rs. 2 and 3 E.; E. ½, T. 14 N., R. 2 E.; T. 14 N., R. 3 E.; T. 13 N., R. 3 E.;
3. T. 13 N., Rs. 4 and 5 E.; T. 12 N., R. 4 E.; T. 11 N., R. 4 E.

Tulare

1. Tps. 17 and 18 S., R. 28 E.; T. 18 S., Rs. 24 and 25 E.; T. 19 S., Rs. 23, 24 and 25 E.;
2. T. 21 S., Rs. 23, 24, 25, 26 and 27 E.;
3. T. 22 S., Rs. 23, 24 and 25 E.; T. 23 S., Rs. 23, 24 and 25 E.;
4. T. 22 S., Rs. 26, 27 and 28 E.; T. 23 S., R. 26 E.

Yolo

1. T. 8 N., R. 1 W.; T. 9 N., Rs. 1 and 2 W.; T. 10 N., Rs. 1 and 2 W.;
2. T. 11 N., R. 1 E.; T. 11 N., Rs. 1 and 2 W.; T. 12 N., R. 1 E.; T. 12 N., Rs. 1 and 2 W.;
3. Tps. 8, 9 and 10 N., R. 1 E.;
4. Tps. 8, 9, 10, 11 and 12 N., R. 2 E.;
5. Tps. 9, 10 and 11 N., R. 3 E.;
6. T. 8 N., Rs. 3 and 4 E.;
7. T. 7 N., Rs. 3 and 4 E.;
8. T. 6 N., Rs. 3 and 4 E.

COLORADO

Individual counties which are local producing areas.

Las Animas.	Washington.
Ouray.	Yuma.

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Adams

1. T. 1 S., Rs. 67 and 68 W.;
2. T. 1 S., Rs. 65 and 66 W.

Baca

1. T. 28 S., Rs. 41, 42, 43, 44 and 45 W.; T. 29 S., Rs. 41, 42, 43, 44 and 45 W.;
2. T. 30 S., Rs. 44 and 45 W.; T. 31 S., Rs. 44 and 45 W.;
3. Tps. 30 and 31 S., R. 43 W.;
4. T. 30 S., Rs. 41 and 42 W.; T. 31 S., Rs. 41 and 42 W.; T. 32 S., Rs. 41 and 42 W.

Bent

1. Tps. 22 and 23 S., R. 53 W.;
2. T. 23 S., Rs. 51 and 52 W.; T. 24 S., R. 52 W.

Boulder

1. T. 2 N., Rs. 69 and 70 W.; T. 1 N., R. 69 W.

Crowley

1. T. 21 S., Rs. 56 and 57 W.;
2. T. 22 S., Rs. 57, 58 and 59 W.

Delta

1. Tps. 14 and 15 S., R. 96 W.; T. 15 S., R. 97 W.;
2. T. 51 N., Rs. 10 and 11 W.;
3. T. 14 S., R. 95 W.; T. 15 S., Rs. 94 and 95 W.

Kit Carson

1. T. 6 S., R. 44 W.; T. 7 S., R. 45 W.; Tps. 8, 9 and 10 S., R. 44 W.; T. 9 S., R. 45 W.;
2. Tps. 6, 7, 8, 9 and 10 S., R. 42 W.; Tps. 7, 8, 9, 10 and 11 S., R. 43 W.

Larimer

1. T. 9 N., Rs. 68 and 69 W.;
2. T. 8 N., Rs. 68 and 69 W.;
3. T. 7 N., Rs. 68 and 69 W.;
4. T. 6 N., Rs. 68 and 69 W.;
5. T. 5 N., Rs. 68 and 69 W.

Logan

1. T. 11 N., Rs. 48, 49 and 50 W.;
2. T. 10 N., Rs. 48, 49 and 50 W.;
3. T. 10 N., Rs. 51 and 52 W.;
4. T. 9 N., Rs. 50 and 51 W.;
5. T. 9 N., Rs. 52 and 53 W.;
6. T. 8 N., Rs. 52 and 53 W.;
7. T. 6 N., Rs. 53 and 54 W.

Mesa

1. Tps. 9 and 10 S., R. 103 W.; Tps. 1 and 2 N., R. 3 W.; Part of T. 9 S., R. 102 W;
2. Tps. 9 and 10 S., R. 101 W.; Tps. 1 and 2 N., R. 2 W.; Part of T. 9 S., R. 102 W.; Part of T. 1 N., R. 1 W.;
3. T. 1 N., R. 1 E.; T. 1 S., R. 1 W.; T. 1 S., R. 1 E.; Part of T. 1 N., R. 1 W.

Montrose

1. Tps. 50 and 51 N., R. 11 W.;
2. Tps. 50 and 51 N., R. 10 W.; T. 50 N., R. 9 W.;
3. T 49 N., Rs. 8 and 9 W.; T. 48 N., R. 9 W.;
4. Tps. 48 and 49 N., R. 10 W.

Morgan

1. T. 5 N., Rs. 56 and 57 W.;
2. T. 2 N., Rs. 55, 56 and 57 W.; T. 1 N., Rs. 55 and 56 W.;
3. T. 1 N., Rs. 59 and 60 W.

Otero

1. T. 23 S., Rs. 54 and 55 W.;
2. T. 22 S., Rs. 56 and 57 W.; T. 23 S., R. 56 and 57 W.; T. 24 S., Rs. 56 and 57 W.;
3. T. 22 S., Rs. 58 and 59 W.; T. 23 S., R. 59 W.

Prowers

1. T. 22 S., Rs. 46 and 47 W.; T. 23 S., Rs. 46 and 47 W.;
2. T. 22 S., Rs. 43, 44 and 45 W.; T. 23 S., R. 45 W.;
3. T. 23 S., Rs. 42, 43 and 44 W.

Pueblo

1. Tps. 18 and 19 S., R. 64 W.; T. 18 S., R. 65 W.;
2. T. 20 S., Rs. 62 and 63 W.

Sedgwick

1. Tps. 11 and 12 N., R. 46 W.;
2. Tps. 11 and 12 N., R. 45 W.

Weld

1. Tps. 4 and 5 N., R. 63 W.;
2. Tps. 1, 2 and 3 N., R. 64 W.;
3. T. 1 N., Rs. 67 and 68 W.;
4. Tps. 1, 2, 3 and 4 N., R. 61 W.; Tps. 1 and 2 N., R. 62 W.

IDAHO

Individual counties which are local producing areas.

Elmore.	Oneida.
Gem.	

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Ada

1. T. 5 N., R. 1 W.; T. 4 N., Rs. 1 E. and 1 W.; T. 3 N., Rs. 1 E. and 1 W.;
2. T. 2 N., Rs. 1 E. and 1 W.; T. 1 N., Rs. 1 E. and 1 W.

Bannock

1. T. 5 S., Rs. 33, 34 and 35 E.;
2. T. 6 S., R. 34 E.; T. 7 S., R. 35 E.;
3. T. 9 S., Rs. 36, 37, 38 and 39 E.; T. 10 S., Rs. 36, and 37 E.; T. 11 S., R. 37 E.

Bingham

1. T. 1 N., R. 37 E.; T. 1 S., Rs. 37 and 38 E.;
2. Tps. 1 N. and 1 S., R. 36 E.;
3. Tps. 1 N. and 1 S., R. 35 E.;
4. Tps. 1 and 2 S., R. 33 E.;
5. T. 2 S., R. 37 E.; T. 3 S., Rs. 35 and 36 E.;
6. T. 2 S., R. 32 E.; T. 3 S., Rs. 31 and 32 E.;
7. T. 4 S., Rs. 31, 32 and 33 E.; T. 5 S., R. 32 E.;
8. T. 4 S., Rs. 34 and 35 E.;
9. Tps. 5 and 6 S., R. 30 E.;

Bonneville

1. T. 3 N., Rs. 40, 41 and 42 E.;
2. T. 3 N., Rs. 38 and 39 E.;
3. T. 3 N., Rs. 36 and 37 E.;
4. T. 2 N., R. 37 E., T. 1 N., R. 38 E.;
5. T. 2 N., Rs. 38, 39 and 40 E.

Canyon

1. T. 6 N., Rs. 5 and 6 W.;
2. Tps. 4 and 5 N., R. 6 W.;
3. T. 5 N., Rs. 2 and 3 W.;
4. Tps. 3 and 4 N., R. 5 W.;
5. Tps. 2 and 3 N., R. 4 W.;
6. T. 3 N., Rs. 1 and 2 W.

Caribou

1. Tps. 7 and 8 S., R. 38 E.; Tps. 7, 8 and 9 S., R. 39 E.;
2. Tps. 10 and 11 S., R. 39 E.; Tps. 9, 10 and 11 S., R. 40 E.; Tps. 9, 10 and 11 S., R. 41 E.

Cassia

1. T. 10 S., Rs. 25, 26, 27 and 28 E.; T. 11 S., Rs. 26 and 27 E.;
2. T. 10 S., Rs. 20 and 21 E.; T. 11 S., R. 21 E.;
3. T. 12 S., Rs. 21, 22 and 23 E.; T. 13 S., R. 22 E.;
4. T. 13 S., R. 26 E.; T. 15 S., R. 26 E.; Tps. 12, 13, 14 and 15 S., R. 27 E.

Franklin

1. Tps. 13 and 14 S., R. 40 E.; T. 14 S., R. 39 E.;
2. Tps. 13 and 14 S., R. 38 E.;
3. Tps. 15 and 16 S., R. 38 E.;
4. Tps. 15 and 16 S., R. 40 E.

Fremont

1. Tps. 7 and 8 N., R. 40 E.

Gooding

1. T. 5 S., Rs. 13, 14 and 15 E.;
2. T. 6 S., Rs. 13, 14 and 15 E.;
3. T. 7 S., Rs. 14 and 15 E.;
4. T. 8 S., Rs. 14 and 15 E.

Jefferson

1. T. 4 N., Rs. 35, 36, 37, 38 and 40 E.; T. 5 N., Rs. 37 and 38 E.;
2. Tps. 7 and 8 N., R. 33 E.

Jerome

1. T. 7 S., Rs. 16, 17 and 18 E.;
2. Tps. 8 and 9 S., R. 16 E.;
3. Tps. 8 and 9 S., R. 18 E., excluding secs. 34, 35 and 36 of T. 9 S., R. 18 E.;
4. Tps. 8 and 9 S., R. 19 E.;
5. T. 10 S., Rs. 18 and 19 E. and including secs. 34, 35 and 36 of T. 9 S., R. 18 E.;
6. Tps. 8 and 9 S., R. 20 E.

Lincoln

1. T. 6 S., Rs. 21 and 22 E.; T. 7 S., Rs. 21 and 23 E.

Madison

1. T. 5 N., Rs. 39 and 40 E.; T. 4 N., R. 40 E.;
2. T. 6 N., R 39 E.; T. 7 N., R. 39 E.;
3. T. 6 N., Rs. 40 and 41 E.

Minidoka

1. T. 7 S., Rs. 23, 24 and 25 E.;
2. T. 8 S., Rs. 22 and 23 E.

Owyhee

1. T. 4 N., Rs. 5 and 6 W.; T. 3 N., R. 6 W.;
2. T. 2 N., Rs. 4 and 5 W.;
3. T. 1 N., Rs. 3 and 4 W.; T. 1 S., R. 3 W.;
4. Tps. 4 and 5 S., R. 2 E.; T. 5 S., Rs. 2 and 4 E.

Payette

1. Tps. 8 and 9 N., R. 5 W.;
2. Tps. 6 and 7 N., R. 5 W.;
3. Tps. 7 and 8 N., R. 4 W.; T. 7 N., R. 3 W.

Power

1. T. 6 S., Rs. 29, 30 and 31 E.; T. 7 S., Rs. 29 and 30 E.; T. 8 S., R. 30 E.;
2. T. 9 S., R. 29 E.; T. 8 S., R. 31 E.; T. 6 S., Rs. 32 and 33 E.; T. 7 S., Rs. 31, 32 and 33 E.

Twin Falls

1. Tps. 8, 9, 10 and 11 S., R. 13 E.; Tps. 9, 10 and 11 S., R. 14 E.;
2. Tps. 10 and 11 S., R. 15 E.;
3. Tps. 10 and 11 S., R. 16 E.;
4. Tps. 9 and 10 S., R. 20 E.;
5. Tps. 11 and 12 S., R. 17 E.

Washington

1. T. 11 N., Rs. 4 and 5 W.; T. 10 N., Rs. 4 and 5 W.

ILLINOIS

Individual counties which are local producing areas.

Kankakee.	Will.

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Cook

1. Rich and Bloom.

IOWA

Individual counties which are local producing areas.

Cerro Gordo.	Winnebago.
Hancock.	Woodbury.
Harrison.	Worth.
Kossuth.	

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Monona

1. Fairview, Lake, West Fork, Lincoln, and Ashton.
2. Franklin, Belvidere, Sherman and Sioux.

KANSAS

Individual counties which are local producing areas.

Cheyenne.	Haskell.
Grant.	Stanton.
Greeley.	

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Finney

1. Tps. 22, 23 and 24 S., R. 34 W.;
2. Tps. 22, 23 and 24 S., R. 33 W.

Kearney

1. T. 24 S., Rs. 35 and 36 W.; T. 25 S., R. 36 W.;
2. T. 23 S., Rs. 36 and 37 W.;
3. Tps. 22 and 23 S., R. 35 W.

Sherman

1. Grant, Stateline and Lincoln;
2. Logan, Smoky, Itaska, and Voltaire.

Wallace

1. Tps. 14 and 15 S., R. 41 W.; W. ⅔ of T. 14 S., R. 40 W.; and W. ⅔ of T. 15 S., R. 40 W.;
2. T. 15 S., Rs. 38 and 39 W.; E. ⅓ of T. 14 S., R. 40 W.; and E. ⅓ of T. 15 S., R. 40 W.

Wichita

1. T. 16 S., Rs. 35, 36, 37 and 38 W.; T. 17 S., Rs. 35, 36, 37 and 38 W.;
2. T. 18 S., Rs. 35, 36, 37 and 38 W.

MICHIGAN

Individual counties which are local producing areas.

Clinton.	Macomb.
Genessee.	Shiawassee.
Gladwin.	

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Arenac

1. Turner, Whitney, Augres, and Sims;
2. Arenac, Standish, and Lincoln.

Bay

1. Gibson, Mt. Forest, and Garfield.

Gratiot

1. Pine River, Sumner, Arcada, and Newark;
2. North Star, Hamilton, and Elba.

Huron

1. Caseville and Lake;
2. Chandler and Meade;
3. Dwight and Bloomfield;
4. Gore and Rubicon;
5. Oliver, Grant, and Sheridan;
6. Verona and Sigel;
7. Paris and Sherman.

Isabella

1. Vernon, Wise, Nottawa, and Denver;
2. Deerfield, Union, Chippewa, Lincoln, and Coe.

Lapeer

1. Rich, Burlington, Deerfield, North Branch, and Burnside;
2. Marathon, Oregon, Mayfield, and Lapeer;
3. Goodland, Arcadia, Imlay, Attica, Dryden, and Almont.

Lenawee

1. Odgen and Riga;
2. Macon, Ridgeway, Deerfield, Blissfield, and Palmyra.

Monroe

1. Berlin, Frenchtown, and Monroetown;
2. Exeter, Raisinville, and Dundee;
3. Summerfield and Ida;
4. Whiteford and Bedford.

Saginaw

1. Zilwaukee and Buena Vista;
2. Jonesfield, Richland, and Lakefield;
3. Fremont, Swan Creek, and James;
4. Brant, St. Charles, Chapin, and Chesaning;
5. Taymouth and Birch Run.

St. Clair

1. Brockway and Greenwood;
2. Grant, Clyde, Fort Gratiot, and Port Huron;
3. Wales, Emmett, Kenockee, and Riley.

Sanilac

1. Minden and Delaware;
2. Marion, Forester, Bridgehampton, and Sanilac;
3. Lamotte and Moore;
4. Watertown and Washington;
5. Flynn, Elk, Maple Valley, and Speaker.

Tuscola

1. Elkland and Elmwood;
2. Kingston, Indianfields, Ellington, and Almer;
3. Millington and Arbela.

MINNESOTA

Individual counties which are local producing areas.

Big Stone.	McLeod.
Blue Earth.	Meeker.
Brown.	Nicollet.
Carver.	Red Wood.
Hennepin.	Waseca.
Kittson.	Wright.
Lac qui Parle.	Yellow Medicine.

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Chippewa

1. Kragero, Big Bend, Mandt, Grace, Louriston, and Woods;
2. Crate and Lone Tree;
3. Leenthrop, Stoneham, and Rheiderland.

Clay

1. Felton, Flowing and Moland;
2. Glyndon and Elmwood.

Faribault

1. T. 101 N., Rs. 26 and 27 W.;
2. T. 102 N., Rs. 26 and 27 W.;
3. T. 103 N., Rs. 26 and 27 W.;
4. T. 104 N., Rs. 26 and 27 W.

Hennepin

1. T. 118 N., Rs. 21 and 22 W.;
2. T. 119 N., Rs. 21 and 22 W.;
3. T. 120 N., Rs. 21 and 22 W.;
4. T. 121 N., Rs. 21 and 22 W.;
5. T. 122 N., Rs. 21 and 22 W.;
6. T. 123 N., Rs. 21 and 22 W.;
7. T. 124 N., Rs. 21 and 22 W.

Kandiyohi

1. T. 118 N., Rs. 33 and 34 W.;
2. T. 119 N., Rs. 33 and 34 W.;
3. T. 120 N., Rs. 33 and 34 W.;
4. T. 121 N., Rs. 33 and 34 W.;
5. T. 122 N., Rs. 33 and 34 W.;
6. T. 123 N., Rs. 33 and 34 W.;
7. T. 124 N., Rs. 33 and 34 W.

Lac qui Parle

1. T. 116 N., Rs. 43 and 44 W.;
2. T. 117 N., Rs. 43 and 44 W.;
3. T. 118 N., Rs. 43 and 44 W.;
4. T. 119 N., Rs. 43 and 44 W.;
5. T. 120 N., Rs. 43 and 44 W.;
6. T. 121 N., Rs. 43 and 44 W.;
7. T. 122 N., Rs. 43 and 44 W.;
8. T. 123 N., Rs. 43 and 44 W.;
9. T. 124 N., Rs. 43 and 44 W.

Lincoln

1. T. 107 N., Rs. 47 and 48 W.;
2. T. 108 N., Rs. 47 and 48 W.;
3. T. 109 N., Rs. 47 and 48 W.;
4. T. 110 N., Rs. 47 and 48 W.;
5. T. 111 N., Rs. 47 and 48 W.;
6. T. 112 N., Rs. 47 and 48 W.;
7. T. 113 N., Rs. 47 and 48 W.;
8. T. 114 N., Rs. 47 and 48 W.;
9. T. 115 N., Rs. 47 and 48 W.

Lyon

1. T. 107 N., Rs. 43 and 44 W.;
2. T. 108 N., Rs. 43 and 44 W.;
3. T. 109 N., Rs. 43 and 44 W.;
4. T. 110 N., Rs. 43 and 44 W.;
5. T. 111 N., Rs. 43 and 44 W.;
6. T. 112 N., Rs. 43 and 44 W.;
7. T. 113 N., Rs. 43 and 44 W.;
8. T. 114 N., Rs. 43 and 44 W.;
9. T. 115 N., Rs. 43 and 44 W.

Martin

1. T. 101 N., Rs. 30 and 31 W.;
2. T. 102 N., Rs. 30 and 31 W.;
3. T. 103 N., Rs. 30 and 31 W.;
4. T. 104 N., Rs. 30 and 31 W.

Meeker

1. T. 117 N., Rs. 29 and 30 W.;
2. T. 118 N., Rs. 29 and 30 W.;
3. T. 119 N., Rs. 29 and 30 W.;
4. T. 120 N., Rs. 29 and 30 W.;
5. T. 121 N., Rs. 29 and 30 W.;
6. T. 122 N., Rs. 29 and 30 W.;
7. T. 123 N., Rs. 29 and 30 W.;
8. T. 124 N., Rs. 29 and 30 W.

Nicollet

1. T. 107 N., Rs. 29 and 30 W.;
2. T. 108 N., Rs. 29 and 30 W.;
3. T. 109 N., Rs. 29 and 30 W.;
4. T. 110 N., Rs. 29 and 30 W.;
5. T. 111 N., Rs. 29 and 30 W.;
6. T. 112 N., Rs. 29 and 30 W.;
7. T. 113 N., Rs. 29 and 30 W.;
8. T. 114 N., Rs. 29 and 30 W.;
9. T. 115 N., Rs. 29 and 30 W.

Pipestone

1. T. 104 N., Rs. 45 and 46 W.;
2. T. 105 N., Rs. 45 and 46 W.;
3. T. 106 N., Rs. 45 and 46 W.;
4. T. 107 N., Rs. 45 and 46 W.;
5. T. 108 N., Rs. 45 and 46 W.;
6. T. 109 N., Rs. 45 and 46 W.;
7. T. 110 N., Rs. 45 and 46 W.;
8. T. 111 N., Rs. 45 and 46 W.;
9. T. 112 N., Rs. 45 and 46 W.

Redwood

1. T. 107 N., Rs. 37 and 38 W.;
2. T. 108 N., Rs. 37 and 38 W.;
3. T. 109 N., Rs. 37 and 38 W.;
4. T. 110 N., Rs. 37 and 38 W.;
5. T. 111 N., Rs. 37 and 38 W.;
6. T. 112 N., Rs. 37 and 38 W.;
7. T. 113 N., Rs. 37 and 38 W.;
8. T. 114 N., Rs. 37 and 38 W.;
9. T. 115 N., Rs. 37 and 38 W.

Renville

1. T. 112 N., Rs. 33 and 34 W.;
2. T. 113 N., Rs. 33 and 34 W.;
3. T. 114 N., Rs. 33 and 34 W.;
4. T. 115 N., Rs. 33 and 34 W.;
5. T. 116 N., Rs. 33 and 34 W.;
6. T. 117 N., Rs. 33 and 34 W.;
7. T. 118 N., Rs. 33 and 34 W.;
8. T. 119 N., Rs. 33 and 34 W.;
9. T. 120 N., Rs. 33 and 34 W.

Rock

1. T. 101 N., Rs. 43 and 44 W.;
2. T. 102 N., Rs. 43 and 44 W.;
3. T. 103 N., Rs. 43 and 44 W.;
4. T. 104 N., Rs. 43 and 44 W.

Traill

Baker.

WASHINGTON

Faribault

1. Delavan, Verona, Prescott, Barber, Minnesota Lake, Walnut Lake, and Clark;
2. JoDavies, Blue Earth and Elmore;
3. Emerald, Rome, Brush Creek, Seely, and Foster.

Freeborn

1. Geneva, Riceland, Hayward, and Oakland.

Kandiyohi

1. Edwards and Holland;
2. Roseland, Lake Lillian, East Lake Lillian, and Lake Elizabeth.

Marshall

1. Eagle Point and Donnelly;
2. Sinnott and Augsburg;
3. Parker, Tamarac, and Wanger;
4. Bloomer, Middle River, and Alma;
5. Big Woods and Oak Park;
6. Warrenton, McCrea, and Boxville.

Martin

1. Cedar, Galena, Waverly, Westford, and Fox Lake;
2. Nashville, Rutland, Center Creek, Pleasant Prairie, and East Chain.

Norman

1. Shelly, Good Hope, and Anthony;
2. Hegne and Pleasant View;
3. McDonaldsville and Lake Ida;
4. Lee, Mary, and Winchester.

West Polk

1. Higden and Sandsville;
2. Farley and Tabor;
3. Brislet and Angus;
4. Esther and Northland;
5. Sullivan and Keystone;
6. Hart and Huntsville;
7. Nesbit, Fanny, and Euclid;
8. Crookston, Fairfax, and Kertsonville;
9. Vineland and Hammond;
10. Hubbard, Scandia, and Russia.

Renville

1. Wellington and Cairo;
2. Palmyra and Martinsburg;
3. Kingman, Bird Island, Norfolk, and Beaver Falls;
4. Osceola, Brooksfield, Boon Lake, and Preston Lake;
5. Ericson, Sacred Heart, Emmett, Troy, and Winfield.

Sibley

1. Grafton, Severance, and Cornish;
2. Dryden and Sibley.

Swift

1. Hegbert, Fairfield, Shible, Moyer, Edison, and West Bank;
2. Benson, Camp Lake, Torning, Kildare, Cashel, Dublin, and Pillsbury.

Watonwan

1. Rosendale, Fieldon, South Branch, and Antrim.

MONTANA

Individual counties which are local producing areas.

Broadwater.	Missoula.
Lake.	Phillips.
Lewis and Clark.	

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Big Horn

1. T. 4 N., R. 34 E.; T. 3 N., Rs. 33 and 34 E.;
2. T. 1 S., Rs. 33 and 34 E.;
3. T. 3 S., Rs. 32 and 33 E.; T. 4 S., Rs. 32 and 33 E.;
4. T. 2 S., R. 34 E.; Tps. 3 and 4 S., R. 35 E.;
5. T. 5 S., Rs. 31 and 32 E.; T. 6 S., R. 31 E.

Blaine

1. T. 33 N., Rs. 16 and 19 E.;
2. T. 33 N., Rs. 20 and 21 E.; T. 32 N., Rs. 20 and 21 E.;
3. T. 32 N., Rs. 22 and 23 E.; T. 31 N., R. 24 E.

Carbon

1. T. 2 S., R. 24 E.; T. 3 S., Rs. 23 and 24 E.;
2. T. 4 S., Rs. 22 and 23 E.;
3. Tps. 6, 7 and 8 S., R. 23 E.; Tps. 7 and 8 S., R. 22 E.

Custer

1. That part of T. 10 N., R 49 E. that lies east of the Yellowstone River;
2. T. 9 N., Rs. 47 and 48 E.; T. 10 N., R. 48 E. and those parts of Tps. 9 and 10 N., R. 49 E. that lie west of the Yellowstone River;
3. T. 8 N., Rs. 47 and 48 E.; T. 7 N., Rs. 47 and 48 E.

Dawson

1. T. 18 N., R. 57 E.; T. 17 N., R. 56 E.;
2. T. 16 N., R. 55 E.; T. 15 N., Rs. 54 and 55 E.;
3. T. 14 N., Rs. 54 and 55 E.;
4. T. 13 N., Rs. 53 and 54 E.; T. 14 N., R. 53 E.

Prairie

1. T. 13 N., Rs. 52 and 53 E.; E. ½ T. 12 N., R. 52 E.; T. 12 N., R. 53 E.;
2. T. 12 N., R. 51 E.; W. ½ T. 12 N., R. 52 E.; T. 11 N., R. 50 E.

Ravalli

1. Tps. 6 and 7 N., R. 20 W.; T. 6 N., R. 19 W.

Richland

1. Tps. 24, 25 and 26 N., R. 59 E.; T. 24 N., R. 60 E.;
2. T. 23 N., Rs. 59 and 60 E.;
3. T. 22 N., Rs. 58 and 59 E.;
4. T. 19 N., Rs. 57 and 58 E.

Rosebud

1. T. 6 N., Rs. 38 and 39 E.;
2. T. 6 N., Rs. 41 and 42 E.;
3. T. 6 N., Rs. 43 and 44 E.

Stillwater

1. T. 2 S., R. 20 E.; T. 3 S., Rs. 20 and 21 E.;
2. T. 2 S., Rs. 22 and 23 E.; T. 3 S., Rs. 22 and 23 E.

Treasure

1. T. 5 N., Rs. 33 and 34 E.; T. 4 N., Rs. 32, 33 and 34 E.;
2. T. 6 N., Rs. 34 and 35 E.

Yellowstone

1. T. 5 N., Rs. 33 and 34 E.; T. 4 N., Rs. 32, 33 and 34 E.;
2. T. 3 N., Rs. 30 and 31 E.;
3. T. 2 N., Rs. 29 and 30 E.; T. 3 N., R. 29 E.;
4. T. 3 N., Rs., 27 and 28 E.;
5. T. 1 N., Rs. 26 and 27 E.;
6. Tps. 1 N., and 1 S., R. 25 E.

NEBRASKA

Individual counties which are local producing areas.

Brown.	Dundy.
Buffalo.	Franklin.
Burt.	Furnas.
Cedar.	Garden.
Cheyenne.	Hall.
Clay.	Hamilton.
Custer.	Merrick.
Dakota.	Red Willow.
Deuel.	Valley.

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Box Butte

1. T. 25 N., R. 49 W.; T. 24 N., Rs. 47, 48, and 49 W.;
2. T. 26 N., Rs. 47 and 48 W.; T. 27 N., Rs. 47 and 48 W.;
3. Tps. 26 and 27 N., R. 49 W.;
4. Tps. 25, 26, 27 and 28 N., R. 50 W.

Dawson

1. Tps. 9, 10 and 11 N., R. 2 W.; Tps. 9 and 10 N., R. 20 W.; T. 9 N., R. 19 W.;
2. Tps. 9 and 10 N., R. 22 W.; Tps. 10 and 11 N., R. 23 W.;
3. Tps. 10, 11 and 12 N., R. 24 W.; Tps. 10 and 11 N., R. 25 W.

Kearney

1. T. 5 N., Rs. 15 and 16 W.; T. 6 N., Rs. 15 and 16 W.; T. 7 N., Rs. 14 and 15 W.;
2. T. 7 N., R. 16 W.; T. 8 N., Rs. 13, 14, 15 and 16 W.

Keith

1. T. 13 N., Rs. 37, 38 and 39 W.;
2. T. 13 N., Rs. 40 and 41 W.; T. 12 N., R. 41 W.

Lincoln

1. Tps. 12 and 13 N., R. 28 W.;
2. T. 14 N., Rs. 30, 31, 32 and 33 W.

Morrill

1. T. 18 N., Rs. 47 and 48 W.; T. 19 N., Rs. 48 and 49 W.; T. 20 N., R. 49 W.;
2. Tps. 19, 20 and 21 N., R. 50 W.;
3. Tps. 21 and 22 N., R. 51 W.

Phelps

1. Tps. 5, 6 and 7 N., R. 17 W.;
2. Tps. 5, 6 and 7 N., R. 18 W.; Tps. 7 and 8 N., R. 19 W.; T. 7 N., R. 20 W.

Scottsbluff

1. Tps. 20 and 21 N., R. 53 W.;
2. T. 23 N., Rs. 53 and 54 W.;
3. Tps. 20 and 21 N., R. 54 W.;
4. Tps. 21 and 22 N., R. 56 W.;
5. Tps. 21 and 22 N., R. 57 W.;
6. Tps. 21 and 22 N., R. 58 W.

Sheridan

1. Tps. 29 and 30 N., R. 46 W.

Sioux

1. T. 25 N., R. 57 W.; Tps. 24 and 25 N., R. 58 W.

NEVADA

Individual counties which are local producing areas.

Churchill.	Washoe.
Pershing.	

NORTH DAKOTA

Individual counties which are local producing areas.

Foster.	Steele.
McKenzie.	Williams.
Richland.	

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Cass

1. Noble, Wiser, Harwood, Berlin, and Rush River;
2. Amenia, Casselton, Wheatland, and Gill;
3. Harmony, Raymond, and Durbin;
4. Addison, Warren, Stanley, Leonard, Normanna, and Pleasant.

Grand Forks

1. Strabane, Johnstown, Gilby, and Mekinock;
2. Levant, Turtle River, Lakeville, Ferry, and Blooming;
3. Falconer, Grand Forks, Allendale, Walle, Americus, and Bentru.

Pembina

1. Walhalla, St. Joseph, Felson, and Neche;
2. Advance, Bealieu, Akra, and Cavalier;
3. Bathgate, Hamilton, and Carlisle;
4. Thingvalla, Park, Lodema, Gardar, St. Thomas, Midland, and Drayton.

Traill

1. Viking, Lindas, and Mayville;
2. Stavanger, Ervin, and Bingham;
3. Norway, Eldorado, Bloomfield, and Hillsboro;
4. Herberg, Kelso, and Elm River.

Walsh

1. Glenwood and Farmington;
2. St. Andrews, Acton, and Oakwood;
3. Fertile, Grafton, Prairie Centre, and Walsh Centre;
4. Harriston and Pulaski;
5. Ops and Forest River;
6. Ardoch and Walshville.

OHIO

Individual counties which are local producing areas.

Auglaize.	Huron.
Defiance.	Mercer.
Fulton.	Wyandot.

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Allen

1. Spencer, Amanda, and Marion;
2. Sugar Creek, American, Monroe, and Richland.

Erie

1. Margaretta and Perkins-Plumbrook;
2. Oxford, Milan, and Berlin.

Hancock

1. Pleasant and Blanchard;
2. Portage and Liberty;
3. Cass and Marion;
4. Washington and Biglick;
5. Union and Orange;
6. Eagle, Jackson, Delaware, Amanda, and Van Buren.

Hardin

1. Liberty, Washington, and Blanchard;
2. Marion, Cessna, Roundhead, and McDonald.

Henry

1. Ridgeville, Napoleon, Liberty, Harrison, and Damascus.

Lucas

1. Richfield, Sylvania, Washington, Adams, Monelova, and Waterville.

Ottawa

1. Carroll and Salem.

Putnam

1. Palmer, Perry, Greensburg, and Jackson;
2. Monterey and Jennings;
3. Union and Sugar Creek.

Sandusky

1. Scott and Jackson;
2. Rice and Sandusky;
3. Townsend and Green Creek.

Seneca

1. Jackson, Liberty, Hopewell, and Seneca;
2. Adams, Thompson and Clinton.

Van Wert

1. Tully, Union, Pleasant, and Hoaglin;
2. Ridge, York, Jackson, and Washington.

Wood

1. Lake and Ross;
2. Middleton, Washington, Grand Rapids, Weston, and Plain;
3. Webster, Troy, and Center;
4. Milton and Liberty;
5. Jackson and Henry;
6. Portage, Bloom, Montgomery, and Perry.

OREGON

Individual county which is local producing areas.

Baker.

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Malhuer

1. T. 15 S., Rs. 42 and 43 E.; T. 16 S., Rs. 43 and 44 E.; T. 17 S., R. 44 E.; T. 18 S., Rs. 44 and 45 E.; T. 19 S., Rs. 44 and 45 E.;
2. T. 15 S., Rs. 46 and 47 E.; T. 16 S., Rs. 47 and 48 E.; T. 17 S., Rs. 46 and 47 E.;
3. T. 19 S., Rs. 46 and 47 E.;
4. T. 20 S., Rs. 45, 46 and 47 E.;
5. T. 21 S., Rs. 46 and 47 E.; T. 22 S., R. 46 E.

Umatilla

1. T. 6 N., Rs. 33, 34, 35 and 36 E.;
2. T. 3 N. Rs. 29 and 30 E.; T. 4 N., Rs. 28 and 29 E.; T. 2 N., R. 27 E.

SOUTH DAKOTA

Individual counties which are local producing areas.

Beadle.	Sanborn.
Clay.	Spink.
Hand.	Turner.
Lawrence.	Union.
Lincoln.	Yankton.
Meade.	

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Butte

1. T. 7 N., Rs. 1 and 2 E.; T. 8 N., Rs. 2, 3, and 4 E.; T. 9 N., Rs. 3 and 4 E.;
2. T. 8 N., Rs. 6 and 7 E.

TEXAS

Individual counties which are local producing areas.

Castro.	Lamb.
Cochran.	Lubbock.
Floyd.	Parmer.
Hale.	Swisher.

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Deaf Smith

1. Communities B and E.

UTAH

Individual counties which are local producing areas.

Carbon. Sevier.

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Box Elder

1. Communities A and D.

Cache

1. Communities A and B;
2. Communities G and H.

Davis

1. Communities B and C;
2. Communities D and E;
3. Communities F and H.

Salt Lake

1. Communities A and E.

Sanpete

1. Communities A and B;
2. Communities H and I;
3. Communities J, K, and L;
4. Communities M and N.

Utah

1. Communities C and D;
2. Communities E and F.

WASHINGTON

Individual counties which are local producing areas.

Kittitas.

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Adams

1. T. 15 N., Rs. 28 and 29 E.;
2. Tps. 17 and 18 N., R. 31 E.

Benton

1. Tps. 8, 9 and 10 N., R. 24 E.;
2. Tps. 9 and 10 N., R. 25 E.;
3. T. 9 N., Rs. 27 and 28 E.; T. 8 N., Rs. 29 and 30 E.

Franklin

1. T. 9 N., Rs. 28 and 29 E.; T. 10 N., Rs. 28, 29 and 30 E.;
2. T. 11 N., Rs. 28 and 29 E.;
3. T. 12 N., Rs. 28 and 29 E.;
4. T. 13 N., Rs. 28 and 29 E.; T. 14 N., R. 29 E.

Grant

1. T. 22 N., Rs. 27 and 28 E.; Tps. 19, 20 and 21 N., R. 28 E.;
2. T. 19 N., Rs. 29 and 30 E.;
3. T. 18 N., Rs. 30 and 31 E.;
4. Tps. 16 and 17 N., R. 28 E.; T. 16 N., Rs. 29 and 30 E.;
5. T. 16 N., Rs. 25 and 26 E.;
6. Tps. 18 and 19 N., R. 23 E.; Tps. 17 and 18 N., R. 24 E.; T. 17 N., R. 25 E.;
7. Tps. 20 and 21 N., R. 23 E.;
8. Tps. 20 and 21 N., R. 24 E.;
9. T. 19 N., Rs. 25, 26 and 27 E.; T. 20 N., R. 26 E.

Walla Walla

1. T. 6 N., Rs. 33, 34, 35 and 36 E.;
2. T. 7 N., Rs. 32, 33, 34, 35 and 36 E.

Yakima

1. T. 10 N., Rs. 16 and 17 E.; T. 11 N., R. 17 E.;
2. T. 13 N., R. 20 E.; T. 12 N., R. 19 E.; T. 11 N., R. 20 E.;
3. T. 9 N., Rs. 22 and 23 E.;
4. T. 9 N., R. 21 E.; T. 8 N., Rs. 22 and 23 E.;
5. Tps. 11 and 12 N., R. 18 E.

WYOMING

Individual counties which are local producing areas.

Converse.	Johnson.
Crook.	Laramie.
Hot Springs.	Sheridan.

Combinations of townships which are local producing areas.

LOCAL PRODUCING AREAS BY COUNTY

Big Horn

1. T. 57 N., Rs. 96 and 97 W.;
2. Tps. 54, 55 and 56 N., R. 97 W.; T. 55 N., R. 96 W.;
3. Tps. 56 and 57 N., R. 94 W.;
4. Tps. 50, 51 and 52 N., R. 95 W.;
5. T. 51 N., Rs. 93 and 94 W.; T. 52 N., R. 93 W.;
6. T. 50 N., Rs. 92 and 93 W.; T. 49 N., R. 93 W.

Fremont

1. T. 4 N., R. 2 E.; T. 3 N., Rs. 1 and 2 E.;
2. T. 3 N., Rs. 4 and 5 E.;
3. T. 2 N., Rs. 2 and 3 E.;
4. Tps. 1 and 2 N., R. 5 E.;
5. T. 1 N., Rs. 1 and 2 E.; T. 1 S., R. 1 E.

Goshen

1. Tps. 19, 20 and 21 N., R. 61 W.; T. 21 N., R. 62 W.; T. 21 N., R. 60 W.;
2. T. 22 N., Rs. 61 and 62 W.;
3. Tps. 23 and 24 N., R. 63 W.;
4. T. 24 N., R. 60 W.; T. 25 N., R. 61 W.;
5. T. 26 N., Rs. 62, 63, and 64 W.

Park

spective State office, was further re-

7 U.S.C. Sup. 1131, as amended by Public Law

(2) The provisions of the said order

[Milk Order No. 34]

der effective April 1, 1964, and that it

Park

1. Tps. 53 and 54 N., R. 101 W.;
2. T. 54 N., Rs. 98 and 99 W.;
3. Tps. 56 and 57 N., R. 98 W.

Platte

1. T. 23 N., Rs. 67, 68 and 69 W.;
2. T. 24 N., Rs. 68 and 69 W.;
3. T. 25 N., Rs. 67 and 68 W.

Washakie

1. T. 45 N., R. 94 W.; T. 46 N., Rs. 92 and 93 W.;
2. T. 47 N., Rs. 92 and 93 W.

* * * * *

Statement of bases and considerations. The use of farm headquarters as a factor in determining the location of a farm was inadvertently omitted in amendment 2 (28 F.R. 1584). This amendment corrects that omission. Further, this amendment changes the definition of "local producing area" previously established in amendment 2 by consolidating local producing areas, where practicable, in order that an area will contain not less than eleven farms.

Prior to this amendment 3, in all States except Texas and Utah, each individual township was a separate local producing area and in those two States each ASC community was a separate area. Since the areas were thus determined on a geographical basis, without regard to the locations of the sugarbeet producing farms, it resulted in a wide variation in the number of such farms within each local producing area. Consequently, in some areas, acreage abandonment or crop deficiency on a single farm would qualify the entire area for abandonment and crop deficiency payments while in other areas, a number of farms could have abandoned acreage or deficiency of production and the area not qualify for such payments.

Thus, it appears advisable that the definition of "local producing area" be modified to provide areas more equal in farm count. Counties with only a few farms should be considered as areas within themselves. In other counties, townships (ASC communities in Texas and Utah) with only a few farms should be combined with other townships to form new local producing areas.

To reduce the number of areas which could qualify for abandonment and deficiency payments on the basis of crop conditions on farms, eleven farms for an area seem to be the desirable minimum number for any area at this time. Using 1963-crop data (1962 for California) a detailed study of the location of all sugarbeet producing farms was conducted in the county office of each county in which sugarbeets are raised. Based on uniform guide lines furnished to each such office, these offices made recommendations as to which entire counties should be considered as local producing areas and which townships or ASC communities should be combined to form new local producing areas. In determining these combinations, no two townships or communities were to be combined into the same local producing area if separated by long distances, natural land barriers, or if they had obviously dissimilar types of soil. Each county office recommendation was reviewed by the respective State office, was further reviewed by Department officials in Washington, D.C. and such recommendations form the basis of this amendment which reduces the number of areas having one to ten farms from 1863 to 1231. Additional studies will be made periodically for possible future revisions and consolidations of local producing areas.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

Effective date. Date of publication.

Signed at Washington, D.C., on March 26, 1964.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 64-3117; Filed, Mar. 30, 1964; 8:51 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 874.16, Amdt. 1]

PART 874—SUGARCANE; LOUISIANA

Prices; 1963 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), Part 874, § 874.16 of Chapter VIII of Title 7 of the Code of Federal Regulations (28 F.R. 11049) published October 16, 1963, is hereby amended by changing the designation of paragraph (i) to (j) and substituting in lieu thereof a new (i) as follows:

§ 874.16 Fair and reasonable prices for the 1963 crop of Louisiana sugarcane.

* * * * *

(i) *Toll agreements.* The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

* * * * *

Statement of bases and considerations. During the harvest of the 1963 record crop of Louisiana sugarcane, two processors entered into a toll agreement under which one processor ground some sugarcane produced by another processor to reduce the possibility of the loss of the sugarcane from freeze damage.

The Department has examined the toll agreement between the processors involved and has ascertained that the arrangement will not affect the purchase or tolling of sugarcane from any independent producers. The action taken by these processors appears reasonable under the circumstances, and this amendment provides that where one processor enters into a toll agreement to process the sugarcane of another processor, the rate shall be that which they agree upon.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932, 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended by Public Law 87-535 and Public Law 87-839)

Signed at Washington, D.C., on March 25, 1964.

CHARLES S. MURPHY,
Under Secretary of Agriculture.

[F.R. Doc. 64-3118; Filed, Mar. 30, 1964; 8:51 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 33]

PART 1033—MILK IN GREATER CINCINNATI MARKETING AREA

Order Amending Order

§ 1033.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Cincinnati marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 10, 1964 and the decision of the Secretary containing all amendment provisions of this order, was issued March 20, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1964, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Cincinnati marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby amended, as follows:

In § 1033.63, paragraphs (c) and (d) are revised to read as follows:

§ 1033.63 Computation of uniform prices.

* * * * *

(c) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(d) Add for each of the months of September, October, November and December 20, 30, 30 and 20 percent, respectively, of the total amount of the obligated balance in the producer-settlement fund pursuant to § 1033.71(b) on September 30 of such year;

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. April 1, 1964.

Signed at Washington, D.C., on March 26, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-3123; Filed, Mar. 30, 1964; 8:51 a.m.]

[Milk Order No. 34]

PART 1034—MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

Order Amending Order

§ 1034.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Dayton-Springfield marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 10, 1964, and the decision of the Secretary containing all amendment provisions of this order, was issued March 20, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1964, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at lease two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Dayton-Springfield marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby amended, as follows:

In § 1034.62, paragraphs (b) and (c) are revised to read as follows:

§ 1034.62 Computation of uniform prices.

* * * * *

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(c) Add for each of the months of September, October, November and December 20, 30, 30 and 20 percent, respectively, of the obligated balance in the producer-settlement fund pursuant to § 1034.73(b) on August 31, immediately preceding;

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. April 1, 1964.

Signed at Washington, D.C., on March 26, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-3124; Filed, Mar. 30, 1964; 8:31 a.m.]

[Milk Order No. 35]

PART 1035—MILK IN COLUMBUS, OHIO, MARKETING AREA

Order Amending Order

§ 1035.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid

order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Columbus marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 10, 1964, and the decision of the Secretary containing all amendment provisions of this order, was issued March 20, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1964, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Columbus marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby amended, as follows:

1. In § 1035.61, paragraphs (b) and (c) are revised to read as follows:

§ 1035.61 Computation of uniform price.

* * * * *

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of milk received from producers during the month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(c) Add for each of the months of September, October, November and December 20, 30, 30 and 20 percent, respectively, of the total amount subtracted during the immediately preceding April–July period pursuant to paragraph (b) of this section;

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. April 1, 1964.

Signed at Washington, D.C., on March 26, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-3125; Filed, Mar. 30, 1964; 8:51 a.m.]

[Milk Order No. 37]

PART 1037—MILK IN NORTH CENTRAL OHIO MARKETING AREA

Order Amending Order

§ 1037.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Central Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 9, 1964 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued March 20, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1964 and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Central Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

§§ 1037.18, 1037.19 [Revoked]

1. Sections 1037.18 and 1037.19 are revoked.

§ 1037.22 [Amended]

2. In paragraph (i) (2) of § 1037.22, the word "price(s)" is changed to "price" and the reference "§ 1037.62 and" is revoked; paragraph (j) of § 1037.22 is revoked.

§ 1037.30 [Amended]

3. In paragraph (a) (1) of § 1037.30, the comma following the words "Producer milk" is changed to a semi-colon and the text "including for the months of April through June the pounds of eligible and ineligible milk;" is revoked.

§ 1037.60 [Amended]

4. In paragraph (e) of § 1037.60, the reference "or § 1037.62(d)" is revoked.

5. In § 1037.61 the introductory text to paragraph (a) is revised to read as follows:

§ 1037.61 Computation of uniform price.

For each month, the market administrator shall compute for each pool plant a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received at such pool plant as follows:

* * * * *

§ 1037.62 [Revoked]

6. Section 1037.62 is revoked.

§ 1037.63 [Amended]

7. In paragraph (b) of § 1037.63 the word "price(s)" is changed to "price", and the reference "§§ 1037.61 and 1037.62" is changed to "§ 1037.61".

§§ 1037.64, 1037.65 [Revoked]

8. Sections 1037.64, 1037.65 and the center head "Determination of Eligible Milk Quota" are revoked.

§ 1037.70 [Amended]

9. In § 1037.70 the phrase "uniform price(s)" is changed to "uniform price".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. April 1, 1964.

Signed at Washington, D.C., on March 26, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-3115; Filed, Mar. 30, 1964; 8:51 a.m.]

[Milk Order No. 49]

PART 1049—MILK IN INDIANAPOLIS, IND., MARKETING AREA

Order Amending Order

§ 1049.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indianapolis, Indiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 4, 1964 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued March 13, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1964 and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the Indianapolis, Indiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

Section 1049.12(a) is revised to read as follows:

§ 1049.12 Pool plant.

* * * * *

(a) A distributing plant from which not less than 50 percent of the Grade A milk received at such plant from producers and pool supply plants as defined in paragraph (b) of this section is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area: *Provided,* That a distributing plant which was a pool plant in each of the months of September through May, inclusive, shall continue to be a pool plant in the months of June, July, and August, immediately following if fluid milk products are disposed of from the plant in the marketing area on routes during such month;

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. April 1, 1964.

Signed at Washington, D.C., on March 26, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-3116; Filed, Mar. 30, 1964; 8:51 a.m.]

under judicial process; submit to the At-

(1) The officer granting such easement

Subpart 6—Regulations Governing Reimburse-

ber 1, 1961, by the United States for use

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

Subpart 6—Regulations Governing Reimbursement for Moving Expenses to Owners and Tenants of Land Acquired by the National Aeronautics and Space Administration

Subparts 5 and 6 are revised in their entirety as follows:

Subpart 5—Delegations and Designations

Sec.
1204.500 Scope of subpart.
1204.501 Delegation of authority for real property acquisition, management and disposal.
1204.502 Delegations of authority to the Corps of Engineers, U.S. Army, concerning NASA land acquisition activities.
1204.503 Determination and delegations of authority concerning the granting of easements.

AUTHORITY: The provisions of this Subpart 5 issued under 42 U.S.C. 2473(b) (1) and (14).

Subpart 5—Delegations and Designations

§ 1204.500 Scope of subpart.

This subpart establishes various delegations of authority to, and designations of National Aeronautics and Space Administration (NASA) officials to carry out prescribed functions of NASA.

§ 1204.501 Delegation of authority for real property acquisition, management and disposal.

(a) *Definition.* For the purpose of this § 1204.501, the term "real property" means land, buildings, other structures, and improvements, appurtenances and fixtures located thereon.

(b) *Delegations of authority*—(1) *Associate Administrator.* The Associate Administrator, NASA, is hereby delegated authority for acquisition, management and disposal of real property.

(2) *Deputy Associate Administrator for Programming.* Consonant with the instructions of the Associate Administrator, NASA, and to the extent authorized by law and applicable regulations, the Deputy Associate Administrator for Programming, NASA Headquarters, is hereby delegated authority to:

(i) Acquire for the United States title to real property or other interests therein including, by way of description and not limitation, easements, permits and licenses.

(ii) Exercise all the authority of NASA under the Act of August 1, 1888 (40 U.S.C. 257), and under the further authority of the Act of July 29, 1958 (42 U.S.C. 2473(b)(3)) to acquire real estate for the United States by condemnation under judicial process; submit to the Attorney General of the United States requests for condemnation.

(iii) Exercise for NASA the authority contained in the Act of February 26, 1931 (40 U.S.C. 258a) and the acts supplementary thereto and amendatory thereof, to sign declarations of taking.

(iv) Exercise for NASA the authority contained in section 203(d)(14) of the National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2473(b)(14) to determine a fair and reasonable reimbursement to the owners and tenants of land and interests in land in accordance with the provisions of Subpart 6 but in no event in excess of 25 per centum of the fair value of the parcel of land or interests in land to which the reimbursement is related. (The fair value of land or an interest in land shall be determined on the basis of an appraisal made by or on behalf of the Government in accordance with established appraisal principles and procedures, except that the Deputy Associate Administrator for Programming, NASA Headquarters, in extraordinary cases when he deems departure from the appraised value to be justified, may submit the question of fair market value to the Administrator, NASA, for his determination.)

(v) Enter into joint use agreements or permits with other Government agencies relating to real property.

(vi) Exercise all the authority of NASA under the Act of Congress approved October 23, 1962 (40 U.S.C. 319 to 319c), including the authority to grant on behalf of the United States, to a State or political subdivision or agency thereof or to any person or organization applying therefor, such easements in, over, or upon real property of the United States controlled by NASA will not be adverse to the interests of the United States, in accordance with the requirements set forth in § 1204.503.

(vii) To the extent authorized by law and applicable regulation, grant leasehold interests, permits or licenses to any public or private entity applying therefor in, over or upon real property of the United States under the control of NASA provided that such grant will not be adverse to the interests of the United States as determined, through suitable regulation, by the Administrator, NASA. But nothing herein shall extend to the disposition of real property which is excess within the meaning of 40 U.S.C. 472(e).

(c) *Redelegation of authority.* The Associate Administrator is authorized to redelegate authority to other NASA personnel to enter into real property transactions, except those specified in paragraphs (b)(2)(ii) through (iv) and (vi) of this § 1204.501, subject to such limitations as he may consider necessary.

(d) *Responsibility of offices.* (1) The Office of Programming is responsible for:

(i) Development of policy and issuance of procedures for real property: acquisition (including leasing or purchasing for U.S. Government and obtaining permits, easements and licenses); utilization; outgranting; and disposal of real property excess to NASA needs.

(ii) Performing the actions delegated in paragraph (b)(2) of this section for the Associate Administrator.

(2) The Office of Procurement is responsible for providing support, as set forth in NASA Instruction 2-1-1.3A as follows:

(i) Providing appropriate coordination and management support in connection with the acquisition, construction, and use of all industrial facilities (including industrial real property) as defined in NASA Instruction 7-6-4.5.

(ii) Issuance of procurement procedures concerning the acquisition of real property.

(iii) Control and utilization of Government property in the possession of contractors.

(3) Within its area of functional responsibility, the Office of Administration is responsible for:

(i) Issuance of procedures concerning the accountability, financial control, inventory management, and effecting the disposal of real property.

(ii) Entering into or taking other actions with respect to real property transactions with foreign governments and foreign commercial organizations or individuals.

§ 1204.502 Delegations of authority to the Corps of Engineers, U.S. Army, concerning NASA land acquisition activities.

(a) The Chief of Engineers, United States Army, or his designee, may, with respect to land acquired by the United States for the use of NASA at the Mississippi Test Facility and at the John F. Kennedy Space Center, NASA (Cocoa Beach, Florida), exercise all the authority of NASA under the Act of Congress approved August 14, 1962 (42 U.S.C. 2473(b)(14)) to reimburse certain moving expenses to the extent determined by him to be fair and reasonable, the owners and tenants of land and interests in land in accordance with the provisions of Subpart 6, but in no event in excess of 25 per centum of the fair value of the parcel of land or interest in land to which the reimbursement is related.

(b) The fair value of land or an interest in land shall be determined on the basis of an appraisal made by or on behalf of the Government in accordance with established appraisal principles and procedures, except that the Chief of Engineers, United States Army, in extraordinary cases where he deems departures from the appraised value to be justified, may submit the question of fair value to the Administrator, NASA, for his determination.

§ 1204.503 Determination and delegations of authority concerning the granting of easements.

(a) *Determination.* I hereby determine that an easment will not be adverse to the interests of the United States if and to the extent that the interest in real property conveyed thereunder is not required for a NASA program and the grantee's exercise of rights under such easement will not interfere with NASA operations. However, no easement shall be granted under this authority unless:

(1) The officer granting such easement determines that the interest in real property to be conveyed thereunder is not required for a NASA program and that the grantee's exercise of rights under such easement will not interfere with NASA operations; and

(2) Monetary or other benefit, including any interest in real property, is received by the Government as consideration for the granting of such easement; and

(3) The instrument granting such easement provides:

(i) For the termination of the easement, in whole or in part, if there has been:

(a) A failure to comply with any term or condition of the grant; or

(b) A non-use of the easement for a consecutive two-year period for the purpose for which granted; or

(c) An abandonment of the easement; or

(d) A determination by the officer granting such easement that the interests of the national space program, the national defense, or the public welfare require the termination of such easement; and a 30-day notice, in writing, to the grantee that such determination has been made; and

(ii) That written notice of such termination shall be given to the grantee, or its successors or assigns, by the officer granting such easement, and that termination shall be effective as of the date of such notice; and

(iii) For any other reservations, exceptions, limitations, benefits, burdens, terms, or conditions which the officer granting such easement deems necessary to protect the interests of the United States.

(b) *Delegation of authority*—(1) *Authority.* The Deputy Associate Administrator for Programming and the Associate Administrators for Program Offices, NASA Headquarters, and the Directors of field installations with respect to real property under their supervision and management, may, subject to the restrictions in paragraph (a) of this section, exercise all of the authority of NASA under the Act of Congress approved October 23, 1962 (40 U.S.C. 319 to 319c), including the authority to grant on behalf of the United States, to a State or political subdivision or agency thereof or to any person applying therefor, such easements in, over, or upon real property of the United States controlled by NASA as will not be adverse to the interests of the United States.

(2) *Deviations.* If, in connection with a proposed granting of an easement, the Deputy Associate Administrator for Programming and the Associate Administrators for Program Offices, NASA Headquarters, or a Director of a field installation determines that a deviation from the restrictions in paragraph (a) of this section is appropriate, he may request authority for such deviation from the Administrator, NASA.

Subpart 6—Regulations Governing Reimbursement for Moving Expenses to Owners and Tenants of Land Acquired by the National Aeronautics and Space Administration

Sec.
1204.600 Scope of subpart.
1204.601 Definitions.
1204.602 Authority.
1204.603 Reimbursement.
1204.604 Examples of reimbursable items.
1204.605 Examples of nonreimbursable items.
1204.606 Filing of applications.
1204.607 Limitation on amount of payment.
1204.608 Conditions of reimbursement.

AUTHORITY: The provisions of this Subpart 6 issued under 42 U.S.C. 2473(b) (1) and (14).

Subpart 6—Regulations Governing Reimbursement for Moving Expenses to Owners and Tenants of Land Acquired by the National Aeronautics and Space Administration

§ 1204.600 Scope of subpart.

This subpart establishes the policy and procedures of NASA governing reimbursement for certain moving expenses to owners and tenants of land acquired by NASA.

§ 1204.601 Definitions.

(a) *Owner.* Any owner of land or of an interest in land who moves himself, his family, and his possessions because of acquisition of his land or his interest in land by the United States for the use of NASA.

(b) *Tenant.* An individual who, under proper authority, uses or occupies land and who moves himself, his family, and his possessions because of acquisition of such land by the United States for use of NASA.

(c) *Date of vacating.* The date upon which the land or interest in land (1) is to be vacated under agreement with the Government by the owner or tenant or pursuant to law, including but not limited to an order of a court; or (2) is vacated, whichever first occurs.

(d) *Fair value.* The value of land or an interest in land determined on the basis of an appraisal made by or on behalf of the Government in accordance with established appraisal principles and procedures except that the Deputy Associate Administrator for Programming, and the Associate Administrators for Headquarters Program Offices, NASA Headquarters, in extraordinary cases where they deem departure from the appraised value to be justified, may submit the question of fair value to the Administrator, NASA, for his determination.

§ 1204.602 Authority.

(a) The National Aeronautics and Space Administration is authorized to reimburse, to the extent determined by the Administrator, NASA, or his designee; to be fair and reasonable, the owners and tenants of land and interests in land acquired by purchase, condemnation, or otherwise, on or after November 1, 1961, by the United States for use by the Administration, for expenses and losses and damages incurred by such owners and tenants as a direct result of moving themselves, their families, and their possessions because of such acquisition.

(b) Reimbursement as stated in paragraph (a) of this section shall be in addition to but not in duplication of any payments that may otherwise be authorized by law to be made to such owners and tenants. The total of any such reimbursement to any owner or tenant shall in no event exceed 25 per centum of the fair value, as determined by the Administrator, NASA, of the parcel of land to which the reimbursement is related.

(c) No payment under this Subpart 6 shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the Administrator, NASA, within one year from (1) the date upon which the parcel of land or interest in land is to be vacated under agreement with the Government by the owner or tenant or pursuant to law, including but not limited to an order of the court; or (2) the date upon which the parcel of land or interest in land involved is vacated, whichever occurs first.

(d) The Administrator, NASA, may perform any and all acts and make such further rules and regulations as he deems necessary and proper for the purpose of carrying out the provisions of this subpart.

§ 1204.603 Reimbursement.

Pursuant to the provisions of the Act, reimbursement may only be made to the extent determined fair and reasonable for items of expense and other losses and damages incurred by owners or tenants as a direct result of the moving of themselves and their families and possessions. Examples of reimbursable and nonreimbursable items are set forth in §§ 1204.604 and 1204.605. Such listing is a partial enumeration only, and is not intended to be all inclusive.

§ 1204.604 Examples of reimbursable items.

The following are examples of reimbursable items:

(a) Moving expenses, such as costs of transportation, insurance premium for protection of possessions, crating and uncrating.

(b) Temporary storage expenses.

(c) Expenditures for obtaining new site or land such as cost of appraisals, surveys, and title searches, where such expenses are normally borne by the purchaser. This does not include any part of the purchase price for the new site or any expenditures for the purpose of adding to the value or utility of the new site.

§ 1204.605 Examples of nonreimbursable items.

The following are examples of nonreimbursable items:

(a) Costs of conveying property to the

Title 19—CUSTOMS DUTIES

Kind of fruit juice	Average Brix value (degrees)

(b) *Decorations awarded by Department of Defense.* The Joint Services

§ 878.6 Preparing, submitting, and proc-

(a) Costs of conveying property to the Government.

(b) Consequential damages or losses, such as loss of good will, loss of profits, loss of trained employees, or expenses of sales and losses because of such sales.

§ 1204.606 Filing of applications.

All applications for reimbursement will be delivered or mailed to the National Aeronautics and Space Administration, Washington, D.C., 20546, within one year from the date of vacating as defined in § 1204.601 except that, in the case of applications for reimbursement based on land acquired by the United States for the use of NASA at the Mississippi Test Facility or at the John F. Kennedy Space Center, NASA (Cocoa Beach, Florida), applications for reimbursement will be delivered or mailed to the appropriate office of the Division or District Engineer, Corps of Engineers, U.S. Army, for forwarding to the Administrator, NASA, for final action. Applications must be supported by an itemized statement of the expenses, losses, and damages incurred for which reimbursement is requested.

§ 1204.607 Limitation on amount of payment.

The total amount of reimbursement to all owners and tenants of any parcel of land shall not exceed 25 per centum of the fair value of such parcel of land. In the event that the approved amount of reimbursement for all owners and tenants exceeds 25 per centum of the fair value of the land, each applicant will receive the same proportion of the fair value as the approved amount for each application is of the total amount approved for all applications.

§ 1204.608 Conditions of reimbursement.

In determining whether reimbursement will be made and the extent and amount thereof, consideration will be given to the following:

(a) Reimbursement shall not be made unless and until reasonable proof of the expenses or other losses and damages incurred, in the form of receipts therefor or the next best evidence thereof when receipts are not available, have been submitted.

(b) Reimbursement shall not be made to the extent that the applicant's negligence or wrongful act has contributed to the amount of the expenses, losses or damages.

(c) Reimbursement shall not be made for expenses, losses or damages which were allowed in establishing the compensation paid or to be paid for the interest acquired in the land.

Effective date. The provisions of Subparts 5 and 6 are effective upon publication in the FEDERAL REGISTER.

HUGH L. DRYDEN,
Deputy Administrator, National Aeronautics and Space Administration.

[F.R. Doc. 64-3103; Filed, Mar. 30, 1964; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56135]

PART 13—EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS

Brix Values of Unconcentrated Natural Fruit Juices

On November 2, 1963, notice of the proposed amendment of Part 13 of the Customs Regulations to prescribe average Brix values of natural unconcentrated fruit juices in the trade and commerce of the United States was published in the FEDERAL REGISTER (27 F.R. 11736).

After consideration of all relevant data submitted in response to the notice, values have been added to the table for apricot, black currant, blueberry, papaya, pear, and raisin juices; the value for cherry juice has been changed to correct a clerical error; and revised values have been adopted for lemon and orange juices.

The amendments, as set forth below, are hereby adopted.

The heading of Part 13 is amended to read as set forth above.

Part 13 is further amended by adding a center head and a new § 13.19 reading as follows:

FRUIT JUICES

§ 13.19 Brix values of unconcentrated natural fruit juices.

The following values have been determined to be the average Brix values of unconcentarted natural fruit juices in the trade and commerce of the United States, for the purposes of the provisions of headnote 3, part 12A, schedule 1 of the Tariff Schedules of the United States, and will be used in determining the dutiable quantity of imports of concentrated fruit juices, using the procedure set forth in headnote 4 of said part 12A:

Kind of fruit juice	*Average Brix value (degrees)*
Apple	13.3
Apricot	14.3
Black currant	15.0
Blackberry	10.0
Black raspberry	11.1
Blueberry	14.1
Boysenberry	10.0
Cherry	14.3
Cranberry	10.5
Date	18.5
Dewberry	10.0
Elderberry	11.0
Fig	18.2
Grape (Vitis Vinifera)	18.0
Grape (Slipskin varieties)	16.0
Grapefruit	10.2
Guava	7.7
Lemon	8.9
Lime	10.0
Loganberry	10.5
Orange	11.8
Papaya	10.2
Pear	15.4
Pineapple	14.3
Plum	14.3
Prune	18.5
Raisin	18.5
Raspberry (Red raspberry)	10.5
Red currant	10.5
Strawberry	8.0
Tangerine	11.5
Youngberry	10.0

(Sec. 101, 76 Stat. 72; Gen. Hdnote. 12, Sch. 1, pt. 12A, hdnotes. 3, 4, Tariff Schedules of the United States. R.S. 251, sec. 624, 46 Stat. 759, Sec. 101, 76 Stat. 72; 19 U.S.C. 66, 1624, Gen. Hdnote. 11, Tariff Schedules of the United States)

Effective date. Inasmuch as promulgation of the Brix values set forth in this amendment is required by statute (Sec. 101, 76 Stat. 72; Sch. 1, pt. 12A, hdnote. 3, Tariff Schedules of the United States), and no liquidations of entries of the involved commodities can be made until the foregoing amendments are made effective, good cause is found for making the amendments effective in less than 30 days after publication in the FEDERAL REGISTER, and the foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: March 23, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3101; Filed, Mar. 30, 1964; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 878—DECORATIONS AND AWARDS

Decorations

In Part 878, §§ 878.1 to 878.16 are rescinded and the following substituted therefor:

DECORATIONS

Sec.
878.1 Purpose.
878.2 Objective of decorations.
878.3 List of authorized decorations.
878.4 Eligibility to receive a decoration.
878.5 Number of decorations and medals a person may receive.
878.6 Preparing, submitting, and processing recommendations.
878.7 Format of letter recommendation.
878.8 Presentation of decorations.
878.9 Presentation of posthumous, missing-in-action, and prisoner-of-war decorations.
878.10 Issue and use of certificates.
878.11 Issuance and replacement.
878.12 Requests for documentation and establishment of authority for decorations.
878.13 Special entitlements.
878.14 Decorations for use in exhibitions.
878.15 Manufacture, sale, and possession of decorations.
878.16 General policy concerning acceptance of decorations awarded by foreign governments.

Sec.
878.17 Prior congressional authorization.
878.18 Requesting congressional authorization.
878.19 Applicability.
878.20 Participating in presentation ceremonies.
878.21 Members of Military Assistance Advisory Groups and Air Missions.
878.22 Decorations to retired personnel.
878.23 Decorations awaiting congressional approval for personnel honorably discharged from the Air Force.
878.24 Posthumous awards of foreign decorations to deceased members of the Air Force.
878.25 Awards accepted while a bona fide member of the Armed Forces of a friendly foreign nation.
878.26 Military decorations.
878.27 Nonmilitary decorations.
878.28 Joint Service Commendation.

AUTHORITY: §§ 878.1 to 878.28 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text.

SOURCE: AFR 900-7, May 24, 1963 and AFR 900-7A, January 8, 1964.

§ 878.1 Purpose.

Sections 878.1 to 878.28 explain the Air Force policy on awarding decorations to military and civilian personnel.

§ 878.2 Objective of decorations.

The primary purpose of the decorations program is to foster morale, incentive, and esprit de corps through the prompt public recognition of acts of exceptional bravery, outstanding achievement, and meritorious service. To preserve the integrity of the decorations program, awards must be restricted to the recognition of acts or services which are so clearly and distinctly outstanding by nature and magnitude that they place an individual's performance significantly above that of other individuals of like grade and responsibility and can be appropriately recognized in no other way.

§ 878.3 List of authorized decorations.

(a) *Decorations awarded by the Air Force.* The decorations awarded by or upon the recommendation of the Air Force are as follows:

Military

Medal of Honor.
Air Force Cross.
Distinguished Service Medal.
Silver Star.
Legion of Merit.
Distinguished Flying Cross.
Airman's Medal.
Bronze Star Medal.
Air Medal.
Air Force Commendation Medal.
Purple Heart.

Nonmilitary

Medal for Merit.
President's Certificate of Merit.
National Security Medal.
The Presidential Medal of Freedom.
Department of Defense Medal for Distinguished Public Service.
Exceptional Service Award.
Air Force Scroll of Appreciation.

NOTE: §§ 878.26 and 878.27 indicate to whom authorized decorations are awarded and the criteria prescribed for their award.

(b) *Decorations awarded by Department of Defense.* The Joint Service Commendation Medal is awarded in the name of the Secretary of Defense, as indicated in § 878.28.

§ 878.4 Eligibility to receive a decoration.

The eligibility of a person to receive a decoration listed in § 878.3 depends upon the following factors:

(a) *Nature and magnitude of the act, achievement, or service.* Sections 878.26 and 878.27 explain which types of acts, achievements, and services are considered worthy of recognition.

(b) *Relationship of the person to the Air Force.* (1) All military personnel on active duty are eligible to receive any U.S. military decoration. With the exception of the National Security Medal, nonmilitary decorations are not awarded to United States military personnel for an act or service performed as a military member.

(2) Members of the Reserve components, while participating in authorized periods of training or while in inactive status, may be considered for all military decorations provided the act, achievement, or service was in furtherance of an Air Force mission or function and meets the established criteria. However, acts, achievements, or services which are of principal benefit to private citizens are not the basis for military decorations.

(c) *Posthumous awards.* Decorations may be awarded following the decease of the persons being honored, in the same manner as awarded to a living person.

(d) *Character of service.* (1) No decoration will be awarded or presented to any individual whose entire service during or subsequent to the time of the distinguished act, achievement, or service shall not have been honorable. (See 10 U.S.C. 8744; 8749.)

(2) Any award for meritorious service may be revoked prior to presentation if facts subsequently determined would have prevented original approval of the award. Commanders becoming aware of any such instances must immediately report the circumstances and make recommendations to the awarding authority for review and determination of appropriate action.

§ 878.5 Number of decorations and medals a person may receive.

(a) There is no limitation placed on the number of decorations that may be awarded to an individual. However, only one decoration may be awarded for the same act, achievement, or period of service. Any subsequent recommendations for the same decoration should be based upon increasingly higher standards of performance and meritorious service.

(b) Unless otherwise indicated in §§ 878.1 to 878.28, only one medal of a decoration is presented unless the recipient is a foreign national or the award is posthumous, in which case an additional medal is presented. In all other instances, oak-leaf clusters are used in lieu of additional medals of the same decoration.

§ 878.6 Preparing, submitting, and processing recommendations.

(a) *Who may submit recommendations.* Any person having knowledge of the act, achievement, or service believed to warrant the award of a decoration may initiate a recommendation for the award. Preferred recommendations are those initiated by the person's commander or supervisor at the time the act, achievement, or service was performed.

(b) *Special considerations for submitting recommendations based on meritorious service or outstanding achievement*—(1) *General.* (i) To preserve the integrity of decorations, recommendations should be restricted to the recognition of meritorious service and outstanding achievements that are incontestably exceptional and of a magnitude that clearly places an individual above his peers.

(ii) Recommendations should be based on specific projects, plans, programs, or actions, the implementation of which has been successful and the benefits to the Air Force positively ascertained, or that have progressed to a point where results expected at some future date can be accurately predicted.

(iii) Superior performance does not, in itself, constitute justification for a military decoration. Favorable communications and appropriate remarks on Effectiveness or Performance Reports provide ample means of recognizing the praiseworthy duty performance that is expected of Air Force personnel.

(iv) Service terminated by voluntary early retirement or involuntary release under any Air Force quality control program requires the careful weighing of all related facts to insure that the award of a decoration is fully justified.

(v) The reassignment or retirement of a commander or supervisor is not a basis for initiating recommendations for awards to his subordinates.

(2) *Meritorious service.* A recommendation based on meritorious service must be for a completed period of service.

(3) *Outstanding achievement.* An outstanding achievement award is intended to recognize a single specific act or accomplishment that is separate and distinct from regularly assigned duties. The period of an outstanding achievement normally is short and characterized by definite beginning and ending dates. The specific achievement must be sufficiently outstanding to be readily distinguishable from meritorious service and must clearly warrant immediate recognition. A recommendation based on an outstanding achievement may be submitted at any time; however, to insure maximum benefit to morale and incentive, such an award should be recommended as soon as possible after the achievement upon which it is based. The award of a decoration in recognition of a single act of heroism or a single achievement does not necessarily preclude an award for meritorious service at termination of assignment. In such instance, and to avoid duplication, the previously recognized act or achievement cannot be included in the justification for, or consideration of, the subsequent award.

(c) *Special consideration for submitting recommendations based on aerial achievements.* The completion of a specified number of missions, sorties, special flights, or accident-free flying hours does not, in itself, constitute adequate justification for an award recommendation. There are other equally important factors to be considered in evaluating a recommendation based on meritorious aerial achievements. Accordingly, all recommendations must clearly substantiate exceptional performance and outstanding airmanship above that normally expected of professional airmen.

(d) *Special considerations for submitting recommendations for awards to members of the armed forces of friendly foreign nations*—(1) *Type of service recognized.* The award of United States decorations in peacetime is authorized to recognize:

(i) Service of marked international significance where the interests of the United States are involved.

(ii) Service which has aided the United States in furthering its national policies.

(iii) Service which has furthered the interests of the security of the United States or of any nation allied or associated with the United States during a period of national emergency declared by the President or the Congress.

(iv) An act of heroism, outstanding achievement, or meritorious service which has been of mutual benefit to a friendly foreign nation and the United States.

(2) Appropriate award: The following United States military decorations may be recommended to recognize acts or services described in subparagraph (1) of this paragraph when they meet the standards prescribed for similar awards to United States Air Force personnel:

(i) While serving in any capacity with the Air Force: Any military decoration, except the Medal of Honor and the Purple Heart (see § 878.26).

(ii) While not serving with the Air Force:

(*a*) Legion of Merit.

(*b*) Air Force Commendation Medal.

(3) Awards to British, Canadian, and Australian Personnel: The British, Canadian, and Australian governments do not permit their personnel to accept foreign decorations in recognition of peacetime meritorious service or achievement. Commanders desiring to recognize meritorious service or achievement rendered by these personnel may initiate a recommendation for the award of a British, Canadian, or Australian equivalent of a specific United States military decoration.

Example. Recommendation for award of the British equivalent of the (Legion of Merit) (Air Force Commendation Medal): Either the major air commander or deputy commander must personally indorse each recommendation.

(4) Information to be included:

(i) Recommendations originating from oversea commanders must include a statement that the proposed award has been coordinated with the senior commanders of the other United States services in the area or theater and with the United States Ambassador to the country concerned.

(ii) A recommendation for an award to a member of the armed forces of a foreign nation, initiated by a commander of an organization performing temporary duty in an oversea theater, must be processed through the appropriate oversea commander, who will include the information required by subdivision (i) of this subparagraph and forward it to the major air commander of the recommending individual.

(e) *When to submit recommendations.* (1) Timely presentation is essential to exploit the full potential of decorations. Accordingly, recommendations must be submitted as soon as possible after the act, achievement, or service considered to justify award of a decoration.

(2) When heroism is involved and immediate recognition is essential, commanders on the scene are authorized to use electrical means to transmit recommendations for award of decorations to the awarding authority. Electrically transmitted recommendations must be fully justified and sufficiently detailed to permit proper evaluation and decision.

(3) When it is definitely established that a person will be reassigned, retired, or separated on a specific date and presentation is desired before the individual's departure, a recommendation may be initiated before the date of reassignment, retirement, or separation. The recommendation should include the desired presentation date. Such recommendations should be initiated sufficiently early to permit normal processing and arrival at the awarding headquarters 60 days prior to the desired presentation date. Recommendations for awards of decorations to foreign nationals and to U.S. civilians require extensive processing and clearance within the Department of Defense, and concurrence of other departments of the Government on those decorations for foreign nationals. Because of this, recommendations for U.S. civilians should arrive at the USAF Military Personnel Center (AFPMPP), Randolph Air Force Base, Texas, 78148, 60 days before the desired presentation date, and those for foreign nationals 120 days before this date.

(f) *How to prepare recommendations*—(1) *Format.* Individual recommendations are prepared on AF Forms 642, "Recommendation for Decoration," or, when form is not available, in the letter format shown in § 878.7. Letter format will be used only when AF Form 642 is not available. When additional space is needed for the narrative description of the act, achievement, or service, use plain 8 x 10½" bond paper. The recommending individual must also sign the last sheet. The citation is prepared on separate paper in accordance with subparagraph (3) of this paragraph and included with the recommendation. The citation is not stapled to the recommendation, but is inserted, unfolded, in an envelope or other protective covering, which must be securely attached to the recommendation.

(i) When more than one person is recommended for the same decoration and for the same act, achievement, or service, a separate AF Form 642 must be prepared for each person, except that only one narrative description of the act, achievement, or service is required to be attached to the package. However, a separate citation for each person must be prepared and forwarded with the form.

(ii) When the letter format shown in § 878.7 is used, and more than one person participated in and shared responsibility for the same act, achievement, or service, the contributions of all of the participants may be combined into one recommendation. However, the recommendation must indicate the decoration for which each individual is being recommended. A separate citation for each person is required as indicated in subdivision (i) of this subparagraph.

(2) *Content of narrative description.* Each recommendation for a decoration is evaluated on the merits of the justification contained therein. Recommendations based on generalities, broad or vague terminology, superlative adjectives, or a recapitulation of duties performed, normally do not permit competent evaluation. Justification should be specific and factual. Give concrete examples of exactly what the person did, how he did it, and what benefits or results significantly exceeded expected performance of duty. In addition, the following should be included:

(i) Supporting documentary evidence, if the person initiating the recommendation does not have first-hand knowledge of the act or service performed; and

(ii) Official supporting records, if considered advisable by the recommending individual.

(3) *Citation.* Citations must be prepared in accordance with the instructions contained in attachment 5, AFR 900–7 and in the format prescribed in attachment 6, AFR 900–7. The citation must agree with the recommendation as to date of the act or inclusive dates of the achievement or service, and the duty position and assignment of the individual. Citations are frequently published in news media and subsequently become valued personal mementoes of the recipients (see § 878.7). Accordingly, citations should be in good taste and of a quality that will give the recipients a high degree of lasting prestige. A final citation (single spaced and in quadruplicate) for each person recommended must accompany each award recommendation requiring Department of the Air Force approval. Citations normally are not revised or retyped by Headquarters USAF. For approved awards, Headquarters USAF affixes the Air Force Seal to the citation as submitted, and returns the citation for presentation along with other elements of the award.

NOTE: Recommendations, including classified, requiring Department of the Air Force approval, are forwarded in an original and one copy to Hq USAF (AFPMPP). Citations are submitted in quadruplicate as indicated in subparagraph (3) of this paragraph. However, when the recommendation is classified, an unclassified citation, in quadruplicate, must accompany the recommendation.

(g) *Processing recommendations.* (1) All recommendations are forwarded through command channels to the designated awarding authority. To accelerate final action, processing at each intermediate headquarters should be as expeditious as possible, consistent with full and considered evaluation.

(2) Either the commander or deputy commander at each intermediate headquarters must personally indorse each recommendation. Comments and/or alternate recommendations by intermediate commanders are encouraged, as they are helpful to the awarding authority in making a final determination. In his forwarding indorsement, each intermediate commander must recommend approval or disapproval of the recommendation or recommend award of a lesser decoration.

(3) All recommendations placed in official channels, i.e., forwarded to the next highest echelon above the initiator, must be forwarded through channels to the designated awarding authority for final action, regardless of whether or not an intermediate commander considers that the requirements for the recommended award have been met. Recommendations may be returned at any level of command for administrative correction or inclusion of essential supporting data. However, these recommendations are not considered as having been removed from official channels, and they must be returned without delay through channels to the awarding authority.

(4) When a recommendation for the award of a decoration is disapproved, the awarding authority will reconsider the recommendation to determine whether the award of a lesser decoration is appropriate.

(5) When a recommendation originates in a unified or joint command or exercise, MAAG, or mission, the recommendation is forwarded to the unified or joint commander or the chief of the MAAG or Mission for comment; he then forwards it to the awarding authority.

(6) Recommendations previously disapproved by the awarding authority may be submitted for reconsideration only if new evidence is furnished (see paragraph (h)(2) of this section).

(h) *Time limitations on submitting recommendations.* (1) Time limitations are based generally upon law (10 U.S.C. 8744). With the exception of the Purple Heart, recommendations for the award of military decorations must be formally entered into official military channels within 2 years of the date of the act, achievement, or service performed.

(2) A request for reconsideration of a recommendation also must be in official channels within 2 years of the date of the act, achievement, or service performed.

(3) Recommendations which were officially placed in military channels within the prescribed time limitations, but were not acted upon through loss or inadvertence, may be resubmitted for consideration.

(i) Such recommendations must be accompanied by the following:

(*a*) A copy of the original recommendation or a reconstructed version thereof.

(*b*) Conclusive evidence that the recommendations were officially placed in military channels within the prescribed time limit.

(c) Conclusive evidence that the recommendation was not acted on through loss or inadvertence.

(ii) Consideration of an award under these provisions is contingent upon the presentation of evidence required by subdivisions (i) (*a*) through (c) of this subparagraph. Recommendations not so documented normally are returned without action, because the extensive and time-consuming research involved is a workload which Headquarters USAF cannot perform, and which is not considered justified because of the lapse of time.

§ 878.7 Format of letter recommendation.

(Headquarters Designation)

(Date)

SUBJECT: Recommendation for Award of Decoration

To: (Commander of next higher headquarters)

1. It is recommended that the following individual(s) be awarded the decoration(s) indicated:

a. (Grade, first name, middle initial, last name, and service number.)

b. (Name of decoration. Indicate numbered cluster, if applicable.)

c. (Present organization and station.)

d. (Permanent home address.)

e. (Grade, duty assignment, and unit of assignment of the individual at time of the act or service.)

f. (List of United States decorations previously awarded to the individual(s) with complete authorities therefor and dates of service recognized. Do not include service medals, battle credits, unit citations, or foreign decorations.)

g. (Date of last promotion.)

h. (Date of reassignment, retirement, or separation, if applicable, and whether retirement or separation is voluntary or involuntary. Also include TAFCSD, TAFMSD, TFCSD, and TMSD for individuals being retired or separated.)

NOTE: Provide same information as in a. through h. for additional individuals being recommended for same act or service.

2. Give a narrative description of the heroism, achievement, or service. The narrative should be specific and factual. Give concrete examples of exactly what the person did, how he did it, what benefits or results were realized, and why or how such benefits or results significantly exceeded expected superior performance of duty. In addition, include supporting documentary evidence, if the person initiating the recommendation does not have first-hand knowledge of the act or service performed, and/or official supporting records, if considered advisable by the recommending individual.

3. Furnish a statement indicating that the service in the Air Force of the person recommended has been honorable subsequent to the act or service for which recommended.

4. Furnish statement if other individuals are being recommended for the same act or service. If recommendations for these individuals are not a part of this recommendation, explain delay, indicate date recommendations will be forwarded, and identify the individuals concerned by grade, name, service number, present organization, and station.

5. Furnish a statement indicating that an unclassified citation is attached (see § 878.6 (f)(3) (Note).

6. Furnish a statement indicating whether or not other recommendations for awards to the same individual are pending.

7. Furnish a statement indicating that a previous award has not been made to the same individual for the act or service described.

8. If applicable, furnish a statement indicating that the proposed award is posthumous, or that the person recommended is missing in action or a prisoner of war. In all such instances, state the name, address, and relationship of the next of kin.

9. State the date on which presentation of the award is desired if the recommendation is approved. Also indicate the place to which the award elements should be forwarded for presentation.

(Signature of recommending official)

---- Atchs.

1. Citation.

2. (Attach other records, as applicable.)

§ 878.8 Presentation of decorations.

Presentations afford excellent opportunities for the enhancement of command and community relations. Accordingly, close coordination should be effected with the information officer of the command conducting a presentation to permit adequate public relations and publicity planning and coverage of the event, except as noted in § 878.9(b). Presentations should be conducted with an appropriate air of formality and should reflect the high esteem with which the Air Force regards its outstanding personnel. The service uniform appropriate for the occasion must be worn by all military participants in presentation ceremonies. Whenever possible, commanders should personally make presentations. Approved awards for presentation to foreign nationals are transmitted by the Assistant Chief of Staff, Intelligence, Headquarters USAF, to the appropriate presenting official as determined by protocol and other considerations.

(a) *Types of presentation ceremonies.* Ceremonies may range from presentations made at formal reviews to small office ceremonies at which the citation is read and the decoration presented to the recipient.

(b) *Elements of the award.* At a presentation, the elements of the award include a leatherette or plastic case containing the medal with suspension ribbon, ribbon bar, clusters (if any), lapel button or rosette (as applicable); a certificate; and a citation, except for the Purple Heart Award. The awarding authority issues the certificate and citation. Special orders published by the awarding authority are not essential at the time of the ceremony but may be furnished later. Normally, field commanders in combat areas do not present certificates.

(1) Whenever a second or subsequent award of the same decoration is presented, except in awards to foreign nationals (see subparagraph (2) of this paragraph) and those presented posthumously (see § 878.9(a)(2)), the appropriate basic medal, with oak-leaf cluster(s) attached to the suspension ribbon, is used for presentation purposes only. After the ceremony, this medal is recovered and the recipient is issued the appropriate oak-leaf clusters for attachment to the medal and ribbon bar originally awarded. The recipient must be instructed in the proper placement of these oak-leaf clusters. Oak-leaf clusters are issued in two sizes—large and small—and in two colors—bronze and

silver. The large size is worn on the suspension ribbon of the medal and the small size is worn on the ribbon bar. The bronze color is worn with all medals except those awarded for service in combat, which are worn with the silver color. Clusters are worn on the suspension ribbon of the medal and on the ribbon bar. Only one cluster is worn on the ribbon bar regardless of the number awarded.

(2) Presentations to foreign nationals normally are made by the senior United States military representative in the country concerned, or by the commander of the unified command, or by the chief of the MAAG or Mission, or by the commander of the major air command to which the recommending individual is assigned. Presentations may be made by the Ambassador or Minister of the United States to the country concerned, or by the Secretary of the Air Force, the Chief of Staff, USAF, or the Assistant Chief of Staff, Intelligence, Headquarters USAF, when they are present.

(3) Presentations to U.S. civilians normally are made by the commander of the major air command to which the recommending individual is assigned, or by the commander of the unified command, or by the chief of the MAAG or Mission, or by the Secretary of the Air Force, the Chief of Staff, USAF, or the Assistant Chief of Staff, Intelligence, Headquarters USAF, when they are present.

(4) Presentations to members of the armed forces normally are made by the commander of the major air command to which the recommending individual is assigned, or by the commander of the unified command, or by the chief of the MAAG or Mission, or by the Secretary of the Air Force, the Chief of Staff, USAF, or the Assistant Chief of Staff, Intelligence, Headquarters USAF, when they are present.

(5) Presentations to members of the armed forces normally are made at the headquarters, where members of the commander's staff are present.

specific Reserve Units. Such persons may obtain decorations from: Air Reserve

(3) Persons not on active duty and not members of a Reserve component required and manpower limitations. Before a commander or individual submits

§ 878.14 Decorations for use in exhibitions.

silver. The large size is worn on the suspension ribbon of the medal and the small size on the ribbon bar. A bronze oak-leaf cluster is used for the second through the fifth, seventh through tenth, etc., awards. A silver oak-leaf cluster is used for the sixth, eleventh, etc., award, or in lieu of five bronze oak-leaf clusters.

(2) Whenever the oak-leaf cluster is presented to a foreign national, it is attached to the appropriate medal and ribbon bar as indicated above, and the complete decoration is retained by the recipient following the ceremony regardless of whether the basic medal was previously issued.

(c) *How to present the decoration.* The decoration may be pinned on the clothing of the recipient, whether in uniform or civilian clothing. Standard attachment hooks are available, designed to make it easier to pin the medal or ribbon on the uniform or clothing at presentation ceremonies. These attachment hooks are available in two styles—one for pinning the ribbon bar, and the other for pinning the medal pendant.

(d) *Transmitting elements of decoration.* Whenever it becomes necessary to transmit elements of decorations, extreme care must be taken to prevent damage in transit. Elements must be protected by heavy corrugated cardboard within the envelope or must be inserted in heavy duty mailing tubes. Soiled, creased, torn, or otherwise damaged elements lessen the prestige of decorations. Damaged elements must be returned to the issuing headquarters for replacement.

(e) *Time limitation on presenting decorations.* Time limitations are based generally upon law (10 U.S.C. 8744). The decoration must be presented not later than 3 years after the termination date of the act or service performed, except as noted in § 878.6(h).

§ 878.9 Presentation of posthumous, missing-in-action, and prisoner-of-war decorations.

(a) *Posthumous.* Next of kin are entitled to receive decorations earned but not presented because of the death of the recipient. The next of kin listed in order of precedence are: Widow, widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. However, when a decoration is presented to the widow (widower), or their children, duplicates of all elements of this decoration are furnished cost free to the parent(s) of the deceased. Request for authority to make posthumous presentation of decorations to eligible next of kin, other than in the order listed in this paragraph, must be forwarded to Hq USAF (AFPMPP) for approval.

(1) Types of presentation ceremonies: Presentation ceremonies are held in accordance with the desires of the next of kin eligible to receive the award. Unless otherwise indicated by the next of kin, one of the following ceremonies may be arranged for this purpose:

(i) A formal parade and ceremony, in which base personnel participate.

(ii) An office ceremony, normally held in the base commander's office or other appropriate room or office of his headquarters, where members of the commander's staff are present.

(iii) An informal ceremony at the residence of the recipient, where the commander or his designated representative reads the citation and presents the award elements.

(2) Elements of the award: The elements of the award include a leatherette or plastic case containing the medal with suspension ribbon, ribbon bar, clusters (if any), lapel button or rosette (as applicable), a certificate, the citation, and the special order announcing the award. A decoration is awarded posthumously when the individual is deceased at the time the decoration is approved by the awarding authority. In those cases, the citation must indicate that the award is being made posthumously. The word "posthumous" appears beneath the title of the decoration (see attachment 6, AFR 900–7). The special orders also must indicate that the award is being made posthumously. However, the word "posthumous" is omitted from the certificate accompanying the decoration. Whenever the oak-leaf cluster is presented, it is attached to the appropriate medal and ribbon bar, and the complete decoration is retained by the next of kin following the ceremony regardless of whether the basic medal was previously issued to the deceased.

(3) How to present the decoration: The decoration may be pinned on the clothing of the next of kin. However, this must not be construed as authority for any person other than the individual who earned the decoration to wear it. As an alternative to pinning the decoration, it may be handed to the next of kin in the open decoration case. The method of presentation is optional with the presenting official.

(b) *Missing-in-action and prisoner-of-war.* All elements of decorations earned but not presented to personnel who later become missing or prisoners of war must be forwarded to Hq USAF (AFPMPP). Awards of this nature are not publicized until Headquarters USAF officially announces a final determination of the recipient's status.

§ 878.10 Issue and use of certificates.

Headquarters USAF (AFPMPP) stocks and issues blank certificates relating to the decorations authorized in §§878.1 to 878.28. These certificates must not be reproduced locally, unless authorized by Headquarters USAF.

(a) *Signature on certificates.* Certificates issued by awarding authorities, other than Headquarters USAF, normally contain the signature of the awarding commander or his deputy in the place provided on the lower left line of the certificate.

§ 878.11 Issuance and replacement.

(a) *Issuing decorations to personnel not on active duty*—(1) *Members of the Air Reserve Forces assigned to specific Reserve Units, and Air National Guard personnel.* The immediate commanders issue authorized decorations to such persons.

(2) *Members of the Air Force Reserve not on active duty and not assigned to specific Reserve Units.* Such persons may obtain decorations from: Air Reserve Records Center, 3800 York Street, Denver 5, Colorado.

(3) *Retired Air Force personnel.* Retired Air Force personnel normally will have received all awards prior to retirement, or at the time of retirement. If, for any reason, decorations are not issued prior to or at time of retirement, retired personnel may obtain them from the air base of retirement. If records are no longer available and entitlement cannot be established in some other manner, the air base of retirement may request a thermofax copy of the appropriate page of AF Form 7 or 11 from Hq USAF (DASEB) (for officers) or (DASEF) (for airmen).

NOTE: Request received in Headquarters USAF from personnel retired after April 1, 1963, normally will be referred to the air base of retirement for necessary action.

(4) *Persons not on active duty and not members of a Reserve Component.* Authorized decorations may be obtained from: General Services Administration, Air Force Branch, Military Personnel Records Center, 9700 Page Boulevard, St. Louis 32, Missouri.

(b) *Replacement of decorations.* A member of the Air Force on active duty, a member of a Reserve component of the Air Force, or a retired member may have a lost or destroyed decoration replaced without charge if the decoration was lost or destroyed through no fault or neglect on his part. Replacement is made upon application to the commander having custody of the member's unit personnel records, for active duty personnel, or to the records custodians indicated in paragraph (a) (1) and (2) of this section, for members of the Reserve component, and to Headquarters USAF (AFPMPP), for retired members. Former members of the Air Force and next of kin of deceased personnel may have a lost or destroyed decoration replaced, at cost price, by sending application to custodian of records indicated in paragraph (a) (4) of this section. A copy of the orders announcing the award, if available, or the authority for the award, should accompany each request.

(c) *Replacement of certificates.* All members and former members may have a lost or destroyed certificate replaced as follows:

(1) Active duty members, members of the Air Force Reserve, and Air National Guard personnel may apply for a replacement certificate to the commander having custody of the unit personnel records. The records custodian will verify entitlement to the decoration and forward the letter for replacement action to the headquarters which originally awarded the decoration, provided that headquarters is still on the active list. If the headquarters which originally awarded the decoration is not an active organization, the letter will be forwarded by the records custodian to the USAF Military Personnel Center (AFPMPP) for replacement action.

(2) Retired Air Force personnel may apply for a replacement certificate by letter direct to the USAF Military Personnel Center (AFPMPP).

(3) Persons not on active duty and not members of a Reserve component may apply for a replacement certificate by letter to the records custodian indicated in paragraph (a) (4) of this section.

§ 878.12 Requests for documentation and establishment of authority for decorations.

(a) *Where to send requests.* If the authorization for a decoration is not included in the unit's records or in the member's private file, the individual's commander may request substantiating information pertaining to a specific decoration in accordance with the following Table and paragraphs (b) and (c) of this section.

Where to send request for supporting documentation:

Rule	When request is for—	Then forward request addressed to—
1	Officers and Warrant Officers on Extended Active Duty.	Hq USAF (AFDASE).
2	Officers, Warrant Officers, and Airmen in paid retired status.	Do.
3	Air Force Reserve Officers, Reserve Warrant Officers, and Reserve Airmen not on Extended Active Duty.	Air Reserve Records Center, 3800 York St., Denver 5, Colo.
4	Members of the Retired Reserve not in a paid retired status.	Do.
5	Air National Guard Officers and Warrant Officers not on Extended Active Duty.	Chief, National Guard Bureau (AFPM), Washington 25, D.C.
6	All Airmen, except those in paid retired status (2 above) and Air Force Reserve not on Extended Active Duty (3 above).	General Services Administration, Air Force Branch, Military Personnel Records Center, 9700 Page Blvd., St. Louis 32, Mo.
7	Persons with no current military status.	Do.

NOTE: Data furnished by the agencies listed above will be limited to substantiating only those decorations that are of record in the master personnel records group. If the master personnel records group fails to substantiate the decoration, the provisions of § 878.6(h) will apply.

(b) *Information to be included.* Each request for authentication of a decoration must be limited to one individual and must include the person's full name, grade, and service number(s), all known facts and circumstances, and any other pertinent information available on the award in question. In the case of airmen, indicate date of entry on current enlistment and inclusive dates and branch of service for each prior enlistment period. This information will be helpful in determining the location of prior records for the period of service involved. (Two or more requests may be sent in the same envelope, but "list" cases containing more than one name are not acceptable.)

(c) *Avoid unnecessary requests.* The agencies listed in paragraph (a) of this section cannot provide expeditious authentication of decorations for World War II and the Korean Operation because of the extensive research of records required and manpower limitations. Before a commander or individual submits a request, he must be sure that adequate justification for submission exists and that the information cannot be obtained from available official or personnel records.

§ 878.13 Special entitlements.

(a) *Increase in retired pay.* Any Regular enlisted member of the Air Force retired under section 8914, Title 10, U.S. Code, credited with extraordinary heroism in the line of duty, is entitled to 10 percent increase in retired pay. An enlisted man who has been awarded the Medal of Honor, Air Force Cross, Distinguished Service Cross, or Navy Cross satisfies the requirements for extraordinary heroism for the purpose of this additional pay. The determination of the Secretary of the Air Force regarding such increases in pay is final for those awarded the Distinguished Flying Cross, Airman's Medal, Soldier's Medal, or equivalent Navy decoration, where extraordinary heroism was involved.

(b) *Medal of Honor recipients*—(1) *Medal of Honor Roll.* Each living recipient of the Medal of Honor, who has attained the age of 50 years, and upon written application to the Secretary of the Air Force, may have his name entered on the Medal of Honor Roll, if the Medal of Honor was awarded: While engaged in an action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerant party. Each person whose name is placed on the Roll is certified to the Veterans Administration as being entitled to receive a special pension of $100 per month for life, if he so desires, payable monthly by that agency. The payment of this special pension is in addition to, and does not deprive the pensioner of, any other pension, benefit, right, or privilege to which he is or may be thereafter entitled. (Sections 560–562, Title 38, U.S.C.) Necessary application is automatically furnished each Air Force recipient of the Medal of Honor not less than 90 days prior to his reaching age 50.

(2) *Air transportation.* Living recipients of the Medal of Honor are entitled to free transportation on military aircraft within the continental limits of the United States on a "space available" basis. Identification cards for this purpose are furnished by Headquarters USAF (AFPMPP).

(3) *Admission to United States Service Academies.* Sons of Medal of Honor recipients, otherwise qualified, are not subject to quota requirements for admission to any of the United States Service Academies. (See annual catalog, United States Air Force Academy.)

(4) *Wearing of Air Force uniform.* Persons awarded the Medal of Honor are authorized to wear the uniform at any time, except as prohibited in AFM 35–10 (Service and Dress Uniforms for Air Force Personnel).

§ 878.14 Decorations for use in exhibitions.

(a) *By public institutions and patriotic societies.* Upon approval by the Secretary of the Air Force, sample decorations for exhibit purposes may be furnished at cost price, including charges for packing, transportation, and engraving each decoration with the words "Exhibition Only." Sample decorations may be furnished only to museums, libraries, and historical, numismatic, and military societies and institutions of such public nature as to provide an opportunity for the public to view them under circumstances beneficial to the Air Force.

(b) *By United States military organizations and United States governmental agencies outside the Department of Defense.* Upon approval by the Secretary of the Air Force, sample decorations may be furnished for display at the headquarters of a major air command and at such other Air Force activities as approved by the major air commander. They may also be furnished for public display purposes to United States governmental agencies not under military jurisdiction.

(c) *Where to send requests.* All requests for decorations for exhibit or display will be submitted to Hq USAF (AFPMPP) for approval by the Secretary of the Air Force.

(d) *Where to send requisitions.* Upon approval, requisitions for sample decorations are submitted by military organizations in accordance with AFM 67–1 (USAF Supply Manual). Upon approval for other than military organizations, Headquarters USAF makes arrangements for issuing the decorations.

§ 878.15 Manufacture, sale, and possession of decorations.

By law (18 U.S.C. 704), the manufacture, sale, or wearing of any United State Air Force decoration or device, or the pictorial representation in regulation size of such decoration or device, are prohibited unless authorized by the Department of the Air Force.

§ 878.16 General policy concerning acceptance of decorations awarded by foreign governments.

Clause 8, Section 9, Article I, of the Constitution of the United States provides in part that "no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatsoever from any king, prince, or foreign state." The Attorney General has rendered an opinion (24 op. Atty. Gen. 117) to the effect that any type of gift, whether a present, title, or simple remembrance of courtesy, falls within the prohibition against the acceptance of "any present * * * of any kind whatsoever." Except as prohibited in § 878.21, token acceptance of a decoration presented by or on behalf of a foreign government is permissible. However, such decoration may not be retained or worn without the specific authorization of Congress.

§ 878.17 Prior Congressional authorization.

Congressional authority was given to United States Armed Forces personnel to

accept decorations proffered by friendly

(a) All service members of the De- recognition of service performed while

DECORATION

accept decorations proffered by friendly foreign governments in recognition of service performed during the periods listed in paragraphs (a) through (c) of this section. However, the decorations must have been presented to and accepted by the intended recipient before the termination date of the applicable Public Law:

(a) World War II—December 7, 1941, through July 24, 1948 (Public Law 314, 80th Congress).

(b) Berlin Airlift—June 26, 1948 through September 20, 1951 (Public Law 503, 81st Congress).

(c) Korean Operation—June 27, 1950 through July 27, 1955 (Public Law 354, 83d Congress).

§ 878.18 Requesting Congressional authorization.

(a) *Procedure.* Congressional authorization is requested only through Headquarters USAF. The recipient must send all original elements of the award, including the medal, badge, and appurtenances, and any required documents by letter of transmittal to Hq USAF (AFPMPP). Documents include, but are not limited to, the following:

(1) A statement in explanation of the award.

(2) Full name, grade, and service number of the recipient.

(3) The identity of the award and the country offering it.

(4) The organization, station, and a brief description of the recipient's duty assignment during the time recognized by the award.

(5) The date and place of the presentation, and the name and title of the person making the presentation.

Headquarters USAF will acknowledge receipt of the decoration and forward all elements to the Department of State, where they will be held in escrow pending authorization by the Congress for the recipient to accept the award. Recipients of foreign decorations, awards, or gifts, are not permitted to retain any part of these awards prior to Congressional authorization. When the elements are sent to the Department of State, they must include all components of the award.

(b) *When Congress will authorize.* The Department of State is directed by law to prepare an omnibus authorizing bill on all foreign decorations or gifts held for retired persons, for transmittal to the Second Session of each alternate Congress, or every fourth year; i.e., 1966, 1970, 1974, etc. At the present time, such legislation may not be introduced for other than retired personnel. Upon retirement, the recipient of a foreign decoration(s), award(s), or gift(s) should notify the office indicated in paragraph (a) of this section of his status and request inclusion of his name on the next omnibus bill presented to the Congress by the Department of State.

§ 878.19 Applicability.

The prohibition stated in § 878.16 applies to:

(a) All service members of the Department of the Air Force on active duty and all civilian employees of the Department of the Air Force.

(b) All members of Reserve components of the Air Force in recognition of services performed while on active duty, in their capacity as members of a Reserve component of the Armed Forces, or on inactive duty.

(c) Decorations, awards, or gifts offered or presented to members of the immediate families of the military or civilian members defined in paragraphs (a) and (b) of this section.

§ 878.20 Participating in presentation ceremonies.

If a member is advised that a friendly foreign nation wishes to award him a decoration and that his presence is desired at a formal presentation ceremony, he may participate in the ceremony and make a token acceptance of the decoration without the consent of Congress. (This provision does not apply to members of Military Assistance Advisory Groups and Air Missions—see § 878.21.) The receipt of the decoration at the ceremony does not, however, constitute an official acceptance. The acceptance is not official until the Congress authorizes it. The individual should submit a request for this authorization immediately following the ceremony, following procedures explained in § 878.18. No foreign decoration (including foreign aviation badge), ribbon, or other device may be worn prior to Congressional authorization. In no case may a member make a token acceptance of a decoration offered by a foreign nation without diplomatically advising an appropriate representative of that nation of the requirement of the Constitution cited in § 878.16.

§ 878.21 Members of Military Assistance Advisory Groups and Air Missions.

Air Force service members and civilian employees, regardless of assignment, performing any duty whatsoever in connection with the Military Assistance Program, may not accept the tender of any decoration, award, or gift from foreign governments or officials for duty of this nature. Participation in ceremonies involving any such tender is not authorized. To avoid embarrassment, the appropriate foreign officials should be advised of this prohibition. However, awards proffered in recognition of actual combat services or heroism involving the saving of life are excepted and may be received and treated as prescribed in § 878.20.

§ 878.22 Decorations to retired personnel.

A retired member of a Reserve component of the Air Force or a retired airman of the Regular Air Force, not holding an office of profit or trust under the United States Government, may without specific consent of the Congress, accept foreign decorations, provided that the decorations are not proffered in recognition of service performed while the member was on active duty with the Armed Forces of the United States. Retired officers of the Regular Air Force are considered as occupying an office of profit or trust under the United States Government and may not accept foreign awards without the consent of the Congress. Token acceptance is permissible, but elements of the award must be forwarded in accordnace with § 878.20.

§ 878.23 Decorations awaiting Congressional approval for personnel honorably discharged from the Air Force.

Congressional approval is not required for acceptance and wearing of foreign decorations by personnel who have been honorably discharged from any of the components of the Air Force, provided they have acquired no new office of profit or trust under the United States Government. Persons may obtain their awards by sending a request to Hq USAF (AFPMPP). A signed statement certifying that the person is not employed in any capacity with the United States Government must accompany each request.

§ 878.24 Posthumous awards of foreign decorations to deceased members of the Air Force.

The approval of Congress is unnecessary in cases where a foreign decoration is awarded posthumously to a deceased member of the Armed Forces of the United States. If a recipient should die during the period the decoration is held by the Department of State, the elements are withdrawn and forwarded to the legal next of kin.

§ 878.25 Awards accepted while a bona fide member of the Armed Forces of a friendly foreign nation.

Decorations tendered or awarded for service while the recipient was a bona fide member of the Armed Forces of a friendly foreign nation may be retained without the consent of Congress, provided the decoration or award was accepted prior to the recipient's entrance into active service of the Armed Forces of the United States and acceptance was in accordance with the regulations of the country making the award. (See §§ 891.1 to 891.11 of this subchapter for information concerning gifts proffered by foreign governments to individual members of the Air Force.)

§ 878.26 Military decorations.

(a) The following chart explains how individuals must distinguish themselves to receive military decorations awarded by, or upon the recommendation of the Air Force. It also tells who has the authority to approve and disapprove recommendations for awards.

(b) Military personnel awarded the decorations described in this chart will wear them in accordance with AFM 35–10.

DECORATION

1. Medal of Honor				2. Air Force Cross				3. Distinguished Service Medal			
Awarded to—				Awarded to—				Awarded to—			
Military		Civilian		Military		Civilian		Military		Civilian	
U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign
X				X	X	X	X	X	X	X	X
Awarded for				*Awarded for*				*Awarded for*			
Conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty, while a member of the Air Force: 1. While engaged in an action against an enemy of the United States; 2. While engaged in military operations involving conflict with an opposing foreign force; or 3. While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party. [Each recommendation for the Medal of Honor must incontestably prove that the self-sacrifice or personal bravery involved conspicuous risk of life, the omission of which could not justly cause censure.]				Extraordinary heroism, not justifying the award of a Medal of Honor, while serving in any capacity with the Air Force: 1. While engaged in an action against an enemy of the United States; 2. While engaged in military operations involving conflict with an opposing foreign force; or 3. While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.				Exceptionally meritorious service to the United States Government in a duty of great responsibility, while serving in any capacity with the Air Force. During wartime, a duty of great responsibility is one that involves the exercise of authority or judgment in matters which decide the successful outcome of a major military operation. In peacetime, it is duty which carries the ultimate responsibility for the successful operation of a major command, activity, installation or major program. The discharge of such duty must involve the acceptance and fulfillment of the obligation so as to greatly benefit the interests of the United States.			

DECORATION

4. Silver Star				5. Legion of Merit				6. Distinguished Flying Cross			
Awarded to—				Awarded to—				Awarded to—			
Military		Civilian		Military		Civilian		Military		Civilian	
U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign
X	X	X	X	X	X			X	X		
Awarded for				*Awarded for*				*Awarded for*			
Gallantry in action, that does not warrant a Medal of Honor or Air Force Cross, while serving in any capacity with the Air Force: 1. While engaged in an action against an enemy of the United States; 2. While engaged in military operations involving conflict with an opposing foreign force; or 3. While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party. [Gallantry in action means heroism of high degree involving risk of life.]				Exceptionally meritorious conduct in the performance of outstanding service to the United States. In peacetime, awards to U.S. military personnel are generally limited to recognizing: 1. Service of marked national or international significance where the interests of the United States are involved; 2. Service which has aided the United States in furthering its national policies; or 3. Service which has furthered the interests of the security of the United States. [Superior performance of normal duties will not alone justify award of this decoration (see § 878.6(b) for other considerations).] Awards to United States military personnel are made without degree. Peacetime awards to members of the armed forces of friendly foreign nations are limited to recognizing: 1. and 2. (same as above). 3. Service which has furthered the interests of the security of the United States, or of any nation allied or associated with the United States during a period of national emergency declared by the President or Congress. Awards to foreign military personnel are made in the Degrees of Chief Commander, Commander, Officer and Legionnaire. The degrees of Chief Commander and Commander are comparable to awards of the Distinguished Service Medal to U.S. personnel. Degrees of Officer and Legionnaire are comparable to awards of the Legion of Merit to U.S. military personnel. In order to maintain the prestige and dignity of the medal, and to insure uniformity in awarding the various degrees to foreign nationals, the following criteria are established:				Heroism or extraordinary achievement while participating in aerial flight, and serving in any capacity with the Air Force. Both heroism and achievement must be entirely distinctive, involving operations that are not routine. (See § 878.6(c) for other considerations.)			

DECORATION

DECORATION

DECORATION

LEGION OF MERIT

Degree	*Awarded to—*
Chief Commander	Foreign chiefs of state or heads of government.
Commander	The equivalent of a U.S. military Chief of Staff or or higher, but not to chief of state.
Officer	General or flag rank personnel below the equivalent of a U.S. military chief of staff; to ranks parallel to colonel (or captain USN) for service in assignments equivalent to those normally held by general or flag rank personnel in the U.S. military service; and to foreign attaches.
Legionnaire	To all other eligibles.

When the decoration is awarded more than once to a military member of a friendly foreign nation, subsequent awards are never made in a degree lower than the one originally awarded. Duplicate awards are given to recipients previously awarded the Legion of Merit in any of the degrees mentioned above.

DECORATION

7. AIRMAN'S MEDAL				8. BRONZE STAR MEDAL				9. AIR MEDAL			
Awarded to—				Awarded to—				Awarded to—			
Military		Civilian		Military		Civilian		Military		Civilian	
U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign
X	X			X	X	X	X	X	X	X	X

Awarded for

Heroism involving voluntary risk of life under conditions other than those of conflict with an armed enemy of the United States, while serving in any capacity with the Air Force. The saving of a life or the success of the voluntary heroic act is not essential.

Awarded for

Heroic or meritorious achievement or service (not involving participation in aerial flight) under one or more of the following conditions, while serving in or with the Air Force after December 6, 1941:

1. While engaged in an action against an enemy of the United States.

2. While engaged in military operations involving conflict with an opposing foreign force.

3. While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

When awarded for heroism, the Bronze Star Medal is marked by a bronze letter "V" (for Valor) clasped to the suspension ribbon and ribbon bar. Only one such "V" is authorized.

Persons who were awarded the Combat Infantryman or Medical Badge for exemplary conduct in ground combat against an armed enemy between December 7, 1941 and September 2, 1945, may, upon application, have such badges converted to an award of the Bronze Star Medal.

The specific authority for the badge must be indicated in each application, which will be forwarded to USAF Military Personnel Center (AFPMPP), Randolph AFB, Texas, for referral to the Department of the Army for awarding action. Conversion of an award of the Bronze Star Medal will terminate the individual's authority to wear the Combat Infantryman or Medical Badge on the Air Force uniform.

Awarded for

Meritorious achievement while participating in aerial flight, and serving in any capacity with the Air Force.

The required achievement to warrant award of the Air Medal is less than that required for award of the Distinguished Flying Cross, but must nevertheless be accomplished with distinction above and beyond that normally expected of professional airmen. (See § 878.6(c) for other considerations.)

DECORATION

10. AIR FORCE COMMENDATION MEDAL				11. PURPLE HEART			
Awarded to—				Awarded to—			
Military		Civilian		Military		Civilian	
U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign
X	X			X		X	

Awarded to

1. United States military personnel below the grade of brigadier general.

Awarded for

Meritorious achievement or meritorious service rendered specifically on behalf of the Air Force, acts of courage which do not meet the requirements for award of the Airman's Medal or Bronze Star Medal, and sustained meritorious performance by crewmembers may be considered for award of the Air Force Commendation Medal. (The Air Force Commendation Medal will not be awarded to general or flag officers for achievements or services performed while serving in a general or flag officer grade.)

It is particularly desirable that emphasis be placed on the award of this decoration to outstanding company grade officers and airmen whose achievements and services meet the prescribed standards.

Superior performance of normal duties does not, in itself, constitute automatic justification for an award of the Air Force Commendation Medal. Appropriate remarks on Effectiveness and Performance Reports, favorable communications, locally developed certificates, etc., provide ample means of recognizing the high caliber performance expected of Air Force personnel. Awards should be restricted to the recognition of achievements and services which are clearly outstanding and unmistakably exceptional when compared to similar achievements and accomplishments of personnel of like rank and responsibilities. The successful accomplishment of a predesignated number of tasks or functions is not a valid basis for an automatic award. However, unusual and extraordinary sustained performance may be used as a point of departure in justifying meritorious achievement or service. In instances where many individuals are affiliated with an exceptionally successful program, project, or mission, the Air Force Commendation Medal should be awarded only to the relatively few individuals whose contributions clearly stand out from the others, and who have contributed most to the success of the program.

Awarded to:

2. Members of the Armed Forces of a friendly foreign nation:

Awarded for:

An act of heroism, extraordinary achievement or meritorious service, performed after June 1, 1962, which has been of mutual benefit to a friendly foreign nation and to the United States Air Force. (The award of the Air Force Commendation Medal to a member of the armed forces of a friendly foreign nation shall be based upon an act, a service, or an achievement that would satisfy the criteria governing award of this decoration to a military member of the United States Air Force.)

Awarded for

Wounds received, or death after being wounded, under any of the following conditions, while serving in any capacity with one of the United States Armed Forces, after April 5, 1917:

1. In any action against an enemy of the United States;

2. In any action with an opposing armed force of a foreign country in which the armed forces of the United States are or have been engaged;

3. While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;

4. As a result of an act of any such enemy or opposing armed force; or

5. As the result of an act of any hostile foreign force.

Posthumous Awards: The Purple Heart will be awarded posthumously to any person covered by, and under the circumstances described above, who, after April 5, 1917, has been or may hereafter be killed, or who has died or may hereafter die after being wounded. For such awards, the Purple Heart and appropriate ribbon and appurtenances will be forwarded to the next of kin without respect to whether a previous award has been made to such person, except that if the award results from service prior to December 7, 1941, the next of kin must submit application to the Secretary of the Air Force.

Definitions and Criteria: A Purple Heart is authorized for the first wound suffered under the conditions indicated above, but for each subsequent award, an oak leaf cluster shall be awarded. Not more than one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent. For the purpose of considering an award of this decoration, a "wound" is defined as an injury to any part of the body from an outside force or agent sustained under one or more of the conditions listed above. A physical lesion is not required, provided the concussion or other form of injury received is directly due to enemy, opposing armed force, or hostile foreign force action.

A person who is wounded, injured, or killed as a result of a parachute jump from an aircraft disabled by enemy or hostile fire, or, who, after April 25, 1962, is wounded, injured or killed by his captors while in a prisoner of war status, is considered to have received such wounds or injuries as a direct result of enemy, hostile, or opposing force actions. A sworn statement from a released prisoner of war outlining circumstances and extent of injury, including date and place injury was incurred, must be submitted and considered in conjunction with other evidence. Further, a wound for which the award is made must have required treatment by a medical officer, and the records of medical treatment for wounds or injuries received under the conditions described above, must have been made a matter of official record. In those instances where medical records are not available for injuries or wounds received while a prisoner of war, a statement must be submitted by a medical officer that examination reveals that the person apparently received injuries or wounds while in a prisoner of war status, and that such injury or wound should have received medical treatment.

Application: Any person who believes himself eligible for the Purple Heart, but through unusual circumstances no award was made, may submit available facts and evidence to USAF Military Personnel Center (AFPMPP), Randolph AFB, Texas, for evaluation and awarding action, if appropriate.

§ 878.27 Nonmilitary decorations.

(a) The following chart explains how individuals must distinguish themselves to be eligible to receive nonmilitary decorations. It also tells who has the authority to approve recommendations for the awards.

(b) Other civilian awards for Air Force employees are described in AFR 40–475 (Honorary Recognition).

DECORATION

DECORATION

1. Medal for Merit				2. President's Certificate of Merit				3. National Security Medal			
Awarded to—				Awarded to—				Awarded to—			
Military		Civilian		Military		Civilian		Military		Civilian	
U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign
		X	X			X	X	X	X	X	X
Awarded for Exceptionally meritorious conduct in the performance of outstanding services. In the past, awards to foreign personnel have been limited to those of the Allied Nations of World War II.				*Awarded for* A highly meritorious act or service aiding the United States or its allies during World War II.				*Awarded for* Distinguished achievement or outstanding contribution on or after July 26, 1947, in the field of intelligence relating to the national security. This contribution may consist of either exceptionally meritorious service performed in a position of high responsibility, or of an act of valor requiring personal courage of a high degree and complete disregard of personal safety. Recommendations may be initiated by any person having personal knowledge of the facts of the exceptionally meritorious conduct or act of valor, either as an eyewitness or from the testimony of others who have personal knowledge or were eyewitnesses. Complete documentation, including necessary certificates, affidavits, or sworn transcripts of testimony, will accompany the recommendation. Each recommendation must show the exact status of the individual at the time he performed the act or service, including information regarding his citizenship and employment. Recommendations will be submitted to Hq USAF (AFPMPP) for transmittal to the Executive Secretary of the National Security Council by the Secretary of the Air Force.			

DECORATION

4. The Presidential Metal Medal of Freedom				5. Department of Defense Medal for Distinguished Public Service				6. Exceptional Service Award			
Awarded to—				Awarded to—				Awarded to—			
Military		Civilian		Military		Civilian		Military		Civilian	
U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign	U.S.	Foreign
X	X	X	X	X	X	X	X	X	X	X	X
Awarded for An especially meritorious contribution to (1) The security or national interests of the United States, or (2) World peace, or (3) Cultural or other significant public or private endeavors. This new decoration, in two degrees, replaces the Medal of Freedom, which will no longer be awarded. (The Department of Defense will issue further implementing instructions. When available, these instructions will be included in a subsequent change to this chart. In the meantime, commanders are requested to defer the submission of recommendations for this decoration pending receipt of further implementing details.)				*Awarded for* Exceptionally meritorious civilian service since the date of the National Security Act (1947) to the Department of Defense as a whole. To be eligible for this award, the civilian nominee must be one that: 1. Does not derive his principal livelihood from Government employment; and 2. Has served at considerable personal sacrifice and inconvenience, motivated by patriotism, good citizenship, and a sense of public responsibility. It will not be awarded to groups, organizations or employees of other Government agencies. Posthumous awards may be presented to eligible next of kin in accordance with § 878.9, except that the eldest brother, eldest sister, and eldest grandchild are not eligible in this instance.				*Awarded for* Exceptional services rendered to the Department of the Air Force by United States civilians, not employed by the United States Government; or For an act of heroism, involving voluntary risk of life, by any civilian, U.S. or foreign, not employed by the United States Government. Type of services recognized: Services must have been completely voluntary and performed as a public service or by patriotic motivations with no implication of financial or other remuneration. Contractors, contractor technicians, corporations, and organizations which have a commercial or profit-making relationship with the Air Force, and render services inherent or implied by contract, do not qualify. If appropriate, commanders may recognize such service through award of favorable communications or other means of recognition available to them. However, an act of heroism by an employee of any of the foregoing is a basis for a recommendation for award of the Exceptional Service Award, provided that the act benefitted the Air Force. (This decoration is comparable to the Distinguished Service Medal to military personnel.)			

DECORATION

7. Air Force Scroll of Appreciation			
Awarded to—			
Military		Civilian	
U.S.	Foreign	U.S.	Foreign
		X	X

Awarded for

Meritorious achievement or service rendered to any activity of the Department of the Air Force by civilians, U.S. and foreign, not employed by the United States Government.

Acts of courage which do not meet the risk of life requirements for award of the Exceptional Service Award may be considered as evidence of a meritorious achievement warranting award of the Air Force Scroll of Appreciation.

Type of services recognized: Services must be completely voluntary and performed as a public service or by patriotic motivation with no implication of financial or other remuneration.

Instructions governing award of the Exceptional Service Award to contractors, contractor technicians, etc., equally apply to award of the Air Force Scroll of Appreciation.

(The Air Force Scroll of Appreciation may be awarded to groups or organizations as well as to individuals.)

§ 878.28 Joint Service Commendation Medal (Department of Defense).

(a) This chart describes the Joint Service Commendation Medal and explains who has authority to approve recommendations for its award and how individuals must distinguish themselves to receive it. Recommendations for this decoration will be prepared in format and submitted through channels prescribed by the awarding authority.

(b) Air Force personnel awarded this decoration will wear it in accordance with AFM 35–10. The Joint Service Commendation Medal takes precedence with the Air Force Commendation Medal but takes precedence above the AFCM when worn.

JOINT SERVICE COMMENDATION MEDAL

Awarded to—	*Awarded for—*
Any member of the Armed Forces of the United States serving in an assignment in any of the following joint activities, after January 1, 1963: (1) Office of the Secretary of Defense. (2) Organization of the Joint Chiefs of Staff. (3) Defense Supply Agency. (4) National Security Agency. (5) Other Department of Defense agencies or joint activities reporting through the Joint Chiefs of Staff. (6) Headquarters, unified and specified commands. (7) Headquarters of joint task forces, joint commands or control groups reporting through the Joint Chiefs of Staff, unified, specified or subordinate joint commanders, to include service components assigned to a joint command for exercise purposes (e.g., STRIKE Command). (8) Other joint activities reporting to commanders of unified or specified commands (e.g., Military Assistance Advisory Groups or joint missions).	Meritorious achievement or service which distinguished the member while serving in a capacity indicated above. The Joint Service Commendation Medal shall not be awarded to any individual for a period of service for which the Air Force Commendation Medal, or the Commendation Medal of other services, has been awarded.

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–2892; Filed, Mar. 30, 1964; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Reclamation, Department of the Interior

REDESIGNATION OF REGULATIONS

CROSS REFERENCE: For transposition of Chapters I and II of Title 43, Code of Federal Regulations, and transfer of §§ 230.54–230.62, 230.64–230.100, and 230.115–230.121 from the Bureau of Land Management to the Bureau of Reclamation, see revision of the regulations of the Bureau of Land Management, Chapter II of Title 43, published in Part II of this issue, *infra*.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32248]

PART 131—UNITED STATES SAFETY APPLIANCE STANDARDS (RAILROAD)

Applicability of Safety Regulations to Track Motor Cars and Push Trucks

It appearing, that a pre-hearing conference in the above-entitled proceeding was held on March 4, 1964, for the purpose of discussing informally the character and factual matter to be developed upon the record at a subsequent hearing, how such matters should be developed and the procedure to be followed:

It further appearing, that after full opportunity for the parties to discuss all pertinent issues and matters which may aid in expediting the disposition of this proceeding, a formal hearing is desirable and necessary, and good cause appearing therefor:

It is ordered, That this proceeding be, and the same is hereby, referred to Examiner Henry J. Vinskey, for hearing on June 10, 1964, at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m. local daylight saving time if that time is observed), at the offices of the Interstate Commerce Commission in Washington, D.C., and for appropriate proceedings, including recommendation of an appropriate order thereon, accompanied by the reasons therefor, unless waived by the parties.

And it is further ordered, That the evidence introduced at the above hearing shall relate and be limited to track motor cars of the type involved in the Baltimore and Ohio Railroad Co. v. Daniel T. Jackson, 353 U.S. 325, namely, self-propelled four wheel cars capable of being removed from the rails by a crew of men.

Dated at Washington, D.C., this 6th day of March A.D. 1964.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–3093; Filed, Mar. 30, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

for dealing with the problem of increased facilities for existing short-spaced FM stations and a proposed FM Table of Assignments.

made provided the power or antenna height is adjusted to maintain the same distance to the 1 mv/m contour as at

Notices

POST OFFICE DEPARTMENT

DEPUTY POSTMASTER GENERAL AND

of Jackson, Wyoming. This area of the State is noted for big game hunting, fishing, skiing and recreational resort

5. The above described lands will not be opened to the filing of any petition-application under the nonmineral public

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1002]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Cooperative Payments; Termination of Proposed Rule Making Proceedings

Pursuant to provisions of § 1002.81 of the order, as amended, (7 CFR Part 1002) regulating the handling of milk in the New York-New Jersey marketing area, and the applicable rules of practice and procedure governing the issuance by the Market Administrator of regulations and amendments thereto to effectuate the provisions of said § 1002.81, a public meeting was held at the office of the Market Administrator, 205 East 42d Street, New York, N.Y., on January 8, 1964 pursuant to a notice issued on December 19, 1963 (28 F.R. 14335).

After due consideration of the data, views, and arguments adduced at the meeting, as well as briefs filed by interested persons, it has been concluded that there is no justification to warrant an amendment of § 1002.414. The proposed amendment is therefore denied.

Signed at New York, N.Y., on March 12, 1964.

C. J. BLANFORD,
Market Administrator.

[F.R. Doc. 64-3092; Filed, Mar. 30, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 14185; FCC 64-240]

FM BROADCASTING; ALLOCATIONS AND TECHNICAL STANDARDS

Order Extending Time for Filing Comments and Supplement to Third Further Notice of Proposed Rule Making

In the matter of revision of FM Broadcast rules, particularly as to allocation and technical standards; Docket No. 14185, FCC 64-240.

1. In a third further notice of proposed rule making, issued on February 3, 1964, FCC 64-70, the Commission invited comments on alternative methods for dealing with the problem of increased facilities for existing short-spaced FM stations and a proposed FM Table of Assignments for Alaska, Hawaii, and the U.S. territories. Interested parties were invited to file comments by March 27, 1964, and reply comments by April 10, 1964.

2. On March 20, 1964, the National Association of FM Broadcasters (NAFMB) filed a request for an extension of time for filing comments in this proceeding for sixty days. NAFMB states that it has been engaged in an extensive rating survey and in preparation for its annual membership meeting to be held on April 1, 1964. As a result, it urges that it has not been able to consult with its Engineering Committee and needs the requested time to file meaningful comments on the proposed rules to provide an opportunity for existing stations to increase their power. In the interest of obtaining as much useful information and data as possible, we believe that a reasonable extension of time in this important matter is warranted and are extending the time for filing comments May 11, 1964.

3. On February 20, 1964, Kear and Kennedy, consulting radio engineers of Washington, D.C., filed a pleading entitled "Petition to Amend to Include Means for Accommodating Site Changes of Close-Spaced FM Stations". Kear and Kennedy point out that there are numerous situations in which existing short-spaced FM stations find it necessary to change locations, such as the existing site becoming unavailable, a decrease in the usefulness of a site due to erection of tall buildings in the immediate vicinity, etc. They urge that the notice in this proceeding be amended to include a rule to take care of such situations and to encourage the use of higher antennas in the event a change in location is necessary or desirable.

4. Kear and Kennedy propose to amend the present § 73.207(b)(2) so as to provide for changes in site locations for existing short-spaced stations under the following conditions:

a. In the event none of the short spacings are reduced by the move and no increases in facilities are requested.

b. In the event the proposed operation (new site and changed facilities proposed) conforms to whatever method of "protection" is adopted as a result of the pending rule making.

c. In the event the adopted method would permit no increase in facilities, a move of 3 miles or less could still be made without any showing or changes in facilities, and moves of over 3 miles could be made provided the power or antenna height is adjusted to maintain the same distance to the 1 mv/m contour as at present and provided further that a showing be made giving the reasons for the move and portraying the overall effect of the move.

5. Petitioners also propose that in cases where stations are forced to move and cannot increase their facilities under the rules adopted or can increase their facilities to a limited degree only, permission be given to these stations to operate with the minimum power for the class of station involved with antenna heights up to 750 feet above average terrain or the equivalent.

6. The Kear and Kennedy proposal would permit the use of the normal minimum power for the class of station, for antenna heights of up to 750 feet above average terrain, and would require reductions in power for antenna heights exceeding 750 feet. It may, however, be desirable to permit the use of normal minimum power for antenna heights above this value. Also the use of minimum power for Class C stations, which is 25 kilowatts, with antenna heights of 750 feet or above may have harmful effects on some other stations, especially those on close first adjacent assignments. We therefore invite comments on a variation of the petitioner's proposal in regard to heights above maximums so as to permit the use of the following powers for the specified antenna heights:

Class of station	Antenna height exceeding—	Power authorized
A	300 feet	100 watts.
B	500 feet	5 kw.
C	2,000 feet	10 kw.

7. Authority for adoption of either of these changes is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

8. *Accordingly, it is ordered*, That the time for filing comments in this proceeding is extended from March 27, 1964, to May 11, 1964, and for reply comments from April 10, 1964, to May 26, 1964.

Adopted: March 24, 1964.

Released: March 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3107; Filed, Mar. 30, 1964; 8:50 a.m.]

[1] Commissioners Hyde absent and Bartley dissenting.

Notices

POST OFFICE DEPARTMENT

DEPUTY POSTMASTER GENERAL AND ASSISTANT POSTMASTER GENERAL; BUREAU OF OPERATIONS

Revocation of Delegation of Authority

Pursuant to the appointments of Frederick C. Belen as Deputy Postmaster General, and William M. McMillan as Assistant Postmaster General, Bureau of Operations, the Postmaster General signed Headquarters Circular 64-8, dated March 5, 1964, which reads in part as follows: "Headquarters Circular 64-6, dated February 7, 1964 (29 F.R. 2897) is hereby revoked".

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-2868; Filed, Mar. 30, 1964; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

Notice of Filing of Plats of Survey and Order Providing for Limited Opening of Public Lands

1. Plats of survey of the following described lands, accepted December 16, 1963, will be officially filed in the land office, Cheyenne, Wyoming, at 10 a.m. on April 27, 1964:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 40 N., R. 116 W.
Sec. 19, lot 5;
Sec. 28, lots 4, 5, and 6;
Sec. 29, lots 5, 6, 7, and 8;
Sec. 30, lots 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16;
Sec. 31, lot 7;
Sec. 32, lots 5, 6, 7, and 8;
Sec. 33, lots 6, 7, 8, 9, 10, 11, and 12;
Sec. 34, lots 9, 10, 11, 12, 13, and SW¼NW¼.
T. 40 N., R. 117 W.
Sec. 2, lots 8, 9, 10, and 11;
Sec. 3, lots 6, 7, 8, 9, 10, 11, S½NE¼, and SE¼;
Sec. 10, lots 5, 6, 7, 8, NE¼, and E½SE¼;
Sec. 11, lots 5, 6, 7, 8, 9, W½W½, and SE¼SW¼;
Sec. 13, lots 7 and 8;
Sec. 14, lots 6, 7, 8, 9, 10, 11, 12, 13, SE¼NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 15, lots 4 and 5;
Sec. 23, lots 6, 7, 8, 9, and N½NE¼;
Sec. 24, lots 7, 8, 9, 10, 11, 12, 13, 14, NW¼NW¼, S½NW¼, N½SW¼, and SW¼SE¼;
Sec. 25, lots 5, 6, 7, 8, 9, 10, and 11.

The area described aggregates 2341.24 acres.

2. The lands were omitted from previous surveys and are embraced within the meander lines of the Snake River located approximately 5 miles southwest of Jackson, Wyoming. This area of the State is noted for big game hunting, fishing, skiing and recreational resort facilities. Portions of the lands are easily accessible from Jackson and from U.S. Highway No. 187. The area is mostly covered with cottonwood timber and willows, with sparse pine and undergrowth, several portions could be valuable for recreation developments. All the lands are valuable for pasturage; affording shelter for stock and wildlife during severe weather, this land being mostly fertile and covered with nutritious grasses. During the summer months, the melting snow causes annual periods of flooding. These floods, while of moderate duration, cause some annual channel changes and erosion to these lands. They do not persist for sufficient time to eliminate all existing vegetation and timber. Debris of various sorts accumulates on some low bars, and raises the general land level by retaining waterborne soils, until what appear as small islands, of a temporary nature, are formed. Changes in currents, caused by channel alteration, sometimes obliterate the temporary islands, often creating new areas of high land, which could endure for indefinite periods.

3. Subject to any existing valid rights and to the requirements of applicable law, the lands described in paragraph 1 above are hereby opened only to petition-applications, selections and applications and offers as follows:

a. Selections by the State of Wyoming and petition-applications under the Recreation and Public Purposes Act of June 14, 1926, as amended, by qualified State and local governments, and applications and offers under the mineral leasing laws, may be filed with the Assistant State Director mentioned below, beginning on the date of this order. Such petition-applications, selections, applications and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Petition-applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All petition-applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid petition-applications, selections, applications and offers set forth in this paragraph presented prior to 10 a.m. on April 27, 1964, will be considered as simultaneously filed at that hour. Rights under petition-applications, selections and offers filed after that hour will be governed by the time of filing.

4. The lands will not be subject to occupancy or disposition until they have been classified.

5. The above described lands will not be opened to the filing of any petition-application under the nonmineral public land laws except those referred to in paragraph 3a above, nor will they be opened to location under the mining laws.

6. Detailed rules and regulations governing petition-applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Inquiries concerning these lands should be addressed to the Assistant State Director, 2002 Capitol Avenue, Cheyenne, Wyoming.

ED PIERSON,
State Director.

[F.R. Doc. 64-3097; Filed, Mar. 30, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 28]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through March 13, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP

	Gross tonnage
Total—all flags (200 ships)	1,495,485
British (67 ships)	565,336
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Ardsirod	7,025
Arlington Court (now Southgate—British flag)	9,662
Athelcrown (Tanker)	11,149
Atheldуke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Beech Hill	7,150
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939

**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

FLAG OF REGISTRY AND NAME OF SHIP—Con.

British—Continued	*Gross tonnage*
*Denmark Hill	7,150
East Breese	8,708
Fir Hill	7,119
Grosvenor Mariner	7,026
Haselmoor	7,907
Hemisphere	8,718
Ho Fung	7,121

FLAG OF REGISTRY, NAME OF SHIP—Continued

Greek—Continued	*Gross tonnage*
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Marcudio	7,969
Mastro-Stelios II	7,262
**Nicolaos F. (trip to Cuba under	

FLAG OF REGISTRY, NAME OF SHIP—Continued

Italian—Continued	*Gross tonnage*
Airone	6,969
Aspromonte	7,154
Nazareno	7,173
San Nicola (Tanker)	12,461
San Lucia	9,278
Polish (12 ships)	80,586

...MAUI, HAWAII
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...oalert issued).
...minute each hour.
...h minute each hour.

A. V. ASTIN,
Bureau of Standards.

...LINS, COLO.
...vided by Radio Sta-
...ute
...30 UT Saturdays, Sun-
...e broadcasts on Tues-
...ek WWVB, next week,
...rom 1630 UT Wednes-

A. V. ASTIN,
Bureau of Standards.

A. V. ASTIN,
Director,
Bureau of Standards.
T. S. BASKETT,
Navy,
Superintendent,
U.S. Naval Observa-

[F.R. Doc. 64-3098; Filed, Mar. 30, 1964; 8:48 a.m.]

FLAG OF REGISTRY AND NAME OF SHIP—Con.

	Gross tonnage
British—Continued	
*Denmark Hill	7,150
East Breeze	8,706
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,716
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Pair (now Cosmo Trader—British flag)	7,201
Kinross	5,388
Kirriemoor	5,928
Linkmoor	9,236
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Majesty (Tanker)	12,132
London Prestige (Tanker)	16,194
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Lord Gladstone	11,299
Maratha Enterprise	7,166
Mulberry Hill	7,121
Nancy Dee	6,597
Newgate	6,748
Newhill	7,855
Newlane	7,043
Oak Hill	7,139
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Ruthy Ann	7,361
Santa Granda	7,229
Sea Coral	10,421
Shienfoon	7,127
**Silverforce (now Jalagouri—Indian flag)	8,058
**Silverlake (now Jalaganga—Indian flag)	8,058
**Southgate (trip to Cuba under ex-name, Arlington Court—British flag).	
Stanwear	8,108
Streatham Hill	7,130
Suva Breeze	4,970
Sycamore Hill	7,124
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (44 ships)	346,103
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Irena	7,232
Istros II	7,275

*Added to Report No. 27 appearing in the FEDERAL REGISTER issue of March 7, 1964.
**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Greek—Continued	
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Marcudio	7,969
Mastro-Stelios II	7,282
**Nicolaos F. (trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
North Empress	10,904
North Queen	9,341
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	15,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Propontis	7,128
Redestos	5,941
**Seirios (sold Japanese ship breakers)	7,239
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,244
**Timios Stavros (now British flag).	
Tina	7,362
Western Trader	9,268
Lebanese (45 ships)	299,384
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
Carnation	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,262
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Leftric	7,176
Malou	7,145
Mantric	7,255
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Razani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theologos	6,529
Toula	4,561
Vassiliki	7,192
Vastric	6,458
Vergolivada	6,339
Yanxilas	10,051
Italian (6 ships)	49,985
Achille	6,950
Airone	6,969
Aspromonte	7,154
Nasarano	7,173
San Nicola (Tanker)	12,461
San Lucia	9,278
Polish (12 ships)	80,586
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
Trebisnjica (wrecked)	7,145
Spanish (5 ships)	8,159
Castillo Ampudia	3,566
Escorpion	999
Sierra Andia	1,596
Sierra Madre	999
Sierre Maria	999
Norwegian (4 ships)	34,503
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jezreel—Panamanian flag)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
**Guinee (now Comfort, Chinese "Formosa" flag)	3,048
Nelee	2,874
Moroccan (4 ships)	32,614
Atlas	10,392
Banora	3,082
Mauritanie	10,392
Toubkal	8,748
Swedish (2 ships)	14,295
**Atlantic Friend (now Atlantic Venture—Liberian flag)	7,805
Dagmar	6,490
Finnish (1 ship):	
Valny (Tanker)	11,691
Indian:	
**Jalaganga (trip to Cuba under ex-name, Silverlake—British flag).	
**Jalagouri (trip to Cuba under ex-name, Silverforce—British flag).	
Chinese (Formosa):	
**Comfort (trip to Cuba under ex-name, Guinee—French flag).	
Liberian:	
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).	

RADIO STATIONS WWV, GREENBELT, MD., AND WWVH, MAUI, HAWAII

Notice of Change in Geophysical Alerts

Notice is hereby given that a modification in the Geophysical Alerts being broadcast by WWV and WWVH will be made on April 1, 1964.

Present schedule

Morse Code (Very Slow)---------- Morse Code (7 words per minute).
Symbols:
AGI-AAAA (Alert). GEO-MMMMM (Magnetic storm).
AGI-5 long dashes (Special World Interval in progress). GEO-NNNNN (Magnetic quiet).
AGI-EEEEE (Neither alert nor Special World Interval). GEO-CCCCC (Cosmic ray event).
GEO-55555 (Solar activity).
GEO-QQQQQ (Solar quiet).
GEO-WWWWW (Stratospheric warning).
GEO-EEEEE (No Geoalert issued).
When broadcast:
WWV—During 5th and 35th minutes each hour.
WWVH—During 15th and 45th minutes each hour.

New schedule

Symbols: Same.
When broadcast:
WWV—During 19th minute each hour.
WWVH—During 49th minute each hour.

A. V. ASTIN,
Director, National Bureau of Standards.

[F.R. Doc. 64-3064; Filed, Mar. 30, 1964; 8:45 a.m.]

RADIO STATIONS WWVB AND WWVL, FORT COLLINS, COLO.

Notice of Change Schedule

Notice is hereby given of a partial restoration of service provided by Radio Stations WWVB and WWVL, effective April 1, 1964.

Previous schedule

Broadcasts from 1630 UT to 2230 UT daily except for Tuesday maintenance periods, one week WWVB and next week WWVL.

New schedule

Broadcasts from 1630 UT to 2230 UT Saturdays, Sundays, Mondays, Tuesdays (the broadcasts on Tuesdays will alternate—one week WWVB, next week WWVL), and continuously from 1630 UT Wednesdays to 2230 UT Fridays.

A. V. ASTIN,
Director, National Bureau of Standards.

[F.R. Doc. 64-3065; Filed, Mar. 30, 1964; 8:46 a.m.]

TIME SIGNALS BROADCAST BY NATIONAL BUREAU OF STANDARDS AND U.S. NAVY RADIO STATIONS

Notice of Change

Notice is hereby given that time signals broadcast by National Bureau of Standards radio stations WWV, Beltsville, Maryland; WWVH, Maui, Hawaii; WWVB, Fort Collins, Colorado, and U.S. Navy Stations NBA, Canal Zone, NPG, San Francisco, California, NPM, Lualualei, Hawaii, NPN, Guam, and NSS, Annapolis, Maryland, will be retarded 100 milliseconds at 0000 UT on April 1, 1964.

This change is made in accordance with international coordination of time signals.

A. V. ASTIN,
Director,
National Bureau of Standards.
T. S. BASKETT,
Captain, U.S. Navy, Superintendent, U.S. Naval Observatory.

[F.R. Doc. 64-3063; Filed, Mar. 30, 1964; 8:45 a.m.]

RADIO STATIONS WWV, GREENBELT, MD., AND WWVH, MAUI, HAWAII

Notice of Change in Geophysical Alerts

Notice is hereby given that a modification in the Geophysical Alerts being broadcast by WWV and WWVH will be made on April 1, 1964.

Present schedule

Morse Code (Very Slow)---------- Morse Code (7 words per minute).
Symbols:
AGI-AAAA (Alert). GEO-MMMMM (Magnetic storm).
AGI-5 long dashes (Special World Interval in progress). GEO-NNNNN (Magnetic quiet).
AGI-EEEEE (Neither alert nor Special World Interval). GEO-CCCCC (Cosmic ray event).
GEO-55555 (Solar activity).
GEO-QQQQQ (Solar quiet).
GEO-WWWWW (Stratospheric warning).
GEO-EEEEE (No Geoalert issued).
When broadcast:
WWV—During 5th and 35th minutes each hour.
WWVH—During 15th and 45th minutes each hour.

New schedule

Symbols: Same.
When broadcast:
WWV—During 19th minute each hour.
WWVH—During 49th minute each hour.

A. V. ASTIN,
Director, National Bureau of Standards.

[F.R. Doc. 64-3064; Filed, Mar. 30, 1964; 8:45 a.m.]

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A. V. ASTIN,
Director, National Bureau of Standards.

[F.R. Doc. 64-3065; Filed, Mar. 30, 1964; 8:46 a.m.]

TIME SIGNALS BROADCAST BY NATIONAL BUREAU OF STANDARDS AND U.S. NAVY RADIO STATIONS

Notice of Change

Notice is hereby given that time signals broadcast by National Bureau of Standards radio stations WWV, Beltsville, Maryland; WWVH, Maui, Hawaii; WWVB, Fort Collins, Colorado, and U.S. Navy Stations NBA, Canal Zone, NPG, San Francisco, California, NPM, Lualualei, Hawaii, NPN, Guam, and NSS, Annapolis, Maryland, will be retarded 100 milliseconds at 0000 UT on April 1, 1964.

This change is made in accordance with international coordination of time signals.

A. V. ASTIN,
Director,
National Bureau of Standards.
T. S. BASKETT,
Captain, U.S. Navy, Superintendent, U.S. Naval Observatory.

[F.R. Doc. 64-3063; Filed, Mar. 30, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

Notice of Hearing

MARCH 26, 1964.

In the matter of the application of Southern Pacific Transportation Company for authority to abandon its Mojave Branch between Mojave and Keene, California, a distance of 26.3 miles, in Kern County, California.

Application No. 34,000.

Notice is hereby given that the above-entitled application has been assigned for hearing before Examiner Robert Ellis, at 10 a.m., e.s.t., on April 20, 1964, in Room 1319, Interstate Commerce Commission Building, Washington, D.C.

Dated at Washington, D.C., this 26th day of March 1964.

By the Commission.

H. NEIL GARSON,
Secretary.

[F.R. Doc. 64-3066; Filed, Mar. 30, 1964; 8:46 a.m.]

FEDERAL POWER COMMISSION

Notice of Application and Date of Hearing

MARCH 25, 1964.

Take notice that on March 19, 1964, Pacific Gas and Electric Company ("the licensee") filed an application for authority to operate its pool-type nuclear power reactor, Humboldt Bay Power Plant Unit No. 3, at the licensee's Humboldt Bay Power Plant site in Humboldt County, California, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations thereunder.

The application is for a full-term operating license for the reactor, which is presently operating under a provisional operating license issued by the Commission on August 14, 1963, pursuant to which the reactor has been operated at power levels not exceeding 5 megawatts thermal. The application requests authority to operate the reactor at power levels not exceeding 200 megawatts thermal.

Pursuant to the Atomic Energy Act of 1954, as amended, a public hearing will be held in connection with the application. Notice is hereby given that the hearing will be held on May 19, 1964, at 10 a.m., e.s.t., in the Commission's Hearing Room, 1st Floor, 441 G Street NW., Washington, D.C. 20426.

Any person who wishes to participate as a party in the hearing shall file a petition for leave to intervene with the Commission in accordance with the Commission's rules of practice and procedure, 18 CFR 1.8 and 1.37(f). Petitions for leave to intervene must be received by the Commission not later than April 20, 1964

ATOMIC ENERGY COMMISSION

[Docket No. 50-199]

MANHATTAN COLLEGE CORP.

Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Facility License No. R-94 to Manhattan College Corporation authorizing operation of its tank-type nuclear reactor at a maximum steady state power level of 0.1 watt (thermal) on the Manhattan College campus in New York City.

The Commission has found that the reactor has been constructed in conformity with Construction Permit No. CPRR-75 and will operate in conformity with the application, as amended, and in conformity with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission.

The license issued is substantially as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER on February 28, 1964, 29 F.R. 2796.

Dated at Bethesda, Md., this 24th day of March 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-3078; Filed, Mar. 30, 1964; 8:47 a.m.]

[Docket No. 50-54]

UNION CARBIDE CORP.

Notice of Issuance of Facility License Amendments

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendments 6 and 7, set forth below, to Facility License No. R-81. The license authorizes Union Carbide Corporation to possess and operate its pool-type nuclear reactor located in Sterling Forest, New York. Amendment No. 6, in accordance with the application for license amendment dated November 1, 1963, authorizes recovery from unplanned or unscheduled shutdowns of the reactor without a senior operator present at the facility in those cases where the shutdown has been caused by a failure of the electrical power supply provided by the local utility company. Amendment No. 7, in accordance with the application for license amendment dated October 22, 1963, authorizes the installation of an 18-inch by 24-inch platform to the west side of the reactor grid plate and use of the platform for the performance of certain low flux irradiations outside the reactor core.

The Commission has found that:

1. Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

2. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these amendments see (1) the hazards analyses prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's applications for license amendments dated October 22, 1963, and November 1, 1963, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 23d day of March 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-81, Amendment No. 6]

1. Facility License No. R-81, as amended, which authorizes Union Carbide Corporation ("the licensee") to operate its pool-type nuclear reactor ("the reactor") located on the licensee's site in Sterling Forest, New York, is hereby further amended to add a new paragraph 4.M., as follows:

4.M. The presence of a senior operator is not required during recoveries from unplanned or unscheduled shutdowns of the reactor caused by a failure of the electrical power supply provided by the local utility company. The licensee shall follow the procedures described in the application for license amendment dated November 1, 1963.

2. This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

Date of issuance: March 23, 1964.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-81, Amendment No. 7]

1. Facility License No. R-81, as amended, which authorizes Union Carbide Corporation ("the licensee") to operate its pool-type nuclear reactor ("the reactor") located on the licensee's site in Sterling Forest, New York, is hereby further amended to add a new paragraph 4.N., as follows:

4.N. The licensee is hereby authorized to install an 18-inch by 24-inch platform to the west side of the reactor grid plate, and to use this platform for the performance of certain low flux irradiations outside the reactor core, subject to the condition that experiments, the movement of which could introduce a reactivity increase of greater than .002, shall not be placed on the grid plate extension. The licensee shall follow the procedures described in the application for license amendment dated October 22, 1963.

2. This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

Date of issuance: March 23, 1964.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-3079; Filed, Mar. 30, 1964; 8:47 a.m.]

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Proposed Issuance of Operating License

In accordance with the request contained in a letter dated March 26, 1964 from Consumers Power Company, the text of the notice published in this proceeding in the FEDERAL REGISTER on January 30, 1964, 29 F.R. 1596, is republished in its entirety as follows:

Notice is hereby given pursuant to section 189 of the Atomic Energy Act of 1954, as amended, and § 50.58 of 10 CFR Part 50, that unless within thirty days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission (the "Commission") by Consumers Power Company ("Consumers"), or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's rules of practice, 10 CFR Part 2, the Commission proposes to issue an operating license, substantially as set forth below, to Consumers authorizing operation of the Big Rock Point nuclear reactor located in Charlevoix County, Michigan. The proposed license would (1) convert Consumers' existing provisional operating license to a full term operating license, (2) authorize the conduct of Phase II of a Research and Development Program, and (3) authorize operation of the reactor at thermal power levels not to exceed 240 megawatts.

Construction of the reactor was authorized by Construction Permit No. CPPR-9 issued May 31, 1960. Consumers has operated the reactor under Provisional Operating License No. DPR-6 issued on August 30, 1962.

The Commission has found that:

(1) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) There is reasonable assurance that (i) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

(3) Consumers is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations and to assume financial responsibility for payment of Commission charges for special nuclear material;

(4) The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

Prior to the issuance of the license Consumers will be required to provide proof of financial protection which satisfies the requirements of 10 CFR Part 140 and to execute an amendment to its indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140.

For further details with respect to this proposed license, see (1) the license application amendments dated November 14, 1963, and January 16, 1964, and supplement thereto dated January 20, 1964; (2) the report of the Advisory Committee on Reactor Safeguards dated January 17, 1964; (3) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation; and (4) the Technical Specifications which are incorporated in the license and designated as Appendix A thereto, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Appendix B to the license, the special nuclear material transfer schedule, is unchanged from Appendix B incorporated in Provisional Operating License No. DPR-6 issued August 30, 1962, a copy of which is on file in the Commission's Public Document Room. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Maryland, this 27th day of March 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

PROPOSED OPERATING LICENSE

[License No. DPR-6]

1. This license applies to the facility, consisting of a boiling water reactor (hereinafter referred to as "the reactor") and associated components and equipment, which is owned by Consumers Power Company (hereinafter referred to as "Consumers"), located in Charlevoix County, Michigan, and described in Consumers' license application dated January 14, 1960, and license application Amendments Nos. 3, 4, 6, 7, 8, 9, 10, 12, 14, and 15, dated December 1, 1961, January 19, 1962, March 19, 1962, March 22, 1962, March 23, 1962, March 23, 1962, May 3, 1962, May 31, 1962, November 15, 1963, and January 16, 1964, respectively (hereinafter referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter referred to as "the Commission") hereby licenses Consumers:

A. Pursuant to section 104b of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use at any one time 1,200 kilograms of contained Uranium 235 as fuel for operation of the reactor;

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use 10.32 grams of Uranium 235 in fission counters;

D. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, to receive, possess and use five curies of plutonium encapsulated as a plutonium-beryllium neutron source for startup of the reactor;

E. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to receive, possess and use antimony-beryllium with an initial strength not exceeding 7,000 curies as neutron sources;

F. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70, and § 30.32 of Part 30 of the Commission's regulations, and is subject to all applicable provisions of the Act and the rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. *Maximum Power Level.* Consumers shall not operate the reactor at steady state power levels in excess of 240 megawatts thermal.

B. *Technical Specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter referred to as the "Technical Specifications") are hereby incorporated in this license. Consumers shall operate the facility in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59, or as otherwise permitted by the Act and the Commission's rules and regulations.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, Consumers shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of Consumers as measured at or prior to the point of such release or discharge.

(3) Records of scrams, including reasons therefor.

(4) Records of principal maintenance operations involving substitution or replacement of facility equipment or components and the reasons therefor.

(5) Records of radioactivity measurements at on-site and off-site monitoring stations.

(6) Records of facility tests and measurements performed pursuant to the requirements of the Technical Specifications.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) Consumers shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the facility, including, without implied limitation, any possible unsafe condition arising out of:

a. Any substantial variance disclosed by operation of the facility from the performance specifications set forth in the hazards summary report, and

b. Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) Consumers shall report to the Commission in writing significant changes in plant organization, and transient or accident analyses, as described in the hazards summary report.

(3) Consumers shall submit to the Commission, at least semiannually during the remaining period of the Research and Development Program and at least annually thereafter a written report of operating experience including:

a. A brief explantion of the cause of each unplanned shutdown of the reactor.

b. The amount of radioactive material removed from the reactor by releases, discharges, and shipments of radioactive waste material.

c. The levels of radioactivity in the principal fluid systems.

d. A description of changes, tests, and experiments performed pursuant to § 50.59(a) of the Commission's Rules and Regulations.

e. A description of the principal maintenance performed on the facility.

f. A summary of reactor operation performed during the period, including: Operations performed pursuant to the Research and Development Program; and explanation of malfunctions of any equipment important to safety; periodic testing performed as required in the Technical Specifications.

Such reports shall be due within 60 days after the end of each reporting period.

4. Pursuant to § 50.60, Title 10, CFR, Chapter I, Part 50, the Commission has allocated to Consumers for use in the operation of the reactor 4791.8 kilograms of Uranium 235 contained in uranium at the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to Consumers and returns to the Commission are contained in Appendix B which is hereby incorporated in this license. Shipments by the Commission to Consumers in accordance with Column (2) in Appendix B will be conditioned upon Consumers' return to the Commission of material substantially in accordance with Column (3) of Appendix B.

5. This license is effective as of the date of issuance and shall expire May 31, 2000.

For the Atomic Energy Commission.

Director, Division of Licensing and Regulation.

[F.R. Doc. 64-3156; Filed, Mar. 30, 1964; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-20609]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare and Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of March 1964.

An agreement adopted by the Traffic

in air transportation (as those terms are

Any air carrier party to the agreement,

statements filed, modify or rescind its

of substantive messages related to the

[Docket No. 14650, FCC 64M-256]

An agreement adopted by the Traffic Conferences of the International Air Transport Association relating to fare and rate matters; Docket No. 13777, Agreement C.A.B. 16847, R–21.[1]

By Order E–19143, December 28, 1962, the Board approved, among other matters, the above-designated agreement between various air carriers, foreign air carriers and other carriers, embodied in Resolution 200 of the Traffic Conferences of the International Air Transport Association. Paragraph 2(1) of Resolution 200 permits member carriers to enter into agreements for free and reduced rate transportation of company materials.

On January 14, 1964, the Board issued Order E–20365 in Docket 14754 which disapproved various agreements between air carriers and between air carriers and other carriers, entered into pursuant to paragraph 2(1) of Resolution 200 and filed with the Board under section 412 of the Federal Aviation Act of 1958. Seaboard World Airlines, Inc., (Seaboard) by letter dated February 4, 1964, states that such action places United States flag carriers at a disadvantage vis-a-vis foreign flag carriers inasmuch as agreements to which air carriers are not parties are not required to be filed with and approved by the Board. Consequently, argues Seaboard, foreign flag carriers are able to enter into agreements among themselves for free and reduced rate transportation of company materials in air transportation to the competitive disadvantage and exclusion of United States carriers. Seaboard urges, therefore, that the Board's prior approval of the enabling Resolution 200 be conditioned to preclude all carriers from providing free and reduced rate carriage of company materials insofar as air transportation is concerned.

In view of our earlier findings in Docket 14754, that the agreements there considered are contrary to the public interest and in violation of the Act, and since it appears that the issue of discrimination and the other aspects of the subject type of agreement would be present regardless of whether the agreeing carriers are citizens of the United States or not, it appears appropriate to condition the subject IATA Resolution to insure that all carriers will be in parity in this respect insofar as air transportation is concerned.

Approval of Resolution 200 will, therefore, be conditioned to preclude free and reduced rate transportation of company materials in air transportation.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 204(a), and 412 thereof,

It is ordered, That:

1. Approval of Agreement C.A.B. 16847, R–21, is modified so as to be subject to the following additional condition: "Furthermore, said resolution shall be approved on the condition that free and reduced rate transportation of company materials pursuant to agreements under paragraph 2(1) shall not be performed by any air carrier or foreign air carrier in air transportation (as those terms are defined in the Federal Aviation Act of 1958)."

2. Any air carrier or foreign air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

3. This order will be served on all air carriers and foreign air carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–3119; Filed, Mar. 30, 1964; 8:51 a.m.]

[1] Relating to Resolution 200.

[Docket No. 14945; Order E–20614]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of March 1964.

An agreement adopted by Joint Conference 1–2 of the International Air Transport Association relating to specific commodity rates; Docket No. 14945, Agreement C.A.B. 17633, R–5.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1–2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers, names an additional specific commodity rate as follows:

Item 2418—Shoes and Slippers, Finished; Shoe and Slipper Soles, Heels and Uppers, excluding any other parts thereof.
Rate: 110 cents per kilogram, minimum weight 200 kilograms, from Casablanca/Rabat to New York.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered, That Agreement C.A.B. 17633, R–5, is approved, provided that such approval shall not constitute approval of the Specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–3120; Filed, Mar. 30, 1964; 8:51 a.m.]

[Docket No. 13777; Order E–20615]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of March 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17280, R–67 through R–71.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates and cancels one rate as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17280, R–67 through R–71, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such

[1] Filed as part of the original document.

statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–3121; Filed, Mar. 30, 1964; 8:52 a.m.]

[Docket No. 15104]

ALITALIA-LINEE AEREE ITALIANE-S.p.A.

Notice of Prehearing Conference

Application of Alitalia for an amendment of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to include intermediate points in Portugal and the Azores.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on April 2, 1964, at 10:00 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Thomas L. Wrenn.

Dated at Washington, D.C., March 26, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64–3122; Filed, Mar. 30, 1964; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15394]

ARTHUR H. JONES, JR.

Order To Show Cause

In the matter of Arthur H. Jones, Jr., Baltimore, Maryland, order to show cause why the license for radio station 4Q0163 in the Citizens Radio Service should not be revoked; Docket No. 15394.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain violations of the Commission's rules in connection with the captioned radio station;

It appearing, that, pursuant to § 1.89 (formerly 1.76) of the Commission's rules, written notice of alleged violation of § 95.81(a) (then § 19.61(a)) of the Commission's rules was served upon the licensee at his address of record by letter dated June 19, 1963; and

It further appearing, that licensee failed to reply to the above-mentioned letter of June 19, 1963, and failed to reply to follow-up letters dated July 24, 1963, and January 13, 1964, which were also mailed to his address of record; and

It further appearing, that, on June 16, August 9, and November 6, 1961, November 21, 1962, June 6, July 30 and 31, 1963, Citizens radio station 4Q0163 was used for the transmission of communications to other Citizens radio stations other than when necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 95.81(a) (formerly § 19.61(a)) of the Commission's rules; and

It further appearing, that, on June 16, August 9 and November 6, 1961, and July 30 and 31, 1963, an exchange of communications from Citizens radio station 4Q0163 to another Citizens radio station exceeded five consecutive minutes, in violation of § 95.81(f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, that, on June 16, August 9, and November 6, 1961, an exchange of communications from Citizens radio station 4Q0163 to another Citizens radio station was not followed by a silent period of 2 minutes, in violation of § 95.81(f) of the Commission's rules; and

It further appearing, that, on June 16, August 9, and November 6, 1961, November 21, 1962, and July 30 and 31, 1963, communications from Citizens radio station 4Q0163 were not identified by the call sign assigned to such station at the beginning and end of each communication, in violation of § 95.87 (formerly § 19.62) of the Commission's rules; and

It further appearing, that official notices of violation concerning the above-mentioned violations of the Commission's rules were sent to the licensee on June 21, August 11, and November 20, 1961, December 3, 1962, and June 19 and August 9, 1963; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §§ 1.89, 95.81(a), 95.81(f) and 95.87 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510(a)(12) of the Communications Act of 1934, as amended, and § 1.80(c)(12) of the Commission's rules, and also subject the licensee of the captioned station to revocation proceedings under the provisions of section 312 of the Communications Act of 1934, as amended; but that further proceedings in this docket should be limited to action looking toward a determination as to whether or not an order of revocation should be issued;

It is ordered, This 26th day of March 1964, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules that the licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail; return receipt requested to the licensee at his last known address of 4017 Cold Spring Lane, Baltimore, Maryland.

Released: March 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–3108; Filed, Mar. 30, 1964; 8:50 a.m.]

[Docket No. 14650, FCC 64M–256]

DOMESTIC TELEGRAPH SERVICE

Order Continuing Hearing

In the matter of Domestic Telegraph Service; Docket No. 14650.

The hearing examiner having under consideration the discussions had at an informal conference on March 25, 1964, to which counsel for all participants in this proceeding were invited, and at which representatives were in attendance on behalf of The Western Union Telegraph Company, American Telephone and Telegraph Company, American Communications Association, Department of Defense, General Services Administration, National Association of Manufacturers, Lockheed Aircraft Corporation, and the Federal Communications Commission; and

It appearing, that respective counsel for American Telephone and Telegraph Company, The Western Union Telegraph Company, General Services Administration, National Association of Manufacturers and Lockheed Aircraft Corporation are each presently faced with the necessity of devoting their time, as well as the time of certain of their proposed witnesses in this proceeding, to the preparation of exceptions or other formal legal pleadings relating to the Tentative Decision of the Commission in the matter of American Telephone and Telegraph Company Tariff FCC No. 250, TELPAK Service and Channels, Docket No. 14251 (FCC 64–219), released March 20, 1964, which are required to be filed on or before May 4, 1964; and

It further appearing, that the foregoing circumstance makes it impracticable to proceed with the instant proceeding on April 7, 1964, as presently scheduled; and

It further appearing, that the affected parties have informally and orally requested a readjustment of the hearing schedule in this proceeding in order to accommodate the problem relating to the TELPAK case, and good cause for such relief having been shown;

It is ordered, This 25th day of March 1964, that the hearing sessions scheduled to commence herein on April 7, 1964, are postponed to April 21, 1964, at 10:00 a.m. at the Commission's offices in Washington, D.C.; and

It is further ordered, That the order of procedure at the hearing sessions commencing on April 21, 1964, shall be as follows:

The Department of Defense will present its direct case and submit to appropriate cross-examination.

The Post Office Department will present its direct case and submit to appropriate cross-examination.

The Western Union Telegraph Company will complete the presentation of its direct case, except for the direct presentations of Messrs. Barr and McMains, and submit to appropriate cross-examination.

It is further ordered, That, upon completion of the foregoing segment of this proceeding, the hearing will recess until May 5, 1964; and

It is further ordered, That the hearings shall resume on May 5, 1964, at 10:00 a.m. at the Commission's offices

in Washington, D.C., and that the American Telephone and Telegraph Company shall then proceed with the presentation

[Docket No. 15350, FCC 64M–260]

RADIO STATION WXXX, INC.

The application is on file with the Commission for public inspection.

with the dam containing three hydroelectric generating units rated at 25,000

18, 1964. The application is on file with the Commission for public inspection.

No. 2433, known as Grand Rapids Hydro Project, located on the Menominee River,

in Washington, D.C., and that the American Telephone and Telegraph Company shall then proceed with the presentation of its direct case through the following witnesses, in the order mentioned:

Mr. Wentworth: All testimony and the presentation of AT&T Exhibits 18, 23, 28, 29, 33, 34, 35, 36(1), 39, 42, and 43.

Mr. Woods: All testimony (except as set forth in AT&T Exhibit 30) and the presentation of AT&T Exhibits 12(1), 15(1), 40, 41, and 48.

Mr. Rae: All testimony (except AT&T Exhibit 25) and the presentation of AT&T Exhibits 12(2), 46(1), and 50.

Mr. Bransford: All testimony and the presentation of AT&T Exhibit 13.

Mr. Damkroger: All testimony (except AT&T Exhibit Nos. 15(2), 19, 20, 21, 38, and 49) and the presentation of AT&T Exhibits 22, 36(2), 44, and 45;

and such witnesses shall submit to appropriate cross-examination; and

It is further ordered, That, prior to the conclusion of the hearing sessions which are scheduled to commence on May 5, 1964, counsel shall advise the Hearing Examiner of their mutual agreement as to the further scheduling of witnesses or, if such be the case, of their inability so to agree, in which event the Hearing Examiner will hold a further conference of counsel and resolve any outstanding problems.

Released: March 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3109; Filed, Mar. 30, 1964; 8:50 a.m.]

[Docket No. 15321, FCC 64M-254]

PEPINO BROADCASTERS, INC.

Order Continuing Hearing

In re application of Pepino Broadcasters, Inc., San Sebastian, Puerto Rico, Docket No. 15321, File, No. BP-14253; for construction permit.

The hearing examiner having under consideration petition filed March 24, 1964, on behalf of Pepino Broadcasters, Inc., requesting that the date for the hearing in the above-entitled proceeding be continued from April 2, 1964, to April 16, 1964;

It appearing, That good cause exists why said petition should be granted and counsel for the Broadcast Bureau, which is the only other party herein, interposes no objection;

Accordingly, it is ordered, This 25th day of March 1964, that the petition is granted and that the hearing herein is continued from April 2, 1964, to April 16, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: March 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3110; Filed, Mar. 30, 1964; 8:50 a.m.]

[Docket No. 15350, FCC 64M-260]

RADIO STATION WXXX, INC.

Order Continuing Hearing

In re application of WXXX, Inc. (WXXX), Hattiesburg, Mississippi; Docket No. 15350, File No. BP-15408; for construction permit.

Pursuant to agreements reached at the prehearing conference held on March 25, 1964, the evidentiary hearing in the above-entitled proceeding is continued from April 20, 1964, to a date to be decided at the conclusion of the further hearing conference to be held on May 18, 1964.

It is so ordered, This the 25th day of March 1964.

Released: March 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3111; Filed, Mar. 30, 1964; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2408]

ALABAMA POWER CO. AND MOUNT VERNON MILLS, INC.

Notice of Joint Application for License

MARCH 24, 1964.

Public notice is hereby given that joint application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Alabama Power Company and Mount Vernon Mills, Inc. (correspondence to: Walter Bouldin, President, Alabama Power Company, 600 North 18th Street, Birmingham, Alabama, and Thomas M. Bancroft, President, Mount Vernon Mills, Inc., Mercantile Trust Building, Baltimore 2, Maryland) for license for constructed Project No. 2408, known as the Thurlow Hydroelectric Development, located on the Tallapoosa River, in Tallapoosa and Elmore Counties, Alabama, in the vicinity of Tallahassee and Carrville.

The project consists of: An open, fixed crest, concrete spillway with concrete non-overflow sections creating a reservoir at normal pool elevation of 288.85 feet with an area of 574 acres extending about 3 miles to Alabama Power Company's Yates Dam; a powerhouse containing two 25,000 kilowatt generators owned by Alabama Power Company and one 8,000 kilowatt generator owned by Mount Vernon Mills, Inc.; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 11, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3062; Filed, Mar. 30, 1964; 8:47 a.m.]

[Project No. 2437]

EBB LAKE MUTUAL ELECTRICAL CO.

Notice of Application for Preliminary Permit

MARCH 24, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Ebb Lake Mutual Electrical Company (correspondence to: W. C. Spearman, 4532 Rockford Court, Charlotte, North Carolina) for preliminary permit for proposed Project No. 2437, to be located on the Catawba River in York, Chester and Lancaster Counties, South Carolina.

The proposed project would consist of: A dam about 400 feet long with 2000 feet of spillway and concrete gravity non-overflow section, and 2000 feet of compacted earth fill; a powerhouse integral with the dam containing three hydroelectric generating units rated at 25,000 kilowatts each; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 11, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3063; Filed, Mar. 30, 1964; 8:47 a.m.]

[Project N. 2435]

ALPENA POWER CO.

Notice of Application for License

MARCH 24, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Alpena Power Company (correspondence to: Mr. Orville Murch, Alpena Power Company, 30 South Third Avenue, Alpena, Michigan) for license for constructed Project No. 2435, known as the 9th Street Dam, located on Thunder Bay River, City of Alpena, Alpena County, Michigan.

The project consists of: A concrete dam about 503 feet long with 26 feet maximum height, including wing walls, fish chute, spillway, gated sluiceway with 7 gates (each about 16 feet wide and 10 feet high), and a gated intake section with 3 gates (each about 12 feet wide and 12 feet high); a storage pond about 400 acres in area with a maximum storage capacity of 2,000 acre-feet; a powerhouse containing three turbines connected to three 350 kilowatt generators; a substation; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 18, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3064; Filed, Mar. 30, 1964; 8:47 a.m.]

[Project No. 2428]

J. P. STEVENS & CO., INC.

Notice of Application for License

MARCH 24, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by J. P. Stevens & Co., Inc. (correspondence to: Edward H. Stall, Manager, Piedmont Plant, J. P. Stevens & Co., Inc., Piedmont, South Carolina) for license for constructed Project No. 2428, located on Saluda River, in Anderson and Greenville Counties, South Carolina, near the town of Piedmont.

The project consists of: A concrete and stone dam across the Saluda River 600 feet long and 28 feet high with a 200-foot overflow section; a powerhouse with installed capacity of 1005 kilowatts; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 18, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3065; Filed, Mar. 30, 1964; 8:47 a.m.]

[Docket No. E-7021]

SHREWSBURY MUNICIPAL LIGHT DEPT. AND NEW ENGLAND POWER CO.

Notice Fixing Oral Argument

MARCH 24, 1964.

Upon consideration of the Presiding Examiner's Decision issued February 13, 1964, exceptions thereto, and the motion filed on March 4, 1964 for oral argument;

Take notice that an oral argument is hereby scheduled to be heard at 10:00 a.m. on April 21, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

Parties desiring to participate in the oral argument shall notify the Secretary in writing on or before April 8, 1964, and state the time desired for the presentation of their argument.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3084; Filed, Mar. 30, 1964; 8:47 a.m.]

[Project No. 2428]

J. P. STEVENS & CO., INC.

Notice of Application for License

MARCH 24, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by J. P. Stevens & Co., Inc. (correspondence to: Edward H. Stall, Manager, Piedmont Plant, J. P. Stevens & Co., Inc., Piedmont, South Carolina) for license for constructed Project No. 2428, located on Saluda River, in Anderson and Greenville Counties, South Carolina, near the town of Piedmont.

The project consists of: A concrete and stone dam across the Saluda River 600 feet long and 28 feet high with a 200-foot overflow section; a powerhouse with installed capacity of 1005 kilowatts; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 11, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3083; Filed, Mar. 30, 1964; 8:47 a.m.]

[Docket No. E-7021]

SHREWSBURY MUNICIPAL LIGHT DEPT. AND NEW ENGLAND POWER CO.

Notice Fixing Oral Argument

MARCH 24, 1964.

Upon consideration of the Presiding Examiner's Decision issued February 13, 1964, exceptions thereto, and the motion filed on March 4, 1964 for oral argument;

Take notice that an oral argument is hereby scheduled to be heard at 10:00 a.m. on April 21, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

Parties desiring to participate in the oral argument shall notify the Secretary in writing on or before April 8, 1964, and state the time desired for the presentation of their argument.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3084; Filed, Mar. 30, 1964; 8:47 a.m.]

[Project No. 2428]

J. P. STEVENS & CO., INC.

Notice of Application for License

MARCH 24, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by J. P. Stevens & Co., Inc. (correspondence to: Edward H. Stall, Manager, Piedmont Plant, J. P. Stevens & Co., Inc., Piedmont, South Carolina) for license for constructed Project No. 2428, located on Saluda River, in Anderson and Greenville Counties, South Carolina, near the town of Piedmont.

The project consists of: A concrete and stone dam across the Saluda River 600 feet long and 28 feet high with a 200-foot overflow section; a powerhouse with installed capacity of 1005 kilowatts; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 11, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3083; Filed, Mar. 30, 1964; 8:47 a.m.]

[Docket No. E-7021]

SHREWSBURY MUNICIPAL LIGHT DEPT. AND NEW ENGLAND POWER CO.

Notice Fixing Oral Argument

MARCH 24, 1964.

Upon consideration of the Presiding Examiner's Decision issued February 13, 1964, exceptions thereto, and the motion filed on March 4, 1964 for oral argument;

Take notice that an oral argument is hereby scheduled to be heard at 10:00 a.m. on April 21, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

Parties desiring to participate in the oral argument shall notify the Secretary in writing on or before April 8, 1964, and state the time desired for the presentation of their argument.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3084; Filed, Mar. 30, 1964; 8:47 a.m.]

[Docket Nos. G-18774, G-19388]

SUNRAY DX OIL CO. AND AMERADA PETROLEUM CORP.

Notice of Applications

MARCH 24, 1964.

Take notice that on November 14, 1963, as supplemented on December 4, 1963, Sunray DX Oil Company filed in Docket No. G-18774 an application pursuant to section 7(c) of the Natural Gas Act to amend the order issuing a certificate of public convenience and necessity in said docket by authorizing the sale and delivery of natural gas from additional acreage to El Paso Natural Gas Company for resale from the Bisti Field, San Juan County, New Mexico, pursuant to Applicant's FPC Gas Rate Schedule No. 189 at an initial rate of 13.0 cents per Mcf at 15.025 psia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Take notice that on October 28, 1963, Amerada Petroleum Corporation filed in Docket No. G-19388 an application pursuant to section 7(c) of the Natural Gas Act to amend the order issuing a certificate of public convenience and necessity in said docket by authorizing the sale and delivery of natural gas from additional acreage to El Paso Natural Gas Company for resale from the Bisti Field, San Juan County, New Mexico, pursuant to Applicant's FPC Gas Rate Schedule No. 76. By letter dated November 20, 1963, Applicant agreed to accept the requested authorization at an initial rate of 13.0 cents per Mcf at 15.025 psia. The details of the requested authorization are more fully set forth in the application which is on file with the Commission and open to public inspection.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3066; Filed, Mar. 30, 1964; 8:48 a.m.]

[Project No. 2433]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application for License

MARCH 24, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Wisconsin Public Service Corporation (correspondence to: L. G. Roemer, Vice President & Treasurer, Wisconsin Public Service Corporation, 1029 North Marshall Street, Milwaukee, Wisconsin, 53201) for license for constructed Project No. 2433, known as Grand Rapids Hydro Project, located on the Menominee River, in Menominee County, Michigan, and Marinette County, Wisconsin, between Ingalls and Wallace, Michigan.

The project consists of: A dam with 920 feet long earth fill section, 208 feet long spillway section and a taintor gate section of 160 feet including 8 taintor gates 12 by 12½ feet, and a section of 122 feet including seven 14 by 14½ feet taintor gates; a reservoir having a normal elevation of 126 feet with an area of 300 acres; a powerhouse 121 feet by 35 feet and 33½ feet high of reinforced concrete; a 50 foot 6 inch by 16 inch extension to the powerhouse on the south side and on the east side a boiler room workshop extension of 32 feet by 40 feet. The powerhouse contains three 1700 horsepower, one 2240 horsepower and one 2400 horsepower turbines connected to 5 generators with a total of 6,280 kilowatt capacity. The substation contains three 1250 kva and four 1333 kva Allis Chalmers transformers, and other appurtenant electrical and mechanical equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 7, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3088; Filed, Mar. 30, 1964; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

HOUSING INSURANCE FUND DEBENTURES

Notice of Call for Partial Redemption Before Maturity

MARCH, 25, 1964.

Notice of call to holders of 2½ percent Title I Housing Insurance Fund Debentures, Series L, for partial redemption, before maturity, as designated below:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1964, on which date interest on such debentures shall cease:

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Denomination	Range of inclusive serial numbers within which called debentures fall
$50	201 to 211
$100	483 to 563
$500	186 to 203
$1,000	663 to 692
$5,000	84 to 92

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1964. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1964, and provision will be made for the payment of final interest due on July 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1964, to June 30, 1964, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 25, 1964.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 64-3066; Filed, Mar. 30, 1964; 8:45 a.m.]

HOUSING INSURANCE FUND DEBENTURES

Notice of Call for Partial Redemption Before Maturity

MARCH 25, 1964.

Notice of call to holders of 2¾ percent Title I Housing Insurance Fund Debentures, Series R, for partial redemption, before maturity, as designated below:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Title I Housing Insurance Fund Debentures, Series R, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1964, on which date interest on such debentures shall cease:

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

Denomination	Range of inclusive serial numbers within which called debentures fall
$50	546 to 558
$100	1,329 to 1,563
$500	329 to 383
$1,000	688 to 857

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1964. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1964, and provision will be made for the payment of final interest due on July 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1964, to June 30, 1964, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 25, 1964.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 64-3067; Filed, Mar. 30, 1964; 8:45 a.m.]

HOUSING INSURANCE FUND DEBENTURES

Notice of Call for Partial Redemption Before Maturity

MARCH 25, 1964.

Notice of call to holders of 3 percent Title I Housing Inurance Fund Debentures, Series T, for partial redemption, before maturity, as designated below:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Title I Housing Insurance Fund Debentures, Series T, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1964, on which date interest on such debentures shall cease:

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Denomination	Range of inclusive serial numbers within which called debentures fall
$50	584 to 623
$100	2,229 to 2,532
$500	692 to 772
$1,000	1,610 to 1,903

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1964. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1964, and provision will be made for the payment of final interest due on July 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1964, to June 30, 1964, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 25, 1964.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 64-3068; Filed, Mar. 30, 1964; 8:45 a.m.]

MUTUAL MORTGAGE INSURANCE FUND DEBENTURES

Notice of Call for Partial Redemption Before Maturity

MARCH 25, 1964.

Notice of call to holders of 4⅛ percent Mutual Mortgage Insurance Fund Debentures, Series AA, for partial redemption, before maturity, as designated below:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Mutual Mortgage Insurance Fund Debentures, Series AA, bearing interest at 4⅛ percent included in the denominations and serial numbers designated below are hereby called for redemption, at par and accrued interest, on July 1, 1964, on which date interest on such debentures shall cease:

4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination	Range of inclusive serial numbers within which called debentures fall
$50	16,869 to 25,396
$100	84,267 to 148,307 and 148,576
$500	22,435 to 38,874
$1,000	72,162 to 127,549
$5,000	18,980 to 27,588
$10,000	12,067 to 18,467

Important. Although the above inclusive serial numbers include Series AA debentures with other than 4⅛ percent interest, only those Series AA debentures bearing interest at the rate of 4⅛ percent are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1964. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1964, and provision will be made for the payment of final interest due on July 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1964, to June 30, 1964, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 25, 1964.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 64-3069; Filed, Mar. 30, 1964; 8:45 a.m.]

HOME IMPROVEMENT ACCOUNT DEBENTURES

Notice of Call for Partial Redemption Before Maturity

MARCH 25, 1964.

Notice of call to holders of 4 percent Section 203 Home Improvement Account Debentures, Series HH, for partial redemption, before maturity, as designated below:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 4 percent Section 203 Home Improvement Account Debentures, Series HH, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1964, on which date interest on such debentures shall cease:

4 PERCENT SECTION 203 HOME IMPROVEMENT ACCOUNT DEBENTURES, SERIES HH

Denomination	Range of inclusive serial numbers within which called debentures fall
$50	1
$100	6 to 13
$500	1 to 2
$1,000	3 to 6

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1964. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1964, and provision will be made for the payment of final interest due on July 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1964, to June 30, 1964, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 25, 1964.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 64-3070; Filed, Mar. 30, 1964; 8:45 a.m.]

HOUSING INSURANCE FUND DEBENTURES

Notice of Call for Partial Redemption Before Maturity

MARCH 25, 1964.

Notice of call to holders of 4½ percent housing insurance fund debentures, Series BB, for partial redemption, before maturity, as designated below:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Housing Insurance Fund Debentures, Series BB, bearing interest at 4½ percent included in the denominations and serial numbers designated below are hereby called for redemption, at par and accrued interest, on July 1, 1964, on which date interest on such debentures shall cease:

4½ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Denomination	Range of inclusive serial numbers within which called debentures fall
$50	894 to 964
$100	6,772 to 7,714
$500	1,807 to 2,026
$1,000	6,805 to 7,485
$5,000	649 to 1,046
$10,000	9,595 to 10,968

Important. Although the above inclusive serial numbers include Series BB debentures with other than 4½ percent interest, only those Series BB debentures bearing interest at the rate of 4½ percent are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1964. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1964, and provision will be made for the payment of final interest due on July 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1964, to June 30, 1964, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 25, 1964.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 64-3071; Filed, Mar. 30, 1964; 8:46 a.m.]

HOUSING INSURANCE FUND DEBENTURES

Notice of Call for Partial Redemption Before Maturity

MARCH 25, 1964.

Notice of call to holders of 4⅛ percent Section 220 Housing Insurance Fund Debentures, Series CC, for partial redemption, before maturity, as designated below:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.), as amended, public notice is hereby given that Section 220 Housing Insurance Fund Debentures, Series CC, bearing interest at 4⅛ percent included in the denominations and serial numbers designated below are hereby called for redemption, at par and accrued interest, on July 1, 1964, on which date interest on such debentures shall cease.

4⅛ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Denomination	Range of inclusive serial numbers within which called debentures fall
$50	32 to 46
$100	148 to 201
$500	41 to 62
$1,000	134 to 177
$5,000	37 to 49
$10,000	5,058 to 6,748

Important. Although the above inclusive serial numbers include Series CC debentures with other than 4⅛ percent interest, only those Series CC debentures bearing interest at the rate of 4⅛ percent are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1964. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1964, and provision will be made for the payment of final interest due on July 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1964, to June 30, 1964, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 25, 1964.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 64-3072; Filed, Mar. 30, 1964; 8:46 a.m.]

HOUSING INSURANCE FUND DEBENTURES

Notice of Call for Partial Redemption Before Maturity

MARCH 25, 1964.

Notice of call to holders of 4⅛ percent Section 221 Housing Insurance Fund Debentures, Series DD, for partial redemption, before maturity, as designated below:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246;

foregoing call will be made on the books under the terms of the Long Term Ar-

The actions taken with respect to the

U.S.C., title 12, sec. 1701 et seq.), as amended, public notice is hereby given that 4¼ percent Section 221 Housing Insurance Fund Debentures, Series DD, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1964, on which date interest on such debentures shall cease:

4¼ PERCENT SECTION 221 HOUSING INSURANCE FUND DEBENTURES, SERIES DD

Denomination	Range of inclusive serial numbers within which called debentures fall
$50	93 to 1,827
$100	380 to 12,600
$500	58 to 3,351
$1,000	470 to 12,394
$5,000	165 to 3,983
$10,000	667 to 2,985

Important. Although the above inclusive serial numbers include Series DD debentures with other than 4¼ percent interest, only those Series DD debentures bearing interest at the rate of 4¼ percent are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1964. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1964, and provision will be made for the payment of final interest due on July 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1964, to June 30, 1964, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 25, 1964.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 64-3073; Filed, Mar. 30, 1964; 8:46 a.m.]

SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES

Notice of Call for Partial Redemption Before Maturity

MARCH 25, 1964.

Notice of call to holders of 4⅛ percent Servicemen's Mortgage Insurance Fund Debentures, Series EE, for partial redemption, before maturity, as designated below:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Servicemen's Mortgage Insurance Fund Debentures, Series EE, bearing interest at 4⅛ percent included in the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on which date interest on such debentures shall cease:

4⅛ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination	Range of inclusive serial numbers within which called debentures fall
$50	1,072 to 2,726
$100	7,725 to 20,168
$500	2,002 to 4,898
$1,000	7,276 to 16,058
$5,000	1,342 to 2,785
$10,000	1,120 to 2,841

Important. Although the above inclusive serial numbers include Series EE debentures with other than 4⅛ percent interest, only those Series EE debentures bearing interest at the rate of 4⅛ percent are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1964. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1964, and provision will be made for the payment of final interest due on July 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1964, to June 30, 1964, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 25, 1964.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 64-3074; Filed, Mar. 30, 1964; 8:46 a.m.]

WAR HOUSING INSURANCE FUND DEBENTURES

Notice of Call for Partial Redemption Before Maturity

MARCH 25, 1964.

Notice of call to holders of 2½ percent War Housing Insurance Fund Debentures, Series H, for partial redemption, before maturity, as designated below:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1964, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination	Range of inclusive serial numbers within which called debentures fall
$50	4,979 to 4,995
$100	19,028 to 19,230
$500	5,489 to 5,530
$1,000	22,676 to 22,860
$5,000	5,204 to 5,240
$10,000	52,090 to 53,128

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1964. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1964, and provision will be made for the payment of final interest due on July 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1964, to June 30, 1964, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 25, 1964.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 64-3075; Filed, Mar. 30, 1964; 8:46 a.m.]

ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES

Notice of Call for Partial Redemption Before Maturity

MARCH 25, 1964.

Notice of call to holders of 4⅛ percent Armed Services Housing Mortgage Insurance Fund Debentures, Series FF, for partial redemption, before maturity, as designated below:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 4⅛ percent Armed Services Housing Mortgage Insurance Fund Debentures, Series FF, of the denominations and serial numbers designated below are hereby called for redemption, at par and accrued interest, on July 1, 1964, on which date interest on such debentures shall cease:

4⅛ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Denomination	Range of inclusive serial numbers within which called debentures fall
$10,000	9,176 to 9,407

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1964. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1964, and provision will be made for the payment of final interest due on July 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1964, to June 30, 1964, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 25, 1964.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 64-3076; Filed, Mar. 30, 1964; 8:47 a.m.]

Office of the Administrator

ACTING REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION I (NEW YORK)

Designation

Frank C. Trentacosti, Deputy Regional Director of Community Facilities, Region I (New York), is hereby designated to serve as Acting Regional Director of Community Facilities, Region I (New York), during the present vacancy in the position of Regional Director of Community Facilities, Region I, with all the powers, functions, and duties redelegated or assigned to the Regional Director of Community Facilities, Region I.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 16th day of March 1964.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 64-3100; Filed, Mar. 30, 1964; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN GREECE

Limitation on Entry or Withdrawal From Warehouse

MARCH 26, 1964.

The United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, has informed the Government of Greece that it intends, pending the conclusion of discussions with Greece on the subject of the exports of cotton textiles and cotton textile products from Greece to the United States, to renew the arrangements in effect between the two governments on the exports of such goods to the United States in Categories 2 and 4, produced or manufactured in Greece, during the twelve-month period beginning March 27, 1964.

There are published below letters of March 19 and March 23, 1964, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, directing that the amount of cotton textile products in Categories 2 and 4, produced or manufactured in Greece, which may be entered, or withdrawn from warehouse, for consumption in the United States from March 27, 1964, through March 26, 1965, be limited to the designated levels.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C.
March 19, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective March 27, 1964, and for the period extending through March 26, 1965, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 2, produced or manufactured in Greece, in excess of the following level of restraint:

Category	Level of restraint
2	105,000 pounds

In carrying out this directive, entries of cotton textiles and cotton textile products in Category 2, produced or manufactured in Greece, which have been exported to the United States from Greece prior to March 27, 1964, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period March 27, 1963, through March 26, 1964. In the event that the level of restraint established for the period March 27, 1963, through March 26, 1964, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 2 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Greece and with respect to imports of cotton textiles and cotton textile products from Greece have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C.
March 23, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective March 27, 1964, and for the period extending through March 26, 1965, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 4, produced or manufactured in Greece, in excess of the following level of restraint:

Category	Level of restraint
4	52,500 pounds

In carrying out this directive, entries of cotton textiles and cotton textile products in Category 4, produced or manufactured in Greece, which have been exported to the United States from Greece prior to March 27, 1964, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period March 27, 1963, through March 26, 1964. In the event that the level of restraint established for the period March 27, 1963, through March 26, 1964, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 4 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Greece and with respect to imports of cotton textiles and cotton textile products from Greece have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-3104; Filed, Mar. 30, 1964; 8:49 a.m.]

COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE PHILIPPINES

Limitation on Entry or Withdrawal From Warehouse

MARCH 26, 1964.

The United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, has informed the Government of the Philippines that it intends, pending the conclusion of discussions with the Philippines on the subject of the exports of cotton textiles and cotton textile products from the Philippines to the United States, to renew the arrangements in effect between the two governments on the exports of such goods to the United States in Categories 2 and 4, produced or manufactured in the Philippines, during the twelve-month period beginning March 27, 1964.

There are published below letters of March 19 and March 23, 1964, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, directing that the amount of cotton textile products in Categories 2 and 4, produced or manufactured in the Philippines, which may be entered, or withdrawn from warehouse, for consumption in the United States from March 27, 1964, through March 26, 1965, be limited to the designated levels.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C.
March 19, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective March 27, 1964, and for the period extending through March 26, 1965, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 2, produced or manufactured in the Philippines, in excess of the following level of restraint:

Category	Level of restraint
2	105,000 pounds

In carrying out this directive, entries of cotton textiles and cotton textile products in Category 2, produced or manufactured in the Philippines, which have been exported to the United States from the Philippines prior to March 27, 1964, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period March 27, 1963, through March 26, 1964. In the event that the level of restraint established for the period March 27, 1963, through March 26, 1964, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 2 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Philippines and with respect to imports of cotton textiles and cotton textile products from the Philippines have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C.
March 23, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective March 27, 1964, and for the period extending through March 26, 1965, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 4, produced or manufactured in the Philippines, in excess of the following level of restraint:

Category	Level of restraint
4	52,500 pounds

In carrying out this directive, entries of cotton textiles and cotton textile products in Category 4, produced or manufactured in the Philippines, which have been exported to the United States from the Philippines prior to March 27, 1964, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period March 27, 1963, through March 26, 1964. In the event that the level of restraint established for the period March 27, 1963, through March 26, 1964, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 4 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Philippines and with respect to imports of cotton textiles and cotton textile products from the Philippines have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-3105; Filed, Mar. 30, 1964; 8:49 a.m.]

COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN JAPAN

Limitation on Entry or Withdrawal From Warehouse

MARCH 26, 1964.

The United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, has informed the Government of Japan that it intends, pending the conclusion of discussions with Japan on the subject of the exports of cotton textiles and cotton textile products from Japan to the United States, to renew the arrangements in effect between the two governments on the exports of such goods to the United States in Categories 2 and 4, produced or manufactured in Japan, during the twelve-month period beginning March 27, 1964.

There are published below letters of March 19 and March 23, 1964, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, directing that the amount of cotton textile products in Categories 2 and 4, produced or manufactured in Japan, which may be entered, or withdrawn from warehouse, for consumption in the United States from March 27, 1964, through March 26, 1965, be limited to the designated levels.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C.
March 19, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective March 27, 1964, and for the period extending through March 26, 1965, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 2, produced or manufactured in Japan, in excess of the following level of restraint:

Category	Level of restraint
2	105,000 pounds

In carrying out this directive, entries of cotton textiles and cotton textile products in Category 2, produced or manufactured in Japan, which have been exported to the United States from Japan prior to March 27, 1964, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period March 27, 1963, through March 26, 1964. In the event that the level of restraint established for the period March 27, 1963, through March 26, 1964, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 2 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to Japan and with respect to imports of cotton textiles and cotton textile products from Japan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C.
March 23, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective March 27, 1964, and for the period extending through March 26, 1965, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 4, produced or manufactured in Japan, in excess of the following level of restraint:

Category	Level of restraint
4	52,500 pounds

In carrying out this directive, entries of cotton textiles and cotton textile products in Category 4, produced or manufactured in Japan, which have been exported to the United States from Japan prior to March 27, 1964, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period March 27, 1963, through March 26, 1964. In the event that the level of restraint established for the period March 27, 1963, through March 26, 1964, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 4 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to Japan and with respect to imports of cotton textiles and cotton textile products from Japan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-3106; Filed, Mar. 30, 1964; 8:49 a.m.]

COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE PHILIPPINES

Limitation on Entry or Withdrawal From Warehouse

MARCH 25, 1964.

The Government of the Philippines has undertaken to limit its exports to the United States of cotton textile products in Category 45 to specified annual amounts under a bilateral agreement recently concluded between the two countries, which was the subject of a notice published in the FEDERAL REGISTER on March 11, 1964 (29 F.R. 3252).

There is published below a letter of March 25, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that cotton textile products in that category, produced or manufactured in the Philippines, which may be entered, or withdrawn from warehouse, in the United States from January 1, 1964, through December 31, 1964, be limited to a designated level. Within this level, a limited quantity of cotton textile products which were entered for warehouse in the United States on or before February 24, 1964, may be withdrawn from warehouse regardless of when exported from the Philippines.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C.
March 25, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: On August 14, 1963, I directed you to prohibit imports of certain cotton textiles and cotton textile products produced or manufactured in the Philippines, including those in Category 45, in excess of designated levels for the twelve-month period beginning May 31, 1963.

A directive issued on March 5, 1964, superseded all previous directives issued to you concerning cotton textiles and cotton textile products produced or manufactured in the Philippines, except that the portion of my directive of August 14, 1963, pertaining to those cotton textile products in Category 45 was retained in effect until further notice. That portion of my directive of August 14, 1963, is superseded by the present directive, effective April 1, 1964.

Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1963, you are hereby directed to prohibit, effective April 1, 1964, and for the period extending through December 31, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 45, produced or manufactured in the Philippines, in excess of the following level of restraint:

Category	Level of restraint
45	30,000 dozen

In carrying out this directive, cotton textile products in Category 45, produced or manufactured in the Philippines, which were entered for warehouse in the United States on or before February 24, 1964, shall not be withdrawn from warehouse for consumption in excess of 12,500 dozen. Such withdrawals will be charged against the restraint level of 30,000 dozen.

Except under the terms of the preceding paragraph, you shall prohibit the entry into the United States for consumption or withdrawal from warehouse for consumption of any cotton textile products in Category 45, produced or manufactured in the Philippines, which were exported from the Philippines prior to January 1, 1964.

A detailed description of Category 45 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, the term United States shall be construed to include the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Philippines and with respect to imports of cotton textiles and cotton textile products from the Philippines have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-3105; Filed, Mar. 30, 1964; 8:49 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Limitation on Entry or Withdrawal From Warehouse

MARCH 25, 1964.

The United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, has concluded a bilateral agreement with the Government of Portugal concerning exports of cotton textiles from Portugal to the United States over a three-year period. Under this agreement the Government of Portugal has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. The first year of the agreement commenced on January 1, 1964, and extends through December 31, 1964. The categories which are subject to specific export limitation under the agreement are as follows: 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26, 28, 41, 42, 43, 45, 46, 47, 50, 51, 52, 53, 55, 60, parts of 62, parts of 63, and parts of 64. All other categories of cotton textiles and cotton textile products exported from Portugal to the United States are subject to control by the Government of Portugal, as set forth in the agreement.

There is published below a letter of March 25, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in certain categories produced or manufactured in Portugal which may be entered, or withdrawn from warehouse, for consumption in the United States from January 1, 1964, through December 31, 1964, be limited to certain designated levels. The levels set forth in this letter have been adjusted to take account of deductions from the export limitations in certain categories as provided for in the agreement between the United States and Portugal.

For the reference of interested parties, the agreement between the United States and Portugal on cotton textiles will be published in the Department of State Bulletin.

JAMES S. LOVE, JR.,
Chairman, Intergency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C.
March 25, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive supersedes all previous directives issued to you concerning entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Portugal.

Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective March 30, 1964, and for the period extending through December 31, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26, 28, 41, 42, 43, 45, 46, 47, 50, 51, 52, 53, 55, 60, parts of 62, parts of 63, and parts of 64, produced or manufactured in Portugal, in excess of the following levels of restraint as adjusted for previous entries:

Category	12-month level of restraint	12-month level of restraint less adjustments
1	9,580,000 pounds	7,423,496 pounds.[1]
2	780,000 pounds	637,473 pounds.[1]
3	2,200,000 pounds	1,777,046 pounds.[1]
4	150,000 pounds	149,073 pounds.[1]
5-6	7,500,000 square yards	6,669,819 square yards.[1]
6	4,200,000 square yards[2]	3,501,650 square yards.[1]
9	6,500,000 square yards	6,132,144 square yards.[1]
19	800,000 square yards	800,000 square yards.[1]
24-25	4,400,000 square yards	3,945,117 square yards.
26	1,600,000 square yards[3]	1,438,184 square yards.[1]
28	2,000,000 square yards	1,797,195 square yards.[1]
29	300,000 pieces	(4)
41-42-43	70,000 dozen	60,000 dozen.[4]
45	20,000 dozen	20,000 dozen.[4]
46	30,000 dozen	30,000 dozen.[4]
47	30,000 dozen	30,000 dozen.[4]
50	20,000 dozen	20,000 dozen.[4]
51	20,000 dozen	20,000 dozen.[4]
52	30,000 dozen	30,000 dozen.[4]
53-parts of 62 (T.S.U.S.A. Nos. 382.0306; 382.0307; 382.0635; and 382.0640).	30,000 dozen	30,000 dozen.[4]
55	20,000 dozen	20,000 dozen.[4]
60	15,000 dozen	15,000 dozen.[4]
Parts of 62 (T.S.U.S.A. Nos. 380.0309; 380.0645; 382.0312; and 382.0665).	50,000 pounds	50,000 pounds.[4]
Parts of 62 (T.S.U.S.A. Nos. 382.0318; and 382.0695)—Parts of 63 (T.S.U.S.A. Nos. 382.0377; and 382.3390).	300,000 pounds	300,000 pounds.[4]
Parts of 64 (T.S.U.S.A. No. 363.6025)	100,000 pounds	100,000 pounds.[4]

[1] These levels have been adjusted to reflect entries, if any, reported to the Bureau of Customs, Washington, D.C., from January 1, 1964, through March 10, 1964. Adjustments have not been made to reflect any other entries which may have been made from January 1, 1964.
[2] This level is a sub-level within the combined level provided for the 2 categories immediately preceding.
[3] This level of restraint is an interim level pending conclusion of consultations with the Government of Portugal.
[4] These levels have not been adjusted to reflect entries made on or after January 1, 1964, if any.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26, 28, 41, 42, 43, 46, 60, parts of 62 (T.S.U.S.A. 380.0309; 380.0645; 382.0312; and 382.0665), and parts of 64 (T.S.U.S.A. 363.6025), produced or manufactured in Portugal, shall be subject to the directives set forth in this letter even though exported to the United States from Portugal prior to January 1, 1964.

In carrying out this directive, you shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 45, 47, 50, 51, 52, 53, 55, parts of 62 (T.S.U.S.A. 382.0318; 382.0695; 382.0306; 382.0307; 382.0635; and 382.0640), and parts of 63 (T.S.U.S.A. 382.0377; and 382.3390), produced or manufactured in Portugal, when the cotton textiles and cotton textile products sought to be entered have been exported to the United States from Portugal prior to January 1, 1964, regardless of whether the restraint levels have been filled, and such goods from Portugal, exported to the United States prior to January 1, 1964, are not to be counted against the restraint levels even if not filled at the time of entry.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-3106; Filed, Mar. 30, 1964; 8:50 a.m.]

OFFICE OF EMERGENCY PLANNING

ARKANSAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 24, 1964, reading in part follows:

I have determined the damage in the various areas of the State of Arkansas, adversely affected by severe storms and flooding beginning on or about March 3, 1964, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Arkansas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 24, 1964:

The Counties of:

Clay.	Pope.
Conway.	Sharp.
Craighead.	St. Francis.
Faulkner.	Stone.
Fulton.	Van Buren.
Independence.	White.
Izard.	Woodruff.

Dated: March 24, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-3098; Filed, Mar. 30, 1964; 8:48 a.m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 107-53]

JEFFERSON SCHOOL OF SOCIAL SCIENCE

Notice of Fact That Order Has Become Final Requiring Registration as a Communist-Front Organization

Robert F. Kennedy, Attorney General of the United States, Petitioner, v. The Jefferson School of Social Science; Respondent.

Pursuant to section 13(g) of the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, 64 Stat. 987, et seq.), the Subversive Activities Control Board on June 30, 1955, duly issued and served a report and order requiring The Jefferson School of Social Science to register as a Communist-front organization under section 7 of said Act.

The United States Court of Appeals for the District of Columbia Circuit having, on December 17, 1963, affirmed the order of the Board, and the time allowed for filing a petition for certiorari in the Supreme Court of the United States having expired, notice is hereby given, pursuant to section 13(k) of the Subversive Activities Control Act of 1950 of the fact that said order of the Board has become final under the provisions of section 14(b)(2) of said Act.

Washington, D.C.; March 25, 1964.

By the Board.

[SEAL] FRANCIS A. CHERRY,
Chairman.

[F.R. Doc. 64-3098; Filed, Mar. 30, 1964; 8:48 a.m.]

[Docket No. 111-53]

UNITED MAY DAY COMMITTEE

Notice of Fact That Order Has Become Final Requiring Registration as a Communist-Front Organization

Robert F. Kennedy, Attorney General of the United States, Petitioner, v. United May Day Committee; Respondent.

Pursuant to section 13(g) of the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, 64 Stat. 987, et seq.), the Subversive Activities Control Board on June 30, 1955, duly issued and served a report and order requiring The United May Day Committee to register as a Communist-front organization under section 7 of said Act.

The United States Court of Appeals for the District of Columbia Circuit having, on December 17, 1963, affirmed the order of the Board, and the time allowed for filing a petition for certiorari in the Supreme Court of the United States having expired, notice is hereby given, pursuant to section 13(k) of the Subversive Activities Control Act of 1950 of the fact that said order of the Board has become final under the provisions of section 14(b)(2) of said Act.

Washington, D.C.; March 25, 1964.

By the Board.

[SEAL] FRANCIS A. CHERRY,
Chairman.

[F.R. Doc. 64-3099; Filed, Mar. 30, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 25, 1964.

The Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 for unlisted trading privileges in the above-named security.

Upon receipt of a request, on or before April 15, 1964, from any interested person, the Commission will determine whether a hearing shall be held to determine whether the application should be granted. Any such request should state briefly the reasons why such person believes that the application should not be granted. Any such request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. As provided by Rule 12f-1 under the Act, unlisted trading privileges will become effective on April 30, 1964, unless the Commission shall determine to hold a hearing on the application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3100; Filed, Mar. 30, 1964; 8:48 a.m.]

[File No. 1-3]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 25, 1964.

The Boston Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 for unlisted trading privileges in the above-named security.

Upon receipt of a request, on or before April 15, 1964, from any interested person, the Commission will determine whether a hearing shall be held to determine whether the application should be granted. Any such request should state briefly the reasons why such person believes that the application should not be granted. Any such request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. As provided by Rule 12f-1 under the Act, unlisted trading privileges will become effective on April 30, 1964, unless the Commission shall determine to hold a hearing on the application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3101; Filed, Mar. 30, 1964; 8:48 a.m.]

[File No. 1-3]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 25, 1964.

The Cincinnati Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 for unlisted trading privileges in the above-named security.

Upon receipt of a request, on or before April 15, 1964, from any interested person, the Commission will determine whether a hearing shall be held to determine whether the application should be granted. Any such request should state briefly the reasons why such person believes that the application should not be granted. Any such request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. As provided by Rule 12f-1 under the Act, unlisted trading privileges will become effective on April 30, 1964, unless the Commission shall determine to hold a hearing on the application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3102; Filed, Mar. 30, 1964; 8:48 a.m.]

[File No. 1-3]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 25, 1964.

The Detroit Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 for unlisted trading privileges in the above-named security.

Upon receipt of a request, on or before April 15, 1964, from any interested person, the Commission will determine whether a hearing shall be held to determine whether the application should be granted. Any such request should state briefly the reasons why such person believes that the application should not be granted. Any such request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. As provided by Rule 12f-1 under the Act, unlisted trading privileges will become effective on April 30, 1964, unless the Commission shall determine to hold a hearing on the application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3103; Filed, Mar. 30, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-37]

MOTOR CARRIER TRANSFER PROCEEDINGS

Assignment of Hearings

MARCH 27, 1964.

Transportation, Incorporated, Roanoke, Virginia, Docket No. MC-FC-65,000, now assigned April 6, 1964, at Washington, D.C., is postponed indefinitely.

Barton, 500 Mutual Bldg., Richmond,

Pursuant to section 13(g) of the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, 64 Stat. 987, et seq.), the Subversive Activities Control Board on April 27, 1956, duly issued and served a report and order requiring the United May Day Committee to register as a Communist-front organization under section 7 of said Act.

The United States Court of Appeals for the District of Columbia Circuit having, on December 17, 1963, affirmed the order of the Board, and the time allowed for filing a petition for certiorari in the Supreme Court of the United States having expired, notice is hereby given, pursuant to section 13(k) of the Subversive Activities Control Act of 1950, of the fact that said order of the Board has become final under the provisions of section 14(b)(2) of said Act.

Washington, D.C.; March 25, 1964.

By the Board.

[SEAL] FRANCIS A. CHERRY, *Chairman.*

[F.R. Doc. 64-3099; Filed, Mar. 30, 1964; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area No. 458]

KENTUCKY

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Marshall County in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about March 4, 1964.

Offices:

Small Business Administration Regional Office,
1370 Ontario St.,
Cleveland, Ohio.

Small Business Administration Branch Office,
Fourth and Broadway,
Louisville, Ky.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1964.

Dated: March 12, 1964.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 64-3090; Filed, Mar. 30, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 26, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38906: *Grain from Vicksburg, Miss.* Filed by O. W. Smith, Jr., agent (No. A4478), for interested rail carriers. Rates on grain, grain products and related articles, in carloads, from Vicksburg, Miss., to points in North Carolina, South Carolina and Tennessee.

Grounds for relief: Rate relationship.

Tariff: Supplement 140 to Southern Freight Association, agent, tariff I.C.C. S-182.

FSA No. 38907: *Liquid Caustic Soda from Memphis, Tenn.* Filed by O. W. South, Jr., agent (No. A4477), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Memphis, Tenn., to points in Georgia and Florida.

Grounds for relief: Market competition.

Tariff: Supplement 164 to Southern Freight Association, agent, tariff I.C.C. S-116.

FSA No. 38908: *Asphalt from Irondale, Ala., to Council Bluffs, Iowa.* Filed by O. W. South, Jr., agent (No. A4476), for interested rail carriers. Rates on asphalt (asphaltum), natural, by product or petroleum (other than paint, stain or varnish), in tank-car loads, from Irondale, Ala., to Council Bluffs, Iowa.

Grounds for relief: Rate relationship.

Tariff: Supplement 104 to Southern Freight Association, agent, tariff I.C.C. 446.

FSA No. 38909: *Joint Motor-Rail Rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 75), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, between points in Illinois territory, and between points in central states territory, on the one hand, and points in Illinois territory, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 5 to Central States Motor Freight Bureau, Inc., agent, tariff MF-I.C.C. 1067, and other schedules named in the application.

FSA No. 38910: *Joint Motor-Rail Rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 14), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central and middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 11 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-I.C.C. 59.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3094; Filed, Mar. 30, 1964; 8:48 a.m.]

[Notice No. 959]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 26, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66549. By order of March 25, 1964, the Transfer Board approved the transfer to Packet Motor Express, Inc., Charleston, S.C., of the operating rights in the Certificate in No. MC 1047, and those evidenced by a Certificate of Registration in No. MC 1047 (Sub No. 2) issued October 2, 1958 and February 24, 1964, respectively, to Packet Motor Lines, a corporation, Charleston, S.C., authorizing transportation under the said Certificate of motion picture films, materials, supplies and equipment used or useful in motion picture theaters, newspapers, magazines, periodicals, other publications and general commodities, as excepted, between points in South Carolina, as specified; and under the Certificate of Registration, such commodities as authorized by South Carolina Public Service Commission Certificates Nos. 477 C, 111 B, 112 C, and 113 B. Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C., attorney for applicants.

No. MC-FC 66741. By order of March 25, 1964, the Transfer Board approved the transfer to Bralley Trucking Company, Incorporated, Richmond, Va., of the operating rights in Certificate in Nos. MC 109557 and MC 109557 (Sub No. 9) issued August 27, 1959 and January 23, 1963, respectively, to Willett Bros. Transportation, Incorporated, Roanoke, Va., authorizing the transportation, over irregular routes, of: Gasoline, fuel oil, kerosene, and liquefied petroleum gas, in bulk, in tank trucks, between specified points and areas in Virginia, West Virginia, and North Carolina. Robert T. Barton, 500 Mutual Bldg., Richmond, Va., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3095; Filed, Mar. 30, 1964; 8:48 a.m.]

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VOLUME 29 NUMBER 63

Washington, Tuesday, March 31, 1964

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Department of the Interior

Bureau of Land Management

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Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

REORGANIZATION AND REVISION OF CHAPTER

In the interest of greater efficiency and improved public service, the regulations of the Bureau of Land Management contained in Chapter I of Title 43 of the Code of Federal Regulations are being rearranged and renumbered to agree with the arrangement and the common numbering system used in the Bureau's internal directives, record files, and other paperwork controls.

There are no substantive changes. The only additions or deletions made are minor editorial changes, and the elimination of repetitions and of provisions made obsolete by law or the expiration of law. Accordingly, notice and public procedure are considered unnecessary and Title 43 of the Code of Federal Regulations is revised as set forth below.

1. The tables of contents are revised to switch chapter numbers; Chapter I to cover the regulations of the Bureau of Reclamation, and Chapter II the regulations of the Bureau of Land Management.

2. Sections 230.54 through 230.62, 230.64 through 230.100, and 230.115 through 230.121 of Part 230 and the listing of Part 230—Reclamation of Arid Lands of the United States—in the tables of contents are transferred from the regulations of the Bureau of Land Management to the Bureau of Reclamation.

3. The remainder of the regulations of the Bureau of Land Management, Chapter I of Title 43, are transferred to Chapter II. These regulations have been:

(a) Rearranged and retitled to conform to a new subject-function outline.

(b) Renumbered under an integrated paperwork management numbering system; a single system employed for the codification of regulations, internal directives, correspondence, record files, forms and reports.

(c) Revised to eliminate reference to form numbers which are being altered to key in with their respective regulation code numbers.

(d) Modernized to eliminate obsolete and repetitious material.

4. A cross-reference table for the entire Chapter II is provided as set forth below. This table lists the old part and section numbers and the newly redesignated numbers.

It is the Department's intent in this revision to make no substantive changes in the regulations.

STEWART L. UDALL,
Secretary of the Interior.

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65.3b	2211.9–1(c)(4)
65.3c	2211.9–1(d)
65.4	2211.9–1(e)
65.5	2211.9–2(a)
65.6	2211.9–2(b)
65.8	2211.9–3(c)
65.9	2211.9–3(a)
65.10	2211.9–3(b)
65.11	2211.9–4(a)
65.12	2211.9–4(b)
65.13	2211.9–4(c)
65.14	2211.9–1(f)
65.15	2211.9–5(a)(1)
65.16	2211.9–5(a)(3)
65.17(a)	2211.9–5(a)(2)
65.17(b)	2211.9–5(b)
65.17(c)	2211.9–5(c)
65.18	2211.9–7(c)
65.19	2211.9–5(d)
65.20	2211.9–8(a)
65.21	2211.9–6(b)
65.22	2211.9–6(c)
65.23	2211.9–7(a)
65.24	2211.9–2(d)

REDESIGNATION TABLE—Continued

Old	New
65.26	2211.9–7(d) 1824.9–2
65.26	2211.9–7(d)
65.27	1824.9–3
65.29	2211.9–8(a)
65.30	2211.9–8(b)
66.1	2023.5–1(a), (b), (c)
66.2	2023.5–1(d)
66.3	2023.5–2
66.4	2023.5–3
66.5	2023.5–4
67.1	2212.03(c)
67.2	2212.07(b)(1)
67.3	2212.07(b)(2)
67.4	2212.9–3
67.5	2212.9–1(a) to (f)
67.6	2212.9–1(g), 2013.9–6
67.7	2212.9–2
67.8	2212.9–4
67.9	1840
67.11	2013.9–3
67.12	1855.1 to 1855.9
67.13	2325.1
69.1	3400.1
69.2	3400.2
69.3 to .7	(deleted)
69.8	3450.5
69.9 to .10	(deleted)
69.11	3636.1
69.11 (footnote 8)	3637.1
69.12 to .20	(deleted)
72	(deleted)
73	1840, 1850
74.1	2234.2–1(a)(1)
74.2	2234.2–1(a)(2)
74.3	2234.2–1(a)(3)
74.4	2234.2–1(b)(1)
74.5	2234.2–1(b)(2)
74.6	2234.2–1(c)(1)
74.7	2234.2–1(c)(2)
74.8	2234.2–1(d)(1)
74.9	2234.2–1(d)(2)
74.10	2234.2–1(d)(3)
74.11	2234.2–1(d)(4)
74.12	2234.2–1(d)(5)
74.13	2234.2–1(d)(6)
74.14	2234.2–1(d)(7)
74.15	2234.2–1(d)(8)
74.16	2234.2–1(d)(9)
74.17	2234.2–1(d)(10)
74.18	2234.2–1(d)(11)
74.19	2234.2–1(e)(1)
74.20	2234.2–1(e)(2)
74.21	2234.2–1(f)
74.24 to .26	(deleted)
74.28 to .33	(deleted)
75.1 to 75.12	(deleted)
75.13	2245.0–3
75.14	2245.0–2
75.15	2245.0–5
75.16	2245.1–1

REDESIGNATION TABLE—Continued

Old	New
75.17	2245.1–2
75.18	2245.2
75.19	2241.0–3
75.20	2241.0–5
75.21	2241.0–2
75.22	2241.0–7
75.23	2241.1–1(a)
75.24	2241.1–1(b)
75.25	2241.1–1(c), 2013.9–5
75.26	2241.1–2
75.27	2241.1–3
75.28	2241.1–4
75.29	2241.1–5
75.30	2241.2–1
75.31	2241.2–2
75.32	2241.3
75.33	2241.4
75.34	2241.5–1
75.35 (a) to (e)	2241.5–2
75.35(f)	3637.2
75.36	1840
76.1	2222.9–1(a)
76.2	2222.9–1(b)
76.3	2222.9–1(c)
76.4	2222.9–2(a)
76.5	2222.9–2(b)
76.6	2222.9–2(c)
76.7	2222.9–3(a)
76.8	2222.9–3(b)
76.9	2222.9–3(c)
76.10	2222.9–3(d)
76.11	2222.9–4(a)
76.12	2222.9–4(b)
76.13	2222.9–4(c)
76.14	2222.9–4(d)
76.15	2222.9–4(e)
76.16	2222.9–4(f), 2013.9–4
76.17	2222.9–4(g)
76.18	1840
77.1	2024.0–3
77.2	2024.0–5
77.3	2024.1
77.4	2024.2
78.1	9180.0–3(b)
78.2	9180.1–1(a)
78.3	9180.0–3(b)(1)
78.4	9180.0–2(a)
78.5	9183.0–2(a)
78.6	9180.1–1(a)(1)
79.1	5400.0–3(e)
79.2	5461.2–1
79.3	5461.2–2
79.4	5461.2–3(a)
79.5	5461.2–3(b)
79.6	5461.2–3(c)
79.7	5461.2–3(d)
79.8	5461.2–3(e)
79.9	5461.2–4
79.10	5461.2–3(f)
79.11	5461.2–5, 9239.1–2
79.12	5461.2–6
79.14	5461.2–7
79.15	5400.0–5(a)(11)

REDESIGNATION TABLE—Continued

Old	New
79.16	5409.1–1
79.17	5409.1–2
79.18	5409.1–3
79.19	5409.1–4
79.20	5409.1–5(a)
79.21	5409.1–5(b)
79.22	5409.1–5(c)
79.23	5409.1–5(d)
79.24	5409.1–5(e)
79.25	5409.1–6
79.32	(deleted)
79.33	5400.0–3(b)(2)
79.34	5409.2–1
79.35	5409.2–2
79.36	5409.2–3
79.37	5409.2–4
79.38	5409.2–5
79.39	5409.2–6
79.40	5409.2–7
79.41	5409.2–8
80.1	2242.9–1(a)
80.2	2242.9–1(b)
80.3	2242.9–2(a)
80.4	2242.9–2(b)
80.5	2242.9–2(c)
80.6	2242.9–2(d)
80.7	2242.9–2(e)
80.8	2242.9–2(f)
80.9	2242.9–2(g)
80.10	2242.9–2(h)
80.11	2242.9–2(i)
80.12	2242.9–2(j)
80.13	2242.9–2(k)
80.14	2242.9–2(l)
80.14a	2242.9–2(m)
80.14b	2242.9–2(n)
80.15	2242.9–2(o)
80.16	2242.9–2(p)
80.17	2242.9–2(q)
80.18	2242.9–3(a)
80.19	2242.9–3(b)
80.20	2242.9–3(c)
80.21	2242.9–3(d)
80.22	2242.9–3(e)
80.23	2242.9–3(f)
80.24	2242.9–3(g)
80.25	2242.9–3(h)
80.26	2242.9–3(i)
80.27	2242.9–3(j)
80.28	2242.9–4
80.100	2242.9–5(a) to (j)
80.101	2242.9–5(k)(1)(2)
80.102	2242.9–5(k)(3)
81.1	2213.0–3
81.1a	2213.1–1(a)
81.1b	2213.1–1(b)
81.1c	2213.1–1(c)
81.1d	2213.1–1(d)
81.2	2213.1–2(a) to (b)
81.2a	2213.1–2(c)
81.3	2213.0–6
81.4	2213.1–2(e)
81.5	2213.2

REDESIGNATION TABLE—Continued

Old	New
81.6	2213.1–2(d)
81.7	2213.1–3
81.8	2213.1–4
81.9	2213.3
101.1	1821.2–2(a) to (c)
101.2	2013.1
101.3	1821.4–1
101.4	1821.4–2
101.5	1821.4–3
101.6	1821.7–1
101.7	1821.7–8
101.8	(deleted)
101.9	1821.1, 1861.1
101.10	1821.5–1
101.11	1821.5–8
101.12	1861.3, 1823.4(a)
101.13	1823.4(b)
101.14	2226.1–4(e)
101.15	1821.5–3, 3450.1(c)
101.17	1821.5–4
101.18	1821.3–1
101.19	1821.2–4
101.20	1821.2–1(a)
101.21	1810.1
102.1	2023.1–1
102.2	2023.1–2
102.3	2023.1–3(a)
102.4	2023.1–3(b)
102.5	2023.1–4
102.6	2023.2–1(a) to (d)
102.7	2023.2–1(e)
102.8	2023.2–3
102.9	2023.2–2(a)
102.10(a)	2023.2–4(a)(1)
102.10(b)	2023.2–4(b)
102.11	2023.2–5(a)
102.12	2023.2–6
102.13(a)(1)	2023.2–4(a)(2)
102.13(a)(2)	2023.2–2(b)
102.13(b)	2023.2–5(b)
102.14	2023.3–1
102.15	2023.3–2
102.16	2023.3–3(a)
102.17	2023.3–3(b)
102.18	2023.3–4
102.19	2023.4–1
102.20	2023.4–2
102.21	2023.4–3
102.22	2023.4–3(c)
102.23	2023.4–4(a)
102.24	2023.4–3(b)
102.25	2023.4–4(c)
102.26	2023.4–5
102.27	2023.4–4(b)
102.28	2023.4–3(d)
102.29	2023.4–3(e)
102.30	2023.0–3
102.31	2023.0–5
102.32	2023.0–6(a)
102.33	2023.0–6(b)
102.34	2023.0–7
103.1	2022.0–3

REDESIGNATION TABLE—Continued

Old	New
103.2	2022.1–1
103.3	2022.2–1(a)
103.4	2022.2–1(b)
103.5	2022.3
104.1	1821.6–1
104.2	1821.6–2
104.3	1821.6–3(a)
104.4	1821.6–3(b)
104.5	1821.6–3(c) (1)
104.5 footnote	1821.6–3(c) (2)
104.6	1821.6–3(d)
104.8	1821.6–4
104.9	1821.6–5(a)
104.10	2226.1–6(a)
104.11	1821.6–5(b), 2211.1–5, 2226.1–6(b)
104.12	2226.1–6(c)
104.13	1821.6–6
104.14	1821.6–7
105.1(a)	1825.1
105.1(b)	1825.2
105.1(c)	1825.3
105.2	1826.1
106.1	1824.0–1
106.2	1824.1–1(a)
106.3	1824.1–1(b)
106.4	1824.1–1(c)
106.5	1824.1–2(a)
106.6	(deleted)
106.7	1824.2–1
106.8	1824.2–2
106.9	1824.2–3
106.10	1824.2–4
106.11	1824.2–5
106.12	1824.3
106.13	1824.1–2(b)
106.14	1824.4
106.15	1823.2–4(a)
107.1	2011.0–3
107.2	2011.1–1
107.3	1862.6
108.1(a)	1862.0–3
108.1(b)	1862.1(a)
108.1(c)	1862.1(b)
108.1(d)	1862.2(a)
108.2	1862.2(b)
108.3	1862.2(c)
108.4	1862.1(c)
108.5	1862.3
108.6	1862.5
115.2	5040.0–3
115.3	5041
115.4	5042.1
115.5	5042.2
115.6	5042.3
115.7	5043.1
115.8	5043.2
115.9	5043.3
115.10	5044.1
115.11	5044.2
115.12	5044.3
115.13	5044.4
115.14	5045.1
115.94	2244.0–1(b) (1)
115.95	2244.0–1(d) (1)

REDESIGNATION TABLE—Continued

Old	New
115.96	2244.9–1(a)
115.97	2244.9–1(c)
115.98	2244.9–1(b) (2)
115.99	2244.9–1(e) (1) (i)
115.100	2244.9–1(e) (1) (ii)
115.101	2244.9–1(e) (1) (iii)
115.102	2244.9–1(e) (2) (i), (ii)
115.103	2244.9–1(e) (3)
115.104	2244.9–1(f)
115.105	2244.9–1(g)
115.106	2244.9–1(e) (2) (iv)
115.107	2244.9–1(e) (2) (iii)
115.108	2244.9–1(d) (2)
115.109	2244.9–1(d) (3)
115.110	2244.9–1(i)
115.111	2244.9–1(h)
115.128	4121.0–3
115.130	4121.0–1
115.131	4121.1
115.132	4121.2
115.133	4121.3
115.134	4121.4
115.135	4121.5
115.150	4121.6
115.154	2236.1–1(a)
115.155	2234.2–3(b) (1)
115.156	2234.2–3(b) (2)
115.157	2234.2–3(b) (3)
115.158	2234.2–3(b) (4)
115.159	2234.2–3(b) (5)
115.160	2234.2–3(b) (6) (iii), 9239.7–1
115.161	2234.2–3(b) (6) (ii)
115.162	2234.2–3(b) (7)
115.163	2234.2–3(b) (8)
115.164	2234.2–3(b) (9)
115.165	2234.2–3(b) (10)
115.166	2234.2–3(b) (11)
115.167	2234.2–3(b) (12)
115.168	2234.2–3(b) (13)
115.169	2234.2–3(b) (14)
115.170	2234.2–3(b) (15)
115.171	2234.2–3(b) (16)
115.172	2234.2–3(b) (17)
115.173	2234.2–3(b) (18)
115.174	2234.2–3(b) (19)
115.175	2234.2–3(b) (20)
115.176	2234.2–3(b) (21)
115.177	2234.2–3(b) (22)
115.178	2234.2–3(b) (23)
115.179	2234.2–3(b) (24)
115.180	6232.1–1
115.181	6232.1–2
115.182	6232.1–3
115.183	6232.1–4
115.184	6232.1–5
117.1	2254.0–3

REDESIGNATION TABLE—Continued

Old	New
117.2	2254.0–7
117.3	2254.1–1
117.4	2254.1–2
117.5	2254.1–3
117.6	2254.0–6
117.7	2254.1–4
117.8	2254.1–5
117.9	2254.1–6
117.10	2254.2
117.11	2254.3
117.12	2254.4
117.13	2254.5
117.14	2254.6
117.15	2254.7
117.16	2254.8
117.17	2254.9
119.1	2251.0–3
119.2	2251.2(a), (b)
119.3	2251.3
119.4	2251.4
119.5	2251.1–5
119.6	2251.1
119.7	2251.1–1
119.8	2251.1–2
119.9	2251.1–3
119.10	2251.1–4
119.11	2251.2(c)
119.12	2251.5
119.13	1840
130 footnote 1	2221.8
130.1	2221.2–1
130.2	2221.2–2(a)
130.3	2221.2–2(b)
130.4	2221.2–2(c)
130.5	2221.1–1
130.6	2221.1–2
130.7	2221.1–3
130.8	2221.1–4
132.1	2221.3–1
132.2	2221.3–2(a)
132.3	2221.3–3(a)
132.4	2221.3–3(b)
132.5	2221.3–4
132.6	2221.3–3(c)
132.7	2221.3–3(d)
132.8	2221.3–5
132.9	2221.3–2(c)
132.10	2221.3–6
132.11	2221.3–2(b) (1), (2)
132.12	2221.3–2(b) (3)
132.13	2221.3–7
132.14	2221.3–8
133.1	2221.4
137.1	1811.1–1
137.2	1811.1–2
140.1	2214.0–3(a)
140.2	2214.1–1(a)
140.3	2214.1–1(b)
140.4	2214.1–2
140.5	2214.1–3(b)
140.6	2214.1–3(a)
140.7	2214.1–3(c)
140.8	2214.1–4(a), (b)
140.9	2214.1–5(a)

REDESIGNATION TABLE—Continued

Old	New
140.10	2214.1–4(c)
140.11	2214.1–5(b)
140.12	2214.1–6
141.1	2214.0–3(b)
141.2	2214.2–1(a)
141.3	2214.2–1(b)
141.4	2214.2–1(c)
141.5	2214.2–2(a)
141.6	2214.2–2(b)
141.7	2214.2–3
141.8	2214.2–4
141.9	2214.0–3(c)
141.10	2214.3–1
141.11	2214.3–2
141.12	2214.3–3
141.13	2214.3–4
141.14	2214.3–5
141.15	2214.0–3(d)
141.16	2214.4–1
141.17(a)	2214.4–2
141.17(b)	2214.4–3
141.18(a)	2214.4–4
141.18(b)	2214.4–5
141.19	2214.0–3(e)
141.20	2214.5–1
141.21	2214.5–2
141.22	2214.5–3
141.23	2214.5–4
141.24	2214.0–3(f)
141.25	2214.6–1
141.26	2214.6–2
141.27	2214.6–3
141.28	2214.6–4
146.1	2244.1–1
146.2	2244.1–2
146.3(a)	2244.1–3
146.3(b)	2244.1–4(a)
146.4	2244.1–4(b)
146.5	2244.1–5(a)
146.6	2244.1–5(b)
146.7	2244.1–5(c)
146.8	2244.1–6
147.1	2244.2–1(a)
147.2	2244.2–2(a)
147.3	2244.2–5(a)
147.4 (a), (b)	2244.2–3
147.4(c)	2013.2–4
147.5	2244.2–4(a)
147.6	2244.2–4(b)
147.7	2244.2–5(a)
147.8	2244.2–5(b)
147.9	2244.2–5(c)
147.10	2244.2–6(b)
147.11	2244.2–7
147.12	2244.2–2(b)
147.13	2244.2–2(c)
147.14	2244.2–1(b)
147.17	2244.2–8(a)
147.18	2244.2–8(b)
147.19	2244.2–8(c)
147.20	2244.2–8(d)
148.1	2244.3–1
148.2	2244.3–2
148.3	2244.3–3
149.1	2244.4–1(a)
149.2	2244.4–1(b)

REDESIGNATION TABLE—Continued

Old	New
149.3	2244.4–1(c)
149.4	2244.4–1(d)
149.5	2244.4–1(e)
149.6	2244.4–1(f)
149.7	2244.4–1(g)
149.9	2244.4–2(a)
149.10	2244.4–2(b)
149.11	2244.4–3(a)
149.12	2244.4–3(b)
149.13	2244.4–4(a)
149.14	2244.4–4(b)
149.15	2244.4–5(a)
149.16	2244.4–5(b)
149.17	2244.4–5(c)
149.18	2244.4–5(d)
149.19	2244.4–6(a)
149.20	2244.4–6(b)
149.21	2244.4–7(a)
149.22	2244.4–7(b)
149.23	2244.4–8(a)
149.24	2244.4–8(b)
150.1	2244.5–1(a)
150.2	2244.5–1(b)
150.3	2244.5–1(c)
150.4	2244.5–1(d)
150.5	2244.5–1(e)
150.6	2244.5–1(f)
150.6a	2244.5–2(a)
150.6b	2244.5–2(b)
150.6c	2244.5–2(c)
150.6d	2244.5–2(d)
150.6e	2244.5–2(e)
150.6f	2244.5–2(f)
150.6g	2244.5–2(g)
150.6h	2244.5–2(h)
150.6i	2244.5–2(i)
150.6j	2244.5–2(j)
150.6k	2244.5–2(k)
150.6l	2244.5–2(l)
150.6m	1840
150.7	2244.5–3(a)
150.8	2244.5–3(b)
150.9	2244.5–3(c)
150.10	2244.5–3(d)
150.11	2244.5–3(e)
150.12	2244.5–3(f)
150.13	2244.5–4(a)
150.14	2244.5–4(b)
150.15	2244.5–4(c)
150.16	2244.5–4(d)
150.17	2244.5–4(e)
150.18	2244.5–5(a)
150.19	2244.5–5(b)
150.20	2244.5–5(c)
150.21	2244.5–5(d)
150.22	2244.5–5(e)
150.23	2244.5–5(f)
150.24	2244.5–5(g)
150.25	2244.5–5(h)
150.26	2244.5–5(i)
150.27	2244.5–5(j)
150.28	2244.5–5(k)
150.29	2244.5–6(a)
150.30	2244.5–6(b)
150.31	2244.5–6(c)
150.32	2244.5–6(d)

REDESIGNATION TABLE—Continued

Old	New
150.33	2244.5–6(e)
150.34	2244.5–6(f)
150.35	2244.5–6(g)
151.1	2244.6–1
151.2	2244.6–2(a)
151.3	2244.6–2(b)
151.4	2244.6–2(c)
151.5	2244.6–2(d)
151.6	2244.6–3(a)
151.7	2244.6–3(b)
151.8	2244.6–3(c)
151.9	2244.6–4
151.10	2244.6–5
151.11	2244.6–6
152.1	2244.7–1(a)
152.2	2244.7–1(b)
152.3	2244.7–1(c)
152.4	2244.7–1(d)
152.5	2244.7–1(e)
152.6	2244.7–1(f)
152.7	2244.7–1(g)
152.8	2244.7–1(h)
152.9	2244.7–1(i)
152.10	2244.7–1(j)
152.11	2244.7–1(k)
152.12	2244.7–1(l)
152.13	2244.7–2(a)
152.14	2244.7–2(b)
152.15	2244.7–2(c)
152.16	2244.7–2(d)
152.17	2244.7–2(e)
152.20	2244.7–3(a)
152.21	2244.7–3(b)
152.22	2244.7–3(c)
152.23	2244.7–3(d)
152.24	2244.7–3(e)
152.25	2244.7–3(f)
152.26	2244.7–3(g)
152.27	2244.7–3(h)
152.28	2244.7–3(i)
152.29	2244.7–3(j)
152.30	2244.7–3(k)
152.31	2244.7–3(l)
152.32	2244.7–3(m)
152.33	2244.7–3(n)
152.34	2244.7–3(o)
152.35	2244.7–3(p)
160.1	4122.0–3
160.2	4122.0–5
160.3	4122.1–2
160.4	4122.1–1
160.5	4122.2–1, 4122.2–2, 4122.3–1(a)
160.6	4122.2–3
160.7	4122.2–6
160.8	4122.3–2
160.9	4122.2–4
160.10	4122.2–5, 4122.3–1 (a) to (d)
160.11	4122.5–3
160.12	4122.3–5
160.13	4122.5–1, 4122.5–4

REDESIGNATION TABLE—Continued

Old	New
160.14	4122.3–3, 4122.5–5
160.15	4122.3–1(b)
160.16	4122.3–1(c)
160.17	4122.4–1, 4122.4–2, 4122.4–3
160.18	4122.4–4
160.19	4122.6
160.20	4122.5–2
160.21	4122.3–1(e), 4122.3–4
160.22	4122.5–6, 9239.3–1
160.23	4122.7
160.24	4122.8
161.1(a)	4110.0–2
161.1(b)	4110.3–1(c)
161.1(c)	4110.3–2(b)
161.2	4110.0–5
161.3	4111.1
161.4	4111.2
161.5(a)	4111.3–1(a)
161.5(b)	4111.3–1(b)
161.5(c)	4112.2
161.5(d)	4111.3–2(a)
161.5(e)	4111.4–2(f)
161.6(a)	4111.3–1(d) (1)
161.6(b) (1)	4111.3–1(d) (2)
161.6(b) (2)	4115.2–1(g)
161.6(c)	4115.2–1(h)
161.6(d)	4115.2–1(i)
161.6(e)	4115.2–1(e)
161.6(f)	4111.4–2(a) to (e)
161.6(g) (1)	4111.3–2(c)
161.6(g) (2)	4111.4–1
161.6(h)	4111.3–2(d)
161.6(i)	4115.2–1(j)
161.6(j)	4115.2–1(f)
161.7	4115.2–2
161.8	4115.2–1(k)
161.9	4115.2–1 (a), (b), (c), (d)
161.10	4115.2–3, 1853
161.11	4112.3
161.12	4113.1, 9239.3–2
161.13(a)	4114.1–1
161.13(b)	4114.1–2
161.13(c)	4114.1–3
161.13(d)	4114.1–4
161.13(e)	4114.1–5
161.13(f)	4114.2–1
161.13(g)	4114.3–1
161.13(h)	4114.2–2, 3–2
161.14	4114.4
161.15	4115.2–5(a)
161.16	4115.2–4
161.17	4115.2–5(b)
161.18	4115.2–6
161.19	4110.0–3(a)
163.1	4251.1
163.2	4251.2
163.3	4251.3
163.4	4251.4
163.5	4251.5

REDESIGNATION TABLE—Continued

Old	New
163.6	4251.6
163.7	4251.7
163.8	4251.8
163.9	4251.9
165.0	2130.0–3
165.1	2130.0–2
165.2	2131.1
165.3	2131.2–1
165.4	2131.2–2
165.5	2131.2–3
165.6	2131.3
165.7	2131.4–1
165.8	2131.4–2
165.9	2131.4–3
165.10	2131.5
166.1	2211.0–6(a)
166.2	2211.0–7
166.3	2211.0–8(a)
166.4	2211.0–6(b)
166.5	2211.06(c) (1) to (5)
166.6	2211.0–6(d)
166.7	2211.1–2(b) (3)
166.8	2211.1–3(a), (b)
166.9	2211.1–3(c)
166.10	2211.0–8(d)
166.11	2211.0–8(e)
166.12	2211.0–6(c) (5)
166.13	2211.0–6(e)
166.14	2211.0–6(f)
166.15	2211.0–8(b)
166.16	2211.0–8(c)
166.17	2211.1–1
166.18	2211.1–2(a)
166.19	2211.1–2(b) (1)
166.20	2211.1–2(b) (2)
166.21	2211.1–2(c)
166.22	2211.2–3(a)
166.23	2211.2–3(a)
166.24	2211.2–1
166.25 (a), (b), (d) to (h)	2211.2–2(b)
166.25(c)	2211.2–2(f)
166.26	2211.2–2(c)
166.27	2211.2–2(d) (1)
166.28	2211.2–2(d) (2)
166.29	2211.2–2(d) (3)
166.30	2211.2–2(d) (4)
166.31	2211.2–2(d) (5)
166.32	2211.2–2(d) (6) (i)
166.33	2211.2–2(d) (6) (ii)
166.34	2211.2–2(d) (7)
166.35	2211.2–2(d) (8)
166.36	2211.2–2(e) (1) (i)
166.37	2211.2–2(e) (1) (ii)
166.38	2211.2–2(e) (1) (iii)
166.39	2211.2–2(e) (2)
166.40	2211.2–3(b)
166.41	2211.2–3(c) (1)
166.42	2211.2–3(c) (2)
166.43	2211.2–3(c) (3)

REDESIGNATION TABLE—Continued

Old	New
166.44	2211.1–4(a) (1)
166.45	2211.1–4(b), 2211.1–4(c) (1)
166.46	2211.1–4(c) (2)
166.47	2211.1–4(a) (2)
166.48	2211.1–4(e) (1), (2)
166.49	2211.1–4(e) (3)
166.50(a)	2211.1–4(d) (1)
166.50(b)	2211.1–4(d) (2)
166.51	2211.1–4(d) (3) (i)
166.52	2211.1–4(d) (3) (ii)
166.53	2211.1–4(d) (3) (iii)
166.54(a)	2211.1–4(d) (3) (iv)
166.54(b)	2211.1–4(d) (3) (v)
166.55	2211.1–4(d) (4) (i)
166.56	2211.1–4(d) (4) (ii)
166.57	2211.1–4(d) (4) (iii)
166.58	2211.1–4(d) (4) (iv)
166.59	2211.1–4(d) (4) (v)
166.60	2211.1–4(d) (4) (vi)
166.61	2211.1–4(d) (4) (vii)
166.62	2211.3–1(a)
166.63	2211.3–1(b)
166.64	2211.3–2(a)
166.65	2211.3–2(b)
166.66	2211.3–3
166.67	2211.4–1(a)
166.68	2211.4–1(b)
166.69	2211.4–1(c)
166.70	2211.4–2(a)
166.71	2211.4–2(b)
166.72	2211.4–2(c)
166.73	2211.4–2(d)
166.74	2211.5–1(a)
166.75	2211.5–1(b)
166.76	2211.5–1(c)
166.77	2211.5–1(d)
166.78	2211.5–2(a) (1)
166.79	2211.5–2(b)
166.80	2211.5–2(c)
166.81	2211.5–2(a) (2)
166.82	2211.5–2(d)
166.83	2211.5–2(e)
166.84	2211.5–3
166.85	2211.0–6(g)
166.86	2211.0–9(a)
166.87	2211.0–9(c)
167.1	2211.6–1(a) (1) to (3)
167.2	2211.6–1(b)
167.3	2211.6–2(a)
167.3 (footnote)	2211.6–2(b)

REDESIGNATION TABLE—Continued

Old	New
167.4(a)	2211.6–1(a) (4)
167.4(a) (footnote)	2211.6–1(a) (5)
167.4 (b), (c)	2211.6–2 (c), (d)
167.5	2211.6–3(a) (1), (2)
167.6	2211.6–3(a) (3)
167.7	2211.6–3(b)
167.8	(deleted)
167.9	2211.6–3(c), 2013.2–1
167.10	2211.6–4(a)
167.11	2211.6–4(b) (1)
167.12	2211.6–4(b) (2)
167.13	2211.6–4(b) (3)
167.14	2211.6–4(b) (4)
167.15	2211.6–5 (a), (b)
167.16	2211.6–5(c)
167.17	2211.6–5(d)
167.18	2211.6–5(e)
167.19	2211.6–5(f)
167.20	2211.6–5(g)
167.21	2211.6–5(h)
167.22	2211.6–6(a)
167.23	2211.6–6(b)
167.24	2211.6–6(c)
167.25	2211.6–6(d)
167.26	2211.6–6(e)
167.27	2211.6–6(f)
167.28	2211.6–6(g)
167.29	2211.6–7(a)
167.30	2211.6–7(b)
167.31	2211.6–7(c)
167.32	2211.6–8(a)
167.33	2211.6–8(b)
167.34	2211.0–9(b)
167.35	2211.0–9(c)
168.6	3432.1
168.6(a)	2023.6–1(a) (1)
168.6(b)	2023.6–1(c)
168.6(c)	2023.6–1(d) (1)
168.6(d)	2023.6–1(d) (2)
168.6(e)	2023.6–1(b)
168.7	3432.2
168.7(a)	2023.6–1(a) (2)
168.7(b)	2023.6–1(e)
169.1	2211.6–9(a) (1)
169.1 footnote 1	2211.6–9(a) (2)
169.2	2211.6–9(b) (1)
169.3	2211.6–9(e) (1)
169.4	2211.6–9(b) (2)
169.5	2211.6–9(b) (3)
169.6	2211.6–9(c)
169.7	2211.6–9(d)
169.8	2211.6–9(e) (2)
169.9	2211.6–9(e) (3)
169.10	2211.6–9(e) (4)
169.11	2211.6–9(f)
176.1	2212.0–3(a)
176.1 (footnote)	2212.0–9(b)
176.2	2212.0–6(b)
176.3	2212.0–6(a)
176.4	2212.1–1(a)
176.5	2212.1–1(b)
176.6	2212.0–6(c)

REDESIGNATION TABLE—Continued

Old	New
176.7	2212.2–1
176.8 (a), (b)	2212.1–2
176.8 (c), (d)	2212.2–2 (a), (b)
176.9	2212.0–7(a)
176.10	2212.1–3, 2013.2–2
176.11	2212.1–4
176.12	2212.0–6(d)
176.13	2212.0–6(e)
176.14	2212.3–1
176.15	2212.2–3
176.16	2212.4
176.17	2212.2–2
176.18	2212.0–6(f)
176.19	2212.5
176.20	2013.6
181.1	2083.0–3 (a), (b)
181.2	2083.1–1
181.3	2083.1–2
181.4	2083.1–3
181.5	2083.1–4
181.6	2083.1–5
181.7	2083.0–3(c)
181.20	2083.0–3(d)
181.21	2083.0–5
181.22	2083.2–1
181.23	2083.2–2
181.24	2083.2–4(a)
181.25	2083.2–4(b)
181.26	2083.2–3
181.27	2083.2–5
181.28	2083.2–6
181.29	2083.2–7
181.30	2083.2–8
181.31	2083.2–9 (a), (b)
181.32	2083.2–9 (c) to (f)
181.33	2083.0–3(d) (3)
181.34	2083.0–3(e)
185.1	3400.1
185.2	3400.2
185.3	3401.1
185.4	3401.2
185.5	3410.0–6
185.6	3411.1
185.7	3411.2
185.8	3411.3
185.9	3411.4
185.10	3411.5
185.11	3412.1
185.12	3413.1
185.13	3413.2
185.14	3414.1
185.15	3414.2
185.16	3420.1
185.17	3420.3
185.18	3420.4
185.19	3420.5
185.20	3420.6
185.21	3415.1
185.22	3415.2
185.23	3415.3
185.24	3416.1

REDESIGNATION TABLE—Continued

Old	New
185.25	3416.2
185.26	3416.3
185.27	3416.4
185.28	3416.5
185.29	3416.6
185.30	3416.7
185.31	3416.8
185.32	3416.9
185.33	3460.1(a)
185.33a	3063.0–6
185.33b	3063.1
185.33c	3063.2
185.33d	3063.3
185.33e	3063.4
185.33f	3063.5
185.33g	3063.6
185.33h	3063.0–6
185.33i	3063.1
185.33j	3063.2
185.33k	3063.3
185.33l	3063.4
185.33m	3063.5
185.33n	3063.6
185.33o	3063.7
185.34	3064.1
185.35	3460.2
185.36	3460.4
185.37	3063.0–6
185.37a	3061.1
185.37b	3061.2
185.37c	3061.3
185.37d	3061.4
185.37e	3061.5
185.38	3440.1
185.39	3440.2
185.40	3440.3
185.41	3441.1
185.42	3441.2
185.43	3441.3
185.44	3441.4
185.45	3441.5
185.46	3442.1
185.47	3442.2
185.48	3442.3
185.49a	3444.1
185.49b	3444.2
185.50	3445.1
185.51	3446.1
185.52	3446.2
185.53	3450.1
185.54	3450.3
185.55	3450.4
185.56	3453.1
185.57	3453.2
185.58	3453.3
185.59	3453.4
185.60	3453.5
185.61	3451.2
185.62	3453.1
185.63	3456.1
185.64	3457.1
185.65	3460.1
185.66	3460.2
185.67	3460.3
185.68	3460.4
185.69	3470.1

REDESIGNATION TABLE—Continued

Old	New
185.70	3470.2
185.71	3470.3
185.72	3470.4
185.73	3451.1
185.74	3451.2
185.75	3452.1
185.76	3452.2
185.77	3452.3
185.78	3481.1
185.79	3481.2
185.80	3481.3
185.81	3481.4
185.82	3481.5
185.83	3481.6
185.84	3450.2
185.85	3453.6
185.86	3452.1
185.87	3482.2
185.88	3482.3
185.89	3482.4
185.90	3482.5
185.91	3483.1
185.92	3483.2
185.93	3483.3
185.94	3421.0–3
185.95	3421.1
185.96	3421.2
185.97	3421.3
185.98	3421.4
185.99	3421.5
185.100	3450.1
185.120	3510.0–3
185.121	3511.1
185.122	3512.1
185.123	3512.2
185.124	3512.3
185.125	3512.4
185.126	3512.5
185.127	3512.6
185.128	3512.7
185.129	3512.8
185.130	3512.9
185.131	3513.1
185.132	3513.2
185.133	3513.3
185.134	3513.4
185.135	3514.1
185.136	3514.2
185.137	3514.3
185.140	3520.0–1
185.141	3520.0–3
185.142	3521.1
185.143	3521.2
185.144	3522.1
185.145	3522.2
185.146	3523.1
185.147	3523.2
185.148	3523.3
185.149	3523.4
185.150	3523.5
185.151	3523.6
185.160	3430.0–1
185.161	3431.1
185.162	3431.2
185.163	3431.3
185.172	3580.0–1

REDESIGNATION TABLE—Continued

Old	New
185.173	3530.0–3(a)
185.174	3531.1
185.175	3530.0–3(b)
185.176	3532.1
185.177	3532.2
185.178	3533.1
185.179	3533.2
185.180	3534.1
185.181	3535.1
185.182	3535.2
185.183	3536.1
185.184	3537.1
185.185	3537.2
185.186	3538.1
186.1	3540.0–1
186.2	3541.1
186.3	3541.2
186.4	3541.3
186.5	3541.4
186.6	3541.5
186.7	3541.6
186.8	3542.1
186.9	3542.2
186.10	3542.3
186.11	3542.4
186.12	3542.5
186.13	3542.6
186.14	3542.7
186.15	3542.8
186.16	3542.9
186.17	3543.1
186.18	3543.2
186.19	3543.3
186.20	3543.4
186.21	3543.5
186.22	3543.6
186.23	3544.1
186.24	3545.1
186.25	3545.2
186.26	3545.3
187.1	3521.0–3
187.2	3521.1
187.3	3521.2
187.4	3521.3
187.5	3521.4
187.6	3521.5
187.7	3521.6
188.1	3322.0–3
188.2	3322.1–1
188.3	3000.0–5
188.4	3322.1–2
188.5	3322.1–3
188.6	3322.1–4
188.7	3322.1–5
188.8	3322.1–6
188.9	3322.1–7
188.10	3322.2–1
188.11	3322.2–2
188.12	3322.3–1
188.13	3322.3–2
188.14	3322.3–3
188.15	3322.3–4
188.16	3322.4
188.17	3322.5
188.18	3322.6–1
188.19	3322.6–2

REDESIGNATION TABLE—Continued

Old	New
188.20	3322.7–1
188.21	3322.7–2
191.1	3100.0–3
191.2	3100.1
191.3	3101.1
191.4	3101.2
191.5	3103.1
191.6	3103.2
191.7	3100.3
191.8	3101.3
191.9	3100.2
191.10	3104.1
191.11	3102.1
191.12	3102.2
191.13	3106.1
191.14	(deleted)
191.15	3104.2
191.16	3104.3
191.17	3102.5
191.25	3102.3
191.26, 191.27	3102.4
191.40	(deleted)
192.1	3120.1–1
192.2	3105.1
192.3	3120.1–2
192.4	3120.1–3
192.5	3120.2–1
192.6	3120.2–2
192.7	3120.3–1
192.8	3120.3–2
192.9	3120.3–3
192.20	3121.1
192.21	3121.2
192.22	3121.3
192.23	3121.4
192.24	3121.5
192.25	3121.6
192.40	3122.1
192.40a	3122.2
192.41	3122.3
192.42 (a) to (d)	3123.1
192.42 (e), (f)	3123.2
192.42(g) (1)	3123.3 (b)
192.42(g) (2)	3123.4
192.42 (h), (i), (j), (k)	3123.5
192.42(l)	3123.6
192.42(m)	3123.7
192.42a	3123.8
192.43	3123.9
192.43a	3100.0–5
192.43b	3123.3(a)
192.50	3124.1
192.51	3124.2
192.52	3124.3
192.53	3124.4
192.54	3124.5
192.60	3122.4–1
192.61	3122.4–2
192.62	3122.4–3
192.63	3122.4–4
192.70	3120.4
192.71	3120.5
192.72	3120.6
192.80	3125.1
192.81	3125.2
192.82	3125.3

REDESIGNATION TABLE—Continued

Old	New
192.83	3125.4
192.100	3126.1
192.101	3126.2
192.120	3127.1
192.120a	3127.2
192.121	3127.3
192.122	3127.4
192.123	3127.5
192.140	3128.1
192.141	3128.2
192.142	3128.3
192.143	3128.4
192.144	3128.5
192.145	3128.6
192.160	3129.1
192.161	3129.2
193.1	3180.0–3
193.2	3181.1
193.3	3181.2
193.4	3181.3
193.5	3181.4
193.6	3180.1
193.7	3132.1–1
193.8	3132.3–2
193.9	3132.3–1
193.10	3132.3–3
193.11	3132.2
193.12	3132.4–1
193.13	3132.4–2
193.14	3132.4–3
193.15	3132.1–2
193.16	3132.5
193.17	3132.6
193.18	3132.7
193.19	3133.1
193.20	3133.2
193.21	3133.3
193.22	3133.4
193.23	3133.5
193.24	3133.6
193.25	3134.1
193.26	3134.2
193.27	3135.0–1
193.28	3135.1
193.29	3135.2
193.30	3135.3
194.1	3140.0–3
194.3	(deleted)
194.3	3141.1
194.4	3141.2
194.5	3140.0–6
194.6	3141.3
194.7	3141.4
194.8	3142.1
194.9	3142.2
194.10	3142.3
194.11	3142.4
194.12	3142.5
194.13	3142.6
194.14	3143.2–1
194.15	3143.2–2
194.16	3143.2–3
194.17	3143.1
194.18	3143.3–1
194.19	3143.3–2
194.20	3143.3–3

REDESIGNATION TABLE—Continued

Old	New
199.53	3324.5–5
199.54	3324.5–6
199.55	3324.5–7
199.56	3324.5–8
199.61	3325.0–3
199.62	3326.1
199.63	3326.2
199.64	3326.3
199.70	3326.0–3
199.71	3326.1
199.72	3326.2
199.73	3326.3
199.74	3326.4–1
199.75	3326.4–2
199.76	3326.5–1
199.77	3326.5–2
199.78	3326.6
199.79	3326.5–3
199.80	3326.7
199.81	3326.8
200.1	3210.0–8
200.2	3211.1
200.3	3211.2
200.4	3211.3
200.5	3212.1
200.6	3312.2
200.7	3312.3
200.8	3312.4
200.9	3312.5
200.10	3210.0–6
200.31	3220.0–3
200.32	3220.0–6
200.33	3220.0–7
200.34	3221.1
200.35	3221.2
200.36	3221.3
200.37	3221.4
200.38	3221.5–2
200.39	3221.1
200.40	3221.2
200.41	3221.3
200.42	3221.4
200.43	3221.5
200.44	3221.5–1
200.45	3221.7
200.46	3223.1
200.47	3224.1
200.48	3224.2
200.49	3225.1
200.50	3226.1
200.51(a)	3227.1
200.51(b)	3227.2
200.51(c)	3227.3
200.51(d)	3227.4
200.80	3310.0–3
200.81	3311.1
200.82	3311.2
200.83	3311.3
200.84	3312.1
200.85	3313.1
200.86	3312.2
200.87	3313.2
201.1	3380.0–3
201.2	3380.1
201.3	3380.2
201.4	3380.3

REDESIGNATION TABLE—Continued

Old	New
201.5	3380.4
201.10	3381.1
201.11	3381.2
201.12	3381.3
201.13	3381.4
201.14	3381.5
201.20	3382.1
201.20(a)	3382.3
201.21	3382.5
201.22	3382.4
201.23	3382.6
201.24	3382.7
201.25	3383.1
201.40	3383.2
201.41	3383.3
201.42	3383.4
201.43	3383.5
201.50	3384.1
201.51	3384.2
201.60	3386.1
201.61	3386.2
201.62	3386.3
201.63	3386.4
201.80	3386.1
201.81	3386.2
201.90	3386.5
201.110	3387.1
201.111	3387.2
201.112	3387.3–1
201.113	3387.3–2
201.114	3387.3–3
201.115	3387.3–4
201.116	3387.3–5
201.117	3387.4–1
201.118	3387.4–2
201.119	3387.4–3
201.120	3387.4–4
201.121	3387.4–5
201.122	3387.3–6
201.123	3387.5
201.124	3387.6
202.1	2294.5–3 (a)
202.2	2294.5–3 (b)
202.3	2294.5–3 (c) (1)
202.4	2294.5–3 (c) (2)
202.5	2294.5–3 (c) (3)
202.6	2294.5–3 (c) (4)
202.7	2294.5–3 (d)
202.8	2294.5–3 (e)
202.9	2294.5–3 (f) (1)
202.10	2294.5–3 (g)
202.11	2294.5–3 (f) (2)
202.12	2294.5–3 (h)
202.13	1840
202.18	3190.0–3
203.1	3191.1
203.2	3191.2
203.3	3191.3
203.4	3191.4
203.5	3191.5
203.6	3191.6
203.7	1821.7–2
206.1	1821.4
206.2	1821.4–2
210.1	1821.2–1 (b)
210.2	1821.3–3
210.3	1821.3–4
210.4	

REDESIGNATION TABLE—Continued

Old	New
221.95	1840.0–6 (e), 1850.0–6 (e)
221.96	1840.0–6 (f), 1850.0–6 (f)
221.97	1840.0–6 (g), 1850.0–6 (g)
221.98	1840.0–7, 1850.0–7
221.99	1840.0–8 (a), 1850.0–8 (a)
221.100	1840.0–8 (b), 1850.0–8 (b)
221.101	1840.0–9 (a)
221.102	1812.1–1, 1840.0–9 (b), 1850.0–9 (a)
221.103	1812.1–3, 1840.0–9, (c), 1850.0–9 (b)
221.104	1850.0–7 (a)
221.105	1850.0–7 (b)
221.106	1850.0–7 (c)
221.107	1840.0–9 (d), 1850.0–9 (c)
230.1	2211.7–1 (a) (1), 2323.03
230.2	2211.7–1 (a) (2)
230.3	2211.7–1 (b) (1)
230.4	2211.7–1 (b) (2)
230.5	2211.7–1 (c)
230.5a	2211.7–2 (a)
230.5b	2211.7–2 (b)
230.6	2211.7–6 (b)
230.7	2211.7–1 (d) (1)
230.8	2211.7–1 (d) (2)
230.9	2211.7–1 (d) (3)
230.10	2323.0–1
230.11	1840.0–9, (c), 1850.0–9 (c).
230.12	2323.1–1
230.13	2323.2
230.14	2323.1–2
230.15	2323.1–3
230.16	2323.3
230.17	2323.4 (a)
230.18	2323.4 (b)
230.19	2323.1–4
230.20	2323.5
230.21	2211.7–1 (e)
230.22	2211.7–1 (b) (1), 2244.8–1 (a) (5),
230.22 (footnote)	2211.7–1 (b) (5), 2244.8–2
230.23	2211.7–1 (b) (3), 2244.8–1 (b)
230.24	2211.7–1 (g) (1)
230.25	2211.7–1 (g) (2)
230.26	2211.7–3 (a)
230.27	2211.7–3 (b)
230.28	2211.7–3 (c)
230.29	2211.7–4 (a) (1)
230.30	2211.7–4 (a) (2)
230.31	2211.7–4 (a) (3)
230.32	2211.7–4 (a) (4)
230.33	2211.7–4 (a) (5)
230.34	2211.7–4 (a) (6)
230.35	2211.7–4 (b) (1)

REDESIGNATION TABLE—Continued

Old	New
230.39	2211.7–4 (b) (2)
230.40	2211.7–4 (b) (3)
230.41	2211.7–6 (d) (1), 2226.4–8
230.42	2211.7–5 (a)
230.43	2211.7–5 (b)
230.44	2211.7–5 (a) (4)
230.45	2211.7–5 (c)
230.45	2211.7–5 (d) (2)
230.47	2211.7–5 (a) (1) to (3)
230.48	2211.7–5 (e)
230.49	2211.7–5 (f) (1)
230.49 (footnote)	2211.7–5 (f) (2)
230.50	2211.7–5 (g)
230.51	2211.7–5 (h)
230.52	2211.7–5 (i) (1)
230.53	2211.7–5 (i) (3)
230.53 (footnote)	Chapter I
230.54 to 230.62	
230.63	2211.7–1 (f)
230.64 to 230.100	Chapter I
230.101	2226.4–1 (a)
230.102	2226.4–1 (b)
230.103	2226.4–1 (c)
230.104	2226.4–2 (a)
230.105	2226.4–2 (b)
230.106	2226.4–3
230.107	2226.4–4
230.108	2226.4–5 (a)
230.109	2226.4–5 (b)
230.110	2226.4–6
230.111	2226.4–7
230.112	2242.0–3 (a)
230.113	2242.0–3 (b)
230.114	2242.0–3 (c)
230.115 to 230.121	Chapter I
231.1	2253.0–3
231.2	2253.1–1
231.3	2253.1–2
231.4	2253.1–3
231.5	2253.1–4
231.6	2253.1–5
231.7	2253.1–6
231.8	2253.1–7
231.9	2253.1–8
231.10	2253.2–1
231.11	2253.2–2
231.12	2253.3
231.13	2253.4
231.14	2253.5–1
231.15	2253.5–2
231.16	2253.5–3
231.17	2253.6
231.18	2253.7
231.19	2253.8
231.20	2253.9
232.1	2226.0–1
232.2	2226.0–3
232.3	2226.0–7 (a)
232.4	2226.0–6 (a)
232.5	2226.0–7 (b)
232.6	2226.0–6 (b)
232.7	2226.0–7 (c)
232.8	2226.0–7 (d)
232.9	2226.1–1 (a)

REDESIGNATION TABLE—Continued

Old	New
217.56	1822.4–5 (b)
217.57	1822.4–5
221.1	1842.2
221.2	1842.4
221.3	1842.5–1
221.4	1842.5–2
221.5	1842.5–3
221.6	1843.5
221.7	1843.5–1
221.8	1843.6
221.9	1843.7
221.10	1843.9
221.11	1851.1
221.12	1851.2
221.13	1851.2–1
221.14	1851.3
221.15	1851.4
221.16	1851.5
221.17	1851.6
221.18	1851.7
221.19	1851.8
221.20	1851.9
221.31	1844.1
221.32	1844.2
221.33	1844.3
221.34	1844.4
221.35	1844.5
221.36	1844.6
221.37	1844.9
221.51	1852.1–1
221.52	1852.1–2
221.53	1852.1–3
221.54	1852.1–4 (a)
221.55	1852.1–4 (b)
221.56	1852.1–4 (c)
221.57	1852.1–4 (d)
221.58	1852.1–5
221.59	1852.1–5 (a)
221.60	1852.1–5 (b) (1)
221.61	1852.1–5 (b) (2)
221.62	1852.1–5 (b) (3)
221.63	1852.1–5 (c)
221.64	1852.1–6
221.65	1852.1–7
221.66	1852.1–8
221.67	1852.2–1
221.68	1852.2–2
221.69	1852.3–1
221.70	1852.3–2
221.71	1852.3–3
221.72	1852.3–4
221.73	1852.3–5
221.74	1852.3–6
221.75	1852.3–7
221.76	1852.3–8
221.77	1852.3–9
221.91	1840.0–5, 1850.0–5
221.92	1840.0–6 (a), (b), 1850.0–6 (a), (b)
221.93	1840.0–6 (c), 1850.0–6 (c)
221.94	1840.0–8 (d), 1850.0–8 (d)

REDESIGNATION TABLE—Continued

Old	New
210.5	1823.1–1
210.6	1823.1–2
210.7	1823.2–1
210.8	1823.2–2
210.9	1823.2–3
210.10	1823.3
210.11	1823.2–4 (b), 1821.3–5
210.12	1823.5–1 (a)
210.13	1823.5–1 (b)
210.14	1823.5–2
211.1	1063.5
216.1	1822.1–1
216.2	1822.1–2
217.1	1822.0–3
217.5	1822.2–1
217.7	1822.2–2
217.8	1822.2–3 (a)
217.9	1822.2–3 (b)
217.11	1822.3–6 (a) (1)
217.12	1822.3–6 (b)
217.13	1822.3–1 (b) (1)
217.14	1822.3–1 (b) (2)
217.15	1822.3–3 (b) (1)
217.16	1822.3–3 (b) (2)
217.17	1822.3–3 (b) (3)
217.18	1822.3–3 (b) (4)
217.19	1822.3–3 (b) (5)
217.20	1822.3–4 (a)
217.21	1822.3–4 (b)
217.22	1822.3–4 (c)
217.23	1822.3–4 (d)
217.24	1822.3–5 (a)
217.25	1822.3–5 (b)
217.26	1822.3–5 (c)
217.27	1822.3–5 (d)
217.28	1822.3–5 (e)
217.30	1822.3–5 (f)
217.31	1822.3–6 (a)
217.32	1822.3–6 (b)
217.33	1822.3–6 (c)
217.34	1822.3–6 (d)
217.35	1822.3–6 (e)
217.36	1822.3–7 (b)
217.37	1822.3–7 (c)
217.38	1822.3–7 (d)
217.39	1822.3–7 (e)
217.40	1822.3–7 (f)
217.41	1822.3–7 (g)
217.42	1822.3–8 (a)
217.43	1822.3–8 (b)
217.44	1822.3–9 (a), (b)
217.45	1822.3–9 (c)
217.46	1822.3–9 (d)
217.47	1822.4–1 (a), (b)
217.48	1822.4–1 (c)
217.49	1822.4–1 (d)
217.50	1822.4–1 (e)
217.51	1822.4–1 (f)
217.52	1822.4–4 (a)
217.53	1822.4–2 (b)
217.54	1822.4–3
217.55	1822.4–4 (a)

REDESIGNATION TABLE—Continued

Old	New
177	3171.6
177.2	3171.7
198.1	3180.0–3
198.2	(delete)
198.3	3181.1
198.4	3181.2
198.5	3181.3
198.6	3181.4
198.7	3181.5
198.8	3192.1
198.9	3192.2
198.10	3192.3
198.11	3192.4
198.12	3192.5
198.13	3192.6
198.14	3183.1–1
198.15	3183.1–2
198.16	3183.2–1
198.17	3183.2–2
198.18	3183.2–3
198.19	3183.3–1
198.20	3183.3–2
198.21	3183.3–3
198.22	3183.3–4
198.23	3183.4
198.24	3183.5–1
198.25	3183.5–2
198.26	3184.1
198.27	3185.1
199.1	3323.1–1
199.2	3323.1–2
199.3	3323.1–3
199.4	3323.1–4
199.5	3323.1–5
199.6	3323.1–6
199.7	3323.1–7(a)
199.8	3323.1–7(b)
199.9	3323.1–7(c)
199.10	3323.1–8(a)
199.11	3323.1–8(b)
199.12	3323.1–8(c)
199.13	3323.2–1
199.14	3323.2–2
199.15	3323.2–3
199.16	3328.2–5
199.17	3328.2–6
199.18	3323.2–8(a)
199.19	3323.2–8(b)
199.20	3323.2–8(c)
199.21	3323.2–7(a)
199.22	3323.2–7(b)
199.23	3323.2–7(c)
199.24	3323.2–7(d)
199.40	3324.0–3
199.41	3324.1–1
199.42	3324.1–2
199.43	3324.1–3
199.44	3324.2–1
199.45	3324.2–2
199.46	3324.2–3
199.47	3324.3
199.48	3324.4
199.49	3324.5–1
199.50	3324.5–2
199.51	3324.5–3
199.52	3324.5–4

REDESIGNATION TABLE—Continued

Old	New
244.8	2243.1-2
244.9	2243.2
244.10	2243.0-7(a)
244.11	2243.0-7(b) (1)
244.12	2243.0-8
244.13	2243.0-7(b) (2)
244.14	2243.0-7(c)
244.15	2243.1-3
244.16	2243.1-4
244.17	2243.1-5
244.18	2243.1-6
244.19	1840
244.20	2235.1-1(a)
244.21	2235.1-1(b)
244.22	2235.1-1(c)
	2235.1-1(d)
	2235.1-1(e)
	2235.1-1(f)
	2235.1-1(g)
	2235.1-1(h)
	2235.1-1(i)
	2235.1-1(j)
	2235.1-1(k)
	2235.1-1(l)
	2235.1-1(m)
	2235.1-1(n) (1), 2013.2-3
	2235.1-1(n) (2) (Deleted)
	2235.1-2(a)
	2235.1-2(b)
	2235.1-2(c)
	2235.1-2(d)
	2235.1-2(e)
	2235.1-2(f)
	2209.1
	2201.1
	2231.0-3
	2231.1
	2231.2
	2231.3
	2232.0-5
	2232.0-7
	2232.0-1
	2232.1-1, 2013.2-2
	2232.1-1
	2232.2-3
	2232.2-2
	2232.1-3
	2232.1-2(a)
	2232.1-2(b)
	2232.2-5
	2242.0-3
	2242.1-1(a)
	2242.1-1(b)
	2242.1-2(a)
	2242.1-2(b)
	2242.1-2(d)
	2242.1-2(e)
	2242.2-1
	2242.2-2(a)

REDESIGNATION TABLE—Continued

Old	New
2222.32	2222.6-4(c) (2)
2222.33	2222.6-4(d)
2222.34	2222.6-4(e) (1)
2222.35	2222.6-4(e) (2)
2222.36	2222.6-5(a)
2222.37	2222.6-5(b)
2222.50	2222.6-6(a)
2222.51	2222.6-6(b)
2223.4	2224.1-1
2223.5	2224.1-2
2223.31	2224.2-1(a)
2223.36	2224.2-1(b)
2223.37	2224.2-1(c), 2013.5
2223.38	2224.2-1(d)
2223.39	2224.2-1(e) (1)
2223.40	2224.2-1(e) (2)
2223.45	2224.2-2(a)
2223.46	2224.2-2(b)
2223.47	2224.2-3(a)
2223.48	2224.2-3(b)
2223.49	2224.2-4(a)
2223.50	2224.2-4(b)
2223.51	2224.3-1
2223.52	2224.3-2
2223.53	2224.3-3
2223.68	2224.3-4
2223.69	2224.3-5
2223.70	2224.3-6
2223.71	2224.3-7
2223.72	2224.3-8
2223.73	2224.3-9
2230.1	9180.0-3(a)
2230.2	9180.1-1(a)
2230.20	9180.1-1(b)
2230.21	9180.1-2(a)
2230.22	9180.1-2(b)
2230.23	9180.1-3(a)
2230.24	9180.1-3(b)
2230.25	9180.2-1(a)
2230.26	9180.2-1(b)
2230.27	9180.2-2(a)
2230.28	9180.2-2(b)
2230.41	9180.2-2(c)
2230.42	9180.2-2(d)
2230.43	9180.2-2(e)
2230.44	9180.2-2(f)
2230.45	9180.2-3(a)
2230.46	9180.2-3(b)
2230.47	9180.2-4(a)
2230.48	9180.2-4(b)
2230.49	9180.2-5(a)
2230.50	9180.2-5(b)
2230.51	9180.2-6(a)
2230.52	9180.2-6(b)
2230.53	9180.2-7(a)
2230.54	9180.2-7(b)
2230.55	9180.2-7(c)
2230.56	9180.2-7(d)
2230.57	9180.2-7(e)
2230.58	9180.2-7(f)
2230.59	9180.2-8(a)
2230.60	9180.2-8(b)
2230.61	9180.2-8(c)
2230.62	9180.2-8(d)
2230.63	9180.2-8(e)
2230.64	9180.2-8(f)
2230.65	9180.2-9
2230.66	9180.3-1
2230.67	9180.3-2
2230.68	9180.3-3
2230.69	9180.3-4
2230.70	9180.3-5
2230.71	9180.3-6
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2230.73	9180.3-8
2230.74	9180.3-9
2230.75	9180.3-10
2230.76	9180.3-11
2230.77	9180.3-12
2230.78	9180.3-13
2230.79	9180.3-14
2230.80	9180.3-15
2230.81	9180.3-16
2230.82	9180.3-17
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2230.85	9180.3-20
2230.86	9180.3-21
2230.87	9180.3-22
2230.88	9180.3-23
2230.89	9180.3-24
2230.90	9180.3-25
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2230.93	9180.3-28
2230.94	9180.3-29
2230.95	9180.3-30
2230.96	9180.3-31
2230.97	9180.3-32
2230.98	9180.3-33
2230.99	9180.3-34
2230.100	9180.3-35
2230.101	9180.3-36
2230.102	9180.3-37
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2230.104	9180.3-39
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2230.107

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Old	New
284.33	5461.1-1(f)(3)
284.36	5461.1-2(a)
284.37	5461.1-2(b)
284.38	5461.1-2(c)
284.39	5461.1-2(d)
284.41	5461.1-3
284.42	5400.0-3(c)(2)
284.43	5461.1-4(a)(1)
284.44	5461.1-4(a)(2)
284.45	5461.1-4(a)(3)
284.46	5461.1-4(a)(4)
284.47	5461.1-4(b)
284.48	5461.1-4(b)
284.49	5461.1-4(c)
284.50	5461.1-4(d)
284.51	5461.1-4(e)
284.52	5461.1-4(f), 9239.1-1
285.1	5400.0-3(a)
285.2	5400.0-5
285.3	5401.1
285.4	5432.1
285.5	5402.1
285.6	5411.1
285.7	5421.1
285.8	5433.1
285.9	5432.2
285.10(a) to (d)	5439.3
285.10(e)	5435.1
285.11	5438.4
285.12	5436.1
285.13	5437.1
285.14	5441.2
285.15	5441.3
285.16	5443.1
285.17	5443.2
285.18	5445.1
288.1	9239.0-8
288.2	9239.1-3
288.3	9239.6-1
288.4	9239.5-1
288.5	9239.5-2
288.6	9239.5-3
288.7	9239.5-3
288.8	9239.5-3
288.10	9239.5-3
288.11	9239.5-3
288.12	9239.0-9
289.1	9239.2-1
289.2	9239.2-2
289.3	9239.2-3
289.4	9239.2-4
289.5	9239.2-5
292.1	2321.1-1(a)
292.2	2321.1-1(b)
292.3	2321.1-1(d)
292.4	2321.1-1(e)
292.5	2321.1-1(c)

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292.6	2321.1-2(a)
292.7	2321.1-2(b)
292.8	2321.1-2(c)
292.9	2321.1-2(d)
292.10	2321.1-3(a)
292.11	2321.1-3(b)
292.12	2321.1-3(c)
292.13	2321.1-3(d)
292.14	2321.1-3(e)
292.15	2321.1-3(f)
292.16	2321.1-3(g)
292.17	2321.1-4(a)
292.18	2321.1-4(b)
292.19	2321.1-4(c)
292.20	2321.1-4(d)
292.21	2321.1-4(e)
292.22	2321.1-4(f)
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295 (footnote 1)	2311.0-3(d)
295.1	2311.0-3(a), (b)
295.2	2311.0-3(c)
295.3	2311.2-4
295.5	2311.3
295.6	2321.3-1
295.7	2321.3-2, 2013.2-6
295.8	1821.2-3
295.9(a)	2311.0-1
295.9(b)	2311.0-6
295.9(c)	2311.0-5
295.10	2311.1-1
295.11	2311.1-2, 2013.2-7
295.12	2311.1-3
295.13	2311.1-4
295.14	2315.1
295.15	2311.2
295.16	2331.1
295.17	2312.0-3
295.18(a)	2312.0-1
295.18 (b) to (d)	2312.1-1 (a) to (c)
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295.20	2312.1-3
296.1	2410.0-3
296.2(a)	2410.0-2
296.2 (b), (c), (d)	2410.0-6
296.3	2410.0-4
296.4(a)	2411.1-1
296.4(b)	2411.1-2
296.4 (c), (d)	2411.1-3
296.4(e)	2411.1-4
296.4(f)	2411.1-5
296.5	2411.2
296.6	2411.3
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1850 Hearing procedures; general.
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1813.4 Production of records in court.
1813.4–1 Statutory authority.

AUTHORITY: The provisions of this Part 1810 issued under R.S. 2478; 43 U.S.C. 1201.

Subpart 1810—General Rules

§ 1810.1 Rules of construction; words and phrases.

Except where the context of the regulation or of the Act of the Congress on which it is based, indicates otherwise, when used in the regulations of this chapter:

(a) Words importing the singular include and apply to the plural also;

(b) Words importing the plural include the singular;

(c) Words importing the masculine gender include the feminine as well;

(d) Words used in the present tense include the future as well as the present;

(e) The words "person" and "whoever" include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals;

(f) "Officer" and "authorized officer" include any person authorized by law or by lawful delegation of authority to perform the duties described;

(g) "Signature" or "subscription" includes a mark when the person making the same intended it as such;

(h) "Oath" includes "affirmation", and "sworn" includes "affirmed";

(i) "Writing" includes printing and typewriting as well as holographs, and "copies" include all types of reproductions on paper, including photographs, multigraphs, mimeographs and manifolds.

(j) The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association", in like manner as if these last-named words, or words of similar import, were expressed.

§ 1810.2 Communications by mail; when mailing requirements are met.

(a) Where the regulations in this chapter provide for communication by mail by the authorized officer, the requirement for mailing is met when the communication, addressed to the addressee at his last address of record in the appropriate office of the Bureau of Land Management, is deposited in the mail.

(b) Where the authorized officer uses the mails to send a notice or other communication not provided for by Subchapter P of this title to any person entitled to such a communication under the regulations of this chapter, that person will be deemed to have received the communication if it was delivered to his last address of record in the appropriate office of the Bureau of Land Management, regardless of whether it was in fact received by him. An offer of delivery which cannot be consummated at such last address of record because the addressee had moved therefrom without leaving a forwarding address or because delivery was refused or because no such address exists will meet the requirements of this section where the attempt to deliver is substantiated by post office authorities.

Subpart 1811—Qualifications of Applicants

§ 1811.1 Evidence of citizenship status.

§ 1811.1–1 General.

(a) This part does not deal with establishing citizenship by birth.

(b) In cases where proof of citizenship status is required, the manager may accept a statement of the applicant giving the facts as to such status, which statement should include the date of the alleged naturalization or declaration of intention, the title and location of the court in which instituted, and, when available, the number of the document in question, if the proceeding has been had since September 27, 1906. In addition, in cases of naturalization prior to September 27, 1906, there should be given the date and place of the applicant's birth and the foreign country of which he was a citizen or subject. The citizenship showing may be incorporated in any of the forms prescribed for use in connection with the entry of public lands. Where the necessary data have been given, the manager will accept same and proceed with the case.

(c) The manager may accept the following evidence of a party's citizenship status, where proof of such status is required:

(1) A declaration of intention to become a citizen of the United States executed not more than seven years prior to the date of the filing of the public land application (a declaration more than seven years old is invalid); or

(2) An acknowledgment from the clerk of court (Immigration and Naturalization Service Form N-414) of the filing of a petition for naturalization; or

(3) An original certificate of naturalization or duplicate issued by the Immigration and Naturalization Service in lieu of one lost, mutilated or destroyed.

(d) Any document listed in this paragraph will be returned by the Bureau of Land Management to the party entitled thereto, as soon as it has served the purpose for which it is submitted.

§ 1811.1–2 Statement required of married women and widows.

(a) A married woman, or widow, who is required to furnish evidence of citizenship in this country in connection with an application or entry under the public land laws must furnish a statement showing the facts upon which she bases her claim to such citizenship. (See 8 U.S.C. 1435 (a), (c), and 1482.)

(1) A married woman must show the date of her marriage if both she and her husband are not native born.

(2) A widow must show the date of her marriage and the date of the death of the husband.

(3) If a married woman or widow claims citizenship through her husband, she must show the facts as to his citizenship and that they were married prior to September 22, 1922. If he acquired such citizenship by naturalization, satisfactory evidence of the naturalization must be furnished in the manner provided by § 1811.1–1.

(4) If applicant was married prior to March 3, 1931, she must show the facts as to her husband's citizenship. An applicant who married on or after March 3, 1931, need not make any showing as to the citizenship of her husband.

(b) An applicant who claims citizenship through her own naturalization separate and apart from the naturalization of the husband or who bases her right to file a particular application on the filing by herself of a declaration of intention to become a citizen must in the manner provided by § 1811.1–1, furnish satisfactory evidence of her naturalization or of the filing of the declaration.

(c) An applicant who fails to make the showing required, as stated, should be allowed 30 days from receipt of notice within which to do so, or to appeal.

Subpart 1812—Qualifications of Practitioners

§ 1812.1 General.

§ 1812.1–1 Regulations governing practice before the Department.

Every individual who wishes to practice before the Department of the Interior, including the Bureau, must comply with the requirements of Part 1 of this title.

§ 1812.1–2 Inquiries.

No person other than officers or employees of the Department of the Interior shall direct any inquiry to any employee of the Bureau with respect to any matter pending before it other than to the head of the unit in which the matter is pending, to a superior officer, or to an employee of the unit

authorized by the unit head to answer inquiries.

Subpart 1813—Public Land Records

§ 1813.1 Tract books and plats.

§ 1813.1–1 Notations to records.

(a) Section 2295 of the Revised Statutes (43 U.S.C. 163), provides in part that:

> The manager of the land office shall note all applications under the provisions of this chapter (5—Homesteads) on the tract books and plats of his office, and keep a register of such entries.

(b) While this section applies to homestead applications only, it is nevertheless necessary that notations shall be made on the tract books and plats of all applications and entries of public lands, regardless of their character, in order that the status of a tract may be readily ascertained by the officer or person examining either tract book or plat, and the manager shall cause the proper notations to be made on the plats as well at the tract books.

(c) All withdrawals, reservations, classifications, designations under the Enlarged Homestead Act, and similar orders affecting the disposition of the land should be noted on the margin of the plats as well as on the tract books.

§ 1813.1–2 Availability of copies.

When it is necessary for the manager due to the pressure of current business relating to the entry of land, to refuse to fill an order for a plat or diagram, the fee received should be returned to applicant and he advised of the reason therefor. There is no objection to the manager furnishing to the party a list of the names of persons or companies located in his city who follow the business of preparing such diagrams, but the list should be complete and be arranged in alphabetical order. Under no circumstances should he recommend any person or company.

§ 1813.1–3 Lists of abstracters and attorneys.

If asked for a list of abstracters doing business in his city, or for a list of attorneys resident in such city who practice before his office, the manager in complying with the request, should make the list complete, and arranged in alphabetical order.

§ 1813.1–4 Filing of township plats.

(a) After acceptance of a survey, the original plat thereof will be returned to the State Director, the duplicate plat will be retained in the files of the Bureau of Land Management in Washington, D.C., and the triplicate plat will be forwarded to the appropriate land office. The plat will be placed on record in the open files of the respective offices immediately upon receipt thereof and will then be available to the public as a matter of information only with respect to the technical data and descriptions appearing thereon; copies of such plat and the related field notes will be furnished upon request and payment of the costs as provided in § 2.4 of this title. When the manager of the land office is instructed to file the plat without the usual public notice, such plat will be regarded as officially filed in his office on the date of receipt.

(b) If public notice of the filing of the plat is to be given, the authorized officer shall prepare the notice for publication in the FEDERAL REGISTER.

§ 1813.2 Copies of records and papers.

§ 1813.2–1 Homestead entry papers.

(a) No photographic certified copy of homestead entry papers, where the entry was made prior to June 22, 1874, and was for less than 160 acres, will be made, except for Government use. All certified copies of such entry papers, for other than Government use, must be typewritten. Where a blank form is used the blank spaces must be typewritten.

(b) No tracing of any signature, or imitation thereof, to papers in such homestead entries shall be made by any attorney, agent, or other person, for private use.

§ 1813.2–2 Fees for copies made by managers.

(a) The performance of any service by managers or by the employees of their offices for which personal remuneration or compensation is received is prohibited, except as to cases where an officer or employee receives fees or compensation expressly allowed by law. Nor shall such service be performed save in the course of official duties and during office hours, and persons not officially connected with any office, even though Government employees, shall not be admitted to that office outside of office hours, unless the public interests are involved in the purpose for which such admission is desired or requested, in which event the manager is authorized to extend the working hours for such purpose.

(b) When certified copies of records are requested and the pressure of public business will not permit of the work being done by the office force, the parties desiring same, if desk room is available, may be permitted to make such copies, but before certification by the manager, copies thus made must be carefully compared by his office force and he will charge therefor the fees allowed by law.

§ 1813.2–3 Fees for certification of copies made by private party.

The same fees must be collected for comparing the copies made by the parties desiring them, and certifying to their correctness, under § 1813.2–2 as are collected for copies prepared by the land office force and certified by the manager.

§ 1813.3 Serial register.

§ 1813.3–1 Inspection of serial register.

The serial register is a public record and may be reasonably inspected by any person, provided such examination may be made without interfering with the orderly dispatch of public business. Should the manager ascertain that any person is obtaining information therefrom for improper purposes, he will deny such person further access thereto.

§ 1813.4 Production of records in court.

§ 1813.4–1 Statutory authority.

Whenever, pursuant to the act of April 19, 1904 (33 Stat. 186; 43 U.S.C. 13), the manager shall be served with a subpena duces tecum or other valid legal process requiring him to produce, in any United States court or in any court of record of any State, the original application for entry of public lands or the final proof of residence and cultivation or any other original papers on file in the Bureau of Land Management on which a patent to land has been issued or which furnish the basis for such patent, it shall be the duty of such manager to at once notify the Director of the Bureau of Land Management of the service of such process, specifying the particular papers he is required to produce, and upon receipt of such notice from any manager the Director of the Bureau of Land Management shall at once transmit to such manager the original papers specified in such notice, and attach to such papers a certificate, under seal of his office, properly authenticating them as the original papers upon which patent was issued. The said act also provides that such papers so authenticated shall be received in evidence in all courts of the United States and in the several State courts of the States of the Union. (33 Stat. 186; 43 U.S.C. 13)

CROSS REFERENCE: For testimony of employees and use of books, records and files in judicial and administrative proceedings, see §§ 2.6 and 2.20 of this title.

PART 1820—APPLICATION PROCEDURES

Subpart 1821—Execution and Filing of Forms

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1821.2–3 Simultaneous applications.
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1821.3 Oaths.
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1821.3–3 Identity of applicant to be established prior to administering oath.
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1821.7–2 Application alleging settlement prior to establishment of forest.
1821.7–3 Application in conflict with reservoir sites.
1821.9 Alaska.
1821.9–1 Applications not to be rejected because executed more than 10 days prior to filing.
1821.9–2 Joint action to acquire public lands.

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1822.1 Payments.
1822.1–1 Amount.
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1822.2 Repayments.
1822.2–1 Filing of applications.
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1822.3 Act of June 16, 1880.
1822.3–1 Statutory provisions.
1822.3–2 Who may receive repayments.
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Subpart 1821—Execution and Filing of Forms

AUTHORITY: The provision of this Subpart 1821 issued under R.S. 2478; 43 U.S.C. 1201.

§ 1821.1 Names of claimants.

Full names of claimants should appear in applications, final certificates, and patents.

§ 1821.2 Office hours; time and place for filing.

§ 1821.2–1 Office hours of land offices.

(a) Land offices and the Washington office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of national holidays, the Monday following each national holiday which falls on a Sunday, and days upon which the office may be closed by Presidential or other administrative order. The hours during which the land offices and the Washington office are open to the public for the filing of documents and inspection of records are from 10:00 a.m., to 3:00 p.m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

(b) Applications to make entry cannot be received by the manager out of office hours, nor elsewhere than at his office, nor can affidavits or proofs be taken by him except in the regular and public discharge of his ordinary duties.

(1) Copies of forms may be obtained from the land offices, State Director's offices or the Bureau of Land Management, Washington, D.C., 20240, and must be completed and filed in proper land office, or for land in States for which there are no land offices, with the Bureau of Land Management, Washington, D.C., 20240, except that applications for lands in North or South Dakota, must be filed in the land office at Billings, Montana; for lands in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands in Oklahoma in the land office at Santa Fe, New Mexico.

§ 1821.2–2 Time limit for filing applications in Land Office.

(a) The manager will reject all applications to make entry which are executed more than 10 days prior to filing.

(b) Such rejections should be subject to the usual right of appeal; also subject to the right to file a new and properly executed application, or to reexecute the rejected application, prior to the intervention of any valid adverse claim.

(c) The manager will accept as filed within the time named in paragraph (a) of this section all applications to enter which were deposited in the mails within 10 days from the date of execution.

(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the land office or the Washington office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation or decision to be filed within a stated period, the last day of which falls on a day the land office or the Washington office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

§ 1821.2–3 Simultaneous applications.

All applications, which term includes offers to lease, filed pursuant to the regulations in any part of this chapter will be regarded as having been filed simultaneously within the meaning of this section where by reason of an order of restoration or opening, or a notice of the filing of a plat of survey or resurvey, they are filed in the manner and within the period of time for the filing of simultaneous applications provided for in such order or notice. When no order of restoration or notice of opening in involved, the applications will be treated as having been filed simultaneously if they are received by a land office (or, if there is no such office for the State, by the Washington Office of the Bureau of Land Management), over the counter at the same time, or are received in the same mail. Unless otherwise provided in a particular order, or regulation, applications which

are filed simultaneously will be processed in accordance with the following rules:

(a) All such applications received will be examined and appropriate action will be taken on those which do not conflict in whole or in part.

(b) All such applications which conflict in whole or in part will be included in a drawing which, except as provided in paragraph (c) of this section will fix the order in which the applications will be processed.

(1) Notwithstanding the provisions of paragraph (a) of this section, the priorities of all applications or offers to lease made and filed in accordance with the provisions of § 3123.9 of this chapter will be determined by public drawing whether or not they are in conflict.

(c) All applications included in the drawing will be subject to any priority to which any particular applicant may be entitled on account of a preference right conferred by law or regulations.

§ 1821.2–4 Use of certified mail.

Certified mail as outlined in 39 CFR Part 58, may be used in lieu of registered mail in public land matters within the jurisdiction of the Department of the Interior except where use of registered mail is specifically required by statute.

§ 1821.3 Oaths.

§ 1821.3–1 Elimination of the requirements of oaths on written statements in public land matters.

(a) By section 1 of the act of June 3, 1948 (62 Stat. 301; 43 U.S.C. 1211), written statements in public land matters under the jurisdiction of the Department of the Interior need not be made under oath unless the Secretary in his discretion shall so require. Accordingly, all written statements in public land matters within the jurisdiction of the Department of the Interior required prior to June 3, 1948, by law, or Chapter I of this title, to be made under oath, need no longer be made under oath, except as provided in this paragraph.

(1) Affidavits must be furnished where required by Parts 1840 and 1850.

(2) Final proofs required by R.S. 2294 (43 U.S.C. 254) as amended and supplemented, and the regulations thereunder, to be taken in affidavit form before designated officers shall be taken in that form before such officers. (See §§ 1821.3–6, 2211.1–4 (b), (c) (1), 1821.3–2, and 2226.1–5(d) of this chapter.

(3) Statements as to the financial worth of individual sureties on bonds furnished in connection with leases, licenses or permits granted under the public land laws, known as "Affidavits of Justification," must be made in affidavit form.

(b) Where prior to June 3, 1948, the law required an application or other paper to be sworn to in a particular land district, and this section makes it unnecessary for the paper to be executed in affidavit form, the applicant still must sign the paper in the particular land district and state in the paper that it was so signed.

(c) Unsworn statements in public land matters are subject to Title 18, U.S.C., section 1001, which makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statement or representations as to any matter within its jurisdiction.

(d) False statements as to any material fact made by an applicant in connection with applications, allowance of which is discretionary with the authorized officer, are a proper basis for rejection of the applications.

§ 1821.3–2 Officers qualified.

(a) Oaths required under the homestead, preemption, timber-culture, desert-land, and timber and stone acts may, in States for which there is a land office, be made before the manager or the acting manager of the land office for the district embracing the land sought; or before any of the following officers inside the county, parish, or land district embracing the land sought, namely, a United States commissioner, a notary public, a judge, a clerk, or a prothonotary of a court of record, a deputy of such clerk or prothonotary, or a magistrate authorized by the laws of or pertaining to the State to administer oaths; or before any such officer outside the county and the land district embracing the land sought who because of geographic or topographic conditions may be the qualified officer nearest to the land or most accessible from it. In States for which there is no land office, the required oaths may be made before any qualified officer in the State.

(b) The official character of any officer not using a seal of office, other than a manager or an acting manager, must be certified under seal by the clerk of the court having the record of his appointment and qualifications. If, in States for which there is a land office, an oath be administered outside the county and the land district embracing the land sought, the applicant must show by a statement, satisfactory to the Bureau of Land Management, that the oath was made before an officer who because of geographic or topographic conditions was the qualified officer nearest to the land sought or most accessible from it. Such showing, however, will not be required as part of the final proof if the proof be taken in the town or city in which the newspaper printing the final proof notice is published.

(c) The papers in cases arising under the statutes above specified must be filed in the land office for the district embracing the land sought, if there be any such office; otherwise in the Bureau of Land Management in Washington, D.C. An application is not acceptable if dated more than 10 days before being deposited in the mails for filing in the appropriate office.

§ 1821.3–3 Identity of applicant to be established prior to administering oath.

No oath in support of any application, entry, proof, or claim to public lands should be administered to any stranger until he has first been reliably made known and identified to the officer administering it as the identical person he represents himself to be.

§ 1821.3–4 Attachment of jurat.

No jurat or certificate should be attached to any oath, affidavit, application, proof, or other written statement affecting public lands until such oath, affidavit, application, proof, or statement has been fully written out and completed, and until all blank spaces in any blank form prescribed or used therefor shall have been fully filled out or erased, and not then until after the same has been sworn to and signed by the affiant before and in the presence of the attesting officer and fully read by or made known to the affiant.

§ 1821.3–5 Fees for administering oath, preparation of paper and writing out testimony; penalty.

No fee in excess of 25 cents can be lawfully charged or received for administering the oath to any affidavit, application, proof, or any other written statement affecting public lands; but there is no restriction on the fee the officer may charge for preparation of any paper, except that the total amount to be received for taking and writing out the final proof testimony of a claimant or of a witness, and administering the oath thereto, shall not exceed the sum of $1. Any officer demanding or receiving greater sums than are here specified for such services will be subject to indictment and punishment under amended section 2294 of the Revised Statutes (43 U.S.C. 254).

§ 1821.3–6 Officers qualified to administer oaths in Alaska.

(a) Oaths in public land cases in Alaska may be executed before the manager or the acting manager of the land office for the district in which the lands sought are situated, or before any court, judge, or other officer in the State, or elsewhere in the United States, authorized by law to administer an oath, or before any postmaster in Alaska. (30 Stat. 409, 413, 53 Stat. 1219; 48 U.S.C. 359, 35a–35c)

(b) Except as otherwise provided by an act of Congress, the postmaster is authorized to charge and receive for his services the fees prescribed by law for a notary public for similar services in the State.

(c) The official character of any officer not using a seal of office, other than a manager, an acting manager, or a postmaster, must be certified under seal by the clerk of the court having the record of his appointment and qualifications. Each certificate of oath, affirmation, or acknowledgment executed by a postmaster within the State as provided in this section must be signed by him, with a designation of his title, must have affixed thereto the cancellation stamp of the post office, and must state the name of the post office and the date on which the oath or affirmation is administered or the acknowledgment is taken.

§ 1821.4 Notations on applications.

§ 1821.4–1 Notation of rights-of-way.

(a) In order that all persons making entry of public lands which are affected by rights-of-way may have actual notice thereof, a reference to such right-of-way should be made upon the original entry papers and upon the notice of allowance of the application issued to the entryman.

(b) He will make no such notation upon the final entry papers unless the right-of-way has been granted under an act of Congress which does not in terms protect the grantee against subsequent adverse rights, in which case he will place the same notation as to right-of-way upon the final entry papers, so that the reservation of the right-of-way will be made in the patent, when issued (23 L.D. 67).

§ 1821.4–2 When notation required.

The manager will make notations of rights-of-way on entry papers, only where his records show that the land involved, or some part of it, is covered by an approved application for right-of-way. In this connection, attention is directed to the decision of the United States Supreme Court in the case of Minneapolis, St. Paul & Sault Ste. Marie Railway Co. v. Doughty (208 U.S. 251, 52 L. ed. 474). Applicants to enter public lands that are affected by a mere pending application for right-of-way, should be verbally informed thereof by the manager, and given all necessary information as to the character and extent of the project embraced by the right-of-way application; and, further, that they must take the land subject to whatever right may have attached thereto under the right-of-way application, and at the full area of the subdivisions entered, irrespective of the questions of priority or damages, these being questions for the courts to determine.

§ 1821.4–3 When notation not required.

(a) The Secretary of the Interior having held, in the case of Dunlap v. Shingle Springs and Placerville R. R. (23 L. D. 67) that "A" railroad right-of-way under the act of March 3, 1875, 18 Stat. 482; 43 U.S.C. 934–939, is fully protected by the terms of the act as against subsequent adverse rights, and a reservation of such right-of-way, in final certificates and patents issued for lands traversed thereby, is therefore not necessary and should not be inserted" (syllabus), and having on October 16, 1896 denied a motion for review of said decision, the managers will be governed thereby.

(b) The language of the canal and reservoir right-of-way act of March 3, 1891 (26 Stat. 1101, 1102; 43 U.S.C. 946–949), in reference to this matter, being the same as of the act of 1875, the ruling applies to it as well.

§ 1821.5 Entries for lands in more than one land district.

§ 1821.5–1 Governing regulations.

Persons desiring to make and perfect entries of land lying partly within one land district and partly within another will be governed by §§ 1821.5, 1861.2; 1823.4 (a) and (b).

§ 1821.5–2 Applications and fees to be filed in each office.

Complete applications must be filed in each office, together with the usual fee and commissions payable for the land in each land district, besides any other payment required by law. Each application should contain a proper reference to the other application.

§ 1821.5–3 Mining claims.

In applying for patent to a mining claim embracing land lying partly within one land district and partly within another, a full set of papers must be filed in each office, except that one abstract of title and one proof of patent expenditures will be sufficient. Only one newspaper publication and one posting on the claim will be required, but proof thereof must be filed in both offices, the statements as to posting plat and notice on the claim to be signed within the respective land districts, as well, also, as all of the other statements required in mineral patent proceedings, except such as, under the law, may be signed outside of the land district wherein the land applied for is situated. Publication, payment of fees, and the purchase price of the land will be further governed by the provisions of §§ 1861.2 and 1823.4(a).

Cross Reference: For mining claims, see Subpart 3631 of this chapter.

§ 1821.5–4 Public offerings.

Applications for public offerings under section 2455, Revised Statutes, as amended (43 U.S.C. 1171), cannot be considered unless all the land lies in one land district.

Cross Reference: For public offerings, see Subpart 2243 of this chapter.

§ 1821.6 Amendments.

§ 1821.6–1 Authority.

Section 2372, United States Revised Statutes, as amended by the act of Congress approved February 24, 1909 (35 Stat. 645; 43 U.S.C. 897), authorizes the amendment of entries and patents for the purpose of correcting errors pertaining to the description of the lands entered and intended to be entered.

§ 1821.6–2 Application to amend; form; where filed.

(a) Application for amendment must be filed in accordance with the provisions of § 1821.2. The application should be substantially in accordance with the for substantially in accordance with the form approved by the director. This form may be used for the amendment of nonmineral entries where the applicant is either the original entryman, the assignee, or transferee, by making such modifications as the facts may justify. Each application must be signed by the applicant and corroborating witnesses, and must describe the land erroneously entered, as well as that desired by way of amendment, by subdivision, section, township, and range; and where the land originally intended to be entered has been disposed of the applicant must describe that land also and show why he can not obtain it.

(b) All applications must be accompanied by an application service fee of $10 which will not be returnable.

§ 1821.6–3 Showings required.

(a) *Nature and source of error; good faith.* The application must contain a full statement of all the facts and circumstances, showing how the mistake occurred and what precautions were taken prior to the filing of the erroneous entry, selection, or location, to avoid error in the description. The showing in this regard must be complete, because no amendment will be allowed unless it is made to appear that proper precaution was taken to avoid error at the time of making the original entry, location, or selection; and where there has beeen undue delay in applying for amendment, the application will be closely scrutinized, and will not be allowed unless the utmost good faith is shown, and the delay explained.

(b) *Removal of timber.* The application must also show that no timber or other thing of value has been taken from the land erroneously entered, located, or selected; that the land sought by way of amendment is not occupied or claimed by an adverse claimant; that it is of the character contemplated by the law under which the claim is presented, and in cases of nonmineral claims, the kind and quantity of timber on each legal subdivision applied for must be stated.

(c) *Ownership; deed of reconveyance.* (1) Where no final certificate has been issued and the amendment is sought by the original claimant, it must be shown that the land embraced in the erroneous entry, location, or selection has not been sold, assigned, relinquished, or in any way encumbered, and for this purpose the statement of the applicant, corroborated as provided for in paragraph (d) of this section will be sufficient; but where final certificate has issued, or where amendment is sought by a transferee, it must be shown by a certificate from the proper recording officer of the county in which the land is situated, or by satisfactory abstract of title, that the applicant is the owner of such land under the entry, location, or selection, as the case may be, and it must also be shown that there are no liens, unpaid taxes, or other encumbrance charged against the land. Where patent has been issued, reconveyance of the land embraced in the patent must be made by deed executed by the claimant, and also by his wife, if he be married, in accordance with the laws governing the execution of deeds for the conveyance of real estate in the State in which the land is situated, such deed to be accompanied by a satisfactory abstract of title or a certificate from the register of deeds in and for the county in which the land is situated, showing the title to be cellar and free of encumbrance.

(2) Where application for issuance of amended patent is made by the transferee of the original patentee, the new patent may be issued in the name of the transferee. (Instr. Nov. 13, 1925, 51 L.D. 281.) Similarly, patent may be issued to the transferee of the entryman of an

unpatented entry which has been amended before issuance of patent. (Instr. Jan. 22, 1926, 51 L.D. 335.)

(d) *Corroboration.* The statement of the applicant must be corroborated by at least two witnesses who have been well acquainted with him for a sufficient length of time to enable them to testify as to the character and reputation of the applicant for truth and veracity. At least one witness must vertify the allegations of the application on his personal knowledge of the facts therein stated, so far as such facts may well be known to anyone other than the applicant, and as to other facts, including those concerning the applicant's intent or purpose, such witness may testify on information and belief.

§ 1821.6–4 Publication of notice; statements of witneses.

Where amendments are allowed of claims upon which final proof has bee submitted and publication or posting of notice is required, republication of notice applicable to the class of entry for which application to amend is made will be required; and if the land sought by way of amendment is the land originally intended to be entered, the witnesses who testified when the final proof was made on the erroneous entry must submit statements, showing that the land described in the application for amendment is the same land to which they intended to refer in their testimony, formerly given. If, however, the same witnesses can not be secured, or if the land sought by way of amendment is not the land originally intended to be entered, new proof must be made.

§ 1821.6–5 Amendments in exercise of equitable powers.

(a) The statute to which §§ 1821.6–1 to 1821.6–3(d) refer, does not, in terms, provide for amendment of an entry, selection, or location for the purpose of correcting any error other than such as affects and pertains to the description of the lands entered and intended to be entered. Nevertheless, in the exercise of its equitable power and authority, the Department will grant amendment of an entry, made for the purpose of securing a home upon the public lands, or for the purpose of effecting reclamation in accordance with the provisions of the desert-land law, in any case where it is satisfactorily shown that, through no fault or neglect of the entryman, the land embraced by his entry is so far unfit for, or insusceptible of occupancy, cultivation, or irrigation, as to render it practically impossible to perform the requirements of the law thereon.

(b) Applications for amendment presented pursuant to paragraph (a) of this section will not be granted, except where at least one legal subdivision of the lands originally entered is retained in the amended entry, and any such application must be submitted within 1 year next after discovery by the entryman of the existence of the conditions relied upon as entitling him to the relief he seeks, or within 1 year succeeding the date on which, by the exercise of reasonable diligence, the existence of such conditions might have been discovered: *Provided, nevertheless,* That where an applicant for amendment has made both homestead and desert-land entries for contiguous lands, amendment may be granted whereby to transfer the desert-land entry, in its entirety, to the land covered by the homestead entry, and the homestead entry, in its entirety, to the land covered by the desert-land entry, or whereby to enlarge the desert-land entry in such manner as that it will include the whole or some portion of the lands embraced in the homestead entry, sufficient equitable reason for such enlargement being exhibited, and the area of the enlarged entry in no case exceeding 320 acres. Applications for such amendments may be made under §§ 1821.6–1 to 1821.6–5(a), and 2226.1–6 (a) of this chapter and on the prescribed form, insofar as the same are applicable. A supplemental statement should also be furnished, if necessary, to show the facts.

Cross References: For homesteads, generally, see Subpart 2211 of this chapter. For desert-land entries, see Subpart 2226 of this chapter.

§ 1821.6–6 Entry improperly allowed not to be amended.

Where entries, selections, or locations are improperly allowed, as where the lands are not subject to such entries, selections, or locations, amendments will not be allowed, because such claims, being invalid, should be canceled, and upon cancellation thereof a new entry, selection, or location may be allowed as though the former had never been made.

§ 1821.6–7 When amendment becomes effective.

Amendment of an entry becomes effective, by relation, as of the date of the original entry in all cases except where the effect of the amendment is to transfer the entry in its entirety to lands other than those originally selected for entry. In all cases, therefore, where amendment is granted to correct a mistake in description and to effect the entryman's original intention, or to increase merely the area embraced by the entry, such amendment will not be effective to alter the time within which the requirements of the law must be complied with. In other cases, the date of the amendment will be treated as the date of entry and the time within which residence is to be established or proof of any kind submitted will be computed from that date.

§ 1821.7 Unsurveyed lands; lands within national forests, reservoir sites.

§ 1821.7–1 Applications and selections for, and filings and locations upon, unsurveyed land.

To remedy the confusion and uncertainty arising from applications and selections for and filings and locations upon unsurveyed public lands, managers will reject any such application, selection, filing, or location, under whatsoever law permitted, unless it conforms to paragraphs (a) to (e) of this section.

(a) It must contain a description of the land by metes and bounds, with courses, distances, and reference to monuments by which the location of the tract on the ground can be readily and accurately ascertained. The monuments may be of iron or stone, or of substantial posts well planted in the ground, or of trees or natural objects of a permanent nature, and all monuments shall be surrounded with mounds of stone, or earth when stones are not accessible, and must be plainly marked to indicate with certainty the claim to the tract located. The land must be taken in rectangular form, if practicable, and the lines thereof follow the cardinal points of the compass unless one or more of the boundaries be a stream or other fixed object. In the latter event only the approximate course and distance along such stream or object need be given, but the other boundaries must be definitely stated; and the designation of narrow strips of land along streams, water courses, or other natural objects will not be permitted.

(b) The approximate description of the land, by section, township, and range, as it will appear when surveyed must be furnished; or, if this can not be done, a statement must be filed setting forth a valid reason therefor.

(c) The address of the claimant must be given, and it shall be the duty of the manager, upon the filing of the township plat in the land office, to notify him thereof, by registered letter, at such address, and to require the adjustment of the claim to the public survey within 30 days. In default of action by the party notified the manager will promptly adjust the claim and report his action to the Bureau of Land Management.

(d) Notice of the application, selection, filing, or location, describing the land as directed in paragraph (a) of this section, must be posted in a conspicuous place upon the land, and a copy of such notice and proof of posting thereof filed with the application, selection, filing, or location, as the case may be.

(e) Wherever, under existing regulations, notice of such application, selection, filing, or location is required to be posted elsewhere than upon the land and published in a newspaper, the description of the tract in the posted and published notice must conform to the requirements of paragraph (a) of this section.

§ 1821.7–2 Application alleging settlement prior to establishment of forest.

When a person files application to make entry, or to amend an existing entry, embracing lands within a national forest, basing the right of entry, or amendment, on settlement prior to the establishment of the forest, it must be accompanied by a statement in duplicate, containing his name and address, description and character of the land involved, the date he established residence on the land, his absence from the land, kind and character of improvements placed thereon, and the amount of land cleared and cultivated. Such statement, must be corroborated by at least one disinterested person.

§ 1821.7–3 Application in conflict with reservoir sites.

(a) The grant for reservoir sites made by sections 18 to 21, inclusive, of the act of March 3, 1891 (26 Stat. 1101, 1102; 43

U.S.C. 946–949), is an easement only, and not a fee. The act of May 21, 1930 (46 Stat. 373; 30 U.S.C. 301–306), authorizes the leasing of oil and gas deposits in lands covered by such a grant under certain conditions, to the right-of-way grantee, or his or its successor in interest, as provided in Part 3310 of this chapter.

(b) An application other than for oil and gas which includes one or more legal subdivisions entirely within the grant of an easement for a reservoir site will be rejected as to such subdivisions. If the application covers legal subdivisions partially within such a grant, it may be allowed as to such subdivisions, in the absence of other objection, subject to the easement.

§ 1821.9 Alaska.

§ 1821.9–1 Applications not to be rejected because executed more than 10 days prior to filing.

Section 1821.2–2 directs managers to reject all applications to make entry which are executed more than 10 days prior to filing. Until such time as the transportation facilities in Alaska are improved the provisions of said section will not be held applicable to applications filed in the district land offices of Alaska.

§ 1821.9–2 Joint action to acquire public lands.

(a) Ten or more persons may file in the proper district land office applications in a single group under any one or more of the laws relating to the acquisition of lands in Alaska, including the Homestead Laws (30 Stat. 409; 32 Stat. 1028; 48 U.S.C. 371), Small Tract Laws (52 Stat. 609, 59 Stat. 467; 43 U.S.C. 682a), Home-Site Law (48 Stat. 809; 48 U.S.C. 461) and Town-Site Laws (R.S. 2380–2389, as amended, 43 U.S.C. 711–722; 26 Stat. 1099; 48 U.S.C. 355). Each application must be complete in itself except that information common to more than one application in a group need not be duplicated at length but may appear in or as an appendix to one such application and be adopted by reference made in the other applications.

(b) All claims to specified tracts of land must be initiated in the manner required by law. Where certain requirements must be met before an application to enter or purchase may be filed, a statement of intention to meet such requirements, signed by each prospective applicant, must be submitted in lieu of an application. Upon compliance with applicable requirements as to residence or otherwise, each such person must file an actual application as required by law.

(c) Each group of applications filed hereunder should be accompanied by two copies of a diagram showing the plan of development contemplated by the applicants. Each such application may describe the land covered by it in terms of a lot or tract as set forth in such diagram or the preliminary diagram specified in this paragraph. The diagram should include specific information as to the relative location and areal extent of each tract or site which it is contemplated will be devoted to school and other municipal or common purposes, to stores or other commercial enterprises, to housing and to agriculture and grazing. Assistance in the preparation of a preliminary diagram, which need not pertain to a particular tract of land, may be obtained by communicating in person or by mail with the United States Department of the Interior, Washington, D.C., 20240. Such preliminary diagram may be used as the basis for the diagram to be filed with the group of applications and which must relate to specific land.

(d) Upon the filing of such a diagram by the applicants or their authorized representative, a petition or petitions may be filed requesting the withdrawal of the lands to be devoted to school and other municipal or common purposes.

(e) If any of the applications involve unsurveyed public lands, such applications may also be accompanied by a petition, either joint or several, for the withdrawal of the lands in behalf of specified applicants, the survey, and, in appropriate cases, the classification under the Small Tract Law, of such lands. The filing of such applications confers of itself no right upon the applicants. If the withdrawal is made, and the land classified, applicants shall have the first right to acquire the interests for which they have applied, to the extent permitted by statute. Any application, entry or withdrawal made pursuant to this section shall be subject to all valid prior claims.

(f) Persons who propose to file applications in a group under paragraph (a) of this section, by a writing to be filed in the land office, may designate a representative or representatives who may, at their direction and in their behalf, make the actual filing of the applications, previously executed by the applicants and accompanying and supporting documents; pay any or all fees and costs in connection therewith; and, in complete satisfaction of the requirements of § 2211.0–6(a) of this chapter, personally examine the lands sought to be entered and make and file a statement setting forth the information otherwise required of each individual applicant by § 2211.0–6(a) of this chapter.

(g) Where ten or more settlers aer entitled by statute to request and receive a free survey of the lands upon which they have settled, they may file a joint petition stating the facts as to compliance with law by each of them. Such petition must be corroborated by two witnesses having knowledge of the facts.

(h) Where the costs of any survey made under this section are required by statute to be borne by one who seeks the survey, the necessary deposit for costs must be made in accordance. The individual applicant is ultimately responsible in such instances for the costs entailed in satisfying his request for such a survey, but persons who file joint or group petitions for such surveys may share the costs thereof in any proportion they may determine.

Subpart 1822—Payments, Repayments, and Bonds

AUTHORITY: The provisions of this Subpart 1822 issued under sec. 4, 21 Stat. 287, as amended; 43 U.S.C. 263, except as noted following sections affected.

§ 1822.0–3 Authority for repayments.

The repayment of moneys received by the Government and covered into the United States Treasury, in connection with the disposal or attempted disposal of the public lands, is authorized by the following statutes: In addition to the provisions of sections 2362 and 2363, Revised Statutes (43 U.S.C. 689, 690), the general laws providing for the return of such moneys are contained in the act of June 16, 1880 (21 Stat. 287; 43 U.S.C. 263) and the act of March 26, 1908 (35 Stat. 48) as amended by the act of December 11, 1919 (41 Stat. 366; 43 U.S.C. 95–98), and as supplemented by the act of June 27, 1930 (46 Stat. 822; 43 U.S.C. 98a).

§ 1822.1 Payments.

§ 1822.1–1 Amount.

(a) The amount of payments required in connection with the processing of any application, sale, entry, lease, permit, or other transaction governed by the regulations in this chapter are set forth in applicable regulations.

(b) The amount of payments required for copies and abstracts of records, including plats and diagrams showing the status of lands, are determined as provided in Part 2 of this title.

(R.S. 2478; 43 U.S.C. 1201)

§ 1822.1–2 Forms of remittances.

(a) Subject to the condition set forth in paragraph (b) of this section, forms of remittances that will be accepted in payment of fees, rentals, purchase price, and other charges required by the regulations in this chapter include cash and currency of the United States and checks, money orders, and bank drafts if they are made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the Government.

(b) Personal checks are an acceptable form of remittance except where the regulations in this chapter specifically provide otherwise.

(R.S. 2478; 43 U.S.C. 1201)

§ 1822.2 Repayments.

§ 1822.2–1 Filing of applications.

Applications for repayment should be filed on a form approved by the Director with the manager of the proper land office. If there is no such office in the State, they should be filed with the proper State Director of the Bureau of Land Management.

§ 1822.2–2 Statement of grounds for repayment.

Where an application is filed, it should be accompanied by a statement by the applicant setting forth fully the grounds upon which repayment is claimed.

§ 1822.3 Act of June 16, 1880.

§ 1822.3–1 Statutory provisions.

(a) *Act of June 16, 1880.* Section 1 of the act of June 16, 1880 (21 Stat. 287; 43 U.S.C. 263) authorizes the repayment of the fee, commissions, and excess payments required upon the location or entry of soldiers' and sailors' additional homestead rights, which locations or entries are found to be based upon spurious or forged papers and the entries are canceled as fraudulent and void.

(b) *Repayment to entryman, or to his heirs or assigns.* (1) The first clause of section 2 of the act of June 16, 1880 (21 Stat. 287; 43 U.S.C. 263) provides for the repayment of fees, commissions, purchase money, and excesses paid in connection with entries of the public lands that have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry was erroneously allowed and cannot be confirmed. This clause directs that said moneys shall be repaid to the person who made such entry, or to his heirs or assigns, and it requires the surrender of the receipts issued and the execution of a proper relinquishment of all claims to the lands acquired under the invalid entry.

(2) The phrase "erroneously allowed," being the basis for the allowance of repayment under section 2 of the act of June 16, 1880, can not be given an interpretation of such latitude as would countenance fraud. If the records of the Bureau of Land Management, or the proofs furnished, should show that the entry ought not to be permitted, and yet it were permitted, then it would be "erroneously allowed." But if a tract of land were subject to entry, and the proofs showed a compliance with law, and the entry should be canceled because the proofs were shown to be false, it could not be held that the entry was "erroneously allowed"; and in such case repayment would not be authorized.

§ 1822.3–2 Who may receive repayments.

Under section 1 of the act of June 16, 1880 repayment can be made only to the "innocent parties" who paid the moneys, and in order to present a claim thereunder it is necessary that the receipts issued to the claimant be surrendered as a part of the application for repayment. In case the receipts cannot be surrendered, a statement explaining the loss or destruction of the same is required, together with evidence to show that the moneys applied for were paid by the applicant.

§ 1822.3–3 Applications.

(a) *Under section 1 of the Act.* (1) The applicant will be required, in all cases where the void location or entry is made in the name of the original entryman, to furnish the power of attorney, or certified copy thereof, authorizing the applicant to make the additional entry; or furnish such other authenticated evidence as may be produced to show that the applicant is in fact the party who made the void additional entry and paid the moneys in connection therewith.

(2) A concise statement should accompany these applications for repayment, setting forth all the facts and circumstances in connection with the procurement and use of the fraudulent papers upon which the canceled entry was based, together with such other proof as may tend to establish the innocence of the applicant.

(b) *Under first clause, section 2 of the Act.* (1) Claims for repayment should be made on a form approved by the Director or the equivalent thereof, which application must contain a statement that the title to the land under the invalid entry has not been sold or assigned and that the same has not become a matter of record.

(2) In cases where the entry has been made a matter of record, in the archives of the county recording officer, there should be added to the form of application the words "except as shown by accompanying evidence," in which event the evidence hereinafter required must be furnished.

(3) A duly executed relinquishment must be furnished by the applicant on a form approved by the Director.

(4) The relinquishment must be witnessed by two persons.

(5) In cases of commutation homestead entry, final homestead entry, final desert-land entry, and other final certificates, which are canceled, leaving the original entry or base intact, subject to future compliance with the requirements of law, a reservation should be incorporated into relinquishment to the effect: "But excepting from the operation of this relinquished all my rights and title to the described land under original entry No. _____."

§ 1822.3–4 Surrender of receipts.

(a) The receipts showing the payments of the money claimed must be surrendered, but if the same have been lost or destroyed or are not available for any reasons, a statement showing the facts must be furnished.

(b) With applications for repayment of the moneys paid upon canceled commuted homestead entries, final homestead entries, final desert-land entries, mineral entries, coal-land entries, and other final entries, the manager's receipt and the duplicate certificate of entry, whenever such has issued, should be surrendered.

(c) In case the receipt or certificate cannot be surrendered or has been lost or destroyed, a certificate will be required from the proper recording officer of the county within which the land is situate, showing that the same has not become a matter of record and that there is no encumbrance of the title to the land thereunder.

(d) A recorder's certificate must be furnished, as in paragraph (c) of this section, (1) in all cases where the application for repayment is made by another than the original entryman, and (2) in all cases where the claim is based upon an unrecorded deed from the entryman to the party applying for repayment.

§ 1822.3–5 Recording of reconveyance.

(a) *When not required.* In all cases where patent has been issued, upon an invalid entry, a full reconveyance to the United States of all right and title to the land acquired under the patent and entry must be furnished, which deed must be recorded. If a certificate of the recording officer is produced showing that neither the entry nor the patent has been recorded, it is unnecessary to record the reconveyance in case the patent is surrendered.

(b) *When required.* If, however, the patent cannot be surrendered, or should the entry or patent have been recorded, it is necessary that the proper party or parties execute a full reconveyance to the United States and have the same recorded as indicated in the next following sections.

(c) *When quitclaim deed required.* Where title under an invalid entry or patent has become a matter of record, a duly executed quitclaim deed, relinquishing to the United States all right, title, and claim to the land, acquired under the entry, or patent, must accompany the application for repayment.

(d) *Recording of quitclaim deed.* The deed referred to in the preceding section must be duly recorded, and a certificate must also be produced from the proper recording officer of the county wherein the land is situated, showing that said deed is so recorded and that the records of his office do not exhibit any other conveyance or encumbrance of the title to the land.

(e) *Conformance to State laws.* The reconveyance to the United States must conform in every particular to the laws of the State or Territory in which the land is located relative to transfers of real property; in the case of a married man, in localities where the right of dower, or equivalent, exists, the wife must join in the execution of the deed, and in case of an executor or administrator, due proof of authority to alienate the estate.

(f) *Reconveyance unnecessary.* If the applicant has also acquired the valid title conveyed by the United States, a reconveyance of the land is unnecessary, but a relinquishment, waiving all claim under the illegal entry, is required, together with corroborative evidence of the facts, preferably an abstract of title and a statement in full in support of the claim for repayment.

§ 1822.3–6 Repayment to heirs, executors, administrators.

(a) Where application is made by heirs, satisfactory proof of heirship is required. This must be the best evidence that can be obtained and must show that the parties applying are the heirs and the only heirs of the deceased.

(b) Proof of heirship should be made in the form of a statement, corroborated by two witnesses, setting forth the date of the death of the intestate; whether the intestate left surviving a husband or wife, as the case may be; the full name and age of such husband or wife; the names and ages of all children; and also state whether there is any issue of a deceased child or children. The statement should set forth all the facts, in order that the Bureau of Land Management may determine who are the legal heirs, in accordance with the laws of descent and distribution of the State where the land is situated.

(c) In case there are minor heirs not under the guardianship of a duly appointed guardian, and the amount to be repaid is $200 or less, the surviving parent may execute the application as the natural guardian of such heirs. Such

application should be supplemented with a statement setting forth all the facts in detail.

(d) Where application is made by executors, a certificate of executorship from the probate court must accompany the application.

(e) Where application is made by administrators, the original, or a certified copy, of the letters of administration must be furnished.

§ 1822.3–7 Repayment to assignees.

(a) Those persons are assignees, within the meaning of the statutes authorizing the repayment of purchase money, who purchase the land after the entries thereof are completed and take assignments of the title under such entries prior to complete cancellation thereof, when the entries fail of confirmation for reasons contemplated by the law.

(b) Where applications are made by assignees, the applicants must show their right to repayment by furnishing properly authenticated abstracts of title, or the original deeds or instruments of assignment, or certified copies thereof.

(c) In the place of an abstract of title the applicant may furnish a certificate of the recording officer of the county in which the land is situated, showing all alienations or liens affecting title to the land in connection with the entry upon which the claim for repayment is based.

(d) The applicants must also show that they have not been indemnified by their grantors or assignors for the failure of title, and that title has not been perfected in them by their grantors through other sources.

(e) Where there has been a conveyance of the land and the original purchaser applies for repayment, he must show that he has indemnified his assignee or perfected the title in him through another source, or produce a full reconveyance to himself from the last grantee or assignee.

(f) To construe said statutes so as to recognize the assignment or transfer of the mere claim against the United States for repayment of purchase money, or fees and commissions, disconnected from a sale of the land or attempted transfer of title thereto, would be against the settled policy of the Government and repugnant to section 3477 of the Revised Statutes (31 U.S.C. 203). (2 Lawrence, First Comp. Dec. 264, 266, and 6 Dec. Comp. of the Treasury, 334, 359.)

(g) Assignees of land who purchase after entry are, in general, deemed entitled to receive the repayment when the lands are found to have been erroneously sold by the Government. But this rule does not apply to the repayment of double-minimum excesses. (First Comp. Dec. in case of Adrian B. Owens, Copp's Public Land Laws, 1890, vol. 2, p. 1238.)

§ 1822.3–8 Repayment to mortgagees.

(a) Mortgagees are not assignees within the meaning of the repayment laws, but may become such by pursuing the course suited to the particular case as follows:

(1) Where, after date of entry and prior to cancellation thereof, the land is mortgaged and the mortgagee receives a sheriff's deed under foreclosure proceedings, the mortgagee becomes an assignee. (See 193 U.S. 651, 58 L. ed. 830; 28 L.D. 201, 30 L.D. 136.)

(2) Where a mortgage is executed prior to the cancellation of an entry, and a deed made to the mortgagee after such cancellation, the holder of such deed becomes the assignee. (See 26 L.D. 425.)

(b) In either case, complete evidence must be furnished to establish the applicant's right to repayment by producing the original deeds or instruments, or certified copies thereof showing all transactions, together with certified copies of the court proceedings.

§ 1822.3–9 Repayment of double-minimum excess.

(a) The last clause of the second section of the act of June 16, 1880 (21 Stat. 287; 43 U.S.C. 263), provides:

> In all cases where parties have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of $1.25 per acre shall in like manner be repaid to the purchaser thereof or to the heirs or assigns.

(b) This clause has been practically absorbed by section 2 of the act of March 26, 1908 (35 Stat. 48; 43 U.S.C. 96).

(c) The applicant must show that he is the identical party who made the entry on which repayment is claimed, as contained in the form of application.

(d) Repayment of double-minimum excess will be made only to the original entryman, his heirs or assigns. The sale and transfer of the land is not of itself treated as an assignment of the right to receive repayment of double-minimum excess.

§ 1822.4 Act of March 26, 1908.

§ 1822.4–1 Statutory provisions.

(a) The act of March 26, 1908, as amended (35 Stat. 48, 41 Stat. 366; 43 U.S.C. 95–98) provides for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws and is additional to the provisions of sections 2362 and 2363, Revised Statutes (43 U.S.C. 689, 690), and to the act of June 16, 1880 (21 Stat. 287; 43 U.S.C. 263).

(b) The act of June 27, 1930 (46 Stat. 822; 43 U.S.C. 98a) makes the provisions of the act of March 26, 1908, as amended, "applicable to all payments in excess of lawful requirements made under the act of Congress approved February 25, 1920 (41 Stat. 437); and under any statute relating to the sale, entry, lease, or other disposition of the public lands."

(c) The first section of the act of March 26, 1908, as amended, authorizes the return to the applicant, or his legal representatives, of purchase moneys and commissions covered into the Treasury of the United States under any application to make any filing, location, selection, entry, or proof, where such application has been or shall be rejected, in cases where neither the applicant nor his or her legal representatives shall have been guilty of any fraud or attempted fraud in connection with said application.

(d) The first section of the act of March 26, 1908, as amended, refers more particularly to moneys covered into the Treasury of the United States which were paid in connection with rejected applications to make entry, proof, etc., but it also contemplates the repayment of moneys paid in connection with allowed entries and proofs, which entries or proofs should have been rejected. (See 43 L.D. 104.)

(e) The second section of the act of March 26, 1908 as amended, authorizes the return to the person who made the payment, or to his legal representatives, of any moneys paid under any of the land laws of the United States, in excess of the legal requirements.

(f) (1) The act of Congress, approved December 11, 1919 (41 Stat. 366; 43 U.S.C. 95–98), limits the time of filing repayment claims under the act of March 26, 1908 (35 Stat. 48) to 2 years.

(2) The time of filing claims for repayment is limited to 2 years from rejection of the application, entry, or proof; and in case of payments in excess of lawful requirements, claims for repayment must be filed within 2 years from issuance of patent. (See act of June 27, 1930, 46 Stat. 822; 43 U.S.C. 98a.)

§ 1822.4–2 Definitions.

(a) *Legal representatives.* The term "legal representatives" includes heirs, executors, and administrators, and where application is made by either of them due proof must be furnished as required by § 1822.3–6 (d) or (e), as the case may be.

(b) *Assignees.* Assignees also come within the purview of this term, but only in such instances as would not be repugnant to section 3477, Revised Statues (31 U.S.C. 203).

§ 1822.4–3 Evidence of assignment.

Where applications are made by assignees, the evidence required under § 1822.3–7 (b) and (c) as the case may be, must be furnished.

§ 1822.4–4 Assignments—where permitted, where prohibited.

(a) Section 3477, Revised Statutes (31 U.S.C. 203), prohibits the transfer of assignment of claims against the United States, and therefore any attempted transfer or assignment of a claim under either of the before-mentioned sections cannot be recognized, except in certain cases, coming under section 1 of the act of March 26, 1908. (See 42 L.D. 181.)

(b) The instances in which assignees are authorized to receive repayment under the act of March 26, 1908, would be in cases where entries are allowed, but which should have been rejected, and after the date of such entries and prior to the cancellation thereof, valid attempts are made to transfer the lands entered; and further, in cases where proofs and payments are made, but certificates of entry withheld, and thereafter valid assignments are made of all right, title, and interest in and to the lands involved. (43 L.D. 477, and 44 L.D. 516.)

§ 1822.4–5 Fraud or attempted fraud.

What constitutes "fraud or attempted fraud" within the meaning of section 1 of the act of March 26, 1908 (35 Stat. 48; 43 U.S.C. 95), such as will bar repayment, affords a wide degree of latitude, and it necessarily follows that each claim for repayment must be adjudicated upon a finding of the record in the case.

Subpart 1823—Proofs and Testimony

AUTHORITY: The provision of this Subpart 1823 issued under R.S. 2478, 43 U.S.C. 1201.

§ 1823.1 Time and place; appearances.

§ 1823.1–1 Time; place; continuance.

Final proofs should in every case be made at the time and place advertised, and before the officer named in the notice, at his regularly established office or place of business, and not elsewhere. Between the hours of 8 a.m. and 6 p.m. on the day advertised the officer named in the notice should call the case for hearing, and should the claimant fail to appear with his witnesses between those hours, or the taking of the proof fail to be completed on that day, the officer should continue the case until the next day, and on that day or any succeeding day should the claimant or his witnesses fail to so appear he should proceed in like manner to continue the case from day to day until the expiration of 10 days from the date advertised, but proof cannot be taken after the expiration of the tenth day. Upon continuing any case in the manner indicated the officer continuing the same should in the most effective way available give notice of such continuance to all interested parties.

§ 1823.1–2 Who may appear.

Protestants, adverse claimants, or other persons desiring to be present at the taking of any proof for the purpose of cross-examining the claimant and his witnesses, or to submit testimony in rebuttal, should be allowed to appear for that purpose on the day advertised, or upon any succeeding day to which the case may be continued. If any person appears for the purpose of filing a formal protest against the acceptance or approval of the proofs or contest against the entry and does nothing more than file same, such protest or contest should be received and forwarded to the manager for his consideration and action.

§ 1823.2 Procedures.

§ 1823.2–1 Examination of claimant and witnesses.

All final proofs should be reduced to writing by or in the presence of and under the supervision of the officer taking them, and in all cases where no representative of the Government appears for the purpose of making cross-examinations the officer taking the proof should use his utmost endeavor and diligence so to examine the entryman and his witnesses as to obtain full, specific, and unevasive answers to all questions propounded on the blank forms prescribed for the taking of such proofs, and in addition to so doing he should make and reduce to writing and forward to the manager with the proof such other and further rigid cross-examination as may be necessary clearly to develop all pertinent and material facts affecting or showing the validity of the entry, the entryman's compliance with the law, and the credibility of the claimant and his witnesses. And, in addition to this, he should inform the manager of any facts not set out in the testimony which in his judgment cast suspicion upon the good faith of the applicant or the validity of the entry.

§ 1823.2–2 Testimony to be taken separate and apart from and not within the hearing of the others.

The testimony of each claimant should be taken separate and apart from and not within the hearing of either of his witnesses, and the testimony of each witness should be taken separate and apart from and not within the hearing of either the applicant or of any other witness, and both the applicant and each of the witnesses should be required to state in and as a part of the final proof testimony given by them that they have given such testimony without any actual knowledge of any statement made in the testimony of either of the others.

§ 1823.2–3 Advice concerning laws and penalties for false swearing.

Officers taking affidavits and testimony should call the attention of parties and witnesses to the laws respecting false swearing and the penalties therefor and inform them of the purpose of the Government to hold all persons to a strict accountability for any statements made by them.

§ 1823.2–4 Fees; costs.

(a) *Reducing testimony to writing.* On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until such payment has been made.

(b) *Administering oath, preparation of paper and writing out testimony; penalty.* No fee in excess of 25 cents can be lawfully charged or received for administering the oath to any affidavit, application, proof, or any other written statement affecting public lands; but there is no restriction on the fee the officer may charge for preparation of any paper, except that the total amount to be received for taking and writing out the final proof testimony of a claimant or of a witness, and administering the oath thereto, shall not exceed the sum of $1. Any officer demanding or receiving greater sums than are here specified for such services will be subject to indictment and punishment under amended section 2294 of the Revised Statutes (43 U.S.C. 254).

§ 1823.3 Transmittal of proof papers.

The officer who has taken a proof should, after duly certifying the papers, promptly transmit them to the manager. In no case should the transmittal thereof be left to the claimant.

§ 1823.4 Proof on entries in more than one district.

(a) In submitting proof, the two entries should be treated as one, and the published notice of intention should describe all the land and specify in which land district each part of the claim is located. If the notice is published correctly and the proof is satisfactory, the manager who issued the notice for publication will issue final certificate for the portion within his land district on payment of the testimony fees and payment of the commissions and (if required) the purchase money due for the land in his district. He will then advise the manager of the district wherein the remainder of the claim is located, who will, on receipt of the final commissions and purchase money (if any) due for the part in his district, issue final certificate for that portion without further proof.

(b) Should a proof be rejected by the office from which the notice of intention is issued the appeal or further showing must be filed in the office which rejected the proof.

§ 1823.5 Conduct of officers.

§ 1823.5–1 Prohibited activities.

(a) No officer authorized to take final proofs shall, directly or indirectly, either as agent, attorney, or otherwise, in any manner or by any means cause, aid, encourage, induce, or assist any person wrongfully or illegally to acquire, or attempt to acquire, any title to, interest in, use of, or control over any public lands belonging to the United States.

(b) No officer authorized to take final proofs should, either for himself or as agent, attorney, or representative of another, induce or attempt to induce any owner, entryman, or other person to purchase, sell, mortgage, exchange, lease, or relinquish any lands which are involved, may be involved, or have been involved in any affidavit, or proof, executed before him, and he should not, either for himself or as agent for any other person, in any manner solicit or make to any entryman, owner, or claimant any loan or attempted loan the payment of which is to be secured by a lien or mortgage upon such lands; and he should not be or remain a member or stockholder of any copartnership or company which shall, either directly or indirectly, be interested in or benefited by any such sale, mortgage, exchange, lease, relinquishment, or loan, nor accept nor receive in any manner any fee, commission, compensation, emolument, or benefit arising therefrom, except for the lawful discharge of his official duties.

§ 1823.5–2 Penalty for violation of the rules.

Any officer violating any of the rules set forth in this Subpart 1823 may be deprived of the right of further taking final proofs, and when any commissioner has so offended his action may be called to the attention of the court by which he was appointed, with appropriate recommendations. All managers and State Directors have been charged to use their utmost diligence in seeing that the rules in this Subpart 1823 are fully and in good faith complied with,

and directed to investigate and fully report any apparent violations thereof which may come to their notice.

Subpart 1824—Publication and Posting of Notices

AUTHORITY: The provisions of this Subpart 1824 issued under 20 Stat. 472; U.S.C. 251.

§ 1824.0–1 Purpose.

The object of the law requiring publication of notices of intended final proof on entries of public lands is to bring to the knowledge and attention of all persons who are or who might be interested in the lands described therein or who have information concerning the illegality or invalidity of the asserted claims thereto, the fact that it is proposed to establish and perfect such claims, to the end that they may interpose any objection they may have, or communicate information possessed by them to the officers of the Bureau of Land Management.

§ 1824.1 Selection of newspaper.

§ 1824.1–1 Qualifications of newspaper.

(a) A notice of intended final proof must be published in a newspaper of established character and of general circulation in the vicinity of the land affected thereby, such paper having a fixed and well-known place of publication. No newspaper shall be deemed a qualified medium of notice unless it shall have been continuously published during an unbroken period of 6 months immediately preceding the publication of the notice, nor unless it shall have applied for and been granted the privilege of transportation in and by the United States mails at the rate provided by law for second-class matter (39 CFR, Part 22).

(b) The notice must, in all cases, be published in the newspaper which is published at a place nearest to the lands which the notice affects.

(c) It is not necessary that the newspaper nominated as the medium of such notice shall be published in the same county as that in which the land lies, or even in the same land district. On the contrary, a newspaper published in an adjoining county, if its place of publication is nearer to the land than that of any other newspaper, must be designated, as the agency of publication, if it is also qualified by reason of its general circulation in the vicinity of the affected lands.

§ 1824.1–2 Discretionary authority of manager; limitations.

(a) The law invests managers with discretion in the selection of newspapers to be the media of notice in such cases as are here referred to, but that discretion is official in character, and not a purely personal and arbitrary power to be exercised without regard for the object of the law by which it is conferred.

(b) In designating papers in which notices of intention to make final proof under the act of March 3, 1879 (20 Stat. 472; 43 U.S.C. 251) shall be published, the manager shall designate only such reputable papers of general circulation nearest the land applied for, the rates of which do not exceed the rates established by State laws for the publication of legal notices.

§ 1824.2 Protests.

§ 1824.2–1 By editor or proprietor.

(a) No appeal will lie from the action of the manager in refusing to name any particular newspaper as an agency for the publication of notices concerning claims to public lands. But any editor or proprietor of a newspaper who believes and desires to charge that a notice of proof in support of any claim to public land has been published in a paper disqualified by the rules and principles stated in this part, to serve as the medium of such notice, may file in the land office from which such notice emanated a written protest against the acceptance of the proof submitted in accordance with such notice. Such protest should set forth all material and essential facts within the knowledge of the protestant, or of which he has reliable information and which he believes to be true, and which, if duly established by proof, would require a determination that the newspaper in which the notice was published was and is not a reputable and established publication, printed, in good faith, for the diffusion of local and general news; or that it is and was not the paper published nearest to the land affected by said notice, and that there is another newspaper published at a place nearer to said lands, equally well qualified in all respects to convey notice of the claim thereto asserted; or any other cause of disqualification expressed and defined in and by this Subpart 1824.

(b) Any such protest must be accompanied by copies of at least three successive editions of the paper against whose efficiency as a means of notice the protest is directed, and by as many like copies of the paper published by protestant, and alleged to have been a more efficient agency of notice than was the paper actually chosen. It should, in addition to other facts hereby made essential, disclose the relative number of actual paying subscribers supporting the said two newspapers; the number of papers actually distributed in the county in which said papers are published and in the county in which the land is situated; and the number of papers mailed to bona fide subscribers at the post office nearest to the land to which such notice relates. It should state the length of time during which each of said newspapers has been actually and continuously published, immediately preceding the date of the protest; and, if either of said papers has been denied, or has never applied for, entry as second-class matter in the post office at the place of publication, that fact should be stated.

§ 1824.2–2 Evidence required.

Any such protest must be accompanied by copies of at least three successive editions of the paper against whose efficiency as a means of notice the protest is directed, and by as many like copies of the paper published by protestant, and alleged to have been a more efficient agency of notice than was the paper actually chosen. It should, in addition to other facts hereby made essential, disclose the relative number of actual paying subscribers supporting the said two newspapers; the number of papers actually distributed in the county in which said papers are published and in the county in which the land is situated; and the number of papers mailed to bona fide subscribers at the post office nearest to the land to which such notice relates. It should state the length of time during which each of said newspapers has been actually and continuously published, immediately preceding the date of the protest; and, if either of said papers has been denied, or has never applied for, entry as second-class matter in the post office at the place of publication, that fact should be stated.

§ 1824.2–3 Action by manager.

Where any protest has been filed in the manner prescribed in this part it shall be the duty of the manager to immediately consider same and to proceed thereon as in other cases of protests against final proofs. If he should conclude that the facts stated in the protest are insufficient to warrant an order for a hearing, he will render decision to that effect and duly notify the protestant thereof, at the same time advising him of his right of appeal in the manner and within the time prescribed by Parts 1840 and 1850.

§ 1824.2–4 Manager's decision final; exception.

In all cases where no appeal is prosecuted from a decision by the manager dismissing a protest, that decision will be considered final as to the facts; and acquiescence therein by the Bureau of Land Management will be refused only when it is manifest that it was error to determine that no proper ground of protest was sufficiently alleged.

§ 1824.2–5 Protest by individual.

Any person having knowledge of the failure of a manager to designate the proper newspaper for the publication of notice of final proof may file with the proper State Director a statement fully setting forth all the facts and circumstances.

§ 1824.3 Payment for republication of notice.

(a) The law imposes upon managers the duty of procuring the publication of proper final-proof notices, and charges the claimant with no obligation in that behalf, except that he shall bear and pay the cost of such publication.

(b) Neglect of the duty defined in paragraph (a) of this section, resulting in a requirement of republication, should not visit its penalty upon the claimant. In all such cases, therefore, the entire cost of such republication shall be borne by the Government. If an error is committed by the printer of the paper in which the notice appears, the manager may require such printer to correct his error by publishing the notice anew for the necessary length of time at his own expense, and for his refusal to do so may decline to designate his said paper as an agency of notice in cases thereafter arising.

§ 1824.4 Frequency of publication.

(a) In many cases it is necessary to designate a daily paper in which to publish the notices of intention to submit final proof required to be given by homestead and desert land entrymen as well as the notices of location of scrip, warrants, certificates, and lieu selections, and other cases.

(b) The expense of publishing such notices for the prescribed period in every issue of a daily paper is often prohibitive, and the object of publication of such notices can be accomplished by a less number of insertions. Therefore, in all cases where the law does not specifically otherwise direct, publication will be made as follows:

(1) Where publication is required for 30 days, if the manager designates a daily paper, the notice should be published in the Wednesday issue for five consecutive weeks; if weekly, in five consecutive issues, and if semiweekly, or triweekly, in any one of the weekly issues for five consecutive weeks.

(2) Where publication is required for 60 days, except in mining cases, if the manager designates a daily paper the notice should be published in the Wednesday issue for nine consecutive issues; if weekly in nine consecutive issues; if semiweekly or triweekly in any one of the weekly issues for nine consecutive weeks.

(c) Publication of notice in mining cases must be made in accordance with § 3453.1 of this chapter.

§ 1824.9 Alaska.

§ 1824.9–1 Statutory requirements.

(a) The requirements with reference to publication of proof notices in homestead cases in Alaska, where a special survey has been made, are set forth in §§ 1824.9–2 and 2211.9–7(b) of this chapter. The requirements of the law with reference to publication are contained in section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 359). These requirements are applicable to homestead entries, soldiers' additional entries, and trade and manufacturing sites.

(b) In Alaska, in the classes of entries mentioned, the important feature of proof notices is to inform all interested parties of the geographical location of the land, and the information should be given in such a way that the people who read the notice will be able to interpret it properly. The metes and bounds description is technical, and not generally understood. Hence, in these cases, it is not of much value to the general public as a means of identification of land. The metes and bounds description adds to the length of the notice and to the cost of the notice to the claimant. The statute does not require the inclusion of such description in the published notice.

(1) Adverse claimants may inform themselves as to the exact location of the land by the markings on the ground or from a copy of a plat of survey which must be filed in the land office and posted on the land.

(2) It is believed, therefore, that in the cases mentioned, and for the reasons stated, the inclusion of the metes and bounds descriptions in the published notices is objectionable and unnecessary. It is directed, therefore, that such descriptions be omitted.

(c) In the cases referred to, as a means of identification of the land, the manager will cause each notice issued to give the survey number and area of the claim, with a statement as to the general location of the land. If the survey is not tied to a corner of the rectangular system of the public-land surveys the notice should give the name and number of the location monument to which some corner of the survey is tied, and the course and distance from the location monument to such corner, with approximate latitude and longitude. If the survey is tied to a corner of the rectangular system of the public-land surveys, such corner should be identified by section, township, and range. The statement as to general location will identify the land as shown on the plat of survey or otherwise as the manager may deem best. The statement, where possible, should refer to the land in connection with some well-known topographical point or natural object or monument, river, trail, town, mining camp, etc.

§ 1824.9–2 Description of special surveys.

(a) Where a special survey has been made, the notice of proof must give the survey number of the land, and other information required by § 1824.9–1 and it must be published once a week for nine consecutive weeks, in accordance with § 1824.4, at the expense of the applicant, in a newspaper designated by the manager as being one of general circulation nearest the land. Moreover, during the period of publication the entryman must keep a copy of the plat, and of his notice of having made proof, posted in a conspicuous place on the land.

(b) Where the public system of surveys has been extended over the land, and the claimant has an entry allowed in conformity therewith, notice must be published once a week for 5 consecutive weeks in accordance with § 1824.4. The manager must cause a copy of the notice to be posted in his office during the entire period of publication.

§ 1824.9–3 Proof.

The proof of publication must consist of the statement of the publisher or foreman of the designated newspaper, or some other employee authorized to act for the publisher, that the notice (a copy of which must be attached to the statement) was published for the required period in the regular and entire issue of every number of the paper during the period of publication in the newspaper proper and not in a supplement. Proof of posting on the claim must consist of the statements of the applicant and one witness who of their own knowledge know that the plat of survey and proof notice were posted as required and remained so posted during the required period. The manager must certify to the posting of the notice in a conspicuous place in his office during the period of publication.

Subpart 1825—Relinquishments

AUTHORITY: The provisions of this Subpart 1825 issued under R.S. 2478; 43 U.S.C. 1201.

§ 1825.1 When relinquished land becomes subject to further appropriation.

(a) Upon the filing in the proper land office of the relinquishment of a homestead claim, the land, if otherwise available, will at once become subject to further application or other appropriation in accordance with the applicable public land laws. A provision to this effect is contained in section 1 of the act of May 14, 1880 (21 Stat. 140; 43 U.S.C. 202)

(b) Upon the filing of a relinquishment of an entry or claim (other than a homestead claim), or a lease, the land will not become subject to further application or other appropriation until the entry, claim or lease has been canceled pursuant to the relinquishment and the fact of the cancellation has been noted on the tract books in the land office.

§ 1825.2 Relinquishment of right-of-way.

The relinquishment of an approved right-of-way may be conditioned upon the approval of a subsequent application, filed as an amendment to the approved right-of-way, or as an independent application, but conflicting in whole or in part with the approved right-of-way. Such a relinquishment will not be accepted and noted on the land office tract books until action on the subsequent application is taken.

§ 1825.3 Repayment cases.

This subpart applies only to cases wherein the entry shall have been relinquished in its entirety. It in no wise modifies § 1822.3–3(b)(5) which relates solely to applications for repayment of moneys paid in connections with commutation entries, final homestead entries, final desert-land entries, and other final certificates where it is the intention of the applicant for repayment to merely suffer cancellation of the final entry, leaving the basic entry intact subject to future compliance with the public land laws.

Subpart 1826—Reinstatement of Canceled Entries

AUTHORITY: The provisions of this Subpart 1826 issued under R.S. 2478; 43 U.S.C. 1201.

§ 1826.1 Application for reinstatement.

(a) An application for the reinstatement of a canceled entry, while pending, operates to reserve the land covered thereby from other disposition.

(b) Applications for reinstatement of canceled entries must be filed in the proper land office and must be executed by the entryman, his heirs, legal representatives, assigns, or transferees, as the case may require. If made by other than the entryman, such petition for reinstatement must fully set forth the nature and extent of petitioner's interest in the land, how acquired, and the names and addresses of any other person or persons who have or claim an interest therein. All petitions for reinstatement should set forth all facts and state clearly and concisely upon, what

grounds reinstatement is urged. Such petition must be signed by the applicant.

(c) Applications for reinstatement of canceled entries executed by agents and attorneys will not be recognized.

(d) Should an application for reinstatement be filed not conforming to the foregoing, the manager will promptly advise the party thereof, calling his attention to the defects and allow 15 days in which to file a proper application.

(e) All applications must be accompanied by an application service fee of $10 which will not be returnable.

PART 1840—APPEALS PROCEDURES

Subpart 1840—Appeals Procedures; General

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1844.9 Finality of decision.

AUTHORITY: The provisions of this Part 1840 issued under R.S. 2478, as amended; 43 U.S.C. 1201.

Subpart 1840—Appeals Procedures; General

§ 1840.0–3 Authority.

Sections 1840.0–3 to 1844.9 are issued under the authority of R.S. 2478, as amended; 43 U.S.C. 1201.

§ 1840.0–5 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representatives.

(b) "Director" means the Director of the Bureau of Land Management, the Associate Director or an Assistant Director.

(c) "Bureau" means Bureau of Land Management.

(d) "Field Commissioner" includes an examiner designated to hold a hearing under Subpart 1851.

§ 1840.0–6 Documents.

(a) *Filing of documents.* A document is filed in the office where the filing is required only when the document is received in that office during the office hours when filing is permitted and the document is received by a person authorized to receive it.

(b) *Grace period for filing.* Whenever a document is required under this part to be filed within a certain time and it is not received in the proper office, as provided in paragraph (a) of this section, during that time, the delay in filing will be waived if the document is filed not later than 10 days after it was required to be filed and it is determined that the document was transmitted or probably transmitted to the office in which the filing is required before the end of the period in which it was required to be filed. Determinations under this paragraph shall be made by the officer before whom is pending the appeal in connection with which the document is required to be filed. This paragraph has no application to Subpart 1853 except § 1853.7 (c).

(c) *Record address.* Every person who files a document in connection with an appeal or protest shall at the time of his initial filing in the matter state his address. Thereafter he must promptly inform the office in which the filing was made of any change in address, giving the serial or other appropriate numbers of all matters in which he has made such a filing. The successors of such person shall likewise promptly inform such office of their interest in the matters and state their addresses. If a person fails to furnish a record address as required in this section, he will not be entitled to notice in connection with the proceedings on the matter.

(d) *Transferees and encumbrancers.* Transferees and encumbrancers of land, the title to which is claimed or is in the process of acquisition under any public land law shall, upon filing notice of the transfer or encumbrance in the proper land office, become entitled to receive and

be given the same notice of any appeal, or other proceeding thereafter initiated affecting such interest which is required to be given to a party to the proceeding. Every such notice of a transfer or encumbrance will be noted upon the records of the land office. Thereafter such transferee or encumbrancer must be made a party to any proceedings thereafter initiated adverse to the entry.

(e) *Service of documents.* (1) Wherever the regulations in this part require that a copy of a document be served upon a person, service may be made by delivering the copy personally to him or by sending the document by registered or certified mail, return receipt requested, to his address of record in the Bureau.

(2) In any case service may be proved by an acknowledgment of service signed by the person to be served. Personal service may be proved by a written statement of the person who made such service. Service by registered or certified mail may be proved by a post-office return receipt showing that the document was delivered at the person's record address or showing that the document could not be delivered to such person at his record address because he had moved therefrom without leaving a forwarding address or because delivery was refused at that address or because no such address exists. Proof of service of a copy of a document should be filed in the same office in which the document is filed except that proof of service of a notice of appeal should be filed in the office of the officer to whom the appeal is made, if the proof of service is filed later than the notice of appeal.

(3) A document will be considered to have been served at the time of personal service, of delivery of a registered or certified letter, or of the return by the post office of an undelivered registered or certified letter.

(4) In all cases where a party is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his client, and service of any document relating to the proceeding upon such attorney will be deemed to be service on the party he represents. Where a party is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(f) *Computation of time for filing and service.* In computing any period of time prescribed for filing and serving a document, the day upon which the decision or document to be appealed from or answered was received or the day of any other event after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, Federal legal holiday, or other non-business day, in which event the period runs until the end of the next day which is not a Saturday, Sunday, Federal legal holiday, or other non-business day. When the time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, Federal legal holidays, and other non-business days shall be excluded in the computation.

(g) *Extensions of time.* (1) With the exception of the time fixed for filing a notice of appeal, the time for filing or serving any document in connection with an appeal may be extended by the officer to whom the appeal is taken.

(2) A request for an extension of time must be filed within the time allowed for the filing or serving of the document and must be filed in the same office in which the document in connection with which the extension is requested must be filed.

§ 1840.0–7 Summary dismissal.

An appeal to the Director or to the Secretary will be subject to summary dismissal by the officer to whom it is made for any of the following causes:

(a) If a statement of the reasons for the appeal is not included in the notice of appeal and is not filed within the time required;

(b) If the notice of appeal is not served upon adverse parties within the time required; and

(c) If the statement of reasons, if not contained in the notice of appeal, is not served upon adverse parties within the time required.

§ 1840.0–8 Basis of decision.

(a) Where a hearing has been held in a contest the record made shall be the sole basis for decision on appeal except to the extent that official notice may be taken of a fact as provided in § 1850.0–8 (b).

(b) No decision on appeal shall be based upon any record, statement, file or similar document which is not open to inspection by the parties to the appeal.

§ 1840.0–9 General provisions.

(a) *Effect of decision pending appeal.* Normally a decision will not be effective during the time in which a person adversely affected may file a notice of appeal, and the timely filing of a notice of appeal will suspend the effect of the decision appealed from pending the decision on appeal. However, when the public interest requires, the officer to whom an appeal may be or is taken may provide that a decision or any part of it shall be in full force and effect immediately.

(b) *Regulations governing practice before the Department.* Every individual who wishes to practice before the Department of the Interior, including the Bureau, must comply with the requirements of Part 1 of this title.

(c) *Inquiries.* No person other than officers or employees of the Department of the Interior shall direct any inquiry to any employee of the Bureau with respect to any matter pending before it other than to the head of the unit in which the matter is pending, to a superior officer, or to an employee of the unit authorized by the unit head to answer inquiries.

(d) *Power of Secretary.* Nothing in this part shall be construed to deprive the Secretary of any power conferred upon him by law.

Subpart 1842—Appeals to the Director of the Bureau of Land Management

§ 1842.2 Who may appeal.

Except as otherwise provided in Subpart 2411 of this chapter, any party to a case who is adversely affected by a decision of an officer of the Bureau of Land Management other than the Director or person signing for the Director, shall have a right of appeal to the Director.

§ 1842.4 Appeal; how taken, filing fee, mandatory time limit.

(a) A person who wishes to appeal to the Director must file in the office of the officer who made the decision (not the office of the Director) a notice that he wishes to appeal. The notice of appeal must give the serial number or other identification of the case and must be transmitted in time to be filed in the office where it is required to be filed within 30 days after the person taking the appeal is served with the decision he is appealing from. The notice of appeal may include a statement of the reasons for the appeal and any arguments the appellant wishes to make. This paragraph does not apply to grazing appeals filed pursuant to § 1853.7(a).

(b) Except where an agency of the Federal Government or of a State government or political subdivision thereof or a municipal corporation is the appellant, or where a grazing appeal is taken pursuant to § 1853.7(b), a filing fee of $5 must be paid for each separate application, claim, entry, permit, lease, protest, or similar filing or interest on which the appellant is seeking favorable action. The consolidation of appeals will not relieve each appellant of paying the same filing fee that he would have to pay if he took his appeal separately. The filing fee should accompany the notice of appeal but in any event must be received in the office where the notice of appeal is required to be filed within the time allowed for filing the notice of appeal.

(c) No extension of time will be granted for filing the notice of appeal or paying the filing fee. If a notice of appeal is filed or the filing fee is paid after the grace period provided in § 1840.0–6 (a) and (b), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the notice of appeal is filed or the filing fee is paid during the grace period provided in § 1840.0–6 (a) and (b) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the case will by closed by the Director.

§ 1842.5 Examination of case record.

§ 1842.5–1 Statement of reasons, written arguments, briefs.

If the notice of appeal did not include a statement of the reasons for the appeal, such a statement must be filed in the office of the Director (address: Director, Bureau of Land Management, Washington, D.C., 20240) within 30 days after the notice of appeal was filed. Failure to file the statement of reasons within the time required will subject the appeal to summary dismissal as provided in § 1840.0–7, unless the delay in filing is waived as provided in § 1840.0–6 (a) and (b). In any case the appellant will be permitted to file in such office additional

statements of reasons and written arguments or briefs within the 30-day period after he filed the notice of appeal.

§ 1842.5–2 Service of notice of appeal and of other documents.

The appellant must serve a copy of the notice of appeal and of any statement of reasons, written arguments or briefs on each adverse party named in the decision appealed from, in the manner prescribed in § 1840.0–6(e), not later than 15 days after filing the document. Failure to serve within the time required will subject the appeal to summary dismissal as provided in § 1840.0–7. Proof of such service as required by § 1840.0–6(e) must be filed in the office of the Director (address: Director, Bureau of Land Management, Washington, D.C., 20240) within 15 days after service unless filed with the notice of appeal.

§ 1842.5–3 Answers.

If any party served with a notice of appeal wishes to participate in the proceeding on appeal, he must file an answer within 30 days after service on him of the notice of appeal or statement of reasons where such statement was not included in the notice of appeal. If additional reasons, written arguments, or briefs are filed by the appellant, the adverse party shall have 30 days after service thereof on him within which to answer them. The answer must state the reasons why the answerer thinks the appeal should not be sustained. Answers must be filed in the office of the Director (address: Director, Bureau of Land Management, Washington, D.C., 20240) and must be served on the appellant, in the manner prescribed in § 1840.0–6(e), not later than 15 days thereafter. Proof of such service, as required by § 1840.0–6(e), must be filed in the office of the Director (see address above) within 15 days after service. Failure to answer will not result in a default. If an answer is not filed and served within the time required, it may be disregarded in deciding the appeal, unless the delay in filing is waived as provided in § 1840.0–6 (a) and (b).

Subpart 1843—Actions by Director

§ 1843.5 Request for hearings on appeals involving questions of fact.

Either an appellant or an adverse party may, if he desires a hearing to present evidence on an issue of fact, request that the case be assigned to a Field Commissioner of the Bureau of Land Management for such a hearing. Such a request must be made in writing and filed with the Director within 30 days after answer is due and a copy of the request should be served on the opposing party in the case. The allowance of a request for hearing is within the discretion of the Director, and the Director may, on his own motion, refer any case to a Field Commissioner for a hearing on an issue of fact. If a hearing is ordered, the Director will specify the issues upon which the hearing is to be held.

§ 1843.5–1 Deposit.

If a request for a hearing is granted, a deposit of $20 toward reporters' fees will be required of the parties who made the request. Other parties who appear at the hearing will be requested to pay their share of the fees at that time.

§ 1843.6 Request for oral argument.

The Director may, in his discretion, grant an opportunity for oral argument before him or a person designated by him.

§ 1843.7 Decision by Director.

The Director will render a written decision in each case appealed to him. Such decisions will be served on all parties and shall be subject to an appeal to the Secretary as provided in Subpart 1844.

§ 1843.9 Effect of failure to appeal.

When any party fails to appeal to the Secretary from an adverse decision of the Director, that decision shall as to such party be final and will not be disturbed except for fraud or for gross irregularity.

Subpart 1844—Appeals to Secretary of the Interior

§ 1844.1 Right of appeal to the Secretary of the Interior.

Any party adversely affected may appeal to the Secretary of the Interior from a final decision of the Director, whether such final decision is on an appeal or is an original decision, except from such a decision which, prior to promulgation, has been approved by the Secretary. No appeal, however, may be taken from a decision of the Director affirming a decision of a subordinate official of the Bureau in any case where the party adversely affected shall have failed to appeal from the decision of such official.

§ 1844.2 Appeal; how taken, filing fee, mandatory time limit.

(a) A person who wishes to appeal to the Secretary must file in the office of the Director (address: Director, Bureau of Land Management, Washington, D.C., 20240) a notice that he wishes to appeal. The notice of appeal must give the serial number or other identification of the case and must be transmitted in time to be filed in the Director's office within 30 days after the person taking the appeal is served with the decision he is appealing from. The notice of appeal may include a statement of the reasons for the appeal and any arguments the appellant wishes to make.

(b) Except where an agency of the Federal Government or of a State government or political subdivision thereof or a municipal corporation is the appellant, a filing fee of $5 must be paid for each separate application, claim, entry, permit, lease, protest, or similar filing or interest on which the appellant is seeking favorable action. The consolidation of appeals will not relieve each appellant of paying the same filing fee that he would have to pay if he took his appeal separately. The filing fee should accompany the notice of appeal but in any event must be received in the Director's office within the time allowed for filing the notice of appeal.

(c) No extension of time will be granted for filing the notice of appeal or paying the filing fee. If a notice of appeal is filed or the filing fee is paid after the grace period provided in § 1840.0–6 (a) and (b), the notice of appeal will not be considered and the case will be closed by the Director. If the notice of appeal is filed or the filing fee is paid during the grace period provided in § 1840.0–6 (a) and (b) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the case will be closed by the Secretary.

§ 1844.3 Statement of reasons, written arguments, briefs.

If the notice of appeal did not include a statement of the reasons for the appeal, such a statement must be filed in the office of the Secretary (address: Secretary of the Interior, Washington, D.C., 20240) within 30 days after the notice of appeal was filed. Failure to file the statement of reasons within the time required will subject the appeal to summary dismissal as provided in § 1840.0–7, unless the delay in filing is waived as provided in § 1840.0–6 (a) and (b). In any case the appellant will be permitted to file in such office additional statements of reasons and written arguments or briefs within the 30-day period after he filed the notice of appeal.

§ 1844.4 Service of notice of appeal and of other documents.

The appellant must serve a copy of the notice of appeal and of any statement of reasons, written arguments or briefs on each adverse party named in the decision appealed from, in the manner prescribed in § 1840.0–6(e), not later than 15 days after filing the document. Failure to serve within the time required will subject the appeal to summary dismissal as provided in § 1840.0–7. Proof of such service as required by § 1840.0–6(e) must be filed in the office of the Secretary (address: Secretary of the Interior, Washington, D.C., 20240) within 15 days after service unless filed with the notice of appeal.

§ 1844.5 Answers.

If any party served with a notice of appeal wishes to participate in the proceeding on appeal, he must file an answer within 30 days after service on him of the notice of appeal or statement of reasons where such statement was not included in the notice of appeal. If additional reasons, written arguments, or briefs are filed by the appellant, the adverse party shall have 30 days after service thereof on him within which to answer them. The answer must state the reasons why the answerer thinks the appeal should not be sustained. Answers must be filed in the office of the Secretary (address: Secretary of the Interior, Washington, D.C., 20240) and must be served on the appellant, in the manner prescribed in § 1840.0–6(e), not later than 15 days thereafter. Proof of

such service, as required by § 1840.0–6 (e), must be filed in the office of the Secretary (see address above) within 15 days after service. Failure to answer will not result in a default. If an answer is not filed and served within the time required, it may be disregarded in deciding the appeal, unless the delay in filing is waived as provided in § 1840.0–6 (a) and (b).

§ 1844.6 Oral argument.

The Secretary may in his discretion grant an opportunity for oral argument before him or a person designated by him.

§ 1844.9 Finality of decision.

No appeal will lie in the Department from a decision of the Secretary.

PART 1850—HEARINGS PROCEDURES

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Subpart 1850—Hearing Procedures; General

AUTHORITY: The provisions of this Subpart 1850 issued under R.S. 2478, as amended; 43 U.S.C. 1201.

§ 1850.0–3 Authority.

(a) Sections 1850.0–3 to 1852.3–9 are issued under the authority of R.S. 2478, as amended; 43 U.S.C. 1201.

(b) Sections 1853.1 to 1853.9 are issued under the authority of R.S. 2478, as amended; 43 U.S.C. 1201 and sec. 2, 48 Stat. 1270; 43 U.S.C. 315a.

(c) Sections 1855.1 to 1855.9–2 are issued under the authority of R.S. 2478, 34 Stat. 197; 43 U.S.C. 1201, 48 U.S.C. 357.

§ 1850.0–5 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representatives.

(b) "Director" means the Director of the Bureau of Land Management, the Associate Director or an Assistant Director.

(c) "Bureau" means Bureau of Land Management.

(d) "Field Commissioner" includes an examiner designated to hold a hearing under Subpart 1851.

§ 1850.0–6 Documents.

(a) *Filing of documents.* A document is filed in the office where the filing is required only when the document is received in that office during the office hours when filing is permitted and the document is received by a person authorized to receive it.

(b) *Grace period for filing.* Whenever a document is required under this part to be filed within a certain time and it is not received in the proper office, as provided in paragraph (a) of this section, during that time, the delay in filing will be waived if the document is filed not later than 10 days after it was required to be filed and it is determined that the document was transmitted or probably transmitted to the office in which the filing is required before the end of the period in which it was required to be filed. Determinations under this paragraph shall be made by the officer before whom is pending the appeal or contest in connection with which the document is required to be filed. This paragraph has no application to Subpart 1853 except § 1853.7(c) and does not apply to requests for postponement of hearings under §§ 1852.3–1 and 1852.3–2 and request for relief from reporter's fees under § 1852.3–6.

(c) *Record address.* Every person who files a document in connection with a contest or protest shall at the time of his initial filing in the matter state his address. Thereafter he must promptly inform the office in which the filing was made of any change in address, giving the serial or other appropriate numbers of all matters in which he has made such a filing. The successors of such person shall likewise promptly inform such office of their interest in the matters and state their addresses. If a person fails to furnish a record address as required in this section, he will not be entitled to notice in connection with the proceedings on the matter.

(d) *Transferees and encumbrancers.* Transferees and encumbrancers of land, the title to which is claimed or is in the process of acquisition under any public land law shall, upon filing notice of the transfer or encumbrance in the proper land office, become entitled to receive and be given the same notice of any contest, appeal, or other proceeding thereafter initiated affecting such interest which is required to be given to a party to the proceeding. Every such notice of a transfer or encumbrance will be noted upon the records of the land office. Thereafter such transferee or encumbrancer must be made a party to any proceedings thereafter initiated adverse to the entry.

(e) *Service of documents.* (1) Wherever the regulations in this part require that a copy of a document be served upon a person, service may be made by delivering the copy personally to him or by sending the document by registered or certified mail, return receipt requested, to his address of record in the Bureau.

(2) In any case service may be proved by an acknowledgment of service signed by the person to be served. Personal service may be proved by a written statement of the person who made such service. Service by registered or certified mail may be proved by a post-office return receipt showing that the document was delivered at the person's record address or showing that the document could not be delivered to such person at his record address because he had moved therefrom without leaving a forwarding address or because delivery was refused at that address or because no such address exists. Proof of service of a copy of a document should be filed in the same office in which the document is filed.

(3) A document will be considered to have been served at the time of personal service, of delivery of a registered or certified letter, or of the return by the post-office of an undelivered registered or certified letter.

(4) In all cases where a party is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his client, and service of any document relating to the proceeding upon such attorney will be deemed to be service on the party he represents. Where a party is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(f) *Computation of time for filing and service.* In computing any period of time prescribed for filing and serving a document, the day upon which the decision or document to be appealed from or answered was received or the day of any other event after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, Federal legal holiday, or other non-business day, in which event the period runs until the end of the next day which is not a Saturday, Sunday, Federal legal holiday, or other non-business day. When the time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, Federal legal holidays, and other non-business days shall be excluded in the computation.

(g) *Extensions of time.* (1) The Manager or the Examiner, as the case may be, may extend the time for filing or serving any document in a contest.

(2) A request for an extension of time must be filed within the time allowed for the filing or serving of the document and must be filed in the same office in which the document in connection with which the extension is requested must be filed.

§ 1850.0–7 Subpoena power and witness provisions.

(a) *Compulsory attendance of witnesses.* The Field Commissioner or the examiner, as the case may be, is authorized to issue subpoenas directing the attendance of witnesses at hearings to be held before him or at the taking of depositions to be held before himself or other officers. The issuance of subpoenas, service, attendance fees, and similar matters shall be governed by the act of January 31, 1903 (43 U.S.C. 102–106), and 28 U.S.C. 1821. Subpoenas will be issued on a form approved by the Director.

(b) *Application for subpoena.* An application for a subpoena may be filed in the office of the Field Commissioner or the examiner before whom the hearing is to be held, in the office of the officer who made the decision appealed from, or in the office of the manager in which a complaint was filed, in which case the officer or manager will forward the application to the Field Commissioner or the examiner, as the case may be.

(c) *Fees payable to witness who testifies on request without issuance of subpoena.* Any witness who attends any hearing or the taking of any deposition at the request of any party to the controversy without having been subpoenaed to do so shall be entitled to the same mileage and attendance fees, to be paid by such party, to which he would have been entitled if he had been first duly subpoenaed as a witness on behalf of such party.

§ 1850.0–8 Basis of decision.

(a) *Record.* (1) The record of a hearing shall consist of the transcript of testimony or summary of testimony and exhibits together with all papers and requests filed in the hearing.

(2) If a hearing has been held on an appeal pursuant to instructions of the Director, this record shall be the sole basis for decision insofar as the referred issues of fact are involved except to the extent that official notice may be taken of a fact as provided in paragraph (b) of this section.

(3) Where a hearing has been held in a contest the record made shall be the sole basis for decision except to the extent that official notice may be taken of a fact as provided in paragraph (b) of this section.

(4) In any case, no decision in a contest shall be based upon any record, statement, file or similar document which is not open to inspection by the parties to the contest.

(b) *Official notice.* Official notice may be taken of the contents of the tract books, the serial registers, the approved plats of survey and other public records of the Department of the Interior and of any matter of which the courts may take judicial notice. Where a decision in a case in which a hearing has been held rests upon official notice of a material fact relating to an issue upon which the hearing was held, the decision will so state and will allow any party upon request to have an opportunity to show to the contrary. Such request must be filed and served within the time and in the manner prescribed in the decision. Where a decision or recommendation has rested upon such official notice and has afforded the parties an opportunity to show to the contrary, no further opportunity to show to the contrary will be allowed.

§ 1850.0–9 General provisions.

(a) *Regulations governing practice before the Department.* Every individual who wishes to practice before the Department of the Interior, including the Bureau, must comply with the requirements of Part 1 of this title.

(b) *Inquiries.* No person other than officers or employees of the Department

of the Interior shall direct any inquiry to any employee of the Bureau with respect to any matter pending before it other than to the head of the unit in which the matter is pending, to a superior officer, or to an employee of the unit authorized by the unit head to answer inquiries.

(c) *Power of Secretary.* Nothing in this part shall be construed to deprive the Secretary of any power conferred upon him by law.

Subpart 1851—Hearings on Appeals Involving Questions of Fact

AUTHORITY: The provisions of this Subpart 1851 issued under R.S. 2478, as amended; 43 U.S.C. 1201.

§ 1851.1 Prehearing conferences.

(a) The Field Commissioner may, in his discretion, on his own motion or motion of one of the parties or of the Bureau of Land Management, direct the parties or their representatives to appear at a specified time and place for a prehearing conference to consider: (1) The possibility of obtaining stipulations, admissions of facts and agreements to the introduction of documents, (2) the limitation of the number of expert witnesses, and (3) any other matters which may aid in the disposition of the proceedings before the Field Commissioner or before the Director.

(b) The Field Commissioner shall issue an order which recites the action taken at the conference and the agreements made as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding before the Field Commissioner unless modified for good cause, by subsequent order.

§ 1851.2 Fixing of place and date for hearing; notice.

The Field Commissioner shall fix a place and date for the hearing and notify all parties and the Bureau.

§ 1851.2–1 Postponements.

(a) Postponements of hearings will not be allowed upon the request of any party or the Bureau except upon a showing of good cause and proper diligence. A request for a postponement must be served upon all parties to the proceeding and filed in the office of the Field Commissioner at least 10 days prior to the date of the hearing. In no case will a request for postponement served or filed less than 10 days in advance of the hearing or made at the hearing be granted unless the party requesting it demonstrates that an extreme emergency occurred which could not have been anticipated and which justified beyond question the granting of a postponement. In any such emergency, if time does not permit the filing of such request prior to the hearing, it may be made orally at the hearing.

(b) The request for a postponement must state in detail the reasons why a postponement is necessary. If a request is based upon the absence of witnesses, it must state what the substance of the testimony of the absent witnesses would be. No postponement will be granted if the adverse party or parties file with the Field Commissioner within 5 days after the service of the request a statement admitting that the witnesses on account of whose absence the postponement is desired would, if present, testify as stated in the request. If time does not permit the filing of such statement prior to the hearing, it may be made orally at the hearing.

(c) Only one postponement will be allowed to a party on account of the absence of witnesses unless the party requesting a further postponement shall at the time apply for an order to take the testimony of the alleged absent witness by deposition.

§ 1851.3 Authority of the Field Commissioner.

The Field Commissioner is vested with general authority to conduct the hearing in an orderly and judicial manner, including authority to subpoena witnesses and to take and cause depositions to be taken in accordance with the act of January 31, 1903 (32 Stat. 790; 43 U.S.C. 102–106), to administer oaths, to call and question witnesses, to make proposed findings of fact and to take such other actions in connection with the hearing as may be prescribed by the Director in referring the case for hearing. The issuance of subpoenas, the attendance of witnesses, and the taking of depositions shall be governed by § 1850.0–7.

§ 1851.4 Conduct of hearing.

So far as not inconsistent with the prehearing order, the Field Commissioner may seek to obtain stipulations as to material facts. Unless the Field Commissioner directs otherwise, the appellant will present his evidence on the facts at issue following which the other parties and the Bureau of Land Management will present their evidence on such issues.

§ 1851.5 Evidence.

(a) All oral testimony shall be under oath and witnesses shall be subject to cross-examination. The Field Commissioner may question any witnesses. Documentary evidence may be received if pertinent to any issue. The Field Commissioner will summarily stop examination and exclude testimony which is obviously irrelevant and immaterial.

(b) Objections to evidence will be ruled upon by the Field Commissioner. Such rulings will be considered, but need not be separately ruled upon, by the Director in connection with his decision. Where a ruling of a Field Commissioner sustains an objection to the admission of evidence, the party affected may insert in the record, as a tender of proof, a summary written statement of the substance of the excluded evidence and the objecting party may then make an offer of proof in rebuttal.

§ 1851.6 Reporter's fees.

(a) Where a hearing is requested, each party and the Bureau will be required to pay the reporter's fees covering the party's or the Bureau's direct evidence and cross examination of other witnesses.

(b) Where a hearing is ordered by the Director upon his own motion, each party who prevails in the Director's decision will be required to pay the reporter's fees covering the party's direct evidence and cross examination of other witnesses. The remainder of the reporter's fees will be paid by the Government.

(c) Reporter's fees will be at rates established for the local courts or, if the reporting is done pursuant to a contract, at rates established by the contract. The Field Commissioner may require the parties to make reasonable deposits for reporter's fees from time to time in advance of taking testimony. Any part of a deposit not used will be returned to the depositor except that deposits which are required pursuant to § 1843.5–1 in advance of a hearing will not be returned if the party making the deposit does not appear at the hearing, but will be used to pay the reporter's appearance fee, if any, and the remainder will be forfeited to the United States.

§ 1851.7 Copies of transcript.

Each party must pay for any copies of the transcript obtained by him except where the reporter's fees paid enable the Bureau to furnish him with a copy of the transcript without additional cost. Unless a summary of the evidence is stipulated to, the Government will file the original copy of the transcript with the case record.

§ 1851.8 Summary of evidence.

The parties and the Bureau may, with the consent of the Field Commissioner, agree that a summary of the evidence approved by the Field Commissioner may be filed in the case in lieu of a transcript. In such case the Field Commissioner will prepare the summary or have it prepared and upon agreement of the parties make it a part of the case record. If, on appeal to the Secretary, a party wishes to utilize the transcript instead of the summary, he must furnish at his expense a copy of the transcript for the case record.

§ 1851.9 Action by Field Commissioner.

Upon completion of the hearing and the incorporation of the summary or transcript in the record, the Field Commissioner will send the record and proposed findings of fact on the issues presented at the hearing to the Director. The proposed findings of fact will not be served upon the parties; however, the parties and the Bureau may, within 15 days after the completion of the transcript or the summary of the evidence, file with the Director such briefs or statements as they may wish respecting the facts developed at the hearing. Any findings of fact made or adopted by the Director will be subject to attack in an appeal to the Secretary.

Subpart 1852—Contest and Protest Proceedings

AUTHORITY: The provisions of this Subpart 1852 issued under R.S. 2478, as amended; 43 U.S.C. 1201.

§ 1852.1 Private contests and protests.

§ 1852.1–1 By whom private contest may be initiated.

Any person who claims title to or an interest in land adverse to any other person claiming title to or an interest in such land or who seeks to acquire a preference right pursuant to the act of May 14, 1880, as amended (43 U.S.C. 185), or the act of March 3, 1891 (43 U.S.C. 329), may initiate proceedings to have the claim of title or interest adverse to his claim invalidated for any reason not shown by the records of the Bureau of Land Management. Such a proceeding will constitute a private contest and will be governed by the regulations in the subpart.

§ 1852.1–2 Protests.

Where the elements of a contest are not present, any objection raised by any person to any action proposed to be taken in any proceeding before the Bureau will be deemed to be a protest and such action thereon will be taken as is deemed to be appropriate in the circumstances.

§ 1852.1–3 Initiation of contest.

Any person desiring to initiate a private contest must file a complaint in the land office which has jurisdiction over the land involved, or, if there is no such land office, in the Office of the Director, Bureau of Land Management, Washington, D.C., 20240. The contestant must serve a copy of the complaint on the contestee not later than 30 days after filing the complaint and must file proof of such service, as required by § 1850.0–6(e), in the office where the complaint was filed within 30 days after service.

§ 1852.1–4 Complaints.

(a) *Contents of complaint.* The complaint shall contain the following information, under oath:

(1) The name and address of each party interested, including the age of each heir of any deceased entryman.

(2) A legal description of the land involved.

(3) A reference, so far as known to the contestant, to any proceedings pending for the acquisition of title to, or an interest in, such land.

(4) A statement in clear and concise language of the facts constituting the grounds of contest.

(5) A statement of the law under which contestant claims or intends to acquire title to, or an interest in, the land and of the facts showing that he is qualified to do so.

(6) A statement that the proceeding is not collusive or speculative but is instituted and will be diligently pursued in good faith.

(7) A request that the contestant be allowed to prove his allegations and that the adverse interest be invalidated.

(8) The office in which the complaint is filed and the address to which papers shall be sent for service on the contestant.

(9) A notice that unless the contestee files an answer to the complaint in such office within 30 days after service of the notice, the allegations of the complaint will be taken as confessed.

(b) *Amendment of complaint.* Except insofar as the Manager, Examiner, Director or Secretary may raise issues in connection with deciding a contest, issues not raised in a complaint may not be raised later by the contestant unless the examiner permits the complaint to be amended after due notice to the other parties and an opportunity to object.

(c) *Corroboration required.* All allegations of fact in the complaint which are not matters of official record or capable of being judicially noticed and which, if proved, would invalidate the adverse interest must be corroborated under oath by the statement of witnesses. Each such allegation of fact must be corroborated by the statement of at least one witness having personal knowledge of the alleged fact and such fact must be set forth in the statement. All statements by witnesses shall be attached to the complaint.

(d) *Filing fee.* Each complaint must be accompanied by a filing fee of $10 and a deposit of $20 toward reporter's fees. Any complaint which is not accompanied by the required fee and deposit will not be accepted for filing.

§ 1852.1–5 Service.

The complaint must be served upon every contestee. If the contestee is of record in the land office, service may be made and proved as provided in § 1850.0–6(e). If the person to be served is not of record in the land office, proof of service may be shown by a written statement of the person who made personal service, by post-office return receipt showing personal delivery, or by an acknowledgment of service. In certain circumstances, service may be made by publication as provided in § 1852.5(b)(1). When the contest is against the heirs of a deceased entryman, the notice shall be served on each heir. If the person to be personally served is an infant or a person who has been legally adjudged of unsound mind, service of notice shall be made by delivering a copy of the notice to the legal guardian or committee, if there be one, of such infant or person of unsound mind; if there be none, then by delivering a copy of the notice to the person having the infant or person of unsound mind in charge.

(a) *Summary dismissal; waiver of defect in service.* If a complaint when filed does not meet all the requirements of §§ 1852.1–4 (a) and (c), or if the complaint is not served upon each contestee as required by this section, the complaint will be summarily dismissed by the manager and no answer need be filed. However, where prior to the summary dismissal of a complaint a contestee answers without questioning the service or proof of service of the complaint, any defect in service will be deemed waived.

(b) *Service by publication*—(1) *When service may be made by publication.* When the contestant has made diligent search and inquiry to locate the contestee, and cannot locate him, the contestant may proceed with service by publication after first filing with the Manager an affidavit which shall:

(i) State that the contestee could not be located after diligent search and inquiry made within 15 days prior to the filing of the affidavit;

(ii) Be corroborated by the affidavits of two persons who live in the vicinity of the land which state that they have no knowledge of the contestee's whereabouts or which give his last known address;

(iii) State the last known address of the contestee; and

(iv) State in detail the efforts and inquiries made to locate the party sought to be served.

(2) *Contents of published notice.* The published notice must give the names of the parties to the contest, legal description of the land involved, the substance of the charges contained in the complaint, the office in which the contest is pending, and a statement that upon failure to file an answer in such office within 30 days after the completion of publication of such notice, the allegations of the complaint will be taken as confessed. The published notice shall also contain a statement of the dates of publication.

(3) *Publication, mailing and posting of notice.* (i) Notice by publication shall be made by publishing notice at least once a week for five successive weeks in some newspaper of general circulation in the county in which the land in contest lies.

(ii) Within 15 days after the first publication of a notice, the contestant shall send a copy of the notice and the complaint by registered or certified mail, return receipt requested, to the contestee at his last known address and also to the contestee in care of the post office nearest the land. The return receipts shall be filed in the office in which the contest is pending.

(iii) A copy of the notice as published shall be posted in the office where the contest is pending and also in a conspicuous place upon the land involved. Such postings shall be made within 15 days after the first publication of the notice.

(c) *Proof of service.* (1) Proof of publication of the notice shall be made by filing in the office where the contest is pending a copy of the notice as published and the affidavit of the publisher or foreman of the newspaper publishing the same showing the publication of the notice in accordance with § 1852.1–5(b)(3).

(2) Proof of posting of the notice shall be by affidavit of the person who posted the notice on the land and by the certificate of the Manager or the Director as to posting in his office.

(3) Proof of the mailing of notice shall be by affidavit of the person who mailed the notice to which shall be attached the return receipt.

§ 1852.1–6 Answer to complaint.

Within 30 days after service of the complaint or after the last publication of the notice, the contestee must file in the office where the contest is pending an answer specifically meeting and responding to the allegations of the complaint, together with proof of service of a copy of the answer upon a contestant as provided in § 1852.1–5(b)(3). The answer shall contain or be accompanied

by the address to which all notices or other papers shall be sent for service upon contestee.

§ 1852.1–7 Action by Manager.

(a) If an answer is not filed as required, the allegations of the complaint will be taken as admitted by the contestee and the Manager will decided the case without a hearing.

(b) If an answer is filed and unless all parties waive a hearing, the Manager will refer the case to an examiner upon determining that the elements of a private contest appear to have been established.

§ 1852.1–8 Amendment of answer.

At the hearing, any allegation not denied by the answer will be considered admitted. The examiner may permit the answer to be amended after due notice to other parties and an opportunity to object.

§ 1852.2 Government contests.

§ 1852.2–1 How initiated.

The Government may initiate contests for any cause affecting the legality or validity of any entry or settlement or mining claim.

§ 1852.2–2 Proceedings in Government contests.

The proceedings in Government contests shall be governed by the rules relating to proceedings in private contests with the following exceptions:

(a) No corroboration shall be required of a Government complaint and the complaint need not be under oath.

(b) No filing fee or deposit toward reporter's fee shall be required of the Government.

(c) Any action required of the contestant may be taken by any authorized Government employee.

(d) The statements required by § 1852.1–4(a) (5) and (6) need not be included in the complaint.

(e) No posting of notice of publication on the land in issue shall be required of the Government.

(f) Where service is by publication, the affidavits required by § 1852.1–5(b)(1) need not be filed. The contestant shall file with the Manager a statement of diligent search which shall state that the contestee could not be located after diligent search and inquiry, the last known address of the contestee and the detail of efforts and inquiries made to locate the party sought to be served. The diligent search shall be concluded not more than 15 days prior to filing of the statement.

(g) In lieu of the requirements of § 1852.1–5(b)(3)(ii) the contestant shall, as part of the diligent search before the publication or within 15 days after the first publication send a copy of the complaint by Certified Mail, return receipt requested, to the contestee at the last address of record. The return receipts shall be filed in the office in which the contest is pending.

(h) The affidavit required by § 1852.1–5(b)(3)(iii) need not be filed.

§ 1852.3 Proceedings before the examiner.

§ 1852.3–1 Prehearing conferences.

(a) The Examiner may in his discretion, on his own motion or on motion of one of the parties, or of the Bureau, direct the parties or their representatives to appear at a specified time and place for a prehearing conference to consider: (1) The simplification of the issues, (2) the necessity of amendments to the pleadings, (3) the possibility of obtaining stipulations, admissions of facts and agreements to the introduction of documents, (4) the limitation of the number of expert witnesses, and (5) such other matters as may aid in the disposition of the proceedings.

(b) The Examiner shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admission or agreements. Such order shall control the subsequent course of the proceedings before the Examiner unless modified for good cause, by subsequent order.

§ 1852.3–2 Notice of hearing.

The examiner shall fix a place and date for the hearing and notify all parties and the Bureau at least 30 days in advance of the date set, unless the parties and the Bureau request or consent to an earlier date. The notice shall include (a) the time, place, and nature of the hearing, (b) the legal authority and jurisdiction under which the hearing is to be held, and (c) the matters of fact and law asserted.

§ 1852.3–3 Postponements.

(a) Postponements of hearings will not be allowed upon the request of any party or the Bureau except upon a showing of good cause and proper diligence. A request for a postponement must be served upon all parties to the proceeding and filed in the office of the Examiner at least 10 days prior to the date of the hearing. In no case will a request for postponement served or filed less than 10 days in advance of the hearing or made at the hearing be granted unless the party requesting it demonstrates that an extreme emergency occurred which could not have been anticipated and which justifies beyond question the granting of a postponement. In any such emergency, if time does not permit the filing of such request prior to the hearing, it may be made orally at the hearing.

(b) The request for a postponement must state in detail the reasons why a postponement is necessary. If a request is based upon the absence of witnesses, it must state what the substance of the testimony of the absent witnesses would be. No postponement will be granted if the adverse party or parties file with the Examiner within 5 days after the service of the request a statement admitting that the witnesses on account of whose absence the postponement is desired would, if present, testify as stated in the request. If time does not permit the filing of such statement prior to the hearing, it may be made orally at the hearing.

(c) Only one postponement will be allowed to a party on account of the absence of witnesses unless the party requesting a further postponement shall at the time apply for an order to take the testimony of the alleged absent witness by deposition.

§ 1852.3–4 Authority of Examiner.

The Examiner is vested with general authority to conduct the hearing in an orderly and judicial manner, including authority to subpoena witnesses and to take and cause depositions to be taken in accordance with the act of January 31, 1903 (43 U.S.C. 102–106), to administer oaths, to call and question witnesses, and to make a decision. The issuance of subpoenas, the attendance of witnesses and the taking of depositions shall be governed by § 1850.0–7.

§ 1852.3–5 Conduct of hearing.

So far as not inconsistent with a prehearing order, the Examiner may seek to obtain stipulations as to material facts and the issues involved and may state any other issues on which he may wish to have evidence presented. He may exclude irrelevant issues. The contestant will then present his case following which the other parties (and in private contests the Bureau, if it intervenes) will present their cases.

§ 1852.3–6 Evidence.

(a) All oral testimony shall be under oath and witnesses shall be subject to cross examination. The Examiner may question any witness. Documentary evidence may be received if pertinent to any issue. The Examiner will summarily stop examination and exclude testimony which is obviously irrelevant and immaterial.

(b) Objections to evidence will be ruled upon by the Examiner. Such rulings will be considered, but need not be separately ruled upon, by the Director in connection with his decision. Where a ruling of an Examiner sustains an objection to the admission of evidence, the party affected may insert in the record, as a tender of proof, a summary written statement of the substance of the excluded evidence, and the objecting party may then make an offer of proof in rebuttal.

§ 1852.3–7 Reporter's fees; transcript.

(a) Each party and the Bureau will be required to pay the reporter's fees covering the party's or the Bureau's direct evidence and cross-examination of other witnesses except that

(1) In the case of a private contest, if the ultimate decision is adverse to the contestant, he must in addition pay all the reporter's fees otherwise payable by the contestee.

(2) In the case of a Government contest, if the ultimate decision is adverse to the Government, the Bureau must pay all the reporter's fees otherwise payable by the contestee.

(3) In the case of a Government contest the contestee may be relieved of paying his share of the reporter's fees if he is financially unable to pay his share. In order to secure such relief he must file with the Examiner at least 15 days prior to the date set for the hearing a request

for such relief, supported by an affidavit setting forth in detail facts showing his financial inability to pay. If the Examiner in his discretion determines that the applicant for relief is financially unable to pay his share of the reporter's fees, the Bureau will bear the cost of such share.

(b) Except where a party is relieved of paying the reporter's fees pursuant to subparagraph (3) of paragraph (a) of this section, each party shall be required by the examiner to make reasonable deposits for reporter's fees from time to time in advance of taking testimony. Such deposits must be sufficient to cover all reporter's fees for which the party may ultimately be liable under paragraph (a) of this section. Any part of a deposit not used will be returned to the depositor upon the final determination of the case except that deposits which are required to be made when a complaint is filed will not be returned if the party making the deposit does not appear at the hearing, but will be used to pay the reporter's appearance fee, if any, and the remainder will be forfeited to the United States. Reporter's fees will be at the rates established for the local courts, or, if the reporting is done pursuant to a contract, at rates established by the contract.

(c) Each party must pay for any copies of the transcript obtained by him except where the reporter's fees paid enable the Bureau to furnish him with a copy of the transcript without additional cost.

§ 1852.3–8 Findings and conclusions; decision by hearing examiner; submission to Director for decision.

(a) At the conclusion of the testimony the parties at the hearing shall be given a reasonable time by the examiner, considering the number and complexity of the issues and the amount of testimony, to submit to the examiner proposed findings of fact and conclusions of law and reasons in support thereof or to stipulate to a waiver of such findings and conclusions.

(b) As promptly as possible after the time allowed for presenting proposed findings and conclusions, the examiner shall make findings of fact and conclusions of law (unless waiver has been stipulated), giving the reasons therefor, upon all the material issues of fact, law, or discretion presented on the record. The examiner may adopt the findings of fact and conclusions of law proposed by one or more of the parties if they are correct. He must rule upon each proposed finding and conclusion submitted by the parties and such ruling shall be shown in the record. The examiner will render a written decision in the case which shall become a part of the record and shall include a statement of his findings and conclusions, as well as the reasons or basis therefor, and his rulings upon the findings and conclusions proposed by the parties if such rulings do not appear elsewhere in the record. A copy of the decision will be served upon all parties to the case.

(c) The Director may require, in any designated case, that the examiner make only a recommended decision and that the decision and the record be submitted to the Director for consideration. The recommended decision shall meet all the requirements for a decision set forth in paragraph (b) of this section. The Director shall then make the initial decision in the case. This decision shall include such additional findings and conclusions as do not appear in the recommended decision and the record shall include such rulings on proposed findings and conclusions submitted by the parties as have not been made by the examiner.

§ 1852.3–9 Appeal to Director.

Any party, including the Government, adversely affected by the decision of the examiner may appeal to the Director as provided in Part 1840. No further hearing will be allowed in connection with the appeal to the Director but the Director, after considering the evidence, may remand any case for further hearing if he considers such action necessary to develop the facts.

Subpart—1853 Grazing Proceedings

AUTHORITY: The provisions of this Subpart 1853 issued under sec. 2, 48 Stat. 1270, 48 U.S.C. 315a.

§ 1853.1 Appeal to hearing examiner; motion to dismiss.

(a) Any applicant whose interest is adversely affected by a final decision of the district manager may appeal to an examiner by filing his appeal in the office of the district manager within 30 days after receipt of the decision. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the decision of the district manager is in error. All grounds of error not stated will be considered as waived, and no such waived ground of error may be presented at the hearing unless ordered or permitted by the examiner.

(b) Any applicant for a grazing license or permit or any other person who, after proper notification, fails to protest or appeal a decision of the district manager within the period prescribed in the decision, shall be barred thereafter from challenging the matters adjudicated in such final decision.

(c) When separate appeals are filed and the issue or issues involved are common to two or more appeals, they may be consolidated for purposes of hearing and decision.

(d) The district manager will promptly forward the appeal to the State Director. Within thirty days after his receipt of the appeal the State Director may file on behalf of the district manager a written motion, serving a copy thereof upon the appellant, requesting that the appeal be dismissed for the reason that it is frivolous, the appeal was filed late, the errors are not clearly and concisely stated, the issues are immaterial, the issue or issues were included in a prior final decision from which no timely appeal was made, or all issues involved therein have been previously adjudicated in an appeal involving the same privileges, the same parties or their predecessors in interest. The appellant may file a written answer within twenty days after service of the motion upon him. The appeal, motion, the proofs of service, and the answers will be transmitted to the examiner, who shall rule on the motion, and, if the motion is sustained, dismiss the appeal by written order.

§ 1853.2 Time and place of hearing; notice; intervenors.

At least thirty days before the date set the district manager will notify the appellant of the time and place of the hearing within or near the district. Any other person who in the opinion of the district manager may be directly affected by the decision on appeal will also be notified of the hearing; such person may himself appear at the hearing, or by attorney, and upon a proper showing of interest, may be recognized by the examiner as an intervenor in the appeal.

§ 1853.3 Authority of examiner.

(a) The examiner is vested with the duty and general authority to conduct the hearing in an orderly, impartial and judicial manner, including authority to subpoena witnesses, recognize intervenors, administer oaths and affirmations, call and question witnesses, regulate the course and order of the hearing, rule upon offers of proof and the relevancy of evidence, and to make findings of fact, conclusions of law, and a decision. The examiner shall have authority to take or to cause depositions to be taken. Subpoenas, depositions, the attendance of witnesses, and witness and deposition fees shall be governed by § 1850.0–7, to the extent such regulation is applicable.

(b) The examiner also may grant or order continuances, and set the times and places of further hearings. Continuances shall be granted in accordance with § 1852.3–9, and when the ends of justice will be served thereby. Continuances will not be granted unless they are clearly justified and timely request has been made. Where it appears prior to the date of hearing that a continuance will be desired, the party desiring the continuance should promptly file a request for continuance with the examiner, along with proof of service of the request on the district manager and on other parties. The district manager and other parties shall have five days from receipt of the request to file objection to the continuance. The examiner will then rule on the request, and, if granted, set a new date for the hearing. The district manager will notify all interested persons of the new date.

§ 1853.4 Service.

Service of notice or other documents required under this subpart shall be governed by § 1850.0–6(e). Proof of such service shall be filed in the same office where the notice or document was filed within fifteen days after such service, unless filed with the notice or document.

§ 1853.5 Conduct of hearing.

(a) The appellant, the State director or his representative, and recognized intervenors will stipulate so far as possible all material facts and the issue or issues involved. The examiner will state any other issues on which he may wish to have evidence presented. Issues which appear to the examiner to be unnecessary to a proper disposition of the case will be excluded; but the party asserting such issue may state briefly for the record the substance of the proof which otherwise would have been offered in support of the issue. Issues not covered by the appellant's specifications of error may not be admitted except with the consent of the State director or his representative, unless the examiner rules that such issue is essential to the controversy and should be admitted. The parties will then be given an opportunity to submit offers of settlement and proposals of adjustment for the consideration of the examiner and of the other parties.

(b) Unless the examiner orders otherwise, the State director or his representative will then make the opening statement, setting forth the facts leading to the appeal (or issuance of the show cause order where that is involved). Upon the conclusion of the opening statement, the appellant shall present his case, consistent with his specifications of error. Following the appellant's presentation, or upon his failure to make such presentation, the examiner, upon his own motion or upon motion of any of the parties, may order summary dismissal of the appeal with prejudice because of the inadequacy or insufficiency of the appellant's case, to be followed by a written order setting forth the reasons for the dismissal and taking such other action under this subpart as may be proper and warranted. An appeal may be had from such order as well as from any other final determination made by the examiner.

(c) In the absence or upon denial of such motion the State Director or his representative and recognized intervenors may present evidence if such a presentation appears to the examiner to be necessary for a proper disposition of the matters in controversy, adhering as closely as possible to the issues raised by the appellant. All oral testimony shall be under oath or affirmation, and witnesses will be subject to cross-examination by any party to the proceeding. The examiner will himself question any witness whenever it appears necessary. Documentary evidence will be received by the examiner and made a part of the record, if pertinent to any issue, or may be entered by stipulation. No exception need be stated or noted and every ruling of the examiner will be subject to review on appeal. The party affected by an adverse ruling sustaining an objection to the admission of evidence, may insert in the record, as a tender of proof, a brief written statement of the substance of the excluded evidence; and the opposing party may then make an offer of proof in rebuttal. The examiner will summarily stop examination and exclude testimony on any issue which he determines has been adjudicated previously in an appeal involving the same privileges and the same parties or their predecessors in interest, or which is obviously irrelevant and immaterial to the issues in the case. At the conclusion of the testimony the parties at the hearing shall be given a reasonable opportunity, considering the number and complexity of the issues and the amount of testimony, to submit to the examiner proposed findings of fact and conclusions of law, and reasons in support thereof, or to stipulate to a waiver of such findings and conclusions.

§ 1853.6 Findings of fact and decision by examiner; notice; submission to Director for decision.

(a) As promptly as possible after the time allowed for presenting proposed findings and conclusions, the examiner will make findings of fact and conclusions of law unless waiver has been stipulated, and will render a decision upon all material issues of fact and law presented on the record. In doing so he may adopt the findings of fact and conclusions of law proposed by one or more of the parties if they are correct. He must rule upon each such proposed finding and conclusion. The reasons for the findings, conclusions and decisions made shall be stated, and along with the findings, conclusions and decision, shall become a part of the record in any further appeal. A copy of the decision shall be sent by certified mail to the appellant and all intervenors, or their attorneys of record.

(b) The Director may require, in any designated case, that the examiner make only a recommended decision and that such decision and the record be submitted to the Director for consideration. In such instances the Director shall make the initial decision which shall constitute the decision of the Bureau, without prejudice to the right of any party affected to be furnished with a copy of the transcript of testimony, as provided in the next paragraph, and to appeal to the Secretary in the manner prescribed by Subpart 1844.

§ 1853.7 Appeals to the Director and the Secretary.

(a) *Notice of appeal to the Director; furnishing copies of the transcript.* Within ten days after the receipt of the decision of the examiner any party, including the State director or his representative, desiring to appeal to the Director shall file a written notice of his intention to appeal and may request a copy of the transcript of testimony. Copies of the transcript will be furnished to the State director without charge, and to other appellants and to the intervenors, at a charge of ten cents per folio, except that upon a sufficient showing to the examiner, supported by an affidavit, that an appellant or intervenor is financially unable to pay such fee, a copy will be furnished him without charge. The examiner shall include in the record proof of delivery of the transcript showing the date of such delivery. Notice of appeal and request for a copy of the transcript shall be filed through the office of the Hearing Examiner.

(b) *Appeals to the Director.* An appeal from any decision of the examiner shall be filed in the Office of the Director, Bureau of Land Management, Department of the Interior, Washington, D.C., 20240, together with any brief in support thereof, within thirty days after date of receipt of the transcript of testimony, or, if the transcript is not requested, within thirty days after receipt of the examiner's decision. Within the same period a copy of the appeal and of any brief must be served on each party named in the examiner's decision, and upon the State Director, either personally or by certified mail. Any party, including the State Director, opposing the appeal will be allowed twenty days from date of receipt of the copy of the appeal and brief within which to file in the Office of the Director a reply brief, a copy of which must be served on the appellant(s) in the same manner and the same period. The appeal in other respects shall be made in accordance with Part 1840, except that no filing fee is required.

(c) *Appeals to the Secretary of the Interior.* An appeal from the decision of the Director may be made to the Secretary of the Interior in accordance with Subpart 1844.

§ 1853.8 Effect of decision suspended during appeal.

(a) An appeal shall suspend the effect of the decision from which it is taken pending final action on the appeal. Where the appeal is concerned with the grazing privileges to be granted under the current application, an appellant who was granted grazing privileges in the preceding year may continue to use such privileges pending final action on the appeal, unless the decision appealed from is made immediately effective, as herein next provided.

(b) When the orderly administration of the range or other public interest so requires, (1) the district manager may provide initially in his decision that it shall be in full force and effect pending decision on an appeal therefrom; (2) the examiner or the Director may provide in the decision on an appeal before such officer, that it shall be in full force and effect pending decision on any further appeal; (3) the Director or the Secretary may provide by interim order that any decision from which an appeal is taken shall be in full force and effect pending final decision on the appeal. Any action taken by the district manager pursuant to a decision shall be subject to modification or revocation by the Examiner, Director, or the Secretary upon an appeal from the decision. In order to insure the exhaustion of administrative remedies before resort to court action, no decision which at the time of its rendition is subject to appeal to a superior authority in the Department shall be considered final so as to be agency action subject to judicial review under section 10(c) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), unless it has been made effective pending a decision on appeal in the manner provided in this paragraph.

§ 1853.9 Conditions of decision action.

(a) *Record as Basis of decision; definition of record.* No decision shall be rendered except on consideration of the whole record or such portions thereof as may be cited by any party or by the

State Director and as supported by and in accordance with the reliable, probative and substantial evidence. The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding shall constitute the exclusive record for decision.

(b) *Effect of substantial compliance.* No adjudication of grazing privileges will be set aside on appeal, if it appears that it is reasonable and that it represents a substantial compliance with the provisions of Part 4110 of this chapter.

Subpart 1855—Hearings Upon Possessory Claims to Lands and Waters Used and Occupied by Natives of Alaska

AUTHORITY: The provisions of this Subpart 1855 issued under R.S. 2478, 34 Stat. 197; 43 U.S.C. 1201, 48 U.S.C. 357.

§ 1855.1 Petitions of native groups.

Petitions of native groups of Alaska concerning possessory claims to lands and waters based upon any of the foregoing statutes or upon use or occupancy maintained from aboriginal times to the present day, but not evidenced by formal patent, deed or Executive order, shall be filed with the Secretary of the Interior on or before December 31, 1952. No petition filed thereafter will be considered by the Department. A copy of any such petition shall be forthwith transmitted to the Commissioner of Indian Affairs and the Director of the Bureau of Land Management for preliminary investigations and reports, and such reports shall be made a part of the record at the hearing.

§ 1855.2 Hearing and notice.

The Secretary of the Interior or such other presiding officer as may be designated by the Secretary of the Interior shall hold public hearings upon the possessory claims of native groups of Alaska. The Secretary will give notice of the hearings by publication of the time, place, and subject matter of the hearing in the FEDERAL REGISTER. The Secretary will also cause a copy of the said notice to be mailed to the last known address of all parties who are shown by the preliminary investigations to have interests in the area concerned which may be adversely affected by the claims asserted. The hearing may be continued from time to time and adjourned to a later date or a different place without notice other than the announcement thereof by the presiding officer at the hearing.

§ 1855.3 Powers of presiding officer.

(a) The hearing shall be conducted in an informal but an orderly manner in accordance with the rules of practice hereinafter set forth. Matters of procedure not covered by this section shall be determined by the presiding officer. He shall have power to: (1) Administer oaths; (2) rule upon motions and requests; (3) examine witnesses and receive evidence; (4) admit or exclude evidence and rule upon objections; (5) hear oral arguments and receive memoranda on facts and law in his discretion; (6) do all acts and take all measures necessary for the maintenance of order at the hearing and the official conduct of the proceeding.

(b) At any stage of the hearing, the presiding officer may call for further evidence upon any matter. In the event that the hearing shall be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place for the taking of evidence shall be published in the FEDERAL REGISTER and sent to all parties who appeared at the hearing.

(c) The presiding officer may take official notice of any generally recognized fact, any established technical or scientific fact, or any official public records.

§ 1855.4 Appearances.

Any interested person including any agency of the Department or other governmental agency shall be given an opportunity to appear either in person or through authorized counsel or other representation and to be heard with respect to matters relevant and material to the proceeding. Each such person or representative shall be required to inform the presiding officer of his name and address, the names, addresses and occupations of persons, if any, whom he represents and the position he takes with respect to the issues of the hearing. Where a person appears through counsel or representation, such counsel or representative shall before proceeding to testify, or otherwise to participate in the hearing, state for the record his authority to act as such counsel or representative.

§ 1855.5 Evidence.

(a) The evidence of the witnesses shall be given under oath. Witnesses may be questioned by the presiding officer or by any person who has entered an appearance for the purpose of assisting the presiding officer in ascertaining the material facts with respect to the subject matter of the hearing.

(b) The evidence, including affidavits, records, documents and exhibits received at the hearing, shall be reported and a transcript thereof shall be made. In the discretion of the presiding officer, written evidence may be received without being read into the record. Every party shall be afforded adequate opportunity to cross-examine, rebut or offer contravening evidence. Evidence shall be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer shall announce.

§ 1855.5–1 Rules of evidence.

All evidence having reasonable probative value shall be admitted, regardless of common law or statutory rules of evidence, but immaterial, irrelevant or unduly repetitious evidence shall be excluded.

§ 1855.5–2 Opinion evidence.

In the discretion of the presiding officer, opinion evidence by properly qualified witnesses may be admitted.

§ 1855.5–3 Stipulations.

In the discretion of the presiding officer, stipulations of facts signed by the parties or their representatives may be introduced.

§ 1855.5–4 Depositions.

The presiding officer may order evidence to be taken by deposition at any stage of the proceeding before any person designated by him and having the power to administer oaths or affirmations. Unless notice be waived no deposition shall be taken except after reasonable notice to the parties. Any person desiring to take a deposition of a witness shall make application in writing setting out the reasons why such deposition should be taken and stating the time when, the place where, and the name and address of the person before whom it is desired the deposition should be taken, the name and address of the witness and the subject matter concerning which the witness is expected to testify. If good reason be shown, the presiding officer will make and serve upon the parties or their attorneys an order naming the witness whose deposition is to be taken and specifying the time when, the place where, and the person before whom the witness is to testify. These may or may not be the same as those named in the application. The deponent shall be subject to cross-examination by all the parties appearing. In lieu of oral cross-examination, parties may transmit written cross-interrogations to the deponent. The testimony of the witness shall be reduced to writing by the officer before whom the deposition is taken, or under his direction, after which the deposition shall be subscribed by the witness and certified in the usual form by the officer. Such deposition, unless otherwise ordered by the presiding officer for good cause shown, shall be filed in the record in the proceeding and a copy thereof supplied to the party upon whose application said deposition was taken or his attorney.

§ 1855.5–5 Objections.

It shall not be necessary to make formal exceptions to adverse rulings of the presiding officer upon objections.

§ 1855.6 Oral arguments and briefs.

(a) Oral arguments may be permitted in the discretion of the presiding officer. Such arguments shall be made a part of the transcript, if the presiding officer so orders.

(b) Briefs and proposed findings of fact and conclusions of law may not be filed after 30 days from the close of the hearing unless otherwise ordered by the presiding officer.

§ 1855.7 Filing the record of the hearing.

As soon as practicable after the close of the hearing the complete record shall be filed with the presiding officer. It shall consist of the transcript of the testimony and include exhibits and any written arguments that may have been filed. This record shall be the sole official record. No free copies of the record will be available in any proceeding under this section.

§ 1855.8 Determination by the Secretary of the Interior.

§ 1855.8–1 Report of findings and conclusions by presiding officer.

Within a reasonable time of the filing of the record of the hearing, the presiding officer shall file with the Secretary of the Interior a report upon the possessory claims of the petitioner which shall contain findings of fact and conclusions of law with respect to such claims. Unless final authority has been delegated by the Secretary to the presiding officer, the Secretary of the Interior will approve, disapprove or modify the findings and conclusions of the presiding officer. The determinations finally made shall be published in the FEDERAL REGISTER and a copy thereof shall be mailed to each party who appeared at the hearing or who received actual written notice of the hearing.

§ 1855.8–2 Rehearing.

Upon good cause shown within 30 days of the publication of the presiding officer's report, the Secretary in his discretion may order a rehearing.

§ 1855.9 Publication and revision.

§ 1855.9–1 Public notice of regulations.

Public notice of the issuance of the foregoing rules of practice for hearings shall be given by publishing the same in the FEDERAL REGISTER.

§ 1855.9–2 Revision of subpart.

This subpart may be revised by the Secretary of the Interior at any time without prior notice and such revision shall be published in the FEDERAL REGISTER.

PART 1860—CONVEYANCING DOCUMENTS

Subpart 1861—Final Certificates

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Subpart 1862—Patent Preparation and Issuance

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1862.7 Reservations in patents, Alaska.

Subpart 1863—Other Title Conveyances

1863.5 Title transfer to the Government.
1863.5–1 Evidence of title.

Subpart 1861—Final Certificates

AUTHORITY: The provisions of this Subpart 1861 issued under R.S. 2478, 43 U.S.C. 1201.

§ 1861.1 Names of claimants.

Full names of claimants should appear in applications, final certificates, and patents.

§ 1861.2 Entries in more than one land district.

In submitting proof, the two entries should be treated as one, and the published notice of intention should describe all the land and specify in which land district each part of the claim is located. If the notice is published correctly and the proof is satisfactory, the manager who issued the notice for publication will issue final certificate for the portion within his land district on payment of the testimony fees and payment of the commissions and (if required) the purchase money due for the land in his district. He will then advise the manager of the district wherein the remainder of the claim is located, who will, on receipt of the final commissions and purchase money (if any) due for the part in his district, issue final certificate for that portion without further proof.

Subpart 1862—Patent Preparation and Issuance

AUTHORITY: The provisions of this Subpart 1862 issued under R.S. 2450, as amended; 43 U.S.C. 1161.

§ 1862.0–3 Authority.

(a) Patents for all grants of land shall be issued under the authority of the Director and signed in the name of the United States (act of June 17, 1948, 62 Stat. 476; 43 U.S.C. 15). The patents shall be recorded in the Bureau of Land Management in books kept for that purpose.

(b) Where a conveyance of land is made to the United States in connection with an application for amendment of a patented entry or entries, for an exchange of lands or for any other purpose, and the application in connection with which the conveyance was made is thereafter withdrawn or rejected, the Director, Bureau of Land Management is authorized and directed by section 6 of the act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872), if the deed of conveyance has been recorded, to execute a quit-claim deed of the conveyed land to the party or parties entitled thereto.

§ 1862.1 Contents.

(a) Patents for lands entered or located under general laws can be issued only in the name of the party making the entry or location, or, in case of his death before making proof, to the statutory successor making the proof, provided by law.

(b) The recitals and description of land in patents will in all cases follow the manager's certificate of entry or location, as prescribed by law.

(c) The Bureau of Land Management will cause a new patent to be issued whenever it appears that a patent was regularly issued and the patent record on file in the Bureau of Land Management is imperfect in that it does not contain the name, or the initials, of the signing and the countersigning officers.

§ 1862.2 Delivery.

(a) *Issued on or after August 1, 1950.* When a patent issued on or after August 1, 1950, is ready for delivery it will be transmitted to the patentee or his or her recognized agent or successor in interest.

(b) *Issued before August 1, 1950.* Original patents (issued before August 1, 1950) on file in land offices, or which have been returned to the Washington office of the Bureau of Land Management from such offices upon their discontinuance, may be procured upon

proper request therefor made to the Washington office of the Bureau of Land Management.

(c) *Delivery of erroneously canceled patents.* (1) The decision of the Supreme Court in the case of U.S. ex rel. McBride v. Schurz (102 U.S. 378, 26 L. ed. 166) in effect, holds that the patentee of lands takes the title of the Government by matter of record, and that after the record is complete, "there remain" but "the duty simply ministerial, to deliver the patent to the owner."

(2) From the opinion in the case, it clearly appears that the court intended to insist upon the doctrine that, unless manifestly and notoriously void upon its face, the patent of the Government must be from the date of its record treated as the property of the grantee, and beyond the jurisdiction of the Department of the Interior to withhold.

(3) This being so, the question is narrowed to the one inquiry respecting the delivery of those patents withheld and canceled, and the manner in which, precedent to delivery, the effect of the unauthorized cancellation shall be removed from the patent and the record thereof in the Bureau of Land Management.

(4) These patents fall into the same place in the administration of the business of the Bureau of Land Management that they would have held had no proceedings looking to their cancellation been initiated. Those proceedings being entirely extraneous to the jurisdiction, and consequently void, have no effect upon the instrument, and do not vary the rule properly governing its tradition or transmission to the grantee. The same formalities should be observed as in ordinary cases. The right of the party to its possession must be shown, and the surrender of the usual receipts, or due accounting for their loss must be required.

§ 1862.3 Issuance of supplemental noncoal patents.

(a) The act of Congress approved April 14, 1914 (38 Stat. 335; 30 U.S.C. 82), authorized and directed the Secretary of the Interior:

> In cases where patents for public lands have been issued to entrymen under the provisions of the acts of Congress approved March third, nineteen hundred and nine, and June twenty-second, nineteen hundred and ten, reserving to the United States all coal deposits therein, and lands so patented are subsequently classified as noncoal in character, to issue new or supplemental patents without such reservation.

(b) The act is construed to affect all filings, locations, selections, or entries upon which patent or its equivalent had issued, or might thereafter issue, containing a reservation of the coal in the land to the United States under the act of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81), or the act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83–85), such land having subsequently been finally classified as non-coal character.

§ 1862.4 Patent to be withheld pending report from Forest Service.

In no claim, mineral or non-mineral, shall patent issue for land within a national forest until the Bureau of Land Management is notified by, or ascertains from, the Forest Service, that the claim will not be contested. A claim may be contested by the Forest Service at any time prior to the issuance of patent or confirmation of the entry.

§ 1862.5 Suits to vacate and annul patents.

(a) It is provided in the act of March 3, 1891 (26 Stat. 1093; 43 U.S.C. 1166), that suits by the United States to vacate and annul any patent previously issued shall only be brought within 5 years from the passage of said act, and suits to vacate and annul patents thereafter issued shall only be brought within 6 years after the date of the issue of such patents.

In cases of fraud, the statute has been construed not to commence to run "until discovery of the fraud." Exploration Co., Limited, et al. v. United States (247 U.S. 435, 62 L. ed. 1200).

(b) By act of March 2, 1896 (29 Stat. 42; 43 U.S.C. 900–902), the time within which such suits might be brought, so far as regards patents issued under railroad or wagon-road grant, was extended so as to admit of bringing suit in such cases within 5 years from the passage of the act in cases of patents issued prior thereto, and in cases of patents issued thereafter within 6 years after the date of the issuance of the patents, with a provision protecting the titles of bona fide purchasers of such lands.

§ 1862.6 Patent to issue after 2 years from date of manager's final receipt.

(a) The decision of the Supreme Court of the United States in Thomas J. Stockley et al., appellants, v. the United States, decided January 2, 1923 (260 U.S. 532, 67 L. ed. 390) holds that after the lapse of 2 years from the date of the issuance of the "receiver's receipt" [1] upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or preemption laws, such entryman is, there being no pending contest or protest against the validity of such entry, entitled to patent under the proviso to section 7 of the act of March 3, 1891 (26 Stat. 1098; 43 U.S.C. 1165), regardless of whether or not the manager's final certificate has issued.

(b) The Supreme Court of the United States in Payne v. U.S. ex rel. Newton (255 U.S. 438, 65 L. ed. 720), decided that Newton was entitled to a patent on his homestead entry under the proviso to section 7 of the act of March 3, 1891, 2 years having elapsed from the date of the issuance of the receiver's final receipt upon final entry, and there being no contest or protest pending against the validity of the entry, but stated that the purpose of the satute was:

> To require that the right to a patent which for 2 years has been evidenced by a receiver's receipt, and at the end of that period stands unchallenged, shall be recognized and given effect by the issue of the patent without further waiting or delay, and thus to transfer from the land officers to the regular judicial tribunals the authority to deal with any subsequent controversy over the validity of the entry, as would be the case if the patent were issued in the absence of the statute.

§ 1862.7 Reservations in patents; Alaska.

All patents for lands in Alaska will reserve a right-of-way thereon for ditches or canals constructed by the authority of the United States under the act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), and all patents for lands in the Territory taken up, entered, or located subsequent to the passage of the act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 301–308), will reserve to the United States a right-of-way for the construction of railroads, telegraph, and telephone lines.

In addition to the reservations mentioned, other appropriate reservations will be inserted in the patents, if required by the special laws relating to the particular entries or selections.

> Cross References: For mineral reservations, see Subpart 2023 of this chapter; for rights-of-way for roadways, see Subpart 2234 of this chapter.

[1] The receipts formerly issued by the receivers are now issued by the managers.

Subpart 1863—Other Title Conveyances

> Authority: The provisions of this Subpart 1863 issued under R.S. 2478; 43 U.S.C. 1201.

§ 1863.5 Title transfer to the Government.

§ 1863.5–1 Evidence of title.

Evidence of title, when required by the regulations, must be submitted in such form and by such abstracter or company as may be satisfactory to the Bureau of Land Management. A policy of title insurance, or a certificate of title, may be accepted in lieu of an abstract, in proper cases, when issued by a title company. A policy of title insurance when furnished must be free from conditions and stipulations not acceptable to the Department of the Interior. A certificate of title will be accepted only where the certificate is made to the Government, or expressly for its benefit and where the interests of the Government will be sufficiently protected thereby.

> Cross Reference: For evidence of title in mining cases, see § 3450.3 of this chapter.

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

Group 2000—Land Tenure Management; General

PART 2010—ADJUDICATION PRINCIPLES AND PROCEDURES

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Subpart 2011—Principles

> Authority: The provisions of this Subpart 2011 issued under R.S. 2450; 43 U.S.C. 1161.

§ 2011.0–3 Authority.

By the act approved September 20, 1922 (42 Stat. 857; 43 U.S.C. 1161–1163), sections 2453 and 2454, Revised Statutes, were repealed, and sections 2450, 2451, and 2456, Revised Statutes, were amended. Sections 1161–1163 U.S.C., based on the statutes mentioned and section 403 of Reorganization Plan No. 3 of 1946 (60 Stat. 1100), read as follows:

> Sec. 1161. The Secretary of the Interior, or such officer as he may designate, in authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be approved by the Secretary of the Interior, consistently with such principles, all cases of suspended entries of public lands and of suspended preemption land claims, and to adjudge in what cases patents shall issue upon the same.
>
> Sec. 1162. Every such adjudication shall be approved by the Secretary of the Interior and shall operate only to divest the United States of the title to the land embraced thereby, without prejudice to the rights of conflicting claimants.
>
> Sec. 1163. Where patents have been already issued on entries which are approved by the Secretary of the Interior, the Secretary of the Interior, or such officer as he may designate, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such approval, to the person who made the entry, his heirs or assigns.

§ 2011.1 Equitable adjudication.

§ 2011.1–1 Cases subject to equitable adjudication.

The cases subject to equitable adjudication by the Director, Bureau of Land Management, cover the following:

(a) All classes of entries in connection with which the law has been substantially complied with and legal notice given, but the necessary citizenship status not acquired, sufficient proof not submitted, or full compliance with law not effected within the period authorized by law, or where the final proof testimony, or affidavits of the entryman or claimant were executed before an officer duly authorized to administer oaths but outside the county or land district, in which the land is situated, and special cases deemed proper by the Director, Bureau of Land Management, where the error or informality is satisfactorily explained as being the result of ignorance, mistake, or some obstacle over which the party had no control, or any other sufficient reason not indicating bad faith, there being no lawful adverse claim.

Subpart 2013—Segregation of Lands

> Authority: The provisions of this Subpart 2013 issued under R.S. 2478; 43 U.S.C. 1201, except as noted following sections affected.

§ 2013.1 Payments required to effect segregation of land; rejection of applications.

(a) The minimum fees or payments necessary to gain segregative effect for agricultural and other kinds of applications or selections shall be those which are prescribed by existing regulations in connection with the particular application or selection that may be involved: *Provided, however,* That where the laws or regulations so plainly express the full amount of fees or other payments required to be made at the time of filing, that no mistaken interpretation thereof could reasonably be made, the amounts tendered by the conflicting applicants when filing their applications may be an element for consideration in the adjudication of their respective priorities, notwithstanding a tender of the minimum fee has been made by all of them.

(b) The minimum fee, as in the case of all other fees, must be in the form prescribed by Subpart 1822 of this chapter.

(c) Except where regulations provide otherwise, all applications must be accepted for filing. However, applications which are accepted for filing must be rejected and cannot be held pending possible future availability of the land or interests in land, when approval of the application is prevented by:

(1) Withdrawal or reservation of the lands;
(2) An allowed entry or selection of record;
(3) An irrevocable lease which grants the lessee exclusive use of the land;
(4) Classification under appropriate law;
(5) The fact that for any reason the land has not been made subject, or restored, to the operation of the public land laws.

> Cross Reference: For rule of priority in the case of mineral permits and leases, see § 2023.05.

§ 2013.2 Upon application.

§ 2013.2–1 For enlarged homestead.

No other appropriation of the land will be allowed before the application has been finally disposed of. Prior to final action on the application the party's homestead right will be in abeyance, and he will not be entitled to exercise same elsewhere, nor will he be permitted to have two applications under this act pending at the same time.

> Cross Reference: See Subpart 2211 for additional information on this subject.

§ 2013.2–2 For Indian allotment.

Where an allotment application is approved by the authorized officer, it operates as a segregation of the land, and subsequent applications for the same land will be rejected.

> Cross Reference: See Subpart 2212 for additional information on this subject.

§ 2013.2–3 For airports.

While an application for a lease of not exceeding 2,560 acres of public lands for a public aviation field under sections 1, 2, and 3 of the act of May 24, 1928 (45 Stat. 728, 729; 49 U.S.C. 211–213), will operate as a segregation of the lands described therein from the time such application is filed in the proper land office, no authority is given the Bureau to withdraw public lands for terminal airports. The Bureau may, however, withdraw such lands for beacon lights or other air navigation purposes, including emergency or intermediate landing fields between terminal airports. Such withdrawals may be made on his own motion or at the instance of the Civil Aeronautics Administration or other Federal agencies, or lessees of terminal airports, or the applicants for such leases.

> Cross Reference: See Subpart 2235 for additional information on this subject.

§ 2013.2–4 For State exchange.

The filing of a valid application for exchange under the regulations of Subpart 2244 will segregate the selected public lands to the extent that any subsequently tendered application, allowance of which is discretionary, will not be accepted, will not be considered as filed, and will be returned to the applicant. Where an application is withdrawn or finally rejected in whole or in part, the segregative effect of the application on the lands covered by the recall or rejection will terminate at 10:00 a.m. on the 30th day from and after the date a notice of the withdrawal or rejection is first posted in the land office having jurisdiction over said lands.

§ 2013.2–5 For Carey Act grants.

Lands embraced in pending applications filed by States under the act of August 18, 1894 (28 Stat. 422; 43 U.S.C. 641), and described in accompanying maps and plans of irrigation; lands withdrawn under the act of March 15, 1910 (36 Stat.

237; 43 U.S.C. 643); and lands covered by approved segregations under the said act of August 18, 1894, are not subject to settlement, application, entry, or other filings while reserved, withdrawn, or segregated, and applications to file, select, or enter shall be rejected by the manager.

CROSS REFERENCE: See Subpart 2222 for additional information on this subject.

§ 2013.2–6 For stock-driveway withdrawal.

(a) Upon the receipt in the proper land office of a duly executed application, in duplicate, for the withdrawal of public lands for a stock driveway by responsible parties in interest, the lands described therein shall be segregated from disposition temporarily, pending final action thereon by the Bureau of Land Management.

(b) Pending and during such temporary segregation, applications to enter or select any affected lands may be received and suspended.

(c) Lands withdrawn for driveways for stock or in connection with water holes are not subject to entry or disposition, and applications for the acquisition of lands so withdrawn will be rejected by the manager. Applications for the exchange of such lands, which show that they are filed pursuant to a program for the improvement of stock driveways, and applications to lease or use such lands under any appropriate public land law, until such time as they may be needed for the purposes of the withdrawal, and where the proposed use will not interfere with such purpose, will receive consideration.

CROSS REFERENCE: See Subpart 2321 for additional information on this subject.

§ 2013.2–7 For withdrawal or reservation of Federal lands.

(a) The noting of the receipt of the application under §§ 2311.0–1 and 2311.1–1 to 2311.2 in the tract books or on the official plats maintained by the Land Office in which the application was properly filed or in the tract books maintained by the Washington Office of the Bureau of Land Management if there is no Land Office for the State in which the lands are located shall temporarily segregate such lands from settlement, location, sale, selection, entry, lease, and other forms of disposal under the public land laws, including the mining and the mineral leasing laws, to the extent that the withdrawal or reservation applied for, if effected, would prevent such forms of disposal. To that extent, action on all prior applications the allowance of which is discretionary, and on all subsequent applications, respecting such lands will be suspended until final action on the application for withdrawal or reservation has been taken. Such temporary segregation shall not affect the administrative jurisdiction over the segregated lands.

(b) An application may be amended at any time by the applicant agency so as to eliminate therefrom lands no longer desired for withdrawal or reservation. The authorized officer of the Bureau of Land Management will have a notice published in the FEDERAL REGISTER specifying the date and hour that the lands so eliminated will be relieved of the segregative effect of the agency's application and any suspended applications from other persons for the eliminated lands may be processed without regard to the agency's application.

(c) An amendment of an agency's application so as to include additional lands shall have as to such lands the segregative effect provided for in paragraph (a) of this section from the date of the entry of information regarding the receipt of such request on the records mentioned in paragraph (a) of this section. Such an amendment will be processed either as a part of that application or separately, as the facts may warrant.

CROSS REFERENCE: See Subpart 2311 for additional information on this subject.

§ 2013.3 Upon classification.

§ 2013.3–1 Under Small Tract Act.

Lands classified under the act of June 1, 1938, as amended, will be segregated from all appropriations, including locations under the mining laws, except as provided in the order of classification or in any modification or revision thereof.

CROSS REFERENCE: See Subchapter 2233 for additional information on this subject.

§ 2013.3–2 Under Taylor Grazing Act and the Recreation and Public Purposes Act.

(a) Lands in Alaska classified under the Recreation and Public Purposes Act, and lands in the States classified pursuant to the act under section 7 of the act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315f), as amended, will be segregated from all appropriations, including locations under the mining laws, except as provided in the order of classification or in any modification or revision thereof.

(b) Classifications made pursuant to the act on the motion of the Government for which no application is filed within 18 months after issuance will be vacated and the land restored to its former status.

CROSS REFERENCE: See Subpart 2232 for additional information on this subject.

§ 2013.4 Lands occupied as townsites.

Public lands settled upon and occupied as a townsite are thereby segregated from entry under the agricultural land laws, and may be entered under sections 2387 to 2389, Revised Statutes (43 U.S.C. 718–720), subject to the restrictions contained in sections 2386 and 2391 to 2393, inclusive, Revised Statutes (43 U.S.C. 717, 721–723).

§ 2013.5 Lands selected in lieu of railroad grants.

When any lands, whether surveyed or unsurveyed, have been selected under the act of July 1, 1898, by an individual claimant, no right thereto can be initiated by settlement or entry while such selection remains of record.

CROSS REFERENCE: See Subpart 2244 for additional information on this subject.

§ 2013.6 Lands occupied by Indians.

Managers will ascertain by any means in their power whether any public lands in their districts are occupied by Indians and the location of their improvements, and will suspend all applications made by others than the Indian occupants, upon lands in the possession of Indians who have made improvements of any value whatever thereon.

CROSS REFERENCE: See Subpart 2212, for additional information on this subject.

§ 2013.9 Alaska.

§ 2013.9–1 Lands under grazing leases; Act of March 4, 1927.

(a) Lands leased under the act are not subject to settlement, location, and acquisition under the nonmineral public land laws applicable to Alaska unless and until the authorized officer of the Bureau of Land Management determines that the grazing lease should be cancelled or reduced in order to permit, in the public interest and without undue interference with the grazing operations, the appropriate development and utilization of the lands § 4131.2–7 of this chapter, and that the lands are suitable for and otherwise subject to the intended settlement, location, entry or acquisition. An application on the appropriate form or a notice on a form approved by the Director if applicable to the class of entry contemplated, will be accepted and treated as a petition for determination. Upon such determination and after not less than 30 days' notice thereof to the lessee the grazing lease may be cancelled or reduced to permit the settlement, location, entry or other acquisition of the lands so eliminated from the lease, and the petitioner will be accorded a preference right to settle upon or enter the lands in accordance with the determination.

(b) Unless otherwise withdrawn therefrom, lands leased under the act are subject to disposition under the mineral leasing laws and to mineral prospecting, location, and purchase under the mining laws, in accordance with the applicable regulations of Subparts 3400 and 3636 of this chapter.

(44 Stat. 1452; 43 U.S.C. 471, 471a–471c)

§ 2013.9–2 Lands subject to reindeer grazing; Act of September 1, 1937.

(a) Lands included in grazing permits under the act are subject to settlement, location, and acquisition under the non-mineral public land laws applicable to the State of Alaska.

(b) Upon settlement, location or entry of any lands included within a reindeer grazing permit, the permittee shall be notified of the settlement, location or entry, and the permitted area shall be reduced by the area involved in the settlement, location or entry.

(c) Unless otherwise withdrawn therefrom, lands included in grazing permits under the act are subject to disposition under the mineral leasing laws and to mineral prospecting, location, and purchase under the mining laws, in accordance with the applicable regulations of Subparts 3400 and 3636 of this chapter.

(50 Stat. 902; 48 U.S.C. 250, 250a–250b)

§ 2013.9–3 Occupied lands.

Lands occupied by Indians, Aleuts, and Eskimos in good faith are not subject to entry or appropriation by others.

CROSS REFERENCE: See Subpart 2212 for additional information on this subject.

§ 2013.9–4 State selections.

Lands desired by the State under the regulations Subpart 2222 will be segregated from all appropriations based upon application or settlement and location, including locations under the mining laws, when the State files its application for selection in the appropriate land office properly describing the lands as provided in § 2222.9–3(c). Such segregation will automatically terminate unless the State publishes first notice as provided by § 2222.9–4(g) within 60 days of service of such notice by the appropriate officer of the Bureau of Land Management.

CROSS REFERENCE: See Subpart 2222 for additional information on this subject.

§ 2013.9–5 Alaska Public Sales Act.

(a) Subject to valid prior rights, the filing of an application in conformity with the regulations in Subpart 2241 will segregate the land applied for from application, entry, or settlement under any public-land laws or from mining locations except as provided in § 2241.5–2 pending classification of the land under the act.

(b) Subject to valid prior rights, the authorized officer may, at any time, on his own motion, effect a segregation of land, pending its classification as suitable for disposal under the act by filing with the manager of the land office a notice specifying each tract of land under consideration. The notice shall be effective to segregate the land from further application, entry or settlement under any public-land law, or from mining locations except as provided in § 2241.5–2. The segregation notice shall be effective for not more than six months from date of filing of the notice in the land office, but the segregation may be extended for not more than an additional six months by the authorized officer, by filing a similar notice as to any or all of such tracts.

(c) An application or a segregation notice shall not prevent the filing of other applications under any public-land law without the initiation of any rights thereunder, pending classification of the land. Upon determination, pursuant to an application or notice, that the land is not suitable for disposal under the act or upon expiration of the segregation period or an extension thereof without classification, the land shall be subject to the public-land laws and pending applications thereunder.

CROSS REFERENCE: See Subpart 2241 for additional information on this subject.

§ 2013.9–6 Application for native allotment.

The filing of an acceptable application for allotment will segregate the lands to the extent that conflicting applications for such lands will be rejected, except when accompanied by a showing that the applicant for allotment has permanently abandoned occupancy of the land.

CROSS REFERENCE: See Subpart 2212 for additional information on this subject.

PART 2020—SPECIAL RESOURCE VALUES

Subpart 2022—Power

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Subpart 2024—Shore Space

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Subpart 2025—Improvements

2025.1 Reservation of rights-of-way for federal irrigation purposes under the Act of December 5, 1924.

Subpart 2022—Power

AUTHORITY: The provisions of this Subpart 2022 issued under R.S. 2478; 43 U.S.C. 1201.

CROSS REFERENCES: For applications and entries, Alaska, see § 1824.9 of this chapter. For rights-of-way for power projects and for power transmission lines, see Subpart 2234. For regulations of the Federal Power Commission, see 18 CFR Chapter I. For rights-of-way over Indian lands; power projects; see Indians 25 CFR 161.27.

§ 2022.0–3 Authority.

(a) Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, provides that any lands of the United States included in an application for power development, under said Act, shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States, until otherwise directed by the Federal Power Commission or by Congress. It also provides that whenever the Commission shall determine that the value of any lands withdrawn or classified for power purposes will not be injured or destroyed for such purposes by location, entry or selection under the public land laws, the Secretary of the Interior shall declare such lands open to location, entry or selection under such restrictions as the Commission may determine, and subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy and use any or all of such lands for power purposes. Before the lands are declared open to location, entry or selection, the Secretary of the Interior must give notice of his intention to make such declaration, to the Governor of the State within which such lands are located, and the State shall have a preference for a period of 90 days from the date of such notice to file under any applicable law or regulation, an application for the reservation to the State, or any political

subdivision thereof, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.

(b) The act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621) opened lands then, theretofore or thereafter withdrawn or classified for power purposes, with certain specified exceptions, to mineral location and development under certain conditions.

§ 2022.1 Lands considered withdrawn or classified for power purposes.

The following classes of lands are considered as withdrawn or classified for power purposes for the purposes of section 24 of the Federal Power Act: Lands withdrawn for powersite reserves under the act of June 25, 1910 (36 Stat. 847) as amended by the act of August 24, 1912 (37 Stat. 497; 43 U.S.C. 141–143); lands included in an application for power development under the Federal Power Act; lands classified for powersite purposes under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31); lands designated as valuable for power purposes under the acts of June 20, 1910 (36 Stat. 557, 564, 575), June 9, 1916 (39 Stat. 218, 219), and February 26, 1919 (40 Stat. 1178, 1180); lands within final hydroelectric power permits under the act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959); and lands within transmission-line permits or approved right-of-way under said act of 1901 or the act of March 4, 1911 (36 Stat. 1253; 16 U.S.C. 5, 420, 523; 43 U.S.C. 961).

§ 2022.2 General determination of availability of land.

(a) On April 17, 1922, the Federal Power Commission made a general determination "that where lands of the United States have heretofore been, or hereafter may be, reserved or classified as powersites, such reservation or classification being made solely because such lands are either occupied by power transmission lines or their occupancy and use for such purposes has been applied for or authorized under appropriate laws of the United States, and such lands have otherwise no value for power purposes, and are not occupied in trespass, the commission determines that the value of such lands so reserved or classified or so applied for or authorized, will not be injured or destroyed for the purposes of power development by location, entry or selection under the public land laws, subject to the reservation of section 24 of the Federal Water Power Act."

(b) The regulations governing mining locations on lands withdrawn or classified for power purposes, including lands restored under section 24 of the Federal Power Act, are contained in Group 3400 of this chapter.

§ 2022.3 Petitions for restoration.

(a) Petitions for restoration of lands withdrawn or classified for power purposes, under the provisions of section 24 of the Federal Power Act, must be filed, in duplicate, in the proper land office, or for lands in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D.C., except that petitions for lands in North or South Dakota must be filed in the land office at Billings, Montana; for lands in Kansas or Nebraska in the land office at Cheyenne, Wyoming; and for lands for Oklahoma in the land office at Santa Fe, New Mexico. No particular form of petition is required, but it must be typewritten or in legible handwriting. Each petition must be accompanied by a service charge of $10 which is not returnable.

(b) Favorable action upon a petition for restoration will not give the petitioner any preference right or right to preferential treatment if or when the lands are finally restored.

Subpart 2023—Minerals (Nonmineral Entries on Mineral Lands)

AUTHORITY: The provisions of this Subpart 2023 issued under R.S. 2478; sec. 32, 41 Stat. 450; 43 U.S.C. 1201, 30 U.S.C. 189. Additional authority is cited following section affected.

§ 2023.0–3 Authority.

(a) Section 29 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 449; 30 U.S.C. 186) and the act of March 4, 1933 (47 Stat. 1570; 30 U.S.C. 124) grant the Secretary of the Interior complete discretion to determine whether the surface of public lands embraced in mineral permits or leases, or in applications for such permits or leases, or classified, withdrawn, or reported as valuable for any leasable mineral, or lying within the geologic structure of a field, should be disposed of. Accordingly, where a nonmineral application is filed, in the continental United States, for any of such described lands, the nonmineral application may be allowed only if it is determined by the proper officer, with the concurrence of the Director, Geological Survey, that the disposal of the lands under the nonmineral application will not unreasonably interfere with current or contemplated operations under the Mineral Leasing Acts. Appeals from any decision of the Director, Bureau of Land Management, or other officer, may be taken by any affected party in accordance with Parts 1840 and 1850 of this chapter.

(b) Sections 2023.0–3 to 2023.0–7 apply to all public land States, including, though not limited to, those States which are specifically excepted by statute from the operation of the mining laws, but which are covered by the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181) (48 L.D. 629, Apr. 8, 1922). §§ 2023.0–3 to 2023.0–7 do not apply, however, to public domain lands in Alaska, which are governed by § 2023.5.

§ 2023.0–5 Definitions.

As used in §§ 2023.0–3 to 2023.0–7 inclusive, a mineral claim is "prior" where an application for a mineral permit or lease has been filed before either the filing of a complete nonmineral application for part or all of the same land, or before the classification of that land for the purposes requested by that nonmineral applicant: *Provided*, That the nonmineral application is not either for:

(a) A State exchange under section 8 of the Taylor Grazing Act (48 Stat. 1269; 43 U.S.C. 315g), as amended, filed prior to such mineral claim; or

(b) A reclamation homestead under the Reclamation Act of June 17, 1902 (32 Stat. 388, 43 U.S.C. 372 et seq.) for lands applied for by a mineral claimant under the Leasing Act after withdrawal for reclamation purposes.

§ 2023.0–6 Notations required.

(a) *On notice of allowance.* Whenever the mineral claim is "prior", the following notation will be made in the notice of allowance of the nonmineral application, as well as on the original copy of that nonmineral application:

This land is subject to the right of any prior mineral permittee or lessee, or of any prior applicant for a mineral permit or lease, to occupy and use so much of the surface of the lands as may be reasonably required for mineral leasing operations, without liability to the nonmineral entryman or patentee for crop and improvement damages resulting from such mineral activity.

(b) *On final certificate.* (1) Whereever a nonmineral application, which is affected by the notation described in paragraph (a) of this section, proceeds to issuance of final certificate and patent, and at the time of such issuance there is outstanding a mineral lease, permit, or application therefor, based on a "prior", mineral claim, such final certificate and patent will indicate that they are subject to the act of March 4, 1933 (47 Stat. 1570; 30 U.S.C. 124).

(2) Such final certificate and patent will indicate that they are also subject to the provisions and limitations of section 29, act of February 25, 1920 (41 Stat. 449; 30 U.S.C. 186), if, when the final certificate or patent issues, there is outstanding a mineral lease or permit based on a "prior" mineral claim.

§ 2023.0–7 Compensation for damages.

In any case where there is no "prior" mineral claim, any person obtaining authority to prospect for, mine or remove the reserved mineral deposits will be liable to the entryman, selector or patentee of the surface for any damages to crops or improvements which may result from his prospecting or mining operations on the land.

§ 2023.1 Surface rights of nonmineral entrymen.

§ 2023.1–1 Act of March 3, 1909.

(a) The act of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81) protects persons who, in good faith, have located, selected, or entered, under nonmineral laws, public lands which are, after such location, selection, or entry, classified, claimed, or reported as being valuable for coal by providing a means whereby such persons may at their election, retain the lands located, selected, or entered, subject to the right of the Government to the coal therein. It applies alike to locations, selections, and entries made prior to its passage and those made subsequently thereto.

(b) The act also provides for the disposal, under the existing coal land laws, of the coal contained in such lands and gives the patentees of such lands the right to mine coal for domestic purposes prior to disposal thereof by the United States.

§ 2023.1–2 Election to take patent with reservation to United States of the coal deposits.

All persons who, in good faith, locate, select, or enter, under the nonmineral laws, lands which are, subsequently to the date of such location, selection, or entry, classified, claimed, or reported as being valuable for coal, may elect, upon making satisfactory proof of compliance with the laws under which they claim, to receive patents upon their location, selection, or entry, as the case may be, such patents to contain a reservation to the United States of all coal in the lands and the right of the United States, or anyone authorized by it, to prospect for, mine, and remove the coal in accordance with the conditions and limitations imposed by the act; or may decline to elect to receive patent with such reservation, in which event proceedings shall be had as provided for in § 2023.1–3 (a), and (b).

§ 2023.1–3 Procedures.

(a) *Where final proof has been submitted.* (1) Managers will promptly advise each nonmineral claimant to land which, subsequent to location, selection, or entry, has been classified, claimed, or reported as being valuable for coal, that at the time of applying for notice of intention to submit final proof he must, in writing, state whether he elects to receive a patent containing the reservation prescribed by the act of March 3, 1909.

(2) In the event of election to receive such a patent, no further inquiry will be necessary respecting the coal character of the land.

(3) In the event the claimant declines to elect to receive such patent, evidence will be received at the time of making final proof for the purpose of determining whether the lands are chiefly valuable for coal; and the entryman, locator, or selector will be entitled to a patent without reservation, unless it shall be shown that the land is chiefly valuable for coal.

(4) The claimant may, after determination at final proof that the lands are chiefly valuable for coal, elect to receive patent with the statutory reservation, provided, of course, proof of compliance with the law in other respects is satisfactory.

(b) *When final proof has been submitted.* Where satisfactory final proof has been made for lands entered under the nonmineral laws, the claimant will be entitled to a patent without reservation, except in those cases where the Government is in possession of sufficient evidence to justify the belief that the land is, and was before making final proof, known to be chiefly valuable for coal, in which case hearing will be ordered. If, at said hearing, it is proven that the land is chiefly valuable for coal, the entry shall be canceled, unless the claimant shall prove that he was at the time of the initiation of his claim in good faith endeavoring to secure the land under the nonmineral laws, and not because of its coal character, in which event he shall be permitted to elect to receive patent with the reservations prescribed in the statute. If it is not shown that the land is chiefly valuable for coal, the claimant shall be entitled to patent without reservation.

§ 2023.1–4 Disposal of the coal deposits.

Where election to accept patent with the prescribed reservation has been made by the nonmineral claimant, coal deposits in the land may be leased or otherwise disposed of, as provided for by the act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), as amended.

§ 2023.2 Agricultural entries on coal lands.

§ 2023.2–1 Acts of June 22, 1910 and April 30, 1912.

(a) Section 1 of the act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83), provides that from and after its passage, the unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert land law, selection under section 4 of the act approved August 18, 1894, known as the Carey Act (28 Stat. 422; 43 U.S.C. 641, and to withdrawal under the act approved June 17, 1902 (32 Stat. 388; 43 U.S.C. 372 et seq.), known as the Reclamation Act, whenever such entries, selections, or withdrawals shall be made with a view of obtaining or passing title, with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same; and that all homestead entries made thereunder shall be subject to the conditions, as to residence and cultivation, of entries provided for under the act approved February 19, 1909 (35 Stat. 639; 43 U.S.C. 218), entitled "An act to provide for an enlarged homestead." The act of February 19, 1909, was amended by the act of June 6, 1912 (37 Stat. 123; 43 U.S.C. 164, 169, 218).

(b) In the proviso to section 1 (36 Stat. 583; 30 U.S.C. 83) it is enacted that those who had initiated nonmineral entries, selections, or locations in good faith, prior to the passage of this act, on lands withdrawn or classified as coal lands, may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this act.

(c) Section 2 of the act (36 Stat. 584; 30 U.S.C. 84) provides that any person desiring to make entry under the homestead laws or the desert-land law, any State desiring to make selection under section 4 of the act of August 18, 1894, known as the Carey Act, and the Secretary of the Interior in withdrawing under the Reclamation Act lands classified as coal lands, or valuable for coal, with a view to securing or passing title to the same in accordance with the provisions of said acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions of this act.

(d) The act of April 30, 1912 (37 Stat. 105; 30 U.S.C. 90) authorizes the selection of unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands, or are valuable for coal, by the several states within whose limits the lands are situated, under grants made by Congress, and the offering at public sale, in the discretion of the Secretary of the Interior, of isolated or disconnected tracts of coal lands, which are so withdrawn, classified or valuable, with a reservation of the coal deposits to the United States and otherwise subject to all the conditions and limitations of the act of June 22, 1910.

CROSS REFERENCE: See Subparts 2211, 2222, and 2226 for additional information on this subject.

(e) The act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83–85) was not designed to operate as an implied repeal of any provision of the act of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81). There is no inconsistency between the two acts, and both of them may have harmonious operation within their proper spheres. The earlier law provides a remedy in those cases in which entries, locations, and selections have been or may be made for lands which, subsequently to entry, location, or selection, have been, or may be, claimed, classified, or reported as being valuable for coal, while the later act permits certain dispositions to be made of lands valuable for coal, notwithstanding that they may have been previously withdrawn, or classified as such. The proviso to section 1 of the later act also affords relief to those persons who, prior to June 22, 1910, in good faith made entries, locations, or selections of lands which, at the date of such entries, locations, or selections, had been withdrawn or classified, as valuable for coal.

§ 2023.2–2 Lands on which entries may be made.

(a) The act of June 22, 1910 applies to unreserved public lands in the United States, exclusive of the State of Alaska, which have been withdrawn as coal lands and not released therefrom, or which have been classified as coal lands or which are valuable for coal, though not withdrawn or classified.

(b) The Secretary of the Interior in withdrawing, under the Reclamation Act, lands classified as coal lands, or valuable for coal, with a view to securing or passing title to the same in accordance with the provisions of said acts, will state in the notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of the act of June 22, 1910.

§ 2023.2–3 Requirements to complete homestead entries.

The act of February 19, 1909, as amended by the act of June 6, 1912 (subject to which, as to residence and cultivation, such homestead entries must be made), provides that "no entry made under this act shall be commuted" (35 Stat. 639; 43 U.S.C. 218). This, then, requires a residence for the full period of 3 years to entitle the homesteader to patent thereunder. The enlarged homestead act, as amended, also provided that in addition to the proofs and affidavits required under section 2291 of the Revised Statutes (43 U.S.C. 164) the entryman shall prove by two credible witnesses that at least one-sixteenth of

§ 2023.3–4 Contest.

The second proviso to section 3 of the act of June 22, 1910 (36 Stat. 584; 30 U.S.C. 85), has no application to the Alabama lands, and claimants are not, therefore, entitled to contest the classification of the land and disprove its coal character.

§ 2023.4 Agriculture entry of lands withdrawn, classified or valuable for minerals.

§ 2023.4–1 Acts of July 17, 1914 and March 4, 1933.

(a) Section 1 of the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121) authorizes the appropriation, location, selection, entry or purchase under the nonmineral land laws of the United States, if otherwise available, of lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for such deposits, whenever such lands are sought with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn, classified, or reported as valuable, together with the right to prospect for, mine, and remove the same. Any form of appropriation under the proper applicable nonmineral land laws is authorized, with a reservation of the minerals as specified, to the same extent as if no withdrawal or classification had been made.

(b) The term "person" used in this act will be interpreted as covering a State (see ex parte, Utah, 38 L.D. 245), or other corporation, or an association when duly qualified.

(c) Under the proviso in section 2 of the act (38 Stat. 509; 30 U.S.C. 122) applications for land, either withdrawn or classified, may be presented with a view of proving that the lands applied for, if withdrawn, are not of the character intended to be included in the withdrawal, or, if classified, of disproving the classification and securing patent free from reservations; also, claimants for lands withdrawn or classified for the specified minerals subsequent to location, selection, entry, or purchase have the privilege of showing at any time before final entry, purchase, or approval of selection or location that the lands sought are in fact nonmineral in character.

(d) Under the act of March 4, 1933 (47 Stat. 1570; 30 U.S.C. 124), lands

withdrawn, classified, or reported as valuable for sodium and/or sulphur are subject to entry, filing, or selection, if otherwise available, and subject to the reservations, provisions, limitations and conditions of the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121–123), sulphur lands being limited to the States of Louisiana and New Mexico, pursuant to the act of July 16, 1932 (47 Stat. 701; 30 U.S.C. 271, 276).

(Interprets or applies sec. 1, 36 Stat. 583, sec. 1, 38 Stat. 509, as amended; 138; 30 U.S.C. 83, 121)

§ 2023.4–2 Lands to which applicable.

The act of July 17, 1914 is general and comprehensive and operates in all the States containing public lands of the character specified. It does not apply to lands in the State of Alaska, or to lands in the United States which for other reasons are not available or which, in other words, are not subject to entry. This statute fully covers the field included in the special acts of August 24, 1912 (37 Stat. 496), providing for certain agricultural entries and selections on oil and gas lands in the State of Utah, and of February 27, 1913 (37 Stat. 687), authorizing selections by the State of Idaho of phosphate and oil lands in that State. This broad and general act supersedes and displaces said special laws, and by implication works their repeal. Therefore, all entries, selections, or locations of lands of the character described in those special statutes made in the States mentioned on or after date of this general act, July 17, 1914, will be treated as within the scope of the latter act, and will be adjudicated thereunder. Also, all such entries, selections, or locations made under those special acts prior to, and not perfected at, that date will be carried to completion, approved, and patented, if at all, under the general act.

§ 2023.4–3 Procedures.

(a) *General.* The act of July 17, 1914 in many respects resembles that of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81), which provides for the protection of the surface rights of entrymen upon lands subsequently classified, claimed, or reported as coal lands, and also, that of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83–85), authorizing certain forms of agricultural entries and selections on withdrawn or classified coal lands. The general instructions under these acts as set forth in §§ 2023.1 to 2023.2 may be followed, so far as applicable, in matters of practice and procedure.

(b) *Notations on applications and in orders of withdrawal.* (1) All applications to locate, select, enter, or purchase lands under the act of July 17, 1914, before being accepted and filed by the manager, must have written, stamped, or printed upon their face the following:

Application made in accordance with, and subject to the provisions and reservations of the act of July 17, 1914 (38 Stat. 509).

(2) Orders of withdrawal under the Reclamation Act of lands withdrawn, classified, or reported as valuable for the specified minerals with a view to passing title to the same in accordance with the terms of this act, will state that such withdrawal is made in accordance with and subject to the provisions and reservations of the act of July 17, 1914.

(c) *Notice to entryman; action by entryman.* (1) Where the Geological Survey reports that land embraced in a nonmineral entry or claim on which final proof has not been submitted or which has not been perfected is in an area in which valuable deposits of oil and gas may occur because of the absence of reliable evidence that the land is affected by geological structure unfavorable to oil and gas accumulation, the entryman or claimant will be notified thereof and allowed a reasonable time to apply for reclassification of the land as nonmineral, submitting a showing therewith, and to apply for a hearing in event reclassification is denied, or to appeal. He must be advised that, if a hearing is ordered, the burden of proof will be upon him, and also that, if he shall fail to take one of the actions indicated, his entry or claim and any patent issued pursuant thereto will be impressed with a reservation of oil and gas to the United States.

(2) In a case where acceptable final proof has been submitted, or a claim has been perfected, and the Geological Survey thereafter makes report, as in the above or similar form, such report will not be relied upon as basis for a mineral reservation unless the Government is prepared to assume the burden of proving, prima facie, that the land was known to be of mineral character, at the date of acceptable final proof or when the claim was completed, according to the established criteria for determining mineral from nonmineral lands, among which may be those recognized by the Supreme Court in the case of United States v. Southern Pacific Company et al. (251 U.S. 1, 64 L. ed. 97). If the Government is thus prepared to assume such burden of proof, the Bureau of Land Management will notify the entryman of the mineral classification and that a hearing will be ordered if he manifests disagreement with the classification within a reasonable period. The entryman or claimant will be advised that in the event hearing is had, the burden of proof will be upon the Government; also that, if he shall fail to make answer within the time allowed, the entry or claim and any patent issued pursuant thereto will be impressed with a reservation of oil or gas to the United States.

Cross References: For Geological Survey, classification of public coal lands, see 30 CFR, Part 201.

(d) *Applications to disprove classification of land; hearing thereon.* (1)(i) The proviso to section 2 of the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 122), allows any qualified person to present an application to locate, select, enter, or purchase, under the land laws of the United States, lands which are withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, with a view to obtaining a patent thereunder without reservation. An applicant under this proviso must submit with his application a request for a classification of the land as nonmineral, filing therewith a showing, preferably the statements of experts or practical miners, of the facts upon which is founded the knowledge or belief that the land applied for is not valuable for the mineral on account of which it was withdrawn or classified.

(ii) Applications to locate, select, enter, or purchase lands so withdrawn or classified, which are not filed under the provisions of section 1 of the act (38 Stat. 509; 30 U.S.C. 121), and are not accompanied by request for classification as nonmineral of the land applied for, and the evidence required herein to be filed with such request, will be rejected by the manager and the applicant allowed 30 days from notice within which to amend his application to take a limited patent for the land in accordance with and subject to the provisions of the act, or to file request for classification thereof as nonmineral, accompanied by the necessary evidence.

(iii) If upon the showing made, and such other inquiry as may be deemed proper, a restoration of the land, where withdrawn, be secured, or a reclassification as nonmineral be made, where the land has been classified, the nonmineral application, in the absence of other objection, will be allowed.

(iv) If the application be denied the applicant may, within 30 days from notice of such denial, apply to the land office for a hearing to disprove the classification. When a hearing is applied for, the manager will proceed therewith under Parts 1840 and 1850 of this chapter. If the applicant fails to apply for a hearing within the time allowed, the application to locate, select, enter or purchase will be finally rejected.

(v) The rejection of the application, however, will not preclude the applicant from filing application to locate, select, enter or purchase the land in accordance with and subject to the provisions and reservations of said act.

(2) (i) Under this proviso, persons who have located, entered, selected, or purchased lands subsequently withdrawn or classified as valuable for said mineral deposits, are allowed the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands are in fact nonmineral in character.

(ii) Claimants to whom this provision is applicable may, therefore, file in the proper land office application for a classification of the land as nonmineral, together with the evidence prescribed herein to be filed by an original applicant with his request for classification. If the application be denied, the claimant will be allowed 30 days from notice of such denial within which to make application to the land office for a hearing to establish the nonmineral character of the land. When a hearing is applied for the manager will proceed therewith under Parts 1840 and 1850 of this chapter.

(e) *Burden of proof.* (1) Where application is made to enter, locate, or select lands withdrawn or classified as valuable for or on account of any of the minerals specified in the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121–123) as supplemented by the act of March 4,

the area embraced in his entry was continuously cultivated to agricultural crops, other than native grasses, beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry.

§ 2023.2–4 Procedures.

(a) *Applications.* (1) The last proviso to section 3 of the act of June 22, 1910 (36 Stat. 584; 30 U.S.C. 85) provides that nothing in the act contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, enter, or select, under the land laws of the United States, lands which have been classified as coal lands with a view of disproving such classification and securing a patent without reservation.

(2) Entries and selections under the provisions of the act of June 22, 1910, must have noted across the face of the application for entry or selection, before such application for entry or selection is signed by the applicant and presented to the manager, the following:

Application made in accordance with and subject to the provisions and reservations of the act of June 22, 1910 (36 Stat. 583).

(b) *Hearing.* Except in the case of those who present applications under section 2 of the act (36 Stat. 584; 30 U.S.C. 84), the manager will advise any person presenting a nonmineral application or filing for lands classified as coal lands that he will be allowed 30 days in which to submit evidence, preferably the statements of experts or practical miners, that the land is in fact not coal in character, together with an application that the same be reclassified, and that in the event of failure to furnish said evidence within the time specified the application will be rejected. If upon the showing made, and such other inquiry as may be deemed proper, the land is classified as agricultural land, the nonmineral application, in the absence of other objections, will be allowed. If reclassification be denied, the applicant may, within 30 days from receipt of notice, apply for a hearing, at which he may be afforded an opportunity for showing that the classification is improper, in which event he must assume the burden of proof. If he should fail to apply for a hearing within the time allowed, his application to enter or file will be finally rejected. The rejection of such application, however, does not preclude the person from filing another application pursuant to section 2 of the act.

§ 2023.2–5 Patent with reservation of coal deposits; disposal of coal deposits.

(a) By section 3 of the act of June 22, 1910, it is provided that upon satisfactory proof of full compliance with the provisions of the laws under which entry is made, and of this act, the entryman shall be entitled to a patent to the land entered by him, which patent shall contain a reservation to the United States of all the coal in the land so patented, together with the right to prospect for, mine, and remove the same; and that the coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Said section 3 also provides that any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right, at all times, to enter upon the lands selected, entered, or patented, as provided by this act, for the purpose of prospecting for coal thereon upon the approval of the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting; and that any person who has acquired from the United States the coal deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages.

(b) There will be incorporated in patents issued to nonmineral claimants under this act the following:

Excepting and reserving, however, to the United States all the coal in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove the coal from the same upon compliance with the conditions and subject to the provisions and limitations of the act of June 22, 1910 (36 Stat. 583).

§ 2023.2–6 Prospecting for reserved coal deposits.

As a condition precedent to the exercise of the right mentioned in the act of June 22, 1910, to prospect for coal on public land which has been entered or patented with a reservation of the coal deposits as provided by that act, the person desiring to so prospect must file a bond in the sum of $1,500, apply for and obtain a coal prospecting permit, and otherwise comply with the regulations relating to coal prospecting permits contained in Part 3130 of this chapter.

§ 2023.3 Homestead entry of coal lands in Alabama.

§ 2023.3–1 Act of April 23, 1912.

The act of April 23, 1912 (37 Stat. 90; 30 U.S.C. 77) makes unreserved public lands containing coal, in Alabama, which were withheld from homestead entry under the act of March 3, 1883 (22 Stat. 487; 30 U.S.C. 171), subject to homestead entry with a reservation of the coal deposits to the United States, as provided by the act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83–85).

§ 2023.3–2 Lands to which applicable.

The lands referred to in the act of April 23, 1912, include all tracts which were prior to March 3, 1883, reported as containing valuable coal, and which were not under the provisions of the act of March 27, 1906 (34 Stat. 88; 30 U.S.C. 172), classified as agricultural in character.

§ 2023.3–3 Procedures.

(a) Section 2023.2 under the act of June 22, 1910, will govern proceedings with reference to these lands so far as applicable.

(b) Prior to execution of a homestead application it must bear across its face the notation provided by § 2023.2–4(a)(2). This notation may not be placed upon the application after its execution without applicant's consent. In the absence of the notation the application will be treated as incomplete, and the applicant will be allowed the usual time to perfect same.

1933 (47 Stat. 1570; 30 U.S.C. 124), the burden of proof to show that said lands are not of the character of those intended to be withdrawn or that the classification as such was and is erroneous and improper in point of fact will rest upon and be borne by the applicant in the event that he shall undertake to establish, at a hearing ordered and held for that purpose, the truth of the allegations made by him in that behalf.

(2) A withdrawal or classification will be deemed prima facie evidence of the character of the land covered thereby for the purposes of this act. Where any nonmineral application to select, locate, enter, or purchase has preceded the withdrawal or classification and is incomplete and unperfected at such date, the claimant, not then having obtained a vested right in the land, must take patent with a reservation or sustain the burden of showing at a hearing, if one be ordered, that the land is in fact nonmineral in character and therefore erroneously classified or not of the character intended to be included in the withdrawal. Where the agricultural claimant has completed and perfected his claim and becomes possessed of a vested right in the land, which subsequent thereto is withdrawn or classified, the burden will rest upon the Government to show that the land is in fact mineral in character and was so known at the date of final completion and perfection of the claim. (See Charles W. Pelham (39 L.D. 201).)

§ 2023.4–4 Patents.

(a) *Patent with reservation.* Section 3 of the act of July 17, 1914 (38 Stat. 510; 30 U.S.C. 123), is both retrospective and prospective, and under it any person who prior to the act, had applied or who after the passage of the act, shall apply for lands which are subsequently withdrawn, classified or reported as being valuable for the specified minerals, and which are otherwise available may upon application therefor, and the making of satisfactory proof, receive a patent with a reservation. In this particular the statute is quite similar to that of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81), and the disposition of such cases will follow the practice under that act insofar as the same is applicable.

(b) *Application for patent.* Nonmineral claimants who are or may be affected by withdrawals or classifications made or which shall be made, subsequent to their locations, selections, entries, or purchases, upon submission of satisfactory proof of compliance with the laws under which they claim, unless the withdrawal be revoked or the classification set aside prior to the issuance of patent, or unless they show that the lands embraced in their claims are in fact nonmineral, shall be entitled to the patent authorized to be issued by section 3 of the act of July 17, 1914 (38 Stat. 510; 30 U.S.C. 123) upon the filing of an application therefor. Such claimant will be notified of his right to such a patent, and upon failure to file within 30 days his application therefor or to apply for a classification of the land as nonmineral, the entry will be canceled.

(c) *Reservations in patents.* There will be incorporated in patents issued to nonmineral claimants under this act the following:

> Excepting and reserving, however, to the United States all the [deposit on account of which the lands are withdrawn, classified, or reported as valuable—phosphate, oil, or other mineral, as the case may be] in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the act of July 17, 1914 (38 Stat. 509).

§ 2023.4–5 Disposition of reserved deposits; protection of surface claimant.

The act of July 17, 1914, provides that the deposits reserved in agricultural patents issued thereunder shall be "subject to disposal by the United States only as shall be hereafter expressly directed by law." Provisions are made in the act for the protection of the surface owner against damage to his crops and improvements on the land by reason of prospecting for, mining, and removing such reserved mineral deposits.

§ 2023.5 Entries on coal, oil, and gas lands in Alaska.

§ 2023.5–1 Acts of March 8, 1922 and May 17, 1906 as amended.

(a) The act of March 8, 1922 (42 Stat. 415), as amended August 23, 1958 (72 Stat. 730; 48 U.S.C. 376, 377), referred to in §§ 66.1 to 66.5 of this part as "the act of 1922," provides that (1) in Alaska, homestead, including soldiers' additional homestead, homesite, headquarters site, and trade and manufacturing site claims may be initiated by actual settlers on public lands which are known to contain workable coal, oil, or gas deposits or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn; (2) such claims initiated in good faith may be perfected under the appropriate public land laws and, upon satisfactory proof of full compliance with these laws, the claimant shall be entitled to patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal, oil, or gas in the land patented, together with the right to prospect for, mine, and remove the same; and (3) should it be discovered at any time prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation referred to in subparagraph (2) of this paragraph.

(b) The act of May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 48 U.S.C. 357), permits, subject to the provisions of the act of 1922, homestead allotments to Indians, Aleuts, and Eskimos of vacant, unappropriated, and unreserved lands in Alaska that may be valuable for coal, oil, or gas deposits and the act of August 17, 1961 (75 Stat. 384), permits the Secretary of the Interior to sell under the provisions of section 2455 of the Revised Statutes (43 U.S.C. 1171), as amended, lands in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are otherwise subject to sale under said section 2455, as amended, upon the condition that the patent issued to the purchaser thereof shall contain the reservation required by section 2 of the act of 1922. (See Subpart 2243.)

(c) Section 2 of the act of 1922 provides (1) the coal, oil, and gas deposits reserved under the act shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits, or coal, oil, or gas lands in Alaska, in force at the time of such disposal; (2) any person qualified to acquire coal, oil, or gas deposits, or the right to mine and remove the coal, or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times (after the issuance of, and pursuant to, a lease or permit therefor) to enter upon the lands as provided by the act for the purpose of prospecting for coal, oil, or gas upon the approval, by the Secretary of the Interior, of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting; (3) any person who has acquired from the United States the coal, oil or gas deposits in any such land or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove the oil or gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking, in an action instituted in any competent court to ascertain and fix the said damages.

(d) The act of 1922 extends to Alaska the principles of the acts of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81), June 22, 1910 (36 Stat. 583; 30 U.S.C. 83–85), and July 17, 1914 (38 Stat. 509; 30 U.S.C. 121–123), which, among other things, govern agricultural entries on coal, oil, or gas lands in States other than Alaska. The general instructions under these acts relating to the reservation of coal, oil, or gas to the United States as set forth in this subpart will, therefore, be followed in matters of practice and procedure.

§ 2023.5–2 Rights of prior mineral permittees or lessees.

If prior to the date of the initiation of a claim that is subject to the provisions of the act of 1922, the land was embraced in an oil and gas lease, or a coal permit or lease, or an application for or offer of such a lease or permit, the land will be subject to the right of such prior mineral permittee or lessee, or of such prior applicant for or offeror of a mineral permit or lease, to occupy and use so much of the surface of the lands as may be reasonably required for mineral leasing operations, without liability to the entryman, allottee, or patentee for crop and improvement damages resulting from such mineral activity.

§ 2023.5–3 Obligations of subsequent mineral permittees or lessees.

(a) Any coal permit applicant or noncompetitive oil and gas lease offeror whose application or offer was filed subsequent to the date of the initiation of a claim that is subject to the provisions of the act of 1922 must file with the appropriate Land Office Manager a waiver from, or a consent of, the claimant or a bond or undertaking on forms approved by the Director, for coal applicants and for oil and gas offerors for the payment of all damages to the crops and improvements on the lands caused by the prospecting.

(b) There must be filed with the bond or undertaking required by the preceding paragraph, evidence of service of a copy thereof upon the claimant. The bond must be executed by the prospector as principal and by a corporate surety which has been approved as required by section 1 of the act of July 30, 1947 (61 Stat. 646; 6 U.S.C. 1–15), in the sum of $1,000. Where surety bonds are tendered with individuals as sureties, they must be executed by not less than two qualified individual sureties. Each surety must execute a statement showing that he is worth $2,000 in real property not exempt from execution, over and above his just debts and liabilities and that he is either a resident of the same State or Territory and the United States Judicial District as the principal on the bond, or of the United States Judicial District in which the lands involved are located. There also must be furnished a certificate by a judge or clerk of a court of record, a United States Attorney, a United States Commissioner, or a United States Postmaster, as to the identity, signature, and financial competency of the sureties. The statement of justification required to be furnished by the sureties, and the certificate of competency must be on a form approved by the Director.

(c) Bonds or undertakings executed pursuant to the provisions of § 2023.5–1 (c) (3) must not be filed with the Bureau of Land Management. Such bonds or undertakings are to be arranged for as specified in that subparagraph.

§ 2023.5–4 Use of coal by the nonmineral claimant.

A claimant under the act of 1922 may, at any time prior to the disposal by the United States of the coal deposits on his claim, make use of them for his domestic purposes and this may be done without the filing of any application therefor. This privilege does not, however, authorize the mining of the coal deposits for the purpose of barter or sale.

§ 2023.6 Disposition of minerals reserved to the United States Government.

§ 2023.6–1 Act of December 29, 1916.

(a) *Reservation of rights.* (1) Section 9 of the Act of December 29, 1916 (39 Stat. 864; 43 U.S.C. 299), provides that all entries made and patents issued under its provisions shall contain a reservation to the United States of all coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same; also that the coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal.

(2) There will be incorporated in patents issued on homestead entries under this act the following:

> Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove all the coal and other minerals from the same upon compliance with the conditions, and subject to the provisions and limitations, of the act of December 29, 1916 (39 Stat. 862).

(b) *Mineral deposits subject to existing laws.* The coal and other mineral deposits in the lands entered or patented under the act of December 29, 1916, will become subject to existing laws, as to purchase or lease, at any time after allowance of the homestead entry, unless the lands or the coal or other mineral deposits are, at the time of said allowance, withdrawn or reserved from disposition.

> Cross Reference: For mineral land regulations, generally, see Group 3000 of this chapter.

(c) *Prospecting.* Said section 9 also provides that any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented under the act, for the purpose of prospecting for the coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on the land by reason of such prospecting.

(d) *Prior approval; payment or bonding.* (1) It is further provided in said section 9 that any person who has acquired from the United States the coal or other mineral deposits in any such land or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal, or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; or, second, upon payment of the damages to crops or other tangible improvements to the owner thereof under agreement; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure payment of such damages to the crops or tangible improvements of the entryman or owner as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon. This bond, on a form approved by the director, must be executed by the person who has acquired from the United States the coal or other mineral deposits reserved, as directed in said section 9, as principal, with two competent individual sureties, or a bonding company which has complied with the requirements of the act of August 13, 1894 (28 Stat. 279; 6 U.S.C. 6–13), as amended by the act of March 23, 1910 (36 Stat. 241; 6 U.S.C. 8, 9), and must be in the sum of not less than $1,000. Qualified corporate sureties are preferred and may be accepted as sole surety. Except in the case of a bond given by a qualified corporate surety there must be filed therewith affidavits of justification by the sureties and a certificate by a judge or clerk of a court of record, a United States district attorney, a United States commissioner, or a United States postmaster as to the identity, signatures, and financial competency of the sureties. Said bond, with accompanying papers, must be filed with the manager of the land office of the district wherein the land is situate, and there must also be filed with such bond evidence of service of a copy of the bond upon the homestead entryman or owner of the land.

(2) If at the expiration of 30 days after the receipt of the aforesaid copy of the bond by the entryman or owner of the land no objections are made by such entryman or owner of the land and filed with the manager against the approval of the bond by them, he may, if all else be regular, approve said bond. If, however, after receipt by the homestead entryman or owner of the lands of copy of the bond, such homestead entryman or owner of the land timely objects to the approval of the bond by said manager, the said officer will immediately give consideration to said bond, accompanying papers, and objections filed as aforesaid to the approval of the bond, and if, in consequence of such consideration he shall find and conclude that the proffered bond ought not to be approved, he will render decision accordingly and give due notice thereof to the person proffering the bond, at the same time advising such person of his right of appeal to the Director of the Bureau of Land Management from the action in disapproving the bond so filed and proffered. If, however, the manager, after full and complete examination and consideration of all the papers filed, is of the opinion that the proffered bond is a good and sufficient one and that the objections interposed as provided herein against the approval thereof do not set forth sufficient reasons to justify him in refusing to approve said proffered bond, he will, in writing, duly notify the homestead entryman or owner of the land of his decision in this regard and allow such homestead entryman or owner of the land 30 days in which to appeal to the Director of the Bureau of Land Management. If appeal from the adverse decision of the manager be not timely filed by the person proffering the bond, the manager will indorse upon the bond "disapproved" and other appropriate notations, and close the case. If, on the other hand, the homestead entryman or owner of the lands fails to timely appeal from the decision of the manager ad-

verse to the contentions of said homestead entryman or owners of the lands, said manager may, if all else be regular, approve the bond.

(e) *Mineral applications.* Mineral applications for the reserved deposits disposable under the act must bear on the face of the same, before being signed by the declarant or applicant and presented to the manager, the following notation:

Patents shall contain appropriate notations declaraing same subject to the provisions of the act of December 29, 1916 (39 Stat. 862), with reference to disposition, occupancy, and use of the land as permitted to an entryman under said act.

Subpart 2024—Shore Space

AUTHORITY: The provisions of this Subpart 2024 issued under R.S. 2478; 43 U.S.C. 1201, Interpret or apply secs. 4, 5, 69 Stat. 444; 48 U.S.C. 462 note.

§ 2024.0–3 Authority.

Section 1 of the act of May 14, 1898 (30 Stat. 409) as amended by the acts of March 3, 1903 (32 Stat. 1028) and August 3, 1955 (69 Stat. 444; 48 U.S.C. 371) provides that no entry shall be allowed extending more than 160 rods along the shore of any navigable water. Section 10 of the act of May 14, 1898, as amended by the acts of March 3, 1927 (44 Stat. 1364), May 26, 1934 (48 Stat. 809), and August 3, 1955 (69 Stat. 444), provides that trade and manufacturing sites, rights-of-way for terminals and junction points, and homesites and headquarters sites may not extend more than 80 rods along the shores of any navigable water.

§ 2024.0–5 Definitions.

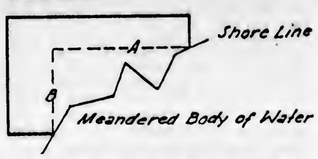
The term "navigable waters" is defined in section 2 of the act of May 14, 1898 (30 Stat. 409; 48 U.S.C. 411), "to include all tidal waters up to the line of ordinary high tide and all nontidal waters navigable in fact up to the line of ordinary highwater mark".

§ 2024.1 Methods of measuring; restrictions.

(a) In the consideration of applications to enter lands shown upon plats of public surveys in Alaska, as abutting upon navigable waters, the restriction as to length of claims shall be determined as follows: The length of the water front of a subdivision will be considered as represented by the longest straight-line distance between the shore corners of the tract, measured along lines parallel to the boundaries of the subdivision; and the sum of the distances of each subdivision of the application abutting on the water, so determined, shall be considered as the total shore length of the application. Where, so measured, the excess of shore length is greater than the deficiency would be if an end tract or tracts were eliminated, such tract or tracts shall be excluded, otherwise the application may be allowed if in other respects proper.

(b) The same method of measuring shore space will be used in the case of special surveys, where legal subdivisions of the public lands are not involved.

(c) The following sketch shows the method of measuring the length of shore space, the length of line "A" or line "B", whichever is the longer, representing the length of shore space which is chargeable to the tract:



§ 2024.2 Waiver of 160-rod limitation.

(a) The act of June 5, 1920 (41 Stat. 1059; 48 U.S.C. 372) provides that the Secretary of the Interior in his discretion, may upon application to enter or otherwise, waive the restriction that no entry shall be allowed extending more than 160 rods along the shore of any navigable waters as to such lands as he shall determine are not necessary for harborage, landing, and wharf purposes. The act does not authorize the waiver of the 80-rod restriction, mentioned in § 2024.0–3.

(b) Except as to trade and manufacturing sites, and home and headquarters sites, any applications to enter and notices of settlement which cover lands extending more than 160 rods along the shore of any navigable water will be considered as a petition for waiver of the 160-rod limitation mentioned in paragraph (a) of this section, provided that it is accompanied by a showing that the lands are not necessary for harborage, landing and wharf purposes and that the public interests will not be injured by waiver of the limitation.

Subpart 2025—Improvements

AUTHORITY: The provisions of this Subpart 2025 issued under R.S. 2478; 43 U.S.C. 1201.

§ 2025.1 Reservation of rights-of-way for Federal irrigation purposes under the Act of December 5, 1924.

Section 4, subsection P, of the act of December 5, 1924 (43 Stat. 704; 43 U.S.C. 417), provides that where, in the opinion of the Secretary, a right-of-way over public land is required in connection with a reclamation project, the Secretary may reserve the same to the United States by filing in the appropriate land office copies of an instrument giving a description of the right-of-way and notice that the same is reserved to the United States for Federal irrigation purposes under this section, in which event entry for such land and the patent issued therefor shall be subject to the right-of-way so described in such instrument; and reference to each such instrument shall be made in the appropriate tract books and also in the patent.

PART 2030—SPECIAL CONSIDERATIONS

Subpart 2031—Alaska

Sec.
2031.1 Governing laws prior to the admission of Alaska to the Union.
2031.2 Governing laws effective upon the admission of Alaska to the Union.

Subpart 2033—Veterans

2033.0–3 Authority.
2033.0–5 Definitions.
2033.1 Act of September 27, 1944—benefits to veterans.
2033.1–1 Persons entitled to veteran's benefits.
2033.1–2 Credit for and evidence of service.
2033.1–3 Residence requirements under the homestead and Alaska homesite laws.
2033.1–4 Cultivation and other requirements under the homestead and the Alaska homesite laws.
2033.1–5 Soldiers' and sailors' declaratory statements.
2033.2 Act of October 17, 1940—benefits to persons in military service.
2033.2–1 Claims protected from forfeiture.
2033.2–2 Rights protected.
2033.2–3 Rights of minors.
2033.2–4 Notice, proof.
2033.2–5 Homesteads.
2033.2–6 Desert-land entries.
2033.2–7 Mining claims.
2033.2–8 Installment payments for land, under homestead and other entries.
2033.2–9 Leases, permits, licenses, and claims.

Subpart 2031—Alaska

AUTHORITY: The provisions of this Subpart 2031 issued under R.S. 2478; 43 U.S.C. 1201.

§ 2031.1 Governing laws prior to the admission of Alaska to the Union.

(a) The act of May 17, 1884 (23 Stat. 24), providing for a civil government for Alaska, in section 8, extended to Alaska "the laws of the United States relating to mining claims, and the rights incident thereto," but provided that "nothing contained in this act shall be construed to put in force in said district the general land laws of the United States." Similar provision is contained in sections 26 and 27 of the act of June 6, 1900 (31 Stat. 329, 330; 48 U.S.C. 381, 356), which act also made provision for a civil government for Alaska.

(b) However, in section 3 of the act of August 24, 1912 (37 Stat. 512; 48 U.S.C. 23), it was provided that "the Constitution of the United States, and all the laws thereof which are not locally inapplicable, shall have the same force and effect within the said State as elsewhere in the United States."

(c) In an opinion dated June 29, 1915 (30 Op. Atty. Gen. 387), the Attorney General had occasion to consider the effect of the act of August 24, 1912, in respect to extending certain public-land statutes to Alaska, and, in this connection, he stated: "The express exception of the public land laws, found in the earlier organic acts, is here omitted; all the laws of the United States are to operate in Alaska save only such as may be locally inapplicable."

(d) It follows, therefore, that whether or not any particular public land statute is applicable in the State depends on whether or not it may operate therein consistently with special legislation and with local conditions.

§ 2031.2 Governing laws effective upon the admission of Alaska to the Union.

(a) Alaska was admitted to the Union January 3, 1959, by Presidential Proclamation No. 3269, January 5, 1959, 24 F.R. 81, 73 Stat. c16. Section 8(d) of the Alaska Statehood Act (Act of July 7, 1958, Public Law 85–508; 72 Stat. 339), provides as follows: "Upon admission of the State of Alaska into the Union as herein provided, all of the Territorial laws then in force in the Territory of Alaska shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within said State as elsewhere within the United States. As used in this paragraph, the term "Territorial laws" includes (in addition to laws enacted by the Territorial Legislature of Alaska) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Alaska prior to the admission of the State of Alaska into the Union, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Alaska at the time of the admission of the State of Alaska into the Union, (2) are not "Territorial laws" as defined in this paragraph, and (3) are not in conflict with any other provisions of this Act."

(b) Section 8(d) was intended (1) to provide for the continuation of the Territorial laws until the legislature of the State of Alaska could enact a body of laws for its government, (2) to make applicable to the new State the Federal laws applicable elsewhere in the United States, and (3) to provide for the continuation of certain Federal laws, other than Territorial laws, which were applicable to Alaska at the time of Statehood.

(c) "Territorial laws" continuing in full force and effect by virtue of this section are of two types:

(1) Laws enacted by the Territorial Legislature of Alaska.

(2) Laws or parts thereof enacted by the Congress, the validty of which is dependent solely upon the authority of the Congress to provide for the Government of Alaska as a Territory prior to the admission of the State of Alaska into the Union. This second type of Territorial law may be said to include those laws or parts thereof enacted by Congress for the internal operation of the government of Alaska, which, had Alaska then been a State, the Congress would not have had the power to control. To express it another way, this type of Territorial law refers to those Federal laws, the continued operation and effect of which woud be inconsistent with the sovereignty of the State and would, unless continued by the new State, cease to have any force and effect after the admission of the State to the Union.

(d) These Territorial laws are continued in effect except as modified by the Statehood Act, the constitution of the State, "or as thereafter modified or changed by the legislature of the State."

(e) The term "laws of the United States" includes all general laws that apply throughout the other States. In addition, it includes all laws or parts of laws enacted by the Congress which, at the time of admission of the State, applied to or within the Territory of Alaska, provided such laws are not "Territorial laws" as defined in section 8(d) and are not in conflict with any other provision of the Statehood Act. "Laws of the United States" may be categorized as follows:

(1) Laws generally applicable to the United States but which were not applicable to Alaska prior to Statehood.

(2) Laws equally applicable to the United States and its Territories and possessions (including Alaska) or to the Territory of Alaska specifically.

(3) Laws applicable to the United States and its Territories and possessions generally, and which accord the Territories and possessions more or less favorable treatment than is accorded the several States.

GROSS REFERENCE: See Subparts 2023 and 1850 of this chapter for additional information on this subject.

Subpart 2033—Veterans

AUTHORITY: The provisions of this Subpart 2033 issued under sec. 6, 45 Stat. 1061, as amended, sec. 5, 58 Stat. 748, as amended, 43 U.S.C. 617e, 283, except as noted following sections affected.

§ 2033.0–3 Authority.

(a) *Act of September 27, 1944.* The act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended, referred to in this part as the "1944 Act", grants to veterans of World War II and of the Korean Conflict certain benefits in connection with the public lands. These rights are in addition to the benefits conferred on persons in the military service by the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1178; 50 U.S.C., App. 560–572), as amended, and the regulations thereunder in this part, relating to rights initiated or acquired under the public land laws prior to the entrance of the claimant into the military or naval service.

(b) *Other war statutes.* Other statutes have granted benefits under the homestead laws (43 U.S.C. 164, 169, 218) to veterans who served in earlier wars. The veterans benefited, referred to in this part as "veterans of other wars" and the statutes conferring the benefits are as follows: Veterans of certain Indian Wars, act of April 7, 1930 (46 Stat. 144; 43 U.S.C. 243); veterans of the Civil War, Sec. 2305, Revised Statutes (43 U.S.C. 272); veterans of the war with Spain and of the suppression of the Philippine Insurrection, acts of June 16, 1898 (30 Stat. 473; 43 U.S.C. 240) and of March 1, 1901 (31 Stat. 847; 43 U.S.C. 271, 272); and veterans of the Mexican border operations and of World War I, act of February 25, 1919 (40 Stat. 1161; 43 U.S.C. 272a,

§ 2033.0–5 Definitions.

The following definitions, contained in section 101 of the Soldiers' and Sailors' Civil Relief Act of 1940, are adopted as definitions for the purpose of § 2033.2:

(a) The term "persons in the military service" shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy.

(b) The term "military service" shall signify Federal service on active duty with any branch of service above referred to as well as training or education under the supervision of the United States preliminary to induction into the military service and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(c) The term "period of military service" and equivalent terms, shall include the time between the following dates: For persons in the active service on October 17, 1940, it shall begin with that date; for persons entering the active service after the date mentioned, it shall begin with the date of entering the active service. It shall terminate with the date of discharge from active service or death while in the service, but in no case later than the date when the Soldiers' and Sailors' Civil Relief Act of 1940 ceases to be in force.

§ 2033.1 Act of September 27, 1944; benefits to veterans.

§ 2033.1–1 Persons entitled to veterans' benefits.

(a) A veteran is entitled to benefits under the 1944 act if he has served in the military or naval forces of the United States including the Coast Guard, on or after September 16, 1940, and prior to the termination of the Korean Conflict, referred to in this part as the "statutory period" of the 1944 act, and has been honorably discharged from such forces. The veteran is considered to have been honorably discharged for the purposes of the 1944 act if separated from the service by means of an honorable discharge, by the acceptance of resignation, or by a discharge under honorable conditions. A release from active duty is acceptable instead of a discharge if the release from active duty to an inactive status was under honorable conditions, whether or not in a reserve component or retirement, and whether or not the veteran thereafter resumes active military duty. In addition, the veteran must have:

(1) Served at least 90 days during the statutory period, or

(2) Been discharged on account of wounds received or disability incurred during the statutory period in line of duty, or

(3) After regular discharge, been furnished hospitalization or awarded compensation by the Government on account of wounds received or disability incurred during the statutory period.

A veteran, under 21 years of age, who is otherwise entitled to benefits under the 1944 act, may not be disqualified from making homestead entry or from any other benefits of the 1944 act merely because of age.

(b) A "veteran of other wars" is entitled to benefits if he was honorably discharged and served:

(1) With the United States Army or Navy or with a unit of the Federalized National Guard mustered into the United States service or with a Red Cross unit assigned to an Army or Navy unit, if the veteran served between April 15, 1861, and August 20, 1866, and remained loyal to the Government; or if he served between April 21, 1898, and July 15, 1903; or between May 9, 1916, and March 3, 1921; or with the Allied armies between July 28, 1914, and March 3, 1921, and thereafter resumed his United States citizenship; and if the veteran served for at least 90 days during any one of those periods, or was wounded or disabled in line of duty while in such service, or was awarded compensation by the United States for wounds or disability resulting from such service; or

(2) With a Federal, State, or Territorial military organization in any Indian War, campaign, or in a zone of active Indian hostilities between January 1, 1817, and December 31, 1898, if the veteran served for at least 30 days.

(c) The following persons may exercise the rights of a veteran under the regulations of this part, subject to compliance with other applicable regulations:

(1) The wife or husband of a veteran entitled to benefits under the 1944 act,

if the veteran gives written consent, such benefits being in addition to any to which the spouse may individually be entitled under the 1944 act as a qualified veteran.

(2) The surviving wife or husband, or the surviving minor children if the spouse dies or remarries, of a veteran entitled to benefits under the 1944 act or of a person who died as the result of wounds received or disability incurred in line of duty while serving with the military or naval forces during the statutory period of the 1944 act.

(3) The heirs or devisees of a veteran entitled to the benefits of the 1944 act with respect to a homestead settlement or entry made by the veteran who died before perfecting title to the claim, without leaving a surviving spouse or minor children.

(4) The unmarried widow of a "veteran of other wars" entitled to benefits under the regulations of this part who died prior to making homestead entry, or the widow of such a veteran who died after making homestead settlement or entry or filing a declaratory statement but prior to perfecting his claim.

(5) The minor orphan children of a "veteran of other wars" entitled to benefits under the regulations of this part if:

(i) The veteran died prior to making homestead entry or died while actually engaged in the war with Spain, the Philippine Insurrection, the Mexican border operation, or World War I after settling on public lands of the United States, and if the widow died or remarried; or

(ii) The veteran made homestead entry or filed a declaratory statement or his widow made homestead entry but died prior to perfecting the claim, leaving a minor child or minor children as his or her only heirs.

(6) The heirs or devisees of any "veteran of other wars" entitled to benefits under the regulations of this part who made homestead settlement or entry, or filed a declaratory statement, but died before perfecting title to the claim, leaving no widow or surviving minor children entitled as his only heirs to benefits under the regulations of this part.

(d) As of the date of issuance of § 2033.1 the Korean Conflict has not yet been declared terminated by Presidential proclamation or by concurrent resolution of Congress, as required by the 1944 act.

§ 2033.1–2 Credit for and evidence of service.

(a) Any person, entitled to benefits under the regulations of this part, may obtain credit only for actual service, with the organizations and for the "statutory periods" specified in the regulations of this part, subject to minimum requirements specified in the regulation in this part except as follows:

(1) Credit is granted for the equivalent of two years' service, regardless of the actual length of service by a veteran entitled to the benefits of the 1944 act, if the veteran was discharged because of wounds received or disability incurred in line of duty during the "statutory period" of the 1944 act; or after regular discharge, was furnished hospitalization or awarded compensation by the Government on account of such wounds or disability; or died as the result of wounds received or disability incurred in line of duty during such period.

(2) Credit is granted for the whole term of enlistment, regardless of actual length of service by any "veteran of other wars" who was discharged because of wounds received or disability incurred in the line of duty, or who subsequent to discharge was awarded compensation for such wounds or disability.

(3) Credit is granted for the whole term of enlistment, regardless of actual length of service by any "veteran of other wars", except of the Indian wars, if the veteran died during the term of his enlistment.

(4) Credit is granted for service by any "veteran of other wars" except of the Indian wars, for the full term of the service under his enlistment, although such term did not expire until after the war ceased.

(5) Credit granted for service between May 9, 1916, and March 3, 1921, includes time spent in a course of training under the Vocational Rehabilitation Act of June 27, 1918 (40 Stat. 617), or under treatment in a Government hospital on account of wounds or disabilities incurred in line of duty during that period.

(b) For the purpose of the regulations of this part, credit for service in the military or naval forces of the United States begins upon induction into such service whether by enlistment, draft, appointment, or call into active service from a reserve status. Credit for service by a veteran entitled to the benefits of the 1944 act terminates upon his honorable discharge or release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement, and whether or not he has thereafter resumed active duty. He is considered to have been honorably discharged for the purposes of the 1944 act if he has been separated from the service by means of an honorable discharge, or by the acceptance of resignation or a discharge under honorable conditions. Credit for the service by a member of the Naval Reserve or of the Federalized National Guard who was called into active service during the Mexican border operations or during World War I terminates upon the date of his actual discharge, and not upon the date that he was ordered to inactive duty. Except for veterans of Indian wars who served with State or Territorial troops, qualifying service does not include service with State or Territorial troops, units of the Red Cross, or the National Guard prior to assignment or after the termination of the assignment of such units or troops into the service of the United States.

(c) No credit for military service can be allowed where commutation proof is submitted.

(d) A veteran claiming benefits under this part must submit evidence clearly showing:

(1) A discharge from the armed forces or other unit on the basis of service with which he claims benefits under the regulations in this part;

(2) The period of his service; and

(3) Other facts upon which his claim is based.

Preferred evidence for subparagraphs (1) and (2) of this paragraph is a photostatic copy of both sides of the veteran's certificate of discharge although other duly corroborated evidence will be accepted.

(e) Any other person claiming benefits under this section must submit all the evidence required of a veteran; and in addition, must include information as to whether the veteran is deceased, the date of his or her death, and whether the spouse has remarried, and facts as to homestead entry made by the veteran. A guardian, duly appointed and accredited to the Department must represent any surviving minor children. He must submit a like statement, and in addition give the name, address, and age of each surviving minor child.

§ 2033.1–3 Residence requirements under the homestead and Alaska homesite laws.

(a) Persons claiming benefits under the regulations in this part must comply with the homestead or Alaska homesite laws, as the case may be, for a period of at least one year and for such additional period as, added to the term of qualifying service, equals three years. Except as elsewhere indicated in this section, the following tables list the amount of residence required of such persons, according to the service credit to which they are entitled.

(1) Residence requirements under the homestead laws (43 U.S.C., sec. 161, et seq.):

(i) In the computation of the required periods of homestead residence, there has been excluded the five months' of absence each year which may be taken by giving notice as required in Subpart 2211.

Number of months of service credit	Number of months of residence required during the first 3 years after entry		
	1 year	A second year	A third year
19 or more	7	----	----
18	7	1	----
17	7	2	----
16	7	3	----
15	7	4	----
14	7	5	----
13	7	6	----
7 to 12	7	7	----
6	7	7	1
5	7	7	2
4	7	7	3
3	7	7	4
2	7	7	5
1	7	7	6

[1] Applicable only as to service in any Indian war, campaign, or in a zone of active Indian hostilities since veterans need a minimum of only 30 days service to obtain statutory benefits for such service.

(2) Residence requirements under the Alaska Homesite Act (48 U.S.C., sec. 461):

(i) These reduced residence requirements are applicable only to persons entitled to the benefits of the 1944 act.

278), as amended by the act of April 6, 1922 (42 Stat. 491; 43 U.S.C. 233, 272, 273), and Public Resolution 79 of December 28, 1922 (42 Stat. 1067; 43 U.S.C. 186, 272a).

(c) *Boulder Canyon Project Act.* Under the terms of section 9 of the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1063), as amended by the act of March 6, 1946 (60 Stat. 36, 43 U.S.C. 617h), all persons who served in the Army, Navy, Marine Corps, or Coast Guard during World War II, World War I, the war with Spain, or in the suppression of the insurrection in the Philippines, and who have been honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve, will have a preference right for a period of three months to enter lands reclaimed by irrigation and reclamation under that act, subject to such qualifications as to industry, experience, character, and capital, as are deemed necessary to give reasonable assurance of success by the prospective settler. Such exclusive preference right is also given by the act cited to veteran settlers on lands watered from the Gila Canal in Arizona and on lands watered from the All-American Canal in California.

(d) *Act of October 17, 1940.* (1) The act of October 17, 1940 (54 Stat. 1178), known as the "Soldiers' and Sailors' Civil Relief Act of 1940," extends relief and benefits to persons in the military service, including those set forth in Subpart 2033. Section 604 of the act provides that the act shall remain in force until May 15, 1945, but that should the United States be then engaged in a war, the act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for 6 months thereafter. It also provides that wherever under any section or provision of the act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date therein fixed for the termination of the act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

(2) By section 14 of the act of June 24, 1948 (62 Stat. 623), as amended (50 U.S.C. App. Sup. 464) all of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 were continued in effect until "repealed or otherwise terminated by subsequent act of the Congress."

(3) Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which it engages while the Soldiers' and Sailors' Civil Relief Act of 1940 is in force, will be entitled to the relief and benefits afforded thereby if such service is similar to military service as defined in such act and in § 2033.0–5 and if they are honorably discharged and resume United States citizenship, or die in the service of the allied forces, or as a result of such service (Sec. 512, 54 Stat. 1190).

(e) *Statutes superseded; statute repealed.* (1) Section 605 of the Soldiers' and Sailors' Civil Relief Act of 1940 makes the provisions of section 4 of the joint resolution approved August 27, 1940 (54 Stat. 860), and the provisions of section 13 of the Selective Training and Service Act of 1940, inapplicable to any military service performed after October 17, 1940. Paragraph 3 of section 503 of the act first mentioned repeals the act of July 28, 1917 (40 Stat 248).

(2) (i) Section 4 of Public Resolution No. 96 of August 27, 1940, extended the benefits of certain provisions of the Soldiers' and Sailors' Civil Relief Act of March 8, 1918 (40 Stat. 440–448), including section 501, to all National Guard, Reserve and Retired Personnel, ordered into the military service under authority of its provisions, so long as such personnel are in such service and for 60 days thereafter.

Section 13 of the Selective Training and Service Act of 1940 extended the same benefits to persons who are inducted into the land or naval forces under the authority of its provisions and to all members of any reserve component of such forces then or thereafter on active duty for a period of more than one month.

(ii) The act of July 28, 1917 (40 Stat. 248), extended certain relief to homestead entrymen or settlers who enter the military or naval service of the United States in time of war. The Soldiers' and Sailors' Civil Relief Act of 1940 extends substantially the same relief to those who are entitled to its benefits.

Number of months of service credit	Number of months of residence required after entry		
	1 year of the entry	A second year of the entry	A third year of the entry
17 or more	5		
16	5	1	
15	5	2	
14	5	3	
13	5	4	
5 to 12	5	5	
4	5	5	1
3	5	5	2

(b) The following persons are excused from residence requirements:

(1) The surviving spouse, surviving minor orphan children, or other heirs or devisees, of a homestead entryman, who have succeeded to the homestead entry are excused from further residence on the land after the death of the entryman.

(2) Surviving minor orphan children of a veteran entitled to the benefits of the 1944 act who made an Alaska homesite entry are excused from further residence on the land after death of the entryman.

§ 2033.1–4 Cultivation and other requirements under the homestead and the Alaska homesite laws.

(a) An entryman entitled to benefits under the regulations in this part must comply with the requirements of these regulations and any others relating to his entry under the homestead or Alaska homesite law. If the entryman succeeds to the rights of a deceased entryman, the successor must show that the deceased entryman had complied with the applicable laws and regulations up to the time of his death.

(b) A homestead entryman obtaining benefits under the regulations in this part, may comply with the cultivation and other requirements and become entitled to a patent for his homestead prior to the termination of the three-year period otherwise required of homestead entrymen for such compliance, if he promptly files his final homestead proof. He must in any case cultivate at least one-eighth of the area entered. The following tables indicate the area of cultivation required under the homestead law of such persons, according to the service credit to which they are entitled.

(1) Cultivation requirements under the homestead laws for persons entitled to the benefits of the 1944 act:

Year after date of entry during which proof is filed [1]	Portion of entry required to be cultivated				
	First year	Second year	Third year	Fourth year	Fifth year
First [2]	1/8				
Second [3]		1/8			
Third		1/16	1/8		
Fourth		1/16	1/8	1/8	
Fifth		1/16	1/8	1/8	1/8

[1] This table assumes that final homestead proof is filed promptly after completion of the cultivation requirements listed in the above table. The homestead law requires cultivation until final proof. If the homesteader delays submission of final homestead proof beyond the period of residence required, therefore, he must perform the necessary cultivation during each annual cultivable season elapsing or reached before the submission of proof, except for those years to which his service credit is applied.

[2] Applicable only to persons entitled to credit for 19 months or more of service.

[3] Applicable only to persons entitled to credit for 7 months or more of service.

(2) Cultivation requirements under the homestead laws for persons entitled to the benefits of "veterans of other wars":

Year after date of entry during which proof is filed [1]	Portion of entry required to be cultivated				
	First year	Second year	Third year	Fourth year	Fifth year
First [2]					
Second [3]		1/16			
Third		1/16	1/8		
Fourth		1/16	1/8	1/8	
Fifth		1/16	1/8	1/8	1/8

[1] See footnote 1 in table in subparagraph (1) of this paragraph.

[2] See footnote 2 in table in subparagraph (1) of this paragraph.

[3] See footnote 3 in table in subparagraph (1) of this paragraph.

(c) The following persons are excused from any further compliance with the requirements of laws and regulations relating to the entries t owhich they have succeeded, nor do they have to show that the entryman had complied with applicable laws and regulations prior to his death:

(1) The surviving minor orphan children of a person entitled to the benefits of the 1944 act.

(2) The surviving minor orphan children of anyone else who made homestead entry but who died prior to perfection of title, leaving only a minor child or minor children.

(3) The widow of a veteran, or in case of her death or remarriage, the surviving minor children, if the veteran settled on the public lands but died prior to perfecting his title, while actually engaged in the military or naval service of the United States during the war with Spain, the Philippine Insurrection, the Mexican border operations, or World War I.

(d) A person entitled to benefits under the regulations of this part may receive a reduction in the area to be cultivated under the homestead regulations Subpart 2211 in the same manner and under the same conditions required of other applicants.

§ 2033.1–5 Soldiers' and sailors' declaratory statements.

(a) "Veterans of other wars" may initiate a homestead entry by filing a soldiers' and sailors' declaratory statement. Separate forms approved by the Director are available for: (1) Veterans who served between May 9, 1916 and March 3, 1921. (2) Veterans who served at other times and who are filing through an agent acting under power of attorney. (3) Veterans who served at other times and who are filing in person. Such statements must be accompanied by a nonrefundable application service charge of $10.

(b) In Alaska the veteran must commence residence on the land within 6 months after the filing of his statement. Elsewhere he must commence residence within 6 months after allowance of his entry.

(c) Filing of a declaratory statement segregates the lands from all forms of appropriation.

(d) Filing of a declaratory statement in Alaska exhausts the person's homestead right, subject to such relief as may be provided by the general homestead laws.

§ 2033.2 Act of October 17, 1940; benefits to persons in military service.

§ 2033.2–1 Claims protected from forfeiture.

No right to any public land owned or controlled by the United States, initiated or acquired under any laws of the United States, including the general mining and mineral leasing laws, by any person prior to entering the military service will during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon, or for failure to do any other act required by or under such laws.

(Sec. 507, 54 Stat. 1188; 50 U.S.C. App. 567)

§ 2033.2–2 Rights protected.

No public land claimant in the military service will be denied the right to take any action during his period of service which may be authorized by law or the regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering the military service.

(Sec. 507, 54 Stat. 1188; 50 U.S.C. App. 567)

§ 2033.2–3 Rights of minors.

Any person under 21 years of age who serves in the military service while the Soldiers' and Sailors' Civil Relief Act of 1940 remains in force, will be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over 21 possess under such laws. Any requirement as to the establishment of residence within a limited time will be suspended as to entry by such person until 6 months after his discharge from the military service. An application for entry by such person need not be under oath but must be signed by him.

(Sec. 507, 54 Stat. 1188; 50 U.S.C. App. 567)

§ 2033.2–4 Notice, proof, required.

(a) *Notice.* The claimant must give notice of his military service on a form approved by the Director to the proper land office in the State or Territory, or for notice concerning lands in a State in which there is no land office to the Bureau of Land Management, Washington 25, D.C., except that the applications for lands in North or South Dakota to the land office at Billings, Montana; for lands in Nebraska or Kansas to the land office at Cheyenne, Wyoming; and for lands in Oklahoma, to the land office at Santa Fe, New Mexico, on or before April 17, 1941, or within 6 months after his entrance into the military service, in order to obtain the relief and benefits extended by the Soldiers' and Sailors' Civil Relief Act of 1940, in connection with an application, entry, lease, permit or license, or settlement or other right or claim initiated or acquired under the public land laws prior to entering the military service (except a mining location). The notice should be sent by registered mail, unless it is filed in the proper office personally, by the claimant or his agent. The holder of a mining location must give notice of his military service before the close of the assessment year, which ends at noon of July 1 of each year, in accordance with § 2033.2–7 (b).

(b) *Execution of affidavits.* A person in the military service may execute any affidavit or submit any proof required by law or the regulations of the Bureau of Land Management, in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command and holding a commission in the branch of the service in which he is engaged. Such affidavit will be as binding in law, and with like penalties, as if taken before a manager of a land office.

(Sec. 507, 54 Stat. 1188; 50 U.S.C. App. 567)

§ 2033.2–5 Homesteads.

Homestead claimants are entitled to the following relief and benefits, in addition to the protection of their claims from forfeiture, as provided in § 2033.2–1:

(a) *Credit for military service.* Any person having a valid homestead settlement claim, or any person who has made homestead application for public lands which is allowed after the date of the filing thereof, or any homestead entryman whose application has been allowed, who after such settlement, application or entry enters the military service, is entitled, in the administration of the homestead laws, to have his military service construed to be equivalent to residence and cultivation upon the tract settled upon or entered, for the period of such service. Moreover, if he is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability will be deducted from the required length of residence, without reference to the time of actual service. No patent will issue, however, until he has resided upon, improved and cultivated his homestead for a period of at least 1 year. He will be entitled during each year's required residence to a 5 months' leave of absence, in like manner as any other homesteader. In order to obtain the credit mentioned, notice of military service must be given in accordance with § 2033.2–4(a).

(b) *Credit for physical disabilities due to military service.* Any person entitled to credit for military service who is honorably discharged and because of physical incapacity due to such service is unable to return to the land, may make proof, regardless of whether or not 1 year's residence, improvements, and cultivation have been had, without further residence, improvements, or cultivation, at such time and place as the manager of the proper land office may authorize, and receive a patent to the land entered.

(c) *Farm labor by homesteader during war.* (1) During the pendency of any war in which the United States may be engaged while the Soldiers' and Sailors' Civil Relief Act of 1940 remains in force, any homestead entryman will be entitled to a leave of absence from his entry for the purpose of performing farm labor. The act does not authorize such leave of absence, if the United States does not engage in war. The time actually spent in farm labor will be counted as constructive residence, if within 15 days after leaving his entry to engage in such labor the entryman files in the proper land office a notice of absence from the land, and if at the expiration of the calendar year the entryman files in the proper office a written statement corroborated by two witnesses giving the date or dates when he left the entry, the date or dates of his return, and the place where and the person for whom he was engaged in farm labor during the period or periods of his absence.

(2) The provisions in subparagraph (1) of this paragraph will not excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law, and they will apply only to persons whose applications were allowed or filed prior to October 17, 1940.

(d) *Widow, heirs, and minor children of homesteader.* If any person having a valid settlement claim or a pending or allowed homestead application dies while in the military service or as a result of such service his widow, if unmarried, or in the case of her marriage or death, his minor children or his or their legal representatives, may submit final proof without showing further residence, cultivation or improvements. If the deceased claimant had a valid homestead settlement claim for which application had not been filed, a homestead application based thereon must be presented. If the claim is on unsurveyed land, a homestead application cannot be presented until the land has been surveyed. In such case, request for survey should be made as promptly as possible, accompanied by a duly corroborated statement showing when the settlement claim was made, the periods during which deceased claimant resided upon and cultivated the land, and the facts as to his military service. The death of the claimant while in the military service or as a result of such service will be construed to be equivalent to a performance of all requirements as to residence and cultivation upon the homestead claim. Upon the submission of satisfactory proof, patent will be issued to the person or persons entitled thereto.

(e) *Contest of homestead.* (1) On and after October 17, 1940, and as long as the Soldiers' and Sailors' Civil Relief Act of 1940 remains in force, no application to contest a homestead entry made or applied for prior to the entrance of the entryman into the military service, will be allowed, or adverse proceedings against such entry ordered, on the ground of abandonment, unless there is an allegation therein that the entryman's alleged absence from the land was not due to his military service. No allegation of abandonment will be sustained against a homestead settler or entryman in connection with such contest, unless it is proved at the hearing, if one be had, that the claimant's alleged absence from the land was not due to such military service.

(2) The manager will reject an application to contest a homestead entry on the charge of abandonment, if he finds that it was filed during the period of the entryman's military service, or during any period of hospitalization of the claimant because of wounds received or disability incurred in the line of duty. If any charge other than or in addition to abandonment is made, or if the claimant enters the military service or is hospitalized after the contest application is filed, the proceedings will be suspended for the period of such service or hospitalization.

(Sec. 507, 54 Stat. 1188; 50 U.S.C. App. 567)

§ 2033.2–6 Desert-land entries.

Desert-land claimants are entitled to the following relief and benefits, in addition to the protection of their claims from forfeiture as provided in § 2033.2–1:

(a) *Credit for military service.* No desert-land entry made or held under the desert-land laws prior to the entrance of the entryman or his successor in interest into the military service, will be subject to contest or cancellation for failure to make or expand the sum of $1 per acre per year in improvements on the land or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in the military service or during a period of 6 months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land will be exclusive of his period of service and the 6-months' period and any such period of hospitalization. In order to obtain the benefits mentioned, notice of military service must be given in accordance with § 2033.2–4(a).

(b) *Credit for physical incapacities due to military service.* Any person who is entitled to credit for military service who is honorably discharged and because of physical incapacities due to his military service and who is unable to accomplish reclamation of and payment for the land, may make proof without further reclamation or payment and receive patent for the land entered or claimed.

(c) *Contest of desert-land entry.* (1) On and after October 17, 1940, and as long as the Soldiers' and Sailors' Civil Relief Act of 1940 remains in force, no application to contest a desert-land entry made or applied for prior to the entrance of the claimant into the military service will be allowed, or adverse proceedings against such entry ordered, for failure of the claimant to make or expend the sum of $1 per acre per year in improvements upon the claim, or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in the military service, or during a period of 6 months thereafter, or during any period of hospitalization because of wounds or disability incurred in the line of duty, unless there is an allegation therein that the alleged default did not occur during such military

service or hospitalization. No allegation of such default will be sustained against a desert-land claimant in connection with such contest unless it is proved at the hearing, if one be had, that the alleged default did not occur during such military service or hospitalization, as indicated.

(2) Any contest proceedings involving a desert-land entry, brought either before or after the claimant enters the military service, will be suspended for the period of such service and for 6 months thereafter, and during any period of hospitalization of the claimant because of wounds or disability incurred in the line of duty.

(Sec. 507, 54 Stat. 1188; 50 U.S.C. App. 567)

§ 2033.2–7 Mining claims.

The relief and benefits extended because of military service and the requirement as to notice of such service, made by section 505 of the Soldiers' and Sailors' Civil Relief Act of 1940, in connection with mining claims, are as follows:

(a) *Claims protected from forfeiture.* The provisions of section 2324 of the Revised Statutes, which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, will not apply during the period of the claimant's military service, or until 6 months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in the line of duty, to claims or interests in claims which are owned by such person and which have been regularly located and recorded. No mining claim nor any interest in a claim which is owned by such a person and which has been regularly located and recorded will be subject to forfeiture for nonperformance of the annual assessment labor during the period of such military service, or until 6 months after the termination of such service, or of such hospitalization.

(b) *Notice of military service.* The holder of a mining location who desires to obtain the relief and protection mentioned in paragraph (a) of this section, must, before the expiration of the assessment year during which he enters the military service, file or cause to be filed in the county recording office in which the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold the mining claim under section 505 of the Soldiers' and Sailors' Civil Relief Act of 1940. The notice may be given on a form approved by the Director.

(c) If application for patent to the mining claim has been made, notice of the military service must also be filed in the proper land office, or if there is no such office in the State, it must be filed in the Bureau of Land Management, in accordance with § 2033.2–4(a).

(Sec. 507, 54 Stat. 1188; 50 U.S.C. App. 567)

§ 2033.2–8 Installment payments for land, under homestead and other entries.

Where under the law under which a particular entry was made, installment payments for the land become due during the period of the military service, such period will not be considered a part of the aggregate period of time originally allowed for the completion of such payments and the time for the making of the payments will be appropriately extended. Where the term of the military service is 1 year or less, the time of payment of each installment maturing during or after such term will be extended for 1 year; where the term of service is between 1 and 2 years, the extension will be for 2 years; and similar extensions will be granted for longer terms of service. The payment so extended will be due upon the same day of the year as is now required and no interest will be charged during the period of the suspension.

(Sec. 507, 54 Stat. 1188; 50 U.S.C. App. 567)

§ 2033.2–9 Leases, permits, licenses, and claims.

(a) No mineral or grazing lease, or any mineral, timber, or other permit or license, or any application for such lease, permit or license, or any right or claim which has been applied for or acquired under the public land laws by any person prior to entering the military service, will, during the period of such service, be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or to make any improvements thereon, or his failure to do any other act required by or under such laws.

(b) Where during the period of the military service, the claimant or his agent continues to operate or to make use of the land in accordance with the terms of the lease, permit, or other right, the rentals, royalties, and other obligations will become due and payable as provided by such instrument. If in a particular case the ability of the claimant to make such payment has been affected materially by reason of his military service, a showing of the facts may be made and such relief as may be deemed appropriate will be granted.

(c) The regulations in this section for the suspension of leases, permits, licenses, etc. are based on the general protection accorded all claims contained in section 501 of the Soldiers' and Sailors' Civil Relief Act of 1940, the specific authority for the suspension of leases and permits issued under the Federal mineral leasing laws, contained in section 506 of the act, and the general authority conferred on the Secretary of the Interior, to issue rules and regulations, contained in section 507 of the act.

(d) Any person having a mineral lease or permit, a grazing lease, or any lease, permit, license or other right involving the public lands, under the administration of the Bureau of Land Management, including claims the suspension of which is not specifically authorized by any section of the act, who enters the military service may, at his election, suspend all operations under such instrument for a period of time equivalent to the period of his military service and 6 months thereafter. The term of the lease or permit will not run during the period of such suspension, no rentals or royalties for the period of the suspension will be charged, and no use of the land during such period by the claimant or his agent under such instrument may be made.

(e) In order to obtain the benefits of section 506 of the act (mineral leases and permits) and to protect the benefits granted by section 501 of the act (other rights) notice of military service must be given in accordance with § 2033.2–4(a). Such notice will enable the Secretary to take steps to protect the rights involved. Failure to give such notice may result in their loss, as when valid interests of third parties intervene or when the land becomes appropriated to other uses.

(f) The suspension of a lease, permit, license, etc., will not be construed to supersede the terms of any contract for the operation thereof.

(Sec. 507, 54 Stat. 1188; 50 U.S.C. App. 567)

Group 2100—Acquisitions

PART 2110—GIFTS

Subpart 2110—Gifts; General

Sec.
2110.0–1 Purpose.
2110.0–3 Authority.

Subpart 2111—Procedures

2111.1 Offer to convey.
2111.2 Acceptance of offer.
2111.3 Deed of conveyance.
2111.4 Status of lands.

AUTHORITY: The provisions of this Part 2110 issued under sec. 2, 48 Stat. 1270, 43 U.S.C. 315a, and R.S. § 2478, as amended; 43 U.S.C. 1201. Interpret or apply sec. 8, 48 Stat. 1272, as amended; 43 U.S.C. 315g.

Subpart 2110—Gifts; General

§ 2110.0–1 Purpose.

The Secretary of the Interior will accept as a gift, lands, with or without improvements thereon, with or without limitations or conditions as to the future use and disposition thereof, in fee simple or any interest less than fee, where possession of such land or interest will promote the purposes of a grazing district or facilitate the administration or contribute to the improvement, management, use or protection of public lands and their resources. The authority of the Secretary is discretionary and acceptance of offers rests, among other things, upon a determination that the public interest will be served thereby.

§ 2110.0–3 Authority.

(a) Section 8(a) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, authorizes the Secretary of the Interior to accept on behalf of the United States, any lands within or without the exterior boundaries of a grazing district as a gift, where such action will promote the purposes of a district or facilitate the administration of the public lands.

(b) Section 103(a) of the Public Land Administration Act of July 14, 1960 (74 Stat. 506; 43 U.S.C. 1364), authorizes the Secretary to accept contributions or donations of real or mixed property, including rights-of-way, for the improvement, management, use and protection of the public lands and their resources administered by the Bureau of Land Management.

Subpart 2111—Procedures

§ 2111.1 Offer to convey.

(a) Any person desiring to make a gift, contribution, or donation of land or interest in land to the United States should submit an offer to convey and transfer said property to the United States voluntarily. The offer should be transmitted to the porper land office in acordance with the provisions of § 1821.2 of this chapter.

(b) The offer should designate the statute under which the gift is to be made and should describe the lands by legal subdivisions of the public land surveys, if possible, with a description of any permanent improvements fixed to the land. Any limitations on title should be fully detailed and any conditions as to future use and disposition of the land should be set forth.

(c) The offer should be accompanied by a statement showing that the offeror is the record owner in fee of lands so offered, free and clear of all encumbrances; that there are no persons claiming the land adversely to the offeror; whether there are any unpaid taxes or assessments levied or assessed against the offered land or that could operate as a lien thereon; whether there is a tax or assessment due on such lands or that could operate as a lien thereon, but which tax or assessment is not yet payable; and that there are no unredeemed tax deeds outstanding against the lands.

§ 2111.2 Acceptance of offer.

Where the authorized officer finds that acceptance of the offered lands is in consonance with the program set forth in § 2110.0–1, he shall advise the offeror of the acceptance of the offer and request the offeror to submit a voluntary deed of conveyance to the United States of the land offered, together with an affidavit that the offeror has not conveyed or encumbered the land in any manner from the time of making the offer up to and including the date of recordation of the deed.

§ 2111.3 Deed of conveyance.

The deed of conveyance to the United States must be executed, acknowledged, and duly recorded in accordance with the laws of the State in which the lands are situated. The deed should recite that it is made "as a gift," as authorized by statute appropriately designated. Where such deed is made by an individual, it must show whether the person making the conveyance is married or single. If married, the spouse of the donor must join in the execution and acknowledgment of the deed in such manner as to bar effectually any right of curtesy or dower, or any claim whatsoever to land conveyed, or it must be fully and satisfactorily shown that under the laws of the State in which the land conveyed is situated, such spouse has no interest, present or prospective, which makes his or her joining in the deed of conveyance necessary. Where the deed of conveyance is by a corporation, the order or direction of the board of directors or other governing body should be recited in the deed, and a copy thereof must accompany the instrument of transfer. Both the deed and the instrument must bear the impression of the corporate seal.

§ 2111.4 Status of lands.

Upon acceptance of the deed of conveyance, the lands or interests so conveyed will become property of the United States but will not become subject to applicable land and mineral laws of this title unless and until an order to that effect is issued by the authorized officer.

PART 2120—LEASES

Subpart 2120—Leases; General

Sec.
2120.0–2 Objectives.
2120.0–3 Authority.

Subpart 2121—Procedures

2121.1 Evidence of ownership.
2121.2 Leases.
2121.2–1 Form of lease.
2121.2–2 Period of lease.
2121.2–3 Approval of lease; renewal.
2121.3 Payment of rental.
2121.4 Fees.
2121.4–1 Computation of fees.
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2121.4–3 Allocation of funds appropriated.
2121.5 Improvements by the United States on leased lands.

AUTHORITY: The provision of this Part 2120 issued under 48 Stat. 1270; 43 U.S.C. 315a.

Subpart 2120—Leases; General

§ 2120.0–2 Objectives.

When it is determined by the authorized officer that any State, county, or privately owned lands located within grazing districts are chiefly valuable for grazing, and are necessary to promote the orderly use, improvement, and development of grazing districts, steps should be taken to secure offers of leases of such lands from the owners thereof.

§ 2120.0–3 Authority.

(a) The act of June 23, 1938 (52 Stat. 1033; 43 U.S.C. 315m–1, 315m–4 inclusive), commonly known as the Pierce Act, authorizes the Secretary of the Interior in his discretion to lease, at rates to be determined by him, any State, county, or privately owned lands chiefly valuable for grazing purposes and lying within the exterior boundaries of grazing districts created under the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269, as amended; 43 U.S.C. 315 et seq.) when in his judgment, the leasing of such lands will promote the orderly use of the district and aid in conserving the forage resources of the public lands therein.

(b) Pursuant to section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of the act of June 28, 1934 (43 U.S.C. 315a), the authorized officer of the Bureau of Land Management may approve leases under the Pierce Act on behalf of the United States in accordance with this part. Leases so approved need not be submitted for Secretarial approval.

Subpart 2121—Procedures

§ 2121.1 Evidence of ownership.

Parties offering to lease lands to the United States under the provisions of this Act will be required to furnish evidence of ownership as follows:

(a) *Certificate of ownership for State or county lands.* Where State and county lands are offered for lease, a certificate from the proper State or county official will be required showing that title to the lands is in the State or county and that the officer or agency of the State or county offering them for lease is empowered by the laws of such State to lease such lands.

(b) *Certificate of ownership for private lands.* Where privately owned lands are offered for lease, the party offering them will be required to file with the local office of the Bureau of Land Management certificates from either the proper county officials, a licensed abstracter, or an administrative officer of the Bureau of Land Management whichever is required by an authorized officer, certifying that the records of the county in which the lands are situated show that the party offering the lands for lease is the record owner thereof or in legal control of such lands under appropriate recorded lease permitting the subleasing of the property, and including an itemized statement showing the nature and extent of any liens, tax assessments, mortgages, or other encumbrances.

§ 2121.2 Leases.

§ 2121.2–1 Form of lease.

Leases under the Pierce Act should conform in general to a form approved by the Director. This form is believed adaptable for use in all of the States within which grazing districts have been established under the Taylor Grazing Act. Leases under the Pierce Act must be executed by the lessor in the manner prescribed by the laws of the State within which the lands leased are situated.

§ 2121.2–2 Period of lease.

Leases may be made for such periods as are deemed proper by an authorized officer in promoting a proper land-use program in connection with the public range, not to exceed, however, the 10-year period as limited by the Pierce Act, beginning with the date of the approval of such lease.

§ 2121.2–3 Approval of lease; renewal.

Local negotiations for leasing of lands under this act will not be effective until the lease and any renewal thereof has been approved by an authorized officer of the Bureau of Land Management. Upon such approval the lease should be recorded in the land records of the county in which the land is situated.

§ 2121.3 Payment of rental.

The carrying capacity of the lands will be taken into consideration in negotiating the rental to be paid. Payment of rentals will be made annually by the United States at the end of the period for which licenses or permits to graze on the lands involved have been granted, or as soon thereafter as the moneys collected by the United States from its licensees or permittees for the use of such lands have been appropriated by the Congress in accordance with the provisions of the Pierce Act, and made available for such purpose, or moneys for the payment of such rentals have been made available through contributions under section 9 of the Taylor Grazing Act (48 Stat. 1273; 43 U.S.C. 315h).

§ 2121.4 Fees.

§ 2121.4–1 Computation of fees.

The aggregate of the grazing fees collected for the use of the lands leased under the provisions of the Pierce Act must be sufficient to insure a return to the United States of an amount equal to the aggregate of the rentals paid for such lands and the aggregate of the grazing fees collected for the use of all the lands leased in any one State must be at least equal to the aggregate of the rentals paid in that State.

§ 2121.4–2 Disposition of receipts.

All moneys received in the administration of lands leased under the Pierce Act will be deposited in the Treasury of the United States as provided in section 4 of that Act and will be available when appropriated by the Congress for the leasing of lands. Distribution of such receipts, therefore, will not be made as provided in sections 10 and 11 of the Taylor Grazing Act (48 Stat. 1273; 43 U.S.C. 315i, 315j).

§ 2121.4–3 Allocation of funds appropriated.

Moneys received in the administration of lands leased under the Pierce Act, when appropriated by the Congress, will be allocated to the budgets of the State Director for disbursement in accordance with that act and the regulations in this part. Records of disbursements thereof will be maintained under existing procedure.

§ 2121.5 Improvements by the United States on leased lands.

The procedure in placing improvements on any lands leased under the Pierce Act, will, so far as practicable, be the same as provided under Part 4110 of this chapter.

Group 2200—Dispositions

PART 2200—DISPOSITIONS; GENERAL

Subpart 2201—Private Entries

Sec.
2201.1 Private cash entries not permitted, except in Missouri.

Subpart 2202—Price of Public Lands

2202.1 Minimum and double minimum price of the public lands.

AUTHORITY: The provisions of this Part 2200 issued under R.S. 2478; 43 U.S.C. 1201.

Subpart 2201—Private Entries

§ 2201.1 Private cash entries not permitted, except in Missouri.

(a) The first section of the act of March 2, 1889 (25 Stat. 854; 43 U.S.C. 700), provides that from and after its passage "no public lands of the United States, except those in the State of Missouri, shall be subject to private entry." This relates to the private sale or entry of "offered" lands under sections 2354 and 2357, Revised Statutes (43 U.S.C. 673, 678). No sale at private entry will be admissible under said first section, except in Missouri, in which State all public lands are subject to private sale by section 2 of the act of Congress approved May 18, 1898 (30 Stat. 418; 43 U.S.C. 675), but in making purchase under that act the purchaser is required to show the absence of any prior adverse settlement right.

(b) Section 4 of the act of March 3, 1891 (26 Stat. 1097) repealed the laws allowing preemptions of the public lands but provided for the perfecting of all bona fide claims theretofore lawfully initiated.

(c) Section 10 of the said act of March 3, 1891 (26 Stat. 1099; 25 U.S.C. 426) permitted further preemptions to be made on certain Indian lands. However, on June 1, 1938, there was little or no such land remaining subject to preemption, due either to the disposal of the land or to its withdrawal from entry and disposal. For this reason, the regulations governing preemption entries have not been codified.

Subpart 2202—Price of Public Lands

§ 2202.1 Minimum and double minimum price of the public lands.

(a) Except as specifically provided by law (See R.S. 2455, as amended; 43 U.S.C. 1171), no land shall be sold, either at public or private sale, for less than $1.25 per acre, which is therefore called the "minimum price," and lands held for sale at that price are called "minimum lands." (R.S. 2357)

(b) The double minimum price established by law is $2.50 per acre, and lands held for sale at that price are called "double minimum lands."

(c) Alternate reserved sections within the limits of railroad grants are double minimum in price (R.S. 2357; 43 U.S.C. 678), except such as were put in market at the enhanced price prior to January 1, 1861, and were subject to entry June 15, 1880, all of which were reduced in price to $1.25 per acre by the third section of the act of Congress of June 15, 1880 (21 Stat. 238; 43 U.S.C. 679), and except those opposite those portions of railroads not completed on March 2, 1889, which were reduced in price by section 4 of the act of that date (25 Stat. 854; 43 U.S.C. 681), or where a different price is provided for in statutes for the disposal of lands under special conditions.

PART 2210—OCCUPANCY

Subpart 2211—Homesteads

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2211.0–8 Initiation of claims.
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Subpart 2212—Native Allotments

2212.0–3 Authority.
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Subpart 2213—Trade and Manufacturing Sites

Sec.
2213.0–3 Authority.
2213.0–6 Qualifications of applicant.
2213.1 Procedures.
2213.1–1 Initiation of claim.
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2213.1–4 Publication and posting; adverse claim.
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Subpart 2214—Color-of-Title

2214.0–3 Authority.
2214.1 General regulations.

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2214.2–1 Application.
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2214.4 Erroneously meandered lands, Louisiana.
2214.4–1 Applications.
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2214.5–1 Qualifications of applicants.
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Subpart 2215—Mining Claim Occupancy Act

2215.0–2 Objectives.
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2215.0–5 Definitions.
2215.1 Petitions.
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2215.4 Offers of alternate tracts.

Subpart 2211—Homesteads

AUTHORITY: The provisions of this Subpart 2211 issued under R.S. 2478; 43 U.S.C. 1201, except as noted following sections affected.

§ 2211.0–6 Applicants.

(a) *Examination of land.* (1) Persons desiring to make homestead entries should first fully inform themselves as to the character and quality of the lands they desire to enter, and should in no case apply to enter until they have visited and fully examined each legal subdivision for which they make application, as satisfactory information as to the character and occupancy of public lands can not be obtained in any other way.

(2) As each applicant is required to state that he is well acquainted with the character of the land described in his application, and as all entries are made subject to the rights of prior settlers, the applicant can not make the statement that he is acquainted with the character of the land, or be sure that the land is not already appropriated by a settler, until after he has actually inspected it.

(b) *Qualifications and disqualifications.* Homestead entries may be made by any person who does not come within any one of the following classes:

(1) Married women, except as stated in paragraph (c) of this section.

(2) Persons who have already made homestead entry, except as stated in §§ 2211.4 to 2211.5.

(3) Foreign-born persons who have not declared their intention to become citizens of the United States.

(4) Persons who are the owners of more than 160 acres of land in the United States.

(5) Persons under the age of 21 years who are not the heads of families, except minors who make entry as heirs.

(6) Persons who have acquired title to or are claiming, under any of the agricultural public land laws, through settlement or entry made since August 30, 1890, any other lands which, with the lands last applied for, would amount in the aggregate to more than 320 acres. Exception is made, however, as to an entry under one of the enlarged homestead acts, which may be allowed provided applicant's claims under the timber and stone, desert land, and preemption laws do not make up approximately 320 acres, and do not with the homestead claim aggregate more than 480 acres.

(c) *Married women.* A married woman who has all of the other qualifications of a homesteader may make a homestead entry under any one of the following classes:

(1) Where she has been actually deserted by her husband.

(2) Where her husband is incapacitated by disease or otherwise from earning a support for his family and the wife is really the head and main support of the family.

(3) Where the husband is confined in a penitentiary and she is actually the head of the family.

(4) Where the married women is the heir of a settler or contestant who dies before making entry.

(5) Where a married woman made improvements and resided on the lands applied for before her marriage, she may enter them after marriage if her husband is not holding other lands under an unperfected homestead entry at the time of the marriage; and this last condition does not apply if each party has had compliance with the law for 1 year next before the marriage and neither one abandons the land prior to filing application for entry.

(6) The marriage of an entrywoman will not defeat her right to acquire title to the land if she continues to reside thereon and otherwise comply with the law; but ordinarily the failure of her husband to live upon the homestead with her is treated as an evidence of bad faith, requiring testimony for its rebuttal. Husband and wife cannot maintain separate residences on their respective homestead entries, and if at the time of marriage each is holding an unperfected entry on which residence must be had in order to acquire title, they cannot hold both entries unless they are entitled to the benefits of the act of April 6, 1914, as amended by the act of March 1, 1921 (41 Stat. 1193; 43 U.S.C. 167), explained in § 166.62 (38 Stat. 312, 41 Stat. 1193; 43 U.S.C. 167).

(d) *Widows.* A widow, if otherwise qualified, may make a homestead entry notwithstanding the fact that her husband made an entry and notwithstanding she may be at the time claiming the unperfected entry of her deceased husband.

(e) *Office holders.* Homestead entrymen are not entitled to any special privileges whatsoever in connection with their claims by reason of the fact that they are appointed or elected to public office, the duties of which require their residence elsewhere than on the homesteads. This also applies to civil-service employees.

(f) *Insanity of entryman.* Neither residence nor cultivation by an insane homestead entryman is necessary after he becomes insane, if such entryman made entry and established residence before he became insane and complied with the requirements of the law up to the time his insanity began. Proof on the entry may be submitted by his duly appointed guardian or committee. However, if the entryman regains his sanity before the expiration of 3 years after the date of the entry, he is required to reestablish residence on the land and comply with the law; and he must himself submit proof unless the unsoundness of mind recurs.

(g) *Adjoining farm entry.* An adjoining farm entry may be made for such an amount of public lands lying contiguous to lands owned and resided upon by the applicant as will not, with the lands so owned and resided upon, exceed in the aggregate 160 acres; but no person will be entitled to make entry of this kind who is not qualified to make an original homestead entry. A person who has made one homestead entry, although for a less amount than 160 acres, and perfected title thereto, is not qualified to make an adjoining farm entry. In connection with an entry of this character, there must be shown the required amount of residence and cultivation after the date thereof, but both residence and cultivation may be had on the original tract.

§ 2211.0–7 Lands subject to entry.

All unappropriated surveyed public lands adaptable to any agricultural use are subject to homestead entry if they are not mineral or saline in character, are not occupied for the purposes of trade or business, and have not been embraced within the limits of any withdrawal, reservation, or incorporated town or city; but homestead entries on lands within certain areas (such as lands in Alaska, lands withdrawn under the Reclamation Act, certain ceded Indian lands, lands within abandoned military reservations, agricultural lands within national forests, lands in western and central Nebraska, and lands withdrawn, classified, or valuable for coal, phosphate, nitrate, potash, oil, gas, sodium, sulphur, or asphaltic minerals), are made subject to the particular requirements of the laws under which such lands are opened to entry.

NOTE: Public land withdrawn by Executive Orders 6910 and 6964 of November 26, 1934 and February 5, 1935, respectively, is not subject to homestead settlement or entry until such appropriation is authorized by classification.

§ 2211.0–8 Initiation of claims.

(a) *Ways in which claims may be initiated; area enterable.* (1) Claims under homestead laws may be initiated by settlement on either surveyed or unsurveyed lands of the kind mentioned in the foregoing section. Claims may also be initiated on surveyed lands of that kind by the filing of a soldier's declaratory statement, or by the presentation of an application to enter.

(2) Under the law relating to ordinary lands a homestead entry is limited to 160 acres, but this area may sometimes be slightly exceeded where the tract is made up of irregular subdivisions.

(b) *Settlement claims.* Settlement is initiated through the personal act of the settler placing improvements upon the land or establishing residence thereon; he thus gains the right to make entry for the land as against other persons. A settlement on any part of a surveyed quarter section subject to homestead entry gives the right to enter all of that quarter section, but if a settler desires to initiate a claim to surveyed tracts which form a part of more than one technical quarter he should define his claim by placing some improvements on each of the smallest subdivisions claimed. When settlement is made on unsurveyed lands the settler must plainly mark the boundaries of all lands claimed. Within a reasonable time after settlement actual residence must be established on the land and continuously maintained. Entry should be made within 3 months after settlement upon surveyed lands or within that time after the filing in the land office of the plat of survey of lands unsurveyed when settlement was made. Otherwise, the preference right of entry may be lost.

(c) *Application for survey of settlement claims.* Application for the survey of unsurveyed lands may be addressed to the Area Administrator having local jurisdiction by any settler or settlers who can show the necessary qualifications. The applicant must show the location of the township by giving its approximate number, range, and meridian; that he is a bona fide settler therein; under what law he wishes to acquire the land; what the character of the land is, and for what it is suitable; the number of the settlers residing upon the land desired to be surveyed; when his residence began and to what extent he has cultivated and improved the land claimed; that his application for survey of the lands described is made in good faith and not at the instance or in the interest or for the benefit of any other person.

CROSS REFERENCE: For Surveys in Alaska, and surveys and resurveys, generally, see Part 9180 of this chapter.

(d) *Alienation of all or part of claim; mortgages; relinquishments.* (1) The alienation of all or any part of the land embraced in a homestead prior to making proof, except for the public purposes mentioned in section 2288, Revised Statutes (43 U.S.C. 174), will prevent the entryman from making satisfactory proof, since he is required to swear that he has not alienated any part of the land except for the purposes mentioned in section 2288, Revised Statutes.

(2) A mortgage by the entryman prior to final proof for the purpose of securing money for improvements, or for any other purpose not inconsistent with good faith, is not considered such an alienation of the land as will prevent him from submitting satisfactory proof. In such a case, however, should the entry be canceled for any reason prior to patent, the mortgagee would have no claim on the land or against the United States for the money loaned. A mortgagee who files notice of his interest in the land office becomes entitled to receive and be given the same notice of any contest or other proceeding thereafter had affecting the land which is required to be given the original entryman or claimant.

(3) The right of a homestead entryman to patent is not defeated by the alienation of all or a part of the land embraced in his entry after the submission of final proof and prior to patent, provided the proof submitted is satisfactory. Such an alienation is, however, at the risk of the entryman, for if the reviewing officers of the Department of the Interior subsequently find the final proof so unsatisfactory that it must be wholly rejected and new proof required, the entryman can not then truthfully make the nonalienation affidavit required by section 2291, Revised Statutes (43 U.S.C. 164), and his entry must in consequence be canceled. The purchaser takes no better title than the entryman had, and if the entry is canceled the purchaser's title must necessarily fail.

(4) Relinquishments run to the United States alone, and no person obtains any right to the land by the mere purchase of a relinquishment of a filing or entry.

(e) *Liability of claim for debts of homesteader.* Under section 2296, Revised Statutes and Public Resolution No. 53, approved April 28, 1922 (42 Stat. 502; 43 U.S.C. 175), lands acquired under the provisions of the homestead laws and laws supplemental thereto and amendatory thereof do not become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

§ 2211.0–9 Mortgage loans.

(a) *Mortgage loans on existing homestead entries.* (1) A homestead entryman desiring a loan on an existing homestead entry under the act of October 19, 1949 (63 Stat. 883, 7 U.S.C. Supp. III, secs. 1006a, 1006b) should consult the Farmers Home Corporation of the Department of Agriculture.

(2) Where a homestead entry subject to a mortgage loan is canceled or relinquished and the loan has not been satisfied, a lien held by the United States acting through the Secretary of Agriculture would attach to the land under the act of October 19, 1949, and such land becomes subject to homestead entry for a period of one year from the date the canceled entry was closed or for one year from the date the entry was relinquished by an applicant who is qualified for an initial loan and who has not exercised his homestead rights. An applicant for such land must first consult the Farmers Home Corporation. Such a homestead application must not be filed in the land office until the applicant has been selected and directed to do so by the Farmers Home Corporation.

(3) The final arrangements of a mortgage loan between the homestead applicant and the Farmers Home Corporation are not completed until after the homestead application has been allowed as an entry. Upon the allowance of such an application the entryman will be notified not to occupy the land until he has completed the arrangements of the loan and he has been instructed to occupy the land by the Farmers Home Corporation.

(4) Decisions canceling homestead entries subject to such mortgage liens for defaults on the mortgage or for noncompliance with the homestead laws will contain a clause allowing 15 days from receipt of notice of the decision within which to respond or to appeal.

(5) If the land in a relinquished or canceled homestead entry subject to a mortgage lien is not entered during the period of one year from the date of relinquishment or one year from the date the canceled homestead entry was closed, the land will become subject to sale by the Farmers Home Corporation.

(b) *Mortgage loans on enlarged homesteads.* A homestead entryman who desires to secure a loan on an existing homestead entry, or a homestead applicant who wishes to make a homestead entry for lands in a canceled or relinquished homestead entry subject to a mortgage lien held by the United States acting through the Secretary of Agriculture under the act of October 19, 1949 (63 Stat. 883, 7 U.S.C. Supp. III, secs. 1006a, 1006b), should proceed in accordance with paragraph (a) of this section.

(c) *Mortgage liens.* A mortgage lien held by the United States acting through the Secretary of Agriculture shall not extend to mineral deposits in the lands, which have been or may be reserved to the United States pursuant to law.

§ 2211.1 Procedures.

§ 2211.1–1 Petitions and applications.

(a) A person who desires to enter public lands outside of Alaska must file an application together with a petition on forms approved by the Director. However, if the lands described in the application have been already classified and opened to homestead entry under the provisions of this part, no petition is required. The documents must be filed in accordance with the provisions of § 1821.2 of this chapter.

(b) Applications for public lands in Alaska subject to entry under the regulations of this part must be filed with the proper land office on a form approved by the Director.

§ 2211.1–2 Showing required of applicant.

(a) *General requirements.* Each application to enter and the statements accompanying it must recite all the facts necessary to show that the applicant is acquainted with the land; that the land is not, to the applicant's knowledge, either saline or mineral in character; that the applicant possesses all of the qualifications of a homestead entryman; that the application is honestly and in good faith made for the purpose of actual

settlement and cultivation; and not for the benefit of any other person, persons, or corporation; that the applicant will faithfully and honestly endeavor to comply with the requirements of the law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that the applicant is not acting as the agent of any person, persons, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered or any part thereof; that the application is not made for the purpose of speculation, but in good faith to obtain a home for the applicant, and that the applicant has not directly or indirectly made, and will not make any agreement or contract in any way or manner with any person, or persons, corporation, or syndicate whatsoever by which the title he may acquire from the Government to the lands applied for shall inure, in whole or in part, to the benefit of any person except himself.

(b) *Indian applicants.* (1) *Certificate required under act of July 4, 1884.* (i) The manager will require an Indian homestead applicant under the act of July 4, 1884 (23 Stat. 96; 43 U.S.C. 190), to submit a certificate from the Commissioner of Indian Affairs that he is entitled, as an Indian, to make such an entry.

(ii) When such an application is presented without this certificate the manager will suspend the same and notify the applicant that 90 days are allowed within which to submit such certificate as to the right to allotment, and that upon failure to submit the same within the time allowed the application will be rejected.

(iii) Where an Indian has filed an allotment application and the application has been rejected for the reason that the applicant is not entitled as an Indian to an allotment, such action will not prejudice the right of such applicant to file a homestead application, provided that a certificate from the Commissioner of Indian Affairs, showing that the applicant is entitled to the benefits of the said act of July 4, 1884, is presented.

(2) *Where Indian makes entry as citizen.* (i) A certificate from the Commissioner of Indian Affairs that the applicant is entitled, as an Indian, to make a homestead entry, should be required only of applicants under the act of July 4, 1884 (23 Stat. 96; 43 U.S.C. 190), from whom no fee or commissions are required.

(ii) If an Indian making application under the general homestead act states that he is a citizen of the United States, the manager will allow such an Indian, if otherwise qualified, to make entry under that act, without further questioning and without requiring any certificate from the Commissioner of Indian Affairs.

(3) *Charges, patents.* The act of July 4, 1884 (23 Stat. 6; 43 U.S.C. 190) expressly states that no fees or commissions shall be charged on account of Indian homestead entries, and a patent different in character from the citizen homestead patent is issued on entries made under said act or the act of March 3, 1875 (18 Stat. 420; 43 U.S.C. 189).

(c) *Settlers, widows, devisees, or heirs.* All applications by persons claiming as settlers must in addition to the facts required in paragraph (a) of this section state the date and describe the acts of settlement under which they claim a preferred right of entry, and applications by the widows, devisees, or heirs of settlers must state facts showing the death of the settler and their right to make entry, that the settler was qualified to make entry at the time of his death, and that the heirs or devisees applying to enter are citizens of the United States or have declared their intentions to become such citizens; but they are not required to state facts showing any other qualifications of a homestead entryman, and the fact that they have made a former entry will not prevent them from making an entry as such heirs or devisees, nor will the fact that a person has made entry as the heir or devisee of the settler prevent him from making an entry in his own individual right if he is otherwise qualified to do so.

§ 2211.1–3 Payments; form of remittances; receipts; notice.

(a) When a homesteader applies to make entry he must pay a nonrefundable application service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the lands, pursuant to the act of May 14, 1880 (21 Stat. 141; 43 U.S.C. 185), as amended, must pay, as a cancellation service charge, an additional $10, which is not returnable. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until all charges have been paid.

(b) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

CROSS REFERENCE: For general regulations involving applications and entries, see Subpart 1823 of this chapter. For proofs, see Subpart 1824 of this chapter. For railroad grants see Subpart 2224 of this chapter.

(c) A receipt for the money tendered in connection with an application to enter is at once issued, but this is merely evidence that the money has been paid and as to the purpose thereof. If the application is allowed and the entry placed of record, formal notice of this fact is issued on the prescribed form; if the application is rejected or suspended, notice of such action is forwarded to the applicant as soon as practicable.

§ 2211.1–4 Proof.

(a) *Time for making.* (1) Either final or commutation proof may be made at any time when it can be shown that there is a habitable house upon the land and that the required residence and cultivation have been had. Proof must be submitted within 5 years. Failure to submit proof within the proper period is ground for cancellation of the entry unless good reason for the delay appears; satisfactory reasons being shown, final certificate may be issued.

CROSS REFERENCE: For equitable adjudication, see Subpart 2011 of this chapter.

(2) Final proofs in all cases where the same are required by the general land laws or regulations of the Department, should be taken in accordance with the published notice: *Provided, however,* That such testimony may be taken within 10 days following the time advertised in cases where accident or unavoidable delays have prevented that applicant or his witnesses from making such proof on the day specified.

(b) *Officers qualified to take proof.* Final or commutation proofs may be made before any of the officers mentioned in § 1821.3–2 of this chapter as being authorized to administer oaths.

(c) *Notice; publication.* (1) Any person desiring to make homestead proof should first forward a written notice of his desire to the manager of the land office, giving his post-office address, the number of his entry, the name and official title of the officer before whom he desires to make proof, the place at which the proof is to be made, and the name and post-office addresses of at least four of his neighbors who can testify from their own knowledge as to facts which will show that he has in good faith complied with all the requirements of the law.

(2) The manager will issue a notice naming the time and place for submission of proof and cause same to be published at entryman's expense for 30 days preceding submission of proof in the newspaper designated by the manager. The publication must be made once a week for five consecutive weeks, in accordance with § 1824.4 of this chapter.

(3) The homesteader must arrange with the publisher for publication of the notice of intention to make proof and make payment therefor directly to him. The manager will be responsible for the correct preparation of the notice.

(4) On the day named in the notice the entryman must appear before the officer designated to take proof with at least two of the witnesses named in the notice; but if for any reason the entryman and his witnesses are unable to appear on the date named, the officer should continue the case from day to day until the expiration of 10 days, and the proof may be taken on any day within that time when the entryman and his witnesses appear, but they should, if it is possible to do so, appear on the day mentioned in the notice.

(d) *Who may submit proof—*(1) *General requirements.* Final proof must be made by the entrymen personally or their widows, heirs, or devisees, and can not be made by agents, attorneys in fact, administrators, or executors, except as explained in §§ 2211.0–6, 2211.1–4(d)(4)(i) and 2211.3–2(a). Final proof can be made only by citizens of the United States.

(2) *Minor orphans of soldiers and sailors.* Where entries are made and proof offered for minor orphan children of soldiers or sailors the minors may be represented by their guardian.

(3) *When homesteaders intermarry.* (i) Where a homestead entryman or settler and a homestead entrywoman or settler intermarry after each has fulfilled the requirements of the law for 1 year, the husband (under the provisions of the act of April 6, 1914 (38 Stat. 312) as amended by the act of March 1, 1921 (41 Stat. 1193; 43 U.S.C. 167)) may elect on which of the entries the home shall be made, after which their residence there shall constitute compliance with the residence requirements as to both homesteads.

(ii) The act of April 6, 1914, as amended, applies to entries and settlement claims initiated before or after its date, and before or after the date of the amendatory act; to become entitled to its benefits, it is required that each of the parties shall have complied with the requirements of the homestead laws for not less than 1 year next preceding their marriage. It is not necessary that either the husband or the wife shall have had an entry placed of record before the marriage.

(iii) The law confers upon the husband the privilege of electing on which of the two entries the family shall reside. His election must be supported by the statements of both the parties, describing their entries and showing the facts as to the residence, cultivation, and improvements already had in connection therewith. Only in cases where the tracts involved are situated in different districts will it be necessary that the election and statements be executed in duplicate; then copies of all papers must be filed in each office.

(iv) Though the election be accepted, proofs on the entries will be submitted separately, as in other cases; it will be necessary to show residence on the selected homestead from approximately the date of the marriage, and on the entries of the respective parties before that time. The act of April 6, 1914, as amended, makes no change whatever in the requirements as to cultivation or improvements, as the case may be, or as to the necessity of having a habitable dwelling on the land; compliance with the homestead law in these regards must be shown as to each entry, precisely as though the marriage had not taken place. In no case can proof be made on a claim before an entry for the land involved shall have been duly placed on record in accordance with an approved survey.

(v) If proof be made on the entry selected as the home before title to the other is earned, residence may nevertheless be continued on the perfected entry and credited to the other. However, the act has no application to cases where the requirements of law have been fulfilled, and proof made, as to one of the entries prior to the marriage.

(4) *Deserted wife.* (i) The act of October 22, 1914 (38 Stat. 766; 43 U.S.C. 170), provides where the wife of a homestead settler or entryman, while residing upon the homestead claim and prior to the submission of final proof, has been abandoned and deserted by her husband for more than 1 year, she may submit proof (by way of commutation or otherwise), on the entry and secure patent in her own name, being allowed credit for all residence and cultivation had and improvements made, either by herself or by her husband.

(ii) Upon the wife's filing notice of intention to submit proof, together with a statement alleging desertion, as stated in subdivision (i) of this subparagraph, and all information in her possession as to the entryman's whereabouts, including his last known post-office address and the address near the land where he received his mail, the manager will prepare and issue a summons in substantially the following form and deliver it to the wife for service:

To [here insert name] homestead entryman:

You are hereby notified that [here insert name], claiming that she is your wife, and that you have abandoned and deserted her for more than one year last past, has filed application to be allowed to submit proof upon your homestead entry, serial No. ——, for [here insert description of the land], to the end that patent for the land may issue in her name. This proceeding is authorized by the provisions of an act of Congress approved October 22, 1914, and you will be allowed 30 days after notice hereof within which to file in this office your denial of the charges. If such denial be filed, you may, at the time to be set for taking of proof or on a date to be then fixed, offer testimony in support of such denial:

(iii) Personal service of the summons must be made if possible; such service may be made by any person over the age of 18 years, or by registered mail. When served by registered mail, proof thereof must be accompanied by post-office registry return receipt, showing delivery of the letter to the entryman; where service is made otherwise than by mail, proof thereof must be by written acknowledgment of the entryman, or by statement of the person serving the summons, showing its delivery to the entryman. If personal service cannot be made, the summons must be sent by registered mail to the last known address of entryman and to the post office nearest the land, or to that near the land named by the wife in her preliminary statement; proof of such attempted service shall be by a statement of the person mailing the letter, to which should be attached the postmaster's receipts therefor.

(iv) Within 30 days after service of summons, the entryman may file his statement denying the charge of abandonment and desertion. The denial must bear evidence that a copy thereof has been served on the wife.

(v) After the expiration of 30 days from personal service of the summons, or 40 days from the date of mailing, unless a denial by entryman be sooner filed, the manager will issue notice of intention to submit proof. The form in general use must be modified to show that the proof is to be submitted by the deserted wife, and must contain a paragraph as follows:

The entryman [here insert name] is notified that, by submission of said proof, his wife [here insert name] seeks to obtain patent for the land in her own name.

(vi) If the entryman shall have filed denial of the alleged desertion and abandonment, and appears, in person or by agent or attorney, on the day set for the taking of proof, testimony may be submitted to determine the facts relative to the alleged desertion, and the final proof testimony will be taken in accordance with existing regulations. But the manager, for any reason deemed sufficient, may continue the hearing to a later date.

(*a*) At the hearing on the denial of desertion the entryman must pay the costs of taking the testimony.

(*b*) All hearings and subsequent proceedings shall be in accord with Parts 1840 and 1850 of this chapter pertaining to contests.

(vii) If entryman fails to deny the charge of desertion, or if same be sustained and the case closed, final certificate shall issue in the name of the deserted wife, provided the proof be in all respects sufficient.

(e) *Citizenship requirements.* (1) When proof is submitted it must be shown that the homesteader is a citizen of the United States: *Provided, however,* That a homestead entrywoman who is a citizen when she makes her filing and thereafter marries an alien need not show that her husband is an American citizen, but must show that he is entitled to become one (38 Stat. 740; 43 U.S.C. 168).

(2) In all cases of applications for entry or proofs in support of entries by married women otherwise duly qualified to make such entry or proof, a showing must be made of the facts concerning the marital status and citizenship in accordance with Subpart 1811 of the chapter.

(3) Evidence of declaration of intention to become a citizen of the United States or other evidence necessary to establish citizenship of foreign-born applicants should be received only when made in accordance with Subpart 1811 of this chapter.

§ 2211.1–5 Amendments; exercise of equitable powers.

Applications for amendment presented pursuant to § 1821.6–5(a) will not be granted, except where at least one legal subdivision of the lands originally entered is retained in the amended entry, and any such application must be submitted within 1 year next after discovery by the entryman of the existence of the conditions relied upon as entitling him to the relief he seeks, or within 1 year succeeding the date on which, by the exercise of reasonable diligence, the existence of such conditions might have been discovered: *Provided, nevertheless,* That where an applicant for amendment has made both homestead and desert land entries for contiguous lands, amendment may be granted whereby to transfer the desert-land entry, in its entirety, to the land covered by the homestead entry, and the homestead entry, in its entirety, to the land covered by the desert-land entry, or whereby to enlarge the desert-land entry in such manner as that it will include the whole or some portion of the lands embraced in the homestead entry sufficient equitable reason for such enlargement being exhibited, and the area of the enlarged entry in no case exceeding 320 acres. Applications for such amendments may be made under §§ 1821.6 and 2226.1–6(a) and on the prescribed form, insofar as the same are applicable. A supple-

mental statement should also be furnished, if necessary, to show the facts.

CROSS REFERENCE: For desert-land entries, see Subpart 2226 of this chapter.

§ 2211.2 Requirements for proof.

§ 2211.2–1 Habitable house.

The homestead entryman must have a habitable house upon the land entered at the time of submitting proof. Other improvements should be of such character and amount as are sufficient to show good faith.

§ 2211.2–2 Residence.

(a) *For 3-year proof.* With the exception of adjoining farm homestead entries and entries allowed under certain laws not requiring residence, a homestead entryman must establish residence upon the tract entered within 6 months after date of the entry, unless an extension of time is allowed, as explained in paragraph (c) of this section and must maintain residence there for a period of 3 years. However, he may have credit for residence as well as cultivation before the date of entry if the land was, during the period in question, subject to appropriation by him or included in an entry against which he had initiated a contest resulting afterwards in its cancellation. Moreover, he may absent himself for a portion or portions of each year after making entry and establishing residence, as more fully explained in paragraph (e) (1) (i) of this section.

(b) *For commutation proof.* (1) All original second, and additional homestead, and adjoining farm entries may be commuted, except such entries as are made under particular laws which forbid their commutation.

(2) The entryman, or his statutory successor, must show that substantially continuous residence upon the land was maintained until the submission of the proof or filing of notice of intention to submit same, the existence of a habitable house on the claim and cultivation of the area commuted to the extent required under the ordinary homestead laws, that is, cultivation of one-sixteenth of the area during the second year of the entry, and one-eighth during the third entry year and until final commutation proof. However, the proof may be accepted where actual residence on the land for the required period of 14 months is shown, even though slightly broken, provided it be in reasonably compact periods; and the failure to continue the residence until filing of notice to submit proof will not prevent its acceptance if the Bureau of Land Management be fully satisfied of entryman's good faith, and provided no contest or adverse proceedings shall have been initiated for default in residence, or other good cause, prior to filing of such notice. Credit for residence and cultivation before the date of entry may be allowed under the conditions explained in § 2211.2–3(a), as to 3-year proof.

(3) An entryman submitting commutation proof may add together, to make up the 14 months, periods of residence before and after an absence under a leave of absence regularly granted, or an absence of not exceeding 5 months of which he had given notices as provided by the act of June 6, 1912 (37 Stat. 123; 43 U.S.C. 164).

(4) A person submitting commutation proof must, in addition to certain fees, pay the price of the land; this is ordinarily $1.25 per acre, but is $2.50 per acre for lands within the limits of certain railroad grants. The price of certain ceded Indian lands varies according to their location, and inquiry should be made regarding each specific tract.

(5) The claimant must show full citizenship, as in case of 3-year proof.

(6) The provisions of law explained in § 2211.2–3(b) apply to commutation proof also.

(7) Commutation proof can not be made on homestead entries allowed under the act of April 28, 1904 (33 Stat. 547; 43 U.S.C. 224), known as the Kinkaid Act; entries under the Reclamation Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 372 et seq.); entries under the Enlarged Homestead Act (35 Stat. 639; 43 U.S.C. 218); entries allowed on coal lands under the act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83–85), so long as the land is withdrawn or classified as coal; additional entries allowed under the act of April 28, 1904 (33 Stat. 527; 43 U.S.C. 213); second entries allowed under the act of June 5, 1900 (31 Stat. 269; 43 U.S.C. 217); second entries allowed under the act of May 22, 1902 (32 Stat. 203; 25 U.S.C. 423); when the former entry was commuted; or entries within forests under the act of June 11, 1906 (34 Stat. 233; 16 U.S.C. 506–509).

(c) *Extension of time to establish.* (1) Where, for climatic reasons, or on account of sickness, or other unavoidable cause, residence cannot be established on the land within 6 months after the date of the entry, additional time, not exceeding 6 months, may be allowed. An application for such extension must include the statements of the entryman, and two witnesses acquainted with the facts. The application should set forth in detail the grounds upon which it is based, including a statement as to the probable duration of the hindering causes and the date when the claimant may reasonably expect to establish his residence.

(2) If the extension is granted, it protects the entry from contest on the ground of the homesteader's failure to establish residence within the first 6 months' period, unless it be shown that the order for extension was fraudulently obtained. But the failure of the entryman to apply for an extension of time does not forfeit his right to show, in defense of a contest, the existence of conditions which might have been made the basis for such an application.

(3) All applications must be accompanied by an application service fee of $5 which will not be returnable.

(d) *Reduction in requirements*—(1) *Authority.* The act of February 25, 1919 (40 Stat. 1153; 43 U.S.C. 231), authorizes the manager of the land office to grant to such homesteaders as make proper showing in their applications that the climatic conditions make residence on the homestead for 7 months in each year a hardship a reduction in the terms of residence to 6 months in each year over a period of 4 years, or to 5 months in each year over a period of 5 years; but the total residence required need not exceed 25 months, but less than 5 of which shall be in each year and proof must be submitted within 5 years.

(2) *To 6 months in each year.* (i) An entryman desiring to avail himself of the privilege accorded by the act of February 25, 1919, must, within 1 year after the allowance of his entry, file in the land office an application (preferably on the approved form) corroborated by two witnesses, setting forth the climatic conditions which would render it a hardship to reside upon the land for as much as 7 months in each year, and stating whether he wishes the requirement in his case to be fixed at 6 months' residence in 4 successive years or at 5 months' residence in 5 successive years. The statement of claimant and the witnesses need not be sworn to. If the showing is satisfactory, the manager will allow it. If it is not satisfactory, he will reject the application, subject to the usual right of appeal, and all appeals will be forwarded promptly.

(ii) If the application requests a reduction to 5 months' residence in each year, the manager may, if proper, grant partial relief; that is, fix the residence period at 6 months in each year, his decision being subject to review by the Bureau of Land Management on appeal from his decision, of which the party will be notified with all promptness.

(iii) All applications must be accompanied by an application service fee of $5 which will not be returnable.

(3) *To 5 months in each year.* (i) Where a homesteader has secured a reduction of the residence requirements to 6 months in each year, he may, at or before the termination of the second year of his entry, file application for further reduction; that is, to 5 months in each of 5 years.

(ii) All applications must be accompanied by an application service fee of $5 which will not be returnable.

(4) *Conditions warranting reduction.* To entitle a homesteader to the benefits of the act of February 25, 1919, he must show that the climatic conditions in the vicinity of the land entered are ordinarily, not in exceptional years, such as would render it a hardship for him to reside there for a greater part of each year than for 5 or for 6 months, as the case may be.

(5) *Residence each year in one continuous period.* Under this provision of the act of February 25, 1919, there is no authority to allow two absence periods, but the 5 months' residence or the 6 months' residence, as the case may be, must be in one continuous period.

(6) *Time for making proof.* (i) Proof on an entry must be made within 5 years after its allowance, notwithstanding the fact that relief may have been granted under the act of February 25, 1919, but the homesteader need not wait until the termination of his fifth residence year before submitting proof, provided he has had the last required period of residence.

(ii) An entry which is otherwise subject to commutation may be commuted, notwithstanding the granting of relief to the homesteader under this provision of law; but the periods of actual residence on the land must aggregate at least 14 months, and cultivation of not less than one-sixteenth of the area during the second year of the entry and one-eighth during the third entry year and until final commutation proof must be shown, unless a reduction has been granted in the requirements in that regard.

(7) *Credit for military service.* Credit on account of a period of military service will be allowed as on other entries, but at least 1 year's compliance with the homestead laws must be shown in every case.

CROSS REFERENCE: For soldiers' and sailors' homestead and preference rights, see Subpart 2033 of this chapter.

(8) *Absence by settlers on unsurveyed lands.* A homestead settler on unsurveyed lands who makes the showing required by subparagraphs (1) to (7) of this paragraph and who gives notice of the approximate location of the lands settled upon and claimed may be granted the benefits of the act of February 25, 1919 (40 Stat. 1153; 43 U.S.C. 231), providing for prolonged absences due to climatic conditions.

(e) *Absences*—(1) *Up to 5 months.* (i) During each year, beginning with the date of establishment of actual residence, the entryman may absent himself from the land for not more than two periods, aggregating as much as 5 months. In order to be entitled to such absences the entryman need not file applications therefor, but must each time he leaves the land file at the land office (by mail or otherwise) notice of the time of leaving; and upon his return to the land he must notify said office of the date thereof. If he has returned after an absence of less than 5 months and file notice of his return, he may, without any intervening residence again absent himself, pursuant to new notice, for the remaining part of 5 months within the residence year. However, two absences in different residence years, reckoned from the date when residence was established, must be separated by substantial periods if they together make up more than 5 months.

(ii) *On unsurveyed land.* Under the act of July 3, 1916 (39 Stat. 341; 43 U.S.C. 232), a settler upon unsurveyed, unreserved, and unappropriated public land is entitled to one or two leaves of absence during each residence year, aggregating not more than 5 months in each year, after establishing of residence, in the same manner and upon the same conditions as persons having entries of record. If he has returned after an absence of less than 5 months and filed notice of his return, he may, without any intervening residence, again absent himself, pursuant to new notice, for the remaining part of 5 months within the residence year. However, two absences in different residence years, reckoned from the date when residence was established, must be separated by substantial periods if they together make up more than 5 months.

(iii) *Notice of settlement claim.* The act of July 3, 1916, does not authorize the filing of a notice of a settlement claim except as included in a notice of absence from the land; unless the paper tendered shows the beginning or ending of an absence, the manager will decline to receive it.

(2) *For 1 year.* (i) Leave of absence for 1 year or less may be granted by the manager of the land office to entrymen who have established actual residence on the lands in cases where total or partial failure or destruction of crops, sickness, or other unavoidable casualty has prevented the entryman from supporting himself and those dependent on him by cultivation of the land. Application for such leave of absence must be signed by the applicant and corroborated by at least one witness in the land district or county within which the entered lands are located. It must describe the entry and show the date of establishing residence on the land and the extent and character of the improvements and cultivation performed by applicant. It must also set forth fully the facts on which the claimant bases his right to leave of absence, and where sickness is given as the reason a certificate signed by a reputable physician should be furnished if practicable. The period during which a homesteader is absent from his claim pursuant to a leave duly granted cannot be counted in his favor.

(ii) All applications for leave of absence for one year or less because of failure of crops, sickness, or other unavoidable casualty must be accompanied by an application service fee of $5 which will not be returnable.

(f) *Contest.* Where a contest is initiated against an entry, prior to filing of notice to submit communication proof, the entry will be considered under sections 2291 and 2297, Revised Statutes, as amended (43 U.S.C. 164, 169), and the homesteader's absence will not be excused upon the ground that he has complied with the law for 14 months and is under no obligation to further reside upon the land. However, a contest for abandonment cannot be maintained if the absence after the 14 months' residence is pursuant to a leave of absence regularly and properly granted under the act of March 2, 1889 (25 Stat. 854; 43 U.S.C. 234), or under conditions which would have entitled the entryman to such leave upon formal application therefor, and such absence will not prevent the submission of acceptable commutation proof.

§ 2211.2–3 Cultivation.

(a) *For 3-year proof.* (1) Cultivation of the land in a manner reasonably calculated to produce profitable results is required for a period of at least 2 years. This must consist of actual breaking of the soil, followed by planting, sowing of seed, tillage for a crop other than native grasses, and, in areas where rainfall is inadequate, the application of such amounts of water as may reasonably be required to produce a crop. However, tilling of the land, or other appropriate treatment, for the purpose of conserving the moisture with a view of making a profitable crop the succeeding year, will be deemed cultivation within the terms of the act (without sowing of seed) where that manner of cultivation is necessary or generally followed in the locality.

(2) During the second year not less than one-sixteenth of the area entered must be actually cultivated, and during the third year, and until final proof, cultivation of not less than one-eighth must be had. These requirements are the same as to homesteads under the general law and under the enlarged homestead acts, and the years in question begin to run, not from the establishment of residence, but from the date of the entry. The required area of cultivation may be reduced, under certain conditions, as set forth in paragraph (b) of this section. Moreover, the requirements as to cultivation have been eliminated as to certain homestead claims initiated prior to February 5, 1937, as set forth in subparagraphs (1) to (3) of paragraph (b) of this section.

(b) *Reduction of requirements.* (1) The requirements as to cultivation may be reduced if the land entered is so hilly or rough, the soil so alkaline, compact, sandy, or swampy, or the precipitation of moisture so light as not to make cultivation of the required amounts practicable, or if the land is generally valuable only for grazing. When action is taken on an application for a reduction of the required area of cultivation, consideration will be given all the attendant facts and circumstances, and if it appears that at the date of the initiation of the claim the conditions were such as to indicate to a prudent person that cultivation of the required acreage was not reasonably practicable or that there was a lack of good faith on the part of the claimant in making the entry, the application will be subject to rejection. An application for reduction must be filed at the proper land office on the form prescribed therefor, and should set forth in detail the special conditions on which the claim to a reduction is based.

(2) A reduction may be allowed also if the entryman, after making entry and establishing residence, has met with misfortune which renders him reasonably unable to cultivate the prescribed area. In this class of cases an application for reduction is not to be filed, but notice of the misfortune and of its nature must be submitted to the manager of the land office, within 60 days after its occurrence; upon satisfactory proof regarding the misfortune at the time of submitting final proof a reduction in area of cultivation during the period of disability following the misfortune may be permitted.

(3) No reduction in area of cultivation will be permitted on account of expense in removing the standing timber from the land. If lands are so heavily timbered that the entryman cannot reasonably clear and cultivate the area prescribed by the statute, such entries will be considered speculative and not made

in good faith for the purpose of obtaining a home. The foregoing applies to lands containing valuable or merchantable timber and will not preclude the reduction of area of cultivation on proper showing in cases where the presence of stumps, brush, lodge pole pine, or other valueless or nonmerchantable timber prevents the clearing and cultivation of the prescribed area.

(4) Applications for reduction in area of cultivation will be acted upon by the manager of the land office, who may in appropriate cases defer action until final proof, but his decision in granting or refusing applications for reduction in area shall be subject to review, upon appeal, by the Director, Bureau of Land Management and by the Secretary of the Interior.

(5) All applications for reduction in area of cultivation must be accompanied by an application service fee of $5 which will not be returnable.

(c) *Elimination of requirements.* (1) The act of March 31, 1938 (52 Stat. 149; 43 U.S.C. 237d), amended the act of August 19, 1935 (49 Stat. 659), so as to extend its provisions to applications made prior to February 5, 1935. As amended the act provides that, with certain specified exceptions, described in subparagraph (3) of this paragraph, the provisions of the homestead laws requiring cultivation of the land entered shall not be applicable to existing homestead entries made prior to February 5, 1935, or thereafter if based upon valid settlement or application made prior to said date, and no patent shall be withheld for failure to cultivate such lands.

(2) In all cases where said acts apply, no proof shall be rejected solely for failure to show that the cultivation requirements of the homestead laws have been complied with.

CROSS REFERENCE: For proofs, see Subpart 1824 of this chapter.

(3) The law does not apply to homestead entries made subject to the provisions of the act of June 17, 1902 (32 Stat. 388), and amendment thereof, known as the reclamation law; or under the act of June 11, 1906 (34 Stat. 233; 16 U.S.C. 506–509), and amendments thereof, known as the law providing for entry of agricultural lands within national forests; or to homestead entries in the State of Alaska.

§ 2211.2–4 Agricultural entries of withdrawn coal lands.

The act of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81) is for the protection of surface rights of nonmineral entrymen where the lands were subsequently classified, claimed, or reported as being valuable for coal, and the act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83–85), provides for the allowance of certain nonmineral entries for land having been withdrawn or classified as coal lands. These acts have separated the surface from the coal deposits for the purpose of allowance of certain nonmineral entries, and the act of June 25, 1910, was not intended to repeal said acts. Therefore, where applications are presented to make final proof on nonmineral entries made prior to withdrawal, for the purposes of classifying the coal deposits, the disposition of such applications should be made with especial reference to the provisions of the act of March 3, 1909, and as to such lands certain nonmineral entries may be allowed, as provided for by the act of June 22, 1910, notwithstanding their withdrawal under act of June 25, 1910.

CROSS REFERENCE: For agricultural entries on mineral lands, see Subpart 2023 of this chapter.

§ 2211.3 Rights of widows, heirs or devisees.

§ 2211.3–1 On death of settler.

(a) If a homestead settler dies without having filed application for entry, the right to enter the land covered by his settlement passes to his widow. If there be no widow, said right passes to his heirs or devisees.

(b) Persons who make entry as the widows, heirs, or devisees of settlers are not required to reside upon the land entered by them, but they must improve and cultivate it for such period as, added to the time during which the settler resided on and cultivated the land, will make the required period of 3 years, and the cultivation must be to the extent required by the law under which the proof is offered. Commutation proof may, however, be made upon showing 14 months' actual residence and cultivation had either by the settler or the heirs, devisee, or widow, or in part by the settler and in part by the widow, heirs, or devisee.

§ 2211.3–2 On death of entryman.

(a) If a homestead entryman dies without having submitted final proof, his rights under the entry pass to his widow, or, if there be none, and the children if any are not all minors, then to his heirs or devisees. However, if all the heirs be minor children of the entryman or entrywoman, and their other parent be dead, the entry is not subject to devise. In such a case the right to a patent vests in the children at once upon proof only of the death of both parents and that they are the only children of the homesteader, provided, as to a male homesteader, that there be no widow. The law provides, in the alternative, that the executor, administrator, or guardian may, within two years after the death of the surviving parent, sell the land for the benefit of the children, in accordance with the law of the State where they are domiciled. In such cases it is required that there be furnished record evidence of an order for the sale made by a court of competent jurisdiction. In any event, publication and posting of notice of intention to submit proof or to ask issuance of patent to the purchaser is required.

(b) Persons succeeding as widow, heirs, or devisee to the rights of a homestead entryman are not required to reside upon the land covered by the entry, but they must cultivate it as required by law for such period as will, added to the entryman's period of compliance with the law, aggregate the required term of 3 years. They are allowed a reasonable time after the entryman's death within which to begin cultivation, proper regard being had to the season of the year at which said death occurred. If they desire to commute the entry they must show a 14 months' period of such residence and cultivation on the part of themselves or the entryman, or both, as would have been required of him had he survived. They must in all cases show that they are citizens of the United States regardless of the question whether the entryman was himself a citizen. Moreover, the entry may not be completed by the widow, heirs, or devisee of a homestead entryman unless he himself had complied with the law in all respects to the date of his death, and they must also show, at the time of final proof, that there is a habitable house on the land.

§ 2211.3–3 Heirs of contestants.

If a contestant dies after having secured the cancellation of an entry, his right as a successful contestant to make entry passes to his heirs; and if the contestant dies before he has secured the cancelation of the entry he has contested, his heirs may continue the prosecution of his contest and make entry if they are successful in the contest. In either case, to entitle the heirs to make entry they must show that the contestant was a qualified entryman at the date of his death; and in order to earn a patent the heirs must comply with all the requirements of the law under which the entry was made, to the same extent as would have been required of the contestant had he made entry.

§ 2211.4 Additional entries.

§ 2211.4–1 After proof on original claim (act of March 2, 1889).

(a) *Statutory authority.* Section 6 of the act of March 2, 1889 (25 Stat. 854; 43 U.S.C. 214), permits the entry, by a person otherwise qualified, who prior to the date of his application for additional entry has made homestead entry, submitted final proof thereon, and received the managers final receipt for a quantity of land less than 160 acres, of so much additional land, either contiguous or noncontiguous to the land originally entered by him, as shall not with it exceed a total of 160 acres.

(b) *Petitions and applications.* A person who desires to make an additional homestead entry under section 6 of the Act of March 2, 1889, must comply with the provisions of § 2211.1. In addition, he must file with the prescribed form or forms a reference to the Act of March 2, 1889, and a description, by number, section, township, and range of his original entry, together with the date of the issuance of the final receipt thereon. He is not required to show that he is still the owner or occupant of the land originally entered.

(c) *Residence, cultivation, and proof required.* Upon allowance of the additional entry, entrymen will be required within the period prescribed by the homestead laws and regulations to establish residence upon the land entered and to reside upon and cultivate the land for the period required by the homestead laws, and within the period prescribed by statute, to submit proof of such resi-

dence and cultivation as in other homestead cases.

§ 2211.4–2 For land contiguous to original entry (act of April 28, 1904 as amended).

(a) *Authority.* Section 2 of the act of April 28, 1904 (33 Stat. 527; 43 U.S.C. 213), as amended by the act of August 3, 1950 (64 Stat. 398; 43 U.S.C. 213) authorizes any person who theretofore entered, or might thereafter enter, less than 160 acres of land under the homestead laws who has not perfected the entry, or, if proof has been made, who still owns and occupies the land, to enter other and additional lying contiguous to the original entry which, with the land first entered and occupied will not in the aggregate exceed 160 acres. Section 3 of the act of April 28, 1904 (33 Stat. 527; 43 U.S.C. 213), prohibits the submission of commutation proof of an entry made under that act.

(b) *Petitions and applications.* A person who desires to make an additional homestead entry under section 2 of the act of April 28, 1904, must comply with the provisions of § 2211.1–1. In addition, he must file with the prescribed form or forms a reference to the act of April 28, 1904, and a description by number, section, township, and range of his original entry. He must also show that he owns and resides upon the land embraced in his original entry.

(c) *Final proof.* Before proof may be submitted as a basis for patent under the act of April 28, 1904, as amended, the entryman must show that he has cultivated an amount equal to one-eighth of the area of the additional entry for at least one year after the additional entry is made and until the submission of final proof thereon. The cultivation may be performed on the original entry, on the additional entry, or on both, but where it is performed on the original entry it must be shown at the time of submission of final proof on the additional entry that the entryman still owns and occupies the original entry, and the cultivation must be in addition to that required and relied upon in making final proof on the original entry. No proof of residence will be required with respect to the additional entry.

The act of April 28, 1904, as amended, provides that final proof for the additional entry may be submitted only at the time of final proof for the original entry, or subsequent thereto, but it must be submitted within five years after the additional entry is made.

(d) *Cancellation of original entry.* An additional entry under the act of April 28, 1904, as amended, cannot be based on an original entry which has been canceled. If for any reason an original entry is canceled after the additional has been allowed, the additional will be canceled also.

§ 2211.5 Second entries.

§ 2211.5–1 Former entry lost, forfeited or abandoned (act of September 5, 1914).

(a) Where a person has made a homestead entry or entries but failed to perfect them, his right to make another homestead entry is governed by the act of September 5, 1914 (38 Stat. 712; 43 U.S.C. 182) which provides that the applicant must show to the satisfaction of the Secretary of the Interior that the prior entry or entries were made in good faith, were lost, forfeited, or abandoned because of matters beyond his control, and that he has not speculated in his right, nor committed a fraud or attempted fraud in connection with such prior entry or entries.

(b) The question whether the first entry, or entries, were made before or after the passage of the act of September 5, 1914 is entirely immaterial. Moreover, it will be seen that the act imposes upon the Bureau of Land Management the duty of passing upon the good faith of the applicant, there being no hard and fast provision, as in the act of February 3, 1911 (36 Stat. 896) limiting its benefits to a clearly defined class of persons.

(c) In order that the Bureau of Land Management may properly pass upon the right of an applicant for second entry, he must (besides filing in the proper land office an application to enter a specific tract) furnish his statement showing the following facts:

(1) Data from which his first entry (or entries) may be identified, preferably its series and number, as well as a description of the tract by section, township and range.

(2) What examination of the land and what inquiries as to its character he made prior to filing his previous application (or applications) for entry and, in case of desert-land entries, what reason he had to believe that the required proportion of the tracts could be reclaimed by him through irrigation.

(3) With reference to a homestead entry, whether he established residence upon the tract, and, if so how long he lived there and what cultivation he effected; as to a desert-land entry, whether he took possession of the tract, and, if so, how long he continued to exercise acts of ownership thereover.

(4) What improvements, if any, he made upon the land, describing in detail their nature and cost.

(5) The date of his abandonment of the claim and the reason therefor and whether he ever executed a relinquishment of the entry.

(6) What consideration, if any, he received for abandoning or relinquishing the entry; also whether he sold the improvements on the tract, giving full details as to said sale, if any, including the date thereof and the consideration received.

(d) The statement described in the preceding section must be signed by the applicant and must be corroborated on all matters susceptible of corroboration by at least one witness having knowledge of the facts, or there may be several witnesses, each testifying on some material point; statements of witnesses must be signed by them. Appropriate blank forms will be furnished by the managers.

§ 2211.5–2 By person who paid price for land ceded by Indians (act of June 21, 1934).

(a) Statutory authority. (1) Under the act of June 21, 1934 (48 Stat. 1185; 43 U.S.C. 871a), any person who theretofore had made entry under the homestead laws on any lands embraced within any reservation ceded to the United States by the Indian tribes, and had paid for his land the sum of at least $1.25 per acre, upon proof of such facts, if otherwise qualified, is entitled to the benefit of the homestead law as though such former entry had not been made. The provisions of said act do not apply to any person who has failed to pay the full price for his former entry or whose former entry was canceled for fraud. In making any new homestead entry as authorized by said act or the prior similar acts of February 20, 1917 (39 Stat. 926), and February 25, 1925 (43 Stat. 981; 43 U.S.C. 187), such entry may not include any land to which the Indian title has not been fully extinguished.

(2) The act of June 21, 1934, has no application if the first entry be canceled. Such cases will be governed by the general statutes allowing second entries.

(b) *Showing as to prior entry.* A person claiming the right of second homestead entry pursuant to the provisions of the act of June 21, 1934, must furnish a description of the land included in his perfected entry or data from which it can be identified, and he must state that he paid $1.25 or more per acre for the tract, but it is not necessary that he name the precise price paid. If the former entry embraced tracts appraised at less than $1.25 per acre and tracts appraised at more than $1.25 per acre, a second entry hereunder is not allowable unless the aggregate sum of the appraised prices of the former entry equals $1.25 per acre or more.

(c) *Requirements as to completion of prior entry.* A second entry is not allowable unless the first entry was made prior to June 21, 1934, and unless satisfactory final proof has been submitted thereon and the entire price of the land included therein has been paid prior to the date of the application for second entry.

(d) *Laws under which second entry rights may be exercised.* A person who is entitled to the benefits of the act of June 21, 1934, may at his option make second entry under either the general homestead law, or the Enlarged Homestead Act. Compliance with the law must be shown as though it were an original entry.

CROSS REFERENCE: For enlarged homesteads, see § 2211.6.

(e) *Land not subject to second entry.* The act of June 21, 1934, prohibits the allowance of any application to make a second homestead entry thereunder or under the act of February 20, 1917, or the act of February 25, 1925, if it includes any land to which the Indian title shall not have been fully extinguished.

§ 2211.5–3 After commutation or payment of Indian price (acts of June 5, 1900, May 17, 1900 and May 22, 1902).

Where a person commuted a homestead entry before June 5, 1900, or paid the Indian price of the land entered before May 17, 1900, his homestead right

is restored. See acts of June 5, 1900, and May 22, 1902 (sec. 2, 31 Stat. 269; 43 U.S.C. 217, and sec. 2, 32 Stat. 203; 25 U.S.C. 423), and the act of May 17, 1900 (31 Stat. 179; 25 U.S.C. 421).

§ 2211.6 Enlarged homesteads.

§ 2211.6–1 General regulations.

(a) *States affected; character of land.* (1) The act of February 19, 1909 (35 Stat. 639; 43 U.S.C. 218) (extended by later legislation to additional States), and the act of June 17, 1910 (36 Stat. 531; 43 U.S.C. 219), provide for the making of homestead entries for areas of not exceeding 320 acres of public land in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming designated by the Secretary of the Interior as nonmineral, nontimbered, nonirrigable. As to Idaho, the act of June 17, 1910, provides that the lands must be "arid."

(2) The terms "arid" or "nonirrigable" land, as used in these acts, are construed to mean land which, as a rule, lacks sufficient rainfall to produce agricultural crops without the necessity of resorting to unusual methods of cultivation, such as the system commonly known as dry farming, and for which there is no known source of water supply from which such land may be successfully irrigated at a reasonable cost.

(3) Lands containing merchantable timber, or valuable minerals other than coal, phosphate, nitrate, potash, oil, gas, sodium, sulphur, or asphaltic minerals, and lands within a reclamation project, or lands which may be irrigated at a reasonable cost from any known source of water supply may not be entered under these acts. Entry may be allowed for the surface only of lands containing any of the minerals named. A legal subdivision will not be regarded as irrigable and excluded from designation under these acts because a minor portion of it is susceptible of irrigation unless said portion is at least one-eighth thereof. Where there is an application for additional entry after submission of final proof on the original the land covered by the original will not be regarded as irrigable, and excluded from designation, upon the ground that more than one-eighth of any subdivision is irrigable, unless said original embraces the equivalent of 20 or more acres of land in a reasonably compact body that can be thoroughly irrigated and reclaimed.

(4) A tract included in an entry under the Enlarged Homestead Acts or in any entry under the general law, and an additional entry under said acts, should be in compact form, and such claim may not be permitted to entirely surround a subdivision of unappropriated lands subject to entry under said acts.

(5) An original entry under the Enlarged Homestead Acts may not exceed one and one-half miles in extreme length (47 L.D. 370).

(b) *Initiation of settlement claims under enlarged homestead law.* Under the act of August 9, 1912 (37 Stat. 267; 43 U.S.C. 166, 223), settlement right on not exceeding 320 acres of lands designated by the Secretary of the Interior as subject to entry under the enlarged homestead law may be obtained by plainly marking the exterior boundaries of all lands claimed, whether surveyed or unsurveyed, followed by the establishment of residence, except as to lands designated under section 6 of said acts, where residence is not required, but where the settlement right is required to be initiated by plainly marking the exterior boundaries of the land claimed and the placing and maintenance of valuable improvements thereon.

§ 2211.6–2 Petitions and applications.

(a) A person who desires to enter public lands under the enlarged homestead laws must file an application together with a petition on forms approved by the Director, properly executed. However, if the lands have been already classified and opened to entry under the enlarged homestead laws, only an application should be filed. The documents must be filed in the proper land office in the State, except that petitions for lands in North Dakota or South Dakota must be filed in the land office at Billings, Montana, and petitions for lands in Kansas must be filed in the land office at Cheyenne, Wyoming.

(b) Any person qualified to make an original homestead entry for 160 acres is qualified to make entry under the Enlarged Homestead Acts for 320 acres.

(c) When a homesteader applies to make entry, he must pay a nonrefundable application service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the lands pursuant to the act of May 14, 1880 (21 Stat. 141; 43 U.S.C. 185), as amended, must pay, as a nonrefundable cancellation service charge, an additional $10. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof can be accepted or approved until all charges have been paid.

(d) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

§ 2211.6–3 Application to enter with petition for designation.

(a) *Act of March 4, 1915.* (1) Under the act of March 4, 1915 (38 Stat. 1162; 43 U.S.C. 220), a person may file an application for entry under the Enlarged Homestead Act of a tract of surveyed land which has not been designated thereunder, accompanied by a petition for its designation, or he may file application for additional entry though part of the land involved has not been designated, accompanied by like petition. He thus secures a preference right of entry if the land be thereafter designated. An additional entry cannot be allowed unless the tract first entered, as well as the one sought to be added, is designated, and therefore petitions should in all cases cover so much of both tracts as has not already been designated.

(2) The fact that lands have been designated as subject to entry is not conclusive as to the character of such lands, and should it afterwards develop that the land is not of the character contemplated by the above acts the designation may be canceled; but where an entry is made in good faith under the provisions of these acts, such designation will not thereafter be modified to the injury of anyone who in good faith has acted upon such designation. Each entryman must furnish a statement giving the information required by section 2 of the Enlarged Homestead Acts.

(3) The act of March 4, 1915, applies to cases where the party is seeking to make an original entry and to all cases where he seeks to make additional entry, regardless of the question whether proof has or has not been already submitted on his original filing.

(b) *Execution of application.* (1) Where a preference right under the act of March 4, 1915, is sought there must be filed at the proper land office the usual application for entry, original or additional, as the case may be, signed by the applicant and two witnesses, and the fee and commissions must be then paid; it must be accompanied by the applicant's statement, executed in duplicate and corroborated by at least two witnesses, setting forth the character of the land involved, both tracts, if additional entry is sought.

(2) This statement which will be entitled "Petition for Designation," must give the name and post-office address of the applicant and a description by legal subdivisions of all the land involved; in case of additional applications it should give the serial number (or numbers) of the old claim.

(3) In case of applications for entry under sections 1 to 5, commonly known as the general provisions of the Enlarged Homestead Act, the statement should set forth fully the conditions governing the irrigability of the land. If any part or parts thereof are irrigated, their location, area, source of water supply, and other pertinent facts should be stated. If any part or parts thereof are under constructed or proposed irrigation ditches or canals, or adjacent thereto, the relation of the lands to same and the reasons for applicant's belief that the lands are not irrigable therefrom should be explained. The relation of the tract to surface streams or springs rising on or flowing across them or in their vicinity should be indicated. If such sources of water supply are inadequate for the irrigation of the applicant's lands, or are not available to him, full particulars should be given.

(i) The location and depth of wells, elevation of water plane relative to the surface, and other pertinent facts which will disclose the quantity and quality of the water supply, obtainable from either ordinary or artesian wells on the land, should be given. If there are no wells thereon, such information should be furnished as to any other wells in that vicinity, and the possibility of irrigating the tract involved from underground sources should be fully discussed. If any attempts have been made to irrigate and

reclaim the tract, or if it had been included in a desert-land entry, the reasons for lack of success should be stated.

(ii) The statement should be supplemented by a map or diagram in cases where the facts may be advantageously presented thereby.

(4) In cases of applications for entry under section 6 of the Enlarged Homestead Acts, applicable to Utah and Idaho, the statement should give information regarding the possibility of securing on the land a supply of water suitable for domestic use. If there are on the tract, or in its immediate vicinity springs or streams which would furnish such supply, a complete statement should be made as to the quantity, quality, and availability of the water. A statement should also be made as to the location, depth, elevation of water plane relative to the surface, depth at which water was first obtained, and other pertinent facts as to wells situated either in the vicinity of the tract or nearest thereto, and as to the relation of the tract thereto. If unsuccessful attempts have been made to secure a domestic water supply on the land itself, the facts concerning them should be set forth.

(i) If the tract has not theretofore been designated under sections 1 to 5 of the act, applicants for designation under section 6 thereof should, in addition to the above, furnish the information required of applicants for designation under sections 1 to 5, as explained in this section.

(5) The filing of a statement, as above indicated, will not be conclusive as to the character of the land therein described, and the applicant may be required by the State Director to furnish additional evidence with regard thereto. Moreover, the filing of an application and petition does not give the party the right to fence the land or place other improvements thereon, and the erection of improvements will not confer upon him any right to equitable consideration of the application in the event the land is found not to be of the character contemplated by those provisions of the Enlarged Homestead Act under which the claim is filed.

(c) *Segregative effect of application.* No other appropriation of the land will be allowed before the application has been finally disposed of. Prior to final action on the application the party's homestead right will be in abeyance, and he will not be entitled to exercise same elsewhere, nor will he be permitted to have two applications under this act pending at the same time.

§ 2211.6–4 Additional entry for contiguous lands.

(a) *Before proof on original claim.* (1) Under section 3 of the Enlarged Homestead Acts a person who has entered less than 320 acres of land which is of the character described therein, and which has been designated for entry under those acts, may make entry of adjoining lands, also so designated, which will not, together with the tract first entered, exceed 320 acres in area. Where proof has not already been submitted on the original claim at the time application for additional entry is filed, residence upon and cultivation of the tract first entered will be accepted as equivalent to residence upon and cultivation of the additional. Credit for compliance with the law as to additional entry may be allowed from the date of the filing of the application to enter.

(2) Where a person makes entry under the general provisions of the homestead laws, and before submission of proof on said entry makes an additional entry under said section 3, the following rules govern the requirements as to the cultivation and residence to be shown by him on submission of proof.

(3) He may show compliance with the requirements of the law applicable to his original entry, and that, after the date of additional entry, he cultivated, in addition to such cultivation as was relied upon and used in perfecting title to the original entry, an amount equal to one-sixteenth of the area of the additional entry for 1 year, not later than the second year of such additional entry, and one-eighth the following year and each succeeding year until proof submitted; however, the rules explained in § 2211.2–3 (b) of this chapter are applicable to such cases. The cultivation in support of the additional entry may be maintained upon either entry.

(4) When proof is submitted on both entries at the same time, he may show the cultivation of an amount equal to one-sixteenth of the combined area of the two entries for 1 year, increased to one-eighth the succeeding year, and that such latter amount of cultivation has continued until offer of proof. If cultivation in these amounts can be shown, proof may be submitted without regard to the date of the additional entry, i.e., the required amount of cultivation may have been performed in whole or in part on the original entry before the additional entry was made, and proof on the additional need be deferred only until the showing indicated can be made. Such combined proof may be submitted not later than 7 years from the date of the original entry.

CROSS REFERENCE: For proofs, see Subpart 1824 of this chapter.

(b) *After proof on original claim (act of March 3, 1915).* (1) The act of March 3, 1915 (38 Stat. 956; 43 U.S.C. 218, 219), amends sections 3 and 4 of the Enlarged Homestead Acts of February 19, 1909 (35 Stat. 639; 43 U.S.C. 218), and June 17, 1910 (36 Stat. 531; 43 U.S.C. 219), so as to permit an additional entry thereunder to be made, though proof has already been submitted on the original, provided the applicant still owns and occupies the tract first entered, and it defines the residence and cultivation required in connection therewith.

(2) *Who may make additional entry; additional information required.* The act of March 3, 1915, confers the right of entry only upon one who "still owns and occupies the land" first entered; it is not required that the claimant be residing on said tract, and the occupancy thereof may be by agent or through a tenant. It should be observed that no change has been made in the requirement of the law that the tracts be contiguous; and this would not be fulfilled by the fact that they corner on each other. Where a person desires to make an entry under the Act of March 3, 1915, he must file in addition to the form or forms required by § 2211.6–2 (a) and (b) a statement showing continued ownership and occupancy of the land first entered, and a statement setting forth the character of the land in both tracts. These statements together with the required forms will be considered as a petition for designation under the enlarged homestead laws.

(3) *Residence.* The claimant is allowed credit for residence on the original tract and can not, in any event, be required to show residence continued for a greater period than is prescribed by section 2291 of the Revised Statutes. In other words, if the proof on the original entry has been accepted as sufficient under either the 5-year or the 3-year act, no further residence is needed; but, if the proof was by way of commutation, claimant must show such further residence, before or after the date of the additional entry, as will make up the aggregate amount required by the provisions of the act of June 6, 1912 (37 Stat. 123; 43 U.S.C. 164, 169, 218).

(4) *Cultivation.* The law regarding cultivation, with reference to additional entries made before submission of proofs on the originals, has no application to the entries allowed under the act of March 3, 1915. The claimant is required to show cultivation of the additional tract itself, to the extent and for the period required by the act of June 6, 1912, that is, one-sixteenth of its area during the second year of the entry, and one-eighth during the third and until submission of proof, which must occur within 5 years after the date of the additional entry.

CROSS REFERENCE: For cultivation requirements, see §§ 2211.2–1 to 2211.2–2 and 2211.2–3(b) and (c).

§ 2211.6–5 Additional entries for incontiguous lands.

(a) *Acts of July 3, 1916 and Sept. 5, 1916.* Under section 7 of the Enlarged Homestead Acts, added thereto by the act of July 3, 1916 (39 Stat. 344; 43 U.S.C. 218), and the act of September 5, 1916, (39 Stat. 724; 43 U.S.C. 219), a person who has submitted final proof on a homestead entry for less than 320 acres of land of the character contemplated by said acts, has the right to enter sufficient land of similar character, not contiguous to his first entry, to make up therewith not more than 320 acres. He is required to have the same residence and cultivation and a habitable house on the additional entry as though it were an original filing, except where the second tract is within 20 miles of the first, in which case residence and a habitable house on either tract will be accepted.

(b) *20 Mile Limitation.* A qualified person who owns and continues to reside on his original entry may make entry for two or more incontiguous tracts within 20 miles of his original entry, if unable to secure in one tract the entire area he is entitled to enter; but one who no longer owns his original entry, or

who seeks land not within 20 miles therefrom, can not be allowed to enter incontiguous tracts under this act.

(c) *Conditions under which additional entry may be made.* Section 7 of the Enlarged Homestead Acts has no application unless the first entry was made in one of the States where the Enlarged Homestead Act is in force, and the additional entry can not be allowed until both tracts shall have been designated thereunder. However, in considering allowance of the entry it is not material whether the applicant owns or occupies the original tract. A person whose two incontiguous entries do not make up 320 acres, who has submitted proof on the first and occupies his unperfected second claim, may amend the latter by adding land contiguous thereto, so as to aggregate that area, subject to the requirements of this act respecting residence and cultivation. Also the benefits of this act may be claimed by a person who has made and perfected more than one homestead entry, but the aggregate area of the land thus acquired with that applied for is limited to 320 acres.

(d) *Qualifications required of applicant.* The only qualifications required of an applicant under section 7 of the Enlarged Homestead Acts are that he has not already made an additional entry thereunder, and that the tract applied for will not, with other lands which he has entered and acquired title to under any of the nonmineral public land laws, or which he is then claiming thereunder, make an aggregate of more than 480 acres.

(e) *Designation of original and additional tracts.* It is not necessary that any of the land be designated under the Enlarged Homestead Act when the application for additional entry is filed. The applicant must state that both tracts have been so designated, or he must file petition for designation of the undesignated land, as provided by the act of March 4, 1915 (38 Stat. 1162; 43 U.S.C. 220), and separate petitions must be filed for the different tracts if both be undesignated.

(f) *Showing required for proof.* (1) There must be shown in proof on the entry the usual residence and cultivation and the existence of a habitable house upon the land entered, exception to these rules being made only where said tract is within 20 miles of that embraced in the original entry and the entryman is residing on the latter. In that event the homesteader need not reside on the additional entry nor have a habitable house thereon, if he owns and resides upon the original tract when applying for said entry, and continues both ownership and residence until submission of proof.

(2) In the proof, to be submitted within 5 years after the date of additional entry, there must be shown residence on the additional tract, or on the original, if permitted under the 20-mile exception above explained, for not less than 3 years, subject to the privilege of being absent 5 months in each year, as provided by the 3-year homestead law; also cultivation of not less than one-sixteenth of the additional tract during the second year after the date of the entry, and of not less than one-eighth of its area during the third year and until submission of proof; but residence and cultivation for the requisite period after the date of the application and until the submission of proof will be accepted. Credit for military service will be allowed as in other cases.

(g) *Showing required in petition for designation.* (1) As in other cases, a petition for designation, filed in connection with an entry under section 7 of the Enlarged Homestead Acts, must consist of a statement, signed in duplicate by the applicant and at least two witnesses, setting forth a description by legal subdivisions of all the land involved, its character, and the conditions governing the irrigability of both tracts.

(2) If any part or parts thereof are irrigated, their location, area, source of water supply, and other pertinent facts should be stated. If any part or parts thereof are under constructed or proposed irrigation ditches or canals, or adjacent thereto, the relation of the lands to same and the reasons for applicant's belief that the lands are not irrigable therefrom should be explained. The relation of the tract to surface streams or springs rising on or flowing across them or in their vicinity should be indicated. If such sources of water supply are inadequate for the irrigation of the applicant's lands, or are not available to him, full particulars should be given. The location and depth of wells, elevation of water plane relative to the surface, and other pertinent facts which will disclose the quantity and quality of the water supply, obtainable from either ordinary or artesian wells on the land, should be given. If there are no wells thereon such information should be furnished as to any other wells in that vicinity, and the possibility of irrigating the tract involved from underground sources should be fully discussed. If any attempts have been made to irrigate and reclaim the tract, or if it has been included in a desert-land entry, the reasons for lack of success should be stated. The petition should be supplemented by a map or diagram in cases where the facts may be advantageously presented thereby.

(h) *Entries under section 6 of Enlarged Homestead Act.* The provisions of the acts of July 3 and September 5, 1916, do not apply to entries under section 6 of the Enlarged Homestead Act.

§ 2211.6–6 Additional entry for double the area of the additional rights.

(a) *Act of February 20, 1917.* The act of February 20, 1917 (39 Stat. 925; 43 U.S.C. 215), permits a person who has perfected a homestead entry for less than 160 acres and is entitled to an additional entry for sufficient land to make that area, to enter under the Enlarged Homestead Act a tract designated thereunder of an amount double that which he would be entitled to appropriate of land not so designated.

(b) *Designation required of additional tract.* The act of February 20, 1917, permits an additional entry under the Enlarged Homestead Act to be made for a tract designated as subject thereto, although the land included in the applicant's perfected entry be not thus designated; it is immaterial whether he owns the original tract, and the additional tract may be contiguous thereto or at any distance therefrom.

(c) *Description required of all former entries.* The application must contain a description of all entries theretofore made by the applicant or such data as will serve to identify them.

(d) *Area of additional right.* Under section 6 of the act of March 2, 1889 (25 Stat. 854; 43 U.S.C. 214), a person who has partially exhausted his homestead right through a perfected entry is entitled to make an additional entry for so much land as will with the area of the completed entry make 160 acres. The act of February 20, 1917, supplements that legislation by providing that the additional land, if designated under the Enlarged Homestead Act, shall be estimated at only one-half its actual area in the calculation under the act of March 2, 1889. To illustrate: If the person has obtained title to 40 acres, he may make additional entry for not exceeding 240 acres of enlarged homestead land, that is, twice 120; if he has had 80 acres, he may still take 160 acres of such land; if he has had 120 acres, he may now take an additional 80 acres.

(e) *Petition for designation.* In connection with an application pursuant to the provisions of the act of February 20, 1917, a petition for designation of the land sought may be filed as provided in other cases of applications under the Enlarged Homestead Act, and the proceedings with relation to the application and petition will be as in other cases.

(f) *Right to additional area, when application cannot be allowed under section 3 or 7 of Enlarged Homestead Act.* Where an application is filed for additional entry under either section 3 or section 7 of the Enlarged Homestead Act, and the Secretary of the Interior or other authorized officer refuses to designate thereunder the tract included in the original perfected entry, the application may be allowed for so much of the land sought as the claimant is entitled to enter under the act of February 20, 1917, provided said land be designated as subject to the Enlarged Homestead Act.

(g) *Showing required for proof.* In proof on an entry allowed pursuant to the provisions of the act of February 20, 1917, there must be shown the existence of a habitable house upon the land entered and the usual residence and cultivation. Residence must be for not less than 3 years, subject to the privilege of being absent 5 months in each year, in two periods if desired. There must be cultivation of not less than one-sixteenth of the land entered during the second year after the date of the entry, and not less than one-eighth of its area during the third year and until submission of proof. However, credit for military service will be allowed as in other cases. Proof must be submitted within 5 years after the date of the entry.

§ 2211.6–7 Designation of national forest lands as basis for additional entries.

(a) *Act of March 4, 1923.* By act of March 4, 1923 (42 Stat. 1445; 43

U.S.C. 222), provision has been made whereby the Secretary of the Interior may designate under the Enlarged Homestead Act national forest lands embraced in subsisting or perfected homestead entries of 160 acres or less so that such forest homestead entries may be the basis for additional entries under said act.

(b) *Intent and purpose of act of March 4, 1923.* The intent and purpose of the act of March 4, 1923, is to permit persons holding existing or perfected homestead entries for lands within national forests of a character subject to designation which the applicant owns and on which he resides, to make additional entries for such a quantity of land outside of the national forest and within 20 miles of the original entry as when added to the area of the original entry will not exceed 320 acres, if under section 1 thereof.

(c) *Procedure for entry and proof.* The procedure in making and perfecting an entry under section 1 of the act of March 4, 1923, will be in all respects similar to that explained in §§ 2211.6–1 to 2211.6–4, covering additional entries under the Enlarged Homestead Acts, the only difference being that at the time of making the entry hereunder after proof on an original entry, the applicant must show ownership of and residence on the land in the original entry, instead of ownership and occupancy, and an additional hereunder may be made for land not adjourning that in the original entry. Residence on the original entry may be credited on both entries, but cultivation of the land in the additional entry must be as indicated in § 2211.6–4(a).

§ 2211.6–8 Nonresidence homesteads.

(a) *In Utah.* (1) The sixth section of the act of February 19, 1909 (35 Stat. 640; 43 U.S.C. 218), provides that not exceeding 2,000,000 acres of land in the State of Utah, which do not have upon them sufficient water suitable for domestic purposes as would make continuous residence upon such lands possible, may be designated by the Secretary of the Interior as subject to entry under the provisions of that act; with the exception, however, that entrymen of such lands need not reside thereon. This act provides in such cases that all entrymen must reside within such distance of the land entered as will enable them successfully to farm the same as required by the act.

(2) During the second year of the entry at least one-eighth of the area must be cultivated, and during the third, fourth, and fifth years, and until submission of final proof, one-fourth of the area entered must be cultivated. This requirement is made by the act of June 6, 1912 (37 Stat. 123; 43 U.S.C. 218). Proof may be submitted on entries of this class within 7 years after their dates.

(3) The rules relating to petitions for designation of lands apply to section 6 of the enlarged Homestead Act.

(b) *In Idaho.* The sixth section of the act of June 17, 1910 (36 Stat. 531, as amended by the act of August 10, 1917 (40 Stat. 275; 43 U.S.C. 219), provides that 1,000,000 acres of land in the State of Idaho which do not have upon them sufficient water suitable for domestic purposes as would make continuous residence upon them possible, may be designated by the Secretary as subject to entry thereunder, without the necessity of residence upon such lands, by the entryman. One: sixteenth of the cultivatable area of the entry must be cultivated during the first year of the entry, one-eighth of the area during the second year, and one-fourth of the area during the third and each succeeding year. Under the act as amended it is required that "after six months from the date of entry and until final proof the entryman shall be a resident of the State of Idaho."

§ 2211.6–9 Lands subject to Kinkaid entry.

(a) *Size of entry.* (1) It is directed by the act of April 28, 1904 (33 Stat. 547; 43 U.S.C. 24) commonly known as the Kinkaid Act, that in that portion of the State of Nebraska lying west and north of the line described therein, upon and after June 28, 1904, except for such lands as might be thereafter and prior to said date excluded under the proviso contained in the first section thereof, homestead entries may be made for and not to exceed 640 acres, the same to be in as nearly a compact form as possible, and must not in any event exceed 2 miles in extreme length.

(2) While the Kinkaid Homestead Act authorizes original homestead entries for not exceeding 640 acres, and additional entries for an area sufficient with the area of the originals to make up 640 acres, the maximum area of land withdrawn by E. O. 6964, Feb. 5, 1935 which may be entered under said act and section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315f) is 320 acres. See Subpart 2411 of this chapter.

(b) *Additional entry contiguous to original; ownership and occupancy of original required.* (1) Under the provisions of the second section of the act of April 28, 1904, as amended by section 7 of the act of May 29, 1908 (35 Stat. 466; 43 U.S.C. 224), a person who within the described territory has made entry prior to May 29, 1908, under the homestead laws of the United States, and who owns and occupies the lands theretofore entered by him, and is not otherwise disqualified, may make an additional entry of a quantity of land contiguous to his said homestead entry, which, added to the area of the original entry, shall make an aggregate area not to exceed 640 acres; and he will not be required to reside upon the additional land so entered, but residence continued and improvements made upon the original homestead entry subsequent to the making of the additional entry will be accepted as equivalent to actual residence and improvements on the land covered by the additional entry. But residence either upon the original homestead or the additional land entered must be continued for the period of 3 years from the date of the additional entry, except that entrymen may claim and receive credit on that period for the length of their military service, not exceeding 2 years.

(2) Such additional entry must be for contiguous lands, and the tracts embraced therein must be in as compact a form as possible; and the extreme length of the combined entries must not in any event exceed 2 miles.

(3) In accepting entries under the act of April 28, 1904, compliance with the requirements thereof as to compactness of form should be determined by the relative location of the vacant and unappropriated lands, rather than by the quality and desirability of the desired tracts.

(c) *Additional entry contiguous or incontiguous to original; ownership and occupancy of original not required.* By the first proviso of section 3 of the act of April 28, 1904 (33 Stat. 548; 43 U.S.C. 224), any person who made a homestead entry either within the Kinkaid territory or elsewhere prior to his application for entry under this act, if no other disqualification exists, will be allowed to make an additional entry for a quantity of land which, added to the area of the land embraced in the former entry, shall not exceed 640 acres, but residence upon and cultivation of the additional land will be required to be made and proved as in ordinary homestead entries. But the application of one who has an existing entry and seeks to make an additional entry under said proviso can not be allowed unless he has either abandoned his former entry or has so perfected his right thereto as to be under no further obligation to reside thereon; and his qualifying status in these and other respects should be clearly set forth in his application.

(d) *Second entry.* Under the act of April 28, 1904, no bar is interposed to the making of second homesteads for the full allowable area by parties entitled thereto under existing laws, and applications therefor will be considered under the instructions of the respective laws under which they are made.

(e) *Proof—(1) Time.* A person who has a homestead entry upon which final proof has not been submitted, and who makes additional entry under the provisions of section 2 of the act of April 28, 1904 (33 Stat. 548; 43 U.S.C. 224), will be required to submit his final proof on the original entry within the statutory period therefor, and final proof upon the additional entry must also be submitted within the statutory period from date of that entry.

(2) *Improvements required.* Upon final proof, which may be made after 3 years and within 5 years from date of entry, the entryman must prove affirmatively that he has placed upon the lands entered permanent improvements of the value of not less than $1.25 per acre for each acre, and such proof must also show residence upon and cultivation of the land for the 3-year period as in ordinary homestead entries, but credit for military service may be claimed and given.

(3) *Form.* In the making of final proofs the homestead-proof form will be used, modified when necessary in case of additional entries made under the provisions of section 2 of the act of April 28, 1904 (33 Stat. 548; 43 U.S.C. 224).

(4) *Payments required; form of remittances.* (i) When a homesteader applies to make entry, he must pay a nonrefundable application service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the lands, pursuant to the act of May 14, 1880 (21 Stat. 141; 43 U.S.C. 185), as amended, must pay, as a nonrefundable cancellation service charge, an additional $10. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until all charges have been paid.

(ii) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

(f) *Commutation prohibited.* Entries under the act of April 28, 1904, are not subject to the commutation provisions of the homestead law.

§ 2211.7 Reclamation homesteads.

§ 2211.7–1 Entries on reclamation withdrawals.

(a) *Effect of reclamation withdrawals.* (1) Section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), provides for the withdrawal of lands from all disposition other than that provided for by said act. Since the passage of the act of June 25, 1910 (36 Stat. 835; 43 U.S.C. 436, 437), lands withdrawn as susceptible of irrigation are open to settlement or entry only when approved farm-unit plats have been filed and water is ready to be delivered to the land in said farm units or some part thereof and such fact has been announced by an authorized officer, except as provided by the act of February 18, 1911 (36 Stat. 917), as amended by section 10 of the act of August 13, 1914 (38 Stat. 689; 43 U.S.C. 436, 437). Where settlements had been effected in good faith prior to June 25, 1910, on lands embraced within second-form withdrawals, persons showing such settlement are entitled to complete entry in the manner and within the time provided by law. The Reclamation Act of June 17, 1902, and acts amendatory thereof or supplementary thereto are hereinafter referred to generally as the reclamation law.

(2) Under the provisions of the act of February 18, 1911 (36 Stat. 917), as amended by section 10 of the act of August 13, 1914 (38 Stat. 689; 43 U.S.C. 436, 437), the prohibition contained in section 5 of the act of June 25, 1910, forbidding settlement on or entry of lands reserved for irrigation purposes prior to the approval of farm-unit plats and the announcement of the fact that water is ready to be delivered to the land, is set aside as to lands included in entries made prior to June 25, 1910, where such entries have been or may be relinquished in whole or in part.

(b) *Provisions governing reentries.* (1) Settlement and entry of such lands will be allowed subject to the provisions of the homestead law and the reclamation law in the same manner as for other lands subject to entry within reclamation projects except that the certificate of the official in charge of the project that water-right application has been made and charges deposited, which must be filed in the ordinary case, is not required. See paragraph (c) of this section. The lands must have been covered by a valid entry prior to June 25, 1910, and shall only be subject to entry under the provisions of the present act in cases where a relinquishment of the former entry has been or shall be filed.

(2) Entries are permitted under the act of February 18, 1911, as amended by section 10 of the act of August 13, 1914 (38 Stat. 689; 43 U.S.C. 436, 437), upon the relinquishment of an entry made prior to June 25, 1910, and the right to enter such land is not limited to one or more entries or entrymen.) Lena Hektner, 42 L.D. 462.) This act has no application where the cancellation of the entry made prior to June 25, 1910, was the result of a contest or of a relinquishment resulting from the same. (Fred V. Hook, 41 L.D. 67.) The act is also inapplicable in the case of lands withdrawn under the first form and has reference only to lands covered by second-form withdrawals. (Annie G. Parker, 40 L.D. 406.)

(c) *Homestead entries in reclamation projects.* Homestead entries of lands platted to farm units and covered by public notice are made practically in the same manner as the ordinary homestead entry and managers will allow homestead applications for such lands, if found regular, and accompanied by a certificate of the official in charge of the project showing that water-right application has been filed and the proper water-right charges deposited and that the applicant has qualified under subsection C of section 4 of the act of December 5, 1924 (43 Stat. 702; 43 U.S.C. 433). No application to make homestead entry of lands within a reclamation project and covered by public notice will be received unless accompanied by such certificate of the official in charge. Where under the reclamation law lands within the reclamation project are subject to entry notwithstanding public notice covering said lands has not yet issued, such certificate of the official in charge is not required, and in such cases the application, if otherwise regular, will be received and entry allowed. The manager will immediately notify the official in charge of each entry allowed, stating whether the entry was allowed with or without the certificate of the official in charge above referred to.

CROSS REFERENCE: For lands in State irrigation districts, see Subpart 2253 of this chapter.

(d) *Subdivision of farm unit.* (1) An entry may be made of part of an established farm unit (a) when the remaining portion of said unit is also desired for entry simultaneously by another person and is, in the judgment of the official in charge of the project, sufficient, if carefully managed, to return to the reclamation fund the charges apportioned to the irrigable area thereof, or (b) can be advantageously included as part of an established farm unit, or (c) can in combination with existing farm units be advantageously replatted into new farm units, each sufficient, if carefully managed, to support a family and return to the reclamation fund the charges apportioned to the irrigable area of the several new farm units.

(2) Where it is desired to make entry of part only of a farm unit, an application for the amendment and subdivision of such unit should be filed with the official in charge of the project. If such subdivision is rectangular and survey is not required to determine the division of the irrigable area of the farm unit as proposed to be divided, no charge will be made. If a survey shall be found necessary to determine the boundaries of the subdivision of any such farm unit or the division of the irrigable area, the official in charge will proceed as directed in § 2211.7–4(a)(4). Upon such application being filed, the official in charge will either approve or disapprove the same, and, if approved, proceed as directed in § 2211.7–4(a)(5).

(3) The farm units may be as small as 5 acres where the lands are suitable for fruit raising, etc., but as a rule they are fixed at from 40 to 160 acres each. These areas are announced on farm-unit plats, and public notice stating the amount of the charges and other details concerning payment is issued by the authorized officer. Until this public notice is issued it is impossible in most respects to give definite information as to any particular tract or as to the details intended to be covered by such notice.

(e) *Additional entries.* A person who has made homestead entry for any area within a reclamation project, cannot make an additional homestead entry. One who has made homestead entry for less than 160 acres outside of a reclamation project is disqualified from making an additional entry within a reclamation project, as every entry within a project is either made for or is subject to conformation to a farm unit, which is the equivalent of a homestead entry of 160 acres of land outside of a reclamation project. (38 L.D. 58.)

(f) *Notices to project managers.* Notice of all action in the land office or in the Bureau of Land Management regarding any entry for which water-right application has been made, or may be made, whether subject to the reclamation law or not, shall be given immediately by the manager to the official in charge of the project by the forwarding of copy of decision in the case. The official in charge shall advise the manager of all action regarding any water-right application or contract by the Bureau of Reclamation affecting the status or validity of the homestead or desert-land entry covering the land. Among the several actions of which the manager is especially directed to notify the official in charge, are:

(1) Allowance of entries.

(2) Conformation of entries to farm units.

(3) Cancellation of entries.

(4) Applications for reinstatement of entries.

(5) Acceptance of final proof.

(6) Issuance of final certificate.

(7) Issuance of patent.

(8) Acceptance or rejection of assignments under the act of June 23, 1910 (36 Stat. 592; 43 U.S.C. 441).

(9) Contest against entries, granting leave of absence, death or disability of entryman, or any other actions materially affecting the entry, or affecting land under reclamation withdrawal.

(g) *Contests*—(1) *Rights of successful contestants.* An entry embracing lands included within a first- or second-form reclamation withdrawal, whether such entry was made before or after the date of such withdrawal, may be contested and canceled because of entryman's failure to comply with the law or for any other sufficient reason, except that for failure to pay for construction charges or charges for operation and maintenance no contest will lie, and any contestant who secures the cancellation of such entry and pays the land-office fees occasioned by his contest will be awarded a preferred right of making entry. Should the land embraced in the contested entry be within a reclamation withdrawal at time of successful termination of the contest, the preferred right may prove futile, for it cannot be exercised as long as the land remains so withdrawn, but should the lands involved be restored to the public domain or a farm-unit plat be approved for the lands and announcement made that water is ready to be delivered, the preference right may be exercised at any time within 30 days from notice of the restoration or the establishment of farm units. It should be the duty, however, of such contestant to keep the manager advised respecting his residence to which notice may be sent him of his preference right of entry in event of successful contest, when the land is subject to entry, and a notice mailed to his address, shown by the records of the land office at the time of the mailing of the notice of preference right, will be held to meet the requirements of the act of May 14, 1880 (21 Stat. 140; 43 U.S.C. 185). No contest can be allowed, however, against any qualified entryman who prior to June 25, 1910, made bona fide entry upon lands proposed to be irrigated and who established residence in good faith upon the lands entered by him for failure to maintain residence or to make improvements upon his land prior to the time when water is available for its irrigation.

(2) *When contests are allowable.* Under the regulations in subparagraph (1) of this section and in this subparagraph, the filing of contests will be allowed against homestead entries made subject to the reclamation law in the following cases:

(i) Where the entry was made on or after June 25, 1910.

(ii) Where the entry was made prior to June 25, 1910, and it is alleged that the entryman failed to establish residence in good faith upon the lands entered by him.

(iii) Where the entry was made prior to June 25, 1910, and a period of 90 days has elapsed since the issuance of public notice under section 4 of the Reclamation Act of June 17, 1902 (32 Stat. 389; 43 U.S.C. 419), fixing the date when water will be available for irrigation of the land.

(iv) Where the entry was made prior to June 25, 1910, for any causes other than "failure to maintain residence or make improvements upon the land prior to the time when water is available."

(h) *Exchanges*—(1) *Applications for exchange.* The act of March 4, 1915 (38 Stat. 1215; 43 U.S.C. 447), provides for the exchange of lands included in pending entries, for other lands in the same project, under certain conditions. Applications to make new entry under the provisions of this act must be on the form provided for homestead applications, must refer to the serial number and give the description of the former entry, and must be accompanied by a relinquishment of the former entry and a statement by the applicant showing the facts upon which he claims to be entitled to the provisions of this act.

(2) *Conditions permitting exchange; act of March 4, 1915.* The act of March 4, 1915, permits a new entry only where the former entry was made subject to the provisions of the act of June 17, 1902 (32 Stat. 388), for land which was believed to be susceptible of irrigation, where it has since been determined that the land embraced in such entry or all thereof in excess of 20 acres is not or will not be irrigable under the project. This act permits the new entry to be made only within the same project as the former entry, nor may any land be entered under this act until such land has been designated as a farm unit. Any such farm unit entered under this act will be subject to conformation to a new farm unit, in the discretion of the Department, and will be subject to all the charges, terms, conditions, and limitations of the act of June 17, 1902 (32 Stat. 388), and acts supplemental thereto and amendatory thereof.

(3) *Conditions permitting exchange; other acts.* Other exchanges within reclamation projects under certain conditions, have been authorized, as indicated below:

(i) The act of August 13, 1953 (67 Stat. 566; 43 U.S.C. secs. 451–451k), provides for the exchange of certain unpatented farm units of private lands on a Federal irrigation project, for farm units available on the same or any other such project, and the amendment of farm units by the addition of contiguous or noncontiguous land on the same project. For the regulations under this act see Part 406, Chapter II, of this title.

(ii) Section 44 of the act of May 25, 1926 (44 Stat. 648; 43 U.S.C. 423c) authorizes exchanges of unpatented entries and private lands for other public lands within the same project or any other Federal reclamation project.

(iii) Departmental orders of May 10, 1922 and July 31, 1924, permit the exchange of unpatented and patented land and water-right entries under the act of January 25, 1917 (39 Stat. 868) in Part One, Mesa Division, Yuma Irrigation Project, Arizona.

(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 378)

§ 2211.7–2 Loans.

(a) *Mortgage loans on existing reclamation homestead entries.* (1) A reclamation homestead entryman or a recognized assignee thereof desiring a loan on an existing reclamation homestead entry under the act of October 19, 1949 (63 Stat. 883, 7 U.S.C., Supp. III secs. 1006a, 1006b), should consult the Farmers Home Corporation of the Department of Agriculture and the Bureau of Reclamation of the Department of the Interior.

(2) Where a reclamation homestead entry subject to a mortgage loan is canceled or relinquished and the loan has not been satisfied, a lien held by the United States acting through the Secretary of Agriculture would attach to the land under the act of October 19, 1949, and such land would be subject to reclamation homestead entry for a period of one year from the date the canceled entry was closed or for one year from the date the entry was relinquished. An applicant for such land should first consult the Farmers Home Corporation and the Bureau of Reclamation. Such a reclamation homestead application must not be filed in the land office until the applicant has been selected by the Farmers Home Corporation and the Bureau of Reclamation, and he has been directed by the Farmers Home Corporation to file the application.

(3) The final arrangements of a mortgage loan between the homestead applicant and the Farmers Home Corporation are not completed until after the reclamation homestead application has been allowed as an entry. Upon the allowance of such an application the entryman will be notified not to occupy the land until he has completed arrangements of the loan and he has been instructed to occupy the land by the Farmers Home Corporation.

(4) Decisions canceling reclamation homestead entries subject to such mortgage liens for defaults on the mortgage or for noncompliance with the reclamation or homestead laws will contain a clause allowing 15 days from receipt of notice of the decision within which to respond or to appeal.

(5) If the land in a relinquished or canceled reclamation homestead entry subject to a mortgage lien is not entered during the period of one year from the date of relinquishment or one year from the date the canceled reclamation homestead entry was closed, the land will become subject to disposition by the Secretary of Agriculture.

(b) *Mortgage liens.* A mortgage lien held by the United States acting through the Secretary of Agriculture shall not extend to mineral deposits in the lands, which have been or may be reserved to the United States pursuant to law.

(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 378)

§ 2211.7–3 Leave of absence.

(a) *Showing required.* (1) Applications for leave of absence should be duly corroborated by two witnesses, contain a specific description of the land, show the good faith of the applicant, and set

forth in detail the character, the extent, and the approximate value of the improvements placed on the lands, which must be such as to satisfy the requirements of the law that the entryman has made substantial improvements, and the applicant must show, as a matter of fact, that water is not available for the irrigation thereof. The statement regarding the availability of water for irrigation must be corroborated by certificate of the official in charge of the project, to be filed with the application for leave.

(2) All applications for leave of absence within Federal irrigation projects under the act of June 25, 1910, must be accompanied by an application service fee of $5 which will not be returnable.

(b) *Period of leave.* When sufficient showing is made in cases coming within the provisions of the law, leave of absence will be granted until such time as water for irrigation is turned into the main irrigation canals from which the land is to be irrigated or, in the event that the project is abandoned by the Government, until the date of notice of such abandonment and the restoration to the public domain of the lands embraced in the entry.

(c) *Effect of granting leave.* Attention is directed to the provision that "the period of actual absence shall not be deducted from the full time of residence required by law." The effect of the granting of leave of absence under this act is to protect the entry from contest for abandonment, and by the necessary implication of the act the period within which the entryman is required to submit final proof will be extended and the entry will not be subject to cancellation for failure to submit proof until the expiration of the period allowed in which to submit final proof, exclusive of the period for which leave of absence may be granted. Under the provisions of the act of April 30, 1912 (37 Stat. 105; 43 U.S.C. 445), no qualified entryman for lands within a reclamation project whose entry was made prior to June 25, 1910, and who established residence in good faith upon the lands so entered shall be subject to contest for failure to maintain residence or make improvements upon his land prior to the time public notice is issued fixing the water-right charges and announcing that water is available for the irrigation of the land embraced in his entry. Within 90 days after the issuance of public notice under section 4 of the act of June 17, 1902 (32 Stat. 389; 43 U.S.C. 419), fixing the water-right charges and announcing the date when water will be available for irrigation, the entryman must file water-right application for the irrigable land in his entry in conformity with the public notice and farm-unit plate, and must file in the land office a statement showing that he has reestablished his residence on the land with the intention of maintaining the same for a period sufficient to enable him to make final proof.

(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 378)

§ 2211.7–4 Assignments, mortgages.

(a) *Assignments—(1) When assignments may be made.* The act of June 23, 1910 (36 Stat. 592; 43 U.S.C. 441), authorizes persons who have made or may make homestead entries subject to the reclamation law to assign their entries in whole or in part at any time after filing in the appropriate land office satisfactory proof of the residence, improvements, and cultivation required by the ordinary provisions of the homestead law.

(2) *Farm units.* (i) In cases where the entry involves all or parts of two or more farm units, the entryman may file an election as to which farm unit he will retain and he may assign and transfer to a qualified assignee any farm unit or units or parts of such units which he does not elect to retain. If an election by the entryman to conform to a farm unit be filed and no assignment made of the remainder of the entry, the entry will be conformed to the farm unit selected for retention and canceled as to the remainder.

(ii) Where it is desired to assign a part of an established farm unit, an application for the amendment and subdivision of such unit must be filed with the official in charge of the project, together with the showing required by paragraph (a) (4) of this section. If a survey shall be found necessary to determine the boundaries of the subdivision of any such farm unit, or the division of the irrigable area, a deposit equal to the estimated cost of such survey must be made with the agent cashier, Bureau of Reclamation, on the project by or on behalf of the parties concerned. Any excess over the actual cost will be returned to the depositor or depositors after completion of the survey, and they will also be required to make good any deficiency in their deposit.

(3) *Limitations and conditions.* (i) The law expressly makes assignments "subject to the limitations, charges, terms, and conditions of the Reclamation Act," which, among other things, limits the right of entry to one farm unit, and forbids the holding of more than one farm unit prior to payment of all construction or building and betterment charges.

(ii) Assignments must be an absolute sale, divesting the assignor of all interest in the premises assigned. Assignments may be effected by quitclaim or warranty deed or by any other form of conveyance in general use in the State in which the land is located, but a quitclaim or warranty deed is preferred.

(iii) Assignees must be more than 21 years of age and must not own, hold, or claim any other farm unit or entry under the reclamation law or one or more parcels of private land up to the limit of single ownership fixed for the project receiving water from the project system upon which all installments of construction or building or betterment charges have not been paid in full. If the assignee is a married woman, she must purchase the assignment with her own separate money, in which her husband has no interest or claim (39 L.D. 504 and 43 L.D. 364). If the assignment involves a partial farm unit which an entryman does not elect to retain in accordance with paragraph (a) (2) (i) of this section the assignee must also have an entry or an assignment covering the remainder of such unit.

(4) *Showing required.* Whenever assignments are presented to the land office in accordance with paragraph (a) (5) of this section they must be accompanied by the following:

(i) A showing that the assignment and the assignee meet the requirements of paragraph (a) (3) of this section.

(ii) The original instrument of assignment, or where the instrument is recorded, a copy thereof certified by the officer who has custody of the record, or where the original instrument of assignment is presented to an officer having an official impression seal, a copy of the instrument certified by such officer if accompanied by satisfactory evidence of compliance with the documentary stamp tax provisions of the internal revenue law.

(iii) A certificate by the official in charge of the project that water-right application therefor is not receivable or that the assignee has filed in the project office for acceptance a water-right application in due form for the land embraced in the assignment.

(iv) Where not all the predecessors in interest to an assignee have had their assignments approved by the land office, such assignee, in addition to the showings required by subdivisions (i), (ii) and (iii) of this subparagraph, must submit satisfactory evidence of title to the land consisting of either the recorded deed or deeds in the chain of title from the original entryman, an abstract of title, or a certificate of title issued by a qualified title company which is acceptable to the Department of the Interior.

(v) A service fee of $5 which will not be returnable.

(5) *When showing is required.* The showing required by subparagraph (4) of this paragraph is required whenever an assignment is presented to the appropriate land office for filing. All assignments should be presented for filing. They must be presented, however, when:

(i) The assignments involve, under paragraph (a) (2) (i) of this section all or part of farm units which an entryman does not elect to retain, or under paragraph (a) (2) (ii) of this section, parts of established farm units.

(ii) The assignee desires to make proof of full compliance with the reclamation law with the view of receiving patent for the land.

(6) *Requirements for patent.* Upon the approval of an assignment, the assignee will become entitled to a patent upon payment of the water-right charges and submittal of satisfactory proof of reclamation as would have been required of the original entryman, and after proof of compliance with the law.

(b) *Mortgages—(1) Notice of interest by mortgagees.* (i) Mortgages of lands embraced in homestead or desert-land entries within reclamation projects may file in the land office for the district in which the land is located a notice of such mortgage interest, and shall thereupon become entitled to receive and be given the same notice of any contest or other proceedings thereafter had affecting the entry as is required to be given the entry-

man in connection with such proceedings, and a like notice of mortgage interest may be filed with the official in charge of the project in case of any lands, whether or not water-right application has been filed under the provisions of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 372 et seq.), including homestead entries, desert-land entries, and lands in private ownership; and thereupon the mortgagee shall receive copies of all notices of default in payment of the water-right charges levied by an authorized officer against such lands and shall be permitted to make payment of the amount so in default within 60 days from the date of such notice. Any payment so made shall be credited on the charges levied against such lands.

(ii) All notices of mortgage interest on homestead or desert land entries filed in accordance with this section must be accompanied by a service charge of $5 which will not be returnable.

(2) *Notation of mortgage interest; effect of notation.* Every such notice of mortgage interest filed as provided in the preceding section must be forthwith noted upon the records of the official in charge of the project and of the land office, and be promptly reported to the Commissioner of the Bureau of Reclamation, where like notations will be made. Relinquishment of a homestead or desert-land entry or part thereof, within a reclamation project, upon which final proof has been submitted, where the records show the land to have been mortgaged, will not be accepted or noted unless the mortgagee joins therein; nor will an assignment of such a homestead entry or part thereof under the act of June 23, 1910 (36 Stat. 592; 43 U.S.C. 441), nor an assignment of a mortgaged desertland entry where the records show the land to have been mortgaged, be recognized or permitted unless the assignment specifically refers to such mortgage and is made and accepted subject thereto.

(3) *Rights of mortgagee purchaser at foreclosure sale.* If such mortgagee buys in the lands at foreclosure sale, such mortgagee-purchaser, whether a nonresident or corporation, may, at any time within 1 year after the end of the statutory period of redemption, if there be such statutory period, and if not, at any time within 1 year after such foreclosure sale, make proof of cultivation and reclamation of the land under section 1 of the act of August 9, 1912 (37 Stat. 265; 43 U.S.C. 541), and receive final water-right certificate, provided such mortgagee-purchaser is otherwise qualified so to do. Water will be furnished said land, and no steps will be taken to cancel the water-right application on account of the holdings by the same mortgagee-purchaser of lands in excess of 160 acres, or the limit per single ownership of private land as fixed by an authorized officer for which a water right may be purchased, until 2 years after such foreclosure purchase, provided that all charges in connection with the water-right application that may be due at the time of the foreclosure sale and all such charges that may become due during the period when the land is held under the terms hereof shall be promptly paid by or on behalf of such mortgagee-purchaser. To secure the benefits hereof the mortgagee purchasing the land at foreclosure sale must give notice thereof to the manager of the land office and to the officer in charge of the project within 60 days after such purchase.

(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 378)

§ 2211.7–5 Rights of widows and heirs of entryman.

(a) *Completion of entries.* The widows or heirs of persons who make entries under the reclamation law will not be required both to reside upon and cultivate the lands covered by the entries of the persons from whom they inherit, but they must reclaim the land as required by the reclamation law, and make payment of all unpaid charges when due.

(b) *Minor heirs.* Upon the death of a homesteader having an entry within an irrigation project, leaving no widow and only minor heirs, his right may, under section 2292, Revised Statutes (43 U.S.C. 171), be sold for the benefit of such heirs. (See Heirs of Frederick C. DeLong, 36 L.D. 332.) If in such case the land has been divided into farm units, the purchaser takes title to the particular unit to which the entry has been limited, but if subdivision has not been made he will be required to conform the entry to one farm unit in the same manner as an original entryman by amending the former entry, relinquishing to the United States or assigning to a duly qualified assignee the lands embraced in the entry in excess of the farm unit he elects to retain. The purchaser and his assignees take, subject to the payment of the water-right charges authorized by the reclamation law and regulations thereunder, and must reclaim the land as required by said law, but are not required otherwise to comply with the homestead law. Should the land not be sold for the benefit of the minor heirs, but retained by them, they will be required to show compliance with the requirements of law as to reclamation and payment of the charges.

CROSS REFERENCE: For regulations relating to the payment of water-right charges, see §§ 2211.7–6(b)(1) and 2226.4–8.

(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 378)

§ 2211.7–6 Final proof; final certificates; patents.

(a) *Requirements for issuance.* (1) The act of August 9, 1912 (37 Stat. 265; 43 U.S.C. 541), expressly requires reclamation of one-half of the irrigable area of the entry as finally adjusted before final certificate and patents may issue thereunder, and, therefore, the act does not authorize the issuance of final certificate on homestead entries made subject to the reclamation law, prior to the establishment by an authorized officer of farm units, and the conformation of the entry to an approved unit, for the reason that prior to that time the entry is still subject to adjustment in area, and it can not be determined what area must be ultimately reclaimed under the provisions of the act.

(2) The act of Congress of February 15, 1917 (39 Stat. 920; 43 U.S.C. 541) amends the proviso to section 1 of the act of August 9, 1912 (37 Stat. 265), to read as follows:

Provided, That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate.

(3) Under the provisions of this act patents may issue on reclamation entries where all water-right charges due at the time the entryman submits proof of reclamation of one-half of the irrigable area of the land embraced in his entry have been paid, regardless of the fact that other water-right charges may accrue and be unpaid prior to the issuance of patent.

(4) All persons who make entry of lands within the irrigable area of any project commenced or contemplated under the reclamation law will be required to comply fully with the homestead law as to residence, cultivation, and improvement of the lands, except that where entries were made prior to the issuance of public notice announcing the availability of water for the irrigation of the land and prior to June 25, 1910, in which case, under the departmental decision in the case of ex parte J. H. Haynes (40 L.D. 291), and under the provisions of the act of April 30, 1912 (37 Stat. 105; 43 U.S.C. 445), the submission of final proof is not required within the period during which proof must be submitted under the ordinary provisions of the homestead law.

(b) *Commutation not allowed; conformation to farm units.* Reclamation entries are not subject to the commutation provisions of the homestead law, and on the determination by an authorized officer of the Department of the Interior that the proposed irrigation project is practicable, the entries made prior to June 25, 1910, and not conforming to an established farm unit may be reduced in area to the limit representing the acreage which, in the opinion of the authorized officer, may be reasonably required for the support of a family upon the lands in question, and the lands within a project are platted to farm units representing such areas.

(c) *Credit for military or naval service.* Soldiers and sailors and other persons entitled to claim credit for military or naval service, as stated in Subpart 2033 of this chapter will be allowed to claim such credit in connection with entries made under the reclamation law, but will not be entitled to receive final certificate or patent until the waterright charges due have been paid and the requirements as to reclamation have been met.

(d) *Reclamation required.* (1) All homestead and desert-land entrymen holding land under the reclamation law must, in addition to paying the water-right charges, reclaim the land as required by the reclamation law. Homestead entrymen must reside upon, cultivate, and improve the lands embraced in their entries for not less than the period

(h) *Time for reclaiming certain lands.* As to all lands subject to the Reclamation Extension Act of August 13, 1914 (38 Stat. 686; 43 U.S.C. 440), at least one-quarter of the irrigable area thereof shall be so reclaimed within three full irrigation seasons after entry or making water-right application, and at least one-half of the irrigable area thereof so reclaimed within five full irrigation seasons after entry or making water-right application, except that the first full irrigation season affecting such land for which water-right application shall have been made prior to May 3, 1915, shall be the irrigation season of 1915. All land thus reclaimed and cultivated shall continue to be so reclaimed and cultivated until after final proof is made and accepted or patent or final water-right certificate issued. Failure to so reclaim lands subject to the said Reclamation Extension Act renders the entry, or, in case of private land, the water-right application therefor, subject to cancellation.

(i) *Liens for unpaid charges*—(1) *On entries under the reclamation law.* Upon receipt of proof of reclamation and payment of water-right charges as provided in the act of August 9, 1912, as amended by the act of February 15, 1917 (39 Stat. 920; 43 U.S.C. 541), and in the act of August 26, 1912 (37 Stat. 610; 43 U.S.C. 547), in case of homestead entries under the reclamation law, on ceded Indian lands entered under the Reclamation Act, and in case of desert-land entries within the exterior limits of any land withdrawal or irrigation project under the Reclamation Act, if final proof of compliance with the homestead or desert-land law, as the case may be, has been previously submitted and has been accepted, or if such final proof is submitted at the time of the receipt of proof of reclamation and payment of charges, and is found to be sufficient as to residence, improvement, and cultivation the manager will issue final certificate on the entry. The final certificate so issued must be stamped by the manager when issued as follows: "Subject to the provisions of the act of August 9, 1912 (37 Stat. 265)." The entry, if found to be regular, will be approved by the manager for patent under said act of August 9, 1912, or August 26, 1912 (37 Stat. 610), and patent issued reserving the lien and containing other provisions as in said acts provided.

(2) *On entries other than those under reclamation law.* Upon receipt of proof of reclamation and payment of water-right charges, as provided in the act of August 9, 1962, as amended, in the case of homestead entries, other than those under the Reclamation Act, where a water-right application has been filed by the entryman, and the manager has been notified by the official in charge of the project of the acceptance of such application, if final proof has been accepted on the entry, or final proof is submitted at the time of the receipt of such reclamation proof and is found to be sufficient on examination in the land office, the manager will issue final certificate of compliance with the homestead law. The entry, if found to be regular, will be approved by the manager for patent and final water-right certificate will be issued by the project official in charge, reserving a lien to the Government and its successor for the charges due or to become due.

(3) *Act of May 15, 1922.* Sec. 2 of the act of May 15, 1922 (42 Stat. 542; 43 U.S.C. 512) provides in part as follows:

That patents and water-right certificates which shall hereafter be issued under the terms of the Act entitled "An Act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912 (37 Stat. 265), for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; * * *. (Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 378)

§ 2211.8 Flathead Irrigation District, Montana.

§ 2211.8–1 Authority.

The Flathead irrigation project was constructed within the Flathead Indian Reservation under the provisions of the act of April 23, 1904 (33 Stat. 302), as amended by section 15 of the act of May 29, 1908 (35 Stat. 448), and supplemented by the act of May 10, 1926 (44 Stat. 464), and other acts. Only those lands designated as farm units on farm-unit plats approved by the Secretary of the Interior or under his specific authority and those lands irrigable from the project embraced in Indian allotments are within the Flathead irrigation project. The designation of any tract or tracts of land as a farm unit or farm units includes those lands in the Flathead project, and the cancellation of any farm unit or farm units eliminates the lands formerly designated as such farm unit or farm units from the project.

(Sec. 15, 35 Stat. 450)

§ 2211.8–2 Requirements and limitations on entries.

(a) *Payment of appraised Indian price of land.* An entrymen for land within the Flathead project, in addition to complying with the ordinary provisions of the homestead laws applicable to his entry, must pay the appraised Indian price of the land. One-third of the appraised value of the land must be paid when entry is made and two-fifteenths of the appraised value, annually thereafter for 5 years beginning 1 year after the date of filing, without interest.

(b) *Acreage limitations.* No person can enter more than one farm unit, regardless of its acreage, nor can he enter a part of a farm unit, nor parts of two or more farm units, nor a farm unit and adjacent lands not designated as a farm unit, and no person can enter a farm unit who is not entitled to enter 160 acres under the homestead laws.

(c) *Payment of costs.* Persons who enter farm units must pay that part of the cost of building, operating and maintaining the irrigation works which is assessed against their tracts, in addition to the Indian price or appraised value of the lands. The building, operation, and maintenance charges against any particular unit or allotment will be based on the number of acres in it which can be irrigated and not on the entire area of the unit, as there will be no building, operation, or maintenance charges against any land in any unit which can not be irrigated. The entire Indian price must be paid for each acre in the units, regardless of the area of them which can be irrigated.

(Sec. 15, 35 Stat. 450)

§ 2211.8–3 Assignment.

(a) *Right to assign.* Under the provisions of the act of June 23, 1910 (36 Stat. 592; 43 U.S.C. 441) persons who have made or may make homestead entries subject to the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), may assign their entries in their entirety, or in part, at any time from and after filing with the Bureau of Land Management of satisfactory proof of the residence, improvements, and cultivation required by the ordinary provisions of the homestead law. The act of July 17, 1914 (38 Stat. 510; 43 U.S.C. 593), extends the provisions of the act of June 23, 1910, supra, of the Flathead project. Assignment of part of an entry within the Flathead project may be made only after the subdivision of the farm units.

(b) *Assignment of part of farm unit.* Where it is desired to assign a part of a farm unit, an application for the amendment, and subdivision, of such unit should be filed with the project engineer. The assignment, with accompanying showing by the assignor and assignee, must also be filed with the project engineer for his consideration.

(c) *Filing of instruments of assignment.* No assignment of a farm unit or any part thereof shall be accepted by the Bureau of Land Management, or recognized as valid for any purpose, until after the filing in the land office of the showings and certificates required by paragraph (d) of this section.

(d) *Showing required.* Assignments under this act are expressly made subject to the limitations, charges, terms, and conditions of the act of April 23, 1904 (33 Stat. 302), as amended by section 15 of the act of May 29, 1908 (35 Stat. 448), and acts supplementary thereto or amendatory thereof, including the act of May 10, 1926 (44 Stat. 464), and inasmuch as the law limits the right of entry to one farm unit, and forbids the holding of more than one farm unit prior to payment of all building and betterment charges, each assignor must present a showing to the effect that the assignment is an absolute sale, divesting him of all interest in the premises assigned, and each assignee must present a showing that he does not own or hold, and is not claiming, any other farm unit or entry under the act of April 23, 1904 (33 Stat. 302), and the acts supplementary thereto or amendatory thereof, upon which all installments of building and betterment charges have not been paid in full, and has no existing water-right applications covering an area of land which, added to that taken by assignment, will exceed 160 acres, or the maximum limit of area fixed by the Secretary of the Interior, and a further showing, in the form of a certificate of the project engineer, that water-right application therefor is not yet receivable; or that the assignee has filed in the project office for acceptance a water-right application in due form for the land embraced in the assignment. A married woman whose husband is claiming any farm unit or entry upon which all installments of building and betterment charges have not been paid will not be allowed to take an assignment under the act of June 23, 1910 (36 Stat. 592; 43 U.S.C. 441), unless such assignment is purchased with her own money and for her own use and benefit.

(e) *Procedure governing assignments.* Assignments made and filed in accordance with the regulations in paragraph (a) to (d) of this section should be noted on the land office record and, if approved, the assignees in each case will, at the proper time, make payment of the water-right charges and submit proof of reclamation as would the original entryman, and, after proof of full compliance with the law, may receive a patent for the land.

(Sec. 15, 35 Stat. 450)

§ 2211.8–4 Surveys; plats.

(a) *Cost of survey.* If a survey shall be found necessary to determine the boundaries of the subdivision of any such farm unit, or the division of the irrigable area, a deposit equal to the estimated cost of such survey must be made with the special disbursing agent of the project on the project by or on behalf of the parties concerned. Any excess over the actual cost will be returned to the depositor or depositors after completion of the survey, and they will also be required to make good any deficiency in their deposit.

(b) *Amendatory farm-unit plats.* When the plats describing the amended farm units are approved by the project engineer, he will forward two copies of the amendatory plat together with the assignment and accompanying showings to the land office, where the amendatory plat will be treated as an official amendment of the farm-unit plat. A copy of the amendatory plat will also be forwarded promptly by the project engineer to the Area Director, Bureau of Indian

required by the homestead laws. Desert-land entrymen must comply with the provisions of the desert-land laws as amended by the reclamation law. Failure to make payment of any water-right charges due for more than 1 year, will render the entry subject to cancellation and the money paid subject to forefeiture, whether water-right application has been made or not.

CROSS REFERENCE: For cultivation requirements of the homestead laws, see §§ 2211.2–2(b) and 2211.2–3 (b) and (c) of this chapter.

(2) Homesteaders who have resided on, cultivated, and improved their lands for the time required by the homestead law and have submitted proof which has been found satisfactory but who are unable to furnish proof of reclamation because water has not been furnished to the lands or farm units have not been established, will be excused from further residence on their lands and will be given a notice reciting that further residence is not required, but that final certificate and patent will not issue until proof of reclamation of one-half of the irrigable area of the entry, as finally adjusted to an approved farm unit, and payment of all charges due under the public notices and orders issued in pursuance of the reclamation law.

(e) *Requirements of reclamation proof.* Homestead and desert-land entrymen, in making proof of compliance with the reclamation law as to reclamation and payment of reclamation charges due, must submit such proof, duly corroborated by two witnesses, in duplicate, to the official in charge of the project showing these facts. Thereupon it shall be the duty of the official in charge to verify the statement as to payment and also make such examination of the land as will enable him to determine whether reclamation as required by law and the regulations has been made. If he finds that the statement as to payment be correct he will so certify, which certificate will also show the date on which the next payment is due; but if he finds that all payments have not been made as required he will advise the entryman thereof, requiring him to pay the amounts found to be unpaid and due, with a right of appeal in the entryman from such requirement to the Commissioner of the Bureau of Reclamation and ultimately to the Secretary of the Interior. Should he find that reclamation has been accomplished he will so certify, but if he finds that reclamation has not yet been accomplished as required he will forward the proofs to the manager of the land office for the district in which the land is situate, with his report or findings thereon, for appropriate action. If the proof be rejected by the manager, appeal will lie to the Director, Bureau of Land Management, as in other cases provided, it being the purpose to issue final certificate upon any such entry only after a final determination that all water charges due on account thereof have been paid and that reclamation has been accomplished as required by the reclamation law. Where prior to issuance of public notice water has been furnished on a water-rental basis to reclamation entrymen or others, and by means whereof reclamation sufficient to obtain patent or water-right certificate under the act of August 9, 1912 (37 Stat. 265; 43 U.S.C. 541), has been accomplished and satisfactory proof made, water-right applications may be received from such entrymen or others desiring to obtain patent or water-right certificate under that act upon the form of application approved by the Department, modified so as to refer to the irrigable acreage and the charge per acre as thereafter announced by an authorized officer. In such cases reclamation homestead entries must be conformed to farm units as established by an authorized officer. If not theretofore created, farm units may be established upon application.

(f) *Certifications by superintendents or other officers of irrigation districts and water users' associations.* (1) On a reclamation project (other than the Salt River Valley Project) or part thereof operated and maintained by an irrigation district or water users' association, the certifications as to the cultivation of, reclamation of, and payments from lands within the boundaries of the irrigation district or within the general territory of the water users' association may be made by the superintendent or other appropriate officers of the district or association, under the seal of the district or association, and when so made will be accepted and given the same force and effect as certifications made by a Government project superintendent: *Provided, however,* That when the certificate relates to payments made by the entryman, and the district or association is delinquent in the payment of charges due from the district or association to the United States, the certificate shall show that the Government charges paid by the entryman to the district or association were paid over to the Government by or on behalf of the district or association.

(2) By Departmental telegram, dated Nov. 26, 1917, the register at Phoenix, Arizona, was instructed to return to the Salt River Valley Water Users' Association for report, recommendation, and forwarding by association to Commissioner, Bureau of Reclamation, all assignments, reclamation homestead entries and certificates of final proof under the reclamation law offered to or filed in his office and that applications to make homestead entries in the Salt River Reclamation project should be noted on his records and forwarded to Commissioner-Bureau of Reclamation for consideration and recommendation.

(g) *What constitutes reclamation and cultivation.* To comply with the provisions of the reclamation law as to reclamation and cultivation, the land must be cleared of brush, trees, and other encumbrances, provided with sufficient laterals for its effective irrigation, graded and otherwise put in proper condition for irrigation and crop growth, planted, watered, and cultivated, and during at least 2 years next preceding the date of approval by the official in charge of the project of proof of reclamation, except as prevented by hailstorm or flooding, satisfactory crops must be grown on at least one-half of the irrigable area thereof. A satisfactory crop during any year shall be any one of the following: (a) A crop of annuals producing a yield of at least one-half of the average yield on similar land under similar conditions on the project for the year in which it is grown; (b) a substantial stand of alfalfa, clover, or of other perennial grass substantially equal in value to alfalfa or clover; or (c) a season's growth of orchard trees or vines of which 75 percent shall be in a thrifty condition. The crop production requirements of this section affecting lands embraced in reclamation homestead entries made after January 1, 1949, must be performed and met by the entryman personally, by members of his immediate family residing with him, or by persons employed under his direction, supervision, and management. The crop production requirements of this section shall be applicable to entryman's successors in interest.

Affairs, Billings, Montana, for formal approval.

(Sec. 15, 35 Stat. 450)

§ 2211.8–5 Mortgages.

(a) *Notice of interest by mortgagees.* Mortgagees of lands embraced in homestead entries within the Flathead project may file in the land office for the district in which the land is located a notice of such mortgage interest, and shall thereupon become entitled to receive and be given the same notice of any contest or other proceedings thereafter had affecting the entry as is required to be given the entryman in connection with such proceedings, and a like notice of mortgage interest may be filed with the project engineer in case of any lands, whether or not water-right application has been filed, including homestead entries, and lands in private ownership; and thereupon the mortgagee shall receive copies of all notices of default in payment of the water-right charges levied by the Secretary of the Interior against such lands, and shall be permitted to make payment of the amount so in default within 60 days from the date of such notice. Any payment so made shall be credited on the charges levied by the Secretary of the Interior against such lands.

(b) *Notation of mortgage interest; effect of notation.* Every such notice of mortgage interest, filed as provided in the preceding section, must be forthwith noted upon the records of the project engineer, and of the land office, and be promptly reported to the Area Director, Bureau of Indian Affairs. Relinquishment of a homestead entry, or part thereof, within the project, upon which final proof has been submitted, where the records show the land to have been mortgaged, will not be accepted or noted, unless the mortgagee joins therein; nor will an assignment of such entry, or part thereof under the act of July 17, 1914 (38 Stat. 510; 43 U.S.C. 593), extending to the Flathead project the provisions of the act of June 23, 1910 (36 Stat. 592; 43 U.S.C. 441), be recognized or permitted unless the assignment specifically refers to such mortgage and is made and accepted subject thereto.

(c) *Rights of mortgagee purchaser at foreclosure sale.* If such mortgagee buys in the land at foreclosure sale, no steps will be taken to cancel the water-right application, on account of failure of the applicant to maintain residence upon or in the neighborhood of the land, until 1 year after the end of the statutory period of redemption, if there be such statutory period; if not, until 1 year after the foreclosure sale; nor on account of the holdings by the same mortgagee of lands in excess of 160 acres or of the limit per single ownership of private lands as fixed by the Secretary of the Interior for which a water right may be purchased until 2 years after such foreclosure purchase, provided that all charges in connection with the water-right application that may be due at the time of foreclosure sale and all such charges that may become due during the period when the land is held under the terms hereof shall be promptly paid by or on behalf of the mortgagee; and also that within such period of 1 year an acceptable water-right application for such land be filed by a qualified person, who, upon submitting satisfactory evidence of transfer of title, shall receive a credit equal to all payments theretofore made on account of the water-right charges for said land. To secure the benefits of this order the mortgagee purchasing land at foreclosure sale hereunder must give notice thereof to the manager of the land office and to the engineer in charge of the project within 60 days thereafter.

(Sec. 15, 35 Stat. 450)

§ 2211.8–6 Widows, heirs or devisees of entrymen.

(a) *Completion of entries by widows, heirs, or devisees.* The widows, heirs, or devisees of persons who make entries within the Flathead project will not be required both to reside upon and cultivate the lands covered by the entry of the persons from whom they inherit, but they must reclaim at least one-half of the total irrigable area of the entry for agricultural purposes, as required by the law, and make payment of all unpaid charges when due.

(b) *Rights of minor heirs.* Upon the death of a homesteader having an entry within the project, leaving no widow and only minor heirs, his right may, under section 2292, Revised Statutes (43 U.S.C. 171), be sold for the benefit of such heirs. (See heirs of Frederick C. DeLong, 36 L.D. 332.) The purchaser and his assignees take subject to the payment of the water-right charges authorized by law and the regulations thereunder and must reclaim one-half the irrigable area, as required by said law, but are not required otherwise to comply with the homestead law.

(Sec. 15, 35 Stat. 450)

§ 2211.8–7 Proof.

(a) *Commutation permitted.* These entries are subject to the commutation provisions of the homestead law. The irrigable areas are announced on farm-unit plats, and public notice, stating the amount of the charges and other details concerning payment, is issued by the Secretary of the Interior.

(b) *Requirements of reclamation proof.* Entrymen, in making proof of compliance with the law as to reclamation of one-half of the irrigable area and payment of charges due, must submit a showing duly corroborated by two witnesses, in duplicate, to the project engineer showing those facts. Thereupon it shall be the duty of the project engineer to verify the statement as to payment and also make such examination of the land as will enable him to determine whether reclamation as required by law and the regulations has been made. If he finds that the statement as to payment be correct, he will so certify, which certificate will also show the date on which the next payment is due; but if he finds that all payments have not been made as required he will advise the entryman thereof, requiring him to pay the amounts found to be unpaid and due, with a right of appeal in the entryman from such requirement to the Commissioner of Indian Affairs, and ultimately to the Secretary of the Interior. Should he find that reclamation has been accomplished he will so certify, but if he finds that reclamation has not been accomplished as required he will forward the proofs to the manager of the land district in which the land is situated, with his report or findings thereon. Where prior to issuance of public notice water has been furnished to entrymen on a water-rental basis, and by means thereof reclamation sufficient to obtain patent under the act of August 9, 1912 (37 Stat. 265; 43 U.S.C. 541–546), has been accomplished and satisfactory proof made, water-right applications may be received from such entrymen desiring to obtain patent under that act upon the form of application approved by the Department, modified so as to refer to the irrigable acreage and the charge per acre as thereafter announced by the Secretary.

(c) *What constitutes reclamation and cultivation.* To comply with the provisions of the law requiring the reclamation of one-half the irrigable area of an entry within the Flathead project, the land must have been cleared of brush, trees, and other encumbrances provided with sufficient laterals for its effective irrigation, graded and otherwise put in proper condition for irrigation and crop growth, planted, watered, and cultivated, and during at least 2 years next preceding the date of approval by the project engineer of proof of reclamation, except as prevented by hailstorm or flooding, a satisfactory crop must be grown thereon. A satisfactory crop during any year shall be any one of the following: (a) A crop of annuals producing a yield of at least one-half of the average yield on similar land under similar conditions on the project for the year in which it is grown; (b) a substantial stand of alfalfa, clover, or of other perennial grass substantially equal in value to alfalfa or clover, or, (c) a season's growth of orchard trees, or vines, of which 75 percent shall be in a thrifty condition.

(d) *Indian charges, testimony fees, and final commissions.* Upon the submission of proof on entries within the Flathead project, managers will accept only the payments of Indian charges and the testimony fees for "reducing testimony to writing and examining and approving testimony," and will not accept final commissions payable on such entries until proof is received of compliance with the requirements of the law as to reclamation and payment of the charges which have become due.

(e) *Credit for military or naval service.* Soldiers and sailors and other persons entitled to claim credit for military or naval service, as provided in Subpart 2033 of this chapter, will be allowed to claim such credit in connection with entries within the Flathead project, but will not be entitled to receive final certificate or patent until the requirements as to reclamation and payment of the waterright charges have been met.

(Sec. 15, 35 Stat. 450)

§ 2211.8–8 Final certificates.

(a) *Action on proofs; when final certificate may issue.* If such proof showing reclamation and payment of charges is filed, and the proof of compliance with the ordinary provisions of the homestead law as to residence, improvements, and cultivation is found, on examination by the manager, to be sufficient, he will issue final certificate on the entry as provided in paragraph (d) (1) of this section.

(b) *Procedure where proof is not acceptable.* If any proof offered under this law be irregular or insufficient the manager will reject it and allow the entryman the usual right of appeal.

(c) *Acceptance of proof of residence, cultivation, and improvement.* Entrymen who have resided on, cultivated, and improved their lands for the time required by the homestead law, and have submitted proof which has been found satisfactory thereunder by the Bureau of Land Management, but who are unable to furnish proof of reclamation because water has not been furnished, will be excused from further residence on their lands and will be given a notice reciting that further residence is not required, but that final certificate and patent will not issue until proof of reclamation by one-half of the irrigable area of the entry and payment of all charges due under public notices and orders issued in pursuance of the law.

(d) *Liens.*—(1) *Endorsed on final certificate.* (i) Upon receipt of proof of reclamation and payment of water-right charges as provided in the act of August 9, 1912 (37 Stat. 265), extended to the Flathead project by the act of July 17, 1914 (38 Stat. 510), if proof of compliance with the homestead law has been previously submitted, and has been accepted, or if such proof is submitted at the time of the receipt of proof of reclamation and payment of charges, and is found to be sufficient as to residence, improvement, and cultivation, the manager will issue final certificate on the entry. The final certificate so issued must be endorsed by the manager across the face of each certificate when issued as follows: "Subject to lien, under act of August 9, 1912 (37 Stat. 265), as extended to the Flathead project by the act of July 17, 1914 (38 Stat. 510)."

(ii) A proviso to the act of May 10, 1926 (44 Stat. 465) provides: That all construction, operation, and maintenance costs, except such construction costs on the Camas Division held and treated as a deferred obligation herein provided for, on this project shall be, and are hereby, made a first lien against all lands within the project, which lien upon any particular farm unit shall be released by the Secretary of the Interior after the total amount charged against such unit shall have been paid, and a recital of such lien shall be made in any instrument issued prior to such release by the said Secretary. The contracts executed by such district or districts shall recognize and acknowledge the existence of such lien.

(2) *Release of lien.* The Area Director, Bureau of Indian Affairs, will, upon the full payment of all buildings and betterment charges by any water user, issue certificate of the full payment of such charges releasing the lien therefor reserved in the patent under the act of August 9, 1912.

(Sec. 15, 35 Stat. 450)

§ 2211.8–9 Cancellation of entries.

All homestead entrymen within the Flathead project must, in addition to paying the appraised value of the land and water-right charges, reclaim at least one-half of the total irrigable area in their entries for agricultural purposes. Failure to make any two payments of the appraised price when due or to reclaim the land as above indicated, or any failure to comply with the requirements of the homestead law and the acts authorizing the construction of the Flathead project as to residence, cultivation, improvement, and payments, will render the entry subject to cancellation, and the money paid subject to forfeiture, whether water-right application has been made or not. Failure to make any two payments of the installments of water-right charges when due will render such entries subject to cancellation; and upon receipt of a statement from the Area Director, Bureau of Indian Affairs, that two of such payments remain due and unpaid, after proper service of notice upon the entryman and upon the mortgagee, if any such there be of record, the date and manner of service being stated, the entry will, without further notice, be canceled.

(Sec. 15, 35 Stat. 450)

§ 2211.9 Alaska.

§ 2211.9–1 Homestead settlement entry.

(a) *Lands subject to settlement and homestead entry.* (1) All unappropriated public lands in Alaska adaptable to any agricultural use are subject to homestead settlement, and, when surveyed, to homestead entry, if they are not mineral or saline in character, are not occupied for the purpose of trade or business and have not been embraced within the limits of any withdrawal, reservation or incorporated town or city.

(2) The homestead laws were extended to Alaska by the act of May 14, 1898 (30 Stat. 409; 48 U.S.C. 371), which was amended by the acts of March 3, 1903 (32 Stat. 1028; 48 U.S.C. 371), July 8, 1916 (39 Stat. 352; 48 U.S.C. 373–375, 378), June 28, 1918 (40 Stat. 632; 48 U.S.C. 373–375, 378), April 13, 1926 (44 Stat. 243; 48 U.S.C. 379, 380, 380a), and July 11, 1956 (70 Stat. 528; 48 U.S.C. 371c and 375).

(b) *Form of settlement on unsurveyed land.* A settlement claim on unsurveyed land must be rectangular in form, not more than 1 mile in length, located by lines running north and south, according to the true meridian, the four corners being marked by permanent monuments, unless a departure from such restrictions is authorized by the act of April 13, 1926 (44 Stat. 243; 48 U.S.C. 379, 380, 380a). The said act permits a departure from the restrictions mentioned where by reason of local or topographic conditions it is not feasible or economical to include in rectangular form with cardinal boundaries the lands desired. Under the conditions recited in the law as justifying such departure, it will be sufficient that the claims shall be compact and approximately rectangular in form and where a departure from cardinal courses in the direction of boundary lines is necessary in order to include the lands desired there will be no restriction as to the amount of such departure. The modification of former practice in the matter of form and direction of boundaries is not to be construed, however, as authorizing the lines of the claims to be unduly extended in any such manner as will be productive of long narrow strips of land departing materially from the compactness of the tract as a whole.

(c) *Notice of settlement.* (1) A person making settlement on or after April 29, 1950 on unsurveyed land, in order to protect his rights, must file a notice of the settlement for recordation in the land office for the district in which the land is situated, and post a copy thereof on the land, within 90 days after the settlement. Where settlement is made on surveyed lands, the settler, in order to protect his rights, must file a notice of the settlement for recordation, or application to make homestead entry, in the land office for the district in which the land is located within 90 days after settlement.

(2) Any person maintaining a settlement claim on April 29, 1950, on surveyed or unsurveyed public land, shall file notice of the initiation of the claim in the land office for the district in which the land is situated, (1) within 90 days from that date, if the notice of location had not theretofore been filed in the recording district, or (2) within two years from April 29, 1950, if notice of the location had theretofore been filed in the recording district.

(3) The notice must be filed on a form approved by the Director, in triplicate if the land is unsurveyed, or in duplicate if surveyed and shall contain: (a) The name and address of the settler, (b) age and citizenship; (c) date of settlement, and (d) the description of the land by legal subdivisions, section, township and range, if surveyed, or, if unsurveyed, by metes and bounds with reference to some natural object or permanent monument, giving, if desired, the approximate latitude and longitude.

(4) Unless a notice of the claim is filed within the time prescribed in paragraphs (e) and (d) of this section, no credit shall be given for residence and cultivation had prior to the filing of notice or application to make entry, whichever is earliest.

(d) *Recordation fee.* The notice of settlement claim must be accompanied by a remittance of $10.00 which will be applied as a service charge for recording the notice and will not be returnable, except in cases where the notice is not acceptable to the land office for recording because the land is not subject to homestead settlement.

(e) *Marking corners of claim on unsurveyed lands; rights acquired by settlement on surveyed lands.* (1) A settler on unsurveyed land is required to mark the claim by permanent monuments at

each corner, in order to establish the boundaries thereof.

(2) Settlement on any part of a surveyed quarter-section subject to homestead entry gives the right to enter all of the quarter section; but if a settler desires to initiate a claim to surveyed tracts which form part of more than one technical quarter-section, he should define the claim by placing some improvements on each of the smallest subdivisions claimed.

(f) *Law under which homestead must be perfected.* All homestead claims in Alaska must be perfected under and in accordance with the provisions of the 3-year homestead law of June 6, 1912 (37 Stat. 123; 43 U.S.C. 164, 169, 218), and regulations thereunder.

(R.S. 2478, sec. 1, 30 Stat. 409, as amended; 43 U.S.C. 1201, 48 U.S.C. 371)

§ 2211.9–2 Application.

(a) *Form.* Application to make homestead entry for lands in Alaska should be presented on a form approved by the Director, the form prescribed for homestead entries under section 2289, Revised Statutes (43 U.S.C. 161, 171).

(b) *Showing to accompany application.* Each application on the prescribed form should be accompanied by a corroborated statement showing:

(1) That the land applied for does not extend more than 160 rods along the shore of any navigable water or that the restriction as to length of claim has been waived or should be waived. (See § 2024.2 of this subchapter.)

(2) That the land is not within an area which is reserved because of springs thereon. All facts relative to medicinal or other springs must be stated, as set forth in § 2321.1–2(c) of this chapter.

CROSS REFERENCES: For Indian and Eskimo allotments, § 2212.9; for school indemnity selections § 2222.9; for shore space, Subpart 2024; for soldier's additional rights, § 2221.9; for trade and manufacturing sites, Subpart 2213.

(c) *Contents.* (1) A homestead application must describe the lands desired, if surveyed, according to legal subdivisions as shown by the plat of survey, and, excepting that it must thus conform and that the lands must be contiguous, there is no restriction as to the shape of the tract which may be entered. Where a settlement was made and a location notice posted and filed for record before the extension of the surveys, the application should make reference thereto; it should be stated also to what extent the land applied for is different from that covered by the notice; and the settler may not abandon all of the subdivisions covered by the location unless a showing is made which would justify amendment of his claim.

(2) A homestead application must describe the lands desired, if unsurveyed, by metes and bounds with relation to some natural or permanent monuments, and give the approximate latitude and longitude and otherwise with as much certainty as possible without actual survey. Reference should be made to the serial number of the notice of settlement previously filed. If there has been any material deviation made in the description of the land claimed, a full explanation must be given of the reason for such deviation. A homestead application for unsurveyed lands must be accompanied by the settler's final or commutation homestead proof.

(d) *Service charges.* (1) When a homesteader applies to make entry he must pay an application nonrefundable service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the lands, pursuant to the Act of May 14, 1880 (21 Stat. 143; 43 U.S.C. 185), as amended, must pay, as a nonrefundable cancellation service charge, an additional $10. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until all charges have been paid.

(2) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

(R.S. 2478, sec. 1, 30 Stat. 409, as amended; 43 U.S.C. 1201, 48 U.S.C. 371)

§ 2211.9–3 Acreage.

(a) *Area subject to appropriation.* A homestead settlement or entry in Alaska is restricted to 160 acres, except in the case of a settlement made before July 8, 1916, or an entry based thereon, which may include as much as 320 acres, provided notice of the settlement was filed for record in the recording district in which the land is situated within 90 days after the settlement was made and the settlement was duly maintained until the filing of the application for entry and provided the applicant has not exhausted his homestead right in whole or in part in the United States.

(b) *Limitations.* The act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 212), provides that no person who shall, after the passage of the act, enter upon any of the public lands with a view to occupation, entry, or settlement under any of the public land laws shall be permitted to acquire title to more than 320 acres in the aggregate, under all of said laws. A former homestead entry outside of Alaska is not counted as a part of this acreage in connection with a homestead entry of 160 acres in Alaska. The fact that one may have acquired title to 160 acres under the homestead laws, or other agricultural public land laws, outside of Alaska, since August 30, 1890, does not disqualify him from entering 320 acres under the homestead laws in Alaska, based on settlement made prior to July 8, 1916.

(R.S. 2478, sec. 1, 30 Stat. 409, as amended; 43 U.S.C. 1201, 48 U.S.C. 371)

§ 2211.9–4 Qualifications of entryman.

(a) *Qualifications required.* Any person who is qualified to make an ordinary homestead entry in the United States under section 2289, Revised Statutes (43 U.S.C. 161, 171), is qualified to make homestead entry in Alaska, and a former homestead entry outside of Alaska does not bar the claimant's right to make entry in that State for not exceeding 160 acres.

(b) *Second entries.* No showing is required of an applicant for 160 acres in Alaska as to a former homestead entry outside of the State, but if the applicant has made homestead entry, or made an allowable homestead application or filed a location notice of settlement in the State and failed to perfect title to the land, he must, in connection with another application to make homestead entry in the State, make the showing required by the Act of September 5, 1914 (38 Stat. 712; 43 U.S.C. 182) explained in § 2211.5–1 (a) to (d) of this chapter.

(c) *Additional entries.* Any person otherwise qualified who has made final proof on an entry for less than 160 acres may make an additional entry for contiguous land under the act of April 28, 1904 (33 Stat. 527; 43 U.S.C. 213), or for noncontiguous land under the act of March 2, 1889 (25 Stat. 854; 43 U.S.C. 214) for such area as when added to the area previously entered will not exceed 160 acres. The requirements in connection with such entries are set forth in §§ 2211.4–1 and 2211.4–2 of this chapter. An additional entry under the act of April 28, 1904, is not subject to commutation.

(R.S. 2478, sec. 1, 30 Stat. 409, as amended; 43 U.S.C. 1201, 48 U.S.C. 371)

§ 2211.9–5 Residence, cultivation requirements.

(a) *Residence*—(1) *Establishment.* Residence must be established upon the claim within 6 months after the date of the entry or the recording of the location notice, as the case may be; but an extension of not more than 6 months may be allowed upon application duly filed, in which the entryman shows by his own statement, and that of two witnesses, that residence could not be established within the first 6 months, for climatic reasons, or on account of sickness, or other unavoidable cause.

(2) *Length.* A homestead entryman must show residence upon his claim for at least 3 years; however, he is entitled to absent himself during each year for not more than two periods making up an aggregate of 5 months, giving written notice to the proper land office of the time of leaving the homestead and returning thereto.

(3) *Leave of absence.* A leave of absence for 1 year or less may be granted by the manager to the homesteader who has established actual residence on the land where failure or destruction of crops, sickness, or other unavoidable casualty has prevented him from supporting himself and those dependent upon him by cultivation of the land.

(b) *Cultivation.* There must be shown also cultivation of one-sixteenth of the area of the claim during the second year of the entry and of one-eighth during the third year and until the submission of proof, unless the requirements in this respect be reduced upon application

duly filed. Cultivation, which must consist of breaking of the soil, planting or seeding, and tillage for a crop other than native grasses, must include such acts and be done in such manner as to be reasonably calculated to produce profitable results.

(c) *Habitable house.* The law provides also that the entryman must have a habitable house upon the land at the time proof is submitted.

(d) *Commutation of entries.* To the extent of not more than 160 acres an entry may be "commuted" after not less than 14 months' residence upon the land, cultivation of the area commuted to the extent required under the ordinary homestead laws and payment of $1.25 per acre; that is, the claimant must show the existence of a habitable house on the land at the time of final commutation proof, that residence for the period of not less than 14 months was actual and substantially continuous, and cultivation of one-sixteenth of the area during the second year of the entry, and, if commutation proof is submitted after the second entry year, one-eighth of the area the third entry year and until the submission of final commutation proof. In such cases the homesteader is entitled to a 5 months' leave of absence in each year, but cannot have credit as residence for such period, since actual presence on the land for not less than 14 months is required. However, an additional entry under the act of April 28, 1904 (33 Stat. 527; 43 U.S.C. 213), or a national forest homestead under the act of June 11, 1906 (34 Stat. 233; 16 U.S.C. 506–509), is not subject to commutation.

(R.S. 2478, sec. 1, 30 Stat. 409, as amended; 43 U.S.C. 1201, 48 U.S.C. 371)

§ 2211.9–6 Surveys.

(a) *Without expense to settler.* The land included in a settlement claim may be surveyed without expense to the settler, provided he submits, within five years from the date of the filing of notice of settlement claim in the land office, an application to enter on a form approved by the Director and acceptable final or commuted homestead proof as required by § 2211.9–7(a).

(b) *At expense of settler.* A settler who wishes to secure earlier action in the matter of survey may have a survey made at his own expense by a deputy surveyor appointed by the authorized officer of the Bureau of Land Management.

(c) *Application to enter land included in special survey.* After a special survey has been made, in accordance with paragraph (b) of this section, application to enter should be made as in the case of other settlements on surveyed lands.

(R.S. 2478, sec. 1, 30 Stat. 409, as amended; 43 U.S.C. 1201, 48 U.S.C. 371)

§ 2211.9–7 Proof.

(a) *Submission.* (1) Proof may be submitted without previous notice of intention by publication.

(2) Whenever the claimant is ready to submit proof, he may appear, with two witnesses having knowledge of the facts, before either the manager of the land office for the district in which the land is situated or before any other officer authorized to administer oaths in homestead cases and submit proof of his residence, cultivation, and improvements on the land. The proof testimony must be filed in the proper land office.

(b) *Publication and posting.* (1) Where a special survey has been made, the notice of proof must give the survey number of the land, and other information required by § 1824.9–1 of this chapter and it must be published once a week for nine consecutive weeks, in accordance with § 1824.4 of this chapter, at the expense of the applicant, in a newspaper designated by the manager as being one of general circulation nearest the land. Moreover, during the period of publication the entryman must keep a copy of the plat, and of his notice of having made proof, posted in a conspicuous place on the land.

(2) Where the public system of surveys has been extended over the land, and the claimant has an entry allowed in conformity therewith, notice must be published once a week for 5 consecutive weeks in accordance with § 1824.4 of this chapter. The manager must cause a copy of the notice to be posted in his office during the entire period of publication.

(c) *Effect of transfer of land before proof.* In Alaska, as elsewhere in the United States, a forfeiture of the claim results from a transfer of any part of the land or of any interest therein before the submission of the proof, with certain exceptions specified by law. In the State transfers for church, cemetery, or school purposes to the extent of 5 acres and for railroad rights of way across the land having an extreme width of 200 feet are permitted.

(d) *Adverse claim.* (1) In conformity with provision contained in section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 359), during the period of posting and publication or within 30 days thereafter any person, corporation, or association, having or asserting any adverse interest in or claim to, the tract of land or any part thereof sought to be acquired, may file in the land office where the proof is pending, under oath, an adverse claim setting forth the nature and extent thereof, and such adverse claimant shall, within 60 days after the filing of such adverse claim, begin action to quiet title, in a court of competent jurisdiction in Alaska, and thereafter no patent shall issue for such claim until the final adjudication of the rights of the parties, and such patent shall then be issued in conformity with the final decree of the court.

(2) Where such adverse claim is filed, action on the proof will be suspended until final adjudication of the rights of the parties in the court or until it has been shown that the adverse claimant did not commence an action in the court within the time allowed.

(3) Any protest which may be filed which does not show that the protestant intends to commence an action to quiet title, as stated, and any contest which may be filed will be disposed of by the manager in accordance with Parts 1840 and 1850 of this chapter.

(R.S. 2478, sec. 1, 30 Stat. 409, as amended; 43 U.S.C. 1201, 48 U.S.C. 371)

§ 2211.9–8 Loans.

(a) *Mortgage loans on existing homestead entries.* A homestead entryman who desires to secure a loan on an existing homestead entry, or a homestead applicant who wishes to make a homestead entry for lands in a canceled or relinquished homestead entry subject to a mortgage lien held by the United States acting through the Secretary of Agriculture under the act of October 19, 1949 (63 Stat. 883, 7 U.S.C. Supp. III secs. 1006a, 1006b), should proceed in accordance with § 2211.0–9(a) of this chapter.

(b) *Mortgage liens.* A mortgage lien held by the United States acting through the Secretary of Agriculture shall not extend to mineral deposits in the lands, which have been or may be reserved to the United States pursuant to law.

(R.S. 2478, sec. 1, 30 Stat. 409, as amended; 43 U.S.C. 1201, 48 U.S.C. 371)

Subpart 2212—Native Allotments

AUTHORITY: The provisions of this Subpart 2212 issued under R.S. 2478; 43 U.S.C. 1201. Also issued under 84 Stat. 197, 48 U.S.C. 357.

§ 2212.0–3 Authority.

(a) *General Allotment Act of February 8, 1887.* Section 4 of the General Allotment Act of February 8, 1887 (24 Stat. 389; 25 U.S.C. 334), as amended by the act of February 28, 1891 (26 Stat. 794), and section 17 of the act of June 25, 1910 (36 Stat. 859; 25 U.S.C. 336), provides that where any Indian entitled to allotment under existing laws shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the land office for the district in which the lands are located, to have the same allotted to him or her and to his or her children in manner as provided by law for allotments to Indians residing upon reservations, and that such allotments to Indians on the public domain shall not exceed 40 acres of irrigable land, or 80 acres of nonirrigable agricultural land or 160 acres of nonirrigable grazing land to any one Indian.

(b) *Act of March 1, 1933.* The act of March 1, 1933 (47 Stat. 1418; 43 U.S.C. 190a) provides that no further allotments of lands to Indians on the public domain shall be made in San Juan County, Utah.

Public land withdrawn by Executive Order 6910 and 6964 of November 26, 1934, and February 5, 1935, respectively, is not subject to settlement under section 4 of the General Allotment Act of February 8, 1887, as amended, until such settlement has been authorized by classification. See Subpart 2411 of this chapter.

(c) *Act of May 17, 1906 (Alaska).* (1) The act of May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 48 U.S.C. 357), authorizes the Secretary of the Interior to allot not to exceed 160 acres of vacant, unappropriated, and unreserved nonmineral land in Alaska or, subject to the provisions of the act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 376–377), of vacant, unappropriated,

and unreserved public land in Alaska that may be valuable for coal, oil, or gas deposits, or, under certain conditions, of national forest lands in Alaska, to certain Indians, Aleuts, or Eskimos of full or mixed blood, who reside in and are natives of Alaska.

(2) Under the Allotment Act, as amended, an applicant for allotment must be at least 21 years of age or the head of a family.

(3) Under the terms of the Allotment Act, as amended, the land allotted is deemed to be the homestead of the allottee and his heirs in perpetuity, and is inalienable and nontaxable. An Indian, Aleut, or Eskimo who receives an allotment under the act, or his heirs, however, may with the approval of the Secretary, convey the complete title to the allotted land by deed. The allotment shall thereafter be free of any restrictions against alienation and taxation unless the purchaser is an Indian, Aleut, or Eskimo native of Alaska who the Secretary determines is unable to manage the land without the protection of the United States and the conveyance provides for a continuance of such restrictions.

§ 2212.0–6 Qualifications of applicants.

(a) *General.* An applicant for allotment under the fourth section of the act of February 8, 1887, as amended, is required to show that he is a recognized member of an Indian tribe or is entitled to be so recognized. Such qualifications may be shown by the laws and usages of the tribe. The mere fact, however, that an Indian is a descendant of one whose name was at one time borne upon the rolls and who was recognized as a member of the tribe does not of itself make such Indian a member of the tribe. The possession of Indian blood, not accompanied by tribal affiliation or relationship, does not entitle a person to an allotment on the public domain. Tribal membership, even though once existing and recognized, may be abandoned in respect to the benefits of the fourth section.

(b) *Certificate that applicant is Indian and entitled to allotment.* Any person desiring to file application for an allotment of land on the public domain under this act must first obtain from the Commissioner of Indian Affairs a certificate showing that he or she is an Indian and entitled to such allotment, which certificate must be attached to the allotment application. Application for the certificate must be made on the proper form, and must contain information as to the applicant's identity, such as thumb print, age, sex, height, approximate weight, married or single, name of the Indian tribe in which membership is claimed, etc., sufficient to establish his or her identity with that of the applicant for allotment. Each certificate must bear a serial number, record thereof to be kept in the Indian Office. The required forms may be obtained as stated in § 2212.1–1(b).

(c) *Heirs of Indian settlers and applicants.* (1) Allotments are allowable only to living persons or those in being at the date of application. Where an Indian dies after settlement and filing of application, but prior to approval, the allotment will upon final approval be confirmed to the heirs of the deceased allottee.

(2) In disposing of pending applications in which the death of the applicant has been reported, the heirs of an applicant who was otherwise qualified at the date of application should be notified that they will be allowed 90 days from receipt of notice within which to submit proof that the applicant personally settled on the land applied for during his or her lifetime, and while the land was open to settlement, and upon failure to submit such proof within the time allowed the application will be finally rejected.

(3) When it is sufficiently shown that an applicant was at the time of death occupying in good faith the land settled on, patent will be issued to his or her heirs without further use or occupancy on the part of such heirs being shown.

(d) *Minor children.* An Indian settler on public lands under the fourth section of the act of February 8, 1887, as amended, is also entitled upon application to have allotments made thereunder to his minor children, stepchildren, or other children to whom he stands in loco parentis, provided the natural children are in being at the date of the parent's application, or the other relationship referred to exist at such date. The law only permits one entitled himself under the fourth section to take allotments thereunder on behalf of his minor children or of those to whom he stands in loco parentis. Orphan children (those who have lost both parents) are not entitled to allotments on the public domain unless they come within the last-mentioned class. No actual settlement is required in case of allotments to minor children under the fourth section, but the actual settlement of the parent or of a person standing in loco parentis on his own public-land allotment will be regarded as the settlement of the minor children.

(e) *Indian wives.* (1) Where an Indian woman is married to a white man or other person not entitled to an allotment under the fourth section of the act of February 8, 1887, as amended, and not a settler or entryman under the general homestead law, her right, and that of the minor children born of such marriage, to allotments on the public domain will be determined without reference to the quantum of Indian blood possessed by such women and her children but solely with reference as to whether they are recognized members of an Indian tribe or are entitled to such membership.

(2) An Indian woman married to an Indian man who has himself received an allotment on the public domain or is entitled to one, or has earned the equitable right to patent on any form of homestead or small holding claim, is not thereby deprived of the right to file an application for herself, provided she is otherwise entitled, and also for her minor children where her husband is for any reason disqualified.

(3) An Indian woman who is separated from her husband who has not received an allotment under the fourth section will be regarded as the head of a family and may file applications for herself and for the minor children under her care.

(4) In every case where an Indian woman files applications for her minor children it must appear that she has not only applied for herself under the fourth section but has used the land in her own application in some beneficial manner.

(f) *Citizenship.* (1) Under section 6 of the act of February 8, 1887 (24 Stat. 390; 25 U.S.C. 349), every Indian born within the territorial limits of the United States, to whom allotments were made under that act, and every Indian who voluntarily takes up his residence separate and apart from any tribe of Indians and adopts the habits of civilized life is declared to be a citizen of the United States.

(2) The act of May 8, 1906 (34 Stat. 182; 8 U.S.C. 3), changed the time when an Indian became a citizen by virtue of the allotment made to him to the time when patent in fee should be issued on such an allotment.

(3) The act of June 2, 1924 (43 Stat. 253, 8 U.S.C. 3), conferred citizenship on all noncitizen Indians born within the Territorial limits of the United States, but expressly reserved to them all rights to tribal or other property. These rights include that of allotment on the public land, if qualified.

§ 2212.0–7 Land subject to allotment.

(a) *General.* (1) The law provides that allotments may include not to exceed 40 acres of irrigable land, 80 acres of nonirrigable agricultural land, or 160 acres of nonirrigable grazing land.

(2) Irrigable lands are those susceptible of successful irrigation at a reasonable cost from any known source of water supply; nonirrigable agricultural lands are those upon which agricultural crops can be profitably raised without irrigation; grazing lands are those which can not be profitably devoted to any agricultural use other than grazing.

(3) Where an Indian makes settlement in good faith upon lands not reserved therefrom, an allotment therefor can not be denied on the ground that the lands are too poor in quality. Also, where settlement was made in good faith, the presence of valuable timber does not warrant the rejection of the allotment.

(4) An allotment may be allowed for coal and oil and gas lands, with reservation of the mineral contents to the United States.

(b) *In Alaska*—(1) *National forest lands.* Allotments may be made in national forests if founded on occupancy of the land prior to the establishment of the particular forest or if an authorized officer of the Department of Agriculture certifies that the land in the application for allotment is chiefly valuable for agricultural or grazing purposes.

(2) *Coal, oil, or gas lands.* Lands in applications for allotment and allotments that may be valuable for coal, oil, or gas deposits are subject to the regulations of § 2023.5 of this chapter.

§ 2212.1 Procedures.

§ 2212.1–1 Petition and applications.

(a) Any person desiring to receive an Indian allotment (other than those seeking allotments in national forests, for which see § 2212.2–3 of this part) must file with the manager of the land office for the district in which the land is situated, an application, together with a petition on forms approved by the Director, properly executed, together with a certificate from the authorized officer of the Bureau of Indian Affairs that the person is Indian and entitled to allotment, as specified in § 2212.0–6(b). However, if the lands described in the application have been already classified and opened for disposition under the provisions of this part, no petition is required. The documents must be filed in accordance with the provisions of § 1821.2 of this chapter.

The petition and the statement attached to the application for certificate must be signed by the applicant.

(b) Blank forms for petitions and applications may be had from any office of the Bureau of Indian Affairs, or from land offices of the Bureau of Land Management.

§ 2212.1–2 Contents of application.

(a) The nature, character, and extent of the settlement, as well as the manner in which performed, must be fully set forth in the allotment application. In examining the acts of settlement and determining the intention and good faith of an Indian applicant, due and reasonable consideration should be given to the habits, customs, and nomadic instincts of the race, as well as to the character of the land taken in allotment.

(b) While the act contains no specific requirements as to what shall constitute settlement, it is evident that the Indian must definitely assert a claim to the land based upon the reasonable use or occupation thereof consistent with his mode of life and the character of the land and climate.

§ 2212.1–3 Effect of application.

(a) An allotment application under the fourth section of the act of February 8, 1887, as amended, filed prior to September 23, 1913, does not, in the absence of a certificate from the Indian Office showing that the applicant is an Indian entitled to allotment, segregate the land, and subsequent applications for the same land may be received and suspended to await final action on the allotment application.

(b) Where an allotment application under the fourth section, filed subsequent to September 23, 1913, is not accompanied by the requisite certificate from the Indian Office showing the applicant to be entitled to allotment, and the applicant is given time to furnish such certificate, the application does not segregate the land, and other applications therefor may be received and held to await final action on the allotment application.

(c) Where an allotment application is approved by the authorized officer, it operates as a segregation of the land, and subsequent applications for the same land will be rejected.

§ 2212.1–4 Application for unsurveyed lands.

(a) An allotment application under the fourth section of the act of February 8, 1887, as amended, for unsurveyed lands must conform to the following rules along the lines of those found in § 1821.7–1 of this chapter.

(1) It must contain a description of the land by metes and bounds, with courses, distances, and references to monuments by which the location of the tract on the ground can be readily and accurately ascertained. The monuments may be of iron or stone, or of substantial posts well planted in the ground, or of trees or natural objects of a permanent nature, and all monuments shall be surrounded with mounds of stone, or earth when stones are not accessible, and must be plainly marked to indicate with certainty the claim to the tract located. The land must be taken in rectangular form, if practicable, and the lines thereof follow the cardinal points of the compass, unless one or more of the boundaries be a stream or other fixed object. In the latter event only the approximate course and distance along such stream or objects need be given, but the other boundaries must be definitely stated; and the designation of narrow strips of land along streams, watercourses, or other natural objects will not be permitted.

(2) An allotment to a minor child need not be contiguous to that made by the head of a family; but it is required that each allotment made to an individual, whether the head of a family, a single adult, or a minor child, when such allotment embraces more than one legal subdivision, must be composed of contiguous tracts, as in ordinary disposition of the public domain under a settlement law. An additional allotment must be governed by the same rule.

(b) The approximate description of the land, by section, township, and range, as it will appear when surveyed must be furnished, or if this cannot be done, a statement must be filed setting forth a valid reason therefor.

(c) The address of the claimant must be given, and it shall be the duty of the manager, upon the filing of the township plat in the land office, to notify him thereof, by registered letter, at such address, and to require the adjustment of the claim to the public survey within 90 days. In default of action by the party notified, the manager will promptly adjust the claim to the public land survey, if possible.

(d) Notice of the application describing the land as above directed must be posted in a conspicuous place upon the land, and a copy of such notice and proof of posting thereof filed with the application.

§ 2212.2 Allotments.

§ 2212.2–1 Certificate of allotment.

(a) When the manager approves an application for allotment, he will issue to the applicant a "certificate of allotment", on a prescribed form, showing the name in full of the applicant, post office address, name of the tribe in which membership is claimed, serial number of the certificate issued by the Commissioner of Indian Affairs, and a description of the land allotted.

(b) Where the application under investigation is that of a single person over 21 years of age, or of the head of a family, report will also be made as to the character of the applicant's settlement and improvements. A similar report will be made on applications filed in behalf of minor children as to the character of the settlement and improvements made by the parent, or the person standing in loco parentis, on his or her own allotment under the fourth section.

§ 2212.2–2 Trust patent.

(a) To enable an Indian allottee to demonstrate his good faith and intention, the issuance of trust patent will be suspended for a period of 2 years from date of settlement; but in those cases where that period has already elapsed at the time of adjudicating the allotment application, and when the evidence either by the record or upon further investigation in the field, shows the allottee's good faith and intention in the matter of his settlement, trust patents will issue in regular course. Trust patents in the suspended class, when issued, will run from the date of suspension.

(b) In the matter of fourth-section applications filed prior to the regulations in this part, where, by the record or upon further investigation in the field, it appears that such settlement has not been made as is contemplated by the regulations, such applications will not be immediately rejected, but the applicant will be informed that 2 years will be allowed within which to perfect his settlement and to furnish proof thereof, whereupon his application will be adjudicated as in other cases.

§ 2212.2–3 Allotments within national forests.

(a) By the terms of section 31 of the act of June 25, 1910 (36 Stat. 863; 25 U.S.C. 337), allotments under the fourth section of the act of February 8, 1887, as amended, may be made within national forests.

(b) An Indian who desires to apply for an allotment within a national forest under this act must submit the application to the supervisor of the particular forest affected, by whom it will be forwarded with appropriate report, through the district forester and Chief, Forest Service, to the Secretary of Agriculture, in order that he may determine whether the land applied for is more valuable for agriculture or grazing than for the timber found thereon.

(c) Should the Secretary of Agriculture decide that the land applied for, or any part of it, is chiefly valuable for the timber found thereon, he will transmit the application to the Secretary of the Interior and inform him of his decision in the matter. The Secretary of the Interior will cause the applicant to be informed of the action of the Secretary of Agriculture.

(d) In case the land is found to be chiefly valuable for agriculture or grazing, the Secretary of Agriculture will note that fact on the application and forward it to the Commissioner of Indian Affairs.

§ 2212.3–2 Notice of action.

Notice to Indian allottees, or to their parents, if minors, of any action adverse to their interests must be given by registered letter to the proper Indian superintendent, as well as to the party in interest.

§ 2212.4 Disposal of trust allotments.

The existing laws and regulations relating to the sale of allotted Indian lands, the determination of heirs, the issuance of patents in fee, the disposal of trust allotments by will, and the extension of the trust period, applicable to reservation allotments under the provisions of the act of February 8, 1887, as amended, are equally applicable to allotments made under the fourth section of said act.

§ 2212.5 Relinquishments.

(a) Relinquishments of Indian allotments, if filed in a land office, will be transmitted to the Commissioner of Indian Affairs for consideration and recommendation. Where the application has not been approved, the Commissioner of Indian Affairs has authority to accept or reject the relinquishment, as he may deem proper. Where the allotment application has been approved, the acceptance or rejection must be concurred in by the Commissioner of Indian Affairs. On the acceptance of a relinquishment, the Bureau of Land Management will be notified of the fact. The land affected will not become subject to entry until after the manager has noted the fact of the relinquishment and cancellation on his records.

(b) The manager will, in case of a relinquishment, filed by an Indian, of an allotment application, or of a homestead entry, under the act of July 4, 1884 (23 Stat. 98; 43 U.S.C. 190), require the party to write at the foot of the regular form provided for relinquishments, or upon the back thereof, a clear statement of his reasons for desiring to make such relinquishment.

§ 2212.9 Alaska.

§ 2212.9–1 Applications.

(a) Applications for allotment must be filed, in triplicate on a form approved by the Director, properly and completely executed, in the land office which has jurisdiction over the lands. The application must be signed by the applicant but if he is unable to write his name, his mark or thumb print must be impressed on the application and witnessed by two persons.

(b) If surveyed, the land must be described in the application according to legal subdivisions of the public land surveys. If unsurveyed, it must be described as accurately as possible by metes and bounds and natural objects, and its position with reference to rivers, creeks, mountains or mountain peaks, towns or other prominent topographic points or natural objects or monuments, and to well-known nearby roads and trails, must be given.

(c) The application must be accompanied by a statement by the applicant that he has plainly indicated on the ground the corners of the land applied for by setting substantial posts or heaping up mounds of stones on each corner and that he has posted a notice of the application on the land, describing the tract applied for in the terms employed in the application.

(d) Any application for allotment of lands which extend more than 160 rods along the shore of any navigable waters must be accompanied by a showing that the lands are not necessary for harborage, landing and wharf purposes and that the public interests will not be injured by waiver of the 160-rod limitation. (See Subpart 2024.)

(e) Applications for allotment will be referred by the Bureau of Land Management to the Bureau of Indian Affairs for certification by an authorized officer that the applicant is a native qualified to make application under the Allotment Act, as amended. If the application is returned without such a certification, the application will be rejected.

(f) The filing of an application for allotment will grant no rights to the applicant over and above those which are specified in paragraph (g) of this section and § 2012.8–3. If the applicant does not submit the proof required by § 2212.9–2 within 6 years of the filing of his application for allotment will terminate without affecting the rights of the applicant gained by virtue of his occupancy of the land, or his rights to make another application. If the application was filed prior to the effective date of this paragraph, the application will be terminated under this paragraph only by decision of the authorized officer after appropriate notice to the applicant, granting him a reasonable period within which to file proof of continuous use and occupancy of the land as required by the regulation in this part.

(g) The filing of an acceptable application for allotment will segregate the lands to the extent that conflicting applications for such lands will be rejected, except when accompanied by a showing that the applicant for allotment has permanently abandoned occupancy of the land.

§ 2212.9–2 Proof.

An allotment will not be made until the applicant has made satisfactory proof of substantially continuous use and occupancy of the land for a period of five years and the lands are surveyed by the Bureau of Land Management. Such proof must be made in triplicate and filed in the appropriate land office. It must be signed by the applicant, but if he is unable to write his name, his mark or thumbprint must be impressed on the statement and witnessed by two persons. The showing of five years' use and occupancy may be submitted with the application for allotment if the applicant has then used and occupied the land for five years, or at any time after the filing of the application when the required showing can be made. The proof should give the name of the applicant, identify the application on which it is based, and appropriately describe the land involved. It should show the periods each year applicant has resided on the land; the amount of the land cultivated each year to garden or other crops; the amount of crops harvested each year; the number and kinds of domestic animals kept on the land by the applicant and the years they were kept there; the character and value of the improvements made by the applicant and when they were made; and the use, if any, to which the land has been put for fishing or trapping.

§ 2212.9–3 Number of allotments; contiguity.

(a) No more than one allotment may be made to any one person.

(b) Lands in an allotment must be in a reasonably compact form and cannot consist of incontiguous tracts of land.

(c) Contents. The application to enter must show:

(1) That the land is actually used and occupied for the purpose of trade, manufacture or other productive industry when it was first so occupied, the character and value of the improvements thereon and the nature of the trade, business or productive industry conducted thereon and that it embraces the applicant's improvements and is needed in the prosecution of the enterprise. A site for a prospective business cannot be acquired under section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 461).

(2) That no portion of the land is occupied or reserved for any purpose by the United States or occupied or claimed by natives of Alaska; that the land is unoccupied, unimproved, and unappropriated by any person claiming the same other than the applicant.

(3) That the land does not abut more than 80 rods of navigable water.

(4) That the land is not included within an area which is reserved because of springs thereon. All facts relative to medicinal or other springs must be stated in accordance with § 2321.1–2(c) of this chapter.

(5) That no part of the land is valuable for mineral deposits other than coal, oil or gas, and that at the date of location no part of the land was claimed under the mining laws.

(e) *Description of land.* If the land be surveyed, it must be described in the application according to legal subdivisions of the public-land surveys. If it be unsurveyed, the application must describe it by approximate latitude and longitude and otherwise with as much certainty as possible without survey.

§ 2212.9–4 Approval of conveyances.

Applications for approval of conveyances by an allottee or his heirs must be filed with the appropriate office of the Bureau of Indian Affairs.

Subpart 2213—Trade and Manufacturing Sites

AUTHORITY: The provisions of this Subpart 2213 issued under R.S. 2478; 43 U.S.C. 1201.

§ 2213.0–3 Authority.

Section 10 of the act of May 14, 1898 (30 Stat. 413, as amended August 23, 1958 (72 Stat. 730; 48 U.S.C. 461), authorizes the sale at the rate of $2.50 per acre of not exceeding 80 acres of land in Alaska possessed and occupied in good faith as a trade and manufacturing site. The lands must be nonmineral in character, except that lands that may be valuable for coal, oil, or gas deposits are subject to disposition under the act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 376–377), as amended, and the regulations of § 2023.5 of this chapter.

§ 2213.0–6 Qualifications of applicant.

An application must show that the applicant is a citizen of the United States and 21 years of age, and that he has not theretofore applied for land as a trade and manufacturing site. If such site has been applied for and the application not completed, the facts must be shown. If the application is made for an association of citizens or a corporation, the qualifications of each member of the organization must be shown. In the case of a corporation, proof of incorporation must be established by the certificate of the officer having custody of the records of incorporation at the place of its formation and it must be shown that the corporation is authorized to hold land in Alaska.

§ 2213.1 Procedures.

§ 2213.1–1 Initiation of claim.

(a) *Notice.* Any qualified person, association, or corporation initiating a claim on or after April 29, 1950, under section 10 of the act of May 14, 1898, by the occupation of vacant and unreserved public land in Alaska for the purposes of trade, manufacture, or other productive industry, must file notice of the claim for recordation in the land office for the district in which the land is situated, within 90 days after such initiation. Where on April 29, 1950, such a claim was held by a qualified person, association, or corporation, the claimant must file notice of the claim in the proper land office, within 90 days from that date.

(b) *Form of notice.* The notice must be filed on a form approved by the Director in triplicate if the land is unsurveyed, or in duplicate if surveyed, and shall contain: (1) The name and address of the claimant, (2) age and citizenship, (3) date of occupancy, and (4) the description of the land by legal subdivisions, section, township and range, if surveyed, or, if unsurveyed, by metes and bounds with reference to some natural object or permanent monument, giving, if desired, the approximate latitude and longitude. The notice must designate the kind of trade, manufacture, or other productive industry in connection with which the site is maintained or desired.

(c) *Failure to file notice.* Unless a notice of the claim is filed within the time prescribed in paragraph (a) of this section no credit shall be given for occupancy of the site prior to filing of notice in the proper land office, or application to purchase, whichever is earlier.

(d) *Recording fee.* The notice of the claim must be accompanied by a remittance of $10.00, which will be earned and applied as a service charge for recording the notice, and will not be returnable, except in cases where the notice is not acceptable to the land office for recording, because the land is not subject to the form of disposition specified in the notice.

§ 2213.1–2 Application.

(a) *Execution.* Application for a trade and manufacturing site should be executed in duplicate and should be filed in the proper land office. It need not be sworn to, but it must be signed by the applicant and must be corroborated by the statements of two persons.

(b) *Fees.* All applications must be accompanied by an application service fee of $10 which will not be returnable.

(c) *Time for filing.* Application to purchase a claim, along with the required proof or showing, must be filed within 5 years after the filing of notice of the claim.

§ 2213.1–3 Survey.

If the land applied for be unsurveyed and no objection to its survey is known to the manager, he will furnish the applicant with a certificate stating the facts, and, after receiving such certificate, the applicant may make application to the State Director officer for the survey of the land. The instructions governing survey in connection with applications for soldiers' additional homestead entries, as set forth in § 2221.9–4 (d) of this chapter, will be followed in connection with trade and manufacturing sites.

§ 2213.1–4 Publication and posting; adverse claim.

The instructions given in § 2221.9–4(e) of this chapter, relative to publication and posting, adverse claims and proof of publication and posting in connection with applications for soldiers' additional homestead entries will be followed in connection with trade and manufacturing sites.

§ 2213.2 Form of entry.

Claims initiated by occupancy after survey must conform thereto in occupation and application, but if the public surveys are extended over the lands after occupancy and prior to application, the claim may be presented in conformity with such surveys, or, at the election of the applicant, a special survey may be had.

§ 2213.3 Final certificate.

The application and proofs filed therewith will be carefully examined and, if all be found regular, the application will be allowed and final certificate issued upon payment for the land at the rate of $2.50 per acre, and in the absence of objections shown by his records.

Subpart 2214—Color-of-Title

AUTHORITY: The provisions of this Subpart 2214 issued under R.S. 2478; 43 U.S.C. 1201.

§ 2214.0–3 Authority.

(a) *Act of December 22, 1928.* The act of December 22, 1928 (45 Stat. 1069), as amended by the act of July 28, 1953 (67 Stat. 227; 43 U.S.C. 1068, 1068a), authorizes the issuance of patent for not to exceed 160 acres of public lands held under claim or color of title of either of the two classes described in § 2214.1–1(b) upon payment of the sale price of the land.

(b) *Act of February 23, 1932.* The act of February 23, 1932 (47 Stat. 53; 43 U.S.C. 178), authorizes the Secretary of the Interior in his discretion to issue patents, upon the payment of $1.25 per acre, for not more than 160 acres of public land, where such land is contiguous to a Spanish or Mexican land grant, and where such land has been held in good faith and in peaceful, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title and where valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation. The act further provides that where the land is in excess of 160 acres, the Secretary may determine the 160 acres to be patented under the act. Under the said act the coal and all other minerals in the land are reserved to the United States and shall be subject to sale or disposal under applicable leasing and mineral land laws of the United States.

(c) *Act of September 21, 1922.* The act of September 21, 1922 (42 Stat. 992; 43 U.S.C. 992), authorizes the Secretary of the Interior in his judgment and discretion to sell at an appraised price, any of those public lands situated in Arkansas, which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws, to any citizen who in good faith under color of title or claiming as a riparian owner, has prior to September 21, 1922, placed valuable improvements on such land or reduced some part thereof to cultivation.

(d) *Act of February 19, 1925.* The act of February 19, 1925 (43 Stat. 951; 43 U.S.C. 993), authorizes the Secretary of the Interior in his judgment and discretion to sell at an appraised price, any of those public lands situated in Louisiana, which were originally erroneously meandered and shown upon the official plats as water-covered areas and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws, to any citizen who, or whose ancestors in title in good faith under color of title or claiming as a riparian owner, has prior to February 19, 1925, placed valuable improvements upon or reduced to cultivation any of such lands. The coal, oil, gas, and other minerals in such lands are reserved to the United States.

(e) *Act of August 24, 1954.* The act of August 24, 1954 (68 Stat. 789), directs the Secretary of the Interior to issue patents for public lands which lie between the meander line of an inland lake or river in Wisconsin as originally surveyed and the meander line of that lake or river as subsequently resurveyed, under certain terms and conditions. The act of February 27, 1925 (43 Stat. 1013; 43 U.S.C. 994), authorized the Secretary of the Interior to sell such public lands under certain other terms and conditions. These acts are cited as "the act of 1954" and "the act of 1925," respectively, in §§ 2214.5–1 to 2214.5–4.

(f) *Act of May 31, 1962.* (1) The act of May 31, 1962 (76 Stat. 89), hereafter referred to as "the Act", authorizes the Secretary of the Interior, in his discretion, to sell at not less than their fair market value any of those lands in the State of Idaho, in the vicinity of the Snake River or any of its tributaries, which have been, or may be, found upon survey to be omitted public lands of the United States, and which are not within the boundaries of a national forest or other Federal reservation and are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws, or are not used and occupied by Indians claiming by reason of aboriginal rights or are not used and occupied by Indians who are eligible for an allotment under the laws pertaining to allotments on the public domain.

(2) The Act provides that in all patents issued under the Act, the Secretary of the Interior (i) shall include a reservation to the United States of all the coal, oil, gas, oil shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen, and bitumen rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried), together with the right to prospect for, mine, and remove the same; and (ii) may reserve the right of access to the public through the lands and such other reservations as he may deem appropriate and consonant with the public interest in preserving public recreational values in the lands.

(3) The Act further provides that the Secretary of the Interior shall determine the fair market value of the lands by appraisal, taking into consideration any reservations specified pursuant to subparagraph (2) of this section and excluding, when sales are made to preference-right claimants under section 2 of the Act, any increased values resulting from the development or improvement thereof for agricultural or other purposes by the claimant or his predecessors in interest.

(4) The Act grants a preference right to purchase lands which are offered by the Secretary of the Interior for sale under the Act to any citizen of the United States (which term includes corporations, partnerships, firms, and other legal entities having authority to hold title to lands in the State of Idaho) who, in good faith under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation or occupied any of the lands so offered for sale, or whose ancestors or predecessors in title have taken such action.

§ 2214.1 General regulations.

§ 2214.1–1 Definition.

(a) "The act", when used in this section means the act of December 22, 1928 (45 Stat. 1069; 43 U.S.C. 1068, 1068a), as amended by the act of July 28, 1953 (67 Stat. 227, 43 U.S.C. 1068a).

(b) The claims recognized by the act will be referred to in this part as claims of class 1, and claim of class 2. A claim of class 1 is one which has been held in good faith and in peaceful adverse possession by a claimant, his ancestors or grantors, under claim or color of title for more than 20 years, on which valuable improvements have been placed, or on which some part of the land has been reduced to cultivation. A claim of class 2 is one which has been held in good faith and in peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color of title for the period commencing not later than January 1, 1901, to the date of application, during which time they have paid taxes levied on the land by State and local governmental units. A claim is not held in good faith where held with knowledge that the land is owned by the United States. A claim is not held in peaceful, adverse possession where it was initiated while the land was withdrawn or reserved for Federal purposes.

§ 2214.1–2 Who may apply.

Any individual, group, or corporation authorized to hold title to land in the State and who believes he has a valid claim under color of title may make application.

§ 2214.1–3 Procedures.

(a) *Application.* (1) An application for a claim of class 1 or of class 2 must be filed in duplicate on a form approved by the Director. It must be filed in accordance with the provisions of § 1821.2 of this chapter.

(2) Every application must be accompanied by a filing fee of $10, which will be nonreturnable.

(3) The application must be in typewritten form, or in legible handwriting, and it must be completely executed and signed by the applicant.

(4) Every applicant must furnish information required in the application form concerning improvements, cultivation, conveyances of title, taxes, and related matters.

(b) *Description of lands applied for.* Application under the act may be made for surveyed or unsurveyed lands. If unsurveyed, the description must be sufficiently complete to identify the location, boundary, and area of the land and, if possible, the approximate description or location of the land by section, township, and range. If unsurveyed land is claimed, final action will be suspended until the plat of survey has been officially filed.

(c) *Presentation and verification of factual statements.* (1) Information relating to all record and nonrecord conveyances, or to nonrecord claims of title, affecting the land shall be itemized on a form approved by the Director. The statements of record conveyances must be certified by the proper county official or by an abstractor. The applicant may be called upon to submit documentary or other evidence relating to conveyances or claims. Abstracts of title or other documents which are so requested will be returned to the applicant.

(2) Applicants for claims of class 2 must itemize all information relating to tax levies and payments on the land on a form approved by the Director which must be certified by the proper county official or by an abstractor.

§ 2214.1–4 Patents.

(a) Any applicant who satisfied all requirements for a claim of class 1 or class 2 commencing not later than January 1, 1901, to the date of aplication and who so requests in the application will receive a patent conveying title to all other minerals except:

(1) Any minerals which, at the time of approval of the application, are embraced by an outstanding mineral lease or

(2) Any minerals for which the lands have been placed in a mineral withdrawal.

All other patents will reserve all minerals to the United States.

(b) All mineral reservations will include the right to prospect for, mine, and remove the same in accordance with applicable law.

(c) The maximum area for which patent may be issued for any claim under the act is 160 acres. Where an area held under a claim or color of title is in excess of 160 acres, the Secretary has authority under the act to determine what particular subdivisions not exceeding 160 acres, may be patented.

§ 2214.1–5 Price of land; payment.

(a) *Price of land.* The land applied for will be appraised on the basis of its fair market value at the time of appraisal. However, in determination of the price payable by the applicant, value resulting from improvements or development by the applicant or his predecessors in interest will be deducted from the appraised price, and consideration will be given to the equities of the applicant. In no case will the land be sold for less than $1.25 per acre.

(b) *Payment.* Applicant will be required to make payment of the sale price of the land within the time stated in the request for payment.

§ 2214.1–6 Publication; protests.

(a) The applicant will be required to publish once a week for four consecutive weeks in accordance with § 1824.4 of this chapter, at his expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file in the office specified in § 2214.1–3(a) their objections to the issuance of patent under the application. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service.

(b) The applicant must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 2214.2 Color of title claims, New Mexico, contiguous to Spanish or Mexican grants.

§ 2214.2–1 Application.

(a) *Where filed; purchase price required.* Applications under the act of February 23, 1932 must be filed with the manager of the land office at Santa Fe, New Mexico, and should be accompanied by payment of the purchase price of the land applied for at the rate of $1.25 per acre.

(b) *Form.* No special form of application is provided. The application should be in typewritten form or in legible handwriting and must be corroborated by at least two disinterested persons having actual knowledge of the facts alleged therein.

(c) *Contents of application.* Applicants desiring to take advantage of the benefits of the act of February 23, 1932, must show the following matters in their applications:

(1) Full name and post-office address of the applicant and whether married or single.

(2) Description of the land for which patent is desired. If surveyed, the land should be described by legal subdivision, section, township, and range. If unsurveyed, the land should be described by metes and bounds.

(3) That the land applied for is contiguous to a Spanish or Mexican land grant. The grant should be identified by name, number, patentee or description of land involved. The points or places at which the land applied for is contiguous to the Spanish or Mexican land grant, must be clearly shown.

(4) That possession of the lands applied for has been maintained for more than 20 years under claim or color of title. If the applicant is claiming as a record owner, he or she will be required to file an abstract of title, certified to by a competent abstractor, showing the record of all conveyances of the land up to the date of the filing of the application. If the applicant is not a record owner and no abstract of title can be furnished, statements must be filed, setting forth the names of all mesne possessors of the land, the periods held by each, giving the dates and manner of acquiring possession of the land, and the acts of dominion exercised over the land by each possessor.

(5) That the lands have been held in good faith and in peaceful, adverse possession. The applicant should show whether or not he and his predecessors in interest have paid taxes on the lands and for what periods of time, and whether any consideration was paid for any conveyances of the land. It should further be shown whether there is any person who is claiming the land adversely to the applicant, and if there be such, the name and address of such adverse claimant should be furnished.

(6) Whether or not valuable improvements have been erected upon the land applied for and whether or not any part of such land has been reduced to cultivation. If improvements have been made, the nature, the value, the exact location, and the time of erection thereof, should be fully disclosed together with the identity of the one who was responsible for erecting such improvements. If any of the land has been reduced to cultivation, the subdivision so claimed to have been reduced must be identified and the amount and nature of the cultivation must be set forth, together with the dates thereof.

§ 2214.2–2 Evidence required.

(a) *Citizenship.* The applicant must furnish a statement showing whether such applicant is a native-born or naturalized citizen of the United States. In the event an applicant is a naturalized citizen, the statement should show the date of the alleged naturalization or declaration of intention, the title and location of the court in which instituted, and when available, the number of the document in question, if the proceeding has been had since September 26, 1906. In addition, in cases of naturalization prior to September 27, 1906, there should be given the date and place of the applicant's birth and the foreign country of which the applicant was a citizen or subject. In case the applicant is a corporation, a certified copy of the articles of incorporation should be filed.

(b) *Acreage claimed.* The applicant in the statement required under paragraph (a) of this section must show that the land claimed is not a part of a claim which embraced more than 160 acres on February 23, 1932. If the land claimed is part of a claim containing more than 160 acres, a full disclosure of all facts concerning the larger claim must be furnished.

§ 2214.2–3 Publication and posting of notice.

(a) If upon consideration of the application it is determined that the applicant is entitled to purchase the land applied for, the applicant will be required to publish notice of the application in a newspaper of general circulation in the county wherein the land applied for is situated. Notice for publication shall be issued in the following form:

Land Office,
Santa Fe, New Mexico.

Notice is hereby given that _____
(Name of applicant)
of _____, has filed applica-
(Address)
tion _____
(Number and land office)
under the act of February 23, 1932 (47 Stat. 53), to purchase _____
(Land)
Sec. ____, T. ____, R. ____, _____ Mer.,
claiming under _____
(Ground of claim)

The purpose of this notice is to allow all persons having bona fide objection to the proposed purchase, an opportunity to file their protests in this office on or before _____
(Date)

_____
(Manager)

(b) The notice shall be published at the expense of the applicant and such publication shall be made once each week for a period of five consecutive weeks. A copy of the notice will be posted in the land office during the entire period of publication. The applicant must file evidence showing that publication has been had for the required time, which evidence must consist of the statement of the publisher, accompanied by a copy of the notice as published.

§ 2214.2–4 Final certificate.

(a) Upon submission of satisfactory proof of publication and the expiration of the time allowed for the filing of objections against the application, if there be no protest, contest or other objection against the application, final certificate will then be issued by the manager.

(b) There will be incorporated in patents issued on applications under the above act, the following:

Excepting and reserving, however, to the United States, the coal and all other minerals in the land so patented, together with the right of the United States or its permittees, lessees, or grantees, to enter upon said lands for the purpose of prospecting for and mining such deposits as provided for under the act of February 23, 1932 (47 Stat. 53).

§ 2214.3 Erroneously meandered lands, Arkansas.

§ 2214.3–1 Applications.

(a) Applications to purchase under the act of September 21, 1922, must be signed by the applicant in the State of Arkansas. Such applications had to be filed within 90 days from the date of the passage of this act, if the lands had been surveyed and plats filed, otherwise they must be filed within 90 days from the filing of such plats. The applicant must show that he is either a native-born or naturalized citizen of the United States, and, if naturalized, file record evidence thereof; must describe the land which he desires to purchase, together with the land claimed as the basis of his preference right to the lands applied for if he applies as a riparian owner, or if claiming otherwise, under what color of title his claim is based, and that the applied-for lands are not lawfully appropriated by a qualified settler or entryman under the public land laws, nor in the legal possession of any adverse applicant; the kind, character, and value of the improvements on the land covered by the application; when they were placed thereon; the extent of the cultivation had, if any, and how long continued. This application must be supported by the statements of two persons having personal knowledge of the facts alleged in the application.

(b) All applications to purchase under the act must be accompanied by an application service fee of $10 which will not be returnable.

§ 2214.3–2 Appraisal of land.

When an application is received it will be assigned for investigation and appraisement of the land in accordance with the provisions of the act of September 21, 1922.

§ 2214.3–3 Purchase price required.

If upon consideration of the application it shall be determined that the applicant is entitled to purchase the lands applied for, the applicant will be notified by registered mail that he must within 30 days from service of notice deposit the appraised price, or thereafter, and without further notice, forfeit all rights under his application.

§ 2214.3–4 Publication and posting.

Upon payment of the appraised price a notice of publication will be issued. Such notice shall be published at the expense of the applicant in a designated newspaper of general circulation in the vicinity of the lands once a week for five consecutive weeks immediately prior to the date of sale, but a sufficient time should elaspe between the date of last publication and date of sale to enable the statement of the publisher to be filed. The notice will advise all persons claiming adversely to the applicant that they should file any objections or protests against the allowance of the application within the period of publication, otherwise the application may be allowed. Any objections or protests must be corroborated, and a copy thereof served upon the applicant. The Bureau of Land Management will cause a notice similar to the notice for publication to be posted in such office, during the entire period of publication. The publisher of the newspaper must file in the Bureau of Land Management prior to the date fixed by the sale evidence that publication has been had for the required period, which evidence must consist of the statement of the publisher, accompanied by a copy of the notice published.

§ 2214.3–5 Final certificate.

Upon submission of satisfactory proof, if no protest or contest is pending, final certificate will be issued.

§ 2214.4 Erroneously meandered lands, Louisiana.

§ 2214.4–1 Applications.

(a) Applications to purchase under the act of February 19, 1925, must be signed by the applicant in the State of Louisiana. Such applications had to be filed within 90 days from the passage of this act, if the lands had been surveyed and plats filed, otherwise they must be filed within 90 days from the filing of such plat. The applicant must show that he is either a native-born or a naturalized citizen of the United States, and, if naturalized, file record evidence thereof; must describe the land which he desires to purchase, together with the land claimed as the basis of his preference right to the lands applied for if he applies as a riparian owner, or if claiming otherwise, under what color of the title his claim is based; in other words, a complete history of the claim, and that the lands applied for are not lawfully appropriated by a qualified settler or entryman under the public land laws, nor in the legal possession of any adverse applicant; the kind, character, and value of the improvements on the land covered by the application; when they were placed thereon; the extent of the cultivation, if any, and how long continued. Such application must be supported by the statement of at least two persons having personal knowledge of the facts alleged in the application.

(b) All applications to purchase under the act must be accompanied by an application service fee of $10 which will not be returnable.

§ 2214.4–2 Appraisal of land.

When an application is received it will be assigned for investigation and appraisement of the land in accordance with the provisions of the act.

§ 2214.4–3 Notice to deposit purchase price.

If, upon consideration of the application, it shall be determined that the applicant is entitled to purchase the lands applied for, the applicant will be notified, by registered mail, that he must within 6 months from receipt of notice deposit the appraised price of the land or else forfeit all his rights under his application.

§ 2214.4–4 Publication and posting.

Upon payment of the appraised price of the land the Bureau will issue notice of publication. Such notice shall be published at the expense of the applicant in a designated newspaper of general circulation in the vicinity of the lands, once a week for five consecutive weeks, in accordance with § 1824.4 of this chapter, immediately prior to the date of sale, but a sufficient time shall elapse between the date of the last publication and the date of sale to enable the statement of the publisher to be filed. The notice will advise all persons claiming adversely to the applicant that they should file any objections or protests against the allowance of the application within the period of publication, otherwise the application may be allowed.

Any objections or protests must be corroborated, and a copy thereof served upon the applicant. The Bureau will also cause a copy of such notice of publication to be posted in such office during the entire period of publication. The applicant must file in the Bureau prior to the date fixed for the sale evidence that publication has been had for the required period, which evidence must consist of the statement of the publisher accompanied by a copy of the notice so published.

§ 2214.4–5 Final certificate.

Upon the submission of satisfactory proof, the Bureau will, if no protest or contest is pending, issue final certificate, such certificate to contain a stipulation that all the minerals in the lands described in the application are reserved to the United States with the right to prospect for, mine and remove same.

§ 2214.5 Erroneously meandered lands, Wisconsin.

§ 2214.5–1 Qualifications of applicants.

(a) To qualify under the act of 1954, a person, or his predecessors in interest, (1) must have been issued, prior to January 21, 1953, a patent for lands lying along the meander line as originally determined, and (2) must have held in good faith and in peaceful, adverse possession since the date of issuance of said patent adjoining public lands lying between the original meander line and the resurveyed meander line.

(b) To qualify under the act of 1925, a person must either (1) be the owner in good faith of land, acquired prior to February 27, 1925, shown by the official public land surveys to be bounded in whole or in part by such public lands or (2) be a citizen of the United States who, in good faith under color of title or claiming as a riparian owner, had, prior to February 27, 1925, placed valuable improvements upon or reduced to cultivation any of such public lands.

§ 2214.5–2 Applications.

(a) Claimants under the act of 1925 have a preferred right of application for a period of 90 days from the date of filing of the plat of survey of lands claimed by them. Applications for public lands under the act of 1954 must be filed within one year after August 24, 1954, or one year from the date of the official plat or resurvey, whichever is later. All applications must be filed in duplicate with the Bureau of Land Management, Washington 25, D.C.

(b) Every application must be accompanied by a filing fee of $10, which is not returnable.

(c) No particular form is required but the applications must be typewritten or in legible handwriting and must contain the following information:

(1) The name and post office address of the applicant.

(2) The legal description and acreage of the public lands claimed or desired.

(3) The legal description of the lands owned by the applicant, if any, adjoining the public lands claimed or desired. If the claim is based on ownership of such adjoining lands, the application must be accompanied by a certificate from the proper county official or by an abstractor, showing the date of acquisition of the lands by the applicant and that the applicant owns the lands in fee simple as of the date of application.

(4) If the applicant is a color-of-title applicant under the act of 1925, a statement whether or not the applicant is a citizen of the United States.

(5) If the application is based on color of title or riparian claim under the act of 1925, a statement fully disclosing the facts of the matter; or if the application is based on peaceful, adverse possession under the act of 1954, a similar statement showing peaceful, adverse possession by the applicant, or his predecessors in interest, since the issuance of the patent to the lands adjoining the claimed lands.

(6) A statement showing the improvements, if any, placed on the public lands applied for including their location, nature, present value, date of installation, and the names of the person or persons who installed them.

(7) A statement showing the cultivation, if any, of the lands applied for, including the nature, location, and dates of such cultivation.

(8) The names and post office addresses of any adverse claimants, settlers, or occupants of the public lands applied for or claimed.

(9) The names and post office addresses of at least two disinterested persons having knowledge of the facts relating to the applicant's claim.

(10) A citation of the act under which the application is made.

§ 2214.5–3 Publication and protests.

(a) The applicant will be required to publish once a week for five consecutive weeks in accordance with § 1824.4 of this chapter, at his expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file with the Bureau of Land Management, Washington, D.C., their objections to issuance of patent under the application. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service.

(b) The applicant must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 2214.5–4 Price of land; other conditions.

(a) Persons entitled to a patent under the act of 1954 must, within 30 days after request therefor, pay, under the same terms and conditions, the same price per acre as was paid for the land included in their original patent.

(b) Persons entitled to a patent under the act of 1925, within 30 days after request therefor, must pay the appraised price of the lands, which price will be the value of the lands as of the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands for agricultural purposes by the applicant or his predecessors in interest but inclusive of the stumpage value of any timber cut or removed by them.

§ 2214.6 Snake River, Idaho, omitted lands.

§ 2214.6–1 Offers of lands for sale.

Before any lands may be sold under the Act, the authorized officer of the Bureau of Land Management shall publish in the FEDERAL REGISTER and in at least one newspaper of general circulation within the State of Idaho a notice that the lands will be offered for sale, which notice shall specify a period of time not less than 30 days in duration during which citizens may file with the land office at Boise, Idaho, a notice of their intention to apply to purchase all or part of the lands as qualified preference-right claimants.

§ 2214.6–2 Applications for purchase.

(a) All citizens who file a notice of intention in accordance with § 2214.6–1 within the time period specified in the published notice or any amendment thereof will be granted by the authorized officer a period of time not less than 30 days in duration in which to file, in duplicate with the Manager of the Boise Land Office, their applications to purchase lands as preference-right claimants.

(b) Every application must be accompanied by a filing fee of $10, which is not returnable.

(c) No particular form is required but the applications must be typewritten or in legible handwriting and must contain the following information:

(1) The name and post office address of the claimant.

(2) The description and acreage of the public lands claimed or desired.

(3) The description of the lands owned by the applicant, if any, adjoining the public lands claimed or desired, accompanied by a certificate from the proper county official or by an abstractor or by an attorney showing the date of acquisition of the lands by the applicant and that the applicant owns the lands in fee simple as of the date of application.

(4) A statement showing that the claimant is a citizen of the United States, as defined in subparagraph (4) of § 2214.0–3(f).

(5) A statement giving the basis for color of title or claim of riparian ownership.

(6) A statement showing the improvements, if any, placed on the public lands applied for including their location, nature, present value, date of installation, and the names of the person or persons who installed them.

(7) A statement showing the cultivation and occupancy, if any, of the lands applied for, including the nature, location, and date of such cultivation and occupancy.

(8) The names and post office addresses of any adverse claimants, settlers, or occupants of the public lands claimed.

(9) The names and addresses of at least two disinterested persons having

knowledge of the facts relating to the applicant's claim.

(10) A citation of the act under which the application is made.

§ 2214.6–3 Payment and publication.

(a) Before lands may be sold to a qualified preference-right claimant, the claimant will be required to pay the purchase price of the lands and will be required to publish once a week for four consecutive weeks, at his expense, in a designated newspaper and in a designated form, a notice allowing all persons having objections to file with the Manager of the Land Office at Boise, Idaho, their objections to issuance of patent to the claimant. A protestant must serve on the claimant a copy of the objections and must furnish the Manager with evidence of such service.

(b) Among other things, the notice will describe the lands to be patented, state the purchase price for the lands, and the reservations, if any, to be included in the patent to preserve public recreational values in the lands.

(c) The claimant must file a statement of the publisher, acompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 2214.6–4 Public auctions.

(a) The authorized officer may sell under the Act at public auction any lands for which preference-claimants do not qualify for patents under the regulations of §§ 2214.0–3(f) and 2214.6.

(b) Lands will be sold under this section at not less than their appraised fair market value at the time and place and in the manner specified by the authorized officer in a public notice of the sale.

(c) Bids may be made by the principal or his agent, either personally at the sale or by mail.

(d) A bid sent by mail must be received at the place and within the time specified in the public notice. Each such bid must clearly state (1) the name and address of the bidder and (2) the specified tract, as described in the notice for which the bid is made. The envelope must be noted as required by the notice.

(e) Each bid by mail must be accompanied by certified or cashier's check, post office money order or bank draft for the amount of the bid.

(f) The person who submits the highest bid for each tract at the close of bidding, but not less than the minimum price, will be declared the purchaser.

Subpart 2215—Mining Claim Occupancy Act

AUTHORITY: The provisions of this Subpart 2215 issued under Act of October 23, 1962 (70 Stat. 1127) and 43 U.S.C. 2, 1201, 1371.

§ 2215.0–2 Objectives.

(a) The program of the Secretary of the Interior in the administration of the Act is to grant to qualified applicants maximum tenure consistent with the public interest in the lands which they occupy. Where the public interest does not permit sale of a fee simple interest, the period of tenure granted will ordinarily not terminate until the land is needed for a public program, provided that, where paragraph (b) of § 2215.0–3 is applicable, tenure shall also be consistent with the terms and conditions specified by the agency or department in aid of whose function the lands are used. The right to purchase an alternate tract will ordinarily be granted a qualified applicant where the consent mentioned in paragraph (b) of § 2215.0–3 is required but not given and the other requirements of that paragraph are satisfied.

(b) In determining the price for the interest to be conveyed under the Act, the Secretary of the Interior will weigh and evaluate the equities claimed by the applicant and will also give consideration to other equities which his investigation may reveal.

§ 2215.0–3 Authority.

(a) The Act of October 23, 1962 (76 Stat. 1127), hereinafter referred to as "the Act", authorizes the Secretary of the Interior, in his discretion, to convey to any qualified applicant who is an occupant of an unpatented mining claim which is determined by the Secretary to be invalid, an interest, up to and including a fee simple, in and to an area within the claim of not more than (1) five acres, or (2) the acreage actually occupied by him, whichever is less. The Act permits the Secretary to make a like conveyance to any occupant of an unpatented mining claim who, after notice from a qualified officer of the United States that the claim is believed to be invalid, relinquishes to the United States all right in and to such claim which he may have under the mining laws. Such conveyances may be made only to a qualified applicant who applies therefor within 5 years from October 23, 1962, and upon payment of an amount established in accordance with the Act.

(b) The Act further provides that when the qualified applicant applies for lands which have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may convey an interest therein only with the consent of the head of the governmental unit concerned and under such terms and conditions as said head may deem necessary. Where such consent is not given, the Act permits the Secretary, after arrangements satisfactory to the Secretary have been made for termination of the applicant's occupancy of his unpatented mining claim and for settlement of any liability for the unauthorized use thereof which may have been incurred, to grant the applicant a right to purchase, for residential use, an interest in another tract made available by him for sale under the Act (1) from unappropriated and unreserved lands of the United States or (2) from lands subject to classification under section 7 of the Taylor Grazing Act (48 Stat. 1272, 43 U.S.C. 315f), as amended, said right to expire within 5 years from the date on which it is granted, unless sooner exercised.

(c) The Act requires the Secretary, prior to any conveyance under the Act, to determine the fair market value, as of the date of appraisal, of the interest to be conveyed exclusive of the value of any improvements placed on the lands by the applicant or his predecessors in interest. It also requires him, in establishing the purchase price to be paid by the applicant, to take into consideration any equities of the applicant and his predecessors in interest, including conditions of prior use and occupancy, the price never to exceed its fair market value nor to be less than $5 per acre and to be payable, in the discretion of the Secretary, in a lump sum or in installments.

(d) The Act provides that all conveyances thereunder shall reserve to the United States all mineral interests of the United States in the lands conveyed for the term of the estate. It withdraws from all forms of entry and appropriation, for the term of the estate conveyed, reserve minerals locatable under the mining laws or disposable under the Act of July 31, 1947 (61 Stat. 681, 30 U.S.C. 601–604, as amended). It permits the Secretary to lease, under the mineral leasing laws, reserved oil, gas, and other leasable minerals for exploration and development purposes, but without the right of surface ingress or egress.

(e) The Act provides that the execution of any conveyance thereunder does not relieve an applicant of any liability, existing on the date of the conveyance, to the United States, for unauthorized use of the land in and to which an interest is granted. However, it provides that, with respect to persons who file applications for conveyance pursuant to the Act within 5 years of October 23, 1962, trespass charges shall not be sought or collected from any qualified applicant who has filed an application for land in the mining claim pursuant to the Act, based upon occupancy of such claim, whether residential or otherwise, for any period preceding the final administrative determination of the invalidity of the mining claim by the Secretary or the voluntary relinquishment of the mining claim, whichever occurs earlier, provided that the mining claim embracing the land applied for was not located at a time when the land included therein was withdrawn or otherwise not subject to location.

(f) The Act provides that any conveyance of less than a fee made under the Act shall include provision for removal from the tract of any improvements or other property of the applicant at the close of the period for which the conveyance is made, or if it be an interest terminating on the death of the applicant, within one year thereafter.

§ 2215.0–5 Definitions.

As used in the Act and the regulations of this part:

(a) The term "qualified applicant" means (1) a residential occupant-owner, as of October 23, 1962, of valuable improvements in an unpatented mining claim which constitute for him a principal place of residence and which he and his predecessors in interest were in possession of for not less than seven years prior to July 23, 1962 or (2) the

heirs or devisees of such a residential occupant-owner.

(b) The term "occupant-owner" refers to persons who, on October 23, 1962, claimed title to valuable improvements which they or their predecessors in interest have constructed on an unpatented mining claim even though title to the improvements might ultimately be found to be in the Government.

(c) The term "interest" includes any estate in lands, including, but not limited to, fee simple, life estate, estate for a term of years, lease, or permit.

(d) The term "a principal place of residence" means an improved site used by a qualified applicant as one of his principal places of residence except during periods when weather and topography may make it impracticable for use. The term does not mean a site given casual or intermittent residential use, such as for a hunting cabin or for weekend occupancy.

(e) The term "qualified officer of the United States" means the Secretary of the Interior or his designate within the Department of the Interior or, with respect to lands within the administrative jurisdiction of any other department or agency, the designate of the head of that department or agency under authority delegated to him by the Secretary of the Interior.

(f) The word "equities" is intended to include for consideration such things as the pecuniary situation of the applicant, his ability to pay, whether he previously paid market value for the property, the date when the mining claim was first staked, whether there are substantial reasons to believe that a concerted effort was made to develop and extract the minerals sought as compared to a casual attempt, whether such minerals were actually extracted and the deposit depleted, and whether the applicant was relying on custom in his occupancy. The word "equities" does not include any payments of real property taxes, public benefit assessments, or any other public service charges.

§ 2215.1 Petitions.

Any person who holds a mining claim which has not been invalidated and who wishes to determine whether he should make application under the Act, may petition, in writing, any qualified officer of the United States to state whether or not he believes the claim to be invalid. The petition must be accompanied by a nonrefundable petition service fee of $5. Such a petition will not be considered an admission of the invalidity of a claim. The petition should include the name and post office address of the claimant, the name, location and legal description of the mining claim or references sufficient to identify the land on the ground, the date of the location, date and place of recordation and claim of title, a description, including dates, of improvements placed on the lands, and a request for a statement of belief as to the invalidity of the claim.

§ 2215.2 Applications.

(a) Applicants must file applications on or before October 23, 1967, in the proper land office in the State in which the lands are located, or if the lands are in a State in which there is no land office, with the Bureau of Land Management, Washington 25, D.C., except that applications for lands in North Dakota or South Dakota must be filed in the land office at Billings, Montana; applications for lands in Nebraska must be filed in the land office at Cheyenne, Wyoming.

(b) A filing fee of $10 which is not returnable is required, and should accompany the application.

(c) No particular form of application is required but the application must be typewritten or in legible handwriting and should contain the following information:

(1) Name and post office address of the applicant.

(2) Location of the mining claim by legal or other description sufficient to permit ready, accurate identification of the lands on the ground.

(3) Date of location of mining claim, name of claim, date and place of recordation, and chain of title.

(4) A description of the improvements placed upon the lands involved, and a statement showing that a residence had been on the claim since prior to July 23, 1955.

(5) A statement as to ownership and possession of the improvements during the period beginning with July 23, 1955, through October 23, 1962, including the name or names of any predecessors in interest during said period.

(6) Reference to the Act of October 23, 1962 (76 Stat. 1127).

(7) The date the mining claim was determined to be invalid or the date the claim was relinquished to the United States.

(8) A statement of the interest in lands which the applicant desires, such as "fee title," "lease," or "life estate."

(9) A statement of any equities which the applicant feels should be considered in establishing the purchase price.

(10) A description of the lands, not to exceed 5 acres, claimed to be actually occupied.

§ 2215.3 Offers to convey an interest in the lands applied for.

Where the authorized officer determines that an interest in the lands applied for can be conveyed, he will submit to the applicant an offer to convey, specifying the term of the estate offered, the conditions precedent which must be met before conveyance may be made, the limitations and reservations to be contained in the conveyance, the price to be paid, the cost of survey, if any, the conditions subsequent to be performed by the applicant, and the time within which the offer must be accepted. (See § 2215.0–3.)

§ 2215.4 Offers of alternate tracts.

(a) Where the authorized officer determines that an interest in the lands sought cannot be conveyed, he will so notify the applicant, giving his reasons therefor.

(b) Where the authorized officer determines that the conveyance of an interest in lands is otherwise justified but that the interests cannot be conveyed because the consent mentioned in paragraph (b) of § 2215.0–3 is not given, and he determines further that it would be proper to grant the applicant the right to select an alternate tract under the Act, he will advise that if satisfactory arrangements are made for termination of the occupancy of the unpatented mining claims and for settlement of any liability for unauthorized use thereof which may have been incurred, he will grant the applicant the right to select and purchase within 5 years an alternate tract from lands available or to be made available under the Act. The first applicant to select an available tract will have a preference right to purchase it at the price and under the terms set by the authorized officer, including a limitation on the time within which the applicant may purchase the tract selected.

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Subpart 2221—Scrip

AUTHORITY: The provisions of this Subpart 2221 issued under R.S. 2478; 43 U.S.C. 1201.

§ 2221.1 Recordation.

§ 2221.1–1 Statutory requirements.

(a) The act of August 5, 1955 (69 Stat. 534, 535), requires that any owner of, or any person claiming rights to, the scrip, lieu selection, and similar rights described in paragraph (b) of this section must present his holdings or claim for recordation by the Department of the Interior. The act further provides that claims or holdings not presented for recordation as required by the act will not thereafter be accepted by the Department of the Interior for recordation or as a basis for the acquisition of lands.

(b) The types of scrip, lieu selections and similar rights to which the act applies include the following, with the stated exception: Valentine scrip issued under the act of April 5, 1872 (17 Stat. 649); Sioux Half-Breed scrip issued under the act of July 17, 1854 (10 Stat. 304); Supreme Court scrip issued under the act of June 22, 1860 (12 Stat. 85), March 2, 1867 (14 Stat. 544) and June 10, 1872 (17 Stat. 378); Surveyor-General scrip issued under the act of June 2, 1858 (11 Stat. 294); soldiers' additional homestead right granted by sections 2306 and 2307 of the Revised Statutes; forest lieu selection right assertable under the act of March 3, 1905 (33 Stat. 1264); lieu selection right conferred by the act of July 1, 1898 (30 Stat. 597); bounty land warrant issued under the act of March 3, 1855 (10 Stat. 701); and any lieu selection or scrip right or bounty land warrant, or right in the nature of scrip issued under any act of Congress not enumerated above except indemnity selection rights of any State.

§ 2221.1–2 Time limit.

The act requires owners of, and persons claiming rights to, any scrip, lieu selection, or similar rights described in § 2221.1–1 to present their claims or holdings for recordation within two years from August 5, 1955, with the following exceptions:

(a) Persons who, by transfer (by assignment, inheritance, operation of law, or otherwise) become owners of, or claimants of rights to, any such rights which have been recorded under the act must present their claims or holdings for recordation within six months after such transfer.

(b) Persons who, by transfer within the said period of two years from August 5, 1955, become owners of, or claimants of rights to, any such rights which have not been recorded under this act, must present their claims or holdings for recordation during the remainder of the said period of two years from August 5, 1955, or within six months from the date of such transfer, whichever period is longer.

§ 2221.1–3 How to secure recordation.

Persons who desire to record their holdings or claims under the act must present the following to the Director, Bureau of Land Management, Washington 25, D.C., within the time periods prescribed in § 2221.1–2.

(a) A statement, in duplicate, captioned "Application for Recordation of Scrip, Lieu Selection, or Similar Rights under the act of August 5, 1955 (69 Stat. 534)," containing the (1) name and full post-office address of the applicant, (2) names and full post-office addresses of all the owners or claimants of the right presented for recordation, (3) the type of scrip or right presented (see § 2221.1–1), and (4) the acreage of such scrip or right.

(b) The scrip, warrant, or other document which evidences their right, providing their right is based on such a document.

(c) A statement, in duplicate, showing the basis of their right, providing the right is not based on scrip, warrant, or other document.

§ 2221.1–4 Recordation and return of documents; significance of recordation.

Upon receipt of an application for recordation, the Director, Bureau of Land Management, will make a record of the holding or claim in the name of the owners or claimants cited in the application; will note the documentary evidence of right submitted (or one copy of the statement showing the basis of the right, if there be no documentary evidence) with the date and place of recording; and will return the evidence to the applicant. Such notation will constitute evidence merely that the holding or claim was recorded under the act and will otherwise have no bearing, one way or another, on the validity of the claim.

§ 2221.2 Procedures to locate scrip.

§ 2221.2–1 Application; fees.

(a) Applications to locate scrip, warrants, certificates, soldiers' additional rights or to make lieu selections of public lands outside of Alaska must be made on a form approved by the Director, properly executed, and must be accompanied by a petition for classification on a form approved by the Director. However, if the lands described in the application have been already classified and opened for acquisition with scrip, no petition is required. Applications to locate soldiers' additional homestead rights in Alaska must be made on a form approved by the Director, properly executed.

(b) All applications to locate scrip, warrants, certificates, or to make lieu selections must be accompanied by an application service fee of $10 which will not be returnable.

§ 2221.2–2 Notice.

(a) *When publication must begin.* Where classification of the land is required under section 7 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315f), publication of notice of location or selection should not be started until authorization is received from the authorized officer. Where classification is not required, the authorized officer will require the locator or selector, within 20 days from the filing of his location or selection, to begin publication of notice thereof, at his own expense, in a newspaper to be designated. Such publication must be made once a week for five consecutive weeks, in accordance with § 1824.4 of this chapter during which time a similar notice of the location or selection must be posted in the land office and upon the lands included in the location or selection, and upon each and every noncontiguous tract thereof.

(b) *Form.* The notice for publication must describe the land located or selected, give the date of location or selection, and state that the purpose thereof is to allow all persons claiming the land adversely, or desiring to show it to be mineral in character, an opportunity to file objection to such location or selection with the manager for the land office in which the land is situated, and to establish their interest therein, or the mineral character thereof.

(c) *Proof of publication and posting.* Proof of publication must consist of a statement of the publisher or of the foreman or other proper employee of the newspaper in which the notice was published, with a copy of the publication notice attached. Proof that the notice remained posted upon the land during the entire period of publication, must be made by the locator or selector or some credible person having personal knowledge of the fact. The manager will certify to the posting in his office. The first and last days of such publication and posting must in all cases be given.

(R.S. 2478, 43 U.S.C. 1201)

CROSS REFERENCE: For regulations relative to proofs, see Subpart 1824 of this chapter.

§ 2221.3 Soldiers' additional homestead rights.

§ 2221.3–1 Persons entitled to soldiers' additional homestead rights.

Any officer, soldier, seaman or marine who served for not less than 90 days in the Army or Navy of the United States during the Civil War, receiving an honorable discharge therefrom, and who, prior to June 22, 1874, the date of the adoption of the Revised Statutes, made a homestead entry for less than 160 acres, may, under section 2306, Revised Statutes (43 U.S.C. 274), enter an additional quantity of land which added to the previous entry will not aggregate more than 160 acres. This right was extended by section 2307, Revised Statutes (43 U.S.C. 278), to the widow, if unmarried, otherwise to the minor orphan children.

§ 2221.3–2 Transfers and assignments.

(a) *Right is both inheritable and assignable.* By the Supreme Court decision of November 16, 1925, in the case of Anderson v. Clune (269 U.S. 140, 70 L. ed. 200), it was held that the grant vests a property right in the donee, to which must be accorded the quality of inheritability as well as assignability and that such right, if not exercised or transferred by the donee, passes to his estate as other property, subject only to the exercise of the rights given by section 2307, Revised Statutes (43 U.S.C. 278), to the widow and minor orphan children.

(b) *Recertified rights.* (1) The transfer and assignment of soldiers' additional rights recertified to owners and bona fide purchasers under the act of August 18, 1894 (28 Stat. 397; 43 U.S.C. 276), may be written or printed upon a separate sheet or sheets of paper to be securely attached to the certificate.

(2) The assignments may be made in accordance with the forms printed in 30 L.D. 604, 605, or their substantial equivalents.

(3) Each assignment of a recertified right must be attested by two witnesses and duly acknowledged before some officer authorized to take acknowledgments of deeds in the county or district wherein the assignment is made, who shall certify that the assignor is well known to such officer, that he is the identical person to whom the soldier's additional right was recertified, and who executes the assignments thereof.

(c) *Assignment of undivided interests.* (1) If one claiming a portion of a soldier's additional right as the heir of a soldier furnishes convincing proof of his heirship, the names of the other heirs, and that there are no debts due by the estate of the soldier, his application to locate his portion of the rights, or an assignment thereof, will be recognized.

(2) A soldier's additional right not exercised (or assigned) by the soldier, nor by his widow during widowhood, in the absence of minor children, descends to those who are his heirs under the laws of the State of his domicile at the time of his death, and, in making proof of the undivided interest to be located or assigned, the applicant will be required to furnish evidence showing the succession in the same manner as in the case of estates generally.

§ 2221.3–3 Use of rights.

(a) *How right may be used.* The soldier's additional right may be used (1) by the soldier in his lifetime either directly by entering the land or indirectly, in his lifetime, by conveying his right to entry to an assignee; or (2) similarly, by the widow, while her status as widow of the soldier continues; or (3) similarly, by the minor orphan children, during their minority, acting through their lawful guardian. In case a soldier entitled to the right dies without exercising it, leaving no widow or minor orphan children, the right to entry vests in his personal representative as personal property. If the right passes to the soldier's widow and she remarry or die without exercising it, and there be no minor children of the soldier then surviving, the

right vests in the soldier's estate; but if the right passes to the minor children, it becomes absolute in them, in no way conditioned upon an appropriation by the guardian during their minority.

(b) *Residence and cultivation not required of entryman.* Residence and cultivation are not required in the location of soldiers' additional rights, either by the original beneficiary or by his assignee, no matter whether the original entry was perfected or abandoned.

(c) *Selection of land and application.* The owner of a soldier's additional right who desires to personally exercise the same must first select a tract of land and then file formal application therefor in the land office for the district in which the land desired is situated, accompanying the same with the evidence as to existence and ownership of the right as indicated in § 2221.3–4 if the land desired be located in Kansas, Michigan, Mississippi, or Wisconsin, or other public-land State in which there is no land office, the application and accompanying evidence must be filed in the Bureau of Land Management, Washington 25, D.C.

(d) *Forms prescribed for applications.* Separate forms approved by the Director must be used for public lands in Alaska and other public lands.

§ 2221.3–4 Determination of validity of right.

The Bureau of Land Management does not pass upon the question of whether or not an additional right exists in the absence of an application to locate the alleged right upon a specific tract of land which must be accompanied with a record of the military service, description of the entry made prior to June 22, 1874, competent evidence showing identity of the soldier with the entryman, that no subsequent entry has been made, and that the right has not been previously assigned. If the right is sought to be located by the assignee, appropriate evidence must be submitted showing that he is entitled thereto by assignment.

§ 2221.3–5 Action on applications.

(a) Where an application to locate soldiers' additional rights under sections 2306 and 2307, Revised Statutes (43 U.S.C. 274, 278), is held for rejection, and the applicant accepts the holding and files a substitute soldiers' additional right, such substitute right should be accompanied by the proper formal application duly executed. The substitution amounts to a waiver of all rights under the rejected application. Publication and posting must be made as required by § 2221.2–2, except in Alaska, where publication and posting must be made in accordance with section 10, Act of May 14, 1893 (30 Stat. 413; 48 U.S.C. 359), and § 2221.9–4(e). The above covers cases in which the entire right has been held to be invalid, and has no bearing whatever on the so-called "combination" cases. Where a part of a combination of rights is held to be invalid and new rights substituted therefor, a new application should not be filed.

(b) No such application should be received by the manager unless accompanied by evidence of the right, or by a reference to the case, by land office, serial number and description of the land, containing such evidence.

§ 2221.3–6 Certificates issued prior to August 18, 1894.

All certificates of right regularly issued by the General Land Office prior to August 18, 1894, showing that the parties named therein are entitled to make soldiers' additional homestead entries, are declared to be valid by the act of said date (28 Stat. 397; 43 U.S.C. 276), notwithstanding any attempted sale or transfer. The said act provides that, where such certificates had been or might thereafter be sold or transferred, the sale or transfer thereof shall not be regarded as invalidating the right, but the same shall be good and valid in the hands of bona fide purchasers for value, and that all entries made by such purchasers therewith shall be approved and patent shall issue in the name of the assignees. Before the approval of such entries for patent the transferee must file satisfactory proof of ownership and of bona fide purchase for value.

§ 2221.3–7 Allowance of application and issuance of final certificate.

A soldier's additional application does not segregate the land nor prohibit the filing of other applications for such land until after its allowance. The entry and final certificate should bear the same date. The manager, after collecting a service charge of $25, will issue final certificate.

§ 2221.3–8 Rule of approximation not permitted.

The rule of approximation will not be permitted in the location of soldiers' additional homestead rights whether in their entirety, partly, or in combination with other rights or parts thereof.

§ 2221.4 Valentine scrip.

(a) In receiving applications to file, or locate, scrip issued by the General Land Office (now the Bureau of Land Management) to Thomas B. Valentine, under the act of April 5, 1872 (17 Stat. 649), the manager will be governed by the following instructions:

(b) By the terms of the act, and by the face of the scrip itself, such scrip is applicable to any "unoccupied and unappropriated public lands of the United States not mineral."

(c) The scrip may be located by the said Thomas B. Valentine or his legal assignees.

(d) By the location of Valentine scrip upon a legal subdivision of the public land of less area than that called for by the scrip, the locator does not waive or surrender his right to the excess or unused portion thereof (31 L.D. 249).

(e) When application is made to file the said scrip upon unsurveyed land, a description by metes and bounds, together with a map or diagram of the tract applied for must be filed with the application. In such cases, the scrip, with the accompanying papers as aforesaid will be forwarded to the Bureau of Land Management. Within 3 months from the date of the receipt by the manager of the official plat of survey of the said township, the party who may have filed the said scrip will be required to designate upon the official plat the specific subdivision embraced in the said filing, whereupon the location thereof will be consummated. Should the applicant fail to so adjust within the specified 3 months, the manager will immediately thereafter proceed to adjust the filing.

§ 2221.8 Forest lieu selection rights.

(a) There are outstanding, certain rights known as "forest lieu selection rights," or scrip.

(b) Forest lieu selections were authorized by the act of June 4, 1897 (30 Stat. 36), which was amended by the act of June 6, 1900 (31 Stat. 614).

(c) The act of March 3, 1905 (33 Stat. 1264), repealed the acts mentioned but confirmed contracts which theretofore had been entered into by the Secretary of the Interior. The repealing act excepted from its operation valid selections then pending and provided that if any such selection should fail through no fault of the selector, a new selection might be made in lieu thereof.

(d) Regulations under the acts of June 4, 1897, and June 6, 1900, were approved July 7, 1902 (31 L.D. 372), and regulations under the act of March 3, 1905, were approved May 16, 1905 (33 L.D. 558). These regulations were not codified, in view of their limited application on June 1, 1938.

§ 2221.9 Alaska.

§ 2221.9–1 Soldiers' additional homestead entries.

(a) *Authority.* The laws authorizing entries in Alaska under sections 2306 and 2307, Revised Statutes (43 U.S.C. 274, 278), known as soldiers' additional homestead entries, are incorporated as a part of the general homestead laws which are applicable in the State.

(b) *Scrip which may and may not be located in Alaska.* No scrip or lieu rights can be located in Alaska except soldiers' additional homestead rights.

§ 2221.9–2 General information.

General information relative to soldiers' additional homestead rights is contained in this Subpart 2221 which contains information as to the inheritability and assignability of the rights.

§ 2221.9–3 Coal, oil, or gas lands.

Lands in soldiers' additional rights applications that may be valuable for coal, oil or gas deposits are subject to the regulations of § 2023.5.

Cross Reference: For homesteads on coal, oil and gas lands, see § 2023.5.

§ 2221.9–4 Procedures.

(a) *Application.*—(1) *Form of application.* Application to locate soldiers' additional rights in Alaska must be presented on a form approved by the Director. If presented by other than an assignee, the form may be appropriately modified.

(2) *Application by association or corporation.* An application by an association must show the qualifications of each member thereof, and an application by a corporation must be accompanied by proof of incorporation, established by the certificate of the officer having custody

of the records of incorporation at the place of its formation, and it must be shown that the corporation is authorized to hold land in Alaska.

(3) *Description of land in application.* If the land be surveyed, it must be described in the application according to the legal subdivisions of the public land surveys. If it be unsurveyed, the application must describe it by approximate latitude and longitude and otherwise with as much certainty as possible without actual survey.

(4) *Statement to accompany application.* An application on the prescribed form must be accompanied by a duly corroborated statement showing:

(i) That no portion of the lands occupied or reserved for any purpose by the United States or occupied or claimed by natives of Alaska; that the land is unoccupied, unimproved, and unappropriated by any person claiming the same other than the applicant.

(ii) That the land applied for does not extend more than 160 rods along the shore of any navigable water or that such restriction has been waived or should be waived. (§ 2024.2.) (Interprets or applies secs. 4, 5, 69 Stat. 444; 48 U.S.C. 462 note.)

(iii) That the land does not adjoin any inland or water-front location made with soldier's additional rights which, together with the land applied for, would constitute a single body of land exceeding 160 acres.

(iv) That the land is not included within an area which is reserved, because of springs thereon. All facts relative to medicinal or other springs must be stated, as set forth in § 2321.1–2(c).

(v) The facts as to all waters upon the land other than springs, whether creek, pond, lagoon, or lake, their source, depth, width, outlet and current (whether swift or sluggish) whether or not the same or any of them are navigable for skiffs, canoes, motor boats, launches, or other small water craft, and whether or not the same or any of them constitute a passageway for salmon or other merchantable seagoing fish to spawning grounds.

(vi) That no part of the land is valuable for coal, oil, gas or other valuable mineral deposits and that at the date of the application no part of the land was claimed under the mining law.

Cross References: See the following parts in this chapter. For homesteads § 2211.9 for Indian and Eskimo allotments § 2212.9 for mining claims, Subpart 3636 of this chapter for school indemnity selections, § 222.9 for shore space, Supart 2024 for trade and manufacuring sites, Subpare 2213.

(5) *Execution and filing of application.* The application must be executed in duplicate and it must be filed in the proper land office. It must be signed by the applicant, but need not be sworn to.

(b) *Evidence required.*—(1) *Validity and ownership of right.* The applicant must furnish evidence of the prima facie validity of the additional right and of his ownership thereof.

(2) *Unused portion of certificate or recertified certificate.* If the right used is a certificate or recertified certificate which exceeds the area of the land entered, evidence of the unused portion may be obtained by procuring a certified copy or photostat copy of the certificate bearing proper notation as to the amount used.

(c) *Area selected.* An applicant will not be permitted to select an area which is greater than the area of the additional right or rights tendered.

(d) *Survey.* (1) Upon receipt of an application under the provisions of section 2 of the act of April 13, 1926 (44 Stat. 244; 48 U.S.C. 336), the State Director will, if conditions make such procedure practicable and no objection is shown by his records, furnish the applicant with an estimate of the cost of field and office work, and upon receipt of the deposit required will issue appropriate instructions for the survey of the claim, such survey to be made not later than the next surveying season. The sum so deposited by the applicant for survey will be deemed an appropriation thereof and will be held to be expended in the payment of the cost of the survey, including field and office work, and upon the acceptance of the survey any excess over the cost shall be repaid to the depositor or his legal representative.

(2) In case it is decided that by reason of the inaccessibility of the locality embraced in an application for the survey, or by reason of other conditions, it will result to the advantage of the Government or claimant to have the survey executed by a deputy surveyor, the State Director will deliver an order to the applicant for such survey, which will be sufficient authority for any deputy surveyor to make a survey of the claim.

(3) In the latter contingency the survey must be made at the expense of the applicant, and no right will be recognized as initiated by such application unless actual work on the survey is begun and carried to completion without unnecessary delay.

(e) *Publication and posting.* After a special survey of the land has been made, and upon receipt of the plat and field notes thereof, the manager will notify the applicant that within 60 days the applicant must furnish evidence of publication and posting, and that if he fails to do so the application will be rejected and the survey canceled. The publication and posting will be required as follows:

(1) The notice will be prepared by the manager, containing the information required under § 1824.9–1 of this chapter and it must be published once a week for a period of nine consecutive weeks, in accordance with § 1824.4 of this chapter, at the expense of the applicant in a newspaper of established character and general circulation designated by the manager as being published nearest the land.

(2) The applicant must cause a copy of the plat showing the survey, together with a copy of the application, to be posted in a conspicuous place on the claim for 60 consecutive days during the period of publication.

(3) Where the land is located according to the public surveys, publication and posting will be required in accordance with §§ 2221.2–1 to 2221.2–2(c).

(f) *Adverse claim.* (1) In conformity with provision contained in section 10 of the act of May 14, 1898 (30 Stat. 413; 43 U.S.C. 359), during the period of posting and publication or within 30 days thereafter any person, corporation, or association having or asserting any adverse interest in or claim to the tract of land or any part thereof sought to be purchased may file in the land office where the application is pending, under oath, an adverse claim setting forth the nature and extent thereof; and such adverse claimant shall, within 60 days after the filing of such adverse claim, begin action to quiet title in a court of competent jurisdiction in Alaska, and thereafter no patent shall issue for such claim until the final adjudication of the rights of the parties, and such patent shall then be issued in conformity with the final decree of the court.

(2) Where such adverse claim is filed, action on the application will be suspended until final adjudication of the rights of the parties in the court or until it has been shown that the adverse claimant did not commence an action in the court within the time allowed.

(3) Any protest which may be filed which does not show that the protestant intends to commence an action to quiet title as stated and any contest which may be filed will be disposed of in accordance with Parts 1840 and 1850 of this chapter.

(g) *Proof of publication and posting.* The proof of publication must consist of the statement of the publisher or foreman of the designated newspaper, or some other employee authorized to act for the publisher, that the notice (a copy of which must be attached to the statement) was published for the required period in the regular and entire issue of every number of the paper during the period of publication in the newspaper proper, and not in a supplement. Proof of posting on the claim must consist of the statements of the applicant and one witness who of their own knowledge know that the plat of survey and application were posted as required and remained so posted during the required period. The manager must certify to the posting of the notice in a conspicuous place in his office during the period of publication.

(h) *Entry and final certificate.* The application and proof filed therewith will be carefully examined and, if all be found regular, the application will be allowed and final certificate issued upon the payment of a service charge of $25 and in the absence of objections shown by the records.

Subpart 2222—State Grants

Authority: The provisions of this Subpart 2222 issued under R.S. 2478; 43 U.S.C. 1201, except as noted following sections affected.

§ 2222.1 Indemnity selections.

§ 2222.1–1 Authority.

(a) Sections 2275 and 2276 of the Revised Statutes, as amended August 27, 1958, and September 14, 1960 (43 U.S.C. 851, 852), referred to in §§ 2222.1–1 to 2222.1–5 as "the law" authorize the public

land States except Alaska to select lands (or the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals, or any specified mineral or minerals, which interest is referred to in §§ 2222.1–1 to 2222.1–5 as the "mineral estate") of equal acreage within the boundaries as indemnity for grant lands in place lost to the States because of appropriation prior to survey or because of natural deficiencies resulting from such causes as fractional sections and fractional townships.

(b) The law provides that indemnity for lands lost because of natural deficiencies will be selected from the unappropriated, nonmineral, surveyed public lands, and that indemnity for lands lost because of appropriation prior to survey will be selected from the unappropriated, surveyed public lands subject to the following restrictions:

(1) No lands mineral in character may be selected except to the extent that the selection is made as indemnity for mineral lands.

(2) No lands on a known geologic structure of a producing oil or gas field may be selected except to the extent that the selection is made as indemnity for lands on such a structure.

(c) The law also provides that lands subject to a mineral lease or permit may be selected, but only if the lands are otherwise available for selection, and if none of the lands subject to that lease or permit are in producing or producible status. It permits the selection of lands withdrawn, classified, or reported as valuable for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, oil shale, sodium, and sulphur and lands withdrawn by Executive Order No. 5327 of April 15, 1930, if such lands are otherwise available for, and subject to, selection: *Provided*, That except where the base lands are mineral in character, such minerals are reserved to the United States in accordance with and subject to the regulations in Subpart 2023. Except for the withdrawals mentioned in this paragraph and for lands subject to classification under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315f), as amended, the law does not permit the selection of withdrawn or reserved lands.

(d) The law further provides that upon the revocation not later than 10 years after August 27, 1958, of any order of withdrawal, in whole or in part, the order or notice taking such action shall provide for a period of not less than six months before the date on which it otherwise becomes effective in which the State in which the lands are situated shall have a preferred right of application for selection under the law, except as against prior existing valid settlement and preference rights conferred by existing law or as against equitable claims subject to allowance and confirmation, and except where a revocation of an order of withdrawal is made in order to assist in a Federal land program.

(e) Subsection (b) of the section 2276 of the Revised Statutes, as amended, sets forth the principles of adjustment where selections are made to compensate for deficiencies of school lands in fractional townships.

§ 2222.1–2 Waiver of State preference right of application.

Where the proper selecting agent of the State files in writing in the appropriate land office a waiver of the preference provisions of paragraph (d) of § 2222.1–1 in connection with the proposed revocation of an order of withdrawal, the order or notice effecting such revocation will not provide for such preference.

§ 2222.1–3 Applications for selection.

(a) Applications for selection must be made on a form approved by the Director, and must be accompanied by a petition on a form approved by the Director properly executed. However, if the lands described in application have been already classified and opened for selection pursuant to the regulations of this part, no petition is required.

(b) Applications for selection under the law will be made by the proper selecting agent of the State and will be filed, in duplicate, in the proper land office in the State or for lands or mineral estate in a State in which there is no land office, will be filed in accordance with the provisions of § 1821.2 of this chapter.

(c) Applications must be accompanied by the following information:

(1) A reference to the act of August 27, 1958 (72 Stat. 928), as amended.

(2) A certificate by the selecting agent showing:

(i) All facts relative to medicinal or hot springs or other waters upon the selected lands.

(This provision does not apply insofar as the application involves the selection of the mineral estate.)

(ii) That indemnity has not been previously granted for the assigned base lands and that no other selection is pending for such assigned base.

(3) A statement describing the mineral or nonmineral character of each smallest legal subdivision of the base and selected lands or mineral estate.

(4) A certificate by the officer or officers charged with the care and disposal of school lands that no instrument purporting to convey, or in any way incumber, the title to any of the land used as base or bases, has been issued by the State or its agents.

(d) In addition to the requirements of paragraph (c) of this section, applications for selection must conform with the following rules:

(1) The selected and base lands must be described in accordance with the official plats of survey except that unsurveyed base lands will be described in terms of their probable legal description, if and when surveyed in accordance with the rectangular system of surveys.

(2) The selection in any one application must not exceed 640 acres.

(3) Separate base or bases must be assigned to each smallest legal subdivision of selected land or mineral estate and such base or bases must correspond in area with each subdivision. A portion of a smallest actual or probable legal subdivision may be assigned as base but such assignment is an election to take indemnity for the entire subdivision and is a waiver of the State's rights to such subdivision, except that any remaining balance may be used as base for future selections.

(4) The cause of loss of the base lands to the State must be specifically stated for each separate base.

(e) Applications for selection must be accompanied by a nonrefundable application service charge of $5.

§ 2222.1–4 Publication and protests.

(a) The State will be required to publish once a week for five consecutive weeks in accordance with § 1824.4 of this chapter, at its own expense, in a designated newspaper and in a designated

form, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of a certification to the State for lands selected under the law. A protestant must serve on the State a copy of the objections and furnish evidence of service to the appropriate land office.

(b) The State must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 2222.1–5 Certifications; mineral leases and permits.

(a) Certifications will be issued for all selections approved under the law by the authorized officer of the Bureau of Land Management.

(b) Where all the lands subject to a mineral lease or permit are certified to a State, or if, where the State has previously acquired title to a portion of the lands subject to a mineral lease or permit, the remaining lands in the lease or permit are certified to the State, the State shall succeed to the position of the United States thereunder. Where a portion of the lands subject to any mineral lease or permit are certified to a State, the United States shall retain for the duration of the lease or permit the mineral or minerals for which the lease or permit was issued.

§ 2222.2 Quantity and special grant selections.

§ 2222.2–1 Scope of regulations.

Sections 2222.2–1 to 2222.2–3 apply generally to quantity and special grants made to States other than Alaska.

§ 2222.2–2 Lands subject to selection.

Selections made in satisfaction of quantity and special grants can generally be made only from the vacant, unappropriated, nonmineral, surveyed public lands within the State to which the grant was made. If the lands are otherwise available for selection, the States may select lands which are withdrawn, classified, or reported as valuable for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, sodium, or sulphur, provided that the appropriate minerals are reserved to the United States in accordance with and subject to the regulations of Subpart 2023.

§ 2222.2–3 Applicable regulations.

The regulations in §§ 2222.1–3 to 2222.1–5 apply to quantity and special grants with the following exceptions and modifications:

(a) Sections 2222.1–5(b) and 2222.1–3 (c)(4); and §§ 2222.1–3(d) (3) and (4), and all references to base lands and to mineral estate do not apply.

(b) Section 2222.1–3(c)(1) is modified to require reference to the appropriate granting act; § 2222.1–3(c)(3) is modified to require a statement testifying to the nonmineral character of each smallest legal subdivision of the selected land; § 2222.1–3(d)(2) is modified to permit as much as 6,400 acres in a single selection; and § 2222.1–3(c)(2)(iii) is modified to require a certificate that the selection and those pending, together with those approved, do not exceed the total amount granted for the stated purpose of the grant.

§ 2222.3 School land grants to certain States extended to include mineral sections.

§ 2222.3–1 Beneficiary States; conditions under which grant becomes effective.

(a) The first paragraph of section 1 of the act approved January 25, 1927 (44 Stat. 1026; 43 U.S.C. 870), reads as follows:

> That, subject to the provisions of subsections (a), (b), and (c) of this section, the several grants to the States of numbered sections in place for the support or in aid of common or public schools be, and they are hereby, extended to embrace numbered school sections mineral in character, unless land has been granted to and/or selected by and certified or approved, to any such State or States as indemnity or in lieu of any land so granted by numbered sections.

(b) The beneficiaries of this grant are the States of Arizona, California, Colorado, Idaho, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The grant also extends to the unsurveyed school sections reserved, granted, and confirmed to the State of Florida by the act of Congress approved September 22, 1922 (42 Stat. 1017; 16 U.S.C. 483, 484).

(c) The additional grant thus made, subject to all the conditions in the statute making same, applies to school-section lands known to be of mineral character at the effective date thereof as hereinafter defined. It does not include school-section lands nonmineral in character, those not known to be mineral in character at time of grant, but afterwards found to contain mineral deposits, such lands not being excepted from the grants theretofore made (Wyoming et al. v. United States, 255 U.S. 489–500, 501, 65 L. ed. 742–748), nor does it include lands in numbered school sections in lieu of or as indemnity for which lands were conveyed to the States first above named, or to the State of Florida with respect to school-section lands coming within the purview of the act of September 22, 1922, prior to January 25, 1927.

(d) Determinations made prior to January 25, 1927, by the Secretary of the Interior or the Commissioner of the General Land Office to the effect that lands in school sections were excepted from school-land grants because of their known mineral character do not, of themselves, prevent or affect in any way the vesting of title in the States pursuant to the provisions of the statute making the additional grant.

(e) Subsection (a) of section 1 of the act provides:

> That the grant of numbered mineral sections under this Act shall be of the same effect as prior grants for the numbered nonmineral sections, and title to such numbered mineral sections shall vest in the States at the time and in the manner and be subject to all the rights of adverse parties recognized by existing law in the grants of numbered nonmineral sections.

§ 2222.3–2 Effective date of grant.

Grants to the States of school lands in place (the numbered sections), of the character and status subject thereto, as a rule, are effective and operate to vest title upon the date of the approval of the statute making the grant or the date of the admission of the State into the Union, as to lands then surveyed, and as to the lands thereafter surveyed upon the date of the acceptance of the survey thereof by the Director of the Bureau of Land Management. (United States v. Morrison, 240 U.S. 192, 60 L. ed. 599; United States v. Sweet, 245 U.S. 563, 62 L. ed. 473; Wyoming et al. v. United States, supra.) It is held, therefore, that the grant made by the first paragraph of section 1 of the act of January 25, 1927, subject to the provision therein with respect to indemnity or lieu lands, to the provisions of subsections (b) and (c) of said section 1 and following the plain provisions of subsection (a) thereof is effective upon the date of the approval of the act (January 25, 1927) as to lands then surveyed and the survey thereof accepted by the Director of the Bureau of Land Management and as to the unsurveyed school sections in the State of Florida granted to that State by the act of September 22, 1922. The grant, as to other lands thereafter surveyed, subject to the same provisions is effective upon the acceptance of the survey thereof as above indicated.

§ 2222.3–3 States not permitted to dispose of lands except with reservation of minerals.

(a) Subsection (b) of section 1 of the act of January 25, 1927, provides:

> That the additional grant made by this Act is upon the express condition that all sales, grants, deeds, or patents for any of the lands so granted shall be subject to and contain a reservation to the State of all the coal and other minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct, the proceeds of rentals and royalties therefrom to be utilized for the support or in aid of the common or public schools: *Provided*, That any lands or minerals disposed of contrary to the provisions of this Act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located.

(b) The lands granted to the States by the act of January 25, 1927, and the mineral deposits therein are to be disposed of by the States in the manner prescribed in subsection (b) thereof, provision being made for judicial forfeiture in case of disposal of any of the lands or minerals contrary to the provisions of the act.

§ 2222.3–4 Lands included in grant.

(a) Section 2 of the act of January 25, 1927 (44 Stat. 1027; 43 U.S.C. 871) reads as follows:

> SEC. 2. That nothing herein contained is intended or shall be held or construed to increase, diminish, or affect the rights of States under grants other than for the support of common or public schools by numbered school sections in place, and this Act shall not apply to indemnity or lieu selections or exchanges or the right hereafter to select indemnity for numbered school sections in place lost to the State under the provisions of this or other Acts, and all existing laws governing such grants and indemnity or lieu selections and exchanges are hereby continued in full force and effect.

(b) The only grants affected in any way by the provisions of the act of January 25, 1927, are those of numbered sections of land in place made to the States for the support of common or public schools. The adjudication of claims to land asserted under other grants, for indemnity or lieu lands and exchanges of lands, will proceed as theretofore, being governed by the provisions of existing laws applicable thereto. The States will be afforded full opportunity, however, if the facts and conditions are such as to authorize such action, either to assign new base in support of or to withdraw pending unapproved indemnity school land selections in support of which mineral school-section lands have been tendered as base.

§ 2222.3–5 Lands excluded from grant.

(a) Subsection (c) of section 1 of the act of January 25, 1927, provides:

> That any lands included within the limits of existing reservations of or by the United States, or specifically reserved for waterpower purposes, or included in any pending suit or proceedings in the courts of the United States, or subject to or included in any valid application, claim, or right initiated or held under any of the existing laws of the United States, unless or until such application, claim, or right is relinquished or canceled, and all lands in the Territory of Alaska are excluded from the provisions of this act.

(b) School-section lands included within the limits of existing reservations of or by the United States, specifically reserved for waterpower purposes, or included in any suit or proceedings in the courts of the United States, prior to January 25, 1927, and all lands in Alaska are excluded from the provisions of the act. (§ 2222.3–7.)

(c) The words "existing reservation" as used in subsection (c) are construed generally and subject to specific determination in particular cases if the need therefor shall arise, as including Indian and military reservations, naval and petroleum reserves, national parks, national forests, stock driveways, reservations established under the act of June

25, 1910 (36 Stat. 847; 43 U.S.C. 141–143), as amended by the act of August 24, 1912 (37 Stat. 497; 43 U.S.C. 142), and all forms of Executive withdrawal recognized and construed by the Department of the Interior as reservations, existent prior to January 25, 1927.

CROSS REFERENCE: For national forests and national parks, see §1821.7–2 of this chapter. For naval petroleum reserves, see § 3120.4 of this chapter.

§ 2222.3–6 Claims protected.

(a) Valid applications, claims, or rights protected by the provisions of subsection (c) of section 1 of the act of January 25, 1927, include applications, entries, selections, locations, permits, leases, and other forms of filing, initiated or held pursuant to existing laws of the United States prior to January 25, 1927, embracing known mineral school-section lands then surveyed and otherwise within the terms of the additional grant, and as to lands thereafter surveyed, valid applications, claims, or rights so initiated or held prior to the date of the acceptance of the survey. The additional grant to the State will attach upon the effective date of the relinquishment or cancellation of any claim, so asserted, in the absence of any other valid existing claim for the land and if same be then surveyed. Should the validity of any such claim be questioned by the State, proceedings with respect thereto by protest, contest, hearing, etc., will be had in the form and manner prescribed by existing rules governing such cases. This procedure will be followed in the matter of all protests, contests, or claims filed by individuals, associations, or corporations against the States affecting school-section lands.

(b) The present grant, like other grants in aid of public or common schools, is subject to the rights and claims of those who settle upon, with a view to homestead entry, or occupy, with a view to desert-land entry, prior to survey in the field, lands which on survey are found to be in numbered school sections.

§ 2222.3–7 Grant of mineral school sections effective upon restoration of land from reservation.

(a) By the act of January 25, 1927 (44 Stat. 1026; 43 U.S.C. 870, 871), which grants to the States certain school-section lands that are mineral in character, it is provided by subsection (c) of section 1 that where such lands are embraced within an existing reservation at the date of said act of 1927, they are thereby excluded from the grant made by said act.

(b) Under the amendatory act of May 2, 1932 (47 Stat. 140; 43 U.S.C. 870), it is provided that in the event of the restoration of the lands from such reservation, the grant to the State of such mineral school-section lands will thereupon become effective.

(c) Adjudications in connection with the State's title to school sections will be governed by the provisions of this amendatory act of May 2, 1932.

§ 2222.4 Patents for granted school sections.

§ 2222.4–1 Authority.

The act approved June 21, 1934 (48 Stat. 1185; 43 U.S.C. 871a) provides for the issuance of patent, upon application by a State for the numbered school sections in place granted for the support of common schools.

§ 2222.4–2 Purpose of law.

(a) The purpose of the act of June 21, 1934, is to provide the States, upon application, with evidence of title to the designated school-section lands granted by the Enabling Acts, by the act of January 25, 1927 (44 Stat. 1026; 43 U.S.C. 870, 871), and by any other act of Congress. The words "and by any other act of Congress" are construed to embrace any grant or grants of numbered school sections in place made to any of the public-land States.

§ 2222.4–3 Application for patent.

(a) *Filing and fees.* (1) There will be no filing or conveyance fees required on the part of the States in connection with the patenting of school sections in place under this act.

(2) The act places no limitation upon the areas which may be applied for under one application. No fixed rule is necessary in regard to the area which may be included in any one patent. This matter will be handled in such manner as will permit the best results from an administrative standpoint.

(3) Application shall be filed in the proper land office in accordance with the provisions of § 1821.2 of this chapter.

(b) *Publication of notice; protests.* An applicant for patent under the act of June 21, 1934, will be required to publish notice of its application, at its own expense, in a daily, weekly, or semiweekly paper, published in the vicinity of the land, once each week for five consecutive weeks, and to furnish proof thereof by a statement of the publisher or foreman of the newspaper employed. Notices for publication will be prepared by the manager and will be transmitted to the proper State official for publication in the paper designated. Where publication is made in a daily paper, the notice should appear in the Wednesday issue for five consecutive weeks; if in a semiweekly paper, in either issue for five consecutive weeks. The notice should require persons asserting claims to any of the lands advertised to file protest or notice of their claims in the land office within 30 days from the date of last publication, in order to receive proper consideration before the issuance of a patent.

§ 2222.4–4 Date title vested in the State; conditions or limitations to be made in patent; hearings.

(a) Determination of the date when title vested in the State and of "prior conditions, limitations, easements, or rights, if any," to which the land is subject, will be ascertained from the records in the Bureau of Land Management and in the Geological Survey, and appropriate mention of such facts made in the patent.

(b) Should hearings be ordered the costs will be assessed between the parties thereto in the manner provided by Part 1850 of this chapter. Orders authorizing the issuance of patents for school sections under the act of June 21, 1934, will be signed by the Director of the Bureau of Land Management.

§ 2222.5 Swamp-land grants.

§ 2222.5–1 Authority.

(a) Circular dated Mar. 17, 1896, containing the swamp-land laws and regulations, states:

As soon as practicable after the passage of the swamp-land grant of September 28, 1850, viz, on the 21st of November 1850, the commissioner transmitted to the governors of the respective States to which the grant applied copies of office circular setting forth the provisions of said Act, giving instructions thereunder, and allowing the States to elect which of two methods they would adopt for the purpose of designating the swamp lands, viz:

1. The field notes of Government survey could be taken as the basis for selections, and all lands shown by them to be swamp or overflowed, within the meaning of the act, which were otherwise vacant and unappropriated September 28, 1850, would pass to the States.

2. The States could select the lands by their own agents and report the same to the United States surveyor general with proof as to the character of the same.

The following States elected to make the field notes of survey the basis for determining what lands passed to them under the grant, viz: Louisiana, Michigan, and Wisconsin. Later the State of Minnesota adopted this method of settlement.

The authorities of the following States elected to make their selections by their own agents and present proof that the lands selected were of the character contemplated by the swamp grant, viz: Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Mississippi, Missouri, and Ohio. Later Oregon adopted this method.

The States of Alabama, Arkansas, Indiana, Mississippi, and Ohio adopted the second method at the beginning, but they changed to the first method, i.e., to the field notes of survey, as a basis of settlement, in recent years.

The authorities of California did not adopt either method, and the passage of the Act of July 23, 1866, rendered such action on their part unnecessary.

In Louisiana the selections under the grant of March 2, 1849, forming the bulk of the selections in said State, are made in accordance with the terms of said act by deputy surveyors, under the direction of the United States surveyor general, at the expense of the State.

The grant of swamp lands, under acts of March 2, 1849, and September 28, 1850, is a grant in praesenti. See United States Supreme Court decisions Railroad Co. v. Fremont County (9 Wall. 89, 19 L. ed. 563); Railroad Co. v. Smith (id. 95, 19 L. ed. 596); Martin v. Marks (7 Otto 345, 24 L. ed. 940); decisions of the Secretary of the Interior, December 23, 1851 (1 Lester's L.L. 549), April 25, 1862, and opinion of Attorney General, November 10, 1858 (1 Lester's L.L. 564).

(c) The act of September 28, 1850, did not grant swamp and overflowed lands to States admitted into the Union after its passage. See decision of Secretary of the Interior, August 17, 1858; Commissioner, General Land Office, May 2, 1871 (Copp's L.L. 474), affirmed by Secretary June 1, 1871, and Commissioner, General Land Office, January 19, 1874 (Copp's L.L. 473), affirmed by Secretary July 9, 1875.

(d) A State having elected to take swamp land by field notes and plats of survey is bound by them, as is also the Government. (See Secretary's decisions, October 4, 1855 (1 Lester's L.L. 553), August 1, 1859 (id. 571), December 4, 1877 (4 Copp's L.L. 149), and September 19, 1879.

(e) The Swamp-Land Acts do not contain any exception or reservation of mineral lands and none is to be implied, since at the time of their enactment the public policy of withholding mineral lands for disposition only under laws including them, was not established. Work, Secretary of the Interior v. Louisiana (269 U.S. 250, 70 L. ed. 259).

§ 2222.5–2 Selection and patenting of swamp lands.

(a) All lands properly selected and reported to the Bureau of Land Management as swamp will be compared with the records of the said office, and lists of such lands as are shown to be swamp or overflowed, within the meaning of the acts of March 2, 1849, and September 28, 1850 (9 Stat. 352, 519), and that are otherwise free from conflict will be made out by such office and approved.

(b) When the lists have been approved a copy of each list will be transmitted to the governor of the State, with the statement that on receipt of his request patent will issue to the State for the lands. A copy of each list also will be transmitted to the manager of the land office for the district in which the lands are situated, and he will be requested to examine the same with the records of his office and report any conflicts found.

(c) Upon receipt of a request from the governor for patent, and a report from the manager as to status, patents will issue to the State for all the lands embraced in said lists so far as they are free from conflict.

(d) Under the provisions of the act of March 2, 1849, granting swamp lands to the State of Louisiana, a certified copy of the list approved by the Director, transmitted to the Governor, has the force and effect of a patent.

§ 2222.5–3 Applications in conflict with swamp-land claims.

Applications adverse to the State, in conflict with swamp-land claims, will be governed by the following rules:

(a) In those States where the adjudication of swamp-land claims is based on the evidence contained in the survey returns, applications adverse to the State for lands returned as swamp will be rejected unless accompanied by a showing that the land is non-swamp in character.

(b) In such case, the claim adverse to the State must be supported by a statement of the applicant under oath, corroborated by two witnesses, setting forth the basis of the claim and that at the date of the swamp-land grant the land was not swamp and overflowed and not rendered thereby unfit for cultivation. In the absence of such affidavit the application will be rejected. If properly supported, the application will be received and suspended subject to a hearing to determine the swamp or non-swamp character of the land, the burden of proof being upon the non-swamp claimant.

(c) In those States where the survey returns are not made the basis for adjudication of the swamp-land selections, junior applications for lands covered by swamp-land selections may be received and suspended, if supported by non-swamp affidavits corroborated by two witnesses, subject to hearing to determine the character of the land, whether swamp or non-swamp, and the burden of proof will be upon the junior applicant. Likewise, the State, if a junior applicant, may be heard upon furnishing an affidavit corroborated by two witnesses alleging that the land is swamp in character within the meaning of the swamp-land grant, in which case the burden of proof at the hearing will be upon the State.

(d) Where hearings are ordered in any such cases, the Rules of Practice governing contests will be applied, except as herein otherwise provided.

CROSS REFERENCE: See Parts 1840 and 1850 of this chapter.

§ 2222.6 Carey Act grants.

§ 2222.6–1 Grants to States for irrigation under State supervision.

(a) *Authority.* (1) Under the provisions of section 4 of the act of August 18, 1894 (28 Stat. 422; 43 U.S.C. 641), known as the Carey Act, as amended and supplemented the States are allowed 10 years from the date of the approval by the Director of an application for segregation of the lands in which to irrigate and reclaim the lands. The Director may, however, in his discretion extend the time for a period of 5 years. The Director may, in his discretion, restore to the public domain any lands not irrigated and reclaimed at the end of the 10 year period or any extension thereof. If actual construction of the reclamation works has not been commenced within 3 years after the segregation of the land or within such further period not exceeding 3 years as may be allowed for that purpose by the Director, the Director may, in his discretion restore the lands to the public domain.

(2) (i) Section 4 of the act of August 18, 1894 (28 Stat. 422; 43 U.S.C. 641), known as the Carey Act, authorizes the Secretary of the Interior with the approval of the President, to contract and agree to patent to States, in which there are desert lands, not to exceed 1,000,000 acres of such lands to each State, under the conditions specified in the act. The lands selected by the several States are segregated from the public domain for a period of 10 years, the States undertaking within that time to cause an adequate irrigation system to be constructed and a sufficient water supply to be made available in a substantial ditch for the reclamation of the lands by irrigation. The lands when patented are disposed of by the States to actual settlers.

(ii) The act of June 11, 1896 (29 Stat. 434; 43 U.S.C. 642), authorizes a lien on the land for the cost of construction of the irrigation works and permits the issuance of patent without actual cultivation of the land.

(iii) Section 3 of the act of March 3, 1901 (31 Stat. 1188; 43 U.S.C. 641), authorizes an extension of the period of segregation for not exceeding 5 years.

(iv) The act of March 1, 1907 (34 Stat. 1056), extends the provisions of the law to the former Southern Ute Indian Reservation in Colorado.

(v) The Joint Resolution approved May 25, 1908 (35 Stat. 577), grants to the State of Idaho an additional 1,000,000 acres.

(vi) The act of May 27, 1908 (35 Stat. 347; 43 U.S.C. 645), grants to the State of Idaho an additional 1,000,000 acres, and to the State of Wyoming an additional 1,000,000 acres.

(vii) The act of February 18, 1909 (35 Stat. 638; 43 U.S.C. 646), extends the provisions of the Carey Act to the States of Arizona and New Mexico.

(viii) The act of February 24, 1909 (35 Stat. 644; 43 U.S.C. 647), extends the provisions of the Carey Act to the former Ute Indian Reservation in Colorado.

(ix) The act of March 15, 1910 (36 Stat. 237; 43 U.S.C. 643), authorizes a temporary withdrawal for one year of lands, which the State may propose to select with a view to enabling the State to examine the lands and plan the method of reclamation.

(x) The act of February 16, 1911 (36 Stat. 913), extends the Carey Act to the former Ft. Bridger Military Reservation in Wyoming.

(xi) The act of February 21, 1911 (36 Stat. 925; 43 U.S.C. 523–525), permits the sale of surplus water by the United States Bureau of Reclamation for use upon Carey Act lands.

(xii) The act of March 4, 1911 (36 Stat. 1417; 43 U.S.C. 645), grants the State of Nevada an additional 1,000,000 acres.

(xiii) The Joint Resolution of August 21, 1911 (37 Stat. 38; 43 U.S.C. 645), grants the State of Colorado an additional 1,000,000 acres.

(xiv) The act of February 14, 1920 (41 Stat. 407; 43 U.S.C. 644), relates to preference rights of State Carey Act entrymen upon lands restored to the public domain from Carey Act segregations.

(xv) The act of January 6, 1921 (41 Stat. 1085; 43 U.S.C. 641), further amends the Carey Act by limiting the time within which the work of reclamation must be commenced.

(xvi) The act of August 13, 1954 (68 Stat. 703) provides for the issuance of quitclaim deeds to the States for all lands patented to them under section 4 of the act of 1894 and also for the issuance of patents to the States, under certain conditions, for unpatented public lands segregated under that act as of August 13, 1954. The issuance of such quitclaims and patents to a State is conditional upon the State's quitclaiming or relinquishing all right, title, and interest in the State to any or all other lands under the Carey Act.

(b) *Character of land subject to selection.* (1) The lands selected must all be desert lands as defined by the acts of March 3, 1877 (19 Stat. 377; 43 U.S.C. 321–323) as amended by section 2 of the act of March 3, 1891 (26 Stat. 1096; 43 U.S.C. 321, 323, 325, 327–329), and the

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decisions and regulations of the Department of the Interior therein provided for.

(2) Lands which produce native grasses sufficient in quantity, if unfed by grazing animals, to make an ordinary crop of hay in usual seasons, are not desert lands. Lands which will produce an agricultural crop of any kind in amount sufficient to make the cultivation reasonably remunerative are not desert. Lands containing sufficient moisture to produce a natural growth of trees are not to be classed as desert lands.

(3) Lands occupied by bona fide settlers, and lands containing valuable minerals, except as stated in paragraph (k) of this section, are not subject to selection.

(c) *Map required exhibiting plan of irrigation.* (1) Before the application of any State is allowed or any contract or agreement is executed or any segregation of any of the land from the public domain is ordered by the Director, Bureau of Land Management, the State shall file a map of the land selected and proposed to be irrigated, which shall exhibit a plan showing the mode of contemplated irrigation and the source of the water. In accordance with the requirements of section 4 of the act of August 18, 1894 (28 Stat. 422; 43 U.S.C. 641), the State must give full data to show that the proposed plan will be sufficient to thoroughly irrigate and reclaim the land and prepare it to raise ordinary agricultural crops, for which purpose a statement by the State engineer of the amount of water available for the plan of irrigation will be necessary. The other data required can not be fully prescribed, as it will depend upon the nature of the plan submitted. All information necessary to enable the Bureau of Land Management to judge of its practicability for irrigating all the land selected must be submitted. Upon the filing of the map showing the plan of irrigation, and the lands selected, such lands will be withheld from other disposition until final action is had thereon by the Director, Bureau of Land Management. If such final action be a disapproval of the map and plan, the lands selected shall, without further order, be subject to application as if such reservation had never been made; and the managers will make the appropriate notations on the tract books and plat books, opposite those previously made, in accordance with the requirements of paragraph (f) of this section.

(2) The map must be on tracing linen, in duplicate, and must be drawn to a scale not greater than 1,000 feet to 1 inch. A smaller scale is desirable, if the necessary information can be clearly shown. The map and field notes in duplicate must be filed in the land office for the district in which the land is located. If the lands selected are located in more than one district, duplicate map and field notes need be filed in but one district and single sets in the others. Each legal subdivision of the land selected should be clearly indicated on the map by a check mark, thus: √. The map and field notes must show the connections of termini of a canal or of the initial point of a reservoir with public survey corners, the connections with public survey corners wherever section or township lines are crossed by the proposed irrigation works, and must show full data to admit of retracing the lines of the survey of the irrigation works on the ground.

(d) *List of selected lands to accompany map.* (1) The map should bear a statement of the engineer who made or supervised the preparation of the map and plan, Form 1, Appendix A, and also of the officer authorized by the State to make its selections under the act, Form 2, Appendix A. The map should be accompanied by a list in triplicate of the lands selected, designated by legal subdivisions, properly summed up at the foot of each page, and at the end of the list. If the lands selected are located in more than one district, a list in triplicate must be filed in each office, describing the lands selected in that district. Clear carbon copies are preferred for the duplicate and triplicate lists. The lists should be dated and verified by a certificate of the selecting agent, Form 3, Appendix A. The party appearing as agent of the State must file with the manager written and satisfactory evidence, under seal, of his authority to act in the premises; such evidence once filed need not be duplicated during the period for which the agent was appointed. The State should number the lists in consecutive order, beginning with No. 1, regardless of the land office in which they are to be filed. Form of title page to be prefixed to the lists of selections will be found marked "A." Lists received at the Bureau of Land Management containing erasures will not be filed, but will be returned in order that new ones may be prepared. When a township has not been subdivided, but has had its exteriors surveyed, the whole township may be designated, omitting however, the sections to which the State may be entitled under its grant of school lands. When the records are in such condition that the proper notations may be made, a section or part of a section of unsurveyed land may be designated in the list; but no patent can issue thereon until the land has been surveyed.

(2) For Forms 1 to 8, referred to in paragraphs (c) (1) to (p), see Appendix A of this subpart.

(e) *Contract to be filed.* A contract in the form prescribed (Form 5 Appendix A) in duplicate, signed by the States officer authorized to execute such contract, must also be filed. A carbon copy of the contract will not be accepted. The person who executes the contract on behalf of the State must furnish evidence of his authority to do so.

(f) *Action by the manager.* For rejected selections a new list will be required, upon which the manager will note opposite each tract the objections appearing on the records and endorse thereon his reasons in full for refusing to certify the same. The State will be allowed to appeal in the manner provided for in Parts 1840 and 1850 of this chapter. It is required that clear lists of approvals shall in every case be made out by the selecting agents, if after the above examination one or more tracts have been rejected, showing clearly and without erasure the tracts to which the manager is prepared to certify. On the map of lands selected the manager will mark rejected such tracts as he has rejected on the lists.

(g) *Rights-of-way over public lands not selected by State.* When the canals or reservoirs required by the plan of irrigation crossed public land not selected by the State, an application for right-of-way over such lands under sections 18 to 21, act of March 3, 1891 (26 Stat. 1101, 1102; 43 U.S.C. 946–949), should be filed separately, in accordance with the regulations under said act.

CROSS REFERENCE: For regulations concerning applications for rights-of-way under act of March 3, 1891, see §§ 2234.1–4(a) to 2234.–1–6.

(h) *Lands reserved upon approval of map.* In the preceeding sections instructions are given for the designation of the lands by the proper State authorities. Upon the approval of the map of the lands and the plan of irrigation, the contract is executed by the Secretary of the Interior, or an officer authorized by him and approved by the President. Upon the approval of the map and plan, the lands are reserved for the purposes of the act, said reservation dating from the date of the filing of the map and plan in the land office. A copy of the list is forwarded to the State authorities.

(i) *List for patent required.* When patents are desired for any lands that have been segregated, the State should file in the land office a list, to which is prefixed a certificate of the presiding officer of the State land board, or other officer of the State who may be charged with the duty of disposing of the lands which the State may obtain under the law (Form 6 Appendix A), followed by a statement of the State engineer, or other State officer whose duty it may be to superintend the reclamation of the lands (Form 7 Appendix A).

(j) *Certificate required of the State officer.* The certificate of the presiding officer of the State land board, Form 6, is required in order to show that the State laws accepting the grant of the lands have been duly complied with.

(k) *Proof of water supply and construction; minerals.* (1) The statement of the State engineer or other officer, Form 7 (Appendix A), is required in order to show compliance with the provisions of the law, that an ample supply of water has been actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, for each tract in the list, sufficiently to thoroughly irrigate and reclaim it, and to prepare it to raise ordinary agricultural crops. A separate statement by the State engineer must be furnished, giving all the facts as to the water supply and the nature, location, and completion of the irrigation works.

(2) If there are some high points which it is not practicable to irrigate, the nature, extent, location, and area of such points should be fully stated. If no part of a legal subdivision is susceptible of irrigation, such legal subdivision must be relinquished. The lands patented to

the State must be nonmineral in character, or, if mineral, they must be subject to disposal with a reservation of the mineral deposits, and must be patented with such reservation, as explained in Subpart 2033.

(l) *Lists for patent to be numbered.* These lists will be called "lists for patent," and should be numbered by the State consecutively, beginning with No. 1. The list should also show, opposite each tract, the number of the approved segregation list in which it appears. The aggregate area should be stated at the foot of each page and at the end of the list.

(m) *Publication and posting of notice.* When a list for patent is filed in the land office there shall also be filed by the State a notice, in duplicate, prepared for the signature of the manager, describing the land by sections, and portions of sections, where less than a section is designated (Form 8, Appendix A). This notice shall be published at the expense of the State once a week in each of five consecutive weeks, in a newspaper of established character and general circulation, to be designated by the manager as published nearest the land, as provided in § 1824.4 of this chapter.

(n) *Proof of publication.* At the expiration of the period of publication the State shall file in the land office proof of publication and of payment for the same.

(o) *Price for Indian lands.* Before patents are issued for lands within the former Southern Ute and the Ute Indian Reservations in Colorado, the State will be required to pay the price of $1.25 per acre. The State will be advised of the number of acres which will be included in the patent and payment shall be made to the manager of the proper land office, who will issue a receipt as in other cases. The money will be accounted for in the same manner as other moneys received from the disposal of such lands.

(p) *Certification for approval and patent.* Upon the receipt of the papers in the Bureau of Land Management such action will be taken in each case as the showing may require, and all tracts that are free from valid protest, and respecting which the law and regulations have been complied with, will be patented.

(q) *Applications for extensions.* All applications for extensions of time to commence construction of the reclamation works, or to irrigate and reclaim the lands, as outlined in paragraph (a) of this section, must be submitted to the Bureau of Land Management. Such applications will be entertained only upon the showing of the happening of some event preventing compliance by the State with the requirements within the time allowed, which could not have been reasonably anticipated or guarded against, such as the destruction of irrigation works by storms, floods, or other unavoidable casualties, unforeseen structural or physical difficulties encountered in the operations, or errors in surveying and locating needed ditches or canals.

(Sec. 4, 28 Stat. 422, as amended, 43 U.S.C. 641)

§ 2222.6–2 Temporary withdrawals.

(a) *Statutory authority.* (1) Under the provisions of the amendatory act of March 15, 1910 (36 Stat. 237; 43 U.S.C. 643), public lands of the United States may be temporarily withdrawn upon proper application by a beneficiary State in order that proper surveys may be prepared and investigation made preliminary to the filing of application by such State for the segregation of such lands under the Carey Act.

(2) If such application is not filed within 1 year from the date of withdrawal, the lands so withdrawn will, as directed by the act, be immediately restored from such withdrawal.

(3) No provision is made for the extension of such a temporary withdrawal.

(b) *Applications for withdrawal.* (1) To obtain the benefits of the amendatory act of March 15, 1910, the State, through its proper official, will be required to file in the land office in the land district within which the lands sought to be withdrawn lie, an application therefor, which shall set forth the name of the individual or corporation proposing to reclaim the lands; that all of the forms and conditions imposed by the State law upon such proposer prior to segregation have been complied with; that from the showing made by the proposer (or state other source of information) it is believed that sufficient water to irrigate the whole of the lands asked to be withdrawn, over and above prior appropriations, is available; and that the proposer has either acquired title to such water or applied for the same, and that the lands are desert in character.

(2) Appended to the application should be a list of the lands asked to be withdrawn. If the lands are unsurveyed, the fact should be set forth, together with a statement that an application for the survey thereof has been filed in the office of the State Director engineer for the district in which the lands are situated.

(c) *Statement supporting application.* (1) Accompanying each application for withdrawal should be filed a statement, based upon personal examination, that the lands sought to be withdrawn are desert in character, as contemplated by the Carey Act, and are nonmineral. The application for withdrawal, however, may include lands which are subject to selection by the State with a reservation of the mineral deposits, as explained in Subpart 2023.

(2) The required statement should be made either by the proposer, his or its engineer, or by the State engineer, or one of his assistants.

(d) *Land in more than one land district.* Where the lands sought to be withdrawn are situated in more than one land district, a list must be filed in each district, describing the lands in that district.

(e) *Action of manager.* Upon the filing of such application the manager will at once note the same upon his records, and will thereafter reject all applications to enter, purchase, or select any of such lands, excepting when settlement or application to enter, purchase, or select prior to the date of filing of the State's application is alleged or disclosed of record.

(f) *Commencement of survey of proposed irrigation system.* (1) Within 3 months after the date of filing the application for withdrawal in the local office the State must file a corroborated statement by the proposer, his or its engineer, or the State engineer that the work of surveying and laying out the proposed irrigation system has been actually commenced in the field and is being energentically prosecuted. This statement should show the work accomplished and the result.

(2) In default of such showing by the State, the withdrawal will be promptly revoked.

(g) *Restoration of withdrawn tracts not susceptible of irrigation.* In the event that any of the tracts withdrawn are found to be above the proposed irrigation works, or for any other reason not susceptible of irrigation, the fact and description of the nonreclaimable land by smallest legal subdivisions should be at once communicated to the Bureau of Land Management, that they may be relieved from the withdrawal.

(h) *Causes for revocation of withdrawal.* If at any time after withdrawal it is shown that the State is not energetically prosecuting the investigation and survey of the lands, that the same are not reclaimable by the proposed system of reclamation, are not desert in character, or for any reason are not subject to the provisions of the Carey Act, or that the proposer is not proceeding in good faith, the withdrawal will be at once revoked.

(i) *Notations of withdrawals and restoration procedure.* The one year mentioned in the act as the period of withdrawal will commence on the date of approval of the application by the Bureau of Land Management.

(Sec. 4, 28 Stat. 422, as amended; 43 U.S.C. 641)

§ 2222.6–3 Segregation of land.

Lands embraced in pending applications filed by States under the act of August 18, 1894 (28 Stat. 422; 43 U.S.C. 641), and described in accompanying maps and plans of irrigation; lands withdrawn under the act of March 15, 1910 (36 Stat. 237; 43 U.S.C. 643); and lands covered by approved segregations under the said act of August 18, 1894, are not subject to settlement, application, entry, or other filings while reserved, withdrawn, or segregated, and applications to file, select, or enter shall be rejected by the manager.

(Sec. 4, 28 Stat. 422, as amended; 43 U.S.C. 641)

§ 2222.6–4 Preference right of entry on restoration of lands.

(a) *Authority.* The act approved February 14, 1920 (41 Stat. 407; 43 U.S.C. 644), provides that on the restoration of segregated Carey Act lands, entrymen of such lands under the State laws may be accorded a preference right of entry under applicable land laws.

(b) *Director to ascertain status of lands under State laws.* Prior to the restoration to entry of lands theretofore segregated under the Carey Act, the Bureau will take steps to ascertain from the proper State officers whether any

entries have been allowed under the State law for any of the segregated lands, which are to be restored, and if any such entries have been allowed, the status thereof and action taken by the State with reference thereto.

(c) *Restoration.* (1) *When there are no entries under State laws.* If it is shown with reasonable certainty, either from the report of the State officers or by other available information, that there are no entries under the State law on the cases of which a claim to preference right of entry might be asserted and maintained, then the act of February 14, 1920, may be disregarded in the restoration of the lands to entry.

(2) *When there are entries under State laws.* If it appears from the report of the State officers or otherwise that there are entries under the State law which may properly be the basis of preference when under this not in the order restoring the lands, the authorized officer will make suitable provision for the filing of applications to enter or select by those claiming a preference-right under the accrued February 14, 1920 (41 Stat. 407; 43 U.S.C. 644).

CROSS REFERENCE: For preference rights accorded for service in World War II, see § 2033.0–3.

(d) *Conflicting applications.* In case the preference-right claim is allowed, any conflicting applications will be rejected as to the land embraced in the allowed preference claim; in case the preference-right claim is rejected, conflicting applications will then be disposed of the same as if such preference-right claim had not been filed.

(e) *Preference right.* (1) *Persons entitled.* The act of February 14, 1920, applies only to cases of entries in good faith in compliance with the requirements of the State law, with a view to reclaiming the land and procuring title pursuant to the provisions of the Carey Act; the act does not apply to cases where persons have settled on or improved the segregated land, either with the approval of the State authorities or otherwise, not pursuant to the State laws or not in anticipation of reclaiming the lands and procuring title under the Carey Act, but for the purpose of initiating some kind of a claim to the land on its restoration because of failure of the project or cancellation of the segregation.

(2) *Persons not entitled.* The act of February 14, 1920, does not apply to cases where the State entry has been canceled or forfeited for default on the part of the State entryman in carrying out his part of the contract, unless such default on the part of the State entryman as the result of conditions which culminated in the elimination of the lands from the project; the allowance of a subsequent entry for the same land by the State would be presumptive that the default was the fault of the State entryman whose entry was forfeited or canceled.

(Sec. 4, 28 Stat. 422, as amended; 43 U.S.C. 641)

§ 2222.6–5 Superiority of preference right.

(a) *Carey Act preference right superior to soldiers' preference rights.* Any rights to which a claimant may be entitled under the act of February 14, 1920 (41 Stat. 407; 43 U.S.C. 644), are not affected by the act of September 27, 1944 (53 Stat. 747, 43 U.S.C. 282), as amended, giving preference rights to ex-service men, for by the terms of the act rights thereunder are made subject to "prior existing valid settlement rights and preference rights conferred by existing laws or as against equitable claims subject to allowance and confirmation"; rights under the act of February 14, 1920, are considered to be within the class described by the language quoted.

CROSS REFERENCE: For preference rights accorded for service in World War II, see § 2033.0–3 (a) and (b).

(b) *Adjudication of preference-right applications.* Applications to enter or select under applicable public land laws in the exercise of the preference rights granted by this act of February 14, 1920, will be considered and adjudicated the same as other applications under such laws, except as otherwise provided in the act of February 14, 1920; that is to say, each applicant must be qualified under the law under which he seeks to make entry or selection, and he must fully comply with such law in order to secure patent, with the single exception that one who exercises his preference right by making entry under the homestead law "shall be entitled to a credit, as residence upon his new homestead entry allowed hereunder, of the time he has actually lived upon the claim as a bona fide resident thereof."

(Sec. 4, 28 Stat. 422, as amended; 43 U.S.C. 641)

§ 2222.6–6 Quitclaims and relinquishments.

(a) *Authority.* The act of August 13, 1954 (68 Stat. 703), directs the Secretary of the Interior to issue (1) quitclaim deeds to the public land States for all lands patented to such States under section 4 of the Carey Act of August 18, 1894 (28 Stat. 422; 43 U.S.C. 641) and (2) patents for all unpatented public lands within each State segregated under that act as of August 13, 1954, for which the State issued final certificates or other evidence of right prior to June 1, 1953 or as to which equitable claims to the lands accrued prior to that date by reason of cultivation or improvement of the lands for agricultural development purposes. The act provides that the Secretary shall issue such deeds and patents to a State only if that State (i) makes proper application for the transfer of the lands before August 13, 1957, and (ii) quitclaims or relinquishes all right, title, and interest in the State to any and all other lands under the Carey Act.

(b) *Applications.* Any state desiring to secure a patent, a quitclaim deed, or both under the act must file prior to August 13, 1957, a proper application in the land office for the State in which the desired lands are located. The application must be filed in duplicate and in a form satisfactory to the appropriate land office. No standard form is prescribed for the application but it must include the following:

(1) The legal description and acreage of the lands for which a quitclaim deed is desired, together with the numbers, if any, and, when feasible, the dates of the original patents to the lands.

(2) The legal description and acreage of the lands for which a patent is desired, together with (i) the numbers and dates of the segregation lists which segregated the lands and (ii) the basis for certification of the listed lands under the act. Where the State has issued documentary evidence of a right to enter upon and cultivate the lands, the statement of the basis for certification need only be a reference to the number and date of such documents.

(3) A certification that the State prior to June 1, 1953 issued final certificates or other evidence of right to the listed segregated lands or, in the absence of such action, that equitable rights to such lands accrued prior to June 1, 1953, by reason of cultivation or improvement of the lands for agricultural development purposes.

(4) A quitclaim or relinquishment, effective as of the date of issuance of the requested patent and/or quitclaim deed, of all right, title, and interest in the State to any and all lands under the Carey Act other than those to which it is entitled under the act of August 13, 1954 (68 Stat. 703).

(5) An affidavit by the signing officer describing the authority which authorized him, on behalf of the State, to make application under the act and to quitclaim or relinquish the State's right, title, or interest in all other lands under the Carey Act.

§ 2222.9 Alaska.

§ 2222.9–1 Grant for community purposes.

(a) *Authority.* The act of July 7, 1958 (72 Stat. 339, 340), grants to the State of Alaska the right to select, within 25 years after January 3, 1959, not to exceed 400,000 acres of national forest lands in Alaska which are vacant and unappropriated at the time of their selection and not to exceed 400,000 acres of other public lands in Alaska which are vacant, unappropriated, and unreserved at the time of their selection. The act provides that the selected lands must be adjacent to the established communities or suitable for prospective community centers and recreational areas. The act further provides that such lands shall be selected with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other lands, and that no selection shall be made north and west of the line described in section 10 of the act without approval of the President or his designated representative.

(b) *Applicable regulations.* Unless otherwise indicated therein, the regulations in § 2222.9–4 (a) to (d) apply to the grant and selection of lands for community purposes. In addition to the requirements of § 2222.9–4(c), where the selected lands are national forest, the application for selection must be accompanied by a statement of the Secretary of Agriculture or his delegate showing that he approves the selection.

(c) *Approval of selections outside of national forests.* Selection of lands outside of national forests will be approved by the authorized officer of the Bureau of Land Management if, all else being regular, he finds that approval of a selection of lands adjacent to an established community will further expansion of an established community, or if the lands are suitable for prospective community centers and recreational areas.

(R.S. 2478; 43 U.S.C. 1201)

§ 2222.9–2 Grant for University of Alaska.

(a) *Statutory authority.* The act of January 21, 1929 (45 Stat. 1091), as supplemented July 7, 1958 (72 Stat. 339, 343; 48 U.S.C. 354a), grants to the State of Alaska, for the exclusive use and benefit of the University of Alaska, the unsatisfied portion of 100,000 acres of vacant, surveyed, unreserved public lands in said State, to be selected by the State, under the direction and subject to the approval of the Secretary of the Interior, and subject to the conditions and limitations expressed in the act.

(b) *Applications for selection.* (1) Applications to select lands under the grant made to Alaska by the act of January 21, 1929, will be made by the proper selecting agent of the State and will be filed in the land office of the district in which such selected lands are situated. Such selections must be made in accordance with the law and with the applicable regulations governing selection of lands by States as set forth in this Subpart 2222.

(2) Notice of selection and publication is required as provided by § 2222.9–5 (b) and (c).

(3) Each list of selections must contain a reference to the act under which the selections are made and must be accompanied by a certificate of the selecting agent showing the selections are made under and pursuant to the laws of the State of Alaska.

(4) The selections in any one list must not exceed 6,400 acres.

(5) Each list must be accompanied by a certification of the selecting agent stating that the acreage selected together with the cumulative acreage total of all prior sales for lists pending and finally approved for clear-listing or patenting does not exceed 100,000 acres.

(c) *Statement with application.* Every application for selection under the Act of January 21, 1929, must be accompanied by a duly corroborated statement making the following showing as to the lands sought to be selected.

(1) That no portion of the land is occupied for any purpose by the United States and that to the best of his knowledge and belief the land is unoccupied, unimproved, and unappropriated by any person claiming the same other than the applicant; and that at the date of the application no part of the land was claimed under the mining laws.

(2) That the land applied for does not extend more than 160 rods along the shore of any navigable water or that such restriction has been or should be waived. (See § 2024.2 of this chapter.)

(3) All facts relative to medicinal or hot springs or other waters upon the lands must be stated.

(R.S. 2478; 43 U.S.C. 1201)

§ 2222.9–3 Grant for mental health program.

(a) *Authority.* The Act of July 28, 1956 (70 Stat. 709, 711, 712), as supplemented July 7, 1958 (72 Stat. 339; 343; 48 U.S.C. 46–3) (referred to in this section as "the act"), grants to the State of Alaska the right to select, within 10 years from July 28, 1956, not to exceed the unsatisfied portion of one million acres from the public lands in Alaska which are vacant, unappropriated, and unreserved at the time of selection.

(b) *Lands subject to selection; patents; minerals.* (1) Under the act, the State may select any vacant, unappropriated, and unreserved public lands in Alaska, whether or not they are surveyed and whether or not they contain mineral deposits, except that no lands may be selected that lie north and west of the line described in section 10 of the act without approval of the President or his designated representative. Where the preference provisions of § 2222.9–5(a) do not apply, selections by the State of lands covered by an application filed prior to the State selection will be rejected when and if such application is allowed. Conflicting applications and offers for mineral leases, and permits, except for preference right applications filed pursuant to the mineral leasing acts and the regulations of this chapter, whether filed simultaneously with or prior or subsequent to the filing of a selection of this part, will be rejected if such selection is approved by the authorized officer of the Bureau of Land Management for survey, if applicable, and patenting.

(2) Patents will be issued for all selections approved under the act by the authorized officer of the Bureau of Land Management but such patents will not issue unless or until the lands are officially surveyed.

(3) Patents issued under the act will convey to the State all mineral deposits in the selected lands.

(c) *Applications for selection.* (1) Applications for selection of lands under the act will be made by the proper selecting agent of the State and will be filed, in duplicate, in the land office of the district in which such selected lands are situated. No special form is required but it must be typewritten and must contain the following information:

(i) A reference to the act of July 28, 1956 (70 Stat. 709), as supplemented.

(ii) A certificate by the selecting agent showing:

(a) That the selection is made under and pursuant to the laws of the State.

(b) The acreage selected and the cumulative acreage of all prior selection lists pending and finally approved for clear-listing or patenting.

(c) His official title and his authority to make the selection on behalf of the State.

(d) That no portion of the selected land is occupied for any purpose by the United States and that to the best of his knowledge and belief the land is unoccupied, unimproved, and unappropriated by any person claiming the land other than the applicant, and that at the date of the application no part of the land claimed or occupied under the mining laws.

(e) That the selected land does not extend more than 160 rods along the shore of any navigable water or that such restriction has been waived or should be waived. (§ 2024.2 of this chapter.)

(f) All the facts relative to medicinal or hot springs or other waters upon the selected lands.

(iii) If the selected lands are surveyed, the legal description of the lands in accordance with official plats of survey.

(iv) If the selected lands are unsurveyed and are described by approved protraction diagrams of the rectangular system of surveys, such description is required.

(v) If the selected lands are unsurveyed and are not described by approved protraction diagrams, a description of the lands and a map or maps, in duplicate, sufficient to permit ready identification of the location, boundaries, and area of the lands.

(2) Selections must be accompanied by a filing fee of $10 for each 5,760 acres or fraction thereof in the selection which fee is not returnable.

(3) All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved. A tract will not be considered compact, if it excludes other public lands available for selection within its exterior boundaries.

(4) Segregation, publication. See § 2222.9–5 (b) and (c).

(d) *Effect of approval of selection.* Following the selection of lands by the State pursuant to the requirements of paragraph (c) of this section the State shall be authorized to lease and make conditional sales of such selected lands pending survey of the lands, if necessary, and issuance of patent.

(R.S. 2478; 43 U.S.C. 1201)

§ 2222.9–4 Grant for general purposes.

(a) *Statutory authority.* (1) The act of July 7, 1958 (72 Stat. 339–343), referred to in paragraph (a) to (d) of this section as "the act," grants to the State of Alaska the right to select, within 25 years from January 3, 1959, not to exceed 102,550,000 acres from the public lands in Alaska which are vacant, unappropriated and unreserved at the time of selection. The act of September 14, 1960 (74 Stat. 1024), defines vacant unappropriated, unreserved public lands in Alaska to include the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals or any specified mineral or minerals.

(2) The act further provides that no selection shall be made in the area north and west of the line described in section

10 thereof (72 Stat. 345) without the approval of the President or his designated representative.

(b) *Lands subject to selection; patents; minerals.* (1) The act as amended August 18, 1959 (73 Stat. 395), provides that any lease, permit, license, or contract issued under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), as amended, or under the Alaska Coal Leasing Act of 1914 (38 Stat. 741; 30 U.S.C. 432 et seq.), as amended, referred to in this section as "the mineral leasing acts," shall have the effect of withdrawing the lands subject thereto from selection by the State, unless the State files an application to select such lands within a period of five years after January 3, 1959.

(2) Under the act, the State may select any vacant, unappropriated, and unreserved public lands in Alaska, whether or not they are surveyed and whether or not they contain mineral deposits. For the purposes of selection, leases, permits, licenses, and contracts issued under the mineral leasing acts of 1914 and 1920 will not be considered an appropriation of lands if the selection conforms to the requirements of subparagraph (1) of this paragraph. Where the preference provisions of paragraph (c) of this section do not apply, selections by the State of lands covered by an application filed prior to the State selection will be rejected to the extent of the conflict when and if such application is allowed. Conflicting applications and offers for mineral leases and permits, except for preference right applicants, filed pursuant to the Mineral Leasing Act, whether filed prior to, simultaneously with, or after the filing of a selection under this part will be rejected when and if the selection is tentatively approved by the authorized officer of the Bureau of Land Management in accordance with paragraph (d) of this section.

(3) Patents will be issued for all selections approved under the act by the authorized officer of the Bureau of Land Management but such patents will not issue unless or until the exterior boundaries of the selected area are officially surveyed.

(4) (i) Where the State selects all the lands in a mineral lease, permit, license, or contract, issued under the mineral leasing acts of 1914 and 1920, the patent issued under the act will convey to the State all mineral deposits in the selected lands. Any such patent shall vest in the State all right, title, and interest of the United States in and to any such lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all rentals, royalties, and other payments accruing after that date under such lease, permit, license, or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of such lease, permit, license, or contract. Issuance of patent will not affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder.

(ii) Where the State selects a portion of the lands subject to a mineral lease, permit, license, or contract issued under the mineral leasing acts of 1914 and 1920, the patent issued under the act shall reserve to the United States the mineral or minerals subject to that lease, permit, license, or contract, together with such further rights as may be necessary to the full and complete enjoyment of all rights, privileges, and benefits under or with respect to that lease, permit, license, or contracts. Upon the termination of the lease, permit, license, or contract, title to minerals so reserved to the United States shall pass to the State.

(c) *Applications for selection.* (1) Applications for selection under the act must conform with the requirements of § 2222.9–3(c) (1) and (2), and with the following modifications of:

(i) Section 2222.9–3(c) (1) (i) is modified to require a reference to the act of July 7, 1958 (72 Stat. 709).

(ii) Section 2222.9–3(c) (1) (i) is modified to require a statement that the selection, together with other selections under the act pending or approved, does not exceed 102,550,000 acres (400,000 acres where one of the grants for community purposes is involved).

(2) All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved. A tract will not be considered compact if it excludes other public lands available for selection within its exterior boundary. Each tract selected shall contain at least 5,760 acres unless isolated from other tracts open to selection.

(3) If the selected lands are in the area north and west of the line described in section 10 of the act, all selection made or confirmed by the act must be accompanied by a statement of the President or his designated representative showing that he approves the selection.

(4) Lands selected must be described as provided by § 2222.9–3(c).

(5) Section 2222.9–3(c) (1) (ii), and paragraph (a) (1) of this section do not apply to the extent that an application embraces a reserved or retained interest.

(d) *Effect of approval of selections.* Following the selection of lands by the State and the tentative approval of such selection by the authorized officer of the Bureau of Land Management, the State is authorized to execute conditional leases and to make conditional sales of such selected lands pending survey of the exterior boundaries of the selected area, if necessary, and issuance of patent. Said officer will notify the appropriate State official in writing of his tentative approval of a selection after determining that there is no bar to passing legal title to the lands to the State other than the need for the survey of the lands or for the issuance of patent or both.

§ 2222.9–5 All grants.

(a) *State preference right of selection; waivers.* (1) The acts of July 28, 1956 (see § 2222.9–3(a)), and July 7, 1958 (see paragraph (a) of this section), provide that upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than 90 days before the date on which it otherwise becomes effective during which period the State of Alaska shall have a preferred right of selection under the acts of 1956 and 1958, except as against prior existing valid rights, equitable claims subject to allowance and confirmation and other preferred rights of application conferred by law.

(2) Where the proper selecting agent of the State files in writing in the appropriate land office a waiver of the preference provisions of paragraph (a) of this section in connection with the proposed revocation of an order of withdrawal, the order affecting such revocation will not provide for such preference.

(b) *Segregative effect of applications.* Lands desired by the State under the regulations of this part will be segregated from all appropriations based upon application or settlement and location, including locations under the mining laws, when the State files its application for selection in the appropriate land office properly describing the lands as provided in § 2222.9–3(c) (1) (iii), (iv), and (v). Such segregation will automatically terminate unless the State publishes first notice as provided by paragraph (c) of this section within 60 days of service of such notice by the appropriate officer of the Bureau of Land Management.

(c) *Publications and protests.* (1) The State will be required to publish once a week for five consecutive weeks in accordance with § 1824.4 of this chapter, at its own expense, in a designated newspaper, and in a designated form, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of patent or certification for lands selected under the regulations of this part. A protestant must serve on the State a copy of the objections and furnish evidence of service to the appropriate land office.

(2) The State must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

(R.S. 2478; 43 U.S.C. 1201)

APPENDIX A

FORM 1.

STATE OF ------,
County of ------, ss:

------ ------, being duly sworn, says he is the engineer under whose supervision the survey and plan hereon were made (or is the person employed to make, etc.); that the tracts shown hereon to be selected are each and every one desert land as contemplated by the act of Congress approved August 18, 1894 (28 Stat. 372, 422), the act of June 11, 1896 (29 Stat. 434); and the act of March 3, 1901 (31 Stat. 1133, 1188); [*] that he is well acquainted with the character of the land herein applied for, having personally examined same; that there is not to his knowledge within the limits thereof any vein or lode or quarts or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper, nor any deposit of coal, placer, cement, gravel, salt spring, or deposit of salt, nor other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners, or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially nonmineral land, and that the land is not occupied by any settler; that the plan of irrigation herewith

submitted is accurately and fully represented in accordance with ascertained facts; that the system proposed is sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary crops; and that the survey of said system of irrigation is accurately represented upon this map and the accompanying field notes.

------ ------,
------ ------.

Subscribed and sworn to before me this ------ day of ------, 19--.

[SEAL]

------ ------,
Notary Public.

FORM 2.

STATE OF------,
County of------, ss:

------ ------ being duly sworn, says that he is the ------ (designation of office) authorized by the State of ------ to make desert-land selections under the act of Congress approved August 18, 1894 (28 Stat., 372, 422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat., 1133, 1188),[*] that the plan of irrigation and survey herewith is submitted under authority of the State of ------; and that the tracts shown hereon to be selected are each and every one desert land, as contemplated by the said acts of Congress, none being of the classes designated as timber or mineral lands.

------ ------,
------ ------.

Subscribed and sworn to before me this ------ day of ------, 19-----.

[SEAL]

------ ------,
Notary Public.

A.

STATE OF ------,
UNITED STATES LAND OFFICE,
------ ------, 19-----.

------ ------, the duly authorized agent of the State of ------, under and by virtue of an act of Congress approved August 18, 1894 (28 Stat., 372, 422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat., 1133, 1188),[*] and in pursuance of the rules and regulations prescribed by the Secretary of the Interior, hereby, makes and files the following list of desert public lands which the State is authorized to select under the provisions of the said acts of Congress:

[*] The States of Idaho and Wyoming must insert here a reference to the act of May 27, 1908 (35 Stat., 317, 347).

The State of Colorado must insert here a reference to the act of March 11, 1907 (34 Stat., 1057), when the lands are within the former Southern Ute Indian Reservation, and to the act of February 24, 1909 (Public No. 255), when the lands are within the former Ute Indian Reservation.

FORM 3.

STATE OF ------,
County of ------, ss:

I, ------, being duly sworn, depose and say that I am ------ (designation of office) authorized by the State of -------- to make desert-land selections under the act of Congress approved August 18, 1894 (28 Stat., 372, 422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat. 1133, 1188); [*] that the foregoing list of lands which I hereby select is a correct list of lands selected under said acts; that the lands are vacant, unappropriated, are not interdicted timber nor mineral lands, and are desert lands as contemplated by the said acts of Congress.

------ ------.

Subscribed and sworn to before me this ------ day of ------, 19-----.

[SEAL]

------ ------,
Notary Public.

FORM 4.

UNITED STATES LAND OFFICE,
------ ------,
------ ------, 19-----.

We hereby certify that we have carefully and critically examined the foregoing list of lands selected --------, 19----, by --------, the duly authorized agent of the State of ------, under the provisions of the act of Congress approved August 18, 1894 (28 Stat., 372, 422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat., 1133, 1188);[*] that we have tested the accuracy of said list by the plats and records of this office, and that we find the same to be correct. And we further certify that the filing of said list is allowed and approved, and that the whole of said lands are surveyed public lands of the United States, and that the same are not nor is any part thereof returned and denominated as mineral or timber lands; nor is there any homestead or other valid claim to any portion of said lands on file or of record in this office; and that the said lands are, to the best of our knowledge and belief, desert lands, as contemplated by the said acts of Congress; and that the fees, amounting to $-------, have been paid upon the said area of ------ acres.

------ ------, *Register.*
------ ------, *Receiver.*

FORM 5.

These articles of agreement, made and entered into this ------[b] day of ------, A.D. 19--,[b] by and between ------ ------[b] Secretary of the Interior, for and on behalf of the United States of America, party of the first part, and ------ ------ for and on behalf of the State of ------, party of the second part, witnesseth:

That in consideration of the stipulations and agreements hereinafter made, and of the fact that said State has, under the provisions of section 4 of the act of Congress approved August 18, 1894, of the act of Congress approved June 11, 1896, and of the act of Congress approved March 3, 1901,[a] through ------ ------, its proper officer, thereunto duly authorized, presented its proper application for certain lands situated within said State and alleged to be desert in character and particularly described as follows, to wit: List No. — (here insert list of lands and total area), and has filed a map of said lands and exhibited a plan showing the mode by which it is proposed that said lands shall be irrigated and reclaimed and the source of the water to be used for that purpose, the said party of the first part contracts and agrees, and, by and with the consent and approval of ------ ------,[b] President thereof, hereby binds the United States of America to donate, grant, and patent to said State, or to its assigns, free from cost for survey or price,[a] any particular tract or tracts of said lands, whenever an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim the same, in accordance with the provisions of said acts of Congress, and with the regulations issued thereunder, and with the terms of this contract, at any time within ten years from the date of the approval of the said map of the lands.

It is further understood that said State shall not lease any of said lands or use or dispose of the same in any way whatever, except to secure their reclamation, cultivation, and settlement; and that in selling and disposing of them for that purpose the said State may sell or dispose of not more than 160 acres to any one person, and then only to bona fide bidders who are citizens of the United States or who have declared their intention to become such citizens; and it is distinctly understood and fully agreed that all persons acquiring title to said lands from said State prior to the issuance of patent, as hereinafter mentioned, will take the same subject to all the requirements of said acts of Congress and to the terms of this contract, and shall show full compliance therewith before they shall have any claim against the United States for a patent to said lands.

It is further understood and agreed that said State shall have full power, right, and authority to enact such laws, and from time to time make and enter into such contracts and agreements, and to create and assume such obligations in relation to and concerning said lands as may be necessary to induce and cause such irrigation and reclamation thereof as is required by this contract and the said acts of Congress; but no such law, contract, or obligation shall in any way bind or obligate the United States to do or perform any act not clearly directed and set forth in this contract and said acts of Congress, and then only after the requirements of said acts and contract have been fully complied with.

Neither the approval of said application, map, and plan, nor the segregation of said land by the Secretary of the Interior, nor anything in this contract, or in the said acts of Congress, shall be so construed as to give said State any interest whatever in any lands upon which, at the date of the filing of the map and plan hereinbefore referred to, there may be an actual settlement by a bona fide settler, qualified under the public land laws to acquire title thereto, or which are known to be valuable for their deposits of coal or other minerals.

It is further understood and agreed that as soon as an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of said lands the said State or its assigns may make proof thereof under and according to such rules and regulations as may be prescribed therefor by the Secretary of the Interior, and as soon as such proof shall have been examined and found to be satisfactory patents shall issue to said State, or to its assigns, for the tracts included in said proof.

The said State shall, out of the money arising from its disposal of said lands, first reimburse itself for any and all costs and expenditures incurred by it in irrigating and reclaiming said lands, or in assisting its assigns in so doing; and any surplus then remaining after the payment of the cost of such reclamation shall be held as a trust fund, to be applied to the reclamation of other desert lands within said State.

This contract is executed in duplicate, one copy of which shall be placed of record and remain on file with the Commissioner of the General Land Office, and the other shall be placed of record and remain on file with the proper officer of said State, and it shall be the duty of said State to cause a copy thereof, together with a copy of all rules and regulations issued thereunder or under said acts of Congress, to be spread upon the deed records of each of the counties in said State in which any of said lands shall be situated.

In testimony whereof the said parties have hereunto set their hands the day and year first herein written.

------ ------,
Secretary of the Interior.
State of ------.
By ----------.

[*] See footnotes under Forms 1 and 2.

[b] These blanks should be left vacant by the State agent.

[a] [b] See footnotes under Forms 1 and 2.

APPROVAL

To all to whom these presents shall come, greeting:

Know ye, that I, _____,[1] President of the United States of America, do hereby approve and ratify the attached contract and agreement, made and entered into on the _____ day of _____, 19__, by and between _____, Secretary of the Interior, for and on behalf of the United States, and _____, for and on behalf of the State of _____, under section 4 of the act of Congress approved August 18, 1894, the act approved June 11, 1896, and the act approved March 3, 1901.[2]

_____

FORMS FOR VERIFICATION AND PUBLICATION OF LISTS FOR PATENT.

FORM 6.

I, _____, do hereby certify that I am the _____ (designation of office) of the State of _____; that I am charged with the duty of disposing of the lands granted to the State in pursuance of section 4, act of August 18, 1894 (28 Stat., 372, 422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat., 1133, 1188),[3] and that the laws of the said State relating to the said grant from the United States have been complied with in all respects as to the following lists of lands, which is hereby submitted on behalf of the said State for the issuance of patent under said acts of Congress.

_____, _____.

[Here add list of lands.]

_____, _____.

FORM 7.

To follow list of lands.

STATE OF _____,
County of _____, ss:

_____, being duly sworn deposes and says that he is the _____ (designation of office) of the State of _____; that he has examined the lands designated on the foregoing list, and that an ample supply of water has been actually furnished (in a substantial ditch or canal, or by artesian wells or reservoirs) for each tract in said list, sufficient to thoroughly irrigate and reclaim it, and to prepare it to raise ordinary agricultural crops.

_____, _____.

Subscribed and sworn to before me this ____ day of _____, 19__.

[SEAL] _____, _____,
Notary Public.

FORM 8

Form for published notice.

UNITED STATES LAND OFFICE,
_____, _____, 19__.

To whom it may concern:

Notice is hereby given that the State of _____ has filed in this office the following list of lands, to wit, _____, and has applied for a patent for said lands under the acts of August 18, 1894 (28 Stat., 372, 422), June 11, 1896 (29 Stat. 434), and March 3, 1901 (31 Stat., 1133, 1188),[3] relating to the granting of not to exceed a million acres[4] of arid land to each of certain States; and that the said list, with its accompanying proofs, is open for the inspection of all persons interested, and the public generally.

Within the next sixty days following the date of this notice, protests or contests against the claim of the State to any tract described in the list, on the ground of failure to comply with the law, on the ground of a prior adverse right, or on the ground that the same is more valuable for mineral than for agricultural purposes, will be received and noted for report to the General Land Office at Washington, D.C.

_____, *Register.*
_____, *Receiver.*

Subpart 2224—Railroad Grants

AUTHORITY: The provisions of this Subpart 2224 issued under R.S. 2478; 43 U.S.C. 1201.

§ 2224.1 Adjustment of railroad grants (act of March 3, 1887).

§ 2224.1–1 Lands erroneously patented or certified to a railroad company.

(a) (1) The fourth section of the act of March 3, 1887 (24 Stat. 557; 43 U.S.C. 897) relates to all lands which have been erroneously certified or patented on account of railroad grants, except those mentioned in the third section, and by the grantee company sold to citizens of the act entitled to the right of entry under the homestead laws.

(c) Upon the submission of satisfactory proof as prescribed in paragraph (b) (1) to (7) of this section the manager will issue certificate, in duplicate, numbered in the regular cash series with annotations thereon showing that the entry is allowed without payment under the fourth section of the act of March 3, 1887 (24 Stat. 557; 43 U.S.C. 897).

CROSS REFERENCE: For regulations concerning publication of proof notices, see § 1824.4 of this chapter.

§ 2224.1–2 Bona fide purchasers from railroads of lands excepted from grant.

(a) (1) The fifth section of the act of March 3, 1887 (24 Stat. 557; 43 U.S.C. 898) relates to lands within the limits of railroad grants, co-terminus with constructed portions of the lines of road, not conveyed on account of, but excepted from, the grants.

(2) Under this section, when the company has sold to citizens of the United States or persons who have declared their intention to become such citizens, the numbered sections prescribed in the grant and co-terminus with the constructed portions of the road, within either the granted or indemnity limits, and which upon the adjustment of the grant are shown to be excepted from the operation of the grant, it shall be lawful for such purchasers (if their purchases are bona fide) to purchase said land from the Government by payment of the Government price for like lands, unless said lands were at the date of purchase in the bona fide occupancy of adverse claimants under the preemption or homestead laws, in which case the preemptor or homestead claimant may be permitted to perfect his proof unless he has since voluntarily abandoned the land.

(3) Under the last proviso of said section, however, if a settlement was made on said lands subsequent to December 1, 1882, by persons claiming the same under the settlement laws of the United States, it will defeat the right of the purchaser, whether said purchase was made prior or subsequent to December 1, 1882, and the settler will be allowed to prove up for said lands as in other like cases.

(b) Applicants to purchase under this section will be required to publish notice

patents for the benefit of certain innocent purchasers for value of land-grant lands from railroad carriers which have released their land-grant claims.

NOTE: Notices of releases of land grant claims by railroad carriers listing the carriers, the date of the approval of the release and the land-grant predecessors involved dated Dec. 17, 1940, May 17, 1941 and June 29, 1942, appear at 6 F.R. 449, 2634, and 7 F.R. 5319.

§ 2224.3–2 Lands for which applications may be made.

Subsection (b) of section 321, Part II, Title III, of the Transportation Act of 1940 provides that in the case of a railroad carrier, or a predecessor, which received a land grant to aid in the construction of any part of its railroad, the laws relating to compensation for certain Government transportation services shall continue to apply as though subsection (a) of section 321 had not been enacted unless the carrier shall file on or before September 18, 1941, with the Secretary of the Interior, in the form and manner prescribed by him, a release of any claim it may have to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands so granted, claimed to have been granted or claimed should have been granted. Section 321 provides further that nothing therein shall be construed as preventing the issuance of patents confirming the title to such uncertified or unpatented lands as the Secretary of the Interior shall find have been sold prior to September 18, 1940, to innocent purchasers for value. Subsection (b) of section 321 authorizing the issuance of such patents is not an enlargement of the grants, and does not extend them to lands not already covered thereby and, therefore, has no application to lands which for various reasons, such as mineral character, prior grants, withdrawals, reservations, or appropriation, were not subject to the grants. It does apply, however, to lands selected under remedial or lieu acts supplemental to the original grants as well as to primary and indemnity lands. Classification under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315f), will not be required where the sold land is such as the company was authorized by law to select.

of intention as directed by instructions under the third and fourth sections, and the proof must show:

(1) That the tract was of the numbered sections prescribed by the grant.

(2) That it was co-terminous with constructed parts of said road.

(3) That it was sold by the company to the applicant, or one under whom he claims, as a part of its grant.

(4) That it was excepted from the operation of the grant.

(5) That at the date of said sale it was not in the bona fide occupancy of adverse claimants under the preemption or homestead laws, whose claims and occupancy have not since been voluntarily abandoned.

(6) That it has not been settled upon subsequent to the 1st day of December, 1882, by any person or persons claiming the right to enter the same under the settlement laws.

(7) That the applicant is, or has declared his intention to become, a citizen of the United States.

(8) And that he, or one under whom he claims, was a bona fide purchaser of the land from the company.

(c) The proof upon the points as outlined in paragraph (b) of this section, being found satisfactory, the entry will be allowed and the usual cash certificate and receipts will be issued thereon reciting the fact that the entry is in accordance with the fifth section of the act of March 3, 1887 (24 Stat. 557; 43 U.S.C. 898).

(d) No entry will be allowed under this section until it shall have been finally determined by this Department that the land was excepted from the grant.

§ 2224.2 Adjustment of conflicts involving Northern Pacific Railroad.

§ 2224.2–1 Act of July 1, 1898.

(a) *When individual claimant may select other land.* Upon the filing with and acceptance by the Bureau of Land Management of a relinquishment by a qualified settler, or his heirs or assigns for any part of an odd-numbered section in either the granted or the indemnity limits of the land grant to the Northern Pacific Railroad, now Railway Company pursuant to the act of July 1, 1898 (30 Stat. 620), the individual claimant, upon receiving notice of the acceptance of his relinquishment, will be entitled upon proper application, to select other lands, according to the condition and limitations of said act.

(b) *Applications to select lieu lands.* Applications to select lieu lands under the act of July 1, 1898, by an individual claimant must be presented to the land office of the district within which the lands selected are situate. The application must particularly state the description and acreage of the lands relinquished, the acceptance by the Bureau of Land Management of the relinquishment, and the description of the lands selected, and must be accompanied by proof that the land selected is of the character subject to selection. If the records of the land office do not show to the contrary, the character of the land will be deemed to be prima facie established where the application is supported by the statement of the individual claimant, based upon a personal examination of the land.

(c) *Selection segregates land.* When any lands, whether surveyed or unsurveyed, have been selected under the act of July 1, 1898, by an individual claimant, no right thereto can be initiated by settlement or entry while such selection remains of record.

(d) *Proof of individual claimant.* Where lands are selected by an individual claimant in lieu of lands the claim to which has not been carried to final entry and certificate or to the submission of final proof entitling him to final entry and certificate, will not be patented until after the expiration of 4 months from the date of the receipt at the land office of the approved plat of the township embracing the lands so selected; and surveyed lands selected by an individual claimant in lieu of lands the claim to which has reached a like status will not be patented until after the expiration of 4 months from the date of selection.

§ 2224.2–2 Act of March 2, 1901.

(a) *Authority.* The act of March 2, 1901 (31 Stat. 950), extends the provisions of the act of July 1, 1898 (30 Stat. 620) to certain claims in duplicate, numbered in the regular cash series with annotations thereon showing that the entry is allowed without payment under the act of March 3, 1887 (24 Stat. 557; 43 U.S.C. 897).

(b) *Governing regulations.* As far as applicable, the regulations under the act of July 1, 1898, § 2224.2–1, will be followed in the adjustment of claims of individuals under the act of March 2, 1901.

§ 2224.2–3 Act of May 17, 1906.

(a) *Authority.* The act of May 17, 1906 (34 Stat. 197), extends the acts of July 1, 1898 (30 Stat. 620) and March 2, 1901 (31 Stat. 950) to certain claims in Washington and Oregon.

(b) *Governing regulations.* The regulations issued under the act of July 1, 1898, § 2224.2–1, will be followed so far as applicable, in the adjustment of claims of individuals under the act of May 17, 1906.

§ 2224.2–4 Act of February 27, 1917.

(a) *Authority.* The act of Congress approved on February 27, 1917 (39 Stat. 946) provides for the adjustment of conflicting claims to Northern Pacific Railway lands in Washington.

(b) *Adjustment of claims.* The regulations under the act of July 1, 1898, § 2224.2–1, will govern, so far as applicable, claims of individuals arising under the said act of February 27, 1917.

§ 2224.3 Patents for lands sold by railroad carriers (Transportation Act of 1940).

§ 2224.3–1 Authority.

Subsection (b) of section 321, Part II, Title III, of the Transportation Act of 1940, approved on September 18, 1940 (54 Stat. 934), authorizes the issuance of

[1] See footnotes under Forms 1 and 2.

[2] In the cases of Idaho and Wyoming 2,000,000 acres.

§ 2224.3–3 Applications.

Application, and supporting evidence, must be filed by the carrier in the proper land office, accompanied by a nonrefundable application service charge of $10. The lands listed in any one application must be limited to those embraced in a single sale upon which the claim for patent is based. The application should state that it is filed under the railroad land grant act involved, properly cited, and subsection (b) of section 321, Part II, Title III of the Transportation Act of 1940 (54 Stat. 954). The application must be supported by a showing that the land is of the character which would pass under the grant involved, and was not by some superior or prior claim, withdrawal, reservation, or other reason, excluded from the operation of the grant. Full details of the alleged sale must be furnished, such as dates, the terms thereof, the estate involved, consideration, parties, amounts and dates of payments, made, and amounts due, if any, description of the land, and transfers of title. The use, occupancy, and cultivation of the land and the improvements placed thereon by the alleged purchaser should be described. All statements should be duly corroborated. Available documentary evidence, including the contract or deed, should be filed, which may be authenticated copies of the originals. An abstract of title may be necessary, dependent upon the circumstances of the particular case. No application for a patent under this act will be favorably considered unless it be shown that the alleged purchaser is entitled forthwith to the estate and interest transferred by such patent. Evidence of a recorded deed of conveyance from the carrier to the purchaser may be required. Where the company has on file an application in which the sold lands embraced, it need not file a new application, but may file a request for amendment of the pending application to come under the Transportation Act of 1940, together with the showing, supra, required as to the bona fide sale.

§ 2224.3–4 Publication of notice.

The manager shall direct the publication of notice of the application. The notice will be published at the carrier's expense in a newspaper of general circulation in the vicinity of the land. If a daily newspaper be designated, the notice should be published in the Wednesday issue for five consecutive weeks; if weekly, for five consecutive issues; and if semiweekly, in either issue for five consecutive weeks. The carrier must furnish evidence of such publication in due course. Notice need not be published, in case of amendment of a pending application, where publication has already been had.

§ 2224.3–5 Surveying and conveyance fees.

The carrier must pay the cost of the survey of the land, paying also one-half the cost of any segregation survey in accordance with the laws and regulations pertaining to the survey and patenting of railroad lands. (See 43 U.S.C. 881 et seq.; also Subpart 1822 of this chapter.)

§ 2224.3–6 Patents.

If all be found regular and in conformity with the governing law and regulations, patent shall be issued in the name of the grantee under the railroad grant, the carrier paying the costs of preparation and issuance of the patent.

Subpart 2225—Pittman Act

AUTHORITY: The provisions of this Subpart 2225 issued under sec. 9, 41 Stat. 295; 43 U.S.C. 360.

§ 2225.0–3 Authority.

The patenting of public lands, in Nevada, or the discovery and development of underground waters, is authorized by the act of Congress approved October 22, 1919 (41 Stat. 293; 43 U.S.C. 351–355, 357–360), entitled "An act to encourage the reclamation of certain arid lands in the State of Neveda, and for other purposes," as amended by the act of September 22, 1922 (42 Stat. 1012; 43 U.S.C. 356).

§ 2225.0–6 Beneficiaries.

(a) The act referred to in the preceding section, as the title indicates, is limited in its operation to lands in the State of Nevada and is designed to encourage the development and utilization of subterranean waters for irrigation purposes. It confers upon the Secretary of the Interior authority to grant permits to citizens of the United States, or associations of such citizens, giving the exclusive right to explore not to exceed 2,560 acres of land selected by them.

(b) The only qualifications provided in the act for persons receiving the benefits thereof are that the applicant, or each member of an association of applicants, shall be a citizen of the United States; that he shall not be a beneficiary under any other application or permit under this act for land situated within an area of 40 miles square, and that he has not been a permitee under any other permit under this act, which has been cancéled for failure to comply with its terms.

(c) Married women, if their interest is actual and bona fide, have the same privileges as unmarried persons. A corporation is not considered as an association of persons within the meaning and purpose of the act.

(d) A permit under the act is not assignable, but the interest of a deceased permittee will pass to his legal representative.

(e) The 40-mile square limitation is construed to mean an area of that extent in which the lands covered by a permit theretofore granted are in the approximate center; to avoid possible violation of this provision of the act, applicants for more than one permit are advised not to include in their applications for additional permits any lands within less than 20 miles of any boundary of the lands included in any other application or permit in which the applicant is interested.

§ 2225.0–7 Lands subject to disposition under act.

Lands to be designated and made subject to disposition under the act of October 22, 1919, as amended, are those public lands which are unreserved, unappropriated, nonmineral, nontimbered, and not known to be susceptible of successful irrigation from any known source of water supply at a reasonable cost.

§ 2225.1 Procedures.

§ 2225.1–1 Petitions and applications.

(a) A person who desires to apply for a permit to explore for water under the terms of this act must file an application together with a petition on forms approved by the Director, properly executed. However, if the lands described in the application have been already classified and opened for disposition under the Pittman Act, no petition is required. The documents must be filed in the land office at Reno, Nevada.

(b) All persons filing applications must pay a nonrefundable application service fee of $75.

§ 2225.1–2 Conditions of permits.

Permits will be granted only upon condition that active operations be begun for the development of underground water within 6 months from date of approval and continued diligently in good faith until water has been developed in quantity sufficient for the practicable irrigation of not less than 20 acres, or until the date of expiration of the permit; and if the permittee shall not continue such operations in good faith and with reasonable diligence, or if he shall violate any of the terms of the permit, upon presentation of satisfactory proof thereof, the permit will be forthwith canceled and he will not again be granted a permit under the act. (See § 2225.2–3.)

§ 2225.1–3 Progress reports.

At or near the end of the 6 months' period, beginning with the date of the permit, and again at the end of the first year of the life of the permit, if final proof of water development and reclamation has not been submitted, the permittee, or at least one member of an association of permittees, must file in the proper district land office a properly executed statement, corroborated by at least two disinterested witnesses, having knowledge of the facts, showing when the work of exploration was begun, in what manner and to what extent it has been prosecuted, and what results have been obtained. (See § 2225.2–3.)

§ 2225.2 Proof.

§ 2225.2–1 Showing required.

Unless granted an extension of time the permittee is allowed 2 years from the date of his permit in which to complete the work of exploration, and whenever he shall within that time satisfactorily establish that sufficient water has been discovered, developed, and made permanently available to produce a profitable agricultural crop other than native grasses, upon not less than 20 acres of the land described in the permit, he will be entitled to patent for one-fourth of the land embraced in the permit. No

mere perfunctory or questionable compliance with the law will be accepted. It must appear that an agricultural crop has been actually raised—not necessarily a paying or profitable crop, but such a crop as will satisfy the Secretary of the Interior that in time and under ordinary circumstances profitable crops of some sort can be produced from the land. No patent will be granted until the full 20 acres have been cleared, leveled, ditched, plowed, fenced, and an agricultural crop actually planted and raised by irrigation, all in accordance with good farming practice. The wells, pumps, or other works and equipment for the development and supplying of water must be of a permanent and dependable character, suitable for use year after year. A detailed statement of costs of irrigation and production of crops from such water supply will be required; to this end, accurate account should be kept of such costs. No patent can be granted under the act if the cost of irrigation from the developed water supply is practically prohibitive. The act requires a successful development and demonstration of the use of subterranean water, as the principal condition precedent for patent.

§ 2225.2–2 Time for making.

(a) Final proof of the discovery, development, and availability of sufficient water to justify patent may be made by the permittee, or, in case of his death, by his heirs, executors, or administrators, or in case the permittee is an association of individuals, by any member of such association, at any time after such discovery and development as hereinbefore defined, but must be made within 2 years after the date of the permit; but an additional period, not to exceed 1 year, may, upon proper showing, be allowed within which to make the required proof of actual irrigation and cultivation.

(b) When a permittee has reclaimed the land and is ready to make final proof he should apply to the manager for a notice of intention to make such proof. This notice must contain a complete description of the land selected by him for patent and give the serial number of the permit and name of the claimant. It must also show when, where, and before whom the proof is to be made. Four witnesses may be named in the notice, two of whom must be used in making proof. Care should be exercised to select as witnesses persons who are familiar, from personal observation, with the land in question and with what has been done by the claimant toward reclaiming and improving it. Care should also be taken to ascertain definitely the names and addresses of the proposed witnesses, so that they may correctly appear in the notice.

(c) This notice must be published once a week for 5 successive weeks in a newspaper of established character and general circulation published nearest the land, and it must also be posted in a conspicuous place in the land office for the same period of time. The permittee must pay the cost of the publication. The date fixed for the taking of the proof must be at least 30 days after the date of first publication. Proof of publication must be made by the certificate of the publisher of the newspaper or by some one authorized to act for him. The manager will certify to the posting of the notice in the land office.

(d) On the day set in the notice (or in the case of accident or unavoidable delay, within 10 days thereafter) and at the place and before the officer designated, the claimant will appear with two of the witnesses named in the notice and make proof of the reclamation of the land. The testimony of each claimant should be taken separately and apart from and not within the hearing of either of his witnesses, and the testimony of each witness should be taken separately and apart from and not within the hearing of either the applicant or of any other witness, and both the applicant and each of the witnesses should be required to state, in and as part of the final-proof testimony given by them, that they have given such testimony without any actual knowledge of any statement made in the testimony of either of the others.

(e) Final proof may be made before any officer authorized to administer oaths in public land cases, as explained in § 1821.3–2 of this chapter.

(f) The claimant must pay to the manager a nonrefundable service charge of $25 and also the costs of reducing testimony to writing, as determined by the manager.

§ 2225.2–3 Extensions of time.

(a) The act of September 22, 1922 (42 Stat. 1012; 43 U.S.C. 366), authorizes the allowance under certain conditions of an extension of time for a period not exceeding 2 years for the beginning, recommencement, or completion of the work of water development and the submission of final proof of reclamation. This does not mean that the extension will be granted as a matter of course, and applications for extension will not be granted unless it be clearly shown that the failure to complete the work of exploration and water development or of reclamation, as the case may be, within the required period was due to no fault on the part of the permittee but to some unavoidable delay for which he was not responsible and could not have readily foreseen.

(b) A permittee who desires to make application for extension of time should file with the manager an application setting forth fully the facts, showing how and why he has been prevented from beginning or completing the work of water development and making final proof within the regular period. The application must be corroborated by at least two witnesses who have personal knowledge of the facts.

(c) All applications for extension of time for the beginning, recommencement, or completion of the work of water development and submission of final proof must be accompanied by an application service fee of $10 which will not be returnable.

(d) The manager is required to suspend any application for extension of time if he considers it defective in form or substance and to allow the applicant 30 days to make such amendments therein as may be deemed necessary to remove the defects or to file exceptions to the requirements made. After the expiration of the time thus granted the original application and the amendments or exceptions, as the case may be, will be given appropriate consideration by the manager.

§ 2225.3 Patent.

§ 2225.3–1 Form of lands selected for patent; survey.

The land selected for patent shall be in compact form according to legal subdivisions of the public-land surveys, if the land be surveyed. If the land be unsurveyed, the permittee may, at any time during the life of his permit, apply to the State Director for a survey of the land for which he intends to make application for patent. The State Director will thereupon make an estimate of the cost and call on the permittee for a deposit of the amount of the estimate. If the deposit made should prove insufficient, an additional deposit will be called for. If the applicant has not taken steps to procure a survey before submitting final proof, after final proof has been submitted and examined, if same is found satisfactory and acceptable, and in the meantime the public-land system of surveys has not been extended over the lands in question, call will be made on the permittee to make the necessary deposit to cover the cost of survey in which case the issuance of patent will be suspended until the survey is made and accepted. Wherever practicable such official survey will be an extension of the regular system of township surveys, in which case the selection for patent must be conformed to the legal subdivisions of such survey.

§ 2225.3–2 Minerals reserved.

The act provides that all entries made and patents issued under its provisions shall be subject to and contain a reservation to the United States of all the coal and other valuable minerals in the lands entered and patented, together with the right to prospect for, mine, and remove the same.

§ 2225.3–3 Disposal of permit lands after patent.

On the issuance of patent the remaining area within the limits of the land embraced in the permit will thereafter be subject to classification and disposition under section 7 of the act of June 28, 1934, (48 Stat. 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315f).

§ 2225.4 Contests and protests.

Contests and protests may be made against applications, permits, and final proofs under the act of October 22, 1919, as amended, the same as other entries or selections under the public land laws, and same will be disposed of in accordance with Parts 1840 and 1850 of this chapter, so far as applicable. No preference right, however, can be gained by

such contest or protest, but if successful the entire area embraced in the permit will revert to the public domain and the land will be subject to the applicable public land laws.

Subpart 2226—Desert Land Act

AUTHORITY: The provisions of this Subpart 2226 issued under R.S. 2478; 43 U.S.C. 1201, except as noted following sections affected.

§ 2226.0–1 Purpose.

(a) It is the purpose of the statutes governing desert-land entries to encourage and promote the reclamation, by irrigation, of the arid and semiarid public lands of the Western States through individual effort and private capital, it being assumed that settlement and occupation will naturally follow when the lands have thus been rendered more productive and habitable.

(b) Such reclamation is often a difficult and expensive undertaking, and desert-land entrymen sometimes find serious difficulty in complying with all the requirements of the law, particularly persons who possess little capital. All claimants should restrict their entries to only that quantity of land which they can reasonably expect to reclaim, even though such area be much less than may be lawfully entered. As the more accessible and easily appropriated streams become exhausted, it becomes necessary to convey water, often for very long distances, from more remote sources of supply, more elaborate and expensive systems of irrigation are required, the cost of water rights correspondingly increased, and individuals consequently find it necessary to unite their efforts in various forms of cooperative enterprise in order to secure the necessary capital. Nevertheless, a small tract of land, thoroughly reclaimed, with an adequate water supply obtained from a large, well-constructed irrigation system, may well be considered a very valuable piece of property, and more desirable than a larger tract only partially reclaimed or reclaimed from a small, private irrigation system less permanent and efficient in character.

§ 2226.0–3 Authority.

The act of March 3, 1877 (19 Stat. 377; 43 U.S.C. 321–323) as amended by the act of March 3, 1891 (26 Stat. 1096; 43 U.S.C. 321, 323, 325, 327–329), provides for the making of desert-land entries in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

§ 2226.0–6 Who may make desert-land entry.

(a) *Citizenship.* (1) Any citizen of the United States 21 years of age, or any person of that age who has declared his intention of becoming a citizen of the United States, and who can truthfully make the statements specified in §§ 2226.0–7(d) and 2226.1–1(a) can make a desert-land entry. Thus, a woman, whether married or single, who possesses the necessary qualifications, can make a desert-land entry, and, if married, without taking into consideration any entries her husband may have made.

(2) The citizenship of a married woman must be shown, as required by § 1811.1–2 of this chapter.

(3) No assignments of desert-land enclaimants of alien birth must have been admitted to citizenship, but evidence of naturalization need not be furnished if it has already been filed in connection with the original declaration or with the proof of an assignment of the entry.

(b) *Second and additional entries.* A person's right of entry under the desert-land law is exhausted either by filing an allowable application and withdrawing it prior to its allowance or by making an entry or by taking an assignment of an entry, in whole or in part, except under the conditions described in subparagraphs (1) and (2) of this paragraph.

(1) Under the act of September 5, 1914 (38 Stat. 712; 43 U.S.C. 182), if a person, otherwise duly qualified to make a desert-land entry, has previously filed an allowable application, or made such entry or entries and through no fault of his own has lost, forfeited, or abandoned the same, such person may make another entry. In such case, however, it must be shown that the prior application, entry, or entries were made in good faith, and were lost, forfeited, or abandoned because of matters beyond the applicant's control, and that the applicant has not speculated in his right, nor committed a fraud or attempted fraud in connection with such prior entry or entries. As the assignment of an entry involves no loss, forfeiture, or abandonment thereof, but carries a benefit to the assignor, it is held to exhaust his right of entry under the desert-land law. Hence, no person who has assigned such entry, in whole or in part, will be permitted to make another entry or to take one or any part thereof by assignment except where subparagraph (2) of this paragraph applies.

(2) The act of June 16 1955 (69 Stat. 138) authorizes any person who prior to June 16, 1955, made a valid desert-land entry on lands subject to the acts of June 22, 1910 (36 Stat. 583; 30 U.S.C. 33–85), or of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121–123), if otherwise qualified to enter as a personal privilege not assignable, an additional tract of desert land, providing such additional tract shall not, together with the original entry, exceed 320 acres. Applicants and entrymen under the act of June 16, 1955, are subject to, and must comply with, all the regulations of this part, including the acreage limitations of § 2226.0–7(b).

§ 2226.0–7 Land subject to disposition.

(a) *Land that may be entered as desert land.* (1) As the desert-land law requires the artificial irrigation of any land entered thereunder, lands which are not susceptible of irrigation by practicable means are not deemed subject to entry as desert lands. The question as to whether any particular tract sought to be entered as desert land is in fact irrigable from the source proposed by the applicant will be investigated and determined before the application for entry is allowed. In order to be subject to entry under the desert-land law, public lands must be not only irrigable but also surveyed, unreserved, unappropriated, non-mineral (except lands withdrawn, classified, or valuable for coal, phosphate, nitrate, potash, sodium, sulphur, oil, gas or asphaltic minerals, which may be entered with a reservation of such mineral deposits, as explained in Subpart 2023, nontimbered, and such as will not, without artificial irrigation, produce any reasonably remunerative agricultural crop by the usual means or methods of cultivation. In this latter class are those lands which, one year with another for a series of years, will not without irrigation produce paying crops, but on which crops can be successfully grown in alternate years by means of the so-called dry-farming system. (37 L.D. 522 and 42 L.D. 524.)

(2) Applications to make desert-land entries of lands embraced in applications, permits, or leases under the act of February 25, 1920 (41 Stat. 437), if in all other respects complete, will be treated in accordance with §§ 2023.0–3 to 2023.0–7. Applications to make desert-land entries of lands within a naval petroleum reserve must be rejected, as no desert-land entry may be allowed for such lands.

(b) *Quantity of lands that may be entered.* An entry of lands under the act of March 3, 1877, is limited to 320 acres, subject to the following additional limitations:

(1) An entry of lands within an irrigation district which the Secretary of the Interior or his delegate has approved under the act of August 11, 1916 (39 Stat. 506; 43 U.S.C. 621–630), is limited to 160 acres.

(2) An entryman may have a desert-land entry for such a quantity of land as, taken together with all land acquired and claimed by him under the other agricultural land laws since August 30, 1890, does not exceed 320 acres in the aggregate, or 480 acres if he shall have made an enlarged homestead entry of 320 acres (acts of August 30, 1890; 26 Stat. 391; 43 U.S.C. 212; and of February 27, 1917; 39 Stat. 946; 43 U.S.C. 330).

(c) *Economic unit requirements, compactness.* (1) One or more tracts of public lands may be included in a desert land entry and the tracts so entered need not be contiguous. All the tracts entered, however, shall be sufficiently close to each other to be managed satisfactorily as an economic unit. In addition, the lands in the entry must be in as compact a form as possible taking into consideration the character of available public lands and the effect of allowance of the entry on the remaining public lands in the area.

(2) In determining whether an entry can be allowed in the form sought, the authorized officer of the Bureau of Land Management will take into consideration such factors as the topography of the applied for and adjoining lands, the availability of public lands near the lands sought, the private lands farmed by the applicant, the farming systems and practices common to the locality and the character of the lands sought, and the practicability of farming the lands

as an economically feasible operating unit.

(3) In addition to the other requirements of the regulations in this part, applicants for desert land entry must submit with their applications information showing that the tracts applied for are sufficiently close to each other to be managed satisfactorily as an economic unit and that the lands in the application are as compact as possible in the circumstances.

(d) *Entries restricted to surveyed lands since March 28, 1908 as claims on unsurveyed lands.* (1)(i) Prior to the act of March 28, 1908 (35 Stat. 52; 43 U.S.C. 324, 326, 333), a desert-land entry could embrace unsurveyed lands, but since the date of that act desert-land entries may not be made of unsurveyed lands. This act provides, however, that any individual qualified to make entry of desert lands under the desert land acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area 320 acres in compact form, and has reclaimed or has in good faith commenced the work of reclaiming the same, shall have the preference right to make entry of such tract under said acts, in conformity with the public-land surveys, within 90 days after the filing of the approved plat of survey in the land office.

(ii) Unsurveyed public land withdrawn by Executive Orders Nos. 6910 and 6964 of November 26, 1934, and February 5, 1935, respectively, is not subject to appropriation, under the desert-land laws, until such appropriation has been authorized by classification. (See Subpart 2411.)

(2) To preserve this preference right the work of reclamation must be continued up to the filing of the plat of survey, unless the reclamation of the land is completed before that time, and in that event the claimant must continue to cultivate and occupy the land until the survey is completed and the plat filed. A mere perfunctory occupation of the land, such as staking off the claim or posting notices thereof on the land claimed, will not secure the preference right as against an adverse claimant. While actual settlement and residence upon the land, as required under the homestead law, are not necessary, the possession and improvements must be such as to conform to the requirements of the desert land law and must evidence good faith on the part of the claimant.

§ 2226.1 Procedures.

§ 2226.1–1 Petitions and applications.

(a) *Filing and fees.* (1) A person who desires to enter public lands under the desert land laws must file an application together with a petition on forms approved by the Director, properly executed. However, if the lands described in the application have been already classified and opened for disposition under the desert land laws, no petition is required. The documents must be filed in the proper land office in the State, except that petitions for lands in North Dakota or South Dakota must be filed in the land office at Billings, Montana.

(2) All applications must be accompanied by an application service fee of $16 which is not returnable, and the payment of 25 cents per acre for the lands therein described as required by law.

(b) *Post-office addresses of applicants and witnesses.* Applicants and witnesses must in all cases state their places of actual residence, their business or occupation, and their post-office addresses. It is not sufficient to name only the county or State in which a person lives, but the town or city must be named also; and where the residence is in a city the street and number must be given. It is especially important to claimants that upon changing their post-office addresses they promptly notify the manager of such change, for in case of failure to do so their entries may be canceled upon notice sent to the address of record but not received by them.

(c) *Execution of applications and proofs; time for filing of applications.* (1) Applications and proofs, except final proofs required by R.S. 2294 (43 U.S.C. 254), must be signed by the applicants but need not be under oath. Final proofs may be executed before any officer authorized to administer oaths in public land cases, as explained by § 1821.3–2 of this chapter.

(2) An application to make desert-land entry is not acceptable if dated more than 10 days before its filing at the land office.

(d) *Evidence of water rights required with application.* No desert-land application will be allowed unless accompanied by evidence satisfactorily showing either that the intending entryman has already acquired by appropriation, purchase, or contract a right to the permanent use of sufficient water to irrigate and reclaim all of the irrigable portion of the land sought, or that he has initiated and prosecuted, as far as then possible, appropriate steps looking to the acquisition of such a right, or, in States where no permit or right to appropriate water is granted until the land embraced within the application is classified as suitable for desert-land entry or the entry is allowed, a showing that the applicant is otherwise qualified under State law to secure such permit or right. If applicant intends to procure water from an irrigation district, corporation, or association, but is unable to obtain a contract for the water in advance of the allowance of his entry, then he must furnish, in lieu of the contract, some written assurance from the responsible officials of such district, corporation, or association that, if his entry be allowed, applicant will be able to obtain from that source the necessary water. The manager will examine the evidence submitted in such applications and either reject defective applications or require additional evidence.

§ 2226.1–2 Assignment.

(a) *Lands which may be assigned.* While by the act of March 3, 1891 (26 Stat. 1096; 43 U.S.C. 329), assignments of desert-land entries were recognized, the Department of the Interior, largely for administrative reasons, held that a desert-land entry might be assigned as a whole or in its entirety, but refused to recognize the assignment of only a portion of an entry. The act of March 28, 1908, however, provides for an assignment of such entries, in whole or in part, but this does not mean that less than a legal subdivision may be assigned. Therefore no assignment, otherwise than by legal subdivisions, will be recognized. The legal subdivisions assigned must be contiguous.

CROSS REFERENCE: For assignment of desert-land entries within Government reclamation projects, see § 2226.4–5(a).

(b) *Qualifications of assignees.* (1) The act of March 28, 1908, also provides that no person may take a desert-land entry by assignment unless he is qualified to enter the tract so assigned to him. Therefore, if a person is not at least 21 years of age and, excepting Nevada, a resident citizen of the State wherein the land involved is located; or if he is not a citizen of the United States, or a person who has declared his intention to become a citizen thereof; or, if he has made a desert-land entry in his own right and is not entitled under § 2226.0–6 to make a second or an additional entry, he cannot take such an entry by assignment. The language of the act indicates that the taking of an entry by assignment is equivalent to the making of an entry, and this being so, no person is allowed to take more than one entry by assignment, unless it be done as the exercise of a right of second or additional entry.

(2) A person who has the right to make a second or additional desert-land entry may exercise that right by taking an assignment of a desert-land entry, or part of such entry, if he is otherwise qualified to make a desert-land entry for the particular tract assigned.

(3) The act of March 28, 1908, also provides that no assignment to or for the benefit of any corporation shall be authorized or recognized.

(c) *Showing required of assignees; recognition of assignments.* (1) As evidence of the assignment there should be transmitted to the manager the original deed of assignment or a certified copy thereof. Where the deed of assignment is recorded a certified copy may be made by the officer who has custody of the record. Where the original deed is presented to an officer qualified to take proof in desert-land cases, a copy certified by such officer will be accepted.

(2) An assignee must file with his deed of assignment, a statement on a form approved by the Director, showing his qualifications to take the entry assigned to him. He must show what applications or entries, if any, have been made by him or what entries assigned to him under the agricultural public land laws, and he must also show his qualifications as a citizen of the United States; that he is 21 years of age or over; and also that he is a resident citizen of the State in which the land assigned to him is situated, except in the State of Nevada, where citizenship of the United States only is required. If the assignee is not a native-born citizen of the United States, he should also furnish a statement as to his citizenship status in accordance with Subpart 1811 of this chapter. If the assignee is a woman, she

similar work or improvements prevailing in the vicinity, and not the amount alleged by a claimant to have been expended nor the mere proof of expenditures, as exhibited by checks or other vouchers. (Bradley v. Vasold, 36 L.D. 106.)

(c) *Expenditures not acceptable.* (1) Expenditures for cultivation after the soil has been first prepared may not be accepted, because the claimant is supposed to be compensated for such work by the crops to be reaped as a result of cultivation. Expenditures for surveying the claim in order to locate the corners of same may not be accepted. The cost of tools, implements, wagons, and repairs to same, used in construction work, may not be computed in cost of construction. Expenditures for material of any kind will not be allowed unless such material has actually been installed or employed in and for the purpose for which it was purchased. For instance, if credit is asked for posts and wire for fences or for pump or other well machinery, it must be shown that the fence has been actually constructed or the well machinery actually put in place. No expenditures can be credited on annual proofs upon a desert-land entry unless made on account of that particular entry, and expenditures once credited can not be again applied. This rule applies to second entries as well as to original entries, and a claimant who relinquishes his entry and makes second entry of the same land under the act of September 5, 1914, cannot receive credit on annual proofs upon the second entry for expenditures made on account of the former entry. (41 L.D. 601 and 42 L.D. 523.)

(2) Expenditures for the clearing of the land will not receive credit in cases where the vegetation or brush claimed to have been cleared away has not been actually removed by the roots. Therefore, expenditures for clearing, where as a matter of fact there has been only crushing, or rolling, or what is known in some localities as railing the land will not be accepted.

(3) No expenditures for stock or interest in an irrigation company, through which water is to be secured for irrigating the land, will be accepted as satisfactory annual expenditure until a field examiner, or other authorized officer, has submitted a report as to the resources and reliability of the company, including its actual water right, and such report has been favorably acted upon by the Bureau of Land Management. The stock purchased must carry the right to water, and it must be shown that payment in cash has been made at least to the extent of the amount claimed as expenditure for the purchase of such stock in connection with the annual proof submitted, and such stock must be actually owned by the claimants at the time of the submission of final proof.

(d) *Procedure where proof is not made when due.* Managers will examine their records frequently for the purpose of ascertaining whether all annual proofs due on pending desert-land entries have been made, and in every case where the claimant is in default in that respect they will send him notice and allow him 60 days in which to submit such proof. If the proof is not furnished as required the entry will be canceled. During the pendency of a Government proceeding initiated by such notice the entry will be protected against a private contest charging failure to make the required expenditures, and such contest will neither defeat the claimant's right to equitably perfect the entry as to the matter of expenditures during the 60 days allowed in the notice nor secure to the contestant a preference right in event the entry be canceled for default under said notice.

(e) *Desert land entry in more than one district.* When a desert-land entry embraces land in more than one district, the required annual proofs may be filed in either district, provided proper reference is made to the portion of the entry in the adjoining district, and the entryman must notify the manager of the adjoining district by letter of the date when the annual proof is filed.

(f) *Extensions of time.* (1) The law makes no provision for extensions of time in which to file annual proof becoming due subsequent to December 31, 1936, on desert-land entries not embraced within the exterior boundaries of any withdrawal or irrigation project under the Reclamation Act of June 17, 1902 (32 Stat. 388), and extensions for said purpose cannot therefore be granted. However, where a township is suspended from entry for the purpose of resurvey thereof the time between the date of suspension and the filing in the local office of the new plat of survey will be excluded from the period accorded by law for the reclamation of land under a desert entry within such township and the statutory life of the entry extended accordingly (40 L.D. 223). During the continuance of the extension the claimant may, at his option, defer the making of annual expenditures and proof thereof.

(2) Extensions of time for making desert-land proofs were authorized by the acts of June 16, 1933 (48 Stat. 274; 43 U.S.C. 256a), July 26, 1935 (49 Stat. 504; 43 U.S.C. 256a), and June 16, 1937 (50 Stat. 303; 43 U.S.C. 256a). Such acts affect only proofs becoming due on or before December 31, 1936. For that reason, the regulations which were issued thereunder have not been included in this chapter.

(g) *Submission of proof before due date.* Nothing in the statutes or regulations should be construed to mean that the entryman must wait until the end of the year to submit his annual proof because the proof may be properly submitted as soon as the expenditures have been made. Proof sufficient for the 3 years may be offered whenever the amount of $3 an acre has been expended in reclaiming and improving the land, and thereafter annual proof will not be required.

§ 2226.1–5 Final proof.

(a) *General requirements.* The entryman, his assigns, or, in case of death, his heirs or devisees, are allowed 4 years from date of the entry within which to comply with the requirements of the law as to reclamation and cultivation of the land and to submit final proof, but final proof may be made and patent thereon issued as soon as there has been expended the sum of $3 per acre in improving, reclaiming, and irrigating the land, and one-eighth of the entire area entered has been properly cultivated and irrigated, and when the requirements of the desert-land laws as to water rights and the construction of the necessary reservoirs, ditches, dams, etc., have been fully complied with.

(b) *Notice of intention to make final proof.* When an entryman has reclaimed the land and is ready to make final proof, he should apply to the manager for a notice of intention to make such proof. This notice must contain a complete description of the land, give the number of the entry and name of the claimant, and must bear an endorsement specifically indicating the source of his water supply. If the proof is made by an assignee, his name, as well as that of the original entryman, should be stated. It must also show when, where and before whom the proof is to be made. Four witnesses may be named in this notice, two of whom must be used in making proof. Care should be exercised to select as witnesses persons who are familiar, from personal observation, with the land in question, and with what has been done by the claimant toward reclaiming and improving it. Care should also be taken to ascertain definitely the names and addresses of the proposed witnesses, so that they may correctly appear in the notice.

(c) *Publication of final-proof notice.* The manager will issue the usual notice for publication. This notice must be published once a week for five successive weeks in a newspaper of established character and general circulation published nearest the lands (see 38 L.D. 131; 43 L.D. 216). The claimant must pay the cost of the publication but it is the duty of managers to procure the publication of proper final-proof notices. The date fixed for the taking of the proof must be at least 30 days after the date of first publication. Proof of publication must be made by the statement of the publisher of the newspaper or by someone authorized to act for him.

(d) *Submission of final proof.* On the day set in the notice (or, in the case of accident or unavoidable delay, within 10 days thereafter), and at the place and before the officer designated, the claimant will appear with two of the witnesses named in the notice and make proof of the reclamation, cultivation, and improvement of the land. The testimony of each claimant should be taken separately and apart from and not within the hearing of either of his witnesses, and the testimony of each witness should be taken separately and apart from and not within the hearing of either the applicant or of any other witness, and both the applicant and each of the witnesses should be required to state, in and as a part of the final-proof testimony given by them, that they have given such testimony without any actual knowledge of any statement made in the testimony of either of the others. In every instance where, for any reason whatever, final proof is not submitted within the 4 years prescribed by law, or within the period of an extension granted for submitting such proof, a statement should be filed by claimant, with the proof, explaining the cause of delay.

The final proof may be made before any officer authorized to administer oaths in public land cases, as explained in § 1821.3–2 of this chapter.

(e) *Showing as to irrigation system.* The final proof must show specifically the source and volume of the water supply and how it was acquired and how it is maintained. The number, length, and carrying capacity of all ditches to and on each of the legal subdivisions must also be shown. The claimant and the witnesses must each state in full all that has been done in the matter of reclamation and improvements of the land, and must answer fully, of their own personal knowledge, all of the questions contained in the final-proof blanks. They must state plainly whether at any time they saw the land effectually irrigated, and the different dates on which they saw it irrigated should be specifically stated.

(f) *Showing as to lands irrigated and reclaimed.* While it is not required that all of the land shall have been actually irrigated at the time final proof is made, it is necessary that the one-eighth portion which is required to be cultivated shall also have been irrigated in a manner calculated to produce profitable results, considering the character of the land, the climate, and the kind of crops being grown. (Alonzo B. Cole, 38 L.D. 420.) The cultivation and irrigation of the one-eighth portion of the entire area entered may be had in a body on one legal subdivision or may be distributed over several subdivisions. The final proof must clearly show that all of the permanent main and lateral ditches necessary for the irrigation of all the irrigable land in the entry have been constructed so that water can be actually applied to the land as soon as it is ready for cultivation. If pumping be relied upon as the means of irrigation, the plant installed for that purpose must be of sufficient capacity to render available enough water for all the irrigable land. If there are any high points or any portions of the land which for any reason it is not practicable to irrigate, the nature, extent, and situation of such areas

should in all cases state whether she is married, and if so, she must make the showing required by Subpart 1811 of this chapter. Desert-land entries are initiated by the payment of 25 cents per acre, and no assignable right is acquired by the applicant prior to such payment. (6 L.D. 541, 33 L.D. 152.) An assignment made on the day of such payment, or soon thereafter, is treated as suggesting fraud, and such cases will be carefully scrutinized. The provisions of law authorizing the assignment of desert entries, in whole or in part, furnish no authority to a claimant under said law to make an executory contract to convey the land after the issuance of patent and thereafter to proceed with the submission of final proof in furtherance of such contract. (34 L.D. 383.) The sale of land embraced in an entry at any time before final payment is made must be regarded as an assignment of the entry, and in such cases the person buying the land must show that he possesses all the qualifications required of an assignee. (29 L.D. 453.) The assignor of a desert-land entry may execute the assignment before any officer authorized to take acknowledgements of deeds. The assignee must furnish a statement on a form approved by the Director as to his qualifications.

(3) No assignments of desert-land entries or parts of entries are conclusive until examined in the land office and found satisfactory and the assignment recognized. When recognized, however, the assignee takes the place of the assignor as effectively as though he had made the entry, and is subject to any requirement that may be made relative thereto. The assignment of a desert-land entry to one disqualified to acquire title under the desert-land law, and to whom, therefore, recognition of the assignment is refused by the manager, does not of itself render the entry fraudulent, but leaves the right thereto in the assignor. In such connection, however, see 42 L.D. 90 and 48 L.D. 519.

(4) All applications for recognition of assignment of desert-land entries must be accompanied by an application service fee of $10 which will not be returnable.

§ 2226.1–3 When lands may be sold, taxed, or mortgaged.

(a) After final proof and payment have been made the land may be sold and conveyed to another person without the approval of the Bureau of Land Management, but all such conveyances are nevertheless subject to the superior rights of the United States, and the title so contained would fail if it should be finally determined that the entry was illegal or that the entryman had failed to comply with the law.

(b) Lands embraced in unperfected desert-land entries are not subject to taxation by the State authorities, nor to levy and sale under execution to satisfy judgments against the entrymen, except as hereinafter set forth in this section.

(c) Lands embraced in desert-land entries within an irrigation district which the Secretary of the Interior has approved under the act of August 11, 1916 (39 Stat. 506; 43 U.S.C. 621–630), may be taxed and otherwise dealt with as provided by said act, and lands in desert-land entries within irrigation projects constructed under the Reclamation Act may be taxed as provided for by the act of June 13, 1930 (46 Stat. 581; 43 U.S.C. 455, 455a–455c).

(d) A desert-land entryman may, however, mortgage his interest in the entered land if, by the laws of the State in which the land is situated, a mortgage of land is regarded as merely creating a lien thereon and not as a conveyance thereof. The purchaser at a sale had for the foreclosure of such mortgage may be recognized as assignee upon furnishing proof of his qualifications to take a desert-land entry by assignment. Transferees, after final proof, mortgagees, or other encumbrances may file in the proper land office written notice stating the nature of their claims, and they will thereupon become entitled to receive notice of any action taken by the Bureau of Land Management with reference to the entry.

(e) The filing of all notices of recordation of claim by transferred, mortgages, or other encumbrancer under this section must be accompanied by a service charge of $10 which will not be returnable.

§ 2226.1–4 Annual proof.

(a) *Showing required.* (1) In order to test the sincerity and good faith of claimants under the desert-land laws and to prevent the segregation for a number of years of public lands in the interest of persons who have no intention to reclaim them, Congress, in the act of March 3, 1891 (26 Stat. 1096; 43 U.S.C. 327, 328) made the requirement that a map be filed at the initiation of the entry showing the mode of contemplated irrigation and the proposed source of water supply, and that there be expended yearly for 3 years from the date of the entry not less than $1 for each acre of the tract entered, making a total of not less than $3 per acre, in the necessary irrigation, reclamation, and cultivation of the land, in permanent improvements thereon, and in the purchase of water rights for the irrigation thereof, and that at the expiration of the third year a map or plan be filed showing the character and extent of the improvements placed on the claim. Said act, however, authorizes the submission of final proof at an earlier date than 4 years from the time the entry is made in cases wherein reclamation has been effected and expenditures of not less than $3 per acre have been made.

(2) Yearly or annual proof of expenditures must consist of the statements of "two or more credible witnesses," each of whom must have general knowledge that the expenditures were made for the purpose stated in the proof. Annual proofs must contain itemized statements showing the manner in which expenditures were made.

(b) *Acceptable expenditures.* (1) Expenditures for the construction and maintenance of storage reservoirs, dams, canals, ditches, and laterals to be used by claimant for irrigating his land; for roads where they are necessary; for erecting stables, corrals, etc.; for digging wells, where the water therefrom is to be used for irrigating the land; for stock or interest in an approved irrigation company, or for taxes paid to an approved irrigation district through which water is to be secured to irrigate the land; and for leveling and bordering land proposed to be irrigated, will be accepted. Expenditures for fencing all or a portion of the claim, for surveying for the purpose of ascertaining the levels for canals, ditches, etc., and for the first breaking or clearing of the soil are also acceptable.

(2) The value to be attached to, and the credit to be given for, an expenditure for works or improvements is the reasonable value of the work done or improvement placed upon the land, according to the market price therefor, or for

in each legal subdivision must be fully stated. If less than one-eighth of a smallest legal subdivision is practically susceptible of irrigation from claimant's source of water supply and no portion thereof is used as a necessary part of his irrigation scheme, such subdivision must be relinquished. (43 L.D. 269.)

(g) *Showing as to tillage of land.* As a rule, actual tillage of one-eighth of the land must be shown. It is not sufficient to show only that there has been a marked increase in the growth of grass or that grass sufficient to support stock has been produced on the land as a result of irrigation. If, however, on account of some peculiar climatic or soil conditions, no crops except grass can be successfully produced, or if actual tillage will destroy or injure the productive quality of the soil, the actual production of a crop of hay of merchantable value will be accepted as sufficient compliance with the requirements as to cultivation. (32 L.D. 456.) In such cases, however, the facts must be stated and the extent and value of the crop of hay must be shown, and, as before stated, that same was produced as a result of actual irrigation.

(h) *Showing as to water right.* (1) In every case where the claimant's water right is founded upon contract or purchase the final proof must embrace evidence which clearly establishes the fact and legal sufficiency of that right. If claimant's ownership of such right has already been evidenced in connection with the original entry or some later proceeding, then the final proof must show his continued possession thereof. If the water right relied on is obtained under claimant's appropriation, the final proof, considered together with any evidence previously submitted in the matter, must show that the claimant has made such preliminary filings as are required by the laws of the State in which the land is located, and that he has also taken all other steps necessary under said laws to secure and perfect the claimed water right. In all cases the water right, however it be acquired, must entitle the claimant to the use of a sufficient supply of water to irrigate successfully all the irrigable land embraced in his entry, notwithstanding that the final proof need only show the actual irrigation of one-eighth of that area.

(2) In those States where entrymen have made applications for water rights and have been granted permits but where no final adjudication of the water right can be secured from the State authorities owing to delay in the adjudication of the watercourses or other delay for which the entrymen are in no way responsible, proof that the entrymen have done all that is required of them by the laws of the State, together with proof of actual irrigation of one-eighth of the land embraced in their entries, may be accepted. This modification of the rule that the claimant must furnish evidence of an absolute water right will apply only in those States where under the local laws it is impossible for the entryman to secure final evidence of title to his water right within the time allowed him to submit final proof on his entry, and in such cases the best evidence obtainable must be furnished. (35 L.D. 305.)

(3) It is a well-settled principle of law in all of the States in which the desert land acts are operative that actual application to a beneficial use of water appropriated from public streams measures the extent of the right to the water, and that failure to proceed with reasonable diligence to make such application to beneficial use within a reasonable time constitutes an abandonment of the right. (Wiel's Water Rights in the Western States, sec. 172.) The final proof, therefore, must show that the claimant has exercised such diligence as will, if continued, under the operation of this rule result in his definitely securing a perfect right to the use of sufficient water for the permanent irrigation and reclamation of all of the irrigable land in his entry. To this end the proof must at least show that water which is being diverted from its natural course and claimed for the specific purpose of irrigating the lands embraced in claimant's entry, under a legal right acquired by virtue of his own or his grantor's compliance with the requirements of the State laws governing the appropriation of public waters, has actually been conducted through claimant's main ditches to and upon the land; that one-eighth of the land embraced in the entry has been actually irrigated and cultivated; that water has been brought to such a point on the land as to readily demonstrate that the entire irrigable area may be irrigated from the system; and that claimant is prepared to distribute the water so claimed over all of the irrigable land in each smallest legal subdivision in quantity sufficient for practical irrigation as soon as the land shall have been cleared or otherwise prepared for cultivation. The nature of the work necessary to be performed in and for the preparation for cultivation of such part of the land as has not been irrigated should be carefully indicated, and it should be shown that the said work of preparation is being prosecuted with such diligence as will permit of beneficial application of appropriated water within a reasonable time.

(4) Desert-land claimants should bear in mind that a water right and a water supply are not the same thing and that the two are not always or necessarily found together. Strictly speaking, a perfect and complete water right for irrigation purposes is confined to and limited by the area of land that has been irrigated with the water provided thereunder. Under the various State laws, however, an inchoate or incomplete right may be obtained which is capable of ripening into a perfect right if the water is applied to beneficial use with reasonable diligence. A person may have an apparent right of this kind for land which he has not irrigated, and which, moreover, he never can irrigate because of the lack of available water to satisfy his apparent right. Such an imperfect right, of course, cannot be viewed as meeting the requirements of the desert-land law which contemplates the eventual reclamation of all the irrigable land in the entry. Therefore, and with special reference to that portion of the irrigable land of an entry not required to be irrigated and cultivated before final proof, an incomplete (though real) water right will not be acceptable if its completion appears to be impossible because there is no actual supply of water available under the appropriation in question.

(i) *Showing where water supply is derived from irrigation project.* (1) Where the water right claimed in any final proof is derived from an irrigation project it must be shown that the entryman owns such an interest therein as entitles him to receive from the irrigation works of the project a supply of water sufficient for the proper irrigation of the land embraced in his entry. Investigations by field examiners as to the resources and reliability, including particularly the source and volume of the water supply, of all irrigation companies, associations, and districts through which desert-land entrymen seek to acquire water rights for the reclamation of their lands are made, and it is the purpose of the Bureau of Land Management to accept no annual or final proofs based upon such a water right until an investigation of the company in question has been made and report thereon approved. The information so acquired will be regarded as determining, at least tentatively, the amount of stock or interest which is necessary to give the entryman a right to a sufficient supply of water; but the entryman will be permitted to challenge the correctness of the report as to the facts alleged and the validity of its conclusions and to offer either with his final proof or subsequently such evidence as he can tending to support his contentions.

(2) Entrymen applying to make final proof are required to state the source of their water supply, and if water is to be obtained from the works of an irrigation company, association, or district the manager will endorse the name and address of the project upon the copy of the notice to be forwarded to the area administrator. If the report on the company has been acted upon by the Bureau of Land Management and the proof submitted by claimant does not show that he owns the amount of stock or interest in the company found necessary for the area of land to be reclaimed, the manager will suspend the proof, advise the claimant of the requirements made by the Bureau of Land Management in connection with the report, and allow him 30 days within which to comply therewith or to make an affirmative showing in duplicate and apply for a hearing. In default of any action by him within the specified time the manager will reject the proof, subject to the usual right of appeal.

(j) *Final-proof expiration notice.* (1) Where final proof is not made within the period of 4 years, or within the period for which an extension of time has been granted, the claimant will be allowed 90 days in which to submit final proof. (44 L.D. 364.)

(2) Should no action be taken within the time allowed, the entry will be canceled. The 90 days provided for in this

section must not be construed as an extension of time or as relieving the claimant from the necessity of explaining why the proof was not made within the statutory period or within such extensions of that period as have been specifically granted.

(k) *Requirements where township is suspended for resurvey.* No claimant will be required to submit final proof while the township embracing his entry is under suspension for the purpose of resurvey. (40 L.D. 223.) This also applies to annual proof. In computing the time when final proof on an entry so affected will become due the period between the date of suspension and the filing in the local office of the new plat of survey will be excluded. However, if the claimant so elects, he may submit final proof on such entry notwithstanding the suspension of the township.

§ 2226.1–6 Amendments.

(a) *To enlarge area of desert-land entry.* Amendment for the purpose of enlarging the area of a desert-land entry will be granted under and in the conditions and circumstances now to be stated.

(1) In any case where it is satisfactorily disclosed that entry was not made to embrace the full area which might lawfully have been included therein because of existing appropriations of all contiguous lands then appearing to be susceptible of irrigation through and by means of entryman's water supply, or of all such lands which seemed to be worthy of the expenditure requisite for that purpose, said lands having since been released from such appropriations.

(2) Where contiguous tracts have been omitted from entry because of entryman's belief, after a reasonably careful investigation, that they could not be reclaimed by means of the water supply available for use in that behalf, it having been subsequently discovered that reclamation thereof can be effectively accomplished by means of a changed plan or method of conserving or distributing such water supply.

(3) Where, at the time of entry, the entryman announced, in his declaration, his purpose to procure the cancellation, through contest or relinquishment, of an entry embracing lands contiguous to those entered by him, and thereafter to seek amendment of his entry in such manner as to embrace all or some portion of the lands so discharged from entry.

(b) *Conditions governing amendments in exercise of equitable powers; amendments involving homestead and desert-land entries of adjoining lands.* Applications for amendment presented pursuant to § 1821.6–5(a) of this chapter will not be granted, except where at least one legal subdivision of the lands originally entered is retained in the amended entry, and any such application must be submitted within 1 year next after discovery by the entryman of the existence of the conditions relied upon as entitling him to the relief he seeks, or within 1 year succeeding the date on which, by the exercise of reasonable diligence, the existence of such conditions might have been discovered: *Provided, nevertheless,* That where an applicant for amendment has made both homestead and desert land entries for contiguous lands, amendment may be granted whereby to transfer the desert-land entry, in its entirety, to the land covered by the homestead entry, and the homestead entry, in its entirety, to the land covered by the desert-land entry, or whereby to enlarge the desert-land entry in such manner as that it will include the whole or some portion of the lands embraced in the homestead entry, sufficient equitable reason for such enlargement being exhibited, and the area of the enlarged entry in no case exceeding 320 acres. Applications for such amendments may be made under §§ 1821.6–1 to 1821.6–7 of this chapter and on the prescribed form, in so far as the same are applicable. A supplemental statement should also be furnished, if necessary, to show the facts.

(c) *Evidence of water-right to accompany application to amend desert-land entry.* Application to amend desert-land entries by the addition of a new and enlarged area or by transferring the entry to lands not originally selected for entry must be accompanied by evidence of applicant's right to the use of water sufficient for the adequate irrigation of said enlarged area or of the lands to which entry is to be transferred. Such evidence must be in the form prescribed by § 2226.1–1 (d) and (e).

§ 2226.1–7 Contests.

(a) Contests may be initiated by any person seeking to acquire title to or claiming an interest in the land involved against a party to any desert-land entry because of priority of claim or for any sufficient cause affecting the legality or validity of the claim not shown by the records of the Bureau of Land Management.

(b) Successful contestants will be allowed a preference right of entry for 30 days after notice of the cancellation of the contested entry, in the same manner as in homestead cases, and the manager will give the same notice and is entitled to the same fee for notice as in other cases.

Cross Reference: For provisions under Appeals and Hearings see Parts 1840 and 1850 of this chapter.

§ 2226.1–8 Relinquishments.

A desert-land entry may be relinquished at any time by the party owning the same. Conditional relinquishments will not be accepted.

Cross Reference: For relinquishments, in general, see Subpart 1825 of this chapter.

§ 2226.2 Extensions of time to make final proof.

§ 2226.2–1 General acts authorizing extensions of time.

(a) There are five general acts of Congress which authorize the allowance, under certain conditions, of an extension of time for the submission of final proof by a desert-land claimant. Said acts are the following: June 27, 1906 (Sec. 5, 34 Stat. 520; 43 U.S.C. 448); March 28, 1908 (Sec. 3, 35 Stat. 52; 43 U.S.C. 333); April 30, 1912 (37 Stat. 106; 43 U.S.C. 334); March 4, 1915 (Sec. 5, 38 Stat. 1161; 43 U.S.C. 335); and February 25, 1925 (43 Stat. 982; 43 U.S.C. 336). The act of June 27, 1906, is applicable only to entries embraced within the exterior limits of some withdrawal or irrigation project under the Reclamation Act of June 17, 1902 (32 Stat. 388). The act of March 4, 1915, is applicable only to entries made prior to March 4, 1915; and while authorizing in certain cases an additional extension to claimants who have had one or more extensions under previous laws, this act denies any extension under its terms to claimants who can obtain such benefit under prior acts.

(b) In addition to the acts cited in this section, extensions of time for making desert-land proofs were authorized by the acts of June 16, 1933 (48 Stat. 274; 43 U.S.C. 256a), July 26, 1935 (49 Stat. 504; 43 U.S.C. 256a), and June 16, 1937 (50 Stat. 303; 43 U.S.C. 256a). Such acts affect only proofs becoming due on or before December 31, 1936. For that reason, the regulations which were issued thereunder have not been included in this chapter.

§ 2226.2–2 Procedure on applications for extensions of time, where contest is pending.

(a) A pending contest against a desert-land entry will not prevent the allowance of an application for extension of time, where the contest affidavit does not charge facts tending to overcome the prima facie showing of right to such extension. (41 L.D. 603.)

(b) Consideration of an application for extension of time will not be deferred because of the pendency of a contest against the entry in question unless the contest charges be sufficient, if proven, to negative the right of the entryman to an extension of time for making final proof. If the contest charges be insufficient, the application for extension, where regular in all respects, will be allowed and the contest dismissed subject to the right of appeal, but without prejudice to the contestant's right to amend his charges.

§ 2226.2–3 Act of March 28, 1908.

Under the provisions of the act of March 28, 1908 (35 Stat. 52; 43 U.S.C. 333), the period of 4 years may be extended, in the discretion of the authorized officer, for an additional period not exceeding 3 years, if, by reason of some unavoidable delay in the construction of the irrigating works intended to convey water to the land, the entryman is unable to make proof of reclamation and cultivation required within the 4 years. This does not mean that the period within which proof may be made will be extended as a matter of course for 3 years. Applications for extension under said act will not be granted unless it be clearly shown that the failure to reclaim and cultivate the land within the regular period of 4 years was due to no fault on the part of the entryman but to some unavoidable delay in the construction of the irrigation works for which he was not responsible and could not have readily foreseen. (37 L.D. 332.) It must also appear that he has complied with the law as to annual expenditures and proof thereof.

§ 2226.2–4 Act of April 30, 1912.

(a) Under the provisions of the act of April 30, 1912 (37 Stat. 106; 43 U.S.C. 334), a further extension of time may be granted for submitting final proof, not exceeding 3 years, where it is shown that, because of some unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry, the claimant is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands within the time limited therefor, but such further extension cannot be granted for a period of more than 3 years nor affect contests initiated for a valid existing reason.

(b) An entryman who has complied with the law as to annual expenditures and proof thereof and who desires to make application for extension of time under the provisions of the act of March 28, 1908, should file with the manager a statement setting forth fully the facts, showing how and why he has been prevented from making final proof of reclamation and cultivation within the regular period. This statement must be corroborated by two witnesses who have personal knowledge of the facts.

§ 2226.2–5 Act of February 25, 1925.

Applications for further extension of time under the act of April 30, 1912, and February 25, 1925 (43 Stat. 982; 43 U.S.C. 336), may be made in the same manner, and the same procedure will be followed with respect to such applications as under the act of March 28, 1908, and the act of March 4, 1915 (38 Stat. 1161; 43 U.S.C. 335), as amended.

§ 2226.2–6 Service fees.

All applications for extension of time made under the acts of March 28, 1908, April 30, 1912, or February 25, 1925, must be accompanied by an application service fee of $10 which will not be returnable.

§ 2226.2–7 Act of March 4, 1915.

(a) *General statement.* The last three paragraphs of section 5 of the act of Congress approved March 4, 1915 (38 Stat. 1161), entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes," as amended by the act of March 21, 1918 (40 Stat. 458; 43 U.S.C. 335, 337, 338), authorize the Secretary of the Interior, under rules and regulations to be prescribed by him, to grant relief to certain classes of desert-land claimants. This law provides that upon certain conditions such an entryman, or his duly qualified assignee, may obtain an extension of time, not exceeding 3 years from date of its allowance, in which to submit final proof, or that upon certain other conditions he may either complete his entry in the manner required of a homestead claimant or purchase the land on special terms.

(b) *Applications for relief.* (1) All applications for the benefits of section 5 of the act of March 4, 1915, as amended, should be filed prior to the expiration of the time within which the applicant would otherwise be required to make final proof on his desert-land entry in the land office for the district in which the entered lands are situated. They must be supported by the statement of the applicant, corroborated by two witnesses, as to the material facts necessary to be shown.

(2) All such applications should contain the name of the entryman and the date of the entry, and, if the entry has been assigned, the name of the assignee and date of the assignment; the description of the land involved; a statement of the various sums of money expended by the applicant or his grantors in an endeavor to reclaim the land, and the particular purpose for which each sum was expended; the facts by reason of which it has been impossible for claimant to effect reclamation and cultivation and to submit final proof within the usual period, or such extensions thereof as may have been granted; and the facts by reason of which the applicant considers that there is or is not, as the case may be, a reasonable prospect that if an extension of time is granted him, he will be able to secure a sufficient water supply and make final proof of reclamation, irrigation, and cultivation, as required by the desert land law.

(3) All such applications for relief must be accompanied by an application service fee of $10 which will not be returnable.

(c) *Conditions for extensions of time.* (1) To entitle an entryman to the benefits of the first of the last three paragraphs of section 5 of the act of March 4, 1915, as amended, the following conditions must exist: (i) The entry must be a lawful, pending entry made prior to March 4, 1915; (ii) the entryman must have complied with the requirements of the desert land law with reference to yearly expenditures and the submission of annual proofs thereof; (iii) there must be a reasonable prospect that if an extension of time is granted the claimant will be able to make the final proof of reclamation, irrigation, and cultivation as required by law, (iv) the case must be one in which an extension of time or a further extension can not properly be allowed under other laws; and (v) there must be established, some fact or facts constituting a reasonable excuse for the applicant's failure to comply with the law within the usual time and fairly entitling him, in justice and equity, to this form of relief.

(2) The existence of the conditions set forth in subparagraph (1) (i) and (ii) of this paragraph, can be determined by examination of the records of the Bureau of Land Management, but in order that applicants may have the benefit of every possible circumstance entitling them to equitable consideration, they are privileged to make such further showing as they may desire as to any moneys which they may have expended in improving the land but not used as the basis of annual proof.

(3) The existence of the conditions enumerated in subparagraphs (1) (iii), (iv) and (v) of this paragraph must be established in all cases by the statements filed in support of the application for relief.

(4) With regard to the conditions set forth in subparagraph (1) (i) of this paragraph, it must be shown what steps the applicant has taken to secure a water right; and either that he has secured such a right (so far as that is possible, under the State laws, in cases where beneficial application of the water to the land has not yet been made), or that there is no reason to doubt that he will be able to secure such a right before his final proof is due; that the source of water supply, if a natural stream, will, in ordinary seasons, furnish the amount of water needed by the claimant to reclaim the irrigable land in his entry after all appropriations prior to his have been satisfied; and, if water is to be taken from wells, that there is reason to believe that an adequate supply can be obtained from that source.

(5) If water is to be obtained through an irrigation company, association, or district upon which a favorable report has been made, and favorable action on such report has been taken, the existence of the condition in subparagraph (1) (iii) of this paragraph will be taken for granted, provided the applicant shows that he has become the owner of the required amount of stock or interest in the project, or taken the required steps to secure the inclusion of the land in the district, or that it will be entirely possible for him to do the one or the other, as the case may be.

(6) If an adverse report has been made on the irrigation project in question, or if adverse action thereon has been taken, the applicant may present such showing of facts as may tend to refute the findings made and the conclusions reached, whereupon, if the allegations seem to warrant such action, a hearing will be ordered to determine the merits of the case.

(7) The condition set forth in subparagraph (1) (iv) of this paragraph will be satisfied if the case does not come within the terms of any of the other acts of Congress providing for the allowance of extensions of time for submitting final proof on desert-land entries.

(8) The extension of time authorized by the act of March 4, 1915, is applicable only to entries made prior to the date of the act. Where the irrigation works intended to convey water to the land have been completed, or for any other reason, the claimant's inability to submit final proof can not be attributed to unavoidable delay in the construction of such irrigation works; where the cause of delay in submitting the final proof is the claimant's temporary inability to acquire water right; or where, on account of drought of greater or less duration, but not likely, in all probability, to be a permanent condition, the operation of a completed system of irrigation works has been hindered or delayed, an application for an extension of time under the first paragraph of the act of March 4, 1915, as amended by the act of March 21, 1918, above cited, can be entertained, except where the entered lands have been included within the exterior limits of a withdrawal or irrigation project under the act of June 17,

1902 (32 Stat. 388), and the submission of satisfactory final proof is being hindered or delayed thereby, so that the case comes within the provisions of the fifth section of the act of June 27, 1906 (34 Stat. 520; 43 U.S.C. 448).

(9) No application for extension of time can be allowed, however, if it appears that the claimant's inability to submit final proof as required by the desert-land law is due to his own neglect or default; nor will any such application be granted where it appears that there is no reasonable prospect that the applicant will be able to provide a supply of water sufficient to irrigate and permanently reclaim all the irrigable land embraced in his entry, because, in such a case, no extension of time can enable the entryman to comply with the requirements of the desert-land law.

(d) *Relief by homestead proof, or purchase.* The last two paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161; 43 U.S.C. 337, 338) are designed to afford relief in cases of the kind last mentioned in the preceding section. The State Director is authorized, in his discretion, to permit the applicant to perfect his entry in the manner required of a homestead entryman, or to purchase the land on the terms specified, as the applicant may elect. The entry itself is not transmuted, however, but remains a desert-land entry, subject to a new kind of proof.

(e) *Conditions authorizing homestead proof and purchase.* (1) To entitle a claimant to relief under either of the last two paragraphs of section 5 of the act of March 4, 1915, as amended, it must be made to appear to the satisfaction of the authorized officer: (i) That the entry in question is a lawful pending entry, made prior to March 4, 1915; (ii) where application for relief is made on behalf of an assignee, that the entry was assigned to him prior to March 21, 1918; (iii) that the applicant or his assignors have, in good faith, expended the sum of $3 per acre in the attempt to effect reclamation of the entered land; and (iv) that there is no reasonable prospect that if the extension of time authorized under the provisions of this act, or any other existing law, were granted, the applicant would be able to secure water sufficient to effect reclamation of the land in his entry or any subdivision thereof.

(2) The conditions of subparagraph (1) (i) and (ii) of this paragraph can be determined from the records of the Bureau of Land Management.

(3) With regard to the condition of subparagraph (1) (iii) of this paragraph, any expenditure which the claimant can show that he has made in good faith and with a reasonable belief that it would tend to effect reclamation of the land will be acceptable even though such expenditure may not have been such as would satisfy the requirements for annual proof.

(4) With regard to the condition of subparagraph (1) (iv) of this paragraph, the applicant should show what steps he has taken for the purpose of acquiring a water right and with what result, what has been done by himself or others toward the development of a water supply and the construction of an irrigation system to bring the water to the land, the reasons for his failure to secure an adequate water supply, and his grounds for believing that there is no reasonable prospect of final success in acquiring such a supply. In this connection consideration will be given to any reports on file regarding any irrigation company or irrigation district from which applicant has been endeavoring to secure water and if it appears therefrom that there is no reasonable prospect that the applicant can secure a sufficient water supply, the existence of that condition will be taken for granted.

(f) *Notice of allowance of relief; election to purchase.* When any application for relief under the second of the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161; 43 U.S.C. 337), as amended, shall have been allowed by the manager, notice thereof will be served upon the claimant, advising him that he will be allowed 5 years from date of service of such notice within which to perfect his entry in the manner required of a homestead entryman, unless he shall, within 60 days from receipt of such notice, file in the district land office an election to perfect the entry within 5 years by purchase under the third paragraph, and pay to the manager, at time of election, the sum of 50 cents for each acre embraced in the entry. Such election, if filed, must be in writing, signed by the claimant, and his signature thereto must be witnessed by two persons, whose post-office addresses shall be given. The election must bear the serial number of the entry to which it relates, and also the number of the receipt issued for the money paid in connection therewith.

(g) *Procedure for final proofs in relief cases.* In the submission and consideration of final proofs under the last two paragraphs of section 5 of the act of March 4, 1915, as amended, the usual course of procedure with regard to desert-land final proofs will be followed, so far as applicable. The notice of intention to submit proof, however, should indicate whether the entry is to be perfected as in homestead cases or by purchase.

(h) *Entries perfected by a compliance with homestead law.* (1) A claimant who has received permission to perfect his entry in the manner required of homestead entrymen may make proof at any time when he can show that residence and cultivation have been maintained in good faith for the required length of time and to the required extent.

(2) However, inasmuch as the homestead laws do not authorize the commutation of homesteads made under the Enlarged Homestead Acts, commutation proof will not be accepted upon any desert-land entry involving more than 160 acres. In addition to the original payment of 25 cents per acre at time of entry, a claimant who makes commutation proof must pay for the land at the regular "minimum price" of $1.25 per acre.

(3) Failure to submit final proof within the 5-year period allowed by the law will be grounds for the cancellation of the entry, unless good reason for the delay can be shown, in which event final certificate may be issued and the case referred to the Director, Bureau of Land Management, for confirmation.

(4) Those provisions of the homestead law which define the personal qualifications required of entrymen do not apply to cases of this kind, but the final proof must show that the claimant possesses the same qualifications as to citizenship and the amount of land entered by him or assigned or patented to him, under the agricultural public land laws, as in the case of those who make ordinary final proof on desert-land entries.

(i) *No assignment allowed after relief has been granted.* After a desert-land entry has been authorized to be perfected either in the manner of a homestead entry or by purchase, no assignment thereof will be allowed, for the reason that the benefits of the last two paragraphs of section 5 of the act of March 4, 1915, as amended, by the act of March 21, 1918, are not available to assignees under assignments made subsequently to the date of the act, as amended; and in the final adjudication of entries being perfected under the provisions of said paragraphs the same rules will be observed, as to proof of nonalienation, as in homestead cases.

(j) *Residence and improvements for homestead proof.* (1) If not already residing on his desert-land entry, the claimant must establish residence thereon within 6 months from the date of receiving the notice advising him that he will be permitted to perfect his entry under the second of the last three paragraphs of section 5 of the act of March 4, 1915, as amended, unless such period be extended as permitted by the homestead law.

(2) Residence upon the land must be continuously maintained for a period of 3 years from and after the date of its establishment. During each year the claimant may be absent for two periods only, the aggregate thereof not to exceed 5 months. Actual residence must be maintained for the remaining 7 months of each year. If commutation proof is submitted, substantially continuous residence upon the land for a period of 14 months must be shown, together with the cultivation of not less than one-sixteenth of the area of the entry, unless a reduction of the area required to be cultivated be allowed. The requirements as to the period of residence and amount of cultivation are those of the act of June 6, 1912 (37 Stat. 123; 43 U.S.C. 164, 169, 218), or the "3-year homestead law."

(3) If a claimant establishes residence upon his entry prior to the allowance of his application for relief, and continues to maintain it in good faith as required by the homestead law, full credit will be allowed for the period during which such residence is so maintained.

(4) Leaves of absence and credit for military service will be allowed upon the same terms and conditions as in case of a homestead entry.

(5) The claimant must have a habitable house upon the land at the time of

submitting final proof. Other improvements should be of such character and amount as are sufficient to show good faith.

CROSS REFERENCE: For residence and cultivation requirements under the homestead laws, see §§ 2211.2(a) to 2211.2-3(c)(3).

(k) *Cultivation for homestead proof.* Cultivation of the land for at least 2 years is required, and this must generally consist of actual breaking of the soil, followed by planting, sowing of seed, and tillage for a crop other than native grasses. However, tilling of the land, or other appropriate treatment, for the purpose of conserving the moisture with a view of making a profitable crop the succeeding year, will be deemed cultivation within the terms of the act (without sowing of seed) where that manner of cultivation is necessary or generally followed in the locality. During the second year not less than one-sixteenth of the area entered must be actually cultivated, and during the third year, and until final proof, cultivation of not less than one-eighth must be had. These requirements are applicable to all cases, without regard to the area or location of the entry. The period of cultivation, like that of residence, may begin before the allowance of the application for relief; credit for all cultivation, if in accordance with the provisions of the 3-year homestead law, will be allowed, without regard to the time when it was performed.

(l) *Homestead proof on entries in Utah and Idaho.* If the entry is situated in the State of Utah or Idaho, and the lands involved have been, or shall be, designated as being of the character subject to entry under the sixth section of the act of February 19, 1909 (35 Stat. 639; 43 U.S.C. 218), as amended, or June 17, 1910 (36 Stat. 531; 43 U.S.C. 219), respectively, the entryman may avail himself of the privileges of these sections, upon a proper showing of the character of the land, as required of a homestead applicant thereunder, in which event residence need not be maintained upon the land, but the amount of cultivation required is double that in ordinary cases and must be shown during a period of 4 years.

(m) *Heirs and devisees; reduction of cultivation.* (1) If an entryman dies before being authorized to exercise the rights conferred by the last two paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161; 43 U.S.C. 337, 338), as amended, or after such authorization but before he has perfected his entry, his rights will pass to those persons who would inherit his lands according to the laws of the State wherein the entry is located or, if he leaves a will, to those to whom he devises such rights. Applications for the benefits of the said act of March 4, 1915, may be filed, and proofs thereunder may be submitted either by one of the heirs in behalf of all, by a guardian of the heirs' estate if they themselves are minors, or by the entryman's executor or administrator, acting under the supervision of the proper probate court.

(2) The heirs or devisees will not be required to settle or reside upon the land, but must show that the land has been cultivated and improved by them or on their behalf, as required by the homestead law, for such period as will, when added to the entryman's period of compliance with the law, aggregate the required term of 3 years. If they desire to commute the entry, they must show a 14 months' period of such residence and cultivation on the part of themselves or the entryman, or both, as would have been required of him had he survived.

(3) With regard to the reduction of the required area of cultivation, the same rules and procedure will be followed as in homestead cases.

(n) *Fees.* The same fees, and no others, may be charged by managers upon submission of final proofs under section 5 of the act of March 4, 1915, as amended, as upon submission of ordinary desert-land proofs. No commissions may be charged under any circumstances and no testimony fees unless the proof is taken at the land office.

(o) *Entries perfected by purchase.* If claimant elects to perfect his entry under the last paragraph of section 5 of the act of March 4, 1915 (38 Stat. 1161; 43 U.S.C. 338), as amended, he must, within 5 years from the date of his election and payment of the sum of 50 cents per acre, make final proof and pay to the manager the further sum of 75 cents for each acre of land embraced in his entry. The final proof, in order to be acceptable, must show that, at the date of the proof, the claimant has upon the tract permanent improvements conducive to the agricultural development thereof, of the value of at least $1.25 per acre, and that he has in good faith used the land for agricultural purposes for at least 3 years. Under said last paragraph grazing will be regarded as an agricultural use, provided it be established that the land is best suited to that purpose and has been so used in good faith. Actual residence on the land need not be shown.

(p) *Credit for improvements used as the basis for annual proof.* Improvements made during the first 3 years of the life of the entry and used as the basis of annual proof, if permanent in character and conducive to the agricultural development of the land, may be counted as improvements required to be shown under the last paragraph of section 5 of the act of March 4, 1915, as amended, provided their character and continued existence are satisfactorily established by the final proof; but no water rights or irrigation ditches will be recognized for this purpose unless it is clearly shown that they have been made actually conducive to the agricultural development of the land, or a portion thereof, and that that fact is not inconsistent with the truth of the claimant's preliminary showing that there was no reasonable prospect that he could acquire a sufficient water supply to irrigate the irrigable land of his entry.

(q) *Penalty for failure to make final proof and payment.* If a claimant fails to make final proof and payment, as required by the last paragraph of section 5 of the act of March 4, 1915, as amended, within the 5-year period, all sums theretofore paid by him will be forfeited and the entry canceled.

(r) *Forms of proofs.* Final proofs under the second of the last three paragraphs of section 5 of the act of March 4, 1915, as amended, may be made on the forms used in homestead cases. For final proofs to be made under the last paragraph special forms have been provided.

§ 2226.2-8 Act of February 14, 1934.

(a) *Applications for relief; initial payment required.* (1) The act of February 14, 1934 (48 Stat. 349; 43 U.S.C. 339), entitled "An act to amend an act approved March 4, 1929 (45 Stat. 1548), entitled 'An act to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161), as amended, by the act of March 21, 1918 (40 Stat. 458),'" grants relief to desert-land entrymen, as set forth in this section and § 232.58.

(2) This act applies to all pending desert-land entries made prior to July 1, 1925, under which the entryman or his duly qualified assignee under an assignment made prior to the date of this act has in good faith expended the sum of $3 per acre in the attempt to effect reclamation of the land and where there is no reasonable prospect that he would be able to secure water sufficient to effect reclamation of the irrigable land or any legal subdivision thereof.

(3) Desert-land entries made prior to March 4, 1915, and pending February 14, 1934, are entitled to the relief granted by the act of March 4, 1915, as amended, or by the provisions of this act. Desert-land entries made since March 4, 1915, and prior to July 1, 1925, and pending February 14, 1934, are entitled only to the relief provided for in this act.

(4) In all applications for relief of desert-land entries made prior to March 4, 1915, it should be specifically stated whether the relief is sought under the provisions of the act of March 4, 1915, or under the provisions of said act of February 14, 1934.

(5) The showing as to the right to such relief must be the same as that required by § 2226.2-7(b). Applications for relief hereunder must be filed in the land office for the district in which the land embraced in the particular entry is situated.

(6) When any application for relief under the provisions of this act shall have been approved by the manager, notice, by registered mail, will be served upon the claimant, of such approval that he will be allowed 90 days from date of receipt of such notice within which to pay to the manager 25 cents an acre for the land embraced in the entry and to file an election to perfect title to the entry under the provisions of this act, and that if he fails within the time allowed to make said initial payment of 25 cents per acre, the entry will be canceled; that he will be allowed 1 year from the date of the filing of such election to pay the manager the additional amount of 75 cents an acre; and that, in case the final payment be not made within the time prescribed, the entry will be canceled and all money theretofore paid will be forfeited.

(7) Should any claimant fail to pay said 25 cents per acre and file said election within the 90-day period, the entry will be canceled and the case closed without further notice.

(b) *Publication and proof; final payment required.* (1) To perfect title to the entry, under the act of February 14, 1934, the claimant shall file with the manager a notice of intention to do so, and the manager will order the publication thereof in the same manner as to other desert-land cases and in the prescribed form.

(2) Publication, proof thereof and the required additional payment of 75 cents per acre should be made within 1 year from the date of the filing of the election mentioned in the preceding section, it being expressly stated in said act of February 14, 1934, that said additional payment of 75 cents per acre should be paid within 1 year from the date of the filing of the election to perfect title to the entry under said act, with the proviso "That in case the final payment be not made within the time prescribed, the entry shall be canceled and all money theretofore paid shall be forfeited." There is no provision of law whereby extension of time to make this payment may be granted.

(3) Where relief has heretofore been granted in desert-land entries made prior to March 4, 1915, and such entries are intact upon the records claimants may if they so desire, take advantage of the provisions of this act.

(4) Where relief has been granted in desert-land entries under the original act of 1929 and prior to February 14, 1934, date of passage of act amendatory thereof, and such entries are intact upon the records of the Bureau of Land Management and all of the payments required to be made by said original act of 1929 have not been completed prior to the date of said amendatory act, in all such cases the total amount to be collected of such entrymen as a condition precedent to the patenting of their entries will be at the rate of $1 per acre, instead of $2.

§ 2226.3 Payments.

§ 2226.3-1 Collection of purchase money and fees; issuance of final certificate.

(a) At the time of making final proof the claimant must pay to the manager the sum of $1 per acre for each acre of land upon which proof is made. This, together with the 25 cents per acre paid at the time of making the original entry, will amount to $1.25 per acre, which is the price to be paid for all lands entered under the desert land law, except where the entry is perfected by commutation or purchase under the act of March 4, 1915, as amended and supplemented. (See § 2226.2-7 (o) and (r).)

(b) If the entryman is dead and proof is made by anyone for the heirs, no will being suggested in the record, the final certificate should issue to the heirs generally, without naming them; if by anyone for the heirs or devisees, final certificate should issue in like manner to the heirs or devisees.

(c) When final proof is made on an entry made prior to the act of March 28, 1908 (35 Stat. 52; 43 U.S.C. 324, 326, 333), for unsurveyed land, if the land is still unsurveyed and such proof is satisfactory, the manager will approve same without collecting the final payment of $1 an acre and without issuing final certificate. Fees for reducing the final-proof testimony to writing should be collected and receipt issued therefor if the proof is taken before the manager. As soon as the plat or plats of any township or townships previously unsurveyed are filed in the land office the manager will examine his records for the purpose of determining, if possible, whether or not, prior to the passage of the act of March 28, 1908, any desert-land entry of unsurveyed land was allowed in the locality covered by the said plats; and if any such entries are found intact, he will call upon the claimants thereof to file a statement of adjustment, corroborated by two witnesses, giving the correct description, in accordance with the survey of the lands embraced in their respective entries.

(d) If the final proof has been made upon any desert-land entry so adjusted and the records show that such proof has been found satisfactory and no conflicts or other objections are apparent, the manager will allow claimant 60 days within which to make final payment for the land.

§ 2226.3-2 Amounts to be paid.

No fees or commissions are required of persons making entry under the desert-land laws except such fees as are paid to the officers for taking the affidavits and proofs. Unless the entry be perfected under the act of March 4, 1915 (38 Stat. 1161; 43 U.S.C. 335, 337, 338), or February 14, 1934 (48 Stat. 349; 43 U.S.C. 339), the only payments made to the Government are the original payment of 25 cents an acre at the time of making the application and the final payment of $1 an acre, to be paid at the time of making the final proof. Where final proofs are made before the manager in California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana, he will be entitled to receive jointly 22½ cents for each 100 words of testimony reduced to writing; in all other States he will be allowed 15 cents per 100 words for such service. The United States commissioners, judges, and clerks are not entitled to receive a greater sum than 25 cents for each oath administered by them, except that they are entitled to receive $1 for administering the oath to each entryman and each final-proof witness where final-proof testimony has been reduced to writing by them.

§ 2226.4 Desert-land entries within a reclamation project.

§ 2226.4-1 Conditions excusing entrymen from compliance with the desert-land laws.

(a) *Section 5; act of June 27, 1906.* By section 5 of the act of June 27, 1906 (34 Stat. 520, 43 U.S.C. 448), it is provided that any desert-land entryman who has been or may be directly or indirectly hindered or prevented from making improvements on or from reclaiming the lands embraced in his entry, by reason of the fact that such lands have been embraced within the exterior limits of any withdrawal under the Reclamation Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 372 et seq.) will be excused during the continuance of such hindrance from complying with the provisions of the desert-land laws.

(b) *Persons excused from compliance with the desert-land laws.* Section 5 of the act of June 27, 1906, applies only to persons who have been, directly or indirectly, delayed or prevented, by the creation of any reclamation project, or by any withdrawal of public lands under the reclamation law, from improving or reclaiming the lands covered by their entries.

(c) *Statement required to warrant excuse.* No entryman will be excused under this act from a compliance with all of the requirements of the desert-land law until he has filed in the land office for the district in which his lands are situated a statement showing in detail all of the facts upon which he claims the right to be excused. This statement must show when the hindrance began, the nature, character, and extent of the same, and it must be corroborated by two disinterested persons, who can testify from their own personal knowledge.

(Sec. 10, 32 Stat. 390; as amended; 43 U.S.C. 373)

§ 2226.4-2 Annual proof.

(a) *Extension of time.* Inasmuch as entrymen are allowed 1 year after entry in which to submit the first annual proof of expenditures for the purpose of improving and reclaiming the land entered by them, the privileges of the act of June 27, 1906, are not necessary in connection with annual proofs until the expiration of the years in which such proofs are due. Therefore, if at the time that annual proof is due it can not be made, on account of hindrance or delay occasioned by a withdrawal of the land for the purpose indicated in the act, the applicant will file his statement explaining the delay. As a rule, however, annual proofs may be made, notwithstanding the withdrawal of the land, because expenditures for various kinds of improvements are allowed as satisfactory annual proofs. Therefore an extension of time for making annual proof will not be granted unless it is made clearly to appear that the entryman has been delayed or prevented by the withdrawal from making the required improvements; and, unless he has been so hindered or prevented from making the required improvements, no application for extension of time for making final proof will be granted until after all the yearly proofs have been made.

(b) *When application for extension of time should be filed.* An entryman will not need to invoke the privileges of the act of June 27, 1906, in connection with final proof until such final proof is due, and if at that time he is unable to make the final proof of reclamation and cultivation, as required by law, and such inability is due, directly or indirect-

title to the land embraced in his desert-land entry by means of his own system of irrigation.
(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 373)

§ 2226.4–7 Disposal of lands in excess of 160 acres.

Desert-land entrymen within exterior boundaries of a reclamation project who expect to secure water from the Government must relinquish or assign all of the lands embraced in their entries in excess of one farm unit in not less than 2 years after notice through the land office, must reclaim one-half of the irrigable area covered by their water right in the same manner as private owners of land irrigated under a reclamation project, and also comply with the regulations of the Department applicable to the remainder of the irrigable land of the project.
(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 373)

§ 2226.4–8 Cancellation of entries for nonpayment of water-right charges.

All homestead and desert-land entrymen holding land under the reclamation law must, in addition to paying the water-right charges, reclaim the land as required by the reclamation law. Homestead entrymen must reside upon, cultivate, and improve the lands embraced in their entries for not less than the period required by the homestead laws. Desert-land entrymen must comply with the provisions of the desert-land laws as amended by the reclamation law. Failure to make payment of any water-right charges due for more than 1 year, will render the entry subject to cancellation and the money paid subject to forfeiture, whether water-right application has been made or not.
(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 373)

by, to the withdrawal of the land on account of a reclamation project, the statement explaining the hindrance and delay should be filed in order that the entryman may be excused for such failure.
(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 373)

§ 2226.4–3 Time extended to make final proof.

When the time for submitting final proof has arrived and the entryman is unable, by reason of the withdrawal of the land, to make such proof, upon proper showing, which it is shown that he has been hindered or delayed on account of the withdrawal of the land will not be computed in determining the time within which final proof must be made.
(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 373)

§ 2226.4–4 Beginning of period for compliance with the law.

If, after investigation the irrigation project has been or may be abandoned by the Government, the time for compliance with the law by the entryman shall begin to run from the date of notice of such abandonment of the project and of the restoration to the public domain of the lands which had been withdrawn in connection with the project. If, however, the reclamation project is carried to completion by the Government and a water supply has been made available for the land embraced in such desert-land entry, the entryman must, if he depends on the Government's project for his water supply, comply with all provisions of the reclamation law, and must under the act of June 6, 1930 (46 Stat. 502; 43 U.S.C. 448), relinquish or assign in not less than 2 years after notice all the land embraced in his entry in excess of one farm unit, and upon making final proof and complying with the regulations of the Department applicable to the remainder of the irrigable land of the project and with the terms of payment prescribed in the reclamation law, he shall be entitled to patent as to such retained farm unit, and final water-right certificate containing lien as provided for by the act of August 9, 1912 (37 Stat. 265; 43 U.S.C. 541–546), act of August 26, 1912 (37 Stat. 610; 43 U.S.C. 547), and the act of February 15, 1917 (39 Stat. 920; 43 U.S.C. 541), or to patent without a lien if provision therefor shall have been made as provided for by the act of May 15, 1922 (42 Stat. 541; 43 U.S.C. 511–513).
(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 373)

§ 2226.4–5 Assignment of desert-land entries in whole or in part.

(a) *Act of July 24, 1912.* Under the act of July 24, 1912 (37 Stat. 200; 43 U.S.C. 449), desert-land entries covering lands within the exterior limits of a Government reclamation project may be assigned in whole or in part, even though water-right application has been filed for the land in connection with the Government reclamation project, or application for an extension of time in which to submit proof on the entry has been submitted, under the act of June 27, 1906 (34 Stat. 520; 43 U.S.C. 448), as amended by the act of June 6, 1930 (46 Stat. 502; 43 U.S.C. 448), requiring reduction of the area of the entry to one farm unit.

(b) *Amendment of farm-unit plat after partial assignment.* Where it is desired to assign part of a desert-land entry which has been designated as a farm unit, application for the amendment of the farm-unit plat should be filed with the official in charge of the project, as in the case of assignments of homestead entries. (See § 2211.7–4(a) (3) to (5).) The same disposition of amendatory diagrams will be made and the same procedure followed as provided for assignments of homestead entries.
(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 373)

§ 2226.4–6 Desert-land entryman may proceed independently of Government irrigation.

Special attention is called to the fact that nothing contained in the act of June 27, 1906 (34 Stat. 520; 43 U.S.C. 448), shall be construed to mean that a desert-land entryman who owns a water right and reclaims the land embraced in his entry must accept the conditions of the reclamation law, but he may proceed independently of the Government's plan of irrigation and acquire

are classified as suitable for cemetery purposes and not needed for any other public purpose or higher use.

(c) Patents will issue only for surveyed land and only in the name of the association or corporation.

(d) All patents will contain a clause providing that if the land or any part of it should be sold or cease to be used for cemetery purposes, title shall revert to the United States.

§ 2231.2 Applications.

(a) Applicants under the act must submit, in duplicate, an application to the appropriate office of the Bureau of Land Management. No specific form is required but the application must show (1) the name and address of the association or corporation, (2) legal description of the lands desired or if unsurveyed, sufficient information to identify the location, boundaries, and the area of the tract which must be as nearly rectangular as possible, (3) the authority that empowered the association or corporation to hold lands for cemetery purposes in the State or Territory in which the land is located, (4) the official character and express authority of the officer or officers applying on behalf of the association or corporation, and (5) that the lands are not adversely occupied or used.

(b) Each application must be accompanied by a filing fee of $10.

§ 2231.3 Purchase price, publication, and protests.

(a) Purchase price will be fixed by appraisal of the fair market value of the lands but at not less than $1.25 per acre and must be paid before patent will issue.

(b) Applicants will be required to publish once a week for five consecutive weeks in accordance with § 1824.4 of this chapter, at their expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of patent. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service.

(c) Applicants must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

Sec.
2235.2–8 Rights reserved; protection of improvements and roads.
2235.2–9 Termination of lease; cancellation.

Subpart 2236—Permits

2236.0–2 Objectives.
2236.0–3 Authority.
2236.0–5 Definitions.
2236.0–6 Qualifications of applicants.
2236.0–7 Availability of land.
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2236.3–3 Refund.
2236.4 Rights of applicants and permittees.
2236.4–1 Occupancy of land prior to permit.
2236.4–2 Assignment of permit.
2236.4–3 Timber.
2236.5 Removal of improvements.
2236.6 Advertising displays.
2236.6–1 Applicability of general regulations.
2236.6–2 Advertising displays on public lands without permission unauthorized.
2236.6–3 Identification of authorized advertising displays.

Subpart 2231—Cemeteries

Authority: The provisions of this Subpart 2231 issued under R.S. 2478; 43 U.S.C. 1201. Interpret or apply 34 Stat. 1052; U.S.C. 682.

§ 2231.0–3 Authority.

The act of March 1, 1907 (34 Stat. 1052; 43 U.S.C. 682), authorizes the Secretary of the Interior to sell and convey lands for cemetery purposes to religious or fraternal associations or private corporations, empowered by the laws under which they are organized or incorporated to hold lands for such purposes.

§ 2231.1 General limitations and conditions.

(a) No association or corporation can secure title to more than 80 acres of public lands under the act.

(b) Only unreserved and unappropriated nonmineral public lands are available for selection. Applicants will not be granted title to public lands subject to section 7 of the act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315f), as amended, unless and until the lands

Subpart 2231—Cemeteries

Sec.
2231.0–3 Authority.
2231.1 General limitations and conditions.
2231.2 Applications.
2231.3 Purchase price, publication, and protests.

Subpart 2232—Recreation and Public Purposes Act

2232.0–1 Purpose.
2232.0–3 Authority.
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2232.1 Procedures.
2232.1–1 Applications for lands.
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2232.1–3 Publications; protests.
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2232.2–1 General limitations and conditions.
2232.2–2 Lease provisions.
2232.2–3 Price.
2232.2–4 Patent provisions.
2232.2–5 Minerals; timber.

Subpart 2233—Small Tract

2233.0–2 Objectives.
2233.0–3 Authority.
2233.0–6 Applicants.
2233.1 Procedures.
2233.1–1 Application; general procedure.
2233.1–2 Application following lease termination, unsuccessful public auctions.
2233.1–3 Drawing procedure.
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2233.3 Leases.
2233.3–1 Provisions; terms and rentals.
2233.3–2 Assignment; subleasing.
2233.3–3 With option to purchase; sale, patent.
2233.3–4 Renewal.
2233.3–5 Termination or cancellation; removal of improvements.
2233.4 Public auctions.
2233.5 Acreage limitation; rights-of-way.
2233.6 Minerals; timber.
2233.7 Community sites; appraisal; restrictions.
2233.9 Alaska.
2233.9–1 Purchase of Tracts Not Exceeding 5 Acres, on Showing as to Employment or Business (Act of March 3, 1927).
2233.9–2 Purchase of Tract Not Exceeding 5 Acres, Without Showing as to Employment or Business (Act of May 26, 1934).
2233.9–3 Veterans Preference.

Subpart 2234—Rights-of-way

Sec.
2234.1 General regulations.
2234.1–1 Scope; definitions.
2234.1–2 Nature of interest.
2234.1–3 Approval of right-of-way.
2234.1–4 Revocation or cancellation.
2234.1–5 Payment; required; exceptions; default; revision of charges.
2234.1–6 For roads, railroads, stations, wagon roads and tramways.
2234.2 For railroads, wagon roads and tramways in Alaska.
2234.2–1 For railroads and station grounds outside of Alaska.
2234.2–2 For tramroads and logging roads.
2234.2–3 Under Title 23, United States Code.
2234.2–4 Over public lands under R. S. 2477.
2234.2–5 For canals, ditches and reservoirs.
2234.3 For irrigation (Act of March 3, 1891, as amended).
2234.3–1 For watering livestock (Act of January 13, 1897, as amended).
2234.3–2 For telephone and telegraph lines, transmission lines, radio and television sites, and water facilities.
2234.4 Under Act of February 5, 1901 and March 4, 1911.
2234.4–1 Boulder Canyon Project.
2234.4–2 For mineral leasing purposes.
2234.5 For oil and natural gas pipe lines and pumping plant sites under the Mineral Leasing Act.
2234.5–1 Over lands subject to mineral lease.
2234.5–2 For pipe lines on the Outer Continental Shelf (Act of August 7, 1953).
2234.5–3 Through national forests (Act of February 1, 1906).
2234.6 Authority.
2234.6–1 When construction may commence.
2234.6–2 Water plant structures.
2234.6–3 Procedure when unsurveyed land is involved.
2234.6–4

Subpart 2235—Leases

2235.1 Airport.
2235.1–1 Airport and aviation fields—Act of May 24, 1928.
2235.1–2 Use by public agencies—Federal Airport Act of May 13, 1946.
2235.2 Fur Farm.
2235.2–1 Authority.
2235.2–2 Policy.
2235.2–3 Area subject to lease.
2235.2–4 Procedures; application, form of lease.
2235.2–5 Assignments and subleases.
2235.2–6 Renewal of leases.
2235.2–7 Commencement of operations; stocking lands.

Subpart 2232—Recreation and Public Purposes Act

AUTHORITY: The provisions of this Subpart 2232 issued under 44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869.

§ 2232.0–1 Purpose.

(a) Qualified applicants are permitted by the act to acquire available lands for use for any public purposes for which they are authorized by their creating authority to hold lands. Nonprofit associations and nonprofit corporations are permitted, in addition, to acquire lands for use for any recreational purpose consistent with their creating authority.

(b) No applicant can secure lands under the act, however, for any use authorized under any other public land law. This restriction does not apply to the use of lands for residence, business, recreation, and community-site purposes authorized by the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a, Subpart 2233) as amended.

§ 2232.0–3 Authority.

The act of June 14, 1926 (44 Stat. 741), as amended June 4, 1954 (68 Stat. 173), June 23 and September 21, 1959 (73 Stat. 110, 571), and September 13, 1960 (74 Stat. 899; 43 U.S.C. 869; 869:1–4), authorizes the Secretary of the Interior, under specified conditions, to lease or sell lands for recreational and public purposes. This legislation is referred to as "the act" in the regulations of this part.

§ 2232.0–6 Qualified applicants.

The following are qualified to make applications under the act; States, Federal and State instrumentalities and political subdivisions, including counties and municipalities; and nonprofit associations and nonprofit corporations.

§ 2232.0–7 Lands subject to disposition.

The act is applicable to any public domain lands except (a) lands withdrawn or reserved for national forests, nation parks and monuments, and national wildlife refuges and (b) Indian lands and lands set aside or held for use by or the benefit of Indians. The act is applicable to the Oregon and California Railroad revested grant lands and to the Coos Bay reconveyed wagon-road grant lands only insofar as it applies to leases of land to States and counties and to State and Federal instrumentalities and political subdivisions and to municipal corporations.

§ 2232.1 Procedures.

§ 2232.1–1 Applications for lands.

(a) Applicants under the act must submit an application accompanied by a petition properly executed on forms approved by the Director. If the lands have been already classified for disposition under the act, no petition is required. Each application must be accompanied by (1) three copies of a statement describing the proposed use of the lands, showing that the application involves an established or definitely proposed project, and giving as much detail concerning the plan of development and improvement of the project as is necessary to describe the project and its purpose adequately and the proposed disposition of any revenues to be realized from it and (2) a filing fee of $10. The documents must be filed in accordance with the provisions of § 1821.2 of this chapter.

(b) The acreage applied for in any one application for patent cannot exceed 640 acres except that applications for patent for State park purposes may embrace as much as 6,400 acres, or where provided by law 12,800 acres.

§ 2232.1–2 Applications for transfer, change of use, and for renewal of leases.

(a)(1) Applications under the act for permission to add to, or to change the use specified in a lease or patent, applications to transfer title or lease to a third party, and applications for renewal of a lease must be filed in triplicate with the appropriate office of the Bureau of Land Management. No form is specified but the matter should be fully explained by the applicant.

(2) Applications for permission to add to or to change use must be accompanied by three copies of the showing required by § 2232.1–1.

(3) Applications for approval of transfers of title or lease must be accompanied by three copies of a form approved by the Director and executed by the proposed transferee in accordance with § 2232.1–1.

(4) Applications for renewal of leases must be accompanied by three copies of a statement showing, in detail sufficient to describe the situation adequately, the past use of the lands and the proposed use after renewal of the lease.

(5) Each application must be accompanied by a filing fee of $10.

(6) Prior to approval of an application filed under paragraph (b) of this section the land may be reappraised in accordance with § 2232.2–3 and the beneficiary required to make such payments as are found justified by such reappraisal.

(b)(1) Applications under section 4 of the act for permission to transfer title or to change the use in respect to land covered by any patent issued prior to June 4, 1954, must be submitted in conformance with this section.

(2) The land, however, will not be subject to reappraisal and the beneficiary will not be required to make any payment other than the filing fee.

§ 2232.1–3 Publications; protests.

(a) Applicants for patents under the act will be required upon demand to publish once a week for four consecutive weeks in accordance with § 1824.4 of this chapter, at their expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of patent under the applications. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service.

(b) Such applicants must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 2232.1–4 Classifications.

(a) Lands in Alaska classified under the act and lands in the States classified pursuant to the act under section 7 of the act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315f), as amended, will be segregated from all appropriations, including locations under the mining laws, except as provided in the order of classification or in any modification or revision thereof.

(b) Classifications made pursuant to the act on the motion of the Government for which no application is filed within 18 months after issuance will be vacated and the land restored to its former status.

§ 2232.2 Dispositions.

§ 2232.2–1 General limitations and conditions.

(a) Applicants will not be granted title to or use of land under the act unless and until (1) the land is first classified as suitable for the purpose sought and not needed for any other public purpose or is not more valuable and suitable for some other use, including the development of power; and, (2) if the land is under the jurisdiction of any agency or instrumentality outside the Department of the Interior, that agency or instrumentality consents to the proposed disposition.

(b) Applicants will not be granted title to or use of land under the act except for an established or definitely proposed project. A definitely proposed project is a project which has been authorized by competent authority irrespective of whether or not it has been financed and otherwise fully implemented, providing that there exists the probability that it will be fully implemented within a reasonable time.

(c) No applicant in any one calendar year can receive under the act patents for land except in conformance with the following:

(1) Any State may acquire in its own name, or in the name of its State park agency, or in the name of any other agency having jurisdiction over the State park system of said State designated by the Governor of the State as its sole representative for acceptance of lands under this provision for recreational purposes, not more than 6,400 acres involving not more than three sites, except that should any State fail in any one calendar year to receive the maximum herein specified, other than small roadside parks and rest sites, additional conveyances may be made thereafter to that State pursuant to any application on file with the Secretary of the Interior on the last day of said year, to the extent that the conveyances would not have exceeded the limitations of said year. In addition, any State may acquire, in its own name or in the name of an agency or instrumentality of such State not more than 640 acres for each of its programs involving public purposes other than recreation.

(2) Any political subdivision of a State and any nonprofit corporation or nonprofit association may acquire in its own name for recreational purposes not more than 640 acres and for public purposes other than recreation an additional 640 acres.

(d) No patent will be issued under the act unless and until the land is officially surveyed.

(e) All leases and patents issued under the act will reserve to the United States all minerals, together with the right to mine and remove the same under applicable laws and regulations to be established by the Secretary of the Interior.

(f) Municipal corporations cannot secure land under this act if it is not within convenient access to the municipality and within the same State as the municipality. Other qualified applicants cannot secure land outside of their political boundaries or other area of jurisdiction.

(g) No lease or patent authorizing use of lands for erection and maintenance of advertising displays on public lands adjacent to the National System of Interstate and Defense Highways (23 U.S.C.) will be issued under the regulations of this part, except in conformity with, and subject to, the national standards prepared and promulgated by the Secretary of Commerce. No lease or patent authorizing use of lands for erection and maintenance of advertising displays on public lands adjacent to any other highway will be issued under the regulations of this part if the proposed display would not conform with the standards or policies established by the appropriate State or local governmental entities which have authority to establish such standards or policies. Where the authorized officer finds that established standards or policies are insufficient in connection with any application under the regulations of this part adequately to promote the safety, convenience, and enjoyment of public travel, to protect the public investment in the highway or in the adjacent public lands, to preserve for the public significant scenic or other recreational values in the public lands, or otherwise to protect the public interest, he shall establish such additional standards as he may deem appropriate in the circumstances, giving due consideration to the need for directional and other official signs, the desirability of permitting, where alternative sites are not readily available, signs advertising legitimate activities being conducted at a location within a reasonable distance thereof, and the interest of the traveling public in, and its need for, specific types of information.

§ 2232.2–2 Lease provisions.

(a) The term of leases under the act will be fixed by the authorized official but will not exceed 20 years. Leases will be renewable at the discretion of such official.

(b) Leases will be issued on a form approved by the Director and will contain the usual terms and conditions required by law, public policy, and, insofar as possible, by Department of the Interior procedure.

(c) Leases will contain such terms and conditions which the signing officer or the administering agency considers necessary for the proper development of the land, for the protection of Federal property, and for the protection of the public interests.

(d) Leases will be terminable by the authorized official upon failure of the lessee to comply with the terms of the lease, upon a finding that all or part of the land is being devoted to other than the use authorized by the lease, or upon a finding that the land has not been used by the lessee for the purpose specified in the lease for any consecutive period specified by the authorized official but not more than 5 years or less than 2 years.

(e) Leases will not be transferable except with the consent of the proper official. Transferees must meet all the qualifications of applicants under the act and will be subject to all the terms and conditions of the regulations in this part.

§ 2232.2–3 Price.

(a) Conveyances under the act for historic monument purposes will be made without any monetary consideration.

(b) Sales to nonprofit associations or nonprofit corporations for other than historic monument purposes will be made at prices fixed through appraisal of the fair market value of the land, taking into consideration the purposes for which the lands will be used.

(c) All other sales will be made at prices fixed through (1) appraisal of the fair market value of the lands or otherwise, taking into consideration the purpose for which the land will be used or (2) any method which considers the purpose for which the land will be used.

(d) Annual rentals under leases will be fair and reasonable and will be based on the value of the lands as determined by the requirements of paragraphs (b) and (c) of this section.

(e) A patent applicant, when the land has been appraised, will be required to pay the full purchase price before the patent will be issued. The rental under a lease shall be payable in advance. Upon appraisal of the land, a lease applicant will be required to pay at least the first year's rental before the lease will be issued. Upon the voluntary relinquishment of a lease before the expiration of its term, any rental paid for the unexpired portion of the term will be returned to the lessee upon a proper application for repayment to the extent that the amount paid covers a full lease year or years of the remainder of the term of the original lease.

§ 2232.2–4 Patent provisions.

All patents under this act will contain a clause providing that if the patentee or its successor attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than that for which the lands were conveyed, without consent of competent authority or prohibits or restricts, directly or indirectly, or permits its agents, employees, contractors, or subcontractors (including without limitation, lessees, sublessees and permittees), to prohibit or restrict, directly or indirectly, the use of any part of the patented lands or any of the facilities thereon by any person because of such person's race, creed, color, or national origin, title shall revert to the United States. Transferees must meet all the qualifications of applicants under the act and will be subject to the terms and conditions of the regulations of this part.

§ 2232.2–5 Minerals; timber.

(a) Any minerals subject to the leasing laws reserved to the United States in the lands patented or leases under the terms of the act may be disposed of to any qualified person under applicable laws and regulations. Until rules and regulations are issued, other minerals are not subject to disposition or to prospecting except by an authorized Federal agency.

(b) A lessee under the act will not be permitted to cut timber from the leased lands without prior permission from the appropriate officer.

Subpart 2233—Small Tract

AUTHORITY: The provisions of this Subpart 2233 issued under sec. 1, 52 Stat. 609, as amended; 43 U.S.C. 682a. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 2233.0–2 Objectives.

(a) It is the program in the administration of the act of June 1, 1938, as amended, to promote the beneficial utilization of the public lands subject to the terms thereof, and at the same time to safeguard the public interest in the lands. To this end small tract activity shall be coordinated with interested local governmental agencies, and small tract sites will be considered in the light of their effect upon the conservation of natural resources and upon the communities or area involved and in the light of availability of schools, utilities, and other facilities. Lands will not be leased or sold, for example, which would lead to private ownership or control of scenic attractions, or water resources, or other areas that should be kept open to public use. Nor will isolated or scattered settlement be permitted which would impose heavy burdens upon State or local governments for roads; schools; police, health, and fire protection; and other facilities. Undesirable types of construction for settlement or business along public highways and parkways will be guarded against, and lands will not the use of water for grazing purposes or unduly impair the protection of watershed areas or the stability of existing economic enterprises.

(b) Under this act lands may be classified for direct sale, for lease and sale, or for lease only. Revested Oregon and California Railroad lands and reconveyed Coos Bay Wagon Road grant lands in Oregon will be classified for lease only—as will other public lands where title should remain in the United States and leasing is not contrary to the interests of the United States. Lands suitable for community-site purposes will be classified for lease, lease and sale, or direct sale at appraised prices and will be subject to application only by nonprofit corporations or associations, States, municipalities, or other governmental subdivisions. Lands may be classified for lease and sale, as provided

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for in § 2233.3–3 where such action is necessary for the protection of adjacent property and the community as a whole. In other cases, lands will be sold at public auction at not less than their appraised fair market value in accordance with § 2233.4.

§ 2233.0–3 Authority.

(a) The act of June 1, 1938 (52 Stat. 609), as amended by the act of June 8, 1954 (68 Stat. 239; 43 U.S.C. 682a) authorizes the Secretary of the Interior, in his discretion, to sell or lease a tract, not exceeding five acres, of any vacant, unreserved public lands, including such lands in Alaska, public lands withdrawn by Executive Orders Numbered 6910 of November 26, 1934, and 6964 of February 5, 1935, or public lands withdrawn or reserved by the Secretary of the Interior for any purposes, which the Secretary may classify as chiefly valuable for residence, recreation, business, or community sites. The act is applicable to lands in such areas as grazing districts and lands withdrawn for reclamation or stock driveway purposes. The act does not apply to lands withdrawn by the Secretary solely under delegated authority (e.g., under Executive Order 10355 of May 26, 1952) or to reservations such as national forests, national parks, or national mounments. Authority to lease lands under the act for residence, recreation and community site purposes extends to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grants lands in Oregon under the jurisdiction of the Department of the Interior provided that such leases will not interfere with sustained yield timber management on these lands. The lands may not be leased or sold until classified for small tract purposes; and may not be occupied until the lands are leased or sold.

§ 2233.0–6 Applicants.

(a) *Qualifications; restrictions.* (1) An application may be made by any of the following:

(i) An individual who is a citizen of the United States or who has filed declaration of intention to become a citizen.

(ii) A partnership or an association, each of the members of which is a citizen of the United States or has filed declaration of intention to become a citizen.

(iii) A corporation, including nonprofit corporations organized under the laws of the United States or of any State or Territory thereof and authorized to do business in the State or Territory in which the land is located.

(iv) A State, Territory, Municipality or other governmental subdivision.

(2) Any employee of the Department of the Interior, stationed in Alaska may purchase or lease one tract in Alaska for residence or recreation purposes. The conveyance of the tract will provide for reversion to the United States if the land is used for purposes other than residence or recreation within twenty-five years.

(3) Generally no person will be permitted to obtain by lease or purchase more than one tract under the act. Where more than one tract is needed, however, each tract must be the subject of a separate application, complete in itself, and must be accompanied by a satisfactory showing that the allowance of more than one application is warranted by the circumstances. In each application the applicant must identify all other applications under the act, if any, filed by him or any member of his family residing with him.

(b) *Preference rights.* Where public land is classified pursuant to a validly filed application on a form approved by the Director, accepted for unclassified lands open to application under the regulations of this part (see subparagraph (4) of paragraph (e) of § 2233.1–1 the applicant is entitled to a preference right of lease or purchase, as the case may be, if (1) the land is thereafter classified for the type of site applied for; (2) the applicant agrees to conform his application to the area, classification, and dimensions of the tract as specified in the classification order; and (3) where the land is classified for direct sale, the applicant tenders the fair market value of the land when required.

§ 2233.1 Procedures.

§ 2233.1–1 Application; general procedure.

(a) Any person who desires to lease or purchase unclassified lands that have been opened to application pursuant to the regulations of this part (see subparagraph (4) of paragraph (e) of this section) must file an application, in duplicate, together with a petition, properly executed, on forms approved by the Director. If the lands have been already classified and opened to application, only an application is required. If the lands have been already classified for direct sale at public auction no application or petition should be filed (see paragraph (c) of this section). The documents must be filed in accordance with the provisions of § 1821.2 of this chapter.

(b) If the land has not been classified the applicant should describe the desired tract, not to exceed five acres, by aliquot parts of a legal subdivision if surveyed and if unsurveyed by metes and bounds sufficient to permit ready and accurate identification. Where the land has been classified the applicant should describe the selected land in accordance with the classification order or official plat of survey. The applicant may also indicate that if the selected tract is not available he is willing to accept any other available tract described in the classification order which may be allocated to him.

(c) Any person desiring to purchase a tract already classified for sale at public auction under the act may submit a bid in accordance with the provisions of the classification order and § 2233.4. No application should be filed in the above circumstances.

(d) No application for small tracts will be accepted under the regulations in this part unless the aplicant certifies that he has personally inspected the small tract described in his application or lands within one mile of that tract.

(e) An application will not be accepted, will not be considered as filed, and will be returned to the applicant if:

(1) The land description in the application does not conform with the classification order or official plat of survey, or if the lands are unclassified and unsurveyed, the metes and bounds description is inadequate to permit ready and accurate identification of the tract (see paragraph (b) of this section).

(2) The application is not accompanied by the filing fee of $10 and the advance rental required by § 2233.1–4 (a) and (b) namely, the advance rental specified in the classification order or if the lands are not classified, $100 for business sites and $25 for other sites.

(3) The application is not signed by the applicant, or

(4) The lands applied for are not open to application pursuant to a notice published in the FEDERAL REGISTER.

§ 2233.1–2 Application following lease terminations, unsuccessful public auctions.

(a) In any of the following circumstances, a tract shall not be subject to further application until an order is issued specifying the time and manner in which the tract shall be made available for lease or purchase: (1) When a small tract lease has terminated, been relinquished or canceled for any reason; (2) where no one has been declared purchaser for a tract offered at public auction.

(b) The order will be posted in the land office at least 15 days prior to its effective date and will be given wide publicity through appropriate news media in the area.

(c) The order will specify which one of the following methods will be used for disposing of the land: (1) Sale at public auction to the highest bidder in accordance with § 2233.4; (2) a special drawing procedure indicated in paragraph (d) of this section.

(d) Any order calling for a special drawing procedure will specify (1) the time and place for filing drawing cards, and (2) that Special Drawing Card on a form approved by the Director must be properly executed. The drawing will determine priority and establish an adequate list of eligibles. Drawings may be held for several tracts, and at whatever intervals of time the authorized official feels warranted by the circumstances.

(R.S. 2478, 58 Stat. 748, as amended; 43 U.S.C. 682a–692e, 282–284, 1201)

§ 2233.1–3 Drawing procedure.

(a) Whenever filings in excess of the number of tracts available are anticipated for lands classified for lease and sale or for lease, or when the conditions of § 2233.1–2(c) apply, a drawing or drawings will be held. The classification or other order will give all relevant information concerning the drawing.

(b) The classification or other order may require the filing of Special Drawing Cards on a form approved by the Director in lieu of an application. Any

person who has the necessary qualifications may obtain an official drawing entry card upon request to the land office manager. The request should designate the classification order by number. It should be accompanied by a stamped, self-addressed return envelope. Each successful entrant in a drawing will be furnished in duplicate, an application on a form approved by the Director, bearing the description of the tract allocated to him. The forms must be completely filled out, signed and returned, accompanied by the proper rental and fees within the time allowed by the authorized officer of the Bureau of Land Management. Where an entrant for any reason fails to comply with the requirements within the time allowed, the tract will become available to the alternate next in line in the drawing.

(c) The classification or other order may require the filing of a stamped, self-addressed return envelope and a sealed envelope containing properly executed copies of application together with the required filing fees and advance payments (see § 2233.1–4 (a) and (b)).

(d) To qualify for a tract, the entrant must qualify under the regulations of this part and must comply with all instruction in the order and on the entry card, when entry cards are required. If any entrant files more than one entry card or applies for more than one tract in any drawing, the entrant shall be ineligible to participate in the drawing.

§ 2233.1–4 Fees and payments.

(a) *Filing fee.* Every application must be accompanied by a filing fee of $10. No fee is required for the filing of a "Special Drawing Entry Card," but the fee is required of entrants who are successful in the drawing. No fee is required in connection with a bid in a sale at public auction. A fee of $10 is required with each application to purchase, based upon an outstanding lease and with each application for renewal or assignment of an outstanding lease. All filing fees will be retained by the Government.

(b) *Advance payment.* In addition to filing fees, every application except applications for community sites, and every bid for lands subject to sale at public auction, must be accompanied by an advance payment, which will be applied against the rental or purchase price of the land:

(1) If the land has been classified for lease or for lease and sale, the advance payment is the rental for the entire lease period, as specified in the classification order if such period does not exceed five years. Where lands are classified for lease for periods in excess of five years, the advance payment will be as specified in the classification order. If the land has not been classified, the advance payment is $25 for nonbusiness and $100 for business site applications. Successful applicants will be required to pay any difference between advance payment and rental or purchase price before their applications will be granted.

(2) If the land has been classified for sale at public auction, the advance payment is whatever amount the applicant bids, but not less than the appraised price stated in the classification order.

(3) Advance payments will be refunded to unsuccessful applicants or bidders.

§ 2233.2 Classification.

(a) No lease will be issued or sale authorized prior to classification of land for such purpose. If the tract is found not suitable for such purpose, the application will be rejected.

(b) Lands classified under the act of June 1, 1938, as amended, will be segregated from all appropriations, including locations under the mining laws, except as provided in the order of classification or in any modification or revision thereof.

§ 2233.3 Leases.

§ 2233.3–1 Provisions; terms and rentals.

(a) The term of lease will be specified in the classification order and will not exceed three years for lands classified for lease and sale and will not exceed twenty years for lands classified for lease only.

(b) The amount of rental will be specified in the appropriate order. The rental for community sites will take into consideration the purpose for which the land will be used. Rental for other types of sites will equal the fair market rental of the lands, provided, however, the minimum rental will be $100 per year for business sites and $25 per year for other sites.

(c) Leases issued for periods in excess of five years will provide for the construction of improvements, satisfactory for the purpose for which the lease issued, during the first five years of the lease period. Failure to comply with this requirement will result in cancellation of the lease except where the lessee can demonstrate that such failure was due to unavoidable and unforeseen circumstances.

(d) Provisions relating to the improvement and occupancy of leased tracts are contained in the application form. Special provisions implementing the general provisions on the form may be indicated in the order of classification.

§ 2233.3–2 Assignment; subleasing.

(a) No assignment of a lease will be recognized unless and until approved by the Bureau of Land Management. Approval of assignments will be discretionary but in no case will an assignment be approved until suitable improvements are constructed on the land, except where the lessee can demonstrate that his failure to construct such improvements was caused by unforeseen and unavoidable circumstances.

(b) Proposed assignments of leases must be submitted within 90 days from the date of execution in duplicate on a form approved by the Director to the appropriate office mentioned in § 2233.1–1 and must be accompanied by the filing fee as required in § 2233.1–4(a).

(c) Subleasing of a tract, in whole or in part, will not be approved.

§ 2233.3–3 With option to purchase; sale; patent.

(a) Leases for lands classified for lease and sale will contain an option to purchase clause. The option to purchase clause will afford the lessee or his duly approved successor in interest an opportunity to purchase the tract at any time within the term of the lease, provided the improvements required by the lease have been made and all other terms and conditions of the lease complied with. The net purchase price of the land will be the appraised fair market value of the unimproved land as of the date of the lease minus an amount equal to the advance rental for each full lease year, if any, subsequent to the filing of an allowable application to purchase.

(b) An application to purchase must be filed with the office mentioned in § 2233.1–1(a) on a form approved by the Director in duplicate, together with (1) a statement as to the cost, type and character of the improvements constructed on the land, (2) one or more photographs showing clearly such improvements, and (3) the filing fee as required in § 2233.1–4(a).

(c) If a sale is authorized, the applicant will be allowed 60 days from service of notice thereof to pay the net purchase price.

§ 2233.3–4 Renewal.

(a) An application for renewal of a lease must be filed on a form approved by the Director in duplicate with the office mentioned in § 2233.1–1(a) prior to the expiration of the lease. A renewal in the form of a new lease will be granted only if it is determined that a new lease should issue and that the requirements of paragraph (b) or (c) of this section have been met. The term of the lease and any special conditions will be established by the officer who signs it. The application must be accompanied by a filing fee in compliance with § 2233.1–4(a).

(b) Where the land has been classified for lease only, renewals will be approved only if the lessee has constructed satisfactory improvements on the tract appropriate to the type of use for which the lease originally issued, such as a substantial and presentable dwelling suitable for year-round or seasonal use where the land was classified for residence purposes.

(c) Where the land has been classified for lease and sale, renewals will be approved only upon a satisfactory showing the the lessee's failure to meet the requirements for sale of the tract is justified under the circumstances and that nonrenewal of the lease would work an extreme hardship on the lessee.

§ 2233.3–5 Termination or cancellation; removal of improvements.

(a) The lessee may terminate the lease, if he is not in default thereunder, by filing a notice of relinquishment of the lease in the proper land office. Any lease may be canceled where the lessee has failed to comply with any of the terms, covenants, and stipulations of the lease, or to abide by any of the regulations in this part, and such default has continued for 30 days after written notice thereof.

(b) No refund will be made of rental for the unexpired term of a lease relinquished by the lessee or canceled for cause.

(c) Upon the termination, cancellation, or expiration of a lease, the lessee will have a period of 90 days within which to remove his improvements from the land or to make other disposition thereof. If the improvements are disposed of to a person other than a subsequent lessee they must be removed from the land within the 90-day period, otherwise the improvements will become the property of the United States.

§ 2233.4 Public auctions.

(a) Whenever lands are classified for direct sale by public auction, they will be sold at not less than their appraised fair market value at the time and place and in the manner specified by the classification order.

(b) Bids may be made by the principal or his agent, either personally at the sale or by mail.

(c) A bid sent by mail must be received at the place and within the time specified in the classification order. Each such bid must clearly state (1) the name and address of the bidder and (2) the specific tract, as described in the classification order, for which the bid is made. The envelope must be noted as required by the classification order.

(d) Each bid by mail must be accompanied by certified or cashier's check, post office money order or bank draft for the amount of the bid. Bids by mail for more than one tract offered at a sale must be enclosed in separate envelopes but payment need accompany only the highest bid provided all other bids designate the envelope containing the payment.

(e) The person who submits the highest bid for each tract at the close of bidding, but not less than the minimum price, will be declared high bidder. If the high bidder meets the general requirements of a small tract applicant, he will be declared purchaser. Any person who is declared high bidder will automatically be disqualified from consideration for other tracts for which he may have submitted bids.

(f) If there are no successful purchasers of any tracts offered at the sale, the tracts will be closed to filing of applications until an order is issued specifying the time and manner in which they shall be made available in accordance with § 2233.1–2.

§ 2233.5 Acreage limitation; rights-of-way.

(a) No tract shall be larger than five acres except where subdivision of a fractional lot to meet this limitation would leave areas unsuitable for practical use. In such cases, the lots will be subdivided to produce usable units not in excess of 7½ acres.

(b) The classification order may provide for rights-of-way over each tract for street and road purposes and for public utilities. If the classification order does not so provide, the right-of-way will be 50 feet along the boundaries of the tract.

§ 2233.6 Minerals; timber.

(a) Any lease or patent issued under the act will reserve to the United States all deposits of coal, oil, gas, or other minerals, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary may prescribe. Any minerals subject to the leasing laws in the lands patented or leased under the terms of the act may be disposed of to any qualified person under applicable laws and regulations in force at the time of such disposal. Until rules and regulations have been issued, the other kinds of minerals that may be found in such lands are not subject to prospecting or disposition.

(b) (1) Because of the need for strategic and fissionable source minerals as well as minerals important to the economic and industrial welfare of the Nation and its security, the Director may authorize any Federal agency to enter upon any of the lands classified for small tract purposes within the State of Florida (and such other States or Territory for which approval of this action may be given by the Secretary of the Interior) for exploratory purposes to determine whether such lands are mineral in character and the nature, extent, and incidence of such mineral, if any, even though such lands are under lease or have been patented in accordance with paragraph (a) of this section.

(2) The exploratory work conducted under the authority hereof, shall not be construed as permitting damage to the permanent structures or buildings of the small tract lessees or patentees or their lawful successors in interest.

(c) A lessee will not be permitted to cut timber from the leased lands without first obtaining permission from the appropriate office mentioned in § 2233.1–1.

§ 2233.7 Community sites; appraisal; restrictions.

(a) Land suitable for community site purposes may be classified for direct sale, for lease and sale or for lease only in conformance with the provisions of § 2233.0–2. Appraisals for sale or rental value may take into consideration the use which is to be made of the land where the public use contemplated justifies such action.

(b) Where lands are sold at less than fair market value in accordance with paragraph (a) of this section, the patent will contain a provision for reversion of title to the United States if the lands are used for any purpose not consistent with the classification order after issuance of patent unless consent to change the use is first obtained from the authorized officer.

§ 2233.9 Alaska.

§ 2233.9–1 Purchase of tracts not exceeding 5 acres, on showing as to employment or business (Act of March 3, 1927).

(a) *Authority.* The act of March 3, 1927 (44 Stat. 1364; 48 U.S.C. 461), as amended, authorizes the sale as a homestead or headquarters of not to exceed five acres of unreserved public lands in Alaska at the rate of $2.50 per acre, to any citizen of the United States 21 years of age employed by citizens of the United States, association of such citizens, or by corporations organized under the laws of the United States, or of any State or Territory, whose employer is engaged in trade, manufacture, or other productive industry in Alaska, and to any such person who is himself engaged in trade, manufacture or other productive industry in Alaska. The lands must be nonmineral in character except that lands that may be valuable for coal, oil, or gas deposits are subject to disposition under the provisions of the act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 376–377), as amended.

(b) *Purpose of statute.* The purpose of this statute is to enable fishermen, trappers, traders, manufacturers, or others engaged in productive industry in Alaska to purchase small tracts of unreserved land in the State, not exceeding 5 acres, as homesteads or headquarters.

(c) *Notice of initiation of claim.* A notice of the initiation of a claim under the act of March 3, 1927, must designate the kind of trade, manufacture, or other productive industry in connection with which the claim is maintained or desired, and identify its ownership. The procedure as to notices will be governed in other respects by the provisions of § 2233.9–2(b) to (e).

(d) *Use of lands.* Care will be taken in all cases before patent issues to see that the lands applied for are used for the purposes contemplated by the said act of March 3, 1927, and that they are not used for any purpose inconsistent therewith.

(e) *Form and contents of applications.* Applications under the act of March 3, 1927, must be filed in duplicate in the land office for the district in which the land is situated, and the claim must be in reasonably compact form.

An application need not be under oath but must be signed by the applicant and corroborated by the statements of two persons and must show the following facts:

(1) The age and citizenship of applicant.

(2) The actual use and occupancy of the land for which application is made for a homestead or headquarters.

(3) The date when the land was first occupied as a homestead or headquarters.

(4) The nature of the trade, business, or productive industry in which applicant or his employer, whether a citizen, an association of citizens, or a corporation is engaged.

(5) The location of the tract applied for with respect to the place of business and other facts demonstrating its adaptability to the purpose of a homestead or headquarters.

(6) That no portion of the tract applied for is occupied or reserved for any purpose by the United States, or occupied or claimed by any natives of Alaska, or occupied as a town site or missionary station or reserved from sale, and that the tract does not include improvements made by or in possession of another person, association, or corporation.

(7) That the land is not included within an area which is reserved because of springs thereon. All facts as to medicinal or other springs must be stated, in accordance with § 2321.1–2(c).

(8) That no part of the land is valuable for mineral deposits other than coal, oil or gas, and that at the date of location no part of the land was claimed under the mining laws.

(9) If the land desired for purchase is surveyed, the application must include a description of the tract by aliquot parts of legal subdivisions, not exceeding 5 acres. If the tract is situated in the fractional portion of a sectional lotting, the lot may be subdivided; where such subdivision, however, would result in narrow strips or other areas containing less than 2½ acres, not suitable for disposal as separate units, such adjoining excess areas, in the discretion of the authorized officer and with the consent of the applicant, may be included with the tract applied for, without subdividing and the application will be amended accordingly. Where a supplemental plat is required, to provide a proper description, it will be prepared at the time of approval of the application.

(10) If the land is unsurveyed, the application must be accompanied by a petition for survey, describing the tract applied for with as much certainty as possible, without actual survey, not exceeding 5 acres, and giving the approximate latitude and longitude of one corner of the claim.

(11) All applications must be accompanied by an application service fee of $10 which will not be returnable.

CROSS REFERENCES: See the following parts in this subchapter: For soldiers' additional rights, § 2221.9; for Indian and Eskimo allotments, Subpart 2212; for mining claims, Subpart 3636; for school indemnity selections, § 2222.9; for shore space, Subpart 2024; for trade and manufacturing sites, Subpart 2213.

(f) *Time for filing application.* Application to purchase a claim, along with the required proof or showing, must be filed within 5 years after the filing of notice of the claim.

(Sec. 10, 30 Stat. 413, as amended; 48 U.S.C. 461)

§ 2233.9–2 Purchase of tracts not exceeding 5 acres, without showing as to employment or business (Act of May 26, 1934).

(a) *Authority.* The act of May 26, 1934 (48 Stat. 809; 48 U.S.C. 461) amended section 10 of the act of May 14, 1898 (30 Stat. 413), as amended by the act of March 3, 1927 (44 Stat. 1364), so as to provide that any citizen, after occupying land of the character described in said section of a homestead or headquarters, in a habitable house not less than 5 months each year for 3 years, may purchase such tract, not exceeding 5 acres, in a reasonably compact form, without a showing as to his employment or business, upon the payment of $2.50 per acre, the minimum payment for any one tract to be $10.

(b) *Notice of initiation of claim.* Any qualified person initiating a claim on or after April 29, 1950, under the act of May 26, 1934, must file notice of the claim for recordation in the land office for the district in which the land is situated, within 90 days after such initiation. Where on April 29, 1950, such a claim was held by a qualified person, such person must file notice of the claim in the proper land office within 90 days from that date.

(c) *Form of notice.* The notice must be filed on a form approved by the Director in triplicate if the land is unsurveyed, or in duplicate if surveyed, and shall contain: (1) The name and address of the claimant, (2) age and citizenship, (3) date of settlement and occupancy and (4) the description of the land by legal subdivisions, section, township and range, if surveyed, or, if unsurveyed, by metes and bounds with reference to some natural object or permanent monument, giving, if desired, the approximate latitude and longitude.

(d) *Failure to file notice.* Unless a notice of the claim is filed within the time prescribed in paragraph (b) of this section no credit shall be given for occupancy of the site prior to filing of notice in the proper land office, or application to purchase, whichever is earlier.

(e) *Recording fee.* The notice of the claim must be accompanied by a remittance of $10.00, which will be applied as a service charge for recording the notice, and will not be returnable, except in cases where the notice is not acceptable to the land office for recording because the land is not subject to the form of disposition specified in the notice.

(f) *Form and contents of application.* Applications under the act of May 26, 1934, must be filed in duplicate, if for surveyed land, and in triplicate, if for unsurveyed land, in the land office for the district within which the land is situated.

An application need not be under oath but must be signed by the applicant and corroborated by the statements of two persons and must show the following facts:

(1) Full name, post office address and age of applicant.

(2) Whether the applicant is a native-born or naturalized citizen of the United States, and if naturalized, evidence of such naturalization must be furnished.

(3) A description of the habitable house on the land, the date when it was placed on the land, and the dates each year from which and to which the applicant has resided in such house.

(4) That no portion of the tract applied for is occupied or reserved for any purpose by the United States, or occupied or claimed by any native of Alaska, or occupied as a townsite, or missionary station, or reserved from sale, and that the tract does not include improvements made by or in the possession of any other person, association, or corporation.

(5) That the land is not included within an area which is reserved because of hot, medicinal or other springs, as explained in § 2321.1–2(c). If there be any such springs upon or adjacent to the land, on account of which the land is reserved, the facts relative thereto must be set forth in full.

(6) That no part of the land is valuable for mineral deposits other than coal, oil or gas, and that at the date of location no part of the land was claimed under the mining laws.

(7) That the applicant has not theretofore applied for land under said act, or if he has previously purchased a tract he should make a full showing as to the former purchase and the necessity for the second application.

(8) An application for surveyed land must describe the land by aliquot parts of legal subdivisions, not exceeding 5 acres. If the tract is situated in the fractional portion of a sectional lotting, the lot my be subdivided; where such subdivision, however, would result in narrow strips or other areas containing less than 2½ acres, not suitable for disposal as separate units, such adjoining excess areas, in the discretion of the authorized officer and with the consent of the applicant, may be included with the tract applied for, without subdividing, and the application will be amended accordingly. Where a supplemental plat is required to provide a proper description, it will be prepared at the time of approval of the application.

(9) All applications for unsurveyed land must be accompanied by a petition for survey, describing the land applied for with as much certainty as possible, without actual survey, not exceeding 5 acres, and giving the approximate latitude and longitude of one corner of the claim.

(10) All applications must be accompanied by an application service fee of $10 which will not be returnable.

(Sec. 10, 30 Stat. 413, as amended; 48 U.S.C. 461)

§ 2233.9–3 Veterans preference.

(a) *Applications by veterans of World War II or of the Korean conflict.* (1) Upon the restoration or opening of surveyed public lands in Alaska with a preference right of application to veterans of World War II or of the Korean conflict, pursuant to section 4 of the act of September 27, 1944 (58 Stat. 748; 43 U.S.C. 282), as amended, such veterans may file applications for home or headquarter sites on such lands under the act of May 26, 1934 (48 Stat. 809; 48 U.S.C. 461). Preference right applications filed by such veterans must describe the land desired in terms of the public land surveys and must give all of the information required by § 2233.9–2(f) except as to the erection of a habitable house on the land and compliance with the law in the matter of residence. No payment will be required until proof of compliance with the residence requirements has been made. Such an applicant will be required to establish residence upon the land in a habitable house within 6 months from the date of the notice of the allowance of his application. An extension of time to establish residence may be granted under the conditions under which it may be granted to a homestead entryman. During the first year after establishing residence the claimant will be required

to reside upon the land for a period of at least 5 months. He may claim credit on the period of residence required by the act of May 26, 1934, for military or naval service in like manner as is provided in the case of homestead entries.

(2) The preference right of application granted by the Act of September 27, 1944 terminated September 27, 1959.

(b) *Time for filing application.* Except as provided in § 2233.9–3(a) application to purchase a claim, along with the required proof or showing, must be filed within 5 years after the filing of notice of the claim.

(c) *Publication and posting.* In the matter of publication and posting these applications will be governed by the instructions given in connection with applications for soldiers' additional homestead entries as set out in § 2221.9–4(e).

(Sec. 10, 30 Stat. 413, as amended; 48 U.S.C. 461)

Subpart 2234—Rights-of-way

§ 2234.1 General regulations.

AUTHORITY: The provisions of this Subpart 2234 issued under R.S. 161, 2478; 5 U.S.C. 22, 43 U.S.C. 2, 1201. Additional authority is cited to text in parentheses.

REFERENCE: See Appendix B following § 2234.6–4.

§ 2234.1–1 Scope; definitions.

(a) *Scope.* (1) This section applies to all rights-of-way covered by §§ 2234.1–1 to 2234.1–6; 2234.2–3(a); 2234.2–4; 2234.3–1; 2234.3–2; 2234.4–1; 2234.4–2; 2234.5–1; 2234.5–2; 2234.6.

(2) This does not apply to the obtaining of rights-of-way by Federal agencies over unreserved, or withdrawn, or reserved public domain lands. Such rights-of-way may be appropriated under the principles of the instructions of January 13, 1916 (44 L.D. 513), with the consent of the agency having jurisdiction or control over the land.

(3) All general right-of-way laws, and the regulations thereunder contained in this subpart, are applicable to Alaska. (See sec. 3 of the act of August 24, 1912 (37 Stat. 512; 48 U.S.C. 23), and 30 Op. Atty. Gen. 387 (1915.)

(b) *Definitions.* As used in this Subpart:

(1) "Secretary" means the Secretary of the Interior.

(2) "Director" means the Director, Bureau of Land Management.

(3) "State Director" means State Director of the Bureau of Land Management, or his authorized representative.

(4) "Manager" means manager of the land office for the district in which the lands applied for are situated. For areas for which there is no land office "manager" means the Director.

(5) "Project" means the physical structures in connection with which the right-of-way is approved.

(6) "Construction work" means any and all work, whether of a temporary or permanent nature, done in the construction of the project.

(7) "Superintendent in charge" means the officer of the United States having supervision of the land under authority of the agency having jurisdiction and control over the land involved.

(8) "Reservation lands" includes national parks and monuments, or any other reservations of the United States for the use of or administration by the National Park Service, the Fish and Wildlife Service, the Bureau of Reclamation, or any agency outside the Department of the Interior.

(9) "Right-of-way" includes license, permit, or easement, as the case may be, and, where applicable, includes "site".

§ 2234.1–2 Procedures.

(a) *Application.* (1) No special form of application is required. The application should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the regulations in this part and that the applicant agrees that the right-of-way if approved, will be subject to the terms and conditions of the applicable regulations contained in this part. It should also cite the act to be invoked and state the primary purpose for which the right-of-way is to be used. Applications shall be filed in accordance with the provisions of § 1821.2 of this Chapter. If the right-of-way has been utilized without authority prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date the applicant alleges he obtained control of the improvements.

(2) All applications filed pursuant to this part in the name of individuals, corporations or associations must be accompanied by an application service fee of $10 except where the right of way will authorize use and occupancy of the lands exclusively for the purposes stated in § 2234.1–6(c). The service fee will not be returnable. No application service fee will be required of States or agencies or instrumentalities thereof or of Government agencies.

(b) *Showing as to organizations required of corporations.* (1) An application by a private corporation must be accompanied by a copy of its charter or articles of incorporation, duly certified by the proper State official of the State where the corporation was organized.

(2) A corporation, other than a private corporation, should file a copy of the law under which it was formed and due proof of organization under the same.

(3) When a corporation is operating in a State other than that in which it was incorporated, it must submit a certificate of the Secretary of State or other proper official of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

(4) A copy of the resolution or by-laws of the corporation authorizing the filing of the application must also be filed.

(5) If the corporation shall have previously filed with the Bureau the papers required by this section, the requirements shall be held to be met if, in making subsequent applications, specific reference is made to such previous filing by date, place, and case number.

(c) *Showing as to citizenship required of individuals; showing by associations of individuals.* (1) An individual applicant applying for a right-of-way under any right-of-way act, except the act of March 3, 1891 (26 Stat. 1101; 43 U.S.C. 946 et seq.), and the act of January 13, 1897 (29 Stat. 484; 43 U.S.C. 952–955), as amended, must state whether he is native born or naturalized, and, if naturalized, the date of naturalization, the court in which naturalized, and the number of the certificate, if known. If citizenship is claimed by virtue of naturalization of the father, evidence of his naturalization, and that the applicant resided in the United States thereafter while a minor, should be furnished. Where the husband and the wife are native born and a statement to that effect is made, additional information as to the marital status is not required. In other cases, a married woman or widow must show the date of her marriage; a widow must show, in addition, the date of the death of her husband.

(2) An application by an association, including a partnership, must be accompanied by a certified copy of the articles of association, if any; if there be none, the application must be made over the signature of each member of the association. Each member must furnish evidence of citizenship where it would be required if he were applying individually.

(d) *Documents which must accompany application.* (1) *Maps.* Each application, other than a reservoir declaratory statement under § 2234.3–2(b)(1) must be accompanied by a map prepared on tracing linen and three or, in the case of electric transmission lines, five print copies thereof, showing the survey of the right-of-way, properly located with respect to the public land surveys so that said right-of-way may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the following requirements:

(i) The scale should be 2,000 feet to the inch for rights-of-way for such structures as canals, ditches, pipelines, and transmission lines and 1,000 feet to the inch for rights-of-way for reservoirs, except where a larger scale is required to represent properly the details of the proposed developments, in which case the scales should be 1,000 feet to the inch and 500 feet to the inch, respectively. For electric transmission lines having a nominal voltage of less than 33 kv. map scales may at option of the applicant be 5,280 feet to the inch.

(ii) Courses and distances of the center line of the right-of-way or traverse line of the reservoir should be given; the courses referred to the true meridian either by deflection from a line of known bearing or by independent observation, and the distances in feet and decimals thereof. Station numbers with plus distances at deflection points on the traverse line should be shown.

(iii) The initial and terminal points of the survey should be accurately connected by course and distance to the nearest corner of the public-land surveys, unless that corner is more than 6 miles distant, in which case the connection will be made to some prominent natural object or permanent monument, which can be readily recognized and recovered. The station number and plus distance to the point of intersection with a line of the public-land surveys should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner, at a sufficient number of points throughout the township to permit accurate platting of the relative position of the right-of-way to the public-land survey.

(iv) If the right-of-way is across or within reservation lands which are not covered by the public-land surveys, the map shall be made in terms of the boundary survey of the reservation to the extent it would be required above to be made in terms of the public-land surveys.

(v) All subdivisions of the public-land surveys within the limits of the survey should be shown in their entirety, based upon the official subsisting plats, with the subdivisions, section, township, and range clearly marked.

(vi) The width of the canal, ditch, or lateral at high-water line should be given and the width of all other rights-of-way shall be given. If the width is not uniform, the location and amount of the change in width must be definitely shown. In the case of a pipeline, the diameter of the line should be given. For reservoirs, the capacity in acre-feet, the area within the high-water line, the source of the water supply, and the location and height of the dam must be shown. The total distance of the right-of-way on the Federal lands shall be stated. In the case of a reservoir or other site, the total acreage shall be stated.

(vii) Each copy of the map should bear upon its face a statement of the engineer who made the survey and the certificate of the applicant. The statement and certificate referred to are embodied in Forms 1 and 2 (Appendix B) which are made a part hereof and which should be modified so as to be appropriate to the act invoked and the nature of the project.

(viii) Whenever it is found that a public land survey monument or reservation boundary monument will be destroyed or rendered inaccessible by reason of the proposed development, at least two permanent marked witness monuments should be established at suitable points, preferably on the surveyed lines. A brief description of the witness monuments and the connecting courses and distances to the original corners should be shown.

(2) *Evidence of water right.* If the project involves the storage, diversion, or conveyance of water, the applicant must file a statement of the proper State official, or other evidence, showing that he has a right to the use of the water. Where the State official requires an applicant to obtain a right-of-way as a prerequisite to the issuance of evidence of a water right, if all else be regular, a right-of-way may be granted conditioned only upon the applicant's filing the required evidence of water right from the State official within a specified reasonable time. The conditional right-of-way will terminate at the expiration of the time allowed.

(e) *Indian lands.* The Bureau of Indian Affairs has jurisdiction over applications for rights-of-way over and upon Indian lands. All applications for the use and occupancy of Indian lands for right-of-way purposes should, therefore, be filed with the Superintendent of the Indian Agency or other superintendent in charge of the reservation on which the lands involved are situated, in accordance with the regulations contained in 25 CFR Part 161.

§ 2234.1–3 Nature of interest.

(a) *Nature of interest granted; settlement on right-of-way; rights of ingress and egress.* (1) No interest granted by the regulations in this part shall give the holder thereof any estate of any kind in fee in the lands. The interest granted shall consist of an easement, license, or permit in accordance with the terms of the applicable statute; no interest shall be greater than a permit revocable at the discretion of the authorized officer unless the applicable statute provides otherwise. Unless a specific statute or regulation provides otherwise, no interest granted shall give the grantee any right whatever to take from the public lands or reservations any material, earth, or stone for construction or other purpose, but stone and earth necessarily removed from the right-of-way in the construction of a project may be used elsewhere along the same right-of-way in the construction of the same project.

(2) All persons entering or otherwise appropriating a tract of public land, to part of which a right-of-way has attached under the regulations in this part, take the land subject to such right-of-way and without deduction of the area included in the right-of-way.

(3) In order to facilitate the use of a right-of-way granted or applied for under the regulations of this part, the authorized officer may grant to the holder of or applicant for such right-of-way an additional right-of-way for ingress and egress to the primary right-of-way, including the right to construct, operate, and maintain such facilities as may be necessary for ingress and egress. The holder or applicant may obtain such additional right-of-way only over lands for which the authorized officer has authority to grant a right-of-way of the type represented by the primary right-of-way held or requested by the applicant. He must comply with the same provisions of the regulations applicable to his primary right-of-way with respect to the form of and place of filing his application for an additional right-of-way, the filing of maps and other information, and the payment of rental charges for the use of the additional right-of-way. He must also present satisfactory evidence that the additional right-of-way is reasonably necessary for the use, operation, or maintenance of the primary right-of-way.

(b) *Commencement of construction work in advance of approval of right-of-way; trespass.* (1) Permission to commence construction work over and through lands under the jurisdiction of the Department of the Interior or of its agencies and to use and occupy such lands in advance of the approval of a right-of-way may be granted by the manager upon a satisfactory showing of the necessity for such action and upon a determination, after the request for permission has been cleared by all interested agencies of the Department, that such action is compatible with the public interest. Requests for such advance authority need not meet the formal requirements of § 2234.1–2 (a) to (c) and may be filed with the agency having supervision of the land involved, in which case a duplicate request must be filed in the office specified in § 2234.1–2 (a).

(2) Any grant of advance permission is solely for the convenience of the applicant and is not a commitment by the Department that a right-of-way will be approved. The Department's authority in acting on a right-of-way application is not restricted in any way by the grant of advance permission or any requirements laid down in such grant of permission and the Department may impose additional or different requirements, within the scope of the applicable statute and lawful regulations thereunder, as conditions precedent to the approval of the right-of-way. A grant of advance permission is revocable at will, and the grantee assumes all the risk of operating under such permission.

(3) Any occupancy or use of the lands of the United States without authority will subject the person occupying or using the land to prosecution and liability for trespass.

(c) *Terms and conditions.* An applicant, by accepting a right-of-way, agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case:

(1) To comply with State and Federal laws applicable to the project for which the right-of-way is approved, and to the lands which are included in the right-of-way, and lawful existing regulations thereunder.

(2) To clear and keep clear the lands within the right-of-way to the extent and in the manner directed by the superintendent in charge; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project in such manner as to decrease the fire hazard and also in accordance with such instructions as the superintendent in charge may specify.

(3) To take such soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way as the superintendent in charge of such lands may request.

(4) To do everything reasonably within his power, both independently and on

(2) Whenever a right-of-way is desired through any national park or monument for purposes other than those excepted by the act of March 3, 1921, or not otherwise expressly prohibited by law, the applicant must show to the satisfaction of the Director, National Park Service, that the location and use of the right-of-way for the purposes contemplated will not interfere with the uses and purposes for which the park or monument was originally dedicated, and will not result in damage or injury to the natural conditions of property or scenery existing therein. The applicant must also file such stipulations and bond as may be required by the Director, National Park Service. Ordinarily, such a right-of-way may be allowed only on a showing of absolute necessity.

(f) *Oregon and California Railroad and Coos Bay Wagon Road grant lands.* (1) All applications for rights-of-way for the construction and operation of any project over Oregon and California Railroad lands, title to which was revested in the United States by the act of June 9, 1916 (39 Stat. 218), and reconveyed Coos Bay Wagon Road lands, act of February 26, 1919 (40 Stat. 1179), must also be accompanied by a statement showing the amount of merchantable timber, if any, to be cut, removed, or destroyed in the construction of the project works, and agreeing to deposit with the Bureau, in advance of construction, such sum of money as may be determined to be the full stumpage value of the timber to be so cut, removed, or destroyed, and an affirmative showing that favorable action on the application will not adversely affect or impair watershed protection, streamflow regulation, and other conservation features enumerated in the act of August 28, 1937 (50 Stat. 874).

(2) The general right-of-way statutes were extended to these lands by sec. 2 of the act of June 9, 1916 (39 Stat. 218), and sec. 3 of the act of February 26, 1919 (40 Stat. 1179).

§ 2234.1–4 Approval of right-of-way.

(a) *Completed application and reports.* (1) Where an application is complete and in conformity with the law and regulations and all required reports have been obtained and it is determined that the approval of the right-of-way will not be contrary to the public interest, including that of the Government, the manager will approve the right-of-way.

(2) An application which does not conform with the law or regulations under which filed or the approval of which would be inconsistent with the public or Government interest, will be rejected.

(3) Where the land over which the right-of-way is sought is withdrawn or reserved for the use of another Federal agency, the manager is required to clear the application with such agency.

(b) *Use of right-of-way.* (1) *Proof of construction.* A period of 5 years from the date of the approval of the right-of-way is usually allowed for construction unless a different period is provided by statute. Upon completion of construction, proof thereof should be submitted to the manager, consisting of a statement and certificate furnished by the holder of the right-of-way. The statement and certificate are embodied in Forms 5 and 6, Appendix B, which should be modified so as to be appropriate to the act and to the nature of the project. If, in construction, a substantial deviation from the location shown on the original map is planned or made, the party in interest must file a duly executed relinquishment of the unused portion of the right-of-way accompanied by a map of amended location of the right-of-way for the project as actually constructed. The map of amended location must be prepared in accordance with § 2234.1–2(d)(1) and must be filed before or as soon as possible after the deviation is made. The relinquishment may be prepared so as to become effective upon approval of the amended location. Any deviation made prior to such approval will be at the risk of the applicant.

(2) *Nonconstruction, abandonment or nonuse.* Unless otherwise provided by law, rights-of-way are subject to cancellation by the authorized officer for failure to construct within the period allowed and for abandonment or nonuse.

§ 2234.1–5 Revocation or cancellation.

(a) *Order of cancellation.* All rights-of-way approved pursuant to this part, except those granted for pipelines pursuant to section 28 of the act of February 25, 1920, as amended August 21, 1935 (49 Stat. 678; 30 U.S.C. 185), shall be subject to cancellation for the violation of any of the provisions of this part applicable thereto or for the violation of

request of any duly authorized representative of the United States, to prevent and suppress fires on or near the lands to be occupied under the right-of-way, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires.

(5) To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

(6) To pay the United States the full value for all damages to the lands or other property of the United States caused by him or by his employees, contractors, or employees of the contractors, and to indemnify the United States against any liability for damages to life, person or property arising from the occupancy or use of the lands under the right-of-way, except that where a right-of-way is granted hereunder to a State or other governmental agency which has no legal power to assume such a liability with respect to damages caused by it to lands or property, such agency in lieu thereof agrees to repair all such damages.

(7) To notify promptly the superintendent in charge of the amount of merchantable timber, if any, which will be cut, removed, or destroyed in the construction and maintenance of the project, and to pay the United States through such superintendent in advance of construction such sum of money as such superintendent may determine to be the full stumpage value of the timber to be so cut, removed, or destroyed.

(8) To comply with such other specified conditions, within the scope of the applicable statute and lawful regulations thereunder, with respect to the occupancy and use of the lands as may be found by the agency having supervision of the lands to be necessary as a condition to the approval of the right-of-way in order to render its use compatible with the public interest.

(9) That upon revocation or termination of the right-of-way, unless the requirement is waived in writing, he shall, so far as it is reasonably possible to do so, restore the land to its original condition to the entire satisfaction of the superintendent in charge.

(10) That he shall at all times keep the manager informed of his address, and, in case of corporations, of the address of its principal place of business and of the names and addresses of its principal officers.

(11) That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision to be included in all subcontracts.

(12) That the allowance of the right-of-way shall be subject to the express condition that the exercise thereof will not unduly interfere with the management, administration, or disposal by the United States of the lands affected thereby, and that he agrees and consents to the occupancy and use by the United States, its grantees, permittees, or lessees of any part of the right-of-way not actually occupied or required by the project, or the full and safe utilization thereof, for necessary operations incident to such management, administration, or disposal.

(13) That the right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States.

(d) *Proposed or existing national forest.* Whenever a right-of-way is sought through or in national forest lands, or any area withdrawn for inclusion within a national forest, the applicant must enter into such stipulations and execute such bond as the Forest Service may require for the protection of such existing or proposed national forest.

(e) *National parks and monuments.* (1) The act of March 3, 1921 (41 Stat. 1353; 16 U.S.C. 797), provides that no right-of-way for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits as then constituted of any national park or monument, shall be approved without specific authority of Congress.

the terms or conditions of the right-of-way. No right-of-way shall be deemed to be canceled except on the issuance of a specific order of cancellation.

(b) *Change in jurisdiction over or disposal of lands.* (1) A change of jurisdiction over the lands from one Federal agency to another will not cancel a right-of-way involving such lands. It will, however, change the administrative jurisdiction over the right-of-way.

(2) The final disposal by the United States of any tract traversed by a right-of-way shall not be construed to be a revocation of the right-of-way in whole or part, but such final disposition shall be deemed and taken to be subject to such right-of-way until it is specifically canceled.

(c) *Transfer of right-of-way.* (1) Any proposed transfer, by assignment, lease, operating agreement or otherwise, of a right-of-way acquired under any of the acts, except the act of March 3, 1891 (26 Stat. 1101; 43 U.S.C. 946–949), must be filed in triplicate in accordance with § 2234.1–2(a) for approval; must be accompanied by the same showing of qualifications of the assignee as is required of applicants; and must be supported by a stipulation that the assignee agrees to comply with and be bound by the terms and conditions of the right-of-way. No assignment will be recognized unless and until approved.

(2) All filings of transfers, by assignment, lease, operating agreement, or otherwise, made pursuant to this section, except by States or agencies or instrumentalities thereof, must be accompanied by an application service fee of $10 which will not be returnable.

(d) *Disposal of property on termination of right-of-way.* Upon the termination of a right-of-way by expiration or by prior cancellation, in the absence of any agreement to the contrary, if all moneys due the Government thereunder have been paid, the holder of the right-of-way will be allowed six months or such additional time as may be granted in which to remove from the right-of-way all property or improvements of any kind, other than a road and usable improvements to a road, placed thereon by him; but if not removed within the time allowed, all such property and improvements shall become the property of the United States.

§ 2234.1–6 Payment required; exceptions; default; revision of charges.

(a) Except as provided in paragraphs (b) and (c) of this section, the charge for use and occupancy of lands under the regulations of this part will be the fair market value of the permit, right-of-way, or easement, as determined by appraisal by the authorized officer. Periodic payments or a lump-sum payment, both payable in advance, will be required at the discretion of such officer: (1) When periodic payments are required, the applicant will be required to make the first payment before the permit, right-of-way, or easement will be issued; (2) upon the voluntary relinquishment of such an instrument before the expiration of its term, any payment made for any unexpired portion of the term will be returned to the payer upon a proper application for repayment to the extent that the amount paid covers a full permit, right-of-way, or easement year or years after the formal relinquishment: *Provided*, That the total rental received and retained by the Government for that permit, right-of-way, or easement, shall not be less than $25. The amount to be so returned will be the difference between the total payments made and the value of the expired portion of the term calculated on the same basis as the original payments.

(b) Except as provided in paragraph (c) of this section, the charge for use and occupancy of lands under the regulations of this part shall not be less than $25 per five-year period for any permit, right-of-way, or easement issued.

(c) No charge will be made for the use and occupancy of lands under the regulations of this part:

(1) Where the use and occupancy are exclusively for irrigation projects, municipally operated projects, or nonprofit or Rural Electrification Administration projects, or where the use is by a Federal governmental agency.

(2) Where the permit, right-of-way, or easement is granted under the regulations in §§ 2234.2–4, 2234.2–5, 2234.3–1, and 2234.3–2.

(d) If a charge required by this section is not paid when due, and such default shall continue for 30 days after notice, action may be taken to cancel the permit, right-of-way or easement. After default has occurred, no structures, buildings, or other equipment may be removed from the servient lands except upon written permission first obtained from the authorized officer.

(e) At any time not less than five years after either the grant of the permit, right-of-way, or easement or the last revision of charges thereunder, the authorized officer, after reasonable notice and opportunity for hearing, may review such charges and impose such new charges as may be reasonable and proper commencing with the ensuing charge year.

(f) The provisions of this section shall not have the effect of changing, modifying, or amending the rental rates or charges imposed for existing water power projects under rights-of-way previously approved by this Department.

§ 2234.2 For roads, railroads, station grounds, wagon roads and tramways.

§ 2234.2–1 For railroads, wagon roads and tramways in Alaska.

(a) *General statement.* (1) The rights-of-way for railroads, wagon roads, and tramways in the State of Alaska, granted by sections 2 to 9, inclusive, of the act of May 14, 1898 (30 Stat. 409; 48 U.S.C. 411–419) does not convey an estate in fee in the lands used for such purposes or in the lands used for station and terminal facilities. The grant is merely of a right of use for the necessary and legitimate purposes of the roads, the fee remaining in the United States, except as to lands authorized to be sold under section 6 by the Secretary of the Interior, "upon such expressed conditions as in his judgment may be necessary to protect the public interests." The nature of these conditions will depend upon the public necessities and will be governed by the particular circumstances of each case. These sections authorize the Secretary of the Interior to approve maps and plats affecting unsurveyed as well as surveyed land, and while it is not obligatory on the part of grantees to file additional maps and plats after survey of the lands, showing connections with the public surveys, and the smallest legal subdivisions of all lands affected, by so doing the grants and the extent thereof could be properly recorded on the records of the Bureau of Land Management and readily determined.

(2) All persons entering public lands, to part of which a right-of-way has attached, take the same subject to such right-of-way, the latter being computed as a part of the area of the tract entered.

(3) Whenever any right-of-way shall pass over private land or possessory claims on lands of the United States, condemnations of the right-of-way across the same may be made in accordance with the provisions of section 4 of the said act of May 14, 1898.

(b) *Applications by individuals, associations or corporations.*—(1) *Incorporated companies.* (i) Any incorporated company desiring to obtain the benefits of this part is required to file the following papers and maps:

(*a*) A copy of its articles of incorporation duly certified to by the proper officer of the company under its corporate seal, or by the secretary of the State where organized.

(*b*) A copy of the State law under which the company was organized, with the certificate of the governor or secretary of the State that the same is the existing law.

(*c*) When said law directs that the articles of association or other papers connected with the organization be filed with any State or Territorial officer, the certificate of such officer that the same have been filed according to law, with the date of the filing thereof.

(*d*) A certificate from the Secretary of the State of Alaska showing that the Company has complied with the State law.

(*e*) The official statement, under seal of the proper officer, that the organization has been completed; that the company is fully authorized to proceed with the construction of the road according to the existing law of the State or Territory where organized. (Form 1, Appendix C).

(*f*) A certificate by the president, under the seal of the company, showing the names and designations of its officers at the date of the filing of the proofs. (Form 2, Appendix C).

(*g*) If certified copies of the existing laws regarding such corporations, and of new laws as passed from time to time, be forwarded to the Bureau of Land Management by the governor or secretary of any State, a company organized in such State or Territory may file, in lieu of the requirements of subdivision *b* of this paragraph, a certificate of the governor or Secretary of the State that

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no change has been made since a given date, not later than that of the laws last forwarded.

(h) Maps, field notes, and other papers as hereinafter required.

(ii) No forms are prescribed for the proofs required in subdivision (i) (a)–(d) as each case must be governed to some extent by the laws of the State.

(iii) For forms 1 to 8, inclusive, referred to under this section, see Appendix C of this subchapter.

(2) *Individuals or associations of individuals.* Individuals or associations of individuals making applications for permits, under section 6 of the act (30 Stat. 411; 48 U.S.C. 416), for tramways or wagon roads are required to file evidence of citizenship. In the case of associations a statement must be filed by the principal officer thereof, giving a list of its members and stating that the list includes all the members. Evidence of citizenship must be furnished for each member of the association. Individuals and associations will also be required to file the maps, field notes, and other papers hereinafter required.

(c) *Maps and plats*—(1) *Preparation of maps and plats.* All maps and plats must be drawn on tracing linen, in duplicate, and must be strictly conformable to the field notes of the survey thereof, wherever such surveys have been made. The word "profile" as used in the act is understood to intend a map of alignment. No profile of grades will be required.

(2) *Data required on maps.* (i) The maps should show any other road crossed or with which connection is made, and whenever possible the station number on the survey thereof at the point of intersection. All such intersecting roads must be represented in ink of a different color from that used for the line for which the applicant asks right-of-way. Field notes of the surveys should be written along the line on the map. If the map should be too much crowded to be easily read, then duplicate field notes should be filed separate from the map, and in such form that they may be folded for filing. In such case it will be necessary to place on the map only a sufficient number of station numbers to make it convenient to follow the field notes on the map. Station numbers should also be given on the map in all cases where changes of numbering occur and where known lines of survey, public or otherwise, are crossed, with distance to the nearest permanent monument or other mark on such line. The map must also show the lines of reference of initial, terminal, and intermediate points, with their courses and distances.

(ii) When the lines are located on surveyed land, the maps must show the 40-acre subdivisions; when on unsurveyed land, a meridian should be drawn on maps through initial and terminal points and at intervals of not more than 6 miles, intermediate points.

(d) *Application requirements*—(1) *Data required in field notes; instructions as to surveys.* Typewritten field notes, with clear carbon copies, are preferred, as they expedite the examination of applications. All monuments and other marks with which connections are made should be fully described, so that they may be easily found. The field notes must be so complete that the line may be retraced on the ground. On account of the conditions existing in Alaska surveys based wholly on the magnetic needle will not be accepted. In that case a true meridian should be established, as accurately as possible, at the initial point. It should be permanently marked and fully described. The survey should be based thereon and checked by a meridian similarly fixed at the terminal point and, when the line is a long one, by intermediate meridians at proper intervals. On account of the rapid convergence of the meridians in these latitudes such intermediate meridians should be established at such intervals as to avoid large discrepancies in bearings. It will probably be found preferable to run by transit deflections from a permanently established line, with frequent and readily recoverable reference lines permanently marked; and in such surveys occasional true bearings should be stated, at least approximately. On all lines of railroad the 10-mile sections should be indicated and numbered, and on maps of tramways and wagon roads the 5-mile sections shall likewise be indicated and numbered.

(2) *Filing of papers.* The maps, field notes, and accompanying papers should be filed in the land office for the district where the proposed right of way is located.

(3) *Connections with other surveys.* Connections should be made with other surveys, public or private, whenever possible; also with mineral monuments and other known and established marks. When a sufficient number of such points are not available to make such connections at least every 6 miles, the surveyor must make connection with natural objects or permanent monuments.

(4) *Permanent monuments or marks.* Along the line of survey, at least once in every mile, permanent and easily recoverable monuments or marks must be set and connected therewith, in such positions that the construction of the road will not interfere with them. The locations thereof must be indicated on the maps. All reference points must be fully described in the field notes, so that they may be relocated, and the exact point used for reference indicated.

(5) *Designation of termini.* The termini of a line of road should be fixed by reference of course and distance to a permanent monument or other definite mark. The initial point of the survey and of station, terminal, and junction grounds should be similarly referred. The maps, field notes, engineer's certificate, and applicant's certificate (Forms 3 and 4, Appendix C), should each show these connections.

(6) *Statement and certificates required.* The engineer's certificate and applicant's certificate must be written on the map, and must both designate by termini (as in the preceding subparagraph) and length in miles and decimals the line of route for which right of way application is made. (See Forms 3 and 4, Appendix C.) Station, terminal, or junction grounds must be described by initial point (as in the preceding subparagraph) and area in acres (Forms 7 and 8, Appendix C) when they are located on surveyed land, and the smallest legal subdivision in which they are located should be stated. No changes or additions are allowable in the substance of any forms, except when the essential facts differ from those assumed therein. When the applicant is an individual the word "applicant" should be used instead of "company," and such other changes made as are necessary on this account.

(7) *Additional width for right-of-way.* Where additional width is desired for railroad right-of-way on account of heavy cuts or fills, the additional right-of-way desired should be stated, the reason therefor fully shown, the limits of the additional right-of-way exactly designated, and any other information furnished that may be necessary to enable the manager to consider the case before giving it his approval.

(8) *Preliminary map and field notes.* The preliminary map authorized by the proviso of section 4 of the act will not be required to comply so strictly with the foregoing instructions as maps of definite location; but it is to be observed that they must be based upon an actual survey, and that the more fully they comply with § 2234.2–1 the better they will serve their object, which is to indicate the lands to be crossed by the final line and to preserve the company's prior right until the approval of its maps of definite location. Unless the preliminary map and field notes are such that the line of survey can be retraced from them on the ground, they will be valueless for the purpose of preserving the company's rights. The preliminary map and field notes should be in duplicate, and should be filed in the land office in order that proper notations may be made on the records as notice to intending settlers and subsequent applicants for the right of way.

(9) *Scale of maps.* The scale of maps showing the line of route should be 2,000 feet to an inch. The maps may, however, be drawn to a scale of 1,000 feet to an inch when necessary, or, in extreme cases, to 500 feet to an inch. No other scales must be used and should be so selected as to avoid making maps inconveniently large for handling. In most cases, by furnishing separate field notes, an increase of scale can be avoided. Plats of station, terminal, and junction grounds, etc., should be drawn on a scale of 500 feet to an inch, and must be filed separately from the line of route. Such plats should show enough of the line of route to indicate the position of the tract with reference thereto.

(10) *Plats of station, terminal, and junction grounds.* Plats of station, terminal, and junction grounds must be prepared in accordance with the direction for maps of lines of routes. Whenever they are located on or near navigable waters the shore line must be shown, and also the boundaries of any other railroad grounds or other claims located

on or near navigable waters within a distance of 80 rods from any point of the tract applied for.

(11) *Showing required in application.* (i) All applications for permits made under section 6 of the act should state whether it is proposed to collect toll on the proposed wagon road or tramway; and, in case of wagon roads, the application must be accompanied by satisfactory evidence, corroborated by a statement, tending to show that the public convenience requires the construction of the proposed road, and that the expense of making the same available and convenient for public travel will not be less, on an average, than $500 per mile. In all cases, if the proposed line of road shall be located over any road or trail in common use for public travel, a satisfactory statement, corroborated by statement, must be submitted with the application, showing that the interests of the public will not be injuriously affected thereby.

(ii) All applications must be accompanied by an application service fee of $10 which will not be returnable.

(e) *Evidence of construction*—(1) *Statement and certificates required when road is constructed.* When the road is constructed a certificate of the engineer and a certificate of the applicant (Forms 5 and 6, Appendix C) should be filed in the proper land office in duplicate. In case of deviations from the map previously approved, whether before or after construction, there must be filed new maps and field notes in full, as in this part provided, bearing proper forms, changed to agree with the facts in the case, and the location must be described in the forms as the amended survey and the amended definite location. In such cases, the applicant must file a relinquishment, under seal, of all rights under the former approval as to the portions amended, said relinquishment to take effect when the map of amended definite location is approved by the manager.

(2) *Action where required evidence is not filed.* Unless the proper evidence of construction is filed within the time prescribed by the act for the construction of each section of the road, appropriate steps will be taken looking to the cancellation of the approval of the right of way and the notations thereof on the records.

(f) *Charges for transportation of passengers and freight.* (1) In the case of a wagon road or tramway built under permit issued under section 6 of the act upon which it is proposed to collect toll, a printed schedule of the rates for freight and passengers should also be filed with the manager for his consideration and approval at least 60 days before the road is to be opened to traffic, in order to allow a sufficient time for consideration, inasmuch as by section 6 it is made a misdemeanor to collect toll without written authority from the Secretary of the Interior. In the case of a wagon road satisfactory evidence, corroborated, must be submitted with said schedule, showing that at least an average of $500 per mile has been actually expended in constructing such road. These schedules must be submitted in duplicate, one copy of which, bearing the approval of the manager, will be returned to the applicant if found satisfactory. Said schedules shall be plainly printed in large type.

(2) Schedules of passenger and freight rates on railroads should be filed with the Interstate Commerce Commission.

(R.S. 2478; 43 U.S.C. 1201)

§ 2234.2–2 For railroads and station grounds outside of Alaska.

(a) *Authority.* The act approved March 3, 1875 (18 Stat. 482; 43 U.S.C. 934–939) grants rights-of-way to railroad companies through the public lands of the United States, for railroad and station ground purposes, and the act of March 3, 1899 (30 Stat. 1233; 16 U.S.C. 525) authorizes the Secretary of the Interior to approve surveys and plats of such rights-of-way "over and across any forest reservation or reservoir site when in his judgment the public interest would not be injuriously affected thereby."

(b) *Nature of grant.* A railroad company to which a right-of-way is granted does not secure a full and complete title to the land on which the right-of-way is located. It obtains only the right to use the land for the purposes for which it is granted and for no other purpose, and may hold such possession, if it is necessary to that use, as long and only as long as that use continues. The Government conveys the fee simple title in the land over which the right-of-way is granted to the person to whom patent issues for the legal subdivision on which the right-of-way is located, and such patentee takes the fee subject only to the railroad company's right of use and possession. All persons settling on a tract of public land, to part of which right-of-way has attached, take the same subject to such right-of-way, and at the total area of the subdivision entered, there being no authority to make deduction in such cases. If a settler has a valid claim to land existing at the date of the filing of the map of definite location, his right is superior, and he is entitled to such reasonable measure of damages for right-of-way as may be determined upon by agreement or in the courts, the question being one that does not fall within the jurisdiction of the Department of the Interior.

(c) *Location*—(1) *National forest.* When a right-of-way is located within a national forest the applicant must enter into such stipulation and execute such bond as the Forest Service may require for the protection of such national forest.

(2) *Proposed national forest; construction through forests.* (i) When a right-of-way is located within a proposed national forest the applicant must file such stipulation and execute such bond as may be required for the protection of such proposed forest.

(ii) No construction will be allowed in a national forest or a proposed national forest until an application for right-of-way has been regularly filed in accordance with the laws of the United States and has been approved, or has been considered by the Department of the Interior, and permission for such construction has been specifically given.

(iii) All rights-of-way applications for railroads and station grounds within national forests must be accompanied by a service fee of $10 which will not be returnable.

(3) *Private lands and possessory claims.* Whenever any right-of-way shall pass over private land or possessory claims on lands of the United States, condemnation of the right-of-way across the same may be made in accordance with the provisions of section 3 of the act of March 3, 1875 (18 Stat. 482; 43 U.S.C. 936), or the right can be purchased as provided by section 2288 of the Revised Statutes, as amended by section 3 of the act of March 3, 1891 (26 Stat. 1097; 43 U.S.C. 174).

(d) *Material to be filed.* (1) Any railroad company desiring to obtain the benefits of the law is required to file with the manager of the land office for the district in which the principal terminus of the road is to be located:

(i) A copy of its articles of incorporation, duly certified to by the proper officer of the company under its corporate seal, or by the secretary of the State or Territory where organized.

(ii) A citation of the law of the State or Territory under which the company was organized, and any amendments thereof.

(iii) If the law directs that the articles of incorporation or other papers connected with the organization be filed with any State or Territory officer, there must be submitted the certificate of such officer that the same have been filed according to law, and giving the date of the filing thereof.

(iv) When a company is operating in a State other than the State or Territory in which it is incorporated it must submit the certificate of the proper officer of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

(v) The official statement, by the proper officer, under the seal of the company, that the organization has been completed, that the company is fully authorized to proceed with the construction of the road according to the existing law of the State or Territory in which it is incorporated. (Form 1, Appendix A.)

(vi) A certificate by the president, under the seal of the company, showing the names and designations of its officers at the date of the filing of the proofs. (Form 2, Appendix A.)

(2) No forms are prescribed for the proofs required in subparagraph (1) (i)–(iv) of this paragraph, as each case must be governed to some extent by the laws of the State or Territory.

(e) *Maps*—(1) *Maps of alignment.* (i) The word profile as used in this act is understood to intend a map of alignment. All such maps and plats of station grounds are required by the act to be filed with the manager of the land office for the district where the right-of-way is located; but if the right-of-way is

located in more than one district, duplicate maps and field notes need be filed in but one district, and single sets in the others. The maps must be drawn on tracing linen, in duplicate, and must be strictly conformable to the field notes of the survey of the line of route or of the station grounds.

(ii) The maps should show any other road crossed, or with which connection is made, and whenever possible the station number on the survey therof at the point of intersection. All such intersecting roads must be represented in ink of a different color from that used for the line for which applicant asks right-of-way. Field notes of the surveys should be written along the line on the map. If the map would thereby be too much crowded to be easily read, then duplicate field notes should be filed separate from the map. In such case it will be necessary to place on the map only a sufficient number of station numbers to make it convenient to follow the field notes on the map. In all cases station numbers should be given on the map where changes of numbering occur and where the lines of the public surveys are crossed, with distances to the nearest existing corner. The map must also show the lines of reference of initial and terminal points, with their courses and distances.

(2) *Field notes.* Typewritten field notes, with clear carbon copies, are preferred whenever separate field notes are necessary, as they expedite the examination of applications. The field notes, whether given on the map or filed separately, must be so complete that the line may be retraced from them on the ground. They should show whether lines were run on true or magnetic bearings, and if run on magnetic bearings the variation of the needle and date of determination must be stated. One or more bearings (or angular connections with public-survey lines) must be given. The 10-mile sections must be indicated and numbered on all lines of road submitted.

(3) *Scale of maps.* The scale of maps showing the line of route should be 2,000 feet to the inch ordinarily, but when absolutely necessary the scale may be increased to 1,000 feet to the inch. These scales are fixed so that maps may be readily handled and filed. In most cases, by furnishing separate field notes an increase of scale may be avoided. Plats of station grounds should be drawn on a scale of 500 feet to the inch, and must be filed separately from the map of the line of route. Such plats should show enough of the line of route to indicate the position of the tract with reference thereto.

(4) *Public-land subdivisions.* All subdivisions of the public surveys represented on the map should have their entire boundaries drawn, and all lands affected by the right-of-way the smallest legal subdivisions (40-acre tracts and lots) must be shown.

(5) *Termini of road.* The termini of the line of road should be fixed by reference of course and distance to the nearest existing corner of the public survey. The map, field notes, engineer's statement, and president's certificate (Forms 3 and 4, Appendix A), should each show these connections. The company must certify in Form 4 that the road is to be operated as a common carrier of passengers and freight. A tract for station grounds must be similarly referenced and described on the plat and in Forms 7 and 8 (Appendix A), except when the tract conforms to the subdivisions of the public survey, in which case it may be described in the forms according to the subdivisions.

(6) *Connections on unsurveyed lands.* When either terminal of the line of route is upon unsurveyed land it must be connected by traverse with an established corner of the public survey, if not more than 6 miles distant and the single bearing and distance from the terminal point to the corner must be computed and noted on the map in the engineer's statement, and in the president's certificate (Forms 3 and 4, Appendix A). The notes and all data for the computation of the traverse must be given.

(7) *Connections with monuments on unsurveyed land.* When an established corner of the public survey is more than 6 miles distant this connection will be made with a natural object or a permanent monument which can be readily found and recognized, and which will fix and perpetuate the position of the terminal point. The map must show the position of such mark and must give the course and distance to the terminus. There must be given an accurate description of the mark and full data of the traverse, as required above. The engineer's statement and president's certificate (Forms 3 and 4, Appendix A), must state the connections. These monuments are of great importance.

(8) *Surveyed and unsurveyed land.* (i) When the line of route lies partly on unsurveyed land, each portion lying within surveyed and unsurveyed land will be separately stated in Forms 3 and 4 (Appendix A) by connection of termini and length, as though each portion were independent.

(ii) When lands desired for station grounds lie partly on unsurveyed land, the areas of the several parts on surveyed and unsurveyed land must be separately stated on the map and in Forms 7 and 8 (Appendix A).

(iii) Lines of route or station grounds lying partly upon unsurveyed land can be approved if the application and accompanying maps and papers conform to the regulations in this part, but the approval will only relate to that portion traversing the surveyed lands.

(9) *Unsurveyed land.* Maps of lines of route or plats of station grounds lying wholly on unsurveyed lands may be received and placed on file in the land office of the district in which the same is situated, for general information, and the date of filing will be noted thereon; but the same will not be approved as the act makes no provision for the approval of any but maps showing the location in connection with the public surveys. The filing of such maps or plats will not dispense with the filing of maps or plats after the survey of the lands and within the time limited in the act granting the right-of-way. If these maps or plats are in all respects regular when filed, they will receive approval. In filing such maps or plats the initial and terminal points will be fixed as indicated in paragraph (e) (6) and (7) of this section.

(10) *Connections with public survey corners.* Whenever the line of survey crosses a township or section line of the public survey, the distance to the nearest existing corner should be ascertained and noted. The map or plat should show these distances and the station numbers at the points of intersection. When field notes are submitted, they should also contain these distances and station numbers.

(11) *Statement and certificate required.* The engineer's statement and president's certificate must be written on the map, and must both designate by termini and length, in miles and decimals, the line of route for which right-of-way application is made. (See Forms 3 and 4, Appendix A.) Station grounds must be described by initial point and area in acres (see Forms 7 and 8, Appendix A), and when they are on surveyed land the smallest legal subdivision in which they are located should be stated. No changes or additions are allowable in the substance of any forms, except when the essential facts differ from those assumed therein.

(12) *Spurs or branch lines.* Where right-of-way is desired for spurs or short branch lines which will not greatly enlarge the size of the map, they may be shown on the same map with the main line, and should be separately described in the forms by termini and length. For longer branch lines separate maps should be filed.

(13) *Notations on maps and records.* When maps are filed, the manager will note on each the name of the land office and the date of filing, over his written signature. Notations will also be made on the records of the land office, as to each unpatented tract affected, that application for right-of-way is pending, giving date of filing and name of applicant. The manager will certify on each map, over his written signature, that unpatented land is affected by the proposed right-of-way. The maps and field notes will be approved by the manager in duplicate. Any valid right existing at the date of the filing of the right-of-way application will not be affected by the filing or approval thereof. If no unpatented land is involved in the application the manager will reject it, allowing the usual right of appeal.

(f) *Evidence of construction.* When the railroad is constructed, a statement of the engineer and certificate of the president (Forms 5 and 6, Appendix A) must be filed in the land office, in duplicate. No new map will be required, except in case of deviations from the right-of-way previously approved, whether before or after construction, when there must be filed new maps and field notes in full, as herein provided, bearing proper forms, changed to agree with the facts in the case. The map must show clearly the portions amended, or bear a statement describing them, and the location must be described in

the forms as the amended survey and the amended definite location. In such cases the company must file a relinquishment, under seal, of all rights under the former approval as to the portions amended, said relinquishment to take effect when the map of amended definite location is approved by the manager.

(R.S. 2478; 43 U.S.C. 1201)

§ 2234.2–3 For tramroads and logging roads.

(a) *Over public lands generally*—(1) *Authority.* (i) The act of January 21, 1895 (28 Stat. 635; 43 U.S.C. 956), authorizes the Secretary under such general regulations as may be fixed by him to permit the use of rights-of-way over the public lands of the United States, for tramroads to the extent of 50 feet on each side of the center line of the tramroad, by any citizen or association of citizens of the United States, engaged in the business of mining, quarrying, or of cutting timber and manufacturing lumber. The act does not authorize the use of rights-of-way within the limits of any park or military reservation. The act is made applicable to national forests and reservoir sites by the act of Marah 3, 1899 (30 Stat. 1233; 16 U.S.C. 525; 43 U.S.C. 665, 958). Where the authorized officer determines it to be in the public interest, he will require applicants under this section to execute the same type of right-of-way and road use agreements for the connecting road system as may be required under paragraph b of this section with appropriate modifications to meet local conditions: *Provided*, That where the land over which the right-of-way is requested under the jurisdiction of an agency other than the Bureau of Land Management, such requirement shall be made only with the concurrence of the authorized officer of such agency. The authorized officer may require an applicant for or holder of a tramroad right-of-way to execute a bond on a form provided by the Director, modified to refer to the applicable sections of this part, in an amount, not less than $500 per mile or fraction thereof, to be determined by the authorized officer conditioned on compliance with §§ 2234.1–1 to 2234.1–5 and subparagraph (1) and (2) of this paragraph. The arbitration procedures involved in the stipulations shall be in accordance with State law, if any is applicable. In the absence of applicable State law, controversies involving arbitration shall be arbitrated in accordance with the rules then obtaining of the American Arbitration Association.

(ii) In the opinion of July 16, 1942 (68 T.D. 29), the Solicitor of the Department of the Interior held that the act of February 15, 1901, (31 Stat. 790; 43 U.S.C. 959), superseded the part of the 1895 act authorizing rights-of-way for canals and reservoirs.

(2) *Tramroads defined; special provisions for temporary rights-of-way.* (i) Tramroads are considered as including tramways, railroads, and motor-truck roads to be used in connection with mining, quarrying, logging, and the manufacturing of lumber.

(ii) An application pursuant to subparagraph (1) of this paragraph and this section for a temporary right-of-way to be used for a period of not more than six months may be filed with the officer in charge of any local office of the Bureau of Land Management having jurisdiction over the lands. No special form for such an application is required but it should state whether the applicant or applicants are citizens of the United States and if a corporation, whether it is qualified under State law to acquire the right-of-way applied for and be accompanied by three copies of a map or sketch which shows the location of the right-of-way with a degree of accuracy sufficient for its position on the ground in relation to the lines and corners of the public land surveys or in relation to some prominent topographic feature, to be readily determined. Such a map or sketch or statement as to citizenship or qualification may be accepted as the basis for a permit for a temporary right-of-way even though it does not meet the requirements of other regulations in this part, if in the opinion of the authorized officer it would be in the public interest to do so. Within the discretion of the issuing officer, the holder of a temporary permit may be granted a single extension of the permit for a period of not more than six months. Notwithstanding the provisions of § 2234.1–6 the charge for use and occupancy of public lands for such temporary rights-of-way shall be at the rate of 50 cents per mile or fraction thereof per month or fraction thereof, with a minimum rental charge of $5 per right-of-way: *Provided*, That no rental charge shall be made for the use and occupancy of public lands for such temporary rights-of-way to be used for the purpose of removing mine or quarry products, timber, or timber products which have been acquired from the United States under contract or permit.

(b) *Over O. and C. and Coos Bay revested lands*—(1) *Authority.* (i) The act of January 21, 1895 (28 Stat. 635, 43 U.S.C. 956) authorizes the Secretary of the Interior under such regulations as may be fixed by him to permit the use of rights-of-way over the public lands of the United States, for tramroads to the extent of 50 feet on each side of the center line of the tramroad, by any citizen or association of citizens of the United States, engaged in the business of mining, or quarrying or of cutting timber and manufacturing timber. The act of January 21, 1895, is made applicable to the Revested Oregon and California Railroad and the Reconveyed Coos Bay Wagon Road Grant Lands by the acts of June 9, 1916 (39 Stat. 218) and February 26, 1919 (40 Stat. 1179), respectively.

(ii) The act of August 28, 1937 (50 Stat. 874) provides for the conservation and management of the O. and C. lands and authorizes the Secretary of the Interior to make rules and regulations in furtherance of such purposes.

(2) *Statement of policy.* (i) The intermingled character of the O. and C. lands presents peculiar problems of management which require for their solution the cooperation between the Federal Government and the owners of the intermingled lands, particularly with respect to timber roads.

(ii) It is well established that the value of standing timber is determined in significant part by the cost of transporting the logs to the mill. Where there is an existing road which is adequate or can readily be made adequate for the removal of timber in the area, the failure to make such road available for access to all the mature and overmature timber it could tap leads to economic waste. Blocks of timber which are insufficient in volume or value to support the construction of a duplicating road may be left in the woods for lack of access over the existing road. Moreover, the duplication of an existing road reduces the value of the federal and other timber which is tapped by the existing road.

(iii) It is also clear that the Department of the Interior, which is responsible for the conservation of the resources of the O. and C. lands and is charged specifically with operating the timber lands on a sustained-yield basis, must have access to these lands for the purpose of managing them and their resources. In addition, where the public interest requires the disposition of federal timber by competitive bidding, prospective bidders must have an opportunity to reach the timber to be sold. Likewise, where other timber is committed by cooperative agreement to coordinated administration with timber of the United States, there must be access to both.

(iv) Accordingly, to the extent that in the judgment of the authorized officer it appears necessary to accomplish these purposes, when the United States, acting through the Bureau of Land Management, grants a right-of-way across O. and C. lands to a private operator, the private operator will be required to grant to the United States for use by it and its licensees (*a*) rights-of-way across lands controlled directly or indirectly by him; (*b*) the right to use, to the extent indicated in subparagraphs (8) and (9) of this paragraph, any portions of the road system or rights-of-way controlled directly or indirectly by the private operator which is adequate or can economically be made adequate to accommodate the probable normal requirements of both the operator and of the United States and its licensees, and which form an integral part of or may be added to the road system with which the requested right-of-way will connect; (*c*) the right to extend such road system across the operator's lands to reach federal roads or timber; and (*d*) in addition, in the limited circumstances set forth in subparagraph (7)(ii) of this paragraph the right to use certain other roads and rights-of-way. The permit will describe by legal subdivisions the lands of the operator as to which the United States receives rights. In addition, the extent and duration of the rights received by the United States will be specifically stated in the permit and ordinarily will embrace only those portions of such road system, rights-of-way and lands as

(iv) "State Director" means the State Director, Bureau of Land Management, or his authorized representative.

(v) "Authorized Officer" means an employee of the Bureau of Land Management to whom has been delegated the authority to take action.

(vi) "O. and C. lands" means the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands, other lands administered by the Bureau under the provisions of the act approved August 28, 1937, and the public lands administered by the Bureau of Land Management which are in Oregon and in and west of Range 8 E., Willamette Meridian, Oregon.

(vii) "District Forester" means a District Forester of the Bureau who is stationed in the O. and C. area.

(viii) "Tramroads" include tramways, and wagon or motor-truck roads to be used in connection with logging, and the manufacturing of lumber; it also includes railroads to be used principally for the transportation, in connection with such activities, of the property of the owner of such railroad.

(ix) "Management" means police protection, fire presuppression and suppression, inspection, cruising, reforesting, thinning, stand improvement, inventorying, surveying, construction and maintenance of improvements, disposal of land, the eradication of forest insects, pests and disease, and other activities of a similar nature.

(x) "Licensee" of the United States is, with respect to any road or right-of-way, any person who is authorized to remove timber or forest products from lands of the United States, or to remove timber or forest products from other lands committed by a cooperative agreement to coordinated administration with the timber of the United States over such road or right-of-way while it is covered by an outstanding permit, or while a former permittee is entitled to receive compensation for such use under the provisions of these regulations. A licensee is not an agent of the United States.

(xi) "Direct control" of a road, right-of-way, or land, by an applicant for a permit hereunder means that such applicant has authority to permit the United States and its licensees to use such road, right-of-way or land in accordance with this paragraph.

may be actually needed for the management and removal of federal timber, or other timber committed by a cooperative agreement to coordinated administration with timber of the United States.

(v) When the United States or a licensee of the United States uses any portion of a permittee's road system for the removal of forest products, the permittee will be entitled to receive just compensation, including a fair share of the maintenance and amortization charges attributable to such road, and to prescribe reasonable road operating rules, in accordance with subparagraphs (10) to (14) of this paragraph.

(vi) As some examples of how this policy would be applied in particular instances, the United States may issue a permit under paragraph (b) without requesting any rights with respect to roads, rights-of-way or lands which the authorized officer finds will not be required for management of or access to federal timber, or timber included in a cooperative agreement. Where, however, the authorized officer finds that there is a road controlled directly or indirectly by the applicant, which will be needed for such purposes and which he finds either has capacity to accommodate the probable normal requirements both of the applicant and of the Government and its licensees, or such additional capacity can be most economically provided by an investment in such road system by the Government rather than by the construction of a duplicate road, he may require, for the period of time during which the United States and its licensees will have need for the road, the rights to use the road for the marketing and management of its timber and of timber included in a cooperative agreement in return for the granting of rights-of-way across O. and C. lands, and an agreement that the road builder will be paid a fair share of the cost of the road and its maintenance. Where it appears to the authorized officer that such a road will not be adequate or cannot economically be enlarged to handle the probable normal requirements both of the private operator and of the United States and its licensees, or even where the authorized officer has reasonable doubt as to such capacity, he will not request rights over such a road. Instead, the Bureau will make provision for its own road system either by, providing in its timber sale contracts that in return for the road cost allowance made in fixing the appraised value of the timber, timber purchasers will construct or extend a different road system, or by expending for such construction or by extension monies appropriated for such purposes by the Congress, or, where feasible, by using an existing duplicating road over which the Government has obtained road rights. In such circumstances, however, road cost and maintenance allowances made in the stumpage price of O. and C. timber will be required to be applied to the road which the Bureau has the right to use, and thereafter will not in any circumstances be available for amortization or maintenance costs of the applicant's road.

(vii) When a right-of-way permit is issued for a road or road system over which the United States obtains rights of use for itself and its licensees, the authorized officer will seek to agree with the applicant respecting such matters as the time, route, and specifications for the future development of the road system involved; the portion of the capital and maintenance costs of the road system to be borne by the timber to be transported over the road system by the United States and its licensees; a formula for determining the proportion of the capacity of the road system which is to be available to the United States and its licensees for the transportation of forest products; and other similar matters respecting the use of the road by the United States and its licensees and the compensation payable therefor. To the extent that any such matter is not embraced in such an agreement, it will be settled by negotiation between the permittee and the individual licensees of the United States who use the road, and, in the event of their disagreement, by private arbitration between them in accordance with the laws of the State of Oregon.

(viii) The authorized officer may in his discretion, issue short term right-of-way permits for periods not exceeding three years, subject to one-year extensions in his discretion. Such permits shall specify the volume of timber which may be carried over the right-of-way and the area from which such timber may be logged. The permits shall be revocable by the district forester, the State Director, or the Secretary for violation of their terms and conditions or of these regulations or if hazardous conditions result from the construction, maintenance or use of the rights-of-way by the permittees or those acting under their authority. As a condition for the granting of such permits, the applicant must comply with subparagraph (7) (i) and (iv) of this paragraph to the extent that rights-of-way and road use rights are needed to remove government timber offered for sale in the same general area during the period for which the short term right-of-way is granted.

(ix) The authorized officer may, in his discretion, issue to private operators rights-of-way across O. and C. lands, needed for the conduct of salvage operations, for a period not to exceed five years. A salvage operation as used in this paragraph means the removal of trees injured or killed by windstorms, insect infestation, disease, or fire, together with any adjacent green timber needed to make an economic logging show. As a condition of the granting of such rights-of-way, the operator will be required, when the authorized officer deems it necessary, to grant to the United States and its licensees for the conduct of salvage operations on O. and C. lands for a period not to exceed five years, rights-of-way across lands controlled directly or indirectly by him and to grant the right to use to the extent indicated in subparagraphs (8) and (9) of this paragraph any portions of the road system controlled directly or indirectly by the private operator which is adequate or can economically be made adequate to accommodate the requirements of both the operator and of the United States and its licensees.

(3) *Definitions.* Except as the context may otherwise indicate, as the terms are used in this paragraph:

(i) "Bureau" means Bureau of Land Management.

(ii) "Timber of the United States" or "federal timber" means timber owned by the United States or managed by any agency thereof, including timber on allotted and tribal Indian lands in the O. and C. area.

(iii) "State Director" means the State Director, Area 1, Bureau of Land Management, or his authorized representative.

(xii) "Indirect control" of a road, right-of-way, or land, by an applicant hereunder means that such road, right-of-way, or land, is not directly controlled by him but is subject to use by him or by:

(*a*) A principal, disclosed or undisclosed, of the applicant; or

(*b*) A beneficiary of any trust or estate administered or established by the applicant; or

(*c*) Any person having or exercising the right to designate the immediate destination of the timber to be transported over the right-of-way for which application is made; or

(*d*) Any person who at any time has owned, or controlled the disposition of the timber to be transported over the right-of-way applied for, and during the 24 months preceding the filing of the application has disposed of such ownership or control to the applicant or his predecessor, under an agreement reserving or conferring upon the grantor the right to share directly or indirectly in the proceeds realized upon the grantee's disposal to third persons of the timber or products derived therefrom or the right to reacquire ownership or control of all or any part of the timber prior to the time when it undergoes its first mechanical alteration from the form of logs; or

(*e*) Any person who stands in such relation to the applicant that there is liable to be absence of arm's length bargaining in transactions between them relating to such road, rights-of-way, or lands.

(4) *Nature of permit.* (i) Permits for rights-of-way for tramroads, do not constitute easements, and do not confer any rights on the permittee to any material for construction or other purposes except, in accordance with the provisions of subparagraphs (19) and (23) of this paragraph such materials as may have been placed on such lands by a permittee. The permits are merely nonexclusive licenses to transport forest products owned by the permittee. Such permits may be canceled pursuant to subparagraph (21) of this paragraph.

(ii) A permittee may not authorize other persons to use the right-of-way for the transportation of forest products which are not owned by the permittee. Any person, other than the permittee or a licensee of the United States who desires to use the right-of-way for such purposes, is required to make application therefor and to comply with all the provisions of these regulations relating to applications and applicants: *Provided, however,* That upon the request of a permittee the authorized officer may, with respect to an independent contractor who desires to use such right-of-way for the transportation of forest products owned by such independent contractor and derived from timber or logs acquired by him from such permittee, waive the requirements of this sentence. Where the right-of-way involved has been substantially improved by the holder of an outstanding permit, any subsequent permit issued for the same right-of-way will be conditioned upon the subsequent permittee's agreement while the prior permit is outstanding, to be bound by the road rules of and to pay fair compensation to, the prior permittee, such rules and compensation to be agreed upon by the prior and subsequent permittee in accordance with the procedures and standards established by the regulations in subparagraphs (11), (13) and (14) of this paragraph.

(5) *Construction in advance of permit.* The authorized officer may grant an applicant authority to construct improvements on a proposed right-of-way prior to a determination whether the permit should issue. Such advance authority shall not be construed as any representation or commitment that a permit will issue. Upon demand by the authorized officer, the applicant will fully and promptly comply with all the requirements imposed under and by this paragraph. Advance construction will not be authorized unless and until applicant has complied with subparagraphs (6) (i), (ii), (7) and (15) of this paragraph.

(6) *Applications*—(i) *Filing.* (*a*) An application for a permit for a right-of-way over the O. and C. lands must be submitted in duplicate on a form approved by the Director and filed in the office of the appropriate district forester. Application forms will be furnished upon request.

(*b*) Any application filed hereunder, including each agreement submitted by the applicant as a part thereof or as a condition precedent to the issuance of a permit, may be withdrawn by the applicant by written notice delivered to the appropriate district forester prior to the time the permit applied for has been issued to, and accepted by, the applicant.

(ii) *Contents.* (*a*) An individual applicant and each member of any unincorporated association which is an applicant must state in the application whether he is a native born or a naturalized citizen of the United States. Naturalized citizens will be required to furnish evidence of naturalization pursuant to the provisions of § 1811 of this chapter.

(*b*) An application by a private corporation must be accompanied by two copies of its articles of incorporation, one of which must be certified by the proper official of the company under its corporate seal, or by the secretary of the State where organized. A corporation organized in a State other than Oregon must submit a certificate issued by the State of Oregon attesting that the corporation is authorized to transact business within that State. The requirements of this paragraph shall be deemed satisfied if the corporation, having once filed the required documents, makes specific reference to the date and case number of such previous applications, states what changes, if any, have been made since the prior filings, and includes a statement that the right of the company to do business in the State of Oregon has not lapsed or terminated.

(*c*) Where the application is for a right-of-way on any portion of which the applicant proposes to construct a road, it must be accompanied by two copies of a map prepared on a scale of 4 inches or 8 inches to the mile. Showing the survey of the right-of-way so that it may be accurately located on the ground. The map should comply with the following requirements, except as the authorized officer may waive in any particular instance all or any of such requirements:

Courses and distances of the center line of the right-of-way should be given; the courses referred to the true meridian and the distance in feet and decimals thereof. The initial and terminal points of the survey must be accurately connected by course and distance to the nearest readily identifiable corner of the public land surveys, or, if there be no such corner within two miles, then connected to two permanent and prominent monuments or natural objects. All subdivisions of the public lands surveys, any part of which is within the limits of the survey, should be shown in their entirety, based upon the official subsisting plat with subdivisions, section, township, and range clearly marked. The width of the right-of-way should be given; and if not of uniform width, the locations and amount of change must be definitely shown. There shall also be a statement on the face of or appended to the map indicating the grade and usable width of the road to be constructed, the type of material which will be used for the surface, the type and extent of the drainage facilities, and the type of construction and estimated capacity of any bridges. The map should bear upon its face the statement of the person who made the survey, if any, and the certificate of the applicant; such statement and certificate should be as set out in Forms as approved by the Director.

(*d*) Where the application is for the use of an existing road, a map adequate to show the location thereof will be required, together with a statement of the specific nature and location of any proposed improvements to such road. A blank map suitable for most cases may be procured from the appropriate district forester.

(*e*) Every application for a right-of-way must also be accompanied by a diagram indicating the roads and rights-of-way which form an integral part of the road system with which the requested right-of-way will connect, the portions of such road system which the applicant directly controls within the meaning of subparagraph (3) (xi) of this paragraph, the portions thereof which the applicant indirectly controls within the meaning of subparagraph (3) (xii) of this paragraph, and the portions thereof as to which the applicant has no control within the meaning of such sections. As to the portions over which the applicant has no control, he must furnish a statement showing for the two years preceding the date of the filing of the application, all periods of time that he had direct or indirect control thereof, and the date and nature of any changes in such control. The diagram shall also contain the name of the person whom the applicant believes directly controls any portion of such road system which the applicant does not directly control. Where a right-of-way for a railroad is involved, the applicant must indicate which portions of the right-of-way will be available for use as truck roads upon the removal of the rails and ties and the probable date of such removal. Blank diagram forms, suitable for most cases, may be obtained from the appropriate district forester.

(10) *Permittee's agreement with United States respecting compensation and adjustment of road use.* (i) Where the United States receives rights over any road, right-of-way, or lands, controlled directly or indirectly by a permittee, the authorized officer will seek to arrive at an advance agreement with the permittee respecting any or all of such matters as the time, route, and specifications for the development of the road system in the area; the total volume of timber to be moved over such road system, and the proportion of such timber which belongs to the United States or is embraced in a cooperative agreement for coordinated management with timber of the United States managed by the Bureau; the consequent proportion of the capital costs of the road system to be borne by such timber of the United States or embraced in such cooperative agreement; the period of time over, or rate at which, the United States or its licensees shall be required to amortize such capital cost; provisions for road maintenance; the use in addition to the uses set forth in subparagraph (8) of this paragraph which the United States and its licensees may make of the road system involved, a formula for determining the proportionate capacity of the road system or portions thereof which shall be available to the United States and its licensees for the transportation of forest products; the amount and type of insurance to be carried, and the type of security to be furnished by licensees of the United States who use such road; and such other similar matters as the authorized officer may deem appropriate. To the extent necessary to fulfill the obligations of the United States under any such advance agreement, subsequent contracts for the sale of timber managed by the Bureau and tapped by such road system, and subsequent cooperative agreements for the coordinated management of such timber with other timber, will contain such provisions as may be necessary or appropriate to require such licensees to comply with the terms of the advance agreement. Where such an advance agreement between the United States and the permittee includes provisions relating to the route and specifications for extensions of the road system involved, the authorized officer may agree that upon the

(iii) *Trespass.* The mere filing of an application under this paragraph does not authorize the applicant to use the right-of-way in any manner or for any purpose until written permission therefor has been duly executed by the authorized officer and delivered to the applicant. Any unauthorized use of O. and C. land constitutes a trespass for which the trespasser is liable in damages to the United States. Where there has been such a trespass, no permit shall be issued to the alleged trespasser unless (*a*) the trespass claim is fully satisfied; or (*b*) the alleged trespasser files a bond conditioned upon payment of the amount of damages found by the State supervisor, or upon appeal by the Secretary of the Interior or his delegatee, to be due the United States; or (*c*) the State Director finds in writing that there is a legitimate dispute as to the fact of the alleged trespasser's liability or as to the extent of his liability and the trespasser files a bond guaranteeing payment of the amount found by a court of competent jurisdiction to be due the United States.

CROSS REFERENCE: For disposal of timber or material to a trespasser, see § 9239.0–9 of this chapter.

(7) *Right-of-way and road use agreement; recordation.* (i) Where, in the judgment of the authorized officer, it appears necessary in order to carry out the policy set forth in subparagraph (2) of this paragraph, he may require the applicant, as a condition precedent to the issuance of the permit:

(*a*) To grant to the United States, for use by it and its licensees and permittees, rights-of-way across lands in the O. and C. area directly controlled by the applicant; and as to lands in such area which are indirectly controlled by him, either to obtain such rights for the United States or to make a showing satisfactory to the authorized officer that he has negotiated therefor in good faith and to waive as to the United States, its licensees and permittees any exclusive or restricted right he may have to such lands as are indirectly controlled by him.

(*b*) In addition, to agree to permit the United States and its licensees, upon the payment of fair compensation as hereinafter provided, to use under the terms and conditions of this paragraph such portion as the applicant directly controls of the road system and rights-of-way which are an integral part of or may be added to the road system with which the right-of-way applied for will connect, and as to the portions of such road system or rights-of-way as the applicant indirectly controls, either to obtain such rights for the United States and its licensees or to make a showing satisfactory to the authorized officer that he has negotiated therefor in good faith and, in such latter circumstance, to waive as to the United States and its licensees any exclusive or restricted right he may have in such portion of the road system and rights-of-way.

(ii) In addition to the private road systems and rights-of-way described in subdivision (i) of this subparagraph, in the event the applicant controls directly or indirectly other roads or rights-of-way in any O. and C. area where the authorized officer of the Bureau finds that, as of the time of filing or during the pendency of the application, the United States is unreasonably denied access to its timber for management purposes or where, as of such time, competitive bidding by all prospective purchasers of timber managed by the Bureau in the O. and C. area, or of other Federal timber intermingled with or adjacent to such timber, is substantially precluded by reason of the applicant's control, direct or indirect, of such roads or rights-of-way, the authorized officer may require the applicant to negotiate an agreement granting to the United States and its licensees the right to use, in accordance with the terms and conditions of this paragraph such portion of such roads or rights-of-way as may be necessary to accommodate such management or competitive bidding.

(iii) Where, in the judgment of the authorized officer, it is consistent with the policy set forth in subparagraph (2) of this paragraph he may issue a permit without requesting the applicant to grant any rights to the United States under this subparagraph.

(iv) Any grant of rights to the United States under this section shall be executed or approved by the Director which shall constitute and form a part of any permit issued upon the application involved. The applicant shall record such agreement in the office of land records of the county or counties in which the roads, rights-of-way, or lands, subject to the agreement are located, and submit evidence of such recordation to the appropriate district forester.

(8) *Use by the United States and its licensees of rights received from a permittee.* The use by the United States and its licensees of any of the rights received from a permittee hereunder shall be limited to that which is necessary for management purposes, or to reach, by the most reasonably direct route, involving the shortest practicable use of the permittee's road system, a road or highway which is suitable for the transportation of forest products in the type and size of vehicle customarily used for such purposes and which is legally available for public use for ingress to and the removal of forest products from Government lands or from other lands during such periods of time as the timber thereon may be committed by a cooperative agreement to coordinated administration with timber of the United States. However, the type and size of vehicle which may be used by the licensee on the permittee's road shall be governed by subparagraphs (10) and (13) of this paragraph.

(9) *Duration and location of rights granted or received by the United States.* The rights-of-way granted by the United States under any permit issued under subparagraph (18) of this paragraph, subject to the provisions of subparagraph (21) of this paragraph, will be for a stated term or terms which may vary for each portion of the right-of-way granted; such term or terms will normally be coincident with the probable period of use for the removal of forest products by the permittee and any successor in interest of the various portions of the right-of-way requested. In the same manner the permit will also state the duration of the rights of the United States to use and to permit its licensees to use, and the location by legal subdivisions of, each of the various portions, if any, of the roads, rights-of-way, and lands which a permittee hereunder authorizes the United States and its licensees to use; and, similarly, the duration of such rights received by the United States will normally be coincident with the probable period of use for the removal of forest products, by the United States and its existing and prospective licensees, of such roads, rights-of-way, and lands.

filing of proper applications in the future the applicant or his successor in interest shall receive the necessary permits for such road extensions as may cross lands managed by the Bureau: *Provided, however,* That the applicant shall have substantially complied with the terms of such advance agreement and of the outstanding permits theretofore issued to him.

(ii) The provisions of subparagraphs (11) to (14) of this paragraph shall not be applicable to any matters embraced in an agreement made pursuant to this section.

(11) *Agreements and arbitration between permittee and licensee respecting compensation payable by licensee to permittee for use of road.* (i) In the event the United States exercises the rights received from a permittee hereunder to license a person to remove forest products over any road, right-of-way, or lands of the permittee or of his successor in interest, to the extent that such matters are not covered by an agreement under subparagraph (10) of this paragraph, such licensee will be required to pay the permittee or his successor in interest such compensation and to furnish him such security, and to carry such liability insurance as the permittee or his successor in interest and the licensee may agree upon. If the parties do not agree, then upon the written request of either party delivered to the other party, the matter shall be referred to and finally determined by arbitration in accordance with the procedures established by subparagraph (14) of this paragraph. During the pendency of such arbitration proceedings the licensee shall be entitled to use the road, right-of-way, or lands involved upon payment, or tender thereof validly maintained, to the permittee of an amount to be determined by the authorized officer and upon the furnishing to the permittee of a corporate surety bond in an amount equal to the difference between the amount fixed by the authorized officer and the amount sought by the permittee. The licensee shall also, as a condition of use in such circumstances, maintain such liability insurance in such amounts covering any additional hazard and risk which might accrue by reason of the licensee's use of the road, as the authorized officer may prescribe.

(ii) The arbitrators shall base their award as to the compensation to be paid by the licensee to the permittee or his successor in interest upon the amortization of the replacement costs for a road of the type involved, including in such replacement costs an extraordinary cost peculiar to the construction of the particular road involved and subtracting therefrom any capital investment made by the United States or its licensees in the particular road involved or in improvements thereto used by and useful to the permittee or his successor in interest plus a reasonable interest allowance on the resulting cost figure, taking into account the risk involved, plus costs of maintenance if furnished by the permittee or his successor, including costs of gates and gateman. In arriving at the amortization item, the arbitrators shall take into account the probable period of time, past and present, during which such road may be in existence, and the volume of timber which has been moved and the volume of timber currently merchantable, which probably will be moved from all sources over such road. The arbitrators shall also take into account the extent to which the use which the licensee might otherwise economically make of the road system is limited by subparagraph (8) of this paragraph. In addition, the arbitrators may fix the rate at which payments shall be made by the licensee during his use of the road. The arbitrators shall require the licensee to provide adequate bond, cash deposit, or other security to indemnify the permittee or his successor in interest against failure of the licensee to comply with the terms of the award and against damage to the road not incident to normal usage and for any other reasonable purpose, and also to carry appropriate liability insurance covering any additional hazard and risks which may accrue by reason of the licensee's use of the road.

(iii) Where improvements or additions are required to enable a licensee to use a road or right-of-way to remove timber or forest products, the cost of such improvements will be allowable to the licensee.

(iv) The full value at current stumpage prices will be allocable against a licensee for all timber to be cut, removed, or destroyed by the licensee on a permittee's land in the construction or improvement of the road involved.

(12) *Compensation payable by United States to permittee for use of road.* In the event the United States itself removes forest products over any road or right-of-way of the permittee or his successor in interest, the United States, if there has been no agreement under subparagraph (10) of this paragraph covering the matter, shall pay to the permittee or his successor in interest reasonable compensation as determined by the State Director, who shall base his determination upon the same standards established by this paragraph for arbitrators in the determination of the compensation to be paid by a licensee to a permittee: *Provided, however,* That no bond or other security or liability insurance is to be required of the United States. When the United States constructs or improves a road on a permittee's land or right-of-way it shall pay to the permittee the full value at current stumpage prices of all timber of the permittee cut, removed, or destroyed in the construction or maintenance of such road or road improvements. Current stumpage prices shall be determined by the application of the standard appraisal formula, used in appraising O. and C. timber for sale, to the volume and grade of timber. Such volume and grade shall be determined by a cruise made by the permittee or, at his request, by the authorized officer. If either the permittee or the authorized officer does not accept the cause made by the other, the volume and grade shall be determined by a person or persons acceptable both to the permittee and the State Director.

(13) *Agreements and arbitration between permittee and licensee respecting adjustment of road use.* (i) When the United States exercises the right received under this paragraph to use or to license any person to use a road of a permittee, the permittee or his successor in interest shall not unreasonably obstruct the United States or such licensee in such use. If there has been no agreement under subparagraph (10) of this paragraph covering such matters, the permittee shall have the right to prescribe reasonable operating regulations, to apply uniformly as between the permittee and such licensee, covering the use of such road for such matters as speed and load limits, scheduling of hauls during period of use by more than one timber operator, coordination of peak periods of use, and such other matters as are reasonably related to safe operations and protection of the road; if the capacity of such road should be inadequate to accommodate the use thereof which such licensee and permittee desire to make concurrently, they shall endeavor to adjust their respective uses by agreement.

(ii) If the permittee and such licensee are unable to agree as to the reasonableness of such operating regulations or on the adjustment of their respective uses where the capacity of the road is inadequate to accommodate their concurrent use, then upon the written request of either party delivered to the other party, the matter shall be referred to and finally determined by arbitration in accordance with the procedures established by subparagraph (14) of this paragraph.

(iii) The arbitrators may make such disposition of a dispute involving the reasonableness of such operating regulations as appears equitable to them, taking into account the capacity and the construction of the road and the volume of use to which it will be subjected. In the determination of a dispute arising out of the inadequacy of the capacity of a road to accommodate the concurrent use by a permittee and a licensee, the arbitrators may make such disposition thereof as appears equitable to them, taking into account, among other pertinent facts, the commitments of the permittee and the licensee with respect to the cutting and removal of the timber involved and the disposition of the products derived therefrom; the extent to which each of the parties may practicably satisfy any of the aforesaid commitments from other timber currently controlled by him; the past normal use of such road by the permittee; the extent to which federal timber has contributed to the amortization of the capital costs of such road; and the extent to which the United States or its licensees have enlarged the road capacity.

(14) *Arbitration procedure.* (i) Within ten days after the delivery of a written request for arbitration under subparagraphs (11) or (13) of this paragraph each of the parties to the disagreement shall appoint an arbitrator and the two arbitrators thus appointed shall select a third arbitrator. If either party fails to appoint an arbitrator as provided herein, the other party may apply to a court of record of the State of Oregon

further, That where the United States is entitled to charge a fee for the use of a road, the authorized officer may waive such fee if the permittee grants to the United States and its licensees the right to use, without charge, permittee's roads of approximately equal value as determined under the methods provided in this subdivision and subparagraph (11) (ii) of this paragraph, as may be applicable.

(iii) If an application is filed to use a road built on O. and C. lands by the applicant or his predecessor in interest under a permit which has expired, the authorized officer may issue a new permit which provides that as to such road the applicant's road use payments shall be determined in accordance with subdivision (ii) of this subparagraph except that he shall be required to pay a road use fee which is adequate to amortize only his proportionate share of any capital improvements which have been or may be placed on the road by the United States or its licensees together with a reasonable interest allowance thereon plus cost of maintenance if furnished by the United States: *Provided, however*, That if the application is for use of a road which has been built by a predecessor in interest the permit shall provide that the applicant may use the road only for the purpose of reaching the lands of the predecessor in interest that were served by the road. As a condition for the granting of such a permit, the applicant must comply with subparagraph (7) of this paragraph to the extent that rights-of-way and road use rights are needed to manage lands of the United States or to remove timber therefrom.

(17) *Bond in connection with existing roads.* An applicant for a permit to use an existing Government road which is under the administrative jurisdiction of the Bureau for timber hauling purposes other than for federal timber acquired under a free-use permit, will be required, for the protection of such existing road, to execute a bond on a form approved by the Director in an amount to be determined by the authorized officer but in no event less than five hundred dollars ($500) per mile or fraction thereof, conditioned on compliance with this paragraph and the terms and conditions of the permit.

(18) *Approval of permit.* (i) Upon the applicant's compliance with the appropriate provisions of this paragraph and if it is determined that the approval of the application will be in the public interest, the authorized officer may, in his discretion, issue an appropriate permit, upon a form approved by the Director.

(ii) The authorized officer may waive the requirements of subparagraphs (6) (c), (e) and (17) of this paragraph in the case of a natural person who applies for a right-of-way for not to exceed a period of twelve weeks. Not more than one such waiver shall be allowed in each consecutive twelve calendar months on behalf of or for the benefit of the same person.

(19) *Terms and conditions of permit.* (i) As to all permits: Every permittee shall agree:

(a) To comply with the applicable regulations in effect as of the time when the permit is issued and, as to the permittee's roads as to which the United States has received rights under subparagraph (17) of this paragraph with such additional regulations as may be issued from time to time relating to the use of roads for the purpose of access by properly licensed hunters and fishermen and by other recreationalists to lands of the United States in the O. and C. area which are suitable for such recreational purposes, where such use will not unreasonably interfere with the use of the road by the permittee for the transportation of forest products or unduly enhance the risk of fire, collision, or other hazards on such road and on lands in the vicinity thereof. If, notwithstanding the request of the authorized officer that the permittee allow use of a road in conformity with such additional regulations, the permittee shall unreasonably withhold his assent, the authorized officer shall refer the matter to the Secretary of the Interior for his consideration. In the event of the Secretary's concurrence in the conclusions of the authorized officer and, if the permittee nevertheless unreasonably withholds such assent, the United States may institute such judicial proceedings as may be appropriate to enforce said regulations.

(b) Not to cut, remove, or destroy any timber not previously purchased on the right-of-way without having first obtained specific authority from the district forester and making payment therefor.

(c) To take adequate precaution to prevent forest, brush, and grass fires; to endeavor with all available personnel to suppress any fire originating on or threatening the right-of-way on which a road is being used or constructed by the permittee or any fire caused by the permittee; to do no burning on or near the right-of-way without State permit during the seasons that permits are required and in no event to set fire on or near the right-of-way that will result in damage to any natural resource or improvement.

(d) To submit to arbitration proceedings and to be bound by the resulting arbitral awards, pursuant to subparagraphs (11), (13), and (14) of this paragraph.

(e) In the event that the United States acquires by purchase or eminent domain the land or any interest therein, over which there passes a road which the United States has acquired the right to use under subparagraph (7) of this paragraph to waive compensation for the value of the road, equivalent to the proportion that the amount the United States has contributed bears to the total actual cost of construction of the road. Such contribution shall include any investment in or amortization of the cost of such road, or both, as the case may be, made by the United States or a licensee either by way of direct expenditures upon such road, or by way of payment by the United States or a licensee to the permittee, or by way of allowance made by the United States to the permittee in any timber sales contract for such amortization or capital investment.

(f) To construct all roads and other improvements as described in the application for the permit, except as the authorized officer may authorize modification or abandonment of any such proposed construction.

(g) To use the permit and right-of-way afforded subject to all valid existing rights, to such additional rights-of-way for roads, and to such additional uses of roads, including extraction of mineral resources, as the Secretary of the Interior may determine to be necessary for the development and proper utilization of the resources within the reasonably foreseeable future of the general area of the road, including the harvesting of timber maturing after the termination of the permit, and to adjust the terms of the permit to conform to such additional rights-of-way and uses.

(h) Not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and to require an identical provision to be included in all subcontracts.

(i) Except as the authorized officer may otherwise permit or direct to clean up and remove from the road and right-of-way within six months after the expiration or other termination of the permit, all debris, refuse, and waste material which may have resulted from his operations and use of said road; to repair all damage to said road resulting directly or indirectly from his use thereof; and to remove therefrom all structures, timbers, and other objects that may have been installed or placed thereon by him in connection with said operations or use; *Provided, however*, That the road and all usable road improvements shall be left in place.

(j) Upon request of an authorized officer, to submit to the Bureau within 30 days with permission to publish, the detailed terms and conditions, including the fee which the permittee will ask as a condition of such licensee's use for the removal of forest products over any road or right-of-way which the United States has constructed or reconstructed and its licensees have acquired a right to use under subparagraph (7) of this paragraph.

(k) To grant to the United States, upon request of an authorized officer, in lieu of the rights-of-way across legal subdivisions granted pursuant to subparagraph (7) of this paragraph, such permanent easements on specifically described locations as may be necessary to permit the Bureau to construct roads on such legal subdivisions with appropriated funds: *Provided*, That at the time of the grant of such permanent easements the Bureau shall release, except for necessary connecting spur roads, the rights-of-way across such legal subdivisions previously granted: *Provided further*, That if the United States builds a road on such permanent easements it shall pay for any timber of the permittee which is cut, removed, or destroyed in accordance with subparagraph (12) of this paragraph. The authorized officer shall waive the requirement under this subparagraph, however, if the permittee makes a satisfactory showing to the authorized officer that he does not own a sufficient interest in the land to grant a permanent easement, and that he has negotiated therefor in good faith without success.

(ii) As to permits for the use of an existing road: In addition, every permittee to whom a permit is issued for the use of an existing road is required to agree:

(a) To maintain such a road in an adequate and satisfactory condition or to arrange therefor with the other users of the road. In the absence of satisfactory performance, the authorized officer may have such maintenance work performed as may be necessary in his judgment, determine the proportionate share allocable to each user, and collect the cost thereof from the parties or the sureties on the bonds furnished by said parties.

(b) Upon the expiration or other termination of his right to its use, to leave said road and right-of-way in at least as good a condition as existed prior to the commencement of his use.

(20) *Assignment of permit.* Any proposed assignment of a permit must be submitted in duplicate, within 90 days after the date of its execution, to the appropriate district forester for approval, accompanied by the same showing and undertaking by the assignee as is required of an applicant by subparagraph (6) (ii) and (7) of this paragraph; and must be supported by a stipulation that the assignee agrees to comply with and be bound by the terms and conditions of the permit and the applicable regulations of the Department of the Interior in force as of the date of such approval of the assignment.

(21) *Causes for termination of permittee's rights.* (i) The authorized officer in his discretion may elect upon 30 days' notice to terminate any permit or right-of-way issued under this paragraph if:

(a) In connection with the application for the permit, except as the authorized officer may authorize modification or abandonment of any such proposed construction, the permittee has failed to comply with any material fact knowing the same to be false, or made such representation in reckless disregard of the truth; or

(b) A permittee, subsequent to the issuance of a permit or right-of-way to him, represents any material fact to the Bureau, in accordance with any requirement of such permit or this paragraph, knowing such representation to be false, or makes such representation in reckless disregard of the truth.

(ii) The authorized officer in his discretion may elect to terminate any permit or right-of-way issued under this paragraph, will the permittee shall fail to comply with any of the problems of said regulations or make default in the performance or observation of any of the conditions of the permit, and such failure or default shall continue for 60 days after service of written notice thereof by the authorized officer.

(iii) Notice of such termination shall be served personally or by registered mail upon the permittee, shall specify the misrepresentation, failure or default involved, and shall be final, subject, however, to the permittee's right of appeal.

(iv) Termination of the permit and of the right-of-way under this section shall not operate to terminate any right granted to the United States pursuant to this paragraph, nor shall it affect the right of the permittee, after the termination of his permit and right-of-way to receive compensation and to establish road operating rules with respect to roads controlled by him which the United States has the right to use and to permit its licensees to use; nor shall it relieve the permittee of his duty under this paragraph, to submit to and be bound by arbitration pursuant to subparagraphs (11), (13) and (14) of this paragraph.

(22) *Remedies for violations by licensee.* (i) No licensee of the United States will be authorized to use the roads of a permittee except under the terms of a timber sale contract or a cooperative agreement with the United States which will require the licensee to comply with all the applicable provisions of this paragraph, and any agreements or awards made pursuant thereto. If a licensee fails to comply with the regulations, agreements, or awards, the authorized officer will take such action as may be appropriate under the provisions of the timber sale contract or cooperative agreement.

(ii) A permittee who believes that a licensee is violating the provisions of such a timber sale contract or cooperative agreement pertaining to use of the permittee's roads, rights-of-way, or lands, may petition the authorized officer, setting forth the grounds for his

for the appointment of such an arbitrator, as provided by the laws of such State. If within ten days of the appointment of the second of them, the original two arbitrators are unable to agree upon a third arbitrator who will accept the appointment, either party may petition such a court of record of the State of Oregon for the appointment of a third arbitrator. Should any vacancy occur by reason of the resignation, death or inability of one or more of the arbitrators to serve, the vacancy shall be filled according to the procedures applicable to the appointment of the arbitrator whose death, disability, or other inability to serve, created the vacancy.

(ii) By mutual agreement, the parties may submit to a single arbitration proceeding controversies arising under both subparagraphs (11) and (13) of this paragraph.

(iii) The arbitrators shall hear and determine the controversy and make, file, and serve their award in accordance with the substantive standards prescribed in subparagraphs (11) and (13) of this paragraph for the type of controversy involved and in accordance with the procedures established by the laws of the State of Oregon pertaining to arbitration proceedings. A copy of the award shall also be served at the same time upon the appropriate district director or the State Director, either personally or by registered mail.

(iv) Costs of the arbitration proceedings shall be assessed by the arbitrators against either or both of the parties, as may appear equitable to the arbitrators, taking into account the original contentions of the parties, the ultimate decision of the arbitrators and such other matter as may appear relevant to the arbitrators.

(15) *Payment required for O. and C. timber.* An applicant will be required to pay to the Bureau of Land Management, in advance of the issuance of the permit, the full stumpage value as determined by the authorized officer of the estimated volume of all timber to be cut, removed, or destroyed, on O. and C. lands in the construction or operation of the road.

(16) *Payment to the United States for road use.* (i) A permittee shall pay a basic fee of five dollars per year per mile or fraction thereof for the use of any existing road or of any road constructed by the permittee upon the right-of-way. If the term of the permit is for five years or less, the entire basic fee must be paid in advance of the issuance of the permit. If the term of the permit is longer than five years, the basic fee for each five-year period or for the remainder of the last period, if less than five years, must be paid in advance at five-year intervals: *Provided, however*, That in those cases where the permittee has executed under subparagraph (7) of this paragraph an agreement respecting the use of roads, rights-of-way or lands, no such basic fee shall be paid: *Provided further*, This paragraph shall not apply where payment for road use is required under paragraph (b) of this section.

(ii) Where the permittee receives a right to use a road constructed or acquired by the United States, which road is under the administrative jurisdiction of the Bureau of Land Management, the permittee will be required to pay to the United States a fee to be determined by the authorized officer who may also fix the rate at which payments shall be made by the permittee during his use of the road. The authorized officer shall base his determination upon the amortization of the replacement costs for a road of the type involved, together with a reasonable interest allowance on such costs plus costs of maintenance if furnished by the United States and any extraordinary costs peculiar to the construction or acquisition of the particular road. Where such road is subject to recreational and other authorized uses, an allowance, representing a reasonable allocation for such uses, shall be deducted from the replacement costs of the road before the amortization item is computed. In arriving at the amortization item, the authorized officer shall take into account the probable period of time, past and present, during which such road may be in existence, and the volume of timber which has been moved, and the volume of timber currently merchantable which probably will be moved from all sources over such road: *Provided, however*, That this subdivision shall not apply where the permittee transports forest products purchased from the United States through the Bureau of Land Management, or where payment for such road use to another permittee is required under § 2234.2-3(b): *Provided*

belief, to take such action against the licensee as may be appropriate under the contract or the cooperative agreement. In such event the permittee shall be bound by the decision of the authorized officer, subject, however, to a right of appeal pursuant to subparagraph (24) of this paragraph and subject, further, to the general provisions of law respecting review of administrative determinations. In the alternative, a permittee who believes that a licensee has violated the terms of the timber sale contract or cooperative agreement respecting the use of the permittee's roads may proceed against the licensee in any court of competent jurisdiction to obtain such relief as may be appropriate in the premises.

(23) *Disposition of property on termination of permit.* Upon the expiration or other termination of the permittee's rights, in the absence of an agreement to the contrary, the permittee will be allowed six months in which to remove or otherwise dispose of all property or improvements, other than the road and usable improvements to the road, placed by him on the right-of-way, but if not removed within this period, all such property and improvements shall become the property of the United States.

(24) *Appeals.* An appeal pursuant to Parts 1840 and 1850 of this chapter, may be taken from any final decision of the authorized officer, to the Director, Bureau of Land Management, and, from the latter's decision to the Secretary of the Interior.

(28 Stat. 635, as amended, sec. 11, 39 Stat. 223, sec. 5, 40 Stat. 1181, sec. 5, 50 Stat. 875; 43 U.S.C. 956, 1181c)

§ 2234.2–4 Under Title 23, United States Code.

(a) *Authority.* (1) Title 23, United States Code, section 107, paragraph (d), provides that whenever rights-of-way, including control of access, on the National System of Interstate and Defense Highways are required over lands or interests in lands owned by the United States, the Secretary of Commerce may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands. It directs any such agency to cooperate with the Secretary of Commerce in this connection.

(2) Title 23, United States Code, section 317, provides that:

(i) If the Secretary of Commerce determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway constructed on the Federal-aid primary system, the Federal-aid secondary system and the National System of Interstate and Defense Highways, or under Title 23, United States Code, Chapter 2, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary of Commerce shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(ii) (a) If within a period of four months after such filing the Secretary of such Department shall not have certified to the Secretary of Commerce that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such lands or materials have been reserved or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such lands and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(b) By decision of the Secretary, Nevada Department of Highways, A.24161, September 1945, it was held that the law imports discretion and indicates no intent to vest in the State a right at the end of the four months' period without further action by the Department having jurisdiction. It was held further that the interest transferred under the statute is merely a right-of-way or right to take materials and that the Government may reserve the right to dispose of leasable minerals.

(iii) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Commerce and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated. Notice by the State highway departments, that the need for the land or material no longer exists may be given directly to the Bureau which granted the rights.

(b) *Application; grants.* (1) (a) Except where an application involves lands wholly within an Indian reservation, applications for rights-of-way and material sites under Title 23, United States Code, for lands under the jurisdiction of the Department of the Interior, with the maps required by subparagraph (1) of § 2234.1–2(d) shall be filed by the appropriate State highway department in the manner prescribed by § 2234.1–2(a). Applications for lands wholly within an Indian reservation shall be filed in the Office of, the superintendent of the Bureau of Indian Affairs agency which has jurisdiction over the lands, or for lands for which there is no agency, in the office of the Area Director who has jurisdiction over the lands. Applications for lands outside of the jurisdiction of the Department of the Interior shall be filed pursuant to the rules or regulations of the Department or agency having jurisdiction over the lands.

(b) When the lands involved are under the jurisdiction of the Department of the Interior an applicant will be expected, at the earliest possible date prior to the filing of an application, to consult with the local officials of the Bureau or Office having jurisdiction over the lands to ascertain whether or not the use of appropriation of the lands for right-of-way purposes is consistent with the management program and to agree to such measures as may be necessary to maintain program values. Failure to do so may lead to an unresolvable conflict of interest and necessitate disallowance of the application.

(2) The appropriate state highway department will forward a copy of each application and map filed with the Department of the Interior to the authorized officer of the Bureau of Public Roads for a determination whether the lands and interests in lands are necessary for the purposes of Title 23, United States Code.

(3) After receipt of such determination that the lands or interests in lands under application are reasonably necessary for the purposes of Title 23, United States Code, the authorized officer of the Bureau of Land Management will notify the applicant and the authorized officer of the Bureau of Public Roads either (i) that the approval of the application would be contrary to the public interest or inconsistent with the purposes for which the lands or materials have been reserved or (ii) that he proposes to grant the right-of-way under the regulations of this part, subject to said regulations and to such conditions which he indicates in his notice.

(4) Grants of rights-of-way under Title 23, United States Code, by the authorized officer of the Bureau of Land Management will be made to the appropriate State highway department or to its nominee and based upon considerations of adequate protection and utilization of Federal lands and interests in lands will be subject to (i) all the pertinent regulations of this part except those which the authorized officer, upon formal request of the applicant may modify or dispense with, in whole or in part, upon a finding that it is in the public interest and in conformity with the purposes of Title 23, United States Code, and (ii) any conditions which he deems necessary. Grants of highway rights-of-way under this subpart may include an appropriation and release to the State or its nominee of all rights of the United States, as owner of underlying and abutting lands, to cross over or gain access to the highway from its lands crossed by or abutting the right-of-way, subject to such terms and conditions and for such duration as the authorized officer of the Bureau of Land Management deems appropriate.

(c) *Additional rights-of-way within highway rights-of-way.* (1) No application under the regulations of this part is required for a right-of-way within the limits of a highway right-of-way granted pursuant to Title 23, United States Code, for facilities usual to a highway, except (i) where terms of the grant or a provision of law specifically requires the filing of an application for a right-of-way, (ii) where the right-of-way is for electric transmission facilities which are designed for operation at a nominal voltage of 33 KV or above or for conversion to such operation or (iii) where

the right-of-way is for oil or gas pipelines which are part of a pipeline crossing other public lands, or if not part of such a pipeline, which are more than two miles long. When an application is not required under the provisions of this subparagraph, qualified persons may appropriate rights-of-way for such usual highway facilities with the consent of the holder of the highway right-of-way, which holder will be responsible for compliance with § 2234.1–3(c), in connection with the construction and maintenance of such facilities.

(2) Except as modified by subparagraph (1) of this paragraph, rights-of-way within the limits of a highway right-of-way granted pursuant to Title 23, United States Code, and applications for such rights-of-way, are subject to all the regulations of this part pertaining to such rights-of-way.

(5 U.S.C. 22; 43 U.S.C. 2, 1201, 1371)

§ 2234.2–5 Over public lands under R.S. 2477.

(a) *Authority.* R.S. 2477 (43 U.S.C. 932), grants rights-of-way for the construction of highways over public lands, not reserved for public uses.

(b) *Effective date and extent of grant.* (1) Grants of rights-of-way referred to in the preceding section become effective upon the construction or establishment of highways, in accordance with the State laws, over public lands, not reserved for public uses. No application should be filed under R.S. 2477, as no action on the part of the Government is necessary. Rights-of-way granted by R.S. 2477 do not include rights-of-way for facilities with respect to which any other provision of law specifically requires the filing of an application for a right-of-way. Where the holder of such highway right-of-way determines that such facility will not seriously impair the scenic and recreational values of an area and its consent is obtained, the Department waives the requirement of an application for a right-of-way for all facilities usual to a highway along a highway right-of-way granted by R.S. 2477 except for electric transmission facilities, designed for operation at a nominal voltage of 33 kv or above, or designed for conversion to such operation, or for oil or gas pipe lines which are more than two miles long and are not part of any other pipe line crossing public lands. Applications shall be made under § 2234.4–1, inclusive, with respect to any right-of-way for an electric transmission facility subject to this exception, and under § 2234.5–1 inclusive, for pipe line facilities subject to this exception.

(2) Holders of grants under R.S. 2477 shall be subject to the terms and conditions of § 2234.1–3(c) (2), (3), (4), (5), (9), (11). Where the holder of the highway consents to the construction of usual highway facilities, as provided above, such holder shall be responsible for compliance with the designated subparagraphs of § 2234.1–3(c) in connection with the construction and maintenance of such facilities.

(c) *Procedure when reserved land is involved; rights-of-way over revested and reconveyed lands.* (1) When a right-of-way is desired for the construction of a highway under R.S. 2477 over public land reserved for public uses, and such reserved land is under the jurisdiction of the Department of the Interior, and when a right-of-way is desired for the construction of a highway under R.S. 2477 over the Revested and Reconveyed Lands, an application should be made in accordance with § 2234.1–2(a). Such application should be accompanied by a map, drawn on tracing linen, with two print copies thereof, showing the location of the proposed highway with relation to the smallest legal subdivisions of the lands affected.

(2) Where reserved lands are involved, no rights to establish or construct the highway will be acquired by reason of the filing of such application, unless and until the reservation shall have been revoked or modified so as to permit construction of the highway, subject to such terms and conditions, if any, as may be deemed reasonable and necessary for the adequate protection and utilization of the reserve.

(3) Where Revested and Reconveyed Lands are involved, no rights to establish or construct the highway will be acquired by reason of the filing of such application unless and until the authorized officer of the Bureau of Land Management shall grant permission to construct the highway, subject to such terms and conditions as he deems necessary for the adequate protection and utilization of the lands, and for the maintenance of the objectives of the act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a).

(R.S. 453; 43 U.S.C. 1201)

§ 2234.3 For canals, ditches and reservoirs.

§ 2234.3–1 For irrigation (Act of March 3, 1891, as amended).

(a) *Authority*—(1) *Provisions of basic act.* (i) Section 18 of the act of March 3, 1891 (26 Stat. 1101), as amended by the acts of March 4, 1917 (39 Stat. 1197), and May 28, 1926 (44 Stat. 668; 43 U.S.C. 946) authorizes the Secretary to grant rights-of-way for irrigation and drainage purposes over public lands and reservations to the extent of the ground occupied by the water of any reservoirs and any canals and laterals and 50 feet on each side of the marginal limits thereof and such additional right-of-way as may be deemed necessary for the proper operation and maintenance of said reservoirs, canals, and laterals.

(ii) Section 19 of the act of March 3, 1891 (26 Stat. 1102; 43 U.S.C. 947), provides that a map of the canal or ditch and reservoir must be filed within twelve months after the location of ten miles of a canal if the same be upon surveyed lands, and if upon unsurveyed lands within twelve months after the survey thereof by the United States; that upon the approval thereof by the Secretary, the same shall be noted upon the record and thereafter all lands affected by such right-of-way shall be disposed of subject to such right-of-way.

(iii) Section 20 of the act of March 3, 1891 (26 Stat. 1102; 43 U.S.C. 948), provides that this act shall apply to all canals, ditches, or reservoirs theretofore or thereafter constructed, whether by corporations, individuals, or association of individuals, on the filing of the certificates and maps as therein provided; that if any section of the project is not completed within 5 years after location, the right-of-way shall be forfeited as to the uncompleted canal, ditch, or reservoir, to the extent that the same is not completed at the date of forfeiture.

(iv) Section 21 of the act of March 3, 1891 (26 Stat. 1102; 43 U.S.C. 949), provides that nothing in this act shall authorize the occupancy of such right-of-way except for the purpose for which it was approved, and then only so far as may be necessary for the construction, maintenance, and care of the project.

(v) The act of March 3, 1891, as amended, is applicable to rights-of-way for pipelines, flumes, or other conduits, although they are not specifically mentioned in the act, if water is conveyed primarily for irrigation or drainage puposes.

(vi) Material on adjacent lands: The word "adjacent", as used in section 18 of the act, in connection with the right to take material for construction from the public lands, must be construed according to the conditions of each case (28 L.D. 439). The right extends only to construction, and no public timber or material may be taken or used for repair or improvements (14 L.D. 566). These decisions were rendered under the Railroad Right-of-Way Act of March 3, 1875 (18 Stat. 482; 43 U.S.C. 934), and are applied to the act of March 3, 1891, since the wording with respect to the use of material is the same.

(2) *Use subsidiary to main purpose of irrigation.* Section 2 of the act of May 11, 1898 (30 Stat. 404; 43 U.S.C. 951), authorizes the use of rights-of-way approved under the act of March 3, 1891, for purposes subsidiary to the main purpose of irrigation.

(3) *Caretaker's building sites.* The act of March 1, 1921 (41 Stat. 1194; 43 U.S.C. 950), authorizes the Secretary, except as to lands within national forests, to grant permits or easements for not to exceed 5 acres of ground adjoining the right-of-way at each of the locations, to be determined by the Secretary, to be used for the erection thereon of dwellings or other buildings or corrals for the convenience of those engaged in the care and management of the works provided for by the act of March 3, 1891, as amended.

(4) *Showing required for additional right-of-way.* The act of May 28, 1926, (44 Stat. 668; 43 U.S.C. 946), amended section 18 of the act of March 3, 1891, so as to authorize, if needed, a right-of-way additional to the 50 feet allowed by the section for operation and maintenance of reservoirs, canals, ditches, and laterals. To obtain such additional right-of-way, an explanatory showing must accompany the application. This should consist of a statement by the applicant's engineer or surveyor setting

gallons capacity, not more than 80 acres can be reserved. For reservoir of 1,000,000 gallons and less than 1,500,000 gallons capacity, not more than 120 acres can be reserved. For a reservoir of 1,500,000 gallons capacity or more, 160 acres may be reserved. In the case where the water is furnished the livestock by artificial means, such as by windmill, pump, tanks, and troughs, the regulations requiring a minimum capacity of 250,000 gallons may be waived upon the claimant's submitting a satisfactory showing that by such artificial means he will be able to furnish sufficient water and provide proper troughs and facilities to properly accommodate all cattle likely to water at the place in question.

(ii) Not more than 160 acres shall be reserved for this purpose in any section.

(iii) Not more than 160 acres shall be reserved for this purpose in one group of tracts adjoining or cornering upon each other.

(iv) A distance of one-half mile must be left between any two groups of tracts which aggregate more than 160 acres.

(v) Lands so reserved shall be kept open to the free use of any person desiring to water animals of any kind, or if the lands so reserved are not kept open to the free use of any person desiring to water animals of any kind, or if the reservoir applicant attempts to use them for any other purpose, or if the reservation is not obtained for the bona fide and exclusive purpose of constructing and maintaining a reservoir thereon according to law, the declaratory statement, upon any such matter being made to appear, will be canceled and all rights thereunder be declared at an end.

(vi) Notwithstanding his action in accepting any such declaratory statement, the manager will reject the same if upon considering the matters set forth therein it appears that the declaratory statement is not filed in good faith for the sole purpose of accomplishing what the law authorizes to be done.

(c) *Time for construction.* The reservoir must be constructed and completed within 2 years after the filing of the declaratory statement; otherwise the right-of-way will be subject to cancellation.

(d) *Map of constructed reservoir.* After the construction and completion of the reservoir the applicant shall have the same accurately surveyed and mapped showing its location with relation to the public land surveys. The map must be prepared in accordance with the requirements of § 2234.1-2(d) and be filed with the manager and must bear Forms 8 and 9, Appendix B.

(e) *Approval of constructed project—(1) Adjudication and notation of records.* The map and papers will be examined to determine whether they comply with the law and the regulations, and whether the amount of land desired is warranted by the showing made in the application. If found satisfactory, they will be approved, and the lands shown to be necessary for the proper use and enjoyment of the reservoir will be reserved from other disposition so long as the reservoir is maintained and water kept therein for the purposes named in the act. When such reservation is made the manager will make the proper notations on his records.

(2) *Annual proof of maintenance.* In order that this reservation shall be continued, it is necessary that the reservoir "shall be kept in repair and water kept therein." For this reason the owner of the reservoir will be required, during the month of January of each year to file with the manager a statement to the effect that the reservoir has been kept in repair and water kept therein during the preceding year and that all the provisions of the act have been complied with. Form 10 Appendix B will be used for this statement. Upon failure to file such statement, steps will be taken looking to the revocation of the reservation of the lands.

(f) *Procedure when unsurveyed land is involved.* (1) In any case where the proposed reservoir is to be located upon unsurveyed public land, the declaratory statement may be filed, the land being therein described by metes and bounds and, as well, by the description which it is believed it will bear when officially surveyed. Proof of construction must be submitted at the end of the same period of time and in the same manner as is prescribed and required in cases where the lands have been previously surveyed. Such proof should embrace the field notes and a plat of survey such as is required in cases of reservoirs on surveyed lands, with such modifications as are necessary. (See paragraph (d) of this section.)

(2) Any reservation made pursuant to the act of January 13, 1897, secures only a license to use and occupy the reserved land with and for a reservoir, and this license may endure permanently or may be of transient duration. No estate in the land is granted. For this reason it is administratively undesirable that private surveys made pursuant to the statute and this section shall be preserved and established by subsequent public-land surveys and approved plats thereof. Therefore, when the public-land surveys have been extended over land covered by a reservoir declaratory statement affecting unsurveyed lands, the declarant shall adjust his survey to the line of the official survey showing the location of the reservoir with respect to said lines by means of properly established tie lines. Any subsequent reservation which may be ordered will be of those subdivisions or aliquot parts of subdivisions thus shown to be occupied by or necessary for the proper use of the reservoir.

(3) An annual statement of maintenance must be submitted the same as though the reservoir had been constructed on surveyed lands. Nothing in this section shall preclude the Bureau of Land Management from requiring additional information in any case where that information is deemed proper or necessary.

(g) *Application to fence reservoir; plat required.* Any person, company, or corporation desiring to secure the benefits of the act of March 3, 1923, should file in accordance with § 2234.1-2(a), an application, duly corroborated by at least two disinterested witnesses, setting forth such facts as would show that it is necessary to fence such reservoir in order to protect the livestock, to conserve water, and to preserve its quality and conditions. There should be filed with such application, and as a part thereof, a plat showing the land embraced in the reservoir as near as may be, the location of the proposed fence with respect to such reservoir, together with all gates or other openings and roadways leading to the same. In no instance will an application be considered unless said plat shows the location of at least two gates. Said gates shall be so constructed and maintained that they may be, at all times, readily opened and closed by any person desiring to water animals of any kind, and such gates shall be so placed as to be readily accessible from the road or roads nearest the reservoir, which roads shall be the ones usually traveled and, where there are no such roads to govern the location of such gates, they shall be so situated as to make the reservoir readily available from the adjacent public or other range. There shall be posted on the gates, and elsewhere if necessary, a notice stating that the reservoir is for stock-watering purposes, located on public lands, and that the same is open to the free use of any person desiring to water animals of any kind.

(29 Stat. 484, 42 Stat. 1437; 43 U.S.C. 952-955)

§ 2234.4 **For telephone and telegraph lines, transmission lines, radio and television sites, and water facilities.**

§ 2234.4-1 (Under Acts of February 15, 1901 and March 4, 1911).

(a) *Statutory authority.* (1) The act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), authorizes the Secretary, under such regulations as he may fix, to permit the use of rights-of-way through public lands and certain reservations of the United States, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for pipe lines, canals, ditches, water plants, and other purposes to the extent of the ground occupied by such canals, ditches, water plants, or other works permitted thereunder and not to exceed 50 feet on each side of the marginal limits thereof, or not to exceed 50 feet on each side of the center line of such pipe lines, telephone and telegraph lines, and transmission lines, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under the act.

(2) The act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), as amended, authorizes the head of the department having jurisdiction over the lands, under general regulations fixed by him, to grant an easement for rights-of-way for a period not exceeding 50 years, over and across public lands and reservations of the United States, for poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes and for radio, television and other forms of communication transmitting, relay and receiving structures and facilities to the extent of 200 feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four hundred feet for superstructures and facilities to any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under the act.

(3) The applicability of the acts of February 15, 1901, and March 4, 1911, to rights-of-way for power purposes over public lands, was superseded by the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by sections 201 to 213 inclusive, of the act of August 26, 1935 (49 Stat. 838; 16 U.S.C. 791-825r), as to power projects for the generation and transmission of hydroelectric power, defined in section 3(11) of the act, excepting distribution lines. Applications for hydroelectric power plant sites or rights-of-way for main or primary hydroelectric power transmission lines must be made to the Federal Power Commission, Washington, D.C., under the act of June 10, 1920, as amended. Rights-of-way for transmission lines which are not primary lines must be secured under the act of February 15, 1901, or the act of March 4, 1911. See 18 CFR 2.2.

(4) The opinion of the Solicitor of the Department of the Interior of November 1, 1940 (M. 30846), held that lands acquired by the United States, by purchase or otherwise, were reservation lands within the meaning of the acts of February 15, 1901, and March 4, 1911.

(b) *Procedures—(1) Applications for lands in national forests and other reservations.* (i) Applications under the act of February 15, 1901, for rights-of-way across national forests should be prepared in accordance with the regulations issued by the Department of Agriculture and submitted to the proper officer thereof. In case a right-of-way is desired upon public lands partly within and partly without a national forest, separate applications must be prepared, and the one affecting lands within the national forest filed with the forest officer, and the other filed in accordance with § 2234.1-2(a). (See section 1 of the act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472).)

(ii) Applications for a right-of-way under the act of March 4, 1911, involving lands under the control of a department or agency other than the Department of the Interior should be prepared in accordance with the regulations issued by such department or agency and submitted to the proper officer thereof. (See 29 Op. Atty. Gen. 303.)

(2) *Applications which may be submitted under the acts of February 15, 1901, and March 4, 1911.* (i) All applications where it is sought to acquire a right-of-way for the main purpose of irrigation, as contemplated by sections 18 to 21 of the act of March 3, 1891 (26 Stat. 1101; 43 U.S.C. 946-949), and section 2 of the act of May 11, 1898 (30 Stat. 404; 43 U.S.C. 951), must be submitted under the 1891 and 1898 acts, in accordance with the applicable regulations in this part.

(ii) An application may be filed under the act of February 15, 1901, for a stock-watering reservoir site. Rights-of-way will not be approved for stock-watering reservoirs on wildlife refuges. An application under the act for a "water plant" site or for a pipeline right-of-way may include an area for a well to supply the water; but if, because the lands affected are within a grazing district established under the Taylor Grazing Act of June 28, 1934 (43 Stat. 1269; 43 U.S.C. 315 et seq.), as amended, or for any other reason, the granting of a right-of-way for a stock-watering reservoir site, or for a water plant site or for a pipeline would adversely affect the interest of the Government, the application therefor will not be allowed. If the lands affected are within a grazing district, an application for a stock-watering reservoir or water well site should be filed under section 4 of said act of June 28, 1934, if the applicant is qualified under the section and if the reservoir or well is necessary to the care and management of the permitted livestock and primarily for that purpose. Regulations under the said section 4 are contained in § 4115.2-5(a) of this chapter.

(iii) Applications for rights-of-way for telephone, telegraph, and power transmission lines may also be submitted under either the act of February 15, 1901, or the act of March 4, 1911, in accordance with the applicable regulations contained

forth succinctly the extent of the additional right-of-way required and the necessity therefor. The additional right-of-way should also be shown graphically by lateral limit lines on the map filed in connection with the application. If additional right-of-way is wanted only for portions or sections of the reservoirs, canals, ditches, or laterals, the terminal thereof should be fixed by engineer's survey stations in addition to the lateral limit lines.

(b) *Procedure when unsurveyed land is involved.* (1) Maps filed under the said act, as amended, showing canals, ditches, laterals, and reservoirs lying partly upon unsurveyed land can be approved if the application and accompanying maps conform to these regulations, but the approval will only relate to that portion of the right-of-way traversing the surveyed land.

(2) Maps showing canals, ditches, laterals, and reservoirs lying wholly on unsurveyed lands may be received and placed on file in the Bureau of Land Management for general information. The date of filing will be noted thereon; but the maps will not be approved as the act makes no provision for the approval of any but maps showing locations on surveyed lands. The filing of such maps will not dispense with the filing of maps after the survey of the lands and within the time specified in the act, and if the maps are regular in all respects they will receive the manager's approval.

(3) By letter of August 21, 1937, approved by the Department in the case of the Twin Lakes Reservoir and Canal Company (Denver 045465), it was held that a right-of-way may be acquired under the 1891 act, by actual construction of a project in advance of the filing of an application and approval of the right-of-way over unsurveyed lands, upon the same principle applied to railroads under the act of March 3, 1875 (18 Stat. 482; 43 U.S.C. 934-939).

(c) *Segregated reservoir sites.* The act of February 26, 1897 (29 Stat. 599; 43 U.S.C. 664), permits the approval of applications under the act of March 3, 1891, for rights-of-way upon reservoir sites reserved under authority of the act of October 2, 1888 (25 Stat. 526; 43 U.S.C. 662), and August 30, 1890 (26 Stat. 371, 391; 43 U.S.C. 662).

(R.S. 161, 453 U.S.C. 1201)

transmission line, the applicant thereby agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case, in addition to those specified in § 2234.1-3(c).

(1) To protect in a workmanlike manner, at crossings and at places in proximity to his transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph, and power transmission lines from contact, and all highways and railroads from obstruction, and to maintain his transmission lines in such manner as not to menace life or property.

(2) Neither the privilege nor the right to occupy or use the lands for the purpose authorized shall relieve him of any legal liability for causing inductive or conductive interference between any project transmission line or other project works constructed, operated, or maintained by him on the servient lands, and any radio installation, telephone line, or other communication facilities now or hereafter constructed and operated by the United States or any agency thereof.

(3) Each application for authority to survey, locate, commence construction work and maintain a facility for the generation of electric power and energy or for the transmission or distribution of electric power and energy of 33 kilovolts or higher under this subpart shall be referred by the authorized officer to the Secretary of the Interior to determine the relationship of the proposed facility to the power-marketing program of the United States. Where the proposed facility will not conflict with the program of the United States the authorized officer, upon notification to that effect, will proceed to act upon the application. In the case of necessary changes respecting the proposed location, construction, or utilization of the facility in order to eliminate conflicts with the power-marketing program of the United States, the authorized officer shall obtain from the applicant written consent to on compliance with such requirements before taking further action on the application: *Provided, however,* That if increased costs to the applicant will result from changes to eliminate conflicts with the power-marketing program of the United States, and it is determined that a right-of-way should be granted, such changes will be required upon equitable contract arrangements covering costs and other appropriate factors.

(4) The applicant shall make provision, or bear the reasonable cost (as may be determined by the Secretary) of making provision for avoiding inductive or conductive interference between any transmission facility or other works constructed, operated, or maintained by it on the right-of-way authorized under the grant and any radio installation, telephone line, or other communication facilities existing when the right-of-way is authorized or any such installation, line or facility thereafter constructed or operated by the United States or any agency thereof. This provision shall not relieve the applicant from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive or conductive interference.

(5) An applicant for a right-of-way for a transmission facility having a voltage of 33 kilovolts or more must, in addition to the requirements of § 2234.1-2(e), execute and file with its application a stipulation agreeing to accept the right-of-way grant subject to the following conditions:

(i) In the event the United States, pursuant to law, acquires the applicant's transmission or other facilities constructed on or across such right-of-way, the price to be paid by the United States shall not include or be affected by any value of the right-of-way granted to the applicant under authority of the regulations of this part.

(ii) The Department of the Interior shall be allowed to utilize for the transmission of electric power and energy any surplus capacity of the transmission facility in excess of the capacity needed by the holder of the grant (subsequently referred to in this paragraph as "holder") for the transmission of electric power and energy in connection with the holder's operations, or to increase the capacity of the transmission facility at the Department's expense and to utilize the increased capacity for the transmission of electric power and energy. Utilization by the Department of surplus or increased capacity shall be subject to the following terms and conditions:

(a) When the Department desires to utilize surplus capacity thought to exist in the transmission facility, notification will be given to the holder and the holder shall furnish to the Department within 30 days a certificate stating whether the transmission facility has any surplus capacity not needed by the holder for the transmission of electric power and energy in connection with the holder's operations and, if so, the amount of such surplus capacity.

(b) Where the certificate indicates that there is no surplus capacity or that the surplus capacity is less than that required by the Department the authorized officer may call upon the holder to furnish additional information upon which its certification is based. Upon receipt of such additional information the authorized officer shall determine, as a matter of fact, if surplus capacity is available and, if so, the amount of such surplus capacity.

(c) In order to utilize any surplus capacity determined to be available, or any increased capacity provided by the Department at its own expense, the Department may interconnect its transmission facilities with the holder's transmission facility in a manner conforming to approved standards of practice for the interconnection of transmission circuits.

(d) The expense of interconnection will be borne by the Department, and the Department will at all times provide and maintain adequate protective equipment to insure the normal and efficient operation of the holder's transmission facilities.

(e) After any interconnection is completed, the holder shall operate and maintain its transmission facilities in good condition, and, except in emergencies, shall maintain in a closed position all connections under the holder's control necessary to the transmission of the Department's power and energy over the holder's transmission facilities. The parties may by mutual consent open any switch where necessary or desirable for maintenance, repair or construction.

(f) The transmission of electric power and energy by the Department over the holder's transmission facilities will be effected in such manner as will not interfere unreasonably with the holder's use of the transmission facilities in accordance with the holder's normal operating standards, except that the Department shall have the exclusive right to utilize any increased capacity of the transmission facility which has been provided at the Department's expense.

(g) The holder will not be obligated to allow the transmission of electric power and energy by the Department to any person receiving service from the holder on the date of the filing of the application for a grant, other than statutory preference customers including agencies of the Federal Government.

(h) The Department will pay to the holder an equitable share of the total monthly cost of that part of the holder's transmission facilities utilized by the Department for the transmission of electric power and energy, the payment to be an amount in dollars representing the same proportion of the total monthly cost of such part of the transmission facilities as the maximum amount in kilowatts of the power transmitted on a scheduled basis by the Department over the holder's transmission facilities bears to the total capacity in kilowatts of that portion of the transmission facilities. The total monthly cost will be determined in accordance with the system of accounts prescribed by the Federal Power Commission, exclusive of any investment by the Department in the part of the transmission facilities utilized by the Department.

(i) If, at any time subsequent to a certification by the holder or determination by the authorized officer that surplus capacity is available for utilization by the Department, the holder needs for the transmission of electric power and energy in connection with its operations the whole or any part of the capacity of the transmission facility theretofore certified or determined as being surplus to its needs, the holder may request the authorized officer to modify or revoke the previous certification or determination by making application to the authorized officer not later than 36 months in advance of the holder's needs. Any modification or revocation of the certification or determination shall not affect the right of the Department to utilize facilities provided at its expense or available under a contract entered into by reason of the equitable contract arrangements provided for in this section.

such expiration date governing the occupancy and use of the lands of the United States for the purpose desired. The right-of-way may be renewed for a period of not to exceed 50 years. If such application is filed, the existing right-of-way will be extended subject to then existing and future rules and regulations, pending consideration of the application.

(31 Stat. 790, 36 Stat. 1235; 43 U.S.C. 990, 961)

§ 2234.4-2 Boulder Canyon Project.

Section 5(d) of the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1057; 43 U.S.C. 617d), authorizes the use by any agency receiving a contract for the purchase of electrical energy from Boulder Canyon Project of such public and reserved lands of the United States as may be necessary or convenient for the construction, operation, and maintenance of main transmission lines to transmit said electrical energy.

(R.S. 2478; 43 U.S.C. 1201)

§ 2234.5 For mineral leasing purposes.

§ 2234.5-1 For oil and natural gas pipelines and pumping plant sites under the Mineral Leasing Act.

(a) *Authority.* (1) Section 28 of the act of February 25, 1920 (41 Stat. 449), as amended by the acts of August 21, 1935 and August 12, 1953 (49 Stat. 678; 67 Stat. 557; 30 U.S.C. 185), authorizes the Secretary to grant rights-of-way through public lands, including the forest reserves of the United States, for pipeline purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of the act (41 Stat. 437; 30 U.S.C. 22, 48, 181) to the extent of the ground occupied by the said pipeline and 25 feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by him, and upon the express conditions that such pipeline, if for oil, or for natural gas and yet excepted from the common carrier provisions of section 28 of the act of February 25, 1930, as amended, as stated in subparagraph (2) of this paragraph shall be constructed, operated, and maintained as a common carrier and that every pipeline holder shall accept, convey, transport, or purchase without

in this part. Applications for radio, television and other forms of communication transmitting, relay and receiving structures and facilities should be submitted under the act of March 4, 1911, as amended.

(iv) Any application under the act of March 4, 1911 for a line right-of-way in excess of 100 feet in width or for a structure or facility right-of-way of over 10,000 square feet must state the reasons why the larger right-of-way is required. Rights-of-way will not be issued in excess of such sizes in the absence of a satisfactory showing of the need therefor.

(3) *Plant sites; buildings to be platted on maps.* (i) When an application is made for a right-of-way for a site for a water plant or for a communication structure or facility, the location and extent of ground proposed to be occupied by buildings or other structures necessary to be used in connection therewith must be clearly designated on the map and described on Forms 3 and 4, Appendix B by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions. When two or more such proposed structures are to be located near each other, it will be sufficient to give the reference to a corner of the public survey for one of them, provided all the others are connected therewith by course and distance shown on the map. The application must also state the proposed use of each structure, and must show definitely that each one is necessary for a proper use of the right-of-way for the purpose contemplated in the act of February 15, 1901. If the right-of-way is within reservation lands which are not covered by the public land surveys, the map shall be made in terms of the boundary survey of the reservation to the extent it would be required above to be made in terms of the public land survey.

(ii) If the application is for a power-plant site it must also contain a statement giving a description of the proposed powerplant including the number and capacity of prime movers and generators proposed to be installed, initially and ultimately, together with similar pertinent information about any substations included in the project and whether the powerplant is to be interconnected with other generating facilities owned by the applicant or others; and whether the power generated is to be sold to others at wholesale or retail or used by the applicant for its own domestic, agricultural, or industrial purposes.

(4) *Transmission lines.* When an application is made for a right-of-way for a transmission line, it must also contain the following:

(i) A description of the plant or connecting generating plants which generate or will generate the power to be transmitted over such line, such description to be in sufficient detail to show, to the satisfaction of the authorized officer, the character, capacity, and location of such plants.

(ii) A description of the transmission line for which the right-of-way is requested forms a part, giving in reasonable detail the points between which it will extend, its characteristics and purpose. There must also be included a statement as to the voltage for which the line is designed and at which it is to be operated initially, and a statement as to whether it is to serve a single customer, or a number of customers, or is intended to transmit power solely for the applicant's use. If the line is to serve a single customer or is for the applicant's own use, the nature of such use must be given (such as airway beacon, coal mine, and irrigation pumps).

(iii) The application and maps shall specify the width of the right-of-way desired. Rights-of-way for power lines will be limited to 50 feet on each side of the centerline unless sufficient justification is furnished for a greater width and it is otherwise authorized by law.

(iv) If the line is to have a nominal voltage of 33 kilovolts or over, the application should include a one-line diagram of the proposed line and the immediate interconnecting facilities including power plants and substations, a power flow diagram for proposed line and connecting major lines showing conditions under normal use, and typical structure drawings of proposed line showing construction dimensions and list of materials.

(c) *Terms and conditions.* By accepting a right-of-way for a power

discrimination oil or natural gas produced from Government lands in the vicinity of the pipeline in such proportionate amount as the Secretary of the Interior may, after a full hearing, with due notice thereof to the interested parties, and a proper finding of facts, determine to be reasonable.

(2) The amendatory act of August 12, 1953, cited in subparagraph (1) of this paragraph provides that the common carrier provisions of section 28 of the act of February 25, 1920, shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act (52 Stat. 821; 15 U.S.C. 717w) or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

(3) By opinion of the Attorney General of January 3, 1941 (40 Op. Atty. Gen. 9), and departmental decision, Chiles P. Plummer, A–23988, February 24, 1945, this statute was construed as not applying to purchase or acquired lands as they are not considered public lands within the meaning of the act.

(b) *Common carrier stipulation.* Each application for a pipeline right-of-way, if for oil, or for natural gas and the pipeline has not been excepted from the common carrier provisions of section 28 of the act of February 25, 1920, as amended, as stated in paragraph (a)(2) of this section, must include the following stipulation:

> The applicant agrees to operate the pipeline as a common carrier in accordance with the provisions of the Mineral Leasing Act, and, within 30 days after the request of the Secretary of the Interior, to file rate schedule and tariff for the transportation of oil or gas, as the case may be, as such common carrier with any regulatory agency having jurisdiction over such transportation, as the Secretary may prescribe.

(c) *Use of pipeline.* The applicant shall state in the application the specific use, within the purview of the act, to which the pipeline is to be put, and any approval of the right-of-way shall be limited to such use, unless otherwise stated in the approval. No change in the use of the pipeline from that authorized by the approval of the right-of-way shall be allowed except as follows:

(1) In the case of pipelines engaged in interstate transportation, a change may be made only with approval first obtained from the authorized officer, and upon such terms and conditions as he may prescribe as a prerequisite to the approval of the change of use. If the authorized officer does not disapprove or otherwise act upon an application for a change in use by the end of the forty-fifth day after the application is filed, he shall be deemed to have approved it without conditions other than those previously existing.

(2) In case of pipelines engaged solely in intrastate transportation, a change may be made by the grantee in the use of pipeline for the transportation of products with the purview of the act, from that specified in the approval of the right-of-way, provided, written notice of such change is filed with the manager not less than 15 days in advance of the actual change of use. Such notice must be accompanied by a showing as to whether the change in use is to be temporary or permanent, and a statement that such change will not result in any hardship or injustice to persons operating under Federal leases who may be dependent on the pipeline as the means of transportation of their products to existing markets, and must be accompanied by the consent in writing of such lessees to the change of use.

(d) *Approval of right-of-way.* The approval of such right-of-way shall be subject to the express conditions that the use of the pipeline for the transportation of oil, gas, or other similar products, shall be limited to such products produced in conformity with State and Federal laws, including laws prohibiting waste.

(e) *Pumping plant site.* A site for a pumping station or other structures reasonably necessary to the operation of a pipeline on a right-of-way approved under section 28 of the act of February 25, 1920, or as amended by the act of August 21, 1935, may be granted under the same sections (36 Op. Atty. Gen. 480). When an application is made for a right-of-way for a site, the location and extent of ground proposed to be occupied by buildings or other structures necessary to be used in connection therewith must be clearly designated on the map and described on Forms 3 and 4, Appendix B by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions. When two or more such proposed structures are to be located near each other, it will be sufficient to give the reference to a corner of the public survey for one of them, provided all the others are connected therewith by course and distance shown on the map. The application must also state the proposed use of each structure, and must show definitely that each one is necessary for a proper use of the right-of-way for the purpose contemplated in the act.

(Sec. 28, 49 Stat. 678, as amended; 30 U.S.C. 185)

§ 2234.5–2 Over lands subject to mineral lease.

(a) *Authority; applications.* (1) Section 29 of the act of February 25, 1920 (41 Stat. 449, 30 U.S.C. 186), provides in part:

(i) That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights-of-way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes.

(ii) Where another statutory provision covers the type of right-of-way desired, applications shall be made in accordance with such statute and the applicable regulations.

(iii) Where there is no other statutory provision covering the type of right-of-way desired, applications shall be filed in accordance with §§ 2234.1–1 to 2234.1–6 inclusive.

(Sec. 32, 41 Stat. 450, R.S. 2478; 30 U.S.C. 189, 43 U.S.C. 1201)

§ 2234.5–3 For pipe lines on the Outer Continental Shelf (Act of August 7, 1953).

(a) *Purpose and authority.* (1) Section 5(c) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 464), authorizes the Secretary of the Interior to grant rights-of-way for pipeline purposes for the transportation of oil and gas. The purpose of the regulations in this part is to set forth the rules governing the granting and administration of such rights-of-way. The inclusion of this part in this title shall not be construed as an interpretation that the laws and regulations pertaining to public lands or to rights-of-way thereon are applicable to the submerged lands of the Outer Continental Shelf.

(2) Compliance with the regulations of this part does not obviate the necessity of compliance with requirements and regulations of the Department of the Army and the Coast Guard with respect to prevention of obstruction to navigation, lights, and warning devices, and other matters relating to safety of life and property, as authorized by section 4 of the act.

(b) *Definitions.* (1) "Secretary" means Secretary of the Interior.

(2) "Director" means Director, Bureau of Land Management.

(3) "Manager" means the officer in charge of the local office of the Bureau of Land Management.

(4) "Right-of-way" includes the site on which the pipe line and associated structures are situated which shall not exceed 200 feet in width for pipe lines and be limited to the area reasonably necessary for pumping stations or other accessory structures. It does not include gathering lines and associated structures constructed for the purpose of conveying production for gathering, storage, or treating of the production from a lease or leases. The construction of gathering lines may be approved by the Oil and Gas Supervisor in accordance with the provisions of 30 CFR 250.18 and 250.68.

(c) *Procedures*—(1) *Application*—(i) *Form and requirements.* No special form of application is required. The application should be filed in duplicate and should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the act and these regulations and that applicant agrees that the right-of-way if approved will be subject to the terms and conditions of the regulations in this part. It should also state the

primary purpose for which the right-of-way is to be used. The application must be filed in duplicate at the office of the Manager. If the right-of-way has been utilized prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date applicant obtained control of the improvements. A filing fee of $10 and the rental required herein under subparagraph (4)(v) of this paragraph, must accompany the application.

(ii) *Map showing survey.* Each copy of the application must be accompanied by a map, showing the center line of the right-of-way, properly identified so that the right-of-way may be accurately located by a competent engineer. The map should comply with the following requirements:

(a) The scale shall be at least 1:160,000.

(b) Courses and distances of the center line of the right-of-way shall be given either on the margin of the map or on an attached sheet or sheets with the courses referred to the true or grid meridian, either by deflection from a line of known bearing or by independent observation and calculated distances in feet and decimals.

(c) The total distance and width of the right-of-way shall be given, and the diameter of the pipe line specified.

(d) The initial and terminal points of the right-of-way shall be accurately located by latitude and longitude or by grid references.

(e) Each copy of the map shall bear upon its face a statement of the engineer who made the map that the right-of-way is accurately represented upon the map.

(2) *Persons qualified to acquire and hold rights-of-way.* (i) Applications may be filed by citizens of the United States, associations of such citizens, and by corporations organized under the laws of the United States or of any State or Territory thereof.

(ii) An individual and each member of an association applying for a right-of-way must state in the application whether he is a native-born or naturalized citizen of the United States.

(iii) (a) A private corporation must file a certified copy of its charter or articles of incorporation.

(b) A corporation other than a private one must file a copy of the law under which it was organized and proof of its organization.

(c) A copy of the resolution or by-laws of the corporation authorizing the filing of the application or a certificate of the Secretary or an assistant Secretary of the corporation under the corporate seal certifying that the officer executing the application has authority to do so, must be filed. If the application is filed by an attorney-in-fact a certified copy of the resolution of the Board of Directors authorizing his appointment and an executed copy of the power of attorney must be filed.

(d) If the corporation has previously filed any or all of the papers required in (a), (b), and (c) of this subdivision, specific reference to such filing giving date, place, and case number will be accepted as full compliance with such requirements.

(3) *Consent of or notice to lessee or right-of-way holder of area crossed or invaded by right-of-way.* An applicant must show the extent to which the right-of-way applied for invades or crosses mineral leases or rights-of-way other than his own and must submit with his application either the written consent of each lessee or right-of-way holder whose lease or right-of-way is so affected or a statement that he has delivered to each lessee or right-of-way holder whose lease or right-of-way is so affected personally or by registered or certified mail a copy of the application and map. If the statement is filed no final action will be taken on the right-of-way application until 15 days have elapsed after the date of service of such papers, in order to afford the parties concerned ample opportunity to file protests against granting of the right-of-way.

(4) *Terms and conditions.* An applicant by accepting a right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions, accepting those which the Secretary may waive in a particular case:

(i) To comply with all existing regulations and with all existing and future regulations which the Secretary determines to be necessary and proper in order to provide for the prevention of waste and conservation of the natural resources of the outer Continental Shelf and the protection of correlative rights therein.

(ii) To pay the United States or its lessees or right-of-way holders, as the case may be, the full value for all damages to the property of the United States or its said lessees or right-of-way holders, and to indemnify the United States against any and all liability for damages to life, person, or property arising from the occupation and use of the area covered by the right-of-way.

(iii) To keep the Director informed at all times of his address, and, if a corporation, of the address of its principal place of business and the name and address of the officer or agent authorized to receive service of notice. That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision in all subcontracts.

(iv) That the allowance of the right-of-way shall be subject to the express condition that the rights granted will not prevent or interfere in any way with the management, administration of, or the granting either prior or subsequent to the right-of-way grant of other rights by the United States in the submerged lands affected thereby, and that he agrees and consents to the occupancy and use by the United States or its lessees or other right-of-way holders of any part of the right-of-way not actually occupied or necessarily incident to its use for any necessary operations involved in such management, administration or the enjoyment of such other granted rights.

(v) To pay for the first calendar year or fraction thereof, and thereafter annually in advance an annual rental of $5 for each mile or fraction thereof traversed by the right-of-way and $50 for each area applied for as the site for a pumping station or other accessory to the right-of-way. Payments required herein may be annual, for a 5-year period or for multiples of such period.

(vi) That upon revocation or termination of the right-of-way, unless the requirement is waived in writing by the Manager, he shall, so far as reasonably possible, restore the area of the right-of-way to its original condition.

(d) *Approval of right-of-way.* If the application and other required information are found to be in compliance with the law and regulations and the consents required by paragraph (c)(3) of this section have been obtained or any protests filed as therein provided have been rejected, the right-of-way will be granted. If the right-of-way as applied for would cross any area withdrawn from disposal or restricted from exploration and operation it will be rejected unless the Federal agency in charge of withdrawn or restricted area shall give its consent to the granting of the right-of-way, but in such case the applicant upon request filed within 30 days after receipt of the rejection notice will be allowed an opportunity to file an amended application rerouting the proposed right-of-way so as to eliminate the conflict.

(e) *Term of grant.* Any right-of-way granted hereunder shall be for so long as the pipe line is maintained and used for the purpose for which the grant was made, unless otherwise expressly stated in the grant. Cessation of use temporarily shall not terminate the grant, but if the purpose of the grant ceases to exist or use of the pipe line is permanently discontinued for any reason the grant shall be subject to forfeiture.

(f) *Construction*—(1) *Proof of construction.* Failure to construct the pipe line within 5 years from the date of the grant shall be deemed to be an abandonment of the grant which will be forfeited by an appropriate proceeding. Proof of construction shall be submitted to the Manager. Such proof shall consist of a statement by the holder of the right-of-way that the pipe line has been laid and is in operation. If there is any deviation from the right-of-way as shown on the original map, the unused portion of the grant must be relinquished and maps in duplicate of the location of the right-of-way as constructed, prepared in accordance with paragraph (c)(1) of this section must be furnished as soon as possible after the deviation is determined to be necessary or advisable. Any deviation made prior to approval of such supplemental plat will be at the risk of the right-of-way holder.

(2) *Advance permission to commence construction.* Upon a satisfactory showing of the need therefor, the Director may grant permission to commence construction of a pipe line in advance of any grant of the right-of-way but such permission is not a commitment that the right-of-way will be approved and all

work done thereunder prior to the granting of the right-of-way will be at the applicant's risk. No advance permission will be granted for an area or areas not subject to a right-of-way grant.

(g) *Assignment of right-of-way.* Assignment may be made of a right-of-way in whole or as to any lineal segment thereof after construction subject to the approval of the Manager. Any such assignment must be filed in duplicate accompanied by an application for approval in which the assignee must make the showing required by paragraph (c) (2) of this section and agree to the terms and conditions prescribed in paragraph (c) (4) of this section. No assignment shall be effective to transfer any rights until it is approved. A fee of $10 must accompany the application for the approval of an assignment.

(h) *Penalty for failure to comply.* As provided in the act, failure to comply with the act, regulations or any conditions prescribed by the Secretary as to the application therefor and the survey, location and width thereof and upon the express condition that such oil or gas pipe lines shall transport or purchase without discrimination, oil or natural gas produced from said submerged lands in the vicinity of the pipe line in such proportionate amounts as the Federal Power Commission, in the case of gas, and the Interstate Commerce Commission, in the case of oil, may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things conservation and the prevention of waste, be grounds for forfeiture of the grant in an appropriate, judicial proceeding instituted by the United States in any United States District Court having jurisdiction under the provisions of section 4(b) of the act. Upon relinquishment of any right-of-way or forfeiture of the grant, the right-of-way owner will be required to remove his improvements within one year from the effective date of such relinquishment or forfeiture unless otherwise provided by law or in the decree of forfeiture.

(Sec. 5, 67 Stat. 464; 43 U.S.C. 1334)

§ 2234.6 Through national forests (Act of February 1, 1905).

§ 2234.6–1 Authority.

Section 4 of the act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 524), grants rights-of-way through national forests to citizens and corporations of the United States, for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, for municipal or mining purposes, and for the purpose of the milling and reduction of ores, during the period of the beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said forests are respectively situated.

(Sec. 4, 33 Stat. 628; 16 U.S.C. 524)

§ 2234.6–2 When construction may commence.

No construction will be allowed in national forests until an application for right-of-way has been regularly filed in accordance with §§ 2234.4–1 to 2234.1–5 and this § 2234.6 and has been approved, or unless permission for construction in advance of the right-of-way grant has been specifically given.

(Dec. 4, 33 Stat. 628; 16 U.S.C. 524)

§ 2234.6–3 Water plant structures.

When application is made for a right-of-way for water plants, § 2234.4–1(b)(3) should be followed, with appropriate changes in the prescribed forms.

(Sec. 4, 33 Stat. 628; 16 U.S.C. 524)

§ 2234.6–4 Procedure when unsurveyed land is involved.

Maps showing reservoirs, canals, water plants, and other structures wholly upon unsurveyed lands, will be received and acted upon in the manner prescribed for surveyed lands.

(Sec. 4, 33 Stat. 628; 16 U.S.C. 524)

APPENDIX A

FORMS FOR DUE PROOFS, AND VERIFICATION OF MAPS OF RIGHT OF WAY FOR RAILROADS

(Form 1)

I, _____, secretary (or president) of the _____ company, do hereby certify that the organization of said company has been completed; that the company is fully authorized to proceed with construction according to the existing laws of the State (or Territory) of _____; and that the copy of the articles of association (or incorporation) of the company filed in the Department of the Interior is a true and correct copy of the same.

In witness whereof I have hereunto set my name and the corporate seal of the company.

[SEAL OF COMPANY]

_____ *of the*
(_____ *Company*)

(Form 2)

STATE OF _____
County of _____, *ss:*

I, _____ do certify that I am the president of the _____ company, and that the following is a true list of the officers of the said company, with the full name and official designation of such, to wit: (here insert the full name and official designation of each officer.)

[SEAL OF COMPANY]

_____
(*President of Company*)

(Form 3)

STATE OF _____
County of _____, *ss:*

_____, Being duly sworn, says he is the chief engineer of (or is the person employed to make the survey by) the _____ company; that the survey of the said company's line of railroad described as follows: (here describe the line of route as required by section 10), a length of _____ miles, was made by him (or under his direction) as chief engineer of (or as surveyor employed by) the company and under its authority, commencing on the _____ day of _____, 19__, and ending on the _____ day of _____, 19__; and that the survey of the said line is accurately represented on this map and by the accompanying field notes.

_____

Sworn and subscribed to before me this _____ day of _____ 19__.

[SEAL] _____
(*Notary Public*)

(Form 4)

I, _____, do hereby certify that I am president of the _____ company; that _____, who subscribed the accompanying affidavit, is the chief engineer of (or was employed to make the survey by) the said company; that the survey of the said railroad, as accurately represented on this map and by the accompanying field notes, was made under authority of the company; that the company is duly authorized by its articles of incorporation to construct the said railroad upon the location shown upon this map; that the said survey as represented on this map and by said field notes was adopted by resolution of its board of directors on the _____ day of _____ 19__, as the definite location of the said railroad described as follows: (describe as in Form 3); and that this map has been prepared to be filed in order to obtain the benefits of the act of Congress approved March 8, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States." I further certify that the said railroad is to be operated as a common carrier of passengers and freight.

_____
(*President of the _____ Company*)

Attest:
[SEAL OF COMPANY]

_____
(*Secretary*)

(Form 5)

STATE OF _____,
County of _____, *ss:*

_____, being duly sworn, says that he is the chief engineer of (or was employed to construct) the railroad of the _____ company; that said railroad has been constructed under his supervision as follows: (describe as in section 10), a total length of __ miles; that construction was commenced on the _____ day of _____, 19__, and completed on the _____ day of _____, 19__; and that the constructed railroad conforms to the map and field notes which received the approval of the Secretary of the Interior on the _____ day of _____, 19__.

_____

Sworn and subscribed to before me this _____ day of _____, 19__.

[SEAL] _____
(*Notary Public*)

(Form 6)

I, _____, do hereby certify that I am the president of the _____ company; that the railroad described as follows: (describe as in Form 5) was actually constructed as set forth in the accompanying affidavit of _____, chief engineer (or the person employed by the company in the premises); that the location of the constructed railroad conforms to the map and field notes approved by the Secretary of the Interior on the _____ day of _____, 19__; and that the company has in all things complied with the requirements of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

_____
(*President of the _____ Company*)

Attest:
[SEAL OF COMPANY]

_____
(*Secretary*)

(Form 7)

STATE OF _____,
County of _____, *ss:*

_____, being duly sworn, says he is the chief engineer of (or is the person employed to make the survey by) the _____ company; that the survey of the tract described as follows: (here describe as required by section 10) an area of __ acres, and no more, was made by him (or under his direction) as chief engineer of the company (or as surveyor employed by the company), and under its authority, commencing on the _____ day of _____, 19__, and ending on the _____ day of _____, 19—; that the survey of the said tract is accurately represented on this plat and by the accompanying field notes; that the company has occupied no other grounds for similar purposes upon public lands within the section of 10 miles, from the __ mile to the __ mile, for which this selection is made; that, in his belief, the said grounds are actually and to their entire extent required by the company for the necessary uses contemplated by the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

_____

_____

Subscribed and sworn to before me this _____ day of _____, 19__.

[SEAL] _____
(*Notary Public*)

(Form 8)

I, _____, do hereby certify that I am president of the _____ company; that _____, who subscribed the accompanying affidavit, is the chief engineer of (or was employed to make the survey by) the said company; that the survey of the tract described as follows: (here describe as in Form 7) an area of __ acres, and no more, was made under authority of the company; that the said survey, as represented on this map and by said field notes, was adopted by resolution of its board on the _____ day of _____, 19__, as the definite location of said tract for station grounds; that the company has occupied no other grounds for similar purposes upon public lands within the section of 10 miles, from the _____ mile to the _____ mile, for which this selection is made; that, in his belief, the said grounds are actually and to their entire extent required by the company for the necessary uses contemplated by the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

[SEAL OF COMPANY]
Attest:

_____
(*President of the _____ Company*)

_____
(*Secretary*)

APPENDIX B

Where necessary, these forms should be modified so as to be appropriate to the applicant (corporation, association, or individual), to the act invoked, and to the nature of the project.

FORM

Reference should be made to the appropriate section of the regulations to determine when each of the forms is required.

Forms Nos. 2, 4, 6, 7, 9, and 10 may be signed by any officer or employee of the company who is authorized to sign them. However, if they are executed by a person other than the President, they must be accompanied by a certified copy of the minutes of the Board of Directors meeting or other document authorizing such signature unless such certified copy has already been filed in the case.

Forms 1 and 2 to be placed on maps. See § 1813.2–2.

ENGINEER'S STATEMENT

(Form 1)

_____ states he is by
(Name of engineer)
occupation a _____ employed by the _____ to
(Type of engineer) (Company)
make the survey of the _____,
(Kind of works)
as described and shown on this map; that the survey of said works was made by him (or under his supervision) and under authority, commencing on the _____ day of _____ 19 _____, and ending on the _____ day of _____ 19___; and that such survey is accurately represented upon this map.

_____
(Engineer)

APPLICANT'S CERTIFICATE

(Form 2)

This is to certify that _____
(Engineer)
who subscribed the statement hereon is the person employed by the undersigned applicant to prepare this map, which has been adopted by the applicant as the approximate final location of the works thereby shown; and that this map is filed as a part of the complete application, and in order that the applicant may obtain the benefits of _____; and I further certify that the
(Cite statute)
right-of-way herein described is desired for _____.
(State purpose)

[SEAL] _____
(Signature of applicant)

_____
(Title)

_____
(Company)

Attest:

_____

FORMS FOR PLANT SITES ONLY

See §§ 2234.4–1(b)(3) and 2234.5–1(e).

(Form 3)

_____ states that
(Name of engineer)
he is the chief engineer of (or the person employed by) the _____,
(Company)
under whose supervision the survey was made of the grounds selected by the company for structures for a plant site under the act of Congress approved February 15, 1901 (February 1, 1905, act of March 4, 1911, as amended, or act of February 25, 1920, as amended), said grounds (here describe as required by regulation, sec. 244.31); that the accompanying drawing correctly represents the locations of the said structures; and that in his belief the structures represented are actually and to their entire extent required for the necessary uses contemplated by the said Act.

_____
(Signature of engineer)

(Form 4)

I, _____, do hereby certify
(Applicant) (Company officer)
that I am the _____ of the _____;
(Title) (Company)
that the survey of the structures represented on the accompanying drawing was made under authority and by direction of the company, and under the supervision of _____, its chief engineer (or person employed in the premises), whose statement precedes this certificate; that the survey as represented on the accompanying drawing actually represents the structures required (here described as required by regulation, sec. 244.30), for plant site under the act of Congress approved February 15, 1901 (February 1, 1905, March 4, 1911, as amended, or February 25, 1920, as amended); and that the company, by resolution of its board of directors, passed on the _____ day of _____ 19____, directed the proper officers to present the said drawing for approval in order that the company may obtain the use of the grounds required for said structures, under the provisions of said act.

[SEAL] _____
(Signature of applicant)

_____
(Title)

_____
(Company)

Attest:

_____

FORMS FOR PROOF OF CONSTRUCTION

See section 244.15.

(Form 5)

_____ states that he is
(Name of engineer)
the chief engineer (or was employed to supervise or check the construction of the canals, ditches, laterals, and reservoirs) for the _____;
(Company)
that said (canals, ditches, laterals, and reservoirs) have been constructed under his supervision; that construction was commenced on the _____ day of _____ 19____, and completed on the _____ day of _____ 19____; that the constructed (canals, ditches, laterals, and reservoirs) as aforesaid, conform to the map which received the approval of the Department of the Interior on the _____ day of _____ 19____.

_____
(Signature of engineer)

(Form 6)

I, _____ certify
(Applicant) (Company officer)
that I am the _____ of the _____;
(Title) (Company)
that the (canals, ditches, laterals, and reservoirs) were actually constructed as set forth in the accompanying statement of _____, chief engineer (or the person employed by the company in the premises), and on the exact location represented on the map approved by the Department of the Interior on the _____ day of _____ 19____; and that the company has in all things complied with the requirements of the act of (March 3, 1891) granting rights-of-way for (canals, ditches, laterals, and reservoirs) through public lands of the United States.

[SEAL] _____
(Signature of applicant)

_____
(Title)

_____
(Company)

Attest:

_____

FORMS FOR RESERVOIR DECLARATORY STATEMENT

(Form 7)

See § 2234.3–2(b)(1).
Res. D. S.
No. ----------
Land Office at ----------,
---------- 19--.

I, ----------
(Applicant) (Company officer)
of ----------,
(Post office address)
do hereby certify that I am ----------
(Title)
of the ----------, and on behalf of
(Company)
said company, and under its authority, do hereby apply for the reservation of land in ---------- county, State of ----------, for the construction and use of a reservoir for furnishing water for livestock under the provisions of the act of January 13, 1897 (29 Stat. 484; 43 U.S.C. 952). The location of said reservoir and of the land necessary for its use, is as follows: ----------[1] of section ------ in township ---------- of range ------ M., containing ---------- acres.

To the best of my knowledge and belief the said land is not occupied or otherwise claimed, and is not mineral or otherwise reserved. The said reservoir is to be used in connection with----------[2]
(Business of applicant)

The land owned or claimed by the applicant within the vicinity (within 8 miles) of the said reservoir is as follows:

(Describe by legal subdivision, section, township, and range)

No part of the land to be reserved under this application is or will be fenced unless written permission is first obtained from the Department of the Interior; the same will be kept open to the free use of any person desiring to water animals of any kind; the land will not be used for any purpose except the watering of stock; and the land is not, by reason of its proximity to other lands reserved for reservoirs, excluded from reservation by the regulations and rulings of the Department of the Interior.

The water of said reservoir will cover an area of ------- acres in ------- of section ------- in township ----------, of range ------- of said lands; the capacity of the reservoir will be ------- gallons, and the dam will be ------ feet high. The source of the water for said reservoir is ----------
(Type and location of spring, stream, runoff, etc.)
and there are no streams or springs within 2 miles of the land to be reserved except as follows:

(Insert names or other identification)

The applicant has filed no other declaratory statements under this act, except as follows:

No. ------, ---------- land office, area to be reserved ------ acres.
No. ------, ---------- land office, area to be reserved ------ acres.
No. ------, ---------- land office, area to be reserved ------ acres.
No. ------, ---------- land office, area to be reserved ------ acres.
Total, ------ acres, of which Nos. ------ ---------- are located in said county.

It is the bona fide purpose and intention of this applicant to construct and complete said reservoir and maintain the same in accordance with the provisions of said Act of Congress and such regulations as are or may be prescribed thereunder.

[SEAL] ----------
(Signature of applicant)

(Title)

(Company)

Attest:
----

[1] Description should be in terms of smallest legal subdivision (40-acre tract or lot).

[2] Statement of business should include full information concerning the extent to which applicant is engaged in grazing, breeding, driving, or transporting livestock; the number and kinds of such stock; the place where they are being breed or grazed; whether within an enclosure or upon unenclosed lands; and the points from which and to which they are being driven or transported.

Land Office at ----------

I, ----------, manager of the land office, do hereby certify that the foregoing application is for the reservation of lands subject thereto under the provisions of the Act of January 13, 1897; that there is no prior valid adverse right to the same; and that the land is not, by reason of its proximity to other lands reserved for reservoirs, excluded from reservation by the regulations and rulings of the Department of the Interior.

Fees, $---------- paid.

(Manager)

(Form 8)

See § 2234.3–2(d).

---------- says that he is the
(Chief engineer)
person who was employed to make the survey of a reservoir covering an area of ---------- acres, the initial point of the survey being ----------, said
(Described as required by § 2234.3–2(d))
reservoir having been constructed upon the ----------[1] of section ------, township ----------, range ------ M., as proposed by reservoir declaratory statement No. ------, which was filed in the local land office at ----------, under the provisions of the
(City)
act of January 13, 1897 (29 Stat. 484; 43 U.S.C. 952), that the said survey was made on the ------ day of ---------- 19----, that the dam and all necessary works have been constructed in a substantial manner; that the reservoir has a capacity of ------- gallons of water.

(Signature of engineer)

(Form 9)

See § 2234.3–2(d).

I, ----------, do
(Applicant) (Company officer)
hereby certify that I am the ----------
(Title)
of the ---------- which filed (or
(Company)
that I am the person who filed) reservoir declaratory statement No. ------- in the local land office at ----------; that the proposed reservoir has been constructed upon the ----------[1] of section ------, township ----------, range ----- M., covering an area of ---------- acres; that the dam and all necessary works have been constructed in a substantial manner in good faith in order that the reservoir may be used and maintained for the purposes and in the manner prescribed by the said act of January, provisions of which have been and will be complied with in all respects.

[SEAL] ----------
(Signature of applicant)

(Title)

(Company)

Attest:
----

[1] Description should be in terms of smallest legal subdivision (40-acre tract or lot).

(Form 10)

See § 2234.3–2(e)(2).

---------- says
(Applicant) (Company officer)
that he is the ---------- of the -------
(Title)
---------- which filed (or that he is the
(Company)
person who filed) reservoir declaratory statement No. ------ in the local land office at ----------; that the reservoir con-
(City)
structed in pursuance thereof, as heretofore certified has been kept in repair; that water has been kept therein to the extent of not less than ------ gallons during the entire calendar year of 19----; that neither the reservoir nor any part of the land reserved for use in connection therewith is or has been fenced during said year; and that the said company (or person) has in all respects complied with the provisions of the act of January 13, 1897 (29 Stat. 484; 43 U.S.C. 952).

[SEAL] ----------
(Signature of applicant)

(Title)

(Company)

Attest:

APPENDIX C

FORMS FOR DUE PROOFS AND VERIFICATION OF MAPS OF RIGHT OF WAY FOR RAILROADS, TRAMWAYS, WAGON ROADS, ETC.

(Form 1)

I, ----------, secretary (or president) of the ---------- company, do hereby certify that the organization of said company has been completed; that the company is fully authorized to proceed with construction according to the existing laws of the State (or Territory) of ----------; and that the copy of the articles of association (or incorporation) of the company filed in the Department of the Interior under the act of May 14, 1898 (30 Stat. 409), is a true and correct copy of the same.

In witness whereof I have hereunto set my name and the corporate seal of the company.

[SEAL OF COMPANY] ----------
(---------- of the ---------- Company)

(Form 2)

STATE OF ----------,
County of ----------, ss:

I, ----------, do certify that I am the president of the ---------- Company, and that the following is a true list of the officers of the said company, with the full name and official designation of each to wit: (Here insert the full name and official designation of each officer).

[SEAL OF COMPANY] ----------
(*President of Company*)

(Form 3)

STATE OF ----------
County of ----------, ss:

----------, being duly sworn, says he is the chief engineer of (or is the person employed to make the survey by) the ---------- company; that the survey of the said company's line of (railroad, tramway, or wagon road) described as follows: (Here describe the line of route as required by paragraph 12), a length of ---------- miles, was made by him (or under his direction) as chief engineer of (or as surveyor employed by) the company and under its authority commencing on the ---------- day of ----------, 19--, and ending on the ---------- day of ----------, 19--; that the survey of the said land is accurately represented on this map and by the accompanying field notes; and that this proposed right of way does not lie within 4 rods of the shore of any navigable waters, except as shown on this map. (In the case of a tramway or wagon road, add the following: The said line of road does not lie upon nor cross any road or trail in common use for public travel except as shown on this map.)

Sworn and subscribed to before me this ---------- day of ----------, 19--.

[SEAL] ----------
(*Notary Public*)

(Form 4)

I, ---------- do hereby certify that I am president of the ---------- company; that ----------, who subscribed the accompanying affidavit, is the chief engineer of (or was employed to make the survey by) the said company; that the survey of the said (railroad, tramway, or wagon road), as accurately represented on this map and by the accompanying field notes, was made under authority of the company; that the company is duly authorized by its articles of incorporation to construct the said (railroad, tramway, or wagon road) upon the location shown upon this map; that the said survey as represented on this map and by said field notes was adopted by resolution of its board of directors on the ---------- day of ----------, 19--, as the definite location of the said (railroad, tramway, or wagon road) described as follows: (Describe as in Form 3); that this proposed right of way does not lie within 4 rods of the shore of any navigable waters, except as shown on this map, and that this map has been prepared to be filed in order to obtain the benefits of sections 2 to 9, inclusive, of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes."[2] I further certify that the said (railroad or tramway) is to be used as a common carrier of freight and passengers.

(*President of the ---------- Company*)

(*Secretary*)

ATTEST:
[SEAL OF COMPANY]

[2] The last sentence to be omitted from applications for wagon-road right of way.

(Form 5)

STATE OF ----------,
County of ----------, ss:

----------, being duly sworn, says that he is the chief engineer of (or was employed to construct the railroad, tramway, or wagon road of) the ---------- company; that said (railroad, tramway, or wagon road) has been constructed under his supervision, as follows: (describe as in paragraph 12) a total length of ---------- miles; that construction was commenced on the ---------- day of ---------- 19--, and completed on the ---------- day of ----------, 19--; that the constructed (railroad, tramway, or wagon road) conforms to the map and field notes which received the approval of the Secretary of the Interior on the ---------- day of ----------, 19--.

Sworn and subscribed to before me this ---------- day of ----------, 19--.

[SEAL] ----------
(*Notary Public*)

(Form 6)

I, ----------, do hereby certify that I am the president of the ---------- company, that the (railroad, tramway, or wagon road) described as follows: (describe as in Form 5), was actually constructed as set forth in the accompanying affidavit of ----------, chief engineer (or the person employed by the company in the process); that the location of the constructed (railroad, tramway, or wagon road) conforms to the map and field notes approved by the Secretary of the Interior on the ---------- day of ----------, 19--, and that the company has in all things complied with the requirements of sections 2 to 9, inclusive, of the act of Congress approved May 24, 1908, entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes."

(*President of the ---------- Company*)

(*Secretary*)

Attest:
[SEAL OF COMPANY]

(Form 7)

STATE OF ----------,
County of ----------, ss:

----------, being duly sworn, says he is the chief engineer of (or is the person employed to make the survey by) the ---------- company; that the survey of the tract described as follows: (here describe as required by paragraph 12) an area of ---------- acres, and no more, was made by him (or under his direction) as chief engineer of the company (or as surveyor employed by the company), and under its authority, commencing on the ---------- day of ----------, 19--, and ending on the ---------- day of ----------, 19--; that the survey of the said tract is accurately represented on this plat and by the accompanying field notes; (that the company has occupied no other grounds for similar purposes upon public lands within the section of [5 or 10] miles, from the ---------- mile to the ---------- mile, for which this selection is made);[3] that, in his belief, the said grounds are actually and to their entire extent required by the company for the necessary uses contemplated by the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes"; that the said tract does not lie within 4 rods of the shore of any navigable waters except as shown on this map, and that to the best of my knowledge and belief there is no settlement or other claim along the shore of any navigable waters upon land within 80 rods of any point of this tract except as shown on this map.

Subscribed and sworn to before me this ---------- day of ----------, 19--.

[SEAL] ----------
(Notary Public)

(Form 8)

I, ----------, do hereby certify that I am president of the ---------- company; that ----------, who subscribed the accompanying affidavit, is the chief engineer of (or was employed to make the survey by) the said company; that the survey of the tract described as follows: (here describe as in Form 7) an area of ---------- acres, and no more, was made by him as chief engineer of (or as surveyor employed to make the survey by) the said company; that the said survey, as accurately represented on this map, and by the accompanying field notes, was made under authority of the company; that the said survey, as represented on this map and by said field notes, was adopted by resolution of its board on the ---------- day of ------, 19--, as the definite location of said tract for (station, terminal, or junction grounds);[3] (that the company has occupied no other grounds for similar purposes upon public lands within the section of [5 or 10] miles, from the ---------- miles to the ---------- mile, for which this selection is made); that, in his belief, the said grounds are actually and to their entire extent required by the company for the necessary uses contemplated by the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes"; that the said tract does not lie within 4 rods of the shore of any navigable waters except as shown on this map; and that, to the best of my knowledge and belief, there is no settlement or other claim along the shore of any navigable waters upon land within 80 rods of any point of this tract except as shown on this map.

(*President of the ---------- Company*)

Attest:
[SEAL OF COMPANY] ----------
(*Secretary*)

[3] This clause is to be omitted in applications for terminal or junction grounds.

Subpart 2235—Leases

§ 2235.1 Airport.

§ 2235.1–1 Airport and aviation fields—act of May 24, 1928.

(a) *Authority.* The act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211–214), as amended by the act of August 16, 1941 (55 Stat. 621), authorizes the Secretary of the Interior in his discretion and under such regulations as he may prescribe, to lease for use as a public airport, any contiguous, unreserved and unappropriated public lands, not to exceed 2,560 acres in area. It also authorizes him to grant permission for the establishment of beacon lights and other air navigation facilities, except terminal airports, upon unreserved and unappropriated public lands and to withdraw such lands for such purposes.

(b) *Lands which may be leased.* Any contiguous unreserved and unappropriated public lands, surveyed or unsurveyed, not exceeding 2,560 acres in area, may be leased under the provisions of the act of May 24, 1928.

(c) *Prior valid rights.* All leases will be subject to valid existing rights initiated prior to the date the application for lease is filed.

(d) *Applications for lease.* (1) Applications should be filed in accordance with the provisions of § 1821.2 of this chapter.

(2) Applications will be limited to citizens of the United States or associations of such citizens; to corporations organized under the laws of the United States or of any State or Territory thereof; and municipalities.

(3) No specific form of application is required, and no blanks will be furnished; but the application, which must be signed by the applicant, but need not

be under oath, should include in substance the following points:

(i) Applicant's name and post office address.

(ii) If a corporation, a certified copy of the articles of incorporation.

(iii) If a city or town, evidence of authority of the mayor or other officer who may be authorized to execute such lease.

(iv) Description of the land for which the lease is desired, by legal subdivisions if surveyed, or by metes and bounds if unsurveyed.

(4) All applications filed by individuals, associations and corporations must be accompanied by an application service fee of $10 which will not be returnable. No application service fee will be required of a municipality or a corporation which is an instrumentality of the United States, or a State or Territory thereof.

(e) *Report by Administrator, Federal Aviation Agency; execution of lease.* Upon receipt of the application one copy will be referred to the Administrator, Federal Aviation Agency, for consideration as to what fuel facilities, lights, and other furnishings are necessary to meet the rating set by that department. After the Administrator, Federal Aviation Agency, has reported, a lease on a form approved by the Director will be prepared and sent to the applicant for execution.

(f) *Report by lessee.* The lessee shall, within 6 months from the date of the lease, equip the airport as required by the Administrator, Federal Aviation Agency, and file a report thereof in the land office.

(g) *Inspection by Federal Aviation Agency; report.* At any time during the term of the lease the Administrator, Federal Aviation Agency, may have an inspection made of the airport, and if it does not comply with the ratings set by the Federal Aviation Agency that fact, with a statement as to wherein it fails, will be referred to the Bureau of Land Management for appropriate action.

(h) *Cancellation of lease.* The authorized officer may, in his discretion, cancel a lease issued under the act of May 24, 1928, for any of the following reasons: If the lessee fails to use the leased premises or any part thereof, or uses it or any part thereof for a purpose foreign to the proper use, or shall fail to pay the annual rental or any part thereof, or shall fail to maintain the premises according to the ratings set by the Federal Aviation Agency, or shall fail to comply with the regulations in this part or the terms of the lease.

(i) *Period of lease; renewal.* Leases under the act of May 24, 1928, shall be for a period not to exceed 20 years and may be renewed for like period.

(j) *Annual rental.* Every lessee under the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211–214), as amended August 16, 1941 (55 Stat. 621), shall pay to the lessor an annual rental of not less than $10 for an area not exceeding 640 acres, and not less than $5 for each additional 640 acres or fraction thereof. The rental terms of each lease shall be subject to reconsideration and revision at 3-year intervals. The lessee shall be required to submit a report to the Bureau of Land Management, showing the facts as to the gross receipts within 90 days after each anniversary date of the lease. In the event the average annual gross receipts reported during any such interval from operations on the leased land, from all sources, exceed $5,000, the rentals for the succeeding interval or intervals may be increased to such reasonable amount as may be fixed by the authorized officer, but not exceeding 1 percent of such average. Due consideration will be given in fixing the rentals to all pertinent facts and circumstances, including other holdings of the lessee, if any, in connection with which the receipts are obtained. The first annual rental payment shall be made when the application is filed in the land office. All subsequent payments shall be paid in advance on or before the anniversary date of the lease.

(k) *Use of airport by Government departments and agencies; control for military purposes.* The lessee shall agree that all departments and agencies of the United States operating aircraft shall have free and unrestricted use of the airport and with the approval of the Bureau of Land Management, any departments or agencies shall have the right to erect and install therein such structures and improvements as are deemed advisable. Whenever the President may deem it necessary for military purposes, the Secretary of the Army may assume full control of the airports.

(l) *Regulations governing use of the airport.* The lessee will submit to the Administrator, Federal Aviation Agency, for his approval, regulations to govern the use of the airport.

(m) *Beacon lights.* Government departments and agencies operating aircraft may be granted permission to establish beacon lights and other navigation facilities, except terminal airports, on tracts of unreserved and unappropriated public lands of the United States of appropriate size, on application therefor, under the rules and regulations prescribed by § 2235.1–1(a), except no rental will be charged. They will be withdrawn by the Bureau of Land Management, for that purpose on a sufficient showing of the necessity of a withdrawal for such purpose. However, to insure uniformity and centralized control over such facilities, all such applications will be referred to the Administrator, Federal Aviation Agency, for consideration and comment.

(n) *Segregation of land; withdrawals*—(1) *By the Bureau of Land Management.* While an application for a lease of not exceeding 2,560 acres of public lands for a public aviation field under sections 1, 2, and 3 of the act of May 24, 1928 (45 Stat. 728, 729; 49 U.S.C. 211–213), will operate as a segregation of the lands described therein from the time such application is filed in the proper land office, no authority is given the Bureau to withdraw public lands for terminal airports. The Bureau may, however, withdraw such lands for beacon lights or other air navigation purposes, including emergency or intermediate landing fields between terminal airports. Such withdrawals may be made on his own motion or at the instance of the Federal Aviation Agency or other Federal agencies, or lessees of terminal airports, or the applicants for such leases.

(2) *By public land order.* Prior to the approval of the act of May 24, 1928, public lands were subject to withdrawal by the President for public purposes, and the authority of the President to make such withdrawals is in no manner restricted by the act of May 24, 1928. Where, therefore, unappropriated public lands are desired by the Federal Aviation Agency or other Federal agencies for airport terminals, requests for their withdrawal by a public land order may be submitted to the appropriate Land Office of the Bureau of Land Management, for consideration. All requests for withdrawal should specifically state whether the area is desired for beacon lights, emergency or intermediate landing fields, or terminal airports.

(R.S. 2478, sec. 1, 45 Stat. 728, as amended; 43 U.S.C. 1201, 49 U.S.C. 211)

§ 2235.1–2 Use by public agencies—Federal Airport Act of May 13, 1946.

NOTE: The regulations of the Federal Aviation Agency under this act are found in 14 CFR, Part 555.

(a) *Authority.* (1) Section 16 of the Federal Airport Act of May 13, 1946 (60 Stat. 179; 49 U.S.C. 1115) provides that whenever the Administrator of the Federal Aviation Agency determines that the use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project under the act, or for the operation of any public airport, he shall file with the head of the Department or agency having control of such lands a request that such property interest therein as he may deem necessary be conveyed to the public agency sponsoring the project in question or owning or controlling the airport.

(2) Upon receipt of the request from the Administrator of the Federal Aviation Agency, the head of the Department or agency having control of the lands in question is directed to determine whether the requested conveyance is inconsistent with the needs of the Department or agency and to notify the Administrator of his determination within a period of four months after receipt of the Administrator's request. Upon the determination of the head of the Department or agency that it is not so inconsistent, he is authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested.

(b) *Definitions.* As used in the regulations in this section unless the context requires otherwise, the following terms shall have the meaning indicated:

(1) "The act" means the Federal Airport Act of May 13, 1946 (60 Stat. 179; 49 U.S.C. 1101).

(2) "Secretary" means the Secretary of the Interior or his duly authorized representative.

(3) "Director" means the Director of the Bureau of Land Management or his duly authorized representative.

(4) "Administrator" means the Administrator of the Federal Aviation Agency or his duly authorized representative.

(5) "Applicant" means any public agency as defined in 14 CFR 555.4, which, either individually or jointly with one or more other such public agencies, submits to the Administrator, an application requesting that public lands or interests therein, be transferred to such applicant under the Federal Airport Act.

(6) "Property interest" means the title to or any other interest in land or any easement through or other interest in air space.

(7) "Instrument of transfer" includes a patent, deed, lease or other instrument transferring a property interest.

(c) *Request by Administrator for transfer of property interest.* Each request by the Administrator in behalf of the applicant for the transfer of a property interest in public lands or other federally owned lands under the jurisdiction of the Department of the Interior should be addressed to the Bureau of Land Management, should be in duplicate, and should contain the following:

(1) A copy of the application filed by the requesting public agency with the Administrator.

(2) A description of the land, if surveyed, by legal subdivisions, specifying section, township, and range. Unsurveyed land should be described by metes and bounds with a tie to a corner of the public-land surveys if within two miles; otherwise a tie should be made to some prominent topographic feature and the approximate latitude and longtitude should be given when practicable.

(d) *Action on the request.* (1) The Secretary will determine whether the requested transfer is inconsistent with the needs of the Department or any agency thereof, and if it is not, the covenants, terms and conditions, if any, under which such transfer should be made. Any such conveyance will be made subject to valid existing rights of record, and to those disclosed as a result of posting, publication, or otherwise.

(2) Ordinarily where the lands involved are situated within a national park or monument or within an Indian reservation the transfer will not be authorized.

(e) *Publication and posting.* Before a transfer of fee title to public lands is made, the Bureau of Land Management will require the applicant to publish, at its own expense in a newspaper of general circulation in the county in which the land is situated, a notice stating that a request has been made by the Administrator on behalf of the applicant (giving its name and address) to acquire title to public lands (describing them) under the act, for the purpose of carrying out a project under the act, or for the operation of a public airport, as the case may be, and that the purpose of the notice is to give persons claiming an interest in the land or having bona fide objections to the proposed transfer an opportunity to file within 30 days after the date of the first publication, a protest, together with evidence that the protest has been served on the applicant. If the notice is published in a daily paper, the notice should be published for four consecutive weeks in the Wednesday issue, if a weekly, in four consecutive issues, and if a semi-weekly or tri-weekly, in any of the issues on the same day each week for four consecutive weeks. The notice will also be posted during the entire period of publication in the land office, Bureau of Land Management, for the district in which the lands are situated, or if there is no land office for the State, in the office of the Director, Washington 25, D.C. No transfer will be made until proof of publication and posting of the notice has been filed.

(f) *Special provisions in the instrument of transfer.* Each instrument of transfer made hereunder of fee title or a lesser estate in the lands shall contain: The covenants, terms and conditions requested by the Administrator, as well as those required for the protection of the Department of the Interior or any agency thereof.

(R.S. 2478, sec. 1, 45 Stat. 728, as amended; 43 U.S.C. 1201, 49 U.S.C. 211)

§ 2235.2 Fur farm.

§ 2235.2–1 Authority.

The act of July 3, 1926 (44 Stat. 821, 48 U.S.C. secs. 360, 361), authorizes the Secretary of the Interior to lease public lands on the mainland of or islands in Alaska, with the exception of the Pribilof Islands, for fur farming, for periods not exceeding ten years.

§ 2235.2–2 Policy.

(a) The authority to lease the public lands in Alaska for fur-farming purposes was granted in order to promote the development of the production of furs in Alaska.

(b) No lease for the purpose of raising beavers will be granted on any area already occupied by a beaver colony nor will any such lease be granted on streams or lakes where the activities of beavers may interfere with the run or spawning of salmon.

(c) In order to offer more people an opportunity to lease lands, and to avoid tying up large areas of land unnecessarily, fur-farming leases on public lands will not be granted for areas greater than are justified by the needs and experience of the applicant.

(Sec. 2, 44 Stat. 822; 48 U.S.C. 361)

§ 2235.2–3 Area subject to lease.

(a) *Acreage limitation and exceptions.* (1) On the mainland such leases may be for an area not exceeding 640 acres. A lease may cover an entire island, provided the area thereof does not exceed 30 square miles, and provided the need for such entire island is clearly established. Islands so close together that animals can cross from one to the other, and whose combined area does not exceed 30 square miles, will be treated as one island. Islands having an area of more than 30 square miles will be treated as mainland.

(2) Where a lease is granted for an area in excess of 640 acres on an island, the manager may, after notice to the lessee, reduce the area to an amount not less than 640 acres, if he determines that the lessee cannot reasonably use all of the area for which the lease was granted.

(b) *Lands subject to lease.* (1) Vacant, unreserved, and unappropriated public lands are subject to lease.

(2) Except for lands under the jurisdiction of the Fish and Wildlife Service and the National Park Service, public lands withdrawn or reserved for any purpose are subject to lease, if the department or agency having jurisdiction thereof consents to the issuance of the lease.

(Sec. 2, 44 Stat. 822; 48 U.S.C. 361)

§ 2235.2–4 Procedures; application, form of lease.

(a) *Qualifications of applicants.* Any person who is a citizen of the United States, or any group or association composed of such persons, or any corporation organized under the laws of the United States, or of any State or Territory thereof, authorized to conduct business in Alaska may file an application.

(b) *Contents of application.* An application for lease should be filed in duplicate in the proper land office. No specific form of application is required, but the application should contain or be accompanied by the following:

(1) Applicant's full name, post office address, the general nature of his present business, and the principal place of business.

(2) (i) A statement of the age and of the citizenship status, whether native-born or naturalized, of the applicant, if an individual, or of each partner or member of a partnership or association. A copartnership or an association applicant shall file a copy of whatever written articles of association its members have executed.

(ii) A corporation shall file a certified copy of its articles of incorporation, evidence that it is authorized to transact business in Alaska, and a copy of the corporate minutes or resolutions authorizing the filing of the application and the execution of the lease.

(3) Description of the land for which the lease is desired, by legal subdivision, section, township, and range, if surveyed, and by metes and bounds, with the approximate area, if unsurveyed. The metes and bounds description should be connected by course and distance with some corner of the public-land surveys, if practicable, or with reference to rivers, creeks, mountains, towns, islands, or other prominent topographical points or natural objects or monuments.

(4) A statement as to the applicant's experience in and knowledge of fur farming.

(5) A statement as to the kind of fur-bearing animals to be raised, and, if foxes, the color type; the number of fur-bearing animals the applicant proposes to have on the leased land within one year from the date of the lease, and whether it is proposed to purchase or

trap the stock; and that before commencing operations of any lease which may be issued, the applicant will procure from the appropriate State game agency whatever licenses are required under Alaska law.

(6) A detailed statement of the reasons for the need for any area in excess of 640 acres but not exceeding 30 square miles, when the land applied for is comprised of an island, or islands.

(7) A statement of the nature and results of the investigation made by applicant as to whether the land and climate are suited to raising the kind of animals proposed to be stocked.

(8) A statement as to whether the land is occupied, claimed, or used by natives of Alaska or others; and, if so, the nature of the use and occupancy and the improvements thereon, if any.

(9) If beavers are to be raised, a statement as to whether a beaver colony exists on the land, and whether salmon streams or lakes are on or adjacent to the land proposed to be leased.

(10) A statement that the applicant is acting solely on his own account and not under any agreement or understanding with another.

(11) The serial numbers of all other applications filed or leases obtained under this act by applicant, or applicant's spouse or business associate, or in which applicant has a direct or indirect interest.

(12) The showing as to hot or medicinal springs required by § 2321.1–2(c) of this chapter.

(13) All applications must be accompanied by an application service fee of $10 which will not be returnable.

(c) *Form of lease; rental and royalty; report of annual operations.* (1) Leases will be issued on a form approved by the Director.

(2) Prior to the issuance of a lease and annually thereafter, the lessee shall pay an advance rental of $5 per annum if the lease embraces 10 acres or less, a rental of $25 per annum if the leased area is more than 10 acres but not more than 640 acres, and a rental of $50 per annum if the leased area exceeds 640 acres.

(3) Within 60 days after the end of each lease year the lessee shall file with the land office a report on a form approved by the Director, in duplicate, showing his operations under the lease and his gross receipts thereunder from the sale of live animals and pelts for the preceding lease year. The lessee shall pay, at the time of filing the report, a royalty of 1 percent of such gross receipts deducting therefrom the amount of the advance rental payment made for such preceding lease year.

(Sec. 2, 44 Stat. 822; 48 U.S.C. 361)

§ 2235.2–5 Assignments and subleases.

A proposed assignment on a lease, in whole or in part, or a sublease, must be filed in duplicate with the land office within 90 days from the date of its execution; must contain all of the terms and conditions agreed upon by the parties thereto; and must be supported by a statement that the assignee or sublessee agrees to be bound by the provisions of the lease. The assignee or sublessee must submit with the assignment or sublease the information or statements required by § 2235.2–4(b) (1), (2), (4), (5), (10), and (11). No assignment or sublease will be recognized unless and until approved by the manager.

(Sec. 2, 44 Stat. 822; 48 U.S.C. 361)

§ 2235.2–6 Renewal of leases.

Upon an application filed in the proper land office within 90 days preceding the expiration date of the lease, if it is determined that a renewal lease should be granted, the lessee will be offered such lease by the manager, upon such terms and conditions and for such duration as may be fixed, not exceeding 10 years. The filing of an application for renewal does not confer on the lessee any preference right to a renewal. The timely filing of an application will, however, authorize the exclusive fur-farming use of the lands by the lessee in accordance with the terms of the prior lease pending final action on the renewal application.

(Sec. 2, 44 Stat. 822; 48 U.S.C. 361)

§ 2235.2–7 Commencement of operations; stocking lands.

The lessee shall, within one year from the date of issuance of the lease, commence operations by taking possession of the leased area, and by placing thereon within that period such improvements as may be needed for such operations and as will show good faith, and shall thereafter develop the fur-farming enterprise on the leased area with reasonable diligence. The lessee shall stock the leased area with the minimum of fur-bearing animals required by the lease within the periods specified in the lease.

(Sec. 2, 44 Stat. 822; 48 U.S.C. 361)

§ 2235.2–8 Rights reserved; protection of improvements and roads.

Nothing in this part or any lease issued under this part shall interfere with or prevent:

(a) The prospecting, locating, development, entering, leasing, or patenting of mineral resources in the leased area under laws applicable thereto.

(b) The use and disposal of timber or other resources on or in the leased area under applicable laws.

(c) The use and occupation of parts of leased areas for the taking, preparing, manufacturing, or storing of fish or fish products, or the utilization of the lands for purposes of trade or business, to the extent and in the manner provided by law, and as authorized by the State Director.

(d) The acquisition or granting of rights-of-way or easements under applicable laws and regulations.

(e) Hunting and fishing under applicable Federal and State hunting and fishing laws and regulations, but the authorized officer may prohibit or restrict, or he may authorize the lessee to prohibit or restrict hunting or fishing on such parts of the leased area and for such periods as he may determine to be necessary in order to prevent any substantial interference with the purposes for which the lease is issued.

(Sec. 2, 44 Stat. 822; 48 U.S.C. 361)

§ 2235.2–9 Termination of lease, cancellation.

(a) *Action by manager.* (1) The manager may terminate a lease at the request of the lessee if the lessee shall make satisfactory showing that such termination will not adversely affect the public interest and that he has paid all charges due the Government thereunder.

(2) A lease may be canceled if the lessee shall fail to comply with any of the provisions of this part or of the lease, or shall devote the lease area primarily to any purpose other than the rearing of fur-bearing animals as authorized. No lease will be canceled until the lessee has been formally notified of such default and such default shall continue for 60 days after service of such notice.

(b) *Removal of improvements and personal property.* (1) Improvements or personal property may not be removed from the lands, except fur-bearing animals disposed of in the regular course of business, unless all moneys due the United States under the lease have been paid. The lessee shall be allowed 90 days from the date of expiration or termination of the lease within which to remove his personal property and such improvements as are not disposed of in the manner set forth in subparagraph (2) of this paragraph, which he has a right to remove; if not removed or otherwise disposed of within the said period, such improvements or personal property shall become the property of the United States.

(2) Upon the expiration of the lease or the earlier termination thereof, the manager may, in his discretion and upon a written petition filed by the lessee within 30 days from the date of such expiration or termination, require the subsequent lease applicant, prior to the execution of a new lease, to agree to compensate the lessee for any improvements of a permanent nature that he may have placed upon the leased area for fur-farming purposes during the period of the lease. If the interested parties are unable to reach an agreement as to the amount of compensation, the amount shall be fixed by the manager. All such agreements to be effective, must be approved by the manager. The failure of the subsequent lessee to pay the former lessee in accordance with such agreement will be just cause for cancellation of the lease.

(Sec. 2, 44 Stat. 822; 48 U.S.C. 361)

Subpart 2236—Permits

AUTHORITY: The provisions of this Subpart 2236 issued under R.S. 2478; 43 U.S.C. 1201.

§ 2236.0–2 Objectives.

(a) *Use of lands.* (1) It is the policy of the Secretary of the Interior, in the administration of the public lands within or outside of grazing districts, to permit, where practical, the beneficial use thereof for special purposes not specifically provided for by the existing public land laws. Permits for such special use will not be issued, however, in any case where the

provisions of the existing public land laws may be invoked. For example, they will not be issued to authorize the use of the public lands for home, cabin, camp, health, convalescent, recreational, or business sites for which leases may be issued under the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), or for the development of minerals, or for the securing of rights-of-way obtainable under existing laws, or for any use directly or indirectly relating to grazing.

(2) The contemplated use must not be in conflict with any Federal or State laws.

(3) An applicant must state in his application the use to which he intends to put the lands and he will not be permitted to devote them to any other use, unless he secures an additional permit.

(b) *Advertising displays.* No permit for erection and maintenance of advertising displays on public lands adjacent to the National System of Interstate and Defense Highways (23 U.S.C.) will be issued under the regulations of this part, except in conformity with, and subject to, the national standards prepared and promulgated by the Secretary of Commerce. No permit for erection and maintenance of advertising displays on public lands adjacent to any other highway will be issued under the regulations of this part if the proposed display would not conform with the standards or policies established by the appropriate State or local governmental entities which have authority to establish such standards or policies. Where the authorized officer finds that established standards or policies are insufficient in connection with any application for permit under the regulation of this part adequately to promote the safety, convenience, and enjoyment of public travel, to protect the public investment in the highway or in the adjacent public lands, to preserve for the public significant scenic or other recreational values in the public lands, or otherwise to protect the public interest, he shall establish such additional standards as he may deem appropriate in the circumstances, giving due consideration to the need for directional and other official signs; the desirability of permitting, where alternative sites are not readily available, signs advertising legitimate activities being conducted at a location within a reasonable distance thereof; and the interest of the traveling public in, and its need for, specific types of information.

§ 2236.0–3 Authority.

Authority to issue special land-use permits for public lands within or outside of grazing districts for purposes other than grazing is found in R.S. 453 (43 U.S.C. 2), which provides that the Director, Bureau of Land Management, shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise regarding such public lands.

§ 2236.0–5 Definitions.

(a) The words "advertising displays," as used in the regulations of this part, mean any signs, displays, or devices erected or maintained for outdoor advertising or for outdoor public information purposes, except signs erected and maintained by Federal, State, or local highway authorities within highway rights-of-way.

(b) The word "highway" in the regulations of this part is used in its general sense to include all routes of public surface travel.

§ 2236.0–6 Qualifications of applicants.

Any person, over 21 years of age, who is a citizen of the United States, or who has declared his intention to become a citizen, or any group or association composed of such persons, or any corporation organized under the laws of the United States or of any State or Territory thereof, authorized to conduct business in the State in which the land involved is situated, or any agency of the Federal Government, or any State or political subdivision thereof, may file such application.

§ 2236.0–7 Availability of land.

(a) *Permit area.* A special land-use permit will not be issued for more than 5 acres, except upon a showing of special need, satisfactory to the authorized officer. The land must be vacant public land, or public land withdrawn or reserved under authority of the Secretary of the Interior, surveyed or unsurveyed. If surveyed, the land must be described in the application by legal subdivisions of the public land surveys. The smallest legal subdivision in a quarter-quarter section or fractional lot that will be considered is 2½ acres. Where, however, a fractional lot contains less than 2½ acres, a permit may be issued for the entire lot. If unsurveyed, the land must be described by metes and bounds, with substantial monuments at each corner and with a tie to a nearby corner of the public land surveys, if feasible. If such tie is not feasible, the location must be otherwise identified with certainty, preferably with reference to prominent topographic or cultural features. The land must be taken in rectangular form if at all practicable.

(b) *Land nonsegregated.* A special land-use permit will be subject to valid adverse claims theretofore or thereafter acquired and to the filing of applications and the acquisition of rights by others, as follows:

(1) Applications and selections may be made under nonmineral laws, subject to the revocation of the permit.

(2) The mineral contents in the land shall at all times be subject to prospecting, location, developing, mining, entering, leasing, or patenting under the provisions of the applicable general mining laws or mineral leasing laws.

(3) The special land-use permit shall be subject to any permit issued under the act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433), to explore for objects of antiquity on the public lands.

(4) The special land-use permit shall not restrict the acquisition by grant or permit of rights-of-way under existing laws.

§ 2236.1 Procedures.

§ 2236.1–1 Applications.

(a) *General.* Applications must be executed in duplicate on a form approved by the Director. The application must be filed in accordance with the provisions of § 1821.2 of this chapter. Application for O & C land in Oregon shall be filed in the appropriate district office.

(b) *For advertising displays.* Applications for special land use permits must be executed in duplicate on a form approved by the Director. Each application must contain a sufficient recital of the facts relative to the advertising display, including its size, and lighting effect, if any, to enable its substantial construction from the description. A sketch or photograph showing the display, and a photograph showing the location on which it is to be placed, must be furnished. The application must identify the highway along which it is proposed to erect the display and must give the distance and direction of the site, measured by highway travel to the nearest cities or towns. If the land on which it is desired to place the display has been surveyed, its description must be given in terms of the public land surveys. If the land is unsurveyed, the description must be sufficiently complete to identify its location and boundaries. The application may be filed with the officer in charge of any local office of the Bureau of Land Management having jurisdiction over the lands.

§ 2236.1–2 Fees.

(a) All applications for special land use permits or renewal thereof, where the applicant is an individual, corporation or association, must be accompanied by an application service fee of $10 which will not be returnable. No charges will be made for applications by agencies of the Federal Government, or agencies of the States and political subdivisions thereof.

(b) All applications for special land use permits for erection and maintenance of advertising displays or renewal thereof, where the applicant is an individual, corporation, or association, must be accompanied by an application service fee of $10 which will not be returnable. No charge will be made for applications by agencies of the Federal Government, or agencies of the States and political subdivisions thereof.

§ 2236.2 Permits and renewals.

§ 2236.2–1 Terms; renewal—general.

A special land-use permit may be issued for a period of not exceeding 5 years and will be revocable for any breach of condition thereof. It also will be revocable in the discretion of the authorized officer, at any time, upon notice, if in his judgment the lands should be devoted to another use. Upon the expiration of a permit, if the permittee has complied with the provisions thereof, he will be considered the preferred applicant for a new permit under regulations then in force, provided no superior claim to the land has been asserted in the meantime.

§ 2236.2–2 Special stipulations.

It is found that unusual conditions or the protection of the public interests require the insertion of special stipulations in the permit, the applicant will be advised thereof prior to its issuance.

§ 2236.2–3 Advertising displays.

(a) Special land-use permits to erect and maintain advertising displays on the public lands will be issued on a form approved by the Director, in his discretion, for such period as he may deem reasonable in the circumstances. The permits will be revocable in the discretion of the authorized officer at any time.

(b) A permit may be renewed, in the discretion of the authorized officer, upon the filing of an application for renewal prior to its expiration. Renewal, if granted, will be in the form of a new permit.

§ 2236.3 Rental charges.

§ 2236.3–1 General.

(a) Each permittee will be required to pay to the Bureau of Land Management, in advance, the annual rental fixed by the permit, which shall be based upon the value of the land for the use to which it is to be put. The annual rental may be adjusted from year to year, in the discretion of the authorized officer. In no case, however, will the minimum rental charge be fixed at less than $5 per annum.

(b) Special land-use permits applied for by agencies of the Federal Government and agencies of States and political subdivisions thereof may, in the discretion of the authorized officer, be issued without rental charge.

§ 2236.3–2 Advertising displays.

(a) The annual charges for advertising displays erected and maintained under permit by individuals, associations, and corporations, other than nonprofit organizations, shall be the annual fair rental value of the privilege. The annual charges for advertising displays erected and maintained under permit by State and local governments and their instrumentalities and by nonprofit organizations shall take into consideration the public purposes which the displays would serve. No annual charge will be made for advertising displays erected and maintained under permit by Federal agencies.

(b) The annual charges must be paid in advance for such periods as may be specified by the authorized officer. Where a permit is canceled before its expiration, a proportionate refund of the charges will be made.

§ 2236.3–3 Refund.

No refunds of rentals properly paid will be made because of the revocation of the permit at any time, or because of interference with or prevention of the exercise of the privileges conferred by the permit by mine of prospectors, locators, licensees, permittees, lessee, or patentees or by permittees under the act of June 8, 1936 (34 Stat. 225, 16 U.S.C. 431–498), or by grantees or permittees of rights-of-way under existing laws.

§ 2236.4 Rights of applicants and permittees.

§ 2236.4–1 Occupancy of land prior to permit.

An application for special land-use permit will not entitle the applicant to occupy the land prior to the issuance of a permit. Any occupation of the land prior to the issuance of a permit, or use thereafter except in accordance with the terms of the permit, is hereby prohibited.

§ 2236.4–2 Assignment of permit.

(a) A permittee will not be allowed to assign a permit or any interest therein without the approval of the authorized officer. Proposed assignments must be supported by a statement signed by the assignee agreeing to be bound by the provisions of the permit if the assignment is approved, and a showing that the assignee possesses the qualifications set out in § 2236.0–6.

(b) All applications for assignment of special land use permits must be accompanied by an application service fee of $10 which will not be returnable.

§ 2236.4–3 Timber.

A special land-use permit will not entitle an applicant to cut and remove timber from the land. If he wishes to cut and remove the timber, application therefore must be made in accordance with the governing laws and regulations.

§ 2236.5 Removal of improvements.

The permittee, if all rental charges due the Government have been paid, may remove within such reasonable time as may be allowed by the authorized officer after the revocation or expiration of a permit, all structures which have been placed upon the premises by him or his assignor. If the permittee fails to make payment of the rental charges within 30 days from receipt of notice requiring payment, or upon revocation or expiration of the permit fails to remove the structures within the time required by the authorized officer, the structures will become the property of the United States.

§ 2236.6 Advertising displays.

§ 2236.6–1 Applicability of general regulations.

All the general provisions of the special land-use permit regulations of this part not inconsistent with the special provisions relating to permits for advertising displays are applicable to such permits.

§ 2236.6–2 Advertising displays on public lands without permission unauthorized.

The erection or maintenance on the public lands of advertising displays, without permission, is unauthorized. Any advertising displays erected or maintained on the public lands, except under authority and pursuant to the terms and conditions of a lease, permit, or easement issued by the authorized officer under applicable regulations (see also Part 9 of this title and Subpart 2232 of this chapter) shall be deemed to be in trespass (see Subpart 9239 of this chapter).

§ 2236.6–3 Identification of authorized advertising displays.

Each advertising display erected or maintained under a permit issued pursuant to the regulations of this part, must, for convenient identification, have the serial number of such permit marked or painted thereon.

PART 2240—SALES AND EXCHANGES

Subpart 2241—Alaska Public Sales Act

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Subpart 2241—Alaska Public Sales Act

AUTHORITY: The provisions of this Subpart 2241 issued under sec. 5, 63 Stat. 679; 48 U.S.C. 364e. Additional authority is cited to text in parentheses.

§ 2241.0–2 Objectives.

It is the policy of the Secretary to sell public lands under the act only when the lands will be put to some definite industrial or commercial use within a reasonable time after purchase according to the utilization program declared by the applicant or purchaser pursuant to §§ 2241.1–4 and 2241.5–1.

§ 2241.0–3 Authority.

The sale, at public auction, of tracts not exceeding 160 acres in the aggregate, which have been classified as suitable for industrial or commercial purposes, including construction of housing, is authorized by the act of August 30, 1949.

(Interprets or applies secs. 4, 5, 69 Stat. 444; 48 U.S.C. 462 note)

§ 2241.0–5 Definitions.

When used in this part:

(a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Manager" means manager of the land office for the district in which the land is situated.

(d) "Applicant" or "purchaser" includes an individual, partnership, association of individuals, or a corporation, including municipal corporations.

(e) "The act" means the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679, 48 U.S.C. 364a–364e).

§ 2241.0–7 Lands subject to sale.

(a) Any public lands, in Alaska not within national parks or monuments, national forests, Indian lands, or military

reservations, may be sold under the act, provided such lands shall first have been classified by the authorized officer of the Bureau of Land Management as suitable for disposal for industrial, commercial or housing use. The authorized officer may classify lands under the act either on his own motion or upon application.

(b) Disposal of withdrawn or reserved lands may be made only with the consent of the department or agency for whose use or in whose interest the lands were reserved or withdrawn, or which has administrative jurisdiction over such lands, and subject to the conditions required by such department or agency.

(c) Lands may be classified for disposal as industrial, commercial, or housing sites suitable for one or more types of enterprises, including, but not limited to, the following:

(1) Industrial site for manufacturing, fabricating, processing, or warehouse-storaging.

(2) Commercial site for merchandising, retail and wholesale, including warehouse and distribution centers; fur farms for penned animals; transportation facilities, including terminals, and repair shops.

(3) Housing site for apartments, detached and semi-detached dwellings on a project basis of sufficient size, but not less than five dwelling units, to warrant large-scale development; hotels, recreation resorts, overnight lodges, and motor courts.

§ 2241.1 Procedures.

§ 2241.1–1 Application.

(a) *Contents, execution, fees.* (1) An application to purchase public lands under the Act of August 30, 1949, which have not been classified for disposition under the act, may be filed with the appropriate land office by any qualified individual, association of individuals, or corporations, including municipal and public corporations. Each application must be accompanied by a petition for classification on a form approved by the Director.

(2) The application should be executed and filed in duplicate if the land is surveyed, or in triplicate if the land is unsurveyed. Each application should be for only one tract, reasonably compact in form, containing so much land, not exceeding 160 acres, as is actually required for the contemplated enterprise or project.

(3) Each application must be accompanied by an application service fee of $10 which will not be returnable, except that the application service fee shall be returned to the applicant where the application is allowed and the sale is held but the applicant is not the successful bidder. In such case, the successful bidder will be required to pay the $10 application service fee.

(4) An applicant may file any number of applications, but no award may be made nor may patent issue to any purchaser for land which, with other lands under this act then held by such purchaser, shall exceed 160 acres in the aggregate.

(5) The application should contain in substance the following information:

(i) Name and address of applicant; age; general nature of his business and principal place of business.

(ii) An association is required to file a certified copy of its articles of association and the same showing, including holdings of its members, as required of an individual as specified herein. A corporation is required to file a certified copy of its articles of incorporation and a showing that it is qualified to hold real estate in Alaska.

(iii) Description of the land desired, by legal subdivision, section, township and range, if surveyed, and by metes and bounds with the approximate area, if unsurveyed. The metes and bounds description should be connected by course and distance with some corner of the public land surveys, if practicable, or with reference to rivers, creeks, mountains, towns, islands, or other prominent topographical points or natural objects or monuments. No patent may issue, however, until an official survey is made.

(iv) A brief but complete statement as to the use to which the land will be put, supplemented by the showings required in paragraph (b) of this section.

(v) A statement of the applicant's interests, direct or indirect, whether as a member of an association or stockholder in a corporation or otherwise, in lands covered by purchase certificates or patents issued under the act, with the acreage thereof, identifying the same by land office and serial or by patent number, and a statement that the total amount of such lands then held by the applicant, together with the lands applied for, do not exceed 160 acres in the aggregate.

(6) The application must be signed by the applicant or an attorney in fact; if executed by an attorney in fact it must be accompanied by the power of attorney. Application on behalf of corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto. When a municipal or public corporation is the applicant, the authority of the signing official or officials to act for the corporation must be furnished, evidenced by a certified copy of the resolution of its governing board or body.

(b) *Land utilization statement and plat.* (1) The application must be accompanied by an additional statement executed by the applicant disclosing in detail the proposed use to which the land will be put, containing in substance the following information: Type (whether industrial, commercial, or housing); structures and other improvements to be erected on the land, including size and cost of construction; approximate dates for beginning and completing construction; or, in the case of housing, the number of separate housing units or the number of persons or families for whom accommodations will be provided.

(2) The applicant must also furnish a plat of the area desired for puurchase, showing the proposed location of all structures, roadways, and other improvements and facilities to be erected, in sufficient detail to illustrate the contemplated utilization of the tract and the need for all the acreage for which application is made.

(c) *Effect of application; segregation of land.* (1) Subject to valid prior rights, the filing of an application in conformity with the regulations in this part will segregate the land applied for from application, entry, or settlement under any public-land laws or from mining locations except as provided in § 2241.5–2 pending classification of the land under the act.

(2) Subject to valid prior rights, the authorized officer may, at any time, on his own motion, effect a segregation of land, pending its classification as suitable for disposal under the act by filing with the manager of the land office a notice specifying each tract of land under consideration. The notice shall be effective to segregate the land from further application, entry or settlement under any public-land law, or from mining locations except as provided in § 2241.5–2.

The segregation notice shall be effective for not more than six months from date of filing of the notice in the land office, but the segregation may be extended for not more than an additional six months by the authorized officer, by filing a similar notice as to any or all of such tracts.

(3) An application or a segregation notice shall not prevent the filing of other applications under any public-land law without the initiation of any rights thereunder, pending classification of the land. Upon determination, pursuant to an application or notice, that the land is not suitable for disposal under the act or upon expiration of the segregation period or an extension thereof without classification, the land shall be subject to the public-land laws and pending applications thereunder.

§ 2241.1–2 Classification and appraisals.

(a) The authorized officer, based upon such reports and studies as may be necessary, will make a determination whether the land in the application or segregation notice is suitable for disposal for industrial or commercial purposes; he will also appraise the land at its fair market value.

(b) If the land is withdrawn or reserved on behalf of or is under the administrative jurisdiction of another department or agency, the consent of such department or agency to the disposal of the land must be obtained prior to classification, and such disposal will be subject to any necessary and proper conditions required by the head of the department or agency.

§ 2241.1–3 Notice: publication and posting.

(a) Upon a favorable classification of the land, the authorized officer will have a notice of the sale published, at the expense of the United States, not less than 30 days prior to the date fixed for the sale, in a designated newspaper of general circulation in Alaska. Publication may be made once a week for four consecutive weeks.

(b) The notice will contain the date, hour, and place of the sale; description of the tract or tracts, whether surveyed or unsurveyed; if unsurveyed, a statement that the land must be surveyed at the expense of the purchaser prior to patent, with the estimated cost of survey; type or types of use for which classified; the minimum acceptable bid price which shall be not less than the appraised value if the land is surveyed, or appraised value plus estimated cost of survey if the land is unsurveyed; a list of all reservations to which the land is subject, including reservation to the United States of all minerals in the land; and such other reservations, if any, as may be necessary and proper; where and how bids shall be submitted; and a statement warning all bidders against violation of the provisions of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders.

(c) The manager will post a copy of the notice of sale in the land office during the entire period of publication.

§ 2241.1–4 Bidding and sale.

(a) The land will be offered for sale at public auction at a minimum price of not less than the appraised value, plus the estimated cost of any surveys required to properly describe the land prior to issuance of patent. Bids may be made by the principal or an agent either personally at the sale or by mail, in the manner specified in the notice of sale. Bids sent by mail will be considered only if received at the land office prior to the hour fixed for the sale. The bids must be enclosed in a sealed envelope and must be accompanied by a certified check, cashier's check, or money order payable to the Bureau of Land Management, for one-fifth the amount of the bid. The sealed envelope must be marked in the lower left-hand corner as prescribed in the notice of sale. The sealed envelopes, with the hour and date of receipt in the land office noted thereon, will be opened by the manager only at the time fixed for the sale.

(b) The manager will commence the sale by reading the public announcement thereof and by opening the sealed bids and announcing such bids. He will then receive bids from the persons present.

§ 2241.1–5 Action at close of bidding; declaration of highest bidder.

(a) When all bids from the persons present shall have been received, the manager will, in the usual manner, declare the bidding closed. He will then announce the amount of the highest bid and require the offeror immediately to deposit one-fifth the amount of the bid. In the absence of such payment the manager will at once proceed with the sale, excluding that bid and starting with the next highest bid not withdrawn. In the event the bids of two or more persons sent by mail are the same in amount and are the highest offered, the manager will then and there hold a public drawing, in the manner specified in § 1821.2–3, of this chapter, from among such persons, and the bid of the person whose name is drawn will be accepted by the manager. The remainder of the bid must be paid by the bidder within 30 days after receipt of notice from the manager. When the full amount of the bid is paid, the managers will declare the offeror as the successful bidder, but no certificate of purchase will be issued unless and until the bidder has made satisfactory compliance with § 2241.2–1.

(b) If the remainder of the bid is not paid within the time allowed or the bidder fails to qualify in accordance with § 2241.2–1, the bid will be rejected and the one-fifth deposit will be forfeited; and an authorized officer may offer the land to the party who made the next highest bid, if such bidder is still interested in the purchase. Until the successful bidder has fully complied with § 2241.2–1, the authorized officer may at any time determine, in the public interest, that the land should not be sold, and the applicant or any bidder shall have no contractual or other rights as against the United States, and no action taken shall create any contractual or other obligation of the United States.

§ 2241.2 Certificate of purchase.

§ 2241.2–1 Statements required.

Before a certificate of purchase may issue, the successful bidder must, within 30 days after he shall have been so declared, file in the land office, if he has not already done so:

(a) A statement and evidence of his qualifications and holdings of lands under this act in conformity with § 2241.1–1(a) (1), (2) and (5).

(b) Acceptable showing as to the proposed program of use and development of the land, consistent with the general purpose for which classified, containing in substance the detailed information required by § 2241.1–1(b).

(c) A statement, accompanied by satisfactory proof, that he has the financial means or has made arrangements with an established financial institution to provide the means to carry the development program to completion; also a statement that the bid is not made for or on behalf of any undisclosed principal or other party in interest.

(d) In addition, the bidder may furnish or he may be required to furnish any additional information or showing, or proof of his bona fide intention and of his financial ability to develop the tract for the contemplated use. Any showing as to financial responsibility will, upon request of the bidder, be treated as confidential and not open to public inspection.

§ 2241.2–2 Issuance; rights and limitations; survey.

(a) When the authorized officer is satisfied that the successful bidder is qualified, that he has the intention and financial means to develop and use the land in accordance with the act and his proposed utilization program, the authorized officer will authorize the issuance by the manager of a certificate of purchase on a form approved by the Director, containing the reservations as listed in the published notice of sale.

(b) Upon issuance of the certificate which will be valid for a period of three years from the date of issuance, the purchaser shall have the right, during the three-year period, to enter upon, occupy, use, and make improvements upon the land in accordance with the declared utilization program.

(c) If the land is unsurveyed, the manager will, upon issuance of the certificate of purchase, have a survey made and plats prepared. Upon completion of the survey work, the purchaser will be required to pay any deficiency, or he will be refunded any amount paid in excess of the actual cost of survey.

(d) Timber on the land may not be cut or removed without the prior approval of an authorized officer. Approval will be granted for the removal of only so much of the timber and clearance of so much of the land as is directly necessary to the actual improvement and use of the land in accordance with the utilization program.

§ 2241.3 Assignment; mortgage or loan security.

(a) A certificate of purchase may be assigned in its entirety only. The proposed assignment must be filed in duplicate in the land office within 90 days after its date of execution, for the approval of the manager. The instrument must contain all the terms and conditions agreed upon by the parties thereto, including the consideration paid for the assignment, and must be accompanied by the same showing as to the assignee's qualifications, holding of lands under this act, proposed program for utilizing and developing the land, and financial ability to carry out the declared utilization program, as is required of the successful bidder in accordance with § 2241.2–1. An assignment will not be recognized unless approved by the manager; a patent, if issued, will be in the name of the approved assignee. Subleases are not authorized.

(b) A certificate of purchase may be pledged as security for a loan from a lending agency when the loan is made in furtherance of the purchaser's or certificate holder's land utilization program; the lending agency may ascertain from the manager the status of the land and other pertinent information concerning the certificate of purchase. In case the holder-borrower's improvements or his rights under the purchase certificate are lawfully acquired by the lending agency through foreclosure or otherwise, such agency, or any party who purchases the property or rights from such agency, if qualified in accordance with § 75.30, will, upon application, be recognized in lieu of the previous holder or purchaser and, upon compliance with the terms of the certificate of purchase, may apply for the issuance of a patent. If, in making a sale the lending agency takes back a mortgage on the property, the agency shall be entitled to the same consideration as in the case of the original loan. A lending agency which files proper notice with the manager that it has made a loan and accepted, as security therefor, a certificate of purchase or improvements

(e) Such location duly made will carry all the rights and incidents of mining locations, except that they will give to the locator no title, possessory or otherwise, to the surface or surface resources other than the right to occupy and use so much thereof as is reasonably required for carrying on mining or prospecting, subject to the general regulations of the Secretary of the Interior, and the provisions contained in Group 3400 of this chapter. An application for the issuance of a mineral patent should be noted "Mining claim on land sold under the act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a–364e)." A mineral patent for a mining claim on land so segregated or sold under this act will convey title only to the mineral deposits within the claim and will carry a reference to the act of August 30, 1949.

(f) Any party who obtains the right, whether by license, permit, lease, or location, to prospect for, mine, or remove the minerals after the land shall have been segregated or disposed of under the act, will be required to compensate the holder of the surface rights for any damages that may be caused to the value of the land and to the tangible improvements thereon by such mining operations or prospecting, and may be required by an authorized officer, as to mining claims, or by the terms of the mineral license, permit or lease to post a surety bond not to exceed $20,000 in amount to protect the surface owner against such damage, prior to the commencement of mining operations.

Subpart 2242—Townsites

AUTHORITY: The provision of this Subpart 2242 issued under R.S. 2478; 43 U.S.C. 1201, Interpret or apply R.S. 2380–2389, as amended, 2391–2394, secs. 1, 3, 4, 19 Stat. 392, as amended, sec. 16, 26 Stat. 1101, 28 Stat. 602, 32 Stat. 620; 43 U.S.C. 711–731, except as otherwise noted.

§ 2242.0–3 Authority.

Reservation of public lands for town site purposes. Public lands have been reserved by the President for town site purposes, from time to time, under section 2380 of the Revised Statutes (43 U.S.C. 711). Reservation for such purposes may now be made by public land order, by the Secretary of the Interior, pursuant to Executive Order No. 9337 of April 24, 1943 (3 CFR, 1943 Cum. Supp.). The reservations may be made by the Secretary of the Interior on his own motion, or petitions may be addressed to him requesting the reservations. Such petitions should be filed with the State Director for the area in which the lands are situated. (E.O. 9337 was superseded by E.O. 10355.)

§ 2242.0–6 Qualifications of town-lot purchasers.

Unless otherwise provided by law, every person purchasing a town lot at public or private sale, under any law governing the sale and disposal of town sites on the public domain, will be required to furnish evidence that he is a citizen of the United States or has declared his intention to become such and every corporation purchasing a town lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it is a corporation organized under the laws of the United States or of any State, Territory, or possession thereof and that it is authorized to acquire and hold real estate in the State in which the town site is situated.

§ 2242.0–8 Water rights.

(a) *Water-right application for private land used for town-site purposes.* Where water-right application has been made and accepted for land in private ownership, no new water-right application by any purchaser of part of the irrigable area of such private land will be accepted for land so purchased. If the same is subdivided into lots of such form and area as to indicate a use thereof for town site rather than for agricultural or horticultural purposes. In such case no notation shall be made of such transfer on the original water-right application, but water will be furnished such land on the original application, and the water-right charges collected thereunder as if no such sale or sales had been made.

(b) *Water for town-site areas.* Water for land subdivided into such form and areas as to indicate a use thereof for town site rather than for agricultural or horticultural purposes may be procured for the entire areas so subdivided by contract with the Bureau of Reclamation through the proper representatives of the land owners, as authorized by the Secretary of the Interior under the acts of April 16 and June 27, 1906 (34 Stat. 116, 519; 43 U.S.C. 561, 563, 568).

(c) *Adjustment of water rights.* Where separate water-right applications, otherwise valid, have been accepted for lands subdivided into such form and areas as indicate a use thereof for town site rather than for agricultural and horticultural purposes, such water-right applications and the corresponding subscriptions to the stock of the water users' association may be surrendered and canceled, and water supplied to such lands under the provisions of the acts of April 16 and June 27, 1906, upon such terms and conditions as will return to the "reclamation fund" an amount not less than the charges due under such water-right applications. Similar adjustment by cancellation and new contract may be made where water-right application has been accepted and the land has been subsequently subdivided into tracts of form and area as above.

§ 2242.1 Procedures.

§ 2242.1–1 Survey and appraisal.

(a) *Survey of reserved land into blocks and lots; appraisal thereof.* Town sites reserved under section 2380, Revised Statutes, or under any other law directing their disposition under section 2381, Revised Statutes (43 U.S.C. 712) will be surveyed, when ordered by the Bureau of Land Management, into urban, or urban and suburban, lots and blocks, and thereafter the lots and blocks will be appraised by such disinterested person or persons as may be appointed by the State Director. They will examine each lot to be appraised and determine the fair and just cash value thereof. Improvements on such lots, if any, must not be considered in fixing such value. Lots or blocks reserved for public purposes will not be appraised.

(b) *Schedule of appraisement; disposal of copies thereof.* The schedule of appraisement must be prepared in triplicate on forms furnished by the State Director, and the certificates at the end thereof must be signed by each appraiser, and on being so completed they must be immediately transmitted to said officer.

§ 2242.1–2 Sale.

(a) *Time, place and terms of sale.* A notice of sale will be issued in each case by the authorized officer prescribing the time when, the place where, and the terms under which the lots will be offered.

(b) *Publication in Federal Register; sale to be given other publicity.* Every notice of sale shall be published in the FEDERAL REGISTER and every sale shall be given such other publicity, without cost to the Government, as may be deemed proper by the authorized officer.

(c) *Lot purchase limitation authorized; manner of making bids.* In appropriate cases the authorized officer may limit the number of lots each person may buy. Bids and payments may be made through agents, but not by mail, or at any time or place other than that fixed in the notice of sale.

(d) *Penalty for combinations in restraint of the sale.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or prevent the sale, and all persons so offending will be prosecuted under 18 U.S.C. 1860.

(e) *Reoffering at public sale; private entry.* (1) An offering at public sale may be adjourned or closed, in the discretion of the State Director or other officer conducting the sale. If adjourned, the unsold lots will be held for future disposition at public sale. If closed, the unsold lots will become subject to private entry at the appraised price.

(2) Lots sold at public sale and forfeited because of nonpayment of the purchase price, or for any other reason, will be held for further offering at public sale, unless reentry of the lots at private sale, at a designated price, is authorized by the notice under which the lots are sold.

(3) Lots sold at private sale should be accompanied by an application therefor, signed by the applicant.

§ 2242.2 Town sites platted by or for occupants.

§ 2242.2–1 Town site settlement.

Section 2382 of the Revised Statutes, as amended by the act of August 24, 1954 (68 Stat. 792) and sections 2383, 2384, and 2386 of the Revised Statutes (43 U.S.C. 713–715, 717), authorize the platting of town sites by or for the occupants by town site settlement has been or may be made upon unreserved public lands subject to such settlement. Public lands heretofore withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, or 6964 of February 5, 1935, are not subject to occupation for town site purposes unless first classified for such occupation, pursuant to Subpart 2411.

§ 2242.2–2 Filing required.

(a) *Filing with county recorder of plat, field notes, and statement of improvements.* (1) The occupants, at their own expense, must cause a survey of the land into lots, blocks, streets, and alleys to be made, and the plat and field notes thereof to be filed with the recorder of the county in which the land is situated. The plat must show (i) that the land does not include an area in excess of 640 acres; (ii) that the boundaries of the land are correctly shown and described thereon according to the lines of the public surveys, or if not so surveyed, then that the exterior lines of the townsite survey are tied to a designated, permanent, and thoroughly identified monument; (iii) that the streets, blocks, lots, and alleys, the dimensions of the same, with measurements, courses, and area of each municipal subdivision, and the name of the town, are correctly delineated thereon; and (iv) the exterior lines of all existing railroad rights-of-way and station grounds. The lots shall conform in size to local ordinances or accepted local standards for subdivision platting, or in the absence of such ordinances or standards to standards prescribed by the authorized official of the Bureau of Land Management. The above-required facts should be embodied in the statement of the surveyor entered upon the margin of the plat.

(2) A statement of the extent and general character of the improvements on the land must be filed with the plat and field notes, and over the signature of the party acting for and on behalf of the occupants of the land.

(b) *Filing in land office; in duplicate, of transcript of plat, field notes, and statement.* (1) Within one month after filing such plat, field notes, and statement, a transcript thereof in duplicate, each copy duly verified by the certificate of the county recorder, and accompanied by the statement of the two persons that such town has been established in good faith, and showing the number of inhabitants thereof and when it was so established, shall be filed with the manager of the land office having jurisdiction over the land district in which the town site is located.

(2) All filings made in accordance with this section must be accompanied by a service charge of $5 which will not be returnable.

§ 2242.2–3 Notice to be issued; preemption proofs; public sale of unclaimed lots.

After the town site plat has been approved by the Bureau of Land Management, a notice will be published in the FEDERAL REGISTER stating the conditions under which preemption proofs may be submitted by the lot claimants and the time, place, and conditions for the offering of the unclaimed lots at public sale. This notice should be given such other publicity without cost to the Government as is deemed appropriate.

§ 2242.2–4 Survey.

(a) *Adjustment of town-site survey to township survey.* When the town site is upon land over which the township surveys have not been extended, the State Director will be notified and thereafter, when the township surveys have been extended over the land, the exterior lines of the town site may be adjusted thereto where it can be done without impairing vested rights.

(b) *Survey by Department of the Interior; increase in price of lots.* Refusal or failure to file such transcript, plat, field notes, and statement, with the testimony, as required, within 12 months from the establishment of a town on the public domain, will authorize the Bureau of Land Management to cause a survey and plat to be made thereof, the lots in which shall be disposed at an increase of 50 per centum on the minimum price.

§ 2242.2–5 Minimum price of lots.

The minimum price for all lots is $10 per lot, except in cases where the survey into lots and blocks is made by the Government, in which case the minimum price is $15 per lot.

§ 2242.2–6 Preemption rights.

(a) *Preemption claims, publishing and posting of proof notices.* (1) A preemption right of purchase at the minimum price, at any time before the day fixed for the public sale, of not exceeding two lots, is accorded an actual resident, to secure which he must file in the land office his application therefor, and

therein state the date of settlement, the value and character of his improvements thereon, that he is 21 years of age or over or the head of a family, and that he is a citizen of the United States or has declared his intention to become such. The notice of intention to make proof must be filed by the applicant and the notice for publication must be issued, and posted by the manager, and published at the expense of the applicant once a week for 5 consecutive weeks, in accordance with § 1824.4 of this chapter.

(2) All notices of intention to make proof of preemption claims pursuant to this section must be accompanied by a service charge of $5 which will not be returnable.

(3) Where a husband and wife are joint settlers, and the husband purchases two lots, as stated, the wife may also purchase an "additional lot" upon which she has placed substantial improvements.

(b) *Preemption proof.* Preemption proof may be made before the manager, or any officer duly authorized by law, and must show (i) due publication of the manager's notice, (ii) the claimant's age, (iii) his citizenship, in the manner required by § 1811.1 of this chapter, and (iv) his actual residence upon one lot and substantial improvements on the second lot, if two lots be included in the application. The proof must embrace the testimony of the applicant and of at least two of his advertised witnesses. The purchase price for the lot or lots must be paid when the proof is made. Entry of public lands under other laws, or in other town sites, or ownership of more than 320 acres, will not disqualify an applicant from making such entry. No entry can be made of an improved lot on which the claimant does not reside unless his residence lot is included in the same or a previous entry.

§ 2242.2–7 Conflicts.

(a) *Hearings.* Hearings will be ordered and conducted in accordance with Part 1840 and 1850 of this chapter, where two or more adverse applications are filed for the same lot, or where a sufficient contest affidavit is filed against an application on or before the day fixed for making proof but no purchase money will be collected from the applicants until the final determination of the case, whereupon the successful applicant will be required to pay the purchase price within 30 days from notice thereof.

(b) *Conflicting mineral claims.* Mineral surveys, locations, applications, and entries covering lots in such town sites will not prevent the entry of such lots hereunder and the issuance of patent thereon, but such mineral claims, if held under prior and valid mineral rights, are amply protected by the law from prejudice by the allowance of such town-lot entries and patents, and paramount patents may be issued thereafter to such mineral claimants.

(c) *Lots wholly or partly covered by mineral patents.* Lots wholly covered by outstanding mineral patents are not subject to entry under the town site law, and applications therefor will be rejected. Lots partly covered by mineral patents may be entered at the price fixed for the whole lot, but the certificate and receipt must contain at the end of the description an exception clause as follows: Excepting and excluding the portion of said lot (or lots) embraced in mineral patent (or patents) heretofore issued.

§ 2242.2–8 Forfeiture of preemption right.

All right to preempt and purchase occupied and improved lots for which no entry has been allowed prior to or on the date fixed for the public sale will be forfeited unless a contest be pending thereon, and such lots will be offered for sale together with the unoccupied lots. When notified of the date fixed for the public sale, the manager will refuse to receive or consider any such application for entry where due publication could not be had and proof made thereon prior to the date so fixed for the public sale.

§ 2242.2–9 Conduct of sale; minimum sale price; private entry.

The public sale will be conducted in the form and manner provided for the sale of town lots under § 2242.1–2. No lot shall be sold for less than the minimum price fixed therefor, and such lots as may not be disposed of at public sale shall thereafter be liable to further public sale or to private entry at such minimum, or at such reasonable increase or diminution as the authorized officer may order after at least 3 months' notice thereof, to be published in the FEDERAL REGISTER.

§ 2242.3 Townsites entered by trustees.

§ 2242.3–1 Lands subject to entry.

(a) *Authority.* (1) Public lands settled upon and occupied as a town site are thereby segregated from entry under the agricultural land laws, and may be entered under sections 2387 to 2389, Revised Statutes (43 U.S.C. 718–720), subject to the restrictions contained in sections 2386 and 2391 to 2393, inclusive, Revised Statutes (43 U.S.C. 717, 721–723).

(2) Public land withdrawn by Executive Orders 6910 and 6964 of November 26, 1934 and February 5, 1935, respectively, is not subject to town-site settlement until such settlement has been authorized by classification. (See § 2411).

(b) *Government reservations not subject to entry.* Reservations for the use of the United States Government are not subject to town-site entry.

§ 2242.3–2 Who may make town-site entry.

If the town is incorporated, the entry must be made by the corporate authorities or by the mayor or other principal officer authorized so to do by resolution or ordinance of the town board or city council. If the town is not incorporated, the entry must be made by the judge of the county court upon petition addressed to him therefor, signed by such number of actual occupants of lots therein as may be required by the laws of the State in which the town is situated. Private individuals, organizations, or corporations are not authorized to make such entries.

§ 2242.3–3 Entry must be made in trust.

(a) The entry must be made in trust (1) as to the occupied lots, for the several use and benefit of the occupants thereof according to their respective interests, and (2) as to the unoccupied lots, for the use and benefit of the municipality, the public, or the occupants collectively as a community. Such entries cannot be made for the benefit of one individual, or organization, or corporation, but only for the benefit of the actual inhabitants and occupants of an established town. Prospective town sites can not be so entered.

(b) The execution of the trust as to the disposal of the lots and the proceeds of sales is to be conducted under regulations prescribed by the State laws. Acts of trustees not in accordance with such regulations are void.

§ 2242.3–4 Area that may be entered.

(a) The amount of land that may be entered under sections 2387 to 2389 inclusive of the Revised Statutes (43 U.S.C. 718–720) is proportionate to the number of inhabitants. One hundred and less than 200 inhabitants may enter not to exceed 320 acres; 200 and less than 1,000 inhabitants may enter not to exceed 640 acres; and where the inhabitants number 1,000 and over, an amount not to exceed 1,280 acres may be entered; and for each additional 1,000 inhabitants, not to exceed 5,000 in all, a further amount of 320 acres may be allowed. When the number of inhabitants of a town is less than 100 the town site shall be restricted to the land actually occupied for town purposes, by legal subdivisions.

(b) Entry cannot be made hereunder of a greater quantity of land than 2,580 acres, unless the excess in area is actually settled upon, inhabited, improved, and used for business and municipal purposes.

§ 2242.3–5 Entry of unsurveyed land; special survey therefor.

Unsurveyed public land upon which a town has been established may be entered under sections 2387 to 2389, inclusive, of the Revised Statutes (43 U.S.C. 718–720). In such case a special survey should be procured by application to the State Director therefor, the cost of which survey will be paid out of the available appropriations for public surveys. When the plat of such survey is filed in the land office, application may be made to enter the land described therein.

§ 2242.3–6 Declaratory statements.

(a) *Filing.* Declaratory statements may be filed as the initiatory step for the entry of the land in all cases where the occupants are not ready to apply for entry, and should be so filed in order to protect their rights. The statement should be signed and filed by the officer entitled to make entry under the law, and should show the number of inhabitants, that the land is occupied for trade, business, and other town-site purposes, and the date when first so occupied, and declare the purpose of the occupants to enter it under the town-site laws. It should include only such

lands as the town is entitled to enter by Government subdivisions where surveyed, and if not surveyed the land should be described so it may be easily identified.

(b) *Proof; posting and publication of proof notice.* The notice of intention to make proof must be filed and the notice for publication must be issued, published, and posted at the applicant's expense as in ordinary cases, and in manner and form and for the time provided in the act of March 3, 1879 (20 Stat. 472; 43 U.S.C. 251). The notice must be published once a week for five consecutive weeks in accordance with § 1824.4 of this chapter. The proof may be made before the manager or any officer duly authorized by law, and must show, by record or documentary evidence, where such evidence is usually required, and where not so required, by the testimony of at least two of the advertised witnesses, (1) due publication of the manager's notice; (2) if an incorporated town, proof of incorporation, which should be a certified copy of the order of incorporation, or, if by legislative enactment, a citation to such act; (3) certified record evidence of the election, qualification, and the authority of the officer making entry; (4) the number of town-site occupants and claimants on each occupied Government subdivision; (5) the number of inhabitants in the town site; (6) the character, extent, and value of town-site improvements located on each Government subdivision; and (7) the date when the land was first used for town-site purposes.

§ 2242.3–7 Existing rights.

(a) *Conflicting mineral claims.* (1) Under sections 2386 and 2392 of the Revised Statutes (43 U.S.C. 717, 722), and section 16 of the act of March 3, 1891 (26 Stat. 1101; 43 U.S.C. 728), the title to lands acquired under sections 2387 to 2389, inclusive, of the Revised Statutes (43 U.S.C. 718–720) will be subject to all valid prior rights to unpatented mining claims or possessions held under existing law, and paramount patents may be issued thereafter to such mineral claimants, notwithstanding the prior town-site patent.

(2) All lands covered by patented minerals claims must be omitted from town-site entries. Government subdivisions of land, made fractional by the omission of such patented claims, will be designated by lot numbers on segregation diagram prepared by the State Director.

(b) *Prior use and occupation of land as mill site.* The continued use and occupation within a town site of a duly located mill-site claim under section 2337, Revised Statutes (30 U.S.C. 42), from a time prior to a settlement and occupation thereof for town-site purposes, will defeat the rights of the claimant under the town-site laws to any part of the land within such mill site.

(c) *Railroad rights-of-way.* Railroad rights-of-way and station grounds, when approved by the Department of the Interior, are subject to all valid rights existing at the date of filing the application for such rights-of-way or station grounds.

§ 2242.3–8 Change in method of entering town site.

Where proceedings have been had for the entry of lots under sections 2382 to 2386, inclusive, of the Revised Statutes (43 U.S.C. 713–717) but no patent has issued thereunder, the occupants may avail themselves, if the town authorities choose to do so, of the provisions of said sections 2387 to 2389, Revised Statutes (43 U.S.C. 718–720) and make proof and entry thereunder: *Provided, however,* That in addition to the minimum price for the land applied for there shall be paid, before patent issues therefor, by the parties applying for such change of entry, all costs of surveying and platting such town site and expenses incident thereto incurred by the Government under the provisions of said sections 2382 to 2386. On application to the Bureau of Land Management the applicants will be informed of the amount of said expense to be paid in excess of the purchase price of the land, in order to effectuate such change of entry.

§ 2242.3–9 Additional entries of contiguous tracts.

Where town-site entry has been or may be made, under the provisions of sections 2387 to 2393 of the Revised Statutes (43 U.S.C. 718–723), additional entries may be made, under the provisions of section 4 of the act approved March 3, 1877 (19 Stat. 392; 43 U.S.C. 727), of such contiguous tracts as may be occupied for town-site purposes, but such additional entry shall not, together with all prior entries made for such town site, be in excess of the area to which the town may be entitled at date of the additional entry by virtue of its population as prescribed in section 2389, Revised Statutes: *Provided, however,* That such area shall not exceed 2,560 acres. Such additional entries will be made in the same manner and under the same regulations as are provided for entries under said sections 2387 to 2393, inclusive.

§ 2242.4 Reclamation projects.

§ 2242.4–1 Withdrawal and survey of land.

The Commissioner of Reclamation, with the concurrence of the Bureau of Land Management, may withdraw and reserve such lands for town site purposes, under the acts of April 16 and June 27, 1906 (34 Stat. 116, 519; 43 U.S.C. 434, 448, 561–563, 568, 594), as they may deem advisable. The Commissioner of Reclamation shall, when in his judgment the public interests require it, from time to time, cause not less than a legal subdivision, according to the official township surveys, of the lands so reserved to be surveyed into town lots, with appropriate reservations for public purposes. The plats and field notes of such surveys shall be prepared in triplicate for each town site, and shall be submitted for the approval of the Director, Bureau of Land Management.

§ 2242.4–2 Procedure governing appraisement and sale.

The Commissioner of Reclamation shall from time to time, with the concurrence of the appropriate officer of the Bureau of Land Management, authorize the appraisement and sale of lots in reclamation town sites. Notices of sale will be issued and other actions taken by those officers in accordance with the town site regulations contained in §§ 2242.0–3 and 2242.1.

§ 2242.4–3 Installment payments.

Under authority of section 2 of the act of June 11, 1910 (36 Stat. 466; 43 U.S.C. 565), the order for sale may authorize the payment of the purchase price of lots, sold in town sites created under the laws in said act mentioned, to be made in annual installments.

§ 2242.4–4 Reappraisement and sale of unsold lots.

The Commissioner of Reclamation, with the concurrence of the authorized officer of the Bureau of Land Management, may direct that unsold lots shall be reappraised under the first section of the said act of June 11, 1910 (36 Stat. 465; 43 U.S.C. 564). The lots to be reappraised will not, from the date of the order therefor, be subject to disposal until offered at public sale at the reappraised value.

§ 2242.4–5 Public reserves; patents therefor.

The public reservations in each town shall be improved and maintained by the town authorities at the expense of the town; and upon the organization thereof as a municipal corporation, said reservations shall be conveyed to such corporation in its corporate name, subject to the condition that they shall be used forever for public purposes. To secure such conveyances, the municipality shall apply through its proper officer for a patent to such reservations, and furnish proof in manner, form, and substance as required in § 2242.6–1.

§ 2242.5 Grant of lands in reclamation town sites for school purposes.

§ 2242.5–1 Application to be made by school district; action thereon.

(a) At any time after the approval of the survey of any Government reclamation town site and the subdivision thereof into town lots, with appropriate reservations for public purposes, a school district, in order to obtain title under the act of October 31, 1919 (41 Stat. 326; 43 U.S.C. 570), should file through its proper officers, its application for patent to the unreserved, unappropriated, undisposed of lands it may desire, not exceeding 6 acres in area, therein, specifically describing the same by lot and block numbers, as delineated and designated on the approved town-site plat; submit sufficient and satisfactory reasons showing that the area applied for is needed for its use; that the land is unappropriated and subject to disposition under the act, in order that the Department of the Interior may be fully advised that there is no adverse claim for the land applied for; and therewith furnish the certificate of the superintendent of public instruction, or other officer performing such function, having jurisdiction over the county in which the town site is situate, showing that the district is a duly organized district under the laws of the State and en-

(b) Under said general town-site laws, as construed by the Department of the Interior and the courts, an entry including unpatented mineral lands may be made for an incorporated town as well as for an unincorporated town, the law requiring that in the former case the entry shall be made by the corporate authorities, and in the latter by the county judge (34 L.D. 24). While such general right of entry by or for incorporated towns and cities is therefore independent of anything contained in section 16 of the act of March 3, 1891 (26 Stat. 1101; 43 U.S.C. 728), it will be seen that that section in terms announces the right to enter mineral lands. The protection afforded to mineral claims by the body of section 16 is similar to that given generally in said sections 2386 and 2392, Revised Statutes, but the proviso to section 16 is as follows:

Provided, That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant.

(c) The Department of the Interior has never viewed said proviso as warranting, under any circumstances, the allowance of entry for a mineral vein independently of "the surface ground appertaining thereto," nor is such an entry provided for in the general mining laws. But said proviso creates one distinction between unincorporated and incorporated towns as regards the relative rights of town-site occupants and mineral claimants; which is, that whereas the town-site patent will, in either case, carry absolute title to any mineral not known to exist at the date of town-site entry, the adverse rights of mineral and town-lot claimants within incorporated towns are hinged upon priority of initiation. That is to say, that after entry is made for such town, no entry by a mineral-vein applicant will be allowed for any land owned and occupied under the town-site law by a party whose possession antedated the inception of the mineral applicant's claim, even though such land was known, at date of the town-site entry, to contain valuable minerals.

(d) Subject to the distinction above noted, the foregoing principles apply to all mineral claims within town sites entered or disposed of under any of the

titled to hold real estate in its corporate name.

(b) The applicant must also procure and file with the application, at the time of the filing of the same or as early as practicable after the filing of such application, a statement by the official having charge of the project in which the land is located, showing that the disposal of the land applied for will not in any manner interfere with said project, such statement having been previously approved by the Commissioner of Reclamation.

(c) There is no limit to the number of applications which may be filed by a qualified school district, the only limitation being that the total acreage which may be patented to such a district shall not exceed 6 acres in area within any Government reclamation town site situated within such school district. Whenever, therefore, more than one application is filed by the same applicant, such applicant should refer by serial number, to all previous applications filed by it.

(d) The application and proof must be filed in the land office wherein the land applied for is situate, and if the manager thereof finds the same sufficient and if the Bureau of Reclamation makes favorable report upon the said application, the manager will issue certificate of entry, the same to provide that if any land so conveyed cease entirely to be used for school purposes title thereto shall revert to and revest in the United States.

§ 2242.6 Public reserves in Oklahoma town sites.

§ 2242.6–1 Applications for patents on behalf of the municipalities.

Applications for patents to the tracts reserved for public purposes, in all towns in Oklahoma created under section 22 of the act of May 2, 1890 (26 Stat. 91; 43 U.S.C. 1094), or under any other act where tracts have been reserved for such purposes under said secton 22, may be filed on behalf of the municipalities whose corporate limits cover the land in which such reservations are situated. The application should be made by the mayor or other proper municipal officer and describe the reservations to be patented according to the approved plats of said town site, and the same should be accompanied with the proof of the municipal organization of the town, similar to that above provided for the disposition of the proceeds derived from the commutation of homestead entries for town-site purposes under said section 22, and proof must also be filed therewith of the authority of the officer filing the application to make the same with the proper record evidence of his election and qualification as such officer. The application and proof must be filed in the Bureau of Land Management and if the same is found sufficient, the certificate of entry will issue in the form provided therefor.

§ 2242.6–2 Disposal of unpatented public reserves in vacated town sites.

Under the act approved May 11, 1896 (29 Stat. 116; 43 U.S.C. 1119), where a town site or an addition to a town site in a homestead commuted to a town-site entry under the second proviso of section 22 of the act approved May 2, 1890 (26 Stat. 91; 43 U.S.C. 1094), has been vacated under the laws of Oklahoma and patents for the public reservations therein have not been issued, such reservations will be disposed of in the following manner:

(a) Application for a patent to such reservations may be filed by the original entryman within 6 months from the vacation of the town site, and proof must be filed by him, with the Bureau of Land Management of the due vacation of such town site in accordance with the requirements of the laws of Oklahoma, which proof must consist of a copy of the record evidence of such vacation, duly certified. Such proof must also be accompanied with evidence that the corporate authorities of the municipality, if one be organized, in which the reservations were situated prior to such vacation, have been personally served 30 days prior to making such proof with notice of the application and of the date the proof will be made. If the proof be found sufficient the entry will be allowed for the reservations as described in the town-site plat upon receipt of the payment of the homestead price. If the municipality is represented at the time of making proof, it may be heard in opposition to the application and decision be rendered thereon subject to appeal as in other cases.

(b) In case of the failure of the original entryman to apply for patent to such reservations within 6 months from the vacation of such town site, or in case such reserves have been patented to the municipality and it has ceased to exist by reason of such vacation, the reservations will be disposed of as isolated tracts under the provisions of section 2455, Revised Statutes (43 U.S.C. 1171), and the acts amendatory thereof, and the regulations issued thereunder.

§ 2242.6–3 Disposal of patented public reserves in vacated town sites.

Reservations may be sold by an existing municipal corporation, upon the vacation of the town site, where patent has been issued to such municipality therefor, the proceeds of such sale to be covered into the school fund of such corporation. (City of Enid, 30 L.D. 352.)

§ 2242.7 Town sites on mineral lands.

§ 2242.7–1 Rights of mineral claimant; exclusion of mineral claim or mill site from town-site entry.

(a) The general town-site laws, comprised in sections 2380 to 2394, Revised Statutes (43 U.S.C. 711–724), authorize the entry of town sites, or the sale of lots therein, upon public lands which may include unpatented mineral claims, but the rights of mineral claimants upon any land entered or sold under said town-site laws are expressly protected by sections 2386 and 2392, Revised Statutes (43 U.S.C. 717, 722). These two sections recognize the superior rights, as against any town-site claimant—whether corporate, community, or individual—of all claimants for mineral veins possessed agreeably to local custom, or for any valid mining claim or possession held under existing law. The precedence and superiority so accorded to mineral claims, however, depend in final analysis upon the question of fact whether, at date of town-site entry or lot sale, the lands claimed under the mining laws were "known to contain minerals of such extent and value as to justify expenditures for the purpose of extracting them" (39 L.D. 356). Where an affirmative showing in such behalf is made in due course by the mineral claimant, his right to a patent for the land (subject to the distinction hereinafter noted as to incorporated towns), will not be prejudiced by any previous town-site entry, deed, or patent covering the same land (26 L.D. 144; 29 L.D. 426; 32 L.D. 211; 34 L.D. 276 and 596).

laws above mentioned, and also to mineral claims within town sites disposable under special acts containing no reference to the rights of mining claimants.

(e) The law does not require that town-site entries shall exclude any mineral claim or possession except such as may have been patented (29 L.D. 21). Mineral claims which have not been patented may be excluded from a town-site entry at the option of the town-site applicant, who must, in that event, furnish satisfactory proof that the exclusion covers a "valid mining claim or possession held under existing law" (33 L.D. 542). The exclusion of a mill-site claim from a town-site entry is necessary only in cases where the mill-site claimant shall have been in occupation of the ground, under regular location, from a time antedating its occupation for town-site purposes. The issue of priority in such cases may be raised by the town-site applicant, the mill-site claimant, or the Government.

§ 2242.8 Rights of transferees of town lots.

§ 2242.8–1 Patent to issue in name of original purchaser.

The purchaser of a town lot, which is sold on the installment plan, may transfer his equitable interest in the lot, prior to the payment of the last installment of the purchase price, but the Government will not recognize anyone but the original purchaser and will issue all necessary papers and also the patent in his name. By such course, the Government is relieved of all unnecessary responsibility and the patent, when issued, inures to the benefit of the transferee.

§ 2242.9 Alaska.

§ 2242.9–1 Authority.

(a) Town sites in Alaska may be reserved by the President and sold as provided for in sections 2380 and 2381 of the Revised Statutes; 43 U.S.C. 711, 712. The regulations governing these town sites are contained in §§ 2242.0 and 2242.1.

(b) The entry of public lands in Alaska for town site purposes, by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, is authorized by section 11 of the act of March 3, 1891.

(Sec. 11, 26 Stat. 1099; 48 U.S.C. 355)

§ 2242.9–2 Townsites entered by trustee.

(a) *Survey of exterior lines; exclusions from town site survey.* If the land is unsurveyed the occupants must by application to the State Director, obtain a survey of the exterior lines of the town site which will be made at Government expense. There must be excluded from the tract to be surveyed and entered for the town site any lands set aside by the district court under section 31 of the act of June 6, 1900 (31 Stat. 332; 48 U.S.C. 40), for use as jail and courthouse sites, also all lands needed for Government purposes or use, together with any existing valid claim initiated under Russian rule.

(b) *Petition for trustee and for survey of lands into lots, blocks, etc.* When the survey of the exterior lines has been approved, or if the town site is on surveyed land, a petition, signed by a majority of occupants of the land, will be filed in the land office requesting the appointment of trustee and the survey of the town site into lots, blocks, and municipal reservations for public use, the expense thereof to be paid from assessments upon the lots, as provided in paragraph (h) of this section.

(c) *Designation of trustee; payment required: area enterable.* If the petition be found sufficient, the Secretary of the Interior will designate a trustee to make entry of the town site, payment for which must be made at the rate of $1.25 per acre. If there are less than 100 inhabitants the area of the town site is limited to 160 acres; if 100 and less than 200, to 320 acres; if more than 200, to 640 acres, this being the maximum area allowed by the statute.

(d) *Filing of application; publication and posting; submission of proof.* (1) The trustee will file his application and notice of intention to make proof, and thereupon the manager will issue the usual notice of making proof, to be posted and published at the trustee's expense, for the time and in the manner as in other cases provided, and proof must be made showing occupancy of the tract, number of inhabitants thereon, character of the land, extent, value, and character of improvements, and that the town site does not contain any land occupied by the United States for school or other purposes or land occupied under any existing valid claim initated under Russian rule.

(2) The trustee's application shall be accompanied by $10 application service fee which shall not be returnable.

(e) *Expense money to be advanced by lot occupants.* The occupants will advance a sufficient amount of money to pay for the land and the expenses incident to the entry to be refunded to them when realized from lot assessments.

(f) *Contests and protests.* Applications for entry will be subject to contest or protests as in other cases.

(g) *Subdivision of land and payment therefore.* After the entry is made, the town site will be subdivided by the United States into blocks, lots, streets, alleys, and municipal public reservations. The expense of such survey will be paid from the appropriation for surveys in Alaska reimbursable from the lot assessments collected.

(h) *Lot assessments.* The trustee will assess against each lot, according to area, its share of the cost of the subdivisional survey. The trustee will make a valuation of each occupied or improved lot in the town site and assess upon such lots, according to their value, such rate and sum in addition to the cost of their share of the survey as will be necessary to pay all other expenses incident to the execution of his trust which have accrued up to the time of such levy. More than one assessment may be made if necessary to effect the purpose of the act of March 3, 1891, and this section.

(i) *Award and disposition of lots after subdivisional survey.* On the acceptance of the plat by the Bureau of Land Management, the trustee will publish a notice that he will, at the end of 30 days from the date thereof, proceed to award the lots applied for, and that all lots for which no applications are filed within 120 days from the date of said notice will be subject to disposition to the highest bidder at public sale. Only those who were occupants of lots or entitled to such occupancy at the date of the approval of final subdivisional town site survey or their assigns thereafter, are entitled to the allotments herein provided. Minority and coverture are not disabilities.

(j) *Applications for deeds.* Claimants should file their applications for deeds, setting forth the grounds of their claims for each lot applied for, which should be corroborated by two witnesses.

(k) *Issuance of deeds; procedure on conflicting applications.* (1) Upon receipt of the patent and payment of the assessments the trustee will issue deeds for the lots. The deeds will be acknowledged before an officer duly authorized to take acknowledgements of deeds at the cost of the grantee. In case of conflicting applications for lots, the trustee, if he considers it necessary, may order a hearing to be conducted in accordance with the Part 1850 of this chapter.

(2) No deed will be issued for any lot involved in a contest until the case has been finally closd. Appeals from any decision of the trustee or from decisions of the Bureau of Land Management may be taken in the manner provided by Part 1840 of this chapter.

(l) *Public sale of unclaimed lots.* After deeds have been issued to the parties entitled thereto the trustee will publish or post notice that he will sell, at a designated place in the town and at a time named, to be not less than 30 days from date, at public outcry, for cash, to the highest bidder, all lots and tracts remaining unoccupied and unclaimed at the date of the approval of final subdivisional town-site survey, and all lots and tracts claimed and awarded on which the assessments have not been paid at the date of such sale. The notice shall contain a description of the lots and tracts to be sold, made in two separate lists, one containing the lots and tracts unclaimed at the date of the approval of final subdivisional town-site survey and the other the lots and tracts claimed and awarded on which the assessments have not been paid. Should any delinquent allottee, prior to the sale of the lot claimed by him, pay the assessments thereon, together with the pro rata cost of the publication and the cost of acknowledging deed, a deed will be issued to him for such lot, and the lot will not be offered at public sale. Where notice by publication is deemed advisable the notice will be published once a week for 5 consecutive weeks in accordance with § 1824.4 of this chapter prior to the date of sale, and in any event copies of such notice shall be posted in three conspicuous places within the town site. Each lot must be sold at a fair price, to be determined by the trustee, and he is authorized to reject any and all bids. Lots remaining unsold at the close of the public sale in an unincorporated town may again be offered at a fair price if a sufficient demand appears therefor.

(m) *Sales to Federal, State and local governmental agencies.* (1) Any lot or tract in the townsite which is subject to sale to the highest bidder by the trustee pursuant to this section may in lieu of disposition at public sale be sold by the trustee at a fair value to be fixed by him to any Federal or State agency or instrumentality or to any local governmental agency or instrumentality of the State for use for public purposes.

(2) All conveyances under this section shall be subject to such conditions, limitations, or stipulations as the trustee shall determine are necessary or appropriate in the circumstances, including, where he deems proper, a provision for reversion of title to the trustee or his successor in interest. Any such provision for reversion of title, however, shall by its terms cease to be in effect 25 years after the conveyance.

(3) Conveyances under this section for lands within any incorporated city, town, village, or municipality may be made only after the proposed conveyance has received the approval of the city, town, or village council, or of the local official designated by such council. Such conveyances for lands within any unincorporated city, town, village or municipality may be made only after notice of the proposed conveyance, together with the opportunity to be heard, has been given by the proposed grantee to the residents or occupants thereof in accordance with the requirements for such notice in the case of the public sale of unclaimed lots in a trustee townsite. Any decision of the trustee which is adverse to a protest will be subject to the right of appeal under Part 1840 of this chapter. Upon filing of an appeal pursuant to that Part, action by the trustee on the conveyance will be suspended pending final decision on the appeal.

(n) *Rights - of - way.* (1) Notwithstanding any other provisions of this part, the trustee is authorized to grant rights-of-way for public purposes across any unentered lands within the townsite. This authority is expressly limited to grants of rights-of-way to cities, towns, villages, and municipalities, and to school, utility, and other types of improvement districts, and to persons, associations, companies, and corporations engaged in furnishing utility services to the general public, and to the United States, any Federal or State agency or instrumentality for use for public purposes.

(2) The trustee may in his discretion fix a reasonable charge for any grant under this authority to private persons, associations, companies and corporations, and to Federal and State agencies and instrumentalities, which charge shall be a lump sum. All grants shall be subject to such conditions, limitations, or stipulations as the trustee shall determine are necessary or appropriate in the circumstances. No grants of rights-of-way under this authority shall be made across or upon lands on which prior rights of occupancy or entry have vested under the law.

(3) Grants of rights-of-way under this section to Federal and State agencies and instrumentalities to private persons, associations, companies, or corporations affecting lands within any incorporated city, town, village, or municipality, may be made only after the proposed grant has received the approval of the city, town, or village council, or, where applicable, the municipal board or commission having authority under state law to approve rights-of-way for local public utility purposes. Grants of such rights-of-way to Federal and state agencies and instrumentalities and to private persons, associations, companies, or corporations within unincorporated cities, towns, villages, or municipalities may be made only after notice of the proposed grant, together with the opportunity to be heard, has been given by the proposed grantee to the residents or occupants thereof in accordance with the requirements for such notice in the case of the public sale of unclaimed lots in a trustee townsite. Any decision by the trustee which is adverse to a protest will be subject to the right of appeal under Part 1840 of this chapter. Upon the filing of an appeal, action by the trustee on the application for right-of-way will be suspended pending final decision on the appeal.

(o) *Final report of trustee; disposition of unexpended moneys and unsold lots.* After the disposal of a sufficient number of lots to pay all expenses incident to the execution of the trust, including the cost of the subdivisional survey, the trustee will make and transmit to the Bureau of Land Management his final report of his trusteeship, showing all amounts received and paid out and the balance remaining on hand derived from assessments upon the lots and from the public sale. The proceeds derived from such sources, after deducting all expenses, may be used by the trustee on direction of the Secretary of the Interior, where the town is unincorporated, in making public improvements, or, if the town is incorporated such remaining proceeds may be turned over to the municipality for the use and benefit thereof. After the public sale and upon proof of the incorporation of the town, all lots then remaining unsold will be deeded to the municipality, and all municipal public reserves will, by a separate deed, be conveyed to the municipality in trust for the public purposes for which they were reserved.

(p) *Records to be kept by trustee.* The trustee shall keep a tract book of the lots and blocks, a record of the deeds issued, a contest docket, and a book of receipts and disbursements.

(q) *Disposition of records on completion of trust.* The trustee's duties having been completed, the books of accounts of all his receipts and expenditures, together with a record of his proceedings as provided in paragraph (p) of this section with all papers, other books, and everything pertaining to such town site in his possession and all evidence of his official acts shall be transmitted to the Bureau of Land Management to become a part of the records thereof, excepting from such papers, however, in case the town is incorporated, the subdivisional plat of the town site, which he will deliver to the municipal authorities of the town, together with a copy of the town site tract book or books, taking a receipt therefor to be transmitted to the Bureau of Land Management.

(Sec. 11, 26 Stat. 1099; 48 U.S.C. 355)

§ 2242.9–3 Indian possessions in trustee towns; native towns.

(a) *Authority.* The act of May 25, 1926, (44 Stat. 629; 48 U.S.C. 355a–355d) provides for the town-site survey and disposition of public lands set apart or reserved for the benefit of Indian or Eskimo occupants in trustee town-sites in Alaska and for the survey and disposal of the lands occupied as native towns or villages. The act of February 26, 1948 (62 Stat. 35; 48 U.S.C. 355e), provides for the issuance of an unrestricted deed to any competent native for a tract of land claimed and occupied by him within any such trustee town-site.

(b) *Administration of Indian possessions in trustee towns.* As to Indian possessions in trustee town-sites in Alaska established under authority of section 11 of the act of March 3, 1891 (26 Stat. 1009; 48 U.S.C. 355), and for which the town-site trustee has closed his accounts and been discharged as trustee, and as to such possessions in other trustee town-sites in Alaska, such person as may be designated by the Secretary of the Interior will perform all necessary acts and administer the necessary trusts in connection with the act of May 25, 1926.

(c) *Application for restricted deed.* A native Indian or Eskimo of Alaska who occupies and claims a tract of land in a trustee town-site and who desires to obtain a restricted deed for such tract should file application therefor on a form approved by the Director, with the town-site trustee.

(d) *Administation of native towns.* The trustee for any and all native towns in Alaska which may be established and surveyed under authority of section 3 of the said act of May 25, 1926 (44 Stat. 630; 48 U.S.C. 355c), will take such action as may be necessary to accomplish the objects sought to be accomplished by that section.

(e) *No payment, publication or proof required on entry for native towns.* In connection with the entry of lands as a native town or village under section 3 of the said act of May 25, 1926, no payment need be made as purchase money or as fees, and the publication and proof which are ordinarily required in connection with trustee town-sites will not be required.

(f) *Native towns occupied partly by white occupants.* Native towns which are occupied partly by white lot occupants will be surveyed and disposed of under the provisions of both the act of March 3, 1891 (26 Stat. 1095, 1099), and the act of May 25, 1926 (44 Stat. 629).

(g) *Provisions to be inserted in restricted deeds.* The town site trustee will note a proper reference to the act of May 25, 1926, on each deed which is issued under authority of that act and each such deed shall provide that the title conveyed is inalienable except upon approval of the Secretary of the Interior or his authorized representative, and that the issuance of the restricted deed does not subject the tract to taxation, to levy and sale in satisfaction of the debts, contracts or liabilities of the transferee, or to any claims of adverse occupancy or law of prescription; also, if the established streets and alleys of the town site have been extended upon and across the tract, that there is reserved to the town site the area covered by such streets and alleys as extended. The deed shall further provide that the approval by the Secretary of the Interior or his authorized representative of a sale by the Indian or Eskimo transferee shall vest in the purchaser a complete and unrestricted title from the date of such approval.

(h) *Sale of land for which restricted deed was issued.* When a native possessing a restricted deed for land in a trustee town site, issued under authority of the act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a–355d), desires to sell the land, he should execute a deed on a form approved by the Director, prepared for the approval of the Secretary of the Interior, or his authorized representative, and send it to the town-site trustee in Alaska. The town-site trustee will forward the deed to the Area Director of the Bureau of Indian Affairs who will determine whether it should be approved. Where the deed is approved it shall be returned by the Area Director, Bureau of Indian Affairs, through the town-site trustee to the vendor. In the event the Area Director determines that the deed shall not be approved, he shall so inform the native possessing the restricted deed, who shall have a right of appeal from such finding or decision to the Commissioner of Indian Affairs within sixty days from the date of notification of such finding or decision. The appeal shall be filed with the Area Director. Should the Commissioner uphold the decision of the Area Director, he shall notify the applicant of such action, informing him of his right of appeal to the Secretary of the Interior.

(i) *Application for unrestricted deed.* Any Alaska native who claims and occupies a tract of land in a trustee town site is the owner of land under a restricted deed issued under the act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a–355e) may file an application for an unrestricted deed pursuant to the act of February 26, 1948 (62 Stat. 35; 48 U.S.C. 355e), with the town-site trustee. The application must be in writing and must contain a description of the land claimed and information regarding the competency of the applicant. It must also contain evidence substantiating the claim and occupancy of the applicant, except when the applicant has been issued a restricted deed for the land. A duplicate copy of the application must be submitted by the applicant to the Area Director of the Bureau of Indian Affairs.

(j) *Determination of competency or noncompetency; issuance of unrestricted deed.* (1) Upon a determination by the Bureau of Indian Affairs that the applicant is competent to manage his own affairs, and in the absence of any conflict or other valid objection, the town-site trustee will issue an unrestricted deed to the applicant. Thereafter all restrictions as to sale, encumbrance, or taxation of the land applied for shall be removed, but the said land shall not be liable to the satisfaction of any debt, except obligations owed to the Federal Government, contracted prior to the issuance of such deed. Any adverse action under this section by the town-site trustee shall be subject to a right of appeal to the Director, Bureau of Land Management, and to the Secretary of the Interior, in accordance with Part 1840 of this chapter.

(2) In the event the Area Director determines that the applicant is not competent to manage his own affairs, he shall so inform the applicant, and such applicant shall have a right of appeal from such finding or decision to the Commissioner of Indian Affairs, within 60 days from the date of notification of such finding or decision. The appeal shall be filed with the Area Director. Should the Commissioner uphold the decision of the Area Director, he shall notify the applicant of such action, informing him of his right of appeal to the Secretary of the Interior.

(3) Except as provided in this section, the town-site trustee shall not issue other than restricted deeds to Indian or other Alaska natives.

(44 Stat. 630; 48 U.S.C. 355d. Interpret or apply 44 Stat. 629, 630, 62 Stat. 35; 48 U.S.C. 355a, 355b, 355c, 355e)

§ 2242.9–4 Method of sale.

Sales of railroad town sites in Alaska, provided for by Executive Order No. 3489 of June 10, 1921, § 2242.9–5(a)–(j), will be made by the authorized officer in Alaska, as superintendent of sales of railroad town sites in accordance with town-site regulations contained in §§ 2242.0–3 to 2242.1–2(e) so far as those regulations are applicable.

(Sec. 1, 36 Stat. 305; 48 U.S.C. 803)

§ 2242.9–5 Alaska Railroad town sites.

It is hereby ordered that the administration of that portion of the act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 301, 302; 303–308) relating to the withdrawal, location and disposition of town sites shall be in accordance with the following regulations and provisions, to wit:

(a) *Reservations.* The Alaskan Engineering Commission will file with the Secretary of the Interior, when deemed necessary, its recommendations for the reservation of such areas as in its opinion may be needed for town site purposes. The Secretary of the Interior will thereupon transmit such recommendations to the President with his objections thereto or concurrence therewith. If approved by the President, the reservation will be made by Executive order.

(b) *Survey.* When in the opinion of the Secretary of the Interior the public interests require a survey of any such reservation, he shall cause to be set aside such portions thereof for railroad purposes as may be selected by the Alaskan Engineering Commission, and cause the remainder, or any part thereof, to be surveyed into urban or suburban blocks and lots of suitable size, and into reservations for parks, schools, and other public purposes and for Government use. Highways should be laid out, where practicable, along all shore lines, and sufficient land for docks and wharf purposes along such shore lines should be reserved in such places as there is any apparent necessity therefor. The survey will be made under the supervision of the Commissioner of the General Land Office and the plats will be approved by him and by the chairman of the Alaskan Engineering Commission.

(c) *Preference right.* Any person residing in a reserved town site at the time of the subdivisional survey thereof in the field and owning and having valuable and permanent improvements thereon, may, in the discretion of the Secretary of the Interior, be granted a preference right of entry, of not exceeding two lots on which he may have such improvements by paying the appraised price fixed by the superintendent of sale, under such regulations as the Secretary of the Interior may prescribe. Preference right proof and entry, when granted, must be made prior to the date of the public sale.

(d) *Public sale.* The unreserved and unsold lots will be offered at public outcry to the highest bidder at such time and place, and after such publication of notice, if any, as the Secretary of the Interior may direct, and he may appoint or detail some suitable person as superintendent of sale to supervise the same and may fix his compensation and require him to give sufficient bond.

(e) *Superintendent's authority.* Under the supervision of the Secretary of the Interior the superintendent of the sale will be, and he is hereby, authorized to make all appraisements of lots and at any time to reappraise any lot which in his judgment is not appraised at the proper amount, or to fix a minimum price for any lot below which it may not be sold, and he may adjourn, or postpone the sale of any lots to such time and place as he may deem proper.

(f) *Manner and terms of public sale.* (1) The Secretary of the Interior shall by regulations prescribe the manner of conducting the public sale, the terms thereof and forms therefor and he may prescribe what failures in payment will subject the bidder or purchaser to a forfeiture of his bid or right to the lot claimed and money paid thereon. The superintendent of sale will at the completion of the public sale deposit with the receiver of the proper local land office the money received and file with its officers the papers deposited with him by said bidder, together with his certificate as to successful bidder.

(2) If it be deemed advisable, the Commissioner of the General Land Office may direct the receiver of public moneys of the proper district to attend sales herein provided for in which event the cash payment required shall be paid to the said receiver.

(g) *Anchorage, Matanuska, and Nenana town sites.* (1) Unsold and forfeited lands in the town sites of Anchorage, Matanuska, and Nenana, upon

(ii) As to the lots within said town site which have been forfeited for failure to pay such assessments, upon which valuable improvements have been placed, the provisions of said order regarding the collection of the unpaid assessments remain effective.

(iii) This order shall continue in full force and effect unless and until revoked by the President or by act of Congress.

(Sec. 24, 26 Stat. 1103; as amended, sec. 1, 36 Stat. 847; sec. 1, 39 Stat. 865; 16 U.S.C. 471, 43 U.S.C. 141, 48 U.S.C. 307, 43 U.S.C. 301)

Subpart 2243—Public Sales

AUTHORITY: The provisions of this Subpart 2243 issued under R.S. 2478; 43 U.S.C. 1201.

§ 2243.0–3 Authority.

(a) **The sale at public auction of isolated or disconnected tracts of public land not exceeding 1,520 acres, and tracts not isolated, of not exceeding 760 acres, the greater parts of which are mountainous or too rough for cultivation, is authorized by section 2455 of the Revised Statutes, as amended by section 14 of the act of June 28, 1934 (48 Stat. 1274; 43 U.S.C. 1171) and the act of July 30, 1947 (61 Stat. 630).**

(b) The provisions of R.S. 2455 (43 U.S.C. 11700) authorizing public sales, were extended, with certain conditions, to the areas mentioned below, by the statutes indicated:

Area	Statute
Chippewa Indian lands, Minn.	Feb. 4, 1919 (40 Stat. 1065; 43 U. S. C. 1172).
Oregon and California railroad grant lands, Oreg. Class 3.	May 25, 1920 (41 Stat. 622; 43 U. S. C. 1174).
Oregon and California railroad grant and Coos Bay wagon-road grant lands, Oreg.	Section 3, August 28, 1937 (50 Stat. 875).
Oklahoma	April 24, 1928 (45 Stat. 457; 43 U.S.C. 1171a).
Alabama coal lands	May 23, 1930 (46 Stat. 377; 43 U. S. C. 1171b).

§ 2243.0–5 Definitions.

When used in this part:

(a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "State Director" means the area administrator for the area in which the land is situated.

(d) "Manager" means the manager of the land office for the district in which the land is situated. When there is no land office in a State, it means the officer who has been authorized to perform the functions of the manager for sales under this part of public lands in that State.

(e) "Applicant" or "purchaser" includes an individual, a partnership, an association, or a corporation.

(f) "Land office" means the land office for the district in which the lands are situated.

§ 2243.0–6 Qualification of applicant.

An applicant for sale of a tract which is mountainous or too rough for cultivation must show that he is the owner of the whole title, that is, the fee owner, of land adjoining the land applied for, or that he holds a valid entry embracing adjoining land, in connection with which entry he has met the requirements of the law. A showing that the applicant owns cornering land or holds a valid entry of a cornering tract would not qualify him.

§ 2243.0–7 Lands subject to sale.

(a) *As isolated tracts.* **(1) There is no limitation as to the number of isolated-tract applications which may be filed, nor as to the amount of such land which may be applied for or purchased by any one person or group. An application may include several incontiguous tracts, but it may not embrace an aggregate area in excess of 1,520 acres, and tracts with an area over 1,520 acres will not be ordered into the market. Each isolated tract will be offered separately and a separate cash certificate will be issued for each tract, except to the extent that they are bought by the same person.**

(2) As a general rule, no tract will be deemed isolated unless it is completely surrounded by lands held in non-Federal ownership, or is so effectively separated from other federally owned lands by some permanent withdrawal or reservation as to make its use with such lands impracticable. A tract is considered isolated if the contiguous tracts are all patented, even though there are other public lands cornering upon the tract.

(b) *As mountainous or too rough for cultivation.* (1) Legal subdivisions not exceeding 760 acres, the greater part of which is mountainous or too rough for cultivation, may be offered for sale only upon the application of any person who owns land or holds a valid entry on lands adjoining such tract and regardless of the fact that such tract may not be actually isolated.

(2) An application under this section may not embrace more than 760 acres. An applicant may file any number of applications provided the land applied for together with such land previously purchased does not exceed 760 acres in area. The limitation under this section relates only to applications under this section. In acting on applications for rough or mountainous tracts, regard will be had to the character of each subdivision applied for. An entire tract composed of more than one legal subdivision will not be offered upon the ground that the greater part of the tract is mountainous or too rough for cultivation, if taken as a whole.

(c) *Mineral lands.* (1) Mineral lands may not be sold except under specific statutory authority which exists for the sale of lands valuable for certain minerals with a reservation of those minerals to the United States. The regulations relating to applications for the surface of such lands are contained in Subpart 2023. They must be complied with whenever an application is filed for land, withdrawn, classified, or valuable for such minerals, where such land is embraced by mineral permits or leases, or applications for such permits or leases, or where the land lies within the geological structure of a producing oil or gas field.

(2) The notice of sale for publication and posting will provide that the land will be sold subject to reservations to the United States of the appropriate minerals, and in accordance with the provisions of the applicable act or acts which authorize the making of the reservation. The cash certificate and patent will provide for such reservation and will refer to such act or acts.

§ 2243.1 Procedures.

§ 2243.1–1 Application.

(a) A person who desires to have a tract ordered into market must file an application (in duplicate) together with a petition properly executed on forms approved by the Director. These documents must be filed in accordance with the provisions of § 1821.2 of this chapter.

(b) The application need not be under oath but must be signed by the applicant and two corroborating witnesses having personal knowledge of the facts stated therein.

§ 2243.1–2 Action upon the application or in the absence of application.

(a) If an application is not properly executed or not corroborated, if the applicant does not show himself qualified, or if the tract appears not to be subject to disposition, the application will be rejected. If part of the tract is appropriated, the application will be rejected as to that part, and in the absence of an appeal, the description thereof eliminated from the application, and such further action will be taken as though it had never been included therein.

(b) The authorized officer may classify under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315f), as amended, land for offering under this part, and he may authorize such offering of the land for sale if he determines, in accordance with the existing regulations and procedures, that such land is suitable for disposal as an isolated or as a rough or mountainous tract, as the case may be.

(c) The authorized officer may authorize the offering of an isolated tract for sale either upon application or on his own motion.

§ 2243.1–3 Notice: publication, posting, proof.

(a) Upon the issuance of a decision authorizing the sale, a notice for publication will be sent the applicant with instructions that he publish it at his expense in the newspaper designated. Payment for publication must be made by the applicant directly to the publisher. The notice must be published prior to the date of sale in the designated newspaper, if a daily paper, in the Wednesday issue for five consecutive weeks; if a weekly in five consecutive issues; and if a semi-weekly or tri-weekly, in the issue of the same day of each week, for five consecutive weeks. The manager will cause a similar notice to be posted in his office during the entire period of publication.

(b) The applicant must file in the land office, prior to the date fixed for the sale, evidence that publication has been had for the required period. Such evidence may consist of the statement of the publisher, accompanied by a copy of the notice published.

(c) Where a party expends money for publication of notice of a public sale, and the authorization for the sale is canceled, or a sale, if made, is vacated, because retention of the land in Federal ownership is deemed to be in the public interest, such party will be reimbursed by the Government for the expense so incurred. Where such action is taken at the request of a Federal agency other than the Bureau of Land Management, that agency will be requested to reimburse such party for the expense. Where an authorization for sale is canceled, or a sale, if made, is vacated because the appraised price or the sale price, of the land is found to be inadequate, and the land is again offered for sale, the republication will be made at the expense of the Government, and the person awarded the land must reimburse and pay directly to the applicant the amount expended for the first publication of notice. Such payment shall be made in the manner prescribed in and shall be governed by § 2243.1–6(a).

§ 2243.1–4 Bidding; place for sale.

(a) The land will be offered for sale at public auction, at not less than its appraised value, at the time and place fixed in the public notice. The land will be offered for sale at the land office of the district in which the land is situated. If there is a land office in the State, the sale may be held at a place within the region in which the lands are situated, to be designated by the authorized officer.

(b) Bids may be made by the principal or his agent, either personally at the sale or by mail.

(c) Bids sent by mail will be considered only if received at the place and prior to the hour fixed in the notice of the sale. These bids must be accompanied by certified checks, post office money orders, bank drafts, or cashiers' checks for the amounts of the bids and must be enclosed in sealed envelopes which must be marked as prescribed in the notice of sale. The envelopes containing the sealed bids will not be opened until the time fixed for the sale.

(d) The manager will commence the sale by reading the public announcement thereof and by opening the sealed bids and announcing such bids. He will then receive bids from the persons present.

(e) All bidders are warned against violation of the provisions of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

§ 2243.1–5 Action at close of bidding.

(a) *Declaration of highest bidder.* When all persons present shall have ceased bidding, the manager will, in the usual manner, declare the bidding closed, subject to the preference right of purchase of owners of contiguous land (see paragraph (b) of this section), announce the amount of the highest bid and declare the offerer thereof (or his principal) the highest bidder, provided that the latter immediately pays to the manager the amount of the bid. If he has not already done so. In the absence of such payment, the manager will at once proceed with the sale, excluding the bid made by the highest bidder and starting with the next highest bid not withdrawn. In the event the bids of two or more persons sent by mail are the same in amount and are the highest offered, the first received, as shown by the hour and date noted on the envelope, will be accepted by the manager. In no event may the land be sold or a purchaser declared before the end of the 30-day period for the assertion by contiguous land owners of their preference right of purchase.

(b) *Preference right of purchase; declaration of purchaser.* The owners of contiguous lands have a preference right, for a period of 30 days after the highest bid has been received, to purchase the land offered for sale at the appraised price or at three times the appraised price if three times such appraised price is less than the highest bid price. Such preference right may also be asserted at any time prior to the commencement of such period. Such preference right is not extended to the owner or owners of cornering lands.

(1) (i) A preference right to purchase must be supported by proof of the claimant's ownership of the whole title

to the contiguous lands (that is, he must show that he had the whole title in fee), and must be accompanied by the purchase price of the land.

Although one who holds a valid adjoining entry may file an application for the sale of lands which are mountainous or too rough for cultivation, he may not assert a preference right of purchase unless he has acquired the whole title to adjoining lands.

(ii) Failure to submit to the land office satisfactory proof during the 30-day period after the highest bid has been received will cause the preference right to be lost as to the particular public sale. Such proof must consist of (*a*) a certificate of the local recorder of deeds, or (*b*) an abstract of title or a certificate of title prepared and certified by a title company or by an abstracting company showing that the claimant owns adjoining land in fee simple at or after the date of the sale. However, if the preference-right claimant does not own adjoining land at the close of the preference-right period, his preference-right claim may be lost.

(iii) After a case has been closed, the data filed pursuant to this section may be returned.

(2) If there is only one qualified preference-right claimant, or if there are conflicting qualified preference-right claimants and there is an amicable agreement among them, the manager will declare such claimant or claimants the purchasers.

(3) Where there is a conflict between two or more persons claiming a preference right of purchase, they will be allowed 30 days from receipt of notice within which to agree among themselves upon a division of the tracts by subdivisions. In the absence of an agreement an equitable division of the land will be made taking into consideration such factors as (i) the equalizing of the number of acres which each claimant will be permitted to purchase, (ii) desirable land use, based on topography, land pattern, location of water, and similar factors, and (iii) legitimate historical use, including construction and maintenance of authorized improvements. If equitable considerations dictate, all of the subdivisions may be awarded to one of the claimants. Where only one subdivision is offered for sale and it adjoins the lands of two or more preference-right claimants, it will, in the absence of equitable considerations requiring otherwise, be awarded to the applicant for the sale if he is a qualified preference-right claimant; if he is not, it will be awarded to the first qualified person who properly asserts such a preference right within or prior to the 30-day preference-right period. The manager will make the award by declaring the appropriate claimant or claimants purchasers of the land.

(4) If, by the end of the preference-right period, no preference right has been asserted, the sale will be declared closed and the manager may declare the highest bidder the purchaser.

§ 2243.1–6 Action after purchaser is declared.

(a) If the applicant for the sale is an unsuccessful bidder, the person awarded the land must reimburse and pay directly to him the amount expended for publication of notice and file evidence thereof in the district land office within 10 days from the date he is declared the purchaser. If the evidence is not furnished, the manager will reject the bid and will accept the bid next in order, subject to the same conditions. Where an equitable apportionment of the land is made between two or more claimants, pursuant to § 2243.1–5(b), each of the claimants must bear an equal share of the expense.

(b) (1) Unless he has previously done so, the purchaser must, within 10 days after he has been so declared, file with the manager a statement of his citizenship, or if a partnership, a statement of the citizenship of its members. If the purchaser is an unincorporated association, a statement must be filed showing the citizenship of each member. A corporation is required to file a certified copy of its articles of incorporation showing that it is organized under the laws of the United States, or of some State, Territory or possession thereof, and that it is authorized to acquire and hold real estate in the State or Territory in which the land is situated, and it must furnish a statement showing the percentage of each class of its stock, and the percentage of all of its stock, which is owned or controlled by or on behalf of persons whom the corporation knows to be or has reason to believe are aliens, or who have addresses outside of the United States, indicating which classes of stock have voting rights. If more than 10 percent of the voting stock, or of all of the stock, is owned or controlled by or on behalf of such persons, the corporation must give their names and addresses, the amount and class of stock held by each, and, to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each such person.

(2) If the purchaser declared by the manager is an alien individual, a partnership a member of which is an alien, an unincorporated association any appreciable number of the members of which are aliens, or a corporation, any appreciable percentage of the stock of which is held by aliens, and if the sale to such purchaser has not previously been approved by the Secretary, the declaration of the purchaser is subject to approval by the Secretary of the Interior and the manager will withhold the cash certificate until such approval has been given. Such purchaser may submit a statement of reasons why the declaration should be approved despite the question of citizenship.

(c) When there has been full compliance with the regulations in this part, the manager will issue a cash certificate to the purchaser.

§ 2243.2 Effect of application and award of bid.

(a) The filing of an application in conformity with the regulations in this part will not segregate the lands applied for from other applications under the public land laws or defeat a prior valid right initiated under any such law.

(b) Until the issuance of a cash certificate, the authorized officer may at any time determine that the lands should not be sold: *Provided*, That if the high bid is not less than the fair market value of the land on the date of sale, as such date is specified in the public notice, appreciation or depreciation in value of the lands thereafter will not alone be a basis for such determination. All public notices of offers at public sale of lands under the regulations of this part will reserve the right of the authorized officer to reject any and all bids prior to the time of issuance of final certificate for the lands. Sales will not be consummated when, for example:

(1) Circumstances reveal that the highest bid otherwise acceptable is less than the fair market value of the land on the date of the sale set in the public notice thereof, or

(2) An appropriate public requirement for the lands is identified subsequent to the public notice, or

(3) Collusive or other activities have hindered or restrained free and open bidding.

(c) The applicant or any bidder has no contractual or other rights as against the United States, and no action taken will create any contractual or other obligations of the United States until the cash certificate is issued.

(d) The person who is declared by the authorized officer to be the purchaser shall be bound by his bid and the regulations in this part to complete the purchase in accordance therewith unless his bid is rejected or he is released therefrom by the authorized officer.

Subpart 2244—Exchanges

AUTHORITY: The provisions of this Subpart 2244 issued under sec. 2, 48 Stat. 1270; 43 U.S.C. 315a, except as otherwise noted.

§ 2244.1 Exchanges of privately owned lands under Taylor Grazing Act.

§ 2244.1–1 Authority.

(a) Subsections (b) and (d) of section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), authorize the Secretary of the Interior when the public interests will be benefited thereby to accept on behalf of the United States title to any privately owned land within or without the boundaries of a grazing district and in exchange therefor to issue a patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than 50 miles within the adjoining State nearest the privately owned land. Either party to an exchange may make reservations of minerals, easements, or rights of use. Whether an exchange will benefit the public interest shall be determined by the officer authorized to act.

§ 2244.1–2 Application.

(a) Persons, firms, or corporations desiring to exchange lands pursuant to § 2244.1 must file an application (in duplicate), together with a petition, properly executed, on forms approved by the Director. The documents must be filed in accordance with the provisions of § 1821.2 of this chapter.

(b) The applicant must be legally capable of consummating the exchange and the application must state that he is the owner of the lands offered in exchange, and that such offered lands are not the basis of any other exchange.

(c) The application must also include a corroborated statement relative to springs and water holes on the selected lands, in accordance with §§ 2321.1–1(a) to 2321.1–2(d). The application must state that the value of the selected land does not exceed the value of the offered land.

(d) No filing fees are required. However, the applicant shall pay one-half of the advertising cost.

§ 2244.1–3 Determination of values; publication of notice of exchange.

The authorized officer shall determine the values of the offered and selected land, taking into consideration the value of any reservation of minerals, easements or other rights which are outstanding in third parties or to be made by the applicant or by the United States. If such officer determines that the value of the selected land exceeds the value of the offered land he will so inform the applicant and afford him the opportunity of bringing the exchange within the provisions of the law.

§ 2244.1–4 Publication.

(a) *When required.* (1) The authorized officer, if he has no basis to determine that the value of the selected land exceeds the value of the offered lands, that the exchange is not in the public interest, or that there is other reason not to do so, shall direct publication of the notice of exchange in the newspaper or newspapers designated by him, and require the applicant to submit proof of publication and comply with the provisions of paragraph (b) of this section and § 2241.1–5 (a) and (c).

(2) However, until patent to the selected land is issued, the authorized officer may at any time determine that the exchange should not be completed, and the applicant has no contractual or other rights against the United States, and no action taken will create any contractual or other obligation of the United States other than an obligation to pay one-half the cost of publication.

(b) *Notice for publication and designation of newspaper; cost and proof of publication.* The notice of publication must give the name and post-office address of the applicant, the serial number and date of the application, the act under which the application is filed and a description of the offered and selected lands in terms of legal subdivisions of the public land surveys, and must state that all persons asserting a claim to the selected lands or having bona fide objections to the exchange may file their protests or other objections in the office designated in the notice, together with evidence that a copy of such protest or objection has been served upon the applicant. The notice must be published once a week for 4 consecutive weeks in a designated newspaper of general circulation in the county or counties in which the offered lands are situated and in the same manner in a newspaper of general circulation in the county or counties in which the selected lands are situated. One-half of the cost of publication of the notice shall be paid by the applicant. Each newspaper will collect that portion of the cost of publication from the applicant and submit proper vouchers to the United States for the remaining one-half of such cost. Proof of publication of notice shall consist of a statement by the publisher or foreman or other authorized employee of the newspaper, specifying the dates of publication, and attaching thereto a copy of the notice as published.

§ 2244.1–5 Deed to United States.

(a) *Requirements.* The applicant shall submit a warranty deed of conveyance of the offered land to the United States, properly executed, acknowledged, and recorded in accordance with the laws of the State in which the lands are situated together with satisfactory evidence of title, as required by paragraph (b) of this section showing that he was vested with a valid unencumbered title to the land at the time of the recordation of the deed. Revenue stamps required by Federal and State law must be affixed to the deed and canceled. The deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976)". A deed executed by an individual grantor must disclose his marital status. If married, the spouse of the grantor must join in the execution of the deed to bar any right of courtesy, dower, community interest or any other claim to the land conveyed, or it must be fully shown that under the laws of the State in which the conveyed land is situated, the grantor's spouse has no interest present or prospective in the land. A deed executed by a corporation must recite that it was executed pursuant to a resolution or order of its board of directors, or other governing body, and a copy of such resolution or order must accompany the deed. The corporate seal must be affixed to both instruments.

(b) *Evidence of title; policy of title insurance or certificate of title preferred.* (1) Consummation of an exchange is expedited by applicant's submission, as evidence of title to the offered land, of a policy of title insurance in the form approved by the Department of the Interior or a certificate of title, issued by a qualified title insurance company which is acceptable to the Department of the Interior. Such evidence of title is therefore preferred. However, an abstract of title is also acceptable. The evidence of title must show and certify that title to the offered land has vested in the United States free and clear of all liens, encumbrances and assessments which may operate as liens, as of the date of recordation of the deed to the United States.

(2) A policy of title insurance or a certificate of title must be issued by a title insurance company authorized by law to issue such policies or certificates, and other evidence of title, if furnished, must be prepared and authenticated by an abstracter or abstract company or by the recorder of deeds or other proper officer of the State under his official seal.

(c) *Taxes.* In case taxes which have been assessed or levied on the offered lands constitute liens against the lands although such taxes are not due and payable at the time of the recordation of the deed to the United States, the applicant may furnish a bond with a qualified surety for double the amount of taxes paid on the land for the previous year, or, in lieu of a bond, a cash deposit in like amount, to secure the payment of such taxes. When proper evidence of payment in full of such taxes is furnished by the applicant, liability under the bond will be terminated or the cash deposit will be returned to him.

§ 2244.1–6 Approval of exchange; rules of practice to be followed.

(a) The proof of publication, conveyance, title evidence and other evidence furnished by the applicant will be examined, and if found satisfactory and no valid objection appearing to the consummation of the exchange, title to the offered land will be accepted and patent for the selected land will issue.

(b) Should the application for exchange be finally rejected the evidence of title will be returned to the applicant and a quitclaim deed for the land conveyed to the United States will be issued under section 6 of the act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872).

§ 2244.2 Exchanges by States Under Taylor Grazing Act, lands within or without grazing districts.

§ 2244.2–1 Authority.

(a) *Applicable sections of Act.* Subsections (c) and (d) of section 8 of the Taylor Grazing Act, approved June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), authorize exchanges of lands between the United States and a State, upon the application of a State, and provide for the issuance of patent for the selected lands upon acceptance of title to the lands conveyed to the United States in exchange therefor.

(b) *Acts and regulations governing applications pending on June 26, 1936.* State applications for exchange pending at the date of the approval of the act of June 26, 1936, will be governed by the provisions of the Act of June 28, 1934, as amended by the act of 1936, and the regulations in §§ 2244.2–1 to 2244.2–2.

§ 2244.2–2 Lands which may be offered in exchange.

(a) *Requirements.* (1) Lands offered in exchange by a State may be lands owned by the State within or without the boundary of a grazing district, and the selected lands may be surveyed grazing district lands not otherwise appropriated or reserved, or unappropriated and unreserved surveyed public lands of the United States, within the same State. If, however, the selected lands are within a grazing district, the lands offered by the State in exchange must be within

the same grazing district and such selected lands must lie in a reasonably compact body so as not to interfere with the administration or value of the remaining lands in the district for grazing purposes.

(2) An application for exchange may be made on the basis of equal area or equal value. However, with respect to all exchange applications filed after June 20, 1946 the Secretary of the Interior will consider and determine the value of the offered and selected land and will not approve an exchange unless the values of the offered and selected land are approximately equal. In determining such values, consideration will be given to such matters as the actual appraised value of the lands, the benefits of consolidation or blocking out of land holdings by the State and the Federal Government as a result of the proposed exchange, the size of the areas involved, the value of the surface or other resources, including such reservations of minerals or easements as may be made by the State or the United States, and any other considerations which may have appropriate bearing on the value of the lands involved.

(3) When mineral lands are selected in an exchange based upon equal acreage, the patent will contain a reservation of all minerals to the United States, and in any exchanges based upon equal acreage, the State may offer mineral lands owned by the State, with a mineral reservation to the State.

(4) Unsurveyed school sections within or without the boundary of a grazing district may be offered by the State in an exchange based upon equal areas, but the Secretary of the Interior will consider and determine whether the values of the offered and selected lands are approximately equal for the purpose of the exchanges and no mineral reservations to the State may be made in such unsurveyed sections, the identification of which will be determined by protraction or otherwise, the State by such selections waiving all rights to the unsurveyed sections.

(5) State-owned lands, as well as school sections surveyed and unsurveyed the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district. Where the selected lands are within a grazing district, lands within the exterior boundaries of the grazing district and also within such reservations or withdrawals may be offered as a basis for an exchange only if the authorized officer, Bureau of Land Management, determines that the exchange would not interfere with the administration or value of the remaining lands in the grazing district for grazing purposes.

(b) *Granted lands unaffected by their inclusion within grazing districts.* The words in section 1 of the Taylor Grazing Act "Nothing in this act shall be construed in any way * * * to affect any land heretofore or hereafter surveyed which, except for the provisions of this act, would be a part of any grant to any State" were obviously intended to preserve school sections, both surveyed and unsurveyed, included within the boundaries of a grazing district established under the provisions of the Taylor Grazing Act, in exactly the same status for the purpose of any grant to any State as the lands would have had had the Taylor Grazing Act not been passed and had the lands not been included in the grazing district.

CROSS REFERENCE: For State grants for educational purposes, see Subpart 2222.

(c) *No indemnity right accrues by the inclusion of school sections within grazing districts.* (1) A grazing district is not a reservation within the meaning of the act of February 28, 1891 (26 Stat. 796; 43 U.S.C. 851, 852), and therefore school sections, surveyed or unsurveyed, within a grazing district are not for that reason only valid base for indemnity school land selections under said act of 1891. The inclusion of unsurveyed school sections within a grazing district will not prevent the title to such lands from vesting in the State upon the acceptance of the plat of survey thereof by the Director of the Bureau of Land Management.

(2) Granted school sections owned by a State within or without the boundaries of a grazing district may be assigned by the State as a basis for an equal value, or equal area exchange, and unsurveyed school sections within or without the boundaries of a grazing district may be assigned by the State as a basis for an equal area exchange.

§ 2244.2–3 Application for exchange; evidence required; segregative effect of application.

(a) A State desiring to exchange lands under section 8 of the Taylor Grazing Act (43 Stat. 1272; 43 U.S.C. 315g), should file application, in triplicate, in accordance with the provisions of §1821.2 of this chapter. Such application should describe the lands offered to the Government as well as those selected in exchange, by legal subdivisions of the public land surveys, or by entire sections, and nothing less than a legal subdivision may be surrendered or selected.

(b) The application for exchange should identify the grazing district or districts in which the offered or selected lands are situated, if such lands lie within a grazing district, and should state whether the State desires the proposed exchange to be based upon equal value or equal acreage. In addition, the application should state whether or not any reservations of minerals, easements, or other rights of use in or to the offered lands are desired, and what use thereof is contemplated, whether the State consents to a reservation of minerals to the United States in the selected lands and what other reservations or easements which are to be made by the United States with respect to the selected lands are acceptable to the State. Each application for an exchange must be accompanied by the following certificate and statement:

(1) A certificate by the selecting agent showing that the selection is made under and pursuant to the laws of the State; that the lands selected and the lands relinquished are approximately of equal value, unless the exchange is proposed to be based on equal areas; that the State is the owner of the lands offered in exchange, if such is the case; that the offered lands are not the basis of another selection or exchange, and that the selected lands are unappropriated and are not occupied, claimed, improved, or cultivated by any person adversely to the State.

(2) A corroborated statement relative to springs and water holes on the selected lands in accordance with the regulations in §§ 2321.1–1 and 2321.1–2.

(c) The filing of a valid application for exchange under the regulations of this part will segregate the selected public lands to the extent that any subsequently tendered application, allowance of which is discretionary, will not be accepted, will not be considered as filed, and will be returned to the applicant. Where an application is withdrawn or finally rejected in whole or in part, the segregative effect of the application on the lands covered by the recall or rejection will terminate at 10:00 a.m. on the 30th day from and after the date a notice of the withdrawal or rejection is first posted in the land office having jurisdiction over said lands.

§ 2244.2–4 Additional evidence and inquiry.

(a) *Inquiry as to mineral character of selected land unnecessary in certain equal area exchanges.* Where a State exchange application is based upon equal areas and the State elects to receive title to the selected lands with a reservation of all minerals to the United States, it will not be necessary to make any inquiry as to the mineral or nonmineral character of the selected lands but, all else being regular, a patent may be issued to the State for such lands with a reservation of all minerals to the United States; *Provided*, That the State files in addition to the evidence required by the governing regulations a statement that no part of such land is claimed, occupied or being worked under the mining laws.

(b) *Additional evidence required.* After considering the application and any evidence relative thereto as he may deem necessary, the authorized officer of the Bureau of Land Management, unless he has reason to do otherwise, will issue notice for publication of the contemplated exchange, and will require the State to submit proof of publication of notice, a duly recorded deed of conveyance of the offered lands (unless such offered lands are not owned by the State), a certificate of the proper State officer showing that the offered lands have not been sold or otherwise encumbered by the State, and a certificate by the recorder of deeds or official custodian of the records of transfers of real estate in the proper county, or by an abstractor or abstract company satisfactory to the Bureau of Land Management, that no instrument purporting to

convey or in any way encumber title to the offered land is of record or on file in his office. Where reservations of any kind are made in the offered lands, complete description thereof should be furnished. If, however, the offered lands were ever held in private ownership and were acquired by the State from such source, it will be necessary for the State to furnish an acceptable policy of title insurance or an abstract of title showing that at the time the deed of conveyance to the United States was recorded the title to the lands covered by such deed was in the State making the conveyance, a certificate that the lands so conveyed were free from judgments or mortgages, liens, pending suits, tax assessments or other encumbrances, except such reservations as may be made in the lands conveyed, and a certificate by the proper official of the county in which the lands conveyed are situated showing that all taxes levied or assessed against the lands conveyed to the United States, or that could operate thereon as a lien, have been fully paid or that no taxes have been levied, or whether there is a tax due on such lands that could operate as a lien thereon but which tax is not yet payable, and that there are no unredeemed tax sales and no tax deeds outstanding against such lands conveyed to the United States.

§ 2244.2–5 Deed, abstract and tax bond.

(a) *Deed of conveyance of base lands.* The deed of conveyance to the United States must be executed, acknowledged, and duly recorded in accordance with the laws of the State making the exchange, and must be accompanied by a certificate of the proper State officer showing that the officer executing the conveyance was authorized to do so under the State law. The deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended."

(b) *Abstract of title.* The abstract of title when required must show that the title memoranda contained therein are a full, true and complete abstract of all matters of record or on file in the office of the recorder of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, pending suits, judgments, liens, lis pendens or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the offices of the clerks of courts of record affecting in any manner whatsoever the title to the land to be conveyed to the United States. The abstract of title may be prepared and certified by the recorder of deeds or other proper officer under his official seal, or it may be prepared and authenticated by an abstracter or by an abstract company, approved by the Bureau of Land Management, in accordance with § 1863.5–1 of this chapter.

(c) *Tax bond.* In case the land conveyed to the United States has been held in private ownership and taxes have been assessed or levied thereon, and such taxes are not due and payable until some future date, the State, in addition to the certificate above required relative to taxes and tax assessments, may furnish a bond with qualified corporate surety for the sum of twice the amount of taxes paid on the land for the previous year in order to indemnify the United States against loss for the tax as assessed or levied but not yet due and payable. In lieu of the bond the State may submit a sum similar to that required in the bond, and if and when proper evidence is furnished showing the taxes on the land conveyed have been paid in full, the said sum will be returned to the State.

§ 2244.2–6 Publication notice.

(a) *Payment.* Payment of fees will not be required in the case of any exchange but the State will be required to pay one-half of the cost of the publishing notice of a proposed exchange.

(b) *Publication and proof.* (1) The publication notice must give the name of the State making application, the serial number and date of the application, act under which application is filed, describe both the offered and selected lands (except that where the offered lands are unsurveyed no notice of such lands will be required) in terms of legal subdivisions of the public land surveys, and state that the purpose of the notice is to allow all persons claiming the selected lands or having bona fide objections to such exchange an opportunity to file their protests or other objections in the district land office, or in the Bureau of Land Management, together with evidence that a copy of such protest or objection has been served upon the State. Such notice must be published once a week for 4 consecutive weeks in some designated newspaper of general circulation in the county or counties in which may be situated the lands offered to the United States, and in the same manner in some like newspaper published in any county in which may be situated any lands to be selected in exchange. In the event of the designation of a daily newspaper, the publication should be made in the Wednesday issue thereof. A similar notice will be posted in the district land office during the required period of publication. Proof of publication of notice shall consist of a statement by the publisher, or foreman or other proper employee of the newspaper, showing the dates of publication, and attaching thereto a copy of the notice as published.

(2) The State will be responsible for payment of one-half the cost of publication, and the publisher should bill the Bureau of Land Management for the other half in accordance with instructions contained in the advertising order accompanying the notice for publication.

§ 2244.2–7 Action by Bureau of Land Management.

(a) The publication of notice, conveyance, abstract of title and other evidence required of the State will, upon receipt in the Bureau of Land Management, be examined, and if found regular and in conformity with law, and there are no objections, title will be accepted to the offered land and patent will issue for the land selected in exchange.

(b) Should information available to the Bureau of Land Management disclose inequalities of value, the Director of the Bureau of Land Management will advise the State and afford it opportunity for adjustment so as to bring the exchange within the provisions of the law.

(c) In case an exchange is authorized upon an equal acreage basis, should available information show that the selected lands are mineral in character, the State will be required to file its consent to the reservation to the United States of all minerals in such lands. In such exchanges, when the offered lands are mineral in character and the State holds title thereto the State may, if desired, reserve the mineral rights in such offered lands in accordance with the provisions of paragraph 2 of subsection (c) of section 8 of the Taylor Grazing Act, as amended.

(d) Notices of additional requirements, rejection or other adverse action will be given, and the right of appeal, review, or rehearing recognized in the manner prescribed by Part 1840 of this chapter. Protests against exchanges should be filed in the district land office, from where they will be transmitted to the Bureau of Land Management for consideration and disposal.

(e) Should the application for exchange be finally rejected or the selection canceled for any reason, any abstract of title filed will be returned to the State, and the State will be advised of its right to apply for a quitclaim deed under existing law for the land conveyed to the United States.

§ 2244.2–8 Patents to issue to the State, subject to prior leases under Section 15 of the Taylor Grazing Act.

(a) *Authority.* The act approved August 24, 1937 (50 Stat. 748; 43 U.S.C. 315p), provides that the Secretary of the Interior in adjudicating State exchanges, under section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), involving lands embraced in outstanding leases under section 15 of said act (48 Stat. 1275, 49 Stat. 1978; 43 U.S.C. 315m) issued prior to the filing of the State exchange application, upon the request of any State may issue patent to the State, subject to such outstanding lease: *Provided*, That the United States shall not by reason of the issuance of any such patents be required to account to the State for any money due and collected prior thereto as rent for any part of the then-current annual rental period, except as provided by law.

(b) *State may request that patent issue subject to grazing lease.* Where a State application for exchange under the provisions of the Taylor Grazing Act approved June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), is found to embrace lands included in an outstanding lease issued under section 15 of said act, before final action is taken by the Bureau of Land Management with a view to the issuance of patent on such application, the State will be afforded an opportunity to request

the issuance of patent for the land involved subject to such outstanding lease, and upon receipt of such a request by the State, further action will be taken with a view to the issuance of patent, should no objection appear of record.

(c) *Action on conflicting application for section 15 lease or for renewal of such lease.* Where an application for a lease or for the renewal thereof, under section 15 of the Taylor Grazing Act, conflicts with a pending application for a State exchange under section 8 of said act, the Bureau of Land Management may issue a lease or renewal lease for the lands in conflict, which lease shall provide for its termination as to the lands in conflict on the date when the pending conflicting State exchange application is approved for patenting.

(d) *Rental payments collected by United States.* In accordance with the proviso to the act of August 24, 1937, in cases where the United States has, prior to the issuance of such a patent, received payments for an unexpired portion of the then current annual rental period, no payment other than that provided for by section 10 of the Taylor Grazing Act, as amended (49 Stat. 1978; 43 U.S.C. 315i), will be required to be made to the State by the United States.

(R.S. 2478; 43 U.S.C. 1201)

§ 2244.3 Exchanges for the consolidation or extension of national forests.

(R.S. 2478; 43 U.S.C. 1201)

§ 2244.3–1 Authority.

The act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485), as amended, and others authorize the United States to convey Federal lands or timber and in exchange therefor to accept title to nonfederal lands which would thereby become a part of the national forest system administered by the Secretary of Agriculture.

(R.S. 2478; 43 U.S.C. 1201)

§ 2244.3–2 Applications for exchange.

All applications for exchange for the consolidation or extension of national forests must be filed with the appropriate officer of the Forest Service, U.S. Department of Agriculture. When the application involves the selection of public lands outside of national forests and under the administrative jurisdiction of the Bureau of Land Management, the applicant must also file a copy of his application, together with a petition on a form approved by the Director, properly executed, in accordance with the provisions of § 1821.2 of this chapter.

(R.S. 2478; 43 U.S.C. 1201)

§ 2244.3–3 Applicable regulations.

All applicants for exchange for the consolidation and extension of national forests must comply with the requirements of the Secretary of Agriculture. When the application involves the selection of public lands outside of national forests and under the administrative jurisdiction of the Bureau of Land Management, the applicant, if a State, must also comply with the regulations in § 2244.2 and, if not a State, with the regulations in § 2244.1 modified to meet the limitations, conditions, and provisions of the law under which the exchange is proposed and of the regulations in this part. Applications filed with the Bureau of Land Management pursuant to the regulations in this part must be accompanied by a service fee, which will not be returned, amounting to $1 for each 160 acres, or fraction thereof, of the land selected if the applicant is a State, or amounting to $2 for each 160 acres or fraction thereof, or $10, whichever is greater, if the applicant is not a State.

(R.S. 2478; 43 U.S.C. 1201)

§ 2244.4 Exchanges for consolidation or extensions of Indian reservations or Indian holdings.

§ 2244.4–1 General provisions.

(a) *Applications.* Applicants for exchange must file, in triplicate, an application, together with a petition on properly executed forms approved by the Director. The documents must be filed in accordance with the provisions of § 1821.2 of this chapter.

(1) Valid applications will segregate the selected lands on the records of the Bureau of Land Management.

(2) An application may be rejected at any time prior to the issuance of patent. In the event that the applicant had submitted deed and title evidence in connection with a rejected exchange, the evidence of title will be returned to the applicant and, if the deed was recorded, a quitclaim deed for the land conveyed to the United States will be issued under section 6 of the act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872).

(b) *Deed to the United States.* (1) Owners of private lands will be required to submit a warranty deed of conveyance of the offered land to the United States, properly executed, acknowledged, and recorded in accordance with the laws of the State in which the lands are situated. Revenue stamps required by Federal and State law must be affixed to the deed and canceled. A deed executed by an individual grantor must disclose his marital status. If married, the spouse of the grantor must join in the execution of the deed to bar any right of courtesy, dower, community interest or any other claim to the land conveyed, or it must be fully shown that under the laws of the State in which the conveyed land is situated, the grantor's spouse has no interest present or prospective in the land. A deed executed by a corporation must recite that it was executed pursuant to a resolution or order of its board of directors, or other governing body, and a copy of such resolution or order must accompany the deed. The corporate seal must be affixed to both instruments.

(2) States will be required to submit a deed of conveyance of the offered land to the United States properly executed, acknowledged, and duly recorded in accordance with the laws of the State making the exchange, together with a certificate of the proper State officer showing that the officer executing the conveyance was authorized to do so under the State law.

(3) Holders of unperfected claims and Indian trust patents will not be required to submit a deed of conveyance. In lieu thereof, they will be required to submit a relinquishment of the claim or trust patent to the United States, witnessed by two persons or before a notary public or other official with a seal. The relinquishment must contain a statement that the applicant has not sold, assigned, mortgaged, or contracted to sell, assign, or mortgage the land covered by the unperfected claim or relinquished allotment.

(4) All deeds and relinquishments must state that they were made "for and in consideration of the exchange of certain lands, as authorized by" the appropriate act of the Congress.

(5) Where appropriate, the deed shall recite that the conveyance is made to the United States, "as grantee in trust" for the appropriate Indian tribe or group.

(c) *Evidence of title.* (1) Owners of private lands offered in exchange must submit a policy of title insurance, a certificate of title, or an abstract of title as evidence of title to the offered lands. (i) Consummation of an exchange is expedited by applicant's submission, as evidence of title to the offered land, of a policy of title insurance in the form approved by the Department of the Interior, or a certificate of title, issued by a qualified title insurance company which is acceptable to the Department of the Interior. Such evidence of title is therefore preferred. However, an abstract of title is also acceptable. The evidence of title must show and certify that title to the offered land has vested in the United States free and clear of all liens, encumbrances and assessments which may operate as liens, as of the date of recordation of the deed to the United States. (ii) A policy of title insurance or a certificate of title must be issued by a title insurance company authorized by law to issue such policies or certificates, and other evidence of title, if furnished, must be prepared and authenticated by an abstractor or abstract company or by the recorder of deeds or other proper officer of the State under his official seal.

(2) States must submit satisfactory evidence of title to the offered lands. (i) If the offered lands were ever held in private ownership, the State must submit a policy of title insurance, certificate of title, or an abstract of title as prescribed in subparagraph (1) of this paragraph. (ii) If the offered lands were never held in private ownership the State must submit a certificate of the proper State officer showing that the offered lands had not been sold or otherwise encumbered by the State and a certificate by the recorder of deeds or other proper officer under his official seal or by an abstracter or abstract company that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file.

(3) Holders of unperfected claims and Indian trust patents must file a certificate of the recorder of deeds or other proper officer under his official seal or by an abstracter or abstract company that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file.

(d) *Taxes.* In case taxes which have been assessed or levied on the offered lands constitute liens against the lands although such taxes are not due and payable at the time of the recordation of the deed to the United States, the applicant may furnish a bond with a qualified surety for double the amount of taxes paid on the land for the previous year, or, in lieu of a bond, a cash deposit in like amount, to secure the payment of such taxes. When proper evidence of payment in full of such taxes is furnished by the applicant, liability under the bond will be terminated or the cash deposit will be returned to him.

(e) *Publication; protests.* (1) Applicants for exchange will be required upon demand to publish once a week for five consecutive weeks in accordance with § 1824.4 of this chapter, in a designated newspaper and in a designated form, and at their own expense, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of patent under the applications. A protestant must serve the applicant a copy of the objections and furnish evidence of such service.

(2) Applicants must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

(f) *Unperfected claims.* Patents will not issue for the selected lands when the offered lands are embraced in unperfected claims until the applicant complies with all the requirements of the law and regulations under which the unperfected claims have been held. The applicant will be credited with all acts of compliance whether earned in connection with the offered lands or selected lands or both.

(g) *Removal of improvements.* When any buildings, fencing, or other movable improvements owned or erected by an applicant on the land relinquished or conveyed are not a part of the offer to relinquish or convey, the applicant may remove such improvements from the land upon receipt of notice that the exchange has been approved: *Provided,* That such removal is accomplished within 90 days from receipt by him of said notice.

§ 2244.4–2 Executive order reservations.

(a) *Statutory authority.* The act of April 21, 1904 (33 Stat. 211; 43 U.S.C. 149), authorizes the Secretary of the Interior to exchange any unreserved, nonmineral, nontimbered, surveyed public lands located in the same State or Territory as the offered lands for any privately owned lands over which an Indian reservation has been extended by Executive order.

(b) *Criteria for approval of exchanges.* Subject to compliance with the regulations in this part, proposed exchanges will be approved if:

(1) The selected and offered lands are approximately equal in value and in area.

(2) The selected lands are suitable for disposal through exchange and are not needed for any other program or disposal.

(3) The offered lands are needed for the use of the Indians.

(4) The applicant pays all costs of consummating the exchange.

§ 2244.4–3 San Juan, McKinley, and Valencia Counties, New Mexico.

(a) *Authority.* Section 13 of the act of March 3, 1921 (41 Stat. 1239), authorizes the Secretary of the Interior to exchange any vacant, surveyed public lands, including any lands reconveyed under this act, in San Juan, McKinley, and Valencia Counties, New Mexico, for any privately owned lands, State school lands (except those granted by the act of January 25, 1927, 44 Stat. 1026, as amended by the act of April 22, 1954, 68 Stat. 57, 43 U.S.C. 870), and lands covered by valid unperfected claims, and by Indian allotments and Indian allotment selections in such counties.

(b) *Criteria for approval of exchanges.* Subject to compliance with the regulations in this part, proposed exchanges will be approved if:

(1) The selected and offered lands are approximately equal in value.

(2) The selected lands are suitable for disposal through exchange and are not needed for any other program or disposal.

(3) The exchange would serve to consolidate the holdings of the proponent.

(4) The proponent owns land in the township in which the selected lands are located.

§ 2244.4–4 Walapai Indian Reservation, Arizona.

(a) *Statutory authority.* The act of February 20, 1925 (43 Stat. 954), authorizes the Secretary of the Interior to exchange any Indian lands within the Walapai Indian Reservation for any privately owned lands, State school lands, and lands covered by valid unperfected claims within the boundaries of said reservation in Mohave and Coconino Counties, Arizona.

(b) *Criteria for approval of exchanges.* Subject to compliance with the regulations in this part, proposed exchanges will be approved if:

(1) The selected and offered lands are approximately equal in value.

(2) The selected lands are excess to the needs of the Indians.

(3) The offered lands are needed for the use of the Indians and would serve to consolidate Indian holdings.

§ 2244.4–5 Apache, Coconino, and Navajo Counties, Arizona.

(a) *Statutory authority.* Section 2 of the act of June 14, 1934 (48 Stat. 961), as supplemented by the act of May 9, 1938 (52 Stat. 300) authorizes the Secretary of the Interior to exchange (a) any vacant, nonmineral, surveyed public lands in Apache, Navajo, and Coconino Counties, Arizona, for any privately owned lands in Apache and Coconino Counties and in that portion of Navajo County north of the townships line between Townships 20 North and 21 North, Gila and Salt River Meridian, and (b) any available lands within the reservation described in the above-mentioned act of 1934 for any lands covered by Indian allotments and Indian allotment selections in the three mentioned counties.

(b) *Springs and other living waters; minerals.* (1) Applicants may select public lands containing springs or other living waters only if the offered lands contain similar waters.

(2) If an applicant reserves oil, gas, and other minerals in the offered lands, a like reservation will be made in the selected lands.

(c) *Criteria for approval of exchanges.* Subject to compliance with the regulations in this part, proposed exchanges will be approved if:

(1) The selected and offered lands are approximately equal in value.

(2) The selected lands are suitable for disposal through exchange and are not needed for any other program or disposal.

(3) The offered lands are needed for the use of the Indians.

(d) *Selections by State in lieu of school lands in reservation.* Selections by the State of Arizona in lieu of school lands within the boundary of the Navajo Reservation as defined by section 1 of the act of June 14, 1934 (48 Stat. 961), will be made in accordance with the regulations governing the selection of lands by States contained in Subpart 2222, insofar as they apply to indemnity school land selections, and will also be subject to all other existing regulations pertaining to such selections except that no fees or commissions are required, and the offered and selected lands need not be of equal area as in ordinary indemnity school land selections but need only be approximately equal in value.

§ 2244.4–6 Papago Indian Reservation, Arizona.

(a) *Statutory authority.* The act of July 8, 1937 (50 Stat. 536; 25 U.S.C. 463a–463c) authorizes the Secretary of the Interior to exchange any unreserved nonmineral public lands in Arizona for any State owned lands within the area added by the act to the Papago Indian Reservation.

(b) *Applicable regulations.* The State of Arizona will comply with the provisions of Subpart 2222, insofar as they apply to State indemnity selections, or with the provisions of § 2244.4–2, except that (1) all transactions will be made on an equal acreage basis and (2) the State will not be required to pay any fees or commissions.

§ 2244.4–7 Navajo Indian Reservation, Utah.

(a) *Statutory authority.* The act of March 1, 1933 (47 Stat. 1418; 43 U.S.C. 190a), authorizes the Secretary of the Interior to exchange any surveyed, unreserved, nonmineral public lands in the State of Utah for any State school sections within the area added to the Navajo Indian Reservation by the act.

(b) *Applicable regulations.* The State of Utah will comply with the provisions of Subpart 2222, insofar as they apply to State indemnity selections, except that (1) the offered and selected lands must

§ 2244.5 Exchanges to eliminate private holdings from national parks and national monuments.

§ 2244.5–1 Glacier National Park, Montana, Act of February 28, 1923.

(a) *Statutory authority.* The act of February 28, 1923 (42 Stat. 1324; 16 U.S.C. 164, 165) empowers the Secretary of the Interior to obtain for the United States the complete title to any or all lands held in private ownership within the boundaries of the Glacier National Park, by accepting from the owners of such lands complete relinquishment thereof and granting and patenting in exchange therefor an equal value of public land in the State of Montana.

(b) *Application, deed, abstract, statement, and fees required.* Applications for an exchange under the act of February 28, 1923, must be filed in the land office having jurisdiction over the land selected, the application describing the land to be conveyed as well as the land selected, according to Government subdivisions. Nothing less than a legal subdivision may be surrendered or selected. The selected land must be entirely within the State of Montana. Selections must be made by the owner of the land relinquished or in his name by a duly authorized agent or attorney in fact, and when made by an agent or attorney in fact proof of authority must be furnished. The application must be accompanied by the necessary relinquishment, abstract of title, statements, and fees, as set forth in § 2244.3.

(c) *Action on application; field examination and report.* The authorized officer, if necessary, will have a field examination and report made of both the selected and the base lands to determine whether or not their value is equal within the meaning of the act of February 28, 1923, with reference to their character as mineral, prairie, grazing, agricultural, timber, desert land or otherwise, as the case may be, and as to springs or water holes thereon, if any. Should the report of the authorized officer show curable defects, the Bureau of Land Management will give the applicant an opportunity to amend his application, if possible, so as to cure the defects.

(d) *Publication and posting.* If the report is favorable and the selection appears regular and in conformity with the law and regulations, the authorized officer will notify the applicant and require him, within 30 days from receipt of notice, to begin publication of notice of his application in accordance with § 2244.3, and in due time to submit proof thereof.

(e) *Protests.* Protests will be disposed of as provided under § 2244.3.

(f) *Approval of application; relinquishment and abstract.* (1) If the authorized officer decides that the application should be allowed, the applicant will be required to have his relinquishment recorded in the manner prescribed by the laws of the State of Montana and to have the abstract of title extended down to and including the date the deed of relinquishment or conveyance was recorded.

(2) If the authorized officer be of the opinion that further evidence as to value and character of land involved is necessary, he may institute such inquiry as he may deem advisable.

(3) The authorized officer, in the exercise of his discretion, may withhold his approval from any application made under the provisions of the act of February 28, 1923, subject to the right of appeal pursuant to Part 1840 of this chapter, although the applicant may have complied with the rules and regulations applicable thereto.

(R.S. 2478; 43 U.S.C. 1201)

§ 2244.5–2 Glacier National Park, Montana, Act of August 8, 1946.

(a) *Statutory authority.* The act of August 8, 1946 (60 Stat. 949), authorizes the Secretary of the Interior, when he deems such action to be in the best interests of the United States, to accept title to any non-Federal lands, interest in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, as then or thereafter established, and in exchange therefor, to convey to the grantors of such property, or to their nominees, any Federally owned lands, interests in lands, buildings, or other property, real or personal, within the boundaries of the Glacier National Park, located in the State of Montana, and administered by the National Park Service, which the Secretary determines are of approximately equal value to the property being acquired. In order to facilitate the making of such exchanges, the Secretary is authorized to enter into agreements for the reservation in conveyances to the United States or for the grant in conveyances from the United States, of such estates for years, life estates, or other interests, as may be consistent with the purposes of the act, but all such limitations must be considered in determining the equality of the interests to be exchanged.

This section does not apply to exchanges which involve no interest in real property.

(b) *Informal application.* All preliminary negotiations relating to an exchange under the above act are to be conducted with the National Park Service. Any owner of property within the boundaries of the Glacier National Park who desires to take advantage of the privileges conferred by said act, must file with the Director, National Park Service, an informal application describing the privately owned property, which is offered to the United States and the property which is selected in exchange therefor. If the Director, National Park Service is of the opinion that the value of the property offered is equal to or more than the value of the selected property, and that the exchange should be consummated, he will so advise the applicant by letter, stating, among other things, his determination as to values, and will instruct the applicant to file in the proper land office, the letter, together with a formal application to exchange.

(c) *Formal application.* (1) The formal application, which must be filed in duplicate, should contain the full name and post office address of the applicant, a description of the property offered to the Government and the property selected in exchange therefor; a statement as to what, if any, reservations, easements, or rights-of-way are being made in the offered land; a statement that the applicant is the owner of the property offered in exchange, that he is legally capable of consummating the exchange, and that such property is not the basis of another selection or exchange; a statement by the applicant or some credible person possessed of the requisite knowledge, that the land selected is nonmineral in character, contains no salt springs or deposits of salt in any form to render it chiefly valuable therefor, and is not in any manner occupied or claimed adversely to the applicant; and a statement corroborated by

be of approximately equal value in addition to being of equal acreage and (2) the State will not be required to pay any fees or commissions.

§ 2244.4–8 Pueblo and Canoncito Navajo, New Mexico.

(a) *Authority.* (1) Section 2 of the act of August 13, 1949 (63 Stat. 605; 25 U.S.C. 622), authorizes the Secretary of the Interior to exchange for any lands or interests therein, including improvements and water rights, situated within the area described in section I of the notice dated March 25, 1950 (15 F.R. 1852), any lands or interests therein, including improvements and water rights, situated within the boundaries of the area described in said section I, or within the public domain area described in section II of said notice, or within any public domain in New Mexico.

(2) Section 10(a) of Public Law 87–231, act of September 14, 1961 (75 Stat. 500; 25 U.S.C. 624), provides that the Secretary of the Interior may acquire, within the Pueblo land consolidation areas, any lands or interests therein, including improvements and water rights, and in exchange therefor, may convey not to exceed an equal value of unappropriated public lands within the State of New Mexico, or, with the consent of the Pueblo authorities, any Pueblo tribal lands or interest therein, including improvements and water rights.

(3) The Pueblo land consolidation areas include any lands, acquisition of which would tend to consolidate Pueblo tribal lands held by a Pueblo at the time of such acquisition.

(b) *Criteria for approval of exchanges.* Subject to compliance with the regulations in this part, proposed exchanges will be approved if:

(1) The selected lands or interests do not exceed the value of the offered lands or interests.

(2) The selected lands or interests are approximately equal in value to the offered lands or interests.

(3) The selected lands or interests are suitable for disposal through exchange and are not needed for any other program or disposal.

(4) The offered lands or interests are needed for the use of the Indians.

(5) The tribal authorities of the Pueblo or Navajo Tribe involved give their consent to the exchange.

two credible witnesses as to springs and water holes in accordance with §§ 2321.1–1 to 2321.1–2. The application should be accompanied by the letter received from the National Park Service signifying its approval of the consummation of the proposed exchange. Any application not accompanied by such a letter will be rejected. The offered and selected property in the formal application must be identical with the property referred to in the letter of the National Park Service and all lands should be described by legal subdivisions of the public land surveys, except where unsurveyed land is selected and in which case, the description thereof must conform to § 1821.7–1 of this chapter. Where application is made to select unsurveyed land, such land must be surveyed, and the application and valuation must be adjusted to survey before patent can issue for such selected land.

(2) Where the application is filed by an individual he will be required to show he is 21 years of age, and otherwise capable of carrying through the transaction.

(3) Where the application is made by or in behalf of a corporation, a certified copy of the articles of incorporation must be furnished. If the corporation is organized under a State other than Montana the articles of incorporation must be accompanied by a certificate showing that the corporation is authorized to do business in the State of Montana.

(d) *Fees.* Fees must be paid by the applicant at the rate of $2 for each 160 acres, or fraction thereof, of the base lands offered and conveyed to the Government.

(e) *Action by Bureau of Land Management.* (1) Upon receipt of all the evidence required, examination will be made at as early a date as practicable and if the evidence is found defective an opportunity will be given the parties in interest to cure the defects, if possible.

(2) If the authorized officer determines that the value of the offered property is equal to or more than the value of the selected property and that the application should be allowed, the exchange will be approved, subject to the submission of acceptable title to the offered property and to full compliance by the applicant with this section and subject to any protests or other valid objections which may appear.

(f) *Publication and posting of notice.* Upon approval of the application the applicant will begin publication of notice thereof, at his own expense, in some newspaper, designated by the Bureau of Land Management and having general circulation in the county, or counties, in which the property offered and the property selected are situated. Such notice must be published once each week for four successive weeks. The notice should describe the property applied for as well as the property offered in exchange and give the date of filing of the application, and state that the purpose thereof is to allow all persons claiming the property selected, or having bona fide objections to such application, an opportunity to file their protests with the proper land office. Proof of publication shall consist of a statement of the publisher or of the foreman or other proper employee of the newspaper in which the notice was published, with a copy of the published notice attached. The date of such publication and posting must be given in all cases.

(g) *Protests; additional papers to be filed; action by manager.* Should no protest be filed against the allowance of the selection within 30 days from the date of the first publication of notice, and no objections appear on the records of the land office, the manager will notify the applicant that he is allowed 60 days from receipt of notice within which to file the deed or other instrument conveying the offered property to the Government, together with such title evidence as may be required by this section.

(h) *Deed or instrument of conveyances.* (1) The deed of conveyance or other instrument transferring title to the offered property to the United States must be executed, acknowledged and duly recorded in accordance with the laws of the State of Montana. Such revenue stamps as are required by law must be affixed to the instrument and canceled. The instrument should recite that it is made "for and in consideration of the exchange of certain property as authorized by the act of August 8, 1946 (60 Stat. 949)."

(2) Where such instrument is executed by an individual, it must show whether the person making the conveyance is married or single. If married, the wife or husband of such person as the case may be, must join in the execution and acknowledgment of the instrument in such manner as to bar effectually any right of curtesy or dower, or any claim whatsoever to the property conveyed, or it must be fully and satisfactorily shown that under the laws of the State of Montana in which the property conveyed is situated, such husband or wife has no interest whatsoever, present or prospective, which makes his or her joining in the instrument necessary. Where the instrument is executed by a corporation, it should recite that it was executed pursuant to an order or by the direction of the board of directors, or other governing body, and a copy of such order or direction must accompany such instrument and both should bear the impression of the corporate seal.

(i) *Abstract of title; title insurance; certificate of title.* (1) Where land or an interest in land is conveyed, applicant must file an abstract of title, a policy of title insurance or a certificate of title, as provided in this section.

(2) The abstract of title must show that the title memoranda contained therein are a full, true and complete abstract of all matters of record or on file in the offices of the recorder of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, pending suits, judgments, liens, lis pendens, or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the office of the clerks of courts of record affecting in any manner whatsoever the title to the land or property to be conveyed to the United States. The abstract of title may be prepared and certified by the recorder of deeds or other proper officer under his official seal, or it may be prepared and authenticated by an abstractor or by an abstract company, which is satisfactory to the Bureau of Land Management.

(3) A policy of title insurance, or a certificate of title, may be accepted in lieu of an abstract, in proper cases, when issued by a title company. A policy of title insurance when furnished must be free from conditions and stipulations not acceptable to the Bureau of Land Management. A certificate of title will be accepted only where the certificate is made to the Government, or expressly for its benefit, and where the interests of the Government will be sufficiently protected thereby.

(j) *Taxes.* The applicant must furnish a certificate by the proper official of the county in which the property conveyed to the United States is situated, showing that all taxes levied or assessed against the property, or that could operate thereon as a lien, have been fully paid, or whether there is a tax due on such property that could operate as a lien thereon but which tax is not yet payable, and that there are no unredeemed tax sales and no tax deeds outstanding against such property. In case taxes have been assessed or levied on such property, and such taxes are not due and payable until some future date, the applicant, in addition to the certificate above required relative to taxes and tax assessments, may furnish a bond with a qualified corporate surety for the sum of twice the amount of taxes paid on the property for the previous year in order to indemnify the United States against loss for the tax as assessed or levied but not yet due and payable. In lieu of the bond the applicant may submit a sum similar to that required in the case of a bond, and if and when proper evidence is furnished showing the taxes on the property conveyed have been paid in full, the said sum will be returned to the applicant.

(k) *Further action by Bureau of Land Management.* The publication of notice, deed or other instrument of conveyance, abstract of title and other evidence required of the applicant will, upon receipt in the Bureau of Land Management be examined, and if found regular and in conformity with law, and there are no objections, title will be accepted to the property conveyed to the United States and patent or other instrument of transfer will issue for the property selected in exchange. Notice of additional requirements, rejection or other adverse action will be given the applicant.

(l) *Conveyed property a part of the Glacier National Park.* All property conveyed to the United States pursuant to this section shall, upon acceptance of title, become a part of the Glacier National Park, and shall be subject to all laws applicable to such area.

(R.S. 2478; 43 U.S.C. 1201)

conveyed to the United States, according to Government subdivisions.

(2) If the custodian finds the offered land to be within the Petrified Forest National Monument and the acquisition thereof by the United States will be in accord with the purposes of the act, he will request the Director of the National Park Service to so advise the Bureau of Land Management. The Director of the National Park Service, unless he has reasons to do otherwise, shall transmit the informal application, together with an estimate of the value of the offered land and his recommendations in the premises.

Cross Reference: For National Park Service, see 36 CFR Chapter I.

(c) *Action by manager; formal application, evidence and report required.* (1) The land office manager will notify the applicant that 60 days from receipt of notice will be allowed within which to file in his office a formal application and the statements required in this section. Applicants under the act of May 14, 1930 will not be required to pay any fees or commissions.

(2) The formal application must describe the offered and selected lands, which lands must be within the limits and of the character prescribed by the act of May 14, 1930. The applicant must also furnish his statement or the statement of some credible person possessed of the requisite personal knowledge, showing that the land selected is chiefly valuable for grazing and raising forage crops, does not contain merchantable timber, is not susceptible of irrigation from any known source of water supply, is of the character similar to the offered land, is situated in Navajo or Apache Counties, Arizona, or in both, and is outside the limits of the Petrified Forest National Monument, is nonmineral in character, contains no salt springs or deposits of salt in any form sufficient to render it chiefly valuable therefor, is not in any manner occupied or claimed adversely to the selector and that no spring or water hole exists therein. If such water hole does exist, a full showing must be made in accordance with § 2321.1–1 to 2321.1–2. The applicant must also furnish a statement that he is the owner of the land to be relinquished and that the said land is not the basis of another selection or exchange.

(3) Upon approval of the application the manager will notify the applicant that within 60 days from notice, there must be furnished proof that notice of the exchange proposal describing the lands involved therein has been published once each week for 5 consecutive weeks in some newspaper or newspapers having general circulation in the county or counties in which the land selected are situated, such newspaper or newspapers to be designated by the manager. The notice should describe the land to be relinquished as well as the land selected in exchange and give the date of filing of the formal application and act under which filed and should state that the purpose thereof is to allow all persons claiming the land selected or having bona fide objections to such application, an opportunity to file their protests in the land office. Proof of publication shall consist of a statement by the publisher or of the foreman or other proper employee of the newspaper in which the notice was posted showing the dates of publication, together with a copy of the notice as published.

(4) The proof of publication notice should be accompanied by an unrecorded deed to the United States of title to the offered land and an abstract of title showing good title to the offered land in the applicant.

(d) *Completion of exchange record.* The applicant will be required to furnish evidence by proper authority showing that all taxes levied or assessed against the offered land and that could operate thereon as a lien, have been fully paid or to furnish indemnity for such taxes as are assessed but not yet payable.

The parties in interest to any exchange under this act shall be given opportunity to cure any defects which may appear of record.

(e) *Lands conveyed to be part of monument.* When title has been accepted to any lands conveyed to the United States under the act of May 14, 1930, the lands so conveyed shall become a part of the Petrified Forest National Monument.

(R.S. 2478; 43 U.S.C. 1201)

§ 2244.5–5 Chaco Canyon National Monument, New Mexico.

(a) *Authority.* The act of February 17, 1931 (46 Stat. 1165) empowered the Secretary of the Interior, in his discretion, to obtain for the United States the complete title to any or all alienated lands within the boundaries of the Chaco Canyon National Monument, New Mexico, by accepting from the owners of such lands complete relinquishment thereof and by granting to such owners in exchange therefor, surveyed, nonmineral and unreserved public lands of equal quality and acreage or of equal value situated elsewhere in New Mexico.

(b) *Character of lands subject to exchange.* Any person who owns lands within the boundaries of the Chaco Canyon National Monument, New Mexico, as now or hereafter defined, may under the act of February 17, 1931, exchange such land for surveyed, nonmineral and unreserved public lands in New Mexico, of equal quality and acreage or of equal value, provided that the Secretary of the Interior shall, on application or otherwise, designate public land subject to exchange under this act, which is in his opinion chiefly valuable for grazing and raising forage crops, does not contain merchantable timber, is not susceptible of irrigation from any known source of water supply, is not embraced in a valid claim and is of quality similar to the lands offered in exchange.

(c) *Who may exchange lands.* Under the act of February 17, 1931, a natural person, an association of persons or a corporation may be an applicant to exchange lands. Any owner of land within the boundaries of the Chaco Canyon National Monument in New Mexico, who desires to take advantage of the privileges conferred by the above act, may file a formal application to exchange in the land office wherein the lands selected in exchange are situated.

(d) *Application and statements required.* The formal application should set forth the name and address of the applicant and should recite that it is made under the act of February 17, 1931 (46 Stat. 1165). The application must describe by legal subdivision the land offered to the Government and the land selected in exchange. The application must show that the applicant is the owner of the land offered to the Government and that such land is not the basis of any other selection or exchange and the application must show wherein the selected land is of equal quality and acreage or of equal value to the land offered in exchange to the Government. The parties in interest to any exchange will be required to furnish evidence by proper authority showing that all taxes levied or assessed against the land offered in exchange and that could operate thereon as a lien, have been fully paid or to furnish indemnity for such taxes as are assessed but not yet payable.

(e) *Lands conveyed to be part of monument.* When title has been accepted to any lands conveyed to the United States under the act of May 14, 1930, the lands so conveyed shall become a part of the Petrified Forest National Monument, Arizona.

§ 2244.5–4 Petrified Forest National Monument, Arizona.

(a) *Statutory authority.* The act of May 14, 1930 (46 Stat. 278; 16 U.S.C. 444, 444a), empowers the Secretary of the Interior, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of the Petrified Forest National Monument, Arizona, by accepting from the owners of such lands complete relinquishment thereof, and by granting and patenting in exchange therefor, like public lands of equal value situated in Navajo and Apache Counties, Arizona.

(b) *Preliminary negotiations and informal application.* (1) All preliminary negotiations relating to an exchange under the act of May 14, 1930, are to be conducted with Custodian of the Petrified Forest National Monument in Arizona, and any owner of land subject to exchange who desires to take advantage of the privileges conferred thereby must file with the said custodian an informal application describing the land to be exchanged. The parties in interest will be required to furnish evidence by proper authority showing that all taxes levied or assessed against the land offered in exchange and that could operate thereon as a lien, have been fully paid or to furnish indemnity for such taxes as are assessed but not yet payable.

(2) If the custodian finds the offered land to be within the Petrified Forest National Monument and the acquisition thereof by the United States will be in accord with the purposes of the act, he will request the Director of the National Park Service to so advise the Bureau of Land Management. The Director of the National Park Service, unless he has reasons to do otherwise, shall transmit the informal application, together with an estimate of the value of the offered land and his recommendations in the premises.

Cross Reference: For National Park Service, see 36 CFR Chapter I.

(c) *Action by manager; formal application, evidence and report required.* (1) The land office manager will notify the applicant that 60 days from receipt of notice will be allowed within which to file in his office a formal application and the statements required in this section. Applicants under the act of May 14, 1930 will not be required to pay any fees or commissions.

(2) The formal application must describe the offered and selected lands, which lands must be within the limits and of the character prescribed by the act of May 14, 1930. The applicant must also furnish his statement or the statement of some credible person possessed of the requisite personal knowledge, showing that the land selected is chiefly valuable for grazing and raising forage crops, does not contain merchantable timber, is not susceptible of irrigation from any known source of water supply, is of the character similar to the offered land, is situated in Navajo or Apache Counties, Arizona, or in both, and is outside the limits of the Petrified Forest National Monument, is nonmineral in character, contains no salt springs or deposits of salt in any form sufficient to render it chiefly valuable therefor, is not in any manner occupied or claimed adversely to the selector and that no spring or water hole exists therein. If such water hole does exist, a full showing must be made in accordance with § 2321.1–1 to 2321.1–2. The applicant must also furnish a statement that he is the owner of the land to be relinquished and that the said land is not the basis of another selection or exchange.

(3) Upon approval of the application the manager will notify the applicant that within 60 days from notice, there must be furnished proof that notice of the exchange proposal describing the lands involved therein has been published once each week for 5 consecutive weeks in some newspaper or newspapers having general circulation in the county or counties in which the land selected are situated, such newspaper or newspapers to be designated by the manager. The notice should describe the land to be relinquished as well as the land selected in exchange and give the date of filing of the formal application and act under which filed and should state that the purpose thereof is to allow all persons claiming the land selected or having bona fide objections to such application, an opportunity to file their protests in the land office. Proof of publication shall consist of a statement by the publisher or of the foreman or other proper employee of the newspaper in which the notice was posted showing the dates of publication, together with a copy of the notice as published.

(4) The proof of publication notice should be accompanied by an unrecorded deed to the United States of title to the offered land and an abstract of title showing good title to the offered land in the applicant.

(d) *Completion of exchange record.* The applicant will be required to furnish evidence by proper authority showing that all taxes levied or assessed against the offered land and that could operate thereon as a lien, have been fully paid or to furnish indemnity for such taxes as are assessed but not yet payable.

The parties in interest to any exchange under this act shall be given opportunity to cure any defects which may appear of record.

(e) *Lands conveyed to be part of monument.* When title has been accepted to any lands conveyed to the United States under the act of May 14, 1930, the lands so conveyed shall become a part of the Petrified Forest National Monument.

(R.S. 2478; 43 U.S.C. 1201)

§ 2244.5–5 Chaco Canyon National Monument, New Mexico.

(a) *Authority.* The act of February 17, 1931 (46 Stat. 1165) empowered the Secretary of the Interior, in his discretion, to obtain for the United States the complete title to any or all alienated lands within the boundaries of the Chaco Canyon National Monument, New Mexico, by accepting from the owners of such lands complete relinquishment thereof and by granting to such owners in exchange therefor, surveyed, nonmineral and unreserved public lands of equal quality and acreage or of equal value situated elsewhere in New Mexico.

(b) *Character of lands subject to exchange.* Any person who owns lands within the boundaries of the Chaco Canyon National Monument, New Mexico, as now or hereafter defined, may under the act of February 17, 1931, exchange such land for surveyed, nonmineral and unreserved public lands in New Mexico, of equal quality and acreage or of equal value, provided that the Secretary of the Interior shall, on application or otherwise, designate public land subject to exchange under this act, which is in his opinion chiefly valuable for grazing and raising forage crops, does not contain merchantable timber, is not susceptible of irrigation from any known source of water supply, is not embraced in a valid claim and is of quality similar to the lands offered in exchange.

(c) *Who may exchange lands.* Under the act of February 17, 1931, a natural person, an association of persons or a corporation may be an applicant to exchange lands. Any owner of land within the boundaries of the Chaco Canyon National Monument in New Mexico, who desires to take advantage of the privileges conferred by the above act, may file a formal application to exchange in the land office wherein the lands selected in exchange are situated.

(d) *Application and statements required.* The formal application should set forth the name and address of the applicant and should recite that it is made under the act of February 17, 1931 (46 Stat. 1165). The application must describe by legal subdivision the land offered to the Government and the land selected in exchange. The application must show that the applicant is the owner of the land offered to the Government and that such land is not the basis of any other selection or exchange and the application must show wherein the selected land is of equal quality and acreage or of equal value to the land offered in exchange to the Government. The parties in interest to any exchange will be required to furnish evidence by proper authority showing that all taxes levied or assessed against the land offered in exchange and that could operate thereon as a lien, have been fully paid or to furnish indemnity for such taxes as are assessed but not yet payable.

(h) *Opportunity afforded to cure defects in record.* The parties in interest to any exchange under this act shall be given opportunity to cure any defects which may appear of record.

(i) *Lands conveyed to be part of Chaco Canyon National Monument.* When title has been accepted to any lands so conveyed to the United States under the act of February 17, 1931, the lands so conveyed shall become a part of the Chaco Canyon National Monument.

(j) *Driving stock across the monument.* Any applicant who desires to take advantage of the privilege of driving stock across the monument, conferred by section 1 of the act of February 17, 1931 (46 Stat. 1166), should place the matter before the National Park Service, requesting permission to drive stock across the monument at an accessible location, and such permission may be obtained with the approval of the Secretary of the Interior.

Cross Reference: For National Park Service rules and regulations, generally, see 36 CFR Part 1.

(k) *Reservations and rights for scientific research within monument.* Section 3 of the act of February 17, 1931 (46 Stat. 1166), permits the acceptance of title by the United States to sections 17 and 21, T. 21 N., R. 10 W., and sections 3, 11 and 13, T. 21 N., R. 11 W., New Mexico, subject to such reservations by any of the owners thereof, namely, the University of New Mexico, the Museum of New Mexico and the School of American Research, as will enable such owners to continue scientific research thereon: *Provided*, That such use shall not interfere with the administration of said area for national monument purposes, and provided further that upon relinquishment by any of such owners of the rights reserved, the Secretary of the Interior may in lieu thereof grant such owners similar rights with reference to other ruins and locations within said monument. When any of the above owners desire to make reservations in the lands last described, arrangements therefor should be made with the Director of the National Park Service, before the deed of the land to the United States is executed. When such reservations are made the Director of the National Park Service shall advise the Bureau of Land Management thereof, in order that the

record may be complete and that proper notations may be made on the records of the Bureau of Land Management.

CROSS REFERENCE: For National Park Service regulations relating to scientific research in ruins and archaeological objects, see 36 CFR 1.16.

(R.S. 2478; 43 U.S.C. 1201)

§ 2244.5–6 Point Reyes National Seashore, California.

(a) *Authority.* The Act of September 13, 1962 (76 Stat. 538; 16 U.S.C., sec. 459c), providing for the establishment of the Point Reyes National Seashore in the State of California, authorizes the Secretary of the Interior, when the public interest will be benefited thereby, to acquire land within the boundaries of the Point Reyes National Seashore by exchange. He may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within Arizona, California, Nevada, and Oregon, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value, provided that when such values are not equal the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the value of the properties exchanged.

(b) *Application.* (1) All preliminary negotiations for exchanges of land are to be conducted with the National Park Service. Any person holding an interest in property within the boundaries of the Point Reyes National Seashore who desires to negotiate an exchange with the United States must file with the Regional Director, Western Region, National Park Service, an informal proposal, in writing, describing the privately owned property which is to be offered to the United States and the property which is desired in exchange therefor. After consultation with the authorized officer of the Bureau which has jurisdiction over the property desired by the proponent, the Regional Director will advise the proponent, in writing, whether the proposal appears feasible and, if so, the amount of money, if any, he believes the proponent would have to pay to equalize values.

(2) Formal application: Any person desiring to effect an exchange of lands hereunder must file in the land office of the Bureau of Land Management having jurisdiction over the State or land district in which selected lands are located, an application, in duplicate, on a form approved by the Director, or its equivalent, describing the lands by metes and bounds or other proper description. However, if the selected lands are surveyed, they must be described by legal subdivisions of the public land surveys. The application must be accompanied by the notice received from Regional Director, National Park Service, required by paragraph (a) of this section.

(3) The applicant must be legally capable under the laws of the State of California and the State in which the selected lands are situated of consummating the exchange. The application must state that he is the owner of the interest in the lands offered in exchange and that such offered interest is not the basis of any other exchange.

(4) As used in this part the term "person" includes any person or entity legally capable under the laws of the States involved of conveying and holding land.

(c) *Appraisals; values; costs.* The National Park Service will arrange, by contract or otherwise, for the services of appraisers, for the purpose of appraising both the offered and selected lands or interest. The National Park Service will pay for costs of publication and of securing title evidence for the offered property. It will also reimburse the Bureau having jurisdiction over the selected lands for any costs incurred by it in processing an exchange filed pursuant to paragraph (b) of this section.

(d) *Notice for Publication.* Upon a determination by the authorized officer of the National Park Service, and of the Bureau which has jurisdiction over the selected property that the value of the offered property is approximately equal to the value of the selected property, that provision has been made for a cash payment sufficient to equalize the value of the properties exchanged, and that the exchange is consistent with the law and regulations and is otherwise in the public interest, notice of the proposed exchange will be published. The notice of publication will give the name and post office address of the applicant, the serial number and date of the application, a reference to the Act of September 13, 1962, and the description of the offered and selected lands. It will also state that all persons asserting a claim to the selected lands or having bona fide objections to the exchange may file their protests or other objections in the office designated in the notice, together with evidence that a copy of such protest or objections has been served upon the applicant. The notice will be published once a week for four consecutive weeks in a designated newspaper of general circulation in the county or counties in which the offered lands are situated and in the same manner in a newspaper of general circulation in the county or counties in which the selected lands are situated. Proof of publication of notice shall consist of a statement by the publisher or foreman or other authorized employee of the newspaper, specifying the dates of publication, and attaching thereto a copy of the notice as published.

(e) *Deed to the United States.* The applicant will submit a deed, upon request of the authorized officer of the Bureau of Land Management, conveying the offered land to the United States, executed and acknowledged in accordance with the laws of the State of California. Revenue stamps required by Federal and State law must be affixed to the deed at the expense of the applicant. The deed should recite that it is made "for and in consideration of the exchange of certain lands as authorized by section 3 of the Act of September 13, 1962 (76 Stat. 538)." Deeds must be signed by all persons holding the interest conveyed in the offered land. Deeds must disclose the marital status of the grantor. If a grantor is married, the spouse of the grantor must join in the execution of the deed unless it be fully shown that the grantor's spouse has no interest present or prospective in the land. The deed must not be recorded by the applicant but will be recorded in the proper county land records when the exchange is ready for consummation. A deed executed by a corporation must recite that it was executed pursuant to a resolution or order of its Board of Directors, or other governing body, and a copy of such resolution or order must accompany the deed. The corporate seal must be affixed to both instruments.

(f) *Taxes and equalizing money.* In case taxes which have been assessed or levied on the offered lands constitute a lien against the lands, although such taxes are not due and payable at the time of the recordation of the deed to the United States, the applicant may furnish a bond with a qualified surety for double the amount of taxes paid on the land for the previous year, or, in lieu of a bond, a cash deposit in like amount, to secure the payment of such taxes. When proper evidence of payment in full of such taxes if furnished by the applicant, liability under the bond will be terminated or the cash deposit will be returned to him. Cash deposit or bond for taxes and cash payment of the amount determined to be needed to equalize values will be payable upon request of the authorized officer of the Bureau of Land Management.

(g) *Conveyed property a part of Point Reyes National Seashore.* (1) The Bureau of Land Management will examine the deed, evidence of title, and other evidence required of the applicant and if all be found regular and in conformity with law, and there are no objections, will accept title to the property offered and conveyed to the United States, and will issue a deed or other instrument of transfer for the property selected in exchange, and will transmit to the applicant the cash payment, if any, necessary to balance the values.

(2) All property conveyed to the United States pursuant hereto shall, upon acceptance of title, become a part of the Point Reyes National Seashore, and shall be subject to all laws applicable to such area.

(R.S. 2478; 43 U.S.C. 1201; Act of Sept. 13, 1962; 76 Stat. 538; 16 U.S.C. 459c)

§ 2244.6 Exchanges for migratory bird or other wildlife refuges.

§ 2244.6–1 Authority.

(a) Section 303 of the act of June 15, 1935 (49 Stat. 382; 16 U.S.C., sec. 715d–2), and Reorganization Plan No. II of May 9, 1939 (53 Stat. 813, 1431, 1433; 5 U.S.C., secs. 133z, 133t), authorize the Secretary of the Interior, in his discretion and when the public interest will be benefited thereby, to accept on behalf of the United States title to any lands which in his opinion, are chiefly valuable for migratory bird or other wildlife refuges, and in exchange therefor to patent not to exceed an equal value of surveyed or unsurveyed, unappropriated and unreserved nonmineral public lands

in the same State, the value in each case to be determined by him.

(b) Section 304 of the act of June 15, 1935 (49 Stat. 382; 16 U.S.C. 715e–1) permits the private owners of lands offered in an exchange to retain such rights of way, easements and reservations in such land as will not interfere with the use of the areas involved for the purposes of the act of June 15, 1935.

(Sec. 303, 49 Stat. 382; 16 U.S.C. 715d–2)

§ 2244.6–2 Procedures.

(a) *Preliminary negotiations; informal application and procedure thereon.* All preliminary negotiations relating to an exchange under the above act are to be conducted with the Fish and Wildlife Service. Any owner of land subject to exchange who desires to take advantage of the privileges conferred by the said act, must file with the local representatives of the Fish and Wildlife Service, an informal application describing the privately owned land which is offered to the United States and the public land which is selected in exchange therefor. The land offered to the United States must be chiefly valuable for migratory bird or other wildlife refuges, while the land selected in exchange must be unappropriated and unreserved nonmineral public land of the United States, which may be surveyed or unsurveyed. If the Director, Fish and Wildlife Service is of the opinion that the offered land is chiefly valuable for migratory bird or other wildlife refuges, he will advise the applicant thereof, together with his determination as to the values of the offered and selected lands giving the prices thereof and whether in his opinion the exchange should be consummated and shall instruct the applicant to file in the land office having jurisdiction over the selected land or for lands in a State in which there is no land office, with the Bureau of Land Management, Washington 25, D.C., except the applications for exchange in North or South Dakota shall be filed in the land office at Billings, Montana; applications for exchange in Nebraska or Kansas shall be filed in the land office at Cheyenne, Wyoming; and for exchange in Oklahoma in the land office at Santa Fe, New Mexico, the said letter of information and instructions together with a formal application to exchange, the statements and filing fees more specifically referred to in the following section.

(b) *Formal application; statements and fees required.* The formal application should contain the full name and post office address of the applicant, a description of the land offered to the Government and the land selected in exchange therefor, a statement as to what, if any, reservations, easements or rights-of-way are being made in the offered land, and should be accompanied by the letter received from the Director, Fish and Wildlife Service with reference to the proposed exchange. The offered and selected lands in the formal application must be identical with the lands referred to in the letter of the Director, Fish and Wildlife Service, must be in the same State, and should be described by legal subdivisions of the public land surveys, except where unsurveyed land is selected and in which case the description thereof shall conform to § 1821.7–1 of this chapter. Where application is made to select unsurveyed land, such land must be surveyed, the application and valuation must be adjusted to survey and the nonmineral character must be determined with reference to the survey, before patent can issue for such selected land. The application must be accompanied by a statement showing that the applicant is legally capable of consummating the exchange, that such offered land is not the basis of another selection or exchange, and that the selected land is unreserved, unappropriated, nonmineral land not occupied, claimed, improved or cultivated by any person adversely to the applicant. The application must be accompanied with a corroborated statement relative to springs and water holes on the selected lands, in accordance with existing regulations pertaining thereto in § 2321.1–1 to 2321.1–2. Payment of fees will be required at the rate of $2 for each selection of 160 acres or fraction thereof, and should be submitted with the formal application.

(c) *Procedure on formal application and statements.* The formal application, statements and letter to the applicant by the Director, Fish and Wildlife Service, will upon receipt in the Bureau of Land Management, be examined and if found regular and in conformity with the law and if in the opinion of the authorized officer, Bureau of Land Management, the public interests will be benefited and the application should be approved, the applicant will be required to submit proof of publication of notice, a deed of conveyance of the offered land duly recorded, an abstract of title showing that at the time the deed of conveyance to the United States was recorded the title to the lands covered by such deed was in the party making the conveyance, and a certificate as to the payment of taxes, all of which matters are more specifically referred to in §§ 2244.6–2(d) to 2244.6–3 (c).

(d) *Publication and posting of notice.* The publication notice must give the name and post office address of the applicant, serial number and date of the application, act under which the application is filed, describe both the selected land and offered land as required above in the application, and state that the purpose of the notice is to allow all persons claiming the selected lands or having bona fide objection to such exchange an opportunity to file their protests or other objections in the land office, together with evidence to show that a copy of such protest or objection has been served upon the applicant. Such notice must be published at the expense of the applicant once a week for 4 consecutive weeks in some designated newspaper of general circulation in the county or counties in which may be situated the lands selected in exchange. In the event the newspaper is a daily, the publication should be made in the Wednesday issue thereof. Proof of publication of notice shall consist of a statement by the publisher, or foreman, or other proper employee of the newspaper, showing the dates of publication, and attaching thereto a copy of the notice as published.

(Sec. 303, 49 Stat. 382; 16 U.S.C. 715d–2)

§ 2244.6–3 Conveyance to the United States.

(a) *Deed to United States.* The deed of conveyance to the United States must be executed, acknowledged and duly recorded in accordance with the laws of the State in which the lands are situated. Such revenue stamps as are required by law must be affixed to the deed and canceled. The deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by section 303 of the act of June 15, 1935 (49 Stat. 382)." Where such deed is made by an individual, it must show whether the person making the conveyance is married or single. If married, the wife or husband of such person as the case may be, must join in the execution and acknowledgment of the deed in such manner as to bar effectually any right of curtesy or dower, or any claim whatsoever to the land conveyed, or it must be fully and satisfactorily shown that under the laws of the State in which the land conveyed is situated, such husband or wife has no interest whatsoever, present or prospective, which makes his or her joining in the deed of conveyance necessary. Where the deed of conveyance is by a corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directors, or other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.

(b) *Abstract of title.* The abstract of title must show that the title memoranda contained therein are a full, true and complete abstract of all matters of record or on file in the office of the recorder of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, pending suits, judgments, liens, lis pendens, or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the office of the clerks of courts of record affecting in any manner whatsoever the title to the land to be conveyed to the United States. The abstract of title may be prepared and certified by the recorder of deeds or other proper officer under his official seal, or it may be prepared and authenticated by an abstractor or by an abstract company, approved by the Bureau of Land Management, in accordance with § 1863.5 of this chapter.

(c) *Taxes.* The applicant must furnish a certificate by the proper official of the county in which the land conveyed to the United States is situated, showing that all taxes levied or assessed against the land conveyed to the United States, or that could operate thereon as a lien, have been fully paid, or whether there is a tax due on such land that could operate as a lien thereon but which tax is not

yet payable and that there are no unredeemed tax sales and no tax deeds outstanding against such land conveyed to the United States. In case taxes have been assessed or levied on lands conveyed to the United States, and such taxes are not due and payable until some future date, the applicant in addition to the certificate above required relative to taxes and tax assessments, may furnish a bond with qualified corporate surety for the sum of twice the amount of taxes paid on the land for the previous year in order to indemnify the United States against loss for the tax as assessed or levied but not yet due and payable. In lieu of the bond the applicant may submit a sum similar to that required in the bond, and if and when proper evidence is furnished showing the taxes on the land conveyed have been paid in full, the said sum will be returned to the applicant.

(Sec. 303, 49 Stat. 382; 16 U.S.C. 715d–2)

§ 2244.6–4 Action by Bureau of Land Management on complete record.

The publication of notice, deed of conveyance, abstract of title and other evidence required of the applicant will, upon receipt in the Bureau of Land Management, be examined, and if found regular and in conformity with law, and there are no objections, title will be accepted to the land conveyed to the United States and patent will issue for the land selected in exchange. The right of appeal, review, or rehearing may be taken in the manner prescribed by Parts 1840 and 1850 of this chapter. Protests against exchanges should be filed in the land office.

(Sec. 303, 49 Stat. 382; 16 U.S.C. 715d–2)

§ 2244.6–5 Quitclaim deed by United States.

In the event the application for exchange is finally rejected or the selection canceled for any reason, the abstract of title will be returned, and the applicant will be advised of his right to apply for a quitclaim deed under existing law for the land conveyed to the United States.

CROSS REFERENCE: For quitclaim deeds, see § 1862.0–3(b) of this chapter.

(Sec. 303, 49 Stat. 382; 16 U.S.C. 715d–2)

§ 2244.6–6 Jurisdiction over land conveyed to United States.

Land conveyed to the United States in an exchange under section 303 of the act of June 15, 1935 (49 Stat. 382; 16 U.S.C., 715d–2) shall, upon acceptance of title thereto, be held and administered by the Secretary of the Interior under the terms of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i).

CROSS REFERENCE: Regulations and orders relating to migratory birds, see 50 CFR Part 10.

(Sec. 303, 49 Stat. 382; 16 U.S.C. 715d–2)

§ 2244.7 Exchanges for the benefit of particular States.

§ 2244.7–1 North Dakota, South Dakota, Montana, and Washington.

(a) *Authority.* The act of Congress approved May 7, 1932 (47 Stat. 150), amended the enabling Act of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889 (25 Stat. 676), so as to provide for exchanges by said States of the granted lands, for other lands, public or private.

(b) *Application for public lands in exchange for State lands.* Applications for public lands sought under the provisions of the act of May 7, 1932, must be filed, by the proper officers of the State, in the proper land office in the State, or for lands in North or South Dakota in the land office at Billings, Montana, accompanied by the following statements and certificates:

(1) A statement as to the nonmineral and nonsaline character of the land applied for, and showing that said land is unappropriated and is not occupied by and does not contain improvements placed thereon by any Indian.

(2) A certificate of the selecting agent showing that the selection is made under and pursuant to the laws of the State.

(3) A corroborated statement must be furnished relative to springs and water holes upon the land applied for, in accordance with existing regulations pertaining thereto in §§ 2321.1–1 to 2321.1–2 in the case of all similar State selections.

(4) A statement that the land relinquished and the land selected are equal in value and as near as may be of equal area.

(c) *Exchanges by legal subdivisions, or by entire sections of equal value and approximately equal area.* The exchange authorized must be made by legal subdivisions, or by entire sections, of equal value and as near as may be of equal area, and no more than approximately 640 acres may be allowed in any one selection list, which list must describe the land to be conveyed as well as the land selected. Nothing less than a legal subdivision may be surrendered or selected.

(d) *Fees.* Payment of fees will be required in the sum of $2 for each 160 acres or fraction thereof.

(e) *One selection may not be based on lands acquired under different grants.* The lands in any one selection list, offered in exchange, must be of lands charged to the same grant. For example, where university lands are offered in exchange, only university lands may be offered in the same selection list; where school lands are offered in exchange, only lands charged to the school-land grant may be offered in the same selection list; where lands under the normal school grant are offered in exchange, only lands charged to the grant for normal schools may be offered in the same selection list.

CROSS REFERENCE: For State grants for educational purposes, see Subpart 2222.

(f) *Lands selected with reservation of coal to the United States.* Lands which have been withdrawn or classified as coal lands, or are valuable for coal, may be selected, provided such selection is made with a view to obtaining title with a reservation to the United States of the coal in such lands, and of the right to prospect for, mine, and remove the same, in accordance with the act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83–85), as supplemented by the act of April 30, 1912 (37 Stat. 105; 30 U.S.C. 90).

(g) *Lands selected with reservation to the United States of phosphate, nitrate, potash, sodium, oil, gas, or asphaltic minerals.* Lands withdrawn, classified, or valuable for phosphate, nitrate, potash, sodium, oil, gas, or asphaltic minerals may be selected, provided the selection is made with a view to obtaining title with a reservation to the United States of the phosphate, nitrate, potash, oil, gas, or asphaltic minerals in such lands; and of the right to prospect for, mine and remove the same, in accordance with the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121–123).

(h) *Deed for lands offered in exchange; abstract of title in certain cases.* Each application for exchange under the provisions of the act of May 7, 1932, must be accompanied by a deed (unrecorded), prepared in accordance with the laws of the State in which located, governing the conveyance of real property, conveying to the United States all right, title, and interest in and to the lands offered in exchange, and must be accompanied by certificates of the proper State officer and of the proper county recorder, showing that the lands offered have not been sold or otherwise disposed of or incumbered by the State. In case, however, any of the lands have been sold by the State and title again acquired, an abstract of such title will be necessary.

(i) *Report.* The authorized officer, if necessary, will have a field examination made of both the selected and the base lands to determine whether or not their value is equal within the meaning of the act of May 7, 1932, to determine the character of the selected land as to minerals, and to determine whether or not the selected land has value for springs or water holes withdrawn in Public Water Reserve No. 107, or by E.O. 5389, of July 7, 1930.

(j) *Publication and posting; return of deed for recording and abstract for completion; approval of selection.* If the report is favorable, the authorized officer, in the absence of objection, will authorize the acceptance of the selection, and direct the manager to prepare notice for publication of the selected land, in accordance with § 2222.1–4. If, upon receipt in the Bureau of Land Management of proof of publication, it is considered that the State is entitled to such exchange, the deed will be returned to the State for recordation, and where abstract of title was required such abstract will be returned to be brought down to show the title in the United States, free from all liens and encumbrances, including tax liens. Upon the return of the recorded deed and satisfactory abstract of title, the selections will be embraced in a clear list and, in the absence of objection, certified to the State.

(k) *Amendment of application.* Should the report of the authorized officer be adverse to the State, opportunity will be given the State to amend

the application or to make such showing as may be desired. Notice of additional requirements, rejection, or other adverse action, will be given, and the right of appeal, review, or rehearing recognized in the manner prescribed by Parts 1840 and 1850 of this chapter.

(l) *Return of deed and abstract upon final rejection of application.* Should the application for exchange be finally rejected or the selection canceled, for any reason, the unrecorded deed and the abstract of title will be returned to the State.

(R.S. 2478; 43 U.S.C. 1201)

§ 2244.7–2 Arizona.

(a) *Authority.* Section 3 of the act of June 14, 1934 (48 Stat. 962), entitled "An Act to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes", provides for the relinquishment by the State of Arizona of school lands within Coconino, Navajo and Apache Counties and the selection of public lands in lieu thereof equal in value and within the same counties.

(b) *Application for exchange of lands and accompanying evidence.* Applications for selection by the State of Arizona in lieu of any remaining school lands within Coconino, Navajo and Apache Counties, under the provisions of section 3 of the act of June 14, 1934, may be filed by the proper officers of the State, accompanied with the following statements and certificate:

(1) A statement as to the nonmineral and nonsaline character of the land applied for, showing that said land is unappropriated and is not occupied and does not contain improvements placed thereon by any Indian.

(2) A certificate of the selecting agent showing that the selection is made under and pursuant to the laws of the State.

(3) A corroborated statement relative to springs and water holes upon the land applied for, in accordance with §§ 2321.1–1(a) to 2321.1–2(d).

(4) A statement that the lands relinquished and the land selected are equal in value.

(c) *Exchanges to be made by legal subdivisions or by entire sections of equal value; fees not required.* The exchange must be made by legal subdivisions or by entire sections, of equal value, and administration will be facilitated if an application for exchange does not include more than approximately 6,400 acres of selected lands, the area of the base lands assigned thereto being dependent upon the value thereof as compared with the value of the selected lands. The application should describe the land to be conveyed as well as the land selected, and nothing less than a legal subdivision may be surrendered or selected. Payment of fees or commissions will not be required in connection with such applications.

(d) *Publication; deed of conveyance; abstract of title; certificate of nonencumbrance.* (1) Upon receipt of satisfactory reports, and no objection appearing, the Bureau of Land Management will issue notice for publication of the selection and will require the State to file proof of publication thereof, also a deed of conveyance of the offered lands duly recorded, a certificate of the proper State officer showing that the offered lands have not been sold or otherwise encumbered by the State, and a certificate by the recorder of deeds or official custodian of the records of transfers of real estate, in the proper county, or by an abstracter or abstract company approved by the Bureau of Land Management, that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file in his office. If, however, the offered lands were ever held in private ownership and were acquired by the State from such source, it will be necessary for the State to furnish an abstract of title showing that at the time the deed of conveyance to the United States was recorded the title to the lands covered by such deed was in the State making the conveyance, a certificate that the lands so conveyed were free from judgments or mortgages, liens, pending suits, tax assessments, or other encumbrances, and a certificate by the proper official of the county in which the lands conveyed are situated showing that all taxes levied or assessed against the lands conveyed to the United States, or that could operate thereon as a lien, have been fully paid or that no taxes have been levied, or whether there is a tax due on such lands that could operate as a lien thereon but which tax is not yet payable, and that there are no unredeemed tax sales and no tax deeds outstanding against such lands conveyed to the United States.

(2) The deed of conveyance to the United States must be executed, acknowleged and duly recorded in accordance with the laws of the State and must be accompanied with a certificate of the proper State officer showing that the officer executing the conveyance is authorized to do so under the laws of the State. The deed should recite that it is made "for and in consideration of the exchange of certain lands as authorized by section 3 of the act of June 14, 1934 (48 Stat. 962)."

(3) Notice of the selection must be published at the expense of the State once a week for 4 consecutive weeks in some designated newspaper of general circulation in the county or counties in which the selected lands may be situated. In the event of the designation of a daily newspaper, the publication should be made in the Wednesday issue thereof.

(4) Proof of publication of notice shall consist of a statement by the publisher, or foreman, or other proper employee of the newspaper, showing the dates of publication, and attaching thereto a copy of the notice as published. Any protests against the selection should be filed in the land office.

(e) *Approval and certification of selection; amendments; appeals.* (1) Upon receipt in the Bureau of Land Management of satisfactory proof of publication of notice and deed of conveyance with the required certificates, should no objection appear of record, the exchange selection will be embraced in a clear list and approved.

(2) In the case of an unfavorable report opportunity will be given the State to amend the application or to make such showing as may be desired. Notice of additional requirements, rejection or other adverse action will be given and the right of appeal, review or rehearing recognized in the manner now prescribed by Parts 1840 and 1850 of this chapter.

(Sec. 3, 48 Stat. 962)

§ 2244.7–3 Minnesota.

(a) *Statutory authority.* The act of December 7, 1942 (56 Stat. 1042), provides that when the public interest will be served thereby Minnesota lands owned by the State and contiguous to or situate within the exterior boundaries of Federal reservations or certain land-use projects under the jurisdiction of the Secretary of the Interior or of the Secretary of Agriculture may upon selection by the State be exchanged for Minnesota lands of equal value owned by the United States and administered by one of the Secretaries mentioned.

(It is understood that the term "Federal reservations" does not include Indian reservations and that the term "lands owned by the United States" does not include lands held by the United States for the benefit of Indians.)

(b) *Who shall determine whether an exchange will be in the public interest.* An exchange of lands under this act may be made only after a determination that the proposed exchange will be in the public interest and that the offered and the selected lands are of approximately equal value. These questions will be determined by the Secretary of the Interior if he has jurisdiction of the selected lands and is to have jurisdiction of the offered lands. They will be determined by the Secretary of Agriculture if that Secretary has jurisdiction of the selected lands and is to have jurisdiction of the offered lands and if in addition he is to convey the selected lands. In all other cases, the determination will be made by the two Secretaries jointly.

(c) *Status of lands acquired from the State.* The lands acquired from the State will become part of the Federal reservation or of the land utilization project to which they may be contiguous or within the exterior boundaries of which they may be situate. They will be administered by the Secretary having jurisdiction of such reservation or project and will be subject to the laws, rules and regulations applicable thereto; except that lands becoming part of a national forest through an exchange of public lands of the United States shall be subject to the provisions of the act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), in respect to the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying or patenting of lands reserved from the public domain.

(d) *State lands acceptable to United States and United States lands subject to State selection.* State and United States lands subject to exchange are as follows:

(1) The State may offer any lands owned by the State which are contiguous to or situate within the exterior boundaries of any Federal reservation

under the jurisdiction of the Secretary of the Interior, whether national park or other type of reservation.

(i) In exchange for such lands the State may select any public or other United States lands in Minnesota of equal value whether under the jurisdiction of the Secretary of the Interior or under that of the Secretary of Agriculture.

(ii) In such exchanges the State's title to the offered lands will be accepted by the Secretary of the Interior. The United States title to the selected lands will be conveyed by the Secretary having jurisdiction of the lands conveyed; except that conveyances of public domain in national forests shall be made by the Secretary of the Interior as provided for by the act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472).

(2) The State may also offer any lands owned by the State and contiguous to or situate within the exterior boundaries of any Federal reservation which is under the jurisdiction of the Secretary of Agriculture whether national forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522; 7 U.S.C. 1000–1029), or other type of reservation. In exchange for such lands the State may select lands as follows:

(i) Any United States lands in Minnesota of equal value which are under the jurisdiction of the Secretary of Agriculture and which he has statutory authority to convey otherwise on behalf of the United States.

Exchanges under this subdivision are under the jurisdiction of the Secretary of Agriculture and are not covered by this section.

(ii) Any United States public lands in Minnesota of equal value which are under the jurisdiction of the Secretary of the Interior, which he has statutory authority to convey otherwise on behalf of the United States, and which are either:

(a) Surveyed, unappropriated and unreserved except as provided by Executive Order No. 6964, dated February 5, 1935; or

(b) Situated in national forests. In exchanges under subdivision (1) of this subparagraph the State's title to the offered lands will be accepted by the Secretary of Agriculture and United States title to the selected lands will be conveyed by him. In exchanges under subdivision (1) of this subparagraph the State's title will be accepted by the Secretary of the Interior and United States title to the selected lands will be conveyed by him.

(e) *Preliminary negotiations and informal application.* All preliminary negotiations relating to a proposed exchange under the act of December 7, 1942 (56 Stat. 1042) are to be conducted with the local representatives of the Department having jurisdiction over the Federal reservation or land-use project to which the offered lands may be contiguous or within the exterior boundaries of which they may be situated. The State should file with such representatives of the Government an informal application describing the lands to be conveyed by the State and the lands desired in lieu thereof. The lands selected in any one application should not exceed 6,400 acres and should be specifically described according to Government subdivision. Nothing less than a legal subdivision may be offered or selected except where the State or Government does not own the entire legal subdivision in question or where only a portion of a legal subdivision offered is valuable for Federal purposes, or where the United States desires to retain ownership of some portion of a selected subdivision because such portion is chiefly valuable for Federal purposes.

(f) *Reservations and conditions; examination and appraisal.* (1) Conveyances of offered and selected lands in exchanges under this act may be made subject to such reservations and conditions as the State of Minnesota and the United States respectively may severally prescribe. Such reservations and conditions must receive due consideration in the determination of the value of the lands for exchange purposes.

(2) The informal application for exchange should show in detail every reservation, easement or condition previously made or to be made by the State regarding the offered lands and should also show the reservations, easements or conditions regarding the selected lands which are to be made by the United States and which are acceptable to the State.

(3) To meet the requirements of the law that the lands exchanged be of equal value, both the offered and the selected lands will be examined and appraised in the field by the proper representatives of the Government. If such examination discloses inequalities of value the State will be so advised and opportunity will be afforded for adjustments which will bring the exchange within the provisions of the law. Where joint examinations and appraisals by representatives of both Departments and the State are necessary, arrangements therefor may be made by the representatives of the Departments.

(4) When the representatives of the State and of the United States shall have reached a tentative agreement regarding values, the State Director will transmit a copy of the report of examination and appraisal to the Bureau of Land Management in cases in which the Department of the Interior has jurisdiction over the selected lands or is to have jurisdiction over the offered lands. But in cases in which such jurisdiction is or is to be in the Department of Agriculture the authorized officer will send the report to the appropriate representative of that Department.

(g) *Procedure after determination that the exchange will be in the public interest.* When, in cases in which the selected lands are under the jurisdiction of the Secretary of the Interior or in which the offered lands are to be accepted by him, it has been determined to the satisfaction of the Secretary of the Interior, and to that of the Secretary of Agriculture as well when the interests of both Departments are affected, that the exchanges sought will be in the public interest and that the value of the selected lands does not exceed that of the offered lands, the Bureau of Land Management will notify the State officials that they may file in the Bureau of Land Management a formal application for such exchange.

(h) *Formal application together with deed, abstract, certificates, and statements.* The formal application should be filed in triplicate in the proper State office of Land Management by the proper State official. It should state under what act or acts it is made. It should describe the offered and the selected lands and should detail the desired reservations and conditions as prescribed in paragraphs (e) and (f) of this section, respectively. It should be accompanied by supporting documents as follows:

(1) A certificate by the selecting agent that the selection is made under the laws of the State; that the selected lands are unappropriated and not occupied, claimed, improved or cultivated by any person adversely to the State; and that their value does not exceed that of the offered lands.

(2) A certificate by the selecting agent that the State has not tendered the offered lands as a basis for any other selection or exchange; that the State is the owner of the offered lands and that there is no outstanding instrument or entry of record impairing its title; said certificate also to state under what law the State acquired title from the United States; whether the State ever alienated the lands; and if so in what manner and under what legal authority the State reacquired ownership thereof.

(3) A corroborated statement relative to springs or water holes on the selected lands, in accordance with the regulations in §2321.1–1 to 2321.1–2.

(4) A duly executed but unrecorded deed to the offered lands.

(5) A duly authenticated abstract of title to said offered lands in cases in which said lands were ever held in private ownership and were acquired by the State from such sources.

(i) *Deed of conveyance of base lands.* The deed of conveyance must be prepared in accordance with the laws of the State of Minnesota governing the conveyance of real property and must convey to the United States all right, title and interest in and to the offered lands. It should recite that it is made "for and in consideration of the exchange of certain lands as authorized by the Act of December 7, 1942 (52 Stat. 1042)." It must be accompanied by a certificate of the proper State officer showing that the officer executing the conveyance was authorized by the law of the State to do so, that at the time the conveyance was executed the title was in the State and that the offered lands have not been sold or otherwise encumbered by the State.

(j) *Abstract of title.* The abstract of title must show all matters which are of record in the county where the offered lands lie and which in any manner affect the title thereto.

(k) *Authentication required; certificates; taxes.* (1) The certificate of authentication of the abstract must be signed by the recorder of deeds or official custodian of the records of transfers of real estate in the proper county under his official seal or by an abstractor or an abstract company approved by the Bureau of Land Management in accordance with § 1863.5 of this chapter. The certificate must show that the title memoranda are a full, true, and complete abstract of all matters of record or on file in the appropriate office or offices of the county or counties in which the offered lands are situate, including but not limited to all conveyances, mortgages, liens, or other encumbrances, judgments against the various grantors, mechanics liens, lis pendens, or other instruments affecting in any manner the title to the offered lands and required by law to be filed with the recording officers.

(2) The custodian of the tax records must certify that all taxes and drainage charges that have been levied or assessed against the lands or that could operate as a lien thereon have been fully paid and that there are no unredeemed tax sales and no tax deeds outstanding as shown by the records of his office. He must also certify as to any tax lien which exists thereon even though at the date of the execution of the deed such tax may not yet have been assessed or have become due or payable.

(l) *Title insurance.* Title insurance issued by a company which is acceptable to the Department of the Interior may be offered in lieu of an abstract of title, provided the policy is free from conditions and stipulations not agreeable to the Department.

(m) *Execution and filing of petitions for classification.* When the State desires public domain lands affected by Executive Order No. 6964 issued February 5, 1935, but otherwise unreserved, its application will be subject to the regulations relating to the classification of lands and opening them to selection as prescribed in Subpart 2411.

(n) *Publication and proof.* Within 30 days from the filing of the formal application for exchange the State will begin publication of notice thereof at the State's expense in some newspaper or newspapers designated by the Bureau of Land Management and having a general circulation in the county or counties in which the offered lands, and the lands selected are situated. The notice must be published once each week for four successive weeks. It should describe the offered and the selected lands in terms of legal subdivisions and state that the purpose of the notice is to afford to all persons claiming the selected lands or having bona fide objections to the proposed exchange an opportunity to file their protests in the Bureau of Land Management, accompanied with a showing that they have served a copy of such protest upon the State. Proof of publication will consist of a statement made by the publisher or foreman or other proper employee of the newspaper and showing the dates of publication and a copy of the published notice.

(o) *Action by Bureau of Land Management.* (1) The Bureau of Land Management will examine the proof of publication and will consider and act upon any protest filed against the exchange. If no protest be filed within 30 days from the date of the first publication of the notice and if it be found that all requirements have been met and that the State is entitled to the exchange sought, the Bureau of Land Management will return to the State the State's deed of conveyance to be recorded and the abstract of title to be extended to the date of the recordation of the deed, both documents to be retransmitted to the Bureau of Land Management within 30 days from the State's receipt thereof.

(2) If upon such return of the deed and the abstract all be found regular and in conformity with the law and if there be no objections, title to the offered lands will be accepted and United States patent will issue for the selected lands if they are under the jurisdiction of the Secretary of the Interior or under his authority to convey.

(3) Notice of additional requirements, joint application, rejection or of other adverse action will be given and the right of appeal, review or rehearing will be recognized in the manner prescribed by Appeals and Contests, Parts 1840 and 1850 of this chapter.

(p) *Deed and abstract to be returned if selection is rejected or canceled.* Should the application for exchange be finally rejected or the selection for any reason be canceled, the unrecorded deed of conveyance will be returned for recording, and the abstract of title to be brought down to show such recordation.

(q) *Abstract of title.* There must be filed a duly authenticated abstract of title to the tract conveyed to the United States and desired by the State in exchange, showing title to such land in the party conveying to the United States. The certificate of authentication of the abstract must be signed by the recorder of deeds under his official seal and must show that the title memorandum is a full, true, and complete abstract of all matters of record or on file in his office, including conveyances, mortgages, or other encumbrances. The custodian of tax records must certify that all taxes levied or assessed against the land or that could operate as a lien thereon, have been paid in full, and that there are no unredeemed tax sales and no tax deeds outstanding as shown by the records of his office. The absence of judgment liens or pending suits against the grantor which might affect the title to the land, must be shown by the official certificates of the clerks of the courts of record whose judgments under the laws of the United States or of the State constitute a lien on the land conveyed. Such abstractor or abstract company satisfactory to the Bureau of Land Management, as provided in §1863.5 of this chapter.

(d) *Reports as to values of lands involved in exchange; fees and publication not required.* (1) A report will be made by the Bureau of Land Management as to the comparative values of the lands involved, those relinquished by the State and those desired by the State in lieu thereof and a report will be requested by the Bureau of Land Management from the National Park Service as to the value for park purposes of the lands desired by the State.

(2) Publication of notice of the proposed exchange will not be required and payment of fees will not be required in connection therewith.

(e) *Deeds to be returned for recording and abstract for completion; patents.* (1) If all be regular and the reports be satisfactory, the proposed exchange will be approved. Upon the approval of the exchange the deeds of conveyance will be returned for recording, and the abstract of title to be brought down to show such recordation.

§ 2244.7–4 California.

(a) *Authority.* Under the provisions of the act of June 28, 1936 (49 Stat. 2026), the State of California, with the approval of the Director, Bureau of Land Management, and under rules prescribed by the Secretary, may exchange lands patented under this act with a reservation of minerals to the United States, for privately owned lands within the area described of approximately equal value, containing the natural features sought to be preserved by the act. The lands to be acquired by the State through such exchange will be subject to the same conditions and reservations prescribed by said act, including the reversionary clause.

(b) *Application.* (1) A proposal for an exchange desired to be made by the State in accordance with these provisions of the act must be submitted to the Bureau of Land Management for consideration. Such a proposal for exchange should be filed in the appropriate land office together with a statement by the agent of the State showing that the lands patented to the State under said act and those desired to be acquired by the State in exchange, are of approximately equal value, and that the tracts to be acquired contain characteristic desert growth and scenic or other natural features desired to be preserved as a part of the California State park system.

(2) The proposal for exchange should be in the form of a joint application signed by the proper State official and by the owner of the land which the State desires to acquire in exchange, definitely describing by legal subdivisions of the Government surveys the lands relinquished by the State and those desired by the State in exchange therefor. Such joint application should be accompanied with a deed or reconveyance to the United States of the tract patented to the State under the act of June 29, 1936 (49 Stat. 2026), and with a deed of conveyance to the United States from the owner of the tract desired by the State in exchange, such deeds to be duly executed in accordance with the laws of the State, and both deeds to be unrecorded. There should also be filed a certificate by the proper State officer and a certificate by the county recorder showing no encumbrances of the land reconveyed by the State to the United States.

United States pursuant to any such exchange shall be administered in accordance with the same provisions of law as the revested and reconveyed lands exchanged therefor, and that parties to the exchange may make reservations of easements, rights-of-way, and other interests and rights. Under this legislation the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry out the provisions of the law.

(b) *Policy*—(1) *Forest.* The act of August 28, 1937 (50 Stat. 874), laid the foundation and framework of a new forest policy for the revested and reconveyed Oregon grant lands. This measure provides for the conservation of land, water, forest, and forage on a permanent basis; the prudent utilization of these resources for the purposes to which they are best adapted; and the realization of the highest current values consistent with undiminished future returns. It seeks, through the application of the policy of sustained-yield management, to provide perpetual forests which will serve as a foundation for continuing industries and permanent communities.

(2) *Exchange.* (i) Since the exchange authority of the act of July 31, 1939, has been provided for the specific purpose of promoting the policy of sustained-yield management laid down for the Oregon lands, it is essential that the formulation of tentative sustained-yield unit plans precede the actual carrying out of the exchange program. This does not mean that the planning of the exchange program will be held in abeyance pending the final establishment of sustained-yield management units, since it is expected that exchange plans will be outlined concurrently with the setting up of sustained-yield units and an action program initiated as soon as the boundaries thereof are fully determined.

(ii) It may be broadly stated that the lands and timber to be acquired under authority of the act of July 31, 1939, should be of a character and so located that the acquisition thereof will promote the conservation principles laid down by the act of August 28, 1937. Lands and timber which will be disposed of by exchange should be of such a type and so located that the transfer of these resources to private ownership will not interfere with the carrying out of a regional program of cooperative sustained-yield forest management in western Oregon.

(iii) Generally speaking, exchanges will not be authorized where the exchange would create a serious disturbance of existing economic conditions; or in cases where the exchange would operate materially to reduce the revenues which should accrue to the counties under authority of the act of August 28, 1937. Neither can approval be given to the exchange of lands which would prevent the free and ready access of the Government in the development of the resources under its jurisdiction, nor the passing of title to which would in any way interfere with the policy of sustained-yield forest management which governs the administration of the O. and C. lands.

(iv) Land exchange applications will be accepted and given consideration as occasion may arise. However, the right is reserved by the Government to reject any and all applications. Applications may be received upon approval of this part, but no preference in action will be granted because of priority of application. Upon the establishment of sustained-yield units the Government will consider all applications for exchange within the boundaries thereof and accept those which are found most advantageous in attaining the primary objectives of such units.

(c) *Objectives.* Concisely stated, the primary objectives sought by the act of July 31, 1939, include the following:

(1) Simplification of administration, improvement, and protection through the consolidation of holdings and the reduction of diversified small ownerships.

(2) The development of a balanced distribution of age classes of timber with a view to promoting the policy of sustained-yield forest management provided for in the act of August 28, 1937.

(3) The establishment of natural cooperative sustained-yield management units, with a view to sustaining dependent industry, dependent labor and dependent communities.

(4) The effective administration of cooperative forest units.

(5) Aid in establishing economic operating units for combined agricultural and grazing enterprises, where such enterprises appear to provide the most desirable use of the land.

(6) The protection of recreational and other values against impairment or destruction.

(d) *Lands subject to exchange.* (1) The Oregon grant lands which are subject to exchange aggregate about 2.2 million acres, and are located in 18 counties in western Oregon. The O. and C. lands are intermingled with private holdings, State lands, unreserved public domain, and lands reserved for national forests and national parks. Where the grant lands are intermingled in checkerboard arrangement with other public lands, important administrative problems on both would be simplified by segregating them from each other and concentrating them in solid blocks. Conflicts in land use which exist in certain localities may be solved by rational land use zoning and application of the exchange procedure to segregate the lands according to the dominant use.

(2) Mineral lands may not be selected in exchange proceedings hereunder.

(3) An applicant under the exchange act selecting Coos Bay Wagon Road grant lands must offer as base in lieu thereof lands situated in the same county as the lands selected. (See act of May 24, 1939, 53 Stat. 753.) The advantageous consolidation of the holdings of lands of the United States, required under the exchange act, may be with either the reconveyed or revested lands, or with both.

(e) *Procedures*—(1) *Applications*—(i) *Qualifications of applicants.* Applications may be filed by the State of Oregon, by the several counties thereof either wholly or partially within the former limits of the grants, by citizens of the United States, by associations of such citizens, or by corporations organized under the laws of the United States or any State, Territory, or district thereof, authorized under its charter to own and sell real property and authorized to do business in the State of Oregon. Evidence of citizenship or of incorporation must be filed with the application, and when the applicant is a corporation a certified copy of the order or direction of the board of directors, or other governing body, to effect such exchange should accompany the application.

§ 2244.8–2 Under other acts.

Other exchanges within reclamation projects, under certain conditions, have been authorized, as indicated below:

(a) The act of August 13, 1953 (67 Stat. 566; 43 U.S.C. secs. 451–451k), provides for the exchange of certain unpatented farm units or private lands on a Federal irrigation project, for farm units available on the same or any other such project, and the amendment of farm units by the addition of contiguous or noncontiguous land on the same project. For the regulations under this act see Part 406, Chapter II, of this title.

(b) Section 44 of the act of May 25, 1926 (44 Stat. 648; 43 U.S.C. 423c) authorizes exchanges of unpatented entries and private lands for other public lands within the same project or any other Federal reclamation project.

(c) Departmental orders of May 10, 1922 and July 31, 1924, permit the exchange of unpatented and patented land and water-right entries under the act of January 25, 1917 (39 Stat. 868) in Part One, Mesa Division, Yuma Irrigation Project, Arizona.

(Sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 373)

§ 2244.9 Other exchanges.

§ 2244.9–1 O and C lands.

(a) *Authority.* The act of July 31, 1939 (53 Stat. 1144), authorizes and empowers the Secretary of the Interior, in his discretion, in the administration of the act approved August 28, 1937 (50 Stat. 874), to exchange any land formerly granted to the Oregon and California Railroad Company, title to which was revested in the United States pursuant to the provisions of the act of June 9, 1916 (39 Stat. 218), and any land granted to the State of Oregon, title to which was reconveyed to the United States by the Southern Oregon Company pursuant to the provisions of the act of February 26, 1919 (40 Stat. 1179), for lands of approximately equal aggregate value held in private, or State, or county ownership, either within or contiguous to the former limits of such grants, when by such action the Secretary of the Interior will be enabled to consolidate advantageously the holdings of lands of the United States. The act further provides that all lands and timber secured by the

against the lands conveyed to the United States, or that could operate as a lien thereon, have been duly paid; whether there is a tax or assessment due on such lands or that could operate as a lien thereon but which tax or assessment is not yet payable and that there are no unredeemed tax sales and no tax deeds outstanding against such lands conveyed to the United States. Such abstract must be prepared and authenticated by an abstractor to by an abstract company acceptable to the Bureau of Land Management, and must show that the title memorandа contained therein are a full, true, and complete abstract of all matters of record or on file in the offices of the recorders of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, suits, pending suits, judgments, liens, lis pendens, or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the offices of the clerks of courts of record affecting in any manner whatever the title to the lands to be conveyed to the United States.

(ii) Where the State is the applicant and the offered lands were acquired by grant from the United States, the State may furnish in lieu of an abstract of title a certificate of the proper State officer showing that the offered lands have not been sold or encumbered by the State, and a certificate by the Recorder of Deeds or official custodian of the records of transfers of real estate in the proper county that no instrument purporting to convey or in any way encumber title to the offered lands is of record or on file in his office; but in all cases of lands offered by the State which have been held in private ownership and were acquired by the State from such source, including cases where any of the lands offered by the State have been sold by it and title again acquired by it the State will be required to furnish an abstract of title.

(iii) In lieu of the abstract of title the applicant may furnish a title report, preliminary policy of title insurance, or certificate of title with respect to the offered lands issued by a solvent and properly qualified title insurance company which is acceptable to the Department of the Interior. Such title report, preliminary policy, or certificate (a)

(ii) *Contents.* (a) Applications, in duplicate, should be addressed to the Director of the Bureau of Land Management and filed in the land office having jurisdiction over the selected lands, and should set forth, by legal subdivisions of the public land surveys, the lands offered to the Government, and the lands selected in exchange therefor. The application should contain the full name and postoffice address of the applicant; state that the applicant is legally capable of consummating the exchange; that he is the owner of the lands offered in exchange; that such offered lands are not the basis of another selection or exchange; state whether any reservation or easements, rights of use, and other interests and rights in or to the offered lands are desired, and what use thereof is contemplated. It should also show the reservations or easements which, if made by the United States, on the selected land will be acceptable to the applicant.

(b) An application by the State should be accompanied by a certificate of the selecting agent showing that the application for exchange is made under and pursuant to the laws of the State and that the State is the owner of the lands offered and the lands selected are appropriately of equal aggregate value, considering the character, and the amount, kind, and value of timber upon each smallest or forty-acre subdivision of the lands offered in exchange. This statement must also show that the lands offered and the lands selected are approximately of equal aggregate value, considering the character, and the amount, kind, and value of timber upon each smallest or forty-acre subdivision of the lands offered in exchange. This statement must also show that the lands offered and the lands selected are accompanied with a corroborated statement relative to springs and water holes on the selected lands, in accordance with existing regulations pertaining thereto §§ 2321.1–1 and 2321.1–2. Evidence of citizenship, or of incorporation, must be filed with the application.

(iii) *Costs and fees.* The applicant shall agree to pay the cost of publishing notices of the exchange. Filing fees must be paid by the applicant at the rate of $2.00 for each 160 acres, or fraction thereof, of the lands selected. The act provides that no fee shall be charged in applications filed by the State of Oregon or any county thereof, except one-half of the cost of publishing notice of the proposed exchange.

(2) *Evidence required.* (i) The applicant shall, upon request, submit proof of publication of notice of the exchange, a deed of conveyance of the offered lands, and in all cases, except as hereinafter provided, an abstract of title showing that at the date of execution of the deed valid title to the lands covered by such deed was vested in the party making the conveyance. The abstractor's certificate must show that the lands as conveyed were free from judgments or mortgage liens, pending suits, taxes, tax assessments, or other encumbrances. If such certificate does not cover taxes and tax assessments, the applicant must furnish a certificate by the proper official of the county in which the lands are situated showing that all taxes or assessments levied or

shall contain a statement to the effect that, upon approval of the exchange and the recording of the deed of conveyance to the United States, the insurance company will issue a final policy of title insurance or a certificate of title, as the case may be, in an amount not less than the value of the offered lands as determined by the Bureau of Land Management, guaranteeing valid title to the offered lands in the United States as of the date such deed is recorded, and (b) shall set forth all of the conditions and stipulations of such proposed final policy or certificate. A policy of title insurance or a certificate of title when furnished must be free from conditions and stipulations not acceptable to the Department of the Interior. A certificate of title will be accepted only where the certificate is made to the Government or expressly for its benefit and where the interests of the Government will be sufficiently protected thereby. (Opinion of the Solicitor, August 14, 1934, M. 27768; § 1863.5 of this chapter.)

(iv) Where the offered lands have been acquired by the applicant through tax foreclosure proceedings, it must be shown that the foreclosure was a matter of judgment and decree of the proper court; that the sheriff or other proper official has issued a deed based upon the judgment and decree of the court, and that the period of time provided by the laws of the State of Oregon within which to bring action, suit, or proceeding of whatever kind or nature, for the purpose of determining the validity of the sale, has expired. As part of the abstract of title to the offered lands, the applicant shall submit the foreclosure proceedings in full.

(3) *Publication and posting.* The publication notice must give the name and postoffice address of the applicant, serial number and date of the application, act under which application is filed, describe both the offered and selected lands in terms of legal subdivisions of the public land surveys, and state that the purpose of the notice is to permit all persons claiming the offered or selected lands or having bona fide objections to such exchange an opportunity to file their protests or other objections in the land office within 45 days from the date of the first publication, together with evidence that a copy of such protest or objection has been served upon the applicant. The cost of publication of the notice must be at the expense of the applicant, unless such applicant is the State of Oregon or any county thereof, in which case each newspaper will collect one-half of the cost of publication from the applicant and submit proper vouchers to the United States for the remainder. The notice must be published once a week for four consecutive weeks in some designated newspaper of general circulation in the county or counties in which are situated the lands offered to the United States, and in the same manner in some like newspaper published in any country in which are situated any lands selected in exchange. In the event the newspaper is a daily, the publication should be made in the Wednesday issue thereof. Proof of publication of notice shall consist of a statement by the publisher, or foreman, or other proper employee of the newspaper, showing the dates of publication, and attaching thereto a copy of the notice as published.

(f) *Deed of conveyance.* The deed of conveyance to the United States must be executed and acknowledged in accordance with the laws of the State, and must contain covenants of general warrantly except where the grantee is prohibited by law from executing such a conveyance. The United States of America should be named as grantee and the deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by the act of July 31, 1939 (53 Stat. 1144)." Where the deed of conveyance is by a private corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directors or other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.

(g) *Taxes.* In case taxes have been assessed or levied on lands conveyed to the United States, and such taxes are not due and payable until some future date, the applicant in addition to the certificates above required, relating to taxes and tax assessments, may make a deposit with the Bureau of Land Management of at least twice the amount of the taxes for the preceding year with evidence as to the amount of the taxes for such year, or may furnish a bond with qualified corporate surety for such sum, in order to indemnify the United States against loss for the nonpayment of the tax so assessed or levied.

(h) *Action by the Bureau of Land Management; additional evidence required.* (1) If the deed and abstract of title, title report, preliminary policy of title insurance, or certificate of title have been found to be regular and to conform with the law and regulations, and if there are no objections, the manager will transmit them to the applicant who shall thereupon affix to the deed and cancel such revenue stamps as are required by law, and record the deed in accordance with the laws of the State. The applicant shall also have the abstract of title brought down to the date of the recording of the deed, showing that at such date the title to the offered land is vested in the United States or, if a title report, preliminary policy of title insurance, or certificate of title was submitted in lieu of an abstract of title, the applicant shall obtain a final policy of title insurance or a final certificate of title from the company issuing such report, preliminary policy of title insurance or certificate of title, which policy or certificate shall be brought down to the date of recording of the deed, showing that at such date the title to the offered lands is vested in the United States. Upon submission of the recorded deed and the amended abstract of title, title insurance policy or certificate of title, if all is regular, title will be accepted to the offered lands and patent will issue for the lands selected in exchange.

(2) Notices of additional requirements, rejection, or other adverse action will be given, and the right of appeal, review, or rehearing recognized in the manner prescribed in Parts 1840 and 1850 of this chapter. Protests against exchanges should be filed in the land office.

(3) If the application for exchange be finally rejected for any reason, the abstract of title will be returned, and the applicant will be advised of his right to apply for a quitclaim deed under existing law for the lands conveyed to the United States.

(i) *Conveyed lands.* All lands conveyed to the United States pursuant to the act of July 31, 1939 (53 Stat. 1144), and under this section shall upon acceptance of title, become a part of the revested and reconveyed lands and shall be managed, as a part of such lands, in the manner prescribed by the act of August 28, 1937 (50 Stat. 874).

(Sec. 2, 53 Stat. 1145)

Subpart 2245—Alaska Housing Act

AUTHORITY: The provisions of this Subpart 2245 issued under 54 Stat. 1191; 48 U.S.C. 353 note.

§ 2245.0–2 Objectives.

(a) The Department of the Interior has been gravely concerned about the critical housing shortage in Alaska, which has been a major obstacle to the proper development of the State and to the economic life of its population. The act, which seeks to ameliorate this dire shortage, will be liberally construed to foster the development of the urgently needed housing program.

(b) In order to effectuate the objectives of the act, prompt consideration will be given to all requests filed under the regulations in this part. To facilitate prompt action, the requests should contain complete information and data required by § 2245.1–1.

(c) That lands are withdrawn in aid of a function of the Department of the Interior, or for shore space, will not preclude the disposal of such lands under the act if the lands are found to be in excess of the needs of this Department. However, lands situated in national parks and monuments, fish and wildlife refuges, and Indian lands will not be made available for disposal under the act unless a positive showing is also made of the unavailability of other lands in the general area suitable for the desired purpose. Requests will not be approved until such time as the information and data required by this Subpart 2245 are furnished to the manager of the proper land office.

(d) Except to the extent previously indicated, the use of lands under the act, if not already appropriated under the public-land laws or actually used by Federal agencies, will be regarded as a higher use than the other uses authorized by the public-land laws.

(e) Requests should be made only in connection with specific housing projects, and may be made before the plans of construction have been completely formulated. However, requests should not be made until the Authority has determined that it will construct a specific project on the lands, the number and type of housing units to be included in the project, and the acreage and area needed for such project.

(f) Where lands are affected by a permit granted to another department or to any agency thereof, the consent of such department or agency to the proposed conveyance is required before a request may be approved.

§ 2245.0–3 Authority.

Section 6 of the Alaska Housing Act of April 23, 1949 (63 Stat. 60; 48 U.S.C. 484c) authorizes any executive department or agency of the Federal Government to sell, transfer, and convey to the Alaska Housing Authority at fair value, as determined by such department or agency, for use under that act, all or any right, title, and interest in any real or personal property under the jurisdiction of such department or agency which it determines to be in excess of its own requirements, notwithstanding any limitations or requirements of law with respect to the use or disposition of such property. The section provides that the authority conferred thereby shall be in addition to and not in derogation of any other powers and authorities of such department or agency.

§ 2245.0–5 Definitions.

As used in this Subpart 2245, unless the context requires otherwise, the following terms shall have the meaning indicated:

(a) The "act" means the Alaska Housing Act of April 23, 1949 (63 Stat. 60; 48 U.S.C. 484c).

(b) "Authority" means the Alaska Housing Authority.

(c) "Property interest" means the title to or any other interest in land, including easements and leaseholds.

(d) "Instrument of transfer" includes a patent, deed, lease, or other instrument transferring a property interest.

§ 2245.1 Procedures.

§ 2245.1–1 Request by Authority for transfer of property interest.

Each request by the Authority for the transfer to it of a property interest in public lands or other federally owned lands under the jurisdiction of the Department of the Interior in Alaska should be addressed to and filed with the manager, should be in duplicate, and should contain the following:

(a) A description of the land, if surveyed, by legal subdivision, specifying section, township, and range; unsurveyed lands should be described by metes and bounds with a tie to a corner of the public land surveys if within two miles; otherwise, a tie should be made to some permanent topographic feature and the approximate latitude and longitude should be given when practicable.

(b) If the application includes unsurveyed lands, a statement that the Authority has plainly indicated on the ground the corners of the land applied for by setting substantial posts or heaping up mounds of stones at each corner.

(c) A statement showing whether there are any hot springs or other springs having waters possessing curative properties upon any legal subdivision of the land requested, if the land is surveyed; and if the land is unsurveyed, whether any portion of the land is within an area of one-quarter of a mile from such spring or springs.

(d) A statement identifying the proposed project, the acreage required, and showing the number and type of housing units to be included therein, and the desirability or suitability of the site for the particular project.

(e) A statement showing the need for the particular land and the property interest therein requested by the Authority.

(f) The date construction of improvements on the land is contemplated.

(g) A statement showing whether any portion of the land is occupied or reserved for any purpose by the United States or occupied or claimed by natives of Alaska, or whether the land is occupied, improved, or appropriated by any person claiming the same other than the Authority.

§ 2245.1–2 Publication of proposed transfer.

(a) The manager will require the Authority to publish at its expense, in a newspaper of general circulation in the land district in which the land is situated, a notice stating that a request has been made by the Authority to acquire an interest (describing it) in certain lands (describing them) under the act, for housing purposes, and that the purpose of the notice is to give persons claiming an interest in the lands, or having bona fide objections to the transfer, an opportunity to file with the manager within 30 days after the date of the first publication a protest, together with evidence that a copy of the protest has been served on the Authority. If the notice is published in a daily paper, the notice should be published for four consecutive weeks in the Wednesday issue; if a weekly, for four consecutive issues; and if a semi-weekly or tri-weekly, in any of the issues on the same day for four consecutive weeks. The notice will be posted during the entire period of publication in the land office for the district in which the lands are situated. The manager will also require the Authority to keep a notice posted on the land throughout the entire period of publication. No transfer will be made until proof of publication and posting of the notice has been filed with the manager.

(b) After the Authority has made payment for the lands and complied with all of the requirements made by the manager, the Director, Bureau of Land Management, will direct the issuance of the instrument of transfer.

(c) If unsurveyed public lands are included in a request, patent therefor cannot be issued until the lands have been surveyed.

§ 2245.2 Instrument of transfer.

Each instrument of transfer made under this Subpart 2245, of fee title or lesser estate in the land shall contain:

(a) The covenants, terms, and conditions requested by the Authority, as well as those required for the protection of the Department of the Interior, or any agency thereof.

(b) A reservation to the United States of the oil, gas, and other mineral deposits in the lands, together with the right of the United States, its agents, representatives, lessees or permittees, to prospect for, mine, and remove the same, under such regulations as the Secretary of the Interior may prescribe.

PART 2250—SPECIAL AREAS

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Subpart 2251—Choctaw-Chickasaw

AUTHORITY: The provisions of this Subpart 2251 issued under sec. 1, 60 Stat. 446; 43 U.S.C. 1102.

§ 2251.0–3 Authority.

(a) The act of August 3, 1955 (69 Stat. 445), authorizes the Secretary of the Interior to provide for the management and disposition of any interest of the United States in those lands which were reconveyed to the United States by deeds of conveyance executed on November 29, 1950 by the principal chief of the Choctaw Nation and the Governor of the Chickasaw Nation or which have been or may be reconveyed to the United States by any further or supplemental conveyances made under the authority of the Interior Department Appropriation Act of June 28, 1944 (58 Stat. 463, 483), the joint resolution of June 24, 1948 (62 Stat. 596), and the First Deficiency Appropriation Act of May 24, 1949 (63 Stat. 76, 84). Such reconveyed lands are referred to in this Part as "Choctaw-Chickasaw lands" and the act of August 3, 1955 is referred to as "the act".

(b) The act of June 28, 1944 (58 Stat. 463, 483), declared the Choctaw-Chickasaw lands to be part of the public domain subject to the applicable public land mining and mineral leasing laws.

§ 2251.1 Disposal of surface fee.

Subject to the reservation of all rights of the United States to minerals in the lands and to the payment of the proportionate cost of any survey which may be necessary to describe properly any lands to be disposed of under the act, Choctaw-Chickasaw lands are subject to disposal as follows:

(a) Private sale of tracts to any person having a legal or equitable interest therein under the regulations of § 2251.1–2.

(b) Private sales to occupants under the regulations of § 2251.1–2.

(c) Public sale of tracts and private sale of tracts unsold after offer at public auction, under the regulations of § 2251.1–2.

(d) Private sale of tracts under the provisions of the act of June 4, 1954 (68 Stat. 173; 42 U.S.C. 869) and the regulations thereunder (Subpart 2232 of this chapter).

(e) Conveyance to local governing bodies of tracts set apart for streets, alleys, or other public purposes under the regulations of § 2251.1–4.

§ 2251.1–1 Sales to persons claiming a legal or equitable interest.

(a) Subparagraph 2(a) (2) of the act authorizes the Secretary of the Interior to relinquish any tract of Choctaw-Chickasaw lands to any person having a legal or equitable interest therein.

(b) To qualify under subparagraph 2(a) (2) of the act, a claim of legal or equitable interest must rest on uncertainty as to the title to the tract applied for, resulting from such things as inadequate surveys, judgments, decrees, or orders of condemnation in court proceedings in which the United States did not consent to be a party to the suit, or otherwise. No such claim will be recognized if it is based solely on a lease or permit from the Bureau of Land Management or its predecessors in interest to the lands.

(c) Any individual, group, or corporation which believes it has a legal or equitable interest in one or more tracts of Choctaw-Chickasaw lands may make an application therefor by filing, in duplicate, an application captioned "Claim of legal or equitable interest in Choctaw-Chickasaw lands" with the Manager of the land office at Santa Fe, New Mexico. No particular form of application is required but it must be typewritten or in legible handwriting and signed by the applicant. Every application must be accompanied by a filing fee of $10 which will be nonreturnable. The application must contain a description of the land claimed sufficiently complete to identify the location, boundary, and area of the land and, if possible, the approximate description or location of the land by section, township, and range. It must contain the full name and full post-office address of the claimant. It must also contain a full statement showing the basis for the claim of legal or equitable interest in the lands. The applicant may be called upon to submit documentary or other evidence in support of his claim. Valuable documents submitted by the applicant will be returned to him.

(d) The applicant will be required to publish once a week for four consecutive weeks, at his expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file with the land office at Santa Fe, New Mexico, their objections to the issuance of a relinquishment under the application. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service. The applicant must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication had been had for the required time.

(e) The land applied for will be appraised on the basis of its fair market value at the time of appraisal. However, in determination of the price payable by the applicant, value resulting from improvements by the applicant or his predecessors in interest will be deducted from the appraised price, and consideration will be given to the equities of the applicant. In no case will the land be sold for less than a total of $10.

(f) Applicants will be required to make payment of the sale price of the land and for the cost of survey, if any, within the time stated in the request for payment.

§ 2251.1–2 Sales to occupants.

(a) Subparagraph 2(b) of the act authorizes the Secretary of the Interior, in selling any tract of Choctaw-Chickasaw lands remaining unsold after offer at public sale, for a period of one year after date of sale, will be available, at the discretion of the authorized officer of the Bureau of Land Management and at not less than the price at which they were appraised for the public sale, for purchase by the first qualified applicant who tenders to the Manager, Santa Fe Land Office, an amount equal to the price specified by the manager, the cost of publication, and if any, the cost of survey and the value of the improvements of the former occupant.

(b) Until a cash certificate has been issued, the authorized officer may at any time determine that the lands should not be sold, and no bidder or applicant for private sale shall have any contractual or other rights as against the United States, and no action taken will create any contractual right or obligation of the United States.

§ 2251.1–4 Tracts set apart for streets, alleys, or other public purposes.

(a) Subsection 3(b) of the act provides that upon the filing of an application by an appropriate local governing body within two years after the date of this part, the Secretary of the Interior may relinquish or convey by quit claim deeds to such body, without compensation, the surface rights to any tract of the Choctaw-Chickasaw lands which, prior to the transfer of title to the United States, was set apart for streets, alleys, or public purposes, even though not legally dedicated for such purposes.

(b) No particular form of application is required. Applications, however, must be filed, in duplicate, and must contain the following:

(1) An accurate description of the lands requested to be conveyed.

(2) A reference to the action by means of which the lands were set apart for streets, alleys, or public purposes.

(3) A statement showing the authority of the applicant to act on behalf of the local governing body.

(c) Every application must be accompanied by a $10 filing fee which will be nonreturnable.

(d) No conveyance will be made under subsection 3(b) of the act unless the local governing body pays within the period specified by the Manager of the Land Office at Santa Fe, New Mexico, the cost of the survey of the lands, if any.

§ 2251.1–5 Leases and permits for non-mineral resources.

(a) Unless otherwise provided for by the regulations in this part, the Choctaw-Chickasaw lands will not be subject to lease or permit for the development and use of nonmineral resources except (1) where disposal of fee title to the tract, in the discretion of the authorized officer of the Bureau of Land Management, is not in the public interest, (2) where the public interest will be served by the issuance of a lease or permit having a term of not to exceed one year, or (3) where the public interest will be served by the issuance of a lease under the regulations of Subpart 2232.

(b) Leases and permits issued under paragraph (a) (2) of this section will be renewable in the discretion of the authorized officer of the Bureau of Land Management for periods not exceeding one year for each renewal.

(c) The authorized officer of the Bureau of Land Management, in his discretion, may specify the terms and conditions of leases and permits issued under paragraph (a) (1) and (2) of this section consistent with the policies and procedures of the Department of the Interior.

(d) Except for applications to lease under the regulations of Subpart 2232, no particular form of application is required. The applicant, however, must describe the lands desired and the purpose for which he desires them. Every application must be accompanied by a filing fee of $10 which will not be returnable.

§ 2251.2 Deeds; disposition of minerals.

(a) All deeds for lands disposed of under the act of August 3, 1955 (69 Stat. 445), will contain a reservation to the United States of all its rights to mineral deposits in the lands, together with the right to prospect for, mine, and remove them. Any minerals subject to the public land leasing laws so reserved to the United States may be disposed of to any qualified person under applicable laws and regulations, subject to such conditions as the authorized officer of the Bureau of Land Management deems necessary for the protection of the surface and other nonmineral values of the lands. Until rules and regulations are issued, reserved minerals other than those subject to the public land leasing

lands, to grant a preference right of purchase to any occupant of the tract who has, or whose predecessors in interest have, lawfully and continuously occupied the tract for home, business, or school purposes since April 30, 1949, or earlier.

(b) Before offering any tract at public sale, the land office manager at Santa Fe, New Mexico, will give any such occupant an opportunity to purchase the tract at its fair market value as appraised by the authorized officer of the Bureau of Land Management. In the event the occupant elects to purchase the tract, he will be required to comply with the requirements of § 2251.1–1 (d) and (f). In the event the occupant elects not to purchase the tract, the land office manager will give the occupant an appropriate period within which the occupant, in the occupant's discretion, may remove improvements on the tract constructed by him or his predecessors in interest or elect to receive compensation for such improvements from the successful purchaser of the tract in an amount equal to the appraised value of the improvements as determined by the authorized officer of the Bureau of Land Management.

§ 2251.1–3 Public and subsequent private sales.

(a) Subparagraph 2(a) (1) of the act authorizes the Secretary of the Interior to sell tracts of Choctaw-Chickasaw lands at public sale to the highest responsible bidder, or at private sale.

(b) Upon request of any interested party or upon his own motion, the manager of the land office at Santa Fe, New Mexico, may subject to the regulations in this part, expose to sale at public auction tracts of Choctaw-Chickasaw lands at not less than their fair market value as appraised by the authorized office of the Bureau of Land Management.

(c) The manager will cause a notice of sale to be published and posted consistent with the requirements of Subpart 2243 of this chapter. The successful purchaser of a tract will be required to reimburse the Government for the cost of publication of such notices, or if more than one successful purchaser is involved, the several purchasers will be required to pay their proportionate share of such costs determined on an acreage basis.

(d) The land will be offered for sale at public auction, at not less than its appraised value, at the time and place fixed in the public notice. Bids may be made by the principal or his agent, either personally at the sale or by mail. Bids sent by mail will be considered only if received at the place and prior to the hour fixed in the notice of the sale. Sealed bids must be accompanied by certified checks, post office money orders, bank drafts, or cashiers' checks for the amounts of the bids and must be enclosed in sealed envelopes which must be marked as prescribed in the notice of sale. In the event that two or more bids sent by mail are identical in amount, they will be considered in the award of the lands in the order of their receipt as shown by the hour and date noted on the envelope.

(e) At the close of bidding, owners in fee simple of lands contiguous to the offered tract, providing that they or their agents are present at the sale, will be granted a preference right of purchase by offering at the sale to meet the highest bid for such tract. In the event two or more preference claimants offer to meet the highest bid and in the absence of an agreement among them as to the award of the lands, the award will be determined through drawing.

(f) An awardee of a tract at public sale will be granted a reasonable time in which to pay the purchase price of the lands, the cost of publication, the cost of survey, if any, and the value of the improvements of the former occupant of the lands, if any, and if he is a preference claimant, to submit proof of his ownership in fee simple of lands adjoining the offered tract. Such proof must consist of (1) a certificate of the local recorder of deeds or an authorized abstracter, or (2) an abstract of title or a certificate of title prepared and certified by a title company or by an abstracting company, showing that the claimant owns adjoining land in fee simple at the date of the sale. After a case has been closed, the data filed pursuant to this section may be returned. In the event that the awardee does not submit within the time specified the amounts requested or the proof of ownership, the lands will be awarded under the same conditions to the drawee next in order, if any, or to the next highest bidder, if any.

the date when, by court decree or otherwise, it was finally declared to be fully organized; the name and title of all officers of the district qualified at the date of the filing of the application; the gross amount of land embraced in the district; the amount of irrigable land within the district; the amount of privately owned land within the district; the amount of entered land for which final certificate has not issued; the amount of unentered public land; the amount of land embraced within a withdrawal for a United States reclamation project; the amount of land otherwise withdrawn (within Indian, forest, power-site, or other withdrawal); how much (percent) of the project has been completed; what bond issue, if any, has been finally consummated, and the present bonded debt; whether contract has been made with the United States under the Reclamation act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 372 et seq.), or is pending, and if any such, the date thereof; and any other facts or circumstances which would throw light on or be pertinent to a full understanding of the present condition or future prospects of the district.

(b) Proof of organization.

(c) Evidence of water right and sufficiency of available water supply.

(d) Maps showing the project.

(e) Plans and specifications.

(f) Such data as may be necessary to a full understanding of the situation.

(g) All applications by State irrigation districts for approval under the act of August 11, 1916, must be accompanied by an application service fee of $10 which will not be returnable.

§ 2253.1-2 Proof of organization.

A properly authenticated copy in duplicate of the proceedings through which the district claims corporate existence should be filed. The character of this proof will, of course, depend upon the State statute under which the organization was effected.

§ 2253.1-3 Evidence of water right.

If the lands to be reclaimed are wholly withdrawn lands within a United States reclamation project, and the right to the use of the water depends solely upon an appropriation by the Government, no evidence of water right will be required; but if dependence is placed upon any water appropriation other than one claimed by the Government, either for the reclamation of the whole or a portion of the lands sought to be made subject to the act of August 11, 1916, certified copies of such instruments as will show title to the water rights claimed should be filed with the application. A statement as to whether the stream or other body of water from which the water supply is to be secured has been adjudicated, and if so, the court in which the decree was granted and the date thereof, should be given. If water measurements have not been taken, a detailed report showing the foundation for the belief that sufficient water exists should be filed.

§ 2253.1-4 Maps and details to be shown thereon.

(a) There should also be filed in duplicate with the application tracings showing by smallest legal subdivision, in accordance with the latest official survey, all of the lands embraced within the confines of the district; the status of the various tracts should be differentiated, by markings on each legal subdivision, in black India ink, letters corresponding to the status of the land, as follows:

(1) Privately owned land.

(2) Lands which have been entered but for which final certificate has not been issued.

(3) Lands withdrawn under the Reclamation Act.

(4) Lands otherwise withdrawn.

(5) Unentered public lands.

NOTE: If a tract of land appears to come within two of the designations, both letters should be used.

(b) Unless one-eighth of any smallest legal subdivision is susceptible of reclamation from the irrigation system as planned or constructed, the district should not request its designation, except where it is shown that such irrigable area, where less than one-eighth of the subdivision, will when reclaimed be more valuable than the entire subdivision in its native state.

(c) These tracings should be made on tracing linen with India ink. Three scales are permissible: 2,000 feet to the inch, 1,000 feet to the inch, or 500 feet to the inch. No other scales should be used, and the scale most adaptable to a clear showing of the matters and things set forth thereon should be used, but in no case should any one tracing be over 36 inches in width.

(d) The tracings should also show the outlines, properly tied, of any reservoirs, canals, ditches, power plants, transmission lines, or other aids to reclamation which are included in the system as well as cross sections, properly drawn to scale, of dams and canals.

(e) If the irrigation system relied upon for the reclamation of the lands within the district is entirely a United States reclamation project, it will be unnecessary to furnish a map. See section 3 of the act of May 15, 1922 (42 Stat. 542; 12 U.S.C. 773). If, however, public lands are to be reclaimed, in whole or in part, by means other than under a United States reclamation project, such system or the portion thereof not connected with the United States reclamation project should be shown by map.

§ 2253.1-5 Plans and specifications.

(a) If the district irrigation works have been constructed, either fully or partially, plans and specifications of the principal structures, sufficient to show the designs and methods of construction, prepared by a competent engineer, should be filed together with an authenticated statement of the amount actually expended upon the construction and the estimated amount necessary to complete the system.

(b) If no construction has been undertaken, preliminary plans showing the estimated cost of the project and the salient features thereof in sufficient detail to establish the feasibility of the project will be sufficient.

§ 2253.1-6 Complete data required.

As each project must necessarily stand or fall upon its own merits, it will be impossible to specify minutely all of the data that may be required. In every instance, however, the data should be so full and complete as to place before the authorized officer all of the information necessary to an intelligent consideration of the feasibility of the project as a whole. Additional information may be required if the data stated upon the original application prove insufficient.

§ 2253.1-7 Statements and certificates on maps.

Each of the maps filed with the application for recognition should bear the certificate of the president or other presiding or chief officer of the district, countersigned by the secretary, clerk, or other recording officer and attested by the seal of the district, in accordance with Form No. 1. (See Appendix A.) They should also bear the statement of the district's chief engineer, in accordance with Form No. 2. (See Appendix A.) This certificate and statement should be inscribed upon the maps in India ink.

§ 2253.1-8 Application for right-of-way.

If any unpatented public land or any reservation of the United States is affected by any of the proposed works of the irrigation district, application for right-of-way therefor must be filed by the district under the appropriate act before the application for recognition will be finally approved.

§ 2253.2 Lands included.

§ 2253.2-1 Identification of unsurveyed lands.

Where any proposed district includes within its confines unsurveyed lands, the lines of survey nearest such unsurveyed lands will be protracted.

§ 2253.2-2 Lands in more than one land district.

Where the lands within the confines of the proposed irrigation district lie within the jurisdiction of more than one land office, it will only be necessary to file the data in duplicate in one of the land offices; a blueprint copy of the map and one copy of the statement, however, should be filed in the other land offices, together with a notice to the manager that the application, in duplicate, has been filed in the other land office (naming it).

§ 2253.3 Requirements when lands are to be claimed by Bureau of Reclamation.

(a) Section 3 of the act of May 15, 1922 (42 Stat. 542; 12 U.S.C. 773), provides as follows:

That upon the execution of any contract between the United States and any irrigation district pursuant to this Act, the public lands included within such irrigation district when subject to entry, and entered lands within such irrigation district, for which no final certificates shall have been issued and which may be designated by the Secretary of the Interior in said contract, shall be subject to all the provisions of the Act entitled "An Act to promote the reclamation of arid lands," approved August 11, 1916: *Provided*, That no map or plan as required by section 3 of the said Act need be filed by the irrigation district for approval by the Secretary of the Interior.

(b) This section is construed as an amendment of the act of August 11, 1916 (39 Stat. 506; 43 U.S.C. 621-630), in that it makes unnecessary the filing of a map or plan of the district for the approval of the Secretary of the Interior in those cases where the lands within a district are to be reclaimed by the Bureau of Reclamation under a contract between the Secretary of the Interior and the irrigation district entered into under the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof, and in lieu thereof provides for the designation by the terms of such contract of the public lands included in such a district where subject to entry and entered lands on which no final certificates shall have been issued, such designation to make the land subject to all the provisions of the act of August 11, 1916.

(c) Accordingly it will not be necessary for a district, under such circumstances, to file formal application for the designation of the land, as provided for in the act of August 11, 1916, but in connection with its negotiations with the Secretary of the Interior for the construction of the irrigation system or for repayment of cost if already constructed, it should make request for the designation of the lands under the act of August 11, 1916, filing a list thereof.

(d) In such a case the contract between the Secretary of the Interior and the irrigation district must contain a description according to the approved plats of survey of the lands within such district, properly subject to designation under said act of August 11, 1916, and the approval of such a contract by the Secretary unless otherwise stipulated, will have the effect of designating the lands as provided for in said act and making them subject to all the provisions thereof.

(e) The Bureau of Reclamation will require the district to present a list of the land which it desires to have designated under the act of August 11, 1916. From this list the Bureau of Reclamation will eliminate tracts which for any reason will not be irrigated (at least to such an extent as to make the irrigable portion more valuable than the whole tract when unreclaimed) by the system as constructed or to be constructed.

(f) These lists should then be referred by the Bureau of Reclamation to the Bureau of Land Management with a view to the elimination of any lands not subject to entry, whereupon the remaining tracts will be included in the contract between the district and the Secretary of the Interior.

(g) The Commissioner of the Bureau of Reclamation will furnish the Director of the Bureau of Land Management with two copies of all such contracts, together with two blue-print maps of the district.

§ 2253.4 Taxes and assessments.

(a) Where an irrigation district has been approved by the Secretary of the Interior the district must, after each assessment, file with the manager of the land office for the district within which the lands of the irrigation district are situated, an officially certified list showing the amount assessed against each smallest legal subdivision of unentered or entered and unpatented public land within the district, which list shall contain a statement that such assessment was made in due form in compliance with the provisions of the State law and of this act. Any assessment or sale, or attempted sale, of such lands prior to the approval of the district is without authority of law and void.

(b) Where contracts made between the United States and irrigation districts involving public lands of the United States inhibit the assessment of unentered public land while in that status, the provisions of such contracts must, of course, be complied with by the district.

§ 2253.5 Status of lands.

§ 2253.5-1 Status of lands within approved irrigation districts.

(a) For the purpose of entry, the act of August 11, 1916 (39 Stat. 506; 43 U.S.C. 621-630), may be considered as dividing the unpatented lands within a State irrigation district into two general classes, namely, lands withdrawn under the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 372 et seq.), and lands not so withdrawn.

(b) For the purpose of administration the lands within such a district may be

laws are not subject to disposition or, except by an authorized Federal agency, to prospecting.

(b) All minerals in the Choctaw-Chickasaw lands, subject to the exception and qualifications in paragraph (a) of this section, are subject to the applicable public land mining and mineral leasing laws and the regulations thereunder (see Groups 3100 and 3400 of this chapter).

(c) Deeds for Choctaw-Chickasaw lands disposed of under the regulations in this part will contain any provision the authorized officer of the Bureau of Land Management deems necessary in order to protect the rights of the holders of existing interests in the lands, or to permit access to any of the lands in which the Federal Government retains an interest.

§ 2251.3 Disposal of materials.

Materials on the Choctaw-Chickasaw lands, other than minerals subject to disposal under the public land mining and mineral leasing laws, are subject to disposal under the regulations of Parts 3610 and 5460 of this chapter.

§ 2251.4 Rights-of-way.

Easements and permits for rights-of-way over the Choctaw-Chickasaw lands may be secured under the regulations of Subpart 2224.

§ 2251.5 Contributions and donations of money, services, and property.

(a) Section 6 of the act authorizes the Secretary of the Interior to accept contributions or donations of money, services, and property to further the provisions of the act.

(b) Contributions and donations may be offered to the Manager of the Land Office at Santa Fe, New Mexico.

(c) Amounts of money contributed in excess of their appropriate share of expenses as determined by the authorized officer of the Bureau of Land Management will be refunded to contributors.

Subpart 2253—State Irrigation Districts

AUTHORITY: The provisions of this Subpart 2253 issued under R.S. 2478; 43 U.S.C. 1201. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 2253.0-3 Authority.

The act of August 11, 1916 (39 Stat. 506; 43 U.S.C. 621-630) empowers the Secretary of the Interior, following the presentation of proper applications, to investigate the plans and financial and physical resources of irrigation districts theretofore or thereafter organized pursuant to the law of any State, and if he shall find and conclude that any such applicant has planned and is executing an altogether meritorious and feasible irrigation undertaking, to grant his approval of its plan and undertaking, provided a majority of acreage thereof is not unentered land, to the end that upon such approval, and upon compliance by such districts with the conditions in said act specifically set forth, all unentered public land and land which has been entered, but upon which final certificate has not issued, shall be subject to all the provisions of the laws of the State in which such lands shall be situated relating to the organization, government, and regulation of irrigation districts for the reclamation and irrigation of arid lands for agricultural purposes to the same extent and upon like terms as are privately owned lands within the district. This includes the right of the district to levy and collect taxes on unpatented land for the purpose of raising funds with a view to the construction, operation, and maintenance of the irrigation system, but does not grant the right to tax generally or for any purpose not definitely connected with the construction and maintenance of the irrigation works. The right of the district to sell lands which were entered at the date of the levy of any such lawful tax or assessment remaining unpaid is also provided for, together with the right of individuals to make entry of such land after the period of redemption from tax sales has expired.

§ 2253.1 Procedure.

§ 2253.1-1 Application by a district for approval.

Any irrigation district desiring to obtain the benefits of the act of August 11, 1916, should file in the land office for the district within which the lands are situated an application, in duplicate, consisting of the following:

(a) A statement setting forth concisely the legal address of the district;

considered as divided into the following subordinate classes:

(1) Unpatented public lands when subject to entry.

(2) Entered unpatented lands.

(3) Entered lands which shall become vacant by relinquishment or cancellation for any cause.

(c) The approval of a legally organized irrigation district by the Secretary of the Interior under said acts, unless otherwise provided by contract between the district and the United States, makes the public lands within such district, when subject to entry, and the entered lands on which no final certificates have issued, subject to a lien for all taxes and assessments thereafter lawfully levied by the district to the same extent and in the same manner as lands of a like character held under private ownership.

§ 2253.5–2 Entries under the Reclamation Act.

(a) Lands within an approved irrigation district withdrawn under the act of June 17, 1902 (32 Stat. 388), shall during the continuance of such withdrawal be subject to entry only in the manner provided by said act, and amendments thereto and the regulations thereunder.

(b) When lands included in entries made under the act of June 17, 1902, are sold for nonpayment of district taxes or assessments the purchaser on the presentation of proper evidence of his tax title shall be considered as one holding a complete and valid assignment under the act of June 23, 1910 (36 Stat. 592; 43 U.S.C. 441), and shall perfect the entry in the same manner required of an assignee under said act.

(c) The evidence of such tax title shall be the same as hereinafter provided in the case of an applicant under tax title for land not subject to the Reclamation Act.

§ 2253.5–3 Entry of lands unentered when tax or assessment was levied; section 5, act of August 11, 1916.

(a) Public lands within an approved irrigation district which were unentered at the time any tax or assessment was levied against same shall not be sold for such tax or assessment, but same shall be and continue a lien upon such land, and not more than 160 acres of such land shall be entered by any one person, and when such land shall be applied for after the approval of the district by the Secretary of the Interior, under the homestead or desert-land laws, the applicant shall be required to present a certificate from the proper district or county officer showing that no unpaid district charges are due, or delinquent, against said land.

(b) Any such application for lands of this character, if unaccompanied by the required certificate, will be suspended for 30 days to enable the applicant to present such certificate, and if not furnished, the application will be rejected, subject to the right of appeal.

§ 2253.6 When tax title will not be recognized.

No application to enter or purchase land within an approved irrigation district under tax-sale title will be allowed if the sale was for taxes or assessments levied prior to the approval of the district by the Secretary of the Interior.

§ 2253.7 Reentry of land covered by canceled entries; section 6, act of August 11, 1916.

(a) In case where any tract of entered land within an approved irrigation district shall become vacant by relinquishment or cancellation for any cause, any subsequent applicant therefor shall, in addition to the qualifications and requirements otherwise provided, be required to furnish satisfactory proof by certificate from the proper district or county officer showing that he has paid all charges due to the district upon said land, and also that he has paid to the proper district or county officer for the holder, or holders, of any tax certificate, delinquency certificate, or other proper evidence of tax sale, the amount for which said land was sold at tax sale, together with the interest and penalties thereon provided by law.

(b) Entries for such land will be limited to 160 acres, as such lands come within the general description of "unentered" lands.

(c) It will be observed that as to such land the requirement as to payment of taxes, assessments, interest, and penalties applies to any subsequent applicant therefor and not solely to applicants under the homestead and desert-land law as in the first instance.

(d) If the application is not accompanied by this evidence the manager will suspend same for 30 days, and if the necessary proof of the required payments is not made within such time he will reject the application, subject to the right of appeal.

(Sec. 5, 39 Stat. 506; 43 U.S.C. 627)

§ 2253.8 Cash entries; section 6, act of August 11, 1916.

(a) In case of entered lands within an approved irrigation district not subject to the Reclamation Act of June 17, 1902 (32 Stat. 388), the purchaser thereof at tax sale, or his assignee (no redemption having been made), may receive patent to the land upon the payment to the manager of the land office of the minimum price of $1.25 per acre, or such other price as may be fixed by law for such land, together with the usual fees and commissions charged in entries of like land under the homestead laws, and upon satisfactory showing that the irrigation works have been constructed and that water of the district is available for such land.

(b) However, such purchaser or his assignee shall at the time of application for patent have the qualifications of either a homestead or desert-land entryman, and not more than 160 acres of such land shall be patented to any one purchaser.

(c) If the purchaser at tax sale, or his assignee, shall not within 90 days after the time for redemption has expired pay to the proper manager all fees and commissions and the purchase price to which the United States shall be entitled, as provided in this act, any person having the qualifications mentioned may pay to the proper manager for not more than 160 acres of such land the unpaid purchase price, fees, and commissions to which the United States may be entitled, and upon satisfactory proof that he has paid to the purchaser at tax sale, or to his assignee, or to the proper officer of the district for such purchaser, or for the district, as the case may be, the sum for which the land was sold at sale for irrigation district charges, or bid in by the district at such sale, and in addition thereto the interest and penalties on the amount bid at the rate allowed by law, shall be subrogated to the rights of such purchaser to receive patent for said land.

§ 2253.9 Application to purchase.

(a) An application to purchase under the act of August 11, 1916, and the proofs required therewith must be signed by the applicant but need not be under oath.

(b) The application shall contain a description according to the approved plats of survey of the land sought to be purchased and shall give the serial number or numbers of the entry or entries in which the land is then included. The applicant shall also show by like evidence required in such cases that he has the qualifications of a homestead or desert-land entryman, furnishing the proof thereof.

(c) He must show whether he is applying as purchaser at tax sale, as assignee of such purchaser, or is seeking to be subrogated to the right of such purchaser or assignee.

(d) The application shall not embrace less than a legal subdivision or more than 160 acres and shall not include land in more than one land district and shall be accompanied by the usual fees and commissions provided in entries of like land under the homestead laws, together with the purchase price of the land, not less than $1.25 per acre, or such other price as may be fixed by law for such land.

(e) As the laws governing the sale of lands for taxes are not the same in the several States affected by this act, and as in some instances more than one method of conducting sales is permitted, and as the period in which redemption may be made varies, it is not thought advisable to formulate specific rules governing proof of tax titles. However, the following general rules must be observed:

(1) If the tax title is based on court proceedings a copy of the decree or order of the court under the seal of the clerk of the court must be furnished. The certificate of the clerk of court should make specific reference to the laws governing such sale and show that the period of redemption has expired without redemption having been made, citing the statute.

(2) If the sale was made by the district or under other than court proceedings the certificate of the officer conducting such sale, under the seal of his office, must be furnished. This certificate should show that all steps necessary to legalize such sale were taken, citing the statutes, and should show that the period of redemption has expired without redemption being made.

(3) No application to purchase under this act will be accepted for lands included in more than one pending entry unless necessary in order to make the 160 acres maximum area to which the applicant may be entitled, but in such event the land applied for must, if practicable, be contiguous, and if not contiguous, as nearly so as the circumstances will permit.

(4) If the application is not complete in substance, or based on an unredeemable tax title, the manager will hold same for rejection, subject to the usual right of appeal. If the application is found satisfactory and complete in all respects he will notify the entryman or entrymen, of the land affected and alleged to have been sold at tax sale, of the filing of the application to purchase such land, and that because thereof the entry, or entries are held for cancellation (to the extent affected by such sale) subject to the usual right of appeal.

(5) If the application is without objection and contains the evidence herein required and water has been made available for the land, cash certificate will be issued by the manager. If an appeal is filed, the same will be considered and disposed of in the usual manner.

(6) If all be found regular and sufficient, except that the irrigation works have not been constructed and water has not been made available, the cash certificate will be withheld pending proof of construction and of the availability of water.

(7) When the application to purchase is approved, and, without regard to whether or not such purchaser shall then be entitled to certificate and patent (which will depend upon the question of construction of irrigation works and the availability of water), the conflicting entry, or entries, as the case may be, to the extent to which the land was sold for delinquent taxes or assessments, no appeal having been filed, will be canceled of record.

APPENDIX A

FORM 1

I, _____, the duly elected, qualified, and acting _____ (designation of office) of the _____ irrigation district, duly organized under the laws of the State of _____ as found at page _____ of _____,[1] do hereby certify that the plan of irrigation and survey herewith is submitted under authority of the said district granted by resolution of the board of directors (or trustees) of said district, adopted on the _____ day of _____, 19—, a copy of which said resolution, duly verified by the secretary of said district, is submitted with, and by this reference made a part of, this certificate; and application is hereby made for the designation, under the act of August 11, 1916 (39 Stat. 506), of the tracts marked hereon "b" or "e"; that the said tracts are each and every one of such character as to be subject to the provisions of the homestead or desert land laws of the United States and that the majority acreage in the said irrigation district is not unentered land.

_____
(Name)

_____
(Official title)
Of the _____ Irrigation District.

Attest:
[SEAL]

_____
(*Secretary (or other title of recording officer*)

FORM 2

STATE OF _____
County of _____, ss:

_____, being duly sworn, says that he is the chief engineer of the _____ irrigation district; that the tracts shown hereon to be designated under the act of August 11, 1916 (39 Stat. 506), are each and every one of such character as to be subject to the provisions of the homestead or desert land laws of the United States;[2] that he has personally examined the same; that there is not to his knowledge within the limits thereof any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper, nor, within such limits, any placer, nor cement, gravel, salt spring, or deposit of salt, nor any other valuable mineral deposit (if necessary insert: except mineral deposits within the purview of the acts of March 3, 1909 (35 Stat. 844), and June 22, 1910 (36 Stat. 583), or of the act of July 17, 1914 (38 Stat. 509), as the facts may warrant); that no portion of said land is claimed for mining purposes under the local customs or rules of miners, or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially nonmineral land (exception as above if necessary); that none of the unentered lands contain springs or water holes (see withdrawal of April 17, 1926, also Circular No. 1066, approved May 25, 1926, 51 L.D. 457); that the plan of irrigation herewith submitted is accurately and fully represented in accordance with ascertained facts; that the system proposed is sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops, as is shown in the accompanying report; that at least one-eighth of each smallest legal subdivision for which designation is sought is susceptible of reclamation from the irrigation system or (where less than one-eighth the irrigable portion of such tract) will be of more value when reclaimed than the entire tract in its native state; that the survey of said system of irrigation is accurately represented upon this map and the accompanying field notes; and that the limits of said irrigation district are correctly shown hereon.

_____

Subscribed and sworn to before me this _____ day of _____, 19—.

[SEAL] _____
(Notary Public)

My commission expires _____

[1] Give citation to act or acts under which the district is organized.

[2] If the chief engineer has not made a personal examination of the land sufficiently in detail to enable him to make that part of the affidavit bracketed, it should be omitted herefrom and a separate affidavit should be made on the map as to such facts by some person who has made such examination.

Subpart 2254—Arkansas Drainage

AUTHORITY: The provisions of this Subpart 2254 issued under R.S. 2478; 43 U.S.C. 1201.

§ 2254.0–3 Authority.

(a) The act of January 17, 1920 (41 Stat. 392; 43 U.S.C. 1041–1048) provides that all those unentered, unreserved public lands and all those entered for which no final certificates have been issued, in certain townships in Arkansas, are made subject to the laws of the State of Arkansas relating to organization, government and regulation of drainage districts to the same extent and in the same manner except as otherwise provided, in which lands held under private ownership are subject to such laws, provided that the United States and all persons legally holding unpatented lands under public land laws shall be accorded all the rights, privileges and benefits given by said laws to persons holding lands in private ownership. The said act contains special provisions governing the disposal of such lands by the United States. The act of February 28, 1929 (45 Stat. 1410), amended the act of January 17, 1920, and gave consent of the United States to the levy of special assessments within the Saint Francis Levee District in Arkansas on lands of the United States, subject to the conditions hereinafter set forth.

(b) Sections 1, 2, and 3 of the act of February 28, 1929, impose no duties on the Department of the Interior nor do they require any change in the matter of entry, proof, payment, or patent. The proviso to section 1 excludes Government land, entered or unentered, from levy, assessment, or tax until the date an entryman or purchaser thereof has earned the right to a patent. If and when equitable title to any particular tract shall have passed from the Government of the United States to an entryman or purchaser, the levy, special assessment, or tax to which consent was given will become effective.

(c) Section 4, however, provides for the purchase after foreclosure by any drainage district in Tps. 14, 15, 16 N., R. 9 E., and Tps. 15, 16 N., R. 10 E., 5th P. M., in Mississippi County, and in Tps. 11 and 12 N., R. 6 E., in Poinsett County, Ark., and does not apply to the balance of the lands in the St. Francis Levee district. It is in effect an amendment of the act of January 17, 1920 (41 Stat. 392), which expressly prohibited the issuance of patent to a drainage district for lands bid in by it.

NOTE: Public land withdrawn by Executive Order 6964 of February 5, 1935 is not subject to entry until it has been classified therefor. See Subpart 2411 of this chapter.

§ 2254.0–6 Qualification of purchasers; tracts purchased need not be contiguous.

A purchaser (other than an improvement or drainage district) of land from the Government under the act of January 17, 1920, is required to have the qualifications of a homestead entryman which must be shown by his signed statement. Any purchaser hereunder shall exhaust his homestead right to the extent of the amount of lands purchased by him, and not more than 160 acres can be sold to any one purchaser. The tracts must be entered by legal subdivisions, but they need not be contiguous or in one body.

§ 2254.0–7 Public lands in certain townships made subject to State drainage laws.

All unentered, unreserved public lands in the townships described in § 2254.03, in the State of Arkansas which are subject to entry, and entered lands

for which no final certificates have issued, are by the act of January 17, 1920 (41 Stat. 392; 43 U.S.C. 1041–1048), as amended by the act of February 28, 1929, made subject to the State drainage laws to the same extent and in the same manner except as noted in §§ 2254.1–1 to 2254.9 in which lands of like character held in private ownership are or may be subject to said laws.

§ 2254.1 State charges; enforcement.

§ 2254.1–1 Report on assessments.

Certified lists showing the amount of the charges assessed against each smallest legal subdivision should be furnished by the county officers to the Bureau of Land Management as soon as the charges would become a lien on the land if in private ownership. Such office will compare said lists with its records and if any charges are assesed against land which is not subject to the State drainage laws, it will promptly notify the county auditor thereof, and advise him that the lands are not subject to sale thereunder.

§ 2254.1–2 Enforcement of lien by State sales; State report on sales.

(a) The charges against the Government lands subject thereto may, under section 3 of the act of Janaury 17, 1920 (41 Stat. 393; 43 U.S.C. 1043), be enforced by a sale of the lands by the State in the same manner and under the same proceedings as such charges would be enforced against lands held in private ownership.

(b) Immediately after the close of the sale, the State officials should furnish the Bureau of Land Management with a statement showing the name of the purchaser of each tract, including land bid in for a drainage district, the price at which each legal subdivision was sold, the amount assessed against it, the penalties and interest, the cost of the sale, and the amount of excess, if any, over and above all lawful assessment charges and the cost of sale. No entries will be allowed under said act until this requirement has been complied with.

(c) When such statement has been filed in the said office, proper notations thereof will be made on the records.

§ 2254.1–3 Cash entries by purchasers at State sale.

Section 5 of the act of January 17, 1920 (41 Stat. 393; 43 U.S.C. 1045), provides that purchasers of unentered lands at such sales by the State have 90 days from the date of sale and purchasers of entered but unpatented lands have 90 days from the expiration of the period of redemption provided for in the drainage laws under which the lands were sold, no redemption having been made within which to pay $5 per acre, together with the usual fees and commissions both original and final, charged in entry of lands under the homestead laws, and make entry. The required payments and application for entry must be filed in the Bureau of Land Management, Washington 25, D.C.

§ 2254.1–4 Cash entries by persons subrogated to rights of persons at State sale.

Unless the purchaser of unentered lands at the sale by the State files application for a patent and pays the required amounts, within the time specified in section 5 of the act of January 17, 1920 (41 Stat. 393; 43 U.S.C. 1045), any other qualified person may make application for a patent and file a statement of qualifications and pay to the Bureau of Land Management the unpaid fees, commissions, and purchase price and in addition an amount equal to the drainage charges, penalties, interest, and costs for which the land was sold, and if the lands were bid in for the drainage district, an additional amount equal to 6 percent per annum on the sum for which the lands were sold from the date of sale and shall become subrogated to the rights of such purchaser and shall be entitled to receive a patent for not more than 160 acres of said lands.

§ 2254.1–5 Procedure when payment is made to effect subrogation.

When payment is made to effect subrogation as provided in § 2254.1–4, the Bureau of Land Management shall serve notice upon the purchaser at the sale that an application for patent for the lands purchased by him has been filed and that the amount of the drainage charges, penalties, interests, and costs of the sale will be paid to him upon submission of proof of purchase and payment of said sums. The Bureau of Land Management shall make such payment as soon as said requirement shall have been fulfilled. If the lands were bid in for a drainage or improvement district, the said office will make such payments to the proper county officers.

§ 2254.1–6 Purchase of lands by drainage district.

Section 5 of the act of January 17, 1920 (41 Stat. 393; 43 U.S.C. 1045), permits the bidding in of lands for a drainage district. Section 4 of the act of February 28, 1929, (45 Stat. 1411) provides that in case of the foreclosure of the liens of any improvement or drainage district, and the lands have been purchased by said district, said improvement or drainage district may, upon proof of the sale and purchase and payment of $5 per acre, together with the usual fees and commissions charged entry of lands under the homestead laws, where such payment has not heretofore been made, receive a patent for the land. In case of unentered land, a preference right exists for 90 days from date of sale. In case of entered lands, the preference-right period is for 90 days from the expiration of the period of redemption. The drainage or improvement district may exercise the right of purchase after the period mentioned in the absence of an adverse claim. No limitation is placed on the amount of land an improvement or drainage district may enter under the act.

§ 2254.2 Proof of foreclosure required and cancellation of entry.

(a) Proof of the foreclosure of the land and of the failure of the entryman to redeem the lands in accordance with State statutes relating to the taxation of lands in private ownership in Arkansas must be furnished under the certificate and seal of the officer of the State declaring the foreclosure. Said certificate should be presented to the Bureau of Land Management, whereupon, should no objection appear, the said office will cancel the entry upon its records, as of the date of the receipt of said certificate, and note such cancellation with proper reference to the entry on the certificate. For 90 days after the expiration of the period of redemption provided by the Arkansas laws the purchaser at the sale, including the improvement district, if bid in by the district, may furnish the certificate mentioned, make entry of the lands, and receive patent in his or its own name. Should such purchaser or district fail to make entry within the 90-day period mentioned, any other person, upon furnishing said certificate, may secure the cancellation of the entry and make entry.

(b) Sections 2254.1–4 and 2254.1–5 should be observed in allowing purchases of entered lands.

§ 2254.3 Cash entry on relinquishment of homestead entry before expiration of period of redemption.

If a homestead entry, after the land covered thereby has been sold for delinquent taxes, should be subsequently relinquished or canceled prior to the expiration of the period of redemption, the purchaser at the tax sale, if the taxes have not been redeemed, will have the preference right for 30 days, after due notice of the cancellation or relinquishment of the entry, to file an application to purchase the land without having to wait until the expiration of the period of redemption. Such right is given to the actual purchaser only if the land has not been redeemed. This right to purchase is not given to the homestead entryman who allowed the land to be sold for taxes and then relinquished the same.

§ 2254.4 Excess charges to be deposited in United States Treasury.

In the sale of lands by the State, should there be paid any excess over and above the drainage charges due, the excess amount shall be paid to the Bureau of Land Management for deposit in accordance with sections 3 and 4 of the act of January 17, 1920 (41 Stat. 393; 43 U.S.C. 1043, 1044), before patent is issued.

§ 2254.5 When settlers and entrymen are not entitled to right of redemption.

To avoid confusion, misunderstanding, and conflict of rights no right of redemption, referred to in section 5 of the act of January 17, 1920 (41 Stat 393; 43 U.S.C. 1045) can be acquired by settlement on or application for unentered lands after the hour and date fixed for their sale. The Bureau of Land Management will suspend all applications for such lands advertised for sale under said Act received on or subsequent to the date of sale until after the statement of sale provided in section 4 of the act is received, unless the applicant shall show

by a statement, duly corroborated, that he settled on the land in good faith prior to the beginning of the sale, for the purpose of securing a home and not for the purpose of defeating the rights of a purchaser at the sale. If the statement referred to shows that the land was actually sold at the sale in question, the application in question will remain suspended until after the expiration of 90 days from the date of sale to give the purchaser an opportunity to make entry for the land. Should the purchaser not make entry the homestead application may then be allowed. If the statement does not show a sale of the land, or it was bid in by the drainage district, the homestead application may be allowed, and the homestead entryman will be required to comply with the homestead laws in the matter of residence, improvements, and cultivation.

§ 2254.6 Payment of drainage charges not required to make entry in homestead cases.

Payment of the drainage charges will not be required, and each applicant making a 3-year homestead entry where the land has been sold for delinquent drainage charges and evidence of redemption has not been furnished will be formally notified by the Bureau of Land Management of the amount of taxes assessed against said land, and of any tax certificates outstanding thereon, as shown by the records of such office.

§ 2254.7 Evidence of redemption required in connection with cash entries.

The Bureau of Land Management will reject all applications for cash entries under the acts of January 17, 1920, and February 28, 1929, where evidence of redemption is required if the same is not filed in connection therewith.

§ 2254.8 Lands subject to homestead and cash entry after 90 days from sale by State.

After the expiration of 90 days from the date of sale by the State for drainage charges the unentered lands will be subject to ordinary homestead entry, in which case residence, improvements, and cultivation are required, or to entry under the act of January 17, 1920, which does not require such compliance with the homestead law. The drainage charges and expenses incident to sale will become a lien on the land which can be enforced by the State after patent issues.

§ 2254.9 Issuance of cash certificates; receipts and patents.

In case payment is made in purchases under the acts of January 17, 1920, and February 28, 1929, and evidence is furnished showing the qualifications of the purchaser, the usual cash certificates and receipts will be issued by the Bureau of Land Management, and should no objection appear patent will issue in due course of business.

Group 2300—Withdrawal and Reservations

PART 2310—PROCEDURE

Subpart 2311—Withdrawals

Sec.

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Subpart 2312—Restorations and Revocations

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Subpart 2315—Transfer of Jurisdiction

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Subpart 2311—Withdrawals

AUTHORITY: The provisions of this Subpart 2311 issued under R.S. 2478, as amended; 43 U.S.C. 1201.

§ 2311.0–1 Purpose.

The regulations in this subpart apply to all proposals for withdrawal, reservation or restriction, under the authority of Executive Order 10355, May 26, 1952 (17 F.R. 4831), or under the statutory authority of the Secretary of the Interior, or under the Act of February 28, 1958 (72 Stat. 27), of lands or water areas owned or controlled by the United States. However, only the following apply to proposals by the Department of Defense which are governed by the provisions of sections 1, 2, and 3 of the Act of 1958, *supra:* §§ 2013.2–7, 2311.0–5, 2311.0–6, 2311.1–1, 2311.1–2, 2311.1–3, and 2330.2.

§ 2311.0–3 Authority.

(a) The act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141–143, 16 U.S.C. 471), provides that the President may at any time in his discretion temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including Alaska, and reserve the same for water-power sites, irrigation, classification, or other public purposes to be specified in the orders of withdrawal, such withdrawal to remain in force until revoked by him or by an act of Congress.

(b) The provision of the said act of June 25, 1910, that all lands withdrawn under the provisions of that act shall, at all times, be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, "so far as the same apply to minerals other than coal, oil, gas, and phosphates," is changed by an amendment to said act, made by the act of August 24, 1912 (37 Stat. 497; 43 U.S.C. 142), so as to provide that such lands shall, at all times, be open to exploration, discovery, occupation, and purchase under the mining laws of the United States so far as the same apply to metalliferous minerals.

(c) Section 2 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 142) contains further provision to the effect that there shall be excepted from the force and effect of any withdrawal all lands which are on the date of withdrawal embraced in any lawful homestead, or desert-land entry theretofore made or upon which any valid settlement has been made, and is at that time being maintained and perfected pursuant to law.

(d) (1) E.O. 6910, Nov. 26, 1934, and E.O. 6964, Feb. 5, 1935, withdrew the remaining public lands from entry.

(2) The said orders did not affect lands then in reservations. Therefore, lands in national forests and in reclamation projects included in such reservations prior to the dates of said orders, and not otherwise reserved, are subject to disposition under the Forest Homestead Act of June 11, 1906 (34 Stat. 233; 16 U.S.C. 506–508, 509) and under the Reclamation Homestead Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 372 et seq.), respectively.

(3) With respect to mineral lands, the said orders do not prevent prospecting, locating, developing, mining, entering, leasing, or patenting of the withdrawn lands, under the provisions of the applicable mineral or mineral leasing laws.

§ 2311.0–5 Definitions.

As used in §§ 2311.1, 2311.2, 2315.1, and 2330.2, the term "withdrawal or reservation" means "withdrawal, reservation, or restriction" and "land" includes both land and water areas.

§ 2311.0–6 Who may apply.

The heads of Federal agencies and instrumentalities or any subordinate officer designated by them may apply for the withdrawal, reservation or restriction of lands or water areas owned or controlled by the United States for the use or benefit of the agency or instrumentality they represent or where such agency has a direct interest in a State, Territorial, or local program, for the use or benefit of a State or Territory, or political subdivision thereof in connection with such program.

§ 2311.1 Procedures.

§ 2311.1–1 Filing of applications.

(a) Except where the application is classified by the applicant for national security reasons, all applications for withdrawal or reservation must be filed in duplicate in accordance with the provisions of § 1821.1 of this chapter. Where the application is classified by the applicant agency for national security reasons, it must be submitted to the Office of the Secretary, Department of the Interior, Washington 25, D.C.

(b) No specific form of application is prescribed but it must contain the following information:

(1) The name and address of the applicant agency and intended using agency;

(2) Legal description of the lands desired, in terms of the public land surveys, where applicable;

(3) When sections 1, 2, and 3 of the Act of February 28, 1958 (72 Stat. 27), are applicable, location of the area involved, to include a detailed description of the exterior boundaries of the lands to be included within, and those to be excepted from, the proposed withdrawal or reservation.

(4) Gross acreage within the exterior boundaries of the requested withdrawal or reservation, and net public land, water, or public land and water acreage covered by the application;

(5) The purpose or purposes for which the area is proposed to be withdrawn, reserved, or restricted, or if the purpose or purposes are classified for national security reasons, a statement to that effect;

(6) Whether the proposed use will result in contamination of any or all of the requested withdrawal or reservation area, and if so, whether such contamination will be permanent or temporary;

(7) The estimated period during which the proposed withdrawal or reservation will continue in effect;

(8) Whether, and if so to what extent, the proposed use will affect continuing full operation of the public land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber and other material resources, grazing resources, fish and wildlife resources, water resources, and scenic, wilderness, and recreation and other values;

(9) If effecting the purpose for which the area is proposed to be withdrawn, reserved, or restricted, will involve the use of water in any State, whether, subject to existing rights under law, the intended using agency has acquired, or proposes to acquire, rights to the use thereof in conformity with State laws and procedures relating to the control, appropriation, use, and distribution of water.

(10) A justification for the proposed withdrawal or reservation, including statements showing the need for all the area requested and for the limitation, if any, of concurrent uses;

(11) Citation of the statutory or other authority for the type of withdrawal or reservation requested.

(c) If the application is for the withdrawal of more than 5,000 acres for any one project or facility, the application must be accompanied by a map or maps, in duplicate, of adequate scale, showing clearly the location of the land by legal subdivisions; the proposed utilization of the property, including the location of the major improvements to be erected or installed; areas to be inundated, if any; and any cultural or other features of the lands requested and of the surrounding area deemed by the applicant to be significant and to illustrate the need for and effect of the proposed withdrawal. Standard base maps, where suitable, may be used for the purposes of this paragraph.

§ 2311.1–2 Segregative effect of applications.

(a) The noting of the receipt of the application in the tract books or on the official plats maintained by the Land Office in which the application was properly filed or in the tract books maintained by the Washington Office of the Bureau of Land Management if there is no Land Office for the State in which the lands are located shall temporarily segregate such lands from settlement location, sale, selection, entry, lease, and other forms of disposal under the public land laws, including the mining and the mineral leasing laws, to the extent that the withdrawal or reservation applied for, if effected, would prevent such forms of disposal. To that extent, action on all prior applications the allowance of which is discretionary, and on all subsequent applications, respecting such lands will be suspended until final action on the application for withdrawal or reservation has been taken. Such temporary segregation shall not affect the administrative jurisdiction over the segregated lands.

(b) An application may be amended at any time by the applicant agency so as to eliminate therefrom lands no longer desired for withdrawal or reservation. The authorized officer of the Bureau of Land Management will have a notice published in the FEDERAL REGISTER specifying the date and hour that the lands so eliminated will be relieved of the segregative effect of the agency's application and any suspended applications from other persons for the eliminated lands may be processed without regard to the agency's application.

(c) An amendment of an agency's application so as to include additional lands shall have as to such lands the segregative effect provided for in paragraph (a) of this section from the date of the entry of information regarding the receipt of such request on the records mentioned in paragraph (a) of this section. Such an amendment will be processed either as a part of that application or separately, as the facts may warrant.

§ 2311.1–3 Publicity; hearing; investigations; and negotiations.

(a) The authorized officer of the Bureau of Land Management will have published in the FEDERAL REGISTER a notice of the filing of the application and of the opportunity of the public to object to, or comment on, the proposed withdrawal or reservation. In cooperation with the applicant agency, he will also provide for publicity sufficient to inform the interested public of the proposed withdrawal or reservation.

(b) If, as a result of such notice and publicity, sufficient protest is filed against the proposal, or if, in his discretion, it is otherwise desirable in the public interest, the authorized officer of the Bureau of Land Management will, subject to the approval of the Secretary of the Interior if the applicant agency objects, hold a public hearing at a time and in a place convenient to the interested public and to the agencies involved. Costs of such hearings incurred by the Bureau of Land Management, except for the salaries of its personnel, will be borne by the applicant agency.

(c) The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

§ 2311.1–4 Findings, reviews; publication.

(a) The authorized officer of the Bureau of Land Management will report to the applicant agency his findings of fact, and where he has authority to effect the withdrawal or reservation, his conclusions in respect to the application. If the applicant agency does not concur with such findings or conclusions, it may request the Director, Bureau of Land Management, to review the case, and if it feels aggrieved by the findings or conclusions of the Director, may request the Secretary for further review. When the proposed withdrawal or reservation involves authority delegated to the Secretary by Executive Order 10355, May 26, 1952 (17 F.R. 4831) and if the applicant is a Federal agency or instrumentality

outside of the Department of the Interior and it does not concur in the findings of the Secretary, the applicant may request the Secretary to refer the case to the Bureau of the Budget.

(b) The Secretary of the Interior, or his authorized agent, will approve or deny the application in whole or in part, provided that no withdrawal or reservation affecting land under the administrative jurisdiction of an Executive department or agency of the Government other than the Department of the Interior will be effected without the prior approval or concurrence of the head of the department or agency concerned, or his delegate.

(c) When an application is finally denied in whole or in part by the authorized officer, he will have published in the FEDERAL REGISTER a Notice of Determination which will specify the date and hour that the affected lands will be relieved of the segregative effect of the agency's application.

(d) When an application is finally approved in whole or in part by the authorized officer, he will have published in the FEDERAL REGISTER an appropriate order of withdrawal or reservation.

§ 2311.2 Payment for improvements.

The allowance of an application for withdrawal under the regulations of this part will be conditional upon the payment by the applicant agency or upon agreement of the applicant agency to pay to the owner or owners of range or other improvements placed upon the lands pursuant to an agreement with the United States such amount and at such times as the authorized official of the Bureau of Land Management deems fair and reasonable under the circumstances and the terms of such agreement to compensate for the loss of the improvements, providing that the applicant agency is authorized by law to make such compensation. In addition, a holder of a grazing license or permit for lands within a grazing district will be compensated for the loss resulting from the use of the lands embraced in the license or permit for war or national defense purposes in an amount to be determined fair and reasonably by, and to be paid by, the head of the Department or Agency of the Federal Government making such use.

§ 2311.3 Effect of withdrawals made subsequent to completion of State and other selections.

(a) The Supreme Court of the United States in Payne v. Central Pacific Railway Company (255 U.S. 228, 65 L. ed. 598) on February 28, 1921, decided that the railroad indemnity selection there involved should be disposed of "on its merits unaffected by the withdrawal" of the land made after perfection of the selection for a water-power site under the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141–143). On March 7, 1921, in the case of Payne v. New Mexico (255 U.S. 367, 65 L. ed. 680), the court concluded that the "Land Department" should dispose of the State's school-land indemnity selection "in regular course unaffected by the elimination of the base tract from the reservation" for forestry purposes after the completion of the selection. In the case of Payne v. United States ex rel. Newton (255 U.S. 438, 65 L. ed. 720), on March 14, 1921, the court referred to the departmental instructions issued April 25, 1914 (43 L.D. 294), and said:

> The Secretary stated that the lapse of two years after the issue of the receiver's receipt will bar a contest or protest based upon any charge whatsoever, save where the proceeding is sustained by some special statutory provision.

(b) In Wyoming v. United States (255 U.S. 489, 65 L. ed. 742), decided on March 28, 1921, the court held that the conditions obtaining at the date of the completed school-land indemnity selection, with respect to the character of the land, whether known or believed to be mineral, were controlling and that the "Land Department" was without authority to cancel the selection on the ground that the selected land was subsequently included in a petroleum withdrawal and proven to be mineral land.

(c) The adjudication of cases controlled by the decisions mentioned will be in harmony with the principles announced in those decisions.

Subpart 2312—Restorations and Revocations

AUTHORITY: The provisions of this Subpart 2312 issued under 68 Stat. 377 as amended, R.S. 2478; 40 U.S.C. 472; 43 U.S.C. 1201.

§ 2312.0–1 Purpose.

The regulations of this Subpart 2312 apply to lands and interests in lands withdrawn or reserved from the public domain, except lands reserved or dedicated for national forest or national park purposes, which are no longer needed by the agency for which the lands are withdrawn or reserved.

§ 2312.0–3 Authority.

The Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended, governs the disposal of surplus Federal lands or interests in lands. Section 3 of that act (40 U.S.C. 472), as amended, February 28, 1958 (72 Stat. 29), excepts from its provisions the following:

(a) The public domain.

(b) Lands reserved or dedicated for national forest or national park purposes.

(c) Minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws.

(d) Lands withdrawn or reserved from the public domain, but not including lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator of the General Services Administration, determines are not suitable for return to the public domain for disposition under the general public-land laws, because such lands are substantially changed in character by improvements or otherwise.

§ 2312.1 Procedures.

§ 2312.1–1 Notice of intention.

(a) Agencies holding withdrawn or reserved lands which they no longer need will file, in duplicate, a notice of intention to relinquish such lands in the proper land office in the State in which the lands are located. For lands in States in which there is no land office, they shall file their notices with the Bureau of Land Management, Washington 25, D.C., except that notices for lands in North Dakota or South Dakota shall be filed in the Land Office at Billings, Montana, notices for lands in Kansas or Nebraska shall be filed in the Land Office at Cheyenne, Wyoming, and for lands in Oklahoma in the Land Office at Santa Fe, New Mexico.

(b) No specific form of notice is required, but all notices must contain the following information:

(1) Name and address of the holding agency.

(2) Citation of the order which withdrew or reserved the lands for the holding agency.

(3) Legal description and acreage of the lands, except where reference to the order of withdrawal or reservation is sufficient to identify them.

(4) Description of the improvements existing on the lands.

(5) The extent to which the lands are contaminated and the nature of the contamination.

(6) The extent to which the lands have been decontaminated or the measures taken to protect the public from the contamination and the proposals of the holding agency to maintain protective measures.

(7) The extent to which the lands have been changed in character other than by construction of improvements.

(8) The extent to which the lands or resources thereon have been disturbed and the measures taken or proposed to be taken to recondition the property.

(9) If improvements on the lands have been abandoned, a certification that the holding agency has exhausted General Services Administration procedures for their disposal and that the improvements are without value.

(10) A description of the easements or other rights and privileges which the holding agency or its predecessors have granted covering the lands.

(11) A list of the terms and conditions, if any, which the holding agency deems necessary to be incorporated in any further disposition of the lands in order to protect the public interest.

(12) Any information relating to the interest of other agencies or individuals in acquiring use of or title to the property or any portion of it.

(13) Recommendations as to the further disposition of the lands, including, where appropriate, disposition by the General Services Administration.

(c) The holding agency will send one copy of its report on unneeded lands to the appropriate regional office of the General Services Administration for its information.

§ 2312.1–2 **Return of lands to the public domain; conditions.**

(a) When the authorized officer of the Bureau of Land Management determines the holding agency has complied with the regulations of this part, including the conditions specified in paragraph (b) of this section, and that the lands or interests in lands are suitable for return to the public domain for disposition under the general public land laws, he will notify the holding agency that the Department of the Interior accepts accountability and responsibility for the property, sending a copy of this notice to the appropriate regional office of the General Services Administration.

(b) Agencies will not be discharged of their accountability and responsibility under this section unless and until:

(1) The lands have been decontaminated of all dangerous materials and have been restored to suitable condition or, if it is uneconomical to decontaminate or restore them, the holding agency posts them and installs protective devices and agrees to maintain the notices and devices.

(2) To the extent deemed necessary by the authorized officer of the Bureau of Land Management, the holding agency has undertaken or agrees to undertake or to have undertaken appropriate land treatment measures correcting, arresting, or preventing deterioration of the land and resources thereof which has resulted or may result from the agency's use or possession of the lands.

(3) The holding agency, in respect to improvements which are of no value, has exhausted General Services Administration's procedures for their disposal and certifies that they are of no value.

(4) The holding agency has resolved, through a final grant or denial, all commitments to third parties relative to rights and privileges in and to the lands or interests therein.

(5) The holding agency has submitted to the appropriate office mentioned in paragraph (a) of § 2312.1–1 a copy of, or the case file on, easements, leases, or other encumbrances with which the holding agency or its predecessors have burdened the lands or interests therein.

§ 2312.1–3 **Declarations to General Services Administration.**

(a) When the authorized officer of the Bureau of Land Management determines that the holding agency has complied with the regulations of this part and that the lands or interests in lands other than minerals are not suitable for return to the public domain for disposition under the general public land laws, because the lands are substantially changed in character by improvements or otherwise, he will request the appropriate officer of the General Services Administration, or its delegate, to concur in his determination.

(b) When the authorized officer of the Bureau of Land Management determines that minerals in lands subject to the provisions of paragraph (a) of this section are not suitable for disposition under the public land mining or mineral leasing laws, he will notify the appropriate officer of the General Services Administration or its delegate of this determination.

(c) Upon receipt of the concurrence specified in paragraph (a) of this section, the authorized officer of the Bureau of Land Management will notify the holding agency to report as excess property the lands and improvements therein, or interests in lands to the General Services Administration pursuant to the regulations of that Administration. The authorized officer of the Bureau of Land Management will request the holding agency to include minerals in its report to the General Services Administration only when the provisions of paragraph (b) of this section apply. He will also submit to the holding agency, for transmittal with its report to the General Services Administration, information of record in the Bureau of Land Management on the claims, if any, by agencies other than the holding agency of primary, joint, or secondary jurisdiction over the lands and on any encumbrances under the public land laws.

Subpart 2315—Transfer of Jurisdiction

AUTHORITY: The provisions of this Subpart 2315 issued under R.S. 2478; 43 U.S.C. 1201.

§ 2315.1 **Withdrawals or reservations for the use or benefit of non-Federal agencies.**

Lands withdrawn or reserved under Subpart 2311 for the use or benefit of a non-Federal agency will remain or will be placed under the jurisdiction of the appropriate Federal agency.

PART 2320—INTERIOR DEPARTMENT

Subpart 2321—Bureau of Land Management

Sec.

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2321.1–2 Lands containing hot springs or springs; waters of which possess curative properties.
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Subpart 2325—Bureau of Indian Affairs

2325.1 Designation of Indian reservations in Alaska.

Subpart 2321—Bureau of Land Management

AUTHORITY: The provisions of this Subpart 2321 issued under sec. 11, 39 Stat. 865; 43 U.S.C. 301, except as otherwise noted.

§ 2321.1 **Public water reserves.**

§ 2321.1–1 **Lands containing springs or water holes needed or used by the public for watering purposes.**

(a) *Withdrawal of lands from settlement, location, sale, or entry; reservation for public use.* By executive order of April 17, 1926, it was ordered that every smallest legal subdivision of the public-land surveys which is vacant, unappropriated, unreserved, public land and contains a spring or water hole, and all land within one quarter of a mile of every spring or water hole located on unsurveyed public land be, and the same is hereby, withdrawn from settlement, location, sale, or entry, and reserved for public use in accordance with the provisions of section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), and in aid of pending legislation.

(b) *Purpose of withdrawal.* The Executive order of April 17, 1926, was designed to preserve for general public use and benefit unreserved public lands containing water holes or other bodies of water needed or used by the public for watering purposes. It is not therefore to be construed as applying to or reserving from homestead or other entry lands having small springs or water holes affording only enough water for the use of one family and its domestic animals. It withdraws those springs and water holes capable of providing enough water for general use for watering purposes.

(c) *Lands not needed or used by the public for watering purposes.* (1) The object of the Executive order of April 17, 1926, was to:

* * * preserve for general public use and benefit unreserved public lands containing water holes or other bodies of water needed or used by the public for watering purposes.

(2) In the States of Alabama, Arkansas, Florida, Louisiana, Michigan, Minnesota, Missouri, Mississippi, and Wisconsin the springs or water holes, if any, on the public lands are not needed or used by the public for watering purposes. The conditions in those States are entirely different from those in the other public-land States where grazing is carried on to a considerable extent and not only springs and water holes but other available sources of water supply are sometimes quite scarce. There are no lands in the States mentioned that come within the purview of the Executive order of April 17, 1926. Therefore, a nonwater hole and nonspring statement is not required in connection with applications for lands in such States. Neither will such statement be required in connection with applications for lands in Federal reclamation projects.

(d) *Showing as to springs or water holes required in connection with selections, filings, or entries.* (1) It must

be shown by a duly corroborated statement in connection with every selection, filing, or entry made upon or subsequent to the date of Executive order of April 17, 1926, or theretofore filed but not allowed, that no spring or water hole exists, if it be a fact, upon any legal subdivision of the land sought to be appropriated, if surveyed, and if unsurveyed, within one-quarter of a mile from the exterior boundaries of said land. If there be any spring or water hole the showing should state the exact location and size thereof; together with an estimate of the quantity of water in gallons which it is capable of producing daily, and any other information necessary to determine whether or not it is valuable or necessary as a public water reserve.

(2) The showing mentioned will not be required in connection with proposed State exchanges or indemnity school and other State selections, involving public lands in grazing districts, where agreements as to the exchanges or selections have been reached by representatives of the State, and the Bureau of Land Management.

(3) By E.O. 5106 of May 4, 1929 Alaska was excluded from the public water reserve created by E.O. of Apr. 17, 1926.

(e) *Application of order of withdrawal to specified cases.* (1) In case the attempted appropriation of the land is one the allowance of which is within the discretion of the Secretary of the Interior or the Bureau of Land Management, the showing required by paragraph (d) of this section must be furnished, irrespective of the date of filing of the application, entry, or selection, before favorable action is taken thereon.

(2) This requirement shall not apply, however, to selections or filings made in pursuance of grants which have been determined to be "grants in praesenti," and to have attached and become effective prior to April 17, 1926, or to valid settlement claims initiated prior to said date and thereafter maintained in accordance with the law applicable thereto.

(3) Geological Survey designation lists, under the Enlarged Homestead Acts will contain a paragraph that:

This area contains no springs or water holes of the type intended to be withdrawn by Executive order of April 17, 1926, creating public water reserve No. 107, and, therefore, is unaffected by it.

(4) Where orders of designation under the said acts contain the quoted paragraph in paragraph (c) of this section, it will not be necessary for an entryman to make the showing required by paragraph (d) of this section.

§ 2321.1–2 **Lands containing hot springs or springs the waters of which possess curative properties.**

(a) *Withdrawal of land from settlement, location, sale, or entry; reservation for lease.* (1) By E.O. 5389, July 7, 1930, it was ordered "that every smallest legal subdivision of the public land surveys which is vacant, unappropriated, unreserved public land and contains a hot spring, or a spring the waters of which possess curative properties; and all land within one-quarter of a mile of every such spring located on unsurveyed public land, exclusive of Alaska, be, and the same is hereby, withdrawn from settlement, location, sale, or entry, and reserved for lease under the provisions of the act of March 3, 1925 (43 Stat. 1133), subject to valid existing rights."

(2) By Public Land Order No. 399 of August 20, 1947, Executive Order 5389 was amended by deleting therefrom the words "exclusive of Alaska," so that the said order as amended applies to lands containing hot or medicinal springs in Alaska as well as elsewhere in the United States.

(b) *Purpose of withdrawal.* The Executive order mentioned in paragraph (a) of this section was designed to preserve for general public use and benefit the unreserved public lands, containing hot springs or springs the waters of which possess curative properties, in order that they might be leased under the provisions of the act of March 3, 1925 (43 Stat. 1133; 43 U.S.C. 971), and the regulations issued thereunder, contained in § 2321.1–4.

(c) *Showing as to hot or medicinal springs required with applications to enter or select; permission to use lands.* (1) An applicant to enter or select lands situated outside of a national forest in any State must show that no hot spring or other spring having waters possessing curative properties exists, if it be a fact, upon any legal subdivision of land sought to be appropriated, if surveyed, and if unsurveyed, that no portion of the land applied for is within an area of one-quarter of a mile from such spring.

(2) If there be any such spring upon or adjacent to the land as stated, the applicant must show the exact location and size thereof, together with an estimate of the quantity of water in gallons which it is capable of producing daily and any other information necessary to determine whether or not it is valuable or necessary within the meaning of said Executive order. The showing must be duly corroborated.

(3) Permission may be obtained to use or improve lands containing such springs under the said act of March 3, 1925.

(4) The showing mentioned will not be required in connection with proposed State exchanges or indemnity school and other State selections involving public lands in grazing districts, where agreements as to the exchanges or selections have been reached by representatives of the States and the Bureau of Land Management.

(d) *Application of order of withdrawal to specified cases.* (1) In case the attempted appropriation of lands is one of the allowance of which is within the discretion of the Secretary of the Interior or the Bureau of Land Management, the showing referred to in paragraph (c) of this section must be furnished irrespective of the date of filing of the application, entry, or selection before favorable action is taken thereunder.

(2) The said requirement shall not apply, however, to selections or filings made in pursuance of grants which have been determined to be "grants in praesenti" and to have attached and become effective prior to July 7, 1930, or to valid existing rights, initiated prior to said date and thereafter maintained in accordance with the laws applicable thereto.

(3) Geological Survey designation lists, under the Enlarged Homestead Act, will contain a paragraph stating:

This area contains no spring of the type intended to be withdrawn by Executive order of July 7, 1930, No. 5389, and therefore is unaffected by it.

(4) Where orders of designation under the Enlarged Homestead Acts contain the above-quoted paragraph, it will not be necessary for entrymen to make the showing required by paragraph (c) of this section.

(5) Also in cases of applications or entries for lands within Federal reclamation projects, where a report is made by the Bureau of Reclamation that the lands contain no spring of the type intended to be withdrawn by E.O. 5389, July 7, 1930, it will not be necessary for the claimant to make the showing required by paragraph (c) of this section.

(R.S. 2478; 43 U.S.C. 1201)

§ 2321.1–3 **Use of lands withdrawn as public water reserves.**

(a) *Statutory authority; governing regulations.* Permission may be obtained to use or improve lands withdrawn as or in connection with public water reserves, under the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141–143, 16 U.S.C. 471), or any other act, by filing application for such permission under the act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), in accordance with the regulations governing said act, as found in § 2334.4–1 of this chapter, as supplemented by this section.

(b) *Stipulations and agreements required.* As a condition precedent to the granting of any such permission, the applicant will be required to execute such stipulations and agreements as may be deemed proper and necessary by the manager of the proper land office, to safeguard the public interests, after investigation of the facts, circumstances, and conditions in connection with each individual case.

(c) *Who may make application; form and contents.* (1) Any citizen or association of citizens of the United States, or any corporation, duly created and existing under and by virtue of the laws of any State of the United States, who may desire to improve the productivity of any water hole or source of water supply within the boundaries of any public water reserve, or to conduct such waters from their source within such a reserve to a point or place more convenient for public use, may file in the office of the manager of the land office for the district, within which the reservation is situated, an application for permission so as to use the reserved land, or conduct the waters over or through the same.

(2) Such application should be in the form of a statement, duly corroborated by at least two persons, setting forth in detail the plan of the applicant for the

improvement and care of the public water reserve, the public necessity for such improvement, the reasons why such plan will be more conducive to the public good and better conserve the waters for public use, and any other facts and circumstances pertinent thereto.

(d) *Map and field notes required when water is to be conducted outside of the reserve.* If the waters are to be conducted from their source within the reserve to a point outside of the reserve, the application should be accompanied by a map and separate field notes in duplicate, the map being delineated upon tracing linen, and prepared in accordance with the regulations governing the submission of applications under the act of February 15, 1901, also evidence that applicant has applied to the proper State official for permission to appropriate the waters to the uses contemplated and has prosecuted such application in good faith to date of the filing of the application.

(e) *When reservoir declaratory statement may be required.* If the place of use of the water is upon unreserved public land the applicant may be called upon to file a reservoir declaratory statement under the act of January 13, 1897 (29 Stat. 484; 43 U.S.C. 952–955), as well as the application under the act of February 15, 1901, if deemed advisable.

(f) *Conditions of permit; failure to comply with the same, assignment.* (1) Each permit shall contain, besides those found necessary in individual cases, the following conditions:

(a) That the right to appropriate the waters of the State to the uses contemplated shall be obtained within 1 year from and after the issuance of the permit and the permittee shall file a certificate to that effect issued by the proper State authority.

(b) That the proposed system shall be fully completed in substantial conformity with the plan upon which the permit is predicated, within 2 years from and after the issuance of such permit, unless a different period is specifically provided for in such permit.

(c) That of the permittee shall, during the month of January, in each year after the completion of such system, file with the manager of the land district within which the system is located, a statement of maintenance, in substantially the following form:

_____, of
(Name)
_____, states
(Address)

that he is the President of the _____ company (or person) to whom permit (give land district and serial number), was issued by _____, (give date), in connection with public water reserve No. _____ that the system as set forth and described in said permit has been kept in repair and water sufficient for the public needs has been kept therein during the whole of the calendar year of 19__, that the same has been kept open to the public at all times during the year, and that the said permittee has in all things, complied with the provisions of said permit, and the stipulations therein contained and the acts under which said permit was issued.

_____
(Signature)

_____
(Date)

(2) In the event that the State certificate as to the right to appropriate the water is not filed within 1 year, or proof of the construction of the system, consisting of the statement of the permittee duly corroborated by two witnesses within 2 years or such other period as may be mentioned in the permit, or statement of maintenance is not filed as hereinbefore provided or in case any of the terms, conditions, provisions, or stipulations of the permit shall not be well and in good faith performed, observed, and carried out, then such permit shall become and be subject to cancellation. Nothing hereinbefore contained, however, is to be construed as limiting the power or authority of the manager to cancel and determine the permit at any time when in his judgment such action is desirable.

(3) Permits issued hereunder are transferable only upon the written authority and consent of the manager.

(g) *Changes in system or new structures may be authorized.* If, at any time, it becomes necessary for the permittee to change his system or to erect structures other than those authorized by his permit, application for permission so to do, in the form of a statement setting forth in detail the reason and necessity for the change must be filed, and no such change shall be made until authorized in writing by the manager.

(R.S. 2478; 43 U.S.C. 1201)

§ 2321.1–4 Leasing of public lands near or adjacent to springs, for bath houses, hotels, or other improvements.

(a) *Statutory authority.* The act of March 3, 1925 (43 Stat. 1133; 43 U.S.C. 971) authorizes the issuance of leases for periods not exceeding 20 years of tracts of land near or adjacent to mineral, medicinal, or other springs located upon unreserved public lands or public lands withdrawn for the protection of such springs, for the erection of bath houses, hotels, or other improvements for the accommodation of the public. Leases may issue under the act to any responsible persons or associations, which words are construed to include private corporations and municipalities.

(b) *Lands which may be leased.* Leases may issue for surveyed or unsurveyed unreserved public lands in the several States and in Alaska, situated near or adjacent to mineral, medicinal, or other springs, which are located upon unreserved public lands, and for public lands which have been withdrawn for the protection of such springs.

(c) *Form and contents of application.* An application for lease should be made in duplicate, and should cover or include the following:

(1) Applicant's name and address.

(2) If applicant is a private corporation, a certified copy of the articles of incorporation.

(3) If applicant is a municipality, the law or charter and procedure taken by which the municipality has become a legal body corporate. An application by a private corporation or municipality should show that it is legally qualified to take the lease requested and that the taking of such lease has been duly authorized by its governing body.

(4) An accurate description of the land desired. If the land is surveyed it should be described with reference to the public-land surveys. A lease may be granted for part of a legal subdivision or for more than one legal subdivision, in the discretion of the manager. If the land is unsurveyed, the description thereof should conform to requirements set forth in § 1821.7–1 of this chapter.

(5) The names and addresses of three persons to whom reference may be made as to applicant's reputation and business standing and as to his ability, both from a financial standpoint and otherwise, to carry out the contemplated project.

(6) The period of time for which the lease is desired, not to exceed 20 years, and the purpose for which the lease is sought, whether for the erection of a bathhouse, hotel, or other improvement for the accommodation of the public. It is important that the application should specify all purposes for which it is intended or desired to use the land, as a lease, if issued, will authorize the use of the land only for the purposes specified in the application, and its use for any other purpose will not be permitted. Thus, if an applicant for a hotel in addition to using the land for ordinary hotel purposes, wishes to operate a billiard hall or moving-picture theater, etc., on the land, that fact should be disclosed in the application.

(7) Details as to the proposed improvements, including the estimated cost of construction and of subsequent maintenance; also the time when construction work will begin and when it will be completed, if the proposed lease is granted.

(d) *Authority of the manager to regulate prices.* All leases issued under the act of March 3, 1925, will contain stipulations authorizing the manager to fix the rates and prices for accommodations and services whenever this is deemed necessary. The charges which may be made may or may not be regulated by the manager as may be deemed proper in the particular case.

(e) *Application for lease.* An application for lease should be filed in duplicate in the proper land office.

(f) *Granting of lease is discretionary.* The granting of an application for lease is discretionary, and any application may be granted or denied in part or in its entirety as may appear to be warranted in the particular case.

(43 Stat. 1133; 43 U.S.C. 971)

§ 2321.3 Stock driveways.

§ 2321.3–1 Withdrawal of lands for stock driveways.

The reservation of driveways for stock provided for in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300) will be considered on application of parties interested on recommendation of other departments of the Government, or on the reports of

agents of this Department. Lands withdrawn for driveways for stock or in connection with water holes can not thereafter be entered.

§ 2321.3–2 Application for stock-driveway withdrawal.

(a) Upon the receipt in the proper land office of a duly executed application, in duplicate, for the withdrawal of public lands for a stock driveway by responsible parties in interest, the lands described therein shall be segregated from disposition temporarily, pending final action thereon by the Bureau of Land Management.

(b) Pending and during such temporary segregation, applications to enter or select any affected lands may be received and suspended.

(c) Lands withdrawn for driveways for stock or in connection with water holes are not subject to entry or disposition, and applications for the acquisition of lands so withdrawn will be rejected by the manager. Applications for the exchange of such lands, which show that they are filed pursuant to a program for the improvement of stock driveways, and applications to lease or use such lands under any appropriate public land law, until such time as they may be needed for the purposes of the withdrawal, and where the proposed use will not interfere with such purpose, will receive consideration.

Subpart 2223—Bureau of Reclamation

AUTHORITY: The provisions of this Subpart 2323 issued under sec. 10, 32 Stat. 390, as amended; 43 U.S.C. 378.

§ 2323.0–1 Purpose.

The withdrawal of these lands at first is principally for the purposes of making surveys and irrigation investigations in order to determine the feasibility of the plans for irrigation and reclamation proposed. Only a portion of the lands will be irrigated, even if the project is feasible, but it will be impossible to decide in advance of careful examination what lands may be watered, if any, and the mere fact that surveys are in progress is no indication whatever that the works will be built. It cannot be determined how much water there may be available or what lands can be covered or whether the cost will be too great to justify the undertaking until the surveys and the irrigation investigations have been completed.

§ 2323.0–3 Authority.

Section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), provides for the withdrawal of lands from all disposition other than that provided for by said act. Since the passage of the act of June 25, 1910 (36 Stat. 835; 43 U.S.C. 436, 437), lands withdrawn as susceptible of irrigation are open to settlement or entry only when approved farm-unit plats have been filed and water is ready to be delivered to the land in said farm units or some part thereof and such fact has been announced by an authorized officer, except as provided by the act of February 18, 1911 (36 Stat. 917), as amended by section 10 of the act of August 13, 1914 (38 Stat. 689; 43 U.S.C. 436, 437). Where settlements had been affected in good faith prior to June 25, 1910, on lands embraced within second-form withdrawals, persons showing such settlement are entitled to complete entry in the manner and within the time provided by law. The Reclamation Act of June 17, 1902, and acts amendatory thereof or supplementary thereto are hereinafter referred to generally as the reclamation law.

§ 2323.0–5 Definitions.

(a) *Forms of withdrawal.* There are two classes of withdrawals authorized by the act, one commonly known as "withdrawals under the first form," which embraces lands that may possibly be needed in the construction and maintenance of irrigation works, and the other commonly known as "withdrawals under the second form," which embraces lands not supposed to be needed in the actual construction and maintenance of irrigation works, but which may possibly be irrigated from such works.

§ 2323.1 Effect of withdrawals.

§ 2323.1–1 Under first form.

After lands have been withdrawn under the first form they cannot be entered, selected, or located in any manner so long as they remain so withdrawn, and all applications for such entries, selections, or locations presented after the date of such withdrawal should be rejected and denied. Any withdrawal otherwise valid shall not be affected by failure to note same on tract book or otherwise follow usual procedure. (42 L.D. 318.) Lands cannot be examined at the instance of individuals prior to the completion of construction to determine whether particular lands will be irrigable. (42 L.D. 8.)

CROSS REFERENCE: For mineral locations and entries in reclamation withdrawals, see § 3400.4 of this chapter.

§ 2323.1–2 Effect of withdrawals under second form.

Lands withdrawn under the second form and becoming subject to entry in the manner provided by section 10 of the act of August 13, 1914 (38 Stat. 689; 43 U.S.C. 436, 437), can be entered only under the homestead laws and subject to the provisions, limitations, charges, terms, and conditions of the reclamation law, and all application to make selections, locations, or entries of any other kind on such lands should be rejected, except that where settlement rights were acquired prior to the withdrawal and have been diligently prosecuted and the homestead law complied with, the settler will be entitled to make and complete his entry subject to all the charges, terms, conditions, limitations, and provisions of the reclamation law. (See Sarah E. Allen, 44 L.D. 331.) No person will be permitted to gain or exercise any right whatever under any settlement or occupation begun after withdrawal of the land from settlement and entry.

§ 2323.1–3 Claims initiated prior to withdrawals; reservation for ditches or canals.

Withdrawals made under either of these forms do not defeat or adversely affect any valid entry, location, or selection which segregated and withheld the lands embraced therein from other forms of appropriation at the date of such withdrawal; and all entries, selections, or locations of that character should be permitted to proceed to patent or certification upon due proof of compliance with the law in the same manner and to the same extent to which they would have proceeded had such withdrawal not been made. All lands, however, taken up under any of the land laws of the United States subsequent to October 2, 1888, are subject to rights-of-way for ditches or canals constructed by authority of the United States (act of Aug. 30, 1890, 26 Stat. 391; 43 U.S.C. 945). All entries made upon the lands referred to are subject to the following proviso of the act cited:

That in all patents for lands hereafter taken up under any of the land laws of the United States, or on entries or claims validated by this Act, west of the one hundredth meridian, it shall be expressed that there is reserved from lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States.

§ 2323.1–4 Effect of filing of farm-unit plats.

Where an authorized officer by the approval of farm-unit plats has determined or may determine, that the lands designated thereon are irrigable, the filing of such plats in the Bureau of Land Management and in the land offices is to be regarded as equivalent to an order withdrawing such lands under the second form, and as an order changing to the second form any withdrawals of the first form then effective as to any such tracts. This applies to all areas shown on the farm-unit plats as subject to entry under the provisions of the reclamation law or as subject to the filing of water-right applications, and to all farm units to which an authorized officer has announced that water is ready to be delivered.

CROSS REFERENCE: For the Bureau of Reclamation regulations relating to the filing of farm-unit plats, see Part 401 of this title.

§ 2323.2 Payment for lands acquired.

If any lands embraced in any unapproved or uncertified selection are needed in the construction and maintenance of any irrigation works (other than for right-of-way for ditches or canals reserved under act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945) under the reclamation law, payment therefor will be made upon agreement of the owner with the representative of the Government as to the value of the land and the improvements thereon. Where the owner of the land and the representative of the Government fail to agree as to the amount to be paid therefor, the same shall be acquired by condemnation proceedings under judicial process, as provided by section 7 of the

Reclamation Act of June 17, 1902 (32 Stat. 389; 43 U.S.C. 421).

CROSS REFERENCE: For regulations concerning rights-of-way for ditches or canals, see Subpart 2234.

§ 2323.3 Appropriation of land for ditches or canals.

Should a homestead entry embrace land that is needed in whole or in part for purposes contemplated by said proviso in the act of August 30, 1890 (26 Stat. 391; 43 U.S.C 945) the land would be taken for such purpose, and the entryman would have no claim against the United States for the same.

§ 2323.4 Effective dates of withdrawals and restorations.

(a) All withdrawals become effective on the date upon which they are ordered and all orders for restorations on the date they are received in the land office unless otherwise specified in the order. (George B. Pratt et al., 38 L.D. 146.)

CROSS REFERENCE: For withdrawals and restorations, see Subpart 2311.

(b) Upon the cancellation of an entry covering lands embraced within a withdrawal under the Reclamation Act such withdrawal becomes effective as to such lands without further order. (See Cornelius J. MacNamara, 33 L.D. 520.) Such lands under first-form withdrawal cannot therefore, so long as they remain so withdrawn, be entered or otherwise appropriated, either by a successful contestant or any other person.

CROSS REFERENCE: For cancellations, see Subpart 1826 of this chapter.

§ 2323.5 Improvements made prior to conformation of entry; area of farm unit.

Inasmuch as every entry made under the reclamation law is subject to conformation to an established farm unit, improvements placed upon the different subdivisions by the entryman prior to such conformation are at his risk. (Jerome M. Higman, 37 L.D. 718.) They should be confined to one legal subdivision until the entry is conformed. In readjusting such an entry the authorized officer is not required to confine the farm unit to the limits of the entry, but may combine any legal subdivision thereof with a contiguous tract lying outside of the entry, so as to equalize in value the several farm units. (Idem.) The act of June 27, 1906 (34 Stat. 519; 43 U.S.C. 434), authorizes the Secretary of the Interior to fix a lesser area than 40 acres as a farm unit when, "by reason of market conditions and special fitness of the soil and climate for the growth of fruit and garden produce, a lesser area than 40 acres may be sufficient for the support of a family" or when necessary "in order to provide for practical and economical irrigation."

CROSS REFERENCE: For conformation to farm units, see § 2211.7–4(a)(2).

Subpart 2325—Bureau of Indian Affairs

AUTHORITY: See provisions of this Subpart 2325 issued under R.S. 2478, 34 Stat. 197; 43 U.S.C. 1201, 48 U.S.C. 357.

§ 2325.1 Designation of Indian reservations in Alaska.

(a) The inherent power conferred upon the Secretary of the Interior by section 441, Revised Statutes (5 U.S.C. 485), to supervise the public business relating to the Indians includes the supervision over reservations in the State of Alaska created in the interest of the natives and the authority to lease lands therein for their benefit. Opinion of the solicitor, May 18, 1923 (49 L.D. 592).

(b) The act of May 1, 1936 (49 Stat. 1250; 48 U.S.C., Sup., 358a, 362) extends certain provisions of the act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461–479), known as the Wheeler-Howard Act, to Alaska, and provides for the designation of Indian reservations in the State.

(c) The act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), authorizes the Secretary of the Interior in his discretion to withdraw, subject to any valid existing rights, and permanently reserve, small tracts of not to exceed 640 acres each of the public domain in Alaska, for schools, hospitals, and such other purposes as may be necessary in administering the affairs of the Indians, Eskimos, and Aleuts of Alaska.

PART 2330—NATIONAL DEFENSE AGENCIES

Subpart 2331—Department of Defense

§ 2331.1 Withdrawals or reservations for the Department of Defense under the Act of 1958.

(a) When sections 1, 2, and 3 of the Act of February 28, 1958 (72 Stat. 27), govern, the Secretary will submit to the Congress a report on the bill introduced to effect the proposed withdrawal or reservation with such recommendations as he may determine necessary or desirable on the basis of such information as may be available to him.

(b) When an act of Congress effecting a withdrawal or reservation is approved, the authorized officer of the Bureau of Land Management will have a notice published in the FEDERAL REGISTER specifying the date and hour the lands to the extent not withdrawn, reserved, or restricted by the act shall be relieved of the segregative effect of the application by the Department of Defense.

(c) Should the proposed legislation to effect the withdrawal or reservation fail to be passed by Congress or approved by the President, the authorized officer of the Bureau of Land Management will have a notice published in the FEDERAL REGISTER, after this fact is known or after the close of the final session of the Congress in which the bill referred to in paragraph (a) of this section was introduced, whichever comes first, specifying the date and hour that the lands will be relieved of the segregative effect of the application by the Department of Defense. In the case of notices to be published on bills referred to in paragraph (a) of this section where no action has been taken by the Congress, no publication will be made until 90 days after the date of closure of the aforementioned final session of Congress.

(R.S. 2478; 43 U.S.C. 1201)

Group 2400—Classification and Designations

PART 2410—LAND CLASSIFICATION

Subpart 2410—Land Classification; General

Sec.
2410.0–2 Objectives.
2410.0–3 Authority.
2410.0–4 Responsibilities.
2410.0–6 Criteria.

Subpart 2411—Procedures

2411.1 Classification.
2411.1–1 Filing of petition.
2411.1–2 Preliminary determination.
2411.1–3 Proposed decision.
2411.1–4 Protests; initial decision.
2411.1–5 Right to occupy or settle.
2411.2 Administrative review.
2411.3 Preference right of petitioner—applicants.
2411.4 Allowance and entry.

AUTHORITY: The provisions of this Part 2410 issued under sec. 2478, Revised Statutes, 43 U.S.C. 1201, as amended; sec. 7, 8(b), Act of June 28, 1934, 48 Stat. 1272; 43 U.S.C. 315 f and g, as amended; sec. 2455, Revised Statutes, 48 Stat. 1274; 43 U.S.C. 1171 as amended; Act of June 1, 1938, 53 Stat. 609, 43 U.S.C. 682 a–e, as amended; Act of June 14, 1926, 44 Stat. 741, 43 U.S.C. 869, 869:1–4 as amended, Act of August 30, 1949, 63 Stat. 679, 48 U.S.C. 364 a–e as amended.

§ 2410.0–2 Objectives.

The statutes cited in § 2410.0–3 authorize the Secretary of the Interior, in his discretion, to classify land or otherwise to take appropriate steps looking to its disposition, subject to requirements of the applicable statutes. It is the policy of the Secretary to specify those criteria which will be considered in the exercise of his discretion.

§ 2410.0–3 Authority.

(a) (1) All vacant public lands, except those in Alaska, have been, with certain exceptions, withdrawn from entry, selection, and location under the nonmineral land laws by Executive Order 6910, of November 26, 1934, and Executive Order 6964 of February 5, 1935, and amendments thereto, and by the establishment of grazing districts under section 1 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315a). Section 7 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315f), as amended, authorizes the Secretary of the Interior in his discretion to examine and classify and open to entry, selection, or location under applicable law any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, or Executive Order 6964 of February 5, 1935, and amendments thereto, or within a grazing district established under that act; which he finds are more valuable or suitable for the production of agricultural crops than for the production of native grasses and forage plants, or more valuable or suitable for any other use than for the use provided for under said act, or proper for acquisition in satisfaction of any outstanding lien, exchange, or scrip rights or land grant.

(2) Classification under section 7 is a prerequisite to the approval of all entries, selections, or locations under the following parts of this chapter, except as they apply to Alaska and with certain other exceptions: Original, Additional, Second, and Adjoining Farm Homesteads—Subpart 2211; Enlarged Homesteads—Subpart 2211; Indian Allotments—Subpart 2212; Desert Land Entries—Subpart 2226; Reclamation of Arid Lands in Nevada (Pittman Act)—Subpart 2225; Recreation and Public Purposes Act—Subpart 2232; State Grants for Educational, Institutional, and Park Purposes—Subpart 2222; Scrip Selections—Subpart 2221, and Exchanges for the Consolidation or Extension of National Forests, Indian Reservations or Indian Holdings—Subpart 2244.

(b) Section 8(b) of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, authorizes the Secretary of the Interior, when public interests will be benefited thereby, to accept on behalf of the United States title to any privately owned lands within or without the boundaries of a grazing district established under that act and in exchange therefor to issue patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than fifty miles within the adjoining State nearest the base lands. The regulations governing such exchanges are contained in Subpart 2244 of this chapter.

(c) Section 14 of the Act of June 28, 1934 (48 Stat. 1274; 43 U.S.C. 1171), as amended, authorizes the Secretary of the Interior in his discretion to order into market and sell at public auction isolated or disconnected tracts of public land not exceeding 1,520 acres, and tracts not exceeding 760 acres the greater part of which are mountainous or too rough for cultivation. The regulations governing such sales are contained in Subpart 2243 of this chapter.

(d) The Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682 a–e), as amended, authorizes the Secretary of the Interior in his discretion to classify certain classes of public lands for lease or sale. The regulations governing leases and sales under this act are contained in Subpart 2233 of this chapter.

(e) The Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869, 869 1–4), as amended, requires the Secretary of the Interior, in the exercise of his discretion to make a determination that land is to be used for an established or definitely proposed project, and in the case of Alaska authorizes him to classify certain classes of public lands for lease or sale for recreation or other public purposes. The regulations governing lease and sale of land under this act are contained in Subpart 2232 of this chapter.

(f) The Alaska Public Sales Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364 a–e), authorizes the Secretary of the Interior in his discretion to classify certain classes of public lands in Alaska for public sale for industrial or commercial purposes. The regulations governing sales of land under this act are contained in Subparts 2241 and 2245 of this chapter.

§ 2410.0–4 Responsibilities.

(a) The authority of the Secretary of the Interior to classify lands and make other determinations in accordance with the regulations of this part has been delegated to persons authorized to act in his name; to the Director of the Bureau of Land Management and persons authorized to act in his name; to State Directors of the Bureau of Land Management and to any person authorized to act in the name of a State Director.

(b) Classification and other determinations in accordance with the regulations of this part may be made by the authorized officer without applications or petitions having been filed for the lands.

§ 2410.0–6 Criteria.

(a) *General criteria.* Factors to be considered in any classification action or other determinations authorized by statutes cited in § 2410.0–3 are as follows:

(1) The capability, suitability, availability and physical characteristics of the lands for the purposes for which they are sought or for any other purposes for which the public land laws were enacted.

(2) Potential demand for the land for public purposes which may require its retention in Federal ownership.

(3) Results of change of land use in terms of benefit or detriment to present or future Federal, State, or local interests. In applying this criterion, comments and views of officials of the Federal agencies, States, counties, municipalities, and other public agencies affected, and private citizens, will be sought and considered where practicable.

(4) Consideration will be given to whether land is subject to mineral permits or leases issued or applied for, or is classified, withdrawn, or reported as valuable for any leasable mineral or lies within the known geologic structure of a producing oil or gas field.

(b) *Additional criteria applicable to agricultural entry.* (1) In the determination whether land will be classified and opened to entry under the regulations of Subparts 2211, 2225 and 2226 of this chapter there will be taken into consideration the physical and economic suitability of the land for cultivation, including such factors as soil and water characteristics, topography, climate, location, and accessibility. Consideration may be given to Federal policies affecting the agricultural economy.

(2) When it is determined that the cultivation of land otherwise suitable for agricultural entry under regulations of Subparts 2211, 2225, and 2226 of this chapter would endanger the supply of adequate water for existing users or cause the dissipation of water reserves, such land will not be classified and opened to agricultural entry under section 7 of the Taylor Grazing Act.

(3) Land will be classified for entry under the agricultural land laws (Subparts 2221, 2225, and 2226 of this chapter) only if there is available to the land sufficient water to permit agricultural development of its cultivable portions. Views of States or their agencies having authority in determining the beneficial use of water shall be considered.

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(c) *Private exchange criteria.* In the determination whether an offer to exchange lands of equal value under authority of section 8(b) of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, meets the statutory requirement that the public interest shall be benefited thereby the following factors will be taken into consideration:

(1) The effect upon Federal programs of acquisition of the offered land.

(2) The effect upon Federal programs of disposition of selected lands.

(3) The anticipated cost to the Federal Government of appraisals to determine equality of values, and the disruption of other programs which this may occasion.

Subpart 2411—Procedures

§ 2411.1 Classification.

§ 2411.1–1 Filing of petition.

(a) When land must be classified or designated pursuant to the authorities cited in § 2410.0–3 before an application for entry may be approved, the application together with a Petition for Classification on a form approved by the Director (hereinafter referred to collectively as a "petition-application") will be filed in accordance with the provisions of § 1821.2 of this chapter. Lists indicating the proper office for filing of application may be obtained from the Director or any other officer of the Bureau of Land Management. Copies of the Petition for Classification form and the application forms may be obtained from the land offices or from the Bureau of Land Management, Washington 25, D.C.

§ 2411.1–2 Preliminary determination.

Upon the filing of a petition-application, the authorized officer shall make a preliminary determination as to whether it is regular upon its face and, where there is no apparent defect, shall proceed to examine and classify the land for which it has been filed. No further consideration will be given to the merits of an application or the qualifications of an applicant unless or until the land has been classified for the purpose for which the petition-application has been filed.

§ 2411.1–3 Proposed decision.

(a) The State Director shall make and issue a proposed classification decision which shall contain a statement of reasons in support thereof. The proposed decision shall be served upon each petitioner-applicant for the land and upon any grazing permittee, licensee, or lessee on the land. If the record discloses that comments on the classification have been received from officials or agencies referred to in subsections of §§ 2410.0–6 (a) (3) or (b) (3), an information copy of the proposed classification decision shall be mailed to such persons or agencies.

(b) When there are multiple petition-applications for the same land, the proposed decision shall state which petition-application if any will be entitled to preference under applicable law; or where no petition-application has been filed for the purpose for which the land is proposed to be classified, the proposed decision shall so state. (1) When multiple petition-applications have been filed for the same land, the one first filed for the purpose for which it is proposed to classify the land will be entitled to preference under applicable law.

(2) When two or more petition-applications have been simultaneously filed for the purpose for which it is proposed to classify the land, the petition-application entitled to preference will be the first to be selected by drawing.

(3) If no petition-application has been filed for the purpose for which it is proposed to classify the land, the proposed decision shall state that the land will be opened to entry after public notice in accordance with applicable regulations for the purpose for which it may be classified.

§ 2411.1–4 Protests; initial decision.

(a) For a period of thirty days after the proposed decision on land classification has been served upon the petitioner-applicants and grazing permittees, licensees, lessees protest as to the proposed classification may be filed by any interested party with the State Director. No particular form of protest is required under this subparagraph, it being the intent of this procedure to afford the State Director the opportunity to review the proposed decision in the light of such protests. (1) If no protests are filed within the time allowed, the proposed classification action shall be issued as the initial decision of the State Director, and shall be served on the petitioner-applicants and upon grazing permittees, licensees, or lessees.

(2) If protests are timely filed, they shall be reviewed by the State Director, who may require statements or affidavits, take testimony, or conduct further field investigations as are deemed necessary to establish the facts. At the conclusion of such review, the State Director shall issue an initial decision, either revised or as originally proposed, which shall be served on all interested parties.

§ 2411.1–5 Right to occupy or settle.

The filing of a petition-application gives no right to occupy or settle upon the land. A person shall be entitled to the possession and use of land only after his entry, selection or location has been allowed, or a lease has been issued. Settlement on the land prior to that time constitutes a trespass.

§ 2411.2 Administrative review.

(a) For a period of sixty days after service thereof upon all parties in interest, the initial decision of the State Director shall be subject to the exercise of supervisory authority by the Secretary of the Interior for the purpose of administrative review.

(b) If, sixty days from receipt by parties in interest of the initial decision of the State Director, the Secretary has not either on his own motion, on motion of any protestant, petitioner-applicant, or the State Director, exercised supervisory authority for review, the initial decision shall become the final order of the Secretary, reviewable in the courts as otherwise provided by law.

(c) If supervisory authority of the Secretary is exercised, the initial decision of the State Director shall be deemed vacated, and the final Departmental decision shall be issued by the Secretary of the Interior and served upon all parties in interest.

(d) No petitioner-applicant or protestant to a proposed decision of a State Director to whom the provisions of this section are applicable shall be entitled to any administrative review other than that provided by this section nor to appeal under provisions of Parts 1840 and 1850 of this chapter.

§ 2411.3 Preference right of petitioner-applicants.

Where public land is classified for entry under section 7 of the Taylor Grazing Act or under the Small Tract Act pursuant to a petition-application filed under this part, the petitioner-applicant is entitled to a preference right of entry, if qualified. If, however, it should be necessary thereafter for any reason to reject the application of the preference right claimant, the next petitioner-applicant in order of filing shall succeed to the preference right. If there is no other petitioner-applicant the land may be opened to application for the purpose for which it is classified or the classification may be revoked by the authorized officer.

§ 2411.4 Allowance and entry.

After lands are classified and opened for entry pursuant to the regulations of this part, all the laws and regulations governing the particular kind of entry, locations, selection, or other dispositions must be compiled with in order for title to vest or other interests to pass.

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PART II
Section 2

FEDERAL REGISTER

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Department of the Interior

Bureau of Land Management

Revision of Regulations—Continued

4506 RULES AND REGULATIONS

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

Group 3000—Minerals Management; General

PART 3000—INTRODUCTION

Subpart 3001—Introduction; General

Sec.

3001.0–5 Definitions
3001.0–6 Place of filing
3001.0–7 False statements
3001.0–8 Appeals and contests

AUTHORITY: The provisions of this Part 3000 issued under R.S. 2478; 43 U.S.C. 1201.

§ 3001.0–5 Definitions.

(a) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(b) *Director.* The Director of the Bureau of Land Management or any person duly authorized to exercise the powers vested in that officer.

(c) *State Director or appropriate State Director.* The director of a Bureau of Land Management State office.

(d) *Land office or appropriate land office.* The land office of the Bureau of Land Management for the State or part of a State in which the lands covered by a permit, lease, application or entry, or application for such, are situated.

(e) *Manager or land office manager.* The manager in charge of a land office.

(f) *Mining supervisor.* The Regional Mining Supervisor of the Geological Survey for the region in which the lands under permit or lease are situated.

§ 3001.0–6 Place of filing.

Documents must be filed in the land office having jurisdiction over the selected lands, or in the Bureau of Land Management, Washington, D.C., 20240 when there is no district land office within the State, except applications for lands in North or South Dakota shall be filed in the land office at Billings, Montana, applications for lands in Nebraska and Kansas in the land office at Cheyenne, Wyoming, and for lands in Oklahoma in the land office at Santa Fe, New Mexico.

§ 3001.0–7 False statements.

18 U.S.C. 1001 makes it a crime for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statements as to any matter within its jurisdiction.

§ 3001.0–8 Appeals and contests.

Any person adversely affected by any official action or decision of any subordinate official may appeal therefrom to the Director and from the Director's decision to the Secretary. All appeals shall be governed by the rules of practice in Parts 1840 and 1850 of this chapter. Nothing in this group shall be construed to prevent any interested party from seeking judicial review as authorized by law.

Group 3100—Public Domain Leasing Under 1920 Act

PART 3100—PUBLIC DOMAIN LEASING UNDER 1920 ACT

Subpart 3100—Public Domain Leasing Under 1920 Act; General

Sec.

3100.0–2 Objectives of the leasing act.
3100.0–5 Definitions.
3100.1 Lands to which leasing act does not apply.
3100.2 Survey for leasing.
3100.3 Multiple development.

Subpart 3101—Lessees

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3101.2 Rights of aliens.
3101.3 Interests held in common.

Subpart 3102—Fees and Rentals

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3102.3 Waiver, suspension, or reduction of rental or minimum royalty.
3102.4 Suspension of operations and production.
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Subpart 3103—Reserved, Withdrawn or Segregated Lands

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Subpart 3104—Applicants and Holders

3104.1 Simultaneous applications or offers for lease.
3104.2 Bona fide purchasers.
3104.3 Limitation on time to institute suit to contest a Secretary's decision.

Subpart 3105—Helium

3105.1 Recovery.

Subpart 3106—Bonds

3106.1 Bonds with individual sureties.

AUTHORITY: The provisions of this Part 3100 issued under sec. 32, 41 Stat. 450, sec. 1, 44 Stat. 301, as amended; 30 U.S.C. 189, 271. Interpret or apply sec. 5, 44 Stat. 1058 as amended; 30 U.S.C. 285.

Subpart 3100—Public Domain Leasing Under 1920 Act; General

§ 3100.0–2 Objectives of the leasing act.

The act of February 25, 1920 (41 Stat. 437; 30 U.S.C., 181 et seq.), as amended and supplemented, including the amendatory act of August 8, 1946 (60 Stat. 950; 30 U.S.C., sec. 181 et seq.) and the act of September 2, 1960 (74 Stat. 781; 30 U.S.C., sec. 181 et seq.), the act of February 7, 1927 (44 Stat. 1057; 30 U.S.C., 281–287) and the act of April 17, 1926 (44 Stat. 301; 30 U.S.C., 271–276) as amended, hereinafter called "the act", provide for the leasing of oil and gas, coal, potassium, sodium, phosphate, and oil shale, native asphalt, solid and semisolid bitumen, and bituminous rock including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried and lands containing such deposits owned by the United States in the public domain and deposits of sulphur and the public lands containing such deposits in the States of Louisiana and New Mexico, except as stated in § 3100.1.

§ 3100.0–5 Definitions.

(a) *Sole party in interest; statement of interest.* A sole party in interest in a lease or offer to lease is a party who is and will be vested with all legal and equitable rights under the lease. No one is, or shall be deemed to be, a sole party in interest with respect to a lease in which any other party has any of the interests described in this section. The requirement of disclosure in an offer to lease of an offeror's or other parties' interest in a lease, if issued, is predicated on the departmental policy that all offerors and other parties having an interest in simultaneously filed offers to lease shall have an equal opportunity for success in the drawings to determine priorities. Additionally, such disclosures provide the means for maintaining adequate records of acreage holdings of all such parties where such interests constitute chargeable acreage holdings. An "interest" in the lease includes but is not limited to record title interests, overriding royalty interests, working interests, operating rights or options, or any agreements covering such "interests". Any claim (existing at the time when the lease is issued) or any prospective or future claim (which is based on conditions existing at the time when the lease is issued) to an advantage or benefit from a lease, or any participation or any defined or undefined share in any increments, issues, or profits, which may be derived from or which may accrue in any manner from the lease pursuant to any agreement or understanding existing at

the time when the lease is issued, is deemed to constitute an "interest" in the lease. (For requiring statements in oil and gas applications, see § 3123.2.)

§ 3100.1 Lands to which leasing act does not apply.

The mineral leasing act does not apply (a) to lands containing the mineral deposits named in § 3100.0–3 where such lands are situated in (1) national parks and monuments; (2) Indian reservations; (3) incorporated cities, towns and villages, or (4) naval petroleum and oil shale reserves; nor (b) to lands acquired under the act of March 1, 1911 (36 Stat. 961; 16 U.S.C. 513–519) known as the Appalachian Forest Reserve Act, or other acquired lands.

§ 3100.2 Survey for leasing.

Unsurveyed lands containing oil shale, and unsurveyed lands embraced in applications for lease based upon discovery of valuable deposits of potassium, sodium or sulphur under a prospecting permit, must be surveyed by the Government at the expense of the applicant prior to the issuance of a lease of the lands. To secure such a survey, the applicant must obtain from the appropriate cadastral engineer an estimate of the cost of the survey and deposit with him the estimated amount. After the survey has been accepted and the plat filed in the land office the application will be adjusted to the resulting subdivisions and the cost of the survey will be ascertained by prorating the total cost of surveying the township to the area to be leased. The amount thus ascertained will be credited to the appropriation for surveying the public lands and the balance of the deposit, if any, returned to the depositor or his authorized representative. The survey of unsurveyed lands for any coal lease, or for a competitive lease for phosphate, potassium, sodium, oil, or gas, or sulphur will be made at the expense of the Government prior to the issuance of a lease of the lands.

§ 3100.3 Multiple development.

The granting of a permit or lease for the prospecting, development, or production of deposits of any one mineral will not preclude the issuance of other permits or leases for the same land for deposits of other minerals with suitable stipulations for simultaneous operation, nor the allowance of applicable entries, locations, or selections of leased lands with a reservation of the mineral deposits to the United States.

Subpart 3101—Lessees

§ 3101.1 Who may hold leases and permits.

Mineral prospecting permits and mineral leases may be issued only to (a) citizens of the United States; (b) associations of such citizens; (c) corporations organized under the laws of the United States or of any State or Territory thereof; or (d) in the case of coal, oil, oil shale, or gas, municipalities. A mineral lease or permit will not be issued to a minor but oil and gas leases may be issued to legal guardians or trustees of minors in their behalf.

§ 3101.2 Rights of aliens.

Aliens may not acquire or hold any direct or indirect interest in permits or leases, except that they may own or control stock in corporations holding permits or leases, if the laws of their country do not deny similar or like privileges to citizens of the United States. A corporation is required to file a certified copy of its articles of incorporation and it must furnish a statement showing the percentage of each class of its stock, and the percentage of all of its stock, which is owned or controlled by or on behalf of persons whom the corporation knows to be or who the corporation has reason to believe are aliens, or who have addresses outside of the United States, indicating which classes of stock have voting rights. If more than 10 percent of the voting stock, or of all the stock, is owned or controlled by or on behalf of such persons, the corporation must give their names and addresses, the amount and class of stock held by each, and, to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each such person. If any appreciable percentage of the stock of the corporation is held by aliens of the excepted class, its application will be denied.

§ 3101.3 Interests held in common.

An association shall not be deemed to exist between the parties to a contract for development of leased lands, whether or not coupled with an interest in the lease, nor between co-lessees, but each party to any such contract or each co-lessee will be charged with his proportionate interest in the lease. No holding of acreage in common by the same persons in excess of the maximum acreage specified in the law for any one lessee or permittee for the particular mineral deposit so held will be permitted.

Subpart 3102—Fees and Rentals

§ 3102.1 Filing fees.

Offers for noncompetitive oil and gas leases and all applications for prospecting permits, leases or licenses, excepting licenses to relief agencies must be accompanied by a filing fee of $10 for each application or offer. Such a fee will be retained as a service charge even though the application or offer should be rejected or withdrawn in whole or in part.

§ 3102.2 Payment of rentals.

(a) Unless otherwise directed by the Secretary, rentals and royalties under all leases and permits issued under the act shall be paid to the Manager of the appropriate land office. All remittances to Bureau of Land Management offices shall be made payable to the Bureau of Land Management.

(b) All rentals and royalties on producing oil and gas leases, communitized leases in producing well units, unitized leases in producing unit areas, leases on which compensatory royalty is payable, and all payments under subsurface storage agreements and easements for directional drilling are to be paid to the Regional Oil and Gas Supervisor of the United States Geological Survey. Rentals and royalties on producing mining leases are to be paid to the Regional Mining Supervisor. All remittances to Survey offices shall be made payable to the United States Geological Survey.

§ 3102.3 Waiver, suspension, or reduction of rental or minimum royalty.

(a) In order to encourage the greatest ultimate recovery of coal, phosphate, potassium, sodium, oil shale, oil, or gas and sulphur, and in the interest of conservation, the Secretary of the Interior whenever he determines it necessary to promote development or finds that the leases cannot be successfully operated under the terms provided therein may waive, suspend, or reduce the rental or minimum royalty or reduce the royalty on an entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes.

(b) An application for any of the above benefits shall be filed in triplicate in the office of the oil and gas supervisor for oil and gas leases or the office of the mining supervisor for coal, phosphate, potassium, sodium, oil shale and sulphur leases. It must contain the serial number of the leases, the land office name, the name of the record title holder and operator or sublessee and the description of the lands by legal subdivision.

(1) Each application involving oil or gas shall show the number, location, and status of each well that has been drilled, a tabulated statement for each month covering a period of not less than six months prior to the date of filing the application of the aggregate amount of oil or gas subject to royalty computed in accordance with the oil and gas operating regulations, the number of wells counted as producing each month, and the average production per well per day.

(2) Each application involving coal, phosphate, potassium, sodium, oil shale and sulphur shall show the number and location of each mine, a map showing the extent of the mining operations, a tabulated statement of the minerals mined and subject to royalty for each month covering a period of not less than 12 months next prior to the date of filing of the application, and the average production per day mined for each month and complete information as to why the minimum production was not attained.

(c) Every application must contain a detailed statement of expenses and costs of operating the entire lease, the income from the sale of any leased products, and all facts tending to show whether the wells or mines can be successfully operated upon the royalty or rental fixed in the lease. Where the application is for a reduction in royalty full information shall be furnished as to whether royalties or payments out of production are paid to others than the United States, the amounts so paid and efforts made to reduce them. The applicant must also file agreements of the holders of the lease and of the royalty holders to a permanent reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

§ 3102.4 Suspension of operations and production.

(a) Applications by lessees for relief from the producing requirements or from all operating and producing requirements of mineral leases shall be filed in triplicate in the office of the regional oil and gas supervisor for oil and gas leases, and in the office of the regional mining supervisor for all other leases. By Departmental Order No. 2699 and Geological Survey Order No. 218 of August 11, 1952, the regional oil and gas supervisors and the regional mining supervisors are authorized to act on applications for suspension of operations or production or both filed pursuant to this section and to terminate suspensions of this kind which have been or may be granted. As to oil and gas leases, no suspension of operations and production will be granted on any lease in the absence of a well capable of production on the leasehold, except where the Secretary directs a suspension in the interest of conservation. Complete information must be furnished showing the necessity of such relief.

(b) The term of any lease will be extended by adding thereto any period of suspension of all operations and production during such term pursuant to any direction or assent of the Secretary.

(c) A suspension shall take effect as of the time specified in the direction or assent of the Secretary. Rental and minimum royalty payments will be suspended during any period of suspension of all operations and production directed or assented to by the Secretary, beginning with the first day of the lease month on which the suspension of operations and production becomes effective or, if the suspension of operations and production becomes effective on any date other than the first day of a lease month, beginning with the first day of the lease month following such effective date. The suspension of rental and minimum royalty payments shall end on the first day of the lease month in which operations or production is resumed. Where rentals are creditable against royalties and have been paid in advance, proper credit will be allowed on the next rental or royalty due under the lease.

(d) No lease shall be deemed to expire by reason of a suspension of either operations or production only, pursuant to any direction or assent of the Secretary.

(e) If there is a well capable of producing on the leased premises and all operations and production are suspended pursuant to any direction or assent of the Secretary, the commencement of drilling operations only will be regarded as terminating the suspension as to operations but not as to production, and as terminating the period of suspension to be added to the term of the lease as provided in paragraph (b) of this section and the period of suspension of rental and minimum royalty payments as provided in paragraph (c) of this section. However, as provided in paragraph (d) of this section, the term of the lease will not be deemed to expire so long as the suspension of operations or production remains in effect.

(f) The minimum annual production requirements of a lease issued under the act for coal, phosphate, potassium, sodium, oil shale or sulphur shall be proportionately reduced for that portion of a lease year for which suspension of operations and production is directed or granted by the Secretary of the Interior in the interest of conservation. The relief authorized under this section may also be obtained for any oil and gas leases included within an approved unit or cooperative plan of development and operation.

§ 3102.5 Oil and gas leases involved in proceedings under the Multiple Mineral Development Act of August 13, 1954.

If any oil and gas lease issued under Section 17 of the Mineral Leasing Act, as amended (30 U.S.C. sec. 226), includes an area with respect to which a verified statement is filed by a mining claimant under section 7(c) of the Multiple Mineral Development Act of 1954 (68 Stat. 708), as amended, asserting the existence of a conflicting unpatented mining claim or claims upon which diligent work is being prosecuted the payment of rentals and the running of time under such lease shall be suspended as to the lands in conflict from the first day of the month following the filing of such verified statement until a final decision is rendered in the matter.

Subpart 3103—Reserved, Withdrawn or Segregated Lands

§ 3103.1 Reserved or segregated lands.

With respect to lands embraced in a reservation or segregated for any particular purpose the lessee shall conduct operations in conformity with such requirements as may be made by the Bureau of Land Management for the protection and use of the land for the purpose for which it was reserved or segregated, so far as may be consistent with the use of the land for the purpose of the lease, which latter shall be regarded as the dominant use unless otherwise provided or separately stipulated.

§ 3103.2 Special stipulations.

Offerors for noncompetitive oil and gas leases and applicants for permits, leases, and licenses for lands, the surface control of which is under the jurisdiction of the Department of Agriculture, will be required to consent to the inclusion therein of the stipulation on a form approved by the Director. Where the lands have been withdrawn for reclamation purposes the offeror or applicant will be required to consent to the inclusion of a stipulation on the approved forms. If the land is potentially irrigable, or if the land is within the flow limits of a reservoir site or within the drainage area of a constructed reservoir, or if withdrawn for power purposes, or where the lands have been withdrawn as Game Range Lands, Coordination Lands, or Alaska Wildlife Areas, the offeror or applicant will be required to consent to the inclusion of a stipulation on an approved form. Additional conditions may be imposed to protect the land withdrawn if deemed necessary by the agency having jurisdiction over the surface.

Subpart 3104—Applicants and Holders

§ 3104.1 Simultaneous applications or offers for lease.

(a) Where applications or offers received by mail or filed over the counter at the same time are in conflict the right of priority of filing will be determined by public drawing.

(b) The priorities of all applications or offers to lease made and filed in accordance with the provisions of § 3123.9, whether or not they are in conflict, will be determined by public drawing in the manner provided in § 2311.2–3 of this chapter.

§ 3104.2 Bona fide purchasers.

(a) The Act of September 21, 1959 (73 Stat. 571), as amended by the Act of September 2, 1960 (74 Stat. 781; Public Law 86–705), provides that the right to cancel or forfeit for violation of any of the provisions of this Act shall not apply so as to affect adversely the title or interest of a bona fide purchaser of any lease, option to acquire a lease or an interest therein, or permit which lease, interest, option, or permit was acquired and is held by a qualified person, association, or corporation in conformity with those provisions, even though the holdings of the person, association, or corporation from which the lease, interest, option, or permit was acquired, or of his predecessor in title (including the original lessee of the United States) may have been cancelled or forfeited or may be or may have been subject to cancellation or forfeiture for any such violation.

(b) If in any proceeding to cancel or forfeit a lease, interest in a lease, option to acquire a lease or an interest therein, or a permit acquired in violation of any of the provisions of this Act, an underlying lease, interest, option, or permit is cancelled or forfeited to the Government and there are valid interests therein or valid options to acquire the lease or an interest therein which are not subject to cancellation, forfeiture, or compulsory disposition, such underlying lease interest, option, or permit shall be sold to the highest responsible, qualified bidder by competitive bidding in a manner similar to that provided for in the offering of leases by competitive bidding subject to all outstanding valid interests therein and valid options pertaining thereto. However, if less than the whole interest in the lease, interest, option, or permit is cancelled or forfeited, such partial interest shall likewise be sold in similar manner. If no satisfactory offer is obtained as a result of the competitive offering of such whole or partial interests, such interests may be sold by such other methods as the authorized officer deems appropriate, but on terms not less favorable to the Government than those of the best competitive bid received.

(c) The commencement and conclusion of all such proceedings shall be noted promptly upon the serial register relating to the particular lease or option or other interest involved.

(d) Effective as of September 21, 1959, any party to any proceedings with respect to a violation of any provision of the Act, whether initiated prior or subsequent to that date, has the right to be dismissed promptly as such a party by showing that he holds and acquired the interest involving him as a bona fide purchaser without having violated any provisions of the Act. No hearing shall be necessary upon such showing unless prima facie evidence is presented to indicate a possible violation on the part of the alleged bona fide purchaser.

(e) If during an such proceeding a party thereto files a waiver of his rights under his lease to drill or to assign his interest thereto, or if such rights are suspended by order of the Secretary pending a decision, payment of rentals and the running of time against the term of the lease or leases involved shall be suspended as of the first day of the month following the filing of the waiver or the Secretary's suspension until the first day of the month following the final decision in the proceeding or the revocation of the waiver for suspension.

§ 3104.3 Limitation on time to institute suit to contest a Secretary's decision.

No action contesting a decision of the Secretary involving any oil and gas lease shall be maintained unless such action is commenced or taken within 90 days after the final decision of the Secretary relating to such matter.

Subpart 3105—Helium

§ 3105.1 Recovery.

The ownership of and the right to extract helium from all gas produced from lands leased or otherwise disposed of under the act have been reserved to the United States. Appropriate provision is made in leases with respect to the recovery of helium.

Subpart 3106—Bonds

§ 3106.1 Bonds with individual sureties.

Where surety bonds are tendered with individuals as sureties they must be executed by not less than two qualified individual sureties to cover compliance with all terms and conditions of the lease or permit or the applicable law or regulations. Each surety must execute a statement showing that he is worth in real property not exempt from execution, double the sum specified in the undertaking, over and above his just debts and liabilities and that he is either a resident of the same State and the United States Judicial District as the principal on the bond, or of the State and the Judicial District in which the lands involved are located. There also must be furnished a certificate by a judge or clerk of a court of record, a United States attorney, a United States Commissioner, or a United States postmaster, as to the identity, signature, and financial competency of the sureties. All bonds furnished with individual sureties will be examined every two years, or at any other time when found advisable, and the principal on the bond will be required to furnish new statements of justification by the sureties and a new certificate of financial competency, and if such sureties are unable to qualify additional security will be required. The statement of justification required to be furnished by the sureties, and the certificate of competency should be on a form approved by the Director.

PART 3120—OIL AND GAS

Subpart 3120—Oil and Gas; General

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Subpart 3129—Termination

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AUTHORITY: The provisions of this Part 3120 issued under sec. 32, 41 Stat. 450; 30 U.S.C. 189.

Subpart 3120—Oil and Gas; General

§ 3120.1 General provisions.

§ 3120.1–1 Applicability of amendatory act to existing leases.

Prior to the filing of the notice of election hereinafter referred to, the act of August 8, 1946 (60 Stat. 950; 30 U.S.C. 181) applies to leases issued prior to the date of that act only where the amendatory act so

provides. The owner of any lease issued prior to August 8, 1946, may elect pursuant to section 15 to come entirely under the provisions of that act by filing a notice of election to have his lease governed by the amendatory act, accompanied by the consent of the surety if there is a bond covering the lease. A notice of election so filed shall constitute an amendment of all provisions of the lease to conform with the provisions of the amendatory act and the regulations issued hereunder.

§ 3120.1–2 Acreage limitations.

(a) No person, association, or corporation shall take hold, own, or control at one time oil and gas leases (including options for such leases or interests therein) whether directly through ownership of leases or interests in leases and applications, or offers therefor or indirectly as a member of an association or associations or as a stockholder of a corporation or corporations, holding leases or interests therein and applications or offers therefor for more than 246,080 acres in any one State, of which no more than 200,000 acres may be held under option, except that in the State of Alaska the acreage limitation is 300,000 acres in the northern leasing district and 300,000 acres in the southern leasing district, of which no more than 200,000 acres may be held under option in each of the two leasing districts.

(1) The boundary between the two leasing districts in the State of Alaska is the left limit of the Tanana River from the boundary between the United States and Canada to the confluence of the Tanana River and Yukon River and the left limit of the Yukon River from said confluence to its principal southern mouth.

(2) Leases or offers or applications for leases committed to any unit or cooperative plan approved or prescribed by the Secretary of the Interior shall not be included in computing accountable acreage. Leases or offers or applications for leases subject to an operating, drilling or development contract approved by the Secretary of the Interior pursuant to section 17(j) of the act, other than communization agreements, shall be excepted in determining the accountable acreage of the lessees or operators.

(3) Where, as the result of the termination or contraction of a unit or cooperative plan, or the elimination of a lease from operating, drilling, or development plan, a party holds or controls excess accountable acreage, such party shall have 90 days from such termination or contraction or elimination in which to reduce his holdings to the prescribed limitation and to file proof of such reduction in the proper land office.

(b) In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease shall be such party's proportionate part of the total lease acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holdings of any association or corporation unless he is the beneficial owner of more than ten per centum of the stock or other instruments of ownership or control of such association or corporation. An option held by a corporation or an association on September 2, 1960, shall not, for a period of 3 years, be charged to any stockholder of the corporation or member of the association so long as it is so held. Parties owning a royalty or other interest determined by or payable out of a percentage of production from a lease will be charged with a similar percentage of the total lease acreage.

(c) No lease will be issued and no transfer or operating agreement will be approved until it has been shown that the offeror, transferee, or operator is entitled to hold the acreage or obtain the operating rights.

(d) At any time upon request by the authorized officer of the Bureau of Land Management, the record title holder of any lease or a lease operator or a lease offeror or the holder of any lease option may be required to file in the appropriate land office a statement, showing as of a specified date the serial number and the date of each lease of which he is the record holder, or under which he holds operating rights, or for which he holds an option, and each application or offer for lease held or filed by him in the particular State setting forth the acreage covered thereby, and the nature, extent and acreage interest, including royalty interests held by him in any oil and gas lease of which the reporting party is not the lessee of record, whether by corporate stock ownership, interest in unincorporated associations and partnerships, or in any other manner.

(e)(1) If any person holding or controlling only leases or interests in leases or options or interests in options is found to hold accountable acreage in violation of the provisions of this section and of the act, the last lease or leases or interest or interests acquired by him which with the options or interests in options created the excess acreage holdings shall be cancelled or forfeited in their entirety, even though only part of the acreage in the lease or interest constitutes excess holdings, unless it can be shown to the satisfaction of the Director of the Bureau of Land Management that the holding or control of the excess acreage is not the result of negligence or willful intent in which event the lease or leases shall be cancelled only to the extent of the excess acreage.

(2) If any person holding or controlling leases or interests in leases only, or applications or offers for leases only, or both leases or interests in leases and applications or offers or options or interests in options below the acreage limitation provided in this section, files an application or offer, or a group of applications or offers (filed simultaneously), or options or interests in options or group thereof which causes him to exceed the acreage limitation, the application or offer, or group of applications or offers, causing the excess holding, will be rejected in its entirety.

(3) If any person holding or controlling both leases or interests in leases and applications or offers for leases, or options or interests in options or only applications or offers for leases below the acreage limitation provided in this section, acquires a lease or leases, or an option or options or interests therein; which cause him to exceed the acreage limitation, his most recently filed application or offer for lease or applications or offers for lease then containing acreage in excess of the limitation provided in this section will be rejected in its or their entirety. For the purpose of this subparagraph, time of filing shall be determined by the time of filing marked on the application or offer or, if the same time is marked on two or more applications or offers, by the serial number of the applications or offers.

(4) The provisions of this paragraph shall not limit any action which the Department may take with respect to excess acreage holdings in cases not otherwise covered by this paragraph.

§ 3120.1–3 Options.

(a) No option to acquire any interests in an oil and gas lease shall be enforceable if entered into for a period of more than three years (inclusive of any renewal period, if provided for in the option) without the prior approval of the Secretary. The acreage to which the option is applicable shall be charged both to the optionor and to the optionee, but the charge to the optionor shall cease when the option is exercised. If the option covers only a part of the optionor's interest in the acreage included in a lease, the acreage to which the option is applicable shall be fully charged to the optionor, and a share thereof shall also be charged to the optionee as his interest may appear. Upon the exercise of the option, the acreage shall be charged to the parties pro rata as their interests may appear. An unexercised option remains charged during its term until notice of its relinquishment or surrender has been filed in the appropriate land office.

(1) No option or renewal thereof executed after September, 1960, shall be enforceable until notice thereof has been filed in the appropriate land office. No such notice shall be required for options or renewals executed prior to September 2, 1960. Each such notice shall include (i) the names and addresses of the parties thereto; (ii) the serial number of the lease or application for lease to which the option is applicable; (iii) a statement of the number of acres covered thereby and of the interests and obligations of the parties thereto; and (iv) the interest to be conveyed and retained on exercise of the option. Such notice shall be subscribed by all parties to the option or their duly authorized agents. The filing of an executed copy of the option containing the above information shall satisfy the foregoing requirement. In addition, the notice of option must contain or be accompanied by a signed statement, by the holder of the option, that he is the sole party in interest in the option; if not, he shall set forth the names and nature and extent of the interest therein of the other interested parties, the nature of the agreement between them if oral, and a copy of such agreement, if written.

(b) An option hereafter taken on a lease application or offer may be for the period of time until issuance of the lease and three years thereafter. Where it is sought to obtain options for periods in excess of those provided in the preceding sentence, an application should be filed with the authorized officer of the Bureau of Land Management, accompanied by a complete showing as to the special or unusual circumstances which are believed to justify approval of the application.

(c) Within the meaning of this section, options may be taken only on lands embraced in leases and offers or applications for leases and the acreage included in any such option taken upon an application or offer for a lease shall be chargeable from and after the date of such option.

(d) It shall be permissible for any such option to provide that where all or any part of the land covered thereby is included in a cooperative or unit plan (as defined in § 3121.1) duly executed by the parties and submitted to the Secretary for final approval prior to the expiration of the three-year option period, then, as to that part of the land covered by said option which is included in said cooperative or unit plan, such option shall not expire until a date 30 days after the date of final approval or disapproval by the Secretary of that cooperative or unit plan.

(e) Each holder of an option must file in the appropriate land office within 90 days after June 30 and December 31 of each year duplicate statements showing as of the prior June 30 and December 31, respectively (1) his name and the name and address of each grantor of an option held by him, the serial number of every lease, application or offer for lease subject to option; (2) date and expiration date of each option; (3) number of acres covered by each option; (4) aggregate number of options held in each State, and total acreage thereof; and (5) a statement of his interest and obligation under each option; provided, that the statement of his interest and obligation with respect to any option shall not be required where such interests and obligations have been set forth in the notice required under paragraph (a) of this section and there have been no changes in such interests and obligations since such filing. Option statements covering lands in the State of California shall be filed in the land office at Sacramento, California. The failure of the holder of an option to file such statement shall render the option unenforceable by him, but this shall not diminish the acreage deemed to be held under option by the optionee in computing the amount chargeable and shall not relieve any party thereto of any liability to cancellation, forfeiture, forced disposition, or other sanction provided by law.

(f) If the statement shows or it is otherwise ascertained that the optionee holds options in excess of the prescribed limitation, he will be given 30 days within which to file proof of reduction of his option holdings to the limitations prescribed by the act.

§ 3120.2 Known geological structures and naval reserves.

§ 3120.2–1 Lands within one mile of naval petroleum or helium reserves.

No oil and gas lease will be issued for land within one mile of the exterior boundaries of a naval petroleum or a helium reserve, unless the land is being drained of its oil or gas deposits or helium content by wells on privately owned land or unless it is determined by the authorized officer, after consultation with the agency exercising jurisdiction over the reserve, that operations under such a lease will not adversely affect the reserve through drainage from known productive horizons.

§ 3120.2–2 Boundaries of known geologic structures.

(a) The Director of the Geological Survey will determine the boundaries of the known geologic structures of producing oil or gas fields, and, where necessary to effectuate the purposes of the act, the productive limits of producing oil or gas deposits as such limits existed on August 8, 1946.

(b) Determinations of "structures defined" will be followed, as soon as practicable, by the filing in the appropriate land office of maps or diagrams showing the structure boundaries, and by publication in the FEDERAL REGISTER of notices that the determinations have been made. Because determinations of "structures undefined" are usually of a more temporary nature, maps or diagrams thereof will not be filed and notices thereof will not be published; however, a memorandum of each such determination will be filed in the appropriate land office and will be available for public inspection. Additional information concerning the procedures used in making the determinations may be obtained from the Geological Survey, Washington 25, D.C.

(c) In accordance with long-standing rulings of the Department, if the producing character of a structure underlying a tract of land is actually known prior to the date of the Department's official pronouncement on that subject, it is the date of the ascertainment of the fact, and not the date of the pronouncement, that is determinative of rights which depend upon whether the land is or is not situated within a known geologic structure of a producing oil or gas field. Ernest A. Hanson, A–26375 (May 29, 1952), and cases cited therein. All determinations are subject to change at any time upon receipt of further information through the drilling of wells and other sources. Accordingly, lessees or applicants for leases should not rely upon the maps, diagrams, determinations or notices thereof, as currently controlling documents.

(d) Any lessee or his operator may apply to the Director of the Geological Survey for a determination whether the land in his lease is inside or outside the productive limits of a producing oil or gas deposit as such limits existed on August 8, 1946.

§ 3120.3 Drainage.

§ 3120.3–1 Compensation for drainage.

Upon a determination by the Director of the Geological Survey that lands owned by the United States are being drained of oil or gas by wells drilled on adjacent lands, the authorized officer of the Bureau of Land Management, may execute agreements with the owners of adjacent lands whereby the United States, or the United States and its lessees, shall be compensated for such drainage, such agreements to be made with the consent of any lessee affected thereby. The precise nature of any agreement will depend on the conditions and circumstances involved in the particular case.

§ 3120.3–2 Protection from drainage.

(a) Where land in any lease is being drained of its oil or gas content by a well either on a Federal lease issued at a lower rate of royalty or on land not the property of the United States, the lessee must drill and produce all wells necessary to protect the leased lands from drainage. In lieu of drilling such wells, the lessee may, with the consent of the Director of the Geological Survey, pay compensatory royalty in the amount determined in accordance with 30 CFR 221.21.

(b) The payment of compensatory royalty shall extend the primary or extended term of any lease for the period during which such compensatory royalty is paid, and for a period of one year from the discontinuance of such payment, and for so long thereafter as oil or gas is produced in paying quantities.

§ 3120.3–3 Leasing of wildlife refuge lands, game range lands and coordination lands.

(a) *Definitions*—(1) *Wildlife refuge lands.* Such lands are those embraced in a withdrawal of public domain and acquired lands of the United States for the protection of all species of wildlife within a particular area. Sole and complete jurisdiction over such lands for wildlife conservation purposes is vested in the United States Fish and Wildlife Service even though such lands may be subject to prior rights for other public purposes or, by the terms of the withdrawal order, may be subject to mineral leasing.

(2) *Game range lands.* Game ranges created by a withdrawal of public lands and reserved for dual purposes, namely protection and improvement of the public grazing lands and natural forage resources and conservation and development of natural wildlife resources, are under the joint jurisdiction of the Bureau of Land Management and the United States Fish and Wildlife Service.

(3) *Coordination lands.* These lands are withdrawn or acquired by the Government and made available to the States by cooperative agreements entered into between the United States Fish and Wildlife Service and the game commissions of the various States, in accordance with the act of March 10,

1934 (48 Stat. 401), as amended by the act of August 14, 1946 (60 Stat. 1080), or by long-term leases or agreements between the Department of Agriculture and the game commissions of the various States pursuant to the Bankhead-Jones Farm Tenant Act (50 Stat. 525), as amended, where such lands were subsequently transferred to the Department of the Interior, with the United States Fish and Wildlife Service as the custodial agency of the Government.

(4) *Alaska wildlife areas.* Such lands are areas in Alaska created by a withdrawal of public lands for the management of natural wildlife resources and administered by the United States Fish and Wildlife Service.

(b) *Leasing policy and procedure.* (1) No offers for oil and gas leases covering wildlife refuge lands will be accepted and no leases covering such lands will be issued except as provided in subparagraph (2) of this paragraph. There shall be no drilling or prospecting under any lease heretofore or hereafter issued on lands within a wildlife refuge except with the consent and approval of the Secretary of the Interior with the concurrence of the Fish and Wildlife Service as to the time, place and nature of such operations in order to give complete protection to wildlife populations and wildlife habitat on the areas leased, and all such operations shall be conducted in accordance with the stipulations in the Bureau of Land Management stipulation on a form approved by the Director.

(2) In instances where it is determined by the Geological Survey that any of the lands mentioned in paragraph (a)(1), or any of the lands mentioned in paragraph (a) (2), (3) and (4) of this section and defined in this section as not available for leasing are subject to drainage, the Bureau of Land Management, with the concurrence of the United States Fish and Wildlife Service, will process an offering inviting competitive bids in accordance with the then existing regulations relating to competitive oil and gas leasing. Such leases shall be issued only upon approval by the Secretary of the Interior and shall contain such stipulations as are necessary to assure that leasing activities and drilling shall be carried out in such a manner as will result in a minimum of damage to wildlife resources.

(3) As to game range lands and Alaska wildlife areas, representatives of the appropriate office of the Bureau of Land Management and the United States Fish and Wildlife Service will confer for the purpose of entering into an agreement specifying those lands which shall not be subject to oil and gas leasing. No such agreement shall become effective, however, until approved by the Secretary of the Interior. As to coordination lands, representatives of the Bureau of Land Management and the United States Fish and Wildlife Service will, in cooperation with the authorized members of the various State game commissions, confer for the purpose of determining by agreement those lands which shall not be subject to oil and gas leasing.

(4) The remaining lands in paragraph (a) (2) and (4) of this section not closed to oil and gas leasing will be subject to leasing on the imposition of such stipulations agreed upon by the Fish and Wildlife Service and the Bureau of Land Management. The remaining lands in paragraph (a) (3) of this section not closed to oil and gas leasing will be subject to leasing on the imposition of such stipulations agreed upon by the State Game Commission, the United States Fish and Wildlife Service, and the Bureau of Land Management.

(c) *Publication and filing of agreements; filing of lease offers.* The agreements referred to in paragraph (b) (3) of this section shall be published in the FEDERAL REGISTER and shall contain a description of the lands affected thereby which are not subject to oil and gas leasing, together with a statement of the stipulations agreed upon by the parties thereto for inclusion in such leases to assure that all operations under the lease shall be carried out in such a manner as will result in a minimum of damage to wildlife resources. The agreements, as supplemented by maps or plats specifically delineating the lands will be filed in the appropriate land offices of the Bureau of Land Management where they may be inspected by the public at the usual hours specified for that purpose. Lease offers for such lands will not be accepted for filing until the tenth day after the agreements and supplemental maps or plats are noted on the land office records.

(d) *Suspension of pending applications.* All pending offers or applications heretofore filed for oil and gas leases covering game ranges, coordination lands, and Alaska wildlife areas, will continue to be suspended until the agreements referred to in paragraph (b) (3) of this section shall have been completed.

(e) *Lands in requested withdrawal.* All existing offers or applications for oil and gas leases covering lands included in request for withdrawals for wildlife refuges, game ranges, coordination lands or Alaska wildlife areas, as defined herein, shall be suspended until after the consummation of the withdrawal, and thereafter such offers shall be considered in accordance with the provisions of this section.

NOTE:

Stipulations. For inclusion in oil and gas leases entered into pursuant to this section relating to oil and gas leases in wildlife refuge, game range, and coordination lands.

Instructions. (1) The following stipulations will be made a part of Interior Department lease forms. These stipulations will be made applicable as terms and conditions of performance by lessees under all oil and gas leases entered into under authority vested in the Secretary of the Interior over game range, coordination or Alaska Wildlife lands pursuant to the order of the Secretary of the Interior published in 23 F.R. 227, January 11, 1958.

(2) Should compliance with one or more of these terms and conditions be considered unduly burdensome and unnecessary to the protection of wildlife resources, the lessee may request waiver thereof by letter addressed to the Secretary of the Interior setting forth, in full, the reasons why a waiver is considered necessary. The authority to grant such waivers shall be discretionary and may be exercised only by the Secretary or the Under Secretary of the Interior.

(3) The authorized officer shall (a) approve no plan of operation that contains provisions inconsistent with the stipulations hereinafter set forth; (b) waive no term or condition in a lease; or (c) exercise no discretion vested in him unless he is satisfied the exercise of that discretion will not damage any wildlife resource.

(4) Drilling and production operations under the lease shall be under the direction of the Geological Survey.

Terms and conditions. (1) as used herein:

(a) The term "lessee" includes the lessee, heirs and assigns of the lessee and persons operating on behalf of the lessee;

(b) The term "wildlife resources" includes fish and wildlife resources and concentrations, fish and wildlife management operations and range improvements and facilities;

(c) The term "authorized officer" means the State Director of the Bureau of Land Management in the State in which the land is located, and, in Alaska, the Refuge Manager of the Bureau of Sport Fisheries and Wildlife;

(2) The lessee shall:

(a) Comply with all the rules and regulations of the Secretary of the Interior:

(b) Prior to the beginning of operations, appoint and maintain at all times during the term of the lease a local agent upon whom may be served written orders or notices respecting matters contained in these stipulations and to inform the authorized officer in writing of the name and address of such agent. If a substitute agent is appointed, the lessee shall immediately inform the said representative;

(c) Conduct all authorized activities in a manner satisfactory to the authorized officer with due regard for good land management and avoid damage to improvements, timber, crops, and wildlife cover, and fill all sump holes, ditches, and other excavations or cover all debris, and so far as reasonably possible, restore the surface of the leased lands to their former condition and when required to bury all pipelines below plow depth. The authorized officer shall have the right to enter all the premises at any time to inspect both the installation and operational activities of the lessee;

(d) Take such steps as may be necessary to prevent damage to wildlife;

(e) Do all in his power to prevent and suppress forest, brush, or grass fires and to require his employees, contractors, subcontractors and employees of contractors or subcontractors to do likewise;

(f) Install adequate blow-out prevention equipment;

(g) Construct ring dikes and sump pits to confine drilling mud and other pollutants and make safe disposition of salt water by use of injection wells or such other method as may be approved in the plan of operation;

(h) Cover flare pits in acres of wildlife concentration;

(i) Remove derricks, dikes, equipment, and structures not required in producing operations within 60 days after the completion of drilling;

(j) Comply with and see to it that his agents and employees comply with all Federal, State, or territorial laws relating to hunting, fishing, and trapping;

(k) Commit the lease to any unit plan required in the interest of conservation of oil or gas resources or for the protection of wildlife;

(l) Prior to the conduct of geological, geophysical, or core drilling operations or construction of any facilities, or prior to operations to drill or produce, submit in triplicate for approval in writing by the authorized officer a plan of operation that will include detailed statements indicating the manner

in which the lessee will comply with these stipulations together with a statement that the lessee agrees that compliance with these stipulations and with the approved plan of operations are conditions of performance under this lease and that failure to comply with these provisions (unless they are waived by the Secretary or the Under Secretary of the Interior) will be grounds for cancellation of the lease by the United States. Notwithstanding other provisions in these stipulations, the lessee shall include in any plan of operation specific provisions relating to: The time, place, depth and strength of seismographic shots, maps showing the location of his leases included in the plan, actual and proposed access roads, bunkhouses, proposed well locations, storage and utility facilities, water storage, pipelines and pumping stations; the type of safety equipment that will be employed; the methods to be used to assure the disposition of drilling mud, pollutants, and other debris; the location of facilities in relation to flood levels; and such other specific matters as the authorized officer may require. The plan of operation shall be kept current in all respects and all revisions and amendments submitted to the authorized officer for written approval;

(m) Do all things reasonably necessary to prevent or reduce to the fullest extent scarring and erosion of the land, pollution of the water resources and any damage to the watershed. Where construction, operation, or maintenance of any of the facilities on or connected with this lease causes damage to the watershed or pollution of the water resource, the lessee agrees to repair such damage, including reseeding and to take such corrective measures to prevent further pollution or damage to the watershed as are deemed necessary by the authorized officer;

(n) File the bond required by section 2a (4) of the lease before conducting any operations on the leasehold, and file any additional bond required by the authorized officer to pay for damages to wildlife habitat, including trees and shrubs, or wildlife improvements;

(o) Agree to respect and comply with any new requirements imposed by the Secretary of the Interior, or the authorized officer, on the operating program as operating experience proves necessary in order to give complete protection to wildlife populations and wildlife habitat on the areas leased.

(3) The lessee shall not:

(a) Construct roads, pipelines, utility lines, and attendant facilities that are either unnecessary or which might interfere with wildlife habitat or resources or with drainage;

(b) Modify or change the character of streams, lakes, ponds, water holes, seeps, and marshes, except by advance approval in writing by the authorized officer, nor shall he in any way pollute such streams, lakes, ponds, water holes, seeps, or marshes;

(c) Conduct operations at such times as will interfere with wildlife concentrations;

(d) Conduct geological or geophysical explorations that might damage any wildlife resource and such operations shall be conducted only in accordance with advance approval in writing by the authorized officer as to the time, manner of travel and disturbances of surfaces and the facilities required for the protection of wildlife.

(e) Use explosives in fish spawning or rearing areas, nesting areas, lambing grounds, or other areas of wildlife concentration during periods of intense activity or at any other time or in any manner that might damage any wildlife resources; the pattern size, and depth of seismographic shots shall be submitted to the authorized officer for advance approval in writing and immediately following the detonation of any seismographic charge, the hole shall be filled or plugged and any surface damage repaired to the satisfaction of the authorized officer;

(f) Without advance approval in writing, use any water or water source controlled or developed by the United States;

(g) Use mobile equipment under such conditions as to permanently damage surface resources, cause scarring and erosion, or interfere with wildlife concentration;

(h) Conduct geological, or geophysical, or core drilling operations or construct roads, bunkhouses or any facilities or drill or produce under a lease until the submittal and approval in writing of a plan of operation pursuant to section (2)(m) supra or deviate therefrom until any revisions or amendments of said plan have been approved in writing by the authorized officer.

(i) Burn rubbish, trash, or other inflammable materials or use explosives in a manner or at a time that would constitute a fire hazard.

§ 3120.4 Preference right of patentee or entryman to a lease.

(a) An entryman or patentee who made entry prior to February 25, 1920, or an assignee of such entryman or a vendee of such patentee if the assignment or conveyance was made prior to January 1, 1918, for lands not withdrawn or classified or known to be valuable for oil and gas at date of entry shall be entitled, if the entry or patent is impressed with a reservation of the oil or gas, to a preference right to a lease for the land. A settler whose settlement was made prior to February 25, 1920, on land in the same status but which has since been withdrawn, classified, or is known to contain oil or gas, also has such a preference right.

(b) Any offeror for a lease to lands owned, entered or settled upon as stated above must notify the person entitled to a preference right of the filing of the offer and of the latter's preference right for 30 days after notice to apply for a lease. If the party entitled to a preference right files a proper offer within the 30-day period, he will be awarded a lease; but if he fails to do so, his rights will be considered to have terminated.

§ 3120.5 Lands in entries or claims not impressed with a reservation of oil and gas.

(a) Where an offer is filed to lease lands noncompetitively in an entry or settlement claim not impressed with an oil or gas reservation, the offer will be rejected unless it is found that the land is prospectively valuable for oil or gas. An offeror for a lease for land already embraced in a nonmineral entry without a reservation of the mineral, and likewise a nonmineral entryman or settler who is contending that the land is nonmineral in character should submit with their respective offer and application, showings of as complete and accurate geologic data as may be procurable, preferably the reports and opinions of qualified experts.

(b) Should the land be found to be prospectively valuable for oil or gas, the entryman or settler will be notified thereof and allowed a reasonable time to apply for reclassification of the land as nonmineral, submitting a showing therewith, and to apply for a hearing in the event that reclassification is denied, or to appeal. If he does neither, or he is unsuccessful, the entry or settlement rights and any patent issued pursuant thereto will be impressed with a reservation of oil and gas to the United States. In such circumstances a lease will be granted to the offeror, all else being regular, unless the entryman or settler has a preference right.

§ 3120.6 Showing required for unsurveyed lands.

Every offeror for oil and gas lease for unsurveyed lands, must state in his offer that there are no settlers upon the land, or if there be settlers, give the name and post office address of each and a description of the lands claimed, by metes and bounds and approximate legal subdivisions.

Subpart 3121—Cooperative Conservation Provisions

§ 3121.1 Cooperative or unit plans.

The act authorizes lessees and their representatives to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of any oil or gas pool, field, or like area, or any part thereof (whether or not any part of such pool, field, or like area is then subject to any cooperative or unit plan of development or operation). The agreement must be for the purpose of more properly conserving the natural resources of any such oil or gas pool, field, or area covered thereby and must be determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest. The Secretary, with the consent of the lessees, is authorized to establish, alter, change or revoke drilling, producing, rental, minimum royalty, and royalty requirements of the leases and to make such regulations with reference to such leases as he may deem necessary or proper to secure the protection of the public interest. All leases committed to any unit or cooperative plan approved or prescribed by the Secretary of the Interior shall be excepted in determining acreage charges. For the extension of leases committed to a unit plan, see § 3127.4.

§ 3121.2 Applications for approval of plan.

The procedure in obtaining approval of a cooperative or unit plan of development including suggested text of an agreement acceptable to the Department is contained in 30 CFR Part 226, "Unit or Cooperative Agreements". All applications to unitize and all documents incident thereto shall be filed in the office of the oil and gas supervisor, Geological Survey for the region in which the unit area is situated.

§ 3121.3 Communitization or drilling agreements.

(a) The Secretary is authorized when separate tracts under lease cannot be independently developed and operated in conformity with an established well-spacing or well-development program, to approve communitization or drilling agreements for the lease or any portion

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thereof with other lands, whether or not owned by the United States, when in the public interest. Operations or production pursuant to such an agreement shall be deemed to be operations or production as to each lease committed thereto.

(b) Preliminary requests to communitize separate tracts shall be filed in triplicate with the oil and gas supervisor and executed agreements shall be submitted in sufficient number to permit retention of five copies by the Department after approval.

(c) The agreement shall describe the separate tracts comprising the drilling or spacing unit, shall show the apportionment of the production or royalties to the several parties and the name of the operator, and shall contain adequate provisions for the protection of the interests of all parties, including the United States. The agreement must be signed by or in behalf of all necessary parties and will be effective only after approval by the Secretary of the Interior as provided therein.

§ 3121.4 Approval of operating, drilling, or development contracts.

(a) The authority of the Secretary to approve operating, drilling, or development contracts without regard to acreage limitations ordinarily will be exercised only to permit operators or pipeline companies to enter into contracts with a number of lessees sufficient to justify operations on a large scale for the discovery, development, production, or transportation of oil or gas and to finance the same.

(b) A contract submitted for approval under this provision should be filed with the appropriate land office manager, Bureau of Land Management, together with enough copies to permit retention of 5 copies by the Department after approval. It should be accompanied by a statement showing all the interests held by the contractor in the area or field and the proposed or agreed plan of operation or development of the field. All the contracts held by the same contractor in the area or field should be submitted for approval at the same time, and full disclosure of the project made. Complete details must be furnished in order that the Secretary may have facts upon which to make a definite determination in accordance with the provisions of the act, and prescribe the conditions on which approval of the contracts is made.

§ 3121.5 Combinations for joint operation or for transportation of oil.

Upon obtaining the approval of the Secretary, lessees may combine their interests in leases for the purpose of constructing and carrying on the business of a refinery, or of estblishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells or from the wells of other lessees, or to increase the acreage which may be acquired or held under the provisions of section 17 of the act relating to competitive leases. An application under this section together with enough copies to permit retention of 5 copies by the Department after approval should be filed with the Director, Bureau of Land Management. The application must show a reasonable need for the combination and that it will not result in any concentration of control over the production or sale of oil and gas which would be inconsistent with the anti-monopoly provisions of the law. Rights-of-way for oil and gas pipe lines may be granted as provided for in § 2234 of this chapter.

§ 3121.6 Subsurface storage of oil or gas.

(a) In order to avoid waste or to promote conservation of natural resources, the Secretary of the Interior, upon application by the interested parties, may authorize the subsurface storage of oil or gas, whether or not produced from federally owned lands, in lands leased or subject to lease under the act. Such authorization will provide for the payment of such storage fee or rental on the stored oil or gas as may be determined adequate in each case, or, in lieu thereof, for a royalty other than that prescribed in the lease when such stored oil or gas is produced in conjunction with oil or gas not previously produced. Any lease used for the storage of oil or gas shall be extended for the period of such storage and so long thereafter as oil or gas not previously produced is produced in paying quantities.

(b) Applications for subsurface storage shall be filed in triplicate with the oil and gas supervisor and shall disclose the ownership of the lands involved, the parties in interest, the storage fee, rental, or royalty offered to be paid for such storage and all essential information showing the necessity for such project. Enough copies of the final agreement signed by the parties in interest shall be submitted for the approval of the Secretary to permit retention of 5 copies by the Department after approval.

Subpart 3122—Issuance of Leases

§ 3122.1 Classes and term.

(a) All lands subject to disposition under the act which are known or believed to contain oil or gas may be leased by the Secretary of the Interior. When within the known geologic structure of a producing oil or gas field such land may be leased only by competitive bidding and in units of not exceeding 640 acres to the highest responsible qualified bidder at a royalty of not less than 12½ percent. Leases for not to exceed 2,560 acres, except where the rule of approximation applies, entirely within an area of six miles square or within an area not exceeding six surveyed sections in length or width measured in cardinal directions, may be issued for all other land subject to the act to the first qualified offeror at a royalty of 12½ percent.

(b) All competitive leases shall be for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities and noncompetitive leases for a primary term of ten years and so long thereafter as oil or gas is produced in paying quantities.

§ 3122.2 Dating of leases.

All competitive and noncompetitive oil and gas leases, excepting renewal leases, will be dated as of the first day of the month following the date the leases are signed on behalf of the lessor except that where prior written request is made a lease may be dated the first of the month within which it is so signed.

§ 3122.3 Leases within unit areas.

(a) Before issuance of an oil and gas lease for lands within an approved unit agreement, the lease applicant or offeror or successful bidder will be required to file evidence that he has entered into an agreement with the unit operator for the development and operation of the lands in his lease under and pursuant to the terms and provisions of the approved unit agreement, or a statement giving satisfactory reasons for the failure to enter into such agreement. If such statement is acceptable, he will be permitted to operate independently but will be required to conform to the terms and provisions of the agreement with respect to such operations.

(b) In case an application or offer for a noncompetitive lease embracing lands partly within and partly without the exterior boundaries of a unitized area is found acceptable, separate leases will be issued, one embracing the lands within the unit area, and one the lands outside of such area.

§ 3122.4 Exchange and renewal leases.

§ 3122.4–1 Conditions.

Any lease which issued for a term of 20 years, or any renewal thereof, or which issued in exchange for a 20-year lease prior to August 8, 1946, may be exchanged for a new lease. Such new lease will be issued for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities and will contain the rental and royalty rates prescribed in §§ 3125.1 thru 3125.3. An application to exchange a lease for a new lease should be filed in triplicate by the lessee with the manager of the appropriate land office, must show full compliance by the applicant with the terms of the lease and applicable regulations, and must be accompanied by a nonrefundable filing fee of $10.

§ 3122.4–2 Application for renewal.

(a) Twenty-year leases or renewals thereof may be renewed for successive terms of 10 years at the rental and royalty rates specified for such renewal leases in §§ 3125.1 through 3125.3. An application to renew should be filed in triplicate, in the proper office as prescribed in § 3123.1(b) at least 90 days, but not more than six months, prior to the expiration of its term, and must be accompanied by a nonrefundable filing fee of $10. Such application should be made by the record title holder or holders of the lease and may be joined in or consented to by the operator of record. The application should show whether all moneys due the United States have been paid and whether operations under the lease have been conducted in accordance with the regulations of the Department.

(b) The applicant or his operator shall furnish in triplicate with the application

for renewal, copies of all agreements not theretofore filed providing for overriding royalties or other payments out of production from the lease which will be in existence as of the date of its expiration. When such payments, including overriding royalties, are in excess of 5 percent of gross production a detailed statement of the income from and costs of operation of the lease for the twelve month period immediately preceding the month in which the application for renewal is filed must also be furnished.

§ 3122.4–3 Action on application.

(a) If the outstanding obligations in excess of five percent of gross production payable from production do not constitute a burden on the lease prejudicial to the interests of the United States, they will not be considered a bar to its renewal but any lease that may be issued will be upon the condition, to be incorporated in the lease, that if and when the cost of operations, including the payment of over-riding royalties or payments out of production, shall be determined by the authorized officer of the Bureau of Land Management to constitute such a burden such royalties and payments shall be reduced to not more than 5 percent of the value of the production. If no objection to the renewal of the lease appears, copies of a renewal lease, in triplicate, dated the first day of the month in which the original lease terminated, will be forwarded to the lessee for execution. If upon receipt of the executed lease forms and a satisfactory lease bond, the lease is executed, one copy thereof will be delivered to the lessee.

(b) If a determination is made that overriding royalties and payments out of production in excess of 5 percent of gross production constitute a burden on lease operations to the extent that proper and timely development will be retarded, or continued operation of the lease impaired, or premature abandonment of the wells caused, the lease application will be suspended and the parties in interest will be offered an opportunity to reduce the excessive overriding royalties or other payments out of production to not more than 5 percent of the value of the production. If the holders of outstanding overriding royalty or other interests payable out of production, the operator, and the lessee are unable to enter into a mutually fair and equitable agreement, any of the parties may apply for a hearing at which all interested parties may be heard and written statements presented. Thereupon a final decision will be rendered by the Department outlining the conditions acceptable to it as a basis for a fair and reasonable adjustment of the excessive overriding royalties and other payments out of production, and an opportunity will be afforded within a fixed period of time to submit proof that such adjustment has been affected. Upon failure to submit such proof within the time so fixed, the application for renewal will be denied.

§ 3122.4–4 Form of lease.

Renewal and exchange leases will be issued on a form approved by the Director. The rentals and royalties payable thereunder will be set out on such schedule as may be appropriate.

Subpart 3123—Noncompetitive Leases

§ 3123.1 Application.

(a) Except as provided in § 3123.9, to obtain a non-competitive lease an offer to accept such lease must be made on a form approved by the Director, "Offer to lease and lease for oil and gas," or on unofficial copies of that form in current use: *Provided*, That the copies are exact reproductions of one page of both sides of the official approved one page form and are without additions, omissions or other changes or advertising. The official form or a valid reproduction of the official form will also constitute the lease when signed by the Manager of the Land Office.

(b) Five copies of the official form, or valid reproduction thereof, for each offer to lease shall be filed in the proper land office, or for land deposits in States for which there are no land offices, with the Director of the Bureau of Land Management, Washington, D.C., 20240. (Offers for lands or minerals deposits in the following States should be filed at the land office named: North Dakota or South Dakota land office at Billings, Montana; Nebraska or Kansas, at Cheyenne, Wyoming; Oklahoma, at Santa Fe, New Mexico.) For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

(c) If there is any variation in the land descriptions among the five copies of the official forms, the copy showing the date and time of receipt in the land office will control.

(d) Each offer must be filled in by typewriter or printed plainly in ink and signed in ink by the offeror or the offeror's duly authorized attorney in fact or agent. An offer may be made by a legal guardian or trustee in his name for the benefit of a non-alien minor or minors but an offer may not be filed by a minor. An offer may not include more than 2,560 acres except where the rule of approximation applies. The lands in the offer must be entirely within an area of six miles square or within an area not exceeding six surveyed sections in length or width. No offer may be made for less than 640 acres except where the offer is accompanied by a showing that the lands are in an approved unit or cooperative plan of operation or such a plan which has been approved as to form by the Director of the Geological Survey, or where the land is surrounded by lands not available for leasing under the act.

§ 3123.2 What should accompany offer.

Each offer, when first filed, shall be accompanied by:

(a) A filing fee of $10 which will be retained as a service charge, even though the offer should be rejected or withdrawn in whole or in part.

(b) Full payment of the first year's rental based on the total acreage if known, and if not known, on the basis of 40 acres for each smallest legal subdivision.

(c)(1) Except in a case where an officer of a corporation signs an offer on behalf of the corporation (as to which see § 3123.4)

(2) A statement over the offeror's signature setting forth whether the offeror's direct and indirect interests in oil and gas leases, applications, and offers therefor and options exceed 246,080 acres in the same State of which no more than 200,000 acres are under option, or exceed 300,000 acres in each of the northern and southern leasing districts of Alaska, of which no more than 200,000 acres are held under option in each of said leasing districts and in addition, if the offeror is an individual, a statement of his citizenship.

(3) A signed statement by the offeror that he is the sole party in interest in the offer and the lease, if issued; if not he shall set forth the names of the other interested parties. If there are other parties interested in the offer a separate statement must be signed by them and by the offeror, setting forth the nature and extent of the interest of each in the offer, the nature of the agreement between them if oral, and a copy of such agreement if written. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the lease offer. All interested parties must furnish evidence of their qualifications to hold such lease interest.

(d)(1) If the offer is signed by an attorney in fact or agent, it shall be accompanied by separate statements over the signatures of the attorney in fact or agent and the offeror stating whether or not there is any agreement or understanding between them or with any other person, either oral or written, by which the attorney in fact or agent or such other person has received or is to receive any interest in the lease when issued, including royalty interest or interest in any operating agreement under the lease, giving full details of the agreement or understanding if it is a verbal one. The statement must be accompanied by a copy of any such written agreement or understanding. If such an agreement or understanding exists, the statement of the attorney in fact or agent should set forth the citizenship of the attorney in fact or agent or other person and whether his direct and indirect interests in oil and gas leases, applications, and offers including options for such leases or interests therein exceed 246,080 acres in any one State, of which no more than 200,000 acres may be held under option, or exceeds the permissible acreage in Alaska as set forth in § 3120.1–2. The statement by the principal (offeror) may be filed within 15 days after the filing of the offer. This requirement does not apply in cases in which the attorney in fact or agent is a member of an unincorporated association (including a partnership), or is an officer of a corporation and has an interest in the offer or the lease to be issued solely by reason of the fact that he is a member of the association or a stockholder in the corporation.

(2) If the power of attorney specifically limits the authority of the attorney in fact to file offers to lease for the sole

additional rental must be paid within 30 days from notice under penalty of cancellation of the lease.

(b) An offer covering not more than 10 percent over the maximum allowable acreage of 2,560 acres. The lease will be approved for 2,560 acres in the discretion of the signing officer or so much over that amount as may be included under the rule of approximation.

(c) An offer completed in pencil or script.

(d) An offer on a lease form not currently in use.

(e) An offer on a form not correctly reproduced provided it contains the statement that the offeror agrees to be bound by the terms and conditions of the lease form in effect at the date of filing.

§ 3123.5 Issuance of lease; assignments and withdrawal of offer.

(a) An offer may not be withdrawn, either in whole or in part, unless the withdrawal is received by the land office before the lease, or a separate lease, whichever covers the land described in the withdrawal, has been signed on behalf of the United States.

(b) The United States will indicate its acceptance of the lease offer, in whole or in part, and of the issuance of the lease by the signature of the appropriate officer thereof in the space provided. An executed copy of the lease will be mailed to the offeror at the address of record.

(c) If any of the land described in item 2 of the offer is open to oil and gas filing when the offer is filed but is omitted from the lease for any reason and thereafter becomes available for leasing to the offeror, the original lease will be amended to include the omitted land unless, before the issuance of the amendment, the land office receives a withdrawal of the offer with respect to such land or an election to receive a separate lease in lieu of an amendment. Such election shall consist of a signed statement by the offeror asking for a separate lease accompanied by a new offer on the required form describing the remaining lands in his original offer, executed pursuant to this section. The new offer will have the same priority as the old offer. It need not be accompanied by the filing fee. The rental payment held on the original offer will be applied to the new offer. The rental and material has previously been filed a reference by serial number to the record in which it has been filed, together with a statement as to any amendments will be accepted.

§ 3123.3 Rejection of offer.

(a) When any person, association, corporation, or other entity or business enterprise files an offer to lease for inclusion in a drawing, and an offer (or offers) to lease is filed for the same lands in the same drawing by any person or party acting for, on behalf of, or in collusion with the other person, association, corporation, entity or business enterprise, under any agreement, scheme, or plan which would give either, or both, a greater probability of successfully obtaining a lease, or interest therein, in any public drawing, held pursuant to § 3123.9, all offers filed by either party will be rejected. Similarly, where an agent or broker files an offer to lease for the same lands in behalf of more than one offeror under an agreement that, if a lease issues to any of such offerors, the agent or broker will participate in any proceeds derived from such lease, the agent or broker obtains thereby a greater probability of success in obtaining a share in the proceeds of the lease and all such offers filed by such agent or broker will also be rejected. Should any such offer be given a priority as a result of such a drawing, it will be similarly rejected. In the event a lease is issued on the basis of any such offer, action will be taken for the cancellation of all interests in said lease held by each person who acquired any interest therein as a result of collusive filing unless the rights of a bona fide purchaser as provided for in § 3104.2 intervene, whether the pertinent information regarding it is obtained by or was available to the Government before or after the lease was issued.

(b) Except as provided in § 3123.4 an offer which is not filed in accordance with the regulations in this part will be rejected and will afford the offeror no priority.

§ 3123.4 Curable defects.

An offer to lease containing any of the following deficiencies will be approved by the signing officer provided all other requirements are met:

(a) An offer deficient in the first year's rental by not more than 10 percent. The

(b) Where the executor or administrator has been discharged or no probate proceedings are required:

(1) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the offeror and the provisions of the law of the deceased's last domicile showing that no probate is required.

(2) A statement over the signature of each of the heirs or devisees with reference to holdings and citizenship, similar to that required under § 3123.2(d) except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

§ 3123.7 Determination of priorities.

No lease shall be issued before final action has been taken on (a) any prior offer to lease the land, (b) any subsequent offer to lease the land that is based upon an alleged preferential right, and (c) any petition for the renewal or reinstatement of an existing or former lease on the land. If a lease is issued before final action has been taken on such an offer or petition, it shall be canceled, after due notice to the lessee, if the offeror or petitioner is found to be qualified and entitled to receive a lease on the land.

§ 3123.8 Description of lands in offer.

(a) If the lands have been surveyed under the public land rectangular system, each offer must describe the lands by legal subdivision, section, township, and range. If the lands have not been so surveyed, each offer must describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the lands are in irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska the description of unsurveyed lands must be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by any agency of the United States (such as the U.S. Geological Survey, the Coast and Geodetic Survey, or the International Boundary Commission), if the record position thereof is available to the general public.

(b) In lease offers embracing unsurveyed public lands adjacent to tidal waters in southern Louisiana and in Alaska, if the offeror finds it impracticable to furnish a metes and bounds description as required in paragraph (a) of this section with respect to the water boundary, he may, at his option, extend the boundary of his offer into the water a distance sufficient to permit complete enclosure of the water boundary of his offer by a series of courses and distances in cardinal directions (the object being to eliminate the necessity of describing the meanders of the water boundary of the public lands included in the offer). The description in the lease offer shall in all other respects conform to the requirements of paragraph (a) of this section. Such description would not be deemed for any purpose to describe the true water boundaries of the lease, such boundaries in all cases being the ordinary high water mark of the navigable waters. The land boundaries of such over-all area shall include only the public lands embraced in the offer. The offeror shall agree to pay rental on the full acreage included within the description with the understanding that rights under any lease to be issued on that offer will apply only to the areas within that description properly subject to lease under the act, but that the total area described will be considered as the lease acreage for purposes of rental payments, acreage limitations under § 3120.1–2 and the maximum or minimum area to be included in a lease pursuant to § 3123.1. The tract should be shown in outline on a current quadrangle sheet published by the United States Geological Survey or such other map as will adequately identify the lands described.

(c) When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all offers to lease lands shown on such protracted surveys, filed on or after such effective date, must, except as provided below, include only entire sections described according to the section, township, and range shown on the approved protracted surveys.

(1) An offer may include less than an entire protracted section where only a portion of such a section is available for lease. In such case the offer must describe all the available lands by subdivisional parts in the same manner as

provided in paragraph (a) of this section for officially surveyed lands. If this is not feasible, as e.g., in the case of an irregular section, the offer must describe the entire section and contain a statement that it shall be deemed to include all of the land in the described section which is available for lease.

(d) The descriptions in leases issued pursuant to offers filed after the effective date of this section will be conformed to the subdivisions of the approved protracted surveys if and when such surveys have been adopted for the area; and the description and acreage of leases issued pursuant to offers filed after the effective date of this section will be adjusted to the official public land surveys when such surveys have been extended over the leased area.

§ 3123.9 Availability of lands.

(a) Lands in cancelled or relinquished leases or in leases which terminate by operation of law for non-payment of rental pursuant to 30 U.S.C. sec. 188, which are not withdrawn from leasing nor on a known geological structure of a producing oil and gas field shall be subject to the filing of new lease offers only after notation on the official record of the cancellation, relinquishment, or termination of such lease and only in accordance with the provisions of this section. All lands covered by leases which expire by operation of law at the end of their primary or extended terms shall likewise be subject to the filing of new lease offers only in accordance with the provisions of this section except that notation of such expiration of the leases need not be made on the official records.

(b) On the third Monday of each month, or the first working day thereafter, if the land office is not officially open on the third Monday, there will be posted on the bulletin board in each land office a list of the lands in leases which expired, were cancelled, were relinquished in whole or in part, or which terminated, together with a notice stating that such lands will become subject to the simultaneous filings of lease offers in accordance with paragraph (c) of this section, from the time of such posting until 10 a.m. on the fifth working day thereafter. The posted list will describe the lands by leasing units identified by parcel numbers, which will be supplemented by a description of the lands in accordance with § 3123.8, i.e., by subdivision, section, township and range if the lands are surveyed or officially protracted, or if unsurveyed, by metes and bounds. The leasing units will be established to coincide to the extent possible with the lands in an expired, cancelled, relinquished or terminated lease except that where two or more such leases were contiguous and obtained a total of 640 acres or less, they may be consolidated into one leasing unit.

(c) Offers to lease such designated leasing units by parcel numbers must be submitted on a form approved by the Director, "Simultaneous Oil and Gas Entry Card" signed and fully executed by the applicant or his duly authorized agent in his behalf. The entry card will constitute the applicant's offer to lease the numbered leasing unit by participating in the drawing to determine the successful drawee. By signing and submitting the entry card, the applicant agrees that he will be bound to a lease on a current form approved by the Director for the described parcel if such a lease is issued to him as a result of the drawing. Only one entry card will be drawn for each numbered leasing unit.

(1) Only one complete leasing unit, identified by parcel number, may be included in one entry card. Lands not on the posted list may not be included therein.

(2) The entry card must be accompanied by separate remittances covering the filing fee of $10 and the first year's advance rental. The advance rental must be paid by cash, money order, certified check, bank draft, or bank cashier's check. The filing fee may be paid by a similar remittance or by uncertified check.

(3) Upon determination of the successful drawee for a particular leasing unit, the first year's rental will not be returnable and will be earned and deposited in the United States Treasury upon execution of the lease in behalf of the United States. However, if an applicant withdraws his entry card prior to the drawing or if his offer to lease is rejected, the advance rental will be returned to him, and if the successful drawee is unqualified to receive the lease, the lands in the numbered leasing unit for which such entry card was submitted shall be included in a simultaneous filing

and exclusive benefit of the principal and not in behalf of any other person in whole or in part, and grants specific authority to the attorney in fact to execute all statements of interest and of holdings in behalf of the principal and to execute all other statements required, or which may be required, by the Acts and the regulations, and the principal agrees therein to be bound by such representations of the attorney in fact and waives any and all defenses which may be available to the principal to contest, negate or disaffirm the actions of the attorney in fact under the power of attorney, then the requirement that statements must be executed by the offeror will be dispensed with and such statements executed by the attorney in fact will be acceptable as compliance with the provisions of the regulations.

(e) If the offer is made by a guardian or trustee, a certified copy of the court order authorizing him to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; his statements as to the citizenship and holdings of each of the minors; and a similar statement as to his own citizenship and holdings under the leasing act, including his holdings for the benefit of other minors.

(f) If the offer is made by an association (including a partnership), it must be accompanied by a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(g) If the offeror is a corporation the offer must be accompanied by a statement showing (1) the State in which it is incorporated, (2) that it is authorized to hold oil and gas leases and that the officer executing the lease is authorized to act on behalf of the corporation in such matters, (3) the percentage of voting stock and of all the stock owned by aliens for those having addresses outside of the United States, and (4) the names and addresses of the stockholders holding 20 percent or more of the stock of the corporation. When the stock owned by aliens is over 10 percent, additional information may be required by the Bureau before the lease is issued or production is obtained. A separate showing of citizenship and holdings of stockholders owning or controlling 20 percent or more of the stock of any class must also be furnished. Where such

(b) If two or more units are awarded to any bidder, such units, where the acreage does not exceed 640 acres, may be included in a single lease if circumstances warrant.

§ 3124.5 Form of lease.

Competitive leases will be issued on a form approved by the Director, and the rentals and royalties payable thereunder will be set forth in a schedule made a part thereof.

Subpart 3125—Rentals and Royalties

§ 3125.1 Rentals.

Rentals shall be payable in advance at the following rates:

(a) On noncompetitive leases issued on and after September 2, 1960, under section 17 of the act for lands which on the day on which the rental falls due lie wholly outside of the known geologic structure of a producing oil or gas field, or on which on the day on which the rental falls due the thirty days' notice period under paragraph (b) (1) of this section has not yet expired, an annual rental of 50 cents per acre or fraction thereof for each lease year.

(1) For the sixth and each succeeding year of a lease which issued prior to September 2, 1960, and in the State of Alaska of any lease whose initial term expired on or after July 3, 1958, rental shall be payable at the rate of 50 cents per acre or fraction thereof.

(2) For each year of the primary term of a lease which issued prior to September 2, 1960, rental shall be payable at the rate set forth in the lease.

(b) On leases wholly or partly within the known geologic structure of a producing oil or gas field:

(1) If issued noncompetitively under section 17 of the act, and not committed to a cooperative or unit plan which includes a well capable of producing oil or gas and contains a general provision for allocation of production, beginning with the first lease year after the expiration of thirty days' notice to the lessee that all or part of the land is included in such a structure and for each year thereafter prior to a discovery of oil or gas on the leased lands, rental of $2 per acre or fraction thereof.

(2) If issued noncompetitively under section 17 of the act, and committed to an approved cooperative or unit plan which includes a well capable of producing oil or gas and contains a general provision for allocation of production, the rental prescribed for the respective lease years in paragraph (a) of this section shall apply to the acreage not within a participating area.

(3) If issued competitively, unless a different rate of rental is prescribed in the lease, an annual rental of $2 per acre or fraction thereof prior to a discovery, if the lease is unitized, such rental shall be payable on the nonparticipating acreage only, and royalty as provided in the lease and elsewhere in this Part shall be payable on the participating acreage.

(c) On leases issued in any other way, an annual rental of $1 per acre or fraction thereof.

(d) A lease subject to the provisions of section 31 of the act, as amended by section 1(7) of the Act of July 29, 1954 (30 U.S.C. 188) on which there is no well capable of producing oil or gas in paying quantities, shall automatically terminate by operation of law if the lessee fails to pay the full rental due on or before the anniversary date of the lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. The "anniversary date" of a lease means the same day and month in succeeding years as that on which the lease first became effective. The anniversary date of a lease does not change.

(e) If on the anniversary date of the lease less than a full year remains in the lease term, the rentals due shall be in the same proportion to the annual rental as the period remaining in the lease term is to a full year. The rentals shall be prorated on a monthly basis for the full months, and on a daily basis for the fractional months remaining in the lease term. For the purpose of prorating rentals for a fractional month, each month will be deemed to consist of 30 days.

(f) If the term of a lease for which prorated rentals have been paid is further extended to or beyond the next anniversary date of the lease, rentals for the balance of the lease year shall be due and payable on the date following the date through which the prorated rentals were paid. If the rentals are not paid for the balance of the lease year, the lease will be subject to cancellation by the Secretary after he has given notice to the lessee in accordance with section 31 of the act. However, if the anniversary date occurs before the end of the notice period, the rental for the ensuing lease year shall nevertheless be due on the anniversary date, and failure to pay the full rental for that year on or before that date shall cause the lease to terminate automatically by operation of law, without relieving the lessee of liability for rental due for the balance of the previous lease year. (30 U.S.C. 188; 41 Stat. 437.) If the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely.

§ 3125.2 Minimum royalty.

On leases issued on or after August 8, 1946, and on those issued prior thereto if the lessee files an election under section 15 of the act of August 8, 1946, a minimum royalty of $1 per acre in lieu of rental, shall be payable at the expiration of each lease year after a discovery has been made on the leased lands, commencing with the lease year beginning on or after the date of such discovery, except that on unitized leases the minimum royalty shall be payable only on the participating acreage. If the actual royalty paid during any year aggregates less than $1 per acre the lessee must pay the difference at the expiration of the lease year.

§ 3125.3 Royalty on production.

(a) On and after August 8, 1946, the following royalty rates shall be paid on the production removed or sold from leases:

(1) 12½ percent royalty on noncompetitive leases issued under section 17 of the act: *Provided, however,* That any holder of a lease for lands in Alaska which issued and was outstanding prior to May 3, 1958, who shall drill and make the first discovery of oil or gas in commercial quantities in any geologic structure shall pay a royalty on all production under the lease of 5 percent for 10 years following the date of such discovery and thereafter the royalty rate shall be 12½ percent. If such lease is committed to an approved unit or cooperative plan under which such a discovery is made, the 5 percent rate herein provided shall, for the purpose of computing royalty due the United States, inure to the benefit of all the land to which an allocation is made under such plan.

(2) Such rates as are prescribed in the notice of sale in the case of all leases thereafter issued by competitive bidding.

(3) 12½ percent on all leases theretofore issued, except competitive leases, and on exchange and renewal leases thereafter issued, as to production from

(i) Land determined by the Director, Geological Survey, not to be within the productive limits of any oil or gas deposit on August 8, 1946.

(ii) An oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease and which is determined by the Director, Geological Survey, to be a new deposit.

(iii) Or allocated to a lease pursuant to an approved unit or cooperative agreement from an oil or gas deposit which was discovered on unitized land after May 27, 1941, and determined by the Director, Geological Survey, to be a new deposit, but only if at the time of discovery the lease, or, in the case of an exchange lease, the lease for which it was exchanged was committed to the agreement or was included in a duly executed and filed application for approval of the agreement.

(4) From lands within exchange and renewal leases not subject to subparagraph (3) of this paragraph the rate of royalty shall be identical to that prescribed in the prior lease, except that for a lease issued in exchange for or as a renewal of a lease carrying a flat royalty rate of 5 percent to the United States the royalty shall be as follows:

(i) When the average production of oil for the calendar month in barrels per well per day is:

Not over 110 the royalty shall be 12½%.
Over 110 but not over 130 the royalty shall be 18% of all production.
Over 130 but not over 160 the royalty shall be 19% of all production.
Over 160 but not over 200 the royalty shall be 20% of all production.
Over 200 but not over 250 the royalty shall be 21% of all production.
Over 250 but not over 300 the royalty shall be 22% of all production.
Over 300 but not over 350 the royalty shall be 23% of all production.
Over 350 but not over 400 the royalty shall be 24% of all production.
Over 400 the royalty shall be 25% of all production.

(ii) On gas, including inflammable gas, helium, carbon dioxide, and all other natural gases and mixtures thereof, and on natural or casinghead gasoline and other liquid products obtained from gas; when the average production of gas per well per day for the calendar month does not exceed 5,000,000 cubic feet, 12½ percent; and when the production of gas exceeds 5,000,000 cubic feet, 16⅔ percent of the amount or value of the gas and liquid products produced.

(5) In the case of competitive leases, and other leases theretofore issued, insofar as subparagraphs (3) and (4) of this paragraph are inapplicable, the rates specified in the lease.

(b) The average production per well per day for oil and for gas shall be determined pursuant to 30 CFR Part 221, "Oil and Gas Operating Regulations."

(c) In determining the amount or value of gas and liquid products produced, the amount or value shall be net after an allowance for the cost of manufacture. The allowance for cost of manufacture may exceed two-thirds of the amount or value of any product only on approval by the Secretary of the Interior.

(d) The Secretary of the Interior may establish reasonable values for purposes of computing royalty on any or all oil, gas, natural gasoline, and other liquid products obtained from gas, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices and to other relevant matters. In appropriate cases this will be done after notice to the parties and opportunity to be heard.

§ 3125.4 Limitation of overriding royalties.

An agreement creating overriding royalties or payments out of the production of oil which, when added to overriding royalties or payments out of production of oil previously created and to the royalty payable to the United States, aggregate in excess of 17½ percent shall be deemed a violation of the terms of the lease unless such agreement expressly provides that the obligation to pay such excess overriding royalty or payments out of production of oil shall be suspended when the average production of oil per well per day averaged on the monthly basis is 15 barrels or less. The limitation on overriding royalties or payments out of production of gas. The limitation in this section will apply separately to any zone or portion of a lease segregated for computing Government royalty.

Subpart 3126—Bonds

§ 3126.1 Types of bonds.

(a) The successful bidder for a competitive lease prior to the issuance of the lease must furnish a corporate surety bond in the sum of at least double the amount of the $2 per acre annual rental but in no case less than $1,000 nor more than $10,000 conditioned on compliance with all the terms of the lease, and such a bond also must be filed when all or any part of the land in a lease issued noncompetitively is included within the limits of a known geologic structure of a producing oil or gas field.

(b) Until a general lease bond is filed, a noncompetitive lessee will be required prior to entry on the leased lands to furnish and maintain a bond in the penal sum of not less than $1,000 in those cases in which a bond is required by law for the protection of the owners of surface rights.

(c) All leases shall provide that where a $10,000 bond is not already being maintained a general lease bond in the penal sum of $10,000 conditioned upon compliance with all lease terms covering the entire leasehold, shall be furnished by the lessee prior to the beginning of drilling operations. An operator or, if there is more than one operator covering different portions of the lease, each operator may furnish a $10,000 general lease bond in his own name as principal on the bond in lieu of the lessee. Where there are one or more operator's bond affecting a single lease, each such bond must be conditioned upon compliance with all lease terms for the entire leasehold. Where a bond is furnished by an operator, suit may be brought thereon without joining the lessee if he is not a party to the bond. An operator's bond will not be accepted unless the operator holds an operating agreement

drawing procedure to be held during the next or a following month thereafter. Unsuccessful drawees will be notified accordingly by the return of their respective entry cards.

(d) If more than one offer to lease all or any part of the acreage covered by an expired, cancelled, relinquished, or terminated lease is filed during the period provided for in paragraph (b) of this section, their priorities will be determined by a public drawing.

(e) Offers to lease which cover lands not within the foregoing categories and which are received in the same mail or over the counter at the same time, will be considered as having been filed simultaneously and priority to the extent of the conflicts between them will be determined by a public drawing.

(f) If no offers to lease all or any portion of the lands in the expired, cancelled, relinquished or terminated leases are received during the period provided for in paragraph (b) of this section the lands for which no offers are received will thereafter become subject to lease in accordance with regulations in this part.

Subpart 3124—Competitive Leases

§ 3124.1 Designation and offer of lands for lease.

The lands and deposits subject to disposition under the act which are within the known geologic structure of a producing oil or gas field will be divided into leasing blocks or tracts in units of not exceeding 640 acres each, which shall be as nearly compact in form as possible, and offered for lease at a royalty and rental to be specified in the notice of sale, to the qualified person who offers the highest bonus by competitive bidding either at public auction, or by sealed bids as provided in the notice of sale.

§ 3124.2 Notice of lease offer.

Notice of the offer of lands for lease will be by publication once a week for five consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated, or in such other publications as the authorized officer of the Bureau of Land Management may authorize. The notice published in a newspaper of general circulation in the county will contain a statement that the successful bidder will be required, prior to the issuance of a lease to pay his proportionate share of the total cost of publication of that notice which shall be that portion of the total advertising cost that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared. The notice will also state the time and place of sale, the manner in which bids may be submitted, the description of the lands, and the terms and conditions of the sale.

§ 3124.3 Qualifications of successful bidder.

The successful bidder at a sale by public auction must on the day of the sale, deposit with the manager of the land office or other officer conducting the sale, and each bidder, if the sale is by sealed bids, must submit with his bid the following: Certified check on a solvent bank, money order, or cash, for one-fifth of the amount bid by him and a statement over the bidder's own signature with respect to citizenship and interests held, similar to that required of an offeror under § 3123.2(c). If the successful bidder is a corporation, it must also file a statement similar to that required by § 3123.2(f).

§ 3124.4 Award of lease.

(a) Following receipt of the report of the auction, or the opening of the sealed bids, the authorized officer, subject to his right to reject any or all bids, will award the lease to the successful bidder. Notice of his action will be forthwith transmitted to the interested parties through the local office. If the lease be awarded, three copies of the lease will be sent to the successful bidder and he will be required within 30 days from receipt thereof to execute them, pay the balance of his bonus bid, the first year's rental, and file a bond as required in § 3126.1. If any bid be rejected, the deposit will be returned. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under this act. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease.

which has been approved by the Department or has pending an operating agreement in proper condition for approval. The mere designation as operator will not suffice.

(d) Bonds shall be either corporate surety bonds or personal bonds except that bonds with individual sureties as provided in § 3106.1 may be furnished or the protection of the entryman or owner of surface rights. Personal bonds must be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the conditions of the lease bond.

(e) In lieu of bonds required under any of the preceding paragraphs the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessees pending departmental approval of operating agreements, may furnish a bond the amount of which must be $150,000 for full nationwide coverage under both the Mineral Leasing Act and the Mineral Leasing Act for Acquired Lands of 1947 (61 Stat. 913; 30 U.S.C. 351–369), or at the rate of $25,000 for each unit of coverage. A unit of coverage shall be all the lands in any one State held by the principal under either the Mineral Leasing Act or the Mineral Leasing Act for Acquired Lands. Coverage under both acts in one State constitutes two units. In lieu of a surety bond, a personal bond in a like amount may be given by the obligor with the deposit as security therefor of negotiable bonds of the United States of a par value equal to the amount specified in the bond. Where upon a default, the surety makes payment to the Government of any indebtedness due under a lease, the face amount of the surety bond and the surety's liability thereunder shall be reduced by the amount of such payment. Thereafter, upon penalty of cancellation of all of the leases covered by such bond that principal shall post a new nationwide bond in the amount of $150,000 or a unit bond, as the case may be, within 6 months after notice, or within such shorter period as the authorized officer of the Bureau of Land Management may fix. However, in lieu thereof, the principal may within that time file separate bonds for each lease. The provisions hereof may be made applicable to any nationwide or unit bond in force at the time of the approval of the amendment of this paragraph by filing in the appropriate land office a written consent to that effect and an agreement to be bound by the provisions hereof executed by the principal and the surety. Upon receipt thereof the bond will be deemed to be subject to the provisions of this paragraph.

§ 3126.2 Form of bonds.

The bonds furnished will be on forms approved by the Director.

Subpart 3127—Continuation or Extension of Lease

§ 3127.1 Single extension.

(a) Under the conditions set out in the following paragraphs of this section, the record title holder of any noncompetitive lease maintained in accordance with the statutory requirements and the regulations in this part which issued prior to September 2, 1960, shall be entitled, to a single extension of the lease at the expiration of the initial five-year term unless then otherwise provided by law. An application for such extension may be filed by the record title holder of the lease, by an assignee whose assignment has been filed for approval, or by an operator whose operating agreement has been filed for approval.

(b) The application for extension must be filed, within ninety days before the expiration date of the lease, on a form approved by the Director. Application for Extension of Oil and Gas Lease",[4] or unofficial copies of that form in current use and must be accompanied by a filing fee of $10 which will be retained as a service charge even though the application is later withdrawn or rejected and, unless previously paid, the sixth year's rental: *Provided*, That the unofficial copies are exact reproductions on one sheet of both sides of the official approved one-page form, and are without additions, omissions, or other changes or advertising. The official form or a valid reproduction of the official form, will also constitute approval of the extension when signed by an authorized officer.

(c) If during the 90 day period prior to the expiration date of the lease, the record title holder, assignee or operator files an application or request for an extension not on the prescribed form or unofficial copies thereof, or fails to file the prescribed number of copies, or pay the sixth year's rental, a notice will be issued allowing him 30 days to do so. The application will be rejected if such filing or payment is not made within the time allowed.

(d) Where, upon the expiration of the initial 5-year lease term, the leased lands or any part thereof, have been withdrawn from leasing, the lease will not be extended as to such lands, except that, a withdrawal shall not affect the right to an extension if drilling operations were actually commenced on the withdrawn lands prior to the effective date of the withdrawal and such operations were being diligently prosecuted on the expiration date of the lease, or if notice of the withdrawal has not been sent by registered mail to each lessee to be affected thereby, at least 90 days prior to the termination date of the lease.

(e) Upon compliance with, and in accordance with, the provisions of this section, the lease will be extended, subject to the rules and regulations in force at the expiration of the initial term, (1) as to the lands not within the known geologic structure of a producing oil or gas field, for a period of 5 years, and so long thereafter as oil or gas is produced in paying quantities, and (2) as to lands within the known geologic structure of a producing oil or gas field, for a period of 2 years and so long thereafter as oil or gas is produced in paying quantities.

(f) The timely filing of an application for extension shall have the effect of segregating the leased lands until the final action taken on the application is noted on the tract book, or, for acquired lands, on the official records relating thereto, of the appropriate land office. Prior to such notation, the lands are not available to the filing of offers to lease. Offers to lease filed prior to such notation will confer no rights in the offeror and will be rejected.

(g) Upon failure of the lessee or the other persons enumerated in paragraph (a) of this section to file an application for extension within the specified period, the lease will expire at the expiration of its primary term without notice to the lessee. Notation of such expiration need not be made on the official records, but the lands covered by such expired lease will be subject to the filing of new lease offers only as provided in § 3123.9.

§ 3127.2 Continuation of lease as a result of actual drilling operations.

Any lease on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities. As used in this section "primary term" means all periods in the life of the lease prior to its extension by reason of production of oil or gas in paying quantities.

§ 3127.3 Continuation of lease on termination of production.

(a) A lease which is in its extended term because of production shall not terminate upon cessation of production if, within 60 days thereafter, reworking or drilling operations on the leasehold are commenced and are thereafter conducted with reasonable diligence during the period of nonproduction.

(b) No lease for lands on which there is a well capable of producing oil or gas in paying quantities shall expire because the lessee fails to produce the same, unless the lessee fails to place the well on a producing status within 60 days after receipt of notice by registered mail from the Regional Oil and Gas Supervisor to do so: *Provided*, That after such status is established production shall continue on the leased premises unless and until suspension of production is allowed by the Secretary of the Interior under the provisions of the act.

§ 3127.4 Extension for terms of cooperative or unit plan.

(a) Any lease issued for a term of 20 years, or any renewal thereof, committed to a cooperative or unit plan approved by the Secretary of the Interior, or any portion of such lease so committed, shall continue in force so long as committed to the plan, beyond the expiration date of its primary term. This provision does not apply to that portion of any such lease which is not included in the cooperative or unit plan unless the lease was so committed prior to August 8, 1946.

(b) Any other lease issued under any section of the act, committed to any such plan that contains a general provision for the allocation of oil or gas, shall continue in effect as to the land committed so long as the lease remains subject to the plan: *Provided*, That production of oil or gas is had in paying quantities under the plan prior to the expiration date of such lease, whether it be in its primary term or its extended term.

(c) Any lease committed after July 29, 1954 to such a plan, which covers lands within and lands outside the area covered by the plan, shall be segregated, as of the effective date of unitization, into separate leases; one covering the lands committeed to the plan and the other the lands not so committed. The segregated lease covering the nonunitized portion of the lands, shall continue in force and effect for the term thereof but for not less than two years from the date of segregation, and so long thereafter as oil or gas is produced in paying quantities.

§ 3127.5 Extension of lease eliminated from cooperative or unit plan or communitization or drilling agreement and of lease in effect at termination of such plan or agreement.

Any lease eliminated from any approved or prescribed cooperative or unit plan or from any communitization or drilling agreement authorized by the act, and any lease in effect at the termination of such plan or agreement, unless relinquished, shall continue in effect for the original term of the lease, or for two years after its elimination from the plan or agreement or the termination thereof, whichever is the longer, and so long thereafter as oil or gas is produced in paying quantities.

Subpart 3128—Assignments or Transfers

§ 3128.1 Assignments or transfers of leases or interests therein.

Leases may be assigned or subleased as to all or part of the leased acreage and as to either a divided or undivided interest therein to any person or persons qualified to hold a lease. The assignment or sublease must be accompanied by a signed statement by the assignee or sublessee that he is the sole party in interest in the assignment or sublease; if not, he shall set forth the names of the other interested parties. If there are other parties interested in the assignment or sublease, a separate statement must be signed by them and by the assignee or sublessee setting forth the nature and extent of the interest of each, the nature of the agreement between them, if oral, and a copy of the agreement if written. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the assignment or sublease. Subject to final approval by the Bureau of Land Management, assignments or subleases shall take effect as of the first day of the lease month following the date of filing in the proper land office of all the papers required by §§ 3128.2 and 3128.3. No assignment will be approved if the assignee or sublessee or any other parties in interest are not qualified to take and hold a lease or if their bond is insufficient or if they fail to file the statement required by this section. A minor, except a minor heir or devisee of a lessee, is not qualified to hold a lease and an assignment to a minor will not be approved. An assignment of a separate zone or deposit or of a part of a legal subdivision will not be approved unless the necessity therefor is established by clear and convincing evidence.

§ 3128.2 Requirements for filing of transfers.

(a) (1) Except as to assignments of record title, all instruments of transfer of a lease or of an interest therein, including assignments of working or royalty interests, and operating agreements, and subleases, must be filed for approval within 90 days from the date of final execution and must contain all of the terms and conditions agreed upon by the parties thereto, together with a statement over the transferee's own signature with respect to citizenship and interests held, similar to that required of an offer or under § 3123.2.

(2) To obtain approval of a transfer affecting the record title of an oil and gas lease, a request for such approval must be made, within 90 days from the date of the execution of the assignment by the parties on a form approved by the Director, or unofficial copies of that form in current use may be used for such transfers and requests for approval: *Provided*, That the unofficial copies are exact reproductions on one sheet of both sides of the official approved one-page form, and are without additions, omissions, or other changes, except that the copies shall include the following statement above the signature of the assignee: "This form is submitted in lieu of the official form and contains all of the provisions thereof as of the date of filing of this assignment." In addition, the name and address of the printer or other party issuing unofficial reproductions of the official form shall be printed thereon. This form may be used for any assignment which affects a transfer of the record title to all or part of an oil and gas lease, but it is not to be used for any other type of transfer. The official form, or a valid reproduction of the official form, will also constitute approval of the assignment when signed by the manager of the land office.

(3) An application for approval of any instrument of transfer of a lease or interest therein or a filing of any such instrument under § 3128.6 must be accompanied by a fee of $10, and an application not accompanied by payment of such a fee will not be accepted for filing by the manager. Such fee will not be returned even though the application later be withdrawn or rejected in whole or in part.

(4) Each instrument of transfer must describe the lands involved in the same manner as described in the lease or in the manner required by § 3123.8.

(30 U.S.C. 189, 49 U.S.C. 1201)

(b) Where an attorney in fact, in behalf of the holder of a lease, operating agreement or of a royalty interest in a producing lease, signs an assignment of the agreement, lease, or interest, or signs the application for approval, there must be furnished evidence of the authority of the attorney to execute the assignment or application, and the statement required by § 3123.2(b).

(c) If a bond is necessary, it must be furnished. Where an assignment does not create separate leases the assignee, if the assignment so provides, may become a joint principal on the bond with the assignor. Any assignment which does not convey the assignor's record title in all of the lands in the lease must also be accompanied by consent of his surety to remain bound under the bond of record for the lease interest retained by said assignor, if the bond, by its terms, does not contain such consent. If a party to the assignment has previously furnished a nation-wide or statewide bond no additional showing is necessary by such party as to the bond requirement. If any overriding royalty or payments out of production are created which are not shown in the instrument or agreement, a statement must be submitted describing them. If payments out of production are reserved, a statement should be submitted stating the details as to the amount, method of payment, and other pertinent terms. Assignments of record title interests must be filed in triplicate. A single copy of any additional information relating to citizenship and qualifications of corporations, will be sufficient. A single executed copy of all other instruments of transfer, or of an operating agreement is sufficient.

(d) In order for the heirs or devisees of a deceased holder of a lease, an operating agreement, or a royalty interest in a producing lease, to be recognized by the Department as the holder of the lease, agreement, or interest, there must be furnished the appropriate showing required under § 3123.6.

(e) The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

(f) Unless the lease account is in good standing as to the area covered by the assignment when the assignment and bond are filed, or is placed in good standing before the assignment is reached for action the lease will be cancelled as provided in § 3129.2.

§ 3128.3 Separate assignments required for transfer of record titles to leases.

A separate instrument of assignment must be filed for each oil and gas lease when transfers involve record titles. When transfers to the same person, association, or corporation, involving more than one oil and gas lease are filed at the same time for approval, one request for approval and one showing as to the

qualifications of the assignee will be sufficient.

§ 3128.4 Effect of assignment of particular tracts or undivided interests therein.

An assignment of a definitely described portion of the lands in a lease segregates the assigned and the retained portions into separate and distinct leases. An assignment of an undivided interest either in the entire leasehold or in any definitely described portion thereof shall not segregate or have the effect of segregating the lease into separate or distinct leases.

§ 3128.5 Extension of leases segregated by assignment.

(a) Any lease segregated by assignment, including the retained portion, shall continue in effect for the primary term of the original lease, or for two years after the date of discovery of oil or gas in paying quantities upon any other segregated portion of the original lease, whichever is the longer period.

(b) Undeveloped parts of leases retained or assigned out of leases which are in their extended term under any provision of the act shall continue in effect for two years after the effective date of assignment and so long thereafter as oil or gas is produced in paying quantities, provided the parent lease was issued prior to September 2, 1960.

(c) Undeveloped parts of leases retained or assigned out of leases which are extended by production, actual or suspended, or the payment of compensatory royalty shall continue in effect for two years after the effective date of assignment and so long thereafter as oil or gas is produced in paying quantities.

§ 3128.6 Royalty interests in oil and gas leases and assignments thereof.

Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of section 27 of the act. In order that the holdings of the assignee may be verified, all assignments of royalty interests must be filed for record purposes but no formal approval will be given. Any such assignment will be deemed to be valid provided it is accompanied by a statement over the assignee's signature that he is a citizen of the United States and that his interests in oil and gas leases do not exceed the acreage limitation as provided in § 3120.1–2 and by the statement as to over-riding royalties required by § 3125.4. If any portion of this statement is found to be false the assignment shall be invalid.

Subpart 3129—Termination

§ 3129.1 Relinquishment of leases or portions thereof.

A lease or any legal subdivision thereof may be surrendered by the record title holder by filing a written relinquishment, in triplicate, in the proper land office. A relinquishment shall take effect on the date it is filed subject to the continued obligation of the lessee and his surety to make payments of all accrued rentals and royalties and to place all wells on the land to be relinquished in condition for suspension or abandonment in accordance with the regulations and the terms of the lease. A statement must be furnished that all moneys due and payable to workmen employed on the leased premises have been paid.

§ 3129.2 Cancellation and termination of lease.

(a) Any lease issued after July 29, 1954, or any lease which is extended after that date pursuant to § 3127.1 on which there is no well capable of producing oil or gas in paying quantities shall automatically terminate by operation of law if the lessee fails to pay the rental on or before the anniversary date of such lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. The termination of the lease for failure to pay the rental must be noted on the official records of the appropriate Land Office. Upon such notation the lands included in such lease will become subject to the filing of new lease offers only as provided for in § 3123.9.

(b) Whenever the lessee fails otherwise to comply with any of the provisions of the act, of the regulations issued thereunder, or of the lease, such lease may be cancelled by the Secretary of the Interior if not known to contain valuable deposits of oil or gas after notice to lessee in accordance with section 31 of the act, if default continues for the period prescribed in that section after service of notice thereof. Any lessee of a lease which issued prior to July 29, 1954, may, at any time prior to the anniversary date of such lease and the accrual of rental, elect to subject his lease to the automatic termination provisions of this section by notifying, in writing, the manager of the appropriate land office to that effect.

(c) Leases known to contain valuable deposits of oil or gas may be cancelled only by judicial proceedings in the manner provided in sections 27 and 31 of the act.

PART 3130—COAL LEASES, PERMITS AND LICENSES

Subpart 3130—Coal Leases, Permits and Licenses; General

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AUTHORITY: The provisions of this Part 3130 issued under sec. 32, 41 Stat. 450; 30 U.S.C. 189.

Subpart 3130—Coal Leases, Permits and Licenses; General

§ 3130.0–3 Statutory authority.

Sections 2 to 8, inclusive, of the act of February 25, 1920 (41 Stat. 438 et seq., 30 U.S.C. 201, 202–208), as amended, authorize the Secretary of the Interior to:

(a) Divide into leasing units and award leases of coal lands and coal deposits owned by the United States.

(b) Issue permits to prospect unclaimed and undeveloped areas of coal lands and coal deposits; and

(c) Issue limited licenses or permits to prospect for, mine and take for use coal from public lands.

§ 3130.1 Requirements when lands are within a withdrawal.

Where any part of the lands embraced in an application for coal lease, permit or license is within a withdrawal which does not preclude disposition of the coal deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a coal lease, permit or license. In cases where such agency recommends that a special stipulation be furnished by the applicant to protect the interest of the United States, an appropriate stipulation will be included in the lease, permit or license.

Subpart 3131—General Provisions

§ 3131.1 Acreage limitations.

(a) Except where the rule of approximation applies, a permit or lease may not exceed 2,560 acres. The rule of approximation applies to applications for leases or prospecting permits only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 2,560 acres greater than the excess over 2,560 acres resulting from the inclusion of such subdivision. A permit shall include contiguous tracts, or tracts in reasonably compact form. A lease shall include contiguous tracts, except in cases where noncontiguous tracts can be efficiently worked as a single mine or unit. Except as hereinafter stated, no person, association, or corporation may hold at one time coal leases or permits exceeding 10,240 acres in any one state, whether directly through the ownership of such leases and permits, or interests therein, and applications therefor, or indirectly as a member of an association or as a stockholder of a corporation holding such leases and permits, or interests therein, and applications therefor. In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease or permit shall be such party's proportionate part of the total lease and permit acreage. Likewise the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holdings of any association or corporation, unless he is the beneficial owner of more than ten percent of the stock or other instruments of ownership or control of such association or corporation.

§ 3131.2 Qualifications of applicants.

(a) Leases and prospecting permits may be issued to citizens of the United States, associations of citizens and corporations organized under the laws of the United States or any State thereof, including a company or corporation operating a common-carrier railroad, and to municipalities. Limited licenses or permits for the mining of coal may be issued to citizens, associations of citizens and municipalities.

(b) Every applicant for coal permit or lease, other than a company or corporation operating a common-carrier railroad, must show that, with the area applied for, his or its interest or interests in such permits, leases and applications therefor, directly or indirectly, do not exceed in the aggregate 10,240 acres in any one State.

(c) Every company or corporation operating a common-carrier railroad must make a statement that it needs the coal for which it seeks a permit or lease for its own use for railroad purposes; that it operates main or branch lines in the State in which the lands involved are located; that the aggregate acreage in the permits, leases and applications therefor in which it is interested directly or indirectly does not exceed 10,240 acres; and that it does not hold more than one permit or lease for each 200 miles of its railroad lines served or to be served from such coal deposits exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam.

(d) Every applicant for lease or permit must also furnish a showing as to the need for additional coal production which cannot otherwise be reasonably met, or, if such a showing of need cannot be made, a statement of the reasons why a lease or permit is desired.

§ 3131.3 Equitable rights; holders of leases or permits affecting certain lands or coal deposits in Oklahoma.

(a) Equitable rights of persons who, prior to February 25, 1920, occupied and improved or claimed coal lands in good faith may be recognized in awarding leases of such lands. In the case of an award of a lease to such a person the rents and royalties will be established at rates not less than the minimum provided for leases under the act.

(b) A holder of a lease or permit, including a lease under temporary extensions, outstanding on May 24, 1949, covering certain coal lands or coal deposits in Oklahoma which the Choctaw and Chickasaw Nations agreed to convey to the United States in a contract ratified by the act of June 24, 1948 (62 Stat. 596), who has maintained or acted diligently to maintain the lease or permit in good standing, may obtain a lease for the same lands or deposits without competitive bidding, provided that he files an application for a lease under this part prior to the expiration date of the current lease.

§ 3131.4 Permits, leases and licenses for lands disposed of with reservation of coal.

Where lands included in a permit, lease or license have been or may be disposed of with reservation of the coal deposits, a permittee, lessee or licensee must make full compliance with the law under which such reservation was made. See the acts of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81); June 22, 1910 (36 Stat. 583; 30 U.S.C. 83–85), December 29, 1916 (39 Stat. 862; 43 U.S.C. 291–301); June 17, 1949 (63 Stat. 200); June 21, 1949 (63 Stat. 214; 30 U.S.C. 54); March 8, 1922 (42 Stat. 415; 48 U.S.C. 377), and other laws authorizing such reservation.

Subpart 3132—Leases

§ 3132.1 Requirements.

§ 3132.1–1 Leasing units.

(a) No coal land or deposits may be leased until after division into suitable leasing units or tracts. Such leasing units may be established either upon application or when it is deemed advisable that additional coal units be established.

(b) All material factors, such as character and depth of the coal deposits, topography of the land, situation with respect to adjacent private holdings of coal lands, the proximity of rail or water transportation and outlet for other lands in the immediate vicinity, as well as the investment reasonably required to provide the requisite development and operating facilities, will be given consideration in the establishment of leasing units.

(c) Leasing units may include, in whole or in part, unsurveyed land, but a survey of the land will be made and the leasing unit conformed to such survey prior to the execution of a lease thereof.

§ 3132.1–2 Leasing of additional coal deposits.

(a) Under section 3 of the act (30 U.S.C. 203), a lessee may obtain a modification of his lease to include coal lands or coal deposits contiguous to those embraced in his lease if the authorized officer determines that it will be to the advantage of the lessee and the United States, but in no event shall the area embraced in such modified lease exceed in the aggregate 2,560 acres, except where the rule of approximation applies. The lessee shall file his application for modification in duplicate in the proper land office describing the additional lands desired, the needs and reasons for and the advantage to the lessee of such modification. Upon determination by the authorized officer that the modification is justified and the interest of the United States is protected, the lease will be modified without competitive bidding to include such part of the land or deposits as he shall prescribe. If, however, it is determined that the additional lands or deposits can be developed as part of an independent operation or that there is a competitive interest in them they may be offered as provided in § 3132.4–2.

(b) Under section 4 of the act (30 U.S.C. 204), upon satisfactory showing by the lessee that all of the workable deposits of coal within a tract covered by the lease will be exhausted, worked out or removed within three years thereafter, an additional tract of land or coal deposit may be leased. Application shall be filed in duplicate in the proper land office and shall contain a description of the lands requested, estimated recoverable reserves, future plan of operation for such reserves and for any lands requested and the proposed method of entry into such lands. If the lands or coal deposits or any part thereof are found to constitute an acceptable leasing unit they will be offered for leasing as provided in § 3132.4–2. If the applicant be the successful bidder and the additional lands can be practicably operated with the applicant's leasehold as a single mine or unit, the additional lands may be included in a modified lease which must not exceed 2,560 acres; otherwise, a separate lease may be issued.

(c) Before a lease is modified under paragraph (a) or (b) of this section, the lessee shall file the consent of surety and the acceptance by the lessee of the applicable regulations.

(d) A filing fee of $10, which will be retained as a service charge in any event, must accompany an application for modification of a lease under paragraph (a) or (b) of this section.

§ 3132.2 Application for lease.

(a) No specific form is required, but the application should cover the following points:

(1) The applicant's name and address.

(2) Proof of citizenship: If applicant is an individual, a statement as to whether native born or naturalized; if an association (including a partnership), it must submit a certified copy of the articles of association and a statement by its members as to their citizenship and holdings. If the applicant is a corporation, it must submit statements showing (i) the State in which it is incorporated; (ii) that it is authorized to hold leases and permits for coal deposits, and the names of the officers authorized to act in such matters in behalf of the corporation; (iii) the percentage of the corporate voting stock and of all the stock owned by aliens or those having addresses outside of the United States; and (iv) the name, address, citizenship and acreage holdings of any stockholder owning or controlling 20 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or on behalf of aliens, or persons who have addresses outside of the United States, the corporation must give their names and addresses, the amount and class of stock held by each, and to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each. A municipality must submit evidence of: (a) The manner in which it was organized; (b) that it is authorized to hold a permit or lease; and (c) that the action proposed has been duly authorized by its governing body. Where such material has previously been filed a reference by serial number to the record in which it has been filed, together with a statement as to any amendments will be accepted.

(3) A statement of the interests, direct or indirect, in other coal leases, permits or applications therefor on public lands in the State in which the lease is desired, identifying same by land office and serial number, and that such interests, when added to the acreage covered by the application, do not exceed in the aggregate 10,240 acres in the State. A railroad company or corporation operating a common carrier must state that its interests, together with the acreage covered by the application, do not exceed in the aggregate 10,240 acres.

(4) A complete and accurate description of the lands for which the lease is desired. If the lands have been surveyed under the public land rectangular system, each application must describe the lands by legal subdivision, section, township, and range. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all applications to lease lands shown on such protracted surveys, filed on or after such effective date, must describe the lands only according to the section, township, and range shown on the approved protracted surveys. If the lands have neither been surveyed on the ground nor shown on the records as protracted surveys, each application must describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the lands are irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska the description of unsurveyed lands must be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by any agency of the United States (such as the United States Geological Survey, the Coast and Geodetic Survey, or the International Boundary Commission). If the record position thereof is available to the general public.

(5) The showing specified in § 3131.2 (d).

(6) A statement of the general situation of the land with respect to other mines, its topography, outlet to market, and transportation facilities and the character and extent of the coal deposits so far as known.

(7) The contemplated investment for the development and equipment of a producing mine of a stated average daily output.

(b) All applications must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings unless the power of attorney specifically authorized and empowers the attorney-in-fact to make such statement or to execute all statements which may be required under these regulations. Where such power of attorney has been filed in the same land office where the application is filed reference thereto by serial number of the record in which it has been filed may be made upon the filing of subsequent applications. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument.

(c) A filing fee of $10, which will be retained as a service charge in any event, must accompany each application.

§ 3132.3 Issuance of leases.

§ 3132.3–1 Compliance bond.

A compliance bond, in no event less than $1,000, will be required prior to the issuance of a lease. The right is reserved at any time before or after issuance of the lease to require an increase in the amount of the bond, whether a corporate, personal or individual security bond, in any case where the Bureau of Land Management deems it proper to do so.

§ 3132.3–2 Form of lease.

Leases shall be issued on a form approved by the Director.

§ 3132.3–3 Minimum production.

Leases shall be conditioned upon the payment of a royalty on a minimum annual production beginning with the sixth year of the lease, except when operation is interrupted by strikes, the elements, or casualties not attributable to the lessee, unless, on application and showing made, operations shall be suspended when market conditions are such that the lease cannot be operated except at a loss or for the other reasons specified in section 39 of the act (see § 3102.4). Operations under the lease shall be continuous except in the circumstances described or unless the lessee shall pay a royalty, less rent, on the minimum production for one year in advance, in which case operations may be suspended for that year.

§ 3132.4 Competitive leasing.

§ 3132.4–1 Offer for lease by competitive bidding.

If the lands or deposits are found to constitute an acceptable leasing unit and subject to coal lease, they will be offered for such lease on the terms and conditions to be specified in the notice of sale to the qualified person who offers the highest bonus by competitive bidding as provided in the notice of sale. If it be found that the area covered by an application does not constitute an acceptable leasing unit, the area may be adjusted, by appropriate additions and eliminations, to constitute an acceptable leasing unit which may be offered for lease.

§ 3132.4–2 Notice of lease offer.

Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will show the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the land and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which the bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; and (b) that the Government reserves the right to reject any and all bids. If the sale is by public auction, the statement of terms and conditions of the sale will also specify that sealed bids may be submitted. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding is unlawful. See 18 U.S.C. 1860.

§ 3132.4–3 Sale; bidding requirements, action by successful bidder.

(a) When the sale is by public auction, before bidding is commenced by those persons present, the Manager or other officer conducting the sale will open and read to those persons the sealed bids received on or before the time set in the notice of lease offer. The successful bidder at a sale by public auction must on the day of sale deposit with the Manager each bidder at a sale by sealed bid must submit with his bid, the following: Certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount of the bid by him, and a statement over the bidder's own signature with respect to citizenship and interests held, similar to that prescribed in § 3132.2.

(b) Upon receipt of the high bid at, and at the close of, an oral auction, or at the opening of the sealed bids, the authorized officer, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. If the land is not subject to lease, or for any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

§ 3132.7 Cancellation of lease.

(a) If the lessee shall fail to comply with the provisions of the act, or of the general regulations promulgated and in force at the date of the lease, or at the effective date of any readjustment of the terms and conditions thereof under § 3132.5 or make default in the performance or observance of any of the terms, covenants, and stipulations of the lease and such failure or default shall continue for 30 days after service of written notice thereof by the lessor, then the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of the lease as provided in section 31 of the act. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause of forfeiture, or for the same cause occurring at any other time.

(b) A lease or permit issued pursuant to § 3131.1(d) may be canceled by the authorized officer if the cancellation is in the public interest or the coal deposits in the lands covered thereby are no longer necessary for the lessee or permittee to carry on business economically or if the lessee or permittee has divested himself of all or any part of the original 10,240 acres or no longer has facilities for the exploitation of the deposits under lease or permit. However, such lessee or permittee will be given notice of the proposed cancellation and afforded an opportunity of submitting evidence showing why the lease or permit should not be canceled.

Subpart 3133—Permits

§ 3133.1 Character of lands.

Permits shall be issued on a form approved by the Director for a period of two years to qualified applicants to prospect unclaimed, undeveloped lands where

deposits as disclosed by the prospecting work performed under the permit, show that coal was discovered in commercial quantities before the date of the expiration of the permit and show any change in the information contained in the application for permit. The application must be accompanied by the rental for the first year of the lease, which shall be twenty-five cents for each acre or fraction thereof. The lease, if issued, will be in accordance with the provisions of § 3132 and will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, unless otherwise specified therein. If the permit expires and the application for lease is finally rejected royalty for coal mined to the date of receipt of notice by the permittee of such rejection will be charged in accordance with the royalty terms of the permit and such mining of the coal will not constitute a trespass.

(b) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms,

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittees and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 3132.2.

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittees and citing the provisions of the law of the deceased's last domicile showing no probate is required.

§ 3135.2 Application for license.

Application for a limited license to mine coal for domestic needs must be filed, in quadruplicate, on a form approved by the Director or its substantial equivalent in the appropriate land office and be accompanied by a $10 filing fee. A municipality must file with the application a showing of (a) the law or charter and procedure taken by which it became and exists a legal body corporate, (b) that the taking of a license is authorized under such law or charter and (c) that the proposed action has been duly authorized by the governing body of the municipality.

§ 3135.3 Licenses to relief agencies.

(a) The Bureau of Land Management, may grant authority to a recognized established relief agency of any State, upon its request, to take government-owned coal deposits within the State in localities where needed to supply families on the rolls of such agency who require coal for fuel for their homes and who are unable to pay for same.

(b) Tracts shall be selected at points convenient to supply the families in the locality thereof, and each family shall be restricted to the amount of coal actually needed for its use, which in no case shall exceed 20 tons annually.

(c) Coal may be taken from such tracts only by those given written authority by the relief agency, and all mining shall be done pursuant to permission and all Federal and State laws and regulations for the safety of miners, prevention of fires and of waste, etc., shall be observed. The relief agency shall see that the premises are left in a safe condition for future mining operations.

(d) The local relief agency may take coal from available land prior to issuance of license but not earlier than 5 days after it has filed in the land office of the district wherein the land is situated an application for license. No filing fee will be required. In the absence of objections and if the application is otherwise regular, a license will be granted. Pending action on the application for license, the relief agency may continue to take the coal.

prospecting or exploratory work is necessary to determine the existence or workability of the coal deposits.

§ 3133.2 Rights conferred.

A permit will entitle the permittee to the exclusive right to prospect for coal on the land described therein. In the exercise of this right, the permittee shall be authorized to remove from the premises only such coal as may be necessary in order to determine the workability and commercial value of the coal deposits in the land.

§ 3133.3 Application for permit; permit rental.

An application for a permit must be filed in duplicate in the appropriate land office. Each application must be accompanied by a filing fee of $10 which is not returnable, and by full payment of the first year's rental at the rate of 25 cents per acre or fraction thereof but no less than $20, the rental payment to be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest legal subdivision. No specific form of application is required. In addition to the requirements of § 3132.2(a) (1) to (5) and (b), the application for a permit should be accompanied by a proposed plan and method for conducting prospecting or exploratory operations on the land setting forth the estimated cost of carrying out such proposed prospecting operations, and the diligence with which such operations will be prosecuted.

§ 3133.4 Permit bond.

(a) The applicant must furnish a corporate surety bond or a personal bond on a form approved by the Director conditioned upon compliance with all the terms of the prospecting permit. The bond shall be in the sum of $500 except where the lands applied for have been entered or patented with the coal reserved to the United States pursuant to the act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83–85) or the act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 377), in which event, a bond on the same form in the sum of $1,000 will be required.

(b) The bond may be filed with the application which will expedite action thereon, or within 30 days after receipt of notice by the applicant that the permit will be granted when the bond is filed.

§ 3133.5 Extension, relinquishment, cancellation, or termination of permit.

(a) Coal permits may be extended by an authorized officer of the Bureau of Land Management for a period of two years if he finds, after consultation with the Mining Supervisor of the Geological Survey, that the permittee has been unable, with reasonable diligence, to determine the existence or workability of coal deposits covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons warranting such an extension. An application for extension must be filed in duplicate within 90 days prior to expiration of the permit and must be accompanied by the third year's rental and a $10 filing fee, which is not returnable. The application must disclose the reasons additional time is considered necessary to complete prospecting work. Extension will be limited to such period, not to exceed the two years, as may be determined to be allowable under the circumstances in each particular case. If an application for extension is not filed within the specified period, the permit will expire without notice to the permittee and the lands if otherwise available shall be subject to filing of new applications for coal permits.

(b) The permittee may relinquish the entire permit acreage or any portion thereof. A partial relinquishment must specifically describe the lands surrendered and the exact area thereof. A relinquishment must be filed in duplicate in the proper land office. Upon its acceptance, it will be effective as of the date it is filed, subject to the continued obligation of the permittee and his surety to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the permit lands in accordance with the regulations and terms of the permit.

(c) Except as provided for in subparagraph (1) of this paragraph, if a permittee fails to comply with the general regulations in force at the date of the permit, or defaults with respect to any of the terms or stipulations of the permit, and such failure or default continues for 30 days after service of written notice thereof by the Government, the permit may be canceled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit for any other cause, or for the same cause occurring at any other time.

(1) Any prospecting permit shall terminate automatically if the permittee fails to pay the rental on or before the anniversary date of the permit. However, if the time for payment falls upon any day in which the proper office to receive payment in not open, payment received on the next official working day shall be deemed to be timely.

(2) The termination of the permit for failure to pay the rental must be noted on the official records of the proper land office. Until such notation is made, the lands covered by the permit shall not be available for filing of any other coal permit applications. Applications for such permits filed prior to such notation will be rejected.

(d) Where lands embraced in a cancelled or relinquished permit are not withdrawn from leasing, such lands shall become available for the filing of new permit applications immediately upon notation on the official status records of the cancellation or relinquishment of the permit. Even if the cancellation or relinquishment has not been noted, the lands formerly covered by the permit shall likewise become available for the filing of new applications on the date which would have marked the end of the primary or extended term of the permit except for the cancellation or relinquishment.

§ 3133.6 Reward for discovery.

(a) A permittee who shows, that prior to the expiration of his permit, the land included in the permit contains coal in commercial quantities, is entitled to a preference right lease for all or part of the land, the area to be taken in a reasonably compact form. An application for preference right lease must be filed in duplicate promptly after commencement of commercial operations, but in no event later than the expiration of the period to which the permit is limited. The application must describe the land desired, set forth fully and in detail the extent and mode of occurrence of the coal

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 3132.2, except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 3132.2.

Subpart 3134—Transfers

§ 3134.1 Transfers, including subleases.

(a) Permits and leases may be transferred, in whole or in part to any person, association, or corporation qualified to hold such leases and permits. The approval of a transfer of only part of the lands described in a permit or lease will create a new permit or lease which will be given a current serial number, but a discovery on lands under one permit will not inure to the benefit of the other. The approval of such a transfer will not extend the life of the permit or the readjustment periods of the lease. Transfers of permits and leases, whether by direct assignments, working agreements, transfer of royalty interests, subleases or otherwise, must be filed for approval within 90 days from final execution and must contain evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease or permit applicant by § 3132.2. If the instrument fails to describe the true consideration, a statement must be submitted showing the consideration in full. The statement will be treated as confidential and not for public inspection. If a bond is necessary it must be furnished. Transfers of record title interest must be filed in triplicate. A single executed copy of all other instruments of transfer is sufficient. A transfer will take effect the first day of the month following its final approval by the Bureau of Land Management, or if the transferee requests, the first day of the month of the approval.

(b) The transferor of a permit or lease, including a sublease, and his surety will continue to be responsible for the performance of any obligation under the permit or lease until the effective date of the approval of the transfer. If the transfer is not approved, their obligation to the United States shall continue as though no such transfer had been filed for approval. After the effective date of approval the transferee, including sublessee, and his surety will be responsible for the performance of all permit or lease obligations notwithstanding any terms in the transfer to the contrary. The account under the permit or lease must be in good standing before approval of a transfer will be given.

(c) An application for approval of any instrument transferring a lease or permit, or interest therein, must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(d) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(e) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Secretary as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 3133.6(b).

§ 3134.2 Limitation on overriding royalties.

An overriding royalty interest shall not be created by assignment or otherwise exceeding 50 percent of the rate of royalty first payable to the United States under the lease or an overriding royalty interest which when added to any other overriding royalty interest exceeds that percentage, excepting that where an interest in the leasehold, permit, or operating agreement is assigned, the assignor may retain an overriding royalty interest in excess of the above limitation if he shows to the satisfaction of the Bureau of Land Management, that he had made substantial investments for improvements on the land covered by the assignment.

Subpart 3135—Limited Coal Licenses

§ 3135.0–1 Purpose of license.

Coal licenses may be issued for a period of two years to individuals and associations of individuals to mine and take coal for their own local domestic need for fuel, but in no case for barter or sale, without the payment of any rent or royalty. Licenses may be issued to municipalities to mine and dispose of coal without profit to their residents for household use. Under such a license a municipality may not mine coal either for its own use or for nonhousehold use such as for factories, stores, other business establishments and heating and lighting plants.

§ 3135.1 Area and duration.

(a) A license to an individual or association, in the absence of unusual conditions or necessity, will be limited as to area to a legal subdivision of 40 acres or less and may be revoked at any time. Such license will expire by limitation at the end of 2 years from date of issuance, unless timely renewed on application filed and proper showing made prior to expiration of the 2-year period.

(b) Licenses to municipalities are limited as to area by the act, as follows: Not to exceed 320 acres for a municipality of less than 100,000 population, not to exceed 1,280 acres for a municipality of not less than 100,000, and not more than 150,000 population, and not to exceed 2,560 acres for a municipality of 150,000 population or more. Licenses to municipalities will expire by limitation at the end of 4 years from date of issuance, unless renewed; but every such licensee must make to the Bureau of Land Management, an annual report of all operations conducted under such license.

(c) An application for renewal of a license must be accompanied by a filing fee of $10, which will be retained as a service charge even though the application is later withdrawn or rejected.

PART 3140—POTASSIUM PERMITS AND LEASES

Subpart 3140—Potassium Permits and Leases; General

Sec.
3140.0–3 Statutory authority.
3140.0–6 Completion of pending applications and prior claims.

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Subpart 3144—Transfers

3144.1 Transfers, including subleases.

Subpart 3145—Royalties

3145.1 Overriding royalties.

AUTHORITY: The provisions of this Part 3140 issued under sec. 32, 41 Stat. 450; 30 U.S.C. 189, Interpret or apply secs. 1–7, 44 Stat. 1057, 1058, as amended sec. 7, 47 Stat. 151; 30 U.S.C. 281–287.

Subpart 3140—Potassium Permits and Leases; General

§ 3140.0–3 Statutory authority.

(a) Sections 1 to 7 of the act of February 7, 1927, as amended (44 Stat. 1057, 30 U.S.C. secs. 281–287), authorize the Secretary of the Interior to:

(1) Issue permits to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium in public lands or in public lands disposed of with a reservation of such deposits to the United States.

(2) Lease such lands containing valuable deposits of such substances.

(b) As authorized in section 4 of the act, potassium leases may also provide for the development of sodium, magnesium, aluminum, or calcium deposits, in any of the forms described in said section, associated with the potassium deposits.

§ 3140.0–6 Completion of pending applications and prior claims.

(a) Section 6 of the act of February 7, 1927, supra, which repealed the act of October 2, 1917 (40 Stat. 297), excepts valid claims existing at the passage of the act and thereafter maintained in compliance with the law under which initiated, which claims may be perfected under such law, including discovery.

(b) As to potassium mining claims, only those claims may be patented which were initiated prior to and were valid existing claims on October 2, 1917, and have since been duly maintained as such.

Subpart 3141—Area Limitation

§ 3141.1 Area and limitation on holdings.

(a) A lease or permit may not exceed 2,560 acres, except where the rule of approximation applies. The lands in the lease or permit shall be in reasonably compact form entirely within an area of six miles square or within an area not exceeding six surveyed or protracted sections in length or width. No person, association, or corporation may hold at one time in any one state potassium permits exceeding 51,200 acres, and except as hereinafter provided, potassium leases exceeding 25,600 acres in one or more mining units, whether directly through the ownership of such permits or leases or interests therein and applications, therefor, or indirectly as a member of an association or as a stockholder of a corporation holding such permits or leases, or interests therein and applications therefor. In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease or permit shall be such party's proportionate part of the total lease and permit acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holdings of any association or corporation unless he is the beneficial owner of more than ten percent of the stock or other instruments of ownership or control of such association or corporation.

(b) Any person, association, or corporation holding acreage approximating 25,600 acres of Federal land, upon a showing that the leased deposits extend into adjoining or adjacent Federal lands and that the lands containing such reserves are a necessary and normal part of a mining unit may file an application with the Manager to have such adjoining or adjacent Federal land (including lands under lease, permit lands subject to lease, or unleased lands) designated a fringe-acreage that will not be chargeable under paragraph (a) of this section to leasehold acreage holdings of the applicant. Such an application must be accompanied by a filing fee of $10 which is not returnable. If the Manager shall determine, after consultation with the Mining Supervisor, that the application meets the above requirements and that such designation will result in conservation of natural resources and will provide for economical and efficient recovery as a part of the mining unit, he may designate specific tracts by legal subdivisions not to exceed 2,560 acres in all as nonchargeable to the applicant under paragraph (a) of this section. The intent of this provision is that fringe area deposits not to exceed 2,560 acres may be held without acreage charge upon acquisition of mining rights therein by the applicant. A designation of fringe-acreage under this section shall not constitute a determination that the deposits therein shall be mined only by the applicant.

§ 3141.2 Qualifications of applicant.

(a) Permits and leases may be issued to citizens of the United States, association of citizens, and corporations organized under the laws of the United States or of any State or Territory thereof.

(b) All applicants must file with the Manager statements and evidence as follows (unless previously filed, in which event a reference by serial number to the record and the land office in which filed, together with a statement as to any amendments, will be accepted):

(1) As to citizenship, whether native born or naturalized.

(2) If applicant is an association (including a partnership), it must submit a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(3) A corporation must submit a statement showing:

(i) The State in which it is incorrated.

(ii) That it is authorized to hold leases for potassium deposits and that the person executing an instrument on behalf of the corporation is authorized to act in such matters.

(iii) The percentage of voting stock and of all the stock owned by aliens for those having addresses outside of the United States. When the stock owned by aliens is over 10 percent, additional information may be required.

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class, of the corporation.

(4) That holdings do not exceed the acreage limitations specified in § 3141.1.

§ 3141.3 Permits and leases for lands disposed of with reservation of potassium.

Where lands included in a permit or lease have been disposed of with reservation of potassium deposits, a permittee or lessee must make full compliance with the law under which such reservation was made. See the acts of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121–123); December 29, 1916 (39 Stat. 862; 43 U.S.C. 291–301); June 17, 1949 (63 Stat. 201); June 21, 1949 (63 Stat. 215; 30 U.S.C. 54), and August 13, 1954 (68 Stat. 708), and other laws authorizing such reservations.

NOTE: As provided in paragraph 3 of notice of October 16, 1951, 16 F.R. 10669, potash permits and leases including renewals for "Potash Area lands" within Eddy and Lea Counties, New Mexico, shall contain special requirements for the protection of oil and gas deposits.

§ 3141.4 Requirements when lands are within a withdrawal.

Where any part of the lands embraced in an application for potassium permit or lease is within a withdrawal which does not preclude disposition of the potassium deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a potassium permit or lease. Where he recommends that a special stipulation be required to protect the interests of the United States, an appropriate stipulation may be included in the lease or permit.

Subpart 3142—Prospecting Permits

§ 3142.1 Application for permit; permit rental.

(a) An application for a permit must be filed in duplicate in the appropriate land office. Each application must be accompanied by a filing of $10 which is not returnable, and by full payment of the first year's rental in the amount specified in paragraph (b) of this section, the rental payment to be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest legal subdivision. No specific form of application is required, but the application should include the information and evidence set forth in §§ 3141.2 and 3143.1(a) (1) and (2).

(b) A permittee must pay an annual rental of 25 cents an acre or fraction thereof covered by his permit, but not less than $20 per year.

§ 3142.2 Rights conferred.

Two-year permits issued on a form approved by the Director grant the permittee the exclusive right to prospect and explore the lands described therein to determine the existence of, or workability of, the potassium deposits. Only such material may be removed from the land as is necessary to experimental work or the demonstration of the existence of such deposits in commerical quantities.

§ 3142.3 Permit bond.

Prior to the issuance of a permit the applicant must furnish a bond of not less than $1,000.

§ 3142.4 Extension of permits.

Potassium permits may be extended for a single period of two years if the permittee has drilled at least one adequate test well on the permit area or performed other comparable prospecting prescribed in the permit during the two-year period for which the permit was issued. This requirement may be waived, in the discretion of the Secretary, upon a satisfactory showing that the failure of permittee was directly attributable to the shortage of equipment or labor essential to the prescribed prospecting. The showing should consist of copies of timely correspondence or other evidence demonstrating the unsuccessful efforts to obtain the material or labor. The application for extension must be filed in duplicate in the appropriate land office within the period beginning 90 days prior to the date of expiration of the permit. Upon failure of permittee to file such an application within the specified period, the permit will expire without notice to the permittee, and the lands will be subject to new applications for potassium permits. The application for extension must be accompanied by a filing fee of $10, which will be retained as a service charge even though the application is later withdrawn or rejected.

§ 3142.5 Relinquishment, cancellation or termination of permit.

(a) A permittee may relinquish the entire permit acreage or any portion thereof. A partial relinquishment must describe the lands surrendered and the exact area thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance, it will be effective as of the date of its filing, subject to the continued obligation of the permittee and his surety to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the permit lands in accordance with the regulations and terms of the permit.

(b) Except as provided in subparagraph (1) of this paragraph, if a permittee fails to comply with the general regulations in force at the date of the permit, or defaults with respect to any of the terms or stipulations of the permit, and such failure or default continues for 30 days after service of written notice thereof by the Government then the permit may be canceled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit for any other cause, or for the same cause occurring at any other time.

(1) Any prospecting permit shall terminate automatically if the permittee fails to pay the rental on or before the anniversary date of the permit. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely.

(2) The termination of the permit for failure to pay rental must be noted on the official records of the appropriate land office. Until such notation is made, the lands covered by the permit shall not be available for further filing of applications for potassium permit. Applications for such permits filed prior to such notation will be rejected.

(c) Where lands embraced in a canceled or relinquished permit are not withdrawn from leasing, such lands shall become available for the filing of new permit applications immediately upon notation on the official status records of the cancellation or relinquishment of the permit. Even if the cancellation or relinquishment has not been noted, the lands formerly covered by the permit shall likewise become available for the filing of new applications on the date which would have marked the end of the primary or extended term of the permit except for the cancellation or relinquishment.

§ 3142.6 Reward for discovery.

(a) A permittee who discovers valuable potassium deposits in the land before the permit expires is entitled to a preference right lease of all or part of the lands in the permit, in a reasonably compact form as provided in § 3141.1. An application for a preference right lease must be filed in the appropriate land office not later than 30 days after the permit expires. The application must describe the lands desired, show any change in the information contained in the application for permit, specify fully the extent and mode of occurrence of the deposits as described by the prospecting work, and show that valuable potassium deposits were discovered before the permit expired. The application must be accompanied by the first year's lease rental at the rate of 25 cents per acre or fraction thereof. The lease will be on a form approved by the Director and will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, unless otherwise specified therein. If the permit expires and the application for lease is finally rejected, royalty for the deposits mined will be charged at the permit rate and such mining will not constitute a trespass.

(b) If the lands are unsurveyed, the permittee, prior to the issuance of a lease, will be required to deposit with the appropriate State Director the estimated cost of making a survey of the lands as officially determined by the Bureau of Land Management. This survey will be an extension of the public land surveys over the lands applied for, and the lands to be included in the lease will be conformed to the subdivision of such survey.

(c) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) When probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 3141.2.

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee and citing the provisions of the law of the

deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 3141.2b (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 3141.2(b).

Subpart 3143—Leases

§ 3143.1 Application for lease.

(a) An application for a lease must be filed in duplicate in the appropriate land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form is required, but the application should include the following:

(1) The applicant's name and address.

(2) A complete and accurate description of the lands for which the lease is desired. If the lands have been surveyed under the public land rectangular system, each application must describe the lands by legal subdivision, section, township, and range. If the lands have not been so surveyed, each application must describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the lands are in irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska the description of unsurveyed lands must be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by any agency of the United States (such as the U.S. Geological Survey, the Coast and Geodetic Survey, or the International Boundary Commission), if the record position thereof is available to the general public. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all applications to lease lands shown on such protracted surveys, filed on or after such effective date, must describe the lands only according to the section, township, and range shown on the approved protracted surveys.

(3) Evidence that the land is valuable for its potassium content, with a statement as to the character, extent and mode of occurrence of the potassium deposits.

(b) The application must be signed by applicant, or by his attorney-in-fact supported by the power of attorney.

(c) If it be found that the area applied for is not available for leasing, the applicant will be so informed.

(d) Lands determined to be available for leasing may be offered competitively in the manner specified in § 3143.3–1 except that if the Manager, after consulting with the Mining Supervisor, determines that the potassium deposits in the lands applied for extend into an active mining unit held by the applicant, are a normal part of such mining unit, are lacking in sufficient reserves to warrant independent development as a single mining unit, and are not of competitive interest to holders of other active mining units in the area, he may, in the interest of conservation of natural resources, grant to such applicant a lease to mine and remove such adjoining deposits without competitive bidding. A noncompetitive lease granted under this subsection shall provide for a royalty on production equal to the highest rate of royalty in any Federal lease in the applicant's adjoining mining unit but not less than 5 percent of the gross value thereof at the point of shipment to market, and at the option of the applicant to be exercised at the time of filing of his application, either a cash bonus of $15.00 per acre or fraction thereof or a production payment of one cent per mine run ton in addition to the royalty specified in the lease. Acreage bonuses must be paid at the time of filing of application. Production payments will be prescribed on the lease form.

(e) Potash lands and deposits in or adjacent to Searles Lake, California, are subject only to lease by competitive bidding, except as to potash mining rights included in sodium permits and leases issued under Part 195 of this chapter.

§ 3143.2 Provisions of potassium leases.

§ 3143.2–1 Form of lease.

Leases shall be issued on a form approved by the Director.

§ 3143.2–2 Lease bond.

A compliance bond, in no event less than $5,000, will be required prior to the issuance of a lease. Personal bonds must be secured by negotiable Federal securities in the amount of the bond.

§ 3143.2–3 Minimum production.

Leases will require the payment of a royalty on a minimum annual production beginning with the sixth full calendar lease year, unless operations are interrupted by strikes, the elements, or casualties not attributable to the lessee, or unless, on application and showing made, lease operations are suspended by the Department of the Interior for the reasons specified in section 39 of the Mineral Leasing Act (30 U.S.C. 209).

§ 3143.3 Competitive leases.

§ 3143.3–1 Notice of lease offer.

Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will state the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the land and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; and (b) that the Government reserves the right to reject any and all bids. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding is unlawful. See 18 U.S.C. 1860.

§ 3143.3–2 Bid deposits.

The successful bidder at a sale by public auction must on the date of sale deposit with the Manager of the Land Office, or other officer conducting the sale, and each bidder at a sale by sealed bids must submit with his bid the following: Certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount of the bid by him, and a statement over the bidder's own signature with respect to citizenship and interests held similar to that prescribed in § 3141.2.

§ 3143.3–3 Award of lease.

Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four copies of the lease will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 3143.3–1 and file a bond as required by § 3143.2–2. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, evidence such as specified in § 3142.6 must be filed before it can be determined to whom the lease may be issued.

§ 3143.4 Readjustment of terms and conditions at end of twenty-year periods.

The terms and conditions of a lease are subject to reasonable readjustment at the end of each twenty-year period succeeding the date of the lease, unless otherwise provided by law at the time of

the expiration of such periods. The lessee will be notified of the proposed readjustment of terms or that no readjustment is to be made. The effective date of readjustment shall be the end of the respective twenty-year period or the first of the month following receipt by the lessee of notice of readjustment, whichever is the later. Unless the lessee files objection to the proposed terms, or a relinquishment of the lease within 30 days after receipt of the notice, he will be deemed to have agreed to such terms.

§ 3143.5 Relinquishment of lease.

Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

§ 3143.6 Cancellation of lease.

If the lessee fails to comply with the general regulations in force at the date of the lease, or at the effective date of any readjustment of the terms and conditions thereof under § 3143.4, or defaults with respect to any of the terms, covenants, or stipulations of the lease, and such failure or default continues for 30 days after service of written notice thereof by the lessor, then the lessor may bring appropriate court proceedings to forfeit and cancel the lease as provided in section 31 of the Mineral Leasing Act (30 U.S.C. 188). A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause, or for the same cause occurring at any other time.

Subpart 3144—Transfers

§ 3144.1 Transfers, including subleases.

(a) Permits and leases may be transferred in whole or in part. The approval of a transfer of part of the lands in a permit or lease will create a new permit or lease for the transferred portion. A discovery made before or after the partial assignment, either on the retained or the assigned portions will not inure to the benefit of the other, nor will approval of a transfer extend the life of the permit or the readjustment periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed for approval in duplicate at the land office within 90 days after execution. Evidence of the qualifications of the assignee or transferee to hold the permit or lease, as required by § 3141.2 must be submitted simultaneously. Before a transfer of a permit or lease will be approved, the consent of the surety to the substitution of the transferee as principal, or a new bond with the transferee as principal, must be submitted if the original permit or lease required the maintenance of a bond. If the transfer is for part of the land only, it must be for a legal subdivision and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the permittee or lessee must be submitted, as well as (2) a new bond with the transferee as principal covering the portion of the lands transferred. The account under the permit or lease must be in good standing before approval of transfer will be given. A transfer will take effect the first day of the month following its approval, or if the transferee requests, the first day of the month of the approval.

(b) An application for approval of any instrument transferring a lease or permit, or interest therein, must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(c) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Secretary as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 3142.6 (c).

Subpart 3145—Royalties

§ 3145.1 Overriding royalties.

(a) An overriding royalty interest may be created by assignment or otherwise: *Provided, however,* That if the total of the overriding royalty interest at any time exceeds one percent of the gross value of the output at the point of shipment to market, it shall be subject to reduction or suspension by the Secretary to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order (1) to prevent premature abandonment, or (2) to make possible the economic mining of marginal or low grade deposits. Where there is more than one overriding royalty interest, any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof or in the absence of such agreement, in the inverse order of the dates of creation of such interests.

(b) Any assignment, sublease, or other transfer or agreement which creates an overriding royalty interest, will not be approved unless the owner of that interest files his agreement in writing that such interest is subject to suspension or reduction as provided in paragraph (a) of this section. No overriding royalties shall be paid at a rate in excess of the rate to which they have been so reduced until otherwise authorized by the Secretary.

PART 3150—SODIUM LEASES

Subpart 3150—Sodium Permits and Leases and Use Permits; General

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Subpart 3154—Transfers

3154.1 Transfers, including subleases.
3154.2 Overriding royalties.

Subpart 3155—Use Permits

3155.1 Use permits for additional land.

AUTHORITY: The provisions of this Part 3150 issued under sec. 32, 41 Stat. 450; 30 U.S.C. 189. Interpret or apply secs. 23–26, 41 Stat. 447, as amended; 30 U.S.C. 261–263.

Subpart 3150—Sodium Permits and Leases and Use Permits; General

§ 3150.0–3 Authority.

Sections 23 through 25 of the Act of February 25, 1920 (41 Stat. 447; 30 U.S.C. sec. 261–3) hereinafter called the Mineral Leasing Act, authorize the Secretary of the Interior to:

(a) Issue permits to prospect for deposits of chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium in public lands or in public lands disposed of with a reservation of such deposits to the United States;

(b) Lease such lands containing valuable deposits of such substances, and

(c) Grant to a permittee or lessee of such lands the right to use unoccupied nonmineral public land not exceeding forty acres in area camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease.

§ 3150.0–6 Protection of pre-existing mining claims.

Mining claims for deposits described in § 3150.0–3 which were valid on February 25, 1920, or on lands in San Bernardino County, California, on December 11, 1928, if duly maintained, may be patented under the law under which they were initiated. Otherwise, such deposits may be secured only under the Mineral Leasing Act.

Subpart 3151—General Provisions

§ 3151.1 Area and limitation on holdings.

(a) Except where the rule of approximation applies, a lease or permit may not include more than 2,560 acres in reasonably compact form entirely within an area of six miles square or within an area not exceeding six surveyed or protracted sections in length or width. No person, association or corporation may hold at any one time more than 5,120 acres in any one State, except as hereinafter stated, whether directly through ownership of leases, permits and applications therefor, or indirectly as a member of an association or as a stockholder of a corporation holding leases, permits and applications therefor. A larger area may be granted under the "rule of approximation" in those States covered by the public land rectangular survey system. That rule applies to applications for prospecting permits only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 2,560 acres or greater than the excess over 2,560 acres in which filed, together with a statement as to any amendments, will be accepted):

(1) As to citizenship, whether native born or naturalized.

(2) If applicant is an association (including a partnership), it must submit a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(3) A corporation must submit a statement showing:

(i) The State in which it is incorporated.

(ii) That it is authorized to hold leases or permits for sodium deposits, and that the person executing an instrument on behalf of the corporation is authorized to act in such matters.

(iii) The percentage of voting stock and of all the stock owned by aliens for those having addresses outside of the United States. When the stock owned by aliens is over 10 percent, additional information may be required.

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class of the corporation.

(4) That holdings do not exceed the acreage limitations specified in § 3151.1.

§ 3151.3 Permits and leases for lands disposed of with reservation of sodium.

Where lands included in a permit or lease have been disposed of with reservation of sodium deposits, a permittee or lessee must make full compliance with the law under which such reservation was made. See the Acts of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121–123); December 29, 1916 (39 Stat. 862; 43 U.S.C. 291–301); June 17, 1949 (63 Stat. 215; 30 U.S.C. 54) and August 13, 1954 (68 Stat. 708), and other laws authorizing such reservations.

§ 3151.4 Requirements when lands are within a withdrawal.

Where any part of the lands embraced in an application for sodium permit or lease is within a withdrawal which does not preclude disposition of the sodium deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a sodium permit or lease. Where he recommends that a special stipulation be required to protect the interests of the United States, an appropriate stipulation may be included in the lease or permit.

Subpart 3152—Prospecting Permits

§ 3152.1 Application for permit, and issuance of permit.

(a) To obtain a sodium prospecting permit, an application must be filed in quintuplicate in the appropriate land office on a form approved by the Director or on an exact reproduction thereof. The form or an exact reproduction will constitute the permit when signed by the authorized officer of the land office. The application must be filed in accordance with the regulation in effect at the date of filing.

(b) Each application should be filled in on a typewriter or printed plainly in ink and signed in ink by the applicant or the applicant's duly authorized attorney in fact. An application may be made by a legal guardian or trustee in his name for the benefit of a nonalien minor or minors but an application may not be filed by a minor. Each application must contain a description of the land as prescribed in § 3153.1. Except where the rule of approximation applies, all applications must be for an area of not more than 2,560 acres of land in reasonably compact form as specified in § 3151.1.

(c) Each application, when filed, must be accompanied by:

(1) A filing fee of $10 which is not returnable, and full payment of the first year's rental in the amount specified in paragraph (h) of this section.

(2) If the applicant is an association or corporation, the evidence specified in § 3151.2. If the acreage holdings of a corporation or members of an association exceed 5,120 acres in the State in which the lands applied for are situated, the information and evidence specified in § 3151.1.

(3) (i) Except in a case where an officer of a corporation signs an application on behalf of the corporation, as to which see § 3151.2(b) evidence of the authority of the attorney in fact to sign the application and permit, if the application is signed by such attorney on behalf of the applicant.

(ii) If such applicant is an individual, a statement over the applicant's signature setting forth the applicant's citizenship and acreage holdings, direct and indirect, in sodium leases, permits and applications therefor in the State in which the lands applied for are situated. If such holdings exceed 5,120 acres, the same information and evidence required of a corporation or members of an association.

(4) If the application is made by a guardian or trustee, the evidence specified in § 3152.5.

(d) (1) Except as provided in subparagraph (3) of this paragraph, an application will be rejected if:

(i) The land description does not conform with the requirements of § 3153.1 (a) (2), or the land is not in reasonably compact form as specified in § 3151.1.

(ii) The total acreage exceeds 2,560 acres, except where the rule of approximation applies.

(iii) The full amount of the filing fee and the first year's rental do not accompany the application, the rental payment to be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest legal subdivision.

(iv) The application is signed by an attorney in fact on behalf of the applicant and is not accompanied by the evidence and statement required by paragraph (c) (3) of this section.

(v) The application is signed by a guardian or trustee on behalf of a minor and is not accompanied by the evidence specified in § 3152.5.

(vi) Less than five copies of the application are filed.

(vii) There is noncompliance with the requirements specified in § 3151.2.

(2) If an application is defective to the extent set out in paragraph (d) (1) of this section, the applicant will be given an opportunity to file a new application within thirty days from service of the rejection, and the fee and rental payments on the old application will be applied to the new application if the new application shows the serial number of the old application. The advance rental will be returned unless within the thirty-day period another application is filed.

(3) An application for permit on a form not correctly reproduced, but which contains the statement that the applicant agrees to be bound by the terms and conditions of the form in effect at the date of filing, will be approved by the authorized officer provided all other requirements are met.

(e) The United States will indicate its acceptance of the application, in whole or in part, and the issuance of the permit by the signature of the authorized officer in the space provided therefor. An executed copy of the permit will be mailed to the applicant at the address of record.

(f) If the applicant dies before the permit is issued, evidence such as specified in § 3152.5 must be filed before it can be determined to whom the permit may be issued.

(g) (1) An applicant whose application is pending on the effective date of this section, as amended, may file a new application on a form approved by the Director for the land described in his application, pursuant to paragraphs (a), (b) and (c) of this section, but without payment of the required filing fee, if it has already been paid.

(2) When required, the holder of an application pending on the effective date of this section, as amended, must within 30 days from receipt of notice, file an application on a form approved by the Director covering the same land in, and bearing the same serial number as his pending application. He must also pay the first year's rental in the amount specified in paragraph (h) of this section. No additional filing fee will result in the execution of the original application required. Failure to refile will result in the rejection of the original application without further notice.

(h) A permittee must pay an annual rental of 25 cents an acre or fraction thereof covered by his permit, but not less than $20 per year, such annual payments of rental shall be made on or before the anniversary date of the permit. However, if the time for payment falls upon any day in which the proper land office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. Payment of rental will also be required on all permits issued pursuant to applications filed prior to the effective date of this section, as amended.

§ 3152.2 Term of prospecting permit; rights conferred.

Prospecting permits are issued for a period of two years and grant the permittee the exclusive right to prospect and explore the lands involved to determine the existence of, or workability of, the sodium deposits therein. Only such material may be removed from the lands as is necessary to experimental work or the demonstration of the existence of such deposits in commercial quantities. The permit will be dated as of the first day of the month after its issuance unless the applicant requests that it be dated the first day of the month of issuance.

§ 3152.3 Permit bond.

Prior to the issuance of a permit the applicant must furnish a bond of not less than $1,000. A bond will also be required on all permits issued pursuant to applications filed prior to the effective date of this section, as amended.

§ 3152.4 Relinquishment, cancellation, or termination of prospecting permit; availability of lands for further application upon relinquishment, cancellation, or termination of permit.

(a) A permittee may relinquish the entire permit or any legal subdivision thereof. If the lands are not described by legal subdivision, a partial relinquishment must contain the description of the lands surrendered and the exact area thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance, it will be effective as of the date it is filed, subject to the continued obligation of the permittee and his surety to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the permit lands in accordance with the regulations and terms of the permit.

(b) Except as provided for in subparagraph (1) of this paragraph, if a permittee fails to comply with the general regulations in force at the date of the permit, or defaults with respect to any of the terms or stipulations of the permit, and such failure or default continues for 30 days after service of written notice thereof by the Government then the permit may be cancelled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit for any other cause, or for the same cause occurring at any other time.

(1) Any prospecting permit shall terminate automatically if the permittee fails to pay the rental as specified in § 3152.1.

(2) The termination of the permit or failure to pay rental must be noted on the official records of the appropriate land office. Until such notation is made, the lands covered by the permit are not subject to any other sodium permit. Applications for such permits filed prior to such notation will be rejected.

(c) Where lands embraced in a cancelled or relinquished permit are not withdrawn from leasing, such lands shall become available for the filing of new permit applications immediately upon notation on the official status records of the cancellation or relinquishment of the permit. If prior to such notation the permit expires at the end of its primary term in the absence of cancellation or relinquishment, the lands covered by the permit shall likewise become available for the filing of new applications even though the cancellation or relinquishment has not been noted on the records.

§ 3152.5 Reward for discovery.

(a) A permittee who discovers valuable sodium deposits in the land before the permit expires is entitled to a preference right lease of all or part of the lands in the permit, in a reasonably compact form as provided in § 3151.1 An application for a preference right lease must be filed in duplicate in the appropriate land office not later than 30 days after the permit expires. The application must describe the lands desired, show any change in the information contained in the application for permit, specify fully the extent and mode of occurrence of the deposits as disclosed by the prospecting work, and show that valuable sodium deposits were discovered before the permit expired. The application should be accompanied by the rental for the first year of the lease, at the rate of 25 cents per acre or fraction thereof. The lease will be on a form approved by the Director, and will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, unless otherwise specified therein. If the permit expires and the application for lease is finally rejected, royalty for the deposits mined will be charged at the permit rate and such mining will not constitute a trespass.

(b) If the lands are unsurveyed, the permittee, prior to the issuance of a lease, will be required to deposit with the appropriate State Director the estimated cost of making a survey of the lands as officially determined by the Bureau of Land Management. This survey will be an extension of the public land surveys over the lands applied for, and the lands to be included in the lease will be conformed to the subdivisions of such survey.

(c) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 3151.2.

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 3151.2, except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 3151.2.

§ 3152.6 Expiration of permit.

Unless a lease application is filed pursuant to § 3152.1 the permit will expire at the end of its period without notice to permittee. No extension of the term will be granted.

Subpart 3153—Sodium Leases

§ 3153.1 Application for lease by competitive bidding.

(a) An application for a lease must be filed in duplicate in the appropriate land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form is required, but the application should include the following:

(1) The applicant's name and address.

(2) A complete and accurate description of the lands for which the lease is desired. If the lands have been surveyed under the public land rectangular system, each application must describe the land by legal subdivision, section, township, and range. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all applications to lease lands shown on such protracted surveys, filed on or after such effective date, must describe the lands only according to the section, township, and range shown on the approved protracted surveys. If the lands have neither been surveyed on the ground nor shown on the records as protracted surveys, each application must describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the land are in irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska the description of unsurveyed lands must be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by any agency of the United States (such as the United States Geological Survey, the Coast and Geodetic Survey, or the International Boundary Commission), if the record position thereof is available to the general public.

(3) Evidence that the land is valuable for its sodium content, with a statement as to the character, extent and mode of occurrence of the sodium deposits.

(b) The application must be signed by applicant, or by his attorney in fact, supported by the power of attorney.

(c) If it be found that the area applied for is not available for leasing, the applicant will be so informed.

§ 3153.2 Lease requirements.

§ 3153.2–1 Form of lease.

Leases shall be issued on a form approved by the Director.

§ 3153.2–2 Lease bond.

A compliance bond, in no event less than $5,000 will be required prior to the issuance of a lease.

§ 3153.3 Competitive leasing.

§ 3153.3–1 Minimum production.

Leases will require the payment of a royalty on a minimum annual production beginning with the sixth full calendar lease year, unless operations are interrupted by strikes, the elements, or casualties not attributable to the lessee, or unless, on application and showing made, lease operations are suspended by the Department of the Interior for the reasons specified in section 39 of the Mineral Leasing Act (30 U.S.C. 209).

§ 3153.3–2 Notice of lease offer.

Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week for four consecutive weeks or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will state the time and place of sale; whether the sale will be at public auction or by sealed bids; the description of the lands; and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the

sale, including the manner in which bids may be submitted, and a statement (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; and (b) that the Government reserves the right to reject any and all bids. If any bid be rejected, the deposit will be returned. The Commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding, is unlawful. See 18 U.S.C. 1860.

§ 3153.3–3 Bid deposits.

The successful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the date of the sale, and each bidder at a sale by sealed bids must submit with his bid the following: Certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount of the bid by him, and a statement over the bidder's own signature with respect to citizenship and interests held similar to that prescribed in § 3151.2.

§ 3153.3–4 Award of lease.

Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four copies of the lease will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 3153.3–2, and file a bond as required by § 3153.2–2. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, evidence such as specified in § 3152.5 must be filed before it can be determined to whom the lease may be issued.

§ 3153.4 Renewal leases.

An application for a renewal lease must be filed in duplicate in the appropriate land office not less than 30 days nor more than 90 days before the lease term expires and be accompanied by a filing fee of $10 which is not returnable. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the renewal of the lease, the lessee will be required to submit a satisfactory bond as prescribed in § 3153.2–2.

§ 3153.5 Relinquishment of lease.

Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payments of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

§ 3153.6 Cancellation of lease.

If the lessee fails to comply with the general regulations in force at the date of the lease, or defaults with respect to any of the terms, covenants, or stipulations of the lease, and such failure or default continues for 30 days after service of written notice thereof by the lessor, then the lessor may bring appropriate court proceedings to forfeit and cancel the lease as provided in section 31 of the Act (30 U.S.C. 188). A waiver of any particular cause for forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause, or for the same cause occurring at any other time.

Subpart 3154—Transfers

§ 3154.1 Transfers, including subleases.

(a) Permits and leases may be transferred in whole or in part. The approval of a transfer of part of the lands in a permit or lease will create a new permit or lease for the transferred portion. A discovery either on the retained or the assigned portion will not inure to the benefit of the other, nor will approval of a transfer extend the life of the permit or the renewal periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed for approval in duplicate at the appropriate land office within 90 days after execution. Evidence of the qualifications of the assignee or transferee to hold the permit or lease as required by § 3151.2 must be submitted simultaneously. Before a transfer of a permit or lease will be approved, the consent of the surety to the substitution of the transferee as principal, or a new bond with the transferee as principal, must be submitted if the original permit or lease required the maintenance of a bond. If the transfer is for part of the land only it must be for a legal subdivision and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the permittee or lessee must be submitted, as well as (2) a new bond with the transferee as principal covering the portion of the lands transferred. The account under the permit or lease must be in good standing before approval of transfer will be given. A transfer will take effect the first day of the month following its approval, or if the transferee requests, the first day of the month of the approval.

(b) An application for approval of any instrument transferring a lease or permit or interest therein must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(c) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Secretary as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 3152.5 (c).

§ 3154.2 Overriding royalties.

(a) An overriding royalty interest may be created by assignment or otherwise: *Provided, however,* That if the total of the overriding royalty interests at any time exceeds one percent of the gross value of the output at the point of shipment to market, they shall be subject to reduction or suspension by the Secretary to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order (1) to prevent premature abandonment, or (2) to make possible the economic mining of marginal or low grade deposits. Where there is more than one overriding royalty interest, any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof or, in the absence of such agreement, in the inverse order of the dates of creation of such interests.

(b) Any assignment, sublease, or other transfer or agreement which creates an overriding royalty interest will not be approved unless the owner of that interest files his agreement in writing that such interest is subject to suspension or reduction as provided in paragraph (a) of this section. No overriding royalties shall be paid at a rate in excess of the rate to which they have been so reduced until otherwise authorized by the Secretary.

Subpart 3155—Use Permits

§ 3155.1 Use permits for additional land.

(a) A permittee or lessee may be granted a right to use, during the life of the permit or lease, the surface of not exceeding 40 acres of unoccupied nonmineral public land not included within the boundaries of a natural forest for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of

PART 3160—PHOSPHATE LEASES; PROSPECTING PERMITS AND USE PERMITS

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3166.2 Applications for permits.

AUTHORITY: The provisions of this Part 3160 issued under sec. 32, 41 Stat. 450; 30 U.S.C. 189.

Subpart 3160—Phosphate Leases, Prospecting Permits, and Use Permits; General

§ 3160.0–3 Statutory authority.

Sections 9 to 12, inclusive of the Act of February 25, 1920 (41 Stat. 440; 441, 30 U.S.C. 211–214), as amended, hereinafter referred to as the act, authorizes the Secretary of the Interior to:

(a) Issue permits to prospect for phosphate deposits, including associated minerals, in public lands or in public lands disposed of with a reservation of such deposits to the United States;

(b) Lease such lands known to contain such deposits, and

(c) Grant to a permittee or lessee of such lands the right to use unappropriated and unentered public land not exceeding 80 acres for proper extraction, treatment or removal of the deposits covered by the permit or lease.

§ 3160.0–4 Responsibility; protection of pre-existing mining claims.

Mining claims for deposits described in § 3160.0–3 which were valid on February 25, 1920, if duly maintained, may be patented under the law under which they were initiated. Otherwise, such deposits may be secured only under the act.

Subpart 3161—General Provisions

§ 3161.1 Area; limitation on holdings; term.

(a) A permit or lease may not exceed 2,560 acres. The lands will be in reasonably compact form and entirely within an area of six miles square or within an area not exceeding six surveyed or protracted sections in length or width.

(1) No person, association, or corporation, may hold at any one time more than 10,240 acres in the United States, whether directly through the ownership of phosphate leases, permits and applications therefor or interests in them, or indirectly through association membership or stock ownership. In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease or permit shall be such party's proportionate part of the total lease and permit acreage. Likewise the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or

association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holding of any association or corporation unless he is the beneficial owner of more than ten per centum of the stock or other instruments of ownership or control of such association or corporation.

(2) All leases will be issued on a form approved by the Director for a primary term of twenty years and so long thereafter as the lessee complies with the terms and conditions of the lease. All prospecting permits will be issued on a form approved by the Director for a primary term of two years and may be extended for such an additional period, not in excess of four years, as the Bureau of Land Management deems advisable, if it is found that the permittee has been unable, with reasonable diligence, to determine the existence or workability of phosphate deposits in the permit lands and desires to prosecute further prospecting, or for other reasons warranting such an extension in the opinion of the Bureau of Land Management.

(b) A lessee, upon a showing that the leased deposits extend into adjoining Federal lands may, upon application to be filed in the Land Office, be granted, subject to the acreage limitation under paragraph (a) (1) of this section, a lease for additional acreage, if the authorized officer of the Bureau of Land Management, after consultation with the Mining Supervisor of the Geological Survey shall determine that the increased acreage will result in conservation of natural resources and will provide for the most economical and efficient recovery of a minable deposit without waste. In applying this paragraph, fringe acreage in an area not of interest to more than one operator, and lacking sufficient reserves of phosphate deposits to warrant independent development, may be leased noncompetitively without publication either by separate lease or by adding to an existing leasehold (within the aggregate limitation of 2,560 acres), subject to a bonus of not less than $1 an acre, a minimum royalty, and such other terms and conditions as may be determined at the time the lease offer is made. If, however, the fringe acreage has sufficient reserves to warrant independent development, or, if, following appropriate inquiry of operators in the area and consultation with the Mining Supervisor, the authorized officer of the Bureau of Land Management determines that there is competitive interest therein, the lands will be offered competitively under § 3162.6.

§ 3161.2 Qualifications of applicant.

(a) Permits and leases may be issued to citizens of the United States, associations of citizens, and corporations organized under the laws of the United States or of any State or Territory thereof.

(b) All applicants must file in the proper land office specified in § 3162.1 the following:

(1) If an individual, a statement as to citizenship indicating whether native born or naturalized.

(2) If an association (including a partnership), a certified copy of the articles of association and the same showing as to citizenship and acreage holdings of its members as required of an individual.

(3) If a corporation, a statement showing:

(i) The State in which it is incorporated;

(ii) That it is authorized to hold permits and leases of the mineral for which the permit or lease is sought and the person executing an instrument on behalf of the corporation is authorized to act in such matters;

(iii) The percentage of voting stock, of all the stock owned by aliens, and of all the stock owned by those outside of the United States. If more than 10 percent of the stock is owned or controlled by or on behalf of such persons, the corporation must give their names and addresses, the amount and class of stock held by each and, to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each;

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class of the corporation;

(4) A statement that holdings do not exceed the acreage limitation specified in § 3161.1

(d) Where the information required under paragraph (c) of this section has previously been filed, a reference by serial number to the record in which it has been filed, together with a statement as to any amendments will be accepted.

§ 3161.3 Prospecting permits.

§ 3161.3–1 Application for prospecting permit.

(a) The act of March 18, 1960 (Pub. Law 86–391, 74 Stat. 7), authorizes, among other things, the issuance of phosphate prospecting permits. All applications for such a permit shall be filed in duplicate in the office specified in § 3162.1. A filing fee of $10, which is not returnable, and full payment of the first year's rental in the amount specified in § 3161.3–3, must accompany the application. No specific form is required but the application should:

(1) Contain the applicant's name and address and his qualifications as to citizenship and acreage holdings as set forth in § 3161.2(b).

(2) Contain a description of the lands for which permit is desired as specified in § 3162.1.

(b) All applications must be signed by the applicant or his attorney in fact, and if executed by an attorney in fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings unless the power of attorney specifically authorizes and empowers the attorney in fact to make such statement or to execute all statements which may be required under these regulations. Where such power of attorney is filed reference thereto may be made upon the filing of subsequent applications. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument.

(c) All applications filed on or after March 18, 1960, the date of enactment of Pub. Law 86–391 (74 Stat. 7), including applications filed on and after the effective date of these amendatory regulations, will be considered with respect to priority in accordance with the time of filing such applications in the appropriate land office.

(d) All applications filed in the manner specified in § 2311.2–3 of this chapter, will be deemed simultaneously filed.

§ 3161.3–2 Rights conferred.

Two-year permits grant the permittee the exclusive right to prospect and explore the lands described therein to determine the existence of or workability of the phosphate deposits. Only such material may be removed from the land as is necessary to experimental work or the demonstration of the existence of valuable phosphate deposits.

§ 3161.3–3 Permit rental.

A permittee shall pay an annual rental of 25 cents an acre or fraction thereof covered by his permit, but not less than $20 per year, such annual payment of rental shall be made on or before the anniversary date of the permit. The payment of such rental will be required as to permits issued upon applications filed prior to the effective date of these amendatory regulations.

§ 3161.3–4 Permit bond.

Prior to the issuance of a permit the applicant must furnish a bond of not less than $1,000.

§ 3161.3–5 Extension of permit.

Phosphate permits may be extended by an authorized officer of the Bureau of Land Management for an additional period, not in excess of four years, as he deems advisable, if he finds, after consultation with the Mining Supervisor of the Geological Survey, that the permittee has been unable, with reasonable diligence, to determine the existence or workability of phosphate deposits covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons warranting such an extension. An application for extension shall be filed in duplicate in the proper land office within the period beginning 90 days prior to the date of expiration of the permit. The application must be accompanied by a $10 filing fee which is not returnable, and must show what efforts, if any, the permittee has made to comply with the terms of his permit and the reasons for failure to comply therewith. The application must also show how much additional time is considered necessary to complete prospecting work. Upon failure of permittee to file such an application within the specified period, the permit will expire without notice to the permittee.

§ 3161.3–6 Relinquishment, cancellation or termination of permit.

(a) A permittee may relinquish the entire permit acreage or any portion

the deposits covered by the permit or lease. The annual rental charge for use of such land will be not less than $1 an acre or fraction thereof. Payment of the rental shall be made at the time specified in § 3152.1, and will also be required on all use permits issued pursuant to applications filed prior to the effective date of this section, as amended.

(b) Applications for permits to use additional land shall be filed in duplicate in the appropriate land office. Each application must be accompanied by a filing fee of $10 which is not returnable and the first year's rental in the amount specified in paragraph (a) of this section. The applications must contain a description of the land as specified in § 3153.1, and set forth the reasons why the additional land is necessary to the permittee or lessee for the use named, and whether it is unoccupied and nonmineral. A use permit will be issued on a form approved by the Director and dated as of the first day of the month after its issuance unless the applicant requests that it be dated the first day of the month of issuance.

(c) Any use permit shall terminate automatically if the permittee or lessee fails to pay the rental at the time specified in § 3152.1.

thereof. A partial relinquishment must describe the lands surrendered and the exact area thereof. A relinquishment must be filed in duplicate in the proper land office. Upon its acceptance it will be effective as of the date it is filed, subject to the continued obligation of the permittee and his surety to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the permit lands in accordance with the regulations and terms of the permit.

(b) Except as provided for in subparagraph (1) of this paragraph, if a permittee fails to comply with the general regulations in force at the date of the permit, and such failure or default continues for 30 days after service of written notice thereof by the Government, the permit may be canceled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit for any other cause, or for the same cause occurring at any other time.

(1) Any prospecting permit shall terminate authmatically if the permittee fails to pay the rental at the time specified in §3161.3–3. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely.

(2) The termination of the permit for failure to pay rental must be noted on the official records of the proper land office. Until such notation is made, the lands covered by the permit shall not be available for filing of further applications for phosphate prospecting permits. Applications for such permits filed prior to such notation will be rejected.

(c) Where lands embraced in a cancelled or relinquished permit are not withdrawn from leasing, such lands shall become available for the filing of new permit applications immediately upon notation on the official status records of the cancellation or relinquishment of the permit. Even if the cancellation or relinquishment has not been noted, the lands formerly covered by the permit shall likewise become available for the filing of new applications on the date which would have marked the end of the primary or extended term of the permit except for the cancellation or relinquishment.

§ 3161.3–7 Reward for discovery under permit.

(a) A permittee who, prior to the expiration of his permit, shows to the Secretary that valuable phosphate deposits have been discovered upon the land covered by the permit is entitled to a preference right lease for all or part of the land, in a reasonably compact form. An application for preference right lease shall be filed in duplicate in the proper land office not later than 30 days after the permit expires. The application must describe the lands desired, show any change in the information contained in the application for permit, specify fully the extent and mode of occurrence of the deposits as disclosed by the prospecting work, and show that valuable phosphate deposits were discovered before the permit expired. The application must be accompanied by the first year's rental at the rate of 25 cents per acre or fraction thereof. The lease will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, unless otherwise specified therein. If the permit expires and the application for lease is finally rejected, royalty for the deposits mined will be charged at the permit rate and such mining will not constitute a trespass.

(b) The survey of unsurveyed lands embraced in the permit will be made at the expense of the Government prior to the issuance of a lease of the lands.

(c) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by §3161.2 (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 3161.2 (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 3161.2 (1) and (4).

Subpart 3162—Competitive Leases

§ 3162.1 Application for lease by competitive bidding.

(a) Applications shall be filed, in duplicate, in the appropriate land office. A filing fee of $10, which is not returnable, must accompany the application. No specific form is required, but the application should include the following.

(1) The applicant's name and address.

(2) A complete and accurate description of the lands for which the lease is desired. If the lands have been surveyed under the public land rectangular system, each application must describe the lands by legal subdivision, section, township, and range. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all applications to lease lands shown on such protracted surveys, filed on or after such effective date, must describe the lands only according to the section, township, and range shown on the approved protracted surveys. If the lands have neither been surveyed on the ground nor shown on the records as protracted surveys, each application must describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the land are in irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska the description of unsurveyed lands must be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by any agency of the United States (such as the United States Geological Survey, the Coast and Geodetic Survey, or the International Boundary Commission), if the record position thereof is available to the general public.

(3) To the extent such information is known to the applicant, a description of the phosphate and associated or related mineral deposits in the land based upon such actual examination as can be effected without an injury to the land or deposits (such examination shall not be deemed a trespass), giving nature and extent of the deposits; an outline in general terms of the proposed method of mining and processing the same; the proposed investment in mining operations thereon, and processing facilities therefor.

(4) Evidence showing in sufficient detail that:

(i) The amount of phosphate lands, Federal and non-Federal, held by him, together with the lands described in the application are necessary for his proposed development plan.

(ii) He intends to explore, mine and develop the property in good faith.

(iii) His proposed operations of the property will be in accordance with good conservation practice and this additional development is needed in order to supply an existing demand which cannot otherwise be reasonably met.

(b) The application must be signed by applicant or by his attorney-in-fact supported by the power of attorney.

§ 3162.2 Lease bond.

A compliance bond, in no event less than $5,000, will be required prior to the issuance of a lease. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate or personal bond, in any case where the Bureau of Land Management deems it proper to do so.

§ 3162.3 Minimum production.

Each lease will contain appropriate conditions fixing a minimum annual production of the leased deposits beginning with the fourth year from date thereof or payment of a minimum royalty in lieu thereof, except when production is interrupted by strikes, the elements, casualties not attributable to the lessee, or upon a satisfactory showing that market conditions are such that the lessee cannot operate except at a loss. When authorized in the lease the minimum production requirements may be satisfied by production from other properties controlled by the lessee and constituting a necessary reserve so located as to be a part of a successful unit operation.

§ 3162.4 Lessee's petition for change in minimum production.

The lessee may request at any time prior to the end of the thirtieth lease month, that the Secretary reduce the amount of the minimum production specified in the lease upon the basis of the showing submitted by the lessee. The petition must be filed in duplicate with the office from which his lease was delivered. It should give, among other relevant information, (a) his estimate of tonnage of mineral phosphate rock and associated or related minerals in the leased land, (b) all available information as to the grade thereof, (c) his plan of operation for the property and adjacent property to be worked therewith, (d) a general statement of the method or methods which he intends to use in mining and processing of the phosphate rock and associated or related minerals, (e) the estimated rate of its extraction and (f) possible absorption in the markets. Within six months after receipt of this information the authorized officer, after considering what would be a reasonable period within which to mine the leased deposits taking into account, where material, the lessee's mining operations on adjacent phosphate land owned or controlled by him, will determine whether the minimum production requirement in the lease shall be changed to a lesser figure than the amount then provided.

§ 3162.5 Offer of lands or deposits for lease by competitive bidding.

If the authorized officer shall determine, after consultation with the Mining Supervisor of the Geological Survey that specific lands or deposits, not under an outstanding permit or application for preference right lease, which constitute an acceptable leasing unit are subject to phosphate lease, they will be offered for such lease on the terms and conditions to be specified in the notice of lease offer to the qualified person who offers the highest bonus by competitive bidding either at public auction or by sealed bids as provided in the notice of lease offer.

§ 3162.6 Notice of lease offer.

Notice of the offer of lands for lease will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will show the time and place of sale; whether the sale will be at public auction or by sealed bids; the description of the lands; and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the high bidder to pay for publication of that notice may be obtained. It will also contain a statement that sealed bids may not be modified or withdrawn unless the modification or withdrawals are received prior to the time fixed for opening of the bids. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted and statements (a) that the high bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer which shall be that portion of the total advertising cost that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; (b) that the terms of minimum production will not be reduced or waived at the lessee's request except as provided in §§ 3162.3, 3162.4, 3102.3 and 3102.4, or upon satisfactory showing that market conditions are such that the lessee cannot operate except at a loss; (c) that the lease will be canceled if production, or the construction of production facilities, including processing plants, is not commenced by the beginning of the fourth year of the lease; and (d) that the Government reserves the right to reject any and all bids. The detailed statement will also contain a warning to all bidders against violation of 18 U.S.C. 1860, which prohibits unlawful combination or intimidation of bidders.

§ 3162.7 Bidding requirements; deposits.

(a) At a sale by oral auction the high bidder must deposit with the officer conducting the sale, on the day of the sale, and each bidder at a sale by sealed bids must include with his bid, one-fifth of the amount of his bid.

(b) At the close of an oral auction, or the opening of sealed bids, the officer conducting the sale, subject to the right to reject any and all bids, will award the lease to the high bidder, who will be notified accordingly.

(c) All deposits must be made in cash or by certified check, cashier's check, bank draft, or money order, and the bid shall be accompanied by a statement over the bidder's own signature with respect to citizenship and holdings as prescribed in § 3161.2 (1), (2), (3) and (4). Deposits made on rejected or unsuccessful bids will be returned to the bidders.

§ 3162.8 Action after lease offer.

If the land is surveyed, four copies of the lease will be sent to the high bidder and he will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental and the cost of publication of the notice of lease offer as specified in § 3162.6, and file a bond as required by § 3162.2 The lease will be dated the first day of the month following its issuance unless the high bidder requests that it be dated the first day of the month of issuance. If the land is unsurveyed, the high bidder will not be required to comply with the requirements of this paragraph until the land has been surveyed and the plat of such survey accepted and officially filed. Such survey will be at the expense of the Government. If the high bidder fails to comply with the requirements necessary to complete the lease or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the act. If the lease is executed by an attorney acting in behalf of the bidder, it must be accompanied by the power of attorney. If the bidder dies before the lease is issued, there must be furnished satisfactory evidence such as specified in § 3161.3–7, in order that the authorized officer of the land office may determine to whom the lease may be issued.

Subpart 3163—Payments and Reports

§ 3163.1 Rentals and royalties.

(a) Rentals under all leases or permits shall be paid to the authorized officer of the proper land office, except that rentals and royalties on productive leases shall be paid to the appropriate Mining Supervisor of the Geological Survey. All remittances to the authorized officer of the land office shall be made payable to the Bureau of Land Management, those to the Mining Supervisor shall be made payable to the United States Geological Survey.

(b) All reports concerning operations shall be filed with the Mining Supervisor.

§ 3163.2 Use of silica, limestone or other rock.

Any lease to develop and extract phosphates, phosphate rock, and associated or related minerals under the provisions of the act shall provide that the lessee may use so much of any deposit of silica or limestone or other rock situated on any public lands embraced in the lease as may be utilized in the processing or refining of the leased deposits or deposits from other lands upon payments of such royalty as may be determined by the authorized officer, which royalty may be stated in the lease when issued, or, may be provided for by an attachment to the lease to be duly executed by the lessor and the lessee.

§ 3163.3 Readjustment of terms and conditions at end of twenty-year periods.

The terms and conditions of a lease may be readjusted at the end of each twenty-year period succeeding the date of the lease. Prior to the expiration of that period, the lessee will be advised

of the reasonable readjustment of terms proposed or notified that no readjustment is to be made for the next period. The lessee may file his consent to such proposed readjustment or inform the authorized officer as to the terms which are unsatisfactory. After considering the suggestions of the lessee, the authorized officer shall make his determination as to the reasonable readjustment of terms to be effective for the twenty-year period under consideration.

Subpart 3164—Assignments

§ 3164.1 Assignments of leases and permits or interests therein.

(a) Leases and permits may be assigned or subleased as to all or part of the lands involved to any person or corporation qualified to hold phosphate leases and permits. The approval of an assignment or transfer of only part of the lands described in a permit or lease will create a separate permit or lease of the lands assigned or transferred which will be given a current serial number, but a discovery on lands under one permit will not inure to the benefit of the other. The approval of such an assignment will not extend the life of the permit or the readjustment periods of the lease. Assignments of permits and leases, whether by direct assignment, operating agreements, working or royalty interests, subleases, or otherwise must be filed for approval at the proper land office within 90 days after execution. Evidence of the qualifications of the assignee or transferee to hold the permit or lease, as required by § 3161.2 and §3162.1 (a) (4) and (b), must be submitted simultaneously. Assignments of record title interests must be filed in duplicate. A single executed copy of all other instruments of transfer is sufficient. An assignment will take effect the first day of the month following its final approval by the Bureau of Land Management, or if the assignee requests, the first day of the month of approval.

(b) An application for approval or any instrument transferring a lease, permit, or interest therein, must be accompanied by a $10 filing fee. An application not accompanied by such fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(c) Where an assignment does not create separate leases or permits, the assignee must submit a new bond, or the consent of the surety on the bond of record to the substitution of the assignee as principal. If the assignment is for part of the land covered by a lease or permit, the assigned portion must be definitely described and the exact area given, and there must be submitted: (1) The consent of the surety to the assignment and its agreement to remain bound as to the interest retained by the lessee or permittee, and (2) a new bond with the assignee as principal covering the portion of the land assigned.

(d) The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease or permit until the effective date of the assignment or sublease. If the assignment or sublease is not approved, their obligations to the United States shall continue as though no such assignment or sublease had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease or permit obligations notwithstanding any term in the assignment or sublease to the contrary.

(e) In order for the heirs or devisees of a deceased holder of a lease or permit, an operating agreement, or a royalty interest in a lease or permit, to be recognized by the Bureau of Land Management as the holder of the lease or permit, agreement or interest, there must be furnished the appropriate showing required under § 3161.3–7.

(f) No assignment will be approved if the assignee fails to file the evidence required by this section and the account under the lease or permit is not in good standing. A minor, except a minor heir or devisee of a lessee or permittee, is not qualified to hold a lease or permit and an assignment to a minor will not be approved.

§ 3164.2 Limitation on overriding royalties.

An overriding royalty interest shall not be created by assignment or otherwise exceeding one percent of the gross value of the output at point of shipment to market or an overriding royalty interest which when added to any other overriding royalty interest exceeds that percentage, excepting that where an interest in the leasehold, permit, or operating agreement is assigned, the assignor may retain an overriding royalty interest in excess of the above limitation if he shows to the satisfaction of the authorized officer that he has made substantial investments for improvements on the land covered by the assignment.

Subpart 3165—Termination

§ 3165.1 Relinquishment of lease.

Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvement on the leased lands in accordance with the regulations and terms of the lease.

§ 3165.2 Cancellation of lease.

If the lessee shall fail to comply with the provisions of the act, or of the general regulations promulgated and in force at the date of the lease, or at the effective date of any readjustment of the terms and conditions thereof under § 3163.3 or make default in the performance or observance of any of the terms, covenants, and stipulations of the lease and such default shall continue for 30 days after service of written notice thereof by the lessor, then the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of the lease as provided in section 31 of the act. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause of forfeiture, or for the same cause occurring at any other time.

Subpart 3166—Use Permits for Additional Lands

§ 3166.1 Right to use surface.

A lessee or permittee may be granted a right to use the surface of not exceeding 80 acres of unappropriated and unentered public land not included within the boundaries of a national forest as may be necessary for the proper extraction, treatment, or removal of the leased deposits. The annual charge for the use of such land will be not less than $1 per acre or fraction thereof.

§ 3166.2 Applications for permits.

Applications for permits for such additional land shall be filed in the office specified in § 3162.1(a). A filing fee of $10, which is not returnable, must accompany each application. Such applications must set forth the specific reasons why the additional land is necessary to the permittee or lessee for the use named, describe the land desired in accordance with § 3162.1(a)(2), and also set forth the reasons why the land is desirable and adapted to the use named, either in point of location, topography, or otherwise, and that it is unoccupied and unappropriated. The application must also contain an agreement to pay the annual charge prescribed in the permit. Use permits will be issued on a form approved by the Director and dated as of the first day of the month after its issuance unless the permittee or lessee requests that it be dated the first day of the month of issuance.

PART 3170—OIL SHALE

Subpart 3170—Oil Shale; General

Sec.
3170.0–1 Purpose.
3170.0–3 Statutory authority.

Subpart 3171—Application for Lease

3171.1 Qualification of applicants.
3171.2 Lands and deposits to which applicable.
3171.3 Form and contents of application.
3171.4 Disposition of application.
3171.5 Action on application.
3171.6 Form of lease.
3171.7 Preferred right to a lease.

AUTHORITY: The provisions of this Part 3170 issued under sec. 32, 41 Stat. 450; 30 U.S.C. 189.

Subpart 3170—Oil Shale; General

§ 3170.0–1 Purpose.

(a) Circ. 1220, June 9, 1930 (53 I.D. 127), contains the following instructions relative to oil shale withdrawal of Apr. 15, 1930, No. 5327:

By E.O. 5327, Apr. 15, 1930, made under authority and pursuant to the provisions of the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497; 43 U.S.C. 142), and subject to valid existing rights, the deposits of oil shale and lands containing such deposits owned by the United States were temporarily withdrawn from lease or other disposal and reserved for the purposes of investigation, examination and classification.

In order to identify for administrative purposes the known areas affected by the order, the Secretary has approved maps prepared by the Geological Survey designating the lands containing oil shale of recognized commercial importance, in Colorado, Wyoming, and Utah. Copy of the map showing the designations is transmitted herewith to the register of each district in which designations have been made.

The oil shale deposits and the lands so designated, title to which is in the United States, are by the order withdrawn from lease, entry, selection or other form of disposal, and you will therefore reject all applications for such lands, except applications for patent under the mining laws for metalliferous mining claims, or applications under other public land laws which are based on claims to the lands initiated prior to the date of the withdrawal.

Lands not designated on the map as oil shale, but which are in fact valuable for their oil shale deposits are also withdrawn by said order. Affirmative proof of the non-oil shale character of lands not designated on the maps as oil shale, other than the regular non-mineral affidavit, will not be required.

However, if your records show any land not designated on the map to be in fact oil shale in character, you will reject any application therefor. Any entry, filing, or selection allowed for lands which are thereafter, and prior to patent, found to valuable for oil shale, will be subject to cancellation by appropriate proceedings.

(b) Circ. 1355, June 4, 1935 (55 I.D. 280), contains the following instructions relative to modification of oil shale withdrawal of Apr. 15, 1930, by E.O. 7038, May 13, 1935:

By E.O. 7038, May 13, 1935, E.O. 5327, Apr. 15, 1930, withdrawing certain lands for purposes of investigation, examination, and classification was modified to extent of authorizing the Secretary of the Interior to issue sodium permits and leases under the general leasing act of February 25, 1920 (41 Stat. 437), as amended by the act of December 11, 1928 (45 Stat. 1019; 30 U.S.C. 261, 262), for and of any of the lands withdrawn by said order.

Circ. 1220, June 9, 1930 (53 L.D. 127), is accordingly modified to conform to the later Executive order and you are authorized to accept applications for sodium prospecting permits and leases for lands withdrawn under E.O. 5327, Apr. 15, 1930.

(c) E.O. 5327, Apr. 15, 1930, was modified by E.O. 6016, Feb. 6, 1933, so as to authorize oil and gas leases for the withdrawn lands.

§ 3170.0–3 Statutory authority.

Section 21 of the act of Congress approved February 25, 1920 (41 Stat. 445; 30 U.S.C. 241), authorizes the Secretary of the Interior to lease any deposits of oil shale belonging to the United States, and the surface of such lands as may be necessary for the extraction and reduction of the minerals leased.

Subpart 3171—Application for Lease

§ 3171.1 Qualifications of applicants.

Pursuant to section 1 of the act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181) leases may be made to (a) a citizen of the United States; (b) an association of such citizens; (c) a corporation organized under the laws of the United States, or of any State thereof; or (d) a municipality.

§ 3171.2 Lands and deposits to which applicable.

The lease may include oil shale deposits and the surface of so much of the land containing same, or of land adjacent thereto, as may be required for the extraction and reduction of the leased minerals, the aggregate area not to exceed 5,120 acres.

§ 3171.3 Form and contents of application.

(a) Applications shall be filed in the appropriate land office. No specific form of application is required, and no blanks will be furnished, but it should cover in substance the following points:

(1) Applicant's name and address.

(2) Qualifications of petitioner to take a lease under the act including: Statement of his interests, direct or indirect, in other oil shale leases or applications therefor on public lands in the State in which the lease is desired, identifying the same by land office and serial number, and proof of citizenship—in the case of an individual, by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate if known; if a woman, whether she is married or single, and, if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders, and if any stock is held by aliens, a showing, to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance, and amount of stock held by each. Municipalities must submit evidence of the law or charter and procedure taken by which it became and exists as a body corporate, that the taking of a lease is authorized under such law or charter, and that the action proposed has been duly authorized by the governing body of such municipality.

(3) A statement that the applicant has no lease under the provisions of this section, nor any other application for lease thereunder pending, and that he does not hold interests in such leases or applications which, with the land applied for, will exceed 5,120 acres.

(4) Description of land for which the lease is desired, by legal subdivisions if surveyed, and by metes and bounds if unsurveyed, in which latter case the description should be connected to some corner of the public land surveys where practicable, or to some permanent landmark. If the land is unsurveyed, the applicant, after he has been awarded the right to a lease, but before the issuance thereof, will be required to deposit with the State Director the estimated cost of making a survey of the lands, any balance remaining after the work is completed to be returned. This survey will be an extension of the public land surveys over the tract applied for, the leased land to be conformed to legal subdivisions of such survey when made.

(5) Evidence that the land is valuable for its oil-shale content, except so much thereof as is necessary for the extraction and reduction of the leased materials, with a statement as accurate as may be of the character and extent and mode of occurrence of the oil-shale deposits in the lands applied for.

(6) Proposed method, so far as determined, as to the process of mining and reduction to be adopted, the diligence with which such operations will be carried on, and the contemplated investment in reduction works and development, and the capital available therefor.

(7) The application shall be accompanied by a notice for publication, in duplicate, prepared for the signature of the manager, in substantially the following form:

Serial No. --------

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT
LAND OFFICE AT ----------
---------- 19----

NOTICE OF APPLICATION FOR OIL-SHALE LEASE

Notice is hereby given that in pursuance of the Act of Congress, approved February 25, 1920, ------ ------ whose post-office address is ------ has made application for oil-shale lease covering the following described lands: -------

Any and all persons claiming adversely any of the above-described lands are required to file their claims in this office on or before ------, otherwise their claims will be disregarded in the granting of such lease.

----------, Manager.

(b) The application must be signed by the applicant or his attorney in fact, and if executed by an attorney in fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

(c) The manager will fix the time within which adverse or conflicting claims may be filed at not less than 30, nor more than 40 days from first publication.

§ 3171.4 Disposition of application.

One copy of the signed notice will be delivered to the applicant, who will cause the same to be published in a newspaper to be designated by the manager, of general circulation, and best adapted to give the widest publicity, in the county where the land is situated. If the land is in two or more counties, notice must be published in each. Notice must also be posted in the land office during the period of publication.

§ 3171.5 Action on application.

As the area and form of lands leased hereunder is entirely discretionary with the authorized officer, if the area applied for is considered too large, or the form unsatisfactory, or in case of conflicting applications, the application may be held for rejection, but the applicant given an opportunity to amend his application in conformity with requirements. If the right to a lease be granted, the applicant will be required, within 30 days from notice, to pay the rental of 50 cents per acre for the first year.

§ 3171.6 Form of lease.

The form of lease will be substantially the same as that set forth in 47 L.D. 426–429.

§ 3171.7 Preferred right to a lease.

(a) Under a proviso of section 21 of the act (41 Stat. 445; 30 U.S.C. 241), a person having a valid claim to oil shale deposits under existing law, prior to January 1, 1919, shall, upon the relinquishment of such claim or claims, be entitled to a lease for not exceeding 5,120 acres: *Provided*, "That no claimant for a lease who has been guilty of any fraud, or who had knowledge or reasonable ground to know of any fraud, or who has not acted honestly and in good faith, shall be entitled" to such lease.

(b) The beneficiaries of this proviso are those persons or their grantors who, in the honest belief that the mining laws were applicable to oil shale deposits, have proceeded in absolute good faith to make mineral locations, lode or placer, of shale deposits, and who have, in all respects, fully complied with the provisions and requirements of such laws, including discovery.

(c) The same form of procedure in making applications for lease should be followed as in other cases, except that, in addition to the points referred to in § 3171.3 of any ordinary application, an application for a preference-right lease should be accompanied by a full and detailed showing, duly corroborated, of the facts on which the applicant claims a preferred right, together with copies of the location notices, abstracts of title and such other evidence as may be deemed necessary to establish the claimant's preferred right and entire absence of fraud. Claimants of such preferred rights to leases should present same promptly; otherwise the lands may be leased to others, in which case any preference rights under this proviso will be deemed to have lapsed.

PART 3180—SULPHUR PERMITS AND LEASES

Subpart 3180—Sulphur Permits and Leases; General

Sec.
3180.0–3 Statutory authority.

Subpart 3181—General

3181.1 Area and limitations on holdings.
3181.2 Qualifications of applicant.
3181.3 Permits and leases for lands disposed of with reservation of sulphur.
3181.4 Requirements when lands are within a withdrawal.
3181.5 Protection of pre-existing mining claims.

Subpart 3182—Sulphur Prospecting Permits

3182.1 Application for permit.
3182.2 Rights conferred.
3182.3 Permit bond.
3182.4 Cancelled permits.
3182.5 Reward for discovery.
3182.6 Expiration of permit.

Subpart 3183—Sulphur Leases

3183.1 Lease and lease bond.
3183.1–1 Form of leases.
3183.1–2 Lease bond.
3183.2 Rental and royalty.
3183.2–1 Royalty.
3183.2–2 Rental.
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3183.3 Competitive leasing.
3183.3–1 Application for lease by competitive bidding.
3183.3–2 Notice of lease offer.
3183.3–3 Bid deposits.
3183.3–4 Award of lease.
3183.4 Renewal leases.
3183.5 Termination.
3183.5–1 Relinquishment of lease.
3183.5–2 Cancellation of lease.

Subpart 3184—Transfers of Permits and Leases

3184.1 Transfers, including subleases.

Subpart 3185—Royalties

3185.1 Overriding royalties.

AUTHORITY: The provisions of this Part 3180 issued under sec. 32, 41 Stat. 450; 30 U.S.C. 189. Interpret or apply secs. 1–6, 44 Stat. 301–302, as amended; 30 U.S.C. 271–276.

Subpart 3180—Sulphur Permits and Leases; General

§ 3180.0–3 Statutory authority.

Sections 1 to 7 of the Act of April 17, 1926 (44 Stat. 301), as amended July 16, 1932 (47 Stat. 701; 30 U.S.C. 271–276), authorize the Secretary of the Interior to:

(a) Issue permits to prospect for sulphur in public lands or in public lands disposed of with a reservation of such deposits to the United States located in the States of Louisiana and New Mexico.

(b) Lease such lands containing valuable deposits of sulphur.

Subpart 3181—General

§ 3181.1 Area and limitations on holdings.

A lease or permit may not include more than 640 acres except where the rule of approximation applies. The lands in the lease or permit will be in reasonably compact form and entirely within an area of six miles square or within an area not exceeding six surveyed or protracted sections in length or width. No person, association or corporation may hold more than three sulphur permits or leases in any one State during the life of such permits or leases.

§ 3181.2 Qualifications of applicants.

(a) Permits and leases may be issued to citizens of the United States, association of citizens, and corporations organized under the laws of the United States or of any State or Territory thereof.

(b) All applicants must file with the Manager statements and evidence as follows (unless previously filed, in which event a reference by serial number to the record and the land office in which filed, together with a statement as to any amendment, will be accepted):

(1) As to citizenship, whether native born or naturalized.

(2) If applicant is an association (including a partnership), it must submit a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(3) A corporation must submit a statement showing:

(i) The State in which it is incorporated.

(ii) That it is authorized to hold permits and leases for sulphur deposits and that the person executing an instrument on behalf of the corporation is authorized to act in such matters.

(iii) The percentage of voting stock, of all the stock owned by aliens and of all the stock owned by those having addresses outside of the United States. When the stock owned by aliens is over 10 percent, additional information may be required.

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class, of the corporation.

(4) That holdings of sulphur permits or leases do not exceed the number specified in § 3181.1.

§ 3181.3 Permits and leases for lands disposed of with reservation of sulphur.

Where lands included in a permit or lease have been disposed of with reservation of sulphur deposits, a permittee or lessee must make full compliance with the law under which such reservation was made. See the Acts of March 4, 1933 (47 Stat. 1570; 30 U.S.C. 124); December 29, 1916 (39 Stat. 862; 43 U.S.C. 291–301); June 17, 1949 (63 Stat. 201); June 21, 1949 (63 Stat. 215; 30 U.S.C. 54) and August 13, 1954 (68 Stat. 708), and other laws authorizing such reservations.

§ 3181.4 Requirements when lands are within a withdrawal.

Where any part of the lands embraced in an application for sulphur permit or lease is within a withdrawal which does not preclude disposition of the sulphur deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a sulphur permit or lease. Where he recommends that a special stipulation be required to protect the interests of the United States, an appropriate stipulation may be included in the lease or permit.

§ 3181.5 Protection of pre-existing mining claims.

Mining claims for sulphur deposits on lands such as specified in § 3180.0–3 situated in Louisiana which were valid on April 17, 1926, or on such lands in New Mexico, on July 16, 1932, if duly maintained, may be patented under the law under which they were initiated. Otherwise, such deposits may be secured only under the Act of April 17, 1926 (44 Stat. 301), as amended July 16, 1932 (47 Stat. 701; 30 U.S.C. 271–276).

Subpart 3182—Sulphur Prospecting Permits

§ 3182.1 Application for permit.

An application for a permit must be filed in duplicate in the appropriate land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form of application is required, but the application should include the information and evidence called for in §§ 3181.2 and 3183.3–1.

§ 3182.2 Rights conferred.

Two-year permits issued and on a form approved by the Director grant the permittee the exclusive right to prospect and explore the lands described therein to determine the existence of, or workability of, the sulphur deposits, Only such material may be removed from the land as is necessary to experimental work or the demonstration of the existence of such deposits in commercial quantities.

§ 3182.3 Permit bond.

Prior to the issuance of a permit for lands entered or patented with a reservation of the sulphur deposits to the United States, or lands within a reclamation project, the applicant must furnish an approved surety bond of at least $1,000. The right is reserved to require the applicant, in any case where deemed necessary, to furnish a permit bond.

§ 3182.4 Cancelled permits.

Upon cancellation of a sulphur permit for any reason, the land will not be open to sulphur permit applications until the cancellation is noted on the records of the land office.

§ 3182.5 Reward for discovery.

(a) Upon a satisfactory showing that valuable deposits of sulphur have been discovered by a permittee within the area covered by this permit before the permit expires, and that the land is chiefly valuable therefor, the permittee shall be entitled to a preference right lease for all or part of the land embraced in his permit in a reasonably compact form. An application for a preference right lease by a sulphur permittee must be filed not later than 30 days after his permit expires. The application must be filed in the appropriate land office and describe the land desired, show the date valuable sulphur deposits were discovered, specify fully the extent and mode of occurrence of the deposits as disclosed by prospecting work, and show any change in the information contained in the application for sulphur permit. The application must be accompanied by the first year's lease rental at the rate of 50 cents per acre or fraction thereof. The lease will be on a form approved by the Director, and will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right sulphur lease, unless otherwise specified therein. If the sulphur permit expires and the application for sulphur lease is finally rejected, royalty for the sulphur mined will be charged at the sulphur permit rate and such mining will not constitute a trespass.

(b) If the lands are unsurveyed, the sulphur permittee, prior to the issuance of a lease, will be required to deposit with the appropriate State Director the estimated cost of making a survey of the lands as officially determined by the Bureau of Land Management. This survey will be an extension of the public land surveys over the lands applied for, and the lands to be included in the sulphur lease will be conformed to the subdivision of such survey.

(c) If the sulphur permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee or lessee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 3181.2(b) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee or lessee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required § 3181.2 (b) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 3181.2.

§ 3182.6 Expiration of permit.

Unless a lease application is filed pursuant to § 3182.5 the permit will expire at the end of its period without notice to the permittee. No extension of the term will be granted.

Subpart 3183—Sulphur Leases

§ 3183.1 Leases and lease bond.

§ 3183.1–1 Form of lease.

Leases shall be issued on a form approved by the Director.

§ 3183.1–2 Lease bond.

A compliance bond, in no event less than $5,000.00, will be required prior to the issuance of a lease.

§ 3183.2 Rental and royalty.

§ 3183.2–1 Royalty.

Leases based upon discovery of valuable sulphur deposits under a sulphur permit shall provide for a royalty of 5 percent of the quantity or gross value of the output of sulphur at the point of shipment to market. Leases for lands known to contain valuable deposits of

sulphur and not covered by sulphur permits or leases shall provide for such royalty as will be determined prior to the issuance of the lease, but in no case shall the royalty be less than 5 percent of the quantity or gross value of the output of sulphur at the point of shipment to market.

§ 3183.2–2 Rental.

Leases shall provide for the payment, in advance, of an annual rental of 50 cents for each acre or part thereof covered by the lease, beginning with date of the lease, such rental for any year to be credited against the first royalties as they accrue under the lease during the year for which the rental was paid.

§ 3183.2–3 Minimum production.

Leases will require the payment of a royalty on a minimum annual production beginning with the sixth year of the lease, unless operations are interrupted by strikes, the elements or casualties not attributable to the lessee, or unless, on application and showing made, lease operations are suspended by the Department of the Interior for the reasons specified in section 39 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 209). See showing required under § 3102.4.

§ 3183.3 Competitive leasing.

§ 3183.3–1 Application for lease by competitive bidding.

(a) An application for a lease must be filed in duplicate in the appropriate land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form is required, but the application should include the following:

(1) The applicant's name and address.

(2) A complete and accurate description of the lands for which the lease is desired. If the lands have been surveyed under the public land rectangular system, each application must describe the lands by legal subdivision, section, township, and range. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all applications to lease lands shown on such protracted surveys, filed on or after such effective date, must describe the lands only according to the section, township, and range shown on the approved protracted surveys. If the lands have neither been surveyed on the ground nor shown on the records as protracted surveys, each application must describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the lands are in irregular form, and connected by courses and distances to an official corner of the public land surveys.

(3) Evidence that the land is valuable for its sulfur content, with a statement as to the character, extent, and mode of occurrence of the sulfur deposits.

(b) The application must be signed by applicant, or by his attorney in fact, supported by the power of attorney.

(c) If it be found that the area applied for is not available for leasing, the applicant will be so informed.

§ 3183.3–2 Notice of lease offer.

Notice of offer of lands or deposits for lease will be by publication once a week for four consecutive weeks or for such other period as may be determined, in a newspaper of general circulation in the county or parish in which the lands or deposits are situated. The notice will state the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the lands and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared. The right is reserved to reject any and all bids, and should a bid be rejected, the deposit made by the bidder will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder, or prevent bidding, is unlawful.

§ 3183.3–3 Bid deposits.

The successful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the date of the sale, and each bidder at a sale by sealed bids, must submit with his bid, certified check, cashier's check, bank draft, money order, or cash for one-fifth of the amount of the bid, and evidence of qualifications as required by § 3181.2.

§ 3183.3–4 Award of lease.

Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four lease forms will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 3183.3–2, and file a bond as required by § 3183.1. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, there must be furnished satisfactory evidence such as specified in § 3182.5(c), in order that the Manager of the appropriate land office may determine to whom the lease may be issued.

§ 3183.4 Renewal leases.

An application for a renewal lease must be filed in the appropriate land office within 90 days prior to the expiration of the lease term. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the issuance of a renewal lease, the lessee will be required to submit a new bond as prescribed in § 3182.3. Each application for renewal must be accompanied by a filing fee of $10, which will not be returnable.

§ 3183.5 Termination.

§ 3183.5–1 Relinquishment of lease.

Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

§ 3183.5–2 Cancellation of lease.

If the lessee fails to comply with the general regulations in force at the date of the lease, or defaults with respect to any of the terms, covenants, or stipulations of the lease, and such failure or default continues for 30 days after service of written notice thereof by the lessor, then the lessor may bring appropriate court proceedings to forfeit and cancel the lease as provided in section 31 of the Mineral Leasing Act (30 U.S.C. 188). A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause, or for the same cause occurring at any other time.

Subpart 3184—Transfers of Permits and Leases

§ 3184.1 Transfers, including subleases.

(a) Permits and leases may be transferred in whole or in part. The approval of a transfer of part of the lands in a permit or lease will create a new permit or lease for the transferred portion. A discovery made before or after the partial assignment, either on the retained or the assigned portions will not inure to the benefit of the other, nor will approval of a transfer extend the life of the permit or the renewal periods of

the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed for approval in duplicate at the appropriate land office within 90 days after execution. Evidence of the qualifications of the assignee or transferee to hold the permit or lease, as required by § 3181.2 must be submitted simultaneously. Before a transfer of a permit or lease will be approved, the consent of the surety to the substitution of the transferee as principal, or a new bond with the transferee as principal, must be submitted if the original permit or lease required the maintenance of a bond. If the transfer is for part of the land only, it must be for a legal subdivision and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the permittee or lessee must be submitted, as well as (2) a new bond with the transferee as principal covering the portion of the lands transferred. The account under the permit or lease must be in good standing before approval of transfer will be given. A transfer will take effect the first day of the month following its approval, or if the transferee requests, the first day of the month of the approval.

(b) A application for approval of any instrument transferring a lease or permit, or interest therein, must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(c) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Department as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 3182.5.

(e) The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the permit or lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all permit or lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

Subpart 3185—Royalties

§ 3185.1 Overriding royalties.

(a) An overriding royalty interest may be created by assignment or otherwise: *Provided, however,* That if the total of the overriding royalty interests at any time exceeds one percent of the gross value of the output at the point of shipment to market, they shall be subject to reduction or suspension by the Secretary to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order (1) to prevent premature abandonment, or (2) to make possible the economic mining of marginal or low grade deposits. Where there is more than one overriding royalty interest, any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof or, in the absence of such agreement, in the inverse order of the dates of creation of such interests.

(b) Any assignment, sublease, or other transfer or agreement which creates an overriding royalty interest will not be approved unless the owner of that interest files his agreement in writing that such interest is subject to suspension or reduction as provided in paragraph (a) of this section. No overriding royalties shall be paid at a rate in excess of the rate to which they have been so reduced until otherwise authorized by the Secretary.

PART 3190—ASPHALT LEASES

Subpart 3190—Asphalt Leases; General

Sec.
3190.0–3 Authority.

Subpart 3191—Leasing Procedure

3191.1 Application for Lease.
3191.2 Rentals, royalties, and minimum royalties.
3191.3 Term of lease.
3191.4 Multiple use of lands.
3191.5 Form of lease.
3191.6 Lease bond.

AUTHORITY: The provisions of this Part 3190 issued under 74 Stat. 781, secs. 181, 182, 241, 30 U.S.C.

Subpart 3190—Native Asphalt Solid and Semisolid Bitumen and Bituminous Rock Leases; General

§ 3190.0–3 Authority.

The act of February 25, 1920 (41 Stat. 437; 30 U.S.C., sec. 181), as amended by the act of September 2, 1960 (74 Stat. 781; 30 U.S.C. secs. 181, 241) provides for the leasing of native asphalt, solid and semisolid bitumen and bituminous rock (including oil impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried).

Subpart 3191—Leasing Procedure

§ 3191 Leasing procedure.

§ 3191.1 Application for lease.

(a) An applicant must give his name and address and citizenship qualifications in the manner prescribed in § 3101.1.

(b) Lands included in an application for a lease must be described in the same manner as specified in § 3123.8. No more than 7,680 acres may be acquired or held under lease by any person, association or corporation in any one State irrespective of the number of leases.

(c) Each application must be filed in the proper land office and must be accompanied by a filing fee of $10 which will not be returnable.

(d) All leases will be issued through competitive bidding only in the same manner as that provided for in §§ 3123.2 through 3124.3.

§ 3191.2 Rentals, royalties and minimum royalties.

The minimum royalty and royalty rates will be fixed and determined prior to the offering of the lands for lease and the issuance of the lease to the successful bidder. Such rates will be set out in the notice of publication inviting bids and will be determined on an individual case basis. The annual rental will be 50 cents per acre or fraction thereof payable annually in advance.

§ 3191.3 Term of lease.

All leases shall be for a term of 10 years and so long thereafter as the lessee complies with the terms and conditions of the lease.

§ 3191.4 Multiple use of lands.

In accordance with, and in furtherance of the principle of the multiple use of the public lands, a lease for the mineral deposits enumerated in this Part may be issued, notwithstanding the existence of any lease covering the same lands issued under any other provision of the act.

§ 3191.5 Form of lease.

The form of lease will be substantially the same as that set forth in 47 L.D. 426–429. The right is reserved to insert in the lease such other terms and conditions as may be deemed necessary for the protection of the surface of the land, its resources and any other lessees of the lands.

§ 3191.6 Lease bond.

Prior to the issuance of the lease and as a condition therefor, the successful bidder must furnish a corporate surety bond in an amount to be set forth in the invitation to bid. The right is reserved to require an increase of the amount of the bond before or after the issuance of the lease when deemed proper by the authorized officer.

Group 3200—Mineral Leasing on Acquired Lands

PART 3210—ACQUIRED LANDS LEASING ACT

Subpart 3210—Acquired Lands Leasing Act; General

Sec.
3210.0–3 Authority.
3210.0–6 Sale of conveyance of lands.

Subpart 3211—Land Open Under Act

3211.1 Lands and deposits to which the act does not apply.
3211.2 Stipulations and consent of agency having jurisdiction of land.
3211.3 Other regulations applicable; lease forms, applications, and offers.

Subpart 3212—Lease Requirements

3212.1 Supplemental information required in offers and applications for leases and permits; place of filing.
3212.2 Restriction on holdings.
3212.3 Leases of future or fractional interests.
3212.4 Offer to lease and issuance of lease.
3212.5 Exchange of leases.

AUTHORITY: The provisions of this Part 3210 issued under sec. 10, 61 Stat. 915; 30 U.S.C. 359.

Subpart 3210—Mineral Leasing on Acquired Lands; General

§ 3210.0–3 Authority.

(a) The Mineral Leasing Act for Acquired Lands, enacted on August 7, 1947 (61 Stat. 913; 30 U.S.C. 351–359) and referred to in this part as "the act," authorizes the Secretary of the Interior to issue permits and leases for deposits of oil, gas, oil shale, coal, phosphate, sodium and potassium in lands acquired by the United States subject to the same conditions as contained in the mineral leasing laws of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181–263), February 7, 1927 (44 Stat. 1057), as amended (30 U.S.C. 281–287), and in all laws which amend or supplement these mineral leasing laws. The act also authorizes the issuance of permits and leases for sulphur deposits in such acquired lands, wherever situated, subject to all other conditions contained in the act of April 17, 1926 (44 Stat. 301), as amended (30 U.S.C. 271–276).

(b) The authority conferred upon the Secretary by the act, supersedes the authority conferred upon him by section 402 of Reorganization Plan No. 3, effective July 16, 1946 (3 CFR 1946 Supp., chapter IV), as to the above-enumerated minerals, except as to leases or permits outstanding on August 7, 1947.

§ 3210.0–6 Sale or conveyance of lands.

Any sale or conveyance of lands subject to the act by the agency having jurisdiction thereof, shall be subject to any lease or permit theretofore issued under the act.

Subpart 3211—Lands Open Under Act

§ 3211.1 Lands and deposits to which the act does not apply.

The act does not apply to lands:

(a) Acquired for the development of their mineral deposits,

(b) Acquired by foreclosure or otherwise for resale,

(c) Reported as surplus under the Surplus Property Act of October 3, 1944 (58 Stat. 765; 50 U.S.C. 1611, et seq.).

(d) In incorporated cities, towns, and villages,

(e) In national parks and monuments,

(f) Set apart for military or naval purposes, including lands within naval petroleum and oil shale reserves, or

(g) Which are tide lands, submerged coastal lands, within the continental shelf adjacent or littoral to any part of land within the jurisdiction of the United States.

§ 3211.2 Stipulations and consent of agency having jurisdiction of land.

(a) Leases or permits may be issued only with the consent of the head or other appropriate official of the executive department, independent establishment or instrumentality having jurisdiction over the lands containing the deposits, or holding a mortgage or deed of trust secured by such lands, and subject to such conditions as that official may prescribe to insure adequate utilization of the lands for the primary purpose for which they were acquired or are being adminstered.

(b) All applications and offers for permits or leases should name, if practicable, the Government agency from which consent to the issuance of a permit or lease must be obtained, or the agency that may have title records covering the ownership of the mineral interest involved, and identify the project, if any, of which the land is a part. Permits or leases to which such consent is necessary will not be issued until the lessee or permittee executes such stipulations as may be required by the consenting agency.

(c) Where the United States has conveyed the title to, or otherwise transferred the control of the surface of the lands containing the deposits to any State or any political subdivision, agency or instrumentality thereof, or a college or any other educational corporation, or association, or a charitable or religious corporation or association, such party shall be given written notification by certified mail of the application for the permit or lease, and shall be afforded a reasonable period of time within which to suggest any stipulations deemed by it to be necessary for the protection of existing surface improvements or uses to be included in the permit or lease, setting forth the facts supporting the necessity thereof, and also to file any objections it may have to the issuance thereof. Where such party opposes the issuance of the permit or lease, the facts submitted in support must be carefully considered and each case separately decided on its merits. However, such opposition affords no legal basis or authority to refuse to issue the permit or lease for the reserved minerals in the lands; in such case, the final determination whether to issue the permit or lease depends upon whether the interests of the United States would best be served thereby.

§ 3211.3 Other regulations applicable; lease forms, applications, and offers.

Except as otherwise specifically provided in this part the regulations prescribed under the mineral leasing laws, and contained in Group 3100 of this chapter, shall govern the disposal and development of minerals under the act to the extent that they are not inconsistent with the provisions of the act. All oil and gas leases for existing interest on acquired lands whether the Government's interest be full or fractional shall be issued on a form approved by the Director. Leases of future interest and fractional future interest shall be issued on a form approved by the Director.

Subpart 3212—Lease Requirements

§ 3212.1 Supplemental information required in offers and applications for leases and permits; place of filing.

(a) Each offer or application for a lease or permit must contain (1) a statement that applicant's interest, direct or indirect, in leases, permits, or applications for similar minerals does not exceed a maximum chargeable acreage permitted to be held for that mineral in federally owned acquired lands in the same State, and (2) a complete and accurate description of the lands for which a lease or permit is desired. If the lands have been surveyed under the rectangular system of public land surveys, and the description can be conformed to such survey system, the lands must be described by legal subdivision, section, township, and range. Where the description cannot be conformed to the public land survey, any boundaries which do not so conform must be described by metes and bounds, giving courses and distances between successive angle points with appropriate ties to established survey corners. If not so surveyed and if within the area of the public land surveys, the lands must be described by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract and connected with an official corner of those surveys by courses and distances. If not so surveyed and the tract is not within the area of the public land survey, it must be described in a manner consistent with the description in the deed under which it was acquired, amplified where the deed description does not supply them, to include the courses and distances between the successive angle points on the boundary of the tract, and adequately shown on a plat or map to permit its location within the administrative unit or project of which it is a part. In all cases the description should, if practicable, refer to (i) the administrative unit or project of which the land is a part, the purpose for which the land was acquired by the United States, and the name of the governmental body having jurisdiction over the land, (ii) the names of the persons who conveyed the lands to the United States, (iii) the date of such conveyance, and the place, liber and page number of its official recordation.

(b) An application or offer under the act must be filed in the proper land office as set forth in § 3212.4. Such application or offer will be considered only as to the acquired lands described therein. If public domain lands or minerals are also included the application or offer will be rejected as to such lands or minerals.

§ 3212.2 Restriction on holdings.

The amount of acquired lands acreage that may be held under lease or permit either directly or indirectly, individually or as a member of an association or a corporation may not be in excess of the amount of public domain acreage for the same minerals permitted to be held under the mineral leasing laws. Public domain lease holdings shall not be charged against acquired lands lease holdings; such respective holdings shall not be interchargeable. Where the United States owns only a fractional interest in the mineral resources of the lands involved, only that part of the total acreage involved in the lease which is proportionate to the ownership by the United States of the mineral resources therein shall be charged as acreage holdings. The acreage embraced in a future interest lease is not to be charged as acreage holdings until the lease for the future interest takes effect.

§ 3212.3 Leases of future or fractional interests.

(a) *General.* Subject to the provisions of section 3 of the act, noncompetitive leases for future or fractional interests in lands believed, but not known to contain mineral deposits may be issued whenever the public interest will be best served thereby. There is no required form for applications or offers for noncompetitive leases of any mineral subject to the act, except oil and gas. However, such applications and requests to have leases offered competitively for lands known to contain mineral deposits should, to the extent applicable, conform to and include the information required by: §§ 3211.2, 3211.3, 3212.1 and this section. The terms and conditions of leases covering future or fractional interests in mineral deposits other than oil and gas, of competitive leases for future or fractional interests in oil and gas deposits within the known geological structure of a producing oil or gas field, and of compensatory royalty agreements under § 3120.3–1 covering future or fractional interests, will be established on an individual case basis.

An application or offer under the act must be filed in the proper land office as set forth in § 3212.4. Such application or offer will be considered only as to the acquired lands described therein. If public domain lands or minerals are also included the application or offer will be rejected as to such lands or minerals.

(b) *Offers to lease and leases covering future interests in oil and gas deposits.* A noncompetitive lease for a whole or fractional future interest will be issued only to an offeror who owns all or substantially all of the present operating rights to the minerals in the lands in the offer as mineral fee owner, as lessee or as an operator holding such rights. An application for a future interest lease filed less than one year prior to the date of the vesting in the United States of the present interest in the minerals will be rejected. Upon the vesting in the United States of the present possessory interest in the minerals, all applications for future interest leases outstanding at that time will automatically lapse and thereafter only offers for a present interest lease will be considered. There is no required form for an application or offer to lease a whole or fractional future interest. The application or offer therefor should, however, to the extent applicable, conform to and include the information required by §§ 3211.2, 3211.3, and 3212.1 and must be accompanied by a certified abstract of title containing record evidence of the creation of, and offeror's right to, the claimed mineral interest. If the offeror acquired the operating rights under a lease or contract, the offer shall also be accompanied by three copies of such lease or contract. In lieu of an abstract, a certificate of title may be furnished. A future interest offer may include tracts in which the United States owns a fractional present interest as well as the future interest for which a lease is sought, but it shall not include tracts where the United States owns the entire mineral interest at the time the offer is made. Future interest leases will become effective on the date when the United States becomes vested with the mineral rights as stated in the lease. Where the effective dates of the vesting of the Government's title to the minerals are different for different tracts, separate leases covering each of such different tracts will be issued.

(c) *Supplemental agreement as consideration for issuance of lease on future interest in oil and gas deposits.* As part of the consideration for the issuance of a future interest oil and gas lease and as supplemental thereto, the applicant shall execute and file in triplicate an agreement for approval by the Director. Such agreement will provide for the payment of annual rental in advance at the rate of 25 cents an acre for each tract until the future interest therein becomes possessory or until production is had on the lands described in the lease. After discovery, and until the lease becomes effective as to the respective tracts, the agreement will provide for the payment of a royalty on production, not less than 25 cents per acre per annum, at the particular rate that is applicable: when the interval from the date of receipt of said lease application to the date that the future interest will become possessory is:

	Percent
Not more than 5 years	5
More than 5 years, but not more than 10 years	4
More than 10 years, but not more than 15 years	3
More than 15 years	1

Such agreement will be effective as of the date the lease issues. Such agreement will govern the relationship of the applicant and the United States between its effective date and the respective dates when the lease becomes effective as to each future interest, as set forth in the lease. Where the United States owns both a fractional interest and a fractional future interest in the minerals in the same tract, the supplemental agreement will cover only the fractional future interest in that tract. The lease when issued shall cover both the present and future interests in the land and shall be effective for the present interest held by the United States as of the date for which the lease issues. In such cases and also in all cases where the United States owns only part of the future mineral interest the percentage of royalty specified in the supplemental agreement shall apply to the fractional future interest in that proportion. In lieu of a provision in the agreement for the payment of royalty by the future interest lease holder, the applicant, if not the owner of the present mineral interest, may obtain and file with the Bureau of Land Management an instrument executed in duplicate by the present mineral owner conveying or assigning to the United States the royalty interest set forth in the agreement applicable to the particular terms of years which will elapse before the United States becomes the owner of the mineral rights. If found acceptable, one original of such assignment will be returned to the applicant for recordation at his expense and for return to the Bureau of Land Management. In such case, the supplemental agreement should have endorsed on it by the applicant the statement that the assignment of such royalty interest to the United States is recognized by the holder of the agreement.

(d) *Offers for fractional interest oil and gas leases other than future fractional interests.* An offer for a fractional present interest noncompetitive lease must be executed on a form approved by the Director and it must be accompanied by a statement showing whether the offeror owns the entire operating rights to fractional mineral interest not owned by the United States in each tract covered by the offer to lease, and if not, the extent of the offeror's ownership in the operating rights in each tract, and the names of other parties who own operating rights in such fractional interests. Ordinarily, the issuance of a lease to one who, upon such issuance, would own less than a majority interest of the operating rights in any such tract, will not be regarded as in the public interest, and an offer leading to such result will be rejected.

§ 3212.4 Offer to lease and issuance of lease.

(a) Except as provided in § 3123.9, to obtain a noncompetitive oil and gas lease of an existing mineral interest whether the Government's interest be whole or fractional, an offer to lease must be made on a form approved by the Director, "Offer to Lease and Lease for Oil and Gas; Noncompetitive Acquired Lands" or unofficial copies of that form in current use: *Provided*, That the copies are exact reproductions of one page of both sides of the official approved one-page form and are without additions, omissions, or other changes or advertising.

PART 3220—LEASING UNDER THE REORGANIZATION ACT

Subpart 3220—Leasing Under the Reorganization Act; General

Sec.

3220.0–3 Authority.
3220.0–6 Scope.
3220.0–7 Outstanding prospecting permits and leases.

Subpart 3221—Prospecting Permits

3221.1 Filing and contents of applications; filing fees; acreage limitation; qualifications; priority rights.
3221.2 Terms and conditions of prospecting permits; rental; bonds.
3221.3 Extension of permit.
3221.4 Reward for discovery; preference right lease; bond.

Subpart 3222—Competitive Leasing

3222.1 Mineral deposits subject to lease through competitive bidding; leasing units.
3222.2 Application for lease by competitive bidding.
3222.3 Notice of lease offer.
3222.4 Bidding requirements; deposits.
3222.5 Action by successful bidder.
3222.6 Rentals.
3222.6–1 Payments and reports.
3222.6–2 Suspension of operations and production.
3222.7 Bonds.

Subpart 3223—Contracts

3223.1 Approval of operating or development contracts without regard to acreage limitations.

Subpart 3224—Relinquishment of Prospecting Permit or Lease

3224.1 Surrender.
3224.2 Cancellation or termination of prospecting permit or lease.

Subpart 3225—Transfers

3225.1 Transfers, including subleases.

Subpart 3226—Royalties

3226.1 Overriding royalties.

Subpart 3227—Fractional or Future Interest Leases and Permits

3227.1 Terms and conditions.
3227.2 Present fractional interest leases or permits.
3227.3 Future or fractional future interest leases.
3227.4 Rejection and termination of applications.

AUTHORITY: The provisions of this Part 3220 issued under R.S. 161, sec. 3, 63 Stat. 683; 5 U.S.C. 22, 30 U.S.C. 192c.

Subpart 3220—Leasing Under the Reorganization Act; General

§ 3220.0–3 Authority.

(a) Section 402, Reorganization Plan No. 3 of 1946 (60 Stat. 1099) transferred the functions of the Secretary of Agriculture and the Department of Agriculture relative to the leasing or other disposal of minerals in certain acquired lands to the Secretary of the Interior.

(b) Section 3 of the act of September 1, 1949 (63 Stat. 683) authorized the issuance of mineral leases or permits for the exploration, development and utilization of minerals, other than those covered by the Mineral Leasing Act for Acquired Lands, in certain lands added to the Shasta National Forest by the act of March 19, 1948 (62 Stat. 83).

(c) Section 3 of the act of June 23, 1952 (66 Stat. 285), authorized the Secretary of the Interior to administer, in the manner prescribed by section 402 of Reorganization Plan No. 3 of 1946, mineral deposits other than those subject to the provisions of the Mineral Leasing Act for Acquired Lands, in that part of the Juan Jose Lobato Grant Numbered 164, which lies northerly of the Chama River (North Lobato tract) and in part of the Anton Chica Grant Numbered 29 (El Pueblo tract) as more particularly described in section 1 of the act of June 28, 1952.

§ 3220.0–6 Scope.

(a) Part 3220 applies to the leasing or other disposal of minerals other than oil, gas, oil shale, coal, phosphate, potassium, sodium and sulphur.

(1) In acquired lands under the act of March 4, 1917 (39 Stat. 1134, 1150; 16 U.S.C. 520), Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205; 40 U.S.C. 401, 403(a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115, 118), section 55 of Title I of the act of August 24, 1935 (49 Stat. 750, 781), the act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725; 7 U.S.C. 1011(c) and 1018).

(2) In acquired lands, except Indian lands and lands in national parks and monuments, under the jurisdiction of the bureaus of the Department of the Interior where authorized by law.

(3) In those lands added to the Shasta National Forest by the act of March 19, 1948 (62 Stat. 83), which were acquired with funds of the United States, or lands received in exchange therefor.

(4) In those portions of the Juan Jose Lobato Grant (North Lobato tract) and of the Anton Chica Grant (El Pueblo tract) in New Mexico, mentioned in paragraph (c) of this section.

(b) Lands under jurisdiction of the Department of Agriculture. The Reorganization Plan and the Acts provide that mineral development may be permitted only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe to protect the purposes for which the lands were acquired or are being administered. An application will be rejected if the Secretary of Agriculture does not give his consent. Any lease permit, or other instrument granting the right to mine or remove the minerals will contain such stipulations as may be specified by that official in order to protect such purposes. All matters relating to the surface of the land and its protection, including responsibility for securing compliance with all applicable regulations and procedures of the Department of Agriculture, the terms of the lease relating to the surface and surface resources, and the stipulations specified for the protection of the land, are functions of the Department of Agriculture. Lessees and permittees will comply with the applicable regulations of the Secretary of Agriculture and will consult with the authorized respresentative of the Secretary of Agriculture as to matters relating to the surface.

§ 3220.0–7 Outstanding prospecting permits and leases.

Prospecting permits and leases heretofore issued by the Department of Agriculture will continue to be administered by the Department of the Interior in accordance with the regulations under which they were issued.

Subpart 3221—Prospecting Permits

§ 3221.1 Filing and contents of applications; filing fees; acreage limitation; qualifications; priority rights.

(a) While there is no required form for an application for a prospecting permit or lease, a form approved by the Director may be used for that purpose. If not, the application should:

(1) Specify the dominant mineral or minerals for which the lease or permit is sought;

(2) Name, if practicable, the branch of the Government agency having jurisdiction over the land and the administrative unit or project of which the land is a part;

(3) Contain a statement of applicant's citizenship; if a corporation, the State of incorporation and that it is authorized to hold a prospecting permit or lease, and a statement that applicant's interests, direct or indirect, in leases, prospecting permits or applications for minerals other than coal, phosphate, sodium, potassium, oil, oil shale, or gas in acquired lands in the same State, do not exceed the allowable acreage prescribed in paragraph (c) of this section.

(4) Contain a complete and accurate description of the lands for which the prospecting permit or lease is desired. If the lands have been surveyed under the rectangular system of public land surveys, and the description can be conformed to such survey system, the lands must be described by legal subdivision, section, township, and range. Where the description cannot be conformed to the public land survey, any boundaries which do not so conform must be described by metes and bounds, giving courses and distances between successive angle points with appropriate ties to established survey corners. If not so surveyed and if within the area of the public land surveys the lands must be described by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract and connected with an official corner of those surveys by courses and distances. If not so surveyed and the tract is not within the area of the public land survey, it must be described in a manner consistent with the description in the deed under which it was acquired, amplified where the deed description does not supply them, to include the courses and distances between the successive angle points on the boundary of the tract, and adequately shown on a plat or map to permit its location within the administrative unit or project of which it is a part. Lands "within the area of the public land surveys" are those north and west of the Ohio and Mississippi Rivers (except Texas) and in the States of Mississippi, Alabama, Florida, and Alaska.

(5) Include an accurate map or plat of the lands prepared from the survey thereof or other reliable map source, unless the lands are surveyed under the public land system of surveys.

(b) An application for a prospecting permit or lease may be filed by any citizen or association of citizens of the United States, or corporations organized and existing under the laws of the United States or any State or Territory thereof.

(1) The application shall be filed in triplicate in the appropriate land office. The application must be accompanied by a filing fee of $10 which is not returnable.

(2) An application for a prospecting permit must be accompained by full payment of the first year's rental of 25 cents per acre or fraction thereof, but no less than $20.

(c) No applicant may hold more than 20,480 acres under prospecting permit and lease of which not more than 10,240 acres may be held under lease, provided, however, that the Secretary may authorize a lessee to hold under lease an additional 10,240 acres of land if he finds, upon a satisfactory showing submitted by the lessee that such additional acreage is necessary to promote the orderly development of mineral resources and does not result in undue control of the mineral to be mined, removed and marketed, but in no event shall a lessee hold in excess of 10,240 acres of leased land for the mining of any dominant single mineral, nor shall any person at any one time hold more than 20,480 acres under permit and lease in any one State.

(d) A prospecting permit may not include more than 2,560 acres, and will be issued to the first qualified applicant. The lands in the permit must be entirely within an area of six miles square or within an area not exceeding six surveyed sections in length or width. An application for a prospecting permit which covers lands that are not located entirely within an area of six miles square or an area of six surveyed sections in length or width will be rejected in its entirety.

§ 3221.2 Terms and conditions of prospecting permits; rental; bonds.

(a) Prospecting permits are issued on a form approved by the Director for a period of 2 years and grant the permittee the exclusive right to prospect on and explore the described lands to determine the existence of, or workability of, the mineral deposits therein. Only such material may be removed from the land as is necessary to demonstrate the existence of commercial quantities thereof.

(b) A prospecting permit will require payment in advance by permittee of an annual rental of not less than 25 cents per acre or fraction of an acre, but no less than $20 per year. The permittee may also be required, as a condition precedent to the issuance of a permit, to furnish a permit bond.

(c) Prospecting may be carried on with the consent of the appropriate official of the Department, bureau or agency having jurisdiction over the land where no structures are to be erected, and no substantial excavations or disturbances of the surface will be made. Such prospecting shall not be deemed to vest in the prospector an exclusive right of exploration or a preference right to a lease under this part.

§ 3221.3 Extension of permit.

(a) A prospecting permit may be extended for one additional term of 2 years, in the discretion of the signing officer, upon written application made by the permittee and filed in triplicate in the proper land office within 90 days prior to the expiration date of the permit. Such application must be accompanied by a filing fee of $10, which is not returnable. In support of an application for extension of a prospecting permit, the permittee must show that he has diligently performed prospecting activities on the land during the period for which the permit was issued. This requirement may be dispensed with, in the discretion of the authorized officer, upon a satisfactory showing that the permittee's failure to perform diligent prospecting activities was due to conditions beyond permittee's control.

(b) Upon failure of the permittee to file an application for extension within the specified period, the permit will expire 30 days after the end of its primary term without notice to the permittee and the lands will thereupon become subject to new application for prospecting permits.

An official form approved by the Director, or a valid reproduction, will also constitute the lease, when signed by the authorized signing officer of the Bureau of Land Management.

(b) Seven copies of the official form, or valid reproduction thereof, for each offer to lease shall be filed in the land office for the State or land district in which the land is situated, or for land or deposits in States for which there are no land offices, with the Bureau of Land Management, Washington, D.C., 20240, except that offers for lands or deposits in North Dakota or South Dakota, must be filed in the land office at Billings, Montana; for lands or deposits in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands or deposits in Oklahoma and Texas in the land office at Santa Fe, New Mexico. For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

(c) Each offer must describe the lands as required by § 3212.1 and may not include more than 2,560 acres except where the rule of approximation applies. That portion of § 3123.1 providing that an offer may not be made for less than 640 acres is not applicable to acquired lands lease offers. Each offer should specify, if possible, the name of the governmental agency having jurisdiction over the surface of the land and also the unit of the project involved.

(d) Except as provided in § 3123.4 an offer which is not filed in accordance with the applicable regulations in Part 3120 or in this part will be rejected and will afford the applicant no priority.

(e) Leases for a whole or fractional future interest will be issued on a form approved by the Director. Such leases will be sent to applicant or offeror for execution and return to the proper land office for execution by the appropriate officer. Thereafter, an executed copy will be mailed to lessee.

§ 3212.5 Exchange leases.

(a) Oil and gas leases, outstanding on August 7, 1947, and which cover lands subject to the act, may be exchanged for new leases to be issued under the act. New leases shall be issued for a term of five years and so long thereafter as oil or gas is produced in paying quantities, and shall be dated to be effective as of the first of the month after the filing of the application to exchange. The rental rates for the new lease, for lands not within the known geologic structure of a producing oil or gas field at the time of the filing of the application for exchange, shall be the same as those set forth in § 3125.1, and the royalty rate for such lands shall be 12½ percent. For all other lands, the rental rate for the new lease shall be $1.00 per acre per annum, and the royalty requirements shall be the same as those stipulated in the lease offered in exchange.

(b) Coal, phosphate, sodium, potassium, sulphur, or oil shale leases, outstanding on August 7, 1947, and which cover lands subject to the act, may be exchanged for new leases to be issued under the act subject, in each case, to such appropriate conditions as may be prescribed.

§ 3221.4 Reward for discovery; preference right lease; bond.

(a) Upon discovery of any valuable deposit of minerals the permittee shall be entitled to a preference right lease for the mineral in any or all of the lands in the permit except as provided for in § 3220.0–6(a).

(b) Should the issuance of the preference right lease, for the acreage applied for, increase the permittee's leased acreage beyond 10,240 acres, such preference right lease will not issue unless the permittee, within the time allowed by the signing officer, relinquishes sufficient of his leased lands to reduce the area of his leaseholds, including the area to be included in the preference right lease, to 10,240 acres except as provided for in § 3221.1(c).

(c) An application for a preference right lease must be filed in the proper land office not more than 30 days after the termination date of the primary or extended term of the permit, and must describe the lands for which the lease is desired; must contain a statement of permittee's interests, direct or indirect, in acquired lands mineral leases except leases covering the leasable minerals mentioned in § 3220.0–6(a); must disclose any change in the information contained in the application for the permit, specify fully the extent the mode of occurrence of the mineral deposit disclosed by the prospecting, and show that a valuable deposit of minerals was discovered before the expiration of the permit.

(d) The application must be accompanied by a payment of $1 for each acre or fraction thereof included in the application, but not less than $20. In no event shall the first year's rental on any lease be less than $20. The lease will be issued on a form approved by the Director and dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, except that upon the applicant's request, the lease will be dated the first day of the month following the date the application is filed. If the permit expires and the application for lease is finally rejected, royalty for the deposits mined will be charged at the permit rate (12½ percent) and such mining will not constitute a trespass.

(e) The permittee shall be liable for and pay to the United States a royalty of 12½ percent of the gross value of the minerals mined at the point of shipment to market during the period prior to the effective date of the preference right lease, but no mining operations shall be carried on prior to the effective date of such lease except with the written consent of the agency having jurisdiction over the surface of the land and subject to such conditions as the authorized representatives of the agency shall prescribe.

(f) The terms and conditions of the lease, including the royalty rates, will be established on an individual case basis. If minerals other than that specified in the issued lease should be discovered and mined by the lessee an applicable royalty rate will be established by the lessor for such mineral. The lessee will be required to post a lease bond on a form approved by the Director before the lease will be executed by the Government.. The lease will be issued for a period of five or ten years, upon the advice of the agency having jurisdiction over the surface and the United States Geological Survey, with a right in the lessee to renew the same for successive periods of like duration under such reasonable terms and conditions as the Secretary of the Interior may prescribe, including the revision of or imposition of stipulations for the protection of the surface of the land as may be required by the agency having jurisdiction thereover. An application for renewal of the lease must be filed in manner similar to that prescribed for extension of a permit in § 3221.3 (a) and (b) and the provisions of § 3221.3 (a) and (b) are applicable to leases.

Subpart 3222—Competitive Leasing

§ 3222.1 Mineral deposits subject to lease through competitive bidding; leasing units.

(a) Except for preference right leases, as set out in the preceding section, leases for lands containing valuable mineral deposits will be issued only to the qualified person who offers the highest bonus by competitive bidding, either by oral auction or sealed bids or both, as provided in the published notice inviting bids for the issuance of a lease covering such deposits.

(b) Any qualified person may file an application for the competitive offering of such deposits. Leasing units may not exceed, in reasonably compact form, 2,560 acres of land described in the manner required by this section. The authorized officer may prescribe a lesser area for any mineral deposit if the Geological Survey reports that such lesser area is adequate for a logical mining unit.

§ 3222.2 Application for lease by competitive bidding.

(a) An application for a mineral lease through competitive bidding must be filed in triplicate in the appropriate land office. A form approved by the Director should be used for such an application, though its use is not mandatory. If this form is not used, the application should contain the information specified in § 3221.1 and should be accompanied by evidence that the land applied for is valuable for the mineral deposits named therein, together with a statement as to the character, extent and mode of occurrence thereof.

§ 3222.3 Notice of lease offer.

Notice of the offer of the mineral deposits for lease will be published once a week for 4 consecutive weeks, or for such other periods as the Bureau of Land Management may deem appropriate, in a newspaper of general circulation in the county in which the mineral deposits are situated. A copy of the notice will be posted in the proper Land Office during the period of publication. The notice will set the day and hour of sale, state whether the lease will be offered by oral auction bidding or by sealed bids, or both, and state that the successful bidder will be required to pay the cost of publishing the notice if only one parcel of land is involved. Where more than one parcel is offered, the successful bidder will be required to pay his proportionate share of such cost, which will be that proportion of the cost that the number of parcels awarded to the successful bidder bears to the number of parcels for which high bidders are declared. The notice will specify the place where the oral auction sale is to be held and where sealed bids are to be submitted, and other information pertinent to the offering. The notice will contain a warning to all bidders against violation of 18 U.S.C. 1860, which prohibits unlawful combination or intimidation of bidders. The notice shall also state that the Government reserves the right to reject any and all bids.

§ 3222.4 Bidding requirements; deposits.

(a) At a sale by oral auction the high bidder must deposit with the officer conducting the sale, on the day of the sale, one-fifth of the amount of his bid and at a sale by sealed bids each bidder must include with his bid one-fifth of the amount of the bid.

(b) If the sale is by oral auction and sealed bids, the oral auction sale will proceed first at the time and place specified therefor in the notice of offering, and the officer conducting the sale will, upon the termination of such oral auction bids, declare the high bidder. Thereupon, the officer conducting the sale will publicly, open and audibly, read all of the sealed bids which were received timely, and the lease will be awarded to the highest bidder, whether an oral auction bidder or a sealed bidder. The lease will be awarded to the high bidder, subject to the submission of proof of his qualifications.

(c) All deposits with bids including rental payments must be made by certified check, cashier's check, bank draft, money order, or cash. Deposits made on rejected or unsuccessful bids will be returned to the bidders.

§ 3222.5 Action by successful bidder.

Three copies of the lease to be awarded will be sent to the successful bidder who will be allowed 30 days from receipt in which to execute such lease, pay the balance of the bonus bid and the first year's rental in full, and file a surety bond in such amount as may be required, but not less than $500 on either of the bond forms specified in § 3222.7 and furnish proof of citizenship and holdings as set forth in § 3221.1(a)(3). If the successful bidder, after being awarded the lease, fails or refuses to execute the same or to otherwise comply with the applicable regulations, his deposit will be forfeited.

§ 3222.6 Rentals.

§ 3222.6–1 Payments and reports.

Rentals under all leases and permits shall be paid to the Manager of the proper land office, as set forth in § 3221.1 (b)(1), except that rentals and royalties on productive mining leases shall be paid to the Regional Mining Supervisor of the Geological Survey, with whom all reports concerning operations under the lease shall be filed. All remittances to the Bureau of Land Management shall be made payable to the Bureau of Land Management, those to the Geological Survey shall be made payable to the United States Geological Survey.

§ 3222.6–2 Suspension of operations and production.

(a) Applications by lessees for relief from the producing requirements or from all operating and producing requirements of mineral leases shall be filed in triplicate, in the office of the Regional Mining Supervisor of the Geological Survey and a copy thereof filed in the proper land office. Complete information must be furnished showing the necessity for such relief.

(b) The lease will be extended for the period of suspension of operations and production.

(c) A suspension shall take effect as of the time specified in the direction or assent of the Secretary or his authorized representative. Rental and minimum royalty payments will be suspended during any period of suspension of operations and production, beginning with the first day of the lease month on which the suspension of operations and production become effective or, if the suspension of operations and production becomes effective on any date other than the first day of a lease month, beginning with the first day of the lease month following such effective date. The suspension or rental and minimum royalty payments shall end on the first day of the lease month in which operations or production is resumed. Where rentals are creditable against royalties and have been paid in advance, proper credit will be allowed on the next rental or royalty due under the lease.

§ 3222.7 Bonds.

Corporate surety prospecting permit or lease bonds may be furnished on a form approved by the Director. In lieu of a corporate surety bond, a personal prospecting permit or lease bond secured by negotiable United States bonds of a par value equal to the amount of the required surety bond, together with a power of attorney may be executed on a form approved by the Director.

Subpart 3223—Contracts

§ 3223.1 Approval of operating or development contracts without regard to acreage limitations.

(a) The Secretary of the Interior or his authorized representative may, by and with the concurrence of the Geological Survey, and on such conditions as may be prescribed, approve operating or development contracts, or processing or milling arrangements, made by one or more lessees with one or more persons, associations, or corporations, to justify operations on a large scale for the discovery, development, production or transportation of ores, whenever, in his discretion, and regardless of acreage limitations provided for in this part, the conservation of natural products or the public convenience or necessity may require it, or the interests of the United States may be best subserved thereby.

Subpart 3224—Relinquishment of Prospecting Permit or Lease

(b) Three executed copies of an operating or development contract submitted for approval under this provision must be filed in the proper land office, and a duplicate original with the Regional Mining Supervisor of the Geological Survey. The contract must be accompanied by a statement showing all of the interests held by the contractor designated in the contract in the area, and also the agreed or the proposed plan of operation or development of the leased lands. All of the contracts held by the same contractor, in the area, should be submitted at the same time and full disclosure of the project made.

§ 3224.1 Surrender.

The permittee or lessee may surrender the entire prospecting permit or lease or any legal subdivision thereof. If the lands are not described by legal subdivision, a partial relinquishment must describe definitely the lands surrendered and give the exact area thereof. A relinquishment must be filed in triplicate in the proper land office. Upon its acceptance, it will be effective as of the date it is filed, subject to the continued obligation of the permittee or lessee and his surety, to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the lands in accordance with the regulations and terms of the lease, and for the faithful compliance of all of the terms of the prospecting permit or lease.

§ 3224.2 Cancellation or termination of prospecting permit or lease.

(a) Except as provided for in paragraph (b) of this section, if a permittee or lessee fails to comply with the general regulations in force at the date of the prospecting permit or lease, or, as to a lease at the effective date of any readjustment of the terms and conditions thereof, or defaults with respect to any of the terms, covenants, or stipulations of the permit or lease, and such failure or default continues for 30 days after service of written notice thereof by the Government then the permit or lease may be cancelled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit or lease for any other cause, or for the same cause occurring at any other time. Until such cancellation is noted on the appropriate records of the Land Office, the lands will not be open to further application for permit or lease.

(b) Any prospecting permit or lease shall terminate automatically if the permittee or lessee fails to pay the rental on or before the anniversary date of the permit or lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely.

(c) The termination of the permit or lease for failure to pay the rental must be noted on the official records of the proper land office. Until such notation is made, the lands included in such prospecting permit or lease are not subject to the issuance of any other prospecting permit or lease. Applications for such permits filed prior to such notation will be rejected.

Subpart 3225—Transfers

§ 3225.1 Transfers, including subleases.

Prospecting permits and leases may be transferred in whole or in part. The approval of a transfer of part of the lands in a prospecting permit or lease will create a new prospecting permit or lease for the transferred portion. A discovery either on the retained or the assigned portion of a prospecting permit will not inure to the benefit of the other. Approval of a transfer will not extend the life of the prospecting permit or the readjustment periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed in triplicate in the proper land office within 90 days after execution, and must be accompanied by a filing fee of $10, which is not returnable. Evidence of the qualifications of the assignee or transferee to hold the permit or lease, as required by § 3221.1 (a)(3) and (b) must be submitted together with an application for approval of the transfer. Before a transfer of a prospecting permit or lease will be approved, the transferee must submit a surety bond if the original permit or lease required the maintenance of a bond. A transfer will take effect the first day of the month following its approval, or if the transferee requests, the first day of the month of the approval.

Subpart 3226—Royalties

§ 3226.1 Overriding royalties.

(a) An overriding royalty interest may be created by assignment or otherwise: *Provided, however,* That if the total of the overriding royalty interest at any time exceeds one percent of the gross value of the output at the point of shipment to market, it shall be subject to reduction or suspension by the Secretary of the Interior to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order (1) to prevent premature abandonment, or (2) to make possible the economic mining of marginal or low-grade deposits. Where there is more than one overriding royalty interest, any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof, or in the absence of such agreement, in the inverse order of the dates of creation of such interests.

(b) Any assignment, sublease, or other transfer or agreement which creates an overriding royalty interest, will not be approved unless the owner of that interest files his agreement in writing that such interest is subject to suspension or reduction as provided in paragraph (a) of this section. No overriding royalties shall be paid at a rate in excess of the

rate to which they have been so reduced until otherwise authorized by the Secretary of the Interior.

Subpart 3227—Fractional or Future Interest Leases and Permits

§ 3227.1 Terms and conditions.

A prospecting permit for a fractional interest in mineral deposits or a lease for a fractional or future interest in mineral deposits acquired by the Government may be issued in the discretion of the authorized officer, by and with the consent of the appropriate Government bureau or agency having jurisdiction over the land in which such deposits are located. The terms and conditions of such permits and leases will be established on an individual case basis. No specific form of application for such permits or leases is required, but the application should contain the information required by § 3221.1, as well as the information required by this section where applicable. The application must be filed in triplicate in the proper land office accompanied by a filing fee of $10 which is not returnable.

§ 3227.2 Present fractional interest leases or permits.

An application for a present fractional interest prospecting permit or lease must show whether the applicant owns all of the fractional mineral interest not owned by the United States or all of operating rights thereto. An applicant for such a permit or lease must have a present interest in the minerals. If applicant does not own all of such mineral interests or all of the operating rights thereto, the extent of the applicant's rights thereto must be shown as well as the names of the other owners of such rights. Since the issuance of a permit or lease to one who, upon such issuance, would have less than a majority interest in the minerals or the operating rights thereto is not regarded as being in the Government's interest, an application for a permit or lease, the granting of which would lead to such result, may be rejected.

§ 3227.3 Future or fractional future interest leases.

An applicant for a prospecting permit for a fractional mineral interest or for a future or fractional interest lease must submit, with his application, title evidence of his present interest in the mineral deposits. This may be accomplished by a certified abstract of title or a certificate of title. If applicant is the owner of the operating rights to the minerals and acquired such rights under a lease from or contract with the owner of such minerals, the application should also be accompained by three copies of such lease or contract. A whole or fractional future interest lease or a prospecting permit for a fractional interest will be issued only to an applicant who owns all or substantially all of the present operating rights to the minerals as fee owner, lessee, or operator holding such rights. Future interest leases will become effective on the date of vesting of title to the minerals in the United States as stated in the lease.

§ 3227.4 Rejection and termination of applications.

An application for a future interest lease filed less than one year prior to the date of the vesting in the United States of the present interest in the minerals will be rejected. Upon the vesting in the United States of the present possessory interest in the minerals, all applications for future interest leases outstanding at the time will automatically lapse and thereafter only offers for a present interest lease will be considered.

Group 3300—Special Leasing Acts

PART 3310—OIL AND GAS LEASING IN LANDS UNDER RIGHTS-OF-WAY

Subpart 3310—Oil and Gas Leasing in Lands Under Rights-of-Way; General

Sec.
3310.0–3 Authority.

Subpart 3311—Application and Term of Lease

3311.1 Application for lease.
3311.2 Owner of adjoining land allowed to submit bid.
3311.3 Term of lease and of compensatory royalty agreement.

Subpart 3312—Royalties

3312.1 Charge of royalty.
3312.2 Form of agreement to pay compensatory royalty.

Subpart 3313—Forms of Lease and Bond

3313.1 Forms of lease.
3313.2 Form of bond.

AUTHORITY: The provisions of this Part 3310 issued under sec. 6, 46 Stat. 374; 30 U.S.C. 306.

Subpart 3310—Oil and Gas Leasing in Lands Under Rights-of-Way; General

§ 3310.0–3 Authority.

The act of May 21, 1930 (46 Stat. 373; 30 U.S.C. 301–306), authorizes the Secretary of the Interior to lease deposits of oil and gas in and under railroad and other rights-of-way acquired under any law of the United States. The right of lease is restricted to the owner of the right-of-way, or his assignees.

Subpart 3311—Application and Term of Lease

§ 3311.1 Application for lease.

(a) No particular form of application for lease of land in a right-of-way will be required. Applications shall be filed in the appropriate land office. Such applications must be filed by the owner of the right-of-way or by his assignee and be accompanied by a filing fee of $10, and, if filed by an assignee, by a duly executed assignment of the right to lease.

(b) The application should detail the facts as to the ownership of the right-of-way, and of the assignment if the application is filed by an assignee; the development of oil and gas in adjacent or nearby lands, the location and depth of the wells, the production, and the probability of drainage of the deposits in the right-of-way. Since rights-of-way are of record in the Bureau of Land Management, a description by metes and bounds is not necessary or required, but each legal subdivision through which the portion of the right-of-way desired to be leased extends should be described.

§ 3311.2 Owner of adjoining land allowed to submit bid.

(a) After the Bureau of Land Management has determined that a lease of a right-of-way or any portion thereof is consistent with the public interest, either upon consideration of an application for lease or on his own motion, the manager of the land office will serve notice on the owner or lessee of the adjoining lands, as provided in section 2 of the act of May 21, 1930 (46 Stat. 374; 30 U.S.C. 303), allowing him 30 days or such other time as may be provided in the notice within which to submit an offer or bid of the amount or percentage of compensatory royalty such owner or lessee will agree to pay for the extraction through wells on his adjoining land of the oil and gas under and from such right-of-way. Notice to the owner of the right-of-way will be given at the same time allowing him opportunity within the same period to submit a bid or offer as to the amount or percentage of royalty he will pay if a lease is awarded to him.

(b) Award of lease to the owner of the right-of-way, or of a contract for the payment of compensatory royalty by the owner or lessee of the adjoining lands, will be made to the bidder whose offer is determined to be to the best advantage to the United States, considering the amount of royalty to be received and the better development of the oil and gas deposits in the right-of-way under the respective means of production and operation.

§ 3311.3 Term of lease and of compensatory royalty agreement.

The term of the lease will be for a period of not more than twenty years, and the compensatory royalty agreement will be for the period necessary to reasonably extract all oil and gas from the right-of-way.

Subpart 3312—Royalties

§ 3312.1 Charge of royalty.

The royalty to be charged will be fixed by the Bureau of Land Management, after consideration of all the facts and circumstances in each case, but will not be less than 12½ percent.

§ 3312.2 Form of agreement to pay compensatory royalty.

The agreement with the owner or lessee of the adjoining land to pay compensatory royalty for the extraction through wells on his adjoining land of the oil and gas in or under the right-of-way will be on a form approved by the Director.

Subpart 3313—Forms of Lease and Bond

§ 3313.1 Form of lease.

The lease issued to the owner of the right-of-way or assignee of such owner will be on a form approved by the Director, modified to conform to the requirements of the law and these regulations.

§ 3313.2 Form of bond.

The bond required under section 2(a) of the lease and by the contractor under agreement to pay compensatory royalty, should be on a form approved by the Director.

PART 3320—ACTS CONCERNING LIMITED AREAS

Subpart 3321—Gold and Silver in Confirmed Private Land Grants

Sec.
3321.0–3 Authority.
3321.1 Application by grantee or his successor in title.
3321.2 Form and contents of application; abstract of title required.
3321.3 Rate of royalty; investment required.
3321.4 Execution of lease.
3321.5 Bond.
3321.6 Form of lease.

Subpart 3322—Asphalt in Oklahoma

3322.0–3 Authority.
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Subpart 3326—Leases for Minerals in Lands Withdrawn for Reclamation Purposes Within Lake Mead Recreation Area

3326.0–3 Authority to lease; description of area.
3326.1 Other regulations applicable.
3326.2 Leasing units.
3326.3 Royalties, rentals and minimum royalties.
3326.4 Applications and qualifications.
3326.4–1 Qualifications of applicants.
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3326.5–1 Term of lease.
3326.5–2 Lease terms and conditions.
3326.5–3 Leases by competitive bidding.
3326.6 Excepted areas.
3326.7 Disposal of materials.
3326.8 Distribution of proceeds.

Subpart 3321—Gold and Silver in Confirmed Private Land Grants

AUTHORITY: The provisions of this Subpart 3321 issued under sec. 3, 44 Stat. 710; 30 U.S.C. 293.

§ 3322.1–2 Area and limitation on holdings.

Except where the rule of approximation applies, a lease may not include over 640 acres in reasonably compact form. No person, association or corporation may hold, either directly or indirectly, leases for an area that exceeds in the aggregate 2,560 acres.

§ 3322.1–3 Qualifications of applicant.

(a) Leases may be issued to citizens of the United States, association of citizens, and corporations organized under the laws of the United States or of any State or Territory thereof.

(b) All applicants must file with the Manager statements and evidence as follows (unless previously filed, in which event a reference by serial number to the record and where it is filed, together with a statement as to any amendment, will be accepted):

(1) As to citizenship, whether native born or naturalized.

(2) If applicant is an association (including a partnership), it must submit a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(3) A corporation must submit a statement showing:

(i) The State in which it is incorporated.

(ii) That it is authorized to hold leases for asphalt deposits and that the person executing an instrument on behalf of the corporation is authorized to act in such matters.

(iii) The percentage of voting stock, of all the stock owned by aliens and of all the stock owned by those having addresses outside of the United States. When the stock owned by aliens is over 10 percent, additional information may be required.

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class, of the corporation.

(4) That holdings do not exceed the acreage limitations specified in § 3322.1–2.

§ 3322.1–4 Leases for lands disposed of with reservation of asphalt deposits.

Where lands included in a lease have been or may be disposed of with reservation of the asphalt deposits, rights of surface use are subject to the provisions of the law under which such reservation was made. See the act of February 19, 1912 (37 Stat. 67), and the act of August 3, 1955 (69 Stat. 445), and the regulations thereunder in Subpart 2251 of this chapter.

§ 3322.1–5 Requirements when lands are within a withdrawal.

Where any part of the lands embraced in an application for asphalt lease is within a withdrawal which does not preclude disposition of the asphalt deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of an asphalt lease. Where he recommends that a special stipulation be required to protect the interest of the United States, an appropriate stipulation may be included in the lease.

§ 3322.1–6 Form of lease.

Leases shall be issued on a form approved by the Director. A copy of this, as well as of every other form mentioned in this part, may be obtained from the Land Office, Santa Fe, New Mexico, or from the Director, Bureau of Land Management, Washington 25, D.C.

§ 3322.1–7 Lease bond.

A compliance bond in no event less than $1,000, will be required prior to issuance of the lease. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate, personal or individual surety bond, in any case where the Bureau of Land Management deems it proper to do so.

§ 3322.2 Royalty, rental, and production.

§ 3322.2–1 Royalty and rental.

(a) The rate of royalty shall be fixed prior to the issuance of the lease but in no event shall it be less than 25 cents per ton of two thousand pounds of marketable production.

(b) Beginning with the date of the lease, annual rental payment in advance for each acre or part thereof covered by the lease shall be 25 cents for the first calendar year or fraction thereof, 50 cents for the second, third, fourth and fifth calendar years, respectively, and

$1 for each calendar year thereafter during the continuance of the lease, such rental for any year to be credited against royalties accruing under the lease during the year for which the rental was paid.

§ 3322.2–2 Minimum production.

(a) Each lease will provide for the mining of asphalt deposits from the lands involved and the payment of royalty thereon to a value of not less than $1 an acre or fraction thereof each year, beginning with the sixth full calendar lease year, except when operations are interrupted by strikes, the elements, or casualties not attributable to the lessee or unless operations are suspended upon a showing that the lease can not be operated except at a loss because of unfavorable market conditions.

(b) Applications by lessees for relief from the production requirement of leases shall be filed, in triplicate, with the Mining Supervisor, who is authorized to grant such relief. A copy of each application shall be filed in the land office. Complete information must be furnished showing the necessity for such relief.

§ 3322.3 Competitive leasing.

§ 3322.3–1 Application for lease by competitive bidding.

(a) An application for lease must be filed in duplicate in the land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form is required, but the application should include the following:

(1) The applicant's name and address.

(2) A complete and accurate description of the lands for which the lease is desired. If the lands have been surveyed under the public land rectangular system, each application must describe the lands by legal subdivision, section, township, and range. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all applications to lease lands shown on such protracted surveys filed on or after such effective date, must describe the lands only according to the section, township, and range shown on the approved protracted surveys. If the lands have neither been surveyed on the ground nor shown on the records as protracted surveys, each application must describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the lands are in irregular form, and connected by courses and distances to an official corner of the public land surveys.

(3) Evidence that the land is valuable for its asphalt content, with a statement as to the character, extent, and mode of occurrence of the asphalt deposits.

(b) The application must be signed by applicant, or by his attorney in fact, supported by the power of attorney.

(c) If it be found that the area applied for is not available for leasing, the applicant will be so informed.

§ 3322.3–2 Notice of lease offer.

Notice of offer of lands or deposits for lease will be by publication once a week for four consecutive weeks or for such other period as may be determined, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will state the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the lands and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared, and (b) that the Government reserves the right to reject any and all bids. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding, is unlawful. See 18 U.S.C. 1860.

§ 3322.3–3 Bid deposits.

The sucessful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the date of the sale, and each bidder at a sale by sealed bids, must submit with his bid, certified check, cashier's check, bank draft, money order, or cash for one-fifth of the amount of the bid, and evidence of qualifications as required by § 3322.1–3.

§ 3322.3–4 Award of lease.

(a) Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four copies of the lease will be sent to the successful bidder, who will be required, within 30 days from receipt thereof, to execute them, pay the balance of the bonus bids, the first year's rental, and the cost of publication of the notice of lease offer as specified in this section, and file a bond as required by § 3322.1–7. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and deposited in the general fund of the Treasury of the United States. (See act of June 28, 1944, 58 Stat. 463, 485.) If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease.

(b) If the bidder dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased lessee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 3322.1–3.

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the lessee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holding similar to that required by § 3322.1–3 and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holding of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 3322.1–3.

§ 3322.4 Modification and leasing of additional lands or asphalt deposits.

A lessee may obtain modification of his lease to include asphalt lands or asphalt deposits contiguous to those embraced in his lease if the Manager shall determine, after consultation with the Mining Supervisor, that it will be to the advantage of the lessee and the United States, but in no event shall the area embraced in such modified lease exceed in the aggregate 640 acres, except where the rule of approximation applies. The lessee must file his application for modification in duplicate in the land office describing the additional land desired, the reasons for and the advantage to the lessee of such modification. Upon determination by the Manager that the modification is justified and the interest of the United States is protected, the lease will be modified without competitive bidding to include such part of the

§ 3321.0–3 Authority.

The act of Congress approved June 8, 1926 (44 Stat. 710; 30 U.S.C. 291–293) authorizes the Secretary of the Interior to lease to the grantee, or those claiming through or under him gold, silver, and quicksilver deposits, or mines or minerals of the same, on lands in private land claims confirmed pursuant to decrees of the court of private land claims with reservation of such minerals or mines.

§ 3321.1 Application by grantee or his successor in title.

Applications for leases shall be filed in the land office of the district in which the lands are situated, by the owner of the land under the confirmed title; that is, the original grantee or his record transferee or successor in title, and may include all or any part of the grant for which the applicant holds title at the date of the application.

§ 3321.2 Form and contents of application; abstract of title required.

Applications shall give name and address of the applicant, describe the land in which the deposits occur, by legal subdivisions of the public surveys, if so surveyed, otherwise by metes and bounds, or if for the entire area in the grant, the name of the grant, area, and date of patent will suffice. The mineral deposits must also be fully described, giving character, mode of occurrence, nature of the formation, kind, and character of associated minerals, if any, proposed mining methods, estimate of amount of investment necessary to successful operation of the mine or mines contemplated, estimated amount of production of gold, silver, and quicksilver, or any of them, and such other pertinent information the applicant may desire to set forth, including what he considers a reasonable royalty rate under the lease. The applicant must also file with his application a duly authenticated abstract of title showing present ownership of the land, or a certificate of the county recorder of deeds that the record title stands in the applicant's name.

§ 3321.3 Rate of royalty; investment required.

When an application is received by the Bureau of Land Management, it will be considered, and if found sufficient to authorize issuance of lease thereunder, a rate of royalty, not less than 5 percent nor more than 12½ percent of the value of the output of gold, silver, or quicksilver at the mine, will be fixed and the amount of investment under the lease will be determined and prescribed.

§ 3321.4 Execution of lease.

When a lease has been authorized, forms of lease in accordance with the terms prescribed will be furnished to the applicant, who will be allowed 30 days from notice within which to execute and return the lease to the land office and to furnish the required bond.

§ 3321.5 Bond.

A bond with approved corporate surety in the sum of $2,000 will be required as a guarantee to the making of the investment fixed in the lease and compliance with the other terms and conditions thereof, but a larger bond may be fixed if that amount is determined to be inadequate for the purpose for which given.

§ 3321.6 Form of lease.

Leases will be issued in accordance with the form prescribed in 52 L.D. 21.

Subpart 3322—Asphalt in Oklahoma

AUTHORITY: The provisions of this Subpart 3322 issued under sec. 32, 41 Stat. 450; 30 U.S.C. 189. Interpret or apply 58 Stat. 483–485, Stat. 76, 84; 16 U.S.C. 482, n–1.

§ 3322.0–3 Authority.

The act of June 28, 1944 (58 Stat. 483–485), authorizes the Secretary of the Interior to lease asphalt deposits in certain lands situated in Oklahoma, acquired under the provisions thereof.

§ 3322.1 General.

§ 3322.1–1 Lands applicable.

The lands or asphalt deposits subject to the regulations in this part are those situated in Oklahoma which were (a) sold to the United States under the terms of a contract executed October 8, 1947, by and between the Secretary of the Interior and officials of the Chootaw and Chickasaw Nations of Indians in Oklahoma, which contract was ratified by the act of June 24, 1948 (62 Stat. 596), and (b) acquired when the purchase price provided in the contract was appropriated by the act of May 24, 1949 (63 Stat. 76, 84).

land or deposits as he shall prescribe. If, however, it is determined that the additional lands or deposits can be developed as part of an independent operation or that there is a competitive interest in them, they may be offered as provided in § 3322.3–2. Each application for modification must be accompanied by a filing fee of $10 which will not be returnable.

§ 3322.5 Renewal leases.

An application for a renewal lease must be filed in duplicate in the land office within 90 days prior to the expiration of the lease term. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee filed written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the issuance of a renewal lease, the lessee will be required to submit a satisfactory bond as prescribed in § 3322.–1–7. Each application for renewal must be accompanied by a filing fee of $10 which will not be returnable.

§ 3322.6 Termination.

§ 3322.6–1 Relinquishment of lease.

Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rental and royalties and provide for the preservation of any mines or productive works or permanent improvements on the lands relinquished in accordance with the regulations and terms of the lease.

§ 3322.6–2 Cancellation of lease.

If the lessee fails to comply with the general regulations in force at the date of the lease, or defaults with respect to any of the terms, covenants, or stipulations of the lease, and such failure or default continues for 30 days after service of written notice thereof by the lessor, then the lessor may bring appropriate court proceedings to forfeit and cancel the lease as provided in section 31 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 188). A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause, or for the same cause occurring at any other time.

§ 3322.7 Transfers of leases.

§ 3322.7–1 Transfers, including subleases.

(a) Lease may be transferred in whole or in part. The approval of a transfer of part of the land in a lease will create a new lease for the transferred portion. The approval of a transfer will not extend the renewal periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed for approval in duplicate at the land office within 90 days after execution. Evidence of the qualifications of the assignee or transferee to hold the lease, as required by § 3322.1–3 must be submitted simultaneously. Before a transfer of a lease will be approved, the transferee must submit a new bond, or the consent of the surety on the lease bond to the substitution of the transferee as principal thereon, and the lease account must be in good standing. If the transfer is for part of the land only, it must be for a legal subdivision and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the lessee must be submitted, as well as (2) a new bond with the transferee as principal covering the portion of the lands transferred. A transfer will take effect the first day of the month following its approval, or if the transferee requests, in writing, the first day of the month of the approval.

(b) An application for approval of any instrument transferring a lease, or interest therein, must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(c) No transfer will be approved if the transferee is not qualified to take and hold a lease or if his bond is insufficient. A minor, except a minor heir or devisee of a lease, is not qualified to hold a lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a lease, an operating agreement, or a royalty interest in a lease, to be recognized by the Department as the holder of the lease, agreement or interest, there must be furnished the appropriate showing required under § 3322.3–4(b).

(e) The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

§ 3322.7–2 Limitation on overriding royalties.

An overriding royalty interest shall not be created by assignment or otherwise exceeding 50 percent of the rate of royalty first payable to the United States under the lease or an overriding royalty interest which when added to any other overriding royalty interest exceeds that percentage, excepting that where an interest in the leasehold, or operating agreement is assigned, the assignor may retain an overriding royalty interest in excess of the above limitation if he shows to the satisfaction of the Bureau of Land Management, that he has made substantial investments for improvements on the land covered by the assignment.

Subpart 3323—Nevada

AUTHORITY: The provisions of this Subpart 3323 issued under 56 Stat. 273 and 44 Stat. 708.

§ 3323.1 Silica sands and other nonmetallic minerals in certain areas in Nevada.

§ 3323.1–1 Authority.

The act of May 9, 1942 (56 Stat. 273), as amended by the act of October 25, 1949 (63 Stat. 886), authorizes the Secretary of the Interior to lease, under the rules and regulations of the act of February 25, 1920 (41 Stat. 437), as amended, so far as applicable, deposits of silica sand and other nonmetalliferous minerals within lands withdrawn by Executive Order No. 5105 of May 3, 1929.

§ 3323.1–2 Applicability of other regulations.

Deposits of oil, gas, phosphate, coal, sodium, and oil shale within the lands shall be subject to disposal pursuant to the applicable regulations issued under the act of February 25, 1920 (41 Stat. 437) as amended. The regulations issued under the act of February 27, 1927 (44 Stat. 1057) shall govern the disposal of potash deposits. The following regulations shall apply to all other deposits of nonmetalliferous minerals within the lands.

§ 3323.1–3 Lands to which applicable.

The act applies to lands withdrawn by Executive Order No. 5105, which withdrew all public lands, not theretofore withdrawn, within the following described townships:

NEVADA

All of Township 15 South, Ranges 66, 67, 68, East, M. D. M.
All of Township 16 South, Ranges 66, 67, 68, East, M. D. M.
All of Township 17 South, Ranges 66, 67, 68, East, M. D. M.

and also a tract described as follows:

That area of unsurveyed land east of Timber Mountain bounded on the north by latitude 37°10'20", on the south by latitude 37°7'46", and lying between meridians of longitude 116°20'16" and 116°23'26" comprising an area of 9 square miles and including what is known as Fortymile Canyon Pueblo.

§ 3323.1–4 Leasing units.

Leasing units shall consist of legal subdivisions, if the lands are surveyed, of not more than 640 acres of public lands in a reasonably compact form or, if the lands are not surveyed, shall consist of not more than 640 acres in square or rectangular form with north and south and east and west boundaries, so as to approximate legal subdivisions, described by metes and bounds connected to a corner of the public land surveys by course and distance.

§ 3323.1–5 Acreage limitation.

Every applicant for a lease hereunder must show that, with the area applied for, his or its interest or interests in

such leases and other applications therefor, directly or indirectly, will not exceed in the aggregate 2,560 acres.

§ 3323.1–6 Royalty and rentals.

(a) The rate of royalty will be fixed prior to the issuance of the lease, but in no case will the royalty rate be less than two per centum of the quantity or gross value of the output of the leased mineral.

(b) Rental for the first year must be paid at the rate of 25 cents per acre or fraction thereof prior to issuing the lease and thereafter annually in advance at the rate of $1 per acre or fraction of an acre, such rental to be credited against royalties accruing for the year for which paid.

§ 3323.1–7 Application.

(a) Leases may be issued to (1) citizens of the United States, (2) associations of such citizens, or (3) corporations organized under the laws of the United States or of any State or territory thereof.

(b) Application must be accompanied by a filing fee of $10 and filed in the proper land office.

(c) No specific form of application is required, but it should cover, in substance, the following points, namely:

(1) Applicant's name and address.

(2) Proof of citizenship of applicant; by a statement of such fact if native born; or, if naturalized, by a statement giving the date of naturalization, court in which naturalized, and number of certificate if known; if a corporation, by certified copy of the articles of incorporation thereof, and showing as to residence and citizenship of its stockholders.

(3) A statement of all holdings by the applicant of leases under these regulations, pending applications therefor and interests, directly or indirectly, held in such leases.

(4) A complete and accurate description of the lands for which the lease is desired. If the lands have been surveyed under the public land rectangular system, each application must describe the lands by legal subdivision, section, township, and range. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all applications to lease lands shown on such protracted surveys, filed on or after such effective date, must describe the lands only according to the section, township, and range shown on the approved protracted surveys. If the lands have neither been surveyed on the ground nor shown on the records as protracted surveys, each application must describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the lands are in irregular form, and connected by courses and distances to an official corner of the public land surveys.

(5) Proposed method of conducting exploratory operations, amount of capital available for such operations, and the diligence with which such exploration will be prosecuted.

(6) Statement of the applicant's experience in operations of this nature, together with reference as to his character, reputation, and business experience.

(7) The right is reserved to offer the lease by competitive bidding to the responsible bidder offering the highest cash bonus, in which case the filing of the application will not give any priority to the applicant if he is not the successful bidder.

§ 3323.1–8 Lease requirements.

(a) *Term of lease.* Leases will be issued for a period of 5 years subject to renewal at the expiration thereof for additional periods of 5 years each, on such reasonable terms as may be prescribed at the time of such renewal. An application for renewal of a lease must be filed in duplicate in the appropriate land office within 90 days prior to the expiration of the lease term and be accompanied by a filing fee of $10, which will be retained as a service charge even though the application should be rejected or withdrawn in whole or in part. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the renewal of a lease, the lessee will be required to submit a new bond as prescribed in paragraph (b) of this section.

(b) *Bonds.* The applicant will be required prior to the issuance of the lease to furnish and maintain thereafter a bond with acceptable corporate surety, or two qualified individual sureties, in the sum of $1,000 or such other amount as may be fixed, conditioned against failure of the lessee to comply with the provisions of the lease.

(c) *Form of lease.* Leases issued pursuant to this part shall be on a form approved by the Director.

§ 3323.2 Leases of sand and gravel in certain lands patented to the State.

§ 3323.2–1 Authority.

The act of June 8, 1926 (44 Stat. 708), authorizes the Secretary of the Interior to dispose of the reserved minerals in the lands patented to the State of Nevada, under such conditions and under such rules and regulations as he may prescribe. The regulations in this § 3323.2 are promulgated for the purpose of permitting the disposal of valuable deposits of sand and gravel in such lands.

§ 3323.2–2 Lands to which applicable.

The act applies to the lands patented to the State of Nevada which are described in the following schedule.

SCHEDULE OF LANDS PATENTED TO THE STATE OF NEVADA UNDER THE ACT OF JUNE 8, 1926 (44 STAT. 708), AND SUBJECT TO LEASE UNDER CIRCULAR NO. 1622

T. 17 N., R. 24 E., M. D. M., Nevada,
Sec. 34, SE¼;
Sec. 35, NW¼SW¼.
T. 9 N., R. 29 E., M. D. M.,
Sec. 5, lots 1, 2, 3, 4, 5, 6, SW¼NW¼;
Sec. 8, lots 1 and 2, NE¼NW¼;
Sec. 16, lot 2;
Sec. 21, lots 1, 2, 4, 5, 6, SE¼NW¼, NE¼SW¼, SW¼SE¼;
Sec. 22, lot 1;
Sec. 26, lots 1, 2, 3, NW¼SW¼, SE¼SW¼;
Sec. 27, lots 1, 2, 3, NW¼NW¼, SW¼NE¼;
Sec. 35, lots 1, 2, 3, 4, SW¼NE¼, NW¼SE¼.
T. 35 N., R. 55 E., M. D. M.,
Sec. 36, all.
T. 14 N., R. 67 E., M. D. M.,
Sec. 27, S½;
Sec. 28, S½.
T. 22 S., R. 61 E., M. D.M.,
Sec. 1, SE¼SE¼;
Sec. 11, SE¼NE¼, E½SW¼, SE¼;
Sec. 12, S½NW¼, SW¼, E½;
Sec. 13, all.
T. 21 S., R. 62 E., M.D.M.,
Sec. 19, SE¼;
Sec. 20, S½NW¼, SW¼;
Sec. 23, E½NW¼, NW¼SW¼;
Sec. 29, N½NW¼, E½SE¼;
Sec. 31, SE¼SE¼;
Sec. 32, S½;
Sec. 33, SW¼, E½.
T. 22 S., R. 62 E., M. D. M.,
Sec. 1, SW¼SW¼;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1 and 7, S½NE¼, SE¼, E½SW¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 8, all;
Sec. 9, N½, NE¼SE¼, S½SE¼;
Sec. 10, all;
Sec. 11, all;
Sec. 12, W½, S½NE¼, SE¼;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½.
T. 23 S., R. 63 E., M. D. M.,
Sec. 11, W½;
Sec. 15, E½;
Sec. 22, E½.
T. 16, S., R. 66 E., M. D. M.,
Sec. 25, N½;
Sec. 26, W½NW¼, NW¼SW¼.
T. 17 S., R. 66 E., M. D. M.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 12, all;
Sec. 13, all;
Sec. 14, E½;
Sec. 23, all;
Sec. 24, all;
Sec. 26, N½;
Sec. 27, NE¼.
T. 4 S., R. 67 W., M. D. M.,
Sec. 19, E½NW¼, W½NE¼, SE¼NE¼.
T. 17 S., R. 67 E., M. D. M.,
Sec. 13, S½;
Sec. 19, lots 1, 2, 3, 4, E½W½, E½;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, N½;
Sec. 27, N½.
T. 1 S., R. 68 E., M. D. M.,
Sec. 30, lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, lots 1, 2, 3, 4, E½W½E½.
T. 2 S., R. 68 E., M. D. M.,
Sec. 6 lots 1, 2, 3, 4, 5, SE¼NW¼, S½NE¼.
T. 5 S., R. 71 E., M. D. M.,
Sec. 16, SW¼SW¼;
Sec. 17, E½;
Sec. 21, N½NW¼, SE¼NW¼, NE¼SW¼, SW¼NE¼, W½SE¼, lots 2, 3.

Containing 25,499.47 acres.

§ 3323.2–3 Leasing units.

A leasing unit in any case shall consist of such area of land as shall be determined by the authorized officer of the Department of the Interior to constitute an economic working unit based upon the quantity of sand and gravel in the land, the available market for sand and gravel and such other factors as he may determine to be material.

§ 3323.2–4 Acreage limitation.

In no case shall more than 2,560 acres be leased to any one person, association, or corporation. Every applicant for a lease must show that, with the area applied for, his or its direct or indirect interests in such leases and other application therefor, will not exceed in the aggregate 2,560 acres.

§ 3323.2–5 Royalty and rentals.

(a) The rate of royalty will be fixed prior to the issuance of the lease, but in no case will the royalty rate be less than two per centum of the quantity or gross value of the output of the leased mineral at the point of shipment to market.

(b) Rental for the first year must be paid prior to issuance of the lease at the rate of 25 cents per acre or fraction thereof and thereafter annually in advance at the rate of $1 per acre or fraction of an acre, such rental to be credited against royalties accruing for the year for which paid.

§ 3323.2–6 Application.

(a) Leases may be issued to (1) citizen of the United States, (2) associations of such citizens, or (3) corporations organized under the laws of the United States or of any State or territory thereof.

(b) Application must be accompanied by a filing fee of $10 and filed in the proper land office.

(c) No specific form of application is required, but it should cover, in substance, the following points, namely:

(1) Applicant's name and address.

(2) Proof of citizenship of applicant; by a statement of such fact if native born; or, if naturalized, by a statement giving the date of naturalization, court in which naturalized, and number of certificate if known; if a corporation, by certified copy of the articles of incorporation thereof, and showing as to residence and citizenship of its stockholders.

(3) A statement of all holdings by the applicant of leases under these regulations pending applications therefor and interests, directly or indirectly, held in such leases.

(4) Description of the land for which the lease is desired, by legal subdivisions, a statement as to whether the land is occupied or is being used, the nature and extent of such occupation and use and of any improvements on the land.

(5) Proposed method of conducting exploratory operations, amount of capital available for such operations, the diligence with which such exploration will be prosecuted, and the extent that operations are likely to interfere with any use that is being made of the land by the surface owner.

(6) Statement of the applicant's experience in operations of this nature, together with reference as to his character, reputation, and business experience.

§ 3323.2–7 Lease term and requirements.

(a) *Term of lease.* Leases will be issued for a period of 5 years subject to such special terms as may be deemed necessary in the particular case to protect the rights of the surface claimant and in the discretion of the authorized officer, may be renewed at the expiration thereof for additional periods of 5 years each, on such reasonable terms as he may prescribe at the time of such renewal. An application for renewal of a lease must be filed in duplicate in the appropriate land office within 90 days prior to the expiration of the lease term and be accompanied by a filing fee of $10, which will be retained as a service charge even though the application should be rejected or withdrawn in whole or in part. Thereafter the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the renewal of a lease, the lessee will be required to submit a new bond.

(b) *Bonds.* The applicant will be required prior to the issuance of the lease to furnish and maintain thereafter a bond with acceptable corporate surety, or two qualified individual sureties, in the sum of $1,000 or such other amount as may be fixed, conditioned against failure of the lessee to comply with provisions of the lease, and for the protection of the owner of the surface estate from damages resulting from the operation of such lessee.

(c) *Form of lease.* Leases will be issued on a form approved by the Director.

(d) *Transfers of leases.* Leases issued under the authority specified in §§ 3323.1–1 and 3323.2–1 may be transferred in whole or in part. To the extent applicable, the regulations in § 3322.7–1 shall govern all transfers of such leases.

Subpart 3324—Reserved Minerals in Lands Patented to the State of California for Park or Other Public Purpose

AUTHORITY: The provisions of this Subpart 3324 issued under 47 Stat. 1478, 49 Stat. 1482, 2026.

§ 3324.0–3 Authority.

The act of March 3, 1933 (47 Stat. 1487), as amended by the act of June 5, 1936 (49 Stat. 1482) and the act of June 29, 1936 (49 Stat. 2026), authorizes the Secretary of the Interior to dispose of the reserved minerals in the lands patented to the State of California pursuant thereto, at such times and under such conditions as he may prescribe. This subpart is promulgated for the purpose of permitting the disposal of the mineral deposits in such lands.

§ 3324.1 Lands subject to minerals reservation.

§ 3324.1–1 Lands to which applicable.

The regulations in this subpart 3324 apply to the lands patented to the State of California for park purposes.

§ 3324.1–2 Minerals to be leased.

All disposal of minerals within the reserved areas covered by this section shall be by lease.

§ 3324.1–3 Notice to the owner of the surface.

The manager of the land office will notify the surface owner or his authorized representative of each application received. Notice of any proposed offer of lands for lease will also be given to the surface owner prior to publication thereof. Should the surface owner object to the leasing of any tract for reasons determined by the authorized officer to be satisfactory the application will be rejected or the offer of the land for lease will be withheld.

§ 3324.2 Conservation.

§ 3324.2–1 Protection of surface.

All leases issued pursuant to this § 3324.2 shall be conditioned upon compliance by the lessee with all of the laws or rules and regulations of the surface owner for the safeguarding and protection of the plant life, scenic features and park or recreational improvements on the land, not inconsistent with the terms of the lease or this § 3324.2. The lease shall also provide that any mining work performed upon the lease shall be located consistent with any requirements of the owner of the surface necessary to the protection of the surface rights and uses and so conducted as to result in the least possible injury to plant life, scenic features and improvements and that, upon completion of the mining operation, all excavations, including wells, shall be closed and the property be conditioned for abandonment to the satisfaction of the surface owner. The lease shall further provide that any use of the lands for ingress to and egress from the mine for all necessary purposes shall be on a route to be first approved by the surface owner or his duly authorized representative.

§ 3324.2–2 Bonds.

Each lessee will be required to furnish a bond in such sum as may be determined adequate, in no case less than $1,000, to insure compliance with the terms of the lease and for the protection of the surface owner.

§ 3324.2–3 Operating regulations.

All lessees will be required to operate under the applicable operating regulations of this Department. The operating regulations are contained in Title 30: Those applicable to coal in Part 211, to oil in Part 221, and to potash, oil shale, sodium and phosphate, sulphur, gold, silver and quicksilver in Part 231. Leases for minerals not listed in the preceding sentence will be governed by the operating regulations in 30 CFR Part 231.

§ 3324.3 Existing regulations applied to leases of oil, gas, coal, potassium, sodium and phosphate.

The regulations contained in Parts 3100 and 3120 of this chapter to the extent that they are applicable and not inconsistent with this section shall govern oil and gas leases issued under this section. In like manner the regulations in Groups 3000 and 3100 so far as applicable shall govern the leasing respectively of coal, potassium, sodium and phosphate within the area.

§ 3324.4 Form of lease.

Oil and gas leases will be issued on forms approved by the Director, with such changes in language as may be required. Leases for the other minerals will be upon the forms prescribed for the leasing of such minerals under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), as amended and supplemented with necessary deletions and additions.

§ 3324.5 Minerals other than oil, gas, coal, potassium, sodium and phosphate.

§ 3324.5–1 Leasing units.

A leasing unit in any case shall consist of such area of land as shall be determined by the authorized officer to constitute an economic working unit based upon the quantity of the leased mineral in the land, the available market therefor and such other factors as he may determine to be material.

§ 3324.5–2 Acreage limitation.

In no case shall more than 2,560 acres be leased to any one person, association or corporation. Every applicant for a lease must show that, with the area applied for, his or its direct or indirect interests in such leases and other applications therefor, will not exceed in the aggregate 2,560 acres.

§ 3324.5–3 Royalty and rentals.

(a) The rate of royalty will be fixed prior to the issuance of the lease, but in no case will the royalty rate be less than two per centum of the quantity or gross value of the output of the leased mineral at the point of shipment to market.

(b) Rental for the first year must be paid prior to issuance of the lease at the rate of 25 cents per acre or fraction thereof and thereafter annually in advance at the rate of $1 per acre or fraction of an acre, such rental to be credited against royalties accruing for the year for which paid.

§ 3324.5–4 Qualifications of applicants.

Leases may be issued to (a) citizens of the United States, (b) associations of such citizens, or (c) corporations organized under the laws of the United States or of any State or Territory thereof, provided as to corporations, that no appreciable amount of the stock is held by citizens of countries which do not permit similar or like privileges to citizens of the United States.

§ 3324.5–5 Filing of application.

Applications must be accompanied by a minimum fee of $10 for each application embracing not more than 800 acres and an additional fee of $2 for each 160 acres or fraction thereof over 800 acres, and be filed in the appropriate land office.

§ 3324.5–6 Form and contents of application.

No specific form of application is required, but it should cover, in substance, the following points, namely:

(a) Applicant's name and address.

(b) Proof of citizenship of applicant; by statement of such fact if native born; or, if naturalized, by statement giving the date of naturalization, court in which naturalized, and number of certificate if known; if a corporation, by certified copy of the articles of incorporation thereof, and showing as to residence and citizenship of its stockholders.

(c) A statement of all holdings by the applicant of leases under this section pending applications therefor and interests, directly or indirectly, held in such leases.

(d) Description of the land for which the lease is desired, by legal subdivisions, a statement as to whether the land is occupied or is being used, the nature and extent of such occupation and use and of any improvements on the land.

(e) Proposed method of conducting exploratory operations, the estimated duration of such exploration and the extent that operations are likely to interfere with the use of the land for the purposes for which it was granted.

§ 3324.5–7 Term of lease.

Leases will be issued for a period of five years and, in the discretion of the authorized officer upon application of the lessee filed within the 90-day period immediately preceding the expiration date of the lease, may be renewed at the expiration thereof for additional periods of five years each, on such reasonable terms as he may prescribe at the time of such renewal.

§ 3324.5–8 Forms of lease.

Leases will be issued on a form approved by the Director.

Subpart 3325—Certain National Forest Lands in Minnesota

AUTHORITY: The provisions of this Subpart 3325 issued under 64 Stat. 311; 16 U.S.C. 508b.

§ 3325.0–3 Authority.

The act of June 30, 1950 (64 Stat. 311; 16 U.S.C. 508(b)) permits the prospecting, development, and utilization of those mineral resources in public domain lands, including lands received in exchange for public domain lands, or for timber on such lands pursuant to Part 148 of this chapter, situated within the exterior boundaries of the national forests in Minnesota, which because of withdrawal, reservation, statutory limitation, or otherwise, are not subject to the general mining laws of the United States or to mineral leasing laws, and for the development and utilization of which no other authority exists. The Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181) as amended provides for the leasing of oil, gas, oil shale, coal, phosphate, sodium, and potassium deposits in public domain lands, including such lands generally in national forests. See Group 3100 of this chapter.

§ 3325.1 Minerals to be leased.

All disposal of mineral resources covered by this regulation shall be by lease or permit.

§ 3325.2 Consent of Secretary of Agriculture; conditions and stipulations.

Leases or permits under the act of June 30, 1950, may be issued only with the prior consent of the Secretary of Agriculture or his delegate, and subject to such conditions and stipulations as that official may prescribe to insure adequate utilization and protection of the lands for the primary national forest purpose for which they are being administered.

§ 3325.3 Existing regulations applicable.

To the extent that they are applicable and not inconsistent herewith, the leasing of minerals under the act of June 30, 1950, shall be governed by Part 3220. Any lease or permit issued under this subpart shall state that it is subject to the terms and provisions of the act of June 30, 1950.

Subpart 3326—Leases for Minerals in Lands Withdrawn for Reclamation Purposes Within Lake Mead Recreation Area

AUTHORITY: The provisions of this Subpart 3326 issued under sec. 10, 53 Stat. 1196, as amended; 43 U.S.C. 387.

§ 3326.0–3 Authority to lease; description of area.

(a) Section 10 of the act of August 4, 1939 (53 Stat. 1196), as amended August 18, 1950 (64 Stat. 463; 43 U.S.C. 387), inter alia, authorizes the Secretary of the Interior in his discretion to permit the removal of sand, gravel and other minerals from lands and interests in lands withdrawn or acquired for reclamation purposes and to grant leases and licenses for periods not to exceed 50 years affecting such withdrawn or acquired lands.

(b) The area subject to the regulations in this part is that area surrounding Lake Mead in Nevada and Arizona with its greatest extension from north to south from the south boundary of Township 14 South in parts of Ranges 68 and 69 East, Mount Diablo Meridian to the south boundary of Township 21 North, Range 21 West of the Gila and Salt River Meridian and the center of Range 66 and part of 65 East, Township 32 South, Mount Diablo Meridian and its greatest extension east and west from the approximate center of Township 32 and parts of Townships 31 and 33 North, Range 8 West, Gila and Salt River Meridian to within Townships 21, 22 and 23 South, Range 63 East, Mount Diablo Meridian. The exact description of the lands included in the area may be obtained from a map entitled "Lake Mead National Recreation Area, Arizona-Nevada (NRA—L. M. 2291), Revised March 1955," copies of which are on file in the office of the Superintendent, Lake Mead National Recreation Area, Boulder City, Nevada, and in the land offices of the Bureau of Land Management at Reno, Nevada, and Phoenix, Arizona.

§ 3326.1 Other regulations applicable.

Except as otherwise specifically provided in Subpart 3326 the regulations contained in Parts 3100 and 3130, and in 30 CFR Part 2131 shall govern the leasing of mineral deposits other than coal, oil, gas, phosphate, potassium and sodium, the excepted minerals being

governed by regulations issued under the Acts of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181) as amended, and February 27, 1927 (44 Stat. 1057; 30 U.S.C. 281), as amended, to which Group 3100 is specifically applicable.

§ 3326.2 Leasing units.

Leasing units may not exceed 640 acres conisisting of legal subdivisions of the lands if surveyed, in reasonably compact form or, if the lands are not surveyed, of a square or rectangular area with north and south and east and west boundaries so as to approximate legal subdivisions described by metes and bounds connected to a corner of the public survey by courses and distances. The officer issuing any lease may prescribe a lesser area for any mineral deposit if the Geological Survey reports that such lesser area is adequate for an economic mining operation.

§ 3326.3 Royalties, rentals and minimum royalties.

(a) The rate of royalty shall be fixed prior to the issuance of the lease but in no event shall it be less than 2 percent of the amount or value of the minerals mined.

(b) Rentals shall not be less than 25 cents per acre payable annually until production is obtained.

(c) After production is obtained the lessee must pay a minimum royalty of $1 per acre.

§ 3326.4 Applications and qualifications.

§ 3326.4–1 Qualifications of applicants.

Leases may issue to (a) citizens of the United States, (b) associations of such citizens and (c) corporations organized under the laws of the United States or of any State or Territory thereof.

§ 3326.4–2 Applications.

An applicant must give his name and address and citizenship qualifications in the manner prescribed in § 3132.2, describe the land for which a lease is desired in terms of legal subdivisions if surveyed, otherwise by metes and bounds and state the kind of mineral for which a lease is desired. The applicant must also give the reasons why he believes the mineral sought to be leased can be developed in the land in paying quantities and furnish such facts as are available to him respecting the known occurrence of the mineral in the land, the character of such occurrence and its probable worth as evidencing the existence of a workable deposit of such mineral. Each application must be accompanied by a filing fee of $10 which will not be returnable.

§ 3326.5 Leases.

§ 3326.5–1 Term of lease.

Leases will be issued for a period of 5 years and any lease in good standing will be subject to renewal for successive 5-year terms on such reasonable terms as may be prescribed by the Secretary of the Interior at the time of any such renewal upon application filed within 90 days prior to the termination of the lease term for which renewal is sought unless otherwise provided by law or unless the land has been restored from the withdrawal at the expiration of such term.

§ 3326.5–2 Lease terms and conditions.

Each lease will contain provisions for the following: Diligent development of the leased property except when operations are interrupted by strikes, the elements, or casualties not attributable to the lessee unless operations are suspended upon a showing that the lease cannot be operated except at a loss because of unfavorable market conditions; occupation and use of the surface of the claim shall be restricted to such as is reasonably necessary to the exploration, development and extraction of the leased minerals. No vegetation will be destroyed or disturbed except where necessary to mine and remove the minerals; lessee shall not conduct operations in such a manner as to contaminate the waters of Lake Mead or Lake Mohave through dumping, drainage or otherwise. Lessee shall not erect any structures or open or construct roads or vehicle trails without first obtaining written permission from an authorized officer or employee of the National Park Service. The permit for a road or trail may be conditioned upon the permittee's maintaining the road or trail in passable condition, satisfactory to the officer in charge of the area so long as it is used by the permittee or his successor. The right is reserved to insert other terms in the lease when deemed necessary for the protection of the surface, its resources and use for recreation.

§ 3326.5–3 Leases by competitive bidding.

The right is reserved to offer competitively a lease for any land applied for under this part if, in the judgment of the State Director, there is evidence of a competitive interest in the land, or if the Geological Survey finds that the land contains a deposit in paying quantities of the mineral to be leased.

§ 3326.6 Excepted areas.

Minerals deposits and materials in the following areas shall not be open to disposal under the provisions of this part:

(a) All lands within 200 feet of the center line of any public road, or within 200 feet of any public utility including, but not limited to, electric transmission lines, telephone lines, pipe lines, and railroads.

(b) All land within the smallest legal subdivision of the public land surveys containing a spring or water hole, or within one-quarter of a mile thereof on unsurveyed public land.

(c) All land within 300 feet of Lake Mead or Lake Mohave, measured horizontally from the shore line at maximum water surface elevation and all lands within the area of supervision of the Bureau of Reclamation around Hoover and Davis Dams as shown on the map of the Lake Mead National Recreation Area, (NRA—L. M. 2291).

(d) All land within any developed and/or concentrated public use area or other area of outstanding recreation significance as designated by the Superintendent on the map, (NRA—L. M. 2297), of Lake Mead National Recreation Area which will be available for inspection in the office of the Superintendent.

§ 3326.7 Disposal of materials.

Materials within the public lands covered by the regulations in this part which are not subject to lease hereunder shall be subject to disposal under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U.S.C. 1185), as amended, subject to the conditions and limitations on occupancy and operations prescribed for leases in this part.

§ 3326.8 Distribution of proceeds.

All receipts derived from permits or leases issued under this subpart will be deposited by the Bureau of Land Management into the same funds or accounts in the Treasury for distribution in the same manner as prescribed as to national forest land for other national forest revenue by 16 U.S.C., sections 499, 500 and 501 and as prescribed as to reclamation land for other reclamation revenue by 43 U.S.C., section 394.

PART 3380—OUTER CONTINENTAL SHELF MINERAL DEPOSITS

Subpart 3380—Outer Continental Shelf Mineral Deposits; General

Sec.
3380.0–3 Authority.
3380.1 Persons qualified to hold leases.
3380.2 Leasing Maps.
3380.3 Helium.
3380.4 Payments of filing charges, bonuses, rentals and royalties.

Subpart 3381—Cooperative Conservation Provisions

3381.1 Unit plans, pooling, and drilling agreements.
3381.2 Application for approval of unit plan.
3381.3 Pooling or drilling agreements.
3381.4 Subsurface storage of oil or gas.
3381.5 Directional drilling.

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3382.1 Kind and term.
3382.2 Extension of leases by drilling or well reworking operations.
3382.3 Notice of lease offer.
3382.4 What must accompany bids.
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Subpart 3383—Rentals and Royalties

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3383.3 Minimum royalty.
3383.4 Compensatory payments, extension of lease.
3383.5 Suspension of operations and production; royalty and rental relief.

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3384.1 Amount of bond required of lessee.
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Subpart 3385—Assignments or Transfers

3385.1 Assignment of leases or interests therein.
3385.2 Requirements for filing of transfers.
3385.3 Separate assignments required for transfer of record title to leases.
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Subpart 3386—Termination of Leases

3386.1 Relinquishment of leases or parts of leases.
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Subpart 3387—Mineral Deposits Affected by Section 6 of Outer Continental Shelf Lands Act

3387.1 Effect of regulations on provisions of lease.
3387.2 Leases of other minerals.
3387.3 Obligations of lessee.
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3387.4–2 Suspension of operations during war or national emergency.
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3387.4–5 Leases of sulphur and other mineral.
3387.5 Remedies in case of default.
3387.6 Heirs and successors in interest.

No. 63—Pt. II—Sec. 2—8

AUTHORITY: The provisions of this Part 3380 issued under sec. 15, 67 Stat. 464; 43 U.S.C. 1334. Interpret or apply secs. 6, 8, 67 Stat. 465, 468; 43 U.S.C. 1335, 1337.

Subpart 3380—Outer Continental Shelf Mineral Deposits; General

§ 3380.0–3 Authority.

The Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462), referred to in this part as "the act", among other things, authorizes the Secretary of the Interior to issue on a competitive basis leases for oil and gas, sulphur, and other minerals in submerged lands of the outer Continental Shelf, as defined in section 2 of the act. The inclusion of this part in this title shall not be construed as an interpretation that the laws and regulations pertaining to public lands are applicable to the submerged lands of the outer Continental Shelf.

§ 3380.1 Persons qualified to hold leases.

Mineral leases issued pursuant to section 8 of the act may be held only by citizens of the United States over 21 years of age, associations of such citizens, States, political subdivisions of a State, or private, public, or municipal corporations organized under the laws of the United States or of any State or Territory thereof.

§ 3380.2 Leasing maps.

(a) Any area of the outer Continental Shelf which has been appropriately platted as provided in paragraph (b) of this section is subject to lease for any mineral not included in a subsisting lease issued under the act or meeting the requirements of subsection (a) of section 6 of the act, unless before any lease is offered or issued the unit is (1) withdrawn from disposition pursuant to section 12(a) of the act, or (2) designated as an area or part of an area restricted from operation under section 12(d) of the act.

(b) As the need arises, the Bureau of Land Management will prepare official leasing maps of areas of the outer Continental Shelf, which will be made to conform so far as practicable to the method of tract designation established by the adjoining State. The area included in each mineral lease shall be described in accordance with the official leasing map.

(c) Each oil and gas lease issued pursuant to section 8 of the act shall cover a compact area, which shall not exceed 5,760 acres.

§ 3380.3 Helium.

Each lease issued or continued under the act shall be subject to a reservation by the United States of the ownership of and the right to extract helium from all gas produced from the leased area, subject to such rules and regulations as shall be prescribed by the Secretary of the Interior. In case the United States elects to take the helium, the lessee shall deliver all gas containing helium, or the portion of gas desired, to the United States at any point on the leased area in the manner required by the United States, for the extraction of helium in such plant or reduction works for that purpose as the United States may provide, whereupon the residue shall be returned to the lessee with no substantial delay in the delivery of gas produced from the well to the purchaser thereof. The lessee shall not suffer a diminution of value of the gas from which the helium has been extracted, or loss otherwise, for which he is not reasonably compensated, save for the value of the helium extracted. The United States shall have the right to erect, maintain, and operate on the leased area any and all reduction works and other equipment necessary for the extraction of helium.

§ 3380.4 Payments of filing charges, bonuses, rentals and royalties.

All payments to the United States required by the act or the regulations in this part shall be made to the oil and gas supervisor of the Geological Survey for the region in which the leased area is situated, except that payments of filing charges, bonuses and first year's rental shall be made to the manager of the appropriate field office, Bureau of Land Management, unless otherwise directed by the Secretary. All payments should be made by check, bank draft, or money order payable to the United States Geological Survey, if the payments are made to the Geological Survey, or to the Bureau of Land Management, if the payments are made to that Bureau.

Subpart 3381—Cooperative Conservation Provisions

§ 3381.1 Unit plans, pooling, and drilling agreements.

Section 5(a)(1) of the act authorizes the Secretary in the interest of conservation to provide for unitization, pooling and drilling agreements. Such agreements may be initiated by lessees or where in the interest of conservation they are deemed necessary they may be required by the Secretary.

§ 3381.2 Application for approval of unit plan.

The procedure for obtaining the approval of a unit plan of development is contained in 30 CFR Part 226, "Unit or Cooperative Agreements". All applications to unitize and all documents incident thereto shall be filed in the office of the oil and gas supervisor, Geological Survey, for the region in which the unit areas is situated.

§ 3381.3 Pooling or drilling agreements.

(a) With the approval of the Secretary, pooling or drilling agreements may be made between lessees for the purposes of (1) utilizing a common drilling platform to develop adjacent or adjoining leases; (2) permitting operators or pipeline companies to enter into contracts involving a number of leases sufficient to justify operations on a large scale for the discovery, development, production or transporation of oil and gas, sulphur, or other minerals and to finance the same; or (3) for other purposes in the interest of conservation.

(b) A contract submitted for approval under these provisions should be filed

with the oil and gas supervisor, together with enough copies to permit retention of 5 copies by the Department after approval. Complete details must be furnished in order that the Secretary may have facts upon which to make a definite determination and prescribe the conditions on which the contract is approved.

§ 3381.4 Subsurface storage of oil or gas.

(a) In order to avoid waste or to promote conservation of natural resources, and when it can be shown that no undue interference with operations under existing leases will result, the Secretary, upon application by the interested parties, may authorize the subsurface storage of oil or gas in the lands of the outer Continental Shelf, whether or not produced from the outer Continental Shelf. Such authorization will provide for the payment of such storage fee or rental on the stored oil or gas as may be determined adequate in each case, or, in lieu thereof, for a royalty other than that prescribed in any lease of the area involved when such stored oil or gas is produced in conjunction with oil or gas not previously produced. Any lease of an area used for the storage of oil or gas shall not be deemed to expire during the period of such storage and so long thereafter as oil or gas not previously produced is produced in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon.

(b) Applications for subsurface storage shall be filed in triplicate with the oil and gas supervisor and shall disclose the ownership of the lands or interests in the lands involved, the parties in interest, including lessees of other mineral interests, the storage fee, rental, or royalty offered to be paid for such storage and all essential information showing the necessity for such storage. Enough copies of the final agreement signed by the parties in interest shall be submitted for the approval of the Secretary to permit retention of 5 copies by the Department after approval.

§ 3381.5 Directional drilling.

A lease may be maintained in force by directional wells drilled under the leased area from surface locations on adjacent or adjoining land not covered by the lease. In such circumstances, drilling shall be considered to have commenced on the leased area when drilling is commenced on the adjacent or adjoining land for the purpose of directionally drilling under the leased area through any directional well surfaced on adjacent or adjoining land, and production, drilling, or reworking of any such directional well shall be considered production or drilling or reworking operations (as the case may be) on the leased area for all purposes of the lease.

Subpart 3382—Issuance of Leases

§ 3382.1 Kind and term.

In accordance with the provisions of section 8 of the act, all leases will be issued competitively upon the Department's motion or upon a request describing the area and expressing an interest in leasing a unit or units addressed to the Director, Bureau of Land Management, Washington 25, D.C., hereinafter referred to as the Director, with a copy to the oil and gas supervisor. From time to time the Director may issue calls for the submission of requests for oil and gas or other mineral lease offerings in specified areas. Leases will be awarded to the highest qualified bidder on the basis specified in the notice of lease offer. All oil and gas leases shall be for a term of 5 years and so long thereafter as oil or gas may be produced from the leased area in paying quantities or drilling or well reworking operations, as approved by the Secretary, are conducted thereon. All sulphur leases shall be for a term of 10 years and so long thereafter as sulphur may be produced from the leased area in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon. Other mineral leases shall be for such terms as may be prescribed by the Secretary at the time of offering the leases.

§ 3382.2 Extension of leases by drilling or well reworking operations.

(a) The Secretary shall be deemed to have approved, within the meaning of section 8(b)(2) of the Outer Continental Shelf Lands Act, drilling or well reworking operations, conducted on the leased area in the following instances:

(1) If, after discovery of oil or gas in paying quantities has been made on the leasehold, and within 90 days prior to expiration of the five-year term or any extension thereof, or thereafter, the production thereof shall cease at any time, or from time to time, from any cause and production is restored or drilling or well reworking operations are commenced within 90 days thereafter, and such drilling or well reworking operations (whether on the same or different wells) are prosecuted diligently until production is restored in paying quantities.

(2) If, within 90 days prior to expiration of the five-year term or any extension thereof, or thereafter, at any time, or from time to time, lessee is engaged in drilling or well reworking operations on the leasehold and there is no well on the leasehold capable of producing in paying quantities and the lessee diligently prosecutes such operations (whether on the same or different wells) with no cessation of more than 90 days.

(b) The Secretary may approve such other operations for drilling or reworking upon application of lessee.

(c) Nothing in this section obviates the necessity of obtaining the Oil and Gas Supervisor's approval of a plan or notice of intention to drill or of complying with the other provisions of 30 CFR Part 250.

§ 3382.3 Notice of lease offer.

Notice of the offer of lands for lease will be given by publication at the expense of the United States in the FEDERAL REGISTER, as the official publication, and in such other publications as may be authorized and the first publication shall be at least 30 days prior to the date of sale. The notice will set the place, date, and hour at which the bids will be opened. All sealed bids in response to any such notice must be filed at the place, and prior to the time set for opening bids. The notice may contain special conditions which will become part of the lease to be issued.

§ 3382.4 What must accompany bids.

(a) A separate bid must be submitted for each lease unit described in the notice of lease offer. A bid may not be submitted for less than an entire unit. Each bidder must submit with his bid a certified or cashier's check or bank draft on a solvent bank, or a money order or cash, for one-fifth of the amount of the cash bonus. If the bidder is an individual, he must submit with his bid a statement of his citizenship. If the bidder is an association (including a partnership), the bid shall be accompanied also by a certified copy of the articles of association or appropriate reference to the record of the Bureau of Land Management in which such a copy has already been filed, with a statement as to any subsequent amendments. If the bidder is a corporation, the following additional information shall be submitted with the bid.

(1) A certified copy of the articles of incorporation and a copy either of the minutes of the meeting of the board of directors or of the by-laws indicating that the person signing the bid has authority to do so, or, in lieu of such a copy, a certificate by the secretary or the assistant secretary of the corporation to that effect, over the corporate seal or appropriate reference to the record of the Bureau of Land Management in connection with which such articles and authority have been previously furnished.

(b) All bidders are warned against violation of the provisions of Title 18 U.S.C. section 1860, prohibiting unlawful combination or intimidation of bidders.

§ 3382.5 Award of lease.

Following the public opening of the sealed bids as provided for in the notice of lease offer, the authorized officer, subject to his right to reject any and all bids will award the lease to the successful bidder. In the event the highest bids are tie bids, tie bidders may file with the Director within 15 days after notification an agreement to accept the lease jointly, otherwise all bids will be rejected. If the authorized officer fails to accept the highest bid for a lease within 30 days after the date on which the bids are opened, all bids for such lease will be considered rejected. Notice of his action will be transmitted promptly to the several bidders. If the lease is awarded, three copies of the lease will be sent to the successful bidder and he will be required within 30 days from his receipt thereof to execute them, pay the first year's rental, the balance of the bonus bid, and file a bond as required in § 3384.1. Deposits on rejected bids will be returned. If the successful bidder fails to execute the lease or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the act. If before the lease is executed on behalf of the United States the land is withdrawn or restricted from leasing, all payments made by the bidder will be refunded. If the awarded lease is executed by an agent acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the agent to execute the lease. When the three copies of the lease are executed by the successful bidder and returned to the authorized officer, the lease will be executed on behalf of the United States, and one fully executed copy will be mailed to the successful bidder.

§ 3382.6 Form.

Oil and gas leases and leases for sulphur will be issued on forms approved by the Director. Other mineral leases will be issued on such forms as may be prescribed by the Secretary.

§ 3382.7 Dating of leases.

All leases issued under the regulations in this part will be dated and become effective as of the first day of the month following the date the leases are signed on behalf of the lessor, except that, when prior written request is made, a lease may be dated and become effective as of the first day of the month within which it is so signed.

Subpart 3383—Rentals and Royalties

§ 3383.1 Rentals.

An annual rental shall be due and payable in advance on the first day of each lease year prior to discovery at the rate specified in the lease. The owner of any lease created by the assignment of a portion of a producing lease and on which assigned portion there is no discovery shall be required to pay an annual rental for such assigned portion at the rate per acre specified in the lease payable each lease year following the year in which the assignment became effective and prior to a discovery on such segregated portion.

§ 3383.2 Royalties.

Royalties shall be at the rate specified in the lease but in no event shall the royalty on oil and gas be less than 12½ percent of the amount or value of the production saved, removed or sold from the lease, nor on sulphur less than 5 percent of the gross production of value of the sulphur at the wellhead.

§ 3383.3 Minimum royalty.

Each lessee shall pay the minimum royalty specified in the lease at the end of each lease year beginning with the first lease year following a discovery on the lease.

§ 3383.4 Compensatory payments, extension of lease.

In the event that an oil and gas lessee makes compensatory payments as provided in 30 CFR 250.33 and in the event that the lease is not being maintained in force by other production of oil or gas in paying quantities or by other approved drilling or reworking operations, such payments shall be considered as the equivalent of production in paying quantities for all purposes of the lease.

§ 3383.5 Suspension of operations and production; royalty and rental relief.

(a) In addition to the provisions of section 12 (c) and (d) of the act, in the event that the Director of the Geological Survey in the interest of conservation directs the suspension of both operations and production with respect to any lease no payment of rental or royalty will be required during the period of suspension; and the term of the lease will be extended by a period equivalent to the period of suspension. In the event that the Director of the Geological Survey assents, at the request of a lessee, to a suspension of both operations and production under a lease or directs or assents to a suspension of operations only or production only, the term of the lease will not be deemed to expire so long as the suspension remains in effect but the lessee will not be relieved of his obligation to pay rental, minimum royalty, or royalty, as the case may be, during the term of suspension. In the event a leased area contains only a well or wells capable of producing gas in paying quantities but which gas cannot be produced because of the lack of transportation facilities, the Director of the Geological Survey shall, upon application, grant producing relief subject to the conditions of this paragraph for a maximum period not to exceed five years commencing with the lease year beginning on or after the date of discovery, or the effective date of the regulations in this part, whichever is later. Any further suspension will be granted only pursuant to the other provisions of this paragraph. As to leases maintained under section 6 of the act which cover minerals in addition to oil and gas, suspensions may be made separately as to oil and gas or as to any other mineral designated in the suspension, order, or grant.

(b) In order to increase the ultimate recovery of minerals and in the interest of conservation, the Director of the Geological Survey, whenever he determines it necessary to promote development or finds that a lease cannot be successfully operated under the terms provided therein, may reduce the rental, minimum royalty, or royalty on the entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes. An application for any of the above relief shall be filed in triplicate with the Director of the Geological Survey. It must contain the serial number of the lease; the name of the record title holder; a description of the area included in the lease; the number, location, and status of each well that has been drilled; a tabulated statement for each month, covering a period of not less than six months prior to the date of filing the application, of the aggregate amount of minerals subject to royalty computed in accordance with the lease and applicable regulations. Every application must also contain a detailed statement of expenses and costs of operating the entire lease and of the income from the sale of any leased products, and all facts tending to show whether the wells or workings can be successfully operated upon the rental or royalty fixed in the lease. Where the application is for a reduction of royalty, full information shall be furnished as to whether royalties or payments out of production are paid to others than the United States, the amounts so paid, and efforts made to reduce them. The applicant must also file agreements of the holders of the lease and of royalty holders to a permanent reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

Subpart 3384—Bonds

§ 3384.1 Amount of bond required of lessee.

The successful bidder prior to the issuance of an oil and gas or sulphur lease must furnish a corporate surety bond in the sum of $15,000 conditioned on compliance with all of the terms of the lease, unless he already maintains or furnishes a bond in the sum of $100,000 conditioned on compliance with the terms of oil and gas and sulphur leases held by him on the Outer Continental Shelf in the (a) Gulf of Mexico, (b) along the Pacific Coast, or (c) along the Atlantic Coast, as may be appropriate. An operator's bond in the same amount may be substituted at any time for the lessee's bond. The United States reserves the right to require additional security in the form of a supplemental bond or bonds or to increase the coverage of an existing bond if, after operations or production have begun, such additional security is deemed necessary. The amount of bond coverage on leases for other minerals will be determined at the time of the offer to lease and will be stated in the notice of lease offer. Where upon a default, the surety on an Outer Continental Shelf Mineral Lease Bond makes payment to the Government of any indebtedness under a lease secured thereby, the face amount of such bond and the surety's liability thereunder shall be reduced by the amount of such payment. Thereafter, upon penalty of cancellation of all of the leases covered by such bond, the principal shall post a new bond, on a form approved by the Director, in the amount of $100,000 within 6 months after notice, or within such shorter period as the authorized officer of the Bureau of Land Management may fix. However, in lieu thereof, the principal may within that time file separate bonds for each lease. The provisions hereof may be made applicable to any bond in force at the time of the approval of the amendment of this section by filing in the local office of the Bureau of Land Management in New Orleans, Louisiana, a written consent to that effect and an agreement to be bound by the provisions hereof executed by the principal and surety. Upon receipt thereof the bond will be deemed to be subject to the provisions of this section.

§ 3384.2 Form of bond.

Bonds furnished by lessee or operator for a single lease will be on forms approved by the Director. The $100,000 bond will be on a form approved by the Director.

Subpart 3385—Assignments or Transfers

§ 3385.1 Assignment of leases or interests therein.

Leases, or any undivided interest therein, may be assigned in whole or as to any officially designated subdivision subject to the approval of the authorized officer, to any one qualified under § 3380.1 to take and hold a lease. Any assignment made under this section shall, upon approval, be deemed to be effective on and after the first day of the lease month following its filing in the Bureau of Land Management, Washington 25, D.C., unless at the request of the parties an earlier date is specified in the Director's approval. The assignor shall be liable for all obligations under the lease accruing prior to the approval of the assignment.

§ 3385.2 Requirements for filings of transfers.

(a) (1) All instruments of transfer of a lease or of an interest therein, including operating agreements, subleases, and assignments of record interests, must be filed in triplicate for approval within 90 days from the date of final execution with a statement over the transferee's own signature with respect to citizenship and qualifications similar to that required of a lessee and must contain all of the terms and conditions agreed upon by the parties thereto. Carried working interests, overriding royalty interests, or payments out of production, may be created or transferred without requirement for filing or approval.

(2) An application for approval of any instrument required to be filed must be accompanied by a fee of $10, and an application not accompanied by payment of such a fee will not be accepted for filing. Such fee will not be returned even though the application later be withdrawn or rejected in whole or in part.

(b) Where an attorney in fact, in behalf of the holder of a lease, operating agreement or sublease signs an assignment of the agreement, lease, or interest, or signs the application for approval, there must be furnished evidence of the authority of the attorney in fact to execute the assignment or application and the statement required by § 3382.4.

(c) Where an assignment creates a segregated lease a bond must be furnished in the amount prescribed in § 3384.1. Where an assignment does not create separate leases the assignee, if the assignment so provides and the surety consents, may become a joint principal on the bond with the assignor.

(d) In order for the heirs or devisees of a deceased holder of a lease, or any interest therein, to be recognized by the Department as the lawful successor to such lease or interest, evidence of their status as such heirs or devisees must be furnished in the form of a certified copy of an appropriate order or decree of the court having jurisdiction of the distribution of the estate or, if no court action is necessary, the statements of two disinterested parties having knowledge of the facts or a certified copy of the will, and, in all cases, the statements of the heirs or devisees that they are the persons named as successors to the estate provided in § 3382.4. In the event such heirs or devisees are unable to qualify to hold the lease or interest they will nevertheless be recognized as the lawful successors of the deceased for a period of not to exceed 2 years from the date of death of their predecessor in interest.

§ 3385.3 Separate assignments required for transfer of record title to leases.

A separate instrument of assignment must be filed for each lease when transfers involve record titles. When transfers to the same person, association, or corporation, involving more than one lease are filed at the same time for approval, one request for approval and one showing as to the qualifications of the assignee will be sufficient.

§ 3385.4 Effect of assignment of particular tract.

(a) When an assignment is made of all of the record title to a portion of the acreage in a lease, the assigned and retained portions become segregated into separate and distinct leases. The assignment as to the segregated tract and is bound by the terms of the lease as though he had obtained the lease from the United States in his own name, and the assignment after its approval will be the basis of a new record. Royalty, minimum royalty, and rental provisions of the original lease shall apply separately to each segregated portion.

(b) In the case of an assignment of a portion of an oil and gas lease the segregated leases shall continue in full force and effect for the primary term of the original lease and so long thereafter as oil or gas may be produced from the original leased area in paying quantities or drilling or well reworking operations as approved by the Secretary are conducted thereon.

Subpart 3386—Termination of Leases or parts of leases.

§ 3386.1 Relinquishment of lease or parts of lease.

A lease or any officially designated subdivision thereof may be surrendered by the record title holder by filing a written relinquishment, in triplicate, with the Director's office. A relinquishment shall take effect on the date it is filed subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to abandon all wells on the land to be relinquished to the satisfaction of the oil and gas supervisor.

§ 3386.2 Cancellation of lease.

Any nonproducing lease issued under the act may be canceled by the authorized officer whenever the lessee fails to comply with any provision of the act or lease or applicable regulations in force and effect on the date of the issuance of the lease, if such failure to comply continues for 30 days after mailing of notice by registered letter to the lease owner at his record post office address. Any such cancellation is subject to judicial review as provided in section 8(j) of the act upon the complaint of any person. Producing leases issued under the act may be canceled for such failure only by judicial proceedings in the manner prescribed in section 5(b) (2) of the act. Any lease issued under the act, whether producing or not, will be canceled by the authorized officer upon proof that it was obtained by fraud or misrepresentation, and after notice and opportunity to be heard has been afforded to the lessee.

Subpart 3387—Mineral Deposits Affected by Section 6 of Outer Continental Shelf Lands Act

§ 3387.1 Effect of regulations on provisions of lease.

(a) As contemplated by section 6(b) of the act, the preceding regulations in this part so far as they are applicable and the following regulations will supersede the provisions of any lease which is determined to meet the requirements of section 6(a) of the act, to the extent that they cover the same subject matter, with the following exceptions: The provisions of a lease with respect to the area covered by the lease, the minerals covered by the lease, the rentals payable under the lease, the royalties payable under the lease, (subject to the provisions of sections 6(a)(8) and 6(a)(9) of the act), and the term of the lease (subject to the provisions of section 6(b)(2) of the act) shall continue in effect and, in the event of any conflict or inconsistency, shall take precedence over those regulations.

(b) A lease that meets the requirements of section 6(a) of the act shall also be subject to all operating and conservation regulations applicable to the outer Continental Shelf, as well as the regulations relating to geophysical and geological exploratory operations and to pipeline rights-of-way in the outer Continental Shelf, to the extent that those regulations are not contrary to or inconsistent with the provisions of the lease relating to the area covered, the minerals covered, the rentals payable, the royalties payable, and the term of the lease. Nothing herein should be construed to waive compliance with any provision of any State lease the subject matter of which is not covered in the regulations in this part.

§ 3387.2 Leases of other minerals.

The existence of a lease that meets the requirements of section 6(a) of the act will not preclude the issuance of other leases of the same area for deposits of other minerals: *Provided*, That no lease of minerals other than those covered by the lease shall authorize or permit the shipment of products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes, subject to the provisions of section 5(c) of the act where they are applicable and to all lawful and reasonable regulations and conditions prescribed by the Secretary thereunder.

§ 3387.4–5 Leases of sulphur and other mineral.

The United States reserves the right to grant sulphur leases and leases of any mineral other than oil, gas, and sulphur within the leased area or any part thereof, subject to the provisions of sections 8(c), 8(d), and 8(e) of the act and all lawful and reasonable regulations prescribed by the Secretary thereunder: *Provided*, That no such sulphur lease or lease of other mineral shall authorize or permit the lessee thereunder unreasonably to interfere with or endanger operations under the lease which is continued under section 6 of the act.

§ 3387.5 Remedies in case of default.

(a) Whenever the lessee fails to comply with any of the provisions of the act or of the lease or of the lawful and reasonable regulations issued within 90 days after the authorized officer has determined that the lease meets the requirements of section 6(a) of the act, the lease shall be subject to cancellation as follows:

(1) If, at the time of such default, no well is producing, or is capable of producing, oil or gas in paying quantities from the leased area, whether such well be drilled from a surface location within the leased area or be directionally drilled from a surface location on adjacent or adjoining lands the lease may be canceled by the Secretary (subject to the right of judicial review as provided in section 8(j) of the act) if such default continues for the period of 30 days after mailing of notice by registered letter to the lessee at the lessee's record post office address.

(2) If, at the time of such default, any well is producing, or is capable of producing, oil or gas in paying quantities from the leased area, whether such well be drilled from a surface location within the leased area or be directionally drilled from a surface location on adjacent or

§ 3387.4–2 Suspension of operations during war or national emergency.

Upon recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President of the United States after August 7, 1953, the Secretary is authorized to suspend any or all operations under a lease, as provided in section 12(c) of the act: *Provided*, That just compensation shall be paid by the United States to the lessee whose operations are thus suspended.

§ 3387.4–3 Restriction of exploration and operations.

The United States shall have the right, as provided in section 12(d) of the act, to restrict from exploration and operations the leased area or any part thereof which may be designated by and through the Secretary of Defense, with the approval of the President of the United States, as, or as part of, an area of the outer Continental Shelf needed for national defense. So long as such designation remains in effect no exploration or operations may be conducted on the surface of the leased area or the part thereof included within the designation except with the concurrence of the Secretary of Defense. If operations or production under any lease within any such restricted area shall be suspended, any payments of rentals, minimum royalty, and royalty prescribed by such lease likewise shall be suspended during such period of suspension of operations and production, and the term of such lease shall be extended by adding thereto any such suspension period, and the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States.

§ 3387.4–4 Geological and geophysical exploration; rights-of-way.

The United States reserves the right to authorize the conduct of geological and geophysical exploration in the leased area which does not interfere with or endanger actual operations under the lease and the right to grant such easements or rights-of-way, upon, through, or in the leased area as may be necessary or appropriate to the working of other lands containing the deposits described in the act, and to the treatment and

adjoining lands, the lease may be cancelled by an appropriate proceeding in any United States district court having jurisdiction under the provisions of section 4(b) of the act if such default continues for the period of 30 days after mailing of notice by registered letter to the lessee at the lessee's record post office address.

(b) If any such default continues for the period of 30 days after mailing of notice by registered letter to the lessee at the lessee's record post office address, the lessor may then exercise any legal or equitable remedy which the lessor may have; however, the remedy of cancellation of the lease may be exercised only under the conditions and subject to the limitations set out in paragraph (a) of this section, or pursuant to section 8(i) of the act.

(c) A waiver of any particular default shall not prevent the cancellation of the lease or the exercise of any other remedy the lessor may have by reason of any other cause or for the same cause occurring at any other time.

§ 3387.6 Heirs and successors in interest.

Each obligation under any lease and under the regulations in this part shall extend to and be binding upon, and every benefit thereunder shall inure to, the heirs, executors, administrators, successors, or assigns of the lessee.

Group 3400—Mining Claims Under the General Mining Laws of 1872

PART 3400—MINING CLAIMS UNDER THE GENERAL MINING LAWS OF 1872; GENERAL

Subpart 3400—General Mining Laws of 1872

Sec.
3400.1 Lands subject to location and purchase.
3400.2 Minerals under the mining laws.
3400.3 Mineral locations in stock driveway withdrawals.
3400.4 Mineral locations in reclamation withdrawals.

Subpart 3401—Lands and minerals subject to location

3401.1 Manner of initiating rights under locations.
3401.2 Who may make locations.

AUTHORITY: The provisions of this Subpart 3400 issued under R.S. 2478; 43 U.S.C. 1201.

Subpart 3400—General Mining Laws of 1872

§ 3400.1 Lands subject to location and purchase.

(a) Vacant public surveyed or unsurveyed lands are open to prospecting, and upon discovery of mineral, to location and purchase. The act of June 4, 1897 (30 Stat. 36), provides that "any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry," notwithstanding the reservation. This makes mineral lands in the forest reserves in the public land states, subject to location and entry under the general mining laws in the usual manner. Lands entered or patented under the stockraising homestead law (title to minerals and the use of the surface necessary for mining purposes can be acquired), lands entered under other agricultural laws but not perfected, where prospecting can be done peaceably are open to location.

(b) Mining locations may be made in the States of Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

(1) The laws of the United States relating to mining claims were extended to Alaska by section 8 of the act of May 17, 1884 (23 Stat. 26), and sections 15, 16, and 26 of the act of June 6, 1900 (31 Stat. 327, 329; 48 U.S.C. 119, 120, 381–383) again, in terms, extended the mining laws of the United States and all right incident thereto, to the State, with certain further provisions with respect to the acquisition of claims thereunder.

(i) The law in respect to placer claims in Alaska was modified and amended by the act of August 1, 1912 (37 Stat. 242) and section 4 of that act was amended by the act of March 3, 1925 (43 Stat. 1118).

(ii) By the act of May 4, 1934 (43 Stat. 663; 48 U.S.C. 381a) the acts of August 1, 1912, and March 3, 1925, were repealed and the general mining laws of the United States applicable to placer mining claims were declared to be in full force and effect in the State.

(c) Lands in national parks and national monuments are not subject to mining location, except where specifically authorized by law.

(1) The mining laws were extended to the Death Valley National Monument, California, by the act of June 13, 1933 (48 Stat. 139; 16 U.S.C. 447) with a reservation of surface rights to the United States.

(2) Mining locations may be made on lands in the Mount McKinley National Park, under the provisions of the act of February 26, 1917 (39 Stat. 938; 16 U.S.C. 347–354) which expressly provides that the United States mining laws shall be applicable to mineral lands in that area.

(3) Regulations relative to mining in the Glacier Bay National Monument are contained in Subpart 3636 of this chapter.

(4) Mining locations in the Olympic National Park, Washington, made prior to June 29, 1943, are governed by Subpart 3632 of this chapter.

(5) Mining locations in the Organ Pipe Cactus National Monument may be made pursuant to Subpart 3633 of this chapter.

(d) Lands in Indian reservations are not subject to the United States mining laws, except in the Papago Indian Reservation from June 18, 1943, to May 27, 1955. See Subpart 3635 of this chapter.

(e) For mining claims in national forests, see paragraph (a) of this section.

(f) Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grand Lands, located in Oregon, are subject to mining locations in accordance with provisions of Subpart 3631 of this chapter.

(g) Mining claims may be located on power site withdrawals subject to the provisions of Subpart 3530 of this chapter.

(h) Mining claims for fissionable source materials may be located on lands known to be valuable for coal under certain conditions. See Subpart 3520 of this chapter.

(i) Lands segregated for classification or sold under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a–364e), are subject to mineral appropriation under the provision of section 3 of that act for the development of the reserved minerals under applicable laws, including the United States mining laws, and subject to the rules and regulations of the Secretary of the Interior necessary to provide protection and compensation for damages from mining activities to the surface and improvements thereon. See Subpart 2241 of this chapter.

(j) Lands patented under the Color of Title Act (43 U.S.C. 1068), by exchange under the Taylor Grazing Act (43 U.S.C. 415g) and by Forest Exchanges (16 U.S.C. 485) with mineral reservation to the United States, are subject to appropriation under the mining or mineral leasing laws for the reserved materials. See Subpart 2244 of this chapter. Minerals in acquired lands of the United States are not subject to mining location but the minerals therein may be acquired in accordance with the regulations contained in Subpart 3220–3227.

§ 3400.2 Minerals under the mining laws.

Whatever is recognized as a mineral by the standard authorities, whether metallic or other substance, when found in public lands in quantity and quality sufficient to render the lands valuable on account thereof, is treated as coming within the purview of the mining laws. Deposits of oil, gas, coal, potassium, sodium, phosphate, oil shale, native asphalt, solid and semisolid bitumen, and bituminous rock including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried, the deposits of sulphur in Louisiana and New Mexico belonging to the United States can be acquired under the mineral leasing laws (see § 3100.0–3), and are not subject to location and purchase under the United States mining laws. The so-called "common variety" mineral materials and petrified wood on the public lands may be acquired under the Materials Act, as amended (see Part 3610).

§ 3400.3 Mineral locations in stock driveway withdrawals.

(a) Under authority of the provisions of the act of January 29, 1929 (45 Stat. 1144; 43 U.S.C. 300), the rules, regulations, and restrictions in this section are prescribed for prospecting for minerals of the kinds subject to the United States mining laws, and the locating of mining claims upon discovery of such minerals, in lands within stock driveway withdrawals made before or after May 4, 1929.

(b) All prospecting and mining operations shall be conducted in such manner as to cause no interference with the use of the surface of the land for stock driveway purposes, except such as may actually be necessary.

(c) While a mining location will be made in accordance with the usual procedure for locating mining claims, and will describe a tract of land, having due regard to the limitations of area fixed by the mining laws, the locator will be limited under his location to the right to the minerals discovered in the land and to mine and remove the same, and to occupy so much of the surface of the claim as may be required for all purposes reasonably incident to the mining and removal of the minerals.

(d) All excavations and other mining work and improvements made in prospecting and mining operations shall be fenced or otherwise protected to prevent the same from being a menace to stock on the land.

(e) No watering places shall be inclosed, nor proper and lawful access of stock thereto prevented, nor the watering of stock thereat interfered with.

(f) Prospecting for minerals and the location of mining claims on lands included in such withdrawals shall be subject to the provisions and conditions of the mining laws and the regulations thereunder.

(g) Mining claims on lands within stock driveway withdrawals, located prior to May 4, 1929, and subsequent to the date of the withdrawal, may be held and perfected subject to the provisions and conditions of the act and the regulations in this section.

(h) Every application for patent for any minerals located subject to this act must bear on its face, before being executed by the applicant and presented for filing, the following notation:

Subject to the provisions of section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144).

Like notation will be made by the manager on the final certificates issued on such a mineral application.

(i) Patents issued on such applications will contain the added condition:

That this patent is issued subject to the provisions of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), with reference to the disposition, occupancy and use of the land as permitted to an entryman under said act.

§ 3400.4 Mineral locations in reclamation withdrawals.

(a) The act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), authorizes the Secretary of the Interior in his discretion to open to location, entry and patent under the general mining laws with reservation of rights, ways and easements, public lands of the United States which are known or believed to contain valuable deposits of minerals and which are withdrawn from development and acquisition because they are included within the limits of withdrawals made pursuant to section 3 of the reclamation act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416).

(b) Application to open lands to location under the act may be filed by a person, association or corporation qualified to locate and purchase claims under the general mining laws. The application must be executed in duplicate and filed in the land office of the district in which the lands are situated, must describe the land the applicant desires to locate, by legal subdivision if surveyed, or by metes and bounds if unsurveyed, and must set out the facts upon which is based the knowledge or belief that the lands contain valuable mineral deposits, giving such detail as the applicant may be able to furnish as to the nature of the formation, kind and character of the mineral deposits. Each application shall be accompanied by a $10 nonrefundable service charge.

(c) When the application is received in the Bureau of Land Management, if found satisfactory, the duplicate will be transmitted to the Bureau of Reclamation with request for report and recommendation. In case the Bureau of Reclamation makes an adverse report on the application, it will be rejected subject to right of appeal.

(d) If in the opinion of the Bureau of Reclamation the lands may be opened under the act without prejudice to the rights of the United States, the report will recommend the reservation of such ways, rights and easements considered necessary or appropriate, and/or the form of contract to be executed by the intending locator or entryman as a condition precedent to the vesting of any rights in him, which may be necessary for the protection of the irrigation interests.

Subpart 3401—Lands and Minerals Subject to Location

§ 3401.1 Manner of initiating rights under locations.

Rights to mineral lands, owned by the United States, are initiated by prospecting for minerals thereon, and, upon the discovery of mineral, by locating the lands upon which such discovery has been made. A location is made by staking the corners of the claim, posting notice of location thereon and complying with the State laws, regarding the recording of the location in the county recorder's office, discovery work, etc. As supplemental to the United States mining laws there are State statutes relative to location, manner of recording of mining claims, etc., in the State, which should also be observed in the location of mining claims. Information as to State laws can be obtained locally or from State officials.

§ 3401.2 Who may make locations.

Citizens of the United States, or those who have declared their intention to become such, including minors who have reached the age of discretion and corporations organized under the laws of any State, may make mining locations. Agents may make locations for qualified locators.

PART 3410—NATURE AND CLASSES OF MINING CLAIMS

Subpart 3410—Nature and Classes of Mining Claims; General

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3410.0–6 Classes of mining claims.

Subpart 3411—Lode Claims

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Subpart 3413—Discovery

3413.1 Discovery required before location.
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Subpart 3416—Placer Claims

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3416.7 Building-stone placers.
3416.8 Saline placers.
3416.9 Petroleum placers.

Subpart 3417—Millsites

3417.0–3 Authority.
3417.1 Required use.

AUTHORITY: The provisions of this Part 3410 issued under R.S. 2478; 43 U.S.C. 1201.

Subpart 3410—Nature and Classes of Mining Claims; General

§ 3410.0–6 Classes of mining claims.

Mining claims are of two distinct classes: Lode claims and placers.

Subpart 3411—Lode Claims

§ 3411.1 Lodes located previous to May 10, 1872.

The status of lode claims located or patented previous to May 10, 1872, is not changed with regard to their extent along the lode or width of surface; but the claim is enlarged by sections 2322 and 2328, Revised Statutes (30 U.S.C. 26, 33), by investing the locator, his heirs or assigns, with the right to follow, upon the conditions stated therein, all veins, lodes, or ledges, the top or apex of which lies inside of the surface lines of his claim.

§ 3411.2 Lodes must not have been adversely claimed.

It is to be distinctly understood that the law limits the possessory right to veins, lodes, or ledges, other than the one named in the original location, to such as were not adversely claimed on May 10, 1872, and that where such other vein or ledge was so adversely claimed at that date the right of the party so adversely claiming is in no way impaired by the act of that date.

§ 3411.3 Length of lode claims.

From and after May 10, 1872, any person who is a citizen of the United States, or who has declared his intention to become a citizen, may locate, record, and hold a mining claim of 1,500 linear feet along the course of any mineral vein or lode subject to location; or an association of persons, severally qualified as above, may make joint location of such claim of 1,500 feet, but in no event can a location of a vein or lode made after May 10, 1872, exceed 1,500 feet along the course thereof, whatever may be the number of persons composing the association.

§ 3411.4 Extent of surface ground.

With regard to the extent of surface ground adjoining a vein or lode, and claimed for the convenient working thereof, the act of May 10, 1872, provides that the lateral extent of locations of veins or lodes made after said date shall in no case exceed 300 feet on each side of the middle of the vein at the surface, and that no such surface rights shall be limited by any mining regulations to less than 25 feet on each side of the middle of the vein at the surface, except where adverse rights existing on May 10, 1872, may render such limitation necessary; the end lines of such claims to be in all cases parallel to each other. Said lateral measurements cannot extend beyond 300 feet on either side of the middle of the vein at the surface, or such distance as is allowed by local laws. For example: 400 feet cannot be taken on one side and 200 feet on the other. If, however, 300 feet on each side are allowed, and by reason of prior claims but 100 feet can be taken on one side, the locator will not be restricted to less than 300 feet on the other side; and when the locator does not determine by exploration where the middle of the vein at the surface is, his discovery shaft must be assumed to mark such point.

§ 3411.5 Restriction on width of claims by local laws.

No lode located after May 10, 1872, can exceed a parallelogram 1,500 feet in length by 600 feet in width, but whether surface ground of that width can be taken depends upon the local regulations or State or Territorial laws in force in the several mining districts. No such local regulations or State or Territorial laws shall limit a vein or lode claim to less than 1,500 feet along the course thereof, whether the location is made by one or more persons, nor can surface rights be limited to less than 50 feet in width unless adverse claims existing on May 10, 1872, render such lateral limitation necessary.

Subpart 3412—Describing Locations

§ 3412.1 Defining of locations by claimants.

Section 5 of the act of May 10, 1872, now section 2324, Revised Statutes (30 U.S.C. 28), requires that "the location must be distinctly marked on the ground so that its boundaries can be readily traced." Locators can not exercise too much care in defining their locations at the outset, inasmuch as section 5 of the act of May 10, 1872 (17 Stat. 92; 30 U.S.C. 28) requires that all records of mining locations made subsequent to the date of said act shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located, by reference to some natural object or permanent monument, as will identify the claim.

Subpart 3413—Discovery

§ 3413.1 Discovery required before location.

No lode claim shall be located until after the discovery of a vein or lode within the limits of the claim, the object of which provision is evidently to prevent the appropriation of presumed mineral ground for speculative purposes, to the exclusion of bona fide prospectors, before sufficient work has been done to determine whether a vein or lode really exists.

§ 3413.2 Discovery work.

The claimant should, therefore, prior to locating his claim, unless the vein can be traced upon the surface, sink a shaft or run a tunnel or drift to a sufficient depth therein to discover and develop a mineral-bearing vein, lode, or crevice; should determine, if possible, the general course of such vein in either direction from the point of discovery, by which direction he will be governed in marking the boundaries of his claim on the surface.

Subpart 3414—Location

§ 3414.1 Location notice; monumenting.

(a) The location notice should give the course and distance as nearly as practicable from the discovery shaft on the claim to some permanent, well-known points or objects, such, for instance, as stone monuments, blazed trees, the confluence of streams, point of intersection of well-known gulches, ravines, or roads, prominent buttes, hills, etc., which may be in the immediate vicinity, and which will serve to perpetuate and fix the locus of the claim and render it susceptible of identification from the description thereof given in the record of locations in the district, and should be duly recorded.

(b) In addition to the foregoing data, the claimant should state the names of adjoining claims, or, if none adjoin, the relative positions of the nearest claims; should drive a post or erect a monument of stones at each corner of his surface ground, and at the point of discovery or discovery shaft should fix a post, stake, or board, upon which should be designated the name of the lode, the name or names of the locators, the number of feet claimed, and in which direction from the point of discovery, it being essential that the location notice filed for record, in addition to the foregoing description, should state whether the entire claim of 1,500 feet is taken on one side of the point of discovery, or whether it is partly upon one and partly upon the other side thereof, and in the latter case, how many feet are claimed upon each side of such discovery point. As to the importance of monuments, and as to their paramount authority, see the act of April 28, 1904 (33 Stat. 545; 30 U.S.C. 34), which amended section 2327 R. S.

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§ 3414.2 Location notices to be recorded.

The location notice must be filed for record in all respects as required by the State or Territorial laws, and local rules and regulations, if there be any.

Subpart 3415—Tunnel Sites

§ 3415.1 Possessory right of tunnel proprietor.

The effect of section 2323, Revised Statutes (30 U.S.C. 27), is to give the proprietors of a mining tunnel run in good faith the possessory right to 1,500 feet of any blind lodes cut, discovered, or intersected by such tunnel, which were not previously known to exist within 3,000 feet from the face or point of commencement of such tunnel, and to prohibit other parties, after the commencement of the tunnel, from prospecting for and making locations of lodes on the line thereof and within said distance of 3,000 feet, unless such lodes appear upon the surface or were previously known to exist. The term "face," as used in said section, is construed and held to mean the first working face formed in the tunnel, and to signify the point at which the tunnel actually enters cover; it being from this point that the 3,000 feet are to be counted upon which prospecting is prohibited as aforesaid. Section 2323 of the Revised Statutes provides: "Failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel."

§ 3415.2 Location of tunnel claims.

To avail themselves of the benefits of this provision of law, the proprietors of a mining tunnel will be required, at the time they enter cover as aforesaid, to give proper notice of their tunnel location by erecting a substantial post, board, or monument at the face or point of commencement thereof, upon which should be posted a good and sufficient notice, giving the names of the parties or company claiming the tunnel right; the actual or proposed course or direction of the tunnel, the height and width thereof, and the course and distance from such face or point of commencement to some permanent well-known objects in the vicinity by which to fix and determine the locus in manner heretofore set forth appplicable to locations of veins or lodes, and at the time of posting such notice they shall, in order that miners or prospectors may be enabled to determine whether or not they are within the lines of the tunnel, establish the boundary lines thereof, by stakes or monuments placed along such lines at proper intervals, to the terminus of the 3,000 feet from the face or point of commencement of the tunnel, and the lines so marked will define and govern as to specific boundaries within which prospecting for lodes not previously known to exist is prohibited while work on the tunnel is being prosecuted with reasonable diligence.

§ 3415.3 Recording of notices.

A full and correct copy of such notice of location defining the tunnel claim must be filed for record with the mining recorder of the district, to which notice must be attached the sworn statement or declaration of the owners, claimants, or projectors of such tunnel, setting forth the facts in the case; stating the amount expended by themselves and their predecessors in interest in prosecuting work thereon; the extent of the work performed, and that it is bona fide their intention to prosecute work on the tunnel so located and described with reasonable diligence for the development of a vein or lode, or for the discovery of mines, or both, as the case may be. This notice of location must be duly recorded, and, with the said sworn statement attached, kept on the recorder's files for future reference.

Subpart 3416—Placer Claims

§ 3416.1 Maximum allowable acreage.

(a) By section 2330 of the Revised Statutes (30 U.S.C. 36), it is declared that no location of a placer claim made after July 9, 1870, shall exceed 160 acres for any one person or association of persons, which location shall conform to the United States surveys.

(b) Section 2331 of the Revised Statutes (30 U.S.C. 35) provides that all placer-mining claims located after May 10, 1872, shall conform as nearly as practicable with the United States system of public land surveys and the rectangular subdivisions of such surveys, and such locations shall not include more than 20 acres for each individual claimant.

(c) The foregoing provisions of law are construed to mean that after July 9, 1870, no location of a placer claim can be made to exceed 160 acres, whatever may be the number of locators associated together, or whatever the local regulations of the district may allow; and that from and after May 10, 1872, no location can exceed 20 acres for each individual participating therein; that it, a location by two persons can not exceed 40 acres, and one by three persons can not exceed 60 acres.

§ 3416.2 Discovery.

But one discovery of mineral is required to support a placer location, whether it be of 20 acres by an individual, or of 160 acres or less by an association of persons.

§ 3416.3 Locations authorized in 10-acre units.

By section 2330 of the Revised Statutes (30 U.S.C. 36), authority is given for subdividing 40-acre legal subdivisions into 10-acre tracts. These 10-acre tracts should be considered and dealt with as legal subdivisions, and an applicant having a placer claim which conforms to one or more of such 10-acre tracts, contiguous in case of two or more tracts, may make entry thereof, after the usual proceedings, without further survey or plat.

§ 3416.4 Manner of describing 10-acre units.

A 10-acre subdivision may be described, for instance if situated in the extreme northeast of the section, as the "NE. ¼ of the NE. ¼ of the NE. ¼" of the section, or, in like manner, by appropriate terms, wherever situated; but in addition to this description, the notice must give all the other data required in a mineral application, by which parties may be put on inquiry as to the land sought to be patented. The proofs submitted with applications must show clearly the character and extent of the improvements upon the premises.

§ 3416.5 Conformity of placer claims to the public land surveys.

(a) All placer-mining claims located after May 10, 1872, shall conform as near as practicable with the United States system of public-land surveys and the rectangular subdivisions of such surveys, whether the locations are upon surveyed or unsurveyed lands.

(b) Conformity to the public-land surveys and the rectangular subdivisions thereof will not be required where compliance with such requirement would necessitate the placing of the lines thereof upon other prior located claims or where the claim is surrounded by prior locations.

(c) Where a placer location by one or two persons can be entirely included within a square 40-acre tract, by three or four persons within two square 40-acre tracts placed end to end, by five or six persons within three square 40-acre tracts, and by seven or eight persons within four square 40-acre tracts, such locations will be regarded as within the requirements where strict conformity is impracticable.

(d) Whether a placer location conforms reasonably with the legal subdivisions of the public survey is a question of fact to be determined in each case, and no location will be passed to patent without satisfactory evidence in this regard. Claimants should bear in mind that it is the policy of the Government to have all entries whether of agricultural or mineral lands as compact and regular in form as reasonably practicable, and that it will not permit or sanction entries or locations which cut the public domain into long narrow strips or grossly irregular or fantastically shaped tracts. (Snow Flake Fraction Placer, 37 L.D. 250.)

§ 3416.6 Annual expenditures.

The annual expenditure to the amount of $100, required by section 2324, Revised Statutes (30 U.S.C. 28), must be made upon placer as well as lode locations.

§ 3416.7 Building-stone placers.

The act of August 4, 1892 (27 Stat. 348; 30 U.S.C. 161), extends the mineral land laws so as to bring lands chiefly valuable for building stone within the provisions of said laws.

§ 3416.8 Saline placers.

(a) Under the act approved January 31, 1901 (31 Stat. 745; 30 U.S.C. 162), extending the mining laws to saline lands, the provisions of the law relating to placer-mining claims are extended to all States so as to permit the location and purchase thereunder of all unoccupied public lands containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, with the proviso, "That the same person shall not locate or enter more than one claim hereunder." The saline placer act was superseded by the Mineral-Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), whereby saline (sodium) deposits were made subject to disposal by leases instead of mining locations.

(b) Rights obtained by location under the placer-mining laws are assignable, and the assignee may make the entry in his own name; so, under this act a person holding as assignee may make entry in his own name: *Provided*, That he has not held under this act, at any time, either as locator or entryman, any other lands; his right is exhausted by having held under this act any particular tract, either as locator or entryman, either as an individual or as a member of an association. It follows, therefore, that no application for patent or entry, made under this act, shall embrace more than one single location.

(c) In order that the conditions imposed by the proviso, as set forth in paragraph (b) of this section, may duly appear, the application for patent must contain or be accompanied by a specific statement by each person whose name appears therein that he never has, either as an individual or as a member of an association, located or entered any other lands under the provisions of this act. The application for patent should also be accompanied by a showing, fully disclosing the qualifications as defined by the proviso, of the applicants' predecessors in interest.

§ 3416.9 Petroleum placers.

The act of February 11, 1897 (29 Stat. 526), provides for the location and entry of public lands chiefly valuable for petroleum or other mineral oils, and entries of that nature made prior to the passage of said act are to be considered as though made thereunder. This act was superseded by the Mineral Leasing Act of February 25, 1920 (41 Stat. 437).

Subpart 3417—Millsites

§ 3417.0–3 Authority.

The location and patenting of lands for millsite purposes is authorized by R.S. 2337 as amended by the Act of March 18, 1960. The act, 30 U.S.C. 42, reads as follows:

Patents for nonmineral lands.

(a) Where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced, and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location made of such nonadjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by sections 21–24, 26–28, 29, 30, 33–48, 50–52, and 71–76 of this title for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site, as provided in this section.

(b) Where nonmineral land is needed by the proprietor of a placer claim for mining, milling, processing, beneficiation, or other operations in connection with such claim, and is used or occupied by the proprietor for such purposes, such land may be included in an application for a patent for such claim, and may be patented therewith subject to the same requirements as to survey and notice as are applicable to placers. No location made of such nonmineral land shall exceed five acres and payment for the same shall be made at the rate applicable to placer claims which do not include a vein or lode. (As amended Mar. 18, 1960, Pub. Law 86–390, 74 Stat. 7.)

§ 3417.1 Required use.

A millsite is required to be used or occupied distinctly and explicitly for mining or milling purposes in connection with the lode or placer claim with which it is associated. A custom or independent millsite may be located for the erection and maintenance of a quartz mill or reduction works.

PART 3420—ASSESSMENT WORK

Subpart 3420—Assessment Work; General

Sec.
3420.1 Annual assessment work.
3420.2 Inclusion of surveys in assessment work.
3420.3 Failure to perform annual assessment work.
3420.4 Determination of right of possession between rival claimants.
3420.5 Annual assessment work not required after patent certificate.
3420.6 Failure of a co-owner to contribute to annual assessment work.

Subpart 3421—Deferments

3421.0–3 Authority.
3421.1 Conditions under which deferment may be granted.
3421.2 Filing of petition for deferment, contests.
3421.3 Notice of action on petition to be recorded.
3421.4 Period for which deferment may be granted.
3421.5 When deferred assessment work is to be done.

AUTHORITY: The provisions of this Part 3420 issued under R.S. 2478; 43 U.S.C. 1201.

Subpart 3420—Assessment Work; General

§ 3420.1 Annual assessment work.

In order to hold the possessory right to a lode or placer location made after May 10, 1872, not less than $100 worth of labor must be performed or improvements made thereon annually. The period within which the work required to be done shall commence at 12 o'clock meridian on the 1st day of September succeeding the date of location of each claim. Where a number of contiguous claims are held in common, the aggregate expenditure that would be necessary to hold all the claims may be made on any one claim. Cornering locations are held not to be contiguous.

§ 3420.2 Inclusion of surveys in assessment work.

(a) In addition to the several types of work that may fulfill the annual labor requirement, the requirement can also be satisfied by conducting geological, geochemical and geophysical surveys. P.L. 85–876, Act of September 2, 1958 (72 Stat. 1701; 30 U.S.C. 28–1–2). Such surveys must be conducted by qualified experts and verified by a detailed report filed in the county or recording district office in which the claim is located. This report must set forth fully the following:

(1) The location of the work performed in relation to the point of discovery and boundaries of the claim.

(2) Nature, extent and cost of the work performed.

(3) The basic findings of the surveys.

(4) The name, address and professional background of the person or persons conducting the work.

Such surveys may not be applied as labor for more than two consecutive years or for more than a total of five years on any one mining claim. Each survey shall be nonrepetitive of any previous survey of the same claim. Such surveys will not apply toward the statutory provision requiring the expenditure of $500 for each claim for mineral patent.

(b) As used in this section—

(1) The term "geological surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of geology as they relate to the search for and discovery of mineral deposits;

(2) The term "geochemical surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of chemistry as they relate to the search for and discovery of mineral deposits;

(3) The term "geophysical surveys" means surveys on the ground for mineral deposits through the employment of generally recognized equipment and methods for measuring physical difference between rock types or discontinuities in geological formations;

(4) The term "qualified expert" means an individual qualified by education or experience to conduct geological, geochemical, or geophysical surveys, as the case may be.

§ 3420.3 Failure to perform annual assessment work.

Failure to make the expenditure or perform the labor required upon a location made before or since May 10, 1872, will subject a claim to relocation unless the original locator, his heirs, assigns, or legal representatives have resumed work after such failure and before relocation.

§ 3420.4 Determination of right of possession between rival claimants.

The annual expenditure of $100 in labor or improvements on a mining claim, required by section 2324 of the Revised Statutes (30 U.S.C. 28), is, with the exception of certain phosphate placer locations, validated by the act of January 11, 1915 (38 Stat. 792; 30 U.S.C. 131), under which regulations were issued March 31, 1915 (Circ. 396), 44 L.D. 46, solely a matter between rival or adverse claimants to the same mineral land, and goes only to the right of possession, the determination of which is committed exclusively to the courts.

§ 3420.5 Annual assessment work not required after patent certificate.

Annual expenditure is not required subsequent to entry, the date of issuing the patent certificate being the date contemplated by statute.

§ 3420.6 Failure of a co-owner to contribute to annual assessment work.

Upon the failure of any one of several co-owners to contribute his proportion of the required expenditures, the co-owners, who have performed the labor or made the improvements as required, may, at the expiration of the year, give such delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim for at least once a week for 90 days; and if upon the expiration of 90 days after such notice in writing, or upon the expiration of 180 days after the first newspaper publication of notice, the delinquent co-owner shall have failed to contribute his proportion to meet such expenditures or improvements, his interest in the claim by law passes to his co-owners who have made the expenditures or improvements as aforesaid. Where a claimant alleges ownership of a forfeited interest under the foregoing provision, the statement of the publisher as to the facts of publication, giving dates, and a printed copy of the notice published, should be furnished, and the claimant must state that the delinquent co-owner failed to contribute his proper proportion within the period fixed by the statute.

Subpart 3421—Deferments

§ 3421.0–3 Authority.

The act of June 21, 1949 (63 Stat. 214; 30 U.S.C. Sup. 28b-c), provides for the temporary deferment in certain unavoidable contingencies of the performance of annual assessment work on mining claims held by location in the United States. The relief under this act is in addition to any other relief available under any other act of Congress with respect to the suspension of annual assessment work on mining claims.

§ 3421.1 Conditions under which deferment may be granted.

The deferment may be granted where any mining claim or group of claims in the United States is surrounded by lands over which a right-of-way for the performance of assessment work has been denied or is in litigation or is in the process of acquisition under State law or where other legal impediments exist which affect the right of the claimant to enter upon the surface of such claim or group of claims or to gain access to the boundaries thereof.

§ 3421.2 Filing of petition for deferment, contests.

(a) In order to obtain temporary deferment, the claimant must file with the manager of the land office for the district in which the lands are situated, a petition in duplicate requesting such deferment. No particular form of petition is required, but the applicant must attach to one copy thereof a copy of the notice to the public required by the act which shows that it has been filed or recorded in the office in which the notices or certificates of location were filed or recorded. The petition and duplicate should be signed by at least one of the owners of each of the locations involved, shall give the names of the claims, dates of location, and the date of the beginning of the one-year period for which deferment is requested. Each petition shall be accompanied by a $10 nonrefundable service charge.

(b) If the petition is based upon the denial of a right-of-way, it must state the nature and ownership of the land or claim thereto over which it is necessary to obtain a right-of-way in order to reach the surrounded claims, and the land description thereof by legal subdivisions if the land is surveyed, and

PART 3430—DISPOSAL OF RESERVED MINERALS

Subpart 3430—Disposal of Reserved Minerals; General

Sec.
3430.0–1 Purpose.

Subpart 3431—Under Act of July 17, 1914

3431.1 Minerals reserved by the Act of July 17, 1914, subject to mineral location, entry and patenting.
3431.2 Mineral subject to disposition.
3431.3 Provisions of the mineral patent.

Subpart 3432—Under Stockraising Homestead Act

3432.1 Mineral reservation in entry and patent; mining and removal of reserved deposits; bonds.
3432.2 Mineral reservation in patent; conditions to be noted on mineral applications.

Subpart 3430—Disposal of Reserved Minerals; General

§ 3430.0–1 Purpose.

The Act of July 20, 1956 (70 Stat. 592), which amended the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. sec. 122), was enacted to permit the disposal of certain reserved mineral deposits under the mining laws of the United States.

Subpart 3431—Under Act of July 17, 1914

AUTHORITY: The provisions of this Subpart 3431, issued under R.S. 2478; 43 U.S.C. 1201. Interpret or apply sec. 2, 38 Stat. 509, as amended; 30 U.S.C. 1220.

§ 3431.1 Minerals reserved by the act of July 17, 1914, subject to mineral location, entry and patenting.

The act of July 17, 1914 (38 Stat. 509; 30 U.S.C. sec. 122), as amended by the act of July 20, 1956 (70 Stat. 592), provides in part as follows:

> • • • such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law: *Provided, however,* That all mineral deposits heretofore or hereafter reserved to the United States under this Act which are subject, at the time of application for patent to valid and subsisting rights acquired by discovery and location under the mining laws of the United States made prior to the date of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), shall hereafter be subject to disposal to the holders of those valid and subsisting rights by patent under the mining laws of the United States in force at the time of such disposal. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval of the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages of the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may re-enter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom; and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages:
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> • • • • • •

§ 3431.2 Mineral subject to disposition.

The act of 1956 applies only to:

(a) Any mineral discovered and located under the United States mining laws prior to February 25, 1920, and reserved to the United States under the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 122), in the patent for the land and held under a valid mining location subsisting on the date that the patent application for the mining claim was field. "Oil" reserved under the act of 1914 has been held to include oil shale. See 52 L.D. 329.

(b) Any of the other minerals within the boundaries of the mining claim reserved to the United States under the act of 1914 in the patent for the land but excepting such of those minerals as may be covered by a mineral lease or permit until such time as the rights either under the lease or permit are extinguished or terminated.

§ 3431.3 Provisions of the mineral patent.

(a) Each patent issued under the act of July 20, 1956, shall name discovered reserved mineral as well as the other minerals reserved to the United States and shall recite that in accordance with the reservation in the land patent, the mineral patentee, and its successors (or his heirs and assigns, if a person), shall have the right to prospect for, mine and remove the mineral or minerals for which the patent is issued.

(b) If, when the mineral entry is approved for patenting, there is a subsisting mineral lease or permit for any of the reserved minerals, the mineral patent shall identify the lease or permit and shall expressly except and exclude from the mineral conveyed by the patent, the mineral covered by the lease or permit, but shall provide that the exception and exclusion shall be effective only so long as any rights under either the lease or permit shall exist.

Subpart 3432—Under Stockraising Homestead Act

AUTHORITY: The provisions of this Subpart 3432 issued under sec. 11, 39 Stat. 865; 43 U.S.C. 301.

§ 3432.1 Mineral reservation in entry and patent; mining and removal of reserved deposits; bonds.

(a) Section 9 of the Act of December 29, 1916 (39 Stat. 864; 43 U.S.C. 299), provides that all entries made and patents issued under its provisions shall contain a reservation to the United States of all coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same; also that the coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal.

(b) Said section 9 also provides that any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented under the act, for the purpose of prospecting for the coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on the land by reason of such prospecting.

(c) It is further provided in said section 9 that any person who has acquired from the United States the coal or other mineral deposits in any such land or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal, or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; or, second, upon payment of the damages to crops or other tangible improvements to the owner thereof under agreement; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure payment of such damages to the crops or tangible improvements of the entryman or owner as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon. This bond on Form 4–684 must be executed by the person who has acquired from the United States the coal or other mineral deposits reserved, as directed in said section 9, as principal, with two competent individual sureties, or a bonding company which has complied with the requirements of the act of August 13, 1894 (28 Stat. 279; 6 U.S.C. 6–13), as amended by the act of March 23, 1910 (36 Stat. 241; 6 U.S.C. 8, 9), and must be in the sum of not less than $1,000. Qualified corporate sureties are preferred and may be accepted as sole surety. Except in the case of a bond given by a qualified corporate surety there must be filed therewith affidavits of justification by the sureties and a certificate by a judge or clerk of a court of record, a United States district attorney, a United States commissioner, or a United States postmaster as to the identity, signatures, and financial competency of the sureties. Said bond, with accompanying papers, must be filed with the manager of the land office of the district wherein the land is situate, and there must also be filed with such bond evidence of service of a copy of the bond upon the homestead entryman or owner of the land.

(d) If at the expiration of 30 days after the receipt of the aforesaid copy of the bond by the entryman or owner of the land no objections are made by such entryman or owner of the land and filed with the manager against the approval of the bond by them, he may, if all else be regular, approve said bond. If, however, after receipt by the homestead entryman or owner of the lands of copy of the bond, such homestead entryman or owner of the land timely objects to the approval of the bond by said manager, the said officer will immediately give consideration to said bond, accompanying papers, and objections filed as aforesaid to the approval of the bond, and if, in consequence of such consideration he shall find and conclude that the proffered bond ought not to be approved, he will render decision accordingly and give due notice thereof to the person proffering the bond, at the same time advising such person of his right of appeal to the Director of the Bureau of Land Management from the action in disapproving the bond so filed and proffered. If, however, the manager, after full and complete examination and consideration of all the papers filed, is of the opinion that the proffered bond is a good and sufficient one and that the objections interposed as provided herein against the approval thereof do not set forth sufficient reasons to justify him in refusing to approve said proffered bond, he will, in writing, duly notify the homestead entryman or owner of the land of his decision in this regard and allow such homestead entryman or owner of the land 30 days in which to appeal to the Director of the Bureau of Land Management. If appeal from the adverse decision of the manager be not timely filed by the person proffering the bond, the manager will indorse upon the bond "disapproved" and other appropriate notations, and close the case. If, on the other hand, the homestead entryman or owner of the lands fails to timely appeal from the decision of the manager adverse to the contentions of said homestead entryman or owners of the lands, said manager may, if all else be regular, approve the bond.

(e) The coal and other mineral deposits in the lands entered or patented under the act of December 29, 1916, will become subject to existing laws, as to purchase or lease, at any time after allowance of the homestead entry, unless the lands or the coal or other mineral deposits are, at the time of said allowance, withdrawn or reserved from disposition.

§ 3432.2 Mineral reservation in patent; conditions to be noted on mineral applications.

(a) There will be incorporated in patents issued on homestead entries under this act the following:

> Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove all the coal and other minerals from the same upon compliance with the conditions, and subject to the provisions and limitations, of the act of December 29, 1916 (39 Stat. 862).

(b) Mineral applications for the reserved deposits disposable under the act must bear on the face of the same, before being signed by the declarant or applicant and presented to the manager, the following notation:

> Patents shall contain appropriate notations declaring same subject to the provisions of the act of December 29, 1916 (39 Stat. 862), with reference to disposition, occupancy, and use of the land as permitted to an entryman under said act.

PART 3440—SURVEYS OF MINING CLAIMS

Subpart 3440—Surveys of Mining Claims; General

Sec.
3440.1 Application for survey.
3440.2 Survey must be made subsequent to recording notice of location.
3440.3 Plats and field notes of mineral surveys.

Subpart 3441—Surveys

3441.1 Particulars to be observed in mineral surveys.
3441.2 Certificate of expenditures and improvements.
3441.3 Mineral surveyor's report of expenditures and improvements.
3441.4 Supplemental proof of expenditures and improvements.
3441.5 Amended mineral surveys.

Subpart 3442—Mineral Surveyors

3442.1 Extent of duties.
3442.2 Assistants.

Subpart 3443—Contract for Surveys

3443.1 Payment.

Subpart 3444—Appointment and Employment of Mineral Surveyors

3444.1 Appointment.
3444.2 Employment.

Subpart 3445—Plats and Notices

3445.1 Payment of charges of the public survey office.

Subpart 3446—Posting

3446.1 Plat and notice to be posted on claim.
3446.2 Proof of posting on the claim.

AUTHORITY: The provisions of this Part 3440 issued under R.S. 2478; 43 U.S.C. 1201.

Subpart 3440—Surveys of Mining Claims; General

§ 3440.1 Application for survey.

The claimant is required, in the first place, to have a correct survey of his claim made under authority of the proper cadastral engineer, such survey to show with accuracy the exterior surface boundaries of the claim, which boundaries are required to be distinctly marked by monuments on the ground. He is required to have a correct survey where patent is applied for and where the mining claim is in vein or lode formation, or covers lands not surveyed in accordance with the U.S. system of rectangular surveys, or where the mining claim fails to conform with the legal subdivisions of the federal surveys. Application for authorization of survey should be made to the appropriate State Director. In States for which there is no area office, applications for survey should be made to the Director of the Bureau of Land Management, Washington, D.C.

§ 3440.2 Survey must be made subsequent to recording notice of location.

The survey and plat of mineral claims required to be filed in the proper land office with application for patent must be made subsequent to the recording of the location of the claim (if the laws of the State or the regulations of the mining district require the notice of location to be recorded), and when the original location is made by survey of a mineral surveyor such location survey cannot be substituted for that required by the statute, as above indicated. All matters relating to the duties of mineral surveyors, and to the field and office procedure to be observed in the execution of mineral surveys, are set forth in Chapter X of the Manual of Instructions for the Survey of the Public Lands of the United States, 1947.

§ 3440.3 Plats and field notes of mineral surveys.

When the patent is issued, one copy of the plat and field notes shall accompany the patent and be delivered to the patentee.

Subpart 3441—Surveys

§ 3441.1 Particulars to be observed in mineral surveys.

(a) The following particulars should be observed in the survey of every mining claim:

(1) The exterior boundaries of the claim, the number of feet claimed along the vein, and, as nearly as can be ascertained, the direction of the vein, and the number of feet claimed on the vein in each direction from the point of discovery or other well-defined place on the claim should be represented on the plat of survey and in the field notes.

(2) The intersection of the lines of the survey with the lines of conflicting prior surveys should be noted in the field notes and represented upon the plat.

(3) Conflicts with unsurveyed claims, where the applicant for survey does not claim the area in conflict, should be shown by actual survey.

(4) The total area of the claim embraced by the exterior boundaries should be stated, and also the area in conflict with each intersecting survey, substantially as follows:

	Acres
Total area of claim	10.50
Area in conflict with survey No. 302	1.56
Area in conflict with survey No. 948	2.33
Area in conflict with Mountain Maid lode mining claim, unsurveyed	1.48

(b) It does not follow that because mining surveys are required to exhibit all conflicts with prior surveys the area of conflict are to be excluded. The field notes and plat are made a part of the application for patent, and care should be taken that the description does not inadvertently exclude portions intended to be retained. The application for patent should state the portions to be excluded in express terms.

§ 3441.2 Certificate of expenditures and improvements.

(a) The claimant at the time of filing the application for patent, or at any time within the 60 days of publication, is required to file with the manager a certificate of the office cadastral engineer that not less than $500 worth of labor has been expended or improvements made, by the applicant or his grantors, upon each location embraced in the application, or if the application embraces several contiguous locations held in common, that an amount equal to $500 for each location has been so expended upon, and for the benefit of, the entire group; that the plat filed by the claimant is correct; that the field notes of the survey, as filed, furnish such an accurate description of the claim as will, if incorporation in a patent, serve to identify the premises fully, and that such reference is made therein to natural objects or permanent monuments as will perpetuate and fix the locus thereof.

(b) In case of a lode and mill-site claim in the same survey the expenditure of $500 must be shown upon the lode claim.

§ 3441.3 Mineral surveyor's report of expenditures and improvements.

(a) In the mineral surveyor's report of the value of the improvements all actual expenditures and mining improvements made by the claimant or his grantors, having a direct relation to the development of the claim, must be included in the estimate.

(b) The expenditures required may be made from the surface or in running a tunnel, drifts, or crosscuts for the development of the claim. Expenditures for drill holes for the purpose of prospecting and securing data upon which further development of a group of lode mining claims held in common may be based are available toward meeting the statutory provision requiring an expenditure of $500 as a basis for patent as to all of the claims of the group situated in close proximity to such common improvement. Improvements of any other character, such as buildings, machinery, or roadways, must be excluded from the estimate, unless it is shown clearly that they are associated with actual excavations, such as cuts, tunnels, shafts, etc., are essential to the practical development of and actually facilitate the extraction of mineral from the claim.

(c) Improvements made by a former locator who has abandoned his claim cannot be included in the estimate, but should be described and located in the notes and plat.

§ 3441.4 Supplemental proof of expenditures and improvements.

If the value of the labor and improvements upon a mineral claim is less than $500 at the time of survey the mineral surveyor may file with the cadastral engineer supplemental proof showing $500 expenditure made prior to the expiration of the period of publication.

§ 3441.5 Amended mineral surveys.

(a) Inasmuch as amended surveys are ordered only by special instructions from the Bureau of Land Management, and the conditions and circumstances peculiar to each separate case and the object sought by the required amendment, alone govern all special matters relative to the manner of making such survey and the form and subject matter to be embraced in the field notes thereof, but few general rules applicable to all cases can be laid down.

(b) The expense of amended surveys, including amendment of plat and field notes, and office work in the Bureau of Land Management office will be borne by the claimant.

(c) The amended survey must be made in strict conformity with, or be embraced within, the lines of the original survey. If the amended and original surveys are identical, that fact must be clearly and distinctly stated in the field notes. If not identical, a bearing and distance must be given from each established corner of the amended survey to the corresponding corner of the original survey. The lines of the original survey, as found upon the ground, must be laid down upon the preliminary plat in such manner as to contrast and show their relation to the lines of the amended survey.

Subpart 3442—Mineral Surveyors

§ 3442.1 Extent of duties.

The duty of a mineral surveyor in any particular case ceases when he has executed the survey and returned the field notes and preliminary plat, with his report, to the cadastral engineer. He will not be allowed to prepare for the mining claimant the papers in support of his application for patent. He is not permitted to combine the duties of surveyor and notary public in the same case by administering oaths. It is preferable that both preliminary and final oaths of assistants should be taken before some officer duly authorized to administer oaths, other than the mineral surveyor. In cases, however, where great delay, expense, or inconvenience would result from a strict compliance with this section, the mineral surveyor is authorized to administer the necessary oaths to his assistants, but in each case where this is done, he will submit to the proper cadastral engineer a full written report of the circumstances which required his stated action; otherwise he must have absolutely nothing to do with the case, except in his official capacity as surveyor. He will not employ field assistants interested therein in any manner.

§ 3442.2 Assistants.

The employing of claimants, their attorneys, or parties in interest, as assistants in making surveys of mineral claims will not be allowed.

Subpart 3443—Contract for Surveys

§ 3443.1 Payment.

(a) The claimant is required, in all cases, to make satisfactory arrangements with the surveyor for the payment for his services and those of his assistants in making the survey, as the United States will not be held responsible for the same.

(b) The state director has no jurisdiction to settle differences relative to the payment of charges for field work, between mineral surveyors and claimants. These are matters of private contract and must be enforced in the ordinary manner, i.e., in the local courts. The Department has, however, authority to investigate charges affecting the official actions of mineral surveyors, and will, on sufficient cause shown, suspend or revoke their appointment.

Subpart 3444—Appointment and Employment of Mineral Surveyors

§ 3444.1 Appointment.

Pursuant to section 2334 of the Revised Statutes (30 U.S.C. 39), each state director will appoint as surveyors for the survey of mining claims applicants found to be competent, to the extent needed to meet the demand for that class of work. Each appointee shall qualify as prescribed by the state director and shall furnish a performance bond of not less than $5,000 before entering on duty. Each mineral surveyor shall be eligible to survey mining claims in the States within the region in which he is appointed and in adjoining States. Each state director shall maintain a register showing the names and addresses of mineral surveyors appointed for the area and eligible for the survey of mining claims. The state director shall furnish each adjoining State with a copy of such register, and shall advise them of any changes therein.

§ 3444.2 Employment.

A mineral claimant may employ any United States mineral surveyor qualified as indicated in paragraph (a) of this section to make the survey of his claim. All expenses of the survey of mining claims and the publication of the required notices of application for patent are to be borne by the mining claimants.

Subpart 3445—Plats and Notices

§ 3445.1 Payment of charges of the public survey office.

With regard to the platting of the claim and other office work in the Bureau of Land Management office, including the preparation of the copies of the plat and field notes to be furnished the claimant, that office will make an estimate of the cost thereof, which amount the claimant will deposit with it to be passed to the credit of the fund created by "Deposits by Individuals for Surveying Public Lands."

Subpart 3446—Posting

§ 3446.1 Plat and notice to be posted on claim.

The claimant is required to post a copy of the plat of survey in a conspicuous place upon the claim, together with notice of his intention to apply for a patent therefor, which notice will give the date of posting, the name of the claimant, the name of the claim, the number of the survey, the mining district and county, and the names of adjoining and conflicting claims as shown by the plat survey.

§ 3446.2 Proof of posting on the claim.

After posting the said plat and notice upon the premises the claimant will file with the proper manager a copy of such plat and the field notes of survey of the claim, accompanied by the statement of at least two credible witnesses that such plat and notice are posted conspicuously upon the claim, giving the date and place of such posting, a copy of the notice so posted to be attached to and form a part of said statement.

PART 3450—LODE CLAIM PATENT APPLICATION

Subpart 3450—Lode Claim Patent Application; General

Sec.

3450.1 Application for patent.
3450.2 Service charge.
3450.3 Evidence of title.
3450.4 Evidence relating to destroyed or lost records.
3450.5 Statement required that land is unreserved, unoccupied, unimproved, and unappropriated.

Subpart 3451—Citizenship

3451.1 Citizenship of corporations and of associations acting through agents.
3451.2 Citizenship of individuals.
3451.3 Trustee to disclose nature of trust.

Subpart 3452—Possessory Rights

3452.1 Right by occupancy.
3452.2 Certificate of court required.
3452.3 Corroborative proof required.

Subpart 3453—Publication of Notice

3453.1 Newspaper designation.
3453.2 Contents of published notice.
3453.3 Manager to designate newspaper.
3453.4 Proof by applicant of publication and posting.
3453.5 Charges for publication.
3453.6 Payment of purchase price and statement of charges and fees.

Subpart 3455—Entry and Transfers

3455.1 Allowance of entry; transfers subsequent to application not recognized.

Subpart 3456—Diligent Prosecution

3456.1 Failure to prosecute application with diligence.

Subpart 3457—Application Processing Upon Contest or Protest

3457.1 Resumption of patent proceedings after suspension due to adverse claim or protest.

Subpart 3458—Patents for Mining Claims

3458.1 Land descriptions in patents.

AUTHORITY: The provisions of Part 3450 issued under R.S. 2478; 43 U.S.C. 1201.

Subpart 3450—Lode Claim Patent Application; General

§ 3450.1 Application for patent.

(a) At the time the proof of posting is filed the claimant must file an application for patent showing that he has the possessory right to the claim, in virtue of a compliance by himself (and by his grantors, if he claims by purchase) with the mining rules, regulations, and customs of the mining district or State in which the claim lies, and with the mining laws of Congress, such statement to narrate briefly, but as clearly as possible, the facts constituting such compliance, the origin of his possession, and the basis of his claim to a patent. The application should contain a full description of the kind and character of the vein or lode and should state whether ore has been extracted therefrom; and if so, in what amount and of what value. It should also show the precise place within the limits of each of the locations embraced in the application where the vein or lode has been exposed or discovered and the width thereof. The showing in these regards should contain sufficient data to enable representatives of the Government to confirm the same by examination in the field and also enable the Bureau of Land Management to determine whether a valuable deposit of mineral actually exists within the limits of each of the locations embraced in the application.

(b) Every application for patent, based on a mining claim located after August 1, 1946, shall state whether the claimant has or has not had any direct or indirect part in the development of the atomic bomb project. The application must set forth in detail the exact nature of the claimant's participation in the project, and must also state whether as a result of such participation he acquired any confidential, official information as to the existence of deposits of uranium, thorium, or other fissionable source materials in the lands covered by his application.

(c) In applying for patent to a mining claim embracing land lying partly within one land district and partly within another, a full set of papers must be filed in each office, except that one abstract of title and one proof of patent expenditures will be sufficient. Only one newspaper publication and one posting on the claim will be required, but proof thereof must be filed in both offices, the statements as to posting plat and notice on the claim to be signed within the respective land districts, as well, also, as all of the other statements required in mineral patent proceedings, except such as, under the law, may be signed outside of the land district wherein the land applied for is situated. Publication, payment of fees, and the purchase price of the land will be further governed by the provisions of § 1823.4(a) and 1861.2 of this chapter.

§ 3450.2 Service charge.

The service charge payable to the Bureau of Land Management for filing and acting upon applications for mineral-land patents is $25 to be paid by the applicant for patent at the time of filing. This charge is not refundable.

§ 3450.3 Evidence of title.

(a) Each patent application must be supported by either a certificate of title or an abstract of title certified to by the legal custodian of the records of locations and transfers of mining claims or by an abstracter of titles. The certificate of title or certificate to an abstract of title must be by a person, association, or corporation authorized by the State laws to execute such a certificate and acceptable to the Bureau of Land Management.

(b) A certificate of title must conform substantially to a form approved by the Director.

(c) Each certificate of title or abstract of title must be accompanied by single copies of the certificate or notice of the original location of each claim, and of the certificates of amended or supplemental locations thereof, certified to by the legal custodian of the record of mining locations.

(d) A certificate to an abstract of title must state that the abstract is a full, true, and complete abstract of the location certificates or notices, and all amendments thereof, and of all deeds, instruments, or actions appearing of record purporting to convey or to affect the title to each claim.

(e) The application for patent will be received and filed if the certificate of title or an abstract is brought down to a day reasonably near the date of the presentation of the application and shows full title in the applicant, who must as soon as practicable thereafter file a supplemental certificate of title or an abstract brought down so as to include the date of the filing of the application.

§ 3450.4 Evidence relating to destroyed or lost records.

In the event of the mining records in any case having been destroyed by fire or otherwise lost, a statement of the fact should be made, and secondary evidence of possessory title will be received, which may consist of the statement of the claimant, supported by those of any other parties cognizant of the facts relative to his location, occupancy, possession, improvements, etc.; and in such case of lost records, any deeds, certificates of location or purchase, or other evidence which may be in the claimant's possession and tend to establish his claim, should be filed.

§ 3450.5 Statement required that land is unreserved, unoccupied, unimproved, and unappropriated.

Each person making application for patent under the mining laws, for lands in Alaska, must furnish a duly corroborated statement showing that no portion of the land applied for is occupied or reserved by the United States, so as to prevent its acquisition under said laws; that the land is not occupied or claimed by natives of Alaska; and that the land is unoccupied, unimproved and unappropriated by any person claiming the same other than the applicant.

Subpart 3451—Citizenship

§ 3451.1 Citizenship of corporations and of associations acting through agents.

The proof necessary to establish the citizenship of applicants for mining patents must be made in the following manner: In case of an incorporated company, a certified copy of its charter or certificate of incorporation must be filed. In case of an association of persons unincorporated, the statement of their duly authorized agent, made upon his own knowledge or upon information and belief, setting forth the residence of each person forming such association, must be submitted. This statement must be accompanied by a power of attorney from the parties forming such association, authorizing the person who makes the citizenship showing to act for them in the matter of their application of patent.

§ 3451.2 Citizenship of individuals.

(a) In case of an individual or an association of individuals who do not appear by their duly authorized agent, the statement of each applicant, showing whether he is a native or naturalized citizen, when and where born, and his residence, will be required.

(b) In case an applicant has declared his intention to become a citizen or has been naturalized, his statement must show the date, place, and the court before which he declared his intention, or from which his certificate of citizenship issued, and present residence.

§ 3451.3 Trustee to disclose nature of trust.

Any party applying for patent as trustee must disclose fully the nature of the trust and the name of the cestui que trust; and such trustee, as well as the beneficiaries, must furnish satisfactory proof of citizenship; and the names of beneficiaries, as well as that of the trustee, must be inserted in the final certificate of entry.

Subpart 3452—Possessory Rights

§ 3452.1 Right by occupancy

(a) The provisions of section 2332, Revised Statutes (30 U.S.C. 38), greatly lessen the burden of proof, more especially in the case of old claims located many years since, the records of which, in many cases, have been destroyed by fire, or lost in other ways during the lapse of time, but concerning the possessory right to which all controversy or litigation has lang been settled.

(b) When an applicant desires to make his proof of possessory right in accordance with this provision of law, he will not be required to produce evidence of location, copies of conveyances, or abstracts of title, as in other cases, but will be required to furnish a duly certified copy of the statute of limitation of mining claims for the State together with his statement giving a clear and succinct narration of the facts as to the origin of his title, and likewise as to the continuation of his possession of the mining ground covered by his application; the area thereof; the nature and extent of the mining that has been done thereon; whether there has been any opposition to his possession, or litigation with regard to his claim, and if so, when the same ceased; whether such cessation was caused by compromise or by judicial decree, and any additional facts within the claimant's knowledge having a direct bearing upon his possession and bona fides which he may desire to submit in support of his claim.

§ 3452.2 Certificate of court required.

There should likewise be filed a certificate, under seal of the court having jurisdiction of mining cases within the judicial district embracing the claim, that no suit or action of any character whatever involving the right of possession to any portion of the claim applied for is pending, and that there has been no litigation before said court affecting the title to said claim or any part thereof for a period equal to the time fixed by the statute of limitations for mining claims in the State as aforesaid other than that which has been finally decided in favor of the claimant.

§ 3452.3 Corroborative proof required.

The claimant should support his narrative of facts relative to his possession, occupancy, and improvements by corroborative testimony of any disinterested person or persons of credibility who may be cognizant of the facts in the case and are capable of testifying understandingly in the premises.

Subpart 3453—Publication of Notice

§ 3453.1 Newspaper designation.

Upon the receipt of applications for mineral patent and accompanying papers, if no reason appears for rejecting the application, the manager will, at the expense of the claimant (who must furnish the agreement of the publisher to hold applicant for patent alone responsible for changes of publication), publish a notice of such application for the period of 60 days in a newspaper published nearest to the claim. If the notice is published in a daily paper, it shall be published in the Wednesday issue for nine consecutive weeks; if weekly, in nine consecutive issues; if semiweekly or triweekly, in the issue of the same day of each week for nine consecutive weeks. In all cases the first day of issues shall be excluded in estimating the period of 60 days.

§ 3453.2 Contents of published notice.

The notices published as required by the preceding section must embrace all the data given in the notice posted upon the claim. In addition to such data the published notice must further indicate the locus of the claim by giving the connecting line, as shown by the field notes and plat, between a corner of the claim and a United States mineral monument or a corner of the public survey, and thence the boundaries of the claim by courses and distances.

§ 3453.3 Manager to designate newspaper.

The manager shall have the notice of application for patent published in a paper of established character and general circulation, to be by him designated as being the newspaper published nearest the land.

§ 3453.4 Proof by applicant of publication and posting.

After the 60-day period of newspaper publication has expired, the claimant will furnish from the office of publication a sworn statement that the notice was published for the statutory period, giving the first and last day of such publication, and his own statement showing that the plat and notice aforesaid remained conspicuously posted upon the claim sought to be patented during said 60-day publication, giving the dates.

§ 3453.5 Charges for publication.

(a) The charge for the publication of notice of application for patent in a mining case in all districts shall not exceed the legal rates allowed by the laws of the several States for the publication of legal notices wherein the notice is published.

(b) It is expected that these notices shall not be so abbreviated as to curtail the description essential to a perfect notice, and on the other hand that they shall not be of unnecessary length. The printed matter must be set solid without paragraphing or any display in the heading and shall be in the usual body type used in legal notices. If other type is used, no allowance will be made for additional space on that account. The number of solid lines only used in advertising by actual count will be allowed. All abbreviations and copy must be strictly followed. The following is a sample of advertisement set up in accordance with Government requirements and contains all the essential data necessary for publication:

M. A. No. 04421, U. S. Land Office, Elko, Nevada, October 5, 1921. Notice is hereby given that the Jarbidge Buhl Mining Company by W. H. Hudson, attorney in fact, of Jarbidge, Nevada, has made application for patent to the Altitude, Altitude No. 1, Altitude No. 3, and Altitude Annex, lode mining claims, Survey No. 4470, in unsurveyed T. 46 N., R. 58 E., M. D. B. and M., in the Jarbidge mining district, Elko County, Nevada, described as follows: Beginning at corner No. 1, Altitude No. 3, whence the quarter corner of the south boundary of sec. 34 T. 46 N., R. 58 E., M. D. B. and M., bears south 41°54' west 7285.63 feet, thence north 20° 14' west 1500 feet to corner No. 2 of said lode; thence north 69°46' east 569 feet to corner No. 3 of said lode; thence south 20°14' east 417.5 feet to corner 2, Altitude No. 1; thence north 69°46' east 1606.1 feet to corner No. 3, Altitude lode; thence south 20°14' east 1500 feet, to corner No. 4 of said lode; thence south 69°46' west 1606.1 feet, to corner No. 1, Altitude No. 1 lode; thence North 20°14' west 417.5 feet to corner No. 4, Altitude No. 3; thence south 69°46' west 569 feet to point of beginning. There are no adjoining or conflicting claims. The location notices are recorded in Book 17, pages 373 and 374, and in Book 15, pages 52 and 53, mining locations, Elko County, Nevada, John E. Robbins, Manager.

(c) For the publication of citations in contests or hearings, involving the character of lands, the charges may not exceed the rates provided for similar notices by the law of the State.

§ 3453.6 Payment of purchase price and statement of charges and fees.

Upon the filing of the statement required by the preceding section, the manager will, if no adverse claim was filed in his office during the period of publication, and no other objection appears, permit the claimant to pay for the land to which he is entitled at the rate of $5 for each acre and $5 for each fractional

part of an acre, except as otherwise provided by law, issuing the usual receipt therefor. The claimant will also make a statement of all charges and fees paid by him for publication and surveys, together with all fees and money paid the manager of the land office, and a patent shall be issued thereon if found regular.

Subpart 3455—Entry and Transfers

§ 3455.1 Allowance of entry; transfers subsequent to application not recognized.

No entry will be allowed until the manager has satisfied himself, by careful examination, that proper proofs have been filed upon the points indicated in the law and official regulations. Transfers made subsequent to the filing of the application for patent will not be considered, but entry will be allowed and patent issued in all cases in the name of the applicant for patent, the title conveyed by the patent, of course, in each instance inuring to the transferee of such applicant where a transfer has been made pending the application for patent.

Subpart 3456—Diligent Prosecution

§ 3456.1 Failure to prosecute application with diligence.

The failure of an applicant for patent to a mining claim to prosecute his application to completion, by filing the necessary proofs and making payment for the land, within a reasonable time after the expiration of the period of publication of notice of the application, or after the termination of adverse proceedings in the courts, constitutes a waiver by the applicant of all rights obtained by the earlier proceedings upon the application.

Subpart 3457—Application Processing Upon Contest or Protest

§ 3457.1 Resumption of patent proceedings after suspension due to adverse claim or protest.

The proceedings necessary to the completion of an application for patent to a mining claim, against which an adverse claim or protest has been filed, if taken by the applicant at the first opportunity afforded therefor under the law and departmental practice, will be as effective as if taken at the date when, but for the adverse claim or protest, the proceedings on the application could have been completed.

Subpart 3458—Patents for Mining Claims

§ 3458.1 Land descriptions in patents.

The land description in a patent for a lode mining claim, for a millsite, or for a placer claim not consisting of legal subdivisions, shall hereafter consist of the names and survey numbers of the claims being patented and those being excluded, or of the names of the excluded claims if they are unsurveyed, or of the legal subdivisions of excluded land covered by homestead or other nonmineral entry. The land description shall refer to the field notes of survey and the plat thereof for a more particular description and the patent shall expressly make them a part thereof. Where shown by the mineral entry the patent shall give the actual or approximate legal subdivision, section, township and range, the name of the county and of the mining district, if any, wherein the claims are situated. A copy of the plat and field notes of each mineral survey patented will be furnished to the patentee.

PART 3460—MILLSITES, PATENTS

Subpart 3460—Millsites, Patents; General

Sec.

3460.1 Application for patent.
3460.2 Mill sites applied for in conjunction with a lode claim.
3460.3 Mill sites for quartz mills or reduction works.
3460.4 Proof of nonmineral character.

AUTHORITY: The provisions of this Part 3460 issued under R.S. 2478; 43 U.S.C. 1201.

Subpart 3460—Millsites, Patents; General

§ 3460.1 Application for patent.

(a) Land entered as a mill site must be shown to be nonmineral. Mill sites are simply auxiliary to the working of mineral claims. Section 2337 of the Revised Statutes (30 U.S.C. 42) provides for the patenting of mill sites.

(b) To avail themselves of this provision of law, parties holding the possessory right to a vein or lode claim, and to a piece of nonmineral land not contiguous thereto for mining or milling purposes, not exceeding the quantity allowed for such purpose by section 2337, or prior laws, under which the land was appropriated, the proprietors of such vein or lode may file in the proper land office their application for a patent, which application, together with the plat and field notes, may include, embrace, and describe, in addition to the vein or lode claim, such noncontiguous mill site, and after due proceedings at to notice, etc., a patent will be issued conveying the same as one claim. The owner of a patented lode may, by an independent application, secure a mill site, if good faith is manifest in its use or occupation in connection with the lode and no adverse claim exists.

(c) The act of March 18, 1960 (74 Stat. 7; 43 U.S.C. 42(b)), amends R.S. 2337 to allow the holders of possessory right in a placer claim to hold nonmineral land for mining, milling, processing beneficiation, or other operations in connection with the placer claim. Applications for patent for such mill sites are subject to the same requirements as to survey and notice as one applicable to placer mining claims. No one mill site may exceed five acres and payment will be $2.50 per acre or fraction thereof.

§ 3460.2 Mill sites applied for in conjunction with a lode claim.

Where the original survey includes a lode claim and also a mill site the lode claim should be described in the plat and field notes as "Sur. No. 37, A," and the mill site as "Sur. No. 37, B," or whatever may be its appropriate numerical designation; the course and distance from a corner of the mill site to a corner of the lode claim to be invariably given in such plat and field notes, and a copy of the plat and notice of application for patent must be conspicuously posted upon the mill site as well as upon the vein or lode claim for the statutory period of 60 days. In making the entry no separate receipt or certificate need be issued for the mill site, but the whole area of both lode and mill site will be embraced in one entry, the price being $5 for each acre and fractional part of an acre embraced by such lode and mill site claim.

§ 3460.3 Mill sites for quartz mills or reduction works.

In case the owner of a quartz mill or reduction works is not the owner or claimant of a vein or lode claim the law permits him to make application therefor in the same manner prescribed for mining claims, and after due notice and proceedings, in the absence of a valid adverse filing, to enter and receive a patent for his mill site at the price named in the preceding section.

§ 3460.4 Proof of nonmineral character.

In every case there must be satisfactory proof that the land claimed as a mill site is not mineral in character, which proof may, where the matter is unquestioned, consist of the statement of two or more persons capable, from acquaintance with the land to testify understandingly.

PART 3470—PLACER MINING CLAIM PATENT APPLICATIONS

Subpart 3470—Placer Mining Claim Patent Applications; General

Sec.

3470.1 Application for patent.
3470.2 Proof of improvements for patent.
3470.3 Data to be filed in support of application.
3470.4 Applications for placers containing known lodes.

AUTHORITY: The provisions of this Part 3470 issued under R.S. 2478; 43 U.S.C. 1201.

Subpart 3470—Placer Mining Claim Patent Applications; General

§ 3470.1 Application for patent.

(a) The proceedings to obtain patents for placer claims, including all forms of mineral deposits excepting veins of quartz or other rock in place, are similar to the proceedings prescribed for obtaining patents for vein or lode claims; but where a placer claim shall be upon surveyed lands, and conforms to legal subdivisions, no further survey or plat will be required. Where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands.

(b) The price of placer claims is fixed at $2.50 per acre or fractional part of an acre.

§ 3470.2 Proof of improvements for patent.

The proof of improvements must show their value to be not less than $500 and that they were made by the applicant for patent or his grantors. This proof should consist of the statement of two or more disinterested witnesses.

§ 3470.3 Data to be filed in support of application.

(a) In placer applications, in addition to the recitals necessary in and to both vein or lode and placer applications, the placer application should contain, in detail, such data as will support the claim that the land applied for is placer ground containing valuable mineral deposits not in vein or lode formation and that title is sought not to control water courses or to obtain valuable timber but in good faith because of the mineral therein. This statement, of course, must depend upon the character of the deposit and the natural features of the ground, but the following details should be covered as fully as possible: If the claim be for a deposit of placer gold, there must be stated the yield per pan, or cubic yard, as shown by prospecting and development work, distance to bedrock, formation and extent of the deposit, and all other facts upon which he bases his allegation that the claim is valuable for its deposits of placer gold. If it be a building stone or other deposit than gold claimed under the placer laws, he must describe fully the kind, nature, and extent of the deposit, stating the reasons why same is by him regarded as a valuable mineral claim. He will also be required to describe fully the natural features of the claim; streams, if any must be fully described as to their course, amount of water carried, fall within the claim; and he must state kind and amount of timber and other vegetation thereon and adaptability to mining or other uses.

(b) If the claim be all placer ground, that fact must be stated in the application and corroborated by accompanying proofs; if of mixed placers and lodes, it should be so set out, with a description of all known lodes situated within the boundaries of the claim. A specific declaration, such as is required by section 2333, Revised Statutes (30 U.S.C. 37) must be furnished as to each lode intended to be claimed. All other known lodes are, by the silence of the applicant, excluded by law from all claim by him, of whatsoever nature, possessory or otherwise.

(c) While these data are required as a part of the mineral surveyor's report in case of placers taken by special survey, it is proper that the application for patent incorporate these facts.

(d) Inasmuch as in case of claims taken by legal subdivisions, no report by a mineral surveyor is required, the claimant, in his application in addition to the data above required, should describe in detail the shafts, cuts, tunnels, or other workings claimed as improvements, giving their dimensions, value, and the course and distance thereof to the nearest corner of the public surveys.

(e) The statement as to the description and value of the improvements must be corroborated by the statements of two disinterested witnesses. The proof showing must be made in duplicate. See 51 L.D. 265 and 52 L.D. 190.

(f) Applications awaiting entry, whether published or not, must be made to conform to this part, with respect to proof as to the character of the land. Entries already made will be suspended for such additional proofs as may be deemed necessary in each case.

§ 3470.4 Applications for placers containing known lodes.

Applicants for patent to a placer claim, who are also in possession of a known vein or lode included therein, must state in their application that the placer includes such vein or lode. The published and posted notices must also include such statement. If veins or lodes lying within a placer locations are owned by other parties, the fact should be distinctly stated in the application for patent and in all the notices. But in all cases whether the lode is claimed or excluded, it must be surveyed and marked upon the plat, the field notes and plat giving the area of the lode claim or claims and the area of the placer separately. An application which omits to claim such known vein or lode must be construed as a conclusive declaration that the applicant has no right of possession to the vein or lode. Where there is no known lode or vein, the fact must appear by the statement of two or more witnessess.

PART 3480—ADVERSE CLAIMS, PROTESTS AND CONFLICTS

Subpart 3481—Adverse Claims

Sec.
3481.1 Filing of claim.
3481.2 Statement of claim.
3481.3 Action by manager.
3481.4 Patent proceedings stayed when adverse claim is filed; exception.
3481.5 Termination of adverse suit.
3481.6 Certificate required when no suit commenced.

Subpart 3482—Protests, Contests, Conflicts, and Segregations

3482.1 Protest against mineral applications.
3482.2 Procedure in contest cases.
3482.3 Presumption as to land returned as mineral.
3482.4 Procedure to dispute record character of land.
3482.5 Testimony at hearings to determine character of lands.

Subpart 3483—Segregation

3483.1 Segregation of mineral from non-mineral land.
3483.2 Effect of decision that land is mineral.
3483.3 Non-mineral entry of residue of subdivisions invaded by mining claims.

AUTHORITY: The provisions of this Part 3480 issued under R.S. 2478; 43 U.S.C. 1201.

Subpart 3481—Adverse Claims

§ 3481.1 Filing of claim.

(a) An adverse claim must be filed with the manager of the land office where the application for patent is filed or with the manager of the district in which the land is situated at the time of filing the adverse claim. The claim may be filed by the adverse claimant, or by his duly authorized agent or attorney in fact cognizant of the facts stated.

(b) Where an agent or attorney in fact files the adverse claim he must furnish proof that he is such agent or attorney.

(c) The agent or attorney in fact must sign the statement of the adverse claim within the land district where the claim is situated, stating that it was so signed.

(d) A fee of $10 is payable by an adverse claimant at the time of filing his adverse claim. This charge is not refundable.

§ 3481.2 Statement of claim.

(a) The adverse claim must fully set forth the nature and extent of the interference or conflict; whether the adverse party claims as a purchaser for valuable consideration or as a locator. If the former, a certified copy of the original location, the original conveyance, a duly certified copy thereof, or an abstract of title from the office of the proper recorder should be furnished, or if the transaction was a merely verbal one he will narrate the circumstances attending the purchase, the date thereof, and the amount paid, which facts should be supported by the statement of one or more witnesses, if any were present at the time, and if he claims as a locator he must file a duly certified copy of the location from the office of the proper recorder.

(b) In order that the "boundaries" and "extent" of the claim may be shown, it will be incumbent upon the adverse claimant to file a plat showing his entire claim, its relative situation or position with the one against which he claims, and the extent of the conflict: *Provided, however,* That if the application for patent describes the claim by legal subdivisions, the adverse claimant, if also claiming by legal subdivisions, may describe his adverse claim in the same manner without further survey or plat. If the claim is not described by legal subdivisions it will generally be more satisfactory if the plat thereof is made from an actual survey by a mineral surveyor and its correctness officially certified thereon by him.

§ 3481.3 Action by manager.

(a) Upon the adverse claim being filed within the 60-day period of publication, the manager will immediately give notice in writing to the parties that such adverse claim has been filed, informing them that the party who filed the adverse claim will be required within 30 days from the date of such filing to commence proceedings in a court of competent jurisdiction to determine the question of right of possession, and to prosecute the same with reasonable diligence to final judgment, and that should such adverse claimant fail to do so, his adverse claim will be considered waived and the application for patent be allowed to proceed upon its merits.

(b) The Act of September 21, 1961 (P.L. 87–260; 75 Stat. 541) amends the Act of June 7, 1910 (36 Stat. 459; 48 U.S.C. 386), and provides that adverse suits against mineral entries in Alaska shall be instituted within the 60-day time limit set forth in R.S. 2325 and 2326, (30 U.S.C. 29, 30). The act further provides that where a mineral patent application was filed prior to the effective date of the act, the time in which to file adverse suits is governed by the Act of June 7, 1910. Where a mineral patent application was filed prior to September 21, 1961, the entry will not be allowed until after the expiration of eight months following the publication period.

§ 3481.4 Patent proceedings stayed when adverse claim is filed; exception.

When an adverse claim is filed as aforesaid, the manager will endorse upon the same the precise date of filing and preserve a record of the date of notifications issued thereon; and thereafter all proceedings on the application for patent will be stayed with the exception of the completion of the publication and posting of notices and plat and the filing of the necessary proof thereof, until the controversy shall have been finally adjudicated in court or the adverse claim waived or withdrawn.

§ 3481.5 Termination of adverse suit.

(a) Where an adverse claim has been filed and suit thereon commenced within the statutory period and final judgment rendered determining the right of possession, it will not be sufficient to file with the manager a certificate of the clerk of the court setting forth the facts as to such judgment, but the successful party must, before he is allowed to make entry, file a certified copy of the judgment roll, together with the other evidence required by section 2326, Revised Statutes (30 U.S.C. 30), and a certificate of the clerk of the court under the seal of the court showing, in accord with the record facts of the case, that the judgment mentioned and described in the judgment roll aforesaid is a final judgment; that the time for appeal therefrom has, under the law, expired, and that no such appeal has been filed, or that the defeated party has waived his right to appeal. Other evidence showing such waiver or an abandonment of the litigation may be filed.

(b) Where such suit has been dismissed, a certificate of the clerk of the court to that effect or a certified copy of the order of dismissal will be sufficient.

(c) After an adverse claim has been filed and suit commenced, a relinquishment or other evidence of abandonment of the adverse claim will not be accepted, but the case must be terminated and proof thereof furnished as required by the last two paragraphs.

§ 3481.6 Certificate required when no suit commenced.

Where an adverse claim has been filed but no suit commenced against the applicant for patent within the statutory period, a certificate to that effect by the clerk of the State court having jurisdiction in the case, and also by the clerk of the district court of the United States for the district in which the claim is situated, will be required.

Subpart 3482—Protests, Contests, Conflicts, and Segregations

§ 3482.1 Protest against mineral applications.

(a) At any time prior to the issuance of patent, protest may be filed against the patenting of the claim as applied for, upon any ground tending to show that the applicant has failed to comply with the law in any matter essential to a valid entry under the patent proceedings. Such protest cannot, however, be made the means of preserving a surface conflict lost by failure to adverse or lost by the judgment of the court in an adverse suit. One holding a present joint interest in a mineral location included in an application for patent who is excluded from the application, so that his interest would not be protected by the issue of patent thereon, may protest against the issuance of a patent as applied for, setting forth in such protest the nature and extent of his interest in such location, and such a protestant will be deemed a party in interest entitled to appeal. This results from the holding that a co-owner excluded from an application for patent does not have an "adverse" claim within the meaning of sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29, 30). (See Turner v. Sawyer, 150 U.S. 578–586, 37 L. ed. 1189–1191.)

(b) Such protest filed by any party, other than a Federal agency, must be accompanied by a $10 nonrefundable service charge.

§ 3482.2 Procedure in contest cases.

Parts 1840 and 1850 of this chapter, in cases before the United States, the Bureau of Land Management, and the Department of the Interior will, so far as applicable, govern in all cases and proceedings arising in contests and hearings to determine the character of lands.

§ 3482.3 Presumption as to land returned as mineral.

Public land returned upon the survey records as mineral shall be withheld from entry as agricultural land until the presumption arising from such a return shall be overcome.

§ 3482.4 Procedure to dispute record character of land.

(a) When lands returned as mineral are sought to be entered as agricultural under laws which require the submission of final proof after due notice by publication and posting, the filing of the proper nonmineral statement in the absence of allegations that the land is mineral will be deemed sufficient as a preliminary requirement. A satisfactory showing as to character of land must be made when final proof is submitted.

(b) In case of application to enter, locate, or select such lands as agricultural, under laws in which the submission of final proof after due publication and posting is not required, notice thereof must first be given by publication for 60 days and posting in the local office during the same period, and affirmative proof as to the character of the land submitted. In the absence of allegations that the land is mineral, and upon compliance with this requirement, the entry, location, or selection will be allowed, if otherwise regular.

(c) Where as against the claimed right to enter such lands as agricultural it is alleged that the same are mineral, or are applied for as mineral lands, the proceedings in this class of cases will be in the nature of a contest, and the practice will be governed by the rules in force in contest cases.

§ 3482.5 Testimony at hearings to determine character of lands.

(a) At hearings to determine the character of lands the claimants and witnesses will be thoroughly examined with regard to the character of the land; whether the same has been thoroughly prospected; whether or not there exists within the tract or tracts claimed any lode or vein of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper, or other valuable deposit which has ever been claimed, located, recorded, or worked; whether such work is entirely abandoned, or whether occasionally resumed; if such lode does exist, by whom claimed, under what designation, and in which subdivision of the land it lies; whether any placer mine or mines exist upon the land; if so, what is the character thereof, whether of the shallow-surface description, or of the deep cement, blue lead, or gravel deposits; to what extent mining is carried on when water can be obtained, and what the facilities are for obtaining water for mining purposes; upon what particular 10-acre subdivisions mining has been done, and at what time the land was abandoned for mining purposes, if abandoned at all. In every case, where practicable, an adequate quantity or number of representative samples of the alleged mineral-bearing matter or material should be offered in evidence, with proper identification, to be considered in connection with the record, with which they will be transmitted upon each appeal that may be taken. Testimony may be submitted as to the geological formation and development of mineral on adjoining or adjacent lands and their relevancy.

(b) The testimony should also show the agricultural capacities of the land, what kind of crops are raised thereon, the value thereof; the number of acres actually cultivated for crops of cereals or vegetables, and within which particular 10-acre subdivision such crops are raised; also which of these subdivisions embrace the improvements, giving in detail the extent and value of the improvements, such as house, barn, vineyard, orchard, fencing, etc., and mining improvements.

(c) The testimony should be as full and complete as possible; and in addition to the leading points indicated above, where an attempt is made to prove the mineral character of lands which have been entered under the agricultural laws, it should show at what date, if at all, valuable deposits of minerals were first known to exist on the lands.

Subpart 3483—Segregation

§ 3483.1 Segregation of mineral from non-mineral land.

Where a survey is necessary to set apart mineral from non-mineral land, the appropriate authorized officer will have special instructions prepared outlining the procedure to be followed in the required survey. The survey will be executed at the expense of the United States. Where, in stock-raising homestead entries, it has been satisfactorily established that there are existent prior unpatented mining claims, the segregation of the latter is not strictly a segregation of mineral from non-mineral land, but rather the procedure adopted to define the boundaries of and provide a legal description for that part of the homestead entry which is not within the segregated mining claims.

§ 3483.2 Effect of decision that land is mineral.

The fact that a certain tract of land is decided upon testimony to be mineral in character is by no means equivalent to an award of the land to a miner. In order to secure a patent for such land, he must proceed as in other cases, in accordance with this part.

§ 3483.3 Non-mineral entry of residue of subdivisions invaded by mining claims.

(a) The manager will accept and approve any application (if otherwise regular), to make a non-mineral entry of the residue of any original lot or legal subdivision which is invaded by mining claims if the tract has already been lotted to exclude such claims. If not so lotted, and if the original lot or legal subdivision is invaded by patented mining claims, or by mining claims covered by pending applications for patent which the non-mineral applicant does not desire to contest, or by approved mining claims of established mineral character, the manager will accept and approve the application (if otherwise regular), exclusive of the conflict with the mining claims.

(b) The manager will allow no non-mineral application for any portion of an original lot or 40-acre legal subdivision, where the tract has not been lotted to show the reduced area by reason of approved surveys of mining claims for which applications for patent have not been filed, until the non-mineral applicant submits a satisfactory showing that such surveyed claims are in fact mineral in character. Applications to have lands which are asserted to be mineral, or mining locations, segregated by survey with a view to the non-mineral appropriation of the remainder, will be made to the manager of the land office. Such applications must be supported by a written statement of the party in interest, duly corroborated by two or more disinterested persons, or by such other or further evidence as may be required, that the land sought to be segregated as mineral is in fact mineral in character.

Group 3500—Multiple Use

PART 3510—PUBLIC LAW 167; ACT OF JULY 23, 1955

Subpart 3510—Public Law 167; Act of July 23, 1955; General

Sec.
3510.0–3 Authority.

Subpart 3511—Common Varieties

3511.1 Provisions of act.

Subpart 3512—Proceedings Under the Act

3512.1 Restriction on use of unpatented mining claims.
3512.2 Request for publication of notice to mining claimant.
3512.3 Evidence necessary to support a request for publication.
3512.4 Publication of notice.
3512.5 Contents of published notice.
3512.6 Service of notice.
3512.7 Service of copies; failure to comply.
3512.8 Proof of publication.
3512.9 Failure of claimant to file verified statement.

Subpart 3513—Hearings

3513.1 Hearing; time and place.
3513.2 Stipulation between parties.
3513.3 Hearing; procedures.
3513.4 Effect of decision affirming a mining claimant's rights.

Subpart 3514—Rights of Mining Claimants

3514.1 Recording by mining claimant of request for copy of notice.
3514.2 Waiver of rights by mining claimants.
3514.3 Protection of existing rights; exclusion of reservation in patents.

AUTHORITY: The provisions of this Part 3510 issued under sec 1, 61 Stat. 681, as amended 30 U.S.C. 601.

Subpart 3510—Public Law 167; Act of July 23, 1955; General

§ 3510.0–3 Authority.

The act of July 23, 1955 (69 Stat. 367, 30 U.S.C. sec. 601), was enacted "to amend the act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for multiple use of the surface of the same tracts of the public lands, and for other purposes." The regulations in this part are intended to implement only sections 3 to 7, inclusive, of said act hereinafter more fully identified. The word "act" when used in this subpart refers to the act of July 23, 1955. Sections 1 and 2 thereof relate specifically to the Materials Act of July 31, 1947, and will be implemented by Part 3610.

Subpart 3511—Common Varieties

§ 3511.1 Provisions of act.

(a) The act in section 3 provides: A deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders shall not be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located under such mining laws: *Provided, however,* That nothing herein shall affect the validity of any mining location based upon discovery of some other mineral occurring in or in association with such a deposit. "Common varieties" as used in this act does not include deposits of such materials which are valuable because the deposit has some property giving it distinct and special value and does not include so-called "block pumice" which occurs in nature in pieces having one dimension of two inches or more.

(b) "Common varieties" includes deposits which, although they may have value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts, do not possess a distinct, special economic value for such use over and above the normal uses of the general run of such deposits. Mineral materials which occur commonly shall not be deemed to be "common varieties" if a particular deposit has distinct and special properties making it commercially valuable for use in a manufacturing, industrial, or processing operation. In the determination of commercial value, such factors may be considered as quality and quantity of the deposit, geographical location, proximity to market or point of utilization, accessibility to transportation, requirements for reasonable reserves consistent with usual industry practices to serve existing or proposed manufacturing, industrial, or processing facilities, and feasible methods for mining and removal of the material. Limestone suitable for use in the production of cement, metallurgical or chemical grade limestone, gypsum, and the like are not "common varieties." This subsection does not relieve a claimant from any requirements of the mining laws.

Subpart 3512—Proceedings Under the Act

§ 3512.1 Restriction on use of unpatented mining claims.

(a) The act in section 4 provides:

Any mining claim hereafter located under the mining laws of the United States shall not to be used, prior to issuance of patent therefor, for any purposes other than prospecting, mining or processing operations and uses reasonably incident thereto.

Rights under any mining claim hereafter located under the mining laws of the United States shall be subject, prior to issuance of patent therefor, to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States). Any such mining claim shall also be subject, prior to issuance of patent therefor, to the right of the United States, its permittees, and licensees, to use so much of the surface thereof as may be necessary for such purposes or for access to adjacent land: *Provided, however,* That any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto: *Provided, further,* That if at any time the locator requires more timber for his mining operations than is available to him from the claim after disposition of timber therefrom by the United States, subsequent to the location of the claim, he shall be entitled, free of charge, to be supplied with timber for such requirements from the nearest timber administered by the disposing agency which is ready for harvesting under the rules and regulations of that agency and which is substantially equivalent in kind and quantity to the timber estimated by the disposing agency to have been disposed of from the claim: *Provided, further,* That nothing in this act shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian relating to the ownership, control, appropriation, use, and distribution of ground or surface waters within any unpatented mining claim.

Except to the extent required for the mining claimant's prospecting, mining or processing operations and uses reasonably incident thereto, or for the construction of buildings or structures in connection therewith, or to provide clearance for such operations or uses, or to the extent authorized by the United States, no claimant of any mining claim hereafter located under the mining laws of the United States shall, prior to

issuance of patent therefor, sever, remove, or use any vegetative or other surface resources thereof which are subject to management or disposition by the United States under the preceding subsection (b). Any severence or removal of timber which is permitted under the exceptions of the preceding sentence, other than severance or removal to provide clearance, shall be in accordance with sound principles of forest management.

(b) The locator of an unpatented mining claim subject to the act is limited in his use of the claim to those uses specified in the act, namely prospecting, mining, or processing operations and uses reasonably incident thereto. He is forbidden to use it for any other purpose such, for example, as for filling stations, curio shops, cafes, tourist, or fishing and hunting camps. Except as such interference may result from uses permitted under the act, the locator of an unpatented mining claim subject to the act may not interfere with the right of the United States to manage the vegetative and other surface resources of the land, or use it so as to block access to or egress from adjacent public land, or use Federal timber for purposes other than those permitted under the act, or block access to water needed in grazing use of the national forests or other public lands, or block access to recreational areas, or prevent agents of the Federal Government from crossing the locator's claim in order to reach adjacent land for purposes of managing wild-game habitat or improving fishing streams so as to thwart the public harvest and proper management of fish and game resources on the public lands generally, both on located and on adjacent lands.

(c) Mining claims located prior to the date of the act will be subject to the act where determination has been made pursuant to section 5 of the act, that the locator's surface rights are limited as provided in section 4 of the act, or where the owners have waived and relinquished all rights under section 6 of the act, which are contrary to or in conflict with the limitations and restrictions specified as to hereafter located unpatented mining claims in section 4 of the act. See § 3514.3 as to effect on existing rights.

(d) On mining claims subject to the provisions of the act, timber may be used by the claimants only for the purposes permitted under the act, and, except where timber is removed to provide

clearance for operations or uses permitted under the act, such timber must be cut in accordance with sound principles of forest management. When timber on a mining claim is disposed of by the Government subsequent to the location of the claim, free use of timber by the mining claimant of like kind and quantity from the nearest timber administered by the disposing agency is provided for, but only when and to the extent that is required for their mining operations and only in kind and quantity substantially equivalent to the timber removed from the claim by the Government. Any such timber may be cut and removed only under the rules and regulations of the administering agency. Regulations governing applications and issuance of permits for the use of such timber on public lands administered by the Bureau of Land Management are contained in Part 259 of this chapter.

§ 3512.2 Request for publication of notice to mining claimant.

(a) The act in the first paragraph of section 5(a) provides as follows:

The head of a Federal department or agency which has the responsibility for administering surface resources of any lands belonging to the United States may file as to such lands in the office of the Secretary of the Interior, or in such office as the Secretary of the Interior may designate, a request for publication of notice to mining claimants, for determination of surface rights, which request shall contain a description of the lands covered thereby, showing the section or sections of the public land surveys which embrace the lands covered by such request, or if such lands are unsurveyed, either the section or sections which would probably embrace such lands when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

The "request for publication of notice to mining claimants" authorized to be filed by the above-quoted portion of the act can be filed by the Federal department or agency which has the responsibility for administering surface resources of the lands to which the requested notice would relate. It must describe the land covered by the request by section, township, range, and meridian or, if the land is unsurveyed, either the section or sections which would probably embrace such lands when the public land surveys are extended to such lands, or by a metes and bounds description of such area with a tie to a United States mineral monument.

(b) A request for publication of notice under this subsection shall be filed with the land office of the Bureau of Land Management for the land district in which the lands are situated. No request for publication may include lands in more than one land district.

§ 3512.3 Evidence necessary to support a request for publication.

(a) The second and third paragraphs of section 5(a) of the act provide in detail for the filing by the head of a Federal department or agency of certain evidence in support of the request for publication of the notice referred to in § 3512.2 as follows:

The filing of such request for publication shall be accompanied by an affidavit or affidavits of a person or persons over twenty-one years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof, on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

The filing of such request for publication shall also be accompanied by the certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's abstractor's or attorney's examination of those instruments which are shown by the tract indexes in the county office of record as affecting the lands described in said request, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim heretofore located, together with the address of such person if such address is disclosed by such instruments of record. "Tract indexes" as used herein shall mean those indexes, if any, as to surveyed lands identifying instruments as affecting a particular legal subdivision of the public land surveys, and as to unsurveyed lands identifying instruments as affecting a particular probable legal subdivision according to a projected extension of the public land surveys.

(b) This part of the act requires the filing of an affidavit which may be made by any person or persons over twenty-one years of age who have examined the lands. It must show whether any person or persons were "in actual possession of or engaged in the working of such lands (the lands described in the request for publication of notice) or any part thereof" and, if they were, the name and address of each such person must be given if it can be learned by reasonable inquiry and if it cannot be so learned, the affidavit must show in detail what inquiry or inquires were made to obtain each such name and address. No definition of the terms "in actual possession" or "engaged in the working of said lands" will be attempted here, but the affidavits should recite what evidences of occupancy or workings were found. The request for publication must also be accompanied by a certificate executed as provided in the third paragraph of section 5(a) and containing the information required by that paragraph to be furnished. If there are no tract indexes, as defined in the act, in the county office of record affecting the lands described in the request for publication, a certificate executed as provided in the said third paragraph of section 5(a) to that effect must be furnished.

§ 3512.4 Publication of notice.

If the request for publication and the accompanying papers conform to the requirements of the act, the Manager or the Director, as may be appropriate, at the expense of the requesting department or agency, shall cause notice to mining claimants to be published in a newspaper having general circulation in the county in which the lands involved are situated. If the notice is published in a daily newspaper it shall be published in the Wednesday issue for nine consecutive weeks, if in a weekly paper, in nine consecutive issues, or if in a semi-weekly or tri-weekly paper, in the issue of the same day of each week for nine consecutive weeks.

§ 3512.5 Contents of published notice.

Section 5(a) of the act specifies in detail what the published notice shall contain, as follows:

Such notice shall describe the lands covered by such request, as provided heretofore, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim heretofore located, rights as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within one hundred and fifty days from the date of the first publication of such notice (which date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim—

(1) The date of location;

(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claims; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim; such failure shall be conclusively deemed (1) to constitute a waiver and relinquishment by such mining claimant of any right, title or interest under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of this act as to hereafter located unpatented mining claims, and (ii) to constitute a consent by such mining claimant that such mining claim, prior to issuance of patent therefor, shall be subject to the limitations and restrictions specified in section 4 of this act as to hereafter located unpatented mining claims, and (iii) to preclude thereafter, prior to issuance of patent, any assertion by such mining claimant of any right or title to or interest in or under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of this act as to hereafter located unpatented mining claims.

§ 3512.6 Service of notice.

The last paragraph of section 5(a) of the act provides with respect to service of the notice by personal delivery or by registered mail, as follows:

Within fifteen days after the date of first publication of such notice, the department or agency requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices,

as provided in subsection (d) of this section 5, and shall cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the title or abstract company's or title abstractor's or attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice under any unpatented mining claim heretofore located, such notice to be directed to such person's address as set forth in such certificate; and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

§ 3512.7 Service of copies; failure to comply.

If the department or agency requesting publication under these regulations shall fail to comply with the requirements of section 5(a) of the act as to the personal delivery or mailing of a copy of the published notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice shall in no manner affect, diminish, prejudice or bar any rights of that person.

§ 3512.8 Proof of publication.

After the period of newspaper publication has expired, the department or agency requesting the publication shall obtain from the office of the newspaper or publication a sworn statement that the notice was published at the time and in accordance with the requirements under the regulations of this part, and shall file such sworn statement in the office where the Request for Publication was filed.

§ 3512.9 Failure of claimant to file verified statement.

If any claimant under any unpatented mining claim located prior to July 23, 1955, which embraces any of the lands described in any notice published in accordance with the regulations in this part shall fail to file a verified statement, as specified in such published notice (See § 3512.4), within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed except as otherwise provided in § 3512.7.

(a) To constitute a waiver and relinquishment by such mining claimant of any right, title or interest under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of the act as to unpatented mining claims located after its enactment.

(b) To constitute a consent by such mining claimant that such mining claim, prior to issuance of patent therefor, be subject to the limitations and restrictions specified in section 4 of the act as to unpatented mining claims located after its enactment.

(c) To preclude thereafter prior to the issuance of patent any assertion by such mining claimant of any right or title to or interest in or under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of the act as to unpatented mining claims located after its enactment.

Subpart 3513—Hearings

§ 3513.1 Hearing; time and place.

If any verified statement shall be filed by a mining claimant then the Examiner or the Director, as may be appropriate, shall fix a time and place for a hearing to determine the validity and effectiveness of any right or title to or interest in or under such mining claim which the mining claimant may assert contrary to or in conflict with the limitations or restrictions specified in section 4 of the act as to unpatented mining claims located after its enactment. The Examiner shall notify the department or agency and all mining claimants entitled to notice as the result of the filing of such verified statement of the time and place of such hearing at least 30 days in advance thereof. The notice of hearing shall contain a statement specifying the issues upon which evidence will be submitted at the hearing. Such hearing shall be held in the county where the lands in question, or parts thereof, are located unless the mining claimant agrees otherwise.

§ 3513.2 Stipulation between parties.

Where verified statements are filed asserting rights to an aggregate of more than twenty mining claims, any single hearing shall be limited to a maximum of twenty mining claims unless the parties affected shall otherwise stipulate and as many separate hearings shall be set as shall be necessary to comply with section 5(c) of the act. If at any time prior to a hearing the department or agency requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by the notice published pursuant to that request.

§ 3513.3 Hearing; procedures.

The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals, shall follow the appeals and contests of the Department of the Interior and the Bureau of Land Management (Part 1850 of this title) relating to contests or protests affecting public lands of the United States so far as they are applicable.

§ 3513.4 Effect of decision affirming a mining claimant's rights.

(a) If the final decision rendered in any hearing held pursuant to section 5 of the act shall affirm the validity and effectiveness of any mining claimant's right or interest under a mining claim asserted in accordance with the provisions of that section, then no subsequent proceedings under section 5 of the act shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim.

(b) If it is finally determined as the result of such a hearing that the claimant has no right or title to or interest in or under his mining claim which he may assert contrary to or in conflict with the limitations and restrictions specified in section 4 of the act, then those limitations and restrictions shall apply with respect to such mining claim.

Subpart 3514—Rights of Mining Claimants

§ 3514.1 Recording by mining claimant of request for copy of notice.

Section 5(d) of the act provides as follows:

Any person claiming any right under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice to mining claimants which may be published as above provided in subsection (a) of this section 5, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice of certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies, and shall also set forth, as to each heretofore located unpatented mining claim under which such person asserts rights—

(1) The date of location;

(2) The book and page of the recordation of the notice or certificate of location; and

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument. Other than in respect to the requirements of subsection (a) of this section 5 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 5, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

§ 3514.2 Waiver of rights by mining claimants.

Section 6 of the act provides as follows:

The owner or owners of any unpatented mining claim heretofore located may waive and relinquish all rights thereunder which are contrary to or in conflict with the limitations or restrictions specified in section 4 of this act as to hereafter located unpatented mining claims. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter and prior to issuance of patent subject to the limitations and restrictions in section 4 of this act in all respects as if said mining claim had been located after enactment of this act, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

§ 3514.3 Protection of existing rights; exclusion of reservation in patents.

The act in section 7 provides as follows:

Nothing in this act shall be construed in any manner to limit or restrict or to authorize the limitation or restriction of any existing rights of any claimant under any valid mining claim heretofore located, except as such rights may be limited or restricted as a result of a proceeding pursuant to section 5 of this act, or as a result of a waiver and relinquishment pursuant to section 6 of this act; and nothing in this act shall be construed in any manner to authorize inclusion in any patent hereafter issued under the mining laws of the United States for any mining claim heretofore or hereafter located, of any reservation, limitation, or restriction not otherwise authorized by law, or to limit or repeal any existing authority to include any reservation, limitation, or restriction in any such patent, or to limit or restrict any use of the lands covered by any patented or unpatented mining claim by the United States, its lessees, permittees, and licensees which is otherwise authorized by law.

This section makes it clear that all of the rights of mining claimants existing on the date of the act are preserved and will continue unless: (a) Claimant fails, subject, however, to the provisions of § 3512.7, to file a verified statement in response to a published notice as provided in section 5(b) of the act and § 3512.9; (b) it is determined as a result of a hearing pursuant to section 5(c) that such rights asserted in a verified statement are not valid and effective; (c) the claimant waives and relinquishes his rights pursuant to section 6. It also preserves to all mining claimants the right to a patent unrestricted by anything in the act and provides that no limitation, reservation or restriction may be inserted in any mineral patent unless authorized by law, but it also makes it clear that all laws in force on the date of its enactment which provide for any such reservation, limitation, or restriction in such patents and all authority of law then existing for the use of lands embraced in unpatented mining claims by the United States, its lessees, permittees, and licensees continue in full force and effect.

PART 3520—PUBLIC LAW 357; ENTRY AND LOCATION OF SOURCE MATERIAL UPON PUBLIC LANDS VALUABLE FOR COAL

Subpart 3520—Public Law 357; Entry and Location of Source Material Upon Public Lands Valuable for Coal; General

Sec.
3520.0–1 Purpose.
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Subpart 3521—Notice of Location

3521.1 Recording.
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Subpart 3522—Mineral Patents

3522.1 Mineral patents subject to reservations of leasable minerals.
3522.2 Mineral patents not to include lignite; exception.

Subpart 3523—Other Provision of Act

3523.1 Lodes do not include extralateral rights.
3523.2 Source material not in leasing minerals, right to remove lignite, filing of description.
3523.3 Entryman entitled to exclusive right to locate; exception.
3523.4 Holder of coal lease entitled to exclusive right to locate source material; exception.
3523.5 Definitions.
3523.6 Expiration of act; exception.

AUTHORITY: The provisions of this Part 3520 issued under R.S. 2478; as amended, sec. 8, 69 Stat. 679; 43 U.S.C. 1201, 30 U.S.C. 541 g.

Subpart 3520—Public Law 357; Entry and Location of Source Material Upon Public Lands Valuable for Coal; General

§ 3520.0–1 Purpose.

The act of August 11, 1955 (69 Stat. 679, 30 U.S.C. 541 thru 541l), was enacted:

To provide for entry and location, on discovery of a valuable source material, upon public lands of the United States, classified as or known to be valuable for coal, and for other purposes.

The regulations in this part are intended to implement those parts of the act which require action by the Department of the Interior.

§ 3520.0–3 Authority.

The act in section 1 provides in part as follows:

That, subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, public lands of the United States classified as or known to be valuable for coal subject to disposition under the mineral leasing laws and which are open to location and entry subject to the conditions and provisions of the act of August 13, 1954 (68 Stat. 708), unless embraced within a coal prospecting permit or lease, shall also be open to location and entry under the mining laws of the United States upon the discovery of a valuable source material occurring within any seam, bed, or deposit of lignite in such lands.

Subpart 3521—Notice of Location

§ 3521.1 Recording.

(a) The act in section 1 provides in part as follows:

• • • a copy of the notice of any mining location made for source material occurring in any such bed, seam, or deposit, shall be filed for record in the land office of the Bureau of Land Management for the State in which the claim is situated within ninety days after the date of its location.

(b) The act in section 2 provides as to mining claims located prior to May 25, 1955:

That the locator or locators of such a mining claim shall, not later than one hundred and eighty days from and after the date of this Act, post on the claim and file for record in the office where the notice or certificate of location is of record, an amended notice of the mining location stating that such amended notice is filed pursuant to the provisions of this Act and for the purpose of obtaining the benefits thereof; and that a copy of said amended notice is, within the said one-hundred-and-eighty-day period, filed in the land office of the Bureau of Land Management for the State in which the mining location is situated • • •

(c) The act in section 3 provides in part as follows:

• • • upon filing in the land office designated in section 1 hereof, an adequate description of his claim or claims containing such lignite.

(d) Any location notice filed under the above-quoted sections should clearly state that the claim was located for uranium or other source material contained in a bed, seam, or deposit of lignite pursuant to the act of August 11, 1955 (69 Stat. 679). The notice should

describe the lands included therein by subdivision, section, township and range, if covered by a public land survey, for a placer claim, and if unsurveyed, or if the location is a lode claim, by a metes and bounds description tied to a corner of the public land survey, or to a mineral monument.

§ 3521.2 Claimant to report annually to Mining Supervisor, Geological Survey.

(a) The act in section 1 provides in part as follows:

That the claimant to any such mining location shall report annually to the Mining Supervisor of the Geological Survey the amount of lignite mined or stripped in the recovery of such valuable source material during each calendar year and tender payment to him of 10 cents per ton thereon • • • subject to the recording and payment requirements • • •

(b) Payments shall be by check, draft or money order, payable to the United States Geological Survey, accompanied by a report of the tons of lignite mined or stripped, whether disposed of or not in recovering the source material. Each report should show the name of the claim, identify the location, the calendar year for which payment is made and address of claimant.

(c) Tonnage reports and remittances for claims in Montana, North Dakota, South Dakota, and Northern Wyoming should be sent to the Regional Mining Supervisor, U.S. Geological Survey, Billings, Montana. As to claims in other states, the address of the Regional Mining Supervisor may be obtained from the Director, U.S. Geological Survey, Washington 25, D.C.

Subpart 3522—Mineral Patents

§ 3522.1 Mineral patents subject to reservation of leasable minerals.

(a) The act in section 1 provides in part as follows:

Any mineral patents issued hereunder shall be made subject to the recording and payment requirements of this section and shall contain a reservation to the United States of all Leasing Act minerals owned by the United States other than lignite containing valuable source material and lignite necessary to be stripped or mined in the recovery of such material.

(b) Under this section, all debts due the United States on account of coal mined under the location must be paid, before a patent will issue.

§ 3522.2 Mineral patents not to include lignite; exception.

(a) The act in section 1 provides in part as follows:

Mining claims located and mineral patents issued under the provisions of this Act shall not include rights to lignite not containing valuable source material except to the extent it may be necessary to mine or strip such lignite in order to mine the source material • • •

(b) The reservation of leasing act minerals including lignite that do not contain valuable source material which will be inserted in every patent issued under the act, will be subject to the right of the patentee to remove such lignite when necessary to mine source material subject to the provisions of the act.

Subpart 3523—Other Provisions of Act

§ 3523.1 Lodes do not include extralateral rights.

(a) The act in section 1 provides in part as follows:

• • • lode claims, shall not include extralateral rights.

(b) The act in section 2 provides in part as follows.

That no extralateral rights shall attach to any mining location validated under this section.

(c) The right of all locators under the act are therefore limited to the extraction of unreserved minerals within the exterior boundaries of the claim extended vertically downward.

§ 3523.2 Source material not in leasing minerals, right to remove lignite, filing of description.

(a) The act in section 3 provides in part as follows:

SEC. 3. Subject to the provisos of section 2 of this act, any mining location made under the mining laws of the United States, including the Act of August 13, 1954, on lands of the character described in section 1 of this Act, except locations made for lands within the exterior boundaries of a prior coal prospecting permit or lease, if based upon a discovery of valuable source material in deposits other than deposits of Leasing Act minerals, shall include the right to mine, remove, and dispose of lignite containing valuable source material and lignite necessary to be stripped or mined in the recovery of source material contained in lignite, subject to the reporting and payment requirements of section 1 of this Act, and subject to the provisions of the Atomic Energy Act of 1954 (68 Stat. 919), and upon filing in the land office designated in section 1 hereof, an adequate description of his claim or claims containing such lignite.

(b) The act in section 3 also provides in part as follows:

That nothing in this section shall be construed to limit or restrict the rights acquired by virtue of a mining claim heretofore or hereafter located, under the 1872 mining act, as amended, or to impose any additional obligation with respect to mining and removal of source material which does not occur within any seam, bed, or deposit of lignite.

(c) Under these provisions, as to locations which were made under the act of August 13, 1954, at a time when the land was known to contain lignite and was not then in a coal permit or lease, or application for permit or lease, the locator would have a right to mine the lignite containing source material and to mine other lignite only after he had complied with the reporting and payment provisions of section 1 of the act with respect thereto. The owner of such a location, who chooses not to comply with these payment and reporting requirements, may mine and remove any mining law minerals in the location, except such minerals contained in lignite, under authority of the act of August 13, 1954. If such a locator damages or destroys any lignite in connection with his mining operations his liability therefor to the United States will be determined under applicable laws. A location made solely under the 1872 Mining Act would not be subject to the provisions of either the August 13, 1954, Act, or of this act, but unless made upon land not then known to contain lignite it would be invalid.

§ 3523.3 Entryman entitled to exclusive right to locate; exception.

(a) The act in section 4 provides as follows:

The entryman or owner of any land or the assignee of rights therein, including lands granted to States, with respect to which the coal deposits have been reserved to the United States pursuant to the provisions of of the act of March 3, 1909 (35 Stat. 844), or the act of June 22, 1910 (36 Stat. 583), excepting lands embraced within a coal prospecting permit or lease, upon the discovery of valuable source material in lignite situated within such entered, granted, or patented lands, who, except for the reservation of coal to the United States would have the right to mine and remove such source material, shall have the exclusive right to mine, remove, and dispose of lignite containing such source material and lignite necessary to be stripped or mined in the recovery of such material, subject to the reporting and payment requirements of section 1 of this act, and subject to the provisions of the Atomic Energy Act of 1954, upon filing in the land office designated in section 1 hereof, an adequate description sufficient to identify the land containing such lignite.

(b) The description under this section should be by the legal subdivision of the public land survey which contains the deposits.

§ 3523.4 Holder of coal lease entitled to exclusive right to locate source material; exception.

(a) The act in section 5 provides as follows:

The holder of coal leases issued under the provisions of the mineral leasing laws, including the Act of August 7, 1947 (61 Stat. 913), prior to the date of this Act, or thereafter if based upon a prospecting permit issued prior to that date, upon the discovery during the term of such lease of valuable source material in any bed or deposit of lignite situated within the leased lands, shall have the exclusive right to locate such source material under the provisions of this Act but the mining and disposal of such source material shall be subject to the operating provisions of the lease and to the provisions of the Atomic Energy Act of 1954: *Provided*, That the provisions of this section shall not apply to coal prospecting permits or leases on lands embraced within entered, granted, or patented lands described in section 4 of this Act.

(b) The coal lessee for lands not entered, granted or patented, who desires to obtain the benefits of this section must make a mining location and comply with the act and these regulations with respect thereto, and must also comply with the operating regulations (30 CFR Part 211).

§ 3523.5 Definitions.

(a) The act in section 6 provides in part as follows:

• • • "lignite" shall mean coal classified as ASTM designation: D 388-38, according to the standards established in the American Society for Testing Materials on Coal and Coke under standard specifications for Classification of coals by Rank, contained in public-land deposits considered as valuable under the coal-land classification standards established by the Secretary of the Interior and prescribed in section 30, Code of Federal Regulations, part 201; and "source material" shall mean uranium, thorium, or any other material which is determined by the Atomic Energy Commission pursuant to the provisions of section 61 of the Atomic Energy Act of 1954 to be source material.

(b) The act applies only to deposits of coal coming within the definition set out in the above quotation from the act, and other types of coal deposits are not subject to location under the act, even though found to contain source material.

§ 3523.6 Expiration of act; exception.

(a) The act in section 10 provides as follows:

Twenty years after the effective date of this act, all lands subject to the provisions of section 1 shall be withdrawn from all forms of entry under this act. All claims made pursuant to the provisions of this act shall expire at that time, except for (1) claims for which patent has already been issued, and (2) claims on which application for patent has already been made and on which patent is subsequently issued: *Provided*, That, if the President shall so provide by Executive Order, the provisions of this section shall not become effective until thirty years after the effective date of this act.

(b) Under this section, no location will be recognized on and after a date 20 years after the date of the act or the expiration of any extension of such period by the President, unless prior to that date an application for a patent has been filed and no patent will issue for any such claim in the absence of evidence of full compliance with the law made prior to that date.

PART 3530—PUBLIC LAW 359; MINING IN POWERSITE WITHDRAWALS

Subpart 3530—Public Law 359; Mining in Powersite Withdrawals; General

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Subpart 3536—Location and Assessment

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3537.2 No limitation of rights where claimant in diligent prosecution of work when future withdrawals made.

Subpart 3538—Use

3538.1 Mining claim and millsite use.

AUTHORITY: The provisions of this Part 3530 issued under R.S. 2478, as amended, sec. 2, 69 Stat. 682; 43 U.S.C. 1201, 30 U.S.C. 1201.

Subpart 3530—Public Law 359; Mining in Powersite Withdrawals; General

§ 3530.0–1 Purpose.

The act of August 11, 1955 (69 Stat. 681), was enacted "To permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes". The regulations in this part are intended to implement those parts of the act which require action by the Department of the Interior. The expression "act" shall mean the act of August 11, 1955 (69 Stat. 681), cited in the act as the "Mining Claims Rights Restoration Act of 1955".

§ 3530.0–3 Authority; lands opened.

(a) The act in section 2 provides in part as follows:

All public lands belonging to the United States heretofore, now or hereafter withdrawn or reserved for power development or power sites shall be open to entry for location and patent of mining claims and for mining, development, beneficiation, removal, and utilization of the mineral resources of such lands under applicable Federal statutes; • • • that nothing contained herein shall be construed to open for the purposes described in this section any lands (1) which are included in any project operating or being constructed under a license or permit issued under the Federal Power Act or other act of Congress, or (2) which are under examination and survey by a prospective licensee of the Federal Power Commission, if such prospective licensee holds an uncanceled preliminary permit issued under the Federal Power Act authorizing him to conduct such examination and survey with respect to such lands and such permit has not been renewed in the case of such prospective licensee more than once.

(b) The act in the second proviso thereof provides:

That locations made under the act within the revested Oregon and California Railroad and reconveyed Coos Bay Wagon grant lands shall also be subject to the provisions of the Act of April 8, 1948 (62 Stat. 162).

Subpart 3531—Power Rights

§ 3531.1 Power rights retained in the United States.

(a) The act in the first proviso provides as follows:

That all power rights to such lands shall be retained by the United States.

(1) Under this proviso every patent issued for such a location must contain a reservation unto the United States, its permittees or licensees of the right to enter upon, occupy and use, any part of the lands for power purposes without any claim or right to compensation accruing to the locator or successor in interest from the occupation or use of any of the lands within the location, for such purposes. Furthermore, the patent will contain a provision that the

United States, its permittees and licensees shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any mining claim, mill site, facility installed or erected, income, or other property or investments resulting from the actual use of such lands or portions thereof for power development at any time where such power development is made by or under the authority of the United States, except where such damage, destruction, or loss results from the negligence of the United States, its permittees and licensees.

Subpart 3532—Mining Operations

§ 3532.1 Placer locator to conduct no mining operations for 60 days.

(a) The act in section 2(b) provides in part as follows:

The locator of a placer claim under this Act, however, shall conduct no mining operations for a period of sixty days after the filing of a notice of location pursuant to section 4 of this Act. If the Secretary of the Interior, within sixty days from the filing of the notice of location, notifies the locator by registered mail of the Secretary's intention to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land included within the placer claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of placer mining; (2) a permission to engage in placer mining upon the condition that the locator shall, following placer operations, restore the surface of the claim to the condition in which it was immediately prior to those operations; or (3) a general permission to engage in placer mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's notice of location has been filed, in compliance with the United States mining laws.

(b) Upon receipt of a notice of location of a placer claim filed in accordance with § 3536 for land subject to location under the act, a determination will be made by the authorized officer of the Bureau of Land Management as to whether placer mining operations on the land may substantially interfere with other uses thereof. If it is determined that placer operations may substantially interfere with other uses, a notice of intention to hold a hearing will be sent to each of the locators by registered or certified mail within 60 days from date of filing of the location notice.

§ 3532.2 Hearing, notice of protest.

(a) If a hearing is to be held, notice of the hearing will be delivered personally or by registered mail or certified mail to the locator of the placer claim. The notice will indicate the time and place of hearing. The procedures with respect to service of notice of hearing and conduct thereof shall follow the provisions of appeals and contests of the Department of the Interior (Part 1850 of this title) in effect at the time the hearing is held. No publication of the notice will be required but a copy thereof shall be posted in the proper land office of the Bureau of Land Management for a period of not less than 30 days prior to the date set for the hearing. The manager shall give such publicity to the hearing as may be done without expense to the Government.

(b) Any party, other than a Federal agency, desiring to appear and testify at a hearing in protest to placer mining operations must file a written notice of protest in the land office wherein the notice of hearing is posted. Such notice, accompanied by a $10 filing fee, must contain the party's name and address and a statement showing the nature of the party's interest in the use of the lands embraced within the mining claim. Each notice of protest must be filed within the period of time specified in the notice of hearing. The manager shall forward a copy of each such notice that is filed to the mining locator prior to the hearing. Each party appearing at the hearing shall pay the reporter's fee covering the testimony of the party and of his witnesses and his cross-examination of any other party or witnesses.

(c) Following the hearing, the examiner will render a decision, subject to the right of appeal by any person admitted as a party to the hearing in accordance with the provisions of appeals and contests of the Department of the Interior (Part 1850 of this title). Each decision by an examiner, or upon appeal, shall provide for the issuance of an appropriate order as provided in section 2(b) of the act; but no such order shall issue until the decision, upon which it is based, becomes final. A certified copy of any order issued shall be filed in the same State or county office in which the location notice has been filed. Any such order permitting mining operations shall be filed at the expense of the mining locator.

Subpart 3533—Surface Protection

§ 3533.1 Bond or deposit required.

Should a limited order be issued under section 2 (b) (2) of the act, the locator is required to furnish a bond in a sum determined by the Examiner. The bond must be either a corporate surety bond or a personal bond accompanied by cash or negotiable Federal securities equal at their par value to the amount of the penal sum of the bond, together with power-of-attorney to the Secretary of the Interior or his delegate.

§ 3533.2 Restoration of surface condition.

If the locator fails or refuses to restore the surface, appropriate action will be taken against him and his surety, including the appropriation of any money deposited on personal bonds, to be used for the purpose of restoring the surface of the claim involved. Any moneys on deposit or received from surety in excess of the amount needed for the restoration of the surface of the particular claim shall be refunded.

Subpart 3534—Withdrawals Other Than for Powersite Purposes

§ 3534.1 Act ineffective as to other withdrawals.

(a) The act in section 2(c) provides as follows:

Nothing in this act shall affect the validity of withdrawals or reservations for purposes other than power development.

(b) If the power site lands are also affected by any other type of withdrawal which prevents mining location in whole or in part, the provisions of the act apply only to the extent that the lands are otherwise open to location.

Subpart 3535—Operations Risk

§ 3535.1 Prospecting and development at financial risk of party or parties doing work.

The act in section 3 provides in part as follows:

Prospecting and exploration for and the development and utilization of mineral resources authorized in this act shall be entered into or continued at the financial risk of the individual party or parties undertaking such work.

§ 3535.2 United States not liable except for negligence.

The act in section 3 provides in part as follows:

Provided, That the United States, its permittees and licensees shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any mining claim, mill site, facility installed or erected, income, or other property or investments resulting from the actual use of such lands or portions thereof for power development at any time where such power development is made by or under the authority of the United States, except where such damage, destruction, or loss results from the negligence of the United States, its permittees and licensees.

Subpart 3536—Location and Assessment

§ 3536.1 Owner of claim to file notice of location and assessment work.

(a) The act in section 4 provides as follows:

The owner of any unpatented mining claim located on land described in section 2 of this act shall file for record in the United States district land office of the land district in which the claim is situated (1) within one year after the effective date of this act, as to any or all locations heretofore made, or within sixty days of location as to locations hereafter made, a copy of the notice of location of the claim; (2) within sixty days after the expiration of any annual assesment year, a statement as to any work done or improvements made during the previous assessment year.

(b) Neither section 4 nor any other provision of the act validates any mining location made prior to the act, which is invalid because made on lands after they were withdrawn or reserved for power purposes and before a favorable determination by the Federal Power Commission under section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063; 1075), as amended (16 U.S.C. 792; 818) and the opening or restoration of the lands to location. Section 4 applies to unpatented locations for lands referred to in § 3530.0–3(a) only if:

(1) The location was made on or after August 11, 1955, or

(2) The location was made prior to August 11, 1955, and prior to the withdrawal or reservation of the lands for power purposes, or

(3) The location was made prior to August 11, 1955, on lands restored to location from a powersite reserve or withdrawal subject to section 24 of the Federal Power Act.

(c) The owner of an unpatented location coming under paragraph (b)(1) of this section, within sixty days from the date of location shall file in the United States land office for the district in which the lands lie, a copy of the notice or certificate of location and within sixty days after the expiration of each assessment year, a statement as to the assessment work done or improvements made during that assessment year. For identification purposes only, the copy of the location notice or certificate, filed in the land office under this subsection, should contain a notation that it was filed under the Act of August 11, 1955.

(d) The owner of an unpatented location coming under either paragraph (b)(2) or (3) of this section, before August 11, 1956 shall have filed in the United States land office for the district in which the lands lie a copy of the notice or certificate of location and within 60 days from the date of expiration of the assessment year which ended noon July 1, 1956 and within 60 days from the date of expiration of each succeeding assessment year, shall file a statement as to the assessment work done or improvements made during the previous assessment year.

Subpart 3537—Prior Existing Mining Locations

§ 3537.1 No limitation or restriction of rights under valid claims located prior to withdrawal.

(a) The act in section 5 provides:

Nothing in this act contained shall be construed to limit or restrict the rights of the owner or owners of any valid mining claim located prior to the date of withdrawal or reservation: *Provided*, That nothing in this act shall be construed to limit or restrict the rights of the owner or owners of any mining claim who are diligently working to make a discovery of valuable minerals at the time any future withdrawal or reservation for power development is made.

(b) Although the act does not limit or restrict the rights of owners of locations to which section 5 refers, such owners shall comply with section 4 by making the filings required either by paragraphs (c) or (d) of § 3536.1 whichever is applicable.

§ 3537.2 No limitation of rights where claimant in diligent prosecution of work when future withdrawals made.

(a) Under section 5 of the act the rights to a location made prior to any future withdrawal or reservation for power development or one on which the locator was diligently working to make a discovery of valuable minerals are not limited or restricted.

Subpart 3538—Use

§ 3538.1 Mining claim and millsite use.

(a) The act in section 6 provides as follows:

Notwithstanding any other provisions of this act, all mining claims and mill sites or mineral rights located under the terms of this act or otherwise contained on the public lands as described in section 2 shall be used only for the purposes specified in section 2 and no facility or activity shall be erected or conducted thereon for other purposes.

(b) Under this section, a mining claim or mill site may not be used for purposes other than for legitimate mining and milling. The claimant, therefore, may not erect on the mining claim any facility or activity such as filling stations, curio shops, cafes, tourist or hunting and fishing lodges, or conduct such businesses thereon.

PART 3540—PUBLIC LAW 585; MULTIPLE MINERAL DEVELOPMENT

Subpart 3540—Public Law 585, Multiple Mineral Development; General

Sec.
3540.0–1 Purpose.

Subpart 3541—Claims, Locations and Patents

3541.1 Validation of certain mining claims.
3541.2 Preference mining locations.
3541.3 Additional evidence required with application for patent.
3541.4 Reservation to United States of Leasing Act minerals.
3541.5 Mining claims and millsites located on Leasing Act lands after August 13, 1954.
3541.6 Acquisition of Leasing Act minerals in lands covered by mining claims and millsites.

Subpart 3542—Procedure to Determine Claims

3542.1 Procedure to determine claims to Leasing Act minerals under unpatented mining locations.
3542.2 Recordation of notice of application, offer, permit or lease.
3542.3 Request for publication of notice of Leasing Act filing; supporting instruments.
3542.4 Publication of request.
3542.5 Contents of published notice.
3542.6 Mailing of copies of published notice.
3542.7 Service of copies; failure to comply.
3542.8 Proof of publication.
3542.9 Failure of mining claimant to file verified statement.

Subpart 3543—Hearing

3543.1 Hearing; time and place.
3543.2 Stipulation between parties.
3543.3 Hearing; procedure.
3543.4 Effect of decision affirming a mining claimant's rights.
3543.5 Recording by mining claimant of request for copy of notice.
3543.6 Relinquishment by mining claimant of Leasing Act minerals.

Subpart 3544—Helium

3544.1 Helium Reserves Nos. 1 and 2; conditions of opening to mining location and mineral leasing.

Subpart 3545—Fissionable Source Materials

3545.1 Fissionable source materials; elimination of reservation in patents, etc.
3545.2 Elimination of fissionable source materials reservations.
3545.3 Mining locations for fissionable source materials.

AUTHORITY: The provisions of this Part 3540 issued under R.S. 2478; as amended; 43 U.S.C. 1201. Interpret or apply sec. 1, 68 Stat. 708; U.S.C. 521.

Subpart 3540—Public Law 585; Multiple Mineral Development; General

§ 3540.1 Purpose.

The act of August 13, 1954 (68 Stat. 708, 30 U.S.C. 521 et seq.), was enacted "To amend the mineral leasing laws and the mining laws to provide for multiple mineral development of the same tracts of public lands, and for other purposes." The regulations in this part are intended to implement only those sections of said act, hereinafter more fully identified, which require action by the Departmen' of the Interior or its agencies. The expression "act" when used in this part, means the act of August 13, 1954 (68 Stat. 708). The expression "Leasing Act", when used in this part, refers to the "mineral leasing laws" as defined in section 11 of the act of August 13, 1954 (68 Stat 708).

Subpart 3541—Claims, Locations and Patents

§ 3541.1 Validation of certain mining claims.

The act in section 1(a) provides as follows:

That (a) subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

(1) Included in a permit or lease issued under the mineral leasing laws; or

(2) Covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) Known to be valuable for minerals subject to disposition under the mineral leasing laws.

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: *Provided, however*, That, in order to be entitled to the benefits of this act, the owner of any such mining claim located prior to January

1, 1953, must have posted and filed for record, within the time allowed by the provisions of the act of August 12, 1953 (67 Stat. 539) [not later than December 10, 1953.] an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said act of August 12, 1953, and for the purpose of obtaining the benefits thereof: *And provided further*, That in order to obtain the benefits of this act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than one hundred and twenty days after the date of enactment of this act, must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this act, and for the purpose of obtaining the benefits thereof and, within said one hundred and twenty day period, if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant therto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

§ 3541.2 Preference mining locations.

The act in section 3 (a) and (b) provides as follows:

(a) Subject to the conditions and provisions of this Act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of one hundred and twenty days after the date of enactment of this act, as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application or lease.

(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this act or which may acquire validity under the provisions of this act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 CFR 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of thirty days after the filing for record of the notice or certificate of location of such mining claim unless, within said 30-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

§ 3541.3 Additional evidence required with application for patent.

All questions between mining claimants asserting conflicting rights of possession under mining claims, must be adjudicated in the courts. Any applicant for mineral patent, who claims benefits under sections 1 or 3 of this act, or the act of August 12, 1953, supra, in addition to matters required in Group 3400 of this chapter, must file with his Application for Patent a certified copy of each instrument required to have been recorded as to his mining claim in order to entitle it to such benefits unless an Abstract of Title or Certificate of Title filed with the Application for Patent shall set forth said instruments in full. If a mining claim was located on or after the date of this act a statement must be filed showing that on the date of location the lands affected were not covered by a uranium lease or an application for a uranium lease. The applicant must also file a copy of the notice required to be posted on the claim and state in his application that such notice was duly posted in accordance with the requirements of the act.

§ 3541.4 Reservation to United States of Leasing Act minerals.

Section 4 of the act provides that:

Every mining claim or millsite—

(1) Heretofore located under the mining laws of the United States which shall be entitled to benefits under the first three sections of this Act; or

(2) Located under the mining laws of the United States after the effective date of passage of this act, shall be subject, prior to issuance of a patent therefor, to a reservation to the United States of all Leasing Act minerals and of the right (as limited in section 6 hereof) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite shall contain such reservation as to, but only as to, such lands covered thereby which at the time of the issuance of such patent were—

(a) Included in a permit or lease issued under the mineral leasing laws; or

(b) Covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) Known to be valuable for minerals subject to disposition under the mineral leasing laws.

§ 3541.5 Mining claims and millsites located on Leasing Act lands after August 13, 1954.

Since enactment of the act on August 13, 1954, and subject to its conditions and provisions, including the reservation of Leasing Act minerals to the United States as provided in section 4, mining claims and millsites may be located under the mining laws of the United States on lands of the United States which at the time of location are—

(a) Included in a permit or lease issued under the mineral leasing laws; or

(b) Covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) Known to be valuable for minerals subject to disposition under the mineral leasing laws: This is inclusive of lands in petroleum reserves, except Naval petroleum reserves;

to the same extent in all respects as if such lands were not so included or covered or known.

§ 3541.6 Acquisition of Leasing Act minerals in lands covered by mining claims and millsites.

The Leasing Act minerals in lands covered by mining claims and millsites located after the date of the act or validated pursuant to the act may be acquired under the mineral leasing laws, upon appropriate application therefor being filed prior to the issuance of patent to such mining claims or millsites, or after the issuance of patent, if the patent contains a reservation of Leasing Act minerals to the United States as provided in section 4 of the act.

Subpart 3542—Procedure To Determine Claims

§ 3542.1 Procedure to determine claims to Leasing Act minerals under unpatented mining locations.

Section 7 of the act provides a procedure whereby a Leasing Act applicant, offeror, permittee or lessee may have determined the existence and validity of claims to Leasing Act minerals asserted under unpatented mining locations made prior to August 13, 1954, affecting lands embraced within such application, offer, permit or lease. This procedure is described in the succeeding regulations, and involves the prior recording of notice of such application, offer, permit or lease and the filing of a request for publication of notice of the same.

§ 3542.2 Recordation of notice of application, offer, permit or lease.

Not less than 90 days prior to the filing of such request for publication, there must have been filed for record in the county office of record for each county in which lands covered thereby are situated, a notice of the filing of the application or offer, or of the issuance of the permit or lease, upon which said request for publication is based. Such notice must set forth the date of the filing of such application or offer or of the issuance of such permit or lease, the name and address of the applicant, offeror, permittee or lessee, and the description of the lands covered by such application, offer, permit or lease, showing the section or sections of the public land surveys which embrace such lands, or, if such lands are unsurveyed, either

the section or sections which would probably embrace such lands when the public land surveys are extended to such lands, or a tie by courses and distances to an approved United States mineral monument.

§ 3542.3 Request for publication of notice of Leasing Act filing; supporting instruments.

(a) Having complied with the requirement of § 3542.2 the applicant, offeror, permittee or lessee may file a Request for Publication of notice of such party's application, offer, permit or lease. Such request for publication shall be filed in the appropriate land office. No Request for Publication, or publication, may include lands in more than one Land District.

(b) The filing of a Request for Publication must be accompanied by the following:

(1) A certified copy of the Notice of Application, offer, permit or lease setting forth the date of recordation thereof. The date of recordation shall be presumed to have been the date when the notice was filed for record unless the certified copy of the notice shows otherwise or is accompanied by an affidavit of the person filing the request for publication showing that the notice was filed for record on a date prior to the date of recordation.

(2) An affidavit or affidavits of a person or persons over 21 years of age, setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of the lands covered by such request or any part thereof. If no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof, on the date of such examination, such affidavit or affidavits shall set forth such fact. If any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, such affidavit or affidavits shall set forth the name and address of each such person unless the affiant shall have been unable, through reasonable inquiry, to obtain information as to the name and address of such person; in which event, the affidavit or affidavits shall set forth fully the nature and the results of such inquiry.

(3) The certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's, abstractor's or attorney's examination of the instruments affecting the lands involved, of record in the public records of the county in which said lands are situate as shown by the indices of the public records in the county office of record for said county, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim located prior to enactment of the Act on August 13, 1954, together with the address of such person if disclosed by such instruments of record.

(4) A nonrefundable $10 remittance to cover service charge.

§ 3542.4 Publication of request.

(a) Upon receipt of a Request for Publication and accompanying instruments, if all is found regular, the Manager, or the Director, as may be appropriate, at the expense of the requesting person (who prior to the commencement of publication must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of the application, offer, permit or lease to be published in a newspaper, to be designated by the Manager, or the Director, as may be appropriate, having general circulation in the county in which the lands involved are situated.

(b) If such notice is published in a daily paper, it shall be published in the Wednesday issue for 9 consecutive weeks, or, if in a weekly paper, in 9 consecutive issues, or, if in a semi-weekly or triweekly paper, in the issue of the same day of each week for 9 consecutive weeks.

§ 3542.5 Contents of published notice.

The notice to be published as required by the preceding section, shall describe the lands covered by the application, offer, permit or lease in the same manner as is required under § 3542.2. Such published notice shall notify whomever it may concern, that if any person claiming or asserting under, or by virtue of, any unpatented mining claim located prior to enactment of the act of August 13, 1954, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such Request for Publication was filed (which office shall be specified in such notice), and within 150 days from the date of the first publication of such notice (which date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim:

(1) The date of location;

(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim; such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation of Leasing Act minerals specified in section 4 of the act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

§ 3542.6 Mailing of copies of published notice.

Within fifteen days after the date of first publication, the person requesting such publication shall:

(a) Cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by the affidavit or affidavits of examination of the land filed, as set forth in § 3542.3.

(b) Cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person who may, on or before the date of first publication, have filed for record, as to any lands described in the published notice, a Request for Notices, as provided in subsection (d) of section 7 of the act (see § 3543.5);

(c) Cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the certificate required to be filed under § 3542.3 and

(d) File in the office where the Request for Publication was filed an affidavit that copies have been delivered or mailed as herein specified. Notwithstanding the requirements in paragraphs (a), (b) and (c) of this section, not more than one copy of such notice need be delivered or mailed to the same person.

§ 3542.7 Service of copies; failure to comply.

If any applicant, offeror, permittee or lessee requesting publication of notice under these regulations shall fail to comply with the requirements of section 7(a) of the act as to personal delivery or mailing of a copy of the published notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice shall in no manner affect, diminish, prejudice or bar any rights of that person.

§ 3542.8 Proof of publication.

After the period of newspaper publication has expired, the person requesting publication shall obtain from the office of the newspaper of publication, a sworn statement that the notice was published at the time and in accordance with the requirements under these regulations of this part, and shall file such sworn statement in the office where the Request for Publication was filed.

§ 3542.9 Failure of mining claimant to file verified statement.

If any claimant under any unpatented mining claim located prior to enactment of the act on August 13, 1954, which embraces any of the lands described in any notice published in accordance with the regulations in this part shall fail to file a verified statement, as specified in such published notice within one hundred and fifty days from the date of the first publication of such notice, such failure shall

be conclusively deemed, except as otherwise provided in § 3542.7.

(a) To constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and

(b) To constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation of Leasing Act minerals specified in section 4 of the act and

(c) To preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act minerals by reason of such mining claim.

Subpart 3543—Hearing

§ 3543.1 Hearing; time and place.

If any verified statement shall be filed by a mining claimant then the Manager of the Land Office, or the Director, as may be appropriate, shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals. Such place of hearing shall be in the county where the lands in question, or part thereof, are located, unless the mining claimant agrees otherwise.

§ 3543.2 Stipulation between parties.

If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by the notice published pursuant to that request.

§ 3543.3 Hearing; procedure.

The procedures with respect to notice of such hearing and the conduct thereof, and in respect to appeals, shall follow the provisions of Appeals and Contests of the Department of the Interior and the Bureau of Land Management (Part 1850 of this chapter) relating to contests or protests affecting public lands of the United States.

§ 3543.4 Effect of decision affirming a mining claimant's rights.

If, pursuant to a hearing held as provided in the regulations of this part, the final decision rendered in the matter shall affirm the validity and effectiveness of any mining claimant's right or interest under a mining claim as to Leasing Act minerals, then no subsequent proceedings under section 7 of the act and the regulations of this part shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim.

§ 3543.5 Recording by mining claimant of request for copy of notice.

Section 7(d) of the act provides that:

Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

(1) The date of location;

(2) The book and page of the recordation of the notice or certificate of location; and

(3) The section or sections of the public land surveys which embrace such mining claim; or, if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

§ 3543.6 Relinquishment by mining claimant of Leasing Act minerals.

Section 8 of the act provides that:

The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this Act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

Subpart 3544—Helium

§ 3544.1 Helium Reserves Nos. 1 and 2; conditions of opening to mining location and mineral leasing.

(a) Section 9 of the act provides that:

Lands withdrawn from the public domain which are within (a) Helium Reserve Numbered 1, pursuant to Executive Orders of March 21, 1924, and January 28, 1926, and (b) Helium Reserve Numbered 2 pursuant to Executive Order 6184 of June 26, 1933, shall be subject to entry and location under the mining laws of the United States, and to permit and lease under the mineral leasing laws, upon determination by the Secretary of the Interior, based upon available geologic and other information, that there is no reasonable probability that operations pursuant to entry or location of the particular lands under the mining laws, or pursuant to a permit or lease of the particular lands under the Mineral Leasing Act, will result in the extraction or cause loss or waste of the helium-bearing gas in the lands of such reserves: *Provided*, That the lands shall not become subject to entry, location, permit, or lease until such time as the Secretary designates in an order published in the FEDERAL REGISTER: *And provided further*, That the Secretary may at any time as a condition to continued mineral operations require the entrymen, locator, permittee, or lessee to take such measures either above or below the surface of the lands as the Secretary deems necessary to prevent loss or waste of the helium-bearing gas.

(b) No mining location made and no application for permit or lease filed as to Helium Reserve land prior to the time of opening specified in the notice of opening published in the FEDERAL REGISTER will confer any rights on the locator or applicant.

Subpart 3545—Fissionable Source Materials

§ 3545.1 Fissionable source materials; elimination of reservation in patents, etc.

Section 10(c) of the act in its amendment of section 5(b)7 of the Atomic Energy Act of 1946 (60 Stat. 755), eliminated the requirement for a reservation of fissionable source materials in patents, conveyances, leases, permits or other authorizations as to public lands or their mineral resources granted by the United States after August 1, 1946, and provided that in cases where any patent, conveyance, lease, permit or other authorization has been issued which reserved to the United States fissionable source materials and the right to enter upon the land and prospect for, mine and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit or other authorization without such reservation. The provisions of said section 10(c) are reenacted in section 68(c) of the Atomic Energy Act of 1954 (68 Stat. 921, 934).

§ 3545.2 Elimination of fissionable source materials reservations.

(a) Any person who holds a patent, conveyance, lease, permit or other authorization issued by the Department of the Interior through the Bureau of Land Management, with a fissionable source material reservation to the United States pursuant to section 5(b)7 of the Atomic Energy Act of 1946, prior to its amendment above referred to, and who is desirous of having such reservation eliminated from the patent, conveyance, lease, permit or other authorization, must file an application therefor in the appropriate land office.

(b) Such an application must set forth the name and address of the applicant, must fully identify the instrument from which elimination of such reservation is sought, by serial number, date, name of patentee, grantee, lessee, permittee or other designated recipient of authorization, and must set forth the description of the lands to which the application relates.

(c) If the application is for a new or supplemental patent or other conveyance, the applicant must file with and in support of the application, an abstract of title certified by a duly authorized and licensed abstractor of titles, or a certificate of title certified by a duly authorized and licensed title company, certified in either instance to a date inclusive of the date of the filing of such application and showing the applicant to be the holder and owner, as to the lands covered by the original patent, or conveyance. The successor to any original lease, permit or holder of other authorization is shown by the records of the Bureau of Land Management. Any new or supplemental patent, conveyance, lease, permit or other authorization, issued pursuant to such application, will be issued in the name of the applicant.

(d) If, as to any lands covered by a patent containing a fissionable source material reservation, any rights have been granted by the United States pursuant to such reservation, then any new or supplemental patent shall be made subject to those rights, but the patentee shall be subrogated to the rights of the United States.

(e) An application for a new or supplemental lease, permit or other authorization, must be filed by the record holder and owner of such lease, permit or other authorization as shown by the records of the Bureau of Land Management.

(f) If the application (and supporting abstract of title or title certificate, where required) be found to comply with the regulations in this part, the Manager of the Land Office will:

(1) Where the application is for a new or supplemental patent or conveyance, transmit the application, including the supporting abstract or title certificate, to the Director of the Bureau of Land Management for appropriate action; or

(2) Where the application is for a new or supplemental lease, permit or other authorization, forward to the applicant a supplement to and modification of the lease or permit or other authorization setting forth that the fissionable source material reservation of the original lease, permit or other authorization is thereby eliminated from said original lease, permit or other authorization insofar as it relates to the land covered by the application. No execution by an applicant of a so-issued supplemental and modification instrument shall be required.

(g) Appropriate notation shall be made upon the records of the Land Office in which any application was filed of the issuance pursuant thereto of a new or supplemental patent, conveyance, lease, permit or other authorization.

§ 3545.3 Mining locations for fissionable source materials.

(a) In view of the amendment of section 5(b)(7) of the Atomic Energy Act of 1946 by section 10(c) of the act of August 13, 1954 (68 Stat. 708), and of the provisions of the Atomic Energy Act of 1954 (68 Stat. 921), it is clear that after enactment of said act of August 13, 1954, valid mining locations under the mining laws of the United States may be based upon a discovery of a mineral deposit which is a fissionable source material.

(b) As to mining locations made prior to the enactment of said act of August 13, 1954, section 10(d) of the act provides:

(d) Notwithstanding the provisions of the Atomic Energy Act, and particulary sec. 5(b)(7) thereof, prior to its amendment hereby, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly sec. 3 thereof, any mining claim, heretofore located under the mining laws of the United States for or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

Group 3600—Special Disposal Provisions

PART 3610—MINERAL MATERIALS DISPOSALS

Subpart 3610—Mineral Materials Disposals; General

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AUTHORITY: The provisions of this Part 3610 issued under 61 Stat. 681, as amended, 69 Stat. 367; 30 U.S.C. 601 et seq.; 48 Stat. 1269; U.S.C. 315.

Subpart 3610—Mineral Materials Disposals; General

§ 3610.0-3 Authority.

(a) The Materials Act of July 31, 1947, amended by the acts of July 23, 1955 and September 25, 1962 (30 U.S.C. 601, 602), authorizes the disposal of mineral materials including, but not limited to, petrified wood and common varieties of sand, stone, gravel, pumice, pumicite, cinders and clay, in the public land of the United States (including the O&C lands as described in § 5040.0-3 of this chapter), if the disposal of such materials (1) is not otherwise expressly authorized by law, including, but not limited to the act of June 28, 1934, as amended (43 U.S.C. 315), and the United States mining laws, and (2) is not expressly prohibited by the laws of the United States, and (3) would not be detrimental to the public interest. Disposals of pumicite, within certain areas of the Katmai National Monument, Alaska, may also be made under this act, however, under appropriate contract conditions for the protection of the monument. Act of April 15, 1954 (68 Stat. 53).

(b) Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, county, municipality, water district or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under the regulations in this part only, with the consent of such Federal department or agency or of such State or local governmental unit. The act provides that the Secretary of Agriculture shall dispose of materials from lands administered by him for national forest purposes or for purposes of title III of the Bankhead-Jones Farm Tenant Act of where withdrawn for any other function of the Department of Agriculture. See 36 CFR, Part 251 for Forest Service regulations relative to the disposal of materials in the national forests.

(c) Disposal of mineral materials under the act may not be made from any lands in any national park or national monument or from any Indian lands or lands set aside or held for the use or benefit of Indians including lands over which jurisdiction has been transferred to the Department of the Interior by Executive Order for the use of Indians.

(d) The act authorizes the Secretary of the Interior in his discretion to permit free use of mineral materials by any Federal or State governmental agency unit or subdivision, including municipalities, or any association or corporation not organized for profit for use other than for commercial or industrial purposes or resale.

§ 3610.0–5 Definitions.

(a) "Bureau" means Bureau of Land Management, Department of the Interior.

(b) "Director" means the Director of the Bureau of Land Management.

(c) "Authorized officer" means the Government official who has been duly authorized to sign a contract for the sale of mineral materials from public lands or to supervise operations and take action under such contract.

(d) "Mineral materials" include, but are not limited to "common varieties" of sand, stone, gravel, pumice, pumicite, cinders, clay and other mineral materials, and petrified wood.

(e) The word "act" when used in this part refers to the act of July 31, 1947, as amended.

§ 3610.1 Mineral materials disposal policy; limitations.

(a) Mineral material disposals may not be made under the act from public lands on which: (1) There are valid, existing claims to the land by reason of settlement, entry, or similar rights obtained under the public land laws; (2) there are any unpatented mining claims located either before or after July 23, 1955, which have not been cancelled by appropriate legal proceedings; (3) there are valid unpatented mining claims located on or after July 23, 1955, for valuable minerals that are not a "common variety", occurring in, or associated with "common variety" minerals.

(b) No sale of material shall be made under this part where the authorized officer determines that the aggregate damages to public lands and resources will exceed the benefits derived from such disposal. Sound conservation practices shall be exercised by all permittees or purchasers in the removal of materials under the provisions granted by this part.

(c) Mineral materials may be sold upon the request of any interested party or upon the authorized officer's own initiative.

§ 3610.2 Trespass; penalty for unauthorized removal of materials.

The extraction, severance, injury, or removal of timber or mineral materials from public lands under the jurisdiction of the Department of the Interior, except when authorized by law and the regulations of the Department, is an act of trespass. Trespassers will be liable in damages to the United States, and will be subject to prosecution for such unlawful acts. See Subpart 9239 of this chapter.

Subpart 3611—Mineral Material Sales

§ 3611.1 Advertising.

(a) Material sales offered by competitive bidding shall be advertised in a newspaper of general circulation in the area where the material is located and notice of the sale shall be posted in a conspicuous place in the office where bids are to be submitted. Such advertisement shall be published on the same day once a week for two consecutive weeks except that notice of sales amounting to $5,000 or less need be published only once.

(b) The advertisement of sale shall state the location by legal description of the tract or tracts on which the material is being offered, the kind of material, estimated quantities, the unit of measurement, appraised prices time and place for receiving and opening of bids, minimum deposit required, the access situation, the method of bidding, the office where additional information may be obtained, and such additional information as the authorized officer may deem necessary.

(c) Advertisement of materials appraised at $1,000 or less may be published or posted at the discretion of the authorized officer.

§ 3611.2 Sales, appraisals, and measurements.

(a) No materials, other than that designated in the contract or permit, shall be extracted unless designated in advance and written permission given by the authorized officer and payment made therefor.

(b) All materials to be sold shall be appraised and in no case shall it be sold at less than the appraised value.

(c) Such mineral material shall be measured by volume, weight, or truck tally, or combination of these methods, or such other form of measurement as the authorized officer determines to be in the public interest.

§ 3611.3 Competitive sales.

All sales other than those specified in § 3611.4 shall be made after inviting competitive bids through publication and posting in conformance with § 3611.1. Sales shall not be held sooner than one week after the last advertisement. No competitive sales shall be offered by the authorized officer unless there is access to the sale area which is available to anyone who is qualified to bid.

§ 3611.4 Negotiated sales.

(a) (1) When it is determined by the authorized officer to be in the public interest and where the sale is of property for which it is impracticable to obtain competition, he may sell at not less than the appraised value, without advertising or calling for bids, mineral materials not exceeding $5,000 in value. Where it is impracticable to obtain competition and the materials are to be used in connection with the development of Federal lands under a mineral lease or leases issued by the United States, sales under this paragraph may be made in a sum not exceeding $10,000.

(2) The authorized officer may sell, at not less than the appraised value, without advertising or calling for bids, mineral materials not exceeding $10,000 in value when it is in the public interest and the contract is for materials to be used in connection with a public works improvement program on behalf of a Federal, State, or local governmental agency and the public exigency will not permit the delay incident to advertising.

(3) The total aggregate of negotiated sales which may be made in any one State to or for the benefit of any one person, partnership, association or corporation in any period of twelve consecutive months shall not exceed $10,000.

(b) Non-exclusive disposals may be made under this paragraph from the same deposit within areas designated by the State Director for this purpose. These pit sites are not to exceed 40 acres in size, except they may be enlarged as the initial 40-acre site is depleted. Such permits issued for sale or removal of material from established community pit sites will constitute a superior right to remove the material as against any subsequent claim or entry of the lands.

§ 3611.5 Qualification of bidders and purchasers.

A bidder or purchaser for the sale of mineral materials must be (a) an individual who is a citizen of the United States; (b) a partnership; (c) an unincorporated association composed wholly of such citizens; or (d) a corporation authorized to transact business in the States in which the mineral material is located. A bidder must also have submitted a deposit in advance of the sale as required by § 3611.6.

§ 3611.6 Deposits with bids.

Sealed bids must be accompanied by a deposit of not less than 10 percent of the appraised value of the mineral materials. For mineral materials offered at oral auction, bidders must make a deposit of not less than 10 percent of the appraised value prior to the opening of the bidding. The authorized officer may, in his discretion, require larger deposits. Deposits may be in the form of cash, money orders, bank drafts, cashier's or certified checks made payable to the Bureau of Land Management, or bid bonds of a corporate surety shown on the approved list of the United States Treasury Department. Upon conclusion of the bidding the bid deposits of all bidders, except the high bidder, shall be returned. Except for corporate surety bid bonds, the deposit of the successful bidder will be applied on the purchase price at the time the contract is signed by the authorized officer.

§ 3611.7 Conduct of sales.

(a) Bidding at competitive sales shall be conducted by the submission of written sealed bids, oral bids, or a combination of both as directed by the authorized officer. In the event of a tie in high sealed bids, the highest bidder shall be determined by oral auction among the high bidders. If no oral bid is made which is higher than the sealed bids, the highest bidder shall then be determined by lot. Except for the first bid, no oral bid will be considered or recorded which is not higher than the highest preceding bid. In oral auction sales the high bidder must confirm his bid in writing immediately upon being declared the high bidder.

(b) At the request of the authorized officer, or the officer conducting the sale, bidders must furnish evidence of qualification or if such evidence has already been furnished, make appropriate reference to the record containing it.

(c) When it is in the interest of the Government to do so the authorized officer may reject any or all bids and may

waive minor deficiences in the bids or the mineral material sale advertisment.

§ 3611.8—Contracts

§ 3611.8–1 Award of contract.

(a) The authorized officer may require the high bidder to furnish such information as is necessary to determine the ability of the bidder to preform the obligations of the contract. The contract shall be awarded to the high bidder, unless he is not qualified or responsible or unless all bids are rejected. If the high bidder is not qualified or responsible or fails to sign and return the contract together with the required performance bond, the contract may be offered and award for the amount of the high bid to the highest of the bidders who is qualified, responsible, and willing to accept the contract.

(b) Within 30 days after receipt of the contract the successful bidder shall sign and return the contract, together with any required performance bond: *Provided*, That the authorized officer may, in his discretion, extend such period an additional 30 days if the extension is applied for in writing and granted in writing within the first 30-day period If the successful bidder fails to comply writing within the first 30-day period. shall be forfeited as liquidated damages.

§ 3611.8–2 Contract forms.

All sales shall be made on contract forms approved by the Director. The authorized officer may include additional provisions in the contract to cover conditions peculiar to the sale area, such as road construction, protection of improvements, and watersheds and recreational values. Such additional provisions shall be made available for inspection by prospective bidders during the advertising period.

§ 3611.8–3 Performance bonds.

(a) A performance bond of not less than 20 percent of the total contract price will be required for contracts of $2,000 or more. When the total contract price is less than $2,000, bond requirements, if any, will be in the discretion of the authorized officer. The performance bond may be:

(1) Bond of a corporate surety shown on the approved list issued by the U.S. Treasury Department and executed on an approved standard form; or

(2) Personal surety bond, executed on an approved standard form if the authorized officer determines the principals and bondsmen are capable of carrying out the terms of the contract; or

(3) Cash bond; or

(4) Negotiable securities of the United States.

(b) Where the materials sale contract has required a bond in connection with construction of a road, the authorized officer may, upon satisfactory completion of the road construction, reduce the amount of the performance bond by the amount of all or a portion of the estimated road construction costs: *Provided, however*, That the total amount of the performance bond shall, in no event, be reduced below 20 percent of the total contract price.

§ 3611.8–4 Payments.

(a) No part of any mineral materials sold may be removed unless advance payment has been made as provided in the contract.

(b) For sales under $2,000 the full amount shall be paid prior to or at the time the authorized officer signs the contract. For sales of $2,000 or more the authorized officer may allow payment by installments as provided below:

(1) Installment payments shall be determined by the authorized officer but in no case shall be less than 10 percent of the total purchase price. For fixed unit sales the first installment shall be paid prior to or at the time the authorized officer signs the contract. The second installment shall be paid prior to the commencement of removal operations. Remaining installments shall be due and payable without notice whenever the value of the material removed shall equal the sum of the second and subsequent installments paid by the purchaser. The total amount of the purchase price must be paid prior to 60 days before the expiration date of the contract. The purchaser shall not be entitled to a refund on a fixed unit sale even though the amount of material removed or designated for removal may be less than the estimated total volume shown in the contract.

(2) For sales of all the material within a specified area, or sales for duration of production, installment payments shall be made in the same manner as in subparagraph (1) of this paragraph, except that if it is determined after all designated materials has been removed that the total payments made under the contract exceed the total value of the material measured, such excess shall be returned to the purchaser within 60 days after such determination is made.

§ 3611.8–5 Time for removal.

Time for removing materials sold, except that sold under a duration of production contract, shall not exceed a period of two years except that such time for removal may be extended as provided in § 3611.8–6.

§ 3611.8–6 Extension of time.

If the purchaser shows that his delay in removal was due to causes beyond his control and without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Such written request must be received not later than 30 days prior to the expiration date of the time for removal but not earlier than 90 days prior thereto. Additional extensions may be granted if the purchaser submits the same type of written request not later than 30 days prior to the expiration date of an extension but not earlier than 90 days prior thereto. No extension may be granted without reappraisal as provided in § 3611.8–7.

§ 3611.8–7 Reappraisals.

If an extension is granted as provided in § 3611.8–6 mineral materials remaining on the contract area, title to which has not passed to the purchaser, shall be reappraised by the authorized officer. Such reappraised prices shall become the new unit prices for the purpose of computing the reappraised total purchase price except that the new unit prices shall not be less than the unit prices that were in effect during the original time for removal or previous extension.

§ 3611.9 Assignments.

(a) The purchaser may not assign the contract or any interest therein without the written approval of the authorized officer. An assignment shall contain all the terms and conditions agreed upon by the parties thereto.

(b) The authorized officer will not approve any proposed assignment involving contract performance unless the assignee (1) is authorized to transact business in the State in which the mineral material is located; (2) submits such information as is necessary to assure the authorized officer of his ability to fulfill the contract; and (3) furnishes a performance bond as required by § 3611.8–3 or obtains a commitment from the previous surety to be bound by the assignment when approved. Upon approval of an assignment by the authorized officer, the assignee shall be entitled to all the rights and subject to all the obligations under the contract, and the assignor shall be released from any further liability under the contract.

Subpart 3612—Free Use

§ 3612.1 Application for permit.

An application for permit, in duplicate, must be made on Bureau approved forms and filed in any office or with any employee of the Bureau of Land Management authorized to issue a permit.

§ 3612.2 Conservation practices.

All mineral materials disposed of under free-use shall be extracted or removed in accordance with approved conservation practices so as to preserve to the maximum extent feasible all scenic, recreational, watershed, and other values of the land and resources.

§ 3612.3 Issuance and cancellation of free-use permit; removal of materials; bond.

(a) A free-use permit, on a form approved by the Director, shall incorporate the provisions, if any, governing the selection, removal, and use of the mineral materials. Free-use permits shall not be issued where the applicant owns or controls an adequate supply of the mineral materials to meet his needs. The material applied for must be for the applicant's own use and may not be bartered or sold. No mineral materials shall be removed until the permit is issued.

(b) The authorized officer may cancel a permit if the permittee fails to observe its terms and conditions, or if the permit has been issued erroneously.

(c) A bond satisfactory to the authorized officer may be required as a guarantee of faithful performance of the provisions of the permit and applicable regulations.

(d) A free-use permit issued under this part may not be assigned.

§ 3612.4 Duration, extension, and termination of permit.

Permits shall be granted for periods not to exceed one year and shall terminate on the expiration dates shown therein unless extended by the authorized officer, such extension not to exceed one year. However, the authorized officer may grant permits to any Federal, State, or Territorial agency, unit, or subdivision, including municipalities, for such periods as he may deem appropriate, not to exceed 10 years. The permittee must notify the officer in charge upon completion of removal.

§ 3612.5 Removal by agent.

A free-use permittee may procure the mineral materials by agent. Such agent shall not, however, be paid more than fair compensation for the time, labor, and money expended in procuring the material and processing it, and, no charge shall be made for the material itself. No part of the material may be used in payment for services in obtaining or processing it.

§ 3612.6 Removal of improvements.

Upon expiration of the permit period the permittee will be given 90 days to remove equipment, personal property and any improvements he has placed on the land, except roads, culverts and bridges are to be left in place, in good condition and will become the property of the United States upon expiration of the 90-day removal period.

§ 3612.7 Permits to governmental units.

A free-use permit may be issued to any Federal or State agency, unit, or subdivision, including municipalities, without limitation as to the number of permits or as to the value of the mineral materials to be extracted or removed, provided that the applicant makes a satisfactory showing to the authorized officer that such materials will be used for a public project. Such permits will constitute a superior right to remove the materials and will continue in full force and effect, in accordance with its terms and provisions, as against any subsequent claim to or entry of the lands.

§ 3612.8 Permits to non-profit organizations.

A free-use permit issued to a nonprofit association or corporation may not provide for the disposition of mineral materials having an in-place value in excess of $100 during any one calendar year. Such permittee is granted a right to remove materials while the permit remains in force and, in accordance with the provisions of the permit, as against a subsequent applicant who may wish to obtain the same mineral material by purchase. However, the mineral materials may not be removed by the permittee after the land has been included in a valid claim by reason of settlement, entry, mining location or similar rights obtained under the public land laws.

PART 3630—AREAS SUBJECT TO SPECIAL MINING LAWS

Subpart 3631—O & C Lands

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Subpart 3631—O. & C. Lands

AUTHORITY: The provisions of this Subpart 3631 issued under R.S. 2478; 43 U.S.C. 1201.

§ 3631.1 General provisions.

(a) The act of April 8, 1948 (62 Stat. 162) reopens the revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands (hereinafter referred to in this section as the O. and C. lands) in Oregon, except power sites, to exploration, location, entry, and disposition under the United States Mining Laws. The act also validates mineral claims, if otherwise valid, located on the O. and C. lands during the period from August 28, 1937, to April 8, 1948.

(b) The procedure in the locating of mining claims, performance of annual labor, and the prosecution of mineral patent proceedings in connection with O. and C. lands is the same as provided by the United States Mining Laws and the general regulations in this part, and is also subject to the additional conditions and requirements hereinafter set forth.

§ 3631.2 Requirements for filing notices of locations of claims; descriptions.

(a) Where prior to April 8, 1948, a mining claim has been located upon O. and C. lands, the owner thereof must file for record, not later than October 5, 1948, in the land office of the land district in which the claim is situated, a copy of the notice of location of the claim. With respect to all mining claims located on O. and C. lands on or after April 8, 1948, the owner thereof must file for record, within 60 days of the date of such mining location, in the appropriate land office, a copy of the notice of location of the claim.

(b) If the location affects surveyed lands and the copy of location notice does not describe those legal subdivisions, section, township and range partly or wholly covered by the mining claim, the copy must be accompanied by a statement of the owner of the claim describing the legal subdivisions affected.

(c) If the location affects unsurveyed lands and the copy of location notice does not show the land described therein connected by course and distance to the nearest corner of the public land surveys and does not give the probable legal subdivisions affected if the lands were surveyed, the copy must be accompanied by a statement of the owner of the claim giving that information or satisfactory reasons for not doing so.

(d) The name and address of each owner of the claim should be furnished with the other data required by this section.

§ 3631.3 Requirement for filing statements of assessment work.

The owner of any unpatented mining claim located upon O. and C. lands must also file for record in the land office in which the claim is situated, within 60 days after the expiration of any annual assessment year, a statement as to the assessment work done or improvements made during the previous assessment year, or, as to compliance in lieu thereof, with any applicable relief act.

§ 3631.4 Restriction on use of timber; application for such use.

The owner of any unpatented mining claim located upon O. and C. lands on or after August 28, 1937, shall not acquire title, possessory or otherwise, to the timber, now or hereafter growing upon such claim. Such timber may be managed and disposed of under existing law or as may be provided by subsequent law. The owner of such unpatented mining claim, until such time as the timber is otherwise disposed of by the United States, if he wishes to cut and use so much of the timber upon his claim as may be necessary in the development and operation of his mine, shall file a written application with the district forester for permission to do so. The application shall set forth the estimated quantity and kind of timber desired and the use to which it will be put. The applicant shall not cut any of the timber prior to the approval of the application therefor.

§ 3631.5 Applications for final certificates and patents.

Applications for patents and final certificates in connection with mining claims located upon O. and C. lands on or after August 28, 1937 must be noted "Mining claims on O. and C. lands, under the act of April 8, 1948." All patents issued on such claims located on or after August 28, 1937, shall contain an appropriate reference to the act of April 8, 1948, and shall indicate that the patent is issued subject to the conditions and limitations of the act.

Subpart 3632—Olympic National Park, Washington

AUTHORITY: The provisions of this Subpart 3632 issued under sec. 2, 52 Stat. 1242; 16 U.S.C. 252.

§ 3632.0–3 Authority.

(a) By the act of Congress approved June 29, 1938 (52 Stat. 1241; 16 U.S.C. 251–255), the Mount Olympus National Monument was abolished and certain described lands, including the lands in the Monument, were reserved, withdrawn from disposal, and dedicated and set apart as a public park to be known as the Olympic National Park. The act provides that valid existing claims shall not be affected thereby.

(b) Section 2 of the act provides:

That in the areas of said park lying east of the range line between ranges 9 and 10 and north of the seventh standard parallel, and east of the range line between ranges 4 and 5 west, Willamette meridian, all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws for a period of five years from the date of approval of this Act, with rights of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

§ 3632.1 Mining locations during 5-year period.

Under the provisions of section 2 of the act the lands within the area described in that section are, for a period of 5-years from the date of the act, open to prospecting for the kinds of mineral subject to location under the United States mining laws and upon discovery of any such mineral, locations may be made in accordance with the provisions of the mining laws and regulations thereunder. Such locations duly made within the 5-year period will carry all the rights and incidents of mining locations, except that they will give to the locator no title to the land within their boundaries, or claim thereto, except the right to occupy and use so much of the surface of the land as required for all purposes reasonably necessary to mine and remove the minerals, such occupation and use to be under general regulations prescribed by the Secretary of the Interior. No prospecting may be done or locations made on the land after the expiration of the 5-year period from the date of this act, but the right to remove mineral deposits from valid locations made during the 5-year period may be maintained thereafter by complying with the requirements of the United States mining laws and the regulations in this subpart.

§ 3632.2 Cutting of timber.

The locator of a mining claim within the area described in section 2 of the act may cut timber within the boundaries of his claim for mining and domestic uses only with the permission of the superintendent of the park or his representative who will designate the timber to be cut. All slash, brush or debris resulting from the cutting of timber upon mining claims shall be disposed of by the locator in such manner and at such time as may be designated by the National Park Service officer in charge so as to prevent the creation of fire hazards, or conditions conducive to the development of infestation by timber-destroying insects.

§ 3632.3 Construction of trails and roads.

Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining a permit from the Director of the National Park Service. Applications for such permits may be made through the officer in charge of the park upon submitting a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee maintaining the road or trail in a passable condition, satisfactory to the superintendent of the park, so long as it is used by the permittee or his successors.

§ 3632.4 Occupation and use of surface.

Occupation and use of the surface of a mining claim is restricted by section 2 of the act to such as is reasonably incident to the exploration, development and extraction of the minerals in the claim. Accordingly, any locator or patentee of a mining claim located under this section of the act will be entitled to such right. A locator or patentee shall not be entitled to the exclusive use of any hot or mineral springs which may be within the boundaries of his claim, or to any use of such springs for other than mining purposes. Prospectors and miners shall at all times conform to any rules now prescribed or which may be made applicable by the Secretary of the Interior to this park. Special attention is directed to those regulations prohibiting hunting, trapping, and the carrying of firearms within the boundaries of the park.

§ 3632.5 Termination of right to use of surface of mining claims.

The right of occupation and use of the surface of the land embraced in the boundaries of a location, entry or patent pursuant to section 2 of the act will terminate when the minerals are mined out or the claim is abandoned. Any locator of an unpatented claim who fails to perform annual assessment work on his claim for any assessment period will be assumed to have abandoned his claim, and his right of occupation and use of the surface of the claim considered at an end.

§ 3632.6 Title to minerals only.

Applications for patents and final certificates issued thereon for mining claims located under section 2 of the act should be noted "Olympic National Park Lands", and all patents issued for such claims will convey title to the minerals under the act and this subpart.

Subpart 3633—Organ Pipe Cactus National Monument, Arizona

AUTHORITY: The provisions of this Subpart 3633 issued under 55 Stat. 745; 16 U.S.C. 450z.

§ 3633.0–3 Authority.

By the act of Congress approved October 27, 1941 (55 Stat. 745; 16 U.S.C. 450z), all mineral deposits of the classes and kinds then subject to location, entry and patent under the United States mining laws within the Organ Pipe Cactus National Monument in Arizona, were made, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

§ 3633.1 Mining locations.

The lands within the Organ Pipe Cactus National Monument as established by Proclamation No. 2232 dated April 13, 1937 (50 Stat. 1827), are open to prospecting for the kinds of mineral

subject to location under the United States mining laws and upon discovery of any such mineral, locations may be made in accordance with the provisions of the mining laws and regulations thereunder. Such locations duly made will carry all the rights and incidents of mining locations, except that they will give to the locator no title to the land within their boundaries, or claim thereto except the right to occupy and use so much of the surface of the land as required for all purposes reasonably necessary to mine and remove the minerals.

§ 3633.2 Occupation and use of surface.

Occupation and use of the surface of a mining claim is restricted by the act to such as is reasonably incident to the exploration, development and extraction of the minerals in the claim. Accordingly, any locator or patentee of a mining claim located under this act will be entitled to such right. Prospectors and miners shall at all times conform to any rules now prescribed or which may be made applicable by the Secretary of the Interior to this monument. Special attention is directed to those regulations prohibiting hunting, trapping, and the carrying of firearms within the boundaries of the monument.

§ 3633.3 Termination of right to use of surface of mining claims.

The right of occupation and use of the surface of the land embraced in the boundaries of a location, entry or patent pursuant to this act will terminate when the minerals are mined out or the claim is abandoned.

§ 3633.4 Title to minerals only.

Applications for patents and final certificates issued thereon for mining claims located under the act should be noted "Organ Pipe Cactus National Monument Lands," and all patents issued for such claims will convey title to the minerals only, and contain appropriate reference to the act and these regulations.

§ 3633.5 Destroying vegetation prohibited.

The locator of a mining claim within the monument area shall refrain from destroying or disturbing vegetation within the boundaries of his claim except as is necessary for the proper development thereof for mining purposes.

§ 3633.6 Construction of trails and roads.

Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining a permit from the Director of the National Park Service. Applications for such permits may be made through the officer in charge of the monument upon submitting a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee maintaining the road or trail in a passable condition, satisfactory to the officer in charge, so long as it is used by the permittee or his successors.

§ 3633.7 Lands containing certain features not subject to location.

Lands containing springs, wells, water holes, other sources of water supply, monument headquarters, and recreation areas are not subject to location.

Subpart 3634—City of Prescott Watershed, Arizona

§ 3634.1 Minerals in city of Prescott watershed in Arizona.

(a) The act of January 19, 1933 (47 Stat. 771; 16 U.S.C. 482a) applies to approximately 3,600 acres in the city of Prescott municipal watershed, within the Prescott National Forest, Arizona. Rights acquired under mining locations made after the date of the act on any of the described lands are limited to the right to occupy and use so much of the surface of the land covered by the location as is reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations; and patents for such locations shall convey title to the mineral deposits and a limited right to cut and remove timber for mining purposes, such patent to reserve to the United States all title in or to the surface of the lands and products thereof.

(b) The manager will note on the face of all applications for patent for mining claims embracing any of the described lands that the same are subject to the conditions, provisions, limitations, and reservations of the act except applications for claims located prior to the date of the act and as to which the applicants expressly request patent under the provisions of the general mining laws. Patents issued subject to the act will contain appropriate conditions with respect to cutting of timber and reservation of surface in the United States.

(c) Under section 3 of the act (47 Stat. 771; 16 U.S.C. 482a), valid claims existing at the date of the act and thereafter maintained may be perfected under this act or under the law under which they were initiated, as the claimant may desire. Such claimant may, therefore, continue the development of his claim under the provisions of the act and secure patent for the mineral deposits only under its provisions, or he may continue to hold under the general mining laws and secure patent which will convey to him the surface as well as the minerals in the claim.

(R.S. 2478; 43 U.S.C. 1201)

Subpart 3635—Papago Indian Reservation

§ 3635.0–3 Mineral locations in Papago Indian Reservation, in Arizona.

(a) The act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461–479), as amended by the act of August 28, 1937 (50 Stat. 862; 25 U.S.C. 463), revokes departmental order of October 28, 1932, which temporarily withdrew from all forms of mineral entry or claim the lands within the Papago Indian Reservation, and restores, as of June 18, 1934, such lands to exploration, location and purchase under the existing mining laws of the United States.

(b) The procedure in the location of mining claims, performance of annual labor and the prosecution of patent proceedings therefor shall be the same as provided by the United States mining laws and regulations thereunder, with the additional requirements hereinafter prescribed.

(c) In addition to complying with the existing laws and regulations governing the recording of mining locations with the proper local recording officer, the locator of a mining claim within the Papago Indian Reservation shall furnish to the superintendent or other officer in charge of the reservation, within 90 days of such location, a copy of the location notice, together with a sum amounting to 5 cents for each acre and 5 cents for each fractional part of an acre embraced in the location for deposit with the Treasury of the United States to the credit of the Papago Tribe as yearly rental. Failure to make the required annual rental payment in advance each year until an application for patent has been filed for the claim shall be deemed sufficient grounds for invalidating the claim. The payment of annual rental must be made to the superintendent or other officer in charge of the reservation each year on or prior to the anniversary date of the mining location.

(d) Where a mining claim is located within the reservation, the locator shall pay to the superintendent or other officer in charge of the reservation damages for the loss of any improvements on the land in such a sum as may be determined by the Secretary of the Interior to be a fair and reasonable value of such improvements, for the credit of the owner thereof. The value of such improvements may be fixed by the Commissioner, Bureau of Indian Affairs, with the approval of the Secretary of the Interior, and payment in accordance with such determination shall be made within 1 year from date thereof.

(e) At the time of filing with the manager an application for mineral patent for lands within the Papago Indian Reservation the applicant shall furnish, in addition to the showing required under the general mining laws, a statement from the superintendent or other officer in charge of the reservation, that he has deposited with the proper official in charge of the reservation for deposit in the Treasury of the United States to the credit of the Papago Tribe a sum equal to $1 for each acre and $1 for each fractional part of an acre embraced in the application for patent in lieu of annual rental, together with a statement from the superintendent or other officer in charge of the reservation that the annual rentals have been paid each year and that damages for loss of improvements, if any, have been paid.

(f) The act provides that in case patent is not acquired the sum deposited in lieu of annual rentals shall be refunded. Where patent is not acquired, such sums due as annual rentals but not paid during the period of patent application shall be deducted from the sum deposited in lieu of annual rental. Applications for refund shall be filed in the office of the manager and should follow

the general procedure in applications for repayment.

(g) Water reservoirs, charcos, water holes, springs, wells, or any other form of water development by the United States or the Papago Indians shall not be used for mining purposes under the terms of the said act of August 28, 1937, except under permit from the Secretary of the Interior approved by the Papago Indian Council.

(h) A mining location may not be located on any portion of a 10 acre legal subdivision containing water reservoirs, charcos, water holes, springs, wells or any other form of water development by the United States or the Papago Indians except under a permit from the Secretary of the Interior approved by the Papago Indian Council which permit shall contain such stipulations, restrictions, and limitations regarding the use of the land for mining purposes as may be deemed necessary and proper to permit the free use of the water thereon by the United States or the Papago Indians.

(i) The term "locator" wherever used in this section shall include and mean his successors, assigns, grantees, heirs, and all others claiming under or through him.

(R.S. 2478; 43 U.S.C. 2101)

Subpart 3636—Glacier Bay National Monument

§ 3636.1 Mineral deposits in the Glacier Bay National Monument.

(a) Under the act of June 22, 1936 (49 Stat. 1817), the lands in the Glacier Bay National Monument, reserved by proclamation of February 26, 1925 (43 Stat. 1988), or as it may be extended are open to prospecting for the kinds of mineral now subject to location under the United States mining laws, and, upon discovery of any such mineral, locations may be made in accordance with the provisions of the mining laws and regulations thereunder. Such locations, duly made, will carry all the rights and incidents of mining locations, except that they will give to the locator no title to the land within their boundaries or claim thereto except the right to occupy and use so much of the surface of the land as required for all purposes reasonably necessary to mine and remove the minerals, such occupation and use to be under general regulations prescribed by the Secretary of the Interior.

(b) The owner of a mining location may cut such timber within the boundaries of his claim as is necessary for mining purposes. Prospectors may cut timber for their necessary mining and domestic uses only with the permission of the custodian of the monument or his representative who will designate the timber to be cut. All slash, brush or debris resulting from the cutting of timber upon mining claims or by prospectors shall be disposed of by the claimant or prospector in such manner and at such time as may be designated by the National Park Service officer in charge so as to prevent the creation of fire hazards, or conditions conducive to the development of infestation by timber-destroying insects.

(c) Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining a permit from the Director of the National Park Service. Applications for such permits may be made through the officer in charge of the monument upon submitting a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee maintaining the road or trail in a passable condition so long as it is used by the permittee or his successors.

(d) Occupation and use of the surface of an unpatented mining claim is restricted by the general law to such as is reasonably incident to the exploration, development and extraction of the minerals in the claim. Accordingly, any locator or patentee of a mining claim located under this act will be entitled to such right. Upon written permission of the Director of the National Park Service or his representative, the surface of such claim may be used for other specified purposes, the use to be on such conditions and for such period as may be prescribed when permission is granted.

(e) Prospectors and miners shall at all times conform to any rules prescribed or which may be made applicable by the Director of the National Park Service to the national monument.

(f) The Park regulations for the protection of wild life provide:

The national monument is a sanctuary for wild life of every sort, and all hunting, or the killing, wounding, frightening, capturing or attempting to capture at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited.

Firearms, traps, seines, and nets are prohibited within the boundaries of the monument, except upon written permission of the custodian or his representative.

(g) The right of occupation and use of the surface of the land embraced in the boundaries of a location, entry or patent pursuant to the act of June 22, 1936, will terminate when the minerals are mined out or the claim is abandoned. Any owner of an unpatented location who fails to perform annual assessment work on his claim for any assessment period will be assumed to have abandoned his claim and his right of occupation and use of the surface of the claim considered at an end.

(h) Applications for patents and final certificates issued thereon for mining claims in this monument should be noted "Glacier Bay National Monument Lands", and all patents issued for claims under the act will convey title to the minerals only, and contain appropriate reference to the act and the regulations issued thereunder.

(R.S. 2478; 43 U.S.C. 1201)

Subpart 3637—Lands Patented Under the Alaska Public Sale Act

§ 3637.1 Subject to mining location.

Lands segregated for classification or sold under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679, 48 U.S.C. 364a–364e) are subject to mining location, under the provision of section 3 of that act for the development of the reserved minerals under applicable law, including the United States mining laws, and subject to the rules and regulations of the Secretary of the Interior necessary to provide protection and compensation for damages from mining activities to the surface and improvements thereon. Such mining locations are subject to the applicable general regulations in Group 3400 and to the additional conditions and requirements in § 2241.5–2 of this chapter.

(63 Stat. 679, 48 U.S.C. 364a–364e)

§ 3637.2 Compensation to surface rights holder.

Any party who obtains the right, whether by license, permit, lease, or location, to prospect for, mine, or remove the minerals after the land shall have been segregated or disposed of under the act, will be required to compensate the holder of the surface rights for any damages that may be caused to the value of the land and to the tangible improvements thereon by such mining operations or prospecting, and may be required by an authorized officer, as to mining claims, or by the terms of the mineral license, permit or lease, to post a surety bond not to exceed $20,000 in amount to protect the surface owner against such damage, prior to the commencement of mining operations.

(Sec. 5, 63 Stat. 679; 48 U.S.C. 364e)

SUBCHAPTER D—RANGE MANAGEMENT (4000)

Group 4100—Grazing Administration

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AUTHORITY: The provisions of this Part 4110 issued under sec. 2, 48 Stat. 1270, 43 U.S.C. 315a.

Subpart 4110—Grazing Administration (Inside Grazing Districts); General

§ 4110.0–2 Objectives.

Grazing districts will be administered to conserve and regulate the public grazing lands, to stabilize the livestock industry dependent upon them, and in aid thereof to promote the proper use of the privately controlled lands and waters dependent upon those public grazing lands. In furtherance of these objectives, grazing privileges will be granted with a view to the protection of those livestock operations that are recognized as established and continuing and which normally involve the substantial use of the public range in a regular, continuing manner each year. To promtoe the highest use of the public lands within grazing districts which have been or hereafter are established, possession or control of sufficient land or water to insure a year-round operation for a certain number of livestock in connection with the use of the Federal range will be required of all users.

§ 4110.0–3 Authority.

(a) *Saving clause.* So far as practicable and consistent with the purposes and provisions of the act and the basic policy and plan of administration outlined in § 4110.0–2, the provisions of this Subpart 4110 will not be applied to the prejudice of the position of anyone who on the date of approval of this part was the holder of a grazing license or permit or who on that date had pending an application therefor.

§ 4110.0–5 Definitions.

Wherever used in rules, instructions, or interpretations issued by the Bureau of Land Management in or pursuant to the Federal Range Code for Grazing Districts (this part), unless the context otherwise requires:

(a) The "act" means the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, 315a–315r), as amended and supplemented.

(b) "The Federal Range Code for Grazing Districts" means all of the rules and regulations pertaining to the administration of grazing districts.

(c) The "Secretary" means the Secretary of the Interior or his authorized agent.

(d) The "Director" means the Director of the Bureau of Land Management or his authorized agent.

(e) "State Director" means the supervising Bureau of Land Management officer for the State in which the particular range lies, or his authorized agent.

(f) "Federal range" means land within established grazing districts administered by the Bureau of Land Management under the Federal Range Code for Grazing Districts (this part), including the vacant, unappropriated, and unreserved public land of the United States chiefly valuable for grazing and forage crops; State, county, and privately owned land leased for such administration; and lands so administered pursuant to a cooperative agreement with the Federal department or agency having jurisdiction over such land.

(g) "Property" means privately owned or controlled land or water used in range livestock operations.

(h) "Base property" means property used for the support of the livestock for which a grazing privilege is sought and on the basis of which the extent of a license or permit is computed.

(i) "Base property qualifications" means the maximum amount of grazing privileges on Federal range properly allowable to base properties in class 1 or class 2.

(j) "Forage land" means land the principal use of which is the production of natural or cultivated feed for livestock.

(k) (1) "Land dependent by use" means forage land other than Federal range of such character that the conduct of an economic livestock operation requires the use of the Federal range in connection with it and which, in the "priority period", was used as a part of an established, permanent, and continuing livestock operation for any two consecutive years or for any three years of such priority period in connection with substantially the same part of the public domain, now part of the Federal range. Such land may be (i) parallel land, i.e., land of the same character, interspersed with, and grazed at the same time as the Federal range on which grazing privileges may be granted, except in those grazing districts which by special rule have excluded parallel land as base property, (ii) land of different character than the Federal range and which properly supports the permitted livestock during all or part of the period that the Federal range is closed to grazing, or (iii) a combination of these two types of land. The priority period shall be the five-year period immediately preceding June 28, 1934, except that if such Federal range was placed within a grazing district after June 28, 1938, or added to an existing grazing district by boundary modification after the latter date, the priority period shall be the five years immediately preceding the date of the order establishing such district or effecting such addition, as the case may be.

(2) No land shall be considered as dependent by use unless offered as base property in an application for a grazing license or permit within one year after the date when the Federal range used in creating the dependency by use first became a part of a grazing district, except that if the Federal range used in creating the dependency by use became a part of a grazing district prior to June 28, 1938, such base property shall not

be considered as dependent by use unless offered in an application for a grazing license or permit filed prior to said date. Only the last set of base properties used during the priority period by a livestock operation can be invested with dependency by use by such operation.

(3) The extent to which grazing licenses or permits will be granted on the basis of dependency by use of land, shall be governed by the following:

(i) It shall not exceed the average annual amount of forage customarily and properly utilized by the livestock operation computed on the basis of any two consecutive years or any three years in which use was actually made during the priority period, whichever is more favorable to the applicant, on that part of the public land which, at the time of the issuance of the license or permit, is Federal range.

(ii) It shall not exceed the amount of forage needed for the number of livestock creating such dependency by use that were customarily and properly sustained on the base property during the priority period and continue to use such property to the same extent, except that in no instance shall the use of base property be for less than the minimum period established under § 4111.2–1. The grazing privileges which may be granted hereunder shall not exceed the amounts determined under subdivision (i) or (ii) of this subparagraph, whichever is the lesser. Where the base property provides forage in excess of that necessary for the proper support of the number of livestock used in creating the dependency by use (class 1) the base property, to the extent of such excess forage capacity, may be treated as dependent by location (class 2) if so qualified.

(iii) Whenever the dependency by use of two or more base properties was created by the use of all or part of the same Federal range, during the same or at different seasons of the year, by two or more livestock operations, the relative dependency by use of each of the base properties shall be proportionate to the average annual use actually and properly made of the Federal range during the priority period by each of the livestock operations.

(l) "Land dependent by location" means forage land other than Federal range, which is so situated and of such character that it can properly be used as a base for an economic livestock operation utilizing the forage resources of the Federal range.

(m) "Animal-unit month" means the amount of natural or cultivated feed necessary for the sustenance of one cow or its equivalent, for a period of one month; as applied to Federal range, it means also the grazing privileges represented by the grazing of one cow or its equivalent for a period of one month. For the purposes of this definition, one cow shall be considered the equivalent of one horse or five sheep or five goats; provided, however, that only for the purposes of establishing fees for grazing privileges under § 4115.2–1(k)(2), the charge for one horse grazing on the Federal range for one month shall be at twice the rate charged for one cow grazing for the same period.

(n) "Grazing capacity" means the total animal-unit months of forage available from a tract or tracts of forage land during a given period.

(o) "Full-time water" means water which is suitable for consumption by livestock and available, accessible, and adequate for a certain number of livestock during those months in the year for which the range is classified as suitable for use. Such water may be from one source or may be the aggregate amount available from several sources.

(p) (1) "Prior water" is water which, during all or not less than two years of the priority period was used to service certain public domain now part of the Federal range for a livestock operation that was established, permanent, and continuing, and which normally involved the grazing of livestock on the same areas of public land for a certain portion or portions of the years of such use. For the purpose of this definition the priority period shall be the five-year period immediately preceding June 28, 1934, except that in any area placed within a grazing district or added to an existing district by boundary modification after September 23, 1942, the priority period shall be the five-year period immediately preceding the date of the order establishing such district or effecting such addition, as the case may be.

(2) Where a livestock operation used a water or waters during the priority period in such manner as would, in the absence of other factors, have served to invest such water with the attribute of priority, but such livestock operation subsequently ceased using such water or waters and used other water or waters in such manner as to invest them, too, with priority, only the latter water or waters shall be considered as prior, unless the former are also prior because of use by another livestock operation.

(3) No water shall be considered as prior unless offered as base property in an application for a grazing license or permit filed within one year after the public lands which were used in creating the priority first became a part of a grazing district except that when such lands became a part of a grazing district more than one year prior to March 16, 1942, a water shall not be considered as prior unless offered in an application filed prior to that date.

(4) The extent to which grazing privileges will be granted on the basis of the priority of water shall not exceed the average annual amount of forage customarily and properly utilized by the livestock operation computed on the basis of the years in which use was actually made during the priority period, on substantially that part of the public lands within the service area which, at the time of the issuance of the license or permit, is Federal range.

(q) "Service area" means the area that can be properly grazed by livestock watering at a certain water. In determining such area, natural and cultural barriers, recognized habits of livestock, proper livestock practices, and range management factors will be considered.

(r) "Adjudication of grazing privileges" is the determination of the qualifications for grazing privileges of the base properties, land § 4110.0–5 (k)(1)) or water (§ 4110.0–5 (p)(1)) offered in support of applications for grazing licenses or permits in a range unit or area, and the subsequent equitable apportionment among the applicants of the forage production within the proper grazing season and capacity of the particular unit or area of Federal range, and acceptance by the applicants of the grazing privileges based upon the apportionment or its substantiation in a decision by an examiner, the Director, or the Secretary upon appeal. (Applicable provisions are Subpart 4111 and § 4115.2–3.)

Subpart 4111—Awards of Grazing Privileges

§ 4111.1 Qualifications of applicants.

§ 4111.1–1 Qualifications.

An applicant for a grazing license or permit is qualified if engaged in the livestock business and:

(a) Is a citizen of the United States, or

(b) Has on file before a court of competent jurisdiction a valid declaration of intention to become a citizen or a valid petition for naturalization, or

(c) Is a group, association, or corporation authorized to conduct business under the laws of the State in which the grazing privileges sought are to be exercised, and the controlling interest in which is vested in persons who would be qualified as individual applicants under paragraphs (a) or (b) of this section.

§ 4111.1–2 Effect of transfer arising through operation of law.

The acquisition of rights in base property by an unqualified person through operation of law or testamentary disposition will not adversely affect any outstanding license or permit, or preclude the issuance or renewal of a license or permit, based on such property, for a period of two years after such acquisition. Upon the failure of such person to qualify within the two year period the license or permit will be subject to cancellation in accordance with § 4115.2–1(d).

§ 4111.2 Base property qualifications and classification.

§ 4111.2–1 Minimum requirements; classification of base properties.

(a) The District Manager, after recommendation by the advisory board, shall establish minimum base property requirements as a condition of qualification for the issuance of a license or permit in each district or unit thereof, taking into consideration the availability of base properties for proper use with and their relative dependence upon Federal range, land and water conditions, and other factors affecting livestock operations in the area according to customary use and best practices for good range management.

(b) The District Manager after recommendation by the advisory board will

classify base properties as land or water and further in the following manner:

Class 1. Land dependent by use, or full-time prior water.

Class 2. Land dependent by location, or full-time water.

§ 4111.3 Adjudication and apportionment of grazing privileges.

§ 4111.3–1 Mandatory requirements; rating and classification of Federal Range.

(a) *Grazing capacity; seasons and maximum annual period of use.* The District Manager, after recommendation by the advisory board, will rate the grazing capacity of each unit or area in a grazing district and will classify each for the proper seasons of use and for the maximum period of time for which any licensee or permittee will be allowed to use the Federal range therein during any one year.

(b) *Wildlife; allowance for maintenance.* In each grazing district a sufficient grazing capacity of Federal range suitable for wildlife will be reserved by the District Manager after consulting with wildlife interests and the advisory board, for the maintenance of a reasonable number of wild game animals, to use the range in common with livestock grazing in the district.

(c) *Preference applicants.* Preference in the granting of grazing privileges will be given to those applicants within or near a district who are landowners engaged in a livestock business, bona fide occupants or owners of water or water rights, as may be necessary to permit the proper use of lands, water, or water rights owned, occupied, or leased by them. When the demands of all such preference applicants cannot be satisfied, prior consideration will be given applicants in the manner specified in paragraph (d) of this section. Provision will be made for other applicants so far as Federal range remains available.

(d) *Order of preference.* Licenses or permits will be issued in the following order:

(1) *Free-use licenses.* A free-use license will be issued to any free-use applicant for grazing on Federal range in the immediate neighborhood of the applicant's residence for not to exceed the number of livestock owned and kept by him for domestic purposes, that is, livestock whose products are consumed or used by the family of the applicant, provided the free-use applicant has adequate facilities for the proper care and maintenance of such domestic livestock on the Federal range.

(2) *Regular licenses and permits; number of livestock.* Regular licenses and permits will be issued to qualified applicants to the extent that Federal range is available in the following preference order and amounts:

(i) To applicants owning or controlling land in class 1, licenses or permits to the extent of the dependency by use of such land; to applicants owning or controlling water in class 1, licenses or permits to the extent of the priority of such water.

(ii) To applicants owning or controlling land or water in class 2, licenses or permits for the number of livestock for which range is available and which can be properly grazed in connection with a livestock operation which involves the use of such land or water.

§ 4111.3–2 Procedures.

(a) *Unit-wide or area-wide adjudication.* (1) The District Manager, after recommendation by the advisory board, may make a simultaneous classification under § 4111.2–2 of all offered base properties within a single administrative unit or grazing area and may allocate in a single action the available Federal range within the unit or area upon which such base properties are dependent.

(2) The District Manager shall give written notice by certified mail of such classification and allocation to the persons offering such base properties, naming a place and date not less than 30 days thereafter to file protest to the advisory board, in accordance with § 4115.2–1(b). Thereafter, and provided there is then pending a valid application for grazing privileges, the District Manager will render his final decision thereon and will allow the right of appeal to the examiner in accordance with § 4115.2–3.

(b) *Permits; annual licenses.* Grazing permits may be issued as soon as the necessary data can be obtained or after agreements as to the extent of their individual grazing privileges have been reached by the interested applicants and such agreements have been reduced to writing; a recommendation thereon made by the advisory board, and approval thereof given by the District Manager. No such agreement will be approved unless it appears that it is fair and that it represents a substantial compliance with the provisions of the Federal Range Code for Grazing Districts, and no applicant shall be prejudiced by his failure or refusal to enter into such an agreement. The practice of issuing an annual license will be continued until such time as a permit is issued. Upon the issuance of a permit any outstanding license or part thereof which has been granted on the same qualifications on which the permit is based will terminate. Upon expiration of a term permit an annual license may be issued, pending issuance of a new term permit.

(c) *Allotments.* Allotments of Federal range will be made to licensees or permittees when conditions warrant. Division of the range by agreement or former practice will be followed where practicable, provided such division is in substantial conformity with the qualifications for grazing privileges of the respective applicants and the agreement is reduced to writing and approved by the District Manager.

(d) *Administration of lands additionally available; preference right for lands restored from withdrawal.* (1) Any land within the exterior boundaries of a grazing district made available for administration by the Bureau of Land Management, by a lease under the Pierce Act of June 23, 1938 (52 Stat. 1033; 43 U.S.C. 315M–1—315M–4), by the revocation of a withdrawal, or by the cancellation or relinquishment of a homestead entry or claim, or otherwise, after the grazing privileges in the area embracing the land have been adjudicated, will be administered in accordance with customary use so far as such administration may be practicable and consistent with good range management.

(2) Where public lands are restored from withdrawal and the District Manager determines that the lands are available for grazing use, the party using such lands or part thereof for grazing purposes under authority of the agency which had jurisdiction over the lands immediately prior to their restoration, shall have a superior preference to the further grazing use of such lands. The preference right must be asserted and an application for license or permit, on a form approved by the Director obtainable from the District Manager must be filed with that officer not more than 90 days after the date of signing of the order of revocation of the withdrawal, or not more than 90 days after the end of the current lease year under which the land is being used, whichever is the later. The application must be accompanied by a copy of the prior lease, license, permit or other authority upon which the preference claim is based. The District Manager may issue to such applicant an annual license or a term permit as he shall determine, authorizing such grazing use subject to the applicable regulations in this part. (Sec. 1, act of May 28, 1954 (68 Stat. 151), as interpreted and applied to sec. 3, Taylor Grazing Act. 43 U.S.C., 1952 ed., sec. 315(h).)

§ 4111.4 Adjustments of grazing privileges.

§ 4111.4–1 Increase.

Increases in grazing capacity, when conditions warrant, and after recommendation of the advisory board and approval of the District Manager, will be apportioned in a manner that will assist in the stabilization of livestock operations controlling qualified base property, with emphasis being given to the restoration of reductions that have been imposed to reach the grazing capacity of a particular allotment or range area, and to allocation of increased grazing capacity to operators or interests whose efforts were responsible for such increases.

§ 4111.4–2 Reduction.

(a) If necessary to reach the grazing capacity of any area of the Federal range after licenses or permits have been issued, reductions of grazing privileges applicable to such area shall be made in the following order:

(1) Nonrenewable licenses.

(2) Regular licenses or permits to the extent, if any, to which they are in excess of the base property qualifications or having been otherwise improperly issued.

(3) Regular licenses or permits properly issued, on an equal percentage basis.

(b) Such reductions may be made either by reducing the number of livestock or the time on the Federal range involved, or by both methods, as determined by the District Manager after recommendation by the advisory board.

(c) When the District Manager, after recommendation by the advisory board, determines that the imposition of the full amount of certain reductions in grazing privileges from current licensed or permitted use necessary to reach the grazing capacity of a range area would impose a serious hardship on the range users, he is not required to impose the full amount of the reduction forthwith, but will then schedule a percentage of the required reduction during each of the three years immediately following the determination as the circumstances of each case may warrant, except when the total reduction is less than fifteen percent it may not be so scheduled but will be imposed forthwith in the full amount.

(d) The District Manager will notify each affected licensee or permittee by certified mail of his decision to make a reduction in grazing privileges to reach the grazing capacity of any Federal range area and of the manner in which the reduction is to be made. The District Manager's decision notice will allow thirty days from receipt thereof in which to file any desired appeal in accordance with § 4115.2–3. If no appeal is filed within the thirty-day period, the reduction will be made in accordance with the District Manager's decision, and no further appeal will be allowed even though the reduction may be scheduled under paragraph (c) of this section to cover a period of time up to three years. If any timely appeal is filed after receipt of the District Manager's decision notice, the reduction for the entire Federal range area under consideration will be deferred pending the completion of the appeal and hearing procedure. Any reduction provided by the ultimate decision will be applied to its full extent immediately after the effective date of that decision. If, however, the final decision on appeal is rendered within the three-year reduction period established by the decision notice of the District Manager, the required adjustment may be apportioned over the remaining portion of that period. In the event that the orderly administration of the range or other public interest so requires, any decision may be placed in full force and effect in accordance with the provisions of § 4115.2–3(1)(2).

(e) When the District Manager determines that the potential grazing capacity, with improvements, of a Federal range area is significantly greater than the present grazing capacity, he may, after obtaining advice from the advisory board, issue a current license for active use not to exceed the animal unit months of forage presently available, and issue a non-use license for the difference between the use allowable by the limits of the present grazing capacity and the potential. This difference will be held in a suspense status as reflected in the non-use portion of the license, provided that the aggregate of active and non-use privileges shall not exceed the extent of the base property qualifications of the licensee or permittee. Thereafter, when the District Manager determines that a significant portion of the potential grazing capacity has been attained, he may increase the active authorized use under the license or permit to that extent.

(f) Federal range lands to be used under a license or permit are subject to classification and disposition under the provisions of sections 7 and 14 of the act, and to withdrawal, appropriation, selection, or other disposal under the public land laws. Reasonable notice of a pending or proposed classification, withdrawal or other disposal which might result in a diminution of the available Federal range will be given to the licensee or permittee of such lands, consistent with subpart 2412 of this chapter, and subject to the right of protest or appeal to the Director and to the Secretary of the Interior as may be provided in such notice and the rules of practice, Parts 1840 and 1850 of this chapter.

Subpart 4112—Management Practices

§ 4112.2 Designation of ranges for particular kinds of livestock.

The District Manager may designate certain areas for use exclusively by a certain kind or class of livestock when necessary for the proper use or orderly administration of the Federal range.

§ 4112.3 General rules of the range.

§ 4112.3–1 Acts prohibited.

The following acts are prohibited on the Federal range:

(a) Grazing livestock upon, allowing livestock to drift and graze on, or driving livestock across the Federal range, including stock driveways, without an appropriate license or permit, regular or free-use, or a crossing permit.

(b) Grazing livestock upon or driving livestock across the Federal range, including stock driveway, in violation of the terms of a license or a permit, either by exceeding the number of livestock permitted, or by allowing livestock to be on the Federal range in an area or at a time different from that designated, or in any other manner.

(c) Constructing or maintaining any kind of improvements, structures, fences, or enclosures on the Federal range, including stock driveways, without authority of law or a permit.

(d) Destroying, molesting, disturbing, or injuring property used or acquired for use by the United States in the administration of Federal range, including stock driveways, or improvements constructed or maintained under section 4 of the act.

(e) Cutting, burning, or removing vegetative cover, brush, woodland growth, or timber for any purpose, except as authorized by law. Permits to carry on controlled burning of vegetative cover or brush may be issued by the District Manager in proper cases, subject to such conditions as he may impose, and to all State laws and regulations concerning such burning.

(f) Molesting or driving from the Federal range without authority livestock lawfully grazing thereon under license or permit.

(g) Interference with licensed hunters or fishermen to enter, and hunt and fish on the Federal range covered by such license or permit; or with the entrance of miners, prospectors and mineral lessees of the United States to prospect, locate, develop, mine or patent the mineral resources on such Federal range; or with other persons entitled to enter such range for lawful purposes.

§ 4112.3–2 Rules of fair range practice.

All licensees and permittees shall comply with the following rules of fair range practice:

(a) The statutory provisions of the State in which the Federal range or stock driveway to be used is located relating to the branding of livestock and sanitary requirements shall be followed.

(b) A crossing permittee shall follow the route prescribed in the crossing permit at an average rate of not less than five miles per day for sheep or goats and ten miles per day for cattle or horses, but an increased or decreased rate of travel may be prescribed in the discretion of the District Manager.

(c) All licensees and permittees shall provide adequate salt on the range for their licensed or permitted livestock, and shall bed sheep and goats according to instructions issued by the District Manager. Upon request by the majority of the users of any community allotment of Federal range, the District Manager may prescribe the time for, breed, grade, and number of bulls to be turned into such allotment; in the absence of such express requirements the provisions of State law on the subject shall be applicable.

(d) When so requested by the State Director or District Manager, the licensee or permittee shall join with the Bureau of Land Management in preparing a fire plan which shall set forth in detail the program for prevention, control, and extinguishment of fires, including the responsibility of the licensee or permittee for action on his range allotment and on adjacent Federal range.

Subpart 4113—Supervision and Inspection

§ 4113.1 Procedure for enforcement of rules and regulations.

A grazing license or permit may be suspended, reduced, or revoked, or renewal thereof denied for a clearly established violation of the terms or conditions of the license or permit, or for a violation of the act or of any of the provisions of this part, or of any approved special rule. (Refer to § 9239.3–2 of this chapter for detailed enforcement procedures.)

Subpart 4114—Advisory Boards and Local Associations

§ 4114.1 Grazing district advisory boards.

§ 4114.1–1 Authorization for establishment; number of members; qualifications.

The State Director shall fix the number of members to be elected for appoint-

ment to the advisory board in each district, such number to be not less than five nor more than twelve, exclusive of a wildlife representative who will not be elective but shall be appointed directly by the State Director. The State Director may fix the number of district advisers to be elected as representatives of each class of stockmen, according to the kind of livestock owned, or may fix the number to be elected from each voting precinct, or both, provided that the free-use licensees in each district shall be entitled to one representative who shall be a free-use licensee. All district advisers, except the wildlife representative, shall be electors qualified to vote in the particular election. If a district is divided into precincts an adviser representing a precinct shall qualify in the precinct in the same manner as in the District.

§ 4114.1–2 Election; time and place; the general procedures.

All district advisers, except wildlife representatives, shall be elected in the manner provided in this section, and in the General Procedures for Grazing District Advisory Board Elections as approved by the Director, Bureau of Land Management, and published in the FEDERAL REGISTER. An election of district advisers for each grazing district will be held within 90 days after the publication in the FEDERAL REGISTER of the order establishing the grazing district. Thereafter elections shall be held annually by actual polling or by mail, in accordance with the options in the General Procedures for Grazing District Advisory Board Elections.

§ 4114.1–3 Appointment; term of office; removal; vacancies.

Upon receipt of the judges' certificate of returns after conclusion of the election procedure the district manager shall notify the State Director of the results thereof. A person elected as district adviser shall assume office only after he has been appointed by the State Director and has taken the oath of office. Such person shall serve for the fiscal year for which he has been elected. The State Director may remove any district adviser from office because of failure to discharge his duties, loss of any of his qualifications to hold the office, or in the public interest. Upon a vacancy occurring in the office of a district adviser other than a wildlife representative by reason of resignation, removal, disqualification, or otherwise, the board shall recommend the name of a person to fill the vacancy and such recommendation, together with that of the district manager, shall be transmitted to the State Director for consideration. A person appointed to fill a vacancy shall hold office for the remainder of the unexpired term. The wildlife representative will be appointed by the State Director for a term of office that does not exceed a fiscal year.

§ 4114.1–4 Meetings; organization.

District advisory boards shall meet at any time and place within or near the district designated by the State Director or his authorized representative. At the first meeting of the board after an election, it shall organize by electing one of its members as chairman and such other officers from its membership as it may deem necessary. Meetings of a district advisory board shall be open to the public except that, with the approval of the Bureau representative present, it may meet in executive session to consider applications for the granting of licenses or permits or any other business.

§ 4114.1–5 Functions and duties of district advisers; limitations.

District advisers shall advise or make recommendations on the following matters:

(a) The qualifications, classification, and requirements of base property.

(b) The transfer and relinquishment of base property qualifications.

(c) The grazing capacity of the Federal range in the district.

(d) Applications for all types of grazing licenses or permits, including nonuse, or extension of use, except applications of district advisers.

(e) Cancellation of grazing licenses or permits when related to: failure to use base property, loss of all or part of lands used in year-round operation, range depletion, failure to offer base property or to validate a license or permit, or failure to use grazing privileges.

(f) Agreements as to the extent of individual grazing privileges, when such agreements have been reduced to writing and found to be equitable and in substantial compliance with the provisions of this part.

(g) Variance in range improvement fees in accordance with the character and requirements of the district or portions thereof.

(h) Requirements for unit or allotment boundary fences and apportionment of costs between the benefiting licensees or permittees.

(i) Proper rules of fair range practice.

(j) Allotments of range by classes of livestock or for community or individual use.

(k) Seasonal use of the Federal range or any part thereof.

(l) Cooperative agreements or application for the construction or maintenance of improvements on the Federal range under section 4 of the act and assignments thereof.

(m) Work plans under the range improvement, weed control or soil and moisture conservation programs.

(n) Any recommendations made by local associations of stockmen in the district.

(o) Reservations of grazing capacity of Federal range for wild game animals, including any agreements in connection therewith proposed for execution with State or Federal wildlife agencies.

(p) Special rules for the district, within meaning of § 4115.2–4.

(q) Any other matter which they may desire to bring to the attention of the Director, or on which their advice may be requested.

§ 4114.2 State advisory boards.

§ 4114.2–1 Membership and meetings.

The livestock members of each grazing district advisory board shall select from their number at the first meeting of the board after each election, two members and two alternates to serve on a State advisory board for the State in which the district is located; where the district advisory board has representation for cattle and horses, and sheep and goats, then only one representative and one alternate representing each class shall be selected. The wildlife members of the advisory boards within each State will select one of their number and one alternate to serve as a wildlife member on the State advisory board. In addition, the State advisory board will have one or more additional members, but not exceeding seven, who will represent other interests such as forestry, minerals, soil conservation, outdoor recreation, urban and suburban development, county government, and State government. Such additional members and their alternates will be selected by the State Director from nominations made by State or local government officers or organizations reflecting nonlivestock interests in the management or disposition of public lands. The time and place for meetings of the State advisory board shall be set by the State Director. The board shall select from its members one member to be chairman of the board. The co-chairman of the board shall be the State Director.

§ 4114.2–2 Functions and duties.

The State advisory boards shall consider and make recommendations on grazing, wildlife, forestry, outdoor recreation, minerals, soil conservation, urban and suburban development, and other resource administration policies or problems affecting the State as a whole. The operations of the State boards, including their meetings shall conform to the committee management requirements of the Secretary of the Interior as set forth in the Departmental Manual.

§ 4114.3 National Advisory Board Council.

§ 4114.3–1 Membership and meetings.

The livestock members of each State advisory board shall select from their number, at its first meeting of each new term, one member and one alternate representing cattle and horses, and one member and one alternate representing sheep and goats, to serve on the National Advisory Board Council. The elected wildlife member or his alternate on each State advisory board will serve on the National Advisory Board Council representing wildlife interests. The State Director from each of the ten Western States with organized grazing districts shall submit a list of nominees, selected from the nonlivestock and nonwildlife membership on the State board. From this list, and other sources as he may

determine, the Secretary of the Interior or his authorized representative shall appoint members, not exceeding ten in number, to the National Advisory Board Council to represent nonlivestock and nonwildlife interests. In addition to the above membership, one member from each of the States of Alaska and Washington will be appointed by the Secretary of the Interior or his authorized representative from a list submitted by the respective State Directors pursuant to nominations made by State or local government officers or organizations reflecting interests in grazing or other uses of public lands. The Council shall select from its members one member to be chairman of the Council. The co-chairman of the Council shall be an official of the Department of the Interior appointed by the Secretary of the Interior who shall set the time and place for such meetings of the National Advisory Board Council.

§ 4114.3–2 Functions and duties.

The National Advisory Board Council shall consider and make recommendations on policies and problems of a national scope related to all natural resource use and management. The operations of the National Council, including their meetings, shall conform to the committee management requirements of the Secretary of the Interior as set forth in the Departmental Manual.

§ 4114.4 Local associations of stockmen.

§ 4114.4–1 Organization.

Qualified applicants for grazing licenses or permits in any grazing district may organize a local association, or several associations, according to classes of livestock, or by community of interest or otherwise.

§ 4114.4–2 Articles of incorporation; constitutions; by-laws.

Such associations shall be organized as corporations "not-for-profit", if permissible under the laws of the State in which the grazing district, or the greater part thereof, is situated; or they may be organized as cooperative unincorporated associations. In either case the articles of incorporation, the charters, or the constitutions of such associations shall be submitted to the State Director for approval before the association may be recognized by the Bureau. The by-laws of such associations need not be submitted but in any instance which they are in conflict with the provisions of this part or the terms of any license, permit, or cooperative agreement issued to or made with an association, the latter shall prevail.

§ 4114.4–3 Powers.

Such local association shall be authorized to exercise one or more of the following powers, to be specifically set forth in the articles of incorporation, charter, or constitution, as the case may be, of such association:

(a) To make contributions in cash, property, material or labor toward the administration, protection, and improvement of the Federal range lying within the district.

(b) To construct and maintain fences, wells, reservoirs, and other improvements necessary to the care and management of the livestock grazed in the district under permit issued by the Bureau.

(c) To act in an advisory capacity in the administration of the Federal range lying within the district.

(d) To recommend the amount, manner of apportionment, time, and method of collection of assessments for strictly association purposes, as well as for the public purposes, contemplated by the act.

(e) To enter into cooperative agreement for any of the foregoing purposes or for any other purposes authorized by the act. In addition, the association's powers may include, among others, the power to lease or otherwise acquire the control of State, county, privately owned, tax default, or other lands within or near a district.

§ 4114.4–4 Cooperative agreements for use of lands; obligation of licenses and permittees to share cost.

Whenever the grazing capacity of Federal range is increased whether by reason of the acquisition of control of any lands by the Bureau or otherwise, through a cooperative agreement with a local association, any licensee or permittee benefiting thereby, whether a member of the association or not, shall pay to the association his proportionate share of the cost of the association lands and of the cost of installation, development, and maintenance of range improvements, including reseeding, plus any authorized association assessments for other expenses. Such share shall be determined by the District Manager after consideration of the recommendation of the association. The District Manager may refuse to issue a license or permit to any applicant or may cancel or refuse to renew the license or permit of any licensee or permittee to graze on any lands covered by such agreement, whether public or association lands, and whether or not such applicant, licensee, or permittee is a member of the association, if he fails or refuses to pay to the association any of the foregoing charges.

Subpart 4115—Records and Administrative Procedures

§ 4115.2 Procedures.

§ 4115.2–1 License and permit procedures; requirements and conditions.

(a) *Filing and consideration of applications; interdistrict agreements; recommendations; service of notice.* (1) Each year a date will be set by the District Manager prior to which all applications for grazing licenses or permits in the district must be filed in his office; applications filed on or after such date may be rejected for that year unless satisfactory justification for the belated filing is shown.

(2) Applications for grazing licenses or permits will be considered first by the advisory board of the district in which the Federal range is located, except that applications of district advisers will be considered first by the District Manager, without reference to the advisory board.

(3) Where a grazing area or unit is located in one district, but is administered by the District Manager of an adjacent district pursuant to a formal interdistrict agreement, applications for grazing licenses or permits on such area or unit shall be filed with the District Manager of the adjacent district. The advisory board of the district in which the land is actually located may designate one or more of its members, on its behalf, in cooperation with the advisory board of the adjacent district, to make appropriate recommendations to the District Manager of the adjacent district with respect to such applications.

(4) The advisory board will make its recommendation to the District Manager and, if such recommendation is to any extent adverse, it shall set forth the reasons therefor. If such recommendation is favorable and the District Manager approves, he will notify the applicant by ordinary mail, which notice may be the fee billing. If the advisory board recommendation is favorable but the District Manager disagrees, notice will be served on the applicant in person or by certified mail sent to his address of record, setting forth the recommendation of the advisory board and the Manager's disapproval, together with the reason or reasons for a prospective adverse decision, including a reference to the pertinent sections or provisions of the Federal Range Code for Grazing Districts in which the application is deficient, and naming a date, not less than ten days thereafter, on or before which oral or written protest may be presented to the District Manager. If the recommendation of the board is to any extent adverse, notice will be served on the applicant in person or by certified mail sent to his address of record, setting out the reason or reasons given by the advisory board for the adverse recommendation, including a reference to the pertinent sections or provisions of the Federal Range Code for Grazing Districts in which the application is deficient, and naming a place and date, not less than ten days thereafter, when protest against the recommendation will be heard. The District Manager may also serve notice on any other applicant or applicants who may be directly affected by the adoption of the advisory board recommendation or the prospective decision of the Manager which will allow an appropriate protest. In any case where consideration of an application involves only issues previously adjudicated involving the same applicant or his predecessors in interest, the same base property and the same area of use, the advisory board may recommend that a protest meeting not be held, whereupon the District Manager may accept the recommendation of the board as its final consideration.

(b) *Protests; reconsideration by advisory boards; service of notice.* At the time and place fixed for the protest meeting, any licensee, permittee, or applicant may appear, in person or by attorney or other representative, or may file a written protest with the advisory board, which thereupon will reconsider its previous recommendation in the light of the protest and will make a final recommendation to the District Manager.

If such recommendation is favorable to the protestant, and the District Manager approves, he will notify the protestant thereof by ordinary mail, which notice may be the fee billing. If the recommendation is to any extent adverse, and the District Manager approves, a notice giving the reason or reasons therefor will be served on the protestant in person or by certified mail, including a reference to the pertinent sections or provisions of the Federal Range Code for Grazing Districts that serve as controlling factors. Such notice will constitute the District Manager's final decision for purposes of appeal.

(c) *Allowance or rejection of application; modification; service of notice.* The District Manager, in the light of all facts and circumstances and after reference to the advisory board, may issue or refuse to issue a grazing license or permit. When the District Manager takes an adverse action on any application, a notice including a recital of the specific reasons for the action taken will be served on the applicant in person or by certified mail. The notice will advise the applicant of his privilege to appeal to an examiner.

(d) *Cancellation or reduction of licenses or permits; show cause; appeal to examiner.* Licenses or permits are subject to cancellation or reduction to the extent that they have been improperly issued, or to the extent that their continued effectiveness is adversely affected pursuant to any of the provisions of §§ 4111.1, 4115.2–1(e), 4115.2–1(k)(4), 4114.4–4 or 4115.2–5(a)(6). Except as otherwise specifically provided, in any such case or in any case in which it shall appear that a license or permit confers grazing privileges in excess of those properly allowable under this part, the District Manager will notify the licensee or permittee that the license or permit is thereby held for cancellation or reduction either in whole or in part, as the case may be, and that the licensee or permittee will be allowed fifteen days from receipt of notice within which to show cause why such action should not be made final. Such notice will set forth fully the reasons for the proposed action, specifically referring to the pertinent provisions of this part, and will be served on the licensee or permittee by certified mail or in person. In case of failure of the licensee or permittee to show cause within the time allowed, the license or permit will be canceled or reduced to the extent indicated in the notice. The District Manager will consider any cause shown and, if satisfied of its sufficiency, will close the case; if not satisfied as to its sufficiency, or if no cause is shown, he will notify the licensee or permittee in person or by certified mail that the cancellation or reduction will become final unless an appeal to the examiner is filed in accordance with § 4115.2–3(a).

(e) *Terms and conditions.* The issuance and continued effectiveness of all regular licenses and permits will be subject to the following terms and conditions:

(1) The possession or control by the applicant, licensee, or permittee, of feed and forage supplies adequate, with the authorized Federal range use, to support his licensed or permitted livestock for a full year-round operation.

(2) No license or permit will provide for the grazing livestock on the Federal range during that part or parts of the year for which the Federal range has not been classified as proper for use.

(3) No license or permit will confer grazing privileges in excess of the grazing capacity of the Federal range to be used, as determined by the District Manager, except as may be allowed under § 4111.4–2(c) and (e).

(4) So far as consistent with proper range practices, licenses and permits will confer grazing privileges on the range lands which were used in creating the dependency by use or priority of the base properties involved.

(5) In the event of range depletion resulting from drought or other causes, the grazing privileges that may be exercised under any license or permit may be reduced in whole or in part, and for such period of time as may be necessary.

(6) Upon the diminution of the Federal range to be used under any license or permit due to withdrawal, appropriation, selection, or otherwise, the license or permit may be reduced proportionately to the reduction in available grazing capacity caused by the loss of such Federal range.

(7) If a licensee or permittee for two consecutive years ceases to make substantial use of his base property in connection with his year-round livestock operation, the authorized use under such license or permit and the qualifications of the base property may be subject to reduction in proportion to the diminished use of the base property.

(8) If a licensee or permittee loses ownership or control of:

(i) All or part of his base property, the license or permit, to the extent it was based upon such lost property, shall terminate immediately without further notice from the District Manager; except that, if the licensee or permittee notifies the District Manager, in writing, of such loss within thirty days from the date thereof, such license or permit shall terminate to that extent at the end of the grazing season or grazing year as the District Manager shall determine; or

(ii) All or part of such other lands or grazing privileges as are necessary to his year-round operation, the license or permit will be subject to reduction in proportion to the loss of such necessary lands or grazing privileges unless the licensee or permittee notifies the District Manager within 30 days after such loss and thereafter within the time allowed by the District Manager after recommendation by the advisory board acquires ownership or control of other lands or grazing privileges sufficient to assure a year-round operation.

(9) Base property qualifications, in whole or in part, will be lost upon the failure for any two consecutive years:

(i) To include in an application for a license or permit or renewal thereof, the entire base property qualifications for active, nonuse, or combination of active and nonuse, except where the base property qualifications are included in an outstanding current term permit, or where the allowable use has been reduced under § 4111.4–2(a)(3), (c), and (e).

(ii) To accept a license or permit issued pursuant to such application.

(10) The failure for any two consecutive years to make substantial use as determined by the District Manager, after reference to the advisory board, of all or part of the grazing privileges authorized under a license or permit, may result in the revocation thereof and in the proportionate loss of the base property qualifications.

(11) Nonuse, in whole or in part, of grazing privileges under a license or permit may be authorized by the District Manager, upon application by the licensee or permittee, after reference to the advisory board, for the following reasons: conservation and protection of the Federal range, annual fluctuations in livestock operations, or financial or other reasons beyond the control of the licensee or permittee.

(12) A revocation of a license or permit in whole or in part may result in a proportionate loss of the base property qualifications supporting such license or permit.

(13)(i) No readjudication of any license or permit, including free use license, will be made on the claim of any applicant or intervener with respect to the qualifications of the base property, or as to the livestock numbers or seasons of use of the Federal range allotment where such qualifications or such allotment has been recognized and license or permit has issued for a period of three consecutive years or more, immediately preceding such claim.

(ii) The Bureau of Land Management may make adjustments in licenses and permits at any time when necessary to comply with the Federal Range Code for Grazing Districts.

(14) Where Federal range is allotted for the exclusive grazing use of one or more users, the District Manager, if the proper use or orderly administration of the range makes it necessary:

(i) May require the licensee(s) or permittee(s), as a condition to the granting and continued effectiveness of grazing licenses or permits, to fence or to contribute an equitable share to the cost of fencing the allotted areas, and of maintenance of such fences;

(ii) May require any licensee or permittee who will benefit in some substantial measure from such fence construction, as a condition to the renewal of an existing license or permit, likewise to pay or to reimburse an equitable share of the cost of such fence construction and maintenance. The amount of such share may be established by agreement of the parties, or, upon their failure to agree, by determination of the District Manager.

(iii) May take necessary action to enforce the requirements under subdivisions (i) and (ii) of this subparagraph, in accordance with the provisions of paragraph (d) of this section.

(f) *Interest of Member of Congress prohibited.* No Member of or Delegate to Congress shall be admitted to any share or part of any license or permit issued under the act, or to derive any

benefit to arise therefrom. (41 U.S.C. sec. 22; 18 U.S.C. secs. 431–433.)

(g) *Change in grazing seasons.* Any licensee or permittee who desires to use the Federal range for a period or periods other than as authorized by his license or permit may, upon written approval of the District Manager, be allowed to use the amount of his authorized grazing privileges during any period of time for which the Federal range is classified as proper for use, provided:

(1) The total of such use does not exceed the maximum amount of time for which any licensee or permittee is allowed to use the Federal range during any one grazing year;

(2) The number of animal-unit months of Federal range to be utilized is not thereby increased;

(3) Such use will not be detrimental to the Federal range, and

(4) Such use will not adversely affect other licensees or permittees.

(h) *Exchange of use licenses.* Exchange of use licenses may be issued to any applicant having ownership or control of non-Federal land interspersed and normally grazed in conjunction with the surrounding Federal range for not to exceed the grazing capacity of such non-Federal land, without payment of grazing fees, provided that during the term of the license the Bureau shall have the management and control of such non-Federal land for grazing purposes.

(i) *Nonrenewable licenses.* Nonrenewable licenses may be issued to nonpreference applicants only for the period specified by the District Manager and for the number of livestock for which range is temporarily available and which can be properly grazed without detriment to the operations on the range of applicants owning or controlling base properties in class 1 and class 2.

(j) *Suspension of licenses and permits under Soldiers' and Sailors' Civil Relief Act of 1940.* Any licensee or permittee who enters military service, as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1179; 50 U.S.C. App. 511(1)), may elect at the beginning of or at any time during the period of such service to suspend his license or permit, in whole or in part, for such period and six months thereafter, subject to the following:

(1) The licensee or permittee shall file with the District Manager an application, in duplicate, setting forth the facts and circumstances upon which the application for suspension of the license or permit is based. If the applicant desires the suspension of a license or permit in more than one district, a separate application shall be filed with the District Manager for each district.

(2) Upon the approval of the application the suspension shall be effective for the period involved, unless sooner terminated upon further application to the District Manager by the licensee or permittee, and no operations under the license or permit to the extent suspended shall be conducted during such period.

(3) No grazing fees will be assessed under a license or permit to the extent and during the period it is suspended and, upon the approval of an application for suspension, any fees that have been paid for the period of suspension will be refunded and any fees that are or may become due for such period will be remitted.

(4) A special temporary license, to the extent of any grazing privileges suspended, may be issued to another applicant for not to exceed the period of such suspension, but upon the termination of the suspension, either by reason of the expiration of the six months' period following the conclusion of the first licensee's or permittee's military service or by reason of an application by the first licensee or permittee for an earlier termination, or otherwise, such temporary license shall terminate as of the beginning of the grazing period next following the termination of the suspension.

(5) No suspension granted hereunder shall entitle a licensee or permittee to any greater privileges subsequently than those to which he would have been entitled in the absence of a suspension.

(6) Any adverse action by the District Manager on an application for suspension of a license or permit under this paragraph may be appealed by the licensee or permittee to the Director, and from the Director to the Secretary of the Interior, in accordance with the rules of practice, Part 1850 of this chapter.

(k) *Fees for grazing licenses and permits*—(1) *Free-use licenses.* No fee will be charged for the issuance of a free-use license.

(2) *Licenses and permits; rates.* (i) Each regular licensee or permittee, and holder of a nonrenewable license will be charged fees, consisting of a grazing fee for use of the range and a range improvement fee, for the animal unit months authorized by the license or permit, at a rate per animal unit month. All billing shall be issued in accordance with the rates prescribed in subdivision (ii) of this subparagraph. All livestock 6 months of age or over allowed on the Federal range will be considered at any point of time during the grazing period as a part of the total number for which a license or permit has been issued. No fees will be charged for livestock under 6 months of age. Range improvement fees may vary in accordance with the character or requirements of the various districts or portions thereof. Grazing fees may differ in any district or unit thereof in which the grazing capacity of the Federal range is increased by reason of the addition of land not owned by the United States, or by reason of a cooperative agreement or memorandum of understanding between the Bureau of Land Management, and any State or Federal agency, or any person, association, or corporation. A minimum annual charge of $10 will be made on all regular licenses or permits, and nonrenewable licenses.

(ii)(a) The fee or fees for any fee year, beginning on March 1, will be established by the Secretary at a rate which is equivalent to a specified percentage, to be fixed by the Secretary, of the average of the prices per pound of beef and lamb, rounded to the nearest whole cent, which was paid to growers during the preceding calendar year in the markets of the 11 Western States, as determined by the Secretary based upon market prices as reported by the Department of Agriculture.

(b) The fee for any fee year may be changed by the Secretary from that of the preceding year by fixing a new specified percentage of the average of the prices per pound of beef and lamb. The fee for any fee year shall, in any event, be adjusted by the Secretary, in addition to any percentage adjustment that may be made, to conform to changes in market price conditions whenever in the preceding calendar year there is a change in the average of such prices, rounded off to the nearest whole cent, of 2 cents or more above or below the corresponding average for the preceding year.

(c) The fee or fees established by the Secretary for any fee year, including announcement of the portion thereof to be credited to the range improvement fund, will be published as a notice in the FEDERAL REGISTER. All regular billings shall be issued in accordance with the rate or rates prescribed in the notice.

(3) *Crossing permits.* Upon application filed with the District Manager by any person showing the necessity for crossing the Federal range with livestock for proper and lawful purposes, a crossing permit may be issued to him at a charge, payable in advance, of one cent per head per day for cattle, two cents per head per day for horses, and one-fifth cent per head per day for sheep and goats. A minimum charge of $5 will be made for each crossing permit, except that no fee will be charged where the trail to be used is so limited and defined that no substantial amount of forage will be consumed in transit.

(4) *Payment of fees; reduction or increase in numbers; modification of periods of use.* No license or permit shall be issued or renewed until payment of all fees due the United States under the Federal Range Code for Grazing Districts has been made. Fees for licenses and permits are due the United States upon issuance of the fee notice and are payable in advance of the first grazing period and for the full amount indicated on the fee notice; no license or permit shall be effective to authorize grazing use thereunder until such advance payment has been made. A permit may be canceled or reduced pursuant to paragraph (d) of this section for failure to pay the fee in accordance with the fee notice. Any licensee or permittee who desires to make temporary use of the grazing privileges during any authorized grazing period or periods in a manner other than that authorized in his existing license or permit must file with the district manager a written request for such change in use at least 10 days prior to the beginning of any such grazing period. If the district manager approves the request he will issue an adjusted fee notice accordingly.

(5) *Refunds.* No refund of fees properly paid will be made because of an unauthorized failure to use the grazing privileges, either in whole or in part, represented by a license or permit, except that:

(i) During periods of range depletion due to severe drought or other natural causes or in case of a general epidemic of disease during the life of a license or permit, the Director may in his discretion credit, remit, refund, reduce in whole or in part, or postpone the payment of fees for such depletion period so long as the emergency exists.

(ii) When fees have been paid which are not required by law, or which are in excess of lawful requirements, an application for refund thereof may be filed with the District Manager under the provisions of the act of March 26, 1908, as amended (35 Stat. 48; 43 U.S.C. 95, et seq.), or such excess fees may be credited on subsequent fee notices.

§ 4115.2–2 Transfers and relinquishments.

(a) *Transfer of base property; effect.* (1) A transfer of a base property or part thereof, whether by agreement, operation of law, or testamentary disposition, will entitle the transferee, if qualified under § 4111.1–1, to so much of the grazing privileges as are based thereon. Except as otherwise herein provided, the existing license or permit and the grazing privileges thereunder shall automatically and without further notice be terminated or decreased by such transfer to the extent of the grazing privileges attaching to the transferred base property; except that further grazing under the license or permit may be temporarily extended pursuant to request and notification filed in accordance with § 4115.2–1(e)(8)(i); except, also, where the transfer arises as a result of testamentary disposition the existing license or permit may continue in effect until the end of the current grazing season. Thereafter applications for renewal of a license or permit shall be filed by the heirs, devisees, executor, administrator, or personal representative, as the case may be.

(2) A transferee shall, within 90 days from the date of transfer, file with the District Manager documentary evidence of the transfer and an application on a form approved by the Director for a license or permit, active or nonuse, for the grazing privileges based thereon. Failure to comply with these requirements may result in the loss of the qualifications of the base property transferred. Where, however, a transfer, or a different vesting in any manner, of a leasehold interest in land or water may result in interference with the stability of livestock operations or with proper range management, upon a finding to that effect by the District Manager, after reference to the advisory board, such land or water will lose its base property qualifications and grazing privileges based thereon will be denied.

(b) *Transfer of base property qualifications; limitations; consent of owner or encumbrancer; effect.* (1) A licensee or permittee may request the transfer of the recognized qualifications of base property then owned or controlled by him to other property owned or controlled by him, or to property owned or controlled by another person or persons qualified in accordance with § 4111.1–1. An application for approval of a transfer shall be filed with the District Manager on a form approved by the Director for land base or water base.

(2) Transfer of base property qualifications may be made under the following conditions:

(i) When an applicant owns or controls base land or lands having a forage production in excess of that required to support the licensed or permitted livestock, the qualifications may be concentrated on that part of the property having the forage production required by and which will continue to be used for the support of such livestock.

(ii) When such qualifications are to be transferred from land owned or controlled by the applicant, to land owned or controlled by others, the transfer will be recognized only to the extent such qualifications do not exceed the forage production of the new base property.

(iii) When an applicant owns or controls base water, the qualifications may be transferred to another adequate water source which will service the same range area.

(3) No transfer will be allowed under this paragraph if it interferes with the stability of livestock operations or proper range management, or adversely affects the local economy. No transfer will be allowed without the written consent of the owner or owners and any encumbrancer of the base property from which the transfer is to be made, except that in an application for transfer of class 1 qualifications where the applicant for such transfer is a lessee of the base property without whose livestock operations the dependency by use or priority thereof would not have been established, such consent will not be required. Upon approval of the application by the District Manager after reference to the advisory board, the transfer shall be effective as of the date of filing of the application, and the base property from which the transfer is made will thereupon lose its qualifications to the extent indicated in the transfer.

(c) *Relinquishment of base property qualifications; limitation; effect.* Upon request, the district manager may accept a written relinquishment or waiver of grazing privileges on the Federal range and of base property qualifications of the base property owned or controlled by the applicant. Upon acceptance of such relinquishment, the base property will lose its qualifications to the extent specified: *Provided*, That no such relinquishment will be accepted without the written consent of the owner or owners, if other than the applicant, and any encumbrancer of the base property, except that if the applicant is a lessee of the base property without whose livestock operations the dependency by use or priority thereof would not have been established, such owner's consent will not be required.

§ 4115.2–3 Appeals and hearings.

Any applicant whose interest is adversely affected by a final decision of the District Manager may appeal to an Examiner in accordance with § 1853.1 of this chapter. The conduct of hearings are provided for in §§ 1853.2 through 1853.6 of this chapter. Appeals to the Director will be pursuant to § 1853.7 of this chapter supplemented by Part 1840 of this chapter. An appeal from a decision of the Director may be made to the Secretary of the Interior in accordance with Part 1840 of this chapter (see § 1853.7(c) of this chapter).

§ 4115.2–4 Special rules for grazing districts.

Whenever it appears to a State Director after considering the recommendation of the district advisory board that local conditions in any district make necessary the adoption of a special rule on any of the matters in this part in order better to achieve an administration consistent with the purposes of the act, he may, recommend such a rule, supported by a factual showing of its necessity, for the approval of the Director. Such rule, if approved, shall be published in the FEDERAL REGISTER.

§ 4115.2–5 Range improvements and contributions.

(a) *Construction and maintenance of improvements on the Federal range.* (1) *Qualification of applicants for permits.* An applicant for a permit to construct or maintain improvements under section 4 of the act, or to use and maintain improvements of such character constructed and owned by a prior occupant, on the Federal range, must be qualified under § 4111.1–1.

(2) *Applications.* Applications for such permits shall be filed in triplicate with the District Manager on a form approved by the Director.

(3) *Appeals.* The District Manager will act on the application after reference to the advisory board and such action shall be final unless the applicant or any interested party appeals in accordance with § 4115.2–3.

(4) *Assignments.* Assignments of section 4 permits shall be filed with the District Manager in triplicate on the authorized form and shall not be effective until approved by the District Manager.

(5) *Applications for use of improvements owned by prior occupant; procedure upon failure to agree.* Where an application shows that the applicant and the prior occupant have not agreed on the value of such improvements owned by the latter, the District Manager will promptly, at the applicant's expense, cause the prior occupant to be served either personally or by certified mail with a notice of the filing of the application, and an order to show cause within thirty days why the improvements should not be determined to be of the value alleged by the applicant. Upon such a showing, or if the prior occupant applies within thirty days from the date of service for an appearance before the District Manager, then in the light of such evidence as the applicant and the prior occupant may present in such appearance, the District Manager will determine the present reasonable value of the improvements. Such determination shall be final unless an appeal is taken in accordance with § 4115.2–3. Upon the failure of the prior occupant to show cause or to apply within thirty days for an appearance,

the reasonable value of the improvements will be determined by the District Manager but shall be not less than the amount alleged by the applicant in his application, and the decision of the District Manager in such case shall be final. In any case when a decision has become final, payment by the applicant of the amount determined and a showing that the improvements are free of all encumbrances may be required prior to favorable action on the application for use of such improvements, and on any application for grazing privileges involving the use of such improvements.

(6) *Cooperative agreements.* A licensee or permittee may enter into a cooperative agreement with the District Manager for the construction and maintenance of range improvements on the Federal range. Failure of the licensee or permittee to comply with the terms of such an agreement within a reasonable time as allowed by the District Manager may result in cancellation of the license or permit as provided in § 4115.2–1(d).

(7) *Applications for lands containing range improvements; compensation; reservation.* Public lands embraced in a license or permit are subject to classification and disposition under the provisions of sections 7 and 14 of the act, or other public land laws, as specified in § 4111.4.

(i) When the disposal application covers land upon which range improvements have been placed pursuant to a permit authorized under section 4 of the act, the owner thereof may be required to remove the improvements; or if the improvements are of a permanent nature, the land applicant may be required to agree in writing to compensate the licensee, permittee, or other owner of such improvements located on the lands applied for an amount to be mutually agreed upon, or, if the parties are unable to agree, then in the amount and within the time for payment as determined by the District Manager in accordance with the applicable procedure under subparagraph (5) of this paragraph.

(ii) (a) When the disposal application covers public land upon which range improvements have been placed by the United States, or pursuant to a cooperative agreement heretofore or hereafter entered into between the Bureau and the licensee, permittee, and/or other cooperators, the disposal application will be referred by the land office manager to the District Manager for determination as to whether it may be allowed, not withstanding such improvements, and, if so, whether with or without a reservation. If the application is to be allowed without a reservation of the improvements, the applicant may be required to agree in writing to compensate for the loss of such improvements in the amounts to be mutually agreed upon and payable separately to the Bureau and to the cooperators. If such improvements have been constructed in whole or in part with Federal funds and are administered by the Bureau of Land Management, and the application for disposal is in satisfaction of any lieu or indemnity selection right of any State under R.S. 2275, as amended (43 U.S.C. 851), such application may be allowed in the discretion of the authorized officer without compensation to the United States for its share of the value of the improvements, if the authorized officer shall first determine that the grazing improvements are no longer used or needed by the United States for the purpose for which the improvements were constructed and that the probable salvage value is insufficient to warrant the expense of removal of the salvageable materials in such improvements. In the event of disagreement, the District Manager shall determine the total amount of compensation due, as provided in subparagraph (5) of this paragraph, and the time for payment. Such amount shall then be payable separately to the Bureau and to the cooperators entitled thereto, in proportion to the amount or value of their respective contributions in money, material, or labor, to the total cost of the improvement, as made by them under the original cooperative agreement as specified by the District Manager.

(b) The refusal or failure of the land applicant to pay the licensee, permittee, or other party entitled thereto, in accordance with the agreement or in the amount fixed by the District Manager and within the time allowed, shall be just cause for the rejection of an application or for the cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application. Such rejection or cancellation shall be subject to the right of appeal directly to the Director and to the Secretary, in accordance with the rules of practice (Part 1840 of this chapter).

(iii) Under the act of July 9, 1942, as amended (43 U.S.C. sec. 315q), the holder of a grazing license or permit shall be compensated for the losses sustained by reason of cancellation of or prevention of use of authorized grazing privileges resulting from the use of lands embraced in such license or permit for war or national defense purposes, in an amount determined to be fair and reasonable and to be paid by the head of the Federal department or agency making such use. Such payment shall be deemed payment in full for such losses.

(b) *Contributions for administration, protection, and improvement of public lands.* The District Manager may accept contributions under section 9 of the act, of labor, materials, equipment, or money, toward any of the Bureau's functions in administering, protecting, and improving public lands under its jurisdiction in the States.

(1) Any individual, association, corporation, grazing district advisory board, State or local body or private group, may enter into an agreement with the District Manager with respect to such contribution. Where the contribution is to include money, the contributor should execute the appropriate form as requested by the District Manager.

(2) Contributions may be conditioned upon their use for specific projects or in specific localities.

(3) The District Manager may authorize refund of any amounts deposited in excess of the contributor's proper share of the expense incident to the purpose for which the contribution was made.

§ 4115.2–6 Pledge of licenses and permits as security loans.

(a) A license or permit may be pledged as security for a loan of $500 or more from a lending agency if the loan is for the purpose of furthering the licensee's or permittee's livestock operations. Before making a loan, a lending agency may obtain from the District Manager a written statement concerning the status of the grazing license or permit and other pertinent information relating thereto. A service charge of $10 will be made for searching the records to furnish such information, except that Federal and State lending agencies shall be exempt from the charge.

(b) A borrower-permittee desiring an extension of the term of his permit may file a request therefor, in writing, with the District Manager, setting forth the name of the lending agency, purpose and amount of loan, and the need for the extension of the permit term. When it appears that such extension will be in accordance with applicable law and regulation and not contrary to the public interest, the District Manager, in his discretion, may extend the permit for a period not to exceed 10 years from the date of the loan, subject to the rules and regulations then in force and to such additional terms and conditions as the District Manager may provide. The provisions of this paragraph shall not be applicable to grazing licenses which are issued annually on a temporary basis prior to the issuance of term permits.

(c) If the base property to which the grazing privileges on the Federal range covered by the pledged license or permit are attached as a grazing unit is acquired by the lending agency through foreclosure or otherwise, such agency, or purchasers, lessees, or occupants of the property authorized by such agency, if qualified, may apply to be recognized as the successor licensee, or permittee. If in selling the property the lending agency takes back a mortgage on the base property, the agency will receive the same consideration as in the case of an original loan.

(d) Where a lending agency files with the District Manager notice that it has made a loan and has accepted a grazing license or permit as security therefor in conformity with the provisions of this section, the District Manager as a matter of cooperation will keep such agency advised of any adverse action affecting the license or permit, but the failure to give timely notice of such adverse action shall impose no legal liability or obligation on the District Manager or the Bureau or any of its employees.

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PART 4120—GRAZING ADMINISTRATION (OUTSIDE GRAZING DISTRICTS)

Subpart 4121—Grazing Leases (O&C and CBWR)

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AUTHORITY: The provisions of this Part 4120 issued under sec. 2, 48 Stat. 1270; 43 U.S.C. 315a.

Subpart 4121—Grazing Leases (O&C and CBWR)

§ 4121.0–1 Purpose.

Since the statutory authority for grazing on the O. and C. lands subordinates such use to the primary purposes of the act, namely, to provide a permanent source of timber supply by managing the lands in conformity with the sustained-yield principle, protect water sheds, regulate streamflow, and contribute to the economic stability of local communities and industries, no lease will be issued unless the authorized officer of the Bureau of Land Management, who is charged with the administration of grazing on such lands, determines that grazing on the lands to be included in the lease will not interefere with the production of timber, or any of the other purposes of the act.

§ 4121.0–3 Authority.

Section 4 of the act of August 28, 1937 (50 Stat. 875) authorizes the Secretary of the Interior in his discretion to lease for grazing purposes any revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in the State of Oregon, hereinafter referred to as O. and C. lands, which may be so used without interfering with the production of timber or other purposes specified in section 1 of the act, and to formulate rules and regulations for the use, protection, improvement, and rehabilitation of such grazing lands. Grazing leases for other public lands intermingled with the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant lands which are located west of the Cascade Mountain Range Divide, or in and west of Range 5 East, or west of Klamath Lakes and Link River in Ts. 36 to 41 S., Rs. 6 to 9 E., inclusive, Willamette Meridian, Oregon, will be issued pursuant to and will be governed by the provisions of this Subpart 4121.

§ 4121.1 Grazing of livestock kept for domestic use.

Bona fide settlers or prospectors may apply to the authorized officer for permission to graze without charge not more than a total of 10 head of milk and work stock on the O. and C. lands, or such lands and intermingled public domain lands. Such permission may be granted by the authorized officer, in his discretion, upon such conditions as he may prescribe.

§ 4121.2 Crossing permits.

The authorized officer may permit the transit of stock on established stock driveways or thoroughfares on O. and C. lands, or such lands and intermingled public domain lands, free of charge. Under such conditions and restrictions as are necessary, the authorized officer may also grant permission to cross allotments of other lessees, areas closed to grazing, or unleased lands, and such permission must be obtained before such crossing occurs. The permittee shall be liable for any damage caused to the range.

§ 4121.3 Application and lease.

(a) An application for a grazing lease shall be made on a form approved by the Director in the manner set forth in §§ 4122.2–1 and 4122.2–2. An application may include O. and C. lands or public lands or both. Leases shall be issued in the manner set forth in § 4122.3, and the lease rental shall be computed in accordance with § 4121.4.

(b) All applications, including applications arising out of the assignment of leased lands, where the application in whole or in part embraces lands that were not under lease to the applicant therefor on the date of filing such application, must be accompanied by an application service fee of $10 which will not be returnable.

§ 4121.4 Rental.

(a) The lessee shall pay in accordance with the terms of the lease, an annual rental computed in conformity with the following rate tabulations. However, when warranted by circumstances, including changed marketing conditions, the authorized officer may establish any other appropriate schedule of rental rates for leases issued under this subpart 4121.

Estimated grazing capacity in acres per A.U.M.	Estimated grazing capacity in animal units year-long per section	Yearly lease rate per acre
107.00	0.6	$0.005
53.00	1.0	.010
38.00	1.5	.013
26.00	2.0	.020
20.00	2.5	.026
18.00	3.0	.028
16.00	3.5	.031
14.00	4.0	.036
12.00	4.5	.042
11.00	5.0	.045
10.00	6.0	.05
7.50	7.0	.067
6.50	8.0	.077
6.00	9.0	.083
5.50	10.0	.091
5.00	11.0	.10
4.50	12.0	.11
4.00	13.0	.125
3.75	14.0	.13
3.50	15.0	.14
3.25	16.0	.15
3.00	17.0	.17
2.75	19.0	.18
2.50	21.0	.20
2.25	24.0	.22
2.00	27.0	.25
1.75	30.0	.29
1.50	36.0	.33
1.25	43.0	.40
1.00	53.0	.50
0.50	107.0	1.00
0.25	213.0	2.00

(b) One cow or one horse or five sheep or five goats constitute one animal unit. The minimum rental charge shall be fixed at not less than $1.00 per annum. The rental may be adjusted to reflect differences in numbers of livestock authorized to be grazed, changes in carrying capacity, and changes in authorized rates of rental at the end of the third year of the lease, and at the end of each subsequent three-year period.

§ 4121.5 Timber and other uses of land.

A lease issued for grazing purposes will not entitle the lessee to cut and remove timber from the land, or to take any other asset therefrom, or to use such land for purposes other than grazing. In order to obtain such rights or privileges, the lessee must make application therefor in accordance with the governing laws and regulations.

§ 4121.6 Governing regulations; applications and leases subject to regulations.

Applications filed and leases issued under this subpart 4121, shall be subject to the regulations therein, as well as to the regulations contained in subpart 4122 relating to grazing leases issued pursuant to section 15 of the act of June 28, 1934 (48 Stat. 1275), as amended (43 U.S.C. sec. 315m), to the extent that the latter are not inconsistent with the former. The leases will also be subject to the standard terms and conditions set forth therein, and to any other terms and conditions which, in his discretion, the authorized officer may require.

Subpart 4122—Grazing Leases (Sec. 15—Taylor Grazing Act)

§ 4122.0–3 Authority.

Section 15 of the act of June 28, 1934 (48 Stat. 1275), as amended, authorizes the Secretary of the Interior to lease for grazing purposes vacant, unappropriated, and unreserved public lands outside of established grazing districts in the continental United States only.

§ 4122.0–5 Definitions.

(a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "State Director" means the proper State Director, Bureau of Land Management.

(d) "Manager" means manager of the proper land office. Where there is no land office, it means the Director, Bureau of Land Management.

(e) "Signing officer" means the Government official who has been duly authorized to issue a grazing lease.

(f) "Field office" means any office of the Bureau of Land Management, including the land office, near the lands applied for and in the State in which such lands are situated. If there is no land office or other field office in the State, it means the office of the Director, Bureau of Land Management, Washington 25, D.C.

(g) "The act" means the act of June 28, 1934 (48 Stat. 1269), as amended.

§ 4122.1 Conditions.

§ 4122.1–1 Qualifications of applicants.

An applicant for a grazing lease is qualified if the applicant

(a) Is a citizen of the United States, or

(b) Has filed a declaration of intention to become a citizen: *Provided*, That an applicant who has filed such declaration but has not filed a petition for naturalization before a court of competent jurisdiction within seven years from the date of filing the declaration or, having filed such petition, has failed to attain citizenship within a reasonable time thereafter and is unable to show any satisfactory reason for such failure, shall be disqualified to receive a grazing lease or any renewal of an existing lease until he has actually attained citizenship, or

(c) Is a group, association, or corporation which is authorized to conduct business under the laws of the State in which the lands applied for are located and the controlling interest in which is vested in a citizen or citizens or persons who would be qualified as individual applicants under paragraphs (a) and (b) of this section.

§ 4122.1–2 Classes of applicants; preference rights.

The act, as amended, provides for the issuance of grazing leases to classes of applicants in the following order:

(a) Preference-right leases to applicants who are the owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract embracing 760 acres or less for the whole of such tract, upon the terms and conditions prescribed by the Secretary, provided the preference-right is asserted during a period of 90 days after such tract is offered for leases.[1]

[1] Where the lands applied for include the even-numbered sections within the limits of a railroad grant, even though in the aggregate such lands exceed 760 acres, each such section will be considered as an isolated or disconnected tract within the meaning of this provision. The difference between the higher preference right accorded under this paragraph and the preference accorded under paragraph (b) of this section is that the applicant is not required to demonstrate that the public lands are necessary for the proper use of the contiguous or cornering lands, except where there are conflicting applications of the same class of applicants.

By Departmental Notice of July 31, 1937, all vacant, unreserved and unappropriated public lands, exclusive of Alaska, not included in an established grazing district, were then offered for lease under section 15; all lands not then subject to lease under section 15 because of their appropriation or reservation, were offered for lease as of the date any such lands first became subject to lease.

(b) Preference-right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

(c) Leases where no preference-right applicant is involved.

§ 4122.2 Application for lease.

§ 4122.2–1 Applications.

An application for lease shall be executed in triplicate on a form approved by the Director and filed in triplicate in any field office of the Bureau of Land Management in the state in which the lands applied for are situated.

§ 4122.2–2 Filing fee.

A filing fee of $10 will be charged for each grazing lease application, including an application arising out of the assignment of leased lands, when it embraces in whole or in part lands which are not already under lease by the applicant or by the assignor on the date of filing such application.

§ 4122.2–3 No right conferred by application prior to lease.

The filing of an application will not segregate the land applied for from application by other persons for a grazing lease or from other disposition under the public land laws. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for pending the issuance of a lease. Any such unauthorized use constitutes a trespass.

§ 4122.2–4 Action on defective application or where the lands applied for are not subject to grazing leasing.

Upon the filing of any application, the officer receiving it may require any defects in the application to be cured or additional information to be provided. The signing officer may reject any application if the applicant fails to cure defects in the application within the time allowed, which period shall not be less than thirty days from the date of receipt of notice of such defects by the applicant. If the application must be rejected because of the status of the land for which application is made as where land is in an allowed entry, otherwise appropriated or reserved and not subject to lease under the act, or not public land, a manager, if his office has land status, or a signing officer shall reject the application.

§ 4122.2–5 Conflicting applications.

In those cases where more than one applicant applies for the same land and where it appears that a division of the lands should be made, such conflicting applicants will be given an opportunity to agree to a division of the lands prior to a determination by the signing officer as to the disposition of such conflicting applications or division of the lands. After a division of the range has been made either by agreement between applicants which is acceptable to the signing officer or by determination of the signing officer where there is no acceptable agreement, any conflicting applications or protests filed subsequent thereto will be rejected.

§ 4122.2–6 Protests.

Protests against the approval of an application for a lease should be filed in the same manner and number of copies as applications for a grazing lease, contain a complete disclosure of all facts upon which the protest is based, and describe the lands involved in such protests and should be accompanied by evidence of service of a copy of the protest on the applicant. If the protestant desires to lease all or part of the land embraced in the application against which the protest is filed, the protest should also be accompanied by an application for a grazing lease.

§ 4122.3 Leases.

§ 4122.3–1 Issuance of leases.

(a) *Conditions.* The lease will be executed by the signing officer and transmitted to the lessee only after final action is taken on any protests or timely appeals which may have been filed. The applicant's signature to the application shall be considered to be his signature to and his acceptance of the lease when executed by the signing officer, without prejudice to the applicant's right to appeal from the disallowance of his application as to any part of the lands applied for or from the issuance of a lease for a shorter term than that applied for.

(b) *Term.* A lease may be issued for a period of not more than 10 years. Renewals may be for periods of not more than 10 years, upon such terms and conditions as may then be prescribed.

(c) *Application for renewals.* An application for renewal of lease should be executed and filed in triplicate on a form approved by the Director at least 90 days prior to the expiration of the lease. The application may also include a request for the consolidation of other outstanding grazing leases held by the lessee. Such application does not confer on the lessee any preference right to a renewal but will, however, authorize the exclusive grazing use of the lands by the lessee in accordance with the provisions of the lease pending final action on the application for renewal.

(d) *Requirements and stipulations.* The lease will provide for an allowance of forage for wildlife, and within the discretion of the signing officer the number of livestock to be grazed, proper grazing season or reservations for authorized trailing across the land, and will contain the standard provisions set forth in the combined application and lease form, together with any other terms, conditions, or reservations which the signing officer in his discretion may deem necessary and proper.

(e) *Subleases.* No part of the leased lands may be subleased.

§ 4122.3–2 Leases of withdrawn or reserved lands; preference right leases for lands restored from withdrawal.

(a) The signing officer may issue leases for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,[1] if the use of the land for grazing is not inconsistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with § 2321.3 of this chapter. Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed for the protection and use of the land for the purpose for which it was withdrawn or reserved.

(b) Where public lands are restored from a withdrawal and the signing officer determines that a grazing lease for the lands may be issued, the party using such lands or part thereof for grazing purposes under authority of the agency which had jurisdiction over the land immediately prior to their restoration, shall have a superior preference right to lease the restored lands previously used by him. The preference right must be asserted and an application for lease on a form approved by the Director (see § 4122.2–1) must be filed not more than 90 days after the date of signing of the order of revocation of the withdrawal, or not more than 90 days after the end of the current lease year under which the land is being used, whichever is the later. The application must be accompanied by a copy of the prior lease, license, permit or other authority upon which the preference claim is based. The new lease will be dated as of the first day following the end of such current lease year, or as of the date of its issuance, in the discretion of the signing officer and for such term as he may determine.

§ 4122.3–3 Rentals, schedule of grazing fees; billing notices; effect of failure to pay.

(a) The annual rental charge for the use of the leased land will be based on the number of acres under lease, the estimated grazing capacity in AUMs (animal unit months), and the rate per AUM indicated in the then-current schedule of grazing fees established by the Director, Bureau of Land Management. The schedule of grazing fees will be established and may be modified, revised, or amended as the Director may determine from time to time and notice thereof shall be published in the FEDERAL REGISTER. The schedule rate will be effective (1) immediately as to new leases issued after date of publication; (2) 30 days after publication as to existing leases, the rental period of which begins after the 30-day period. The minimum rental on a lease shall not be less than $1 per annum.

(b) Rental groups: (1) Where the rental charge for a new lease is $50 or less for the full term of the lease, the entire amount shall be paid in advance and the rental charges will not be revised during the term of the lease. No part of the rental paid will be refunded because of cancellation, relinquishment or assignment, except as provided in §§ 4122.5–3 and 4122.3–5.

(2) Where the rental for the entire lease term exceeds $50 and the rental for the first three-year period is $100 or less, the total amount for such three-year period shall be paid in advance. No part of the rental paid will be refunded because of cancellation, relinquishment or assignment, except as provided in §§ 4122.5–3 and 4122.3–5. Rental charges may be revised at the end of each three-year period based on the grazing fee schedule then in effect. Billing notices will be issued prior to the termination of each three-year period and the rental is due and payable upon receipt of the billing notice.

(3) Where the amount of the rental charge for the first three-year period would exceed $100, the rental shall be charged and paid annually based on the then effective grazing fee schedule. A billing notice for the amount of such annual rental will be sent each lessee in advance and is due and payable upon receipt. No part of the rental paid will be refunded because of cancellation, relinquishment or assignment, except as provided in §§ 4122.5–3 and 4122.3–5.

(c) Effect of failure to pay: The first rental payment required under a proposed lease in accordance with this section shall be made within 10 days from receipt of the lease form; if not paid within such time the lease shall be null and void and of no effect and all rights of the proposed lessee thereunder or under the application upon which it is based shall be considered as terminated. Subsequent rental payments for succeeding lease periods as required by paragraph (b) (2) or (3) of this section are payable in advance. In any event, if such payment is not received in the proper office by the last day of the current lease period, or within 10 days of lessees' receipt of the billing notice whichever is the later, then the lease shall be considered as cancelled and all rights thereunder terminated as of the end of such current lease period.

(d) No refund of rentals properly paid in accordance with the regulations in this part and the terms of the lease will be made because of a failure to use the grazing privileges granted by the lease, except that during periods of range depletion due to severe drouth or other natural causes or in case of a general epidemic of disease during the life of the lease the Director will in his discretion remit, refund, reduce in whole or in part, or postpone the payment of rentals for such period of depletion of general epidemic.

§ 4122.3–4 Assignment of lease.

The lessee may assign the lease only with the consent of the signing officer. The proposed assignment must be filed with the signing officer within 90 days from date of its execution, and shall contain all the terms and conditions agreed upon between the parties, and the assignee's agreement to be bound by the terms of the lease, together with triplicate copies of the combined application and lease form as approved by the Director, properly executed by the assignee, setting forth all the data required thereby. No assignment will be recognized nor will it confer on the assignee any rights to the leased area until a lease therefor is issued to him.

§ 4122.3–5 Lease lands subject to disposition; compensation to lessee for loss of improvements.

(a) Lands embraced in a grazing lease are subject to disposition under the provisions of the Act of June 28, 1934 (48 Stat. 1272, 1274), as amended, or other public land laws. Before any application for such disposition is allowed, evidence must be furnished that the applicant has agreed to compensate the lessee and the United States for any grazing improvements placed on the lands under the authority of the lease, permit, or cooperative agreement in an amount and manner to be mutually agreed upon. If such improvements have been constructed in whole or in part with Federal funds and are administered by the Bureau of Land Management, and the application for disposal is in satisfaction of any lien or indemnity selection right of any State under R.S. 2275, as amended (43 U.S.C. 851), such application may be allowed in the discretion of the authorized officer without compensation to the United States for its share of the value of the improvements, if the authorized officer shall first determine that the grazing improvements are no longer used or needed by the United States for the purpose for which the improvements were constructed and that the probable salvage value is insufficient to warrant the expense of removal of the salvageable materials in such improvements. If the parties are unable to agree as to the amount, manner, and time for compensation for such improvements, the amount, manner, and time shall be fixed by the authorized officer. The failure of the applicant to comply with the agreement or the conditions fixed by the authorized officer shall be just cause for cancellation of any right or interest in the lands acquired by the applicant by reason of the allowance of his application.

(b) Where part of the leased lands are disposed of as provided by this section, the subsequent annual rental charges will be reduced proportionately to reflect the loss of the lands from the leasehold. Such reduced rentals shall apply to rentals for the lease years commencing subsequent to the notice of such reduction.

[1] Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of February 26, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with principles of section 15 leases, under authority of subsection (I) of section 4, act of December 5, 1924 (43 Stat. 703, 43 U.S.C. sec. 501). Those lands withdrawn for reclamation purposes which are not subject to the Cooperative Agreement of February 28, 1945, will, upon restoration from the reclamation withdrawal become subject to the provisions of paragraph (b) of this section.

§ 4122.4 Construction, maintenance, and removal of improvements.

§ 4122.4–1 Permit required.

After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or construct other improvements for grazing or stock raising purposes, so long as such improvements do not impair the value of the lands or interfere with other uses: *Provided,* That a permit or cooperative agreement is obtained under the procedure set forth in this section. The lessee will be required to comply with the provisions of the laws of the state in which the leased lands are located with respect to the cost and maintenance of fences.

§ 4122.4–2 Applications for permits and cooperative agreements.

Applications for permits, cooperative agreements, or arrangements to construct and maintain range improvements shall set forth the location of such improvements by legal subdivision of the public land survey, the necessity, use, cost, and description of such improvements, item by item, shall designate the time and manner of their construction, the period of use, the method of operation, protection, repair, removal, or other disposition, and shall include any other pertinent information. When necessary to explain properly the improvements and matters connected therewith, the application shall be accompanied by a sketch of the improvements with specifications and a map showing the location of the improvements. Applications for a permit shall be made on a form approved by the Director and shall be filed in triplicate with the signing officer. Application for a cooperative agreement shall be made on a form approved by the Director.

§ 4122.4–3 Action on the application.

Action will be taken on the application by the signing officer. If the application is approved, the signing officer will issue a permit or enter into a cooperative agreement for the construction and maintenance of the improvements which have been approved.

§ 4122.4–4 Removal of improvements.

(a) Upon the expiration of the lease or its earlier termination, the signing officer may in his discretion and upon written application filed by the lessee not more than 30 days after date of such expiration or termination, require a proposed subsequent lessee, prior to the execution of a new lease, to agree to compensate the lessee for any grazing improvements of a permanent nature that have been placed upon the leased lands under authority of a section 15 lease executed prior to November 4, 1948, or thereafter, under a permit issued under § 4122.4–2. The amount of such compensation shall be determined in accordance with the procedure set forth in § 4122.3–5. The failure of the subsequent lessee to pay the lessee in accordance with such agreement shall be just cause for cancellation of the subsequent lessee's lease.

(b) The lessee will be allowed three months from the date of expiration or termination of the lease within which to remove such improvements as are not disposed of in the manner set forth above; if not removed or otherwise disposed of within the said period such improvements shall become the property of the United States. No improvements may be removed at any time the lessee is in default with respect to the lease.

§ 4122.5 Supervision and management of leased lands.

§ 4122.5–1 Access.

The issuance of a grazing lease does not alter or restrict the right of access across the leased lands by licensed hunters or fishermen or restrict their right to hunt and fish on such lands in accordance with the laws of the United States or of the state in which the lands are located, nor may the lessee interfere with such rights. Nor shall such lease restrict or limit prospecting, locating, developing, mining or patenting the mineral resources in the leased lands; miners, prospectors and mineral lessees of the United States and all other authorized persons shall be entitled to enter the leased lands.

§ 4122.5–2 Inspection of leased premises.

The land described in the lease shall be subject to inspection at all reasonable times by duly authorized representatives of the Department of the Interior. Other Federal agents, as well as game wardens, shall be permitted access to the lands in connection with necessary official business.

§ 4122.5–3 Reduction in leased area; adjustment of grazing use to conform with changes in grazing capacity.

The leased area may be reduced if it is determined that such area is required for the protection of sources of water supply to communities, or for camping places, stock driveways, roads and trails, or town sites, or for feeding grounds near communities for the use of domestic livestock or near the slaughtering or shipping points for use of stock to be marketed or for other public purposes; the authorized grazing use may be adjusted to conform to changes in grazing capacity estimates. In the case of any such reduction or adjustment, a proportionate adjustment will be made in the rental for the lease years commencing subsequent to the notice of such reduction or adjustment.

§ 4122.5–4 Temporary closing of leased area.

The State Director, in his discretion, may close temporarily to grazing, portions of the leased lands whenever, because of depletion of the vegetal cover due to drought, epidemic, fire, or any other cause, such action is necessary to restore the forage on the range to its normal condition. Such temporary closing will not operate to exclude such lands from the lease.

§ 4122.5–5 Crossing permits.

Upon application filed with the authorized officer by any person showing the necessity for crossing the Federal land with livestock for proper and lawful purposes, a crossing permit may be issued to him at a charge, payable in advance, of one cent per head per day for cattle, two cents per head per day for horses, and one-fifth cent per head per day for sheep and goats. A minimum charge of $10 will be made for each crossing permit, except that no fee will be charged where the trail to be used is so limited and defined that no substantial amount of forage will be consumed in transit.

§ 4122.5–6 Trespass.

Grazing livestock upon, allowing livestock to drift and graze on, or driving livestock across lands that are subject to lease or permit under the provisions of this Part or within a stock driveway, without a lease or other authorization from the Bureau of Land Management, is prohibited and constitutes trespass. Trespassers will be liable in damages to the United States for the forage consumed and for injury to Federal property, and may be subject to civil and criminal prosecution for such unlawful acts. (See § 9239.3–1 of this chapter for detailed trespass regulations.)

§ 4122.6 Cancellation.

Except as otherwise provided in § 4122.3–3, if the lessee shall fail to comply with any of the provisions of the regulations in this part or of the lease or of any cooperative agreement on a form approved by the Director entered into with the Bureau of Land Management for the benefit of the lease, and such default shall continue for 30 days after service of written notice thereof, or if the lease was issued improperly through error with respect to a material fact or facts, the lease may be terminated and cancelled by the authorized officer.

§ 4122.7 **Pledge of leases as security for loans; applications for extension of lease by borrower-lessee.**

(a) A lease may be pledged as security for a loan of $500 or more from a lending agency if the loan is for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may obtain from the authorized officer a written statement concerning the status of the grazing lease and other pertinent information relating thereto. A service charge of $10 will be made for searching the records to furnish such information, except that Federal and State lending agencies shall be exempt from the charge.

(b) An application by a borrower-lessee for an extension of the lease term should be executed and filed in triplicate on a form approved by the Director. When it appears that such extension will be in accordance with applicable law and not contrary to the public interest, the signing officer in his discretion may extend the lease for a period not to exceed 10 years from the date of the loan subject to such terms and conditions as are then provided by the regulations in this part, and by the signing officer.

(c) If the property of the lessee which was the basis for the granting of a preference right is acquired by the lending agency through foreclosure or otherwise, such agency or its occupants of the property or a purchaser of the property from the agency, if qualified, may apply on a form approved by the Director to be recognized as the new lessee. If, in selling the property, the lending agency takes back the mortgage on the property the agency will receive the same consideration as in the case of an original loan.

(d) Where a lending agency files in the office of the authorized officer notice that it has made a loan and has accepted a grazing lease as security therefor, in conformity with the provisions of this section, such agency will be advised of any adverse action taken affecting the lease, but the failure to give timely notice of such adverse action shall impose no legal liability or obligation on the Bureau or any of its employees.

§ 4122.8 **Appeals; filing.**

An appeal from any decision rendered pursuant to §§ 4122.0 to 4122.8, inclusive, may be taken to the Director and the Secretary, in accordance with appeals and contests (Parts 1840 and 1850 of this chapter). The appeal should be filed with the officer who rendered the decision.

PART 4130—GRAZING ADMINISTRATION (ALASKA)

Subpart 4131—Grazing Leases

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AUTHORITY: The provisions of this Part 4130 issued under sec. 15, 44 Stat. 1455, as amended; 48 U.S.C. 471n.

Subpart 4131—Grazing Leases

§ 4131.0–2 **Objectives.**

The beneficial utilization of the public lands in Alaska for the purpose of livestock grazing shall be conducted in such manner as may be considered necessary and consistent with the purposes of the act but shall be subordinated to the development of their mineral resources, to their use for agriculture, to the protection, development and utilization of their forests, and to the protection, development and utilization of such other resources as may be of greater benefit to the public.

§ 4131.0–3 **Authority.**

The act of March 4, 1927 (44 Stat. 1452; 48 U.S.C. 471, 471a–471o) authorizes the Secretary of the Interior to establish grazing districts upon any public lands in Alaska, surveyed or unsurveyed, outside of the Aleutian Islands Reservation, outside of national forests and other reservations administered by the Secretary of Agriculture and outside of national parks and monuments, and to lease such lands for the grazing of livestock thereon. Section 7 of the act provides that all leases shall be made for a term of 20 years, except where the Secretary of the Interior determines that the land may be required for other than grazing purposes within the period of 10 years, or where the applicant desires a shorter term, and in such cases leases may be made for a shorter period.

§ 4131.0–5 **Definitions.**

As used in this subpart:

(a) "Secretary" means Secretary of the Interior;

(b) "Director" means Director, Bureau of Land Management;

(c) "Authorized officer" or "manager" means the designated official of the Bureau of Land Management, in whose district the lands involved are situated, who has been delegated the authority to issue grazing leases;

(d) "The act" means the act of March 4, 1927 (44 Stat. 1452, 48 U.S.C. secs. 471, 471a–471o);

(e) "Person" means individual, partnership, corporation or association;

(f) "Native" means any member of the aboriginal races inhabiting Alaska, of whole or not less than half blood;

(g) "District" means any grazing district established under the act.

(h) "Animal unit month" means the forage consumed or grazing privileges represented by the grazing of one cow or its equivalent for one month. For the purpose of this definition, one cow shall be considered the equivalent of one horse, or five sheep or five goats.

§ 4131.1 **Conditions.**

§ 4131.1–1 **Grazing districts.**

(a) *Establishment.* Pursuant to the act, grazing districts are hereby established, the boundaries of which shall be co-extensive with the boundaries of the public land districts in Alaska.

(b) *Leases on acreage basis.* Grazing leases will be granted only for such areas as may be deemed adequate and usable according to the needs of the lessee. Leases will provide for grazing on a definite area, and on an acreage basis, except where peculiar local conditions or the difficulties of administration make more practicable a lease based on the number of livestock to be grazed.

§ 4131.1–2 **Lands subject to lease.**

Vacant, unreserved, and unappropriated public lands are subject to lease. Where these lands are embraced within the natural grazing grounds or routes of migration of animals such as caribou or moose, or have other important values for wildlife, the lands may be leased, in the discretion of the manager, subject to such special terms and conditions as may be determined. Except as to those reservations described in § 4131.0–3 public lands within the boundaries of a grazing district which have been withdrawn for any purpose may be leased with the prior consent of the Department or agency having administrative jurisdiction thereof and subject to such additional terms and conditions as such Department or agency may impose.

§ 4131.1–3 **Qualifications of applicants.**

An applicant for a grazing lease is qualified if the applicant:

(a) Is a citizen of the United States, or

(b) Has on file before a court of competent jurisdiction a valid declaration of intention to become a citizen, or a valid petition for naturalization, or

(c) Is a group, association, or corporation organized under the laws of the United States or of any State or Territory thereof, authorized to conduct business in Alaska, and the controlling interest in which is vested in persons who would be qualified under either paragraph (a) or (b) of this section.

§ 4131.1–4 **No right acquired by applicant prior to lease.**

The filing of an application will not segregate the land applied for from application by other persons for a grazing lease, or from other disposition under the public land laws. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for pending the issuance of a lease. Any such unauthorized use constitutes a trespass.[*]

§ 4131.2 **Procedures.**

§ 4131.2–1 **Applicants.**

(a) *Classes of applicants and preference.* Applicants for grazing leases shall be given preference in the following order:

(1) Natives.

(2) Bona fide settlers.

(3) Other qualified applicants.

(b) *Assertion of preference rights.* Any person claiming a preference right to a lease under paragraph (a) of this section must furnish with the application required under § 4131.2–2(a) a statement setting forth the facts on which such claim is made.

§ 4131.2–2 **Application for lease.**

(a) *Form used.* An appliaction for grazing lease must be executed in duplicate on a form approved by the Director, and filed with the manager.

(b) *Schedule of operations.* The application must be accompanied by a schedule of the applicant's proposed annual program to develop and increase the number of livestock which will be grazed on the land, and showing the applicant's need for all the land applied for, to provide forage for the maximum number of livestock which the applicant intends to graze thereon.

(c) *Financial responsibility.* The applicant, upon request by the manager, must also furnish evidence of his financial responsibility consisting of a showing that he has the financial means or has made arrangements with an established financial institution to provide the capital necessary to commence and maintain his proposed schedule of operations.

§ 4131.2–3 **Maximum number of stock.**

The lease will indicate the maximum number of stock which may be grazed on the leased area, based on the condition of the range and its accessibility for summer and winter feeding. The manager may adjust the maximum number from time to time as the condition of the range may warrant.

§ 4131.2–4 **Annual rental.**

(a) *Amount.* Unless otherwise provided, each lessee shall pay to the Bureau of Land Management such rental per acre, per head, or per animal unit month, as may be determined to be a fair charge for grazing of livestock on the leased land. The rental under any grazing lease may be adjusted every 3 years. The date for making the annual payment will be specified in the lease. If the rental is to be paid according to the number of animals grazed, no charge will be made for the natural increase of grazing animals until the beginning of the following lease year.

(b) *Adjustment or waiver.* The manager, if he determines such action to be in the public interest by reason of (1) depletion or destruction of the range by any cause beyond the control of the lessee, or (2) calamity or disease causing wholesale destruction of or injury to livestock, may grant an extension of time for making payment, or reduce or waive the grazing fee under a lease so affected. An application for the desired relief should be filed with the manager and should state all pertinent details and itemize the losses sustained.

(c) *Payment.* The first rental payment required and the return of the proposed lease duly executed by the prospective lessee shall be made within 30 days of receipt of the lease form by the prospective lessee; if the rental is not paid and the lease is not returned within the prescribed time, the offer shall be null and void and of no effect, and all rights of the prospective lessee thereunder or under the application upon which it is based shall be considered as terminated. Subsequent rental payments for succeeding lease periods are payable in advance. In the event such payment is not received in the proper office by the last day of the current lease period or within the time prescribed in the billing notice, whichever is the later, the lease shall be considered canceled and all rights terminated thereunder as of the end of such current lease period.

§ 4131.2–5 **Reduction in excessive leased area.**

Whenever, in the opinion of the manager, the leased land is excessive for the number of livestock to be grazed by the lessee, the manager may, after 30 days' notice to the lessee, reduce the lease area to the extent necessary, and the annual rental, if on an acreage basis, shall be reduced proportionately, effective at the beginning of the next lease year.

§ 4131.2–6 **Free grazing permits.**

Any person may file application in duplicate on a form approved by the Director, for a permit to graze, free of charge, not to exceed the number of livestock whose products are consumed or whose work is directly and exclusively used by the applicant or his family, for a term of not more than one year.

§ 4131.2–7 **Leases.**

(a) *Issuance of lease.* If the application is complete and it is determined that a lease should be issued, the manager will prepare a proposed lease, with necessary copies, on a form approved by the Director, for execution by the applicant. The forms, signed by the applicant, must be forwarded promptly to the manager, together with any required rental payment. The lease will be dated as of January 1 of the year in which it is issued, and the required rental for the first year will be adjusted on a pro rata monthly basis to cover that portion of

[*] It is unlawful for any person to graze any class of livestock on the public lands in grazing districts in Alaska, except under authority of a lease or permit granted under the act. Any person who wilfully grazes livestock in such areas without such authority shall, upon conviction, be punished by a fine of not more than $500. (Sec. 12, act of March 4, 1927; 48 U.S.C. 471k, and notice approved March 7, 1929.)

the year subsequent to the lease issuance.

(b) *Report of grazing operations.* Before April 1 of the second lease year and each lease year thereafter, the lessee shall file with the manager a report, in duplicate, on a form approved by the Director, of his grazing operations during the preceeding year.

(c) *Assignments.* No part of the leased land may be subleased. Any proposed assignment of a lease, in whole or in part, must be filed in duplicate with the authorized officer within 90 days of its execution. Assignments will be executed on a form approved by the Director and must be accompanied by the application on a form approved by the Director, executed in duplicate, together with the same showing by the assignee as to qualifications and stock development schedule as would be required of applicants for a new lease, including financial responsibility when specifically requested by the manager. The assignee's acceptance of the lease offered pursuant to the grazing lease assignment shall constitute his acceptance of the lease terms. No assignment will be recognized nor will it confer on the assignee any rights to the leased area until a lease therefor is issued to him.

(d) *Renewals.* An application for renewal of a grazing lease should be executed and filed in duplicate on a form approved by the Director not less than four months but not more than eight months before the expiration date of the lease term. The renewal lease, if issued, will contain such terms and conditions as the manager may determine.

(e) *Rights reserved.* Grazing leases under this Subpart 4131 shall be subordinated to and shall be subject to modification or reduction by the manager to the extent necessary to permit:

(1) The protection, development and utilization, under applicable laws and regulations, of the mineral, timber, water, and other resources on or in the leased lands, including their use for agriculture.

(2) The allowance of applications for and the acquisition of homesites, easements, permits, leases, or other rights and uses, pursuant to applicable public land laws, where the same are in the public interest or will not unduly interfere with the use of the area for grazing purposes.

(3) The temporary closing of portions of the leased area to grazing whenever, because of improper handling of the stock, overgrazing, fire or other cause, such action is deemed necessary to restore the range to its normal condition.

(f) *Restrictions.* No lessee may so enclose roads, trails or other highways as to disturb public travel thereon, nor interfere with existing communication lines or other improvements on the leased area; he shall not prevent legal hunting, fishing or trapping on the land, or the ingress of miners, mineral prospectors and other persons entitled to enter the area for lawful purposes.

(g) *Termination.* A lease may be surrendered by the lessee upon prior written notice filed with the manager, effective upon the date indicated in such notice but no less than 30 days from the date of filing, provided the lessee has complied with the terms and conditions of the lease and has paid all charges due thereunder.

(h) *Cancellation.* A lease may be cancelled by the manager if the lease was issued improperly through error with respect to a material fact or facts, or if the lessee shall fail to comply with any of the provisions of the lease or of this Subpart 4131. No lease will be cancelled for default in complying with the provisions of the lease or of this Subpart 4131 until the lessee has been notified in writing of the nature of the default and has been afforded an opportunity to show why the lease should not be cancelled.

§ 4131.2–8 Stock driveways; crossing permits; quarantine regulations.

(a) *Stock driveways.* The manager may establish stock driveways for the regular crossing of livestock across public lands, in such form and manner as he may determine.

(b) *Crossing permits.* A permit for the crossing of livestock on a stock driveway or other public lands, including lands under grazing lease, may be issued free of charge, upon the filing of an application on a form approved by the Director, in duplicate, with the authorized officer at least 30 days prior to the date the crossing is to begin.

(c) *Quarantine regulations.* Persons driving or transporting stock across any public lands must comply with the quarantine and other sanitary laws prescribed by the Territorial or other proper authorities.

§ 4131.2–9 Range improvements.

(a) *Permits for construction and maintenance.* Application for a permit to construct and maintain range improvements should be filed with the authorized officer in duplicate on a form approved by the Director. The lessee, upon obtaining an executed permit from the authorized officer, may construct, maintain, and utilize authorized fences, buildings, corrals, reservoirs, wells, or other improvements needed for the exercise of the grazing privileges under the lease. The lessee will be required to comply with the laws of the State of Alaska with respect to the construction and maintenance of fences, but any such fence shall be constructed to permit the ingress and egress of miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes. The lessee, upon written approval by the authorized officer, may improve by seeding or reseeding within the lease area and may harvest hay or ensilage from such seeded or reseeded areas provided that the forage so produced is used primarily as feed for the lessee's livestock. The authorized officer may approve the assignment of range improvements upon receipt of an application for such assignment on a form approved by the Director.

(b) *Removal of improvements and personal property.* (1) Improvements, fixtures, or personal property (other than livestock) may not be removed from the lands unless all moneys due the United States under the lease have been paid.

(2) If all moneys due have been paid and the lessee, on or before the termination of his lease in whole or in part for any reason, notifies the manager of his determination to leave on the land involved in such termination improvements, the construction or maintenance of which has been authorized, no other person shall use or occupy, under any permit, lease or entry under any public land law, the land on which such improvements are located, until there has been paid to the person entitled thereto the value of such improvements. If the interested parties are unable to reach an agreement as to such value, the amount may be fixed by the manager. All such agreements, to be effective, must be approved by the manager. The failure of the subsequent permittee, lessee, or entryman to pay the former lessee in accordance with such agreement will be just cause for the cancellation of the permit, lease, or entry.

(3) In the absence of a notice by the lessee in accordance with subparagraph (2) of this paragraph the lessee shall, within 90 days from the date of expiration or termination of the lease, and if all charges due thereunder have been paid, remove all personal property belonging to him, together with any fence, building, corral, or other removable range improvements owned by him. All such property which is not removed within the time allowed shall thereupon become the property of the United States.

§ 4131.3 Disposition of leased lands.

§ 4131.3–1 Settlement, location, and acquisition.

Lands leased under the act are not subject to settlement, location, and acquisition under the nonmineral public land laws applicable to Alaska unless and until the authorized officer of the Bureau of Land Management determines that the grazing lease should be cancelled or reduced in order to permit, in the public interest and without undue interference with the grazing operations, the appropriate development and utilization of the lands (see § 4131.2–7(e)) and that the lands are suitable for and otherwise subject to the intended settlement, location, entry or acquisition. An application on the appropriate form or a notice on a form approved by the Director if applicable to the class of entry contemplated, will be accepted and treated as a petition for determination. Upon such determination and after not less than 30 days' notice thereof to the lessee the grazing lease may be cancelled or reduced to permit the settlement, location, entry or other acquisition of the lands so eliminated from the lease, and the petitioner will be accorded a preference right to settle upon or enter the lands in accordance with the determination.

§ 4131.3–2 Mineral prospecting, location and purchase.

Unless otherwise withdrawn therefrom, lands leased under the act are subject to disposition under the mineral leasing laws and to mineral prospecting, location, and purchase under the mining

laws, in accordance with the applicable regulations of Group 3400 of this chapter.

§ 4131.5 Protests, hearings and appeals.

§ 4131.5–1 Protests.

Protests against an application for a lease should be filed in duplicate, with the manager, contain a complete disclosure of all facts upon which the protest is based, and describe the lands involved in such protest; and should be accompanied by evidence of service of a copy of the protest upon the applicant. If the protestant desires to lease all or part of the land embraced in the application against which the protests is filed, the protest should be accompanied by an application for a grazing lease.

§ 4131.5–2 Hearings; appeals.

(a) Any lessee of or applicant for grazing privileges may procure a review of any action or decision of the authorized officer by filing with such officer an application for a hearing, stating the nature of the action or decision complained of and the grounds of complaint. The filing of any such application and the conduct of the proceedings before an examiner shall be governed by Subpart 1852 of this chapter pertaining to contests.

(b) An appeal may be taken from any decision of the authorized officer to the Director of the Bureau of Land Management, and from any decision of the Director to the Secretary of the Interior, pursuant to Part 1840 of this chapter.

Subpart 4132—Grazing Permits (Reindeer)

§ 4132.0–3 Authority.

Section 12 of the Act of September 1, 1937 (50 Stat. 902; 48 U.S.C. 250k), authorizes the Secretary of the Interior to promulgate such rules and regulations as, in his judgment, are necessary to carry into effect the provisions of 48 U.S.C. 250–250n.

§ 4132.0–5 Definitions.

(a) "Reindeer" includes reindeer and such caribou as have been introduced into animal husbandry or have actually joined reindeer herds and the increase thereof.

(b) "Natives" include the native Indians, Eskimos, and Aleuts of whole or part blood inhabiting Alaska at the time of the Treaty of Cession of Alaska to the United States and their descendants of whole or part blood, together with the Indians and Eskimos who, since the year 1867 and prior to September 1, 1937, have migrated into Alaska from the Dominion of Canada, and their descendants of whole or part blood.

(c) "Bureau" means Bureau of Land Management.

(d) "Director" means Director, Bureau of Land Management.

(e) "Authorized Officer" means the Bureau official who has been authorized to issue a reindeer grazing permit.

(f) "The Act" means the Act of September 1, 1937 (50 Stat. 902; 48 U.S.C. 250, 250a–250p).

§ 4132.1 Conditions.

§ 4132.1–1 Lands subject to grazing permit.

Vacant and unreserved and unappropriated public lands are subject to inclusion in a reindeer grazing permit. Where these lands are within the natural migration routes of caribou, or when they have other important wildlife values, the lands may be included in a permit, at the discretion of the authorized officer after consultation with the Bureau of Sport Fisheries and Wildlife, subject to such special terms and conditions as may be jointly agreed upon. Public lands which have been withdrawn for any purpose may also be included in a grazing permit with the prior consent of the Department or agency having administrative jurisdiction thereof, and subject to such additional terms and conditions as such Department or agency may impose.

§ 4132.1–2 Qualifications of applicants.

An applicant is qualified if he is a native or group, association or corporation of natives as defined by the Act of September 1, 1937, organized under the laws of the United States or the State of Alaska.

§ 4132.1–3 No rights acquired by applicant prior to issuance of grazing permit.

The filing of an application will not segregate the land applied for from application by other persons for a grazing permit, or from other disposition under the public land laws. As the issuance of a grazing permit is discretionary, the filing of an application will not create a right for such a permit, or to the use of the lands applied for pending the issuance of a grazing permit.

§ 4132.1–4 Rights reserved; public land laws applicable.

(a) Grazing permits under this Subpart 4132 shall be subordinated to higher uses and subject to modification or reduction by the authorized officer to the extent necessary to allow:

(1) The protection, development and utilization, under applicable laws and regulations, of the mineral, timber, water and other resources on or in the lands included in the grazing permit, including their use for agriculture.

(2) The allowance of applications for and the acquisition of homesites, easements, permits, leases, or other rights and uses pursuant to applicable public land laws.

(3) The temporary closing of portions of the permitted area to grazing whenever, because of improper handling of the reindeer, overgrazing, fire, or other cause, such action is deemed necessary to restore the range to its normal condition.

(b) No permittee may so enclose roads, trails, or highways as to disturb public travel thereon, nor interfere with existing communication lines or other improvements on the permitted area; he shall not prevent legal hunting, fishing or trapping on the land, or ingress of miners, mineral prospectors and other persons entitled to enter the area for lawful purposes.

(c) Persons using public lands for grazing of reindeer or for driving of reindeer across such lands must comply with applicable State and Federal laws relative to livestock quarantine and sanitation.

§ 4132.1–5 Location, settlement, entry, and other disposition of lands included in grazing permit; notice to permittee of disposition and reduction of permitted area.

(a) Lands included in grazing permits under the act are subject to settlement, location, and acquisition under the non-mineral public land laws applicable to the State of Alaska.

(b) Upon settlement, location or entry of any lands included within a reindeer grazing permit, the permittee shall be notified of the settlement, location or entry, and the permitted area shall be reduced by the area involved in the settlement, location or entry.

(c) Unless otherwise withdrawn therefrom lands included in grazing permits under the act are subject to disposition under the mineral leasing laws and to mineral prospecting, location, and purchase under the mining laws, in accordance with the applicable regulations of Group 3400 of this chapter.

§ 4132.2 Procedures.

§ 4132.2–1 Application for grazing permit.

(a) *Form used.* An application for a grazing permit must be executed in duplicate on a form approved by the Director and filed in the Bureau office which has jurisdiction over lands applied for.

(b) *Bureau of Indian Affairs certification.* A certification of reindeer allotment to the applicant, signed by the authorized Bureau of Indian Affairs officer, must accompany the application if the applicant is to receive a herd from the Government.

(c) *Source of reindeer other than Government.* If reindeer are to be obtained from a source other than the Government, the applicant should state the source and show evidence of his purchase or option to purchase.

(d) *Listing of improvements.* With the initial application for any grazing permit issued under this subpart 4132, the applicant must list by location and description the improvements found in the area under application which are owned by the applicant. Such statement of ownership will be verified by a Bureau of Indian Affairs official prior to submitting it to the Bureau of Land Management. Such existing improvements will be permitted by the terms of the initial grazing permit. Improvements to be constructed subsequent to the issuance of the initial grazing permit must be under permit in accordance with § 4132.2–9.

§ 4132.2–2 Filing fee; grazing fee.

A filing fee of $10 must accompany each application for a reindeer grazing permit or application for renewal thereof. No grazing fee will be charged.

§ 4132.2–3 Term of grazing permit; renewals.

(a) Reindeer grazing permits shall be issued for a maximum term of 10 years, except where the applicant desires a

shorter term, or where the authorized officer determines that a shorter period will be in the public interest.

(b) Application for renewal of a grazing permit shall be made not less than four months or more than eight months before the expiration date of the permit. The authorized officer may at his discretion offer the permittee a renewed grazing permit containing such terms, conditions, and of such duration as he determines to be in the public interest.

§ 4132.2–4 Area of use and maximum number of reindeer.

(a) Permits will restrict grazing use to a definitely described area. Grazing permits will be granted only for such areas as may be deemed adequate and usable according to the needs of the permittee.

(b) The grazing permit will indicate the maximum number of reindeer which may be grazed on the permitted area, based on range conditions, and will be subject to adjustment as the condition of the range indicates.

§ 4132.2–5 Adjustment of grazing permit area.

The permitted area may be reduced at any time, after not less than 30 days notice to the permittee, when in the opinion of the authorized officer the area is excessive for the number of reindeer grazed thereon. The permit may be increased by the authorized officer on his own motion or upon request of the permittee, when in the opinion of the authorized officer the area is insufficient for the number of reindeer grazed thereon. The permittee shall have opportunity within such notice period to show cause why the area included in the grazing permit should not be adjusted.

§ 4132.2–6 Report of grazing operations; assignments allowed.

(a) Before April 1 of the second permit year and each year thereafter, the permittee shall file with the authorized officer a report in duplicate of his grazing operations during the preceding year on an approved form.

(b) No part of the land included in the permit may be subleased. Proposed assignments of a permit, in whole or in part, must be filed in duplicate with the authorized officer within 90 days from the date of its execution. Such assignments must contain all of the terms and conditions agreed upon by the parties thereto, accompanied by the same showing by the assignee as to qualifications and a reindeer allotment as is required of applicants for a permit, and by the assignee's statement agreeing to be bound by the provisions of the permit. No assignment shall be effective until approved by the authorized officer.

§ 4132.2–7 Termination of grazing permit; cancellation.

(a) A grazing permit may be surrendered by the permittee upon prior written notice filed with the authorized officer, effective upon the date indicated in such notice, but not less than 30 days from the date of filing.

(b) A grazing permit may be cancelled by the authorized officer if the permit was issued improperly through error with respect to a material fact or facts, or if the permittee shall fail to comply with any of the provisions of the permit or of this Subpart 4132. No permit shall be cancelled for default in complying with the provisions of the permit or of this Subpart 4132 until the permittee has been notified in writing of the nature of the default and has been afforded an opportunity of not less than 30 days to show why the permit should not be cancelled.

§ 4132.2–8 Crossing permits.

A permit for the crossing of reindeer over public lands, including lands under grazing permit, may be issued free of charge, upon application filed with the authorized officer at least 30 days prior to the date the crossing is to begin. The application must show the number of reindeer to be driven, date of starting, approximate period of time required, and the land to be traversed.

§ 4132.2–9 Permits for construction and maintenance of improvements; removal.

(a) Application for a permit to construct and maintain range improvements should be filed, in duplicate, with the authorized officer on an approved form. The grazing permittee, upon obtaining a permit from the authorized officer, may construct, maintain and utilize any fence, building, corral, reservoir, well, or other improvement needed for the exercise of the grazing privileges under the grazing permit. The permittee will be required to comply with the laws of the State of Alaska with respect to the construction and maintenance of fences, but any such fence shall be constructed to permit the ingress and egress of miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(b) The permittee, within 90 days from the date of expiration or termination of the grazing permit, or within any extension of such period, shall be allowed to remove all personal property belonging to him, together with any fence, building, corral, or other removable range improvements owned by him. All such property which is not removed within the time allowed shall thereupon become the property of the United States.

§ 4132.3 Protests and appeals.

(a) Protests against an application for a grazing permit shall be filed in duplicate, with the authorized officer; contain a complete disclosure of all facts upon which the protest is based; and describe the lands involved in such protests. It shall be accompanied by evidence of service of a copy of the protest upon the applicant. If the protestant desires to obtain a grazing permit for all or part of the land embraced in the application against which the protest is filed, the protest shall be accompanied by an application for a grazing permit.

(b) An appeal may be taken from any decision of the authorized officer to the Director, and from any decision of the Director to the Secretary, pursuant to Appeals and Contests (Parts 1840 and 1850 of this chapter).

§ 4132.4 Trespass.

(a) Any use of the Federal lands for reindeer grazing purposes, unless authorized by a valid permit issued in accordance with the regulations in this Subpart 4132 is unlawful and is prohibited.

(b) Any person who wilfully violates any of the rules and regulations in this Subpart 4132 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by imprisonment for not more than one year, or by a fine of not more than $500.

Group 4200—Wildlife

PART 4250—COOPERATIVE PROGRAMS

Subpart 4251—Joint Regulations Relating to Game Ranges or Wildlife Refuges in Grazing Districts

Sec.

4251.0–3 Authority.
4251.1 Protection of wildlife.
4251.2 Acts not permitted on game ranges, or wildlife refuges.
4251.3 Grazing.
4251.4 Specimens for scientific exhibition or propagating purposes.
4251.5 Scientific studies.
4251.6 Removal of surplus animals.
4251.7 Economic utilization of resources.
4251.8 Fishing.
4251.9 Exhibition and revocation of permits.

AUTHORITY: §§ 4251.0–3 to 4251.9 issued under sec. 10, 45 Stat. 1224, sec. 2, 48 Stat. 1270; 16 U.S.C. 715i, 43 U.S.C. 315a.

Subpart 4251—Joint Regulations Relating to Game Ranges or Wildlife Refuges in Grazing Districts

§ 4251.0–3 Authority.

Subpart 4251 issued under sec. 10, 45 Stat. 1224, sec. 2, 48 Stat. 1270; 16 U.S.C. 715i, 43 U.S.C. 315a.

CROSS REFERENCES: For administration of game ranges or wildlife refuges in grazing districts, see Wildlife, 50 CFR Part 25. For Fish and Wildlife Service, Department of the Interior, see Wildlife and Fisheries, 50 CFR Chapter I. For protection of wildlife, regulations of the National Park Service, Department of the Interior, see Parks, Forests, and Memorials, 36 CFR Ch. I. For regulations of the Forest Service, Department of Agriculture, relating to wildlife, see Parks, Forests, and Memorials, 36 CFR Part 241.

§ 4251.1 Protection of wildlife.

It is not permitted to hunt, trap, catch, disturb, or kill, or attempt to hunt, trap, catch, disturb, or kill any wild bird or other animal, or to take or molest the nests or eggs of such birds, on any game ranges, or wildlife refuges, except when authorized by permit issued by or under the authority of the Secretary of the Interior: *Provided*, That duly authorized grazing permittees and employees of the Department of the Interior engaged in the control of predatory animals and rodents may trap or otherwise take such rodents, predatory animals, or predacious birds when in the opinion of the Director, Fish and Wildlife Service, control measures are necessary to reduce the numbers of such animals or birds in order to safeguard the perpetuation of other species of wildlife, to protect livestock, or to conserve grazing resources, or to retard soil erosion.

§ 4251.2 Acts not permitted on game ranges or wildlife refuges.

The following acts are not permitted on lands of the United States within such game ranges, or wildlife refuges:

(a) Setting on fire, or causing to be set on fire any timber, brush, or grass, except as authorized by the resident officer in charge of such area.

(b) Building a camp fire in leaves, rotten wood, or other places where it is likely to spread; against large or hollow logs or stumps where it is difficult to extinguish it completely; or in any other dangerous place, or during windy weather, without confining it to holes or cleared spaces from which all vegetation or other inflammable material has been removed.

(c) Leaving a camp fire unattended or not completely extinguished.

(d) Disturbing, molesting, or interfering, by intimidation, threat, assault, or otherwise, with any person engaged in the management of wildlife or livestock on such ranges, or refuges, or the prevention of trespass thereon.

(e) Unless authorized by permit from the resident officer in charge, the carrying of a firearm, except by authorized Federal or State officers.

(f) Throwing or placing a burning cigarette, match, pipe heel, firecracker, or any ignited substance in any place where it may start a fire; or discharging any kind of fireworks on any part of such ranges, or refuges.

(g) The destruction, injury, defacement, removal, or disturbance in any manner, of any building, notice, sign, signboard, equipment, fence, post, road, trail, dike, dike embankment, dam, bridge, or other structure or of any other public property of any kind on such ranges, or refuges.

(h) Entering, occupying, or using, without permission from the officer in charge, any building of the United States on such areas used for administration purposes by the Department of the Interior, except in case of emergency to prevent human suffering.

(i) The entering or being upon such land with intent to destroy, molest, disturb, or injure property used, or acquired for use, by the United States, in the administration of such areas.

(j) The dumping of garbage, or other refuse or debris, or the draining or dumping of oil, acids or poisons in, or otherwise polluting any waters, waterholes, or streams within any such ranges, or refuges.

§ 4251.3 Grazing.

No cattle, sheep, horses, or other livestock are permitted to graze on the public lands within the exterior boundaries of such game ranges, or refuges, except under permit of the authorized officer of the Department of the Interior and in accordance with such conditions as he may prescribe therein, and no grazing is permitted on lands within the exterior boundaries of such game ranges, or refuges, which have been or which hereafter may be acquired by the United States for the conservation of migratory birds and other wildlife, except under permit of the authorized officer of the Department of the Interior and in accordance with such conditions as he may prescribe therein.

§ 4251.4 Specimens for scientific, exhibition, or propagating purposes.

Specimens of plant and animal life or other natural objects on any range, or refuge, may be taken for scientific, exhibition, or propagating purposes, under special permit issued under authority of the Secretary of the Interior and countersigned by the Director, Fish and Wildlife Service, but no such permit shall be deemed to authorize the taking, possession, transportation, or sale of any wildlife, or the nests or eggs of birds, contrary to State or Federal law.

§ 4251.5 Scientific studies.

Any person may enter upon any such range, or refuge, for scientific study, the taking of photographs thereon, or for other like purposes, but must comply with this part for the protection of wildlife, and the rules of this chapter for the administration of grazing districts.

§ 4251.6 Removal of surplus animals.

Whenever it shall appear after investigation that the number of any species of game animal on any such range, or refuge, shall have increased beyond the numbers specified in the Executive order establishing the particular range, it shall be the duty of the Director, Fish and Wildlife Service, and the Director, Bureau of Land Management, Department of the Interior, jointly to determine the number of surplus animals it is desirable to remove from such range, or refuge, and upon such determination such surplus animals may be removed under such conditions and in the manner authorized or prescribed by the Director, Fish and Wildlife Service.

§ 4251.7 Economic utilization of resources.

Permits to cut and remove timber or firewood, occupy or cultivate areas, use any material of commercial value, or make other like use of any lands within the exterior boundaries of such ranges, or refuges, which lands have been or may hereafter be acquired by the United States for the conservation of migratory birds or other wildlife, not inconsistent with the objects for which such ranges, or refuges, were established, may be issued by the Director, Fish and Wildlife Service, upon such terms and at such rates of charge, if any, as may be ascertained and determined by him to be commensurate with the value of the privilege given by such permits. Permits for like purposes as to other lands within such ranges, or refuges, may be issued in conformity with rules and regulations of the Department of the Interior covering such usage: *Provided*, That in order to safeguard the food and cover requirements for wildlife, permits to remove timber or firewood from the range, or refuge, shall not be issued until applications therefor have first been approved by the resident officer of the Fish and Wildlife Service and timber permittees shall make such disposition of brush, tops, lops, slashings, and other forest debris resulting from timber operations as such officer may prescribe.

§ 4251.8 Fishing.

Any person may enter upon any range, or refuge, for the purpose of fishing in accordance with the laws of the State in which such range, or refuge, is located, but must comply with the provisions of this part for the protection of wildlife, and the rules in this chapter for the administration of grazing districts.

SUBCHAPTER E—FOREST MANAGEMENT (5000)

Group 5000—Forest Management General

PART 5040—SUSTAINED YIELD UNIT AND COOPERATIVE AGREEMENTS

Subpart 5040—Sustained Yield Unit and Cooperative Agreements; General

Sec.
5040.0–3 Authority.

Subpart 5041—Annual Productive Capacity

5041.1 Determination of annual productive capacity.

Subpart 5042—Master Units

5042.1 Master units and appurtenant marketing areas.
5042.2 Hearings concerning master units.
5042.3 Notice of hearings concerning master units.

Subpart 5043—Sustained Yield Forest Units

5043.1 Establishment of units.
5043.2 Hearings concerning sustained-yield forest units and cooperative agreements.
5043.3 Notice of hearings concerning forest units and cooperative agreements.

Subpart 5044—Cooperative Sustained-Yield Agreements

5044.1 General items of agreements.
5044.2 Qualifications for agreement.
5044.3 Forms of agreement.
5044.4 Execution of agreement.

Subpart 5045—Exchanges

5045.1 O. and C. timberlands.

AUTHORITY: The provisions of this Part 5040 issued under sec. 5, 50 Stat. 875; 43 U.S.C. 1181e.

Subpart 5040—Sustained Yield Unit and Cooperative Agreements; General

§ 5040.0–3 Authority.

(a) The act of August 28, 1937 (50 Stat. 874), relates to the administration of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, both of which are hereinafter referred to as O. and C. lands. It provides that such portions of those lands now or hereafter under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timber lands, and power-site lands valuable for timber, shall be managed, except as provided in section 3 of the act, for permanent forest production, and the timber thereon shall be sold, cut and removed in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities. Nothing contained in the act shall be construed to interfere with the use and development of power sites as may be authorized by law.

(b) Section 1 of the act authorizes the Secretary of the Interior, if he determines that such action will facilitate sustained-yield management, to subdivide the revested lands into sustained-yield forest units, the boundary lines of which shall be so established that each will provide, so far as practicable, a permanent source of raw materials for the support of dependent communities and local industries of the region. The boundaries of such forest units may be established only after hearings are conducted in the vicinity of such lands.

(c) Section 2 of the act authorizes the Secretary to make cooperative agreements with other Federal or State administrative agencies or with private forest owners or operators for the coordinated management, with respect to time, rate, and method of cutting, and sustained yield, of forest units comprising parts of revested or reconveyed lands, together with lands in private ownership or under the administration of other public agencies, when by such agreements he may be aided in accomplishing the purposes of the act.

Subpart 5041—Annual Productive Capacity

§ 5041.1 Determination of annual productive capacity.

The authorized officer of the Bureau of Land Management shall determine and declare the annual productive capacity of the O. and C. lands under the principle of sustained yield. The lands shall be treated as a single unit for the purpose of applying the principle of sustained yield, except that upon the establishment of one or more sustained-yield forest units in accordance with § 5043.1, each such unit shall be treated separately in the determination of its annual productive capacity and the average annual cut of timber.

§ 4251.9 Exhibition and revocation of permits.

Permits shall be exhibited for inspection at any reasonable time upon request of any officer or employee of the Department of the Interior engaged in the administration of such ranges, or refuges, or in the enforcement of laws and regulations applicable to wildlife. Any permit may be terminated at any time by agreement between the issuing officer and the permittee; it may be revoked by the Director, Bureau of Land Management, Department of the Interior, or his designated representative, if issued by or under his authority, or by the Director, Fish and Wildlife Service, or his designated representative, if issued by or under his authority, for noncompliance with the terms thereof or of the regulations in this chapter, for nonuse, or for violation of any law or regulation applicable to the game range, or wildlife refuge, or of any State or Federal law protecting wildlife or the nests or eggs of birds; and it is subject at all times to discretionary revocation by the Secretary under whose authority it was issued.

Subpart 5042—Master Units

§ 5042.1 Master units and appurtenant marketing areas.

As a basis for studies leading to the formulation of plans for the sustained-yield forest units and cooperative agreements authorized by the act, and in order to facilitate administration under the act, the authorized officer, after the determination and declaration of the annual sustained-yield productive capacity of the O. and C. lands, will divide the entire area of the O. and C., intermingled and contiguous lands into master units, on the basis of natural groupings of such lands related to each other by physical and economic factors, and will declare an appurtenant marketing area for each such master unit.

§ 5042.2 Hearings concerning master units.

(a) In order that the Director may obtain the aid and advice of interested persons and agencies, and the public may be informed as to contemplated plans, a public hearing will be held in connection with each proposed master unit. Such hearing will be held in the vicinity of the lands involved and will be open to the attendance of all interested persons, including State and local officers and representatives of dependent industries and labor. The hearing will be conducted by a representative or representatives of the Department of the Interior.

(b) At the conclusion of the hearing, the minutes thereof, together with appropriate recommendations, shall be forwarded to the Director. The Director will thereafter take such action as he deems appropriate and due notice thereof will be given to the public.

§ 5042.3 Notice of hearings concerning master units.

(a) Before any hearing is held in connection with a master unit, notice thereof will be published, once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which the proposed master unit and the appurtenant marketing area are situated, and once in the FEDERAL REGISTER. The notice may also be published in a trade paper, if such publication is desirable.

(b) Such notice shall be approved by the Director.

Subpart 5043—Sustained Yield Forest Units

§ 5043.1 Establishment of units.

Sustained-yield forest units will be established by the Director within the boundaries of each master unit in such manner that each forest unit will contain sufficient forest land to furnish a sustained supply of timber to forest industries upon which a local community depends and to constitute a suitable basis for a cooperative agreement. Due consideration shall be given to establish lumbering operations for the purpose of protecting dependent communities against adverse economic effects. Each forest unit shall be established so as to promote the widest distribution of the benefits of sustained-yield management to all forest owners, operators, workers and dependent communities affected thereby.

§ 5043.2 Hearings concerning sustained-yield forest units and cooperative agreements.

Prior to the establishment of a sustained-yield forest unit, a public hearing shall be held in the vicinity of the lands involved, in accordance with section 1 of the act. Plans for the establishment of the unit and the execution of a cooperative agreement shall be considered at such hearing. The hearing will be conducted in the same manner as hearings concerning master units, as set forth in § 5042.2. The representative or representatives of the Department of the Interior who conduct the hearing will upon its conclusion make appropriate recommendations to the Director concerning the establishment of the forest unit and the execution of the cooperative agreement, forwarding at the same time a copy of the minutes of the hearing. The Director thereafter will take such action as he deems appropriate and due notice thereof will be given to the public.

§ 5043.3 Notice of hearings concerning forest units and cooperative agreements.

The provisions of § 5042.3 relative to notice of hearings concerning a master unit shall be applicable to the hearing in connection with the establishment of a sustained-yield forest unit and the execution of a cooperative agreement.

Subpart 5044—Cooperative Sustained-Yield Agreements

§ 5044.1 General items of agreements.

(a) The formulation and administration of cooperative agreements shall be guided by a policy of promoting the widest distribution of the benefits obtainable under sustained-yield management, and of preventing monopoly.

(b) A prerequisite to participation in the cooperative agreement covering a sustained-yield forest unit will be either (1) ownership of land therein upon which timber is growing in commercial quantities, or of cutover and other lands which have been restocked or are suitable primarily for the production of timber in commercial quantities, or (2) sufficient rights or interests in the timber within the unit to enable the holder of such rights or interests to fulfill the obligations involved in commitment to the agreement.

(c) In each cooperative agreement the parties shall agree, in consideration of the benefits conferred by such agreement, that the forest management of their lands shall be conducted in such manner as may be necessary to effectuate the purposes of the act. Each such cooperative agreement shall provide for (1) the disposition of timber from the Federal land in the forest unit to cooperating parties without competitive bidding at appraised prices, in accordance with sustained-yield management plans formulated or approved by the Director; (2) the time, rate, and method of cutting timber from any lands committed to such agreement; (3) the terms and conditions, but not the price, upon which private cooperating parties may sell to any person timber from their lands; (4) the terms and conditions upon which additional lands, timber, or parties may be admitted to the agreement subsequent to its original execution; (5) the protection of the reasonable interests of other owners or operators within the unit, of workers and others affected by the execution of such cooperative agreement, and of communities dependent upon the timber within such unit; and (6) such other matters as the Director shall determine are necessary or proper to achieve the objectives of the act.

(d) The provisions of a cooperative agreement, except as therein otherwise provided, shall prevail, in the administration and disposal of O. and C. timber included in such agreement, over the regulations of the Secretary of the Interior theretofore applicable to such timber.

§ 5044.2 Qualifications for agreement.

Any individual who wishes to obtain the rights of a producer under a cooperative agreement will be required to furnish satisfactory proof, prior to the execution of the agreement, that he is a citizen of the United States, or, if a partnership or association, that each member thereof is such a citizen. A corporation which wishes to become a party to such an agreement must file a certified copy of its articles of incorporation to show that it was organized under the laws of the United States or of some state territory, or possession thereof, as well as a statement setting forth the name, residence, citizenship, and amount of stock held by each of its stockholders, separately listing those of alien citizenship. A corporation organized outside of the State of Oregon must also file a certificate by the proper state official that it is authorized to do business within the State of Oregon. The Director, in his discretion, may require a corporate party to a cooperative agreement to furnish additional information as to the ownership of its stock and may deny participation in a cooperative agreement to a corporation, any of whose stock is owned, held, or controlled by citizens of another country.

§ 5044.3 Forms of agreement.

The standard form for cooperative agreements between the United States and owners and operators of non-federal lands, heretofore approved by the Secretary of the Interior, will be made available through the State Director, Portland, Oregon. Changes in the form of agreement may be made by the Director, from time to time when such changes are warranted by peculiar circumstances in a forest unit, or to reflect the experience gained from the operation of previous agreements. All such changes shall be consistent with the retention by the Director, of the authority necessary to accomplish the objectives of the act. Where Federal lands not under the jurisdiction of the Secretary

Group 5400—Forest Product Disposals

PART 5400—FOREST PRODUCT DISPOSALS; GENERAL

Subpart 5400—Forest Product Disposals; General

Sec.
5400.0–3 Authority.
5400.0–5 Definitions.

Subpart 5401—Annual Timber Sale Plan

5401.1 Plan.

Subpart 5402—Appraisal and Measurement

5402.1 Policy on appraisal and measurement.

Subpart 5409—Alaska Timber Sales

5409.1 Small sales of timber for use in Alaska.
5409.1–1 Lands from which timber may be sold.
5409.1–2 Appraised prices.
5409.1–3 Applications; who may purchase.
5409.1–4 Cash deposit.
5409.1–5 Permits.
5409.1–6 Appeals.
5409.2 Sale of timber for exportation from Alaska.
5409.2–1 Small-quantity sales.
5409.2–2 Large-quantity sales.
5409.2–3 Application to purchase; deposit.
5409.2–4 Publication and posting; marking of land.
5409.2–5 Action on application; field report and appraisal.
5409.2–6 Execution of contract; bond required.
5409.2–7 Renewals of contract.
5409.2–8 Land from which timber may not be sold.

AUTHORITY: §§ 5400.0–3 to 5409.2–8 issued under 61 Stat. 681, as amended, 69 Stat. 367; 30 U.S.C. 601 et seq.; 48 Stat. 1269; 43 U.S.C. 315; sec. 11, 30 Stat. 414, as amended; 43 U.S.C. 423; sec. 5, 50 Stat. 875; 43 U.S.C. 1181e.

Subpart 5400—Forest Product Disposals; General

§ 5400.0–3 Authority.

(a) *O and C and public domain sales.* (1) The act of August 28, 1937 (50 Stat. 874, 43 U.S.C. 1181a) authorizes the sale of timber from the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands and directs that such lands shall be managed for permanent forest production and the timber thereon sold, cut and removed in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating streamflow and contributing to the economic stability of local communities and industries and providing recreational facilities.

(2) The act of July 31, 1947 (61 Stat. 681), as amended by the acts of July 23, 1955 (69 Stat. 367, 30 U.S.C. 601 et seq.) and the act of September 25, 1962 (76 Stat. 587) authorizes the disposal of timber and other vegetative resources on public lands of the United States including lands embraced within an unpatented mining claim located after July 23, 1955, if the disposal of such resources is not otherwise expressly authorized by law including, but not limited to, the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315–315o–1), as amended, and the United States mining laws; is not expressly prohibited by laws of the United States; and would not be detrimental to the public interest.

(i) The act also authorizes the United States, its permittees, and licensees to use so much of the surface of any unpatented mining claim located under the mining law of the United States after July 23, 1955, as may be necessary for access to adjacent land for the purposes of such permittees or licensees. Any authorized use of the surface of any such mining claim shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto.

(ii) Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under the regulations in this subpart only with the consent of such other Federal department or agency or of such state, or local governmental unit. The act of July 23, 1955, supra, provides, however, that the Secretary of Agriculture shall dispose of materials under the act of July 31, 1947, as amended, supra, if such materials are on lands administered by the Secretary of Agriculture for national forest purposes or for purposes of Title III of the Bankhead-Jones Farm Tenant Act or where withdrawn for the purpose of any other function of the Department of Agriculture.

of the Interior are involved, different forms will likewise be adopted.

§ 5044.4 Execution of agreement.

The Director of the Bureau of Land Management, after consideration of the minutes of the hearing and the recommendation of the hearing officer, will execute the agreement if he is of the opinion that it will promote the achievement of the objectives of the act and is otherwise in the public interest. No rights shall accrue to a party under a cooperative agreement until the Director has executed the agreement on behalf of the United States.

Subpart 5045—Exchanges

§ 5045.1 O. and C. timber lands.

Exchanges for the purpose of consolidating and segregating O. and C. timber lands, or which otherwise are in furtherance of the O. and C. timber management program are authorized by the act of July 31, 1939 (53 Stat. 1144), and the regulations thereunder. (See Subpart 2244 of this chapter.)

(iii) The provisions of the act of July 23, 1955, supra, in disposal of vegetative or mineral materials do not apply to lands in any national park, or national monument or to any Indian lands or lands set aside or held for the use or benefit of Indians including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians.

(3) The sale of timber in Alaska will be made under pertinent statutes and the applicable regulations (Subpart 5409); however, sales of more than a two-year supply of timber for domestic use in Alaska may be authorized under the act of July 31, 1947 (61 Stat. 631), as amended.

(b) *Alaska sales.* (1) Authority for small sales of timber for use in Alaska. Section 5409.1 is issued under authority of Sec. 11, 30 Stat. 414, as amended; 48 U.S.C. 421. Section 5409.1 is contained in Circular 1901, 20 F.R. 1216, Feb. 26, 1955; 26 F.R. 5006, June 6, 1961. (2) Authority for sale of timber for exportation from Alaska when lawfully cut, if in the judgment of the Secretary of the Interior the supply of timber for local use will not be endangered thereby, is contained in the act of April 12, 1926 (44 Stat. 242; 16 U.S.C. 616).

(c) *Non-sale disposals act of June 3, 1878.* (1) Authority for free use of timber on mineral and nonmineral public lands. Section 5461.1 is issued under authority of the act of June 3, 1878 (20 Stat. 88; 16 U.S.C. 604–606) and March 3, 1891 (26 Stat. 1093; 16 U.S.C. 607), as supplemented by the act of January 11, 1921 (41 Stat. 1088; 16 U.S.C. 604, 612), settlers upon public lands, citizens and bona fide residents of the State, and corporations doing business in the State may obtain free use permit for timber.

(2) Authority for the issuance of regulations governing the free use of timber for fuel in drilling operations by oil and gas lessees is contained in section 32 of the act of February 25, 1920 (41 Stat. 405; 30 U.S.C. 189).

CROSS REFERENCE: For additional free use privileges, see § 5461.3.

(d) *Non-sale disposals act of July 23, 1955.* The act of July 23, 1955, supra, authorizes the Secretary of the Interior in his discretion to permit free use of timber or other vegetative resources or mineral materials by any Federal or State governmental agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit for use other than for commercial or industrial purposes or resale. The act of July 23, 1955, supra, also provides in part, under certain circumstances, for a mining claimant to obtain free-use of timber from other Bureau administered land in lieu of timber disposed of by the Bureau from lands covered by his mining locations. See § 5461.3–8.

(e) *Nonsale disposals act of May 14, 1898.* Section 5461.2 is issued under the authority of Sec. 11, 30 Stat. 414, as amended; 48 U.S.C. 423. Section 5461.2 appears at 19 F.R. 8880, Dec. 23, 1954. (1) Section 11 of the act of May 14, 1898 (30 Stat. 414; 48 U.S.C. 423), empowers the Secretary of the Interior to permit the use of timber found upon the public lands in Alaska by actual settlers residents, individual miners, and prospectors for minerals for firewood, fencing, buildings, mining, prospecting, and for domestic purposes as may actually be needed by such persons for such purposes. This section was amended by the Act of June 15, 1938 (52 Stat. 699), so as to permit the use of such timber by churches, hospitals, and charitable institutions for firewood, fencing, buildings, and for other domestic purposes.

CROSS REFERENCE: For additional free use privileges, see § 5461.3 of this chapter.

§ 5400.0–5 Definitions.

Except as the context may otherwise indicate, as the terms are used in Subparts 5410–5450 and in contracts issued thereunder:

(a) "Bureau" means of Land Management, Department of the Interior.

(b) "Director" means the Director of the Bureau of Land Management.

(c) "Authorized Officer" means an employee of the Bureau of Land Management, to whom has been delegated the authority to take action.

(d) "O. and C. Lands" means the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Land Grant Lands and other lands administered by the Bureau of Land Management under the provisions of the act of August 28, 1937 (50 Stat. 874).

(e) "Public Lands" means the public domain and its surface resources under the jurisdiction of the Bureau of Land Management, and lands from which the vegetative resources may be sold in accordance with the provisions of § 5400.-03(a)(2)(ii).

(f) "Timber" means standing trees, downed trees, logs or forest products of any type which are capable of being measured in board feet.

(g) "Other vegetative resources" means all vegetative material which cannot be measured in units of board feet of timber.

(h) "Set-aside" means a designation of timber for sale which is limited to bidding by small business concerns as defined by the Small Business Administration in its regulations (13 CFR Part 121) under the authority of section 15 of the Small Business Act of July 18, 1958 (72 Stat. 384).

(i) "Logging unit" means a portion of the cutting area under contract clearly designated or marked by the authorized officer for the purpose of administering optional bonding and payment provisions of the timber sale contract. The total cutting area under contract may not be divided into less than two logging units.

(j) "Third party scaling" means the measurement of logs by a scaling organization, other than a government agency, approved by the Bureau.

(k) "Sale value" means the value of the stumpage sold under permit from the area.

Subpart 5401—Annual Timber Sale Plan

§ 5401.1 Plan.

Plans for the sale of timber from the O. and C. and public lands will be developed annually. Suggestions from prospective purchasers of such timber may be received to assist in the development of a sound annual timber sale plan. Such plan may be advertised in a newspaper of general circulation in the area in which the timber is located. Such advertisement shall indicate generally the probable time when the various tracts of timber included in the plan will be offered for sale, set-asides if any, and the probable location and anticipated volumes of such tracts. The authorized officer may subsequently change, alter or amend the annual timber sale plan.

Subpart 5402—Appraisal and Measurement

§ 5402.1 Policy on appraisal and measurement.

(a) All timber or other vegetative resources to be sold shall be appraised and in no case shall be sold at less than the appraised value. Measurement shall be by tree cruise, log scale, weight, or such other form of measurement as may be determined to be in the public interest.

(b) As the general practice, the Bureau will sell timber on a tree cruise basis.

(c) Scaling by the Bureau will be used from time to time for administrative reasons. Such reasons would include but not be limited to the following: To improve cruising standards; check accuracy of cruising practices; for volumetric analysis; and for highly defective timber where it is impossible to determine the tree cruise volume within a reasonable degree of accuracy.

(d) Third party scaling may be ordered by the Bureau after a determination that all of the following factors exist: (1) A timber disaster has occurred; (2) a critical resource loss is imminent; (3) measurement practices listed in paragraphs (b) and (c) of this section are inadequate to permit orderly disposal of the damaged timber. Third party scaling volumes must be capable of being equated to Bureau standards in use for timber depletion computations, to insure conformance with sustained yield principles.

Subpart 5409—Alaska Timber Sales

§ 5409.1 Small sales of timber for use in Alaska.

§ 5409.1–1 Lands from which timber may be sold.

Timber may be sold from vacant public lands in Alaska, and from withdrawn public lands in Alaska when permitted by the order of withdrawal.

CROSS REFERENCES: For timber sales in Alaska not authorized by this part, see § 5400.0–3(a)(2). For timber sales for export, see § 5409.2.

§ 5409.1–2 Appraised prices.

No sales may be made below the appraised prices established by the State Director.

§ 5409.1–3 Application; who may purchase.

(a) An application to purchase timber should be submitted on a form approved by the Director which may be obtained from any office of the Bureau in Alaska. The application should be filed in the district in which the timber desired is situated, or in any forestry office of the Bureau in Alaska. It must be accompanied by a deposit in accordance with § 5409.1–4.

(b) The application may be made by an individual, a partnership, an unincorporated association, or a corporation organized under the laws of the United States, or of a State or Territory thereof, and authorized to transact business in Alaska.

§ 5409.1–4 Cash deposit.

(a) If the estimated sale value of the timber applied for equals or exceeds $25, the application must be accompanied by a deposit of $25, or 15 percent of the estimated sale value, whichever is the greater. If the estimated sale value is less than $25, a deposit representing the full estimated sale value must be made.

(b) The deposit may be in the form of cash, a money order, cashier's check, certified check, or personal check made payable to the Bureau of Land Management. At the discretion of the authorized officer, larger deposits—up to the full sale value—may be required before the permit is issued.

(c) In the discretion of the authorized officer, a performance bond may be required of not less than 25 percent of the sale value. Upon satisfactory completion of the permit the bond, if in cash or securities will be returned to the permittee, and if in the form of a surety bond will be cancelled.

(d) After a permit is issued, the minimum deposit is not returnable, even if no timber has been cut. Where the value of the timber to be cut exceeds the amount of the deposit, the deposit will be credited as partial payment against the total sale value.

(e) Additional payments shall be made by the permittee at the request of the authorized officer, or when the value of the timber cut equals the amount of the deposit plus previous payments. The computed volume, based on an inventory of stumps made by the authorized officer shall be prima facie evidence in establishing the volume of forest products cut by the permittee.

§ 5409.1–5 Permits.

(a) *Issuance of permit.* (1) A permit to cut and remove timber will be issued on a form approved by the Director. The authorized officer may, in his discretion, reject the application, or he may amend or otherwise limit the area, species, products, or volume applied for or add such additional provisions and conditions which, in his opinion, are required by sound forest practices, provided the applicant consents. If the applicant refuses consent his deposit will be refunded. The appropriate Bureau sign must be posted in a conspicuous place on the land, before any timber is cut.

(2) Permits will be valid for one year unless an extension is granted. Extensions will be granted only on a showing that the permittee, because of matters beyond his control, was unable to cut and remove the timber within the life of the permit and that the interests of the Government will not be prejudiced by the extension.

(3) Where, after the issuance of a permit and before the timber covered thereby is cut and removed the timber is destroyed or damaged, in whole or in part, without fault on the part of the permittee or his agent, the authorized officer, in his discretion, may grant the permittee relief by the amendment of the permit to include an equivalent value of other timber.

(b) *Amendment of permit.* The original permit may be amended at any time during the permit year with the consent of the permittee. For example, the permit volume might be increased to meet additional requirements of the permittee.

(c) *Subsequent claim subject to timber application.* When a valid homestead, mining or other claim is initiated on public land subsequent to the issuance of a permit to cut timber and the posting on the land of the appropriate sign, such subsequent claimant's rights are subject to the right of the timber applicant to cut and remove the timber covered by the permit.

(d) *Revocation of permit.* A permit may be revoked for failure of the permittee to comply with the provisions of these regulations, or with the terms of the permit. If cutting is being done in violation of the terms of the permit, any authorized officer of the Bureau may order the cutting stopped, revoke the permit, and demand such additional payment for the timber as may be due the Government.

(e) *Removal of personal property upon termination of permit.* (1) Upon termination of a permit the permittee shall have the right at any time within 60 days thereafter to remove his equipment, improvements, or other personal property from the Government land, provided all charges due the United States under the permit have been paid. The authorized officer, in his discretion, may grant requests for a reasonable extension. Any improvements, equipment, or personal property remaining on the Government land after the time for removal has expired shall become the property of the United States.

(2) Improvements needed by the permittee for the severance, extraction, or removal of other Government-owned materials under existing contracts or permits may be left on the Government land for such period and under such terms as may be prescribed by the authorized officer.

§ 5409.1–6 Appeals.

A party aggrieved by any official action involving his application or permit may appeal to the Director, Bureau of Land Management, and from the Director to the Secretary of the Interior, pursuant to Appeals and Contests contained in Parts 1840 and 1850 of this chapter.

§ 5409.2 Sale of timber for exportation from Alaska.

§ 5409.2–1 Small-quantity sales.

Sales of timber to be cut for export may be made pursuant to the procedure and under the conditions set forth in § 5409.1, where quantities are such as will be disposed of from year to year, and the purchases are made by those who do not contemplate large-scale production and an expenditure of large sums of money for developing enterprises for the exportation of such timber.

§ 5409.2–2 Large-quantity sales.

Sales of timber suitable for manufacturing purposes are hereby authorized in quantities, if found available, sufficient to supply a mill or proposed mill for a period of as much as 20 years, when it is satisfactorily shown that the purchaser in good faith intends to develop an enterprise for the cutting of this class of timber for export from Alaska and the sale does not endanger the supply of such timber for local use. The amount of timber that any one purchaser will be permitted to purchase under this provision and the period of the contract will be governed by the capacity of the mill and the estimated quantity that it will be capable of producing during the period covered by the contract of sale. When a 20 years' supply is sold the period within which the same must be cut (20 years) will begin to run from the time that the contract of sale is executed, if the manufacturing plant has been built, or from the time that the mill has been constructed and ready to begin operations if it is to be built, but in no case will more than 2 years be allowed for construction: *Provided, however,* That if operations have not been commenced within three years from the date of the execution of the contract the Secretary of the Interior, upon a satisfactory showing, may in his discretion excuse the delay. Commencement of operations in this sense will be construed as a bona fide commencement of actual cutting of timber in quantity sufficient to show that it is the purpose of the purchaser to fulfill the conditions of the contract and that it was not entered into merely for speculative purposes.

§ 5409.2–3 Applications to purchase; deposit.

Applications to purchase timber for export from Alaska pursuant to the act of April 12, 1926, must be filed in duplicate in the land office for the district wherein the lands to be cut over are situated and should show: (a) Name, post-office address, residence, and business location of applicant; (b) amount or approximate amount of board feet of timber that the applicant desires to purchase; (c) a description by legal subdivision or subdivisions, if surveyed, or by metes and bounds with reference to some permanent natural landmark, if unsurveyed, and the area or approximate area of the land from which the timber is to be cut, and if the lands are within the area (Alaskan Timber Reserves) withdrawn pursuant to the act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 301, 302, 303–308), in aid of the construction of the Alaskan Government-owned railroads it should be so stated, and evidence of

consent previously obtained from The Alaska Railroad should be filed with the application; (d) whether or not the applicant is prepared to commence cutting immediately, and if not, approximately how long before timber cutting operations will be commenced; (e) the estimated annual capacity of the mill or proposed mill, and the amount of money invested or to be invested in the establishment of the enterprise, accompanied by evidence as to the financial standing of the applicant and a statement showing the general plan of operation and the purpose for which the timber is to be used. A minimum sum of $200 must be deposited with each application, as an evidence of good faith and for the purpose of helping to defray the cost of appraisal. The sum of such deposit may be increased when, in the opinion of the Secretary of the Interior, the interests of the Government require that a larger amount be deposited. If the sale is consummated, the amount of the deposit will be credited on the purchase price without deduction for the cost of appraisal. All remittances must be in cash or by certified check or postal money order.

§ 5409.2–4 Publication and posting; marking of land.

Immediately upon the filing of an application to purchase timber under § 5409.2–2 a notice shall be published at the expense of the applicant in a designated newspaper published in the vicinity of the land from which the timber is to be cut and most likely to give notice to the general public, once a week for a period of five consecutive weeks, in accordance with § 1824.4 of this chapter. The description of the land in the notice must be identical with the description in the application. A copy of the notice will be posted in a conspicuous place in the land office during the period of publication. Upon the execution of a contract, the purchaser shall, if the lands from which the timber is to be cut are unsurveyed, cause the boundaries to be blazed or otherwise marked as provided in the contract. This requirement has been adopted in order that others who may subsequently desire to purchase timber or to settle upon or enter the land may have notice that the timber has been applied for.

§ 5409.2–5 Action on application; field report and appraisal.

The manager will make appropriate notations upon the records of his office. The appraisal rates will be based upon a fair stumpage rate taking into consideration the quality of the timber and its accessibility to market. In no event will any timber suitable for manufacturing purposes be appraised at less than $1 per thousand feet, board measure. The Government reserves the right to reappraise the remaining standing timber at the expiration of 5 years from the date of commencement of the timber cutting period as set forth in §5409.2–2 and at intervals of 5 years thereafter, but in no instance shall the appraisal be at more than double the rate of the original appraisal.

§ 5409.2–6 Execution of contract; bond required.

If such sale appears warranted, the Bureau of Land Management will offer the timber for sale by competitive bidding in such newspapers and publications and for such period of time as may be designated. The successful bidder will be notified that he will be allowed 30 days from receipt of such notice within which to enter into a contract with the Government through the Bureau of Land Management as its agent to purchase the timber offered for sale pursuant to the rules and regulations of the Department of the Interior pertaining thereto, and shall execute and file therewith a bond in a sum not less than 50 percent of the stumpage value of the estimated amount of timber to be cut during each year of the contract. The said bond must have as surety a bonding company shown on an approved list issued by the Treasury Department, and it shall be conditioned on the payment for the timber in accordance with the terms of the contract and to the faithful performance of the contract in other respects and to observance of the rules and regulations pursuant to which the sale is made. Contracts and bonds hereunder will be executed on forms approved by the Director.

§ 5409.2–7 Renewals of contract.

At the expiration of a contract a new contract may, in the discretion of the authorized officer, be entered into for a period of not to exceed 20 years, where there is sufficient timber available to warrant it. Prior good faith of the purchaser and substantial compliance with the conditions of the expired contract will be given consideration with reference to awarding a new contract. A new appraisal shall be made at that time for the purpose of fixing the stumpage price.

§ 5409.2–8 Lands from which timber may not be sold.

The rules and regulations in § 5409.2, governing the sale of timber for export, are not applicable to timber on national forests, Indian or Eskimo claims, or lands otherwise appropriated, reserved, or withdrawn, for any purpose, except where the terms of the reservation or withdrawal order permit.

PART 5410—COMPETITIVE SALES OF FOREST PRODUCTS

Subpart 5411—Policy

§ 5411.1 Competitive sales.

All sales other than those specified in § 5421.1 shall be made only after inviting competitive bids through publication and posting. Sales shall not be held sooner than one week after the last advertisement. No competitive sales shall be offered by the authorized officer unless there is access to the sale area which is available to anyone who is qualified to bid.

(Sec. 5, 50 Stat. 875; 43 U.S.C. 1181e; 61 Stat. 681, as amended; 69 Stat. 367; 30 U.S.C. 601 et seq.)

PART 5420—NEGOTIATED SALES OF FOREST PRODUCTS

Subpart 5421—Policy

§ 5421.1 Negotiated sales.

(a) When it is determined by the authorized officer to be in the public interest, he may sell at not less than the appraised value, without advertising or calling for bids, timber where the contract is for the sale of less than 250 M board feet.

(b) Timber on the right-of-way of a logging road and danger trees adjacent to the right-of-way on O&C lands may be sold at not less than the appraised value without advertising or calling for bids to (1) permittee who constructs a road pursuant to a permit issued under subpart 2234 of this chapter, or (2) a contractor who is constructing a road with Government funds.

(c) In addition to paragraph (b) of this section, negotiated sales with no limitation as to volume may be made if:

(1) The contract is for the disposal of materials to be used in connection with a public works improvement program on behalf of a Federal, State or local government agency and the public exigency will not permit the delay incident to advertising; or if

(2) The contract is for the disposal of property for which it is impracticable to obtain competition.

(d) A report will be made to Congress on January 1, and July 1 of each year of the contracts from public lands made under paragraph (c) (1) and (2) of this section during the period since the date of the last report. This report shall include name of purchaser; the appraisal value of the material involved; the amount of each contract; and description of the circumstances leading to the determination that the contract should be entered into by negotiation instead of competitive bidding after formal advertising.

(Sec. 5, 50 Stat. 875; 43 U.S.C. 1181e; 61 Stat. 681, as amended; 69 Stat. 367; 30 U.S.C. 601 et seq.)

PART 5430—PRESALE PREPARATION, ADVERTISEMENT AND CONTRACT PREPARATION

Subpart 5432—Advertisement

Sec.
5432.1 Advertising.

Subpart 5433—Bids and Award of Contract

5433.1 Qualifications of bidders and purchasers.
5433.2 Deposits with bids.
5433.3 Conduct of sales.
5433.4 Award of contract.

Subpart 5435—90-Day Sales

5435.1 Bid and award.

Subpart 5436—Contract Forms

5436.1 Provisions.

Subpart 5437—Performance Bonds

5437.1 Requirements.

AUTHORITY: §§ 5432.1 to 5437.1 issued under sec. 5, 50 Stat. 875; 43 U.S.C. 1181e; 61 Stat. 681, as amended; 69 Stat. 367; 30 U.S.C. 601 et seq.

Subpart 5432—Advertisement

§ 5432.1 Advertising.

(a) Competitive timber sales shall be advertised in a newspaper of general circulation in the area in which the timber or other vegetative resources are located and a notice of the sale shall be posted in a conspicuous place in the office where bids are to be submitted. Such advertisement shall be published on the same day once a week for two consecutive weeks, except that sales amounting to less than 500 M board feet, need be published once only. When in the discretion of the authorized officer longer advertising periods are desired, such longer periods are permitted.

(b) The advertisement of sale shall state the location by legal description of the tract or tracts on which timber or other vegetative resources is being offered, the species, estimated quantities, the unit of measurement, appraised values, time and place for receiving and opening of bids, minimum deposit required, the access situation, the method of bidding, which tracts of timber if any have been designated as set-asides, the office where additional information may be obtained, and such additional information as the authorized officer may deem necessary.

Subpart 5433—Bids and Award of Contract

§ 5433.1 Qualification of bidders and purchasers.

(a) A bidder or purchaser for a sale must be (1) an individual who is a citizen of the United States, (2) a partnership composed wholly of such citizens, (3) an unincorporated association composed wholly of such citizens, or (4) a corporation authorized to transact business in the States in which the timber is located. A bidder must also have submitted a deposit in advance, as required by § 5433.2. To qualify for bidding to purchase set-aside timber, the bidder must accompany his deposit with a self-certification statement that he is qualified as a small business concern as defined by the Small Business Administration (13 CFR Part 121).

(b) Where a timber sale notice provides that the successful bidder may use a Small Business Administration road construction loan, and the bidder has reason to believe that he qualifies for such road construction loan under SBA regulations (13 CFR Part 121), the bidder shall submit with his deposit a statement of his intention to file with SBA for such SBA road construction loan. If a statement is not timely filed, the Bureau may not participate in the cooperative loan program.

§ 5433.2 Deposits with bids.

Sealed bids must be accompanied by a deposit of not less than 10 percent of the appraised value of the timber or other vegetative resources. For offerings at oral auction, bidders must make a deposit of not less than 10 percent of the appraised value prior to the opening of the bidding. The authorized officer may, in his discretion, require larger deposits. Deposits may be in the form of cash, money orders, bank drafts, cashiers' or certified checks made payable to the Bureau of Land Management, or bid bonds of a corporate surety shown on the approved list of the United States Treasury Department. Upon conclusion of the bidding, the bid deposits of all bidders, except the high bidders, shall be returned. Except for corporate surety bid bonds, the deposit of the successful bidder will be applied on the purchase price at the time the contract is signed by the authorized officer.

§ 5433.3 Conduct of sales.

(a) Bidding at competitive sales shall be conducted by the submission of written sealed bids, oral bids, or a combination of both as directed by the authorized officer. In the event of a tie in high sealed bids, the highest bidder shall be determined by oral auction among the high bidders. If no oral bid is made which is higher than the sealed bids, the highest bidder shall then be determined by lot. In oral auction sales the high bidder must confirm his bid in writing immediately upon being declared the high bidder. Except for the first bid, no oral bid will be considered or recorded which is not higher than the highest preceding bid.

(b) At the request of the authorized officer, or the officer conducting the sale, bidders must furnish evidence of qualification in conformance with § 5433.1 or if such evidence has already been furnished, make appropriate reference to the record containing it.

(c) Only bids of small business concerns which have filed a self-certification statement as required by § 5433.1 may be considered for sales subject to set-asides. When no such bids are received, the timber may be sold under § 5435.1 in the same manner as timber not previously made subject to a set-aside. When timber subject to a set-aside is not sold for any other reason, the sale may be rescheduled for a set-aside sale.

(d) When it is in the interest of the Government to do so the authorized officer may reject any or all bids and may waive minor deficiencies in the bids or the timber sale advertisement.

§ 5433.4 Award of contract.

(a) The authorized officer may require the high bidder to furnish such information as is necessary to determine the ability of the bidder to perform the obligations of the contract. The contract shall be awarded to the high bidder, unless he is not qualified or responsible, or unless all bids are rejected. If the high bidder is not qualified or responsible or fails to sign and return the contract together with the required performance bond; the contract may be offered and awarded for the amount of the high bid to the highest of the bidders who is qualified, responsible, and willing to accept the contract.

(b) Within 30 days after receipt of the contract the successful bidder shall sign and return the contract, together with any required performance bond: *Provided*, That the authorized officer may, in his discretion, extend such period an additional 30 days if the extension is applied for in writing and granted in writing within the first 30-day period. If the successful bidder fails to comply within the stipulated time, his bid deposit shall be retained as liquidated damages.

Subpart 5435—90-Day Sales

§ 5435.1 Bid and award.

If no bid is received within the time specified in the advertisement of sale, and if the authorized officer determines that there has been no significant rise in the market value, he may in his discretion, keep the sale open for not to exceed 90 days by posting notice thereof in a conspicuous place in the office where bids are to be submitted. If during such period a written bid is submitted, together with the required deposit, for not less than the advertised appraised value, a notice of such bid shall be posted immediately after receipt of such bid for seven successive days in the same office and in the same manner. If no other written bid is received during the 7-day posting period, the sole bidder shall be deemed the high bidder. If, however, during such seven day posting period other written bids are received, an oral auction shall be conducted in the usual manner for those who have submitted written bids. The authorized officer shall notify those who have submitted written bids of the time and place of the oral auction. The written bids shall be considered the initial bids in such oral auction. If there is a tie in the high written bids that are submitted during the seven day posting period and if no higher bid is offered during the oral auction, the party who first submitted the high bid shall be deemed the high bidder.

Subpart 5436—Contract Forms

§ 5436.1 Provisions.

All sales shall be made on contract forms approved by the Director. The authorized officer may include additional provisions in the contract to cover conditions peculiar to the sale area, such as

road construction, logging methods, silvicultural practices, reforestation, snag felling, slash disposal, fire prevention, fire control, and protection of improvements, watersheds and recreational values. Such additional provisions shall be made available for inspection by prospective bidders during the advertising period.

Subpart 5437—Performance Bonds

§ 5437.1 Requirements.

(a) A minimum performance bond of not less than 20 percent of the total contract price will be required for all contracts of $2,500 or more. A minimum performance bond of not less than $500 will be required for all installment contracts less than $2,500. For cash sales less than $2,500, bond requirements, if any, will be in the discretion of the authorized officer. The performance bond may be:

(1) Bond of a corporate surety shown on the approved list issued by the United States Treasury Department and executed on an approved standard form; or

(2) Personal surety bond, executed on an approved standard form if the authorized officer determines the principals and bondsmen are capable of carrying out the terms of the contract; or

(3) Cash bond; or

(4) Negotiable securities of the United States.

(b) The authorized officer may allow the cutting of timber before payment of the second and subsequent installments as provided in this paragraph. The authorized officer shall designate logging units within the cutting area under contract and assign to them values solely for the purpose of increasing the amount of the performance bond and for payment. The purchaser shall increase the minimum performance bond required by paragraph (a) of this section by an amount equal to the value of the timber on each logging unit and shall obtain written approval of the authorized officer for the adjusted bond prior to cutting any timber on such unit. Cutting authorized in advance of payment shall be limited to one logging unit and the increased amount of the bond shall be used to assure payment for the timber on that unit. Upon payment for the timber on such unit, the increased amount may then be applied to another logging unit subject to any adjustment in the amount of the performance bond to cover the value of timber on such logging unit.

(c) As contract provisions are completed to the satisfaction of the authorized officer, he may, in his discretion, reduce the amount of the performance bond required: *Provided, however,* The amount of the performance bond shall not be reduced below the minimum required by paragraph (a) of this section unit payment for the timber sold is complete.

PART 5440—SALE ADMINISTRATION

Subpart 5441—Contract Performance

Sec.
5441.2 Payment.
5441.3 Time for cutting and removal.

Subpart 5443—Extension of Contracts

5443.1 Time.
5443.2 Reappraisal.

Subpart 5445—Assignment of Contract

5445.1 Assignments.

AUTHORITY: §§ 5441.2 to 5445.1 issued under sec. 5, 50 Stat. 875; 43 U.S.C. 1181e; 61 Stat. 681, as amended; 69 Stat. 367; 80 U.S.C. 601 et seq.

Subpart 5441—Contract Performance

§ 5441.2 Payment.

(a) Except as provided in § 5437.1(b) no part of any timber or other vegetative resources sold may be cut or removed unless advance payment has been made as provided in the contract.

(b) For sales under $500 the full amount shall be paid prior to or at the time the authorized officer signs the contract. For sales of $500 or more the authorized officer may allow payment by installments as provided in the following paragraph (c) of this section.

(c) Contract installment payments shall be determined by the authorized officer as follows:

(1) Payment in advance of cutting. For sales under $100,000 installment payments shall be not less than 10 percent of the total purchase price. For sales of $100,000 or more installment payments shall not be less than $10,000. The first installment shall be paid prior to, or at the time the authorized officer signs the contract. The second installment shall be paid prior to the cutting or removal of the material sold. Each subsequent installment shall be due and payable without notice when the value of the material cut or removed equals the sum of all the payments minus the first installment.

(2) Payment in advance of removal. The first installment shall be paid in the same manner as provided in subparagraph (1) of this paragraph. If cutting is permitted before payment of the second and subsequent installments, as provided by § 5437.1(b), the amounts of the second and subsequent installment payments shall be based on the authorized officer's determination of the value of the timber located upon the logging units. Payment shall be made for the value of the timber on each logging unit in advance of removal of any timber from such unit.

(d) The total amount of the contract purchase price must be paid prior to expiration of the original time for cutting and removal under the contract. For a cruise sale the purchaser shall not be entitled to a refund even though the amount of timber cut, removed, or designated for cutting may be less than the estimated total volume shown in the contract. For a scale sale, if it is determined after all designated timber has been cut and measured that the total payments made under the contract exceed the total value of the timber measured, such excess shall be refunded to the purchaser within 60 days after such determination is made.

§ 5441.3 Time for cutting and removal.

Time for cutting and removal of timber or other vegetative resources sold shall not exceed a period of thirty months except that such time for cutting and removal may be extended as provided in § 5443.1.

Subpart 5443—Extension of Contracts

§ 5443.1 Time.

If the purchaser shows that his delay in cutting or removal was due to causes beyond his control and without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Such written request must be received not later than thirty (30) days prior to the expiration date of the time for cutting and removal but not earlier than ninety (90) days prior thereto. Additional extensions may be granted if the purchaser submits a written request not later than thirty (30) days prior to the expiration date of an extension but not earlier than ninety (90) days prior thereto. No extension may be granted without reappraisal as provided in § 5443.2.

§ 5443.2 Reappraisal.

(a) If an extension is granted as provided in § 5443.1 the material sold shall be reappraised by the authorized officer. In making the reappraisal, the authorized officer shall use the Bureau of Land Management's prescribed procedures.

(b) For a cruise sale the timber sold remaining on the contract area shall be reappraised for the purpose of computing the reappraised total purchase price. The reappraised total purchase price shall not be less than the total purchase price established by the contract or previous extension. The reappraised total purchase price shall be paid in advance as a condition of granting an extension.

(c) For a scale sale each species of timber remaining on the contract area shall be reappraised. The reappraised unit price for each species shall be effective for the remaining life of the contract: *Provided, however,* The reappraised unit price for each species shall not be less than the unit price established by the contract or previous extension.

Subpart 5445—Assignment of Contract

§ 5445.1 Assignments.

(a) The purchaser may not assign the contract or any interest therein without the written approval of the authorized officer. An assignment shall contain all the terms and conditions agreed upon by the parties thereto.

(b) The authorized officer will not approve any proposed assignment involving contract performance unless the assignee (1) is authorized to transact business in the State in which the timber or other vegetative resource is located; (2) submits such information as is necessary to assure the authorized officer of his ability to fulfill the contract; and (3) furnishes a performance bond as required by § 5437.1 or obtains a commitment from the previous surety to be bound by the assignment when approved. Upon approval of an assignment by the authorized officer, the assignee shall be entitled to all the rights and subject to all the obligations under the contract, and the assignor shall be released from any further liability under the contract.

PART 5460—NON-SALE DISPOSALS

Subpart 5461—Free Use

Sec.
5461.1 Act of 1878.
5461.1–1 Free use of timber on mineral and nonmineral public lands.
5461.1–2 Use by settlers and homesteaders of timber on their pending claims.
5461.1–3 Use of timber on lands covered by grazing leases, by lessees, and others.
5461.1–4 Free use of timber upon oil and gas leases.
5461.2 Act of 1898 (Alaska).
5461.2–1 Free use privilege; cutting by agent.
5461.2–2 Free use of timber for Government purposes.
5461.2–3 Permits.
5461.2–4 Timber on withdrawn lands.
5461.2–5 Trespass; penalty for unauthorized cutting of timber.
5461.2–6 Appeals.
5461.2–7 Governing regulations for free use by oil and gas claimants.
5461.3 Act of 1947.
5461.3–1 Free use of timber under other statutes.
5461.3–2 Permits.
5461.3–3 Conservation practices.
5461.3–4 Removal by agent.
5461.3–5 Removal of improvements.
5461.3–6 Permits to governmental units.
5461.3–7 Permits to non-profit organizations.
5461.3–8 Permits to mining claimants.

AUTHORITY: §§ 5461.1 to 5461.3–8 issued under 61 Stat. 681, as amended; 69 Stat. 367; 30 U.S.C. 601 et seq.; 48 Stat. 1269; 43 U.S.C. 315; sec. 11, 30 Stat. 414, as amended; 48 U.S.C. 423; R.S. 2478; 43 U.S.C 1201; sec. 32, 41 Stat. 450; 30 U.S.C. 189.

Subpart 5461—Free Use

§ 5461.1 Act of 1878.

§ 5461.1–1 Free use of timber on mineral and nonmineral public lands.

(a) *Lands on which timber may be cut.* Free-use permits to cut timber may be issued covering public lands as follows: (1) Mineral lands, unoccupied and unreserved and not subject to entry under existing laws of the United States, except for mineral entry, in the States of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming. (Act of June 3, 1878, 20 Stat. 88; 16 U.S.C. 604–606); (2) Nonmineral, unoccupied, and unreserved public lands in the States mentioned and also in the States of California, Oregon, and Washington.

(b) *Kind of timber which may be cut.* The proper protection of the timber and undergrowth necessarily varies with the nature of the topography, soil, and forest. No timber not matured may be cut, and each tree taken must be utilized for some beneficial domestic purpose. Persons taking timber for specific purposes will be required to take only such matured trees as will work up to such purpose without unreasonable waste. Stumps will be cut so as to cause the least possible waste and all trees will be utilized to as low a diameter in the tops as possible. All brush, tops, logs, and other forest debris made in felling and removing timber under this section shall be disposed of as best adapted to the protection of the remaining growth and in such manner as shall be prescribed by the authorized officer, and failure on the part of the applicant, or an agent cutting for an applicant, to comply with this requirement will render him liable for all expenses incurred by the authorized officer in putting this regulation into effect.

(c) *Area of land to be cut over.* The permits shall limit the area of cutting to embrace only so much land as is necessary to produce the quantity of timber applied for.

(d) *Use which may be made of timber.* Timber may be cut under approved permit when actually needed for firewood, fencing, building, or other agricultural, mining, manufacturing, and domestic purposes.

(e) *Exportation of timber.* Timber may not be exported from the State in which it is cut except: (1) Timber from a specified area in Wyoming may be exported into Idaho (act of July 1, 1898, 30 Stat. 618; 16 U.S.C. 607, 611); (2) Timber from a specified area in Montana may be exported into Wyoming (act of March 3, 1901, 31 Stat. 1439; 16 U.S.C. 607, 613); (3) Under the act of March 3, 1919 (40 Stat. 1321; 16 U.S.C. 608), citizens of Malheur County, Oregon, may cut timber in Idaho and remove such timber to Malheur County, Oregon; (4) Under the act of March 3, 1919 (40 Stat. 1322; 16 U.S.C. 609), citizens of Modoc County, California, may cut timber in Nevada and remove such timber to Modoc County, California; (5) Timber from a specified area in Arizona may be exported into Utah (act of February 27, 1922, 42 Stat. 398; 16 U.S.C.

610); (6) Citizens of Bear Lake County, Idaho, may cut timber from public lands in Lincoln County, Wyoming, and remove such timber to Bear Lake County, Idaho, but no live standing timber may be taken without compensation (act of August 21, 1935, 49 Stat. 665; 16 U.S.C. 611a).

(f) *Application and permit*—(1) *Information to be furnished by applicant.* (i) Applications should be filed in duplicate and should set forth the names and post-office addresses of the applicants, and any agent or agents who may be employed to procure the timber. Where a corporation is the applicant, the State in which it was incorporated should also be shown.

(ii) Blank forms for making application may be procured from the State Supervisor for the State in which the timber to be removed is located.

(iii) Applications should show the amount of timber required by each applicant; the use to be made thereof; a description of the land from which the timber is to be cut, by subdivision, section, township, and range, if surveyed, or by natural objects sufficient to identify the same if unsurveyed; and the date it is desired to begin cutting.

(2) *Duration of permit.* All rights and privileges under a permit shall terminate at the expiration of the period of 1 year from the date of approval of the permit.

(3) *Liability of applicant.* Where permits are secured by fraud, or where timber is not taken or used in accordance with the terms of the law or §§ 5400.0–3(c)(1) and 5461.1–1(a) to 5461.1–1(g) the Government may enforce the same civil and criminal liabilities as in other cases of timber trespass upon public lands. For criminal liability, see 18 U.S.C. 1852.

(g) *Agents*—(1) *Cutting of timber by agents.* Where one or more persons desire timber, and are not in a position to procure the same for themselves, an agent or agents may be appointed for that purpose. Such agent shall not be paid more than a fair recompense for the time, labor, and money expended in procuring the timber and manufacturing the same into lumber, and no charge shall be made for the timber itself. The said compensation must be set forth in a written contract to be entered into by the parties, and a copy thereof must be filed with the application.

(2) *Cutting of timber by agent who is a sawmill operator.* If the amount of timber applied for exceeds $50 in stumpage value, for any continuous period of 12 months, and the timber is to be procured by an agent who is a sawmill operator, a bond equal to three times the amount of the stumpage value of the timber applied for will be required, conditioned upon the faithfull performance of the requirements.

§ 5461.1–2 Use by settlers and homesteaders of timber on their pending claims.

This section is issued under the authority of R.S. 2478; 43 U.S.C. 1201.

(a) *Timber cutting on unperfected claims.* Homestead claimants who have made bona fide settlements upon public land, surveyed or unsurveyed, and who are living upon, cultivating, and improving the same in accordance with law and the rules and regulations of the Department of the Interior, with the intention of acquiring title thereto, are permitted to cut and remove, or cause to be cut and removed, from the portion thereof being cleared for cultivation, so much timber as is actually necessary for that purpose, or for buildings, fences, and other improvements on the land entered. (See 18 U.S.C. 1852.)

(b) *Clearing for cultivation.* In clearing for cultivation, should there be a surplus of timber over what is needed for the purposes above specified, the claimant may sell or dispose of such surplus; but it is not allowable to denude the land of its timber for the purpose of sale or speculation before the title has been conveyed to him by patent.

(c) *Abandonment of claim.* The abandonment of a claim after the timber has been removed is presumptive evidence that the claim was made for the primary purpose of obtaining the timber.

(d) *Exchange of timber for lumber.* A bona fide claimant is also permitted to exchange timber for lumber for improvements upon his claim, provided he exchanges timber for lumber of equal value, and only so much as is actually necessary for the required improvements, exclusive of the cost of cutting, sawing and hauling such timber or lumber to and from the mill. In other words, he has a right to cut as many trees as may be necessary to make or complete his improvements, whether 30, 40, or more, but any cutting in excess of the number of trees required for the improvements would be unlawful.

§ 5461.1–3 Use of timber on lands covered by grazing leases, by lessees, and others.

(a) Before taking timber under a lease issued under section 15 of the Taylor Grazing Act, as amended by the act of June 26, 1936 (49 Stat. 1978; 43 U.S.C. 315m), the lessee should file application for and procure a permit in accordance with the regulations issued under the acts of June 3, 1878 (20 Stat. 88; 16 U.S.C. 604–606), and March 3, 1891 (26 Stat. 1093; 16 U.S.C. 607), §§ 5400.0–3(c)(1) and 5461.1–1(a) to 5461.1–1(g).

(b) Where application is made by a person other than the lessee to take timber from lands embraced in a grazing lease issued under section 15 of the said act, investigation should be made to ascertain the facts in the case and whether or not the cutting of the timber applied for would adversely affect the lands for grazing purposes. If no objection appears, the permit may issue but should contain a provision that the timber cutting thereunder must be done in such manner as will not interfere with the rights of the lessee.

(c) All applications for timber should be filed with the State Director for the State in which the timber to be cut is located and should comply with the regulations contained in § 5461.1–1.

(Sec. 1, 20 Stat. 88, as amended, 26 Stat. 1003, as amended; 16 U.S.C. 604, 607)

§ 5461.1–4 Free use of timber upon oil and gas leases.

(a) *Application*—(1) *Where to apply.* Any oil and gas lessee, or assignee, desiring timber to be used for fuel in drilling operations on a lease not within a national forest, shall file application therefor, on the prescribed form with the officer who issued the lease.

(2) *Notice of rejection of application; right of appeal.* The applicant shall be notified by registered mail in all cases where the permit applied for is not granted and he shall be allowed 30 days from service of notice within which to appeal from such decision to the Director of the Bureau of Land Management.

(3) *Notice by applicant to settler or entryman.* Where the land involved in the oil and gas lease is occupied by a settler or is embraced in an unperfected homestead entry, the applicant must serve notice by registered mail, on the settler, or entryman, showing the amount and kind of timber he has applied for.

(i) Evidence of service of such notice must be furnished.

(ii) The settler or entryman shall be allowed 30 days from service of notice within which to show cause why the permit should not be granted.

(iii) Permits in such cases will be issued only where there is an abundance of timber on the land, and the removal thereof will not materially affect the use of the land by the agricultural claimant.

(4) *Notice of action on application.* The applicant shall be notified by registered mail in all cases where the permit applied for is not granted and the settler or homestead entryman shall be notified in a like manner before the issuance of the permit in all cases where protests are filed against the issuance of such permit.

(b) *Land subject to permit.* A permit granted under this section shall not embrace any land not included in the oil and gas lease, issued or assigned to the applicant. No permit will be issued where title to the surface has passed from the United States.

(c) *Termination of right to cut timber.* All rights and privileges under a permit issued under these instructions, shall terminate upon the expiration or cancellation of the oil and gas lease, or upon the discovery of oil in sufficient quantity for use as fuel in drilling operations.

(d) *Cutting and use of timber.* Timber cut under a permit issued under § 5461.4 may be used for fuel in drilling operations conducted on the land embraced in the oil and gas lease, and all brush, tops, lops, and other debris made in felling and removing the timber shall be disposed of as best adapted to the protection of the remaining growth, and in such manner as shall be prescribed by the authorized officer and failure on the part of the permittee to comply with this requirement will render him liable for all expenses incurred in putting this regulation into effect.

(e) *Liability of permittee.* Where permits are secured by fraud or timber is not used in accordance with this section, the Government will enforce the same civil and criminal liabilities as in

other cases of timber trespass upon public lands.

(f) *Unauthorized cutting.* The cutting of timber for sale and speculation, or for use by others than the permittee, is strictly prohibited.

§ 5461.2 Act of 1898 (Alaska).

§ 5461.2–1 Free use privilege; cutting by agent.

(a) Except as provided in § 5461.2–4 the only timber which may be cut under §§ 5461.2–1 to 5461.2–6 for free use in Alaska is timber on vacant public lands in the State not reserved for national forest or other purposes. The timber so cut may not be sold or bartered. The free use privilege does not extend to associations or corporations, except churches, hospitals, and charitable institutions. Any applicant entitled to the free use of timber may procure it by agent, if desired, but no part of the timber may be used in payment for services in obtaining it or in manufacturing it into lumber. Timber may not be cut by an applicant under this section after the land has been included in a valid homestead settlement or entry or other claim, except that any applicant for the free use of timber who has been granted a permit to cut as hereinafter provided, will have the right to cut the timber while the permit remains in force as against a subsequent applicant who may wish to obtain the same timber by purchase, except as provided in § 5409.1–5(b).

(b) Free use permits will not be issued where the applicant owns or controls lands having an adequate supply of timber to meet his needs.

§ 5461.2–2 Free use of timber for Government purposes.

Persons contracting with Government officials to furnish firewood or timber for United States Army posts or for other authorized Government purposes may procure it from the vacant and unreserved public lands in Alaska free of charge, provided the contracts do not include any charge for the value of the firewood or timber. Where it is desired to procure timber for such use, an application for permit in duplicate on a form approved by the Director must be filed, as in other cases, and a copy of the contract must be attached to the application.

§ 5461.2–3 Permits.

(a) *Application for permit.* Before timber is cut for free use, an application for permit in duplicate on a form approved by the Director must be filed in an office or with an employee of the Bureau of Land Management in Alaska.

(b) *Issuance and cancellation of permit; removal of timber; bond.* (1) A permit may be issued and shall incorporate the provisions, if any, governing the selection, removal, and use of the materials. One copy of the official form shall be returned to the applicant showing the approval or rejection of such application.

(2) The authorized officer may cancel a permit if the permittee fails to observe its terms and conditions, or the regulations in §§ 5461.2–1 to 5461.2–6, or if the permit has been issued erroneously.

(3) No timber shall be removed until the permit is issued. If deemed necessary by the signing officer, a bond, satisfactory to him, may be required as a guarantee of faithful performance of the provisions of the permit and the regulations in §§ 5461.2–1 to 5461.2–6.

(c) *Cutting rules and restrictions.* All free-use timber shall be cut and removed in accordance with approved forestry and conservation practices so as to preserve to the maximum extent feasible all scenic, recreational, watershed, and other values of the land and resources. In the free-use disposal of timber, the cutting and removal shall be accomplished in such manner as to leave the stand in condition for continuous production. Moreover, no green timber shall be cut within 300 feet of either side of the center line of a highway or public road, or bordering streams or the shores of lakes designated for recreational use unless specifically authorized by the authorized officer, to prevent or control fungus infection or insect attacks, or for other reasons found sufficient to justify such cutting.

(d) *Amount of timber which may be cut.* During each calendar year each applicant entitled to the benefits of section 11 of the act of May 14, 1898, may take a total of 100,000 feet board measure or 200 cords in saw logs, piling, cordwood, or other timber. This amount may be taken in whole in any one of such classes of timber or in part of one kind and in part of another kind or other kinds. Where a cord is the unit of measure, it shall be estimated in relation with saw timber in the ratio of 500 feet board measure to the cord. Permits to take timber in excess of the amount stated may be granted to churches, hospitals, and charitable institutions upon a showing of special necessity therefor, and with the approval of the authorized officer.

(e) *Notice of completion of timber cutting operations.* Upon completion of the cutting and the removal of the timber, the permittee must notify the State Director, or other forest officer, stating when the work was completed, the land from which the timber was taken, the amount and kind of timber which was cut and removed, and the use to which the timber was put.

(f) *Termination of permit; extensions.* Permits shall be granted for periods not to exceed one year and shall terminate on the expiration dates shown therein unless extended by the signing officer.

§ 5461.2–4 Timber on withdrawn lands.

Sections 5461.2–1 to 5461.2–6 are inapplicable to timber on withdrawn areas unless the order of withdrawal so permits.

§ 5461.2–5 Trespass; penalty for unauthorized cutting of timber.

The cutting of timber from the public land in Alaska, other than in accordance with the terms of the law and §§ 5461.2–1 to 5461.2–6 will render the persons responsible liable to the United States in a civil action for trespass and such persons may be prosecuted criminally under Title 18, U.S. Code, or under State law.

§ 5461.2–6 Appeals.

A party aggrieved by any action involving his application may appeal to the Director of the Bureau of Land Management and the Secretary of the Interior, pursuant to Appeals and Contests contained in Parts 1840 and 1850 of this chapter.

§ 5461.2–7 Governing regulations for free use by oil and gas claimants.

The free use of timber upon oil and gas leases by lessees, authorized by the Secretary of the Interior under authority of section 32 of the act of February 25, 1920 (41 Stat. 450; 30 U.S.C. 189), is governed by § 5461.1–4.

(Sec. 32, 41 Stat. 450; 30 U.S.C. 189)

§ 5461.3 Act of 1947.

§ 5461.3–1 Free use of timber under other statutes.

Free use will be allowed under the following circumstances:

(a) In certain States by settlers on public lands, citizens and bona fide residents of the State, and corporations doing business in the State (§ 5461.1), and

(b) In Alaska by actual settlers, residents, individual miners, prospectors for minerals, churches, hospitals and charitable institutions (§ 5461.2).

(c) Free-use of timber by Governmental units, nonprofit organizations, and certain mining claimants may be authorized under the act and these regulations only when such applicants cannot qualify under the provisions of §§ 5461.1 to 5461.1–4 and § 5461.2.

§ 5461.3–2 Permits.

(a) *Application for permit.* An application for permit in duplicate, must be made on a form approved by the Director and filed in any office or with any employee of the Bureau of Land Management authorized to issue a permit. A free-use permit may be applied for without formal application for the removal of not more than three Christmas trees upon oral or written request.

(b) *Issuance and cancellation of free-use permits; bond.* (1) A free-use permit, on a form approved by the Director, shall incorporate the provisions, if any, governing the selection, removal, and use of timber. Free-use permits shall not be issued when the applicant owns or controls an adequate supply of the material to meet his needs. Timber applied for must be for the applicant's own use and may not be bartered or sold. No timber may be cut or removed until the permit is issued.

(2) The authorized officer may cancel a permit if the permittee fails to observe its terms and conditions or the regulations, or if the permit has been issued erroneously.

(3) A bond satisfactory to the authorized officer may be required as a guarantee of faithful performance of the provisions of the permit and applicable regulations.

(4) A free-use permit issued under this part may not be assigned.

(c) *Duration, extension, and termination of permit.* (1) Permits shall be

granted for periods not to exceed 6 months and shall terminate on the expiration dates shown therein unless extended by the authorized officer. An extension not to exceed 3 months may be granted by the authorized officer. The permittee must notify the officer-in-charge upon completion of removal.

(2) Permits issued for the benefit of a mining claimant under authority of the act shall terminate upon transfer of the ownership of the claim by any means. Reapplication must be made by the new claimants.

§ 5461.3–3 Conservation practices.

All free-use timber disposed of under the act shall be severed, or removed in accordance with sound forestry and conservation practices so as to preserve to the maximum extent feasible all scenic, recreational, watershed and other values of the land and resources. In the free-use disposal of timber, cutting and removal shall be accomplished in such a manner as to leave the stand in condition for continuous production.

§ 5461.3–4 Removal by agent.

A free-use permittee may procure the timber by agent. Such agent shall not, however, be paid more than fair compensation for the time, labor and money expended in procuring timber and processing it, and no charge shall be made by such agent for the timber itself. No part of the timber may be used in payment for services in obtaining it or processing it.

§ 5461.3–5 Removal of improvements.

Upon expiration of the permit period the permittee will be given 90 days to remove equipment, personal property and any improvements he has placed on the land, except roads, culverts and bridges are to be left in place, in good condition and will become the property of the United States upon expiration of the 90-day removal period.

§ 5461.3–6 Permits to governmental units.

A free-use permit may be issued to a Federal or State agency, unit, or subdivision, including a municipality, only if the applicant makes a satisfactory showing to the authorized officer that such timber will be used for a public project. The right to remove timber under the permit is not revoked or terminated by (a) any subsequent claim or entry of the lands, (b) by any mining claim located prior to the issuance of the permit if such location was subsequent to July 23, 1955, nor (c) by any other mining claim as to which the Government's right to manage the surface resources has been established in accordance with Group 3400 of this chapter, or other proceedings.

§ 5461.3–7 Permits to non-profit organizations.

A free-use permit issued to a non-profit association or corporation may not provide for the disposition of more than $100 worth of timber to the permittee during any one calendar year. Such permittee is granted a right to remove timber as against a subsequent applicant who may wish to obtain the same timber by purchase. The timber may not be removed by the permittee after the land has been included in a valid claim by reason of settlement, entry, or similar rights obtained under the public land laws.

§ 5461.3–8 Permits to mining claimants.

(a) Free-use timber shall be granted under § 5400.0–3(d) to the record owner of a valid mining claim if such claim was located subsequent to July 23, 1955, or if the Government's right to manage the surface resources has been established in accordance with Group 3400 of this chapter, and he requires more timber than is available to him for prospecting, mining, or processing operations on his claim or claims after disposition of timber from his claim by the United States. The claimant shall be entitled to the free use of timber for such requirements from the nearest timber administered by the Bureau which is substantially equal in kind and quantity to the timber estimated by the authorized officer at the time of application to have been disposed of by the Bureau from the claim. Upon issuance of a patent to the mining claims, the free-use privilege will automatically terminate.

(b) The application required to be filed for free-use timber under this section must contain a statement that the timber applied for will be used for bona fide prospecting, mining, or prospecting operations on the claim or group of claims designated in the application. The applicant must also include a statement that he is the record owner of a valid mining claim or claims from which the timber was originally removed by the Government.

SUBCHAPTER F—RECREATION MANAGEMENT (6000)

Group 6200—Management Procedures

PART 6230—PRACTICES

Subpart 6232—Use of Land

Sec.

6232.1 Revested Oregon and California and reconveyed Coos Bay wagon road grant lands.
6232.1–1 Statutory authority.
6232.1–2 Definitions.
6232.1–3 Competing uses; memoranda of understanding.
6232.1–4 Use of public recreational sites and facilities operated by the Bureau.
6232.1–5 Leases, permits, and licenses.

AUTHORITY: The provisions of this Subpart 6232 issued under secs. 1, 3, 5, 50 Stat. 874, 875; 43 U.S.C. 1181a, 1181c, 1181e.

§ 6232.1 Revested Oregon and California and Reconveyed Coos Bay Wagon Road Grant Lands.

§ 6232.1–1 Statutory authority.

The act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a, 1181c), authorizes the Secretary of the Interior, under such rules and regulations as may be necessary and proper, to conserve and manage such portions of the Revested Oregon and California and Reconveyed Coos Bay Wagon Road Grant Lands as are under his jurisdiction, for multiple purposes, including the provision of recreational facilities.

§ 6232.1–2 Definitions.

Except as the context may otherwise indicate, for the terms used in §§ 6232.1—6232.1–5 and in contracts made thereunder:

(a) "Bureau" means the Bureau of Land Management, Department of the Interior.

(b) "O. and C. lands" means the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant lands and other lands administered by the Bureau under the provisions of the act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a, 1181c).

(c) "Authorized Officer" means the Government official who has been duly authorized to (1) designate O. and C. lands as public recreational sites, (2) to administer the construction, operation and maintenance of public recreation facilities and (3) to administer the use of such sites and facilities through leasing or otherwise.

(d) "Public Recreational Sites" means O. and C. lands possessing special values for some form of intensive public outdoor recreational activity, including but not limited to picnicking, camping, swimming, boating or skiing.

(e) "Public Recreational Facilities" means improvements or structures of any type constructed, operated and maintained in public recreational sites for the enhancement of the public enjoyment of the recreational resources of such sites.

§ 6232.1–3 Competing uses; memoranda of understanding.

(a) In public recreational sites the use and disposal of resources such as timber, minerals, and forage shall be administered in such a manner as to minimize damage to recreational or scenic resources and facilities. Such competing uses shall also be regulated so as to protect routes of access to public recreational sites and to minimize damage to scenic values along such access routes.

(b) Where adequate recreational facilities in a public recreational site are not provided for through lease or permits to state or local government agencies or their instrumentalities under authority of other laws or regulations referred to in § 6232.1–5 such facilities may be constructed, operated and maintained by the authorized officer alone, or under a memorandum of agreement jointly with Federal, state or local government agencies or their instrumentalities.

§ 6232.1–4 Use of public recreational sites and facilities operated by the Bureau.

(a) Public recreational sites and facilities operated by the Bureau shall be for transient use by the public and shall not be occupied by users for extended periods nor in a manner that, in the judgment of the authorized officer, is contrary to the public interest.

(b) The authorized officer may, in his discretion, post reasonable requirements for the use of public recreational sites and facilities operated by the Bureau, including but not limited to provisions to protect the area from fire, protect recreational values, and to protect the public health and safety.

(c) The authorized officer may establish and collect a reasonable service charge for the use of public recreational sites and facilities operated by the Bureau.

(d) No restrictions on the use of public recreational sites and facilities shall be made because of reasons of race, creed, color or country of origin.

(e) The penalty for wilful violation of any of the provisions of this section or of any reasonable rules or regulations promulgated thereunder may be denial of the use of the public recreational sites and facilities and if the circumstances so indicate, the initiation of an action for trespass on the property of the United States.

§ 6232.1–5 Leases, permits, and licenses.

Leases, permits and licenses for the recreational use of the O. and C. lands, including lands containing recreational facilities may be granted, upon application, under the provisions of Part 9 of this title and Subparts 2232, 2233, and 2236 of this chapter and shall contain provisions determined necessary by the authorized officer, including but not limited to, provisions to protect the area from fire, protect recreational values, and to protect the public health and safety. Leases, permits and licenses which involve the operation of commercial concessions shall contain stipulations requiring conformance with reasonable public service rules including schedules of charges approved by the authorized officer.

SUBCHAPTER G (7000) [RESERVED]

SUBCHAPTER H (8000) [RESERVED]

SUBCHAPTER I—TECHNICAL SERVICES (9000)

Group 9100—Engineering

PART 9180—CADASTRAL SURVEY

Subpart 9180—Cadastral Surveys; General

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Subpart 9183—Special Surveys

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AUTHORITY: The provisions of this Subpart 9180 issued under R.S. 2478; 43 U.S.C. 1201. Additional authority is cited in parenthesis following the sections affected.

§ 9180.0–2 Objectives.

(a) *Alaska; existing surveys and extension thereof.* The surveys up to the present time have been confined to known agricultural areas, the coal fields, and such other lands as have been considered to be suitable for development by settlers or otherwise. The extensions of the surveys to other areas will be governed largely by the character of the lands and their suitability for use, development, and administration under the public land laws applicable to Alaska.

(b) *Resurveys.* The real interest of the Government in the resurvey of the public lands is well stated in the said act of March 3, 1909, "to properly mark the boundaries of the public lands remaining undisposed of." Its duty being thus defined, the Bureau of Land Management will refrain from attempting to do more in the relocation of the corners of privately owned lands in a township being resurveyed than to reestablish such corners from the best available evidence of the original survey.

§ 9180.0–3 Authority.

(a) *Delegation to Director, Bureau of Land Management.* (1) In the establishment of the Bureau of Land Management by Reorganization Plan No. 3 of 1946, the office of Supervisor of Surveys was abolished and the functions and powers thereof were transferred to the Secretary of the Interior, to be performed by such officers or agencies of the Department as might be designated by the Secretary. Under that authority, the functions and powers formerly exercised by the Supervisor of Surveys were delegated to the Chief Cadastral Engineer, subject to the supervision of the Director, Bureau of Land Management. In the general reorganization and realignment of functions of the Bureau, the office of Chief Cadastral Engineer has been abolished, and the functions of that office have been delegated to the Director.

(2) By this sequence, the cadastral surveying work of the Bureau of Land Management has been placed under the immediate jurisdiction of the Director, subject to the direction and control of the Secretary of the Interior. Certain functions relating to specific phases of the cadastral surveying work have been delegated to the State Director.

(b) *Alaska.* The rectangular system of survey of the public lands was extended to the State of Alaska by the act of March 3, 1899 (30 Stat. 1098; 48 U.S.C. 351). The regular township surveys in Alaska conform to that system, but departures therefrom are permitted under the conditions stated in the act of April 13, 1926 (44 Stat. 243; 48 U.S.C. 379), and in certain other cases, such as special surveys for trade and manufacturing sites, headquarters sites, and homesites under section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 461), as amended; for soldiers additional entries, pursuant to sections 2306 and 2307 of the Revised Statutes (43 U.S.C. 274, 278); and for small tracts under the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended.

(1) Administration of the public land surveying activities in Alaska is under the general supervision of the State Director, Bureau of Land Management, at Anchorage, Alaska. The office, in which the records relating to the public land surveys in the State are maintained, is located at Juneau, Alaska. Correspondence relating to local survey matters should be addressed to the State Director, Juneau, Alaska.

(c) *Resurvey of township*—(1) *Without cost to applicant when title to at least 50 percent of the area is in the United States.* The act of March 3, 1909 (35 Stat. 845), as amended by the Joint Resolution of June 25, 1910 (36 Stat. 884; 43 U.S.C. 772), authorizes the Secretary of the Interior to cause to be made such resurveys of the public lands as after full investigation he may deem essential to properly mark the boundaries of the public lands remaining undisposed of.

(2) *Cost to be prorated between applicants and United States, when more than 50 percent of the area is privately owned.* (i) The act of September 21, 1918 (40 Stat. 965; 43 U.S.C. 773), provides authority for the resurvey by the Government of townships heretofore held to be ineligible for resurvey under existing departmental regulations by reason of disposals in excess of 50 percent of the total area thereof.

(ii) Under the act mentioned, and upon the application of the owners of three-fourths of the privately owned lands in any township previously surveyed, or upon the application of a court of competent jurisdiction, accompanied by a deposit of funds sufficient to cover the estimated cost, inclusive of the necessary office work, of the resurvey of all of the privately owned lands in such township, the State Director, Bureau of Land Management, is authorized, in his discretion, to cause to be made a resurvey of the township in question in accordance with the laws and regulations governing surveys and resurveys of the public lands; the cost of the resurvey of the residue of the public lands in such township to be paid by the Government from the current annual appropriation for the survey and resurvey of the public lands in addition to the portion thereof made available for resurveys and retracements by the provisions of the act of March 3, 1909 (35 Stat. 845), as amended by Joint Resolution of June 25, 1910 (36 Stat. 884; 43 U.S.C. 772). The total cost of the resurvey of the township is thus divided between the Government and the petitioners in proportion to the extent of their respective holdings.

(iii) It is further provided that any portion of such deposit in excess of the actual cost of the field and office work incident to such resurvey of privately owned lands shall be repaid pro rata to the applicants for resurvey or to their legal representatives.

(40 Stat. 965, as amended; 43 U.S.C. 773)

§ 9180.1 Interpretation of survey records.

§ 9180.1–1 Meridians.

(a) *Alaska.* The public land surveys in Alaska are governed by three principal meridians established as follows: The Seward Meridian, initiated just north of Resurrection Bay and extending to the Matanuska coal fields; the Fairbanks Meridian, commencing near the town of Fairbanks and controlling the surveys in that vicinity, including the Nenana coal fields; and the Copper River Meridian which lies in the valley of the Copper River and from which surveys have been executed as far north as the Tanana River and south to the Bering River coal fields and the Gulf of Alaska.

(b) *Copies of records.* Copies of plats of surveys in Alaska, or other records of the Public Survey Office, will be sold at the cost of production, in accordance with section 1 of the act of August 24, 1912 (37 Stat. 497), as amended (5 U.S.C. 488), and § 2.4 of this title.

Subpart 9183—Special Surveys

§ 9183.0–2 Objectives.

Information respecting special surveys of soldiers' additional entries, homesites, homesteads, and trade and manufacturing sites is given in Parts 2221, 2233, 2211, and 2213 of this chapter, respectively.

Subpart 9185—Instructions and Methods

§ 9185.1 Applications.

§ 9185.1–1 Surveys.

(a) *Original surveys.* Application for the original extension of the rectangular system of public land surveys to include unsurveyed townships should be filed in duplicate with the State Director for the State in which the lands are situated. The application may be in letter form, and should describe the unsurveyed area by township and range of the public surveys, and should set forth the interest of the applicant in the land and the basis of need for extension of the surveys.

(b) *Lands omitted from original survey.* Application for the survey of an island or other land omitted from the original survey should be made on Form 4–022a, or its equivalent, and filed in duplicate with the State Director for the State in which the lands are situated.

§ 9185.1–2 Resurveys.

(a) *Filing of applications for survey without cost to applicant.* The application prepared in accordance with this part, should be submitted to the State Director for the State in which the lands are situated.

(b) *Filing of applications for survey with cost prorated.* Applications for resurvey based upon the provisions of the act of September 21, 1918, prepared in accordance with this part should be submitted to the State Director for the State in which the lands are situated. Prior to filing formal application, however, the interested parties should obtain from the proper office, as above designated, an estimate of the cost of the proposed resurvey.

(40 Stat. 965, as amended; 43 U.S.C. 773)

§ 9185.1–3 Mining claims.

(a) *Application for survey.* Application for the survey of a mining claim should be filed with the State Director for the State in which the claim is situated.

(b) *Mineral surveyors.* The appointment of mineral surveyors pursuant to section 2334 of the Revised Statutes (30 U.S.C. 39) and § 3445.1 of this chapter, will be made by the State Director; application for such appointment should be made to the appropriate State Director.

§ 9185.2 Requirements for surveys.

§ 9185.2–1 [Reserved]

§ 9185.2–2 Lands omitted from original survey.

(a) *Notice of intended application.* Notice of intention to apply for the survey of an island or other land omitted from the original survey must be served on the adjacent land owners, and the Attorney General and the Secretary of State for the State in which the land is situated, at least 30 days prior to the date of application for survey. Service may be had by registered mail or in person, evidence of which may consist of the registry return receipt or signed acknowledgment of service. A copy of each notice, with proof of service thereof, must be filed with the application. Failure to obtain evidence of service may be explained.

(b) *Form of notice.* No particular form of notice is prescribed. The notice must make it clear, however, that the land covered by the application is contended to be public land of the United States and subject to survey and administration as such, and that any protest against the proposed survey should be filed with the appropriate State Director. It must be shown what particular surveyed lands opposite the island, or adjoining the unsurveyed land, are owned by the adjacent land owner on whom the notice is served.

(c) *Evidence required as to character of land in existence at time of original survey.* An application for the survey of an island or other land omitted from the original survey must be accompanied by evidence showing that the land was in existence and above ordinary high-water elevation when the State was admitted into the Union, and when the adjacent lands were surveyed. Such evidence should consist of statements from at least two persons familiar with the land, as to its size, elevation, and appearance, and the species, size, and age of the timber growth thereon, or nature of other vegetation.

(d) *Diagram required with application.* A diagram showing the approximate configuration of the island or other land applied for, and its location with reference, to the public land surveys, must accompany the application.

(e) *Cost of survey.* In the event of approval of the application, the costs of the survey will be borne by the Government.

(f) *No preference right.* Should the island or other land be surveyed as public land, no preference right to acquire the same under the laws governing the disposal of public lands will be gained by the filing of the application for survey.

§ 9185.3 Requirements for resurveys; without cost to applicant.

§ 9185.3–1 Eligibility.

(a) *Determined by ownership of land.* As a general rule, and in the absence of any particular governmental purpose to be subserved, no township is eligible for resurvey unless title to at least 50 percent of the area of the lands embraced therein remains in the United States. For the purpose of determining the eligibility of a township under this rule, lands covered by approved selections, school sections, and entries upon which final certificates or patents have been issued are to be considered as alienated lands. Townships within the primary limits of railroad land grants are generally ineligible.

(b) *Determined by physical character of remaining public land.* In general no resurvey will be undertaken unless the preliminary examination of the township develops evidence of existing settlement and agricultural possibilities sufficient to support the presumption that the unappropriated lands therein are such as to attract bona fide entrymen, thus eliminating townships which, although theoretically eligible, are of such a physical character that the resurvey thereof would serve no useful purpose.

(c) *Small areas.* In the application of the terms of the act of March 3, 1909 (35 Stat. 845), as amended, is not intended that there shall be undertaken any work involving the mere reestablishment of lost or obliterated or misplaced corners in a limited area of a township, such work being within the province of the local surveyors, and the authority of the public survey office will be limited to the giving of advice in accordance with the circular for the restoration of lost or obliterated corners. Employees of the Bureau of Land Management are prohibited from participating in the resurvey of a township, the reestablishment of lost corners, or in the subdivision of sections for private parties, even if the expense is borne by the county or municipal authorities or by individuals.

§ 9185.3–2 Showing required.

(a) *Necessity.* The applicants for the resurvey of any township are required to present satisfactory prima facie evidence of the necessity for such action, based either upon general obliteration of evidences of the original survey or upon conditions so grossly defective as to preclude the possibility of a reasonably certain identification of the subdivisions of the subsisting survey or a satisfactory local restoration thereof.

(b) *Condition of original survey.* Applications for the resurvey of each township must be supported by evidence in the form of a statement, preferably from the county or other competent surveyor, showing in detail that the evidences of the original survey have been obliterated to such an extent as to make it impracticable to apply the suggestions of the circular issued by the Bureau of Land Management for the necessary restoration of the lines and corners in the proper identification of the legal subdivisions occupied by the present or prospective entrymen or that the obliteration of the original monuments has become so advanced that the land boundaries can be identified only through extensive retracements by experienced engineers of the Bureau of Land Management.

§ 9185.3–3 Majority of land owners.

A majority of the settlers in each township are required to join in the application, and, in addition, there must appear the endorsements of the entrymen and owners, including the State, whose holdings represent the major part of the area entered or patented, with a description opposite each name of the lands actually occupied, entered, or owned, and a statement as to whether the applicant is a settler, entryman, or owner thereof. Where an entryman or owner, including the State, has failed for any reason whatsoever to join in the application, evidence of service of notice upon him for at least 30 days in advance of the filing of the application is required in order that he may be afforded ample opportunity to make timely protest against the granting of such resurvey if in his opinion such action is undesirable.

§ 9185.4 Requirements for resurvey; with cost prorated.

§ 9185.4–1 Estimate of cost.

(a) The cost of resurvey procedure is as a rule considerably in excess of that incident to the execution of original surveys and may range between rather wide limits. Where the obliteration is not excessive and the evidences of the original survey are harmoniously related, extensive verifying retracements will be unnecessary and ordinary dependent methods of resurvey can usually be applied. If, however, the obliteration is general or total, many miles of preliminary retracement may be required in order to obtain technical control, and where, by reason of errors in the original survey, the existing evidences thereof are discordant and conflicting locations have resulted, the procedure required may, in the case of densely entered townships, involve an expense of $5,000 or more per township.

(b) The applicants for resurvey should understand, therefore, that although the estimate supplied will be as nearly correct as the available information will permit, its accuracy cannot be guaranteed, and, consequently, all such estimates are subject to revision, if necessary, as the work proceeds and the field conditions are more fully developed. Any deposit in excess of actual cost will be returned to the applicants as provided by law, but in cases where the cost exceeds the deposit made in accordance with the estimate, an additional deposit will be required, failing which, operations will be suspended.

(c) In the application of the terms of this act it is not intended that there shall be undertaken any work involving the mere reestablishment of lost or obliterated or misplaced corners in a limited area of a township, such work being within the province of the local surveyor, and the authority of the State Director will be restricted to the giving of advice in accordance with the circular for the restoration of lost or obliterated corners. Employees of the Government are prohibited from participating in the resurvey of a township or the reestablishment of lost corners or in the subdivision of sections for private parties, even if the expense is borne by the county or State authorities or by individuals, except as such action is specifically authorized by the Director, Bureau of Land Management, in accordance with the provisions of existing statutes.

(d) Deposit required: The deposit required of the petitioners by law must accompany the application and must be made in the amount, at the place and in the manner prescribed by the instructions which will accompany the estimate.

(40 Stat. 965, as amended; 43 U.S.C. 773)

§ 9185.4–2 Showing required.

(a) *Necessity.* The applicants for the resurvey of any township are required to present satisfactory prima facie evidence of the necessity for such action. In general, it must be shown that the evidences of the original survey are so widely obliterated or that the prevailing survey conditions are so grossly defective as to preclude the satisfactory identification of the subdivisions of the subsisting survey or that the evidences of the original survey are in such an advanced state of deterioration that action looking to their preservation and perpetuation is expedient as in the public interest.

(b) *Ownership of land.* The applicants for resurvey are required to preface their petition by the statement that the extent of privately owned lands within the township is in excess of 50 percent of the total area thereof. If necessary, information in this connection may be obtained by the petitioners from the manager of the land office having local jurisdiction. Failure to comply with the condition set forth in this section or material error in the showing made, will not only result in delaying action upon the petition, but may require its rejection if it is found that the township is not properly subject to resurvey under the terms of the governing act.

(40 Stat. 965, as amended; 43 U.S.C. 773)

§ 9185.4–3 Three-fourths of land owners.

The owners of three-fourths of the privately owned lands within the township are required to join in the application, and all petitioners in whom ownership is vested, either individuals, the State, or corporations such as railroad companies whose interests are involved, are further required to supply, following their respective signatures, an accurate description by legal subdivision, section, township, and range of the lands to which title is claimed. Moreover, it must appear that notice of the proposed resurvey has been served upon all owners who have for any reason failed to join in the petition, and, in addition, it is highly desirable that all record entrymen who, under the terms of the act are not required to become parties to the petition, be similarly informed to the end that their objections, if any, may be heard and subsequent protest based upon the plea of ignorance may, insofar as possible, be avoided.

(40 Stat. 965, as amended; 43 U.S.C. 773)

Group 9200—Protection

PART 9230—TRESPASS

Subpart 9239—Kinds of Trespass

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9239.7–1 O&C lands.

AUTHORITY: The provisions of this Part 9230 issued under R.S. 2478; 43 U.S.C. 1201.

Subpart 9239—Kinds of Trespass

§ 9239.0–3 Authority.

(a) Sections 9239.0–3 to 9239.7 are issued under the authority of R.S. 2478; 43 U.S.C. 1201.

(b) In addition to liability for trespass on the public lands, as indicated in this part, persons responsible for such trespass may be prosecuted criminally under any applicable Federal law. Penalties are prescribed by the following statutes:

(1) Timber trespass. 18 U.S.C. 1852, 1853.

(2) Turpentine trespass. 18 U.S.C. 1854.

(3) Coal trespass. 18 U.S.C. 1851.

§ 9239.0–7 Penalty for unauthorized removal of material.

The extraction, severance, injury, or removal of timber or mineral materials from public lands under the jurisdiction of the Department of the Interior, except when authorized by law and the regulations of the Department, is an act of trespass. Trespassers will be liable in damages to the United States, and will be subject to prosecution for such unlawful acts.

§ 9239.0–8 Measure of damage.

The rule of damages to be applied in cases of timber, coal, oil, and other trespass in accordance with the decision of the Supreme Court of the United States in the case of Mason et al. v. United States (260 U.S. 545, 67 L. ed. 396), will be the measure of damages prescribed by the laws of the State in which the trespass is committed.

§ 9239.0–9 Sale, lease or permit to trespassers.

(a) For the purpose of this section, a trespasser is a person who is responsible for the unlawful use of or injury to property of the United States.

(b) No sale of timber or material will be made, and no permit or license will be issued, to a trespasser who has not satisfied his liability to the United States, except where:

(1) The Government has seized the materials cut, harvested, removed, or mined in trespass and the sale is made to the person who allegedly committed the trespass, at not less than the appraised value of the materials at the time of seizure, and without relieving the trespasser of liability for trespass damages to the extent that such damages exceed the amount paid for the materials; or

(2) The alleged trespasser files a bond conditioned upon payment of the amount of damages found by the authorized officer, or upon appeal by the Secretary of the Interior or his delegatee, to be due the United States; or

(3) The authorized officer finds in writing that there is a legitimate dispute as to the fact of the alleged trespasser's liability, or as to the extent of liability, or that the extent of the damages has not yet been determined, and the trespasser files a bond guaranteeing payment of the amount found by a court of competent jurisdiction to be due the United States; or

(4) The authorized officer finds in writing that:

(i) There is no other qualified bidder or that no other qualified bidder will meet the high bid, and

(ii) The sale or lease to the alleged trespasser is necessary to protect substantially the interest of the Government, either by preventing deterioration of or damage to the resource to be sold or loss or damage to other resources, or by accepting a highly advantageous price, and

(iii) The timber management or other resource management program of the Government will not be adversely affected by the sale.

§ 9239.1 Timber.

§ 9239.1–1 Unauthorized cutting.

(a) The cutting or removing of the timber referred to in §§ 5461.1 to 5461.1–4 of this chapter in any other manner than that authorized by such sections will be considered a trespass.

(b) The cutting of timber for sale and speculation, or for use by others than the permittee, is strictly prohibited.

(c) Where permits are secured by fraud or timber is not used in accordance with § 5461.1–4 of this chapter the Government will enforce the same civil and criminal liabilities as in other cases of timber trespass upon public lands.

§ 9239.1–2 Penalty for unauthorized cutting of timber.

The cutting of timber from the public land in Alaska, other than in accordance with the terms of the law and §§ 5461.2 to 5461.2–6 of this chapter will render the persons responsible liable to the United States in a civil action for trespass and such persons may be prosecuted criminally under Title 18, U.S. Code, or under State law.

§ 9239.1–3 Measure of damages, when not prescribed by State law.

For timber trespass in a State where there is no State law governing such trespass, the measure of damages will be as follows:

(a) Where the trespass is willful, the full value of the property at the time and place of demand, or of suit brought, with no deduction for labor and expense.

(b) In case of innocent trespasses neither the trespassers nor their transferees shall be required to pay more than the stumpage value, or the value of the timber in standing trees taken by them, as damages to the Government.

(c) In case of a purchase without notice of wrong from a willful trespasser, the value at the time of purchase.

§ 9239.2 Unlawful enclosures or occupancy.

§ 9239.2–1 Enclosures of public lands in specified cases declared unlawful.

(a) Section 1 of the act of February 25, 1885 (23 Stat. 321; 43 U.S.C. 1061), declares any enclosure of public lands made or maintained by any party association, or corporation who "had no claim or color of title made or acquired in good faith, or an asserted right thereto, by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such enclosure was or shall be made" to be unlawful and prohibits the maintenance of erection thereof.

(b) Section 4 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1271; 43 U.S.C. 315b) provides:

Fences • • • and other improvements necessary to the care and management of the permitted livestock may be constructed on the public lands within such grazing districts under permit issued by the authority of the Secretary, or under such cooperative arrangement as the Secretary may approve.

(c) Section 10, paragraph (4) of the Federal Range Code, § 4112.3 of this chapter, containing rules for the administration of grazing districts prohibits "Constructing or maintaining any kind of improvements, structures, fences, or enclosures on the Federal range, including stock driveways, without authority of law or a permit."

(d) Section 2 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1270; 43 U.S.C. 315a), provides that "any willful violation of the provisions of this act" or of "rules and regulations thereunder after actual notice thereof shall be punishable by a fine of not more than $500."

(e) Violations of any of the provisions of the act of February 25, 1885, constitute a misdemeanor (Sec. 4, 23 Stat. 322; 35 Stat. 40; 43 U.S.C. 1064).

§ 9239.2–2 Duty of district attorney.

Section 2 of the act of February 25, 1885 (23 Stat. 321; 43 U.S.C. 1062, 28 U.S.C. 41, Par. 21), provides that it shall be the duty of the district attorney of the United States for the proper district on affidavit filed with him by any citizen of the United States that such unlawful enclosure is being made or maintained, showing the description of the lands enclosed with reasonable certainty so that

the enclosure may be identified, to institute a civil suit in the proper United States district or circuit court or territorial district court in the name of the United States and against the parties named or described who shall be in charge of or controlling the enclosure complained of.

§ 9239.2–3 Responsibility for execution of law.

The execution of this law devolves primarily upon the officers of the Department of Justice, but as it is the purpose to free the public lands from unlawful enclosures and obstructions, it is deemed incumbent upon the officers of the Department of the Interior to furnish the officers of the Department of Justice with the evidence necessary to a successful prosecution of the law.

§ 9239.2–4 Filing of charges or complaints.

All charges or complaints against unlawful enclosures or obstructions upon the public lands should be filed with the proper State Director. Such charges or complaints, when possible, should give the name and address of the party or parties making or maintaining such enclosure or obstruction and should describe the land enclosed in such a way that it may be readily identified. The section, township, and range numbers should be given, if possible.

§ 9239.2–5 Settlement and free passage over public lands not to be obstructed.

Section 3 of the act of February 25, 1885 (23 Stat. 322; 43 U.S.C. 1063), provides that no person by force, threats, intimidation, or by any fencing or enclosing or any other unlawful means shall prevent or obstruct or shall combine or confederate with others to prevent or obstruct any person from peaceably entering upon or establishing a settlement or residence upon any tract of public land subject to settlement or entry under the public land laws of the United States or shall prevent or obstruct free passage or transit over or through the public lands.

§ 9239.3 Grazing.

§ 9239.3–1 Outside grazing districts.

(a) Grazing livestock upon, allowing livestock to drift and graze on, or driving livestock across lands that are subject to lease or permit under the provisions of this subpart or within a stock driveway, without a lease or other authorization from the Bureau of Land Management, is prohibited and constitutes trespass. Trespassers will be liable in damages to the United States for the forage consumed and for injury to Federal property, and may be subject to civil and criminal prosecution for such unlawful acts.

(b) A lessee who grazes livestock in violation of the terms and conditions of his lease by exceeding numbers specified, or by allowing the livestock to be on Federal land in an area or at a time different from that designated shall be in default and shall be subject to the provisions of § 4122.6 of this chapter. In addition he may be subject to trespass action in accordance with the practices and procedures indicated in §§ 4113.1–1, 4113.1–3 (a), (c), (d), 4113.1–4, and 4113.1–7 of this chapter, modified so far as practicable and necessary to include Federal land outside of established grazing districts.

(c) When the alleged trespasser is not a lessee of lands under the regulations of this subpart the signing officer may take action against the trespasser in accordance with the practices and procedures in §§ 4113.1–1, 4113.1–3 (a), (c), (d), 4113.1–4, and 4113.1–7 of this chapter modified so far as practicable and necessary to include lands subject to lease under the provisions of this subpart or within a stock driveway.

§ 9239.3–2 Inside grazing districts.

A grazing license or permit may be suspended, reduced, or revoked, or renewal thereof denied for a clearly established violation of the terms or conditions of the license or permit, or for a violation of the act or of any of the provisions of this part, or of any approved special rule.

(a) *Violations not clearly wilful.* Whenever it appears that a violation exists, not clearly wilful, the range manager shall serve written notice upon the alleged violator and upon any interested lien holder who has registered notice of his lien with the range manager. The notice shall set forth the act or omission constituting such violation, referring to the specific terms or provisions of the license or permit, of the act or of this part or of any approved special rule alleged to have been violated; and will allow the licensee or permittee a reasonable specified time from receipt of notice to demonstrate that there has been no violation or that he has since achieved compliance with such terms and conditions. If such showing is satisfactory to the range manager he will close the case; if satisfactory showing is not made within the time allowed, the violations alleged in the notice will be deemed to have been willful and the range manager will notify the State Director thereof for further action under paragraph (e) of this section.

(b) *Violations clearly wilful; special circumstances.* Whenever it appears to the district manager that a violation is clearly wilful, grossly negligent, or repeated, or when the public health, safety, or interest requires, or when disciplinary action is advisable, the district manager will refer the matter directly to the State Director for further action under paragraph (c) or (e) of this section, whichever is appropriate.

(c) *Unlawful grazing on the Federal range; determination of damages; removal of livestock; impoundment.* (1) Whenever the charge consists of unlawfully grazing livestock on the Federal range, the notice served on the alleged violator and any interested lien holder who has filed notice on his lien with the range manager will order the alleged violator to remove the livestock or to cause them to be removed immediately or within such reasonable time as may be specified. If the alleged violator fails to comply with the notice the range manager may proceed to exercise the proprietary right of the United States in the Federal range, under local impoundment law and procedure, if practicable; otherwise he may refer the matter through the usual channels for appropriate legal action by the United States against the violator.

(2) Where the owner of the trespassing livestock, or his representative, is known, the district manager shall make a determination of the damage to the Federal range and other property of the United States and shall make a demand for payment upon the alleged violator, setting forth the foregoing values including the value of the forage consumed. Where the trespass grazing is not deemed to be clearly wilful the forage value shall be computed at the rate of $2 per animal unit month, or at the commercial rate if such rate is the higher; if the district manager deems the trespass grazing to be clearly wilful, grossly negligent, or repeated he shall compute the forage value at $4 per animal unit month, or at twice the commercial rate if such amount is the higher.

(3) In any case where neither the owner of the trespassing livestock, or his representative, is known, or where conservation of the Federal range and of the forage thereon requires it, the district manager, when so authorized by written order of the State Director, may take steps to remove the trespassing livestock by such methods and by such means not inconsistent with legislation which prohibits the use of airborne or motor-driven vehicles in the gathering of horses or burros, as may be necessary, and to dispose of them by sale or otherwise within not less than five (5) days after public notice of his intention to make such disposition, subject to the right of any owner or registered lienholder of such trespassing livestock to redeem the livestock within such nondisposal period upon payment of:

(i) The damage to the Federal range and other property of the United States.

(ii) The cost of such impoundment and removal.

(iii) The value of any forage consumed as determined in accordance with subparagraph (2) of this paragraph.

(4) If the amounts found to be due the United States in accordance with subparagraph (3), subdivisions (i), (ii), and (iii) of this paragraph are contested by the owner of the livestock, his representative, or lienholder, the trespassing livestock may be redeemed by the posting of a cash or corporate surety bond in lieu of immediate payment. Such bond will be adequate to insure full satisfaction of the claims made. A hearing will then be scheduled before an examiner of the Bureau of Land Management. The hearing will be conducted so far as practicable in the same manner as other hearings before an examiner. The evidence will be confined to the determination of the amount of damages, value of the forage consumed, and any other amounts considered to be due the United States as a result of said trespass. The examiner will render a written decision assessing the amounts due.

(5) Where conservation of the Federal range and the forage thereon requires

it, the State Director may temporarily close a grazing district or any portion thereof, to grazing by any class of livestock to be specified in such order. Notice of the order shall be published in a local newspaper and shall be posted at the County Courthouse of the County in which the closed area lies. The order shall require all owners of livestock affected thereby, to remove such livestock from the area within not less than five days from date of publication of the notice. Thereafter the range manager shall proceed to impound, remove, and dispose of, in the most humane manner in accordance with the provisions of this paragraph any such livestock trespassing or grazing in violation of the closing order.

(d) *Amicable settlement of civil cases involving unauthorized use of the Federal range or damage to Federal property.* Offers of settlement for the value of the forage consumed in trespass as determined in accordance with paragraph (c)(2) of this section and for damage to Federal range or to other property of the United States resulting from an alleged violation of any provisions of the act or of the Federal Range Code for Grazing Districts in the amount of $2,000 or less may be accepted by the district manager. Offers of settlement in excess of $2,000 will be transmitted to the State Director for appropriate action. An offer of settlement will not constitute satisfaction of civil liability for the consumed forage and damage involved until finally accepted by the district manager or the State Director. Satisfaction of civil liability tdoes not relieve the alleged violator of any criminal liability under Federal law. No license or permit will be issued or renewed until payment of any amount found to be due the United States under this section has been offered.

(e) *Disciplinary action for violations; show cause.* (1) Whenever it appears to the State Director that disciplinary action is advisable because of a wilful, grossly negligent, or repeated violation, he shall cause a written notice to be served upon the licensee or permittee. The notice shall set forth the act or acts complained of, specifically referring to the terms, conditions, or provisions of the license or permit and the section or sections of the Federal Range Code for Grazing Districts, or of the Act alleged to have been violated, and an estimate of the amount of damages resulting therefrom, including the value of the forage consumed, as determined in accordance with paragraph (c)(2) of this section. The notice will cite the license or permittee to appear before an examiner of the Bureau of Land Management at a designated time and place to show cause why his license, permit, or base property qualifications should not be reduced or revoked or renewal thereof denied and satisfaction of damages made.

(2) The hearing upon the order to show cause will be conducted so far as practicable in the same manner as other hearings before an examiner. The evidence shall be confined to the commission of the acts charged and the amount of damages, including the value of any forage consumed, due the United States. If the alleged violation is established to the satisfaction of the examiner, or upon the failure, without proper excuse satisfactory to the examiner, of the person named in the notice or his representative to appear at the hearing, the examiner will render a written decision assessing the amount of damages, including the value of any forage consumed, as determined in accordance with paragraph (c)(2) of this section, and directing the district manager to suspend, reduce, or revoke the license, permit, or base property qualifications or to deny renewal, if the facts so warrant.

(f) *Bonds for violations.* Whenever an applicant, licensee, or permittee commits a willful or wanton violation of any provision of this part or has repeatedly committed violations thereof, the State Supervisor may require him to furnish a cash or corporate surety bond on an approved form to cover all probable damages that may result from his violations for a period up to ten years. Upon the violator's failure to furnish a bond when so required, the range manager may refuse to issue or renew a license or permit, or the State Director may take action under paragraph (e) of this section, to revoke such license or permit.

(g) *Penal provision.* Under section 2 of the act any wilful violation of the provisions of the act or of this subpart or of approved special rules, after actual notice of the existence of the provisions of such act or of such rules and regulations, is punishable by a fine of not more than $500.

(h) *Appeals.* Appeal from the decision of the examiner to the Director and from the Director to the Secretary of any matter under § 9239.3–2 shall be made in accordance with the applicable provisions of § 4122.2–5 of this chapter and Appeals and Contests Parts 1840 and 1850 of this chapter.

§ 9239.3–3 Alaska.

(a) *Reindeer.* (1) Any use of the Federal lands for reindeer grazing purposes, unless authorized by a valid permit issued in accordance with the regulations in Subpart 4132 of this chapter, is unlawful and is prohibited.

(2) Any person who wilfully violates any of the rules and regulations in Subpart 4132 of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by imprisonment for not more than one year, or by a fine of not more than $500.

(b) *Livestock.* (1) Grazing livestock upon, allowing livestock to drift and graze on, or driving livestock across lands that are subject to lease or permit under the provisions of this part or within a stock driveway, without a lease or other authorization from the Bureau of Land Management, is prohibited and constitutes trespass. Trespassers will be liable in damages to the United States for the forage consumed and for injury to Federal property, and may be subject to civil and criminal prosecution for such unlawful acts. A lessee who grazes livestock in violation of the terms and conditions of his lease by exceeding numbers specified, or by allowing the livestock to be on Federal land in an area or at a time different from that designated in his lease shall be in default and shall be subject to the provisions of § 4131.2–7(g) and (h) of this chapter. Under section 2 of the act, any person who wilfully grazes livestock on public lands without authority, shall, upon conviction, be punished by a fine of not more than $500.

(2) Whenever it appears that a violation exists the authorized officer shall serve written notice upon the alleged violator. The notice shall set forth the act or omission constituting such violation and will allow the party involved a reasonable specified time from receipt of notice to demonstrate that there has been no violation or that he has since achieved compliance. If the showing is satisfactory to the authorized officer he will close the case, if satisfactory showing is not made within the time allowed, the violation alleged in the notice will be deemed to have been wilful.

(3) Where the owner of the trespassing livestock, or his representative, is known, the authorized officer shall determine the amount of the damage to the public land and other property of the United States and shall make a demand for payment upon the alleged violator setting forth the foregoing values including the value of the forage consumed. Such forage value shall be computed at the commercial rates, if susceptible to proof by reasonably available and reliable data; otherwise, a minimum charge of $2 per animal unit month for trespass not clearly wilful will be made. Where the trespasses are repeated and/or wilful, a minimum charge of $4 per animal unit month for forage consumed will be charged. All offers for settlement for value of forage consumed and for damage to the public land or to other property of the United States resulting from an alleged violation of any provision of the act or regulations found within § 4131.0–3 et seq. of this chapter in the amount of $2,000 or less may be accepted by the authorized officer. Offers for settlement in excess of $2,000 will be transmitted to the State Director for appropriate action. An offer of settlement will not constitute satisfaction of civil liability for consumed forage and damage involved until finally accepted by the authorized officer or the State Director, and in no event will it relieve the violator of criminal liability. No lease or permit will be issued or renewed until payment of any amount found to be due the United States under this section has been offered.

§ 9239.5 Minerals.

§ 9239.5–1 Ores.

(a) For ores trespass in a State where there is no State law governing such trespass, the measure of damages will be as follows:

(1) Measure of damages is the same as in the case of coal. Benson Mining and Smelting Co. v. Alta Mining and Smelting Co. (145 U.S. 428, 36 L. ed. 762; Durant Mining Co. v. Percy Consolidated Mining Co. (93 Fed. 166).

§ 9239.5–2 Oil.

For oil trespass in a State where there is no State law governing such trespass, the measure of damages will be as follows:

(a) *Innocent trespass.* Value of oil taken, less amount of expense incurred in taking the same.

(b) *Willful trespass.* Value of the oil taken without credit or deduction for the expense incurred by the wrongdoers in getting it. Mason v. United States (273 Fed. 135).

§ 9239.5–3 Coal.

(a) *Determination of payment in coal trespass.* For coal trespass in a State where there is no State law governing such trespass, the measure of damages will be as follows:

(1) For innocent trespass, payment must be made for the value of the coal in place before severance. United States v. Homestake Mining Company (117 Fed. 481).

(2) For willful trespass, payment must be made for the full value of the coal at the time of conversion without deduction for labor bestowed or expense incurred in removing and marketing the coal. Liberty Bell Gold Mining Company v. Smuggler-Union Mining Company (203 Fed. 795). The mining of coal in trespass is presumed to be willful, in the absence of persuasive evidence of the innocence and good faith of the trespasser. United States v. Ute Coal and Coke Company (158 Fed. 20).

(b) *Coal mined by permittee, lessee, or licensee.* All coal mined either under a pending application for permit, lease, or license, or without such pending application, is a trespass and the coal so mined must be settled for on a trespass basis. However, where a permittee applies, prior to the expiration of his permit, for a lease, the mining of coal by him from the date of the filing of the lease application to the date of the issuance of the lease, or, if the lease application is rejected, to the date of notice to him of the final rejection of his application does not constitute a trespass.

(c) *Coal mined by successful bidder at public sale.* The successful bidder at public sale for a coal leasing unit does not acquire any right to mine coal until he has complied with all the formalities required by the regulations, including the furnishing of a bond, and a lease has been issued to him. Coal mined by such applicant prior to the date of the issuance of a lease is in trespass and must be paid for on a trespass basis.

(d) *Coal permit, lease, or license not to issue until trespass account settled.* No coal permit, lease, or license will be issued to anyone known to have mined coal in trespass until the trespass account is settled.

(e) *Right of surface owner to mine coal for domestic use.* The owner of land patented with a reservation of the coal deposits, either under the act of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81), or under the act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83–85), has the right to mine coal for use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits.

§ 9239.6 Materials.

§ 9239.6–1 Turpentine.

For turpentine trespass in a State where there is no State law governing such trespass, the measure of damages will be as follows:

(a) *Innocent trespass.* Value of the gum and injury done to the trees. United States v. Taylor (35 Fed. 484).

(b) *Willful trespass.* Value of the product manufactured from the crude turpentine by the settler, or any person into whose possession same may have passed, without credit for labor bestowed on the turpentine by the wrongdoer. Union Naval Stores Co. v. United States (240 U.S. 284, 60 L. ed. 644).

§ 9239.7 Right-of-way.

§ 9239.7–1 O&C lands.

The mere filing of an application under Subpart 2234 of this chapter does not authorize the applicant to use the right-of-way in any manner or for any purpose until written permission therefor has been duly executed by the authorized officer and delivered to the applicant. Any unauthorized use of O. and C. land constitutes a trespass for which the trespasser is liable in damages to the United States. Where there has been such a trespass, no permit shall be issued to the alleged trespasser unless (a) the trespass claim is fully satisfied; or (b) the alleged trespasser files a bond conditioned upon payment of the amount of damages found by the State supervisor, or upon appeal by the Secretary of the Interior or his delegatee, to be due the United States; or (c) the State Director finds in writing that there is a legitimate dispute as to the fact of the alleged trespasser's liability or as to the extent of his liability and the trespasser files a bond guaranteeing payment of the amount found by a court of competent jurisdiction to be due the United States.

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THE CODIFICATION GUIDE

The Codification Guide is published monthly on a cumulative basis. It lists titles, parts, and sections of the *Code of Federal Regulations* amended or otherwise affected by documents published in the *Federal Register* since January 1, 1964. Entries indicate the nature of changes effected. Proposed rules are listed at the end of appropriate titles.

Daily guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

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25.27 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
25.28 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
25.29 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
25.30 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
25.31 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
25.32 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
25.33 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
25.34 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
25.35 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
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25.44 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
25.45 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
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25.166 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
25.167 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
25.168 (a) amended; (d) redesignated as (e) and revised; (d) added 2382; Effective date of amendment of (a), redesignation of (d) as (e) and revision, and addition of (d) 4803
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42 Supp	.60
43 Rev	2.50
46 Parts:	
1–145 Supp	.45
146–149 Rev	2.50
48 New	.45
49 Parts:	
0–70 Supp	.40
91–164 Supp	.60
165–end Rev	6.25
50 Supp	.50

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Miscellaneous Amendments

Notice is hereby given that the regulations (9 CFR, Part 201) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), the rules of practice governing proceedings under said Act (9 CFR, Part 202), and the statements of general policy under said Act (9 CFR, Part 203), are hereby amended, as follows:

1. Section 201.2 (f) and (k) are amended to read as follows:

§ 201.2 Terms defined.

* * * * *

(f) "Deputy Administrator" means the Deputy Administrator, Regulatory Programs, of the Service or any person authorized to act in his stead.

* * * * *

(k) "Area Supervisor" means the Area Supervisor of the Division for a given area or any person authorized to act in his stead.

* * * * *

§§ 201.10, 201.22, 201.66, 201.74, 201.78 [Amended]

2. Sections 201.10 (a), (b), 201.22, 201.66, 201.74, and 201.78 are amended by changing the word "District" or "district", wherever it appears, to read "Area."

3. Section 202.2(e) is amended to read:

§ 202.2 Definitions.

* * * * *

(e) The term "Division" means the Packers and Stockyards Division of the Service.

* * * * *

§§ 202.11, 202.16, 202.40, 202.48, 202.52, 202.58 [Amended]

4. Sections 202.11(g), 202.16(a), 202.40, 202.48(g), 202.52(a), and 202.58 are amended by changing the word "Branch" to read "Division" wherever the former appears.

§ 202.37 [Amended]

5. Section 202.37(a)(4) is amended by changing "Livestock Division" to read "Packers and Stockyards Division."

§ 203.1 [Amended]

6. Sections 203.1 (a) and (d) are amended by changing "Livestock Division" to read "Agricultural Marketing Service."

These amendments reflect changes made in the organization, functions, and delegations of authority of the Agricultural Marketing Service (28 F.R. 496) and of the Packers and Stockyards Division of the Service. The amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a))

Done at Washington, D.C., this 26th day of March 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-3149; Filed, Mar. 31, 1964; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 17,898]

PART 545—OPERATIONS

Distribution of Earnings

MARCH 18, 1964.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 545.1–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1–1) by an amendment as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said section as follows, effective upon publication in the FEDERAL REGISTER:

Section 545.1–1, aforesaid, is hereby amended by striking out the language "June 30, 1964" at each of the following places and inserting in lieu thereof at each such place the language "March 31, 1965": (1) In the proviso of paragraph (b); (2) in the last proviso of paragraph (c); and (3) in the proviso of the first sentence of paragraph (d).

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as the foregoing amendment does not necessitate any change in operations of Federal savings and loan associations which are now being carried on in accordance with the provisions of said § 545.1–1 but merely

extends for an additional time of nine months the temporary period during which, under the provisions of said section, certain distributions of earnings by such associations are subject to certain prohibitions already contained in said section and now in effect, the Board hereby finds that notice and public procedure on said amendment are unnecessary under § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and the Board hereby finds that, for the same reason, publication of said amendment for the period specified in section 4(c) of said act prior to the effective date of said amendment is unnecessary.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 64-3151; Filed, Mar. 31, 1964; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 725—DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY

Revision of Part

Scope and purpose. Part 725 republishes pertinent regulations of the Disability Separation Manual of the Department of the Navy, NAVEXOS P-1990, and has been revised to conform with the October 1963 revision of the Manual. Part 725 is revised to read as follows:

Subpart A—Background, Purpose and Policy

Sec.
725.101 Background.
725.102 Purpose.
725.103 Policy.

Subpart B—Definitions and Interpretations

725.201 Definitions.
725.202 Secretary.
725.203 Member.
725.204 Officer.
725.205 Commissioned officer.
725.206 Warrant officer.
725.207 Enlisted member.
725.208 Grade.
725.209 Rank.
725.210 Rating.
725.211 Reserve component.
725.212 Party.
725.213 Physical disability.
725.214 Accepted medical principles.
725.215 Unfit because of physical disability.
725.216 Incurred while entitled to receive basic pay.
725.217 Line of duty.
725.218 Misconduct.
725.219 Unauthorized absence.
725.220 Aggravation by service.
725.221 Proximate result of performance of active duty.
725.222 Permanent nature of disability.
725.223 Reasonable doubt.
725.224 Active duty.
725.225 Active duty for a period of more than 30 days.
725.226 Inactive duty training.
725.227 Recommendations not considered substantially detrimental.
725.228 Presumptions.
725.229 Areas of responsibility.

Subpart C—Medical Boards

725.301 Purpose.
725.302 Convening authority.
725.303 Composition.
725.304 Procedure.
725.305 Report.
725.306 Indicated disposition.
725.307 Disposition of report.
725.308 Action by convening authority.
725.309 Cases involving discipline.
725.310 Requests for medical records.
725.311 Death imminent and/or poor prognosis cases.

Subpart D—Physical Evaluation Boards

725.401 Function.
725.402 Convening authorities.
725.403 Appointment of boards.
725.404 Jurisdiction of boards.
725.405 Composition.
725.406 Limitation on medical members.
725.407 Limitation on nonmedical members.
725.408 Counsel for the physical evaluation board.
725.409 Counsel for the party.
725.410 Orders for appearance.
725.411 Senior member, duties and responsibilities.
725.412 Members in general, duties and responsibilities.
725.413 Counsel for the board, duties and responsibilities.
725.414 Counsel for the party, duties and responsibilities.
725.415 Board reporter, interpreter, and orderly.
725.416 Proceedings.
725.417 Personal appearance.
725.418 Modified procedure.
725.419 Prima facie findings and statement of acceptance.
725.420 Full and fair hearing.
725.421 Mentally incompetent party.
725.422 Evidence.
725.423 Recommended findings.
725.424 Recommended findings, members on active duty for more than 30 days (other than for training under 10 U.S. Code 270(b)).
725.425 Recommended findings, members on active duty for 30 days or less (or on training duty under 10 U.S. Code 270(b)).
725.426 Recommended findings, inactive duty training cases.
725.427 Recommended findings, cases arising under 10 U.S. Code 1004.
725.428 Recommended findings, cases arising under 10 U.S. Code 6331.
725.429 Recommended findings, reevaluation of members on temporary disability retired list.
725.430 Recommended findings, retired member on active duty.
725.431 Miscellaneous cases.
725.432 Minority report.
725.433 Action prior to final adjournment.
725.434 Rebuttal.
725.435 Preparation and authentication of proceedings.
725.436 Forwarding of record of proceedings.
725.437 Proceedings in revision and new hearings.
725.438 Action subsequent to forwarding the record.
725.439 Processing time.

Subpart E—The Physical Review Council

725.501 Convening authority.
725.502 Composition.
725.503 Jurisdiction.
725.504 Function.
725.505 Duties of chairman.
725.506 General instructions.
725.507 Rebuttals.
725.508 Preparation and authentication of records.
725.509 Procedure in Servicemen's Readjustment Act cases.
725.510 Action on cases of parties on the temporary disability retired list.
725.511 Action when party fails to report for final scheduled periodic physical examination.

Subpart F—Naval Physical Disability Review Board

725.601 Convening authority.
725.602 Function and jurisdiction.
725.603 Composition.
725.604 Qualifications.
725.605 President.
725.606 Rank of members.
725.607 Seniority.
725.608 Limitation on members.
725.609 Counsel for the board.
725.610 Appellate counsel for the party.
725.611 Procedure.
725.612 Petition for review.
725.613 Oath.
725.614 Challenges.
725.615 Evidence.
725.616 Continuances.
725.617 Findings or opinions and decision or recommendation.
725.618 Review of Naval Retiring Board action.
725.619 Disability which existed at the time of appointment.
725.620 Review of board of medical survey action.
725.621 Review of naval physical evaluation board action.
725.622 Minority opinions, findings, recommendations or decisions.
725.623 Proceedings of the board.
725.624 Preparations of record of proceedings.
725.625 Forwarding of record of proceedings.

Subpart G—Final Action, Relief From Final Action, and Other Actions on the Record

725.701 Final action.
725.702 Action by the Secretary of the Navy.
725.703 Delegation of authority to act for the Secretary.
725.704 Effective date of retirement.
725.705 Retirement for other reasons.
725.706 Withdrawal of retirement proceedings.
725.707 Relief from final action.

Subpart H—Physically Restricted Personnel

725.801 General considerations.
725.802 Disposition of physically restricted members.

Subpart I—Disposition of Members Whose Names Are Carried on the Temporary Disability Retired List

725.901 Periodic physical examination.
725.902 Termination of temporary disability retirement.
725.903 Appointment, reappointment, enlistment, or reenlistment.
725.904 Regular officer.
725.905 Regular enlisted member.
725.906 Reserve officer or enlisted member.
725.907 Disposition when member does not consent to reappointment or reenlistment.

AUTHORITY: The provisions of this Part 725 issued under R.S. 161, secs. 1216, 5031, 70A Stat. 100, 278, as amended; 5 U.S.C. 22, 10 U.S.C. 1216, 5031. Interpret or apply 46 Stat. 253, sec. 104, 68A Stat. 30, secs. 266, 1004, 1163, 1201–1215, 1217, 1372, 1373, 6011, 6148, 6331, 6485, 70A Stat. 11, 79, 89, 91, 100, 105, 375, 383, 397, 417, 71 Stat. 160, 72 Stat. 1155, 1267, 1438, 1451, as amended; 5 U.S.C. 47a, 10 U.S.C. 266, 270, 1004, 1163, 1201–1215, 1217–1219, 1221, 1372, 1373, 1554, 6011, 6148, 6331, 6485, 26 U.S.C. 104, 38 U.S.C. 722. Additional authority is cited in the sections affected.

Subpart A—Background, Purpose and Policy

§ 725.101 Background.

(a) At the beginning of the Civil War it became evident that the lack of statutory authority to retire military personnel, who, because of advanced age, disease, or infirmity, were unfit to exercise command in the field or at sea, seriously handicapped both the Army and the Navy. In 1861, the Congress approved an "Act for the Better Organization of the Military Establishment" (12 Stat. 287–291). This law provided that when an officer has become incapable of performing the duties of his office, he shall be either retired from active duty or wholly retired by the President. The purpose of this enactment and of subsequent disability retirement legislation is to give the military forces of the nation a vital and fit membership and to establish an equitable system of retirement for compensating those eligible members whose military careers must be terminated by reason of illness or injury.

(b) Disability retirement pay and severance pay provided by 10 U.S. Code, chapter 61, are benefits provided for members who, if otherwise qualified, become unfit to perform duty because of physical disability while on active duty, or inactive duty training. Such benefits are not provided for members or former members of the military services who after discharge or release from active duty or inactive duty training may become unfit to perform their duties because of physical disability even though the origin of the disability may be related to a period of active duty or inactive duty training. Individuals who, during active service, incur disabilities which impair their earning capacity for civil occupations but do not preclude performance of full military duties may be eligible for compensation under laws administered by the Veterans' Administration even though they do not qualify for disability retirement or severance pay.

§ 725.102 Purpose.

The purpose of these regulations is to prescribe the administrative procedures and policies to be followed in implementing laws pertaining to discharge or retirement of members from the naval service by reason of physical disability.

§ 725.103 Policy.

(a) It is the policy of the Navy Department that laws pertaining to physical disability retirement or separation be administered fairly, equitably, and with due regard for the interest of both the individual and the Government. Although these laws should be so administered as to protect the U.S. Government from assuming unwarranted responsibility for payment of disability and retirement benefits, reasonable doubt as to the entitlement of a member to such benefits will be resolved in favor of the individual.

(b) The fact that a member is determined to be unfit for duty while on active duty is not sufficient to entitle him to disability retirement or severance pay. There must be a determination that this unfitness is due to a disability incurred while entitled to receive basic pay. The fact that such member was accepted physically for active duty is not conclusive that the disability was incurred after such acceptance. It is one piece of evidence to be considered with all of the medical evidence. In addition to and in conjunction with all pertinent medical evidence, due consideration and weight must be given to accepted medical principles authenticated by medical authorities in arriving at a final determination. It is not proper to exclude such accepted medical principles in making the aforesaid determination even in cases where there is no other evidence that the disability existed prior to entrance upon active duty.

(c) In applying the policies with respect to aggravation, due consideration will be given to the length of service particularly where the period is in excess of eight years of active duty.

Subpart B—Definitions and Interpretations

§ 725.201 Definitions.

For the purpose of this part the definitions and interpretations set forth in this subpart will apply.

§ 725.202 Secretary.

Unless otherwise qualified, refers to the Secretary of the Navy.

§ 725.203 Member.

Unless otherwise qualified, means a commissioned officer, commissioned warrant officer, warrant officer and enlisted person including a retired person of the naval service. The words "retired person" include members of the Fleet Reserve and Fleet Marine Corps Reserve who are in receipt of retainer pay. Midshipmen of the Navy are not members.

§ 725.204 Officer.

A commissioned or warrant officer.

§ 725.205 Commissioned officer.

A member of the naval service having the grade of commissioned warrant officer or above.

§ 725.206 Warrant officer.

A member who holds a commission or a warrant in a warrant officer grade.

§ 725.207 Enlisted member.

A person in an enlisted grade.

§ 725.208 Grade.

A step or degree in a graduated scale of office or military rank that is established and designated as a grade by law or regulation.

§ 725.209 Rank.

The order of precedence among members of the armed forces.

§ 725.210 Rating.

The name (such as Boatswain's Mate) prescribed for enlisted members of the naval service in an occupational field.

§ 725.211 Reserve component.

Either the U.S. Naval Reserve or the U.S. Marine Corps Reserve.

§ 725.212 Party.

The individual whose case is being considered.

§ 725.213 Physical disability.

(a) Any manifest or latent impairment of function due to disease or injury, regardless of the degree, which reduces or precludes an individual's actual or presumed ability to engage in gainful or normal activity. The concept of physical disability is not the same as that of unfit for military duty because of physical disability. The term "physical disability" includes mental disease but not such inherent defects as behavior disorders, personality disorders, and primary mental deficiency, although they may make a member unfit for military duty.

(b) Impairment of function is any lessening or weakening of the capacity of the body or any of its parts to perform that which is considered by accepted medical principles to be the normal activity in the bodily economy.

(c) Manifest impairment is that which is evidenced by signs and/or symptoms.

(d) Latent impairment is that which is not evidenced by current signs and/or symptoms, but which is of such a nature that there is reasonable certainty, according to accepted medical principles, that signs and/or symptoms will appear within a reasonable period of time.

§ 725.214 Accepted medical principles.

Fundamental deductions consistent with medical facts and based upon the observation of a large number of cases. To constitute accepted medical principles, the deductions must be so reasonable and logical as to create a virtual certainty that they are correct.

§ 725.215 Unfit because of physical disability.

(a) A member is unfit because of physical disability when he is unable because of disease or injury to perform the duties of his office, grade, rank, or rating in such a maner as to reasonably fulfill the purpose of his employment on active duty.

(b) The mere presence of physical disability does not, in itself, require a finding of unfitness. In each case considered, it is necessary to correlate the nature and degree of functional impairment produced by physical disability with the requirements of the duties to which the party may reasonably expect to be assigned by virtue of his office, grade, rank, or rating (excluding special hazardous duty, such as duty involving flying, etc., but giving consideration to the requirements of other potential sea or combat assignments).

(c) A party who has either a manifest or latent impairment which is likely to render him unfit because of physical disability in the near future will be considered to be unfit for duty, even though he may be physically capable of performing all of his duties at the moment. Conversely, a party convalescing from an illness or an injury and who is likely to recover to a degree which would permit him to perform all of his duties in the near future will be considered to be fit for duty.

(d) In determining whether a member is unfit because of physical disability, consideration will be given only to evidence which is relevant to the issues set

forth in paragraphs (a), (b), and (c) of this section. Specifically, that which relates to either the nature and degree of functional impairment currently suffered because of physical disability; the requirements of the duties to which the party might reasonably expect to be assigned; the physical ability of the party to perform the requirements of the duties to which he may be assigned; or the weight to be accorded to other evidence related to the foregoing issues. The following factors are normally not relevant and will be considered only to the extent that they may (because of particular circumstances surrounding the case) have a bearing on the foregoing issues: the ability or inability of the party to meet physical standards for hazardous duty, or enlistment, or appointment, or transfer to a different component within the naval service, or for transfer to a different category within the naval service; the need of the service for special skills possessed by the party; the fact that disciplinary action (civil or military) is pending against the party; or the fact that the active service of the party may soon be terminated for reasons other than physical disability.

(e) Among the factors which shall not be considered and which have no bearing upon this determination are the member's ability or inability to meet physical standards for enlistment or appointment; the fact that the party's service is being terminated because of expiration of enlistment, discharge for other reasons, voluntary or involuntary retirement, or release to inactive duty; the needs of the service for his special skills; physical fitness for specialized duty such as duty involving flying or duty aboard submarines; or physical fitness for transfer to a different component or category within the naval service.

§ 725.216 Incurred while entitled to receive basic pay.

(a) "Incurred" refers to the date or time when a disease or injury is contracted or suffered as distinguished from a later date when it is determined that, because of such disease or injury, a member has become unfit to perform his duties. Physical disability due to the natural progress of disease or injury is "incurred" when the disease or injury causing the disability is contracted. Increase in physical disability during service in excess of that due to natural progress of the disease or injury is considered due to aggravation by service and as such is "incurred" when the disease or injury is aggravated. "While entitled to receive basic pay" encompasses all types of duty which entitled the party concerned to receive active duty pay, and any duty without pay which, by law, may be counted the same as like duty with pay. This definition shall not be construed to entitle any party not on active duty, who at the time of his separation from active duty was considered physically fit for duty, to benefits under Chapter 61, U.S. Code, because of an increase in disability occurring while the party is not entitled to receive basic pay.

(b) Every person employed in active service shall be taken to have been in sound condition when examined, accepted, and enrolled for service, except as to physical disabilities noted at time of the examination, acceptance, and enrollment, or where medical evidence or principles demonstrate that the disease or injury existed prior to acceptance and enrollment and was not aggravated by such service. Only those physical disabilities recorded at the time of the examination are to be considered as noted. A mere history of pre-service existence of a physical disability recorded at the time of examination for acceptance does not constitute a notation but will be considered together with all other material evidence in determinations as to the incurrence of such physical disabilities.

(c) Determinations concerning the inception of disease or injury not noted should not be based on medical judgment alone as distinguished from accepted medical principles or on history alone, without regard to clinical factors pertinent to the basic character, origin and development of such disease or injury. This determination should be based on a thorough analysis of the entire evidentiary showing in the individual case and a careful correlation of all material facts with due regard to accepted medical principles pertaining to the history, manifestations, clinical course, and character of such disease or injury. History conforming to accepted medical principles pertaining to such disease or injury should be given due consideration, in conjunction with basic clinical data concerning the manifestation, development, and nature of such disease or injury, and accorded probative value consistent with accepted medical and evidentiary principles in relation to other competent evidence in each case. All material evidence relating to the incurrence, symptoms, and course of the disease or injury, including official and other records made prior to and during service, together with all other lay and medical evidence concerning the inception, development, and manifestations of such disease or injury, should be taken into full account.

(d) There are certain medical principles so well and universally recognized as definitely to constitute fact, and when, in accordance with these principles, existence prior to entrance into service is established, no further additional or confirmatory facts are necessary. For example, with notation or discovery, during service, of residual conditions, such as scars, fibrosis of the lungs, atrophy following disease of the central or peripheral nervous system, healed fractures, absent, displaced, or resected parts of organs, supernumerary parts, congenital malformations, with no evidence of the pertinent antecedent active disease or injury during service, the established facts are so convincing as to impel the conclusion that the residual condition existed prior to entrance into active service, without further proof of this fact. Similarly, manifestation of lesions or symptoms of chronic disease from date of enlistment, or so close to that date that the disease could not have originated in so short a period, will be accepted as clear and convincing proof that the disease existed prior to entrance into active service. Conditions of infectious origin are to be considered with regard to the circumstances of infection and the incubation period. Manifestation of disease within less than the minimum incubation period after enlistment will be accepted as showing inception prior to service. In neuropsychiatric conditions, situational reactions, characteristic of a life pattern indicating psychopathic personality, chronic psychoneurosis of long standing, or other neuropsychiatric symptoms shown to have existed prior to service with manifestations during service, which are the basis of the diagnosis in service, may be considered in determining whether pre-existing neuropsychiatric conditions exist. When the conclusion that the mental disorder of a psychotic party existed prior to service is based upon a past history of aberrant behavior related by the party, it is essential that the record show that the party had the capacity to recollect and narrate in a trustworthy manner and that the past history is reliable rather than a manifestation of his illness. When the ability of the party to recollect and narrate in a trustworthy manner is in doubt, there must be corroborative evidence.

§ 725.217 Line of duty.

(a) *General rule.* Disease or injury suffered by naval personnel while in active service shall be considered to have been incurred in line of duty unless one of the exceptions in § 725.217(b) is applicable. In this context, the term "active service" includes extended active duty, active duty for training, including any leave or liberty therefrom, and inactive duty training, other than for training under 10 U.S. Code 270(b).

(b) *Exceptions.* Disease or injury suffered by members of the naval service while in active service shall not be considered to have been incurred in line of duty where found to have been incurred under any one of the following circumstances:

(1) As the result of the person's misconduct under these regulations (see § 725.218), or

(2) While avoiding duty by deserting the service, or

(3) While absent without leave, as defined in § 725.219, or

(4) While confined under sentence of a court-martial which involved an unremitted dishonorable discharge, or

(5) While confined under sentence of a civil court following conviction of an offense which is defined as a felony by the law of the jurisdiction where convicted.

(c) *Presumption.* It is presumed, in the absence of clear and convincing evidence to the contrary, that disease or injury was incurred in line of duty.

§ 725.218 Misconduct.

(a) *Elements of misconduct.* Misconduct is wrongful conduct. Simple or ordinary negligence or carelessness, standing alone, does not constitute misconduct. To support an opinion of misconduct it must be established by clear and convincing evidence that the disease or injury was either intentionally incurred or was the proximate result of such gross negligence as to demonstrate a reckless disregard of the consequences. If a resulting disease or injury is such that it could have been reasonably foreseen from the course of conduct, it is said to be a "proximate result." Examples: If an individual intentionally wounds himself with a firearm, the injury is due to his own misconduct. Or if an individual handles a firearm in a grossly negligent manner and wounds himself, that, too, would be an injury due to own misconduct because a wound is a reasonably foreseeable result from the grossly negligent handling of firearms. If, on the other hand, an individual was standing on a sidewalk and, while handling a firearm in a grossly negligent manner, he was struck and injured by an automobile which had gone out of control, the injuries would not be due to his own misconduct because they would not have been a reasonably foreseeable result (proximate result) of the wrongful conduct in which the individual was engaged. In this latter example the injuries are said to be the result of an independent intervening cause. The fact that the conduct violates a law, regulation, or order, or the fact that the conduct is engaged in while the individual is intoxicated does not, of itself, constitute a basis for a determination of misconduct. Such circumstances should, however, be considered along with all the other facts and circumstances in determining whether the conduct of the individual was grossly negligent and whether the disease or injury was reasonably foreseeable.

(b) *Presumption.* In the absence of clear and convincing evidence to the contrary, it is presumed that disease or injury suffered by a person in the naval service is not the result of his misconduct.

(c) *Special rules.* Notwithstanding the rules set forth in § 725.218(a) and (b), the following special rules apply:

(1) *Unauthorized use of vehicles.* A finding of misconduct shall be required in cases in which clear and convincing evidence establishes that an injury occurred while the individual was engaged in the theft or wrongful appropriation of any vehicle, or while he was voluntarily participating in the use of any vehicle, knowing it to have been stolen or wrongfully appropriated.

(2) *Venereal disease.* Venereal disease, of itself, is not deemed to be due to misconduct if the person has complied with regulations requiring him to report and receive treatment for such disease.

(3) *Surgical and medical treatment.* Disability shall be held to have been incurred as a result of misconduct if it resulted from an unreasonable refusal to submit to surgical or medical treatment.

(4) *Intoxication.* Injury incurred as the proximate result of prior and specific intoxication is incurred as the result of misconduct. In order for intoxication alone to be considered the basis for a determination of misconduct based upon a related injury, there must be a clear showing that the person was impaired due to intoxication at the time of the injury, the extent of impairment, and that the intoxication was a proximate cause of the injury. The intoxication (impairment) may be due to alcohol, drug, or comparable origin.

(5) *Alcohol and drug impairment.* Disability resulting from disease, which is directly attributable to a specific, prior, proximate, and related intemperate use of alcoholic liquor or habit-forming drugs, is the result of misconduct. Habituation may or may not be associated with a specific impairment (inability to perform duty) directly related to the specific and proximate use of alcohol or drugs.

(6) *Felony.* A finding of misconduct will normally be required independently of the above rules when injury occurs while the individual is engaged in the commission of a felony. For the purpose of this subparagraph a felony is defined as any offense punishable by death or imprisonment for a term exceeding one year.

(7) *Responsibility for acts.* A presumption exists that all persons are mentally competent. If clear and convincing evidence exists that a person is mentally incompetent with respect to a given act, then he should not be held responsible for the results of that act. Any injury resulting from such an act is not considered to be the result of misconduct, unless the incompetency is shown to have resulted from his prior misconduct and was the proximate cause of the injury.

(8) *Self-inflicted injury.* Intentional self-inflicted injury, unaccompanied by a bona fide suicidal intent in the absence of a showing of mental irresponsibility, is deemed to be the result of the victim's own misconduct. However, in view of the strong human interest of self-preservation, a bona fide suicide attempt is considered to be evidence of mental irresponsibility. Before the rules pertaining to suicide are applied, however, it must be established that the injury was the result of a suicidal act with the suicidal intent, and in cases of doubt, any other reasonable explanation of the injury should be adopted. When it is determined that the injury was the result of a bona fide suicide attempt, and when no reasonable and adequate motive therefor is supplied by the evidence, the suicidal act itself rebuts the presumption of sanity and a conclusion of mental irresponsibility is in order. When the evidence indicates that the suicidal act was motivated by a reason that might prompt a rational person to take his own life, the question of sanity will depend upon all of the evidence pertaining to the mental competence of the person at the time of the suicidal act.

§ 725.219 Unauthorized absence.

Any absence from duty without authority, such as contemplated under articles 85, 86, and 87 of the Uniform Code of Military Justice (Title 10, chapter 47, U.S. Code), or such as was contemplated by the provisions of the Articles for the Government of the Navy which were in effect prior to 1951. When a disability is incurred at any time during a period of unauthorized absence, regardless of whether the absence interfered with the party's military duties, the member is excluded from receiving benefits under Title 10, chapter 61, U.S. Code.

§ 725.220 Aggravation by service.

(a) Disease or injury noted prior to service or shown by clear and convincing evidence, including accepted medical principles, to have had its inception prior to service, will be conceded to have been aggravated when such disability underwent an increase in severity during the service unless such increase in severity is shown by clear and convincing evidence, including medical facts and principles, to have been due to the natural progress of the disease.

(b) Aggravation of a disability noted prior to service or shown by clear and convincing evidence, including accepted medical principles, to have had its origin prior to service may not be conceded where the disability underwent no increase in severity during service on the basis of all the evidence of record pertaining to the manifestations of such disability prior to and during service.

(c) Sudden pathological developments involving pre-existing diseases, such as hemoptysis, spontaneous pneumothorax, perforation of a duodenal ulcer, coronary occlusion or thrombosis, cardiac decompensation, cerebral hemorrhage, and active recurrent rheumatic fever occurring in service, establish aggravation unless it is shown by clear and convincing evidence that there was no increase in residual disability.

(d) Recurrences, acute episodes, symptomatic fluctuations, descriptive variations and diagnostic evaluations of a pre-service disease or injury during service are not to be construed as establishing increase of disability in the absence of sudden pathological development or advancement of the basic chronic pathology during active service such as to establish increase of disability during service.

(e) The usual effects of medical and surgical treatment in service having the effect of ameliorating disease or other conditions incurred before entry into service, including postoperative scars and absent or poorly functioning parts or organs, do not constitute aggravation unless the treatment was required to relieve disability which had been aggravated by service.

§ 725.221 Proximate result of performance of active duty.

(a) A disability is the proximate result of the performance of active duty when the performance of active duty, in natural and continuous sequence, unbroken by an efficient intervening cause, produces the disability, and without which the result would not have occurred.

(b) In determining the question of proximate result, reasonable doubt shall be resolved in favor of the member. However, a mere possibility that a disability might have resulted from the performance of active duty is not sufficient to create a reasonable doubt and if no causal relation is shown to exist between the performance of active duty and the disability (considering the obligations and duties peculiar to the nature of military or naval service), the dis-

ability shall not be considered to be the proximate result of the performance of active duty. The mere fact that a disability is incurred coincident in time with the performance of active duty is not sufficient to warrant a determination that the disability is the proximate result of the performance of active duty.

(c) For a party who is on active duty for a period of more than 30 days (other than for training under 10 U.S. Code 270(b)), any disability incurred in line of duty while so serving in time of war or national emergency shall be considered to be the proximate result of the performance of active duty.

§ 725.222 Permanent nature of disability.

(a) Disability "may be of a permanent nature" when, based on medical experience in like cases, it is considered likely that the party concerned will recover to an extent which will permit him to perform duty commensurate with his office, grade, rank, or rating within a five-year period from the date of retirement or separation for physical disability; or that within the five-year period the disability, if currently ratable at less than seventy-five per cent in accordance with the standard Schedule for Rating Disabilities in current use by the Veterans' Administration, will change in degree; or that within the five-year period the disability, if currently ratable at seventy-five per cent or more in accordance with such Schedule, may fall below such percentage. Where none of the above contingencies is likely to occur, the disability is considered as disability which "is of a permanent nature."

(b) When the party has a disability which neither is nor may be permanent the board shall so state.

§ 725.223 Reasonable doubt.

By reasonable doubt is meant one which exists because of the fact that the evidence does not satisfactorily prove or disprove the claim, yet a substantial doubt, and one within the range of probability as distinguished from pure speculation or remote possibility. It is not a means of reconciling actual conflict or a contradiction in the evidence, and mere suspicion or doubt as to the truth of statements submitted as distinguished from impeachment or contradiction by evidence or known facts is not a justifiable basis for denying the application of the reasonable doubt doctrine if the entire record otherwise warrants evoking this doctrine. When there is reasonable doubt whether a member is fit or unfit or as to the nature of the condition causing unfitness, these matters should be resolved on the basis of further clinical investigation and observation and such other evidence as may be adduced.

§ 725.224 Active duty.

Full time duty in the active military service of the United States. It includes duty on the active list, full time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.

§ 725.225 Active duty for a period of more than 30 days.

Active duty under a call or order that does not specify a period of 30 days or less.

§ 725.226 Inactive duty training.

(a) Duty prescribed for Reserves by the Secretary under 37 U.S. Code 206 or any other provision of law, or

(b) Special additional duties authorized for Reserves by an authority designated by the Secretary and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

(c) Inactive duty training does not include work or study performed in connection with correspondence courses.

§ 725.227 Recommendations not considered substantially detrimental.

Recommendations, final approval of which would defer action on a case for a stated or an indefinite period, or retire the party temporarily for physical disability in lieu of permanent retirement for physical disability or separation, or retire the party permanently for physical disability in lieu of separation, or separate him for physical disability with severance pay in lieu of separation without severance pay, shall not be considered as substantially or materially detrimental to the interests of the party.

§ 725.228 Presumptions.

(a) A presumption is an inference of the truth of any proposition or fact drawn by a process of probable reasoning in the absence of actual certainty of its truth, or until such certainty is established. Facts which are the subject of presumptions are assumed to be true without proof. Therefore, they are substitutes for evidence. A presumption will establish a fact unless there is clear and convincing evidence to the contrary. Evidence may be received which convinces the board that the presumed fact is not true in that case. Contrariwise, evidence may be received, the weight of which is not deemed sufficient to overcome the weight of the presumed facts. It is, therefore, the responsibility of the board to give due and careful consideration to both the presumptions and the evidence adduced in determining the true facts in each case.

(b) The following presumptions are applicable to cases before physical evaluation boards:

(1) Any increase during active service in the degree of a pre-service disability is presumed to be due to aggravation as opposed to the natural progress of the disease or injury (see § 725.220);

(2) Disease or injury is presumed to be incurred in the line of duty (see § 725.217);

(3) Disease or injury suffered by a person in the naval service is presumed to be not the result of misconduct (see § 725.218);

(4) All persons are presumed to be mentally competent;

(5) A person on active duty is presumed to be fit to perform the duties of his office, grade, rank, or rating.

§ 725.229 Areas of responsibility.

As used in Subpart E of this part, the terms "areas of responsibility," "technical specialty," and "Secretary's advisor" shall be construed to refer to the duties and responsibilities and technical control aspects of the cognizant bureau, office or headquarters as set forth in chapter 3 and chapter 4 section 1 subsections A, B and F, Navy Regulations (chapter 3 is entitled "The Marine Corps", and subsections A, B and F are entitled "The Bureau of Medicine and Surgery", "The Bureau of Naval Personnel" and "The Judge Advocate General", respectively).

Subpart C—Medical Boards

§ 725.301 Purpose.

Medical Boards are constituted to report upon the present state of health of any member of the naval service who may be referred to the Board by competent authority.

§ 725.302 Convening authority.

Medical Boards may be convened by commanding officers of naval hospitals, by the Chief of Naval Personnel, the Commandant of the Marine Corps and the Surgeon General of the Navy. Referral of cases to a medical board shall be effected in such manner as a convening authority directs; however, no member shall be referred to a medical board until he has been admitted to the sick list.

§ 725.303 Composition.

Medical boards, whenever practicable, shall consist of three medical officers of the Navy. When three medical officers of the Navy are not available, the board may consist in whole, or in part, of medical officers of the Army, Navy, Air Force, or of the Public Health Service. In exceptional cases, as determined by the convening authority, medical boards may consist of a lesser number of medical officers. When the board is reporting upon conditions which normally fall within the professional jurisdiction of the Dental Department, the membership of the board shall include a dental officer if available.

§ 725.304 Procedure.

The board shall meet to consider and report upon the case of any member who is referred to it by competent authority for consideration. It shall require and examine such records in the case as are necessary to formulate a considered conclusion regarding the individual's present state of health. It shall conduct such examination of the member whose case is under consideration as is considered necessary, and shall afford him the opportunity to appear in person before the board, provided he is physically and mentally able to appear, and provided it is considered by competent medical authority that such appearance will not adversely affect his health. Except in those cases in which the information would adversely affect the member's health, the member concerned shall be advised of the board's decision as to indicated disposition and shall be afforded

the opportunity to submit a rebuttal in writing.

§ 725.305 Report.

(a) The report of the medical board shall be submitted in letter form to the convening authority. The subject of the letter shall include the member's full name, rank, grade, or rate, and file or service number. The body of the report shall present a summary, in longitudinal form, of all pertinent data concerning each complaint, symptom, disease, injury, or disability presented by the member which causes or is alleged to cause impairment of health.

(b) Where no impairment exists the report shall so indicate.

(c) Wherever possible, impairment of function should be reported in terms of objective tests or findings rather than as opinion, conjecture, or speculation.

(d) The report must contain sufficient data to permit a reviewer to conclude whether the member suffers impairment of health, and if so to determine its nature and the degree of impairment. The discussion of each impairment should be presented in such manner as to show the limitation of activity imposed by the disability and the significance of subjective symptoms alleged to cause impairment. Such evidence is intended for use in rating disability in the event the member is later determined to be unfit for the duties of his grade, rank, or rate.

(e) The disability rating, which will be based in part on the data presented, is governed by the ability of the body as a whole, or of the psyche, or of a system or organ of the body, according to the general or localized effects of disease or injury, to function under the circumstances of ordinary activity in daily life including employment.

(f) While the report must set forth an expert clinical appraisal of functional status, it shall not contain opinions as to existence or permanency of unfitness to perform the duties of the member's grade, rank, or rate, nor shall the report contain any opinion as to conduct or line-of-duty status of any impairment which the member presents; but all evidence hearing upon these questions shall be set forth completely.

§ 725.306 Indicated disposition.

(a) The indicated disposition in any case is either (1) appearance before a physical evaluation board or (2) return to duty. Appearance before a physical evaluation board is indicated when it appears possible the member may be unfit to perform his duties because of physical disability. Return to duty is indicated in all other cases.

(b) Whenever, in accordance with this instruction, a naval aviator (Class I aviation personnel) appears before a medical board and the indicated disposition is return to duty, he shall be examined by a flight surgeon and a report of the flight physical examination shall be transmitted to the Bureau of Medicine and Surgery. Under these circumstances, the individual examined shall be retained on the sick list until the required flight examination is completed. If retaining such an individual on the sick list under the diagnosis which prompted the medical board to be held is statistically unjustified, the individual concerned will be retained on the sick list under the diagnosis "Examination, physical." When it is more practicable, such an individual may be transferred under the diagnosis "Examination, physical" to the nearest medical activity to which a flight surgeon is attached for the purpose of obtaining the required flight examination.

(c) Members who are physically fit, but militarily unfit continue in service because of conditions which do not constitute physical disability, should be reported upon by a board of medical survey in accordance with Chapter 18, Manual of the Medical Department.

(d) When a member is considered physically qualified to perform limited duty but temporarily not physically qualified to perform unrestricted duty, he shall generally be reported upon by a board of medical survey in accordance with Chapter 18, Manual of the Medical Department.

(e) When appearance before a physical evaluation board is indicated by the board, it shall express its opinion as to whether personal appearance of the member before such board would or would not be deleterious to the member's physical or mental health and whether disclosure to the member of information relative to the member's physical or mental condition would or would not adversely affect the member's physical or mental health.

§ 725.307 Disposition of report.

The report of the medical board shall be signed by all the members of the board and transmitted to the convening authority. The member should be advised of the indicated disposition except where such advice might be deleterious to his physical or mental health. When the member is informed as to the indicated disposition, the report should be accompanied by a statement, signed by the member, that he has been advised of the indicated disposition and that he either concurs or does not concur therein, and his rebuttal, if any.

§ 725.308 Action by convening authority.

(a) If the indicated disposition is appearance before a physical evaluation board, and the convening authority concurs, he shall forward the report of the medical board, together with a mechanically reproduced copy of only the history, physical examination, doctor's progress notes, all laboratory, X-ray, operative, pathological, and consultation reports of the clinical record, to the nearest physical evaluation board. Orders shall not be issued for personal appearance before a physical evaluation board until, and unless, the physical evaluation board advises the convening authority that the member has requested personal appearance before the board. Also, orders for personal appearance shall not be issued in the case of mentally incompetent members. Mentally incompetent members shall be represented by qualified counsel before physical evaluation boards and shall not be processed under the modified procedure prescribed in Subpart D of this part.

(b) If and when the physical evaluation board advises the convening authority that the member has requested personal appearance before the physical evaluation board, he shall issue orders without delay directing the member to appear before the board. When such orders involve entitlement to travel and transportation allowance, they shall be issued in accordance with the current instructions relating thereto.

(c) If the indicated disposition is appearance before a physical evaluation board and the convening authority does not concur, he shall forward the report together with a full statement setting forth his reasons for nonconcurrence to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, via the Chief, Bureau of Medicine and Surgery, for determination as to disposition to be effected.

(d) When the indicated disposition is "return to duty," the report shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, via the Chief, Bureau of Medicine and Surgery, together with any statement in rebuttal the member may desire to submit, and any statement in surrebuttal by the board.

(e) Members whose cases have been referred to a physical evaluation board pursuant to § 725.308(a) shall not be retained in naval hospitals solely for the purpose of awaiting action by or for appearance before a physical evaluation board. In the event further hospitalization is not indicated the member shall be discharged from the sick list and transferred to an appropriate administrative command in accordance with applicable departmental instructions. Whenever a member has been released from the hospital following appearance before a medical board which has indicated appearance before a physical evaluation board and subsequently information is received from the physical evaluation board that the member has requested personal appearance before the board, the convening authority of the medical board shall inform the administrative command that the member has requested personal appearance before the physical evaluation board. The administrative command shall issue the necessary orders for appearance before the physical evaluation board.

(f) The convening authority of a medical board for good and sufficient reason, and with consent of the member concerned, may withdraw any case he has referred to a physical evaluation board, so long as the case is still before the physical evaluation board and recommended findings have not yet been made. If recommended findings have been made by the physical evaluation board and the convening authority considers that good and sufficient reasons exist for withdrawal of the case from the disability retirement system, the convening authority may, with the consent of the member concerned, request the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, or the Chief, Bureau of Medicine and Surgery,

to withdraw the case under the provisions of Subpart G of this part.

§ 725.309 Cases involving discipline.

When court-martial proceedings or investigative proceedings which might lead to court-martial are pending, indicated, or have been completed, and in cases of uncompleted sentences of courts-martial involving confinement, the report of the medical board, together with all pertinent facts relative to the disciplinary aspects of the case, shall be forwarded by the convening authority to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, via the Chief, Bureau of Medicine and Surgery, for such administrative action as is deemed warranted and no orders directing or authorizing the appearance of the individual before a physical evaluation board shall be issued by the convening authority.

§ 725.310 Requests for medical records.

As soon as it appears likely that a member will be considered for separation from the service because of physical disability, the commanding officer of the hospital concerned shall advise the Bureau of Medicine and Surgery (Code 335) and request that the member's medical records be forwarded to the cognizant physical evaluation board. The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, shall also be requested to forward a statement of service to the physical evaluation board. When orders for appearance before a physical evaluation board are issued, by the convening authority of a medical board or other authority, copies of such orders shall be distributed as follows:

	Navy		Marine Corps	
	Officer	Enlisted	Officer	Enlisted
BuPers (Pers-B1541)	1			
BuPers (Pers-E3)		1		
MarCorps			1	1
BuMed (Code 336)	1	1	1	1
Phys. Eval. Bd.	2	2	2	2

§ 725.311 Death imminent and/or poor prognosis cases.

(a) In the interest of humanitarian considerations, appropriate administrative measures must be instituted to provide timely notice to the Office of the Secretary of cases where the death of members pending physical disability retirement appears imminent so that immediate retirement action may be taken when it is in the interest of the member or his next of kin to do so. Without direct and expedient action to this end in death-imminent cases, and cases in which the diagnosis implies fatality within a relatively short period of time, real financial hardships may unnecessarily be imposed upon the survivors of the member concerned.

(b) As soon as it is determined that an active duty member will fall within the purview of paragraph (a) of this section, the commanding officer shall institute disability retirement proceedings immediately to permit departmental determination of the feasibility of retirement at the earliest possible time.

(c) The procedures which shall be followed are:

(1) Normally a death-imminent case will be processed in accordance with the instructions of the other subparts of this part. However, if time will not permit routine procedures, and a case has not been presented to a physical evaluation board, a message report from the commanding officer, or telephone communication if necessary, shall be made directly to the Physical Review Council, Washington, D.C., providing information necessary for a disposition to be made. Outside of normal working hours these communications shall be made to the Duty Officer, Bureau of Medicine and Surgery.

(2) In a case where the physical evaluation board proceedings have been forwarded to the Physical Review Council, and then death becomes imminent, such fact shall be made known to the Physical Review Council immediately so that action may be expedited, if warranted. Outside of normal working hours the procedure described in subparagraph (1) of this paragraph shall be followed.

(3) Commanding officers of naval hospitals shall insure that the spouse, or, if there is no spouse, the legal guardian or custodian of the child or children of mentally incompetent members, is advised of his right to request the Secretary of the Navy to make an election in their behalf regarding the Retired Serviceman's Family Protection Plan (10 U.S. Code, Chapter 73; 10 U.S.C. 1433).

(4) Upon effecting a member's disability retirement the individual concerned, or his agent if the member is mentally incompetent, should be advised of his right to file for insurance under the provisions of 38 U.S. Code 722.

Subpart D—Physical Evaluation Boards

§ 725.401 Function.

Physical evaluation boards are constituted to afford a full and fair hearing incident to evaluation of the physical fitness of certain members and former members of the naval service to perform the duties of their office, rank, grade or rating: to investigate the nature, cause, degree and probable permanency of disabilities presented by such members and to make recommended findings appropriate thereto. No member of the naval service shall be separated or retired because of physical disability from an active duty status without a hearing before a physical evaluation board unless such hearing is waived by the member concerned. No member of the naval service shall be separated or retired because of physical disability from an inactive duty status without a hearing before a physical evaluation board if such member shall demand it.

§ 725.402 Convening authorities.

(a) The Secretary of the Navy and such officers as he may designate may convene physical evaluation boards. The following officers are hereby designated as empowered to convene such boards:

Chief of Naval Personnel
Commandant of the Marine Corps
Commandants of the First, Third, Fourth, Fifth, Sixth, Eighth, Ninth, Eleventh, Twelfth and Thirteenth Naval Districts
Commandant, Potomac River Naval Command
Commandant, Marine Corps Schools, Quantico, Virginia
Commanding Generals of Marine Corps Bases, Camp Lejeune, North Carolina, and Camp Pendleton, Oceanside, California
Commanding General, Marine Corps Recruit Depot, Parris Island, South Carolina

(b) No officer may appear as the party whose case is to be evaluated before a physical evaluation board which has been convened by him or any one temporarily succeeding to his office or by any one under him in the chain of command.

§ 725.403 Appointment of boards.

(a) Orders appointing physical evaluation boards shall:

(1) Cite the authority therefor;

(2) Designate the time and place of meeting;

(3) List by name the regular members, counsel for the board, and counsel for the party; and

(4) List by name the alternate members.

(b) Certified copies of such orders and amendatory orders shall be forwarded to the Judge Advocate General by the convening authority. The original orders appointing physical evaluation boards and originals of all amendatory orders shall be retained by the boards until cancelled. When cancelled they shall be forwarded to the Judge Advocate General by way of the convening authority.

(c) The medical member of the board shall be selected from medical officers specified for such duty either permanent or alternate by the Chief, Bureau of Medicine and Surgery.

(d) Counsel for the party shall be selected by the convening authority from officers of his command or those made available to him from other commands for this duty.

§ 725.404 Jurisdiction of boards.

A physical evaluation board shall have jurisdiction to act in any proper case referred to it by the Secretary of the Navy, the Chief of Naval Personnel, the Commandant of the Marine Corps, the Chief, Bureau of Medicine and Surgery, the Physical Review Council, the Naval Physical Disability Review Board, or any officer empowered to convene a medical board.

§ 725.405 Composition.

(a) A physical evaluation board will be composed of competent and mature officers of sound judgment who are familiar with board procedures and, in particular, with the regulations and instructions pertaining to physical evaluation boards. The board shall consist of three commissioned officers as members, one of whom shall be a medical officer and two of whom shall be nonmedical officers. However, in cases arising under section 302 of the Servicemen's Readjustment Act of 1944, as amended (10 U.S. Code 1554), the physical evaluation board, which acts in the capacity of a former Naval Retiring Board, shall consist of five commissioned officers as members, three of whom shall be nonmedical officers and two of whom shall be medical officers. There shall also be appointed a counsel for the board and a counsel for the party. The members of the board shall be of substantially comparable rank and experience. Under no circumstances will differences in rank or experience be permitted to inhibit or influence junior members in the expression of their opinions. Whenever practicable, at least a majority of the members of the board who act on a case shall be senior in rank to the party. In the absence of objection by the party, the seniority of the members of the board shall be considered as waived. When the party is a member of a Reserve component, a majority of the members of the board who act on the case shall be Reserve officers, if available. In any instance where a majority of Reserve members is not available, the board will include not less than one Reserve officer among its members and the record shall contain a certificate by the convening authority as to the unavailability of Reserve officers to constitute a majority of the board.

(b) Appointment to membership on a physical evaluation board shall constitute a primary duty or significant collateral duty of the officers so assigned. Although alternate members may and should be appointed, the number thereof should be kept to a minimum consistent with the expeditious processing of physical evaluation board cases and with the maintenance of continuity in members. The use of alternate members should be reserved for cases where the regular members are unavoidably absent.

§ 725.406 Limitation on medical members.

No medical officer shall act as a medical member of a physical evaluation board who has had direct charge of the case of the party concerned immediately preceding appearance before the board or who was a member of a board of medical officers which reported on the party concerned.

§ 725.407 Limitation on nonmedical members.

Officers of the Dental Corps, Medical Service Corps, and the Nurse Corps are considered to be nonmedical officers as used in this subpart, but none shall act as nonmedical members of a physical evaluation board unless the party concerned is a member of the same corps. When the party concerned is a male member of the Navy the nonmedical members shall be male officers of the Navy. When the party concerned is a male member of the Marine Corps, the nonmedical members shall be male officers of the Marine Corps. When the party concerned is a female, a female officer shall be substituted for a male nonmedical member.

§ 725.408 Counsel for the physical evaluation board.

The counsel for the physical evaluation board shall be a competent, mature officer of sound judgment, who is familiar with procedures, regulations and instructions relating to such board. When reasonably available, an officer who is a member of the bar of a Federal court or the highest court of a state should be designated as counsel for the board when the party is represented by an officer or civilian counsel with similar qualifications.

§ 725.409 Counsel for the party.

Designated counsel for the party shall be a competent, mature officer of sound judgment, who is familiar with procedures, regulations and instructions relating to the physical evaluation board. Where counsel for the board is a member of the bar of a Federal court or the highest court of a state, counsel for the party shall be an officer or civilian with similar qualifications. In all cases to which § 725.421 is applicable, in all cases in which disclosure to the party of information relative to his disability would be deleterious to his physical or mental health, and in all other cases when reasonably available, an officer who is a member of the bar of a Federal court or the highest court of a state shall be designated as counsel for the party. The designated counsel shall represent the party in every case, unless the party obtains civilian counsel at his own expense, or other military counsel, if available, or unless the party, after having been given the opportunity of consulting with counsel, expressly waives counsel. In the case of mentally incompetent parties, the next of kin, person to be notified in case of an emergency, or legal guardian may obtain civilian counsel at his own expense, or other military counsel, if available. In the event such counsel is not provided, the designated counsel will represent the mentally incompetent party in every case; a waiver of the right to counsel will not be accepted.

§ 725.410 Orders for appearance.

(a) Commanding officers of naval hospitals, Continental United States (subject to the limitations set forth in Subpart C of this part), commanding officers of activities other than naval hospitals to which a member has been ordered to await action on disability separation proceedings, the Chief of Naval Personnel, and the Commandant of the Marine Corps are authorized to issue orders directing or authorizing members to report to a physical evaluation board.

(b) The Chief of Naval Personnel or the Commandant of the Marine Corps may specifically delegate authority to order or authorize members to appear before a physical evaluation board.

(c) Orders involving entitlement to travel allowance shall be issued in accordance with current instructions relating thereto.

(d) When appearance before a physical evaluation board is indicated in the case of a member who is at a station outside the Continental United States, and the member waives his right to appear in person before the board, the medical report shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, by way of the Chief, Bureau of Medicine and Surgery, for appropriate action. When such a member does not waive his right to appear in person before the board, he shall be transferred in a patient status to the nearest hospital in the Continental United States at which a physical evaluation board is convened.

§ 725.411 Senior member, duties and responsibilities.

The officer senior in precedence among the members of the physical evaluation board considering any one case shall act as the presiding officer of the board. He shall take appropriate action to preserve order in open sessions of the board and to insure that the proceedings are conducted in a dignified and judicial manner. He will rule upon all interlocutory questions except challenges. His rulings on interlocutory questions may be objected to by any other member of the board in which case the matter will be decided by a majority vote of the board members in closed session. For good reason he may recess or adjourn the board or grant a continuance in the case. He shall preside over closed sessions of the board and speak for the board in announcing its recommended findings and the result of any vote upon challenge or other interlocutory question. He and the counsel for the board shall authenticate the record of proceedings except that in the absence of the senior member the record may be authenticated by any other member who acted in the case.

§ 725.412 Members in general, duties and responsibilities.

(a) It is the responsibility of each member of the board to weigh and to impartially examine the evidence presented in a case and to make recommended findings, each according to his conscience, and in conformity with applicable laws and regulations and established policy. Each member has an equal voice and vote with the other members in deliberating upon and deciding all questions submitted to vote. Each member may question witnesses in an order prescribed by the senior member. Members of the board may discuss the case freely in closed session, but except as authorized to be set forth in the record of proceedings pursuant to this subpart, the opinions expressed by any member in closed session shall not be disclosed.

(b) Any member of a physical evaluation board may be challenged at any time during the proceedings for cause stated to the board, such as that the member cannot approach the factfinding problem with an open mind and impartiality. The board will not receive a challenge to more than one member at a time. After disclosing his ground for challenge, the party may examine the member as to his fitness to serve as a member of the board. This examination may or may not be under oath, at the discretion of the challenging party, but shall be recorded verbatim. Counsel for the board has the right to cross-examine the challenged member. After such examination and cross-examination, any other evidence bearing on the member's fitness to serve is heard.

(c) The burden of establishing the challenge is on the party who made the challenge. The challenged member shall withdraw when the board is cleared to determine the challenge. A unanimous vote (or a majority vote of a five-member board) is sufficient to sustain the challenge; however, a tie vote disqualifies the challenged member. The board shall decide the challenge according to the preponderance of the evidence. A sustained challenge or a disqualification shall be immediately reported to the convening authority. The board shall adjourn until the convening authority appoints another member.

(d) If a challenged member is to be examined under oath as to his fitness to serve, the counsel for the board shall administer the following oath or affirmation: "You swear (or affirm) that you will answer truthfully to the questions touching your fitness to serve as a member of the board in this case. So help you God." The sentence "So help you God" is omitted in an affirmation.

§ 725.413 Counsel for the board, duties and responsibilities.

The officer designated as counsel for the physical evaluation board shall, in every case before the board, assemble, prepare, and present all available evidence which is relevant to the issues to be decided by the board. This shall include, but not be limited to, the medical records, investigation reports and courts of inquiry, and the current disciplinary status of the party concerned. He shall examine witnesses who appear before the board. In accordance with procedures prescribed by competent authority, he shall secure or request witnesses to appear before the board and shall obtain depositions, affidavits, or statements which may aid the board in its decision of the issues before it. He shall notify the board members, witnesses, counsel for the party, and reporter of the time and place fixed for the hearing and make necessary arrangements to permit a proper hearing to be held. He shall insure that the records of the party concerned are furnished to the medical witnesses for examination prior to the hearing and shall perform such other duties as may be required by the senior member of the board. It is his specific responsibility to insure that the board has before it sufficient information to ascertain as accurately as practicable the circumstances in which the party concerned incurred his disability, the extent of the disability, and where it appears that the disability existed prior to the party's entrance into active service, its extent at the time of entrance into active service, and all other pertinent circumstances relating to the party's disability. He shall, under the direction of the board, be responsible for preparation of a complete, fully documented record of proceedings and shall, prior to the senior member, sign the record of proceedings as an authentication of its correctness. The standards of conduct required of the counsel for the board shall be the same as prescribed for counsel before naval courts-martial (§ 719.135(b) of this chapter).

§ 725.414 Counsel for the party, duties and responsibilities.

(a) When the party is physically located in an area in which a physical evaluation board is convened, and prima facie findings are referred to the party under the provisions of § 725.418, designated counsel for the party shall confer with the party in order to advise him of his rights and the effect of accepting the board's prima facie findings. If the party accepts the prima facie findings, designated counsel for the party shall indicate on the statement of acceptance (see § 725.419) that he has advised party of his rights. When the party demands a full and fair hearing, designated counsel for the party shall represent the party before the physical evaluation board and shall prepare his case in accordance with the law and regulations and the best interest of the party. He will request the counsel for the board to arrange for the attendance of necessary witnesses and other specifically desired evidence and will assist in the procurement and presentation of any available evidence which will support the position of the party concerned. He shall perform such other duties as usually devolve upon counsel for an interested party before a formal fact-finding body and will guard the interest of the party by all honorable and legitimate means. Where counsel other than the designated counsel has been obtained to represent the party, designated counsel may act as associate counsel if desired as such by the party. The standards of conduct of counsel for the party shall be the same as prescribed for counsel before naval courts-martial (§ 719.135(b) of this chapter). When the party is not in the same area as the physical evaluation board, and in order to avoid travel by designated counsel, the function of counsel for the party to confer with and advise party of his rights pursuant to this paragraph shall be accomplished by an officer designated for that purpose by the commandant of the naval district in which the party is located. In the event party demands a full and fair hearing, counsel shall be designated by the convening authority of the physical evaluation board to represent the party before the board.

(b) Particularly where designated counsel for the party is put on notice that there is or may be disagreement as to the final disposition to be made in an individual case, he should be ever mindful that the primary purpose of the physical evaluation board is to act as a "trial court" and to present a clear, complete, and fully documented record of proceedings so that intelligent and informed findings can be made by the physical evaluation board and at successive levels of review.

§ 725.415 Board reporter, interpreter and orderly.

The convening authority shall provide qualified reporters, and where necessary or requested by the counsel for the board, an interpreter or an orderly or both in the same manner as provided for courts of inquiry. Such individuals shall act in the same capacity as in the proceedings of a court of inquiry.

§ 725.416 Proceedings.

The proceedings of physical evaluation boards shall be conducted in accordance with instructions set out in this subpart and in accordance with Chapter IV of the Manual of the Judge Advocate General (JAG Manual) insofar as practicable except that an oath or affirmation need not be administered to the members of the board or the counsel.

§ 725.417 Personal appearance.

When the party concerned demands a full and fair hearing he shall appear personally before the board unless there is an opinion by a medical board or a determination by the physical evaluation board that to do so would be detrimental to his health. In addition to the fact that it may constitute a military offense, failure to appear when so directed or authorized shall be considered as a waiver of the right of the party concerned to appear before the board unless it is reasonably shown that such failure was through no fault of the party. The board may at its discretion, however, waive the appearance of the party if so requested in writing by the party concerned. Such request shall be appended to the record of proceedings of the board.

§ 725.418 Modified procedure.

(a) The modified procedure outlined in paragraphs (b) and (c) of this section is intended to permit expeditious disposition of those cases in which prima facie recommended findings, based upon the records alone, are acceptable to the party. The modified procedure, however, shall not be used in cases of mentally incompetent members.

(b) In all cases except those wherein the party is considered to be mentally incompetent or is on the Temporary Disability Retired List, the physical evaluation board shall review all pertinent documentary evidence and make prima facie recommended findings which shall be referred to the party whose case is being evaluated. Prima facie findings shall be referred to the party as provided in § 725.419. The party shall be allowed two working days to advise the physical evaluation board, in writing, whether the prima facie findings are acceptable to him. If the party accepts the prima facie findings and states in writing that he does not demand a full and fair hearing, the board, without conducting further proceedings, shall forward all records, together with the party's statement of acceptance and the prima facie findings, to the Physical Review Council. In the event that the prima facie findings are not acceptable to the party, and he so demands, he shall be afforded a full and fair hearing before the board.

(c) The convening authority of the medical board or other cognizant authority shall be advised by the physical evaluation board when party demands a full and fair hearing and desires to appear before the board in person so that appropriate orders may be issued. In any case in which the Physical Review Council does not concur with the prima facie findings submitted by the board and proposes substitute findings substantially detrimental to the party, the Physical Review Council shall return the records to the physical evaluation board, and the party shall, if he so requests, be afforded a full and fair hearing.

§ 725.419 Prima facie findings and statement of acceptance.

Prima facie findings pursuant to § 725.418 shall be prepared and delivered to the party in the following form:

From: Physical Evaluation Board
To: (Party)
Via: Designated counsel for the party
Subj: Prima facie recommended findings of a physical evaluation board

1. The Physical Evaluation Board met on ---------- to consider your case and, (Date)
solely on the basis of a review of the records, the Board intends to recommend approval of the following prima facie finding(s):
(Findings in accordance with §§ 725.424 to 725.430, as appropriate.)

2. Please advise the Physical Evaluation Board, in writing, within two working days after receipt of this letter whether the prima facie findings are acceptable to you. If you accept these findings and do not exercise your right to a full and fair hearing, the findings will be forwarded to the Physical Review Council without further proceedings before the Board. If you do not accept the prima facie findings, you will be afforded a full and fair hearing before the Physical Evaluation Board.

3. You are advised that the prima facie findings noted above are recommended findings only and are subject to review as provided in Chapter 5 of the Disability Separation Manual [Subpart E of this part]. Final disposition will be in accordance with the direction of the Secretary of the Navy.

4. If you accept the prima facie findings, please sign attached Statement "A." If you do not accept the prima facie findings, complete and sign Statement "B." Return your signed statement to the Physical Evaluation Board without delay.

(Senior Member, PEB)

Date: ----------

STATEMENT "A"

(Sign only if you accept the prima facie findings.)

The prima facie findings of the Physical Evaluation Board and my right to a full and fair hearing before the Physical Evaluation Board have been explained to me by counsel. I accept the prima facie findings and do not demand a full and fair hearing before the Physical Evaluation Board.

(Signature of Party)

STATEMENT "B"

(Sign only if you do not accept prima facie findings.)

I have been informed of the prima facie findings of the Physical Evaluation Board. I do not accept these findings and demand a full and fair hearing before the Physical Evaluation Board. I (do—do not) desire to appear before the Physical Evaluation Board in person. I understand that if I do not appear in person, I will be represented by counsel before the Physical Evaluation Board.

(Signature of Party)

STATEMENT OF COUNSEL

I certify that I have advised party of his rights in the foregoing matter.

(Counsel for the Party)

§ 725.420 Full and fair hearing.

Every party whose case is being considered by a physical evaluation board shall be deemed to have demanded a full and fair hearing and shall be granted such unless he states in writing that he does not demand a full and fair hearing. (See §§ 725.418 and 725.419.) When a party who has been directed to appear before a board fails to do so through his own fault and his absence has not been authorized by the board, the absence will not be excused and he will be deemed to have relinquished his demand for a full and fair hearing. The requirements for a full and fair hearing shall include, but shall not be limited to, the right of the party concerned: To be present in person unless to do so would be detrimental to his health; to be represented by qualified counsel during all stages of the proceedings until final action on the case is effected; to challenge members for cause; to present evidence in his own behalf; to secure witnesses, depositions, affidavits and statements on relevant issues insofar as practicable; to cross-examine witnesses; to present or have presented arguments in his behalf; to have the issues in his case decided only on evidence adduced and presented in the hearing; to file a rebuttal to the recommended findings of the physical evaluation board, and in certain circumstances to file a rebuttal to the recommended substitute findings of the Physical Review Council. The party may testify in his own behalf or may be called as a witness by the board. Not less than three days prior to the day set for the hearing, all relevant rules and regulations, including the standard Schedule of Rating Disabilities in current use by the Veterans' Administration, and all records and papers pertaining to the case shall be made available to the party concerned or his counsel, as appropriate, who shall have the right to inspect such rules, records and papers and to make notes therefrom as may be necessary in the preparation of the case. The party concerned or his counsel may, in writing, waive the right to the three-day inspection period and, upon the filing of such waiver, the board may proceed to hear the case. Failure of the party concerned to utilize one or more of the aspects of a full and fair hearing shall not be considered as a waiver of other such aspects.

§ 725.421 Mentally incompetent party.

Upon receipt of a case in which previously it has been found that the party concerned is mentally incompetent, in that he is mentally incapable of managing his own affairs, or in which the physical evaluation board is of the opinion that the party is so mentally incompetent, further proceedings will be held in abeyance until the next of kin, the person to be notified in case of emergency, or the guardian (where appointed) has been notified that he or she may appear and provide counsel in behalf of the party or will be provided with designated counsel if desired. Such person shall be notified, by registered mail, certified mail or by registered air mail, if it will facilitate delivery, with return receipt requested, of: the place, date and hour scheduled for the hearing and that request may be submitted for an extension of time or for a more convenient date; the name, rank and official address of the officer designated to represent the party; the right of the addressee, at no expense to the Government, to be present at the hearing and to be represented by civilian or naval counsel of his or her own selection or the designated counsel; and the right of the addressee to procure and introduce witnesses, to obtain documentary evidence, and to take such other action as may be deemed necessary in the interests of the party. The hearing will be held at the time scheduled when no reply is received from the person so notified provided that the registered mail receipt indicates that the addressee has received notification. The date for the hearing generally will be two weeks from the date of mailing the notification but may be extended by the senior member upon written request. All correspondence, including the notification, the reply, if any, and the registered mail receipt will be appended as exhibits to the record of proceedings.

§ 725.422 Evidence.

(a) A physical evaluation board shall consider all documentary evidence transmitted to it by proper authority. The board may, in addition, require and examine such records as may be in the files of the Navy Department that relate to the issues before the board. All evidence having a probative value as to the determination of issues before the board may be considered. All testimony shall be taken under oath or affirmation. The oath or affirmation shall be administered by the counsel for the board in a form as follows: "You swear (or affirm) that the evidence you shall give in the matter now before this board shall be the truth, the whole truth and nothing but the truth. So help you God." The sentence "So help you God" is omitted in an affirmation. The board may take official notice of any generally accepted medical fact or principle and of any fact which may be judicially noticed by courts-martial. In consideration of the weight or probative value to be accorded evidence, the members of the board are expected to utilize their background and experience, their common sense and their knowledge of human nature and behavior. The fact that a witness is the party whose case is before the board does not condemn him as unworthy of belief, but does create in him an interest greater than that in any other witness, and to that extent affects the question of credibility. It is a general rule that the relations of a witness to the matter to be decided are legitimate subjects of consideration in respect to the weight to be given to his testimony. In every case the testimony of the party concerned should be considered in connection with all the evidence adduced and given such weight as the board may believe it merits. When the testimony presented at the hearing indicates that the party claims to have disabilities not disclosed by the official medical records or presents evidence sharply in conflict with official medical records, and the

issue thus drawn is not one that can be readily resolved by the observation of the board, there should be further development of the case by requesting further physical examination, special studies, or further investigation by appropriate agencies; and the hearings should be continued until such development has been accomplished. Recommended findings of the board should be based upon evidence consistent with a reasonable probability of truth.

§ 725.423 Recommended findings.

(a) After having considered and deliberated upon all the evidence before it, the physical evaluation board shall announce, through the senior member, the board's recommended findings. The recommended findings shall be made as prescribed in §§ 725.424 to 725.431, as appropriate. The senior member of the physical evaluation board shall advise the member concerned or his counsel that the recommended findings of the board are advisory only and, therefore, not final or conclusive until disposition of the case has been effected pursuant to the direction of the Secretary.

(b) In any case in which the member has more than one disability, the board shall submit recommended findings with respect to each disability unless: (1) The member concerned is considered to be unfit solely because of a condition not a disability; or (2) the member concerned is considered unfit solely because of a disability which was incurred while not entitled to receive basic pay; or is due to intentional misconduct or willful neglect; or was incurred during a period of unauthorized absence; or is not the proximate result of performance of active duty in which event recommended findings shall be made only with respect to the condition or disability which the board considers to render the member unfit to perform his duties.

§ 725.424 Recommended findings, members on active duty for more than 30 days (other than for training under 10 U.S. Code 270(b)).

(a) If it is considered that the member concerned is fit for duty, the physical evaluation board shall make the following recommended finding only:

It is recommended that _____
(Name of member)
be found fit for duty.

(b) If it is considered that the member concerned is unfit to perform the duties of his office, grade, rank, or rating solely because of a condition or defect not a physical disability, the physical evaluation board shall make the following recommended finding only:

It is recommended that _____
(Name of member)
be found unfit to perform the duties of his office, grade, rank, or rating because of (specify condition or defect).

(c) If it is considered that the member concerned is unfit to perform the duties of his office, grade, rank, or rating because of physical disability, the physical evaluation board shall make the following recommended findings:

It is recommended that _____
(Name of member)
be found:

(1) Unfit to perform the duties of his office, grade, rank, or rating because of physical disability (diagnosis and diagnostic nomenclature number of each disability contributing to the member's unfitness).

(2) That such disability (was) (was not) incurred while entitled to receive basic pay.

(3) That such disability (is) (is not) due to intentional misconduct or willful neglect and (was) (was not) incurred during a period of unauthorized absence.

(4) (i) That such disability (is) (is not) the proximate result of active duty; or

(ii) That such disability (was) (was not) incurred in line of duty in time of war or National emergency.

(If the member has more than 8 years of active service, the statement "Has over eight years of active service" shall be used in recommended finding (4) in lieu of (4) (i) or (ii).)

(5) That such disability is ratable at (total combined percentage) in accordance with the standard Schedule for Rating Disabilities in current use by the Veterans' Administration. (The board shall set forth under this finding the percentage and VA code numbers of each disability and the combined total thereof existing at the time of evaluation. In cases involving aggravation, the board shall determine the final combined total rating by subtracting the combined total percentage of disability existing at the time of entry into active service or incurred during a period of unauthorized absence or otherwise not incurred in line of duty, from the combined total percentage existing at the time of evaluation provided the percentage of disability existing at time of entry is ascertainable in terms of the Schedule. No actual deduction will be made from a total (100%) rating; however, the percentage of disability upon entry will be set forth in the record. In the event the disability was neither incurred nor aggravated while entitled to receive basic pay; or was incurred due to intentional misconduct or willful neglect; or was incurred during a period of unauthorized absence; or is not the proximate result of the performance of active duty, the board shall insert "not ratable" in lieu of "ratable at (combined total percentage)".)

(6) That accepted medical principles indicate that such disability (is) (may be) permanent.

§ 725.425 Recommended findings, members on active duty for 30 days or less (or on training duty under 10 U.S. Code 270(b)).

(a) If it is considered that the member concerned is fit for duty, the physical evaluation board shall make the following recommended finding only:

It is recommended that _____
(Name of member)
be found fit for duty.

(b) If it is considered that the member concerned is unfit to perform the duties of his office, grade, rank, or rating solely because of a condition or defect not a physical disability, the physical evaluation board shall make the following recommended finding only:

It is recommended that _____
(Name of member)
be found unfit to perform the duties of his office, grade, rank, or rating because of _____
(Specify condition or defect)

(c) If it is considered that the member concerned is unfit to perform the duties of his office, grade, rank, or rating because of physical disability, the physical evaluation board shall make the following recommended findings:

It is recommended that _____
(Name of member)
be found:

(1) Unfit to perform the duties of his office, grade, rank, or rating because of physical disability

_____
(diagnosis and diagnostic nomenclature number of each disability contributing to the member's unfitness)

(2) That such disability (is) (is not) the result of an injury. (If not the result of an injury, no additional findings are required.)

(3) That such disability (is) (is not) due to intentional misconduct or willful neglect and (was) (was not) incurred during a period of unauthorized absence.

(4) That such disability (is) (is not) the proximate result of the performance of active duty.

(5) That such disability is ratable at (total combined percentage) in accordance with the standard Schedule for Rating Disabilities in current use by the Veterans' Administration. (The Board shall set forth under this finding the percentage and VA code numbers of each disability and the combined total thereof existing at the time of evaluation. In cases involving aggravation, the board shall determine the final combined total rating by subtracting the combined total percentage of disability existing at the time of entry into active service or incurred during a period of unauthorized absence or otherwise not incurred in line of duty, from the combined total percentage existing at the time of evaluation provided the percentage of disability existing at time of entry is ascertainable in terms of the Schedule. No actual deduction will be made from a total (100%) rating; however, the percentage of disability upon entry will be set forth in the record. In the event the disability was incurred due to intentional misconduct or willful neglect; or was incurred during a period of unauthorized absence; or is not the proximate result of the performance of active duty (as defined in § 725.221(a), the board shall insert "not ratable" in lieu of "ratable at (combined total percentage)".)

(6) That accepted medical principles indicate that such disability (is) (may be) permanent.

§ 725.426 Recommended findings, inactive duty training cases.

The board shall use the same phraseology in its recommended findings as prescribed in § 725.425 except the words "inactive duty training" shall be substituted for the words "active duty" in the recommended finding set forth in § 725.425(c)(4).

§ 725.427 Recommended findings, cases arising under 10 U.S. Code 1004.

(a) Physical evaluation boards acting in cases arising under 10 U.S. Code 1004 shall make the following recommended findings:

It is recommended that _____
(Name)
be found (physically qualified) (not physically qualified) for active duty in the (U.S. Naval Reserve) (U.S. Marine Corps Reserve).

(b) If it is recommended that the party be found not physically qualified, the board shall set forth the disqualifying defect or disability and the diagnostic nomenclature number therefor and give an opinion as follows:

Such disability (is) (is not) due to intentional misconduct or willful neglect.

(c) In determining the party's physical qualifications for active duty, the impairment of function suffered will be correlated with the requirements of the

duties to which he may reasonably expect to be assigned if recalled to active duty in his current rank or rate.

§ 725.428 Recommended findings, cases arising under 10 U.S. Code 6331.

Physical evaluation boards acting in cases arising under 10 U.S. Code 6331 shall make the following recommended findings only:

It is recommended that _____
(Name)
be found (physically qualified) (not physically qualified) for active duty in the (Fleet Reserve) (Fleet Marine Corps Reserve).

If it is recommended that the party be found not physically qualified, the board shall set forth the disqualifying defect or disability and the diagnostic nomenclature number therefor.

§ 725.429 Recommended findings, reevaluation of members on Temporary Disability Retired List.

Physical evaluation boards acting in cases of members of the naval service on the Temporary Disability Retired List shall make findings as prescribed in §§ 725.424, 725.425 or 725.426, as appropriate.

§ 725.430 Recommended findings, retired members on active duty.

In the case of any party serving on active duty in a retired status, the board shall submit a recommended finding as to the percentage of disability incurred while the party was so serving in § 725.424 or § 725.425, as appropriate.

§ 725.431 Miscellaneous cases.

Physical evaluation boards considering cases not covered in §§ 725.424 to 725.430 shall make recommended findings only with respect to issues designated by competent authority.

§ 725.432 Minority report.

Each recommended finding made pursuant to this subpart concurred in by a majority of the board shall constitute the action of the board. Any dissenting member of the board shall make a minority report concerning those particulars in which he does not agree with the action of the board. In case the board is unable to arrive at a conclusion, it shall adjourn and notify the convening authority of such circumstances. In such event, the convening authority may refer the case for consideration to a board composed of different members or he may return it to the original board for further consideration.

§ 725.433 Action prior to final adjournment.

The board may, upon its own motion at any time prior to forwarding the record of proceedings, set aside its previous recommended findings, consider further evidence and make new recommended findings. These actions may be taken by the board by the modified procedure set out in § 725.418 or by the full and fair hearing provided by § 725.420.

§ 725.434 Rebuttal.

The party or his counsel shall be advised of the board's recommended findings and shall be afforded five days, exclusive of Sundays and holidays, after receipt of a copy of the record of proceedings of the board, in which to file a rebuttal. A rebuttal will set forth specifically the recommended findings of the board with which the party or his counsel does not concur together with proposed alternate recommended findings which are acceptable to the party. It is not mandatory, but desirable, that a brief, setting forth the legal and factual basis for such nonconcurrence or any other request for relief, be included in the rebuttal. In any case where a physical evaluation board is directed to conduct a new hearing or proceedings in revision and the party or his counsel files a rebuttal to the recommended findings arrived at in such proceedings, the rebuttal shall operate to afford the party an automatic appeal to the Naval Physical Disability Review Board provided: (a) the recommended findings of such physical evaluation board differ in a material respect, detrimental to the party, from any prior recommended findings made in the case by a physical evaluation board; and (b) the proposed substitute findings of the Physical Review Council differ in a material respect, detrimental to the party, from the relief sought in his rebuttal.

§ 725.435 Preparation and authentication of proceedings.

The record of proceedings of a physical evaluation board shall be prepared in accordance with JAG Manual secs. 0210–0212, 0429, 0435, and 1104.

§ 725.436 Forwarding of record of proceedings.

The complete record of proceedings of the physical evaluation board, together with all documents which were before the board, shall be submitted to the Physical Review Council. A copy of the record of proceedings shall be furnished the party or his counsel. The recipient of such copy of the record of proceedings shall give a dated receipt therefor. The record of proceedings forwarded to the Physical Review Council shall include party's signed and dated Statement of Intention, his statement in rebuttal if one was filed, and/or a properly executed registered mail return receipt for party's copy of the proceedings. The physical evaluation board shall request party to indicate a mailing address where he can be most expeditiously reached. If these documents are not received by the physical evaluation board within ten (10) working days after transmittal of party's copy of the proceedings, the proceedings shall be forwarded to the Physical Review Council with notification concerning non-receipt.

§ 725.437 Proceedings in revision and new hearings.

In the event that a physical evaluation board is directed to conduct a new hearing, such hearing shall be conducted and the record prepared in the same manner as if the board were meeting in the first instance. The record of proceedings in such case shall be prefixed to the original record. A board directed to convene for a hearing in revision shall, where practicable, consist of the same members who previously acted upon the case and shall proceed as instructed by the referring authority. A board conducting a hearing de novo (a new hearing) shall consist of different members than those who previously acted upon the case.

§ 725.438 Action subsequent to forwarding the record.

In the event any cognizant authority shall receive information subsequent to the forwarding of a record of proceedings of a physical evaluation board and prior to final action thereon, that the party concerned has, following his hearing before such board, committed an offense or offenses such as are believed by the cognizant authority to have a possible bearing on the case and should therefore be brought to the attention of the Physical Review Council; incurred disability in addition to that presented at the time of his hearing; or suffered an increase in the disability that was evaluated; or that his status has changed in any respect which might affect final action on the record of proceedings, such authority shall immediately forward such information to the Physical Review Council by message, with information copies to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, the Judge Advocate General and to the Chief, Bureau of Medicine and Surgery. Such message shall be followed as soon as practicable by a complete report of the matter, together with recommendations concerning the action to be taken. Upon a change in his status occurring subsequent to his hearing before a physical evaluation board and prior to final action thereon, which, in his opinion, might affect final action, the party concerned may forward information of such change in the manner provided above.

§ 725.439 Processing time.

In order to provide information concerning the processing time at the various stages of disability separation proceedings the senior member of the physical evaluation board shall cause to be appended to each record of proceedings a chronology in duplicate of the proceedings containing the following information: (a) Date medical board convened; (b) date of action by convening authority of medical board; (c) date medical board received by the physical evaluation board; (d) date statement of service received, if any; (e) date medical records, if any, received from the Bureau of Medicine and Surgery; (f) date case considered under modified procedure; (g) date prima facie findings forwarded to the party; (h) date party's statement of acceptance or demand for full and fair hearing received; (i) date case heard by physical evaluation board, when hearing is held; (j) date record of proceedings or prima facie findings forwarded to Physical Review Council.

Subpart E—The Physical Review Council

§ 725.501 Convening authority.

The Secretary of the Navy shall convene the Physical Review Council.

§ 725.502 Composition.

The Physical Review Council shall consist of the Chief of Naval Personnel or

his designated representative acting for

his duties, the Physical Review Council Recorder. It shall be transmitted to the

his designated representative acting for him, or, when acting in cases involving personnel of the Marine Corps, the Commandant of the Marine Corps or his designated representative acting for him, the Chief, Bureau of Medicine and Surgery or his designated representative acting for him, and the Judge Advocate General or his designated representative acting for him, as members, and a recorder. The designated representative of the Chief of Naval Personnel shall be Chairman and the designated representative of the Commandant of the Marine Corps shall be Vice-Chairman of the Physical Review Council.

§ 725.503 Jurisdiction.

The Physical Review Council shall have jurisdiction to act in any particular relating to or implementing its function.

§ 725.504 Function.

(a) It is the function of the Physical Review Council to review the proceedings and recommended findings of physical evaluation boards.

(b) The Physical Review Council is also responsible for acting upon reports of periodic physical examinations referred to it; for advising the Secretary concerning any aspect of any case upon request; and for performing such other duties as the Secretary may from time to time direct.

(c) It is the duty of each member of the Physical Review Council, or his designated representative acting for him, to advise the other members of the Physical Review Council or their designated representatives concerning those aspects of the proceedings and recommended findings of a physical evaluation board which fall within his area of responsibility or technical specialty and to perform any other functions in connection therewith which he may be required to perform by law or regulation.

(d) It is not the function of the Council to act as a board, or to vote as to the correctness of recommended findings or action to be taken, or to conduct hearings. Applications for personal appearance by parties concerned will not be entertained.

(e) The Physical Review Council shall be responsible for advising the physical evaluation boards of any changes or modifications of policy regarding disability retirements and any changes or modifications of disability rating and/or policies pertaining thereto.

(f) The Physical Review Council shall be responsible for periodically reviewing the Disability Separation Manual [pertinent portions of which are republished in this part] and initiating revisions to the Manual, as necessary.

§ 725.505 Duties of Chairman.

The Chairman of the Physical Review Council shall act as administrative head of the Council. He shall develop such internal procedures as will promote expeditious handling of cases and agreement within the Council to the greatest practicable degree. The position of Chairman carries no authority over the technical functions of any of the other members or their representatives on the Council.

§ 725.506 General instructions.

(a) If, after consideration of all the evidence in a case before it, the members of the Physical Review Council are in agreement that the recommended findings of a physical evaluation board are correct and in accord with established medical and legal principles and personnel policies, the record of proceedings of the physical evaluation board shall be forwarded to the Secretary for final action.

(b) In the event the members of the Physical Review Council are in agreement that the recommended findings of the physical evaluation board are not correct or not in accord with established medical and legal principles or personnel policies, but that substitute findings, not substantially detrimental to the party, are correct, they shall make such substitute findings and forward the record of proceedings to the Secretary for final action.

(c) In any case considered under the modified procedure prescribed in § 725.418 wherein the party has accepted the prima facie findings and one or more members of the Physical Review Council do not agree with the findings and propose substitute findings substantially detrimental to the party, the record of proceedings shall be returned to the physical evaluation board setting forth the proposed substitute findings and the reasons for disagreement with the prima facie findings of the physical evaluation board. The physical evaluation board shall notify the party of the proposed substitute findings, and the notification shall include information conforming substantially with the following part of this paragraph. The party shall be afforded a full and fair hearing if he demands it within five days, exclusive of Sundays and holidays, after the receipt of the notification. If the proposed substitute findings of the Physical Review Council are acceptable to the party and he does not demand a full and fair hearing, the record of proceedings, with party's signed statement of acceptance attached, shall be returned to the Physical Review Council for forwarding to the Secretary for final action. If the proposed substitute findings of the Physical Review Council are not acceptable to the party and he does not demand a full and fair hearing, the record of proceedings with party's rebuttal, if any, may be forwarded to the Naval Physical Disability Review Board for further consideration in accordance with § 725.506(h); or the Council may return the record of proceedings to the physical evaluation board for a full and fair hearing.

(d) If the members of the Physical Review Council are in agreement that the recommended findings of the physical evaluation board arrived at after the party has had a full and fair hearing are not correct, or are not in accordance with established medical and legal principles or personnel policies, and substitute findings are proposed that would be substantially detrimental to the party, the party concerned shall be notified of such substitute findings. If the party submits a statement in rebuttal to the proposed findings of the Physical Review Council and after considering the statement in rebuttal the members of the Physical Review Council adhere to the proposed findings, the case shall be referred to the Naval Physical Disability Review Board. If the party advises the Physical Review Council that the proposed findings of the Physical Review Council are acceptable, or if, after considering the statement in rebuttal the members of the Physical Review Council are in agreement that the recommended findings of the physical evaluation board are correct, the Physical Review Council shall forward the record of proceedings to the Secretary for final action.

(e) In any case of a party who has had a full and fair hearing and, as a result of proceedings in revision or a new hearing by a physical evaluation board, recommended findings are made, final approval of which in lieu of prior recommended findings made in the case would change final disposition in a manner substantially detrimental to the party, and a rebuttal has been filed to the last physical evaluation board action, the Council shall refer the case to the Naval Physical Disability Review Board for further consideration unless the Council's final findings do not differ in a material respect, detrimental to the party, from the relief sought in the rebuttal.

(f) In the event the members of the Council agree, the Council may, on its own initiative, take no action on the recommended findings of the physical evaluation board and return the case to a medical board for further study, to the physical evaluation board for a hearing in revision for correction of errors, for further development of the case, for reconsideration of its recommended findings, or to a different physical evaluation board for another hearing, or to a physical evaluation board in a different area for another hearing.

(g) In the event one or more, but not all, members of the Physical Review Council are of the opinion that a case should be returned to a medical board or a physical evaluation board for any reason, a brief of the facts shall be submitted directly to the Secretary with a request for instructions as to disposition of the case.

(h) The Physical Review Council or any member thereof may at its, or his, discretion, forward any case to the Naval Physical Disability Review Board for further consideration. The Physical Review Council shall give the party or his counsel notice of such referral with a brief statement of reasons therefor. However, a minority of the Physical Review Council may exercise the right to refer a case to the Naval Physical Disability Review Board only when he questions a matter within the area with respect to which he is the Secretary's advisor.

§ 725.507 Rebuttals.

When the party concerned has been informed of proposed substitute findings by the Physical Review Council in accordance with § 725.506(d), he or his counsel shall be allowed five working days to file a rebuttal after receipt of notification. The notification shall be

transmitted to the party, together with a brief statement of the reasons for such proposed findings. In cases with two or more proposed substitute findings, the statement in rebuttal shall specify the findings not concurred in. The party may also propose alternate findings acceptable to the party or other relief. It is not mandatory but desirable that a brief setting forth the legal and factual basis for such nonconcurrence be included in the rebuttal. Failure to submit a statement in rebuttal within the time allowed shall be construed to mean that the substitute findings of the Council or the majority of the Council are acceptable to the party. For good cause shown and upon request, the time for filing a rebuttal may be extended at the discretion of the Council.

§ 725.508 Preparation and authentication of records.

Action by the Physical Review Council on the record of proceedings of physical evaluation boards shall be prepared in appropriate form and shall be signed by all members and the Recorder.

§ 725.509 Procedure in Servicemen's Readjustment Act cases.

The Physical Review Council shall act in cases arising under section 302 of the Servicemen's Readjustment Act of 1944, as amended (10 U.S. Code 1554), in advisory capacity only and shall, in such capacity, recommend to the Secretary of the Navy that the findings of such board be approved or disapproved, or that orders be issued in the case. In the event that other than approval is recommended, the reasons therefor shall be stated. The action of the Council shall otherwise be prepared in appropriate form and shall be signed by each member acting on the case and by the Recorder. It shall be transmitted to the Judge Advocate General.

§ 725.510 Action on cases of parties on the Temporary Disability Retired List.

Upon receipt of a report of a periodic physical examination of a party on the Temporary Disability Retired List, or report of other current medical examination acceptable to the Secretary of the Navy, the Physical Review Council shall evaluate such report. If less than five years have elapsed since the date of the placement of the name of the party on the Temporary Disability Retired List and the Council considers that no change in the status of the party is indicated, the party will be so informed by the Chief of Naval Personnel or the Commandant of the Marine Corps. If the Council considers that a change in the status is indicated, or if the period of five years from the date of the placement of the name of the party on the Temporary Disability Retired List will soon terminate, the Council shall refer the case to a physical evaluation board for reevaluation. In the event, however, the members of the Council are in agreement that the party concerned is physically fit to perform the duties of his rank, grade, or rating and the party concerned has indicated a desire to be found physically fit for the performance of his duties, the Physical Review Council shall forward the case directly to the Secretary for action without further consideration by a physical evaluation board. In addition, upon agreement by the members of the Council that the report of a periodic physical examination together with other records in the files of the Navy Department forms sufficient basis for findings on a case, the party may be notified and if the party agrees with the findings proposed by the Physical Review Council, such findings shall be forwarded to the Secretary for action without further consideration by a physical evaluation board. This latter action, however, shall not be taken by the Council unless the party concerned or his representative states in writing that the party does not demand a hearing before a physical evaluation board. If the Council's proposed findings would result in the party's permanent retirement for physical disability ratable at seventy-five percent or more, and the party fails to demand a hearing within five working days after receipt of notification, the Physical Review Council shall forward the proposed findings to the Secretary for final action without further consideration by a physical evaluation board.

§ 725.511 Action when party fails to report for final scheduled periodic physical examination.

(a) Notice by registered mail shall be given to a party on the Temporary Disability Retired List at least 30 days before the final periodic physical examination is scheduled pursuant to Subpart I of this part. This notice shall inform the party that, should he fail to report for the scheduled physical, or otherwise arrange for a current medical examination acceptable to the Secretary of the Navy, unless he gives just cause for such failure prior to expiration of the five-year period, he will be subject to loss of benefits. If the party fails to report for the physical or otherwise arrange for an acceptable current medical examination, the Physical Review Council shall consider all available records pertaining to the physical condition of the party concerned and, on the basis thereof, recommend to the Secretary that one of the following actions be taken:

(1) That in accordance with accepted medical principles party is presumed to have undergone maximum improvement consonant with those principles and is considered to be fit for duty.

(2) That based on the available evidence, considered together with accepted medical principles, party is unfit for duty by reason of physical disability ratable at (____) percent.

(3) In the case of a party who has failed to report for a periodic physical examination, after receipt of proper notification by registered mail, the Council may recommend to the Secretary that party's name be removed from the Temporary Disability Retired List on the fifth anniversary of his placement on the Temporary Disability Retired List.

(b) Action under this section shall be prepared by the Council in such form as it may desire and shall be signed by each member acting in the case and by the Recorder. It shall be transmitted to the Secretary prior to the end of the five-year period during which the name of the party is carried on the Temporary Disability Retired List.

Subpart F—The Naval Physical Disability Review Board

§ 725.601 Convening authority.

The Secretary of the Navy shall convene the Naval Physical Disability Review Board.

§ 725.602 Function and jurisdiction.

The Naval Physical Disability Review Board is constituted to review and report upon cases referred to it pursuant to § 725.506 and cases arising under the provisions of section 302(a) of the Servicemen's Readjustment Act of 1944 (10 U.S. Code 1554). The Board shall have the same powers as exercised by, or vested in, the board whose action is being reviewed. The Board shall consider the issues before it in conformity with accepted medical principles, pertinent law and regulation and established personnel policies.

§ 725.603 Composition.

The Naval Physical Disability Review Board shall consist of five commissioned officers as members, three of whom shall be non-medical officers and two of whom shall be medical officers, and a recorder. In addition, except in cases arising under section 302(a) of the Servicemen's Readjustment Act of 1944, as amended, there shall be designated a counsel for the Board and appellate counsel for the party who will be required to act, however, only in cases where their services are requested by the President, or by the party whose case is being considered.

§ 725.604 Qualifications.

Each member of the Naval Physical Disability Review Board shall be carefully selected for his competence, maturity, experience and soundness of judgment. The Recorder may be either a commissioned officer or a civilian in the employ of the Government. When the party whose case is being considered is a member or former member of the Navy, the nonmedical members shall be officers of the Navy. When the party is a member or former member of the Marine Corps, the nonmedical members shall be officers of the Marine Corps. When the party is a member or former member of a reserve component, at least a majority of the members of the Board present and acting in the case shall be Reserve officers, unless otherwise authorized by the Secretary of the Navy. The appointing order convening the Naval Physical Disability Review Board may list more than five members, in which case the following provision shall be included in the order: "Only five members of this Board, three of whom shall be non-medical members and two of whom shall be medical members, are empowered to act in any one case." The senior officer shall act as Chairman.

§ 725.605 President.

The President of the Naval Physical Disability Review Board shall, for the

Secretary, monitor the entire physical disability system to insure that from an administrative standpoint it operates ex-

such case, the designated appellate counsel for the party, unless assistance is

be held. A party, who after due notification of the time and place of the hearing,

evidence transmitted to it by proper authority. The Board may, in addition,

required; if so incapacitated, continue as follows.] by reason of (state the cause of in-

Physical Disability Review Board in its review and report concerning the action

Secretary, monitor the entire physical disability system to insure that from an administrative standpoint it operates expeditiously and efficiently. The President shall maintain personal liaison with the Secretary and keep him advised regarding the operation of the system.

§ 725.606 Rank of members.

While any commissioned officer is eligible for appointment to the Naval Physical Disability Review Board, care should be taken to avoid great disparity in rank and experience. In no event may rank be permitted either to inhibit or influence junior members in expressing their opinions or in voting.

§ 725.607 Seniority.

Whenever practical, at least a majority of the board who act on a case shall be senior to the party. In the absence of objection by the party, the seniority of the members of the board shall be considered as waived.

§ 725.608 Limitation on members.

(a) No medical officer shall act as a member of the Naval Physical Disability Review Board who has had direct charge of the case of the party or who was a member of the medical board which reported on the party. No member of a physical evaluation board, the Physical Review Council, Naval Retiring Board or Board of Medical Survey which acted in the case of the party shall act as a member of the Naval Physical Disability Review Board in the same case.

(b) Officers of the Dental Corps, Medical Service Corps or Nurse Corps are not eligible for membership as medical members of the Naval Physical Disability Review Board. They may be appointed and sit as nonmedical members only when the party before the board is a member of the same corps.

§ 725.609 Counsel for the Board.

When counsel for the Board is required as provided in § 725.603, he shall be a competent, mature commissioned officer of sound judgment. He shall be a member of the bar of a Federal Court or the highest court of a state. He must be familiar with Board procedures and with the laws, regulations and instructions governing physical disability retirement and separation and physical standards. He shall be designated by the Judge Advocate General.

§ 725.610 Appellate counsel for the party.

(a) Appellate counsel for the party shall be a member of the bar of a Federal Court or the highest court of a state and shall be designated by the Judge Advocate General on the basis of his competence, maturity, experience and soundness of judgment, as well as his knowledge of the laws, regulations and instructions governing retirement or separation for physical disability.

(b) In proceedings before the Naval Physical Disability Review Board the party concerned may be represented by civilian counsel if provided by himself or his representative at no expense to the Government or by military counsel of his own choice if personally available. In such case, the designated appellate counsel for the party, unless assistance is requested by the party or by his chosen counsel, shall not act in the case.

§ 725.611 Procedure.

(a) In cases arising under 10 U.S. Code 1554, the Naval Physical Disability Review Board will review and report upon the findings and decisions or recommendations of any naval retiring board, naval physical evaluation board or naval medical survey board by reason of which any person, while serving as an officer of the naval service, has been retired or released from active service without pay for disability. The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, will report to the Board the cases of personnel requesting and entitled to review in accordance with § 725.612. Upon receipt of authorization for review, the Recorder of the Board shall assemble all records available in the case and notify party and counsel, if any, by registered mail with return receipt requested, of the time and place of hearing. Such notice shall be placed in the mails at least thirty days in advance of the scheduled time of hearing. The proceedings of the Board under this paragraph will be conducted in accordance with the instructions and regulations which governed the proceedings of the board whose action is being reviewed, except that (1) physical examination of the individual is not mandatory, (2) the Board will not make a preliminary report, (3) the medical members will not be subject to examination, and (4) the medical members will not submit a report. The Board will meet in open session for the hearing of a case and at the conclusion thereof shall meet in closed session for its deliberations and determinations. Party shall be entitled to appear in person before the Board during open sessions of the Board. He shall be entitled to be represented by counsel of his own choosing except that no expense incident thereto will be borne by the Government. A party who, after due notification of the time and place of hearing, fails to appear at the appointed time, is deemed to have waived his right to appear. Party or counsel for the party may waive in writing his right of appearance.

(b) In cases referred to the Naval Physical Disability Review Board pursuant to § 725.506, the Board will initially review each case on the record submitted to it. If the Board arrives at prima facie findings which concur in findings of the physical evaluation board, and such findings of the physical evaluation board have not been rebutted by the party, such findings are to be considered not detrimental to the rights of the party and shall, without further proceedings, be forwarded for final action of the Secretary of the Navy. If the prima facie findings of the Board are in any way detrimental to the rights of the party (see § 725.227), the party shall be so apprised of the fact that these findings are detrimental and of his right to a hearing before the Board. Where the party then requests to be present, either personally at no expense to the Government, or through counsel, a hearing shall be held. A party, who after due notification of the time and place of the hearing, fails to appear at the appointed time, is deemed to have waived his right to appear. Party or counsel for the party may waive in writing his right of appearance. At such hearing the Board will receive such evidence, either written or oral, as the party desires to offer. In the event that the party does not desire a hearing he may submit such additional evidence, arguments or briefs as he may desire, which will then be considered along with all the other evidence of record. Upon concurrence of the majority of the membership, the Board may cause a record to be returned to a medical board or a physical evaluation board for the same reasons that it may be returned by the Physical Review Council.

(c) Whenever a case referred to the Naval Physical Disability Review Board pursuant to § 725.506 is received within thirty days or less of an impending mandatory retirement date, the Board shall review such case on the record submitted to it and any other evidence received prior to the time of review, forwarding its findings as soon thereafter as may be practicable.

§ 725.612 Petition for review.

Any officer or former officer retired or released from active service for physical disability without pay pursuant to the recommendation of a retiring board, board of medical survey, or physical evaluation board desiring a review of his case may petition for such review. Petition for review shall be in writing and shall be submitted to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. No petition for review will be granted under these regulations unless received in the Navy Department within fifteen years after the date of retirement or separation. Upon receipt of a petition for review, the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, shall note thereon the time of receipt and will, where it appears that the Naval Physical Disability Review Board has jurisdiction to review the case, transmit the petition for review and any supporting documents to the President of the Board with the authorization for review.

§ 725.613 Oath.

Members of the Naval Physical Disability Review Board convened to act in any case presented to it by proper authority shall be sworn as follows: "You, and each of you, do solemnly swear (or affirm) that you will honestly and impartially examine and report upon the case of -------- about to be examined by the Board. So help you God." The sentence "So help you God" is omitted in an affirmation.

§ 725.614 Challenges.

No challenge to the members of the Naval Physical Disability Review Board, other than a challenge for cause, will be entertained by the Board. Procedure for challenging shall be the same as for members of a court of inquiry.

§ 725.615 Evidence.

The Naval Physical Disability Review Board shall consider all documentary evidence transmitted to it by proper authority. The Board may, in addition, require and examine such records as may be in the files of the Navy Department that relate to the issues before the Board. All evidence having a probative value as to the determination of issues before the Board may be considered, without limitation by the restriction of the technical rules of evidence. The Board shall receive any additional evidence party may present. Witnesses shall be permitted to present evidence either in person or by affidavit. All witnesses before the Board shall be subject to cross-examination by party, his counsel, the Recorder in cases considered under § 725.611(a), or counsel for the Board in cases considered under § 725.611(b). Members of the Board may question witnesses. Party may submit a statement, either oral or in writing, to the Board or take the stand as a witness, or may be called as a witness by the Board. All oral testimony shall be taken under oath or affirmation administered by the Recorder in the manner set forth in § 725.422. Not less than three days prior to the date set for hearing, all records and papers pertaining to the case shall be made available to party or his counsel, as appropriate, who shall have the right to inspect such records and papers and to make notes therefrom. Party or his counsel may, in writing, waive the right to such three-day inspection period. Party, if available, may be examined physically by the medical members of the Board or by a medical officer detailed by the Chief, Bureau of Medicine and Surgery. The report of such examination, either oral or in writing, may be placed before the Board in the same manner as other evidence.

§ 725.616 Continuances.

The Naval Physical Disability Review Board may continue a hearing on its own motion or at the request of party or his counsel if a continuance appears necessary to insure a full and fair hearing.

§ 725.617 Findings or opinions and decision or recommendation.

The findings or opinions of the Naval Physical Disability Review Board in cases arising under 10 U.S. Code 1554 shall relate to the time petitioner was retired or released from active service and shall contain a statement showing whether the decision or recommendation of the board being reviewed is affirmed or reversed. The findings or opinions and decision or recommendation of the Board shall be made in closed session in each case. Findings, opinions, recommendations or decisions, as appropriate, shall be made in accordance with the phraseology set forth in §§ 725.618 to 725.621.

§ 725.618 Review of Naval Retiring Board action.

(a) *Permanent Regular Officer.* In the case of a petitioner who at the time of his discharge without pay for physical disability was a permanent Regular officer, the following phraseology shall be employed:

Ex-Ensign John (n) Doe, U.S. Navy, (was or was not) incapacitated for active service at the time of his release from active service [If not so incapacitated, no further finding is required; if so incapacitated, continue as follows.] by reason of (state the cause of incapacity); his incapacity (was or was not) permanent and (was or was not) the result of an incident of the service.

(b) *Permanent Reserve Officer.* In the case of a petitioner who at the time of his release or retirement without pay for physical disability was an officer of a Reserve component serving under a permanent appointment, the following officer, the following phraseology shall be employed:

Ex-Ensign John (n) Doe, U.S. Naval Reserve (did or did not) suffer disability in line of duty while employed during a period of service contemplated by section 4 of the Act of August 27, 1940, as amended (34 U.S. Code 855c–1). [If he did not so suffer disability, no further finding is required; if he did so suffer disability, continue as follows.] He (was or was not) incapacitated for active service at the time of his release from active service [If not so incapacitated, no further finding is required; if so incapacitated, continue as follows.] by reason of (state the cause of incapacity); his incapacity (was or was not) permanent and (was or was not) the result of an incident of the service.

(c) *Temporary Regular or Reserve Officer.* In the case of a petitioner who at the time of his release or retirement without pay for physical disability was a Regular or Reserve officer serving under a temporary appointment, the following phraseology shall be employed:

Ex-Warrant Officer John (n) Doe, U.S. Marine Corps, while on the active list of the Marine Corps, (did or did not) incur physical disability while serving under a temporary appointment in the rank of warrant officer subsequent to ----------, the date (Date) of his temporary appointment and prior to ----------, the date such temporary appointment was revoked. [If he did not so incur disability, no further finding is required; if he did so incur disability, continue as follows.] He (was or was not) incapacitated for active service at the time of his release from active service [If not so incapacitated, no further finding is required; if so incapacitated, continue as follows.] by reason of (state the cause of incapacity); his incapacity (was or was not) permanent and (was or was not) the result of an incident of the service. His physical disability (was or was not) incurred in line of duty in time of war or national emergency during a period of service contemplated by section 8 of the Act of July 24, 1941, as amended (34 U.S. Code 350g).

§ 725.619 Disability which existed at the time of appointment.

In addition to the applicable finding in § 725.618, when the Board reviews a case in which the evidence indicates that the disability which incapacitated petitioner existed at the time of his appointment, an additional finding in two parts shall be made and the following phraseology shall be employed:

The disability suffered by him had its origin while he was serving as an (state whether enlisted man, midshipman or officer).

He became patently incapacitated for active service (prior or subsequent) to his permanent appointment as an officer.

§ 725.620 Review of board of medical survey action.

(a) Considerations: As in the case of a board of medical survey, the Naval Physical Disability Review Board in its review and report concerning the action thereon is limited to an expression of opinions and a recommendation. However, such opinions and recommendations will necessarily involve considerations such as those required to be set forth as "findings" in § 725.618; i.e., the petitioner's status at the time of his separation from active service as a permanent or temporary Regular or Reserve officer; and further, his physical condition at such time as respects his fitness for duty, and if unfit, the nature and origin of his disability.

(b) The following phraseology shall be employed:

Ex-Ensign John (n) Doe, U.S. Naval Reserve, was (fit or unfit) for active service at the time of his release from active service [If fit for active service, continue as follows.] and should not have been ordered before a retiring board or physical evaluation board prior to his release from active service [If unfit for active service, continue as follows.] by reason of (state disability causing unfitness) which (was or was not) incurred within the contemplation of the applicable retirement law then in effect and (should or should not) have been ordered to appear before a retiring board or physical evaluation board prior to his release from active service.

(c) Recommendation:

The following phraseology shall be employed: The Board recommends, therefore, that the petitioner [If opinion is that he should have been ordered to appear before a retiring board or physical evaluation board, continue as follows.] be authorized to appear before a physical evaluation board [If opinion is that he should not have been ordered to appear before a retiring board or physical evaluation board, continue as follows.] be not authorized to appear before a physical evaluation board.

§ 725.621 Review of naval physical evaluation board action.

(a) In physical evaluation board cases arising under 10 U.S. Code 1554, phraseology as required under §§ 725.424 to 725.430, as appropriate, shall be used; however, the recommended findings shall relate to the date of release or retirement from active service and the record shall so state.

(b) In cases referred to the Naval Physical Disability Review Board pursuant to § 725.506, the Board shall render an advisory opinion for the Secretary of the Navy as to the appropriate recommended findings upon which it considers that final disposition should rest.

§ 725.622 Minority opinions, findings, recommendations or decisions.

Any dissenting member of the Naval Physical Disability Review Board shall make a minority report on those particulars in which he dissents. Such report shall be included in the record of proceedings of the Board.

§ 725.623 Proceedings of the Board.

(a) The proceedings of the Naval Physical Disability Review Board shall be conducted in accordance with instructions set out in this subpart and in accordance with Chapter IV of the JAG Manual, insofar as is practicable.

(b) The officer senior in precedence among the members of the Naval Physi-

cal Disability Review Board considering

cal Disability Review Board considering any one case shall act as the presiding officer (senior member) of the Board. He shall take appropriate action to preserve order in all sessions of the Board and to insure that the proceedings are conducted in a dignified and judicial manner. He will rule upon all interlocutory questions except challenges. His rulings on interlocutory questions may be objected to by any other member of the Board in which case the matter will be decided by a majority vote of the Board members in closed session. He shall preside over closed sessions of the Board and speak for the Board in announcing its recommended findings and the result of any vote upon challenge or other interlocutory question.

§ 725.624 Preparation of record of proceedings.

The record of proceedings of the Naval Physical Disability Review Board shall be prepared in accordance with section 1104 of the JAG Manual, insofar as is practicable. The record shall include a verbatim transcript of the testimony of all witnesses, all arguments by counsel, and such record shall also contain the original documents, or certified copies thereof, presented to the Board as evidence. In those cases where a full and fair hearing is held, a copy of the notification of such hearing shall be appended to the record. The record of proceedings shall be authenticated by the Recorder and by the senior member of the Board, in that order, except that in the absence of the senior member the record may be authenticated by any other member who acted in the case.

§ 725.625 Forwarding of record of proceedings.

The record of proceedings of the Naval Physical Disability Review Board in cases arising under 10 U.S. Code 1554 shall be forwarded to the Judge Advocate General for transmission to the Secretary. In cases considered pursuant to § 725.506, the record of proceedings shall be forwarded to the Secretary of the Navy.

Subpart G—Final Action, Relief From Final Action, and Other Actions on the Record

§ 725.701 Final action.

The findings and the recommendations authorized to be made by these regulations have no legal effect until approved by the Secretary of the Navy. The administrative finalization of each case processed under these regulations will be effected in accordance with the final disposition directed by the Secretary and promulgated by the Judge Advocate General.

§ 725.702 Action by the Secretary of the Navy.

(a) Excepting those cases acted upon pursuant to the authority delegated in § 725.703, all cases processed under these regulations will be referred to the Secretary for consideration and direction of final disposition. Generally, the Secretary may, in his discretion, approve findings and direct disposition consistent with the findings approved; disapprove findings and direct disposition appropriate under the circumstances; make independent determinations and direct disposition consistent with the determinations made; direct further proceedings without approving or disapproving findings; or direct final disposition appropriate under the circumstances without approving or disapproving findings. Action upon a case being processed under 10 U.S. Code 1554 will be in accord with the actions which could have been taken upon the proceedings being reviewed.

(b) Unless otherwise directed, each case referred to the Secretary shall be reviewed by the Judge Advocate General for an opinion as to whether the proceedings were conducted in accordance with applicable regulations; the party was accorded all the rights to which he was legally entitled; and the findings of record are legally supportable.

§ 725.703 Delegation of authority to act for the Secretary.

(a) Excluding cases arising under 10 U.S. Code 1554 and cases processed solely for the purpose of making an election under former section 411 of the Career Compensation Act of 1949, the Judge Advocate General, the Deputy Judge Advocate General, or any Assistant Judge Advocate General may, for the Secretary, approve the findings of the Physical Review Council or the findings of the Naval Physical Disability Review Board and direct final disposition consistent with the findings approved when:

(1) The Physical Review Council (or a majority thereof) concurs in the unanimous or the majority findings of a physical evaluation board,

(2) The Physical Review Council (or a majority thereof) makes substitute findings which are not substantially detrimental to the party,

(3) The Physical Review Council (or a majority thereof) makes substitute findings which are acceptable to the party,

(4) The Physical Review Council makes findings or concurs in findings which result in the temporary retirement of a party whose prognosis is poor or whose death is imminent,

(5) The Naval Physical Disability Review Board (or a majority thereof) concurs in the unanimous or the majority findings of the Physical Review Council.

(b) The Judge Advocate General, the Deputy Judge Advocate General, or any Assistant Judge Advocate General may, for the Secretary, direct final disposition of a case without approval or disapproval of findings when:

(1) The Physical Review Council has recommended that no action be taken in order that the party may be continued on active duty in a limited duty status, or

(2) The Physical Review Council has recommended that no action be taken in order that the party may be retired or separated for reasons other than because of physical disability.

(c) The authority delegated in paragraphs (a) and (b) of this section will not be exercised unless review of the case discloses that the proceedings were conducted in accordance with applicable regulations; the party was accorded all the rights to which he was legally entitled; and the findings to be approved are legally supportable. If review discloses a material defect, the record of proceedings will be returned to the Physical Review Council (or the Naval Physical Disability Review Board) for such further proceedings as are appropriate in the circumstances.

(d) The authority conferred by paragraphs (a) and (b) of this section is permissive and shall not prevent the referral of any case to the Secretary for consideration and direction of final disposition.

§ 725.704 Effective date of retirement.

Unless the final disposition directed in a case specifies an effective date of retirement pursuant to the authority contained in 10 U.S. Code 1221, the effective date of retirement because of physical disability (either temporary or permanent) shall be specified by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. The date specified by the Chief of Naval Personnel or the Commandant of the Marine Corps shall be the date upon which all administrative procedures incident to retirement are completed, but shall be no later than the first day of the month following the month during which final disposition was directed.

§ 725.705 Retirement for other reasons.

A member (who meets all qualifications for retirement because of physical disability but who is also qualified for retirement or separation for other reasons) may, prior to the effective date of his retirement pursuant to these regulations, request that no action be taken on his retirement because of physical disability in order that he may be retired or separated for other reasons. Such a request will be addressed to the Secretary and forwarded via the Physical Review Council for comment and recommendation. Normally a member will not be retired because of physical disability if he is eligible for retirement or separation for other reasons and makes a timely request for retirement or separation and fully understands the consequence of his election.

§ 725.706 Withdrawal of retirement proceedings.

The Chief of Naval Personnel, Commandant of the Marine Corps, or Chief, Bureau of Medicine and Surgery may, for good and sufficient reason and with the consent of the party concerned, withdraw any case from the disability retirement system. However, if a member's appearance before a physical evaluation board has been specifically ordered by the Chief of Naval Personnel or the Commandant of the Marine Corps, the case may be withdrawn only upon approval of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

§ 725.707 Relief from final action.

Relief from the executed final disposition directed in a case processed under these regulations may be granted only upon the grounds and in the manner set forth in this section as follows:

(a) *Errors of promulgation.* Clerical errors in the promulgation of the final disposition directed in a case may be corrected by the Judge Advocate General, the Deputy Judge Advocate General, or any Assistant Judge Advocate General at any time, upon his own initiative, upon the petition of the individual concerned (or his legal representative), or upon the petition of any cognizant authority of the Naval Establishment. If the correction intended does not change the nature of the disposition directed or the percentage of disability applicable for purpose of computing retired pay, correction may be made without notice. Otherwise, the individual concerned (or his legal representative) will be given reasonable notice of the correction intended and afforded an opportunity to submit a statement or other evidence in rebuttal. A petition under this paragraph will be addressed to the Judge Advocate General and will set forth the error complained of with a statement of the correction desired. No notice is required if the intended correction is beneficial to the party.

(b) *Relief involving the cancellation of orders.* (1) Mistake of law is a basis for relief from final action. This includes a failure to grant the party a full and fair hearing where the party had made a timely demand for such a hearing; a directed disposition, even though executed, which was without authority and a decision which, though executed, is contrary to the great weight of the evidence of record. Fraud or misrepresentation of a material fact affecting the final disposition of the case is also a ground for relief.

(2) A showing that the disability suffered by an individual was, in fact, different from that reflected by the record of proceedings conducted in his case does not, in itself, affect the validity of the retirement proceedings or the orders based thereon.

(c) *Relief involving only a change in the degree of disability reflected by an order or retirement.* An otherwise valid order of retirement may be modified to the extent that the percentage of disability contained therein may be changed upon a showing that the nature or degree of disability suffered by a member at the time of his retirement was, in fact, other than that reflected by the record of proceedings conducted in his case. Relief of this nature may be granted upon a petition supported by evidence which by due diligence could not have been presented prior to final disposition, which relates to a fact in existence at the time of final disposition, which is not merely cumulative or corroborative of matter considered at the time of final disposition, and which would have warranted the assignment of a higher percentage of disability if presented prior to final disposition.

(d) *Procedure for seeking relief.* Request for relief on the grounds set forth in paragraphs (b) and (c) of this section may be made by the individual concerned, by the legal representative of the individual concerned, or by any cognizant authority of the Naval Establishment. Request will be by petition filed within five years from the effective date of the disposition complained of, addressed to the Secretary of the Navy, and forwarded via the Physical Review Council. No particular form is required. However, the petition will set forth the grounds for requesting relief and the relief desired; and, if the petition is based upon evidence which is not of record in the Navy Department, the evidence upon which it is based will be forwarded as an enclosure.

(e) *Action by the Physical Review Council.* All petitions submitted pursuant to paragraph (d) of this section will be considered by the Physical Review Council for the purpose of making recommendations relative to whether the relief requested (or any other relief) should be granted. If a petition being considered was not submitted by the individual concerned (or his legal representative), the individual concerned (or his legal representative) will be given reasonable notice of the matter presented by the petition and afforded an opportunity to submit a statement or other evidence in rebuttal. All petitions considered and the action of the Council thereon will be forwarded to the Judge Advocate General for review and action or for referral to the Secretary.

(f) *Action by the Judge Advocate General.* The Judge Advocate General will review each petition considered by the Physical Review Council and either take action for the Secretary or refer the matter to the Secretary for action with comments and recommendations.

(g) *Delegation of authority to act for the Secretary of the Navy.* The Judge Advocate General, the Deputy Judge Advocate General, or any Assistant Judge Advocate General may, in his discretion, take action for the Secretary on petitions submitted pursuant to paragraph (d) of this section if he concurs in the unanimous recommendations made by the Physical Review Council. All other cases will be referred to the Secretary for action. The authority herein conferred is permissive only and will not preclude the referral of a case to the Secretary for action incident to the specific direction of the Secretary or the election of the Judge Advocate General.

(h) *Action by the Secretary of the Navy.* In acting on a petition referred for consideration, the Secretary may, in his discretion, either deny relief, set aside the final disposition directed in a case and direct further disability retirement proceedings, or direct such action as is necessary to effect the relief requested or any other relief deemed appropriate.

(i) *Effect of filing a petition for relief and action thereon.* The filing of a petition for relief shall not affect the directed disposition of an individual or suspend its operation until and unless the Secretary of the Navy (or authority acting for the Secretary) shall so direct. Neither the action of the Secretary of the Navy (or authority acting for the Secretary) upon a petition for relief nor any action taken by him pursuant to the proceedings on the re-opening of a case shall operate to extend the time for application for review of the original disposition by a statutory board.

Subpart H—Physically Restricted Personnel

§ 725.801 General considerations.

(a) With the consent of a member, particularly one with over 18 but less than 20 years of active service, the Secretary will entertain deferring the disposition of a member who, although unfit because of physical disability, can still perform useful service with appropriate assignment limitation. A member continued on active duty in accordance with the provisions of this subpart must be unfit because of physical disability with a basically stabilized condition, or one in which accepted medical principles indicate a slow progression of the disabling condition. He must be able to maintain himself in a normal military or naval environment, without adversely affecting his health or the health of other members, or requiring an inordinate amount of medical care. In addition, the member must request in writing that he be retained.

(b) Members, particularly those with over 20 years of active service, will not be continued on active duty solely to increase their monetary benefits, nor will they be continued unless their employment is justified as being of value to the naval service.

(c) The representative of the Chief, Bureau of Medicine and Surgery, on the Physical Review Council shall advise whether duty in a limited assignment status will or will not jeopardize the member's health or that of other members of the service. Further, the representative of the Chief of Naval Personnel or the Commandant of the Marine Corps on the Physical Review Council shall certify whether the member's services can or cannot be utilized in a limited assignment status and, if so, whether his services can or cannot be considered to contribute to the effectiveness of the service. The Physical Review Council, acting as a body, shall recommend to the Secretary whether to retain the member in a limited duty assignment.

§ 725.802 Disposition of physically restricted members.

A member continued under these provisions shall be closely observed to assure that further continuance, or conversely, separation, is consonant with the best interests of the service and the member. When a member becomes unable to perform his duties in a limited duty assignment, he shall be admitted to a naval hospital for observation, treatment, and appropriate disposition.

Subpart I—Disposition of Members Whose Names Are Carried on the Temporary Disability Retired List

§ 725.901 Periodic physical examination.

(a) 10 U.S. Code 1210 requires that members whose names have been placed on the Temporary Disability Retired List shall be given physical examinations at least once every 18 months. The Chief of Naval Personnel or the Commandant of the Marine Corps shall issue appropriate orders for such examinations.

(b) Failure of a member to report for any periodic physical examination, unless he furnishes a report of a current acceptable medical examination, may result in the termination of his disability retirement pay and may later be considered as showing an intent on the member's part to abandon benefits. If the member shows good cause for failure to report, the payments may be reinstated and may be made retroactive for a period of not over one year.

(c) First notification to report for a scheduled periodic physical examination may be by regular mail. However, when the party fails to report as directed and a second notification must be forwarded, registered mail with return receipt shall be used, putting the party on notice that failure to report may prejudice his disability payments and may later be considered as manifesting an intent to abandon benefits, resulting in removal from the Temporary Disability Retired List.

(d) Members who have waived retirement pay in order to receive compensation from the Veterans' Administration are still members of the naval service and are required to undergo periodic physical examinations when ordered by the Chief of Naval Personnel or the Commandant of the Marine Corps. Failure to report for physical examinations as ordered may result in the suspension of their retirement pay account. The retirement pay account, so suspended, may not be reopened when the member later wishes to reelect to receive retired pay by reason of a decrease in, or termination of, his Veterans' Administration compensation.

(e) Members who are ordered to submit to a physical examination will be reimbursed for travel performed upon submission of a claim and presentation of their orders properly endorsed.

(f) The periodic physical examination should be conducted with the same scrupulous care and thoroughness as the examinations done preliminary to appearance before a medical board. This examination should include an evaluation of any disabilities which have been incurred since temporary retirement, as well as those disabilities present at the time of retirement.

(g) Whenever in-patient observation is desirable or necessary for a proper evaluation, admission and retention as an in-patient for a period of 10 days is authorized. This length of in-patient observation may be extended upon the authorization of the Chief of Naval Personnel or the Commandant of the Marine Corps. It is particularly important that admission as an in-patient be effected for proper evaluation of neuropsychiatric cases.

(h) The report of periodic physical examination shall be prepared in letter form as prescribed in § 725.305. It should contain an accurate interval history and a report of all clinical evaluations and laboratory studies done.

(i) Reports of periodic physical examination shall not contain any opinions as to the member's fitness or unfitness for duty; as to whether the disability for which retired has changed in any way or remains the same; nor shall such reports contain any recommendation as to whether the member should be continued on the Temporary Disability Retired List, ordered to appear before a physical evaluation board, discharged, or returned to duty.

(j) The report of periodic physical examination should contain a statement as to whether personal appearance of the member before a physical evaluation board would be deleterious to his physical or mental health, and whether disclosure of information to the member relative to his physical or mental condition would adversely affect his physical or mental health.

(k) The report of periodic physical examination should be signed by the medical officer designated to conduct the examination and, unless the orders for the examination otherwise direct, should be transmitted to the Physical Review Council by way of the commanding officer.

§ 725.902 Termination of temporary disability retirement.

(a) If, as a result of any periodic physical examination, it is determined by the Physical Review Council that the disability of the member concerned has become stabilized, that is, that no further improvement or deterioration of the disability may normally be expected within the period the member can be carried on the Temporary Disability Retired List, the member will then be reevaluated by a physical evaluation board, except as provided in § 725.510. After reevaluation, one of the following types of disposition of his case will be made:

(1) Retention on the Temporary Disability Retired List.

(2) Permanent retirement.

(3) Discharge with or without severance pay.

(4) Fit for return to duty.

(b) In the event the member is to be retained on the Temporary Disability Retired List, he will continue to be examined at intervals of 18 months. However, he must be finally reevaluated before the end of the 5-year period when final disposition must be made of his status.

(c) If his disability is ratable at less than 30 per centum but continues to render him unfit for duty, and if the member has served less than 20 years of active duty, he will be discharged with severance pay.

(d) If the member has recovered from his disability to a degree that he is fit to perform his duties, the following may apply:

(1) An enlisted member of a Regular component shall, subject to his consent, be reenlisted in his Regular component; if an officer in a Regular component, he shall, subject to his consent, be recalled to active duty and, as soon as practicable, be reappointed to the active list of his Regular component, even if this means that there will be a temporary increase in the number of officers authorized for his grade.

(2) A member of a Reserve component shall, subject to his consent, be reappointed or reenlisted, as the case may be, in his Reserve component.

§ 725.903 Appointment, reappointment, enlistment, or reenlistment.

Any such appointment, reappointment, enlistment, or reenlistment shall be in a rank, grade, or rating not lower than the rank, grade, or rating permanently held by the member at the time his name was placed on the Temporary Disability Retired List, and may be in the rank, grade, or rating immediately above the rank, grade, or rating permanently held. For the purpose of being placed on a lineal list, promotion list, etc., the member will be given such seniority in rank, grade, or rating, or will be credited with such years of service as the Secretary of the Navy may authorize. In this connection, consideration will be given to the probable opportunities for advancement and promotion to which the member might reasonably have been entitled had it not been for his placement on the Temporary Disability Retired List.

§ 725.904 Regular officer.

An officer in a Regular component shall have his disability retirement pay terminated on the date of his recall to active duty, and his status on the Temporary Disability Retired List terminated on the date of his reappointment on the active list.

§ 725.905 Regular enlisted member.

An enlisted person of a Regular component shall have both his status on the Temporary Disability Retired List and his disability retirement pay terminated on the date of his reenlistment in the Regular component of which he was a member before being placed on the Temporary Disability Retired List.

§ 725.906 Reserve officer or enlisted member.

A member of a Reserve component, whether officer or enlisted person, shall have his status on the Temporary Disability Retired List and his disability retirement pay terminated on the date of his reappointment or reenlistment in a Reserve component, as the case may be.

§ 725.907 Disposition when member does consent to reappointment or reenlistment.

If a member does not consent to his reappointment or reenlistment, his status on the Temporary Disability Retired List and his disability retirement pay shall be terminated as soon as is practicable.

Dated: March 26, 1964.

By direction of the Secretary of the Navy.

ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 64-3169; Filed, Mar. 31, 1964; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—Determination With Respect to Supply of Valencia Type Peanuts for the 1964–65 Marketing Year

The purpose of this document is to establish that the supply of Valencia type peanuts for the marketing year beginning August 1, 1964, will be insufficient to meet the estimated demand for cleaning and shelling purposes, to establish the extent of increase in State allotments for States producing peanuts of such type required to meet such demand, and to apportion such increase to such States. The determinations contained herein are made pursuant to section 358(c)(2) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)(2)), which authorizes the Secretary to increase allotments for any type or types of peanuts the supply of which he determines is insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

Section 729.1505(a) establishes that the supply of Valencia type peanuts for the marketing year beginning August 1, 1964, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it. Section 729.1505(a) also establishes the total increase in State allotments required to meet the prescribed demand for Valencia type peanuts.

Section 729.1505(b) apportions the increase determined under § 729.1505(a) to States producing Valencia type peanuts. Such increase is prorated to such States on the basis of the average acreage of Valencia type (excluding acreage in excess of farm allotments) grown in each State in the three years 1961–63, but the allotment for no State is increased above the 1947 harvested acreage of peanuts for the State. For the purpose of this document "farm allotments" mean the allotments established for farms prior to any increase from released acreage or from the additional acreage allotted to farms under section 358(c)(2) of the Agricultural Adjustment Act of 1938, as amended. The 1961–63 average acreage used for the purposes of the aforementioned apportionment was determined by the State and county committees from the latest available Federal statistics including data reported by the farm operators and county office records of peanut acreages and production. Such data will be used as the basis for apportioning the increased acreage allotted to States to farms in accordance with the provisions of § 729.1437 of the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920).

Section 729.1505(c) specifies that the increase in acreage allotted to States under § 729.1505(b) shall not be considered in establishing future State, county, or farm acreage allotments.

Public notice of the proposed determination with respect to the supply of Valencia type peanuts for the 1964–65 marketing year was given (29 F.R. 2466) in accordance with the Administrative Procedure Act (5 U.S.C. 1003). This determination is made after due consideration of recommendations submitted in response to such notice. In order that the State and county Agricultural Stabilization and Conservation committees may apportion the additional acreage provided herein for Valencia type peanuts, and issue allotment notices to farm operators at the earliest possible date, it is essential that this determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provision of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the regulations contained herein shall be effective upon filing with the Director, Office of the Federal Register.

§ 729.1505 Amount of increase and apportionment of increase among States.

(a) *Designation of type for which increase is needed and determination of total increase.* The State acreage allotments for peanuts of the 1964 crop for States which produced Valencia type peanuts during any one or more of the years 1961, 1962, and 1963 shall be increased by a total of 2,612 acres. This increase is determined to be the additional acreage required to meet the demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(b) *Apportionment of increase to States.* The acreage established in § 729.1505(a), less a reserve of one-fourth of one percent to be used for adjusting State allotments determined on the basis of incomplete or inaccurate data, is hereby apportioned to States on the basis of the average acreage (excluding acreage in excess of farm allotments) of Valencia type peanuts in each State in 1961, 1962, and 1963. The increase provided by this section does not result in increasing the State allotment for any State above the 1947 harvested acreage of peanuts for such State.

State	1947 harvested acreage of peanuts	1961–63 average acreage Valencia type peanuts	1964 increase in basic State allotment for Valencia type peanuts	1964 previous State allotment[1]	1964 revised State allotment
			Acres	*Acres*	*Acres*
Alabama	463,000	64.3	30	217,907.4	217,937.4
Arizona				715.0	715.0
Arkansas	8,000			4,209.0	4,209.0
California				937.0	937.0
Florida	105,000	10.0	5	55,291.4	55,296.4
Georgia	1,124,000	48.0	23	526,268.0	526,291.0
Louisiana	4,000			1,968.0	1,968.0
Mississippi	13,000	15.7	8	7,538.0	7,546.0
Missouri				247.0	247.0
New Mexico	14,000	4,950.0	2,332	5,480.2	7,812.2
North Carolina	292,000			165,726.2	165,726.2
Oklahoma	325,000			138,571.8	138,571.8
South Carolina	26,000	52.7	25	13,880.2	13,905.2
Tennessee	6,000	171.3	81	3,614.2	3,695.2
Texas	836,000	172.3	82	357,193.6	357,275.6
Virginia	162,000			105,486.0	105,486.0
National Reserve[2]			6	46.8	52.8
U.S. total	3,377,000	5,493.3	2,612	1,610,000.0	1,612,612.0

[1] Including the acreage apportioned from the reserve for new farm allotments as follows (acres): Alabama—40.4; Florida—88.4; Georgia—449.6; New Mexico—80.3; North Carolina—49.3; Oklahoma—153.8; South Carolina—6.2; Tennessee—4.2; Texas—589.6; and Virginia—37.0.

[2] For correcting or adjusting State allotments in error because of incomplete or inaccurate data.

Estimated production from the Valencia acreage increase: New Mexico—5,644,800 pounds; other States—284,200 pounds.

(c) *No credit for future allotments.* The increase in acreage allotted to States and farms pursuant to this section shall not be considered in establishing future State, county, or farm acreage allotment.

(d) *Definition of Valencia type peanuts.* As used in this section, Valencia type peanuts shall have the usual meaning provided for in § 729.1413.

Effective date: Date of filing with Director, Office of the Federal Register.

(Secs. 358, 375, 55 Stat. 89, as amended, 65 Stat. 29, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1375)

Signed at Washington, D.C., on March 30, 1964.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-3229; Filed, Mar. 30, 1964; 2:31 p.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 851.1, Amdt. 6]

PART 851—COMMITMENT OF NATIONAL SUGARBEET ACREAGE RESERVE, 1962 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 851.1 (27 F.R. 10745, 12705; 28 F.R. 1369, 2090, 11220; 29 F.R. 397) is further amended by revising paragraph (i) and adding new paragraphs (k) and (l) as follows:

§ 851.1 Commitments of sugarbeet acreage from the national reserve.

* * * * *

(i) *Commitment of acreage to farms that will supply sugarbeets to the substantially expanded production facilities of the Carrollton and Croswell factories of the Michigan Sugar Company and conditions of commitment*—(1) *Amount of commitment.* A commitment of 4,030 acres which it is estimated will yield 6,850 short tons, raw value, of sugar, is made to farms in east central Michigan for the 1964 crop, for the purpose of growing sugarbeets for delivery to the Carrollton and Croswell factories of the Michigan Sugar Company.

(2) *Conditions of commitment.* The commitment of acreage made pursuant to subparagraph (1) of this paragraph shall be subject to the following conditions:

(i) *Eligible farms.* An acreage commitment will be made only to farms on which sugarbeets were not grown for delivery to a processor for the extraction of sugar in any of the three crop years 1961, 1962 or 1963.

(ii) *Limits of commitment to individual farms.* The maximum commitment to any farm shall be the smaller of 30 acres or the acreage on the farm which is suitable for the production of sugarbeets in consideration of sound rotation and other cultural practices.

(iii) *Proportionate share protection to be accorded farms utilizing committed acreage.* If proportionate shares are in effect in the two years immediately following the year for which an acreage is committed to a farm under this paragraph (i), the proportionate share for such farm in each of such two years shall not be less than the acreage committed pursuant to this paragraph (i) to such farm and utilized for the production of sugarbeets for the extraction of sugar.

* * * * *

(k) *Commitment of acreage to farms supplying sugarbeets to the substantially expanded production facility of the Ottawa, Ohio, factory of Buckeye Sugars, Inc., and conditions of commitment*—(1) *Amount of commitment.* A commitment of 2,415 acres which it is estimated will yield 4,430 short tons, raw value, of sugar, is made to farms in counties of Ohio, including but not limited to the counties of Allen, Auglaize, Defiance, Fulton, Hancock, Hardin, Putnam and Van Wert for the 1964 crop; for the purpose of growing sugarbeets for delivery to the Ottawa, Ohio, factory of Buckeye Sugars, Inc.

(2) *Conditions of commitment.* The commitment of acreage made pursuant to subparagraph (1) of this paragraph shall be subject to the following conditions:

(i) *Eligible farms.* An acreage commitment will be made only to farms on which sugarbeets were not grown for delivery to a processor for the extraction of sugar in any of the three crop years 1961, 1962 or 1963.

(ii) *Limits of commitment to individual farms.* The maximum commitment to any farm shall be the smaller of 30 acres or the acreage on the farm which is suitable for the production of sugarbeets in consideration of sound rotation and other cultural practices.

(iii) *Proportionate share protection to be accorded farms utilizing committed acreage.* If proportionate shares are in effect in the two years immediately following the year for which an acreage is committed to a farm under this paragraph (k), the proportionate share for such farm in each of such two years shall not be less than the acreage committed pursuant to this paragraph (k) to such farm and utilized for the production of sugarbeets for the extraction of sugar.

(l) *Commitment of acreage to farms that will supply sugarbeets to the substantially expanded production facility of the Idaho Falls, Idaho, factory of Utah-Idaho Sugar Company and conditions of commitment*—(1) *Amount of commitment.* A commitment of 8,140 acres which it is estimated will yield 18,020 short tons, raw value, of sugar is made to farms in the Upper Snake River Valley of Idaho, including but not limited to farms in the Idaho counties of Bannock, Bingham, Bonneville, Fremont, Jefferson, Madison and Power for the 1964 crop; for the purpose of growing sugarbeets for delivery to the Idaho Falls, Idaho, factory of Utah-Idaho Sugar Company.

(2) *Conditions of commitment.* The commitment of acreage made pursuant to subparagraph (1) of this paragraph shall be subject to the following conditions:

(i) *Eligible farms.* An acreage commitment will be made only to farms on which sugarbeets were not grown for delivery to a processor for the extraction of sugar in any of the three crop years 1961, 1962, or 1963.

(ii) *Limits of commitment to individual farms.* The maximum commitment to any farm shall be the smaller of 50 acres or the acreage on the farm which is suitable for the production of sugarbeets in consideration of sound rotation and other cultural practices.

(iii) *Proportionate share protection to be accorded farms utilizing committed acreage.* If proportionate shares are in effect in the two years immediately following the year for which an acreage is committed to a farm under this paragraph (l), the proportionate share for any farm in each of such two years shall not be less than the acreage committed pursuant to this paragraph (l) to such farm and utilized for the production of sugarbeets for the extraction of sugar.

STATEMENT OF BASES AND CONSIDERATIONS

General. Prior to the public hearing on the subject of the national sugarbeet acreage reserve, which was held in Washington, D.C., during the period December 10 through 13, 1963, effective commitments under that program for the crop years of 1963 through 1965 totaled 145,700 short tons, raw value, of sugar. On January 16, 1964 (29 F.R. 397) public notice was given of the commitment of an acreage expected to produce 50,000 short tons of sugar to farms in central New York counties which will supply sugarbeets to a factory to be built in that locality and which is scheduled to commence processing operations in 1965. This was the only locality for which 1965 acreage was requested at the December hearing for a proposed new facility wherein the statutory criteria were fully met by the closing date established by the Department. With this action, effective commitments through the crop year 1965 total 195,700 short tons, compared with 260,000 short tons available under the statute for such years.

As was announced by the Department on January 16, 1964 (29 F.R. 397), it was planned to carry over into 1966 a tonnage of sugar which with the 1966 reserve of 65,000 tons would be sufficient for two new plants in that year. It has been determined that the maximum amount (35,000 tons) provided by the statute will be carried over into 1966. Thus, 29,300 short tons remain available for commitment through the year 1965.

The Act provides that whenever there is no interest in constructing a new facility to commence production in a certain year, the Secretary shall give consideration to proposals, if any, to substantially expand existing factory facilities for such year and in such event base his determination of distribution of the sugarbeet acreage reserve on the criteria stated in the Act and the extent of the proposed substantial expansion or expansions.

No proposals were made at the hearing to begin construction of a new plant for operation commencing in 1964 contingent upon commitment of the 1964 acreage reserve following such hearing. The balance of 29,300 tons, accordingly, is available for commitment to areas for substantial expansion of existing sugarbeet factories for operation in 1964. The new facility under construction at Hereford, Texas, by the Holly Sugar Corporation is to begin operations for the 1964 crop and will serve farms in the locality for which commitment of 24,730 acres, estimated to produce 50,000 tons of sugar, has heretofore been made from the national acreage reserve. Since the guaranteed proportionate share acreage for farms in this locality, if proportionate shares were established after the first year of operation, would be limited to the acreage required to yield 50,000 short tons of sugar, raw value, any further commitment of acreage from the reserve for the Hereford facility would not be meaningful. This facility is now under construction, has processed no sugarbeets and is deemed to be a new sugarbeet processing facility.

Three projects for which the acreage reserve has been requested in connection with substantial expansion of existing factory facilities for operation in 1964 are considered to be about equally well qualified under the statutory criteria. The remaining 29,300 tons, amounting to about 80 percent of the total acreage requested for these three localities, has been committed to such three localities and distributed among them pro rata on the basis of the acreage requested by each.

Determination. This determination provides for commitments as follows:

1. 4,030 acres estimated to yield 6,850 short tons, raw value, of sugar, to farms on which sugarbeets will be grown for delivery to the Carrollton and Croswell, Michigan, factories of Michigan Sugar Company for the crop year 1964. The proposed Carrollton plant expansion will increase the capacity of this plant by 25 percent, from a daily slicing capacity of 1,600 tons to 2,000 tons. The proposed Croswell plant expansion will increase the capacity of this plant by 21 percent, from a daily slicing capacity of 1,150 tons to 1,400 tons of sugarbeets.

2. 2,415 acres estimated to yield 4,430 short tons, raw value, of sugar, to farms on which sugarbeets will be grown for delivery to the Ottawa, Ohio, factory of Buckeye Sugars, Inc., for the crop year 1964. The proposed expansion of this facility will increase the capacity of the plant by 31 percent, from a daily slicing capacity of 1,223 tons to 1,600 tons of sugarbeets.

3. 8,140 acres, estimated to yield 18,020 short tons, raw value, of sugar, is made to farms on which sugarbeets will be grown for delivery to the Idaho Falls, Idaho, factory of Utah-Idaho Sugar Company. The proposed expansion for the 1964 crop year of this facility will increase the capacity of this plant by 33 percent, from a daily slicing capacity of 3,000 tons to 4,000 tons of sugarbeets.

As heretofore, limitations are established with respect to the acreage that may be committed to any farm, thus permitting a greater sharing of the available acreage than might occur without such limitation. This limitation will permit the planting of acreages approximating those planted on the older beet farms.

Based upon the information furnished the Department, the localities to which acreage is committed by this amendment best meet all of the criteria enumerated in the Sugar Act.

The distribution of acreages under this action is deemed to be fair and reasonable and in accordance with the provisions of the Sugar Act.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date. Date of publication.

Signed at Washington, D.C., on March 26, 1964.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 64-3177; Filed, Mar. 31, 1964; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 1430—DAIRY PRODUCTS

Subpart—Milk and Butterfat Price Support Program

The U.S. Department of Agriculture has announced a price support program for milk and butterfat for the marketing year April 1964 through March 1965 through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein:

§ 1430.260 Price support program for milk and butterfat.

(a) The general levels of prices to producers for milk and butterfat will be supported from April 1, 1964 through March 31, 1965 at $3.15 per hundredweight for manufacturing milk and 58.0 cents per pound for butterfat. Such prices are estimated to be 75 percent of the parity equivalent price for manufacturing milk and 75 percent of parity for butterfat as of the beginning of the 1964–65 marketing year. Should 75 percent of the parity equivalent price for manufacturing milk or 75 percent of parity for butterfat be higher than the foregoing estimated prices as of the beginning of the 1964–65 marketing year, such higher prices shall be the support prices.

(b) (1) Price support for milk and butterfat will be through purchases by CCC of butter, nonfat dry milk and cheddar cheese offered by manufacturers and handlers, subject to terms and conditions of purchase announcements issued by the Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. CCC will consider offers of such products at the following prices:

Commodity and location	Price per pound
Butter:	
U.S. Grade A or higher—	
New York, N.Y., Jersey City, and Newark, N.J.	$0.5875
Seattle, Washington, and San Francisco, California, California, Alaska, Hawaii	.5800
Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine	.5875
Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina	.5775
U.S. Grade B—	(1)
Cheddar cheese (standard moisture basis)	.3560
Nonfat Dry Milk, Spray process:	
Bags without tape	.1440
Bags with tape over stitches	.1460

[1] $0.02 less than U.S. Grade A price.

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco or Seattle) named by the seller, less 80 percent of the lowest published railroad carlot freight rate per pound gross weight in effect when the offer is accepted from such location to such designated market.

(3) For cheese offered on a dry basis the price per pound shall be that indicated below according to the percentage of moisture.

Percent moisture:	*Cents per pound*
37.8–39.0 [2]	$0.3560
37.3–37.7	.3648
36.8–37.2	.3677
36.3–36.7	.3706
35.8–36.2	.3735
35.3–35.7	.3764
34.8–35.2	.3793
34.3–34.7	.3823
33.8–34.2	.3852
33.3–33.7	.3881
32.8–33.2	.3910

[2] Standard moisture.

(c) The butter shall be U.S. Grade B or higher. The nonfat dry milk shall be U.S. Extra grade (except that maximum moisture content shall be 3½ percent). The cheddar cheese shall be U.S. Grade A or higher.

(d) The foregoing purchasing prices apply to bulk butter, cheddar cheese, and nonfat dry milk in 100-lb. bags, packaged in accordance with specifications set forth in announcements issued by the Department of Agriculture. Products in other containers may be purchased at prices determined by competitive offers. Products meeting other specifications may be purchased at prices stated in the respective purchase announcements for such products or by competitive offers.

(e) The products purchased shall be produced and located in the United States. Purchases will be made in carlots. Grades and weights shall be evidenced in inspection certificates issued by the U.S. Department of Agriculture.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, U.S.C. 714c; sec. 201, 63 Stat. 1052, as amended and re-enacted by 68 Stat. 899, and as amended by 70 Stat. 596, 7 U.S.C. 1446)

Signed at Washington, D.C., on March 27, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-3179; Filed, Mar. 31, 1964; 8:51 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR–346) Terms and Conditions

General statement. The following amendment is part of a program undertaken to minimize the cost to CCC of payments on the exportation of flour

during the remaining period of the IWA and to maintain export prices of flour at competitive world prices within the International Wheat Agreement price range during such period so that the U.S. can exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement. The program arises from the possibility that beginning with the new marketing year for flour, there may be a decline in domestic market prices below competitive world prices within the IWA price range.

Separate regulations will be issued which will provide for licensing of all exportations of wheat and wheat flour. In general, they will provide that licenses can be obtained for exportations pursuant to Notices of Registration issued by CCC on sales of wheat and flour under Announcements GR–345 and GR–346 and for exportations pursuant to competitive bid contracts involving durum wheat under GR–345. Licenses would also be issued on exportations made pursuant to contracts for the acquisition of wheat from CCC at competitive world prices, such as sales for cash, sales for credit, and barter transactions, and in connection with wheat and flour donated abroad by CCC. Thus, if an exporter does not make an exportation in accordance with requirements of Announcements GR–345 and 346, the only means by which a commercial exportation could be accomplished is through the acquisition of wheat from CCC stocks. Exportations in violation of the licensing requirements would subject the exporter to the provisions of section 3(d) of the International Wheat Agreement Act of 1949 (7 U.S.C. 1642(d)). This statute provides that any person who knowingly and wilfully exports wheat or wheat-flour from the United States in excess of the quantity permitted to be exported under regulations issued by the President shall forfeit to the United States a sum equal to two times the market value at the time of commission of any such act, of the quantity of wheat or wheat-flour by which any such exportation exceeds the authorized amount. The President's authority under the Act has been delegated to the Secretary of Agriculture by Executive Order 11108.

Announcements GR–345 and GR–346 now provide for export payments by CCC on sales made for export during periods when world prices are lower than domestic prices. The following amendment would make such subsidies conditional and subject to refund in whole or part on sales registered for export during periods when world prices exceeded domestic prices, unless the export was in connection with the acquisition of wheat from CCC stocks at competitive world prices. Thus, as consideration for CCC making payments in the future and enabling exporters to make commercial exportations in periods when domestic prices exceeded world prices, the exporter would be required to agree to refund such payments if certain exportations were made in periods when the price situation was reversed. Refunds will be made on both commercial sales under the IWA and on non-IWA commercial sales and would not exceed the amount of conditional payments previously received. Refunds will reflect the difference between world and domestic prices and will be computed in the same manner as export payments. The amendment is designed so that net export payments (after adjustment for subsidy refunds) which are made to a particular exporter from the effective date of the amendment until termination of the IWA are only in amounts necessary to assure that his total export sales during such period will be made at competitive world prices within the International Wheat Agreement price range.

Revision I, Amendment 6. The Terms and Conditions of the Flour Export Program—Cash Payment (GR–346) (25 F.R. 5816), as amended (25 F.R. 9939, 25 F.R. 10758, 27 F.R. 1753, 27 F.R. 4863 and 27 F.R. 10351), are further amended by adding the following new sections:

§ 1483.202 Conditional export payments.

In order to minimize the cost to CCC of subsidizing the exportation of flour during the remaining period of the International Wheat Agreement and to control prices of flour produced in the United States moving in foreign commerce during any period when domestic prices (including the cost of any marketing certificates required under applicable legislation) are below world prices so that the United States can exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, all export payments made by CCC under the regulations governing this program resulting from a Notice of Sale made on or after the effective date of this amendment shall be conditional and subject to refund in whole or in part as hereinafter provided. The exporter's filing of a Notice of Sale on flour under these regulations on and after such effective date shall constitute his agreement to make a refund as provided herein of any payment received in connection with such Notice and otherwise to comply with the terms and conditions prescribed in these regulations in this part.

REFUNDS

§ 1483.250 Export payment refunds; general.

(a) Refunds shall be based on rates announced by CCC. Refunds under this section shall be both on commercial sales under the International Wheat Agreement and on non-IWA commercial sales, including transactions under Titles I and IV of Public Law 480, 83d Congress, as amended, and other transactions to which these regulations apply. The total amount to be refunded by an exporter shall not exceed the amount of conditional export payments previously received by him from CCC.

(b) No refund shall be required (1) on flour exported when the exportation is in connection with the acquisition at competitive world prices of wheat from CCC equivalent in quantity to the wheat used in milling such flour, including sales for cash, sales on deferred payment and barter transactions or (2) on flour donated abroad.

(c) CCC will determine which sales involving refunds registered under the program are considered eligible for recording under the International Wheat Agreement, and will report such sales to the Wheat Council. An exporter is not relieved of the obligation to make a refund under these regulations if any transaction is not ultimately recorded by the Wheat Council.

(d) If flour exported is composed in part of flour milled from wheat produced outside the United States, no refund need be made to CCC on that portion which it is established to the satisfaction of the Director was milled from wheat produced outside the United States.

(e) Refunds shall not be required on exportations of flour by or to a United States Government agency as defined in § 1483.295.

(f) The terms "domestic prices" as used in the refund provisions of the regulations means domestic prices as determined by CCC including the cost to the exporter of any marketing certificates required under applicable legislation.

§ 1483.251 Refunds on flour.

(a) Except as otherwise provided in these regulations, the exporter shall refund to CCC a portion of the conditional payments previously received by him if (1) a sale of flour is made for exportation in any period when the IWA is in effect, (2) at the time the sale is made CCC has determined that domestic prices of such flour for delivery during the period of export provided in the contract are below competitive world prices or below prices which are consistent with the IWA minimum price for wheat and (3) CCC has announced a refund rate applicable thereto. Refunds shall be made in connection with the net quantity of flour (1) sold and subsequently exported and (2) exported prior to sale as provided in paragraph (g) of this section.

(b) *Refund rates.* (1) Refund rates, representing the difference between domestic prices and world prices, as determined by CCC, will be announced by CCC in the same manner as provided in § 1483.220. Different refund rates may be announced for separate coasts or ports, destinations and periods of exportation.

(2) The refund rate applicable to a sale made for export in a period when it is determined by CCC that the domestic price of the flour sold is below the world price or below the IWA minimum price shall be the rate in effect at the time of sale to the foreign buyer or at the time of filing a Notice of Sale as required by § 1483.225, whichever rate is the higher, for the export rate period which covers the period of export specified in the Notice of Sale. If the flour is exported at a different time than in such export rate period, the refund rate applicable to the flour so exported shall be the rate in effect at the time of sale or time of filing Notice of Sale, whichever is the higher, for exportations which occur in the rate period applicable to the time of actual exportation, but not less than the rate which would have applied had exportation been made in the delivery period specified in the Notice of Sale. Notwithstanding the foregoing, an extension of time to export without any increase in the refund rate will be granted to the extent the exporter establishes to the satisfaction of CCC that the delay in exportation was due to causes without his fault or negligence. Such causes shall include, but are not restricted to, acts of God, or of the public enemy, acts of the Government, fire, flood, explosion, quarantine restrictions, strikes, and unusually severe weather. If exportation is delayed for any reason until a period for which there was no refund rate established at the time of sale or time of filing Notice of Sale, the refund rate shall be as prescribed by CCC.

(c) *Time of sale.* The time of sale for the purpose of refunds shall be determined on the basis of the supporting evidence of sale submitted by the exporter in the form prescribed in § 1483.227(d), and the factors set forth in § 1483.221, except as hereinafter provided:

(1) If the time of day at which the sale was made is not established and two refund rates were in effect on such day, the time of sale shall be deemed to occur at the time the higher of the two refund rates was in effect.

(2) If a sale is made through an intermediary, for the purposes of determination of the applicable refund rate, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(3) In any unusual cases involving factors other than those enumerated above, an exporter should make a written request for a determination in writing from the office indicated in § 1483.278, in advance of making the sale as to the effect of such factors on the time of sale.

(d) *Notice of sale.* The exporter shall file a Notice of Sale as soon as possible after the time of sale, in accordance with § 1483.225. A sale shall not be made with a foreign buyer which would require refund of a larger amount than the conditional export payments previously received by the exporter. If the time of filing the Notice of Sale cannot be established and two refund rates are in effect on the date of filing, the time of filing the Notice of Sale shall be deemed to be at the time the higher of the two rates is in effect. Notices shall be filed on all bona fide sales transactions which require a refund to CCC, for shipment to any designated country defined in § 1483.287 whether or not such buyer is located in the country of destination. Neither brokers nor agents of the seller or the foreign buyer shall be named as the buyer in the Notice or Declaration of Sale. Export sales may include sales to affiliates of the U.S. exporter in which the affiliate is acting in its own behalf as an independent buyer and not in behalf of the exporter.

(e) *Notice of registration.* CCC will register the sale in the manner prescribed in § 1483.226 unless it determines that the sales price is below the IWA minimum price or that the sale is not otherwise in the best interest of the program. On issuance of a Notice of Registration on a sale which requires a refund to CCC, the exporter shall be obligated to export the quantity of flour to which the notice relates and make a refund of the conditional payment previously received by him in accordance with the provisions of these regulations in this part. In the telegram of registration the Contracting Officer, CCC may utilize the code letters RLR to indicate Registered as Liable for Refund. An exporter shall not export flour pursuant to an export sales contract which would require a refund to CCC unless he has received a Notice of Registration from CCC.

(f) *Declaration of sale and evidence of sale.* The exporter shall prepare a Declaration of Sale and submit evidence of sale as described in § 1483.227.

(g) *Flour exported prior to sale.* (1) Except as otherwise provided in § 1483.250 (b), (d) and (e) of these regulations, an exporter is obligated to make refund to CCC in connection with any quantity of flour (i) exported from the United States or Puerto Rico prior to sale or (ii) shipped to Canada and exported from a Canadian Port prior to sale, if a sale of such flour is thereafter made at a time when, as determined by CCC, the IWA is in effect, domestic prices for the flour are below competitive world prices or below prices which are consistent with the IWA minimum price for wheat, and CCC has announced a refund rate applicable thereto. Unless otherwise approved in writing by CCC, all unsold flour exported from a U.S., Puerto Rican or Canadian port (other than flour referred to in § 1483.250 (b), (d) and (e) shall be shipped on a vessel which also carries flour sold by the same exporter under this program, or other export programs of CCC. In the case of a full cargo shipment, the unsold portion shall not exceed ⅓ of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of flour exported.

(2) Any flour exported under the conditions described in subparagraph (1) above shall be reported by the exporter at the time of exportation in the manner and with the information required by § 1483.209(b). When the flour is sold, the exporter shall submit a Notice of Sale to the office indicated in § 1483.278 as provided in § 1483.225. In reporting the sale the exporter shall state that the flour sold was reported to the office indicated in § 1483.278 as required by this paragraph. This may be done by the use of the code word "ABROAD". The flour shall be sold no later than 15 days after export.

(3) The exporter shall make refund to CCC on the flour exported and reported to CCC under this paragraph (g). The refund is due on sales made by the person who exports the flour and not on sales made by the person who buys the flour after exportation. The refund rate applicable to such sale shall be the refund rate in effect at time of the sale, or time of giving Notice of Sale, whichever is the higher, for the then current export rate period which applies (i) to the port from which the flour was exported and (ii) to the country shown in the Declaration of Sale. If the flour is not sold within 15 days after export, the exporter shall nevertheless be liable for refund and the refund rate applicable to the flour exported shall be the higher of the rate in effect on the date of export or the rate in effect on the fifteenth day after the date of export. If flour is exported prior to sale in excess of the quantities specified in subparagraph (1) of this paragraph (g), and such excess is determined by CCC not to have been knowingly and wilfully exported, the exporter, and shall nevertheless be liable to make a refund to CCC at the rate applicable to the balance of flour shipped unsold plus liquidated damages of 15 cents per cwt on such excess.

(h) *Loading tolerances.* A contract loading tolerance of not to exceed one percent more or less is permitted on export sales of flour which requires a refund to CCC, except that in the case of sales to foreign Governments where the tender specified a loading tolerance the quantity subject to refund shall be the contract quantity plus the contract tolerance but not more than ten percent, or if no loading tolerance is specified in the contract, a loading tolerance of one percent more or less is permitted. Refunds shall be made to CCC on quantities loaded on vessels, cars, or trucks which are in excess of the contract quantity as shown on the Declaration of Sale plus such loading tolerance. Refunds to CCC on such excess quantities of flour loaded shall be at the highest of the refund rates in effect on the date and time of sale, date and time of filing Notice of Sale, or the date of export. Exportation of any such excess quantity requires submission of a new Notice of Sale and a new Declaration of Sale for the excess quantity loaded, and a new Notice of Registration issued by CCC in connection therewith. Failure to export the contract quantity less the loading tolerance shall subject the exporter to the provisions of paragraph (j) of this section for the deficiency in the quantity exported.

(i) *Countries and buyers to which flour may be exported.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph exports under this program which require a refund to CCC shall be made only to the designated country and buyer named in the Declaration of Sale and the exporter shall not ship, transship or cause the flour to be transshipped to any other country, or transship the flour through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River).

(2) Shipment shall be made only to the country named in the Declaration of Sale, unless the exporter (i) obtains the written approval of CCC, for shipment to a designated country other than the country named in the Declaration of Sale and (ii) furnishes a certification to the Contracting Officer, CCC that such shipment is at the request of the buyer named in the Declaration of Sale, that such shipment constitutes delivery

against the exporter's sale to the foreign buyer on which the refund is based and is not in connection with a different sale, and that the exporter knows of no circumstances with respect to such shipment which would impair the integrity of such sale.

(3) Shipment may be made to a consignee or notify party other than the buyer named in the Declaration of Sale, provided the exporter furnishes a certification to CCC, as required in subparagraph (2) of this paragraph.

(j) *Failure to export.* Failure of the exporter to export or cause exportation of the quantity of flour specified in the exporter's contract registered with CCC which requires refund to CCC shall constitute a breach of his obligations to CCC and cause serious and substantial damages to CCC's export and price support program and the incurrence of storage, administrative and other costs. Since it will be difficult, if not impossible to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages in the amount of the refund which was due on such exportation plus 35 cents per hundredweight, promptly upon demand, for each hundredweight of flour not exported. The exporter shall be excused from such payment to the extent he establishes to the satisfaction of CCC that failure to export was due to causes without his fault or negligence. Such causes shall include but are not limited to acts of God, acts of the Government, fire, flood, explosion, quarantine restrictions, strikes and unusually severe weather.

(k) *Re-entry and transshipment.* If any quantity of flour exported pursuant to the exporter's contract with CCC which requires a refund to CCC is re-entered into the United States including Alaska, Hawaii, or Puerto Rico, whether or not such re-entry is caused by the exporter, or if any quantity of flour exported is transshipped or caused to be transshipped by the exporter, to any country, excluded by § 1483.287, the exporter shall be in default and shall pay to CCC liquidated damages of 35 cents per hundredweight on such flour in addition to the refund made with respect to such flour. Such amount is agreed to be a reasonable estimate of the damages that would be incurred by CCC. The exporter shall not be liable for such liquidated damages to the extent he establishes to the satisfaction of CCC that (1) the re-entry resulted from causes without his fault or negligence and promptly after he received notice of re-entry he exported the flour re-entered or a quantity equivalent thereto to a designated country, paid the refund applicable to such exportation, and no person received any export payment on such exportation, or (2) the flour re-entered was lost, damaged or destroyed and the physical condition is such that its re-entry into the United States will not impair CCC's price support program.

(l) *Contract amendments.* The exporter's contract with the foreign buyer which requires a refund to CCC may be changed from the terms and conditions registered with CCC if approved in writing by CCC, before or after exportation subject to such adjustment in the refund rate as may be determined by CCC. If exportation is made pursuant to a contract registered with CCC for refund which has been amended without CCC's approval, and in a manner which directly or indirectly affects the price, or if exportation is made in violation of the requirements of paragraph (i) of this section, there will result serious and substantial damages to CCC's export program and the incurrence of administrative and other costs. Since it will be difficult if not impossible to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages of 15 cents per hundredweight in addition to the refund paid to CCC. Such amount is agreed to be a reasonable estimate of the damages that would be incurred by CCC. Notwithstanding the foregoing, exportation in a different period of time than specified in the contract registered with CCC shall be subject to the terms of paragraph (b) of this section.

§ 1483.253 Time and manner of making refunds.

(a) *Time of refund.* Unless otherwise approved by CCC, payment of any refund due CCC shall be made to CCC no later than 10 days after the date of exportation, except in the case of flour exported prior to sale under § 1483.251(g) in which case payment shall be made no later than 25 days after exportation. If payment of any refund is not made as provided herein, interest shall accrue at the rate of six percent per annum beginning on the date of exportation and ending on the date of payment.

(b) *Conditional Flour export payment refund voucher.* Each refund to CCC accompanied by an original and two (2) copies of Conditional Flour Export Payment Refund Voucher, CCC Form 371, prepared by the exporter and the evidence of export as required by § 1483.246 shall be submitted to the Kansas City ASCS Commodity Office. Supplies of CCC Form 371 and detailed instructions regarding preparation and submission of the form may be obtain from the Kansas City ASCS Commodity Office.

(c) *Method of payment.* The refund shall be paid to CCC by the exporter in cash, money order or by check drawn to the order of "Commodity Credit Corporation".

§ 1483.254 Excess refunds.

If through inadvertence, an exportation is made which results in a refund which would be due Commodity Credit Corporation under these regulations except for the fact that such refund is in excess of the conditional export payments previously received by him, the exporter shall be obligated to accept from Commodity Credit Corporation wheat of such qualities as may be declared available for sale by Commodity Credit Corporation and as may be designated by the exporter and of a quantity equivalent to the wheat milled into the excess flour exported. The wheat shall be valued at competitive world prices as of the date of export of such excess quantity, but in no event shall such value be less than that determined by using the domestic price as of such date plus the refund which otherwise would have been due on such excess flour. Such values and prices shall be as determined by CCC. Such wheat shall be delivered by CCC in accordance with applicable announcements of Commodity Credit Corporation for the sale of wheat for export in the form of flour. The exportation of the excess flour shall be deemed to be in satisfaction of export requirements in connection with the wheat so acquired from Commodity Credit Corporation. The exporter shall pay to Commodity Credit Corporation on demand the amount due on the acquisition, after applying any amount refunded as a credit to the acquisition price.

The effective date is the date on which this amendment is filed for public inspection by the Office of the Federal Register.

(Secs. 4 & 5, Stat. 1070 & 1072, Sec. 2, 63 Stat. 945, as amended, 15 U.S.C. 714 b & c, and 7 U.S.C. 1641)

Signed at Washington, D.C., on March 26, 1964.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-3180; Filed, Mar. 31, 1964; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SO-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area and Continental Control Area

On December 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 14338) stating that the Federal Aviation Agency was considering an amendment to § 73.29 of the Federal Aviation Regulations which would subdivide the Valparaiso, Florida, Restricted Area, into two joint use areas, namely the Eglin AFB, Florida, Restricted Areas R-2915A and R-2915B. It was proposed that R-2915A be designated from the "Surface to FL 500" and R-2915B from the "Surface to FL 1200." The notice also stated that the continental control area § 71.151 would be amended to reflect the change in restricted area designations.

In addition, it was proposed that the description of the Eglin AFB, Florida, transition area § 71.181 be amended to require approval from appropriate authority prior to operation within R-2915A and R-2915B. The description of this transition area is not changed herein since the requirement for pilots to obtain prior approval before using restricted airspace is specified in § 91.95 of the Federal Aviation Regulations.

Comments regarding the proposed amendments were received from the Air Transport Association and the Florida Development Commission.

The Air Transport Association offered no objection to the proposed amendments.

The Florida Development Commission suggested that the western boundary of R-2915B be established along a north/south line to the east of the Fort Walton Beach Airport and thereby, release the airspace north and south of the airport for air traffic use. The Federal Aviation Agency has investigated this possibility and determined that the portions of the restricted area to the north and south of the airport are needed by the Air Force for accomplishment of missile firings and other hazardous activities. Since the western boundary of R-2915B will follow the same geographical coordinates in the vicinity of the airport as R-2915, the airport will continue to be outside restricted airspace and there need be no change in the airport operations because of the change in restricted area designations.

Interested persons have been afforded an opportunity to participate in the making of the rules adopted herein, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments has been published; therefore, for the reasons stated herein and in the notice, the following actions are taken:

1. In § 73.29 (29 F.R. 1245) the following actions are taken:

a. R-2915 Valparaiso, Florida, is revoked.

b. R-2915A Eglin AFB, Florida, is designated as follows:

Boundaries. Beginning at latitude 30°33'40" N., longitude 86°55'00" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; thence along the L and N Railroad to latitude 30°42'45" N., longitude 86°45'45" W.; to latitude 30°42'50" N., longitude 86°36'02" W.; to latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; thence along the Navarre-Milton Highway to point of beginning.

Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.
Using agency. Commander, Air Proving Ground Command, Eglin AFB, Florida.

c. R-2615B Eglin AFB, Florida, is designated as follows:

Boundaries. Beginning at latitude 30°-29'01" N., longitude 86°38'02" W.; to latitude 30°20'50" N., longitude 86°38'50" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°20'15" N., longitude 86°48'00" W.; to latitude 30°23'20" N., longitude 86°48'00" W.; to latitude 30°22'50" N., longitude 86°51'30" W.; to latitude 30°23'50" N., longitude 86°51'30" W.; to latitude 30°24'20" N., longitude 86°48'00" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; to point of beginning.

Designated altitudes. Surface to FL 1200.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.
Using agency. Commander, Air Proving Ground Command, Eglin AFB, Florida.

2. In § 71.151 (29 F.R. 1067), "R-2915 Valparaiso, Fla." is deleted and "R-2915A Eglin AFB, Fla." and "R-2915B Eglin AFB, Fla." are added.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-3126; Filed, Mar. 31, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Correction

On March 5, 1964, there was published in the FEDERAL REGISTER (29 F.R. 3001) an amendment to Part 71 [New] of the Federal Aviation Regulations which designated the Yazoo City, Miss., transition area. The amendment is to be effective April 30, 1964.

In the description of the transition area, latitude 32°52'00" N., longitude 92°23'31" W., was published as a reference point, but latitude 32°52'00" N., longitude 90°23'31" W., should have been used. Accordingly, action is taken herein to correct this error.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary, and the original effective date may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 63-SO-93 (29 F.R. 3001) is hereby modified as follows: In the description of the Yazoo City, Miss., transition area "latitude 32°52'00" N., longitude 90°23'-31" W." is substituted for "latitude 32°52'00" N., longitude 92°23'31" W." wherever the latter appears.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 24, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3127; Filed, Mar. 31, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the designation of the Indianapolis, Indiana, control zone.

The controlled airspace designation for Weir Cook Airport, Indianapolis, Indiana, includes a 5-mile radius control zone centered on the airport with northeast and northwest extensions to protect existing instrument approach and departure procedures. A second instrument landing system has been commissioned which provides for an ILS and an ADF approach from the southeast. To provide for the safe execution of these approaches, a southeast extension of one mile beyond the basic control zone is required.

The one mile control zone extension designated herein, though a substantive addition to existing controlled airspace, is considered to be minor in nature. Also, full utilization of these new approach procedures justifies prompt designation. For these reasons, compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act is unnecessary and the amendment may be made effective upon publication.

In consideration of the foregoing, in § 71.171 (29 F.R. 1101), the Indianapolis, Indiana, control zone is amended to read:

Indianapolis, Indiana.

Within a 5-mile radius of the Weir Cook Municipal Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within 2 miles each side of the Runway 4 ILS localizer NE course, extending from the 5-mile radius zone to 7 miles NE of the airport; within 2 miles each side of the Runway 31 ILS localizer SE course, extending from the 5-mile radius zone to 6 miles SE of the airport; and within 2 miles each side of the Indianapolis VORTAC 142° radial, extending from the 5-mile radius zone to the VORTAC.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 24, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3128; Filed, Mar. 31, 1964; 8:45 a.m.]

[Airspace Docket No. 64-EA-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways and Reporting Points; Designation of Reporting Point

On April 2, 1964, the Idlewild, N.Y., VORTAC will be renamed the Kennedy, N.Y., VORTAC. To avoid possible misunderstanding between the names Kennedy and Trinity in radio telephone transmissions, action is taken herein to amend Part 71 [New] of the Federal Aviation Regulations by changing the name of the Trinity, N.Y., VOR to the Carmel, N.Y., VOR and by designating this facility as a reporting point in the intermediate altitude airway structure.

Since these changes are minor in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these changes will become effective more than 30 days after publication.

In consideration of the foregoing, the following actions are taken:

1. Section 71.123 (29 F.R. 1009) is amended as follows: In V-1, V-3, V-34, V-116, V-123, V-146, V-251, V-433, V-489, V-863 and V-875 "Trinity" is deleted

wherever it appears and "Carmel" is substituted therefor.

2. Section 71.143 (29 F.R. 1049) is amended as follows: In V–1505, V–1534, V–1698 and V–1702 "Trinity" is deleted wherever it appears and "Carmel" is substituted therefor.

3. Section 71.203 (29 F.R. 1211) is amended as follows:

a. "Trinity, N.Y." is deleted.

b. "Carmel, N.Y." is added.

c. In Saybrook INT: "Trinity" is deleted and "Carmel" is substituted therefor.

4. Section 71.205 (29 F.R. 1218) is amended as follows: "Carmel, N.Y." is added.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 24, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–3129; Filed, Mar. 31, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

METHYL ETHYL CELLULOSE

The Commissioner of Food and Drugs has received an objection to and a recommendation for the amendment of § 121.1112 *Methyl ethyl cellulose*, published in the FEDERAL REGISTER of January 25, 1963 (28 F.R. 692). The basis for the objection to the order cited is the lack of characteristic specifications which would define the methyl ethyl cellulose.

The Commissioner has concluded that the objection is valid, and therefore, with a view to clarifying the food additive regulation involved, and pursuant to the authority contained in section 409 of the Federal Food, Drug, and Cosmetic Act (72 Stat. 1785; 21 U.S.C. 348a) and delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), and pursuant to § 121.74 of the food additive regulations, § 121.1112 is revised to read as follows:

§ 121.1112 **Methyl ethyl cellulose.**

The food additive methyl ethyl cellulose may be safely used in food in accordance with the following prescribed conditions.

(a) The additive is a cellulose ether having the general formula $[C_6H_{(10-x-y)}O_5(CH_3)_x(C_2H_5)_y]_n$, where x is the number of methyl groups and y is the number of ethyl groups. The average value of x is 0.3 and the average value of y is 0.7.

(b) The additive meets the following specifications:

(1) The methoxy content shall be not less than 3.5 percent and not more than 6.5 percent, calculated as OCH_3, and the ethoxy content shall be not less than 14.5 percent and not more than 19.0 percent, calculated as OC_2H_5, both measured on the dry sample.

(2) The viscosity of an aqueous solution, 2.5 grams of the material in 100 milliliters of water, at 20° C., is 20 to 60 centipoises.

(3) The ash content on a dry basis has a maximum of 0.6 percent.

(c) The food additive is used as an aerating, emulsifying, and foaming agent, in an amount not in excess of that reasonably required to produce its intended effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1785; 21 U.S.C. 348a)

Dated: March 26, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64–3137; Filed, Mar. 31, 1964; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FUMIGANTS FOR GRAIN-MILL MACHINERY

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1223) filed by Ferguson Fumigants, Inc., P.O. Box 5868, Ferguson 35, Missouri, and other relevant data, has concluded that an amendment to § 121.1133 should issue to prescribe the use of methyl bromide as a fumigant for grain-mill machinery. At the same time, since § 15.20 provides for the bromation of flour by potassium bromate, it is in the interest of clarity to amend § 121.1133(c) to relate residues of inorganic bromides to those resulting from all fumigation sources. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c), (1), (4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1133 is amended by changing paragraphs (a) and (c) to read as follows:

§ 121.1133 **Fumigants for grain-mill machinery.**

• • • • •

(a) The fumigants consist of one or more of the following: Carbon disulfide, carbon tetrachloride, ethylene dibromide, ethylene dichloride, methyl bromide.

• • • • •

(c) Residues of inorganic bromide (calculated as Br) from all fumigation sources shall not exceed 50 parts per million (0.005 percent) in the milled fractions derived from cereal grain.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: March 26, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64–3170; Filed, Mar. 31, 1964; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

GAMMA RADIATION FOR THE PROCESSING AND TREATMENT OF FOOD

No comments were received in response to the notice published in the FEDERAL REGISTER of February 6, 1964 (29 F.R. 1808), proposing to amend the food additive regulations (21 CFR 121.3002; 28 F.R. 1465) regarding the safe use of gamma radiation in the processing of canned bacon, the conditions of canning before radiation, and certain editorial changes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the proposed amendments are adopted without change.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1))

Dated: March 26, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

Section 121.3002 is amended to read as follows:

§ 121.3002 **Gamma radiation for the processing and treatment of food.**

Gamma radiation for the processing and treatment of food may be safely used under the following conditions:

(a) The radiation source consists of sealed units containing one of the following isotopes: Cesium 137, cobalt 60.

(b) The gamma radiation is used or intended for use as follows:

Irradiated food	Limitations	Use
Canned bacon..	Irradiated in cans coated with polymeric and resinous coatings meeting the specifications in § 121.2514, after packing under vacuum or in an inert atmosphere; absorbed dose: 4.5 to 5.6 megarads.	Radiation preservation.

(c) In the case of radiation used for the preservation of food, a record of the total dose absorbed shall be obtained by the use of phantoms having the same geometry as the containers of food and containing dosimeters suitable for the maintenance of a permanent record of exposure. Measurement of total dose shall be made by use of one phantom per 24-hour period of operation, or by use of one phantom for each 1,000 packages exposed, whichever occurs first, with exposure records being retained for Food and Drug Administration inspection for a period of 1 year.

[F.R. Doc. 64–3136; Filed, Mar. 31, 1964; 8:45 a.m.]

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

Chloramphenicol-Paromomycin Ointment; Fibrinolysin and Desoxyribonuclease, Combined (Bovine) With Chloramphenicol Ointment; Change in Expiration Dates

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for the certification of chloramphenicol and chloramphenicol-containing drugs (21 CFR 146d.316; 146d.317, 28 F.R. 13360) are amended as follows:

1. Section 146d.316 is amended by adding to paragraph (b) a new expiration date of 36 months, under certain conditions, and amended paragraph (b) reads as follows:

§ 146d.316 **Chloramphenicol-paromomycin ointment.**

• • • • • •

(b) In addition to the labeling prescribed for chloramphenicol ointment by § 146d.303, each package shall bear on its label and labeling the number of milligrams of paromomycin activity in each gram of the batch. The expiration date of the drug shall be 24 months after the month during which the batch was certified, except that an expiration date that is 36 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by this section.

• • • • • •

2. Section 146d.317 is amended by adding to paragraph (c) a new expiration date of 36 months, under certain conditions, and amended paragraph (c) reads as follows:

§ 146d.317 **Fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment.**

• • • • • •

(c) *Labeling.* It shall be labeled in accordance with the requirements prescribed by § 146d.303(c), except that the expiration date that is 36 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by this section.

• • • • • •

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the changes are such that they cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: March 26, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64–3139; Filed, Mar. 31, 1964; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Chlortetracycline Bisulfate Soluble Powder Veterinary; Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), paragraph (c)(1)(v) of § 146c.265 *Chlortetracycline bisulfate soluble powder veterinary*, is amended by changing the period at the end of the subdivision to a comma and adding a new clause as follows: ", except that the blank may be filled in with the date that is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: March 26, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64–3138; Filed, Mar. 31, 1964; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 60—FEDERAL FINANCIAL ASSISTANCE FOR NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Amount of Federal Grant

The following amendment is hereby made to Part 60, 45 CFR (28 F.R. 5424, June 1, 1963), issued pursuant to Part IV of Title III of the Communications Act of 1934, as amended, Public Law 87-447 (76 Stat. 64, 47 U.S.C. 390):

Paragraph (b) (1) of § 60.14 dealing with the exclusion of certain apparatus from an eligible project for purposes of determining the amount of the Federal matching grant, is hereby amended to delete the words "possesses" and "or possess." As so amended, § 60.14(b) (1) reads as follows:

§ 60.14 Amount of Federal grant.

* * * * *

(b) An amount not exceeding 50 percent of the amount determined by the Secretary to be the reasonable and necessary cost (including the fair market value of donations in kind) of the acquisition and installation of transmission apparatus for the project, except that such project shall exclude:

(1) Transmission apparatus which, prior to approval of the project by the Secretary, the applicant owns or is obligated to own;

* * * * *

(Sec. 396; 76 Stat. 67, 47 U.S.C. 396)

Dated: March 26, 1964.

IVAN A. NESTINGEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 64-3146; Filed, Mar. 31, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Swan Lake National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Swan Lake National Wildlife Refuge, Missouri, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,600 acres or 80 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Crappies, channel cat, black bass, buffalo, shad and other minor species as permitted by State regulations.

(b) Open season: April 1, 1964, through September 10, 1964; daylight hours only.

(c) Daily creel limits: Crappies, 30; channel cat, 10; black bass, 10; buffalo and shad, no limit except 25 pounds plus one fish; creel limits for other minor species as prescribed by State regulations.

(d) Methods of fishing:

(1) Pole and line, trotline, throwline, limb line, bank line, jig or block line, artificial lures, hooks and bait are permitted; game fish may not be used for bait. No more than three unlabeled poles or more than thirty-three (33) hooks in the aggregate, may be used by any person at one time. Hooks may not be left unattended for more than 24 hours while in use. Hooks attached to throwlines or trotlines shall be staged not less than 2 feet apart. Trotlines and throwlines may not be attached together. Minnow traps, trotlines, throwlines, limb lines, bank lines, and liveboxes shall be plainly labeled with the owner's name and address.

(2) The use of boats, canoes, and similar floating devices, without motors, is permitted.

(3) See applicable State regulations for additional details on methods of fishing.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 11, 1964.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 24, 1964.

[F.R. Doc. 64-3130; Filed, Mar. 31, 1964; 8:45 a.m.]

PART 33—SPORT FISHING

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

CHARLES SHELDON ANTELOPE RANGE

Sport fishing on the Charles Sheldon Antelope Range, Nevada, is permitted only on the area designated by signs as open to fishing. This open area, comprising 600 acres, is delineated on maps available at the refuge headquarters, Sheldon-Hart Mountain National Wildlife Refuge, Lakeview, Oregon, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Open season: Open year-round.

(2) Boats without motors may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to January 1, 1965.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 19, 1964.

[F.R. Doc. 64-3152; Filed, Mar. 31, 1964; 8:48 a.m.]

PART 33—SPORT FISHING

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

DESERT GAME RANGE

Sport fishing on the Desert Game Range, Nevada, is permitted only on the area designated by signs as open to fishing. This open area, comprising 1 acre, is delineated on maps available at the refuge headquarters, Desert Game Range, Las Vegas, Nevada, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Open season: May 3, 1964, through October 31, 1964.

(2) The use of boats is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to November 1, 1964.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 19, 1964.

[F.R. Doc. 64-3153; Filed, Mar. 31, 1964; 8:48 a.m.]

PART 33—SPORT FISHING

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

RUBY LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Ruby Lake National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to fishing. This open area, comprising 500 acres, is delineated on maps available at the refuge headquarters, Ruby Lake National Wildlife Refuge, Ruby Valley, Nevada, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Open season: Elko County, January 12 through September 27, 1964. White Pine County, January 1 through December 31, 1964. Diked units Nos. 13, 14 and 20 as posted are closed from April 1 through June 15, 1964.

(2) Boats: No boats will be permitted in the area north of the south dike. Air thrust boats with motors of more than 5 horsepower prohibited. Boats with motors may be used for fishing south of the south dike from June 15 to September 27, 1964.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to January 1, 1965.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 19, 1964.

[F.R. Doc. 64-3154; Filed, Mar. 31, 1964; 8:48 a.m.]

PART 33—SPORT FISHING

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

STILLWATER NATIONAL WILDLIFE REFUGE

Sport fishing on the Stillwater National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to fishing. This open area, comprising 4,000 acres, is delineated on maps available at the refuge headquarters, Stillwater National Wildlife Refuge, Fallon, Nevada, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) July 1 to December 31, 1964, except closed during migratory waterfowl hunting season.

(2) Boats with motors up to 10 HP may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to January 1, 1965.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 18, 1964.

[F.R. Doc. 64-3155; Filed, Mar. 31, 1964; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 81]

INSPECTION OF POULTRY AND PRODUCTS THEREOF

Further Extension of Time for Filing Comments

On October 15 1963, there was published in the FEDERAL REGISTER (28 F.R. 11017) a notice of proposed amendments to the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81), under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.). One amendment proposed to change § 81.134 of the regulations to specify the minimum poultry meat content of soup which bears an unqualified reference to the kind of poultry in the product name of the soup and which is a poultry product subject to the Act (i.e. not exempted from definition of a poultry product by § 81.208 of the regulations).

On February 29, 1964, there was published in the FEDERAL REGISTER (29 F.R. 2892) a notice of alternative proposed amendments of § 81.208 of said regulations relating to the exemption of certain human food products from the definition of a poultry product.

After published notice, public hearing was held on March 23–25, 1964 on the proposal with respect to the minimum poultry meat content of poultry soup and the proposed amendments of § 81.208, and interested persons were given opportunity to submit written data, views, or arguments on these proposals on or before March 31, 1964. In view of a request for an extension of such time made at the public hearing, with the concurrence of members of all segments of the affected poultry soup industry, the time within which written data, views and arguments on these proposals may be filed is hereby extended to include April 15, 1964. Such written comments should be filed with the Director, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250.

Done at Washington, D.C., this 27th day of March 1964.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64-3161; Filed, Mar. 31, 1964; 8:52 a.m.]

[7 CFR Parts 1103, 1105, 1107]

[Docket Nos. AO-252-A8, AO-297-A3, AO-304-A2, AO-304-A4]

MILK IN CENTRAL MISSISSIPPI AND MISSISSIPPI GULF COAST MARKETING AREAS (TO BE NEWLY DESIGNATED AS "SOUTHERN MISSISSIPPI MARKETING AREA") AND MISSISSIPPI DELTA MARKETING AREAS

Extension of Time for Filing Exceptions to Recommended Decision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Central Mississippi, Mississippi Gulf Coast, and Mississippi Delta marketing areas, which was issued January 20, 1964 (29 F.R. 1403), is hereby further extended to April 16.

Dated: March 27, 1964, Washington, D.C.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-3182; Filed, Mar. 31, 1964; 8:52 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 817]

SUGAR OR LIQUID SUGAR

Importation Requirements

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) is considering amendment of Sugar Regulation 817 (23 F.R. 671, 1239; 25 F.R. 2710; 26 F.R. 1705, 8660; 27 F.R. 6865, 7863, 10248; 28 F.R. 716, 1791, 1982, 3913).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director of the Sugar Policy Staff, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment, which would revise and consolidate Sugar Regulation 817 and make several changes in the requirements relating to bringing or importing sugar into the continental United States, is set forth essentially in form and language appropriate for issuance if adopted by the Secretary as follows:

Basis and purpose and bases and consideration. The regulations contained in §§ 817.1 through 817.12 are issued pursuant to section 403(a) of the Sugar Act of 1948, as amended (61 Stat. 922, as amended) hereinafter called the Act.

This revision of Sugar Regulation 817 supersedes the revision which became effective January 1, 1958, and amendments thereto. The purpose of this revision is to consolidate and clarify the regulation by deleting parts which are no longer applicable, correcting references to units of the Department, making appropriate changes in the delegation of authority and minor clarifying changes in wording. Also, procedural requirements are amended in the following respects and for the reasons given in the paragraphs that follow.

Provision is made in § 817.4(e) that letters of credit required in connection with Quota Set-Aside Agreements be valid for a period extending at least 60 days beyond the importation date stated in the applicable agreement. No time period was previously provided. The 60 day period is necessary to provide ample time for the submission of final documents required from importers before letters of credit may be terminated and will virtually eliminate the necessity of extending letters of credit and will decrease problems related thereto.

Provision is made in § 817.4(f) (2) and § 817.9(d) (1), (2), and (3) to require that direct-consumption sugar imported for a quota-exempt purpose be ultimately delivered to a person who will use the identical sugar, or an equivalent quantity, for the quota-exempt purpose for which it was imported. The purpose of this provision is to eliminate the previously permissive practice of selling imported quota-exempt direct-consumption sugar for quota purposes and substituting quota sugar to satisfy the

required quota-exempt disposition of an equivalent quantity of sugar.

Provision is made in § 817.5 to permit Collectors of Customs to release, without further authorization, insignificant quantities of sugar in excess of the quantity authorized for release on a specific "Sugar Quota Clearance Record" (Form SU-3). Whenever applicable, this provision will serve to eliminate the time and expense of telephone calls, telegrams and correspondence and delays in making entries and obtaining the release of sugar, without adversely affecting the control of importations within quotas.

Pursuant to the authority vested in the Secretary of Agriculture by section 403 (a) of the Act, Part 817 (23 F.R. 671; 1239; 25 F.R. 2710; 26 F.R. 1705, 8660; 27 F.R. 6865, 7863, 10248; 28 F.R. 716, 1791, 1982, 3913) is revised and amended to read as follows:

Sec.
817.1 Purpose and persons affected.
817.2 Definitions.
817.3 Restrictions on importing sugar and liquid sugar.
817.4 Application by importer.
817.5 Release by a Collector.
817.6 Specific authorization for release.
817.7 Applicable quota and allotment.
817.8 Authorization for purposes other than to fill current quotas.
817.9 Bonds to cover releases.
817.10 [Reserved]
817.11 Records and reports.
817.12 Delegation of authority.

AUTHORITY: The provisions of this Part 817 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply secs. 101, 202, 205, 209, 211, 212; 61 Stat. 922, as amended, 924, as amended, 926, as amended, 926; 7 U.S.C. 1101, 1112, 1115, 1119, 1121, 1122.

§ 817.1 Purpose and persons affected.

(a) Under authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and subject to the provisions contained in Part 811 of this chapter, the regulations in this part establish the procedures applicable to (1) importing sugar and liquid sugar into the continental United States from all domestic offshore areas and foreign countries and (2) reporting the applicable evaluation provided for in Part 810 of this chapter and the subsequent processing and movement of imported sugar and liquid sugar.

(b) Persons affected by the provisions of this part include importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies engaged in the transportation of sugar and liquid sugar to ports in the continental United States, persons otherwise engaged in the movement of sugar in interstate or foreign commerce and surety companies undertaking obligations with respect to imported sugar or liquid sugar.

§ 817.2 Definitions.

As used in this part:

(a) The term "Act" means the Sugar Act of 1948, as amended (61 Stat. 922).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity, and, wherever applicable, any unit, instrumentality, or agency of a government, domestic or foreign.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority or to whom authority may hereafter be delegated to act in his stead.

(e) The term "Sugar Quota Branch" means the Sugar Quota Branch of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service of the Department, Washington 25, D.C., or any other organizational unit within the Department to which administration of the Quota and Allotment provisions of the Sugar Act may hereafter be delegated.

(f) The term "Collector" means the Collector of Customs, U.S. Bureau of Customs, for the District in which the port of entry is located or any officer of the Bureau of Customs designated to act in his stead.

(g) The terms "import," "importation" and "importing" mean the act of bringing sugar or liquid sugar into the continental United States (including Alaska) from either an insular domestic area or a foreign country. For purposes of the regulations of this part, the time of importation shall not be earlier than the time and date that a vessel or carrier arrives within the port limit of a Customs port or point of entry as shown by the log of the ship or other carrier with intent to therein unlade, except when such time and date is in conflict with official records of the Customs port of arrival in which event the time and date shown by Customs records shall govern.

(h) The term "importer" means any person who brings or imports sugar or liquid sugar into the continental United States from either an offshore domestic area or a foreign country including but not limited to the owner, consignor, consignee, transferee or purchaser of such sugar or the broker acting in behalf of such person.

(i) The term "refiner" means any person who subjects offshore sugar or liquid sugar to processes as provided in Part 810 of this subchapter.

(j) The terms "sugars," "sugar," "raw sugar," "direct-consumption sugar" and "liquid sugar" have the meanings ascribed to each in section 101 (b), (c), (d), (e), and (f), respectively, of the Act subject to the provisions of Part 810 of this subchapter with respect to the distinction between raw and direct-consumption sugar.

(k) The term "quota" means any quota, direct-consumption limitation within a quota, proration or allotment of either a quota or direct-consumption limitation, or any quantity authorized for purchase and importation from foreign countries established by the Secretary in Part 811 of this subchapter pursuant to the Act.

(l) The term "allotment" means any allotment of any quota made by the Secretary pursuant to section 205(a) of the Act.

§ 817.3 Restrictions on importing sugar and liquid sugar.

(a) Any person is hereby prohibited from importing at any one time more than 100 pounds of sugar or liquid sugar except pursuant to the provisions of this part.

(b) Sugar and liquid sugar shall be imported only at Customs ports of entry.

(c) Subsequent provisions of this part do not apply to operators of common carriers importing a quantity of sugar or liquid sugar no larger than reasonably required for consumption by passengers and crew to the termination of a trip beginning in an insular area or foreign country.

(d) A copy of the ship's manifest, bills of lading, or other shipping documents covering all sugar or liquid sugar in a shipment must be submitted to the Collector before delivery to the consignee of sugar or liquid sugar for direct-consumption or within 72 hours after the beginning of unlading of sugar or liquid sugar which is to be further refined.

(e) In any case in which the Collector is not authorized pursuant to § 817.5 to permit the release of any sugar or liquid sugar at the time of arrival at the port of entry, he shall take custody of such sugar or liquid sugar whether of domestic or foreign origin and shall retain custody, at the risk and expense of the consignee or owner, until authorized to permit release thereof in accordance with § 817.5. In taking and retaining custody pursuant to the regulations of this part of sugar or liquid sugar of foreign origin, the Collector shall be governed by the provisions of §§ 4.37, 4.38, 19.1 through 19.9 and 19.12 of Chapter I, Title 19, Code of Federal Regulations, which are made applicable to such custody by reference as fully as if set forth in full herein. In taking and retaining custody pursuant to the regulations of this part of sugar or liquid sugar of domestic origin, the Collector shall place and hold such sugar or liquid sugar in a public warehouse or in a private warehouse: *Provided*, That if sugar is retained in custody in a private warehouse, it shall be either (1) segregated from all other sugar or liquid sugar or (2) if commingled with other sugar, additions to or withdrawals from the unsegregated mass shall be made only in the presence of a Customs officer.

(f) (1) Any quantity of sugar or liquid sugar of any origin removed from a vessel or carrier and placed in the custody of a Collector or in a Foreign Trade Zone shall be reported within 24 hours from the time such sugar is removed from the carrier. Such report shall be made by the importer and shall furnish all information required pursuant to paragraph (a) of § 817.4. The report shall be made on appropriate copies of the "Sugar Quota Clearance Record" and must be submitted to the Collector for confirmation and transmittal to the Sugar Quota Branch.

(2) Sugar may be brought into a Foreign Trade Zone for the purpose of manufacturing therein another product which is to be entered and consumed in the continental United States, only if such sugar can be charged to an applicable quota.

(g) Sugar released by a Collector pursuant to § 817.5 for further processing shall not be delivered for direct-consumption without prior authorization by the Secretary. The application for such authorization (change of purpose) must be made on appropriate copies of the "Sugar Quota Clearance Record," and must show all of the information specified in paragraph (a) of § 817.4 and shall be submitted to the Sugar Quota Branch.

§ 817.4 Applications by importer.

(a) A separate application for specific authorization by the Secretary pursuant to § 817.6 for release of sugar by a collector must be submitted to the Sugar Quota Branch as provided in this section on appropriate copies of Form SU–3 entitled "Sugar Quota Clearance Record" not more than 10 days prior to the departure date stated thereon, showing the following information regarding the sugar or liquid sugar to be delivered to a single refinery or importer from each cargo:

(1) Port and date of arrival: If the port is not known when the application is submitted, this information must be supplied before a Collector will be authorized to release the sugar or liquid sugar.

(2) Name of the vessel or other specific identification of the carrier.

(3) Name of the producing area, the port of lading and the date the carrier is expected to depart from such port: If from Puerto Rico, or any area when the applicable quota or portion thereof is allotted, name of the processor of the sugar from sugarcane, and for direct-consumption sugar, the name of the refiner, if a person other than the processor.

(4) Name and address of the person to whom delivery is to be made from the importing carrier: If not known when an application is submitted, this information must be supplied before a Collector will be authorized to release the sugar or liquid sugar.

(5) Separate quantities in pounds if crystalline, or in gallons if liquid, to be imported as shown on the application: (i) in bags identified by a separate mark; (ii) for further processing; (iii) for direct-consumption; (iv) subject to a separate quota or allotment; and (v) for a purpose other than to fill a current quota. For sugar or liquid sugar not subject to allotments established pursuant to section 205(a) of the Act, the designation of separate quantities within the total to be imported which are identified by separate marks shall be shown on the report required pursuant to paragraph (g) of this section, if such information cannot be shown at the time the application is submitted.

(6) Name, address and authorized signature of the applicant.

(b) Any application made pursuant to paragraph (a) of this section constitutes a representation by the applicant that at the time the application is made:

(1) He has control of the quantity of sugar or liquid sugar which is subject to shipment as specified;

(2) Firm commitment has been made by the shipping company for shipment as described on the application; and

(3) The date of departure of the vessel or carrier stated on the application is (i) the date specified to the applicant or shipper by the Master, Owner or Agent of such vessel or carrier as the expected departure date, or (ii) the date the shipper expects the vessel to depart based on the date the vessel or carrier will be available for loading as specified by the Master, Owner or Agent of such vessel or carrier plus the normally required loading time.

(c) The application specified in paragraph (a) of this section shall be submitted to the Sugar Quota Branch for the issuance of an authorization by the Secretary to the appropriate Collector for the release of sugar or liquid sugar as provided in § 817.5.

(d) The specific authorization by the Secretary required pursuant to § 817.5 may be issued prior to the receipt of an application on appropriate copies of the "Sugar Quota Clearance Record": *Provided*, That all of the information required pursuant to paragraph (a) of this section is transmitted to the Sugar Quota Branch by telegram and that the required application is being mailed the same day.

(e) (1) Whenever an import fee is required to be paid in accordance with the provisions of section 213 of the Act and Sugar Regulation 811, application may be made to the Sugar Quota Branch as provided in this subparagraph (1) for approval of the set-aside of quota for the importation of a specific quantity of sugar prior to the time when application is made for authorization for release of such sugar in accordance with paragraph (a) of this section if the applicant desires to fix the import fee at the rate in effect at the time of the application for such set-aside and desires to assure himself that the specified quantity of sugar will be authorized for release as required by § 817.5 within a quota established under Part 811 of this subchapter for foreign countries other than the quota established for the Republic of the Philippines pursuant to section 202(b) of the Act. Applications for set-aside submitted pursuant to this subparagraph (1) covering sugar to be imported within a quota proration established in Part 811 of this chapter for a specified foreign country, within a quota established for foreign countries as a group in Part 811 of this chapter, or within a quota deficit quantity established for allocation in Part 811 of this chapter may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this chapter, not more than 95 days before scheduled sailing and not more than 140 days prior to the scheduled arrival in the continental United States of the quantity of sugar covered by the application. With each application submitted for approval pursuant to this subparagraph the applicant must represent that he has arranged for and within three business days after the date he executes the application (date of signature) will deposit with the Agricultural Stabilization and Conservation Service an irrevocable letter of credit acceptable to such Service from a bank in the United States in an amount not less than the amount determined by multiplying the total number of short tons of sugar covered by the application (commercial weight) by 2,100 and multiplying the product thereof by the applicable import fee per pound, raw value, in effect at the time such application for set-aside becomes eligible for approval as provided in § 817.6(b). The date of expiration of the letter of credit must not be earlier than 60 days after the date of importation stated in the set-aside agreement. An approved application for set-aside will be cancelled if within three business days after the date of execution (date of signature) of such application an acceptable letter of credit has not been received by the Agricultural Stabilization and Conservation Service or a wire notice from a United States bank of issuance of such letter of credit has not been received by the Agricultural Stabilization and Conservation Service. If an application is so cancelled, subsequent applications for set-aside submitted by such applicant will not be approved unless accompanied by an acceptable letter of credit or unless the applicant has furnished evidence satisfactory to the Secretary that the failure to comply with the requirements for the furnishing of an acceptable letter of credit with respect to the cancelled application was not due to fault of the applicant. If all or any part of the specific quantity of sugar for which an application for set-aside has been approved is not imported into the continental United States within the period ending 15 days after the date of importation stated in the application, the set-aside will be cancelled with respect to the unfilled portion thereof and the letter of credit will be drawn upon in the amount applicable to the quantity of sugar not imported within such period as represented by the difference between the set-aside quantity and the sum of (i) the quantity of sugar imported (commerical weight) and (ii) an allowance for normal shipping losses and normal loading variations equal to the smaller of eleven percent of the quantity imported (commercial weight) or five thousand tons: *Provided*, That, if the applicant within such period of time as the Secretary may prescribe furnishes evidence satisfactory to the Secretary that importation within such period was prevented by disasters at sea, acts of God, strikes so extensive and of such duration, or the occurrence of an insuperable and extraordinary interference which could not have been foreseen or prevented by the applicant's exercise of prudence, diligence, and care as to prevent such importation, the Secretary will refund to the applicant the amount collected under the letter of credit or will not draw on the letter of credit; if the applicant desires the Secretary to delay drawing on the letter of credit pending the applicant's submission and the Secretary's consideration of such evidence, the applicant must arrange for an extension of the letter of credit satisfactory to the Secretary. The applicant shall be liable for any amount for which the letter of credit is drawn upon as above provided and which is not paid in due course. Whenever an application for set-aside of quota is submitted for approval at a time when an import fee is required to be paid in accordance with the provisions of section 213 of the Act and Sugar Regulation 811, the application shall be made in triplicate on Form SU–7 entitled "Application for Set-Aside of Quota", to provide the following information and certification:

I, _____
(Name of applicant)
of _____
(Street address, City and State)
hereby certify that as owner, or as agent or broker for the owner, have under my sole control ____ short tons (commercial weight) of sugar in _____
(Name of country)
and I hereby make application for the set-aside of ____ short tons (commercial weight) within the quota for such country, or of ____ short tons (commercial weight) within the quota for foreign countries as a group established in § 811.__ of Sugar Regulation 811. I agree that in consideration of the approval of this application I will ship the quantity of sugar approved for set-aside pursuant to this application before _____ for importation into the continental United States, and will import such quantity into the continental United States on or before _____ in accordance with the provisions of Sugar Regulation 817. I further certify that I have arranged for and will deposit an irrevocable letter of credit by _____ issued by _____
(Date, see Note below)
in the amount of $_____, expiring no earlier than 60 days after the importation date stated in this agreement, which authorizes the Agricultural Stabilization and Conservation Service to draw upon the letter of credit on the basis of a written statement signed by the Administrator, Agricultural Stabilization and Conservation Service of the Department of Agriculture, or his authorized representative, that the amount is due under the terms and conditions of this application and of Sugar Regulations 811 and 817.

Signed _____
Date _____

NOTE: Date to be shown in the space shall be a date not later than three business days subsequent to the date of signature of the application.

Approved as Set-Aside No. _____, for ____ short tons (commercial weight) on _____ by _____.
(Date)

(2) Whenever an import fee is not required to be paid in accordance with the provisions of section 213 of the Act and Sugar Regulation 811, application for set-aside of quota for the importation of a specified quantity of sugar may be made to the Sugar Quota Branch and approved as provided in this subparagraph (2). Such application for set-aside of quota shall be in the form of a Quota Set-Aside Application and Agreement (Form SU–8) as hereafter set forth. The submission of a Quota Set-Aside Application and Agreement does not relieve the applicant of the necessity of submitting an application for authorization for release of sugar as required under paragraph (a) of this section. Any application for set-aside of quota submitted pursuant to this subparagraph (2) covering a quantity of sugar to be imported within any quota established by Part 811 of this chapter for foreign countries as a group may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this subchapter, not more than 265 days before the departure date and not more than 315 days prior to the importation date into the continental United States stated in the Quota Set-Aside Application and Agreement. Any application for set-aside of quota submitted pursuant to this subparagraph (2) covering a quantity of sugar to be imported within a quota proration established in Part 811 of this chapter for a specified foreign country or a quantity of sugar to be imported within a quota deficit quantity established for allocation in Part 811 of this chapter may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this subchapter, not more than 95 days before the departure date and not more than 140 days prior to the importation date into the continental United States stated in the Set-Aside Application and Agreement. During the period from the date of approval of a Quota Set-Aside Application and Agreement to the date of importation stated therein, both dates inclusive, and subject to the terms and conditions of such Application and Agreement, the quota designated in the application shall be set aside to the extent of the quantity of sugar approved for quota set-aside under such Application and Agreement. If at the time of approval of a Quota Set-Aside Application and Agreement an import fee is not in effect, the quantity of sugar approved for set-aside under such Application and Agreement which is imported on or before the 15th day after the importation date stated on such Application and Agreement in accordance with the procedures and requirements of this Part and the terms and conditions of such Application and Agreement, shall not be subject to payment on an import fee. Quota Set-Aside Applications and Agreements submitted pursuant to this subparagraph (2) shall be submitted in triplicate on Form SU–8 to provide the following information and certification:

QUOTA SET-ASIDE APPLICATION AND AGREEMENT

I, _____ of _____
(Name of applicant) (Street address)
_____, _____
(City) (State)
hereby certify that as owner, or as agent or broker for the owner, I have under my sole control ____ short tons (commercial weight) of sugar in _____, and I
(Name of country)
hereby make application under the provisions of § 817.4(e)(2) of Sugar Regulation 817 for the set-aside of ____ short tons (commercial weight) of the quota for such country or of ____ short tons (commercial weight) of the quota for foreign countries as a group established in § 811.__ of Sugar Regulation 811. This application is submitted for approval at a time when no import fee is required to be paid as a condition for importing sugar into the continental United States under the provisions of section 213 of the Sugar Act of 1948, as amended, and Sugar Regulation 811.

I agree that in consideration of the approval of this application I will ship the quantity of sugar approved for set-aside pursuant to this application before _____
(Date)
for importation into the continental United States, and will import such quantity into the continental United States on or before _____ in accordance with the provisions of this agreement and applicable provisions of Sugar Regulations 817 and 811, regardless of whether sugar quotas are suspended on or before such date of importation.

It is hereby agreed by and between the United States of America and the undersigned that the failure to import the quantity of sugar approved for set-aside of quota pursuant to this application will substantially damage the program established under the Sugar Act of 1948, as amended, for providing supplies of sugar to be consumed at prices that will not be excessive to consumers in the United States; that the amount of such damages is very difficult to accurately estimate; that the undersigned will pay liquidated damages to the United States of 0.50 cent per pound for each pound of sugar approved for set-aside of quota under this application which is not imported into the continental United States on or before the 15th day after the date of importation stated on this application, except that no liquidated damages shall be paid (1) for a quantity of sugar not imported which is within an allowance for normal shipping losses and normal loading variations equal to the smaller of eleven per centum of the quantity imported (commercial weight) or five thousand tons, and (2) for sugar not imported with respect to which the applicant, within a period of time prescribed by the Administrator, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, furnishes evidence satisfactory to the Administrator that importation within the period ending 15 days after the importation date stated in this application was prevented by disasters at sea, acts of God, strikes so extensive and of such duration or the occurrence of an insuperable and extraordinary interference which could not have been foreseen or prevented by the applicant's exercise of prudence, diligence, and care as to prevent such importation.

I further certify that I have arranged for and will deposit an irrevocable letter of credit by _____ expiring no earlier
(Date, see Note below)
than 60 days after the importation date stated in this agreement, issued by _____ in an amount not less than an amount determined by multiplying the total number of tons stated in this application by 2,000 and multiplying the product thereof by 0.5 cent. It is further agreed that such letter of credit shall authorize the Agricultural Stabilization and Conservation Service, United States Department of Agriculture, to draw upon the letter of credit on the basis of a written statement signed by the Administrator, Agricultural Stabilization and Conservation Service, or his authorized representative, which sets forth that a specified amount is due as liquidated damages under the terms and conditions of this Application and Agreement. It is further agreed that if such letter of credit as described above is not received by the Agricultural Stabilization and Conservation Service or a wire notice from a United States bank of the issuance of such letter of credit has not been received by the Agricultural Stabilization and Conservation Service within three business days after the date of execution by the applicant of this Application and Agreement, any approval of this Application and Agreement will be cancelled and this Application and Agreement shall be null and void.

Signed _____
Date _____

NOTE: Date to be shown in the space shall be a date not later than three business days subsequent to the date of signature of the Application.

Approved as Set-Aside No. _____, for ____ short tons (commercial weight), on _____, by _____.
(Date)

(f) (1) Any application made pursuant

(f) (1) Any application made pursuant to this section for authorization for release, pursuant to § 817.5, of sugar to be imported within a quota for foreign countries shall contain the following certification by the applicant, except that the second or last sentence or both may be omitted if not applicable:

The applicant certifies that the sugar identified herein was produced from (sugarcane) (sugarbeets) grown in the country identified herein, and that this sugar is to be imported within the quota established in paragraph __ of § 811.__ of Sugar Regulation 811. The applicant states that the initial payment in the amount of $____ determined on the basis of the import fee provided in paragraph __ of § 811.__ of Sugar Regulation 811, is submitted with this application and affirms that this initial payment is made with full knowledge of the provision made in Sugar Regulation 811 for withholding refund of such payment with respect to sugar authorized for release pursuant to this application and not imported. The sugar covered by this application is being imported under application for set-aside number _____ approved _____, and such quantity (does) (does not) fully discharge the obligation to import under the terms of that set-aside agreement.

(2) Any application made pursuant to this section for a purpose stated in § 817.8 shall contain the applicant's agreement and certification as follows, except that the last sentence may be omitted if the sugar is to be further refined or improved in quality:

This application is made subject to the conditions of bond on Form SU–17 number _____
(Insert bond number, if already approved)
on which _____
(Insert name of bond principal)
principal, and _____ of
(Insert name of surety)
_____ is surety, under which
(Address of surety)
all of the sugar authorized on this application to be brought or imported into the continental United States is to be _____
(Insert one of the purposes stated in paragraph (b) of § 817.8)

The applicant certifies that the sugar covered by this application was produced from sugarcane or sugarbeets grown in the sugar-producing country as identified on the application. The applicant further certifies that the sugar is not to be further refined and that the *identical* sugar will be *ultimately* delivered to the person who will use such sugar or an equivalent quantity, for the stated quota-exempt purpose.

(g) (1) Within 30 days after release by the Collector pursuant to § 817.5, of sugar or liquid sugar declared to be for further processing, the results of weights, samples and tests and the name of the person retaining the reserve portion of each sample as provided for in Part 810 of this subchapter shall be reported to the Sugar Quota Branch on the applicable copy of the "Sugar Quota Clearance Record", Form SU–3, or a duplicate of such copy, together with information specified in paragraph (a) of this section. The period within which the report required pursuant to this paragraph must be made may be extended for good cause shown with respect to a specified shipment upon request to and approval by the Secretary.

(2) Within 60 days after release by the Collector pursuant to § 817.5 of sugar or liquid sugar declared to be for direct-consumption, the weight of such sugar actually imported into the continental United States and the polarization of such sugar shall be reported to the Sugar Quota Branch on the applicable copy of the "Sugar Quota Clearance Record", Form SU–3, or a duplicate of such copy together with the information specified in paragraph (a) of this section. For the purpose of such report, the polarization of such sugar shall be reported as 100 degrees polarization unless the sugar is actually subjected in the continental United States to the applicable sampling, testing and evaluation as provided in §§ 810.6, 810.7 and 810.8 of this subchapter. For the purpose of such report, the weight reported on sugar imported from foreign countries shall be the weight of such sugar determined by the Collector of Customs at the time of unlading or entry of such sugar and on sugar brought into the continental United States from domestic areas shall be the weight of such sugar determined by the importer and the carrier of such sugar for purposes of settlement with the carrier.

(b) *Order of eligibility of applications for authorizations for release of sugar and for the set-aside of quantities for future release.* The order of eligibility for authorization or approval of applications provided for in this paragraph is subject to such modifications as are specified in Part 811 of this chapter. An application on "Sugar Quota Clearance Record", Form SU–3, for authorization to a Collector for the release of sugar which is not being imported under an application for set-aside approved under § 817.4(e) shall become eligible for authorization at 12:01 a.m., on the fifth calendar day prior to the date stated on the application as the date of departure of the shipment of sugar from the area of origin, or at the time of receipt of the application, whichever time occurs later. An application for set-aside submitted pursuant to § 817.4(e) shall become eligible for approval at 12:01 a.m. on the first day that such application for set-aside may be approved as provided in § 817.4(e), or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize the release by the Collector of sugar not being imported under an application for set-aside and approve applications for set-aside in the same order as such applications for release or set-aside become eligible for authorization or approval. If an application for the release of sugar and an application for set-aside applicable to the same quota become eligible for authorization and approval at the same time, the application for release of sugar shall have priority. If two or more applications for the release of sugar applicable to the same quota become eligible for authorization at the same time, such applications shall be authorized in the order of the date of departure stated thereon, earliest first. If two or more such applications state the same dates of departure and the unfilled balance of the quota is less than the total quantity of sugar covered by such applications, the quantity authorized for release under each such application shall be determined by multiplying the quantity covered by each application by the percentage which the unfilled balance of the quota is of the total quantity covered by such applications. Applications for set-aside otherwise becoming eligible at the same time shall be approved in the order of the final date of importation stated thereon, earliest first. If two or more such applications applicable to the same quota state the same final dates of importation and the unfilled balance of such quota is less than the total quantity covered by such applications, the applications shall be approved in the order of the dates of shipment stated thereon, earliest first, and if the dates of importation and shipment stated on such applications are the same, the applications shall be returned unapproved to the applicants.

§ 817.5 Release by a Collector.

A Collector of Customs may release sugar or liquid sugar imported from any area for any purpose only upon specific authorization by the Secretary pursuant to § 817.6 with respect to each application, required under § 817.4, except that the quantities for which no application is required pursuant to § 817.3 may be released by a Collector at any time. Unless instructed to the contrary on Form SU3-B, Collectors may release without further authorization, sugar in excess of the quantity authorized on a specific authorization, within tolerance not to exceed the smaller of one percent of the authorized quantity or 4,000 pounds.

§ 817.6 Specific authorization for release.

(a) *Time of issue and duration of validity.* Specific authorizations by the Secretary for release by a Collector will be issued no more than 5 days prior to the stated date of departure of the vessel or other carrier on which the sugar or liquid sugar is to be shipped. The authorization shall be valid for the period specified thereon, subject to extension by the Secretary for good cause. In case the port of arrival or the name of the receiver is not known when the application becomes eligible pursuant to paragraph (b) of this section, the authorization will not be transmitted to the collector until all the information required by paragraph (a) of § 817.4 is received in the Sugar Quota Branch. No authorization shall be issued for the release of sugar imported from any foreign country except sugar imported from the Republic of the Philippines pursuant to § 811.4(b) of this chapter, unless the application covering such sugar is accompanied by the payment of the applicable fee as required by Part 811 of this chapter. In the event of unforeseen circumstances which require the submission of any application for the purpose of changing the dates or ports of departure or arrival, the identity of the vessel or carrier, or the identity of the receiver as shown on the original application covering sugar which has been authorized for release and on which the payment of a fee in accordance with Part 811 of this chapter has been made, such application shall be considered as an amendment to the original application and no additional fee will be required.

(c) *Substitution.* Release of a quantity of sugar or liquid sugar subject to a quota or allotment may be authorized by the Secretary after such quota or allotment has been filled: *Provided*, That, an equivalent quantity of sugar or liquid sugar previously released pursuant to § 817.5 within the same quota or allotment has been delivered into the custody of a Collector. The Collector shall retain custody of such equivalent quantity of sugar or liquid sugar in accordance with § 817.3(e) until released pursuant to § 817.5.

(d) *Importation for quota-exempt purposes.* Authorization may be issued by the Secretary on applications for release of sugar or liquid sugar in excess of the applicable quota and for the purposes stated in sections 211 and 212 of the Act subject to the limitations specified in those sections and the conditions established in § 817.8.

(e) *Extent of authorizations.* Except as provided in paragraphs (c) and (d) of this section, no authorization shall be issued pursuant to paragraph (a) of this section and no application for set-aside shall be approved as provided in § 817.4 (e) when the quantity of sugar or liquid sugar released for consumption in the continental United States, together with the quantity covered by valid authorizations for release or applications for set-aside issued or approved hereunder, equals the applicable quota.

(f) *Denial of authorizations and approval of applications for set-aside.* Authorizations on applications for release of sugar and approval of applications for set-aside may be denied if the applicant has failed to report in the manner and within the time prescribed in this part with respect to shipments previously imported or quantities covered by approved applications for set-aside and shipped to the continental United States.

§ 817.7 Applicable quota, quota proration, allocation, quantity and allotment.

(a) Sugar or liquid sugar imported other than as provided in § 817.8 shall be subject to any quota, proration of a quota or allocation for the area or country in which the sugar or liquid sugar was produced, as shown on the application provided for in § 817.4, except that application may be made to import sugar within the quantity available for foreign countries as a group, and except that if the Secretary determines that the sugar was produced in a country other than that shown on the application, such sugar shall be subject to any quota, proration or allocation for the country in which the sugar was produced.

(b) *Allotment.* (1) When the quota which is applicable pursuant to paragraph (a) of this section has been allotted pursuant to section 205(a) of the Act, the sugar imported pursuant to the application shall be subject to the allotment made to the person named thereon as the allottee if the application is made by (i) such allottee; (ii) a person authorized by the allottee by letter to the Sugar Quota Branch to make such representations on behalf of the allottee for all or a specified portion of his allotment for the designated year, or (iii) an applicant who purchased the sugar from the allottee or a person holding an authorization under subdivision (ii) of this subparagraph. The quantity of sugar stated on an application as subject to the allottment of the allottee named thereon shall not exceed the supply of sugar processed by such allottee which was not previously marketed pursuant to Part 816 of this subchapter or previously imported or applied for pursuant to this part.

(2) Nothing in this paragraph shall preclude the Secretary from applying imported sugar or liquid sugar to fill the allotment of the allottee who processed such sugar or liquid sugar in any case where he determines that the foregoing provisions of this paragraph have been evaded, not complied with or are inapplicable. The term "processed" as used in this paragraph means the production of sugar from sugarcane or the production of direct-consumption sugar from raw sugar.

(c) *Quantity and time of effect.* (1) Each quantity authorized for release pursuant to § 817.6 and each quantity covered by an application for set-aside approved pursuant o § 817.4(e) shall be effective for filling the applicable quota as established in Part 811 of this subchapter at the time the applicable authorization is issued or application for set-aside is approved. For this purpose the raw value of the authorized quantity shall be estimated by considering the relationship between other authorized quantities for recent shipment from the same country or area and the raw values thereof determined as provided in Title I of the Act on the basis of weights and tests determined pursuant to Part 810 of this subchapter and such other factors as the Secretary deems applicable.

(2) Upon receipt of and on the basis of the report required pursuant to § 817.4 (g) for raw sugar or direct-consumption sugar covering an application initially given effect pursuant to subparagraph (1) of this paragraph, the quantity effective for filling the applicable quota shall be the quantity of sugar or liquid sugar imported pursuant to the authorization represented by either raw or direct-consumption sugar, determined as prescribed in Part 810 of this subchapter to the extent of its raw value, as defined in Title I of the Act and as finally computed from the weights and tests determined pursuant to Part 810 of this subchapter, except that the raw value of liquid sugar imported from Puerto Rico shall be computed by multiplying the total sugar content thereof by the factor 1.07.

(3) Whenever the Secretary determines that (i) a default in a condition of a bond accepted pursuant to § 817.9 has occurred or, (ii) a quantity of sugar or liquid sugar authorized for release for importation as raw sugar is direct-consumption sugar pursuant to § 810.5(c) of this subchapter, by virtue of its use for which authorization pursuant to § 817.3 (g) was not granted, or (iii) a quantity of sugar or liquid sugar has been imported without authorization for release as required pursuant to § 817.5, the quantity of sugar or liquid sugar involved in such default, change of purpose, or importation without authorization shall be applied to the applicable quota or allotment in effect for the year in which the importation occurred after all importations made in accordance with the regulations of this Part to which the same quota and allotment were applicable have been applied thereto.

§ 817.8 Authorization for purposes other than to fill current quotas.

(a) Upon fulfillment of the requirements of §§ 817.3 and 817.4 and the applicable provisions of this section and § 817.9, the authorization required pursuant to § 817.5 may be given to the Collector to release sugar or liquid sugar for importation for the purposes specified in this section without effect on a quota at the time of importation, except that sugar or liquid sugar produced from sugarcane grown in Cuba may not be imported pursuant to this section.

(b) Sugar or liquid sugar may be released for importation by or delivery to the principal on a bond accepted pursuant to § 817.9 to fulfill the following purposes:

(1) Exportations as sugar or liquid sugar within the provisions of section 313 of the Tariff Act of 1930, as amended, or direct shipment (otherwise than under the provisions of section 313 of the Tariff Act of 1930, as amended) as sugar or liquid sugar by the importer or refiner to a territory or possession of the United States, excluding the Virgin Islands. (Sugar shipped to Hawaii or Puerto Rico is subject to the provisions of section 211(c) of the Act and the applicable provisions of regulations of the Secretary establishing (i) sugar requirements and quotas for Hawaii and Puerto Rico, (ii) allotments of sugar quotas for Hawaii and Puerto Rico, and (iii) requirements relating to the marketing of sugar for consumption in Hawaii and Puerto Rico. Section 209(e) of the Act prohibits the importation into the Virgin Islands for consumption therein any sugar produced from sugarcane or sugarbeets grown in any area other than Puerto Rico, Hawaii or the continental United States.)

(2) Manufacture and exportation of other articles within the provisions of section 313 of the Tariff Act of 1930, as amended.

(3) Distillation of alcohol.

(4) Sugar for livestock feed or for the production of livestock feed. For the purposes of the regulations of this part: (i) "Livestock" shall mean horses, mules, cattle, swine, sheep, goats, poultry, and bees; (ii) "sugar for livestock feed" shall mean sugar used for feeding livestock by the person who received such sugar, excluding any sugar received as an ingredient of a mixture or product; (iii) "sugar for the production of livestock feed" small mean sugar, excluding any sugar contained as an ingredient of a mixture or product, put into a mixing or manufacturing process that produces only feed for livestock.

(c) The remaining portion of the single shipment of raw sugar of which a portion is authorized for importation pursuant to § 817.6 as the final quantity to fill the applicable quota but not to

exceed the smaller of five percent of the applicable quota or 5,000 short tons, raw value, may be authorized for release for importation by or delivery to a refiner who is the principal on a bond accepted pursuant to § 817.9 under which the principal is obligated to hold the sugar so imported or an equivalent quantity at the refinery at which such sugar was received until release within the applicable quota or allotment is authorized by the Secretary.

(d) Whenever the Secretary has given public notice that such action will not interfere with the effective administration of the Act, raw sugar may be authorized for release for importation by or delivery to a refiner who is the principal on a bond accepted pursuant to § 817.9 under which the principal is obligated to hold the sugar or an equivalent quantity subject to such conditions as may be specified in such notice until release within the applicable quota or allotment is authorized by the Secretary.

(e) Upon fulfillment of the requirements of §§ 817.3 and 817.4 the authorization required pursuant to § 817.5 may be issued to the Collector for the release of sugar or liquid sugar for purposes stated in section 212 of the Act other than those specified in paragraph (b) of this section, within the limitations specified in such section 212 of the Act.

§ 817.9 Bonds to cover releases.

(a) No authorization for the purposes specified in § 817.8 (b), (c), and (d) shall be issued nor shall a Notice of Delivery which covers the delivery of a quantity of sugar or liquid sugar to the principal of another bond be accepted until the Secretary has accepted a bond meeting the requirements of this section. The Secretary may accept a bond to cover importations which may be made during the period of time specified in the bond or for a specified importation.

(b) *Principal and surety.* Any person having an interest therein may be the principal on the bond covering sugar or liquid sugar to be exported with benefit of drawback of duty. Only the importer or refiner may be the principal on a bond to cover sugar or liquid sugar to be shipped to a territory or possession of the United States or used for distillation of alcohol, for livestock feed, or for the production of livestock feed. Only a refiner may be the principal on a bond covering sugar or liquid sugar to be imported for further processing as provided for in § 817.8 (c) and (d). The surety or sureties shall be among those listed by the Secretary of the Treasury as acceptable on Federal bonds.

(c) *Obligation—(1) Establishment and effective date.* The obligation under the bond shall be made effective and be established by: (i) The Secretary's issuance of the authorization required pursuant to § 817.5 for release of the sugar or liquid sugar by the Collector; or (ii) the Secretary's acceptance of a Notice of Delivery covering a quantity of sugar or liquid sugar delivered by the principal of a bond to the principal of another bond pursuant to subparagraph (1)(iii) of paragraph (d) of this section, such Notice of Delivery to be executed jointly by the principals of the two bonds involved on a form prescribed by the Secretary.

(2) *Monetary amount.* The monetary amount of the obligation under the bond shall not be less than the sum of the amounts applicable to all quantities of sugar or liquid sugar covered at any one time thereunder by virtue of the issuance of authorizations required pursuant to § 817.5 for release of sugar or liquid sugar by the Collector or acceptance of Notices of Delivery, and such obligations shall be effective whether or not the surety receives notice from the Secretary of the issuance of such an authorization or the acceptance of a Notice of Delivery. The monetary amount applicable to each quantity of sugar covered by each authorization for release of sugar by the Collector or by each Notice of Delivery, and made subject to a bond accepted under this Part shall be the "spot" quotation per pound of raw sugar deliverable on the New York Coffee and Sugar Exchange under Contract No. 7 as established by that Exchange for the last business day before the date of application to the Secretary for the issuance of such authorization, or before the delivery date or the last date of the delivery period shown on such Notice of Delivery multiplied by the weight in pounds of such quantity of sugar. The amount applicable to each quantity of liquid sugar covered by each authorization for release of liquid sugar by the Collector or by each Notice of Delivery shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content", as defined in section 101(i) of the Act, of such quantity of liquid sugar. The quantity of sugar or liquid sugar covered by each authorization required pursuant to § 817.5 for release by the Collector or by each Notice of Delivery shall be the quantity stated in the Notice of Delivery or in the application submitted on the Sugar Quota Clearance Record, or the quantity stated in the report made to and received by the Sugar Quota Branch in accordance with § 817.4 (g) if differing from the quantity stated in the authorization for release of sugar or liquid sugar by the Collector.

(d) *Conditions.* Any bond accepted pursuant to this part shall provide for the following conditions to apply to sugar and liquid sugar authorized to be released by the Collector pursuant to the provisions of § 817.8.

(1) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar or liquid sugar, authorized under the bond to be imported for the purpose of exporting sugar or liquid sugar shall be:

(i) Exported within six months after the date of importation with drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance from the principal and the Collector of Customs, as provided for in paragraph (e) of this section;

(ii) Shipped within six months after the date of importation to a territory or possession of the United States other than the Virgin Islands as evidenced by the report by the principal of such shipment as provided for in paragraph (e) of this section, or

(iii) Delivered within six months after the date of importation to the principal on another bond accepted pursuant to this section.

(2) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar or liquid sugar, authorized under the bond to be imported, or authorized to be delivered subsequent to importation under another bond, for the manufacture of products to be exported, shall be exported in manufactured products within three years after the date of importation of the sugar or liquid sugar with drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance of drawback by the principal and the Collector, as provided for in paragraph (e) of this section.

(3) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar or liquid sugar, authorized under a bond to be imported for the distillation of alcohol or for livestock feed, or for the production of livestock feed, shall be so used within one year after the date of importation as subsequently evidenced by a certificate of use as provided for in paragraph (e) of this section. The use of sugar for livestock feed or the production of livestock feed shall be as provided in § 817.8(b)(4).

(4) The raw value equivalent of the raw sugar authorized under a bond to be imported by or delivered to a refiner pursuant to the provisions of § 817.8(c) shall be held at the refinery at which such sugar was received until release of such sugar or liquid sugar within the applicable quota is authorized by the Secretary.

(5) The raw value equivalent of the raw sugar authorized under a bond to be imported by or delivered to a refiner pursuant to the provisions of § 817.8(d) shall be held by the refiner subject to such conditions as may be specified in the public notice given by the Secretary authorizing the release for importation of sugar for the purpose specified in paragraph (d) of § 817.8.

(6) Any bond furnished pursuant to this part shall provide that the obligation established thereunder will remain in full force and effect until the Secretary notifies the principal and surety of release thereof. The Secretary may release all or any part of the monetary amount of the obligation of the bond which is applicable to the quantity of sugar or liquid sugar covered by an issued authorization for release thereof by a Collector or by an accepted Notice of Delivery with respect to which quantity either the applicable conditions set forth in subparagraphs (1) through (5) of this paragraph have been fulfilled, or another bond has been accepted: *Provided*, That, nothing in this section shall preclude the Secretary from: (i) Accepting evidence other than that provided for in subparagraphs (1), (2), and (3) of this paragraph to establish that any of the conditions provided in such subparagraphs have been fulfilled, or (ii) determining that any of the conditions provided in subparagraphs (1) through (5) of this paragraph have been fulfilled by virtue of the destruction or other disposition of sugar or liquid sugar having an effect for quota purposes as if the applicable conditions set forth in such subparagraphs have been fulfilled, or (iii) extending at his discretion the time for fulfillment of any of the conditions set forth in subparagraphs (1) through (5) of this paragraph upon the written request of and for good cause shown by the principal named on the bond and without notice to the surety on such bond.

(7) Upon default in any applicable condition heretofore set forth, and the expiration of any extension of time for fulfillment thereof that may be granted in writing by the Secretary, payment shall be made to the United States of America of a sum equal to the full amount of the obligation determined as prescribed in paragraph (c) of this section which is applicable to the quantity of sugar or liquid sugar covered by an authorization for release of sugar or liquid sugar by the Collector or by a Notice of Delivery, and with respect to which quantity the default occurred in whole or in part.

(8) The payment or the acceptance of any payment made to the United States of America pursuant to this paragraph shall not be deemed to preclude or to constitute a waiver of recovery of any forfeiture, penalty or liability provided for by the Act or any other provision of law.

(e) *Reports of evidence that conditions of bond have been fulfilled.* (1) All principals on bonds given for the purpose specified in § 817.8(b) (1) or (2) shall, by the 10th of each month, submit a report to the Sugar Quota Branch showing the following information: (i) With respect to allowances of drawback of duty for exportations for which drawback of duty was allowed in the month preceding the month in which the report is submitted, the identity, by number, of the bond to which the exported quantity of sugar should apply, the date of exportation of the sugar or liquid sugar, the quantity of sugar exported or used in the manufacture of the exported sugar or liquid sugar or the sugar or liquid sugar used in the manufacture of the exported articles, the port and date of entry or withdrawal of the sugar designated as a basis for drawback of duty and the consumption entry or warehouse withdrawal number, the country of origin of the sugar designated as a basis for drawback of duty, and the quantity and polarization or, if liquid sugar, the total sugar content of the designated liquid sugar on which drawback of duty was allowed; and (ii) with respect to sugar or liquid sugar shipped to a territory or possession of the United States within the preceding month; the identity, by number, of the bond to which the shipped quantity of sugar or liquid

sugar should apply, the date of shipment and the destination of the sugar or liquid sugar, and the country or area of origin of the shipped sugar or liquid sugar.

(2) The principal on a bond given for a purpose specified in § 817.8(b) (3) or (4) shall transmit to the Sugar Quota Branch no later than 30 days after the one year use period provided for in § 817.9(d)(3), certificates executed by the persons who used the sugar showing the following information on a form prescribed by the Secretary:

The undersigned certifies that between ----------, 19-- and ----------, 19--,
(Date) (Date)
he has used the following quantity or quantities of sugar for the purpose or purposes as stated below:

	(Pounds)
(1) Used to feed livestock	
(2) Used in the production of livestock feed:	
(a) For his subsequent use in feeding livestock	
(b) For subsequent sale to others for feeding livestock	
(3) Used for distillation of alcohol	

The undersigned further certifies that each quantity of sugar shown in this certificate of use does not include a quantity of sugar previously covered by another United States Department of Agriculture certificate of use; that any quantity of sugar shown on this certificate to have been used to feed livestock or for the production of livestock feed excludes any sugar contained as an ingredient of a mixture or product at the time such sugar was received and that such sugar was either fed to livestock by the person receiving it or was put into a mixing or manufacturing process that produces only feed for livestock; and that the term "livestock" as used throughout in this certificate means horses, mules, cattle, swine, sheep, goats, poultry and bees.

Each certificate shall be endorsed by the principal of the bond acknowledging that the use of the sugar, to which the certificate applies, is to apply to the fulfillment of the conditions of the bond on which he is the principal and the bond shall be identified on the endorsement.

(3) Each Collector of Customs shall, by the 10th of each month, report all allowances of drawback in the preceding month which were based on exportations of sugar or manufactured sugar-containing articles. Such report shall show the following information: The person who manufactured the exported product and the date of exportation; and, with respect to the sugar designated as a basis for the claim for drawback of duty, the date and port of entry or withdrawal, the consumption entry or warehouse withdrawal number (if warehouse withdrawal numbers of a separate series are not assigned, the warehouse entry number should be furnished), the country of origin, the quantity and polarization or, if liquid sugar, the total sugar content, on which drawback was allowed.

§ 817.10 [Reserved]

§ 817.11 Records and reports.

(a) For the purposes of this part, any quantities of sugar imported as crystalline sugar which are subsequently converted into and marketed as liquid sugar shall be reported subsequent to such conversion as the quantities of crystalline sugar so converted and the raw value thereof shall be determined as prescribed in paragraph (1), (2) or (3) of section 101(h) of the Act, applicable to the crystalline sugar so converted. Liquid sugar, exclusive of that identified as imported within a liquid sugar quota for which the quantities of converted crystalline sugar are unknown shall be reported in terms of the total sugar content and the raw value thereof shall be determined by multiplying the total sugar content by the factor 1.07.

(b) Each person subject to the provisions of this part shall keep and preserve, for a period of two years following the end of the calendar year in which the sugar or liquid sugar was imported into the continenal United States, an accurate record of the receipt, processing and movement of such sugar and liquid sugar and of all tests, gallonages and weights pertaining thereto, except that all records relating to the receipt and disposition of sugar or liquid sugar authorized for release pursuant to § 817.8 shall be kept and preserved for a period of two years following the end of the calendar year in which the sugar was disposed of pursuant to the requirements of § 817.9 (d). Upon request by any authorized employee of the Department, such records shall be made freely available for examination by such employee during the regular working hours of any business day.

(c) Each person subject to the provisions of this part shall make application for authorizations provided for in this part and shall report information as and when required by the Secretary on forms specified by him and approved by the Bureau of the Budget under the Federal Reports Act of 1942. In addition to the applications, authorizations and reports otherwise specifically referred to in this part, this requirement shall include, but is not necessarily limited to, the information prescribed on Form SU–73 or Form SU–74 for refiners, or on Form SU–75 for other importers.

(d) Each person subject to the provisions of this part who applies for a set-aside which has been approved pursuant to § 817.4(e) shall report any quantity of sugar which has been shipped and which is to be imported into the continental United States under such application. Such report shall be made within two days after the date of departure of the sugar from the area of origin and shall show the date of departure, the quantity of sugar shipped and the expected date of arrival. An application for authorization for release of sugar as provided for in § 817.4(a) may be submitted within the same time limitation in lieu of the report required by this paragraph.

§ 817.12 Delegation of authority.

The Director, or Deputy Director, of the Sugar Policy Staff, or, the Director of the Policy and Program Appraisal Division (or any person in such division designated in writing by him), Agricul-

tural Stabilization and Conservation Service of the Department, is hereby au-

tural Stabilization and Conservation Service of the Department, is hereby authorized to act on behalf of the Secretary in administering §§ 817.1 through 817.11 except as otherwise provided for in paragraph (e) of § 817.4 and paragraph (d) of § 817.8.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 26th day of March 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-3178; Filed, Mar. 31, 1964; 8:51 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 230]

[Delegation of Authority 63-D]

CERTAIN OFFICIALS

Delegation of Authority To Sign and Issue U.S. Government Bills of Lading

By virtue of the authority vested in the Secretary of State by Public Law 73, 81st Congress (63 Stat. 111, 5 U.S.C. 151c), and by virtue of the authority vested in me by section 720 of the Organization Manual of the Department of State, there is hereby delegated to the officials listed below (and to any other officials designated to act for one of the enumerated officials during the absence or incapacity of the latter) authority to sign and issue U.S. Government Bills of Lading and Certificates in Lieu of Lost U.S. Government Bills of Lading. The authority hereby delegated is subject to any specific limitations indicated below and to all instructions, regulations and directives which are now in effect or which may be issued hereafter by the Department of State or by any other Government agency of competent jurisdiction governing the signing and issuing of U.S. Government Bills of Lading.

DIVISION OF SUPPLY AND TRANSPORTATION MANAGEMENT

Chief.
Assistant Chiefs.

PROCUREMENT OPERATIONS BRANCH

Procurement Assistants.
Procurement Agents.
Supervisory Procurement Agent.
Contract Specialists.
Procurement Officer.

TRANSPORTATION OPERATIONS BRANCH

Supervisory Transportation Specialist.
Transportation Specialists.
Transportation Assistant.
Shipment Assistant.

DESPATCH AGENCY, WASHINGTON

Assistant Chief, United States Despatch Agent.

NEW YORK DESPATCH AGENCY

Despatch Agent.
Supervisory Traffic Managers.

BALTIMORE DESPATCH AGENCY

Despatch Agent.
Traffic Managers.

SAN FRANCISCO DESPATCH AGENCY

Despatch Agent.
Traffic Manager.

NEW ORLEANS DESPATCH AGENCY

Despatch Agent.

LIMITATION: Chargeable to funds available for forwarding properly authorized official shipments and for movement of household goods and personal effects in connection with authorized travel.

GENERAL SERVICES SUPPLY DIVISION

Chief.
Warehouse Superintendent.

LIMITATION: Chargeable to funds available for forwarding properly authorized official shipments.

DIPLOMATIC POUCH AND COURIER OPERATIONS DIVISION

Chief.
Assistant Chief of Diplomatic Pouch and Courier Operations Division.
Chief.
Assistant Chief Diplomatic Pouch Branch.

LIMITATION: Chargeable to funds available for diplomatic pouch operations.

FOREIGN BUILDINGS OPERATIONS

Deputy Director.
Management Officer.
Chief, Interior Design Services.

LIMITATION: Chargeable to funds available to the Foreign Buildings Operations.

EXECUTIVE STAFF, BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

Chief of Financial Management Division.
Chief of Contracts and Transportation Branch.
Chief of Transportation Section.

LIMITATION: Chargeable to funds available for Educational and Cultural Exchange Programs.

UNITED STATES MISSION TO THE UNITED NATIONS

Chief Administrative Officer.
Administrative Officer.

LIMITATION: For employees of the United States Mission to the United Nations, chargeable against allotments which the United States Mission to the United Nations is authorized to obligate.

FOREIGN SERVICE POSTS

Principal Officer.
Administrative Officer.
General Services Officer or such other officer as designated in writing by the Principal officer.

LIMITATION: Chargeable to funds available for forwarding properly authorized official shipments and for movement of household goods and personal effects in connection with authorized travel.

This delegation of authority supersedes and cancels Delegation of Authority No. 63-C, dated April 9, 1962. (Public Notice No. 207, 27 F.R. 3893, April 24, 1962)

Dated: March 2, 1964.

DWIGHT J. PORTER,
Assistant Secretary for Administration.

[F.R. Doc. 64-3160; Filed, Mar. 31, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 25, 1964.

Notice of an application, Serial No. Anchorage 058816, for withdrawal and reservation of lands was published as Federal Register Document No. 63-3045 on page 2927 of the issue for March 23, 1963. The applicant agency has cancelled its application so far as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on April 10, 1964, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

KODIAK, ALASKA

Commencing at a point from which Corner No. 7, U.S.S. 562 bears S. 47°30' W. 228.56 feet, the true point of beginning of this description; thence N. 37°00' E., 470.18 feet; N. 43°55' E., 252.45 feet; N. 28°32' E., 257.47 feet; N. 63°19' E., 200.38 feet; S. 34°43' E., 455.16 feet; S. 55°17' W., 429.51 feet; S. 43°29'30" W., 351.97 feet; West, 425.0 feet; to the point of beginning.

The area described contains approximately 8.72 acres.

JAMES W. SCOTT,
District Manager.

[F.R. Doc. 64-3172; Filed, Mar. 31, 1964; 8:50 a.m.]

Office of the Secretary

ANCHORAGE LAND OFFICE

Notice of Temporary Closing

MARCH 30, 1964.

Due to the Alaska earthquake, the Land Office located at 555 Cordova Street, Anchorage, Alaska, is temporarily closed effective at the close of business March 27, 1964.

As soon as conditions warrant, the Anchorage Land Office will be reopened and appropriate notice thereof will be published in the FEDERAL REGISTER. The notice will provide for an appropriate simultaneous filing period.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 64-3256; Filed, Mar. 31, 1964; 10:33 a.m.]

DEPARTMENT OF AGRICULTURE

In the event a hearing is ordered to be, the item "Potassium 2-mercaptobenz-

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Wallace County, Kansas, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of March, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-3183; Filed, Mar. 31, 1964; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT LINES, INC.

Notice of Application for Operating-Differential Subsidy

Notice is hereby given that American Export Lines, Inc. has applied for Operating-Differential Subsidy under Title VI, of the Merchant Marine Act, 1936, as amended, in order to inaugurate a subsidized freight service on Trade Route No. 5-7-8-9 (U.S. North Atlantic/United Kingdom and Continent) as hereinafter described, with two ships presently operating on the route on a non-subsidized basis to the extent of not more than 18 sailings per year: A minimum of 15 and a maximum of 26 sailings annually on a berth service on Trade Route No. 5-7-8-9 described as follows:

Required: Between the United States North Atlantic ports (Maine to Virginia inclusive) and ports in the following described area: Continental Europe (from the northern port of Spain to the southern port of Denmark).

Privilege: A port or ports in the United Kingdom, Republic of Ireland and Northern Spain.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on April 15, 1964, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to vessels to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: March 27, 1964.

By order of the Maritime Subsidy Board.

JOHN DE. O'CONNELL,
Acting Secretary.

[F.R. Doc. 64-3150; Filed, Mar. 31, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additive; Dicyandiamide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1363) has been filed by American Cyanamid Company, Wayne, New Jersey, 07470, proposing the issuance of a regulation to provide for the use of dicyandiamide as a fluidifying agent in starch and protein food-contact coatings for paper and paperboard.

Dated: March 24, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3140; Filed, Mar. 31, 1964; 8:45 a.m.]

E. F. HOUGHTON AND CO.

Notice of Filing of Petition Regarding Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1364) has been filed by E. F. Houghton and Company, 303 West Lehigh Avenue, Philadelphia 33, Pa., proposing that paragraph (c) of § 121.2505 *Slimicides* be amended by inserting alphabetically in the "List of substances" the item "Potassium 2-mercaptobenzothiazole."

Dated: March 24, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3141; Filed, Mar. 31, 1964; 8:47 a.m.]

MINNESOTA MINING AND MANUFACTURING CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1357) has been filed by Minnesota Mining and Manufacturing Co., 2501 Hudson Road, St. Paul 19, Minnesota, proposing the amendment of § 121.2514 of the food additive regulations to provide for the use of diisodecylphthalate, dicumyl peroxide, and triethylene glycol dimethacrylate as components of resinous and polymeric coatings on metallic substrates.

Dated: March 26, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3142; Filed, Mar. 31, 1964; 8:47 a.m.]

POLYMER INDUSTRIES, INC.

Notice of Filing of Petition Regarding Food Additive *Endo*-Cis-Bicyclo (2,2,1)-5-Heptene-2,3-Dicarboxylic Anhydride

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1362) has been filed by Polymer Industries, Inc., Springdale, Connecticut, proposing the amendment of § 121.2520 of the food additives regulations to provide for the safe use of *endo-cis*-bicyclo(2,2,1)-5-heptene-2,3-dicarboxylic anhydride as a component of food-contact adhesives.

Dated: March 26, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3143; Filed, Mar. 31, 1964; 8:47 a.m.]

SHELL CHEMICAL COMPANY

Notice of Filing of Petition Regarding Food Additive 1,3,5-Trimethyl-2,4,6-Tris(3,5-Di-*Tert*-Butyl-4-Hydroxybenzyl)Benzene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1317) has been filed by Shell Chemical Company, 50 West 50th Street, New York 20, New York, proposing the amendment of § 121.2566 of the food additive regulations to provide for the safe use of 1,3,5-trimethyl-2,4,6-tris(3,5-di-*tert*-butyl-4-hydroxybenzyl) benzene as an antioxidant and/or stabilizer in polymers used in the manufacture of food-contact articles.

Dated: March 26, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3144; Filed, Mar. 31, 1964; 8:48 a.m.]

SILICONE PRODUCTS DEPARTMENT, GENERAL ELECTRIC COMPANY

Notice of Filing of Petition Regarding Food Additive Formaldehyde

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1340) has been filed by Silicone Products Department, General Electric Company, Waterford, New York, proposing the amending of § 121.1099(a)(2) to provide for the safe use of formaldehyde as a preservative in defoaming agents containing dimethylpolysiloxane.

Dated: March 24, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3145; Filed, Mar. 31, 1964; 8:48 a.m.]

DAVIS GELATINE INCORPORATED

Notice of Filing of Petition Regarding Food Additive Sodium Lauryl Sulfate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1272) has been filed by Davis Gelatine Incorporated, 375 Park Avenue, New York 22, New York, proposing an amendment to § 121.1012 to provide for the safe use of sodium lauryl sulfate as a whipping agent at a level not to exceed 0.5 percent by weight of gelatine used in the preparation of marshmallows.

Dated: March 26, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3171; Filed, Mar. 31, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14545 etc.; Order No. E-20624]

ALASKA AIRLINES, INC., ET AL.

Exemptions to Provide Certain MATS Transportation

Alaska Airlines, Inc., Docket 14545; Capitol Airways, Inc., Docket 14583; The Flying Tiger Line Inc., Docket 14561; Northwest Airlines, Inc., Docket 14556; Riddle Airlines, Inc., Docket 14572; Seaboard World Airlines, Inc., Docket 14566; The Slick Corporation, Docket 14576; Southern Air Transport, Inc., Docket 14563; Transportation Corporation of America d/b/a Trans Caribbean Airways, Docket 14555; Trans International Airlines, Inc., Docket 14567; World Airways, Inc., Docket 14578; exemptions to provide certain MATS transportation.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1964.

The above-named carriers were granted exemptions from the requirements of either section 403 or sections 401 and 403 of the Federal Aviation Act of 1958 to provide air transportation services for the Military Air Transport Service during the period July 1, 1963 through June 30, 1964, inclusive, by Order E-19742, June 27, 1963, as amended by Order E-20075, October 8, 1963.

The exemptions are subject to the condition that, except with respect to mixed passenger/cargo services, the transportation be furnished at the rates and in accordance with the terms and conditions specified in such contracts. The contracts specify that any prices in the contracts that are computed on the basis of minima prescribed by the Board shall be subject to revision as appropriate if the applicable minimum is changed by the Board.

The exemptions provide that the rates, for other than mixed passenger/cargo services, for expansion, diversion, and conversion services are to be no less than the minimum rates specified by the Board in 14 CFR, Part 288, for similar types of service.

With respect to mixed passenger/cargo services, the exemptions provide that the rates shall be in accordance with the terms and conditions as specified in the MATS contracts except to the extent modified or clarified by Order E-20075; for mixed passenger/cargo expansion, diversion, and conversion services the rates may not be less than those specified by Order E-20075 or ". . . as may be specified hereafter by the Board for mixed passenger/cargo services in 14 CFR, Part 288, whichever is lower."

For services provided pursuant to the exemptions specified in Order E-19742, as amended by Order E-20075, it was contemplated by all concerned that the conditions relating to minimum rates and minimum load requirements would be superseded by any amendments to Part 288 arising out of the rule making proceeding instituted by notice of proposed rule making issued September 11, 1963 (EDR-60). In that notice the Board made clear its intention to make any revised minimums ultimately decided upon effective October 1, 1963. The final rule amending Part 288 was adopted by the Board on February 28, 1964 (ER-401).

The military contracts under which the transportation services contemplated by these orders are provided contain provisions that permit their amendment to reflect changes in the applicable standards of the Board. Therefore, it appears that the military now may take action to amend the contracts underlying the exemptions granted in Orders E-19742 and E-20075. If such amendments are made in these contracts, the authority of the carriers to continue to perform these essential transportation services may be subject to question, and the Board has concluded that the carriers' authority to continue to provide these services to MATS should be made clear. Thus, in order to make the conditions upon the exemption authority consistent with appropriate amendments in the underlying contracts that the military may now put into effect, the conditions upon the exemptions granted in Orders E-19742 and E-20075 should be revised to coincide with the standards by currently stated in Part 288, as amended by ER-401, adopted February 28, 1964.

Accordingly, pursuant to sections 204(a) and 416(b) of the Federal Aviation Act of 1958,

It is ordered, That:

1. The conditions attaching to the exemptions granted by Orders E-19742 and E-20075 to Alaska Airlines, Inc. (Docket 14545), Southern Air Transport, Inc. (Docket 14563), Trans International Airlines, Inc. (Docket 14567), World Airways, Inc. (Docket 14578), Capitol Airways, Inc. (Docket 14583), Transportation Corporation of America, d/b/a Trans Caribbean Airways (Docket 14555), Northwest Airlines, Inc. (Docket 14556), The Flying Tiger Line Inc. (Docket 14561), Seaboard World Airlines, Inc. (Docket 14566), Riddle Airlines, Inc. (Docket 14572), and The Slick Corporation (Docket 14576) are amended to the extent necessary to permit the military transportation services contemplated therein to be provided in accordance with the provisions of 14 CFR, Part 288, as amended February 28, 1964, by Regulation No. ER-401, for application to operations on and after October 1, 1963, January 1, 1964, or March 1, 1964, as appropriate. To the extent that the amendments to Part 288 effected by ER-401 do not establish conditions and/or minimum rates and loads different from those applicable under Orders E-19742 and E-20075, the provisions of those orders shall continue to apply.

2. Copies of this order shall be served upon all carriers named in paragraph 1 above.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3174; Filed, Mar. 31, 1964; 8:50 a.m.]

[Docket 14945; Order No. E-20616]

JOINT CONFERENCE 1-2 OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Mid Atlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of March 1964.

There has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement (Agreement C.A.B. 17541)[1] between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1–2 of the International Air Transport Association (IATA) drafted at meetings held in Montreal (January 1964) and in Rome (February 1964) and adopted by mail vote. The agreement encompasses fare resolutions to be applicable on the Mid-Atlantic as of April 1, 1964.

In general, the agreement is designed to conform, to the extent feasible, the Mid-Atlantic fare structure with that to be applicable on the North Atlantic and encompasses two levels of economy-class fares. Insofar as United States points are concerned, the agreement produces a one-way Miami-Madrid low-level economy-class fare of $308 as compared with the current one-way fare of $340, or a reduction of $32. The current one-way San Juan-Madrid economy-class fare of $334 will also be reduced by $32, to $302. One-way low-level fares between Miami and San Juan and most points in Europe other than in the Iberian Peninsula will be reduced by $45 and $40, respectively. These fares will be available all year except for travel commencing in the Western Hemisphere during the period May 22 through August 3 and for travel commencing in Europe during the period July 17 through September 28 when peak travel fares will apply. Peak economy-class fares during these periods will be retained at present levels. One-way first-class fares will be reduced by $75, producing a Miami-Madrid fare of $460 and a San Juan-Madrid fare of $443.

The agreement also establishes 14–21-day economy-class round-trip excursion fares for travel between points in Europe and points in the Caribbean area. The agreement specifies fares between San Juan and points in the Iberian Peninsula reflecting a reduction of $99 from the round-trip low-level economy-class fares and fares to other points in Europe reflecting reductions up to $148. The 14–21-day excursion fares will be available for travel this year from April 1 through June 11, which period corresponds with the first of the three periods of travel under the North Atlantic 14–21-day fare provisions. Similar excursion fares will be available during the other two North Atlantic travel periods July 13 through August 6 and August 31 through November 5 for travel commencing in San Juan, subject to the North Atlantic fare provisions. The agreement does not specify 14–21-day excursion fares to/from Miami. However, such fares from Miami will be available by combination over New York and subject to the North Atlantic 14–21-day fare provisions.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find the following resolutions contained in Agreement C.A.B. 17541 to be adverse to the public interest or in violation of the Act:

C.A.B. No., IATA No. and title

R–1; 001b; Special Effectiveness Resolution-Mid Atlantic.
R–4; 001k; Mid-Atlantic Excursion Fares and Inclusive Tours Escape.
R–12; 050; First Class Conditions of Service-Revalidating and Amending.
R–13; 054b; Mid-Atlantic First Class Fares.
R–15; 064b; Mid-Atlantic Economy Class Fares.
R–18; 080f; Mid-Atlantic 21-Day Excursion Fare.

2. The Board finds that, on the basis of all the facts presently known, the following resolutions do not affect air transportation within the meaning of the Act:

C.A.B. No., IATA No.; and Title

R–19; 080v; Special Havana Excursion Fares.
R–20; 084w; Inclusive Tours U.K.-Jamaica/Trinidad/Tobago.
R–21; 088p; Group Fares U.K.-Jamaica/Trinidad/Tobago—Revalidating and Amending.

Accordingly, it is ordered, That:

1. That portion of Agreement C.A.B. 17541 contained in finding paragraph 1 above is approved;

2. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 17541 set forth in finding paragraph 2 above.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order submit statements in writing, containing reasons deemed appropriate together with supporting data in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–3175; Filed, Mar. 31, 1964; 8:50 a.m.]

[Docket 15119; Order No. E–20620]

TRANSPORTATION CORPORATION OF AMERICA

Order of Investigation and Suspension Relating to New York-San Juan Family Fares in Deluxe Tourist (Second-Class) Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of March, 1964.

By tariff revisions[1] filed February 28, 1964, and marked to become effective March 29, 1964, Transportation Corporation of America (TCA), also operating as Trans Caribbean Airways, proposes to provide family-plan fares in jet deluxe tourist service (also called second-class) in the New York-San Juan market, on the following basis: the head of the family would pay the full deluxe tourist fare; the accompanying spouse and children 12 through 21 years of age would each pay 60 percent of the full fare; and children 2 through 11 years of age would each pay 50 percent of the full fare. A maximum of two children under 2 years of age would be carried free, if they occupy no seat.

The proposed fares would be applicable every day of the week, without time restrictions, and would be available for either one-way or round trips. The tariff bears no expiration date. No family plan exists or is proposed for tourist (third-class) service. TCA has no first-class service in this market, but its competitors (Pan American and Eastern) do. Both competitors now offer family-plan fares in first-class service, but not in second-class or third-class. The first-class family plan provides that the head of the family pays the full first-class fare, while the accompanying spouse and children 12 through 21 years of age each pays 66.7 percent of the full fare.

Complaints requesting investigation and suspension of the fare proposal have been filed by Eastern Air Lines, Inc., (Eastern) and Pan American World Airways, Inc. (Pan American). The complainants state that TCA's proposal lacks justification and is legally inadequate; that the proposal would produce the anomaly of second-class travel at fares lower than third-class; that the proposal would be contrary to Board Order E–20099 of October 16, 1963; and that the plan could not be expected to generate any new traffic. The complaints further allege that the recent history of domestic family fares requires the suspension of TCA's proposal; and that the proposed fares are discriminatory, unreasonable, and disruptive of the fare structure in the market.

The Commonwealth of Puerto Rico and Trans Caribbean have filed answers to the complaints of Pan American and Eastern. The answers contend that both Eastern and Pan American offer a minimum amount of tourist-class service between New York and San Juan; that the passengers in this market do not have the opportunity to use tourist accommodations; that there is a potential market for passengers unwilling to fly third-class service and unable to afford first-class service which has not been tapped; and that these passengers constitute a substantial volume of traffic. The answer of Trans Caribbean further alleges that neither Pan American nor Eastern has proved that Trans Caribbean's fares are uneconomical or below cost; that currently the third-class service in the New York-San Juan market exceeds 90 percent of the total traffic, as opposed to the second-class traffic which has decreased from 25 percent, in the first half of 1961, to about 5 percent of the total; that its promotional fares have stimulated traffic and have been economical; and that its proposal is designed to stimulate second-class travel.

Under TCA's proposal, the total one-way fare for husband and wife in deluxe tourist service would be $125.30, as compared with $121.50 in tourist service; and for the head of the family and two family members the deluxe tourist fare would be $172.30, as compared with $182.25 in tourist service. In its recent consideration of domestic family-plan fares for services other than first-class,[2] the Board concluded that it would be economically unsound to charge a lower fare for a higher class of service than for a lower class. We believe that the questions of discrimination and reasonableness set forth in Order E–20099 similarly apply in this instance. Finally, the offering of family fares every day in the week in a market having pronounced weekend traffic peaks may be uneconomic. Accordingly, the proposed fares will be suspended and investigated.

Our decision to suspend Trans Caribbean's proposal is based upon the filing before us proposing the application of a 40-percent discount for deluxe tourist family fares. It should not be construed to reflect the view that the Board would not permit appropriate family-plan discounts in the lower classes of service in this market, provided such discounts would apply to off-peak days, and provided they do not produce the anomaly of charging a lower fare for a higher class of service. Any tariff proposals along these lines should be filed on at least 30 days' notice, and should provide for expiration not more than 12 months after effectiveness.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1022 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions on Original Page 5–H and 4th Revised Page 7–B of Transportation Corporation of America C.A.B. No. 26 (Trans Caribbean Airways, Inc., series) are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions on Original Page 5–H and 4th Revised Page 7–B of Transportation Corporation of America C.A.B. No. 26 (Trans Caribbean Airways, Inc., series) are suspended and their use deferred to and including June 26, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of Eastern Air Lines, Inc., in Docket 15075, and Pan American World Airways, Inc., in Docket 15074, with respect to the proposed family fares, are granted and are consolidated herein;

4. The investigation ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariff and be served upon the Commonwealth of Puerto Rico, Eastern Air Lines, Inc., Pan American World Airways, Inc., and Transportation Corporation of America, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–3176; Filed, Mar. 31, 1964; 8:51 a.m.]

[1] R–1, R–4, R–12, R–13, R–15, and R–18 through R–21.

[1] Revisions to Trans Caribbean Airways, Inc., tariff series C.A.B. No. 26.

[1] Order E–20099, October 16, 1963, and Order E–20824, December 31, 1963.

[2] Murphy, Vice Chairman, and Minetti, Member, would investigate but not suspend the proposed family fares.

FEDERAL MARITIME COMMISSION

FLOTA MERCANTE GRANCOLOMBIANA, S.A. AND AKTIEBOLAGET SVENSKA AMERIKA LINIEN (SWEDISH AMERICAN LINE)

Notice of Filing of Agreement for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8457–2 between Flota Mercante Grancolombiana, S.A., and Aktiebolaget Svenska Amerika Linien (Swedish American Line), modifies approved Agreement 8457, as amended, of the parties, providing for the scheduling of sailings and the pooling and division of revenue with respect to vessels operated between Canadian St. Lawrence and East Coast ports and Cuban, Mexican East Coast ports, via U.S. Atlantic and Gulf ports. This modification provides for the termination of Agreement 8457, as amended, and sets forth the understanding of the parties that Grancolombiana shall have the right to continue its service in the trade, either alone or jointly with another carrier, and that Swedish American Line shall not operate in the said trade, either alone or jointly, during the balance of the term of said agreement, ending March 31, 1965.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: March 26, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–3158; Filed, Mar. 31, 1964; 8:49 a.m.]

PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE

Notice of Filing of Agreement for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 6400–13, between the member lines of the Pacific Coast River Plate Brazil Conference, modifies the approved agreement of that conference (Agreement 6400, as amended), which presently covers the trade southbound from Pacific Coast ports of North America to ports in Argentina, Uruguay and Brazil, and northbound from those same South American countries to ports in California, Oregon, Washington and British Columbia. This modification provides for a re-description of the trading area of the conference so that the scope thereof shall relate to the trade between ports on the Pacific Coast of the United States and Canada, on the one hand, and ports in Argentina, Uruguay and Brazil, on the other hand.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 26, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–3159; Filed, Mar. 31, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64–587 etc.]

W. P. CARR ET AL.

Order Accepting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

MARCH 12, 1964.

W. P. Carr, et al., Docket Nos. RI64–587, et al.; Phillips Petroleum Company, Docket No. RI64–589.

In the Order Accepting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates, issued February 5, 1964 and published in the FEDERAL REGISTER February 13, 1964 (F.R. Doc. 64–1358; 29 F.R. 2438–2439), in the chart after Docket No. RI64–589, Phillips Petroleum Company, under column headed "Proposed Increased Rate",

opposite the rate shown as 11.7199, change footnote "4" to read footnote "14".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3131; Filed, Mar. 31, 1964; 8:45 a.m.]

[Docket No. RI64-408 etc.]

HUMBLE OIL & REFINING CO., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

MARCH 12, 1964.

Humble Oil & Refining Company, et al., Docket Nos. RI64-408, et al.; Edwin L. Cox (Operator), et al., Docket No. RI64-425.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued December 20, 1963 and published in the FEDERAL REGISTER December 28, 1963 (F.R. Doc. 63-13409; 28 FR-14451), in the chart after Docket No. RI64-425, Edwin L. Cox (Operator), et al. change the price "16.55555" to read "16.33333".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3132; Filed, Mar. 31, 1964; 8:45 a.m.]

[Docket Nos. G-4616 etc.]

TEXACO INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

MARCH 24, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 20, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-4616 C 3-17-64	Texaco Inc.	El Paso Natural Gas Co., West Dollarhide Field, Lea County, N. Mex.	9.0	14.65
G-6534 E 3-13-64	Socony Mobil Oil Co., Inc. (Successor to Holly Sugar Corp.).	Montana-Dakota Utilities Co., Worland Field, Washakie and Big Horn Counties, Wyo.	10.5	15.025
G-7071 C 3-17-64	Texaco Inc.	El Paso Natural Gas Co., West Dollarhide Field, Lea County, N. Mex.	9.0	14.65
G-7535 C 3-16-64	Pan American Petroleum Corp.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	9.0	14.65
G-14711 E 5-2-63	Trans-State Oil Co., a Division of Hess Oil & Chemical Corp., et al. (Successor to Kin-Ark Oil Co.).	Southern Natural Gas Co., acreage in Waithall and Marion Counties, Miss.	21.55	15.025
G-16878 [1] C 3-5-64	The Superior Oil Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Ellis County, Okla.	19.5	14.65
G-17014 C 3-18-64	Cimarron Transmission Co.	Natural Gas Pipeline Co. of America, acreage in Love County, Okla.	15.0	14.65
G-19171 E 3-16-64	Camp Oil Co. (Successor to D D G Gas and Oil Corp. (Operator), et al.).	Texas Eastern Transmission Corp., Hostetter Field, McMullen County, Tex.	12.0	14.65
CI61-203 E 3-12-64	Neville G. Penrose and J. M. Zachery (Successor to Neville G. Penrose, Inc.).	Valley Gas Transmission, Inc., Fort Merrill Field, Live Oak County, Tex.	14.0	14.65
CI62-680 E 3-17-64	Mayhew Oil and Gas Corp. (Successor to J. L. Coats d/b/a William E. Allen, et al.).	Hope Natural Gas Co., Salt Lick District, Braxton County, W. Va.	25.0	15.325
CI63-886 A 1-21-63	General American Oil Co. of Texas (Operator), et al.	United Fuel Gas Co., Duson Field, Lafayette Parish, La.	[2] 19.9	15.025
		Transcontinental Gas Pipe Line Corp., Southeast Rayne Field, Lafayette Parish, La.	[3] 23.55	15.025
		United Fuel Gas Co., West Duson Field, Acadia and Lafayette Parishes, La.	[4] 19.9	15.025
CI63-1063 A 3-22-63	General American Oil Co. of Texas.	United Fuel Gas Co., Ellis Field, Acadia Parish, La.	[5] 20.3	15.025
CI64-118 C 3-16-64	Ernest L. Hoyle, Trustee for A. Lawrence Knox and Lorraine K. Hoyle, d/b/a Lennox Oil & Gas Co.	Equitable Gas Co., McElroy District, Tyler County, W. Va.	25.0	15.325
CI64-406 C 3-18-64	Jack Hobson, et al. d/b/a Sun Down Oil Co.	Hope Natural Gas Co., Grant District, Ritchie County, W. Va.	25.0	15.325
CI64-1085 A 3-13-64	The Pure Oil Co.	El Paso Natural Gas Co., Gomez and Barstow Areas, Pecos and Reeves Counties, Tex.	[6] 15.70925	14.65
CI64-1086 A 3-13-64	Continental Oil Co.	Montana-Dakota Utilities Co., Pennel-Lookout Butte Fields, Dallon County, Mont.	8.0	15.025
CI64-1087 B 3-13-64	Skelly Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Pawnee Hills Field, Logan County, Colo.	Depleted	------
CI64-1088 A 3-13-64	The British-American Oil Producing Co.	Kansas-Nebraska Natural Gas Co., Inc., Riverside Field, Weld County, Colo.	12.0	15.025
CI64-1089 A 3-13-64	Gulf Oil Corp.	Arkansas Louisiana Gas Co., Southeast Zion Field, Garfield County, Okla.	12.0	14.65
CI64-1090 A 2-13-64	Cleary Petroleum, Inc., et al.	Northern Natural Gas Co., Como Field, Beaver County, Okla.	17.0	14.65
CI64-1091 A 3-13-64	do.	Panhandle Eastern Pipe Line Co., Alva East Field, Alfalfa and Woods Counties, Okla.	15.0	14.65
CI64-1092 A 3-13-64	Petroleum Promotions, Inc.	Hope Natural Gas Co., Court House District, Lewis County, W. Va.	25.0	15.325
CI64-1093 A 3-12-64	Mineral Mining Co.	Cities Service Gas Co., various leases, Grant and Alfalfa Counties, Okla.	13.0	14.65
CI64-1094 A 3-16-64	William Gruenerwald & Associates, Inc., et al.	Phillips Petroleum Co., acreage in Gray County, Tex.	9.0	14.65
CI64-1095 A 3-16-64	Union Oil Co. of California, Agent for Champlin Oil & Refining Co.	Mountain Fuel Supply Co., Little Snake Unit Area, Moffat County, Colo. and Sweetwater County, Wyo.	15.0	15.025
CI64-1096 A 3-16-64	Laurel Fork Oil & Gas Co.	Equitable Gas Co., Union District, Ritchie County, W. Va.	25.0	15.325
CI64-1097 A 3-16-64	Union Oil Co. of California, Agent for Husky Oil Co.	Mountain Fuel Supply Co., Little Snake Unit Area, Moffat County, Colo. and Sweetwater County, Wyo.	15.0	15.025
CI64-1098 A 3-16-64	Brissey Oil & Gas Co.	Equitable Gas Co., Union District, Ritchie County, W. Va.	25.0	15.325
CI64-1099 A 3-16-64	Union Oil Co. of California.	Mountain Fuel Supply Co., Little Snake Unit Area, Moffat County, Colo. and Sweetwater County, Wyo.	15.0	15.082
CI64-1100 B 3-16-64	Fred Whitaker.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	Depleted	------

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI64-1101 A 3-16-64	E. L. Fundingsland	El Paso Natural Gas Co., acreage in La Plata County, Colo.	[7] 13.0	15.025
CI64-1102 A 3-16-64	Humble Oil & Refining Co.	Transwestern Pipeline Co., Mendota Field, Roberts and Hemphill Counties, Tex.	17.0	14.65
CI64-1103 A 3-17-64	Southern Minerals Corp.	Florida Gas Transmission Co., Edna Field, Jefferson Davis Parish, La.	15.0	15.025
CI64-1104 A 3-17-64	American Trading and Production Corp.	Natural Gas Pipeline Co. of America, acreage in Wise County, Tex.	15.09	14.65
CI64-1105 B 3-17-64	Skelly Oil Co.	Texas Eastern Transmission Corp., Cherokee Lake Area, Rusk, Gregg and Harrison Counties, Tex.	Depleted	------
CI64-1106 A 3-16-64	Commercial Coal & Coke Co.	Hope Natural Gas Co., Elk District, Harrison County, W. Va.	20.0	15.325
CI64-1107 B 3-18-64	J. C. Miller Oil Co., Inc.	Cumberland Natural Gas Co., Harps Hill Area, Muhlenberg County, Ky.	Uneconomical	------
CI64-1108 A 3-18-64	Southern New Mexico Oil Corp.	El Paso Natural Gas Co., Lusk Deep Unit Area, Lea and Eddy Counties, N. Mex.	14.0	14.65

[1] Presently consolidated with G-4281, et al.—Sunray DX Oil Company, et al.
[2] Rate in effect subject to refund in Docket No. RI60-220; also subject to proceedings in Docket Nos. RI62-234 and RI63-162.
[3] Rate in effect subject to refund in Docket No. G-20555.
[4] Rate in effect subject to refund in Docket No. RI61-220; also subject to proceedings in Docket Nos. RI62-234 and RI63-161.
[5] Rate in effect subject to refund in Docket No. RI62-133; also subject to proceedings in Docket No. RI61-173.
[6] In the event Applicant develops and elects to process non-Ellenburger gas, the point of delivery of the processed gas shall be at the discharge of Applicant's processing plant, and the initial rate for such processed non-Ellenburger gas shall be 17.2295 cents Mcf.
[7] Price is 13.0 cents/Mcf plus 1.0 cent/Mcf for liquid products.

[F.R. Doc. 64-3087; Filed, Mar. 31, 1964; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-VII Disaster No. 1]

MANAGER DISASTER FIELD OFFICE, GREEN BAY, WISCONSIN

Delegation Relating to Financial Assistant Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), 28 F.R. 3228, there is hereby redelegated to the Manager of Green Bay, Wisconsin Disaster Field Office the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name),
Administrator.

By _____
Manager, Disaster Field Office

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date: March 20, 1964.

RICHARD E. LASSAR,
Regional Director, Chicago.

[F.R. Doc. 64-3134; Filed, Mar. 31, 1964; 8:45 a.m.]

[Delegation of Authority No. 30-IV Disaster 1]

MANAGER, DISASTER FIELD OFFICE WHEELING, WEST VIRGINIA

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204 and 8179, there is hereby redelegated to the Manager of Wheeling, West Virginia Field Office the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

EUGENE P. FOLEY,
Administrator.

By _____
Manager, Disaster Field Office

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date. March 17, 1964.

CLARENCE P. MOORE,
Regional Director, Richmond, Virginia.

[F.R. Doc. 64-3135; Filed, Mar. 31, 1964; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

OHIO

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 24, 1964, reading in part as follows:

I have determined the damage in the various areas of the State of Ohio, adversely affected by severe storms and flooding beginning on or about March 4, 1964, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Ohio to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 24, 1964.

The counties of:

Adams.
Athens.
Auglaize.
Belmont.
Brown.
Butler.
Clermont.
Clinton.
Columbiana.
Coshocton.
Cuyahoga.
Delaware.
Fairfield.
Franklin.
Gallia.
Geauga.
Guernsey.
Greene.
Hamilton.
Hocking.
Jackson.
Jefferson.
Lawrence.
Licking.
Medina.
Meigs.
Miami.
Monroe.
Morgan.
Muskingum.
Noble.
Perry.
Pickaway.
Preble.
Richland.
Ross.
Scioto.
Summit.
Trumbull.
Vinton.
Warren.
Washington.

Dated: March 25, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-3157; Filed, Mar. 31, 1964; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

RECOMMENDATIONS FOR APPOINTMENTS TO ADVISORY COUNCIL

Section 14 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 40, 41; 29 U.S.C. 308e) provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of thirteen members to be appointed as follows: One from the insurance field,

one from the corporate trust field, two from management, four from labor, and two from other interested groups, all of whom are to be appointed by the Secretary from among persons recommended by organizations in the respective groups. The additional three representatives are to be appointed from the general public by the Secretary. The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the Welfare and Pension Plans Disclosure Act, as amended, and to submit to the Secretary recommendations with respect thereto.

All original appointments to the Council made in 1962 were for two-year terms. To assure continuity in the handling of the business of the Council, it is the intention of the Secretary, in July 1964, to reappoint for one-year terms approximately one-half of the present Council members, and to fill the remaining positions on the Council by appointing new members for a period of two years each. Before reappointing present members, or appointing new members, the Secretary is desirous of obtaining nominations from all groups concerned with the administration of welfare and pension plans.

Accordingly, notice is hereby given that any organization desiring to recommend persons for appointment or reappointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" may submit recommendations to the Office of the Secretary of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., 20210, on or before May 15, 1964. The recommendation may be in the form of a letter, resolution or petition, signed by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation or position, and address. It shall specify the field or group which he would represent for purposes of section 14 of the Act, and whether he is available and would accept.

Signed at Washington, D.C., this 25th day of March 1964.

JAMES J. REYNOLDS,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 64-3089; Filed, Mar. 31, 1964; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 298]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 27, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

No. MC 2202 (Deviation No. 73) (canceling Deviation No. 40) ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio, 44309, filed March 16, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Birmingham, Ala. over Interstate Highway 20 to Dallas, Tex,. and (B) from Meridian, Miss. over Interstate Highway 59 to junction Interstate Highway 12, thence over Interstate Highway 12 to junction Interstate Highway 10, thence over Interstate Highway 10 to Houston, Tex., and return over the same routes, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over pertinent service routes as follows: From Birmingham over U.S. Highway 11 to Meridian, thence over U.S. Highway 80 to Dallas, and from Meridian over U.S. Highway 11 to junction Mississippi Highway 26, near Poplarville, Miss., thence over Mississippi Highway 26 to the Mississippi-Louisiana State line, thence over Louisiana Highway 10 to Bogalusa, La., thence over Louisiana Highway 21 to Covington, La., thence over U.S. Highway 190 via Hammond and Kinder, La., to junction Louisiana Highway 12, thence over Louisiana Highway 12 to the Louisiana-Texas State line, thence over Texas Highway 235 to junction U.S. Highway 90, near Vidor, Tex., and thence over U.S. Highway 90 to Houston, and return over the same routes.

No. MC 2900 (Deviation No. 12), RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla., filed March 19, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Charlotte, N.C., and Durham, N.C., over Interstate Highway 85, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Charlotte over U.S. Highway 29 to Greensboro, N.C., thence over U.S. Highway 70 to Durham, and return over the same route.

No. MC 2900 (Deviation No. 13), RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla., filed March 18, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Atlanta, Ga., and Chattanooga, Tenn., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chattanooga over U.S. Highway 41 via Cass Station, Ga., to Atlanta, and return over the same route.

No. MC 2900 (Deviation No. 14), RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla., filed March 18, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Atlanta, Ga., and Birmingham, Ala., over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport these same commodities over a pertinent service route as follows: From Atlanta over U.S. Highway 78 to Birmingham, and return over the same route.

No. MC 2900 (Deviation No. 15), RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla., filed March 19, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Chattanooga, Tenn., and Birmingham, Ala., over Interstate Highway 59, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chattanooga over U.S. Highway 11 to Birmingham, and return over the same route.

No. MC 3560 (Deviation No. 3), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver 23, Colo., filed March 15, 1964. Attorney: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis over Interstate Highway 70 to junction Interstate Highway 70S at or near Washington, Pa., thence over Interstate Highway 70S to junction Pennsylvania Turnpike, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Bloomington over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Mt. Olive, Ill., thence over unnumbered highway via Mt. Olive to junction U.S. Highway 66, thence over U.S. Highway 66 to Edwardsville, Ill., thence over Illinois Highway 159, via Collinsville, Ill., to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis; from Chicago over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to Garnder, Ill., thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Dwight, Ill., thence over unnumbered highway via Dwight to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered Highway

(formerly U.S. Highway 66) near Odell, Ill., thence over unnumbered highway via Odell to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Pontiac, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Chenoa, Ill., thence over unnumbered highway via Chenoa to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Lexington, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to Bloomington; from Chicago over U.S. Highway 20 to junction Ohio Highway 120 (formerly Business Route U.S. Highway 20), thence over Ohio Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, thence over U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo, N.Y., and thence over New York Highway 384 to Niagara Falls; from Cleveland over U.S. Highway 422 to junction Ohio Highway 8, thence over Ohio Highway 8 to Canton; from Canton over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22) near Paxtonia, Pa., thence over unnumbered highway via Paxtonia, Manadahill, Grantville, East Hanover, Jonestown, and Fredericksburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22) near Bethel, Pa., thence over unnumbered highway via Bethel and Strausstown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22) near Walbert, Pa., thence over unnumbered highway via Allentown, Bethleham, Butztown, and Wilson, Pa., to Easton, Pa., thence over U.S. Highway 22 to Clinton, N.J., thence over unnumbered highway (formerly U.S. Highway 22) via Annandale, Lebanon, Patterstown, and Whitehouse, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction U.S. Highway 1 near Elizabeth, N.J.; from Canton to Harrisburg as specified above, thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to Downingtown, Pa., thence over U.S. Highway 322 to junction U.S. Highway 1 near Chadds Ford, Pa., and return over the same routes.

No. MC 35484 (Deviation No. 15), VIKING FREIGHT COMPANY, 614 South Sixth Street, St. Louis 2, Mo., filed March 15, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn. over Interstate Highway 40 to Nashville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis over U.S. Highway 79 to Atwood, Tenn., thence over Alternate U.S. Highway 70 to Huntingdon, Tenn., thence over U.S. Highway 70 to Nashville, and return over the same route.

No. MC 73262 (Deviation No. 2) MERCHANTS FREIGHT SYSTEM, INC., 1401 North 13th Street, Terre Haute, Ind., filed March 19, 1964. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 11 Monument Circle, Indianapolis 4, Ind. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 75 to Toledo, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: From Detroit over U.S. Highway 24 to Toledo, and return over the same route.

No. MC 76266 (Deviation No. 18), ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed March 16, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 29 to Sioux City, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha over U.S. Highway 73 to Sioux City, and return over the same route.

No. MC 76266 (Deviation No. 19), ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed March 20, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Mankato, Minn., over Minnesota Highway 60 to junction Minnesota Highway 4, thence over Minnesota Highway 4 to junction U.S. Highway 16, thence over U.S. Highway 16 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Iowa Highway 175, thence over Iowa Highway 175 to junction Iowa Highway 4, thence over Iowa Highway 4 to Denison, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Mankato over U.S. Highway 169 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Iowa Highway 17, thence over Iowa Highway 175 to junction Iowa Highway 175, thence over Iowa Highway 175 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 30, thence over U.S. Highway 30 to Denison, and return over the same route.

No. MC 110325 (Deviation No. 13), TRANSON LINES, 1206 South Maple Avenue, Los Angeles, Calif., 90015, filed March 15, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 40 and U.S. Highway 61, approximately 1 mile north of West Memphis, Ark., over Interstate Highway 40 to Little Rock, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: From Memphis over U.S. Highway 70 to Little Rock, and return over the same route.

No. MC 112696 (Deviation No. 1), HARTMANS, INCORPORATED, P.O. Box 898, 833 Chicago Avenue, Harrisonburg, Va., filed March 19, 1964. Attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Stephens City, Va., over U.S. Highway 277 to junction U.S. Highway 340, thence over U.S. Highway 340 to Frederick, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Harrisonburg, Va., over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 to Philadelphia, and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-3161; Filed, Mar. 31, 1964; 8:49 a.m.]

[Notice 619]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 27, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A—MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 355), filed March 23, 1964. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) between Chester and Bedminister, N.J., from Chester over U.S. Highway 206 to the junction of Pottersville Road, in Peapack-Gladstone, thence over Pottersville Road, Main Street, Holland Road, and Maple Street to the junction of U.S. Highway 206 in Peapack-Gladstone, thence over U.S. Highway 206 to junction of New Jersey Highway 523 (also known as Lamington Road) in Bedminister, and return over the same route, serving all intermediate points; (2) between Peapack-Gladstone and Far Hills, N.J., from the junction of Main Street and Holland Road in Peapack-Gladstone, over Main Street and Peapack Road, thence over Peapack Road to the junction of U.S. Highway 202 in Far Hills, and return over the same route, serving all intermediate points; and (3) from the junction of U.S. Highway 206 and Pottersville Road, over U.S. Highway 206 to the junction of Maple Street, serving all intermediate points.

NOTE: Applicant is also authorized to conduct operations as a broker in MC 12668 (BMC 5).

HEARING: May 4, 1964, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate, before Examiner Abraham J. Essrick.

SECTION B—MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub-No. 49) (AMENDMENT), filed July 31, 1963, published FEDERAL REGISTER issue August 14, 1963, amended October 24, 1963, and republished as amended this issue. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Boards, building, wall or insulating, fibreboard or pulpboard, made of vegetable, wood or mineral fibres (including moldings or fasteners not in excess of 5 percent)*, from Meridian, Miss., over U.S. Highway 11, to Birmingham, Ala., and *damaged and refused shipments* of the commodities specified above, on return.

NOTE: The purpose of this republication is to delete the destination points as previously published, and to substitute the service as shown above.

HEARING: May 18, 1964, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14.

No. MC 3009 (Sub-No. 52), filed November 12, 1963. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between junction U.S. Highway 11 and Alabama Highway 5, and Meridian, Miss., in connection with applicant's authorized regular route operations from junction U.S. Highway 11 and Alabama Highway 5, thence over U.S. Highway 11 to Meridian, and return over the same route, serving no intermediate points, and serving Meridian, as a point of joinder only, and (2) between Waynesboro, Miss., and Grove Hill, Ala., from Waynesboro, over unnumbered highway to the Mississippi-Alabama State line, thence over Alabama Highway 12 to Grove Hill, Ala., and return over the same route, serving no intermediate points and serving Grove Hill, as a point of joinder only.

NOTE: Applicant states the proposed service in (1) above, is to be restricted against the movement of traffic to or from Meridian, Miss.

HEARING: May 19, 1964, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14.

No. MC 19227 (Sub-No. 79), filed August 26, 1963. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities the transportation of which because of size, weight or fragile character require special equipment or special handling and of related parts, attachments, accessories, materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size, weight or fragile character require special equipment or special handling*, from points in California, on the one hand and, on the other, points in Texas and New Mexico.

HEARING: May 26, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Laurence E. Massoner. This assignment is for applicant's presentation only. A continued hearing at Los Angeles, Calif., is contemplated at the discretion of the presiding examiner.

No. MC 25798 (Sub-No. 108) (REPUBLICATION), filed December 2, 1963, published FEDERAL REGISTER issue of December 25, 1963, and republished this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., 301 Highway North, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1315 H Street NW., Washington, D.C. By application filed December 2, 1963, applicant sought authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Saint Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to Memphis, Tenn., with service at Memphis limited to the delivery of part of a shipment, the ultimate destination of which is a point in Tennessee other than Memphis, or a point beyond Tennessee. An order of the Commission, dated February 25, 1964, served March 13, 1964, finds, among other things, that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, of *frozen foods*, from Saint Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to Memphis, Tenn., and that a description of the authority granted herein be the subject of a publication in the FEDERAL REGISTER, providing for the filing, within 30 days of such publication, of appropriate pleadings by a person or persons who may have an interest in such grant by reason of the enlargement in scope which results from elimination of the above-described restriction.

No. MC 65916 (Sub-No. 9), filed December 26, 1963. Applicant: WARD TRUCKING CORP., 200–214 Seventh Avenue, Altoona, Pa. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the Keystone Generating Station (near Elderton, Pa.) located in Armstrong County, Pa., on the one hand, and, on the other, Altoona, Pa.; Cumberland, Md.; points in that part of Maryland on U.S. Highway 220 between Cumberland and the Maryland-Pennsylvania State line; points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Morris, Hunterdon, Somerset, and Warren Counties, N.J.; New York and Poughkeepsie, N.Y.; points in that part of New York on U.S. Highway 9 between New York and Poughkeepsie, N.Y., and also points east of the Hudson River and south of U.S. Highway 202; and those on Long Island, N.Y., west of New York Highway 112.

NOTE: Applicant states the only additional point proposed to be served by this application is the plant site of the Keystone Generating Station.

HEARING: May 13, 1964, at the New Federal Building, Pittsburgh, Pa., before Examiner W. Elliott Neffen.

No. MC 102567 (Sub-No. 91), filed November 1, 1963. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent hardwood cooking liquor*, in bulk, in tank vehicles, from the plant site of International Paper Co. at Bastrop, La., to the plant site of International Paper Co. at or near Pine Bluff, Ark.

HEARING: May 27, 1964, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 35.

No. MC 108076 (Sub-No. 1), filed December 16, 1963. Applicant: JOHN R. COWDEN, Box 239, Hickory, Pa. Applicant's attorney: Frank C. Roney, Washington Trust Building, Washington, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in dump vehicles, from Follansbee, W. Va., to Findlay, Ohio, and *empty containers or other such incidental facilities* (not specified) and *refused and rejected shipments*, on return.

HEARING: May 20, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner W. Elliott Neffen.

No. MC 108068 (Sub-No. 44), filed September 10, 1963. Applicant: U.S.A.C. TRANSPORT, INC., 457 West Fort Street, Detroit 26, Mich. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities the transportation of which, because of size, weight or fragile character, requires the use of special equipment or special handling, and related machinery parts and related contractors' materials and supplies when their transportation relates to or is incidental to commodities which by reason of their size or weight or fragile character require special equipment or handling*, between points in California on the one hand, and, on the other, points in New Mexico, and Texas.

NOTE: Applicant states the proposed operations will be combined with its present operating authority.

HEARING: May 26, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Laurence E. Masoner. This assignment is for applicant's presentation only. A continued hearing at Los Angeles, Calif., is contemplated at the discretion of the presiding examiner.

No. MC 112063 (Sub-No. 7), filed November 6, 1963. Applicant: P.I. & I. MOTOR EXPRESS, INC., Masury, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products, including compounded oils and greases, iron or steel rust preventing or removing compound, metal cutting, drawing or drilling compounds, brake fluid, carbon, gum, or sludge removing compounds, in containers, and advertising*, from Oil City, Farmers Valley, Emlenton, Bradford, Karns City, Rouseville, Petrolia, Franklin, Reno, and Titusville, Pa., to points in Illinois and Indiana, (2) *body sealer or sound deadener compound*, in containers, from Chicago, Ill., to Oil City, Reno, and Rouseville, Pa., and (3) *empty containers*, used in transporting the commodities specified in (1) and (2) above, on return.

NOTE: Common control may be involved.

HEARING: May 14, 1964, at the New Federal Building, Pittsburgh, Pa., before Examiner W. Elliott Neffen.

No. MC 113267 (Sub-No. 121), filed December 26, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, (2) *frozen foods in mixed shipments with the commodities specified in (1)*, when moving in vehicles equipped with mechanical temperature controlled units, from Shreveport, La., to points in Louisiana, Arkansas, and that part of Texas lying east of the eastern boundaries of Cooke, Denton, Dallas, Ellis, Navarro, Freestone, Madison, Grimes, Waller, Fort Bend, and Brazoria Counties, Tex.

NOTE: Applicant states the proposed service will be restricted against the transportation in bulk, in tank vehicles. Applicant has no authority that can be tacked at Shreveport. It is further noted that common conrol may be involved.

HEARING: May 28, 1964, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 153.

No. MC 118224 (Sub-No. 1), filed December 6, 1963. Applicant: STANDARD FRUIT & VEGETABLE CO., INC., 2111 Taylor Street, Dallas, Tex. Applicant's attorney: James W. Hightower, Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Tyler, Tex., and points in Dallas County, Tex., and *damaged and rejected shipments*, on return.

HEARING: May 21, 1964, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 246.

No. MC 119873 (Sub-No. 5), filed December 23, 1963. Applicant: FRANCIA AND FRANCIA, INC., 164 West Main Street, Monongahela, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals* (other than when moving in containers), from Monongahela, Pa., to points in Indiana, and Ohio.

NOTE: Applicant states the proposed service will be under a continuing contract with Monongahela Iron and Metal Co.

HEARING: May 19, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 308, or, if the Joint Board waives its right to participate, before Examiner W. Elliott Neffen.

No. MC 120257 (Sub-No. 3), filed December 17, 1963. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. Applicant's attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, pipe connections, and pipe couplings* (except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts), from Lone Star, Tex., to points in Kansas, Missouri, Tennessee, Mississippi, Alabama, Florida, and Georgia, and *returned and rejected shipments thereof*, on return.

HEARING: May 20, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Laurence E. Masoner.

No. MC 123048 (Sub-No. 25) (REPUBLICATION), filed March 18, 1963, published FEDERAL REGISTER, issue of July 3, 1963, and republished this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. By application filed March 18, 1963, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) agricultural machinery (except farm tractors); (2) earthmoving attachments for farm tractors, and (3) incidental agricultural machinery parts, when moving coincidentally with the agricultural machinery of which they are a part, except commodities the transportation of which requires the use of special equipment, from various named origin points to specified ports of entry on the international boundary line between the United States and Canada. The application was referred to Hearing Examiner Wm. N. Culbertson for hearing and the recommendation of an appropriate order thereon. Hearing was held on September 16 and 17, 1963, at Madison, Wis. In report and order, served September 30, 1963, the Examiner recommended that his findings be republished in the FEDERAL REGISTER. Exceptions were filed to the Examiner's report so same was not republished. A decision and order, served March 13, 1964, finds applicant entitled to a certificate, upon compliance with certain requirements, subject to prior publication of a corrected notice in the FEDERAL REGISTER, as follows: Authority to operate as a common carrier, by motor vehicle, in foreign commerce, over irregular routes:

(A)(1) of robot header control attachments and dynamometers from Anchor, Ill., (2) of pickup reels, from West Memphis, Ark., (3) of windrow pickups and harrows (Harroweeders), from Gwinner, N. Dak., (4) of wheel-type rakes from the plant site of Darf Corp. at Edenton, N.C., (5) of earthmoving attachments for farm tractors and post hole augers, and post-driver attachments for farm tractors from Fulton, Kans., (6) of Fiberglass-type cabs for farm tractors and farm machinery from Kansas City, Mo., (7) of knife mills from Manhattan, Kans., and (8) of air-cooled engines from Maquoketa, Iowa, to ports of entry on the international boundary line between the United States and Canada at Noyes, Minn., Portal, N. Dak., and Detroit, Mich.; (B) of heat housers (canvas tractor covers) from Fort Dodge, Iowa, to ports of entry on the international boundary line between the United States and Canada at Noyes, Minn., and

Portal, N. Dak.; (C) of farm wagons, farm wagon chassis, and farm wagon parts from Glen Beulah, Wis., to the ports of entry on the international boundary line between the United States and Canada at Detroit, Mich.; and (D) of wheel-type rakes from the plant site of Darf Corporation at Edenton, N.C., to ports of entry on the international boundary line between the United States and Canada at Buffalo and Rouses Point, N.Y. The authority granted herein is subject to prior publication of a corrected notice in the FEDERAL REGISTER and any interested person will be permitted to file an appropriate petition within 30 days of the date of such republication.

No. MC 123064 (Sub-No. 2), filed December 16, 1963. Applicant: RALPH WALKER, 457 Dory Street, Jackson, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk, and in packages from New Orleans, La., to points in Mississippi.

NOTE: Applicant states the proposed operations will be under a continuing contract with Armour Agricultural Chemical Co., New Orleans, La.,

HEARING: May 22, 1964, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 124218 (Sub-No. 3), filed December 23, 1963. Applicant: UNIT TRANSPORTATION, INC., Glenwood, N.Y. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Camping trailers*, in initial movements, from Hamilton, Ohio, to points in the United States (except points in Hawaii and Alaska), and (2) *returned camping trailers*, in secondary movements, from points in the United States (except points in Hawaii and Alaska), to Hamilton, Ohio.

HEARING: May 26, 1964, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Frank J. Mahoney.

No. MC 125469 (Sub-No. 1), filed December 23, 1963. Applicant: LLOYD H. BOWSER AND STELLA CAMPBELL, doing business as BOWSER & CAMPBELL, Petrolia Street, Knox, Pa. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, glass bottles and glass jars, with and without caps, covers, tops, and stoppers, glassware* (other than cut), *caps, covers, tops and stoppers for glass containers, and boxes and containers, wooden and corrugated paper*, set up and knocked down, (1) from points in McKean County, Pa., to points in Ohio, West Virginia, Indiana, Illinois, Michigan, and New York, and (2) from points in Warren County, Pa., to points in Ohio and New York.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 1218 and 1 Sub thereunder; therefore dual operations may be involved.

HEARING: May 11, 1964, at the New Federal Building, Pittsburgh, Pa., before Examiner W. Eliott Neffen.

No. MC 125469 (Sub-No. 2), filed December 24, 1963. Applicant: LLOYD H. BOWSER AND STELLA CAMPBELL, doing business as BOWSER & CAMPBELL, Petrolia Street, Knox, Pa. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, glass bottles and glass jars, with and without caps, covers, tops, and stoppers, glassware, other than cut, caps, covers, tops and stoppers for glass containers, and boxes and containers, wooden and corrugated paper*, set up and knocked down, from points in Clarion, Forest, McKean, Armstrong, and Warren Counties, Pa. to Meadville, Pa.

HEARING: May 11, 1964, at the New Federal Building, Pittsburgh, Pa., before Examiner W. Elliott Neffen.

No. MC 125683 (Sub-No. 1), filed September 27, 1963. Applicant: HORACE L. TURNER, doing business as H. L. TURNER TRUCK LINE, 1606 East Lafayette, Winnfield, La. Applicant's attorney: Robert L. Garrett, 705 Slattery Building, Shreveport, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Winn Parish, La., to points in Mississippi and Texas and *empty containers or other such incidental facilities*, used in transporting the above commodities and *rejected shipments* on return.

HEARING: May 26, 1964, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 246.

No. MC 125797 (Sub-No. 1), filed December 16, 1963. Applicant: JOHN L. WHITE AND LAWRENCE C. WHITE, a partnership, doing business as WHITE TRUCKING COMPANY, 104 Shawnee Avenue, South Zanesville, Ohio. Applicant's attorney: Charles H. Tobias, Jr., 2215 Union Central Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and other scrap materials*, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, between points in Ohio, Indiana, Kentucky, West Virginia, points in Illinois east of U.S. Highway 51, points in Michigan south of a line formed by the county lines of Allegan, Barry, Eaton, Ingham, Livingston, Oakland, Macomb, and Saint Clair Counties, Mich., and points in Pennsylvania west of a line formed by the county lines of Tioga, Lycoming, Union, Snyder, Perry, Cumberland, and Adams Counties, Pa.

NOTE: Applicant states the above-proposed operations will be performed for the account of Bunis & Co., Carew Tower, Cincinnati, Ohio.

HEARING: May 22, 1964, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner W. Elliott Neffen.

No. MC 125851 (Sub-No. 2), filed December 23, 1963. Applicant: COLIN C. DECK AND DORAN G. DECK, doing business as C. F. DECK AND SONS, Parkhill Road East, Peterborough, Ontario. Applicant's attorney: Robert G. Gawley, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats (parts and accessories*, when in mixed shipments with boats), between Amsterdam, N.Y., on the one hand, and on the other, ports of entry on the international boundary line between the United States and Canada located on the St. Lawrence River, and Quebec.

HEARING: May 26, 1964, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Frank J. Mahoney.

No. MC 125889, filed December 16, 1963. Applicant: HARLEY A. GROSECLOSE, Alderson, Greenbrier County, W. Va. Applicant's attorney: James A. Bibby, Jr., Suite 504, Security Building, Charleston, W. Va., 25301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber* (undressed and unfinished), from Randolph, Pocahontas, Greenbrier, Fayette, Monongalia, Nicholas, and Summers Counties, W. Va. to points in Kentucky, Tennessee, Virginia, Maryland, Pennsylvania, New York, New Jersey, and North Carolina.

HEARING: May 27, 1964, in Room 3262, Third Floor, U.S. Courthouse and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Examiner W. Elliott Neffen.

NOTICE OF FILING OF PETITIONS

No. MC 36467 (PETITION FOR CORRECTION OF CERTIFICATE), dated March 10, 1964. Petitioner: LAUREL TRANSPORT U.S., INC., 775 Cremazie Boulevard, West, Montreal, Quebec, Canada. Petitioner's attorney: Jerome Ackerman, 701 Union Truck Building, Washington 5, D.C. Petitioner holds authority in No. MC 36467, to transport such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, material, and supplies used in the conduct of such business, between Plattsburg, N.Y., and Malone, N.Y., over specified regular routes, serving all intermediate points and certain off-route points; between Plattsburg, N.Y., and Tupper Lake, N.Y., over specified regular routes, serving all intermediate points, and the off-route point of Faust, N.Y.; between Plattsburg, N.Y., and Ticonderoga, N.Y., over specified regular routes, serving all intermediate points; and over irregular routes, transporting general commodities, with the usual exceptions, between Plattsburg, N.Y., on the one hand, and, on the other, points in Warren, Franklin, St. Lawrence, Clinton, and Essex Counties, N.Y. By the instant petition it seeks, specifically, the correction of its certificate so as to provide that general commodities may be hauled by it over its regular route between Plattsburg, N.Y., and the Canadian border (Champlain or Rouses Point), on a nonradial basis. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

No. MC 88300 (PETITION FOR MODIFICATION OF CERTIFICATE PURSUANT TO THE REPORT IN NO. MC-C-3024), filed March 11, 1964. Petitioner: DIXIE TRANSPORT COMPANY, Post Office Box 425, Oneida, Tenn. Petitioner's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Petitioner holds authority in No. MC 88300 authorizing the transportation of automobiles and trucks from named manufacturing origins in Michigan and Indiana to destinations in Florida and portions of Georgia. Petitioner heretofore filed a petition on January 17, 1963, for modification of its certificate to cover secondary movements of automobiles originating at Chrysler plants in Detroit and moving via trilevel rail service to railheads in Georgia and Florida with final delivery to be performed by it from these railheads to destinations in Florida and Georgia previously served on initial movements from Detroit. By order dated October 7, 1963, Division 1 authorized the modification of Petitioner's certificate to cover these secondary movements "restricted to traffic originating at Chrysler Corp. plants at Detroit, Mich., and having an immediately prior movement by rail." In view of the report of the Commission in No. MC-C-3024, *National Automobile Transporters Association Petition for Declaratory Order* (wherein provision is made for modification of existing authorities under certain conditions), the holder of the above-described operating authority, by the instant petition requests the Commission to modify its existing certificate in No. MC 88300 so as to authorize it to perform service as follows: "Automobiles, in secondary movements, in truckaway service, from Jacksonville and Miami, Fla., to points in Florida, restricted to traffic originating at the plant of Cadillac Motor Division of General Motors Corporation at Detroit, Mich., and having an immediately prior movement by rail." Any person or persons desiring to participate in this proceeding may file replies to said petition (original and fourteen (14) copies each) within 45 days from the date of this publication in the FEDERAL REGISTER.

No. MC 88300 (Sub-No. 17), (PETITION FOR MODIFICATION OF CERTIFICATE PURSUANT TO THE REPORT IN NO. MC-C-3024), filed March 11, 1964. Petitioner: DIXIE TRANSPORT COMPANY, Post Office Box 425, Oneida, Tenn. Petitioner's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Petitioner holds authority in No. MC 88300 (Sub-No. 17) authorizing the transportation of passenger automobiles, in initial movements, in driveway and truckaway service, from the site of the Chrysler Corp. assembly plant, in St. Louis County, Mo., to points in Florida and Georgia, with no transportation for compensation on return, except as otherwise authorized. In view of the report of the Commission in No. MC-C-3024, *National Automobile Transporters Association Petition for Declaratory Order* (wherein provision is made for modification of existing authorities under certain conditions), the holder of the above-described operating authority, by the instant petition, requests the Commission to modify its certificate to perform service as follows: "Passenger automobiles, in secondary movements, in truckaway service, from Atlanta, Ga., Jacksonville, Miami, and Tampa, Fla., to points in Florida and Georgia, restricted to traffic originating at the Chrysler Corp. assembly plant in St. Louis County, Mo., and having an immediately prior movement by rail." Any person or persons desiring to participate in this proceeding may file replies to said petition (original and fourteen (14) copies each) within 45 days from the date of this publication in the FEDERAL REGISTER.

No. MC 109430 (PETITION OF HEAVY DUTY HAULERS, INC., AS SUCCESSOR - IN - INTEREST FOR MODIFICATION OR CLARIFICATION OF AUTHORITY ISSUED IN DOCKET NO. MC 104777 AND DOCKET NO. MC 104777 (Sub-No. 4)), filed March 9, 1964. Petitioner: HEAVY DUTY HAULERS, INC., 6720 Davidson Road, Columbia, S.C. Petitioner's attorneys: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C., 29201, and R. J. Reynolds, Jr., 403-411 Healey Building, Atlanta, Ga., 30303, and H. Charles Ephraim, 1001 15th Street NW., Washington, D.C., 20005. Petitioner is authorized by virtue of Certificate No. MC 104777, dated June 30, 1944, to transport, over irregular routes: Road building machinery and equipment requiring special equipment, between points in South Carolina, on the one hand, and, on the other, points in Florida and Georgia; and by virtue of Certificate No. MC 104777 (Sub-No. 4), dated April 17, 1947, to transport, over irregular routes: Road-building machinery and equipment which because of size or weight requires the use of special equipment, (1) between points in South Carolina, and (2) between points in South Carolina, on the one hand, and, on the other, points in North Carolina. On November 28, 1947, by order of the Commission, Division 5, in Docket No. MC-FC-27056, transfer of Southeastern Equipment Co., Inc.'s, Certificates No. MC 104777 and MC 104777 (Sub-No. 4) to Heavy Duty Haulers, Inc., was authorized. A new certificate No. MC 109430 was thereafter issued to Heavy Duty Haulers, Inc., on December 9, 1949, embracing the authority granted Southeastern Equipment Co., Inc., in aforementioned certificates. Petitioner states, by the instant petition, the question arises (a) whether the authorities permit only the transportation of road-building machinery requiring special equipment and road-building equipment requiring special equipment, or (b) whether the authorities permit the transportation of (1) road-building machinery; and (2) equipment requiring special equipment. Should the interpretation in (a) be held, petitioner states it will preclude handling shipments to the supporting equipment dealers, limit handling shipments from such equipment dealers to those cases where the intended use is known to be in road building, and preclude service to or from the supporting contractors except when they are on a road building job. Therefore, petitioner requests that the Commission (1) reopen the proceedings in No. MC 104777 and No. MC 104777 (Sub-No. 4) for further consideration, (2) incorporate therein the proceedings in No. MC-C 4108, and (3) clarify or modify Certificate No. MC 109430, thereby authorizing the continued transportation by Heavy Duty Haulers, Inc., of "Road building machinery and commodities, the transportation of which because of size or weight require the use of special equipment, and of related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment", to the same territorial extent (set forth above). Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by this petitioner.

NOTE: Simultaneously with the filing of this petition, petitioner has also filed an application in No. MC 109430 (Sub-No. 11), published this issue of the FEDERAL REGISTER.

No. MC 124628 (Sub-No. 3) (CORRECTION) PETITION TO ADD AN ADDITIONAL SHIPPER TO PRESENT OPERATING AUTHORITY), dated March 5, 1954, published issue March 18, 1964, and republished this issue. Petitioner: SAM FALLICK TRUCKING, INC., Brooklyn, N.Y. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306.

NOTE: The purpose of this republication is to show the correct docket number *MC 124628* (Sub-No. 3) in lieu of MC 124628 (Sub-No. 3), as shown in previous issue in error.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY § 1.240 TO THE EXTENT APPLICABLE

No. MC 41255 (Sub-No. 42), filed March 23, 1964. Applicant: GLOSSON MOTOR LINES, INC., Route 9, Hargrave Road, Lexington, N.C. Applicant's attorney: James E. Wilson, Perpetual Building 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those requiring special equipment and unmanufactured leaf tobacco and related commodities), between points on, east and south of U.S. Highway 29 from the Virginia-North Carolina State line to Reidsville, N.C., thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to Statesville, N.C., thence along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line; and (2) *personal effects* and *property* used or to be used in a dwelling when a part of the equipment or supply of such dwelling, *furniture, fixtures, equipment* and the

property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and *articles* including *objects of art, displays,* and *exhibits,* which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, between points in North Carolina.

NOTE: Applicant states the above authority does not include materials used in the manufacture of furniture and the manufactured products hauled to or from such manufacturing plants. This is a matter directly related to MC–F 8702, published this issue.

No. MC 124206 (Sub-No. 1), filed March 19, 1964. Applicant: BARRY CARTAGE, INC., 433 North Jefferson Street, Milwaukee, Wis., 53202. Applicant's attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis., 53203. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses,* and in connection therewith, *equipment, materials and supplies used in the conduct of such business,* from the plant site and warehouse facilities of Roundy's Inc., located at Wauwatosa, Wis., to points in Illinois on and north of U.S. Highway 6 (except Chicago, Ill.), and points in that part of Iowa on and east of a line beginning at Davenport and extending along U.S. Highway 61 to Dubuque, Iowa, thence along U.S. Highway 52 to the Iowa-Minnesota State line, and *damaged, rejected and returned shipments,* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant states that the proposed operations will be restricted to services performed under a continuing contract with Roundy's Inc. of Wauwatosa, Wis. This matter is directly related to MC–F 8703 to be published this issue. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8699. Authority sought for control by ARROW CARRIER CORPORATION, 50 Moonachie Avenue, Carlstadt, N.J., of MODRAK TRANSPORTATION CO., INC., 250 Kresson Street, Baltimore 24, Md., and for acquisition by J. E. ACKERMAN, R. J. ACKERMAN, both of Carlstadt, N.J., and JAMES J. BUCKLEY, Third and Walnut Streets, Allentown, Pa., of control of MODRAK TRANSPORTATION CO., INC., through the acquisition by ARROW CARRIER CORPORATION Applicants' attorney: Robert H. Griswold, Post Office Box 432, Harrisburg, Pa. Operating rights sought to be controlled: *General commodities,* excepting among others, household goods and commodities in bulk, as a *common carrier* over a regular route, between Baltimore, Md., and Alexandria, Va., serving all intermediate points, and the off-route points of Fort Meade, Md., and those in Arlington and Fairfax Counties, Va. Vendee is authorized to operate as a *common carrier* in Massachusetts, Maryland, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and Delaware. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8701. Authority sought for purchase by C & H TRANSPORTATION CO., INC., Post Office Box 5976, Dallas, Tex., of a portion of the operating rights of LOWTHER TRUCKING COMPANY, Post Office Box 2115, Charlotte, N.C., and for acquisition by W. O. HARRINGTON, Coppell, Tex., of control of such rights through the purchase. Applicants' attorney and representative respectively: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla., and J. Wesley Lowther, Post Office Box 2115, Charlotte, N.C. Operating rights sought to be transferred: *Pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers,* except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in *T. E. Mercer and G. E. Mercer Extension—Oil Field Commodities,* 74 M.C.C. 459, 543, as a *common carrier* over irregular routes, from Swan, Tex., to points in Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *wallboard,* from Diboll, Tex., and points within five (5) miles thereof, to points in Delaware, the District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York (except Nassau and Suffolk Counties, N.Y.), Ohio, Pennsylvania, Tennessee (except Memphis, Tenn.), Virginia, West Virginia, and Wisconsin. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Wyoming, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Virginia, Utah, Wisconsin, North Dakota, South Dakota, Missouri, Alaska, Nebraska, Colorado, Nevada, Pennsylvania, Montana, West Virginia, Tennessee, Ohio, Oregon, Washington, Arizona, Minnesota, Michigan, Iowa, New Jersey, New York, Alabama, Florida, Georgia, North Carolina, and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8702. Authority sought for purchase by GLOSSON MOTOR LINES, INC., Route 9, Hargrave Road, Lexington, N.C., of the operating rights and property of C. L. HELDERMAN, doing business as HELDERMAN TRUCKING COMPANY, Gold Hill, N.C., and for acquisition by J. C. GLOSSON, Route 5, Lexington, N.C., of control of such rights and property through the purchase. Applicants' attorneys: James E. Wilson, 1111 E Street NW., Washington 4, D.C., and Vaughan S. Winborne, 1108 Capital City Building, Raleigh, N.C. Operating rights sought to be transferred: Under a certificate of registration in No. MC–99101 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of North Carolina. Vendee is authorized to operate as a *common carrier* in Virginia, North Carolina, New York, Maryland, Pennsylvania, New Jersey, Delaware, Tennessee, South Carolina, Georgia, Florida, Kentucky, Ohio, West Virginia, Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC–41255 Sub-42 is a matter directly related.

No. MC–F–8703. Authority sought for control by JAMES W. T. BARRY, 433 North Jefferson Street, Milwaukee 2, Wis., of BARRY TRANSFER & STORAGE COMPANY, and BARRY CARTAGE, INC., 433 North Jefferson Street, Milwaukee 2, Wis., through ownership of stock. Applicants' attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. Operating rights sought to be controlled: (BARRY TRANSFER & STORAGE COMPANY) *Meats, packinghouse products, dairy products* and *articles,* distributed by meat packinghouses, when moving from, to or between plants, warehouses or other facilities of meat packinghouses, and

such merchandise as is dealt in by wholesale and retail bakeries and in connection therewith *advertising matter, equipment, materials,* and *supplies* as are used in the conduct of such business, when moving from, to or between plants, warehouses or other facilities of bakeries, as a *common carrier* over irregular routes, between Milwaukee, Wis., on the one hand, and, on the other, points in Wisconsin; *such merchandise,* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials,* and *supplies,* used in the conduct of such business, when moving from, to or between plants, warehouses or other facilities of food business houses, between Milwaukee, Wis., on the one hand, and, on the other, certain points in Wisconsin, from Milwaukee, Wis., to Escanaba, Mich., from Milwaukee, Wis., to Ishpeming, Mich., from Milwaukee, Wis., to Iron Mountain, Mich., from Iron Mountain, Mich., to Ishpeming, Mich.; *materials,* supplies, and equipment, used in the manufacture of outboard marine motors, between Milwaukee, Wis., and Waukegan and Galesburg, Ill.; *molasses,* in bulk, in tank vehicles, from Forest View, Ill., Menominee, Mich., Mason City, Iowa, and East Grand Forks, Moorhead, and Chaska, Minn., and points in the Lower Peninsula of Michigan, to Milwaukee, Wis., from points in Illinois in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Wisconsin; *foundry core compound,* in liquid form, and *vegetable, sea-animal, fish,* and *mineral oils,* all inedible, in bulk in tank vehicles, from Milwaukee, Wis., to certain points in Illinois and Iowa; *vinegar,* in bulk, in tank vehicles, from Cudahy, Wis., to certain points in Michigan, Ohio, Kentucky, Indiana, Illinois, Missouri, Iowa, and Minnesota; *resins* and *varnish,* in bulk, in tank vehicles, from Saukville, Wis., to certain points in Illinois, and Indiana; *alcohol,* in bulk, in tank vehicles, from Stickney, Ill., to Cudahy, Wis.; *animal grease, tallow,* and *refined edible vegetable oils,* in bulk, in tank vehicles, from Cudahy, Wis., to Chicago, Ill., RESTRICTION: The separate authorities granted above shall not be tacked or joined, directly or indirectly, for the purpose of performing any through service; *plywood, panels, moulding, doors, hardboard, wallboard, insulating materials, ceiling tile,* and *prefinished kitchen cabinets,* including *related hardware therefor,* not boxed, crated or packaged, from the Township of Menomonie, Wis., to Spring Grove, Ill.; *aluminum siding, aluminum shutters, aluminum shingles, aluminum corners, aluminum trim,* and *their accessories,* as a *contract carrier,* over irregular routes, from the plant site of Seaman-Andwall Corp., Ixonia, Wis., to points in Illinois, Indiana, Michigan, Ohio, Missouri and Minnesota, RESTRICTION: The service authorized herein shall be subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Seaman-Andwall Corp., of Ixonia, Wis. Authority applied for by BARRY CARTAGE, INC., in pending application under Docket No. MC–124206 to transport as a contract carrier over irregular routes, such merchandise as is dealt in by wholesale, retail and chain grocery and food houses, and in connection therewith, materials, equipment and supplies used in the conduct of such business, and damaged and rejected shipments, between Wauwatosa, Wis., and designated points in Illinois, and Iowa, restricted to service performed under a continuing contract with Roundy's, Inc., of Wauwatosa, Wis. JAMES W. T. BARRY, holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–124206 Sub-1 is a matter directly related.

No. MC–F–8705. Authority sought for purchase by ELLIS TRUCKING CO., INC., 1600 Oliver Avenue, Indianapolis 7, Ind., of a portion of the operating rights of HAECKL'S EXPRESS, INCORPORATED, doing business as HAECKL, 2345 South 13th Street, Terre Haute, Ind., and for acquisition by F. O. ELLIS, also of 1600 Oliver Avenue, Indianapolis 7, Ind., of control of such rights through the purchase. Applicants' attorneys: Kirkwood Yockey, 1406 Morris Plan Building, Indianapolis, Ind., 46204, and John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Detroit, Mich., and Dayton, Ohio, serving certain intermediate and off-route points, between Detroit, Mich., and Chrysler Tank Arsenal near Center Line, Mich., serving certain intermediate and off-route points; two alternate routes for operating convenience only. Vendee is authorized to operate as a *common carrier* in Michigan, Indiana, Illinois, Tennessee, Kentucky, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8707. Authority sought for merger into BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines 14, Iowa, of the operating rights and property of DAYS TRANSFER, INC., 1223 Sixth Avenue, Des Moines 14, Iowa, and for acquisition by JOHN J. BRADY, SR., 2 North 17th Street, Fort Dodge, Iowa, of control of such rights and property through the transaction. Applicants' attorney: Homer E. Bradshaw, 510 Central National Bank Building, Des Moines, Iowa, 50309. Operating rights sought to be merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between South Bend, Ind., and Fort Wayne, Ind., serving all intermediate points and the off-route point of Millersburg, Ind., between junction U.S. Highways 6 and 33 near Ligonier, Ind., and the Indiana-Ohio State line, serving all intermediate points, between Elkhart, Ind., and Ypsilanti, Mich., serving the intermediate point of Bronson, Mich., and those between Bronson and Elkhart, between Fort Wayne, Ind., and Auburn, Ind., serving all intermediate points, and the off-route point of Auburn Junction, Ind., between Waterloo, Ind., and Fort Wayne, Ind., between Waterloo, Ind., and South Milford, Ind., between South Milford, Ind., and Kendallville, Ind., between Corunna, Ind., and junction Indiana Highway 327 and U.S. Highway 27, north of Garrett, Ind., between Detroit, Mich., and Ann Arbor, Mich., between Ann Arbor, Mich., and Hamburg, Mich., between Ann Arbor, Mich., and South Lyon, Mich., serving all intermediate points, numerous alternate routes for operating convenience only; *general commodities,* except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, and heavy machinery, between Bristol, Ind., and South Bend, Ind., serving all intermediate points, between South Bend, Ind., and Chicago, Ill., serving all intermediate points, and the off-route points in the Chicago, Ill., commercial zone, as defined by the Commission, serving Shipshewana and Middlebury, Ind., as off-route points in conjunction with carrier's otherwise authorized regular-route operations to and from Elkhart, Ind., between Valparaiso, Ind., and Chicago, Ill., serving all intermediate points, and off-route points within 25 miles of Chicago; *chipboard,* from Elkhart, Ind., to Chicago, Ill., serving the intermediate and off-route points in the Chicago, Ill., commercial zone, as defined by the Commission; *scrap paper,* in truckload lots, from Chicago, Ill., to Elkhart, Ind., serving the intermediate and off-route points in the Chicago, Ill., commercial zone, as defined by the Commission; and *iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, except commodities which by reason of their size or weight require the use of special equipment or special handling, over irregular routes, from the plant sites and warehouses of the Kankakee Electric Steel Company, Swanson Manufacturing Company, and Jones & McKnight, Inc., in Kankakee County, Ill., to points in Indiana and the Lower Peninsula of Michigan, RESTRICTION: The service authorized immediately above is subject to the following conditions: The authority granted herein is limited to traffic originating at the plant sites and warehouses specified, and the authority granted herein which shall duplicate that now held by carrier shall be considered to comprise not more than a single operating right which is not severable by sale or otherwise from that presently held. BRADY MOTORFRATE, INC., is authorized to operate as a *common carrier* in Iowa, Nebraska, Illinois, Kansas, Minnesota, Missouri, South Dakota, Indiana, Ohio, Kentucky, and Michigan. Application has not been filed for temporary authority under section 210a(b).

NOTE: BRADY MOTORFRATE, INC., controls DAYS TRANSFER, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC–F–7584, which became the order of the Commission on March 13, 1961.

No. MC–F–8708. Authority sought for purchase by DOHRN TRANSFER COMPANY, 4016 Ninth Street, Rock Island, Ill., of a portion of the operating rights of McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich., and for acquisition by CHARLES H. DOHRN, ARTHUR H. LORENZEN, WAYNE DOHRN, and GEORGE A. LORENZEN, all of 4016 Ninth Street, Rock Island, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, charcoal, live animals and poultry, unwrapped hemp, uncrated furniture, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate points on the above specified routes, and to and from off-route points in the *Chicago, Ill., commercial zone*, as defined by the Commission in 1 M.C.C. 673, in the transportation of *general commodities*, with exceptions as specified above, to and from the off-route points of Cudahy, Fox Point, Greendale, West Milwaukee, Shorewood, Wauwatosa, West Allis and Whitefish Bay, Wis., in the transportation of *general commodities*, except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment; an alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Missouri, Michigan, Indiana, Ohio, Wisconsin, and Minnesota. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8704. Authority sought for purchase by ANTIETAM TRANSIT CO., INC., 437 East Baltimore Street, Hagerstown, Md., of a portion of the operating rights and certain property of POTOMAC MOTOR LINES, INC., 1502 Salem Avenue, Hagerstown, Md., and for acquisition by JOSEPH G. SUCCA, 380 North 27th Street, Camp Hill, Pa., of control of such rights and property through the purchase. Applicants' attorney: S. Harrison Kahn, 733 Investment Building, Washington 5, D.C. Operating rights sought to be transferred: Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, as a *common carrier* over regular routes, between Hagerstown, Md., and Keedysville, Md., between Hagerstown, Md., and Smithburg, Md., between Sharpsburg, Md., and Charles Town, W. Va., serving all intermediate points, between Kearneysville, W. Va., and the Newton D. Baker General Hospital, W. Va. Vendee holds no authority from this Commission. However, its controlling stockholder, JOSEPH G. SUCCA, is affiliated with VALLEY TRANSPORTATION COMPANY, 829 State Street, Lemoyne, Pa., and CONESTOGA TRANSPORTATION COMPANY, 825 East Chestnut Street, Lancaster, Pa., which are authorized to operate as *common carriers* in the following states respectively: (1) Pennsylvania, Maryland, and West Virginia, and (2) Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8706. Authority sought for control by CHARLES M. WEEKS, III, 343 Pecks Road, Pittsfield, Mass., and ARTHUR BERNACCHIA, 31 Edgecombe Place, Yonkers, N.Y., of NEW YORK-PITTSFIELD BUS LINES, INC., 343 Pecks Road, Pittsfield, Mass. Applicants' representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y., 10017. Operating rights sought to be controlled: Authority applied for in No. MC–126061 covering the transportation of passengers and their baggage and personal effects, as a common carrier over regular routes, (A) between Pittsfield, Mass., and New York, N.Y.: From Pittsfield bus terminal over city streets to U.S. Highway 7, thence over U.S. Highway 7 to Danbury, Conn., thence over U.S. Highways 6 and 202 to Brewster, N.Y., thence over New York Highway 22 to Kotomah, N.Y., thence over New York Highway 117 to Chappaqua, N.Y., thence over New York Highway 141 to junction U.S. Highway 9A at or near Hawthorne, N.Y., thence over U.S. Highway 9A through Elmsford, N.Y., to the New York Thruway at or near Ardsley, N.Y., thence over New York Thruway (Interstate Highway 87) to New York City, thence over city streets to Port Authority Bus Terminals, serving all intermediate points, (B) as an alternate route for express service only, leaving the above route at Elmsford, N.Y., proceeding over Interstate Highway 287 to Tarrytown, N.Y., thence over Tappan Zee Bridge to South Nyack, N.Y., thence over U.S. Highway 9W to Fort Lee, N.J., thence over the George Washington Bridge to New York, N.Y., thence over city streets to Port Authority Bus Terminals, serving no intermediate points. CHARLES M. WEEKS, III, and ARTHUR BERNACCHIA, hold no authority from this Commission. However, CHARLES M. WEEKS, III, owns and controls YELLOW COACH LINES, INC., 19 Center Street, Pittsfield, Mass., which is authorized to operate as a *common carrier* in Massachusetts, New York, Connecticut, and Vermont; and ARTHUR BERNACCHIA, is affiliated with RESORT BUS LINES, INC., 31 Edgecomb Place, Yonkers, N.Y., which is authorized to operate as a *common carrier* in New York, Connecticut, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–3163; Filed, Mar. 31, 1964; 8:49 a.m.]

[Notice 620]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 27, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carrier of property of passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

SECTION A—MOTOR CARRIERS OF PROPERTY

No. MC 75185 (Sub-No. 244), filed March 24, 1964. Applicant: SERVICE TRUCKING CO., INC., Preston Road, Box 276, Federalsburg, Md. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company, located at or near Emporia, Kans., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states that the proposed service is to be restricted (1) to shipments originating at the plant site of Armour and Company and against tacking at origin, and (2) restricted against transporting commodities in bulk, in tank vehicles.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 116544 (Sub-No. 53), filed March 18, 1964. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, from the plant site of Armour and Co., located at or near Emporia, Kans., to points in Nebraska, Iowa, Minnesota, Wisconsin, Missouri, Kansas, Arkansas, Oklahoma, and Texas.

NOTE: Applicant states the proposed service is to be restricted to (1) shipments originating at the plant site of Armour and Co., and against tacking at point of origin, and (2) against transporting commodities in bulk, in tank vehicles.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 118196 (Sub-No. 16), filed March 23, 1964. Applicant: RAYE & COMPANY TRANSPORT, INC., Highway 71 North, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Co., located at or near Emporia, Kans., to points in Missouri, Iowa, Wisconsin, Nebraska, Minnesota, Arkansas, Texas, Louisiana, Georgia, Florida, Oklahoma, South Carolina, Alabama, Illinois, Mississippi, and Kansas.

NOTE: Applicant states the proposed service will be restricted (1) to shipments originating at the plant site of Armour and Co. and against tacking at point of origin, and (2) against transporting commodities in bulk, in tank vehicles. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 123393 (Sub-No. 32), filed March 19, 1964. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Co., at or near Emporia, Kans. to points in Missouri, Arkansas, Mississippi, Louisiana, Kentucky, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, and *exempt commodities*, on return.

NOTE: Common control may be involved.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

SECTION B—MOTOR CARRIERS OF PROPERTY

No. MC 113651 (Sub-No. 64) (CORRECTION), filed November 7, 1963, published FEDERAL REGISTER issue March 11, 1964, and corrected as this issue. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorneys: Mario Pieroni, 523 Johnson Building, Muncie, Ind. and Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in section A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766 (except commodities in bulk, in tank vehicles), from Emporia, Kans., to points in Michigan, Ohio, Indiana, Pennsylvania, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Florida, Georgia, Alabama, Mississippi, North Carolina, South Carolina, Tennessee, Kentucky, and Louisiana.

NOTES: Applicant states the proposed service will be restricted to shipments originating at the plant site of Armour & Co., and further restricted against tacking at origin. The purpose of this republication is to set forth the proper destination territory to be served, as shown above, in lieu of that shown in previous publication, in error.

HEARING: Remains as assigned, May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–3164; Filed, Mar. 31, 1964; 8:49 a.m.]

[Notice 621]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 27, 1964.

The following applications are governed by special rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 3114 (Sub-No. 21) filed March 18, 1964. Applicant: T. H. COMPTON, INC., Great Cacapon, W. Va. Applicant's attorney: James J. Williams, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and lithium ore*, from points in Morgan County, W. Va. to points in New York.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 11207 (Sub-No. 223) (AMENDMENT), filed March 2, 1964, published FEDERAL REGISTER issue of March 18, 1964, amended March 23, 1964, and re-

[1] Copies of special rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

published, as amended, this issue. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction, maintenance, power distribution, and plant machinery, tools and equipment*, and *parts, accessories*, and *attachments therefor* (not including contractor's machinery, tools and equipment), (1) from points in Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, and Louisiana to Birmingham, Ala., and points within ten (10) miles of Birmingham, and (2) between points in Alabama, on the one hand, and, on the other, points in Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, and Louisiana (except contractor's tools and equipment from points in Georgia, Kentucky, Florida, South Carolina, North Carolina, Tennessee, Mississippi, and Louisiana, to Birmingham, Ala., and points within ten (10) miles of Birmingham).

NOTE: This amendment does not broaden the scope of operations proposed by applicant. The amendment is republished in order that the territorial scope of the requested authority may conform precisely to the terms of the "contractor's" authority sought to be interpreted in the petition (No. MC 11207 (Sub-No. 47), published FEDERAL REGISTER issue of March 18, 1964.

No. MC 14321 (Sub-No. 3), filed March 18, 1964. Applicant: ENGEL BROTHERS, INC., 901 Julia Street, Elizabeth, N.J. Applicant's attorney: Robert J. Gallagher, 111 State Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and furniture parts*, and (2) *store, kitchen, hospital building and office fixtures and equipment*, all uncrated, between points in Florida, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Jacksonville and Miami, Fla.

No. MC 18121 (Sub-No. 10), filed March 12, 1964. Applicant: ADVANCE TRANSPORTATION COMPANY, a corporation, 2115 South First Street, Milwaukee, Wis. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of the Godfrey Co. at Waukesha, Wis., as an off-route point in connection with applicant's regular routes operations between Milwaukee, Wis., and Chicago, Ill.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 19227 (Sub-No. 82), filed March 20, 1964. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Towers, water cooling with blowers and machine, cooling or freezing, and accessories, attachments or fittings therefor, when moving in connection with the commodities named*, from the plant site of the Marley Co., located at Louisville, Ky., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Louisiana, Minnesota, Ohio, North Carolina, Tennessee, South Carolina, Wisconsin, Michigan, and Iowa.

NOTE: If a hearing is deemed necessary applicant requests it be held at Miami, Fla.

No. MC 19778 (Sub-No. 63), filed March 12, 1964. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago, Ill., 60606. Applicant's attorney: Robert F. Munsell, Union Station, Room 888, 516 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission), (A) (1) between Des Moines and Sioux City, Iowa, from Des Moines over Iowa Highway 90 to junction Interstate Highways 35 and 80 west of Des Moines, thence north over Interstate Highways 35 and 80 to junction Iowa Highway 141, thence north and west over Iowa Highway 141 to junction Interstate Highway 29 south of Sioux City, thence north over Interstate Highway 29 to Sioux City, and return over the same route, (2) between junction U.S. Highway 59 and Iowa Highway 141 on the one hand, and, on the other, Omaha, Nebr., from junction U.S. Highway 59 and Iowa Highway 141 west of Manilla, thence south over U.S. Highway 59 to junction Iowa Highway 64 at Harlan, thence west and south over Iowa Highway 64 to Council Bluffs, thence west over U.S. Highway 6 to Omaha, Nebr., and return over the same route, (3) between junction Iowa Highway 141 and Iowa Highway 17 on the one hand, and, on the other Canton, S. Dak., from junction Iowa Highway 141 and Iowa Highway 17 near Herndon, Iowa, thence north over Iowa Highway 17 to junction U.S. Highway 20 near Rockwell City, thence west over U.S. Highway 20 to junction U.S. Highway 71, thence north over U.S. Highway 71 to Spencer, thence north and west over U.S. Highway 18 to Canton, S. Dak., and return over the same route, (4) between Sioux City, Iowa and junction U.S. Highway 75 and U.S. Highway 18, from Sioux City north over Iowa Highway 7 to junction Iowa Highway 3, thence west over Iowa Highway 3 to Akron, thence north over Iowa Highway 12 to Hawarden, thence east over Iowa Highway 10 to junction U.S. Highway 75, thence north over U.S. Highway 75 to junction U.S. Highway 75 and U.S. Highway 18, and return over the same route. Note: Applicant states in (1), (2), (3), and (4) above it will serve all intermediate points and Arion, Albert City, Buck Grove, Clay, Earling, Everly, Farlin, Fonda, Gillett Grove, Juniata, Kenwood, Luton, Madrid, Manilla, Marathon, Morning Side, Rands, Rodney, Webb, Grimes and Woodward, Iowa as off route points. (B) applicant seeks the following authority for operating convenience only, serving no intermediate points (1) between Sioux City and Storm Lake, Iowa, from Sioux City east over U.S. Highway 20 to junction Iowa Highway 110, thence north over Iowa Highway 110 to Storm Lake and return over the same route, (2) Between Council Bluffs, Iowa and junction Interstate Highway 29 and Iowa Highway 141, from Council Bluffs north over Interstate Highway 29 to junction U.S. Highway 30 thence east over U.S. Highway 30 to Missouri Valley, Iowa, thence north over U.S. Highway 75 to Onawa, thence west over Iowa Highway 175 to junction Interstate Highway 29, thence north over Interstate Highway 29 to junction Interstate Highway 29 and Iowa Highway 141, and return over the same route, and (3) between Sioux City, Iowa and junction U.S. Highway 75 and Iowa Highway 10, from Sioux City north over U.S. Highway 75 to junction U. S. Highway 75 and Iowa Highway 10, and return over the same route.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 24583 (Sub-No. 10) (CORRECTION), filed March 5, 1964, published FEDERAL REGISTER issued March 25, 1964, republished as corrected, this issue. Applicant: FRED STEWART, CORDELIA STEWART, RODNEY STEWART AND TROY STEWART, doing business as FRED STEWART COMPANY, a partnership, Post Office Box 659, Magnolia, Ark. Applicant's attorney: Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies used in, and in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, and in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines*, including (except in connection with main and trunk pipe lines), the stringing and picking up thereof, between points in Oklahoma, on the one hand, and, on the other, points in Arkansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark. The purpose of this republication is to show the correct MC number.

No. MC 25562 (Sub-No. 27), filed March 13, 1964. Applicant: A. R. GUNDRY, INC., 85 Stanton Street,

Rochester, N.Y. Applicant's attorney: Robert V. Gianniny, 900 Midtown Tower, Rochester 4, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in New York on the Texas Eastern Pipe Line, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont, and *refused and rejected shipments*, on return.

NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary applicant requests it be held at Rochester, N.Y.

No. MC 27817 (Sub-No. 55), filed March 11, 1964. Applicant: H. C. GABLER, INC., Rural Delivery Number 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron, scrap paper, scrap fabrics, metal borings, and metal turnings*, in dump vehicles, from points in Maryland, to points in that part of Pennsylvania north and east of a line beginning at the Ohio-Pennsylvania State line at or near Farrell, Pa., and extending over U.S. Highway 62 to Franklin, Pa., thence over U.S. Highway 322 to junction U.S. Highway 219 at or near Grampian, Pa., and thence over U.S. Highway 219 to the Pennsylvania-Maryland State line at or near Salisbury, Pa., excluding points on the indicated highways. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 32606 (Sub-No. 2) filed March 17, 1964. Applicant: WILLIAM WAYNE TALKINGTON, JR., doing business as TALKINGTON TRUCK CO., 814 West G Street, Wilmington, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wooden pre-fabricated roof trusses*, from Upland, Calif. to points in Clark County, Nev., and points in Nye County, Nev., south of an imaginary line running due east and west of Springdale, Nev., and *refused* and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Los Angeles, Calif.

No. MC 42146 (Sub-No. 7), filed March 12, 1964. Applicant: A. G. BOONE COMPANY, a corporation, 1117 East Clarkson Street, Charlotte, N.C. Applicant's attorney: Allen Post, First National Bank Building, Atlanta, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies*, used in the conduct of such business, between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Johnson, Sullivan, Carter, Washington, Greene, Unico, Cocke, and Jefferson Counties, Tenn., and points in Washington, Smythe, Wythe, Carroll, and Grayson Counties, Va.

NOTE: Applicant states that the proposed service will be performed under contract with The Great Atlantic & Pacific Tea Company, Inc. If a hearing is deemed necessary applicant requests it be held at Charlotte, N.C.

No. MC 43552 (Sub-No. 8), filed March 11, 1964. Applicant: UNION MOTOR LINE, INC., 2304 Vaux Hall Road, Union, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in vehicles capable of being unloaded by dumping, from the plant site of Koppers Company, Inc., located at Kearny, N.J., to points in Adams, Bradford, Centre, Clinton, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Mifflin, Perry, Philadelphia, Pike, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 50069 (Sub-No. 293), filed March 18, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles and hopper vehicles, from Swanton, Ohio, to points in Alabama, Arkansas, Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New York, Nebraska, New Hampshire, New Jersey, North Carolina, Oklahoma, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Vermont, Virginia, South Carolina, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52458 (Sub-No. 188), filed March 16, 1964. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coconut oil, soap, soap stock, tallow and fatty acids*, in bulk, in tank vehicles, from the site of Armour Soap Manufacturing plant located at or near Aurora, Ill., to points in Indiana, Michigan, Missouri, Ohio, Pennsylvania and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 58637 (Sub-No. 6), filed March 12, 1964. Applicant: TEEPLE TRUCK LINES, INC., 122 East Oak Street, Decatur, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Richmond, Ind., and Liberty, Ind., over U.S. Highway 27, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 65112 (Sub-No. 8), filed March 13, 1964. Applicant: FOGARTY BROS. TRANSFER, INC., 1103 Cumberland Avenue, Tampa 2, Fla. Applicant's attorney: John M. Allison, Post Office Box 1531, Tampa 1, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts, and store, kitchen, hospital, building and office fixtures and equipment*, all uncrated, between points in Florida, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Jacksonville and Miami, Fla.

No. MC 69492 (Sub-No. 25), filed March 19, 1964. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials*, (1) from Union City, Tenn., to Dresden, Dyersburg, and Woodland Mills, Tenn., and (2) from Belleville, Ill., to Dresden and Dyersburg, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities on return, in (1) and (2) above.

NOTE: Applicant states that the authority sought in (1) above will be tacked with applicant's present authority at Union City, Tenn. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 70832 (Sub-No. 7), filed March 13, 1964. Applicant: NEW PENN MOTOR EXPRESS, INC., 18 East Weidman Street, Lebanon, Pa. Applicant's attorney: S. Harrison Kahn, 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). *Irregular route:* between

Sunbury, Pa., on the one hand, and, on the other, points in Pennsylvania within sixty (60) miles of Harrisburg, Pa., including Harrisburg, and *regular route:* between Sunbury, Pa., and Hamburg, Pa., from Sunbury, over U.S. Highway 122 to Hamburg, and return over the same route serving no intermediate points, as an alternate route for joinder at Hamburg with applicant's presently authorized regular route operations between Harrisburg, Pa., and New York, N.Y.

NOTE: If a hearing is deemed necessary applicant requests it be held at Harrisburg, Pa.

No. MC 73165 (Sub-No. 183), filed March 12, 1964. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. Applicant's attorney: Donald L. Morris, 937 Bank for Savings Building, Birmingham, Ala., 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment or special handling, and *parts; cast iron pipe, fittings, accessories, and parts; iron and steel articles*, as described in Appendix V in *Descriptions in Motor Carrier Certificates*, 61 M.C.C., 209 and 276–279; and, *hydrants and valves*, between points in West Virginia, on the one hand, and, on the other, points in Alabama and Georgia. If a hearing is deemed necessary applicant requests that it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 76264 (Sub-No. 20), filed March 18, 1964. Applicant: WEBB TRANSFER LINE, INC., U.S. 60 East, Shelbyville, Ky. Applicant's attorney: Harry McChesney, Jr., 7th Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Homogenized, reconstituted or reconstructed tobacco*, between Bermuda Hundred, Va., and points within 5 miles thereof, on the one hand, and, on the other, Louisville and Lexington, Ky.

NOTE: If a hearing is deemed necessary applicant requests it be held at Louisville, Ky.

No. MC 76436 (Sub-No. 16), filed March 18, 1964. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, commodities in bulk, commodities injurious or contaminating to other lading, and commodities which require special equipment), (1) between junction U.S. Highway 79 and Kentucky Highway 102, and Clarksville, Tenn., over U.S. Highway 79, serving all intermediate points, (2) between Elkton, Ky., and junction U.S. Highway 41 and U.S. Highway 79: from Elkton over Kentucky Highway 181 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 79, and return over the same route, serving all intermediate points, and (3) between Hopkinsville, Ky., and Clarksville, Tenn., over Alternate U.S. Highway 41, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations and the proposed service shown in (1) and (2) above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 81835 (Sub-No. 5), filed March 16, 1964. Applicant: JOHN SWANSON, doing business as SWANSON TRUCKING COMPANY, 532 Michigan Avenue, Manistique, Mich. Applicant's attorney: Ronald R. Pentecost, 1400 Michigan National Tower, Lansing, Mich., 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, malt beverages, wines and champagne, and empty containers*, (1) from Milwaukee, Wis., to Manistique, Escanaba, Newberry and St. Ignace, Mich. and (2) from Chicago, Ill., to Manistique, Newberry, Escanaba, and St. Ignace, Mich., and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, on return in (1) and (2) above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 87720 (Sub-No. 19), filed March 19, 1964. Applicant: BASS TRANSPORTATION CO. INC., Star Route A, Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic gum resin*, in containers, from the plant sites of Cary Chemicals, Inc., at or near Flemington (Raritan Township), and Edgewater Park (Burlington Township), N.J., to points in New York, Connecticut, Rhode Island, Massachusetts, those points in New Hampshire on and south of U.S. Highway 4, and Sanford, Maine, and *rejected, returned and damaged commodities*, on return.

NOTE: Applicant states that the proposed service is to be performed under contract with Cary Chemicals, Inc. Applicant is presently authorized to render the service requested herein, for the same shipper, of the same commodity, in bulk, in tank vehicles. The purpose of this application is to extend its authority to permit the transportation of synthetic gum resin in containers. If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 94265 (Sub-No. 129), filed March 10, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, frozen meats, smoked meats, cured meats, syrup, flour, cheese, and cheese products*, from Fort Atkinson, Wis., to points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, West Virginia, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Chicago, Ill. or Washington, D.C.

No. MC 95109 (Sub-No. 2), filed March 16, 1964. Applicant: LUTHER BEAHR, 412 West 3rd Street, Valentine, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial feed and feed ingredients*, in packages, from Quincy, Ill., to points in Nebraska and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Omaha, Nebr.

No. MC 100300 (Sub-No. 3), filed March 13, 1964. Applicant: ARMAND A. HANSEN, doing business as A. A. HANSEN, Foxhome, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Minneapolis, Minn., to Wahpeton, N. Dak.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103880 (Sub-No. 306) (AMENDMENT), filed February 24, 1964, published FEDERAL REGISTER issue March 11, 1964, republished as amended, this issue. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Wayne County, Mich., to points in Ohio, Indiana and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. The purpose of this republication is to show Wayne County as the origin area rather than the Phillips Petroleum Company terminal, located at Brownstown, Mich.

No. MC 105387 (Sub-No. 30), filed March 19, 1964. Applicant: R. A. CORBETT (GRACE LEE CORBETT, INDEPENDENT EXECUTRIX), doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, in tank vehicles, (1) from Daingerfield and Lone Star, Tex., to points in Louisiana and Oklahoma (2) from Lake Charles, La., to points in Texas and Oklahoma (3) from Houston, Tex., to points in Louisiana and Oklahoma and (4) from Memphis, Tenn., to points in Louisiana and Texas.

NOTE: If a hearing is deemed necessary applicant requests it be held at Shreveport, La.

No. MC 105733 (Sub-No. 32), filed March 23, 1964. Applicant: H. R. RITTER TRUCKING CO., a corporation, 928 East Hazelwood Avenue, Rahway, N.J. Applicant's attorney: John R. Mahoney, 26 Broadway, New York 4, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk in tank vehicles, from Colonial Pipeline Company Terminals located at points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia to points in Connecticut, Delaware, District of Columbia, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 106398 (Sub-No. 226), filed March 16, 1964. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Place, Tulsa, Okla. Applicant's attorney: Harold G. Hernley, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in South Carolina (except Clinton), to points in the United States (except Hawaii).

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Columbia, S.C.

No. MC 107286 (Sub-No. 9), filed March 16, 1964. Applicant: M. PASCALE TRUCKING, INC., 8–10 Rice Street, Attleboro, Mass. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, in vehicles equipped with mechanical loading devices, between Attleboro and Bridgewater, Mass., on the one hand, and on the other, points in New York and New Jersey.

NOTE: If a hearing is deemed necessary applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 107839 (Sub-No. 58), filed March 11, 1964. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., Post Office Box 9021, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A, Appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 from Miami, Okla., to Denver, Colo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 108207 (Sub-No. 131), (AMENDMENT), filed February 25, 1964, published FEDERAL REGISTER March 11, 1964, amended March 19, 1964, and republished as amended this issue. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncooked bakery goods*, and *confections*, from Denison, Tex., to points in Kansas, Nebraska, and Iowa.

NOTE: The purpose of this republication is to add confections to the commodity description. If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 108589 (Sub-No. 10), filed March 11, 1964. Applicant: EAGLE EXPRESS COMPANY, a corporation, Post Office Box 679, Somerset, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between Burnside, Ky., and the piggyback ramp of Southern Railway System at Danville, Ky., from Burnside over U.S. Highway 27 to Stanford, thence over U.S. Highway 150 to Danville and return over the same route, serving the intermediate point of Somerset. Restriction: Applicant states the proposed operations will be restricted to the handling of shipments having a prior or subsequent movement by rail.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 109101 (Sub-No. 9), filed March 16, 1964. Applicant: J. H. MARKS TRUCKING CO., INC., 2500 East Eighth Street, Post Office Box 2192, Odessa, Tex. Applicant's attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling machinery, equipment and supplies*, between points in Nevada, New Mexico, Texas, Oklahoma, Kansas, Louisiana, Colorado, Wyoming, Utah, Montana, and Arizona.

NOTE: If a hearing is deemed necessary applicant requests it be held at Oklahoma City, Okla.

No. MC 109430 (Sub-No. 11), filed March 9, 1964. Applicant: HEAVY DUTY HAULERS, INC., 6720 Davidson Road, Columbia, S.C. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building machinery and commodities*, the transportation of which because of size or weight requires the use of special equipment, and of *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, (1) between points in South Carolina, on the one hand, and, on the other, points in North Carolina, and (3) between points in South Carolina, on the one hand, and, on the other, points in Florida and Georgia.

NOTE: Applicant offers to surrender Certificate No. MC 109432 dated December 9, 1949, concurrently with issuance of the authority sought. This application is related to a petition filed the same date in Docket No. MC 109430 (also published this issue of FEDERAL REGISTER) seeking modification or clarification of the existing certificate to permit continued service of the scope covered by the application herein; grant of the petition would make unnecessary any grant of authority sought herein. Applicant's present authority in Certificate No. MC 109430 permits the tacking and performance of through service via South Carolina points between the territories covered in paragraphs (1) and (2), on the one hand, and, on the other, points in territory covered in paragraph (3). Applicant seeks to continue to tack paragraphs (1) and (2) with paragraph (3) and perform through service hereunder between the territories involved. No duplicating authority is sought. If a hearing is deemed necessary applicant requests it be held at Columbia, S.C.

No. MC 109677 (Sub-No. 27), filed March 18, 1964. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsions, and asphalt cutbacks*, in bulk, in tank vehicles, from Athens, N.Y., to points in Berkshire County, Mass., and Litchfield County, Conn., and *contaminated, rejected, and refused shipments*, on return.

NOTE: The above proposed operation will be conducted on a seasonal basis, between April and December, inclusive of each year. Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Albany, N.Y.

No. MC 109677 (Sub-No. 28), filed March 18, 1964. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Selkirk, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in New York, N.Y.

No. MC 110193 (Sub-No. 61), filed February 16, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Applicant's representative: Walter J. Kobos, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions of Motor Carrier Certificates* 61 M.C.C. 209 and 766, and *maple syrup and flour*, not to exceed 10 percent

of shipment, from Fort Atkinson, Wis., to points in Massachusetts, Connecticut,

No. MC 111397 (Sub-No. 60), filed March 19, 1964. Applicant: DAVIS

5135 Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jas-

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114772 (Sub-No. 6), filed March 18, 1964. Applicant: DUNBAR

Nashville, Tenn. to Blytheville and Little Rock, Ark.

of shipment, from Fort Atkinson, Wis., to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Washington, D.C.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 647), filed March 18, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp mill liquor*, in bulk, in tank vehicles, from Luke, Md., to Tyrone, Pa.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 110698 (Sub-No. 274), filed March 13, 1964. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: Francis W. McInerny 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Cantonment, Fla., to points in Louisiana, Missouri, Georgia, Virginia, Texas, Oklahoma, Kansas, Ohio, and Illinois.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 110698 (Sub-No. 275), filed March 13, 1964. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between Brownsville, North Seadrift, and Texas City, Tex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Houston, Tex.

No. MC 110988 (Sub-No. 83), filed March 17, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities*, in bulk, between points in Wisconsin, restricted to liquid and dry commodities in bulk having a prior or subsequent movement via rail, water and/or highway and further restricted to exclude cement.

NOTE: If a hearing is deemed necessary applicant requests it be held at Madison, Wis.

No. MC 111397 (Sub-No. 60), filed March 19, 1964. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Avondale Station, Post Office Box 1284, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Colonial Pipeline terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Souh Carolina, Virginia, West Virginia, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 111401 (Sub-No. 151), filed March 13, 1964. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, Enid, Okla., 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Arkansas City and El Dorado, Kans., to points in Missouri.

NOTE: If a hearing is deemed necessary applicant requests it be held at Oklahoma City, Okla.

No. MC 112304 (Sub-No. 6), filed March 11, 1964. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 601 Orient Street, Cincinnati, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Towers*, water cooling with blowers, thicker than 20 gauge, of steel and wood combined with hardware packaged, (2) *machines*, cooling or freezing, with winter control, and (3) *accessories, attachments or fittings therefor* when moving in connection with the commodities named in (1) and (2) above, from the plant site of the Marley Company, located at Louisville, Ky., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant does not specify a choice of place of hearing, if a hearing is deemed necessary.

No. MC 112520 (Sub-No. 100), filed March 16, 1964. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, from Pace, Fla., to points in Georgia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 112617 (Sub-No. 173), filed March 23, 1964. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135 Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, 600 Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., and points in Marshall County, Ky., within 5 miles of Calvert City to points in Montana and Colorado.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 113267 (Sub-No. 28), filed March 18, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Harris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, dairy products*, and *articles distributed by meat packing houses*, (2) *frozen foods* in mixed shipments with the commodities listed in (1), when moving in vehicles equipped with mechanical temperature controlled units, (a) from Memphis, Tenn., to points in Little River County, Ark., and (b) between points in Arkansas, restricted to traffic originating outside of Arkansas and tendered to the applicant at any point in Arkansas for delivery and/or distribution. (2) *Frozen foods*, in vehicles equipped with mechanical temperature controlled units, from Memphis, Tenn., to points in Arkansas (except those located in Benton, Carroll, Washington, Madison, Crawford, Franklin, Johnson, Sebastian, Logan, Scott, Polk, Montgomery, Howard, Pike, Sevier, Hemstead, Nevada, Miller, Lafayette, and Columbia Counties, Ark.). Restricted against the transportation of commodities in bulk in tank vehicles.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 113388 (Sub-No. 57), filed March 19, 1964. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 255, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, other than frozen, from points in Atlantic, Burlington, Camden, Cumberland, Gloucester, Mercer, and Salem Counties, N.J., to points in Maine, Vermont, and New Hampshire.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 113495 (Sub-No. 13), filed March 16, 1964. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, from Barberton, Ohio, to points in Tennessee, Virginia, West Virginia, and North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113514 (Sub-No. 90), filed March 3, 1964. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas, Tex. Applicant's attorney: W. D. White, 2420 Republic National Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between Brownsville, North Seadrift, and Texas City, Tex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 114045 (Sub-No. 132), filed March 17, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Detroit,, Mich., to points in Connecticut, Delaware, District of Columbia, Indiana, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 114211 (Sub-No. 50), filed March 18, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and agricultural implements*, and *parts thereof*, from Canton, Ill., to points in Missouri, and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114541 (Sub-No. 8), filed March 16, 1964. Applicant: FLORIDA FROZEN FOOD EXPRESS LIMITED, 964 Middlegate Road, Cooksville, Ontario, Canadá. Applicant's attorney: Lester M. Bridgeman, 1030 Woodward Building, Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products, canned citrus products*, and *citrus products* (not canned and not frozen), from Waycross, Ga., to ports of entry on the International Boundary line between the United States and Canada at or near Niagara Falls, Alexandria Bay, and Ogdensburg, N.Y.

NOTE: Applicant states the above proposed operations will be restricted to shipments transported from origin point to points in Canada. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114772 (Sub-No. 6), filed March 18, 1964. Applicant: DUNBAR ARMORED SERVICE, INC., doing business as DAS, 75 Maxim Road, Hartford, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as require special protection by guards and armored cars* (except bank bills, bonds, negotiable and nonnegotiable securities, notes, drafts, and other valuable papers), between Boston, Mass., on the one hand, and, on the other, points in Litchfield, Hartford, Middlesex, New Haven, New London, Tolland, and Windham Counties, Conn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 114803 (Sub-No. 9), filed March 16, 1964. Applicant: JOSEPH E. GLACKEN AND CHARLES E. GLACKEN, a partnership, doing business as GLACKEN BROS., 4083 Faries Parkway, Decatur, Ill. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Non-poisonous *argon, nitrogen, oxygen*, liquid and gas, and *helium*, in shipper-owned trailers, from the plant site of the National Petro-Chemical Co., located at Ficklin, Ill., to points in Indiana, Missouri, Kansas, Iowa, Colorado, Ohio, and Kentucky, and *damaged or rejected shipments*, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114969 (Sub-No. 16), filed March 16, 1964. Applicant: PROPANE TRANSPORT, INC., 27 Water Street, Milford, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, and *refused or rejected shipments* of the above described commodity, between points in Wayne County, Mich., and points in Pennsylvania.

NOTE: If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 115331 (Sub-No. 71), filed March 13, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsions, and asphalt products*, in bulk, from Rock Falls, Ill., to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 169), filed March 23, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, chilled, and frozen foods, and packinghouse products, fresh and frozen*, from Nashville, Tenn. to Blytheville and Little Rock, Ark.

NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 116273 (Sub-No. 22), filed March 16, 1964. Applicant: D & L TRANSPORT, INC., 38 South Laramie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsion*, and *asphalt products*, in bulk, in tank vehicles, from Rock Falls, Ill., to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116544 (Sub-No. 54), filed March 18, 1964. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Citrus products* not canned and not frozen, *frozen fruit products, frozen citrus products, fresh fruit, fresh vegetables*, in mixed loads with canned goods, and (2) *canned goods*, from points in Florida to points in Wyoming and Montana.

NOTE: If a hearing is deemed necessary applicant requests it be held at Tampa, Fla.

No. MC 116982 (Sub-No. 3), filed March 11, 1964. Applicant: WILLARD FUCHS AND LeROY FUCHS, doing business as FUCHS BROTHERS, 306 Walnut Street, Sauk City, Wis. Applicant's attorney: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison 5, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Fertilizer*, from Madison, Wis., to points in Illinois and Iowa. Restriction: The above described operations are limited to a transportation service to be performed under a continuing contract, or contracts, with F. S. Royster Guano Company, Madison, Wis., (b) *fertilizer*, from Fulton, Ill., to points in Wisconsin (except to points in Crawford, Vernon, La Crosse, Monroe, Juneau, Adams, Waushara, Marquette, Green Lake, Jefferson, Richland, Sauk, Dane, Green, Columbia, and Dodge Counties, Wis.), Iowa, and the Upper Peninsula of Michigan. Restriction: The above described operations are limited to a transportation service to be performed under a continuing contract, or contracts, with American Agricultural Chemical Co., Fulton, Ill., and (c) *building materials* as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, from Mazomanie, Wis., to points in Wisconsin and Michigan. Restriction: The above described operations are limited to a transportation service to be performed under a continuing contract or contracts, with John Wick, Mazomanie, Wis.

NOTE: If a hearing is deemed necessary applicant requests it be held at Madison, Wis.

No. MC 117119 (Sub-No. 137) (COR-

ant's attorney: Tom F. Kastrinos,

No. MC 117119 (Sub-No. 137) (CORRECTION), filed February 11, 1964, published in FEDERAL REGISTER, issue February 26, 1964, and republished as amended March 4, 1964, and republished as corrected this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Siloam Springs, Ark., and points within a 10 mile radius thereof, Gentry, Ark., and Kansas, Okla., to points in Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

NOTE: The purpose of this republication is to correctly state the origin territory involved, specifically Kansas, Oklahoma, in lieu of points in Kansas and Oklahoma.

No. MC 117815 (Sub-No. 20), filed March 23, 1964. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy cream and milk solids, dessert materials, beverage preparations, confectioneries, flour and pancake mixes, dry, dietary products, liquid, milk and cream substitutes*, and *cream and milk in hermetically sealed containers*, from Menomonie, Vesper, Astico, and Oconomowoc, Wis., to points in Iowa, Illinois, Missouri, Kansas, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118535 (Sub-No. 15), filed March 15, 1964. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, Mo. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer compounds, dry fertilizer supplements, dry urea fertilizer, dry feed grade urea, technical grade urea, ammonium phosphates, and ammonium nitrates*, in bulk and in bags and containers (except in tank or hopper type vehicles), (1) from the plant site and storage facilities of the John Deere Chemical Co., at or near Pryor, Okla., to points in Montana, Wyoming, New Mexico, South Dakota, Texas, Arkansas, Louisiana, and Alabama, and (2) from the plant site and storage facilities of the John Deere Chemical Co., at or near Tulsa, Okla., to points in Montana, Wyoming, Colorado, New Mexico, South Dakota, Nebraska, Kansas, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, and Alabama, and *damaged and returned commodities*, in (1) and (2) above, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 118535 (Sub-No. 16), filed March 19, 1964. Applicant: JIM TIONA, JR., 803 West Ohio, Butler, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, in bags, in bulk, and in mixed shipments of bag and bulk (except in tank and hopper type vehicles), (1) from Wales, Tenn., and Tupelo, Miss., to points in New Mexico, Colorado, North Dakota, South Dakota, Wisconsin, Illinois, Indiana, and Michigan (2) from Davenport, Iowa to points in Missouri, Oklahoma, Kansas, Colorado, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Illinois, Indiana, and Michigan (3) from Chicago, Ill., to points in Missouri, Oklahoma, Kansas, Colorado, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Indiana, and Michigan and (4) from Cordova, Ill., to points in Michigan, Indiana, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Oklahoma, Missouri, Kansas, Colorado, Nebraska, Iowa, South Dakota, North Dakota, Minnesota, and Wisconsin, and *damaged and retendered shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119693 (Sub-No. 1), filed March 16, 1964. Applicant: GRAIN TRANSIT, INC., 200 Clement Drive, New Haven, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017–19 Chamber of Commerce Building, Indianapolis 4, Inc. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, in bulk and in bags, (1) from points in Illinois to points in Michigan south of Michigan Highway 21, points in Pennsylvania west of U.S. Highway 15, points in New York south of U.S. Highway 20 and west of U.S. Highway 15, and points in West Virginia, Virginia, Ohio, Indiana, and Maryland, (2) from points in Ohio to points in Pennsylvania west of U.S. Highway 15, points in New York south of U.S. Highway 20 and west of U.S. Highway 15, and points in West Virginia, Indiana, Virginia, and Maryland, and, (3) from points in Indiana to points in Michigan south of Michigan Highway 21, points in Pennsylvania west of U.S. Highway 15, points in New York south of U.S. Highway 20 and west of U.S. Highway 15, and points in West Virginia, Ohio, Virginia, and Maryland.

NOTE: Applicant states that the proposed service is to be restricted to transportation performed under a continuing contract or contracts with Steinman, Inc., of Fort Wayne, Ind. Applicant further states that it is presently authorized to perform service for Steinman, Inc. from specified points in Illinois, Ohio, and Indiana. Authority is sought to broaden origin territory with destination territory remaining as now authorized. If a hearing is deemed necessary applicant requests that it be held at Indianapolis, Ind.

No. MC 119792 (Sub-No. 14), filed March 12, 1964. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in Sections A, B and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Swift & Company, located at or near Grand Island, Nebr., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119934 (Sub-No. 83), filed March 16, 1964. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, and *fertilizer materials*, in bulk, from Hillsboro and Fritchton, Ind., to points in Illinois, and Kentucky, and *damaged* and *rejected* shipments on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119988 (Sub-No. 10), filed March 13, 1964. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberland Drive, Lufkin, Tex. Applicant's attorney: Mert Starnes, 721 Brown Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, in vehicles other than tank or hopper vehicles, (1) from points in Arkansas and Phillips Counties, Ark., to points in Angelina County, Tex., and (2) from points in Phillips County, Ark., to points in Alabama, Georgia, Louisiana, and Mississippi, and *rejected and refused commodities*, in (1) and (2) above, on return.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Little Rock, Ark.

No. MC 121285 (Sub-No. 1), filed March 10, 1964. Applicant: PULLMAN DISTRIBUTORS, INC., 12150 South Peoria Street, Chicago, Ill., 60643. Applicant's attorney: Samuel M. Kane, 10 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sofas, sofa beds, mechanical reclining chairs, cafeteria tables, auditorium seats, classroom furniture, tables, occasional tables, lamp tables, picture window tables, step tables, bedroom furniture, dressers, beds, chests, mirrors, dining room furniture, breakfronts, buffets, china cabinets, desks, cedar chests, accessory case pieces, night stands, and chairs* (except commodities in bulk), (1) between points within the Chicago, Ill., commercial zone, as defined by the Commission and (2) between Chicago, Ill., and points within a fifty (50) mile radius of 12150 South Peoria Street, Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 121554 (Sub-No. 1), filed March 11, 1964. Applicant: CHARLES A. AYASH, doing business as ALL POINTS TRUCK SERVICE, 52 Queen Street, Fall River, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, those requiring special equipment, and classes A and B explosives), between Fall River, Mass., and points in Massachusetts.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass., or Providence, R.I.

No. MC 123048 (Sub-No. 38), filed March 11, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery*, (2) *agricultural implements*, and (3) *parts and attachments* of the commodities described in (1) and (2), when moving with the machinery or implements of which they are a part, between Vicksburg, Miss., and Oregon, Ill., on the one hand, and, on the other, points in Arkansas, Illinois, Louisiana, Mississippi, Missouri, and Tennessee.

NOTE: Applicant states the following restriction applies to all of the foregoing items: except commodities, the transportation of which requires the use of special equipment or special handling. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., Milwaukee or Madison, Wis.

No. MC 123061 (Sub-No. 21), filed March 16, 1964. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Suite 600, El Paso Natural Gas Building, 315 East Second South, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in packages, moving in mixed truckload shipments with salt and salt products, from Lakepoint, Utah, to points in Idaho, Montana, Washington, and Oregon.

No. MC 123391 (Sub-No. 3), filed March 24, 1964. Applicant: NICHOLAS TUSO, doing business as INTER-STATE TRANSPORTATION COMPANY, Third and Chestnut Avenues, Post Office Box 55, Vineland, N.J. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except acids and chemicals), in bulk, in tank vehicles, from pipeline outlets in Virginia, Maryland, Delaware, Pennsylvania, and New Jersey, to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123502 (Sub-No. 7), filed March 19, 1964. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphate of ammonia*, in bulk, from Bristol, Pa., to Cambridge, Md.

NOTE: If a hearing is deemed necessary applicant requests it be held at Baltimore or Salisbury, Md.

No. MC 124053 (Sub-No. 5), filed March 19, 1964. Applicant: SCOVERA CARTAGE COMPANY, a corporation, 12300 Visger Road, Detroit 17, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in bulk, from Youngstown, Ohio, to Niagara Falls, N.Y., and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 124078 (Sub-No. 102) (CORRECTION), filed March 2, 1964, published FEDERAL REGISTER issue March 18, 1964, republished as corrected, this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, and mineral mixtures*, in bulk, from points in Kansas, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832 and Subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans. The purpose of this republication is to show the correct filing date.

No. MC 125515 (Sub-No. 2), filed March 23, 1964. Applicant: ALBERT SCHMIDT, doing business as SCHMIDT'S TRANSPORTATION COMPANY, Bethel, Alaska. Applicant's attorney: John M. Stern, Jr., Post Office Box 1672, Anchorage, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Bethel, Alaska, and points within 75 miles of Bethel, on traffic having a prior or subsequent out-of-state movement.

NOTE: Applicant states that the proposed operations will be seasonal between May 1 and October 31. If a hearing is deemed necessary, applicant requests it be held at Bethel, Alaska.

No. MC 125894 (Sub-No. 2), filed March 16, 1964. Applicant: EDWARD A. DUDLEY, doing business as DUDLEY TRUCKING, 290 West Tyrone Street, Le Center, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated alfalfa*, from Le Center, Minn., to points in Wisconsin.

NOTE: If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 125898 (Sub-No. 1), filed March 16, 1964. Applicant: PAPER MILLS TRUCKING CO., INC., 1000 Stephenson Building, Detroit 2, Mich. Applicant's attorney: William B. Elmer, 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap paper*, from St. Louis, Mo., to points in Michigan, under a continuing contract with Shamrock Paper Company, (2) *scrap paper*, between points in Michigan, Illinois, Indiana, Ohio, Kentucky, and Missouri, under a continuing contract with Levine Waste Paper Company, and (3) *scrap paper*, from Washington, D.C., to points in Michigan, under a continuing contract with District Waste Material Company, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities in (1), (2), and (3), above, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Lansing, Mich.

No. MC 126040 (CORRECTION), filed February 24, 1964, published in FEDERAL REGISTER issue March 11, 1964, corrected and republished this issue. Applicant: CONERTY-HENIFF TRANSPORT, INC., Evergreen Park Branch Post Office Box 815, Chicago 42, Ill. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Indiana located within the Chicago, Ill., commercial zone, to points in Illinois, and *damaged and rejected shipments*, on return.

NOTE: Applicant states the proposed service will be performed under a continuing contract or contracts with Gulf Oil Corporation. The purpose of this republication is to show origin points in Indiana, located within the Chicago, Ill., commercial zone. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126076 (CLARIFICATION), filed March 2, 1964, published FEDERAL REGISTER issue of March 18, 1964, clarified and republished this issue. Applicant: CHATTAHOOCHEE VALLEY RAILWAY COMPANY, a corporation, Fourth Avenue and Eighth Street, West Point, Ga. Applicant's attorney: Yetta G. Samford, Jr., Opelika, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Bleecker, Ala. and North West Point, Ga.; from Bleecker over U.S. Highways 280 and 431 in a southeasterly direction to a connection with Alabama Highway 87, thence north over Alabama Highway 87 to U.S. Highway 29, thence north over U.S. Highway 29 and city

streets to North West Point, and return over the same route, serving the intermediate points located on the railroad.

NOTE: Applicant states the above highways are adjacent to and generally parallel the Chattahoochee Valley Railway Company line. Applicant further states the proposed transportation will move in carload and less-than-carload lots, and also will move prior to or subsequent to this movement by rail in substituted rail service. The purpose of this republication is to clarify the proposed operations. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 126101, filed March 17, 1964. Applicant: FRANK D. SILVESTRO, doing business as FRANK'S TRUCKING CO., 100 Paris Street, East Boston, Mass. Applicant's representative: Gerard J. Donovan, Post Office Box 126, Hyde Park 36, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jams, jellies and syrups, and materials used in the preparation thereof*, between Providence, R.I., and points within 15 miles thereof, and points in the Boston, Mass., commercial zone.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 126102, filed March 17, 1964. Applicant: ANDERSON MOTOR LINES, INC., 37 Woodruff Road, Walpole, Mass. Applicant's attorney: Leon J. Kowal, 73 Tremont Street, Boston, Mass., and applicant's representative: Gerard J. Donovan, Post Office Box 126, Hyde Park 36, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Watches, watch bands, books, toys, beverages* (non alcoholic), *candy* (other than hollow mold), *candy in novelty packages, cookies, cosmetics, costume jewerly, popped corn, drugs, drug store supplies, medicines, toilet preparations, greeting cards, paper and paper products, sanitary pads, stationery, store and office supplies, fixtures and displays, plastic articles* over 15 pounds per cubic foot, *notions, leather goods, razors, radios, lighters*, and *clocks*, between Boston and Norwood, Mass., Providence, R.I., and Atlanta, Ga., and points in Arkansas, Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virgina, West Virginia, Wisconsin, and Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126103, filed March 11, 1964. Applicant: ROBERT A. McQUAIDE, doing business as FRANK ADAMS COMPANY, Depot Street, Bellows Falls, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from North Weymouth, Mass., to points in New Hampshire and Vermont.

NOTE: If a hearing is deemed necessary applicant requests it be held at Montpelier, Vt.

No. MC 126104, filed March 11, 1964. Applicant: WEBER TRUCKING CORPORATION, Route 3, Box 117, Ogden, Utah. Applicant's attorney: Irene Warr, 419 Judge Building, Salt Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe, concrete block, concrete products*, and *corrugated metal pipe*, from Salt Lake City and Ogden, Utah, to points in Utah, Arizona, Colorado, Wyoming, and Idaho.

NOTE: If a hearing is deemed necessary applicant requests it be held at Salt Lake City, Utah.

No. MC 126105, filed March 12, 1964. Applicant: NATHAN SEGALL CO., INC., 12 Jefferson Street, Montgomery, Ala. Applicant's attorney: J. Douglas Harris, 410–411 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Gulfport, Miss., and Jacksonville and Tampa, Fla., to Montgomery, Ala., and *empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, on return.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Montgomery, Ala.

No. MC 126106, filed March 12, 1964. Applicant: NORMAN E. MOORE, 266 West 32d Street, Hamilton, Ontario. Applicant's attorney: Robert G. Gawley, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary) and in the same vehicle with such horses, *stable supplies and equipment used in the care and exhibition of such horses, mascots, and the personal effects of their attendants, trainers, and exhibitors*, between the ports of entry on the International Boundary line between the United States and Canada, located on the Niagara River, Detroit River and St. Clair River, and points in Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virgina, and West Virginia.

NOTE: Applicant states that the proposed operations will be restricted to shipments moving to or from Canada. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 126108, filed March 16, 1964. Applicant: SUNFLOWER COMPANY, INC., 5604 Coe Drive, Wichita, Kans. Applicant's attorney: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat, standard middlings, bran, mill feed, mixed feed and wheat grey shorts*, in bags and in bulk, from points in Reno and Sedgwick Counties, Kans., to points in Cleburne, Conway, Faulkner, Fulton, Garland, Independence, Johnson, Logan, Lonoke, Polk, Pope, Scott, Sebastian, Sevier, Van Buren, White, Yell, and Pulaski Counties, Ark.

NOTE: Applicant states he proposes to transport exempt commodities on return. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 126109, filed March 16, 1964. Applicant: L. E. HILTON TRUCKING CO., INC., 14 Clover Street, Geneva, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, in bulk, in dump vehicles, (1) from points in Livingston, and Wayne Counties, N.Y., to points in Bradford, Lackawanna, Potter, Susquehanna, Tioga, Wayne, and Wyoming Counties, Pa., and (2) from points in Lebanon County, Pa., to points in Broome, Cayuga, Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Tioga, Wayne, Tompkins, and Yates Counties, N.Y.

NOTE: If a hearing is deemed necessary applicant requests it be held at Rochester, N.Y.

No. MC 126111, filed March 16, 1964. Applicant: LYLE W. SCHAETZEL, doing business as SCHAETZEL TRUCKING COMPANY, 4578 Larsen Road, Route No. 4, Oshkosh, Wis. Applicant's attorney: Hugh F. Nelson, 111 South Memorial Drive, Appleton, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Fond du Lac, Wis., to Little Rock, Ark., Lake Charles, Monroe and New Orleans, La., Baltimore, Md., Biloxi, Miss., Kansas City, Mo., New Brunswick, N.J., Long Island City and New York City, N.Y., Akron, Columbus, Dayton, and Hamilton, Ohio, Oklahoma City, Okla., Philadelphia and Pittsburgh, Pa., Beaumont, Corpus Christi, Dallas, Houston, Lubbock, Marshall, San Antonio, and Texarkana, Tex.

NOTE: If a hearing is deemed necessary applicant requests it be held at Milwaukee, Wis.

No. MC 126113, filed March 16, 1964. Applicant: ALEXANDER CLARK, doing business as ALRAY TRUCK LINES, Route No. 5, Hendersonville, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite iron ore, magnetite and processed magnetite*, in bulk and bags, requiring regular and special equipment, from points in Avery, Mitchell, and Watauga Counties, N.C., and Carter, Unicoi, Green, Washington, and Johnson Counties, Tenn., to points in the United States, excluding Hawaii and Alaska, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Charlotte, N.C.

No. MC 126115, filed March 18, 1964. Applicant: MEADOWS VAN & STORAGE, INC., 340 East Patrick Street, Frederick, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are usually dealt in by chain, retail and mail order department stores, trade-ins* and *returned shipments* of commodities previously delivered, between Frederick, Md., on the one hand, and, on the other, points in Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia within sixty (60) miles of Frederick, Md.

NOTE: Applicant states the proposed operations will be limited to a continuing contract with Sears Roebuck Company of Frederick, Md. Applicant holds common carrier authority in MC 107328 and Subs; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126116, filed March 20, 1964. Applicant: RICHARD S. CORDREY AND JOHN S. CORDREY, doing business as JOHN A. CORDREY & CO., a partnership, Washington Street, Millsboro, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal poultry feed*, from Bishop, Md., to points in Worcester County, Md., and Kent and Sussex Counties, Del.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Georgetown, Del.

No. MC 126118, filed March 18, 1964. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route 8, Johnson City, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, (1) from Atlanta, Ga., to Johnson City, Tenn., and *empty containers and wooden pallets*, on return, (2) from Peoria, Ill., to Johnson City, Knoxville, and Bristol, Tenn., and Bristol, Va., and *empty containers and wooden pallets*, on return, and (3) from Belleville, Ill., to Knoxville, Tenn., and *empty containers and wooden pallets*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 126119, filed March 23, 1964. Applicant: EASTERN MOTOR TRANSPORT, INCORPORATED, Post Office Box 501, Richmond, Va. Applicant's attorney: Jno. C. Goddin, 10 South Tenth Street, Insurance Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Richmond, Va., to points in Charles, St. Mary, Calvert, and Prince Georges Counties, Md.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 59013 (Sub-No. 18), filed March 16, 1964. Applicant: CROWN COACH COMPANY, a corporation, 219 West Second Street., Joplin, Mo. Applicant's attorney: L. M. Crouch, Jr., Professional Building, Harrisonville, Mo., 64701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers, mail* and *express* in the same vehicle with passengers, between Greenfield, Mo., and Nevada, Mo.: from Greenfield, over Missouri Highway 39 to Stockton, Mo., thence over Missouri Highway 32 to Eldorado Springs, Mo., thence over U.S. Highway 54 to Nevada, and return over the same route, serving the intermediate points of Eldorado Springs, Filley, Stockton, junction Missouri Highway 39 and County Highway B, and Neola, Mo.

NOTE: If a hearing is deemed necessary applicant requests it be held at Joplin or Springfield, Mo.

No. MC 61016 (Sub-No. 18), filed March 12, 1964. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. Applicant's attorney: Frank Daniels, 11 Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations and all expense round-trip sightseeing and pleasure tours, beginning and ending at points in Amherst, Northampton, Holyoke, Chicopee, and Springfield, Mass., and extending to the site of the World's Fair, Flushing, N.Y.

NOTE: Applicant states the proposed operations will be during the Fair seasons in 1964 and 1965. If a hearing is deemed necessary applicant requests it be held at Springfield, Mass., or Hartford, Conn.

No. MC 67629 (Sub-No. 3), filed March 24, 1964. Applicant: NORTHERN TRANSPORTATION COMPANY, INC., 218 North Fifth Avenue, Virginia, Minn. Applicant's attorney: Joseph J. Dudley, E–1506 1st National Bank Building, St. Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* in the same vehicle with passengers, from Duluth, Minn., to Hibbing, Minn., from Duluth over U.S. Highway 53 to Virginia, Minn., and thence over U.S. Highway 169 to Hibbing, and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Duluth, Minn.

No. MC 124842 (Sub-No. 2), filed December 19, 1963. Applicant: ROMEO RACINE, doing business as RACINE TRANSPORTATION, Beebe, Stanstead City, Province Quebec, Canada. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between the port of entry on the international boundary line between Canada and the United States at Beebe Plain, Vt., and Newport Vt.; from Beebe Plain, over highway known as Lake Side Road, via Lindsay Beach Road to Newport, and return over the same route, serving all intermediate points.

No. MC 126044, filed February 24, 1964. Applicant: MONA A. HEIDENREITER, doing business as HEIDENREITER BUS SERVICE, 542 Wilson Avenue, Sheboygan Falls, Wis. Applicant's attorney: Donald E. Koehn, Ebbers Building, Sheboygan Falls, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Sheboygan County, Wis., and extending to points in Wisconsin and Illinois.

NOTE: Applicant states the proposed service will involve the transportation of non-profit groups and organizations, many of which will be appearing in competition in various communities, located in the states of Wisconsin and Illinois. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126107, filed March 15, 1964. Applicant: THE BOSTON-WORCESTER CORPORATION, doing business as THE B & W LINES, 855 Worcester Road, Framingham, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Boston and Worcester, Mass.; (a) from Boston over Massachusetts Highway 9 to Worcester, and (b) from Boston over U.S. Highway 20 to Grafton Street, Shrewsbury, Mass., thence over Massachusetts Highway 9 to Worcester, and return over the same routes, serving all intermediate points.

APPLICATIONS IN HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 25869 (Sub-No. 19), filed March 19, 1964. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 217, Farnhamville, Iowa. Applicant's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles distributed by packing houses* (except tallow in bulk, in tank vehicles), from points in Saunders County, Nebr., to Milwaukee, Wis.

No. MC 29120 (Sub-No. 70), filed March 18, 1964. Applicant: WILSON STORAGE AND TRANSFER CO., a corporation, 1500 "I" Avenue, Post Office Box 756, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over alternate routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Sioux Falls, S. Dak., and Fargo, N. Dak., from Sioux Falls, over U.S. Highway 16, and Interstate Highway 90 to junction with U.S. Highway 75 located at Luverne, Minn., thence over U.S. Highway 75 to Pipestone, Minn., and junction with Minnesota Highway 23, thence over Minnesota Highway 23 to Marshall, Minn., and junction with Minnesota Highway 68, thence over Minnesota Highway 68 to Canby, Minn., and junction with U.S. Highway 75, thence over U.S. Highway 75 to Moorhead and junction with U.S. Highway 10, thence over U.S. Highway 10 to Fargo, N. Dak., and return over the same route, serving no intermediate or off-route points with joinder authorized at junctions U.S. Highway 75 and Minnesota Highway 23, Minnesota Highway 23 and Minnesota Highway 68, Minnesota

Highway 68 and U.S. Highway 75, and U.S. Highway 75 and U.S. Highway 10.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 50069 (Sub-No. 292), filed March 9, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Findlay, Ohio, and points within five miles thereof to points in Wisconsin.

No. MC 98173 (Sub-No. 3) (AMENDMENT), filed November 26, 1963, published FEDERAL REGISTER issue of January 22, 1963, amended March 23, 1964, and republished as amended this issue. Applicant: CHESTER L. ROBERTS, doing business as ROBERTS MOTOR FREIGHT, Sweet Springs, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those injurious or contaminating to other lading), (a) between Kansas City and Eaglesville, Mo.; from Kansas City over U.S. Highway 69 to Eaglesville, and return over the same route, serving the intermediate and off-route points of Civil Bend, Ridgeway, Altamont, Bethany, Albany, Blythedale, McFall, Stanberry, Helena, Mable, Ford City, Avenue City, Evona, Carmack Junction, King City, Rochester, Union Star, Gilman City, New Hampton, Coffee, Pattonsburg, Martinsville, and Winston, Mo., (b) between St. Joseph and Eaglesville, Mo.; from St. Joseph over U.S. Highway 169 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 69, thence over U.S. Highway 69 to Eaglesville, and return over the same route, serving the intermediate and off-route points of Avenue City, Winston, Helena, Altamont, Union Star, Ford City, King City, Gilman City, McFall, Stanberry, Martinsville, Albany, Blythedale, Evona, Carmack Junction, New Hampton, Bethany, Mable, Rochester, Coffee, Pattonsburg, Ridgeway and Civil Bend, Mo., and (c) from junction U.S. Highways 36 and 69, as a common point of joinder, over U.S. Highway 36 to St. Joseph, Mo. and return over the same route, as an alternate route for operating convenience only with no service authorized over said route on any traffic moving between Kansas City and St. Joseph, Mo., and (2) *household goods, office furniture and fixtures*, as defined by the Commission, OVER IRREGULAR ROUTES, between St. Joseph, Mo., on the one hand, and, on the other, points in Missouri.

NOTE: Applicant states he will request cancellation of the Certificate of Registration in MC 98173 Sub 2 concurrently with the issuance of a Certificate authorizing operations as set out in the instant application. The purpose of this amendment is to broaden the scope of the authority sought.

No. MC 107500 (Sub-No. 75), filed March 17, 1964. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: R. J. Schreiber, 547 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction U.S. Highway 310 and Montana Highway 308, and Cody, Wyo., from junction U.S. Highway 310, and Montana Highway 308 south of Bridger, Mont., thence over Montana Highway 308, to junction Montana Highway 397, thence over Montana Highway 397 to Montana-Wyoming State line thence over Wyoming Highway 120 to Cody, and return over the same route, for operating convenience only, in connection with applicant's authorized regular route authority, serving no intermediate or off-route points.

NOTE: Common control may be involved.

No. MC 112846 (Sub-No. 37), filed March 16, 1964. Applicant: CLARE M. MARSHALL, INC., Post Office Box 611, Oil City, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Freeport and Pittsburgh, Pa., to points in Butler and Venango Counties, Pa.

No. MC 113267 (Sub-No. 129), filed March 23, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 W. Morris St., Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. Joseph, Marshall, Macon, Milan, Moberly, and Carrollton, Mo., to Memphis, Tenn.

NOTE: Applicant states that the proposed service is to be restricted to those shipments "partially unloading therein and when preceded or followed by delivery at destinations in one or more of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, and Tennessee." It is to be further restricted against transportation in bulk in tank vehicles.

No. MC 113526 (Sub-No. 4), filed March 16, 1964. Applicant: VANOVER BROS. INC., 2007 Old Henderson Road, Owensboro, Ky. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Suite 202, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry meal, meat scraps and tankage* (except tankage in tank vehicles), from Owensboro, Ky., to Albertsville, Ala., and Shelbyville, Tenn.

NOTE: Applicant states the proposed operations will be under contract with Field Packing Company, Inc., of Owensboro, Ky.

No. MC 116063 (Sub-No. 43), filed March 23, 1964. Applicant: WESTERN TRANSPORT CO., INC., 1030 Stayton Street, Post Office Box 270, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups and sugar*, in bulk, from San Antonio, Tex., to points in Arkansas, Louisiana, New Mexico, and Oklahoma.

No. MC 124048 (Sub-No. 21), filed March 4, 1964. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 611 South 28 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Romeoville, Ill., to points within five (5) miles of Logansport, Ind.

No. MC 124123 (Sub-No. 18), filed March 23, 1964. Applicant: SCHWERMAN TRUCKING CO. OF ILLINOIS, INC., 611 South 28 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potassium permanganate*, in bulk, from La Salle, Ill., to Pittsburgh, Pa.

NOTE: Common control may be involved.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3165; Filed, Mar. 31, 1964; 8:50 a.m.]

[Notice 960]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 27, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66625. By order of March 25, 1964, the Transfer Board approved the transfer to William A. Shields and Robert H. Riley, a partnership, doing business as Shields Motor Lines, Pittsburgh, Pa., of the operating rights issued by the Commission, November 1, 1961, under Certificate in No. MC 79984 to Wm. A. Shields, doing business as Shields Motor Lines, Pittsburgh, Pa., authorizing the transportation, over irregular routes, of petroleum products, from Pittsburgh, Pa., to Follansbee, W. Va., and Steubenville, Ohio; and water softening compounds and electrical equipment, from Pittsburgh, Pa., to Steubenville and Mingo Junction, Ohio, and Weirton, Wheeling, and Beechbottom, W. Va. Edward M. Larkin, 2509 Grant Building, Pittsburgh 19, Pa., attorney for applicants.

No. MC-FC 66657. By order of March 25, 1964, the Transfer Board approved the transfer to Bear Mountain Motor Express, Inc., Lincoln, Nebr., of the operating rights in Certificates in Nos. MC 118101, MC 118101 (Sub No. 2), and MC 118101 (Sub No. 3), issued by the Commission August 16, 1962, July 6, 1962, and August 16, 1962, respectively, to Ray Gilbert, Jr., Muskogee, Okla, authorizing the transportation, over irregular routes, of bananas, from New Orleans, La., to Lincoln, Hastings, and Omaha, Nebr., Casper, Wyo., and Rapid City, S. Dak.; from Gulfport, Miss., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota and Wyoming; and from New Orleans, La., to Scottsbluff, McCook, and Holdrege, Nebr., and Topeka and Salina, Kans. Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr., attorney for applicants.

No. MC-FC 66682. By order of March 25, 1964, the Transfer Board approved the transfer to Eagle Moving and Storage, Inc., South Hampton, Pa., of the operating rights in Certificate in No. MC 5298, issued August 27, 1940, to Francis Dixey, doing business as Dixey Moving and Hauling, Philadelphia, Pa., authorizing the transportation, over irregular routes, of Household goods, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey and Delaware. Bernard I. Shovelin, 1328 Land Title Building, Philadelphia, Pa., 19110, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3166; Filed, Mar. 31, 1964; 8:50 a.m.]

[Notice 960-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 27, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66736. By order of March 26, 1964, the Transfer Board approved the transfer to Lloyd's Transfer Company, Inc., Baltimore, Md., of the operating rights in Certificates in Nos. MC 36746, MC 36746 (Sub No. 3), MC 36746 (Sub No. 4), MC 36746 (Sub No. 5), MC 36746 (Sub No. 6), MC 36746 (Sub No. 7), MC 36746 (Sub No. 8), and MC 36746 (Sub No. 9), issued January 20, 1948, September 6, 1949, September 6, 1949, September 6, 1949, September 6, 1949, September 6, 1949, September 6, 1949 and January 8, 1960, respectively, to The American Transfer Company, a corporation, Baltimore, Md., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk and other specified commodities, between Baltimore and Point Lookout, Annapolis and North Beach, Md., and Washington, D.C.; from Baltimore to Richmond, Va., and points as specified in Maryland; and between Washington, D.C., on the one hand, and, on the other, points as specified in Maryland; Household goods, between Baltimore, Md., on the one hand, and, on the other, Philadelphia, Pa., New York, N.Y., and Washington, D.C.; cork, cork and tin caps and crowns, bottling machinery, chocolate, tin plate, new furniture, matches, clothes pins, toothpicks, paper, pulpboard articles, lime, ground limestone, flour, roofing, paint, roofing materials, nails, fish, salt, commodities usually dealt in by wholesale grocery stores, lumber, agricultural commodities, poultry, livestock, lubricating oils and greases, unmanufactured tobacco, asphalt, asphalt products, asbestos siding, and bananas, from and to, or between points as specified in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia, and those operating rights which transferor may acquire from Joseph A. Medeiros pursuant to approval and consummation of the transaction in No. MC-F 8589. David A. Sutherlund, 1120 Connecticut Avenue NW., Washington, D.C., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3167; Filed, Mar. 31, 1964; 8:50 a.m.]

[No. MC-C-4352]

PETITION FOR DECLARATORY ORDER

MARCH 27, 1964.

Petitioner: MUNITIONS CARRIERS CONFERENCE, INC. OF THE AMERICAN TRUCKING ASSOCIATION, INC. Petitioner's attorney: W. T. Croft, 940 Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. By petition filed December 24, 1963, petitioner requests a declaratory order to remove uncertainty as to the correct and proper interpretation of various forms of operating authority now held by its members. More specifically, petitioner requests that the Commission enter an order declaring that "jet thrust units" properly may be transported by carriers holding authority to transport (1) explosives, (2) dangerous explosives, (3) high explosives, and (4) Class A and/or B explosives.

Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3168; Filed, Mar. 31, 1964; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 27, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38911: *Class and commodity rates from and to Riverbend, N.C.* Filed by O. W. South, Jr., agent (No. A4479), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads, and less-than-carloads, between Riverbend, N.C. on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

FSA No. 38912: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 1), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38913: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 2), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states and middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

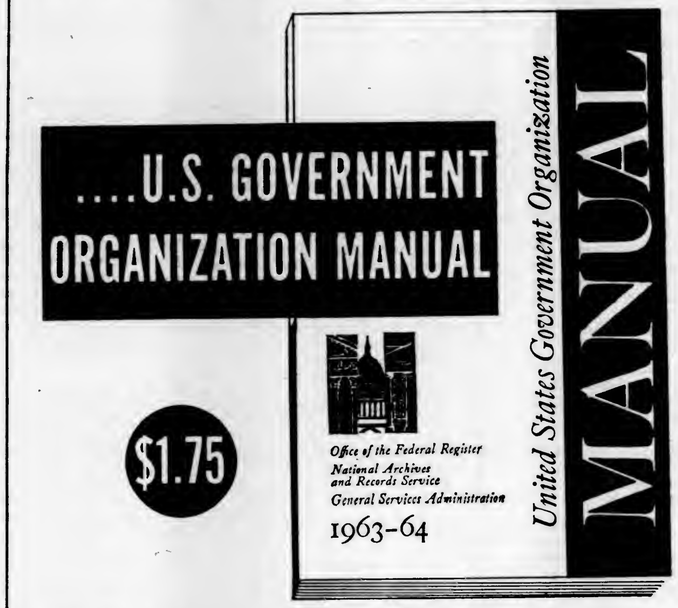
Grounds for relief: Motortruck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3162; Filed, Mar. 31, 1964; 8:49 a.m.]

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THE UNIVERSITY OF MICHIGAN
READING ROOM

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PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Director, Special Staff on Aging, has been moved within the Department of Health, Education, and Welfare from the Office of the Secretary to the Welfare Administration and the title of the position changed to Director, Office of Aging. Effective upon publication in the FEDERAL REGISTER, subparagraph (15) of paragraph (a) of § 213.3316 is revoked and subparagraph (3) is added to paragraph (g) as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) • • •

(15) [Revoked]

• • • • • •

(g) *Welfare Administration.* • • •

(3) Director, Office of Aging.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 638; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3191; Filed, Apr. 1, 1964; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 775—FEED GRAINS

Subpart—1964 and 1965 Feed Grain Program Regulations

COUNTY AVERAGE YIELDS AND COUNTY RATES

Correction

In F.R. Doc. 64-2308, appearing at page 3332 of the issue for Friday, March 13, 1964, the following corrections are made in the tabular matter of § 775.327:

1. For Seminole County, Ga., the adjusted average yield for grain sorghum should read "29.5" instead of "25.9".

2. For Chautauqua County, Kans., the rate for barley should read ".97" instead of ".96".

3. For Madison County, Miss., the rate for barley should read "1.02" instead of "1.20".

4. For Scott County, Mo., the rate for barley should read "1.04" instead of ".04".

5. For Nebraska:

a. For Antelope County, the rate for grain sorghum should read "1.09".

b. For Arthur County, the rate for grain sorghum should read "1.02" instead of "1.09".

c. For Sarpy County, the rate for barley should read "1.02" instead of "1.20".

6. For Beaufort County, N.C., the rate for grain sorghum should read "1.19" instead of "1.91".

7. For North Dakota, an entry should appear for Williams County, reading as follows:

Williams	21.2	.82	20.4	1.13	--	--

8. For Cambria County, Pa., the rate for grain sorghum should read "1.19" instead of "1.12".

9. For Clark County, Wash., the rate for barley should read "1.07" instead of "1.05".

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 9]

PART 105—STANDARDS OF CONDUCT

Miscellaneous Amendments

In Part 105, §§ 105.3–1(d), as amended (27 F.R. 12612), 105.4–6, as amended (26 F.R. 10723), and 105.10, as amended (28 F.R. 12311) are revised to read respectively as follows:

§ 105.3–1 Former employees.

• • • • • •

(d) A former employee who occupied a position or engaged in activities involving discretion with respect to the granting of assistance under the Small Business Act, as amended, or the Small Business Investment Act of 1958, as amended, is disqualified from accepting any employment with or being retained by any business concern which has been given assistance by the Administration, for a period of two years following the date of such assistance, if such date falls within the period of his employment with the Administration or within a year after such employment has ceased. All clerical employees of the Administration and all non-clerical employees of the Office of Assistant Administrator for Administration and offices thereunder, do not occupy positions and are not engaged in activities involving discretion with respect to the granting of assistance under the Small Business Act, as amended, and the Small Business Investment Act of 1958, as amended. The discretionary nature of the position and activities of other employees shall be determined by the Administrator at such time as the employee terminates his employment with the Small Business Administration.

§ 105.4–6 Employees engaged in outside employment.

Except upon written approval of the Director of Personnel or his designee, no employee shall engage in any outside employment, business or vocation.

§ 105.10 Ad Hoc Committee.

An Ad Hoc Committee composed of the General Counsel, serving as Chairman thereof, the Assistant Administrator for Administration and the Director, Office of Public Information, shall advise and aid the Administrator in the promulgation and administration of pertinent conflict of interest agency regulations, and in the determination of specific instances of possible conflicts of interests, including the requirements of §§ 105.4–2 and 105.4–3. The Director, Office of Audits, shall be an alternate member of the Ad Hoc Committee to serve in the absence or disability of any member of the Committee, or in the event a member of the Committee is otherwise disqualified to act. All requests for determinations, whenever necessary, under these standards of conduct shall be addressed through proper channels to this Committee.

Effective date. April 1, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-3193; Filed, Apr. 1, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Reg. Docket No. 1891; Amdt. 61-8]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

Private Pilot; General Privileges and Limitations

The purpose of this amendment is to clarify certain provisions relating to the privileges and limitations of private pilots. This action was published as a notice of proposed rule making and circulated as Federal Aviation Agency Notice No. 63-30 (28 F.R. 8157), issued August 2, 1963.

Under the existing rule, § 61.101, the words "a private pilot may not act as pilot in command of an aircraft for compensation or hire" are not clear. The question arose whether the words mean that the private pilot may not act as pilot in command of an aircraft when

the operator of the aircraft (who may not be the private pilot) is compensated for carrying passengers or property, or only when the private pilot himself receives compensation. The amendment makes it clear that the private pilot ordinarily may not act as pilot in command in either of these circumstances. The exceptions to the rule are listed in the amended section.

As stated in Notice No. 63–30, when Part 43 of the Civil Air Regulations was adopted in 1945, § 43.60 provided, "A private pilot shall not pilot aircraft for hire." A note appended to the rule stated, "This rule permits sharing expenses of a flight or piloting in furtherance of a business when the flight is made solely for the personal transportation of the pilot."

The section was amended by Amendment 43–3, issued August 7, 1950, and effective September 11, 1950, to read: "A private pilot shall not pilot aircraft for compensation or hire; except that he may pilot aircraft in connection with any business or employment, if the flight is merely incidental thereto and does not involve the carriage of persons or property for compensation or hire, and an aircraft salesman holding a private pilot rating may demonstrate aircraft in flight to a prospective purchaser if he has at least 200 hours of flight time credited in accordance with the provisions of Part 43." The preamble stated that the previous rule "has been difficult to interpret, and in many instances it has unduly restricted the operations of private pilots." The preamble also stated interpretations illustrative of the application of the amendment. These were set forth in Notice No. 63–30.

The section was amended again August 1, 1961, by Amendment 43–14, to authorize private pilots to take part in charity airlifts. In the meantime a new Part 43 had been printed, and the interpretative material given in the preamble to Amendment 43–3 was not included.

When the Civil Aeronautics Board amended § 43.60 by Amendment 43–3, it removed previous restrictions that applied to the sharing of expenses with passengers or flying in the furtherance of a business, in that permission to do so had been granted previously only when the flight was made solely for the personal transportation of the pilot. The Board paid heed to public comment pleading for privileges similar to those granted private operations of automobiles, so as to obtain full usefulness of aircraft in private operations. When the section was recodified and incorporated in Part 61 [New] as § 61.101, the interpretations again were omitted, including the one on permission to "share expenses." In this connection, sharing of expenses might appear to be prohibited as involving "for compensation or hire." However, since the fact that one or more passengers contribute to the actual operating expenses of a flight is not considered the carriage of persons for compensation or hire, this interpretation now will appear as an exception in paragraph (a)(2) in order to assure the preservation of this traditional right.

The language of the general rule of paragraph (a) itself, as it appeared in Notice No. 63–30, has been rearranged to set forth even more clearly the circumstances in which a private pilot may not act as pilot in command. In addition to the exception for shared expenses, other circumstances where it was not intended that the general rule apply are those of the aircraft salesman who demonstrates an aircraft in flight to a prospective buyer, and the private pilot who engages in a charitable organization airlift. The amendment retains these exceptions to the general rule in paragraphs (a)(3) and (4). The definition of "charitable organization," in subdivision (vi) of paragraph (a)(4) is amended by the addition of the language "from time to time by published supplemental lists," to further clarify the meaning of the term "as amended" used with reference to listings in Publication No. 78 of the Department of the Treasury and thereby assure that monthly changes in that list are applicable here.

Paragraph (b) of § 61.101 has provided that "a private pilot may act as a pilot in command of an aircraft in connection with any business or employment if the flight is only incidental to it and does not carry persons or property for compensation or hire." This provision is brought forward as subparagraph (a)(1) and amended to make clear that although a private pilot may not carry passengers or property for compensation or hire, he may otherwise act as pilot in command of an aircraft for compensation or hire in connection with any business or employment if the flight is only incidental to it.

Paragraph (d) *Category; class; type*, of § 61.101, now is combined with paragraph (e) since the latter properly is an exception to paragraph (d) and has nothing to do with the other provisions of § 61.101. These now will appear as paragraph (b) in the amended section. The words "or remuneration" are deleted as unnecessary because obviously the general prohibition of paragraph (a) would make retention of those words redundant.

No substantive change is made in the previous provisions of paragraph (f) of § 61.101. The first sentence and the portion of the second sentence concerning the giving of instruction in a free balloon are retained as a new paragraph (c). The balance of the second sentence is retained now as subparagraph (5) of the exceptions to the general rule of paragraph (a), and not as an exception stated at the beginning of that paragraph, as in Notice No. 63–30.

Paragraph headings were retained for only paragraph (b) in Notice No. 63–30. These have been restored to all three paragraphs in the amendment.

Interested persons have been afforded an opportunity to participate in the making of this amendment (28 F.R. 8157) and due consideration has been given to all relevant matters presented. No comments were received that were unfavorable to the particular proposal for clarification.

In consideration of the foregoing, § 61.101 of Part 61 [New] of the Federal Aviation Regulations is amended, effective May 4, 1964, to read as follows:

§ 61.101 General privileges and limitations.

(a) *Compensation or hire.* Except as provided in subparagraphs (1) through (5) of this paragraph, a private pilot may not act as pilot in command of an aircraft that is carrying passengers or property for compensation or hire; nor may he, for compensation or hire, act as pilot in command of an aircraft.

(1) A private pilot may, for compensation or hire, act as pilot in command of an aircraft in connection with any business or employment if the flight is only incidental to that business or employment and the aircraft does not carry passengers or property for compensation or hire.

(2) A private pilot may share the operating expenses of a flight with his passengers.

(3) A private pilot who is an aircraft salesman and who has at least 200 hours of logged flight time may demonstrate an aircraft in flight to a prospective buyer.

(4) A private pilot may act as pilot in command of an aircraft used in a passenger-carrying airlift sponsored by a charitable organization, and for which the passengers make a donation to the organization, if—

(i) The sponsor of the airlift notifies the FAA General Aviation District Office having jurisdiction over the area concerned, at least 7 days before the flight, and furnishes any essential information that the office requests;

(ii) The flight is conducted from a public airport adequate for the aircraft used, or from another airport that has been approved for the operation by an FAA inspector;

(iii) He has logged at least 200 hours of flight time;

(iv) No acrobatic or formation flights are conducted;

(v) Each aircraft used is certificated in the standard category and complies with the 100-hour inspection requirement of § 91.169 of this chapter; and

(vi) The flight is made under VFR during the day.

For the purpose of this subparagraph (4), a "charitable organization" means an organization listed in Publication No. 78 of the Department of the Treasury called the "Cumulative List, Organizations Described in section 170(c) of the Internal Revenue Code of 1954," as amended from time to time by published supplemental lists.

(5) A private pilot (lighter-than-air) may act as pilot in command of a free balloon that is carrying passengers or property for compensation or hire and he may, for compensation or hire, act as pilot in command of a free balloon.

(b) *Category; class; type.* A private pilot may not act as pilot in command of an aircraft carrying passengers, other than in an aircraft of the category and class for which he is rated, and in the case of large aircraft, of the type for which he is rated. Unless prohibited by a limitation on his certificate, a private pilot may serve as pilot in command of an aircraft for which he is not rated when it is operated without passengers.

(c) *Lighter-than-air.* A private pilot (lighter-than-air) may give flight instruction in a free balloon but he may not give flight or instrument instruction in an airship.

(Secs. 313(a), 601, 602 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on March 25, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64–3194; Filed, Apr. 1, 1964; 8:46 a.m.]

[Airspace Docket No. 64–SW–8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the Fayetteville, Ark., control zone.

The Fayetteville control zone is designated, in part, with reference to the Fayetteville radio beacon. The Federal Aviation Agency has scheduled the decommissioning of this facility, and the prescribed radio beacon instrument approach procedure will be canceled on April 7, 1964. Therefore, action is taken herein to revoke the control zone extension based on the Fayetteville radio beacon.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, the following action is taken: In § 71.171 (29 F.R. 1101) the Fayetteville, Ark., control zone is amended to read:

Fayetteville, Ark.

Within a 5-mile radius of Fayetteville Municipal Airport-Drake Field (latitude 36°-00'15" N., longitude 94°10'05" W.); within 2 miles each side of the Drake VOR 328° radial extending from the 5-mile radius zone to 8 miles NW of the VOR.

This amendment shall become effective 0001 e.s.t. April 7, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–3195; Filed, Apr. 1, 1964; 8:46 a.m.]

[Airspace Docket No. 62–SW–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration

On March 11, 1964, Federal Register Document 64–2321 was published in the FEDERAL REGISTER (29 F.R. 3226) and amended § 71.123 of the Federal Aviation Regulations in part by revoking VOR Federal airway No. 81 east alternate from Plainview, Tex., to Amarillo, Tex., and realigning the north alternate to VOR Federal airway No. 140 from Amarillo to Sayer, Okla., via the intersection of Amarillo 072° and Sayer 289° True radials. As stated in the notice, it was the intent of the agency to revoke Victor 81 east alternate from Amarillo to Dalhart. Such action is taken herein. Subsequent to publication of the amendment, the direct radial from Sayer to Borger has been mathematically computed as 288°, True. Action is taken herein to correct this radial in the description of Victor 140 north alternate.

Since these changes are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document 64–2321 (29 F.R. 3226) is altered as follows:

1. In Item 3 "Sayer 289° radials;" is deleted and "Sayer 288° radials;" is substituted therefor.

2. Item 5 is altered to read: In V–81 "Dalhart, Tex., including an E alternate;" is deleted and "Dalhart, Tex.;" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 26, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–3196; Filed, Apr. 1, 1964; 8:46 a.m.]

[Airspace Docket No. 63–WE–83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration

On February 27, 1964, Federal Register Document 64–1848 was published in the FEDERAL REGISTER (29 F.R. 2740) and revoked VOR Federal airways Nos. 237 and 1619 from Needles, Calif., to Mormon Mesa, Nev. These actions were to be effective April 30, 1964. Subsequent to publication of the rule, it has been determined that while no substantial need has been demonstrated for the northern portions of Victors 237 and 1619, it would be in the public interest to retain the segments of these airways (Victors 237 and 1619) between Needles and Willow Beach Intersection pending further study of airway needs in the Needles-Las Vegas area. This matter will be considered in conjunction with a proposal the agency has received from the Air Transport Association of America to designate a Federal airway from Needles direct to Boulder, Nev. Accordingly, action is taken herein to retain the segments of Victors 237 and 1619 between Needles and Willow Beach Intersection.

Since thirty days will elapse from the time of publication of this action to the effective date of the rule as initially adopted, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, Federal Register Document 64–1848 (29 F.R. 2740) items 1. and 2. are altered to read as follows:

1. In § 71.123 (29 F.R. 1009) V–237 is amended to read:

V–237 from Needles, Calif., to the INT of Needles 355° and Mormon Mesa, Nev. 196° radials (Willow Beach INT) (12 miles wide from 45 nmi from Needles to 55 nmi from Needles, thence 14 miles wide to Willow Beach INT).

2. In § 71.143 (29 F.R. 1049) V–1619 is amended to read:

V–1619 Needles, Calif., 14 miles wide to the INT of Needles 355° and Mormon Mesa, Nev., 196° radials.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 26, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–3197; Filed, Apr. 1, 1964; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 4078; Amdt. 710]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC–8 Series Aircraft

It has been found that excessive torquing of pitot and static line fittings of the pitch trim compensator and the use of a nonreinforced hose on Douglas Model DC–8 Series aircraft can result in the twisting or bending of the pitot and static lines and the possible loss of required instruments. To correct this unsafe condition, an airworthiness directive is being issued to require inspection of the pitot and static line fittings of the pitch trim compensator, replacement of any damaged lines, and modification of the line fittings.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all Models DC–8 and DC–8F Series aircraft.

Compliance required as indicated.

It has been found that excessive torquing of pitot and static line fittings of the pitch trim compensator and the use of a nonreinforced hose can result in the twisting or bending of the pitot and/or static lines and the possible loss of required instruments. To correct this condition, accomplish either (a) or (b) as follows:

(a) Within 300 hours time in service after the effective date of this AD, modify the pitch trim compensator system in accordance with the provisions of paragraph (c).

(b) Accomplish the provisions specified in (1), (2) and (3) below and in addition, with-

vey to cover fully the cost to the Government and providing that no addi-

(R.S. 161, as amended; sec. 501, 65 Stat. 290; 5 U.S.C. 22, 140)

(b) Accomplish the provisions specified in (1), (2) and (3) below and in addition, within 1,500 hours time in service after the effective date of this AD modify the pitch trim compensator in accordance with the provisions of paragraph (c).

(1) Within 300 hours time in service after the effective date of this AD, unless already accomplished, visually inspect all aircraft for any evidence of bending or twisting of the pitot and static lines associated with the pitch trim compensator in accordance with the Douglas "Pitot Static System Inspection—DC–8" Service Letter CL–78–1966/DEG 8–34–15–0 dated November 15, 1963.

(2) Replace any damaged lines before further flight.

(3) Each time the pitot and static line fittings associated with the pitch trim compensator are removed, loosened or retightened, visually inspect the pitot-static lines associated with the pitch trim compensator for any evidence of bending or twisting in accordance with the Douglas "Pitot-Static System Inspection—DC–8" Service Letter CL–78–1966/DEG 8–34–15–0 dated November 15, 1963.

(c) Modify the pitch trim compensator system by replacing the pitot and static lines with reinforced lines and securing the pitot and static line fittings in accordance with paragraph 2, Accomplishment Instructions of the Douglas DC–8 Service Bulletin No. 34–51 dated January 9, 1964, or an FAA Western Region, Engineering and Manufacturing Branch approved equivalent.

(Douglas DC–8 Service Bulletin No. 34–51 dated January 9, 1964, and Douglas DC–8 Service Letter CL–78–1966/DEG 8–34–15–0 dated November 15, 1963, pertain to this AD.)

This amendment shall become effective April 2, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1334(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–3198; Filed, Apr. 1, 1964; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56137]

PART 12—SPECIAL CLASSES OF MERCHANDISE

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Patent Infringement Survey

On December 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12870), stating that the Bureau of Customs proposed to amend Part 12 of the Customs Regulations to add a new § 12.39a to prescribe the procedure and requirements for obtaining the names and addresses of importers of merchandise appearing to infringe a patent, and to give the patent owner a choice of one of three surveys, varying in length of time. It was also proposed to amend § 24.12(a)(3) to increase the fee for a patent survey to cover fully the cost to the Government and providing that no additional survey will be made covering the same patent for a period of one year from the expiration date of a previous survey.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Seven concerns submitted comments objecting to that part of the proposal providing that "No additional survey will be made covering the same patent for a period of one year from the expiration date of a previous survey." After considering all comments presented, it has been decided to delete the provisions relating to the one year delay between surveys. The Bureau reserves the right to refuse to reinstitute any survey if it finds that the privilege is being abused or if customs manpower is not available.

1. Part 12 of the Customs Regulations is amended to add a new section designated § 12.39a reading as follows:

§ 12.39a Registered patent owners; import survey.

(a) When the owner of a patent registered in the United States believes that merchandise is being imported into the United States which infringes such patent, an application for a survey to assist the patent owner in taking appropriate action may be made. The purpose of the survey is to provide the patent owner with the names and addresses of importers of merchandise which appears to infringe the registered patent.

(b) The application may be made by letter addressed to the Commissioner of Customs, Washington, D.C., 20226. It shall state the name and address of the patent owner; and if available, a description of the merchandise believed to infringe the registered patent and the country of manufacture of the merchandise. There shall be submitted with the application a certified copy of the patent issued by the United States Patent Office showing ownership to be in the name as claimed; 600 soft copies of the patent for distribution to the various ports of entry, and a check or money order to cover the fee prescribed by § 24.12(a)(3) of this chapter for the survey selected.

(c) Surveys will be made for periods of 2, 4 or 6 months at the option of the applicant.

(R.S. 161, as amended; 5 U.S.C. 22)

2. Section 24.12(a)(3) of the Customs Regulations is amended to read as follows:

§ 24.12 Customs fees; charges for storage.

(a) • • •

(3) A customs fee shall be collected for furnishing the names and addresses of importers of merchandise appearing to infringe a registered patent. This information will be furnished for a 2-month period at the fee of $1,000; a 4-month period at the fee of $1,500; or a 6-month period at the fee of $2,000. (See § 12.39a of this chapter.)

• • • • •

(R.S. 161, as amended; sec. 501, 65 Stat. 290; 5 U.S.C. 22, 140)

This amendment shall become effective upon the expiration of 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: March 24, 1964.

JAMES A. REED,
Assistant Secretary
of the Treasury.

[F.R. Doc. 64–3235; Filed, Apr. 1, 1964; 8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

Aircraft; Cape Hatteras National Seashore and Wright Brothers National Memorial, North Carolina

On page 1736 of the FEDERAL REGISTER of February 5, 1964, there was published a notice and text of a proposed amendment to Part 1 of Title 36 Code of Federal Regulations. This amendment includes the name of Cape Hatteras National Seashore, where the landing of aircraft is currently permitted at Billy Mitchell Airstrip, and adds Wright Brothers National Memorial Airstrip as a designated area where aircraft may land. The purpose of adding Wright Brothers National Memorial Airstrip as a designated aircraft landing area is to facilitate travel, to conduct aerial rescue and evacuation operations, and to airlift food, clothing, and medical assistance to isolated areas in event of emergency.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Subparagraph (8) of paragraph (a) of § 1.61 is amended to read as follows, and new subparagraph (9) is added thereto:

§ 1.61 Aircraft.

(a) No person shall land aircraft on land or water on any Federally-owned area within any national park or monument, other than at one of the following designated landing areas:

• • • • • •

(8) *Cape Hatteras National Seashore, North Carolina.* Billy Mitchell airstrip, located approximately 6 miles Southwest of Cape Hatteras Lighthouse on Hatteras Island, North Carolina.

(9) *Wright Brothers National Memorial, North Carolina.* Wright Brothers National Memorial airstrip, located at Kill Devil Hills, North Carolina.

(39 Stat. 535; 16 U.S.C. 3)

STEWART L. UDALL,
Secretary of the Interior.

MARCH 27, 1964.

[F.R. Doc. 64–3207; Filed, Apr. 1, 1964; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15227; FCC 64–260]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Columbia, N.C.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Columbia, North Carolina), Docket No. 15227, RM–437.

1. The Commission has before it for its consideration its notice of proposed rule making, released December 3, 1963 (FCC 63–1087), proposing that Channel 2 be assigned to Columbia, North Carolina, and reserved as a noncommercial educational station in accordance with the request of the University of North Carolina, Consolidated Office (petitioner).

2. No comments or reply comments were received.

3. Columbia, North Carolina, with a population of 1,099, is located in Tyrell County. That county's population according to the 1960 U.S. Census is 4,520. At the present time Columbia has no television channel assigned to it. Petitioner's proposed Channel *2 would serve this community and the surrounding area as an important link in a proposed state-wide educational television network.[1] It is expected that the channel will meet a real need as a source of educational programming for both schools and the general public. There are no engineering objections to the assignment.

4. In view of the above the Commission is of the opinion that it is in the public interest to adopt the proposal set forth in its notice.

5. Authority for the amendment adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. *It is ordered*, That effective May 4, 1964, the Table of Assignments contained in § 73.606 of the Commission's rules and regulations is amended to read as follows in respect to the community named:

City	*Channel No.*
Columbia, N.C.	*2

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: March 25, 1964.

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–3184; Filed, Apr. 1, 1964; 8:45 a.m.]

[1] Petitioner has stated that the proposed North Carolina educational network "• • • will be so engineered as to permit simultaneous broadcast on all of the proposed transmitters, split networks, introduction of programs at individual transmitters, addition of new production centers, interconnection with other educational networks which may be established in the future, and other forms of potential programming and engineering expansion for future needs • • •".

[2] Commissioner Hyde absent.

[Docket No. 15144; FCC 64–261]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Waycross, Ga.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Sacramento, San Francisco-Oakland, Santa Barbara and Watsonville, Calif.; Waycross, Ga.; Keene and Littleton, N.H.; Atlantic City, N.J.; Athens and Chattanooga, Tenn.), Docket No. 15144, RM–372, RM–373, RM–397, RM–398, RM–404, RM–405, RM–432, RM–461.

1. The Commission has before it for consideration its notice of proposed rule making, released August 2, 1963 (FCC 63–761), proposing, inter alia, that Channel 8+ be reserved as a noncommercial educational station in Waycross, Georgia, in accordance with the request of the Georgia State Board of Education, licensee of the Channel 8+ station, WXGA–TV.

2. A brief supporting comment was received from the National Educational Television and Radio Center.

3. Waycross, Georgia, with a population of 20,944, is located in Ware County. That county's population according to the 1960 U.S. Census is 34,219. At the present time Channels 8+ and 16 are assigned to Waycross. There is no authorization outstanding, nor are there applications pending, for the use of Channel 16.

4. The Georgia State Board of Education received a construction permit for Channel 8+ on April 9, 1959. On July 24, 1962, after some delay in construction, it was granted a license for WXGA–TV, on that channel, which it has operated to this date. It now requests that Channel 8+ be formally reserved for educational use.[1] Operating on a reserved channel would enable petitioner to apply for Federal funds.[2]

5. In view of the nature of WXGA–TV's operation and the fact that the grant of petitioner's request will enable it to apply at an early date for Federal aid from the Department of Health, Education, and Welfare, the Commission is of the opinion that it is in the public interest to adopt the proposal set forth in its Notice in respect to Channel 8+ in Waycross, Georgia.

6. Authority for the amendment adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. *It is ordered* (in accordance with the matters considered in RM–461), That, effective May 4, 1964, the Table of Assignments contained in § 73.606 of the Commission's rules and regulations is amended to read as follows in respect to the community named:

City	*Channel No.*
Waycross, Ga	*8+, 16

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: March 25, 1964.

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–3185; Filed, Apr. 1, 1964; 8:45 a.m.]

[1] In Docket No. 13419 the Commission denied a request by petitioner identical to the subject request due to uncertainty caused by petitioner's delay in commencing construction. In our Report and Order (FCC 60–616; Mimeo No. 88198) adopted May 25, 1960, released May 27, 1960, we expressly pointed out petitioner's right to request consideration of its proposal at a time after its station was constructed and put into operation.

[2] Commissioner Hyde absent.

[Docket No. 15224; FCC 64–244]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Frequencies; Corpus Christi, Texas

In the matter of amendment of Parts 81 and 83 of the Commission's rules to make the frequency pair 2538 kc/s (coast)—2142 kc/s (ship) available for assignment in the vicinity of Corpus Christi, Texas, Docket No. 15224, RM–460.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of March 1964;

The Commission having under consideration the above-captioned matter;

It appearing, that in accordance with the requirements of section 4 (a) and (b) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties was published in the FEDERAL REGISTER on December 10, 1963 (28 F.R. 13370), and the period for filing comments has now expired; and

[2] Aid from the Department of Health, Education, and Welfare cannot be applied for unless the application submitted is accompanied by an FCC Notice of Acceptance for Filing of an application for a construction permit for a station to operate on an educationally reserved channel (with some exceptions).

[3] Commissioner Hyde absent.

It further appearing, that no objections to the amendments proposed were received. However, letters were received supporting the proposed amendments from Richard Bugg & Co., Inc.; Boyd-Campbell Company, Inc.; Nueces County Navigation District No. 1; Lykes Bros. Steamship Co., Inc.; and Captain W. A. Walls.

It further appearing, that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in section 303 (c), (d), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective May 4, 1964, Parts 81 and 83 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81 is amended as follows:

1. The table in § 81.306(b) is amended by inserting a new entry following the entry for Galveston, Texas:

§ 81.306 **Availability of frequencies below 30 Mc/s.**

* * * * *

(b) * * *

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use [2]	Frequency (kc/s)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 83.354(a)(1) of this chapter [2]
* * *	* * *	* * *	* * *	* * *
Corpus Christi, Tex.....	2538	Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va., to which this carrier frequency is assigned for transmission.	2142	Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.

B. Part 83 is amended as follows:

1. The table in § 83.354(a)(1) is amended by inserting a new entry following the entry for Galveston, Texas:

§ 83.354 **Frequencies below 5000 kc/s for public correspondence.**

(a) * * *

(1) * * *

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use [2]	Frequency (kc/s)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 81.306(b) of this chapter [2]
* * *	* * *	* * *	* * *	* * *
Corpus Christi, Tex.....	2142	Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2538	Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va., to which this carrier frequency is assigned for transmission.

[F.R. Doc. 64-3186; Filed, Apr. 1, 1964; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

In F.R. Doc. 63-9672, appearing at page 9879 of the issue for September 11, 1963, § 32.22 is corrected as follows:

Public hunting of wild turkey gobblers on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area comprising 17,200 acres or 38 percent of the total area of the refuge is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64-3208; Filed, Apr. 1, 1964; 8:47 a.m.]

[1] Chairman Henry and Commissioner Hyde absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Expenses and Rate of Assessment for 1963-64 Fiscal Year

Consideration is being given to the following proposals submitted by the Valencia Orange Administrative Committee, established under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof: (1) That expenses not to exceed $185,000 will be necessarily incurred during the fiscal year November 1, 1963, through October 31, 1964, for the maintenance and functioning of the committee established under the aforesaid marketing agreement and order, as amended, and (2) that there be fixed, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid amended marketing agreement and order, the rate of assessment of twelve mills ($0.012) per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handle," "handler," "oranges," "fiscal year," and "carton" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 27, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3212; Filed, Apr. 1, 1964; 8:48 a.m.]

[7 CFR Part 910]

[Docket No. AO 144-A11]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Notice of Postponement of Hearing With Respect to Proposed Further Amendment of Marketing Agreement and Order

On March 19, 1964 (29 F.R. 3708), the Deputy Administrator, Regulatory Programs, Agricultural Marketing Service, issued a notice of hearing with respect to proposed further amendment of the marketing agreement and order (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona.

Requests have been received from two of the principal marketing organizations handling lemons for an indefinite postponement of the hearing to provide the industry such time as may be necessary for it thoroughly to discuss and consider the proposals. In view of such requests, the public hearing (29 F.R. 3708), scheduled to begin at 9:30 a.m., P.s.t., April 9, 1964, in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, is hereby postponed until further notice.

Dated: March 31, 1964.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 64-3271; Filed, Apr. 1, 1964; 8:50 a.m.]

[7 CFR Part 1201]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Proposed Expenses and Rate of Assessment for 1964-65 Fiscal Period

Consideration is being given to the following proposals submitted by the Control Committee, established under the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) Expenses in the amount of $7,500 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1965.

(b) The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as such handler's pro rata share of the aforesaid, expenses: $1.00 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1965.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Tobacco Division, Agricultural Marketing Service, Room 502, Agricultural Annex, Washington, D.C., 20250, not later than 15 days after the publication of this notice in the FEDERAL REGISTER.

Dated: March 30, 1964.

STEPHEN E. WRATHER,
Director, Tobacco Division, Agricultural Marketing Service.

[F.R. Doc. 64-3244; Filed, Apr. 1, 1964; 8:50 a.m.]

Agricultural Research Service

[7 CFR Part 362]

REGISTRATION OF THE ECONOMIC POISONS ALDRIN, DIELDRIN AND ENDRIN

Notice of Public Hearing

Under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 135 et seq.), insecticides and fungicides and other economic poisons intended for distribution in interstate commerce are required to be registered with the Department of Agriculture. In determining eligibility for registration, the Department considers the safety and efficacy of the product and determines whether the directions for use are adequate for the protection of the public and what warning or caution statements are necessary to prevent injury to living man and useful vertebrate and invertebrate animals and vegetation.

Recent reports of fish kills on the Mississippi River have raised the questions as to whether the use of the economic poisons aldrin, dieldrin and endrin may be responsible for such losses and, if so, whether the present requirements under the Federal Insecticide, Fungicide and Rodenticide Act with respect to the registration of such products should be modified.

Accordingly, pursuant to section 4 of the Administrative Procedure Act, notice is hereby given that a public hearing will be held commencing at 9:30 a.m., Thursday, April 9, 1964, in the Auditorium, Freer Gallery of Art, 12th Street and Jefferson Drive SW., Washington, D.C. A second session of the hearing will be held commencing at 9:30 a.m., Thursday, April 16, 1964, in Memphis, Tennessee, at a place to be designated at a later date. The Chief Hearing Examiner of the Department will preside at such hearing.

Representatives of interested Federal, State and local agencies and all other interested persons are invited to present any views, facts or arguments relating to this matter either orally or in writing at such hearing. All information submitted pursuant to this notice will be made available to the public and the press.

Done at Washington, D.C., this 1st day of April 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-3272; Filed, Apr. 1, 1964; 10:12 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 385]

[Docket Nos. 11618, 11785]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS; AND DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION: NON-HEARING MATTERS

Notice of Proposed Rule Making

MARCH 27, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration a revision of Part 221 of the Economic Regulations (14 CFR Part 221) and Part 385 of the Organization Regulations (14 CFR Part 385).

The principal features of the proposed amendments are described in the Explanatory Statement below and the proposed rule changes are set forth in the proposed rules below. The amendments are proposed under the authority of sections 204(a), 403 and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, 788; 49 U.S.C. 1324, 1373, 1481) and Reorganization Plan No. 3 of 1961 (75 Stat. 837, 49 U.S.C. 1324 note).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant material in communications received on or before May 1, 1964, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof by the Board.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement—Introduction. Part 221 of the Board's Economic Regulations, 14 CFR Part 221, contains the Board's rules and regulations pertaining to the publishing, filing and posting of tariffs. It became effective in its present form on July 1, 1954, and since then has been amended in certain respects. It was believed in 1954 that tariffs then in effect which were inconsistent with the new regulation would be revised and amended from time to time and that compliance of all tariffs with Part 221 would be achieved by a gradual process within a reasonable period without the necessity of imposing a time limit. Experience prior to 1960 showed that this was accomplished only in part. Accordingly, the Board, in EDR-15, Docket 11618, dated July 12, 1960 (25 F.R. 6704), issued a notice of proposed rule making in which a rule was proposed requiring air carriers and foreign air carriers to bring all effective tariffs into compliance with Part 221 by February 1, 1961.

In response to this notice numerous comments were received by the Board suggesting many changes in and modifications of Part 221. In addition, the Board received a petition for rule making (Docket 11785) urging that it (1) institute a rule making proceeding with a view toward revising Part 221; (2) consolidate such a proceeding with Docket 11618, supra; (3) indefinitely postpone the effective date of EDR-15; (4) request comments within 90 days as to desirable changes to Part 221; (5) authorize a joint conference between air carrier representatives and members of the Board's staff to discuss proposed amendments to and modifications of Part 221; and (6) issue a notice of proposed rule making incorporating acceptable modifications of and amendments to Part 221 and establishing a specific date when all effective tariffs must be brought into compliance with the revised Part 221.

In view of the foregoing petition, the Board gave the carriers a period of 90 days for submitting additional specific recommendations on changes in and modifications of Part 221, and authorized members of the Board's staff to meet with industry representatives to discuss such changes and modifications. A document containing the joint proposals of 27 air carriers and foreign air carriers to amend Part 221 was filed with the Board. Subsequently, a document containing the joint proposals of 14 air freight forwarders was also filed.[1] Following receipt of these documents, meetings were held between representatives of the industry and the Board's staff at which the various proposals were considered.

After consideration of all documents, views and comments presented in this rule making proceeding, the Board has concluded that it should issue a notice of proposed rule making proposing the attached amendments to Part 221.

[1] Documents were also filed by World Tariffs Corp. and Emery Air Freight Corp.

These amendments are designed to accomplish the following basic objectives:

1. Simplify the presentation of tariff material.

2. Update the regulations in the light of changed conditions in the air carrier industry.

3. Reduce the cost of publishing tariff material consistent with clear and explicit publication.

4. Remove ambiguities from the present regulations.

5. Require that currently effective tariffs and tariff amendments shall be brought into compliance with Part 221 not later than September 30, 1964.

In addition to the proposals to amend Part 221, there are attached hereto collateral proposed amendments to Part 385 of the Board's Organization Regulations relating to the review of action taken under delegated authority, and the placing of minor limitations on the rejection power under delegated authority.

There follows a discussion of the specific proposed amendments to Parts 221 and 385 along with the more significant evident suggestions which we have not adopted.

Economic Regulations—Rejection of tariff publications—Special Tariff Permission to correct page cancellation. Occasionally a revised page bears incorrect page cancellation, and fails to indicate that it was issued in lieu of the rejected preceding issue of the same page, because it was prepared and transmitted for filing before the issuing carrier or agent had received the Board's notice of rejection of the preceding issue. Under the proposed rule, this circumstance would constitute good cause for granting Special Tariff Permission in order to make the correction effective on the effective date of the revised page containing the incorrect page cancellation. (See § 221.190(b)(3), infra.)

Special problems—Credit rules. It is proposed to amend the regulation to permit a carrier to extend credit for the fares and rates applicable to through transportation performed by the issuing carrier in conjunction with connecting carriers, notwithstanding that such through transportation is subject to a combination of separately established local fares or rates of the respective carriers. (See § 221.38(i)(2), infra.)

Routing—Use of maps in tariff routing. The current regulation (§ 221.41(a)(3)) permits the use of maps as a temporary expedient in describing the route over which each fare or rate applies. The industry proposes that the regulation be amended to authorize their use on a permanent basis. We would modify the regulation to permit the use of maps for this purpose on an experimental basis with the view of eventually granting permanent permission if the use of maps for routing proves to be satisfactory. (See § 221.41(a)(3), infra.)

Routing restrictions. The increase in the classes of service and widespread use of jet aircraft in addition to propeller aircraft have resulted in a constantly increasing number of passengers making "combination journeys," that is, travel by various combinations of classes of service and/or different types of aircraft

on the same journey (for example, first-class service in jet aircraft over one segment of the journey and coach service in propeller aircraft over the remaining segment). To facilitate the publication of through one-factor fares for such transportation, the proposed amendment would permit showing in the routings the class of service and type of aircraft designations when the fares subject to such routing apply via different classes of service and/or on different types of aircraft over different segments of the routing from point of origin to point of destination. This practice is not permitted under the existing regulation. (See § 221.41(b)(2), infra.)

Diagrammatic and "open routing" in tariff publications. The industry requested permission to publish cargo tariffs as "open routing" tariffs, i.e., a tariff which does not show individual routings between respective origin and destination points. Such a tariff would contain a general routing rule that the rates will apply via any interchange points and via any participating carrier or combinations of participating carriers shown as serving the desired origin, interchange and destination points in the tariff's index of points, subject to specific restrictions that might be applicable to participating carriers.

In support of their position, the carriers suggest that the primary advantage of an "open routing" tariff is the increased flexibility of operations afforded the carriers. Under the present regulation (§ 221.41(a)) a carrier publishing joint rates must identify the carriers performing the transportation and the interchange points and, in some instances, the intermediate points en route as well. However, shippers are generally not concerned with the particular routing on which the shipment is dispatched so long as it is accorded swift service. Freight is as a rule accepted without any binding specification on the carrier as to which flight will be employed between origin and destination of the shipment. A particular shipment consisting of many individual packages may be moved on two or more flights, depending on the availability of space and the size and shape of the packages, and the various flights may be operated via different intermediate points. An "open routing" tariff would benefit the carrier in that the routing options available to it would not be limited to a certain number of published point-to-point routings and this flexibility should result in more efficient air transportation.

However, the use of open routing is a substantial departure from our present method of publishing tariffs. It will provide the user with considerably less information regarding the details of the routing of the cargo than he is now entitled to under the regulation. Further, it might produce complexities resulting from the necessity of providing for exceptions and restrictions to the "open routing" tariffs. Moreover, there may be problems with respect to duplicating or conflicting rates which are prohibited by § 221.60 of the existing regulations and with respect to complying with other requirements of Part 221. Nevertheless, in spite of these foreseeable problems, we will permit an "open routing" rate tariff on an experimental basis for two years.

The permission to use "open routing" in tariff publications will, however, be granted upon the following conditions: (1) the rate tariff must contain an index of points of origin and destination; (2) all exceptions to the "open routing" rule shall be set forth as "Routing Exceptions" and identify the rates to which they apply; (3) the tariff shall not contain rates which are subject to (a) provisions for stopping in transit at intermediate points or (b) any other provisions which require determining the intermediate points between the origin point and the destination point of a rate; and (4) the tariff containing the "open routing" rule shall expire within two years from the effective date of Revised Part 221.

As an alternate to the "open routing" tariffs in the case of joint rates between United States points, on the one hand, and foreign points, on the other hand, we propose to permit for an indefinite period the showing of routings by the use of routing diagrams (and accompanying routing charts) similar to those now published under waiver in a number of tariffs. These routing diagrams and charts will identify the interchange points and the participating carriers between the respective points. Moreover, for those portions of joint routings between foreign interchange points, and between foreign interchange points, on the one hand, and foreign points of origin and destination, on the other hand, the diagram may contain a provision stating that the transportation between any two such points designated consecutively in the routing diagram will be via any single carrier shown as serving both points in the tariff's index of points.

We are also providing for (1) an "emergency routing rule" to protect the tariff rate when the carrier deviates from tariff routing because of emergency conditions; and (2) the inapplicability of the routing requirements of § 221.41 with respect to air freight forwarders.

See § 221.41, infra.

Selling tariffs. Many carriers maintain two fares tariffs for the same international passenger service. One tariff is filed with the Board. The other is a memorandum or "selling" tariff which is not filed with the Board and differs from the filed tariff in the manner in which the fares and routings are published. When selling international passenger transportation, the carriers determine the applicable fares from the "selling" tariffs and not from the filed tariffs. Industry seeks to eliminate this dual tariff system and to maintain only one tariff to be both filed with the Board and used for selling purposes. They desire, however, to retain certain features of the "selling" tariff which would not conform with current regulations. The staff and industry committees agreed upon a four-step approach in which industry will first develop a sample tariff format to be submitted to the Tariffs Section for examination and discussion with industry representatives with the view of agreeing to an acceptable tariff to be issued under waiver for a trial period. If it proves satisfactory, consideration will then be given to revising the regulations to authorize such publication on a permanent basis. The Tariffs Section has been instructed to implement this procedure.

Concurrence or power of attorney. Under current regulations, a tariff may be published and filed with the Board for and on behalf of participating carriers named therein only when the participating carriers have authorized the issuing carrier or agent to effect such publication and filing. Such authorization must be in the prescribed form of concurrence when the tariff is issued by a carrier and in the prescribed form of power of attorney when the tariff is issued by an agent, and executed copies thereof must be filed with the Board before or at the time of filing the first tariff publications thereunder.

Industry proposes that we dispense with the issuance and filing of a concurrence or power of attorney when the participating carrier involved is a foreign carrier who does not operate to or from any United States point and holds no permit or other operating authorization from the Board. Industry alleges that concurrences or powers of attorney issued by non-permit foreign carriers serve no useful purpose on the grounds that the United States has no jurisdiction over such carriers, and that the publication and filing of joint rates and fares to or from the United States have been delayed for long periods by reason of the difficulty of obtaining the required authorization from non-permit foreign carriers.

To discard this procedure would pose a risk to the traveling and shipping public and the Board that the non-permit foreign carrier would not consider itself bound by the rates, fares, and governing provisions set forth in the tariffs filed on its behalf with the Board. This in turn could cause real harm to the shippers and passengers directly resulting from representations in tariffs filed with the Board. We recognize that compliance with the existing regulation may inconvenience the carriers in requiring them to spend considerable time and effort in securing powers of attorney and/or concurrences from non-permit foreign carriers. However, this procedure provides some assurance to the Board that the tariff will be protected by such carriers. In the absence of a willingness by the issuing carriers to guarantee the performance of the non-permit carriers, we will reject the proposal to dispense with concurrences and powers of attorney.

Exception ratings to general commodity rates. Under current regulations, a carrier maintaining general commodity rates can provide exceptions thereto only by publishing specific commodity rates either in the form of percentages of the general commodity rates or as rates in dollars or cents per specific unit, e.g., per 100 pounds. Percentage specific commodity rates are required currently to apply from and to substantially all points for which general commodity rates are provided in the tariff. This generally precludes publishing specific commodity rates in dollars or cents on the same commodity since conflicting rates would result in the absence of any provision

that specific commodity rates stated in

sible use of abbreviations for names of

for carriers to request a new waiver each

filing of separate applications would per-

that specific commodity rates stated in dollars or cents take precedence over specific commodity rates stated as percentages. The current regulation does not permit such statement of precedence. We propose to amend the regulation to eliminate permission to publish specific commodity rates as percentages of general commodity rates and, in lieu thereof, to permit publication of "Exception Ratings to General Commodity Rates" in the form of percentages of the general commodity rates (under conditions similar to those currently imposed on percentage specific commodity rates). We also propose to provide that such exception ratings will remove the application of general commodity rates, and that specific commodity rates (in dollars or cents) will remove the application of both general commodity rates and such exception ratings. Such precedence of rates will permit publication of specific commodity rates (in dollars or cents) without creating conflicts with percentage exception ratings on the same commodities. See §§ 221.4 ("General commodity rate"), 221.39 (caption), 221.39(c), 221.74, and 221.76, infra (existing § 221.75(e) would be deleted).

The carriers further requested an amendment to permit the publishing of the required conversion table in the governing rules tariff, instead of in the rate tariff to which it relates as is presently required in connection with percentage rates (existing § 221.75(e)(4) and proposed § 221.74(b)(7)). We are not proposing an amendment to effect this request. Under the carriers' proposal, the tariff user would be required first to determine the applicable general commodity rate and the percentage exception rating applicable to the particular commodity from the rate tariff and then be compelled to refer to a separate tariff merely to determine the rate represented by the percentage of the general commodity rate. In the case of cargo tariffs (unlike that of passenger tariffs), there would be no substantial reduction in publication by having the accompanying conversion table published in the rules tariff. In the interest of tariff simplification and in consideration of the tariff user's convenience, we believe that the conversion table should be published in the rate tariff as presently required.

Mechanical problems—Identifying issuing carrier, officer, or agent on loose-leaf pages. Amendments are proposed which would require that the name of the issuing carrier or agent be shown for purposes of identification on each interior loose-leaf page. It is also proposed to permit a publisher to omit from the bottom of each interior loose-leaf page the name, title and address of the issuing officer or agent, provided that the title page is revised to reflect the name, title and address of the current issuing officer or agent whenever there is a change in such data. These and related amendments may be found in §§ 221.10(b), 221.22(b), 221.31(a)(1), 221.31(a)(12), 221.223(d), 221.224(c), and 221.231, infra.

Participation in air carriers' pick-up and delivery tariffs governing joint air-surface rates. Under the present regulation, surface carriers participating in joint air-surface rates are required to participate in governing tariffs for pick-up and delivery services even though the services are performed only by the air carriers. We propose to remove this requirement. (See § 221.100(c), infra.)

Canceling matter from a loose-leaf page. The present regulation (§ 221.111(e)) provides that where a "substantial portion" of a page is to be canceled, all of the canceled matter may be omitted provided the revised page contains a footnote which identifies the matter to be canceled and directs its cancellation. The proposed amendment would permit the use of this method of cancellation regardless of whether the cancellation pertains to a "substantial portion" of a loose-leaf page. (See § 221.111(e), infra.)

Percentage fares. Under the current regulation, fares for "children, round trips, circle trips, open jaw trips and *similar fares*" may be stated as percentages of other fares published specifically in dollars and cents (base fares) applying from and to the same points, via the same routes, and for the same class of service. Difficulty has been experienced in determining what constitutes "similar fares" which are permitted to be stated as percentages and there appears to be no need to confine percentage fares to those enumerated in the regulation and similar fares. The proposed rule (§ 221.59) would accordingly broaden the scope of permissible percentage fares. The rule would also be amended to provide that: (1) A percentage fare shall apply from and to the same points, via the same routes, and for the same class of service and same type of aircraft to which the applicable base fares apply, and (2) a percentage fare shall apply to all base fares in a fares tariff or designated section or table thereof except that it may be restricted to apply for account of designated participating carriers and, in international tariffs, may be restricted territorially to apply between designated countries or larger geographical areas.

We have considered the suggestion that carriers be permitted to publish fares in the form of fixed dollar amounts to be added to or deducted from the base fares. However, the carriers have offered no explanation of any circumstances which would warrant publication of fares in such manner.

Cancellation of participating carrier in loose-leaf tariff. When a participating carrier is canceled in a loose-leaf tariff, the current regulations require that each page of the tariff be revised to specifically cancel the affected fares, rates, and provisions. It is proposed to provide an alternate method of canceling such fares, rates, and provisions by a general cancellation notation published immediately following the list of participating carriers, subject to the filing within a specified period of revised pages effecting specific cancellation. (See § 221.111(g), infra.)

Volume rate conversion table. Many carriers publish varying general commodity rates subject to different minimum weights. Currently, all such rates and minimum weights are required to be shown directly in connection with their respective points of origin and destination. We propose to amend the regulations to provide, in such circumstances, for the publication of rates subject to only one particular minimum weight, e.g., minimum weight 100 pounds, directly in connection with the points of origin and destination, and for the publication of lower rates subject to greater minimum weights in the form of a separate conversion table. The proposed method of publication is now used under waiver of current regulations, has proven practical, and reduces the volume of tariff matter. (See §§ 221.71(b)(3) and 221.71(c), infra.)

Other material on check sheet of small tariff. Current § 221.32 prohibits a check sheet page of a loose-leaf tariff (showing correction numbers of revised and added pages) from containing other contents of the tariff. Smaller tariffs generally do not have many corrections and, consequently, an adequate check sheet of correction numbers does not require the space of an entire page. We propose to amend § 221.32 to permit other matter to be published on the same page with the check sheet of a tariff of less than thirty pages. (See § 221.32, infra.)

Definite unit of rate—rate "per animal" and charter rates. Amendments are proposed to permit tariffs to (1) name rates per individual animal provided that such rates apply only to a specific type of animal; and (2) have different charter rates on the same type of aircraft based upon variations in the interior configuration or pay load capacity. The latter amendment is in accord with the current practice. (See §§ 221.64 and 221.70(a), infra.)

Ruling and spacing of tables. The current regulations prohibit tables in tariff publications from containing more than six horizontal lines of printed matter without a horizontal break by a ruled line or blank space. We propose a clarifying amendment to limit this prohibition to instances where it is necessary for the tariff user to refer to corresponding provisions on the same line in parallel columns. (See § 221.21(f), infra.)

Statement concerning transfer of tariff provisions from one tariff to another. When provisions are transferred from one tariff to another, the transfer notice in the tariff to which provisions are transferred, in referring to the former tariff, is presently required to specify the supplement or revised page which canceled the transferred matter from the former tariff. We propose to eliminate this requirement. (See § 221.113(c)(3)(ii) and (iii), infra.)

Joint fares or rates subject to provisions for account of individual participating carrier. It is proposed to clarify the regulations to provide expressly that provisions governing joint rates or fares may be published for account of individual carriers participating in such joint rates or fares provided that the tariff clearly indicates how such provisions apply over joint routes in conjunction with other participating carriers for whom no similar provisions are published. (See §§ 221.10(a) and 221.38(k), infra.)

Use of abbreviations. The proposed amendments would expand the permissible use of abbreviations for names of months, and would also provide for alternative methods of explaining abbreviations and symbols. (See §§ 221.35(a) and 221.35(d), infra.)

Identification of foreign points. The proposed amendment would provide various exceptions to the existing requirement that where the tariff applies to or from foreign countries, the name of the respective country in which each point is located must be shown in the table of fares or rates and in the index of points (See §§ 221.37(a) and 221.52(a), infra.)

Cross referencing of cities. The existing regulation permits the publishing of rates or fares applying to or from a particular point by naming such point in an alphabetical index of points in the tariff and stating that such point takes the same rates or fares as another named point, for which rates or fares are published. However, the existing regulation does not permit such cross referencing in the table of rates or fares. (§ 221.52(b)) It is proposed to authorize the cross referencing of cities in the rate or fare table as an alternative to the index of points. (See § 221.52(b), infra.)

Special Tariff Permission where tariff publication is rejected due to typographical or clerical errors or illegibility. The present regulation (§ 221.190(b)) provides for the granting of Special Tariff Permission to file on less than thirty days' notice the tariff changes necessary to correct clerical or typographical errors in tariff publications which have not been rejected by the Board. We propose to extend similar approval to applications for Special Tariff Permission to republish changes initially published in a tariff publication which was rejected and whose rejection was caused by illegible printing (in reissued matter) or clerical or typographical errors. However, application therefor must be filed within three days after receipt of the Board's notice of rejection. (See § 221.190(b)(2), infra.)

Reference sources for distance fares, rates or charges. The existing regulation (§ 221.54(a)(3)) permits tariffs naming distance fares or rates to refer to certain non-tariff mileage publications for determining applicable distances "[a]s a temporary expediency, pending development of adequate mileage or distance guides." We propose to add to this list of non-tariff mileage publications to which such reference may be made the Book of Official C.A.B. Airline Route Maps and Airport-to-Airport Mileages published by The Air Transport Association of America. We are also deleting the phrase quoted above from the regulation. The Board, however, is not satisfied with the current practice under the existing regulation since it believes that the industry has been placing excessive reliance on non-tariff sources in ascertaining mileages for the purpose of determining distance rates, charges and fares. The Board hopes that adequate mileage or distance guides will be developed which could be substituted for the non-tariff mileage publications now in use. (See § 221.54(a), infra.)

Lessening the need for repetitive waivers. In connection with waivers to publish jet surcharges, it has been necessary for carriers to request a new waiver each time the jet surcharge table was amended in any manner, i.e., expanding to additional points or adjusting existing jet surcharges. In order to minimize unnecessary repetitive waiver applications, wherever appropriate in the case of approval of waivers for a substantial period, and as a matter of internal procedure, waivers will be drafted in such form as to minimize the necessity for requesting repetitive waivers for the purpose of changing details which do not alter the format or basic provisions of the tariff publication for which the waiver was granted. No amendment to Part 221 is necessary, however.

Editorial problems—General effective date of tariff publication. Where several changes on a loose-leaf tariff page are to become effective on different dates, the existing regulation (§ 221.22(b)(5)) has in the past been interpreted as requiring that the general effective date which appears in the lower right hand corner of the page shall correspond to the latest effective date on the page. We propose to amend the regulations to provide that where there are several different effective dates of changes in a single tariff publication, the carrier may select any one as the general effective date, provided that the date selected allows at least thirty days' notice. This is in accord with the current practice. (See §§ 221.4 ("General effective date"), and 221.160(b), infra.)

Alphabetical arrangement of points. Under the existing regulation (§ 221.37) an index of points may be omitted from a tariff provided that the fares or rates are arranged by points of origin and destination in continuous alphabetical order throughout the entire tariff or each section or table thereof. We propose to amend the regulation to describe various alphabetical arrangements of points of origin and destination which are acceptable and will enable tariff users to locate points without an index. (See §§ 221.37(b), (c), and (d); 221.75(d), infra.)

Re-use of Special Tariff Permission. The existing regulation (§ 221.192) has been interpreted as requiring that if one of several pages filed under Special Tariff Permission is rejected, a new application for Special Tariff Permission must be filed and approved in order to file a page in lieu of the rejected page on less than statutory notice. We propose to amend the regulation to provide that a page issued in lieu of a rejected page may be filed under the same Special Tariff Permission provided that it is filed within the time limit specified in the Special Tariff Permission and the terms thereof do not preclude such re-use. (See § 221.193, infra.)

Inclusion of more than one tariff publication in a Special Tariff Permission application. It has been the practice, when an adjustment involves more than one tariff, to ask applicants to file a separate Special Tariff Permission application for each tariff. This has been done to facilitate and expedite the processing of applications since a problem with respect to one tariff might delay the processing, if all tariffs involved were included in one application, whereas the filing of separate applications would permit the processing of all applications except the one to which the problem pertains. We propose to clarify the regulation pertaining to the filing of Special Tariff Permission applications accordingly. (See § 221.191(d), infra.)

Identification of revised pages in Special Tariff Permission applications. The current regulation (reference (4) to § 221.241(b)) requires that the application for Special Tariff Permission make specific reference to the revised page to be issued and the page to be canceled thereby, when practicable. The current practice is to permit an application for Special Tariff Permission to make general in lieu of specific reference to revised pages which are proposed to be issued and those which are to be canceled thereby. The proposed amendment codifies this practice. (See reference (4) to § 221.241(b), infra.)

Arbitraries. It is proposed to amend § 221.58 to define the term "arbitraries", and to specify the manner in which they may be set forth.

Omission of Special Tariff Permission number on tariff publication. Section 221.160(b)(3) and the terms of Special Tariff Permissions presently require that when a tariff publication contains matter filed under Special Tariff Permission, it shall specify the Board's Special Tariff Permission number. We propose to permit the publisher, if he so elects, to omit the Board's Special Tariff Permission number from the Special Tariff Permission notation on the tariff page provided that (1) the Special Tariff Permission number is shown in the letter of tariff transmittal and (2) the publisher's Special Tariff Permission application number is shown in the Special Tariff Permission notation on the tariff publication. (See § 221.194, infra.)

Forwarders' proposals—Definition of proportional rate or fare. It is proposed to clarify the definition of "proportional rate or fare" by providing that its use is limited to constructing through combination rates or fares. (See § 221.4 ("Proportional rate or fare"), infra.)

Pick-up and delivery service. It is proposed to amend existing § 221.53 in order to permit air transportation rates to include pick-up or delivery service at certain specified points within the pick-up and delivery zone of an airport city of origin or destination, with service to other specified points within the same pick-up and delivery zone at stated pick-up or delivery rates or charges to be assessed in addition to the air transportation rates. (See § 221.53, infra.)

Rate scale method of publishing rates. An amendment is proposed which would expressly provide for the publication of rates by the use of rate scale numbers. This method of publication is used in a number of tariffs now on file. (See § 221.80, infra.)

Miscellaneous proposals—Tariffs to be stated in English language. It is proposed to require tariff publications and other documents filed pursuant to Part 221 to be stated in the English language. (See § 221.5, infra.)

Effective date of compliance with this part. It is proposed to designate September 30, 1964, as the date on which all

8. Amend § 221.31(a)(1) to read as

tariffs currently in effect shall be brought into compliance with the requirements of Part 221. (See § 221.6, infra.)

Editorial changes. In the course of drafting the proposed substantive changes in the regulations, certain minor editorial changes have been made. In addition, editorial changes have been made in certain sections of the regulation with respect to which no substantive changes are being proposed.

Organization Regulations—Rejection of tariff publications filed on more than sixty days' notice. In order to afford greater assurance that tariffs will become effective on their intended effective dates, we are proposing a new procedure with respect to tariffs filed on more than sixty days' notice. Where such tariffs are not rejected within the first thirty days commencing with and counting the filing date, they shall not be rejected after such thirty-day period under delegated authority unless the issuing carrier or agent is given an opportunity to remove the cause for rejection by the effective date, under Special Tariff Permission if necessary, and fails to take such corrective action. (See § 385.15(a), infra.)

Review procedure. The carriers urge the adoption of some type of informal review procedure which would permit effective and expeditious appeals from staff action taken under delegated authority rejecting tariff publications, or denying applications for Special Tariff Permission or for waivers. This informal review, it is claimed, should be by the Director of the Bureau of Economic Regulation or some other high level staff member or members within a few days after the adverse staff action; and the procedure therefor should be incorporated into the Board's Regulations. This review would be separate and apart from the right of an applicant to have the rejection by the Tariffs Section reviewed by the Board itself.

The existing regulation (§§ 385.53 and 385.54) provides that when review is sought of staff action taken under delegated authority, the initial staff action may be reversed only by the staff member who took the initial action or by the Board itself. However, under our internal practice, when petitions for review are filed seeking review of initial staff action taken under delegated authority in nonhearing matters by a staff member (other than a Bureau Director, Office Head or hearing examiner), the matter is automatically subject to review by the respective Bureau Director or Office Head, as the case may be, who is in the supervisory chain of command with respect to the staff member who took the initial action. In view of this current intermediate review practice, further separate intermediate review procedure, such as the carriers request, would not appear to be needed. Neither do we find a basis for establishing a special review procedure for delegated actions with respect to tariffs. However, we propose to modify the regulations (Part 385) to conform them to our present internal practice throughout the Board. Thus, we intend to provide that, except in the case of hearing examiner rulings, where action is taken by a staff member other than a Bureau Director or Office Head with respect to which discretionary review is sought under subpart C of Part 385, such action may be reversed by the respective Bureau Director or Office Head who is in the supervisory chain of command with respect to the staff member who took the initial action. (See § 385.53, infra.)

Proposed rules. It is proposed to amend Part 221 of the Economic Regulations (14 CFR Part 221), and Part 385 of the Organization Regulations (14 CFR Part 385) as follows:

In Part 221:

1. Amend § 221.4 as follows:

Delete the alphabetical lettering of the paragraphs, and amend the current paragraphs (h), (i), and (s). As amended, § 221.4 would read:

§ 221.4 Definitions.

As used in this part, terms shall be defined as follows:

"Act" means the Federal Aviation Act of 1958, as amended.

"Board" means the Civil Aeronautics Board.

"Book tariff" means a tariff consisting of pages bound together in book form which conforms with the specifications applicable only to book tariffs.

"Carrier" means an air carrier or foreign air carrier subject to section 403 of the act.

"Class rate" means a rate which is published to apply on articles or commodities assigned to a numbered, lettered, or other specified class or category by a classification or an exception thereto.

"Fare" means the amount per passenger or group of persons stated in the applicable tariff for the transportation thereof and includes baggage unless the context otherwise requires.

"Fare tariff" means a tariff containing fares for the air transportation of persons and may include baggage charges and provisions relating thereto.

"General commodity rate" means a rate which is published to apply on all articles or commodities except those which will not be accepted for transportation under the terms of the tariff containing such rate or of governing tariffs.

"General effective date" means the effective date shown on the title page of a tariff as required by § 221.31(a)(11), the effective date shown on title page of a supplement as required by § 221.112(b)(8), and the effective date shown on an original or revised page as required by § 221.22(b)(6). Also, see § 221.160.

"Item" means a small subdivision of a tariff designated as an item and identified by a number, a letter, or other definite method for the purpose of facilitating reference and amendment.

"Joint fare or rate" means a fare or rate that applies to transportation over the joint lines or routes of two or more carriers and which is made and published by arrangement or agreement between such carriers evidenced by concurrence or power of attorney.

"Joint tariff" means a tariff that contains joint fares or rates.

"Local fare or rate" means a fare or rate that applies to transportation over the lines or routes of one carrier only.

"Local tariff" means a tariff that contains local fares or rates.

"Loose-leaf tariff" means a tariff consisting of loose-leaf pages and conforming with the specifications applicable to loose-leaf tariffs as set forth in § 221.22.

"Original tariff" as applied to a loose-leaf tariff, refers to the tariff as it was originally filed exclusive of any supplements, revised pages, or additional original pages. "Original tariff," as applied to a book tariff, refers to the tariff as it was originally filed exclusive of any supplements.

"Passenger tariff" means a tariff containing fares, charges, or governing provisions applicable to the air transportation of persons and their baggage.

"Property tariff" means a tariff containing rates, charges, or governing provisions applicable to the air transportation of property (other than baggage accompanied or checked by passengers).

"Proportional rate (or fare)" means a rate (or fare) which may be used only to construct a through combination rate (or fare) on traffic which:

(1) originates at a point beyond the point from which such proportional rate (or fare) applies, or

(2) is destined to a point beyond the point to which such proportional rate (or fare) applies, or

(3) both originates at a beyond point specified in (1) above and is destined to a beyond point specified in (2) above.

"Proportional tariff" or "basing tariff" means a tariff which contains proportional or basing rates or fares.

"Rates" means the amount per unit stated in the applicable tariff for the transportation of property (including the amount for chartering a plane) and includes "charge" unless the context otherwise requires.

"Rate tariff" means a tariff containing rates and charges for the air transportation of property, other than baggage accompanying or checked by passengers.

"Specific commodity rate" means a rate which is published to apply only on a specific commodity or commodities which are specifically named or described in the item naming such rate or in an item specifically referred to by such rate in the manner prescribed by § 221.75.

"Tariff publication" means a tariff, a supplement to a tariff, or an original or revised page of a loose-leaf tariff, and includes an index of tariffs (Subpart L) and an adoption notice (§ 221.230).

"Through fare" means the total fare from point of origin to destination. It may be a local rate, a joint rate, or combination of separately established rates.

"Through fare" means the total fare from point of origin to destination. It may be a local fare, a joint fare, or combination of separately established fares.

"United States" means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying air space thereof.

"Warsaw Convention" means the Convention for the Unification of Certain Rules Relating to International Transportation by Air, 49 Stat. 3000.

2. Add § 221.5 reading as follows:

§ 221.5 English language.

All tariff publications, powers of attorney, concurrences, revocations of powers of attorney or concurrences, letters of tariff transmittal, Special Tariff Permission applications, waiver applications and all other documents filed with the Board pursuant to this part shall be in the English language.

3. Add a new § 221.6 to read as follows:

§ 221.6 Effective date for bringing existing publications into compliance.

All tariff publications filed prior to (show effective date hereof), and which are either in effect on that date or to become effective after that date, shall be brought into compliance with this part effective not later than September 30, 1964.

4. Amend § 221.10 to read as follows:

§ 221.10 Carrier.

(a) *Local or joint tariffs.* A carrier may issue and file, in its own name, tariff publications which contain:

(1) Local rates or fares of such carrier only and provisions governing such local rates or fares, and/or

(2) Joint rates or fares which apply jointly via such issuing carrier in connection with other carriers (participating in the tariff publications under authority of their concurrences given to the issuing carrier as provided in § 221.210) and provisions governing such joint rates and fares. Provisions for account of an individual participating carrier may be published to govern such joint rates or fares provided § 221.38(k) is complied with.

A carrier shall not issue and file tariff publications containing local rates or fares of other carriers, joint rates or fares in which the issuing carrier does not participate, or provisions governing such local or joint rates or fares.

(b) *Issuing officer.* An officer or designated employee of the issuing carrier shall be shown as the issuing officer of a tariff publication issued by a carrier, and such issuing officer shall file the tariff publication with the Board on behalf of the issuing carrier and all carriers participating in the tariff publication. (See §§ 221.22 (b)(7), 221.31(a)(12) and 221.112(b)(9) for location of issuing officer's name on tariff publications.)

5. Amend paragraph (f) of § 221.21 to read as follows:

(f) *Tables to be ruled or spaced.* When fares, rates, charges, and numbers or letters (used for rate bases or similar purposes) are shown in tables, such tables shall be systematically arranged, and ruled or spaced to prevent misapplication. When not more than three figures (digits) or letters, including reference marks, are employed to express each rate, fare, charge, rate base, etc., the column shall be not less than one-fourth of an inch in width with a proportionately greater width when more than three figures or letters, including reference marks, are so employed. Tables shall not contain more than six horizontal lines of printed matter without a horizontal break in the printed matter (either by a ruled line or by at least one blank space across the table) where it is necessary for the tariff user to refer to corresponding provisions on the same line in parallel columns.

6. Amend § 221.22(b) to read as follows:

(b) *Information required on all interior pages.* Each original page and revised page following the title page of a loose-leaf tariff shall contain the following information in the location specified:

(1) In the upper left corner, the name of the issuing carrier or the name and title of the issuing agent.

(2) In the upper left corner, immediately below the name of the issuing carrier or agent, the title of the tariff.

(3) In the upper right corner, the C.A.B. number of the tariff.

(4) Immediately below the C.A.B. number, the original page number or the revised page number, as the case may be, and, if a revised page, the cancellation of preceding issues of that page (see paragraph (c) of this section and § 221.111).

(5) In the lower left corner:

(i) The issued date of the page; or,

(ii) The posting date of the page. (See § 221.31(a)(10).)

If an original tariff contains a posting date, all interior pages and the title page shall contain the same posting date and prescribed note.

(6) In the lower right corner, the effective date on which the fares, rates, charges, rules, and other provisions will become effective (see § 221.160).

(7) Centered at the bottom of the page, the name, title and address of:

(i) The issuing officer (if tariff is issued by a carrier).

(ii) The issuing agent (if tariff is issued by an individual agent).

(iii) The official or employee of a corporate agent designated by such agent to issue and file tariff publications in the corporate agent's name (if tariff is issued by a corporate agent).

The information required by subparagraph (7) may be omitted from interior loose-leaf pages provided that, whenever there is a change in such required information, a revision of the title page is issued and filed immediately to reflect the current name, title and address. When such information is omitted from interior pages, each letter of tariff transmittal tendering revised or original interior pages for filing shall bear the name, address and title of the issuing officer, individual agent, or corporate agent's designee shown on the latest issue of the title page at the time of filing; if a letter of tariff transmittal bears a different name, title or address from that on the latest issue of the title page, the pages submitted with such letter of tariff transmittal are in violation of these requirements.

7. Amend § 221.30(a)(9) to read as follows:

(9) Classification ratings or exceptions to governing classification ratings (property tariff only) (§ 221.39).

8. Amend § 221.31(a)(1) to read as follows:

(1) *C.A.B. number.* In the upper right hand corner of the title page, the C.A.B. number of the tariff shall be shown in not less than 12-point bold face type. Except as provided in § 221.224(d), tariffs shall bear consecutive C.A.B. numbers in the series of the issuing carrier or the issuing agent. Each carrier and each agent shall issue and file tariffs consecutively in its own individual series of C.A.B. numbers, commencing with C.A.B. No. 1, and shall use only one series of C.A.B. numbers for all of the tariffs which it issues. Passenger tariffs and property tariffs shall be consecutively numbered in the same series of C.A.B. numbers and a separate series shall not be used for each type of tariff. C.A.B. numbers shall not bear prefixes or suffixes.

9. Amend § 221.31(a)(12) to read as follows:

(12) *Issuing officer, agent or designee.* The name, title and address of the following person shall be shown centered at the bottom of the title page:

(i) The issuing officer (if tariff is issued by a carrier),

(ii) The issuing agent (if tariff is issued by an individual agent),

(iii) The official or employee of a corporate agent designated by such agent to issue and file tariff publications in the corporate agent's name (if tariff is issued by a corporate agent).

With respect to loose-leaf tariffs, the title page shall be revised immediately, upon lawful notice, to reflect the current name, title and address of the above person whenever there is a change in such information. The title of an issuing officer of a carrier or the official or employee designated by a corporate agent to issue and file tariff publications shall not include the terms "Agent" or "Alternate Agent". (See §§ 221.10 and 221.11 stating who may issue tariffs.)

10. Amend § 221.32 by revising the first three sentences of the section to read as follows:

§ 221.32 Correction number check sheet (loose-leaf tariff).

Original Page 1 (page following the title page) of each loose-leaf tariff shall contain a check sheet of correction numbers (See § 221.111(c)). Original Page 1 shall contain no other contents of the tariff unless the tariff contains less than thirty pages. Such check sheet shall consist of the following explanatory provision followed by columns of consecutive correction numbers arranged in numerical order, commencing with No. 1, which shall be shown in the following manner:

* * * * * *

11. Amend § 221.35(a) to read as follows:

§ 221.35 Explanations of abbreviations, reference marks, and symbols.

(a) *Explanation required.* Abbreviations, reference marks and symbols which are used in the tariff shall be explained either on the same page on which they

are used or their explanations shall be shown preceding the indexes of commodities and points. Each page on which abbreviations, reference marks or symbols are used but not explained thereon shall refer to the page containing their explanations substantially in the following manner (at the bottom of the page):

For explanations of abbreviations, reference marks, and symbols used but not explained hereon, see page ____ (as amended).

* * * * *

12. Amend § 221.35(d) to read as follows:

(d) *Prohibited abbreviations, symbols, or reference marks.* The following shall be shown in full and shall not be designated by symbols, abbreviations, or reference marks:

(1) Name of an agent.

(2) Name of a carrier (except in the rules or regulations and in the routings and indexes of points).

(3) Name of a city or town (except in routings).

(4) Name of a month when used in issued, effective or expiration dates.

13. Amend § 221.37(a) to read as follows:

(a) *Alphabetical index required.* Each tariff shall contain an alphabetical index of all points of origin named in the tariff and a separate alphabetical index of all points of destination named in the tariff, except that the points of origin and destination may be included in one alphabetical index when all or substantially all of the rates or fares in the tariff apply in both directions between their respective points. The state, territory, possession, or District of Columbia in which each United States point is located shall be shown in connection with each such point. If the tariff applies to or from foreign countries, the respective country shall also be shown in connection with each and every point in the index except that:

(1) Only the name of the state, possession, territory or the District of Columbia is required to be shown in connection with each point in the United States.

(2) Only the name of the province is required to be shown in connection with each point in Canada.

(3) Only the name of the possession or territory is required to be shown in connection with each foreign point which is situated within a possession or territory of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the territory or possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British). Opposite each point, reference shall be made to the number of each item (or similar unit) in which the respective point appears. If the point is not published in a numbered item (or similar unit), reference shall be made to the page on which the point appears. If the tariff contains rates or fares for account of more than one carrier, each point in the index shall show the carrier or carriers serving the respective point.

14. Amend § 221.37 by revising paragraphs (b), (c), and (d) to read as follows:

(b) *When index may be omitted.* The index of points may be omitted provided that all points of origin and destination are arranged in alphabetical order throughout the tariff or, if the fares or rates are published in two or more distinct sections or tables, throughout each section or table. Such alphabetical arrangement shall be explained as required by paragraph (c) of this section. In addition, when fares or rates are so arranged in sections or tables, reference to each section or table shall be shown in the table of contents. The following arrangements of points shall be considered to be in alphabetical order:

(1) From origin points arranged in alphabetical sequence, to destination points arranged in alphabetical sequence under their respective headline points,

(2) To destination points arranged in alphabetical sequence, from origin points arranged in alphabetical sequence under their respective destination points;

(3) Between one group of points arranged alphabetically as headline points, and another group of different points arranged alphabetically as sideline points under their respective headline points, (but with no fares or rates between points in the same group) as, for example, between United States headline points, on the one hand, and Canadian sideline points, on the other hand;

(4) Between points shown in a descending alphabetical arrangement in which fares or rates are provided between substantially all points in the fare or rate table as, for example, between headline point A and sideline points B through Z, between headline point B and sideline points C through Z, between headline point C and sideline points D through Z, and continuously descending to the final listing, between headline point Y and sideline point Z. In the above arrangements, points shall be either (i) in alphabetical sequence by points or (ii) in alphabetical sequence first by States (or Canadian provinces) and thence by points grouped under their respective States (or provinces).

(c) *Explanation required when index omitted.* When the index of points is omitted as provided in paragraph (b) of this section, a comprehensive explanation of the alphabetical arrangement of points must be shown in the place where the index of points would have been published. The following are some examples of such explanations which may be modified to explain the particular alphabetical arrangement employed in the tariff:

INDEX OF POINTS OF ORIGIN AND DESTINATION

Points of origin are arranged alphabetically as headline points throughout the tariff.

Points of destination are arranged alphabetically as sideline points under each origin point (see § 221.37(b)(1)); or

Points in the United States are arranged alphabetically as headline points throughout the tariff. Points in Canada are arranged alphabetically as sideline points under each headline point (see § 221.37(b)(3)); or

Points of origin and destination are arranged alphabetically throughout the tariff (or each section or table of fares (or rates)) (see § 221.37(b)(4)); or

Points of origin and destination are arranged alphabetically throughout the tariff (or each section or table of fares (or rates)) first by States or Provinces, thence by points of origin and destination grouped under their respective States or Provinces (see § 221.37(b)(4)).

(d) *When reference to items (or similar units) or pages may be omitted from index.* If an index is published in a tariff containing rates or fares for account of two or more carriers, the index of points shall show the carrier or carriers serving each point but may omit reference to each item (or similar unit) or page where each point appears, provided that the tariff conforms with § 221.37(b) and that the explanation of the alphabetical arrangement of points is shown in the heading of the index on each page thereof in the manner set forth in paragraph (c) of this section.

15. Amend § 221.38(l) to read as follows:

(l) *Carriers' billing, payment and credit rules*—(1) *Property tariffs.* All direct and indirect air carriers and foreign air carriers shall state in their tariffs governing transportation of property their rules, regulations and practices relating to the billing of shippers (including the billing of indirect air carriers by direct air carriers) for transportation services rendered, and the payment of rendered bills by shippers for such services. Such statements, applicable to all shippers or any class of shippers, shall include the billing intervals, the period covered by each billing, the time within which the bills are payable, and any charges for late payment.

(2) *Credit on joint transportation.* Notwithstanding section 221.10(a), a tariff issued by a carrier may include provisions under which the issuing carrier offers to extend credit for rates, fares or charges to be collected by the issuing carrier and which are applicable to through transportation performed by the issuing carrier in conjunction with connecting carriers regardless of whether such transportation is subject to a through joint fare or rate or a combination of separately established fares or rates of the respective carriers.

16. Amend § 221.38 by adding a new paragraph (k) to read as follows:

(k) *Individual carrier provisions governing joint rates or fares.* Provisions governing joint rates or fares may be published for account of an individual carrier participating in such joint rates or fares provided that the tariff clearly indicates how such individual carrier's provisions apply to the through transportation over the applicable joint routes comprised of such carrier and other carriers who either do not maintain such provisions or who maintain different provisions on the same subject matter.

17. Amend the heading of § 221.39 to read as follows:

§ 221.39 Classification ratings or exceptions to governing classification ratings.

18. Amend the first paragraph of § 221.39(c) to read as follows:

(c) *Exceptions to governing classification ratings.* When the classification ratings are published in a separate classification tariff as provided under paragraph (b) of this section and it is found necessary to publish ratings which are exceptions to such classification ratings without canceling the classification ratings, this part of the class rates tariff shall contain the ratings which are exceptions to the ratings in the governing classification tariff. Such exception ratings shall be published in compliance with the following requirements:

19. Amend § 221.41 in its entirety to read as follows:

§ 221.41 Routing.

(a) *Required routing.* The route or routes over which each fare or rate applies shall be stated in the tariff in such manner that the following information can be definitely ascertained from the tariff:

(1) The carrier or carriers performing the transportation,

(2) The point or points of interchange between carriers if the route is a joint route (via two or more carriers),

(3) The intermediate points served on the carrier's or carriers' routes applicable between the origin and destination of the rate or fare and the order in which such intermediate points are served. (This information, however, is not required in those property tariffs which are not subject to rules or other provisions for stopping in transit or to any other provisions which require determining what intermediate points are served via the tariff routing between the origin point and destination point of a rate; nor is it required in passenger tariffs of carriers whose operations are other than over defined routes stated in certificates or permits issued by the Board; nor in charter tariffs.) On an experimental basis, for purposes of complying with this paragraph, tariffs may include for each carrier a separate map of the carrier's routes, showing intermediate points in the order served.

(b) *Individually stated routings*—(1) *Method of publication.* Except as otherwise authorized in paragraphs (c) and (d) below, the routing required by paragraph (a) of this section shall be shown directly in connection with each fare, rate or charge for transportation, or in a routing portion of the tariff (following the rate or fare portion of the tariff), or in a governing routing tariff. When shown in the routing portion of the tariff or in a governing routing tariff, the fare or rate from each point of origin to each point of destination shall bear a routing number and the corresponding routing numbers with their respective explanations of the applicable routings shall be arranged in numerical order in the routing portion of the tariff or in the governing routing tariff.

(2) *Class of passenger service and aircraft type specified in routing.* Where a passenger fare applies via one class of service (or type of aircraft) over a portion of the routing applicable from origin to destination and via a different class or classes of service (or a different type or types of aircraft) over the remainder of the routing, provisions as to the classes of service (or types of aircraft) provided over the respective segments of the routing may be included in the applicable routing published in accordance with subparagraph (1) above. When routings containing such provisions are published in a separate routing section of the tariff or in a governing routing tariff, the headings of the pages containing fares subject to such routings shall indicate that provisions as to class of service or type of aircraft are set forth in the routing.

(c) *Diagrammatic routings.* For property rates between United States points, on the one hand, and points in foreign countries or United States Territories or Possessions, on the other hand, the routing information required by paragraph (a) (1) and (2) of this section may be shown in the form of routing diagrams. A routing diagram consists of (1) a series of connected columns or rectangular figures, each naming or designating a group of points, with carrier routing designated between each pair of consectuive, connected groups, and (2) an explanation of how to use the diagram in determining applicable routings. An illustration of an acceptable form of routing diagram is set forth in Illustration No. 1 at the end of this paragraph. Publication of routing diagrams shall conform to the following requirements:

(i) Each routing diagram shall bear a routing number. Only connected groups shall be included in one diagram.

(ii) Routing diagrams shall be published in numerical order, by routing number, in the routing portion of the tariff following the rate portion or in a governing routing tariff.

(iii) The pages containing the rates shall refer, by routing number, to the applicable routing diagrams. Where all rates in a tariff, table or section are subject to one routing diagram, such reference may be shown in the heading of each rate page thereof. Otherwise, reference to the applicable routing diagrams shall be shown directly in connection with the respective rates from each origin to each destination.

(iv) An explanation of the application and use of each routing diagram shall be published in connection therewith in sufficient detail to enable the applicable routings to be definitely determined.

(v) Groups of points of origin, destination and interchange shall be designated in the diagram by definite geographic terms.

(vi) The carriers performing the transportation between each pair of consecutive, connected groups of points in the diagram shall be specifically designated in the routing diagram except that where space limitations make this impractical, such carrier routing may be published in the following manner:

(*a*) Except as otherwise authorized in subdivision (vi)(*b*) of this subparagraph, the routing between two consecutive, connected groups in the diagram may be shown by referring to a routing chart conforming to the following requirements. Routing charts shall be in tabular form showing the specific points in one group as headline points and the specific points in the other group as sideline points. Headline points shall be arranged alphabetically and the sideline points shall be arranged alphabetically under the respective headline points. Carrier routing between each headline point and each sideline point shall be shown in the intersecting space in the tabular chart. An illustration of such routing chart (using abbreviations to designate carriers) is set forth in Illustration No. 2 at the end of this paragraph.

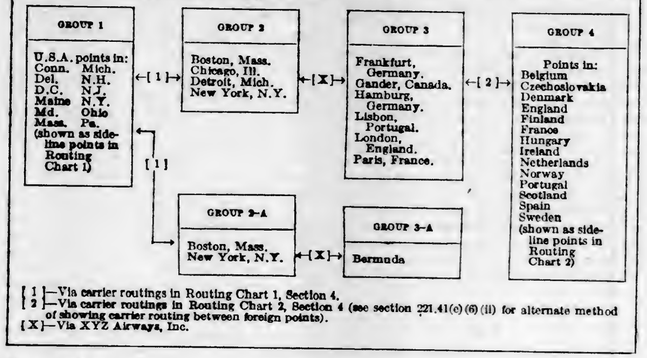
(*b*) Carrier routing between two consecutive, connected groups consisting exclusively of foreign points may be shown either by a routing chart authorized under subdivision (vi)(*a*) of this subparagraph or in the following manner. The routing diagram may provide that carrier routing between such groups of foreign points shall be via any single-carrier service and shall refer to the tariff's alphabetical index or list of points of origin and destination to determine the carriers serving the respective points in each group. The latter method of publication may be used only where the tariff contains an alphabetical index or list of points of origin and destination showing the carriers serving the respective points, and only where each carrier indicated by such index or list as serving a pair of points (one in each such group) does in fact maintain service between such pair of points.

Illustration No. 1:

Illustration No. 1:

SECTION 3—ROUTINGS

ROUTING NO. 1: Rates referring to Routing No. 1 apply via the following routing:
(a) Routing between a point in Group 1 and a point in Group 3 will be via a point in Group 2 and via carrier routings connecting such successive groups, as shown in the routing diagram below.
(b) Routing between a point in Group 1 and a point in Group 4 will be via a point in Group 2, a point in Group 3 and carrier routings connecting such successive groups, as shown in the routing diagram below.
(c) Routing between a point in Group 2 and a point in Group 3 will be via the carrier routings connecting such groups, as shown in the routing diagram below.
(d) Routing between a point in Group 2 and a point in Group 4 will be via a point in Group 3 and via carrier routings connecting such successive groups, as shown in the routing diagram below.
(e) Routing between a point in Group 1 and a point in Group 3–A will be via a point in Group 2–A and via carrier routings connecting such successive groups, as shown in the routing diagram below.
(f) Routing between a point in Group 2–A and a point in Group 3–A will be via the carrier routings connecting such groups, as shown in the diagram below.



[1]—Via carrier routings in Routing Chart 1, Section 4.
[2]—Via carrier routings in Routing Chart 2, Section 4 (see section 221.41(c)(6)(ii) for alternate method of showing carrier routing between foreign points).
[X]—Via XYZ Airways, Inc.

Illustration No. 2:

SECTION 4—ROUTING CHARTS

[Routing charts are applicable only to extent that reference is made thereto by routings in Section 3]

ROUTING CHART NO. 1:

BETWEEN / AND	Boston, Mass.	Chicago, Ill.	Detroit, Mich.	New York, N.Y.
Akron, Ohio	BCD	BCD	BCD	BCD
Albany, N.Y.	ABC	ABC	ABC	ABC
Allentown, Pa.	ABC or DEF			ABC or DEF
Baltimore, Md.	DEF			DEF
Bridgeport, Conn.	DEF			DEF

(For explanations of abbreviations, see page ----)

(d) *Open routing.* In lieu of showing the routing information required by paragraphs (a)(1) and (2) in the manner prescribed by paragraph (b) or (c) of his section, a property rate tariff may contain a rule reading as follows:

ROUTING

Unless otherwise provided in routing exceptions shown in connection with the transportation rates or charges, the transportation rates or charges in this tariff will apply only via the following routing:

Local routing. Each transportation rate or charge will apply locally (via a single carrier) from the point of origin to the point of destination via any single carrier which is shown in this tariff as serving both such points. (See note.)

Joint routing. Each transportation rate or charge will apply jointly (via two or more successive carriers) from the point of origin to the point of destination via any carriers and via any points of interchange between such carriers *provided* that the initial carrier is shown in this tariff as serving both the point of origin and the point of interchange with the next connecting carrier and that each successive connecting carrier is shown in this tariff as serving both the point of interchange at which it receives the shipment and the point of interchange or destination to which it transports the shipment. (See note.)

NOTE: To determine the carriers serving each point of origin, destination and interchange, see the Index of Points of Origin and Destination in this tariff.

The above rule is referred to hereinafter as "the open routing rule" and its publication is subject to the following requirements and conditions:

(1) The open routing rule may be published only in a rate tariff containing an index of points, captioned "Index of Points of Origin and Destination", complying with § 221.37(a) or § 221.37(d). The following provision, making reference to the open routing rule, shall be shown in the heading of such index on each page thereof:

Points listed below are also points of interchange for the purpose of determining routing under Rule -----.

(2) The following provision, making reference to the open routing rule, shall be shown in the heading of the statement of rates on each page thereof:

Rates and charges below apply only via routing authorized by Rule ----- unless otherwise provided in the Routing Exceptions to which the rates or charges below are subject.

(3) All exceptions to the open routing rule shall be set forth as "Routing Exceptions" either directly in connection with the respective rates to which they apply or in a separate routing exception portion of the same tariff (following the rate portion). When such routing exceptions are set forth in a routing exception portion of the tariff, the rate from each origin to each destination, to which a routing exception is applicable, shall bear a routing exception number and the corresponding routing exception numbers (with their respective statements of the applicable routing exceptions) shall be arranged in numerical order in the routing exception portion of the tariff.

(4) Each exception to the open routing rule shall be clear, explicit and definite in its terms and shall be clear as to the extent to which it removes the application of the open routing rule.

(5) If the tariff names only local rates, the paragraph captioned "Joint Routing" shall be omitted from the open routing rule in such tariff. If the tariff names only joint rates, the paragraph captioned "Local Routing" shall be omitted from the open routing rule in such tariff.

(6) Publication of the open routing rule and routing exceptions under § 221.41(d) is an alternative to publishing the routing information required by § 221.41(a) (1) and (2) in the manner prescribed by § 221.41 (b) or (c), and § 221.41(d) does not authorize departure from any other provisions of Part 221.

(7) The open routing rule shall not be published in a tariff containing rates which are subject to provisions for stopping in transit at intermediate points or to any other provisions which require determining the intermediate points between the origin point and the destination point of a rate.

(8) Section 221.41(d) expires with ---------- unless sooner canceled, changed or extended. All tariffs containing the open routing rule shall contain the above expiration date.

(e) *Emergency routing rule.* If desired, the following routing rule may be published in property rate tariffs conforming with paragraphs (b) or (c) of this section:

Routing instructions. The rates named in this tariff will apply only over the routes and via interchange points authorized herein except that when, in the case of pronounced traffic congestion (not an embargo) or other similar emergency, or through carrier's error, carriers forward shipments by other transfer points of the same carriers or over other carriers parties to the tariff, the rates specified in this tariff (but not higher than the rate applicable over the actual route of movement) will be applied.

(f) *Forwarders.* The preceding paragraphs of this section do not apply to tariffs of Air Freight Forwarders or International Air Freight Forwarders. Where the rates and charges of two or more forwarders are published in one tariff issued by an agent, the tariff shall clearly indicate in connection with each rate or charge the respective individual forwarder for whom it is published.

20. Amend § 221.52(a) to read as follows:

(a) *Specific points of origin and destination.* Except as otherwise provided in this part, the specific points of origin and destination from and to which the fares or rates apply shall be specifically named directly in connection with the respective fares or rates. Whenever there are two or more points of the same name receiving scheduled air transport service, the State, territory, or possession, in which each such point is located shall be shown in connection with the point. If the tariff contains fares or rates applying to or from points in foreign counties, the respective country in which each point is situated shall also be shown in connection with each and every point named in the tariff except that:

(1) Only the name of the State, possession, territory or District of Columbia is required to be shown in connection with each point in the United States.

(2) Only the name of the province is required to be shown in connection with each point in Canada.

(3) Only the name of the possession or territory is required to be shown in connection with each foreign point which is situated within a possession or territory of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the territory or possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British).

21. Amend § 221.52(b) to read as follows:

(b) *Points taking same fares or rates.* The fares or rates applying to (or from) a particular point named in the table of fares or rates may be made to apply to (or from) other points in the following manner: Show such other points in their proper alphabetical order in the rate or fare table and show in connection with each such point a statement that it takes the same fares or rates as apply to (or from) the particular point for which fares or rates are specifically published in the table. If the tariff has an index or list of points, the latter statement may be published in connection with the respective points in the index or list instead of in the rate or fare table. All such statements shall be published uniformly either (1) in the index (or list) or (2) in the table, but not in both.

22. Amend existing § 221.53 by (1) deleting the parenthetical reference to section 221.103 at the end of section 221.53 (c); (2) redesignate current section 221.53 as 221.53(a) and redesignate (a), (b), and (c) thereof as (1), (2), and (3), respectively; and (3) add new paragraphs (b) and (c). As amended, § 221.53 will read as follows:

§ 221.53 Airport to airport application, accessorial services.

(a) Tariff publications containing rates or fares for air transportation shall specify whether or not they include additional services in one or more of the following ways:

(1) The tariff shall indicate that rates or fares include pick-up, delivery, or other services, explicitly defining the services to be furnished, and defining areas or points within or between which the services will be performed; or

(2) The tariffs shall indicate that the rates or fares apply only from airport to airport and that the carrier does not perform additional services; or

(3) The tariff shall indicate that the rates or fares apply only from airport to airport but that additional services are furnished subject to additional charges, setting forth the carrier's charges for all other services and other provisions applicable thereto, as required by §221.38, and the tariff shall clearly and explicitly specify the extent to which such services will be furnished and the areas or points within or between which terminal transportation will be provided.

(b) The above requirements shall not be construed as precluding the publication of rates or fares for air transportation which include pick-up or delivery service at certain specified points or areas within the pick-up and delivery zone of the airport city of origin or destination but subject to a further provision that pick-up or delivery service will be provided at other specified areas or points within the same pick-up and delivery zone at stated rates and charges for such services to be assessed in addition to the rates or charges for air transportation.

(c) The airport to airport application of rates or fares for air transportation and the statements as to the extent to which such rates or fares include pick-up, delivery or other accessorial services shall be published in the rate or fare tariff and not in a governing tariff. However, the definitions of such services, the definitions of areas or points within or between which such services will be performed, and the rates or charges for such services (when not included in the air transportation rates or fares) may be published either in a governing rules tariff conforming to § 221.102 or in a governing pick-up and delivery tariff conforming to § 221.103.

23. Amend § 221.54(a) to read as follows:

(a) Tariffs containing fares or rates which are stated to apply per mile or other unit of distance shall provide one or more of the following methods for determining distance:

(1) Show the applicable distance from each point of origin to each point of destination from and to which such fares or rates apply,

(2) Make reference by C.A.B. number to a separate mileage or distance guide for such distances (see § 221.106), or

(3) Make reference to:

(i) The mileage publication of the International Air Transport Association;

(ii) The mileage publication of the United States Department of Commerce Coast and Geodetic Survey, Special Publication No. 238, Air-Line Distances Between Cities in the United States;

(iii) Book of Official C.A.B. Airline Route Maps and Airport to Airport Mileages published by The Air Transport Association of America.

Tariffs making reference to two or more of the mileage publications referred to above shall plainly state how each is to be applied and in such manner that no conflict results from the stated application.

24. Amend § 221.58 to read as follows:

§ 221.58 Arbitraries.

A tariff may provide that rates or fares from (or to) particular points shall be determined by the addition of arbitraries to, or the deduction of arbitraries from, rates or fares therein which apply from (or to) a base point. An arbitrary is a specific amount in dollars or cents published specifically for application in the above manner. Provisions for the addition or deduction of such arbitraries shall be shown either directly in connection with the fare or rate applying to or from the base point or in a separate provision which shall specifically name the base point. The tariff shall clearly and definitely state the manner in which such arbitraries shall be applied. In the case of arbitraries applicable to the transportation of property, the arbitraries shall be published in the same units of currency and rate as those in which the base rates are stated, and shall be stated to apply on the same minimum quantities (or quantity groups) as those on which the base rates apply.

The tariff shall state definitely whether the arbitraries are to be added to, or deducted from, the fares or rates applying from (or to) the base points (for example, it may provide in effect that the arbitraries shall be added to the fares or rates applying from (or to) the base points except that those arbitraries bearing a particular reference mark, such as a minus sign (—), shall be deducted from such base fares or rates). In some circumstances, it may be necessary to publish a zero amount "0" in the table of arbitraries; in this event, the tariff shall state definitely that the fare or rate applying from (or to) the base point shall also apply from (or to) the point taking the zero amount in the arbitrary table without the addition or deduction of an arbitrary.

25. Amend § 221.59 to read as follows:

§ 221.59 Fares or rates stated in percentages of other fares or rates; other relationships prohibited.

(a) Fares or rates for air transportation of persons or property shall not be stated in the form of percentages,

multiples, fractions, or other relationships to other fares or rates except to the extent authorized in paragraphs (b), (c), (d), and (e) of this section with respect to passenger fares and baggage charges and in Subpart F with respect to property rates.

(b) A basis of fares for refund purposes may be stated, by rule, in the form of percentages of other fares.

(c) Transportation rates for the weight of passengers' baggage in excess of the baggage allowance under the applicable fares may be stated, by rule, as percentages of fares, provided reference is made to a conversion table complying with paragraph (e) of this section for the purpose of determining the amounts of such rates in dollars or cents represented by the published percentages of the fares.

(d) Children's fares, round-trip fares, or other types of fares may be stated, by rule, as percentages of other fares published specifically in dollars and cents (hereinafter referred to as base fares): *Provided*, That:

(1) Fares stated as percentages of base fares shall apply from and to the same points, via the same routes, and for the same class of service and same type of aircraft to which the applicable base fares apply, and shall apply to all such base fares in a fares tariff or designated section or table of a fares tariff except that:

(i) If the base fares are published for account of two or more participating carriers, such percentage fares may be restricted to apply for account of only certain participating carriers. If such carriers participate in joint base fares, the extent to which such restricted percentage fares apply to the joint base fares shall be clearly indicated.

(ii) If the base fares are named between points in the United States and points in foreign countries, such percentage fares may be restricted to apply between (or from and to) designated countries or larger definite geographic areas.

(2) Fares shall not be stated as percentages of base fares for the purpose of establishing fares applying from and to points, or via routes, or on types of aircraft, or for classes of service different from the points, routes, types of aircraft, or classes of service to which the base fares are applicable.

(3) Fares stated as percentages of base fares shall refer to a conversion table complying with paragraph (e) of this section for the purpose of determining the amounts of such fares in dollars and cents represented by the published percentages of the base fares.

(e) (1) A conversion table shall be published in the fares section of the tariff containing the base fares or, if that tariff is governed by a rules tariff, the table may be published after the last rule therein. The conversion table shall contain in the first column, in numerical order ranging from the lowest to the highest amounts, the amounts of all the base fares on which the percentages are to be applied. Each of the other columns shall be captioned with a percentage corresponding to a percentage in which a fare is stated. In each of the percentage-captioned columns and directly opposite each base fare, the amount in dollars or cents represented by the stated percentage of the respective base fare shall be shown. Such columns shall be arranged in numerical order (according to percentages). A clear and definite explanation of how to use the conversion table shall be shown in connection therewith.

(2) Instead of showing in the first column all base fares from the lowest to the highest, the table may contain in the first column $.05 and all multiples thereof to an including $1.00 and all multiples of $1.00 to and including $100.00 with a plainly stated rule for using, in combination, amounts ascertained in the percentage columns for the separate portions of the base fare. The rule shall provide, for example, that if the base fare is $7.65, the percentages for $7.00 and $0.65 are to be ascertained separately and combined.

26. Add a new § 221.64 to read:

§ 221.64 Charter rates and charges.

Charter rates and charges shall be clearly and explicitly stated in dollars or cents per aircraft (specifying the type of aircraft) on a time, mileage or specific point-to-point basis, and shall be indicated to apply on the movement of persons and their baggage and/or the movement of property. Where two or more aircraft of the same type differ substantially in their respective maximum capacities available to the charterer by reason of differences in their interior configuration of passenger or cargo accommodations, different charter rates and charges may be published for such aircraft provided the maximum capacity available to the charterer is definitely stated for each aircraft. This may be done either by stating the maximum capacity in pounds or by specifically describing the configuration of the passenger and cargo accommodations of each aircraft.

27. Amend § 221.70(a) to read as follows:

(a) All rates for the air transportation of property shall be clearly and explicitly stated in cents or dollars per pound, per 100 pounds, per kilogram, per ton of 2,000 pounds, per ton of 2,240 pounds, per United States gallon, or other definite unit of weight, measurement or value except that:

(1) Charter rates shall be stated as provided in § 221.64.

(2) Rates stated to apply on specific types of animals may be stated in cents or dollars per animal.

28. Add new § 221.71(b)(3) as follows:

(3) All such rates of the same type (class, specific commodity, or general commodity) applying on the same commodities from the same point of origin to the same point of destination via the same route shall be published together on one tariff page or in one tariff item except as otherwise authorized in paragraph (c) of this section.

29. Add new § 221.71(c) as follows:

(c) *Volume rate conversion table.* Rates meeting the requirements of paragraph (b) of this section may be published in the following manner. Where a rate table names rates subject to a definite minimum weight, for example, "minimum weight 100 pounds," lower rates for greater minimum weights may be published in a separate conversion table substantially in the following form:

TABLE OF VOLUME RATES (*In dollars per 100 pounds*)

[This table is applicable only in connection with rates subject to minimum weight of 100 pounds which refer hereto for rates applicable to greater minimum weights]

Where the rate subject to minimum weight of 100 pounds is:	The rates for the following minimum weights will be as specified in the respective columns below:				
	Minimum weight in pounds				
	1,000	3,000	5,000	10,000	20,000
4.00	3.80	3.60	3.40	3.00	2.80

The particular minimum weights shown in the above form are for illustrative purposes only. Such conversion table shall be published immediately following the table or section naming the applicable base rates, and shall provide that it is applicable only in connection with the base rates which refer to it (substantially as shown in the above form). Each page naming the base rates shall make specific reference to such conversion table for rates applicable to the greater minimum weights provided by the conversion table.

30. Amend § 221.74 and delete § 221.75(e) so that § 221.74 will read as follows:

§ 221.74 General commodity rates and exception ratings thereto.

(a) *General commodity rates.* General commodity rates shall be published under the caption "General Commodity Rates." Such caption shall be shown on each page containing such rates. Each tariff which contains general commodity rates shall contain a rule captioned "Application of General Commodity Rates" which shall provide that the general commodity rates apply on all commodities except those which will not be accepted for transportation under the terms of the tariff or of governing tariffs. Such rule shall be published in the tariff containing the general commodity rates and not in a governing tariff. If it is desired to establish a rate on a particular commodity different from the general commodity rate, an exception rating to the general commodity rate (see paragraph (b) below) or a specific commodity rate (see § 221.75) shall be published on such commodity.

(b) *Exception ratings to general commodity rates.* Exception ratings to general commodity rates may be stated as percentages of general commodity rates applying from and to the same points over the same route or routes provided the following requirements are complied with:

(1) Such exception ratings shall be published under the caption "Exception Ratings to General Commodity Rates (stated as percentages of the General Commodity Rates)". Such caption shall be shown on each page containing the exception ratings.

(2) Such exception ratings shall be published in numbered items in the same tariff naming the general commodity rates to which they are exceptions, and shall follow the general commodity rates and precede specific commodity rates (if published therein) in the order of the tariff's contents.

(3) Such exception ratings shall be published to apply only on specific articles or commodities which shall be named directly in connection with the applicable exception ratings.

(4) Each exception rating shall be stated as a single percentage of the general commodity rates for all quantities on which the general commodity rates apply. However, where the general commodity rates vary according to the different quantities on which they apply, exception ratings may be stated as percentages of one or more of such general commodity rates provided the quantities to which the exception ratings apply are specifically stated.

(5) Such exception ratings shall not be published unless they are to apply from and to or between all of the points for which general commodity rates are provided in the tariff or in a designated table or section of the tariff except

(i) If the tariff names general commodity rates for account of two or more carriers, such exception ratings may be restricted to apply for account of only certain carriers. If the tariff names joint general commodity rates in which such carriers participate, the tariff shall clearly indicate the extent to which such restricted exception ratings apply in connection with the joint general commodity rates.

(ii) If the tariff names general commodity rates between points in the United States and points in foreign countries, such exception ratings may be restricted to apply between (or from and to) designated countries or larger, definite geographic areas.

(6) Such exception ratings shall refer to a conversion table in the same tariff complying with subparagraph (7) of this paragraph for the purpose of determining the rates in cents or dollars represented by the exception rating percentages of the general commodity rates.

(7) A conversion table shall be published immediately following such exception ratings. The conversion table shall contain in the first column, in numerical order ranging from the lowest to the highest amounts, the amounts of all of the base general commodity rates on which the percentages are to be applied. Each of the following columns shall be captioned with a percentage corresponding to a percentage in which an exception rating is stated. In each of the latter columns and directly opposite each base rate, the amount in cents or dollars represented by the stated percentage of the respective base rate shall be shown. Such columns shall be arranged in numerical order (according to percentages). A clear and definite explanation of how to use the conversion table shall be shown in connection therewith. Instead of showing in the first column all base general commodity rates from the lowest to the highest, the table may contain in the first column all amounts from $0.01 to $1.00 and all multiples of $1.00 to and including $50.00 with a plainly stated rule for using in combination amounts ascertained in the percentage column for separate portions of the general commodity rate. The rule must provide, for example, that if the general commodity rate is $2.77, the percentages for $2.00 and $0.77 are to be ascertained separately and combined.

31. Amend the introductory text of § 221.75(d) to read as follows (no change in subparagraphs (1), (2) and (3)):

(d) *Commodity descriptions published separately from rates when latter arranged alphabetically by points.* When all specific commodity rates in a tariff are published in tabular form and all points of origin and destination are arranged alphabetically in conformance with § 221.37(b) (1) through (4) throughout the table of specific commodity rates, the commodity descriptions applicable to such rates may be published separately provided the following requirements are complied with:

31a. Delete § 221.75(e) in its entirety.

32. Amend § 221.76 to read as follows:

§ 221.76 Precedence of authorized types of rates.

(a) *Exception ratings to general commodity rates versus general commodity rates.* When both general commodity rates and exception ratings to general commodity rates (stated as percentages of the general commodity rates) are published to apply from and to the same points via the same routes, the tariffs containing such rates and exception ratings (or their governing rules tariffs) shall contain a rule reading as follows:

An exception rating to the general commodity rate, stated as a percentage of the general commodity rate, removes the application of the general commodity rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

(b) *Specific commodity rates versus general commodity rates and exceptions to general commodity rates.* When specific commodity rates, general commodity rates and exception ratings to general commodity rates (stated as percentages of the general commodity rates) are published to apply from and to the same points via the same routes, the tariffs containing such rates and exception ratings (or their governing rules tariffs) shall contain a rule reading as follows:

A specific commodity rate removes the application of the general commodity rate and the exception rating to the general commodity rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

If no exception ratings to general commodity rates are published, the phrase "and the exception rating to the general commodity rate" shall be omitted from the above rule.

(c) *Specific commodity rates versus class rates.* When both specific commodity rates and class rates are published to apply from and to the same points via the same routes, the tariffs containing such rates (or their governing rules or classification tariffs) shall contain a rule reading as follows:

A specific commodity rate removes the application of the class rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

(d) *Prescribed rules in forwarder tariffs.* When the rules prescribed in this section are published in tariffs of Air Freight Forwarders or International Air Freight Forwarders, the phrase "over the same route" shown in the prescribed rules shall be omitted from the rules published in such tariffs.

33. Add new § 221.80 reading as follows:

§ 221.80 Rate scale method of publishing rates.

(a) *When to be used.* In lieu of publishing the points of origin and destination directly in connection with the rates as required by section 221.52(a), the rate scale method of publication may be employed in the manner authorized by either paragraph (b) or (c) hereof. The rate scale method will normally reduce the volume of publication where a rate tariff names numerous points of origin and destination for class rates, general commodity rates or rates on one specific commodity (or one group of specific commodities taking the same rates) and the same rate or rates apply in many instances between different points of origin and destination. Where such conditions do not exist, the rate scale method shall not be used and the points of origin and destination shall be shown directly in connection with the rates as required by section 221.52(a) which results in a more simplified tariff format. When the rate scale method authorized by this section is employed, the volume rate conversion table method of publication under section 221.71(c) shall not be used.

(b) *Rate scale method without zone numbers.* The rate scale method without zone numbers consists of publishing two tables, namely, (1) a table of rate scale numbers showing the rate scale number applicable between each point of origin and each point of destination and referring to a table of rates to determine the applicable rates for the respective rate scale numbers, and (2) a table of rates listing such rate scale numbers (in numerical order) and showing the applicable rates for each rate scale number. Such tables shall conform to the following requirements:

(1) *Table of rate scale numbers.* The table of rate scale numbers shall be published immediately preceding the table of rates. The points of origin and destination shall be arranged in alphabetical order in the table of rate scale numbers which shall show the rate scale number applying from each point of origin to each point of destination (or applying between such points). All such pairs of points taking the same rates shall be assigned the same rate scale number. The heading on each page of the table shall refer to the table of rates substantially in the following manner: "To determine rates for the applicable rate scale number, refer to Section ---------."

(2) *Table of rates.* The rate scale numbers shall be arranged in the table of rates in numerical order (from lowest to highest) and the rates for each rate scale number shall be shown directly in connection with the respective rate scale number. The lowest rate scale number shall be assigned to the scale of lowest rates, with higher rate scale numbers assigned progressively to higher rates. The rates shall conform to all requirements of this part. The heading on each page of the table shall refer to the table of rate scale numbers substantially in the following manner: "To determine the applicable rate scale number, refer to Section _____."

(c) *Rate scale method with zone numbers.* The rate scale method with zone numbers may be used where, in addition to the rate situations mentioned in paragraph (a) hereof, the points of origin and destination fall into zones with all points in each zone taking the same rates (common rated points). It shall not be used where such common rated points are not extensive, or where the method of publishing common rated points authorized by section 221.52(b) is used. The rate scale method with zone numbers consists of three parts, namely, (1) an alphabetical index or list of origin and destination points showing the rate zone number assigned to each point, (2) a table of rate scale numbers showing the rate scale number applicable between each pair of zone numbers (arranged in numerical order in headline and sideline format), and (3) a table of rates which lists the rate scale numbers (in numerical order) showing the applicable rates for each rate scale number. Such tables shall conform to the following requirements:

(1) *Alphabetical index or list of points showing zone numbers.* A zone number shall be assigned to each and every point of origin or destination. Points taking the same rates shall be assigned the same zone number. Such zone numbers shall be published in a column captioned "Zone Number" in the index of points or, if the tariff contains no index of points, in an alphabetical list of origin and destination points placed immediately preceding the table of rate scale numbers. The heading of each page of such index or list of points shall refer to the table of rate scale numbers substantially in the following manner: "To determine applicable rate scale numbers, refer to Section _____."

(2) *Table of rate scale numbers.* The table of rate scale numbers shall be published immediately preceding the table of rates. The zone numbers assigned to the points of origin and destination shall be arranged in numerical order in headline and sideline format in the table of rate scale numbers which shall show the rate scale number applying between each headline zone number and each sideline zone number (or from each headline zone number to each sideline zone number, or in the reverse direction). All such pairs of zone numbers taking the same rates shall be assigned the same rate scale number. The heading on each page of the table shall refer to the index or list of points substantially in the following manner: "To determine the zone numbers of the points of origin and destination, refer to Section _____", and shall also refer to the table of rates substantially in the following manner: "To determine rates for the applicable rate scale number, refer to Section _____."

(3) *Table of rates.* The table of rates shall conform to the requirements of subparagraph (b)(2) of this section.

(d) *Routing.* When the rate scale method of publication makes it impossible to show comprehensibly the required routing provisions directly in connection with the rates in accordance with section 221.41, such routing provisions shall be shown directly in connection with each respective rate scale number in the table of rate scale numbers. If the routing provisions cannot be indicated comprehensibly under the above methods, the rate scale method of publication shall not be used.

34. Amend §221.100(c) to read as follows:

(c) *Participation in governing tariffs.* A rate tariff or a fare tariff may refer to a separate governing tariff authorized by this subpart only when all carriers participating in such rate tariff or fare tariff are also shown as participating carriers in the governing tariff: *Provided,* That:

(1) If such reference to a separate governing tariff does not apply for account of all participating carriers and is restricted to apply only in connection with local or joint rates or fares applying over routes consisting of only particular carriers, only the carriers for whom such reference is published are required to be shown as participating carriers in the governing tariff to which such qualified reference is made.

(2) If a tariff naming joint rates via air carriers in conjunction with surface carriers (common carriers subject to the Interstate Commerce Act) makes reference to a separate governing tariff (filed with the Board under authority of § 221.103) for charges and other provisions covering pick-up, delivery or transfer services performed only by the air carrier participants in such joint rates, the surface carrier participants in such joint rates are not required to be shown as participating carriers in such governing pick-up, delivery or transfer services tariff.

35. Amend § 221.111(e) to read as follows:

(e) *Cancellation of omitted matter.* If a rate, fare, rule or other tariff provision on a page is to be canceled entirely and is not to be transferred to another page of the same tariff, the revised page which effects such amendment shall specifically show the cancellation of such provisions and identify the provisions to be canceled. For example, if a rule is canceled, the number and caption of the rule shall be brought forward on the new page but the body of the rule shall be omitted and, in lieu thereof, a statement that the rule is canceled shall be shown; or, if a fare is to be canceled, the points of origin and destination shall be brought forward on the new page but the fare shall be omitted and, in lieu thereof, a statement that the fare is canceled shall be shown. Alternatively, such cancellation (but not transfer of matter to another page) may be accomplished by omitting the matter to be canceled, provided that a footnote at the bottom of the revised page specifically identifies the matter to be canceled and directs its cancellation. All of the foregoing cancellation shall be omitted from subsequent revisions of the revised page which effected the cancellation.

36. Amend § 221.111(g) to read as follows:

(g) *Cancellation of participating carrier.* When a participating carrier is canceled by a revised page, the fares (or rates) and other provisions of the tariff insofar as they apply in connection with such carrier shall be canceled at the same time, by either of the following methods:

(1) Such cancellation shall be accomplished by revising the particular pages containing the fares (or rates) and other provisions applying in connection with the canceled participating carrier, or

(2) Such cancellation shall be accomplished by publishing the following statement (following the list of participating carriers) which shall be referred to in connection with the elimination of the carrier from the list of participating carriers:

PARTICIPATING CARRIER CANCELLATION

(Name of canceled participating carrier) eliminated as participating carrier in this tariff and all rates (or fares) and other provisions published in connection with that carrier canceled effective _____ by _____ Revised Page _____.

If the eliminated carrier is designated by abbreviation or carrier number in the tariff, show the carrier abbreviation or number in parentheses immediately following the carrier's name in the above statement. Also, in the above statement, show the effective date of the carrier's elimination as a participating carrier and the revised page on which the above statement is initially published. Such cancellation statement shall be brought forward on subsequent revisions of the page until such time as specific cancellation of all rates, fares and other provisions in connection with the eliminated carrier has been accomplished by revising the pages affected. Such specific cancellation shall be fully accomplished not later than 180 days after the effective date of the cancellation of the carrier's participation.

37. Amend § 221.113 by revising paragraph (c)(3)(ii) and adding a new paragraph (c)(3)(iii). As revised, § 221.113(c)(3) (ii) and (iii) will read as follows:

(ii) If the publication to which the provisions are transferred is a new tariff (issued by an agent or carrier other than the issuing agent or carrier of the former tariff), the new tariff shall bear the following notation "(see notice on page ____ hereof)" in the upper right hand corner of the title page (immediately below the C.A.B. number and any cancellation thereunder) and the notice referred to shall be shown following the table of contents and shall read substantially:

NOTICE

Rates (or fares, rules, etc.), herein applying (briefly identify transferred rates, etc.) were formerly published in C.A.B. No. _____ issued by _____.

(iii) If the transferred provisions are added by supplement, revised page or original page to an existing tariff (issued by the same or different issuing carrier or agent), reference to the former tariff shall be shown in connection with the added provisions in such supplement, revised page or original page and such reference shall read substantially:

These rates (or fares, rules, etc.) were formerly published in C.A.B. No. _____ issued by _____.

38. Amend § 221.160(b) to read as follows:

(b) *When single publication contains changes effective on different dates.* Each tariff, supplement, or loose-leaf tariff page which contains various changes to become effective on different dates shall:

(1) Bear a general effective date which shall allow at least thirty days' notice,

(2) Show directly in connection with such general effective date the following notation: "(except as noted)",

(3) Show in connection with each change which is to become effective earlier or later than such general effective date, its specific effective date which shall allow at least thirty days' notice unless the Board authorizes the change to be filed on less notice,

(4) When matter is authorized by the Board to be filed on less than thirty days' notice, show reference to the Board's order, regulation, or special tariff permission authorizing such filing. Such reference shall be shown (immediately following the specific effective date of such matter) in the manner required by the order, regulation, or special tariff permission, for example:

Effective: _____ Issued on _____ days' notice under Special Tariff Permission No. _____ of the Civil Aeronautics Board. (See also § 221.194.)

39. Amend § 221.190 to read as follows:

§ 221.190 Grounds for approving or denying Special Tariff Permission applications.

(a) *General authority.* The Board is authorized, when actual emergency or real merit is shown, to permit changes in rates, fares, or other tariff provisions on less than the thirty days' notice required by section 403 of the Act.

(b) *Grounds for approval.* The following facts and circumstances constitute some of the grounds for approving applications for Special Tariff Permission in the absence of other facts and circumstances warranting denial:

(1) *Clerical or typographical errors.* Clerical or typographical errors in tariff publications constitute grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice the tariff changes necessary to correct such errors. Each application for Special Tariff Permission based on such grounds shall plainly specify the errors and contain a complete statement of all the attending facts and circumstances, and such application shall be presented to the Board with reasonable promptness after issuance of the defective tariff publication.

(2) *Rejection caused by clerical or typographical errors or illegibility.* Rejection of a tariff publication caused by illegible printing (in matter reissued without change) or by clerical or typographical errors constitutes grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice, effective not earlier than the original effective dates in the rejected publication, all changes contained in the rejected publication but with the errors corrected. Each application for the grant of Special Tariff Permission based on such grounds shall plainly specify the errors and contain a complete statement of all the attending facts and circumstances, and such application shall be filed with the Board within three days after receipt of the Board's notice of rejection.

(3) *Incorrect page cancellation caused by rejection of prior issue.* When a revision of a loose-leaf page bears incorrect page cancellation because it was submitted prior to receipt of the notice of rejection of a prior issue of such page, such circumstances constitute grounds for approving an application for Special Tariff Permission to file amendments on less than thirty days' notice for the purpose of effecting adjustment of the page cancellation and to show "(Issued in lieu of ____ rejected by C.A.B.)" to be made effective on the effective date of the revision bearing the incorrect page cancellation.

(4) *Newly authorized transportation.* The fact that the Board has newly authorized a carrier to perform air transportation constitutes grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice the fares, rates, and other tariff provisions covering such newly authorized transportation.

(c) *Competition not grounds for approval.* The desire to meet rates, fares, or other tariff provisions of a competing carrier which have been filed on thirty days' notice will not of itself be regarded as good cause for permitting changes in rates, fares, or other tariff provisions on less than thirty days' notice.

(d) *Filing notice required by formal order.* When a formal order of the Board requires the filing of tariff matter or publications on a stated number of days' notice, an application for Special Tariff Permission to file on less notice will not be approved. In any such instance a petition for modification of the order should be filed in the formal docket.

40. Delete existing § 221.190(e) and add a new § 221.191(c) to read as follows:

(c) *Who may make application.* Applications for Special Tariff Permission to file rates, fares, or other tariff provisions on less than thirty days' notice shall be made only by the issuing carrier or agent authorized to issue and file the proposed tariff publication. Such application by the issuing carrier or agent will constitute application on behalf of all carriers participating in the proposed rates, fares, or other tariff provisions.

41. Amend § 221.191 by adding a new paragraph (d) to read as follows:

(d) *More than one tariff.* Where the same special circumstances or unusual conditions are relied upon as justifying Special Tariff Permission involving amendments of more than one tariff, the applicant may file one application covering the proposed amendments of all tariffs involved or an individual application for each tariff involved. Since one tariff may present a problem not encountered in the other tariffs, the filing of individual applications may preclude delay in the processing of applications other than the one with respect to the tariff to which the problem pertains. Passenger tariff amendments shall not be included in the same application with property tariff amendments.

42. Add a new § 221.193 to read as follows:

§ 221.193 Re-use of Special Tariff Permission when publication is rejected.

If a tariff publication containing matter issued under Special Tariff Permission is rejected, the same Special Tariff Permission may be used in a tariff publication issued in lieu of such rejected publication provided that such re-use (1) is not precluded by the terms of the Special Tariff Permission, and (2) is made within the time limit thereof.

43. Add § 221.194 reading as follows:

§ 221.194 Reference to Special Tariff Permission on tariff publications.

The terms of Special Tariff Permissions require that tariff publications filed pursuant thereto shall bear reference to the Special Tariff Permission substantially in the following form:

Issued on _____ days' notice under Special Tariff Permission. No. _____ of the Civil Aeronautics Board.

At the election of the publisher, the Board's Special Tariff Permission number may be omitted from such notation on the tariff publication provided that:

(a) The Special Tariff Permission number is shown in the letter of tariff transmittal in connection with the listed tariff publication containing matter issued under such permission, and

(b) The Special Tariff Permission application number of the issuing carrier or agent is shown in the notation on the tariff publication in the following manner:

Issued on _____ days' notice under Special Tariff Permission of the Civil Aeronautics Board. (Appn. No. _____.)

Publishers should elect to omit the Special Tariff Permission number from the tariff publication only when publication and filing will be expedited since it is preferable that the Special Tariff Permission number be shown on the tariff publication.

44. Amend § 221.223 by redesignating paragraphs (d), (e), (f), and (g) as paragraphs (e), (f), (g), and (h), respectively, and adding a new paragraph (d) as follows:

(d) *Revised title pages to be filed by alternate.* Simultaneously with the filing of take-over supplements pursuant to § 221.223(c), the alternate agent shall file, on lawful notice, a revised title page to each effective loose-leaf tariff of the principal agent for the purpose of specifically showing the name and title of the alternate agent in lieu of the principal agent's name and title wherever the latter appears on the title page.

45. Amend § 221.224 by redesignating current paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f), respectively, and adding a new paragraph (c) as follows:

(c) *Revised title pages to be filed by new principal agent.* Simultaneously with the filing of take-over supplements pursuant to § 221.224(b), the new principal agent shall file, on lawful notice, a revised title page to each effective loose-leaf tariff of the former agent for the purpose of specifically showing the name and title of the new principal agent in lieu of the former agent's name and title wherever the latter appears on the title page.

46. Amend § 221.231 to read as follows:

§ 221.231 Adoption supplements and revised title pages to be filed to former carrier's tariffs.

At the same time that the adoption notice is issued, posted, and filed pursuant to § 221.230, the adopting carrier shall issue, post and file with the Board:

(a) A consecutively numbered supplement to each effective tariff (loose-leaf or book) issued by the former carrier which shall be prepared in accordance with the form set forth in § 221.247 and shall contain no matter other than that required by the prescribed form, and

(b) A revised title page, on lawful notice, to each effective looseleaf tariff issued by the former carrier for the purpose of specifically showing the name of the adopting carrier in lieu of the former carrier's name wherever the latter appears on the title page.

47. Amend reference (4) to § 221.240 (b) to read as follows:

(4) Omit the paragraph if no carriers other than the issuing carrier participate in the publication filed. Omit the clause beginning with the word "except" if all concurrences or powers of attorney have been previously filed with the Board.

48. Amend reference (4) to § 221.241 (b) to read as follows:

(4) Show the tariff publication(s) in which the proposed provisions will be published and the publication(s) to be canceled thereby, using whichever of the following forms of reference is appropriate:

(i) "_____ Revised Page _____ (which will cancel Original Page _____, or _____ Revised Page _____) of C.A.B. No. _____."

(Or, in lieu of the above form of reference)

"Consecutive revision(s) of page(s) ____ of C.A.B. No. _____."

(ii) "Original Page(s) _____ to be added to C.A.B. No. _____."

(iii) "Consecutively numbered supplement (which will cancel Supplement No. _____) to C.A.B. No. _____."

(iv) "New tariff C.A.B. No. _____ which will cancel tariff C.A.B. No. _____"

49. Amend reference (6) to § 221.243 (b) to read as follows:

(6) If the carrier is a corporation (or similar entity), the revocation shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and its concurrence which is being revoked does not bear such attestation and seal, the revocation of such concurrence is not required to bear such attestation and seal.

50. Amend reference (8) to § 221.244 (b) to read as follows:

(8) If the carrier is a corporation (or similar entity) the power of attorney shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and, under the laws of the carrier's native country, such seal and attestation are not required to authenticate the document, affixing the seal and attesting the document is not required, provided that such carrier or its agent certifies to the Board in writing that the laws of the carrier's native country do not require such attestation and seal to authenticate such powers of attorney.

51. Amend reference (7) to § 221.245 (b) to read as follows:

(7) If the carrier is a corporation (or similar entity), the revocation shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and its power of attorney which is being revoked does not bear such attestation and seal, the revocation of such power of attorney is not required to bear such attestation and seal.

In Part 385:

52. Amend § 385.15(a) of the Board's Organization Regulations to read as follows:

(a) Reject any tariff, supplement, or revised page which is filed by any United States air carrier or by any foreign air carrier, and which is subject to rejection because it is not consistent with section 403 of the Act or with Part 221 of the Board's Economic Regulations (14 CFR Part 221). Where a tariff, supplement or loose-leaf page is filed on more than sixty days' notice and is not rejected within the first thirty days commencing with and counting the filing date, it shall not be rejected after such thirty-day period under this delegated authority unless the issuing carrier or agent is given an opportunity to remove the cause for rejection by the effective date, upon Special Tariff Permission if necessary, and fails to take such corrective action.

53. Amend § 385.53 to read as follows:

§ 385.53 Review by the staff.

Where a petition for review is duly filed, the staff member may, upon consideration of all documents properly filed, reverse his decision. Except in the case of hearing examiners, action taken by a staff member other than a bureau director or office head may be reversed by the respective bureau director or office head who is in the supervisory chain of command with respect to the staff member who took the initial action. If the initial action is reversed, the petition for review will not be submitted to the Board. Staff action reversing the initial action shall be subject to petition for Board review as any other staff action.

[F.R. Doc. 64-3173; Filed, Apr. 1, 1964; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 1 [New], 61 [New]]

[Reg. Docket No. 4081; Notice 64-18]

BIENNIAL EXPIRATION AND RENEWAL OF FLIGHT INSTRUCTOR CERTIFICATES AND INCREASED SUPERVISION OF STUDENT PILOT ACTIVITIES

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Parts 1 [New] and 61 [New] of the Federal Aviation Regulations to provide for higher standards of flight instruction and more control over student pilot activities.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before June 15, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Proper and sufficient flight instruction is a very important factor in general aviation safety. Habits and practices acquired by a pilot during his training as a student pilot affect the safety with which his later piloting activities are conducted. This is also true with respect to training for pilot certificates above the private grade. Moreover, a review of accident reports involving student pilots shows that, in many cases, a lack of control and supervision of the student's activities was a direct contributing factor. Therefore, the Agency is of the opinion that higher standards of flight instruction and more control over student pilot activities are essential if the goal of increased safety in general aviation is to be achieved. In view of these considerations, it is proposed to amend Parts 1 [New] and 61 [New] as follows:

1. Delete the definition of "Dual instruction" now contained in Part 1 [New].

2. Make clear the intent of the regulations that only the holder of a flight instructor certificate issued by the Administrator with an appropriate rating on his flight instructor certificate may (except as otherwise specifically provided) give the flight instruction required by

the regulations, endorse a pilot logbook to show that he has given any flight instruction, or endorse a student pilot certificate. Since present § 61.177(b) contains the same limitation, i.e., "with an appropriate rating," with regard to instructing only in the category in which the flight instructor is rated, it is unnecessary and is not included in this proposed revision of Subpart F.

This proposal refers only to flight instruction required by the regulations. It does not prohibit lighter-than-air flight instruction or instruction in air transportation service, both of which are now specifically permitted by the regulations.

3. Revise the practical test for a flight instructor certificate or rating to place more emphasis on the applicant's ability to give flight instruction, rather than the applicant's ability to fly. The flight instructor is primarily a teacher when he is giving instruction, and he must demonstrate his ability to teach before he is certificated by the Administrator as a flight instructor.

4. Require an applicant for a flight instructor certificate with an airplane rating to meet the ICAO night and instrument requirements for a commercial pilot. He must also hold a category or instrument rating, as appropriate to the rating sought, on his pilot certificate before obtaining that rating on his flight instructor certificate. This will insure that a flight instructor has satisfied the requirements of the certificates and ratings for which he is authorized to train and recommend applicants for flight tests.

5. Require a certificated flight instructor to keep comprehensive records of flight instruction given, recommendations for testing, and certain logbook endorsements.

6. Require that flight instructor certificates be renewed every 24 months. If a certificate expires, and has not been renewed, the flight instructor may not continue to exercise the privileges of that certificate. This proposal is not the same as present § 61.177(c) which requires that a flight instructor must have given 10 hours of flight instruction within the last 12 months, or show continued proficiency to the Administrator. The Agency proposes to delete present § 61.177(c) and base renewal, or issue of a certificate to the holder of an expired certificate, on a satisfactory demonstration to the Administrator of the applicant's ability to give flight instruction. However, the Administrator may waive the demonstration if he finds the applicant's record of flight instruction warrants it and that the certificate has not expired.

Proper flight instruction can only be given by instructors who are familiar with current flight training standards and procedures. The requirements of proposed § 61.177 guarantee the Agency, the student, and the public that certificated flight instructors are familiar with these standards and procedures.

7. Require an applicant for a flight test (except for a type rating or when otherwise specifically provided), or for retesting after failure of a flight test, to have a certificated flight instructor's recommendation before taking the flight test. This will benefit the applicant by insuring that he has had adequate preparation before taking the test, thus reducing the possibility of his failure.

8. Provide that a student pilot may not pilot an airplane or rotorcraft in solo flight unless, within the preceding 90 days, he has received flight instruction in that category of aircraft and has been certified by a certificated flight instructor as competent to solo that category of aircraft.

Under the present regulations, a proficiency flight check by a certificated flight instructor is required of a student pilot only when he has not piloted a powered aircraft within the preceding 90 days. Consequently, if he makes at least one flight every 90 days in any powered aircraft he may operate without contact with a flight instructor for as long as four years since endorsements on a student pilot certificate are transferred (one time only) to a new certificate. Extended periods of operation of this character without a flight instructor's guidance are not conducive to safety nor to the development of good operating practices and procedures by the student pilot. The proposal will also require that the instruction must be in the category of aircraft in which the student is to act as pilot in command, since "powered aircraft" refers to both airplanes and rotorcraft.

9. Prohibit a flight instructor from authorizing a student pilot to make a solo flight without having first endorsed the student's pilot certificate for that privilege unless it has previously been so endorsed by a certificated flight instructor. Present regulations prohibit a student pilot from soloing without a certificated flight instructor's endorsement; however, the regulations do not specifically charge the instructor with the responsibility of making such an endorsement.

This notice of proposed rule making also contains the requirement that the flight instructor may endorse a student pilot certificate for solo or solo cross-country flight only if he determines that the student pilot has complied with §§ 61.63, 61.65, 61.67, 61.69, or 61.71, as applicable, and is otherwise able to make those flights.

10. Require a student pilot to secure an authorization from a certificated flight instructor for each solo cross-country flight, except that under certain prescribed conditions repeated flights over a specified course of not more than 50 miles need not be authorized each time. Records show that many accidents in which student pilots are involved are directly attributable to either attempting flights under poor weather conditions, or attempting flight into or out of unsuitable landing areas. The advice of a flight instructor probably would have prevented many of these accidents. In requiring the student pilot to seek an instructor's guidance before starting each cross-country flight, an opportunity would be provided for developing the student's flying knowledge and judgment, which would also be valuable for his later flying operations.

11. Provide that flight instruction required for soloing in gliders, or to qualify for a glider pilot certificate or rating, be given only by a flight instructor with a glider rating on his flight instructor certificate. Under present regulations, glider flight instruction may be given by a commercial glider pilot or by the holder of a flight instructor certificate with a glider rating. The frequency of glider flight has increased as the popularity of gliders has increased. The Agency feels that this amendment is necessary to standardize glider flight instruction and the qualifications of those giving the instruction.

Under the proposal, the holder of a commercial pilot certificate with a glider rating could continue to give glider flight instruction for a period of 12 months after the amendment becomes effective. This is to allow for a transition period for glider flight instruction. After that date, the commercial glider pilot may not continue to give glider flight instruction unless he has a flight instructor certificate with a glider rating. Provision would be made for the issue of a flight instructor certificate with a glider rating to a commercial glider pilot upon a showing that he has given at least 10 hours of flight instruction as a commercial glider pilot within the 12 months preceding the effective date of this proposed amendment. If the holder of a flight instructor certificate so issued later wished to qualify for an additional rating on that certificate, he would have to show by satisfactory evidence that he has successfully completed the written test specified by proposed § 61.171(a) as well as the requirements of proposed § 61.178.

Provision would also be made for the holder of a current flight instructor certificate to secure a glider rating on that certificate upon a showing that he has given at least 10 hours of flight instruction as a commercial glider pilot within the 12 months preceding the effective date of this amendment.

Adoption of the proposals contained herein would, by requiring the flight instructor to reestablish his competence at periodic intervals, enable him to maintain higher standards of instruction. It would also give him added responsibilities since he would be given more control over his students' activities, and in return he would be expected to develop better qualified applicants for pilot certificates and ratings. The proposed changes should result in increased safety in student and private pilot operations. They have been discussed at the Air-Share meetings and on other occasions with representatives of industry.

This notice of proposed rule making is issued under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

In consideration of the foregoing, it is proposed to amend Parts 1 [New] and 61 [New] of the Federal Aviation Regulations as follows:

§ 1.1 [Amended]

1. By striking out the term "Dual instruction" and its definition in § 1.1 of Part 1.

2. By redesignating paragraphs (d) and (e) of § 61.3 of Part 61 as para-

graphs (e) and (f), respectively, and adding new paragraph (d) reading as follows:

(c) Hold a medical certificate appropriate to the certificate he seeks; and

(d) Except when applying for a type rating or when otherwise specifically provided, have a certificated flight instructor's recommendation before taking the flight test.

3. By striking out § 61.63(b)(4) and (5) and adding new subparagraphs (4) and (5) reading as follows:

(4) The use of the magnetic compass; and

glider, or instrument rating, a person must hold a pilot rating in that category

(d) Keep each record required by paragraphs (b) and (c) of this section

(b) A flight instructor certificate with a glider rating.

graphs (e) and (f), respectively, and adding new paragraph (d) reading as follows:

§ 61.3 Certificates and ratings required.

• • • • •

(d) *Flight instructor or limited flight instructor certificate.* Except in the case of lighter-than-air flight instruction or as otherwise specifically provided, no person other than the holder of a flight instructor or limited flight instructor certificate issued by the Administrator with an appropriate rating on that certificate may—

(1) Give any of the flight instruction required to qualify for a solo flight, solo cross-country flight, or for the issue of a pilot or flight instructor certificate or rating;

(2) Endorse a pilot logbook to show that he has given any flight instruction; or

(3) Endorse a student pilot certificate.

Notwithstanding any other provision of this part, the holder of a commercial pilot certificate with a glider rating that was valid on [the effective date of this amendment] may exercise the privileges of the holder of a flight instructor certificate with a glider rating on that certificate until [12 months from the effective date of this amendment].

• • • • •

3. By amending § 61.9(b) to read as follows:

§ 61.9 Duration of certificates.

(b) *Flight instructor certificates.* (1) A limited flight instructor certificate expires at the end of the 24th month after the month in which it was issued, but may be exchanged for a flight instructor certificate under § 61.176.

(2) A flight instructor certificate issued before [the effective date of this amendment] expires at the end of the holder's next birth month following [one year from the effective date of this amendment], but the holder thereof may obtain another certificate under § 61.177.

(3) A flight instructor certificate issued or renewed after [the effective date of this amendment] expires at the end of the 24th month after the month in which it was issued or renewed, but the holder thereof may obtain another certificate under § 61.177.

(4) A flight instructor certificate is effective only while the holder has a current pilot certificate as prescribed in § 61.172.

• • • • •

§ 61.17 [Amended]

4. By striking out the words "or a commercial glider pilot" in § 61.17(c).

5. By amending § 61.21 to read as follows:

§ 61.21 Prerequisites for flight tests.

To be eligible for a flight test for a certificate, or an aircraft or instrument rating issued under this part, the applicant must—

(a) Have passed the written test (if required) within the 24 months before the date he takes the flight test;

(b) Have the applicable aeronautical experience prescribed in this part;

(c) Hold a medical certificate appropriate to the certificate he seeks; and

(d) Except when applying for a type rating only, have a written statement from a certificated flight instructor with an appropriate rating on his flight instructor certificate certifying that he has given the applicant flight instruction in preparation for the flight test and considers him ready to take the test.

Notwithstanding paragraphs (a) and (d) of this section, an applicant for an airline transport pilot certificate who, after passing the written test, has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a United States air carrier or commercial operator, or a United States scheduled military air transportation service, may take the flight test for that certificate as long as he continues in that employment and training program. Paragraph (d) of this section does not apply to an applicant for a lighter-than-air category rating.

6. By amending § 61.27(b) to read as follows:

§ 61.27 Retesting after failure.

• • • • •

(b) *Flight test.* An applicant for a certificate or rating under this Part (other than an airline transport pilot certificate or associated rating or a lighter-than-air category rating) who fails a flight test for that certificate or rating may apply for retesting upon presenting a statement from a certificated flight instructor with an appropriate rating on his flight instructor certificate that he has given additional instruction to the applicant and now considers the applicant ready for retesting.

• • • • •

§ 61.39 [Amended]

7. By striking out the reference "§§ 61.47 or 61.177(c)" in § 61.39(a) and inserting the reference "§ 61.47" in place thereof.

§ 61.63 [Amended]

8. By striking out the words "or a commercial glider pilot" in § 61.63(a)(2)(iii).

9. By striking out the parenthetical expression "(or a commercial glider pilot in the case of gliders)" in § 61.63(a)(3).

10. By striking out the word "and" at the end of § 61.65(b)(5) and adding a new subparagraph (7) reading as follows:

§ 61.65 Airplane operations: Flight area limitations.

• • • • •

(b) • • •

(7) The use of the magnetic compass; and

• • • • •

11. By striking out the word "and" at the end of § 61.67(b)(2) and adding a new subparagraph (4) reading as follows:

§ 61.67 Rotorcraft operations: Flight area limitations.

• • • • •

(4) The use of the magnetic compass; and

• • • • •

12. By amending § 61.69(b) to read as follows:

§ 61.69 Glider operations: Flight area limitations.

• • • • •

(b) He has received flight instruction from a certificated flight instructor with an appropriate rating on his flight instructor certificate in cross-country navigation by reference to aeronautical charts and the magnetic compass; and

• • • • •

13. By striking out the words ", or a commercial glider pilot," in § 61.69(c).

14. By amending § 61.73(c) and by adding a new paragraph (d) to § 61.73 to read as follows:

§ 61.73 General limitations.

• • • • •

(c) A student pilot may not operate an airplane or rotorcraft in solo flight unless within the preceding 90 days—

(1) He has received flight instruction in that category of aircraft from a certificated flight instructor with an appropriate rating on his flight instructor certificate;

(2) He has demonstrated to that flight instructor that he is competent to solo that category of aircraft; and

(3) That flight instructor has endorsed in the student's pilot logbook that he has given that flight instruction and found the student competent for solo flight.

(d) A student pilot may not operate an airplane or rotorcraft in solo cross-country flight until a certificated flight instructor with an appropriate rating on his flight instructor certificate has reviewed the flight plan, determined that the student is competent to make the flight, and has so endorsed the student's pilot logbook. The student must carry that logbook on each solo cross-country flight. However, a student pilot may perform repeated solo cross-country flights over a specified course of not more than 50 miles in length, without an endorsement for each flight, if a certificated flight instructor with an appropriate rating on his flight instructor certificate has—

(1) Given him flight instruction over the course in both directions, and in takeoffs and landings at both landing areas involved; and

(2) Found that the student is competent to make flights over the course without an authorization for each flight and has so endorsed the student's pilot logbook.

§ 61.131 [Amended]

15. By striking out the first sentence of § 61.131(d).

16. By amending Subpart F of Part 61 to read as follows:

Subpart F—Flight Instructors

§ 61.170 Eligibility requirements: general.

To be eligible for a flight instructor certificate with an airplane, rotorcraft, glider, or instrument rating, a person must hold a pilot rating in that category of aircraft, or an instrument rating, as appropriate, and meet the aeronautical knowledge, experience, and skill requirements of this subpart.

§ 61.171 Aeronautical knowledge.

An applicant for a flight instructor certificate must pass a written test on—

(a) The fundamentals of flight instruction; and

(b) The performance and analysis of flight training maneuvers appropriate to the instructor rating sought.

§ 61.172 Aeronautical experience.

An applicant for a flight instructor certificate must hold a current—

(a) Airline transport pilot certificate;

(b) Commercial pilot certificate without ICAO instrument or night flight limitation endorsements; or

(c) Private pilot certificate and—

(1) Meet the aeronautical knowledge, experience, and skill requirements for the issue of a commercial pilot certificate appropriate to the category of aircraft in which he desires to give flight instruction; and

(2) Meet the ICAO commercial pilot night flight requirements if he seeks an airplane category rating.

§ 61.173 Aeronautical skill.

An applicant for a flight instructor certificate must perform the following procedures and maneuvers with regard to the giving of flight instruction appropriate to the ratings sought:

(a) *Phase I—Oral and preflight tests.* (1) Flight instructor procedures and responsibilities.

(2) Factors, conditions, and principles which control the learning process.

(3) Essential elements, objectives, and limitations of a lesson plan.

(4) Preparation of a lesson plan for flight instruction for a presolo student who has had little flight instruction or a lesson plan including the use of flight instruments, radio aids, and IFR flight clearances if the applicant is seeking an instrument rating.

(b) *Phase II—Flight test.* (1) The conduct of the lesson planned under paragraph (a)(4) of this section, with the examining FAA inspector acting as the student.

(2) The performance of flight training maneuvers appropriate to the instructor rating sought.

§ 61.174 Flight instructor records.

Each certificated flight instructor shall—

(a) Sign each person's logbook for each period of flight instruction that he had given that person;

(b) Record the name of each person to whom he has given flight instruction or whose student pilot certificate he has endorsed as well as the date and type of each flight instruction period or endorsement;

(c) Record the name of each person for whom he has signed a recommendation for a written or practical test under this part, the kind of test, and the date of recommendation; and

(d) Keep each record required by paragraphs (b) and (c) of this section separately, or in his logbook, for at least three years.

§ 61.175 Flight instructor ratings on pilot certificates.

A person who has a flight instructor rating endorsed on his pilot certificate may not exercise the privileges of that rating, but may be issued a flight instructor certificate if he passes the appropriate tests prescribed in § 61.173.

§ 61.176 Limited flight instructor certificates.

The holder of a limited flight instructor certificate that was valid on October 31, 1962, may, until it expires, exercise the privileges of the holder of a flight instructor certificate. Before it expires it may be exchanged for a flight instructor certificate with appropriate ratings without further showing of the holder's ability to give flight instruction. If the holder of a limied flight instructor certificate has not exchanged it before it expires, he may obtain a flight instructor certificate with appropriate ratings by demonstrating to the Administrator his continued ability to give flight instruction.

§ 61.177 Renewal of flight instructor certificates.

An applicant for the renewal of an unexpired flight instructor certificate, or for the issue of another certificate if it has expired, shall satisfactorily demonstrate to the Administrator that he is familiar with current flight training standards and procedures and that he is able to give satisfactory flight instruction. However, if the certificate has not expired, the Administrator may waive the demonstration on the basis of the applicant's record of instruction during the 24-month period preceding the date of application.

§ 61.178 Additional flight instructor ratings.

The holder of a flight instructor certificate who applies for an additional rating on that certificate must—

(a) Hold a pilot rating in that category of aircraft, or an instrument rating, as appropriate to the rating sought; and

(b) Pass the written and practical tests prescribed by §§ 61.171(b) and 61.173.

The holder of a flight instructor certificate issued under § 61.179(b) must also show by satisfactory evidence that he has passed the written test prescribed by § 61.171(a).

§ 61.179 Special issue of a flight instructor certificate with a glider rating.

If the holder of a commercial pilot certificate with a glider rating shows the Administrator that he has given 10 hours of flight instruction as a commercial glider pilot within the 12 months immediately preceding the date of his application, he is entitled to—

(a) A glider rating on his flight instructor certificate, if he holds a current flight instructor certificate; or

(b) A flight instructor certificate with a glider rating.

§ 61.180 Limitations.

(a) A certificated flight instructor may endorse the certificate of a student pilot for solo or solo cross-country flight only if he determines that the student has complied with §§ 61.63, 61.65, 61.67, 61.69, or § 61.71, as applicable, and is otherwise able to make those flights. He may endorse the certificate of a student pilot for flight in a different make or model or aircraft only if he determines that the student can make the flight safely.

(b) A certificated flight instructor may not authorize a student pilot to operate an aircraft in solo flight without first endorsing his student pilot certificate, unless it has previously been endorsed for that privilege by a certificated flight instructor.

(c) A certificated flight instructor may not give more than eight hours of flight instruction a day nor more than 36 hours in any seven-day period.

Issued in Washington, D.C., on March 27, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-3199; Filed, Apr. 1, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket 64-SW-11]

FEDERAL AIRWAY SEGMENT

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 74 is designated in part from Little Rock, Ark., direct to Pine Bluff, Ark. The Federal Aviation Agency is considering the designation of a north alternate to this segment of Victor 74 via the intersection of Little Rock 137° and Pine Bluff 006° True radials.

Air traffic operating between Little Rock and Pine Bluff is presently routed off airways via this route to facilitate the establishment of aircraft on the final approach radials of the respective airports. Designation of the proposed north alternate airway would reduce and simplify air traffic clearance phraseology. In addition, operating time between the two terminals would be reduced by facilitating the establishment of aircraft on the final VOR approach radial to each airport. Aircraft overflying these terminals would continue to be routed via the main airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication

of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3201; Filed, Apr. 1, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket 64-EA-14]

TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Lancaster, Pa., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 12 miles northeast and 8 miles southwest of the West Chester, Pa., VORTAC 288° True radial, extending from 9 miles northwest to 41 miles northwest of the VORTAC, excluding the airspace within Federal airways and the New York control area extension. The Federal Aviation Agency is considering redesignating this transition area to include the airspace southeast of the Lancaster, Pa., VOR bounded on the southeast by Victor airway No. 3, on the west by Victor airway No. 93, and on the north by a line 8 miles south of and parallel to the West Chester, Pa., 288° True radial.

This altered transition area would provide protection for aircraft utilizing a new standard instrument departure (SID) procedure from the Philadelphia International Airport using the New Castle, Del., VORTAC 291° True radial, and aircraft being vectored under radar surveillance.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3203; Filed, Apr. 1, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket 63-CE-86]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Eveleth, Minn., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the designation of a transition area at Eveleth.

The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Eveleth-Virginia Municipal Airport (latitude 47°25'35" N., longitude 92°29'50" W.), and within 5 miles south and 8 miles north of the Eveleth VOR 092° True radial, extending from the VOR to 13 miles east of the VOR. Communications would be provided by the FAA': Hibbing, Minn., Flight Service Station.

The FAA has developed a terminal VOR instrument approach procedure which would be prescribed concurrent with designation of the transition area proposed herein. This controlled airspace would provide protection for aircraft in the proposed holding pattern east of the Eveleth VOR and during execution of the prescribed instrument approach and departure procedures at Eveleth-Virginia Airport.

Specific details of the approach procedure to be prescribed may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3202; Filed, Apr. 1, 1964; 8:47 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket 64-SW-5]

RESTRICTED AREA AND FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 71.123 and 73.63 of the Federal Aviation Regulations, the substance of which is stated below.

As presently designated, the Houston, Texas (Ellington AFB), Restricted Area/Military Climb Corridor R-6310 is centered on the 223° radial of the Ellington AFB TACAN and extends from 8 miles southwest of the TACAN to 35 miles southwest of the TACAN. It is 2.5 miles wide at the beginning and expands uniformly to a width of 5 miles at the outer extremity. The floor of the corridor gradually increases from 2,000 feet MSL to 19,000 feet MSL and the ceiling from 15,000 feet MSL to flight level 270.

The Department of the Air Force has requested realignment of R-6310 by centering it on the 183° True bearing from the airport and redesignation in accordance with revised FAA airspace criteria which provides for enlargement of such climb corridors to meet the lift-off requirements of the newest supersonic/interceptor aircraft of the Air Defense Command.

The restricted area/military climb corridor proposed herein is consistent with criteria developed jointly by the FAA and Air Force except that the minimum altitude floor is 2,000 feet MSL in lieu of the surface as recommended in the criteria. This deviation is to permit free transit in the local area by VFR aircraft and has been agreed to by the Air Force.

If action is taken to redesignate this area, it would be described as follows:

R-6310 Houston, Texas (Ellington AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 29°33'50" N., longitude 95°10'00" W., the area centered on a bearing therefrom of 183°, extending to a point 30 nmi S, having a width 1 nmi at the beginning and expending uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes. 2,000 feet MSL to 14,000 feet MSL from point of beginning to 1 nmi S; 2,000 feet MSL to 16,000 feet MSL from 1 to 2 nmi S of point of beginning; 2,000 feet MSL to 19,000 feet MSL from 2 to 3 nmi S of point of beginning; 2,000 feet MSL to 21,000 feet MSL from 3 to 4 nmi S of point of beginning; 2,000 feet MSL to 23,000 feet MSL from 4 to 6 nmi S of point of beginning; 5,000 feet MSL to 23,000 feet MSL from 6 to 10 nmi S of point of beginning; 9,000 feet MSL to 23,000 feet MSL from 10 to 13 nmi S of point of beginning; 12,000 feet MSL to 23,000 feet MSL from 13 to 19 nmi S of point of beginning; 16,000 feet MSL to 23,000 feet MSL from 19 to 25 nmi S of point of beginning; 20,000 feet MSL to 23,000 feet MSL from 25 to 30 nmi S of point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Houston Approach Control.

Using agency. Commander, Ellington AFB, Texas.

The present description of V-180 requires pilots to obtain prior approval from appropriate authority before using the portion of this airway which coincides with R-6310. Victor airways V-15 and V-76 presently exclude the airspace with R-6310. It is proposed that these references to R-6310 in the descriptions of V-15, V-76, and V-180 be deleted. Although, the reconfigured corridor would coincide with portions of the Houston, Texas control zone, the control area extension and V-15, V-70, V-76, and V-180, no reference would be made to R-6310 in these airspace designations as the requirement for pilots to obtain prior approval before using airspace within restricted areas is specified in § 91.95 of the Federal Aviation Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3200; Filed, Apr. 1, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket 4079]

AIRWORTHINESS DIRECTIVES

De Havilland Model 104 "Dove" Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for De Havilland Model 104 "Dove" aircraft. There have been cases of overheating of the electric cables in the cockpit and fuselage nose area causing smoke in the cockpit. These failures have been attributed to a high resistance ground at the main ground post causing current to be passed to ground through cables intended for relatively small loading. To correct this condition, this AD requires inspection and cleaning of the main ground assembly.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 4, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DE HAVILLAND. Applies to all Model 104 "Dove" aircraft.

Compliance required as indicated.

To prevent overheating of the electric cables in the cockpit and fuselage nose areas caused by a high resistance ground at the main ground post, accomplish either (a) or (b) as follows:

(a) If the main ground (earth) has not been removed and inspected within 12 months prior to January 8, 1964, accomplish the provisions of paragraph (c) within the next 200 hours' time in service after the effective date of this AD unless already accomplished.

(b) If the main ground (earth) has been removed and inspected within the 12 months prior to January 8, 1964, accomplish the provisions of paragraph (c) within the next 300 hours' time in service after the effective date of this AD unless already accomplished.

(c) Dismantle, clean, inspect, and reassemble the main ground (earth) assembly in the forward fuselage in accordance with the method described in Hawker Siddeley Aviation, De Havilland Division, T.N.S. CT(104) No. 186, or an equivalent method approved by the Chief, Aircraft Certification Division, Europe, Africa, and Middle East.

Issued in Washington, D.C., on March 27, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-3204; Filed Apr. 1, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15397 (RM514); FCC 64-259]

TELEVISION BROADCAST STATIONS, GRANDVIEW, WEST VIRGINIA

Proposed Table of Assignments

1. Notice is hereby given in the above-entitled matter.

2. The Commission has before it for consideration a petition requesting rule making filed October 25, 1963, by the Board of Governors of West Virginia University (hereinafter sometimes referred to as "Petitioner" or the "University"). The petitioner requests the assignment of Channel 9— to Grandview, West Virginia, and its reservation as a noncommerial educational station.[1]

[1] The West Virginia Educational Broadcasting Authority supports this request in a comment duly filed.

City	Present Assignment	Proposed Assignment
Grandview, W. Va.	----------	*9—

3. From the proposed location of Channel *9— at Grandview, West Virginia (population 250), petitioner hopes to serve 11 counties in the southeastern sector of West Virginia.[2] No statement has been offered as to the availability of a building plot from which 11 county coverage is possible. A comment in this respect would be helpful to the Commission. It is maintained that a Channel *9— assignment in Grandview will meet the minimum mileage separation requirements of the Commission. The 11 counties to be served (set out in footnote 2) receive commercial service primarily from WOAY–TV, Channel 4, Oak Hill, WHIS–TV, Channel 6, Bluefield, and WCHS–TV, Channel 8, Charleston. Some portions of the area also receive commercial service from WSAZ–TV, Channel 3, WHTN–TV, Channel 13, Huntington, West Virginia, and WDBJ–TV, Channel 7, WSLS–TV, Channel 10, Roanoke, Virginia. There is no educational television station presently serving this area.

4. The University is West Virginia's land grant college and is therefore responsible for serving the educational needs of the entire State. It has produced educational programming (radio since 1921 and television since 1955) which it supplies to stations throughout the State.

5. Petitioner states that the purposes of the programming to be broadcast on Channel *9— are "* * * (1) to provide educational and informational opportunities to all persons within the area of station(s) influence; (2) to present economic development materials and information which can directly provide an uplift for the economy of the State; (3) to present informational and cultural advantages not before possible to State residents; and (4) to help unify the people in the State toward common objectives and aims. These objectives will be served through programs of an elementary and secondary school level nature; university/college level courses; adult education and formal extension course work; post-graduate level orientation; inservice training of various professions, including teaching; information concerning methods, techniques, and knowledge dealing directly with business improvements; factual information of a technical nature concerning economic trends and developments as they affect communities and individuals; training and/or re-training for persons engaged in business enterprises and trades; and programs designed to enliven the spirit of the residents of West Virginia * * *"

6. Petitioner is particularly interested in broadcasting on a VHF channel in view of the mountainous topography of the area to be served. It is of the view that a VHF operation may negate the necessity of its using several UHF channels in the area, thereby making its operation both more economic and possibly making several UHF channels available for other users.

7. In view of the above, it is proposed to amend § 73.606 of the rules to read as follows in respect to the community named:

City	Channel No. Present	Proposed
Grandview, W. Va.	----------	*9—

8. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested persons may file comments on or before May 4, 1964, and reply comments on or before May 18, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: March 25, 1964.

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-3187; Filed, Apr. 1, 1964; 8:45 a.m.]

[2] Clay, 11,942; Fayette, 61,731; Greenbrier, 34,446; McDowell, 71,859; Mercer, 68,206; Monroe, 11,584; Nicholas, 25,414; Raleigh, 77,826; Summers, 15,640; Webster, 13,719; Wyoming, 34,836.

[3] Commissioner Hyde absent.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular Public Debt Series—No. 5-64]

3⅞ PERCENT TREASURY NOTES OF SERIES D–1965

Additional Issue

MARCH 27, 1964.

I. *Offering of Notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.70 percent of their face value and accrued interest, from the people of the United States for notes of the United States, designated 3⅞ percent Treasury Notes of Series D–1965. The amount of the offering under this circular is $1,000,000,000, or thereabouts. The books will be open only on March 31, 1964, for the receipt of subscriptions for this issue.

II. *Description of Notes.* 1. The notes now offered will be an addition to and will form a part of the 3⅞ percent Treasury Notes of Series D–1965 issued pursuant to Department Circular, Public Debt Series—No. 3–64, dated January 31, 1964, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the notes to be issued under this circular will accrue from April 8, 1964. Subject to the provision for the accrual of interest from April 8, 1964, on the notes now offered, the notes are described in the following quotation from Department Circular, Public Debt Series—No. 3–64:

1. The notes will be dated February 15, 1964, and will bear interest from that date at the rate of 3¾ percent per annum, payable on a semiannual basis on August 15, 1964, and February 15 and August 15, 1965. They will mature August 15, 1965, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and Allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Government Investment Accounts and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon. Subscriptions from all others must be accompanied by payment of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers requesting registered notes will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this additional issue at a specific rate or price, until after midnight March 31, 1964.

4. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

5. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at 99.70 percent of their face value and accrued interest from February 15 to April 8, 1964 ($5.64217 per $1,000), for notes allotted hereunder must be made or completed on or before April 8, 1964, or on later allotment. The total amount of such payment will be $1,002.64217 per $1,000 face amount of notes allotted. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number, as required by paragraph 2 of Section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit in its Treasury Tax and Loan Account for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER, *Acting Secretary of the Treasury.*

[F.R. Doc. 64-3236; Filed, Apr. 1, 1964; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MICHIGAN

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 26, 1964.

By letter dated March 13, 1964, the United States Department of Agriculture, Forest Service, North Central Region, filed application BLM 077925 requesting the withdrawal of public domain lands, described below, from all forms of appropriation, entry or sale under the public land laws and that they be reserved for national forest purposes, subject to valid existing rights.

The applicant desires the land to be formally added to the Hiawatha National Forest to promote efficient management of lands and national resource conservation therewith.

The lands were reconveyed to the United States of America under the provisions of the act of June 28, 1934 (48 Stat. 1269; 315g), as amended, reserving to the State of Michigan all minerals, coal, oil and gas rights, together with rights of ingress and egress over and across lands lying along watercourses and streams and all aboriginal antiquities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C., 20240.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are as follows:

MICHIGAN MERIDIAN, MICHIGAN

SCHOOLCRAFT COUNTY

T. 41 N., R. 17 W., sec. 32, lot 1, containing 24.15 acres.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 64-3209; Filed, Apr. 1, 1964; 8:47 a.m.]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 26, 1964.

The United States Department of the Interior, Bureau of Reclamation, has filed application, Utah 0139316, for the withdrawal of lands described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. Use of the lands compatible with Bureau of Reclamation purposes may be allowed and administration of these lands will remain with the Forest Service until they are actually needed for reclamation development. The applicant desires the land for the construction, operation, and maintenance of the Strawberry Aqueduct and Syar Tunnel, proposed features of the Bonneville Unit, Central Utah Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 777, Salt Lake City, Utah, 84110.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

UINTAH SPECIAL MERIDIAN, UTAH

ASHLEY NATIONAL FOREST

T. 2 N., R. 8 W.
Sec. 28: S½SE¼, E½SE¼SW¼.
T. 1 N., R. 9 W.
Sec. 10: S½SE¼.

UINTA NATIONAL FOREST

T. 4 S., R. 12 W.
Sec. 10: All;
Sec. 11: NW¼, N½NE¼, SW¼NE¼, NW¼SW¼.

	Acres
Total lands in Ashley National Forest	180.00
Total lands in Uinta National Forest	677.96
Total	857.96

R. D. NIELSON,
State Director.

[F.R. Doc. 64-3210; Filed, Apr. 1, 1964; 8:47 a.m.]

[Classification No. C4-25]

CALIFORNIA

Small Tract Classification; Amendment

MARCH 25, 1964.

Effective immediately, the following addition designated as Paragraph 10 of the above classification order dated November 20, 1963, relating to the following described land, is made:

MOUNT DIABLO MERIDIAN

T. 10 N., R. 12 E.
Sec. 19: SE¼SE¼NW¼NE¼.

Containing 2.5 acres.

10. The above described land is classified subject to all existing rights-of-way.

LORIN J. WELKER,
Acting District Manager, Sacramento District, Sacramento, California.

[F.R. Doc. 64-3211; Filed, Apr. 1, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

PEAK PRODUCTS CO. AND L. KANNER

Order Temporarily Denying Export Privileges

In the matter of Peak Products Company and L. Kanner, Eastcheap Buildings, 19 Eastcheap, London, E.C.3, England, File 23-955, Respondents.

The Export Control Investigations Division, Bureau of International Commerce, United States Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Ch. III, Subch. B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondents. It was represented that a charging letter against said respondents will be issued and served on them in the very near future and it was requested that the order remain in effect until the completion of compliance proceedings.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued to remain in effect until the completion of compliance proceedings.

The evidence presented shows that Peak Products Company is a business organization with a place of business in London, England, and that L. Kanner is a Director of the firm and one of the individuals having responsibility in the conduct of its business; that the firm has engaged in exportations from England to Cuba.

On the evidence submitted there is substantial basis to believe that the respondents have engaged in obtaining U.S. origin tractors and reexporting same to Cuba in contravention of the U.S. Export Control Act and regulations thereunder; that respondents are continuing in their efforts to obtain such U.S. origin commodities for reexportation to Cuba; and that respondents will continue such conduct in contravention of said Act and regulations unless U.S. export privileges are temporarily denied. I find that an order temporarily denying export privileges to the respondents is reasonably necessary for the protection of the public interest and national security.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the completion of compliance proceedings which are soon to be instituted, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective March 31, 1964.

Dated: March 27, 1964.

RAUER H. MEYER,
Acting Director, Office of Export Control.

[F.R. Doc. 64-3230; Filed, Apr. 1, 1964; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1, the lists (29 F.R. 2315 and 2765) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to cattle and calves with respect to Joel E. Harrell and Son, Inc., establishment 162, is deleted. The reference to Iowa Packing Company, establishment 245B, and the reference to cattle with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Silver Falls Packing Co., Inc.	153	(*)	(*)				
Rea Serum Co.	280					(*)	
New establishments reporting: 2.							
Armour and Co.	28D		(*)				
Brander Meat Co.	25					(*)	
Fletcher Bros. of Georgia, Inc.	239		(*)				
Iowa Pork Co.	245B					(*)	
Greendell Packing Corp.	542		(*)				
Acme Meat Co., Inc.	618		(*)				
Nagle Packing Co.	653			(*)			
The William Focke's Sons Co.	685				(*)		
Pioneer Boneless Beef Co.	742			(*)			
Pahler Packing Corp.	880			(*)			
Species added: 10.							

Done at Washington, D.C., this 27th day of March 1964.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 64-3213; Filed, Apr. 1, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 27-2]

ALLIED-CROSSROADS NUCLEAR CORP.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 8 to License No. 20-685-2 which authorizes Messrs. Sidney Ackroff, John Spina, Jr., and Donald W. Young to receive, handle, and ship to the disposal site packaged radioactive waste material.

The licensee is authorized to receive prepackaged waste only. The training and experience of Messrs. Ackroff, Spina, Jr., and Young appear adequate for the duties they will perform.

The Commission has determined pursuant to the provisions of 10 CFR, Parts 2, 30, 40 and 70 that the issuance of the amendment is consistent with applicable provisions of law, regulations and orders issued by the Commission. The Commission has also determined that prior public notice of proposed issuance of this amendment is not required because the license amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of the amendment is set forth below.

Dated at Bethesda, Md., March 25, 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[License 20-685-2; Amdt. 6]

In accordance with application dated February 7, 1964, License No. 20-685-2 is amended as follows:

Condition 2 is amended to read: 2. Packages prepared for disposal by land burial shall be received, handled and shipped to the disposal site by, or in the physical presence of, George C. Perry, James J. Nuss, Joseph Cronin, Sidney Ackroff, John Spina, Jr., or Donald W. Young. Packages for sea disposal shall be prepared and disposed of by, or in the physical presence of, George C. Perry, James J. Nuss, Joseph Cronin, Sidney Ackroff, John Spina, Jr., or Donald W. Young.

Date of issuance: March 25, 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 64-3214; Filed, Apr. 1, 1964; 8:48 a.m.]

[Docket 115-5]

ALLIS-CHALMERS MANUFACTURING CO.

Notice of Proposed Issuance of Construction Authorization Amendment

Construction Authorization No. CAPR-5 was issued on March 29, 1963, authorizing the Allis-Chalmers Manufacturing Company ("Allis-Chalmers") to construct, at Genoa Station in Vernon County, Wisconsin, a forced circulation, direct cycle, boiling water nuclear reactor designed to operate at thermal power levels up to 165 megawatts and designated as the La Crosse Boiling Water Reactor ("the reactor"). By application amendment filed August 22, 1963, Allis-Chalmers requested authorization to make certain changes in the shielding of the containment building.

Notice is hereby given that unless within thirty days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission ("the Commission") by Allis-Chalmers, or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's rules of practice, 10 CFR Part 2, the Commission proposes to issue an amendment to Construction Authorization No. CAPR-5 substantially as set forth below. The amendment would authorize Allis-Chalmers to make changes in the shielding of the reactor by (1) eliminating the concrete which lines the hemispherical top head of the containment building, and (2) reducing the thickness of the concrete which lines the interior of the cylindrical portion of the containment building from two feet to nine inches, subject to the condition that the control room and other areas which must be inhabited following the occurrence of any accident which would release substantial quantities of fission products to the containment building will be shielded as provided in the original application (ACNP-62574, dated October 1962).

The Commission has found that:

1. The application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

2. Issuance of the amendment will not be inimical to the health and safety of the public.

For further details with respect to this proposed issuance, see (1) the application for construction authorization amendment, (2) the report of the Advisory Committee on Reactor Safeguards dated January 17, 1964, and (3) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 26th day of March 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

PROPOSED AMENDMENT TO CONSTRUCTION AUTHORIZATION

1. Subparagraph B of Construction Authorization No. CAPR-5 is hereby amended to read as follows:

B. This authorization authorizes Allis-Chalmers to construct the reactor in accordance with the application and supplements thereto heretofore filed in this proceeding, as modified by Amendment No. 3 to the application filed with the Commission on August 22, 1963, and subject to the condition that the control room and other areas which must be inhabited following the occurrence of any accident which would release substantial quantities of fission products to the containment building will be shielded as provided in the original application (ACNP-62574, dated October 1962).

2. This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

Director, Division of Licensing and Regulation.

[F.R. Doc. 64-3215; Filed, Apr. 1, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MERCK CHEMICAL DIVISION

Notice of Filing of Petition Regarding Food Additives Amprolium, Ethopabate, Arsanilic Acid, Penicillin, Streptomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1343) has been filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, proposing the amendment of § 121.210 of the food additive regulations to provide for the safe use of amprolium, ethopabate, arsanilic acid, and penicillin with or without streptomycin as follows:

TABLE 1—AMPROLIUM IN FINISHED CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.2 Amprolium o. 2.1 or 2.2.....	113.5-227 (0.0125%-0.025%)	Penicillin plus arsanilic acid.	2.4-8.3 90 (0.01%)	For broiler chickens; not for laying chickens; as procaine penicillin; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
p. 2.1 or 2.2.....	113.5-227 (0.0125%-0.025%)	Penicillin plus streptomycin plus arsanilic acid.	2.4-8.3 12.0-41.7 90 (0.01%)	For broiler chickens; not for laying chickens; as procaine penicillin; as streptomycin sulfate; withdraw 5 days before slaughter.	Do.

Dated: March 27, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3232; Filed, Apr. 1, 1964; 8:50 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1220) has been filed by American Cyanamid Company, Berdan Avenue, Wayne, New Jersey, 07470, proposing the issuance of a regulation to provide for the use of methyl methacrylate-ethyl acrylate copolymer resins as articles or components of articles that contact food.

Dated: March 27, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3231; Filed, Apr. 1, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11933]

AEROLINEAS ARGENTINAS

Notice of Prehearing Conference

Application of Aerolineas Argentinas for authorization to engage in foreign air transportation with respect to persons, property and mail between a point or points in Argentina, the intermediate points Lima, Peru; and Panama City, Panama, and the terminal point, Miami, Florida.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 14, 1964, at 10:00 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., March 30, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-3238; Filed, Apr. 1, 1964; 8:50 a.m.]

[Docket 14903]

S. M. STEIN ENTERPRISES INC., ET AL.

Notice of Postponement of Hearing

S. M. Stein Enterprises, Inc. d/b/a Pleasant Travel Service, and as International Travel Contractors; enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled matter now assigned to be held on April 14 is postponed to May 21, 1964, 10:00 a.m., e.d.s.t., Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., March 27, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-3239; Filed, Apr. 1, 1964; 8:50 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THE COMMISSION HAS PRESCRIBED MINIMUM EDUCATIONAL REQUIREMENTS

Notice of Decision To Prescribe Minimum Educational Requirements

In accordance with section 5 of the Veterans' Preference Act of 1944, as amended, the Civil Service Commission has decided that minimum educational requirements are necessary for positions in the Food and Drug Inspection Series, GS-696-0, and the Food and Drug Officer Series, GS-695-0. These requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below. This decision is effective July 15, 1964.

FOOD AND DRUG INSPECTION SERIES, GS-696-0

I. *Educational requirement.* For all positions except those in the pesticide inspector specialization, applicants for all grades must have successfully completed one of the following:

A. A full curriculum in an accredited college or university leading to a bachelor's degree, with a course of study which included at least 18 semester hours either in chemistry or in the biological sciences, plus an additional 12 semester hours in one or any combination of these fields: pharmacy, physics, food science or technology, chemistry, and the biological sciences. To be qualifying, courses in the biological sciences must be in subjects which provide basic knowledges which will be useful in, and can be applied to food, drug, and cosmetic work.

B. Courses in an accredited college or university totaling at least 18 semester hours either in chemistry or in the appropriate biological sciences, plus an additional 12 semester hours in one or any combination of these fields: pharmacy, physics, food science or technology, chemistry, and the biological sciences. This must have been supplemented by additional appropriate experience or education which, when combined with the 30 semester hours of science, will total 4 years of education and experience and give the applicant a technical and professional knowledge comparable to that which would have been acquired through successful completion of the 4-year college curriculum described in A above.

II. *Duties.* Food and drug inspectors perform professional and scientific inspectional or investigational work in connection with the enforcement of Federal laws pertaining to the nature, adulteration, labeling, or misbranding of foods, drugs, cosmetics, medical or therapeutic devices, and chemical products. The purpose of the work is to discover potential and existing violations of such laws, and of related orders and regulations. Inspectors observe and report on the character and quality of raw materials, adequacy of technical control systems, sanitation, labeling, and various aspects of the firm's packaging, distribution, shipments, and sales. They collect samples, gather evidence regarding violations for presentation in court and, as required, testify in court.

III. *Knowledge and training required.* The duties of these positions cannot be performed without a sound basic knowledge of either chemistry or the biological sciences. Technological advancements in the activities subject to regulation plus greatly increased responsibilities due to additional legislation have combined to require a high degree of scientific knowledge on the part of food and drug inspectors. Conditions have now reached a point where it is unreasonable to expect that anyone without the stated minimum amount of scientific education could successfully perform the duties which are involved in food and drug inspection work. Inspectors must be able to properly evaluate the products, processes and methods which they regularly encounter. The knowledge and training required can only be acquired through a planned and directed course of study in an accredited college or university where there are adequate scientific libraries and well equipped laboratories, where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, and where progress in the acquisition of professional and scientific knowledge is competently evaluated.

FOOD AND DRUG OFFICER SERIES, GS-695-0

I. *Educational requirement.* For all positions, applicants for all grades must have successfully completed one of the following:

A. A full curriculum in an accredited college or university leading to a bachelor's degree, with a course of study which included at least 18 semester hours either in chemistry or in the biological sciences, plus an additional 12 semester hours in one or any combination of these fields: pharmacy, physics, food science or technology, chemistry, and the biological sciences. To be qualifying, courses in the biological sciences must be in subjects which provide basic knowledges which will be useful in and can be applied to food, drug, and cosmetic work.

B. Courses in an accredited college or university totaling at least 18 semester hours either in chemistry or in the appropriate biological sciences, plus an additional 12 semester hours in one or any combination of these fields: pharmacy, physics, food science or technology, chemistry, and the biological sciencies. This must have been supplemented by additional appropriate experience or education which, when combined with the 30 semester hours of science, will total 4 years of education and experience and give the applicant a technical and professional knowledge comparable to that which would have been acquired through successful completion of the 4-year college curriculum described in A above.

II. *Duties.* Food and drug officers perform professional work requiring scientific knowledge in connection with the overall enforcement of food, drug, cosmetic and related laws, orders and regulations. The work involves all aspects of enforcement, covering not only inspectional aspects of the work, but also laboratory analytical activities, and overall program planning activities. Specific assignments may be primarily concerned with work such as drafting regulations; planning or directing regulatory programs; initiating action against violators and coordinating activities connected with their prosecution; reviewing and conducting studies of both inspectional and laboratory analytical methods, procedures and techniques; or giving guidance to industry, state or local officials, or other interested persons on enforcement policy, methods and interpretation of regulations. Persons appointed to Food and Drug Assistant positions, especially at grades GS-5 and GS-7, undergo extensive on-the-job training under close supervision. This training provides indoctrination in applicable laws and regulations, in enforcement and regulatory programs, procedures, methods and philosophy, and is designed to develop the specialized

knowledges and skills required for the

The proponent then submitted a pro-

[OE Docket No. 64-80-6]

knowledges and skills required for the performance of higher grade work as a Food and Drug Officer.

III. *Knowledge and training required.* The duties of these positions cannot be performed without a sound basic knowledge of either chemistry or the biological sciences. Technological advancements in the activities subject to regulation plus greatly increased responsibilities due to additional legislation have combined to require a high degree of scientific knowledge on the part of food and drug officers. Conditions have now reached a point where it is unreasonable to expect that anyone without the stated minimum amount of scientific education could successfully perform the duties which are involved in food and drug officer work. Food and drug officers or assistants must be able to understand industry processes, techniques, and methods, and must be able to evaluate reports of findings from inspectors and laboratory analysts. The knowledge and training required can only be acquired through a planned and directed course of study in an accredited college or university where there are adequate scientific libraries and well equipped laboratories, where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, and where progress in the acquisition of professional and scientific knowledge is competently evaluated.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3192; Filed, Apr. 1, 1964; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-SW-2]

KATV, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (SW-OE-5824) to determine its effect upon the safe and efficient utilization of the navigable airspace.

KATV, Inc., Little Rock, Arkansas, proposes to construct a television antenna structure at latitude 34°28'23" north, longitude 92°12'09" west, near Redfield, Arkansas. The overall height of the structure would be 2049 feet above mean sea level (1789 feet above ground).

KATV, Inc. previously submitted a proposal for a 2349-foot AMSL structure at latitude 34°49'00" north, longitude 92°29'26" west near Martindale, Arkansas, in the immediate vicinity of another structure that is 2215 feet AMSL in height. An aeronautical study of this proposal resulted in the issuance of a determination of no hazard under Study No. SW-OE-2055. Previous commitments made by the station have proved this site to be unsatisfactory.

The proponent then submitted a proposal for a structure 2349 feet AMSL at the site given in this docket. During the aeronautical study of this proposal, it was determined that the structure at this height could not be accommodated. The proponent subsequently amended the height to that under consideration.

The proposed structure would be located within five miles of an approved off-airway route, and would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(3) of the Federal Aviation Regulations by 1589 feet since it would be more than 200 feet above ground at the site of construction.

The aeronautical study revealed that the proposed structure would require an increase from 1800 feet to 2300 feet in the minimum en route altitude on VOR Federal airway No. 74 between Pine Bluff VOR and Little Rock VORTAC. It would also require an increase from 1800 feet to 3000 feet in the MEA on the off-airway route between Little Rock VORTAC and El Dorado VOR. The Agency is acting to adjust the straight-in procedure now in use at Little Rock so that the existing MEA may be retained if the proposed structure is constructed. Victor 74 airway is normally used by en-route traffic flying at higher altitudes. The volume of traffic on the off-airway route is negligible. It is considered that the above increases would have no adverse effect upon aeronautical operations in the Little Rock area.

The study further disclosed that the proposed structure would have no substantial adverse effect upon visual flight rule operations since it would not be located in proximity to any airport or specific route generally used by VFR flights.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on March 25, 1964.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-3205; Filed, Apr. 1, 1964; 8:47 a.m.]

[OE Docket No. 64-SO-6]

MEL-EAU BROADCASTING CORPORATION

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-3329) to determine its effect upon the safe and efficient utilization of navigable airspace.

Mel-Eau Broadcasting Corporation, Eau Gallie, Florida, proposes to construct a guyed television antenna structure near Eau Gallie, Florida, at latitude 28°08'43.5" north, longitude 80°43'34.4" west. The overall height of the structure would be 1048 feet above mean sea level (1028 feet above ground).

The structure would be located approximately 6.2 miles northwest of the John F. Kennedy Memorial Airport (formerly Melbourne-Eau Gallie Airport), approximately 9 miles southwest of Patrick Air Force Base and within VOR Federal airways Nos. 3/51 and 159E.

At the proposed location and height above ground, the structure would exceed the standards for determining hazards to air navigation as defined in § 77.25(c)(1) of the Federal Aviation Regulations as applied to the above airports by 520 feet and 539 feet, respectively and § 77.23(a)(2) by 828 feet as applied to the airways.

The aeronautical study disclosed that the proposed structure would have the following effects upon instrument flight rules aeronautical operations, procedures and minimum flight altitudes:

1. Federal airways.

A. Increase the minimum en route altitude from 1,300 feet to 2,000 feet on Victor 159E between Hopkins Intersection and the Orlando VOR.

B. Increase the minimum obstruction clearance altitude from 1400 feet to 2000 feet on Victor 3/51 between Indian River Intersection and the Vero Beach VOR.

2. Standard instrument approach procedures Kennedy Memorial Airport

A. Increase from 1500 feet to 2000 feet the procedure turn altitude for AL-252-VOR-RWY-9.

B. Increase from 1500 feet to 2000 feet the procedure turn altitude for a recently developed ADF approach to Runway 16 utilizing the Melbourne radio beacon at its present location.

3. Standard instrument approach procedures Patrick Air Force Base

A. Increase from 1500 feet to 2000 feet the procedure turn altitude for AL-38-ADF.

B. Increase from 1500 feet to 2000 feet the missed approach altitude for AL-38-ADF, AL-38-VOR, and JAL-38-VOR-2.

4. Holding procedure.

A. Increase from 1500 feet to 2000 feet the minimum holding altitude on the Melbourne VOR.

5. Radar procedures.

A. Increase from 1800 feet to 2000 feet the minimum radar vector altitude within three miles of the proposed structure.

The aeronautical study disclosed that the above increases in minimum operational altitudes could not be made without resulting in an increase in air traffic delays and a reduction in the flexibility of air traffic control procedures and system capacity in the Kennedy Memorial and Patrick A.F.B. terminal areas.

The aeronautical study specifically disclosed that the increase in procedure turn altitude for AL-252-VOR-RWY-9 would result in the loss of the straight-in approach capability to the Kennedy Memorial Airport. The Agency plans to relocate the Melbourne radio beacon to a new site west of the airport, which would permit lower approach ceiling minima. Runway 9/27 has recently been extended 4400 feet to a total length of 9600 feet. With the RBN relocated as proposed, a straight-in landing ceiling minimum could be authorized at 400 feet. The circling ceiling minimum for aircraft with two engines or less and stall speeds of 65 knots or less could also be authorized at 400 feet. If the tower were erected, however, 500 feet would be the lowest ceiling minimum authorized, and no straight-in landing minimum could be established.

During FY 1963, there were 246 instrument approaches conducted at the Kennedy Memorial Airport. The erection of the proposed structure would compromise the development of instrument approach procedures and seriously restrict the development of aviation in this rapidly growing community.

The study disclosed that the proposed structure would exceed by approximately 24 feet the presently acceptable minimum clearance plane of 40 : 1 for those aircraft departing Runway 27 at Kennedy Memorial Airport and proceeding in its direction. This would require some aircraft to alter course during climb-out in order to obtain adequate vertical or horizontal obstruction clearance from the proposed tower.

The proposed structure extending several hundred feet above any other structure in the area would present a formidable obstruction to VFR traffic. It would be located in an area of intensive student flight training and along a direct route between Kennedy Memorial Airport and Herndon Airport, Orlando, Florida. Furthermore, the low, flat character of the Florida peninsula is conducive to low altitude VFR operations and the low stratus cloud conditions which prevail during all seasons tend to restrict VFR operations to the low altitudes. There were approximately 62,000 operations at Kennedy Memorial Airport and 47,000 operations at Patrick A.F.B. in FY 1963.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect on VFR operations in the area and on existing IFR aeronautical operations, as well as on plans to improve the operational capability of the Kennedy Memorial Airport.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace, and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on March 26, 1964.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-3206; Filed, Apr. 1, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15212 etc.; FCC 64M-258]

TVUE ASSOCIATES, INC., ET AL.

Order Following Prehearing Conference

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT-3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT-3166; for construction permits for new television broadcast stations; In re applications of United Artists Broadcasting, Inc., Cleveland, Ohio, Docket No. 15248, File No. BPCT-3168; Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT-3191; The Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT-3243; for construction permits for new television broadcast stations; in re applications of Integrated Communication Systems, Inc. of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT-3169; WGBH Educational Foundation, Boston, Massachusetts, Docket No. 15325, File No. BPCT-3277; for construction permits for new television broadcast stations.

Prehearing conference was held March 19 on the consolidated issue which would probe the antitrust background of United Artists in connection with its pending applications in these proceedings. In the light of matters developed upon the record of that conference it is necessary to reschedule the further course of the Houston proceeding.

All of the stipulations and agreements to govern the conduct of the hearing and as recited in the order following prehearing conference which was released January 20, 1964 (FCC 64M-58) continue to be valid, with the exception of the dates there specified. In place of that schedule the following dates are hereby directed: The entire direct case of each of the applicants on all of the issues shall be exchanged among all of the parties to the Houston proceeding on or before May 22. Any depositions to be taken as part of the direct case of any of the parties on any of the issues are to be taken at such time as to be filed with the Commission on or before June 15. United Artists Broadcasting will also on or before May 22 exchange its direct written material on the consolidated issue with all other parties in the Cleveland and Boston cases. The Houston hearing will begin on June 15 with the first order of business to be given over to trial of the consolidated issue on the qualifications of United Artists Broadcasting. At the outset, consideration will be given to such written material as will be relied upon by United Artists Broadcasting in support of its showing on the consolidated issue. Immediately upon the conclusion of that phase, cross-examination will be expected to be undertaken on that issue. All parties to the consolidated issue are free to participate in all phases of the consolidated issue. Parties desiring the production of witnesses for cross-examination with respect to the direct case on that issue will so notify United Artists Broadcasting by June 5. Upon completion of the hearing on the consolidated issue, further discussions will be held among the parties to schedule dates for the hearing on all other issues.

So ordered, This 25th day of March 1964.

Released: March 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3189; Filed, Apr. 1, 1964; 8:46 a.m.]

[Docket Nos. 15348, 15349; FCC 64M-261]

EATON COUNTY BROADCASTING CO. (WCER) AND FLAT RIVER BROADCASTING CO. (WPLB)

Order Following Prehearing Conference

In re applications of Eaton County Broadcasting Company (WCER), Charlotte, Michigan, Docket No. 15348, File No. BP-14612; Earl N. Peterson and Pearle C. Lewis d/b as Flat River Broadcasting Company (WPLB), Greenville, Michigan, Docket No. 15349, File No. BP-14993; for construction permits.

A prehearing conference in the above-captioned proceeding having been held on March 26, 1964, and it appearing that certain agreements reached therein should properly be formalized by order;

Accordingly, it is ordered, This 26th day March 1964, that:

(1) The direct affirmative cases of the applicants on all issues shall be presented by written sworn exhibits.

(2) In the event any material in a written exhibit is excluded at the hearing as incompetent, it may be restored by competent oral testimony.

(3) There shall be a preliminary exchange of the applicants' proposed engineering exhibits (with copies to be supplied to the Broadcast Bureau also) by May 8, 1964.

(4) There shall be a final exchange of the applicants' proposed engineering and lay exhibits (with copies to be supplied

also to the Broadcast Bureau and the Hearing Examiner) by May 22, 1964; and

(5) Notification as to those appli-

River gas was dependent upon the original sale as proposed in Docket Nos. G-20464, et al., or upon an entirely new

Transwestern Pipeline Company, et al., Docket Nos. G-20464, et al.

CI60-402, CI60-640; Carrl Oil, et al., Docket No. CI60-403, CI60-592; Edwin

Docket Nos. G-18338, et al. (Now designated as Florida Gas Transmission Com-

should be held on May 11, 1964, as hereinafter ordered.

also to the Broadcast Bureau and the Hearing Examiner) by May 22, 1964; and

(5) Notification as to those of applicants' witnesses desired to be present at the hearing for cross-examination shall be given to counsel for applicants sponsoring such witnesses by June 1, 1964.

It is further ordered, That the hearing heretofore scheduled to commence on April 27, 1964, is hereby postponed to June 9, 1964, at 10:00 a.m., in the offices of the Commission at Washington, D.C.[1]

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3188; Filed, Apr. 1, 1964; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket CI63-888 etc.]

CITIES SERVICE PRODUCTION CO. ET AL.

Order Granting Continuance of Hearing and Withdrawal of Applications

MARCH 27, 1964.

The Wind River Producers[1] seek certificates of public convenience and necessity to sell gas to Colorado Interstate Gas Company (CIG). Their applications, together with those of CIG in Docket No. CP63-206 to construct facilities to purchase this gas and Docket No. CP63-344 (Phase Two) to accomplish its sale to Cities Service Gas Company were consolidated for hearing in Transwestern Pipeline Company, et al., Docket Nos. G-20464, et al.

Subsequently, the Commission by order of October 24, 1963, granted the motions of the Wind River producers and severed their applications from Docket Nos. G-20464, et al., stating that any need of CIG for additional reserves could be demonstrated in a separate hearing. A hearing date was fixed for December 3, 1963, subsequently continued, in response to an unopposed motion by the Shell Oil Company to February 3, 1964, to afford CIG additional time to continue review of its complete market and supply situation to determine if its need for Wind River gas was dependent upon the original sale as proposed in Docket Nos. G-20464, et al., or upon an entirely new sales proposal. At the initial hearing date on February 3, 1964, and again in response to an unopposed motion by the Shell Oil Company, the hearing was continued until March 4, 1964, to afford additional time for CIG to determine its market. Thereafter, on February 25, 1964, CIG served its prepared direct testimony indicating its need for Wind River gas is dependent upon its proposed sale to Cities Service Gas Company in Docket Nos. G-20464, et al. Thereafter Shell Oil Company, on February 27, Sinclair Oil & Gas Company, George G. Anderman, et al., both on March 3, 1964, Phillips Petroleum Company on March 19, 1964, California Oil Company, Western Division, on March 12, 1964, and Gulf Oil Corporation on March 23, 1964, filed notices of withdrawal of their applications from these proceedings in Docket Nos. CI63-888, et al. All of these producers indicated that they would sell the gas to another purchaser. On the hearing date of March 4, 1964, the Wind River producers requested and obtained a two-week continuance until March 18, 1964, in order to file a formal motion for postponement of the hearing until after Commission decision in Docket Nos. G-20464, et al., presently set for hearing on April 28, 1964. This aforementioned motion was filed on March 11, 1964, by Humble Oil & Refining Company, Continental Oil Company, Tidewater Oil Company and the Pure Oil Company. CIG on March 18, 1964, filed in support of this motion and none of the remaining Wind River producers have filed in opposition.

The Commission finds:

(1) The notices of withdrawal of certificate applications by Shell Oil Company in Docket No. CI63-892, Sinclair Oil & Gas Company in Docket No. CI63-1221, George G. Anderman, et al., in Docket No. CI63-1405, Phillips Petroleum Company in Docket No. CI63-1005, California Oil Company, Western Division in Docket No. CI63-1105, and Gulf Oil Corporation in Docket No. CI63-962, should be made effective.

(2) The unopposed motion of the Wind River producers for a continuance should be granted.

The Commission orders:

(A) The notices of withdrawal of certificate applications by Shell Oil Company in Docket No. CI63-892, Sinclair Oil & Gas Company in Docket No. CI63-1221, George G. Anderman, et al., in Docket No. CI63-1405, Phillips Petroleum Company in Docket No. CI63-1005, California Oil Company, Western Division, in Docket No. CI63-1105, and Gulf Oil Corporation in Docket No. CI63-962, are hereby effective and the applications are considered withdrawn as of the date of this order.

(B) The motion for a continuance of the hearing is granted until after determination of the applications in Docket Nos. CP63-206 and CP63-344 (Phase Two) in the consolidated proceedings in Transwestern Pipeline Company, et al., Docket Nos. G-20464, et al.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3216; Filed, Apr. 1, 1964; 8:48 a.m.]

[Docket RP64-16]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Proposed Changes in Rates and Charges

MARCH 27, 1964.

Take notice that on March 20, 1964, Kansas-Nebraska Natural Gas Company, Inc., (Kansas-Nebraska) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 to become effective as of March 17, 1964. The proposed changes reflect decreases in rates and charges in its Rate Schedules G-1 and G-2 and have been designated a "Substitute Third Revised Sheet No. 4" and "Substitute First Revised Sheet No. 8A". "Third Revised Sheet No. 4" and "Second Revised Sheet No. 8A" were tendered for filing on January 31, 1964 and were suspended by the Commission until August 17, 1964, by order issued March 13, 1964. Kansas-Nebraska has filed the substitute sheets subject to the same conditions as the sheets tendered for filing on January 31, 1964, and now under suspension.

The annual decrease in rate level is approximately $51,000 based upon actual sales during the twelve-month period ending September 30, 1963, and reflects the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent.

Copies of the proposed rate changes have been served by Kansas-Nebraska upon all customers and State Commissions. Comments may be filed with the Commission on or before April 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3218; Filed, Apr. 1, 1964; 8:48 a.m.]

[Docket No. G-16760 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Severing Proceedings, Consolidating Proceedings, and Fixing Date for Prehearing Conference

MARCH 25, 1964.

Sinclair Oil & Gas Company, et al., Docket No. G-16760; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-18385; Socony Mobil Oil Company, Inc., Docket No. G-18386, CI63-874, CI63-875; Union Oil Company of California, Docket No. G-18389; Trice Production Company (Operator), et al., Docket No. G-19340; George Parker, Docket No. G-19718; H. H. Howell (Operator), et al., Docket No. G-20595, CI60-402, CI60-640; Carrl Oil, et al., Docket No. CI60-403, CI60-592; Edwin L. Cox (Operator), et al. (Formerly Paul R. Turnbull (Operator), et al.), Docket No. CI60-620; Paul R. Turnbull (Operator), et al., Docket No. CI61-1; Richard M. Finder d/b/a Texkan Oil Company (Operator), et al., Docket No. CI61-352; Mrs. James R. Dougherty, et al., Docket No. CI61-619; W. A. Stockard, Docket No. CI61-751; Lone Star Producing Company, Docket No. CI61-918; EMJ Oil Company, Docket No. CI61-1202; Producing Properties, Inc., Docket No. CI61-1236; Heritage Petroleum Corporation (Operator), et al. (Formerly Layton Brown Drilling Co., Inc.), Docket No. CI61-1567; Lamar Hunt (Operator), et al., Docket No. CI61-1736; MPS Production Co. (Operator), et al., Docket No. CI62-314; Southland Royalty Company (Operator), et al. (formerly Katz Oil Company), Docket No. CI62-334; J. N. Pratt, et al., Docket No. CI62-1373; Shell Oil Company, Docket No. CI62-653; The Jupiter Corporation (Operator), et al., Docket No. CI62-698; Ralph E. Fair, Inc., Docket No. CI62-780; Monsanto Chemical Company (Operator), et al., Docket No. CI62-824, CI62-889; Cities Service Company, Docket No. CI62-959; Continental Oil Company, Docket No. CI62-961; Rodney DeLange (Operator), et al., Docket No. CI62-962; H. B. Zachry Company, Gasoline Production Division, Docket No. CI62-1023; George R. Brown (Operator), et al., Docket No. CI63-5; The Superior Oil Company, Docket No. CI63-51; Ralph E. Fair, Docket No. CI63-56; Monsanto Chemical Company, Docket No. CI63-58; Tex-Star Oil & Gas Corp. (Operator), et al., Docket No. CI63-67; Alfred C. Glassell, Jr., Docket No. CI63-221; Gene M. Woodfin, Trustee for the Jean Curry Glassell Trust, Docket No. CI63-229; Montego Oil Company (Operator), et al., Docket No. CI63-790; Producing Properties, Inc. (Operator), et al., Docket No. CI63-814; H. D. Bruns (Operator), et al., Docket No. CI63-820; Highland Oil Company, Docket No. CI64-346; Tidewater Oil Company, Docket No. CI64-788; Texas Eastern Transmission Corporation, Docket No. CP63-192, CP63-193.

Each of the above-designated proceedings concerns an application for a certificate of public convenience and necessity (or a petition to amend such certificate) to sell natural gas produced in Texas Railroad District No. 2[1] in interstate commerce. The public interest requires that these matters be heard on a consolidated record.

Five of the applications[2] were previously consolidated with the matters in Coastal Transmission Corporation, et al., Docket Nos. G-18338, et al. (Now designated as Florida Gas Transmission Company) and should be severed therefrom and consolidated with the proceedings being instituted herein.

Three of the applications[3] concern gas produced in Gonzales County (which is in Railroad District No. 1) and delivered in or near the field in DeWitt County (Railroad District No. 2) under contracts dedicating acreage in both Gonzales and DeWitt Counties. Temporary certificates conditioning the proposed rate of 18.0 cents to 15.0 cents (the area ceiling in Railroad District No. 1) were not accepted by the applicants, who subsequently filed petitions for reconsideration. The petitions were denied. Of these three applications only those portions pertaining to R.R. District No. 2 should be consolidated in the proceedings being instituted.

One application of Texas Eastern Transmission Corporation[4] and one of Socony Mobil Oil Company, Inc.[5] are for sour gas. The application of Texas Eastern referred to above together with its application in Docket No. CP63-193 involve field sales from Texas Eastern's own producing properties to Lone Star Gathering Company.

Tidewater Oil Company, which proposed a rate of 18.0 cents for initial sales to Natural Gas Pipeline Company of America from the Orangedale Field in Bee and Live Oak Counties, has requested a temporary certificate because of its existing obligations to pay shut-in royalties. The applicant indicated that it would accept a temporary certificate conditioned at a price of 16.0 cents pending determination of the applicable in-line price, but does not, however, waive its right to seek a permanent certificate price of 18.0 cents. The ceiling price for initial sales in Texas Railroad District No. 2 is 16.0 cents.[6] A temporary certificate was issued February 28, 1964, at 16 cents per Mcf.

The Commission finds:

(1) It is appropriate and in the public interest to sever the matters in Docket Nos. G-18385, G-18386, G-18389, G-19340, and G-19718, from the proceedings in Coastal Transmission Corporation, et al., Docket Nos. G-18338, et al.

(2) It is appropriate and in the public interest that all of the above matters listed in the Appendix attached to this order[7] be consolidated for hearing and decision as hereinafter ordered.

(3) The expeditious disposition of these proceedings may be effectuated by holding a pre-hearing conference and to that end a pre-hearing conference should be held on May 11, 1964, as hereinafter ordered.

The Commission orders:

(A) The matters in Docket Nos. G-18385, G-18386, G-18389, G-19340, and G-19718 are hereby severed from the proceedings in Coastal Transmission Corporation, et al., Docket Nos. G-18338, et al.

(B) All of the matters listed in the Appendix attached to this order[8] are hereby consolidated for purposes of hearing and decision.

(C) An officer or officers of the Commission designated by the Chief Examiner for that purpose, shall preside at the pre-hearing conference and the hearing in this consolidated proceeding pursuant to the Commission's rules of practice and procedure.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a pre-hearing conference before a duly designated Presiding Examiner shall commence at 10:00 a.m., e.d.s.t., on May 11, 1964, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of effectuating the expeditious disposition of these consolidated proceedings.

(E) The purpose of such conference shall be to consider all matters at issue in the above dockets, and the manner in which evidence shall be presented, to fix dates for the distribution of such evidence, to fix the date on which the consolidated hearing shall commence, and to consider any and all other matters which might contribute to an expeditious disposition of the consolidated proceeding.

(F) Persons who have been permitted to intervene in the individual proceedings consolidated herewith shall be considered interveners in this consolidated proceeding provided that on or before April 13, 1964, they file with the Commission an original and fourteen conformed copies of a statement of intention to participate in this consolidated proceeding.

(G) Persons who have filed protests or petitions to intervene in the individual proceedings consolidated herewith will be considered as protestants or petitioners to intervene in this consolidated proceeding provided that on or before April 13, 1964, they file with the Commission an original and fourteen conformed copies of a statement of intention to participate in this consolidated proceeding.

(H) Further protests or petitions to intervene in this consolidated proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 13, 1964.

By the Commission.[9]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

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[1] Other matters of agreement reached among the parties will appear in the official transcript of the March 26th prehearing conference.

[1] Cities Service Production Company, Shell Oil Company, Gulf Oil Corporation, Phillips Petroleum Company, California Oil Company, Western Division, Tidewater Oil Company, Sun Oil Company, Humble Oil & Refining Company, Joseph E. Seagram & Sons, Inc., Sinclair Oil & Gas Company, The Pure Oil Company, Olen F. Featherstone, et al., The Oil Capitol Corporation, George G. Anderman, et al., Peter Henderson Oil Company, Husky Oil Company, Patrick A. Doheny, et al., Continental Oil Company.

[1] Bee, Jackson, Calhoun, Live Oak, Victoria, DeWitt, Goliad, Refugio, LaVaca and Karnes Counties.

[2] Socony Mobil Oil Co., Inc. (Operator), et al., Docket No. G-18385. Socony Mobil Oil Co., Inc., Docket No. G-18386, Union Oil Co. of California, Docket No. G-18389, Trice Production Co. (Operator), et al., Docket No. G-19340, and George Parker, Docket No. G-19718.

[3] The Superior Oil Company, Docket No. CI63-51, Alfred C. Glassell, Jr., Docket No. CI63-221, and Gene M. Woodfin, Trustee, Docket No. CI63-229.

[4] Docket No. CP63-192.

[5] Docket No. CI63-874.

[6] See the Eighth Amendment to the Commission's Statement of General Policy No. 61-1 issued December 9, 1963.

[7] Except those portions of Docket Nos. CI63-51, CI63-221, and CI63-229, which do not represent sales of gas produced in Texas Railroad District No. 2.

[8] *Ibid.*

[9] Separate statement of Commissioners Ross and Black, concurring, filed as part of original document.

Docket Nos.	Applicant	Field and county	Purchaser	Rate schedule number and original contract date	Proposed initial rate cents/Mcf at 14.65 psia	Initial rate under temporary authority cents/Mcf at 14.65	Comments
G-16760	Sinclair Oil & Gas Co., et al.	Normanna Field, Bee County, Tex.	United Gas Pipe Line Co.	285 5-12-58	17.5960	17.5960	
G-18385	Socony Mobil Oil Co., Inc. (Operator), et al.	Kentucky Mott Field, Victoria County, Tex.	Florida Gas Transmission Co.	264 2-18-59	17.0	17.0	Originally consolidated in Docket Nos. G-18338, et al.
G-18386	Socony Mobil Oil Co., Inc.	North LaWard Field, Jackson County, Tex.	do	206 2-18-59	17.0	17.0	Originally consolidated in Docket Nos. G-18338, et al.
G-18389	Union Oil Co. of Calif	Kentucky Mott Field, Victoria County, Tex.	do	43 2-18-59	17.0	17.0	Originally consolidated in Docket Nos. G-18338, et al.
G-19340	Trice Production Co. (Operator), et al.	West Helen Gohlke Field, DeWitt County, Tex.	do	13 6-15-59	17.0	17.0	Originally consolidated in Docket Nos. G-18338, et al.
G-19718	George Parker	Southwest Helen Gohlke Field, DeWitt County, Tex.	do	2 9-22-59	17.0	17.0	Originally consolidated in Docket Nos. G-18338, et al.
G-20595	H. H. Howell (Operator), et al.	Steward Field, Jackson County, Tex.	United Gas Pipe Line Co.	3 12- 2-59	15.1920	15.1920	
CI60-402	do	Carmichael Field, Jackson County, Tex.	Tennessee Gas Transmission Co.	5 3-10-60	15.3333	15.3333	
CI60-403	Carri Oil, et al	do	do	5 2-23-60	15.3333	15.3333	
CI60-592	do	South Gabrysch Field, Jackson County, Tex.	do	6 4-11-60	15.3333	15.3333	
CI60-620	Edwin L. Cox (Operator), et al. (formerly Paul R. Turnbull (Operator), et al.	North Texana Field, Jackson County, Tex.	do	50 4- 6-60	15.3333	15.3333	The redesignation of this proceeding is without prejudice to refund obligation on the part of the predecessor in interest.
CI60-640	H. H. Howell (Operator), et al.	Sterling Field, Jackson County, Tex.	United Gas Pipe Line Co.	6 4-27-60	15.1920	15.1920	
CI61-1	Paul R. Turnbull (Operator), et al.	Cranell Field, Refugio County, Tex.	Tennessee Gas Transmission Co.	3 6- 6-60	15.3333	15.3333	
CI61-352	Richard M. Finder d/b/a Texkan Oil Co. (Operator), et al.	Ganado Field, Jackson County, Tex.	United Gas Pipe Line Co.	13 8-15-60	15.1920	15.1920	
CI61-619	Mrs. James R. Dougherty, et al.	Normanna Field, Bee County, Tex.	Natural Gas Pipeline Co. of America.	1 10- 3-60	20.045	18.0	
CI61-751	W. A. Stockard	do	do	2 10- 6-60	20.045	18.0	
CI61-918	Lone Star Producing Co	do	United Gas Pipe Line Co.	65 10-24-60	17.595	17.595	
CI61-1202	EMJ Oil Co	do	Natural Gas Pipeline Co. of America.	1 10- 6-60	20.045	18.0	
CI61-1236	Producing Properties, Inc.	do	do	56 10- 6-60	20.045	18.0	
CI61-1567	Heritage Petroleum Corp., formerly Layton Brown Drilling Co., Inc.	North Appling Field, Calhoun and Jackson Counties, Tex.	Florida Gas Transmission Co.	1 4- 1-59	15.5	15.5	The redesignation of this proceeding is without prejudice to refund obligation on the part of the predecessor in interest.
CI61-1736	Lamar Hunt (Operator), et al.	Zollar Field, Calhoun County, Tex.	Natural Gas Pipeline Co. of America.	11 12-15-60	20.00	18.0	
CI62-314	MPS Production Co. (Operator), et al.	Elms Field, Live Oak County, Tex.	do	3 9- 6-61	17.0	17.0	
CI62-334	Southland Royalty Co. (Operator), et al. (formerly: Katz Oil Co.).	do	do	21 9- 6-61	17.0	17.0	The redesignation of this proceeding is without prejudice to refund obligation on the part of the predecessor in interest.
CI62-1373	J. N. Pratt, et al	Kai Creek and Flying "M" Fields, Victoria County, Tex.	do	1 3-15-62	16.0	16.0	
CI62-653	Shell Oil Co	Southwest Helen Gohlke Field, Victoria County, Tex.	Florida Gas Transmission Co.	264 11-1-61	17.0	17.0	
CI62-668	The Jupiter Corporation (Operator), et al.	Yorktown Field, DeWitt County, Tex.	Lone Star Gathering Co.	1 10- 4-61	18.0	18.0	
CI62-780	Ralph E. Fair, Inc.	East Marshall Field, Goliad County, Tex.	do	2 9- 5-61	18.0	18.0	
CI62-824	Monsanto Chemical Company (Operator), et al.	Criswell Field, DeWitt County, Tex.	do	52 10-12-61	18.0	18.0	
CI62-889	do	Bellitz Field, DeWitt County, Tex.	do	53 10-11-61	18.0	18.0	
CI62-959	Cities Service Co	Southeast Yorktown Field, DeWitt County, Tex.	do	38 11- 7-61	18.0	18.0	
CI62-961	Continental Oil Co	Criswell Field, DeWitt County, Tex.	do	219 12-13-61	18.0	18.0	
CI62-962	Rodney DeLange (Operator), et al.	Yorktown Field, DeWitt County, Tex.	do	2 9-14-61	18.0	18.0	
CI62-1023	H. R. Zachry Co., Gasoline Production Division.	Southeast Yorktown Field, DeWitt County, Tex.	do	8 11- 7-61	18.0	18.0	
CI63-5	George R. Brown (Operator), et al.	Bellitz Field, DeWitt County, Tex.	do	11 2-23-62	18.0	18.0	
CI63-51	The Superior Oil Co	DuBose Field, DeWitt and Gonzales County, Tex.	do	106 6-27-62	18.0	(1)	
CI63-56	Ralph E. Fair	East Marshall Field, Goliad County, Tex.	do	4 6-14-62	18.0	18.0	
CI63-58	Monsanto Chemical Co	Belitz Field, DeWitt County, Tex.	do	56 3-30-62	18.0	18.0	
CI63-67	Tex-Star Oil & Gas Corp. (Operator), et al.	Marshall Field, Goliad County, Tex.	do	30 6-12-62	18.0	18.0	
CI63-221	Alfred C. Glassell, Jr	DuBose Field, DeWitt and Gonzales County, Tex.	do	3 8- 8-62	18.0	(1)	
CI63-229	Gene M. Woodfin, Trustee for the Jean Curry Glassell Trust.	do	do	1 8- 8-62	18.0	(1)	
CI63-790	Montego Oil Company (Operator), et al.	Smith Creek Field, DeWitt County, Tex.	do	1 8- 8-62	18.0	18.0	
CI63-814	Producing Properties, Inc. (Operator), et al.	Anne Barre Field, DeWitt County, Tex.	do	57 12-11-62	18.0	18.0	
CI63-820	H. D. Bruns (Operator), et al.	Speary Field, DeWitt and Karnes Counties, Tex.	do	1 12-11-62	18.0	18.0	
CI63-874	Socony Mobil Oil Co., Inc.	Kawitt Field, Karnes and DeWitt Counties, Tex.	do	327 10-12-62	12.0	12.0	Sour Gas.
CI63-875	do	Speary, Kawitt and Yorktown Fields, Karnes and DeWitt Counties, Tex.	do	326 10-12-62	18.0	18.0	

[1] Applicant requested an initial contract price of 18.0 cents. In view of the location of the gas production (Gonzales Co.) the temporary certificate offered to applican conditioned the initial contract price to 15.0 cents, the area ceiling in R.R. Dist. No. 1. This temporary was not accepted by applicant.

Docket Nos.	Applicant	Field and county	Purchaser	Rate schedule number and original contract date	Proposed initial rate cents/Mcf at 14.65 psia	Initial rate under temporary authority cents/Mcf at 14.65	Comments
CI64-346	Highland Oil Co	North Koenig Field, DeWitt County, Tex.	Lone Star Gathering Co.	5 8-30-63	18.0	18.0	
CI64-788	Tidewater Oil Co	Orangedale Field, Bee and Live Oak Counties, Tex.	Natural Gas Pipeline Co. of America.	129 1- 1-64	18.0	16.0	
CP63-192	Texas Eastern Transmission Corp.	Kawitz Field, Karnes and DeWitt Counties, Tex.	Lone Star Gathering Co.	F-8 12- 2-62	12.0	12.0	Pipeline Field Sale; Sour Gas.
CP63-193	do	do	do	F-7 12- 7-62	18.0	18.0	Pipeline Field Sale.

[F.R. Doc. 64-3133; Filed, Apr. 1, 1964; 8:45 a.m.]

[Docket E-7158]

LONG ISLAND LIGHTING CO.

Notice of Application To Acquire, Merge and Consolidate Facilities

MARCH 26, 1964.

Take notice that on March 18, 1964, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by the Long Island Lighting Company (LILCO), a corporation organized under the laws of the State of New York with its principal business office at Mineola, New York, seeking authority to acquire, merge and consolidate with its facilities, all the facilities of the Patchogue Electric Light Company (PELCO), a New York corporation with its principal business office at Patchogue, New York.

LILCO is a gas and electric utility company; it generates, transmits and distributes electricity to about 650,000 customers in an area of approximately 1,000 square miles in the Counties of Nassau and Suffolk and in the Fifth Ward of the Borough and County of Queens, on Long Island, New York, with the exception of the Incorporated Villages of Rockville Centre and Freeport in Nassau County and Greenport in Suffolk County as well as the service area of PELCO in Suffolk County. It transmits and distributes natural gas generally in that area.

PELCO is an electric utility company which purchases all of its electric power from LILCO and distributes it to about 28,000 customers in a service area of approximately 200 square miles which includes the Incorporated Villages of Patchogue and Bellport, the southerly portion of the Town of Brookhaven and the westerly portion of the Town of Southampton, all in Suffolk County.

The proposed transaction will be in accordance with the terms of an Agreement of Consolidation dated January 30, 1964, which was arrived at through arms-length negotiation between LILCO and the principal stockholders of PELCO. Under the Agreement, 225,000 shares of LILCO common stock will be exchanged for the 90,000 shares of PELCO or 2½ shares for one. On the consolidation date the existence of PELCO shall cease and LILCO shall continue with all the rights and obligations of each of the constituent corporations.

After the consolidation, there will be no material change in the use of the facilities of PELCO.

According to the application, coordination of construction in the service area of both companies will eliminate costly duplication of transmission facilities, coordination of maintenance will provide better emergency service and other improvements in existing practices will be designed to improve service to customers.

At present PELCO's rate to its residential consumers is higher than LILCO's but its net rate, after subtraction of the prompt payment discount is lower than LILCO's. Both its gross and net commercial rates are lower than LILCO's, but it has no high voltage rate for 66 kv service. Its summer rate is higher than LILCO's. According to LILCO no change in PELCO's rates to its consumers is currently contemplated as a result of the proposed consolidation except that LILCO's rate for high voltage service will be made available in PELCO's territory. Reductions in LILCO's rates after the consolidation will be designed, according to the application, to eventually close the gap between LILCO's rates and PELCO's net rates. Increases in LILCO's rates after the consolidation will be borne proportionately, the application states.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14 day of April 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3220; Filed, Apr. 1, 1964; 8:48 a.m.]

[Project 2440]

NORTHERN STATES POWER CO.

Notice of Application for License

MARCH 27, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Northern States Power Company (correspondence to: Stuart V. Willson, President, Northern States Power Company, 100 North Barstow Street, Eau Claire, Wisconsin), for license for constructed Project No. 2440, known as the Chippewa Falls Hydro Plant, located on the Chippewa River, in the City of Chippewa Falls, Chippewa County, Wisconsin.

The project consists of a 29-foot high dam 1267 feet long composed of: A 270-foot concrete powerhouse section, a 64-foot sluicegate section, a 69-foot retaining section, a 572-foot concrete spillway section equipped with 13-40 x 12-foot tainter gates, and 2 riprapped earth embankments of 117 and 175 feet in length, respectively. Pondage extends 3 miles upstream to Wissota Dam. The powerhouse contains six adjustable-blade propeller-type turbines connected to six 3600 kilowatt generating units connected to a 34,000 kva substation, and other appurtenances.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 C.F.R. 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 13, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3222; Filed, Apr. 1, 1964; 8:48 a.m.]

[Dockets RI64-656, etc.]

UNITED STATES SMELTING REFINING AND MINING CO., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 26, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8, 1.37(f)) on or before May 11, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-656	United States Smelting Refining and Mining Co., P.O. Box 1877, Midland, Tex., 79701.	6	2	El Paso Natural Gas Co. (Ignacio (Dakota-Morrison) Field, La Plata County, Colo.).	$2,700	3-2-64	[1] 4-2-64	9-2-64	13.0	[2] [3] 14.0	
	do	9	2	do	30	3-2-64	[1] 4-2-64	9-2-64	13.0	[2] [4] 14.0	
	do	7	2	El Paso Natural Gas Co. (Ignacio (Pictured Cliffs) Field, La Plata County, Colo.).	950	3-2-64	[1] 4-2-64	9-2-64	13.0	[2] [4] 14.0	
	do	8	9	El Paso Natural Gas Co. (Ignacio (Mesa Verde-Dakota) Field, La Plata County, Colo.).	3,150	3-2-64	[1] 4-2-64	9-2-64	13.0	[2] [4] 14.0	
RI64-657	Pratt County Gas Co., Eighth Floor, Union Center Building, Wichita 2, Kans.	1	2	Panhandle Eastern Pipe Line Co., (Pratt County, Kan.).	2,000	3-4-64	[5] 6-1-64	11-1-64	14.0	[2] [6] 15.0	
RI64-658	The Superior Oil Co., P.O. Box 1521, Houston, Tex.	80	6	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) Panhandle) Area).	9,472	3-5-64	[1] 4-5-64	9-5-64	[7] 17.0	[2] [8] [7] 19.5	(9)
RI64-659	Signal Oil and Gas Co. (Operator), 1010 Wilshire Boulevard, Los Angeles, Calif.	1	8	Cities Service Gas Co., (Fox Plant, Carter County, Okla.) (Oklahoma "Other" Area).	155,232	3-6-64	[1] 4-6-64	9-6-64	[10] 16.8	[2] [10] [11] 17.9	RI61-438.
RI64-660	Chelsea Oil & Gas, Inc., P.O. Box 376, Tulsa, Okla., 74101.	1	1	Colorado Interstate Gas Co. (Kansas Hugoton Field, Finney, Haskell and Kearny Counties, Kans.).	18,666	2-26-64	[12] 3-28-64	8-28-64	[13] 11.5	[2] [11] [13] 13.5	
RI64-661	Greenwich Oil & Gas, Inc., P.O. Box 376, Tulsa, Okla., 74101.	1	1	Colorado Interstate Gas Co. (Kansas Hugoton Field, Finney, Haskell and Kearny Counties, Kans.).	55,998	2-26-64	[12] 3-28-64	8-28-64	[13] 11.5	[2] [11] [13] 13.5	
RI64-662	The British-American Oil Producing Co., P.O. Box 749, Dallas, Tex., 75221.	61	3	United Fuel Gas Co. (Deep Lake Field, Cameron Parish, La.).	44,800	3-5-64	[12] 4-5-64	9-5-64	[14] 18.3	[2] [13] [14] 21.1	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 15.025 psia.
[4] The stated effective date is the effective date requested by respondent.
[5] Pressure base is 14.65 psia.
[6] Subject to upward Btu adjustment.
[7] Rate in effect subject to refund in certificate Docket No. G-16878 for acreage under Supplements Nos. 2 and 4.
[8] Favored-nation rate increase.
[9] Subject to downward Btu adjustment.
[10] Redetermined rate increase.
[11] Subject to upward and downward Btu adjustment.
[12] Seven-step periodic rate increase.
[13] Inclusive of 1.5 cents per Mcf tax reimbursement.
[14] Inclusive of 1.5 cents per Mcf tax reimbursement.

United States Smelting Refining and Mining Company (Mining Company) request waiver of notice to make its proposed rate increases effective as of April 1, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mining Company's rate filings and such request is denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-3223; Filed, Apr. 1, 1964; 8:49 a.m.]

[Docket Nos. CP62-179, CP62-193]

LONE STAR GATHERING CO. AND UNITED GAS PIPE LINE CO.

Notice of Applications and Consolidation

MARCH 26, 1964.

Take notice that Lone Star Gathering Company (Lone Star), a Texas corporation with its principal place of business at 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP62-179 on February 5, 1962, as supplemented on March 2, 1962, July 5, 1962, August 16, 1962, December 28, 1962, and June 12, 1963, an application pursuant to section 7(c) of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing Lone Star to construct and operate certain pipeline facilities and to transport, deliver, and sell natural gas in interstate commerce for resale; additionally, United Gas Pipe Line Company (United), a Delaware corporation with its principal place of business at 1525 Fairfied Avenue, Shreveport, Louisiana, filed in Docket No. CP62-193 on February 15, 1962, as supplemented on August 13, 1962, an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing United to construct and operate a purchase meter station and appurtenant facilities in order to receive into its existing system the natural gas it proposes to purchase from Lone Star, all as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in the above-mentioned applications and supplements thereto which are on file with the Commission and open for public inspection.

Lone Star seeks authority to construct and operate a 24.4-mile, 14-inch main transmission line which would extend in a southeasterly direction from a point near the DeWitt-Victoria Counties, Texas, line to a point about 7 miles southeast of Victoria, Texas, where Lone Star's proposed transmission line [1] would interconnect with United's 30-inch main line extending from Refugio, Texas, to Monroe, Louisiana. Lone Star will purchase gas from about twenty independent producers who, according to the fifth supplement of Lone Star's application, have already received and accepted temporary certificates [2] authorizing them to sell gas to Lone Star. Lone Star proposes to construct a gathering system, consisting of about 100.5 miles of 2½- to 12-inch [3] pipeline for the purpose of receiving gas from the aforesaid producers. Lone Star expects to deliver to United a minimum average of 40,000 Mcf of gas per day, or approximately 14.6 billion cubic feet per year.[4]

The total estimated cost of all the facilities which Lone Star proposes to construct is $3,539,400, of which $875,600 is to be expended for the construction of the 14-inch transmission line. Lone Star's construction costs will be financed by the sale to its parent, Lone Star Gas Company, of 37,000 shares of common stock at the par value of $100 per share. Beginning with the first year of operations, Lone Star anticipates that it will pay to its parent yearly dividends amounting to $4.50 per share. In calculating income taxes, Lone Star assumes that its total capitalization is the same as that of its parent, Lone Star Gas Company, or 49.1 percent debt. By further assuming that it would have the same average interest rate as that of its parent, or 3.9 percent on half of its total capitalization, Lone Star deducts about $72,123 of interest prior to computing the amount of its Federal income taxes. The result is that Lone Star calculates that its rate of return in the third year of operations would be about 5.87 percent. If Lone Star's rate of return is calculated on the assumption that its capitalization is 100 percent common stock, its rate of return in the third year of operation is reduced by about one percent below the 5.87 percent shown by Lone Star in Exhibit N of the fifth supplement to its application in Docket No. CP62-179.

United requests a certificate authorizing it to construct and operate, near Victoria, Texas, a purchase meter station and appurtenant facilities [5] on its 30-inch Refugio-to-Monroe pipeline, at an estimated cost of about $38,772, in order to receive into its existing system the gas it proposes to purchase from Lone Star. The cost of United's facilities will be financed out of current working funds.

On December 14, 1962, United and Lone Star executed a "Service Agreement" which is to become binding between the parties upon commencement of deliveries by Lone Star and which is to remain in effect up to and including March 31, 1983. Under the service agreement Lone Star agrees to deliver to United all the gas which Lone Star is entitled to purchase from independent producers pursuant to Lone Star's contracts with such producers. These contracts with the producers are briefly described in Exhibit "A" attached to the service agreement. Lone Star also agrees to acquire gas under other contracts with independent producers, if necessary, in order to fulfill its delivery obligations to United. The service agreement shows an area within DeWitt, Goliad, Karnes, and Victoria Counties, Texas, from which Lone Star will seek to obtain the gas required to deliver and sell to United an annual contract volume equal to a daily average of 40,000 Mcf per day, or 14.6 billion cubic feet per year. Throughout the 20-year term of the service agreement United is obligated to take or pay for 1 Mcf per day for each 6,200 Mcf of reserves which Lone Star has under contract, provided Lone Star's total estimated reserves under contract do not exceed 248.2 MMMcf.

The service agreement also provides that Lone Star has a three-year development period, dating from commencement of initial deliveries, within which its suppliers may develop their leases. Although the service agreement contains three alternative factual situations which might affect the volumes available in the first two years, the practical effect of these alternatives is to keep Lone Star from being obligated to deliver more gas than the producers' wells are able to produce under regulations established by the Railroad Commission of Texas and to prevent United's having to take or pay for an annual volume greater than 14.6 MMMcf. During the third and last year of the development period United is obligated to take or pay for an annual volume of up to 15.7 MMMcf if that quantity of gas is available to Lone Star and offered to United.

Throughout the 20-year term of the service agreement, including the development period, United is obligated each month to take or pay for ⅛th of the annual contract quantity in effect for any given month of a calendar year or partial calendar year. United has two years within which to make up any gas which is paid for but not taken during any calendar year. Such gas must be made up at the rate in effect when the gas is actually taken and no make-up gas can be taken until after United has purchased the required minimum annual volume for a given year. Make-ups are prohibited as to any gas for which United has paid for and failed to take under the monthly minimum-take provisions of the service agreement. Any monthly paid-for volumes (not taken) are recognized by Lone Star when it computes United's annual minimum-take obligations in that Lone Star is obligated to treat such monthly payments as representing gas volumes which United has already purchased during the given year for which the annual minimum-take obligation is being computed.

Lone Star is required to maintain a delivery capacity great enough to permit United to take up to 1½ times the daily average of the annual contract quantity except in the third year of the development period when Lone Star's delivery capacity may be reduced to 1⅘ the daily average of the annual contract quantity. Although the service agreement contains complicated terminology regarding delivery capacity, the practical meaning of the language is that Lone Star is required to maintain capacity great enough to deliver up to 60,000 Mcf on any day when United may desire to receive 1½ times the contemplated daily average volume of 40,000 Mcf.

The service agreement further provides that Lone Star will deliver gas to United at sufficient pressure, not to exceed 930 psig, to enable Lone Star's gas to enter United's main line against the various working pressures maintained therein from time to time. Lone Star assumes in its application that it will receive gas from its suppliers at pressures great enough to permit its gas to enter its 14-inch main transmission line at 1001 psig and that this input pressure will be sufficient to enable Lone Star to transport the gas through its 14-inch line for delivery to United at 930 psig. If a test of Lone Star's line should disclose that Lone Star has failed to maintain sufficient delivery capacity to deliver the aforementioned maximum volumes of gas, United's take-or-pay obligation is to be reduced for the portion of the calendar year for which such test was effective. In order to compute the reduced minimum obligation, the daily average contract volume then in effect is multiplied by a fraction, the numerator of which shall be the quantity of delivery capacity maintained by Lone Star on the day of such test, and the denominator of which shall be the delivery capacity required to enable Lone Star to deliver 1½ times the daily average contract volume of gas then in effect.

Under the service agreement Lone Star is required to make a formal estimate of reserves about eight months prior to the end of the development period. United is also required to make a reserve estimate and then the parties will endeavor to reach agreement on the total quantity of gas reserves. If no agreement is reached at least four months prior to the end of the development period the parties agree to submit the dispute to arbitration. In no event are the total gas reserves covered by the service agreement to exceed 248.2 MMMcf (excluding the volumes delivered during the development period). Periodic redetermination is also to be made. If the gas reserves pursuant to any determination or redetermination should be estimated to exceed 248.2 MMMcf, upon request of either Lone Star or United, the parties are obligated to designate properties having reserves equivalent to that portion of the gas reserves exceeding 248.2 MMMcf, and such properties are thereafter not considered to be subject to the service agreement.

Neither Lone Star nor United is obligated under the service agreement to compress any gas. If Lone Star should prove to be unable to deliver gas subject to the agreement at the required

[1] Lone Star received a temporary certificate dated September 7, 1962, authorizing it to construct this line, and on February 6, 1963, Lone Star received temporary authority to operate the line. Lone Star notified the Commission by letter filed June 24, 1963, that the line was completed and placed into service on June 19, 1963.

[2] All temporary certificates contained a condition indicating that the producers would have to refund the difference, if any, between their proposed initial prices and the prices which might ultimately be determined to be required by the public convenience and necessity.

[3] Page 4 of Lone Star's original application stated that Lone Star would facilitate the construction of its facilities by acquiring from Transcontinental Gas Pipe Line Corporation some 6-inch pipe and rights-of-way which are no longer needed in Transco's operations. The Commission's order issued November 19, 1962, in Docket No. CP62-201 permitted and approved Transco's abandonment of the facilities to which reference is made in Lone Star's application.

[4] All volumes and prices stated in this notice are given at a pressure base of 14.65 psia.

[5] United received a temporary certificate dated September 7, 1962, authorizing it to construct the proposed meter station, and on November 15, 1963, United received temporary authority to operate this meter station.

pressure, and neither Lone Star nor United elects to install compressor facilities, United is obligated, at Lone Star's request, to release from the terms of the service agreement any gas reserves which could be delivered at the required pressure only by the installation of compressor facilities.

United will purchase all gas from Lone Star under Lone Star's Rate Schedule PL–1 which provides for an initial price of 21.5 cents[4] per Mcf, it being understood by United that Lone Star has the right to make and file with the Federal Power Commission under section 4 of the Natural Gas Act such changes in its rate schedules and the general terms and conditions of its tariff as Lone Star deems necessary to assure it of receiving just and reasonable rates.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 20, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3219; Filed, Apr. 1, 1964; 8:48 a.m.]

[Docket RP64–30]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

MARCH 26, 1964.

Take notice than on March 20, 1964, Mississippi River Transmission Corporation (Transmission) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1 to take effect as of April 1, 1964 and requests waiver of § 154.22 of the regulations under the Natural Gas Act. The proposed changes reflect decreases in rates and charges as set forth in the following revised tariff sheets: Sixth Revised Sheets Nos. 4 and 5, Second Revised Sheet No. 8B, Third Revised Sheets Nos. 8C and 9A, to its FPC Gas Tariff, Original Volume No. 1.

The annual decrease in rate level is approximately $713,000 based upon sales for the twelve month period ended December 31, 1963 and reflects the following reductions: (1) $671,000 received Trunkline Gas Company; (2) $26,500 from Natural Gas Pipeline Company of America, and $15,600 from the recent reduction in the Federal income tax rate for corporations from 52 to 50 percent.

Copies of the proposed rate changes have been served by Transmission upon all of its customers and State commissions. Comments may be filed with the Commission on or before April 9, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3221; Filed, Apr. 1, 1964; 8:48 a.m.]

[Docket RP64–29]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 27, 1964.

Take notice that on March 20, 1964, Colorado Interstate Gas Company (Colorado Interstate) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective as of January 1, 1964. The proposed changes reflect decreases in rates and charges in its Rate Schedules G–1, SG–1, P–1 and P–2.

The annual decrease in rate level is approximately $89,000 based upon sales for the year 1963, and reflects the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent.

Copies of the proposed rates have been served by Colorado-Interstate upon its customers. Comments may be filed with the Commission on or before April 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3217; Filed, Apr. 1, 1964; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Order Approving Application for Acquisition of Voting Shares of Proposed New Bank

In the matter of the application of First Wisconsin Bankshares Corporation for approval of the acquisition of voting shares of Brookfield National Bank, Brookfield, Wisconsin, a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of First Wisconsin Bankshares Corporation, Milwaukee, Wisconsin, a registered bank holding company, for the Board's approval of the acquisition of 80 percent or more of the 3,000 voting shares of the Brookfield National Bank, Brookfield, Wisconsin, a proposed new bank.

As required by section 3(b) of the Act, notice of receipt of the application was given to the Comptroller of the Currency with a request for his views and recommendation. The Comptroller recommended approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on January 4, 1964 (29 F.R. 117), which provided an opportunity for submission of comments and views regarding the proposed acquisition, and the time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

It is ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 25th day of March 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64–3224; Filed, Apr. 1, 1964; 8:49 a.m.]

HYANNIS TRUST CO.

Order Approving Consolidation of Banks

In the matter of the application of Hyannis Trust Company for approval of consolidation with Cape Cod Trust Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Hyannis Trust Company, Hyannis, Massachusetts, a State member bank of the Federal Reserve System, for the Board's prior approval of the consolidation of that bank and Cape Cod Trust Company, Harwichport, Massachusetts, a State nonmember insured bank, under the charter of the former and with the title of Cape Cod Bank and Trust Company. As an incident to the consolidation, the main office and branch of Cape Cod Trust Company would be operated as a branch of Cape Cod Bank and Trust Company. Notice of the proposed consolidation, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevent material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed consolidation,

It is hereby ordered, for the reasons set forth in the Board's Statement[3] of

[4] On September 19, 1963, Lone Star filed a letter with the Commission stating that it would agree to a condition in any certificate which might be issued to it providing that Lone Star be required to file a reduction in its PL–1 Rate Schedule so as to pass on to United any reduction in Lone Star's weighted average cost of purchased gas which might result in the event the Commission should issue permanent certificates to Lone Star's suppliers at a price level below the prices permitted under the temporary certificates issued to Lone Star's suppliers.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Vice Chairman Balderston, and Governors Mills, Robertson, Shepardson, Mitchell, and Daane. Absent and not voting: Chairman Martin.

[3] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Boston.

this date, that said application be and hereby is approved, provided that said consolidation shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 25th day of March 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64–3225; Filed, Apr. 1, 1964; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4196]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issuance of Notes to Banks

MARCH 27, 1964.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

During the period ending April 30, 1965, Jersey Central proposes to issue its promissory notes to a group of banks in an aggregate face amount not exceeding $21,600,000 outstanding at any one time. The notes are to be dated in each case as of the date of issuance and are to mature not later than nine months from the date of issue, and in any event not later than April 30, 1965. They will bear interest at the prime rate in effect in New York City at the date of issue (presently 4½ percent per annum) and will be prepayable at any time, in whole or in part, without premium.

The proposed notes will aggregate approximately 10 percent of the principal amount and par value of Jersey Central's other securities presently outstanding, and any amount in excess of 5 percent may be exempted only pursuant to an order under section 6(b) of the Act. The filing requests the Commission's approval for the issuance of such excess amount.

Although no commitments or agreements for such borrowings have been made, Jersey Central expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding at any one time from each such bank being as follows:

	Amount
Irving Trust Company, New York, N.Y.	$ 6,100,000
Chemical Bank New York Trust Company, New York, N.Y.	4,200,000
The Chase Manhattan Bank, New York, N.Y.	3,000,000
Bankers Trust Company, New York, N.Y.	2,000,000
Fidelity Union Trust Company, Newark, N.J.	2,000,000
The Monmouth County National Bank, Red Bank, N.J.	600,000
The Central Jersey Bank & Trust Company, Allenhurst, N.J.	600,000
Trust Company of Morris County, Morristown, N.J.	500,000
First Merchants National Bank, Asbury Park, N.J.	500,000
New Jersey Trust Company, Asbury Park, N.J.	400,000
The National State Bank of Newark, Newark, N.J.	330,000
The First National Iron Bank, Morristown, N.J.	300,000
The National State Bank of Elizabeth, Summit, N.J.	300,000
The First National Bank of Jersey City, Jersey City, N.J.	300,000
The Summit Trust Company, Summit, N.J.	250,000
The National Union Bank of Dover, Dover, N.J.	220,000
	21,600,000

Of the $21,600,000 proposed borrowings, Jersey Central will utilize $5,200,000 to reimburse its treasury for construction expenditures through December 31, 1963, which have not been capitalized, and, out of the treasury funds as thus reimbursed, will pay when due $1,520,000 face amount of short-term notes outstanding at December 31, 1963. The balance of the proceeds of such borrowings will be applied to the cost of Jersey Central's construction program subsequent to December 31, 1963 and/or to the reimbursement of its treasury for expenditures made for that purpose subsequent to December 31, 1963, or to repay other short-term bank borrowings effected subsequent to December 31, 1963, the proceeds of which have been so applied. Jersey Central represents that it will apply the net proceeds from any permanent debt financing effected prior to the maturity of all notes issued and outstanding under this application in reduction of, or in total payment of, such outstanding notes, and the maximum amount of indebtedness which may be incurred by Jersey Central under this application will be reduced by the amount of the net proceeds of any such permanent debt financing.

The application states that Jersey Central's expenses incident to the proposed issuance of notes will be approximately $2,000, including legal fees of $1,800, and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 28, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64–3233; Filed, Apr. 1, 1964; 8:50 a.m.]

[File No. 7–2367]

PAPERCRAFT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 27, 1964.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Papercraft Corporation-------- File 7–2367.

Upon receipt of a request, on or before April 12, 1964 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, and Shepardson. Voting against this action: Governors Robertson, Mitchell, and Daane.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3234; Filed, Apr. 1, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 5850-4 between the member lines of the North Atlantic Westbound Freight Association (Agreement 5850, as amended) modifies the basic agreement by providing for the inclusion of a more effective self-policing system to be used in policing the obligations of the parties to the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: March 30, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3237; Filed, Apr. 1, 1964; 8:50 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

NEW HAMPSHIRE DEPARTMENT OF EMPLOYMENT SECURITY

Notice of Opportunity for Hearing

Whereas, on the 13th day of December 1935, the New Hamphire Unemployment Compensation Law (now Chapter 282, Revised Statutes of New Hampshire) was approved by the Social Security Board pursuant to the provisions of section 903(a) of the Social Security Act, now section 3304(a) of the Internal Revenue Code of 1954; and

Whereas, section 3304(c) of the Internal Revenue Code provides:

Certification. On December 31 of each taxable year the Secretary of Labor shall certify to the Secretary (of the Treasury) each State whose law he has previously approved, except that he shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency the Secretary of Labor finds has amended its law so that it no longer contains the provisions specified in subsection (a) or has with respect to such taxable year failed to comply substantially with any such provision and such finding has become effective. Such finding shall become effective on the 90th day after the governor of the State has been notified thereof, unless the State has before such 90th day so amended its law that it will comply substantially with the Secretary of Labor's interpretation of the provision of subsection (a) in which event such finding shall not become effective. No finding of a failure to comply substantially with the provision in State law specified in paragraph (5) of subsection (a) shall be based on an application or interpretation of State law with respect to which further administrative or judicial review is provided for under the laws of the State.

and

Whereas, section 303 of the Social Security Act, insofar as here pertinent, provides:

Section 303. (a) The Secretary of Labor shall make no certification for payment to any State unless he finds that the law of such State, approved by him under the Federal Unemployment Tax Act, includes provision for—

(1) Such methods of administration • • • as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due; and

• • • • • •

(5) Expenditure of all money withdrawn from an unemployment fund of such State, in the payment of unemployment compensation • • •

• • • • • •

(b) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that in the administration of the law there is—

• • • • • •

(2) a failure to comply substantially with any provision specified in subsection (a);

the Secretary of Labor shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such • • • failure to comply. Until the Secretary of Labor is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State • • •

Whereas, the New Hampshire Department of Employment Security interprets the New Hampshire Unemployment Compensation Law to authorize the delivery of unemployment compensation checks to a claimant's attorney, and engages in the practice of so delivering such checks; and

Whereas, as a result of said interpretation and application of the New Hampshire Unemployment Compensation Law a question is presented whether the State has amended its law so that it no longer contains the provisions specified in section 3304(a)(4) of the Internal Revenue Code or has failed to comply substantially with the requirements of said section;

Whereas, as a further result of said interpretation and application of the New Hampshire Unemployment Compensation Law a question is presented whether such law continues to include the provisions required by sections 303(a)(1) and 303(a)(5) of the Social Security Act or whether in the administration of the New Hampshire Unemployment Compensation Law there is a failure to comply substantially with the provisions of such law specified in sections 303(a)(1) and 303(a)(5);

Now, therefore, pursuant to the provisions of section 3304(c) of the Internal Revenue Code and section 303(b) of the Social Security Act, notice is hereby given that an opportunity for hearing will be provided to the New Hampshire Department of Employment Security, beginning at 10 o'clock on the morning of May 12, 1964, in Room 5223, Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., on the question of (1) whether the State of New Hampshire has amended its law so that it no longer contains the provisions specified in section 3304(a) or has with respect to such taxable year failed to comply substantially with such provision, and (2) whether in the administration of the New Hampshire Unemployment Compensation Law there is a failure to comply substantially with the provisions of such law specified in sections 303(a)(1), and 303(a)(5) of the Social Security Act. Although no notice or opportunity for hearing is required before the Secretary withholds a certification for payment to a State under section 303(a) of the Social Security Act, the hearing to be held pursuant to section 3304(c) of the Internal Revenue Code will cover the further question whether the New Hampshire Unemployment Compensation Law continues to include the provisions required by sections 303(a)(1) and 303(a)(5) of the Social Security Act. Upon the basis of the evidence and legal arguments adduced at said hearing it will be determined whether or not the State of New Hampshire may be certified to the Secretary of the Treasury, as provided in section 3304(c) of the Internal Revenue Code and section 302(a) of the Social Security Act.

The hearing will be conducted in accordance with the following rules:

1. The Secretary of Labor will designate a hearing examiner appointed and qualified under section 11 of the Administrative Procedure Act (5 U.S.C. 211) to preside over the hearing.

2. The parties of record shall be the State of New Hampshire and the United States Department of Labor.

3. Participation by any person other than the parties of record shall be limited to oral argument as provided in paragraph 12 below.

4. The hearing shall be stenographically recorded. The transcript will be available to any person, at prescribed rates.

5. The hearing examiner shall regulate the proceedings and dispose of procedural requests, objections, and related matters.

6. At any stage of the hearing the hearing examiner may call for further evidence upon any matter. After the record has been closed no further evidence shall be taken except at request of the Secretary of Labor, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Secretary shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all parties of record.

7. Except as otherwise permitted by the hearing examiner, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

8. Written statements, exhibits, proposals and briefs shall be tendered in quadruplicate.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The hearing examiner shall, upon request, permit any party of record to conduct such cross examination of any witness as may be required for a full and true disclosure of the facts and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections and the ruling of the hearing examiner shall become a part of the record but this record shall not include argument thereon except as ordered by the hearing examiner.

11. After all testimony has been taken and all evidence has been received, the hearing examiner may, upon request, permit any party of record or any other interested person to present oral argument upon the matters in issue. Any interested person other than a party of record who wishes to present oral argument shall file in the Office of the Chief Hearing Examiner, Room 4410, Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., on or before May 1, 1964, a written or telegraphic request setting forth his name and the persons or groups, if any, whom he represents; the argument of any such person shall be limited to forty-five (45) minutes. All oral arguments shall be transcribed and made a part of the record.

12. Any brief on the issues herein shall be filed no later than fifteen (15) days after the transcript of the hearing is available. All briefs shall be filed in the Office of the Chief Hearing Examiner.

13. Proposed findings of fact and conclusions of law together with supporting reasons therefor may be submitted to the Office of the Chief Hearing Examiner by any party of record within fifteen (15) days after the transcript of the hearing is available.

14. All written statements, exhibits, proposals and briefs shall be served upon the parties of record.

15. After the time for the filing of briefs, proposed findings of fact and conclusions of law, the hearing examiner shall prepare a recommended decision containing findings of fact and conclusions of law. This recommended decision shall be served upon the parties of record who may, within fifteen (15) days from the date of its receipt, file in the Office of the Chief Hearing Examiner a statement in writing setting forth any exceptions they may have to such decision together with supporting reasons therefor.

16. After the time for filing exceptions to the hearing examiner's recommended decision, the hearing examiner shall certify to the Secretary of Labor the entire record of the proceedings together with his recommended decision. The Secretary shall then render his decision in the matter.

Signed at Washington, D.C., this 26th day of March 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-3226; Filed, Apr. 1, 1964; 8:49 a.m.]

[Secretarys' Order No. 32-63]

WAGE APPEALS BOARD AND SOLICITOR

Delegations of Authority; Amendment

The delegation of authority under Reorganization Plan No. 14 of 1950 (5 U.S.C. 133z-15 note) and under the Davis-Bacon Act (40 U.S.C. 276a—276a-7) and related statutes to the Wage Appeals Board and to the Solicitor of Labor, which is published at 29 F.R. 118, is hereby amended by deleting in paragraph 8 of that document the last sentence contained therein. The purpose of the deletion is to make clear the intent that any advice which the Wage Appeals Board may receive from the Solicitor or his designee during the course of any proceeding is not binding upon the Board in ruling upon questions of law.

As amended paragraph 8 of the document reads as follows:

8. *Authority of the Board.* The Board shall act as the authorized representative of the Secretary of Labor in deciding appeals, concerning questions of fact and law, taken in the discretion of the Board, from wage determinations issued under the Davis-Bacon Act and its related minimum wage statutes and under 29 CFR Part 1; appeals taken, in the discretion of the Board, in debarment cases arising under 29 CFR Part 5; disputes coming before the Board, in its discretion, concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations; and, in its discretion, in reviewing the recommendations of a Federal agency for appropriate adjustment of liquidated damages which are assessed under the Contract Work Hours Standards Act.

Signed at Washington, D.C., this 26th day of March 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-3227; Filed, Apr. 1, 1964; 8:50 a.m.]

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Title 3—THE PRESIDENT

Executive Order 11149

ESTABLISHING THE PRESIDENT'S ADVISORY COMMITTEE ON SUPERSONIC TRANSPORT

WHEREAS the United States has initiated a program for the development of commercial supersonic aircraft; and

WHEREAS supersonic transport will advance technical knowledge, expand our international trade, strengthen our manufacturing capability, and provide employment for thousands of our citizens; and

WHEREAS the development of supersonic transport will require the participation and assistance of various Federal agencies as well as private manufacturing and transportation interests; and

WHEREAS the development of supersonic transport will involve heavy expenditures of money and resources and it is therefore essential that the activities of the Federal agencies concerned be coordinated at the highest level:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established the President's Advisory Committee on Supersonic Transport (hereinafter referred to as the Committee). The Committee shall be composed of the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Federal Aviation Agency, and such other members as the President may from time to time appoint. The Secretary of Defense shall serve as Chairman of the Committee.

SEC. 2. The Committee shall study, and shall advise and make recommendations to the President with regard to, all aspects of the supersonic transport program. The Committee shall devote particular attention to the financial aspects of the program and shall maintain close coordination with the Director of the Bureau of the Budget in this regard.

SEC. 3. All Federal departments and agencies shall cooperate with the Committee and furnish it with such information and assistance, not inconsistent with law, as it may require in the performance of its duties.

SEC. 4. Members of the Committee who are officers or employees of the Federal Government shall receive no additional compensation by reason of such membership. Other members of the Committee shall be entitled to receive compensation and travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving the government intermittently (5 U.S.C. 73b—2).

SEC. 5. Each Federal department and agency represented on the Committee shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Such assistance may include the detailing of employees, including consultants and experts, to the Committee to perform such functions consistent with the purposes of this Order as the Committee may assign.

LYNDON B. JOHNSON

THE WHITE HOUSE,
April 1, 1964.

[F.R. Doc. 64-3352; Filed, Apr. 2, 1964; 10:43 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 842.2, Amdt. 3]

PART 842—BEET SUGAR AREA

1964 and Subsequent Crops

Correction

In F.R. Doc. 64-3117, appearing at page 4139 of the issue for Tuesday, March 31, 1964, the following corrections are made in the tabular matter of § 842.2(a)(6)(i):

1. The first entry under Treasure County, Mont., should read as follows:

1. T. 7 N., R. 36 E.; T. 6 N., Rs. 36 and 37 E.;

2. The first entry under Dawson County, Nebr., should read:

1. Tps. 9, 10 and 11 N., R. 21 W.; Tps. 9 and 10 N., R. 20 W.; T. 9 N., R. 19 W.;

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 6, Amdt. 5]

PART 944—FRUITS; IMPORT REGULATIONS

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of Grapefruit Regulation 6, as amended (§ 944.102; 28 F.R. 9877, 29 F.R. 311, 1316, 2857, 3391), are hereby further amended to read as follows:

§ 944.102 Grapefruit regulation No. 6.

(a) On and after 12:01 a.m. e.s.t., April 6, 1964, the importation of any grapefruit is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3\frac{12}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; or

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

* * * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001-1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 38 (§ 905.415); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, April 1, 1964, to become effective at 12:01 a.m., e.s.t., April 6, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3317; Filed, Apr. 2, 1964; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 16—MARKING, BRANDING, AND IDENTIFYING PRODUCTS

PART 17—LABELING

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

Marking, Branding, and Identifying Products; Labeling; Reinspection and Preparation of Products

On January 28, 1964, there was published in the FEDERAL REGISTER (29 F.R. 1413) a notice with respect to proposed amendments to Parts 16, 17, and 18, Subchapter A, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Meat Inspection Act, as amended (21 U.S.C. 71 et seq.), and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), the regulations in Parts 16, 17, and 18, as amended, governing marking, branding, and identifying products, labeling, and reinspection and preparation of products, are hereby further amended in the following respects:

1. Section 16.13(c)(2) is amended to read:

§ 16.13 Marking of meat food products in casings.

* * * * * *

(c) * * *

(2) When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products in casings, as permitted in Part 18 of this subchapter, the product shall be legibly and conspicuously marked in a manner approved by the Director to show a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added", whichever may be applicable.

2. A new § 16.20 is added to read:

§ 16.20 Marking of meat food products other than products in casings.

When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products, as permitted by Part 18 of this subchapter, the product shall be legibly and conspicuously marked in a manner approved by the Director to show a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added", whichever may be applicable.

3. Section 17.8(c)(58) is amended to read:

§ 17.8 False or deceptive labeling and practices.

* * * * * *

(c) * * *

(58) When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products, as permitted in Part 18 of this subchapter, there shall appear on the label, in a prominent manner, approved by the Director, contiguous to the product name, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added", as may be applicable.

4. Paragraphs (u) and (v) of § 18.7 are amended to read:

§ 18.7 Use in preparation of meat food products of chemicals, antioxidants, coloring matter, flavoring, water, ice, cereal, vegetable starch, nonfat dry milk, etc.

* * * * * *

(u) With appropriate declarations, as required in Parts 16 and 17 of this subchapter, approved artificial smoke flavoring in an approved solvent or on an approved carrier may be used in the preparation of meat food products.

(v) With appropriate declarations, as required by Parts 16 and 17 of this subchapter, approved smoke flavoring produced by the controlled burning of hard-

wood and absorption of the smoke in an

show a change in title from Regional

In commenting on the notice, the Air

Due to the nature of this Exercise which

Using agency. United States Air Force

wood and absorption of the smoke in an approved solvent or on an approved carrier may be used in the preparation of meat food products.

(34 Stat. 1260–1265, as amended, sec. 306, 46 Stat. 689, as amended; 19 U.S.C. 1306, 21 U.S.C. 71–91; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments permit the use of artificial smoke flavoring or smoke flavoring in meat food products without restricting their use to products not usually smoked and which have not in fact been smoked. The amendments relieve restrictions presently imposed and should be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of March 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64–3261; Filed, Apr. 2, 1964; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the addition of a new position, Special Assistant to the Secretary (for Mental Retardation Activities). Effective upon publication in the FEDERAL REGISTER, subparagraph (20) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

(a) *Office of the Secretary.* • • •

(20) Special Assistant to the Secretary (for Mental Retardation Activities).

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–3265; Filed, Apr. 2, 1964; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Paragraph (a)(4) of § 213.3111 is amended to show a change in title from Regional Office Manager to Regional Director; paragraph (a)(5) is amended to show a change in title from Regional Operations Manager to Regional Director; and paragraph (a)(6) is amended to show that the position formerly excepted under this paragraph in Cincinnati now is excepted under this paragraph in St. Louis, and to show a change in title from Regional Operations Manager to Regional Director.

Effective upon publication in the FEDERAL REGISTER, subparagraphs (4), (5), and (6) of paragraph (a) of § 213.3111 are amended as set out below.

§ 213.3111 **Post Office Department.**

(a) *General.* • • •

(4) One Administrative Assistant to each Regional Director (15 positions).

(5) One Administrative Assistant to the Assistant to the Regional Director (Dallas Region).

(6) One Administrative Assistant to the Assistant to the Regional Director (St. Louis Region).

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–3266; Filed, Apr. 2, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket 63–SW–63]

PART 73—SPECIAL USE AIRSPACE [NEW]

Designation of Restricted Area

On October 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10681) stating that the Federal Aviation Agency was considering an amendment to § 73.63 of the Federal Aviation Regulations to designate the San Antonio, Texas (Kelly AFB), Restricted Area/Military Climb Corridor R–6311. The notice stated also that the description of the San Antonio (Kelley AFB), Texas, control zone (§ 71.171), the San Antonio, Texas, control area extension (§ 71.165), low altitude airways V–17 and V–163W (§ 71.123) and intermediate altitude airways V–1537 and V–1643 (§ 71.143) would be amended to require approval from appropriate authority prior to operation within those portions of these areas which coincide with R–6311. The descriptions of these areas are not changed herein since this requirement is included in § 91.95 of the Federal Aviation Regulations.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

In commenting on the notice, the Air Transport Association suggested that the Federal Aviation Agency thoroughly explore the feasibility of meeting the air defense and air traffic control requirements at San Antonio by the fullest use of radar and thereby possibly eliminate the requirement for designating the restricted area/military climb corridor as proposed in the notice.

A restricted area/military climb corridor affords continuous segregation between ADC and other air traffic. The use of radar data does not provide this capability since the provision of radar services are subject to interruption by atmospheric conditions and planned and unplanned outages. Also, there is no assurance that VFR air traffic detected by radar would be in communications with an air traffic control facility. Segregating ADC and other air traffic when these conditions occur would not be possible.

In consideration of the foregoing and for the reasons stated in the notice, the following action is taken:

In § 73.63 Texas (29 F.R. 1276), the following is added:

R–6311 San Antonio, Texas (Kelly AFB). Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 29°20′15″ N., longitude 98°33′50″ W., the area centered on a bearing therefrom of 164°, extending to a point 30 nmi S. having a width of 2 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes: 3,000 feet MSL to 19,000 feet MSL from point of beginning to 1 nmi S; 3,000 feet MSL to 23,000 feet MSL from 1 to 6 nmi S of point of beginning; 5,000 feet MSL to 23,000 feet MSL from 6 to 11 nmi S of point of beginning; 10,000 feet MSL to 23,000 feet MSL from 11 to 15 nmi S of point of beginning; 14,000 feet MSL to 23,000 feet MSL from 15 to 20 nmi S of point of beginning; 17,000 feet MSL to 23,000 feet MSL from 20 to 25 nmi S of point of beginning; 20,000 feet MSL to 23,000 feet MSL from 25 to 30 nmi S of point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, San Antonio Approach Control.

Using agency. Commander, Kelly AFB, Texas.

This amendment shall become effective May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 27, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64–3245; Filed, Apr. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64–LAX–2]

PART 73—SPECIAL USE AIRSPACE [NEW]

Designation of Temporary Restricted Area

On March 4, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2949) stating that the Federal Aviation Agency was considering an amendment to § 73.25 of the Federal Aviation Regulations which would designate a temporary restricted area of approximately 14,500 square miles covering portions of California, Nevada and Arizona to contain hazardous activities to be conducted in conjunction with a military exercise known as "Desert Strike."

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

Comments have been received from 60 persons. Nearly all of the comments received either objected to the proposal or suggested changes in the proposed area.

Nine persons objected to the limited comment period. As stated in the notice of proposed rule making, it was necessary that the Federal Aviation Agency take expeditious action to process this request since the Air Force has requested that the restricted area be established by May 17, 1964. To ensure that any action taken would be properly portrayed on appropriate aeronautical charts, a sharp reduction in the normal time period allotted for public comment was required.

A substantial number of the comments received were general objections relating to the designation of restricted airspace. As stated in the notice of proposed rule making, the purpose of establishing the restricted area is to contain military activities which would be hazardous to nonparticipating aircraft. These activities include parachute drops of personnel and heavy equipment; heavy concentrations of high-speed jet fighter aircraft throughout the area, executing simulated dive bombing and strafing attacks and reconnaissance missions; and U.S. Army drone aircraft.

The majority of the comments received objected to the proposal because of the impact the restricted area would have upon civil aircraft operations either within or desiring to enter the area, particularly those of commercial aircraft operators engaged in business activities such as contract carriers, air taxi operations and commercial charter flights. Nearly all of those persons commenting requested that arrangements be made for access to the area by separate corridors or on a joint-use basis.

Similarly, a number of comments received objected to the proposal because of the economic effect the restricted area would have upon business activities such as ranching, farming and recreational areas.

A few of the comments received requested that a ceiling lower than 14,000 feet be placed upon the entire area or along specified airways and routes within the area.

After the publication of the notice of proposed rule making, the Federal Aviation Agency was formally advised by the Office of the Secretary of Defense that:

"Desert Strike" is an operation of military necessity and is of paramount importance to the National defense effort. This Exercise is specifically designed to train participants in the conduct of joint operations, evaluate concepts of tactical nuclear employment, and determine capabilities of conventional weapons systems in a tactical nuclear environment. Budgetary limitations have required the postponement of other significant maneuvers in order to proceed with "Desert Strike."

Due to the nature of this Exercise, which permits free movement of forces according to the tactical situation, shared use of the requested restricted area with non-participating military and civil aircraft is not considered feasible. Provisions will be made, however, for emergency flights and those of critical necessity to operate within the maneuver area.

Flights of an emergency nature, or those with a critical necessity for operating within the restricted area may obtain the necessary approval by communicating with the Exercise Director, Needles, California, by reverse charge telephone calls, or the Los Angeles ARTC Center directly or through flight service stations.

The Administrator has been authorized by Congress to order the use of airspace under such terms and conditions and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of airspace. In exercising the authority granted to him, the Administrator also is required to give full consideration to the requirements of national defense. The Administrator is cognizant that the "Desert Strike" operation requires an almost exclusive utilization of an extensive land mass area and airspace allocation which will result in causing inconvenience to certain type users of the area.

However, since the "Desert Strike" operation is of paramount importance to the national defense and is of critical military necessity involving concepts of tactical nuclear employment, hazardous type air missions and massive troop movements, the following action is taken:

In § 73.25 California (29 F.R. 1238), the following is added:

Needles, Calif., Temporary.

Boundaries. Beginning at latitude 35°34′30″ N., longitude 116°28′30″ W.; to latitude 35°33′00″ N., longitude 114°10′00″ W.; to latitude 33°45′00″ N., longitude 113°20′00″ W.; to latitude 33°30′00″ N., longitude 113°33′00″ W.; to latitude 33°30′00″ N., longitude 114°30′00″ W.; to latitude 33°45′00″ N., longitude 114°30′00″ W.; to latitude 33°45′00″ N., longitude 115°00′00″ W.; to latitude 33°30′00″ N., longitude 115°00′00″ W.; to latitude 33°30′00″ N., longitude 115°20′00″ W.; to latitude 34°00′00″ N., longitude 115°20′00″ W.; to latitude 34°14′00″ N., longitude 115°44′00″ W.; to latitude 34°25′00″ N., longitude 115°44′00″ W.; to latitude 34°25′00″ N., longitude 115°47′00″ W.; to latitude 34°33′00″ N., longitude 115°47′00″ W.; to latitude 34°35′30″ N., longitude 115°58′00″ W.; to latitude 34°41′00″ N., longitude 116°03′00″ W.; to latitude 34°43′00″ N., longitude 116°17′00″ W.; to latitude 34°43′00″ N., longitude 116°26′30″ W.; to latitude 34°40′30″ N., longitude 116°29′40″ W.; to latitude 35°07′00″ N., longitude 116°47′45″ W.; to latitude 35°07′00″ N., longitude 116°34′00″ W.; to latitude 35°18′45″ N., longitude 116°18′45″ W.; to latitude 35°28′35″ N., longitude 116°18′45″ W.; to point of beginning.

Designated altitudes. Surface to 14,000 feet MSL, except surface to 6,000 feet MSL for the airspace within the confines of V–8N and V–16 and the airspace between V–16 and the southern boundary of the area.

Time of designation. Continuous from 0000 P.s.t., May 17, 1964, to 2359 P.s.t., May 30, 1964.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center, Palmdale, California.

Using agency. United States Air Force Strike Command, Langley AFB, Virginia.

This amendment shall become effective 0000 P.s.t., May 17, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 27, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64–3246; Filed, Apr. 2, 1964; 8:45 a.m.]

[Airspace Docket 64–SO–2]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

The purpose of this amendment to § 73.30 of th eFederal Aviation Regulations is to change the radius of Dawsonville, Georgia, Restricted Area R–3001 from 2.5 to 1.5 miles as requested by the Department of the Air Force.

Since this amendment will reduce the burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedures Act is unnecessary and it may be made effective upon publication.

In consideration of the foregoing, § 73.30 (29 F.R. 1249), is amended as follows:

In the description of R–3001, Dawsonville, Georgia, "Boundaries. A circular area with a 2.5-mile radius centered at latitude 34°22′00″ N., longitude 84°10′00″ W." is deleted and "Boundaries. A circular area with a 1.5-mile radius centered at latitude 34°22′00″ N., longitude 84°10′00″ W." is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 27, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64–3247; Filed, Apr. 2, 1964; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33–4665 etc.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Use of Registration Statement; Correction

In F.R. Doc. 64–1405, amending § 240.12b–35 of Title 17 of the Code of Federal Regulations, published at 29 F.R. 2420, the words "the limitations of" were inadvertently omitted after the words "subject to" in the first sentence of paragraph (e) of § 240.12b–35.

Paragraph (e) should read as set

Effective date. The regulations con-

to each of the 10 taxable years following

Paragraph (e) should read as set forth below.

§ 240.12b–35 Use of registration statement under Securities Act of 1933.

• • • • •

(e) In copies of the application filed with the Commission the registrant shall, subject to the limitations of § 201.24 of this chapter, incorporate by reference the registration statement referred to in paragraph (a) (1) of this section and any reports required by paragraph (b) of this section which are on file with the Commission. If such registration statement or any such annual report incorporates by reference any financial statements or exhibits required by the appropriate form which are on file with the Commission but are not on file with the exchange, copies of the application filed with the exchange shall include copies of such financial statements or exhibits. Section 240.12b–36 shall apply to financial statements filed as a part of, or incorporated by reference in, applications for registration filed pursuant to this rule.

• • • • •

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 27, 1964.

[F.R. Doc. 64–3250; Filed, Apr. 2, 1964; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.507]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Treaty Traders

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to provide that an alien who is to be employed in an unskilled manual capacity may not be classified as a nonimmigrant treaty trader under the Immigration and Nationality Act.

Paragraph (a) of § 41.40 is amended to read as follows:

§ 41.40 Treaty traders.

(a) An alien shall be classifiable as a nonimmigrant treaty trader if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(E)(i) of the Act and that: (1) He intends to depart from the United States upon the termination of his status; and (2) If he is employed by a foreign person or organization having the nationality of the treaty country which is engaged in substantial trade as contemplated by section 101(a)(15)(E)(i), he will be engaged in duties of a supervisory or executive character, or, if he is or will be employed in a minor capacity, he has special qualifications that will make his services essential to the efficient operation of the employer's enterprise and will not be employed solely in an unskilled manual capacity.

• • • • •

Effective date. The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: March 25, 1964.

ABBA P. SCHWARTZ,
Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 64–3264; Filed, Apr. 2, 1964; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6719]

PART 19—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1964

Certain Elections

The following regulations relate to elections under section 172(b)(3)(C) of the Internal Revenue Code of 1954, as added by section 210(a)(4) of the Revenue Act of 1964 (78 Stat. 48), and section 1375(e) of the Internal Revenue Code of 1954, as added by section 233(b) of the Revenue Act of 1964 (78 Stat. 112).

The regulations set forth herein are temporary and are designed to inform taxpayers of the method and time for making such elections. More comprehensive rules with respect to these elections will be issued subsequently.

In order to provide temporary regulations under section 172(b)(3)(C) and section 1375(e) of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 19.1–1 Election with respect to portion of net operating loss attributable to foreign expropriation loss.

(a) *In general.* Section 210 of the Revenue Act of 1964 (78 Stat. 47) amends section 172(b) of the Internal Revenue Code of 1954 (relating to net operating loss carrybacks and carryovers) to provide that if—

(1) A taxpayer has a net operating loss for a taxable year ending after December 31, 1958,

(2) The foreign expropriation loss (as defined in section 172(k)(1)) for such taxable year equals or exceeds 50 percent of the net operating loss for such taxable year, and

(3) The taxpayer makes a valid election under section 172(b)(3)(C) (ii) or (iii), whichever is applicable,

then the portion of the net operating loss for such taxable year attributable (under section 172(k)(2)) to such foreign expropriation loss shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss and shall be a net operating loss carryover to each of the 10 taxable years following the taxable year of such loss.

(b) *Time and manner of making election—(1) Taxable years ending after December 31, 1963.* In the case of a taxpayer who has a foreign expropriation loss for a taxable year ending after December 31, 1963, the election referred to in paragraph (a)(3) of this section shall be made by attaching to the taxpayer's income tax return for the taxable year of such foreign expropriation loss a statement containing the information required by subparagraph (3) of this paragraph. The election must be made on or before the date prescribed by law (including extensions of time) for filing such return and such election shall be irrevocable after the due date (including extensions of time) of such return.

(2) *Taxable years ending after December 31, 1958, and before January 1, 1964.* In the case of a taxpayer who has a foreign expropriation loss for a taxable year ending after December 31, 1958, and before January 1, 1964, the election referred to in paragraph (a)(3) of this section shall be made by filing on or before December 31, 1965, with the district director for the district in which the taxpayer filed his income tax return for the taxable year of such foreign expropriation loss a statement containing the information required in subparagraph (3) of this paragraph. Such election shall be irrevocable after December 31, 1965. See paragraph (c) of this section for special rules relating to taxable years affected by an election under this subparagraph.

(3) *Information required.* The statement referred to in subparagraphs (1) and (2) of this paragraph shall contain the following information:

(i) The name, address, and taxpayer account number of the taxpayer;

(ii) A statement that the taxpayer elects under section 172(b)(3)(C) (ii) or (iii), whichever is applicable, to have section 172(b)(1)(D) of the Code apply;

(iii) The amount of the net operating loss for the taxable year; and

(iv) The amount of the foreign expropriation loss for the taxable year, including a schedule showing the computation of such foreign expropriation loss.

In addition, if a taxpayer makes the election under subparagraph (2) of this paragraph, the taxpayer shall specify the internal revenue district in which he filed his return for the three taxable years immediately preceding the taxable year of the foreign expropriation loss.

(c) *Rules relating to elections for taxable years ending after December 31, 1958, and before January 1, 1964.* If a taxpayer makes an election under paragraph (b)(2) of this section, then (notwithstanding any law or rule of law) with respect to any taxable year ending before January 1, 1964, which is affected by the election the following rules shall apply:

(1) The time for making or changing any choice or election under sections 901 through 905 of the Code (relating to foreign tax credit) shall not expire before January 1, 1966.

(2) Any deficiency attributable to the election under paragraph (b)(2) of this section or to the application of subparagraph (1) of this paragraph may be assessed at any time before January 1, 1969. However, if the period within which a deficiency may be assessed under section 6501 of the Code would expire on a date after December 31, 1968, then such later date shall apply.

(3) Refund or credit of any overpayment attributable to the election under paragraph (b)(2) of this section or to the application of subparagraph (1) of this paragraph may be made or allowed if claim therefor is filed before January 1, 1969. However, if the period within which a claim for refund or credit may be filed under section 6511 of the Code would expire on a date after December 31, 1968, then such later date shall apply.

§ 19.2–1 Election to treat certain distributions as made on the last day of the taxable year.

(a) *In general.* Section 233(b) of the Revenue Act of 1964 (78 Stat. 112) amends the Internal Revenue Code of 1954 by adding to section 1375 a new subsection (e) (relating to certain distributions after close of taxable year). Section 1375(e) provides that a corporation, with the consent of its shareholders, may elect, for purposes of chapter 1 of the Code, to treat a distribution of money made after the close of the taxable year as made, and as received by its shareholders, on the last day of such taxable year if the following conditions are satisfied:

(1) The corporation makes a distribution of money to its shareholders on or before the 15th day of the third month following the close of a taxable year with respect to which it was an electing small business corporation within the meaning of section 1371(b);

(2) Such distribution is made pursuant to a resolution of the corporation's board of directors, adopted before the close of such taxable year, to distribute to its shareholders all or a part of the proceeds of one or more sales of capital assets, or of property described in section 1231(b), made during such taxable year; and

(3) Each shareholder on the day such distribution is received—

(i) Owns the same proportion of the stock of the corporation on such day as he owned on the last day of such taxable year, and

(ii) Consents to such election.

Section 1375(e) applies only with respect to taxable years of corporations beginning after December 31, 1957.

(b) *Time and manner for making election—(1) Taxable years ending after February 26, 1964.* For taxable years ending after February 26, 1964, an election under section 1375(e) with respect to a taxable year shall be made by attaching to the corporation income tax return for such taxable year, filed not later than the time (including extensions thereof) prescribed by law, the following documents:

(i) A statement that the corporation elects the application of section 1375(e) and the date and amount of each distribution to which the election applies;

(ii) A copy of the resolution of the board of directors referred to in paragraph (a)(2) of this section; and

(iii) A statement of the consent of each shareholder of the corporation containing the information required by, and filed in the manner provided in, paragraph (c) of this section.

(2) *Taxable years beginning after December 31, 1957, and ending on or before February 26, 1964.* For taxable years beginning after December 31, 1957, and ending on or before February 26, 1964, an election under section 1375(e) with respect to a taxable year shall be made on or before June 25, 1964, by either attaching the documents described in subparagraph (1) of this paragraph to its income tax return for such taxable year, or by filing such documents with the district director with whom the corporation has filed, or intends to file, its income tax return for such taxable year.

(3) *Election is binding.* An election under subparagraph (1) or (2) of this paragraph is binding and may not be withdrawn.

(c) *Shareholders' consent.* The consent of a shareholder to an election under section 1375(e) shall be in the form of a statement signed by the shareholder in which such shareholder consents to the election of the corporation. Such shareholder's consent is binding and may not be withdrawn after a valid election is made by the corporation. Each person who is a shareholder of the electing corporation must consent to the election; thus, where stock of the corporation is owned by a husband and wife as community property (or the income from which is community property), or is owned by tenants in common, joint tenants, or tenants by the entirety, each person having a community interest in such stock and each tenant in common, joint tenant, and tenant by the entirety must consent to the election. The consent of a minor shall be made by the minor or by his legal guardian, or his natural guardian if no legal guardian has been appointed. The consent of an estate shall be made by the executor or administrator thereof. The statement shall set forth the name, address, and account number of the corporation and of the shareholder, the date the distribution is received, the number and proportion of the shares of stock of the corporation owned by him on the date the distribution is received, and the number and proportion of such shares owned by him on the last day of the taxable year of the corporation with respect to which the election is made. The consents of all shareholders may be incorporated in one statement.

Because this Treasury decision merely provides temporary regulations designed to inform taxpayers how to make certain elections, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: April 1, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64–3310; Filed, Apr. 2, 1964; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

PART 804—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

Release of Matters of Official Record

In Part 804, §§ 804.1 through 804.5 are revoked and the following substituted therefor:

Sec.
804.1 Purpose.
804.2 Definition.
804.3 Policy.
804.4 Submitting aplications.
804.5 Action on applications.
804.6 Fees.

AUTHORITY: The provisions of §§ 804.1 to 804.6 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 11–22, March 13, 1964.

§ 804.1 Purpose.

Sections 804.1 to 804.6 prescribe the procedures and state the places where the public may apply for access to matters of official record under the control of the Department of the Air Force.

§ 804.2 Definition.

The public: Includes agencies of State and local governments, private organizations, and individuals, including U.S. Government personnel (military and civilian) whose official duties do not entitle them to the matters of official record to which they may desire access.

§ 804.3 Policy.

It is the policy of the Department of the Air Force to make matters of official record available to persons properly and directly concerned and who have a legitimate and valid reason, except for:

(a) Information and documents that relate solely to the internal management of the Department of the Air Force.

(b) Matters of official record which, in the public interest, should not be released. For example:

(1) If it is classified in the interest of the defense of the United States.

(2) If it is Atomic Energy Restricted Data as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011–2281).

(3) If its release would interfere unduly with the efficient and effective performance of functions of the Department of the Air Force or some other Govern-

ment department or agency. This includes but is not limited to functions such

By Order of the Secretary of the Air Force.

(c) Women's Army Corps Service Medal

(2) *Length of service.* Provided the

of five bronze oak leaf clusters. (See

(iv) Be engaged in actual combat, or

ment department or agency. This includes but is not limited to functions such as: law enforcement, maintenance of discipline, the conduct of investigations, or relations with foreign governments.

(4) If its release would violate a legal or moral obligation to hold the information or its source in confidence.

(5) If the information contains unsubstantiated derogatory allegations to the character or conduct of an individual which might injure an innocent person if released.

§ 804.4 Submitting applications.

(a) Except as prescribed in paragraphs (b) and (c) of this section, write the Secretary of the Air Force, Washington, D.C., 20330. If the applicant is an agent, attorney, or physician acting for another, inclose evidence of authority to act for the principal, client, or patient. The application should:

(1) Identify as precisely as possible the documents or records involved.

(2) Indicate whether access to, copies of, or information from the records are desired.

(3) State the nature of the applicant's interest in sufficient detail to demonstrate that the applicant is properly and directly concerned with a legitimate and valid reason for the application.

(b) Write directly to the places specified in this paragraph for matters of official record concerning Air Force military personnel. Include, in addition to the information described in paragraph (a) of this section: the first name, middle name or initial, surname, date of birth, and service number of the individual concerned.

(1) USAF officers (active duty and retired)—to Hq USAF (AFDASE), Washington, D.C., 20330.

(2) USAF airmen (active duty and retired)—to USAF Airmen Records Annex (AFDASEH), Randolph AFB, Texas, 78148.

(3) Air Force Reserve (not on active duty)—Air Reserve Records Center, 3800 York Street, Denver, Colo., 80205.

(4) Former Air Force military personnel (not on active duty or reserve)—Military Personnel Records Center (Air Force), 9700 Page Boulevard, St. Louis, Mo., 63132.

(c) Send applications for matters of official record for use in litigation to Hq USAF (AFJALF), Washington, D.C., 20330, or directly to the records custodian if known. Sections 804.401 to 804.410 prescribe policies and procedures.

§ 804.5 Action on applications.

The Secretary of the Air Force or a person designated by him will approve or disapprove each application in accordance with the policies prescribed in § 804.3, and he will notify the applicant of the decision. If the application is approved, he will advise the applicant when appropriate, of the time and place that he may have access to the records.

§ 804.6 Fees.

A charge may be made for copying, certifying, and searching records in accordance with Subchapter P, Part 288, Chapter I of this title.

By Order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64-3251; Filed. Apr. 2, 1964; 8:45 a.m.]

PART 804—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

PART 878—DECORATIONS AND AWARDS

Miscellaneous Amendments

Present § 804.501 is revoked and the following substituted therefor:

RESPONSIBILITY OF THE CONTRACTOR

§ 804.501 Contract food service attendants.

In any contract food service attendant arrangement, the contractor provides, but is not limited to:

(a) Food service attendants to maintain food service facility sanitation, to prepare (washing, peeling, and cutting) vegetables for cooking and to serve food from steam tables.

(b) Management and supervision of food service attendants.

(c) Uniforms and the laundering thereof.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFM 146-1, Nov. 25, 1963]

1. Revise § 878.44 to read as follows:

SERVICE AWARDS

§ 878.44 List of authorized service medals and ribbons.

The service medals and ribbons described in §§ 878.41 to 878.82 are listed in the following paragraphs. The order of precedence for these medals and ribbons is prescribed in AFM 35-10 (Service and Dress Uniforms for Air Force Personnel).

(a) Good Conduct Medal or Air Force Good Conduct Medal.
(b) American Defense Service Medal.
(c) Women's Army Corps Service Medal.
(d) American Campaign Medal.
(e) Asiatic-Pacific Campaign Medal.
(f) European-African-Middle Eastern Campaign Medal.
(g) World War II Victory Medal.
(h) Army of Occupation Medal.
(i) Medal for Humane Action.
(j) National Defense Service Medal.
(k) Korean Service Medal.
(l) Antarctica Service Medal.
(m) Armed Forces Expeditionary Medal.
(n) Air Force Longevity Service Award Ribbon.
(o) Armed Forces Reserve Medal.
(p) USAF NCO Academy Graduate Ribbon.
(q) Small Armed Expert Marksmanship Ribbon.
(r) Philippine Defense Ribbon.
(s) Philippine Liberation Ribbon.
(t) Philippine Independence Ribbon.
(u) United Nations Service Medal.
(v) United Nations Medal.

2. Add new §§ 878.57, 878.68a, 878.70a and 878.70b, as follows:

§ 878.57 Good Conduct Medal and Air Force Good Conduct Medal.

(a) *Requirements for award*—(1) *Quality of service.* The Good Conduct Medal or the Air Force Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in an enlisted status while in the active Federal military service of the United States. During the period considered for the award, there must be no conviction by a civil court (other than for a minor traffic violation), or by court martial, or record of punishment under Article 15. Where such conviction or record of punishment exists, creditable service toward the Good Conduct Medal or the Air Force Good Conduct Medal begins the day following any time lost under 10 U.S.C. 8638 and/or the day following the completion of any punishment imposed by a court martial, including punishment under Article 15. Any period of service covered by a "referral" Airman Performance Report, AF Form 75, is disqualifying for the award of the medal. Table 1 explains the basis for award.

TABLE 1

BASIS FOR AWARD OF GOOD CONDUCT MEDAL OR AIR FORCE GOOD CONDUCT MEDAL

For service from—	*Basis for award*
August 27, 1937, to September 30, 1957.	All "character" and "efficiency" ratings must have been recorded as "excellent" or higher, except that the following ratings are not disqualifying: ratings of "unknown"; service school efficiency ratings below "excellent" awarded prior to March 3, 1946.
October 1, 1957, to April 14, 1960.	Specific recommendation of the unit commander must have been recorded in section X of AF Form 75, "Airman Performance Report."
April 15, 1960, to present.	Specific recommendation of the unit commander, who will consider carefully the prerequisite requirements for the award—exemplary behavior, efficiency, and fidelity; the chronological listing of past service creditable for award of the medal (Note); information contained in AF Form 75, "Airman Performance Report"; and all other information available within the unit reflecting the quality of service of the airman concerned.

NOTE: Information contained in "Remarks," AF Form 7; see paragraph 8-18, AFM 35-12 (Airman Military Personnel Records System).

(2) *Length of service.* Provided the above quality requirements are met, the basic Good Conduct Medal or Air Force Good Conduct Medal may be awarded for periods of continuous service given in Table 2.

(b) *Type of medal to be awarded.* An airman who qualified for award of the basic Good Conduct Medal or a successive award of the Good Conduct Medal on or before May 31, 1963 will be awarded the Good Conduct Medal, or the appropriate clasp. An airman who completes the qualifying service on or after June 1, 1963, will be awarded the Air Force Good Conduct Medal. When both medals have been awarded, they must be worn with the Air Force Good Conduct Medal taking precedence over the Good Conduct Medal. After award of the first Air Force Good Conduct Medal, successive awards will be denoted by oak leaf clusters, which are identical to the clusters used to denote additional awards of military decorations. Oak leaf clusters are issued in two sizes—large and small—and in two colors—bronze and silver. The large size is worn on the suspension ribbon of the Air Force Good Conduct Medal, and the small size on the ribbon bar. A bronze oak leaf cluster is used for the second through fifth, seventh through tenth, etc., awards of the Air Force Good Conduct Medal. A silver oak leaf cluster is used for the sixth, eleventh, etc., award, or in lieu of five bronze oak leaf clusters. (See AFM 35-10 for the proper placement of oak leaf clusters on the suspension ribbon and ribbon bar.)

(c) *Computation of total service.* Periods of service as a commissioned officer or warrant officer, other than Regular Air Force, will not be considered as an interruption of continuous service, although such periods will not be included in computation of total service accumulated. A period in excess of 24 hours between enlistments or between periods of commissioned and enlisted service will be considered a break in continuous active service. Time spent in either aviation cadet or officer candidate status is creditable provided it meets the requirements of paragraph (a)(1) of this section.

(d) *Service in the Navy, Marine Corps, or Coast Guard.* Service performed in the United States Navy, Marine Corps, or Coast Guard may not be credited for award of the Good Conduct Medal or Air Force Good Conduct Medal under §§ 878.41 to 878.82.

(e) *Time period required after basic award.* After the basic award of the Good Conduct Medal or Air Force Good Conduct Medal, a 3-year period of continuous active service is always required for additional awards of these medals. Service must always meet the requirements of paragraph (a)(1) of this section.

TABLE 2. Length of service requirements for basic award of Good Conduct Medal or Air Force Good Conduct Medal

For service during—	Upon completion of continuous active Federal service for a period of—	Upon separation		Basic award will be the—
		Completion of 1 year but less than 3 continuous years active Federal military service [1]	For physical disability incurred in the line of duty for less than 1 continuous year	
	Years			
Aug. 27, 1937–Dec. 6, 1941	3			Good Conduct Medal.
Dec. 7, 1941–Mar. 2, 1946 (WWII)	1			Do.
Mar. 3, 1946–June 26, 1950	3	(1)	(1)	Do.
June 27, 1950–July 27, 1954 (Korean Operation)	1			Do.
July 28, 1954–May 31, 1963	3			Do.
June 1, 1963–indefinite	3			Air Force Good Conduct Medal.
During any future period while U.S. is at war	1			Do.

[1] Includes termination of active Federal military service in an enlisted status in order to accept a commission.
[2] Applicable only if some portion of the service is performed after June 27, 1950.

§ 878.68a Armed Forces Expeditionary Medal.

(a) *Requirements for award.* Awarded to any member of the Armed Forces of the United States, who after July 1, 1958, participates or has participated in the following operations to the degree and during the periods indicated:

(1) United States military operations and inclusive dates:

Berlin	Aug. 14, 1961, to June 1, 1963.
Lebanon	July 1, 1958, to Nov. 1, 1958.
Quemoy and Matsu Islands	Aug. 23, 1958, to June 1, 1963.
Taiwan Straits	Aug. 23, 1958, to Jan. 1, 1959.
Cuba	Oct. 24, 1962, to June 1, 1963.

(2) U.S. operations in direct support of the United Nations and inclusive dates:

Congo	July 14, 1960, to Sept. 1, 1962.

(3) U.S. operations of assistance for friendly foreign nations and inclusive dates:

Laos	Apr. 19, 1961, to Oct. 7, 1962.
Vietnam	July 1, 1958, to a date to be announced.

(4) Degree of participation: Individual must be a bona fide member of a unit engaged in the operation, or meet one or more of the following criteria:

(i) Shall serve not less than 30 consecutive days in the area of operations.

(ii) Be engaged in direct support of the operation for 30 consecutive days or 60 nonconsecutive days provided this support involves entering the area of operations.

(iii) Serve for the full period when an operation is of less than 30 days duration.

(iv) Be engaged in actual combat, or duty which is equally as hazardous as combat duty, during the operation, with armed opposition, regardless of time in the area.

(v) Participate as a regularly assigned crew member of an aircraft flying into, out of, within, or over the area in support of the military operation.

(vi) Be recommended, or attached to a unit recommended, by the Chief of a Service or the commander of a unified or specified command for award of the medal, although the criteria in this subparagraph have not been fulfilled. Such recommendation may be made to the Joint Chiefs of Staff for duty of such value to the operation as to warrant particular recognition.

(b) *Explanation of terms.* (1) "Bona fide member of a unit" means an assigned or attached member who is or was present with the unit during the operation.

(2) "A unit engaged in the operation" means a complete unit (not elements or aircraft of a unit) which is or was physically present in the area of operations during the specified period.

(3) "Area of operations" means the foreign territory specifically designated by §§ 878.41 to 878.82 upon which troops have actually landed or are present and specifically deployed for the direct support of the designated military operations; the adjacent water areas in which ships are operating, patrolling, or providing direct support of operations; the air space above and adjacent to the area in which operations are being conducted.

(4) "Direct support" means service being supplied the combat forces in the area of operations by ground units, ships, and aircraft providing supplies and equipment to the forces concerned, provided it involves actually entering the designated area; and ships and aircraft providing fire, patrol, guard, reconnaissance, or other military support.

(c) *Subsequent awards.* Not more than one medal shall be awarded to any person, but for each succeeding operation justifying such an award, a bronze service star will be awarded to be worn as outlined in § 878.78.

(d) *Limitations.* The medal shall be awarded only for operations for which no other United States campaign medal is approved. The service qualifying the person for the award shall have been honorable.

§ 878.70a USAF NCO Academy graduate ribbon.

(a) *Requirement for award.* Awarded to graduates of accredited Air Force Noncommissioned Officer Academies as defined in AFR 50-39 (Noncommissioned Officer Training) and the annual Hq USAF NCO Academy accrediting letter. Graduates of USAF NCO Academy classes conducted prior to original publication of AFR 50-39 are authorized to wear the ribbon only if the major air command which supervised the training determines that course standards were sufficiently high to merit award of the ribbon. Graduation from NCO leadership courses and similar training conducted by other military services does not qualify an individual for this award.

§ 878.70b Small Arms Expert Marks-

at Air Force installations and joint-use § 862.8 Legal requirements.

§ 878.70b Small Arms Expert Marksmanship Ribbon.

(a) *Requirement for award.* Awarded to Air Force personnel, including Reserve component members whether or not on active duty, who, after January 1, 1963, qualify as "expert" in small arms marksmanship on the weapons specified and in accordance with AFR 50–8 (Small Arms Marksmanship Training). By issuance of appropriate special orders, the ribbon is awarded only once, regardless of the number of times an individual may qualify, and it may be permanently retained and worn by the qualifying individual.

3. Revise §§ 878.75(c) (2) and add new § 878.78(d), as follows:

§ 878.75 United Nations Medal.

• • • • • •

(c) • • •

(2) A minimum period of 6 months has been established by the Secretary General of the United Nations as the period of service required for eligibility to receive the award.

• • • • • •

§ 878.78 Service stars.

• • • • • •

(d) On the service and suspension ribbon of the Armed Forces Expeditionary Medal to denote participation in more than one operation. A silver service star is worn in lieu of five bronze service stars.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text.) [AFR 900–10A, Nov. 21, 1963 and AFR 900–10B, Feb. 28, 1964]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–3252; Filed, Apr. 2, 1964; 8:46 a.m.]

PART 825—AIRCRAFT ARRESTING SYSTEMS

PART 861—OFFICERS' RESERVE USAF OFFICER TRAINING SCHOOL (OTS)

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 874—AVIATION CADET TRAINING

PART 881—PERSONNEL REVIEW BOARDS

Miscellaneous Amendments

1. Part 825 is revised to read as follows:

Sec.
825.1 Purpose.
825.2 Use of arresting systems by non-U.S. Government aircraft.

AUTHORITY: The provisions of this Part 825 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 55–42, Nov. 13, 1963.

§ 825.1 Purpose.

This part outlines the responsibilities for operating aircraft arresting systems at Air Force installations and joint-use civil airports.

§ 825.2 Use of arresting systems by non-U.S. Government aircraft.

In an emergency, pilots of nongovernment aircraft may, upon request, use arresting systems installed by the Air Force at Air Force or joint-use airfields in the U.S. or overseas. However, the Air Force will accept no liability for damages resulting from attempted engagements by such aircraft.

2. In § 861.6(c):

a. Subparagraph (1) is revoked and a new subparagraph (1) is inserted.

b. Subparagraph (2) is redesignated subparagraph (3) and a new subparagraph (2) is inserted as follows:

§ 861.6 Eligibility requirements.

• • • • • •

(c) *Educational qualifications.* (1) Applicants must be college graduates with a baccalaureate or higher degree from a college or university listed in the latest issue of Part 3, "Higher Education," Education Directory, published by the Department of Health, Education, and Welfare.

(2) An applicant who is a graduate of an unlisted or foreign college or university, if otherwise qualified, may meet the educational requirements by submitting evidence that the college's credits have been and are accepted as if coming from an accredited institution by not fewer than three U.S. accredited institutions.

• • • • • •

3. Revise §§ 861.10(c) and 861.18 to read as follows:

§ 861.10 How to apply.

• • • • •

(c) An official transcript of college credits indicating the undergraduate or graduate degree awarded and grades received. A student enrolled in his senior year of college must provide a statement from his school attesting to that fact, the date he is scheduled to graduate, the degree to be awarded, and his college major.

• • • • •

§ 861.18 Civilian applicants.

Lackland Military Training Center will furnish letters of acceptance, two certified copies of SFs 88 and 89, and class assignments to fully qualified and selected applicants. Letters of acceptance will authorize selected applicants to enlist in the Regular Air Force for two years in accordance with AFM 39–9. After enlisting, each selected applicant, who has received class assignment instructions, will be assigned to the Air Force OTS. Upon entering training, the applicant will be promoted to the grade of E–5 (staff sergeant).

4. Add new § 861.26 as follows:

§ 861.26 Eligibility requirements; Air National Guard.

The applicant may either be an airman of the Air National Guard or a civilian, but in all cases must meet the eligibility requirements prescribed in § 861.6.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 9411) [AFR 53–27A, Feb. 10, 1964]

5. Revise § 862.8 to read as follows:

§ 862.8 Legal requirements.

Before a student is eligible to enroll in the Air Force Reserve Officers Training Corps, he must be:

(a) A male citizen of the United States.

(b) Not less than 14 years of age.

(c) Physically qualified for military service at the time of enrollment or will be so on becoming of military age.

(d) A student at an institution where an AFROTC unit is established.

NOTE: A student may not enroll in an AFROTC unit unless the unit is hosted by the same institution where he is enrolled.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 8540, 9381–9387, 70A Stat. 527, 568–571; 10 U.S.C. 9381–9387) [AFR 45–48A, Nov. 5, 1963]

6. In § 874.14(b)(3)(i) revise (*a*) to read as follows:

§ 874.14 Information furnished applicants.

• • • • •

(b) *Fully qualified applicants.* • • •

(3) • • •

(i) • • •

(*a*) A selected applicant who had previously completed more than 6 months of continuous active service at the time of enlistment may request separation under paragraph 3h, AFR 39–14 (Separation for Convenience of the Government), if he is eliminated in the nonflying phase of training. If he is eliminated in the flying phase of training, he is not eligible to request separation under this authority.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 70A Stat. 504; 72 Stat. 1566; 10 U.S.C. 8257) [AFR 51–3A, June 4, 1963]

7. In § 881.101 revise paragraphs (a) and (c) to read as follows:

§ 881.101 Jurisdiction and authority.

• • • • •

(a) The Board determines whether the type of discharge or dismissal the former service man or woman received was equitably and properly given and, if not, instructs the Director of Administrative Services (AFDAS) to adjust the discharge or dismissal in accordance with the facts presented to the Board. The Board's findings are subject to review only by the Secretary of the Air Force.

• • • • •

(c) The Board may on its own motion consider a case, which appears likely to result in a decision favorable to the former military member, without his knowledge or presence. If the decision is favorable, the Board directs AFDAS to notify the former member at his last known address. If the decision is unfavorable, the Board returns the case to the files without record of formal action. It will reconsider the case without prejudice if the former member subsequently files an application for review.

• • • • •

8. Revise § 881.102(c) to read as follows:

§ 881.102 Application for review.

• • • • •

(c) Applicants will forward their requests for review as follows: Mail to Air Force Section, Military Personnel Records Center, 9700 Page Boulevard, St. Louis 32, Missouri.

• • • • •

9. Revise § 881.106(b) to read as follows:

§ 881.106 Disposition of proceedings.

• • • • •

(b) The Board transmits a record of its proceedings, including a transcript of testimony, and directions in each case to AFDAS. This office administratively carries out the Board's directions and reports the results to the applicant (and/or his counsel, if any). The applicant, his guardian, or legal representative, may request in writing that AFDAS furnish a copy of the Board proceedings, findings, and conclusions. Information that appears to be potentially injurious to the applicant's physical or mental health is furnished only to his guardian or legal representative.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 72 Stat. 1267, 10 U.S.C. 1553) [AFR 20–10A, Mar. 28, 1963]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–3253; Filed, Apr. 2, 1964; 8:46 a.m.]

PART 875—APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

Part 875 is revised to read as follows:

Sec.
875.1 Purpose.
875.2 Policy.
875.3 Appointment vacancies.
875.4 Sources of nomination.
875.5 Basic requirements.
875.6 Nomination requirements and procedures.
875.7 Where applicant will report.
875.8 How to notify Director of Admissions of change of address or station assignment.
875.9 Suggested letter formats.

AUTHORITY: The provisions of this Part 875 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 9331–9355.

SOURCE: AFR 53–10, Aug. 30, 1963.

§ 875.1 Purpose.

This part explains application procedure and appointment to the United States Air Force Academy.

§ 875.2 Policy.

Persons eligible for nomination to the Air Force Academy are encouraged to apply in every category in which they are eligible.

§ 875.3 Appointment vacancies.

Appointment vacancies are authorized by law to specific nominating authorities.

§ 875.4 Sources of nomination.

(a) United States Senators and Representatives.

(b) Resident Commissioner of Puerto Rico; Governor of the Panama Canal Zone; Governor of American Samoa; Governor of Guam; Governor of the Virgin Islands; and the Commissioners of the District of Columbia.

(c) Air Force and Army enlisted Regular competitive category.

(d) Air Force and Army enlisted Reserve competitive category.

(e) Presidential competitive category.

(f) Vice Presidential category.

(g) Sons of Deceased Veterans competitive category.

(h) Honor Military and Honor Naval Schools competitive category.

(i) Sons of Congressional Medal of Honor winners.

(j) Allied Students. ("Designated"—"To receive instruction" 10 U.S.C. 9344, 9345.)

§ 875.5 Basic requirements.

All applicants must meet the following basic requirements:

(a) *Age.* Applicant must be at least 17 years of age but must not have passed his 22d birthday by July 1st of the year in which he enters the Air Force Academy. A nominee is required to legally substantiate his date of birth.

(b) *Citizenship.* Applicant must be a male citizen of the United States. If an applicant is a citizen by naturalization, the following certificate is required, authenticated by a notary public or other persons authorized by law to administer oaths:

I certify that I have this date seen the original certificate of citizenship number ------ stating that ---------- was granted United States Citizenship by the ---------- on ----------. The
(Name of court) (Date)
following person was named in the certificate as a minor child ----------
(Name of child)
age ------.

Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances as stated in 18 U.S.C. 1426(H).

(c) *Domicile.* An applicant nominated by an authority designated in § 875.4 (a) or (b) must be domiciled within the constituency of such authority.

(d) *Moral character.* Applicant must be of highest moral character. Commanders will furnish information to the Director of Admissions, United States Air Force Academy, Colorado, on any military applicant or nominee whose official records show:

(1) He is or has been a conscientious objector. In this case, as affidavit expressing his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full and unqualified military service to his country is required.

(2) Any facts which give reason to believe that his appointment may not be clearly consistent with the interests of national security.

(3) Conviction by court-martial for other than a "minor offense" (par. 128b, p. 229, MCM 1951) or conviction of a felony in a civilian court.

(4) Elimination from any officer training program or any preparatory school of the Army, Navy, or Air Force academies for military inaptitude, indifference, or undesirable traits of character. This includes any person who resigned in the face of impending charges or who was eliminated by official action.

(5) Habitual intemperance.

(6) Any behavior, activity, or associations which tend to show that he is of questionable moral character or reputation.

(e) *Physical standards.* Each applicant must meet the physical requirements.

(f) *Marital status.* Applicant must not be and never have been married. Cadets are not permitted to marry until after graduation.

§ 875.6 Nomination requirments and procedures.

Young men desiring appointment to the Air Force Academy must first apply for and obtain nomination in at least one of the following categories:

(a) *Congressional.* Any United States resident who meets the basic requirements listed in § 875.5 may apply directly to the United States Senators of his State of residence and/or the Representative of his District of residence (see § 875.9 (a)). The nominating authority will advise the applicant of further action, and will forward AF Form 1196 (used only by Hq USAF and Congressmen) for each nominee through the Air Force Academy Activities Group, Hq USAF, Washington, D.C., 20330, to the Director of Admissions, U.S. Air Force Academy, Colorado. The Director of Admissions will then schedule the nominee for testing. After nomination, the nominee should address all correspondence, forms, etc., to the Director of Admissions.

(b) *District of Columbia and United States Possessions.* Residents of the District of Columbia apply to the Commissioners of the District of Columbia. Residents of Puetro Rico apply to the Resident Commissioner. Sons of civilians residing in the Panama Canal Zone, or sons of civilian employees of the United States Government and the Panama Canal Company residing in the Republic of Panama, apply to the Governor of the Panama Canal Zone. Residents of American Samoa, Guam, and the Virgin Islands apply to their respective Governors. Applications should be submitted in writing (see § 875.9(a)) as early as May of the year preceding that in which admission to the Academy is desired. The nominating authority will advise the applicant of further action and will forward the nomination for processing as described in paragraph (a) of this section.

(c) *Presidential (competitive).* The son of a member of a Regular component of the Armed Forces of the United States is eligible for nomination. The Regular component member must be on active duty, retired or deceased, but not discharged before retirement or death. The son of a member of a Reserve component is eligible in this category if his parent received a Reserve commission or warrant while a member of a Regular component, remained on continuous extended active duty, and retained the right to revert to Regular status. An

adopted son is eligible if adoption pro-

The following personal data is furnished

adopted son is eligible if adoption proceedings were initiated before his 15th birthday. In addition, applicants must meet the basic eligibility requirements listed in § 875.5. An eligible individual may apply to the Director of Admissions, U.S. Air Force Academy, Colorado, requesting nomination in accordance with § 875.9(b).

(d) *Vice Presidential.* Any individual who meets the basic eligibility requirements listed in § 875.5 may apply to the Vice President for nomination. The request may be submitted as early as May of the year preceding the one in which he desires appointment to the Academy. The application should be addressed to the Vice President, United States Senate, Washington, D.C., and should contain all information outlined in § 875.9(c).

(e) *Sons of deceased veterans (competitive).* The son of a deceased member of the Armed Forces of the United States is eligible for nomination in this category if he meets the basic requirements listed in § 875.5, and if the deceased parent (male or female) was killed in action, or died as a result of wounds or injuries received, disease contracted in, or pre-existing injury or disease aggravated by, active service during World War I, World War II (December 7, 1941 through December 31, 1946), or the Korean Conflict (June 27, 1950 through January 31, 1955). An individual eligible for a nomination in this category will submit a written request to the Director of Admissions, U.S. Air Force Academy, Colorado, in accordance with § 875.9(d).

(f) *Honor Military and Honor Naval Schools (competitive).* Three honor graduates or prospective honor graduates from each designated honor military and honor naval school may be nominated to fill the vacancies allocated to such schools. Vacancies are filled in the order of merit, regardless of the schools from which the nominations are made. Appropriate school authorities must certify that each nominee is an honor graduate and meets the basic eligibility requirements listed in § 875.5. Nominations must be submitted to the Director of Admissions, U.S. Air Force Academy, Colorado, by January 31st of the year in which the nominees desire appointment. Nominations are not limited to honor graduates of the current year. An individual eligible for nomination in this category will apply to the administrative authority of his school. The application will include:

(1) Full name, address, and date of birth. If in the service, grade, service number, organization, and station.

(2) Reasons for requesting nomination to the Air Force Academy.

(g) *Sons of Congressional Medal of Honor winners.* The son of any Congressional Medal of Honor winner who served in any branch of the armed services may apply for nomination. If an applicant meets the eligibility criteria and qualifies on the entrance examinations, he will be admitted to the Academy. An applicant must write to the Director of Admissions, U.S. Air Force Academy, Colorado, requesting a nomination in this category. The letter must include:

(1) Full name, address, and date of birth. If in the service, give grade, service number, organization, and station.

(2) Full name, rank, service number, and branch of service of the parent to whom the Medal of Honor was awarded.

(h) *Citizens of the American Republics and the Philippines.* These persons may apply for designation to receive instruction at the Air Force Academy. The Academy is authorized to provide instruction to as many as 20 persons at any one time from Canada and the American Republics. However, not more than three students from one republic or from Canada may receive instruction at the same time. In addition, one student from the Republic of the Philippines may be admitted in each entering class. A citizen of an American Republic or Canada must apply to the Government of his own country. A Filipino applies to the President of the Republic of the Philippines. The application should contain complete particulars about his background and should be submitted at least a year before the time of desired admission to the Academy. Applicants in these categories must meet the eligibility requirements established for all Academy candidates and must be able to read, write, and speak English proficiently. With the exception of the American Republics, Canada, and the Philippines, a student from any other foreign country may not be admitted to the Air Force Academy unless he has received specific authorization by legislation of the United States Congress.

§ 875.7 Where applicant will report.

An applicant nominated in one or more of the above categories (except § 875.6(h)) will be notified by the Director of Admissions, U.S. Air Force Academy, Colorado, to report to an Air Force Academy and Aircrew Examining Center for final qualification testing. The nominee will also be instructed concerning the College Entrance Examination Board tests. All requirements are listed in the letter of instructions. No nominee will be considered for appointment until scores on all tests are received.

§ 875.8 How to notify Director of Admissions of change of address or station assignment.

Each applicant or nominee is personally responsible for notifying the Director of Admissions of every change of address or station assignment. Notifications are sent direct to the Director of Admissions, U.S. Air Force Academy, Colorado, and will include complete name, grade, service number, and new organization or unit to which assigned. Reassignment of military personnel to any duty station will not be delayed pending action by the Director of Admissions.

§ 875.9 Suggested letter formats.

(a) *For requesting nomination in categories of Congressional, Canal Zone, District of Columbia, Puerto Rico, and Possessions.*

Date.

HONORABLE _____,
HOUSE OF REPRESENTATIVES,
Washington 25, D.C.
DEAR MR. _____:

OR

HONORABLE _____,
UNITED STATES SENATE,
Washington 25, D.C.
DEAR SENATOR _____:

It is my desire to attend the Air Force Academy and to make the United States Air Force my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June ____.

The following personal data is furnished for your information:

Name: (As recorded on birth certificate).
Address: (City, county, State).
Parents' name:
Date of birth:
High school attended:
Date of high school graduation:
Approximate grade average:

I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the Air Force Academy.

Sincerely,

Signature.

(b) *For requesting a Presidential nomination.*

Date.

DIRECTOR OF ADMISSIONS,
USAF Academy, Colorado.

DEAR SIR: I request a nomination under the Presidential category for the class that enters the Academy in June ____, and submit the following data:

Name: (Give name as shown on birth certificate. If different from the one you use, attach a copy of court order, if applicable.)
Address: (Give permanent and temporary.)
Date and place of birth: (Spell out month.)
Date of high school graduation:
If Member of Military: (List rank, serial number, component, branch of service, and organizational address—do not use CMR or Box No.)
If Previous Candidate: (List year and candidate number.)

INFORMATION ON PARENT

Name, Rank, Serial Number, Component and Branch of Service:
Organizational Address:
Retired or Deceased: (Give date and attach copy of retirement orders or casualty report.)
Officer Personnel: (Attach Statement of Service prepared by personnel officer specifying Regular or Reserve status for all periods of service.)
Enlisted Personnel: (Attach statement prepared by personnel officer listing date of enlistment, date of enlistment expiration, component and branch of service.)

Sincerely,

Signature (As recorded on birth certificate).

(c) *For requesting a Vice Presidential nomination.*

Date.

THE VICE PRESIDENT,
UNITED STATES SENATE,
Washington 25, D.C.

DEAR MR. VICE PRESIDENT: It is my desire to attend the Air Force Academy and to make the United States Air Force my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June ____ (year).

The following personal data is furnished for your information:

Name:
Address:
Parents' name:
Date of birth:
High school attended:
Date of high school graduation:
Approximate grade average:
[1] _____

I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the Air Force Academy.

Sincerely,

Signature.

(d) *For requesting a son of deceased veteran nomination.*

Date.

DIRECTOR OF ADMISSIONS,
USAF ACADEMY, COLORADO.

DEAR SIR: I request a nomination under the Sons of Deceased Veterans category for the class that enters the Academy in June ____, and submit the following data:

Name: (Give name as shown on birth certificate. If different from the one you use, attach a copy of court order, if applicable.)
Address: (Give permanent and temporary.)
Date and place of birth: (Spell out month.)
Date of high school graduation:
If Member of Military: (List rank, serial number, component, branch of service, and organizational address—do not use CMR or Box No.)
If Previous Candidate: (List year and candidate number.)

INFORMATION ON PARENT

Name, Rank, Serial Number, Regular or Reserve Component and Branch of Service:
Date and place of death:
Cause of death:
Veterans Administration XC Claim Number:
Address of VA Office Where Case is Filed:
Sincerely,

Signature (As recorded on birth certificate).

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64-3254; Filed, Apr. 2, 1964; 8:46 a.m.]

[1] If in the Military Service, give Grade, Service Number, Organization, and Station.

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Doc. 64-SW-9]

FEDERAL AIRWAY

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA is considering designating a VOR Federal airway from Alexandria, La., via Natchez, Miss., to Jackson, Miss. This proposed airway would provide a VOR route for IFR air traffic operating between these terminals.

Interested persons may submit such written data, views, or arguments as they may desire. Communication should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3249; Filed, Apr. 2, 1964; 8:45 a.m.]

4778

[14 CFR Part 91 [New]]

[Notice 64-16; Docket No. 4073]

STANDARD ALTIMETER SETTING

Lowering the Base Altitude

Correction

In F.R. Doc. 64-3038, appearing at page 4105 of the issue for Saturday, March 28, 1964, the following change should be made in § 91.81:

The table appearing in paragraph (b) should appear in paragraph (c), and the table appearing in paragraph (c) should appear in paragraph (b).

[14 CFR Part 507]

[Reg. Docket 4083]

AIRWORTHINESS DIRECTIVES

Lockheed Models 188A/188C Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lockheed Models 188A and 188C Series aircraft. Several instances of cracks have occurred in the aileron push-pull tubes. In order to correct this condition, this AD requires inspection of the aileron push-pull tubes and replacement of any parts found cracked or worn.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 4, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, 603, of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Models 188A and 188C Series aircraft.

Compliance required within 425 hours' time in service after the effective date of this AD, unless accomplished within 3,075 hours' time in service preceding the effective date of this AD, and thereafter at intervals not to exceed 3,500 hours' time in service from the last inspection.

As a result of excessive wear and cracks in the aileron control system push-pull tubes, accomplish the following:

(a) Visually inspect the wear pattern on the eight aileron push-pull tubes, located aft of the wing rear spar, P/N's 810863-1, 810865-1 and 807742-1, and measure the maximum wear from the outside surface of the tube to the depth of the wear mark. When the visual inspection reveals indications of a crack or a length-wise groove in the push-pull tube, inspect for cracks by using a magnetic particle inspection method or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(b) Manually spin and visually inspect all of the aileron push-pull tube support rollers for freedom of rotation and for flat spots.

(c) Following the inspections of (a) and (b) accomplish the following before further flight, except that the aircraft may be ferried in accordance with the provisions of CAR 1.76 to the base at which the repairs or replacements are to be accomplished:

(1) Replace cracked aileron push-pull tubes with new parts of the same part number or an FAA-approved equivalent. Replace aileron push-pull tubes P/N 810865-1 with more than 0.006 inches of wear, P/N 810863-1 with more than 0.008 inches of wear, and P/N 807742-1 with more than 0.012 inches of wear with new parts of the same part number or an FAA-approved equivalent.

(2) Replace aileron push-pull tube support rollers which do not rotate freely or which have a flat spot with new rollers of the same part number or an FAA-approved equivalent.

(3) When push-pull tubes or push-pull tube support rollers are replaced in accordance with (c)(1) or (c)(2), adjust the clearance between the aileron push-pull tubes and their support rollers in accordance with Section 2.B.(4) of Lockheed Alert Service Bulletin 88/SB-607.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection interval specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed telegram to operators FS/265688-W dated September 24, 1963, and Lockheed Service Bulletin 88/SB-607 pertain to this same subject.)

Issued in Washington, D.C., on March 30, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-3259; Filed, Apr. 2, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 14, Amdt. 20]

REGIONAL DIRECTOR, NATIONAL CAPITAL REGION

Exceptions to Delegated Authority

Section 1, paragraphs (e) and (m) are amended to read as follows:

SECTION 1. • • •

• • • • • •

(e) Acceptance of donations of lands and water rights, exchanges of lands and water rights, and purchase of lands and water rights when the estimated or appraised value or purchase price exceeds $200,000; provided, that this exception shall not apply to the Regional Director, National Capital Region, when jurisdiction over properties administered by other agencies within the District of Columbia is being transferred to the National Park Service under authority of the Act of May 20, 1932, as amended (40 U.S.C., Sec. 122).

• • • • • •

(m) Disposition of lands or interests therein: provided, that this exception shall not apply to the Regional Director, National Capital Region, when jurisdiction over properties administered by the National Park Serivce within the District of Columbia is being transferred to other agencies under authority of the Act of May 20, 1932, as amended (40 U.S.C., sec. 122).

• • • • • •

(245 DM 1, 27 F.R. 6395; 5 U.S.C., Sec. 22; Sec. 2 of Reorganization Plan No. 3, of 1950)

Dated: March 27, 1964.

GEORGE B. HARTZOG, Jr.,
Director.

[F.R. Doc. 64-3257; Filed, Apr. 2, 1964; 8:46 a.m.]

DINOSAUR NATIONAL MONUMENT, UTAH-COLORADO

Notice of Selection of Entrance Road

Notice is hereby given that the locations for an entrance road to the Dinosaur National Monument, an entrance spur for the Sand Canyon Overlook, and related facilities—including adjacent scenic easement areas—have been selected pursuant to the provisions of section 2 of the Act of September 8, 1960 (74 Stat. 857, 861).

The road, 26.39 miles in length, extends northward to the Dinosaur National Monument from the detached administrative site on United States Route 40, notice of the selection of which was given in the FEDERAL REGISTER of February 28, 1963, at page 1888.

The locations selected embrace 634.74 acres of land which is to be acquired by the United States in fee or is already owned by the United States, in a strip generally 200 feet wide and approximately 2,527 acres of adjoining lands that will be subject to scenic easement control, the later lying generally within 500 feet of the centerline. Such locations are depicted on the drawing entitled "Artesia Entrance Road, Right-of-Way Boundary", dated February 25, 1964, and numbered NM-DIN/7107, (eight sheets), which drawing is on file and available for public inspection in the Office of the Director, National Park Service, and in the Office of the Superintendent, Dinosaur National Monument.

As provided in section 2(a) of the Act of September 8, 1960, supra, the areas included in this notice shall constitute a part of the Dinosaur National Monument and, therefore, will be subject to the laws and regulations applicable thereto. Such areas shall be subject also to any special regulations issued by the Secretary of the Interior in furtherance of the purposes of said section. Notwithstanding inclusion of these areas in the monument, the Bureau of Land Management is authorized to administer any public lands within the locations hereby selected for scenic easement control for the purpose of grazing and for such other activities as are consistent with preservation of the scenic and other natural values of the lands.

In furtherance of the purposes of said section 2 of the Act of September 8, 1960, public lands within the locations hereby selected as road rights-of-way, for scenic easement control and otherwise, subject to valid existing rights, are reserved from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 27, 1964.

[F.R. Doc. 64-3258; Filed, Apr. 2, 1964; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 50-218]

LUIGI SERRA, INC.

Notice of Proposed Issuance of Facility Export License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's "Rules of Practice" 10 CFR Part 2, the Commission proposes to issue to Luigi Serra, Incorporated a facility export license on Form AEC-250 containing the authority set forth in the text below authorizing the export of a 30 watt open pool type nuclear critical assembly to Comitato Nazionale per L'Energia Nucleare (C.N.E.N.), Centro di Studi Nucleari della Casaccia, Rome, Italy.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, the Commission has found that:

1. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. The critical assembly proposed to be exported is a utilization facility as defined in said Act and regulations;

3. The issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation between the Governments of the United States and Italy.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject facility.

A copy of the application, dated February 3, 1964, is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 1st day of April 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and License Relations.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, Luigi Serra, Incorporated, 7 Water Street, New York, New York, 10004, is authorized to export a 30 watt open pool type nuclear critical assembly to Comitato Nazionale per L'Energia Nucleare (C.N.E.N.), Centro di Studi Nucleari della Casaccia, Rome, Italy, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture of control reserved by section 108 of the Atomic Energy act of 1954, and to all of the other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission.

This license is effective as of the date of issuance and shall expire on December 31, 1968.

For the Atomic Energy Commission.

[F.R. Doc. 64-3355; Filed, Apr. 2, 1964; 12:06 p.m.]

4779

CIVIL AERONAUTICS BOARD

under section 409 of the Act of the inter-

tial interest in this proceeding is currently-

holding by R. B. Meyers and Mr. Downes

International Air Transport Association

At that time the Board provisionally an-

CIVIL AERONAUTICS BOARD

WTC AIR FREIGHT, ET AL.

Application for Approval of Control and Interlocking Relationships

Application of WTC Air Freight, et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 15095.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of fifteen days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 30, 1964.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

Issued under delegated authority.

Application of WTC Air Freight, et al., Docket 15095; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

By Order E-8828, adopted December 20, 1954, in Docket 6914 the Board, acting pursuant to section 408 of the Act, approved the common control of Western Transportation Co., Inc., d/b/a WTC Air Freight (Western), a surface freight forwarder and an applicant for air freight forwarder operating authority, and Eckdahl Warehouse Company, an intrastate common carrier by motor vehicle, by A. Meyers and of Western Transportation Company (Transportation), an intrastate common carrier by motor vehicle in the Los Angeles area, by A. Meyers and R. B. Meyers. Certain interlocking relationships involving A. Meyers and R. B. Meyers were also approved under section 409 of the Act.

By application filed March 20, 1964, as supplemented by letter of March 24, 1964, in Docket 15095, Western, Western Truck and Leasing Company (Leasing), United Freight, Inc. (Freight), WTC Air Freight (WTC), R. B. Meyers, A. Meyers Trust (Trust)[1] and Edward P. Downes request the Board to approve certain control and interlocking relationships.

The application requests approval of control relationships resulting from the ownership by R. B. Meyers and Trust in equal amounts of all the outstanding common stock of both Leasing, an intrastate common carrier by motor vehicle in the Los Angeles area, and Western, a domestic and international air freight forwarder and a surface freight forwarder by rail. Western in turn, controls 100 percent of the outstanding stock of Freight, a surface freight forwarder by rail, and 80 percent of the outstanding common stock of WTC, an applicant for air freight forwarder operating authority.[2] The application also requests approval under section 409 of the Act of the interlocking relationships resulting from R. B. Meyers' and Mr. Downes' respective positions as president, treasurer and director, and secretary and director of Leasing, Western, Freight and WTC, and authorization pursuant to § 251.4 of the Board's Economic Regulations for R. B. Meyers and Mr. Downes to hold such other positions within the system of affiliated or subsidiary companies controlled by R. B. Meyers and Trust and described in the appendix hereto, to which they may be hereafter elected or appointed.

The applicants state that the reasons for the proposed transfer of Western's air freight forwarder authority to WTC is that the separation of the system's surface freight forwarding operations and air freight forwarding operations will enable WTC to secure favorable financing arrangements from certain investors who are interested only in the air freight forwarding phase of Western's operations. Such investors propose to purchase 20 percent of WTC's outstanding common stock through a corporation formed for the purpose, i.e., Manspeed, Inc. The application represents that the investors will have no other connection with transportation or aviation. The applicants contend that the formation of WTC and the resultant sale of its stock will be in the public interest since it will provide new funds which will enable WTC to expand its air freight forwarding business, particularly in the international field where its services are presently limited. WTC plans to enter new markets, open new branch offices and facilities, handle additional commodities and acquire other businesses.

With respect to other control relationships, applicants state that the trucking services of Leasing are confined to the Los Angeles area and are not competitive with WTC's proposed services;[3] that the rail forwarding services of Western and Freight are not competitive with the proposed air freight forwarding services of WTC because of the marked differential in rates and services performed;[4] and that any changes in the control relationships since the issuance of Order E-8828 have been changes in form rather than in substance. The applicants further contend that the control relationships are consistent with the public interest, will not result in a monopoly, and will not restrain competition or jeopardize any other air carrier.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that Leasing, Western and Freight are common carriers within the meaning of section 408 of the Act, and that the common control of Leasing and Western and, through Western, of Freight and WTC by R. B. Meyers and Trust is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships are similar to those which the Board previously approved by Order E-8828 and essentially do not present any new substantive issues. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.[5] However, should the trucking services of Leasing be expanded to include, for example, interstate services, new issues would be raised which could be resolved only upon the filing of a further application for prior approval of the Board. Accordingly, approval of the instant relationships shall be effective only as long as the operation of motor vehicles by Leasing is limited to the State of California.

With respect to the financial interest of Manspeed, Inc. in WTC, a need exists for continuing surveillance of the extent of such interest. Therefore, WTC shall be required, as a supplementary requirement to its obligation to annually report such interests in the appropriate schedules of Form 41, to report any and all changes in such interests fifteen (15) days prior to the intended effective date of such changes.

Also, in connection with Manspeed's interest in WTC and in view of the representation that Manspeed "will have no other connection in transportation or aviation";[6] the approval herein granted shall be effective only so long as Manspeed does not expand its activities to include a financial interest in another air carrier, any other common carrier or in any person engaged in a phase of aeronautics within the meaning of sections 408 and 409 of the Act.

It is also concluded that interlocking relationships within the scope of section 409(a) of the Act will exist between the companies as a result of the holding by R. B. Meyers and Mr. Downes of the positions described herein. The parties have made a due showing in the form and manner prescribed that the interlocking relationships resulting from the holding by R. B. Meyers and Mr. Downes of the positions described herein, and that any interlocking relationships which may result from the election or appointment of R. B. Meyers and/or Mr. Downes to other positions within the system of affiliated or subsidiary companies controlled by R. B. Meyers and Trust will not adversely affect the public interest, provided that approval thereof is made subject to the condition that the approval shall be effective only so long as Leasing's activities are limited to the State of California.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.[7]

Accordingly, it is ordered:

1. That the common control by R. B. Meyers and Trust of Leasing and Western and through Western, of Freight and WTC be and it hereby is approved;

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing by reason of the holding by R. B. Meyers and Mr. Downes of the positions set forth above be and they hereby are approved;

3. That, subject to the provisions of § 251.4 of the Board's Economic Regulations, R. B. Meyers and Mr. Downes are authorized to hold, in addition to the positions set forth above, such other positions within the system of affiliated or subsidiary companies controlled by R. B. Meyers and Trust, as listed in the appendix hereto, to which they may hereafter be elected or appointed;

4. That the approvals granted herein shall be effective only so long as (1) the motor vehicle services of Leasing are limited to the State of California, and (2) Manspeed, Inc. does not extend its activities so as to include a financial interest in an air carrier, any other common carrier or in any person engaged in a phase of aeronautics within the meaning of sections 408 and 409 of the Act; and

5. That WTC shall file in this docket, at least fifteen (15) days prior to the effective date thereof, notice of any and all changes in the financial interest of Manspeed, Inc. in WTC, showing therein the additional interest proposed to be acquired, the total number of shares of stock to be held and the percentage such shares bear to the total outstanding.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX

AFFILIATED AND SUBSIDIARY COMPANYS CONTROLLED BY R. B. MEYERS AND A. MEYERS TRUST SUBJECT TO SECTIONS 408 AND 409 OF THE ACT

Western Truck Leasing Company.
Western Transportation Company, Inc.

SUBSIDIARIES OF WESTERN TRANSPORTATION COMPANY, INC.

United Freight, Inc.[1]
WTC Air Freight.[2]

[F.R. Doc. 64-3267; Filed, Apr. 2, 1964; 8:48 a.m.]

[1] Gladys Marie Meyers is Trustee of the Trust.

[2] The operating authorizations of Western as a domestic and international air freight forwarder will be tendered to the Board for cancellation upon the issuance of identical operation authorizations to WTC.

[3] The services conducted by Leasing are the same as those performed by Transportation, when the Board issued Order E-8828 on December 20, 1954. Transportation has since been dissolved.

[4] The surface freight forwarding operations conducted by Western and Freight are similar to those conducted by Western when the Board issued Order E-8828.

[5] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) and to consider the application on its merits.

[6] Item 7—Supplement to Application for Operating Authorization.

[7] The application herein incorporates the WTC application for air freight forwarder authority. However, the application for forwarder authority will be disposed of separately, in accordance with customary procedures.

[1] Wholly owned by Western.

[2] 80 percent to be owned by Western, 20 percent by Manspeed, Inc.

[Docket 13777; Order E-20630]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Use of Containers and Pallets

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of March 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement conforms the provisions of Resolution 521 (Use of Containers and Pallets) as it pertains to garment bags and garment containers applicable in Conference 2 and Joint Conference 2–3 with those applicable in Joint Conference 1–2.

The Board acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolutions 200 (Mail 478) 521, and JT 23 (Mail 121) 521, which are incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That, Agreement C.A.B. 17636, be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3269; Filed, Apr. 2, 1964; 8:48 a.m.]

[Docket 15008]

CALEDONIAN AIRWAYS (PRESTWICK) LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on April 15, 1964, at 10:00 a.m. e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 31, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-3270; Filed, Apr. 2, 1964; 8:49 a.m.]

INTERNAL PROCEDURES; ROUTE MATTERS

Notice of Final Action

MARCH 30, 1964.

The Board, by publication in 28 F.R. 6662 and by circulation of a notice of tentative changes and request for comments dated June 24, 1963, invited comments on tentative changes in internal procedures in route matters based upon Recommendation 21 of the Administrative Conference of the United States. At that time the Board provisionally approved and put into effect parts (1), (3), and (4) of Recommendation 21; tentatively approved parts (6), (8), (9), and (10); and tentatively determined not to adopt parts (2), (5), and (7).

Comments were received from several air carriers and from the Subcommittee of the Aeronautical Law Committee of the Bar Association of the District of Columbia.

Upon consideration of all the comments, the Board has decided, for the reasons set forth in the notice, to make final its approval of the following parts of Recommendation 21: (1) Announcing in advance the Board's program and priorities regarding route proceedings; (3) providing assistance to the Special Counsel, Routes; (4) issuing notice of review at the time of Board consolidation order or similar early stage; and (6) instructing Bureau Counsel to emphasize the selection of major policy alternatives rather than the development of a single position, without excluding the expression of a preference. The Board has also decided, for the reasons set forth in the notice, to make final its determination not to adopt parts (2) empowering examiners to publish consolidation orders, (5) requiring the Opinion Writing Division to complete its review of the record and pleadings prior to oral argument, and (7) eliminating identification of Board opinions with individual Members.

With respect to part (6), comments suggested that the Bureau be required to state its position, if it is taking one, at the prehearing conference, at the time for exchanging direct exhibits, or on or before the date for filing briefs. The present practice of the Bureau is to give the parties notice of its position, if any, sufficiently in advance of the brief date to permit briefs to be addressed to that position. Although the Board believes that the parties should have notice of any position taken by the Bureau as soon as possible, it does not believe that the Bureau should be required to state a position before having an opportunity to evaluate the evidence of record. Therefore, the Bureau will be instructed to give the parties notice of its position, if any, as soon as practicable after receipt of all the direct evidence presented by the other parties and before the date set for the filing of briefs.

The Board has further decided to withdraw its tentative approval of parts (8), (9), and (10) of the recommendation. The text of these parts is as follows:

(8) The Board should provide for unrestricted consultation between personnel of the Bureau of Economic Regulation and Board decisional personnel at all stages of a route proceeding, except for (a) cases in which Bureau personnel are concerned with establishing prior misconduct by a party, and (b) Bureau Counsel of record in the route proceeding and his witnesses. The consultation recommended in this part shall not have the effect of enlarging the record or of derogating from the principle that decisions must be based on the record.

(9) The Board should invite members of the staff to attend Board sessions concerned with route proceedings in which they are involved, including (a) opinion writers, and

(b) personnel of the Bureau of Economic Regulation not barred from consultation

effect upon adjacent airways, routes, etc., utilization of navigable airspace; and it

With respect to Steam cargo moving

(b) personnel of the Bureau of Economic Regulation not barred from consultation with decisional personnel. The consultation recommended in this part shall not have the effect of enlarging the record or of derogating from the principle that decisions must be based on the record.

(10) The Board should endeavor to establish some measure of contact between the decisional process at the Board level and the Board's hearing examiners, as for example, by (a) encouraging opinion writers to consult with hearing examiners, and (b) informing hearing examiners, through the Chief Examiner, of developments in Board policy relative to their functions. The consultation recommended in this part shall not have the effect of enlarging the record or of derogating from the principle that decisions must be based on the record.

Upon further deliberation and in light of the comments received, the Board has decided not to change its present practices with respect to staff participation in the decisional process in route proceedings. Therefore, parts (8), (9), and (10) of the recommendation will not be approved, except that opinion writers will continue to be invited to attend Board sessions as at present. Underlying these recommendations was the consideration that staff participation at the decisional stage would provide policy guidance to the staff as well as additional assistance to the Board. However, the persons submitting comments objected to the recommendations generally as destructive of the quasi-judicial position of the Board at the decisional stage of route proceedings. It was argued, for example, that the Bureau is a party to the proceedings; that Bureau Counsel represents the position taken by the Bureau; and that allowing consultation between the Board or opinion writers and Bureau personnel, excepting only Bureau Counsel and his witnesses, does not cure the objectionable ex parte aspects of the procedure. Although the Board is convinced that staff personnel consulted would act in the public interest and would not abuse the confidence of the Board, nevertheless, in view of the objections raised, we will forego the advantages that might be gained from the recommended staff assistance and will reject these recommendations.

Since the preceding determinations affect only the internal procedures of the Board, they are hereby made effective April 3, 1964.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3268; Filed, Apr. 2, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-3]

WOMETCO ENTERPRISES, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-2597) to determine its effect upon the safe and efficient utilization of navigable airspace.

Wometco Enterprises, Inc., of Miami, Florida, proposes to construct a television antenna structure near Hallandale, Florida, at latitude 25°59'08.5" north, longitude 89°11'34.5" west. The overall height of the structure would be 1549 feet above mean sea level (1530 feet above ground).

The proposed structure would replace an existing 983-foot AGL (1002' AMSL) television antenna structure located approximately 100 feet from the site of the new tower.

The aeronautical study disclosed that:

1. The structure would be located on VOR Federal airway 3 and 51 East/267 East, 21.6 miles north of the Biscayne Bay VOR, and at its proposed height, would exceed § 77.23(a)(2) of the Federal Aviation Regulations by 1330 feet.

2. The structure would be located 16,450 feet east/southeast of the North Perry Airport and would exceed § 77.25(b)(2) by 1106 feet.

3. The structure would be located 6.2 miles southwest of the Fort Lauderdale-Hollywood International Airport and would exceed § 77.25(c)(1) by 1039 feet.

4. The structure would be located 7.4 miles northeast of Opa Locka Airport and would exceed § 77.25(c)(1) by 1040 feet.

The aeronautical study also disclosed that the structure, if built, would have an adverse effect upon eighteen different established instrument flight rule procedures, or minimum flight altitudes in the Miami terminal area each of which falls into one of three categories:

1. Airway Minimum En Route Altitudes;

2. Transition and Departure Route MEA's and;

3. Standard Instrument Approach Procedures.

None of the aeronautical procedures and minimum flight altitudes affected could be safely used by aircraft if the proposed structure were built since insufficient obstruction clearance would exist in every instance. Changes in the procedures and minimum flight altitudes which would be required to provide adequate obstruction clearance are listed as follows:

1. Increase MEA from 2000 to 2500 feet on V3 between Dania and Bradley Intersections.

2. Increase MEA from 2000 to 2500 feet on V51E/267E between Biscayne VOR and Anchor Intersection.

3. Increase MEA on V295/3E from 1500 to 1700 feet between Bayshore and Golden Beach Intersections.

4. Increase MEA from 2000 to 2500 feet on departure route via Miami VOR TAC 088° radial to Dania and Golden Beach Intersections (This route is also used in reverse direction for transitioning arriving aircraft from shoreline and offshore routes to the LOM.

5. Increase MEA from 2000 to 2500 on departure route via Biscayne VOR 360° radial (V3) to Dania Intersection thence left or right along the Miami VORTAC 088° radial to Miami VORTAC or Golden Beach Intersection.

6. Increase MEA from 2000 to 2500 feet on transition route Dania Intersection to Ft. Lauderdale Rbn.

7. Increase MEA from 2000 to 2500 feet on transition route Miami VORTAC to Ft. Lauderdale VOR.

8. Increase MEA from 1500 to 1800 feet on transition route Miami Rbn. to Ft. Lauderdale Rbn.

9. Increase MEA from 1500 to 1600 feet on transition route Miami VORTAC to Ft. Lauderdale Rbn.

10. Increase MEA from 2000 to 2500 feet on transition route Miami Rbn. to Ft. Lauderdale VOR.

11. Increase radar vectoring altitude from 2000 to 2500 feet within three miles of the structure and from 1500 to 2000 feet within five miles.

12. Increase procedure turn altitude from 1500 to 1900 feet on approach AL-744-VOR-RWY 9 to Ft. Lauderdale-Hollywood International Airport.

13. Increase procedure turn altitude from 1500 to 1700 feet on approach AL-744-VOR-1 to Ft. Lauderdale-Hollywood International Airport.

14. Increase procedure turn altitude from 1500 to 1800 feet on approach AL-744-VOR-RWY 13 to Ft. Lauderdale-Hollywood International Airport.

15. Because of the increases in procedure turn altitudes (12, 13, and 14 above) straight-in approach minimums would be withdrawn from the VOR standard instrument approach procedures to Ft. Lauderdale-Hollywood International Airport, resulting in circling minimums only.

16. Increase missed approach altitude from 1500 to 2000 feet on approach AL-256-ADF 1 to Opa Locka Airport.

17. Increase missed approach altitude from 1500 to 1800 feet on approach AL-256-VOR/DME 1 to Opa Locka Airport.

18. Increase procedure turn altitude from 1400 to 1600 feet on approach AL-257-ILS-RWY 27R to Miami International Airport.

The above changes, with the exception of Items 16 and 17 above, would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace due to:

1. The loss of the 2000-foot cardinal altitude in eight instances.

2. The loss of a prime instrument approach procedure (VOR straight-in procedure to Runway 9, Ft. Lauderdale-Hollywood International Airport).

3. The accumulative delay to many thousands of IFR aeronautical operations annually caused by a requirement for aircraft using the affected airways, routes and procedures to fly at higher altitudes than at present.

4. The increased complexity and reduced capacity of the air traffic control system resulting from such changes.

The aeronautical study also disclosed that alterations to airway and route structures for the purpose of accommodating the proposed tower would not be practical. The Miami terminal area is a very complex system of airways, transition routes, departure routes and radar vectoring areas. To alter the affected airways, routes, etc., would require a major revision to the whole system since each change would have an associated effect upon adjacent airways, routes, etc., thus setting in motion a chain reaction of changes.

The Miami terminal area airports, Miami International, Fort Lauderdale-Hollywood International and Opa Locka, generated 125,457 instrument operations during FY 1963, establishing Miami Approach Control, the facility performing approach control functions for the three airports, as the seventh ranked facility in the nation in this category. Both radar and nonradar operations are conducted.

The aeronautical study also disclosed an extremely heavy volume of visual flight rule flying activity in the Miami terminal area. It was found that the three airports, immediately adjacent to the proposed site, North Perry, Opa Locka, and Fort Lauderdale-Hollywood International, had a total of 603 based aircraft and generated a total of 391,174 operations, of which 179,834 were general aviation itinerant operations. A more comprehensive impression of the effect the tower would have on VFR flying is obtained when the aeronautical activity statistics are considered for all major airports within 20 miles of the tower site. In FY 1963, FAA traffic activity reports and FAA Forms 29A indicate a total of 1,084 based aircraft generating 908,217 aircraft operations, of which 277,338 were general aviation itinerant and 447,790 were local. Of these aircraft there are many not equipped, and a large number of pilots not qualified, to fly in accordance with IFR, thus it becomes necessary to preserve as much airspace as possible in a congested area of this type for VFR flying. The structure, approximately 500 feet higher than any existing structure in the Miami area, would be a formidable obstruction to aircraft attempting to remain clear of clouds and yet comply with Federal Aviation Regulations.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aeronautical operations in that it would derogate the use of many existing aeronautical procedures and minimum altitudes in the Miami area to the extent that substantial changes would be required to a large number of the instrument flight rule procedures, altitudes and air traffic control procedures. The required changes could not be made without producing an increase in air traffic delays and lessening the flexibility of air traffic control procedures thereby reducing system capacity. In addition, the substantial VFR traffic and the structure at the proposed height located in the terminal area of numerous airports combine to compel the conclusion that this tower would substantially derogate the safety of VFR operations in the Miami area and constitute a hazard to those operations. The highest structure that would not have a substantial adverse effect upon aeronautical operations in this area is 1049 feet above mean sea level.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on March 27, 1964.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-3260; Filed, Apr. 2, 1964; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

PUGET SOUND TUG & BARGE CO., AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that Puget Sound Tug & Barge Company (Puget) and Alaska Steamship Company (Steam) anticipate entering into the agreement described below to be filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814):

Agreement DC-11 between Puget and Steam anticipates the performance of water transportation of cargo to and from Alaska by either party to the agreement having available shipping space on an early sailing on its vessel whenever the other party does not have available shipping space.

Steam agrees to transport "Puget cargo" between Seattle, Washington and Seward, Alaska by use of vessels operated by it in common carrier service whenever Steam has space available for such cargo. Such transportation shall be in accordance with the terms and conditions of Puget's tariff and of the bill of lading with respect to such cargo by Puget or any connecting carrier.

With respect to Puget cargo moving northbound, Steam shall accept delivery and possession of such cargo from Puget at Steam's terminal at Seattle and shall deliver such cargo to Puget at the vessel's unloading tackle at the Alaska Railroad dock, Seward, Alaska.

With respect to Puget cargo moving southbound, Steam shall accept possession thereof at the vessel's loading tackle at the Alaska Railroad dock, Seward, Alaska and shall deliver the same to Puget at Steam's terminal in Seattle.

Puget agrees to transport "Steam cargo" between Seattle, Washington and Seward, Alaska, northbound and southbound, by use of tugs and barges operated by it in common carrier service, whenever Puget has space available for such cargo. Such transportation shall be in accordance with the terms and conditions of Steam's tariff and of the bill of lading issued with respect to such cargo by Steam or any connecting carrier.

With respect to Steam cargo moving northbound, Puget shall accept delivery and possession of such cargo from Steam at Puget's dock at Seattle and shall deliver such cargo to Steam at unloading tackle at the Alaska Railroad dock, Seward, Alaska.

With respect to Steam cargo moving southbound, Puget shall accept possession thereof at loading tackle at the Alaska Railroad dock, Seward, Alaska and shall deliver the same to Steam at unloading tackle at Puget's dock in Seattle.

Each party will absorb all costs with respect to the cargo transported by each and remains responsible for all loss or damage to its cargo transported on the other's vessels.

The gross freight revenues accruing to Puget with respect to Puget cargo transported by Steam, and the gross freight revenue accruing to Steam with respect to Steam cargo transported by Puget, shall be distributed in accordance with division sheets to be filed with the Federal Maritime Commission.

Interested parties may submit not later than the close of business, April 9, 1964, by telegraph, telephone, letter or other means with reference to the agreement, their position as to approval, disapproval, or modification. All such communications should be directed to Edward Schmeltzer, Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C.

Dated: April 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3356; Filed, Apr. 2, 1964; 12:16 p.m.]

FEDERAL POWER COMMISSION

[Project 2338]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Setting Further Hearing

MARCH 27, 1964.

Public notice was published on March 20, 1963 (28 F.R. 2575) of the filing of an application under the Federal Power Act (16 U.S.C. 791a-825r) by Consolidated Edison Company of New York, Inc., for a license for proposed Project No. 2338, known as the Cornwall Pumped-Storage Project, located on the Hudson River, in the Village of Cornwall and Towns of Cornwall and Highlands, Orange County, New York. On September 13, 1963, the Applicant filed an amendment to the application to reflect minor changes in proposed plans.

The Commission, having received communications from many individuals and organizations expressing their interest in the matter, held a public hearing on February 25 and 26, 1964, in accordance with the Commission's order of January 22, 1964, at which the Applicant generally explained its plans with respect to the proposed project, the safety provi-

sions thereof and made specific com-

sions thereof and made specific comments upon the effect of the project upon the natural beauty of the area, water supply of local communities, and fish and wildlife resources. The hearing was attended by the Town of Cortlandt and the Village of Cornwall, New York, the Scenic Hudson Preservation Conference, and the Philipstown Citizens Association which have been granted intervention. In addition, numerous state and municipal agencies, organizations and individuals participated in the hearing and expressed orally and in writing statements of their positions.

The Presiding Examiner permitted the Applicant to present a general description of the engineering and economic aspects of the project in connection with a description of its plans with respect to the proposed development. In so ruling, the Presiding Examiner made it clear that such evidence was limited to the issues set for hearing by the Commission's order of January 22, 1964, which the Examiner characterized as the "first phase of the proceeding". The Presiding Examiner adjourned the proceeding until further order of the Commission.

Applicant thereafter filed a "Motion of Applicant to Terminate the Hearings in this Proceeding and for Further Relief", which was received by the Commission on March 13, 1964. Scenic Hudson Preservation Conference thereafter filed its "Answer in Opposition to Motion of Consolidated Edison to Terminate the Hearings" and "Appeal from Examiner's Denial to Motion to Strike, and Motion for Clarification of Commission Order", which was received by the Commission on March 23, 1964. Also received on March 23, 1964, was the "Answer by Philipstown Citizens Association to Motion * * * to Terminate the Hearings". In its answer and appeal, Scenic Hudson contends certain testimony introduced by Applicant at the previous hearing should be stricken, or, in the alternative, that Scenic should be permitted an opportunity to cross-examine and to present a direct case. Philipstown Citizens Association states the application is incomplete and requests that the hearings be terminated and the Applicant be directed to supply plans of the location of proposed power lines.

Applicant's motion misconceives the nature of the hearings on February 25, and 26, 1964, and should be denied.

The appeal of Scenic Hudson from the Examiner's denial of the motion to strike should be dismissed as being premature. The request of the Philipstown Citizens Association that the hearings should be terminated should be denied for a like reason.

The Commission finds:

(1) It is appropriate and in the public interest that the hearing be resumed for such additional evidence on issues raised by the application for license as amended and the petitions of intervenors as may be appropriate. The hearing shall be continuous, and the direct evidence shall be followed without interruption by rebuttal testimony.

(2) In order to expedite consideration of the application at the further hearing, the Examiner shall convene a prehearing conference prior thereto to determine the procedures to be followed therein.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in the above-entitled matter commencing on April 20, 1964, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, before the Presiding Examiner of the issues presented by the application as amended and the petitions of intervenors.

(B) The motion of Applicant to terminate the hearings referred to above is denied.

(C) The appeal of Scenic Hudson Preservation Conference from the Examiner's denial of the motion to strike, referred to above, is dismissed without prejudice.

(D) The request of the Philipstown Citizens Association that the hearings should be terminated is denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3255; Filed, Apr. 2, 1964; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ASSISTANT ADMINISTRATOR (METROPOLITAN DEVELOPMENT)

Designation With Respect to Disaster Areas in Alaska

Victor Fischer, Assistant Administrator (Metropolitan Development), Office of the Administrator, Housing and Home Finance Agency, is hereby designated with respect to disaster areas in Alaska to act as my representative and, as such, is authorized to coordinate the administration of functions vested in me with respect to housing, urban development, and community facilities; (2) to coordinate the functions of the constituent agencies and units of the Housing and Home Finance Agency (the Federal Housing Administration, Public Housing Administration, Federal National Mortgage Association, Community Facilities, and Urban Renewal Administration); and (3) to act as my liaison representative with the Office of Emergency Planning and other Federal departments and agencies and with state and local agencies and officials.

Effective as of March 31, 1964.

[SEAL] ROBERT C. WEAVER, *Housing and Home Finance Administrator.*

[F.R. Doc. 64-3290; Filed, Apr. 2, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 31, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38914: *Agricultural Limestone from Dolomite, Tenn.* Filed by O. W. South, Jr., agent (No. A4480), for interested rail carriers. Rates on agricultural limestone, in carloads, from Dolomite, Tenn., to points in Alabama, Louisiana and Mississippi, also Helena, Ark.

Grounds for relief: Market competition.

Tariff: Supplement 138 to Southern Freight Association, agent, tariff I.C.C. S-146.

FSA No. 38915: *Grain and Grain Products to Arizona Points.* Filed by Pacific Southcoast Freight Bureau, agent (No. 248), for interested rail carriers. Rates on grain and grain products, in carloads, from points in Montana, to points in Arizona.

Grounds for relief: Unregulated truck competition.

Tariff: Supplement 152 to Pacific Southcoast Freight Bureau, agent, tariff I.C.C. 1577.

FSA No. 38916: *Grain and Grain Products to Southern Territory.* Filed by Southwestern Freight Bureau, agent (No. B-8530), for interested rail carriers. Rates on grain and grain products, in carloads, from points in Oklahoma and Texas, to points in southern territory.

Grounds for relief: Rate relationship.

Tariff: Supplement 65 to Southwestern Freight Bureau, agent, tariff I.C.C. 4220.

FSA No. 38917: *Sand from Brady, Tex., to Corry, Pa.* Filed by Southwestern Freight Bureau, agent (No. B-8535), for interested rail carriers. Rates on sand, in carloads, from Brady, Tex., to Corry, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 8 to Southwestern Freight Bureau, agent, tariff I.C.C. 4565.

FSA No. 38918: *Joint Motor-Rail Rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 76), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, between points in Illinois territory, and between points in central states territory, on the one hand, and points in Illinois territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Central States Motor Freight Bureau, Inc., agent, tariff MF-I.C.C. 1087.

FSA No. 38919: *Window Glass to Charlotte, N.C.* Filed by O. W. South, Jr., agent (No. A4481), for interested rail cariers. Rates on common flat window glass, in carloads, from South Atlantic ports, to Charlotte, N.C.

Grounds for relief: Private truck competition and port relationship.

Tariff: Supplement 212 to Southern Freight Association, agent, tariff I.C.C. S-87.

FSA No. 38920: *Fine Bituminous Coal to Gantt, Ala.* Filed by O. W. South, Jr., agent (No. A4485), for interested rail carriers. Rates on bituminous fine coal, in carloads, from Southern Railway mine origins in Alabama, to Gantt, Ala.

Grounds for relief: Rate relationship.

Tariff: Supplement 83 to Southern Freight Association, agent, tariff I.C.C. S-39.

FSA No. 38921: *Bituminous Fine Coal to Spencer, Iowa.* Filed by Illinois Freight Association, agent (No. 230), for interested rail carriers. Rates on bituminous fine coal, in carloads, from mine origins in Illinois, Indiana and western Kentucky, to Spencer, Iowa.

Grounds for relief: Natural gas and market competition.

Tariffs: Supplement 82 to Baltimore and Ohio Railroad Company tariff I.C.C. 3179 and other schedules named in the application.

FSA No. 38922: *Sand to Points in Southern Territory.* Filed by Illinois Freight Association, agent (No. 232), for interested rail carriers. Rates on sand, as described in the application, in carloads, from Millington, Oregon, Ottawa, Troy Grove, Utica and Wedron, Ill., also Browntown and Klevenville, Wis., to points in southern territory.

Grounds for relief: Carrier competition.

Tariffs: Supplements 255, 83 and 5 to Illinois Freight Association, agent, tariffs I.C.C. 776, 979 and 1017, respectively.

FSA No. 38923: *Joint Motor-Rail Rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 252), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: 10th revised page 21, original page 33-A and 5th revised page 36 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-229, 8th revised page 47-A, 10th revised page 99 and original page 118-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38924: *Joint Motor-Rail Rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 253) for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: 10th revised page 21, original page 33-A, 5th revised page 36 and 6th revised page 59 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-229, and 7th revised page 47-A, 10th revised page 99, original page 118-A and 9th revised page 219 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38925: *Joint Motor-Rail Rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 254), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: 6th revised page 59, 9th revised page 61 and 5th revised page 78 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I.C.C. A-229 and 9th revised page 219, 6th revised page 234 and 6th revised page 310 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I.C.C. A-230.

FSA No. 38926: *Gravel from Riverton, Ind., to Centralia, Ill.* Filed by Illinois Freight Association, agent (No. 235), for and on behalf of Illinois Central Railroad Company. Rates on gravel, as described in the application, in carloads, from Riverton, Ind., to Centralia, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 108 to Illinois Central Railroad Company tariff I.C.C. A-11687.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3262; Filed, Apr. 2, 1964; 8:47 a.m.]

[Notice 961]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 31, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66653. By order of March 30, 1964, the Transfer Board approved the transfer to Bay Motor Express, Inc., New York, N.Y., of the Certificate in No. MC 92562, issued May 24, 1955, to Styles Express, Inc., Kingston, N.Y., authorizing the transporation of: General commodities, excluding household goods, and other specified commodities, over regular route between Cottekill, N.Y., and New York, N.Y., serving intermediate points, and the off-route points of Poughkeepsie, N.Y., those west of the Hudson River within 25 miles of Cottekill, and those in New Jersey within 20 miles of Newark, N.J., as restricted; between Troy, N.Y., and Rosedale, N.Y., serving intermediate points; between Albany, N.Y., and Catskill, N.Y., serving intermediate points; between junction New York Highway 32 and U.S. Highway 9W, and Kingston, N.Y., serving intermediate points; and household goods, between Cottekill, N.Y., and points west of the Hudson River within 25 miles of Cottekill, on the one hand, and, on the other, points in New Jersey, and between Cottekill, N.Y.,and points west of the Hudson River within 25 miles of Cottekill, on the one hand, and, on the other, points in Connecticut, New York, and Pennsylvania. William D. Traub, 10 East 40th Street, New York 16, N.Y., representative for transferee. Guido J. Napoletano, 243 Wall Street, Kingston, N.Y., attorney for transferor.

No. MC-FC 66734. By order of March 30, 1964, the Transfer Board approved the transfer to Edmund Francis Murray, doing business as Edmund F. Murray, Marlaine Drive, Seekonk, Mass., of Certificate in No. MC 107811 issued December 14, 1951, to Aime Gaboriault, doing business as H. Beausoleil & Son, 198 North Bend Street, Pawtucket, R.I., authorizing the transportation of household goods, over irregular routes, between Pawtucket, R.I., and points in Massachusetts and Rhode Island within twenty miles thereof, on the one hand, and, on the other, points in Connecticut, Massachusetts and Rhode Island.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3263; Filed, Apr. 2, 1964; 8:47 a.m.]

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Title 3—THE PRESIDENT

Executive Order 11150

ESTABLISHING THE FEDERAL RECONSTRUCTION AND DEVELOPMENT PLANNING COMMISSION FOR ALASKA

WHEREAS the people of the State of Alaska have experienced death, injury and property loss and damage of staggering proportions as a result of the earthquake of March 27, 1964; and

WHEREAS the President, acting pursuant to authority granted in the Act of September 30, 1950, as amended (42 U.S.C. 1855–1855g), has declared a major disaster in those areas of Alaska adversely affected by the earthquake beginning on March 27, 1964; and

WHEREAS the Federal Government and the State of Alaska desire to cooperate in the prompt reconstruction of the damaged Alaska communities; and

WHEREAS the Federal and State Governments have a common interest in assuring the most effective use of Federal and State programs and funds in advancing reconstruction and the long-range development of the State; and

WHEREAS such effective use is dependent upon coordination of Federal and State programs, including emergency reconstruction activities, which affect general economic development of the State and the long-range conservation and use of natural resources; and

WHEREAS the Governor of Alaska has declared his intention to establish a State commission for reconstruction and development planning:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Commission.* (a) There is hereby established the Federal Reconstruction and Development Planning Commission for Alaska (hereinafter referred to as the Commission).

(b) The Commission shall be composed of a Chairman, who shall be designated by the President, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Administrator of the Federal Aviation Agency, the Housing and Home Finance Administrator, the Administrator of the Small Business Administration, the Chairman of the Federal Power Commission, and, so long as the President's declaration of a major disaster is in effect, the Director of the Office of Emergency Planning. Each agency head may designate an alternate to represent him at meetings of the Commission which he is unable to attend.

(c) The Chairman may request the head of any Federal executive department or agency who is not a member of the Commission under the provisions of subsection (b), above, to participate in meetings of the Commission concerned with matters of substantial interest to such department or agency head.

(d) The President shall designate an Executive Director of the Commission, whose compensation shall be fixed in accordance with the standards and procedures of the Classification Act of 1949, as amended.

SEC. 2. *Functions of the Commission.* (a) The Commission shall

SEC. 2. *Functions of the Commission.* (a) The Commission shall develop coordinated plans for Federal programs which contribute to reconstruction and to economic and resources development in Alaska and shall recommend appropriate action by the Federal Government to carry out such plans.

(b) When the Governor of Alaska has designated representatives of the State of Alaska for purposes related to this order, the Commission shall cooperate with such representatives in accomplishing the following:

(1) Making or arranging for surveys and studies to provide data for the development of plans and programs for reconstruction and for economic and resources development in Alaska.

(2) Preparing coordinated plans for reconstruction and economic and resources development in Alaska deemed appropriate to carry out existing statutory responsibilities of Federal, State, and local agencies. Such plans shall be designed to promote optimum benefits from the expenditure of Federal, State, and local funds for consistent objectives and purposes.

(3) Preparing recommendations to the President and to the Governor of Alaska with respect to both short-range and long-range programs and projects to be carried out by Federal, State, or local agencies, including recommendations for such additional Federal or State legislation as may be deemed necessary and appropriate to meet reconstruction and development needs.

SEC. 3. *Commission procedures.* (a) The Commission shall meet at the call of the Chairman.

(b) The Commission may prescribe such regulations as it deems necessary for the conduct of its affairs, and may establish such field committees in Alaska as may be appropriate.

(c) Personnel assigned to the Commission shall be directed and supervised by the Executive Director of the Commission. Activities of the staff shall be carried out, under the general direction and supervision of the Chairman, in accordance with such policies and programs as may be approved by the Commission.

(d) The Chairman of the Commission shall report to the President from time to time on progress and accomplishments.

SEC. 4. *Agency cooperation.* (a) Each Federal agency represented on the Commission shall, consonant with law, cooperate with the Commission to expedite and facilitate its work. Each such agency shall, as may be necessary, furnish assistance to the Commission in accordance with the provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

(b) Other Federal agencies shall, to the extent permitted by law, furnish the Commission such information or advice bearing upon the work of the Commission as the Chairman may from time to time request.

SEC. 5. *Construction.* Nothing in this order shall be construed as subjecting any Federal agency or officer, or any function vested by law in, or assigned pursuant to law to, any Federal agency or officer, to the authority of the Commission or of any other agency or officer, or as abrogating any such function in any manner.

LYNDON B. JOHNSON

Approved:

THE WHITE HOUSE,
April 2, 1964.

[F.R. Doc. 64-3378; Filed, Apr. 3, 1964; 9:56 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Emergency Planning

Section 213.3326 is amended to show the addition of a new position, Legal Adviser. Effective upon publication in the FEDERAL REGISTER, subparagraph (4) is added to paragraph (a) of § 213.3326 as set out below.

§ 213.3326 Office of Emergency Planning.

(a) *Office of the Director.* • • •

(4) Legal Adviser.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3292; Filed, Apr. 3, 1964; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 58]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.358 Navel Orange Regulation 58.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 2, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 5, 1964, and ending at 12:01 a.m., P.s.t., April 12, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 700,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 3, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3407; Filed, Apr. 3, 1964; 11:24 a.m.]

[Valencia Orange Reg. 77]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.377 Valencia Orange Regulation 77.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not

require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 2, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 5, 1964, and ending at 12:01 a.m., P.s.t., April 12, 1964, are hereby fixed as follows:

(i) District 1: 249,487 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 225,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 3, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3408; Filed, Apr. 3, 1964; 11:24 a.m.]

[Valencia Orange Reg. 78]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.378 Valencia Orange Regulation 78.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 26, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., April 5, 1964, and ending at 12:01 a.m., P.s.t., January 31, 1965, no handler shall handle any Valencia oranges grown in District 2 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.20 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 3, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3409; Filed, Apr. 3, 1964; 11:24 a.m.]

[Lemon Reg. 105]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.405 Lemon Regulation 105.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 31, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 5, 1964, and ending at 12:01 a.m., P.s.t., April 12, 1964, are hereby fixed as follows:

(i) District 1: 4,650 cartons;
(ii) District 2: 186,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 2, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3353; Filed, Apr. 3, 1964; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-EA-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Designation of Transition Areas

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7350) stating that the Federal Aviation Agency (FAA) proposed to alter the Oceana, Norfolk (Norfolk Municipal), Norfolk (NAS Norfolk), Hampton Roads, Newport News, Va., control zones and designate the Norfolk and Franklin, Va., transition areas.

Subsequent to the publication of the notice, the FAA determined that the control zone surrounding Felker AAF should be place-name identified Fort Eustis, Va., control zone rather than Hampton, Va., as proposed in the notice. Also, a restricted area, R-5301B, was designated (28 F.R. 11451) which, in part, coincides with the portion of the Norfolk transition area proposed with a floor of 1,200 feet above the surface.

The actions taken herein reflect the aforementioned place-name change and provide for the exclusion of R-5301B in the description of the Norfolk transition area.

Interested persons were afforded an opportunity to participate in the making of the rules herein adopted. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the following actions are taken:

a. The Oceana, Va., control zone is amended to read:

Oceana, Va.

Within a 5-mile radius of NAS Oceana, Va., (latitude 36°49'30" N., longitude 76°01'50" W.), within 2 miles each side of the Navy Fentress VOR 083° radial, extending from the 5-mile radius zone to the VOR, within 2 miles each side of the 034° bearing from the Navy Fentress RBN, extending from the 5-mile radius zone to the RBN, within 2 miles each side of the NAS Oceana TACAN 225° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN, and within a 3-mile radius of ALF Fentress (latitude 36°41'45" N., longitude 76°08'05" W.), excluding the portion within R-6606.

b. The Norfolk, Va. (Norfolk Municipal), control zone is amended to read:

Norfolk, Va. (Norfolk Municipal).

Within a 5-mile radius of Norfolk Municipal Airport (latitude 36°53'45" N., longitude 76°12'15" W.) and within 2 miles each side of the Navy Norfolk RR E course, extending from the RR to 4.5 miles E of the RR, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (NAS Norfolk) control zone.

c. The Norfolk, Va. (NAS Norfolk), control zone is amended to read:

Norfolk, Va. (NAS Norfolk).

Within a 5-mile radius of NAS Norfolk (latitude 36°56'15" N., longitude 76°17'15" W.) and within 2 miles each side of the NAS Norfolk RR W course, extending from the 5-mile radius zone to 8 miles W of the RR, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (Norfolk Municipal), control zone, and excluding the portion within a 1-mile radius of Walker AAF, Hampton, Va. (latitude 37°00'55" N., longitude 76°18'10" W.).

d. The Hampton Roads, Va., control zone is amended to read:

Hampton Roads, Va.

Within a 5-mile radius of Langley AFB, Hampton Roads, Va. (latitude 37°05'05" N., longitude 76°21'25" W.), within 2.5 miles NW and 2 miles SE of the 066° bearing from the Morrison RBN, extending from the 5-mile radius zone to the RBN, within 2 miles each side of the Langley AFB TACAN 078° radial, extending from the 5-mile radius zone to 6 miles E of the TACAN, excluding the portion within a 1-mile radius of Walker AAF, Hampton, Va. (latitude 37°00'55" N., longitude 76°18'10" W.).

e. The Newport News, Va., control zone is amended to read:

Newport News, Va.

Within a 5-mile radius of Patrick Henry Airport, Newport News, Va. (latitude 37°07'47" N., longitude 76°29'46" W.) and within 2 miles each side of the Patrick Henry Airport ILS localiser SW course, extending from the 5-mile radius zone to 7 miles SW of the OM, excluding the portion within the Hampton Roads, Va., control zone.

f. The following control zone is added:

Fort Eustis, Va.

Within a 5-mile radius of Felker AAF, Fort Eustis, Va. (latitude 37°07'55" N., longitude 76°36'30" W.), within 2 miles each side of the 320° bearing from the Felker AAF RBN (latitude 37°08'28" N., longitude 76°37'07" W.), extending from the 5-mile radius zone to 5 miles NW of the RBN, and within 2 miles each side of the Felker AAF Runway 13 extended centerline, extending from the 5-mile radius zone to 4 miles NW of the NW end of the Runway 13, excluding the portion within the Newport News, Va., control zone.

2. In § 71.181 (29 F.R. 1160) the following transition areas are added:

Norfolk, Va.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 37°10'35" N., longitude 76°17'35" W., to latitude 36°49'45" N., longitude 75°52'05" W., to latitude 36°29'25" N., longitude 76°09'40" W., to latitude 36°35'40" N., longitude 76°18'40" W., to latitude 36°54'00" N., longitude 76°27'30" W., to latitude 36°54'00" N., longitude 76°36'15" W., to latitude 37°10'30" N., longitude 76°46'00" W., to latitude 37°14'40" N., longitude 76°39'50" W., thence to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°38'15" N., longitude 77°19'15" W., to latitude 37°55'30" N., longitude 76°46'00" W., to latitude 37°38'30" N., longitude 75°31'30" W., thence S along the W boundary of W-108 and W-386 to latitude 36°19'00" N., longitude 75°44'45" W., to latitude 36°03'15" N., longitude 76°02'15" W., to latitude 36°18'25" N., longitude 76°47'30" W., thence clockwise along the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W., to the point of beginning, excluding the portions within R-4006, R-5309, R-6606, R-6609, R-5301B, W-386, and the portion below 2,000 feet MSL outside the United States. The portion within R-6610 shall be used only after obtaining prior approval from the appropriate authority.

b.

Franklin, Va.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Franklin Municipal Airport (latitude 36°41'50" N., longitude 76°54'15" W.), within 2 miles each side of the Franklin VOR 101° radial, extending from the 5-mile radius area to the VOR, and within 2 miles each side of the 083° bearing from the Franklin Municipal Airport, extending from the 5-mile radius area to 6 miles E of the airport.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Secs. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3274; Filed, Apr. 3, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-722]

PART 13—PROHIBITED TRADE PRACTICES

Aansworth, Ltd., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties;* § 13.1053–80 *Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–85 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Aansworth, Ltd., et al., New York, N.Y., Docket C-722, Mar. 16, 1964]

In the Matter of Aansworth, Ltd., a Corporation, Trading as Cos Cob & Co., and William M. Perry, Jr., Individually and as an Officer of Said Corporation

Consent order requiring New York City manufacturers of textile fiber products to cease violating the Textile Fiber Products Identification Act by failing to label or otherwise identify some of such products, and furnishing false guaranties that certain of the products were not misbranded or falsely invoiced.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Aansworth, Ltd., a corporation, trading as Cos Cob & Co., and its officers, and William M. Perry, Jr., individually and as an officer of Aansworth, Ltd., and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, ad-

vertising, or offering for sale, in commerce, or the transportation or causing

[Dockets 8558, 8559]

in the metropolitan Washington, D.C.

respondent in Docket 8558) while co-

vertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3303; Filed, Apr. 3, 1964; 8:48 a.m.]

[Docket 7352 o.]

PART 13—PROHIBITED TRADE PRACTICES

Benrus Watch Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* § 13.155–25 *Coupon, certificate, check, credit voucher, etc., values;* § 13.155–40 *Exaggerated as regular and customary;* § 13.170 *Qualities or properties of product or service;* § 13.170–84 *Shock-resistant.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055–50 *Pretiketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1790 *Coupons, credit vouchers, etc., of specified value;* § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition.* (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Benrus Watch Company, Inc., et al., New York, N.Y., Docket 7352, Feb. 28, 1964]

In the Matter of Benrus Watch Company, Inc., a Corporation; Belforte Watch Company, Inc., a Corporation; S. Ralph Lazrus, Oscar M. Lazrus, and Benjamin Lazrus, Individually and as Officers of Aforesaid Corporations; and Harvey M. Bond, Stanley M. Karp, Norman Slater, Samuel M. Feldberg, Jay K. Lazrus, Robert Weil, Martin J. Rasnow, Robert Gasser, Clifford L. J. Sieg-Meister, Leo Hyman, and Julian Lazrus, Individually and as Officers of Benrus Watch Company, Inc.

Order requiring two New York City associated distributors of watches to wholesalers, retailers and premium users for resale to the public, to cease using—in preticketing their watches, and in price lists, catalogs, newspaper and magazine and other advertising—excessive amounts, represented thereby as the usual retail prices; setting forth fictitious amounts as retail prices from which reductions were to be made for trade-ins, allowance certificates and other reduction offers, and representing falsely that dealers would make such reductions against the indicated retail price; representing falsely that their watches were guaranteed and "shock proof"; failing to disclose the true metal content of watch cases of base metal treated to simulate precious metal; and placing in the hands of purchasers for resale means for misleading the purchasing public in the above respects.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Benrus Watch Company, Inc., a corporation, Belforte Watch Company, Inc., a corporation, and their officers, Oscar M. Lazrus and Benjamin Lazrus, individually and as officers of the above-named corporations, and Harvey M. Bond, Stanley M. Karp, Samuel M. Feldberg, Jay K. Lazrus, Robert Weil, Clifford L. J. Siegmeister, and Julian Lazrus, individually and as officers of Benrus Watch Company, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. The act or practice of preticketing merchandise at an indicated retail price, or otherwise setting forth an indicated retail price as to merchandise in any material disseminated or intended for dissemination to the public when the indicated retail price is in excess of the generally prevailing retail price for such merchandise in the trade area or when there is no generally prevailing retail price for such merchandise in the trade area.

2. The act or practice, in connection with the use of trade-in allowances, allowance certificates, coupons, or other promotions offering price reductions, of setting forth an indicated retail price for which reductions or allowances are to be made unless there is a generally prevailing retail price in the market in which the act or practice is engaged in, and such indicated retail price is not in excess of the generally prevailing retail price in said market.

3. Representing, directly or by implication:

a. That their merchandise is guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor shall perform thereunder are clearly and conspicuously disclosed.

b. That their watches are "shock proof" or "shock protected" or otherwise representing that their watches possess greater shock resistance than is a fact.

c. That dealers in their merchandise will allow a certain amount against the indicated retail price thereof upon the presentation of an allowance certificate or coupon or for any reason in connection with the purchase of said merchandise, unless such allowance is granted without exception.

4. Offering for sale or selling watches, the cases of which are in whole or in part composed of base metal which has been treated to simulate precious metal, without clearly and conspicuously disclosing on such cases the true metal composition of such treated cases or parts.

5. Offering for sale or selling watches, the cases of which are in whole or in part composed of base metal which has been treated with an electrolytically applied flashing or coating of precious metal of less than 0.0015 of an inch over all exposed surfaces after completion of all finishing operations, without clearly and conspicuously disclosing on such cases or parts that they are base metal which have been flashed or coated with a thin and unsubstantial coating.

6. Supplying to, or placing in the hands of, any jobber, retailer, dealer, or other purchaser, means and instrumentalities by and through which they may deceive and mislead the purchasing public in respect to practices prohibited in paragraphs 1 through 5 above.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Robert Gasser and as to respondent S. Ralph Lazrus, who is deceased.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Norman Slater, Martin J. Rasnow and Leo Hyman in their individual capacities.

It is further ordered, That the respondents, except Robert Gasser and S. Ralph Lazrus, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

Issued: February 28, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3304; Filed, Apr. 3, 1964; 8:48 a.m.]

[Dockets 8558, 8559]

PART 13—PROHIBITED TRADE PRACTICES

Central Linen Service Co., Inc., Et Al.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* § 13.5–20 [1] *Federal Trade Commission Act.* Subpart—Combining or conspiring: § 13.388 *To control allocation and solicitation of customers;* [2] § 13.395 *To control marketing practices and conditions;* § 13.407 *To disparage competitors or their products;* § 13.410 *To eliminate competition in conspirators' goods.* Subpart—Cutting off access to customers or market: § 13.587 *Selling competitive product at reduced or below cost price.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* § 13.670–20 *Federal Trade Commission Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Central Linen Service Co., Inc., Washington, D.C., Docket 8558, Mar. 18, 1964; American Linen Service Co., Inc. (Washington, D.C.) et al., Docket 8559, Mar. 13, 1964]

In the Matters of: Central Linen Service Co., Inc., a Corporation; American Linen Service Co., Inc., a Corporation; C & C Linen Service, Inc., a Corporation; Capitol Towel Service Company, Inc., a Corporation; District Linen Service Company, Incorporated, a Corporation; Elite Laundry Company of Washington, D.C., Incorporated, a Corporation; Modern Linen Service, Inc., a Corporation; National Laundry and Linen Service, Inc., a Corporation; Palace Laundry, Inc., a Corporation; Palace Linens, Inc., a Corporation; Quick Service Laundry Company, a Corporation; Standard Linen Supply, Inc., a Corporation; The Tolman Laundry, a Corporation, Doing Business as Washington Linen Service

Consent order—entered March 6, 1963 and deferring service on respondents in Docket 8559 until issuance of the identical order in the litigated proceeding in Docket 8558 involving the same issues and the same conspiracy—and such litigated order itself, requiring 13 corporations engaged in the linen supply business in the District of Columbia, Maryland and Virginia, to cease cooperating to allocate and trade customers among themselves, to refuse to service competitors' customers except with such competitors' permission, and to notify competitors when certain of their accounts had asked for service; to grant price concessions in reprisal against non-cooperating linen suppliers, and to falsely disparage competitors and their operations; and further requiring said linen suppliers to cease entering into exclusive contracts requiring customers to obtain all their requirements from respondents for a period longer than one year—or for two years in the case of special articles—with provision for automatic renewal for six months; to refrain from acquiring the business of any competitor in the metropolitan Washington, D.C. area for five years without advance notice to the Commission, with the exception of accommodation sales; to refrain from placing owners or employees of acquired linen rental concerns under restrictive covenants not to compete for three years and not to solicit former customers for five years; and to refrain from permitting any officer or employee to serve at the same time as officer or employee of a competitor.

The order to cease and desist is as follows:

It is ordered, That American Linen Service Co., Inc., C & C Linen Service, Inc., Capitol Towel Service Company, Inc., District Linen Service Company, Incorporated, Elite Laundry Company of Washington, D.C., Incorporated, Modern Linen Service Inc., National Laundry and Linen Service, Inc., Palace Laundry Inc., Palace Linens, Inc., Quick Service Laundry Company, Standard Linen Supply, Inc., The Tolman Laundry, doing business as Washington Linen Service, Central Linen Service Co., Inc., their subsidiaries and successors and their officers, representatives, agents and employees, directly, indirectly, or through any corporate or other device in connection with the furnishing of linen supplies in the metropolitan Washington, D.C. area, do forthwith cease and desist from entering into, cooperating in, carrying out or continuing any conspiracy, understanding, combination or agreement between any two or more of said respondents or between one or more of said respondents and others not a party hereto, to do or perform any of the following acts, practices or things:

1. Controlling the solicitation and allocation of customers.

2. Agreeing not to solicit the customers of their competitors.

3. Instructing salesmen not to solicit the accounts of competitors.

4. Refusing to service customers of competitors even though such customers requested their services.

5. Requesting and securing permission of certain of their competitors to service the customers of such competitors.

6. Trading customers between and among themselves.

7. Warning competitors that certain of their accounts had approached respondent for service in order that such competitors could take measures to hold such accounts.

8. Offering or granting price concessions for the purpose of taking reprisals against linen suppliers not adhering to agreements relating to the control of solicitation and allocation of customers or for the purpose of impairing the ability of other linen suppliers to compete.

9. Making statements falsely disparaging a competitor's business integrity, quality of service, or ability to stay in business.

It is further ordered, That aforesaid respondents, their subsidiaries and successors, individually, and their officers, representatives, agents and employees, directly, or through any corporate device, in connection with the furnishing of linen supplies in the metropolitan Washington, D.C., area (and in the case of respondent in Docket 8558) while cooperating in, carrying out or continuing any conspiracy, combination, understanding or agreement between it and one or more of corporations not made respondents herein or between it and others not a party hereto—do forthwith cease and desist from:

1. Entering into contracts with their customers which require their customers to obtain all of their linen supply requirements generally or all their requirements of the linen supply articles listed on the contract from respondents unless the periods of such contracts do not exceed one year, except contracts which provide for the supplying of special articles (not usable by another customer) in which event such contracts may be for a period of not more than two years, and provided further that all contracts may contain provision for periods of automatic renewal not to exceed six months.

2. Acquiring directly or indirectly, by purchase, lease or otherwise, the business, including customer accounts, good will, capital stock, financial interest or physical assets, or any part thereof, of any competitive linen supplier, located in the metropolitan Washington, D.C. area, for a period of five years from the date of this Order, unless the Commission is given 60 days' notice in writing in advance of the date of the proposed acquisition. Provided, however, that nothing in this paragraph 2 shall apply to accommodation sales (sales occurring when one linen company purchases used linens or surplus inventory of new linens from another linen company) and the acquisitions of such linens do not impair the ability of the seller to compete.

3. Placing under restrictive covenants not to compete in the linen supply business for periods exceeding three years, owners, officers and employees of linen rental concerns, which they have acquired.

4. Placing owners, officers and employees of linen rental concerns which they have acquired under restrictive covenants which prohibit them from soliciting customers formerly served by them for a period in excess of five years.

5. Permitting any of their officers, directors, or employees to serve at the same time as an officer, director or employee of any competitive linen supply concern.

By "Decision of the Commission", etc., further order requiring report of compliance is as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3305; Filed, Apr. 3, 1964; 8:48 a.m.]

[1] New.
[2] New.

[Docket 8455 o.]

deceive the purchasing public in the

ments which they assembled, to cease

word or expression, to describe respond-

Title 25 INDIANS

Sec.

[Docket 8455 c.]

PART 13—PROHIBITED TRADE PRACTICES

Gruen Industries, Inc., and Gruen Watch Co.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gruen Industries, Inc. trading as Gruen Watch Company, New York, N.Y., Docket 8455, Feb. 28, 1964]

In the Matter of Gruen Industries, Inc., a Corporation, Trading as Gruen Watch Company

Order requiring a leading manufacturer of watches to cease the practice of attaching to its watches or placing in conjunction therewith, tickets or tags bearing excessive amounts which were represented thereby to be the usual retail prices in the trade areas where the representations were made.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is further ordered, That respondent, Gruen Industries, Inc., a corporation doing business under the name of Gruen Watch Company or under any other name, and its officers, representatives, agents, employees, successors and assigns, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of watches, or any other merchandise, in commerce, do forthwith cease and desist from:

(1) Advertising, disseminating or distributing any list, preticketed or suggested retail price that is not established in good faith as an honest estimate of the actual retail price or that appreciably exceeds the highest price at which substantial sales are made in respondent's trade area;

(2) Furnishing any distributor, dealer or retailer with any means whereby to deceive the purchasing public in the manner forbidden by subparagraph (1) of this order.

It is further ordered, That respondent shall file with the Commission, within sixty (60) days of receipt of this order, a written report setting forth in detail the manner and form of its compliance with the order.

Issued: February 28, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3306; Filed, Apr. 3, 1964; 8:49 a.m.]

[Docket 8396]

PART 13—PROHIBITED TRADE PRACTICES

Waltham Watch Co. Et Al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary;* § 13.175 *Quality of product or service;* § 13.235 *Source or origin;* § 13.235–50 *Maker or seller, etc.;* § 13.235–60 *Place;* § 13.235–60(e) *Imported products or parts as domestic.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin;* § 13.1900–35 *Foreign product as domestic.* Subpart—Using misleading name—Goods: § 13.2300 *Identity.* Subpart—Using misleading name—Vendor: § 13.2305 *Identity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Waltham Watch Company et al., Chicago, Ill., Docket 8396, Feb. 28, 1964]

In the Matter of Waltham Watch Company, a Corporation, and Harry Aronson, Ben Cole and Morris Draft, Individually and as Officers of Said Corporation

Order requiring Chicago importers from Switzerland of watches, and of watch movements, cases and attachments which they assembled, to cease showing excessive amounts as regular retail prices, on attached tickets, in price lists, catalogs, magazine and newspaper advertisements and in other advertisings representing falsely in such advertising that their watches were "fully guaranteed", "lifetime guaranteed", etc., and on guaranty certificates that they would be serviced for one dollar; advertising as "21" and "25" jewel watches, 17 jewel watch movements from Switzerland to which they added a device containing 4 or 8 synthetic jewels that were not functional; and representing falsely that their watches were manufactured in the United States by the old and well-known Waltham Watch Company of Waltham, Mass.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Harry Aronson, Ben Cole, and Morris Draft, individually and as officers of Waltham Watch Company, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner, directly or indirectly, including any use of a number in the name or names of their watches, that watches manufactured or sold by them contain a designated number of jewels, unless said watches actually contain the stated number of jewels, each and every one of which serve a purpose of protecting against wear from friction by providing a mechanical contact with a moving part at a point of wear.

2. Using the name "Waltham" in advertising or in labeling to designate or describe watches manufactured or sold by them, without expressly, clearly, conspicuously, and prominently stating in immediate connection therewith the country of origin of each component of said watches which is not entirely manufactured in the United States.

3. Using, in advertising or labeling watches manufactured or sold by them, the terms "Waltham Watches—timing the nation since 1850", "Waltham Premier, a famous name, part of the American scene since 1850", or any similar word or expression, to describe respondents or such watches.

4. Furnishing any means or instrumentality to others whereby the public may be misled as to any of the matters or things prohibited by the above provisions of this order.

It is further ordered, That Waltham Watch Company, a corporation, and its officers and Harry Aronson, Ben Cole and Morris Draft, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device in connection with the sale and distribution of watches or other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, disseminating or distributing any list, preticketed or suggested retail price that is not established in good faith as an honest estimate of the actual retail price or that appreciably exceeds the highest price at which substantial sales are made in respondents' trade area.

2. Representing that their merchandise is guaranteed unless the nature, extent and conditions of the guarantee and the manner in which the guarantors will perform thereunder are clearly set forth in conjunction with the representation of guarantee.

3. Furnishing any distributor, dealer or retailer with any means whereby to deceive the purchasing public in the manner forbidden by the above provisions of this order.

It is further ordered, That the hearing examiner's initial decision, as modified herein, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That Waltham Watch Company, a corporation,

papers in cities that may afford a favorable market for such forest products.

§ 144.6 Advertising contracts.

The Secretary may, as he determines, make advertising contracts, provided that such contracts shall not be executed for periods of more than one year.

§ 144.7 General advertisement.

Advertisement of forest products may also be made by direct and circular letters and through personal interviews with the trade: *Provided*, That travel expense incident thereto shall not be incurred without specific authority from the Secretary.

§ 144.8 Proposals for purchase.

Proposals for the purchase of forest products may be made to the Secretary, and he is authorized to quote prices and consummate sales at such times and/or such terms as are consistent with the regulations of this Part 144.

§ 144.9 Proposals to Government departments.

Proposals may be made by the Secretary to sell to municipalities, counties, States, or the United States and prices may be quoted to such agencies. Terms and payment in connection with such sales may be formulated in accordance with the general practice of such agencies.

§ 144.10 Cash sales.

All forest products of the Red Lake Indian Mills shall be sold for cash f.o.b. mill or other point of delivery, except as provided in §§ 144.9 and 144.11. Adjustments and allowances on shipments of forest products after delivery to the buyer are authorized in accordance with generally accepted trade practices, when such adjustments are essential by reason of off-grade shipments or errors in volume.

§ 144.11 Payments, discounts, and credit sales.

Shipments of forest products on open account shall be made only to persons or companies who have an acceptable credit rating. Credit on shipment of forest products sold on open account shall not be extended beyond 60 days from date of receipt by the buyer. A cash discount in accordance with general trade practice and usually not exceeding two percent of mill value may be allowed when the shipment is paid for within ten days of receipt by the consignee as evidenced by the original paid freight bill or other acceptable evidence.

§ 144.12 Commission sales agents.

Sales may be made through commission sales agents, for which they may be paid a commission on f.o.b. mill value of the shipment at approved rates. Sales may be made to wholesalers on which a discount at approved rates may be allowed.

§ 144.13 Deposits.

On all agreements to purchase for future delivery a deposit may be required. Such a deposit may be forfeited if the purchaser does not comply with the terms of sale. No agreement for sale and future delivery shall be made for a longer period than 90 days, except with approval of the Secretary.

§ 144.14 Purchase of timber by the Red Lake Indian Mills.

The Secretary may purchase, harvest, and manufacture timber or forest products standing on or severed from lands other than the Red Lake Indian Reservation, Minnesota, at such times as it may be considered economically feasible, provided that such purchases are consistent with approved operating schedules and budget allowances and subject also to such limitations on expenditures as may be prescribed in annual appropriation acts.

§ 144.15 Appeals.

Any action taken by an approving officer exercising delegated authority from the Secretary may be appealed to the Secretary. Such appeal shall not stay any action taken unless otherwise directed by the Secretary. Appeals will be filed in accordance with applicable general regulations covering appeals appearing in this Title 25.

[F.R. Doc. 64-3276; Filed, Apr. 3, 1964; 8:45 a.m.]

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Belknap Indian Irrigation Project, Montana

There was published in the FEDERAL REGISTER on February 5, 1964 (29 F.R. 1736), notice to amend § 221.30 of the Code of Federal Regulations, Title 25—Indians, dealing with the adjustment of irrigation operation and maintenance assessment rates on the various units of the Fort Belknap Indian Irrigation Project. The amendment also establishes per-acre assessment rates for Indian owned and operated lands based on the financial ability of the Indian landowners or water users as a whole to pay such assessments.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Two communications objecting to the proposed increase in the assessment rates for non-Indian owned land within the Brown Unit were received within the specified period. The two objections have been thoroughly considered and discussed and as a result thereof it has been determined to continue to use the existing assessment rate for the Brown Unit for both Indian and non-Indian owned lands. Accordingly the proposed amendment is hereby adopted without change, except for the adjustment in the assessment rate for the Brown Unit and is set forth below:

Section 221.30 is amended to read as follows:

§ 221.30 Charges.

Pursuant to the provisions of the Act of May 18, 1916 (39 Stat. 142) and the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic annual charges for operation and maintenance against the irrigable lands to which water can be delivered under the constructed works of the Fort Belknap Indian Irrigation Project in Montana are hereby fixed for calendar year 1964 and each succeeding year until further order (a) for the Milk River and White Bear Units, including lands under pumping contract with the Fort Belknap Indian Irrigation Project, at $2.65 per acre against lands in Indian ownership not under lease to a non-Indian, and at $3.88 per acre against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian; (b) for the Three Mile Unit at $3.20 per acre against lands in Indian ownership not under lease to a non-Indian, and at $4.43 per acre against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian; (c) for the Brown Unit at $2.00 per acre for Indian and non-Indian owned lands; and (d) for the Peoples Creek (Hays) and Ereaux Units at $2.00 per acre for Indian and non-Indian owned lands.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 31, 1964.

[F.R. Doc. 64-3277; Filed, Apr. 3, 1964; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS

PART 751—NAVY PERSONNEL CLAIMS

Miscellaneous Amendments

Scope and purpose. The amendments are intended (1) to revise § 719.102 dealing with letters of censure; (2) to indicate the authority of the Director, Office of the Judge Advocate General, West Coast, San Bruno, California, for certain types of claims and to increase from $1,000 to $2,500 the amount of claims for medical expenses under the cognizance of several of the officers listed in § 750.45 (a); and (3) to update addresses or other data in §§ 750.45 and 751.21(c)(1). Corresponding amendments to the Manual of the Judge Advocate General will be distributed to Navy and Marine Corps commands in due course.

1. Section 719.102 is revised to read as follows:

§ 719.102 Letters of censure.

(a) *General.* "Censure" is a generic term applicable to adverse reflection upon or criticism of an individual's character, conduct, performance or military appearance. Censure may be punitive or nonpunitive. Punitive censure is imposed under article 15 of the Code (commanding officer's nonjudicial punishment) or as the result of a sentence by court-martial. Hereafter in increasing order of severity there are two degrees of punitive censure, namely, admonition and reprimand. Nonpunitive censure is provided for in paragraph 128, MCM 1951, and in § 719.101(c). When imposed upon officers, punitive admonition or reprimand is required to be by written communication. If imposed upon enlisted personnel, punitive admonition or reprimand may be by either oral or written communication. Copies of punitive letters of admonition or reprimand will, unless withdrawn or set aside, be filed in the official records of the individuals to whom addressed and recorded in Departmental records. As provided in § 719.101(i), once a letter of admonition or reprimand has been received by the individual to whom addressed, it may not be increased in severity or withdrawn to impose a more severe punishment. The remaining provisions of this section do not apply to oral censures of enlisted personnel or, unless specifically noted, to court-martial sentences involving admonition or reprimand.

(b) *Administrative letters of censure by the Secretary of the Navy.* In addition to censures as discussed in paragraph (a) of this section, the Secretary of the Navy may by means of a written communication administratively censure persons in the naval service without reference to article 15 of the Code. Unless otherwise directed, a copy of the communication will be filed in the official record of the person censured and recorded in Departmental records. A person censured by the Secretary of the Navy may not appeal under article 15 of the Code but may submit a request for reconsideration or a written statement; in which event articles 1404.2 and 3, U.S. Navy Regulations 1948, apply.

(c) *Internal departmental responsibility.* Correspondence, records, and files in the Department of the Navy that relate to letters of admonition or reprimand are personnel matters under the primary cognizance of the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate.

(d) *Procedure*—(1) *Issuing authority.* Where an officer has committed an offense which warrants a punitive letter of admonition or reprimand, the immediate commanding officer may, at his discretion, but subject to paragraph 132, MCM 1951, issue the letter or refer the matter through the chain of military command normally to the superior who exercises general court-martial jurisdiction and who has military command over the prospective addressee. (See § 719.101(a)(2).) Consideration must be given to the fact that the degree of severity and effect of punitive admonition or reprimand increases proportionately with the degree of superiority of the officer in command who issues the letter.

(2) *Hearing requirement.* Subject to the provisions of article 15(a) of the Code, paragraph 132, MCM 1951, and § 719.101(b) regarding demand for trial, a punitive letter may be issued, or its issuance recommended to higher authority, on the basis of an investigation or court of inquiry for acts or omissions for which the individual was accorded the rights of a party or on the basis of mast or office hours prescribed in paragraph 133b, MCM 1951 (see § 719.101(d)). When mast or office hours is conducted, the officer conducting the hearing shall prepare a report thereof. The report will include a summary of the testimony of witnesses, statements and affidavits submitted to the officer holding the hearing, and a description of items of information in the nature of physical or documentary evidence considered at the hearing.

(e) *Content of letter*—(1) *General.* A punitive letter of admonition or reprimand issued pursuant to article 15 of the Code may be imposed only for minor offenses (par. 128b MCM 1951). Such offenses include only those acts or omissions constituting offenses under the punitive articles of the Code. The letter must set forth the facts constituting the offense, but need not refer to any specific punitive article of the Code nor need it satisfy the tests for legal sufficiency required of court-martial specifications. Each letter should contain sufficient specific facts, without regard to the existence of other documents, to apprise a reader thereof of all the relevant facts and circumstances surrounding the offense. General conclusions, as "gross negligence," "unofficer-like conduct," or "dereliction of duty" are valueless unless accompanied by specific facts upon which they are based.

(2) *References.* Reference should be made in all punitive letters of admonition or reprimand to all prior proceedings and correspondence upon which they are based, and to applicable laws and regulations, including the MCM 1951 and this section. Particular reference should be made to the hearing afforded the offender. The letter will include a statement (where applicable, see article 15(a) of the Code) that the recipient has been advised that he has the right to demand trial by court-martial in lieu of nonjudicial punishment and that he has not demanded such trial.

(3) *Classification (Security).* Every reasonable effort will be made to exclude from punitive letters of admonition or reprimand specific details which require security classification. Unless it contains classified matter, a letter of censure shall be designated "For Official Use Only".

(4) *Notification of right to appeal and right to submit statement.* All punitive letters of admonition or reprimand, except letters issued in execution of a court-martial sentence as described in § 719.117(d), shall contain the following paragraphs:

> You are hereby advised of your right to appeal this action to the next superior authority in accordance with the provisions of article 15(e) of the Uniform Code of Military Justice, paragraph 135 of the Manual for Courts-Martial, United States, 1951, and section 0102f of the Manual of the Judge Advocate General [§ 719.102(f)].
>
> If, upon full consideration, you do not desire to avail yourself of this right to appeal, you are directed so to inform the (Chief of Naval Personnel) (Commandant of the Marine Corps) through official channels. You are directed to reply without delay, through official channels, and to state therein the date of receipt of this communication, and the approximate time when either an appeal or notice of decision not to appeal may be expected. Any subsequent request for additional time shall contain adequate justification therefor.
>
> Unless withdrawn, or set aside by higher authority, a copy of this letter will be placed in your official record in (the Bureau of Naval Personnel) (Headquarters, U.S. Marine Corps). You are therefore privileged, pursuant to article 1701.8, U.S. Navy Regulations, 1948, to forward within fifteen days after receipt of final determination of your appeal or after the date of your notification of your decision not to appeal, whichever may be applicable, such statement concerning this letter as you may desire, also for inclusion in your record. (Omit ", pursuant to article 1701.8, U.S. Navy Regulations, 1948," in cases involving enlisted personnel.) If you elect not to submit a statement, you shall state so officially in writing within the time above prescribed. In connection with your statement, attention is directed to article 1404.2 and 3, U.S. Navy Regulations, 1948. Your reporting senior is required to make notation of this letter in your fitness report submitted next after the issuance of this letter has become final, either by decision of higher authority upon appeal or by your decision not to appeal. (Omit last sentence in cases involving enlisted Navy personnel.)

(f) *Appeals.* The following special rules are applicable to appeals involving punitive letters of admonition or reprimand (in addition to those rules contained in § 719.101(f)):

(1) A copy of the report of mast or office hours shall be provided the individual upon his request except where the interests of national security may be adversely affected, and in any event a copy thereof shall be made available to him for his use in preparation of a defense or appeal. See § 719.101(f) for similar rules concerning a copy of the record of an investigation or court of inquiry.

(2) In forwarding an appeal from a punitive letter of admonition or reprimand (see § 719.101(f)(4)), the officer who issued the letter shall attach to the appeal a copy of the punitive letter and the record of investigation or court of inquiry or report of hearing on which the letter is based. The appeal shall be forwarded via the chain of command to the superior to whom the appeal is made. The superior to whom the appeal is made may direct additional inquiry or investigation into matters raised by the appeal if he deems such action necessary in the interests of justice.

(3) The "next superior authority" to whom appeal from a letter of admonition or reprimand is authorized by article 15(e) of the Code is the next superior to the issuing authority in the chain of military command. In cases where it may be inappropriate for the immediate "next superior" to act, as where an identity may exist of persons or staff with the command taking the action appealed from, such fact may be noted in reforwarding the appeal to the next superior in the chain of military command.

(4) Upon determination of the appeal, the superior shall advise the appellant of the action taken via his immediate commanding officer with copies of the action to officers in the chain of command through whom the appeal was forwarded.

He shall also return all papers directly to the letter of admonition or reprimand

ment property, and (iv) in any case in

1. *Question.* An application is originally fee will be required. However, where only

He shall also return all papers directly to the commander who issued the letter.

(g) *Forwarding letter to Department.* (1) Upon adverse determination of any appeal taken, the lapse of a reasonable time after issuance (see § 719.101(f)) or upon receipt of the addressee's statement that he does not desire to appeal, together with such statement as he may desire to make or his written declaration that he does not desire to make a statement, a copy of the punitive letter of censure, and such other documents as may be required by the Chief of Naval Personnel or the Commandant of the Marine Corps (Bureau of Naval Personnel Manual or Marine Corps Personnel Manual) shall be forwarded via the chain of command to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. If the letter of censure is not sustained on appeal, a copy of the letter will not be filed in the official record of the member concerned; the Bureau of Naval Personnel Manual and the Marine Corps Personnel Manual are applicable in this respect.

(2) It is the responsibility of the command issuing a letter of admonition or reprimand to assemble and forward at one time all the foregoing documents. A copy of the forwarding letter shall be provided for each via addressee (U.S. Navy Regulations, article 1610.1).

(h) *Cancellation.* (1) Except in certain highly infrequent situations, material properly placed in an officer's or enlisted member's official records is not removed therefrom or destroyed. In those instances where it becomes necessary to cancel a letter of admonition or reprimand issued under article 15 of the Code and filed in the addressee's official records when factual error occurred or for other sound reasons indicating that the punishment resulted in a clear injustice, the officers referred to in § 719.101(j) may cancel or direct cancellation of letters of admonition or reprimand. The authority, i.e., the office as distinguished from the former incumbent, which issued such a letter of admonition or reprimand may also subsequently cancel such a letter. In these cases, cancellation will be accomplished by issuing a second letter to the officer concerned announcing the cancellation of the letter of admonition or reprimand and setting forth in detail the reason prompting such cancellation. Copies of the letter of cancellation will be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and any other addressees to whom copies of the original letter of censure may have been directed; the copy of the letter of censure and any reference thereto filed in the recipient's official records will then be removed and destroyed.

(2) If a letter of admonition or reprimand is canceled by seniors in the chain of command before a copy of the original of such letter has been received by the Chief of Naval Personnel or the Commandant of the Marine Corps, copies of the letters of admonition or reprimand will not be filed in the member's official record; the Bureau of Naval Personnel Manual and the Marine Corps Personnel Manual are applicable in this respect. If the cancellation occurs after the copy of the letter of admonition or reprimand has been forwarded to the Department, a copy of the letter of cancellation shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. Upon receipt of the copy of the letter of cancellation, copies of the letters of admonition or reprimand will not be filed in or will be removed from, as appropriate, the member's official record and will be destroyed. In other cases, physical removal of letters of admonition or reprimand and other documents in official records will normally be accomplished only by the Secretary of the Navy acting through the Board for the Correction of Naval Records (see Part 723 of this chapter). However, if a letter of censure is filed inadvertently by reason of clerical error or mistake of fact, such document may be removed as authorized by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(i) *Public reprimands—Private reprimands.* For historical purposes and understanding of the captioned types of censure, brief comment is supplied thereon. Under article 24 of the Articles for the Government of the Navy (superseded by the Uniform Code of Military Justice), "private reprimand" was one of the punishments specified as being within the authority of a commanding officer to impose upon officers under his command. The word "private" was employed to distinguish a formal letter of reprimand addressed to an individual officer without general publicity from a "public reprimand," i.e., one published verbatim throughout the naval service. Omission of the word "private," preceding "admonition or reprimand" in article 15 of the Code does not constitute authority to commanding officers to issue "public reprimands," which are looked upon with disfavor by the Department of the Navy.

2. Section 750.44 is revised to read as follows:

§ 750.44 Payment of claims.

Claims approved by the Secretary of the Navy, the Judge Advocate General, the Deputy Judge Advocate General, the Assistant Judge Advocate General (International and Administrative Law), the Director, Litigation and Claims Division, Office of the Judge Advocate General, or the Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General, as provided in § 750.41 shall be forwarded to the U.S. Navy Finance Center, Washington, D.C., 20390, for payment from appropriations designated for that purpose. Claims approved by the Director, Office of the Judge Advocate General, West Coast, the Officer in Charge, U.S. Sending State Office for Italy, the Officer in Charge, U.S. Sending State Office for Australia, the Legal Officer, U.S. Naval Base, Newport, Rhode Island, the Legal Officer, U.S. Naval Submarine Base, New London, Groton, Connecticut, or a Commandant or Commander or District or Staff Legal Officer as provided in § 750.41 shall be forwarded to such disbursing officer as may be designated by the Comptroller of the Navy for payment from appropriations designated for that purpose.

3. Paragraphs (a), (c) and (d)(2) of § 750.45 are revised to read as follows:

§ 750.45 Claims in favor of the United States.

(a) *Determination and assertion.* Demands for the payment of all claims in favor of the United States shall be made by the Judge Advocate General or his designee, and in the case of claims for medical care and treatment furnished under circumstances creating a tort liability upon a third person, by the Director, Office of the Judge Advocate General, West Coast, the Commandant of a Naval District (and in Guam, Commander Naval Forces Marianas) or the District or Staff Legal Officer, provided that an aggregate claim may not exceed $2,500. In the case of claims for damage to Government property, when the amount of the claim does not exceed $1,000, demands for the payment thereof shall be asserted by the Director, Office of the Judge Advocate General, West Coast, the Commandant of a Naval District (and in Guam, Commander Naval Forces Marianas) or the District or Staff Legal Officer. In cases where it is determined that a valid claim exists in favor of the United States for medical expenses in excess of $2,500 or for property damage in excess of $1,000, or for other than medical expenses or property damage, the record, together with appropriate recommendations, shall be forwarded to the Judge Advocate General for action.

* * * * *

(c) *Reimbursement for repairs or medical care.* In the event the private party, or the insurer of such private party, tenders full payment for repairs or medical care accomplished or to be accomplished at the expense of the Government, such payments should be made in the form of a check, draft or money order payable to the order of the Judge Advocate General. Upon request a release will be executed by the Judge Advocate General or his designee. (Exception: Where repairs to property have been paid for out of the Navy Industrial Fund, such payment may be deposited locally to such Fund (Navy Comptroller Manual, paragraph 043114)). A notation that the claim is based upon a payment from the Navy Industrial Fund or any similar revolving account should be included whenever appropriate on all claims forwarded to the Judge Advocate General for collection.

(d) *Execution of releases.* * * *

(2) The Director, Office of the Judge Advocate General, West Coast, the Commandant of the Naval District (and in Guam, Commander Naval Forces Marianas) or the District or Staff Legal Officer, (i) in all cases involving payment in full of claims within the limits of the authority granted by paragraph (a) of this section, (ii) upon the completion of repairs to Government property or the termination of medical care, and payment in full therefor in accordance with paragraph (b) of this section, (iii) upon local deposit to the Navy Industrial Fund of full payment for damage to Government property, and (iv) in any case in which the Director, Office of the Judge Advocate General, West Coast, the Commandant of a Naval District (and in Guam, the Commander Naval Forces Marianas) or the District or Staff Legal Officer is authorized to compromise or settle a claim.

* * * * *

4. Section 751.21(c)(1) is revised to read as follows:

§ 750.21 Action of Claims Investigating Officer in transportation losses.

* * * * *

(c) *Approval or denial of concurrent claim by carrier or insurer—(1) Denial of claim by carrier or insurer.* The Commanding Officer will report all carrier or insurer denials to the U.S. Navy Finance Center, Washington, D.C., 20390, or the Disbursing Officer, Marine Corps Disbursing Office, Arlington, Va., 22206, as appropriate, by speedletter as shown in subparagraph (3) of this paragraph using the optional speedletter paragraph 5.

* * * * *

(R.S. 161, secs. 2671–2680, 62 Stat. 982–984, secs. 801–940, 2732, 2733, 5031, 70A Stat. 36–78, 152, 153, 278, as amended, 75 Stat. 488, 76 Stat. 448, 593, 767; 5 U.S.C. 22, 10 U.S.C. 801–940, 2733, 2736 (as added by Pub. Law 87–769), 5031, 28 U.S.C. 2671–2680, 42 U.S.C. 2651–2653; E.O. 10214 (3 CFR 1949–53 Comp.) as amended; E.O. 11060 (27 F.R. 10925); E.O. 11081 (28 F.R. 945); 28 CFR 48 (27 F.R. 11317, 28 F.R. 11535); 28 F.R. 11516–11517, 12104)

Dated: March 31, 1964.

By direction of the Secretary of the Navy.

ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy,
Acting Judge Advocate General.

[F.R. Doc. 64-3330; Filed, Apr. 3, 1964; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

Interpretations of Fee Rules and Procedures

MARCH 27, 1964.

In Part 1, Appendix—A Plan of Cooperative Procedure in Matters and Cases Under the Provisions of Section 410 of the Communications Act of 1934, is designated as Appendix A.

A new Appendix B is added to Part 1, reading as follows:

APPENDIX B—INTERPRETATIONS OF FEE RULES AND PROCEDURES

Implementation of the Commission's schedule of filing fees has resulted in a number of questions requiring interpretations of the rules and administrative procedures applicable to the fee schedule. In view of the fact that many of these interpretations should serve as useful guidance to the general public, periodic releases of such interpretations will be made. The first group of questions and interpretations are set forth below:

1. *Question.* An application is originally submitted before the effective date of the fees but is returned to the applicant as incomplete. If the corrected application is resubmitted after the effective date of the fee schedule, will the prescribed fee be required?

Interpretation. Applications which were originally submitted before the effective date of the fee schedule and returned for corrections etc., will not be required to be accompanied by the prescribed fee when resubmitted subsequent to the effective date of the fee schedule. However, if the resubmission is made on a new form, the original application must be enclosed to verify that the original application was submitted before the effective date of the fee schedule.

2. *Question.* Will refunds be made to the applicant or to the attorney, manufacturer, or other representative who might have submitted payment?

Interpretation. All refunds will be made payable to the applicant, irrespective of the fact that payment of the fee may have been received from an attorney, manufacturer, or other representative.

3. *Question.* Will applications receive a preliminary screening to determine whether the appropriate fee has been paid, or will this determination be made only after the application has awaited its turn in the processing line?

Interpretation. Applications will be screened upon receipt in the processing division to determine whether the appropriate fee has been paid. The application will not take its place on the processing line until the full amount of the prescribed fee has been paid.

4. *Question.* When will fee credit be accorded to an applicant?

Interpretation. Fee credit will be accorded only in those instances where the application is returned for additional information or corrections, e.g., the application is undated or unsigned, applicable questions are unanswered, inconsistency in spelling of names, necessary frequency coordination committee letter has been omitted. etc. (However, the fact that a fee credit will be allowed upon the resubmission of an application which has been returned as incomplete will not be construed to mean that the original application was accepted for filing.) No credit will be accorded an applicant whose application has been dismissed, e.g., the applicant is an alien, he is not eligible for a license in the service in which he has applied, or the applicant has requested dismissal. See § 1.1103 (d) of the rules.

5. *Question.* An application for a radio license is returned to the applicant for correction after the fee has been paid. Applicant decides to abandon his application, and he either gives or sells his returned application bearing the fee payment stamp to a friend. The friend then applies for the same type of radio license enclosing the first applicant's returned application as credit towards the prescribed fee. Will the Commission accept this as payment?

Interpretation. The fee credit accorded to an applicant in connection with the resubmission of an application is a credit extended to the applicant of record and is not transferable to another party. Therefore, the application bearing the fee payment stamp is not acceptable as payment in this instance, and the second applicant must submit the appropriate fee with his application.

6. *Question.* Who must pay the fee required to accompany applications in the Broadcast Services for assignment of license or transfer of control?

Interpretation. The rules require only that such applications be accompanied by the prescribed fee. The parties involved in the assignment or transfer must determine amongst themselves how the fee should be paid. If both parties to the application are exempt under § 1.1111(b) of the rules, no fee will be required. However, where only one party may be exempt under § 1.1111(b), the application must be accompanied by the full amount of the prescribed fee.

7. *Question.* A licensee in the Industrial Radio Services holds a license for a base mobile system in a particular area. He subsequently applies for an additional base station in the same area to communicate with the same mobile units. Commission procedures require that he also file one application for the existing base station and one for a license to cover the existing group of mobile units. Will the applicant be required to pay fees for each of the three applications which are required?

Interpretation. The applicant will be required to submit the prescribed fee with each of the three applications. By applying for an additional base station, the applicant is concurrently modifying his existing base station license and applying for a license to cover his group of mobile stations (where more than one base station serves a group of mobile stations, the mobile stations must be covered by a separate license).

8. *Question.* Will a fee be required to accompany an application to modify an aircraft station license to add crash beacon equipment?

Interpretation. Under §§ 1.1115(a) and 87.53(a) of the Commission's rules, all applications for modification of an aircraft station license must be accompanied by the prescribed fee. However, under the Commission's rules, an initial application for an aircraft station license can include crash beacon equipment even though the applicant may not plan to install the beacon equipment at the time the license is issued.

9. *Question.* Will the holder of a Novice, Technician, or Conditional Class Amateur license who is required to appear for an additional examination pursuant to § 97.35 of the rules be required to pay a fee?

Interpretation. No fee will be required with respect to examinations held pursuant to § 97.35 of the rules because no application is involved. Furthermore, in no event will the holder of a Novice Class license be required to pay an application filing fee. See §§ 1.1115(b)(6) and 97.55(b) of the rules, wherein Novice Class licensees are exempted from the payment of fees.

10. *Question.* Will fees be required for amendments to applications?

Interpretation. No fee will be required for an amendment to an application provided that the amendment does not constitute, in effect, a new application. However, if an application, as amended, would require a higher fee than originally paid, an amount equal to the difference must accompany the amendment. (E.g., an applicant files for a base mobile license in the Business Radio Service and pays the prescribed $10 fee. He then submits an amendment to his application to request, instead, an authorization for an operational fixed microwave radio station in the same radio service. Therefore, he must accompany his amendment with a $20 fee, the difference between the original fee paid and the $30 fee prescribed for applications for operational fixed microwave station authorizations.)

11. *Question.* When will an amendment be considered as a new application for purposes of the fee schedule?

Interpretation. In determining when an amendment will be considered a new application for purposes of the fee schedule, the following guide lines will be used:

a. In the Common Carrier Services and the Public Safety, Industrial, and Land Transportation Services, an amendment will be considered a new application if it changes the original application to another radio service, e.g., from the Rural Radio Service to the Domestic Public Land Mobile Radio

Service, or from the Special Industrial Radio Service to the Business Radio Service.

b. In the Citizens Radio Service, an

October 2, 1963, edition of the FEDERAL REGISTER at volume 28, page 10582.

10. One of the results of our order in this proceeding is the requirement that

and (2) that no more than the minimum power or antenna height required for the

EDTA as optional flavor-preserving ingredients. Accordingly, the amendments

cottonseed oil, mono- and diglycerides of fat-forming fatty acids, in a quantity not

Service, or from the Special Industrial Radio Service to the Business Radio Service.

b. In the Citizens Radio Service, an amendment will be considered a new application if it changes an application from either a Class B, C, or D station to an application for a Class A station, or, conversely, if it changes an application for a Class A station to an application for either a Class B, C, or D station. Amendments involving only changes between Class B, C, or D stations will not be considered as new applications and no fees will be required.

c. In the Aviation and Marine Radio Services, an amendment will be considered a new application if it changes the application to a different class station requiring a different application form.

d. In the Broadcast Services, an amendment to an application for renewal, assignment and/or transfer of control will be considered as a new application if it amounts to a major amendment as set forth in § 1.578(a) and (b) of the Commission's rules.

An amendment to a standard broadcast application will be considered as a new application if it requires the original application to receive a new file number pursuant to § 1.571(j) of the Commission's rules.

An amendment to a television broadcast application will be considered as a new application if it effects a major change as defined in § 1.572(a)(1) of the Commission's rules.

An amendment to an FM broadcast application will be considered as a new application if it effects a major change as defined in § 1.573(a)(1) of the Commission's rules.

12. *Question.* Where applications for a construction permit and a covering license for a broadcast auxiliary station are filed simultaneously, will a fee be required for each application?

Interpretation. When applications for a construction permit and a covering license for a broadcast auxiliary station are filed simultaneously, one fee will suffice for both applications.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3321; Filed, Apr. 3, 1964; 8:52 a.m.]

[Docket No. 15175; FCC 64-243]

PART 93—LAND TRANSPORTATION RADIO SERVICES

Frequencies Available for Base and Mobile Stations

In the matter of amendment of § 16.252[1] of the Commission's rules governing the Motor Carrier Radio Service; Docket No. 15175, RM-431.

1. By reason of our order in this document—Five frequencies in the 43 Mc/s band are being made available for regular assignment to single frequency mobile radio systems in the Motor Carrier Radio Service.

2. This report and order concludes a rule making proceeding that was instituted in September of 1963, in response to a petition for amendment of rules filed by the American Trucking Associations, Inc. (hereinafter ATA), on March 29, 1963.

3. Our notice of proposed rule making in this proceeding was published in the October 2, 1963, edition of the FEDERAL REGISTER at volume 28, page 10582.

4. The time within which original and reply comments might be filed has expired. The ATA was the only party who filed comments. No reply comments were filed. Except for a suggested minor editorial change, the ATA's comments were in support of the rules changes proposed.

5. This proceeding has related basically to the use of the dual or two-frequency method of mobile radio operation in the Motor Carrier Radio Service; and certain of the "mobile only" frequencies devoted to this method of operation. As originally written, our rules governing the trucking industry's use of the dual-frequency method provided that, five "mobile only" frequencies, specifically 43.86, 43.88, 43.90, 43.92, and 43.94, all megacycles, be used in conjunction with 5 companion or parallel frequencies that are available for base as well as mobile stations assignments.

6. In the petition that provided the basis for this proceeding, the ATA pointed out that the trucking industry has not been employing the dual-frequency method of operation in numbers that had originally been anticipated. Indeed, since 1960, when rules were adopted allowing the dual-frequency method of operation, something on the order of a 20 to 1 ratio between single frequency and dual-frequency systems authorizations has been noted. Less than 7 percent of the total number of licensees in the Motor Carrier Radio Service operate dual-frequency systems.

7. As a result of the trucking industry's non-employment of the dual-frequency method of operation, the 5 "mobile only" frequencies noted above in paragraph 5 are virtually or relatively unused in the Motor Carrier Radio Service. At the same time, other frequencies available to the trucking industry—for single frequency system assignments—have become increasingly crowded as new assignments have been made. In order to effect a broader and better utilization of the 5 subject "mobile only" frequencies, the ATA, in its petition, asked that we eliminate the dual-frequency provisions of our rules and thereby make the subject frequencies available for assignment to base as well as mobile stations in the Motor Carrier Radio Service.

8. In our notice in this proceeding, we proposed that the subject frequencies be made available for base as well as mobile stations assignments; but we did not propose elimination of the dual-frequency method of operation. By so proposing, the substance of the relief requested by the ATA could be accomplished, and, at the same time, those persons eligible in the Motor Carrier Service who have a need for a dual frequency type of operation could retain or obtain it, albeit on a basis of no protection from interference to their mobile units.

9. In view of the information submitted by the ATA, in its petition and comments, the Commission concludes that a more efficient and effective use of the 5 frequencies under consideration may be realized if the rules proposed in this proceeding were adopted.

10. One of the results of our order in this proceeding is the requirement that all dual-frequency systems in the Motor Carrier Radio Service be operated according to the frequency pairing scheme noted at § 93.252(d) (old § 16.252(d)) of the rules. It will be recalled that, prior to the institution of this proceeding, all dual-frequency system licensees in the Motor Carrier Radio Service were to be required to conform their systems to the frequency pairing plan contained in the above referenced section of the rules by November 1st, 1963; but because of the pendency of this proceeding, a general waiver of the November 1st conversion date was granted all nonconforming dual-frequency systems. We noted in the last sentence of paragraph 6 of our notice that "• • • insofar as these nonconforming licensees are concerned, the effect of our waiver is simply to afford them additional time within which to convert to a frequency pair specified in § 16.252(d)." In view of this notice or warning, all nonconforming dual-frequency system licensees, if they desire to continue their dual-frequency operations, must file appropriate license modification requests with the Commission no later than the effective date of the rules amendments ordered in this document.

11. In the light of the foregoing: *It is ordered*, That effective May 4, 1964, Part 93 of the Commission rules is amended as set forth below.

12. Authority for the amendments adopted herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: March 25, 1964.

Released: March 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 93, Land Transportation Radio Services, § 93.252 of the Motor Carrier Radio Service Rules is revised by amending paragraph (d) to read as follows; and by deleting paragraph (h):

§ 93.252 Frequencies available for base and mobile stations.

• • • • •

(d) The frequencies and frequency pairs set forth in the tables contained in this paragraph are available to the Motor Carrier Radio Service for assignment to Base and Mobile stations of common or contract carriers of property operating between urban areas: *Provided*, That each application for assignment of any of these frequencies shall be accompanied by a statement signed by the applicant in which it is agreed (1) that any authorization for the use of such frequencies will be accepted with the express understanding of the applicant that such frequencies are shared with other licensees and may be subject to interference both local and long range,

[1] Subsequent to the initiation of this proceeding, the subject section was redesignated § 93.252.

[2] Commissioners Henry, Chairman; and Hyde absent.

and (2) that no more than the minimum power or antenna height required for the satisfactory technical operation of the system will be employed, commensurate with the area to be served and the local conditions affecting radio transmission and reception. However, only one of these frequencies or frequency pairs may be assigned to the stations of a licensee operated in a given area except upon a showing satisfactory to the Commission that the assignment of an additional frequency or frequency pair is essential to the operation of the transportation system involved.

SINGLE FREQUENCIES

BASE AND MOBILE

Mc	*Mc*	*Mc*	*Mc*
43.86	44.02	44.18	44.34
[1] 43.88	[1] 44.04	[1] 44.20	[1] 44.36
43.90	44.06	44.22	44.38
[1] 43.92	[1] 44.08	[1] 44.24	[1] 44.40
43.94	44.10	44.26	44.42
[1] 43.96	[1] 44.12	[1] 44.28	[1] 44.44
43.98	44.14	44.30	
[1] 44.00	[1] 44.16	[1] 44.32	

FREQUENCY PAIRS[2]

Base *Mc*	*Mobile* *Mc*
[1] 44.36	43.86
44.38	[1] 43.88
[1] 44.40	43.90
44.42	[1] 43.92
[1] 44.44	43.94

[1] Secondary frequency, see § 93.8

[2] These frequency pairs are available to base and mobile stations for the two frequency method of operation.

[F.R. Doc. 64-3319; Filed, Apr. 3, 1964; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 25—DRESSINGS FOR FOODS

Mayonnaise, French Dressing, Salad Dressing; Confirmation of Effective Date of Order Listing Calcium Disodium EDTA and Disodium EDTA as Optional Ingredients

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471) notice is given that no objections were filed to the order published in the FEDERAL REGISTER of February 12, 1964 (29 F.R. 2382) amending the standards for mayonnaise, french dressing, and salad dressing by listing calcium disodium EDTA and disodium EDTA as optional flavor-preserving ingredients. Accordingly, the amendments promulgated by that order will become effective April 12, 1964.

Dated: March 31, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3308; Filed, Apr. 3, 1964; 8:49 a.m.]

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Jellies and Preserves; Order Amending Identity Standards To Permit Certain Antifoaming Agents as Optional Ingredients

In the matter of amending the standards of identity for fruit jellies and fruit preserves to permit the optional addition during processing of specified antifoaming agents:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of February 6, 1964 (29 F.R. 1807). In consideration of the information submitted in the petition, and other relevant information available, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments proposed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471): *It is ordered*, That the standards of identity for fruit jellies (21 CFR 29.2) and fruit preserves (21 CFR 29.3) be amended as indicated below:

1. Section 29.2 is amended by adding a new paragraph (a)(8), as follows:

§ 29.2 Fruit jelly; identity; label statement of optional ingredients.

(a) • • •

(8) The antifoaming agents butter, oleomargarine, lard, corn oil, coconut oil, cottonseed oil, mono- and diglycerides of fat-forming fatty acids, in a quantity not greater than reasonably required to inhibit foaming.

• • • • • •

2. Section 29.3 is amended by adding to paragraph (a) a new subparagraph (6), as follows:

§ 29.3 Preserves, jams; identity; label statement of optional ingredients.

(a) • • •

(6) The antifoaming agents butter, oleomargarine, lard, corn oil, coconut oil, cottonseed oil, mono- and diglycerides of fat-forming fatty acids, in a quantity not greater than reasonably required to inhibit foaming.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

• • • • • •

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 409, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 31, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3309; Filed, Apr. 3, 1964; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Santee National Wildlife Refuge, South Carolina; Correction

In F.R. Doc. 64-2391, appearing at page 3307 of the issue for March 12, 1964, § 33.5(c) is corrected as follows:

(c) Daily creel limit: Largemouth black bass, striped bass (rockfish), no more than an aggregate of 10. Not more than 25 game fish other than bass.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64-3278; Filed, Apr. 3, 1964; 8:46 a.m.]

Proposed Rule Making

the Inspection Service with respect to

§ 81.35 Draining and plumbing.

fered for importation in quantities of

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 24]

REIMBURSEMENT OF CHARGES FOR SERVICES AND EXPENSES

Customs Employees

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that under the authority of R.S. 161, as amended, 251, sec. 501, 65 Stat. 290, sec. 555, 624, 46 Stat. 743, 759 (5 U.S.C. 22, 140; 19 U.S.C. 66, 1555, 1624), it is proposed to amend § 24.17 (a), (c), and (d) of the Customs Regulations.

Section 24.17 enumerates circumstances where services are performed by customs employees at the request of a party-in-interest. Each of the circumstances, depending on the law or regulation upon which it is based, requires the party-in-interest to reimburse the customs appropriation for the compensation or expenses or both, which is paid to the customs employee.

When any of these enumerated services are performed by a customs employee on a customs overtime assignment (19 U.S.C. 267, 1451), the Bureau of Customs has not charged the party-in-interest for any expense of travel or transportation incurred by the employee. Customs employees have been required to place themselves at such assignments when on a customs overtime basis at their own expense.

It has been determined that in those circumstances described in § 24.17 of the Customs Regulations where authority exists to obtain reimbursement from the party-in-interest for expenses incurred, a customs employee shall be paid for any authorized expenses he incurs and reimbursement shall be obtained from the party-in-interest whether the work is performed during regular hours of duty or on a customs overtime assignment. Accordingly, it is proposed to amend that portion of § 24.17(a) preceding subparagraph (1), and paragraphs (c) and (d), and add new paragraph (e) as tentatively set forth below:

§ 24.17 Other services of officers; reimbursable.

(a) Amounts of compensation and expenses chargeable to parties-in-interest in connection with services rendered by customs officers or employees during regular hours of duty or on customs overtime assignments (19 U.S.C. 267, 1451), under one or more of the following circumstances shall be collected from such parties-in-interest and deposited by collectors of customs as repayments to the appropriation from which paid.

* * * * *

(c) The charge for any service enumerated in this section for which expenses are required to be reimbursed shall include actual transportation expenses of a customs employee within the port limits and any authorized travel expenses of a customs employee, including per diem, when the services are performed outside the port limits irrespective of whether the services are performed during a regular tour of duty or during a customs overtime assignment. No charge shall be made for transportation expenses when a customs employee is reporting to as a first daily assignment, or leaving from as a last daily assignment, a place within or outside the port limits where he is assigned to a regular tour of duty. No charge shall be made for transportation expenses within the port limits or travel expenses, including per diem, outside the port limits in connection with a customs overtime assignment for which reimbursement of expenses is not covered by this section.

(d) The reimbursable charge for regular compensation shall be computed in accordance with § 19.5(b) of this chapter.

(e) The reimbursable charge for customs overtime compensation shall be computed in accordance with § 24.16.

(Secs. 456, 524, 557, 562, 46 Stat. 716, 741, as amended, 744, as amended, 745, as amended, sec. 1, 24 Stat. 79, as amended; 19 U.S.C. 1456, 1524, 1557, 1562, 46 U.S.C. 331, secs. 5, 36 Stat. 901, as amended, secs. 450, 451, 452, 46 Stat. 715, as amended, sec. 6, 49 Stat. 1385, as amended; 19 U.S.C. 261, 267, 1450, 1451, 1452, 46 U.S.C. 382b)

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: March 26, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3312; Filed, Apr. 3, 1964; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 81]

POULTRY AND POULTRY PRODUCTS

Proposed Amendments Relating to Inspection

Notice is hereby given that the United States Department of Agriculture is considering amendments to the regulations governing the Inspection of Poultry and Poultry Products (7 CFR Part 81) pursuant to authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.).

Statement of considerations. The proposed changes in the sections concerning application for inspection service, facilities required at processing plants, and ice and water chilling of poultry would be made principally to clarify the regulations and make them more descriptive of the actual requirements of the regulations. Corrections would be made in certain words to make them technically accurate.

Photographs or prints of drawings would be required to show building elevations of new constructions and existing structures having elevations affected by remodeling. This additional requirement would further assure that an approved facility is adequate.

Minimum cooking temperatures would be established for all heat processed poultry rolls in order to provide protection against nonspore forming pathogenic bacteria.

Present regulations provide that small quantities of imported poultry and poultry products entering this country exclusively for the personal use of the consignee are excepted from the requirements of foreign inspection certificates and port of arrival inspection. The proposed amendments would extend this exception to include imported poultry and poultry products used for display or laboratory analysis, clarify the fact such excepted articles may be moved across State lines to the consignee, and specifically limit the excepted importations to quantities of less than ten pounds. Experience has indicated that these changes would be desirable to relieve unnecessary restrictions and that they would assure that the exception does not become a means of evading the usual requirements of the regulations.

The proposed amendments would also specify the average basis weight, moisture absorption and size of giblet wrapping paper.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendments should file them with the Chief, Standarization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Change §§ 81.14(a) (1), (2) and (5), (b)(2), (c)(13) and (e)(2) to read, respectively:

§ 81.14 Approval of application for inspection.

* * * * *

(a) *Prints of drawings and specifications to be furnished.* (1) Applicants for inspection service may request and obtain information or assistance from the Inspection Service with respect to the requirements before submitting prints of drawings and specifications.

(2) Four prints of drawings showing the features specified in this section shall be submitted to the Administrator. Photostats of drawings are not acceptable. The drawings and prints shall be legible, made with sharp, clear lines, and properly drawn to scale and shall consist of complete floor plans and a plot plan. Elevations of all sides of all buildings shall be shown on the drawings, or four copies of photographs showing all sides of all buildings shall accompany the original submission. Submissions consisting of more than one sheet shall be bound together at the left margin in sets.

* * * * *

(5) The sheets of paper on which prints of drawings are made shall not exceed a size of 34" x 44". The drawings, other than of the plot plan, shall be made to a scale of ⅛" per foot. The plot plan may be drawn to a scale of not less than 1/32" per foot. The drawings shall indicate the scale used and shall also indicate the floor shown (e.g. basement, first, or second).

(b) *Features required to be shown on floor plan.* * * *

(2) The name of the firm and address of the plant by street and street number, or by other means properly identifying the location of the plant, shall be shown on each drawing the same as shown on the application for service (Form PY 500).

* * * * *

(c) *Specifications.* * * *

(13) Approximate rate of production—for slaughtering and/or eviscerating establishments, indicate hourly rate of slaughter and/or evisceration for each class of poultry, and for other types of establishments, indicate pounds of each class of poultry products processed per hour.

* * * * *

(e) *Changes in drawings.* * * *

(2) Pasters of minor changes which may be affixed to the affected areas on the previously approved drawings in a manner not obscuring essential data. Paster drawings shall be prepared to the same scale and presented on a background similar to that of the originally approved drawing.

* * * * *

2. Change § 81.33(a) to read:

§ 81.33 Rooms and compartments.

* * * * *

(a) *Refuse rooms.* A separate refuse room, or other equally adequate facilities, shall be required in official establishments where accumulations of refuse occur. Refuse rooms shall be entirely separate from other rooms in the establishment, have tight fitting doors, be properly ventilated, and have adequate drainage and cleanup facilities, and the floors and walls to a height of six feet above the floor shall be impervious to moisture, and walls above that height, and ceilings, shall be moisture resistant.

(3) Change §§ 81.35(b) (1), (2) and (3) to read, respectively:

§ 81.35 Draining and plumbing.

* * * * *

(b) *Sewage and plant wastes.* (1) The sewer system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize or, if possible, prevent stoppage and surcharging of the system.

(2) Interceptor traps which are connected with the sewer system shall be suitably located, and not near any edible products department or in any area where products are unloaded from or loaded into vehicles. To facilitate cleaning, such traps shall have inclined bottoms and be provided with suitable covers.

(3) Each floor drain shall be equipped with a deep seal trap, and the plumbing shall be installed so as to prevent sewage from backing up and flooding the floor.

* * * * *

4. In § 81.50 make the following changes:

a. Change § 81.50(b)(3)(ii) to read:

§ 81.50 Temperatures and cooling and freezing procedures.

* * * * *

(b) *Ice and water chilling.* * * *

(3) * * *

(ii) Poultry washing, chilling and draining procedures shall be such as will minimize moisture absorption and retention and result in poultry not absorbing moisture in excess of 12 percent at any time during such procedures. The inspector will make such weight tests as he deems necessary to assure compliance with these requirements.

b. In § 81.50(d), delete the last sentence and substitute in lieu thereof the following:

(d) *Cooling giblets.* * * * When tested in accordance with Technical Association of the Pulp and Paper Industry (T.A.P.P.I.) standard T410, the average basis weight of giblet wrapping material shall be not more than 30 pounds per standard ream (24" x 36"—500 sheets) and the moisture absorption shall not exceed 200 percent of the dry weight. Giblet wrappers shall not exceed the following sizes or equivalents: Chickens and Ducks, 9" x 12"; Turkeys, 12" x 14".

5. Change the center heading preceding § 81.100 to read: "Canning or Cooking Requirements"; and add a new § 81.101 to read:

§ 81.101 Cooking of poultry rolls required.

When poultry rolls are heat processed in any manner, cured and smoked poultry rolls shall reach an internal temperature of at least 155° F. prior to being removed from the cooking media, and all other poultry rolls shall reach an internal temperature of at least 160° F. prior to being removed from the cooking media.

6. Change § 81.311 to read:

§ 81.311 Small importations for consignee's personal use, display, or laboratory analysis.

Any product (other than dressed poultry which is forbidden entry by other Federal law or regulation) which is offered for importation in quantities of less than 10 pounds, exclusively for the personnel use of the consignee, or for display or laboratory analysis by the consignee, and not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and contains no substance not permitted by the Act or regulations in this part, may be admitted into the United States without a foreign inspection certificate, and such product is not required to be inspected upon arrival in the United States and may be shipped to the consignee without further restriction under this part: *Provided*, That the Department may, with respect to any specific importation, require that the consignee certify that such product is exclusively for the personal use of said consignee, or for display or laboratory analysis by said consignee, and not for sale or distribution.

Done at Washington, D.C., this 31st day of March 1964.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64-3288; Filed, Apr. 3, 1964; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 93 [New]]

[Notice 64-19; Docket No. 4085]

VALPARAISO, FLA., TERMINAL AREA

Proposed Special Air Traffic Rule

The Federal Aviation Agency has under consideration a proposal to amend Part 93 of the Federal Aviation Regulations to require all pilots operating aircraft between Restricted Areas R-2914 and R-2915 in the vicinity of Valparaiso, Florida, to obtain prior authorization from air traffic control for each flight conducted during daylight hours, Monday through Saturday.

Interested persons may participate in the making of the proposed rule by submitting such written information, views, or arguments as they may desire. Communication should be sent in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before June 4, 1964 will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

Restricted Areas R-2914 and R-2915 were designated for the use of the Eglin Air Proving Ground Center. They consist of approximately 798 and 358 nautical square miles, respectively, being designated from the surface to flight level 500. They extend offshore into the Gulf of Mexico to the three-mile limit where they are bordered by Warning Area 151. An air corridor approximately 10 miles wide and 26 miles long has been preserved between these restricted areas to

serve primarily as an access route for itinerant civil traffic en route to and

as an access route exists, as a practical matter, only for VFR traffic.

§ 93.83 Aircraft operations.

The Commission is therefore proposing

regional or national advertiser, advertis-

dealer for 50 commercial spots at a rate of

serve primarily as an access route for itinerant civil traffic en route to and from Destin Airport at the coast. There are approximately 50 flights of this type on peak days during the tourist and fishing season from April to November. These operations are expected to increase. Most of the aircraft are radio equipped. Destin Airport recorded 1300 different aircraft landing there in 1962. However, actual operations would be substantially higher since many of these aircraft made several flights and not all of this traffic would use the air corridor to enter the area, some entering via the coastline.

At the present time, there are three areas of conflict between the military operations and the VFR nonparticipating traffic in the Valparaiso terminal area. The first of these involves military jet flights which are made during the daylight hours, Monday through Saturday. They originate in R–2914, cross the corridor, and terminate at a highly instrumented range in R–2915. Approximately 65 of these flights are made each day. Any altitude from 500 feet to 50,000 feet may be used, but the majority are conducted below 5,000 feet and most of these are below 3,000 feet. The flights are made at supersonic or high subsonic speeds under conditions which prevent the pilot from observing other traffic. A chase plane is employed and a NOTAM is published in the Airman's Guide, advising all pilots of these tests and urging them to contact the Crestview Flight Service Station for specific information. Relocation of the range would cost an estimated $2,000,000 and create a delay which is unacceptable to the Proving Ground Center.

The high speed operations across the corridor are made at a relatively constant altitude and require a 2,000 foot strata, 1,000 feet above and below the test aircraft. The minimum weather conditions required are a 3,500 foot ceiling and visibility of five miles. The Air Force has expressed a doubt regarding the ability of the pilots of these flights to effectively see and avoid nonparticipating VFR traffic because of the speeds involved and the time interval required between a chase pilot's warning and the test pilot's evasive maneuver.

The second area of conflict involves monthly tactical exercises utilizing up to 200 military aircraft during a three to five day period. Some of these operations will be conducted at high speeds, involve several aircraft and cross the air corridor at random locations. Because of the possible high speeds and traffic density attendant with this aerial operation, it is necessary to take into account these operations in such manner as to assure the highest degree of safety by segregating such activity from nonparticipating VFR traffic.

A control zone has been designated for Eglin Air Force Base within the air corridor. The corridor also contains transition areas with floors of 700 and 1,200 feet. The only uncontrolled airspace within the corridor is that below the floors of the transition areas. Consequently, the traffic conflict between the military aircraft crossing the corridor and other traffic employing the corridor as an access route exists, as a practical matter, only for VFR traffic.

The third area of conflict involves the military firing of rockets from launch sites on Santa Rosa Island within Restricted Area R–2915. These rockets frequently cross controlled airspace south of the shore line over the Gulf of Mexico. Launchings have been safely conducted up to the present time by use of controlled firing. However, a military need now exists to avoid the delays required by this method when nonparticipating aircraft enter the area. There have been 15 such delays in the approximately 400 firings conducted in the past four years. While the rockets may be fired day or night, regardless of weather conditions, separation is already provided for IFR traffic in the area and the protection which this rule would provide for VFR traffic should adequately satisfy the military need in view of the number of delays to date and the smaller amount of civil air traffic at night.

The regulation under consideration here would be applicable only to operations in the air corridor between Restricted Areas R–2914 and R–2915. The required air traffic control approval could be obtained by contacting Eglin Approach Control, Eglin Tower, or the Crestview Flight Service Station. The provisions of such approval will be in accordance with terms and procedures specified by the Air Route Traffic Control Center having jurisdiction in this area. Pilots of aircraft without two-way radios could receive the approval by telephone or in person. Pilots could expect expeditious approval of their requests together with information, where appropriate, as to the altitudes or area which they must avoid. While separation would not be provided between nonparticipating VRF aircraft, traffic advisories would be issued whenever controller workload permitted.

Adoption of this proposal would initiate a new concept in air traffic control. It might represent a more efficient method of utilization of airspace in which a hazard possibly exists for certain types of aircraft operations. If adopted, therefore, the operation and effect of this rule would be carefully studied.

In consideration of the foregoing, it is proposed to amend Part 93, Federal Aviation Regulations, by adding a new subpart to read as follows:

Subpart F—Valparaiso, Florida, Terminal Area

§ 93.81 Applicability.

This subpart applies to aircraft operated between sunrise and sunset, Monday through Saturday, in the airspace extending upward from the suface to the base of the overlying positive control airspace, bounded by a line beginning at latitude 30°42′50″ N., longitude 86°38′-02″ W.; thence to latitude 30°43′10″ N., longitude 86°27′37″ W.; thence along the western boundary of R–2914 to latitude 30°19′45″ N., longitude 86°23′45″ W.; thence three nautical miles from and parallel to the shoreline to latitude 30°-20′50″ N., longitude 86°38′50″ W.; thence along the eastern boundary of R–2915 to the point of beginning.

§ 93.83 Aircraft operations.

No person may operate an aircraft in flight in the area described in § 93.81 of this subpart except as authorized by an air traffic clearance or in acccordance with a specific authorization from air traffic control.

This amendment is proposed under the authority of section 307 of the Federal Aviation Act, 49 U.S.C. 1348.

Issued in Washington, D.C., on March 30, 1964.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 64–3275; Filed, Apr. 3, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15396; FCC 64–258]

FRAUDULENT BILLING PRACTICES OF STANDARD, FM AND TELEVISION BROADCAST STATIONS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has received complaints that some broadcast stations have been engaging in the practice of "double billing", i.e., submitting to a local advertiser two bills, one in the amount agreed upon for advertising material broadcast, the other in a larger amount to be submitted by the local advertiser to a manufacturer or national advertiser to support a claim for reimbursement pursuant to a cooperative advertising agreement. The issuance of the second false bill is part of a scheme to defraud the manufacturer or national advertiser. Therefore, in a public notice entitled "Broadcast Licensees Warned Against Engaging in Double Billing" released on March 7, 1962 (FCC 62–272), the Commission announced that it regarded the practice of double billing as contrary to the public interest and that appropriate proceedings would be instituted in cases where evidence of double billing by licensees is found to exist.

3. The essence of the fraudulent practice commonly called double billing is the existence of a scheme to defraud a manufacturer, his distributor, jobber or advertising agent or any other party, by deceiving him as to the amount actually charged by a broadcaster for the cooperatively sponsored advertising for which the manufacturer makes part payment. The same principle applies when a broadcaster engages in a scheme to permit an advertising agency to mislead its clients as to the amount charged by the station for advertising and thereby to induce them to reimburse the advertising agency upon the basis of a fictitious advertising rate.

4. In spite of the public notice, it appears that certain licensees are persisting in the practice of fraudulent billing.

The Commission is therefore proposing rules as set forth below to regulate such practices. The Commission proposes to add new §§ 73.124, 73.299, and 73.678 to the rules. In our judgment, the proposed rules are appropriate and necessary means to carry out our functions under the public interest standard of the Communications Act.

5. The Commission proposes also to set forth and issue its interpretations in an Appendix A to Part 73 titled "Applicability of Fraudulent Billing Rule", as shown below. We also invite comments upon our interpretations at this time.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before May 4, 1964, and reply comments on or before May 19, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

7. Authority for the amendments proposed herein is contained in sections 4(i) and 307 of the Communications Act of 1934, as amended.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which requires that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: March 25, 1964.

Released: March 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. Sections 73.124, 73.299 and 73.678 are added to read as follows:

§ 73.124 Fraudulent billing practices.

(a) No licensee of a standard broadcast station shall knowingly issue to any local, regional or national advertiser, advertising agency, station representative, manufacturer, distributor, jobber or any other party, any bill, invoice, affidavit or other document which falsely states the amount actually charged by the licensee for the broadcast advertising for which the bill issued or which misrepresents the nature or content of such advertising.

NOTE: Commission interpretations in connection with this rule may be found in Appendix A to this Part 73, entitled "Applicability of Fraudulent Billing Rule" and such supplements thereto as are issued from time to time.

§ 73.299 Fraudulent billing practices.

(a) No licensee of an FM broadcast station shall knowingly issue to any local, regional or national advertiser, advertising agency, station representative, manufacturer, distributor, jobber or any other party, any bill, invoice, affidavit or other document which falsely states the amount actually charged by the licensee for the broadcast advertising for which the bill is issued or which misrepresents the nature or content of such advertising.

NOTE: Commission interpretations in connection with this rule may be found in Appendix A to this Part 73, entitled "Applicability of Fraudulent Billing Rule" and such supplements thereto as are issued from time to time.

2. An Appendix A is added to Part 73, reading as follows:

APPENDIX A—APPLICABILITY OF FRAUDULENT BILLING RULE

Interpretations of fraudulent billing practices. The fraudulent billing practices prohibited by §§ 73.124, 73.299 and 73.678 of the Commission's rules and regulations include all practices commonly referred to as "double billing." Most "double billing" as practiced in the past has been designed to deceive and defraud manufacturers into paying a larger share of a local dealer's cooperative advertising expenditure than was stipulated in their agreements with such local dealers. However, there may have been other cases in which the manufacturers reimbursed a dealer on the basis of a bill for cooperative advertising which the manufacturer knew to be inflated or fictitious, because the manufacturer wished to use this scheme to violate section 13a of the Robinson-Patman Antidiscrimination Act (15 U.S.C. 13a) which Act makes it unlawful for a manufacturer or distributor engaged in commerce to give discriminatory discounts, rebates or advertising allowances to its dealers. Any information coming to the Commission's attention indicating possible violations of the Robinson-Patman Act will be considered by this Commission and referred to the Federal Trade Commission for appropriate action by that agency. As previously stated by this Commission, participation by a licensee in a scheme to violate a federal statute reflects seriously upon his qualifications.

Since fraudulent billing practices may take many forms, the following list of examples should not be considered as all-inclusive. It is provided merely to supply illustrations of certain fraudulent practices with which the Commission already is familiar. It should be remembered that the essential element in "double billing" is the deception of any party contributing to the payment of broadcast advertising as to the amount actually charged by licensee for such advertising or as to the nature or content of such advertising.

Examples. 1. A station or an employee thereof issues a bill or invoice to a local dealer for 50 commercial spots at a rate of $5.00 each for a total of $250. In connection with the same 50 commercial spots, the station also supplies the local dealer or an advertising agency, jobber, distributor or manufacturer of products sold by the local dealer, another affidavit, memorandum, bill or invoice which indicates that the amount charged the local dealer for the 50 spots was greater than $5.00 per spot.

Interpretation. This is fraudulent billing, since it tends to deceive the manufacturer, jobber, distributor or advertising agency to which the inflated bill eventually is sent, as to the amount actually charged and received by the station for the advertising.

2. A station or employee thereof issues a bill or invoice to a local dealer for 50 commercial spots at $5.00 each and the bill, invoice or accompanying affidavit indicates that the 50 spots were broadcast on behalf of certain cooperatively advertised products, whereas some of the spots did not advertise the specified products, but were used by the local dealer solely to advertise his store or other products for which cooperative sponsorship could not be obtained.

Interpretation. This is fraudulent billing, even though the station actually receives $5.00 each for the 50 spots, because, by falsely representing that the spots advertised certain products, the licensee has enabled the local dealer to obtain reimbursement from the manufacturer, distributor, jobber or advertising agency for advertising on behalf of its products which was not actually broadcast.

3. A licensee sends, or permit its employees to send, blank bills or invoices bearing the name of licensee or his call letters to a local dealer or other party.

Interpretation. A presumption exists that licensee is tacitly participating in a fraudulent scheme whereby a local dealer, advertising agency or other party is enabled to deceive a third party as to the rate actually charged by licensee for advertising, and thereby to collect reimbursement for such advertising in an amount greater than that specified by the agreement between the third party and the local dealer. It is the licensee's responsibility to maintain control over the issuance of bills and invoices in the licensee's name, to make sure that fraud is not practiced by means thereof.

4. A licensee submits bills or invoices to an advertising agency, station representative, or other party indicating that licensee's rate per spot is $50.00, whereas the licensee actually receives only $5.00 or $10.00 per spot in actual payment from the agency, representative or other party. Licensee claims that the remaining 80 or 90 per cent of its original invoice has been deducted by the agency as "commission" and therefore no "double billing" is involved.

Interpretation. This is fraudulent billing. The agency discount does not customarily exceed 15 per cent and the supplying of bills and invoices by the licensee to agencies which indicate that the licensee is charging several times as much for advertising as he actually receives constitutes participation in a fraudulent scheme.

5. A licensee submits a bill or invoice to a local dealer or other party for 50 commercial spots at $5.00 each for a total of $250. However, the bottom of the bill or invoice carries an addendum, so placed that it may be cut off of the bill or invoice without leaving any indication that the invoice originally carried such an addendum. The addendum specifies a "discount" to the advertiser based on volume, frequency or other consideration, so that the amount actually billed at the bottom of the page is less than $5.00 for each spot.

Interpretation. The preparation of bills or invoices in a manner which seems designed primarily to enable the dealer to deceive a cooperative advertiser as to the amount actually charged for cooperative ad-

[1] Commissioner Hyde absent.

vertising raises a presumption that the licensee is participating in a "double billing" being practiced, and still is willing to pay its part of the inflated bill for cooperative

7. It is proposed that each licensee

by the Commission in withdrawing a

station separation criteria between the

vertising raises a presumption that the licensee is participating in a "double billing" scheme.

6. A licensee submits a bill or invoice to a local dealer for 50 spots involving cooperative advertising of a certain product or products at a rate of $5.00 each, and actually collects this amount from the dealer. However, as a "bonus" the licensee "gives" the dealer 50 additional spots in which the product or products named on the original invoice are not advertised, so that the dealer actually obtains the benefit of 100 spots in return for payment to the station of the $250 billed for the 50 cooperative spots.

Interpretation. If the 50 "bonus" spots were broadcast as the result of any agreement or understanding, express or implied, that the dealer would receive such additional advertising in return for contracting for the first 50 spots at $5.00 each, the so-called "bonus" spots were in fact a part of the same deal, and the licensee, by his actions, is participating in a scheme to deceive and defraud a manufacturer, jobber, distributor or advertising agency.

7. A local appliance dealer agrees to purchase 1,000 spots per year from a station and thereby earns a discount which reduces his rate per spot from $10.00 to $5.00. During the course of the year, the dealer purchases 100 spots from the station which advertise both the dealer and "Appliance A" and for which the dealer pays $5.00 per spot. Since the station's rate per spot for 100 spots is $10, the dealer asks the station to supply him with an invoice for the 100 spots on behalf of "Appliance A" at $10 per spot, claiming that if the manufacturer of the appliance had purchased the 100 spots, or if the dealer himself had purchased only these 100 spots within the course of a year, the $10 rate would apply, and that, therefore, the manufacturer should be required to reimburse the dealer at the $10 rate.

Interpretation. This practice constitutes fraudulent billing unless the dealer can provide satisfactory evidence that the manufacturer of "Appliance A" is aware that the dealer actually paid only $5.00 per spot because of the volume discount. If the dealer can persuade the manufacturer to alter their agreement so that manufacturer's contribution to the dealer's cooperative advertising is based upon a higher rate than the dealer actually pays, then there is no fraud upon the manufacturer. (But see Examples 8 and 9 for possible violation of statute.) Absent evidence of such an agreement, licensee is engaging in "double billing" when he issues a bill for the higher amount.

8. A licensee issues a bill or invoice to a dealer for commercial spots which were never broadcast.

Interpretation. This practice, prima facia, involves fraud, either against the dealer or against a third party which the dealer expects to provide partial reimbursement for the non-existent advertising. Moreover, even if the dealer and the manufacturer or his jobber, distributor or agent know that the advertising so billed never was broadcast, a strong presumption exists that the dealer and the manufacturer intend to use the fictitious invoice for the purpose of violating Section 13a of the Robinson-Patman Antidiscrimination Act, which makes it unlawful for a manufacturer to give discriminatory discounts, rebates or advertising allowances to its dealers. Therefore, the licensee, by participating in such a scheme may be presumed either to be engaging in fraudulent practices or to be conspiring with others to violate a Federal law. A licensee's participation in such a scheme will raise serious questions as to his qualifications.

9. The facts are the same as in Examples 1 through 7, except that the dealer furnished the licensee with conclusive evidence that the manufacturer or his distributor, jobber or agent is aware that "double billing" is being practiced, and still is willing to pay its part of the inflated bill for cooperative advertising.

Interpretation. No fraud against the manufacturer, distributor, jobber or agent exists under such circumstances, but there is a strong presumption that the dealer and manufacturer are conspiring to violate section 13a of the Robinson-Patman Antidiscrimination Act. (See Example 8 above.)

[F.R. Doc. 64-3320; Filed, Apr. 3, 1964; 8:51 a.m.]

[47 CFR Parts 89, 91, 93]

[Docket No. 15399; FCC 64-267]

SECONDARY FREQUENCY ASSIGNMENTS IN CALIFORNIA

Notice of Proposed Rule Making

In the matter of temporarily amending Parts 89, 91 and 93 of the Commission's rules and regulations to test the principle of secondary frequency assignments in the State of California.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. As one means of relieving the problem of frequency congestion now existing in certain of the land mobile services, the Commission proposes to test the secondary assignment concept in the State of California. This proposal involves the sharing of uncongested land mobile frequencies by services other than those to which the frequencies are allocated. With the exceptions noted below, all licensees operating under Parts 89, 91 and 93 of the rules and regulations would be invited to participate in the experiment. In the larger metropolitan areas of California, the Business and Taxicab Radio Services are heavily congested. They have few (if any) frequencies which might be used on a secondary basis by licensees in other services. In our judgment, their participation would unbalance the experiment and inhibit the development of the information which is needed with respect to the problems involved in interservice sharing of secondary frequencies among the many other diverse radio services. It is doubtful, moreover, whether the frequency difficulties of these services could be alleviated materially in California in the context of this experiment. Thus, although data derived from the experiment may well provide a basis for providing relief to these services through the medium of secondary assignments, they would be excluded from participation in the experiment itself. Under the proposal, the State Guard, Special Emergency and Relay Press Radio Services would also be excluded from participation. These services lack organized frequency advisory committees; State Guard and Relay Press have no frequencies allocated in the bands under study; and the few frequencies available to Special Emergency would contribute little to the program since, in general, its frequencies in the range 150.8–162 Mc/s are 15 kc/s tertiary frequencies.

3. The objective of the test proposed herein is to determine the effect, both in terms of relief attainable and of administrative workload encountered, which this approach will have on improving frequency utilization in the land mobile radio services. The State of California has been proposed as the limited test area for the following reasons:

(a) The various metropolitan areas of California currently experience varying degrees of congestion believed to be representative of similar situations elsewhere in the nation; and

(b) The extent of land mobile frequency usage in adjacent states is such that border problems during the test period are expected to be minimal.

4. It is proposed to grant a total of no more than 500 authorizations for secondary frequency assignments in order to keep the test within administratively manageable limits. This is necessary because substantially greater manpower is expected to be required per application, including time and attention by members of the Commission's limited professional staff and by the applicant and/or his representatives.

5. A proposed condition for obtaining a secondary frequency assignment is that the applicant not only be in possession of a valid primary assignment on a frequency allocated to the service in which he is eligible, but that the applicant must certify to having operated for a minimum period of ninety days in the proposed area of operation on the primary assignment and to having obtained unsatisfactory performance from the system due to frequency congestion. A further proposed condition is that the applicant retain the capability for reverting to operation on his primary assignment in not more than fifteen days after receipt of notice from the Commission to vacate the secondary assignment. This will require retention of a complete set of crystals by the licensee for his primary frequency assignment and will require that both the primary and secondary frequencies be within the tuning range of his equipment. The reason for these proposed conditions is that the Commission believes it to be unwise to "lend" a frequency from one service to another without establishing the strongest of safeguards to assure its prompt return should it be required by a prospective licensee in the service to which it is allocated on a primary basis. New stations added to an existing system operating under the secondary concept will be required to meet all criteria except the 90-day use of the licensee's primary frequency.

6. The holder of a secondary frequency assignment would have no rights to a frequency as against primary users—present or prospective. Neither would the secondary frequency licensee possess any rights against another secondary frequency licensee. In view of this, and noting the prevalence of long-distance interference by way of ionospheric reflection during portions of the eleven year solar cycle, land mobile service frequencies in the range 25–50 Mc/s are not proposed for inclusion in the experiment. Further, because the State Guard, Special Emergency, Business, Relay Press and Taxicab Radio Services are being excluded from participation in the test, frequencies allocated to those services are not available for secondary assignment to other services.

7. It is proposed that each licensee taking a secondary assignment be assured of five years of operation on the frequency, subject to normal legal constraints associated with licensing procedures, unless interference is caused to or the frequency is required by a primary user, regardless of whether the experiment which is the subject of this proposal is abandoned, modified or continued without change after evaluation of experience gained with the maximum of 500 authorizations involved in the proposed experiment.

8. Fundamental to the proposal is the establishment of a policy to determine when a frequency is, in fact, available for secondary assignment in a particular area. The Commission believes a conservative policy should be adopted during at least the initial phases of the test period. Accordingly, it is proposed that each prospective applicant for a secondary frequency assignment must either: (1) Submit a statement obtained from the area frequency advisory committee(s) for the primary service(s) certifying that there is no objection to the proposed secondary assignment, or (2) submit a statement that the separation between any co-channel primary base station or a fixed station assigned to a primary user and the proposed secondary base station exceeds 125 miles.[1] In the case of the 150.8–162 Mc/s band, the applicant should also submit a statement that there are no primary assignments within 15 kc/s of the requested frequency within a radius of 25 miles from the proposed base station location. Before approaching an advisory committee, a prospective applicant for the secondary assignment should have made a preliminary study to determine the potential availability of the assignment. No frequency advisory committee should be asked to find a secondary frequency. In making such assignments, it is further proposed that no fixed relay, repeater, or control station (other than control stations which are a part of a mobile relay system) will be permitted on secondary frequency assignments.

9. A related matter on which comment is desired is whether a prospective applicant for a secondary assignment should be required to confirm his frequency selection by actual monitoring to verify that the channel is in fact clear of primary users. If so, how much monitoring should be required, and under what controlled conditions, if any? Another issue on which comment is desired is whether a secondary assignment in the band 150.8–162 Mc/s should be granted an applicant if there are frequencies unused and available to the applicant on a primary basis in the 450–470 Mc/s band.

10. Also to be established in this proceeding are the criteria to be followed by the Commission in withdrawing a secondary assignment from a particular licensee. (In the attached proposed rules, this subject has not been treated pending receipt of comments in this proceeding.) Although secondary operating authority will be withdrawn during the five year term of the experimental plan should the Commission determine that harmful interference is being caused by a secondary licensee to a primary licensee, the Commission cannot undertake to conduct formal proceedings whenever a dispute arises between the parties over the existence of harmful interference. If a hearing were to be required in such circumstances, the provisional plan could not, and would not, be undertaken. Consequently, it is proposed that secondary licenses will be issued subject to the condition that the secondary licensee waives any right to a formal hearing to which he might otherwise be entitled. Such a condition is similar to §§ 89.213, 91.207 and 93.207 of the Commission's rules. Secondary licenses would be issued under section 303(g) of the Communications Act of 1934, as amended, for a period not to exceed five years, subject to prior termination upon notice by the Commission that harmful interference is being caused, or that the primary service has a requirement for the frequency within interference range of the secondary user. It is also proposed that the holder of a secondary frequency assignment who has been directed by the Commission to discontinue operation on the secondary frequency within fifteen days, and fails to do so for any reason, will not be permitted to hold a substitute secondary assignment.

11. Operational conditions which apply to the primary service will also apply to the user of the secondary assignment unless the secondary user's service rules are more restrictive. In that case, the latter rules will apply. Further, because of the nature of the experiment, upon activation of the secondary assignment, the licensee will not be permitted to use his primary frequency until (a) he voluntarily relinquishes his secondary assignment or (b) he is directed by the Commission to discontinue operation on the secondary frequency.

12. It is also proposed that secondary assignments on a particular frequency would not be made as a matter of right. There may be circumstances involving particular frequencies which make them unsuitable for secondary use, at least during the test period, even though the frequency is temporarily unused in the local area concerned. The purpose of withholding assignment would be to avoid what appears to the Commission to be short-term availability. This is intended to avoid unnecessary expense by the secondary user. An example might be representations by a primary user of the frequency elsewhere that his operations shortly will be extended into the area involved.

13. In the 150.8–162 Mc/s band, it is proposed that no secondary assignments will be made for operation on the 15 kc/s tertiary frequencies. The reasons for this prohibition are the variation in base station separation criteria between the rule parts involved, the fact that such tertiary frequencies are not general throughout the land mobile radio service and to facilitate administrative handling of the applications. Within the 450–470 Mc/s band, the matter of tertiary frequencies does not arise.

14. If the Commission decides to proceed with the secondary assignment experiment in California after reviewing the comments which may be filed, it is proposed that the application stage of the experiment be continued for a maximum period of two years, noting that if 500 authorizations have been made prior to that time, additional applications will not be accepted. If evaluation of the test results is favorable, the secondary assignment principle may be extended both nationally and to other segments of the land mobile service. There also exists the future possibility of borrowing frequencies from services other than land mobile if the Commission's licensees demonstrate good faith and cooperation in relinquishing a borrowed frequency promptly when it is needed by the primary user. However, the secondary assignment technique is not proposed as a substitute for periodic modification of the Table of Frequency Allocations (nationally, regionally or locally), but is intended to be complementary to outright changes in the allocation pattern.

15. The text of the proposed rule changes is reflected below. It should also be noted that, although the Commission is excluding the State Guard, Special Emergency, Business, Relay Press and Taxicab Services from participation in the trial of the secondary assignment principle, it is recognized that the test will not be complete until those services are included. At this time, however, the Commission prefers to take a cautious approach. It must be abundantly clear that the success or failure of this proposal depends almost entirely on the cooperative attitude of the licensees concerned. As an adjunct to the program, in order to provide as much assistance as possible, the Commission will prepare and make available to the frequency advisory committees copies of the Commission's frequency listings in the 150.8–162 and 450–470 Mc/s bands in the State of California.

16. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before June 1, 1964, and reply comments on or before June 11, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

17. Authority for the proposals set forth herein is contained in sections 303 (a), (c), and (g) of the Communications Act of 1934, as amended.

18. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements,

[1] In proposing the 125 mile separation criterion, it should be made clear that such a standard is not binding upon the frequency advisory committees, which may employ smaller or greater separation distances on a case-by-case basis, as appropriate, to preclude interference to a primary licensee.

briefs or comments filed shall be furnished the Commission.

§ 89.225 Frequency selection and assignments.

assignment. However, a secondary frequency

secondary frequency assignments pur-

system operation in the 450–470 Mc/s

briefs or comments filed shall be furnished the Commission.

Adopted: March 26, 1964.

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN P. WAPLE, *Secretary.*

1. Part 89 is amended by adding a new Subpart D in proper sequence to read as follows:

Subpart D—Secondary Frequency Assignment

Sec.
89.221 Purpose.
89.223 Scope.
89.225 Frequency selection and assignment.
89.227 Operating limitations.
89.229 Preparation and filing of applications.
89.231 Secondary licenses.

Subpart D—Secondary Frequency Assignments

§ 89.221 Purpose.

The purpose of this subpart is to establish the procedures and conditions for a limited trial of the practicability of making secondary frequency assignments in the land mobile services. The objective is to determine whether the secondary assignment principle can be used successfully as a device for obtaining greater efficiency of frequency utilization. It is intended for application only in cases where all frequencies normally available for assignment to an applicant already are used in the area and band concerned, and where the applicant is prepared to pay the extra costs to obtain at least temporary use of a more satisfactory channel. In conducting the trial, the Commission will grant a total of no more than 500 authorizations in this part and in Parts 91 and 93 of this chapter combined. Applications for secondary frequency assignments will be accepted until ---------- unless 500 secondary assignments have been made prior to that date, in which case no further applications will be accepted for filing.

§ 89.223 Scope.

(a) This subpart is applicable only to certain land mobile service radio operations now located, or to be located, wholly within the State of California.

(b) Persons eligible to operate in the Local Government, Police, Fire, Highway Maintenance, and Forestry-Conservation Radio Services are eligible to file for secondary frequency assignments pursuant to the provisions of this subpart.

(c) Any assignable frequency in the bands 150.8–162 Mc/s and 450–470 Mc/s which presently is allocated to the Public Safety, Industrial, or Land Transportation Radio Services on a primary basis may be requested as a secondary assignment, except for those frequencies allocated to the State Guard, Special Emergency, Business, Relay Press, and Taxicab Radio Services; except for the 15 kc/s tertiary frequencies in the 150.8–162 Mc/s band; and except for those frequencies designated for itinerant use only.

[1] Commissioner Hyde absent.

§ 89.225 Frequency selection and assignments.

(a) The applicant for a secondary assignment must submit a statement that all assignable frequencies in his own service and in the band concerned (except tertiaries) are already assigned and in use within 75 miles of his base station location. Further, the applicant must have a valid primary assignment on which he has operated for a minimum period of 90 days, and he must state that operation on his primary assignment has been unsatisfactory because of frequency congestion. (This requirement does not apply to the addition of stations to a system previously authorized on a secondary basis. See § 89.229 (c).) The secondary frequency selected must be within tuning range of the applicant's primary frequency.

(b) To minimize the possibility of harmful interference, the applicant for a secondary assignment must submit one of the following:

(1) A statement from the area frequency advisory committee(s) for the radio service(s) to which the frequency is allocated on a primary basis interposing no objection to the proposed secondary assignment; or

(2) His own statement that no co-channel base or fixed station assignments to a primary service licensee exist within 125 miles of the secondary base station location and, in the case of the 150.8–162 Mc/s band, that no primary assignments exist within 15 kc/s of the requested frequency within a radius of 25 miles from the secondary base station location.

(c) A prospective applicant for a secondary assignment should not communicate with the area frequency advisory committee until he has made his own frequency search and has good reason to believe he has found an available frequency.

(d) In the 150.8–162 Mc/s band, only one secondary frequency assignment per system will be made per applicant per area during the trial period.

(e) In the 450–470 Mc/s band, not more than two secondary frequency assignments will be permitted, in order to allow mobile relay or duplex operation.

(f) Secondary assignment will not be made to base stations authorized for operation at temporary locations, to mobile stations not associated with one or more base stations, or to fixed relay, repeater, or control stations (except control stations which are part of a mobile relay system operation in the 450–470 Mc/s band).

(g) In California there are a number of assignments to stations in the fixed service in the bands 150.8–162 Mc/s and 450–470 Mc/s. By rule, such fixed relay, repeater, and control stations are assigned on the basis of noninterference to the land mobile service. However, for the purpose of this experiment, persons seeking a secondary assignment in the land mobile service shall regard these fixed station assignments as though they have primary status.

(h) Applications for a secondary frequency assignment will not be granted, despite compliance with the provisions of paragraphs (a) to (g) of this section, if, in the judgment of the Commission, denial is warranted. Further, applications for secondary assignments will be accepted for filing with the understanding that, should the application be denied, the applicant waives any right to a formal hearing to which he might otherwise be entitled.

§ 89.227 Operating limitations.

(a) Upon activation of his secondary assignment, the licensee will not be permitted to use his primary frequency until:

(1) He voluntarily relinquishes his secondary assignment; or

(2) He is directed by the Commission to discontinue operation on his secondary frequency.

(b) Operational conditions which apply to the service to which the secondary frequency is allocated on a primary basis will apply to the secondary user unless the operational conditions of his own service are more restrictive, in which case the latter will apply.

(c) A licensee of a secondary frequency must, at all times during the term of the authorization:

(1) Be capable of reverting to his primary assignment within 15 days after receipt of written notice from the Commission, and

(2) Retain a complete set of crystals for his primary frequency assignment, and

(3) Utilize equipment with a tuning range encompassing his primary and secondary frequency assignments.

(d) Every application for a secondary assignment shall be accompanied by a statement signed by the applicant in which he agrees that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms, or to cancellation in its entirety at any time, upon reasonable notice, but without a hearing, if, in the judgment of the Commission, circumstances should so require.

§ 89.229 Preparation and filing of applications.

(a) All applications for a secondary frequency assignment shall be prepared and submitted on FCC Form ------, Application for Secondary Frequency Assignment.

(b) Licensees wishing to request a secondary frequency assignment shall complete and submit a copy of FCC Form ------, for each base and/or mobile station already licensed in the system for operation on a primary frequency for which a secondary assignment is desired.

(c) Applications for new stations to be added to an existing system operating under the secondary concept shall be filed on FCC Form 400 in accordance with Subpart A of this part. FCC Form ------, specifying the desired secondary frequency, should be filed as a supplement to each FCC Form 400.

§ 89.231 Secondary licenses.

(a) A license to operate on a secondary frequency under the experimental program provided for in this subpart will be issued to run concurrently with the primary authorization and may be renewed simultaneously with the primary

assignment. However, a secondary frequency assignment will not be made for a total period in excess of five years.

(b) An authorization to use a secondary frequency will be issued subject to the following conditions:

(1) The licensee will cease operation on the secondary assignment within 15 days after being directed to do so by the Commission.

(2) The secondary authorization will expire simultaneously with the expiration of the primary assignment.

(3) The secondary license may be withdrawn, modified, or suspended by the Commission upon reasonable notice, and without a hearing, if, in the judgment of the Commission, such action should be required.

(c) No subsequent secondary frequency assignment will be granted to a licensee who has previously held such an assignment and failed to cease operation within 15 days after having been notified by the Commission to do so.

2. Part 91 is amended by adding a new Subpart N in proper sequence to read as follows:

Subpart N—Secondary Frequency Assignments

Sec.
91.651 Purpose.
91.652 Scope.
91.653 Frequency selection and assignments.
91.654 Operating limitations.
91.655 Preparation and filing of applications.
91.656 Secondary licenses.

Subpart N—Secondary Frequency Assignments

§ 91.651 Purpose.

The purpose of this subpart is to establish the procedures and conditions for a limited trial of the practicability of making secondary frequency assignments in the land mobile services. The objective is to determine whether the secondary assignment principle can be used successfully as a device for obtaining greater efficiency of frequency utilization. It is intended for application only in cases where all frequencies normally available for assignment to an applicant already are used in the area and band concerned, and where the applicant is prepared to pay the extra costs to obtain at least temporary use of a more satisfactory channel. In conducting the trial, the Commission will grant a total of no more than 500 authorizations in this Part and in Parts 89 and 93 of this chapter combined. Applications for secondary frequency assignments will be accepted until ---------- unless 500 secondary assignments have been made prior to that date, in which case no further applications will be accepted for filing.

§ 91.652 Scope.

(a) This subpart is applicable only to certain land mobile service radio operations now located, or to be located, wholly within the State of California.

(b) Persons eligible to operate in the Power, Petroleum, Forest Products, Motion Picture, Special Industrial, Manufacturers and Telephone Maintenance Radio Services are eligible to file for secondary frequency assignments pursuant to the provisions of this subpart.

(c) Any assignable frequency in the bands 150.8–162 Mc/s and 450–470 Mc/s which presently is allocated to the Public Safety, Industrial, or Land Transportation Radio Services on a primary basis may be requested as a secondary assignment, except for those frequencies allocated to the State Guard, Special Emergency, Business, Relay Press, and Taxicab Radio Services; except for the 15 kc/s tertiary frequencies in the 150.8–162 Mc/s band; and except for those frequencies designated for itinerant use only.

§ 91.653 Frequency Selection and Assignments.

(a) The applicant for a secondary assignment must submit a statement that all assignable frequencies in his own service and in the band concerned (except tertiaries) are already assigned and in use with 75 miles of his base station location. Further, the applicant must have a valid primary assignment on which he has operated for a minimum period of 90 days, and he must state that operation on his primary assignment has been unsatisfactory because of frequency congestion. (This requirement does not apply to the addition of stations to a system previously authorized on a secondary basis. See § 91.655(c).) The secondary frequency selected must be within tuning range of the applicant's primary frequency.

(b) To minimize the possibility of harmful interference, the applicant for a secondary assignment must submit one of the following:

(1) A statement from the area frequency advisory committee(s) for the radio service(s) to which the frequency is allocated on a primary basis interposing no objection to the proposed secondary assignment; or

(2) His own statement that no co-channel base or fixed station assignments to a primary service licensee exist within 125 miles of the secondary base station location and, in the case of the 150.8–162 Mc/s band, that no primary assignments exist within 15 kc/s of the requested frequency within a radius of 25 miles from the secondary base station location.

(c) A prospective applicant for a secondary assignment should not communicate with the area frequency advisory committee until he has made his own frequency search and has good reason to believe he has found an available frequency.

(d) In the 150.8–162 Mc/s band, only one secondary frequency assignment per system will be made per applicant per area during the trial period.

(e) In the 450–470 Mc/s band, not more than two secondary frequency assignments will be permitted, in order to allow mobile relay or duplex operation.

(f) Secondary assignment will not be made to base stations authorized for operation at temporary locations, to mobile stations not associated with one or more base stations, or to fixed relay, repeater, or control stations (except control stations which are part of a mobile relay system operation in the 450–470 Mc/s band).

(g) In California there are a number of assignments to stations in the fixed service in the bands 150.8–162 Mc/s and 450–470 Mc/s. By rule, such fixed relay, repeater, and control stations are assigned on the basis of non-interference to the land mobile service. However, for the purpose of this experiment, persons seeking a secondary assignment in the land mobile service shall regard these fixed station assignments as though they have primary status.

(h) Applications for a secondary frequency assignment will not be granted, despite compliance with the provisions of paragraphs (a) to (g) of this section, if, in the judgment of the Commission, denial is warranted. Further, applications for secondary assignments will be accepted for filing with the understanding that, should the application be denied, the applicant waives any right to a formal hearing to which he might otherwise be entitled.

§ 91.654 Operating limitations.

(a) Upon activation of his secondary assignment, the licensee will not be permitted to use his primary frequency until:

(1) He voluntarily relinquishes his secondary assignment; or

(2) He is directed by the Commission to discontinue operation on his secondary frequency.

(b) Operational conditions which apply to the service to which the secondary frequency is allocated on a primary basis will apply to the secondary user unless the operational conditions of his own service are more restrictive, in which case the latter will apply.

(c) A licensee of a secondary frequency must, at all times during the term of the authorization:

(1) Be capable of reverting to his primary assignment within 15 days after receipt of written notice from the Commission, and

(2) Retain a complete set of crystals for his primary frequency assignment, and

(3) Utilize equipment with a tuning range encompassing his primary and secondary frequency assignments.

(d) Every application for a secondary assignment shall be accompanied by a statement signed by the applicant in which he agrees that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms, or to cancellation in its entirety at any time, upon reasonable notice, but without a hearing, if, in the judgment of the Commission, circumstances should so require.

§ 91.655 Preparation and filing of applications.

(a) All applications for a secondary frequency assignment shall be prepared and submitted on FCC Form ------, Application for Secondary Frequency Assignment.

(b) Licensees wishing to request a secondary frequency assignment shall complete and submit a copy of FCC Form ------ for each base and/or mobile sta-

tion already licensed in the system for operation on a primary frequency for which a secondary assignment is desired.

(c) Applications for new stations to be added to an existing system operating under the secondary concept shall be filed on FCC Form 400 in accordance with Subpart A of this part. FCC Form ------, specifying the desired secondary frequency, should be filed as a supplement to each FCC Form 400.

§ 91.656 Secondary licenses.

(a) A license to operate on a secondary frequency under the experimental program provided for in this subpart will be issued to run concurrently with the primary authorization and may be renewed simultaneously with the primary

assignment. However, a secondary frequency assignment will not be made for a total period in excess of five years.

(b) An authorization to use a secondary frequency will be issued subject to the following conditions:

(1) The licensee will cease operation on the secondary assignment within 15 days after being directed to do so by the Commission.

(2) The secondary authorization will expire simultaneously with the expiration of the primary assignment.

(3) The secondary license may be withdrawn, modified, or suspended by the Commission upon reasonable notice, and without a hearing, if, in the judgment of the Commission, such action should be required.

(c) No subsequent secondary frequency assignment will be granted to a licensee who has previously held such an assignment and failed to cease operation within 15 days after having been notified by the Commission to do so.

3. Part 93 is amended by adding a new Subpart D in proper sequence to read as follows:

Subpart D—Secondary Frequency Assignments

Sec.
93.221 Purpose.
93.223 Scope.
93.225 Frequency selection and assignments.
93.227 Operating limitations.
93.229 Preparation and filing of applications.
93.231 Secondary licenses.

Subpart D—Secondary Frequency Assignments

§ 93.221 Purpose.

The purpose of this subpart is to establish the procedures and conditions for a limited trial of the practicability of making secondary frequency assignments in the land mobile services. The objective is to determine whether the secondary assignment principle can be used successfully as a device for obtaining greater efficiency of frequency utilization. It is intended for application only in cases where all frequencies normally available for assignment to an applicant already are used in the area and band concerned, and where the applicant is prepared to pay the extra costs to obtain at least temporary use of a more satisfactory channel. In conducting the trial, the Commission will grant a total of no more than 500 authorizations in this part and in Parts 89 and 91 of this chapter combined. Applications for secondary frequency assignments will be accepted until ---------- unless 500 secondary assignments have been made prior to that date, in which case no further applications will be accepted for filing.

§ 93.223 Scope.

(a) This subpart is applicable only to certain land mobile service radio operations now located, or to be located, wholly within the State of California.

(b) Persons eligible to operate in the Petroleum, Forest Products, Motion Picture, Special Industrial, Manufacturers, and Telephone Maintenance Radio Services are eligible to file for secondary frequency assignments pursuant to the provisions of this subpart.

(c) Any assignable frequency in the bands 150.8–162 Mc/s and 450–470 Mc/s which presently is allocated to the Public Safety, Industrial, or Land Transportation Radio Services on a primary basis may be requested as a secondary assignment, except for those frequencies allocated to the State Guard, Special Emergency, Business, Relay Press, and Taxicab Radio Services; except for the 15 kc/s tertiary frequencies in the 150.8–162 Mc/s band; and except for those frequencies designated for itinerant use only.

§ 93.225 Frequency selection and assignments.

(a) The applicant for a secondary assignment must submit a statement that all assignable frequencies in his own service and in the band concerned (except tertiaries) are already assigned and in use within 75 miles of his base station location. Further, the applicant must have a valid primary assignment on which he has operated for a minimum period of 90 days, and he must state that operation on his primary assignment has been unsatisfactory because of frequency congestion. (This requirement does not apply to the addition of stations to a system previously authorized on a secondary basis. See § 93.227(c).) The secondary frequency selected must be within tuning range of the applicant's primary frequency.

(b) To minimize the possibility of harmful interference, the applicant for a secondary assignment must submit one of the following:

(1) A statement from the area frequency advisory committee(s) for the radio service(s) to which the frequency is allocated on a primary basis interposing no objection to the proposed secondary assignment; or

(2) His own statement that no co-channel base or fixed station assignments to a primary service licensee exist within 125 miles of the secondary base station location and, in the case of the 150.8–162 Mc/s band, that no primary assignments exist within 15 kc/s of the requested frequency within a radius of 25 miles from the secondary base station location.

(c) A prospective applicant for a secondary assignment should not communicate with the area frequency advisory committee until he has made his own frequency search and has good reason to believe he has found an available frequency.

(d) In the 150.8–162 Mc/s band, only one secondary frequency assignment per system will be made per applicant per area during the trial period.

(e) In the 450–470 Mc/s band, not more than two secondary frequency assignments will be permitted, in order to allow mobile relay or duplex operation.

(f) Secondary assignment will not be made to base stations authorized for operation at temporary locations, to mobile stations not associated with one or more base stations, or to fixed relay, repeater, or control stations (except control stations which are part of a mobile relay system operation in the 450–470 Mc/s band).

(g) In California there are a number of assignments to stations in the fixed service in the bands 150.8–162 Mc/s and 450–470 Mc/s. By rule, such fixed relay, repeater, and control stations are assigned on the basis of non-interference to the land mobile service. However, for the purpose of this experiment, persons seeking a secondary assignment in the land mobile service shall regard these fixed station assignments as though they have primary status.

(h) Applications for a secondary frequency assignment will not be granted, despite compliance with the provisions of paragraphs (a) to (g) of this section, if, in the judgment of the Commission, denial is warranted. Further, applications for secondary assignments will be accepted for filing with the understanding that, should the application be denied, the applicant waives any right to a formal hearing to which he might otherwise be entitled.

§ 93.227 Operating limitations.

(a) Upon activation of his secondary assignment, the licensee will not be permitted to use his primary frequency until:

(1) He voluntarily relinquishes his secondary assignment; or

(2) He is directed by the Commission to discontinue operation on his secondary frequency.

(b) Operational conditions which apply to the service to which the secondary frequency is allocated on a primary basis will apply to the secondary user unless the operational conditions of his own service are more restrictive, in which case the latter will apply.

(c) A licensee of a secondary frequency must, at all times during the term of the authorization:

(1) Be capable of reverting to his primary assignment within 15 days after receipt of written notice from the Commission, and

(2) Retain a complete set of crystals for his primary frequency assignment, and

(3) Utilize equipment with a tuning range encompassing his primary and secondary frequency assignments.

(d) Every application for a secondary assignment shall be accompanied by a statement signed by the applicant in which he agrees that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms, or to cancellation in its entirety at any time, upon reasonable notice, but without a hearing, if, in the judgment of the Commission, circumstances should so require.

§ 93.229 Preparation and filing of applications.

(a) All applications for a secondary frequency assignment shall be prepared and submitted on FCC Form ------, Application for Secondary Frequency Assignment.

(b) Licensees wishing to request a secondary frequency assignment shall complete and submit a copy of FCC Form ------ for each base and/or mobile station already licensed in the system for operation on a primary frequency for which a secondary assignment is desired.

(c) Applications for new stations to be added to an existing system operating under the secondary concept shall be filed on FCC Form 400 in accordance with Subpart A of this part. FCC Form ------, specifying the desired secondary frequency, should be filed as a supplement to each FCC Form 400.

§ 93.231 Secondary licenses.

(a) A license to operate on a secondary frequency under the experimental program provided for in this subpart will be issued to run concurrently with the primary authorization and may be renewed simultaneously with the primary

4. Part 107 is amended by adding a new Subpart C in proper sequence to read as follows:

Subpart C—Secondary Frequency Assignments

Sec.
107.301 Purpose.
107.303 Scope.
107.305 Frequency selection and assignments.
107.307 Operating limitations.
107.309 Preparation and filing of applications.
107.311 Secondary licenses.

Subpart C—Secondary Frequency Assignments

§ 107.301 Purpose.

The purpose of this subpart is to establish the procedures and conditions for a limited trial of the practicability of making secondary frequency assignments in the land mobile services. The objective is to determine whether the secondary assignment principle can be used successfully as a device for obtaining greater efficiency of frequency utilization. It is intended for application only in cases where all frequencies normally available for assignment to an applicant already are used in the area and band concerned, and where the applicant is prepared to pay the extra costs to obtain at least temporary use of a more satisfactory channel. In conducting the trial, the Commission will grant a total of no more than 500 authorizations in this part and in Parts 89 and 91 of this chapter combined. Applications for secondary frequency assignments will be accepted until ---------- unless 500 secondary assignments have been made prior to that date, in which case no further applications will be accepted for filing.

§ 107.303 Scope.

(a) This subpart is applicable only to certain land mobile service radio operations now located, or to be located, wholly within the State of California.

(b) Persons eligible to operate in the Local Government, Police, Fire, Highway Maintenance, and Forestry-Conservation Radio Services are eligible to file for secondary frequency assignments pursuant to the provisions of this subpart.

(c) Any assignable frequency in the bands 150.8–162 Mc/s and 450–470 Mc/s which presently is allocated to the Public Safety, Industrial, or Land Transportation Radio Services on a primary basis may be requested as a secondary assignment, except for those frequencies allocated to the State Guard, Special Emergency, Business, Relay Press, and Taxicab Radio Services; except for the 15 kc/s tertiary frequencies in the 150.8–162 Mc/s band; and except for those frequencies designated for itinerant use only.

§ 107.305 Frequency selection and assignments.

(a) The applicant for a secondary assignment must submit a statement that all assignable frequencies in his own service and in the band concerned (except tertiaries) are already assigned and in use within 75 miles of his base station location. Further, the applicant must have a valid primary assignment on which he has operated for a minimum period of 90 days, and he must state that operation on his primary assignment has been unsatisfactory because of frequency congestion. (This requirement does not apply to the addition of stations to a system previously authorized on a secondary basis. See § 107.307(c).) The secondary frequency selected must be within tuning range of the applicant's primary frequency.

(b) To minimize the possibility of harmful interference, the applicant for a secondary assignment must submit one of the following:

(1) A statement from the area frequency advisory committee(s) for the radio service(s) to which the frequency is allocated on a primary basis interposing no objection to the proposed secondary assignment; or

(2) His own statement that no co-channel base or fixed station assignments to a primary service licensee exist within 125 miles of the secondary base station location and, in the case of the 150.8–162 Mc/s band, that no primary assignments exist within 15 kc/s of the requested frequency within a radius of 25 miles from the secondary base station location.

(c) A prospective applicant for a secondary assignment should not communicate with the area frequency advisory committee until he has made his own frequency search and has good reason to believe he has found an available frequency.

(d) In the 150.8–162 Mc/s band, only one secondary frequency assignment per system will be made per applicant per area during the trial period.

(e) In the 450–470 Mc/s band, not more than two secondary frequency assignments will be permitted, in order to allow mobile relay or duplex operation.

(f) Secondary assignment will not be made to base stations authorized for operation at temporary locations, to mobile stations not associated with one or more base stations, or to fixed relay, repeater, or control stations (except control stations which are part of a mobile relay system operation in the 450–470 Mc/s band).

(g) In California there are a number of assignments to stations in the fixed service in the bands 150.8–162 Mc/s and 450–470 Mc/s. By rule, such fixed relay, repeater, and control stations are assigned on the basis of non-interference to the land mobile service. However, for the purpose of this experiment, persons seeking a secondary assignment in the land mobile service shall regard these fixed station assignments as though they have primary status.

(h) Applications for a secondary frequency assignment will not be granted, despite compliance with the provisions of paragraphs (a) to (g) of this section, if, in the judgment of the Commission, denial is warranted. Further, applications for secondary assignments will be accepted for filing with the understanding that, should the application be denied, the applicant waives any right to a formal hearing to which he might otherwise be entitled.

§ 107.307 Operating limitations.

(a) Upon activation of his secondary assignment, the licensee will not be permitted to use his primary frequency until:

(1) He voluntarily relinquishes his secondary assignment; or

(2) He is directed by the Commission to discontinue operation on his secondary frequency.

(b) Operational conditions which apply to the service to which the secondary frequency is allocated on a primary basis will apply to the secondary user unless the operational conditions of his own service are more restrictive, in which case the latter will apply.

(c) A licensee of a secondary frequency must, at all times during the term of the authorization:

(1) Be capable of reverting to his primary assignment within 15 days after receipt of written notice from the Commission, and

(2) Retain a complete set of crystals for his primary frequency assignment, and

(3) Utilize equipment with a tuning range encompassing his primary and secondary frequency assignments.

(d) Every application for a secondary assignment shall be accompanied by a statement signed by the applicant in which he agrees that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms, or to cancellation in its entirety at any time, upon reasonable notice, but without a hearing, if, in the judgment of the Commission, circumstances should so require.

§ 107.309 Preparation and filing of applications.

(a) All applications for a secondary frequency assignment shall be prepared and submitted on FCC Form ------, Application for Secondary Frequency Assignment.

(b) Licensees wishing to request a secondary frequency assignment shall complete and submit a copy of FCC Form ------ for each base and/or mobile station already licensed in the system for operation on a primary frequency for which a secondary assignment is desired.

(c) Applications for new stations to be added to an existing system operating under the secondary concept shall be filed on FCC Form 400 in accordance with Subpart A of this part. FCC Form ------, specifying the desired secondary frequency, should be filed as a supplement to each FCC Form 400.

§ 107.311 Secondary licenses.

(a) A license to operate on a secondary frequency under the experimental program provided for in this subpart will be issued to run concurrently with the primary authorization and may be renewed simultaneously with the primary

5. Part 107 is further amended by amending §§ 107.802(c) and 107.802(d) relating to inclusion of Federal Tax numbers for designated persons on SBA Forms 465 and 478 was published in the

It is ordered, That pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003)

tion already licensed in the system for operation on a primary frequency for which a secondary assignment is desired.

(c) Applications for new stations to be added to an existing system operating under the secondary concept shall be filed on FCC Form 400 in accordance with Subpart A of this part. FCC Form ------, specifying the desired secondary frequency, should be filed as a supplement to each FCC Form 400.

§ 91.656 Secondary licenses.

(a) A license to operate on a secondary frequency under the experimental program provided for in this subpart will be issued to run concurrently with the primary authorization and may be renewed simultaneously with the primary assignment. However, a secondary frequency assignment will not be made for a total period in excess of five years.

(b) An authorization to use a secondary frequency will be issued subject to the following conditions:

(1) The licensee will cease operation on the secondary assignment within 15 days after being directed to do so by the Commission.

(2) The secondary authorization will expire simultaneously with the expiration of the primary assignment.

(3) The secondary license may be withdrawn, modified, or suspended by the Commission upon reasonable notice, and without a hearing, if, in the judgment of the Commission, such action should be required.

(c) No subsequent secondary frequency assignment will be granted to a licensee who has previously held such an assignment and failed to cease operation within 15 days after having been notified by the Commission to do so.

3. Part 93 is amended by adding a new Subpart G in proper sequence to read as follows:

SUBPART G—SECONDARY FREQUENCY ASSIGNMENTS

Sec.
93.301 Purpose.
93.302 Scope.
93.303 Frequency selection and assignments.
93.304 Operating limitations.
93.305 Preparation and filing of applications.
93.306 Secondary licenses.

Subpart G—Secondary Frequency Assignments

§ 93.301 Purpose.

The purpose of this subpart is to establish the procedures and conditions for a limited trial of the practicability of making secondary frequency assignments in the land mobile services. The objective is to determine whether the secondary assignment principle can be used successfully as a device for obtaining greater efficiency of frequency utilization. It is intended for application only in cases where all frequencies normally available for assignment to an applicant already are used in the area and band concerned, and where the applicant is prepared to pay the extra costs to obtain at least temporary use of a more satisfactory channel. In conducting the trial, the Commission will grant a total of no more than 500 authorizations in this part and in Parts 89 and 91 of this chapter combined. Applications for secondary frequency assignments will be accepted until ---------- unless 500 secondary assignments have been made prior to that date, in which case no further applications will be accepted for filing.

§ 93.302 Scope.

(a) This subpart is applicable only to certain land mobile service radio operations now located, or to be located, wholly within the State of California.

(b) Persons eligible to operate in the Motor Carrier, Railroad, and Automobile Emergency Radio Services are eligible to file for secondary frequency assignments pursuant to the provisions of this subpart.

(c) Any assignable frequency in the bands 150.8–162 Mc/s and 450–470 Mc/s which presently is allocated to the Public Safety, Industrial, or Land Transportation Radio Services on a primary basis may be requested as a secondary assignment, except for those frequencies allocated to the State Guard, Special Emergency, Business, Relay Press, and Taxicab Radio Services; except for the 15 kc/s tertiary frequencies in the 150.8–162 Mc/s band; and except for those frequencies designated for itinerant use only.

§ 93.303 Frequency selection and assignments.

(a) The applicant for a secondary assignment must submit a statement that all assignable frequencies in his own service and in the band concerned (except tertiaries) are already assigned and in use within 75 miles of his base station location. Further, the applicant must have a valid primary assignment on which he has operated for a minimum period of 90 days, and he must state that operation on his primary assignment has been unsatisfactory because of frequency congestion. This requirement does not apply to the addition of stations to a system previously authorized on a secondary basis. See § 93.305(c). The secondary frequency selected must be within tuning range of the applicant's primary frequency.

(b) To minimize the possibility of harmful interference, the applicant for a secondary assignment must submit one of the following:

(1) A statement from the area frequency advisory committee(s) for the radio service(s) to which the frequency is allocated on a primary basis interposing no objection to the proposed secondary assignment; or

(2) His own statement that no cochannel base or fixed station assignments to a primary service licensee exist within 125 miles of the secondary base station location and, in the case of the 150.8–162 Mc/s band, that no primary assignments exist within 15 kc/s of the requested frequency within a radius of 25 miles from the secondary base station location.

(c) A prospective applicant for a secondary assignment should not communicate with the area frequency advisory committee until he has made his own frequency search and has good reason to believe he has found an available frequency.

(d) In the 150.8–162 Mc/s band, only one secondary frequency assignment per system will be made per applicant per area during the trial period.

(e) In the 450–470 Mc/s band, not more than two secondary frequency assignments will be permitted, in order to allow mobile relay or duplex operation.

(f) Secondary assignment will not be made to base stations authorized for operation at temporary locations, to mobile stations not associated with one or more base stations, or to fixed relay, repeater, or control stations (except control stations which are part of a mobile relay system operation in the 450–470 Mc/s band).

(g) In California there are a number of assignments to stations in the fixed service in the bands 150.8–162 Mc/s and 450–470 Mc/s. By rule, such fixed relay, repeater, and control stations are assigned on the basis of noninterference to the land mobile service. However, for the purpose of this experiment, persons seeking a secondary assignment in the land mobile service shall regard these fixed station assignments as though they have primary status.

(h) Applications for a secondary frequency assignment will not be granted, despite compliance with the provisions of paragraphs (a) to (g) of this section, if, in the judgment of the Commission, denial is warranted. Further, applications for secondary assignments will be accepted for filing with the understanding that, should the application be denied, the applicant waives any right to a formal hearing to which he might otherwise be entitled.

§ 93.304 Operating limitations.

(a) Upon activation of his secondary assignment, the licensee will not be permitted to use his primary frequency until:

(1) He voluntarily relinquishes his secondary assignment; or

(2) He is directed by the Commission to discontinue operation on his secondary frequency.

(b) Operational conditions which apply to the service to which the secondary frequency is allocated on a primary basis will apply to the secondary user unless the operational conditions of his own service are more restrictive, in which case the latter will apply.

(c) A licensee of a secondary frequency must, at all times during the term of the authorization:

(1) Be capable of reverting to his primary assignment within 15 days after receipt of written notice from the Commission, and

(2) Retain a complete set of crystals for his primary frequency assignment, and

(3) Utilize equipment with a tuning range encompassing his primary and secondary frequency assignments.

(d) Every application for a secondary assignment shall be accompanied by a statement signed by the applicant in which he agrees that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms, or to cancellation in its entirety at any time, upon reasonable notice, but without a hearing, if, in the judgment of the Commission, circumstances should so require.

§ 93.305 Preparation and filing of applications.

(a) All applications for a secondary frequency assignment shall be prepared and submitted on FCC Form ----, Application for Secondary Frequency Assignment.

(b) Licensees wishing to request a secondary frequency assignment shall complete and submit a copy of FCC Form ------ for each base and/or mobile station already licensed in the system for operation on a primary frequency for which a secondary assignment is desired.

(c) Applications for new stations to be added to an existing system operating under the secondary concept shall be filed on FCC Form 400 in accordance with Subpart A of this part. FCC Form ------, specifying the desired secondary frequency, should be filed as a supplement to each FCC Form 400.

§ 93.306 Secondary licenses.

(a) A license to operate on a secondary frequency under the experimental program provided for in this subpart will be issued to run concurrently with the primary authorization and may be renewed simultaneously with the primary assignment. However, a secondary frequency assignment will not be made for a total period in excess of five years.

(b) An authorization to use a secondary frequency will be issued subject to the following conditions:

(1) The licensee will cease operation on the secondary assignment within 15 days after being directed to do so by the Commission.

(2) The secondary authorization will expire simultaneously with the expiration of the primary assignment.

(3) The secondary license may be withdrawn, modified, or suspended by the Commission upon reasonable notice, and without a hearing, if, in the judgment of the Commission, such action should be required.

(c) No subsequent secondary frequency assignment will be granted to a licensee who has previously held such an assignment and failed to cease operation within 15 days after having been notified by the Commission to do so.

[F.R. Doc. 64-3240; Filed, Apr. 3, 1964; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Withdrawal of Proposed Amendments Requiring Additional Information in Certain Investment Company Financial Reports

On December 6, 1963, notice of proposed rule making regarding proposed amendments to §§ 107.802(c) and 107.802 (d) relating to inclusion of Federal Tax numbers for designated persons on SBA Forms 468 and 478 was published in the FEDERAL REGISTER (28 F.R. 13267). The reasons therefor were set forth in the notice and comments or suggestions pertaining to the proposal were invited. On January 11, 1964, notice was given of an extension of time for submitting comments and suggestions (29 F.R. 297).

Comments and suggestions received by the Small Business Administration have raised questions as to the effect of the proposed amendments on the small business investment company program which require further study of the matter. Accordingly, it has been determined that adoption of the proposed amendments is not appropriate at this time.

The withdrawal of this notice of proposed rule making constitutes only such action and does not preclude the Administration from issuing another notice in the future should further study warrant such action.

In consideration of the foregoing, the notices of proposed rule making, entitled "Proposed Amendments to Regulations Requiring Additional Information in Certain Investment Company Financial Reports" published in the FEDERAL REGISTER, December 6, 1963 (28 F.R. 13267), is hereby withdrawn.

Dated: March 31, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-3297; Filed Apr. 3, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 191]

[Ex Parte No. MC-40]

QUALIFICATIONS OF DRIVERS

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 25th day of March A.D. 1964.

The matter of disqualifications of drivers under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, being under consideration; and

It appearing, that continuing study, investigation and experience have established facts which warrant amendment of Part 191 of the Motor Carrier Safety Regulations relating to qualifications of drivers;

It further appearing, that due to technological advancement in prosthesis and the use of prosthetic devices, and the opinion of certain medical specialists, it is reasonable to establish conditions upon which the ability of individual persons to drive a motor vehicle in interstate or foreign commerce may be evaluated and authorization, subject to controls, may be issued for them to operate specified type vehicles, therefore;

It is ordered, That pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) notice is hereby given of the Commission's proposal to amend § 191.2. *Minimum requirements* now in effect, by substituting the following language for the introductory paragraph thereof, and to add a new paragraph (e) authorizing the granting of waivers, under specified conditions, with respect to persons handicapped through loss of limb and further providing sufficient safeguards to assure reasonable controls and safety standards, as follows:

§ 191.2 Minimum requirements.

Except as provided in paragraph (e) of this section, no person shall drive, nor shall any motor carrier require or permit any person to drive any motor vehicle unless such person possesses the following minimum qualifications:

* * * * * *

(e) Any person failing to meet the requirements of paragraph (a) (1) or (3) of this section may be permitted to drive a vehicle, other than a vehicle transporting passengers or explosives Class A and B, if the Commission finds that a waiver may be granted consistent with safety and the public interest, on the basis of an application meeting all the following requirements:

(1) The application must be submitted jointly by a person seeking relief to permit him to drive and by a carrier wishing to employ such person as a driver, who both agree to fulfilling all conditions of the waiver;

(2) The application must be accompanied by reports of medical examinations satisfactory to the Commission and recommendations by at least two medical examiners, at least one of whom shall have been selected and compensated by the carrier. Such reports and examinations must indicate the opinions of the medical examiners as to the ability of the driver to safely operate a commercial vehicle of the type to be driven by him.

(3) The application shall contain a description, satisfactory to the Commission of the type, size, and special equipment (if any) of the vehicle or vehicles to be driven, the territory and roads to be used, the distances and time periods contemplated, the nature of the commodities to be transported, and their method of loading and securing, and the experience (if any) of the applicant in driving vehicles of the type to be driven by him.

(4) The application shall specify agreement by both the person and the carrier that the carrier will file promptly with the Director, Bureau of Motor Carriers, such periodic reports as are required and that such reports will contain complete and truthful information as to the extent of the person's driving activity, any accidents in which he may have been involved, and any arrests, suspensions, or convictions in which the person has been involved.

(5) The applicants shall agree that the waiver shall authorize driving in interstate commercial service for the applicant carrier only, that any arrests or convictions for violations of laws or ordinances, and any revocation or suspension of driving privileges will be reported to the Director, Bureau of Motor Carriers immediately on occurrence.

(6) The waiver shall not exceed two years and will be renewable, upon submission of a new application, if approved by the Commission.

(7) The waiver may be suspended at any time at the discretion of the Commission and may be cancelled by it after the applicant has been given reasonable

It further appearing, that due to the serious accidents occurring at rail-highway grade crossings, it is reasonable and necessary to establish stopping requirements of a more encompassing and strict nature as stated in the Commission's Report in No. 33440, dated January 22, 1964, Prevention of Rail-Highway Grade-Crossing Accidents Involving Railway Trains and Motor Vehicles, therefore;

It is ordered, That pursuant to section

(c) A stop need not be made at:

(1) A street car crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district as defined in § 190.12 of this chapter,

(2) A railroad grade crossing where a police officer or crossing flagman directs traffic to proceed,

(3) A railroad grade crossing where a stop and go traffic light controls move-

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 64-15]

NEW LONDON HARBOR

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and

thence S. 10°45'00" W. 1,344.37 feet to the Northeast Corner of Tract V; thence N. 79°-15'00" W. 4,154.39 feet along the North Boundary of Tract V to the point of beginning.

The areas described aggregate approximately 128.215 acres.

pension of driving privileges will be reported to the Director, Bureau of Motor Carriers immediately on occurrence.

(6) The waiver shall not exceed two years and will be renewable, upon submission of a new application, if approved by the Commission.

(7) The waiver may be suspended at any time at the discretion of the Commission and may be cancelled by it after the applicant has been given reasonable opportunity to show cause, if any, why such cancellation should not be made.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That prior to final adoption of such regulations, consideration will be given to any written statements containing data, views, or arguments concerning the subject matter hereof which are submitted on or before 30 days after the service date of this order; that no oral hearing is contemplated and any request for oral hearing shall be supported by an explanation as to why evidence to be presented cannot reasonably be submitted in written form. One original signed copy and 5 additional copies of such written statements containing data, views, or arguments shall be submitted in accordance with the Commission's general rules of practice.

It is further ordered, That notice of this proceeding shall be given to motor carriers, other persons of interest and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3293; Filed, Apr. 3, 1964; 8:47 a.m.]

[49 CFR Part 192]

[Ex Parte MC-40]

DRIVING OF MOTOR VEHICLES

Qualification and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 27th day of March A.D. 1964.

The matter of driving of motor vehicles under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, being under consideration; and

It appearing, that continuing study, investigation and experience have established facts which warrant amendment of Part 192 of the Motor Carrier Safety Regulations relating to driving of motor vehicles;

It further appearing, that due to the serious accidents occurring at rail-highway grade crossings, it is reasonable and necessary to establish stopping requirements of a more encompassing and strict nature as stated in the Commission's Report in No. 33440, dated January 22, 1964, Prevention of Rail-Highway Grade-Crossing Accidents Involving Railway Trains and Motor Vehicles, therefore;

It is ordered, That pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) notice is hereby given of the Commission's proposal to amend § 192.10 *Railroad grade crossings; stopping required* and § 192.11 *Railroad grade crossings; slowing down required* in their entirety, as follows:

§ 192.10 Railroad grade crossings; stopping required.

(a) Except as provided in paragraph (c) of this section, the driver of every motor vehicle described in subparagraphs (1) through (7) of this section, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until such precautions have been taken.

(1) Every bus transporting passengers,

(2) Every motor vehicle transporting any quantity of explosives, Class A or Class B,

(3) Every motor vehicle transporting any quantity of poison gas, Class A,

(4) Every motor vehicle which in accordance with the Commission's regulations is required to be marked or placarded with one of the following markings:

(i) Dangerous.

(ii) Compressed gas.

(iii) Dangerous—Radioactive materials.

(5) Every cargo tank, whether loaded or empty, used for the transportation of any liquid having a flash point below 200° F, as determined by a Standard Method of Test for Flash Point of the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa., 19103.

(6) Every cargo tank transporting a commodity which at the time of loading has a temperature above its flash point.

(7) Every cargo tank, whether loaded or empty, transporting any commodity under special permit in accordance with the provision of § 73.22 of this chapter.

(b) Every motor vehicle described in subparagraphs (1) through (7) of paragraph (a) of this section shall be equipped with a sign on the rear, in red retroflective letters at least 3 inches high on a background of contrasting color, reading "This Vehicle Stops at Railroad Crossings."

(c) A stop need not be made at:

(1) A street car crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district as defined in § 190.12 of this chapter,

(2) A railroad grade crossing where a police officer or crossing flagman directs traffic to proceed,

(3) A railroad grade crossing where a stop and go traffic light controls movement of traffic,

(4) An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned,

(5) An industrial or spur line railroad grade crossing marked with a sign reading "Exempt Crossing." Such "Exempt Crossing" signs shall be erected only by or with the consent of the appropriate state or local authority.

§ 192.11 Railroad grade crossings; slowing down required.

The driver of every motor vehicle other than those listed in § 192.10, upon approaching a railroad grade crossing, shall drive at a speed not greater than 25 miles per hour at all distances between 200 feet and the nearest rail of such railroad and shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not drive upon or over such crossing until such precautions have been taken.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That prior to final adoption of such regulations, consideration will be given to any written statements containing data, views, or arguments concerning the subject matter hereof which are submitted on or before May 7, 1964; that no oral hearing is contemplated and any request for oral hearing shall be supported by an explanation as to why evidence to be presented cannot reasonably be submitted in written form. One original signed copy and 5 additional copies of such written statements containing data, views, or arguments shall be submitted in accordance with the Commission's general rules of practice.

It is further ordered, That notice of this proceeding shall be given to motor carriers, other persons of interest and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3294; Filed, Apr. 3, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 64-15]

NEW LONDON HARBOR

Closure to Navigation During Launching of "USS Greenling"

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended, by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of J. H. Wagline, Captain, United States Coast Guard, Acting Commander, Third Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE NEW LONDON HARBOR

Pursuant to the request of the Commander, Submarine Force, U.S. Atlantic Fleet, U.S. Navy, and acting under the authority of the Act of June 15, 1917, (40 Stat. 220) as amended, and the regulations in Part 6, Chapter I, Title 33, Code of Federal Regulations, I hereby order that the waters of New London Harbor, New London, Connecticut, between the latitudes of 41 degrees 20 min. 32 sec. North and 41 degrees 21 min. 03 sec. North, be closed to all persons and vessels on Saturday, 4 April 1964, from 2:30 p.m. eastern standard time, until the "USS Greenling" is made fast to the wetdock at the Electric Boat Division of the General Dynamics Corporation, Groton, Connecticut. The launching of the "USS Greenling" is scheduled for 3:00 p.m. eastern standard time, on 4 April 1964. The northern and southern limits of this area will be marked by ranges located on the eastern shore. Coast Guard vessels will be anchored off these ranges between the shore line and the main ship channel.

All persons and vessels are directed to remain outside of the closed area. This order will be enforced by the Captain of the Port, New London, Connecticut, and by U.S. Coast Guard vessels under his command. The aid of other Federal, State and Municipal agencies may be enlisted to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows: If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise or any power conferred by this title * * * Or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000.00.

Dated: March 31, 1964.

[SEAL] E. J. ROLAND, *Admiral, U.S. Coast Guard, Commandant.*

[F.R. Doc. 64-3311; Filed, Apr. 3, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 30, 1964.

The Federal Aviation Agency has filed an application, Serial Number Fairbanks 031968, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of materials under the Materials Act of 1947, as amended. The applicant desires the land for establishing a VORTAC Air Navigational Facility, under section 303c of the Federal Aviation Act of 1958, Public Law 85-726 (72 Stat. 748) and (63 Stat. 377; 40 U.S.C. 471).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the Federal Aviation Agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

TRACT B

Commencing at the point of beginning of the State of Alaska, Division of Aviation Tract V, proceed N. 26°30'00" E. 2,597.52 feet along the West Boundary of Tract V to a point; thence S. 79°15'00" E. 1,845.61 feet along the North Boundary of Tract V to the true point of beginning of this description; thence N. 10°45'00" E. 1,344.37 feet to a point; thence S. 79°15'00" E. 4,154.39 feet to a point; thence S. 10°45'00" W. 1,344.37 feet to the Northeast Corner of Tract V; thence N. 79°-15'00" W. 4,154.39 feet along the North Boundary of Tract V to the point of beginning.

The areas described aggregate approximately 128.215 acres.

TRACT C

Commencing at the point of beginning of the State of Alaska, Division of Aviation's Tract V, proceed S. 79°15'00" E. 3,609.35 feet along the South Boundary of Tract V to the true point of beginning of this description; thence continue S. 79°15'00" E. 1,982.66 feet along said South Boundary line to a point; thence S. 10°45'00" W. 255.63 feet to a point; thence N. 79°15'00" W. 1,982.66 feet to a point; thence N. 10°45'00" E. 255.63 feet to the point of beginning.

The areas described aggregate approximately 11.635 acres.

DANIEL A. JONES, *Manager.*

[F.R. Doc. 64-3315; Filed, Apr. 3, 1964; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RUDNICK LIVESTOCK SALES CO., INC., ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name and location of stockyard and date of posting

Rudnick Livestock Sales Company, Inc., Dover, Del., October 28, 1959.

Marshall County Community Sale Barn, Plymouth, Ind., June 17, 1959.

Benkelman Sales Company, Inc., Benkelman, Nebr., January 8, 1947.

Madras Livestock Auction Market, Madras, Oreg., September 22, 1959.

Rogue Valley Livestock Auction, Inc., Phoenix, Oreg., October 2, 1959.

Louisa Stockyard, Louisa, Va., July 7, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This

notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 31st day of March 1964.

H. L. JONES, *Director, Livestock Division.*

[F.R. Doc. 64-3292; Filed, Apr. 3, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14445]

Agreement Relating to Joint Air-Surface Transportation of Property

This statement is made as of March 5, 1964.

Dated: March 5, 1964.

LOUIS F. FRAZZA.

[F.R. Doc. 64-3273; Filed, Apr. 3, 1964; 8:45 a.m.]

Agency, Inc., Docket 14445, relating to joint air-surface transportation of property.

The Board, by Order E-20332, January 2, 1964, disapproved certain agreements purportedly relating to joint air-surface transportation of property be-

On February 24, 1964, REA filed a motion for leave to reply to Slick's answer and asked for 90 days within which to file such reply. REA, in support of its motion, alleges, in substance, that Slick's proposals and suggestions, both with respect to the possible charter by REA of

the jet "economy coach" fares of United Air Lines, Inc., and the jet "thrift" fares of Pan American World Airways, Inc., between Honolulu, on the one hand, and Los Angeles and San Francisco, on the other hand, to determine whether said fares and provisions are or will be unjust

that Kodiak should receive service mail pay at the above levels of compensation. However, the answer construes Kodiak's petition as a request for a final service mail rate for the period December 5, 1960, through June 30, 1963, and for a temporary service mail rate for the period on

notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 31st day of March 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-3269; Filed, Apr. 3, 1964; 8:47 a.m.]

Office of the Secretary

NORTH DAKOTA AND WISCONSIN

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Dakota and Wisconsin, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Dunn. Oliver.
Mercer.

WISCONSIN

Marinette.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 1st day of April 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-3318; Filed Apr. 3, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LOUIS F. FRAZZA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: none.
B. Additions: none.

This statement is made as of March 5, 1964.

Dated: March 5, 1964.

LOUIS F. FRAZZA.

[F.R. Doc. 64-3273; Filed, Apr. 3, 1964; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-216]

New York University

Notice of Application for Facility License

Please take notice that New York University, New York, New York, has filed an application under section 104c of the Atomic Energy Act of 1954, as amended, for a license to possess, but not to operate, the Model AGN-201M nuclear reactor ("the reactor") which is currently owned and has been operated under Facility License No. R-27 by the U.S. Naval Hospital, National Naval Medical Center, Bethesda, Maryland.

This application is for possession only of the reactor at its present location in Bethesda, Maryland. The applicant has stated its intention to apply for authority to transfer the reactor to a site on New York University's campus at a later date.

A copy of the application is available for public inspection at the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 27th day of March 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-3279; Filed, Apr. 3, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Agreements CAB 14782 etc.; Order E-20633]

ALASKA AIRLINES, INC., ET AL.

Order Granting Motion for Leave To Reply and Inviting Comments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of March 1964.

Agreements between each of the following Alaska Airlines, Inc., Agreements CAB 14782; Eastern Air Lines, Inc., Agreements CAB 16171 and A1; Pan American World Airways, Inc., Agreements CAB 16218; Riddle Airlines, Inc., Agreements CAB 16231; The Flying Tiger Line, Inc., Agreements CAB 16384 and A1; The Slick Corporation, Agreements CAB 16571; Transportation Corporation of America, Agreements CAB 16894 and A1; Agreements CAB 16916; Agreements CAB 16922; Agreements CAB 16929; and Railway Express Agency, Inc., Docket 14445, relating to joint air-surface transportation of property.

The Board, by Order E-20332, January 2, 1964, disapproved certain agreements purportedly relating to joint air-surface transportation of property between Railway Express Agency, Inc. (REA) and the air carriers listed in the above caption.[1]

REA petitioned for reconsideration of Order E-20332 and several answers were filed in response thereto. The Slick Corporation (Slick) in its answer to REA's petition for reconsideration posed alternatives and questions not heretofore specifically considered by the Board or raised by the parties to the agreements. Thus, the carrier suggests that the following alternative adjustments, both of which it claims are regulatorily sound, warrant further consideration by the Board: (1) The establishment of two terminal areas, one within which joint rate service can be performed, and a second more limited one within which joint rate service cannot be performed,[2] or (2) restricting REA to existing terminal limits by permitting the carrier, on a modest, experimental basis, to charter all-cargo aircraft. Slick states with regard to the second proposal, that the Board could maintain full control and supervision over these charters by requiring the air carrier involved to apply for an individual exemption from the charter definition in Part 207 of the Board's Economic Regulations (as would have to be done today) but indicating that it would favorably consider such applications under certain specified conditions.[3] Slick also urges the Board, in the event it finds it in the public interest on reconsideration to approve some revised forms of these arrangements, to consider limiting domestic carriage of the REA traffic encompassed by the agreements to the all-cargo carrier industry as a step toward delineation of roles in the air cargo industry.

[1] The Board's disapproval of the already implemented "off-shore" agreements was not to become effective until 30 days from the date of service of Order E-20332. However, the Board, by subsequent order (E-20420), further stayed the effectiveness of the order of disapproval insofar as it pertained to the off-shore agreements until 20 days after the date of service of the Board's order on reconsideration in this matter.

[2] Slick asserts that if REA transportation is, as to it, line-haul in character, it could be considered by the Board as surface transportation, regardless of normal terminal area limits. Thus, the carrier suggests that REA's haul within the commercial zone of a city, as defined for surface carriers by the ICC, might be construed as terminal service for air transportation, while hauls beyond these commercial zones could be viewed as line-haul in character, regardless of conventional pick-up and delivery terminal limits.

[3] Slick maintains that by this means the Board would retain intact its present joint rate concept, while allowing REA to airlift its vast terminal area to terminal area surface volumes under a controlled experiment that could be stopped or modified by the Board at any time.

On February 24, 1964, REA filed a motion for leave to reply to Slick's answer and asked for 90 days within which to file such reply. REA, in support of its motion, alleges, in substance, that Slick's proposals and suggestions, both with respect to the possible charter by REA of all-cargo aircraft and to the proper delineation of the air carriers' roles in the airfreight market, are sufficiently promising as to warrant further exploration and comment before a final attempt is made to solve the problem posed by this proceeding and that since the proposals have far reaching and important economic and conceptual implications which require careful and factual exploration, a 90-day period within which to file its reply appears reasonable.

The alternate Slick proposals do not appear to meet the objections to the agreements disapproved by Order E-20332 since they also would require the grant to REA of additional operating authority by the Board. Nevertheless, we believe the proposals warrant further consideration in the public interest and we shall authorize REA and the carriers to submit replies thereto. We would expect REA to set forth in its reply the nature and extent of any additional operating authority for which it would apply. REA shall be granted 30 days within which to file its reply to Slick's answer.[4] Moreover, since no other party to the agreement or other interested persons have addressed themselves to the matters raised by Slick, we will also afford such persons a 30-day period within which to file their written views with respect to Slick's proposals and suggestions.[4]

Accordingly, it is ordered:

1. That REA be, and it hereby is, granted 30 days from the date of service of this order within which to reply to the answer of The Slick Corporation filed in this cause;

2. That, except to the extent granted herein, REA's motion for leave to reply, be and it hereby is, denied; and

3. That any other interested persons may, within 30 days from the date of service of this order, file with the Board written comments and views with respect to the proposals raised by Slick in its answer to REA's petition for reconsideration of Order E-20332.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3328; Filed, Apr. 3, 1964; 8:49 a.m.]

[Docket No. 14838]

THRIFT CLASS FARE INVESTIGATION

Notice of Hearing

In the matter of an investigation of the existing coach fares and provisions, the jet "economy coach" fares of United Air Lines, Inc., and the jet "thrift" fares of Pan American World Airways, Inc., between Honolulu, on the one hand, and Los Angeles and San Francisco, on the other hand, to determine whether said fares and provisions are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding will be held on April 28, 1964, at 10 a.m. e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Hearing Examiner.

For further information concerning the issues in this proceeding, interested persons are referred to the Examiner's prehearing conference and supplemental prehearing conference reports and to Orders Nos. E-20137 and E-20211 issued by the Board, which are on file in the above docket in the Docket Section of the Board.

Dated at Washington, D.C., March 31, 1964.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 64-3329; Filed, Apr. 3, 1964; 8:50 a.m.]

[Docket 12474; Order No. E-20637]

KODIAK AIRWAYS, INC.

Service Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of April, 1964.

The Board, acting in response to a petition by Kodiak Airways, Inc. (Kodiak), fixed temporary rates of compensation for Kodiak of $11,018 per annum beginning December 5, 1960, for the transportation of mail by aircraft.[1] It was further ordered that the proceeding remain open until the entry of an order fixing final rates.

By petition filed December 17, 1963, Kodiak requests amendment of its temporary service mail rates fixed by Order E-17107. The carrier seeks to be paid on the basis of the service mail rate of $2.50 per mail ton-mile which the Board has established for the smaller intra-Alaska carriers and requests that its service mail compensation be adjusted retroactively and prospectively as follows:

Fiscal year:	*Total temporary service mail compensation*
1962	$16,400
1963	17,500
1964	18,700

The petition also requests temporary service mail compensation for periods subsequent to fiscal year 1964 at the rate of $18,700 per annum.

By answer of January 15, 1964, the Postmaster General indicated agreement that Kodiak should receive service mail pay at the above levels of compensation. However, the answer construes Kodiak's petition as a request for a final service mail rate for the period December 5, 1960, through June 30, 1963, and for a temporary service mail rate for the period on and after July 1, 1963.

Counsel for Kodiak has been advised that the carrier has lost all but two aircraft and that its ground facilities at its main base at Kodiak have been demolished and its records swept away in the Alaska disaster. The carrier obviously has a critical and urgent need for cash.

By order E-7721, September 16, 1953, inter alia, the Board established initial service mail rates for the larger intra-Alaska carriers of $1.29 per mail ton-mile and $2.50 per mail ton-mile for the smaller carriers. Kodiak is one of the smaller intra-Alaska carriers.[2] The present temporary service mail compensation of $11,018 per annum was established with the intention of yielding $2.50 per mail ton-mile. The carrier's yields in fact have been substantially less than the $2.50 per mail ton-mile that the Board contemplated for the smaller intra-Alaska carriers and are tending to decline.

Since the carrier's yield from its temporary service mail pay is less than the $2.50 per mail ton-mile level contemplated by the Board for the smaller intra-Alaska carriers and there appears to be no equitable justification for Kodiak's lesser yield, the Board finds that the current temporary service mail rate requires an adjustment to the level of approximately $2.50 per mail ton-mile. The Postmaster General apparently has no objection to a temporary service mail rate at this level for the period on and after July 1, 1963, and a final mail rate at this level for earlier periods.

The Board finds, based upon a rate of approximately $2.50 per mail ton-mile, that the fair and reasonable temporary rates of compensation to be paid Kodiak for the periods specified hereunder on and after December 5, 1960, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the points which the carrier, by its certificate of public convenience and necessity or exemption order, has been, is presently or hereafter may be authorized to transport mail, are:

Period	*Temporary service mail compensation*
December 5, 1960–June 30, 1961	$7,000
July 1, 1961–June 30, 1962	16,400
July 1, 1962–June 30, 1963	17,500
Per annum on and after July 1, 1963	18,700

The compensation provided herein shall be in lieu of, and not in addition to, the service mail compensation heretofore received by Kodiak for mail transported on and after December 5, 1960.

[1] While we appreciate that the proposals will require careful scrutiny, we believe that a 30-day period is more than adequate under the circumstances.

[2] Petitions for reconsideration of this order will not be entertained.

[1] Order E-17107, July 5, 1961.

[2] Kodiak's total operating revenue was $425,000 for the twelve months ended September 30, 1963, compared with $3,326,000 for Alaska Coastal-Ellis and $1,288,000 for Cordova, both of whose service mail rates are $2.50 per mail ton-mile.

Rule 305(b) of the rules of practice

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power authorized for use by stations

industry made on a geographic, service or

(f) In the case of advisory committees

Rule 305(b) of the rules of practice provides that the Board may specify different times for notice of objection or answer than those set out in that rule. In view of Kodiak's critical need, the exigencies of the situation, and the support of Kodiak's petition by the Postmaster General, we have concluded that the customary periods for filing notices of objection and answers should be reduced.

In event that no notice of objection, or after such notice, no answer is filed within the time designated herein, a final order will be entered to make the proposed rates specified herein effective at the earliest practicable date.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302,

It is ordered, That:

1. Kodiak is directed to show cause why the Board should not fix, determine, and publish the aforesaid rates as the fair and reasonable temporary rates of compensation to be paid Kodiak for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over the carrier's entire system on and after December 5, 1960;

2. All further procedure herein shall be in accordance with the rules of practice (14 CFR Part 302) and, if there is any objection to the temporary service mail rates specified herein, notice thereof must be filed within 7 days and, if notice is filed, written answer and supporting documents must be filed within 15 days, after the date of the service of this order;

3. If notice of objection to a rate specified herein is not filed within 7 days, or if notice is filed and answer is not filed within 15 days, after service of this order, all parties shall be deemed to have waived all further procedural steps before final decision, and the Board may enter an order fixing the temporary service mail rates specified herein as to which notice of objection and answer have not been received;

4. If any answer is filed, the issues involved in determining the fair and reasonable temporary service mail rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice; and

5. This order be served upon Kodiak Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3370; Filed, Apr. 3, 1964; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 64-266]

ADVISORY COMMITTEE FOR LAND MOBILE SERVICE

Establishment

MARCH 27, 1964.

The Commission today adopted a report and order terminating its inquiry into the allocation of frequencies between 25 and 890 Mc/s in Docket No. 11997. While recognizing that there are serious frequency problems affecting the land mobile service that must be resolved, the Commission believes that improvement in this regard may be achieved by a number of steps taken singly or in combination, without involving the reallocation of spectrum space between 25 and 890 Mc/s from other non-Government radio services to the land mobile service for exclusive use.

To explore various possibilities for resolving these problems, and to mobilize effectively the best available talent for that purpose, the Commission, as of this date, in accordance with section 3(b) of Executive Order 11007, is establishing an advisory committee to be known as the Advisory Committee for the Land Mobile Service, under the chairmanship of Commissioner Kenneth A. Cox. Mr. James E. Barr, Chief of the Commission's Safety and Special Radio Services Bureau, is named as Vice-Chairman. A copy of Executive Order 11007 is attached. This Executive Order makes it clear that the work of such a committee must be controlled by the Commission. The Commission anticipates that its staff will participate actively in the work of the Committee.

The role of the Advisory Committee will include, but will not necessarily be limited to, the collection and analysis of information pertaining to the following subjects: (1) the current usage of land mobile service channels; (2) service growth predictions; (3) the extent to which harmful interference exists in various parts of the country on various frequencies in the several land mobile service categories; (4) technical and operational measures that could be used to reduce harmful interference or to increase spectrum utilization efficiency; (5) the possible use of frequencies above 890 Mc/s by the land mobile service; and (6) ways in which this Commission might improve the administrative and frequency assignment procedures and rules now applicable to the several categories of the non-Government land mobile service, both common carrier and private.

The following examples represent but a few of the many areas in which the committee could be expected to make helpful recommendations:

(A) Should the rules be amended to limit the maximum effective radiated power authorized for use by stations in the land mobile service?

(B) Should the rules be amended to specify that the maximum authorized effective radiated power shall be an inverse function of antenna height?

(C) What benefits could be expected from a requirement for power limitations, site selection and antenna directivity designed to limit the system coverage more closely to the area to be served?

(D) What benefits could be expected from a requirement for licensees to operate in frequency bands having propagation capabilities commensurate with the area normally served?

(E) What receiving system characteristics should be assumed in land mobile allocation and assignment planning?

(F) What benefits could be expected from a requirement for variable-power base station transmitters to ensure automatically that low power would be used when the desired mobile unit is close to the base station?

(G) Should operation of common base station facilities by multiple private users be encouraged?

(H) Should channel loading ceilings be established, on an area basis, with a view to using such ceilings as criteria for initiating reallocation proceedings affecting the area concerned, to benefit the congested services at the expense of lightly loaded services? If so, what per-channel loading ceilings should be applied to each of the several services?

In the area of purely technical standards for the land mobile service, attention is invited to the notice of inquiry in Docket No. 15393 adopted this date by the Commission. Initially, at least, it is assumed the Committee would concentrate its efforts on other facets of the over-all problem although comments of individual members in response to the inquiry would be welcomed.

In the area of frequency allocations, the Committee is to be limited to reallocation recommendations involving only spectrum space already allocated nationally to the various categories of service and sub-service in Rule Parts 21, 89, 91, 93, and 95.

In the conduct of its work, it is believed that the Committee will find useful the results of a detailed analysis of the Commission's land mobile service frequency assignment records now being made by the Land Mobile Section of the Electronic Industries Association. This EIA study is expected to become available in the near future.

Based upon information gathered and studies made, it will be the task of the Advisory Committee to recommend to the Commission courses of action which may alleviate the present and anticipated congestion in the land mobile service, consistent with the public interest. Also, Committee comments will be welcomed in response to the Notice of Proposed Rule Making adopted this date in Docket No. 15399 as well as with respect to other Notices which may hereafter be issued.

The Commission wishes to emphasize that, although the Committee will be advisory only, its recommendations are expected to be most helpful to all persons concerned with improving the present posture of the non-Government land mobile service.

It is anticipated that the membership of the Advisory Committee will consist of, but not be limited to, persons who are licensees of the Commission in the land mobile service, persons representing such licensees, persons representing manufacturers of electronic equipment and representatives of associations of such licensees or manufacturers.

Persons desiring to participate in the work of the Committee should advise the Chairman of the Committee, Commissioner Kenneth A. Cox, in writing to that effect by May 1, 1964, stating therein their relationship to the land mobile radio industry.

An organizational meeting will be held at a time and place to be specified in a later notice.

Adopted: March 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

EXECUTIVE ORDER 11007

PRESCRIBING REGULATIONS FOR THE FORMATION AND USE OF ADVISORY COMMITTEES

WHEREAS the departments and agencies of the Government frequently make use of advisory committees; and

WHEREAS the information, advice and recommendations obtained through advisory committees are beneficial to the operations of the Government; and

WHEREAS it is desirable to impose uniform standards for the departments and agencies of the Government to follow in forming and using advisory committees in order that such committees shall function at all times in consonance with the antitrust and conflict of interest laws:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The regulations prescribed in this order for the formation and use of advisory committees shall govern the departments and agencies of the Government to the extent not inconsistent with specific law.

SEC. 2. As used herein.

(a) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is formed by a department or agency of the Government in the interest of obtaining advice or recommendations, or for any other purpose, and that is not composed wholly of officers or employees of the Government. The term also includes any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is not formed by a department or agency, but only during any period when it is being utilized by a department or agency in the same manner as a Government-formed advisory committee.

(b) The term "industry advisory committee" means an advisory committee composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic, service or product basis.

SEC. 3. No advisory committee shall be formed or utilized by any department or agency unless

(a) specifically authorized by law or

(b) specifically determined as a matter of formal record by the head of the department or agency to be in the public interest in connection with the performance of duties imposed on that department or agency by law.

SEC. 4 Unless specifically authorized by law to the contrary, no committee shall be utilized for functions not solely advisory, and determinations of action to be taken with respect to matters upon which an advisory committee advises or recommends shall be made solely by officers or employees of the Government.

SEC. 5. Each industry committee shall be reasonably representative of the group of industries, the single industry, or the geographical, service, or product segment thereof to which it relates, taking into account the size and function of business enterprises in the industry or industries, and their location, affiliation, and competitive status, among other factors. Selection of industry members shall, unless otherwise provided by statute, be limited to individuals actively engaged in operations in the particular industry, industries, or segments concerned, except where the department or agency head deems such limitations would interfere with effective committee operation.

SEC. 6. The meetings of an advisory committee formed or used by a department or agency shall be subject to the following rules:

(a) No meeting shall be held except at the call of, or with the advance approval of, a full-time salaried officer or employee of the department or agency, and with an agenda formulated or approved by such officer or employee.

(b) All meetings shall be under the chairmanship, or conducted in the presence of, a full-time salaried officer or employee of the Government who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest.

(c) For advisory committees other than industry advisory committees, minutes of each meeting shall be kept which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the committee. The accuracy of all minutes shall be certified by a full-time salaried officer or employee of the Government present during the proceedings recorded.

(d) A verbatim transcript shall be kept of all proceedings at each meeting of an industry advisory committee, including the names of all persons present, their affiliation, and the capacity in which they attend: *Provided*, That where the head of a department or agency formally determines that a verbatim transcript would interfere with the proper functioning of such a committee or would be impracticable, and that waiver of the requirement of a verbatim transcript is in the public interest, he may authorize in lieu thereof the keeping of minutes which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the committee. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.

(e) Industry advisory committees shall not be permitted to receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises.

(f) In the case of advisory committees other than industry advisory committees, the department or agency head may waive compliance with any requirement contained in subsection (a), (b) or (c) of this section when he formally determines that compliance therewith would interfere with the proper functioning of such a committee or would be impracticable, that adequate provisions are otherwise made to insure that committee operation is subject to Government control and purpose, and that waiver of the requirement is in the public interest.

SEC. 7. The head of each department or agency sponsoring an advisory committee may prescribe additional regulations, consistent with the provisions and purposes of this order, to govern the formation or use of such committees, or the appointment of members thereof.

SEC. 8. An advisory committee whose duration is not otherwise fixed by law shall terminate not later than two years from the date of its formation unless the head of the department or agency by which it is utilized determines in writing not more than sixty days prior to the expiration of such two-year period that its continued existence is in the public interest. A like determination by the department or agency head shall be required not more than sixty days prior to the end of each subsequent two-year period to continue the existence of such committee thereafter. For the purpose of this section, the date of formation of an advisory committee in existence on the date of publication of this order shall be deemed to be July 1, 1960, or the actual date of its formation, whichever is later.

SEC. 9. The requirements of this order shall not apply:

(a) to any advisory committee for which Congress by statute has specified the purpose, composition and conduct unless and to the extent such statute authorizes the President to prescribe regulations for the formation or use of such committee;

(b) to any advisory committee composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organizations;

(c) to any local, regional, or national committee whose sole function is the dissemination of information for public agencies, or to any local civic committee whose primary function is that of rendering a public service other than giving advice or making recommendations to the Government.

SEC. 10. (a) Each department and agency utilizing advisory committees shall publish in its annual report, or otherwise publish annually, a list of such committees, including the names and affiliations of their members, a description of the function of each committee and a statement of the dates of its meetings: *Provided*, That the head of the department or agency concerned may waive this requirement where he determines that such annual publication would be unduly costly or impracticable, but shall make such information available, upon request, to the Congress, the President, or the Attorney General.

(b) A copy of each such report shall be furnished to the Attorney General, and all records and files of advisory committees, including agenda, transcripts or notes of meetings, studies, analyses, reports or other data compilations or working papers, made available to or prepared by or for any such advisory committee, shall be made available, upon request by the Attorney General, to his duly authorized representatives, subject to such security restrictions as may be properly imposed on the materials involved.

SEC. 11. This order supersedes the directive of February 2, 1950, entitled "Standards and Procedures for the Utilization of Public Advisory Committees by Government Departments and Agencies," and all provisions

[1] Commissioner Hyde absent.

of prior Executive orders to the extent they are inconsistent herewith.

4. While not limiting the range of interested parties in this inquiry, the Commission is particularly interested in receiving comments from the following: (1) Licensees of land mobile radio stations; (2) manufacturers of land mobile radio equipment; (3) associations representing land mobile radio licensees; (4) associations representing manufacturers of land mobile radio equipment; (5) associations representing land mobile radio common carriers; (6) associations representing land mobile radio users; (7) Federal Government agencies; (8) State and local Government agencies; (9) individuals.

5. Comments in response to this notice of inquiry shall be filed with the Secretary of the Commission on or before October 1, 1964.

discussion that follows will be based

Below 100 Mc/s, 4.8 Mc/s, 240 channels, 20 kc/s channel spacing.

region. Although the need for frequencies in the 450-470 Mc/s band was not

of prior Executive orders to the extent they are inconsistent herewith.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 26, 1962.

[F.R. Doc. 64-3243; Filed, Apr. 3, 1964; 8:45 a.m.]

[Docket No. 15398; FCC 64-265]

LAND MOBILE SERVICE

Frequency Spacing and Sharing

In the matter of an inquiry into the optimum frequency spacing between assignable frequencies in the Land Mobile Service and the feasibility of frequency sharing by television and the Land Mobile Service.

1. The Commission today adopted a report and order terminating its inquiry into the allocation of frequencies between 25 and 890 Mc/s in Docket No. 11997. For reasons set forth in the report and order, the Commission concluded, among other things, that most frequency problems now confronting the land mobile service would have to be resolved through more effective utilization of available spectrum space, rather than through the medium of allocating additional space on an exclusive basis to that service. This inquiry is instituted pursuant to that objective.

2. The frequency spacing between assignable channels specified in the Commission's land mobile service rules today derives as much from convenience in implementation as from advances in the state of the art. In other words, initial developments in the vicinity of 150 Mc/s were based upon 120 kc/s separation between assignable channels. As the state of the art progressed and the demand for additional channels developed, this spacing was halved to 60 kc/s and subsequently halved again to 30 kc/s. Through this same process came the 15 kc/s splits or "tertiaries". The controlling factor was thus convenience rather than what the optimum spacing might be to achieve maximum usage of the band. This factor should be studied, with initial emphasis being placed on the frequency band 150.8–162 Mc/s.

3. Although initial Commission studies are not encouraging (see Office of Chief Engineer Report No. R–6306), the feasibility of the land mobile service sharing frequencies now allocated to television broadcasting must also be studied. However, because the UHF television allotment plan is more fluid than is the VHF plan with its relatively stable pattern of usage and well established assignments in areas where congestion now exists in many of the land mobile services, it is believed the question of sharing should be limited to Channels 2 through 13 at this time. The National Association of Manufacturers (NAM) petition (RM–566) filed on February 3, 1964, proposes shared use of TV Channels 14 and 15 with the land mobile service on a geographical basis. The NAM petition will remain in pending status and be studied further by the Commission.

4. While not limiting the range of interested parties in this inquiry, the Commission is hopeful that technical groups such as the Joint Technical Advisory Committee (JTAC) and Electronic Industries Association (EIA) will respond to the following questions:

A. In the frequency band 150.8–162 Mc/s, assuming same-area operation and without being limited by the 15 kc/s or 30 kc/s spacings now specified in the Commission's rules, what is the minimum practicable channel spacing in the present state of technology for FM systems with no marked degradation in quality of comunication service for:

1. Older equipment now in service and operating on the basis of 30 kc/s channelling?

2. Equipment in current production?

3. Equipment which could be available four years hence, but based upon today's technology?

B. In the frequency band 150.8–162 Mc/s, assuming 15 kc/s spacing between assignable channels:

1. To what extent should geographical separation be considered with respect to adjacent channel assignments to ensure no marked degradation in quality of communication service?

2. Is there any net advantage in making 15 kc/s assignments, at least in some services, without regard to geographical separation from adjacent channel assignments, even though some adjacent channel interference is caused?

C. In the bands 150.8–162 and 450–470 Mc/s, disregarding administrative considerations, is there any net technical advantage to random selection of frequencies, on an engineered basis, taking into account the geographical separation from adjacent channel users? As an example, assume assignments A and B are 30 kc/s apart. Should applicant C be assigned a frequency 20 kc/s from A and 10 kc/s from B if physically closer to A in order to equalize mutual interference among A, B and C?

D. To what extent is the sharing by the land mobile service of television Channels 2 through 13 feasible, with specific answers to the following questions:

1. What technical criteria/parameters must be developed and imposed upon the proposed sharing operations?

2. What other restrictions (time, proximity, etc.) should be imposed?

3. What mutual interference effects via ionospheric propagation may be expected for Channels 2 through 6?

4. Should only mobile or only base stations be permited to share television channels thus requiring a cross-band type of operation?

5. Assuming a given metropolitan area (e.g., New York, Chicago or Los Angeles) what degree of relief, in terms of usable spectrum space under a given set of technical conditions, could be expected for the land mobile service by techniques designed to provide maximum sharing of television Channels 2 through 13?

5. Interested parties filing comments in response to this inquiry are requested to file an original and fourteen copies with the Secretary of the Commission on or before October 1, 1964.

Adopted: March 26, 1964.

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3242; Filed, Apr. 3, 1964; 8:45 a.m.]

[Docket No. 11997; FCC 64-264]

ALLOCATION OF FREQUENCIES

Report and Order

In the matter of statutory inquiry into the allocation of frequencies to the various non-Government Services in the radio spectrum between 25 and 890 Mc/s; petition for allocation of 840–890 Mc/s band for Common Carrier Fixed Operations; amendments of Parts 2 and 10 of the Commission's rules to allocate a single UHF–TV Channel in the upper portion of the UHF–TV range to the Public Safety Radio Services for operations of public safety entities; Inquiry into the problem of additional frequency space for Land Mobile Services; an inquiry into the present and future requirements of the Public Safety Radio Services for the allocation of radio frequencies; Docket No. 11997, RM 51, RM 251, RM 370.

Preliminary statement. 1. This inquiry into the allocation of frequencies in the 25–890 Mc/s band was instituted by the Commission on its own initiative in April of 1957 (FCC 57–365, April 5, 1957; 22 F.R. 2684, April 17, 1957). Comments in response to the order of inquiry were submitted on behalf of most of the major radio services, either by user groups or by other entities having an interest in those services. Interested groups were given a further opportunity to present their views during 14 days of hearings before the Commission en banc during June of 1959. The record in this proceeding consists of the written comments, written testimony and exhibits, statements of proposed testimony, and the transcript of the hearing sessions.

2. Although some of the matters raised during the inquiry have been resolved since 1959 and other events have transpired affecting the use of the spectrum between 25 and 890 Mc/s, the Commission considers a review of this proceeding and public pronouncement of certain policies emanating therefrom to be appropriate.

3. In this document, we are confining ourselves to consideration of issues I and II raised in the order of inquiry. That is, we are reviewing the utilization of the frequency spectrum by the various services and are considering the frequency requirements of existing and potential radio users. Information submitted on other aspects of this inquiry, though not discussed herein, will be considered by the Commission in the future, and will be drawn upon, as the need arises. The

[1] Commissioner Hyde absent.

discussion that follows will be based partly on the information submitted in this proceeding and partly on data that have become available since then and on events that have subsequently taken place.

4. The portion of the spectrum from 25 to 216 Mc/s is now very heavily used. It contains the most heavily used land mobile radio frequencies, the FM broadcast band, the VHF television band, frequency segments allocated to the Aviation services, a small amount of space available to the Marine services, space available to amateurs, and some interspersed bands allocated to the Government services. The band from 216 to 470 Mc/s, contains primarily Government spectrum space with some interspersed amateur allocations and the increasingly important block assigned to the land mobile services, 450–470 Mc/s. The remaining band 470–890 Mc/s, is assigned to UHF television.

5. The majority of those filing comments represented the land mobile services in the Safety and Special Radio Services, which will be referred to hereafter as the private land mobile services. These services are divided by user category into the Industrial Radio Service (Part 91 of the Commission's rules), the Public Safety Radio Service (Part 89), and the Land Transportation Radio Service (Part 93). Approximately 38 Mc/s have been allocated to these services in the band 25–890 Mc/s. The total consists of segments of the three land mobile bands 25–50 Mc/s, 150.8–162 Mc/s and 450–470 Mc/s. During the 1947–1957 decade, the number of authorized transmitters in those services increased from approximately 35,000 to 875,500. (In the period 1957–1962, an additional 826,760 transmitters were authorized, thus making a total of 1,702,260 outstanding at the end of June, 1962.) It is clear that the use of radio by the private land mobile services has been interwoven into the economic and social fiber of our society. Unquestionably, its use renders vital service and direct benefit not only to the users, but to the public at large. Public utilities, manufacturing, petroleum, trucking, railroads and aviation are but a few of the companies/industries that utilize its capacity.

6. Both Motorola, Inc. and the Land Mobile Section of the Electronic Industries Association (EIA) submitted data reflecting the channel occupancy of typical frequency assignments in the various services. Based upon 1958 overall figures of number of channels available versus number of assignments, an average of 800 assignments per channel nationwide was derived. It was then estimated that, by 1963, even with the availability of split channels, the average number would rise to over 1000 assignments per channel. In order to meet projected growth of the land mobile service through 1968, EIA estimated that a requirement for 2576 channels would exist. In order to meet this additional requirement of 1200 channels, EIA proposed a reallocation of 40.8 Mc/s of spectrum to be apportioned from the following bands:

Below 100 Mc/s, 4.8 Mc/s, 240 channels, 20 kc/s channal spacing.

100–300 Mc/s, 15.0 Mc/s, 600 channels, 30 kc/s channel spacing.

Above 300 Mc/s, 18.0 Mc/s, 360 channels, 50 kc/s channel spacing.

No suggestions as to the possible source of spectrum or as to which services should be deleted or reallocated were proffered, however.

7. Motorola indicated that the land mobile service should have twice the amount of spectrum available by 1967 as was available in 1957. It was predicted that, by 1967, the number of stations would be approximately four times as large as in 1957 and that, although channel splitting would take care of half of the growth, additional frequencies would be required. It was suggested that the additional frequencies should be adjacent to the bands presently allocated to the services in question. Motorola recommended that 55 additional megacycles be allocated to private land mobile services to meet further growth predictions. Specifically, it was recommended that the bands 50–72 Mc/s, 140–150 Mc/s and 162–166 Mc/s and 470–489 Mc/s be allocated for that purpose and that television be allocated to the 174–354 Mc/s region.

Industrial Radio Services. 8. *Petroleum Radio Service.* Presentations on behalf of the Petroleum Radio Service were made by the Central Committee on Radio Facilities of the American Petroleum Institute (Central Committee), by the American Gas Association (AGA) and by the Texas Gas Transmission Corporation (Texas Gas). Considerable information was presented describing extensively the use of radio by the petroleum, and gas and pipeline industries. Central Committee stated in detail that the petroleum industry employs radio in all phases of its operations, in geophysical exploration, well drilling, oil field operation, pipelining and distribution. Exploration and drilling is carried out in sparsely settled areas, such as off-shore, as in the marshes of Louisiana and in remote areas of Montana, Wyoming and North Dakota, where telephone communications are unavailable. In connection with pipelines, laid across sparsely populated areas, radio is used to report gauge measurements, leakage, breaks and in connection with the operation and maintenance of pipelines in general. Texas Gas described the use of radio in connection with the transmission of gas by pipelines. In the petroleum industry, the heaviest use of radio was shown to be in one area consisting of Texas, Louisiana, Arkansas and Mississippi.

9. Central Committee stated that the period 1950–1958 reflected a four-fold increase in the number of station assignments and transmitters. In view of the growth experienced prior to this proceeding, it was anticipated that 40–50,000 new units would need to be accommodated by 1968 in addition to meeting the needs of existing users of from 65–85,000 units. To meet these requirements, Central Committee asked for 25 to 30 additional exclusive frequencies in the 25–50 Mc/s area and 10 to 15 additional exclusive frequencies in the 150–173 Mc/s region. Although the need for frequencies in the 450–470 Mc/s band was not clearly predictable, an estimate of an additional 10 pairs was considered to be conservative.

10. *Forest Products Radio Service.* The Forest Products Radio Service, which shares many of the frequencies with the Petroleum Radio Service, was represented by the Forest Industries Radio Communications (FIRC), an industry association. In addition to the frequencies shared with petroleum, exclusive frequencies are available in the 29 Mc/s region. According to FIRC, of the outstanding authorizations, 36 percent were operating in the 152 Mc/s area and 64 percent on frequencies below 50 Mc/s. FIRC reported that the 152 Mc/s frequencies were used primarily in the West because high mountain locations are available. Because of the relatively flat terrain, those frequencies are not used in the South. Additionally, it was reported that, except for control and repeater operations, frequencies in the 450 Mc/s area are useless to the forestry industries because of propagation characteristics, foliage absorption, etc. FIRC maintained that their primary need for frequencies is in the area below 100 Mc/s because their communication requirements are primarily mobile-to-base and mobile-to-mobile operation with a wide area coverage. Based upon estimates of growth, FIRC estimated that 20 exclusive frequencies below 50 Mc/s would be required by 1968. In the 125–174 Mc/s and 450–460 Mc/s regions, it was stated that at least twice and even as many as three times the number of frequencies presently available would be required to accommodate further expansion.

11. *Special Industrial Radio Service.* Presentations concerning the Special Industrial Radio Service were made by the Special Industrial Radio Service Association (SIRSA); American Iron Ore Association (AIOA); American Mining Congress (AMC); Hawaiian Sugar Planters Association (HSPA); Pineapple Growers Associaton of Hawaii (PGAH); Mesabi Radio Corporation (Mesabi); National Ready Mixed Concrete Association (Concrete); National Sand and Gravel Association (National); Petroleum Equipment Suppliers Association (PESA); Potter-DeWitt Corporation (Potter); West Machinery Company, Inc. (West); and by the Seismograph Service Corporation (SSC).

12. The Special Industrial Radio Service has been allocated frequencies in the 35–50 Mc/s band, in the 150–162 Mc/s area and in the 450–470 Mc/s region. SIRSA and the others described in considerable detail that the frequencies are utilized in conjunction with nearly all aspects of farm management, mining and of all types of ores, liquefied gas distribution, construction of highways, bridges, docks, dams, large buildings, etc. They are also used by the petroleum service and supply entities which provide special services to the oil industry. Such services include concreting, logging, acidizing, sampling, core analyses, perforating and directional drilling. Many of these operations take place in areas where telephones are not

readily accessible such as remote and

many indicated a need for 12 additional

readily accessible such as remote and rugged areas and in offshore areas such as the Gulf of Mexico.

13. Testimony and comments filed during the course of this proceeding reflected a heavy demand for additional frequencies in this service. SIRSA stated that the Special Industrial Radio Service would require 42 additional channels in the 25–50 Mc/s band; 38 in the 150.8–162 Mc/s band; and 17 more in the 450–470 Mc/s band. Although it was considered desirable to provide the frequencies from spectrum adjacent to existing land mobile bands, allocations from other portions of the spectrum would be acceptable. Three possible sources of such frequencies given were: (1) return of the 49 Mc/s band to the special industrial radio service from non-Government transatlantic scatter operations; (2) frequencies in the 450–470 Mc/s band (then little used); and (3) reallocation to non-Government use of certain Government bands alleged to be lying fallow. These needs, according to the SIRSA witness were based upon projected growth in the number of transmitters in use by 1968.

14. The AMC stated that it was difficult to calculate the needs of the Special Industrial Service; but that special consideration should be given to allocations in areas in which the assigned frequencies would be used. Concrete and NSGA asserted only that the use of radio will expand, but did not submit projected requirements. Mesabi requested only that "an adequate number of frequencies in the 27–50 Mc/s, 72–76 Mc/s, 150–162 Mc/s and 450–460 Mc/s bands should be protected" for special industrial use. AIOA recommended that the Commission adopt rules and make such allocations as necessary to insure full and complete satisfaction of the iron ore mining industry needs. Further, it was asserted that the method of block allocation of frequencies to specific industrial services is wasteful of radio spectrum. The HSPA and PGAH stated that present allocations were adequate and would continue to be so due to the separation of the individual islands and of Hawaii from the mainland.

15. *Manufacturers Radio Service.* The Manufacturers Radio Service presentation was made by the National Association of Manufacturers, Committee on Manufacturers Radio Use (NAM). This service, established on August 1, 1958, was only a year old when oral testimony was presented. Consequently, extensive concrete information on utilization was not yet available. In general, according to NAM, the use of radio in the Manufacturers Radio Service was confined to plant areas. Within small areas, it is used for dispatching and controlling material, component parts and finished product vehicles. Powers of three watts or less are adequate for these purposes. Radio was also being used for control of vehicles between the separate areas of the same plant and between plants operated by the same company or subcontractors. Consequently, higher power and mobile relays may also be necessary.

16. Despite the paucity of data reflecting actual growth requirements, testimony indicated a need for 18 additional channels in the 152–162 Mc/s band. This total is derived from: four needed for low power use within the plant, which may be shared with the Forest Products and Petroleum Services; 10 shared frequencies to provide for growth; and four exclusive frequencies to meet manufacturers' need for reliable communications in basic production control and to accommodate systems in the areas where sharing is not feasible. In the 460–470 Mc/s band, 10 additional exclusive pairs were requested for growth and to permit development of mobile relay systems. A need for two exclusive pairs in this band was also foreseen to meet plant security and emergency purposes.

17. *Power Radio Service.* The National Committee for Utilities Radio, representing the gas, electric and water companies operating in the Power Radio Service, submitted data showing that 133,039 transmitters were authorized to operate on 83 available channels in 1959. Thus, these channels (consisting of 54 in the 30–50 Mc/s band, 19 in the 152–174 Mc/s band, and 10 in the 450–460 Mc/s band) had a nationwide average loading of over 1600 transmitters per channel. To meet long range requirements, a need was expressed for an additional 29 channels in the 30–50 Mc/s band, 4 in the 152–174 Mc/s band and 10 in the 450–460 Mc/s band.

Public Safety Radio Services. 18. *General.* Comments concerning the Public Safety Radio Services were submitted by the State of California, California Public Safety Radio Association (CPRA), and by Kern County and Los Angeles County, California, in a combined discussion of all public safety users within their respective political subdivisions. The presentations generally dealt with conditions existing in the Los Angeles area. While, in a sense, the presentation of congestion is somewhat distorted when compared with the service on a nationwide basis, a picture of the situation generally prevailing in major metropolitan areas was set forth.

19. The 36 frequencies available for police in the 152–162 Mc/s band reportedly were all assigned in the Los Angeles area. The same situation was said to exist for the 12 frequencies available for fire licensees in the area. Loading varied from 40 to 600 cars per channel, according to submitted figures. Comparable loading data were not given for 25–50 and 450–470 Mc/s. In the San Francisco area, loading and utilization is less heavy although most of the frequencies in the 150 Mc/s and 450 Mc/s bands are in use. CPRA indicated that, in the 14 Southern California counties in which it operates, the 47 channels available in the 150 Mc/s band to the Police and Fire Services combined supported a total of 248 base, 5,877 mobile, 37 control and 10 mobile relay stations. Kern and Los Angeles Counties allied themselves with comments filed by the State of California and with CPRA.

20. In view of the prevalent congestion in the land mobile bands, a general reallocation of frequencies was proposed for the 25–890 Mc/s bands. The State of California (despite a conflicting statement from Governor Brown to the effect recommended that VHF–TV should be that the State does not support the view) moved to UHF and the present VHF channels allocated to the land mobile radio services. Additionally, it was proposed that the 50–88 Mc/s should be allocated to land mobile, that Amateur be moved from 50–54 to 46–50 Mc/s; that the 25–46 Mc/s band be reserved for Citizens, Amateur, ISM and Government, including scatter; that frequencies between 150 and 200 Mc/s be reallocated to land mobile with the Government services moved to 200–216 Mc/s; and that 400–410 Mc/s be allocated to Government and meteorological services, 410–430 Mc/s to Amateur and 430–470 Mc/s to the land mobile radio service.

21. Further, California recommended that police allocations receive top priority in eliminating interference. Other general recommendations included: (1) a pool system of allocations to Public Safety should be set up only if the Commission appointed coordinating groups for recommending assignments on a geographical basis; (2) broadband transmission techniques could be used on an engineered basis in large metropolitan areas; (3) protective contour methods should be employed in making public safety assignments; and (4) that growth in the use of personalized transceivers, closed circuit television and teleprinters should be anticipated. The aforementioned comments were also endorsed by the CPSRA and by Kern and Los Angeles counties presentations.

22. *Police Radio Service.* The associated Police Communications Officers, Inc. (APCO), Eastern States Police Radio League and the International Association of Chiefs of Police made presentations on behalf of the Police Radio Service.

23. APCO stated that in 1958 there were authorized 10,239 base and 156,500 mobile units in the Police Radio Service. In the 150–160 Mc/s band, an average of 101 mobile units are authorized per assignment. However, they (APCO) consider that loading of over 50 units per channel threatens degradation of the service significantly. Furthermore, population growth and population shifts and the resulting increase in crime require that present communication systems must expand and that new systems be established. Requirements for intersystem and interzone communications and coordination have been constantly increasing. Subminiature receivers and transmitters are available and can be carried in the pocket of an officer's uniform. Use of "walkie-talkie" equipment, which is not subminiature in size, is on the increase. Both of these types of equipment employ low power and require the use of frequencies other than those on which higher power normal base and mobile systems operate.

24. APCO stated that at that point they could not tell precisely how much additional frequency space would be needed for future requirements. It was urged that the 34 split channels in the police 150 Mc/s region be made available to the service as soon as possible although those frequencies alone would not fully meet the frequency problems then existing. APCO also requested eight frequencies in the 150–160 Mc/s band for state police use on a non-interference basis for mobile and control operations. Generally, APCO stated that existing public safety uses would require 118 additional frequencies for police, 47 for fire, 30 for highway maintenance and 6 for the control of devices such as traffic signals, telemetering and signaling within the next ten year period (through 1968). Local Government was alleged to require 80 frequencies. The most desirable spectrum space was stated to be that between 40 and 200 Mc/s; however, 40–500 Mc/s or 40–600 Mc/s would be suitable.

25. The Eastern Police Radio League (EPRL) described in considerable detail the present and future uses of radio by police. Such uses include voice communications between base and mobile, mobile-to-mobile, base-to-base, interdepartmental communications, radio links, radio telegraph, local, state and nationwide teletype, traffic control and traffic lights control, radar, facsimile for exchange of pictures and fingerprints, and, for the future, local, state and nationwide police television systems. EPRL foresaw expansion of police communications systems to include district attorneys and prisons. To meet present minimum needs, the frequencies gained by channel splitting should be made available. Additional frequencies above 450 Mc/s should be made available for new uses. New frequencies should be provided for police television and radar speed control, among others.

26. The International Association of Chiefs of Police endorsed the position of APCO and presented further justification for the need of police radio. It stated that the crime rate is increasing four times faster than the population. In 1958, the crime rate was 56.2 percent over that in 1950. Nationwide motor vehicle registration increased from 39 million in 1947 to over 67 million in 1957. During this period the population of the United States increased by 18 percent. To cope with the increasingly complex job of law enforcement, the police rely heavily on radio communications. From 1947 to 1958 the number of authorized police radio stations increased from 4132 to 10,239. The authorized mobile units, during the same period, increased from 32,000 to 156,000. Their need for expanded facilities, new facilities and for new uses of radio will require more frequency space.

27. *Fire Radio Service.* The Fire Radio Service presentation was made primarily by the International Municipal Signal Association (IMSA), which described at some length the use of radio in fire fighting and fire prevention operations. It stated that the use of mobile radio and related fixed control systems has become such an integral part of firefighting organizations that the National Board of Fire Underwriters include radio requirements in their grading schedule. Additionally, municipal civil defense agencies have requirements for associating themselves with the local fire department communication nets. To meet long range requirements, IMSA has stated a need for 30 additional base-mobile channels in the 100–890 Mc/s range, four pairs of control channels with 10 Mc/s of spacing between pairs in the 450–890 Mc/s range, eight channels to supplement the wire-line needs of civil defense, 20 additional channels in the range 100–890 Mc/s for the Local Government Radio Service, including civil defense liaison circuits with point-to-point permitted on at least six of the 20, and four channels (above 500 Mc/s) to be used by emergency mobile units in controlling traffic signals.

28. *Forestry-Conservation Radio Service.* The Forestry-Conservation Communications Association (FCCA), in setting forth the status of the Forestry-Conservation Radio Service, indicated that the bands 30.86–31.98 Mc/s, 46.54–46.82 Mc/s, 72.14–75.98 Mc/s, 156.87–161.13 Mc/s, 170.425–172.375 Mc/s and 453.65–458.65 Mc/s then allocated were being used by 19,894 assignments in 1958. This represented a growth of approximately 4500 units over the previous year. It was estimated that a requirement for 30,000 stations would exist by 1967, a figure that was supported by the Ohio Division of Wildlife, Department of Natural Resources (Ohio).

29. To meet these requirements, the FCCA believed that a minimum of 10 additional 150 Mc/s channels would be required by 1967. It was claimed that the limited propagation range at 150 Mc/s necessitates more base stations per unit area, thus requiring more channels. Ohio requested that the split interspersed channels in the 44.64 through 45.04 Mc/s band and the frequencies in the 150.8 to 152 Mc/s band be made available to the members of FCCA.

30. *Highway Maintenance Radio Service.* The needs of the Highway Maintenance Radio Service were presented by the Department of Commerce, Committee on Use of Radio in Highway Departments and by the following State highway departments: Florida, Michigan, Mississippi, North Carolina, Texas, Virginia and Wyoming. The service had available 20 channels in the 40 Mc/s region and 28 channels in the 150.8–162 Mc/s band. These channels were supporting 27,543 authorizations on January 1, 1959, with much of the growth resulting from the impetus of Federal Aid to Highway Acts in 1956 and 1958. Interference problems due to long-range skip are prevalent in the 25–50 Mc/s region; for that reason, much of the usage has been concentrated in the higher band. There was general agreement that frequencies in each of the three land mobile bands are required for the service, with the 30–50 Mc/s frequencies advantageous for states and some large counties in providing wide area coverage. The 150 and 450 Mc/s frequencies are more suitable for use by counties and cities or for control and repeater circuits. The needs of the respective state highway departments generally reflected their individual requirements and consequently cannot be considered in a proceeding of this type except in relation to the service needs.

31. *Local Government Radio Service.* The Local Government Radio Service requirements were presented by the American Municipal Association (AMA). The AMA stated categorically that additional frequencies are needed in certain areas and, in view of the fact that frequencies are interspersed between fire and police services, there is difficulty in coordination. A minimum of five additional frequencies in the 150 Mc/s band was allegedly required to meet the future demands of governmental service in metropolitan areas of 500,000 population or more and having satellite communities. AMA believed, however, that a more realistic view would be for 15 additional frequencies in the 150 Mc/s band, excluding the tertiary (15 kc/s split) channels. The communities represented by AMA have no need for frequencies in the 45 Mc/s region and it was recommended that they be reserved for larger governmental entities such as counties and states. The AMA recommended that 84 Mc/s of currently allocated UHF TV spectrum be reallocated to land mobile radio use.

Land Transportation Radio Services. 32. *Railroad Radio Services.* The Association of American Railroads (AAR) and the Southern Railway Company (Southern) spoke for the railway industry. The Railroad Radio Service has available exclusive frequencies in the 160 Mc/s range and in the 450 Mc/s range, and access to certain other shared bands. Both AAR and Southern described in detail the use of radio by the railroad industry and stated that radio had become an integral part of railroad operations. It is used for communications between the engine and caboose, train-to-train, point-to-point, for yard and terminal service and for miscellaneous communications such as railroad police, maintenance trucks, wreckers, supply trains, etc. Both AAR and Southern indicated that no additional frequencies were required; however, both requested the Commission to continue the existing allocations. It was pointed out that existing frequencies were required in order to meet demands for communications in large terminal areas such as Chicago and Kansas City and for foreseeable growth or new needs. The potential new needs include: communications between operators of mechanized equipment used for repairing rights-of-way, automatic hotbox detectors, automatic devices for warning of unsafe track conditions, etc.

33. *Motor Carrier Radio Service.* The Motor Carrier Radio Service is subdivided into three groups: Intercity carriers of passengers, urban transit, and motor carriers of property. Presentations on behalf of these groups were made by National Bus Communications, Inc. (NABCO), by the American Transit Association (ATA), and by the American Trucking Associations (Trucking).

34. NABCO stated that the 7 exclusive frequencies and 3 shared frequencies then assigned for intercity motor carriers of passengers were used in connection with the efficient and safe operation of intercity buses. Radio is used for coordinating the movement and use of buses in the field, especially at peak operating times, and for communication between dispatcher and driver, and between dispatchers and between drivers.

NABCO did not indicate a need for additional frequencies, but stated that the present frequencies would be necessary to provide a geographically coordinated service to minimize the adverse effect of skip interference and to provide the

Owners (NATO) indicated that the four pairs of frequencies assigned exclusively to the service in the 150 Mc/s band (plus three more pairs in the band for cities having a population in excess of 500,000) and the 10 pairs of frequencies in the 450

band are used for en route communications. According to ARINC, the 29.80–30.00 Mc/s band is used for communications between aeronautical fixed stations. The stations operated by ARINC have one terminal in the United States and

45. *Amateur Radio Services.* With respect to the Amateur Radio Service, the American Radio Relay League, Inc., summarized the uses to which the amateur frequencies were being put. ARRL stated

kurt Electric Company proposed that an additional 10 pairs of frequencies below 500 Mc/s be established for use by the rural radio service on a secondary basis when other available frequencies are in

(c) *Central Station Electrical Protection Association*—Contemplated a radio point-to-point system for TV and tone signals. The system would require two to four megacycles plus guard bands for

NABCO did not indicate a need for additional frequencies, but stated that the present frequencies would be necessary to provide a geographically coordinated service to minimize the adverse effect of skip interference and to provide the maximum utilization of the single frequency assigned in each region. A future requirement set forth in connection with the service was for ground passenger carriers associated with the airlines.

35. The frequencies available for urban transit use are, for the most part, shared with other land mobile services. Consequently, most usage is concentrated on the exclusive frequencies in the 44 Mc/s region. Usage is generally confined to maintaining regularity of service, vehicle re-routing and dispatching of emergency trucks. ATA stated that statistics were not available to justify a request for additional frequencies; however, a potential requirement for 30 assignable channels was ventured. Reasons for the estimate were stated as: (1) the improved economic position of transit companies because of the expanding use of public transportation facilities, and (2) the increasing advantages of using radio in vehicles. Additionally, the need for thirty channels was derived from the fact that the New York metropolitan area contains several hundred franchised public transit operations alone, of which at least thirty companies would be of sufficient size to warrant a separate frequency assignment.

36. The American Trucking Associations (Trucking) stated that the exclusive frequencies available to the motor carriers of property in the 43–44 Mc/s band had a per-channel occupancy of about 50 base stations and 1135 mobile units. The frequencies in the 150.8–162 Mc/s band, made available in September, 1958, had, after the first six months availability, a per-channel occupancy of 1.5 base and 30 mobile assignments, despite the fact that only 12 frequencies in the band were assigned primary (60 kc/s spacing) while 12 were assigned on a secondary (30 kc/s spacing) and 24 on a tertiary (15 kc/s spacing) status. The five exclusive pairs in the 450 Mc/s range reflected a loading of 34 base and 1420 mobile stations per pair. Trucking indicated that most of the use at the time of filing was in connection with local pick-up and delivery operations. However, the growing tendency was to equip over-the-road vehicles with radio, primarily for coordination of incoming loads with local delivery and for more efficient scheduling of unloading facilities.

37. Trucking estimated that, by 1967, there would be 56,000 radio-equipped vehicles—an increase of about 33% over the number in 1957. To accommodate these requirements, it was requested that the present allocations in the 25–50 Mc/s and 150.8–162 Mc/s bands be retained and that seven additional frequency pairs should be made available in the 450–470 Mc/s band.

38. *Taxicab Radio Service.* The Taxicab Radio Service presentations made by American Taxicab Association (ATA) and by National Association of Taxicab Owners (NATO) indicated that the four pairs of frequencies assigned exclusively to the service in the 150 Mc/s band (plus three more pairs in the band for cities having a population in excess of 500,000) and the 10 pairs of frequencies in the 450 Mc/s band were accommodating about 105,000 transmitters. An average of 142 vehicles was being served per channel according to a survey of 60 cities made in 1957. To alleviate this congestion and to provide some flexibility in assignments, the Commission was requested to allocate a minimum of 10 additional VHF frequencies to the taxicab industry, primarily for metropolitan area relief.

39. *Automobile Emergency Radio Service.* The number of frequencies presently allocated to the Automobile Emergency Radio Service was considered generally adequate by the American Automobile Association (AAA), the California State Automobile Association (CSAA) and the Automobile Club of New York (ACNY). Two frequency pairs in the 450–460 Mc/s band and three in the 150–160 Mc/s band for automobile club use exclusively and three in the 157 Mc/s range, primarily for public garages but also available for auto club use under certain conditions are allocated for the service. The frequencies are used primarily to dispatch and control emergency road service vehicles and to relay traffic information between the vehicles and the central offices. For the metropolitan areas only, availability of two additional frequencies was recommended, with the 150 Mc/s band considered desirable.

Other Safety and Special Radio Services. 40. *Citizens Radio Service.* Comments on behalf of the Citizens Radio Service were filed by Vocaline Company of America with respect to Class B stations, and by the Academy of Model Aeronautics with respect to Class C stations. Subsequent to the release of the Commission's decision in Docket Nos. 11991 and 11994, Vocaline Company withdrew from this proceeding. The Academy of Model Aeronautics, commenting upon the Class C (remote control operation) Citizens Radio Service, stated that 20,000 model airplane flyers were using the frequency 27.255 Mc/s in 1958. Besides the five other frequencies in the 27 Mc/s band made available for such operation in 1958, the Academy indicated a need for six additional frequencies, with at least 2% separation between frequencies, in the 30–200 Mc/s region to meet requirements in the near future.

41. *Aviation Radio Services.* The Aviation Radio Services presentation was made by Aeronautical Radio, Inc. (ARINC); Alaska Aviation Radio, Inc. (AARI); and by the Aeronautical Flight Test Coordinating Council (AFTCC). Also, the Department of Commerce, Civil Aeronautics Board, filed comments in the form of a letter to the Chairman of the Commission.

42. ARINC and AARI described in some detail the use of the frequencies allocated to the aviation services. The frequencies in the 118–128.8 and 132–136 Mc/s area are used for air traffic control by Government and non-Government users and those in the 128–132 Mc/s band are used for en route communications. According to ARINC, the 29.80–30.00 Mc/s band is used for communications between aeronautical fixed stations. The stations operated by ARINC have one terminal in the United States and the other in foreign countries or territories and are used primarily during periods of high sun-spot activity. The 40 Mc/s bands were originally proposed for use in ionospheric scatter circuits over the North Atlantic; however, agreement concerning the use of a submarine cable had changed the plans. ARINC recommended the retention of the frequencies for the same use in the foreseeable future. Due to the requirement that interference protection be afforded to television Channels 4 and 5, little use had been made of the 72–74.58 Mc/s band. The 74.58–75.42 Mc/s band is used for marker beacons on the national airways throughout most of the United States. Radionavigation devices are also employed in the 328.6–335.4 Mc/s and 420–450 Mc/s shared Government bands with the former used for glide slope devices and the latter employed for radio altimeters. Omni-range radionavigation devices in the United States and at many airports throughout the world utilize the 108–118 Mc/s band. Frequencies in the 123.1–123.55 Mc/s band are allocated for aeronautical flight test and flying school communications.

43. ARINC and AARI recommended that the then existing allocations to the aviation services (Part 9) be retained. AARI recommended that additional frequencies in the band 123.7–131.9 Mc/s be made available in Alaska for aeronautical en route communications. It was also recommended that frequencies in the 170–172 Mc/s region should be made available to non-Government stations in Alaska and that the 46.51–46.60 Mc/s and 49.51–49.60 Mc/s bands be retained. Other recommendations included: that frequencies in the 156–162 Mc/s and 450–460 Mc/s range be made available for operational fixed use in Alaska; and that the band 132–136 Mc/s be made available to FAA. Two other aeronautical recommendations which are or have been under consideration in separate rule making proceedings include the establishment of an Aviation Terminal Mobile Service in either the 150.8–162 Mc/s or the 450–470 Mc/s band, but preferably in the 450–470 Mc/s band (Docket No. 13847); and establishment of a Public Radiotelephone Service to aircraft in the frequency range 125–500 Mc/s (Docket No. 14615).

44. *Marine Services.* Comments pertinent to issues under consideration were submitted by Western Union, RCA Communications, Inc. and by the American Telephone and Telegraph Company. Western Union stated that it employed the frequency 156.9 Mc/s for ship and departure service. AT&T stated that the VHF Maritime Mobile Service would grow substantially and that additional frequency space should be provided to accommodate its growth. RCA Communications, Inc. recommended that the frequencies in the 72–76 Mc/s band be retained for operational fixed use on the present non-interference basis to television broadcast service.

45. *Amateur Radio Services.* With respect to the Amateur Radio Service, the American Radio Relay League, Inc., summarized the uses to which the amateur frequencies were being put. ARRL stated that the 28 Mc/s band carries a heavy load of communications and is used widely when skywave communications can be achieved. Extensive use is made of the band. The 50–54 Mc/s band is used by the beginner and by those interested in studying propagation phenomena. The band 144–148 Mc/s has been used for moon-probe experimentation and is used extensively for short range communications. The higher bands, 220–225 Mc/s and 420–450 Mc/s, are primarily in a developmental stage but are growing in importance. The presently allocated bands were considered satisfactory for the continued growth and development of the service and no changes were recommended.

46. The Federal Civil Defense Administration stated that amateur and RACES frequencies should be continued and that more RACES frequencies should be allocated. No specific requirements were offered; however, the FCDA believed that any reallocation of frequencies to the public safety and land transportation services should not be undertaken without considering mobilization plans.

Common Carrier Radio Services. 47. Turning now to the needs of the common carrier industry and the Domestic Public Land Mobile Radio Service, the major requirement was for a band of frequencies in the upper band of spectrum now allocated for UHF television. The American Telephone and Telegraph Company (AT&T), supported by the United States Independent Telephone Association (USITA), General Telephone and Electronics (GT&E), and the Lenkurt Electric Company (Lenkurt), recommended that the 765–840 Mc/s band be reallocated for the establishment of a one-thousand channel broad-band type of public mobile service to subscribers on a nationwide basis with a portion of the channels set aside to provide a public air-ground communication service for private aircraft and commercial airlines. Secondarily, the band would be employed, according to the proposal, for common carrier fixed service.

48. In addition to the request for spectrum between 765 and 840 Mc/s, requests were received from AT&T, Hawaiian Telephone Company, GT&E, USITA and Lenkurt to reallocate the 840–890 Mc/s band from UHF television to the common carrier fixed service. Such action, it was stated, would compensate for replacement of the band 890–940 Mc/s reallocated to Government use in 1958.

49. Below 500 Mc/s, needs for additional frequencies were expressed by three entities. Associated Telephone Exchanges, Inc. requested that four additional frequencies be authorized for radio paging service, increasing to eight the number of frequencies available to common carriers for that purpose. RCA Communications, Inc. recommended that 90 kc/s of spectrum be allocated in the 35, 38 and 40 Mc/s bands for reflection and scatter propagation in the International Fixed Service. Finally, the Lenkurt Electric Company proposed that an additional 10 pairs of frequencies below 500 Mc/s be established for use by the rural radio service on a secondary basis when other available frequencies are in use by the primary allottee, the domestic public land mobile radio service. The domestic public air-ground radiotelephone service proposed by AT&T, and referred to earlier in paragraph 43, was considered in Docket No. 14615 proceedings.

Broadcast Radio Services. 50. Broadcasting stations utilize portable and mobile stations to provide on-the-spot coverage of sporting events, parades, conventions, religious services, fairs, disasters and other newsworthy events. The effective use of the channels requires that they be free of interference and capable of providing a reasonable degree of "naturalness" or fidelity. Broadcast programs are fitted into precise and pre-determined time periods and program material lost due to interference is usually unrecoverable. Consequently, sharing of channels with stations in other services is not feasible. Of the 65 channels currently allocated to the remote broadcasting pickup service, 3 are in the 1600 kilocycle band and are virtually unusable at night because of skywave interference; 26 are in the 26 Mc/s portion of the spectrum and are also subject to sporadic long distance interference, particularly during periods of high sunspot activity; and, 9 are in the 153 Mc/s region of the spectrum and are shared with various non-broadcast services. In populous areas where the demand for non-broadcast and remote pickup facilities is highest, these 9 frequencies are all but unusable. There are nearly 6,000 remote pickup stations authorized, many of which are assigned more than one channel to enable them to switch to another channel should interference crop up during a remote broadcast. The National Association of Broadcasters, on behalf of the broadcasting industry, requested that 10 exclusive channels in the 152–162 Mc/s band be made available and that the present allocation of two 1 megacycle bands separated by 5 megacycles in the 450–460 Mc/s portion of the spectrum, be retained.

General Requests and Subsequent Petitions. 51. In addition to the predicted needs of the individual services, as outlined above, the Commission also received requests for initiation of new radio services. Those requests are set forth below:

(a) *Electronic Protection Incorporated*—Requested bandwidth of 1 megacycle at 465 Mc/s for use on emergency vehicles to control traffic lights ahead of the vehicle while traveling to the scene of an emergency. Equipment would operate with .235 watt and radiate a distance of 150 feet.

(b) *American Hospital Association*—Requested the Commission to establish eligibility standards for hospitals and hospital associations, and to reserve two frequencies in the 40–50 Mc/s band and three in the 150–450 Mc/s band. Such a service could be accommodated under the Special Emergency Radio Service or the Business Radio Service.

(c) *Central Station Electrical Protection Association*—Contemplated a radio point-to-point system for TV and tone signals. The system would require two to four megacycles plus guard bands for an FM visual detection system and 0.5 megacycles plus guard bands for tone signaling. Three channels were requested at 152–162 Mc/s and two channels above 450 Mc/s.

(d) *Central Station Electrical Protection Association*—Requested the Commission to allot a band of frequencies for exclusive use by those engaged in furnishing fire, burglary and other protective services.

(e) *American Rocket Society*—Requested space in the 25–50 Mc/s band for telemetering and for ionospheric research. Additionally, it was requested that the 107.948–107.959 Mc/s band be allocated for ionospheric research.

(f) *American District Telegraph Company* and the *Central Station Protection Association*—Requested the establishment of a protection alarm communication service and the allocation of a block of frequencies below 890 Mc/s for the exclusive use of that service. (It should be noted that the latter request is being considered in Docket No. 13847 proceedings.)

52. Directly related to issues I and II in this proceeding are the following petitions which we believe should be considered and disposed of at this time:

(a) RM–51 Lenkurt Electric Company, petition filed August 20, 1958, for reallocation of 840–890 Mc/s band to the Domestic Public Radio Services.

(b) RM–251 International Association of Fire Chiefs and International Municipal Signal Association, petition filed April 11, 1961, for reallocation of a high UHF television channel to the Public Safety Radio Services.

(c) RM–370 Electronic Industries Association, petition filed October 1, 1962, for reallocation of television Channels 14 and 15 (470–482 Mc/s) to the Land Mobile Radio Services.

(d) United States Independent Telephone Association petition filed July 16, 1958, for reallocation of the 840–890 Mc/s band to common carrier fixed operations.

(e) Associated Public Safety Communications Officers, petition filed December 5, 1962, for institution of a formal inquiry into the frequency needs of the Public Safety Radio Services.

53. The Lenkurt and the USITA petitions requested reallocation of the 840–890 Mc/s band to the Domestic Fixed Public Radio Services as compensation for the loss of the 890–942 Mc/s band to the Government as a result of action taken by the Commission in a Memorandum Opinion and Order adopted April 16, 1958 (FCC 58–379).

54. RM–251, filed by the International Association of Fire Chiefs and International Municipal Signal Association, requested the allocation of a high UHF band television channel to the Public Safety Radio Services, primarily for instructional use in the fire and police services.

55. In RM–370, the Land Mobile Section of EIA requested the Commission to allocate the frequency spectrum known

as television Channels 14 and 15 to the land mobile services. It argued that these services are suffering highly crowded conditions seriously impairing the effective use of their land mobile communications. EIA pointed out that, apart from the limited relief to be provided from the additional frequencies to

the situation existing in 1957–1958. The discussion that follows is based upon that information and upon statistical data in the Commission's files at the end of fiscal 1963. For purposes of arriving at some idea of actual frequency utilization in the private land mobile services, an attempt has been made to estimate the

threatens degradation of service. Some frequencies are more occupied than the average, especially in metropolitan areas. For example, in 1958, on 158.9 Mc/s there were 56 communications systems consisting of 65 base and 2,497 mobile units authorized. Undoubtedly, on some frequencies in other areas of the country

From 1958 to 1963 the number of transmitters increased by 32.2 percent. In 1963 there were 334.1 authorized and 234.9 estimated transmitters in use per each assignable channel. Approximately 10 additional frequencies were requested for this service.

67. *Local Government.* The Local

gency, the channel loading is somewhat higher today. The highest channel loading exists in the Police and Fire Radio Services. The lowest loading exists in the Forestry-Conservation Radio Service. In Highway Maintenance, the loading, somewhat higher than in Forestry-Conservation, is approximately one

would add between 60,000 to 80,000 new transmitters to the service, an increase of close to 200 percent during the next 10 years (1958–1968 period). To accommodate present users and to permit the predicted growth, Central Committee requested 55 to 65 additional frequencies. As noted earlier, the number of transmit-

as television Channels 14 and 15 to the land mobile services. It argued that these services are suffering highly crowded conditions seriously impairing the effective use of their land mobile communications. EIA pointed out that, apart from the limited relief to be provided from the additional frequencies to be derived from the channel splitting proceedings in Docket No. 14503,[1] no other means are available for creating additional frequencies from the present land mobile allocations. It further stated that the state-of-the-art does not permit, for the present, splitting the 450 Mc/s frequencies and that it is not practical to utilize higher frequencies in the spectrum for land mobile operations within the foreseeable state-of-the-art. The reallocation of TV Channels 14 and 15, EIA states, would afford immediate, as well as future, relief. EIA's petition was generally supported by land mobile interests and was opposed by broadcasters.

56. In its petition APCO requested that the Commission institute a formal inquiry to review the present and future requirements of the Public Safety Radio Services for the allocation of additional frequency space to meet their needs. APCO described the importance of radio in the conduct of police activities, referred to the statements concerning the need for frequencies made by Public Safety spokesmen at the hearing in this proceeding, pointed out population trends and its concentration in metropolitan areas, referred to crime trend statistics published by the FBI, noted the increase in automobile registration and stated that these, and other factors, should be explored in a formal inquiry.

57. The foregoing describes the frequency requests and requirements submitted during the fact-finding portion of this proceeding and petitions on file which are directly related to the inquiry. These requests are summarized in Appendix A. It is readily apparent that requests for spectrum space in the band 25–890 Mc/s far exceed the amount of space available.

Frequency Utilization. 58. A summary of spectrum presently allocated to the various services in the 25–890 Mc/s band is reflected in the following table:

Service	Frequency Space—Mc/s
Television Broadcasting	492
FM Broadcasting	20
Government	216.54
Amateur	*44.7
Aviation	[1] 35.6
Shared Government/Non-Government	9.14
Land Mobile	40.975
Fixed/Maritime/Mobile/Citizens	6.135

*35 Mc/s of this space is shared with Government services.

[1] Almost entirely shared with Government aviation services.

59. A great deal of information concerning frequency utilization was submitted by the several private land mobile user groups. This information reflected the situation existing in 1957–1958. The discussion that follows is based upon that information and upon statistical data in the Commission's files at the end of fiscal 1963. For purposes of arriving at some idea of actual frequency utilization in the private land mobile services, an attempt has been made to estimate the number of transmitters in actual operation. The estimate was determined by weighting the number of authorized transmitters by a factor obtained from the results of a survey conducted by the Commission in 1955. In that survey, inquiries were distributed to over 18,000 licensees of whom about 61% responded. Questions were asked concerning the number of transmitters actually installed, the number authorized, and the operational nature of their use. From the responses, a ratio of "in use" versus "authorized" transmitters was derived. This ratio has been used to derive our estimate of the numbers of transmitters in use both in 1958 and 1963. It should be pointed out, however, that we do not consider that the figures for transmitters in use so derived represent the actual situation. The actual figures probably lie somewhere between those and the figures for authorized transmitters and, thus, the figures for transmitters in use represent a conservative estimate.

60. Using those figures of estimated transmitters in use and figures for authorized transmitters, theoretical channel loading figures for the land mobile services have been computed. We also recognize that these loading figures are of limited value since they represent only average channel loading on a national basis and do not consider density patterns, operational differences or service requirements. With the above limitations in mind, the statistics are nevertheless instructive in that they indicate overall growth trends and channel loading relationships among services. Although charts reflecting these statistics are contained in Appendix B, a discussion of each of the private land mobile services follows in paragraphs 61 through 99. It should be noted that certain changes resulting from adoption of the Report and Order in Docket 14503 on October 9, 1963 (FCC 63–906, 28 F.R. 11213) have not been included.

Public Safety Radio Services. 61. *Police.* In the 25–470 Mc/s area, radio in the Police Radio Service is used mainly for base and mobile operations in connection with official police activities. Radio is an indispensable tool to police departments. There are now available 185 exclusive and 38 shared frequencies to the Police Radio Service. In 1958, there were 12,450 outstanding police authorizations, 166,739 authorized and 103,378 estimated transmitters in use. At the end of fiscal 1963, there were 15,919 outstanding police authorizations, 207,902 authorized transmitters and 128,899 estimated transmitters in use. From 1958 to 1963, the number of transmitters in the Police Radio Service increased by 24.7%. In 1963, there were 932.2 authorized and 578 estimated actual transmitters per each available frequency channel. In this proceeding, APCO stated that actual loading of over 50 units per channel in the same area threatens degradation of service. Some frequencies are more occupied than the average, especially in metropolitan areas. For example, in 1958, on 158.9 Mc/s there were 56 communications systems consisting of 65 base and 2,497 mobile units authorized. Undoubtedly, on some frequencies in other areas of the country a much smaller occupancy exists.

62. Motorola submitted some figures on channel usage, or calls per day, supplied by what it calls typical licensees. These figures, taken by either mechanical count, or message counts from the station logs, show that the Police Departments in Portland, Oregon, and Dallas, Texas, with 1 base and 165 mobile units and 1 base and 220 mobile units, respectively, made 4,320 and 5,494 calls, also respectively, during one sample day.

63. APCO stated that 118 additional frequencies would be required in the Police Radio Service for the ten year period 1958–1968.

64. *Fire.* The Fire Radio Service provides radio frequencies in the 25–470 Mc/s area for fire departments mainly for base and mobile radio operations for communication essential to fire fighting and fire protection activities. Radio is used for, among other things, dispatching and controlling mobile fire equipment and for communication with individuals at the scene of a fire. As with police, radio has become an indispensable tool to fire departments.

65. 69 exclusive and 38 shared frequencies are available to the Fire Radio Service. In 1958 there were 4,725 fire station authorizations, 58,385 authorized, and 32,695 estimated transmitters in use. At the end of fiscal 1963, there were 8,312 outstanding fire station authorizations, 100,659 authorized and 56,369 estimated transmitters in use. From 1958 to 1963, the number of transmitters increased by 72.4 percent. In 1963, there were 940.7 authorized and 526.8 estimated transmitters in use per assignable channel in the Fire Radio Service. Channel occupancy, in terms of calls made, does not appear to be as high in the Fire Radio Service as is in the Police, mainly because of operational differences. For example, according to Motorola, in a sample day, the Chicago Fire Department with 2 base and 202 mobile units made 300 calls. 38 additional frequencies were requested for the Fire Radio Service.

66. *Forestry-Conservation.* This service provides frequencies mainly to state and local governmental entities for communication in connection with forestry and game and wildlife conservation activities. In the 25–470 Mc/s area, radio is used mainly for base and mobile communications. Radio is essential to forestry conservation activities, especially for safety. 95 exclusive and 38 shared (the 38 shared frequencies are shared by all Public Safety Services except Special Emergency) frequencies are available to the Forestry-Conservation Radio Service. In 1958 there were 3,264 outstanding Forestry-Conservation station authorizations, 33,618 authorized and 24,541 transmitters in use. At the end of fiscal 1963, there were 4,177 outstanding authorizations, 44,443 authorized and 31,333 estimated transmitters in use.

[1] Although action in Docket 14503 has now been completed, the frequency dispositions made in that proceeding are not considered herein.

From 1958 to 1963 the number of transmitters increased by 32.2 percent. In 1963 there were 334.1 authorized and 234.9 estimated transmitters in use per each assignable channel. Approximately 10 additional frequencies were requested for this service.

67. *Local Government.* The Local Government Radio Service provides radio facilities for non-federal government entities. The Local Government Radio Service was created in 1958. Thus, comparative statistics are not available. In 1963, there were 77 exclusive and 38 shared frequencies available in this Service. At the end of fiscal 1963, there were 4,650 outstanding Local Government authorizations, and 64,961 authorized transmitters, or 564.9 authorized transmitters per assignable frequency. 20 to 30 additional frequencies were requested.

68. *Highway Maintenance.* In this service radio facilities are provided for local governmental entities for communications essential to official highway activities. 64 exclusive and 44 shared frequencies are available to the Highway Maintenance Radio Service. In 1958 there were 3,264 outstanding Highway Maintenance Station authorizations, 27,543 authorized and 16,112 estimated transmitters in use. At the end of fiscal 1963, there were 4,978 authorizations, 51,174 authorized and 29,936 estimated transmitters in use. From 1958 to 1963 the number of transmitters increased by 85.8 percent. In 1963, there were approximately 474 authorized and 277 estimated transmitters in use per assignable frequency. 6 to 8 additional frequencies were requested for this service.

69. *Special Emergency.* In the Special Emergency Radio Service, frequencies are provided for use by hospitals, disaster relief organizations, physicians and veterinarians, ambulance operators and rescue organizations, beach patrols, school buses, persons operating communication circuits for standby communication facilities and persons maintaining establishments in isolated areas where public communication facilities are not available. 23 exclusive and 6 shared (shared with Highway Maintenance) frequencies are available to the Special Emergency Radio Service. In 1958 there were 3,325 outstanding Special Emergency Station authorizations, 13,122 authorized and 7,348 estimated transmitters in use. At the end of fiscal 1963, there were 5,115 authorizations, 21,023 authorized and 11,772 estimated transmitters in use. From 1958 to 1963, the number of transmitters increased by 60.2 percent. At the end of fiscal 1963, there were 724.9 authorized and 277.9 estimated transmitters in use per assignable frequency.

70. In summary, with the exception of Special Emergency, representatives of users in all Public Safety Radio Services requested additional frequencies (in the order of 200) to improve the conditions then existing and to permit future expansion.

71. The statistics thus indicate that the channel loading in the Public Safety Radio Service, with the exception of Special Emergency, is somewhat lower now than it was in 1958. In Special Emergency, the channel loading is somewhat higher today. The highest channel loading exists in the Police and Fire Radio Services. The lowest loading exists in the Forestry-Conservation Radio Service. In Highway Maintenance, the loading, somewhat higher than in Forestry-Conservation, is approximately one half of that prevailing in the Police and Fire Radio Services.

Industrial Radio Service. 72. *Power.* In the Power Radio Service, radio facilities are made available to the nation's electric, gas, water and steam utilities. Radio is used for safety and operational communications in connection with the conduct of the activities of the utility licensee. 73 exclusive and 10 shared frequencies (shared on a geographical basis) are available to the Power Radio Service. In 1958, there were 11,320 power station authorizations, 133,039 authorized and 83,149 estimated transmitters in use in this service. At the end of fiscal 1963, there were 13,932 authorizations, 166,348 authorized and 103,967 estimated transmitters in use, an increase in transmitters over 1958 of 25 percent. At the end of fiscal 1963, there were 2,004.2 authorized and 1,252 estimated transmitters in use per assignable channel, discounting the fact that the 10 shared frequencies are not available in six states. These statistics indicate heavy loading of the frequencies whether we consider the authorized transmitter or estimated actual transmitter figures. 43 additional frequencies were requested in this proceeding.

73. *Petroleum.* Radio in the Petroleum Radio Service is available to the petroleum industry. It is used in connection with prospecting for oil, well drilling operation, oil field production, operation of pipelines, refining, and distribution. Especially in the exploration and well drilling stages, and in pipelines laid across sparsely populated areas, radio is often the only communication medium available. 14 exclusive and 88 shared frequencies are available to the Petroleum Radio Service. At the end of fiscal 1958, there were 7,151 authorized petroleum station authorizations, 47,903 authorized and 23,952 estimated transmitters in use in this service. At the end of fiscal 1963, there were 9,289 authorizations, 83,602 authorized and 41,801 estimated transmitters in use, an increase in transmitters over 1958 of 74.5 percent. At the end of fiscal 1963, there were 819.6 authorized and 409.8 estimated transmitters in use per available frequency.

74. Central Committee on Radio Facilities stated that approximately 50 percent of all transmitters were being operated in one area consisting of Texas, Louisiana, Arkansas, and Mississippi. APT stated that loading of 175 units per channel in the 25 Mc/s area is the maximum tolerable, that the then existing 278 units per channel in the 30 Mc/s band was excessive and the then existing 500 to 600 units per channel loadings in the 33 and 48 Mc/s area were too high. The average loading shown above exceeds the maximums set by the Central Committee. Central Committee estimated that, assuming improvement of the frequency situation, existing and potential users would add between 60,000 to 80,000 new transmitters to the service, an increase of close to 200 percent during the next 10 years (1958–1968 period). To accommodate present users and to permit the predicted growth, Central Committee requested 55 to 65 additional frequencies. As noted earlier, the number of transmitters increased by nearly 75 percent during the past 5 year period.

75. *Forest Products.* The Forest Products Radio Service provides radio facilities to those engaged in commercial forest operation, such as tree farming, tree logging and related activities. These operations are carried on in isolated areas where radio is often the only available means of communication. 2 exclusive and 73 shared frequencies are available to the Forest Products Radio Service. At the end of fiscal 1958, there were 1,648 Forest Product authorizations, 15,013 authorized and 6,005 estimated transmitters in use in this service. At the end of 1963, there were 2,321 authorizations, 23,442 authorized and 9,377 estimated transmitters in use, an increase of transmitters over 1958 of 56.1 percent. At the end of 1963, there were 312.6 authorized or 125 estimated transmitters in use per assignable frequency. Approximately 40 additional frequencies were requested, to permit future expansion to approximately 15,000 transmitters by 1968. Forest Industries Radio Communications (FIRC), the spokesman of the forest products industry, stated that approximately 64 percent of all radio systems in this service operated on frequencies below 50 Mc/s, because communication requirements in the industry are for relatively long distances. The frequencies in the 152 Mc/s area are used, according to FIRC, primarily in the west where there exist suitable high mountain locations, while these frequencies are practically unused in the flat terrain of the south. FIRC stated also that the industry's communication needs are for distances of 30–70 miles and, in some areas, for distances of over 100 miles.

76. *Special Industrial.* The Special Industrial Radio Service accommodates a host of diverse industries, such as ranchers, farmers, vegetable growers and processors, the mining industry, liquified petroleum distributors, heavy construction industry, petroleum and gas service and supply industry, the ready mixed concrete industry, and others.

77. 47 exclusive and 6 shared frequencies are available to the Special Industrial Radio Service. At the end of fiscal 1958, there were 17,107 outstanding Special Industrial station authorizations, 192,478 authorized and 92,389 estimated transmitters in use in this service. At the end of fiscal 1963, there were 30,147 authorizations, 317,749 authorized and 152,519 estimated transmitters in use, an increase in transmitters over 1958 of 65.1 percent. There were 5,957.5 authorized and 2877.7 estimated transmitters in use per assignable frequency at the end of fiscal 1963. This is the highest per channel loading in the Safety and Special Radio Services, with the exception of the Citizens Radio Service. The significance of this per channel loading, however, is tempered by the apparent

moderate channel usage in terms of calls made. For example, according to samples of channel occupancy submitted by

mated transmitters in use. At the end of fiscal 1963, there were 48 authoriza-

86. *Taxicab.* Radio in the Taxicab Radio Service is used primarily for dis-

Rochester, New York, has radio been in-

At the end of fiscal 1963, there were

28.0–29.7 or 1.7 Mc/s exclusive.
50.0–54.0 or 4.0 Mc/s exclusive.

moderate channel usage in terms of calls made. For example, according to samples of channel occupancy, submitted by Motorola, a Special Industrial licensee with 1 base and 20 mobile units made 500 calls per day, another with 3 base and 10 mobile units made 75 calls per day. The Special Industrial Radio Service Association requested 97 additional frequencies for this service.

78. *Manufacturers.* The Manufacturers Radio Service makes available frequencies to those engaged in manufacturing activities. Radio is used primarily within manufacturing plants. 20 exclusive and 15 shared frequencies are available to the Manufacturers Radio Service. This service was established in 1958 and, therefore, comparative statistics are not available. At the end of fiscal 1963, there were 891 outstanding manufacturers station authorizations, and 21,740 authorized transmitters, or 621.1 authorized transmitters per assignable frequency. Based on the anticipated needs of the new service, the National Association of Manufacturers requested approximately 40 additional frequencies.

79. *Business.* The Business Radio Service was established in 1958 and provides radio facilities to anyone engaged in a commercial activity, educational and philanthropic institutions, clergymen and ecclesiastic institutions, hospitals, clinics and medical associations. Thus, it has open-end eligibility provisions. 103 exclusive and 56 shared frequencies (6 shared with taxicab and 50 with citizens) are available to the Business Radio Service. At the end of fiscal 1963, there were 49,973 outstanding Business authorizations and 384,792 transmitters, or 2420.1 authorized transmitters per assignable frequency. Although at present channel loading is not as high as in other land mobile services (for example Special Industrial), Business is the fastest growing service, save the Citizens Radio Service.

80. *Telephone Maintenance.* The Telephone Maintenance Radio Service is available only to communications common carriers providing wire-line service to the public. Radio is used mainly in connection with the construction, maintenance, repair and operation of rights-of-way and plant facilities. This is also one of the new services for which comparative figures are not available. 14 exclusive frequencies are available to the Telephone Maintenance Radio Service. At the end of fiscal 1963, there were 671 outstanding telephone maintenance station authorizations and 21,721 authorized transmitters, or 1551.5 authorized transmitters per assignable channel. Additional frequencies have not been requested for this service.

81. *Motion Pictures.* The Motion Pictures Radio Service is available to those engaged in the production or filming of motion pictures. Users in this service did not participate in this proceeding. 10 shared (6 shared with Special Industrial, 4 with Relay Press) frequencies are available to the Motion Picture Radio Service. At the end of fiscal 1958, there were 71 outstanding motion picture authorizations, 698 authorized and 370 estimated transmitters in use. At the end of fiscal 1963, there were 48 authorizations, 854 authorized and 453 estimated transmitters in use, an increase in transmitters over 1958 of 22.4 percent. At that time, there were 85.4 authorized or 45.3 estimated transmitters in use per assignable channel.

82. *Relay Press.* In the Relay Press Radio Service frequencies are made available to those engaged in the publication of newspapers and to established press associations. 4 shared frequencies are available to Relay Press Radio Service. At the end of fiscal 1958, there were 130 outstanding relay press authorizations, 1,585 authorized and 586 estimated transmitters in use in this service. At the end of fiscal 1963, there were 186 authorizations, 2,586 authorized and 957 estimated transmitters in use, an increase in transmitters over 1958 of 63.2 percent. There are 646.5 authorized or 239.2 estimated transmitters in use per assignable channel.

83. In summary, spokesmen for the major industrial radio services claimed frequency congestion in these services and requested additional frequencies to relieve then existing congestion and to permit future expansion. The maximum number of additional frequencies requested is approximately 285. The minimum number is considerably lower.

84. By far, the heaviest loading now exists in the Special Industrial Radio Service. In Business and Power, although approximately half of that in Special Industrial, the loadings are also heavy. In Special Industrial, from 1958 to 1963, the number of transmitters per assignable frequency has just about doubled. In Power, Petroleum and Forest Products the situation is about the same, although in Power the loading is somewhat lower now than it was in 1958. In Motion Picture, although a number of frequencies have been taken away, the channel loading situation is still comparatively very low. Among the new services, Business has the heaviest loading, followed by Telephone Maintenance.

Land Transportation. 85. *Railroad.* The Railroad Radio Service provides frequencies for the nation's railroads. Frequencies (in the 160 Mc/s area principally) are used for safety and operational communications in connection with the operation of trains. Radio is used mainly to communicate between the caboose and the locomotive of trains, between passing trains, from trains to base stations along the right-of-way, and in yards and terminals. 50 exclusive frequencies are available to the Railroad Radio Service. In 1958, there were 2,265 railroad authorizations, 65,230 authorized and 32,615 estimated transmitters in use in this service. At the end of fiscal 1963, there were 4,179 authorizations, 137,907 authorized, and 68,054 estimated transmitters in use, an increase in the number of transmitters over 1958 of 111.41 percent. There were 2758.1 authorized and 1379 estimated transmitters in use for assignable channel in 1963. The Association of American Railroads and Southern Railroad requested no additional frequencies in the course of this proceeding.

86. *Taxicab.* Radio in the Taxicab Radio Service is used primarily for dispatch purposes. 28 exclusive and 6 shared (shared with Business, Taxicab priority in cities) frequencies are available to the Taxicab Radio Service. In 1958, there were 4,733 outstanding taxicab authorizations, 100,735 authorized and 58,930 estimated transmitters in use. At the end of fiscal 1963, there were 4,999 authorizations, 168,716 authorized and 98,699 estimated transmitters in use, an increase in transmitters over 1958 of 67.5 percent. At the end of fiscal 1963, there were 4962 authorized and 2903 estimated transmitters in use per assignable channel. Representatives of taxicab interests stated that an average of 142 cabs are served per channel and, on an average basis, complete messages are transmitted at a rate of 1.16 messages per minute and 2.81 messages during peak periods. Large cab companies, such as Yellow Cab of Kansas City, during a 24-hour period handled an average of 5.4 calls per minute, or one call every 11 seconds. 10 VHF frequencies were requested to relieve the then existing conditions.

87. *Motor Carrier (Truck).* Within the Motor Carrier Service separate frequencies are made available for the trucking industry. Radio is used by truckers primarily for local pick-up and delivery operations. 54 exclusive and 10 shared (with other motor carriers) frequencies are available to the motor carriers of property. In 1958, there were 675 outstanding truck authorizations, 12,480 authorized and 4,992 estimated transmitters in use. At the end of fiscal 1963, there were 3,191 authorizations, 61,838 authorized and 24,735 estimated transmitters in use, an increase in transmitters over 1958 of 395 percent. At that time, there were 966.2 authorized or 380.4 estimated transmitters in use per assignable channel. The American Trucking Association, at the hearing, estimated that by 1967 there would be 56,000 radio-equipped vehicles, and to accommodate the needs of the trucking industry and to permit the anticipated expansion, ATA requested 7 additional frequencies.

88. *Motor Carrier (Intercity Bus).* Separate radio facilities are also available to the intercity bus industry within the Motor Carrier Service. Radio is used for communications between dispatchers and drivers, between dispatchers and between drivers on the highway. 8 exclusive and 10 shared frequencies are available to intercity motor carriers of persons. In 1958 there were 59 outstanding authorizations, 727 authorized and 582 estimated transmitters in use in this service. In 1963, there were 68 authorizations, 667 authorized and 534 estimated transmitters in use, a decrease in transmitters of 9 percent. In 1963 there were 37.1 authorized and 29.6 estimated transmitters in use per assignable frequency.

89. *Motor Carrier (Urban Transit).* Urban transit is the third industry accommodated within the Motor Carrier Radio Service. Radio is used to dispatch repair vehicles, to maintain regularity of service, and to reroute passenger carrying vehicles. Only in the City of Rochester, New York, has radio been installed in all buses as well as in supervisory and emergency vehicles. 8 exclusive and 23 shared frequencies (10 shared with other motor carriers, 13 shared with Petroleum and Forest Products) are available to urban transit. In 1958, there were 110 urban transit station authorizations, 2,940 authorized and 3,122 estimated transmitters in use. At the end of fiscal 1963, there were 421 authorizations, 3,275 authorized and 2,374 estimated transmitters in use, an increase in transmitters over 1958 of 11.4 percent. At the end of fiscal 1963, there were 105.6 authorized and 76.6 estimated transmitters in use per assignable channel.

90. *Automobile Emergency.* Frequencies assigned to the Automobile Emergency Radio Service are available to Automobile Clubs and to garages which provide emergency road service to disabled vehicles. Radio is used primarily to dispatch road service vehicles. Auto clubs use radio also to report traffic conditions. There are 12 exclusive frequencies available to the Automobile Emergency Radio Service. In 1958, there were 962 automobile emergency station authorizations, 8,992 authorized and 4,496 estimated transmitters in use in this service. At the end of fiscal 1963, there were 1521 authorizations, 15,880 authorized and 7,940 estimated transmitters in use, and increase in transmitters over 1958 of 77 percent. At the end of fiscal 1963, there were 1323.3 authorized and 661.7 estimated transmitters in use per assignable frequency. 2 additional frequencies were requested for use mainly in large metropolitan areas.

91. In summary, a total of 19 additional frequencies were requested for the Land Transportation Radio Services. At the time of the hearing in this proceeding, representatives of the Taxicab and, to some extent, of Automobile Emergency Services described frequency congestion.

92. By far the heaviest loading today, as in 1958, exists in the Taxicab Radio Service. Heavy loading also exists in the Railroad Radio Service, which has practically doubled during the past five years.

93. The foregoing is a summary discussion of the utilization of the frequency space available to the private land mobile services. With some exceptions, the frequencies appear to be in heavy use. Also, with some notable exceptions, the frequency loading situation seems to be about the same as it was in 1958. The additional frequencies made available by splitting the frequencies in the 45 and 150 Mc/s regions seem to have relieved the situation somewhat and accommodated growth up to now.

94. The Land Mobile Section of EIA, which made a presentation on behalf of the land mobile services, predicted that by 1963 there would be approximately 1,390,000 transmitters in these services; by 1968, 2,650,000; and by 1978, 5,000,000 transmitters, based on marketing surveys conducted by EIA member companies. Motorola, which also participated on behalf of the land mobile services, predicted 2,000,000 transmitters by 1968. At the end of fiscal 1963, there were 1,680,003 fixed and mobile transmitters authorized in the private land mobile services, including 384,792 in the Business Radio Service but excluding Citizens Radio Service transmitters of any class. Weighing this figure by a 60 percent factor (a rough estimate of the average ratio of transmitters in use to transmitters authorized), we estimate that, at the end of fiscal 1963, there were 1,014,000 transmitters in use in these services.

95. On the basis of estimates of growth in the land mobile services, EIA suggested allocation of 40 Mc/s and Motorola suggested 55 Mc/s of additional space to the land mobile services. The combined requests of representatives of users in these services were for a maximum of approximately 450 to 500 frequencies or, depending upon their location in the spectrum, 15 to 25 Mc/s of space.

Other Radio Services. 96. *Aviation.* In the Aviation Radio Services, the band 29.80–30.0 Mc/s is available for aeronautical fixed use. There are 3 station assignments in this band, and according to ARINC, these stations are used for long distance communications during the high sunspot cycle. The 74.58–75.42 Mc/s band is used for aeronautical marker beacons, and is available to both government and non-government users. The 76–100 Mc/s band, also government/non-government, is available in Alaska and is used for transmitter link and control functions. The 108–118 Mc/s band, available to government and non-government users, is used for radionavigation. The 118–128.8 Mc/s band, also government/non-government, is used for air traffic control, except for the 123.1–123.5 Mc/s band, which is available for flight test and flight school users. The 128.825–132.0 Mc/s band, a non-government band subject to certain limitations, is used for operational and enroute communications by the aviation industry. The 132–136 Mc/s band, government/non-government, is used for air traffic control. The 154.04–154.46 and 161.40–161.85 Mc/s band are available for aeronautical fixed operations in Puerto Rico and Virgin Islands. The 328–335 Mc/s band, a government/non-government band, is used for glide slope radionavigation, and the 420–460 Mc/s band, a government/non-government band, of which 420–450 Mc/s is allocated to the Amateur Radio Service, is used for radio altimeters. In addition to these bands, certain discrete frequencies in the 25–890 Mc/s area are available for use by the Civil Air Patrol.

Transmitters authorized in the Aviation Services at the end of fiscal 1963 were as follows:

Aeronautical and Fixed Group	7,739
Aircraft Group	134,831
Aviation Auxiliary Group	2,987
Aviation Radionavigation	532
Civil Air Patrol	23,733
Total	169,822

97. *Amateur.* The following frequencies are available to the Amateur Radio Service:

28.0–29.7	or	1.7 Mc/s	exclusive.
50.0–54.0	or	4.0 Mc/s	exclusive.
144–148	or	4.0 Mc/s	exclusive.
220–225	or	5.0 Mc/s	Government/Non-Government.
420–450	or	30.0 Mc/s	Government/Non-Government.
Total		44.7 Mc/s	

44 megacycles of space is available for use by the Amateur Radio Service in the 25–890 Mc/s area. This is in addition to frequencies in the 4, 7, 14 and 21 Mc/s regions, the bands in heaviest use. At the end of fiscal 1963, there were 255,140 amateur station authorizations outstanding, and 15,267 RACES authorizations. Although it appears that a larger portion of frequency spectrum in the 25–890 Mc/s band is available to amateurs than is available to the private land mobile services, it should be noted that 35 Mc/s (i.e. 220–225 Mc/s and 420–450 Mc/s) are shared with Government services.

98. *Citizens.* There are four classes of stations in the Citizens Radio Service. 48 frequencies in the 462, 463, and 465 Mc/s band are available for use by Class A stations. Class B stations using equipment type accepted for Class A stations may also use these frequencies. At the end of fiscal 1963, there were approximately 5,500 Class A stations authorized and approximately 12,000 Class B stations. 5 exclusive frequencies and 1 shared frequency in the 26–27 Mc/s band are available to Class C stations. At the end of fiscal 1963, there were approximately 54,000 Class C stations authorized. Class C stations are used to control objects, such as model airplanes, garage doors, locomotives, pumps. 22 exclusive frequencies and 1 shared frequency are available to Class D stations in the 26–27 Mc/s region. The Class D station category was established in 1958. At the end of fiscal 1963, there were 446,590 outstanding citizens authorizations and 1,442,932 authorized transmitters, the overwhelming majority of which (nearly 380,000 authorizations) belong in the Class D category.

99. *Marine.* 23 frequencies are allocated to the Marine Services in the 156.25–157.45 and 161.775–162 Mc/s bands. The frequency 121.5 Mc/s is shared with Aviation and the frequency 27.255 Mc/s is shared with a number of other services. Eleven frequencies in the 25 Mc/s area have been allocated internationally to the Marine Services (Geneva, 1959), but these allocations have not been implemented by amendment of the Commission's rules. At the end of fiscal 1963, there were approximately 4,300 VHF transmitters authorized in the Marine Services. The Commission has been encouraging the use of VHF frequencies in the Marine Services to reduce frequency congestion in the 2 Mc/s area.

100. As was previously indicated in para. 60, it should again be pointed out that only limited conclusions as to frequency congestion in the land mobile services can be drawn from the preceding material. Nation-wide average channel loading statistics do not indicate actual frequency loading in given geographical areas and in given radio services. Clearly, however, the record of the pro-

ceeding showed a picture of the land mobile services not only making extensive use of the frequencies available to them, but also of a need for additional frequencies. Many of the services are experiencing congestion and delays in obtaining frequencies. Some of the services are growing at a rapid rate. Some of the services have been in existence for a relatively short time and have not had the opportunity to develop their full potential. Some of the services have been in existence for a relatively long time and have had the opportunity to develop their full potential. Some of the services have been in existence for a relatively short time and have had the opportunity to develop their full potential. Some of the services have been in existence for a relatively long time and have had the opportunity to develop their full potential.

proceeding (FCC 61–993, Docket No. 14229) for the purpose of exploring the possibility of allocating additional frequencies to the land mobile services. Some of the services have been in existence for a relatively short time and have had the opportunity to develop their full potential. Some of the services have been in existence for a relatively long time and have had the opportunity to develop their full potential.

maining space for the future growth of

on Commerce on the all-channel receiver

112. It should be emphasized that the

ceedings (for example Docket No. 14503).

ceeding showed a picture of the land mobile services not only making extensive use of their available frequencies for various purposes beneficial to the nation involving commerce, industry, public safety, and protection of life and property, but also looking forward to a continuation and vast expansion of such uses. In this light, the extent of the demand by the land mobile services for additional usable frequencies was such as to indicate that if it was to be met by making additional spectrum space available, such space would have to be withdrawn from the television frequency allocation. The reallocation of UHF television channels was at least worthy of consideration in 1957 under the situation then prevailing and at the time this proceeding was initiated. Development of the UHF television spectrum had been retarded by economic and technical problems and its future was uncertain. UHF television spectrum could not be released for non-broadcasting purposes, however, until it could be determined either (1) that adequate substitute allocations permitting a competitive national television system could be made, or (2) that the practical and technical problems confronting UHF television could not be solved. Thus, a determination with respect to the allocations future of television and the feasibility of the expanded television system which had been a central facet of Commission policy since 1952 was required before this proceeding could be concluded.

101. Careful studies of the television problem led to the Commission's announcement, in April 1959, that it would be necessary to seek solutions among five alternate modes of allocating spectrum space to television.[2] Three of these solutions contemplated expansion of the number of VHF channels allocated for television broadcasting. The fourth contemplated a 70 channel UHF-only system, while the fifth looked toward more effective use of the present 82 channel VHF–UHF system. Negotiations with the Government were undertaken looking toward the possibility of obtaining additional frequencies in the VHF and lower UHF portions of the radio spectrum. It was concluded by the Department of Defense and the Office of Civilian and Defense Mobilization (now Office of Emergency Planning), that such additional spectrum space could not be released by the Government for television broadcasting.

102. The announcement of that conclusion made it clear that fulfillment of the Commission's television goals could be achieved only through much fuller utilization of the 70 UHF channels, either alone or in conjunction with the 12 VHF channels allocated to television broadcasting. Accordingly, in July of 1961, the Commission instituted a rule making proceeding (FCC 61–993, Docket No. 14229) for the purpose of exploring various technical and operational proposals designed to improve the prospects of UHF television. The eventual possibility of a UHF only system had not been completely discarded although the prospect of effecting such a change appeared remote. In order to achieve fuller utilization of the UHF channels, the Commission pursued two parallel projects, apart from proceedings in Docket No. 14229, which have now been completed and which should enhance the prospects for UHF television.

103. The first such project, the New York City UHF–TV project, involved a comprehensive evaluation of the potential utilization of UHF frequencies under the most difficult transmission conditions—a heavily built-up metropolitan area. Data from the completed project show that for the area within 25 miles of the station, while Channel 31 was somewhat inferior to Channels 2 and 7 when indoor antennas were employed, the differences almost always disappeared when outside antennas were installed and, on the whole, the services could be considered as comparable. These results should, in great part, allay past fears concerning the technical inferiority of UHF for this purpose.

104. As its second project, the Commission proposed legislation directed to the basic problem of receiver incompatibility. Public Law 87–529 was passed by the Congress and signed by the President on July 10, 1962. As implemented by Commission rules, this law requires that all television receivers (except those used in connection with an in-school educational television instruction program) manufactured after April 30, 1964, be capable of adequately receiving all of the 82 channels now allocated to television broadcasting. Thus, it is clear that the problem of receiver incompatibility will be gradually eliminated.

105. We have reason to expect that these developments, together with other measures being taken by the Commission (such as the establishment of the Committee for Full Development of All-Channel Broadcasting on February 7, 1963) will provide the impetus for expanded use of the frequencies allocated to UHF television, especially as this is the only foreseeable way in which the important and unique benefits of a fully competitive national television system can be obtained or in which adequate channels for educational television can be provided.

106. Since 1961, moreover, it has become increasingly clear that a television system adequate to meet the expanding needs of the public will require full utilization of both the 12 VHF and the 70 UHF channels assigned to television broadcasting. The twelve VHF channels are virtually saturated with some 550 VHF educational and commercial authorizations outstanding and few VHF assignments remain idle except in areas of low population density in the Middle and Far West. The UHF band of frequencies, with only some 200 authorizations outstanding (out of 1559 proposed assignments) and of these only 120 actually active, provides the only remaining space for the future growth of television broadcasting so long as current technical standards remain unchanged.

107. This is particularly important to educational interests since it is clear that the future of educational television is dependent upon utilization of UHF channels. The National Association of Educational Broadcasters has in fact requested over 800 new educational television reservations on UHF channels. Most of this requirement can be satisfied only if the 70 UHF channels continue to be available. Enactment of Public Law 87–477 to provide federal funds on a matching basis for the construction of educational television facilities doubtless will provide a strong stimulus for implementing the plans of educators to construct television stations, thus emphasizing our conclusion that educational television constitutes a service whose needs, as a matter of national policy, must be met.

108. Quite apart from the use of UHF channels for education, future commercial television expansion is tied to maintenance and development of the UHF band. Commercial television is firmly established today, largely in the VHF band, and the first priority of our 1952 Sixth Report and Order, to provide at least one television service to all people, has essentially been met. Despite this accomplishment, there are insufficient commercial television outlets available to most of the country to provide both for a desirable diversity of news, information and entertainment and for sufficient outlets for the origination of local programs which should flow from a successful utilization of allotted television channels. Primarily, this situation obtained from the receiver-incompatibility problem which will in time be solved by implementation of the all-channel legislation. These factors, along with our exploding population, will lead to an increasing demand for UHF channels to fill out the need for more commercial television service and outlets which cannot be met with VHF channels. This process is already discernible in the filing of mutually exclusive applications for UHF channels in Paterson, N.J.; Toledo, Ohio; Cleveland, Ohio; Chicago, Illinois; Houston, Texas; and Boston, Massachusetts. Our allocation studies in Docket No. 14229 further indicate that serious shortages of television channels may occur with respect to some communities in such areas as the New England States, Southern California and throughout the Ohio-Indiana-Michigan-Illinois area where major population centers are too close together to permit all to have the number of channels that might otherwise be available to them.

109. These facts, in our opinion, dictate maintenance of an 82-channel television system as against usage of this frequency space for the other various purposes considered in this proceeding. Moreover, it is clear from the legislative history of the all-channel receiver legislation that Congress favors an 82-channel system as a matter of policy and that the all-channel receiver authority was enacted on that basis. Thus, for example, the Report of the Senate Committee on Commerce on the all-channel receiver bill (H.R. 8031) states:

> Many Members of Congress have testified in support of this legislation, which is designed to implement the Congress' and Commission's long-range policy of developing an 82-channel system.
>
> We emphasize that the aim of this measure is an inter-mixed television system using both 12 VHF and 70 UHF channels. (S. Rep. No. 1526, May 24, 1962, at p. 7.)

110. Requests submitted by the non-broadcast, non-Government services during the course of this proceeding were predicated, at least implicitly, upon the possibility of a major reallocation of the frequency bands now available for television broadcasting. Subsequent developments as outlined in preceding paragraphs have now eliminated this possibility; and it is, therefore, apparent that major allocation relief cannot be provided for those services in the 25–890 Mc/s band. During the intervening period, moreover, system operating characteristics have been altered and technological improvements affecting spectrum utilization have been made. It is also apparent that spectrum needs will have changed substantially during this period. Consequently, express consideration of allocation requests and supporting data submitted in this proceeding would now be fruitless and unrealistic. Therefore, while recognizing the existence of significant and important requirements for the non-broadcast services, our attention must be directed toward measures which offer a promise of more efficient utilization of the remaining portions of the spectrum between 25 Mc/s and the lower level of microwave frequencies in the light of conditions as they exist today, without resorting to a major reallocation of additional exclusive spectrum space to the land mobile service at the expense of other non-Government radio services.

111. Three general avenues of approach are being followed at this time to achieve increased efficiency in spectrum usage. The first involves areas in which the information on hand appears sufficient to warrant specific proposals for rule changes. Action in this regard will be found in the notice of proposed rule making adopted this date by the Commission in Docket No. 15399 wherein it is proposed to amend Parts 89, 91 and 93 of the rules by instituting a trial under which land mobile licensees in the State of California in certain services would be given secondary sharing rights to unused frequencies of other services. The second approach, reflected in the Notice of Inquiry adopted this date in Docket No. 15398, is designed to gather technical data looking toward optimum spacing between assignable channels in the land mobile service and to study the feasibility of the land mobile service sharing Channels 2 through 13 with television broadcasting. The third approach, looking toward a study of technical and administrative steps which might be taken to resolve problems confronting the land mobile service, is treated in detail in the Public Notice adopted this date establishing an Advisory Committee for the Land Mobile Service.

112. It should be emphasized that the instant proceeding was primarily of a legislative fact-finding nature and the determinations made herein are the result of an analysis of information received during the course of this proceeding, combined with information derived from other sources.

113. In view of the foregoing: *It is ordered*, That the following petitions are hereby denied:

(a) RM–51 Lenkurt Electric Company, petition filed August 20, 1958, for reallocation of 840–890 Mc/s band to the Domestic Public Radio Service.

(b) RM–251 International Association of Fire Chiefs and International Municipal Signal Association, petition filed April 11, 1961, for reallocation of a high UHF television channel to the Public Safety Radio Services.

(c) RM–370 Electronic Industries Association, petition filed October 1, 1962, for reallocation of television Channels 14 and 15 (470–482 Mc/s) to the Land Mobile Radio Services.

(d) United States Independent Telephone Association petition, filed July 16, 1958, for reallocation of the 840–890 Mc/s band to common carrier fixed operations.

The question of the use of television Channel 37 for radio astronomy purposes (RM–180) has been considered in the Report and Order, Docket No. 15022, adopted October 4, 1963.

114. With respect to the petition of the Associated Public Safety Communications Officers filed December 6, 1962, most if not all of the areas suggested by APCO for inquiry were explored in this proceeding and the needs for additional frequencies for the Public Safety Radio Services have been made known to the Commission in this and in other proceedings (for example Docket No. 14503). Furthermore, the Commission, as indicated previously in this document, will continue to study the needs of all of the private mobile services. Thus, a separate formal inquiry into the needs of the Public Safety Radio Services at this time does not appear necessary and the petition is hereby denied.

115. The Communications Committee of the National Association of Manufacturers (NAM) filed a petition (RM–566) dated February 3, 1964 which proposes shared use of TV channels 14 and 15 by the television broadcasting service and the land mobile service on a geographic basis. Since this filing is of comparatively recent date, and since it differs in material respects from the Electronic Industries Association petition RM–370 denied herein (Paragraph 113(c) above), the NAM petition will remain in pending status and be studied further by the Commission.

116. *It is further ordered*, That all other specific requests for reallocation of frequency spectrum filed or received in this proceeding are hereby denied: *Provided, however*, That this action is without prejudice to the disposition of similar or related requests filed in other rule making proceedings now pending before the Commission.

117. *It is further ordered*, That the proceedings in Docket 11997 are hereby terminated.

Adopted: March 26, 1964.

Released: March 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Hyde absent.

[2] These alternatives were considered to be the only ones which might offer the possibility of achieving the nationwide competitive television system that the Commission, in its Sixth Report and Order (Dockets 8736, 8975, 8976 and 9175, published May 2, 1952, 17FR3906), found to be required in the public interest.

FREQUENCY REQUESTS SUBMITTED IN DOCKET NO. 11997

Organization	Space requested
Academy of Model Aeronautics	6 frequencies separated by greater than 2 percent between 30 Mc/s and 200 Mc/s.
Aeronautical Radio, Inc. (ARINC)	150.8–162 Mc/s or 450–470 Mc/s band for Aeronautical Terminal Mobile Service. Air-Ground Radiotelephone Service below 500 Mc/s.
American Automobile Association	3 additional frequencies in the 150 Mc/s band.
Alaska Aviation Radio, Inc	Additional frequencies for aeronautical enroute stations in Alaska between 123.7–131.9 Mc/s (no reallocation involved)
Do	and Make frequencies in the 152–162 Mc/s and 450–460 Mc/s bands available for Operational Fixed use in Alaska.
American Municipal Association	Stated need for 15 additional frequencies, excluding 15 kc/s splits, for Local Government Radio Service.
American Petroleum Institute, Central Committee on Radio Facilities.	25 to 30 additional exclusive channels in the 25-50 Mc/s band, 10 to 15 channels in the 150.8–162 Mc/s band and 10 channel pairs at 450 Mc/s.
American Rocket Society	25.6–25.65 Mc/s (G) for worldwide telemetering; additional space would be required later.
Do	38.981–38.985 Mc/s (G) or 40.982–40.984 Mc/s (G) and 39.980–39.984 Mc/s for ionospheric research.
Do	107.948–107.959 Mc/s for ionospheric research.
Do	1 Mc between 100–150 Mc/s for tracking.
Do	148–150.8 Mc/s for command function.
Do	225–235 Mc/s for telemetering.
Do	250–260 Mc/s for telemetering.
Do	399.80–399.84 Mc/s for ionospheric research.
Do	390–400 Mc/s for telemetering.
Do	410–420 Mc/s for telemetering.
Do	430–435 Mc/s for control, astronautic navigation, and telemetering.
Do	10 Mc/s between 800–890 Mc/s for telemetering.
American Telephone and Telegraph Co. (AT&T).	765–840 Mc/s for common carrier fixed and public mobile.
Do	840–890 Mc/s common carrier fixed.
Do	Augment present allocations for VHF maritime public correspondence to conform with the Hague allocation table. Involves 9 additional VHF frequency pairs on the 156 Mc/s range, will change present authorized usage.
American Trucking Association	7 additional channels in the 450–470 Mc/s band.
Associated Telephone Answering Service	4 additional frequencies for radio paging.
California State Automobile Service	2 additional frequencies for emergency road service in northern California.
Central Station Electrical Protection Association.	4 Mc/s plus guard bands for FM visual detection systems and 0.5 Mc/s plus guard bands for tone signalling.

PUBLIC SAFETY RADIO SERVICES

FREQUENCY REQUESTS SUBMITTED IN DOCKET NO. 11997—Continued

Organization	Space requested
PETITIONS INVOLVING THE DOCKET NO. 11997 PROCEEDING	
American Telephone & Telegraph Co.	Allocation of additional frequencies between 60 and 200 Mc/s to provide for the needs of the Bell System requirements.
United States Independent Telephone Association (USITA).	Reallocation of the 940-960 Mc/s band to the common carrier fixed service.
Lenkurt Electric Co.	Reallocation of the 940-960 Mc/s band to the common carrier fixed service.
O. R. Cote Co., et al.	Request that the date (Dec. 31, 1969) upon which certain special industrial radio service licensees must discontinue operation in the 40.60-90.00 Mc/s band, be extended until 90 days after action is taken on the petition of T. L. James and Co., R. B. Tyler Co. et al., for reallocation of the 40.81-49.60 Mc/s band to the special industrial radio service. Granted in part Nov. 16, 1966.
Kaar Engineering Corp. (July 29, 1966)	Reconsideration of the First Report and Order, June 18, 1958, in Docket No. 11997 and requesting the Commission to: limit the power on all business service frequencies below 450 Mc/s to 3 watts, retain as a minimum service the present assignments in a 10-watt power limit; or in lieu of the above-mentioned action, Kaar requested that action in this matter be postponed pending completion of the proceedings in Docket No. 11997.
	Amendment of Part 91 to make 34.6 Mc/s available exclusively to nonmunicipal boat, for ship-to-ship and ship-to-shore communications.
Radio Technical Committee, U.S. Power Squadron (Oct. 19, 1966).[1]	Requesting reconsideration of Commission action in the First Report and Order, June 18, 1958, in Docket No. 11997, to set aside said Report and Order insofar as it allocates Class B citizens radio service frequencies for use of such frequencies by Class A citizens radio stations.
Vocaline Company of America, Inc. (July 23, 1966).[2]	Requesting reconsideration of Commission action in the Second Report and Order, July 30, 1958, in Docket No. 11997, to set aside said Report and Order insofar as it allocates Class B citizens radio service frequencies in the 462-468 Mc/s band to any other radio service or provides for use of such frequencies by Class A Citizens radio stations.
Vocaline Company of America, Inc. (Sept. 2, 1966).	Requesting reconsideration of Commission action in the Third Memorandum Report and Order, December 3, 1958, in Docket No. 11997, to set aside said Memorandum Report and Order insofar as it allocates Class B Citizens Radio Service frequencies in the 462-468 Mc/s band to any other radio service or provides for use of such frequencies by Class A Citizens radio stations.
Vocaline Company of America, Inc. (July 28, 1966).	Requesting reconsideration of Commission action in the Fifth Report and Order, February 19, 1959, in Docket No. 11997, to set aside said Report and Order insofar as it allocates Class B Citizens Radio Service frequencies in the 462-468 Mc/s band to any other radio service or provides for use of such frequencies by Class A Citizens radio stations.
Aeronautical Radio, Inc. (ARINC) (Oct. 18, 1967)	Request reallocation of 2 frequency pairs in the 152-162 Mc/s band with 25 kc/s frequency separation for use by Aeronautical Mobile Service, in the 152-162 Mc/s or 450-460 Mc/s bands.
Hawaiian Telephone Co. (Sept. 26, 1958)[3]	Requests reallocation of the 940-960 Mc/s band to the common carrier fixed service in Hawaii only.
Radar-Eye Corp. (Oct. 9, 1958)	Requests modification of Parts 10, 15 and 19 of the Commission's rules and regulations to permit the licensing of Radar-Eye transmitters and allow Radar-Eye to operate as an ISM device, or in the citizen bands, 460-470 Mc/s.
American Medical Association (AMA) (June 11, 1959)	Requests finalization of Docket No. 11960 proposals to reallocate the band 161.625-161.775 Mc/s to remote pickup exclusively.
Special Industrial Radio Service Association (SIRSA) (Aug. 24, 1959).	Requests reallocation of 2 frequency pairs in the 463.525-464.225 Mc/s and 468.525-469.225 Mc/s and 464.25-464.475 and 469.25-469.475 Mc/s bands to the special industrial radio service.
Do.	Requests reallocation of at least 25 frequency pairs in the 463.525-464.225 Mc/s and 468.525-469.225 Mc/s and 464.275-464.475 Mc/s bands to the special industrial radio service.
T. L. James and Co., R. B. Tyler Co. et al. (Sept. 28, 1959).	Requests reallocation of the frequencies 40.82, 40.84, 40.86 and 40.88 Mc/s to the special industrial radio service.
Forestry Conservation Communications Association (Dec. 14, 1959).	Requests the reallocation of the frequency band 46.61-49.60 Mc/s to the forestry-conservation service for use by State agencies only.

[1] Withdrawn May 14, 1963.
[2] Considered in Docket No. 14876, Report and Order dated July 13, 1962.
[3] Denied Aug. 20, 1964.

FREQUENCY REQUESTS SUBMITTED IN DOCKET NO. 11997—Continued

Organization	Space requested
Forest Industries Radio Communications	Twice as many low band frequencies as now used within the next 10 years.
General Telephone and Electronic Corp.	76-90 Mc/s for common carrier fixed and mobile.
	840-880 Mc/s for common carrier fixed.
Hawaiian Telephone Co.[1]	840-880 Mc/s for common carrier fixed.
International Municipal Signal Association	30 mobile channels in the 100-890 Mc/s band.
Do.	4 frequency pairs in the 460-880 Mc/s band.
Do.	4 exclusive frequencies for control of traffic signals by emergency mobile units.
Do.	4 exclusive frequencies for control of traffic signal networks and to provide point-to-point communications.
Kern County and State of California	25-46 Mc/s for amateur, citizens, ISM, Government (G, NG).
Do.	50-54 Mc/s band for amateur.
Do.	66-88 Mc/s band for land mobile.
Do.	150-200 Mc/s band for land mobile.
Do.	200-216 Mc/s band for Government.
Do.	400-410 Mc/s (G) meteorological aids.
Do.	420-430 Mc/s band for amateur.
Do.	450-460 Mc/s band for land mobile.
Do.	Existing VHF TV stations would move to UHF.
Lenkurt Electric Co.	10 channels below 500 Mc/s for rural radio service—primary basis, continue present secondary allocation.
Do.	760-840 Mc/s band for common carrier mobile—primary basis and 840-960 Mc/s band for common carrier fixed.
Do.	840-880 Mc/s band for common carrier fixed.
Motorola, Inc.	50-72 Mc/s band for land mobile.
Do.	72-76 Mc/s band for Government.
Do.	76-88 Mc/s band for Government.
Do.	132-138 Mc/s band—amateur NTB with space.
Do.	138-140 Mc/s band—amateur.
Do.	162-166 Mc/s band for land mobile.
Do.	174-354 Mc/s band for television broadcasting.
Do.	360-390 Mc/s band for space.
Do.	390-406 Mc/s band for land mobile.
Do.	460-461, 462.525-463.225, 464.725-466.475 and 470-490 Mc/s bands for land mobile service.
Do.	462-460 Mc/s band for non-Government telemetering.
Do.	460-790 Mc/s band for Government.
Do.	790-806 Mc/s band for space.
Do.	806-875 Mc/s band for common carrier.
Do.	875-890 Mc/s band for operational fixed.
Do.	890-890 Mc/s band for telemetering.
National Association of Manufacturers Committee on Mfg's Radio Use.	14 additional frequencies in the 152-162 Mc/s band shared with radio products and petroleum.
Do.	4 exclusive frequencies in the 152-162 Mc/s band.
Do.	14 additional frequency pairs in the 460 Mc/s band area.
National Association of Taxicab Owners, Inc.	3 additional frequency pairs in the 152-162 Mc/s band.
National Committee for Utilities Radio.	10 channels in the 162-174 Mc/s band.
Do.	10 channels in the 450-460 Mc/s band (present access 53 frequencies).
Petroleum Equipment Supplies Association	30 exclusive frequencies in the 25-50 Mc/s band.
Do.	4 exclusive frequencies in the 152-162 Mc/s band.
Do.	Unspecified number in the 450-470 Mc/s band (service gained 20 Mc/s in this band).
RCA Communications, Inc.	90 kc/s each in the 35, 36 and 40 Mc/s bands for ionospheric reflection and scatter propagation (international fixed public).
Special Industrial Radio Service Association	42 additional frequencies in the 30-50 Mc/s band.
Do.	38 frequencies in the 150 Mc/s region.
SIRSA	17 frequencies in the 450 Mc/s region (present access 43 frequencies).
United States Independent Telephone Association (USITA).	From 1963-1966 will need an additional 240 20-kc/s channels below 100 Mc/s, 600 30-kc/s channels between 100 and 300 Mc/s and 360 50-kc/s channels above 300 Mc/s.
National Association of Broadcasters (NAB)	2 bands of 10 channel each 30 kc/s separation in the 450 Mc/s region for remote pickup stations.
Do.	

See footnotes at end of table.

PUBLIC SAFETY RADIO SERVICES

Radio services	Number of assignable frequencies available: Exclusive/Shared	Number of assignable frequencies available: total	Number of authorizations outstanding: June 30, 1958	Number of authorizations outstanding: June 30, 1963	Number of transmitters authorized: June 30, 1958	Number of transmitters authorized: June 30, 1963	Percentage of authorized transmitters in use	Estimated number of transmitters in use: June 30, 1958	Estimated number of transmitters in use: June 30, 1963	Number of transmitters per frequency as of—: Estimated transmitters in use	Number of transmitters per frequency as of—: Authorized transmitters	Percent of increase in authorized transmitters from 1958–1963	Additional number of frequencies requested in Docket 11997
Police	(152)	185/[1] 38	12,450	15,919	166,739	207,902	62	103,378	128,899	(680) 578.0	(1097) 932.2	24.7	118.
	223												
Fire	(61)	60/[1] 38	4,725	8,312	58,385	100,659	56	32,695	56,369	(536) 526.8	(957) 940.7	72.4	38.
	107												
Forestry Conservation	(70)	95/[1] 38	3,264	4,177	33,618	44,443	73	24,541	32,443	(351) 243.9	(480) 334.1	32.2	10.
	133												
Local Government	(NA)[2]	77/[1] 38	(3)	4,650	(3)	64,961	(3)	(3)	(3)	(NA) (3)	(NA) 564.9	(3)	20 to 30.
	115												
Highway Maintenance	(40)	64/[1] 36 0/[4] 6	3,264	4,978	27,543	51,174	58.5	16,112	29,936	(403) 277.2	(689) 473.8	85.8	6 to 8.
	108												
Special Emergency	(23)	24/[5] 6:	3,325	5,115	13,122	21,023	56	7,348	11,772	(319) 352.4	(571) 700.7	60.2	None stated.
	30												

NOTE: Figures in parentheses indicate 1958 statistics.

[1] Shared by all Public Safety Services; except Special Emergency.
[2] Not available since the service was created in 1958.
[3] Shared by Highway Maintenance.

INDUSTRIAL RADIO SERVICES

Radio services	Number of assignable frequencies presently available: Exclusive/Shared	Number of assignable frequencies presently available: Total	Number of authorizations outstanding: June 30, 1958	Number of authorizations outstanding: June 30, 1963	Number of transmitters authorized: June 30, 1958	Number of transmitters authorized: June 30, 1963	Percentage of authorized transmitters in use	Estimated number of transmitters in use: June 30, 1958	Estimated number of transmitters in use: June 30, 1963	Number of transmitters per channel: Estimated transmitters in use	Number of transmitters per channel: Authorized transmitters	Percent of increase in authorized transmitters from 1958–1963	Additional number of frequencies requested in Docket 11997
Power	(62)	73/[1] 10	11,320	13,932	133,039	166,348	62.5	83,149	108,967	(1341) 1,252	(2162) 2,004.2	25.0	43
	83												
Petroleum	(64)	14/[1] 58 None/[2] 10 None/[3] 15 None/[4] 5	7,151	9,289	47,903	83,602	50	23,952	41,801	(373) 409.8	(749) 819.6	74.5	55 to 65
	102												
Forest Products	(43)	2/[1] 58 None/[2] 10 None/[3] 15	1,648	2,321	15,013	28,442	40	6,005	9,377	(139.7) 110	(349) 276	56.1	40
	85												
Special Industrial	(69)	47/[1] 6	17,107	30,147	192,478	317,749	48	92,389	152,519	(1338) 2,877.7	(2789) 5,996	65.1	97
	53												
Manufacturers	(—)	20/[5] 15	(6)	891	(6)	21,740	(6)	(6)	(6)	(—) (6)	(—) 621.1	(6)	40
	35												
Business	(—)	103/[7] 50	(6)	49,973	(6)	384,792	(6)	(6)	(6)	(—) (6)	(—) 2,420.1	(6)	None submitted.
	159												
Telephone Maintenance	(—)	14/None	(6)	671	(6)	21,721	----------	(6)	(6)	(—) (6)	(—) 1,551.5	(6)	None submitted.
	14												
Motion pictures	(36)	None/[8] 6 2 4	71	48	698	854	53	370	453	(10) 45.3	(45) 85.4	22.4	None submitted.
	10												
Relay press	(24)	None/[9] 4	120	186	1,585	2,586	37	586.4	956.8	(4) 239.2	(293) 646.5	63.2	None submitted.
	4												

NOTE: Figures in parentheses are for 1958.

[1] Shared by Petroleum, Forest Products. (For purposes of this table shared frequencies are treated as exclusive.)
[2] Shared by Petroleum, Forest Products, Power, and Manufacturers on geographical basis.
[3] Shared by Petroleum, Forest Products, and Manufacturers.
[4] Shared by Petroleum and Urban Transit.
[5] Shared by Special Industrial and Motion Pictures.
[6] Shared by Business and Taxicab.
[7] Shared by Business and Citizens.
[8] Shared by Motion Pictures and Relay Press.
[9] Not available.

LAND TRANSPORTATION RADIO SERVICES

proposal would cause nighttime interfer-

crease daytime power from 250 watts to

Docket No. 15266, File No. BPH-4165; for

LAND TRANSPORTATION RADIO SERVICES

Radio service	Number of assignable frequencies presently available: Exclusive/Shared total	Number of authorizations outstanding: June 30, 1963	June 30, 1963	Number of transmitters authorized: June 30, 1963	June 30, 1963	Percentage of authorized transmitters in use	Estimated number of transmitters in use: June 30, 1963	June 30, 1963	Number of transmitters per channel: Estimated transmitters in use	Authorized transmitters	Percent of increase (or decrease) in authorized transmitters from 1963–1963	Additional number of frequencies requested in Docket 11997
Railroad	(48) 46/4	2,265	4,179	65,230	137,907	50	32,615	68,954	(679.5) 1379	(1358.9) 2758.1	111.41	None.
	50											
Taxicab	(18) 28/[1] 6	4,733	4,999	100,735	168,716	58.5	58,930	98,699	2903. (2274)	4962. (5097)	67.5	10[2]
	34											
Motor Carriers (Truck)	(20) 54/[2] 10	675	3,191	12,480	61,838	40	4,992	24,735	(249.6) 386.4	(624) 966.2	496.1	7.
	64											
Intercity Bus	(10) 8/[2] 10	59	68	727	667	80	582	534	(58.2) 29.6	(72.7) 37.1	−9.0	None.
	18											
Urban Transit	(17) 8/[2] 10 None/[2] 13	110	421	2,940	3,275	72.5	2,122	2,374	(124.7) 76.6	(172.9) 106.8	11.4	None.
	31											
Automobile Emergency	(4) 12/None	962	1,521	8,992	15,880	50	4,496	7,940	(1128) 661.7	(1985) 1223.3	77	2.
	12											

NOTE: Figures in parentheses are for 1958.

[1] Shared by Taxicab and Business.
[2] Shared by all Motor Carriers.
[3] Shared by Urban Transit, Petroleum, and Forestry Products.

[F.R. Doc. 64-3241; Filed, Apr. 3, 1964; 8:45 a.m.]

[Docket No. 15393]

JOSEPH F. LEWIS, JR.

Order To Show Cause

In the matter of Joseph F. Lewis, Jr., Dorchester, Massachusetts, Docket No. 15393, order to show cause why the license for Citizens Radio Station KBC-5513 should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration certain alleged violations in connection with the operation of Citizens radio station KBC-5513;

It appearing, that, licensee failed to reply to Official Notices of Violation mailed on December 17, 1963, and February 7 and 20, 1964, and to a revocation warning letter mailed on January 9, 1964, in violation of § 1.89 (formerly § 1.76) of the Commission's rules; and

It further appearing, that, on December 13, 1963, and February 7, 1964, the licensee's radio station was operated with transmitting equipment not authorized by the Commission (excessive antenna height), in violation of § 95.37(c) (formerly § 19.25(c)) of the Commission's rules; and

It further appearing, that, on or about November 25 and December 5, 1963, the licensee's radio station was used for the transmission of communications containing obscene, indecent or profane language, in violation of Title 18, United States Code, section 1464; and

It further appearing, that (on or about November 25, and December 5, 1963, and February 6 and 7, 1964, the licensee's radio station was used for the transmission to other Citizens radio stations of communications which were not necessary for the exchange of substantive messages related to the business or personal affairs of the individuals concerned, in violation of § 19.61(a) (now § 95.81(a)) of the Commission's rules; and

It further appearing, that, in view of the foregoing, the subject radio station has been repeatedly operated in violation of §§ 95.37(c) and 95.81(a) of the Commission's rules, the licensee has repeatedly violated § 1.89 of the Commission's rules, and the subject radio station has been operated in willful violation of Title 18, United States Code, section 1464; and

It further appearing, that, based on the usage made of captioned radio station by the licensee on or about November 25, and December 5, 1963, the Commission would be warranted in refusing to grant an application from this licensee for the same class of radio station license if the original application were now before it;

It is ordered, This 26th day of March 1964, pursuant to section 312 (a) (2), (4) and (6) and (c) of the Communications Act of 1934, as amended, and § 0.331 (b) of the Commission's rules, that the licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence with respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested (air mail) to the licensee at his last known address of 28 Balsam Street, Dorchester 24, Masachusetts.

Released: March 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3325; Filed, Apr. 3, 1964; 8:51 a.m.]

[Docket No. 15395; FCC 64-255]

BLACKHAWK BROADCASTING CO. (WSDR)

Order Designating Application for Hearing on Stated Issues

In re application of Blackhawk Broadcasting Company (WSDR), Sterling, Illinois, Docket No. 15395, File No. BMP-10504, has Lic. 1240 kc, 100 w, U, Class IV, has CP. 1240 kc, 100 w, 500 w-LS, U, Class IV, Req. 1240 kc, 250 w, 500 w-LS, U, Class IV; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of March 1964;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that, the following matters are to be considered in connection with the aforementioned issues specified below:

1. According to data submitted by the applicant, WSDR would receive daytime interference assuming it and all other Class IV's were operating with 250 watts which would result in a 16.5 percent population loss.

2. On September 26, 1962 William C. Forrest, licensee of Station WIBU, Poynette, Wisconsin, filed a Pre-Grant Petition to Deny; on October 9, 1962, WSBC Broadcasting Company, licensee of Station WSBC filed a Pre-Grant Petition to Deny; and, in a letter dated October 18, 1962 WTAX, Inc., licensee of Station WTAX requested that the instant proposal be denied. In their requests for denial they claim that a grant of this proposal would cause nighttime interference to each of their existing operations. Stations WIBU and WSBC also requested that in the alternative, the application be designated for hearing.

3. The amount of population lost due to interference received daytime raises a question as to whether WSDR is adequately separated from co-channel stations for operation with increased nighttime power as proposed. The intent of our rules is that this question be resolved on the basis of whether the degree of interference received daytime would be excessive pursuant to § 73.28(d)(3) assuming that Station WSDR and all co-channel stations operate daytime with power not exceeding 250 watts and utilize non-directional antennas. Issue No. 2, infra, is to be construed in light of the foregoing considerations.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WSDR and the availability of other primary service to such areas and populations.

2. To determine whether interference received from existing stations would affect more than 10 percent of the population within the normally protected daytime primary service area (250w) in contravention of § 73.28(d)(3) of the rules, and, if so, whether circumstances exist which would warrant a waiver of this section to permit the proposed increase in nighttime power.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, the Pre-Grant Petition to Deny filed by William C. Forrest, the Pre-Grant Petition to Deny filed by WSBC Broadcasting Company are granted to the extent indicated herein and are denied in all other respects; and, the letter in the form of a request to deny from WTAX, Inc., is denied.

It is further ordered, That, William C. Forrest, WSBC Broadcasting Company and WTAX, Inc., licensees of Stations WIBU, WSBC and WTAX, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition:

Permittee shall accept such interference as may be imposed by existing 250 watt Class IV stations in the event they are subsequently authorized to increase daytime power from 250 watts to 1 kilowatt.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3322; Filed, Apr. 3, 1964; 8:50 a.m.]

[Docket No. 15395; FCC 64M-274]

BLACKHAWK BROADCASTING CO. (WSDR)

Order Scheduling Hearing

In re application of Blackhawk Broadcasting Company (WSDR), Sterling, Illinois, Docket No. 15395 File No. BMP-10504, for construction permit.

It is ordered, This 30th day of March 1964, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 28, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., April 24, 1964.

Released: March 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3323; Filed, Apr. 3, 1964; 8:50 a.m.]

[Docket Nos. 15265, 15266; FCC 64R-175]

COMMUNITY BROADCASTING SERVICE INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Community Broadcasting Service, Inc., Vineland, New Jersey, Docket No. 15265, File No. BPH-3949; Mortimer Hendrickson and Vivian Eliza Hendrickson, Vineland, New Jersey, Docket No. 15266, File No. BPH-4165; for construction permits.

1. The petitioner, Community Broadcasting Service, Inc., requests that the Review Board enlarge the issues in this proceeding to inquire into the financial qualifications of Mortimer and Vivian Eliza Hendrickson (Hendricksons).[1]

2. Petitioner and the Hendricksons each own existing AM broadcast facilities in Vineland, New Jersey. In this proceeding, each seeks a new FM broadcast station in Vineland. Their applications were designated for hearing in a consolidated proceeding in an Order released January 21, 1964 (Mimeo No. 46004) and published in the FEDERAL REGISTER on January 24, 1964 (29 F.R. 623). Petitioner alleges that the order of designation erroneously found the Hendricksons to be financially qualified to construct, own, and operate the proposed FM facility in Vineland, New Jersey. Petitioner claims that the Hendricksons, on the face of their application, failed to show total available resources sufficient to meet the total cost of construction and estimated cash expenditures for operation for the first year.

3. Specifically, petitioner points to the financial section of the Hendricksons' application wherein estimated costs of construction of $15,623.75 and estimated operating expenses for the first year of $25,000 are balanced against $4,000 cash deposits, a $5,000 proposed bank loan, a $13,373.75 deferred payment credit from RCA, and available personal income. Petitioner contends that the proposed loan of $5,000 cannot be considered as an available resource because of a unilateral determination to be made in the future by the bank of the acceptability of Hendricksons' financial statement. The amount of deferred credit available shown by Hendricksons is also attacked by petitioner since a total of 25 percent of stated amount must be paid before construction, leaving an available credit of only $10,030. The petitioner further contends that the unspecified item of "personal income" in the application cannot be considered because of uncertainty in its determination as a financial resource and because the purported balance sheet of the Hendricksons is incomplete in that it fails to show liabilities. As a result, petitioner alleges that a deficiency exists between total costs of construction of $15,623.75 and total available resources of $14,030 ($4,000 cash deposits and $10,030 deferred credit); that, even on a cash expenditure basis, total ex-

[1] Commissioner Hyde absent; Commissioner Bartley dissenting; dissenting statement of Commissioner Lee filed as part of original document.

[1] The Review Board has before it for consideration the following pleadings: (1) Petition to enlarge issues, filed February 10, 1964, by Community Broadcasting Service, Inc.; (2) Opposition, filed February 24, 1964, by Mortimer and Vivian Eliza Hendrickson; (3) Support of Petition, filed February 25, 1964, by the Broadcast Bureau; and (4) Reply by petitioner, filed March 3, 1964. The Broadcast Bureau has also filed a petition for acceptance of late filing on February 25, 1964. The petition will be granted for good cause shown and the Bureau's pleading in support of the petition to enlarge issues will be accepted as filed on February 25, 1964.

penditures of $36,217[2] exceed total revenues of $29,030 by $7,187; that petitioner's estimated construction costs of $15,623.75 and estimated operating expenses for the first year of $25,000 are balanced against $4,000 cash deposits, a $5,000 proposed bank loan, a $13,373.75 deferred payment credit from RCA, and available personal income; that petitioner contends that the proposed loan of $5,000 cannot be considered as an available resource because of a unilateral determination to be made in the future by the bank of the acceptability of Hendricksons' financial statement; that the amount of deferred credit available shown by Hendricksons is also attacked by petitioner since a total of 25 percent of stated amount must be paid before construction, leaving an available credit of only $10,030; that petitioner further contends that the unspecified item of "personal income" in the application cannot be considered because of uncertainty in its determination as a financial resource and because the purported balance sheet of the Hendricksons is incomplete in that it fails to show liabilities; that as a result, petitioner alleges that a deficiency exists between total costs of construction of $15,623.75 and total available resources of $14,030 ($4,000 cash deposits and $10,030 deferred credit); that, even on a cash expenditure basis, total expenditures of $36,217

penditures of $36,217 [1] exceed total revenues ($5,000 cash deposits plus $30,000 anticipated revenues for first year); and that the assumed expenses of $25,000 for the combined AM–FM operation for the first year are "highly doubtful" in light of average broadcast expenses published by the Commission and of affidavits attached by petitioner from its general manager and a radio engineer dealing with the estimated costs of power, maintenance, and operation for such a proposed FM station.

4. The Hendricksons oppose the petitioner's request to add a financial qualifications issue. The Hendricksons maintain that any bank commitment to make a loan at an indefinite time in the future is conditioned on possible changes and that the Commission has consistently recognized such practice and approved commitments, despite such reservations, as sufficient indication of the availability of loan funds. Without taking account of personal income, and accepting the corrected figure for deferred credit, the Hendricksons allege that they will have available resources of $19,030 ($4,000 cash deposits, $5,000 loan, and $10,030 deferred credit) with which to offset anticipated expenditures of $18,048,[2] and that they can also meet a test of financial qualification on a cash expenditure basis. The Hendricksons contend that allegations of average operating costs are meaningless without a specific showing of costs in the Vineland, New Jersey, area and that the affidavits submitted by petitioner with respect to such costs fail to provide supporting information and are based merely on the opinion of petitioner's general manager, an interested party. The Hendricksons supply an affidavit of Mortimer Hendrickson indicating the basis upon which the estimated expense of operation of $25,000 is constructed.[4]

5. The Broadcast Bureau supports the petition to enlarge issues in the proceeding. The Bureau states that the Hendricksons' application reflects estimated construction costs of $15,623.75 and estimated operating expenses of $6,250 for a period of three months or a total cost of construction and operation for three months of $21,873.75. The Bureau points out that available resources total only $19,030 (including $4,000 cash deposits, $5,000 bank loan, and $10,030 deferred credit); therefore, the application, on its face, fails to make a proper financial showing. The Bureau also supports the petitioner in questioning the availability of the bank loan because of the conditional nature of the letter of intent submitted by the bank to the Hendricksons.

6. In its reply pleading, petitioner supports the stated views of the Broadcast Bureau and further questions the adequacy and accuracy of the proposed cost estimates furnished by Mortimer Hendrickson with respect to the staffing of the FM facility.

7. Upon consideration of the petition to enlarge issues and related pleadings and the financial proposals contained in the Hendricksons' application, the Review Board is of the opinion that the addition of a financial qualifications issue is warranted. The Hendricksons' proposal anticipates estimated construction costs of $15,623.75, from which figure $10,030 in deferred credit may be subtracted to arrive at an initial construction cost of $5,593.75. Operating expenses of a combined AM–FM broadcast facility [5] for the first three months would total $6,250; therefore, a total of $11,843.75 would be required to construct and operate the station for the initial three month period without regard to potential revenues. The available resources to finance construction and operation for the first three months include $4,000 cash deposits and a $5,000 bank loan [6] or a total of $9,000. In the Hendricksons' opposition the deferred credit of $10,030 is listed as an available source of liquid funds with which to finance the construction expenses of the initial three month period. This inclusion is in error since the deferred credit ($10,030) was previously deducted from the estimated construction costs and is not available to reduce the total liquid funds necessary to finance the Hendricksons' proposal. The unspecified item of personal income listed as a source of available funds cannot be considered by the Board. On the face of their application, the Hendricksons have failed to show available funds sufficient to construct and operate the proposed FM station for an initial three month period; therefore, the financial qualifications issue, as requested by the petitioner, will be added to the proceeding.

Accordingingly, it is ordered, This 27th day of March 1964, that the petition for acceptance of late filing, filed February 25, 1964, by the Broadcast Bureau, and that the petition to enlarge issues, filed February 10, 1964, by Community Broadcasting Service, Inc., are granted; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Mortimer and Vivian Eliza Hendrickson are financially qualified to construct and operate the FM broadcast station as proposed.

Released: March 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3324; Filed, Apr. 3, 1964; 8:50 a.m.]

[Docket No. 14974; FCC 64M-273]

SALEM BROADCASTING COMPANY

Order Scheduling Hearing

In re application of Salem Broadcasting Company, Salem, Ohio, Docket No. 14974, File No. BP-13950; for construction permit.

Pursuant to a prehearing conference held this date: *It is ordered*, This 30th day of March 1964, that the date for exchanging engineering exhibits herein shall be on or before May 18, 1964;

It is further ordered, That the date for the notification of witnesses desired for cross-examination shall be June 5, 1964;

It is further ordered, That the hearing herein be and the same is hereby scheduled for June 10, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: March 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3326; Filed, Apr. 3, 1964; 8:51 a.m.]

[Docket Nos. 15204-15207; FCC 64M-276]

WHDH, INC. (WHDH-TV) ET AL.

Statement and Order After Further Prehearing Conference

In re applications of WHDH, Inc. (WHDH-TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT-530, for renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT-3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT-3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT-3171; for construction permits for new VHF television broadcast stations.

At the further prehearing conference today, among other things the following changes and supplements were made in the schedule:

1. The further prehearing conference of April 9, 1964 is canceled.

2. The hearing now scheduled for April 13, 1964, at 10 a.m. will begin instead at 2 p.m. on that day. (April 20, 1964, at 10 a.m. is the date already reserved for the beginning of the introduction of the applicants' direct cases.)

1. By May 19, 1964, WHDH, Inc. will furnish to counsel for the other parties and the Hearing Examiner the information described in the Review Board's Memorandum Opinion and Order enlarging the issues, released March 12, 1964 (FCC 64R-128).

So ordered, This 31st day of March 1964.

Released: April 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3327; Filed, Apr. 3, 1964; 8:51 a.m.]

[1] Total cash expenditures, as alleged in the petition to enlarge issues, include the following:

Professional services	$2,250
RCA downpayment	3,343
Principal payments to RCA	5,434
Interest payments to RCA	190
Cost of operation (estimated)	25,000
Total expenditures, end of first year	36,217

[2] The Hendricksons' opposition claims total expenditures for construction and the first three months of operation in the following amounts:

Professional services	$2,250
RCA downpayment	3,343
RCA principal	5,015
RCA interest	190
Bank loan principal	1,000
3 months' operating expense (¼ of $25,000)	6,250
Total	18,048

[3] The affidavit submitted by Mortimer Hendrickson estimates first year operational costs for combined AM–FM facilities at $18,815. No account is given of the difference between this figure and the $25,000 estimated costs contained in the Hendricksons' application.

[4] The Review Board must employ the estimated costs of operation indicated in the Hendricksons' application even though the figure includes expenses attributable to a combined AM–FM operation since there is no assessment of FM operational costs as a separate item.

[5] We do not agree with the petitioner or with the Broadcast Bureau that the bank's commitment is so burdened with a condition of acceptability to the bank that it is unreliable for the Commission's purposes.

[6] Review Board Member Nelson dissenting.

FEDERAL MARITIME COMMISSION

UNITED STATES LINES CO. AND ISTHMIAN LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that Agreement No. DC–10 has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Agreement No. DC–10 between United States Lines Company (USL) and Isthmian Lines, Inc. (Isthmian), provides that (1) USL will assent to and concur in Freight tariffs applying from Hawaii to Atlantic Coast ports which Isthmian may publish and file, (2) Isthmian will name USL as a concurring carrier in such tariffs, (3) The parties may discuss rates or other tariff matter which may affect both carriers, with final decision as to such matter reserved to Isthmian, (4) The agreement may be cancelled on not less than forty-five days' notice in writing, and (5) The agreement shall become effective when approved by the Commission pursuant to section 15, and by the Maritime Administration pursuant to Article II–18(c) of the subsidy agreement of USL.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements stating a position as to approval, disapproval, or modification of the agreement together with a request for hearing should one be desired.

Dated: April 1, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3299; Filed, Apr. 3, 1964; 8:48 a.m.]

UNITED STATES LINES CO. AND MATSON NAVIGATION CO.

Notice of Termination of Agreement No. DC–5

Notice is hereby given that effective May 1, 1964, Agreement No. DC–5 between United States Lines Company (USL) and Matson Navigation Company (Matson) is being cancelled by agreement of the parties. Under the Agreement, which was approved on December 3, 1963, pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814), (1) USL concurs in tariffs filed by Matson applying from Hawaii to Atlantic Coast ports of the United States, (2) Matson names USL as a participating carrier in such tariffs, (3) The parties are permitted to discuss rates or other tariff matters which might affect both carriers, with final decision thereon reserved to Matson, and (4) Either party is permitted to cancel the agreement on not less than 45 days' notice in writing.

Dated: April 1, 1964.

By order of the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3300; Filed, Apr. 3, 1964; 8:48 a.m.]

FARRELL LINES INC. AND DELTA STEAMSHIP LINES, INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9339 between Farrell Lines Incorporated and Delta Steamship Lines, Incorporated establishes a Conference to be known as the "U.S./Canada-West Africa Freight Conference" to operate in the Eastbound and Westbound trades between Atlantic and St. Lawrence River ports of Canada/U.S. Atlantic and Gulf of Mexico ports and West African ports (south of the southerly border of Rio de Oro, Spanish Sahara and north of the northerly border of Southwest Africa), including the Atlantic islands of the Azores, Madeira, Canary and Cape Verde, also the islands of Fernando Po, Principe, and Sao Tome in the Gulf of Guinea, under terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 1, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3298; Filed, Apr. 3, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19417 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Severing Proceedings, Approving Proposed Settlements, and Issuing Certificates of Public Convenience and Necessity

MARCH 30, 1964.

Pan American Petroleum Corporation, et al., Docket Nos. G–19417, et al.; Pan American Petroleum Corp., Docket No. G–19417, CI61–516; Shell Oil Company (Operator), et al., Docket No. CI61–524; The Atlantic Refining Company, Docket No. CI61–752; Union Texas Petroleum, A Division Allied Chemical Corporation, et al., Docket No. CI61–1275; Pan American Petroleum Corporation, Docket No. CI61–1772; Continental Oil Company, Docket No. CI62–1100; The Atlantic Refining Company, Docket No. CI62–1511; The Pure Oil Company, Docket No. CI 63–148; Pan American Petroleum Corp., Docket Nos. CI63–286, CI63–328, CI63–336, CI63–337; Marathon Oil Company, Docket No. CI63–356; Gulf Oil Corporation, Docket No. CI63–459; Phillips Petroleum Company (Operator), et al., Docket No. CI63–462; Humble Oil & Refining Company, Docket No. CI63–575; Phillips Petroleum Company (Operator), et al., Docket No. CI63–583; Cities Service Oil Company, Docket No. CI63–647; Tidewater Oil Company, Docket No. CI63–1009; Sinclair Oil & Gas Company, Docket Nos. CI63–1025, CI63–1026; Amerada Petroleum Corporation, Docket No. CI63–1042; Marathon Oil Company, Docket No. CI63–1086; Gulf Oil Corporation, Docket No. CI63–1125, CI63–1129, CI63–1152; Union Oil Company of California (Operator), et al., Docket No. CI63–1241; Sun Oil Company, Docket No. CI63–1427; Clearly Petroleum, Inc. (Operator) et al., Docket No. CI63–1461; The Atlantic Refining Company, Docket No. CI63–1491; Marathon Oil Company, Docket No. CI63–1585; Pan American Petroleum Corp., Docket Nos. CI64–23, CI64–67; Ashland Oil & Refining Company, Docket No. CI64–159; Gulf Oil Corporation, Docket No. CI64–206.

On the dates set forth below the following companies filed motions for severance of the above-captioned dockets from the proceedings in Pan American Petroleum Corporation, et al., Docket Nos. G–19417, et al., for approval of their respective settlement proposals and for the prompt issuance of certificates of public convenience and necessity without intermediate decision procedure:

Shell Oil Company (Operator), et al., December 19, 1963; Ashland Oil & Refining

Company, January 10, 1964; Humble Oil & Refining Company, January 13, 1964; Union Texas Petroleum, A Division Allied Chemical Corporation, et al., January 14, 1964; Pan American Petroleum Corporation, et al., January 15, 1964; Pan American Petroleum Corp., et al., January 16, 1964; Continental Oil Company, January 17, 1964; The Atlantic Refining Company, et al., January 20, 1964; The Pure Oil Company, January 21, 1964; Gulf Oil Corporation, January 22, 1964; Phillips Petroleum Company (Operator), et al., January 23, 1964; Cities Service Oil Company, January 24, 1964; Tidewater Oil Company, January 27, 1964; Sinclair Oil & Gas Company, January 28, 1964; Amerada Petroleum Corporation, January 29, 1964; Marathon Oil Company, January 30, 1964; Union Oil Company of California (Operator), et al., January 31, 1964; Sun Oil Company, February 3, 1964; Clearly Petroleum, Inc. (Operator) et al., February 4, 1964; Pan American Petroleum Corp., February 5, 1964; Marathon Oil Company, February 6, 1964; Pan American Petroleum Corp., February 7, 1964; Ashland Oil & Refining Company, February 10, 1964; and Gulf Oil Corporation, February 11, 1964.

The proposed settlements would provide for the issuance of certificates authorizing sales of natural gas in interstate commerce for resale for initial periods commencing with the date of first delivery and ending 20 years thereafter, subject to the applicable area rate ceiling prescribed in Opinion No. 468, as amended, and to the refund obligations provided for in the settlement proposals. The proposed settlements would also provide for the filing of rate schedules and the termination of the applicable rate schedules for the sales involved.

Upon consideration of the motions and the settlement proposals, we find that the proposed settlements are fair and reasonable and in the public interest and should be approved. We further find that the proposed sales of natural gas in interstate commerce, as set forth in the settlement proposals, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

The Commission orders:

(A) The proposed settlements are approved.

(B) The motions to sever the above-captioned dockets from the proceedings in Pan American Petroleum Corporation, et al., Docket Nos. G–19417, et al., are granted.

(C) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales of natural gas in interstate commerce for resale as described in the settlement proposals, subject to the applicable area rate ceiling prescribed in Opinion No. 468, as amended, and to the refund obligations provided for in the settlement proposals.

(D) The grant of the certificates issued herein shall not be construed as a waiver of any of the provisions of the Natural Gas Act, the Commission's rules and regulations thereunder, or any terms or conditions of the settlement proposals except as specifically stated herein.

(E) The certificates issued herein shall supersede the temporary certificate issued March

[Docket Nos. CP64-160, CP64-187]

Company, January 10, 1964; Humble Oil & Refining Company, January 13, 1964; Union Oil Company of California (Operator), et al., January 22, 1964; Phillips Petroleum Company (Operator), et al., January 23, 1964; The Pure Oil Company, January 27, 1964; Sinclair Oil & Gas Company, January 29, 1964; Union Texas Petroleum, February 7, 1964; Union Texas Petroleum, February 11, 1964; The Atlantic Refining Company, February 20, 1964; Gulf Oil Corporation, February 25, 1964; Pan American Petroleum Corporation, et al., February 26, 1964; Continental Oil Company, February 27, 1964; Marathon Oil Company, March 4, 1964; Pan American Petroleum Corporation, et al., March 6, 1964, March 9, 1964; Cities Service Oil Company, March 9, 1964; Amerada Petroleum Corporation, March 11, 1964; Tidewater Oil Company, March 12, 1964; Sun Oil Company, March 23, 1964; Cleary Petroleum Inc. (Operator), et al., March 23, 1964.

All of the above applicants have indicated in their motions for severance their willingness to accept permanent certificates on the same terms and conditions as contained in their temporary certificates.[1] More particularly, all of the above moving parties have indicated their desire to accept permanent certificates providing, inter alia, for an initial price of 15 cents per Mcf, the present ceiling price contained in the Statement of General Policy No. 61–1 for the "Other Oklahoma" area.[2] No answers have been filed by any parties or interveners to these motions.

In a number of dockets in which offers of settlement have been made, the contract with the purchasing pipeline follows the same pattern as outlined in Opinion No. 353 (p. 13, mimeo). In these dockets it is appropriate and in the public interest that certificates issued herein to the producer-applicants be granted upon the conditions contained in paragraphs (C), (D), and (E) of the order in that Opinion.[3]

It further appears that in all the motions for severance wherein the contract with the purchasing pipeline contains a Btu adjustment clause, the offer of settlement proposes that such provision shall be subject prospectively to disposition in accordance with the rule-making proceeding in Docket No. R–200. Accordingly, this will be so provided in the instant order.

A number of dockets herein contain no Btu adjustment provisions and the moving parties request permanent certificates on the same conditions as already provided in our order issued March 6, 1964, which severed the proceedings in CI61–1620 and CI61–1796.

There are several conditions which we feel must be imposed uniformly in every case where a motion for severance and settlement proposal is made to the Commission in these proceedings. In all cases wherein motions for severance are filed in these consolidated proceedings we shall establish a uniform pattern of conditions with respect to (1) take-or-pay-for liabilities and (2) boundary changes resulting from amendment to Policy Statement No. 61–1. Furthermore, as indicated above, all Btu adjustment clauses shall be subject prospectively to the proceedings in Docket No. R–200.

There remain, finally, two dockets wherein the issuance of permanent certificates will require the refund of any amounts previously collected over 15 cents per Mcf up to the date of the issuance of the permanent certificate herein (Pan American Petroleum Corporation, Docket No. G–19417[4] and Union Texas Petroleum, Docket No. CI61–1275).[5] Pan American has indicated that it is willing to accept a permanent certificate in Docket No. G–19417 upon the condition that Pan American shall within ninety days refund to Cimarron the difference between 15.5 cents and 15 cents per Mcf at 14.65 psia for deliveries occurring under this docket from initial delivery to the effective date of price reduction to 15 cents per Mcf, plus interest at the rate of 7 percent per annum through March 31, 1964. By its letter of March 27, 1962, granting a temporary certificate to Union Texas Petroleum, the Commission provided the following condition:

The initial price for this service shall be 15 cents per Mcf at 14.65 psia, inclusive of tax reimbursement and subject to a Btu price adjustment for Btu content above or below 1000 Btu per cubic foot. Such initial price shall be further subject to Union Texas refunding to Natural Gas Pipeline Company of America any amounts collected (plus interest at 7 percent per year) in excess of the amount computed at the rate determined to be in accordance with the requirements of the public convenience and necessity in Docket No. CI61–1275, as to the service hereby authorized.

Union Texas Petroleum has indicated that it is willing to refund any amounts collected by virtue of the operation of its Btu adjustment clause from the date of issuance of its temporary certificate until the date of issuance of a permanent certificate herein, down to a floor of 15 cents per Mcf.

We find the settlement proposals herein to be in the public interest. Accordingly, we shall sever the above-captioned dockets from the consolidated proceedings in Pan American Petroleum Corporation, et al., Docket Nos. G–19417, et al., omit the intermediate decisions in regard to these dockets, and conditionally issue certificates of public convenience and necessity.

In a hearing held on March 26, 1964, the Commission, on its own motion, received and made part of the record in these proceedings all evidence, including the applications and exhibits attached thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant is a "natural-gas company" within the meaning of the Natural Gas Act and is engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission.

(2) The proposed sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of Subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The conditions attached to the certificates herein issued are required by the public convenience and necessity.

(5) No party has opposed the waiver of the intermediate decisions in these proceedings.

The Commission orders:

(A) The matters in the above-captioned dockets are severed from the consolidated proceeding Pan American Petroleum Corporation, et al., Docket Nos. G–19417, et al.

(B) The certificates of public convenience and necessity are hereby issued to the above-named Applicants, on the conditions set forth herein, authorizing the sale of natural gas in interstate commerce for resale for ultimate public consumption, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as more fully described in the applications and settlement proposals herein.

(C) The certificates granted in paragraph (B) above are not transferable and shall be effective only so long as Applicants continue the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

[1] It may be noted that temporary certificates have been issued in all dockets consolidated in these proceedings except CI63–417 and CI63–876. The temporary certificates in all dockets but one were conditioned to the initial rate of 15 cents per Mcf. At the time of issuance of each temporary certificate, the Commission asked to be advised whether the applicant would be willing to accept permanent authorization on the same terms. In some cases the applicant indicated that it would take the Commission's offer under consideration but, in most cases, refused the offer of a permanent certificate on the same conditions as contained in the temporary certificate.

[2] The original contracts contain proposed initial prices ranging from 15.5 cents per Mcf to 19.5 cents per Mcf.

[3] Including a requirement that the producer-applicant file within 30 days of date hereof a supplement to the related rate schedule providing for a full downward Btu adjustment in price for gas containing less than 1,000 Btu per cubic foot.

[4] In accordance with the mandate of the United States Court of Appeals for the Tenth Circuit (Case Nos. 6670 and 6724), the Commission modified, effective as of January 24, 1962 (the date upon which the Court issued its mandate in the two cases), the temporary authorizations issued November 3, 1960, March 2, 1961, and April 28, 1961, so as to permit Pan American Petroleum Corporation to collect the full contract price as provided in Rate Schedule No. 277 including the Btu price adjustment subject to Pan American Petroleum Corporation refunding to Cimarron Transmission Company any amounts plus interest at 7 percent per annum collected in excess of 15 cents per Mcf which may be determined to be in excess of the price required by the public convenience and necessity in Docket No. G–19417.

[5] The temporary certificate issued to Union Texas Petroleum is subject to a refund of any amounts collected over 15 cents per Mcf.

(D) The grant of the certificates issued in paragraph (B) above shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's Regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customer involved imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(E) The authorizations issued herein are subject to the following conditions:

(a) The initial price, including tax reimbursement, shall not exceed 15 cents per Mcf at 14.65 psia.

(b) In the event that the Commission amends its Policy Statement No. 61–1 by adjusting the boundary between the Panhandle area and the "Other Oklahoma" area so as to increase the initial wellhead price for new gas in the areas involved herein, Applicants thereupon may substitute the new rates consistent with their contracts reflecting the amount of such increase, and thereafter collect these new rates prospectively in lieu of the initial rates herein required.

(c) The allowances for take-or-pay provisions in the related rate schedules are subject to the ultimate disposition with respect to such provisions in the rule-making proceeding in Docket No. R–199; however, Applicants will not be required to file take-or-pay provisions for less than 80 percent of the annual quantity.

(d) The allowance for any Btu adjustment provision in the related rate schedule is subject to the ultimate disposition with respect to such provision in the rule making proceeding in Docket No. R–200; provided, however, as a further condition of the issuance of the certificates herein, that the rate schedules to be filed by the producer-applicants in Docket Nos. CI63–286, CI63–328, CI63–336, CI63–337, CI63–647, CI63–1086, CI63–1585, CI63–148, CI63–459, CI61–752, CI63–462, CI63–575, CI63–1241, and CI61–1275 shall also make provision for a full percentage downward adjustment in price for gas containing less than 1,000 Btu's below 1,000 removed by the producers in processing the gas.

In Docket No. CI61–1275 (Union Texas Petroleum Corp.) the Btu adjustment provision shall operate above or below 1,000 Btu per cubic foot as specified in the temporary certificate issued March 27, 1962.

(F) The order issuing certificates of public convenience and necessity in Docket Nos. CI61–516, CI61–524, CI61–752, and CI61–1620 be and the same are hereby amended by authorizing the sale and delivery of natural gas from additional acreage and in all other respects except as herein provided said orders shall remain in full force and effect.

(G) The order herein issuing a certificate of public convenience and necessity to Gulf Oil Corporation in Docket No. CI63–417 relates to Gulf acreage in North Oakdale Field and Lenora Field, including acreage added to the basic contract by amendment dated November 16, 1962, but does not cover acreage added to Gulf's contract with Michigan Wisconsin relating to proposed sales of gas from the Northwest Quinlan Field and the Northeast Cedardale Pool, which are in the Panhandle area rather than the "Other Oklahoma" area.

(H) As a further condition to the issuance of permanent certificates in Docket Nos. G–19417 and CI61–1275, Pan American Petroleum Corporation and Union Texas Petroleum, A Division of Allied Chemical Corporation, et al., shall refund respectively to Cimarron Transmission Company and Natural Gas Pipeline of America any amounts collected (plus interest at 7 percent per annum) in excess of 15 cents per Mcf from the date of issuance of their temporary certificates[6] up to the date of issuance of the order herein.

(I) The motions for waiver of hearing and intermediate decision pursuant to § 1.32 of the Commission's rules of practice and procedure are hereby granted.

By the Commission.[7]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3285; Filed, Apr. 3, 1964; 8:51 a.m.]

[6] As of January 24, 1962, in the case of Pan American Petroleum Corporation, in accordance with the mandate of the United States Court of Appeals for the Tenth Circuit.

[7] Dissenting statement of Commissioner Black filed as part of original document.

[Docket No. RP64–9]

CITIES SERVICE GAS CO.

Notice of Postponement of Prehearing Conference

MARCH 30, 1964.

Upon consideration of the request filed on March 12, 1964, by The Gas Service Company for postponement of the prehearing conference now scheduled for April 21, 1964;

Notice is hereby given that the prehearing conference is postponed to 10:00 a.m. on April 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3281; Filed, Apr. 3, 1964; 8:46 a.m.]

[Docket Nos. CP64–160, CP64–137]

COLORADO INTERSTATE GAS CO. AND KANSAS-COLORADO UTILITIES, INC.

Notice of Applications

MARCH 30, 1964.

Take notice that on January 13, 1964, amended March 2, 1964, Colorado Interstate Gas Company (Colorado Interstate), of Colorado Springs, Colorado, and that Kansas Colorado Utilities, Inc. (Kansas-Colorado) of Colorado Springs, Colorado on December 11, 1963, as amended on February 24, 1964, filed in Docket Nos. CP64–160 and CP64–137 respectively, applications for certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing each of them to construct and operate certain facilities to be located in Union County, New Mexico and Cimarron County, Oklahoma, all as hereinafter described and as more fully described in the respective applications which are on file with the Commission and open to public inspection.

Colorado Interstate's proposed facilities are to consist of metering facilities necessary to enable it to sell and deliver natural gas to Kansas Colorado from its system in New Mexico. The estimated cost of such facilities is $7,057 which costs are to be financed from funds on hand. The sale of natural gas is to be made on an interruptible basis under Applicant's Rate Schedule IS–2 (21.5 cents per Mcf).

Kansas-Colorado proposes to construct and operate 3.15 miles of 6⅝-inch transmission pipeline extending from the point of connection with Colorado Interstate's facilities in Union County, New Mexico to the point of connection with Felt Water Development Co. (Felt Water) in Cimarron County, Oklahoma, together with a measuring and regulating station at this point. The estimated cost of such facilities is $36,080, to be financed from current working funds.

The volume of gas which Kansas-Colorado proposes to purchase from Colorado Interstate for resale to Felt Water for irrigation development purposes is 173,465 Mcf per annum on an interruptible basis under its proposed Rate Schedule I–1 (24.5 cents per Mcf).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where

a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 15th day of April 1964, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The application in Docket No. CP64–160 is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3282; Filed, Apr. 3, 1964; 8:47 a.m.]

INTERAGENCY TEXTILE

The level of restraint has been corrected to reflect entries made during the period

number of such record holders at present

a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 24, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3282; Filed, Apr. 3, 1964; 8:46 a.m.]

[Docket No. CP64-145]

CUMBERLAND AND ALLEGHENY GAS CO.

Notice of Application

MARCH 30, 1964.

Take notice that on December 24, 1963, Cumberland and Allegheny Gas Company (Applicant), 800 Union Trust Building, Pittsburgh, Pennsylvania, 15219, filed in Docket No. CP64-145, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 45 feet of 2-inch pipeline together with the necessary measuring and regulating equipment in order to render natural gas service to a new plant of Cumberland Charcoal Corporation (Cumberland) in the community of Beryl, Mineral County, West Virginia, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that Cumberland will use natural gas in the manufacture of charcoal. Applicant states that Cumberland's requirements are estimated to be 150 Mcf per day and 48,000 Mcf annually. Applicant states further that deliveries to Cumberland, an industrial customer, are subject to curtailment, if necessary, in order to maintain service to domestic customers.

Cumberland and Applicant have entered into an industrial service agreement dated December 5, 1963, providing for the proposed service.

The application shows the total estimated cost of the proposed facilities to be $3,369, which cost will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 20, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3283; Filed, Apr. 3, 1964; 8:46 a.m.]

[Docket No. E-7159]

INTERSTATE POWER CO.

Notice of Application

MARCH 30, 1964.

Take notice that on March 23, 1964, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Interstate Power Company (Applicant), a corporation organized under the laws of the State of Delaware and domesticated in the States of Illinois, Iowa, Minnesota, and South Dakota, with its principal business office at Dubuque, Iowa, seeking an order authorizing the issuance of unsecured promissory notes in the principal amount not exceeding $8,800,000 of which not more than $7,000,000 will be outstanding at any one time. In accordance with a loan agreement dated March 12, 1964, Applicant proposes to issue $1,800,000 in notes severally to two Minnesota banks and seven Iowa banks. An additional $7 million in promissory notes is proposed to be issued pursuant to a loan agreement of March 13, 1964, with the Chase Manhattan Bank and Manufacturers Hanover Trust Co., both New York banks. Under both loan agreements, notes are proposed to be issued to mature one year from the date of respective issuance but not later than September 30, 1965, and each note to bear interest at the prime commercial rate of the Chase Manhattan Bank for unsecured borrowings prevailing five business days prior to the date of each such note.

Applicant states that the proceeds of the notes will be used together with other funds available to the company to carry out the company's 1964 construction program estimated at $11,996,000. Major items in the Applicant's 1964 construction budget include Clinton Beaver Channel Plant, Unit No. 2, rated at 154,000 kw which will require an expenditure of $2,220,000 in 1964 (estimated total cost $19,078,000), construction and rebuilding of a portion of the Applicant's 69 kv transmission grid, additions to distribution plant $3,769,300 and gas and hot water heat, distribution and general, $1,125,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 15th day of April 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3284; Filed, Apr. 3, 1964; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Open-Space Land Program

1. The Urban Renewal Commissioner (herein called the "Commissioner"), and the HHFA Regional Administrator within his respective Region, each is hereby authorized to execute the powers and functions vested in the Housing and Home Finance Administrator under Title VII of the Housing Act of 1961 (75 Stat. 183, 42 U.S.C. 1500), with respect to the program of grants for open-space land, except in the case of the Regional Administrator, the authority to:

(a) Approve applications for grant assistance, and make allocations of funds and authorize contracts.

(b) Approve the conversion from the HHFA approved open-space use of open-space land for which a grant has been made under Title VII.

(c) Approve the disposal or transfer of any interest acquired in open-space land for which a grant has been made under Title VII.

(d) Suspend or terminate grant assistance.

(e) Make determinations with respect to noncompliances or defaults under contracts for grant assistance.

2. The Commissioner is further authorized to redelegate to one or more employees in the Urban Renewal Administration any of the authority herein delegated to the Commissioner.

3. Each Regional Administrator is authorized to redelegate to the Regional Director of Urban Renewal in his Region any of the authority herein delegated to the Regional Administrator.

This delegation supersedes the delegation effective September 1, 1961 (26 F.R. 8266, 9/1/61).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 4th day of April 1964.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 64-3291; Filed, Apr. 3, 1964; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES IN CATEGORY 22 PRODUCED OR MANUFACTURED IN PAKISTAN

Prohibition on Entry or Withdrawal From Warehouse

APRIL 1, 1964.

The United States Government on October 31, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, requested the Government of Pakistan to restrain the export of cotton textiles in Category 22 to the United States. A level of restraint has been set for the twelve-month period beginning October 31, 1963, through October 30, 1964.

There is published below a letter of April 1, 1964, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, prohibiting, effective April 8, 1964, for the period ending October 30, 1964, the entry or withdrawal from warehouse for consumption in the United States of cotton textiles in Category 22, produced or manufactured in Pakistan, which were exported to the United States from Pakistan on or after October 31, 1963.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C., April 1, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: The United States Government on October 31, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, requested the Government of Pakistan to restrain the export of cotton textiles in Category 22 to the United States during the twelve-month period beginning October 31, 1963. The Long Term Arrangement is an agreement contemplated by Section 204 of the Agricultural Act of 1956, as amended.

Under the terms of the Long Term Arrangement and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective April 8, 1964, and for the period extending through October 30, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 22, produced or manufactured in Pakistan, in excess of the adjusted level of restraint provided:

Category	12-Month level of restraint	Adjusted level of restraint
22	580,000 square yards	0

The level of restraint has been corrected to reflect entries made during the period October 31, 1963, through March 16, 1964. Corrections have not been made to reflect entries, if any, subsequent to March 16, 1964.

In carrying out this directive, you shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 22, produced or manufactured in Pakistan, when the cotton textiles sought to be entered have been exported to the United States from Pakistan prior to October 31, 1963, even though the restraint level has been filled.

A detailed description of the listed category in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-3314; Filed, Apr. 3, 1964; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-15185]

WESTERN CALIFORNIA TELEPHONE CO.

Notice of Application for Exemption

MARCH 31, 1964.

Notice is hereby given that Western California Telephone Company, a corporation organized under the laws of California ("Issuer"), has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states the following with respect to the request for exemption:

(1) All of the outstanding securities of the issuer are held of record and the number of such record holders at present is only 8 persons. 218,534 shares of common stock are held by General Telephone & Electronics Corporation. The other 61 shares are held by 7 other persons.

(2) If the application for exemption is granted, the issuer will furnish financial statements to shareholders upon request.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after May 11, 1964, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than May 4, 1964, at 5:30 p.m., e.d.s.t., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such a request, and the issues of facts or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3316; Filed, Apr. 3, 1964; 8:49 a.m.]

[File No. 70-4195]

GULF POWER CO.

Notice of Proposed Issue and Sale of Short-Term Notes

MARCH 30, 1964.

Notice is hereby given that a declaration and an amendment thereto has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), by Gulf Power Company ("Gulf"), 75 North Pace Boulevard, Pensacola, Florida, a public-utility subsidiary company of The Southern Company, a registered holding company. Gulf has designated sections 6(a), 6(b), and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, on file at the office of this Commission, for a statement of the transaction therein proposed, which is summarized as follows:

Gulf proposes to issue, from time to time prior to November 1, 1964, unsecured promissory notes to banks in an aggregate principal amount not to exceed $9,100,000, including in such amount up to an aggregate of $2,900,000 principal amount of promissory notes to be issued, prior to the Commission's action on this declaration, pursuant to the exemption afforded by the first sentence of section 6(b) of the Act. Each note proposed to be issued by Gulf will bear interest at the prime rate in effect at The Chase Manhattan Bank in New York (presently 4½ percent per annum) on the date of is-

suance; will mature not more than nine months after the date of issuance; and

[AA1921-34]

tion 201(c) of the Antidumping Act, 1921, loads, from Cody, Wyo., to Aberdeen,

suance; will mature not more than nine months after the date of issuance; and will be prepayable, in whole or in part without penalty or premium, on any regular banking day upon twenty-four hours written notice.

Shown below are the maximum principal amounts proposed to be issued to the designated banks:

	Amount
The Chase Manhattan Bank, New York, N.Y.	$3,000,000
Irving Trust Company, New York, N.Y.	3,000,000
Bankers Trust Company, New York, N.Y.	1,750,000
The Florida National Bank of Pensacola, Fla.	310,000
The First Bank & Trust Company of Pensacola, Fla.	172,000
Bay National Bank & Trust Co., Panama City, Fla.	120,000
Commercial Bank in Panama City, Fla.	100,000
The Citizens & Peoples National Bank of Pensacola, Fla.	90,000
First National Bank in Milton, Fla.	90,000
The West Pensacola Bank, Fla.	63,000
Commercial National Bank of Pensacola, Fla.	60,000
Southern National Bank of Fort Walton Beach, Fla.	40,000
Florida Bank at Chipley, Fla.	40,000
The Bank of Crestview, Fla.	36,000
Bank of Fort Walton, Fort Walton Beach, Fla.	32,000
Bank of Graceville, Fla.	30,000
Escambia County Bank, Flomaton, Ala.	30,000
Santa Rosa State Bank, Milton, Fla.	29,000
First National Bank of Crestview, Fla.	27,000
Bank of Gulf Breeze, Fla.	21,000
The First National Bank, DeFuniak Springs, Fla.	20,000
Cawthon State Bank, DeFuniak Springs, Fla.	20,000
The Bank of Bonifay, Fla.	20,000
Total	9,100,000

The proceeds from the $9,100,000 of proposed notes will be used, in part, to pay Gulf's short-term notes with banks outstanding on the date of any authorization that may be granted under this declaration. The balance will be applied to Gulf's 1964 construction and property addition and improvement program, estimated at $18,398,000. The remaining cash requirements for such program will be obtained from cash on hand (including $2,000,000 received in March 1964, from the sale of additional shares of common stock) and from the contemplated sale of $12,000,000 principal amount of first mortgage bonds in October 1964. The net proceeds from said sale of bonds will be applied in total payment of all notes issued pursuant to this declaration and, thereupon, any authorization which may be granted under this declaration will cease to be effective.

The filing states that the fees and expenses in connection with the proposed note issues are estimated in the aggregate at $2,438, consisting of $500 for legal fees, $100 for miscellaneous expenses and counsel expenses, and $1,838 for state documentary stamp taxes.

The filing further states that, other than the Florida Public Utilities Commission and this Commission, no State commission and no Federal commission has jurisdiction over the proposed note issues.

Notice is further given that any interested person may, not later than April 27, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3286; Filed, Apr. 3, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 8), Amdt. 3]

REGIONAL DIRECTORS

Delegation of Authority To Conduct Program Activities in the Regional Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, and 8179 is hereby amended by deleting subitem I.A.1.a. and substituting the following in lieu thereof:

I. • • •

A. *Financial Assistance.*

1. To approve the following:

a. Business loans:

1. Direct not exceeding $100,000.

2. Participation not exceeding $250,000.

Effective date: March 11, 1964.

EUGENE P. FOLEY, *Administrator.*

[F.R. Doc. 64-3287; Filed, Apr. 3, 1964; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

KENTUCKY

Amendment to Notice of Major Disaster

Notice of Major Disaster for the Commonwealth of Kentucky, dated March 18, 1964, and published March 25, 1964 (29 F.R. 3717), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 17, 1964:

Crittenden.	Muhlenberg.
Hart.	

Dated: March 30, 1964.

EDWARD A. MCDERMOTT, *Director, Office of Emergency Planning.*

[F.R. Doc. 64-3280; Filed, Apr. 3, 1964; 8:46 a.m.]

TARIFF COMMISSION

[TEA I-A-4]

DRAWN OR BLOWN FLAT GLASS

Notice of Investigation and Hearing

Investigation instituted. On March 30, 1964, the United States Tariff Commission, upon request of the President, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(2) of the Trade Expansion Act of 1962, with respect to flat glass of the kinds described in items 923.11—924.00 in Part 2A of the Appendix to the Tariff Schedules of the United States.

In 1962 increased duties were imposed by Presidential proclamation upon imports of flat glass of the kinds described above (described as "cylinder, crown, and sheet glass" in 1962), following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. The Commission's function under section 351(d)(2) is to advise the President of its judgment of the probable economic effect on the domestic industry concerned of the reduction or termination of increased import restrictions imposed under the escape-clause procedure.

Public hearing ordered. A public hearing in connection with the aforementioned investigation will be held beginning at 10 a.m., e.d.s.t., on June 30, 1964, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued April 1, 1964.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-3301; Filed, Apr. 3, 1964; 8:48 a.m.]

[AA1921-34]

[TC Publication 123]

PEAT MOSS FROM CANADA

Determination of No Injury or Likelihood Thereof

MARCH 31, 1964.

On January 14, 1964, the Tariff Commission was advised by the Assistant Secretary of the Treasury that Peat Moss, horticultural and poultry grades, from Atkins and Durbrow, Ltd., Vancouver, B.C., and Western Peat Company, Ltd., New Westminster, B.C. (shipments from Manitoba plant only), Canada, is being, or is likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act. Accordingly, the Commission on January 16, 1964, instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Public notices of the institution of the investigation and of a public hearing to be held in connection therewith were published in the FEDERAL REGISTER (29 F.R. 518, 29 F.R. 1859, and 29 F.R. 2364). The hearing was held on March 16, 1964.

In arriving at a determination in this case, due consideration was given by the Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all information obtained by the Commission's staff.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of peat moss, horticultural and poultry grade, from Atkins and Durbrow, Ltd., Vancouver, B.C., and Western Peat Company Ltd., New Westminster, B.C. (shipments from Manitoba plant only), Canada, which was sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. The two named Canadian producers have exported substantial quantities of peat moss to the United States, a portion of which they sold at "less than fair value". Only an insignificant part of that portion was marketed in competition with domestic peat moss sold by any producer who represented to the Tariff Commission that he was injured thereby. When the two Canadian producers learned that the Treasury Department had determined that they were selling peat moss for export to the United States at less than fair value, they promptly adjusted their prices so as to eliminate all such sales. Therefore, since the sales at less than fair value were extremely limited, offered only insignificant competition with the domestic product, and were promptly eliminated, the Commission has found no injury nor likelihood thereof in this case.

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-3302; Filed, Apr. 3, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 1, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38927: *Coarse Grains from Points in Kansas.* Filed by Southwestern Freight Bureau, agent (No. B-8532), for interested rail carriers. Rates on coarse grains, in carloads, from points in Kansas, to points in Texas.

Grounds for relief: Carrier competition.

Tariff—Supplement 41 to Southwestern Freight Bureau, agent, tariff I.C.C. 4496.

FSA No. 38928: *Commodities Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 498), for interested rail carriers. Rates on carnivorous animal feed, insulating material and straps or strappings, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same conditions.

Tariff: Supplement 11 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 38930: *Soda Ash to Cedar Springs, Ga.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2711), for interested rail carriers. Rates on soda ash, in bulk or in bulk in bags, barrels, boxes or pails, in carloads, from specified points in Michigan, New York, Ohio and Pennsylvania, also North Claymont, Del., to Cedar Springs, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 130 and 45 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

FSA No. 38931: *Petroleum Products from Cody, Wyo., to Aberdeen, S. Dak.* Filed by Chicago, Burlington & Quincy Railroad Company (No. 71), for itself and interested rail carriers. Rates on asphalt (asphaltum), petroleum road oil, petroleum wax tailings, residual fuel oil, distillate fuel oil, not suitable for illuminating purposes, and gas oil, in tank-car loads, from Cody, Wyo., to Aberdeen, S. Dak.

Grounds for relief: Carrier competition.

Tariff: Supplement 16 to Chicago, Burlington & Quincy Railroad Company tariff I.C.C. 20551.

FSA No. 38932: *Bituminous Fine Coal to Panama City, Fla.* Filed by O. W. South, Jr. agent (No. A4487), for interested rail carriers. Rates on bituminous fine coal, in carloads, from mine origins in Alabama, to Panama City, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 84 to Southern Freight Association, agent, tariff I.C.C. S-39.

FSA No. 38933: *Sulphuric Acid to Calhoun and Etowah, Tenn.* Filed by O. W. South, Jr., agent (No. A4488), for interested rail carriers. Rates on sulphuric acid, in tank-car loads, from Baton Rouge and North Baton Rouge, La., to Calhoun and Etowah, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 81 to Southern Freight Association, agent, tariff I.C.C. S-162.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38929: *Commodities Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 499), for interested rail carriers. Rates on carnivorous animal feed, insulating material and straps or strappings, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 11 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3295; Filed, Apr. 3, 1964; 8:47 a.m.]

[Notice 982]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 1, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66612. By order of March 30, 1964, the Transfer Board approved the

CUMULATIVE CODIFICATION GUIDE—APRIL

No. MC-FC 66612. By order of March 30, 1964, the Transfer Board approved the transfer to Humboldt Express, Inc., Nashville, Tenn., of a portion of the operating rights claimed in No. MC 96961 (Sub No. 1) under the "grandfather clause" of section 206(a)(7)(b), Interstate Commerce Act by West Tennessee Motor Express Inc., Nashville, Tenn., and the substitution of transferee as applicant for a Certificate of Registration from this Commission, corresponding to the transfer by the Tennessee Public Service Commission of a portion of the operating rights of transferor in State Certificate No. 2215. Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn., attorney for transferee. Robert H. Cowan, 434 Stahlman Building, Nashville, Tenn., attorney for transferor.

No. MC-FC 66782. By order of March 30, 1964, the Transfer Board approved the transfer to Paul K. Cleveland, doing business as Westfair Air Service, South Norwalk, Conn., of the operating rights in Certificate in No. MC 112718, issued November 9, 1953, to McFaddin Express, Incorporated, Stamford, Conn., authorizing the transportation, over regular and irregular routes, of: General commodities, including certain specifically named commodities, but excluding household goods, commodities in bulk, and other specifically named commodities, between Norwalk, Conn., and New York, N.Y., and between Stamford, Conn., and Boston, Mass., over specified regular routes, serving certain intermediate and off-route points, and over irregular routes, between points in Connecticut, between New York, N.Y., and named Counties in New Jersey, between points in Connecticut, and points in Massachusetts, New Jersey, New York, and Rhode Island, in a radial movement, and between Stamford, Conn., and a specified portion of New Jersey, with Stamford as the base point. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for transferee and, Joseph Burns, Special Master, 242 Trumbull Street, Hartford, Conn., attorney for Transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3296; Filed, Apr. 3, 1964; 8:48 a.m.]

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UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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THE UNIVERSITY OF MICHIGAN
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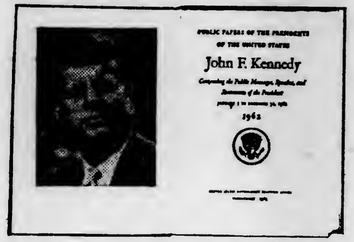
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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3579

DEATH OF GENERAL MacARTHUR

By the President of the United States of America

A Proclamation

To the People of the United States:

With deep regret, I announce the death of General of the Army Douglas MacArthur, who died today at Walter Reed Army Medical Center in Washington, D.C.

As one of the most distinguished soldiers in the history of the United States, General MacArthur dedicated his entire life to selfless service in the defense of freedom. He was a living embodiment of the code which he so eloquently expressed—duty—honor—country.

Outstanding performance of duty and conspicuous leadership marked his career, which included service as Chief of Staff and Commander of the Rainbow Division in World War I, as Chief of Staff of the United States Army from 1930 through 1935, as commander of the forces which liberated the Philippines in World War II, as Supreme Commander for the Allied Powers in Japan, and as Commander of the United Nations forces in Korea. We will forever be indebted to him for his integrity, his courage, and his brilliant accomplishments as a soldier and citizen; we will never forget that his ultimate goal was peace among men.

As a mark of respect for the memory of General MacArthur, I hereby order that the flag of the United States shall be flown at half-staff in the District of Columbia and throughout the United States and its territories and possessions, upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels, until after his funeral shall have taken place. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of April in the year of our Lord nineteen hundred and sixty-four, and of the [SEAL] Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

Dean Rusk,
Secretary of State.

[F.R. Doc. 64-3481; Filed, Apr. 6, 1964; 12:29 p.m.]

Memorandum of March 26, 1964

Memorandum of March 26, 1964

[DETERMINATION UNDER SECTION 231(b) OF THE TRADE EXPANSION ACT OF 1962, AS AMENDED, PERMITTING CONTINUATION OF NONDISCRIMINATORY TRADE TREATMENT FOR POLAND AND YUGOSLAVIA]

Memorandum for The Secretary of State, The Secretary of the Treasury

THE WHITE HOUSE,
Washington, March 26, 1964.

Pursuant to section 231(b) of the Trade Expansion act of 1962, as amended, I hereby determine that extending the benefits of trade agreement concessions made by the United States to products, whether imported directly or indirectly, of the Polish People's Republic and the Socialist Federal Republic of Yugoslavia, both of which were receiving trade concessions on December 16, 1963, will be important to the national interest and will promote the independence of these two countries from domination or control by international communism. The reasons for this determination are contained in the attached statement.

The Secretary of State is directed to report this determination and the reasons therefor to the Congress, as required by section 231(b) of the Trade Expansion Act of 1962, as amended.

The Secretary of the Treasury is directed to inform the Commissioner of Customs of this determination.

LYNDON B. JOHNSON

STATEMENT

SUBJECT: Determination under Section 231(b) of the Trade Expansion Act of 1962, as Amended, Permitting Continuation of Non-Discriminatory Trade Treatment for Poland and Yugoslavia.

The principal objective of United States policy in Eastern Europe is to encourage peaceful efforts toward loosening of control from Moscow. Both Yugoslavia and Poland have demonstrated that they are prepared to undertake considerable risks to maintain and increase their independence. Trade with the free world, and in particular with the United States, is one of the basic ways in which these countries can resist Soviet control. Depriving them of the opportunity to trade on competitive terms with the United States would be a sure way to reverse the trend in Eastern Europe and to increase the power and influence of the Soviets in Eastern Europe.

A. *Yugoslavia*

Although Yugoslavia is a communist country, its determination to maintain its independence from Soviet bloc domination has been demonstrated over the past fifteen years. The Yugoslav Government has encouraged a broad range of contacts between Yugoslavia and the West and has made Yugoslavia accessible to people, ideas, and information coming from the West.

Yugoslavia is not a member of the Warsaw Pact nor of the Soviet Bloc's Council for Mutual Economic Assistance (CEMA). On the other hand, Yugoslavia has long been associated with all of the major free world economic organizations, including the International Bank for Reconstruction and Development, the International Monetary Fund, the OECD and the GATT. In addition, it has been seeking the opportunity to discuss trade arrangements with the EEC. More than 70 percent of Yugoslavia's foreign trade is with the free world, and Yugoslavia has undertaken important reforms in its foreign trade system to bring it more into line with Western practices.

Since 1948, when Yugoslavia's refusal to submit to domination by the USSR caused its expulsion from the Soviet Bloc, the United States has followed a policy of supporting Yugoslavia's desire to make its way as an independent state. This policy has served the national interest of the United States in important ways. Yugoslavia's assertion of independence greatly weakened the strategic threat of Soviet-controlled military power in Eastern Europe. Indeed, the final victory over communist guerrillas in Greece was made possible by the closing of the Yugoslav border against them. Yugoslav self assertion began the destruction of the image of monolithic communist solidarity, and it showed that a country can successfully refuse to submit to domination by the Soviet Union.

These considerations are still valid and remain important to United States national interest today. The significance of Yugoslavia's independence has not diminished. As long as its example exists, the pressures on other communist parties and governments to seek similar advantageous solutions based on the exercise of national independence will grow.

The continuation of nondiscriminatory trade treatment of Yugoslavia by the United States is of fundamental importance in supporting the independence of Yugoslavia. Such trade relations with the United States demonstrates to the

Yugoslav leadership and people, as well as to the other nations of Eastern

Yugoslav leadership and people, as well as to the other nations of Eastern Europe, that the United States will permit normal trading possibilities to countries which assert their independence from domination by international communism.

Nondiscriminatory trade is also essential to enable Yugoslavia to maintain its exports to the United States so that it can import from us and earn the dollars required to meet its debt repayment obligations to the United States. Yugoslavia's payments on dollar repayable obligations will be well over $10 million in each of the next several years.

The Soviet Union and other countries of the Soviet bloc are now, once again, making a concentrated effort to improve economic and other relations with Yugoslavia. United States failure to continue nondiscriminatory trade treatment would contribute to forcing Yugoslavia into greater dependence upon the Soviet-controlled communist countries and thus undermine our efforts to assist Yugoslavia to pursue an independent, unaligned policy.

B. *Poland*

Poland has not achieved the degree of independence from Moscow that Yugoslavia has. Nevertheless, since the events of 1956, Poland has attained a large measure of autonomy both in internal affairs and in foreign relations.

After 1956, Poland reversed its policy toward collectivization of agriculture. Today, 87 percent of the arable land of Poland is privately held.

A far greater degree of freedom of speech has been permitted in Poland since 1956, and intellectual activity remains stimulating and lively. Poland has discontinued jamming broadcasts of the Voice of America and Radio Free Europe and has participated in certain USIA programs by which American books and periodicals have been made available to the people of Poland. Poland has also permitted relatively free emigration to the West and has regularly permitted Poles to come to the United States to visit.

Finally, basic freedom of worship is possible in Poland today. Poland permits religious education for children as well as a Catholic university and seminaries. A number of religious holy days are observed as national holidays. While religion remains anathema to the Communists, and the Gomulka regime has probed for ways of bringing the Church under some control, Catholicism in Poland remains a potent force and an obstacle to complete communist domination. The regime, well aware that an all-out attack on the Church would prejudice its beneficial relationship with the West, must show restraint so long as there is anything to gain in Poland's relation with the West.

The United States and Poland have made good progress in resolving outstanding financial and economic problems. Over the past seven years the volume of trade has grown and there are good prospects for steady growth in the future.

Nondiscriminatory treatment for Poland products permits that country to earn dollars with which it can buy American goods and meet its substantial financial obligations to the United States Government and to private American citizens. Poland's payments on these obligations have reached almost $11 million annually and will increase to over $20 million in 1967. These debts include, among others, the obligations arising from the settlement of claims of United States nationals whose properties were nationalized in Poland, and the obligations to repay in dollars for previous purchases of surplus agricultural commodities under PL 480. Cutting off trade on the present nondiscriminatory basis would impair Poland's ability to meet these obligations.

As a consequence of the Polish events of 1956, Secretary of State Dulles determined, for purposes of section 107 of the Agricultural Trade Development and Assistance Act of 1954, as amended (PL 480), that Poland was not a nation dominated or controlled by the foreign government or foreign organization controlling the world communist movement. Since that determination the United States has kept the Polish situation under close and continuing scrutiny. In November 1961 Secretary of State Rusk reaffirmed the determination of 1956. This is still our judgment today.

Conclusion

Continuation of nondiscriminatory trade treatment for the products of Yugoslavia and Poland is important to our national interest. The maintenance of commercial trade relations between the United States and these countries will further the objective of encouraging and promoting their independence from domination or control by international communism.

[F.R. Doc. 64-3433; Filed, Apr. 3, 1964; 3:39 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 534—PAY UNDER OTHER SYSTEMS

Subpart B—Trainees in Government Hospitals

MAXIMUM STIPENDS

In Federal Register Document 64-2722, appearing at page 3559 of the issue for Friday, March 20, 1964, paragraph (c) was inadvertently omitted in the revision of § 534.202 and is added as set out below.

§ 534.202 **Maximum stipends.**

• • • • • •

(c) Maximum stipends for positions in the Public Health Service (a constituent agency of the Department of Health, Education, and Welfare) in which duty requires intimate contact with persons afflicted with leprosy are increased above the rates prescribed in paragraph (a) of this section to the same extent that additional compensation is provided by Public Health Service Regulations (42 CFR 22.1) for employees under the Classification Act of 1949, as amended.

(Secs. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3372; Filed, Apr. 6, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

STATUS OF RECODIFICATION PROGRAM

The Federal Aviation Agency is nearing the completion of its recodification program announced in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698). The program involves the across-the-board consolidation and streamlining of the Agency's regulatory system. In response to a number of requests, the Agency is publishing herewith a status list showing the final rules that have been issued under the program, those rules that have been published as notices of proposed rule making but that have not yet been issued in final, and the estimated target dates for the issue of the remaining notices.

The aviation community has made many constructive suggestions that have contributed to the progress made to date in the recodification program. Their continued cooperation is anticipated and is vital if the program is to be concluded by the scheduled date, July 1964.

Issued in Washington, D.C., on March 31, 1964.

JAMES B. MINOR,
Associate General Counsel, Regulations and Codification Division.

The following Federal Aviation Regulations have been issued and are now in effect:

Part No.	Title
1	Definitions and Abbreviations.
11	General Rule Making Procedures.
13	Enforcement Procedures.
61	Certification: Pilots and Flight Instructors.
63	Certification: Flight Crewmembers other than Pilots.
65	Certification: Airmen other than Flight Crewmembers.
67	Medical Standards and Certification.
71	Designation of Federal Airways, Controlled Airspace, and Reporting Points.
73	Special Use Airspace.
75	Establishment of Jet Routes.
77	Notice of Construction or Alteration Affecting Navigable Airspace.
91	General Operating and Flight Rules.
93	Special Air Traffic Rules and Airport Traffic Patterns.
95	IFR Altitudes.
97	Standard Instrument Approach Procedures.
99	Security Control of Air Traffic.
101	Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons.
103	Transportation of Dangerous Articles and Magnetized Materials.
105	Parachute Jumping.
129	Operations of Foreign Air Carriers.
141	Pilot Schools.
143	Ground Instructors.
145	Repair Stations.
147	Mechanic Schools.
149	Parachute Lofts.
151	Federal Aid to Airports.
153	Acquisition of U.S. Land for Public Airports.
155	Release of Airport Property from Surplus Property Disposal Restrictions.
157	Notice of Construction, Alteration, or Deactivation of Airports.
159	National Capital Airports.
161	Cold Bay, Alaska, Airport.
163	Canton Island Airport.
165	Wake Island Code.
181	Seal.
183	Representatives of the Administrator.
185	Testimony by Employees and Production of Records in Legal Proceedings.
187	Fees for Copying and Certifying Federal Aviation Agency Records.
189	Use of Federal Aviation Agency Communications Systems.

The following Federal Aviation Regulations have been issued and will become effective as indicated below:

Part No.	Title
45	Identification and Registration Marking—April 20, 1964.
133	Rotorcraft External-Load Operations—May 17, 1964.
135	Air Taxi Operators and Commercial Operators of Small Aircraft—(partially) April 7, 1964, (fully) September 7, 1964.

Notices of proposed rule making on the following Federal Aviation Regulations were issued on the dates indicated:

Part No.	Title
[1] 33	Airworthiness Standards: Aircraft Engines (CAR 13)—December 24, 1963.
[1] 35	Airworthiness Standards: Propellers (CAR 14)—December 4, 1963.
[1] 43	Maintenance, Preventive Maintenance, Rebuilding, and Alteration (CAR 18)—October 2, 1963.
[1] 47	Aircraft Registration (Parts 501 and 502—Regulations of Administrator)—October 3, 1963.
[1] 49	Recording of Aircraft Titles and Security Documents (Parts 503—505—Regulations of Administrator)—October 3, 1963.
123	Operations of Scheduled Air Carriers Outside Continental United States (CAR 41)—January 15, 1964.

The following remaining Federal Aviation Regulations will be issued as notices of proposed rule making within approximately 60 days:

Part No.	Title
21	Aircraft Certification Procedures (CAR 1).
23	Airplane Airworthiness; Normal, Utility, and Acrobatic Categories (CAR 3).
25	Airworthiness Standards: Transport Category Airplanes (CAR 4b).
27	Airworthiness Standards: Normal Category Rotorcraft (CAR 6).
29	Airworthiness Standards: Transport Category Rotorcraft (CAR 7).
37	Technical Standard Orders for Materials, Parts, and Appliances (Part 514—Regulations of Administrator).
39	Airworthiness Directives (Part 507).
121	Certification and Operations of Scheduled Interstate Air Carriers (CAR 40).
125	Operations of Supplemental Air Carriers, Commercial Operators using Large Aircraft, and Certificated Route Air Carriers Engaging in Charter Flights or other Special Services (CAR 42).
127	Operations of Scheduled Air Carriers with Helicopters (CAR 46).
171	Non-Federal Navigational Aids (Part 407).

[F.R. Doc. 64-3337; Filed, Apr. 6, 1964; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-EA-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Transitional Area; Designation of Control Zone and Transition Areas; Revocation of Transition Area and Control Area Extension

On December 10, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 13366) stating that the Federal Aviation Agency (FAA) proposed to adjust the terminal airspace structure, in association with the implementation of the provisions of CAR Amendments 60-21/60-29, in the

[1] Issue in final expected by May 1, 1964.

Rochester, Batavia and Olean, N.Y., and Bradford and DuBois, Pa., areas.

Rochester ILS localizer E course, extending from the Rochester-Monroe County Airport

These amendments shall become effective 0901 e.s.t. May 28, 1964.

The substance of the proposed amend-

below in order to reflect the correct

FEDERAL REGISTER (29 F.R. 324) stating

Rochester, Batavia and Olean, N.Y., and Bradford and DuBois, Pa., areas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to publication of the notice, a re-examination of the transition area requirements associated with the Olean Municipal Airport revealed that since the instrument approach procedure prescribed for this location specifies landing and take-off weather minimums for day operation only, there is no longer a requirement for the assignment of controlled airspace below 1,200 feet above the surface at Olean between the time of sunset and 0800 hours, local time, daily. Therefore, the action taken herein to designate the Olean transition area will include a limitation indicating the time of effectiveness.

The substance of the proposed amendments having been published, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the following actions are taken:

a. The Rochester, N.Y., control zone is amended to read:

Rochester, N.Y.

Within a 5-mile radius of the Rochester-Monroe County Airport (latitude 43°07'20" N., longitude 77°39'55" W.); within 2 miles each side of the Rochester VOR 168° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR; within 2 miles each side of the Rochester VOR 280° radial, extending from the 5-mile radius zone to 8 miles W of the VOR; and within 2 miles each side of the Rochester ILS localizer E course, extending from the 5-mile radius zone to the OM.

b. The Bradford, Pa., control zone is amended to read:

Bradford, Pa.

Within a 5-mile radius of the Bradford-McKean County Airport (latitude 41°48'10" N., longitude 78°38'20" W.); within 2 miles each side of the Bradford VOR 138° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR; and within 2 miles each side of the Bradford RBN 134° bearing, extending from the 5-mile radius zone to 7 miles SE of the RBN.

c. The following control zone is added:

DuBois, Pa.

Within a 5-mile radius of the DuBois-Jefferson County Airport (latitude 41°10'45" N., longitude 78°53'45" W.), excluding the portion within a 1-mile radius of Bywatler Airport, Falls Creek, Pa. (latitude 41°09'55" N., longitude 78°48'15" W.).

2. In § 71.165 (29 F.R. 1073) the following control area extension is revoked: "Rochester, N.Y."

3. In § 71.181 (29 F.R. 1160) the following actions are taken:

a. The following transition areas are added:

1. *Rochester, N.Y.*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Rochester-Monroe County Airport (latitude 43°07'20" N., longitude 77°39'55" W.); within 8 miles N and 5 miles S of the Rochester ILS localizer E course, extending from the Rochester-Monroe County Airport to 12 miles E of the OM; within 5 miles each side of the Rochester VOR 125° radial, extending from the 7-mile radius area to the INT of the Rochester VOR 125° and the Geneseo, N.Y., VORTAC 061° radials; within 2 miles each side of the Rochester VOR 168° radial, extending from the 7-mile radius area to 8 miles S of the VOR; and within 8 miles S and 5 miles N of the Rochester VOR 280° and 100° radials, extending from the Rochester-Monroe County Airport to 12 miles W; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from: latitude 43°24'00" N., longitude 76°53'00" W., to latitude 42°57'00" N., longitude 76°57'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°32'00" N., longitude 78°-21'00" W., to latitude 43°06'00" N., longitude 78°21'00" W., to latitude 43°24'00" N., longitude 77°55'00" W., to point of beginning.

2. *Batavia, N.Y.*

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Batavia Airport (latitude 43°01'55" N., longitude 78°10'20" W.), and within 2 miles each side of the 192° bearing from the Batavia Airport, extending from the 4-mile radius area to 12 miles S of the airport.

3. *Olean, N.Y.*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Olean Municipal Airport (latitude 42°14'20" N., longitude 78°22'30" W.), and within 2 miles each side of the Olean RBN 033° bearing, extending from the 7-mile radius area to 8 miles NE of the RBN, from 0800 hours, local time, to sunset, daily.

4. *Bradford, Pa.*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Bradford-McKean County Airport (latitude 41°48'10" N., longitude 78°38'20" W.); within 2 miles each side of the Bradford RBN 134° bearing, extending from the 7-mile radius area to 8 miles SE of the RBN; and within 2 miles each side of the Bradford VOR 138° radial, extending from the 7-mile radius area to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from: latitude 42°32'00" N., longitude 77°58'00" W., to latitude 41°55'00" N., longitude 77°58'00" W., to latitude 41°55'30" N., longitude 78°10'00" W., to latitude 41°-38'00" N., longitude 78°13'00" W., through latitude 41°00'00" N., longitude 78°35'20" W., to the south boundary of V-6; thence via the south boundary of V-6 to longitude 79°15'00" W., thence northward via longitude 79°15'00" W., to latitude 41°17'00" N., longitude 79°15'00" W., to latitude 41°30'00" N., longitude 78°57'00" W., to latitude 42°-10'00" N., longitude 78°57'00" W., to latitude 42°11'30" N., longitude 78°52'00" W., to latitude 42°32'00" N., longitude 78°52'00" W., to the point of beginning.

b. The DuBois, Pa., transition area is amended to read:

DuBois, Pa.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the DuBois-Jefferson County Airport (latitude 41°10'45" N., longitude 78°53'45" W.), and within 2 miles each side of the DuBois RBN 056° bearing, extending from the 6-mile radius area to 8 miles NE of the RBN.

c. The following transition area is revoked: "Bellona, N.Y."

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 1, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3331; Filed, Apr. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 62-PC-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones, Revocation of Control Area Extension and Designation of Transition Area

On July 25, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7567) stating that the Federal Aviation Agency proposed to alter the Guam Island control zones, revoke the Guam Island control area extension and designate the Guam Island transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

Comments were received from the Aircraft Owners and Pilots Association (AOPA). The AOPA concurred with the alteration of the Anderson AFB and NAS Agana control zones, but suggested that the transition area proposed with a floor of 700 feet above the surface be reduced and that the portion of the 1,200-foot area beyond a 25-mile radius be raised to 2,500 feet MSL or higher. They further recommended that the proposed 1,700-foot area beyond a 50-mile radius be raised to 5,000 feet MSL.

With regard to the comments received from AOPA, the configuration of the proposed 700-foot transition area was designed to accommodate IFR arrival, departure and radar vector procedures and represents the airspace required to provide protection for these procedures. Raising of the floor in the portion of the proposed 1,200-foot floor transition area beyond a 25-mile radius of Guam would adversely affect the flexibility of radar and procedural air traffic control services furnished aircraft executing prescribed instrument approach, departure, holding, en route and radar vectoring procedures. Since the designation of airways is not feasible in this area and due to the lack of aircraft operating in VFR conditions, the transition area configuration, as proposed herein, represents the minimum airspace requirements to provide the needed area for the control of air traffic within the immediate terminal area and between the terminal area and the oceanic control area. Therefore, action is taken herein to adopt the changes as proposed in the notice.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Guam Island (Anderson AFB) control zone is amended to read:

Guam Island (Anderson AFB).

Within a 5-mile radius of Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.); within 2 miles each side of the Anderson TACAN 066° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN, and within 2 miles NW and 4 miles SE of the Anderson VOR 064° radial, extending from the 5-mile radius zone to the Guam Island (NAS Agana) 5-mile radius zone.

2. In § 71.171 (29 F.R. 1101), the Guam Island (NAS Agana) control zone is amended to read:

Guam Island (NAS Agana).

Within a 5-mile radius of NAS Agana (latitude 13°29'00" N., longitude 144°47'00" E.); within 4 miles NW and 2 miles SE of the Agana VOR 244° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, and within 2 miles each side of the Talofofo, Guam Island RBN 026° bearing, extending from the 5-mile radius zone to 8 miles NE of the RBN.

3. Section 71.165 (29 F.R. 1073) is amended by revoking the following control area extension: "Guam Island."

4. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Guam Island.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 13°46'35" N., longitude 144°51'15" E., thence clockwise along the arc of a 12-nmi radius circle centered on Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.), to latitude 13°23'50" N., longitude 145°01'00" E., thence to latitude 13°08'45" N., longitude 144°29'20" E., thence to latitude 13°29'45" N., longitude 144°18'30" E., thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Agana VOR, excluding the portion within R-7201 and W-517.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on April 1, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3332; Filed, Apr. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SO-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Transition Areas

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to change the names of airports in the descriptions of control zones and transition areas as indicated below in order to reflect the correct names of airports in such descriptions.

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective upon publication.

In consideration of the foregoing, the following actions are taken:

1. Section 71.171 (29 F.R. 1101) is amended as follows:

a. In the text of the Fort Lauderdale, Fla., control zone "Broward County International Airport" is deleted and "Fort Lauderdale-Hollywood International Airport" is substituted therefor.

b. In the text of the Jackson, Miss., control zone "Jackson Municipal Airport" is deleted wherever it appears and "Allen C. Thompson Airport" is substituted therefor.

c. In the text of the Nashville, Tenn., control zone "Nashville Municipal Airport (Berry Field)" is deleted and "Nashville Metropolitan Airport" is substituted therefor.

d. In the title and the text of the Memphis, Tenn. (Municipal Airport), control zone "Municipal Airport" is deleted wherever it appears and "Metropolitan Airport" is substituted therefor.

e. In the title of the Atlanta, Ga. (Municipal Airport) control zone "Municipal" is deleted and "Atlanta" is substituted therefor. In the text "Municipal" is deleted.

f. In the text of the Macon, Ga., control zone "Cochran Field" is deleted wherever it appears and "Macon Municipal Airport" is substituted therefor.

2. Section 71.181 (29 F.R. 1160) is amended as follows:

a. In the text of the Memphis, Tenn., transition area "Memphis Municipal Airport" is deleted wherever it appears and "Memphis Metropolitan Airport" is substituted therefor.

b. In the text of the Atlanta, Ga., transition area "Atlanta Municipal Airport" is deleted wherever it appears and "Atlanta Airport" is substituted therefor.

c. In the text of the Macon, Ga., transition area "Cochran Field" is deleted and "Macon Municipal Airport" is substituted therefor.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 1, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3333; Filed, Apr. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On January 14, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 324) stating that the Federal Aviation Agency (FAA) was considering an amendment to Part 71 [New] of the Federal Aviation Regulations by revoking the segment of VOR Federal airway No. 23 east alternate from Medford, Oreg., to Eugene, Oreg.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, the following action is taken:

Section 71.123 (29 F.R. 1009) is amended as follows: In V-23 "including an E alternate and also a W alternate from Medford to Eugene via Roseburg, Oreg.," is deleted and "including a W alternate from Medford to Eugene via Roseburg, Oreg.," is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 1, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3334; Filed, Apr. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segments

On January 14, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 325), stating that the Federal Aviation Agency proposed to revoke VOR Federal airway No. 4 north alternate segments from Rock Springs, Wyo., to Cherokee, Wyo., from Thurman, Colo., to Goodland, Kans., and from Goodland to Hill City, Kans.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No comments were received.

The substance of the proposed amendment having been published and for the reasons stated in the notice, § 71.123 (29 F.R. 1009, 3225) is amended as follows: In V-4 ", including an N alternate via INT of Rock Springs 053° and Cherokee 286° radials" is deleted; and ", including an N alternate via INT of Thurman 085° and Goodland 304° radials; Hill City, Kans., including an N alternate;" is deleted and "; Hill City, Kans.;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April April 1, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3335; Filed, Apr. 6, 1964; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4045; Amdt. 367]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition	Ceiling and visibility minimums

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4045; Amdt. 367]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CGT VOR	Stack Int*	Via CGT R-356 and bearing 138° from BEG Rbn.	3500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
API VOR	Stack Int* (final not authorized)	Direct	3500				
Niles Int	Stack Int*	Via API R-068 and bearing 138° from BEG Rbn.	3500				
Stack Int*	BEG Rbn (final)	Direct	2300				
ORD VOR	Stack Int* (final not authorized)	Direct	3500				
OBK VOR	Stack Int* (final not authorized)	Direct	3500				
Lakewood Int	ORD VOR	Via OBK VOR R-271 and ORD R-306.	3500				

Radar transitions to final approach crs authorized. Aircraft may be released for final approach Inbnd to BEG Rbn on final approach crs to cross BEG Rbn at 2300'.
Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 3500' within 10 miles of Stack Int.*
Minimum altitude over BEG Rbn on final approach crs, 2300', over Stack Int* 3500'.
Distance, BEG Rbn to airport, 5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing BEG Rbn turn left to 300° heading climb to 1500' then make left climbing turn to 3500' and proceed direct to DPA VOR.
NOTES: 1. Functioning VOR receiver required unless a radar vector to final approach crs is obtained. 2. Aircraft executing missed approach may be radar controlled after radar identification. 3. VOSI installed.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3 will intercept ORD VOR R-250 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000-3 will intercept ORD VOR R-306 and climb to 2000' before proceeding westbound. Motel sign 1¼ miles from approach end Runway 32L may be mistaken for approach lights.
*Stack Int: Int 138° bearing from BEG Rbn and API R-073.
MSA: 000°-360°—2500'.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., MHW; Ident., BEG; Procedure No. 4, Amdt. Orig.; Eff. Date, 11 Apr. 64

CGT VOR	Park Int*	Via CGT R-356 and bearing 138° from FMR Rbn.	3500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
API VOR	Park Int* (final not authorized)	Direct	3500				
Niles Int	Park Int*	Via API R-068 and bearing 138° from FMR Rbn.	3500				
ORD VOR	Park Int* (final not authorized)	Direct	3500				
OBK VOR	Park Int* (final not authorized)	Direct	3500				
Park Int*	FMR Rbn (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK R-271 and ORD VOR R-306.	3500				

Radar transitions on final approach crs authorized. Aircraft may be released for final approach Inbnd to FMR Rbn on final approach to FMR Rbn at 2300'.
Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 3400' within 16 miles of Park Int.*
Minimum altitude over FMR Rbn on final approach crs, 2300', over Park Int* on final approach crs, 3500'.
Crs and distance, FMR Rbn to airport, 318°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles of FMR Rbn, turn right to 335° heading, climb to 1500', then make right climbing turn to 3400' and proceed to Evanston Int via OBD R-073.
NOTES: 1. Functioning VOR receiver required unless a radar vector to final approach crs is obtained. 2. Aircraft executing missed approach may be radar controlled after radar identification.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3 will intercept ORD VOR R-250 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000-3 will intercept ORD VOR R-306 and climb to 2000' before proceeding westbound. Motel sign 1¼ miles from approach end Runway 32L may be mistaken for approach lights.
*Park Int: Int 138° bearing from FMR Rbn and API VOR R-073.
MSA: 000°-360°—2500'.

City ,Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class. ,MHW; Ident., FMR ;Procedure No. 5, Amdt. Orig.; Eff. Date, 11 Apr. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mt. Healthy Int	SI LOM	Direct	2200	T-dn	300-1	300-1	200-½
New Baltimore Int	SI LOM (final)	Direct	2000	C-dn	400-1	500-1	500-1½
Union Int	SI LOM	Direct	2300	S-dn-18	400-1	400-1	400-1
CVG VOR	SI LOM	Direct	2300	A-dn	800-2	800-2	800-2
LUK LFR	SI LOM	Direct	2700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance facility to airport, 180°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing SI LOM, climb to 2000' on a heading of 180° to the CV LOM. Hold S, 1-minute right turns, 360° Inbnd.
CAUTION: 1746' tower 13 miles NE of airport. 1167' tower 19 miles NNE of airport. 1120' tower 11 miles NW of airport.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890'; Fac. Class., LOM; Ident., SI; Procedure No. 2, Amdt. 2; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 1; Dated, 18 Jan. 64

Fort Wayne VOR	FA RBn	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs, 4 miles from RBn.
Procedure turn S side of crs, 233° Outbnd, 053° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 053°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing FA RBn, climb to 2600' on crs of 053° and return to RBn.
Final approach from holding pattern not authorized, procedure turn required.
MSA: 000°-090°—2600'; 090°-360°—2200'.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class., SBH; Ident., FA; Procedure No. 2, Amdt. 1; Eff. Date, 11 Apr. 64; Sup. Amdt. No. Orig.; Dated, 8 Feb. 64

GLS VOR	GLS RBn	Direct	1300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring by Houston approach control may be used to position aircraft on final approach within 10 miles of Galveston RBn with elimination of procedure turn.
Procedure turn S side of crs, 303° Outbnd, 123° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 123°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing GLS RBn, climb to 1300' on crs of 123° within 15 miles.
CAUTION: 231' radio tower 7000' NE of airport. 157' water tank ESE side of airport.

City, Galveston; State, Tex.; Airport Name, Scholes Field; Elev., 7'; Fac. Class., BHH; Ident., GLS; Procedure No. 1, Amdt. 5; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 4; Dated, 12 May 62

HOU VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Houston RBn	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Fairbanks Int	LOM	Direct	2000	S-dn-3	400-1	400-1	400-1
Arcola Int	LOM (final)	Direct	*1300	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 216° Outbnd, 036° Inbnd, 2000' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over LOM on final approach crs, 1300'.
Crs and distance, facility to airport, 036°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 1600' on 036° bearing from LOM within 15 miles or, when directed by ATC, turn left, climb to 1600' on 309° bearing from HOU Rbn within 20 miles.
CAUTION: 1549' tower approximately 8.5 miles W of LOM. 1235' tower approximately 9.0 miles SE of LOM.
Other changes: Deletes transition HOU FM, radar vectoring position to LOM (final), radar notes revised.
*Descent below 2000' not authorized until established on final approach crs.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., LOM; Ident., HO; Procedure No. 1, Amdt. 22; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 21; Dated, 7 Apr. 62

Arcola VHF Int	HOU RBn	Direct	2000	T-dn	300-1	300-1	200-½
HOU VOR	HOU RBn	Direct	1700	C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 131° Outbnd, 311° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 311°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles, climb to 1800' on HOU RBn bearing 309° within 20 miles or, when directed by ATC, turn right, climb to 1600' on HOU RBn bearing 062° within 20 miles.
CAUTION: 1225' TV tower approximately 9 miles SSE of HOU Rbn. 1549' TV tower approximately 13.5 miles SW of HOU Rbn.
Other changes: Deletes transition HOU FM. Deletes note Runway 8-26.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., SABH; Ident., HOU; Procedure No. 2, Amdt. 2; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 1; Dated, 7 Apr. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Meridian VOR	LOM (HW)	Direct	2000	T-dn	300–1	300–1	200–½
Stratton Int	LOM (HW)	Direct	2000	C-dn	500–1	600–1	600–1½
Decatur Int	LOM (HW)	Direct	2000	S-dn-9L	500–1	500–1	500–1
Newton Int	LOM (HW)	Direct	2000	S-dn-9R	800–2	800–2	800–2
Rose Hill Int	LOM (HW)	Direct	2000	A-dn			
York Int	LOM (HW)	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 186° Outbnd, 006° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 006°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, turn left and return to LOM at 2000′.
NOTE: Takeoffs with less than 200–½ not authorized on runways 5 and 23. No approach lights. Overrun lights and high-intensity runway lights only on Runway 1-19. Runway 9-27 closed.
CAUTION: Trees 600′ 2 miles E of airport. 1000′ tower 2.5 miles E of airport. 880′ tower 4.2 miles SE of airport.
MSA: 000°–090°—2000′; 090°–180°—1700′; 180°–270°—1600′; 270°–360°—2000′.

City, Meridian; State, Miss.; Airport Name, Key Field; Elev., 297′; Fac. Class., HW; Ident., ME; Procedure No. 1, Amdt. 6; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 5; Dated, 14 July 62

MIA VOR	MIA RBn (final)	Direct	1500	T-dn	300–1	300–1	200–½
PRR RBn	MIA RBn	Direct	1500	C-d	1000–1	1000–1	1000–1½
MIA RBn	Barker Int* (final)	Direct	1000	C-n	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2
				If aircraft is equipped with dual ADF receivers and Barker Int* identified, the following minimums are authorized:			
				C-dn	500–1	500–1	500–1½
				S-dn-12	500–1	500–1	500–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 320° Outbnd, 140° Inbnd, 1500′ within 10 miles.
Procedure turn nonstandard to provide separation with northbound traffic.
Minimum altitude over facility on final approach crs, 1500′; over Barker Int,* 1000′.
Crs and distance, facility to airport, 139°—10.3 miles; Barker Int* to airport, 139°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.3 miles after passing MIA Rbn or 4.8 miles after passing Barker Int,* climb to 1500′ while proceeding direct to MI LOM, then E on 086° crs (from) and within 10 miles of MI LOM.
*Barker Int: Int 139° crs from MIA RBn and 022° bearing from MF LOM or 5.5-mile radar fix on MIA RBn 139° crs (from).
MSA: 000°–090°—2000′; 090°–180°—1400′; 180°–270°—1600′; 270°–360°—1200′.

City, Miami; State, Fla.; Airport Name, Miami International; Elev., 9′; Fac. Class., SABH; Ident., MIA; Procedure No. 2, Amdt. 5; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 4; Dated 9 Feb. 63

MIA–VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
BSY–VOR	LOM	Direct	1500	C-dn	500–1	500–1	500–1½
MIA RBn	LOM	Direct	1500	S-dn-9L	500–1	500–1	500–1
PRR Rbn	LOM	Direct	1500	S-dn-9R	400–1	400–1	400–1
Krome Int	LOM (final)	Direct	1300	A-dn	800–2	800–2	800–2
Bayshore VHF Int	LOM	Direct	1500				
Rancho VHF Int	LOM	Direct	1600				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Outbnd, 086° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to Runway 9L, 086°—4.3 miles; facility to Runway 9R, 097°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing MF LOM, climb to 1500′ on crs of 086° within 20 miles of MF LOM.
NOTE: Holding pattern with 086° Inbnd crs, left turns may be used in lieu of procedure turn.
MSA: 000°–090°—2000′; 090°–180°—1400′; 180°–270°—1600′; 270°–360°—1300′.

City, Miami; State, Fla.; Airport Name, Miami International; Elev., 9′; Fac. Class., LOM; Ident., MF; Procedure No. 3, Amdt. 5; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 4; Dated, 30 Mar. 63

Deer Park VOR	Carol Int#	DPK R-229	2000	T-dn	300–1	300–1	200–½
Deer Park VOR (23.4 miles DME fix JFK R-078).	Carol Int#	JFK R-078 to 11.5 miles clockwise arc.	2000	C-dn	500–1	500–1	500–1½
				S-dn-31R	500–1	500–1	500–1
Sandy Hook Int	Carol Int#	DPK R-229	2000	A-dn	800–2	800–2	800–2
Sandy Hook Int (19 miles DME fix JFK R-190).	Carol Int#	JFK R-190 to 11.5 miles counterclockwise arc.	2000				
Carol Int#	LOM (final)	Direct	1500				
Kennedy VOR	LOM	Direct	1500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 132° Outbnd, 312° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 312°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, make left climbing turn to 2000′ on JFK R-190 to Sandy Hook Int. Hold S, 1-minute right turns, Inbnd crs 010° or, when directed by ATC, make right climbing turn to 1900′ to Kennedy (IW) LOM, hold NE, 1-minute left turns, Inbnd crs 223°.
CAUTION: Straight-in and circling minimums do not provide clearance over 277′ stack 1.1 mile SSE of Runway 4R.
#Carol Int: Int SE crs RTH ILS and DPK VOR R-229 (11.5 miles DME fix JFK VOR R-128).

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12′; Fac. Class., LOM; Ident., RT; Procedure No. 3, Amdt. Orig.; Eff. Date, 11 Apr. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SHR VOR	SHR RBn	Direct	6200	T-dn	400–1	400–1	400–1
Ucross FM	Sheridan FM	Direct	5900	C-dn	800–1	800–1	800–1½
Sheridan FM	Sheridan RBn# (final)	Direct	5200	A-dn	800–2	800–2	800–2
Ucross FM	Sheridan RBn	Direct	6200				

Procedure turn E side of crs, 117° Outbnd, 297° Inbnd, 6200′ within 10 miles.
Minimum altitude over facility on final approach crs, 5200′.
Crs and distance, facility to airport, 297°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing SHR RBn, climb to 8000′ on bearing 297° from SHR RBn Outbnd within 20 miles or, when directed by ATC, climb to 8000′ on the SHR VOR R-295 within 20 miles.
NOTE: ADF and fan marker receivers required for execution of this procedure.
MSA: 000°–090°—6800′; 090°–180°—14,500′; 180°–270°—15,200′; 270°–360°—10,600′.
#If SHR FM not received, procedure turn from SHR RBn at 6200′ required.

City, Sheridan; State, Wyo.; Airport Name, Sheridan-County; Elev., 4021′; Fac. Class., BH; Ident., SHR; Procedure No. 1, Amdt. 3; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 2; Dated, 22 Feb. 64

White House Int	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Mt. Sylvan Int	LOM (final)	Direct	1800	C-dn	400–1	500–1	500–1½
				S-dn-13	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side NW crs, 307° Outbnd, 127° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over TY LOM on final approach crs, 1800′.
Crs and distance, facility to airport, 127°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.6 miles after passing LOM, climb to 2000′ on crs 127° within 20 miles.
CAUTION: 990′ radio tower 3.6 miles E of airport.
MSA: 000°–090°—2100′; 090°–180°—2100′; 180°–270°—1900′; 270°–360°—1900′.

City, Tyler; State, Tex.; Airport Name, Pounds Field; Elev., 544′; Fac. Class., LOM; Ident., TY; Procedure No. 1, Amdt. 5; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 4; Dated, 16 Nov. 63

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-d	600–1	600–1	600–1½
				C-n	600–2	600–2	600–2
				A-dn*	800–2	800–2	800–2
				If aircraft is equipped with operating VOR/DME and 3-mile DME fix is received, minimums become:			
				C-dn	500–1	500–1	500–1½

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 276° Outbnd, 096° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; at 3-mile DME fix 800′.
Crs and distance, facility to airport, 096°—6.8 miles; 3-mile DME fix to airport, 096°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing UBS–VOR, climb to 1800′ on crs of 096° within 20 miles.
NOTE: 1. Weather service not available to public. 2. When authorized by ATC, DME may be used within 20 miles at 1800′ to position aircraft for a straight-in approach with the elimination of a procedure turn.
*AIR CARRIER NOTE: Alternate minimums authorized for air carriers only, provided such air carriers have approval of their arrangement for weather service at this airport.
MSB: 000°–090°—1700′; 090°–180°—1700′; 180°–270°—1800′; 270°–360°—1800′.

City, Columbus; State, Miss.; Airport Name, Columbus-Loundes County; Elev., 187′; Fac. Class., BVORTAC; Ident., UBS; Procedure No. 1, Amdt. 3; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 2; Dated, 15 Sept. 62

ADM VOR	DUC VOR	Direct	2600	T-dn	300–1	300–1	NA
LAW VOR	DUC VOR	Direct	2600	C-dn	500–1	500–1	NA
				S-dn-35	400–1	400–1	NA
				A-dn	*NA	*NA	NA

Procedure turn E side of crs, 147° Outbnd, 327° Inbnd, 2600′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 327°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing DUC VOR, turn right, climb to 2600′ and return to DUC VOR.
Other changes: Deletes transitions from Bray Int and Temple Int.
MSA: 000°–090°—2400′; 090°–180°—2300′; 180°–270°—2300′; 270°–360°—2700′.
*Weather service not available to the general public.
*AIR CARRIER NOTE: 800–2 authorized for carriers having approval of their arrangements for weather service at this airport.

City, Duncan; State, Okla.; Airport Name, Halliburton Field; Elev., 1125′; Fac. Class., L–BVOR; Ident., DUC; Procedure No. 1, Amdt. 2; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 1; Dated, 22 June 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Galveston RBn	GLS-VOR	Direct	1100	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring by Houston approach control may be used to position aircraft on final approach within 10 miles.
NW of Galveston VOR with elimination of procedure turn.
Procedure turn S side crs, 291° Outbnd, 111° Inbnd, 2200′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1100′; minimum altitude abeam GLS RBn on final approach crs, 600′.*
Crs and distance, facility to airport, 111°—7.5 miles; abeam GLS RBn, 111°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing GLS-VOR, climb to 1300′ on R-111 within 15 miles.
CAUTION: 231′ radio tower 7000′ NE of airport. 157′ water tank ESE of airport.
*Descent below 600′ not authorized until position abeam GLS RBn (011° bearing to GLS RBn) identified.

City, Galveston; State, Tex.; Airport Name, Scholes Field; Elev., 7′; Fac. Class., BVOR; Ident., GLS; Procedure No. 1, Amdt. 5; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 4; Dated, 12 May 62

Fort Sill Int	LAW-VOR	Direct	2700	T-dn	300-1	300-1	200-½
Duncan VOR	LAW-VOR	Direct	2600	C-dn	400-1	500-1	500-1½
Chattanooga Int	LAW-VOR	Direct	2600	S-dn-35	400-1	400-1	400-1
Temple Int	LAW-VOR	Direct	2600	A-dn‡	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Hold S of LAW VOR, R-167 Outbnd, 347° Inbnd, left turns, 1-minute, 2800′.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 347°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LAW VOR, turn left and climb to 2600′ on LAW VOR R-196 within 20 miles.
‡Fort Sill approach control, at Post AAF (part time control zone).
MSA: 000°-090°—2700′; 090°-180°—2300′; 180°-270°—2200′; 270°-360°—3500′.

City, Lawton; State, Okla.; Airport Name, Lawton Municipal; Elev., 1109′; Fac. Class., L-BVOR; Ident., LAW; Procedure No. 1, Amdt. 7; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 6; Dated, 14 Dec. 63

				T-dn*	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 309° Outbnd, 129° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 129°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing MEI-VOR, turn right, climb to 2000′ on R-170 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 2000′ to position aircraft for a straight-in approach with the elimination of a procedure turn.
*ARA CAMERA NOTE: Takeoffs with less than 200-½ not authorized Runways 5-23.
CAUTION: Trees 600′ 2 miles E of airport. 1000′ tower 2.5 miles E of airport. 880′ tower 4.2 miles SE of airport.
MSA: 000°-090°—2000′; 090°-180°—2000′; 180°-270°—1600′; 270°-360°—1600′.

City, Meridian; State, Miss.; Airport Name, Key Field; Elev., 297′; Fac. Class., BVORTAC; Ident., MEI; Procedure No. 1, Amdt. 5; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 4; Dated, 8 Sept. 62

Miami RBn	MIA VOR	Direct	1500	T-dn	300-1	300-1	200-½
MIA VOR	Marty Int* (final)	Direct	1000	C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				If aircraft equipped with VOR and ADF receivers operating normally and Marty Int* received the following minimums are authorized:			
				C-dn	500-1	500-1	500-1½
				S-dn-12	500-1	500-1	500-1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 315° Outbnd, 135° Inbnd, 1500′ within 10 miles.
Procedure turn nonstandard to provide separation with northbound traffic.
Minimum altitude over facility on final approach crs, 1500′, over Marty Int* 1000′.
Crs and distance, facility to airport, 138°—13.2 miles, Marty Int* to airport, 138°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Marty Int,* or 13.2 miles after passing MIA VOR, climb to 1500′ on R-138 within 20 miles from MIA-VOR.
*Marty Int: Int of MIA VOR R-138 and 202° bearing to MF LOM or 8.6 miles DME fix on MIA VOR R-138 or 8.6-mile radar fix on MIA-VOR R-138.
MSA: 000°-090°—2000′; 090°-180°—1500′; 180°-270°—1600′; 270°-360°—1200′.

City, Miami; State, Fla.; Airport Name, Miami International; Elev., 9′; Fac. Class., BVORTAC; Ident., MIA; Procedure No. 1, Amdt. 14; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 13; Dated, 9 Feb. 63

				T-dn	400-1	400-1	400-1
				C-dn	800-1	800-1	800-1½
				S-dn-13	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 302° Outbnd, 122° Inbnd, 7000′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 5700′.
Crs and distance, facility to airport, 122°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing VOR, climb to 8000′ on R-121 within 20 miles.
NOTE: All turns to be made on N side of course; high terrain to the S.
MSA: 000°-090°—6800′; 090°-180°—15,200′; 180°-270°—13,500′; 270°-360°—9400′.

City, Sheridan; State, Wyo.; Airport Name, Sheridan County; Elev., 4021′; Fac. Class., BVORTAC; Ident., SHR; Procedure No. 1, Amdt. 4; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 3; Dated, 22 Feb. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ucross FM	Sheridan FM (final)	Direct	5900	T-dn	400-1	400-1	400-1
				C-dn	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 121° Outbnd, 301° Inbnd, 6500′ within 10 miles of Sheridan FM.*
Minimum altitude over Sheridan FM on final approach crs, 5900′.
Crs and distance, Sheridan FM to airport, 300°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing Sheridan FM, climb straight ahead to SHR-VOR and climb to 8800′ on R-295 within 20 miles.
NOTE: High terrain S and W, all turns E side of crs.
NOTES: 1. VOR and fan marker receivers required for execution of this procedure. 2. If SHR FM not received, proceed to SHR VOR at 6500′. 3. Final approach from holding pattern at VOR not authorized. Procedure turn required.
MSA: 000°-090°—6800′; 090°-180°—15,200′; 180°-270°—13,600′; 270°-360°—10,600′.
*Procedure based on unmonitored facility (SHR FM); if SHR FM not operating, procedure not authorized.

City, Sheridan; State, Wyo.; Airport Name, Sheridan-County; Elev., 4021′; Fac. Class., BVORTAC; Ident., SHR; Procedure No. 2, Amdt. 2; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 1; Dated, 22 Feb. 64

PROCEDURE CANCELLED, EFFECTIVE 11 Apr. 1964.

City, Winner; State, S. Dak.; Airport Name, Bob Wiley Field; Elev., 2038′; Fac. Class., BVORTAC; Ident., ISD; Procedure No. 1, Amdt. 1; Eff. Date, 15 Sept. 62; Sup. Amdt. No. Orig.; Dated, 23 June 62

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 11 Apr. 64.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., BVORTAC; Ident., HOU; Procedure No. TerVOR-3, Amdt. 5; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 4; Dated, 30 Apr. 60

PROCEDURE CANCELLED, Effective 11 Apr. 64.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., BVORTAC; Ident., HOU; Procedure No. TerVOR-21, Amdt. 5; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 4; Dated, 30 Apr. 60

LSE-VOR	Midway Int	Direct	2400	T-d¢	*400-1	*400-1	¢400-1
ONA VOR	Holman Int	Direct	2800	T-n¢	*400-1½	*400-1½	¢400-1½
ODI VOR	Midway Int	Direct	2400	C-d	600-1	600-1	600-1½
Holman Int	Midway Int (final)	Direct	1900	C-n	600-2	600-2	600-2
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2400′ within 10 miles of Midway Int.
Minimum altitude over Midway Int on final approach crs, 2100′.
Facility on airport.
Crs and distance, Midway Int to VOR, 138°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0.0 mile after passing LSE VOR, make immediate right climbing turn, climb to 2400′ on LSE VOR R-318, within 10 miles.
NOTE: Procedure authorized only for aircraft equipped with dual omni receivers operating simultaneously.
Other change: Deletes Caution Note.
MSA: 000°-360°—2800′.
*800-1 authorized on Runways 31 and 36.
¢800-½ authorized on Runways 31 and 36.
‡When weather is below 800-2 aircraft departing Runways 3, 13, 18 and 21, flight below 1900′ beyond 2 miles of airport is prohibited between radials 040° and 270°, inclusive of the LSE VOR.

City, La Crosse; State, Wis.; Airport Name, Municipal; Elev., 653′; Fac. Class., L-BVOR; Ident., LSE; Procedure No. TerVOR-13, Amdt. 3; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 2; Dated, 1 Sept. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LSE RBn	LSE VOR	Direct	2400	T–d**	*400–1	*400–1	#400–1
ODI VOR	LSE VOR	Direct	2400	T–n**	*400–1½	*400–1½	#400–1½
Westby Int	LSE VOR	Direct	2400	C–dn	1000–2	1000–2	1000–2
				A–dn	1000–2	1000–2	1000–2
				¢Following minimums authorized after passing Neetsie Int$:			
				C–d	600–1	600–1	600–1½
				C–n	600–2	600–2	600–2
				S–dn	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Facility on airport.
Crs and distance, breakoff point to Runway 18, 175°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LSE–VOR, make right climbing turn to 2400′ on R–318 LSE VOR within 10 miles.
Other changes: Deletes Caution Note.
MSA: 000°–360°—2800′.
*300–1 authorized on Runways 31 and 36.
#200–½ authorized on Runways 31 and 36.
¢Authorized only for aircraft with dual omni receivers operating simultaneously or omni and ADF.
$Neetsie Int: Int LSE VOR R–350 and ODI VOR R–075 or 090° bearing from LSE RBn.
**When weather is less than 800–2 aircraft departing Runways 3, 13, 18 and 21, flight below 1900′ beyond 2 miles of airport is prohibited between radials 040° and 270° inclusive of the LSE VOR.

City, La Crosse; State, Wis.; Airport Name, Municipal; Elev., 653′; Fac. Class., L–BVOR; Ident., LSE; Procedure No. TerVOR–18, Amdt. 2; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 1; Dated, 24 May 58

LSE RBn	LSE VOR	Direct	2900	T–de	*400–1	*400–1	#400–1
ODI–VOR	LSE VOR	Direct	2900	T–ne	*400–1½	*400–1½	#400–1½
Westby Int	LSE VOR	Direct	2900	C–d	600–1	600–1	600–1½
				C–n	600–2	600–2	600–2
				S–dn–36	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 2900′ within 10 miles of Ronnie Int.**
Minimum altitude over Ronnie Int** on final approach crs, 2600′.
Facility on airport.
Crs and distance, Ronnie Int** to VOR, 001°—6.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LSE VOR, make left climbing turn, climb to 2400′ on LSE R–318 within 10 miles.
NOTE: Procedure authorized only for aircraft with dual omni receivers operating simultaneously or omni and ADF.
Other change: Deletes transmission from Hokah Int.
MSA: 000°–360°—2800′.
*300–1 authorized on Runways 31 and 36.
#200–½ authorized on Runways 31 and 36.
**Ronnie Int: Int ODI VOR R–131 and LSE VOR R–181.
¢When weather is less than 800–2 aircraft departing Runways 3, 13, 18 and 21, flight below 1900′ beyond 2 miles of airport is prohibited between radials 040° and 270° inclusive of the LSE VOR.

City, La Crosse; State, Wis.; Airport Name, Municipal; Elev., 653′; Fac. Class., L–BVOR; Ident., LSE; Procedure No. TerVOR–36, Amdt. 6; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 5; Dated, 26 Aug. 61

Goffs VOR	Crescent Int	Direct	9000	T–dn	300–1	300–1	200–½
Boulder VOR	Sloan Int	Direct	8000	C–dn	500–1	500–1	500–1½
Goodsprings Int	Sloan Int	Direct	8000	A–dn	800–2	800–2	800–2
Crescent Int	Sloan Int	Direct	6100				
Sloan Int	Arden Int (final)	Direct	3800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 165° Outbnd, 345° Inbnd, 8000′ within 10 miles of Sloan Int.
Minimum altitude over Sloan Int on final approach crs, 6100′; over Arden Int, 3800; over VOR, 2700′.
VOR on airport.
Crs and distance, Arden Int to VOR, 345°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LAS VOR, turn right, climb to 5000′ on R–065 to Klds Int.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171′; Fac. Class., BVORTAC; Ident., LAS; Procedure No. TerVOR R–165, Amdt. 2; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 1; Dated, 14 Sept. 63

SCK–VOR	MOD–VOR	Direct	2000	T–dn	300–1	300–1	200–½
Woodward Int	MOD–VOR	Direct	2000	C–dn	500–1	500–1	500–1½
SCK–VOR	Salida Int*	Direct	2000	A–dn#	NA	NA	NA
Salida Int*	MOD–VOR (final)	Direct	600				

Procedure turn S side of crs, 274° Outbnd, 094° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing MOD–VOR, make right climbing turn to 2000′ on MOD–VOR R–274 within 20 miles.
Other change: Deletes radar authorization.
*Salida Int: Int MOD–VOR R–274 and SCK–VOR R–147.
#Alternate minimum of 800–2 authorized for air carriers with weather reporting service available at the airport.

City, Modesto; State, Calif.; Airport Name, Modesto City-County; Elev., 96′; Fac. Class., L–VOR; Ident., MOD; Procedure No. TerVOR–11L, Amdt. Orig.; Eff. Date, 11 Apr. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SCK–VOR	MOD–VOR	Direct	2000	T–dn	300–1	300–1	200–½
Woodward Int	MOD–VOR	Direct	2000	C–dn	500–1	500–1	500–1½
SCK–VOR	Salida Int	Direct	2000	S–dn–29R	500–1	500–1	500–1
Salida Int	MOD VOR	Direct	2000	A–dn*	NA	NA	NA

Procedure turn S side of crs, 102° Outbnd, 282° Inbnd, 1600′ within 10 miles. Procedure turn S side of crs to provide separation from Castle AFB traffic.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport. Crs and distance, breakoff point to approach end of Runway, 287°—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MOD VOR, climb to 2000′ on MOD VOR R–274 within 20 miles.
Other change: Deletes radar authorization.
*Alternate minimum of 800–2 authorized for air carriers with weather reporting service available at the airport.

City, Modesto; State, Calif.; Airport Name, Modesto City-County; Elev., 96′; Fac. Class., L–VOR; Ident., MOD; Procedure No. TerVOR–29R, Amdt. 2; Eff. Date, 11 Apr. 64; Sup Amdt. No. 1; Dated, 25 Jan. 64

PROCEDURE CANCELLED, EFFECTIVE 11 Apr. 1964.

City, Modesto; State, Calif.; Airport Name, Modesto City-County; Elev., 96′; Fac. Class., BVOR; Ident., MOD; Procedure No. TerVOR R–274, Amdt. Orig.; Eff. Date, 7 Sept. 63

4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10-mile DME fix R–017	5-mile DME fix R–017	Direct	1500	T–dn	300–1	300–1	200–½
5-mile DME fix R–017	Houston VOR (final)	Direct	500	C–du	400–1	500–1	500–1½
				S–dn–21	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Radar fix may be used in lieu of DME fix.
Procedure turn W side of crs, 017° Outbnd, 197° Inbnd, 1500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 500′.*
Crs and distance breakoff point to approach end Runway 21, 216°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile HOU VOR, climb to 2500′ on R–218 within 20 miles.
CAUTION: 1549′ tower approximately 13 miles SW Houston International Airport. 1235′ tower approximately 9 miles SE of HOU VOR.
*After completion of procedure turn, descent below 1500′ not authorized until passing 5-mile DME fix.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., H–BVORTAC; Ident., HOU; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 11 Apr. 64

10-mile DME fix R–231	5-mile DME fix R–231	Direct	1500	T–dn	300–1	300–1	200–½
5-mile DME fix R–231	Houston VOR (final)	Direct	500	C–dn	400–1	500–1	500–1½
				S–dn–3	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Radar fix may be used in lieu of DME fix.
Procedure turn S side of crs, 231° Outbnd, 051° Inbnd, 2500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach course, 500′.*
Course and distance, breakoff point to approach end Runway 3, 036°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile HOU VOR, climb to 1600′ on R–036 within 20 miles.
CAUTION: 1549′ tower approximately 13 miles SW Houston International Airport. 1235′ tower approximately 9 miles SE of HOU VOR.
*After completion of procedure turn, descent below 2500′ not authorized until passing 10-mile DME fix.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., H–BVORTAC; Ident., HOU; Procedure No. VOR/DME No. 3, Amdt. Orig.; Eff. Date, 11 Apr. 64

Goffs VOR	18.3-mile DME fix LAS R–165 (Crescent Int).	Direct	9000	T–dn	300–1	300–1	200–½
18.3-mile DME fix LAS R–165 (Crescent Int).	8.4-mile DME fix LAS R–165 (Sloan Int).	Direct	6100	C–dn	500–1	500–1	500–1½
8.4-mile DME fix LAS R–165 (Sloan Int)	4.0-mile DME fix LAS R–165 (final) (Arden Int).	Direct	3800	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over 4.0-mile DME fix R–165 (Arden Int) on final approach crs, 3800′, over VOR, 2700′.
VOR on airport.
Crs and distance, 4.0-mile DME fix R–165 (Arden Int) to airport, 345°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LAS VOR, turn right, climb to 5000′ on R–065 to 12.9-mile DME fix (Klds Int).
NOTES: When authorized by ATC, DME may be used from 15.0 miles to 19.0 miles at 8000′ altitude from LAS R–210 counterclockwise to LAS R–165 and from 15.0 miles to 19.0 miles at 7000′ altitude from LAS R–029 clockwise to LAS R–165 to position aircraft for a straight-in approach with the elimination of the procedure turn.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171′; Fac. Class., BVORTAC; Ident., LAS; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 2; Dated, 20 July 63

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Harcum R-134	Bayside Int	Direct	2000	T-dn	300-1	300-1	200-½
Bayside Int ORF 041°	Ocean Park Int 6.2-mi DME fix	Direct	1700	C-dn*	500-1	500-1	500-1½
Ocean Park Int 6.2-mile DME fix	ORF VORTAC (final)	Direct	500	S-dn-22°	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 041° Outbnd, 221° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over 6.2-mile DME fix or Ocean Park Int, 1700′.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, DME fix to VOR 221°—6.2 miles; DME fix to airport 5.7 miles; breakoff point to runway 0.9 mile or 1.7 miles DME.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, climb to 2500′ on ORF R-233 direct to Deep Creek Int. Hold SW 1-minute left turns.
NOTES: 1. Ocean Park Int authorized for non-DME equipped aircraft in lieu of 6.2-mile DME fix for 500-1 minimums. 2. When authorized by ATC, DME may be used within 10 miles at 1700′ altitude to position aircraft for a straight-in approach with elimination of procedure turn.
CAUTION: 209′ tower 1.7 miles N of airport.
*If 6.2-mile DME fix or Ocean Park Int not received on final, minimums of 700′ apply.
MSA: 000°-090°—1300′; 090°-180°—1200′; 180°-270°—2100′; 270°-360°—1500′.

City, Norfolk; State, Va.; Airport Name, Norfolk Municipal; Elev., 26′; Fac. Class., BVORTAC; Ident., ORF; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date 11 Apr. 64

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Meadows Int**	Lima OM (final when GS not utilized)	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	NA	NA	NA
				S-dn-14R#	200-½	200-½	200-½
				S-dn-14L*$	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn not authorized. Radar vectoring to final approach crs required.
Crs, Romeo LOM to Runway 14R, 138°; Lima LOM to Runway 14L, 138°.
Minimum altitude at glide slope interception Inbnd, 14R—2200′; 14L—3200′ (2500′ when authorized by ATC).
Altitude of glide slope and distance to approach end of runway at OM, 14R: 2132′—5.3 miles, 14L: 2481′—5.7 miles; at MM, 14R: 861′—0.5 mile, 14L: 900′—0.6 mile.
When advised by the controller or if visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 14R: turn right to heading of 155° and climb to 1500′, then make right climbing turn to 3500′ and proceed to PDA-VOR via R-085, Runway 14L: turn left to heading of 120° and climb to 1500′, make left climbing turn to 3500′ and proceed to Evanston Int via ORD R-075.
Runways 14R and 14L: Aircraft executing missed approach may, after being reidentified, be radar controlled.
**Meadows Int: Int NW crs OHA ILS and OBK R-213.
*No approach lights.
#S-dn-14R: 400-¾ required when glide slope not utilized.
$S-dn-14L: 400-1 required when glide slope not utilized.
NOTES: (1) Use of this procedure is mandatory when conducting a parallel ILS approach, and is authorized only when airborne 75 mc (or ADF), localizer, and glide slope receivers are operating simultaneously. A radar fix in lieu of Meadows Intersection will be provided upon pilot's request. (2) When any required airborne receiver in Note (1) is malfunctioning or a parallel approach is not desired, immediate notification of approach control is mandatory. (3) When advised that parallel operations are in progress, the pilot will check his authorization and restrictions for Runways 14L and 14R, and be prepared to accept or reject an approach to either. (4) When advised by ATC, pilot shall monitor both control frequency and localizer voice continuously during the remainder of the approach.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-ORD and I-OHA; Procedure No. Parallel ILS-14R and 14L, Amdt. 1; Eff. Date, 11 Apr. 64; Sup. Amdt. No. Orig.; Dated, 15 Dec. 62

CGT VOR	Stack Int#	Via CGT R-356 and SE crs ORD ILS.	3500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32L	400-¾	400-¾	400-¾
API VOR	Stack Int# (Final not authorized)	Direct	3500	A-dn	800-2	800-2	800-2
Niles Int	Stack Int#	Via API R-088 and SE crs OHA ILS.	3500				
ORD VOR	Stack Int# (final not authorized)	Direct	3500				
OBK VOR	Stack Int# (final not authorized)	Direct	3500				
Stack Int#	BEG Rbn (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK R-271 and ORD VOR R-306.	3500				

Radar transition to final approach crs authorized. Aircraft may be released for final approach Inbnd to BEG Rbn on final approach crs to cross BEG Rbn at 2300′.
Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 3500′ within 10 miles of Stack Int.#
Minimum altitude over BEG Rbn on final approach crs, 2300′, over Stack Int# 3500′.
Crs and distance, BEG Rbn to airport, 318°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing BEG Rbn, turn left to 300° heading, climb to 1500′, then make left climbing turn to 3500′ and proceed direct to DPA VOR.
NOTES: 1. Functioning VOR receiver required unless a radar vector to final approach crs is obtained. 2. No glide slope, or middle compass locator. 3. VGSI installed. 4. Aircraft executing missed approach may be radar controlled after radar identification.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3 will intercept ORD-VOR R-250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000-3 will intercept ORD-VOR R-306 and climb to 2000′ before proceeding westbound. Motel sign 1¾ miles from approach end Runway 32L may be mistaken for approach lights.
#Stack Int: Int SE crs ORD ILS and API-VOR R-073.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-ORD; Procedure No. ILS-32L, Amdt. 4; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 3; Dated, 29 Sept. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CGT VOR	Park Int#	Via CGT R-356 and SE crs OHA ILS.	3500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32R	400-1	400-1	400-1
API VOR	Park Int# (final not authorized)	Direct	3500	A-dn	800-2	800-2	800-2
Niles Int	Park Int#	Via API R-088 and SE crs OHA ILS.	3500				
ORD VOR	Park Int# (final not authorized)	Direct	3500				
OBK VOR	Park Int# (final not authorized)	Direct	3500				
Park Int#	FMR Rbn (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK R-271 and ORD VOR R-306.	3500				

Radar transition to final approach crs authorized. Aircraft may be released for final approach Inbnd to FMR Rbn on final approach crs to cross FMR Rbn at 2300′.
Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 3500′ within 10 miles of Park Int.#
Minimum altitude over FMR Rbn on final approach crs, 2300′; over Park Int# 3500′.
Crs and distance, FMR Rbn to airport, 318°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles of FMR Rbn, turn right to 335° heading, climb to 1500′ then make right climbing turn to 3500′ and proceed to Evanston Int via ORD VOR R-075.
NOTES: 1. Functioning VOR receiver required unless a radar vector to final approach course is obtained. 2. No glide slope, middle compass locator or approach lights. 3. Aircraft executing missed approach may be radar controlled after radar identification.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3 will intercept ORD-VOR R-250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000-3 will intercept ORD-VOR R-306 and climb to 2000′ before proceeding westbound. Motel sign 1¾ miles from approach end Runway 32L may be mistaken for approach lights.
#Park Int: Int SW crs OHA ILS and API-VOR R-073.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-OHA; Procedure No. ILS-32R, Amdt. 2; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 1; Dated, 19 May 62

Mt. Healthy Int	SI LOM	Direct	2200	T-dn	300-1	300-1	200-½
New Baltimore Int	SI LOM (final)	Direct	2000	C-dn	400-1	500-1	500-1½
Union Int	SI LOM	Direct	2300	S-dn-18*	200-½	200-½	200-½
CVG VOR	SI LOM	Direct	2300	A-dn	600-2	600-2	600-2
LUK LFR	SI LOM	Direct	2700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1973′—4.0 miles; at MM, 1064′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on S crs of ILS to CV LOM. Hold S, 1-minute right turns, 360° Inbnd.
CAUTION: 1746′ tower 13 miles NE of airport; 1167′ tower 19 miles NNE of airport; 1120′ tower 11 miles NW of airport.
*400-1 required when glide slope not utilized.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., ILS; Ident., I-SIC; Procedure No. ILS-18, Amdt. 1; Eff. Date, 11 Apr. 64; Sup. Amdt. No. Orig.; Dated, 12 Dec. 63

Echo Int	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Dothan VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Hartford Int	LOM	Direct	2000	S-dn-6*	300-¾	300-¾	300-¾
Enterprise RBn	LOM	Direct	2000	A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 miles.
Nonstandard due to airway 8.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM 1983′—5.8 miles; at MM 496′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2000′ on R-280 OZR-VOR within 20 miles.
NOTE: Authorized for military use only except by prior arrangement.
Other change: Deletes minimum altitude over LOM.
*400-¾ required when glide slope not utilized.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class., ILS; Ident., I-OZR; Procedure No. ILS-6, Amdt. 1; Eff. Date, 11 Apr. 64; Sup. Amdt. No. Orig.; Dated, 8 Dec. 62

GRB-VOR	Stadium Int	Direct	2300	T-dn	300-1	300-1	200-½
Little Rapids Int*	Stadium Int	Direct	2300	C-dn	400-1	500-1	500-1½
Clare Int$	Stadium Int	Direct	2300	S-dn-24	400-1	400-1	400-1
Freedom Int*	Stadium Int	Direct	2300	A-dn	800-2	800-2	800-2
Oneida Int**	Stadium Int	Direct	2300				
Green Bay LOM	Stadium Int	Direct	2300				

Procedure turn N side of crs, 059° Outbnd, 239° Inbnd, 2300′ within 10 miles of Stadium Int.
No glide slope.
Minimum altitude over Stadium Int on final approach crs, 2000′.
Crs and distance, Stadium Int to airport, 239°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Stadium Int, climb to 2300′ on SW crs GRB ILS, proceed to LOM or, when directed by ATC, make right climbing turn to 2300′, proceed direct to GRB-VOR.
NOTE: Due to 2049′ tower 7 miles SE of airport, aircraft departing on Runway 18 which are southeastbound, climb to 2500′ on runway heading before proceeding on crs. Aircraft departing Runway 12 which are southeastbound, turn left after takeoff, climb to above 2500′ on an 075° bearing from the GR LOM before proceeding on crs.
*Freedom Int: Int GRB VOR R-204 and SW crs ILS.
**Oneida Int: Int ORB VOR R-181 and SW crs ILS.
*Little Rapids Int: Int GRB VOR R-164 and SW crs ILS.
$Clare Int: Int GRB VOR R-130 and NE crs ILS.
Stadium Int: Int R-099 GRB VOR and NE crs ILS.
MSA: 000°-360°—3000′.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694′; Fac. Class., ILS; Ident. I-GRB; Procedure No. ILS-24, Amdt. 2; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 1; Dated, 28 Dec. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Houston VOR	LOM	Direct	2000	T–dn#	300–1	300–1	200–½
Houston RBn	LOM	Direct	2000	C–dn	400–1	500–1	500–1½
Fairbanks Int	LOM	Direct	2000	S–dn–36%–	200–½	200–½	200–½
Arcola Int	LOM (Final)	via LOC	*1300	A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side SW crs, 216° Outbnd, 036° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at OM, 1260′—4.2 miles; at MM, 250′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600′ on NE crs ILS within 20 miles or, when directed by ATC, turn left, climb to 1900′ on HOU VOR R–306.
CAUTION: 1549′ tower approximately 8.5 miles W of LOM. 1235′ tower approximately 9.0 miles SE of LOM.
Other changes: Deletes transitions from Houston FM. Radar note revised.
%400–¾ required when glide slope not utilized.
*Descent below 2000′ not authorized until established on localizer.
#Runway visual range 2000′ also authorized for takeoff on Runway 3 in lieu of 200–½ when 200–½ authorized; provided high-intensity runway lights are operational.
#Runway visual range 2600′ also authorized for landing on Runway 3; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 250′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., ILS; Ident., I–HOU; Procedure No. ILS–3, Amdt. 24; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 23′ Dated, 3 Nov. 62

Meridian VOR	LOM (HW)	Direct	2000	T–dn	300–1	300–1	200–½
Stratton Int	LOM (HW)	Direct	2000	C–dn	500–1	600–1	600–1½
Decatur Int	LOM (HW)	Direct	2000	S–dn–1#–	300–¾	300–¾	300–¾
Newton Int	LOM (HW)	Direct	2000	A–dn	600–2	600–2	600–2
Rose Hill Int	LOM (HW)	Direct	2000				
York Int	LOM (HW)	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 184° Outbnd, 004° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM 1700′—4.5 miles, at MM 506′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2000′, proceed direct to MEI VOR. Hold NW on R–309, 1-minute right turns or, when directed by ATC, turn left and return to LOM at 2000′.
NOTE: Takeoffs with less than 200–½ not authorized on Runways 5 and 23. No approach lights. Overrun lights and high-intensity runway lights only on Runway 1–19 Runway 9–27 closed.
CAUTION: Trees 600′ 2 miles E of airport. 1000′ tower 2.5 miles E of airport. 880′ tower 4.2 miles SE of airport.
#500–1 required when glide slope not used.

City, Meridian; State, Miss.; Airport Name, Key Field; Elev., 297′; Fac. Class., ILS; Ident., I–MEI; Procedure No. ILS–1, Amdt. 7; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 6; Dated, 14 July 62

MIA–VOR	LOM	Direct	1500	T–dn	300–1	300–1	200–½
BSY–VOR	LOM	Direct	1500	C–dn	500–1	500–1	500–1½
MIA RBn	LOM	Direct	1500	S–dn–9L*	200–½	200–½	200–½
Krome Int	LOM (final)	Direct	1300	A–dn	600–2	600–2	600–2
Rancho VHF Int	LOM	Direct	1600				
Bayshore VHF Int	LOM	Direct	1500				
PRR RBn	LOM	Direct	1600				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Outbnd, 086° Inbnd, 1400′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at OM, 1225′—4.5 miles; at MM, 192′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500′ on E crs ILS within 20 miles or climb to 1500′ on crs of 086° from MF–LOM within 20 miles.
NOTE: Holding pattern with 086° Inbnd crs, left turns may be used in lieu of procedure turn.
*400–¾ required when glide slope inoperative.

City, Miami; State, Fla.; Airport Name, Miami International; Elev., 9′; Fac. Class., ILS; Ident., I–MFA; Procedure No. ILS–9L, Amdt. 3; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 2; Dated, 22 Dec. 62

Carmel Int	LOM	Direct	4000	T–dn*	300–1	300–1	300–1
Salinas VOR	LMM	Direct	3000	C–d	700–2	700–2	700–2
Salinas VOR	Marina Int	Direct	2000	C–n	700–3	700–3	700–3
Marina Int	LOM	Direct	2000	S–dn–10#	300–1	300–1	300–1
Shark Int	Seal Int	Direct	4000	A–d	700–2	700–2	700–2
Seal Int**	LOM (final)	Direct	1700	A–n	700–3	700–3	700–3

Procedure turn S side of W crs, 276° Outbnd, 096° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at LOM, 1630′—4.3 miles; at MM, 370′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate left climbing turn, proceed direct to LOM climbing to 2000′ in a 1-minute holding pattern 096° Inbnd, right turns.
CAUTION: Circling minimums do not provide standard clearance over terrain S of airport. All maneuvering for circling approaches must be accomplished north of localizer crs.
AIR CARRIER NOTE: No reductions in visibility minimums authorized, except for takeoff on Runway 28.
*500–1 required for takeoff Runway 6.
**Seal Int: Int W crs MRY ILS and R–308 BSR–VOR.
#400–1 required with any component of the ILS inoperative except that 700–1½ required with glide slope inoperative.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class., ILS; Ident., I–MRY; Procedure No. ILS–10, Amdt. 10; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 9; Dated, 25 Jan. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Deer Park VOR	Carol Int#	DPK R–229	2000	T–dn*	300–1	300–1	200–½
Deer Park VOR (23.4-mile DME fix JFK R–078).	Carol Int#	JFK R–078 to 11.5-mile clockwise arc.	2000	C–dn	500–1	500–1	500–1½
Sandy Hook Int	Carol Int#			S–dn–31R%–	300–¾	300–¾	300–¾
Sandy Hook Int (19-mile DME fix JFK R–190).	Carol Int#	DPK R–229	2000	A–dn	600–2	600–2	600–2
		JFK R–190 to 11.5-mile counter clockwise arc.	2000				
Carol Int#	LOM (final)	Direct	1500				
Kennedy VOR	LOM	Direct	1500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of SE crs, 132° Outbnd, 312° Inbnd, 1500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1466′—5.6 miles; at MM, 198′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 500′, make climbing left turn to 2000′ on JFK R–190 to Sandy Hook Int (19-mile DME fix). Hold S, 1-minute right turns, Inbnd crs 010°.
CAUTION: Circling minimums do not provide standard clearance overstack 277′ 1.1 miles SSE of Runway 4R.
#Carol Int: Int SE crs RTH ILS and DPK VOR R–229 (11.5-mile DME fix JFK VOR R–128).
*Runway visual range 2000′ is authorized for takeoff on Runway 31L and 4R in lieu of 200–½ when 200–½ is authorized, provided associated high-intensity runway lights are operational.
%400–1 required when glide slope not utilized.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12′; Fac. Class., ILS; Ident., I–RTH; Procedure No. ILS–31R, Amdt. Orig.; Eff. Date, 11 Apr. 64

PDX VOR	Levee Int	Direct	3200	T–dn*	300–1	300–1	200–½
UBG VOR	Levee Int	Direct	3200	C–dn#	700–1	700–1	700–1½
Pearson Int	Levee Int	Direct	3200	S–dn–10L	600–1	600–1	600–1
Buxton Int	Levee Int (final)	Direct	2900	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3200′ within 10 miles of Levee Int.
Minimum altitude over Levee Int on final approach crs, 2900′; over Portal Int, 1000′.
Crs and distance, Levee Int to airport, 098°—9.8 miles; Portal Int to airport, 098°—4.4 miles.
No glide slope. (Back course.)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing Portal Int, climb to 3700′ direct to IA LOM, continue climb in a 1-minute left turn holding pattern E of IA LOM or, when directed by ATC, turn left, climb to 4000′ direct to PDX VOR.
NOTE: Dual VHF receivers required for this approach.
*200–½ authorized Runways 10R/L and 28R/L only. 700–2 required on Runways 2 and 20.
#CAUTION: 600′ terrain 1.8 miles SE of airport.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23′; Fac. Class., ILS; Ident., I–IAP; Procedure No. ILS–10L (Back course), Amdt. 1; Eff. Date, 11 Apr. 64; Sup. Amdt. No. Orig.; Dated, 16 Nov. 63

Tyler RBn	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Mt. Sylvan Int	LOM (final)	Direct	1800	C–dn	400–1	500–1	500–1½
Fruitvale Int	Mt. Sylvan Int	Via NW crs ILS	2000	S–dn–13	200–½	200–½	200–½
White House Int	LOM	Direct	2000	A–dn	600–2	600–2	600–2
GGG–VOR	White House Int	Direct	2200				

Procedure turn W side NW crs, 307° Outbnd, 127° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope int Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM 1800′—4.6 miles, at MM 720′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on SE crs ILS (127°) within 20 miles.
CAUTION: 990′ radio tower 3.6 miles E of airport.

City, Tyler; State, Tex.; Airport Name, Pounds Field; Elev., 544′; Fac. Class., ILS; Ident., I–TYR; Procedure No. ILS–13, Amdt. 5; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 4; Dated, 16 Nov. 63

TYR RBn	Lake Tyler Int	Direct	2000	T–dn	300–1	300–1	200–½
GGG–VOR	White House Int	Via R–240	2200	C–dn	400–1	500–1	500–1½
White House Int	Lake Tyler Int (final)	Direct	1600	S–dn–31	400–1	400–1	400–1
Mt. Sylvan Int	Lake Tyler Int	Direct	2000	A–dn	800–2	800–2	800–2

Procedure turn E side SE crs, 127° Outbnd, 307° Inbnd, 2000′ within 10 miles of Lake Tyler Int. Beyond 10 miles not authorized.
No glide slope. Altitude over Lake Tyler Int, 1600′.
Crs and distance, Lake Tyler Int to Runway 31, 307°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Lake Tyler Int climb to 2000′ on NW crs of ILS within 10 miles.
CAUTION: 990′ radio tower 3.6 miles E of airport.

City, Tyler; State, Tex.; Airport Name, Pounds Field; Elev., 544′; Fac. Class., ILS; Ident., I–TYR; Procedure No. ILS–31, Amdt. 5; Eff. Date, 11 Apr. 64; Sup. Amdt. No. 4; Dated, 16 Nov. 63

6. By amending the following radar procedures prescribed in § 97.19 to read:

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(1) *Wage rates.* All such persons shall to report to a place other than the field,

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
248°-----	180°-----	0–20 miles-----	***2000	T-dn*-----	300–1	300–1	200–½
180°-----	248°-----	0–15 miles-----	***2000	C-dn–14L and R, 32L and R, 27, 22**----	400–1	500–1	500–1½
180°-----	248°-----	15–20 miles-----	***2300		600–2	600–2	600–2
				C-dn–4-----			
				S-dn–14L and R, 32L and R, 27, 22**----	400–1	400–1	400–1
				S-dn–4-----	600–2	600–2	600–2
				A-dn-----	800–2	800–2	800–2
				Precision approach			
				T-dn%*-----	300–1	300–1	200–½
				C-dn-----	400–1	500–1	500–1½
				S-dn–14R, 27#---	200–½	200–½	200–½
				S-dn–32L, 22, 14L, 32R, 4----	300–¾	300–¾	300–¾
				A-dn-----	600–2	600–2	600–2

All bearings are from radar site with sector azimuths progressing clockwise.

***Radar control will provide 1000′ vertical clearance within a 3-mile radius of towers 1187′ 15 miles NW, 1460′ 5.5 miles W, 1413′ 4.9 miles W, 1508′ 7.2 miles SW, 1155′ 4.8 miles SW, 1120′ 3.5 miles SW, 1504′ 14.2 miles SE, 1260′ 10 miles SSW and 1080′ 14.3 miles SSW.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 4: Climb straight ahead to 3500′ and proceed to Evanston Int via ORD–VOR R–075 or, when directed by ATC, climb straight ahead to 2500′ and proceed to OBK VOR via R–170. Runway 27: Climb to 3500′ on a crs of 268° and proceed to DPA–VOR via R–098 or, when directed by ATC, climb to 3500′ on ORD–VOR R–271 and proceed to Elgin Int via ORD–VOR R–271. Runway 22: Climb to 3600′ on a crs of 220° and proceed to DPA–VOR via R–073 or, when directed by ATC, make left climbing turn to 3500′ and proceed to Evanston Int via ORD–VOR R–075. Runway 14R: Turn right to heading 155°, climb to 1500′, then make right climbing turn to 3500′ and proceed to DPA–VOR via R–085 or, when directed by ATC, turn right to heading 185°, climb to 1500′, make climbing right turn to 3500′ and proceed to Elgin Int via ORD–VOR R–271. Runway 32R: Turn right to 335° heading, climb to 1500′, then make right climbing turn to 3500′ and proceed to Evanston Int via ORD R–075. Runway 32L: Turn left to 300° heading, climb to 1500′, then make climbing left turn to 3500′ and proceed direct to DPA VOR. Runway 14L: Turn left to heading of 120° and climb to 1500′, make left climbing turn to 3500′ and proceed to Evanston Int via ORD R–075.

NOTE: Aircraft executing missed approach may, after being reidentified, be radar vectored.

CAUTION: Runways 32L&R. Motel sign 1¼ miles from approach end Runway 32L may be mistaken for approach lights.

*Takeoffs on Runway 27 when weather is below 2000–3 will intercept ORD–VOR R–250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD–VOR R–306 and climb to 2000′ before proceeding westbound.

**Do not descend below 1200′ until radar advises passing 926′ tower 4.2 miles from end of Runway 22.

#Runway visual range 2600′ also authorized for landing on 14R, provided that all components of the PAR, high-intensity runway lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below 867′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

%Runway visual range of 2600′ also authorized for takeoff on Runway 14R in lieu of 200–½ when 200–½ is authorized, provided high-intensity runway lights are operational

City, Chicago; State Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class. and Ident., O'Hare Radar; Procedure No. 1, Amdt. 9; Eff. Date, 11 Apr. 64; Sup.Amdt. No. 8; Dated, 25 May 63

All directions-----	Radar site-----	Within 25 miles-----	1500	**Surveillance approach**			
160° clockwise 250°-----	Radar site-----	Within 25–40 miles--	3000	T-dn-----	300–1	300–1	200–½
				C-dn–9L, 12-----	600–1	600–1	600–1½
				C-dn–9R, 30, 27L, 27R-----	500–1	500–1	500–1½
				S-dn–9L, 12-----	600–1	600–1	600–1
				S-dn–27L, 27R--	500–1	500–1	500–1
				S-dn–9R, 30-----	400–1	400–1	400–1
				A-dn-----	800–2	800–2	800–2

Radar terminal area transition altitudes. Radar control will provide 1000′ vertical clearance within 3 miles radius or 500′ vertical clearance within 3–5 miles (inclusive) radius of antenna towers 1649′, 997′ and 734′ 11 miles NNE and 643′ 20 miles SW. All bearings are from the radar site with sector azimuth progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 1500′, then proceed direct to the MIA–VOR or MIA "11".

MSA: 000°–090°—2000′; 090°–180°—1400′; 180°–270°—1600′; 270°–360°—1300′.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class. and Ident., Miami Radar; Procedure No. 1, Amdt. 5; Eff. Date, 11 Apr. 64; Sup. Amdt. No 4; Dated, 28 Sept. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on March 9, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–2435; Filed, Apr. 6, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 862.4]

PART 862—WAGE RATES; SUGAR BEETS

Fair and Reasonable Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearings held during December 1963 and January 1964, the following determination is hereby issued.

§ 862.4 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets.

(a) *Requirements.* A producer of sugar beets shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of sugar beets shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but not less than the following:

(i) *All regions, when employed on a time basis.* For the hand labor operations of hoeing, hoe trimming, blocking and thinning, weeding, pulling, topping, loading, or gleaning: $1.15 per hour: *Provided:* That, for workers 14 to 16 years of age the hourly rate specified herein may be reduced by not more than one-third. The act does not permit the employment of workers 14 to 16 years of age for more than 8 hours per day without deductions from Sugar Act payments.

(ii) *California, Arizona and Nevada, when employed on a piecework basis for the following hand labor operations.* For hoeing, hoe trimming, blocking and thinning, weeding, pulling, topping, loading, or gleaning the piecework rate shall be as agreed upon between the producer and the worker: *Provided:* That, the average hourly rate of earnings of each worker for each operation shall be not less than $1.15 per hour when computed on the basis of the total time such worker is employed on the farm for such operation.

(iii) *Regions other than California, Arizona and Nevada.* When employed on a piecework basis for the hand labor operations in the following table:

OPERATIONS AND RATES PER ACRE BY WAGE DISTRICT

	I	II	III
Hand labor operations	Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota (eastern), Ohio, and any other States not specified in Wage Districts II and III	Colorado, Idaho (southern and eastern), Kansas, Montana (except western), Nebraska, Oklahoma, New Mexico, North Dakota (western), South Dakota, Texas, Utah, and Wyoming	Idaho (western), Montana (western), Oregon, Washington
(A) Hoeing—removing weeds and excess beets with a hoe only	$11.00	$11.50	$11.00
(B) Hoe trimming—removing weeds with a hoe and by hand and removing excess beets with a hoe only	13.25	13.75	13.25
(C) Blocking and thinning—removing weeds and excess beets with a hoe and by hand	18.75	19.25	18.75
(D) Weeding—removing weeds with a hoe and by hand following either (A), (B), or (C) above	6.75	7.25	6.75

Wide row planting. The above rates may be reduced by not more than the indicated percentages for the following row spacings: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

(iv) *Regions other than California, Arizona and Nevada, when employed on a piecework basis for hand labor operations not specified or defined or for harvesting.* The piecework rate for any hand labor operation involving the removal of beets or weeds which is not defined above, and for the operations of pulling, topping, loading, or gleaning shall be as agreed upon between the producer and the worker: *Provided,* That, the average hourly rate of earnings of each worker for each operation shall be not less than $1.15 per hour computed on the basis of the total time such worker is employed on the farm for such operations.

(v) *All regions, when employed on a time or piecework basis for other operations.* For all other operations in the production, cultivation, or harvesting of sugar beets for which no minimum rate is provided for herein, the rate shall be as agreed upon between the producer and the worker.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including but not limited to, mechanics, welders, and other maintenance workers or repairmen.

(c) *Proof of compliance.* The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Agricultural Stabilization and Conservation Service County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the County ASCS Office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the County ASCS Office shall thereupon notify the producer against whom the claim is made, concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendations for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Service Office. The address of the State ASCS Office will be furnished by the local County ASCS Office. Upon receipt of the appeal the State ASC Committee shall likewise consider the facts and notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to

the Deputy Administrator, State and County Operations, his decision shall be

sulting from more efficient production

minations in recent prior years was de-

Accordingly, I hereby find and con-

from bargaining with workers for piecework

A sugar beet worker recommended that

the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned.

(f) *Effective period.* The provisions of this section shall become effective on the date of filing this section with the Federal Register and shall remain in effect until amended, superseded, or terminated.

Statement of Bases and Considerations—(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugar beets as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugar beets and cost of production), and the differences in conditions among the various sugar producing areas.

(c) *Wage determination.* This determination increases the minimum hourly rate for the specified hand labor operation 10 cents—from $1.05 to $1.15 per hour, and increases the piecework rates $1.00 per acre for the operation of hoeing; $1.25 per acre for the operation of hoe trimming; $1.75 per acre for blocking and thinning; and 75 cents per acre for weeding. Wage District I is enlarged to include any States not specified in Wage District II or III. Other provisions of the determination are the same as for the 1963 crop.

Public hearings were held in Salt Lake City, Utah; Fargo, North Dakota; Detroit, Michigan; San Antonio, Texas; McAllen, Texas; and Stockton, California during the period December 6, 1963 through January 13, 1964. These hearings afforded interested persons an opportunity to present testimony and make recommendations relating to fair and reasonable wage rates for work performed by fieldworkers on the 1964 crop of sugar beets. A summary of the pertinent testimony presented at these hearings is set forth below as Exhibit A.

Consideration has been given to the recommendations made at the public hearings, to the returns, costs, and profits of producing sugar beets under conditions likely to prevail for the 1964 crop, and to other pertinent factors. Analysis of these data indicates that the production of sugar beets in all sections of the sugar beet area, on average during recent years, has been a profitable operation due largely to cost stabilization resulting from more efficient production practices. Profits improved for the 1962 and 1963 crops also because of higher sugar prices. In light of this analysis, the increase in the minimum rates established in this determination are equitable and are within the producer's ability to pay.

The issues for consideration in the 1964 wage determination as expressed by producers are that there should be no change in wage rates because of the uncertainty of sugar prices in view of the long term period during which income for the 1964 crop will be determined; that some reductions be made in piecework rate operations where the farmer uses costly machines and chemicals to make the work easier for workers; that the operation of Weeding which now is a secondary operation in relation to thinning of beets be redefined as a first operation to be used on fields which are exceptionally free of weeds and which have an optimum stand of beet plants; that quality of work standards be established for workers; that production costs are rising whereas income from sugar beets is not increasing proportionately; that workers, on average, work more acres per season thereby increasing their total income from beets; that earnings of workers employed on piecework range from $1.05 per hour to as much as $3.06 per hour according to studies conducted by producers; and that growers voluntarily pay piecework rates which are higher than the minimums where field conditions are poor or to induce labor to work in the area.

The problems of workers as expressed by their representatives at the hearings are that higher wages are needed because their earnings when employed on a piecework basis are not satisfactory—workers cited earnings ranging from 50 cents per hour to $1.70 per hour; that they do not receive adequate annual incomes; that costs incurred in migration and living in regions away from home are increasing; that migration disrupts the family life of the working group and interferes with the schooling of their children; that mechanization in the sugar beet field does not always make the work easier for the worker but that the space planting of monogerm seed is a definite help in reducing work requirements; that the workers have no bargaining strength and little choice in the types of fields on which they must work; that in many instances other agricultural work is not available in the area where beets are grown and they must travel additional distances to obtain work in other crops; that they receive on the average about 6 weeks' work per year and earn in sugar beet work $700 to $2,000 per season depending upon the size and efficiency of the working group.

Most of the hand labor work in sugar beets is performed on a piecework basis and in such instances the determination does not provide an hourly earnings guarantee. In California, Arizona, and Nevada, piecework rates are agreed upon and workers are guaranteed earnings not less than the hourly rate provided.

The basic piecework rate structure which has been provided in wage determinations in recent prior years was designed to provide rates which would be responsive to technological developments in the sugar beet area. Testimony at the public hearings and information obtained by investigations indicate that generally these operations have been satisfactory in all areas. The basic rate structure is designed to meet average worker requirements on average field conditions and if producers follow the more efficient culture practices labor costs may be reduced. There are instances where field conditions are above average and require the removal of relatively few beets or few weeds. These situations result primarily from the use of space planted monogerm seed and the use of cultural practices and chemicals which control weeds. Producers have the alternative under the provisions of the wage determination to employ workers on an hourly basis, and where the hand labor required on the exceptional fields is not otherwise defined in the determination, they may agree with the worker upon lower piecework rates provided that the worker receives a guarantee of hourly earnings. Accordingly, it is believed that no change should be made in the basic piecework rate structure at this time.

The quality of work performed on the farm is a function of the employer-worker relationship. It would be impractical to establish quality of work standards for workers unless similar standards were applied to producers. The degree of regulation required in such an effort would be highly disproportionate to the benefits which might be obtained. Producers may discharge workers for poor quality work and, more importantly, they may supervise workers to a greater extent thereby achieving improved work performance.

The wage increases provided in this determination will enhance the hourly and total earnings of workers in sugar beets. Data available to the Department indicate that workers of average ability can earn about $1.30 per hour when employed on a piecework basis and that the average acres worked per season by such workers has increased substantially during recent years. This has been the result in large part of more simplified hand labor tasks resulting from better planting and cultural practices by producers.

In the prior determination certain states to which the determination rates applied have not been specified in the several wage districts. This determination clarifies the applicability of rates with respect to the states in each district.

This determination is applicable to sugar beet work performed on and subsequent to the date of filing with the Federal Register, and will continue in effect until amended, superseded or terminated. However, the Department, to keep informed on current conditions in the area, will conduct the customary investigations and will afford interested persons the opportunity to present testimony at hearings to be held annually.

On the basis of an examination of all relevant factors the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. 1131)

Signed at Washington, D.C., on April 3, 1964.

CHARLES S. MURPHY,
Acting Secretary.

EXHIBIT A

SUMMARY OF TESTIMONY ON FAIR AND REASONABLE WAGE RATES FOR SUGAR BEET FIELDWORKERS OBTAINED AT PUBLIC HEARINGS HELD DURING DECEMBER 1963 AND JANUARY 1964

Salt Lake City, Utah

A witness repesenting producers in Colorado recommended that the operation of weeding be redefined to be applicable as a first hand labor operation, and that the determination include a provision for quality of work control over workers. In support of these recommendations the witness stated that a small percentage of producers in the area prepare their land so that the only hand labor needed is a weeding which approximates two man-hours of labor per acre; and that the producer does not have time to supervise workers sufficiently to insure satisfactory work. This witness stated that the Department should exercise extreme caution in making changes in wage rates for 1964 because returns to growers for sugar beets differ considerably from those which could be inferred by the widely publicized high sugar price levels. He pointed out that little beet sugar was sold at the peak price prevailing in May and June of 1963, and that final returns from sugar beets to be produced from the 1964 crop, which must support the wage rates paid in 1964, will not be determined until October 1965 and there was uncertainty as to the level of sugar prices by that time.

A representative of beet producers in Utah recommended that there be no increase in the determination wage rates for 1964. The witness stated that on fields where the farmer has used high cost seed, more expensive machinery and costly chemicals, and where long-handled hoe work is all that is necessary, the rate for thinning be reduced at least $3.00 per acre. He recommended a similar reduction on fields where finger thinning of beets and weeds was necessary and the worker refused to use a short-handled hoe. The witness testified that on the basis of initial payments for the 1963 crop, the price per ton of beets will average less than the return per ton realized for the 1962 crop. He presented data purporting to show that the returns for sugar beets in Utah were not keeping up with the increases in the cost of production.

A representative of producers in Montana and Wyoming recommended that the wage rates for 1964 be the same as those established for 1963. The witness testified that in the districts he represented, the earnings of workers employed on a piecework basis ranged from $1.05 to $1.18 per hour. He further testified that producers generally paid $12.50 per acre for hoeing sugar beets even though the determination minimum rate was $10.50 per acre.

The witness representing Idaho sugar beet producers stated that the time is rapidly approaching when much less hand labor will be needed to produce a crop of sugar beets and that wage rates need to be adjusted to justify the expenditures growers are making to improve field conditions. The witness stated that producers favored a simplified minimum wage scale which would provide a basis for recruiting labor, but not limit them from bargaining with workers for piecework rates with a guaranteed hourly wage.

A representative of producers in western Idaho and eastern Oregon urged that before any further increase in wage rates is made the Department should consider that the presently improved ability of producers to pay results from high prices brought about by a world sugar shortage, and that as future supplies of sugar increase this temporary financial advantage to producers will disappear. He stated that if wage rates are increased it is difficult to reduce them if ability to pay is lessened.

A representative from the State of Washington testified that sugar beet producers in that region compete for labor with other crops resulting in the payment of wage rates somewhat above the minimum rates established in the determination and that the hourly rate for agricultural work in the area is generally $1.25 per hour. The witness stated that workers may be employed in sugar beet work for approximately three months, after which many of the workers remain in the area to work in other crops. The witness recommended that wage rates not be increased for 1964.

There was no testimony from representatives of workers at this hearing.

Fargo, North Dakota

A representative of producers in the Red River Valley of Minnesota and North Dakota recommended that the minimum wage rates for 1964 be the same as those established for 1963. The witness pointed out that most farmers in this area pay more than the determination rates and that migrant labor can earn considerably higher wages than the semiskilled farm labor in the area. The witness stated that because of monogerm seed, space planting, the use of mechanical thinners, and chemical weedicides, productivity of migrant workers has quadrupled since 1950. He testified that on the basis of a survey conducted by the producer's association, experienced labor working at the rates established in the determination for 1963 earned from $1.25 to $2.38 per hour, averaging $1.76 per hour. The witness testified that most of the labor employed in this region is recruited from Texas.

A representative of southern Minnesota sugar beet producers recommended that the minimum wage rates in 1963 be continued for 1964. The witness stated that on the basis of records maintained for a group of 17 beet workers, the group earned in excess of $13,000 in a 6-week period of sugar beet work in 1963 and, in addition, these workers were provided fringe benefits. The witness testified that this group of workers was above average; that their high productivity resulted, in part, from the use by producers of mechanical thinners on 40 percent of the acreage, flex-tine harrows and weeders on 90 percent of the acres, and some type of chemical weed control on 90 to 100 percent of the acreage. The witness testified that the opportunity for work in crops other than sugar beets in the area is limited.

A representative of sugar beet producers in Iowa recommended that the 1964 wage rates for hoe-trimming be reduced from $12.00 per acre to $8.00; that the rate per acre for weeding be increased from $6.00 to $7.00; and that an additional weeding operation be established at $4.00 per acre. The witness cited selected cases of groups of workers in his district whose earnings ranged from $1.36 to $3.06 per hour working at the piecework rates established in the 1963 determination and stated that, in addition, these workers were furnished fringe benefits. The witness stated that practically all of the workers in his area are recruited in Texas. He testified that higher costs of production for the 1964 crop were anticipated, particularly for machinery repairs and chemical weed control.

A sugar beet worker recommended that the 1964 determination establish a minimum hourly rate of $1.25 per hour and piecework rates of $18 per acre for hoeing and $8.00 per acre for weeding. The witness stated that if the wage rates are decreased as recommended by a producer witness, workers will not come into the Iowa area to work. The witness stated she had been employed in sugar beet work for about 15 years and that the work had not been made easier by the use of weedicides and mechanical thinning machines. Another worker, testifying on behalf of labor, testified that about 25 percent of the producers growing sugar beets have such weedy fields that $12.00 per acre for hoe-trimming is not high enough. The witness stated that the use of mechanical thinners, weeders and chemicals have made the hand labor operations in sugar beets easier in some cases but not in every case, and that the use of monogerm seed and space planting has been of the greatest benefit to labor. The witness recommended that the 1963 determination piecework rates be continued for 1964.

Detroit, Michigan

A witness representing Michigan producers recommended that the minimum wage rates for 1964 be the same as those established for 1963. The witness testified that for the operations of hoeing and weeding, workers are paid rates which are about 17 percent above the minimum determination rates and that producers want to maintain this differential because it attracts labor to the area. The witness stated that monogerm seed, space planting, and the use of weedicides have improved the working conditions of workers and enabled them to make more money. The witness stated that most of the labor employed in sugar beets is recruited from Texas; that prior to sugar beet work there is little employment available; and that when sugar beet work is completed work is available in other crops. In a supplemental statement the witness presented data on earnings of workers including the results of a survey by one sugar company which showed that the acres blocked and thinned per worker in 1959 was 9.1 acres compared with 13.6 acres in 1963, and that the average hourly earnings for blocking and thinning sugar beets in 1961 averaged $1.12 per hour compared with $1.47 per hour in 1963.

The representative of Ohio sugar beet growers recommended that the operation of weeding be redefined to permit its use as a first operation in fields having the desired stand of beets and very few weeds, and that the minimum determination rates for 1964 be the same as those established for 1963. The witness stated that wage rates paid workers in Ohio in 1963 exceeded the minimum determination rates and that in Ohio workers have an opportunity to work in other crops. The witness stated that some growers space plant monogerm seed and use mechanical thinners and chemical weedicides so that the only hand labor operation needed is weeding and that if the operation of weeding was permitted as a first operation it would encourage growers to increase the use of labor saving devices thereby reducing labor requirements.

San Antonio, Texas

A representative of a United States Congressman from Texas read a statement expressing the Congressman's pleasure that hearings regarding sugar beet wage rates were being held in Texas where migratory workers who work in the beet fields reside. The Congressman's statement pointed out that the chief problem of these workers is poverty brought about by low wages, unemployment, and under-employment, and that farm workers need higher annual incomes and an opportunity to educate their children. This, he stated, can be accomplished

by increasing wages and by bringing order into the labor market by balancing labor supply to demand in a national and orderly

witness stated he favored an increase in the minimum wage rates for 1964. One sugar

northern Texas and New Mexico as to the more distant regions; that costs of living are

beets declined almost one-third and that the recent increase in the price of sugar affords

witness stated that about 80 percent of the beet sugar is distributed to industrial users.

Natural Gas Association of America, rep-

by increasing wages and by bringing order into the labor market by balancing labor supply to demand in a rational and orderly manner so as to assure the workers a more steady income and the producers a steady supply of workers as they are needed.

A County Commissioner of Bexar County, Texas and State Chairman of the Political Association for Spanish-Speaking Organizations stated that many migrant families earn less than $1,000 per year; that lack of education prevents their getting other types of employment; that because of low earnings the migrant workers are generally underfed, inadequately clothed and housed, and lack medical care. The Commissioner recommended that the minimum wage for beet workers be increased.

A representative of the Archbishop of San Antonio recommended that a minimum wage of $1.25 per hour be established in the 1964 determination. He stated that he believed that sugar beet producers have the ability to pay this wage and that the necessity of improving the living standards of workers demand it.

A representative on behalf of the Texas Committee for Migrant Farm Workers stated that the Department should improve its educational programs to inform fieldworkers of their rights under the wage determinations and that migrant workers had relatively little bargaining strength. The witness stated that it is necessary to continue the piecework rate structure because many migrant workers contract for work on an acre basis to enable the less productive members of the family to work and contribute to the income of the family.

A public information officer for mid-south Texas AFL–CIO, recommended that a minimum wage of $1.25 per hour be established and that workers employed on piecework be guaranteed minimum hourly earnings of $1.25 per hour. The witness stated that many migrants who work on an acre basis earn less than $1.05 per hour; that his organization has made no surveys which would indicate the average hourly earnings of migrant workers because they work for short periods in many different places; that normally migrant families will leave Texas early in April and return in September but that they follow no set pattern of travel; and that the reason workers migrate is that they can earn more money and obtain more work than if they remained in Texas.

A member of the legislature of Bexar County recommended a minimum wage rate for 1964 of $1.25 per hour.

A representative of a crew of 6 sugar beet workers recommended a minimum wage rate of $1.25 per hour for 1964 and estimated that the earnings of his crew average $0.90 per hour for agricultural work performed in 1963. Another migrant worker stated that he and his wife earned less than $1.05 per hour working in sugar beets on a piecework basis in 1963 and stated that if minimum piecework rates were established in relation to earnings of $1.50 per hour, the actual earnings of workers might average $1.05 per hour.

A representative of a family of 5 workers recommended a minimum hourly wage rate of $1.25 per hour and stated that while he has worked on a piecework basis he prefers the hourly rate basis. The witness stated that the earnings of the group from sugar beets during 1963 was approximately $1,050 and that the group worked 10 to 12 hours a day.

He stated that at the 1963 level of piecework rates, the earnings of the group ranged between $0.50 and $0.90 per hour. A representative of a family of 4 workers stated that in 1963 his family worked in Minnesota and earned about $1,400 in sugar beet work. Another representative of a crew of 5 workers stated that his crew worked sugar beets in South Dakota in 1963 and that their gross earnings amounted to about $700. This witness stated he favored an increase in the minimum wage rates for 1964. One sugar beet worker recommended a minimum wage of $1.25 per hour for 1964 and stated that if such a minimum were established his entire family would be willing to work in the sugar beet fields. Another worker representing himself and his family recommended a minimum hourly rate of $1.25 with appropriate increases in the piecework rates to yield earnings of $1.25 per hour. He stated that his group earned about $2,000 in sugar beet work in 1963 and that on much of the acreage three hand labor operations were performed.

Another worker representing his family recommended a guaranteed minimum wage of $1.25 per hour and stated that his crew of seven workers earned about $2,200 in sugar beet work in Minnesota in 1963. This worker also recommended higher piecework rates. A crew leader recommended a minimum hourly determination rate of $1.50 per hour for a 40 hour week; premium pay for overtime; and a piecework rate of $25.50 per acre for the combined operations of blocking and thinning and one weeding. The witness stated that he and his wife earned about $1.45 per hour employed on the piecework basis in 1963. A sugar beet worker stated that he and his family earned approximately $1,500 in sugar beet work in Michigan in 1963 and that they were employed for a period of about six weeks, working about 8 to 10 hours per day.

An individual worker stated that by planting monogerm seed the producer is making the thinning, hoeing and weeding of sugar beets easier for the workers and that his hourly earnings in 1963 when employed on a piecework basis averaged somewhat more than $1.25 per hour. The witness stated that he prefers employment on a piecework basis rather than on a time basis and that he was furnished housing by the producer and transportation to the field by the sugar company. A worker representing himself and family stated that the group of six worked for about 20 days in sugar beets in 1963 and averaged between 9 to 14 hours a day. This witness stated that he believed the rates paid for work in the 1963 crop of sugar beets were fair. Another worker representing his family stated that in 1963 they worked sugar beets in the Red River Valley and that between April 15 and October 15, 1963, his crew earned in excess of $8,000 working in sugar beets and other agricultural crops. He recommended a piecework rate of $25 per acre for the combined operation of thinning and weeding. A worker representing a crew of six workers testified that the crew earned about $1,900 in 21 days for an average of $1.70 per hour, and that he prefers to work on a piecework basis. A worker speaking on behalf of sugar beet workers recommended that the minimum determination wage be increased to $1.25 per hour in 1964.

A representative of sugar beet producers in Texas recommended that there be no increase in the wage rates for the 1964 crop stating that the $1.05 per hour rate required for work in sugar beets is higher than the hourly rates paid for work in competing crops. The witness stated that his Association has placed a request with the Texas Labor Department for 1,500 additional sugar beet workers for the 1964 crop because of increased sugar beet plantings. He stated that workers employed on piecework in his areas earned an average of about $1.27 per hour and in the past producers have been able to obtain their sugar beet labor locally. Another representative of sugar beet growers in Texas recommended that there be no increase in the minimum wage rates for 1964 and further that the new sugar beet producing region in Texas be set apart as a separate wage district or that it be included in Wage District I where lower rates are specified. The witness stated that migrant workers do not have to travel as far to northern Texas and New Mexico as to the more distant regions; that costs of living are less than in the northern States and that producers in the areas he represents plan to space plant monogerm seed and use weedicides, all of which will benefit the worker by making the hand work easier. The witness stated that he does not consider work in sugar beets more arduous than work in other crops where the average rate of pay is about 85 cents per hour, and that the labor in his area seems well satisfied with present rates and working conditions.

McAllen, Texas

The Executive Secretary of the National Council for the Spanish-Speaking did not make a specific recommendation on wage rates for 1964 but stated there are more than 127,000 migratory farm workers in south Texas who travel to more than 30 States seeking employment. The witness stated that for the most part these workers have no vocational training and that they are not covered by most social and labor legislation. The witness testified that migratory workers seek work in other States because of low wages and limited employment opportunities in Texas; and that they travel for the most part in family units and work on a contract basis because in this way the less skilled workers can produce some income for the family group. The witness recommended that domestic migratory workers should receive the same fringe benefits as are guaranteed to Mexican National workers brought into this country for agricultural work.

A representative of the American GI Forum of the United States recommended a minimum wage rate for sugar beet fieldworkers of $1.25 per hour. The witness based his recommendation on increased costs of living and stated that with the higher prices of sugar now prevailing producers should have the ability to pay higher wage rates to workers. A representative of the Texas State AFL–CIO recommended a minimum hourly wage rate of $1.25 and piecework rates designed to yield earnings of at least 10 percent more than the minimum hourly rate of $1.25. The witness stated his organization does not have a union of sugar beet workers.

A sugar beet worker testified that he worked in sugar beets in Wyoming during 1963 and that his crew of four workers earned approximately $1,735 and that their average earnings were $1.16 per hour per worker. Another sugar beet worker testified that his crew of five worked sugar beets in Colorado in 1963 and that the crew members earned, on average, $1.29 per hour. A sugar beet worker representing a crew of eight workers stated that he worked in sugar beets in Ohio during 1963 and that the crew earned about $1,725 in sugar beets. He stated that the average hourly earnings of the crew were $1.47 per hour that, in addition, the transportation expenses of the crew were paid from Texas to Ohio and that numerous fringe benefits were furnished. The witness did not make a specific recommendation for wage rates but stated that naturally he would like to see the rates higher. Another worker representing her family group recommended that the 1964 wage rates be established at $1.25 per hour.

Stockton, California

The Research Director for the International Longshoremen's and Warehousemen's Union recommended that the minimum wage for sugar beet fieldworkers in 1964 be established at $1.25 per hour with provision for payment of a bonus amounting to $0.30 per hour at higher sugar price levels. In lieu of the bonus, the witness recommended a minimum wage rate of $1.50 per hour. The witness stated that between 1946 and 1962 field labor costs per ton of sugar from sugar beets declined almost one-third and that the recent increase in the price of sugar affords the Department an opportunity to substantially increase the wage rates of sugar beet fieldworkers without endangering the financial interests of growers. The witness stated that his union is not the bargaining agent for any sugar beet workers.

A representative of the California Labor Federation, AFL–CIO, recommended that a minimum hourly rate of $1.50 be established for sugar beet workers in California. The witness cited the earnings of factory workers and food and kindred products workers in California which averaged between $2.63 and $2.88 per hour in September 1963. He also cited data indicating that a minimum budget for a single person for a standard of living not prejudicial to health and welfare was approximately $3,000 per year which would average $1.42 per hour for a 40 hour work week, 52 weeks a year. The witness stated that the establishment of a wage rate that is fair and reasonable will only be achieved by basing the wage determination on objective criteria related to current living costs and the standards required to provide workers and their families with a minimum standard to maintain health and decency.

Two representatives of the Agricultural Workers Organising Committee recommended a minimum wage rate of $1.50 per hour for sugar beet workers in 1964. Another representative of the same committee recommended a wage rate of $1.50 per hour and stated that he earned $12 to $15 per day of about seven hours working on a piecework basis; that he works harder when employed on a piecework; and that when conditions are good producers prefer to employ workers on an hourly basis whereas when field conditions are poor producers offer work on a piecework basis.

A representative of Citizens for Farm Labor stated that minimum wage rates should be based on what is needed to provide workers an adequate standard of living; and that ability to pay should not be the primary factor used to establish a fair and reasonable wage rate. The witness stated that in some counties of California there was widespread unemployment and underemployment, and that the average farm worker is employed less than 150 days per year.

A representative of the California Beet Growers Association from the Imperial Valley presented an analysis of sugar beet crop valuation and production costs. He stated that the comparison showed that in 1962 the acreage of sugar beets increased about 50 percent above that of 1958; the value of sugar beets per ton increased 15 to 17 percent; production costs increased 12 percent; and profits per acre increased about 12 percent. Another representative of the California Beet Growers Association testified that sugar beets is one of the few crops which show a small net profit if conditions are right, and that costs of production on his farm are about $202 per acre against $260 per acre leaving $58 per acre for overhead, rent, and growers labor, supervision, interest on investment and taxes, and that in his area it requires about 50 hours of labor to grow and harvest an acre of beets.

The General Manager of the California Beet Growers Association recommended that there be no increase in the minimum wage rates for 1964. The witness stated that it was assumed that sugar beet producers were reaping high profits because of the frequent public reference to high sugar prices. However, he pointed out, the price received for sugar beets is related to the net returns received by the processor for sugar and that while the quoted price for sugar was in the range of 11.75 to 12.00 cents per pound, the price at which sugar was actually sold to industrial users on the Pacific Coast was 9.55 cents per pound or slightly above the price prior to the recent rise in sugar prices. The witness stated that about 80 percent of the beet sugar is distributed to industrial users. The witness testified that in California a sugar beet producer plants five acres or more of other crops for every acre of sugar beets, and when the Department fixes a minimum wage rate for sugar beet work that is higher than the prevailing wage for work in other crops, the effect is to set a minimum wage for all crops.

[F.R. Doc. 64–3414; Filed, Apr. 3, 1964; 12:45 p.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket R–239; Order 279]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 260—STATEMENTS AND REPORTS

Total Gas Supply of Pipeline Companies—Annual Report Form

MARCH 31, 1964.

We are here promulgating an annual report form to be used by certain natural gas pipeline companies in furnishing information with respect to their total gas supply and deliverability. Our need for this information and the purposes we are seeking to achieve are fully set out in the notice of proposed rulemaking initiating this proceeding, issued April 25, 1963, and published in the FEDERAL REGISTER on May 2, 1963 (26 F.R. 4365).

In general the information will enable the Commission to make a continuing review of gas reserves and deliberability of pipeline companies now made only at such times as a company seeks a certificate of public convenience and necessity. Of course, the question of reserves can be raised as an issue in future proceedings but such proceedings should be expedited by the filing of the annual reports since we are by our order in Docket No. R–240, issued this day, and our statement of policy issued herein, providing for their incorporation by reference in such proceedings to satisfy the burden, in most instances, of proving reserves and deliverability. The notice also indicated that information from the reports will make it possible to relax the Commission's 12-year deliberability life requirement where the information supplied by the pipeline company indicates it has an active procurement program, its system extends into production areas with continuous exploration and the results thereof indicate continuing ability to meet gas requirements.

As noted, this proceeding was commenced by notice published in the FEDERAL REGISTER and served upon interested parties, including State and Federal regulatory agencies. Twelve weeks were given within which protests, views, data, and comments could be filed. Comments were received from 18 interested parties (producers, pipeline companies, distributing companies and one State commission) and from the Independent Natural Gas Association of America, representing 23 pipeline companies.

Although there was some opposition to the promulgation of any new report form, the comments generally supported the Commission's objective of expediting the disposition of certificate cases and, with one exception, all comments were in favor of the relaxation of the 12-year deliverability requirement, as outlined in the proposed policy statement set out in the notice. Numerous comments were directed at various changes and modifications in content and language, many of which were helpful and have been adopted.

Specifically, we are adopting the following suggestions and changes: that companies purchasing their entire gas supply from other jurisdictional pipeline companies be exempted from filing annual report form 15; that the fiscal year report be changed to a calendar year report; that there be special provisions for reporting Appalachian area gas supplies, in view of the special difficulties for that area; that the use of a pressure base of 14.73 psia for reserve estimates be used as a reporting base for summary levels only; that we eliminate the requirement for a detailed listing of the names, business addresses and phone numbers of certain company employees, as required in Part I, item 4; that Part I, item 6, the requirement that the reporting company submit a statement of assets and revenues be eliminated; and that, after initial submittal, maps need be filed only where significant changes have occurred.

On the other hand, we have not adopted suggestions that would have eliminated Schedule No. 2 of Part III of the proposed Report, Deliverability Summary, completely or required it only every third year; or that we should use a 12- to 15-year study rather than the 20-year study proposed in the notice. In such instances, we concluded that the advantages of receiving the material as originally proposed outweighed the burdens which would be imposed on the respondents thereby.

Objection was made to the proposed use of automatic data processing (ADP) as a reporting medium, as well as to filing on ADP forms. The use of ADP may be effective to correlate and analyze the date which will be submitted by the companies. We recognize, however, that the specific questions raised by the comments concerning the use of ADP (relating to Parts IV, V and VI of the proposed annual report) cannot be resolved until after the information required by the first three parts of the report has been submitted, and that further time, accordingly, is required prior to the determination of the reports on ADP form.

The notice herein proposed a report in six parts, to be filed annually. However, in the light of the comments received, our recognition of the need for further resolution of questions concerning the ADP forms and the absence of a suitable nationwide field and reservoir coding system needed in the development of the proper use of ADP, we now find that the annual report should be promulgated in two phases. The first phase, which we are adopting here, will require submission of a report consisting only of Parts I, II and III of the report

of Federal Regulations, is amended by adding a new § 2.61 to read as follows:

The first phase report, consisting of Parts I, II and III is prescribed for requesting

[Docket R–240; Order 280]

We are not adopting a suggestion that the requirement in Exhibit I, Market

§ 2.62 Pipeline certificate proceedings—procedure.

quire submission of a report consisting only of Parts I, II and III of the report substantially in the form as originally proposed and will be filed with respect to information covering the calendar year 1963. This initial report will furnish us with summary information on the reporting company's total gas supply, deliverability life and reserves for each source of supply from which it obtains its gas. This information is a prerequisite to the preparation of the remaining parts (IV, V and VI in the notice) of the complete report. It will also make possible a proper standardization of those parts as to both form and content. Finally, it will supply the information upon which a future decision could be made with respect to the possible exemption of smaller companies from filing the report thereafter. We contemplate that we will adopt for reporting for subsequent years an annual No. 15 Report Form consisting not only of Parts I, II and III, as here prescribed or hereafter revised, but also such other Parts as may then be determined to be appropriate to obtain such of the information set out in Parts IV, V and VI of the notice as then appears desirable. We recognize, however, that the promulgation of any substantial changes in the report form, including the use of ADP, will be subject to the approval of the Bureau of the Budget.

Accordingly, we are, at this time prescribing the new report, FPC Form No. 15, which for the first reporting years will consist of Parts I, II and III as described below and, for succeeding years, those Parts together with such other parts as may hereafter be prescribed. We are, also at this time, adopting the statement of general policy as proposed in the notice.

The Commission further finds:

(1) In view of the foregoing and upon consideration of all relevant matters presented, it is necessary and appropriate in carrying out the provisions of the Natural Gas Act that FPC Report Form No. 15, consisting of Parts I, II and III, be adopted and promulgated in two phases, as hereinafter ordered.

(2) Good cause exists to postpone consideration and promulgation of Parts IV, V and VI (included in the Form annexed to the notice of proposed rulemaking herein) until subsequent to the receipt of the information required to be furnished, with respect to the calendar year 1963, in the first phase of the report on or before July 1, 1964.

(3) Good cause exists to promulgate and authorize the use of the report form, herein adopted, effective immediately upon the issuance of this order, as hereinafter provided.

The Commission, acting pursuant to the Natural Gas Act, as amended, particularly sections 7, 10(a), 14(a) and 16 thereof (52 Stat. 825, 826, 828, 830; 56 Stat. 83; 15 U.S.C. 717f, 717i(a), 717m(a), 717o), orders:

(A) Part 2, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new § 2.61 to read as follows:

§ 2.61 Pipeline companies—natural gas reserves—deliverability life.

Simultaneously with its promulgation of the annual report, FPC Form No. 15, to be filed by certain pipeline companies with respect to total gas supply and deliverability (§ 260.7 of this chapter), the Commission issued the following statement of policy:

(a) When a pipeline company has demonstrated through the annual reports filed pursuant to § 260.7 of this chapter that it has an active gas procurement organization and its pipeline system extends into production areas in which exploration is continuing, the twelve-year deliverability life heretofore found to be a primary requisite by the Commission will not necessarily be applied and the Commission's deliverability requirement will be flexible.[1]

(b) Unless otherwise ordered by the Commission, existing pipeline companies will not be required to file information with regard to gas supply and deliverability in support of pipeline system expansions, other than with respect to applications to serve major new markets or to serve existing markets from new sources of gas supply by new routes involving extensive expansion of existing facilities, but may rely on the information set forth in filed annual reports, by reference thereto (§ 157.13(b) of this chapter).

(c) The deliverability life showing of a new pipeline company seeking to initiate service, or of an existing pipeline company seeking to serve major new markets or to serve major existing markets from new sources of supply over new routes will be dependent upon the future availability of gas in its proposed new supply areas, but in no event shall the minimum deliverability life of the incremental supply needed to serve the new or expanded market be less than twelve years.

(B) Part 260, Statements and reports, Subchapter G, Chapter I of the Code of Federal Regulations, is amended by adding a new § 260.7 to read as follows:

§ 260.7 Form No. 15, Annual report of gas supply and deliverability for certain natural gas companies.[2]

(a) An Annual Report of Total Gas Supply and Deliverability for natural gas companies, designated as FPC Form No. 15, is being prescribed in two phases. The first phase report, consisting of Parts I, II and III is prescribed for requesting information relative to the calendar year 1963. The second phase report, consisting of Parts I, II, III, and such other parts as are hereafter promulgated by order of the Commission, after approval by the Bureau of the Budget, will be prescribed for annual use commencing with information for the calendar year 1964.

(b) Each natural gas company, as defined by the Natural Gas Act, as amended (52 Stat. 821), other than a company purchasing its entire supply of natural gas from other companies subject to the provisions of this section, shall prepare and file with the Commission for the calendar year ending December 31, 1963, on or before July 1, 1964, and for subsequent years on or before each May 1, thereafter, an original and four conformed copies of FPC Form No. 15. A company exempt from this paragraph by virtue of the fact that it purchases its entire supply of natural gas from another company or companies subject to this section shall file, in lieu of the report, a statement giving the name(s) and address(es) of the company or companies from which it purchases its supply. One copy of the report should be retained in its files. The conformed copies may be carbon or reproduced by any means that provide clearly and accurately aligned impressions.

(c) This annual report is designed to furnish the Commission with information concerning the gas supply organization of the company, the company's total gas supply, the company's gas procurement program, each reservoir from which the company obtains gas, contracts under which the company purchases gas and deliverability data.

(Secs. 7, 10(a), 14(a), 16, 52 Stat. 825, 826, 828, 830, 56 Stat. 83; 15 U.S.C. 717f, 717i(a), 717m(a), 717o)

(C) The first phase of the report, FPC Form No. 15, approved and prescribed in paragraph (B), above, and consisting of General Instructions and Parts I, II and III, attached hereto,[3] is approved and prescribed for reporting with respect to the calendar year 1963.

(D) Further consideration of Parts IV, V and VI of the form proposed in the notice in this proceeding will be deferred to a time subsequent to July 1, 1964.

(E) The amendments to the Commissions' regulations, the form and the statements of policy approved herein shall be effective upon the issuance of this order.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3338; Filed, Apr. 6, 1964; 8:45 a.m.]

[1] "Deliverability" as used herein represents the number of future years during which a pipeline company can meet its annual requirements for its presently certificated delivery capacity from presently committed sources of supply. The availability of gas from these sources of supply shall be governed by the physical capabilities of these sources to deliver gas, by the terms of existing gas-purchase contracts and limitations imposed by state or federal regulatory agencies.

[2] As used herein, "natural gas company" does not include "independent producers," as defined in § 154.91(a) of this chapter.

[3] Filed as part of the original document.

[Docket R-240; Order 200]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 156—APPLICATIONS FOR ORDERS UNDER SECTION 7(a) OF THE NATURAL GAS ACT

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

PART 250—FORMS

Miscellaneous Amendments

MARCH 31, 1964.

The Commission, by public notice issued April 25, 1963 (28 F.R. 4360, May 2, 1963), proposed to issue a statement of policy and to amend its regulations relating to the requirements to be followed by natural gas pipeline companies submitting applications for certificates of public convenience and necessity pursuant to 7(c) of the Natural Gas Act. We also proposed to prescribe regulations covering applications to abandon facilities or service under section 7(b) of the Act and to provide a simplified form for use by small distributors seeking gas service for a single community pursuant to section 7(a).

In response to the invitation in our notice, comments were received from 9 pipeline companies, 8 distributing companies, 1 State commission and the Independent Natural Gas Association of America. Generally the comments were favorable and most of the suggestions for revision have been incorporated in the amendments we are adopting in this order.

Four suggestions of some significance, however, are not being adopted. Several respondents suggested lengthening the period for curing deficiencies (§ 157.8) from 20 to 30 days but, since one of the basic purposes of this proceeding is the expedition of cases, we are retaining the 20-day limit. The Secretary will continue, as he has in the past, to grant extensions where a real need therefor is shown.

Several respondents requested the deletion of the requirement in § 157.14(a)(10)(vi) to substantiate gas reserves and deliverability when the proposed capacity increase is large—over 25,000 Mcf a day and 5 percent of sales capacity—since, as stated by INGAA, as long as the annual report of gas supply is filed (as proposed in R-239) proof of gas supply should not be required for any expansion. We agree that the size limitations originally suggested do not reflect the situations in which gas supply information will be necessary and have eliminated them. We believe, however, that such proof will still be necessary in situations where the pipeline seeks to serve major new markets or existing markets from new gas supply sources by new routes involving the extensive expansion of existing facilities, and have revised the provision accordingly.

We are not adopting a suggestion that the requirement in Exhibit I, Market data) § 154.14(a)(11)(i)) for "an explanation" of the end use to which large industrial customers will put the gas be amended by adding "if such an explanation is available." We believe the explanation of end-use is relevant and pertinent and that in view of the limited number of large direct sales to which the requirement is applicable, no undue burden will be placed upon applicants in determining the proposed end use.

Objection was made to the added requirement in Exhibit N (§ 154.14(a)(16)) for a system-wide statement of revenues and expenses for the last year preceding the proposed service as well as incremental statements of revenues and expenses for each of the first three full years of operation. While the new information may be to some extent duplicative, filing of the information in the form requested will aid materially in the analysis of the larger projects. It should be noted that the existing limitation—that the information is required only where the revenues and expenses are significantly affected by the new project—is retained in the paragraph.

One other proposal, the amendment to Exhibit J. Conversion to natural gas, § 157.14(a)(13), requires specific mention. We have modified the amendment so as to limit the applicability of the Exhibit to previously unserved communities and large industrial customers. Although the notice did not propose a comparable amendment to the Exhibit J required in connection with applications filed by local distributors pursuant to section 7(a) of the Natural Gas Act (§ 156.5(a)(11)), we are now amending that subsection in a similar fashion. The amendment does not require the submission of any additional information—in fact, preparation of the Exhibit has been simplified.

Upon consideration of the entire record in this proceeding which includes the notice of proposed rulemaking and all comments, views and data filed in response thereto, the Commission further finds:

(1) Adoption and promulgation of the statement of general policy and the amendments to the Regulations Under the Natural Gas Act are necessary and appropriate to the administration of the Natural Gas Act.

(2) For the reasons heretofore expressed, good cause exists for the adoption herein of the amendments to § 156.5(a)(11) without giving the prior notice provided for by section 4 of the Administrative Procedure Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7, 15, and 16 thereof (52 Stat. 824, 829, 830; 56 Stat. 83, 84; 15 U.S.C. 717f, 717n, 717o), orders:

(A) Parts 2, 156, 157 and 250 of the Commission's rules and regulations, Chapter I of Title 18 of the Code of Federal Regulations are amended in the following respects:

1. Part 2, General Policy and Interpretations, is amended by adding, to follow § 2.61, the following new § 2.62:

§ 2.62 Pipeline certificate proceedings—procedure.

In order to more fully implement and utilize the procedures contemplated by Order No. 217 (22 FPC 872, 24 F.R. 946), designed to expedite hearings and shorten records, the procedure hereafter in pipeline certificate proceedings which the Commission regards as suited to such techniques will be as follows:

(a) The Commission will give prompt public notice of the application and fix a date for the filing of any petitions for or notices of intervention (see §§ 1.8(d) and 157.10 of this chapter, i.e., Rules of Practice and Procedure and Regulations Under the Natural Gas Act, respectively).

(b) Once it is determined that the proceeding will be contested, the Commission will fix a date for hearing, will require the filing of written testimony and hearing exhibits (as provided in §§ 157.14 and 157.16 of this chapter), and will designate the presiding examiner, who thereafter will control the proceeding until the completed record is certified to the Commission, unless otherwise ordered by the Commission.

(c) Any Commission order granting intervention will direct the natural gas company filing an application to serve copies of its filings upon all interveners promptly thereafter unless such service has already been made pursuant to Part 157 of this chapter.

(d) The hearing, when commenced, shall be continuous except where the examiner finds that extraordinary circumstances preclude such procedure and shall include full and complete cross-examination of all witnesses on the issues to be tried.

(Secs. 7, 15, 16, 52 Stat. 824, 829, 830; 56 Stat. 83, 84; 15 U.S.C. 717f, 717n, 717o)

2. In Part 156, Applications for Orders Under Section 7(a) of the Natural Gas Act, § 156.3 is amended as follows:

a. By changing the material which precedes subparagraph (1) of paragraph (b).

b. By changing the letter designations "X (X1, X2, X3, etc.)" appearing in the last sentence in subparagraph (8) thereof to "Z (Z1, Z2, Z3, etc.)," and by adding a new sentence.

c. By adding a new paragraph (d).

§ 156.3 Applications; number of copies; general requirements.

* * * * * * *

(b) *General contents of application.* Except as provided in paragraph (d) of this section, each application filed shall set forth the following information:

* * * * * * *

(8) Each application shall contain a table of contents which shall list all exhibits and documents filed in compliance with §§ 156.1 through 156.2, as well as other documents and exhibits filed therewith, identifying them by their appropriate titles and alphabetical letter designations specified in § 156.5. The alphabetical designation specified in § 156.5 must be adhered to strictly and any additional exhibits submitted on applicant's own volition, pursuant to § 156.5(b) shall be designated in sequence under the letter

designation Z (Z1, Z2, Z3, etc.). Together with each exhibit applicant shall

proposed project, including its effect upon applicant's present and future op-

cation requesting a budget-type certifi-

10. Section 157.10 is amended by in-

all for the purpose of requiring the in-

posed to be abandoned. This map, or an

designation Z (Z1, Z2, Z3, etc.). Together with each exhibit applicant shall set forth a full and complete explanation of the data submitted, the manner in which it was obtained, and the reasons for the conclusions which are derived therefrom.

• • • • • •

(d) *Small distributors.* A distributor requesting natural gas service of less than 2000 Mcf per day to serve a single community may file the information required by the form of application represented in § 250.6 of this chapter.

3. In § 156.5(a), delete subparagraph (11), and in lieu thereof insert the following:

§ 156.5 Exhibits.

(a) • • •

(11) *Exhibit J—Conversion to natural gas.* If it is assumed that proposed customers in new areas or firm and interruptible direct industrial customers whose estimated consumption totals 10,000 Mcf or more in any calendar month or 100,000 Mcf or more in any calendar year will convert from other fuels to natural gas, state the basis for such assumption and include a study showing estimated cost of converting customers' facilities to natural gas. The study should indicate the number of customers of each of the other fuels who applicant anticipates will convert to natural gas and the current cost of fuel to be displaced compared to the cost of natural gas on an equivalent Btu basis.

• • • • • •

(Secs. 7, 15, 16, 52 Stat. 824, 829, 830; 56 Stat. 83, 84; 15 U.S.C. 717f, 717n, 717o)

4. The title of Part 157 is amended to read as set forth above.

5. The centerhead for §§ 157.5 to 157.22 is amended to read as follows:

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT, AS AMENDED, CONCERNING ANY OPERATION, SALES, SERVICE, CONSTRUCTION, EXTENSION, ACQUISITION OR ABANDONMENT

6. Paragraph (a) of § 157.5 is amended to include references relating to applications to abandon. As so amended the paragraph will read:

§ 157.5 Purpose and intent of rules.

(a) Applications under section 7 of the Natural Gas Act shall set forth all information necessary to advise the Commission fully concerning the operation, sales, service, construction, extension, or acquisition for which a certificate is requested or the abandonment for which permission and approval is requested. Some applications may be of such character that an abbreviated application may be justified under the provisions of § 157.7. Applications for permission and approval to abandon pursuant to section 7(b) of the Act shall conform to § 157.18 and to such other requirements of this part as may be pertinent. However, every applicant shall file all pertinent data and information necessary for a full and complete understanding of the proposed project, including its effect upon applicant's present and future operations and whether, and at what docket, applicant has previously applied for authorization to serve any portion of the market contemplated by the proposed project and the nature and disposition of such other project.

• • • • • •

7. Section 157.6(b) is amended as follows:

a. Subparagraph (5) is amended by adding "any of applicant's customers" so that the subparagraph will read as set forth below:

b. Subparagraph (6) is amended to conform its provisions to other amendments made herein.

As so amended the subparagraphs (5) and (6) read as follows:

§ 157.6 Applications; number of copies; general requirements.

• • • • • •

(b) • • •

(5) A full statement as to whether any other application to supplement or effectuate applicant's proposals must be or is to be filed by applicant, any of applicant's customers, or any other person, with any other Federal, State, or other regulatory body; and if so, the nature and status of each such application.

(6) A table of contents which shall list all exhibits and documents filed in compliance with §§ 157.5 through 157.18, as well as all other documents and exhibits otherwise filed, identifying them by their appropriate titles and alphabetical letter designations. The alphabetical letter designations specified in §§ 157.14, 157.16, and 157.18 must be strictly adhered to and extra exhibits submitted at the volition of applicant shall be designated in sequence under the letter Z (Z1, Z2, Z3, etc.)

• • • • • •

8. Section 157.7 is amended by designating its present text as paragraph (a), making minor technical changes therein, and adding a new paragraph (b) so that section, as amended, will read:

§ 157.7 Abbreviated applications.

(a) *General.* When the operations, sales, service, construction, extensions, acquisitions or abandonment proposed by an application do not require all the data and information specified by this part to disclose fully the nature and extent of the proposed undertaking, an abbreviated application may be filed provided it contains all information and supporting data necessary to explain fully the proposed project, its economic justification, its effect upon applicant's present and future operations and upon the public proposed to be served, and is otherwise in conformity with the applicable requirements of this part regarding form, manner of presentation, and filing. Such an application shall (1) state that it is an abbreviated application; (2) specify which of the data and information required by this part are omitted; and (3) relate the facts relied upon to justify separately each such omission.

(b) *Gas-purchase facilities—budget-type applications.* An abbreviated application requesting a budget-type certificates authorizing the construction of gas purchase facilities during a given twelve month period and operation thereafter may be filed when:

(1) The total estimated cost of the gas-purchase facilities proposed in the application does not exceed 1½ percent of the applicant's gas plant (Account 101, Uniform System of Accounts Prescribed for Natural Gas Companies) or $5,000,000 whichever is the lesser.

(2) The total cost of gas-purchase facilities for any single project to be installed during the authorized construction period does not exceed 25 percent of the total budget amount or $500,000, whichever is the lesser.

(3) The applicant agrees to file with the Commission, within sixty days after expiration of the authorized construction period, a statement showing for each individual project:

(i) Description of the gas-purchase facilities installed, e.g., miles and size of pipelines, compressor horsepower, metering facilities.

(ii) Location of gas-purchase facilities installed.

(iii) Actual installed cost of gas-purchase facilities subdivided by size of pipelines, compressor horsepower, metering facilities and appurtenant facilities.

(iv) Estimated recoverable gas reserves in Mcf at 14.73 psia made available to applicant by means of the facilities last installed.

(v) Names of fields connected.

(vi) The names of the independent producers or other sellers from whom the gas is being purchased together with the respective dates of their gas sales contracts, FPC gas rate schedule designations, and related certificate docket numbers.

(4) "Gas-purchase facilities" means those facilities, subject to the jurisdiction of the Commission, necessary to connect applicant's system with the facilities of an independent producer or other similar seller authorized by this Commission to make a sale to the applicant for resale in interstate commerce.

9. Section 157.8 is amended to provide an opportunity to supply deficiencies in applications. As amended the section will read:

§ 157.8 Acceptance for filing or rejection of applications.

Applications will be docketed when received and the applicant so advised. If an application does not conform to the requirements of this part the Secretary will notify the applicant of all deficiencies. Deficient applications not amended within 20 days of the notice of deficiency, or such longer period as may be specified in the notice of deficiency, will be rejected by the Secretary as provided by § 1.14 of this chapter. Copies of a rejected application will be returned. An application which relates to an operation, sale, service, construction, extension, acquisition, or abandonment, concerning which a prior application has been filed and rejected, shall be docketed as a new application. Such new application shall state the docket number of the prior rejected application.

10. Section 157.10 is amended by inserting a new second sentence and deleting the last sentence so that the section will read as follows:

§ 157.10 Interventions and protests.

Notices of applications, as provided by § 157.9, will fix the time within which any person desiring to participate in the proceeding may file a petition to intervene, and within which any interested regulatory agency, as provided by § 1.8 of this chapter, desiring to intervene may file its notice of intervention. Any person filing a petition to intervene or notice of intervention shall state specifically whether he seeks formal hearing on the application. Failure to make timely filing will constitute ground for denial of participation in the absence of extraordinary circumstances for good cause shown. See §§ 1.7, 1.8 and 1.37(f) of this chapter. A copy of each application, supplement and amendment thereto, including exhibits required by §§ 157.14, 157.16 and 157.18 which are specifically requested, shall upon request be promptly supplied by the applicant to anyone who has filed a petition for leave to intervene or given notice of intervention. Protests may be filed in accordance with § 1.10 of this chapter within the time permitted by any person who does not seek to participate in the proceeding.

11. Paragraph (b) in § 157.13 is amended to permit references to annual reports as well as previous applications. So amended the paragraph will read:

§ 157.13 Form of exhibits to be attached to applications.

• • • • • •

(b) *Reference to annual reports and previous applications.* An application may refer to annual reports and previous applications filed with the Commission and shall specify the exact pages or exhibit numbers of the filing to which reference is made, including the page numbers in any exhibit to which reference is made. When reference is made to a previous application the docket number shall be stated. No part of a rejected application may be incorporated by reference.

• • • • • •

12. Section 157.14 is amended as follows:

a. The caption and first sentence of paragraph (a) is amended.

b. A new subparagraph (5) is added to paragraph (a).

c. A new sentence is added to the text of paragraph (a)(6) preceding subdivision (i).

d. Subparagraph (7) of paragraph (a) is amended to require an additional flow diagram reflecting both proposed and existing facilities.

e. Subparagraph (8) *Exhibit G–I* of paragraph (a) is amended to more fully describe system capabilities.

f. Add a new subdivision (v) to paragraph (a)(9) *Exhibit G–II.*

g. Subparagraph (10) *Exhibit H* of paragraph (a) is amended by deleting existing subdivisions (vi) through (viii), adding a new subdivision (vi), changing designation of subdivision (ix) to (vii) and revising subdivisions (i) through (v) all for the purpose of requiring the incorporation therein of certain data and information contained in the new annual report, FPC Form No. 15, approved and promulgated by order being issued this day in Docket No. R–239.

h. The introductory sentence and subdivisions (i), (iv) and (v) of paragraph (a)(11) are amended.

i. Delete subparagraph (12), including its subdivisions, of paragraph (a) and insert in lieu thereof a new subparagraph (12).

j. Add two new sentences to subparagraph (13) of paragraph (a).

k. Amend subdivision (ii) of paragraph (a)(14) *Exhibit L—Financing* by adding "together with letters of intent."

l. Amend the first sentence of subparagraph (16) of paragraph (a).

m. Amend subdivision (i) of paragraph (a)(18).

n. Add a new paragraph (d).

§ 157.14 Exhibits.

(a) *To be attached to each application.* All exhibits specified shall accompany each application when tendered for filing. Together with each exhibit applicant shall set forth a full and complete explanation of the data submitted, the manner in which it was obtained, and the reasons for the conclusions which are derived therefrom. If the Commission determines that a formal hearing upon the application is required or that testimony and hearing exhibits should be filed, the Secretary shall promptly notify the applicant that submittal of all the exhibits and testimony of all witnesses to be sponsored by the applicant in support of his case-in-chief is required. Submittal of such exhibits and testimony shall be within 20 days from the date of the Secretary's notice, or such longer time as he shall specify. § 157.6(a) shall govern the number of copies to be furnished to the Commission. Interveners and persons becoming interveners after the date of the Secretary's notice shall be advised by the applicant of the afore-specified exhibits and testimony, and shall be furnished with copies upon request.

• • • • • •

(5) *Exhibit E—Other pending applications and filings.* A list of other applications and filings under sections 1, 3, 4 and 7 of the Natural Gas Act filed by the applicant which are pending before the Commission at the time of the filing of an application and which directly and significantly affect the application filed, including an explanation of any material effect the grant or denial of those other applications and filings will have on the application and of any material effect the grant or denial of the application will have on those other applications and filings.

(6) *Exhibit F—Location of facilities.* Unless shown on Exhibit G or elsewhere, a geographical map of suitable scale and detail showing, and appropriately differentiating between, all of the facilities proposed to be constructed, acquired or abandoned and existing facilities of applicant, the operation or capacity of which will be directly affected by the proposed facilities or the facilities proposed to be abandoned. This map, or an additional map, shall clearly show the relationship of the new facilities to the applicant's overall system and shall include:

• • • • • •

(7) *Exhibit G—Flow diagrams showing daily design capacity and reflecting operation with and without proposed facilities added.* A flow diagram showing daily design capacity and reflecting operating conditions with only existing facilities in operation. A second flow diagram showing daily design capacity and reflecting operating conditions with both proposed and existing facilities in operation. Both flow diagrams shall include the following for the portion of the system affected:

(i) Diameter, wall thickness, and length of pipe installed and proposed to be installed and the diameter and wall thickness of the installed pipe to which connection is proposed.

(ii) For each proposed new compressor station and existing station, the size, type and number of compressor units, horsepower required, horsepower installed and proposed to be installed, volume of gas to be used as fuel, suction and discharge pressures, and compression ratio.

(iii) Pressures and volumes of gas at the main line inlet and outlet connections at each compressor station.

(iv) Pressures and volumes of gas at each intake and take-off point and at the beginning and terminus of the existing and proposed facilities and at the intake or take-off point of the existing facilities to which the proposed facilities are to be connected.

(8) *Exhibit G–I—Flow diagrams reflecting maximum capabilities.* If Exhibit G does not reflect the maximum deliveries which applicant's existing and proposed facilities would be capable of achieving under most favorable operating conditions with utilization of all facilities, include an additional diagram or diagrams to depict such maximum capabilities. If the horsepower, pipelines, or other facilities on the segment of applicant's system under consideration are not being fully utilized due, e.g., to capacity limitations of connecting facilities or because of the need for standby or spare equipment, the reason for such nonutilization shall be stated.

(9) • • •

(v) If the daily design capacity shown in *Exhibit G* is predicated upon an ability to meet each customer's maximum contract quantity on the same day, explain the reason for such coincidental peak-day design. If the design day capacity shown in Exhibit G is predicated upon an assumed diversity factor, state that factor and explain its derivation.

(10) *Exhibit H—Total gas supply data.* A statement of the total gas supply committed to, controlled by, or possessed by applicant which is available to it for the acts and the services proposed, together with:

(i) The estimated remaining recoverable salable gas reserves available to applicant submitted in the form and containing all the data and information re-

quired by FPC Form No. 15, Annual Report of Gas Supply. (See § 260.7 of this chapter.)

(ii) Names and locations of customer companies and municipalities, showing

enced cost data for facilities of similar character.

ern the number of copies to be furnished to the Commission. Interveners and per-

(c) *Exhibit V—Flow diagram showing daily design capacity and reflecting*

in a taxable gain to the applicant, indicate the amount of federal and state in-

quired by FPC Form No. 15, Annual Report of Gas Supply. (See § 260.7 of this chapter.)

(ii) Deliverability studies showing the volumes of natural gas which can and are proposed to be obtained each year submitted in the form and containing the data and information as required by FPC Form No. 15, Annual Report of Gas Supply.

(iii) The names and addresses of persons with whom applicant has gas-purchase contracts and the estimated volumes of gas reserves applicant has available under each contract, segregated by gas fields and reservoirs thereof with names and locations of fields (State, county or parish).

(iv) The maps required by FPC Form No. 15, Annual Report of Gas Supply.

(v) A conformed copy of each gas-purchase contract upon which applicant proposes to rely. Only three of the total number of copies of Exhibit H filed need include a copy of such contract. Contracts already on file with the Commission may be incorporated by reference without supplying additional copies, provided such contracts are identified with particularity by stating the exact pages of the contracts to be incorporated by reference and the file or docket number designation to which reference is made. The Commission or the presiding officer may direct that additional copies of such contracts be furnished to the Commission or to other parties to the proceeding. Any contract executed on and after April 2, 1962, and filed in support of an applicant's gas supply showing will be given no consideration in determining adequacy of gas supply if it contains any price-changing provisions other than those defined as permissible in § 154.93 of this chapter.

(vi) Pipeline companies which have filed annual reports in conformity with § 260.7 of this chapter will not be required to file information with regard to gas supply and deliverability in support of applications for certificates to increase an existing system capacity, other than with respect to applications to serve major new markets or to serve major existing markets from new sources of gas supply over new routes, but may rely on the information set forth in said annual reports, by reference thereto, unless otherwise ordered by the Commission.

(vii) A study of each proposed gas storage field showing: Location; geology; original and present reserves for each reservoir; original and present pressure of each reservoir; proposed top and base storage pressures; proposed top and base gas volumes to be stored; a deliverability study, including daily and annual injection and withdrawal rates and pressures; and maximum daily deliverability and maximum storage capacity under the proposed plan of development.

(11) *Exhibit I—Market data.* A system-wide estimate of the volumes of gas to be delivered during each of the first 3 full years of operation of the proposed service, sale, or facilities and during the years when the proposed facilities are under construction, and actual data of like import for each of the 3 years next preceding the filing of the application, together with:

(i) Names and locations of customer companies and municipalities, showing the number of residential, commercial, firm industrial, interruptible industrial, residential space-heating, commercial space-heating, and other types of customers for each distribution system to be served at retail or wholesale; and the names and locations of each firm and interruptible direct industrial customer whose estimated consumption totals 10,000 Mcf or more in any calendar month or 100,000 Mcf or more per year together with an explanation of the end use to which each of these industrial customers will put the gas.

• • • • •

(iv) Explanation and derivation of basic factors used in estimating future requirements, including, for example: Peak-day and annual degree-day deficiencies, annual load factors of applicant's system and of its deliveries to its proposed customers; individual consumer peak-day and annual consumption factors for each class of consumers, with supporting historical data; forecasted saturation of space-heating as related to past experience; and full detail as to all other sources of gas supply available to applicant and to each of its customers, including manufacturing facilities and liquid petroleum gas.

(v) Conformed copy of each contract, letter of intent or other agreement for sale or transportation of natural gas proposed by the application. Indicate the rate to be charged. If no agreements have been made, indicate the basis for assuming that contracts will be consummated and that service will be rendered under the terms contemplated in the application.

• • • • •

(12) *Exhibit J—Conversion to natural gas.* If it is assumed that proposed customers in new areas or firm and interruptible direct industrial customers whose estimated consumption totals 10,000 Mcf or more in any calendar month or 100,000 Mcf or more in any calendar year will convert from other fuels to natural gas, state the basis for such assumption and include a study showing estimated cost of converting customers' facilities to natural gas. The study should indicate the number of customers of each of the other fuels who applicant anticipates will convert to natural gas and the current cost of fuel to be displaced compared to the cost of natural gas on an equivalent Btu basis.

(13) *Exhibit K—Cost of facilities.* A detailed estimate of total capital cost of the proposed facilities for which application is made, showing cost of construction by operating units such as compressor stations, main pipelines, laterals, measuring and regulating stations, and separately stating the cost of right-of-way, damages, surveys, materials, labor, engineering and inspection, administrative overhead, fees for legal and other services, interest during construction, and contingencies. Include a brief statement indicating the source of information used as the basis for the above estimate. If not otherwise set forth, submit data on preliminary bids, if any, for the proposed facilities and recent experienced cost data for facilities of similar character.

(14) • • •

(ii) The manner in which applicant proposes to dispose of securities by private sale, competitive bidding or otherwise; the persons, if known, to whom they will be sold or issued together with letters of intent, if any, and if not known, the class or classes of such persons.

• • • • •

(16) *Exhibit N—Revenues—Expenses—Income.* When the estimated revenues and expenses related to a proposed facility will significantly affect the operating revenues or operating expenses of an applicant, there shall be submitted a system-wide statement for the last year preceding the proposed construction or service and pro forma system-wide and incremental statements for each of the first three full years of operation of the proposed facilities, showing:

• • • • •

(i) A statement of the rates to be charged for the proposed sales or service, including: (*a*) Identification of the applicable presently effective rate schedules, when no additional tariff filings will be required, or (*b*) when changes are required in applicant's presently effective tariff, or if applicant has no tariff, pro forma copies of appropriate changes in or additions to the effective tariff or a pro forma copy of the new gas tariff proposed, or (*c*) when a new rate is proposed, a statement explaining the basis used in arriving at the proposed rate. Such statement shall clearly show whether such rate results from negotiation, cost-of-service determination, competitive factors or others, and shall give the nature of any studies which have been made in connection therewith.

• • • • •

(d) *Availability of Commission staff for advice prior to formal filing.* Prior to filing an application, any person may informally confer with the staff of the Commission to obtain advice on any problem of statement or presentation of an application or any part thereof.

13. Amend the text preceding paragraph (a) of § 157.16 to read as follows:

§ 157.16 Exhibits relating to acquisitions.

In addition to the exhibits required by § 157.14, every application involving acquisition of facilities shall be accompanied by the exhibits listed below. Together with each exhibit applicant shall set forth a full and complete explanation of the data submitted, the manner in which it was obtained, and the reasons for the conclusions which are derived therefrom. If the Commission determines that a formal hearing upon the application is required or that testimony and hearing exhibits should be filed, the Secretary shall promptly notify the applicant that submittal of all the exhibits and testimony of all witnesses to be sponsored by the applicant in support of his case-in-chief is required. Submittal of such exhibits and testimony shall be within 20 days from the date of the Secretary's notice, or such longer time as he shall specify. Section 157.6(a) shall govern the number of copies to be furnished to the Commission. Interveners and persons becoming interveners after the date of the Secretary's notice shall be advised by the applicant of the afore-specified exhibits and testimony, and shall be furnished with copies upon request.

• • • • •

14. Amend the first sentence of § 157.17 so as to include sales within the requirements of the section. As thus amended the section will read as follows:

§ 157.17 Applications for temporary certificates in cases of emergency.

In cases of emergency and pending the determination of any application on file with the Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, application may be made for a temporary certificate authorizing the construction and operation of such extensions of existing facilities, such interconnections of pipeline systems, or such sales of natural gas as may be required to assure maintenance of adequate service, or to serve particular customers. Such application shall be submitted in writing, shall be subscribed and verified by a responsible officer of applicant having knowledge of the facts, and shall state clearly and specifically the exact character of the emergency, the proposed method of meeting it, and the facts claimed to warrant issuance of a temporary certificate.

15. Part 157 is amended by inserting to follow § 157.17, the following new § 157.18:

§ 157.18 Applications to abandon facilities or service; exhibits.

Applications for an order authorizing abandonment of facilities or service pursuant to section 7(b) of the Natural Gas Act shall contain a statement setting forth in detail the reasons for the abandonment and shall contain the exhibits listed below. Together with each exhibit, applicant shall set forth a full and complete explanation of the data submitted, the manner in which it was obtained, and the reasons for the conclusions which are derived therefrom. The Secretary may, in addition, require that the testimony of all witnesses to be presented by the applicant be filed together with all exhibits upon which applicant will base its case-in-chief.

(a) *Exhibit T—Related applications.* A statement showing:

(1) The docket numbers of the prior proceedings in which the facilities or services sought to be abandoned were certificated.

(2) The docket numbers of related applications pending before or which have been authorized by the Commission with an explanation of the interrelationship of those applications with the instant application.

(b) *Exhibit U—Contracts and other agreements.* A conformed copy of each contract or other agreement pertaining directly or indirectly to the abandonment of facilities or service, including all agreements which influenced applicant to seek the abandonment and all agreements which are dependent upon the approval of the proposed abandonment.

(c) *Exhibit V—Flow diagram showing daily design capacity and reflecting operation of applicant's system after abandonment.* A flow diagram showing daily design capacity and reflecting operating conditions of applicant's system after abandonment of facilities on that segment of the system affected by the abandonment, including the following:

(1) Diameter, wall thickness, and length of pipe remaining.

(2) For each remaining compressor station, the size, type and number of compressor units, horsepower required, horsepower installed, volume of gas to be used as fuel, suction and discharge pressures, and compression ratio.

(3) Pressures and volumes of gas at the main line inlet and outlet connections at each compressor station.

(4) Pressures and volumes of gas at each intake and takeoff point and at the beginning and terminus of all remaining facilities.

(d) *Exhibit W—Impact on customers whose service will be terminated.* A statement indicating the availability of natural gas from other sources to applicant's customers whose service will be terminated by the abandonment and a statement showing the economic effect of the abandonment on applicant's customers. If no other natural gas is available, indicate the availability of other fuels to those customers and explain why the abandonment of service to each customer is permitted by the public convenience and necessity.

(e) *Exhibit X—Effect of the abandonment on existing tariffs.* A statement showing the effect of the proposed abandonment upon any rate schedules or tariffs on file with this Commission, together with pro forma rate schedule sheets, notices of cancellation, or other tariff filings required to be made with this Commission.

(f) *Exhibit Y—Accounting treatment of abandonment.* Concisely describe the changes of property, indicating the cost of property to be abandoned in place, the cost of property to be removed and salvaged, the proposed disposition of salvaged material, and a description of equipment to be relocated setting forth its cost, its proposed new location, and the extent of rehabilitation required. Include the information required below.

(1) State the proposed accounting treatment for property changes, showing, for example, retirements by primary plant accounts, cost of removal, salvage realized for materials and equipment sold, original cost of reusable materials and equipment recovered (see Account 154 of the Uniform System of Accounts), and maintenance costs for reconditioning of reusable materials and equipment.

(2) If the abandonment will be by sale of property, describe the property to be sold, together with the proposed accounting treatment as required by paragraph F of Gas Plant Instruction 5 of the Uniform System of Accounts. Applicant may use pro forma accounting entries based on estimated amounts, provided that upon consummation of the sale he must file proposed accounting entries in conformity with the requirements of the Uniform System of Accounts. If the proposed sale will result in a taxable gain to the applicant, indicate the amount of federal and state income taxes to be allocated to the gain. If no allocation is to be made, explain the reasons.

(3) State the amount of accumulated deferred income taxes attributable to the property to be abandoned. Indicate the proposed accounting treatment of those accumulated deferred taxes.

16. Section 157.20 is amended as follows.

a. Amend the text preceding paragraph (a).

b. In paragraph (c), amend the first sentence with respect to the service of copies upon request and delete from clause (4) thereof the words "and placed in service and authorized operations have commenced."

§ 157.20 General conditions applicable to certificates.

Such of the following terms and conditions, among others, as the Commission shall find is required by the public convenience and necessity, shall attach to the issuance of each certificate and to the exercise of the rights granted thereunder.

• • • • •

(c) Applicant shall file with the Commission, in writing and under oath, an original and four conformed copies and, upon request, shall furnish an intervener with a single copy, of the following: (1) within ten days after the bona fide beginning of construction, notice of the date of such beginning; (2) each three months after filing notice of commencing construction, a progress report showing the exact status of authorized construction; (3) within ten days after authorized facilities have been constructed and placed in service or any authorized operation, sale, or service has commenced, notice of the date of such placement and commencement and (4) within six months after authorized facilities have been constructed, a statement showing, on the basis of all costs incurred to that date and estimated to be incurred for final completion of the project, the cost of constructing authorized facilities, such total cost to be classified according to the estimates submitted in the certificate proceeding and compared therewith and any significant differences explained.

• • • • •

17. Paragraph (a), as recently amended by Order No. 274, and paragraph (c) of § 157.22 are amended to include sales in their coverage. As so amended the paragraphs read as follows:

§ 157.22 Exemption of temporary acts and operations.

(a) Public interest does not require the issuance of a certificate for the construction and operation of facilities or the sale of natural gas necessary to assure maintenance of adequate natural gas service where interruption or serious curtailment of service exists or is threatened because of failure of facilities or failure or curtailment of supply or unusual and unexpected demand on such facilities or supply, and where such acts

and operations are limited to a single period of not more than sixty days;

gineering fees, and briefly state how the estimates were derived.

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and published as opiates by the Commis-

of this subsection apply, an amount received

1307 (a) to (d), and the regulations

and operations are limited to a single period of not more than sixty days;

* * * * *

(c) Every person undertaking any such construction and operation or sale under paragraph (a) or (b) of this section shall advise the Commission of the commencement of such acts or service and within ten days file (1) a statement in writing and under oath, together with four (4) conformed copies thereof, setting forth the purpose and character of the facilities, sales or services involved, a description of the operation and specific facilities constructed, the anticipated duration of the service, and (2) the rate schedule, contract or service agreement covering the sales or service involved as required by Parts 154 and 155 of this chapter.

(Secs. 7, 15, 16, 52 Stat. 824, 829, 830; 56 Stat. 83, 84; 15 U.S.C. 717f, 717n, 717o)

18. Part 250 is amended by inserting to follow § 250.5 the following new § 250.6:

§ 250.6 Form of application to be filed by distributor under section 7(a), seeking gas service of not more than 2,000 Mcf per day (3d year of operation) for a single community (see § 156.3(d) of this chapter).

1. Name of applicant (indicate whether individual, corporation or municipality).

2. Address.

3. Name, title, mailing address, and telephone number of person to be contacted concerning the application.

4. Name of natural gas company from whom service is desired.

5. Are you now rendering gas service? If so, briefly describe operations.

6. Nature of service sought, giving a brief description of proposal, including location of community, population, number of residences and kind of service sought and to be rendered, showing:

(a) Is this an initial connection with the pipe line, or is it an extension or improvement of existing facilities?

(b) Estimate of maximum day requirements for residential, commercial and industrial customers for each of the first three years of proposed operations (Mcf at 14.73 psia), and how the estimates were derived;

(c) Estimate of annual requirements for residential, commercial and industrial customers for each of the first three years of proposed operations (Mcf at 14.73 psia), and how the estimates were derived.

7. Do you have or do you need a franchise to render the proposed service? If you have filed an application for such a franchise, with whom was it filed and what action has been taken on it?

8. Do you have or do you need a state certificate approving the proposed distribution system project? If you have filed an application for such a certificate, with whom was it filed and what action has been taken on it?

9. When do you propose to start construction and when do you estimate it will be completed? When do you propose to start selling gas?

10. How much are the facilities expected to cost? Show separately the estimated cost of the distribution system, the connecting supply lines, legal fees, financing fees and engineering fees, and briefly state how the estimates were derived.

11. Have you used the services of an engineering consultant? If so, the consultant should state his experience in the design of distribution systems, cost data of systems now in service compared with his initial estimates, and the actual rate at which new customers were attached in the new distribution systems.

12. How do you propose to finance the proposed facilities? Submit evidence that the money will be available. (This evidence need not be submitted if you have a state certificate for your project.)

13. For each of the first three years of operation of the proposed facilities, show (a) the estimated gross annual revenues for the natural gas estimated to be sold to residential, commercial and industrial customers as shown in item 6(c) and the rates you propose to charge, and (b) the cost of gas purchased by you (state the rate to be paid to the pipeline supplier and the pipeline's rate schedule under which you will purchase said gas), other operating and maintenance expenses and operating revenue deductions, and (c) the net operating revenues. If you have received a certificate of public convenience and necessity issued by a local regulatory commission, it may be submitted in lieu of this requirement.

14. Municipalities should submit a bond amortization and interest schedule for the life of the bond issue related to the project and computation of the average debt service coverage ratio over the life of the issue. State briefly how all estimates were derived. Exhibits to be furnished:

Exhibit A. A geographical map showing clearly all of the transmission facilities proposed to be installed and operated by you between your distribution system and the transmission pipeline system of the proposed supplier, including:

(a) Location, length and size of your transmission lines;

(b) Location and size (related horsepower) of your transmission compressor stations (if any);

(c) Location and designation of each point of connection of your proposed transmission facilities with proposed pipeline supplier;

(d) And if known, location, length and size of facilities to be installed by the proposed supplier.

Exhibit B. A flow diagram showing the maximum daily capacity of the proposed connecting pipeline to carry gas from the supplier to the community to be served. The diagram should show expected operating pressures on the connecting pipeline at the point of connection with the supplier and at the other terminal of the connecting pipeline flow of gas through the connecting pipeline in Mcf per day; length of the connecting pipeline and its inside and outside diameter.

(Secs. 7, 15, 16, 52 Stat. 824, 829, 830; 56 Stat. 83, 84; 15 U.S.C. 717f, 717n, 717o)

(B) The amendments adopted herein shall become effective on May 1, 1964.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3339; Filed, Apr. 6, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 74]

PART 305—OPIATES

Two Substances Classified as Opiates

Notice is hereby given pursuant to the provisions of section 5(b) of the Narcotics Manufacturing Act of 1960, 74 Stat. 60, 21 U.S.C. 503(b), Supp. IV and 21 CFR 307.61(b) that the United States has received notification under date of January 20, 1964, from the Secretary-General of the United Nations that the World Health Organization has found certain substances, not heretofore determined to be opiates, to fall under the regime laid down in the 1931 Convention for the drugs specified in Article 1, paragraph 2, Group I of that Convention.

The substances and their salts to which the World Health Organization decision relates and which have been found by that Organization to be convertible into drugs capable of producing addiction are:

(Norpipanone) 4,4-diphenyl-6-piperidine-3-hexanone.
(Fentanyl) 1-phenethyl-4-N-propionylanilinopiperidine.

Accordingly, § 305.2(b) is amended by adding two new drugs to the chronological list of findings. As amended, § 305.2 reads as follows:

§ 305.2 Chronological list of findings.

* * * * *

(b) The following is a chronological list of drugs or other substances found by the World Health Organization as being capable of producing addiction or of conversion into a drug or other substance capable of producing addiction and designated as opiates by the Commissioner of Narcotics pursuant to the provisions of § 307.61(b) of this chapter. Drugs and other substances listed include any salts thereof.

JUNE 20, 1962

(Methadone-intermediate) 4-cyano-2-dimethylamino-4,4 diphenylbutane.
(Pethidine-intermediate-A) 4-cyano-1-methyl-4-phenylpiperidine.
(Moramide-intermediate) 2-methyl-3-morpholino-1,1-diphenylpropanecarboxylic acid.

APRIL 2, 1963

(Pethidine-intermediate-C) 1-methyl-4-phenylpiperidine-4-carboxylic acid.

APRIL 7, 1964

(Norpipanone) 4,4-diphenyl-6-piperidine-3-hexanone.
(Fentanly) 1-phenethyl-4-N-propionylanilinopiperidine.

Because this amendment of § 305.2(b) merely adds to the chronological list of findings two new drugs designated by the World Health Organization as being convertible into drugs capable of producing addiction and therefore recognized and published as opiates by the Commissioner of Narcotics under the provisions of section 5(b) of the Narcotics Manufacturing Act of 1960, 74 Stat. 60, 21 U.S.C. 503(b), Supp. IV and 21 CFR 307.61(b), it is hereby found that it is unnecessary to issue this Treasury Decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

Effective date. This Treasury Decision shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5(b), Pub. Law 86-429 (74 Stat. 60); sec. 17, Pub. Law 86-429 (74 Stat. 67))

[SEAL] HENRY L. GIORDANO, *Commissioner of Narcotics.*

Approved: April 1, 1964.

JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64-3354; Filed, Apr. 6, 1964; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6718]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Charitable Contributions

On January 23, 1964, notice of proposed rule making regarding amendment of the Income Tax Regulations (26 CFR Part 1) to reflect the changes in law made by section 22 of the Revenue Act of 1962 (76 Stat. 1064), relating to election with respect to charitable contributions for taxable years beginning after December 31, 1961, was published in the FEDERAL REGISTER (29 F.R. 566). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as so proposed are hereby adopted.

[SEAL] MORTIMER M. CAPLIN, *Commissioner of Internal Revenue.*

Approved: March 31, 1964.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

PARAGRAPH 1. Section 1.1307 is amended by adding after section 1307(d) a new subsection (e) and by revising the historical note. These added and amended provisions read as follows:

§ 1.1307 Statutory provisions; rules applicable to part I (section 1301 and following), subchapter Q, chapter 1 of the Code.

SEC. 1307. *Rules applicable to this part.*

* * *

(e) *Election with respect to charitable contributions.* In the case of an individual who elects (in such manner and at such time as the Secretary or his delegate prescribes by regulations) to have the provisions of this subsection apply, an amount received or accrued to which this part applies shall be reduced, for purposes of computing the tax liability of the taxpayer under this part with respect to the amount so received or accrued, by an amount equal to that portion of (1) the amount of charitable contributions made by the taxpayer during the taxable year in which the amount is so received or accrued which are allowable as a deduction for such year under section 170 (determined without regard to this part), as (2) the amount received or accrued to which this part applies is of the adjusted gross income for the taxable year (determined without regard to this part). In any case in which the taxpayer elects to have the provisions of the preceding sentence apply, for purposes of computing the limitation on tax under this part—

(1) Only the same proportion of the amount to which this part applies shall be taken into account for purposes of computing the limitations under section 170(b)(1)(A) and (B) for taxable years before the taxable year in which such amount is received or accrued as (A) the excess of the maximum amount which could, if the taxpayer had made additional contributions described in clause (i), (ii), or (iii) of section 170(b)(1)(A), have been described in clause (1) of the preceding sentence over the amount described in such clause (1), bears to (B) such maximum amount, and

(2) The portion of the amount of charitable contributions described in the preceding sentence shall not be taken into account in computing the tax for the taxable year in which the amount to which this part applies is received or accrued.

[Section 1307 as renumbered by sec. 1, Act of Aug. 11, 1955 (Pub. Law 366, 84th Cong., 69 Stat. 688); sec. 1, Act of Aug. 26, 1957 (Pub. Law 85-165, 71 Stat. 413); sec. 58, Technical Amendments Act 1958 (72 Stat. 1646); amended by sec. 22, Rev. Act 1962 (76 Stat. 1064)]

PAR. 2. The following new section is inserted after § 1.1307-1.

§ 1.1307-2 Election with respect to charitable contributions.

(a) *Introduction.* (1) For taxable years beginning after December 31, 1961, at the election of an individual taxpayer, the limitation on tax on income to which the provisions of part I, subchapter Q, chapter 1 of the Code, apply shall be determined with the application of section 1307(e) and this section. In this section, such income will be referred to as "bunched income".

(2) The election authorized by section 1307(e) may be made at any time within the period of limitation on filing claim for credit or refund under section 6511(a) for the taxable year in which the bunched income is received or accrued. The making of the election shall be evidenced by attaching to the return, an amended return, or claim for refund or credit for such taxable year schedules setting forth the computations of the amount of tax for the taxable year with the application of section 1307(e) and this section. An election may be revoked at any time within the period of limitation on filing a claim for credit or refund under section 6511(a) for the taxable year.

(3) If an election is made by a taxpayer to determine the limitation on tax on bunched income with the application of section 1307(e) and this section, then the computations required by sections 1301, 1302, 1303, 1304, 1305, 1306, and 1307(a) to (d), and the regulations thereunder, shall be made with due regard to the requirements of section 1307(e) and this section. For example, with respect to compensation from an employment which is subject to the provisions of section 1301, the allocation required to be made by paragraph (c) of § 1.1301-2 shall be made with due regard to the fact that the amount of the compensation must be reduced by the amount prescribed in paragraph (b) of this section; similarly, in making the computations required by paragraph (d)(2) of § 1.1301-2, due regard must be given to the fact that the amount of bunched income which is to be included in adjusted gross income of a taxable year for the purpose of determining the maximum limitation prescribed by section 170(b)(1) for charitable contribution deductions is limited to the amount prescribed in paragraph (d) of this section.

(b) *Reduction of bunched income.* In applying the special rule of section 1307(e) and this section, the bunched income received or accrued during the taxable year must first be reduced by an amount which bears the same ratio to the charitable contributions allowable as a deduction under section 170 (computed without regard to part I) for such taxable year as (1) the bunched income bears to (2) the adjusted gross income for the current taxable year (computed without regard to part I). For example, if for the current taxable year the bunched income is $10,000, adjusted gross income (computed without regard to part I) is $40,000 and the charitable contributions (all to churches) that were made by the taxpayer amount to $9,000, the amount that must be used to reduce the bunched income pursuant to this paragraph is $2,250 ($9,000 charitable contribution deduction computed without regard to part I) × $10,000/$40,000). In this situation, only the remainder of the bunched income, namely, $7,750, may be allocated to prior taxable years and to the current taxable year.

(c) *Reduction of charitable contributions made in the current taxable year.* The portion of the charitable contributions made in the current taxable year which is required to be used as a reduction of the bunched income, as prescribed in paragraph (b) of this section, may not be taken into account as charitable contributions made during the current taxable year in making the computations for such taxable year prescribed by paragraph (d)(1)(iii) of §§ 1.1301-2, 1.1302-1, 1.1303-1, 1.1304-1, 1.1305-1, and 1.1306-1. Thus, in the situation exemplified in paragraph (b) of this section, where it is shown that the taxpayer made charitable contributions of $9,000 during the current taxable year, only $6,750 ($9,000—$2,250) may be taken into account as contributions actually made during such taxable year in the application of section 1307(e) and this section.

(d) *Limitation on amount of bunched income includible in adjusted gross income for the purpose of determining the limitations prescribed by section 170(b)(1).* (1) The amount of bunched income which may be included in adjusted gross income of taxable years preceding the

current taxable year for the purpose of determining the limitations prescribed by

(2) *Reduction of bunched income.* The amount by which the employment compen-

(4) *Limitation on amount of bunched income includible in adjusted gross income*

bears to the total of the payments to

installment is $240 ($2,000×0.04×3).

scribed in section 103), the following

current taxable year for the purpose of determining the limitations prescribed by section 170(b)(1) for charitable contribution deductions in such years is limited to an amount which bears the same ratio to the bunched income (computed without regard to paragraph (b) of this section) as (i) 30 percent of the adjusted gross income for the current taxable year (computed without regard to part I) minus the charitable contributions allowable as a deduction under section 170 (computed without regard to part I) for the current taxable year bears to (ii) 30 percent of adjusted gross income for the current taxable year (computed without regard to part I). The amount computed under the provisions of the preceding sentence shall be allocated to the taxable years preceding the current taxable year in the same proportion that the amount of bunched income allocated to each such preceding taxable year bears to the amount of bunched income allocated to all such preceding taxable years. Thus, assuming, in the situation exemplified in paragraph (b) of this section, that $2,583.33 of the reduced bunched income ($7,750) is allocated to each of the prior two taxable years, nevertheless only one-half of $2,500 ($10,000 x ($12,000 minus $9,000)/$12,000), or $1,250, is includible in adjusted gross income of each of those years for the purpose of determining the limitations under section 170(b)(1) for charitable contribution deductions.

(2) No part of the bunched income may be included in the adjusted gross income of the current taxable year for the purpose of determining the limitations prescribed by section 170(b)(1) for charitable contribution deductions. Thus, in the situation exemplified in paragraph (b) of this section, notwithstanding that $2,583.33 of the reduced bunched income is allocated to the current taxable year, no part thereof is includible in adjusted gross income of that year for the purpose of determining the limitations under section 170(b)(1) for charitable contribution deductions.

(e) The provisions of section 1307(e) and this section may be illustrated by the following example.

Example. (1) *Facts.* On December 31, 1962, B, a cash basis taxpayer with one exemption who makes his income tax return on a calendar year basis, received compensation of $15,000 from an employment within the meaning of section 1301. The employment covered the 48-month period 1959, 1960, 1961, and 1962. Under section 1301 the $15,000 is to be attributed $3,750 to each of the taxable years 1959, 1960, 1961, and 1962. B's adjusted gross income (computed without regard to part I) and the total charitable contributions (all to the American Red Cross) are as follows:

Year	Adjusted gross income	Contributions
1959	$10,000	$4,500
1960	10,000	5,000
1961	15,000	6,000
1962	35,000	14,000

B's other itemized deductions amount to $1,000 for each year. B, in determining the limitation on tax on the employment compensation, elects to have the provisions of section 1307(e) and this section apply.

(2) *Reduction of bunched income.* The amount by which the employment compensation is to be reduced, pursuant to paragraph (b) of this section, is $3,000 computed as follows:

Employment compensation	$15,000
Adjusted gross income for 1962 (including the $15,000 employment compensation)	35,000
Maximum limitation under section 170(b)(1)(B)	7,000
Deduction allowable for 1962 (computed without regard to part I)	7,000
Amount of reduction ($7,000 × $15,000/$35,000)	3,000

Thus, $12,000 ($15,000 minus $3,000) is the portion of the employment compensation to be allocated equally over the 48-month period ($3,000 to each year) for purposes of paragraph (c) of § 1.1301-2.

(3) *Reduction of charitable contributions made in 1962.* Pursuant to paragraph (c) of this section, the partial tax for 1962, that is, the tax attributable to the employment compensation allocated to 1962 computed as prescribed in paragraph (d)(1)(iii) of § 1.1301-2, is determined as though B had made charitable contributions in 1962 of only $11,000 ($14,000 minus the $3,000 reduction).

	1959	1960	1961	1962
Adjusted gross income (exclusive of the employment compensation)	$10,000.00	$10,000.00	$15,000.00	$20,000.00
Increase for the purpose of computing limitation on charitable contribution deductions	1,666.67	1,666.67	1,666.66	0
Recomputed adjusted gross income	11,666.67	11,666.67	16,666.66	20,000.00
Contributions	4,500.00	5,000.00	6,000.00	11,000.00
Charitable contribution deductions allowable	2,333.33	2,333.33	3,333.33	4,000.00

(ii) The computation of taxable income pursuant to paragraph (d)(1)(iii) of § 1.1301-2, with the application of section 1307(e), is as follows:

	1959	1960	1961	1962
Adjusted gross income (exclusive of the employment compensation)	$10,000.00	$10,000.00	$15,000.00	$20,000.00
Employment compensation	3,000.00	3,000.00	3,000.00	3,000.00
Recomputed adjusted gross income	13,000.00	13,000.00	18,000.00	23,000.00
Deductions allowable: Personal exemption ($600), other deductions ($1,000), and charitable contributions	3,933.33	3,933.33	4,933.33	5,600.00
Taxable income	9,066.67	9,066.67	13,066.67	17,400.00

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64-3361; Filed, Apr. 6, 1964; 8:48 a.m.]

[T.D. 6720]

PART 19—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1964

Interest on Certain Deferred Payments

The following regulations are prescribed under section 483 of the Internal Revenue Code of 1954, as added by section 224(a) of the Revenue Act of 1964 (78 Stat. 77), relating to interest on certain deferred payments.

The regulations set forth herein are temporary and are designed to inform taxpayers of the minimum interest rate which, if provided in a contract, will preclude the application of section 483. A table is provided for use in computing the present value of a payment for purposes of determining, under section 483(c)(1)(B) of the Code, whether there is "total unstated interest". More comprehensive rules with respect to these and other provisions relating to interest on certain deferred payments will be issued subsequently. The rate to be prescribed for purposes of section 483(b)(2) will be at least one percentage point higher than the rate hereafter prescribed for purposes of section 483(c)(1)(B).

In order to prescribe temporary regulations under section 483 of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 19.3-1 Interest on certain deferred payments; interest rate for use in determining whether there is total unstated interest under a contract.

(a) *In general.* Section 224(a) of the Revenue Act of 1964 adds a new section 483 to the Internal Revenue Code of 1954. Section 483(a) provides, generally, that in the case of any contract for the sale or exchange of property (which is a capital asset or section 1231 property) there shall be treated as interest that part of a payment to which section 483 applies which bears the same ratio to the amount of such payment as the total unstated interest under such contract bears to the total of the payments to which such section applies which are due under the contract. Section 483(b) defines the term "total unstated interest", with respect to a contract for the sale or exchange of property, as an amount equal to the excess of—

(1) The sum of the payments to which section 483 applies which are due under the contract, over

(2) The sum of the present values of such payments and the present values of any interest payments due under the contract.

Section 483(b) further provides that, for purposes of section 483(b)(2), the present value of a payment shall be determined, as of the date of the sale or exchange, by discounting such payment at the rate, and in the manner, provided in regulations prescribed by the Secretary or his delegate, and that such regulations shall provide for discounting on the basis of 6-month brackets and shall provide that the present value of any interest payment due not more than 6 months after the date of the sale or exchange is an amount equal to 100 percent of such payment. Section 483(c) provides that, except as provided in section 483(f) (relating to exceptions and limitations), section 483 shall apply to any payment on account of the sale or exchange of property which constitutes part or all of the sales price and which is due more than 6 months after the date of such sale or exchange under a contract under which some or all of the payments are due more than one year after the date of such sale or exchange, and under which, using a rate provided by regulations (for purposes of section 483(c)(1)(B)), there is total unstated interest. Section 483(c) further provides that any rate prescribed for determining whether there is total unstated interest for purposes of section 483(c)(1)(B) shall be at least one percentage point lower than the rate prescribed for purposes of section 483(b)(2).

(b) *Rate of interest and table of present values for purposes of section 483(c)(1)(B).* For purposes of determining under section 483(c)(1)(B) whether there is total unstated interest under a contract (other than a contract of sale or exchange under which the purchaser is the United States, a State, or any other purchaser described in section 103) which provides for the payment of some interest, a rate of 4 percent per annum simple interest shall be used. As an illustration of the meaning of simple interest, if a contract provides for payments of $6,000 in 3 equal installments of $2,000 plus 4 percent per annum simple interest, such installments of principal and interest being due 1, 2, and 3 years, respectively, from the date of the sale, the amount of interest due with the first installment is $80 ($2,000×0.04×1), the amount of interest due with the second installment is $160 ($2,000×0.04×2), and the amount of interest due with the third installment is $240 ($2,000×0.04×3). Section 483 shall not apply if the interest payments specified in a contract are at a rate of at least 4 percent per annum, whether simple or compounded. In all other cases, for purposes of determining, under section 483(c)(1)(B), whether there is total unstated interest under a contract (not involving a purchaser described in section 103), the following table, which provides for discounting payments at a 4 percent per annum simple interest rate, shall be used for computing the present value of a payment to which section 483 applies which is due under the contract, and the present value of any interest payment due under the contract:

PRESENT VALUE OF DEFERRED PAYMENT (4 PERCENT PER ANNUM SIMPLE INTEREST)

Number of months deferred		Present value of $1 at 4% simple interest	Number of months deferred		Present value of $1 at 4% simple interest	Number of months deferred		Present value of $1 at 4% simple interest
At least	But less than		At least	But less than		At least	But less than	
0	6	1.00000	237	243	.55556	477	483	.38462
6	9	.98039	243	249	.54945	483	489	.38168
9	15	.96154	249	255	.54348	489	495	.37879
15	21	.94340	255	261	.53763	495	501	.37594
21	27	.92593	261	267	.53191	501	507	.37313
27	33	.90909	267	273	.52632	507	513	.37037
33	39	.89286	273	279	.52083	513	519	.36765
39	45	.87719	279	285	.51546	519	525	.36496
45	51	.86207	285	291	.51020	525	531	.36232
51	57	.84746	291	297	.50505	531	537	.35971
57	63	.83333	297	303	.50000	537	543	.35714
63	69	.81967	303	309	.49505	543	549	.35461
69	75	.80645	309	315	.49020	549	555	.35211
75	81	.79365	315	321	.48544	555	561	.34965
81	87	.78125	321	327	.48077	561	567	.34722
87	93	.76923	327	333	.47619	567	573	.34483
93	99	.75758	333	339	.47170	573	579	.34247
99	105	.74627	339	345	.46729	579	585	.34014
105	111	.73529	345	351	.46296	585	591	.33784
111	117	.72464	351	357	.45872	591	597	.33557
117	123	.71429	357	363	.45455	597	603	.33333
123	129	.70423	363	369	.45045	603	609	.33113
129	135	.69444	369	375	.44643	609	615	.32895
135	141	.68493	375	381	.44248	615	621	.32680
141	147	.67568	381	387	.43860	621	627	.32468
147	153	.66667	387	393	.43478	627	633	.32258
153	159	.65789	393	399	.43103	633	639	.32051
159	165	.64935	399	405	.42735	639	645	.31847
165	171	.64103	405	411	.42373	645	651	.31646
171	177	.63291	411	417	.42017	651	657	.31447
177	183	.62500	417	423	.41667	657	663	.31250
183	189	.61728	423	429	.41322	663	669	.31056
189	195	.60976	429	435	.40984	669	675	.30864
195	201	.60241	435	441	.40650	675	681	.30675
201	207	.59524	441	447	.40323	681	687	.30488
207	213	.58824	447	453	.40000	687	693	.30303
213	219	.58140	453	459	.39683	693	699	.30120
219	225	.57471	459	465	.39370	699	705	.29940
225	231	.56818	465	471	.39063	705	711	.29762
231	237	.56180	471	477	.38760	711	717	.29586
						717	723	.29412

To compute the present value of a payment, multiply the amount of the payment by the factor contained in the present value column for the appropriate number of months the payment is deferred. For example, the present value of an installment payment of $5,000 due 2 years (24 months) from the date of the sale would be $4,629.65 ($5,000×0.92593).

(c) *Effective date.* The provisions of section 483 and these temporary regulations shall apply to payments made after December 31, 1963, on account of sales or exchanges of property occurring after June 30, 1963, other than any sale or exchange made pursuant to a binding written contract (including an irrevocable written option) entered into before July 1, 1963.

Because this Treasury decision merely provides temporary regulations designed to inform taxpayers of the rate of interest to be used for purposes of section 483(c)(1)(B) of the Code, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: April 2, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury

[F.R. Doc. 64-3366; Filed, Apr. 6, 1964; 8:48 a.m.]

Title 43—PUBLIC LANDS:

Television Broadcast Stations to make 70 percent of the visual peak power,

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3358]

[Sacramento 076311]

CALIFORNIA

Withdrawal for Forest Service Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Siskiyou National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as a campground:

HUMBOLDT MERIDIAN

ELK VALLEY CAMPGROUND

T. 18 N., R. 4 E.,
Sec. 2, W½NW¼SW¼;
Sec. 3, E½SE¼NE¼SE¼ and E½NE¼NE¼SE¼.

The areas described aggregate approximately 30 acres.

JOHN A. CARVER, JR.
Assistant Secretary of the Interior.

APRIL 1, 1964.

[F.R. Doc. 64-3344; Filed, Apr. 6, 1964; 8:46 a.m.]

Title 47—TELECOMMUNICATION

[Docket No. 15208; FCC 64-299]

Chapter I—Federal Communications Commission

PART 73—RADIO BROADCAST SERVICES

Transmission Standards and Changes

In the matter of reduction in the aural-to-visual power ratio for VHF Television Broadcast Stations to make it consistent with the ratio required of UHF Television Broadcast Stations; Docket No. 15208.

1. On November 1, 1963, the Commission issued a notice of proposed rule making (FCC 63-999) in the above-entitled matter. Interested parties were invited to comment on or before December 10, 1963, and to reply to such comments on or before December 20, 1963.

2. Comments were received from Admiral Corporation, Emerson Radio and Phonograph Corporation, Magnavox Company, Motorola, Inc., Packard Bell Electronics, Philco Corporation, Radio Corporation of America, Warwick Electronics, Inc., Wells Gardner Electronics Corporation, Westinghouse Electric Corporation, and Zenith Radio Corporation, all manufacturers of television broadcast receivers; American Broadcasting Company, Black Hawk Broadcasting Company, Crosley Broadcasting Corporation, Duhamel Broadcasting Enterprises, Jefferson Television Company, Rust Craft Reading Cards, Inc., WHEC, Inc., and WLBZ Television, Inc., all licensees of TV broadcast stations; A. Earl Cullum, Consulting Engineer and Standard Electronics Corporation, transmitter manufacturer. Radio Corporation of America is also a manufacturer of TV broadcast transmitters.

3. While this proceeding was concerned primarily with adopting the same aural/visual power ratio for VHF television stations that already applies to UHF television broadcast stations, most of the comments went beyond the proposal and argued for or against the general applicability of the aural/visual power ratio. The same cleavage between receiver manufacturers and TV broadcast station licensees that marked the comments filed in the original proposal in Docket No. 14229, which ultimately resulted in the adoption of the 10 percent to 70 percent aural-to-visual power ratio for UHF stations, was apparent in the comments filed in this proceeding. Receiver manufacturers are generally not in favor of the provision which would allow TV broadcast stations to operate with an aural power of 10 percent of the visual peak power but are more concerned with the wide range of permissible aural power, i.e., from 10 percent to 70 percent of the visual peak power. Broadcasters, on the other hand are in favor of the 10 percent permissible value of aural power and do not appear to be particularly interested in retaining the wide range of permissible aural power.

4. We believe that there is merit in giving further consideration to the permissible upper limit of aural-to-visual power ratio for both VHF and UHF television broadcast stations. However, that matter should be the subject of a separate and specific proposal so that we may have the benefit of comments from all knowledgeable sources. Therefore, we are concluding this proceeding by adopting the amendment of § 73.682(a) (15) as proposed, which simply conforms the aural power requirements for VHF television stations to those which apply to UHF television stations, and simultaneously herewith, we are issuing a notice of proposed rule making to make the permissible aural power range of VHF and UHF television broadcast stations, from 10 percent to 20 percent of the peak visual power.

5. *Accordingly, it is ordered*, That effective May 11, 1964, § 73.682(a) (15) of the Commission's rules is amended to read as follows:

§ 73.682 Transmission standards and changes.

(a) *Transmission standards.* • • •

(15) The effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 70 percent of the peak radiated power of the visual transmitter.

• • • • • •

6. Authority for the amendment adopted herein is contained in sections 4(i) and 303(c) of the Communications Act of 1934, as amended.

Adopted: April 1, 1964.

Released: April 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3373; Filed, Apr. 6, 1964; 8:48 a.m.]

[1] Commissioners Hyde and Bartley absent.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Parts 10, 11, 12, 13, 14, 14a, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36]

REVISION OF FEES

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in sections 2 and 5 of the Act of May 16, 1910 (36 Stat. 370; 30 U.S.C. 3, 7), as amended, it is proposed to revise the fees in the above-captioned Parts of Chapter I, Title 30, Code of Federal Regulations, as set forth below.

Fees and charges for services and products of the Federal Government are required to reflect actual costs of providing them. The revised actual fees and charges for services performed or products furnished by the Bureau of Mines, U.S. Department of the Interior, shall apply on and after the date of notice of adoption regardless of the date of application for such services or products.

In accordance with the policy of the Department of the Interior, interested persons may submit written comments, suggestions, or objections with respect to the proposed revisions to the Director, Bureau of Mines, Interior Building, Washington, D.C., 20240, within 30 days after the date of publication in the FEDERAL REGISTER.

JOHN M. KELLY,
Assistant Secretary of the Interior.

MARCH 25, 1964.

[Bureau of Mines Schedule 3C]

PART 10—COAL ANALYSIS FOR NON-FEDERAL APPLICANTS

Section 10.4 of Part 10 of Title 30 is revised to read as follows:

§ 10.4 Fees.

(a) The following fees are charged for each sample:

1. Moisture and ash, or sulfur, or volatile matter, or free-swelling index	$4.50
2. Proximate analysis (moisture, ash, and volatile matter)	6.00
3. Btu determination	7.50
4. Proximate analysis, sulfur, and Btu	13.00
5. Ultimate analysis (moisture, ash, carbon, hydrogen, sulfur, and nitrogen)	22.50
6. Ultimate analysis and Btu	28.00
7. Proximate and ultimate analyses, and Btu	29.50
8. Fusibility of ash	10.00
9. Hardgrove grindability index	10.00

(b) Fees for tests not included in the above list will be based on the cost of the services required, and the applicant will be notified accordingly. The fee shall be paid before such tests are begun.

[Bureau of Mines Schedule 13D]

PART 11—SELF-CONTAINED BREATHING APPARATUS

Section 11.3 of Part 11 of Title 30 is revised to read as follows:

§ 11.3 Fees.

	Apparatus with separate regenerator	Oxygen-generating apparatus	Demand-type apparatus
1. Complete 2-hour self-contained breathing apparatus inspection and tests	$1,600	$1,600	$1,600
2. Complete 1-hour self-contained breathing apparatus inspection and tests	1,500	1,500	1,500
3. Complete ¾-hour self-contained breathing apparatus inspection and tests	1,500	1,500	1,500
4. Complete ½-hour self-contained breathing apparatus inspection and tests	1,500	1,500	1,500
5. Separate preliminary 2-hour apparatus inspection and tests	255	255	255
6. Separate preliminary 1-hour apparatus inspection and tests	250	250	250
7. Separate preliminary ¾-hour apparatus inspection and tests	250	250	250
8. Separate preliminary ½-hour apparatus inspection and tests	250	250	250
9. Separate supplementary facepiece assembly	250	250	250
10. Separate regenerator 2-hour apparatus inspection and tests	255		
11. Separate regenerator 1-hour apparatus inspection and tests	240		
12. Separate regenerator ¾-hour apparatus inspection and tests	240		
13. Separate regenerator ½-hour apparatus inspection and tests	240		
14. Special reducing valve inspection and tests, all models	240	240	240
15. Separate auxiliary parts inspection and tests, per man-day required	40	40	40
16. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before tests are begun			

NOTE: If a self-contained breathing apparatus fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the self-contained breathing apparatus is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

[Bureau of Mines Schedule 19B]

PART 12—SUPPLIED-AIR RESPIRATORS

Paragraph (c) of § 12.4 of Part 12 of Title 30 remains the same as published in the Nov. 14, 1963 issue of the FEDERAL REGISTER as amendments to Schedule 19B and reads as follows:

§ 12.4 Fees.

• • • • • •

(c) • • •

1. Types A or AE supplied-air respirators (complete)	$475
(i) Blower, single outlet	160
(ii) Each hand-operated blower outlet more than one (at time of blower testing)	20
(iii) Each motor-operated blower outlet more than one (at time of blower testing)	40
(iv) Air-supply line (hose)	190
(v) Body harness	35
(vi) Respiratory-inlet covering (facepiece)	130
2. Types B or BE supplied-air respirators (complete)	355
(i) Air-supply line (hose)	145
(ii) Body harness	35
(iii) Respiratory-inlet covering (facepiece)	130
3. Types C or CE supplied-air respirators, continuous-flow class (complete)	$355
(i) Air-supply line (hose)	355
(ii) Respiratory-inlet covering (facepiece)	140
4. Types C or CE supplied-air respirators, demand class (complete)	390
(i) Air-supply line (hose)	135
(ii) Respiratory-inlet covering (facepiece)	140
5. Types C or CE supplied-air respirators, pressure-demand class (complete)	410
(i) Air-supply line (hose)	135
(ii) Respiratory-inlet covering (facepiece)	160
6. Additional examination and tests of respirator in connection with other tests, per man-day required	40
7. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun.	

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

• • • • • •

[Bureau of Mines Schedule 14F]

2. Pneumoconiosis-producing and nuisance dusts, reusable filter,

PART 14a—NONEMERGENCY GAS

[Bureau of Mines Schedule 26A]

(g) Examining and recording drawings

[Bureau of Mines Schedule 14F]

PART 13—GAS MASKS

Paragraph (c) of § 13.5 of Part 13 of Title 30 is revised to read as follows:

§ 13.5 Conditions under which gas masks will be tested.

• • • • •

(c) *Fees.*

1. Type A—Acid gases, complete mask	$1,230
2. Type B—Organic vapors, complete mask	690
3. Type C—Ammonia, complete mask	690
4. Type D—Carbon monoxide self-rescuer	650
5. Type AE, BE, etc.—Dusts, fumes, mists, fogs, and smokes in combination with any of the above types. Fee in addition to that required for tests with gases or vapors	350
6. Type AB—Acid gases and organic vapors, complete mask	1,655
7. Complete mask with canister designed for a single gas or vapor	690
8. Facepiece, complete	105
9. Canister alone, fee for complete mask minus fee for facepiece.	
10. Extension of approval to another gas or vapor, or complete retesting with a gas or vapor in case of failure	585
11. Type N—Universal gas mask for all gases and vapors ordinarily encountered in industry, including filters for dusts, fumes, mists, fogs, and smokes	2,330
12. Additional examination and tests in connection with other tests, per man-day required	40
13. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun.	

NOTE: If a gas mask fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the gas mask is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

• • • • •

[Bureau of Mines Schedule 21A]

PART 14—FILTER-TYPE DUST, FUME, AND MIST RESPIRATORS

Paragraph (c) of § 14.4 of Part 14 of Title 30 is revised to read as follows:

§ 14.4 Conditions under which respirators will be tested.

• • • • •

(c) *Fees.*

1. Pneumoconiosis-producing and nuisance dusts, single-use filter, complete respirator	$290
2. Pneumoconiosis-producing and nuisance dusts, reusable filter, complete respirator	$355
3. Toxic dusts, single-use filter, complete respirator	320
4. Toxic dusts, reusable filter, complete respirator	415
5. Dusts, single-use filter, complete respirator	355
6. Dusts, reusable filter, complete respirator	505
7. Fumes, complete respirator	370
8. Silica mist, complete respirator	325
9. Chromic-acid mist, complete respirator	355
10. Facepiece, dust or mist respirator	75
11. Facepiece, fume respirator	90
12. Pneumoconiosis-producing and nuisance dusts and mists, complete respirator	355
13. Pneumoconiosis-producing and nuisance dusts and chromic-acid mist, complete respirator	415
14. Pneumoconiosis-producing and nuisance dusts and mists, and chromic-acid mist, complete respirator	445
15. Pneumoconiosis-producing and nuisance mists, and chromic-acid mist, complete respirator	415
16. Toxic dusts and pneumoconiosis-producing and nuisance mists, complete respirator	385
17. Toxic dusts and chromic-acid mist, complete respirator	415
18. Toxic dusts, pneumoconiosis-producing and nuisance mists and chromic-acid mist, complete respirator	475
19. Dusts and pneumoconiosis-producing and nuisance mists, complete respirator	415
20. Dusts and chromic-acid mist, complete respirator	445
21. Dusts, pneumoconiosis-producing and nuisance mists, and chromic-acid mist, complete respirator	505
22. Dusts, fumes, and pneumoconiosis-producing and nuisance mists, complete respirator	525
23. Dusts, fumes, and chromic-acid mist, complete respirator	555
24. Dusts, fumes, pneumoconiosis-producing nuisance mists and chromic-acid mist, complete respirator	615
25. Dusts and fumes, complete respirator	460
26. Additional examination and tests of respirator in connection with other tests, per man-day required	40
27. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun.	

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

• • • • •

PART 14a—NONEMERGENCY GAS RESPIRATORS (CHEMICAL CARTRIDGE RESPIRATORS, INCLUDING PAINT SPRAY RESPIRATORS)

[Bureau of Mines Schedule 23B]

Paragraph (d) of § 14a.5 of Part 14a of Title 30 is revised to read as follows:

§ 14a.5 Fees.

• • • • •

(d) The following fees are charged for testing types B and BE nonemergency gas respirators:

1. Type B—Organic vapors, complete respirator	$625
2. Type BE—Dusts, fumes, or mists in combination with organic vapors. Fee for filter tests in addition to that required for Type B:	
(i) Pneumoconiosis-producing and nuisance dusts	155
(ii) Toxic dusts	185
(iii) Dusts—combination of (i) and (ii)	220
(iv) Fumes	220
(v) Pneumoconiosis-producing and nuisance mists and chromic-acid mist	220
(vi) Mists of paints, lacquers, and enamels	670
3. Facepiece alone	95
4. Cartridge(s) alone	530
5. Additional examination and tests of respirator in connection with other tests, per man-day required	40
6. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun.	

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

[Bureau of Mines Schedule 1H]

PART 15—EXPLOSIVES AND RELATED ARTICLES

Sections 15.4 and 15.24 of Part 15 of Title 30 is revised to read as follows:

§ 15.4 Fees.

(a) The fee for complete tests leading to approval of an explosive as permissible is $1,320. If the applicant withdraws an explosive, or if the explosive fails to pass any of the tests prescribed in this part, the Bureau will charge for the tests actually performed, with a minimum charge of $100 according to the charges stated in paragraph (b) of this section. The balance of the fees will be returned to the applicant.

(b) The fees covering individual and complete (total) tests are revised to read as follows:

	Individual test	Total
1. Complete permissibility tests		$1,320
(i) Friction	$22	22
(ii) Physical examination	22	77
(iii) Chemical analysis	110	110
(iv) Gap	22	22
(v) Ballistic mortar	44	44
(vi) Gallery test 4	33	330
(vii) Gallery test 7	550	550
(viii) Rate of detonation	55	55
(ix) Gaseous products	110	110
(x) For other tests or additional work, the costs as determined by the Bureau based on an estimate of the actual cost of the test. The Bureau will notify the applicant accordingly, and the fee shall be paid before such tests are begun.		

(c) If no experimental tests are required, the fee for issuance of a revised certificate of approval will be $25.

§ 15.24 Miscellaneous tests on explosives and other hazardous materials.

(a) The Bureau conducts some tests not leading directly to approval of explosives as permissible for use in underground coal mines. Fees for these tests will be prescribed in § 15.4 and as prescribed below:

(1) Impact test	$33
(2) Electrostatic spark test	22
(3) Thermal sensitivity test	33
(4) Suspended tests in the gallery (per shot)	11
(5) Gaseous products:	
i. Oxides of nitrogen only	77
ii. Complete analysis of gaseous products, including oxides of nitrogen	110

(b) Application for miscellaneous tests shall follow the procedure prescribed in § 15.3. Applicants requesting tests shall follow the instructions under § 15.5. The applicant will be notified by the Bureau as to the quantity of material needed. No report on the results of tests made by the Bureau, or any part thereof, may be published without prior written consent of the Bureau.

[Bureau of Mines Schedule 27B]

PART 16—STEMMING DEVICES

Section 16.4 of Part 16 of Title 30 is revised to read as follows:

§ 16.4 Fees.

(a) Complete tests for approval	[1] $1,225
(b) Individual tests:	
1. Chemical	65
2. Physical examination	25
3. Gallery, per shot	18
4. Rough handling	15
5. Flammability	40
6. Fee for tests not included in this list will be based on actual costs.	
(c) Fee for tests required by changes in design will be determined by the Bureau; minimum fee	100

[1] Fees for additional tests, described in paragraph (c) of § 16.10, will be determined by the Bureau and will be in addition to this fee. If the applicant withdraws the stemming device after testing has begun, or if the device fails to pass any of the required tests, the Bureau will charge a minimum of $100 and will return to the applicant any part of the remaining fee not required to compensate the Bureau for its services.

[Bureau of Mines Schedule 26A]

PART 17—BLASTING DEVICES

Section 17.4 of Part 17 of Title 30 is revised to read as follows:

§ 17.4 Fees.

(a) Complete tests for approval when electrical tests are not required	[1] $1,210
(b) Complete tests for approval when electrical tests are required	[1] 1,450
(c) Individual tests:	
1. Chemical	120
2. Physical examination	60
3. Gallery, per shot	15
4. Pendulum friction, per sample	30
5. Gaseous products, per sample	120
6. Shell temperature	100
7. Electrical	240
8. Fee for tests not included in this list will be based on actual costs.	
(d) Fee for tests required by changes in design will be determined by the Bureau; minimum fee	500

[1] If the applicant withdraws the blasting device after testing has begun, or if the device fails to pass any of the required tests, the Bureau will charge a minimum of $500 and will return to the applicant any part of the remaining fee not required to compensate the Bureau for its services.

[Bureau of Mines Schedule 2F]

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT, JUNCTION BOXES AND OTHER ACCESSORY EQUIPMENT

Section 18.3 of Part 18 of Title 30 is revised to read as follows:

§ 18.3 Fees.

(a) Detailed inspection of each explosion-proof enclosure	$60

NOTE: When less than 20 explosion tests are required, the fee shall be $25.

(b) Explosion tests of each explosion-proof enclosure	50

NOTE: When less than 20 explosion tests are required, the inspection fee shall be $30.

(c) Each series of tests necessary to prove the adequacy of electrical clearances, insulation durability, intrinsic safety, surface temperature, or ventilation of each enclosure	50
(d) Each field inspection of completely assembled equipment	50
(e) Tests of cable	
1. Damage-resistance tests	40
2. Development tests to determine resistance to damage by mine car running over cable will be charged at the rate of $5 for each five runs over the cable. The minimum charge is $10.	
3. Flame-resistance tests	25
4. Development flame-resistance tests will be charged at the rate of $5 per test sample. The minimum charge is $10.	
(f) Examining and recording drawings and specifications preparatory to issuing an approval	50
(g) Examining and recording drawings and specifications for each investigation of a motor, starter, or other individual explosion-proof unit considered independently of a complete machine assembly for certification	$30
(h) Examining and recording drawings and specifications for an extension of approval	50
(i) Examining and recording drawings and specifications for an extension of certification	30
(j) No charge will be made for inspections and tests made solely for the Bureau's information.	

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

[Bureau of Mines Schedule 6D]

PART 19—ELECTRIC CAP LAMPS

Section 19.2 of Part 19 of Title 30 is revised to read as follows:

§ 19.2 Fees.

(a) Detailed inspection	$60
(b) Safety tests (headpiece)	90
(c) Headpiece dropping	15
(d) Headpiece smash	20
(e) Battery sparking	20
(f) Battery dropping	15
(g) Battery spilling	40
(h) Bulb uniformity (current consumption)	40
(i) Bulb life	125
(j) Light distribution	140
(k) Discharge voltage (battery)	50
(l) Cord slatting	50
(m) Final examination and recording of drawings and specifications requisite to issuing an approval	50
(n) Examining and recording of drawings and specifications requisite to issuing an extension of approval	50
(o) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 10C]

PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

Section 20.4 of Part 20 of Title 30 is revised to read as follows:

§ 20.4 Fees.

(a) Detailed inspection [1]	$60
(b) Safety tests in gas [1]	90
(c) Battery sparking [2]	20

[1] Applies to all lamps.
[2] Applies only if cord is involved.

(d) Battery spilling [2]	$40
(e) Dropping [1]	15
(f) Bumping [4]	50
(g) Explosion tests [5]	50

[Bureau of Mines Schedule 8C]

PART 22—PORTABLE METHANE DETECTORS

[Bureau of Mines Schedule 12D]

PART 24—SINGLE-SHOT BLASTING UNITS

[Bureau of Mines Schedule 29A]

PART 26—LIGHTING EQUIPMENT FOR ILLUMINATING UNDERGROUND

If an applicant is unable to determine the exact fee that should be submitted with his application, the information will

[Bureau of Mines Schedule 24]

PART 32—MOBILE DIESEL-POWERED EQUIPMENT FOR NONCOAL MINES

(d) Battery spilling [5]	$40
(e) Dropping [1]	15
(f) Bumping [4]	50
(g) Explosion tests [5]	50
(h) Final examination and recording of drawings and specifications requisite to issuing an approval	50
(i) Examining and recording drawings and specifications requisite to issuing an extension of approval	50
(j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[1] Applies to all lamps.
[2] Applies only to storage-battery lamps.
[4] Applies only to trip lamps.
[5] Applies only to units in explosion-proof housings.

[Bureau of Mines Schedule 7C]

PART 21—FLAME SAFETY LAMPS

Section 21.3 of Part 21 of Title 30 is revised to read as follows:

§ 21.3 Fees.

(a) Detailed inspection	$60
(b) Mechanical tests of complete lamp	
1. Dropping test	15
2. Impact test with 5# weight	25
3. Tension test with 10# weight	25
4. Bonnet test (pendulum impact)	25
5. Temperature of external parts	15
(c) Mechanical tests of glasses	
1. Impact test with 1# weight	25
2. Temperature test	15
(d) Safety tests—moving and still mixtures	100
(e) Safety tests—igniter	40
(f) Time of burning	10
(g) Detection of methane and deficiency of oxygen	50
(h) Final examination and recording of drawings and specifications requisite to issuing an approval	50
(i) Examining and recording drawings and specifications requisite to issuing an extension of approval	50
(j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 8C]

PART 22—PORTABLE METHANE DETECTORS

Section 22.3 of Part 22 of Title 30 is revised to read as follows:

§ 22.3 Fees.

(a) Detailed inspection	$60
(b) Safety—instrinsically safe circuits	50
(c) Battery spilling	40
(d) Battery dropping	15
(e) Accuracy	100
(f) Life tests of replaceable components	50
(g) Field tests	40
(h) Final examination and recording of drawings and specifications requisite to issuing an approval	50
(i) Examining and recording drawings and specifications requisite to issuing an extension of approval	50
(j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 9B]

PART 23—TELEPHONE AND SIGNALING DEVICES

Section 23.4 of Part 23 of Title 30 is revised to read as follows:

§ 23.4 Fees.

(a) Detailed inspection	$60
(b) Explosion tests (each compartment)	50
(c) Intrinsic safety	50
(d) Life tests of replaceable parts	50
(e) Final examination and recording of drawings and specifications requisite to issuing an approval	50
(f) Examining and recording drawings and specifications requisite to issuing an extension of approval	50
(g) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 12D]

PART 24—SINGLE-SHOT BLASTING UNITS

Section 24.1 of Part 24 of Title 30 is revised to read as follows:

§ 24.1 Fees.

(a) Detailed inspection	$60
(b) Intrinsic safety tests	50
(c) Life tests of replaceable parts or complete unit	50
(d) Discharge voltage test	50
(e) Firing capacity test	50
(f) Dropping test	15
(g) Final examination and recording of drawings and specifications requisite to issuing an approval	50
(h) Examining and recording drawings and specifications requisite to issuing an extension of approval	50
(i) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 16E]

PART 25—MULTIPLE-SHOT BLASTING UNITS

Section 25.4 of Part 25 of Title 30 is revised to read as follows:

§ 25.4 Fees.

(a) Detailed inspection	$60
(b) Timing and energy requirement determination	50
(c) Safety tests in methane-air mixtures	90
(d) High-potential test	10
(e) Dropping test	15
(f) Life test of complete unit	100
(g) Firing capacity test	50
(h) Final examination and recording of drawings and specifications requisite to issuing an approval	50
(i) Examining and recording drawings and specifications requisite to issuing an extension of approval	50
(j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 29A]

PART 26—LIGHTING EQUIPMENT FOR ILLUMINATING UNDERGROUND WORKINGS

Section 26.6 of Part 26 of Title 30 is revised to read as follows:

§ 26.6 Fees.

(a) Detailed inspection	$60
(b) Explosion tests, each series	50
(c) Dropping test	15
(d) Temperature test	15
(e) High-potential test	10
(f) Safety tests in methane-air mixtures [1]	90
(g) Short-circuit test [1]	10
(h) Flame-resistance test (cable connectors)	25
(i) Final examination and recording of drawings and specifications requisite to issuing an approval	50
(j) Examining and recording drawings and specifications requisite to issuing an extension of approval	50
(k) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[1] Applies to cable connectors submitted for certification.

[Bureau of Mines Schedule 32]

PART 27—METHANE-MONITORING SYSTEMS

Section 27.7 of Part 27 of Title 30 is revised to read as follows:

§ 27.7 Fees.

(a) Detailed inspection—each assembled component	$60
(b) Explosion testing—each explosion-proof enclosure	50
(c) Each series of tests to determine adequacy of design, materials, and/or construction	50
(d) Tests to determine safe operation and performance of a complete methane-monitoring system	90
(e) Tests to determine intrinsic safety	45
(f) Final examination and recording of drawings and specifications requisite to issuing a letter of certification	50
(g) Examining and recording drawings and specifications requisite to issuing an extension of certification, each 4 hours or fraction thereof	16
(h) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

If an applicant is unable to determine the exact fee that should be submitted with his application, the information will be provided upon request, addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213; Attention: Chief, Branch of Electrical-Mechanical Testing. Any surplus from a fee submitted in excess of requirements will be refunded to the applicant upon completion or termination of the investigation or tests.

PART 31—DIESEL MINE LOCOMOTIVES

[Bureau of Mines Schedule 22]

Paragraph (c) of § 31.3 of Part 31 of Title 30 is revised to read as follows:

§ 31.3 Conditions under which approvals may be granted; preliminary steps.

* * * * *

(c) *Fees.*

1. Preliminary review of drawings, specifications, and related data—new machine	$40
2. Tests to determine composition of engine exhaust gases	500

NOTE: For preliminary or check testing that requires only carbon dioxide and carbon monoxide determinations, the fee shall be $200.

3. Tests to determine effectiveness of engine flame arrester	130

NOTE: For check testing a redesigned flame arrester that requires less than 20 tests, the fee shall be $60.

4. Detailed inspection of engine flame arrester	40
5. Detailed inspection of manifolds, exhaust conditioners, and other parts of intake and exhaust systems	50
6. Detailed inspection of electrical units—each explosion-proof enclosure	55

NOTE: When less than 20 explosion tests are required, the inspection fee shall be $25.

7. Explosion tests of electrical units—each explosion-proof enclosure	45

NOTE: When less than 20 explosion tests are required, the fee shall be $20.

8. Exhaust conditioner performance tests to determine rate of water consumption	$50
9. Surface temperature determinations and tests of safety controls	75
10. Each field inspection of completely assembled machine	90
11. Tests of exhaust-gas dilution not made concurrently with field inspections of completely assembled machine	60
12. Final examination and recording of drawings and specifications preparatory to issuing an approval	50
13. Examining and recording drawings and specifications for an extension of approval, each 4 hours or fraction thereof	16

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

* * * * *

[Bureau of Mines Schedule 24]

PART 32—MOBILE DIESEL-POWERED EQUIPMENT FOR NONCOAL MINES

Paragraph (c) of § 32.3 of Part 32 of Title 30 is revised to read as follows:

§ 32.3 Conditions under which approvals may be granted or tests made; preliminary steps preceding approval tests and inspections.

* * * * *

(c) *Fees.*

1. Preliminary review of drawings, specifications, and related data—each new machine	$40
2. Tests to determine composition of engine exhaust gases	400

NOTE: For preliminary or check testing that requires only carbon dioxide and carbon monoxide determinations, the fee shall be $175.

3. Detailed inspection of exhaust-gas cooling system	40
4. Detailed inspection of electrical system	20
5. Each field inspection of completely assembled machine	90
6. Exhaust-gas-dilution tests independent of field inspection	60
7. Final examination and recording of drawings and specifications preparatory to issuing an approval	50
8. Final examination and recording of drawings and specifications preparatory to issuing a certification of an engine subassembly	35
9. Examining and recording of drawings and specifications for an extension of approval or certification of an engine subassembly, each 4 hours or fraction thereof	16

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

* * * * *

[Bureau of Mines Schedule 25B]

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

Paragraphs (a) and (b) of § 33.5 of Part 33 of Title 30 is revised to read as follows:

§ 33.5 Fees for investigation.

(a) The following fees are charged for inspecting, testing, and certifying dust collectors:

1. Preliminary review of drawings, specifications, and related data, each unit or system	$60
2. Detailed inspection to determine adequacy of design and materials, each unit or system	60
3. Detailed inspection to determine adequacy of design and materials relating to change subsequent to an initial investigation, per man-day or fraction thereof [1]	55

[1] In addition the applicant shall reimburse the Bureau for necessary travel and subsistence expenses of its representative(s) according to "Standardized Government Travel Regulations" when such Bureau representative(s) is required to be away from official headquarters.

4. Drilling each set of 10 test holes:
   (i) First set of 10 test holes drilled, per investigation $170
   (ii) Each additional set of 10 test holes drilled, per investigation 95
5. Final examination and recording of drawings and specifications, and issuing certificate of approval or certificate of performance 80
6. Examination and recording of drawings and specifications, and issuing extension of certificate of approval or certificate of performance ..... [2] 60
7. Design of approval plate or P/T label for certified equipment 25

[2] If only a nominal amount of work is required, the fee will be $40.

(b) Additional fees shall be charged in accordance with the provisions of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F) for examining and testing electrical parts of dust collectors required under § 33.38.

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[Bureau of Mines Schedule 28]

PART 34—FIRE-RESISTANT CONVEYOR BELTS

Section 34.5 of Part 34 of Title 30 is revised to read as follows:

§ 34.5 Fees.

(a) Flame test $25
(b) Drum-friction test 50
(c) Fees for unusual tests, or tests not included in this list, which might be necessary, will be based on actual costs of testing, and will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before such tests are begun.

[Bureau of Mines Schedule 30]

PART 35—FIRE-RESISTANT HYDRAULIC FLUIDS

Paragraph (d) of § 35.5 of Part 35 of Title 30 is revised to read as follows:

§ 35.5 Fees for investigation.

• • • • •

(d) The following fees are charged for testing a hydraulic fluid—concentrate or emulsion:

1. Autogenous-ignition temperature test, each $30
2. Temperature-pressure spray-ignition test, each 55
3. Test to determine effect of evaporation on flammability, each 35
4. Fees for other tests not included in the above list will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before such tests are begun.

• • • • •

[Bureau of Mines Schedule 31]

PART 36—MOBILE DIESEL-POWERED TRANSPORTATION EQUIPMENT FOR GASSY NONCOAL MINES AND TUNNELS

Paragraph (a) of § 36.7 of Part 36 of Title 30 is revised to read as follows:

§ 36.7 Fees.

(a)

1. Preliminary review of drawings, specifications, descriptions, and related data, each complete assembly $40
2. Complete tests to determine composition of exhaust gas from diesel engine under various load and speed conditions [1] 500
3. Tests to determine the effectiveness of air intake or exhaust flame arrester in an intake or exhaust system 130
4. Check tests on redesigned components or equipment in item 3 above requiring less than 20 tests 65
5. Complete inspection of an intake or exhaust flame arrester 40
6. Complete inspection of manifolds, exhaust conditioners, and other components that comprise the intake and exhaust systems 50
7. Complete investigation of headlight, storage-battery type [2] 300
8. Complete investigation of headlight, dry-cell type [2] 175
9. Tests to determine the cooling efficiency of an exhaust conditioner and rate of water consumption 50
10. Surface temperature determinations and tests of safety controls 75
11. Each final inspection of completely assembled equipment 90
12. Tests of exhaust-gas dilution not made concurrently with final inspection of completely assembled equipment 60
13. Final examination and recording of drawings and specifications requisite to the issuance of a certificate of approval 50
14. Final examination and recording of drawings and specifications requisite to the issuance of a letter of certification 35
15. Examining and recording drawings and specifications requisite to the issuance of an extension of certification, each 4 hours or fraction thereof 16
16. Tests conducted in the field shall require the same fee as when conducted on the Bureau's premises. In addition the applicant shall reimburse the Bureau for such travel, subsistence, and incidental expenses as may be required by its representative(s) in accordance with the allowances stated in the "Standardized Government Travel Regulations."

[1] Fee for partial tests shall be in proportion of the work done but the minimum shall be $100. If the applicant requests discontinuation of the investigation after preparations for engine tests have begun, the minimum fee shall be $100 regardless of the progress of the tests.

[2] Maximum normal fee; actual fee as detailed in Part 20 of Subchapter D of this Chapter (Schedule 10, revised, the latest revision of which is Schedule 10C).

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[F.R. Doc. 64-3345; Filed, Apr. 6, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CERTAIN CHEESES

Definitions and Standards of Identity; Proposal To Revise Description of Optional Catalase Ingredient

Notice is given that Fermco Laboratories, Inc., 4941 South Racine Avenue, Chicago, Illinois, and Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Indiana, have petitioned for revision of the description of the catalase preparation recognized as a permitted optional ingredient of cheddar cheese (21 CFR 19.500(e)(3)). Section 19.500(e)(3) restricts the catalase to that extracted from livers of meat animals inspected and passed by the Meat Inspection Division of the United States Department of Agriculture. The petitioners assert that suitable and safe catalase is prepared from fungal and bacterial sources. It is proposed that § 19.500(e)(3) be amended to read:

§ 19.500 Cheddar cheese, cheese; identity; label statement of optional ingredients.

• • • • •

(e) • • •

(3) During the cheese-making process the milk may be treated with hydrogen peroxide solution followed by addition of a suitable catalase preparation to eliminate the hydrogen peroxide. The hydrogen peroxide solution shall comply with the specifications of the United States Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain added preservative. The amount of the hydrogen peroxide solution used shall be such that the weight of the hydrogen peroxide added thereby does not exceed 0.05 percent of the weight of the milk treated. The catalase preparation used shall be one that is stable, neutral in pH, and of a potency not less than 100 Keil units per gram. It shall be either a preparation that is not a food additive within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act, or a preparation that is a food additive but which is used in conformity with regulations promulgated pursuant to the authority of section 409 of the act. The amount of catalase preparation used shall be such that the weight of the catalase added thereby does not exceed 20 parts per million of the weight of the milk treated.

• • • • •

By reason of the cross-references to § 19.500(e)(3) that appear in the standards for washed curd cheese, colby cheese, granular cheese, and swiss cheese (§§ 19.505, 19.510, 19.535, 19.540), the proposed modification of the description of the catalase preparation applies to these other sections.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 31, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3362; Filed, Apr. 6, 1964; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Diethylstilbestrol; Order Denying Proposed Food Additive Regulation

In the matter of food additive petition No. 1160, received from Eastern Laboratories, Inc., 1229 Washington Avenue, Vineland, New Jersey, proposing the issuance of a regulation prescribing safe conditions of use for diethylstilbestrol in the drinking water of chickens:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1)(B), (e), (f), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c)(1)(B), (e), (f)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner of Food and Drugs hereby issues his findings, conclusion, and order in the above-identified matter:

Findings. 1. The petitioner proposed the issuance of a regulation prescribing safe conditions of use for diethylstilbestrol in the drinking water of chickens to provide a more efficient utilization of feed, a better carcass quality, and more docile birds. The amount of diethylstilbestrol to be used would provide for 1 milligram per bird per day for 15 days in the drinking water, with the additional requirement that the medication should be withdrawn 4 days before slaughter.

2. The petitioner was requested to supply tissue-residue levels of diethylstilbestrol immediately after use of the additive at the highest concentration and for the longest period of use recommended and after 1-, 2-, and 3-day intervals post-treatment. He was also requested to furnish stability data and data to show that the effect of the diethylstilbestrol is retained during the proposed withdrawal period. Such data were not submitted.

3. The petitioner, in accordance with § 121.51(i)(1) of the food additive regulations, requested in writing that the petition be filed as submitted. Accordingly, the petition was filed on October 9, 1963, and notice thereof was published in the FEDERAL REGISTER of October 26, 1963 (28 F.R. 11483), and the petitioner was so notified.

Conclusion. Insufficient data are available to establish the conditions under which the additive diethylstilbestrol may be safely used as proposed in the petition as filed. No assurance is provided that the conditions proposed are reasonably certain to be followed in practice.

Order. Based upon the afore-stated findings and conclusion, the proposal of the petitioner to establish a regulation to permit the use of diethylstilbestrol in the drinking water of chickens to provide a more efficient utilization of feed, a better carcass quality, and more docile birds is denied; and it is so ordered.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objection. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Dated: April 3, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3415; Filed, Apr. 6, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-111]

FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 8 is designated in part from Grand Junction, Colo., to Kremmling, Colo., and from the intersection of the Denver, Colo., 277° and the Gill, Colo., 222° True radials to Denver. VOR Federal airway No. 95 is designated in part from the intersection of the Denver 207° and the Kiowa, Colo., 246° True radials to Kiowa. VOR Federal airway No. 200 is designated in part from Myton, Utah, to Meeker, Colo. VOR Federal airway No. 210 is designated in part from Farmington, N. Mex., via the intersection of the Farmington 086° and the Alamosa, Colo., 232° True radials; Alamosa; intersection of the Alamosa 075° and the Pueblo 203° True radials; to Pueblo. VOR Federal airway No. 220 is designated in part from the intersection of the Kremmling 081° and the Denver 334° True radials to Akron, Colo. VOR Federal airway No. 244 is designated in part from Stockton, Calif., to the intersection of the Stockton 085° and the Fresno, Calif., 347° True radials; from Coaldale, Nev., via Tonopah, Nev.; Wilson Creek, Nev.; Milford, Utah, to the intersection of the Milford 088° and the Bryce Canyon, Utah, 355° True radials, from Hanksville, Utah, via La Sal, Utah, to Gunnison, Colo.; and from the intersection of the Pueblo 275° and the Alamosa 005° True radials to Pueblo. VOR Federal airway No. 283 is designated in part from Fresno to the intersection of the Fresno 002° and the Friant, Calif., 319° True radials, and from Reno, Nev., to Lakeview, Oreg. VOR Federal airway No. 298 is designated in part from Pendleton, Oreg., to McCall, Idaho, from Dubois, Idaho, to the intersection of the Dubois 100° and the Pocatello, Idaho, 043° True radials, and from Dunoir, Wyo., to Boysen Reservoir, Wyo.

The FAA is considering the following airspace actions:

1. Extend V-8 airway from Kremmling to Denver.

2. Extend V-95 airway from Kiowa to Gunnison.

3. Extend V-200 from Meeker via Kremmling to Denver.

4. Redesignate V-210 airway segment from Farmington direct Alamosa. Designate V-210 south alternate segment from Farmington via the intersection of the Farmington 086° and the Alamosa 232° True radials to Alamosa.

5. Extend V-220 airway from Kremmling to the intersection of the Kremmling 081° and the Denver 334° True radials.

6. Redesignate V-244 airway segment from Stockton via Coaldale; Tonopah; Wilson Creek; Milford; Hanksville; La Sal; Gunnison; to Pueblo.

7. Extend V-283 airway from the intersection of the Fresno 002° and the Friant 319° True radials to Reno.

8. Redesignate V-298 airway segment from Pendleton via McCall; Dubois; Dunoir; Boysen Reservoir; to Casper, Wyo., including a south alternate from Dunoir to Casper via Riverton, Wyo.

These airway extensions and redesignations would provide route continuity for the movement of air traffic between these locations when the planned inauguration of the two-layer airway/route system (Airway/Route Modification Plan, Airspace Docket No. 63-WA-74, 29 F.R. 4101) becomes effective and which would raise the ceiling of the low altitude airways up to but not including 18,000 feet MSL. The south alternate to Victor 298, proposed herein, would provide an airway for scheduled air carrier aircraft operating between Dunoir and Riverton. The segment between Riverton and Casper would be codesignated with VOR federal airway No. 85 and would be designated for continuity in describing the airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be

submitted in triplicate to the Director, missible aural-to-visual power ratio making. The Committee for Full De-

submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 1, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3336; Filed, Apr. 6, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15405; FCC 64-300]

AURAL AND VISUAL TRANSMITTERS

Notice of Proposed Rule Making

In the matter of amendment of § 73.682 of the Commission rules and regulations to specify that the effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter; Docket No. 15405.

1. On March 27, 1963, the Commission amended § 73.682 (formerly § 3.682) of its rules to permit UHF television broadcast stations to operate with aural power as little as 10 percent of the peak visual power radiated. We have today further amended that section to extend this permissive minimum aural power to VHF television broadcast stations. Neither amendment changed the maximum permissible aural-to-visual power ratio which remains at 70 percent of the peak visual power.

2. The comments filed in the original proceeding (Docket No. 14229) and the more recent proceeding (Docket No. 15208) showed a sharp division of opinion between receiver manufacturers and the rest of the TV industry. Receiver manufacturers were strongly opposed to a reduction of permissible aural power ratio to 10 percent of the peak visual because of possible degradation of sound reception in areas where reception is difficult due to weak signals. However, rather extensive experience with TV stations actually operating with sound power at 10 percent of the peak visual power failed to show any significant degradation of sound reception in areas where a usable TV picture could be received. Furthermore, in areas of moderate to strong signals, there were many instances of improved picture reception when the lower aural power was used, attributable to the absence of "sound bars" in the received picture. TV broadcasters as well as many operators of "master antenna" receiving systems including community antenna TV receiving systems, were strongly in favor of the 10 percent aural to visual power ratio, the former because of the substantial saving in transmitting equipment and operating costs and the latter because of the amelioration of the interference caused by the strong aural signal which simplified their installation problems. After an exhaustive study of all facts of the problem, the Commission is satisfied that operation with aural power of 10 percent of the peak visual power is feasible and advantageous.

3. However, in the matter of the range of permissible aural-to-visual power ratio the evidence is not so convincing. Receiver manufacturers see difficult design problems if TV receivers have to cope with aural signals ranging all the way from 70 percent down to 10 percent of the peak visual power. While this amounts to only 8.5 decibles, and variations in the ratio of aural and visual signals received from TV stations transmitting at a fixed ratio of aural-to-visual power may exceed 20 decibles from location to location, receiver manufacturers would prefer a narrower permissible range. Prior to the recent amendments, the permissible aural-to-visual power ratio was 50 percent to 70 percent. A random sampling of approximately 100 TV stations licensed under that rule showed that 67 percent were operating with the 50 percent minimum permissible aural-to-visual power ratio and 33 percent were operating with various aural powers up to 70 percent of the peak visual power. There appears to be a great deal of interest on the part of broadcasters in operating with aural power at 10 percent of the peak visual, but we have no way to assess the sentiment for operating with a high aural-to-visual power ratio except through rule making. The Committee for Full Development of All Channel Broadcasting has been surveying this entire problem and comments giving us the benefit of its studies are expected to be filed in the proceeding.

4. There appears to be a general belief that a maximum permissible aural power of 20 to 25 percent of the peak visual power would be adequate. A few have advocated a fixed ratio in this range with no maximum and minimum range other than that provided by the power tolerance of the rules. However, most of the proponents of the 10 percent minimum value aver that any higher minimum value would eliminate the possibility of a substantial saving in transmitter costs.

5. We propose, therefore, to amend § 73.682(a)(15) to read as follows:

§ 73.682 Transmission standards and changes.

(a) Transmission standards. • • •

(15) The effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter.

• • • • •

6. Pursuant to applicable procedures set out in § 1.415 of the Commission rules and regulations, interested persons may file comments on or before June 10, 1964, and reply comments on or before June 25, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. Authority for the amendments proposed herein is contained in sections 4(i) and 303(c) of the Communications Act of 1934, as amended.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which requires that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: April 1, 1964.

Released: April 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3374; Filed, Apr. 6, 1964; 8:48 a.m.]

[1] Commissioners Hyde and Bartley absent.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 363]

ARIZONA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

APRIL 1, 1964.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., May 7, 1964:

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 24 E.,
Sec. 7, lot 1;
Secs. 17 to 31, inclusive and Secs. 33 to 36, inclusive.

The areas described aggregate 9,660.32 acres of public lands.

2. The land in the southern part of the township, being south of the south boundary of the San Carlos Indian Reservation, is rough and broken with the elevation varying from about 4200 feet above sea level in section 31 to about 6415 feet above sea level on the crest of the Gila Mountains in section 18. The soil over most of the township is shallow rocky clay loam and gravel, which supports a fair growth of brush, cactus, mesquite, catclaw and grass, with a moderate growth of juniper and pinion in section 29 extending into adjoining sections. The land is used primarily for the grazing of livestock and a habitat for wildlife as there are several springs and tanks within the area.

3. All rights of the State of Arizona to section 36 have been conveyed to the United States.

4. The lands described in paragraph 1 are opened to application, location, selection and petition as outlined in paragraph 5 below. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having valid settlement rights, preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on May 7, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 64-3367; Filed, Apr. 6, 1964; 8:48 a.m.]

[Arizona 033378]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Arizona 033378 for the withdrawal of lands described below, from entry and settlement, subject to any valid existing rights.

The applicant desires these public domain lands so they may be given national forest status, to be administered as part of the Sitgreaves National Forest. They are within the administrative boundaries of the Lakeside Ranger District of the Sitgreaves National Forest.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona, 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 9 N., R. 22 E.,
Sec. 2, lots 3, 4, S½NW¼;
Sec. 3, lot 1, SE¼NE¼, SW¼NW¼;
Sec. 4, SE¼NE¼.
T. 10 N., R. 22 E.,
Sec. 25, all;
Sec. 26, W½NE¼, W½, S½SE¼;
Sec. 35, W½.

The area described above aggregates approximately 1,761.91 acres.

Dated: April 1, 1964.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 64-3368; Filed, Apr. 6, 1964; 8:48 a.m.]

National Park Service

[Order No. 3, Amdt. No. 12]

SUPERINTENDENTS ET AL., WESTERN REGION

Amendment of Delegation of Authority Regarding Approval of Plans and Drawings

1. Paragraph (f) of section 1 of Order No. 3, issued February 17, 1956 (21 F.R. 1494) is amended to read as follows:

(f) Approval of preliminary construction plans and working drawings not preceded by a preliminary drawing, not requiring approval by the Director, and preliminary and final concessioners' drawings.

2. Paragraph (g) of section 2 of Order No. 3 is amended to read as follows:

(g) Approval of preliminary construction plans and working drawings not preceded by a preliminary drawing, not requiring approval by the Director, and preliminary and final concessioners' drawings.

3. Paragraph (m) of section 3 of Order No. 3 is amended to read as follows:

(m) Approval of preliminary construction plans and working drawings not preceded by a preliminary drawing, not requiring approval by the Director, and preliminary and final concessioners' drawings.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Western Region Order No. 3 (21 F.R. 1495).)

Dated: March 19, 1964.

KEITH NEILSON,
Acting Regional Director, Western Region.

[F.R. Doc. 64-3313; Filed, Apr. 6, 1964; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDU-

MILES LABORATORIES, INC.

the Board's Docket Section. The Board

day of March 1964, that procedural dates

FEDERAL MARITIME COMMISSION

and possession of such cargo from Puget at Steam's terminal at Seattle and de-

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMIRAD CORP.

Notice of Filing of Petition Regarding Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 161) has been filed by Chemirad Corporation, P.O. Box 187, East Brunswick, New Jersey, proposing that § 121.2564 *Polyethylenimine* be amended to provide for the addition of polyethylenimine to paper and paperboard in amounts up to and including 5.0 percent and in paper-making systems operated at a pH of 4.5 or higher.

Dated: March 31, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3363; Filed, Apr. 6, 1964; 8:48 a.m.]

GENERAL FOODS CORP.

Notice of Filing of Petition Regarding Food Additive Sodium Methyl Sulfate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1347) has been filed by General Foods Corporation, 250 North Street, White Plains, New York, proposing the issuance of a regulation to provide for the safe use of sodium methyl sulfate as a processing aid in the treatment of pectin, when the residual sodium methyl sulfate in the pectin does not exceed 0.1 percent.

Dated: March 31, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3364; Filed, Apr. 6, 1964; 8:48 a.m.]

MILES LABORATORIES, INC.

Notice of Filing of Petition Regarding Food Additive Bacterial Catalase

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1069) has been filed by Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Indiana, proposing the issuance of a regulation to provide for the safe use of a bacterial catalase derived from *Micrococcus lysodeikticus* for use in destroying and removing hydrogen peroxide from food products.

Dated: March 31, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3365; Filed, Apr. 6, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order No. E-20638]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of April 1964; Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket 13777, Agreement C.A.B. 17280, R-72.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names an additional specific commodity rate as set forth below:

Agreement C.A.B. 17280	IATA Memorandum	Commodity Item	Rates
R-72	TC1/Rates 1934	4010	175/159 cents per kilogram; minimum weight, 100/500 kilograms, respectively; New York to Buenos Aires.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered,

That Agreement C.A.B. 17280, R-72, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3371; Filed, Apr. 6, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15346, 15347; FCC 64M-277]

COPPER COUNTRY BROADCASTING CO. (WMPL) AND UPPER MICHIGAN BROADCASTING CO. (WHDF)

Order Continuing Hearing

In re application of Copper Country Broadcasting Company (WMPL), Hancock, Michigan, Docket No. 15346, File No. BP-15410, for construction permit; and in re application of The Upper Michigan Broadcasting Company (WHDF), Houghton, Michigan, Docket No. 15347, File No. BL-9078, for license to operate a standard broadcast station.

Pursuant to agreement of counsel for all parties participating in the prehearing conference held on this date: *It is ordered,* This 31st day of March 1964, that the following procedural dates are established:

Exchange of all direct case exhibits	May 15, 1964
Notification of witnesses, if any, desired for cross-examination	June 1, 1964

It is further ordered, That the hearing herein, presently scheduled to commence on May 5, 1964, is continued to 10:00 a.m., June 15, 1964.

Released: April 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3375; Filed, Apr. 6, 1964; 8:48 a.m.]

[Docket Nos. 15225, 15226; FCC 64M-269]

GUADALUPE VALLEY TELECASTING CO., INC., AND VICTORIA TELEVISION

Order Continuing Hearing

In re applications of Guadalupe Valley Telecasting Co., Inc., Victoria, Texas, Docket No. 15225, File No. BPCT-3153; Marjorie S. Frels and Rubin S. Frels, d/b as Victoria Television, Victoria, Texas, Docket No. 15226, File No. BPCT-3163; for construction permits for new television broadcast stations.

On the oral request of counsel for Victoria Television: *It is ordered,* This 27th day of March 1964, that procedural dates are extended as follows:

Exchange of direct affirmative written case: From April 1 to May 1, 1964.
Hearing: From May 1 to June 1, 1964.

Released: March 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3376; Filed, Apr. 6, 1964; 8:48 a.m.]

[FCC 64-280]

SHIP RADIOTELEPHONE STATIONS OPERATING IN 1600-3500 KC/S MARITIME BAND

Notice to Licensees and Operators

APRIL 2, 1964.

The Commission has exempted public coast station KOU at Los Angeles, California from the requirement for maintenance of a watch on the frequency 2182 kc/s for an initial period of twelve months from April 1, 1964.

This action was taken with the concurrence of the United States Coast Guard at the request of The Pacific Telephone and Telegraph Company, the licensee of Station KOU. Application by the Telephone Company was made pursuant to § 81.191(c)(1) of the Commission's rules, which provides that any coast station may be exempted from this watch requirement if the Commission considers that the frequency 2182 kc/s is adequately guarded by other stations. The United States Coast Guard radio facilities at Point Vincente, California, maintain a continuous watch on 2182 kc/s and have been shown, as a result of cooperative measurements and tests conducted by the Coast Guard and the Telephone Company, to have a coverage on 2182 kc/s equal to or more extensive than the existing coverage of station KOU.

The exemption has been limited to a twelve-month period, ending on April 1, 1965, in order to afford the licensees and operators of affected ship stations an opportunity to evaluate the discontinuance of 2182 kc/s watch by station KOU under actual operating circumstances.

Any interested person who is of the opinion that the continuation of the above-mentioned exemption beyond April 1, 1965 is not in the public interest, may file with the Secretary, Federal Communications Commission, Washington, D.C., 20554, on or before February 1, 1965, a written statement setting forth his opinion and the reasons therefor.

Adopted: April 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3377; Filed, Apr. 6, 1964; 8:48 a.m.]

[1] Commissioners Hyde, Bartley, and Ford absent.

FEDERAL MARITIME COMMISSION

[Docket No. 1171]

HIGH-PRESSURE BOILERS (UTILITY TYPE), PARTS AND RELATED STRUCTURAL COMPONENTS

Outbound Rates Affecting Exportation; Amendment to Notice of Investigation

The second paragraph of the Order served in connection with this Docket is amended to read as follows: The published rates for the movement of these products and commodities to Japan are from 39 percent to 160 percent higher than are the rates from Japan to the United States. The Commission has information which indicates that the rates from the United States to the other countries named above are substantially higher than are the rates to those countries from Germany, France and the Netherlands, and from the United Kingdom to India, Pakistan and the Philippines, although the distance involved is in some cases shorter from the United States.

By the Commission March 31, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-3357; Filed, Apr. 6, 1964; 8:47 a.m.]

PUGET SOUND TUG & BARGE CO. AND ALASKA STEAMSHIP CO.

Corrected Notice of Agreement for Which Approval Is Requested

The F.R. Doc. 64-3356 appearing in the FEDERAL REGISTER issue of April 3, 1964 (29 F.R. 4783) is hereby republished to read as follows:

Notice is hereby given that Puget Sound Tug & Barge Company (Puget) and Alaska Steamship Company (Steam) anticipate entering into the agreement described below to be filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814):

Agreement DC-11 between Puget and Steam anticipates the performance of water transportation of cargo to and from Alaska by either party to the agreement having available shipping space on an early sailing on its vessel whenever the other party does not have available shipping space.

Steam would agree to transport "Puget cargo" between Seattle, Washington and Anchorage, Alaska by use of vessels operated by it in common carrier service whenever Steam has space available for such cargo. Such transportation would be in accordance with the terms and conditions of Puget's tariff and of the bill of lading issued with respect to such cargo by Puget or any connecting carrier.

With respect to Puget cargo moving northbound, Steam would accept delivery and possession of such cargo from Puget at Steam's terminal at Seattle and deliver such cargo to Puget at Anchorage, Alaska.

With respect to Puget cargo moving southbound, Steam would accept possession at the vessel's loading tackle at Anchorage, Alaska and deliver the same to Puget at Steam's terminal in Seattle.

Puget would agree to transport "Steam cargo" between Seattle, Washington and Anchorage, Alaska, northbound and southbound, by use of tugs and barges operated by it in common carrier service, whenever Puget has space available for such cargo. Such transportation would be in accordance with the terms and conditions of Steam's tariff and of the bill of lading issued with respect to such cargo by Steam or any connecting carrier.

With respect to Steam cargo moving northbound, Puget would accept delivery and possession of such cargo from Steam at Puget's dock at Seattle and deliver such cargo to Steam at unloading tackle at Anchorage, Alaska.

With respect to Steam cargo moving southbound, Pudget would accept possession thereof at loading tackle at Anchorage, Alaska and deliver the same to Steam at unloading tackle at Puget's dock in Seattle.

Each party would absorb all costs with respect to the cargo transported by each and remain responsible for all loss or damage to its cargo transported on the other's vessels.

The gross freight revenues accruing to Puget with respect to Puget cargo transported by Steam, and the gross freight revenue accruing to Steam with respect to Steam cargo transported by Puget, would be distributed in accordance with division sheets to be filed with the Federal Maritime Commission.

Interested parties may submit not later than the close of business, April 9, 1964, by telegraph, telephone, letter or other means with reference to the agreement, their position as to approval, disapproval, or modification. All such communications should be directed to Edward Schmeltzer, Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C.

Dated: April 3, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3424; Filed, Apr. 6, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2436]

CONSUMERS POWER CO.

Notice of Application for License

MARCH 31, 1964.

Public notice is hereby given that application has been filed under the Fed-

eral Power Act (16 U.S.C. 791a-825r) by

By order issued in these proceedings on

service proposed and to conform to the

FEDERAL RESERVE SYSTEM

and Canada on March 9, 1959 (10 U.S.T.

eral funds of Columbia and will be avail-

eral Power Act (16 U.S.C. 791a–825r) by Consumers Power Company (correspondence to: W. R. Boris, Secretary, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan, 49201) for license for constructed Project No. 2436, known as the Foote Plant, located on Au Sable River, Iosco County, Michigan.

The project consists of: a dam about 40 feet high composed of a northern earth embankment 900 feet long, a southern earth embankment 3,000 feet long, and a powerhouse and spillway section of hollow concrete gravity design 214 feet long, with three spillway bays and steel tainter gates, and a concrete apron with weirs downstream for tailrace and stilling basin; a reservoir named Foote Pond about eleven miles long and 1,800 acres in surface area with a normal operating level of 639.17 feet; a steel frame and brick powerhouse with concrete substructure containing 3 hydroelectric units of 3,000 kilowatts each; a substation adjoining the powerhouse containing two 3 phase, 5,000 kva, 4.8/46 kv transformers and switchgear; a 46 kv transmission line extending from the substation about 600 feet to a connection with the primary transmission system; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 15, 1964. The application in on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3340; Filed, Apr. 6, 1964; 8:45 a.m.]

[Docket No. G–19191 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Cancelling Formal Hearing and After Statutory Hearing, Issuing Certificates of Public Convenience and Necessity

MARCH 31, 1964.

Humble Oil & Refining Company (Operator), et al., Docket No. G–19191; Chicago Mill and Lumber Company, et al., Docket No. G–19192; Sunray DX Oil Company, Docket No. CI60–85; Wheless Drilling Company (Operator), et al., Docket No. CI61–587.

Each of the above dockets concerns an application for a certificate of public convenience and necessity seeking authorization to sell natural gas produced in North Louisiana for resale in interstate commerce. The initial rates proposed in the applications are in excess of the Statement of General Policy 61–1 guideline level of 17 cents per Mcf (plus tax reimbursement). Each applicant is presently making its sale under temporary authorization conditioned to the guideline price of 17 cents per Mcf plus contractual tax reimbursement.

By order issued in these proceedings on January 28, 1964, these matters were set for formal hearing to commence on March 30, 1964.[1] Several petitions to intervene were filed [2] and a notice of intervention was timely filed by the Public Service Commission of New York on February 10, 1964. Subsequent to the filing of the petitions and notice of intervention each of the applicants filed a motion for severance and for issuance of certificate under the abridged hearing procedure.[3]

Each applicant, by its motion, agrees to accept a certificate conditioned to the Commission's Statement of General Policy No. 61–1 guideline price. Subsequent to the filing of these motions, all persons who previously had filed petitions to intervene in opposition, filed statements in answer to the motions stating that they have no objection to the issuance of certificates conditioned to an initial price of 17 cents plus tax reimbursement under the abridged procedure. The Public Service Commission of New York filed a like answer.

Pursuant to the above motions and answers thereto and in view of the withdrawals of the petitions to intervene and notice of intervention, a hearing was held on March 26, 1964. The Commission on its own motion received and made a part of the record in the proceeding all evidence, including the applications and exhibits attached thereto and the motions to sever, which amend the applications, submitted in support of the authorization sought herein, and upon consideration of the record.

The Commission finds:

(1) Applicants are natural-gas companies within the meaning of the Natural Gas Act and are engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission.

(2) The sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and certificates therefor should be issued as hereinafter ordered and conditioned.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued to Applicants upon the conditions set forth herein, authorizing the sales of natural gas in interstate commerce for resale for ultimate public consumption, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the applications as amended by the motions for severance herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The certificates granted in paragraph (A) are granted upon the express condition that the initial price under these certificates is 17 cents per Mcf plus contractual tax reimbursement.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(E) The formal hearing in this proceeding scheduled to commence on April 29, 1964, and all procedures in connection therewith, are hereby cancelled.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3341; Filed, Apr. 6, 1964; 8:46 a.m.]

[1] By notice of the Secretary issued March 3, 1964, the commencement of the hearing was postponed to April 29, 1964.

[2] Petitions to intervene were filed by Long Island Lighting Company on February 12, 1964, United Gas Pipe Line Company on February 12, 1964, Public Service Electric and Gas Company on February 13, 1964, Philadelphia Gas Works Division of the United Gas Improvement Company on February 17, 1964, and United Fuel Gas Company on February 19, 1964.

[3] The filing dates are as follows: Humble Oil & Refining Co., Docket No. G–19191, February 18, 1964; Sunray DX Oil Company, Docket No. CI60–85, February 24, 1964; Chicago Mill and Lumber Co., Docket No. G–19192, March 4, amended March 19, 1964; Wheless Drilling Company, Docket No. CI61–587, March 6, 1964.

FEDERAL RESERVE SYSTEM

CLAYTON BANCSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Clayton Bancshares Corporation, Clayton, Missouri, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by Clayton Bancshares Corporation of 11,065 shares (58.24 percent) of the voting shares of Bank of Crestwood, Crestwood, Missouri, and 39,188 shares (55.98 percent) of the voting shares of Hampton Bank of St. Louis, St. Louis, Missouri.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 31st day of March 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64–3343; Filed, Apr. 6, 1964; 8:45 a.m.]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[Notice No. 8]

RUBBER ASSOCIATION OF CANADA

Application for Reclassification of Crude Rubber

In accordance with the rules of procedure of the Joint Tolls Advisory Board (24 F.R. 9307, 9308, 33 CFR Part 403) established under the agreement between the Saint Lawrence Seaway Development Corporation and The St. Lawrence Seaway Authority of Canada respecting the St. Lawrence Seaway Tariff of Tolls, entered on January 29, 1959 pursuant to section 12(a) of Public Law 358, 83d Congress (33 U.S.C. 988) and approved by the Governments of the United States and Canada on March 9, 1959 (10 U.S.T. 323), notice is hereby given that the Joint Tolls Advisory Board has received and application from The Rubber Association of Canada, P.O. Box 400, Hamilton, Ontario, Canada, requesting the reclassification of "crude natural rubber in the form of unwrapped solid bales" from general to bulk cargo.

Interested parties shall have thirty days from the date of publication of this notice, in which to make representations and submit written statements to the Joint Tolls Advisory Board, Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York, 13662.

By order of the Board.

WILLIS H. CROSSWHITE,
Member,
Joint Tolls Advisory Board.

Approved:

J. H. MCCANN,
Administrator.

[F.R. Doc. 64–3369; Filed, Apr. 6, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4197]

COLUMBIA GAS SYSTEM, INC.

Notice of Filing of Declaration Regarding Proposal To Issue and Sell Debentures

APRIL 1, 1964.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York 17, New York, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the proposed transactions, which are summarized as follows:

Columbia proposes to issue and sell, on or about May 7, 1964, pursuant to the competitive bidding requirements of Rule 50 under the Act, $50,000,000 principal amount of 25-year sinking fund ____ percent Series Debentures, due May 1989. The debentures are to be issued under and pursuant to the terms of an Indenture, dated June 1, 1961, between Columbia and Morgan Guaranty Trust Company of New York, Trustee, as heretofore supplemented and as to be further supplemented by a Fifth Supplemental Indenture to be dated May 1, 1964. The price to be paid the company for the debentures (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount thereof) and the rate of interest thereon (which shall be a multiple of ⅛ percent) are to be determined by the competitive bidding. The net proceeds from the sale of the debentures will be added to the general funds of Columbia and will be available for financing, in part, the system's 1964 construction, estimated at $135,000,000.

The fees and expenses to be incurred in connection with the proposed issue and sale of debentures are to be made a part of the record by amendment.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction in respect of the proposed transactions.

Notice is further given that any interested person may, not later than April 27, 1964, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for the request, and the issues of law or fact which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service thereof (by affidavit or, if by attorney at law, by certificate) filed contemporaneously with the request. At any time after said date the Commission may permit to become effective the declaration, as filed or as it may be amended, as provided by Rule 23 promulgated under the Act; or the Commission may grant exemption from its general rules and regulation as provided in Rules 20(a) and 100 thereof or take such other action as it deems appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64–3347; Filed, Apr. 6, 1964; 8:46 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

APRIL 1, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protectiton of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the

Securities Exchange Act of 1934 and the

controverted, or he may request that he

[File No. 812–1671]

ulio securities. Such cost, which is cal-

For the Commission (pursuant to dele-

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Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period April 2, 1964 through April 11, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3348; Filed, Apr. 6, 1964; 8:48 a.m.]

[File No. 811-1217]

LANG & CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

APRIL 1, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Lang & Co. ("applicant"), 1000 Fourth Avenue South, Seattle 24, Washington, a Washington corporation and a closed-end investment company, has ceased to be an investment company by reason of the exception contained in section 3(c)(1) of the Act.

Applicant states that its securities are beneficially owned by less than 100 persons and that it is not making and does not presently propose to make a public offering of its securities. Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making or does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 20, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3349; Filed, Apr. 6, 1964; 8:46 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

APRIL 1, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period April 2, 1964 through April 11, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3350; Filed, Apr. 6, 1964; 8:46 a.m.]

[File No. 812-1671]

WELLINGTON FUND, INC., ET AL.

Notice on Application for Order Approving Exchange of Shares Between Funds

APRIL 1, 1964.

Notice is hereby given that Wellington Fund, Inc. ("Wellington"), Windsor Fund, Inc. ("Windsor"), and Wellington Company, Inc. ("Distributor"), 1630 Locust Street, Philadelphia, Pennsylvania, have filed an application pursuant to section 11(a) of the Investment Company Act of 1940 ("Act") for an order approving a proposed offer of exchange by Wellington to stockholders of Windsor and by Windsor to stockholders of Wellington on a basis which may be other than relative net asset values. Wellington and Windsor are open-end diversified, management investment companies registered under the Act. Distributor is a broker-dealer which acts as principal underwriter and national distributor of the shares of Wellington and Windsor. All interested persons are referred to the application on file with the Commission for a complete statement of the applicants' representations which are summarized below.

The application states that to permit greater flexibility of investments desired by numerous stockholders and to comply with the terms of a pending settlement of certain litigation, Distributor proposes, as soon as the necessary legal requirements have been complied with, to permit stockholders of Wellington to redeem their shares at the "redemption price" and acquire with the net proceeds thereof shares of Windsor at the "price to underwriters" then in effect. A similar privilege will be made available to shareholders of Windsor to redeem their shares and acquire shares of Wellington. An application to effect the exchange must be on forms provided by Distributor and signed by the stockholder and will be applicable only to shares held twelve months or longer, except that if shares held less than twelve months do not equal or exceed 20 percent of the total shares being exchanged they may be included. A service charge currently calculated at $5 for bookkeeping and administrative costs incident to the transaction will be paid by the stockholder exercising the privilege or deducted from the proceeds of redemption. The respective Boards of Directors of Wellington and Windsor reserve the right to terminate the exchange if at any time it is determined not to be in the best interests of the Fund concerned.

The charter and by-laws of both Wellington and Windsor state that each must receive on each sale of shares, irrespective of any sales charge collected by Distributor, an amount equal to the "price to underwriters". On redemption each Fund pays the "redemption price." In Windsor, the "price to underwriters" is the net asset value per share. In Wellington, however, the "price to underwriters" is arrived at by adding to the net asset value per share the estimated pro rata cost paid to brokers and dealers for acquiring the portfolio securities. Such cost, which is calculated at least once a year on the basis of the prior year's actual experience is currently calculated at 4 cents per share, less than 3/10 of 1 percent of the current net asset value of about $15 per share. In both Wellington and Windsor, the "redemption price" is the net asset value per share. However, if the Fund concerned must liquidate portfolio securities to effect redemptions (which has not yet occurred in either Wellington or Windsor), the "redemption price" (currently about $14 to $15 per share for each Fund) is reduced by the amount of the pro rata cost, not in excess of 1 percent of the net asset value per share, of disposing of securities. Applicants represent that any charge to shareholders for the pro rata costs of acquisition or disposition of portfolio securities is de minimis in terms of money and percentages.

Section 11(a) of the Act states in pertinent part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. For the purposes of this section the net asset value means the net asset value which is in effect for the purpose of determining the price at which the securities involved are offered for sale to the public either (1) at the time of the receipt of the offer or of the acceptance of the offer or (2) at such later times as is specified in the offer.

Notice is further given that any interested person may, not later than April 14, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3351; Filed, Apr. 6, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 2, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38934: *Cement from Rapid City, S. Dak.* Filed by Western Trunk Line Committee, agent (No. A-2355), for interested rail carriers. Rates on cement, hydraulic, masonry, natural or portland, in bulk, in carloads, from Rapid City, S. Dak., to specified points in North Dakota.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 136 and 5 to Western Trunk Line Committee, agent, tariffs I.C.C. A-4308 and A-4527, respectively.

FSA No. 38935: *Liquid Caustic Soda to Phelps and Rome, Ga.* Filed by Traffic Executive Associated-Eastern Railroads, agent (E.R. No. 2712), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from specified points in Michigan, New York, Ohio and West Virginia, to Phelps and Rome, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 130 and 45 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

FSA No. 38936: *Joint Motor-Rail Rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 86), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 21 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1246 and other schedules named in the application.

FSA No. 38937: *Joint Motor-Rail Rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 15), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38938: *Joint Motor-Rail Rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 16), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38939: *Joint Motor-Rail Rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 17), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states and middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38940: *Joint Motor-Rail Rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 18), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states and middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38941: *Joint Motor-Rail Rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 19), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states and middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada on the other.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3358; Filed, Apr. 6, 1964; 8:47 a.m.]

[Notice No. 963]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 2, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested per-

son may file a petition seeking reconsideration of the following numbered proceeding within 20 days after the date of notice of the decision-action to be published in the FEDERAL REGISTER. A copy of any petition filed must be served upon applicant's representative, or applicant if no representative is named. If the proceeding has been assigned oral hearing, request therefor should be deferred until publication of a notice that the proceeding has been assigned for oral hearing.

No. MC-FC-66911, By order of March 26, 1964, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transfer to Gleason Trucking Co., Inc., Rochester, Minn., of certificate No. MC-126911 issued March 26, 1949, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transportation of: Meats, meat products, meat byproducts, and dairy products, from Rochester, Minn., to Chicago, Ill., and points in Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Wisconsin, and points in Minnesota on and south of U.S. Highway 12. Harold D. Miller, Jr., 502 First National Bank Building, Minneapolis, Minn., 55402, attorney for applicants.

No. MC-FC-66912, By order of March 26, 1964, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transfer to Gleason Trucking Co., Inc., Rochester, Minn., of certificate No. MC-126911 (Sub-No. 1) issued March 26, 1949, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transportation of: Meats, meat products, meat byproducts, and dairy products, from Rochester, Minn., to points in Minnesota on and south of U.S. Highway 12. Harold D. Miller, Jr., 502 First National Bank Building, Minneapolis, Minn., 55402, attorney for applicants.

No. MC-FC-66913, By order of March 26, 1964, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transfer to Gleason Trucking Co., Inc., Rochester, Minn., of certificate No. MC-126911 (Sub-No. 2) issued March 26, 1949, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transportation of: Meats, meat products, meat byproducts, and dairy products, from Rochester, Minn., to points in Iowa on and south of U.S. Highway 18. Harold D. Miller, Jr., 502 First National Bank Building, Minneapolis, Minn., 55402, attorney for applicants.

No. MC-FC-66914, By order of March 26, 1964, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transfer to Gleason Trucking Co., Inc., Rochester, Minn., of certificate No. MC-126911 (Sub-No. 3) issued March 26, 1949, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transportation of: Meats, meat products, meat byproducts, and dairy products, from Rochester, Minn., to points in Wisconsin on and south of U.S. Highway 10. Harold D. Miller, Jr., 502 First National Bank Building, Minneapolis, Minn., 55402, attorney for applicants.

No. MC-FC-66915, By order of March 26, 1964, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transfer to Gleason Trucking Co., Inc., Rochester, Minn., of certificate No. MC-126911 (Sub-No. 4) issued March 26, 1949, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transportation of: Meats, meat products, meat byproducts, and dairy products, from Rochester, Minn., to points in Illinois on and north of U.S. Highway 24. Harold D. Miller, Jr., 502 First National Bank Building, Minneapolis, Minn., 55402, attorney for applicants.

No. MC-FC-66916, By order of March 26, 1964, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transfer to Gleason Trucking Co., Inc., Rochester, Minn., of certificate No. MC-126911 (Sub-No. 5) issued March 26, 1949, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transportation of: Meats, meat products, meat byproducts, and dairy products, from Rochester, Minn., to points in Missouri on and north of U.S. Highway 36. Harold D. Miller, Jr., 502 First National Bank Building, Minneapolis, Minn., 55402, attorney for applicants.

No. MC-FC-66917, By order of March 26, 1964, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transfer to Gleason Trucking Co., Inc., Rochester, Minn., of certificate No. MC-126911 (Sub-No. 6) issued March 26, 1949, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transportation of: Meats, meat products, meat byproducts, and dairy products, from Rochester, Minn., to points in Kansas on and north of U.S. Highway 36. Harold D. Miller, Jr., 502 First National Bank Building, Minneapolis, Minn., 55402, attorney for applicants.

No. MC-FC-66918, By order of March 26, 1964, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transfer to Gleason Trucking Co., Inc., Rochester, Minn., of certificate No. MC-126911 (Sub-No. 7) issued March 26, 1949, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transportation of: Meats, meat products, meat byproducts, and dairy products, from Rochester, Minn., to points in Nebraska on and north of U.S. Highway 36. Harold D. Miller, Jr., 502 First National Bank Building, Minneapolis, Minn., 55402, attorney for applicants.

No. MC-FC-66919, By order of March 26, 1964, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transfer to Gleason Trucking Co., Inc., Rochester, Minn., of certificate No. MC-126911 (Sub-No. 8) issued March 26, 1949, to Martin L. Gleason and Sue R. Gleason, doing business as Gleason Trucking Co., Rochester, Minn., authorizing the transportation of: Meats, meat products, meat byproducts, and dairy products, from Rochester, Minn., to points in Indiana on and north of U.S. Highway 24. Harold D. Miller, Jr., 502 First National Bank Building, Minneapolis, Minn., 55402, attorney for applicants.

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son may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66152. By order of April 1, 1964, the Transfer Board approved on reconsideration, the transfer to Southern Iowa Transportation, Inc., Ottumwa, Iowa, of the operating rights in Certificates in Nos. MC 111997, MC 111997 (Sub No. 1), MC 111997 (Sub No. 2), MC 111997 (Sub No. 4), and MC 111997 (Sub No. 5), issued October 26, 1950, January 7, 1953, January 8, 1953, November 28, 1956, and December 4, 1958, as amended by order of March 6, 1962, respectively, to M. E. Smith, doing business as Southern-Iowa Transportation Company, Ottumwa, Iowa, authorizing the transportation, over irregular routes, of wire, sheet steel, and angle iron, malt beverages, empty malt-beverage containers, and such incidental facilities used in the transportation of malt beverages, canned goods, and dried foods, in containers, and steel mine cars, and, over regular routes, brick and building blocks, candy, canned goods and vaults, roofing and roofing materials, boilers, boilers and parts thereof, canned milk, beer and beverages, non-alcoholic beverages, empty bottles and empty beverage containers, canned goods, groceries and grocery supplies, candy, clay targets, non-alcoholic beverages, farm implements and parts, farm machinery and parts, binder twine, plaster of paris, store fixtures, and lubricating oil, dairy products, livestock, empty bottles, empty beverage cases, empty oil containers, canning crates, and agricultural commodities, paper and paper articles, and wire, from and to specified points in Illinois, Indiana, Iowa, Minnesota, Wisconsin, Nebraska, and Missouri, and of the operating rights in permits in Nos. MC 105559, MC 105559 (Sub No. 4), and MC 105559 (Sub No. 5), issued December 3, 1958, October 28, 1959, and May 10, 1960, respectively, as amended by order of March 6, 1962, to M. E. Smith, doing business as Southern-Iowa Transportation Company, Ottumwa, Iowa, authorizing the transportation, over regular routes, of fresh meats and packing house products, and over irregular routes, of frozen food for other than human consumption, fresh meats and packing house products, frozen animal food, and used empty steel drums, from, to, and between specified points in Iowa, Illinois, and Wisconsin, both the common and contract carrier territories varying as to the commodities transported. Kenneth F. Dudley, 901 S. Madison, P.O. Box 622, Ottumwa, Iowa, representative for applicants.

No. MC–FC 66191. By order of April 1, 1964, the Transfer Board approved the transfer to Gleason Transportation Co., Inc., Middlebury, Vt., of a portion of Certificate in No. MC 17136 issued April 26, 1949, to Martin L. Gleason and Sue R. Gleason, a partnership, doing business as Gleason Transportation Company, Rutland, Vt., authorizing the transportation over irregular routes of such merchandise as is dealt in by chain grocery stores and in connection therewith supplies used in the conduct of such stores, between points in Vermont and from Rutland and Burlington, Vt., to points in New York within 150 miles of Rutland; newspapers, from Rutland, Vt., to Granville, N.Y., and to points in New Hampshire; catalogs, from Rutland, Vt., to points in Vermont on and south of a line beginning at Wells River, Vt., and extending along U.S. Highway 302 to junction U.S. Highway 2 at East Montpelier, Vt., thence along U.S. Highway 2 to Burlington, Vt., to Albany, Red Hook, and New York, N.Y., and Springfield, Mass. Ralph A. Foote, Drawer 391, Middlebury, Vermont, attorney for applicants.

No. MC–FC 66509. By order of March 31, 1964, the Transfer Board approved the transfer to Highland Industries, Inc., East Hartford, Conn., of the operating rights in Certificate in No. MC 57943 (Sub No. 5) issued July 27, 1960 to Michael Ravolese, Jr., doing business as Highland Express, East Hartford, Conn., authorizing the transportation, over irregular routes, of: Bakery supplies, flour, and bakers' supplies and equipment, between specified points in Connecticut, Massachusetts, and New York. Robert Ewing, 15 Lewis St., Hartford 3, Conn., attorney for applicant.

No. MC–FC 66655. By order of March 31, 1964, the Transfer Board approved the transfer to Lightning Supply, Inc., Salem, Ill., of Certificates in Nos. MC 123475 and MC 123475 (Sub No. 2), issued July 2, 1963 and June 6, 1963, respectively, to Lightning Transportation Co., Inc., Salem, Ill., authorizing the transportation of anhydrous ammonia, in bulk, in tank vehicles, over irregular routes, from the site of Phillips Pipe Line Company terminal at Cahokia, Ill., to points in Indiana, Iowa, Missouri, and Wisconsin; and anhydrous ammonia, in bulk, over irregular routes, from Meredosia, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Messrs. Ferdinand Born and Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Indiana, attorneys at Law.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–3359; Filed, Apr. 6, 1964; 8:47 a.m.]

[Rev. S.O. No. 562; Taylor's I.C.C. Order No. 170]

GEORGIA & FLORIDA RAILWAY

Rerouting of Traffic

In the opinion of Charles W. Taylor, agent, the Georgia & Florida Railway is unable to transport traffic routed over its Moultrie Branch line between Nashville, Georgia and Sparks, Georgia account of unsafe track conditions.

It is ordered, That

(a) *Rerouting traffic.* The Georgia & Florida Railway being unable to transport traffic in accordance with shippers' routing over its Moultrie Branch line between Nashville, Georgia and Sparks, Georgia, because of unsafe track conditions, is hereby authorized to reroute or divert such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The Georgia & Florida Railway desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:00 p.m., March 31, 1964.

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 31, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–3360; Filed, Apr. 6, 1964; 8:47 a.m.]

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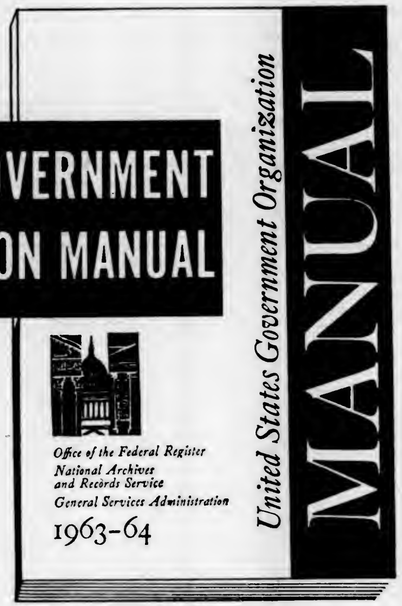
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500 — 4914

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show the addition of a new position, Deputy Assistant Secretary of Defense (Civil Defense). Effective upon publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (e) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

* * * * * * *

(e) *Office of the Assistant Secretary of Defense (Civil Defense).* * * *

(2) One Deputy Assistant Secretary of Defense (Civil Defense).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3426; Filed, Apr. 7, 1964; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show the revocation of the exception for the position of Program Coordinator (Department of Defense). Effective upon publication in the FEDERAL REGISTER, paragraph (1) of § 213.3332 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3428; Filed, Apr. 7, 1964; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3348 is amended to show the revocation of the exception for the position of Confidential Assistant to the Assistant Administrator for Management Development. Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 213.3348 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3427; Filed, Apr. 7, 1964; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Commission on Civil Rights

Section 213.3356 is amended to show the revocation of the exception for the position of Special Assistant to the Staff Director. Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 213.3356 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3425; Filed, Apr. 7, 1964; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for barley crop insurance for the 1965 crop year.

CALIFORNIA
- Kern.
- Modoc.
- San Luis Obispo.
- Tulare.

COLORADO
- Boulder.
- Larimer.
- Logan.
- Morgan.
- Phillips.
- Sedgwick.
- Washington.
- Weld.

IDAHO
- Bannock.
- Benewah.
- Bingham.
- Bonneville.
- Camas.
- Canyon.
- Caribou.
- Cassia.
- Franklin.
- Fremont.
- Gooding.
- Idaho.
- Jefferson.
- Jerome.
- Kootenai.
- Latah.
- Lewis.
- Lincoln.
- Madison.
- Minidoka.
- Nez Perce.
- Oneida.
- Power.
- Teton.
- Twin Falls.

MARYLAND
- Kent.
- Queen Annes.

MINNESOTA
- Becker.
- Chippewa.
- Clay.
- Grant.
- Kandiyohi.
- Kittson.
- Mahnomen.
- Marshall.
- Norman.
- Otter Tail.
- Pennington.
- Polk.
- Pope.
- Red Lake.
- Roseau.
- Stearns.
- Stevens.
- Swift.
- Traverse.
- Wilkin.

MONTANA
- Big Horn.
- Blaine.
- Cascade.
- Chouteau.
- Daniels.
- Fallon.
- Fergus.
- Glacier.
- Hill.
- Judith Basin.
- Liberty.
- Pondera.
- Richland.
- Roosevelt.
- Sheridan.
- Stillwater.
- Teton.
- Toole.
- Valley.
- Yellowstone.

NORTH DAKOTA
- Barnes.
- Benson.
- Bottineau.
- Burke.
- Burleigh.
- Cass.
- Cavalier.
- Dickey.
- Divide.
- Dunn.
- Eddy.
- Emmons.
- Foster.
- Golden Valley.
- Grand Forks.
- Grant.
- Griggs.
- Hettinger.
- Kidder.
- LaMoure.
- Logan.
- McKenzie.
- McHenry.
- McLean.
- Mountrail.
- Nelson.
- Pembina.
- Ramsey.
- Ransom.
- Renville.
- Richland.
- Rolette.
- Sargent.
- Sheridan.
- Stark.
- Steele.
- Stutsman.
- Towner.
- Traill.
- Walsh.
- Ward.
- Wells.
- Williams.

OREGON
- Gilliam.
- Jefferson.
- Klamath.
- Linn.
- Malheur.
- Morrow.
- Sherman.
- Umatilla.
- Union.
- Wallowa.
- Wasco.

PENNSYLVANIA
- Chester.
- Cumberland.
- Dauphin.
- Lancaster.
- Lebanon.
- York.

SOUTH DAKOTA
- Beadle.
- Brookings.
- Brown.
- Clark.
- Codington.
- Day.
- Deuel.
- Edmunds.
- Faulk.
- Grant.
- Hamlin.
- Kingsbury.
- Lake.
- McCook.
- McPherson.
- Marshall.
- Miner.
- Moody.
- Roberts.
- Spink.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of § 76.2 of the regulations supplemental to the Act of May 29, 1884, as amended by the Act of August 30, 1890 (21 U.S.C. 111, 114a, 114a-1, 120, 121, 125), § 76.2 of the regulations restricting the interstate movement of hogs because of hog cholera and other communicable swine diseases (9 CFR 76.2) is hereby amended to read as follows:

§ 76.2 Areas quarantined.

Each of the following areas is hereby designated as a quarantined area:

(a) The entire State of Alabama.

(b) The entire State of Arkansas.

(c) The entire State of Florida.

(d) The entire State of Georgia.

(e) The entire State of Kentucky.

(f) The entire State of Louisiana.

(g) The entire State of Mississippi.

(h) The entire State of North Carolina.

(i) The entire State of South Carolina.

(j) The entire State of Tennessee.

(k) The entire State of Texas.

(l) The entire State of Virginia.

(m) The entire State of West Virginia.

(n) The entire State of Missouri.

(o) The entire State of Oklahoma.

(p) The entire State of Kansas.

(q) The entire State of Maryland.

(r) The entire State of Delaware.

(s) The entire State of New Jersey.

(t) The entire State of Pennsylvania.

(u) The entire State of New York.

(v) The entire State of Connecticut.

(w) The entire State of Rhode Island.

(x) The entire State of Massachusetts.

(y) The entire State of Vermont.

(z) The entire State of New Hampshire.

(aa) The entire State of Maine.

(bb) The entire State of Ohio.

(cc) The entire State of Indiana.

(dd) The entire State of Illinois.

(ee) The entire State of Michigan.

(ff) The entire State of Wisconsin.

(gg) The entire State of Minnesota.

(hh) The entire State of Iowa.

(ii) The entire State of Nebraska.

(jj) The entire State of South Dakota.

(kk) The entire State of North Dakota.

(ll) The entire State of Colorado.

(mm) The entire State of New Mexico.

(nn) The entire State of Arizona.

(oo) The entire State of Nevada.

(pp) The entire State of Utah.

(qq) The entire State of Wyoming.

(rr) The entire State of Montana.

(ss) The entire State of Idaho.

(tt) The entire State of Oregon.

(uu) The entire State of Washington.

(vv) The entire State of California.

(ww) The District of Columbia.

(xx) The Commonwealth of Puerto Rico.

(yy) The Virgin Islands of the United States.

(zz) The Territory of Alaska.

(aaa) The Territory of Hawaii.

(bbb) The Canal Zone.

(ccc) The Territory of Guam.

(ddd) The Trust Territory of the Pacific Islands.

(eee) The Commonwealth of the Northern Mariana Islands.

(fff) The Territory of American Samoa.

(ggg) The Wake Island Defense Area.

(hhh) The Midway Islands.

(iii) The Johnston Island Defense Area.

(jjj) The Kingman Reef Defense Area.

(kkk) The Palmyra Island Defense Area.

(lll) The Navassa Island.

(mmm) The Swan Islands.

(nnn) The Republic of Panama.

(ooo) The Republic of Mexico.

(ppp) The Republic of Cuba.

(qqq) The Republic of Haiti.

(rrr) The Dominican Republic.

(sss) The Republic of Honduras.

(ttt) The Republic of Guatemala.

(uuu) The Republic of El Salvador.

(vvv) The Republic of Nicaragua.

(www) The Republic of Costa Rica.

(xxx) The Republic of Colombia.

(yyy) The Republic of Venezuela.

(zzz) The Republic of Ecuador.

(aaaa) The Republic of Peru.

(bbbb) The Republic of Chile.

(cccc) The Republic of Argentina.

(dddd) The Republic of Paraguay.

(eeee) The Republic of Uruguay.

(ffff) The Republic of Brazil.

(gggg) The Republic of Bolivia.

(hhhh) The Republic of the Philippines.

(iiii) The Republic of Korea.

(jjjj) The Republic of China.

(kkkk) Japan.

(llll) Okinawa.

(mmmm) The Ryukyu Islands.

(nnnn) The Bonin Islands.

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(pppp) The Trust Territory of the Pacific Islands.

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(jjjjjjjjjjjjjjjjjj) The Bonin Islands.

(kkkkkkkkkkkkkkkkkk) The Volcano Islands.

(llllllllllllllllll) The Trust Territory of the Pacific Islands.

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(nnnnnnnnnnnnnnnnnn) The Republic of Korea.

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(pppppppppppppppppp) Japan.

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(llllllllllllllllllll) The Bonin Islands.

(mmmmmmmmmmmmmmmmmmmm) The Volcano Islands.

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UTAH

Cache.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.

WISCONSIN

Dodge.
Fond du Lac.

WYOMING

Goshen.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 64-3450; Filed, Apr. 7, 1964; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for wheat crop insurance for the 1965 crop year.

CALIFORNIA

Kern.
Modoc.
San Luis Obispo.
Tulare.

COLORADO

Adams.
Arapahoe.
Boulder.
Cheyenne.
Elbert.
Kit Carson.
Larimer.
Lincoln.
Logan.
Morgan.
Phillips.
Sedgwick.
Washington.
Weld.
Yuma.

IDAHO

Bannock.
Benewah.
Bingham.
Bonneville.
Camas.
Canyon.
Caribou.
Cassia.
Franklin.
Fremont.
Gooding.
Idaho.
Jefferson.
Jerome.
Kootenai.
Latah.
Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Oneida.
Power.
Teton.
Twin Falls.

ILLINOIS

Adams.
Bond.
Cass.
Champaign.
Christian.
Clark.
Clinton.
Coles.
Crawford.
Cumberland.
De Witt.
Douglas.
Edgar.
Effingham.
Fayette.
Fulton.
Greene.
Hancock.
Iroquois.
Jasper.
Jersey.
Logan.
McDonough.
McLean.
Macon.
Macoupin.
Madison.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Moultrie.
Platt.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.
Washington.

INDIANA

Adams.
Allen.
Benton.
Blackford.
Boone.
Carroll.
Cass.
Clay.
Clinton.
Decatur.
DeKalb.
Delaware.
Fulton.
Fountain.
Grant.
Hancock.
Henry.
Howard.
Huntington.
Jackson.
Jasper.
Jay.
Johnson.
Kosciusko.
Madison.
Marshall.
Miami.
Montgomery.
Morgan.
Noble.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

KANSAS

Allen.
Anderson.
Atchison.
Barber.
Barton.
Bourbon.
Brown.
Butler.
Chase.
Chautauqua.
Cherokee.
Cheyenne.
Clark.
Clay.
Cloud.
Coffey.
Cowley.
Crawford.
Decatur.
Dickinson.
Doniphan.
Douglas.
Edwards.
Elk.
Ellis.
Ellsworth.
Finney.
Ford.
Franklin.
Geary.
Gove.
Graham.
Grant.
Gray.
Greeley.
Greenwood.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Jackson.
Jefferson.
Jewell.
Johnson.
Kearny.
Kingman.
Kiowa.
Labette.
Lane.
Lincoln.
Linn.
Logan.
Lyon.
McPherson.
Marion.
Marshall.
Meade.
Miami.
Mitchell.
Montgomery.
Morris.
Nemaha.
Neosho.
Ness.
Norton.
Osage.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pottawatomie.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Riley.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Thomas.
Trego.
Wabaunsee.
Wallace.
Washington.
Wichita.
Wilson.
Woodson.

KENTUCKY

Christian.

MARYLAND

Kent.
Queen Annes.

MICHIGAN

Bay.
Branch.
Calhoun.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Huron.
Ingham.
Ionia.
Jackson.
Kalamazoo.
Lenawee.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Sanilac.
Shiawassee.
Tuscola.
Washtenaw.

MINNESOTA

Becker.
Big Stone.
Blue Earth.
Chippewa.
Clay.
Dakota.
Faribault.
Freeborn.
Grant.
Kandiyohi.
Kittson.
Lac qui Parle.
LeSueur.
Mahnomen.
Marshall.
Norman.
Otter Tail.
Pennington.
Polk.
Red Lake.
Redwood.
Renville.
Roseau.
Stevens.
Swift.
Traverse.
Waseca.
Wilkin.
Yellow Medicine.

MISSOURI

Adair.
Andrew.
Audrain.
Barton.
Bates.
Buchanan.
Caldwell.
Callaway.
Carroll.
Cass.
Chariton.
Clark.
Cooper.
Daviess.
DeKalb.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Knox.
Jasper.
Johnson.
Lewis.
Lafayette.
Lawrence.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Monroe.
Montgomery.
Nodaway.
Pettis.
Pike.
Ralls.
Ray.
Scotland.
St. Charles.
Saline.
Shelby.
Sullivan.
Vernon.

MONTANA

Blaine.
Big Horn.
Cascade.
Chouteau.
Daniels.
Dawson.
Fallon.
Fergus.
Glacier.
Hill.
Judith Basin.
Liberty.
McCone.
Petroleum.
Phillips.
Pondera.
Richland.
Roosevelt.
Sheridan.
Stillwater.
Teton.
Toole.
Valley.
Wibaux.
Yellowstone.

NEBRASKA

Adams.
Banner.
Box Butte.
Butler.
Cass.
Chase.
Cheyenne.
Clay.
Dawes.
Deuel.
Dodge.
Fillmore.
Franklin.
Frontier.
Furnas.
Gage.
Garden.
Gosper.
Hamilton.
Harlan.
Hayes.
Hitchcock.
Jefferson.
Johnson.
Kearney.
Keith.
Kimball.
Lancaster.
Morrill.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Perkins.
Phelps.
Red Willow.
Richardson.
Saline.
Saunders.
Scotts Bluff.
Seward.
Sheridan.
Thayer.
Washington.
Webster.
York.

NORTH DAKOTA

Adams.
Barnes.
Benson.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Sioux.
Slope.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OHIO

Allen.
Ashland.
Auglaize.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fayette.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Paulding.
Pickaway.
Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Stark.
Tuscarawas.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

OKLAHOMA

Alfalfa.
Beckham.
Blaine.
Caddo.
Canadian.
Comanche.
Cotton.
Craig.
Custer.
Delaware.
Dewey.
Ellis.
Garfield.
Grady.
Grant.
Greer.
Harmon.
Harper.
Jackson.
Kay.
Kingfisher.
Kiowa.
Logan.
Major.
Mayes.
Noble.
Nowata.
Osage.
Ottawa.
Pawnee.
Payne.
Texas.
Tillman.
Washington.
Washita.
Woods.
Woodward.

OREGON

Baker.
Gilliam.
Jefferson.
Klamath.
Linn.
Malheur.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.

PENNSYLVANIA

Chester.
Cumberland.
Dauphin.
Lancaster.
Lebanon.
York.

SOUTH DAKOTA

Beadle.
Bennett.
Bon Homme.
Brown.
Campbell.
Clark.
Codington.
Corson.
Day.
Deuel.
Dewey.
Edmunds.
Faulk.
Grant.
Haakon.
Hamlin.
Hand.
Hughes.
Hutchinson.
Hyde.
Jones.
Kingsbury.
Lake.
Lyman.
McCook.
McPherson.
Marshall.
Mellette.
Miner.
Perkins.
Potter.
Roberts.
Spink.
Stanley.
Sully.
Tripp.
Walworth.

TENNESSEE

Obion.
Robertson.

TEXAS

Baylor.
Castro.
Collin.
Cooke.
Denton.
Floyd.
Foard.
Gray.
Grayson.
Hale.
Jones.
Lipscomb.
Wilbarger.

UTAH

Box Elder.
Cache.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.

WYOMING

Goshen.
Laramie.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-3451; Filed Apr. 7, 1964; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Orange Reg. 37]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.416 Orange Regulation 37.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of other available information, including the results of a telegraphic poll of the Shippers Advisory and Growers Administrative Committees, conducted on March 25, 1964, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time, and good cause exists for making the provisions hereof effective as hereinafter set forth. The results of the aforesaid poll and supporting information for regulation during the period specified herein, including necessary supplemental economic and statistical information upon which this section is based, were received on March 31, 1964; information regarding the provisions of the section has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140-51.1178).

(2) During the period beginning at 12:01 a.m., e.s.t., April 20, 1964, and ending at 12:01 a.m., e.s.t., May 4, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2 1/16 inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2 1/16 inches in diameter or smaller; or

(iii) Any Temple oranges, grown in

[C.C.C. Grain Price Support Regs., 1963-Crop

ing of their artillery and infantry

Controlling agency. Federal Aviation

LOCKHEED. Applies to all Model 1649A Series

UNIVERSAL. Applies to all Models Temco

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2⁵⁄₆₄ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 2, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–3410; Filed, Apr. 7, 1964; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

The title of Part 1421 is changed from "Grains and Related Commodities" to "Grains and Similarly Handled Commodities."

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 2, 1964.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64–3411; Filed, Apr. 7, 1964; 8:46 a.m.]

[C.C.C. Grain Price Support Regs., 1963-Crop Wheat Supp., Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1963-Crop Wheat Loan and Purchase Agreement Program

BASIC SUPPORT RATE

The regulations issued by the Commodity Credit Corporation published in 28 F.R. 6959, 9979, 10636, and 29 F.R. 3467, and containing specific requirements of the 1963-crop wheat loan and purchase agreement program are hereby amended as follows:

Paragraph (e) *Basic support rates (counties)* of § 1421.2113 is amended to increase the basic county support rate for Daniels County, Montana, from $1.66 per bushel to $1.67 per bushel.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 306, 76 Stat. 614; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 2, 1964.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64–3413; Filed, Apr. 7, 1964; 8:46 a.m.]

[C.C.C. Grain Price Support Regs., 1963-Crop Rye Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1963-Crop Rye Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation (28 F.R. 5558 and 7892) with respect to rye produced in 1963 which contain specific requirements for the 1963-crop of rye are hereby amended as follows:

1. Section 1421.2809(d) is amended to increase the basic support rate for Daniels County, Montana. The amendment reads as follows:

§ 1421.2809 Support rates.

* * * * *

(d) *Basic support rates for counties.*

* * * * *

MONTANA

County	Rate per bushel From—	To—
Daniels	$0.82	$0.83

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 6, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 2, 1964.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64–3412; Filed, Apr. 7, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–AL–20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area, Federal Airways and Controlled Airspace

On October 25, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11459) stating that the Federal Aviation Agency proposed to revoke the portion of the Eagle River, Alaska, Restricted Area R–2203 east of a line beginning at the intersection of longitude 149°40′ W., with the southern boundary of R–2203 and extending north to the Alaska Railroad, thence northeasterly along the railroad to its intersection with the eastern boundary of R–2203.

The Department of the Army has advised that the revocation of the portion of R–2203 east of the railroad as proposed would adversely affect the training of their artillery and infantry units stationed at Fort Richardson, Alaska. Additional data furnished by the Army on their artillery and infantry firing activities within R–2203 indicates retention of the entire area as restricted airspace is justified. Therefore, the proposal to revoke the portion of R–2203 east of the Alaska Railroad is withdrawn.

As a result of further review, the Federal Aviation Agency has determined that the designation of a separate restricted area to encompass the portion of R–2203 proposed for revocation will provide a means for more efficient utilization of this airspace. Accordingly, action is taken herein to subdivide R–2203 into two joint use areas, namely the Eagle River, Alaska, restricted areas R–2203A and R–2203B.

In addition, action is taken herein to change the descriptions of the Anchorage, Alaska, control area extension, the Bryant Army Airfield and Merrill Field/Elmendorf Air Force Base control zones and Federal airways Nos. Green 8, Amber 1 and Blue 26 by deleting the notations to the requirement for pilots to obtain prior approval before using the portions of these areas which coincide with restricted areas. Since the requirement for pilots to obtain prior approval before using restricted airspace is specified in § 91.95 of the Federal Aviation Regulations, restatement of this requirement in airspace designations is unnecessary.

Since these amendments impose no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective upon publication.

In consideration of the foregoing, the following actions are taken:

1. In § 73.22 *Alaska* (29 F.R. 1234), the following actions are taken:

a. R–2203 Eagle River, Alaska, is revoked.

b. The following restricted areas are added:

R–2203A Eagle River, Alaska.

Boundaries. Beginning at latitude 61°–22′00″ N., longitude 149°33′48″ W.; thence southwesterly along the Alaska Railrond to latitude 61°17′20″ N., longitude 149°40′00″ W.; to latitude 61°17′15″ N., longitude 149°–40′00″ W.; to latitude 61°17′15″ N., longitude 149°36′15″ W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Anchorage ARTC Center.

Using agency. Commanding General, U.S. Army Alaska, Fort Richardson, Alaska.

R–2203B Eagle River, Alaska.

Boundaries. Beginning at latitude 61°–29′00″ N., longitude 149°33′48″ W.; to latitude 61°22′00″ N., longitude 149°33′48″ W.; thence southwesterly along the Alaska Railroad to latitude 61°17′20″ N., longitude 149°–40′00″ W.; to latitude 61°17′15″ N., longitude 149°40′00″ W.; to latitude 61°17′15″ N., longitude 149°42′25″ W.; to latitude 61°–18′00″ N., longitude 149°44′00″ W.; to latitude 61°27′15″ N., longitude 149°44′00″ W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Anchorage ARTC Center.

Using agency. Commanding General, U.S. Army Alaska, Fort Richardson, Alaska.

2. In § 71.103 (29 F.R. 1006), Federal airway G–8 "The airspace within R–2201 and R–2203 shall be used only after obtaining prior approval from appropriate authority." is deleted.

3. In § 71.105 (29 F.R. 1006), Federal airway A–1 "The airspace within R–2201, R–2203 and R–6703 shall be used only after obtaining prior approval from appropriate authority." is deleted.

4. In § 71.109 (29 F.R. 1008), Federal airway B–26 "The airspace within R–2201, R–2203 and R–2207 shall be used only after obtaining prior approval from appropriate authority." is deleted.

5. In § 71.165 (29 F.R. 1073), Anchorage, Alaska, "The portions of this control area extension within R–2201 and R–2203 shall be used only after obtaining prior approval from appropriate authority." is deleted.

6. Section 71.171 (29 F.R. 1101), is changed as follows:

a. Anchorage, Alaska (Bryant AAF), "The portion of this control zone within R–2203 shall be used only after obtaining prior approval from appropriate authority." is deleted.

b. Anchorage, Alaska (Merrill Field/Elmendorf AFB), "The portion of this control zone within R–2201 and R–2203 shall be used only after obtaining prior approval from appropriate authority." is deleted.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749 U.S.C. 1348)

Issued in Washington, D.C., on April 1, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64–3379; Filed, Apr. 7, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 3087; Amdt. 711]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Model 1649A Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection for cracks in the wing upper milled skin panel and repair if cracks are found on Lockheed Model 1649A Series aircraft was published in 29 F.R. 1739.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Model 1649A Series aircraft.

Compliance required as indicated.

(a) Within 350 hours' time in service after the effective date of this AD, unless already accomplished, and within each 5,500 hours' time in service thereafter following the initial inspection, inspect for cracks in the right and left hand wing upper milled skin panel (second plank aft of the front spar) in the area aft of the Nos. 2 and 3 nacelles between W.S. 175 and W.S. 283.5 at the forward and aft-most risers adjacent to the skin lap joints using the ultrasonic shear wave inspection technique described in Lockheed Letter FS/267105–L or an FAA approved equivalent.

(b) Within 1,400 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 1,050 hours' time in service, visually inspect for cracks in the right and left hand wing upper milled skin panel (second plank aft of the front spar) in the area aft of the Nos. 2 and 3 nacelles between W.S. 175 and W.S. 283.5 at the forward and aft-most risers adjacent to the skin lap joints.

(c) Any cracks found during the inspections specified in (a) and (b) shall be repaired in accordance with Lockheed Report 11885 (Structural Repair Manual), Figure 2–10 or an FAA approved equivalent before further flight, except that the aircraft may be ferried in accordance with the provisions of Section 1.76 of CAR Part 1 to a base where the repairs are to be accomplished.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Letter FS/267105–L dated August 30, 1963, covers this same subject.)

This amendment shall become effective May 11, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 1, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64–3380; Filed, Apr. 7, 1964; 8:45 a.m.]

[Reg. Docket No. 3091; Amdt. 712]

PART 507—AIRWORTHINESS DIRECTIVES

Universal Models Temco D–16 and D–16A Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the nose gear support braces and channel drag brace supports and replacement with new parts on Universal Models Temco D–16 and D–16A aircraft was published in 29 F.R. 2313.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

UNIVERSAL. Applies to all Models Temco D–16 and D–16A aircraft.

Compliance required within 50 hours' time in service after the effective date of this AD.

As a result of instances of cracking of nose gear support braces (Navion P/N 145–34161) and channel drag brace supports (Navion P/N 145–34204) installed on D–16 and D–16A aircraft, accomplish the following:

(a) On D–16 aircraft, visually inspect Navion P/N 145–34161 for cracks. If cracks are found, replace cracked part with a new part of the same number. In all cases, add Temco P/N 5531A cap nose gear drag brace or FAA-approved equivalent, and replace Navion P/N 145–34204 with Universal P/N TN 5980A or FAA-approved equivalent. Perform this rework in accordance with Temco Drawing TN 5505 or FAA-approved equivalent.

(b) On D–16A aircraft, replace Navion P/N 145–34204 with Universal P/N TN 5980A or FAA-approved equivalent.

(Universal Aircraft Service Bulletin No. 14 covers the same subject.)

This amendment shall become effective May 11, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 1, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64–3381; Filed, Apr. 7, 1964; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56140]

PART 24—CUSTOMS FINANCIAL AND ACOUNTING PROCEDURE

Other Services of Officers; Reimbursable

The purpose of this amendment is to provide for uniform charges for customs supervision of certain operations on imported merchandise permitted to be performed for the benefit or convenience of the importer in accordance with §§ 11.8(m), 11.12(b), 11.12a(b), 11.12b(b), 11.13(c) and 11.17(b) of the Customs Regulations.

Section 24.17(a)(10) is amended to read as follows:

§ 24.17 Other services of officers; reimbursable.

(a) * * *

(10) When a customs officer or employee is assigned to supervise the labeling of imported merchandise in accordance with the provisions of §§ 11.12(b), 11.12a(b), 11.12b(b) of the regulations of this chapter or the removal or obliteration of prohibited markings and trade marks from merchandise which has been detained or seized in accordance with the provisions of §§ 11.13(c) and 11.17(b) of the regulations of this chapter or to supervise the exportation or destruction of any such merchandise, the compensation and expenses of such customs officer or employee shall be reimbursed to the Government by the party in interest.

* * * * *

(R.S. 161, as amended, 254, sec. 501, 65 Stat. 290, 290, 424, 44 Stat. 772, 5 U.S.C. 22, 142

PART 45—OLEOMARGARINE, MAR-

name" to read "established name" in the

Title 20—NAVIGATION AND

Title 20—PENSIONS, BONUSES

(R.S. 161, as amended, 254, sec. 501, 65 Stat. 290, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 140, 19 U.S.C. 66, 1624)

Notice of the proposed amendment of § 24.17(a) (10) was published in the FEDERAL REGISTER of February 21, 1963 (28 F.R. 1640) pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or arguments relating thereto were received. The amendment as set forth above is hereby adopted effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: March 31, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3435; Filed, Apr. 7, 1964; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Addition of Sorbic Acid and Salts of Sorbic Acid To Retard Mold Growth; Confirmation of Effective Date

In the matter of amending the definitions and standards of identity for parmesan cheese, reggiano cheese, romano cheese, asiago medium cheese, asiago old cheese, hard cheeses, and hard grating cheeses (21 CFR 19.595, 19.610, 19.620, 19.625, 19.650, 19.680) to permit the optional use of the antimycotic agents sorbic acid, potassium sorbate, and sodium sorbate under certain prescribed conditions.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of February 18, 1964 (29 F.R. 2539). Accordingly, the amendments to the definitions and standards of identity promulgated by that order will become effective April 18, 1964.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended; 21 U.S.C. 341, 371)

Dated: April 1, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3402; Filed, Apr. 7, 1964; 8:46 a.m.]

PART 45—OLEOMARGARINE, MARGARINE; DEFINITION AND STANDARD OF IDENTITY

Calcium Disodium EDTA as Optional Flavor Preservative; Confirmation of Effective Date of Order

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of February 12, 1964 (29 F.R. 2383), amending the standard of identity for oleomargarine by listing calcium disodium EDTA (calcium disodium ethylenediamine-tetraacetate) as a permitted optional flavor-preserving ingredient. Accordingly, the amendment promulgated by that order will become effective April 12, 1964.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: April 1, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3403; Filed, Apr. 7, 1964; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Miscellaneous Amendments

In order to bring them into conformity with certain provisions of the Drug Amendments of 1962 (76 Stat. 780–796; Public Law 87-781), the regulations for the certification of antibiotic and antibiotic-containing drugs are amended as set forth below, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502, 701, 52 Stat. 1051, 1055, as amended; 21 U.S.C. 352, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471):

Parts 146a, 146b, 146c, and 146e are amended by changing "common or usual name" to read "established name" in the following places:

1. § 146a.10(b)(1).
2. § 146a.17(c)(2).
3. § 146a.18(c)(2).
4. § 146a.27(c)(1)(iii).
5. § 146a.28(c)(1)(iii).
6. § 146a.30(c)(3)(ii).
7. § 146a.51(c)(1)(ii).
8. § 146a.32, section heading.
9. § 146a.47(c)(1)(iv).
10. § 146a.51(c)(1)(ii).
11. § 146a.57(a)(3).
12. § 146a.62(c).
13. § 146a.67(c)(2)(ii)(b).
14. § 146a.111(b)(1).
15. § 146b.104(c)(1)(ii).
16. § 146b.108(b), (c)(1)(ii).
17. § 146b.110, section heading.
18. § 146c.202(c)(1)(ii).
19. § 146c.204(c)(1)(ii).
20. § 146c.205(c)(1)(ii).
21. § 146c.215, section heading.
22. § 146c.217(c)(1)(ii).
23. § 146c.226, section heading and paragraph (c)(1)(ii).
24. § 146e.402(c)(1)(ii).
25. § 146e.403(c)(1)(ii).
26. §146e.405, section heading.
27. § 146e.408(c)(1)(ii).
28. § 146e.414, section heading.
29. § 146e.424, section heading.
30. § 146e.429(c)(2).
31. § 146e.430(c)(1)(ii).

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the changes are editorial in nature.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 502, 701, 52 Stat. 1051, 1055, as amended; 21 U.S.C. 352, 371)

Dated: April 2, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3404; Filed, Apr. 7, 1964; 8:46 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Paste-Type Solder; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder, a request to exempt from the labeling requirements of section 2(p)(1) of the act small plastic capsules containing ½-milliliter of a paste composed of powdered metal solder mixed with a liquid flux.

The Commissioner has concluded that due to the nature and small size of the capsules, compliance with the labeling requirements of the act is impracticable. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (21 CFR 2.90; 29 F.R. 471), § 121.63 (21 CFR 121.63; 28 F.R. 14314) is amended by adding to paragraph (a) the following new subparagraph (22):

§ 191.63 Exemption for small packages, minor hazards, and special circumstances.

(a) • • •

(22) Small plastic capsules containing a paste composed of powdered metal solder mixed with a liquid flux are exempt from the requirements of section 2(p)(1) of the act, *Provided*, That:

(i) The capsule holds not more than ½-milliliter of the solder mixture;

(ii) The capsule is sold only as a component of a kit; and

(iii) Adequate caution statements appear on the carton of the kit and on any accompanying labeling which bears directions for use.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of the labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: April 1, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3405; Filed, Apr. 7, 1964; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 878—DECORATIONS AND AWARDS

Decorations

Correction

In F.R. Doc. 64-2892, appearing at page 4150 of the issue for Tuesday, March 31, 1964, the following correction is made in tables 5 and 6 of § 878.27: The exes which appear in the columns headed "Military" should be deleted.

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

PART 1001—GENERAL PROVISIONS

PART 1007—CONTRACT CLAUSES

Miscellaneous Amendments

Correction

In F.R. Doc. 64-3027, appearing at page 4094 of the issue for Saturday, March 28, 1964, the following corrections are made:

1. In § 1001.457(a)(12)(i), the phrase reading "and executive documents" should read "and executing documents".

2. In § 1007.2803-18, the word "personality" in the second sentence of the clause should read "personalty".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Anacostia River, Washington, D.C., and Lindsey Slough, Calif.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.330 is hereby amended with respect to paragraph (c) revising subparagraph (1) to change the closed periods for the District of Columbia highway bridge across Anacostia River, at South Capitol Street, Washington, D.C., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.330 Anacostia River, Washington, D.C.; bridges.

• • • • •

(c) *District of Columbia highway bridge at South Capitol Street.* (1) Between the hours of 6:00 a.m. and 9:00 a.m., and between the hours of 3:30 p.m. and 6:30 p.m., daily, the draw need not be opened for the passage of navigation, except that in the case of an emergency the draw will be opened for the passage of U.S. Government owned vessels, regardless of the hour.

• • • • •

[Regs., March 19, 1964, 1507-32 (Anacostia River, Washington, D.C.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.716 is hereby amended redesignating paragraph (e) as (f), adding a new paragraph (e) to govern the operation of the Hastings Farms highway bridge across Lindsey Slough and changing the name of the owner of the bridge across the American River at Sacramento, California, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.716 Sacramento River and its tributaries, California.

• • • • •

(e) *Lindsey Slough; Hastings Farms highway bridge between Egbert and Lower Hastings Tracts.* At least 72 hours' advance notice required for removal of the center span. To be given to Hastings Farms, Merchants Exchange Building, San Francisco 4, California.

(f) *American River; State of California highway bridge at Sacramento.* At least 4 days' advance notice required. To be given to the State Highway Maintenance Superintendent.

[Regs., March 20, 1964, 1507-32 (Lindsey Slough, Calif.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-3399; Filed, Apr. 7, 1964; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Miscellaneous Amendments

1. In § 14.500, paragraphs (b) and (c) are amended to read as follows:

§ 14.500 Functions and responsibilities of General Counsel.

• • • • •

(b) The General Counsel exercises professional guidance over Chief Attorneys in the rendering of legal advice and assistance to Veterans Administration officials and installations as provided in §§ 13.400, 13.401, and 13.402 of this chapter.

(c) The General Counsel may utilize the services of Chief Attorneys to assist, or to act for, him in litigation, tort, and other matters within his jurisdiction as provided by Veterans Administration regulations and instructions, or as directed by him in specific cases. The foregoing includes cooperation with United States Attorneys in all civil and criminal matters pertaining to the Veterans Administration and reporting to the United States Attorneys as authorized, or to the General Counsel, or both, criminal matters coming to the attention of the Chief Attorney. On all the above matters, and those hereinafter included, correspondence or other contact shall be direct. (See § 13.400 et seq. of this chapter.)

2. In § 14.501, paragraph (b) is amended to read as follows:

§ 14.501 Request for legal opinions.

• • • • •

(b) *Submissions from the field.* Requests from administrative officials in the field for legal opinions or advice will be addressed to the appropriate Chief Attorney, who will prepare and release opinion, or refer the matter to the General Counsel for approval or advice, as provided by §§ 13.401 and 13.402 of this chapter. The views or opinions of the General Counsel will be forwarded to the Chief Attorney through any department head concerned for release to the requesting official. This does not preclude direct communication where authorized. (See § 13.401 of this chapter and § 14.500(c).)

3. Sections 14.502 and 14.504 are revised to read as follows:

§ 14.502 Submissions.

All submissions will set forth the question of law on which the opinion is desired, together with a complete and accurate summary of relevant facts. Files, correspondence, and other original papers will not be submitted, unless pertinent portions thereof cannot practicably be summarized, or copies made and attached as exhibits.

§ 14,504 Opinions.

Formal opinions of the General Coun-

ments involving the expenditure of funds for the acquisition of architectural and engineering services and utility connec-

all forms of appropriation under the public land laws including the mining

BLUE LAKE RECREATION AREA

T. 11 N., R. 9 E.,
Sec. 30, SE¼SW¼SW¼, and SW¼SE¼

(3) Issue a public notice announcing a 30-day investigation period to determine whether the rules have been com-

to determine whether the rules have been complied with;

(4) Determination that no action

§ 14,504 Opinions.

Formal opinions of the General Counsel in individual claims (compensation, pension, insurance, loans, vocational rehabilitation, readjustment allowance, indemnity, etc.) are filed in the individual claims folders and may be seen only by those entitled to inspect such folders. (See § 1.525 of this chapter.) Printed opinions of the General Counsel of a general nature (administration, claims, fiscal, personnel, contracts, loan guaranty, or insurance, etc.) will be digested and indexed. Copies will be filed in the Office of the General Counsel and in Chief Attorneys' offices. Such opinions are not available for general distribution outside the Veterans Administration, but copies of printed opinions on subjects of general interest (as for example, loan guaranty, vocational rehabilitation and education, etc.) may be supplied persons, organizations or agencies interested in the subject covered by the opinion, or affected by it when, in the opinion of the General Counsel or of the service concerned, the public interest justifies or requires, such action.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: April 2, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-3429; Filed, Apr. 7, 1964; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 8—Veterans Administration

PART 8-75—DELEGATIONS OF AUTHORITY

Subpart 8-75.2—Special and Limited Delegations

MISCELLANEOUS AMENDMENTS

1. Sections 8-75.201-1, 8-75.201-2, 8-75.201-3, and 8-75.201-5 are revised to read as follows:

§ 8-75.201-1 Professional services.

The Chief Benefits Director and Chief Data Management Director are delegated authority to execute, award and administer contracts for the acquisition of those professional services, except architect-engineer, that are authorized by FPR 1-3.204.

§ 8-75.201-2 Architectural and engineering service and construction—Assistant Administrator for Construction.

Authority to execute, award, and administer contracts and related documents involving the expenditure of funds for the acquisition of architectural and engineering services, utility connections and construction is delegated to the Assistant Administrator for Construction.

§ 8-75.201-3 Architect-Engineer Services.

Authority to execute, award, and administer contracts and related documents involving the expenditure of funds for the acquisition of architectural and engineering services and utility connections is delegated to the Architect-Engineer Contracting Officer or, in his absence, to the Assistant Architect-Engineer Contracting Officer.

§ 8-75.201-5 Construction contracts; field stations, supply depots.

The Chief, Supply Division at a field station, the Assistant Director, Supply Service for a VA Supply Depot, and any employee designated by them in accordance with § 8-75.101(b) are authorized to execute, award and administer contracts for construction projects assigned by Central Office Construction Service or those accomplished with station or depot funds. Contracting Officers, in executing, awarding and administering construction contracts, including those for maintenance and repair projects will be guided by Federal Procurement Regulations, Veterans Administration Procurement Regulations, and procedures established by the Assistant Administrator for Construction.

2. Section 8-75.201-10 is added to read as follows:

§ 8-75.201-10 Professional engineering service—field stations, supply depots.

The Chief, Supply Division at a field station, the Assistant Director, Supply Service for a VA Supply Depot, and any employee designated by them in accordance with § 8-75.101(b) are authorized to execute, award and administer contracts for the acquisition of professional engineering service, when such service is chargeable to station or depot funds. (Section 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); section 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: April 2, 1964.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 64-3430; Filed, Apr. 7, 1964; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3359]

[Colorado 096885]

COLORADO

Withdrawal for Reclamation Uses; Colorado-Big Thompson Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn in the first form from all forms of appropriation under the public land laws including the mining laws, and reserved for use by the Bureau of Reclamation in connection with the Green Mountain afterbay and dam of the Colorado-Big Thompson Project:

SIXTH PRINCIPAL MERIDIAN

T. 2 S., R. 80 W.,
Sec. 3, lot 4, SW¼NW¼, and E½SW¼;
Sec. 9, NE¼SE¼;
Sec. 10, SW¼NE¼, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, and W½SE¼.

Containing approximately 560 acres.

2. The lands shall be administered by the Bureau of Land Management until such time as they or any portion thereof are needed for project works or irrigation purposes.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 2, 1964.

[F.R. Doc. 64-3400; Filed, Apr. 7, 1964; 8:46 a.m.]

[Public Land Order 3360]

[Washington 02428]

WASHINGTON

Withdrawal for Forest Service Administrative Sites and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Gifford Pinchot National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as administrative sites and recreation areas:

WILLAMETTE MERIDIAN

JAKE CREEK RECREATION AREA

T. 5 N., R. 5 E.,
Sec. 22, NE¼SW¼, and NW¼SE¼, unsurveyed.

CLEARWATER SHELTER RECREATION AREA

T. 8 N., R. 6 E.,
Sec. 23, NE¼NW¼.

BADGER MEADOWS RECREATION AREA

T. 9 N., R. 7 E.,
Sec. 2, NW¼NW¼, unsurveyed.

LOWER CISPUS RECREATION AREA

T. 11 N., R. 7 E.,
Sec. 18, lot 4

MOSQUITO MEADOWS RECREATION AREA

T. 10 N., R. 7 E.,
Sec. 34, SE¼NE¼SW¼, and NE¼SE¼SW¼, unsurveyed.

CAT CREEK RECREATION AREA

T. 10 N., R. 9 E.,
Sec. 13, S½NE¼SW¼, NE¼SW¼SW¼, unsurveyed.

ADAMS FORK RECREATION AREA

T. 10 N., R. 9 E.,
Sec. 23, SW¼NE¼, unsurveyed.

EAST CANYON RECREATION AREA

T. 10 N., R. 9 E.,
Sec. 31, E½E½NW¼, unsurveyed.

BLUE LAKE RECREATION AREA

T. 11 N., R. 9 E.,
Sec. 30, SE¼SW¼SW¼, and SW¼SE¼SW¼, unsurveyed.

SILVER CREEK RECREATION AREA

T. 12 N., R. 7 E.,
Sec. 10, lot 9.

IRON CREEK ADMINISTRATIVE SITE

T. 10 N., R. 7 E.,
Sec. 17, SW¼SW¼, unsurveyed.

MOSQUITO MEADOWS ADMINISTRATIVE SITE

T. 10 N., R. 7 E.,
Sec. 33, NE¼NE¼NE¼, unsurveyed;
Sec. 34, NW¼NW¼NW¼, unsurveyed.

ADAMS FORK ADMINISTRATIVE SITE

T. 10 N., R. 9 E.,
Sec. 23, E½SE¼NW¼, unsurveyed.

CAMP CREEK ADMINISTRATIVE SITE

T. 11 N., R. 8 E.,
Sec. 8, SW¼NE¼SW¼, NW¼SE¼SW¼, NE¼SW¼SW¼, and SE¼NW¼SW¼, unsurveyed.

CISPUS CAMP ADMINISTRATIVE SITE

T. 11 N., R. 8 E.,
Sec. 18, S½SE¼NE¼, and N½NE¼SE¼, unsurveyed.

TOWER ROCK RECREATION AREA

T. 11 N., R. 7 E.,
Sec. 12, lot 5.

The areas described aggregate approximately 548.39 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 2, 1964.

[F.R. Doc. 64-3401; Filed, Apr. 7, 1964; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-274]

PART 0—COMMISSION ORGANIZATION

Authority Under Communications Satellite Act

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of April, 1964;

The Commission having under consideration section 201(c)(1) of the Communications Satellite Act of 1962, and subpart B of Part 25 of its rules and regulations which pertain to the procurement of apparatus, equipment, and services required for the establishment and operation of a communications satellite system and satellite terminal stations; and

It appearing, that the notification statements provided for therein may appropriately be acted upon by the Chief of the Common Carrier Bureau, to the extent that he may:

(1) Determine that no action should be taken to prevent the proposed contracts from being awarded at any time subsequent to 10 days after the filing of the statements with the Commission;

(2) Give notice that such statements are defective;

(3) Issue a public notice announcing a 30-day investigation period and that delegation of authority to him for this purpose will contribute to the expeditious handling of such notification statements and to more effective implementation of the Communications Satellite Act of 1962; and

It further appearing, that the authority for adoption of the amendment herein is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that the amendment adopted herein pertains to Commission organization and procedure and hence that the notice, procedural, and effective date requirements of Section 4 of the Administrative Procedure Act are inapplicable;

It is ordered, effective April 1, 1964, that Part 0 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: April 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Section 0.298 is amended to read as follows:

§ 0.298 Authority under Communications Satellite Act.

(a) The Chief of the Common Carrier Bureau is delegated authority to act upon applications from communications common carriers for authorization to purchase stock in the Communications Satellite Corporation, pursuant to the provisions of section 304(b) of the Communications Satellite Act and of Subpart H of Part 25 of this chapter.

(b) The Chief of the Common Carrier Bureau is delegated authority to act upon notification statements required to be filed under § 25.166 of this chapter by the Communications Satellite Corporation, other communications common carriers, and their respective prime contractors with respect to the procurement of apparatus, equipment, and services required for the establishment and operation of the communications satellite system and satellite terminal stations. This delegation is limited to taking the following actions:

(1) Determination that no action should be taken to prevent the proposed contracts from being awarded at any time subsequent to 10 days after the filing of the statements with the Commission;

(2) Notice that such statements are defective;

(3) Issuance of a public notice announcing a 30-day investigation period to determine whether the rules have been complied with;

(4) Determination that no action should be taken to prevent the proposed contract from being awarded at any time subsequent to 30 days after the date of the public notice.

[1] Commissioners Hyde and Bartley absent.

[F.R. Doc. 64-3441; Filed, Apr. 7, 1964; 8:49 a.m.]

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

Chapter I—Presidential Documents

SUBCHAPTER C—OTHER DOCUMENTS

PART 181—MEMORANDUM OF MARCH 26, 1964

Determination Under Section 231(b) of the Trade Expansion Act of 1962, as Amended, Permitting Continuation of Nondiscriminatory Trade Treatment for Poland and Yugoslavia

MEMORANDUM FOR THE SECRETARY OF STATE, THE SECRETARY OF THE TREASURY

THE WHITE HOUSE,
Washington, March 26, 1964.

Pursuant to section 231(b) of the Trade Expansion act of 1962, as amended, I hereby determine that extending the benefits of trade agreement concessions made by the United States to products, whether imported directly or indirectly, of the Polish People's Republic and the Socialist Federal Republic of Yugoslavia, both of which were receiving trade concessions on December 16, 1963, will be important to the national interest and will promote the independence of these two countries from domination or control by international communism. The reasons for this determination are contained in the attached statement.

The Secretary of State is directed to report this determination and the reasons therefor to the Congress, as required by section 231(b) of the Trade Expansion Act of 1962, as amended.

The Secretary of the Treasury is directed to inform the Commissioner of Customs of this determination.

LYNDON B. JOHNSON

STATEMENT

Subject: Determination under Section 231(b) of the Trade Expansion Act of 1962, as Amended, Permitting Continuation of Non-Discriminatory Trade Treatment for Poland and Yugoslavia.

The principal objective of United States policy in Eastern Europe is to encourage peaceful efforts toward loosening of control from Moscow. Both Yugoslavia and Poland have demonstrated that they are prepared to undertake considerable risks to maintain and increase their independence. Trade with the free world, and in particular with the United States, is one of the basic ways in which these countries can resist Soviet control. Depriving them of the opportunity to trade on competitive terms with the United States would be a sure way to reverse the trend in Eastern Europe and to increase

the power and influence of the Soviets in

has. Nevertheless, since the events of 1956,

denied for the reasons set forth in the

§ 500.3 Use of open-tariff TOFC serv-

bracing rates or charges covering such

the power and influence of the Soviets in Eastern Europe.

A. *Yugoslavia*

Although Yugoslavia is a communist country, its determination to maintain its independence from Soviet bloc domination has been demonstrated over the past fifteen years. The Yugoslav Government has encouraged a broad range of contacts between Yugoslavia and the West and has made Yugoslavia accessible to people, ideas, and information coming from the West.

Yugoslavia is not a member of the Warsaw Pact nor of the Soviet Bloc's Council for Mutual Economic Assistance (CEMA). On the other hand, Yugoslavia has long been associated with all of the major free world economic organizations, including the International Bank for Reconstruction and Development, the International Monetary Fund, the OECD and the GATT. In addition, it has been seeking the opportunity to discuss trade arrangements with the EEC. More than 70 percent of Yugoslavia's foreign trade is with the free world, and Yugoslavia has undertaken important reforms in its foreign trade system to bring it more into line with Western practices.

Since 1948, when Yugoslavia's refusal to submit to domination by the USSR caused its expulsion from the Soviet Bloc, the United States has followed a policy of supporting Yugoslavia's desire to make its way as an independent state. This policy has served the national interest of the United States in important ways. Yugoslavia's assertion of independence greatly weakened the strategic threat of Soviet-controlled military power in Eastern Europe. Indeed, the final victory over communist guerrillas in Greece was made possible by the closing of the Yugoslav border against them. Yugoslav self assertion began the destruction of the image of monolithic communist solidarity, and it showed that a country can successfully refuse to submit to domination by the Soviet Union.

These considerations are still valid and remain important to United States national interest today. The significance of Yugoslavia's independence has not diminished. As long as its example exists, the pressures on other communist parties and governments to seek similar advantageous solutions based on the exercise of national independence will grow.

The continuation of nondiscriminatory trade treatment of Yugoslavia by the United States is of fundamental importance in supporting the independence of Yugoslavia. Such trade relations with the United States demonstrates to the Yugoslav leadership and people, as well as to the other nations of Eastern Europe, that the United States will permit normal trading possibilities to countries which assert their independence from domination by international communism.

Nondiscriminatory trade is also essential to enable Yugoslavia to maintain its exports to the United States so that it can import from us and earn the dollars required to meet its debt repayment obligations to the United States. Yugoslavia's payments on dollar repayable obligations will be well over $10 million in each of the next several years.

The Soviet Union and other countries of the Soviet bloc are now, once again, making a concentrated effort to improve economic and other relations with Yugoslavia. United States failure to continue nondiscriminatory trade treatment would contribute to forcing Yugoslavia into greater dependence upon the Soviet-controlled communist countries and thus undermine our efforts to assist Yugoslavia to pursue an independent, unaligned policy.

B. *Poland*

Poland has not achieved the degree of independence from Moscow that Yugoslavia has. Nevertheless, since the events of 1956, Poland has attained a large measure of autonomy both in internal affairs and in foreign relations.

After 1956, Poland reversed its policy toward collectivization of agriculture. Today, 87 percent of the arable land of Poland is privately held.

A far greater degree of freedom of speech has been permitted in Poland since 1956, and intellectual activity remains stimulating and lively. Poland has discontinued jamming broadcasts of the Voice of America and Radio Free Europe and has participated in certain USIA programs by which American books and periodicals have been made available to the people of Poland. Poland has also permitted relatively free emigration to the West and has regularly permitted Poles to come to the United States to visit.

Finally, basic freedom of worship is possible in Poland today. Poland permits religious education for children as well as a Catholic university and seminaries. A number of religious holy days are observed as national holidays. While religion remains anathema to the Communists, and the Gomulka regime has probed for ways of bringing the Church under some control, Catholicism in Poland remains a potent force and an obstacle to complete communist domination. The regime, well aware that an all-out attack on the Church would prejudice its beneficial relationship with the West, must show restraint so long as there is anything to gain in Poland's relation with the West.

The United States and Poland have made good progress in resolving outstanding financial and economic problems. Over the past seven years the volume of trade has grown and there are good prospects for steady growth in the future.

Nondiscriminatory treatment for Poland products permits that country to earn dollars with which it can buy American goods and meet its substantial financial obligations to the United States Government and to private American citizens. Poland's payments on these obligations have reached almost $11 million annually and will increase to over $20 million in 1967. The debts include, among others, the obligations arising from the settlement of claims of United States nationals whose properties were nationalized in Poland, and the obligations to repay in dollars for previous purchases of surplus agricultural commodities under PL 480. Cutting off trade on the present nondiscriminatory basis would impair Poland's ability to meet these obligations.

As a consequence of the Polish events of 1956, Secretary of State Dulles determined, for purposes of section 107 of the Agricultural Trade Development and Assistance Act of 1954, as amended (PL 480), that Poland was not a nation dominated or controlled by the foreign government or foreign organization controlling the world communist movement. Since that determination the United States has kept the Polish situation under close and continuing scrutiny. In November 1961 Secretary of State Rusk reaffirmed the determination of 1956. This is still our judgment today.

Conclusion

Continuation of nondiscriminatory trade treatment for the products of Yugoslavia and Poland is important to our national interest. The maintenance of commercial trade relations between the United States and these countries will further the objective of encouraging and promoting their independence from domination or control by international communism.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER E—INTERMODAL TRANSPORTATION

[Ex Parte No. 230]

PART 500—PRACTICES OF FOR-HIRE CARRIERS OF PROPERTY PARTICIPATING IN TRAILER-ON-FLATCAR SERVICE

Substituted Service—Charges and Practices of For-Hire Carriers and Freight Forwarders; Piggyback Service

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 16th day of March A.D. 1964.

It appearing, that the Commission, by notice and order entered June 29, 1962, instituted the above-entitled proceeding under Parts I, II, III, and IV of the Interstate Commerce Act and section 4 of the Administrative Procedure Act for the purpose of investigating the manner and methods of performance and use of coordinated or substituted trailer-on-flatcar (piggyback) service; of ascertaining the desirability, feasibility, and lawfulness of the operational practices and facilities of rail, motor, and water carriers, freight forwarders, and express companies subject to the Interstate Commerce Act; and of determining what rules and regulations, if any, should be adopted;

It further appearing, that the said notice and order entered June 29, 1962, invited the participation of all interested parties to submit representations setting forth the extent of their participation in trailer-on-flatcar service and their practices connected therewith, and that notice to all interested parties was given through publication of the said notice in the FEDERAL REGISTER of July 7, 1962 (27 F.R. 6434);

It further appearing, that the Railroads Operating in the Southern Freight Association Territory, except the Southern Railway System and the St. Louis-San Francisco Railway Company, have included in their exceptions to the examiner's recommended order motions to strike certain portions of the verified statements of the Bureau of Inquiry and Compliance, Interstate Commerce Commission, and certain other parties, and also filed a request, on April 2, 1963, to cross-examine the Director of the Bureau of Inquiry and Compliance;

And it further appearing, that the Commission, on the date hereof, has made and filed its report on oral argument herein,[1] setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof:

It is ordered, That the motions and requests described in the third appearing paragraph hereof be, and they are hereby denied for the reasons set forth in the said report;

It is further ordered, That Title 49 CFR be, and it is hereby, amended by adding to Chapter I thereof Subchapter E—Intermodal Transportation, Part 500—Practices of For-Hire Carriers of Property Participating in Trailer-on-flatcar Service, containing the regulations set forth in Appendix IV to the said report (Part 500 is set forth below);

It is further ordered, That this order shall become effective on July 6, 1964, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[1] Report filed as part of original document.

SUBCHAPTER E—INTERMODAL TRANSPORTATION

PART 500—PRACTICES OF FOR-HIRE CARRIERS OF PROPERTY PARTICIPATING IN TRAILER-ON-FLATCAR SERVICE

Sec.

500.1 Definition of TOFC service.
500.2 Availability to all of TOFC service.
500.3 Use of open-tariff TOFC service by motor and water carriers in the performance of economically regulated transportation.
500.4 Joint intermodal TOFC service.
500.5 Circuity limitations.
500.6 Responsibility for placing and securing trailers.
500.7 Tariff publication regulations.
500.8 Billing and notification rules.

AUTHORITY: The provisions of this Part 500 issued under 24 Stat. 383 as amended, 49 U.S.C. 12(1); 52 Stat. 1237, 49 U.S.C. 304(a)(6); 54 Stat. 933, 49 U.S.C. 904(a); 56 Stat. 285, 49 U.S.C. 1003(a); 60 Stat. 237, 5 U.S.C. 1003.

§ 500.1 Definition of TOFC service.

Trailer-on-flatcar (TOFC) service means the transportation on a rail car, in interstate or foreign commerce, of (a) any freight-laden highway truck, trailer, or semitrailer (or the container portion of any highway truck, trailer, or semitrailer having a demountable chassis) or (b) any empty highway truck, trailer, or semitrailer (or the container portion of any highway truck, trailer, or semitrailer having a demountable chassis) when such empty equipment is being transported incidental to its prior or subsequent use in TOFC service as defined in paragraph (a) of this section.

§ 500.2 Availability to all of TOFC service.

TOFC service, if offered by a rail carrier through its open tariff publications, shall be made available to any person at a charge no greater and no less than that received from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions.

§ 500.3 Use of open-tariff TOFC service by motor and water carriers in the performance of economically regulated transportation.

(a) Except as otherwise may be prohibited by these rules, motor common and contract carriers, water common and contract carriers, and freight forwarders may utilize TOFC service in the performance of all or any portion of their authorized service through the use of open-tariff TOFC rates published by a rail carrier.

(b) Motor and water common carriers shall utilize open-tariff TOFC service only if their tariff publications give notice that such service may be utilized at their option, but that the right is reserved to the user of their services to direct that in any particular instance TOFC service not be utilized.

(c) Motor and water contract carriers shall utilize open-tariff TOFC service only if their transportation contracts and schedules make appropriate provision therefor.

(d) Tariffs of motor and water common carriers and contracts and schedules of motor and water contract carriers providing for the use of open-tariff TOFC service shall set forth the points between which TOFC service may be performed and the names of the rail carriers whose TOFC service may be utilized.

(e) Motor and water common and contract carriers utilizing open-tariff TOFC service in the performance of authorized transportation shall tender traffic to and receive traffic from rail carriers only at points which the motor and water carriers are authorized to serve.

§ 500.4 Joint intermodal TOFC service.

(a) Except as otherwise may be prohibited by these rules, any rail carrier or carriers subject to part I of the act may enter into through-route and joint-rate arrangements with any motor common carrier subject to part II of the act or any water common carrier subject to part III of the act, wherein TOFC service is to be provided either in lieu of, or in addition to, the authorized all-highway or all-water service of such motor or water common carrier.

(b) Motor or water common carriers may participate in joint intermodal TOFC service in lieu of their authorized all-highway or all-water service only if their tariff publications give notice that such service may be provided at their option, but that the right is reserved to the user of their services to direct that in any particular instance such TOFC service not be provided.

(c) Tariffs embracing joint intermodal TOFC rates or charges, including Substituted Service Directories, if used, shall set forth the service covered by the published rates or charges; the points of interchange between modes of transportation; and the names of the carriers participating therein.

(d) Carriers participating in joint intermodal TOFC service shall interchange traffic only at a common point of service.

(e) Where joint intermodal TOFC service is to be performed in lieu of a motor or water carrier's authorized all-highway or all-water route, tariffs embracing rates or charges covering such service may provide for the performance of TOFC service for the entire line-haul movement.

(f) Tariffs setting forth through rates or charges for joint intermodal TOFC transportation may be published only with respect to commodities the transportation of which is subject to economic regulation throughout the entire movement provided for in such tariffs.

§ 500.5 Circuity limitations.

(a) Motor and water common carriers shall not participate in joint intermodal TOFC service which is to be provided in lieu of their authorized line-haul transportation, and motor and water common and contract carriers shall not utilize open tariff TOFC service, where the distance from origin to destination over the route including the TOFC movement is less than 85 percent of the distance between such points over the motor or water carrier's authorized service route: *Provided, however*, That the Interstate Commerce Commission may grant relief from the provisions of this paragraph upon consideration of an appropriate petition.

(b) For the purpose of paragraph (a) of this section the distance from origin to destination over the motor or water carrier's authorized route shall be computed (1) if a motor carrier operating over regular routes, over its authorized regular service route, (2) if a motor carrier operating over irregular or a combination of regular and irregular routes, through any gateway point which it is required to observe, and (3) if a water carrier, over the most direct available all-water route.

§ 500.6 Responsibility for placing and securing trailers.

(a) Railroads participating in TOFC service shall assume responsibility for the safe securing of highway trucks, trailers, or semitrailers (or the demountable container portions thereof) on the rail cars when moving over their lines; and, unless otherwise provided for by tariff, or in the case of connecting common carriers by agreement, railroads shall also assume responsibility for the safe placing of highway trucks, trailers, or semitrailers (or the demountable container portion thereof) on rail cars and for removing them from rail cars.

(b) Railroads participating in TOFC service have the right to refuse to accept for transportation in such service any highway trucks, trailers, or semitrailers (or the demountable container portions thereof) which do not conform to the motor carrier safety regulations prescribed by the Commission.

§ 500.7 Tariff publication regulations.

(a) Each railroad performing or holding out to perform TOFC service shall publish, post, and file tariffs (itself or through an agent) which shall contain in clear and explicit terms all of the rates and charges for and the rules governing the leasing of equipment to any person using its TOFC service (whether by the railroad itself or by any person affiliated with or controlled by the railroad or any agents of the railroad), and other special services or practices, including charges

for pickup or delivery service when such charges are in addition to line haul

tariffs and filed with the Interstate Com-

(d) Carriers by tariff publication shall

for pickup or delivery service when such charges are in addition to line-haul transportation charges. Such tariffs shall also contain, in clear and explicit terms, all amounts to be paid to any shipper for the lease of any empty truck, trailer, or semitrailer (or the container portion of any truck, trailer, or semitrailer having a demountable chassis) when such empty equipment is being transported incidentally to its prior or subsequent use in TOFC service.

(b) No allowance shall be payable by a rail carrier to any shipper, freight forwarder, or consignee which renders any service or furnishes any instrumentality in connection with TOFC service unless (1) such service or instrumentality is one that the rail carrier is obligated to perform or provide under the applicable rate and (2) the amount of the allowance is published in tariffs on file with the Interstate Commerce Commission.

(c) The area within which pickup and delivery service will be performed by a rail carrier offering to provide TOFC service shall be described specifically and the description published in clear and explicit terms in the tariff. It is not permissible to refer to decisions of the Commission for the description nor to state that the area within which pickup and delivery service will be performed is that defined by the Commission in a formal proceeding.

(d) All rail tariffs containing rates for TOFC transportation of property shall specify the extent to which such rates do or do not include the loading and unloading of property from or to the highway vehicle by the carrier. When charges in addition to the line-haul TOFC transportation charges or in addition to pickup or delivery charges, if any, are made for the loading or unloading of property, they shall be published in appropriate tariffs and filed with the Interstate Commerce Commission.

(e) Highway vehicles or rail cars provided by shippers or freight forwarders in connection with all-rail TOFC service, while on railroad premises, shall be subject to the storage or demurrage rules, regulations, and charges published in tariffs on file with the Interstate Commerce Commission.

§ 500.8 Billing and notification rules.

(a) No shipment shall be transported in or in connection with TOFC service until the originating carrier has issued a receipt or bill of lading therefor.

(b) Carriers by tariff publication shall require that where a manifest or a statement of the weight or nature of a TOFC shipment is needed to determine the TOFC freight charges, such manifest or a certification by the shipper as to the weight or the nature of the shipment shall be delivered to the originating carrier within 24 hours after the shipment reaches its destination: *Provided, however,* That where the weight of a loaded highway truck, trailer, or semitrailer (or the demountable container portion thereof) or the weight of the contents thereof is needed to determine rail TOFC charges, the rail carrier shall not relinquish possession of the shipment until it has received certification from the shipper as to such weights or has itself ascertained them.

(c) Unless a rail carrier by appropriate tariff publication specifically provides otherwise, in clear and unequivocal terms, two or more highway trucks, trailers, or semitrailers (or the demountable container portions thereof) shall be tendered within one calendar day in order to qualify for any rate for the movement of multiple highway vehicles (or for the demountable container portions thereof).

(d) Carriers by tariff publication shall require that arrangements for the movement of highway trucks, trailers, or semitrailers (or the demountable container portions thereof) containing explosives or other dangerous articles shall be made by a shipper or carrier with a railroad in sufficient time to permit the latter properly to placard and position the rail cars used for the movement and that shipments containing explosives or other dangerous articles shall not be transported in TOFC service unless the shipper, at the time of tender to the originating carrier, certifies that the shipment complies with the Interstate Commerce Commission's regulations governing explosives, and other dangerous articles as described in 49 C.F.R. Part 71–78.

(e) All-freight (all-commodity) rates that are restricted to apply only when not more than a designated proportion of a shipment consists of a single article shall be made subject to tariff provisions which (1) shall describe in clear and explicit terms the conditions under which such rates apply, (2) shall contain or refer to a commodity classification, such as the current Uniform Freight Classification or a designated tariff, from which it can be determined what constitutes a "single article" for purposes of the all-freight rate, (3) shall require certification by the shipper of the percentage which the weight of a given article bears to the weight of the entire shipment, and (4) shall specify the means by which the applicable rate will be determined should a shipment fail to qualify for the all-freight rate because it contains more than the designated proportion of one article.

[F.R. Doc. 64-3423; Filed, Apr. 7, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

REGISTRATION OF ECONOMIC POISONS ALDRIN, DIELDRIN AND ENDRIN

Notice of Location of Hearing

On April 2, 1964, there appeared in the FEDERAL REGISTER (29 F.R. 4723) a notice that the second session of a public hearing concerning the registration of the economic poisons aldrin, dieldrin and endrin under the Federal Insecticide, Fungicide, and Rodenticide Act will be held commencing at 9:30 a.m., Thursday, April 16, 1964, at a place in Memphis, Tennessee, to be designated later. Notice is hereby given that such hearing session will be held in Room 936, Federal Building, 167 North Main Street, Memphis, Tennessee.

Done at Washington, D.C., this 3d day of April 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-3449; Filed, Apr. 7, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Transportation of Licensed Materials

The transportation of AEC licensed material in interstate or foreign commerce is regulated by the Interstate Commerce Commission. Shipment or storage of licensed materials on board vessels on any navigable waters, within limits of the jurisdiction of the United States, is regulated by the Coast Guard. Shipments by air commerce in civil aircraft are regulated by the Federal Aviation Agency. Introduction of radioactive materials into the U.S. mails is subject to regulations of the Post Office Department irrespective of whether interstate or intrastate commerce is involved.

It appears that some licensee shipments of radioactive materials are made under circumstances where regulations of the Interstate Commerce Commission, Federal Aviation Agency, Coast Guard, or Post Office are not clearly applicable. Ordinarily, these are shipments which are transported by carriers who are not engaged in interstate or foreign commerce.

The Commission considers it desirable to amend Part 20 by adding a new § 20.208 which would govern the transportation of licensed materials in those cases where shipments are not subject to regulatory authority of the Interstate Commerce Commission, Federal Aviation Agency, Coast Guard, or Post Office. The proposed section would not apply to shipments in interstate commerce or other shipments which are subject to regulations of the ICC, FAA, Coast Guard, or Post Office. The proposed new § 20.208 would apply only to Commission licensees and would not apply to licensees of agreement States.

In those instances where a licensee transports licensed material outside the confines of his plant, or other authorized location of use, proposed § 20.208 would require the licensee to comply with all applicable requirements, appropriate to the mode of transportation, of the regulations of the Interstate Commerce Commission (49 CFR Parts 71–78), Federal Aviation Agency (14 CFR Part 49), Coast Guard (46 CFR Part 146) and Post Office Department (39 CFR Part 15) insofar as such regulations relate to (a) packaging of the licensed material, (b) marking and labeling of the package, and (c) placarding of the transporting vehicle. If such regulations are inapplicable by reason of the fact that the transportation does not occur in interstate or foreign commerce, the licensee would be required by section 20.208 to conform with the standards and requirements established by any of these agencies, to the same extent as if the transportation were in interstate or foreign commerce.

Although it is somewhat difficult to delineate the exact extent of jurisdiction of the ICC over the transportation of dangerous cargoes, there are certain activities which may be considered to fall outside ICC regulations. The Transportation of Explosives Act does not apply to the transportation of dangerous articles by carriers who are not engaged in interstate or foreign commerce, nor to shippers of dangerous articles transported by such carriers. The Interstate Commerce Act similarly does not apply to such carriers and shippers.

An example of a situation which may be subject to the proposed new section is the transportation of a radiographic source from one work site to another within the same State in the radiographer's private motor vehicle. The proposed new section would apply if ICC jurisdiction does not extend to a particular fact situation coming within the example described. In such a case there would be no ICC enforcement of the safety requirements embodied in its regulations, but the same requirements would be made to apply through AEC enforcement of the proposed new section.

Section 20.208 would not be applicable to transportation of licensed material, or delivery of licensed material to a carrier, where such transportation is within the jurisdiction of the Interstate Commerce Commission, Federal Aviation Agency, Coast Guard, or Post Office Department, and the Commission would not be assuming the responsibility of enforcing the regulations of these agencies in cases where the agencies have jurisdiction. The Commission would limit its responsibility to those situations which are outside the jurisdiction of these agencies, so that no duplication of inspection, enforcement or imposition of penalties will arise. Rather, the packaging, labeling and placarding provisions of the regulations of these agencies are adopted by reference and made a part of the AEC regulations to be applied to shipments which are not subject to regulatory controls of the other agencies.

Notice is hereby given that adoption of the following rule is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rule should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Part 20 is amended by adding the following section:

§ 20.208 Transportation of licensed materials.

(a) No licensee shall transport any licensed material outside of the confines of his plant or other authorized location of use, or deliver any licensed material to a carrier for transportation, unless the licensee complies with all applicable requirements of the rules and regulations, as amended, appropriate to the mode of transport, of the Interstate Commerce Commission (49 CFR Parts 71–78), Federal Aviation Agency (14 CFR Part 49), Coast Guard (46 CFR Part 146), and Post Office Department (39 CFR Part 15) insofar as such rules and regulations relate to the packaging of the licensed material and to the marking and labeling of the package and placarding of the transporting vehicle. In any case in which such rules and regulations may be inapplicable by reason of the fact that the transportation does not occur in interstate or foreign commerce, the licensee shall conform to the standards and requirements established by any of those agencies, to the same extent as if the transportation were in interstate or foreign commerce.

(b) Paragraph (a) of this section shall not apply to transportation of licensed material, or the delivery of licensed material to a carrier for transportation, where such transportation is subject to the rules and regulations of the Interstate Commerce Commission,

Federal Aviation Agency, Coast Guard,

the tritium beta radiation is so low that

trol by the manufacturer of a balance of

(1) The applicant satisfies the general

in Appendix "A", 10 CFR Part 140 (25

With respect to any nuclear incident

Federal Aviation Agency, Coast Guard, or Post Office Department.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 25th day of March 1964.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 64-3438; Filed, Apr. 7, 1964; 8:49 a.m.]

[10 CFR Part 30]

LICENSING OF BYPRODUCT MATERIAL

Exemption of Tritium Contained in Balances of Precision

By letter dated August 21, 1963 the Mettler Instrument Corporation (Mettler) filed a petition with the Atomic Energy Commission requesting exemption from licensing requirements for analytical balances containing tritium as an antistatic device. Mettler proposes to have 0.45 millicurie of tritium applied to each of two unexposed points on the metal parts of each balance.

The Commission has considered this petition and has found that exemption from licensing requirements for the receipt, possession, use, transfer, export, ownership and acquisition of balances of precision, including analytical balances, and their parts, as set out in the proposed amendments, will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

A new § 30.14, Part 30—Licensing of Byproduct Material, of the proposed amendments which follow would exempt from licensing persons who receive, possess, use, transfer, export, own or acquire balances of precision or the parts thereof containing not more than 0.5 millicurie of tritium per balance part and not more than 1.0 millicurie of tritium per balance. The exemption would not apply to persons who apply tritium to the balances or the parts thereof or to persons who import the balances or parts containing tritium for sale or distribution. A new § 30.24(o) of the proposed amendments would set out specific licensing requirements for the application of tritium to balances or parts and for the import of balances or parts.

Mettler has indicated that electrostatic charges in a high precision balance, particularly between the beam and other moving parts of the balance on the one hand and the arresting points on the other, seriously impair the accuracy of the weighings. Mettler has also indicated that the application of the proposed quantities of tritium would reduce the electrostatic charges at critical points and permit greater accuracy of weighings.

The application of tritium to balance parts would not result in external radiation exposure to the users of the balances. The proposed § 30.24(o) would require that the tritium be so applied as to preclude direct physical contact with it by the users. Furthermore, the energy of the tritium beta radiation is so low that the beta particles are completely absorbed in 5 millimeters of air and could not penetrate the thinnest epidermal layer even if placed in direct contact with it. The proposed § 30.24(o) would require the tritium to be applied in such a manner that it would not be released or removed from the part under normal conditions of use of the balance. Analytical balances are used by advanced students, under supervision, and by trained technical personnel in science or industry. In practice, balance parts are handled to the bare minimum; care is taken to prevent damage to the parts and to prevent deposition on the parts of moisture or oil from the hands. The balance is enclosed in a case of glass and metal or wood to reduce problems with dust and drafts. Balances are usually mounted on special bases to reduce vibration effects. Care is taken to minimize the effects of temperature and humidity upon the balance. Thus, balances of precision are not subjected to environmental factors which would be likely to cause the release of radioactivity. Even in the highly unlikely event of ingesting 1 millicurie of tritium (the proposed maximum quantity per balance), a person would receive a total radiation dose of only 0.18 rem. This may be compared to the 0.5 rem/year dose limit recommended by the Federal Radiation Council and the International Commission on Radiological Protection for individuals of the population.

Balances of precision have relatively long useful lives, perhaps in excess of 25 years. Disposition will presumably be by return to the instrument manufacturer or distributor, by transfer to another person or organization, or by discard as scrap. In the last case, it may be assumed that prior to disposal the tritium content will have been reduced by radioactive decay (12.3 year half-life) to approximately 25 percent of the original 1 millicurie content, and that this .25 millicurie of tritium per balance will be released to the environment. Mettler proposes to use tritium in approximately 1800 high precision balances per year. If allowance is made for market development, the production of balances containing tritium may reach 10,000 per year. Thus, disposition, based upon the assumed 25 year useful life, may be assumed to cause the release of up to 2.5 curies per year. The release would occur at widely separated points in the country. This 2.5 curies may be compared to the natural production of tritium in the atmosphere by cosmic radiation of approximately 8 million curies per year.

Section 150.15(a)(6) of the 10 CFR Part 150 provides that persons in agreement States are not exempt from the Commission's licensing and other regulatory controls with respect to "The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material intended for use by the general public." The Commission has determined that the balance of precision is a product intended for use by the general public. Accordingly, the transfer of possession or control by the manufacturer of a balance of precision containing tritium would not be subject to the licensing and regulatory authority of an agreement State even though the balance is manufactured pursuant to an agreement State license.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments to Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. A new section is added to 10 CFR Part 30 to read as follows:

§ 30.14 Balances of precision.

(a) Except for persons who apply tritium to balances of precision or the parts thereof and persons who import for sale or distribution balances of precision or the parts thereof containing tritium, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30 of this chapter to the extent that he receives, possesses, uses, transfers, exports,[1] owns or acquires such balances or balance parts, provided that each balance part contains not more than 0.5 millicurie of tritium and each balance contains not more than 1.0 millicurie of tritium.

(b) Any person who desires to apply tritium to balances of precision or the parts thereof for sale or distribution or desires to import for sale or distribution balances of precision or the parts thereof containing tritium, should apply for a specific license, pursuant to § 30.24(o), which license states that the balances of precision or the parts thereof may be distributed by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section.

2. A new paragraph (o) is added to § 30.24 of 10 CFR Part 30 to read as follows:

§ 30.24 Special requirements for issuance of specific licenses.

* * * * *

(o) *Balances of precision.*

(1) An application for a specific license to apply tritium to balances of precision or the parts thereof, or to import balances of precision or the parts thereof containing tritium, for use pursuant to § 30.14 will be approved if:

[1] Export shipment of precision balances is subject to the licensing authority and regulations of the Department of Commerce. Issuance of an exemption by the Atomic Energy Commission for export of tritium contained in balances of precision or the parts thereof does not relieve any person from complying with the licensing requirements and regulations of the Department of Commerce.

(i) The applicant satisfies the general requirements specified in § 30.23; and

(ii) The applicant submits sufficient information regarding the balance parts pertinent to evaluation of the potential radiation exposure, including:

(*a*) Chemical and physical form and maximum quantity of tritium in each balance part;

(*b*) Details of construction and design of the balance part;

(*c*) Details of the method of incorporation and binding of the tritium in the balance part;

(*d*) Procedures for and results of prototype testing of balance parts to demonstrate that the tritium contained in each part will not be released or be removed from the part under normal conditions of use of the balance;

(*e*) Details of quality control procedures to be followed in the fabrication of balance parts containing tritium;

(*f*) Any additional information, including experimental studies and tests, required by the Commission to facilitate determination of the safety of the balance part.

(iii) Each balance part will contain no more than 0.5 millicurie of tritium and each balance will contain no more than 1.0 millicurie of tritium.

(iv) The Commission determines that:

(*a*) The method of incorporation and binding of the tritium in the balance part is such that the tritium will not be released or be removed from the part under normal conditions of use and handling; and

(*b*) The tritium is incorporated or enclosed in the balance part so as to preclude direct physical contact with the tritium by any person under ordinary circumstances of use.

(2) Each person licensed under this paragraph shall file an annual report with the Director, Division of Licensing and Regulation, which shall state the total quantity of tritium transferred to other persons under § 30.14, during the reporting period, in the form of balances of precision or the parts thereof. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

For the Atomic Energy Commission.

Dated at Germantown, Md., this 25th day of March 1964.

W. B. McCool,
Secretary.

[F.R. Doc. 64-3439; Filed, Apr. 7, 1964; 8:49 a.m.]

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Proposed Restoration of Limit of Liability Endorsement

The Nuclear Energy Liability Insurance Association and the Mutual Atomic Energy Liability Underwriters have proposed an endorsement to the form of the nuclear energy liability policy set forth in Appendix "A", 10 CFR Part 140 (25 F.R. 2944, 26 F.R. 6641 and 28 F.R. 7077). Appendix "A" is the form of nuclear energy liability insurance policy issued by the two Associations and approved by the Commission as financial protection under this part. The form of the endorsement, intended by the insurers for use in reinstatement of liability coverage following payment by the insurers of an incurred loss, is set forth in its entirety in the following amendments. The proposed amendments also contain a change, for the purpose of clarification, in the form of indemnity agreement issued by the Atomic Energy Commission and set forth in Appendix "B", 10 CFR Part 140 (26 F.R. 3455, 26 F.R. 7770 and 27 F.R. 2884).

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that the Commission is considering adoption of the following amendments of 10 CFR Part 140. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within thirty days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Amend § 140.75, Appendix "A", by adding the following at the end thereof:

NUCLEAR ENERGY LIABILITY POLICY

(FACILITY FORM)

Restoration of Limit of Liability Endorsement

It is agreed that:

1. Payments made by the companies under this policy have reduced the limit of the companies' liability, stated in Item 4 of the declarations, to $_____.

2. Such reduced limit is restored to the amount stated in Item 4 of the declarations. Such restored limit applies to obligations assumed or expenses incurred because of bodily injury or property damage caused during the period from the effective date of this endorsement to the termination of the policy, by the nuclear energy hazard.

3. The reduced limit of liability stated in paragraph 1 above, and the limit of liability stated in Item 4 of the declarations, as restored by this endorsement, shall not be cumulative; and each payment made by the companies after the effective date of this endorsement for any loss or expense covered by the policy shall reduce by the amount of such payment both the reduced limit of liability stated in paragraph 1 above and the limit of liability stated in Item 4 of the declarations, as restored by this endorsement, regardless of which limit of liability applies with respect to bodily injury or property damage out of which such loss or expense arises.

Effective date of this endorsement _____
to form a part of Policy No. _____.
Issued to _____.
Date of Issue _____.
For the subscribing companies _____.
By _____.
Countersigned by _____.
Endorsement No. _____.

2. Amend § 140.76, Appendix "B", by revising Item 2b. of the Attachment to read as follows:

With respect to any nuclear incident, the amount specified in Item 2a of this Attachment shall be deemed to be (1) reduced to the extent that any payment made by the insurer or insurers under a policy or policies specified in Item 5 of this Attachment reduces the aggregate amount of such insurance policies below the amount specified in Item 2a and (ii) restored to the extent that, following such reduction, the aggregate amount of such insurance policies is reinstated.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 170, 71 Stat. 576; 42 U.S.C. 2210)

Dated at Germantown, Md., this 25th day of March 1964.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 64-3440; Filed, Apr. 7, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 61 [New], 63 [New], 65 [New], 67 [New], 143 [New]]

[Docket No. 4086; Notice 64-20]

CHEATING ON TESTS AND OTHER IRREGULARITIES

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Parts 61, 63, 65, 67, and 143 [New] of the Federal Aviation Regulations to prohibit cheating on FAA written tests, falsifying applications for airman certificates, logbooks, records, or reports, or unauthorized reproducing or altering certificates or ratings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Docket Section, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 8, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Docket Section for examination by interested persons.

In the past many persons have resorted to cheating on the written tests required for airman certificates or ratings, while others have falsified applications or records in order to obtain certificates or ratings issued by the Administrator. Some have copied test questions for resale or use by others, or used unauthorized materials during the course of tests. Others have deliberately made false entries in logbooks, records, or reports used to show compliance with requirements prescribed for particular certificates or ratings. In one case a person was found taking a test in the name of another.

In an effort to deter cheating on the written tests the following warning ap-

pears on them: "Improper procedures

(1) A false or fraudulent statement

for single channel monitoring and there-

1. Section 73.252(a) is amended to

§ 73.331 Requirements for type ap-

type approved for monitoring stereo-

pears on them: "Improper procedures during the examination such as the use of unauthorized materials or assistance from unauthorized persons, may result in the suspension or revocation of any FAA airman certificate held by the applicant, and the refusal of the Administrator to issue a new certificate of any type to the applicant." Notwithstanding this warning, the Agency has found some persons cheating during tests, but it has been unable to take appropriate corrective action against these persons. This was due to the absence in the regulations of a specific prohibition of the conduct involved in the particular case. Therefore, it is proposed to adopt regulations that will prohibit cheating activities in connection with written tests for airman certificates or ratings, or the falsification of applications for airman certificates, logbooks, records, and reports used to show compliance with the requirements for the certificates or ratings, or unauthorized reproduction or alteration of certificates or ratings. These regulations will provide a specific basis for the denial, or the suspension or revocation, of the airman certificate or rating of the person involved, or, where appropriate, a civil penalty under section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471).

The Agency believes that the proposed regulations and the sanctions therefor will promote safety in air commerce by effectively deterring persons from cheating on tests and falsifying required documents, thereby reducing the possibility that unqualified persons will hold FAA airman certificates or ratings.

In consideration of the foregoing, it is proposed to amend Parts 61, 63, 65, 67, and 143 [New] of the Federal Aviation Regulations as follows:

1. By adding new §§ 61.20 and 61.48 to Part 61 [New] to read as follows:

§ 61.20 Written tests: cheating or other unauthorized conduct.

(a) Except as authorized by the Administrator, no person may—

(1) Copy, or remove, a written test administered by, or in the custody of, the Administrator;

(2) Give to another, or receive from another, any part or copy of that test;

(3) Help, or receive help from, any person during the period the test is being given;

(4) Take any part of a test in behalf of another person;

(5) Use any material or aid during the period the test is being given; or

(6) Cause, assist, or participate in any act prohibited by this paragraph.

(b) No person who commits an act prohibited by paragraph (a) of this section is eligible for any airman certificate or rating under this chapter for at least one year after the date of that act. In addition, the commission of that act is a basis for suspending or revoking any airman certificate or rating held by that person.

§ 61.48 Applications, certificates, logbooks, and records: falsification or alteration.

(a) No person may make or cause to be made—

(1) A false or fraudulent statement on any application for an airman or medical certificate or a rating issued by the Administrator;

(2) A false or fraudulent entry in any logbook, record, or report that is required to be kept, made, or used, to show compliance with any requirement for an airman or medical certificate or a rating issued by the Administrator; or

(3) The reproduction of an airman or medical certificate or a rating issued by the Administrator, or any alteration of that certificate or rating, unless authorized to do so by the Administrator.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking any airman or medical certificate or rating held by that person.

2. By making similar amendments to Parts 63, 65, 67, and 143 [New] of the Federal Aviation Regulations.

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on April 1, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-3382; Filed, Apr. 7, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15404; FCC 64-298]

STEREOPHONIC PROGRAMMING AND SCA OPERATION

Proposed Frequency and Modulation Monitors

In the matter of amendment of Part 73 of the Commission's rules and regulations to require FM Broadcast Stations engaging in multiplex stereophonic programming or SCA operation to install type approved frequency and modulation monitors capable of monitoring sub-carrier operation.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission, on March 22, 1955, released a Report and Order in Docket 10832 (FCC 55-340) amending the rules governing operation under Subsidiary Communications Authorizations (SCA's) to permit FM broadcasters to transmit, on a multiplex basis, certain limited types of subscription services. Subsequently, the Commission, on April 20, 1961, released a Report and Order in Docket No. 13506 (FCC 61-524) adopting rules to permit FM licensees to transmit stereophonic programs on a multiplex basis.

3. Sub-carriers in the frequency range 19 to 75 kilocycles are employed in both these services. The frequency and modulation monitors currently type approved by the Commission are designed for single channel monitoring and therefore cannot accurately depict either the sub-carrier frequency or the degree of modulation thereon.

4. Although the technical requirements relating to SCA operation (§ 73.319) are easily met and the number of violations thereof do not appear excessive, we recognize the fact that broadcasters engaging in this type of operation are placed in a position either of obtaining a monitor which does not have its performance specifications approved by the Commission or of assuming that the operation of the transmitting equipment is satisfactory until demonstrated otherwise. We do not believe this situation to be desirable and therefore propose to require that each commercial and non-commercial educational FM broadcast station engaging in SCA operation install frequency and modulation monitors type approved by the Commission suitable for such operation.

5. Our rules governing stereo operation (§ 73.322) stipulate close tolerances because of the system's sophistication and complexity. Because of these restrictions, it is even more essential that FM broadcasters engaging in the transmission of stereophonic programs on a multiplex basis have available frequency and modulation monitors which will accurately indicate at all times those parameters which must be controlled to assure a high quality of performance, and we propose herein such a requirement. As stated in the stereo Report and Order, supra (paragraph 28): "since stereophonic broadcasting is intended to be received by the general public, it should be conducted only under suitable controls to assure not only the proper operation of the main channel as presently required by our rules, but of the stereophonic sub-channel as well."

6. Authority for adoption of the rule amendments proposed below is contained in sections 4(i) and 303(e) and 303(r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties are invited to file comments on the proposed amendments contained below on or before May 25, 1964, and reply comments on or before June 15, 1964. All timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, and comments shall be furnished the Commission.

Adopted: April 1, 1964.

Released: April 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioners Hyde and Bartley absent.

1. Section 73.252(a) is amended to read as follows:

§ 73.252 Frequency monitors.

(a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission for main channel (monophonic) operation, which shall be independent of the frequency control of the transmitter: *Provided*, That, (1) if the station is engaged in stereophonic operation, as contemplated by § 73.297, the licensee shall have in operation a frequency monitor of a type approved by the Commission for monitoring stereophonic operation, and (2) if the station is engaged in operation with a Subsidiary Communications Authorization, as contemplated by § 73.295, the licensee shall have in operation a frequency monitor of a type approved by the Commission for monitoring SCA operation.

NOTE 1: Approved frequency monitors (Class A, single channel; Class B, stereophonic; Class C, SCA; and Class D, stereophonic—SCA) are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Copies of this list are available for inspection at the Commission's office in Washington, D.C. and at each of its field offices.

NOTE 2: The provisions of this subpart relating to stereophonic and SCA monitors shall become effective January 1, 1965.

• • • • •

2. Section 73.253(a) of the Commission rules and regulations is amended to read as follows:

§ 73.253 Modulation monitors.

(a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a modulation monitor of a type approved by the Commission for main channel (monophonic) operation: *Provided*, That, (1) if the station is engaged in stereophonic operation, as contemplated by § 73.297, the licensee shall have in operation a modulation monitor of a type approved by the Commission for monitoring stereophonic operation, and (2) if the station is engaged in operation with a Subsidiary Communications Authorization, as contemplated by § 73.295, the licensee shall have in operation a modulation monitor of the type approved by the Commission for monitoring SCA operation.

NOTE 1: Approved modulation monitors (Class A, single channel; Class B, stereophonic; Class C, SCA; and Class D, stereophonic-SCA) are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment." Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at its field offices.

NOTE 2: The provisions of this subpart relating to stereophonic and SCA modulation monitors shall become effective January 1, 1965.

3. Section 73.331 is amended by adding new paragraphs (f), (g), (h), and (i) as follows:

§ 73.331 Requirements for type approval of frequency monitors.

• • • • •

(f) Monitors for use by stations engaged in stereophonic operation shall include facilities for monitoring the frequency of the pilot sub-carrier. The following specifications shall be met before the device will be type-approved by the Commission:

(1) The unit shall have an accuracy of at least plus or minus ½ cycle under ordinary conditions (temperature, humidity, power supply variations and other conditions which may affect its accuracy) encountered in FM stations throughout the United States.

(2) The range of the indicating device shall be at least from 5 cycles above to 5 cycles below the pilot sub-carrier frequency.

(3) The scale of the indicating device shall be so calibrated as to be accurately read within at least ¼ cycle.

(4) Means shall be provided for adjustment of the monitor indication to agree with an external standard.

(5) The monitor shall be capable of continous display.

(6) Operation of the monitor shall have no adverse effect on the operation of the transmitter or the signal generated therefrom.

(g) The stereophonic frequency monitor may be a part of the carrier frequency monitor. However, in any case, the frequency deviations of both the carrier and pilot sub-carrier should be displayed continuously and separately.

(h) Monitors for use by stations engaged in SCA operation shall include facilities for monitoring each sub-carrier frequency. The following specifications shall be met before the device will be type-approved by the Commission:

(1) The unit shall have an accuracy of at least plus or minus 500 cycles.

(2) The range of the indicating device shall be from 20 to 75 kc/s.

(3) The scale of the indicating device shall be so calibrated as to be accurately read within at least 1,000 cycles.

(4) Means shall be provided for adjustment of the monitor indication to agree with an external standard.

(5) The monitor shall be capable of continuous display.

(6) Operation of the monitor shall have no adverse effect on the operation of the transmitter of the signal emitted therefrom.

(i) The SCA frequency monitor may be a part of the carrier frequency monitor. However, in any case, the frequency deviations of both the carrier and one SCA sub-carrier should be displayed continuously and separately.

4. Section 73.332 is amended by adding new paragraphs (d) through (g) as follows:

§ 73.332 Requirements for type approval of modulation monitors.

• • • • •

(d) The specifications that a modulation monitor shall meet before it will be type approved for monitoring stereophonic operation are as follows:

(1) A means for measuring the modulation of the carrier by the main channel signal only. For this purpose the instrument shall comply with the provisions of paragraph (b) of this section.

(2) A means for measuring the modulation of the carrier by the stereophonic sub-carrier (38 kc/s) and its sidebands. For this purpose the instrument shall comply with the provisions of paragraph (b) of this section except that the frequency characteristic curve shall not depart from a straight line more than ±½ db from 23 kc/s to 53 kc/s and the instrument should not be responsive to frequencies outside this band.

(3) A means for measuring the modulation of the carrier by the pilot sub-carrier (19 kc/s). For this purpose the indicating meter shall have a scale with length of at least 2.3 inches. Markings shall be provided for 6 percent, 8 percent, 10 percent and 12 percent modulation with the range between 6 percent and 12 percent occupying at least 50 percent of this scale length. The accuracy of reading at the 8 percent and 10 percent limits shall be ±½ percent in modulation percentage.

(4) A means for measuring the relative amplitudes of the left and the right stereophonic channels. For this purpose the instrument shall have: (i) a frequency characteristic curve that shall not depart from a straight line more than ±½ db, (ii) a harmonic distortion of ½ percent or less, and (iii) a capability of accurately reading stereophonic channel separation of at least 35 db, all in the frequency range from 50 to 15,000 c/s.

(5) A means for accurately indicating a cross-talk of at least 45 db from the main channel (50 to 15,000 c/s) into the stereophonic sub-channel (23 kc/s to 53 kc/s) and from the stereophonic sub-channel into the main channel.

(6) A means for accurately indicating a suppression of the stereophonic sub-carrier of at least 45 db with respect to 100 percent modulation of the carrier.

(7) A means for accurately indicating a cross-talk of at least 60 db from SCA sub-carrier operation (in the frequency range 53 to 75 kc/s) into the main channel and stereophonic sub-channel range (50–53,000 c/s).

(8) The requirements of subparagraphs (4) through (7) of this paragraph contemplate the use of sinusoidal test signals.

(9) A means for measuring total modulation of the carrier by the main channel modulation, stereophonic sub-carrier and its sidebands, pilot sub-carrier and all SCA sub-carriers continuously and simultaneously. For this purpose the instrument shall comply with the provisions of paragraph (b) of this section, except that the frequency characteristic curve shall not depart from a straight line more than ±1 db from 50 c/s to 75,000 c/s.

(10) A means for accurately measuring transmitting system output noise level (frequency modulation) of at least

66 db below 100 percent modulation in the band 50 to 53,000 c/s.

in sections 4(i), and 303(c) and (f) of

66 db below 100 percent modulation in the band 50 to 53,000 c/s.

(11) A means for accurately measuring transmitting system output noise level (amplitude modulation) of at least 56 db below 100 percent modulation in the band 50 to 53,000 c/s.

(e) The stereophonic modulation display may be a part of the main channel modulation display. The stereo pilot sub-carrier modulation must be displayed continuously and independently of the total modulation.

(f) The specifications that a modulation monitor shall meet before it will be type approved from monitoring SCA operation are as follows:

(1) A means for measuring the modulation of the main carrier by each SCA sub-carrier to an accuracy of 1 percent in modulation percentage.

(2) A means for measuring total modulation of the main carrier by main channel modulation and all SCA subcarriers simultaneously. For this purpose the instrument shall comply with the provisions of paragraph (b) of this section, except that the frequency characteristic curve shall not depart from a straight line more than ±1 db from 50 c/s to 75,000 c/s.

(3) A means for measuring the deviation of each sub-carrier under modulation to an accuracy of 1,000 c/s.

(4) A means for accurately measuring frequency modulation of the carrier caused by the SCA sub-carrier operation, of at least 60 db with respect to 100 percent modulation in the frequency range 50 to 15,000 c/s.

(g) The SCA modulation display may be a part of the main channel modulation display.

§ 73.552 [Amended]

5. Section 73.552 will be amended in a manner similar to § 73.252 as described above.

§ 73.553 [Amended]

6. Section 73.553 will be amended in a manner similar to § 73.253 as described above.

[F.R. Doc. 64-3442; Filed, Apr. 7, 1964; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 15403 (RM-561); FCC 64-297]

TELEVISION CHANNELS

Proposed Table of Assignments; Jacksonville and Palatka, Fla.

1. Rust Craft Broadcasting Company, permittee of television broadcast station WRSK, Channel 36, Jacksonville, Florida, filed a petition (RM-561) on January 27, 1964, requesting that the Commission amend the Table of Assignments for television channels in Section 73.606 of the rules, to delete reserved channel *17 in Palatka, Florida and reassign it to Jacksonville for commercial use. It also proposes to delete commercial Channel 36 in Jacksonville and reassign it for educational use in Palatka. In a separate pleading, it further requested that Rust Craft Broadcasting Company be ordered to show cause why its construction permit should not be amended to specify Channel 17 instead of Channel 36.

2. The permit for the construction of WRSK at Jacksonville was granted on September 11, 1963. While the permittee has been negotiating with manufacturers for the purchase of necessary equipment, no actual construction has been performed. Therefore, a change in the channel assignment to WRSK would not involve costs associated with the replacement of equipment. The petitioner calls attention to the fact that in its application for construction permit it stated that prosecution of the construction was predicated on the assumption that network programs would be available to the station and that the status quo with respect to VHF channel assignments in the Jacksonville market would be maintained.

3. In support of its petition, Rust Craft points out that the requested exchange of channels will comply with all mileage separation requirements both with respect to the current Table of Assignments and the revised Table of Assignments proposed in outstanding Docket No. 14229. It believes that its opportunity to obtain a national network affiliation will be enhanced if it can use the lower channel since the networks heretofore have appeared more favorably disposed to affiliate with stations operating on the lower UHF channels. Channel 17 which was assigned to Palatka as an unreserved channel at the time of the Sixth Report was reserved for educational use in September 1962 at which time Channel 62 was added for commercial use. There are no applicants for either of these channels. Similarly, while there are two UHF channels available in Jacksonville, the petitioner appears to be the only broadcaster seriously interested in the establishment of a UHF station in that city. The petitioner has assured that if the instant petition is granted it will proceed immediately with construction of the station. If the proposed exchange of channels between Palatka and Jacksonville does encourage the early inauguration of UHF television service to Jacksonville and the surrounding area, it will further the announced policy of the Commission to foster an expanded use of the UHF television broadcast channels. In order to bring about this desired result at the earliest possible date, the petitioner urges that we make an exception to the policy that we originally proposed to follow in Docket No. 14229, and initiate a separate proceeding to consider this matter. The policy to which the petitioner refers stated that petitions for changes in the Table of Assignments with respect to UHF channels would be treated as comments in Docket No. 14229.

4. The Commission has carefully considered the subject petition and finds that it has sufficient merit to warrant the separate treatment requested. When Docket 14229 was initiated, we anticipated an early conclusion to the proceeding with little disruption to the orderly processing of applications for UHF television facilities and minor rearrangements of channels in individual locations. However, the proceedings stimulated a great many individual states as well as the national educational organizations to reexamine their earlier tentative plans and come up with more specific proposals which would more nearly serve their needs and at the same time make a more efficient use of the UHF broadcasting spectrum. In order to complete these studies, we have been asked twice to extend the time for filing comments in Docket No. 14229. We have granted the requests for extension of time because we feel that new studies can offer a worthwhile contribution to the formulation of a nationwide TV assignment plan.

5. In the matter before us, the exchange of channels between Palatka and Jacksonville will have no significant impact on the ultimate outcome in Docket No. 14229. As stated before, it will result in no change in the number of channels available in either Palatka or Jacksonville, however, some importance may be attached to the relative positions of the channels in the UHF television broadcasting band. We have said before that we consider these differences to be more psychological than technical. The technical differences are largely "state-of-the-art" and as between Channel 17 and Channel 36 are not very significant. However, the attitude of advertising agencies and sponsors toward the higher UHF channels may affect the ability of a commercial broadcasting station to obtain advertising revenue and this cannot be ignored. We recognize that all TV broadcasting stations will not be able to secure low UHF channels and we are confident that with the passage of time both the state-of-the-art and psychological disparities between the low and high UHF channels will largely disappear. However, if we can improve the opportunity of the "pioneer" UHF stations by assigning a lower UHF channel and it is possible to do so without extensive alteration of the assignment plan, we believe that the public interest will be served thereby. We wish to make it clear, however, that we do this in the expectation that the applicant will proceed diligently toward the early inauguration of UHF service.

6. Accordingly, it is hereby proposed to amend the Table of Assignments in § 73.606 of the Commission rules, with respect to Jacksonville and Palatka, Florida, by moving Channel 17 from Palatka to Jacksonville and moving Channel 36 minus from Jacksonville to Palatka. The entries in the amended Table will appear as follows:

City	Channel No.
Jacksonville, Fla	4+, *7, 12—, 17, 30+
Palatka, Fla	*36—, 62+

If it is determined by the Commission that the rule amendments proposed herein will serve the public interest, the Commission will take such further action as may be appropriate with respect to outstanding authorizations. We accordingly defer action upon petitioner's request for issuance of an order to show cause.

7. Authority for the adoption of the amendment proposed herein is contained

in sections 4(i), and 303(c) and (f) of the Communications Act of 1934, as amended.

8. Pursuant to the applicable procedures set out in Section 1.415 of the rules, interested parties may file comments on or before May 11, 1964, and reply comments on or before May 21, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: April 1, 1964.

Released: April 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3443; Filed, Apr. 7, 1964; 8:49 a.m.]

[47 CFR Part 89]

[Docket No. 15401; FCC 64-277]

LOCAL GOVERNMENT RADIO SERVICE

Proposed Relaxing of Eligibility Criteria

1. Docket No. 11990, adopted May 8, 1958, established the Local Government Radio Service and provided that authorizations in this service would be issued "* * * only to territories, possessions, states, other governmental subdivisions including counties, cities, towns and similar governmental entities." Permissible communications were allowed to encompass messages "essential to official activities of the licensee."

2. The creation of this service was designed in part to fill the void caused by the Commission's concurrent action in Docket No. 11990 to tighten the permissible communications in the Police, Fire, Highway Maintenance, and Forestry-Conservation Radio Services. Previously, many licensees were utilizing their radio systems in these services, particularly their police systems, to transmit some or all of their messages pertaining to their government activities. This ultimately resulted in more and more complaints from other licensees that their "pure" communications were being subjected to interference, and thus their system efficiency was being degraded. As a result, rules were adopted to limit the use of police frequencies to transmissions of an official police nature, fire frequencies solely for fire activities; and so forth down the line. However, it was recognized that many smaller entities could not afford to establish separate radio systems for each public safety need; hence, it was determined that a Local Government Radio Service in which any or all of the licensee's official activities could be transmitted should be initiated to solve this problem. Additionally, of course, the large entities could retain their existing police, fire, etc., systems and utilize a Local Government radio system for their administrative needs.

3. Soon after this Service was created numerous applications were received from school districts, park districts, metropolitan districts, improvement districts, sanitation districts, etc. These applicants represented themselves as "governmental entities" and claimed eligibility under the phrases "similar governmental entities" and "other governmental subdivisions." Initially, several of these applicants received grants, but as the number of applications continued to increase it was decided to limit eligibility to the "classic" entities such as cities, towns, etc., and exclude the new hybrid entities such as improvement districts, sanitation districts, etc., since they did not seem to be really analogous to a full-fledged governmental body in terms of the total functions performed. For example, it did not appear to be an efficient use of the limited number of frequencies available to license a sewer district for communications relating to sewage only, when the frequency might be needed in the area for police and fire, as well as for sewer and administrative communications, by an entity with more diverse power than merely sewer activities.

4. Hence, on September 21, 1960, the Commission issued a public notice (FCC 60-1139) which set forth the following policy regarding eligibility in the Local Government Radio Service: "* * * the phrases 'other governmental subdivisions' and 'similar governmental entities' will be strictly construed. Such entities as villages, boroughs and the like will be regarded as eligible while school districts, park authorities and others with similarly limited governmental powers and responsibilities will not be eligible. It should be noted that in most cases, these quasi-governmental entities may obtain authorizations through their parent entity or may apply in the Business or Citizens Radio Service. Should the frequency situation improve, the Commission will then reconsider this position." It should be noted that by editorial amendment the substance of this Public Notice ultimately was added to § 89.251 (formerly § 10.551) in the form of a note.

5. Strict adherence to this policy coupled with stringent frequency coordination procedures slowed the growth of this service but it also resulted in an orderly development of frequency usage. However, during this period applications were received from some "districts" and "authorities" which had powers and responsibilities similar to and as all-encompassing as those enjoyed by eligible entities. Other such applications, even though they involved a limited governmental use, were no different in this respect from the actual limited use that some eligible entities were making of their local government systems. Thus, while these applications had considerable merit, they were precluded from being granted. At the same time, in many instances their proposed usage did not qualify the applicants for an authorization in the Business Radio Service. The net result was that these would-be users found themselves in a "no man's land" in which needed radio systems could not be licensed except in the low priority Citizens Radio Service which was frequently inadequate because of frequency and power limitations and spectrum congestion.

6. Thus, it would appear that the time has come to reconsider this 1960 policy as the public notice indicated (see paragraph 4, supra). Since 1960, the following Dockets have been adopted, each of which has assigned additional frequencies to the Local Government Radio Service: Docket No. 13754, May 3, 1961; Docket No. 14356, February 26, 1963, and Docket No. 14503, October 9, 1963. A more efficient system of local government frequency coordination was adopted effective May 1, 1963. Also, as of November 1, 1963 virtually all licensees operating land mobile systems in the Public Safety Radio Services are in full compliance with the Commission's narrow-band technical standards. It would seem reasonable to conclude that the scope of eligibility for a license in the Local Government Radio Service may be safely expanded.

7. The problem, of course, is one of degree, how much relaxation should be allowed. It is recognized that some eligible entities which conduct routine administrative traffic also utilize only this service to conduct radiocommunications essential to public safety; i.e., police, fire, etc. These latter usages require adequate protection from harmful interference. On balance, the Commission has decided to extend eligibility to all "districts," "authorities," and other similar creations of government except for "school districts" and "park authorities." Examination of applications submitted both prior to and after the 1960 Public Notice indicates that in general the usage from the average "district" or "authority" would not be incompatible with that now being conducted on Local Government frequencies. Further, while the exact number of applications which such a relaxation would engender cannot be predicted, it is not anticipated that the increased volume of usage will impair the overall efficiency of licensees in this Service. In this regard, however, the Commission is particularly interested in receiving comments in this proceeding which include data and factual material demonstrating the degree of impact which the proposed expanded eligibility will have on frequency usage.

8. With respect to the exception of school districts, it is pointed out that they presently may obtain licenses in the Business Radio Service (§ 91.551). Additionally, they are eligible in the Special Emergency Radio Service (Part 89, Subpart P) if their proposed usage is

[1] Commissioners Hyde and Bartley absent; Commissioner Cox dissenting.

limited to dispatching buses into rural

limited to dispatching buses into rural areas, where telephone lines are often not available. The Commission has been apprised that in some states the number of "school districts" runs into the hundreds, and should even a relatively small group of them seek authorizations in the Local Government Radio Service substantial interference might result. Since they are not in the position of many other "districts" and "authorities" who are presently barred from securing necessary radiocommunications, there appears to be no compelling reason to include them in the class of Local Government eligibles. Conversely, in light of the factors set forth above, there are valid reasons to justify their exclusion.

"Park Authorities" present a similar problem although they do not pose as great a threat in terms of numbers of potential applicants. However, radiocommunications which such authorities might need may be provided in the Forestry-Conservation Radio Service. Hence, their inclusion in the class of Local Government eligibles is unnecessary.

9. The Commission will of course consider all timely filed comments but wishes to emphasize the importance of supporting claims, conjectures and "views" with factual information that can be used in evaluating the merits—or demerits—of the proposal.

10. Authority for the proposed amendments are contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 15, 1964, and reply comments on or before May 25, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments filed should be furnished the Commission.

Adopted: April 1, 1964.

Released: April 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3444; Filed, Apr. 7, 1964; 8:49 a.m.]

[1] Commissioners Hyde, Bartley, and Ford absent.

Notices

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 698]

DEPUTY GOVERNOR ET AL.

Delegation of Authority

Authorization of the Deputy Governor, Secretary to the Deputy Governor, Secretary to the General Counsel, and Clerk-Stenographer, to authenticate documents, certify official records, and affix seal.

1. H. T. Mason, Deputy Governor, Mildred R. Ireland, Secretary to the Deputy Governor, D. Elizabeth Frew, Secretary to the General Counsel, and Denna W. Lyons, Clerk-Stenographer, severally and not jointly, are authorized and empowered:

(a) To execute and issue under the seal of the Farm Credit Administration, statements (1) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (2) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (3) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration.

(b) To sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration.

2. The provisions of this order shall be effective April 1, 1964, and on that date shall supersede Farm Credit Administration Order No. 681, dated November 16, 1959, 24 F.R. 9348.

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 64-3431; Filed, Apr. 7, 1964; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-A]

CEMENT FROM ISRAEL

Fair Value Determination

MARCH 31, 1964.

A complaint was received that portland cement, other than white, nonstaining portland cement from Israel was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that portland cement, other than white, nonstaining portland cement from Israel is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Sales for exportation to the United States were outright transactions involving no relationship other than buyer and seller. Sales for home consumption in Israel at the wholesale level were sufficient to afford a proper basis for comparison. Consequently, the adjusted home market price was compared with the purchase price for fair value purposes.

Purchase price was calculated by taking the f.o.b. port price and deducting inland freight, port expenses, and pneumatic loading costs. Taxes and import duties applicable to fuel oil and supplies used in connection with production of the cement, refunded on exportation thereof, were added as required by statute in arriving at the purchase price.

Home market price was calculated on the basis of the ex-factory price for bagged cement exclusive of excise tax. Adjustments were made for bulk cement price differentials in effect during the period under consideration; for the cost resulting from credit terms applicable in the home market; for the difference between commission paid on sales for home consumption and on sales for exportation to the United States; and for technical assistance. A quantity discount equivalent to that freely available to all home market purchasers of quantities approximating the quantities exported to the United States was allowed.

Purchase price was found not to be lower than the adjusted home market price during the entire period.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3436; Filed, Apr. 7, 1964; 8:48 a.m.]

[Dept. Circ. 570, 1963 Rev. Supp. 26]

INTER-OCEAN REINSURANCE CO.

Termination of Authority To Qualify as Surety on Federal Bonds

APRIL 2, 1964.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Inter-Ocean Reinsurance Company, Cedar Rapids, Iowa, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States is hereby terminated effective as of December 31, 1963.

American Re-Insurance Company, a New York corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to Agreement and Articles of Merger dated November 26, 1963, effective December 31, 1963, and approved by the Insurance Departments of the States of Iowa and New York on December 3 and December 10, 1963, respectively, Inter-Ocean Reinsurance Company, Cedar Rapids, Iowa, was merged into American Re-Insurance Company, New York, New York, the surviving corporation. American Re-Insurance Company acquired all of the assets and assumed all of the liabilities of Inter-Ocean Reinsurance Company. Copies of the Agreement and Articles of Merger are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond approving officers, by reason of the merger, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1963, by Inter-Ocean Reinsurance Company pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

The merger of the companies will not affect the underwriting limitation of the surviving corporation, American Re-Insurance Company. Its present limitation of $5,148,000.00 will remain in effect until a new limitation is established effective June 1, 1964.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-3437; Filed, Apr. 7, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Approval of Applications, January 1964

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33; 28 F.R. 6377), notice is given of the following new drugs for which applications have been approved during the month of January 1964:

This letter constitutes an amendment

In carrying ou the above directions, entry

FEDERAL COMMUNICATIONS

It is ordered. This 1st day of April

Established name (If any) or active ingredients	Trade name	Class of compound	Applicant	Date approved	How dispensed [1]
DRUGS FOR HUMAN USE					
Epinephrine	AsthmaNefrin Automatic Aerosol Mist.	Sympathomimetic agent.	Thayer Labs., Bronx, N.Y.	[2] Dec. 27, 1963	OTC
Benzonatate	Ventussin Lox-Tablets.	Antitussive	Warren-Teed Prods. Co., 562 W. Gondale St., Columbus 15, Ohio.	Jan. 15, 1964	Rx
Undecoylium chloride-iodine; undecoylium chloride.	Virac Solution Rer.	Germicidal agent	Rexon Labs., Inc., 3434 SE Milwaukee, Portland 2, Oreg.	Jan. 15, 1964	OTC
Sarcolysine	Alkeran	Antineoplastic	Burroughs-Wellcome and Co., Inc., 1 Scarsdale Rd., Tuckahoe 7, N.Y.	Jan. 17, 1964	Rx
Meprobamate		Tranquilizer	Zenith Labs., Inc., Englewood, N.J.	Jan. 16, 1964	Rx
Meprobamate		do	Robin Pharmacal Corp., Long Island City, N.Y.	Jan. 21, 1964	Rx
DRUGS FOR VETERINARY USE					
Trichloroform, phenothiazine.	Equi-Verm—300–400, 500–700, 800–1,000.	Insecticide, anthelmintic.	Texas Phenothiazine Co., Ft. Worth, Tex.	Nov. 6, 1963 [2]	OTC
Diazepam	Valium Tablets	Tranquilizer	Hoffman-LaRoche, Inc., Roche Park, Nutley 10, N.J.	Nov. 15, 1963 [2]	Rx
Methoxyflurane	Metofane	Anesthetic	Pitman-Moore Co., 1200 Madison Ave., Indianapolis, Ind.	Jan. 3, 1964	Rx
Dimetridasole	Emtryl Tablets	Anti-infective	Dr. Salsbury's Labs., Charles City, Iowa.	Jan. 21, 1964	OTC
Thiabendazole	Thibenzole Boluses.	Anthelmintic	Merck and Co., Inc., Rahway, N.J.	Jan. 28, 1964	OTC

[1] The abbreviation "Rx" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.
[2] Omitted from December list.

Dated: April 2, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3406; Filed, Apr. 7, 1964; 8:46 a.m.]

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL; BUREAU OF FACILITIES

Delegation of Authority

The following is the text of Order No. 248; dated March 30, 1964, of the Assistant Postmaster General, Bureau of Facilities:

In the absence of the Assistant Postmaster General and the Deputy Assistant Postmaster General, Bureau of Facilities, or persons duly designated by the Postmaster General or Deputy Postmaster General to act in these positions, the Directors, Maintenance, Procurement and Realty Divisions or persons duly designated to serve as Acting Directors are delegated authorities of the Assistant Postmaster General or the Deputy Assistant Postmaster General in their specific areas of responsibility to sign in their own name and over their own titles those documents ordinarily requiring the signature of the Assistant Postmaster General, the Deputy Assistant Postmaster General or persons duly authorized to act in those positions.

Assistant Postmaster General, Bureau of Facilities, Order No. 218, dated January 31, 1962 (27 F.R. 1463), is hereby cancelled.

(R.S. 161, amended; 5 U.S.C. 22, 39 U.S.C. 369,501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-3416; Filed, Apr. 7, 1964; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN REPUBLIC OF CHINA

Adjustment of Levels of Restraint

APRIL 3, 1964.

There is published below a letter of April 3, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the levels of restraint in Categories 5, 45, 46, 50, 55, 60, and 62 for the period extending through September 30, 1964, be raised to account for cotton textiles charged against those levels which were not withdrawn from warehouse for consumption prior to November 8, 1963, as contemplated under the bilateral agreement with the Republic of China.

This letter constitutes an amendment to the directive of October 30, 1963, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, published in the FEDERAL REGISTER on November 2, 1963 (28 F.R. 11756), concerning cotton textiles from the Republic of China.

THOMAS JEFF DAVIS,
Acting Chairman, Interagency Textile Administrative Committee, and Acting Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C., April 3, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive supplements and amends my previous directive to you of October 30, 1963, which designated levels of restraint effective November 8, 1963, and for the period extending through September 30, 1964, for certain cotton textiles and cotton textile products produced or manufactured in the Republic of China.

Under the terms of the bilateral agreement with the Republic of China, the levels in certain categories were adjusted to compensate for the withdrawal from warehouse for consumption prior to November 8 of cotton textiles and cotton textile products embargoed in the United States.

The Interagency Textile Administrative Committee has been advised that a minor portion of the cotton textiles and cotton textile products in Categories 5, 45, 46, 50, 55, 60, and 62, for which compensation was provided in the bilateral agreement, was in fact not withdrawn for consumption prior to November 8.

Accordingly, the pertinent corrected levels of restraint specified in my directive of October 30, 1963, for the twelve-month period extending through September 30, 1964, are hereby amended to read as follows:

Category	Corrected level of restraint
5	612,951 sq. yds.
45	7,136 dozen
55	2,668 dozen
60	10,074 dozen
62	14,527 pounds

The quarterly cumulative levels of restraint specified for cotton textile products in Categories 46 and 50 are hereby amended to read as follows:

Category	Oct. 1, 1963–June 30, 1964	Oct. 1, 1963–Sept. 30, 1964
	Dozen	Dozen
46	211,767	211,767
50	123,348	123,348

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10561), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying ou the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-3434; Filed, Apr. 7, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 185]

CANADIAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

MARCH 20, 1964.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement list of changes, proposed changes and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		580 kilocycles				
CKWW (assignment of call letters).	Windsor, Ontario	0.5	DA-1	U	III	
		580 kilocycles				
CKEY (delete assignment—vide 590 kc).	Toronto, Ontario	5D/1N	DA-2	U	III	
		590 kilocycles				
CKEY (now in operation on new frequency).	Toronto, Ontario	5	DA-1	U	III	
		590 kilocycles				
CKEY (PO: 590 kc 5 kw DA-1).	Toronto, Ontario	10D/5N	DA-1	U	III	EIO 3-15-65.
		710 kilocycles				
CJSP (now in operation with new pattern).	Leamington, Ontario	1	DA-D	D	II	
		810 kilocycles				
New	Calgary, Alberta	10	DA-2	U	II	EIO 3-15-65.
		910 kilocycles				
CJDV (now in operation with increased power).	Drumheller, Alberta	5	DA-2	U	III	
		1110 kilocycles				
CBD (assignment of call letters).	Saint John, N.B.	10	DA-2	U	II	
		1330 kilocycles				
CKLD (now in operation with increased daytime power).	Thetford Mines, P.Q.	1D/0.25N	ND	U	IV	
		1510 kilocycles				
CKOY (now in operation with increased power).	Ottawa, Ontario	50	DA-2	U	II	
		1440 kilocycles				
CKPM (assignment of call letters).	Ottawa, Ontario	10	DA-1	U	III	

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3448; Filed, Apr. 7, 1964; 8:49 a.m.]

[Docket No. 15400]

NORMAN ALFRED HALL

Order To Show Cause

In the matter of Norman Alfred Hall, Gardena, California; order to show cause why the license for Citizens Radio Station KFA-5077 should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration certain alleged violations in the operation of Citizens Radio Station KFA-5077;

It appearing, that, on or about January 12, 1964, licensee willfully transmitted, by means of the captioned radio station, communications containing obscene, indecent, or profane language, in violation of Title 18, United States Code, section 1464; and

It further appearing, that, on or about January 12, 1964, the licensee willfully used the captioned radio station for the transmission of communications to units of other Citizens radio stations which were not necessary for the exchange of substantive messages related to the business or personal affairs of the individuals concerned, in violation of § 95.81(a), of the Commission's rules; and

It further appearing, that, based on the usage made of the captioned radio station by the licensee on January 12, 1964, the Commission would be warranted in refusing to grant an application from this licensee for the same class of radio station license if the original application were now before it;

It is ordered, This 1st day of April 1964, pursuant to section 312(a) (2), (4) and (6) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) of the Commission's rules, that the licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence with respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail, Return Receipt Requested to the licensee at 14603 South Vermont, Gardena, California, and 6212 Hersholt, Lakewood, California.

Released: April 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3446; Filed, Apr. 7, 1964; 8:49 a.m.]

[Docket No. 15402; FCC 64-289]

HORACE C. BOREN (KWON)

Order Designating Application for Hearing on Stated Issues

In re application of Horace C. Boren (KWON) Bartlesville, Oklahoma, has 1400 kc, 250 w; U, Class IV, requests 1400 kc, 250 w, 1 kw LS, U, Class IV, Docket No. 15402, File No. BP-15443, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of April 1964;

The Commission having under consideration (1) the above-captioned and described application; (2) a petition to deny the application filed January 8, 1963, by the Wichita Beacon Broadcasting Company, Inc., licensee of Class III standard broadcast station KWBB, Wichita, Kansas (1140 kc), 1 kw, 5 kw-LS, DA-2, U) (hereinafter KWBB); (3) an opposition to the petition filed by the applicant; and (4) KWBB's reply to the opposition; and

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate KWON as proposed but that KWBB alleges in its petition that the proposed operation of KWON would cause increased interference to KWBB and requests that the application be designated for hearing; and

It further appearing, that the applicant opposes the KWBB petition on the ground that its application was filed in implementation of the Commission's general plan and policy to permit increases in daytime power of Class IV stations whenever possible and contends that the Commission should determine that the interference is insubstantial and approve the KWON power increase without hearing; and

It further appearing, that KWBB replied to the opposition by contending that its request to designate the KWON application for hearing raises substantial public interest considerations and notes that the Commission granted a previous petition to designate for hear-

ing applications to increase the daytime

or by attorney, shall, within twenty (20)

that each shall accept interference from

Commission's rules, give notice of the

ing applications to increase the daytime power of Class IV Stations KVOE, Emporia, Kansas, and KAYS, Hays, Kansas (Dockets 14790 and 14791);[1] and

It further appearing, that, in view of the fact that examination of the KWON application indicates that the proposed operation of KWON would cause some interference to KWBB as well as to Class III Station KCRC, Enid, Oklahoma (1390 kc, 1 kw, DA–1, U), and because KWBB requests a hearing, the Commission is unable to make the statutory finding that a grant of the KWON application would serve the public interest, convenience and necessity and is of the opinion that the application must be designated for hearing on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KWON and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of KWON would cause objectionable interference to Stations KWBB, Wichita, Kansas, and KCRC, Enid, Oklahoma, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the petition filed on January 8, 1963, by the Wichita Beacon Broadcasting Company, Inc., is granted insofar as it requests a hearing.

It is further ordered, That the Wichita Beacon Broadcasting Company, Inc., and the Enid Radiophone Company, licensees of Stations KWBB and KCRC, respctively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Horace C. Boren, the construction permit shall contain the following conditions:

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) and (e) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the application shall be designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KWON and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of KWON would cause objectionable interference to Stations KWBB, Wichita, Kansas, and KCRC, Enid, Oklahoma, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the petition filed on January 8, 1963, by the Wichita Beacon Broadcasting Company, Inc., is granted insofar as it requests a hearing.

It is further ordered, That the Wichita Beacon Broadcasting Company, Inc., and the Enid Radiophone Company, licensees of Stations KWBB and KCRC, respctively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Horace C. Boren, the construction permit shall contain the following conditions:

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) and (e) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, in the event of a grant of the subject application the construction permit shall contain a condition that the permittee shall accept any interference resulting from a grant of the application (File No. BP–15077) of John W. Mowbray tr/as Suburban Broadcasters.

It is further ordered, that, in the event of a grant of the subject application, the construction permit shall specify the following:

In the event of interference to the Commission's monitoring operations at its Portland, Oregon, monitoring station resulting from harmonic or other spurious emissions of Station KPDQ, the permittee will take prompt corrective action to eliminate such interference.

Permittee shall submit with the application for license, antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: April 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–3445; Filed, Apr. 7, 1964; 8:49 a.m.]

[Docket No. 12847; FCC 64–290]

KPDQ, INC. (KPDQ)

Order Designating Application for Hearing on Stated Issues

In re application of KPDQ, Inc. (KPDQ), Portland, Oregon, Docket No. 12847, File No. BP–11436, has 800 kc, 1 kw, Day, Class II, Requests 800 kc, 5 kw, Day, Class II, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of April 1964;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The KPDQ, Inc., proposal would cause objectionable interference to the existing operation of Station KWIL, Albany, Oregon, within that station's normally protected primary service area.

2. The Albany Radio Corporation, licensee of Station KWIL, has filed an objection to the KPDQ, Inc., application, and requested that it be designated for hearing on the issue of interference to KWIL, with the Albany Radio Corporation made a party to the proceeding.

It further appearing, that the proposed operation of KPDQ involves mutual interference with the operation proposed in the application of John W. Mowbray tr/as Suburban Broadcasters, File No. BP–15077, but that the population loss to either proposal would not be sufficient to be of significance in the consideration of either application, and that, therefore, the two applications are being considered separately, and a grant of either will be subject to the condition that each shall accept interference from the other; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KPDQ and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of KPDQ, Inc., would cause objectionable interference to Station KWIL, Albany, Oregon, or to any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, that, Albany Radio Corporation, licensee of Station KWIL, Albany, Oregon, is made a party to the proceeding.

It is further ordered, that, in the event of a grant of the subject application the construction permit shall contain a condition that the permittee shall accept any interference resulting from a grant of the application (File No. BP–15077) of John W. Mowbray tr/as Suburban Broadcasters.

It is further ordered, that, in the event of a grant of the subject application, the construction permit shall specify the following:

In the event of interference to the Commission's monitoring operations at its Portland, Oregon, monitoring station resulting from harmonic or other spurious emissions of Station KPDQ, the permittee will take prompt corrective action to eliminate such interference.

Permittee shall submit with the application for license, antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: April 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–3447; Filed, Apr. 7, 1964; 8:49 a.m.]

[1] On February 26, 1964, the Commission's Review Board granted the applications to increase power of KVOE and KAYS.

[2] Chairman Henry dissenting; Commissioners Hyde and Bartley absent.

FEDERAL POWER COMMISSION

[Docket No. G–5145, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[2]

MARCH 31, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 27, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] Commissioners Hyde and Bartley absent.

[2] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–5145 C 3–24–64	Humble Oil & Refining Co.	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	17.2295	14.65
G–7002 E 3–20–64	Herman Brown Estate (successor to Herman Brown).	Arkansas Louisiana Gas Co., Bear Creek Field, Bienville Parish, La.	12.37	15.025
G–7768 E 3–13–64	Davidor & Davidor, Inc. (successor to Davidor & Davidor).	Cities Service Gas Co., acreage in Noble County, Okla.	12.0	14.65
G–7797 D 2–6–64	R. H. Adkins, et al.	South Penn Natural Gas Co., Jefferson District, Lincoln County, W. Va.	Assigned	
G–8751 E 3–19–64	Herman Brown Estate (successor to Herman Brown).	Arkansas Louisiana Gas Co., acreage in Beckham County, Okla.	11.0	14.65
G–11608 D 3–23–64	Humble Oil & Refining Co.	Panhandle Eastern Pipe Line Co., Enns Area, Texas County, Okla.	(3)	
G–11949 C 3–16–64	Socony Mobil Oil Co., Inc.	El Paso Natural Gas Co., Pegasus Field, Midland and Upton Counties, Tex.	10.04691	14.65
G–12015 E 3–24–64	Herman Brown Estate (successor to Herman Brown).	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	[4] 16.0	14.65
G–17114 E 3–20–64	Thomas A. Dugan (successor to Paul Case).	El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex.	12.0	15.025
G–17338 E 3–24–64	Cenard Oil & Gas Co. (successor to Kilroy Properties, Inc., et al.).	Hope Natural Gas Co., Bayou Pigeon Field, Iberia Parish, La.	20.0	15.025
G–19239 D 1–29–64	Lario Oil & Gas Co. (partial abandonment).	Colorado Interstate Gas Co., acreage in Morton County, Kans.	[4] Depleted	
C162–83 E 3–23–64	Herman Brown Estate (successor to Herman Brown).	Texas Eastern Transmission Corp., Northwest Buttermilk Slough Field, Matagorda County, Tex.	15.0	14.65
C162–600 E 3–20–64	Sohio Petroleum Company (successor to M. D. Abel, et al., d.b.a. Abel & Bancroft (Operator), et al.).	El Paso Natural Gas Co., acreage in Upton, Midland and Reagan Counties, Tex.	[4] 13.984	14.65
C162–609 C 3–23–64	Alfred E. McLane Estate	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0	15.025
C162–1378 C 3–20–64	Plains Exploration Co., et al.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Weld County, Colo.	12.0	15.025
C162–1391 C 2–13–64	Target Drilling Corp.	Arkansas Louisiana Gas Co., East Kremlin Field, Garfield County, Okla.	11.0	14.65
C163–1131 E 3–20–64	Edmund J. Kahn (Operator) (successor to J. C. Man, Jr.).	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	12.0	15.025
C163–1159 E 3–20–64	Edmund J. Kahn (Operator) (successor to Southwest Production Co.).	El Paso Natural Gas Co., Dakota Formation, San Juan County, N. Mex.	12.0	15.025
C163–1174 E 3–20–64	Edmund J. Kahn (Operator) (successor to J. C. Man, Jr.).	do	12.0	15.025
C163–1191 E 3–20–64	do	El Paso Natural Gas Co., Gallup Formation, San Juan County, N. Mex.	12.0	15.025
C163–1208 E 3–20–64	Edmund J. Kahn (Operator) (successor to Southwest Production Co.).	do	12.0	15.025
C164–636 C 3–26–64	Howard W. Sharpley, et al.	Hope Natural Gas Co., Glenville District, Gilmer County, W. Va.	25.0	15.325
C164–735 C 3–19–64	Jas. F. Smith	Kansas-Nebraska Natural Gas Co., Inc., Dombey Field, Beaver County, Okla.	15.0	14.65
C164–1109 A 3–20–64	Falcon Seaboard Drilling Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., South May Field, Ellis County, Okla.	17.0	14.65
C164–1110 A 3–19–64	Cities Service Oil Co.	Tennessee Gas Transmission Co., Patterson Field, St. Mary Parish, La.	19.625	15.025
C164–1111 A 3–20–64	Thomas A. Dugan	El Paso Natural Gas Co., South Blanco Pictured Cliffs, Rio Arriba County, N. Mex.	[4] 12.0	15.025
C164–1112 A 3–20–64	Goff Oil Co.	Natural Gas Pipeline Co. of America, Nobscot Field, Dewey County, Okla.	15.0	14.65
C164–1113 A 3–23–64	Socony Mobile Oil Co., Inc.	Mountain Fuel Supply Co., Little Snake Unit, Sweetwater County, Wyoming and Moffatt County, Colo.	15.0	15.025
C164–1114 A 3–23–64	Harkins & Co. (Operator), et al.	Lone Star Gathering Co., South Marshall Field, Goliad County, Tex.	14.0	14.65
C164–1115 A 3–23–64	Socony Mobile Oil Co., Inc.	Northern Natural Gas Co., Hansford Field, Hansford and Hutchinson Counties, Texas and N. Follett Field, Lipscomb County, Tex.	17.0	14.65
C164–1116 A 3–23–64	McLean Oil Field Drilling & Equipment Co., Inc.	Texas Gas Transmission Corp., Mackey Field, Gibson County, Ind.	[4] 15.0	15.025
C164–1117 A 3–23–64	Gulf Oil Corp.	United Gas Pipe Line Co., Weeks Island Field, Iberia Parish, La.	18.5	15.025
C164–1118 A 3–23–64	Walter F. Kuhn	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Stevens County, Kans.	14.0	14.65
C164–1119 A 3–23–64	Humble Oil & Refining Co.	Trunkline Gas Co., Bayou Carlin Field, St. Mary Parish, La.	21.25	15.025
C164–1120 A 3–20–64	Parker Petroleum	Pennzoil Co., Union District, Ritchie County, W. Va.	12.0	15.325
C164–1121 B 3–23–64	Dillard & Waltermire Drilling Co.	Tennessee Gas Transmission Co., acreage in Willacy County, Tex.	Depleted	
C164–1122 A 3–24–64	Gulf Oil Corp.	Texas Eastern Transmission Corp., Veltin Field, St. Landry Parish, La.	15.0	15.025
C164–1123 A 3–20–64	Ambassador Oil Corp.	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Texas County, Okla.	16.0	14.65

Filing code: A–Initial service.
B–Abandonment.
C–Amendment to add acreage.
D–Amendment to delete acreage.
E–Succession.

See footnotes at end of table.

third generating unit and expansion of

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI64-1124 A 3-23-64	Ruth Phillips Heller	Tennessee Gas Transmission Co., Snelligon Field, Jim Wells County, Tex.	14.6	14.65
		do	17.24247	14.65
		Natural Gas Pipeline Co. of America, La Gloria Area, Jim Wells and Brooks Counties, Tex.	9.999856	14.65
		Transcontinental Gas Pipe Line Corp., La Gloria Area, Jim Wells and Brooks Counties, Tex.	10.135	14.65
		El Paso Natural Gas Co., Allison Unit Area, La Plata and Archuleta Counties, Colo.	13.0	15.025
CI64-1125 A 3-23-64	Lab Oil Co.	United Gas Pipe Line Co., Paul White Field, Jim Wells County, Tex.	13.5	14.65
CI64-1126 A 3-24-64	Carthay Land Co.	Great Circle Gas Co., Inc., Freisburg Field, Colorado County, Tex.	10.0	14.65
CI64-1127 A 3-24-64	George L. Buckles (partial succession).	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	6.5	14.65
CI64-1128 A 3-24-64	George L. Buckles (partial succession).	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	6.5	14.65
CI64-1129 B 3-26-64	Jake L. Hamon (Operator), et al.	Coastal States Gas Producing Co., Al Smith Area, Jim Wells County, Tex.	Depleted	
CI64-1130 A 3-25-64	The Atlantic Refining Co.	El Paso Natural Gas Co., Gomez (Delaware Basin) Field, Pecos County, Tex.	15.5	14.65
CI64-1131 A 3-25-64	Harley E. Venters	Lone Star Gas Co., acreage in Stephens County, Okla.	15.0	14.65
CI64-1132 A 3-24-64	Cenard Oil & Gas Co. (partial succession).	Hope Natural Gas Co., Little Bayou Pigeon Field, Iberia Parish, La.	20.0	15.025
CI64-1133 A 3-25-64	Ben Harwit, et al.	Northern Natural Gas Co., Joe T. Strawn Field, Crockett County, Tex.	16.0	14.65
CI64-1134 A 3-25-64	Ernest W. Tate	Lone Star Gas Co., acreage in Stephens County, Okla.	15.0	14.65

[1] Deletes acreage assigned to Glendon Conner. Subject acreage was certificated under Docket No. CI63-1443 by Commission order issued 12-12-63 in Docket Nos. CI63-234, et al.
[2] Amendment filed to delete acreage per Agreement between parties dated January 15, 1964.
[3] Rate in effect subject to refund in Docket No. G-17314.
[4] Presently consolidated with G-4281, et al.—Sunray DX Oil Company, et al.
[5] Rate of 16.0 cents in effect subject to refund in Docket No. G-17427.
[6] Rate in effect subject to refund in Docket No. G-16477.
[7] For gas delivered at 250 psig the rate shall be reduced 2.0 cents/Mcf pursuant to letter agreement dated 8-2-63.
[8] Price is 15.0 cents and 6.0 cents for gathering, transportation, purification, and compression.

[F.R. Doc. 64-3342; Filed, Apr. 7, 1964; 8:45 a.m.]

[Docket No. CI62-508 etc.]

CITIES SERVICE PETROLEUM CO. ET AL.

Notice of Applications, Consolidation and Setting Date of Hearing

APRIL 1, 1964.

Cities Service Petroleum Company, Docket No. CI62-508; Shell Oil Company, Docket No. CI62-547; McAlester Fuel Company, Docket No. CI62-1044; Humble Oil and Refining Company, Docket No. CI62-1275; Socony Mobil Oil Company, Inc., Docket No. CI63-172.

Take notice that on November 8, 1961, Cities Service Petroleum Corporation (Cities Service) filed in Docket No. CI62-508, on November 17, 1961, Shell Oil Company (Shell) filed in Docket No. CI62-547, on March 8, 1962, McAlester Fuel Company (McAlester) filed in Docket No. CI62-1044, on April 11, 1962, Humble Oil and Refining Company (Humble) filed in Docket No. CI62-1275, and on August 7, 1962, Socony Mobil Oil Company, Inc. (Socony) filed in Docket No. CI63-172, applications for certificates of public convenience and necessity pursuant to section 7(c) of the Act, for authority to sell natural gas to Natural Gas Pipeline Company of America (Natural) from reserves located in Cass County, Texas (Texas RR District No. 6), all as more fully set forth in said applications as filed and open to public inspection.

All of the contracts filed with the above applications are for a term of 20 years and provide for a total initial price of 18.0 cents per Mcf of 1000 Btu gas at 14.65 psia with a 1.0 cent per Mcf periodic increase each five years. The contracts all contain downward Btu adjustment clauses (no upward adjustment) and 75 percent tax reimbursement provisions.

The average daily contract quantity for each of these sales is based on a ratio of 1 million cubic feet for each 8 billion cubic feet of salable gas reserves; and the contract quantity is 85 percent during the first two years, 66⅔ percent during the third through the tenth years and 129 percent thereafter.

Natural is obligated by each agreement to take or pay for the contract quantity and may make-up for any deficiency for a period of five years at the price effective within that five-year period. All of the contracts, except the Socony contract, contain price redetermination clauses applicable to the third and fourth five-year periods.

These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7(c) of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on June 9, 1964, at 10:00 a.m., e.d.t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of May 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3385; Filed, Apr. 7, 1964; 8:45 a.m.]

[Project No. 2432]

CITY OF PETERSBURG, ALASKA

Notice of Application for Preliminary Permit

APRIL 2, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by City of Petersburg, Alaska (correspondence to: City of Petersburg, Petersburg, Alaska, Attention: Kester L. Dotts, City Manager) for preliminary permit for proposed Project No. 2432, to be known as the Kupreanof Hydroelectric Project, to be located on Towers and Hamilton Creeks, 17 miles west of the City of Petersburg, Alaska, and affecting lands of the United States within the Tongass National Forest.

The proposed project, to be constructed in three phases, would consist of: Phase One—comprising: (1) a dam on Towers Creek 1.5 miles from its entrance into Towers Bay (elevation 150) and forming Towers Lake Reservoir at elevation 265 with provision for future increase to elevation 280; (2) various related project works including an overflow channel a small diversion dam, forebay, and provisions for the care of anadromous fish; (3) one intake structure on Towers Lake and a 1.5 mile long penstock to Towers Bay; (4) a powerhouse on Towers Bay containing generating equipment of 7,200 kilowatt capacity with provisions for future expansion; and (5) a transmission line from the powerhouse to the City of Petersburg and to the Town of Kake. Phase Two—will provide for the expansion of the project to include the drainage basin of Hamilton Creek and the installation of the following additional generation capacity: (1) a dam on Hamilton Creek 3.5 miles above its entrance into Hamilton Bay forming Hamilton Lake—adjoining Towers Lake—and subsequently forming one reservoir at elevation 280; (2) a spillway for the combined drainage basins at Hamilton Creek Dam; (3) fish ladder facilities for upstream and downstream fish migration; (4) additional generating capacity as required, estimated at a 14,400 kilowatt total; and (5) adjustment of the transmission system. Phase Three—involves a future diversion of two additional drainage areas located to the north and west of the Hamilton and Towers Creek areas into the drainage basin of the combined system by construction of small dams and canals. The power plant would be increased in capacity to approximately 21,600 kilowatts by the addition of a third generating unit and expansion of the transmission facilities accordingly.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 1, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3386; Filed, Apr. 7, 1964; 8:45 a.m.]

[Docket No. CI62-1004]

COASTAL STATES GAS PRODUCING CO. ET AL.

Notice of Application

APRIL 1, 1964.

Coastal States Gas Producing Company (Operator), et al. (Successor to The Superior Oil Company).

Take notice that on February 27, 1962, Coastal States Gas Producing Company (Operator), et al. (Applicant) filed in Docket No. CI62-1004 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Tennessee Gas Transmission Company for resale from the Chess and LaSara Fields, Willacy County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The Superior Oil Company (Superior) was authorized to sell natural gas from the subject acreage in Docket No. G-9802 pursuant to its FPC Gas Rate Schedule No. 63. The presently effective rate under the contract, as supplemented, comprising Superior's rate schedule is 17.24347 cents per Mcf at 14.65 psia, which rate is in effect subject to refund in Docket No. G-19610. The last rate not subject to refund is 12.12268 cents per Mcf. Applicant has ratified the contract comprising Superior's rate schedule, and said ratification has been designated as Applicant's FPC Gas Rate Schedule No. 46.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3387; Filed, Apr. 7, 1964; 8:45 a.m.]

[Docket No. CP64-197]

COLORADO INTERSTATE GAS CO.

Notice of Application

APRIL 1, 1964.

Take notice that on March 6, 1964, Colorado Interstate Gas Company (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colorado, filed in Docket No. CP64-197 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Cimarron County, Oklahoma, and the sale and delivery of natural gas to the Town of Keyes, Oklahoma, for resale and distribution, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a meter station on its main line in order to serve Keyes. Applicant proposes to sell and deliver a maximum of 400 Mcf of natural gas per day to Keyes under Applicant's FPC Gas Rate Schedule SG-1.

The cost of the proposed facilities is estimated to be $4,016, which cost will be financed from current working funds on hand.

Applicant states that it presently sells gas to Keyes from Applicant's gathering system in the Keyes Field. Applicant proposes herein to sell gas to Keyes from its main transmission line at the same rate as gas sold from the gathering system. However, the application shows that gas from the main line is of a higher Btu content than the gas which is presently available to Keyes from the gathering system in the Keyes Field. Hence, Applicant states that the proposed sale of the higher Btu gas, at no increase in price, will be to the benefit of the ultimate consumer.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3388; Filed, Apr. 7, 1964; 8:45 a.m.]

[Project No. 2453]

CONSUMERS POWER CO.

Notice of Application for License

APRIL 2, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Consumers Power Company (correspondence to: W. R. Boris, Secretary, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201), for license for constructed Project No. 2453, known as Five Channels Plant, located on Au Sable River, in Iosco County, Michigan.

The project consists of two earth fill dam sections about 620 feet in length with a design head of 35 feet; a reservoir about 3 miles long containing 250 acres acres in surface area; a concrete spillway section with 3 steel tainter gates; a powerhouse with 3 open penstocks controlled by steel tainter gates; 2 generator units with a total of 6,000 kilowatts; and other appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 22, 1964. The application is on file with the Commission for public inspection

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3389; Filed, Apr. 7, 1964; 8:45 a.m.]

[Docket No. CP64-192]

LeFLORE GAS CO.

Notice of Application

APRIL 1, 1964.

Take notice that on February 28, 1964, LeFlore Gas Company, formerly the LeFlore County Gas and Electric Company, of Poteau, Oklahoma (Applicant) filed an application in Docket No. CP64-192 pursuant to section 7(b) of the Natural Gas Act for permission and approval

to abandon service of natural gas to Athletic Mining and Smelting Company (Athletic) at a point on the Oklahoma-Arkansas boundry where the 8-inch pipe-

[Docket No. CP64-188]

NORTHERN NATURAL GAS CO.

Volume No. 1, subject to the provisions of section 4 of the Natural Gas Act, to become effective on April 1, 1964. The proposed changes reflect decreases

Dockets Nos. G-16436, G-18955, CI60-302, CI60-405, CI60-425, CI60-445, and CI60-468 be and the same are hereby

Tex-Star on November 7, 1963, filed an application in Docket No. CI64-521 to continue a sale of gas to El Paso Natural

from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No.

to abandon service of natural gas to Athletic Mining and Smelting Company (Athletic) at a point on the Oklahoma-Arkansas boundry where the 8-inch pipelines of these companies are connected.

Applicant alleges that Athletic has notified it that the operation of the plant is no longer profitable and that purchases of gas will be discontinued after March 17, 1964.

Applicant further states that no adverse effects will result to its other customers, all of whom are within the State of Oklahoma, by reason of the abondonment of such service to Athletic.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3391; Filed, Apr. 7, 1964; 8:45 a.m.]

[Docket No. RI64-577 etc.]

MURCHISON TRUSTS ET AL.

Order Providing for Hearings, Etc.; Correction

MARCH 20, 1964.

Murchison Trusts (Operator), et al., Docket Nos. RI64-577, et al.; Joseph E. Seagram and Sons, Inc. (Operator), et al., Docket No. RI64-582.

In the order providing for hearings on and suspension of proposed changes in rates issued January 31, 1964 and published in the FEDERAL REGISTER February 7, 1964 (F.R. Doc. 64-1224; 29 F.R. 1857-1858), delete "and Joseph E. Seagram and Sons, Inc. (Operator), et al." from the Appendix "A" in the second paragraph from the bottom of page 1858.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3392; Filed, Apr. 7, 1964; 8:45 a.m.]

[Docket No. CP64-188]

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 1, 1964.

Take notice that on February 24, 1964, Northern Natural Gas Company (Northern) filed in Docket No. CP64-188 an application pursuant to section 7 of the Natural Gas Act for authority to abandon and remove two existing 4-inch lines presently serving the City of Owatonna, Minnesota and to construct and operate a new 6-inch line for continued service to that City all as more fully described in the application which is on file with the Commission and open for public inspection.

The removal of the present branchlines serving Owatonna is necessary because of proposed highway construction by the State of Minnesota in the Owatonna area. The new 6-inch line to serve Owatonna together with the removal of the present 4-inch lines is estimated to cost approximately $41,000 including interest and overheads. Such costs will be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 27, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3393; Filed, Apr. 7, 1964; 8:45 a.m.]

[Docket No. RP64-31]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 2, 1964.

Take notice that on April 1, 1964, Southern Natural Gas Company (Southern) tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, subject to the provisions of section 4 of the Natural Gas Act, to become effective on April 1, 1964. The proposed changes reflect decreased rates and charges in its Rate Schedules: CD-1, G-1, CDL-1, CD-2, G-2, CD-3, G-3, CDL-3, and EX-1.

The annual decrease in rate level is $1,500,000 based upon sales during the twelve months period ended October 31, 1963, adjusted. The reduction reflects the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent and also reflects the rate treatment of liberalized depreciation and related accumulated deferred income taxes, as provided in Opinion No. 417, Alabama-Tennessee Natural Gas Company, 31 FPC ——, issued February 3, 1964, with respect to plant additions placed in service prior to January 1, 1963. The rate reduction proposal includes the obligation to further reduce rates on January 1, 1965, to reflect the reduction in the Federal income tax rate for corporations from 50 percent to 48 percent, and includes provisions for flow-through and reflection of future gas supplier refunds and rate reductions. Also included is the obligation to file optional CD and CDL Rate Schedules under which Billing Demand will be equal to Contract Demand.

Copies of the proposed rate changes have been served by Southern upon all customers and interested State commissions. Comments may be filed with the Commission on or before April 24, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3394; Filed, Apr. 7, 1964; 8:45 a.m.]

[Docket Nos. G-16436 etc.]

SUNAC PETROLEUM CORP.

Order Amending Orders Issuing Certificates, Redesignating Proceeding, and Redesignating FPC Gas Rate Schedules

APRIL 2, 1964.

Sunac Petroleum Corporation (formerly Stekoll Petroleum Corporation), Docket Nos. G-16436, G-18955, CI60-302, CI60-405, CI60-425, CI60-445, CI60-468, RI61-545.

On January 14, 1964, Sunac Petroleum Corporation filed in the above-docketed certificate proceedings an application to change the name of the certificate holder from Stekoll Petroleum Corporation to Sunac Petroleum Corporation as a result of an amendment to the certificate of incorporation.

Stekoll Petroleum Corporation was made respondent in a rate proceeding, and said proceeding will be redesignated to reflect the change in name.

The FPC gas rate schedules of Stekoll Petroleum Corporation will be redesignated as those of Sunac Petroleum Corporation.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity in Docket Nos. G-16436, G-18955, CI60-302, CI60-405, CI60-425, CI60-445, and CI60-468 be and the same are hereby amended by changing the name of the certificate holder from Stekoll Petroleum Corporation to Sunac Petroleum Corporation.

(B) The name of the respondent in the pending rate proceeding in Docket No. RI61-545 be and is hereby changed from Stekoll Petroleum Corporation to Sunac Petroleum Corporation, and said proceeding is redesignated accordingly.

(C) The certificate of amendment of the charter of incorporation is hereby accepted as notification of change of name and the FPC gas rate schedules of Stekoll Petroleum Corporation are hereby redesignated as FPC gas rate schedules of Sunac Petroleum Corporation as follows:

Docket No.	Stekoll Petroleum Corporation		Sunac Petroleum Corporation	
	Rate schedule	Supplement	Rate schedule	Supplement
G-18955	1	1	14	1
G-16436	[1] 4	1-7	15	1-7
CI60-302	8	1-4	16	1-4
CI60-468	9	1-11	17	1-11
CI60-445	[1] 10	1,2	[1] 18	1,2
CI60-425	11	1-3	19	1-3
CI60-405	12	1-3	20	1-5

[1] Stekoll filed for a rate increase under this rate schedule. The new rate has been suspended in Docket No. RI61-545 and has not been made effective.
[1] "(Operator), et al."

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3395; Filed, Apr. 7, 1964; 8:45 a.m.]

[Docket No. RI64-680]

TEX-STAR OIL & GAS CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

APRIL 1, 1964.

On March 2, 1964, Tex-Star Oil & Gas Corporation (Tex-Star) [1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 2, 1964.
Purchaser and Producing Area: El Paso Natural Gas Company (Martinez Unit), La Plata County, Colorado.
Rate Schedule Designation: Supplement No. 3 to Tex-Star's FPC Gas Rate Schedule No. 32.
Effective Date: April 2, 1964.[2]
Amount of Annual Increase: $3,600.
Effective Rate: 13.0 cents per Mcf.
Proposed Rate: 14.0 cents per Mcf.[3]
Pressure Base: 15.025 psia.

[1] Address is: 2520 Fidelity Union Tower, Dallas 1, Texas.
[2] The stated effective date is the first day after expiration of the required thirty days notice.
[3] Periodic rate increase.

Tex-Star on November 7, 1963, filed an application in Docket No. CI64-521 to continue a sale of gas to El Paso Natural Gas Company from acreage in La Plata County, Colorado, acquired from United States Smelting, Refining, and Mining Company. On January 3, 1964, Tex-Star was issued a permanent certificate authorizing it to sell gas from the acreage acquired at the predecessor's effective rate of 13.0 cents per Mcf at 15.025 psia.

On December 3, 1963, Tex-Star had submitted a notice of change in rate, from 13.0 cents to 14.0 cents per Mcf, based upon a contractually provided for periodic increase commencing January 1, 1964; and on December 11, 1963, Tex-Star submitted an amendment to its certificate application to reflect a proposed rate of 14.0 cents effective January 1, 1964, in lieu of the originally proposed 13.0 cents per Mcf rate. By letter dated December 20, 1963, both the notice of change and amendment were rejected.

Tex-Star on January 2, 1964, again submitted an amendment to its original application proposing an initial rate of 14.0 cents per Mcf, stating that there had been no production to date from the acquired acreage.

The instant notice of change was submitted on March 2, 1964, with a proposed effective date of January 1, 1964. Tex-Star in its letter of transmittal recites the aforementioned events and requests that either the proposed increase become effective on the date it originally would have obtained if the December 3, 1963, filing had not been rejected, or in the alternative the suspension period be shortened to June 1, 1964, the date on which the five months suspension period would have terminated if the predecessor had made a timely filing for the increased rate. Under the circumstances, we believe that it would be in the public interest to grant Tex-Star's request that the suspension period for its proposed increased rate be shortened to June 1, 1964.

Tex-Star's proposed increased rate and charge exceeds the applicable area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Tex-Star's FPC Gas Rate Schedule No. 32 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Tex-Star's FPC Gas Rate Schedule No. 32.

(B) Pending such hearing and decision thereon, Supplement No. 3 to Tex-Star's FPC Gas Rate Schedule No. 32 is hereby suspended and the use thereof deferred until June 1, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 20, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3396; Filed, Apr. 7, 1964; 8:45 a.m.]

[Project No. 2445]

VERMONT MARBLE CO.

Notice of Application for License

APRIL 2, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Vermont Marble Company (correspondence to: William H. Adams, Vice President, Vermont Marble Company, 61 Main Street, Proctor, Vermont) for license for constructed Project No. 2445, known as the Center Rutland Project, located on Otter Creek, Town of Rutland, Rutland County, Vermont.

The project consists of: a stone masonry and concrete dam of an average height of 12 feet with, normally, 1 foot 6 inches of wood flashboards; a forebay about 30 feet wide and 80 feet long; a 6-foot diameter steel penstock about 75 feet long; a one-story marble masonry powerhouse about 33 feet by 40 feet; one horizontal shaft generating unit, the generator of which is rated at 275 kilowatts; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 C.F.R. 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 25, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3397; Filed, Apr. 7, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE

Because applicant may acquire securi-

[File No. 812-1645]

of his death, the Trustees must transfer

Rule 0-5 of the rules and regulations

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1661]

FUNDAMENTAL INVESTORS, INC.

Notice of Filing of Application

APRIL 2, 1964.

Notice is hereby given that Fundamental Investors, Inc. ("applicant"), Westminster at Parker, Elizabeth 3, New Jersey, a registered open-end diversified investment company and a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the securities of Missouri Manifold Company, Inc. ("Missouri"), a Missouri corporation, and The Landowners Co., Inc. ("Landowners"), a Kansas corporation. All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein, which are summarized below.

As of October 31, 1963, the aggregate net asset value of applicant's assets was $744,474,685 and there were 72,711,141 shares outstanding, with a net asset value of $10.24 per share. Applicant's shares are offered to the public on a continuous basis at net asset value plus a varying sales charge dependent on the amount purchased.

Missouri and Landowners (hereinafter referred to collectively as the "Corporations") are personal holding companies with six (two holding qualifying shares only) and three stockholders, respectively. On October 31, 1963, the value of Missouri's net assets approximated $910,445 and the value of Landowners' net assets approximated $257,512. Among the Corporations' assets are shares of common stock of seventeen corporations which are presently represented in applicant's portfolio and which applicant desires to acquire and intends to retain in its portfolio. Such common stocks on October 31, 1963 had a market value of approximately $855,918. Among the other assets of the Corporations are shares of common stock of eleven other corporations with a market value as of October 31, 1963 of $227,118 which applicant also desires to acquire and intends to retain in its portfolio. The other assets of the Corporations consist of shares of one open-end and two closed-end investment companies with a market value as of October 31, 1963 of $84,919 which applicant is not permitted to acquire and it is planned that the Corporations will dispose of such shares prior to the closing date (11:00 a.m.) on the Tuesday following the fifth full business day after the receipt by applicant of the order of the Securities and Exchange Commission or at such other time fixed by mutual agreement between the parties hereto ("closing date").

Because applicant may acquire securities from the Corporations at a tax cost basis less than the actual price paid therefor, the sale after acquisition may result in a capital gain thereon to the present shareholders of applicant. An adjustment, which takes into account the possible tax consequences of the exchange, is to be made in the value of the assets to be acquired by applicant in accordance with the following formula ("Formula"):

There shall be determined:

(1) The aggregate value of the assets of each of the Corporations and the assets of applicant and the percentage that the value of the assets of each of the Corporations ("Missouri's Percentage" and "Landowners' Percentage") and of applicant ("applicant's percentage") is of the aggregate. As of October 31, 1963, Missouri's Percentage would have been .122 percent, Landowners' Percentage would have been .035 percent and applicant's Percentage would have been 99.878 percent and 99.965 percent, respectively.

(2) Applicant's Percentage of the unrealized appreciation in the assets of each of the Corporations shall be determined and, after deducting therefrom Missouri's Percentage or Landowners' Percentage, as the case may be, of the unrealized appreciation in the assets of applicant, an amount equal to 12½ percent of the remainder shall be computed. Since the average capital gains tax rate that would have to be paid by applicant's shareholders cannot be exactly calculated, 12½ percent was arrived at as a fair compromise between zero and the maximum long term capital gains tax of 25 percent.

Pursuant to the agreement substantially all the assets of the Corporations will be transferred to applicant in exchange for shares of capital stock of applicant determined by dividing the aggregate net asset value of the assets of each of the Corporations to be transferred, adjusted as set forth above, by the net asset value per share of applicant's capital stock. All computations of net asset values and unrealized appreciation are to be determined as of the close of business on the last business day next preceding the closing date.

If the closing under the Agreement had taken place on October 31, 1963, the unrealized appreciation in the assets of Missouri and Landowners would be $653,582 and $135,865, respectively, and applicant's percentage of such amounts would be $652,783 and $135,818; respectively. Applicant's unrealized appreciation on that date was $275,228,579. Missouri's Percentage of such amount is $336,175 and Landowners' Percentage of such amount is $95,168. Subtracting $336,175 from $652,783 amounts to $316,608 and 12½ percent of this amount is $39,576, which is the amount that would have been computed on October 31, 1963 under clause (2) above with respect to the value of Missouri's aggregate net assets to be transferred. Subtracting $95,168 from $135,818 amounts to $40,650, and 12½ percent of this amount is $5,081 which is the amount that would have been computed with respect to Landowners on that date. The total adjustment, as set forth above, on the Corporations' aggregate net asset value of approximately $1,167,957 amounted to $44,657.

Under the terms of the transaction, if the closing had taken place on October 31, 1963, the Corporations would have received 109,696 shares of applicant's stock having an aggregate market value of approximately $1,123,287 in exchange for their aggregate net asset value as adjusted by the Formula set forth herein, of $1,123,300.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of applicant are to be issued to the Corporations at a price other than the public offering price stated in the prospectus.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 20, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3383; Filed, Apr. 7, 1964; 8:45 a.m.]

[File No. 812-1645]

INVESTORS CAPITAL EXCHANGE FUND, INC., KEYSTONE CUSTODIAN FUNDS, INC.

Notice of Application for Temporary Exemption

APRIL 2, 1964.

Notice is hereby given that an application has been filed by Investors Capital Exchange Fund, Inc. ("Capital"), 50 Congress Street, Boston, Massachusetts, a Massachusetts corporation and a registered open-end diversified investment company, and Keystone Custodian Funds, Inc. ("Keystone"), a Delaware corporation and the investment adviser to Capital, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Keystone, during the period from November 2, 1963 until a special meeting of shareholders of Capital scheduled to be held on or before August 28, 1964, from the provisions of section 15(a) of the Act prohibiting Keystone from serving as investment adviser of Capital without the approval of an investment advisory agreement between Keystone and Capital by the vote of a majority of the outstanding securities of Capital; and exempting Keystone from the further provisions of section 15(a) and exempting Capital from the provisions of section 15(c) of the Act during the period between November 2 and December 12, 1963. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Mr. Sidney L. Sholley was in control of Keystone until his death on November 2, 1963. Until such date, Mr. Sholley and two other persons as Trustees of the Sholley-Keystone Trust ("Trust") were the record owners of approximately 57 percent of the Class B common stock of Keystone, which is the only class of stock of Keystone entitled to vote. Under the provisions of the Trust, Mr. Sholley specifically reserved the right during his lifetime to revoke the Trust and also to control the exercise by the Trustees of their power to vote such stock. Upon Mr. Sholley's death the Trust became irrevocable and Mr. Sholley's son, Peter B. Sholley, became a trustee filling the vacancy created by his father's death. Mr. Sholley's death effected a transfer by operation of law of his controlling interest in Keystone and, pursuant to the provisions of sections 2(a)(4) and 15(a)(4) of the Act, such transfer constituted an assignment of the existing investment advisory agreement between Capital and Keystone and terminated such contract.

At a special meeting of the Board of Directors of Capital held on December 12, 1963, the Directors unanimously approved a new investment advisory agreement between Capital and Keystone. Except for its date, such contract is identical to the contract that was in existence at the time of Mr. Sholley's death.

The Trust provides, in effect, that as soon as practicable, after Mr. Sholley's death and prior to the first anniversary of his death, the Trustees must transfer all of the voting stock of Keystone held by them as Trustees under a formula set forth in the Trust. Upon consummation of these transfers, approximately 45 percent of the voting stock of Keystone will be held by the Trustees of irrevocable trusts for the benefit of Mr. Sholley's family, and approximately 55 percent of such stock will be held by the executive officers of Keystone. The Trustees of the Trust have advised Capital that it is their intention to carry out this transfer of the voting stock of Keystone on the date of the special meeting of shareholders of Capital scheduled to be held on or before August 28, 1964. At that meeting a new investment advisory contract, proposed to take effect subsequent to such transfer, will be submitted to the stockholders of Capital for approval or disapproval.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company and provides in substance for its automatic termination in the event of its assignment by the investment adviser.

Section 15(c) provides, among other things, that it is unlawful for any registered investment company having a board of directors to enter into, renew, or perform any investment advisory contract unless the terms of the contract and any renewal thereof are approved by a majority of the directors who are not parties to such contract or affiliated persons of any such party or by the vote of a majority of the outstanding voting securities of such company.

Section 6(c) of the Act provides that the Commisison, by order upon application, may exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 20, 1964 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3432; Filed, Apr. 7, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF WORK, BUSINESS, AND FUNCTIONS

Divisions of the Commission

MARCH 31, 1964.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991 and 12789; 27 F.R. 1234, 1747, 2500, 3830 and 9997; and 28 F.R. 198, 896 and 8185, and 29 F.R. 3027) as follows:

Under the heading *Divisions of the Commission*, Item 2.4, has been amended by inserting at the end of that item the following sentence: "The Commission reserves to itself the determination as to the disposition of any Commission proceeding subsequent to an adverse decision of a court."

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3432; Filed, Apr. 7, 1964; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 3, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38942: *Soda ash to Westover, Ga.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2713), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from specified points in Michigan, New York, and Ohio, to Westover, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 130 and 45 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

FSA No. 38943: *Fire brick from and to points in southern territory.* Filed by

O. W. South, Jr., agent (No. A4486), for Tenn., filed March 23, 1964. Carrier

state line, and return over the same

Highway 52 to Brookville, and return

and Kansas Highway 144, approximate-

and Santa Fe Railway Company, a common

O. W. South, Jr., agent (No. A4486), for interested rail carriers. Rates on fire brick and refractory products, in carloads, between points in southern territory, also from producing points in southern territory, on the one hand, and points in District of Columbia, Maryland, Virginia, and West Virginia, on the other.

Grounds for relief: Market competition.

Tariff: Supplement 81 to Southern Freight Association, agent, tariff I.C.C. S–144.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–3422; Filed, Apr. 7, 1964; 8:47 a.m.]

[Notice No. 299]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 3, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

No. MC 75406 (Deviation No. 2), SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis 18, Mo., filed March 26, 1964. Attorney: B. W. LaTourette, Jr., Suite 1230, Boatmens Bank Building, St. Louis 2, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 61 and 70 and Interstate Highway 55, at or near West Memphis, Ark., over Interstate Highway 55 to junction U.S. Highway 61, approximately 3 miles south of Blytheville, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From West Memphis over U.S. Highway 61 to Blytheville, Ark., and return over the same route.

No. MC 78632 (Deviation No. 24), HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn., filed March 23, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Atlanta, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chattanooga over U.S. Highway 27 to Rome, Ga., thence over U.S. Highway 411 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Atlanta; from Atlanta over U.S. Highway 41 via Dalton, Ga., to Chattanooga, Tenn., thence over U.S. Highway 11 to Cleveland, Tenn. (also from Dalton over Georgia Highway 71 to the Georgia-Tennessee State line, thence over Tennessee Highway 60 to Cleveland), thence over U.S. Highway 11 to Knoxville; from Knoxville over Tennessee Highway 73 to Maryville, Tenn., thence over U.S. Highway 129 to junction U.S. Highway 411, thence over U.S. Highway 411 to Cartersville; from Cincinnati over U.S. Highway 42 to Louisville, Ky.; thence over U.S. Highway 31W to Nashville; from Nashville over U.S. Highway 70S to Crossville, Tenn. (also from Nashville over U.S. Highway 70N to Crossville), thence over U.S. Highway 70 to Knoxville; from Nashville over U.S. Highway 41 to Atlanta, Ga.; from Louisville over U.S. Highway 31W to Elizabethtown, Ky., thence over Kentucky Highway 61 to Hodgenville, Ky., thence over U.S. Highway 31E to Glosgow, Ky., thence over Kentucky Highway 63 to the Kentucky-Tennessee State line, thence over Tennessee Highway 56 to Red Boiling Springs, Tenn., thence over Tennessee Highway 52 to Westmoreland, Tenn., thence over U.S. Highway 31E to Nashville; from Knoxville over U.S. Highway 25W to junction U.S. Highway 25E at or near Corbin, Ky., and thence over U.S. Highway 25 to Florence, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 165) (canceling letter dated May 29, 1957) GREYHOUND LINES, INC. (Eastern Greyhound Lines Division), 1400 West Third Street, Cleveland, Ohio, 44113, filed March 25, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: from Cincinnati, Ohio, over Interstate Highway 74 to junction U.S. Highway 421, southeast of Indianapolis, Ind., thence over U.S. Highway 421 to Indianapolis, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: "• • • from Cincinnati, Ohio over U.S. Highway 52 to Brookville, Ind., thence over Indiana Highway 1 to Connersville, Ind., thence over Indiana Highway 44 to Rushville, Ind., thence over U.S. Highway 52 via Lebanon, Ind., to LaFayette, Ind., and "from Rushville over U.S. Highway 52 to Brookville, and return over the same route."

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–3417; Filed, Apr. 7, 1964; 8:46 a.m.]

[Notice No. 622]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 3, 1964.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

No. MC 19778 (Sub-No. 59), filed November 29, 1963. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, from Sioux Falls, S. Dak., and points within 3 miles thereof, to points in Iowa and Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *damaged and rejected shipments thereof*, on return.

NOTE: Common control may be involved.

HEARING: May 11, 1964, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 147, or, if the Joint Board waives its right to participate before Examiner H. Reece Harrison.

No. MC 30605 (Sub-No. 133), filed August 1, 1963. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman Street, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), between Dodge City, Kans., and junction U.S. Highway 50 and the Kansas-Colorado State line, from Dodge City over U.S. Highway 50 to the Kansas-Colorado

State line, and return over the same route, serving all intermediate points; (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Scott City and Garden City, Kans., from Scott City over U.S. Highway 83 to Garden City, and return over the same route, serving all intermediate points; (3) *general commodities* (except commodities in bulk, livestock, explosives, inflammables and commodities of unusual value or unusual size requiring special equipment), between Sublette and Elkhart, Kans., from Sublette over U.S. Highway 56 to Elkhart, and return over the same route, serving all intermediate points; (4) *general commodities* (except commodities in bulk, livestock, explosives, inflammables and commodities of unusual value or unusual size requiring special equipment), between Sublette and Manter, Kans., from Sublette over U.S. Highway 56 to junction U.S. Highway 160, thence over U.S. Highway 160 to Manter, and return over the same route, serving all intermediate points; (5) *general commodities* (except commodities in bulk, livestock, explosives, inflammables and commodities of unusual value or unusual size requiring special equipment), between Satanta, Kans., and junction Kansas Highway 190 and U.S. Highway 160, from Satanta over Kansas Highway 190 to junction U.S. Highway 160, and return over the same route, serving all intermediate points and serving points within 5 miles of Ryus, Kans., as off-route points; (6) *general commodities* (except commodities in bulk, livestock, explosives, inflammables, and commodities of unusual value or unusual size requiring special equipment), serving points within 1½ miles of Garden City, Kans., as off-route points, in connection with applicant's authorized regular route operations; (7) *general commodities* (except commodities in bulk, livestock, explosives, inflammables and commodities of unusual value or unusual size requiring special equipment), between Johnson and Syracuse, Kan., from Johnson over U.S. Highway 270 to Syracuse, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; (8) *general commodities* (except commodities in bulk, livestock, explosives, inflammables, and commodities of unusual value or unusual size requiring special equipment), between Garden City, Kans., and junction U.S. Highways 83 and 160, from Garden City over U.S. Highway 83 to junction U.S. Highway 160, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; (9) *general commodities* (except commodities in bulk, livestock, liquid nitroglycerine, inflammables and commodities of unusual value or unusual size requiring special equipment), between junction U.S. Highway 56 and Kansas Highway 144, near Copeland, Kans., and junction U.S. Highway 160 and Kansas Highway 144, approximately 29 miles south of Garden City, Kans., from junction U.S. Highway 56 and Kansas Highway 144 over Kansas Highway 144 to junction U.S. Highway 160, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicants' authorized regular route operations; (10) *general commodities* (except commodities in bulk, livestock, inflammables, commodities of unusual value and those of unusual size requiring special equipment), between Johnson and Elkhart, Kans., from Johnson over Kansas Highway 27 to Elkhart, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; (11) *general commodities* (except commodities in bulk, livestock, inflammables, commodities of unusual value and those of unusual size requiring special equipment), between junction Kansas Highways 27 and 51 and Rolla, Kans., from junction Kansas Highways 27 and 51 over Kansas Highway 51 to Rolla, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; (12) *general commodities* (except commodities in bulk, livestock, inflammables, commodities of unusual value and those of unusual size requiring special equipment), between Ulysses, Kans., and junction U.S. Highways 270 and 56, near Hugoton, Kans., from Ulysses over U.S. Highway 270 to junction U.S. Highway 56, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; (13) *general commodities* (except those of unusual value, livestock, liquid nitroglycerine, household goods as defined by the Commission, and commodities requiring special equipment), between Jetmore and Garden City, Kans., from Jetmore over U.S. Highway 156 to Garden City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; and (14) *general commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), between Lakin and Ulysses, Kans., from Lakin over Kansas Highway 25 to Ulysses, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: Applicant states it presently has authority to operate in service auxiliary to, and supplemental of, The Atchison, Topeka and Santa Fe Railway Company. The purpose of this application is to authorize applicant to provide motor carrier service other than auxiliary to, and supplemental of, rail service of The Atchison, Topeka and Santa Fe Railway Company. Applicant is a wholly owned subsidiary of The Atchison, Topeka and Santa Fe Railway Company, a common carrier by railroad subject to the Interstate Commerce Act (MC–F–238).

HEARING: May 11, 1964, at the Continental Motel, 1408 Jones Street, Garden City, Kansas, before Joint Board No. 52.

No. MC 94201 (Sub-No. 50), filed July 23, 1962. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), and *household goods*, as defined by the Commission, between points in Georgia on and north of U.S. Highway 78 and points within 15 miles of Atlanta, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant offers to surrender for cancellation concurrently with issuance of the above-described authority that portion of its Certificate No. MC 94201, dated August 19, 1963, authorizing transportation of the same commodities: Between Cedartown, Lindale, Mount Berry, Rome, and Summerville, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

HEARING: May 25, 1964, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner James I. Carr.

No. MC 83539 (Sub-No. 108), filed December 16, 1963. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Telescopic steel beams, telescopic steel girders, telescopic steel trusses, and expandable steel shoring*, (b) *chemical release agent*, in drums, and (c) *accessories, attachments and fittings* for commodities named in (a) above when moving in connection with such commodities, between points in the United States (excluding those in Alaska, Hawaii, Maine, New Hampshire, and Vermont).

HEARING: May 12, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 106657 (Sub-No. 20), filed December 12, 1963. Applicant: MACHINERY & MATERIALS CORPORATION, 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump trucks, from Hanover, Wis. to points in Illinois, Indiana, Iowa, and Michigan.

HEARING: May 15, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 107496 (Sub-No. 304), filed December 26, 1963. Applicant: RUAN

TRANSPORT CORPORATION, 408 form to the requirements of the any interested party who may be affected

the same route, serving no intermediate

in Illinois, Missouri, Kentucky, Ohio,

TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Fargo, N. Dak., and points within 20 miles thereof, to points in North Dakota, Minnesota, Montana, and South Dakota, and to points of entry on the international boundary line between the United States and Canada adjacent to the above-mentioned States.

NOTE: Common control may be involved.

HEARING: May 12, 1964, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner H. Reece Harrison.

No. MC 108068 (Sub-No. 44) (CORRECTION), filed September 10, 1962, published in FEDERAL REGISTER issue of April 1, 1964, and republished this issue as corrected. Applicant: U.S.A.C. TRANSPORT, INC., 457 West Fort Street, Detroit 26, Mich. Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 17th Street, NW., Washington, D.C. The purpose of this republication is to substitute the present address of applicant's attorney, as above, in lieu of a previous one which appeared in the original publication.

HEARING: Remains as assigned, May 26, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Laurence E. Masoner. This assignment is for applicant's presentation only. A continued hearing at Los Angeles, Calif., is contemplated at the discretion of the presiding examiner.

No. MC 113336 (Sub-No. 63) (REPUBLICATION), filed November 18, 1963, published FEDERAL REGISTER issue of January 15, 1964, and republished, this issue. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. By the application filed November 18, 1963, applicant seeks a certificate of public convenience and necessity authorizing transportation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of nitrogen solutions, in bulk, in tank vehicles, from Wilmington, N.C., and points within 10 miles thereof, to points in Georgia and Maryland. The application was referred to Examiner Samuel Horwich for hearing and the recommendation of an appropriate order thereon. Hearing was held on February 18, 1964, at Washington, D.C. At the hearing the application was broadened to serve points in Delaware. A report and order, served March 31, 1964, which became effective March 23, 1964, finds that the present and future public convenience and necessity require operation by applicant, as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *nitrogen solutions*, in bulk, in tank vehicles, from Wilmington, N.C., and points within 10 miles thereof, to points in Georgia, Maryland, and Delaware. The examiner further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that prior to the issuance of an appropriate certificate authorizing the above-described operation, a proper notice of the complete scope of the authority granted herein should be republished in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the broadened scope of such grant, with respect to the notice of the application as previously filed, may file an appropriate pleading.

No. MC 114019 (Sub-No. 111), filed December 5, 1963. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, vegetable oils, including products and blends thereof*, in bulk, in tank vehicles, from Chicago, Ill., to Boston, Mass., Suffolk, Va., and Washington, D.C.

HEARING: May 11, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 114045 (Sub-No. 71) (TRANS-COLD EXPRESS, INC., EXTENSION—FROZEN FOODS) (REPUBLICATION), filed July 20, 1961. Applicant: TRANS-COLD EXPRESS, INC., Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas, Tex. No. MC 114019 (Sub-No. 62) (REPUBLICATION), filed August 31, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. No. MC 113678 (Sub-No. 12) (REPUBLICATION), filed September 20, 1961. Applicant: CURTIS, INC., Denver, Colo. Applicant's attorney: V. Baker Smith, 2107 Fidelety-Philadelphia Trust Building, Philadelphia, Pa. The applications docketed in Nos. MC–11045 (Sub-No. 71), MC 114019 (Sub-No. 62), and MC 113678 (Sub-No. 12), were heard on a joint record, and were the subject of a single report of the Commission, division 1, decided March 5, 1964, served March 18, 1964. Said report found that the present and future public convenience and necessity require operation, over irregular routes, by applicants in interstate or foreign commerce, as common carriers by motor vehicle, subject to the conditions, in No. MC–114019 (Sub-No. 62), that the authority granted shall not be tacked with any other authority of applicant, and in No. MC 114045 (Sub-No. 71) and MC–114019 (Sub-No. 62), that any authority granted herein which is duplicative of that already held by these applications shall not be construed as conferring more than a single operating right, and shall not be severable by sale or otherwise; that prior to the issuance of appropriate certificates, a proper notice of the complete scope of the authority granted herein should be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the broadened scope, if any, of such grants, with respect to the notices of the applications as previously filed, may file an appropriate pleading. The proceeding in No. MC 114019 (Sub-No. 62) will be held open for further consideration of applicant's fitness to conduct the proposed operations subsequent to the final determination of the proceeding in No. MC–C–4201. Authority to be granted in No. MC–114045 (Sub-No. 71), over irregular routes, *frozen foods, and chewing gum and food products other than frozen, when transported with frozen foods, in mechanically refrigerated vehicles*, from points in the New York, N.Y., commercial zone as defined by the Commission, and Philadelphia, Pa., to points in Arizona, California, Nevada, New Mexico, and Utah (except frozen meats, from Philadelphia, Pa., to points in New Mexico). *Authority to be granted in No. MC 114019 (Sub-No. 62)*, over irregular routes: (1) *Frozen foods, and chewing gum and food products other than frozen, when transported with frozen foods, in mechanically refrigerated vehicles*, from points in New York, N.Y., commercial zone, as defined by the Commission, and Philadelphia, Pa., to points in Idaho, Montana, North Dakota, Oregon, South Dakota, Washington, and Wyoming. (2) *Chewing gum and food products other than frozen, in mechanically refrigerated vehicles*, from points in the New York, N.Y., commercial zone, as defined by the Commission, and Philadelphia, Pa., to points in Iowa, Minnesota, and Wisconsin. Authority to be granted in No. MC 113678 (Sub-No. 12), over irregular routes: (1) *Frozen foods, and chewing gum and food products other than frozen, when transported with frozen foods, in mechanically refrigerated vehicles*, from points in the New York, N.Y., commercial zone, as defined by the Commission, and Philadelphia, Pa., to points in Colorado. (2) *Chewing gum and food products other than frozen, in mechanically refrigerated vehicles*, from points in the New York, N.Y., commercial zone, as defined by the Commission, and Philadelphia, Pa., to points in Nebraska.

No. MC 115018 (Sub-No. 8), filed November 1, 1963. Applicant: LEWIS W. OWEN, Lawrenceville, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, shooks, crates, and skids*, from the plant site of La Crosse Manufacturing Company, Inc., La Crosse, Va., to points in New York, New Jersey, Pennsylvania, and Maryland, and of *refused, rejected, or damaged shipments* on return.

HEARING: May 12, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Examiner J. Thomas Schneider.

No. MC 119767 (Sub-No. 7), filed November 27, 1963. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags from Whitewater, Wis., to points in Minnesota, Iowa, Missouri, Kentucky, Indiana, Ohio, Michigan, and Illinois.

NOTE: Common control may be involved.

HEARING: May 13, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 119767 (Sub-No. 8), filed November 27, 1963. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, with or without fibreboard boxes, from Alton, Ill., to points in North Dakota and South Dakota, and (2) *bakery goods*, from Seelyville, Ind., to Fargo, N. Dak.

NOTE: Common control may be involved.

HEARING: May 13, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 121107 (Sub-No. 3), filed December 11, 1963. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., Highway 258, Farmville, N.C. Applicant's attorney: John Hill Paylor, 108 East Wilson Street, Farmville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard*, from Farmville, N.C., to points in Maryland, Pennsylvania, West Virginia, Ohio, Delaware, New Jersey, New York, Connecticut, Indiana, Kentucky, Tennessee, Vermont, the District of Columbia, Virginia, Illinois, Massachusetts, Michigan, and Rhode Island and *exempt commodities* on return.

HEARING: May 15, 1964, at the U.S. Courtrooms, Uptown Post Office Building, Raleigh, N.C., before Examiner J. Thomas Schneider.

No. MC 123594 (Sub-No. 1) (REPUBLICATION), filed May 21, 1962, published FEDERAL REGISTER, issue of August 8, 1962, and republished this issue. Applicant: BONANZA TRUCKING COMPANY, a corporation, 53 East Fourth Street, Salt Lake City, Utah. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. By application filed May 21, 1962, applicant sought authority to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Gilsonite, and gilsonite products*, in bulk, and in bags, from Bonanza, Utah, to Creston, Wyo., as follows: From Bonanza over Utah Highway 45 to junction U.S. Highway 40, near the Utah-Colorado State line, thence over U.S. Highway 40 to Craig, Colo., thence over Colorado Highway 13 to the Wyoming State line, thence over Wyoming Highway 789 to junction U.S. Highway 30, thence over U.S. Highway 30 to Creston, Wyo., and return over the same route, serving the intermediate point of Craig, Colo.; also from Bonanza over unnumbered highway to junction of Colorado Highway 64, south of Artesia, Colo., thence over Colorado Highway 64 to junction of U.S. Highway 40 at Artesia, Colo., thence to Creston, and return over the same route, serving no intermediate points. A report of the Commission on Reconsideration, decided March 19, 1964, served March 30, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of gilsonite, in bulk, from Bonanza, Utah, to points in Wyoming south and west of a line beginning at the Idaho-Wyoming State line at Border, Wyo., and extending along U.S. Highway 30N to Granger, Wyo., thence along U.S. Highway 30 through Creston, Wyo., to the Continental Divide, and thence along the Continental Divide to the Wyoming-Colorado State line, including points on the indicated portions of the said highways; that a certificate authorizing such operations should be granted, subject to the prior republication of a notice of the authority granted, in the FEDERAL REGISTER, and in the absence of any additional protests having been filed within 30 days of the republication.

No. MC 124183 (Sub-No. 1), filed December 23, 1963. Applicant: GARRISON TRANSPORT, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, with and without caps and stoppers*, when moving in mixed shipments with glass containers, from Gas City, Ind., to points in Illinois, Missouri, Iowa, on and east of U.S. Highway 69, points in Kentucky along the Ohio River, and Wisconsin (except Beloit, Carrollville, Cudahy, Fox Point, Greendale, Hills, Kenosha, Lake, Racine, Shorewood, South Milwaukee, Wauwatosa, West Allis, and Whitefish Bay).

NOTE: Applicant states the transportation to be performed in the proposed service from Gas City, Ind., to Wisconsin shall move through Streator, Ill., as a gateway. It is further noted that applicant presently holds authority under MC 124183 to transport glass containers direct from Gas City, Ind., to points in Illinois, Missouri, Iowa, on and east of U.S. Highway 69, and Kentucky points along the Ohio River. By tacking at Streator, Ill., under the same certificate, it may transport glass containers from Gas City, Ind., to points in Wisconsin, except those named above. The purpose of the instant application is to move the plastic containers only when in mixed loads with glass containers for the same shipper.

HEARING: May 15, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 125617 (Sub-No. 1), filed October 30, 1963. Applicant: WILBER E. HARRIS, doing business as HEAVY WRECKER SERVICE, 1201 South Spencer, Indianapolis, Ind. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used tractors, when being transported to the sites of wrecked or disabled tractors, and replacement vehicles*, by the truckaway method, from Indianapolis, Ind., and points within 10 miles thereof, to points in Illinois, Missouri, Kentucky, Ohio, Michigan, Oklahoma, and Pennsylvania.

HEARING: May 25, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner H. Reece Harrison.

No. MC 125884, filed December 11, 1963. Applicant: PRODUCE TERMINAL TRUCKING CO., a corporation, 1550 Blue Island Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago, Ill., to points in Indiana on and north of U.S. Highway 40, points in Michigan on and south of Michigan Highway 21, points in Iowa on and east of U.S. Highway 63, and points in Wisconsin on and south of Wisconsin Highway 29.

HEARING: May 14, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 125905, filed December 26, 1963. Applicant: HENDIL L. ISENHOUR, doing business as ISENHOUR TRUCKING, 1512 Second Street NE., Hickory, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Granite Falls, N.C., and points in Alexander, Catawba, and Lincoln Counties, N.C., to points in South Carolina, Georgia and Florida and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodity, on return.

HEARING: May 18, 1964, at the Public Library, 310 North Tryon Street, Charlotte, N.C., before Examiner James I. Carr.

MOTOR CARRIERS OF PASSENGERS

No. MC 125870, filed December 3, 1963. Applicant: JOSEPH C. SMITH, doing business as SMITH CHARTER BUS SERVICE, 8 Market Space, Annapolis, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at points in Calvert County, Md., within ten (10) miles of Huntingtown, Md. and that part of Anne Arundel County within eighteen (18) miles of Stewarts Corner, Md. and extending to points in Virginia, West Virginia, North Carolina, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Ohio, Michigan, Illinois, and the District of Columbia.

HEARING: May 12, 1964, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner Hugh M. Nicholson.

NOTICE OF FILING OF PETITIONS

No. MC 119456 (PETITION FOR MODIFICATION AND AMENDMENT OF PERMIT), filed March 23, 1964. Petitioner: J. CAPONE & SONS, INC., 54 North Moore Street, New York, N.Y. Petitioner's attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Petitioner is authorized in permit MC

119456 to conduct operations, over irregular routes, transporting: *Fertilizer*, in bags from Whitewater, Wis., to points in Minnesota, Iowa, Missouri, Kentucky, Indiana, Ohio, Michigan, and Illinois. By petition filed March 23, 1964, petitioner seeks to modify its permit so as to delete the restriction against the transportation of fertilizer from Whitewater, Wis., to points in Illinois, and to amend the commodity description to read: *Fertilizer and fertilizer materials*, in bags, from Whitewater, Wis., to points in Minnesota, Iowa, Missouri, Kentucky, Indiana, Ohio, Michigan, and Illinois.

NOTE: Common control may be involved.

No. MC 123048 (PETITION FOR MODIFICATION AND AMENDMENT OF PERMIT), filed March 23, 1964. Petitioner: DIAMOND TRANSPORTATION SYSTEM, INC., 1147 Oakland Avenue, Indianapolis, Ind. Petitioner's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Petitioner is authorized in permit MC 123048 to conduct operations, over irregular routes, transporting: *Iron and steel articles*, from Granite City, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and *materials, equipment, and supplies* used in the manufacture and distribution of the above-described commodities, on return. By petition filed March 23, 1964, petitioner seeks to modify its permit so as to delete the restriction against the transportation of iron and steel articles from Granite City, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and to amend the commodity description to read: *Iron and steel articles, and materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles.

NOTE: Common control may be involved.

No. MC 123048 (PETITION FOR MODIFICATION AND AMENDMENT OF PERMIT), filed March 23, 1964. Petitioner: DIAMOND TRANSPORTATION SYSTEM, INC., 1147 Oakland Avenue, Indianapolis, Ind. Petitioner's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Petitioner is authorized in permit MC 123048 to conduct operations, over irregular routes, transporting: *Iron and steel articles*, from Granite City, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and *materials, equipment, and supplies* used in the manufacture and distribution of the above-described commodities, on return. By petition filed March 23, 1964, petitioner seeks to modify its permit so as to delete the restriction against the transportation of iron and steel articles from Granite City, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and to amend the commodity description to read: *Iron and steel articles, and materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles.

NOTE: Common control may be involved.

No. MC 123048 (PETITION FOR MODIFICATION AND AMENDMENT OF PERMIT), filed March 23, 1964. Petitioner: DIAMOND TRANSPORTATION SYSTEM, INC., 1147 Oakland Avenue, Indianapolis, Ind. Petitioner's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Petitioner is authorized in permit MC 123048 to conduct operations, over irregular routes, transporting: *Iron and steel articles*, from Granite City, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and *materials, equipment, and supplies* used in the manufacture and distribution of the above-described commodities, on return. By petition filed March 23, 1964, petitioner seeks to modify its permit so as to delete the restriction against the transportation of iron and steel articles from Granite City, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and to amend the commodity description to read: *Iron and steel articles, and materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles.

NOTE: Common control may be involved.

No. MC 123048 (PETITION FOR MODIFICATION AND AMENDMENT OF PERMIT), filed March 23, 1964. Petitioner: DIAMOND TRANSPORTATION SYSTEM, INC., 1147 Oakland Avenue, Indianapolis, Ind. Petitioner's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Petitioner is authorized in permit MC 123048 to conduct operations, over irregular routes, transporting: *Iron and steel articles*, from Granite City, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and *materials, equipment, and supplies* used in the manufacture and distribution of the above-described commodities, on return. By petition filed March 23, 1964, petitioner seeks to modify its permit so as to delete the restriction against the transportation of iron and steel articles from Granite City, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and to amend the commodity description to read: *Iron and steel articles, and materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles.

NOTE: Common control may be involved.

No. MC 123048 (PETITION FOR MODIFICATION AND AMENDMENT OF PERMIT), filed March 23, 1964. Petitioner: DIAMOND TRANSPORTATION SYSTEM, INC., 1147 Oakland Avenue, Indianapolis, Ind. Petitioner's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Petitioner is authorized in permit MC 123048 to conduct operations, over irregular routes, transporting: *Iron and steel articles*, from Granite City, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and *materials, equipment, and supplies* used in the manufacture and distribution of the above-described commodities, on return. By petition filed March 23, 1964, petitioner seeks to modify its permit so as to delete the restriction against the transportation of iron and steel articles from Granite City, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and to amend the commodity description to read: *Iron and steel articles, and materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles.

NOTE: Common control may be involved.

119456 to conduct operations, over irregular routes, transporting cocoa products, gelatin, gums, cream of tartar, pectin, egg products, seaweed products, fruits, nuts, coconuts, dates, honey, and ginger, between Clifton, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission, limited to a transportation service to be performed under a continuing contract, or contracts, with T. M. Duche & Sons, Inc., of Clifton, N.J. By petition filed March 23, 1964, as amended March 25, 1964, petitioner respectfully requests that its permit be modified by deleting therefrom, as the party for whom transportation service may be performed, the name of T. M. Duche & Sons, Inc., and in place thereof, adding the name of Duche UNI–GUM, division of Stein Hall & Co., Inc. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

APPLICATIONS UNDER SECTIONS 5 AND 210 a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8539 (INDIANA REFRIGERATOIR LINES, INC.—PURCHASE—C. V. BOLIN), published in the September 5, 1963, issue of the FEDERAL REGISTER, on page 9728. Application filed March 30, 1964, for temporary authority under section 210a(b).

No. MC–F–8573 (WATKINS MOTOR LINES, INC.—CONTROL — HAVRYLKOFF, INC.), published in the October 23, 1963, issue of the FEDERAL REGISTER on page 11339. Amendment to the application filed March 26, 1964, seeking authority for merger into WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga., of HARVYLKOFF, INC., 2714 Decatur Street, New Orleans, La.

NOTE: Assigned for hearing before Examiner Hobart C. Clough, on May 18, 1964, at 680 West Peachtree Street NW., Atlanta, Ga.

No. MC–F–8677 (EASTERN MASSACHUSETTS STREET RAILWAY CO.—LEASE (PORTION)—TRAILWAYS OF NEW ENGLAND, INC.), published in the February 26, 1964, issue of the FEDERAL REGISTER on page 2723. Application filed March 27, 1964, for temporary authority under section 210a(b).

No. MC–F–8709. Authority sought for purchase by LOWTHER TRUCKING COMPANY, Post Office Box 2115, Charlotte 1, N.C., of the operating rights of THE TOBACCO TRAIL TRANSPORT, INC. (C. VAN LEUVEN STEWART, TRUSTEE), Mercantile Trust Building, Baltimore and Calvert Streets, Baltimore, Md., and for acquisition by J. WESLEY LOWTHER and KATHRYN R. LOWTHER, both of 1147 Oakland Avenue, Rock Hill, S.C., of control of such rights through the purchase. Applicants' attorney: S. Harrison Kahn, 733 Investment Building, Washington, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, from Baltimore, Md., to South Boston, Halifax, Danville, and Brookneal, Va.; *such merchandise* as is dealt in by wholesale, retail, and food business houses, from Lynchburg and Richmond, Va., to Roxboro, Oxford, Jalong, Buchanan, Rural Hall, Yadkinville, Draper, Mayodan, Cleveland, Henderson, Winterville, Lilesville, Louisburg, Durham, Raleigh, Semora, Milton, and Yanceyville, N.C.; *lumber*, from Roxboro, Yanceyville, and Dunn, N.C., to Washington, D.C., Baltimore, Md., and Lexington, Roanoke, Harrisonburg, Pulaski, Bassetts, Waynesboro, Christiansburg, Covington, and Dublin, Va., from Halifax, Chatham, and Chase City, Va., to Burlington, N.C., Washington, D.C., and Baltimore, Md., from Halifax, Va., to Hagerstown, Md., from South Boston, Va., and points within 35 miles thereof, to Pittsburgh, Pa., and points in Pennsylvania, Ohio and West Virginia within 75 miles of Pittsburgh; *pickles in brine*, in barrels, from Mossing Ford, Va., to Baltimore, Md.; *rags, waste*, and *scrap metals*, from Danville, Va., to Baltimore, Md.; clay products, from Pomona, N.C., to South Boston, Va., and points within 6 miles of South Boston; *fertilizer*, from Lynchburg, Richmond, and Norfolk, Va., to Roxboro, Milton, Yanceyville, Semora, and Leesburg, N.C., from Greensboro, N.C., to South Boston, Halifax, and Vernon Hill, Va.; *new sawmill and agricultural machinery*, from Lynchburg, Va., to Durham, Oxford, Roxboro, and Yanceyville, N.C.; *used machinery* and *used structural steel*, from points in North Carolina within 100 miles of South Boston, Va., to South Boston, Va.; *castings including cast iron pipe and fittings and manhole rings*, from South Boston, Va., to points in North Carolina on and east of U.S. Highway 52; *pipe and pipe fittings* and *plumbing supplies*, from Baltimore, Md., to Danville and South Boston, Va.; *flour, feed, barley malt*, and *lumber*, from Brookneal and Altavista, Va., to South Boston, Halifax, and Danville, Va.; *wheat, farm machinery*, and *such hardware* as is dealt in by retail hardware stores, from Brookneal, Va., to South Boston, Halifax, and Danville, Va.; and *stoves*, from Greensboro, N.C., to South Boston, Va. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska, Hawaii, North Dakota, and South Dakota). Application has been filed for temporary authority under section 210a(b).

No. MC–F–8710. Authority sought for purchase by ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y., of the operating rights and property of J. H. GLOWATSKY TRUCKING, INC., 650 South Carlton Street, Allentown, Pa., and for acquisition by SIDNEY GINSBERG, also of New York, N.Y., of control of such rights and property through the purchase. Applicants' representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, in truckload lots only, as a *common carrier* over irregular routes, between Allentown, Pa., on the one hand, and, on the other, New York, N.Y., Baltimore, Md., Wilmington, Del., and points in New Jersey; *roofing materials* and *skylights*, between Allentown, Pa., on the one hand, and, on the other, points within 60 miles of Allentown, Pa., including Allentown; *scrap rubber*, from Allentown, Pa., to Dover and Trenton, N.J.; *waste wool, cotton and paper*, from Allentown, Pa., to Newark, N.J., and New York, N.Y.; *scrap metals*, between Allentown, Emmaus, Boyertown, and Quakertown, Pa., on the one hand, and, on the other, Phillipsburg, Newark, Carteret, and Perth Amboy, N.J.; *oxygen gas in cylinders and shipper-owned tube trailers*, and *oxygen gas generators*, from Emmaus and Allentown, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *portable oxygen gas generators* installed in specially built trailers, from Allentown, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, Virginia, Maryland, West Virginia, Ohio, Indiana, Missouri, Kentucky, Tennessee, Illinois, Michigan, North Carolina, and Iowa. Application has not been filed for temporary authority under section 210a(b).

NOTE: To be handled concurrently with No. MC–115180 Sub-11.

No. MC–F–8711. Authority sought for control by R. E. SHORT CO., 2625 Territorial Road, St. Paul 14, Minn., of RYDER TRUCK LINES OF MO., INC., 2124 Farrington Street, Dallas, Tex., and RYDER REALTY, INC., 2701 South Bayshore Drive, Miami, Fla., and for acquisition by ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 TERRITORIAL ROAD CO., and R. E. SHORT, all of 2625 Territorial Road, St. Paul 14, Minn., of control of said companies through the transaction. Applicants' attorneys: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036; David G. Macdonald, 1000 16th Street NW., Washington, D.C., 20006; R. H. Mathisen, General Counsel, Ryder System, Inc., 2701 South Bayshore Drive, Miami, Fla. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over various regular routes, extending generally between Chicago, Ill., St. Louis, Mo., and Kansas City, Mo., on the one hand, and named points in Oklahoma, Illinois, Kansas, Texas, and Arkansas, and Memphis, Tenn.; also limited irregular-route and specified-commodity authority in portions of the same general territory. RYDER REALTY, INC., R. E. SHORT CO., and 2625 TERRITORIAL ROAD CO., are noncarriers. ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Colorado, Nebraska, Iowa, Illinois, Minnesota, Michigan, Missouri, Wisconsin, Indiana, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8712. Authority sought for control by JAMES LA CASSE, doing business as NITEHAWK EXPRESS, 2334 University Avenue, St. Paul, Minn., 55114, of INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul, Minn., 55114, and HINES TRANSFER, INC., West Ellsworth, Wis. Applicants' representative: James La Casse, 2334 University Avenue, St. Paul, Minn., 55114. Operating rights sought to be controlled: (INTERSTATE EXPRESS, INC.) *Paper* and *paper products*, as a *contract carrier*, over irregular routes, from St. Paul, Minn., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; *machinery, equipment, materials, and supplies*, used in, or in connection with, the manufacture of paper and paper products, between St. Paul, Minn., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, RESTRICTION: The above-described operations are limited to a transportation service to be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate plants for the production of paper products, for the transportation of the commodities specified and in the manner indicated; *fresh citrus juices*, in containers, from Columbia, Mo., to points in Illinois, Iowa, Minnesota, and that part of Nebraska on and east of U.S. Highway 81, RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Central States Processors, Inc., of Columbia, Mo.; *paper*, on rolls, from the plant site of Waldorf-Horner Paper Co., at or near Schilling, Mont., to Minneapolis and St. Paul, Minn., Milwaukee, Wis., Chicago, Ill., Burlington, Keokuk, and Marshalltown, Iowa, Sioux Falls, S. Dak., Little Rock, Ark., Sand Springs, Okla., and Fort Worth, Tex., RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Waldorf-Horner Paper Co., of St. Paul, Minn.; (HINES TRANSFER, INC.) *Chemical fertilizer*, as a *common carrier* over irregular routes, from Winona, Minn., to points in Pierce County, Wis., and to points in St. Croix County, Wis., within 15 miles of Ellsworth, Wis.; *condensed milk and cream, buttermilk*, and *ice cream, mix*, in bulk, in tank vehicles, from Elmwood, Ellsworth, Menomonie, and Baldwin, Wis., to points in Pennsylvania, Texas, Illinois, Iowa, Minnesota, Missouri, and Arkansas; *manufactured dairy products*, from Ellsworth, Wis., to Belle Plaine, Minn., and points in Illinois; and *malt beverages*, in containers, from St. Louis, Mo., to Ellsworth, Wis. JAMES LA CASSE, doing business as NITEHAWK EXPRESS, is authorized to operate as a *contract carrier* in Minnesota, Nebraska, Wisconsin, and Iowa. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–3420; Filed, Apr. 7, 1964; 8:47 a.m.]

[Notice No. 623]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 3, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 263 (Sub-No. 156), filed March 29, 1964. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate before Examiner Harry M. Shooman.

No. MC 8964 (Sub-No. 25), filed March 29, 1964. Applicant: WITTE TRANSPORTATION CO., a corporation, 2481 North Cleveland Avenue, St. Paul, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate before Examiner Harry M. Shooman.

No. MC 27970 (Sub-No. 40), filed March 31, 1964. Applicant: CHICAGO EXPRESS, INCORPORATED, Box 213, Winston-Salem, N.C. Applicant's attorney: James W. Lawson, 1000 16th Street

NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsites and storage facilities of Wilson Certified Foods, Inc., at or near Fort Smith, Ark., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Wilson Certified Foods, Inc., of Chicago, Ill.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate before Examiner Harry M. Shooman.

No. MC 28157 (Sub-No. 3), filed March 30, 1964. Applicant: ARROW TRUCK LINES, INC., 1000 Fifth Street, Rock Island, Ill. Applicant's attorney: Robert Burns, 111 West Washington Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites and storage facilities of Rock Island Manufacturing Co., at Rock Island, Ill., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Rock Island Manufacturing Co., of Rock Island, Ill.

HEARING: April 30, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate before Examiner Harry M. Shooman.

[Notice No. 624]

Sullivan, 1800 Buhl Building, Detroit,

NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

NOTE: Applicant states that the purpose of this application is to tack or combine with its existing irregular route authority in MC 27970, wherein applicant is authorized to conduct operations in the States of Indiana, New York, Ohio, Pennsylvania, Connecticut, Maryland, the District of Columbia, Illinois, Kansas, Minnesota, and Missouri. Common control may be involved.

HEARING: April 30, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 29647 (Sub-No. 32), filed March 12, 1964. Applicant: CHARLTON BROS. TRANSPORTATION CO., INC., 552 Jefferson Street, Hagerstown, Md. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the terminal site of the Plantation Oil Line Co., located in Fairfax County, Va., and at or near Newington, Va., to points in Maryland, Pennsylvania, and West Virginia.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 56388 (Sub-No. 30), filed February 11, 1964. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. Applicant's attorney: Francis J. Ortman, 1866 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the outlet of Plantation Oil Line Co. of Atlanta, at or near Newington, Va., to points in Virginia, West Virginia, Maryland, and the District of Columbia.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 102616 (Sub-No. 748), filed March 18, 1964. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha*, but (excluding all other acids and chemicals), in bulk, from the pipeline terminals of the Plantation Oil Line Co. of Atlanta located at points in Virginia, to points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107403 (Sub-No. 546), filed March 11, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk in tank vehicles, from the outlet of Plantation Oil Line Co. of Atlanta, at or near Newington, Va., to points in Virginia, West Virginia, Maryland, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107515 (Sub-No. 477), filed March 26, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 214-217, Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I, *Description in Motor Carrier Certificate* 61 M.C.C. 209, from the plant site of Armour and Co., at or near Emporia, Kans., to points in Michigan, Indiana, Ohio, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, and New Hampshire.

NOTE: Applicant states the proposed operation will be restricted against tacking or interchange at origin or destinations.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 107544 (Sub-No. 65), filed March 25, 1964. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from terminals and outlets of the Plantation Pipeline, located in Virginia, to points in West Virginia, and Buchanan and Tazewell Counties, Va.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 245, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 109557 (Sub-No. 11), filed March 20, 1964. Applicant: WILLETT BROS. TRANSPORTATION, INCORPORATED, Post Office Box 972, Roanoke, Va. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from pipeline terminals of the Plantation Pipe Line located in Virginia to points in Virginia, Maryland, West Virginia and the District of Columbia, and *returned and rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113678 (Sub-No. 72), filed April 1, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plant site of Armour and Co., at or near Emporia, Kans., to points in Iowa, Nebraska, Colorado, Connecticut, Massachusetts, Kentucky, Tennessee, Illinois, Georgia, and Washington, D.C.

NOTE: Applicant states the proposed operations will be restricted to commodities in bulk in tank vehicles.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 119268 (Sub-No. 31), filed March 30, 1964. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Applicant's representative: M. H. Stephens (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: April 22, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 30887 (Sub-No. 131) (AMENDMENT), filed August 16, 1963, published FEDERAL REGISTER issue January 29, 1964, amended March 11, 1964, and republished as amended this issue. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from terminals of the Plantation Pipeline Co., located in Fairfax County, Va., to points in Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia.

NOTE: The purpose of this republication is to show that the proposed service will originate from the terminals of the Plantation Pipeline Co., as shown above.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 118899 (Sub-No. 2) (AMENDMENT), filed December 16, 1963, published FEDERAL REGISTER issue February 5, 1964, amended February 17, 1964, and republished as amended, this issue. Applicant: JOHN J. GERMENKO, GEORGE I. HALTER AND LARRY GERMENKO, doing business as BALTIMORE TANK LINES, Catonsville Junction, Catonsville 28, Md. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the outlet of the Plantation Pipe Line Co., located at or near Newington, Va., to points in Virginia, West Virginia, District of Columbia, and Maryland.

NOTE: The purpose of this republication is to show the correct name of the origin point.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 119496 (Sub-No. 5) (AMENDMENT), filed August 7, 1963, published in FEDERAL REGISTER January 29, 1964, amended March 10, 1964, and republished as amended this issue. Applicant: THE JAMES GIBBONS COMPANY, a corporation, Sutton Ave. (Relay), Baltimore 27, Md. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petro chemicals) in bulk, in tank vehicles, from the outlet of the Plantation Oil Line Co. of Atlanta, located near Newington, Va., to points in Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia.

NOTE: The purpose of this republication is to change the territorial description and show the exception above.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3418; Filed, Apr. 7, 1964; 8:46 a.m.]

[Notice No. 624]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 3, 1964.

The following applications are governed by special rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rules. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 2202 (Sub-No. 262) (AMENDMENT), filed February 28, 1964, published in FEDERAL REGISTER, issue March 11, 1964, and republished as amended this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between San Antonio, Tex., and Houston, Tex., over U.S. Highway 90, serving no intermediate points.

NOTE: Applicant states that the proposed service is to be restricted to the handling of traffic which either originates at or is destined to points east of the Mississippi River. Common control may be involved. The purpose of this republication is to add the restriction specified above and to delete any reference to alternate route authority. If a hearing is deemed necessary applicant requests that it be held at San Antonio, Tex.

No. MC 3261 (Sub-No. 33), filed March 20, 1964. Applicant: KRAMER-CONSOLIDATED FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Jackson and Niles, Mich.; from Jackson over Interstate Highway 94 (including its branch BL 94) to junction Michigan Highway 60, thence over Michigan Highway 60 to Niles, and return over the same route, serving all intermediate points, and the off-route points of Girard, Coldwater, Athens, and Buchanan, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 14781 (Sub-No. 6), filed March 23, 1964. Applicant: SAM GOTTRY CARTING COMPANY, INC., 47 Parkway, Rochester, N.Y. Applicant's attorney: Robert V. Glanniny, 900 Midtown Tower, Rochester 4, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and of *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment (except, to the extent that they fall within this commodity description): (1) pipe, pipeline materials, equipment, and supplies which are incidental to and used in connection with the construction, operation, maintenance, servicing, and dismantling of pipelines and the stringing and picking up thereof, and (2) *aircraft and missiles*, and *parts thereof*, between points in Erie County, N.Y., on the one hand, and on the other, points in Connecticut, Delaware, Illinois, Indiana, that part of Maine on and south of Maine Highway 25, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio (with the exception of road building and earth moving equipment), Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: The applicant presently holds authority to perform the service requested in Certificate MC 14781 Sub 5 and Certificate MC 14781. The purpose of this application is to omit the gateway of Rochester, N.Y., which is necessitated by use of the present certificate. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 20356 (Sub-No. 10), filed March 20, 1964. Applicant: BADGER FREIGHTWAYS, INC., 2720 North 19th Street, Sheboygan, Wis. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment,

[1] Copies of special rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

and those injurious or contaminating to other lading), serving the plant site of

COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton, Ky.

supplies used in the manufacture of

NOTE: If a hearing is deemed necessary,

No. MC 83539 (Sub-No. 114), filed

added). By the instant application

and those injurious or contaminating to other lading), serving the plant site of the Godfrey Company, located at Waukesha, Wis., as an off-route point in connection with applicant's regular route operations between Milwaukee, Wis., and Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 23976 (Sub-No. 17), filed March 24, 1964. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., 5940 North Basin Avenue, Portland 17, Oreg. Applicant's attorney: Owen M. Panner, 1026 Bond Street, Bend, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Harney County, Oreg., and points in Payette, Canyon, Gem, and Ada Counties, Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Burns, Oreg.

No. MC 25798 (Sub-No. 113), filed March 25, 1964. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from New York, N.Y., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 30844 (Sub-No. 146), filed March 23, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *supplies, equipment and materials used in the conduct of such business* (except commodities in bulk, in tank vehicles), between the plant site of Agar Packing Company, located at Monmouth, Ill., on the one hand, and, on the other, points in Colorado, Connecticut, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia.

NOTE: Applicant states that the authority sought herein is restricted to the transportation of shipments originating at or destined to the Agar Packing Company plant at Monmouth, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41404 (Sub-No. 47), filed March 27, 1964. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials, and supplies used in the conduct of such business* (except liquid commodities in bulk, in tank vehicles), from Monmouth, Ill., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50069 (Sub-No. 294), filed March 23, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill., 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerine, coconut oil, soap stock, liquid soap*, and *inedible tallow*, including *fatty acids thereof*, in bulk, in tank vehicles, from the plant site of Armour Soap Manufacturing Plant, located at or near Aurora, Ill., to points in Michigan, Indiana, Ohio, Missouri, Pennsylvania and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52709 (Sub-No. 239), filed March 20, 1964. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses, dairy products and articles distributed by meat packinghouses*, as described in sections A, B and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272, and 273, form Denver, Colo., to San Bernardino, Calif., and points in Arizona.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 54567 (Sub-No. 3), filed December 31, 1963. Applicant: RELIANCE TRUCK COMPANY, a corporation, 2500 North 24th Avenue, Phoenix, Ariz. Applicant's attorney: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix 12, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special equipment, between points in California, Idaho, Nevada, Oregon and Washington.

No. MC 58813 (Sub-No. 57), filed March 20, 1964. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's attorney: Solomon Granett, 1740 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers only, from Roopville and West Point, Ga., and Jacksonville and Tarpon Springs, Fla., to New York, N.Y., and *materials and supplies* used in the manufacture of wearing apparel, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 59507 (Sub-No. 10), filed March 19, 1964. Applicant: EDGAR H. ALLEN & SON, INC., 825 Fairfield Avenue, Kenilworth, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products*, namely *poles, piles*, and *timbers*, from Old Bridge, N.J., to points in Pennsylvania east of the Susquehanna River beginning at the Pennsylvania-Maryland State line and extending to the Pennsylvania-New York State line, and points in New York, east of a line beginning at the New York-New Jersey State line and extending over New York Highway 17 to junction New York Highway 14, thence along New York Highway 14 to boundary of Lake Ontario, thence northeast along boundary of Lake Ontario to the international boundary line between the United States and Canada.

NOTE: Applicant states it will surrender all portions of its certificate that duplicate the above proposed operations. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 60127 (Sub-No. 2), filed March 26, 1964. Applicant: G & H TRANSIT COMPANY, INCORPORATED, 2216 Freedom Drive, Charlotte, N.C. Applicant's attorney: Allen Post, Sixth floor, First National Bank Bldg., Atlanta, Ga., 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery, and food business houses, and in connection therewith, *equipment, materials*, and *supplies*, used in the conduct of such business, between points in North Carolina and South Carolina on the one hand, and, on the other, points in Grayson, Wythe, Carroll, Smyth, and Washington Counties, Va., and Unicoi, Johnson, Sullivan, Carter, Washington, Greene, Cocke, and Jefferson Counties, Tenn., and (2) between points in Grayson, Wythe, Carroll, Smyth, and Washington Counties, Va., and Unicoi, Johnson, Sullivan, Carter, Washington, Greene, Cocke, and Jefferson Counties, Tenn.

NOTE: Applicant states the proposed operations will be restricted to the transportation services under contract with The Atlantic & Pacific Tea Company, Inc. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 60157 (Sub-No. 4), filed March 26, 1964. Applicant: C. A. WHITE TRUCKING COMPANY, a corporation, 4641 Greenville Avenue, Dallas, Tex., 75206. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex., 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, other than oil field pipe, between Lone Star and Bond, Tex., on the one hand, and, on the other, points in Arkansas, Kansas, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 61396 (Sub-No. 197), filed March 20, 1964. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Liquid sugar*, in bulk in tank vehicles, from Omaha, Nebr. to points in Iowa, South Dakota, Missouri, Minnesota, and Kansas, and *returned and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Denver, Colo.

No. MC 66194 (Sub-No. 1), filed January 2, 1964. Applicant: OWL TRUCK COMPANY, a corporation, 500 South Alameda Street, Compton, Calif. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require the use of special equipment or special handling, between points in California, Arizona, Nevada, Idaho, Oregon, and Washington.

NOTE: Applicant states no duplicating authority is sought.

No. MC 75185 (Sub-No. 245), filed March 25, 1964. Applicant: SERVICE TRUCKING CO., INC., Box 276, Federalsburg, Md. Applicant's attorney: James W. Lawson, 1000 Sixteenth Street, NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, *Descriptions in Motor Carrier Certificates, 61 M.C.C. and 766*, from the plant site of Agar Packing Company located at or near Monmouth, Ill., to points in New York, New Jersey, Pennsylvania, Delaware, Virginia, and Maryland.

NOTE: Applicant states the proposed service is to be "restricted against the transportation of commodities in bulk, and against tacking at point of origin." If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 82492 (Sub-No. 17), filed March 23, 1964. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 900 Monroe Avenue NW., Grand Rapids, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C, of Appendix I, in *Descriptions of Motor Carrier Certificates 209 and 766*, from the plant site of Swift & Company located at or near Grand Island, Nebr., to points in Indiana, Michigan, and Ohio.

NOTE: Applicant states that the proposed service is to be restricted to shipments originating at the plant site of Swift & Company and further restricted against commodities in bulk, in tank vehicles.

NOTE: If a hearing is deemed necessary applicant requests it be held at Grand Island, Nebr.

No. MC 83539 (Sub-No. 114), filed March 9, 1964. Applicant: C&H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. Applicant's W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment or handling, and *parts* thereof, when moving in connection with such commodities, between points in Nevada, on the one hand, and, on the other, points in Colorado, Kansas, New Mexico, Oklahoma, and Texas.

NOTE: Applicant states the proposed service will be restricted against the stringing and picking up of pipe in connection with main or trunk pipelines. Also, applicant proposes to tack the proposed authority with its presently held rights in MC 83539, Subs 6, 7, 9, 12, 14, 17, 20, 39, 82, 92, 96, and 103, to perform a through service to points beyond the proposed destination territory. If a hearing is deemed necessary applicant requests it be held at Las Vegas, Nev.

No. MC 89523 (Sub-No. 5), filed March 26, 1964. Applicant: MID-STATES TRUCKING CO., a Corporation, 605 South 14th Street, Lincoln, Nebr. Applicant's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers (1) from Golden, Colo., Omaha, Nebr., and Kansas City, Mo., to Guymon, Okla., under a continuing contract with Pan Handle Distributing Co., (2) from Omaha, Nebr., to Ponca City, Okla., under a continuing contract with Ponca Distributing Co., (3) from Golden, Colo., to Lawton, Okla., under continuing contract with Southwest Sales Co., and (4) *empty containers*, on return in (1), (2) and (3) above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 89723 (Sub-No. 34), filed March 26, 1964. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 No. 13th Street, St. Louis, Mo., 63103. Applicant's attorney: Robert S. Davis, 1218 Olive Street, St. Louis 3, Mo. Applicant is authorized in No. MC 89723 (Sub-No. 4), to transport general commodities, between points in Texas, over regular routes, serving certain intermediate and off-route points, subject to certain restrictions. The particular one involved in this application is as follows: "No shipments shall be transported (a) between any of the following points, or through, or to, or from, more than one of said points: Palestine, Austin, San Antonio, *Laredo*, Fort Worth, Waco, Houston, Hearne-Valley Junction (to be considered as single key-point) or Odem, Tex. (applicable only to southbound traffic moving to, from or through Odem other than traffic from or through Corpus Christi, Tex.) or (b) from Corpus Christi, from Raymondville, to points north or east of Houston, points north of San Antonio, and points on or west of U.S. Highway 81 from *San Antonio to Laredo, including Laredo.*" (Italics added). By the instant application applicant proposes to change the operations between San Antonio over U.S. Highway 81 and Laredo, Tex., by removing Laredo as a key point.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex. Common control may be involved.

No. MC 94265 (Sub-No. 130), filed March 26, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *equipment, materials and supplies*, used in the conduct of such business (except liquid commodities in bulk, in tank vehicles), from the plant site of the Agar Packing Company located in Monmouth, Ill., to Aberdeen Proving Grounds, Aberdeen, the Army Chemical Center, and the Edgewood Arsenal, Edgewood, Fort Geo. G. Meade, the U.S. Naval Air Station, Patuxent River, the U.S. Naval Training Center, Brainbridge, Baltimore, and Landover, Md., the District of Columbia, and points in Virginia, and North Carolina.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 95540 (Sub-No. 576), filed March 26, 1964. Applicant: WATKINS MOTOR LINES, INC., Post Office Box 828, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, from points in Ware County, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Washington, D.C.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 577), filed March 26, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Post Office Box 825, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Pike and Spaulding Counties, Ga., to points in Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island,

South Dakota, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Atlanta, Ga.

No. MC 95540 (Sub-No. 578), filed March 27, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials, and supplies* used in the conduct of such business (except liquid commodities, in bulk, in tank vehicles, and canned goods not requiring refrigeration), from the plant site of Agar Packing Co. located at or near Monmouth, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Denver, Colo., and Omaha, Nebr.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 99780 (Sub-No. 2) (CORRECTION), filed February 24, 1964, published FEDERAL REGISTER issue March 11, 1964, corrected March 31, 1964, and republished as corrected this issue. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and packinghouse products*, as described in section "A" of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, (1) from Cedar Rapids, Iowa, and Bureau and Sterling, Ill., to points in Indiana on and north and west of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 36 to junction U.S. Highway 231, thence along U.S. Highway 231 to Crawfordsville, Ind., thence along Indiana Highway 43 to junction U.S. Highway 421 at Reynolds, Ind., thence along U.S. Highway 421 to Lake Michigan, including Crawfordsville, Lafayette, and Michigan City, Ind., and (2) from Cedar Rapids, Iowa, to points in Illinois, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill. The purpose of this republication is to substitute the above description of the area to be served in lieu of that previously published.

No. MC 99363 (Sub-No. 2), filed March 19, 1964. Applicant: ERICKSON TRUCKING SERVICE, INC., 2520 Lake Avenue, North Muskegon, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy machinery* and *steel products*, too bulky to be transported in standard common carrier equipment, between Muskegon, Mich., and points in Michigan, (2) *heavy machinery, tanks* and *fabricated steel*, the transportation of which because of size, weight, and bulk, cannot be handled in the regular equipment of the common carriers serving the territory (no shipments weighing more than 30 tons to be handled) between points in an area bounded on the east by U.S. Highway 131, on the south by the northern boundary of Allegan County, and on the west and north by Lake Michigan (excluding Grand Rapids, Mich.), (3) *coal*, between Muskegon and points within 15 miles thereof, (4) *sand, gravel, slag, stone, limestone, crushed stone, marl, pebbles, cinders, bituminous aggregates, coal, asphalt, black top, dirt, fill material, cement blocks, bricks, dry or wet batch ready mix, cement, agricultural lime*, between points in Michigan, (5) *oil and gas field equipment, machinery* and *supplies* between points in Michigan, (6) *heavy machinery* and *steel products*, too bulky to be transported in standard common carrier equipment, between points in Michigan, (7) *heavy machinery, tanks, contractors equipment, fabricated steel* (requiring special equipment), *rigging* and *winches* between points in Michigan, and *empty containers or other such incidental facilities* used in transporting the above-described commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 102616 (Sub-No. 749), filed March 25, 1964. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from Waukegan, Ill., and points within 5 miles thereof, to points in Delaware, Georgia, Indiana, Kentucky, Louisiana, Michigan, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103051 (Sub-No. 170), filed March 19, 1964. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, 403–11 Healey Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from points in Carroll County, Ga., to points in Florida, in Alabama and those points in Tennessee located on and west of U.S. Highway 27.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103490 (Sub-No. 55), filed March 19, 1964. Applicant: PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bag house zinc fume*, in bulk, in dump vehicles, from Tottenville, N.Y., Carteret, N.J., and Philadelphia, Pa. to New Windsor, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 103926 (Sub-No. 13), filed March 26, 1964. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, Post Office Box 2463 (Station D), Atlanta, Ga., 30318. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11, Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks*, iron, steel, aluminum, and copper, set-up and knocked down, requiring special equipment and handling, between Newnan, Ga., and points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 105275 (Sub-No. 28), filed March 19, 1964. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products*, from the town of Massena, N.Y., and points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Delaware, New Hampshire, and Vermont, and those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending over U.S. Highway 11 to junction U.S. Highway 15, thence over U.S. Highway 15 to the Pennsylvania-Maryland State line, and (2) *commodities used in the manufacture, packing, and shipping of aluminum and aluminum products*, from points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, those in New York (except Albany and New York, N.Y.) and those in that part of Pennsylvania as above-specified, to the town of Massena, N.Y., and points within five (5) miles thereof.

NOTE: Applicant states no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 105444 (Sub-No. 5), filed January 28, 1964. Applicant: VINCENT CHANICE AND ANTHONY CHANICE, doing business as CHANICE & CHANICE, a partnership, 854 Liberty Avenue, Brooklyn 8, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and bakery products*, and *materials and supplies* (except in bulk, in tank vehicles), between points in New York, N.Y., commercial zone, on the one hand, and, on the other, New Rochelle, N.Y.

NOTE: If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 105813 (Sub-No. 113), filed March 23, 1964. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's representative: H. R. Marlane, 2020 Biscayne Boulevard, Miami 37, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* as defined by the Commission, and *dairy products*, from Columbus Junction, Iowa, to points in Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106679 (Sub-No. 7), filed January 2, 1964. Applicant: LAS VEGAS SERVICE FREIGHTWAYS, a corporation, Post Office Box 269, Las Vegas, Nev. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require the use of special equipment, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, between points in California, Arizona, Nevada, and Oregon.

No. MC 107376 (Sub-No. 11) (CORRECTION), filed February 11, 1964, published FEDERAL REGISTER issue March 11, 1964, corrected March 24, 1964, and republished as corrected this issue. Applicant: TELISCHAK TRUCKING, INC., 12300 Parmington Road, Livonia, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. Previous publication contained a note: "Applicant holds authority in No. MC 124400 Sub-No. 2 to conduct operations as a contract carrier; therefore, dual operations may be involved." This note was in error, as the subject application actually seeks to convert applicant's existing contract authority, and does not seek the right to conduct dual operations.

No. MC 107515 (Sub-No. 478), filed March 26, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, 214 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as defined by the Commission, from Montgomery, Ala. to points in Arkansas, Missouri, Nebraska, Kansas, Oklahoma, and Texas.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 476), filed March 23, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 214–217 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, from Waycross, Ga., to points in Michigan, Ohio, Indiana, Illinois, Minnesota, Wisconsin, Nebraska, Iowa, Kentucky, Missouri, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, North Carolina, South Carolina, and Virginia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mo.

No. MC 108461 (Sub-No. 98) (AMENDMENT), filed February 18, 1964, published in FEDERAL REGISTER issue of March 11, 1964, amended March 24, 1964, and republished as amended this issue. Applicant: WHITFIELD TRANSPORTATION, INC., Post Office Drawer 9897, El Paso 89, Tex. Applicant's attorney: Francis W. McInerny, 1000 16th Street, NW., Washington 36, D.C. The application as published in the FEDERAL REGISTER issue of March 11, 1964, included 21 regular routes proposed to be served. The purpose of this republication is to add the following commodity and routes 22 and 23 to the authority sought: *Explosives and dangerous articles*, (22) between Salt Lake City, Utah and the Tooele Ordnance Depot at or near Warner, Utah, from Salt Lake City over U.S. Highway 40 to junction Utah Highway 36, thence south over Utah Highway 36 to the Tooele Ordnance Depot, and return over the same route, serving no intermediate points, (23) from Salt Lake City over alternate U.S. Highway 50 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Utah Highway 36, thence south over Utah Highway 36 to the Tooele Ordnance Depot, and return over the same route, serving no intermediate points. Restriction: Service will be restricted to traffic moving on Government bills of lading.

NOTE: Applicants stated in the application as originally filed, that it presently holds authority to transport general commodities over all of the routes sought to be served in the initial filing. Over the routes sought through this amendment, applicant does not presently hold any operating authority.

No. MC 109914 (Sub-No. 17), filed March 20, 1964. Applicant: DUNDEE TRUCK LINE, INC., 600 Sterling Street, Toledo 9, Ohio. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Stauffer Chemical Co., located at the junction of Sutton and Green County Roads, as an off-route point in connection with applicant's authorized regular-route operations to and from Adrian, Mich.

NOTE: If a hearing is deemed necessary applicant requests it be held at Toledo, Ohio, or Detroit, Mich.

No. MC 110098 (Sub-No. 40), filed March 26, 1964. Applicant: ZERO REFRIGERATED LINES, a corporation, 615 Merida Street, Station A, Box 7249, San Antonio 7, Tex. Applicant's attorney: Lester M. Bridgeman, Woodward Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Co., located at or near Worthington, Minn., to points in Arkansas, New Mexico, and Oklahoma.

NOTE: Applicant states that the proposed service is limited to shipments originating at the plant site of Armour and Co. and further restricted against tacking at origin. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110098 (Sub-No. 41), filed March 25, 1964. Applicant: ZERO REFRIGERATED LINES, a corporation, Station A, Box 7249, San Antonio 7, Tex. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in the appendix to the report in *Descriptions in Motor Carrier Certificates, Packing House Products*, 61 M.C.C. 209 and 766, from Grand Island, Nebr., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 367), filed February 13, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar and blends or mixtures thereof*, in bulk, in tank vehicles, from Cedar Rapids, Iowa to points in North Dakota, South Dakota, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Kentucky, and Tennessee.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Des Moines, Iowa. Common control may be involved.

No. MC 110420 (Sub-No. 368), filed March 23, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* and *poultry ingredients*, in bags and in bulk, from Montpelier, Iowa, and points within 5 miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa.

No. MC 110525 (Sub-No. 648), filed March 23, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520

East Lancaster Avenue, Downingtown,

NOTE: If a hearing is deemed necessary

ties in suspension in liquids in bulk, in

ital cut to size, from Chase City, and

California Avenue, Salt Lake City 15,

Florida, and *exempt commodities*, on

East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from Cincinnati, Ohio and Newell, Pa., to points in West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 649), filed March 26, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, in tank vehicles, from Springdale, Pa., to Fort Smith, Ark.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 110698 (Sub-No. 276), filed March 23, 1964. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Denver, Colo., to points in Texas, Kansas, and Missouri.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 111812 (Sub-No. 242), filed March 25, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C, of appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Columbus Junction, Iowa, to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 112497 (Sub-No. 222), filed March 23, 1964. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood preservatives* (creosote oils), in bulk, in tank vehicles, from Lone Star (Morris County), Tex., to points in Louisiana.

NOTE: If a hearing is deemed necessary applicant requests it be held at Baton Rouge, La.

No. MC 113267 (Sub-No. 128) (CORRECTION), filed March 18, 1964, published in FEDERAL REGISTER issue April 1, 1964, and republished as corrected this issue. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Harris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). The purpose of this republication is to show the correct docket number MC 113267 (*Sub-No. 128*), in lieu of MC 113267 (*Sub-No. 28*), which was previously published in error.

No. MC 113360 (Sub-No. 4), filed March 24, 1964. Applicant: JAMES H. CARR AND CHARLES A. CARR, doing business as CARR BROS. OXNARD TRUCKING SERVICE, 1260 Saviers Road, Oxnard, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except petroleum in bulk, and livestock) (1) between points on and within five (5) miles of the following highways: (a) U.S. Highways 101 and 101 Alternate between the northwestern boundary line of Los Angeles County and San Luis Obispo, inclusive, including the off-route point of Ojai, (b) California Highway 118 between the northwestern boundary line of Los Angeles County near Chatsworth and Ventura, inclusive, (c) California Highway 126 between Ventura and Fillmore, inclusive, and (d) California Highway 1 between Las Cruces and Pismo Beach, inclusive, including the off-route point of Vandenburg Air Force Base, and (2) between points included in (1) above, on the one hand, and, on the other, Los Angeles County Area embraced by the following boundary: Beginning at the intersection of the westerly boundary of Los Angeles County with the Pacific Ocean, thence northeasterly along the boundary of Los Angeles County to its intersection with California Highway 118, thence easterly along California Highway 118 through San Fernando and its prolongation to the Angeles National Forest, thence along the southern boundary of Angeles National Forest to the eastern boundary of Los Angeles County, thence along the eastern boundary of Los Angeles County in a southwesterly direction to the Pacific Ocean, thence along the Pacific Ocean in a westerly direction to the point of beginning.

NOTE: Applicant states it shall not transport any shipments of the following: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A., (2) automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, truck and trailers combined, buses, bus chassis, (3) livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine, (4) commodities requiring the use of special refrigeration or temperature control in specially designed and contructed refrigerator equipment, (5) liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles, (6) commodities when transported in bulk in dump trucks or in hopper type trucks, (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit, and (8) logs. If a hearing is deemed necessary, applicant requests it be held at Oxnard, Calif.

No. MC 113362 (Sub-No. 37), filed March 25, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Rouseville, Oil City, Reno, Franklin, Bradford, Farmers' Valley, Emlenton, Petrolia, Karns City, and Freedom, Pa., Buffalo, N.Y., and St. Marys, W. Va., to points in Michigan, Texas, Oklahoma, Colorado, and Memphis, Tenn.

NOTE: If a hearing is deemed necessary applicant requests it be held at Pittsburgh, Pa.

No. MC 113690 (Sub-No. 1), filed March 25, 1964. Applicant: SIDNEY T. SMITH, 29 Crawford Street, Roxbury, Mass. Applicant's attorney: Robert J. Gallagher, 111 State Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and parts thereof*, between points in Middlesex, and Essex Counties, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and points in the District of Columbia.

NOTE: Applicant states the "proposed service will be performed under continuing contracts with Studios, Inc., Emerson Lounge, Dav-O-Niter, Foam lines, and Sterling Furniture Manufacturing Companies, Inc., all affiliated corporations of South Union Street, Lawrence, Mass. If a hearing is deemed necessary applicant requests it be held at Boston, Mass.

No. MC 113828 (Sub-No. 60), filed March 23, 1964. Applicant: O'BOYLE, TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Richmond, Va., to points in Charles, St. Marys, Calvert, and Prince Georges Counties, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114015 (Sub-No. 15), filed March 25, 1964. Applicant: HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: Jno C. Goddin, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shooks*, from Chase City, Va., to the plant site of the Ford Motor Company, located at or near Delair, Camden County, N.J., and (2) *shooks, pallets and wood pallet material cut to size*, from Chase City and Keysville, Va., to Charleston, S.C., Detroit, Mich., Wheeling, W. Va., and points in New York (except New York City).

NOTE: Applicant states the proposed service as shown in (1) above, will be for the account of Butler Lumber Co., Inc. If a hearing is deemed necessary applicant requests it be held at Richmond, Va.

No. MC 114552 (Sub-No. 20), filed March 26, 1964. Applicant: SENN TRUCKING COMPANY, a corporation, R.F.D. No. 4, Box 283, Newberry, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from points in Screven County, Ga., to points in South Carolina, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 115491 (Sub-No. 43), filed March 23, 1964. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, Drawer J, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida to points in Mississippi, Louisiana and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115491 (Sub-No. 45), filed March 20, 1964. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, Drawer J, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Citrus products*, not canned and not frozen, *frozen fruit products, frozen citrus products, fresh fruit, fresh vegetables*, in mixed loads with canned goods, and (2) *canned goods*, from points in Florida to points in Wyoming and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 117574 (Sub-No. 90), filed March 23, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, blowers, cooling and freezing machinery*, and *accessories, attachments, parts and fittings for cooling towers, blowers*, and *cooling and freezing machinery*, from the site of Marley Co., located at Louisville, Ky., to points in the States located east of the Mississippi River and points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

No. MC 117823 (Sub-No. 23), filed March 23, 1964. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING COMPANY, 240 West California Avenue, Salt Lake City 15, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City, Utah, 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Calif., to Salt Lake City, Ogden, Logan, and Provo, Utah and points in Idaho, Montana, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 118196 (Sub-No. 17), filed March 25, 1964. Applicant: RAYE & COMPANY TRANSPORTS, INC., Hiway 71 North, Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Iowa and Nebraska, to points in Wyoming, Colorado, Montana, Utah, Idaho, Oregon, Washington, California, Arizona, New Mexico, and Nevada.

NOTE: Applicant states the proposed service will be restricted to shipments having initial pickup at Neosho, Mo. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

No. MC 119270 (Sub-No. 5), filed March 20, 1964. Applicant: REUBEN W. HARTJE, doing business as HARTJE'S TRANSFER, La Valle, Wis. Applicant's attorney: Claude J. Jasper, Suite 301, Provident Building, 111 South Fairchild Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products*, from the town of Quincy, Adams County, Wis., on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Indiana, and Michigan, and (2) *machinery, equipment and supplies used and useful in the operation of a lumber mill*, from points in Illinois, Iowa, Minnesota, Indiana and Michigan, to the town of Quincy, Adams County, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 119531 (Sub-No. 20), filed March 23, 1964. Applicant: DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati 26, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from points in Illinois, Indiana, and the lower peninsula of Michigan to Cincinnati, Ohio.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 119939 (Sub-No. 3), filed March 26, 1964. Applicant: W. & M. TRANSPORTATION CO., INC., Ridgeway, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen), from points in Rockingham and Shenandoah Counties, Va., to points in Georgia and Florida, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 120408 (Sub-No. 1), filed March 18, 1964. Applicant: RICHARD G. WILLIAMS, Post Office Box 688, Tonopah, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives and except commodities injurious or contaminating to other lading), between Tonopah and Round Mountain, Nev.; from Tonopah over U.S. Highway 6 to junction Nevada Highway 8A, thence over Nevada Highway 8A to junction Nevada Highway 70, and thence over Nevada Highway 70 to Round Mountain, and return over the same route, serving all intermediate points and the off-route point of Manhattan, Nev.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tonopah, Nev.

No. MC 121066 (Sub-No. 2), filed March 25, 1964. Applicant: NEBRASKA TRANSPORT CO., INC., Box 621, Scottsbluff, Nebr. Applicant's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring special equipment), between points in Box Butte, Morrill, Scotts Bluff, Dawes, Sioux, and Sheridan Counties, Nebr., on the one hand, and, on the other, points in Nebraska, and Council Bluffs and Sioux City, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123274 (Sub-No. 2), filed March 30, 1964. Applicant: MARSHALL SERVICE, INC., Pearl Street, Newfield, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the Colonial Pipe Line Co. facilities and terminals located at points in Delaware, Maryland, New Jersey, New York, and Pennsylvania to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 123393 (Sub-No. 34), filed March 26, 1964. Applicant: BILYEU REFRIGERATED TRANSIT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Mansfield, Mo., to points in Indiana, Illinois, Kentucky, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

wassee Counties, Mich., and *grain*, on

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Jefferson City, Mo.

No. MC 123393 (Sub-No. 35), filed March 27, 1964. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, *food products*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between Springfield, Macon, Carthage, El Dorado Springs, Cabool, Lebanon, Monett, and Neosho, Mo., on the one hand, and on the other, points in Kentucky and Tennessee (except Memphis, Tenn.) and (2) *meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Springfield, Macon, El Dorado Springs, Cabool, Lebanon, Monett and Neosho, Mo., to points in Iowa, Minnesota, Wisconsin and Michigan (except fresh meat from Springfield, Mo., to Fort Dodge, Iowa, and Owatonna and Austin, Minn.), and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant states that traffic from Macon, Mo., will be restricted to the plant site of Missouri Farmers Association. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 124078 (Sub-No. 99) (AMENDMENT), filed January 27, 1964, published in FEDERAL REGISTER issue of February 12, 1964, amended March 20, 1964, and republished as amended this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* from Montpelier, Iowa, and points within 5 miles thereof to points in Iowa, Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832; therefore dual operations may be involved. The purpose of this republication is to add Indiana as a destination point.

No. MC 124247 (Sub-No. 5), filed March 19, 1964. Applicant: DAN LODESKY TRUCKING, INC., Gurnee, Ill. Applicant's attorney: Edw. G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products*, in bulk, in tank vehicles, from East Chicago, Ind., to points in Boone, Bureau, Carroll, Champaign, Cook, DeKalb, Dupage, Ford, Grundy, Henry, Iroquois, Jo-Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Marshall, McHenry, McLean, Ogle, Peoria, Putman, Stark, Stephenson, Taswell, Vermilion, Whiteside, Will, Winnebago and Woodford Counties, Ill., and points in Dane, Green, Iowa, Jefferson, Kenosha, La-Fayette, Milwaukee, Racine, Rock, Walworth, and Waukesha Counties, Wis.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 125023 (Sub-No. 8), filed March 24, 1964. Applicant: NORMAN A. BAST AND GEORGE F. CARTER, doing business as SIGMA-4 EXPRESS, a partnership, Post Office Box 162, Latrobe, Pa., 15650. Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials moving therewith*, from Milwaukee, Wis., to Meadville and Chambersburg, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125103 (Sub-No. 3), filed March 23, 1964. Applicant: P. A. IVERSON, doing business as IVERSON TRANSFER, Post Office Box 126, Windom, Minn. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat* packinghouses, as described in sections A and C, of appendix I, to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Windom, Minn., to points in North Dakota, South Dakota, Nebraska, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, and points in the United States east of the Mississippi River, and *trolleys, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125251 (Sub-No. 1), filed March 25, 1964. Applicant: LAWRENCE JACOBSON, doing business as JACOBSON TRANSPORT, 1112 Second Avenue South, Wheaton, Minn., 56296. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, in tank vehicles, from Alexandria, Minn., and points within five (5) miles thereof, and from points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, to points in Cass, Richland, Ransom, LaMoure, Dickey, and Sargent Counties, N. Dak., and points in Roberts, Marshall, Brown, and Day Counties, S. Dak., (2) *asphalt and residual fuel oils*, in bulk, in tank vehicles, from West Fargo, N. Dak., and points within five (5) miles thereof, to points in Minnesota and South Dakota, and (3) *rejected shipments* of the commodities specified in (1) and (2) above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 126064 (Sub-No. 1), filed March 26, 1964. Applicant: INDIANA EISENMAN CHEMICAL CO., INC., Post Office Box 309, 312 East 16th Street, Greeley, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, (1) between points in Colorado, Texas, Utah, New Mexico, Wyoming, Arizona, Nebraska, California, Montana, Indiana, North Dakota, South Dakota, Kansas, Oklahoma, and Idaho, and (2) between points in (1) above, on the one hand, and, on the other, points in Iowa, Missouri, Pennsylvania, Ohio, West Virginia, Michigan, and Louisiana.

NOTE: Applicant states the proposed operation will be under a continuing contract with Eisenman Chemical Co. (a Colorado corporation). If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126120, filed March 18, 1964. Applicant: APLUM, INC., 849 McFarlane Avenue, Sebastopol, Calif. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled apple and berry products*, from the plant of Silvera and O'Connell located at Barlow Station, approximately three (3) miles northwest of Sebastopol, Calif., to ports on San Francisco Bay, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126124, filed March 20, 1964. Applicant: R. GALIPEAU TRANSPORT, INC., Disraeli, Quebec, Canada. Applicant's attorney: Pierre Verge, Price House, 65 St. Anne Street, Quebec 4, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., to the port of entry on the international boundary line between the United States and Canada at Derby Line, Vt., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt.

No. MC 126125, filed March 20, 1964. Applicant: CHARLES D. McINTOSH, doing business as CHAS. D. McINTOSH, Route No. 1, Bethel, Ohio. Applicant's attorney: Carroll V. McKinney, Short Street, Leesburg, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs and sundries*, from Cincinnati, Ohio, to Maysville, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed operation will be under a continuing contract with Cincinnati Economy Drug Co., 209 East Court Street, Cincinnati, Ohio. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 126126 (Sub-No. 1), filed March 23, 1964. Applicant: RABB BROS. TRUCKING, INC., Post Office Box 736, San Joaquin, Calif. Applicant's attorney: Martin J. Rosen, Suite 600, 126 Post Street, San Francisco 8, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk and in sacks, from the plant site of Valley Nitrogen Company in Helm, Calif. (approx. 30 miles west of Fresno, Calif.), to points in Oregon, and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126127, filed March 20, 1964. Applicant: ROBERT JOE THOMAS, Route No. 1, Bryson City, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Milk cartons*, half gallon, quart, pint, half pint, 10 ounce, ready for use on milk bottling machine, and *cartons not suitable for* use returned for credit, between the plant site of Dairypak, Inc., located at Athens, Ga., and the plant site of Sealtest Foods, located at Asheville, N.C.: From Athens over U.S. Highway 441 to Sylva, N.C., thence over U.S. Highway 19A to junction U.S. Highway 19, thence over U.S. Highway 19 to Asheville, and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Asheville, N.C.

No. MC 126128 filed March 23, 1964. Applicant: DEAN W. HOBBENSIEFKEN, doing business as D. H. TRUCKING, Route 1, Box 241, Lyons, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Rough green lumber*, (1) between Mill City, Oreg. and Portland, Oreg., from Mill City over Oregon Highway 22 to Salem, Oreg., thence over Interstate Highway 5 to Portland, and return over the same route, serving no intermediate points; and (2) between Albany, Oreg., and Portland, Oreg., over Interstate Highway 5, serving no intermediate points.

NOTE: Applicant states shipments will originate from sawmills in Mill City and Albany, Oreg., destined for the Portland Public Docks, such as terminals Nos. 1, 2, 4 and Albina Docks. If a hearing is deemed necessary, applicant requests it be held at Salem, Oreg.

No. 126132, filed March 25, 1964. Applicant: PETER SLOTE & SONS LIMITED, Box 490, Hagersville, Ontario, Canada. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, in the rough, from points in Indiana to the ports of entry on the international boundary line between the United States and Canada located on the Detroit and St. Mary's Rivers.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 126133, filed March 25, 1964. Applicant: EDWARD A. WELTER AND HARRY VORWALD doing business as QUALITY BEVERAGE CO., 805 West Blackhawk Avenue, Prairie Du Chien, Wis. Applicant's attorney: Robert G. Marotz, 125 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, malt liquor, carbon dioxide drums* (CO_2 gas drums) and *advertising* used in promotion of such products, from La Crosse and Milwaukee, Wis., to Dubuque, Iowa, and *empty containers*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126134, filed March 25, 1964. Applicant: ROGER D. DRURY AND DONALD W. DRURY, doing business as DRURY BROTHERS, 11950 East Newburg Road, Durand, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, and *manufactured fertilizers*, from Maumee, Ohio, to points in Genesee and Shiawassee Counties, Mich., and *grain*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 126137, Ex, filed March 27, 1964. Applicant: MYLES M. REIS, Surfside Road, Nantucket, Mass. A certificate of exemption is sought under section 204(a)(4a), Part II, in the conduct of operations as a common carrier, by motor vehicle (trucks) over irregular routes, transporting *general commodities* (except commodities in bulk, explosives, and articles of high value), between points on the island of Nantucket, Mass.

No. MC 126138, filed March 26, 1964. Applicant: CLARENCE J. FAULKNER, doing business as C. J. Faulkner, Post Office Box 76, Corunna, Ind. Applicant's representative: William L. Carney, 105 East Jennings Avenue, South Bend 14, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from South Milford, Ind., to points in Kentucky, Illinois, Michigan and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126139, filed March 26, 1964. Applicant: VERNON S. AYCOCK, Box 387, Fremont, N.C. Applicant's attorney: John Kerr, Jr., Warrenton, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from Norfolk and Portsmouth, Va., to points on and east of U.S. Highway 15 in North Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 4281 (Sub-No. 6), filed March 26, 1964. Applicant: PEOPLE'S BUS LINES, INC., 18 Blakeslee Street, Brattleboro, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Keene and Manchester, N.H., over New Hampshire Highway 101, serving all intermediate points.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Concord, N.H.

No. MC 120515 (Sub-No. 1), filed March 18, 1964. Applicant: ARROW BUS LINE, INC., 87 North Chestnut Street, New Paltz, N.Y. Applicant's attorney: Martin J. Kelley, Jr., 70 Pine Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, in charter operations, in round trip tours, beginning and ending at points in Ulster County, N.Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania,

Delaware, Maryland, Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

APPLICATIONS FOR BROKERAGE LICENSE

MOTOR CARRIER OF PROPERTY

No. MC 12902, filed March 26, 1964. Applicant: SERVICES ROADWAY, INC., 212 Tower East, 2700 Stemmons Freeway, Dallas, Tex., 75207. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For a license (BMC 4) to engage in operations as a *broker* at Dallas, Tex., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *bananas*, from Galveston, Tex., Houston, Tex., New Orleans, La., and Gulfport, Miss., to points in Louisiana, Texas, Oklahoma, Arkansas and Kansas.

APPLICATIONS FOR WATER CARRIERS

WATER CARRIERS OF PASSENGERS

No. W-1199 (HYDROFOIL LINES, INC. COMMON CARRIER APPLICATION), filed March 25, 1964. Applicant: HYDROFOIL LINES, INC., 74 Trinity Place, New York 6, N.Y. Authority sought to operate as a *common carrier* in interstate or foreign commerce under Part III of the Interstate Commerce Act, in the transportation of *passengers*, by water, using hydrofoil type vessels (1) between New York, N.Y. on the one hand, and, on the other, Nyack, Tarrytown, and Oyster Bay (Cold Spring Harbor), Long Island, N.Y., and Stamford and Greenwich, Conn., and (2) between Stamford and Greenwich, Conn., on the one hand, and on the other, the site of the World's Fair, Flushing, N.Y.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIER OF PROPERTY

No. MC 29120 (Sub-No. 71), filed March 23, 1964. Applicant: WILSON STORAGE AND TRANSFER CO., a corporation, Post Office Box 756, Sioux Falls, S. Dak., 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), serving Cherokee, Iowa, as an off-route point, in connection with applicant's authorized regular-route operations between Sioux Falls, S. Dak., and Spencer, Iowa.

NOTE: Applicant states service at Cherokee, Iowa will be restricted against the handling of traffic to or from Sioux City, Iowa.

No. MC 32948 (Sub-No. 8) (CORRECTION), filed February 24, 1964, published in FEDERAL REGISTER, issue March 11, 1964, and republished as corrected this issue. Applicant: P. A. K. TRANSPORT, INC., 96 Laurel Street, Newport, N.H. Applicant's attorney: Andre J. Barbeau, 12 Paris Terrace, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial minerals*, in bulk, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

NOTE: The purpose of this republication is to add the restriction "in bulk," inadvertently omitted from the previous publication.

No. MC 42487 (Sub-No. 596), filed March 23, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Hollidaysburg, and Williamsport, Pa., from Hollidaysburg over U.S. Highway 220 to Williamsport, and return over the same route, as an alternate route for operating convenience only.

NOTE: Common control may be involved.

No. MC 53766 (Sub-No. 1), filed March 26, 1964. Applicant: JOHN P. GOETJEN AND SON, INCORPORATED, 378 Danbury Road, Wilton, Conn. Applicant's attorney: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Privately owned passenger autos*, in secondary movements in driveaway service, between points in Fairfield and New Haven Counties, Conn. and Westchester and Putnam Counties, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE: Common control may be involved.

No. MC 42487 (Sub-No. 597), filed March 23, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Buffalo, and Elmira, N.Y., from Buffalo, over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20, to junction New York Highway 63, thence over New York Highway 63, to Wayland, thence over U.S. Highway 15 to Painted Post, and thence over New York Highway 17 to Elmira, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

No. MC 79135 (Sub-No. 33), filed March 23, 1964. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Paper and paper articles* and *empty containers or other such incidental facilities* (not specified) used in transporting paper and paper articles, serving Liberty, N.Y. as an intermediate point in connection with applicant's regular-route authority between Oneida, N.Y. and New York, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 10928 (Sub-No. 49), filed March 23, 1964. Applicant: RYDER TRUCK LINES, OF MO., INC., 2001 Irving Boulevard, Post Office Box 10572, Dallas 7, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives and general commodities* (except household goods, as defined by the Commission; commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Carthage and Kansas City, Mo., from Carthage over U.S. Highway 71 to junction U.S. Bypass Highway 71, thence over U.S. Bypass Highway 71 to junction U.S. Highway 50, thence over U.S. Highway 50 to Kansas City, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operation.

NOTE: Applicant states "the authority granted carrier shall be restricted against the transportation of shipments originating at, destined to, or transported or interchanged through, the Kansas City, Mo.-Kans. commercial zone, on the one hand, and, on the other, points on U.S. Highway 66 north and east of Tulsa." Common control may be involved.

No. MC 110525 (Sub-No. 650), filed March 27, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank or hopper type vehicles, from Kobuta, Pa., to points in New Jersey.

No. MC 114848 (Sub-No. 18) (CORRECTION), filed March 2, 1964, published in FEDERAL REGISTER issue of March 18, 1964, corrected March 25, 1964, and republished as corrected this issue. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. Applicant's attorney: Dale Woodall, 150 East Court Avenue, Memphis 1, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except chemicals and liquefied petroleum gas), in bulk, in tank vehicles from Perryville, Tenn., to that part of Mississippi on and east of U.S. Highway 51, and on and north of U.S. Highway 82, those points in Alabama on and north of U.S. Highway 82 and U.S. Highway 11, and on and west of U.S. Highway 31, and points in Kentucky on and west of U.S. Highway 31W.

NOTE: The purpose of this republication is to correctly describe the commodities proposed to be transported.

No. MC 123393 (Sub-No. 33), filed March 18, 1964. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, and *food products in mixed shipments with commodities exempt from economic regulation* pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, from California, Mo., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Colorado, Kansas, Oklahoma, Texas, Louisiana, and Arkansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Common control may be involved.

No. MC 124418 (Sub-No. 1), filed March 23, 1964. Applicant: D-H-R TRUCKING, INC., Harrisburg, Ill., Applicant's representative: W. L. Jordan, 201-2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk, and in packages, in secondary movements where shipments have had prior rail movements, from Harrisburg, Ill., to points in Illinois, and (2) *salt*, in bulk, and in packages, from Harrisburg, Ill., to points in Kentucky on and west of U.S. Highway 431 extending from the Ohio River at Owensboro, Ky. south to the Kentucky-Tennessee State line, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return in (1) and (2) above.

No. MC 124328 (Sub-No. 16), filed March 16, 1964. Applicant: BRINK'S, INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Francis D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin* and *securities*, between Chicago, Ill., on the one hand, and, on the other, points in Vernon, Monroe, Jackson, Clark, Marathon, Langlade, Oconto, Marinette, Wood, Portage, Waupaca, Shawano, Outagamie, Brown, Kewaunee, Juneau, Adams, Waushara, Winnebago, Calumet, Manitowoc, Marquette, Green Lake, Fond du Lac, Sheboygan, Sauk, Columbia, Dodge, Washington, Ozaukee, Crawford, Richland, Grant, Iowa, Dane, Jefferson, Waukesha, Milwaukee, Lafayette, Green, Rock, Walworth, Racine, Kenosha, and Door Counties, Wis.

NOTE: Applicant states no duplicating authority is sought. Common control may be involved.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 43), filed March 20, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: Raymond H. Warns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, (a) between New York, N.Y., and Hackensack, N.J.: from New York, N.Y., over city streets and the George Washington Bridge to the junction of the bridge access road and New Jersey Highway 4 in Fort Lee, N.J., thence over New Jersey Highway 4 to its junction with Hackensack Avenue, in Hackensack, N.J., (b) between Paramus, N.J., and Patterson, N.J.: from the junction of New Jersey Highway 4 and New Jersey Highway 17 in Paramus over New Jersey Highway 4 to the junction of New Jersey Highway 4 and Main Street in Paterson, N.J., and return over the same routes, serving all intermediate points, subject to the following restrictions: The service authorized herein is restricted against the transportation of passengers over the above-described routes between New York, N.Y., on the one hand, and, on the other, Ramapo, N.Y., and intermediate points between the above points, both in New Jersey and New York and further, that passengers transported between New York, N.Y., on the one hand, and, on the other, points en route between Ramapo, N.Y., and Newburgh, N.Y., both inclusive, shall only be transported on buses which are destined from New York, N.Y., and which operate through to Kingston, N.Y., or points north thereof, and on buses destined to New York, N.Y., and which operate through to New York, N.Y., from originating points at Kingston, N.Y., or points north thereof.

NOTE: Applicant intends to tack the proposed routes with its existing routes.

No. MC 2890 (Sub-No. 39), filed March 20, 1964. Applicant: AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between junction of U.S. Highway 30 and U.S. Highway 138, two (2) miles north of Big Springs, Nebr., and junction U.S. Highway 138 and Colorado Highway 113, nine (9) miles northeast of Sterling, Colo., over U.S. Highway 138, serving no intermediate points.

NOTE: Common control may be involved.

No. MC 126121, filed March 19, 1964. Applicant: ARTHUR C. SANTEE, 291 Euclid Avenue, Sharon, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, (1) between Cleveland, Ohio and Akron, Ohio: (a) from Cleveland over various streets to intersection Van Aken Blvd. (formerly Moreland Blvd.), Ohio Highway 8 and U.S. Highway 422, thence over Ohio Highway 8 through Northfield, Ohio and Boston Heights, Ohio to Akron, and return over the same route, serving all intermediate points, and (b) from Cleveland over various streets to intersection Van Aken Boulevard (formerly Moreland Boulevard), Ohio Highway 8 and U.S. Highway 422, thence over Warrensville Center Road to junction Ohio Highway 14 in Bedford, Ohio, thence over Ohio Highway 14 to junction Ohio Highway 91 in Twinsburg, Ohio, thence over Ohio Highway 91 through Hudson, Ohio, to junction Ohio Highway 5 in Stowe, Ohio, thence over Ohio Highway 5 through Cuyahoga Falls, Ohio to Akron, and return over the same route, serving all intermediate points; (2) between Kent, Ohio and Twinsburg, Ohio, from Kent over Ohio Highway 43 to junction Ohio Highway 14 in Streetsboro, Ohio, thence over Ohio Highway 14 to Twinsburg, and return over the same route, serving all intermediate points; and (3) between Cleveland, Ohio and Norwalk, Ohio, from Cleveland over U.S. Highway 20 through North Ridgeville, Ohio and Elyria, Ohio to junction Ohio Highway 10, thence over Ohio Highway 10 through Oberlin, Ohio and Kipton, Ohio to junction U.S. Highway 20 (approximately one-half (½) mile south of Kipton), thence over U.S. Highway 20 through Wakeman, Ohio to Norwalk, and return over the same route, serving all intermediate points.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3419; Filed, Apr. 7, 1964; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 3, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 46295, filed March 17, 1964. Applicant: RELIABLE DELIV-

ERY SERVICE, INC., 7701 East Rose-

DEPARTMENT OF LABOR

dates and the number of learners

operator, drill press operator, sander opera-

Act of 1938 (52 Stat. 1060, as amended,

ERY SERVICE, INC., 7701 East Rosecrans Boulevard, Paramount, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, with usual exceptions, between (1) all points and places in the Los Angeles Basin Territory, as described in Item No. 270 of Minimum Rate Tariff No. 2; (2) all points and places on and within five (5) miles laterally of the following highways: (a) U.S. Highway 101 between the southerly limits of the Los Angeles Basin Territory and Chula Vista, Calif., inclusive, (b) California Highway 78 between its junction with U.S. Highway 101 and Escondido, Calif., inclusive, (c) U.S. Highway 395 between Escondido and San Diego, Calif., inclusive, (d) U.S. Highway 80 between San Diego and El Cajon, Calif., inclusive, (e) U.S. Highways 66, 91 and 466 between San Bernardino and Yermo, Calif., inclusive, including the off-route point of Hesperia, Calif., (f) California Highway 18 and U.S. Highways 66, 91 and 466 between San Bernardino and Yermo, Calif., inclusive, (g) U.S. Highway 99 between the easterly limits of the Los Angeles Basin Territory and Indio, Calif., inclusive, (h) California Highway 111 between its intersection with U.S. Highway 99 near Whitewater, Calif. and Durmid, Calif., inclusive, (i) unnumbered highway between its intersection with U.S. Highway 99 near Whitewater, Calif. and Twenty-nine Palms, Calif., inclusive, including the off-route points of Desert Hot Springs and the U.S. Marine Corps Base near Twenty-nine Palms, Calif., (j) U.S. Highway 6 between the northerly limits of the Los Angeles Basin Territory and Lancaster, Calif., inclusive, also California Highway 138 between Palmdale and U.S. Highway 66, (k) U.S. Highway 101, 101 Alternate, 99 and California Highways 126 and 150 between the northerly limits of the Los Angeles Basin Territory and Santa Maria, Calif., inclusive, and the off-route points of Lompoc and Vandenburg Air Force Base, and (l) between U.S. Highway 6 at Lancaster, Calif., via unnumbered highways to Edwards Air Force Base, inclusive; and (3) U.S. Highway 395 between Escondido and the Los Angeles Basin Territory as a highway traversed but without service thereon.

HEARING: Date, time and place assigned for hearing this application, not known.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, San Francisco 2, Calif., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3421; Filed, Apr. 7, 1964; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Atwood, Inc., Troutman, N.C.; effective 3-23-64 to 3-22-65 (men's work and sport shirts).

Blue Gem Manufacturing Co., Box 4, Stoneville, N.C.; effective 3-26-64 to 3-25-65 (men's and boys' dungarees).

Cay Artley Apparel, Inc., 232 Levergood Street and 389 Maple Avenue, Johnstown, Pa.; effective 3-16-64 to 3-15-65 (women's dresses).

Chetopa Manufacturing Co., Chetopa, Kans.; effective 3-19-64 to 3-18-65 (men's work clothing).

Cookeville Shirt Co., 106 North Walnut Street, Cookeville, Tenn.; effective 3-24-64 to 3-23-65 (men's dress shirts).

Ely and Walker, Lafayette, Ga.; effective 3-20-64 to 3-19-65 (men's sport shirts).

Oshkosh B'Gosh, Inc., 112 Otter Avenue, Oshkosh, Wis.; effective 3-19-64 to 3-18-65 (men's, women's and children's work clothing).

Peerless Sportswear Manufacturing Co., R. 324 South Main Street, and Hazle and Hill Streets, Wilkes-Barre, Pa.; effective 3-18-64 to 3-17-65 (women's, boys' and girls' slacks and shorts).

Samuel Meltzer d/b/a The Liberty Co., Alexander Avenue, Bradford, Tenn.; effective 3-23-64 to 3-22-65 (men's and boys' pajamas).

Schaefferstown Garment Co., Inc., Schaefferstown, Pa.; effective 3-23-64 to 3-22-65 (boys' pajamas).

Star Sportswear Manufacturing Co., 278 Broad Street, Lynn, Mass.; effective 3-19-64 to 3-18-65 (men's, women's and boys' outerwear jackets).

Waynesboro Sportswear, Inc., 230-40 West North Street, Waynesboro, Pa.; effective 3-29-64 to 3-19-65 (men's trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Lance Garment Corp., Red Bay, Ala.; effective 3-17-64 to 3-16-65; 10 learners (boys' sport and dress shirts).

Romac, Inc., Tower City, Pa.; effective 3-23-64 to 3-22-65; 10 learners (ladies' house dresses).

Sharlan Co., Inc., P.O. Box 485, Fountain Inn, S.C.; effective 4-4-64 to 4-3-65; 10 learners (men's and boys' shirts).

Whiteville Garment Manufacturing Co., Plant No. 2, South Main Street, Whiteville, N.C.; effective 3-20-64 to 3-19-65; 10 learners (boys' dungarees).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Sierra Lingerie Co., 300 West 12th Street, Ogden, Utah; effective 3-19-64 to 3-18-65; 5 learners for normal labor turnover purposes (ladies' and children's panties and children's pajamas).

Union Underwear Co., Inc., Bowling Green, Ky.; effective 3-27-64 to 3-26-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Andrea Shoe Corp., Antonio Luchetti Street, P.O. Box 407, Villalba, P.R.; effective 3-2-64 to 8-25-64; 44 learners for plant expansion purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (tennis shoes).

Becton, Dickinson & Co., S.A. (P.R.), P.O. Box S, Juncos, P.R.; effective 3-13-64 to 3-12-65; 10 learners for normal labor turnover purposes, in the occupations of measure bore; cut tubing; mark open and cavity; cut single length; cut bulb tubing; draw bulb blank; cut bulb blank; set on seal bulb; degas; seal open bore; scale; form top chamber; prepare contract; contract; chart contract; prepare let out; let out; inspect scale and shaker; pull top chamber; first test tubes; shakedown and rack for point; run thru for point; point and unrack; chart and second machine test; grade; wax; scale; numbers; names and serials; blot and dip bulbs; etch and clean; paint and polish; inspect engraving; rack for certify; run thru for certify; certify; repair defective engraving; each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (thermometers).

Bereday Chair Co., Carretera Isla Verde, Km. 7.3, Carolina, P.R.; effective 2-17-64 to 8-16-64; 15 learners for plant expansion purposes, in the occupation of machine operator, upholsterer, frame maker, each for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours (office chairs).

Bratex Corp., Road No. 701, Km. 0.3, P.O. Box 747, Salinas, P.R.; effective 3-9-64 to 3-8-65; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator, for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres and corsets).

Caribbean Novelty Co., Inc., P.O. Box 203, Vieques, P.R.; effective 3-9-64 to 3-8-65; 5 learners for normal labor turnover purposes, in the occupation of bowtier, for a learning period of 160 hours at the rate of 70 cents an hour (ribbon bows used on ladies' and children's underwear).

Caribbean Novelty Co., Inc., P.O. Box 203, Vieques, P.R.; effective 3-9-64 to 9-8-64; 35 learners for plant expansion purposes, in the occupation of bowtier, for a learning period of 160 hours at the rate of 70 cents an hour (ribbon bows used on ladies' and children's underwear).

Caribe Precision Balls, Inc., P.O. Box 174, Roosevelt, P.R.; effective 3-2-64 to 3-1-65; 5 learners for normal labor turnover purposes, in the occupation of grinder and inspector, each for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (miniature precision balls).

Caribe Sports Co., Inc., P.O. Box 595, San German, P.R.; effective 2-27-64 to 2-26-65; 14 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator, hand lacer, each for a learning period of 320 hours at the rates of 61 cents an hour for the first 160 hours and 71 cents an hour for the remaining 160 hours; (2) die and clicker machine operator, leather stamper, eyeletter, shell lay-off, turning machine operator, final glove lay-off, leather regrader, final inspector, each for a learning period of 160 hours at the rate of 61 cents an hour (baseball and boxing gloves, golf head covers and bags).

Caribe Sports Co., Inc., P.O. Box 595, San German, P.R., effective 2-27-64 to 8-26-64; 50 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator, hand lacer, each for a learning period of 320 hours at the rates of 61 cents an hour for the first 160 hours and 71 cents an hour for the remaining 160 hours; (2) die and clicker machine operator, leather stamper, eyeletter, shell lay-off, turning machine operator, final glove lay-off, leather regrader, final inspector, each for a learning period of 160 hours at the rate of 61 cents an hour (baseball and boxing gloves, golf head covers and bags).

Contours, Inc., P.O. Box 163, Caguas, P.R.; effective 3-2-64 to 3-1-65; 5 learners for normal labor turnover purposes, in the occupations of: (1) cup cutter, cup sprayer, cup presser, each for a learning period of 240 hours at the rate of 88 cents an hour; (2) die and clicker machine operator, for a learning period of 160 hours at the rate of 88 cents an hour (bust pads).

Dentaply Puerto Rico, Inc., P.O. Box 1131, Caguas, P.R.; effective 3-27-64 to 8-26-64; 10 learners for plant expansion purposes, in the occupation of molder, driller, for a learning period of 240 hours at the rate of 94 cents an hour (artificial teeth).

Electrospace Corp. of P.R., P.O. Box 68, Naguabo, P.R., effective 3-13-64 to 6-30-64; 5 learners for normal labor turnover purposes, in the occupation of assemblers of electronic equipment, cable assembler, electronic wirer and solderer, inspector, each for a learning period of 480 hours at the rates of 98 cents an hour for the first 240 hours and $1.08 an hour for the remaining 240 hours (electronic signal equipment) (replacement certificate).

General Electric Wiring Devices, Inc., P.O. Box 274, Juana Diaz, P.R.; effective 3-9-64 to 3-8-65; 22 learners for normal labor turnover purposes, in the occupation of molder, assembler, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (electrical wiring devices).

Gibson Caribe, Inc., P.O. Box 197, Luquillo, P.R.; effective 3-2-64 to 3-1-65; 5 learners for normal labor turnover purposes, in the occupation of stokes press operator, punch press operator, lathe operator, powder mix operator, power press operator, rivet machine operator, drill press operator, sander operator, powder metal quality analyst, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (electrical contacts).

International Electronics Co. of P.R., Ltd., Road 195, Km. 2, Herrio Puerto Real, P.O. 82, Fajardo, P.R.; effective 3-13-64 to 4-10-64; 15 learners for plant expansion purposes, in the occupation of wire cutter and stripper, sub-assembler, assembler, solderer, inspector, each for a learning period of 480 hours at the rates of 98 cents an hour for the first 240 hours and $1.08 an hour for the remaining 240 hours (electronic light dimmers, motor controls, circuits and other electronic products) (replacement certificate).

Medical Sterile Products Inc., Bo. Ensenada, Km. .04 Road No. 413, P.O. Box 338, Rincon, P.R.; effective 3-13-64 to 5-24-64; 75 learners for plant expansion purposes, in the occupation of grinding, buffing, assembly, each for a learning period of 480 hours at the rates of 98 cents an hour for the first 240 hours and $1.08 an hour for the remaining 240 hours (sharpening of scalpel blades, assembly of hand and blade).

Milton Co., Inc., P.O. Box 605, Aibonito, P.R.; effective 3-2-64 to 3-1-65; 10 learners for normal labor turnover purposes, in the occupation of machine stitcher, layer-off, each for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' gloves).

Porto Mills, Inc., P.O. Box 745, Utuado, P.R.; effective 3-2-64 to 3-1-65; 20 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 71 cents an hour (T-shirts for men and boys).

Willida, Inc., Road No. 11, Km. 67.0 Pueblo Norte, Juana Diaz, P.R.; effective 3-2-64 to 3-1-65; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours (swimsuits).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 27th day of March 1964.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 64-3346; Filed, Apr. 6, 1964; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., 301 North Main Street, Abingdon, Ill.; effective 4-1-64 to 3-31-65 (men's cotton twill matched pants).

Huntington Manufacturing Co., Inc., 629 10th Street, Huntington, W. Va.; effective 3-24-64 to 3-23-65 (women's dresses).

The H. D. Lee Co., Inc., Lebanon, Mo.; effective 3-14-64 to 3-13-65 (men's and boys' leisure pants and work pants).

Lillington Garment Co., Inc., Lillington, N.C.; effective 3-13-64 to 3-12-65 (men's sport and utility shirts).

Morganstern Pants Co., 404 Willis Street, Fredericksburg, Va.; effective 3-11-64 to 3-10-65 (men's trousers).

Reidbord Brothers Co., Livingston Street, Elkins, W. Va.; effective 3-21-64 to 3-20-65 (men's trousers and work shirts).

Salant and Salant, Inc., Troy Road, Obion, Tenn.; effective 3-28-64 to 3-27-65 (men's and boys' sport shirts).

Shane Manufacturing Co., Men's Work Clothing Division, 2015 W. Maryland Street, Evansville, Ind.; effective 4-1-64 to 3-31-65 (men's denim overalls, dungarees and work jackets).

Levi Strauss and Co., 501 Travis Street, Wichita Falls, Tex.; effective 3-11-64 to 3-10-65 (men's and boys' cotton denim pants).

Williamson-Dickie Manufacturing Co., Uvalde, Tex.; effective 3-12-64 to 3-11-65 (men's work shirts).

The following learner certificate was issued for normal labor turnover purposes. The effective and expiration date and the number of learners authorized are indicated.

Woolrich Woolen Mills, Woolrich, Pa.; effective 3-12-64 to 3-11-65; 10 learners. Learners may not be employed at special minimum wages in the production of sportswear coats of suit-type construction (men's work pants and work coats.)

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., 1005 4th Street, Sioux City, Iowa; effective 3-21-64 to 9-20-64; 15 learners (ladies' and girls' denim jeans).

Flintrock Shirt Co., Inc., Marshall, Ark.; effective 3-9-64 to 9-8-64; 200 learners (men's sport shirts).

Garan, Inc., Sardis, Tenn.; effective 3-16-64 to 3-15-65; 10 learners (men's and boys' knit shirts).

Hanes Hosiery, Inc., Rural Hall, N.C

Garan, Inc., Sardis, Tenn.; effective 3-16-64 to 9-15-64; 35 learners (men's and boys' sport shirts).

Monroe Manufacturing Co., Gamaliel, Ky.; effective 3-16-64 to 9-15-64; 75 learners (men's pants).

Salant and Salant, Inc., Trumann, Ark.; effective 3-15-64 to 9-9-64; 50 learners (children's pants and shirts) (replacement certificate).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

La Primadora Cigar Corp., East Avenue at Turner Street, Clearwater, Fla.; effective 3-11-64 to 3-10-65; 10 percent of the total number of factory production workers for normal labor turnover purposes (machine made cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Brookville Glove Manufacturing Co., 5-15 Western Avenue, Brookville, Pa.; effective 3-10-64 to 3-9-65; 10 learners for normal labor turnover purposes (work gloves).

Morris Manufacturing Co., Newbern, Tenn.; effective 3-13-64 to 3-12-65; 10 learners for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Penn-Mor Manufacturing Corp., 1501 Rural Road, Tempe, Ariz.; effective 3-16-64 to 9-15-64; 60 learners for plant expansion purposes (knitted underwear for infants, men and women).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Grant City Manufacturing Co., c/o Pattonsburg Manufacturing Co., Pattonsburg, Mo.; effective 3-16-64 to 9-15-64; 25 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 240 hours at the rate of not less than $1.15 an hour (caps).

Grant City Manufacturing Co., c/o Stanberry Manufacturing Co., Stanberry, Mo.; effective 3-16-64 to 9-15-64; 25 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 240 hours at the rate of not less than $1.15 an hour (caps).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Bereday Chair Co., Carretera Isla Verde, Km. 7.3, Carolina, P.R.; effective 2-17-64 to 8-16-64; 15 learners for plant expansion purposes; in the occupation of sewing machine operator, upholsterer, frame maker, each for a learning period of 480 hours at the rates of 66¢ an hour for the first 240 hours and 77¢ an hour for the remaining 240 hours (wooden office chairs).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 20th day of March 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-3398; Filed, Apr. 7, 1964; 8:46 a.m.]

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A cumulative checklist of CFR issuances for 1964 appears in the first issue of each month under Title 1.

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Rules and Regulations

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

CORRECTION OF CFR SUPPLEMENT AS OF JANUARY 1, 1964

Revised Part 343a and § 343b.11(b) of Part 343b were inadvertently omitted from the Title 8 Supplement as of January 1, 1964 following page 98. The omitted material reads as follows:

Part 343a—Naturalization and Citizenship Papers Lost, Mutilated, or Destroyed; New Certificate in Changed Name; Certified Copy of Repatriation Proceedings [Revised]

§ 343a.1 Application for replacement of or for new naturalization or citizenship paper.

(a) *Lost, mutilated, or destroyed naturalization papers.* A person whose declaration of intention, certificate of naturalization, citizenship, or repatriation, or whose certified copy of proceedings under the act of June 25, 1936, as amended, or under section 317(b) of the Nationality Act of 1940, or under section 324(c) of the Immigration and Nationality Act, or under the provisions of any private law, has been lost, mutilated, or destroyed, shall apply on Form N–565 for a new paper in lieu thereof.

(b) *New certificate in changed name.* A naturalized citizen whose name has been changed after naturalization by order of court or by marriage shall apply on Form N–565 for a new certificate of naturalization, or of citizenship, in the changed name.

(c) *Disposition.* If an application for a new certificate of naturalization, citizenship, or repatriation is approved, the new certificate shall be issued and delivered in person upon the applicant's signed receipt therefor. When an application for a new declaration of intention is approved, the new declaration of intention shall be issued and the original delivered to the applicant upon his signed receipt therefor. If an application for a new certified copy of the proceedings under the act of June 25, 1936, as amended, or under section 317(b) of the Nationality Act of 1940, or under section 324(c) of the Immigration and Nationality Act, or under the provisions of any private law is approved, there shall be issued a certified positive photocopy of the record of the proceedings filed with the Service. When subsequent to the naturalization or repatriation the applicant's name has been changed by marriage, the certification of the positive photocopy shall show both the name in which the proceedings were had and the changed name. The new certified copy shall be personally delivered to the applicant, upon his signed receipt therefor. If the application is denied, the applicant shall be notified of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies secs. 324, 332, 343, 344, 405, 66 Stat. 246, 247, 252, 263, 264, 265, 280; 8 U.S.C. 1435, 1443, 1454, 1455, 1101 note) [23 F.R. 9125, Nov. 26, 1958]

NOTE: In the revision of Part 343a, former §§ 343a.1 and 343a.11 were superseded by § 343a.1. For amendments prior to this revision see the List of Sections Affected at the end of this Pocket Supplement.

Part 343b—Special Certificate of Naturalization for Recognition by Foreign State

Sec.
343b.11 Disposition of application. [Amended]

§ 343b.11 Disposition of application.

* * * * *

(b) *Application denied.* If the application is denied, the applicant shall be notified of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

[Paragraph (b) amended, 23 F.R. 9126, Nov. 26, 1958]

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PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

Use of Citric Acid or Sodium Citrate

On February 1, 1964, there was published in the FEDERAL REGISTER (29 F.R. 1657) a notice with respect to a proposal to amend paragraph (s), § 18.7, Part 18, Subchapter A, Chapter I, Title 9, Code of Federal Regulations. On February 19, 1964, there was published in the FEDERAL REGISTER (29 F.R. 2560) a correction of the text of the proposed amendment.

After due consideration of all relevant material submitted in connection with such notice, and pursuant to the provisions of the Meat Inspection Act, as amended (21 U.S.C. 71 et seq.), and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), paragraph (s) of § 18.7 is hereby amended to read as follows:

§ 18.7 Use in preparation of meat food products of chemicals, antioxidants, coloring matter, flavoring, water, ice, cereal, vegetable starch, nonfat dry milk, etc.

* * * * * *

(s) Ascorbic acid, erythorbic acid, sodium ascorbate, sodium erythorbate or a combination of one of these with citric acid or sodium citrate in which the citric acid or sodium citrate does not exceed 50 percent of the mixture may be used in the preparation of cured pork and beef products and cured comminuted meat food products as follows:

(1) Pickle used for pumping, curing or packing pork or beef products shall not contain more than 75 ounces of ascorbic acid or erythorbic acid or a mixture of one of these with citric acid or sodium citrate, or 87.5 ounces of sodium ascorbate or sodium erythorbate or a mixture of one of these with citric acid or sodium citrate, to each 100 gallons of pickle.

(2) With appropriate declaration as required under Parts 16 and 17 of this subchapter, ascorbic acid, erythorbic acid, sodium ascorbate or sodium erythorbate or a combination of one of these with citric acid or sodium citrate may be used in the preparation of cooked, cured, comminuted meat food products in an amount not to exceed ¾ ounce of ascorbic acid or erythorbic acid or a mixture of one of these with citric acid or sodium citrate, or ⅞ ounce of sodium ascorbate or sodium erythorbate or a mixture of one of these with citric acid or sodium citrate, for each 100 pounds of fresh meat or meat by-product. A solution containing not more than 10 percent ascorbic acid, erythorbic acid, sodium ascorbate or sodium erythorbate in water or brine may be applied to the outer surface of sliced and unsliced cured pork and beef product and cured comminuted meat food products prior to packaging. The use of such solutions shall not result in the addition of a significant amount of moisture to the product.

* * * * * *

(34 Stat. 1260–1265, as amended, sec. 306, 46 Stat. 689, as amended; 19 U.S.C. 1306, 21 U.S.C. 71–91; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment permits the use of limited amounts of citric acid or sodium citrate in the preparation of meat food products. The amendment relieves restrictions presently imposed and should be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the amendment may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of April 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64–3495; Filed, Apr. 8, 1964; 8:48 a.m.]

SUBCHAPTER C—INTERSTATE TRANSPORTATION

along U.S. Highway No. 54 to its intersection with the Missouri River; thence, running in a southerly

This amendment shall become effective

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Designation of Free, Infected and Eradication Areas

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Washington, Wisconsin, and Wyoming;

(2) The following counties in Illinois: Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) All counties in Kansas except Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) All counties in Minnesota except Lincoln and Rock;

(5) The following counties in Missouri: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) All counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance county line at the town of Corona, New Mexico, and thence, running in a westerly direction along the Lincoln-Torrance county line and the Socorro-Torrance county line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, N. Mex.; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves county line; thence, running northward along the Lincoln-Chaves county line and the Lincoln-DeBaca county line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe county line to its intersection with the Lincoln-Torrance county line; thence, running southerly along the Lincoln-Torrance county line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance county line to the point of beginning at the town of Corona, N. Mex.;

(8) All counties in Pennsylvania except Chester;

(9) All counties in Virginia except Augusta and Highland.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas;

(1) Iowa, Kentucky, Ohio, Tennessee, and West Virginia;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following counties in Minnesota: Lincoln and Rock;

(5) All counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance county line at the town of Corona, N. Mex.; and thence, running in a westerly direction along the Lincoln-Torrance county line and the Socorro-Torrance county line to New Mexico State Highway No. 10;

(8) The following county in Pennsylvania: Chester;

(9) The following counties in Virginia: Augusta and Highland.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the county of Chester in the State of Pennsylvania to the list of infected and eradication areas and deletes such county from the list of free areas as sheep scabies is known to exist therein. After the effective date of this amendment, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such county.

The amendment imposes certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of April 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-3496; Filed, Apr. 8, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-EA-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On January 17, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 433) stating that the Federal Aviation Agency proposed to revoke VOR Federal airway No. 12 south alternate segment from Pittsburgh, Pa., to Johnstown, Pa.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reason stated in the notice, the following action is taken:

Section 71.123 (29 F.R. 557, 1009, 2336, 3226) is amended as follows: In V–12 ", including an S alternate via INT of Pittsburgh 120° and Johnstown 250° radials" is deleted.

This amendment shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 2, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3453; Filed, Apr. 8, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-86]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On January 17, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 435) stating that the Federal Aviation Agency (FAA) proposed to revoke VOR Federal airway No. 81 west alternate segment from Dalhart, Tex., via Clayton, N. Mex., to Tobe, Colo.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

The substance of the proposed amendment having been published and for the reason stated in the notice, the following action is taken:

Section 71.123 (29 F.R. 1009, 3226) is amended as follows: In V–8 ", including a W alternate from Dalhart to Tobe via Clayton, N. Mex." is deleted.

This amendment shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 2, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3455; Filed, Apr. 8, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-724]

PART 13—PROHIBITED TRADE PRACTICES

Maryland Aluminum Sales Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–10 Bait; 13.155–100 Usual as reduced, special, etc.; § 13.240 *Special or limited offers.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1747 *Special or limited offers;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Maryland Aluminum Sales Company et al., Baltimore, Md., Docket C-724, Mar. 16, 1964]

In the Matter of The Maryland Aluminum Sales Company, a Corporation, and Milton Rabovsky, and Jerome Rabovsky, Individually and as Officers of Said Corporation

Consent order requiring Baltimore sellers to the public of home improvement materials, including storm-screen windows and doors, to cease—in statements by themselves and their salesmen and by newspaper advertising and other media—making "bait" offers to obtain leads to interested prospects, and representing falsely that aluminum windows and doors were on sale at a special reduced price for a limited time only.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, The Maryland Aluminum Sales Company, a corporation, and its officers, and Milton Rabovsky and Jerome Rabovsky, individually and as officers of said corporation and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of storm-screen windows and doors, or any other merchandise, or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise or services.

2. Discouraging the purchase of, or disparaging, any merchandise or services which are advertised or offered for sale.

3. Representing, directly or indirectly, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell said merchandise or services.

4. Representing, directly or by implication, that:

(a) Merchandise is sold at a special or reduced price when the price quoted is the regular price at which such merchandise is sold.

(b) Merchandise is being offered for a limited time when such offer is not limited as to time.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-3456; Filed, Apr. 8, 1964; 8:45 a.m.]

[Docket No. C-723]

facturers or Mill Owners" in type no

sale of magazine subscriptions to the

manner and form in which they have

der section 15A(b)(3) or section 15A(b)

[Docket No. C-723]

PART 13—PROHIBITED TRADE PRACTICES

Seaberg Mills, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–30 Flammable Fabrics Act; 13.1053–80 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108–80 *Textile Fiber Products Identification Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590–70 Textile Fiber Products Identification Act.[1] Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act. Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 67 Stat. 111, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70, 1191) [Cease and desist order, Seaberg Mills, Inc., et al., New York, N.Y., Docket C-723, Mar. 16, 1964]

In the Matter of Seaberg Mills, Inc., a Corporation, and George Greenberg and Norman Segal, Individually and as Officers of Said Corporation

Consent order requiring converter-jobbers of textile fabrics in New York City who bought from others the finished textile products they sold, to cease using the word "Mills" as part of their corporate name; to cease violating the Textile Fiber Products Identification Act by such practices as invoicing as "85% Celeperm and 15% Nylon", textile fiber products which contained substantially different amounts of acetate and nylon than so represented, failing to label and invoice fabrics with the required information, including the generic names and percentage by weight of constituent fibers, and furnishing false guarantees that fabrics were not misbranded; and to cease violating the Flammable Fabrics Act by representing falsely that they had on file with the Commission a continuing guaranty that certain fabrics were not so highly flammable as to be dangerous when worn.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Seaberg Mills, Inc., a corporation, and its officers, and George Greenberg and Norman Segal, individually and as officers of said corporation, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of textile fabrics in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from the use of the name "Seaberg Mills, Inc." unless and until there be used, the following language of qualification in the manner set out below:

1. As to letterheads, invoices, and labels: "Converters, Jobbers, and Distributors of Fabrics—Not Textile Manufacturers or Mill Owners" in type no smaller than ¾ the size of the type used in the trade name, and immediately under the trade name.

2. In all other printed matter, either the foregoing or in lieu thereof, preceded by an asterisk (*) or equivalent, the same qualification, at the foot of each sheet of printed matter upon which the trade name appears, said trade name being followed by an asterisk (*) or equivalent each time it appears in said printed matter, and said qualification being printed in type no smaller than ¾ the size of the type used in the trade name.

It is further ordered, That respondents Seaberg Mills, Inc., a corporation, and their officers, George Greenberg and Norman Segal, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to affix labels to such textile fiber products setting forth the generic names and percentages by weight of the constituent fibers present in the textile fiber product, exclusive of permissive ornamentation, in amounts of more than five percentum, in order of predominance by weight.

B. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Seaberg Mills, Inc., a corporation, and its officers, George Greenberg and Norman Segan, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the sale or offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported in commerce, or the transporting or causing to be transported for the purpose of sale or delivery after sale in commerce, of fabric, as "fabric" is defined in the Flammable Fabrics Act do forthwith cease and desist from furnishing to any person a guaranty with respect to any fabric which respondents, or any of them, have reason to believe may be introduced, sold or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in section 4 of the Flammable Fabrics Act, as amended, and the rules and regulations thereunder, show that the fabric, covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals, provided, however, that this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the fabric was manufactured or from whom it was received.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3457; Filed, Apr. 8, 1964; 8:45 a.m.]

[Docket No. C-725]

PART 13—PROHIBITED TRADE PRACTICES

Union Circulation Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–10 Authorized distributor; 13.15–225 Personnel or staff; § 13.185 *Refunds, repairs, and replacements.* Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § 13.1513 *Operations generally;* § 13.1520 *Personnel or staff;* Misrepresenting oneself and goods—Goods: § 13.1725 *Refunds.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Union Circulation Company et al., Atlanta, Ga., Docket C-725, Mar. 20, 1964]

In the Matter of Union Circulation Company, a Corporation and Charles E. Reinhardt, Elmer Loftin, Harry C. Jolly, R. L. Reinhardt, William Brady, Laura C. (Mrs. Louis W.) Spirite, and Lester T. Gay, Individually and as Officers of Said Corporation, and Lovel L. Masters, Individually and as Sales Manager of Said Corporation

Consent order requiring publishers' agents in Atlanta, Ga., engaged in the sale of magazine subscriptions to the public by door-to-door solicitors whom they provided with order and receipt forms and identification cards bearing their name—thus holding out such salesmen as their authorized agents—to cease representing falsely, through statements of the salesmen and in said printed matter, that the salesmen were selected young people working for cash awards and competing for college scholarships, that they were authorized to take subscriptions for numerous magazines which they had no authority to sell, and that refunds were not available for subscriptions to magazines not on their authorized list but that subscribers must accept substitutes.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Union Circulation Company, a corporation, and its officers, and Charles E. Reinhardt, Elmer Loftin, Harry C. Jolly, R. L. Reinhardt, William Brady, Laura C. (Mrs. Louis W.) Spirite, and Lester T. Gay, individually and as officers of said corporation, and Lovel L. Masters, individually and as Sales Manager of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of magazine subscriptions, periodicals, books or other publications in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that they are authorized to solicit or accept subscriptions to, or to sell any of, the aforesaid products other than those for which they are actually authorized to solicit or sell.

2. Accepting or taking subscriptions to, or selling any of, the aforesaid products other than those for which they are actually authorized to solicit or sell.

3. Representing, directly or by implication, that respondents' solicitors or agents are carefully selected from a group of young people to work for individual cash awards.

4. Representing, directly or by implication, that respondents' solicitors or agents are competing for scholarship awards.

5. Representing, directly or by implication, that refunds are not available to purchasers of the aforesaid subscriptions for articles which respondents had no authorization to sell.

6. Seeking, in any manner, to induce purchasers of any of the aforesaid subscriptions or articles which respondents had no authority to sell to accept in lieu thereof any other subscriptions or articles.

7. Furnishing, or otherwise placing in the hands of others, the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 20, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3458; Filed, Apr. 8, 1964; 8:45 a.m.]

[1] New.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4682]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Change in Delegation

The Securities and Exchange Commission has amended 17 CFR 200.30–3(b)(4) (Article 30–3(b)(4) of Subpart A of its Statement of Organization, Conduct and Ethics, and Information Practices) to provide for delegation by the Commission to the Director of the Division of Trading and Markets of authority to approve applications of broker-dealers for admission to, or continuance of, membership in national securities associations where bars to such membership otherwise exist under pertinent sections of the Securities Exchange Act of 1934.

The Commission had previously delegated to the Director of the Division of Trading and Markets the authority to approve membership applications where bars existed under section 15A(b)(4) of the Securities Exchange Act of 1934. That section requires that rules of registered securities associations prohibit membership to a broker-dealer if the broker-dealer or any associated person has been suspended or expelled from a securities association for acts inconsistent with just and equitable principles of trade, has had his registration denied or revoked by the Commission, has been suspended or expelled by the Commission from a securities association or exchange, or has been found to be a cause of the imposition of any of the foregoing sanctions. Section 15A(b)(4) of the Act also allows for membership under any of these circumstances where the Commission approves as appropriate in the public interest.

The Commission had determined to extend the Director's authority to approve membership applications to situations where bars to membership exist under section 15A(b)(3) of the Securities Exchange Act. That section permits registered securities associations to restrict membership by rule on such basis as appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors and to carry out the purpose of the section.

17 CFR 240.15ab–1 (Rule 15ab–1 of the Commission's rules pursuant to the Securities Exchange Act) provides for applications by broker-dealers for relief from any disqualifications that may exist under section 15A(b)(3) or section 15A(b)(4) of the Act.

The text of the Commission's action is as follows:

Section 200.30–3 of Title 17 of the Code of Federal Regulations is amended by striking the words "under section 15A(b)(4) of the Act, 15 U.S.C. 78o–3(b)(4)," from paragraph (b)(4).

As amended, § 200.30–3(b)(4) reads:

§ 200.30–3 Delegation of authority to Director of Division of Trading and Markets.

* * * * * *

(b) With respect to the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.:

* * * * * *

(4) Pursuant to Rule 15ab–1, § 240.15ab–1 of this chapter to approve applications for admission to, or continuance of, membership in national securities associations of brokers or dealers who would otherwise be disqualified from membership where such associations have recommended approval of the applications.

* * * * * *

The Commission finds that the foregoing amendment involves matters of agency organization or procedure and that notice and subsequent procedure pursuant to subsections 4 (a) and (b) of the Administrative Procedure Act are not required. The Commission also finds that the provisions of subsection 4(c) of the Administrative Procedure Act regarding postponement of the effective date are inapplicable inasmuch as this is not a substantive rule.

Accordingly, the foregoing action, which was taken pursuant to Public Law No. 87–592, 76 Stat. 394, becomes effective April 1, 1964.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

APRIL 1, 1964.

[F.R. Doc. 64-3459; Filed, Apr. 8, 1964; 8:45 a.m.]

[Release 33-4683, etc.]

PART 201—RULES OF PRACTICE

Service on Attorneys

The Securities and Exchange Commission has adopted a new rule of practice to provide that notices and other communications required to be given to participants in proceedings before the Commission shall also be furnished to attorneys who have filed appearances in such proceedings.

Rule 2(d) of the rules of practice (17 CFR 201.2(d)) provides for the filing of written notice of appearance by an attorney who appears before the Commission or a hearing officer in a representative capacity in a proceeding which involves a hearing or opportunity for hearing. Although, as a matter of practice, the Commission generally notifies both the participant and his attorney of any action taken in particular cases, the Commission's rules of practice have not required such notification to both the participant and his attorney in every instance. The new rule implements Recommendation No. 26 of the Adminis-

trative Conference of the United States[1] and requires the furnishing of notice or

where contract award can appropriately

trative Conference of the United States[1] and requires the furnishing of notice or other written communications to an attorney who has filed an appearance in a Commission proceeding at all stages of the proceeding, regardless of whether the notice or communication has been furnished directly to his client. The rule applies only to proceedings which involve a hearing or opportunity for hearing.

The action of the Commission follows:

Section 201.2 of Title 17 of the Code of Federal Regulations is amended by adding a new paragraph (h) thereof to read as follows:

§ 201.2 Appearance and practice before the Commission.

* * * * *

(h) *Service on attorneys.* In any proceeding where an attorney has filed an appearance pursuant to paragraph (d) of this section, any notice or other written communication required to be served upon or furnished to the client should also be served upon or furnished to the attorney (or one of such attorneys if the client is represented by more than one attorney) in the same manner as prescribed for his client, regardless of whether such communication is furnished directly to the client.

The Commission finds that the foregoing rule change involves a matter of practice or procedure and that notice and subsequent procedure pursuant to section 4 of the Administrative Procedure Act are not required. Also, the Commission finds that the provisions of section 4(c) of the Administrative Procedure Act regarding the postponement of the effective date are inapplicable inasmuch as this is not a substantive rule.

Accordingly, the foregoing action is taken pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940 and the Investment Advisers Act of 1940, and shall become effective April 15, 1964.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 1, 1964.

[F.R. Doc. 64-3460; Filed, Apr. 8, 1964; 8:45 a.m.]

[1] See Selected Reports of the Administrative Conference of the United States, Senate Doc. No. 24, 88th Cong., 1st Sess. (1963).

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56142]

PART 6—AIR COMMERCE REGULATIONS

Change of Name of International Airport

The official name of the International Falls Municipal Airport, International Falls, Minnesota, which is designated an international airport (airport of entry), has been changed by the International Falls-Koochiching County Airport Commission, Koochiching County, to "Falls International Airport", effective February 22, 1962.

Section 6.13 of the Customs Regulations is amended by substituting the name "Falls International Airport" for the name "International Falls Municipal Airport" opposite International Falls, Minnesota.

(R.S. 161, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 49 U.S.C. 1509)

[SEAL] PHILIP NICHOLS, JR., *Commissioner of Customs.*

Approved: April 2, 1964.

JAMES P. HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 64-3492; Filed, Apr. 8, 1964; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

HYDROXYETHYL CELLULOSE FILM

The Commissioner of Food and Drugs has received an objection to and a recommendation for the amendment of § 121.2567 *Hydroxyethyl cellulose film*, published in the FEDERAL REGISTER of February 6, 1963 (28 F.R. 1140, 1508). The basis of the objection to the order cited is the lack of an identity characteristic qualifying the regulated film as being water-insoluble.

The Commissioner has concluded that the objection is valid, and therefore, with a view to clarifying the food additive regulation involved, and pursuant to the authority contained in section 409 of the Federal Food, Drug, and Cosmetic Act (72 Stat. 1785; 21 U.S.C. 348a) delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), and pursuant to § 121.74 of the food additive regulations, § 121.2567 is amended as follows:

1. The section title is changed to read:

§ 121.2567 Water-insoluble hydroxyethyl cellulose film.

2. The introduction to the section, and paragraphs (a), (b) (2), (3), and (4) ("Limitations" column in table), and (c) are amended by inserting therein the words "water-insoluble" preceding the words "hydroxyethyl cellulose film."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1785; 21 U.S.C. 348a)

Dated: April 3, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-3477; Filed, Apr. 8, 1964; 8:47 a.m.]

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 74]

PART 305—OPIATES

Two Substances Classified as Opiates

Correction

In F.R. Doc. 64-3354 appearing in the issue for Tuesday, April 7, 1964, at page 4880, the second listing under the center heading April 7, 1964 of § 305.2(b) should read as follows:

(Fentanyl) 1-phenethyl-4-N-propionylanilinopiperidine.

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency

PART 2-16—PROCUREMENT FORMS

Subpart 2-16.2—Forms for Negotiated Supply Contracts

Subpart 2-16.2 is amended to read as follows:

SEC.

2-16.200	Scope of subpart.
2-16.250	Negotiated contract (cover sheet).
2-16.260	Cost and Price Analysis Form for negotiated procurements.
2-16.260-1	FAA Form 3515 (Cost and Price Analysis).
2-16.260-2	FAA Form 3515-1 (Cost and Price Analysis—Research and Development Contracts).

AUTHORITY: The provisions of this Subpart 2-16 issued under secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

§ 2-16.200 Scope of subpart.

This subpart covers instructions concerning the forms to be used in procuring supplies and/or services by negotiation.

§ 2-16.250 Negotiated contract (cover sheet).

FAA Form 2965-1 (single sheet) or FAA Form 2965-1A (8 part set) shall be used as the contract cover and signature sheet for all Agency negotiated contracts for supplies and/or services. However, where contract award can appropriately be made solely on the basis of an offer and acceptance without further negotiation, use of the modified Standard Form 33 is authorized. The intent of FAA Form 2965-1 is to have the signature of both parties on one document and attached thereto the terms as finally negotiated. This Form shall not be used for concession or lease agreements.

§ 2-16.260 Cost and Price Analysis Forms for Negotiated Procurements.

FAA Forms 3515 and 3515-1 are designed for submission of cost data by prospective contractors on all negotiated procurements. Contractor reproduction of these forms is authorized.

§ 2-16.260-1 FAA Form 3515 (Cost and Price Analysis).

FAA Form 3515 (Cost and Price Analysis) shall be used whenever cost data is required in response to "Requests for Proposals" for the procurement of supplies and/or services other than research and development services. Departures from the FAA Form 3515 format are authorized:

(a) when the contractor can submit the necessary data in a format considered acceptable by the contracting officer and

(b) when the contractor *demonstrates* that his accounting system makes the use of this format impracticable.

§ 2-16.260-2 FAA Form 3515-1 (Cost and Price Analysis—Research and Development Contracts).

FAA Form 3515-1 (Cost and Price Analysis—Research and Development Contracts) shall be used whenever cost data is required in response to "Requests for Proposals" for the procurement of research, development, and design, services and feasibility studies. Departures from FAA Form 3515-1 format are authorized in accordance with § 2-16.260-1 (a) and (b).

Effective date. These regulations are effective May 1, 1964.

Dated: March 25, 1964.

J. E. PERNICE, *Chief, Procurement Division, Installation and Materiel Service.*

[F.R. Doc. 64-3473; Filed, Apr. 8, 1964; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—MINERALS MANAGEMENT

[Circular 2136]

PART 3100—PUBLIC DOMAIN LEASING UNDER 1920 ACT

PART 3120—OIL AND GAS

PART 3210—ACQUIRED LANDS LEASING ACT

Miscellaneous Amendments

On pages 9993 and 9994 of the FEDERAL REGISTER of October 11, 1962, there was published proposed amendments of 43 CFR, Parts 191 and 192. The purpose of the amendments was to clarify the regulations with respect to the evidence required of corporations filing applications for oil and gas leases and to require the submission of showings of qualifications of stockholders owning over 10 percent of the stock of the corporation; to permit certain offerors, including associations (partnerships) and attorneys-in-fact or agents to refer to previously filed evidence of qualifications or authority to act when filing subsequent oil and gas lease offers; to clarify the regulations pertaining to oil and gas royalty interest assignments; and to provide for the leasing of fractional oil and gas interests in public lands.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with regard to the proposed amendments. After consideration of all the comments and suggestions received during that period the proposed amendment of § 192.42(f) insofar as it relates to alien ownership of stock in corporations holding oil and gas leases, has been withdrawn.

In addition, § 192.141(b) has been amended to clarify its meaning and to permit an attorney-in-fact or agent signing an assignment of an oil and gas lease or an application for approval of an assignment to refer to a record where evidence of his authority to sign has previously been filed. Section 200.7 (d) has been amended to make its requirements uniform with those in § 192.-162(b). Since the amendments of these sections do not impose any additional requirements it is not considered necessary that they be published as proposed rule making.

The amendments are hereby adopted as set forth below and shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

The amendment has been converted to the new 43 CFR format as set forth in 29 F.R. 4302, March 31, 1964.

1. Section 3101.2 is amended to read as follows:

§ 3101.2 Rights of aliens.

Aliens may not acquire or hold any direct or indirect interest in permits or leases, except that they may own or control stock in corporations holding permits or leases if the laws of their country do not deny similar or like privileges to citizens of the United States. If any appreciable percentage of the stock of a corporation is held by aliens who are citizens of a country denying similar or like privileges to United States citizens, its application will be denied.

2. New paragraphs (c) and (d) are added to § 3122.1 as follows:

§ 3122.1 Classes and term.

* * * * *

(c) Competitive and noncompetitive oil and gas leases for lands in which the United States owns an undivided fractional oil and gas interest may be issued pursuant to the regulations in this part, subject to the provisions of this section.

(d) Rentals, minimum royalties and royalties payable for lands in which the United States owns an undivided fractional interest shall be in the same proportion to the rentals, minimum royalties and royalties provided in §§ 3125.1, 3125.2 and 3125.3, respectively, of this part, as the undivided fractional interest of the United States in the oil and gas underlying the leased lands is to the full mineral interest.

3. In § 3123.2 paragraphs (c) (1) and (g) are amended and paragraphs (e) (1) and (h) are added to read as follows:

§ 3123.2 What should accompany offer.

* * * * *

(c) (1) Except in a case where an officer of a corporation signs an offer on behalf of the corporation (as to which see paragraph (g) of this section), evidence of the authority of the attorney-in-fact or agent to sign the offer and lease, if the offer is signed by such attorney or agent on behalf of the offeror. Where such evidence has previously been filed in the same land office where the offer is filed, a reference to the serial number of the record in which it has been filed, together with a statement by the attorney-in-fact or agent that such authority is still in effect will be accepted.

* * * * *

(e) * * *

(1) Where evidence of the authority to act of a guardian, trustee, an executor or administrator, or where articles of association, including partnership agreements, have previously been filed pursuant to regulations in this section, a reference by serial number to the record in which such evidence has previously been filed, together with a statement as to any amendments thereof will be accepted.

* * * * *

(g) If the offeror is a corporation, the offer must be accompanied by a statement showing (1) the State in which it is incorporated, (2) that it is authorized to hold oil and gas leases and that the officer executing the lease is authorized to act on behalf of the corporation in such matters, (3) the percentage of voting stock and of all the stock owned by aliens or those having addresses outside of the United States, and (4) the names and addresses of the stockholders holding more than 10 percent of the stock of the corporation. Where the stock owned by aliens is over 10 percent, additional information may be required by the Bureau before the lease is issued or production is obtained. A separate statement from each stockholder owning or controlling more than 10 percent of the stock of the corporation setting forth his citizenship and holdings must also be furnished. Where such material has previously been filed a reference by serial number to the record in which it has been filed, together with a statement as to any amendments will be accepted.

(h) An offer for a fractional interest noncompetitive oil and gas lease must be filed on a form approved by the Director in accordance with § 3123.1. The offer must be accompanied by a state-

ment showing the extent of the offeror's ownership of the operating rights to

§ 3212.3 Leases of future or fractional

prising 32 acres or 0.3 percent of the

(2) The use of boats, with or without

ment showing the extent of the offeror's ownership of the operating rights to the fractional mineral interest not owned by the United States in each tract covered by the offer to lease. Ordinarily, the issuance of a noncompetitive fractional interest oil and gas lease to one who, upon such issuance, would own less than 50 percent of the operating rights in any such tract, will not be regarded as in the public interest, and an offer leading to such result will be rejected.

4. Subparagraph (a)(1) and paragraph (b) of § 3128.2 are amended to read as follows:

§ 3128.2 Requirements for filing of transfers.

(a)(1) Except for assignments of royalty interests all instruments of transfer of a lease or of an interest therein, including assignments of working interests, operating agreements, and subleases, must be filed for approval within 90 days from the date of final execution and, except for record title assignments, must contain all of the terms and conditions agreed upon by the parties thereto, together with similar evidence and statements as that required of an offeror under § 3123.2.

* * * * *

(b) Where an attorney-in-fact or agent, in behalf of the assignor or assignee, signs the instrument of transfer or the application for approval, evidence of the authority of the attorney-in-fact or agent to sign such assignment or application must be furnished. Where such evidence has previously been filed in the same land office where the assignment is filed, a reference to the serial number of the record in which it has been filed will be accepted. In those cases where the application for approval of an assignment is signed by an attorney-in-fact or agent there must also be submitted similar statements and evidence from the principal and the agent or attorney-in-fact to that required by § 3123.2.

5. Section 3128.6 is amended to read as follows:

§ 3128.6 Royalty interests in oil and gas leases and assignments thereof.

Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of section 27 of the act. In order that the holdings of the assignee may be verified, all assignments of royalty interests should be filed for record purposes within 90 days from the date of execution, but no formal approval will be given. Any such assignment will be deemed to be valid provided it is accompanied by a statement over the assignee's signature that he is a citizen of the United States and that his interests in oil and gas leases do not exceed the acreage limitation as provided in § 3120.1–2 and by the statement as to overriding royalties required by § 3125.4. If any portion of this statement is found to be false the assignment shall be invalid.

6. Paragraph (d) of § 3212.3 is amended to read as follows:

§ 3212.3 Leases of future or fractional interests.

* * * * *

(d) *Offers for fractional interest oil and gas leases other than future fractional interests.* An offer for a fractional present interest noncompetitive lease must be executed on a form approved by the Director and it must be accompanied by a statement showing the extent of the offeror's ownership of the operating rights to the fractional mineral interest not owned by the United States in each tract covered by the offer to lease. Ordinarily, the issuance of a lease to one who, upon such issuance, would own less than 50 percent of the operating rights in any such tract, will not be regarded as in the public interest, and an offer leading to such results will be rejected.

(30 U.S.C. 189 et seq., 43 U.S.C. 1201)

STEWART L. UDALL,
Secretary of the Interior.

MARCH 27, 1964.

[F.R. Doc. 64–3523; Filed, Apr. 8, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Reelfoot National Wildlife Refuge, Tennessee

In FEDERAL REGISTER, Doc. 64–1666, appearing at page 2604 of the issue for February 20, 1964, § 33.5(b) is corrected as follows:

* * * * *

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

(b) Open season: February 16, 1964 through October 23, 1964.

* * * * *

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64–3475; Filed, Apr. 8, 1964; 8:47 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 32 acres or 0.3 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, bullheads, and other minor species permited by State regulations.

(b) Open season: May 9, 1964, through September 30, 1964, daylight hours only.

(c) Daily creel limits: Northern pike—5; bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two lines or two poles with one line attached to each pole, and with one hook or bait on each line, may be used for fishing, except that fishermen using only one line or one pole with one line attached thereto may use not more than two lures or two hooks.

(2) No snag hook, snag line or snag pole may be used to take fish.

(3) One dip net per person may be used for the taking, catching or killing of rough fish, except suckers.

(4) The use of boats is prohibited.

(5) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1964.

R. W. BURWELL,
Regional Director.

APRIL 3, 1964.

[F.R. Doc. 64–3476; Filed, Apr. 8, 1964; 8:47 a.m.]

PART 33—SPORT FISHING

Modoc National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing on the Modoc National Wildlife Refuge, California, is permitted only on the area designated by signs as open to fishing. This open area, comprising 600 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay St., Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Sport fishing will be permitted the entire year except closed during migratory waterfowl hunting season.

(2) The use of boats, with or without motors, may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1965.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 31, 1964.

[F.R. Doc. 64–3487; Filed, Apr. 8, 1964; 8:48 a.m.]

ben delegated or may hereafter be dele- amended to read: "Any animal con- ment and, if ingesta or other objection-

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Parts 12, 18]

REVISION OF FEES

Correction

In Federal Register Document 64-3345, published at page 4885 in the FEDERAL REGISTER of Tuesday, April 7, 1964, the following corrections should be made:

1. In § 12.4(c) item 3(i) should read:

(i) Air-supply line (hose)--------- 120

2. In § 18.3 the notes under items (a) and (b) were inadvertently transposed. Items (a) and (b) should read as follows:

(a) Detailed inspection of each explosion-proof enclosure---------- $60

NOTE: When less than 20 explosion tests are required, the inspection fee shall be $30.

(b) Explosion tests of each explosion-proof enclosure---------- 50

NOTE: When less than 20 explosion tests are required, the fee shall be $25.

National Park Service

[36 CFR Part 7]

GRAND TETON NATIONAL PARK, WYOMING

Fishing Regulations

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Midwest Region Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend § 7.22 of Title 36, Code of Federal Regulations, as set forth below. The purpose of this amendment is to allow fishing under conditions which conform, insofar as possible, with State laws and regulations.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Grand Teton National Park, Moose, Wyoming, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

FRED C. FAGERGREN,
Superintendent,
Grand Teton National Park.

Paragraph (b) of § 7.22 is amended in its entirety to read as follows:

§ 7.22 Grand Teton National Park.

• • • • •

(b) *Fishing—Open Season.* All waters within the park shall be open to fishing in conformance with the laws and regulations of the State of Wyoming applying to the Snake River Drainage, subject to the following conditions or exceptions:

(1) *Closed Waters.* The following waters within the park shall be closed to fishing at all times: The Snake River for a distance of 150 feet below the downstream face of Jackson Lake Dam; Swan Lake; Hedrick's Ponds; Christian Ponds; and Cottonwood Creek from the outlet of Jenny Lake downstream to the Saddle Horse Concession Bridge.

(2) During any period of emergency, or to prevent overuse by fishermen, or to protect the habitat or nesting areas of waterfowl, the superintendent may close to fishing all or any part of such open waters for such periods of time as may be necessary, provided that notice thereof shall be given by the posting of appropriate signs or markers.

(3) Fishing from any bridge or boat dock in the park is prohibited.

(4) *Creel Limits.* The limit of catch per person per day or in possession shall be 12 game fish or 10 pounds and 1 game fish, except in Jackson Lake where the limit of catch shall be 6 game fish or 10 pounds and 1 game fish. In addition, the catch limit of whitefish shall be 25 per day with a possession limit of 3 days' catch.

(5) *Bait.* The use or possession of fish eggs or fish for bait is prohibited in all waters within the park, except it shall be permissible to use or have in possession dead, nongame fish for use as bait on or along the shores of Jackson Lake. Authorized marina bait dealers at Jackson Lake may retain live bait fish in containers, provided the live bait fish have been taken from Jackson Lake or from waters draining into Jackson Lake, and provided further that such bait fish are dead when sold.

[F.R. Doc. 64-3472; Filed, Apr. 8, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 855]

MAINLAND CANE SUGAR AREA; FARM PROPORTIONATE SHARES, 1965 CROP

Notice of Proposed Rule

Notice is hereby given that pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132), the need for the establishment of proportionate shares for farms in the Mainland Cane Sugar Area with respect to the 1965 crop of sugarcane is being considered by the Department. For purposes of determining 1965-crop farm proportionate shares, if deemed necessary, it appears that the consideration to be given to past production and ability to produce on such farms with respect to the 1964 crop of sugarcane should be limited to acreages of sugarcane planted on or before April 15, 1964, and marketed or processed for the extraction of sugar, or harvested for seed.

As planting of a crop of sugarcane is normally completed before April 15 in the Mainland Cane Sugar Area, any planting after such date would appear to be primarily for purposes other than the production of sugar therefrom in the 1964-crop year, and any consideration for acreages of the 1964 crop of sugarcane planted after April 15, 1964, for historical purposes, would be inequitable for the vast majority of sugarcane producers.

All persons who desire to submit comments and views regarding the limitation set forth above with respect to sugarcane planted after April 15, 1964, may submit the same in writing and in duplicate to the Director of the Sugar Policy Staff, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250, postmarked no later than midnight May 1, 1964.

Signed at Washington, D.C., on April 3, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-3494; Filed, Apr. 8, 1964; 8:48 a.m.]

Agricultural Research Service

[9 CFR Parts 1, 9, 10, 11]

DEFINITIONS; ANTE-MORTEM INSPECTION; POST-MORTEM INSPECTION; DISPOSAL OF DISEASED CARCASSES AND PARTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that the Department of Agriculture is considering amending Parts 1, 9, 10 and 11 of the Federal Meat Inspection Regulations (9 CFR Parts 1, 9, 10 and 11) pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71-96), and sections 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)), as indicated below:

Part 1—Definitions

§ 1.1 [Amended]

1. In § 1.1, paragraph (e) would be amended to read:

(e) *Administrator.* The Administrator of the Agricultural Research Service or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

2. In § 1.1, a new paragraph (bb) would be added to read:

(bb) *Director of Division.* The Director of the Division or any officer or employee of the Agricultural Research Service to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

PART 9—ANTE-MORTEM INSPECTION

§ 9.2 [Amended]

1. In § 9.2, *Animals suspected of being diseased; disposition of on post-mortem inspection or otherwise; marking suspects; temperatures where disease suspected,* paragraph (e) would be amended to read:

(e) When any animal tagged "U.S. Suspect" is released for any purpose or reason, as provided in this part, the tag shall be removed by a Division employee and his action reported to the inspector in charge. When a suspect is to be released under the provisions of this part for a purpose other than slaughter, the official establishment or the owner of the animal shall first obtain permission for the removal of such animal from the local, State or Federal livestock sanitary official having jurisdiction.

2. In § 9.6, the section heading and paragraph (a) would be amended to read respectively:

§ 9.6 Animals showing symptoms of anaplasmosis, ketosis, leptospirosis, listeriosis, parturient paresis, pseudorabies, rabies, scrapie, tetanus, grass tetany, or transport tetany.

(a) All animals showing, on ante-mortem inspection, symptoms of anaplasmosis, ketosis, leptospirosis, listeriosis, parturient paresis, pseudorabies, rabies, scrapie, tetanus, grass tetany, or transport tetany shall be marked "U.S. Condemned" and disposed of in accordance with § 9.16, except that cattle showing symptoms of anaplasmosis, ketosis, leptospirosis, listeriosis, parturient paresis, grass tetany, or transport tetany may be set apart and held for treatment under Division or other responsible official supervision. If, at the expiration of the treatment period, the animals upon examination are found to be free from disease, they may be released for any purpose in accordance with § 9.16, except that when released for slaughter at the official establishment, animals which have been previously affected with listeriosis shall be marked "U.S. Suspect."

• • • • •

3. Section 9.13 would be amended to read:

§ 9.13 Onset of parturition.

Any animal showing signs of the onset of parturition shall be withheld from slaughter until after parturition and passage of the placenta. Slaughter or other disposition may then be permitted if the animal is otherwise acceptable.

§ 9.16 [Amended]

4. In § 9.16 *Disposition of condemned animals,* the fifth sentence would be amended to read: "Any animal condemned on account of hog cholera, ketosis, swine erysipelas, vasicular diseases, grass tetany, transport tetany, parturient paresis, anasarca, anaplasmosis, leptospirosis, listeriosis, or inflammatory condition including pneumonia, enteritis, and peritonitis, may be set apart and held for treatment under Division or other responsible official supervision."

5. A new § 9.19 would be added to read:

§ 9.19 Animals used for investigation.

No animal used in research investigation shall be passed for slaughter unless the sponsor or investigator has submitted acceptable data demonstrating that such use will not result in the presence of any unwholesome condition in the edible parts of such animal.

PART 10—POST-MORTEM INSPECTION

§ 10.1 [Amended]

1. In § 10.1 *Extent and time of post-mortem inspection,* the second sentence would be amended to read: "Such inspection and examination shall be made at the time of slaughter, except in cases of emergencies provided for in § 11.29 of this subchapter and in cases provided for in Part 12 of this subchapter."

2a. Section 10.7 would be amended to read:

§ 10.7 Removal of spermatic cords, pizzles and preputial diverticuli.

Spermatic cords and pizzles shall be removed from all carcasses. Preputial diverticuli shall be removed from hog carcasses.

§ 10.8 [Amended]

2b. Section 10.8 would be amended by adding at the end thereof the following sentences: "In all cases where carcasses showing localized lesions are passed for food or for cooking and 'U.S. Retained' tags are attached to the carcasses, the affected tissues shall be removed and condemned before the tags are removed. 'U.S. Retained' tags shall be removed only by a Division employee."

3. In § 10.10 the section heading and the second sentence would be amended to read, respectively:

§ 10.10 Carcasses with skin or hide on; cleaning before evisceration; removal of larvae of Hypodermae, external parasites and other pathological skin conditions.

• • • The skin shall be removed at the time of post-mortem inspection from any calf carcass infested with the larvae of the "oxwarble" fly (Hypoderma lineata and Hypoderma bovis), or external parasites, or affected with other pathological skin conditions.

§ 10.15 [Deleted]

4. Section 10.15 would be deleted.

§ 10.17 [Amended]

5. In § 10.17 *Inspection of cattle, calf, and sheep lungs; hog lungs not to be saved as edible,* the second sentence in paragraph (a) would be amended to read: "The main bronchi and branches shall be slit by employees of the establishment and, if ingesta or other objectionable foreign matter has entered these passages, the lungs shall be condemned."

6. Section 10.18 would be amended to read:

§ 10.18 Inspection of mammary glands.

(a) Lactating mammary glands and diseased mammary glands of cattle, sheep, swine and goats shall be removed without opening the milk ducts or sinuses. If pus or other objectionable material is permitted to come in contact with the carcass, the parts of the carcass thus contaminated shall be removed and condemned.

(b) Nonlactating cow udders may be saved for food purposes provided suitable facilities for handling and inspecting them are provided. Examination of udders by palpation and when necessary by incision in sections no greater than two inches in thickness shall be done by establishment employees. All udders showing disease lesions shall be condemned by a Division employee. Each udder shall be properly identified with its respective carcass and kept separate and apart from other udders until its disposal has been accomplished in accordance with the provisions of Part 11 of this subchapter.

(c) Lactating mammary glands of cattle, sheep, swine and goats shall not be saved for edible purposes.

(d) The udders from cows officially designated as "Brucellosis reactors" or as "Mastitis elimination cows" shall be condemned.

7. Part 10 would be further amended by adding thereto a new § 10.19 to read:

§ 10.19 Contamination of carcasses, organs or parts.

Carcasses, organs and parts shall be handled in a sanitary manner to prevent contamination with fecal material, urine, bile, hair, dirt, or foreign matter. Accidental contamination of this type shall be promptly removed by washing or trimming in a manner satisfactory to the inspector.

PART 11—DISPOSAL OF DISEASED CARCASSES AND PARTS

§ 11.1 [Amended]

1. Paragraph (a) of § 11.1 would be amended by adding the following sentence at the end of the paragraph: "The inspector in charge shall exercise his judgment regarding the disposition of all carcasses or parts of carcasses under this part in a manner which will insure that only wholesome product is passed for food."

§ 11.2 [Deleted]

2. Section 11.2 would be deleted.

3. Section 11.3 would be amended to read:

§ 11.3 Tuberculosis; disposition of carcasses and parts.

Carcasses of animals affected with tuberculosis shall be disposed of as follows:

(a) *Carcasses condemned.* The entire carcass shall be condemned if any of the following conditions occur:

(1) When the lesions of tuberculosis

(5) Phlebitis of the umbilical veins.

the infestation is excessive or if the meat

or other part of the carcass may be

(1) When the lesions of tuberculosis are generalized. Tuberculosis is considered to be generalized when the lesions are distributed in a manner made possible only by entry of the bacilli into the systemic circulation.

(2) When the animal was observed to have a fever on ante-mortem inspection which was found to be associated with a active tuberculous lesion on post-mortem inspection.

(3) When there is an associated cachexia.

(4) When tuberculous lesions are found in the muscles or intermuscular tissues, or bones, or joints, or in the body lymph nodes as a result of draining the muscles, bones, or joints.

(5) When the lesions are extensive in organs and tissues of either the thoracic or the abdominal cavity.

(6) When the lesions are multiple, acute, and actively progressive.

(7) When the lesions are more extensive than those described under paragraph (c) of this section and the character or extent of the lesions are not indicative of a localized condition.

(b) *Disposition of organs or parts.* An edible organ or other part of a carcass affected by localized tuberculosis shall be condemned when it contains lesions of tuberculosis.

(c) *Carcasses passed for food.* The following principles shall apply to the disposition for food of carcasses not required to be condemned under paragraph (a) of this section. Because there is a difference in the pathogenesis of tuberculosis in swine and cattle, a distinction shall be made in the disposition of carcasses of animals affected with tuberculosis in these two species.

(1) The disease in swine usually affects the digestive system primarily. The carcass may be passed for food after disposal of the affected parts as required by paragraph (b) of this section, when the lesions are slight, localized, and calcified or encapsulated, and confined to the primary seats of infection, such as the cervical lymph modes, mesenteric lymph nodes, and hepatic lymph nodes.

(2) The disease in cattle usually affects the respiratory system primarily. The carcass may be passed for food after disposal of the affected parts as required by paragraph (b) of this section, when the lesions are slight, localized, and calcified or encapsulated, and confined to the primary seats of infection, such as the cervical lymph nodes, the bronchial lymph nodes and the mediastinal lymph nodes and have not progressed beyond the mesenteric lymph nodes.

(3) In the case of other animals, carcasses demonstrating lesions of tuberculosis shall not be passed for food.

(d) *Carcasses passed for cooking.* Carcasses which reveal lesions more severe or more numerous than those described in subparagraph (1) or (2) of paragraph (c) of this section, but not so severe nor so numerous as the lesions described in paragraph (a) of this section, may be passed for cooking in accordance with Part 15 of this subchapter, if the character or extent of the lesions are indicative of a localized condition and are calcified or encapsulated and the affected organ or part is condemned.

4. Section 11.4 would be amended to read:

§ 11.4 Hog Cholera; disposition of hog carcasses.

(a) The carcass of all hogs affected with hog cholera shall be condemned.

(b) Inconclusive but suspicious symptoms of hog cholera observed during the ante-mortem inspection shall be duly considered in connection with post-mortem findings and when the carcass of such a "suspect" shows lesions in the kidneys and the lymph nodes which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.

(c) Inasmuch as lesions resembling those of hog cholera may occur in the kidneys and lymph nodes of hogs which appeared normal on ante-mortem inspection, such carcasses shall be further inspected for corroborative lesions. If on such further inspection, characteristic lesions of hog cholera are found in some organ or tissue in addition to those in the kidneys or in the lymph nodes or in both, then all lesions shall be regarded as those of hog cholera and the carcass shall be condemned.

5. Section 11.8 would be amended to read:

§ 11.8 Arthritis; disposition of carcasses and parts.

(a) Carcasses affected with arthritis which is localized and not associated with systemic change may be passed for food after removal and condemnation of all affected parts. Affected joints with corresponding lymph nodes shall be removed and condemned. In order to avoid contamination of the meat which is passed, a joint capsule shall not be opened until after the affected joint is removed.

(b) Carcasses affected with arthritis shall be condemned when accompanied by evidence of systemic involvement.

§ 11.10 [Amended]

6. Section 11.10 would be amended by substituting the word "node" for the word "gland" and the word "nodes" for the word "glands" in paragraphs (c) and (d).

7. Section 11.11 would be amended to read:

§ 11.11 Anthrax, babesiosis, bacillary hemoglobinuria in cattle, blackleg, blue tongue in sheep, hemorrhagic septicemia, icterohematuria in sheep, infectious bovine rhinotracheitis, leptospirosis, malignant epizootic catarrh, and unhealed vaccine lesions; disposition of carcasses.

(a) Carcasses of animals affected with or showing lesions of any of the following named diseases or conditions shall be condemned:

(1) Anthrax.
(2) Blackleg.
(3) Unhealed vaccine lesions (vaccinia).

(b) Carcasses of animals affected with or showing lesions of any of the following named diseases or conditions shall be condemned, except when recovery has occurred to the extent that only localized lesions persist, in which case the carcass may be passed for food after removal and condemnation of the affected organs or parts.

(1) Bacillary hemoglobinuria in cattle.
(2) Babesiosis (anaplasmosis, piroplasmosis).
(3) Blue tongue in sheep.
(4) Hemorrhagic septicemia.
(5) Icterohematuria in sheep.
(6) Infectious bovine rhinotracheitis.
(7) Leptospirosis.
(8) Malignant epizootic catarrh.

8. Section 11.12 would be amended to read:

§ 11.12 Neoplasms; disposition of carcasses and parts.

An individual organ or other part of a carcass affected with a neoplasm shall be condemned. If there is evidence of metastasis or the general condition of the animal has been adversely affected by the size, position or nature of the neoplasm, the entire carcass shall be condemned.

9. Section 11.14 would be amended to read:

§ 11.14 Pigmentary conditions: Melanosis, Xanthosis, Ochronosis, etc.; disposition of carcasses and part.

(a) Except as provided in § 11.20, carcasses of animals showing generalized pigmentary deposits shall be condemned.

(b) The affected parts of carcasses showing localized pigmentary deposits of such character as to be unwholesome or otherwise unfit for food shall be removed and condemned.

10. Section 11.15 would be amended to read:

§ 11.15 Abrasions, bruises, abscesses, pus, etc.; disposition of carcasses and parts.

All slight, well-limited abrasions on the tongue and inner surface of the lips and mouth, when without lymph node involvement, shall be carefully excised, leaving only sound, normal tissue, which may be passed. Any organ or other part of a carcass which is badly bruised or which is affected by an abscess, or a suppurating sore shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Portions of carcasses which are contaminated by pus or other diseased material shall be condemned.

11. Section 11.17 would be amended by changing the section heading and paragraph (a) to read, respectively:

§ 11.17 Carcasses so infected that consumption of the meat may cause food poisoning.

(a) All carcasses of animals so infected that consumption of the products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

(1) Acute inflammation of the lungs, pleura, pericardium, peritoneum, or meninges.

(2) Septicemia or pyemia, whether puerperal, traumatic, or without any evident cause.

(3) Gangrenous or severe hemorrhagic enteritis or gastritis.

(4) Acute diffuse metritis or mammitis.

(5) Phlebitis of the umbilical veins.

(6) Septic or purulent traumatic pericarditis.

(7) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty and degenerated liver, swollen soft spleen, marked pulmonary hyperemia, general swelling of lymph nodes, diffuse redness of the skin, cachexia, icteric discoloration of the carcass, or the like, either singly or in combination.

(8) Salmonellosis.

§ 11.18 [Amended]

* * * * *

12. Section 11.18 *Necrobacillosis, pyemia, septicemia; disposition of carcasses,* would be amended so that the second sentence would read: "On the other hand, when emaciation, cloudy swelling of the parenchymatous tissue of organs or enlargement of the lymph nodes is associated with the affection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass shall therefore be condemned as both unwholesome and noxious."

§ 11.19 [Amended]

13. Section 11.19 would be amended by substituting the word "nodes" for the word "glands" whenever the word "glands" appears in the section.

14. Section 11.20 would be amended to read:

§ 11.20 Icterus; disposition of carcasses.

Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which show a pronounced yellow or greenish yellow discoloration without evidence of infection or intoxication, shall be condemned. Other carcasses affected with icterus-like discoloration which disappears upon chilling may be passed for food. If the discoloration does not disappear upon chilling, the meat from the carcasses may be passed for use in comminuted meat food product or for rendering. No carcass retained under this section may be passed for food unless final inspection thereof is completed under natural light.

15. Section 11.21 would be amended to read:

§ 11.21 Sexual odor of swine; disposition of carcasses.

(a) Carcasses of swine which give off a pronounced sexual odor shall be condemned.

(b) The meat of swine carcasses which give off a sexual odor less than pronounced may be passed for use in comminuted cooked meat food product or for rendering. Otherwise it shall be condemned.

16. Section 11.24 would be amended to read:

§ 11.24 Tapeworm cysts in cattle.

(a) Carcasses of cattle affected with tapeworm cysts shall be disposed of as follows:

(1) Carcasses of cattle infested with tapeworm cysts shall be condemned if the infestation is excessive or if the meat is watery or discolored. Carcasses shall be considered excessively infested if incisions in various parts of the musculature expose one or more cysts on most of the cut surfaces.

(2) A cattle carcass in which tapeworm cyst infestation is limited to one dead and degenerated cyst may be passed for food after removal and condemnation of the cyst.

(3) Carcasses of cattle showing a slight or moderate tapeworm cyst infestation other than that indicated in subparagraph (2) of this paragraph but not so extensive as indicated in subparagraph (1) of this paragraph, as determined by a careful examination of the heart, muscles of mastication, diaphragm and its pillars, tongue, and portions of the carcass rendered visible by the process of dressing, may be passed for food after removal and condemnation of the cysts with surrounding tissues: *Provided,* That the carcasses, appropriately identified by retained tags, are held in cold storage at a temperature not higher than 15 degrees F. continuously for a period of not less than 10 days: *And provided further,* That the boned meat from such carcasses when in boxes, tierces, or other containers, appropriately identified by retained tags, is held at a temperature of not higher than 15 degrees F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as provided in this subparagraph, such carcasses and meat may be heated throughout to a temperature of at least 140 degrees F.

(b) The edible viscera of carcasses passed for food or for refrigeration or heating under paragraph (a) (2) or (3) of this section may be passed for food without refrigeration or heating if they are found to be free from cysts on final inspection. This shall not include the lungs, fat, muscles of the oesophagus and the heart, which shall be disposed of in the same manner as the rest of the carcasses under paragraph (a) of this section. The intestines, oesophagi and bladders from beef carcasses affected with tapeworm cysts which have been passed for food or refrigeration or heating under paragraph (a) (2) or (3) of this section may be used for casings after they have been subjected to the usual methods of preparation. They may be passed for such purpose upon completion of the final inspection.

17. Section 11.26 would be amended to read:

§ 11.26 Parasites not transmissible to man; tapeworm cysts in sheep; hydatid cysts; flukes; gid bladderworms; disposition of carcasses and parts.

(a) In the disposal of carcasses, edible organs, and other parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern except as otherwise provided in this section: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them can be completely removed, the nonaffected portion of the carcass, organ or other part of the carcass may be passed for food after the removal and condemnation of the affected portions. If an organ or other part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasitic infestation or invasion renders the part in any way unfit for food, the affected part shall be condemned. If parasites are found to be distributed in a carcass in such a manner or to be of such a character that their removal and the removal of the lesions caused by them is impracticable, no part of the carcass shall be passed for food. If the infestation is excessive, the carcass shall be condemned. If the infestation is moderate, the carcass may be passed for cooking, but in case such carcass is not cooked as required by Part 15 of this subchapter, it shall be condemned.

(b) In the case of sheep carcasses affected with tapeworm cysts (Cysticercus ovis, so-called sheep measles, not transmissible to man), the carcass may be passed after the removal and condemnation of the affected portions: *Provided, however,* That if, upon the final inspection of sheep carcasses retained on account of measles, the total number of cysts found embedded in any muscle, or in immediate relation with muscular tissue, excluding the heart, exceed five, this shall be taken to indicate that the cysts are so generally distributed and so numerous that their removal would be impracticable, and the entire carcass shall be condemned or passed for cooking after removal and condemnation of the affected portions according to the degree of infestation.

(c) Carcasses found infested with gid bladderworms (Coenurus cerebralis, Multiceps multiceps) may be passed after condemnation of the affected organ (brain or spinal cord).

(d) Organs or other parts of carcasses infested with hydatid cysts (echinococcus) shall be condemned.

(e) Livers infested with flukes or fringed tapeworms shall be condemned.

18. Section 11.27 would be amended to read:

§ 11.27 Emaciation; disposition of carcasses.

Carcasses of animals too emaciated to produce wholesome meat, and carcasses which show a serious infiltration of muscle tissues, or a serous or mucoid degeneration of the fatty tissues shall be condemned. A gelatinous change of the fat about the heart and kidneys of well-nourished carcasses and mere leanness shall not be classed as emaciation.

§ 11.28 [Deleted]

19. Section 11.28 would be deleted.

20. Section 11.34 would be amended to read:

§ 11.34 Vesicular diseases; disposition of carcasses and parts.

(a) Any carcass affected with vesicular disease shall be condemned if the condition is acute and if the extent of the condition is such that it affects the entire carcass or there is evidence of absorption or secondary change.

(b) Any carcass affected with vesicu-

25. A new § 11.40 would be added to

12th and Constitution Avenue, NW.

(b) Any carcass affected with vesicular disease to a lesser extent than as described in paragraph (a) of this section may be passed for food after removal and condemnation of the affected parts, if the carcass is otherwise in good condition.

§ 11.35 [Deleted]

21. Section 11.35 would be deleted and § 11.36 would be amended to read:

§ 11.36 Listeriosis.

Carcasses of animals marked "U.S. Suspect" because of a history of listeriosis shall be passed for food after condemnation of the head if the carcass is otherwise normal.

22. Section 11.37 would be deleted and a new § 11.37 would be added to read:

§ 11.37 Anemia; disposition of carcasses.

Carcasses of animals too anemic to produce wholesome meat shall be condemned.

23. A new § 11.38 would be added to read:

§ 11.38 Muscular inflammation, degeneration, infiltration; disposition of carcasses and parts.

(a) If muscular lesions are found to be distributed in such a manner or to be of such character that removal is impractical, the carcass shall be condemned.

(b) After it has been established that localized muscular lesions are not evidence of a systemic disease process, the following rules shall govern the disposal of the carcasses, edible organs and other parts of carcasses showing such muscular lesions: If the lesions are localized in such a manner and are of such a character that the affected tissues can be removed, the nonaffected parts of the carcass may be passed for food after the removal and condemnation of the affected portion. If a part of the carcass shows numerous lesions, or if the character of the lesion is such that complete extirpation is difficult and uncertainly accomplished, or if the lesion renders the part in any way unfit for food, the part shall be condemned.

(c) If the lesions are slight or of such character as to be insignificant from a standpoint of wholesomeness, the carcass or parts may be passed for food after removal and condemnation of the visibly affected portions providing the balance of the carcass or part is used in the manufacture of comminuted cooked product.

24. A new § 11.39 would be added to read:

§ 11.39 Coccidioidal granuloma; disposition of carcasses and parts.

(a) Carcasses which are affected with generalized coccidioidal granuloma or which show systemic changes because of such disease shall be condemned.

(b) Carcasses affected with localized lesions of this disease may be passed for food after the affected parts are removed and condemned.

25. A new § 11.40 would be added to read:

§ 11.40 Odors, foreign and urine; disposition of carcasses and parts.

(a) Carcasses which give off a pronounced odor of medicinal, chemical, or other foreign substance shall be condemned.

(b) Carcasses which give off a pronounced urine odor shall be condemned.

(c) Carcasses, organs or parts affected by odor to a lesser degree than that described in paragraphs (a) and (b) of this section and in which the odor can be removed by trimming or chilling may be passed for food, after removal of affected parts or dissipation of the condition.

26. A new § 11.41 would be added to read:

§ 11.41 Meat from animals which have been exposed to radiation; disposition.

Meat from animals which have been exposed to radiation wherein the radioactive material is retained or the radioactivity has not decayed to the normal radiation background level shall be condemned. Meat from animals which have been exposed to radiation will not be considered unwholesome because of this fact if the animals are otherwise sound and if the radioactive material is not retained in the exposed animal or the radioactivity has decayed to the normal radiation background level.

Any interested persons who wish to submit written data, views, or arguments on the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, within 60 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of April 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-3497; Filed, Apr. 8, 1964; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Earnings and Profits of Controlled Foreign Corporations; Notice of Hearing

Proposed regulations under section 964(a) of the Code, relating to earnings and profits of controlled foreign corporations, were published in the FEDERAL REGISTER for March 20, 1964 (29 F.R. 3577).

A public hearing on these proposed regulations will be held on Tuesday, April 28, 1964, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: Technical Planning Division, Washington, D.C., 20224, by April 24, 1964.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 64-3535; Filed, Apr. 8, 1964; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Parts 35, 60, 61, 118, 154]

DECEPTIVE PRICING

Notice of Proposed Rule Making

Part 35—Wall Coverings Industry, Part 60—Metallic Watch Band Industry, Part 61—Stationers Industry, Part 118—Mirror Industry, Part 154—Luggage and Related Products Industry.

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice (July 11, 1963), the Federal Trade Commission proposes to revise §§ 35.15, 60.6, 61.4, 118.6, 154.19 (Deceptive Pricing) of the above-entitled trade practice rules each of which section is to read as follows:

It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: On December 20, 1963 the Commission adopted guides against deceptive pricing which became effective on January 8, 1964 and which supersede the guides on this subject as adopted October 2, 1958. Copies of the guides will be furnished upon request.

Interested or affected parties may submit their views, suggestions, objections or other information concerning the proposed revision to the Chief, Division of Trade Practice Conferences and Guides, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C., 20580, in writing not later than May 11, 1964. Due consideration will be given by the Commission to all comments received before final action is taken in this matter.

Approved: March 23, 1964.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-3488; Filed, Apr. 8, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order No. 88]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling 125 acres in Yuma County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a) as amended:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 19 W.,
Sec. 21, SW¼NW¼, W½SW¼SE¼NW¼;
Sec. 27, SW¼SW¼;
Sec. 28, SE¼SE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. There are no preference right applications as provided for by 43 CFR 257.5.

Dated: April 2, 1964.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 64-3474; Filed, Apr. 8, 1964; 8:47 a.m.]

MINIDOKA TOWNSITE, IDAHO

Notice of Sale

APRIL 3, 1964.

1. Notice is hereby given that the remaining lots in the Minidoka Townsite, Government Addition, will be disposed of under section 2381, United States Revised Statutes (43 U.S.C. sec. 712), to the highest bidder at 1:30 p.m. on May 8, 1964, in room 327 of the Federal Building, Boise, Idaho.

2. All of the lots listed below will be sold as one unit at not less than the total appraised value of $5,800. No bids will be accepted for individual lots or blocks. Any bids exceeding the appraised value must be made in multiples of $10.00. The following lots are offered:

Block:	Lot
1 through 10, 12, 13, 15, 17, 20, and 22 through 29.	All lots. Lots 1 to 11; inclusive. Lots 1 to 11; inclusive. Lots 1 to 11; inclusive.
11	Lots 1 to 7; inclusive, and lot 10.
14	
18	Lots 2 to 8; inclusive, and lot 12.
19	
21	

3. Bids for the entire unit of lots may be made by an individual person, his agent, or a corporation at the sale. When there are no further offers, the entire unit of lots will be declared sold to the last and highest offer, subject to the immediate payment of the full amount of the bid. Payment may be made by personal check.

4. If the unit of lots is not sold on May 8, 1964, the sale will be adjourned until 1:30 p.m. the following Friday and continued on each succeeding Friday at 1:30 p.m. until the unit of lots is sold or until the sale is otherwise terminated.

5. The purchaser, if an individual, will be required to furnish evidence that he is a citizen of the United States or has declared his intention to become such; and if a corporation, it will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it is a corporation organized under the laws of the United States or of any State, Territory, or possession thereof and it is authorized to acquire and hold real estate in the State of Idaho.

6. A patent to the entire unit of lots, when issued, will contain the reservations of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391) and provisions, reservations, conditions, and limitations of the Act of July 17, 1914 (38 Stat. 509; 30 U.S.C. secs. 121–123) as to the oil and gas deposits. Ten lots in the townsite were previously patented. Any patent to the lots and blocks now offered will be subject to egress and ingress rights of the present owners of the patented lots across and along the designated streets and alleys as shown on the plat of survey approved April 19, 1923.

7. All persons are warned against forming any combination or agreement which will prevent the unit of lots from selling advantageously, or which will in any way hinder or prevent the sale, and all persons so offending will be prosecuted under 18 U.S.C. 1860.

8. Inquiries concerning these lands should be addressed to the Bureau of Land Management, Idaho State Office, P.O. Box 2237, Boise, Idaho.

ORVAL G. HADLEY,
Acting Land Office Manager.

[F.R. Doc. 64-3486; Filed, Apr. 8, 1964; 8:48 a.m.]

Fish and Wildlife Service

REGIONAL DIRECTOR, REGION 1, BUREAU OF COMMERCIAL FISHERIES

Delegation of Authority

The regulations issued herein are based on the authority of the Director, Bureau of Commercial Fisheries, to issue such regulations (see 64 Stat. 421, 16 U.S.C. 916, 22 F.R. 826, and 50 CFR 230.11). The requirements herein set forth apply as a portion of the Bureau Manual directives' system. Material that relates solely to internal management has not been included.

SERIES 5000—RESOURCE DEVELOPMENT

TITLE 5400—RESOURCE MANAGEMENT

Chapter 5450—*Whaling*

* * * * * *

§ *5452 Delegation of authority.* (a) The authority to execute, on behalf of the Bureau of Commercial Fisheries, annual licenses required for whale catchers and whale land stations conducting whaling operations along the Pacific Coast, is hereby delegated to the Regional Director, Pacific Northwest Region (Region 1), Bureau of Commercial Fisheries, Seattle, Washington.

(b) The authority delegated in section (a) may not be redelegated by the Regional Director.

H. E. CROWTHER,
Acting Director.

[F.R. Doc. 64-3493; Filed, Apr. 8, 1964; 8:48 a.m.]

Geological Survey

WYOMING

Sodium Land Classification Order, Wyoming No. 1

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

SIXTH PRINCIPAL MERIDIAN, WYOMING

SODIUM LANDS

T. 14 N., R. 107 W.,
Sec. 4, lot 4, SW¼NW¼;
Sec. 5, lots 1, 2, 3, 4, S½N½, SW¼, W½SE¼;
Sec. 6;
Sec. 7;
Sec. 8, W½, W½NE¼;
Sec. 17, N½NW¼;
Sec. 18;
Sec. 19, lots 1, 2, E½NW¼.
T. 15 N., R. 107 W.,
Sec. 4, lots 3, 4, S½NW¼, SW¼;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17 to 20, inclusive;
Sec. 21, W½;
Sec. 28, W½;
Secs. 29 to 32, inclusive;
Sec. 33, NW¼, W½SW¼.
T. 16 N., R. 107 W.,
Sec. 5, lot 4, SW¼;
Secs. 6 and 7;
Sec. 8, W½, W½SE¼;
Secs. 17 to 20, inclusive;
Sec. 21, W½W½;
Sec. 28, W½NW¼, SW¼;
Secs. 29 to 32, inclusive;
Sec. 33, W½.
T. 17 N., R. 107 W.,
Sec. 7, lots 5, 6, 7, 8, E½W½;
Sec. 18, lots 5, 6, 7, 8, E½W½, SE¼;
Sec. 19;
Sec. 20, SW¼;

Sec. 29, W½, SE¼;
Secs. 30, 31, and 32;
Secs. 9 to 15, inclusive;
Secs. 23 and 24;

preservation of competition in the field of banking.

TABLE 1—CHLORTETRACYCLINE IN FINISHED CHICKEN AND TURKEY FEEDS

This order will be published in the

Sec. 29, W½, SE¼;
Secs. 30, 31, and 32;
Sec. 33, W½W½.
T. 14 N., R. 108 W.,
Secs. 1 to 24, inclusive;
Sec. 25, lots 2, 3, 4, and 7, NW¼NW¼;
Secs. 26 to 33, inclusive;
Sec. 34, N½, SW¼;
Sec. 35, lots 1, 2, 3, and 4.
Tps. 15, 16, and 17 N., R. 108 W.
T. 18 N., R. 108 W.,
Sec. 1, SW¼;
Sec. 2, lots 7, 8, S½NW¼, S½;
Secs. 3 to 11, inclusive;
Sec. 12, W½;
Sec. 13, W½;
Secs. 14 to 23, inclusive;
Sec. 24, W½;
Sec. 25, W½;
Secs. 26 to 35, inclusive;
Sec. 36, W½.
T. 19 N., R. 108 W.,
Secs. 5, 6, 7, and 8;
Secs. 16 to 22, inclusive;
Secs. 27 to 34, inclusive;
Sec. 35, W½.
T. 20 N., R. 108 W.,
Secs. 5, 6, 7, and 8;
Secs. 17, 18, 19, and 20;
Secs. 29, 30, 31, 32.
T. 21 N., R. 108 W.,
Sec. 14, SW¼;
Sec. 15, S½;
Sec. 16, S½;
Sec. 17, S½;
Secs. 19, 20, 21, and 22;
Sec. 23, W½;
Sec. 26, W½;
Secs. 27 to 34, inclusive;
Sec. 35, W½.
T. 14 N., R. 109 W.
T. 15 N., R. 109 W.
T. 16 N., R. 109 W.
T. 17 N., R. 109 W.
T. 18 N., R. 109 W.
T. 19 N., R. 109 W.
T. 20 N., R. 109 W.
T. 21 N., R. 109 W.,
Sec. 25, E½, SW¼;
Sec. 26, S½;
Sec. 27, S½;
Secs. 31 to 36, inclusive.
T. 14 N., R. 110 W.
T. 15 N., R. 110 W.
T. 16 N., R. 110 W.
T. 17 N., R. 110 W.
T. 18 N., R. 110 W.
T. 19 N., R. 110 W.
T. 20 N., R. 110 W.
T. 21 N., R. 110 W.
Secs. 34, 35, and 36.
T. 14 N., R. 111 W.,
Secs. 1 to 30, inclusive;
Sec. 32, N½N½;
Secs. 33, 34, 35, and 36.
T. 15 N., R. 111 W.
T. 16 N., R. 111 W.
T. 17 N., R. 111 W.
T. 18 N., R. 111 W.
T. 19 N., R. 111 W.,
Secs. 1 and 2;
Sec. 3, lots 1, 2, S½NE¼, SE¼;
Sec. 10, E½;
Secs. 11, 12, 13, and 14;
Sec. 15, E½;
Sec. 21, E½, SW¼;
Secs. 22 to 28, inclusive;
Sec. 29, E½, SW¼;
Secs. 31 to 36, inclusive.
T. 20 N., R. 111 W.,
Sec. 1;
Sec. 2, lots 5, 6, S½NE¼, SE¼;
Secs. 11, 12, 13, and 14;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23, 24, 25, and 26;
Sec. 27, E½;
Sec. 34, lots 3, 4, NE¼, N½SE¼;
Secs. 35 and 36.
T. 14 N., R. 112 W.,
Secs. 1 to 5, inclusive;
Secs. 9 to 15, inclusive;
Secs. 23 and 24;
Sec. 25, N½.
T. 15 N., R. 112 W.
T. 16 N., R. 112 W.
T. 17 N., R. 112 W.,
Sec. 1;
Sec. 11, S½;
Secs. 12, 13, and 14;
Sec. 15, E½, SW¼;
Secs. 22 to 28, inclusive;
Sec. 32, E½;
Secs. 33, 34, 35, and 36.
T. 18 N., R. 112 W.,
Sec. 1, lots 1, 2, S½NE¼, S½;
Sec. 2, SE¼;
Sec. 11, E½;
Sec. 12;
Sec. 13;
Sec. 14, NE¼;
Sec. 24;
Sec. 25;
Sec. 36.
T. 15 N., R. 113 W.,
Secs. 1, 12, 13, 24;
Sec. 25, E½.
T. 16 N., R. 113 W.,
Sec. 1, lots 1, 2, S½NE¼, SE¼;
Secs. 12, 13, 24, 25, and 36.

The area described aggregates 657,472 acres, more or less.

Dated: April 1, 1964.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64-3471; Filed, Apr. 8, 1964; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Notice of Amended Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that an amended application has been filed with the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)), by Barnett National Securities Corporation, which is a bank holding company located in Jacksonville, Florida, for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of the San Jose Barnett Bank, Jacksonville, Florida, a proposed new bank. This application amends an earlier filed application notice of which was published in the FEDERAL REGISTER on September 10, 1963 (28 F.R. 9652).

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 2d day of April 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-3452; Filed, Apr. 8, 1964; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CERTAIN CANNED VEGETABLES DEVIATING FROM IDENTITY STANDARDS

Notice of Issuance of Temporary Permit To Market Test

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of the standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Libby, McNeill and Libby, 200 South Michigan Avenue, Chicago 4, Illinois. This permit covers interstate marketing tests of three canned vegetables, peas, corn, and lima beans, with added butter and propylene glycol alginate, ingredients that are not provided for in the respective food standards (21 CFR 51.1, 51.20, 51.990). Labels will name the ingredients used, and where the name of the canned vegetable is prominently displayed on labels it will be followed by the statement "seasoned with butter."

Dated: April 3, 1964.

This permit expires April 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3478; Filed, Apr. 8, 1964; 8:47 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additives Chlortetracycline, Sodium Sulfate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1327) has been filed by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, 08540, proposing the amendment of § 121.208(d) to provide for the safe use of chlortetracycline and sodium sulfate by changing items 7 and 8 in table 1 to read as follows:

TABLE 1—CHLORTETRACYCLINE IN FINISHED CHICKEN AND TURKEY FEEDS

Principal ingredient [1]	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
7. Chlortetracycline..	100-200	----------	----------	For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride; in low calcium feed containing 0.8% dietary calcium, not to be fed continuously for more than 8 weeks, or in low calcium feed containing 0.8% dietary calcium and 1.5% sodium sulfate, not to be fed continuously for more than first 3 weeks of life, followed by 5 weeks of low calcium feed containing 0.8% dietary calcium; in low calcium feed containing 0.40% to 0.55% dietary calcium, not to be fed continuously for more than 5 days.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.
8. Chlortetracycline..	200	----------	----------	For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride; in low-calcium feed containing 0.8% dietary calcium, not to be fed continuously for more than 8 weeks, or in low-calcium feed containing 0.8% dietary calcium and 1.5% sodium sulfate, not to be fed continuously for more than first 3 weeks of life, followed by 5 weeks of low-calcium feed containing 0.8% dietary calcium.*	Prevention and control of coccidiosis caused by E. necatrix and E. tenella.

[1] The term "Principal ingredient," as used in this section, refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than other additives named in this section.

Dated: April 3, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3479; Filed, Apr. 8, 1964; 8:47 a.m.]

SWIFT AND CO.

Notice of Withdrawal of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Swift and Company, Exchange and Packers Avenue, Chicago, Illinois, 60609, has withdrawn its petition (FAP 1192), published in the FEDERAL REGISTER of August 6, 1963 (28 F.R. 7998), proposing that § 121.2520 *Adhesives* be amended by inserting alphabetically in the list in paragraph (c)(5) the new item: Terphenyl, chlorinated, softening point above 97° C.

The withdrawal of this petition is without prejudice to a future filing.

Dated: April 3, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3480; Filed, Apr. 8, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14945; Agreement C.A.B. 17687; Order E-20655]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Use of Containers and Pallets

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of April 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement rescinds Resolution 597a—Carriage of Radioactive Materials effective April 1, 1964. This action will permit the application of quantity discounts on shipments of radioactive materials.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolutions 100(Mail 364)003, 200(Mail 487)003, 300(Mail 169)003, JT23(Mail 122)003, JT31(Mail 94)003, and JT123(Mail 364)003, which are incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement C.A.B. 17687, be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3490; Filed, Apr. 8, 1964; 8:48 a.m.]

[Docket No. 14813; Order E-20651]

BRANIFF AIRWAYS, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of April 1964.

Revisions of first-class and family-plan fares proposed by Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc.; Docket No. 14813.

By tariff revisions [1] marked to become effective on April 8, 12, 17, and 26, 1964, Braniff Airways, Inc., and Delta Air Lines, Inc., propose to reduce their first-class fares on various segments while continuing to apply a 50-percent family-plan discount to the reduced fares. In addition, Delta proposes certain new fares at the reduced-fare level of other carriers, and Delta and Eastern Air Lines, Inc., propose to cancel certain specific first-class family dependent fares which reflect a 25-percent discount from corresponding regular fares.

American Airlines, Inc., has filed a complaint stating that the effect of the proposed tariff revisions would be to permit a 50-percent family-plan discount applicable to first-class fares that were previously reduced; that the applicability of a 50-percent discount to the proposed reduced fares, or to the fares previously reduced, is in violation of Order E-20324; and that such tariff revisions will result in fares that are discriminatory, unjust, and unreasonable.

In Order E-20324, December 31, 1963, the Board ordered an investigation of the first-class fare-reduction proposals and family-fare-plan modifications of several domestic trunkline carriers, but suspended similar first-class fare proposals of Braniff, Delta, Eastern, National, and Northwest because these carriers contemplated a 50-percent family-fare discount in conjunction with reduced first-class fares. The Board indicated, however, that it would permit to become effective first-class fare reduction proposals of these carriers as long as a family-fare plan was contemplated in conjunction therewith similar to that proposed by American and other carriers (i.e., restricted applicability of a discount no greater than 25 percent).

The Board is aware that the present tariff provisions involving joint fares and related first-class family-plan discounts may in certain instances be inconsistent with Order E-20324. The instant filings purport to meet some of these situations. The Board, however, maintains the view expressed in its ear-

[1] Revisions to Agent C. C. Squire's C.A.B. No. 44, filed on March 9, 12, 13, and 18, 1964.

lier order that a 50-percent family-plan

lier order that a 50-percent family-plan discount when applied to reduced first-class fares is uneconomic. We will, therefore, suspend the proposed tariff revisions to avoid the spread of such uneconomic fares. Furthermore, the Board hopes that the industry, in its self-interest, will promptly take steps to correct the situation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in appendix A,[2] are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in appendix A are suspended and their use deferred to and including July 6, 1964, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaint of American Airlines, Inc., in Docket 15102, to the extent granted herein, be consolidated in Docket 14813;

4. This investigation be consolidated in Docket 14813 and be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariffs and be served upon American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., and Eastern Air Lines, Inc., which are hereby made parties to the proceeding in Docket 14813; and provided further that service of this order be made to all the parties in Dockets 14813 and 14951.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-3489; Filed, Apr. 8, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ALASKA STEAMSHIP CO. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that Alaska Steamship Company, Puget Sound-Alaska Van Lines, Alaska Freight Lines, Inc., Alaska Division of Consolidated Freightways and Weaver Brothers, Inc. have filed with the Federal Maritime Commission for approval pursuant to Section 15, Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814), Agreement No. DC-12.

Agreement DC-12 would provide for the emergency period resulting from the earthquake and tidal wave of March 27, 1964, that the parties to the Agreement who offer service by water in the Alaska trade would coordinate sailings and sailing schedules; coordinate the handling of priority cargoes; apportion traffic among the carriers; and regulate the volume and character of traffic to be carried.

Interested parties may submit not later than the close of business, April 15, 1964, by telegraph, telephone, letter or other means with reference to the Agreement, their position as to approval, disapproval, or modification. All such communications should be directed to Edward Schmeltzer, Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573.

By order of the Federal Maritime Commission.

Dated: April 7, 1964.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-3573; Filed, Apr. 8, 1964; 11:03 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18077 etc.]

H. L. HAWKINS ET AL.

Order Severing Proceedings, Consolidating Proceedings, and Fixing Date for Prehearing Conference

MARCH 30, 1964.

H. L. Hawkins and H. L. Hawkins, Jr., Operator, et al., Docket No. G-18077; W. S. Kilroy (Operator), et al., Docket No. G-18175; John A. Newman, Operator, et al., Docket No. G-18481; Shell Oil Company, Docket No. G-18805; Callery Properties, Inc., Docket No. G-18857; Gregory J. Gallagher, Docket No. G-19308; The Sparta Oil Company, Docket No. G-19964; Skelly Oil Company, Docket No. G-20155; The Superior Oil Company, Docket No. G-20359; Gregory J. Gallagher, Docket No. G-20385; Socony Mobil Oil Company, Inc., Docket No. G-18384; Pan American Petroleum Corporation, Docket No. CI63-1445; H. B. Lively (Operator), et al., Docket No. CI62-1220; The Atlantic Refining Company, Docket No. CI60-459; Robert Mosbacher, Operator, et al., Docket No. CI60-343; North Central Oil Corporation, Operator, Docket No. CI60-434; Woods Exploration and Producing Company, et al., Docket No. CI60-495; C. W. Coffey and North Central Oil Corporation, Docket No. CI60-496; Ben H. Schnapp (Operator), et al., Docket No. CI60-642; The Superior Oil Company, Docket No. CI63-584; Humble Oil & Refining Company, Docket No. CI63-1057; Tidewater Oil Company, Docket No. CI63-1134; Marathon Oil Company, Docket No. CI60-497; Stewart & Couger Drilling Company, et al., Docket No. CI60-541; Kirby Petroleum Company, Operator, Docket No. CI60-610; Oil Reserves Corporation, Operator, Docket No. CI61-468; George R. Brown, Docket No. CI61-1688; A. F. Childers, Jr. (Operator), et al., Docket No. CI62-1152; Skelly Oil Company, Docket No. CI63-672; Sun Oil Company, Docket No. CI60-348; Kilroy Properties, Inc., Docket No. CI60-478; Humble Oil & Refining Company, Docket No. CI64-677; H. L. Hunt, Operator, et al., Docket No. CI61-1221; H. L. Hunt, Docket No. CI61-1282; Hassie Hunt Trust, Operator, et al., Docket No. CI61-1283; Caroline Hunt Sands, Docket No. CI61-1343; Caroline Hunt Trust Estate, Docket No. CI61-1344; Lamar Hunt Trust Estate, Docket No. CI61-1345; Nelson Bunker Hunt, Docket No. CI61-1346; Placid Oil Company, Operator, et al., Docket No. CI61-1682.

Each of the above-captioned proceedings concerns an application for a certificate of public convenience and necessity (or an application to amend a certificate by adding acreage) filed under section 7 of the Natural Gas Act to sell natural gas produced in the State of Texas (Railroad District No. 3) for resale in interstate commerce, all as more fully described in the appendix attached hereto and in the respective applications (and supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Commission finds:

(1) It is appropriate and in the public interest to sever the matters in Docket Nos. G-18077, G-18175, G-18481, G-18805, G-18857, G-19308, G-19964, G-20155, G-20359, G-20385, and G-18384 from the proceedings in Florida Gas Transmission Company, et al., Docket Nos. G-18338, et al.[1]

(2) By its opinion and order issued December 9, 1963, Docket Nos. CI61-1221, CI61-1282, CI61-1283, CI61-1343, CI61-1344, CI61-1345, and CI61-1346 were severed from the proceedings in Hassie Hunt Trust, Operator, et al., Docket Nos. G-19115, et al.

(3) It is appropriate and in the public interest that the above-captioned matters be consolidated for hearing and decision as hereinafter ordered.

(4) The expeditious disposition of these proceedings may be effectuated by holding a prehearing conference and to that end a prehearing conference should be held on April 23, 1964, as hereinafter ordered.

The Commission orders:

(A) The matters in Docket Nos. G-18077, G-18175, G-18481, G-18805, G-18857, G-19308, G-19964, G-19971, G-20155, G-20359, G-20385, and G-18384 are hereby severed from the proceedings in Florida Gas Transmission Company, et al., Docket Nos. G-18338, et al.

(B) The matters in Docket Nos. CI61-1221, CI61-1282, CI61-1283, CI61-1343, CI61-1344, CI61-1345, and CI61-1346 previously severed from the proceedings in Hassie Hunt Trust, Operator, et al., Docket Nos. G-19115, et al., and the captioned matters set forth in paragraph (A) above are hereby consolidated for the purposes of hearing and decision.

(C) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10:00 a.m., e.s.t. on April 23, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the expeditious disposition of these consolidated proceedings.

(D) The purpose of such conference shall be to consider all matters at issue in the above dockets, the manner in which evidence shall be presented, to fix dates for the distribution of such evidence, to fix the date on which the consolidated hearing shall commence, and to consider any and all matters which might contribute to an expeditious disposition of these consolidated proceedings.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on a date to be fixed by the presiding examiner in accordance with paragraph (D) above, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

(F) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1964. Protestants and Petitioners shall state with particularity the dockets in which they claim to have an interest.

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket Nos.	Applicant	Field and location	Purchaser	Proposed initial price cents per Mcf 14.65 Psia	Rate schedule and contract date	Comments
G-18077	H. L. Hawkins and H. L. Hawkins, Jr. (Operator), et al.	Lockridge Field, Brazoria County	Florida Gas Transmission Co.	17.5	9 (1-30-59)	(3).
G-18175	W. S. Kilroy (Operator), et al	Palacios Field, Matagorda County	do	17.5	1 (1-22-59)	(3).
G-18481	John A. Newman (Operator), et al	Lockridge Field, Brazoria County	do	17.5	1 (12-10-58)	(3).
G-18805	Shell Oil Co	East Bay Field, Galveston County	do	18.0	209 (4-15-59)	(3).
G-18857	Callery Properties, Inc	Palacios Field, Matagorda County	do	17.5	1 (1-14-59)	(3).
G-19308	Gregory J. Gallagher	do	do	17.5	1 (2-2-59)	(3).
G-19964	The Sparta Oil Co	League City West Field, Galveston County.	do	18.0	3 (9-10-59)	(3).
G-20155	Skelly Oil Co	Pheasant Field, Matagorda County	do	17.5	158 (8-1-59)	(3).
G-20359	The Superior Oil Co	do	do	17.5	99 (8-1-59)	(3).
G-20385	Gregory J. Gallagher	Palacios Field, Matagorda County	do	17.5	2 (9-15-59)	(3).
G-18384	Socony Mobil Oil Co., Inc	do	do	17.5	283 (2-18-59)	(3).
CI63-1445	Pan American Petroleum Corp	do	do	17.5	358 (2-12-63)	(3).
CI62-1220	H. B. Lively	Columbus Field, Colorado County	Tennessee Gas Transmission Co.	15.95016	3 (1-31-51)	Ratification 4-10-62.[3]
CI60-459	The Atlantic Refining Co	Englehart Field, Colorado County	do	16.16947	215 (3-16-60)	(3).
CI60-343	Robert Mosbacher	do	do	16.16947	17 (1-30-60)	(3).
CI60-434	North Central Oil Corp	North Blessing Area, Matagorda County.	do	16.16947	3 (3-15-60)	(3).
CI60-495	Woods Exploration and Producing Co.	East Bernard Field, Wharton County	do	16.16947	2 (4-18-60)	(3).
CI60-496	C. W. Coffey and North Central Oil Corp.	Blessing Area, Matagorda County	do	16.16947	4 (3-28-60)	(3).
CI60-642	Ben H. Schnapp	Petkas Field, Chambers County	do	16.16947	1 (4-6-60)	(3).
CI63-584	The Superior Oil Co	Oliver Field, Brazoria County	Florida Gas Transmission Co.	17.5	109 (9-20-62)	(3).
CI63-1057	Humble Oil & Refining Co	Quicksand Creek Field, Newton County.	Trunkline Gas Co	17.0	325 (6-21-60)	Ratification 1-21-63.[3]
CI63-1134	Tidewater Oil Co	do	do	17.0	125 (6-21-60)	Ratification 1-30-63.[3]
CI60-497	Marathon Oil Co	Palacios Field, Matagorda	Florida Gas Transmission Co.	18.0	80 (1-25-60)	(3).
CI60-497	do	do	do	18.0	81 (2-18-59)	(3).
CI60-541	Stewart & Gouger Drilling Co	Northern Ranch Field, Matagorda County.	do	17.5	3 (1-13-60)	(3).
CI60-610	Kirby Petroleum Co	South Hamman Field, Matagorda County.	do	17.5	12 (3-22-60)	(3).
CI61-468	Oil Reserves Corp	Quicksand Creek Field, Newton County.	Trunkline Gas Co	17.0	2 (6-21-60)	(3).
CI61-1688	George R. Brown	Pheasant Field, Matagorda County	Florida Gas Transmission Co.	17.5	10 (1-12-61)	(3).
CI62-1152	A. F. Childers, Jr	Jones Creek Field, Wharton County	do	17.5	1 (1-17-62)	(3).
CI63-672	Skelly Oil Co	East Bay City Field, Matagorda County.	Natural Gas Pipeline Co. of America.	18.0	181 (10-16-62)	(3).
CI60-348	Sun Oil Co	Sarah White Field, Galveston County	Trunkline Gas Co	20.0	120 (3-3-60)	(3).
CI60-478	Kilroy Properties, Inc	Arcadia Field, Galveston County	do	20.0	4 (9-16-58)	Ratification 3-15-60.
CI61-1682	Placid Oil Co. (Operator), et al	Alta Loma Area, Galveston County	Natural Gas Pipeline Co. of America.	20.0	33 (12-15-60)	(3).
CI64-677	Humble Oil & Refining Co	Pledger Miocene, Brazoria County	do	17.0	342 (10-1-63)	(3).
CI61-1221	H. L. Hunt (Operator), et al	Alvin City, Brazoria County	do	20.0	34 (12-15-60)	(3).
CI61-1282	do	Alta Loma, Galveston County	do	20.0	35 (12-15-60)	(3).
CI61-1283	Hassie Hunt Trust (Operator), et al	do	do	20.0	28 (12-15-60)	(3).
CI61-1343	Caroline Hunt Sands	Chenango, Brazoria County	do	20.0	9 (5-15-59)	Ratification 2-15-61.[3]

See footnotes at end of table.

[1] Formerly Coastal Transmission Corporation.

[2] Commissioners Ross and Black concurring stated that had the majority decided Docket Nos. CI61-1221, CI61-1282, CI61-1283, CI61-1343, CI61-1344, CI61-1345, and CI61-1346 in the Hassie Hunt proceeding (Opinion Nos. 412 and 412-A) at the time they were originally heard, it would be unnecesary to retry these applications anew in this case. Since it did not, despite the dissents in that case, there is no other alternative than to proceed as set forth herein.

[2] Filed as part of the original document.

[3] Murphy Vice Chairman, and Minetti, Member, dissenting statement filed as part of the original document.

ules for sales of natural gas under Commission jurisdiction, as set forth in Ap-

held concerning the lawfulness of the proposed changes

ice of copies thereof upon all purchasers

Docket Nos.	Applicant	Field and location	Purchaser	Proposed initial price cents per Mcf 14.65 Psia	Rate schedule and contract date	Comments
CI61-1344	Caroline Hunt Trust Estate	Chemango, Brazoria County	Natural Gas Pipeline Co. of America	20.0	4 (5-15-59)	Ratification 2-15-61.[3]
CI61-1345	Lamar Hunt Trust Estate	do	do	20.0	11 (5-15-59)	Ratification 2-15-61.[3]
CI61-1346	N. B. Hunt	do	do	20.00	12 (5-15-59)	Ratification 2-15-61.[3]

[1] Initial price is subject to the condition that the seller will refund any amounts collected in excess of 16.0 cents per Mcf (plus interest), which may be determined to be in excess of the price required by the public convenience and necessity.
[2] Temporary certificate issued without condition.
[3] The price is subject to the condition that H. B. Lively will refund any amounts (plus interest) in excess of the amount computed at the rate determined to be required by the public convenience and necessity in Docket No. CI62-1220.
[4] The price is subject to the condition that the total initial price shall not exceed 18 cents per Mcf at 14.65 psia, with such rate to be effective for the duration of the temporary authorization and until a different prospective rate is established.
[5] The price is subject to the condition that the total initial price shall not exceed 18 cents per Mcf at 14.65 psia.

[F.R. Doc. 64-3390; Filed, Apr. 8, 1964; 8:45 a.m.]

[Docket Nos. G-19656, RI60-364 [1]]

BATEX, INC., ET AL.

Order Accepting Offer of Settlement, Requiring Refunds, and Terminating Proceedings

APRIL 3, 1964.

On August 21, 1963, Batex, Inc. (Batex) filed an Offer of Settlement [2] relating to its jurisdictional sales of natural gas under its FPC Gas Rate Schedule No. 1 to Tennessee Gas Transmission Company (Tennessee) from Rincon Field, Starr County, Texas (Railroad Commission District No. 4).[3] Batex's FPC Gas Rate Schedule No. 1 is involved in the above-designated [4] rate suspension proceedings.

The following table sets forth the data pertinent to the suspension proceedings involved herein.

Docket No.	Rate schedule No.	Supplement No.	Effective rate	Date effective subject to refund
G-19656	1	4	15.09520	4-15-60
RI60-364	1	5	17.24347	12-14-60

In its Offer of Settlement Batex proposes a settlement rate at the applicable area increased rate level of 14.0 cents per Mcf, and agrees to refund, with interest at 7 percent, all amounts collected in excess of such settlement rate. As of May 1, 1963, refunds would approximate $2,400 exclusive of interest. No objections to the proposed settlement have been received from any interested party.

Since the proposed settlement rate of 14.0 cents per Mcf is acceptable under the provisions of the Commission's Statement of General Policy No. 61-1,[4] as amended, for the jurisdictional sales of natural gas from Railroad Commission District No. 4, it is believed that the public interest will be best served by accepting Batex's proposed settlement offer.

The Commission finds: The proposed settlement on the basis described herein, as more fully set forth in the Offer of Settlement filed by Batex on August 21, 1963, is in the public interest and is appropriate to carry out the provisions of the Natural Gas Act and should be approved by the Commission and made effective as hereinafter ordered.

The Commission orders:

(A) The proposed Offer of Settlement filed by Batex with the Commission on August 21, 1963 is hereby approved in accordance with the provisions of this order.

(B) Within 30 days from the issuance of this order, Batex shall refund to Tennessee all amounts collected in the above-designated proceedings in excess of the settlement rate prescribed herein, together with simple interest at the rate of 7 percent per annum computed to the date of refund. Batex shall bear all costs incidental to the making of such refunds.

(C) Within 45 days from the date of issuance of this order, Batex shall report to the Commission in writing the details of its calculations resulting in refunds ordered pursuant to paragraph (B) above, together with a copy of a release from Tennessee.

(D) Upon full compliance by Batex with the terms and provisions of this order, the section 4(e) proceedings in Docket Nos. G-19656 and RI60-364 shall be deemed terminated, and severed from Docket Nos. AR61-2, et al.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3462; Filed, Apr. 8, 1964; 8:46 a.m.]

[Docket No. RP64-9]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 2, 1964.

Take notice that on March 16, 1964, Cities Service Gas Company (Cities Service) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2, to become effective as of April 23, 1964.

The proposed changes reflect decreases in rates and charges in Rate Schedules F-1, F-2, C-1, C-2, I-1, I-2, P, and X-5, which are contained in the following tariff sheets: Substitute Eighth Revised Sheets Nos. 4, 5, 7, 8, 10 and 19, Substitute Ninth Revised Sheet No. 12, Substitute Tenth Revised Sheet No. 14, and Substitute Eleventh Revised Sheet No. 16, all of Second Revised Volume No. 1, and Substitute Eighth Revised Sheet No. 27 of Original Volume No. 2. The tariff sheets just designated are substitutes for sheets of the same numerical designation which were tendered for filing on October 21, 1963, and suspend until April 23, 1964, by order issued November 22, 1963. Cities Service has tendered the substitute sheets subject to the same conditions which obtain to the sheets which were tendered for filing on October 21, 1963, and which are now under suspension.

The annual decrease in revenues under the proposed substitute sheets is $510,000, based upon sales volumes during the 12 month period ended June 30, 1963, reflecting the recent reduction in the Federal income tax rate from 52 percent to 50 percent.

Copies of the proposed change have been served by Cities Service on all customers and the appropriate state commissions. Comments may be filed with the Commission on or before April 15, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3465; Filed, Apr. 8, 1964; 8:46 a.m.]

[Docket Nos. RI64-664, etc.]

CHAMBERS & KENNEDY ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 2, 1964.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate sched-

[1] Both proceedings are consolidated with the Area Rate Proceedings in Docket Nos. AR64-2, et al.
[2] Although Batex filed this offer in the certificate docket, Docket No. CI63-1501, wherein it obtained authorization to make the sales involved here, the proposed settlement has been construed to be applicable to the instant rate proceedings.
[3] Pursuant to the Commission's order issued February 25, 1964 in Docket No. CI63-1501 permission was granted for abandonment by Batex of the subject sale, and Batex's FPC Gas Rate Schedule No. 1 was cancelled.
[4] Issued September 28, 1960, 24 FPC 818 (18 CFR, Ch. I, Part 2, § 2.56).

[1] Does not consolidate for hearing or dispose of the several matters herein.

ules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.-102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 20, 1964.

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-664	Chambers & Kennedy, 607 Midland National Bank Bldg., Midland, Tex.	2	2	West Texas Gathering Co. (Kermit and South Kermit Fields, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$1,586	3-5-64	[3] 4-5-64	[4] 4-6-64	16.0	[5] [6] 17.0	
RI64-665	M. D. Abel, et al., d/b/a Abel & Bancroft, P.O. Box 865, Midland, Tex.	12	4	El Paso Natural Gas Co. (Ignacio Blanco Field, LaPlata County, Colo).	8,141	3-11-64	[7] 4-11-64	[4] 4-12-64	[8] 13.0	[9] [10] 14.0	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 psia.
[4] Subject to adjustment for the quality (sulphur content) of the gas as a result of Commission action with respect to such factors in the pending rulemaking proceedings in Docket No. R-200.
[5] The suspension period is limited to 1 day.
[6] The stated effective date is the effective date requested by Respondent.
[7] Pressure base is 15.025 psia.
[8] Includes 1.0 cents per Mcf minimum guarantee for liquids.

Chambers & Kennedy request a retroactive effective date of June 1, 1963, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Chambers & Kennedy's rate filing and such request is denied.

With respect to the proposed rate filing of Chambers & Kennedy, the gas is sold under a conditioned temporary certificate at an initial rate of 16.0 cents per Mcf subject to adjustment for the quality (sulphur content) of the gas as a result of Commission action with respect to such factor in the pending rule making proceedings in Docket No. R-200. Since the temporary certificate contained Condition (2) (which proscribed the changing of the initial rate during the period of temporary authorization), the original notice of change for the periodic increase filed on May 24, 1963, was rejected. On August 19, 1963, the producer involved filed a petition for waiver of Condition (2) and on February 14, 1964, the Commission granted waiver. Chambers & Kennedy in its notice of change agree that the proposed rate shall be subject to downward adjustment for quality as a result of any action taken in Docket No. R-200. The proposed increased rate exceeds the applicable area price level for increased rates for the Permian Basin Area as set forth in the Commission's Statement of General Policy No. 61-1, as amended. In view of the delays engendered by the foregoing events, it is believed that the suspension period should be limited to one day from April 5, 1964, the date of expiration of the required statutory notice.

M. D. Abel, et al., d/b/a Abel & Bancroft (Abel), did not include in its rate the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate plus the periodic increase results in a total rate in excess of the 13.0 cents per Mcf (at 15.025 psia) area ceiling for increased rates in Colorado.

The contract related to Abel's rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56), and the proposed rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, that Abel's rate filing should be suspended for one day from April 11, 1964, the requested effective date.

[F.R. Doc. 64-3464; Filed, Apr. 8, 1964; 8:46 a.m.]

[Docket No. RI64-663]

DIXON MANAGEMENT CORP., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 2, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regula-

[2] Commissioner Woodward not participating in the suspension of the filing in Docket No. RI64-665, M. D. Abel, et al., d/b/a Abel & Bancroft.

tions pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice this order respondent shall execute and file under its above-designated docket

(C) Until otherwise ordered by the Commission, neither the suspended sup-

ber 16, 1962, in Docket No. RI63-192 [1] until April 19, 1963, and thereafter until

(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the

commission of the State in which Michigan Consolidated is organized and doing

tions pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 20, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-663...	Dixon Management Corp. (Operator), et al., 1808 Bank of the Southwest Bldg., Houston, Tex., 77002, Attn: Mr. Allan Hardy.	2	5	Union Texas Petroleum, a division of Allied Chemical Corp. (North Port Neches Field, Orange County, Tex.) (R.R. District No. 3).[7]	$13,174	3-5-64	[2] 4-5-64	[6] 4-6-64	[4] 11.10560	[4][5] 12.11520	

[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 psia.
[6] Rate is subject to downward Btu adjustment.
[7] Union Texas Petroleum's FPC Gas Rate Schedule No. 66, which covers sales of subject gas to Texas Eastern Transmission Corp., is under suspension proceedings in Docket Nos. RI62-250, RI62-166, and RI61-236.

Dixon Management Corporation (Operator), et al. (Dixon) request that their proposed rate increase be allowed to become effective as of the date of filing (March 5, 1964). Good cause has not been shown for waiving the 30-day notice requirement provided in section 4 (d) of the Natural Gas Act to permit an earlier effective date for Dixon's proposed rate filing and such request is denied.

Union Texas Petroleum, a Division of Allied Chemical Corporation (Union Texas) gathers and processes the subject gas and resells the residue gas to Texas Eastern Transmission Corporation under its FPC Gas Rate Schedule No. 66 at a rate of 14.5975 cents per Mcf which is in effect subject to refund in Docket No. RI62-250 (also subject to the rate proceedings in Docket Nos. RI62-126 and RI61-236). Union Texas was contractually entitled to 0.2 cent per Mcf periodic increases on November 1, 1962 and 1963, but did not file for such increases. While Dixon's proposed increased rate is below the applicable area increased ceiling rate of 14.0 cents per Mcf as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56) it is suspended because acceptance thereof would tend to justify the rates presently suspended or which may be filed under Union Texas' rate schedule. In addition, Dixon's proposed rate may be considered to be in excess of the area ceiling rate for pipeline quality gas since the area ceiling applies to the sale of gas by Union Texas after gathering. Under the above circumstances, we believe that Dixon's rate filing should be suspended for one day from April 5, 1964, the date of expiration of the required statutory notice.

[F.R. Doc. 64-3466; Filed, Apr. 8, 1964; 8:46 a.m.]

[Docket Nos. CP63-12, CP63-13]

MISSISSIPPI RIVER TRANSMISSION CORP., AND MISSISSIPPI RIVER FUEL CORP.

Notice of Further Postponement of Hearing

APRIL 3, 1964.

Mississippi River Transmission Corporation, Docket No. CP63-12; Mississippi River Fuel Corporation, Docket No. CP63-13.

Upon consideration of the request filed on April 1, 1964 by Mississippi River Fuel Corporation and Mississippi River Transmission Corporation for continuance of the hearing now scheduled to convene at 10:00 a.m., April 7, 1964;

Notice is hereby given that said hearing is postponed to 10:00 a.m., April 22, 1964.

By direction of the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3468; Filed, Apr. 8, 1964; 8:46 a.m.]

[Docket No. CP64-134]

EL PASO NATURAL GAS CO.

Notice of Application To Amend

APRIL 3, 1964.

Take notice that on March 3, 1964, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP64-134, an application to amend an order of the Commission issued February 18, 1964, in Docket No. CP64-134, granting a certificate of public convenience and necessity authorizing among other things the installation and operation of one (1) 330 Hp compressor unit at its Tunstill Compressor Station. El Paso now seeks authorization to install and operate a 495 Hp compressor unit in lieu of the 330 Hp unit authorized, all as more fully set forth in the application to amend on file with the Commission, and open to public inspection.

The application reflects that El Paso has determined that a suitable 330 Hp compressor unit is not available, and that the nearest rating which can be obtained is a 495 Hp unit, which can be installed within the total estimated out-of-pocket project cost of $1,318,500.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (19 CFR 1.18 or 1.10) on or before April 27, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3467; Filed, Apr. 8, 1964; 8:46 a.m.]

[Docket No. RI63-192]

TENNECO CORP.

Order Severing and Terminating Proceeding

APRIL 3, 1964.

On Octobr 19, 1962, Tenneco Corporation (Tenneco) tendered for filing a notice of change in its FPC Gas Rate Schedule No. 8, involving the jurisdictional sale of natural gas to United Gas Pipe Line Company from the Mustang Island Area, Nueces and San Patricio Counties, Texas (Railroad Commission District No. 4). The proposed increased rate of 17.74782 cents per Mcf at 14.65 psia, designated as Supplement No. 1 to Tenneco's FPC Gas Rate Schedule No. 8, was suspended by order issued Novem-

ber 16, 1962, in Docket No. RI63-192[1] until April 19, 1963, and thereafter until made effective in the manner prescribed by the Natural Gas Act. The proposed increased rate has not been made effective subject to refund.

On August 2, 1963, the Commission issued an order, in Tenneco Corporation, Docket No. G-19983, accepting an offer of settlement filed by Tenneco on March 6, 1963. By the terms of the order, a settlement rate of 14.6 cents per Mcf at 14.65 psia was established under Tenneco's FPC Gas Rate Schedule No. 8 effective as of August 2, 1963, and Tenneco was required to make refunds of any amounts collected subject to refund in excess of the settlement rate. In compliance with the order, Tenneco filed a notice of change, designated as Supplement No. 2 to its FPC Gas Rate Schedule No. 8, providing for the 14.6 cents per Mcf settlement rate and also made the necessary refunds. In view thereof, the proceeding in Docket No. RI63-192 has become moot.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the Regulations thereunder to sever the proceeding in Docket No. RI63-192 from the area rate proceeding in Docket Nos. AR64-2, et al., and to terminate the proceeding in Docket No. RI63-192.

The Commission orders: The proceeding in Docket No. RI63-192 is hereby severed from the area rate proceeding in Docket Nos. AR64-2, et al., and Docket No. RI63-192 is hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3469; Filed, Apr. 8, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4199]

MICHIGAN CONSOLIDATED GAS CO. AND AMERICAN NATURAL GAS CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding, Issuance and Sale of Common Stock to Holding Company, and Charter Amendment

APRIL 3, 1964.

Notice is hereby given that American Natural Gas Company ("American Natural") 30 Rockefeller Plaza, New York, New York, 10020, a registered holding company, and Michigan Consolidated Gas Company "Michigan Consolidated"), a public-utility subsidiary company of American Natural, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9, 10, and 12 (f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

[1] The proceeding in Docket No. RI63-192 was consolidated with the Texas Gulf Coast area rate proceeding, Docket Nos. AR64-2, et al., by order issued November 27, 1963.

Michigan Consolidated proposes to issue and sell to American Natural, its sole common stockholder, 500,000 additional shares of common stock, $14 par value, and American Natural proposes to acquire these shares for cash at par, or for a total consideration of $7,000,000. In connection therewith, Michigan Consolidated proposes to amend its Articles of Incorporation pursuant to Michigan law so as to increase its authorized capital stock from 8,480,000 shares to 8,980,000 shares. Upon such issuance and sale, Michigan Consolidated will have outstanding 8,980,000 shares of common stock of an aggregate par value of $125,720,000.

Michigan Consolidated also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $30,000,000 principal amount of First Mortgage Bonds, --percent Series due 1989. The interest rate on the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Michigan Consolidated (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by competitive bidding. The bonds will be issued under an Indenture of Mortgage and Deed of Trust dated as of March 1, 1944, between Michigan Consolidated and First National City Bank, New York, N.Y., Trustee, as heretofore supplemented and as to be further supplemented by a Fourteenth Supplemental Indenture to be dated as of May 15, 1964.

The proceeds from the sale of the new bonds and common stock are to be used to retire any of Michigan Consolidated's then outstanding short-term notes payable to banks, which were issued for construction purposes and which aggregated $13,500,000 on December 31, 1963, and to finance, in part, its construction program for 1964, the cost of which is estimated at $54,781,000.

Expenses in connection with the proposed issuance and sale of common stock are estimated at $19,000, including Federal original issue tax of $7,000, State commission fees of $10,500, and counsel fees of $1,000. Expenses incident to the issuance and sale of the new bonds are estimated at $144,000, including Federal original issue tax of $33,000, this Commission's registration fee of $3,090, State commission fees of $30,000, counsel fees of $24,000, accounting fee of $5,500, Trustee's fees and expenses of $12,500, printing costs of $26,000, and mortgage recording and title expense of $5,500. The fee of counsel for the purchasers of the new bonds is estimated at $11,000 and is to be paid by the successful bidders.

The proposal to amend the charter and the proposed issuance and sale of the new bonds and common stock are subject to the jurisdiction of the Michigan Public Service Commission, the State commission of the State in which Michigan Consolidated is organized and doing business. Michigan Consolidated has filed an application with said State commission requesting the requisite authorization. The filing states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 4, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3461; Filed, Apr. 8, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 6, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38944: *Soybeans from and to points in Kansas and Missouri.* Filed by Western Trunk Line Committee, agent (No. A-2356), for interested rail carriers. Rates on soybeans, in carloads, between points in Kansas; also between points in Kansas, on the one hand, and Kansas-City, Mo.-Kans., and St. Joseph, Mo., on the other.

Grounds for relief: Motortruck competition.

FSA No. 38945: *Commodity rates*— natural gas and petroleum and their nati, Ohio, of the operating rights in

agreement and by filing it with the Di-

FSA No. 38945: *Commodity rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 54), for itself and interested carriers. Rates on sodium acetate, in trailerloads, moving in part over the highways and in part via water in containerships in intercoastal service, from Buffalo, N.Y., to Los Angeles and San Francisco, Calif., also Portland, Oreg.

Grounds for relief: All-rail competition.

Tariff: Supplement 48 to Sea-Land Service, Inc., tariff I.C.C. 14.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3482; Filed, Apr. 8, 1964; 8:47 a.m.]

[Notice 964]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 6, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66553. By order of April 1, 1964, the Transfer Board approved the transfer to Richard D. Ezell and Larry D. Goerke, a partnership doing business as R. and L. Truck Lines, Stanberry, Mo., of certificate in No. MC 54291 issued March 25, 1952, to Bert Dalrymple, doing business as Dalrymple Truck Line, Stanberry, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between St. Joseph, Mo., and Stanberry, Mo., with no service authorized to or from intermediate points; and livestock, over regular routes, from Stanberry, Mo., to Kansas City, Kans., with service authorized to and from the intermediate and off-route points of Kansas City, Mo., and those within 10 miles of Stanberry. Robert L. Ross, Albany, Mo., attorney for applicants.

No. MC-FC 66645. By order of April 3, 1964, the Transfer Board approved the transfer to Riteway Transport, Inc., Phoenix 4, Ariz., of certificate in No. MC 98289 (Sub-No. 1), issued April 3, 1961, to Marshall E. Nauman, doing business as Riteway Transport, Phoenix, Ariz., authorizing the transportation of machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and heavy or bulky articles that require use of special equipment, and household goods as defined by the Commission, over irregular routes between points in McKinley, San Juan, and Valencia Counties, N. Mex., on the one hand, and, on the other, Durango, Colo., and points in Colorado within 100 miles thereof, Lupton, Ariz., and points in Arizona within 200 miles thereof, and Monticello, Utah, and points in Utah within 100 miles thereof; and general commodities, including household goods and commodities in bulk, between points in McKinley, San Juan, and Valencia Counties, N. Mex., other than between points both of which are served by rail lines or both of which are served by regular route motor common carriers. Emmett R. Feighner, 525 Greater Arizona Savings Building, Phoenix 4, Ariz., attorney for applicants.

No. MC-FC 66751. By order of April 1, 1964, the Transfer Board approved the transfer to the Connecticut Bus Co., a corporation, New Haven, Conn., of the operating rights in Certificate No. MC 76374, issued June 27, 1962, to the Connecticut Co., a corporation, New Haven, Conn., authorizing the transportation, over irregular routes, of: Passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from points in Connecticut (except points in New London County), to points in New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Delaware, Maryland, Virginia, and the District of Columbia, and return. Francis F. McGuire, 68 Federal St., New London, Conn., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3483; Filed, Apr. 8, 1964; 8:47 a.m.]

[Notice 964-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 6, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66327. By order of April 3, 1964, the Transfer Board, on reconsideration, approved the transfer to Budig Trucking Co., a corporation, Cincinnati, Ohio, of the operating rights in certificates in Nos. MC 30191 (Sub-No. 3) and MC 30191 (Sub-No. 4), issued July 27, 1942 and January 17, 1944, respectively, to Charles D. Pratt, doing business as Service Express, Vevay, Ind., authorizing the transportation, over irregular routes of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between specified points in Indiana and Ohio. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3484; Filed, Apr. 8, 1964; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 171]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Rerouting of Traffic

In the opinion of Charles W. Taylor, agent, this Missouri-Kansas-Texas Railroad Co. is unable to transport traffic routed over its line between Parsons, Kans., and Oklahoma City, Okla., because of bridge damage just south of Bartlesville, Okla.

It is ordered, That:

(a) Rerouting traffic. The Missouri-Kansas-Texas Railroad Co., and its connections, being unable to transport traffic in accordance with shippers' routing over its line between Parsons, Kans., and Oklahoma City, Okla., because of bridge damage just south of Bartlesville, Okla., are hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroad before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 5:00 p.m., April 3, 1964.

(g) Expiration date. This order shall expire at 11:59 p.m., April 15, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 3, 1964.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[SEAL]

[F.R. Doc. 64-3485; Filed, Apr. 8, 1964; 8:47 a.m.]

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VOLUME 29 NUMBER 71

Washington, Friday, April 10, 1964

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APR 14 1964
MAIN READING ROOM

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Executive Order 11151

SUSPENSION OF THE PROVISIONS OF SECTION 5770 OF TITLE 10, UNITED STATES CODE, RELATING TO PROMOTION OF CERTAIN OFFICERS OF THE REGULAR NAVY

By virtue of the authority vested in me by Section 5785(b) of Title 10 of the United States Code, I hereby suspend the provisions of Section 5770 of Title 10 of the United States Code which require certain male officers on the active list in the line of the Navy to have had specified sea or foreign service before they may be promoted.

LYNDON B. JOHNSON

THE WHITE HOUSE,
April 8, 1964.

[F.R. Doc. 64-3628; Filed, Apr. 9, 1964; 10:49 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show the revocation of the exception for one of the positions of Assistant to the Secretary reducing the number of exceptions for these positions from four to three. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (a) of § 213.3305 is amended as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* (1) Three Assistants to the Secretary.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–3491; Filed, Apr. 9, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. No. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans on Certain Commodities

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 28 F.R. 2489, as amended, containing the terms and conditions for participation in pools of CCC price support loans on certain commodities are hereby further amended to increase from 3.5 to 3.70 percent per annum, effective April 10, 1964, the rate of interest on certificates evidencing participation in financing price support loans.

1. Section 1421.3806(a) is amended to read as follows:

§ 1421.2806 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates evidencing participation in financing price support program loans shall earn interest at the rate of 3 percent per annum through and including August 31, 1963, 3.5 percent per annum from September 1, 1963 through and including April 9, 1964 and 3.70 percent per annum thereafter.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C., on April 7, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64–3555; Filed, Apr. 9, 1964; 8:48 a.m.]

[Amdt. No. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

CHANGE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, containing the terms and conditions for participation in pools of CCC price support loans on certain commodities, are hereby amended to change from 3.5 to 3.70 percent per annum the rate of interest on certificates evidencing participation in financing price support loans.

1. Section 1421.3825(a) is amended to read as follows:

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 3.70 percent per annum.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C., on April 7, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64–3554; Filed, Apr. 9, 1964; 8:48 a.m.]

[Amdt. No. 3]

PART 1427—COTTON

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Cotton

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 6192, as amended, containing the terms and conditions under which commercial banks may participate in pools of CCC price support loans on cotton are hereby further amended to increase from 3.5 to 3.70 percent per annum, effective April 10, 1964, the rate of interest on certificates evidencing participation in financing cotton price support loans.

Section 1427.1238 is amended to read as follows:

§ 1427.1238 Rate of interest and basis of computation of interest earned.

Certificates shall earn interest at the rate of 3 percent per annum through and including August 31, 1963, 3.5 percent per annum from September 1, 1963 through and including April 9, 1964 and 3.70 percent per annum thereafter. This interest rate of 3.70 percent may be increased or decreased by CCC upon publication in the FEDERAL REGISTER of an amendment to these regulations providing for such increase or decrease: *Provided,* That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 15 days subsequent to the date of publication of such amendment in the FEDERAL REGISTER. Interest earned will be paid on a 365-day basis from and including the date shown on the certificate to, but not including, the maturity date of the certificate, the date the certificate is purchased by CCC, or the date the certificate is to be presented to CCC for purchase in accordance with notice given the holder of record pursuant to § 1427.1237, whichever date first occurs. If the amount of accrued interest on a certificate presented for purchase is $3.00 or less, CCC shall not be obligated to pay any interest on the certificate.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C., on April 7, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64–3556; Filed, Apr. 9, 1964; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of

brara, Park, Platte, Sublette, Sweetwater,
sideration and of determination by it of
with one engine inoperative, from the

Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Coosa, Covington, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. Honolulu County;

Idaho. The entire State;

Illinois. Adams, Alexander, Bond, Bonne, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Platt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Guthrie, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Story, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, DeSoto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fayette, Franklin, Fulton, Gallia, Geauga, Greene, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Wayne, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Haskell, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, and Pushmataha Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Honolulu County in Hawaii; Adams County in Illinois; Story County in Iowa; Hutchinson County in Texas; and Lincoln and Natrona Counties in Wyoming.

The amendment deletes the following area from the list of areas designated as modified certified brucellosis areas because it has been determined that such area no longer comes within the definition of § 78.1(i): Harding County in South Dakota.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of April 1964.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 64-3537; Filed, Apr. 9, 1964; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 17,986]

PART 523—MEMBERS OF BANKS

Stock Subscription

APRIL 1, 1964.

Resolved that, notice and public procedure having been duly afforded (28 F.R. 13549) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 523.5 of the regulations for the Federal Home Loan Bank System (12 CFR 523.5) in order to enable the Federal Home Loan Banks to obtain from Bank members on a fiscal year accounting basis information necessary to determine required stock subscription as of the end of the calendar year, and for the purpose of effecting such an amendment, hereby amends said § 523.5 of the regulations for the Federal Home Loan Bank System to read as follows, effective May 11, 1964:

§ 523.5 Minimum stock subscription.

As of the close of each calendar year, the Bank shall ascertain from the report required by § 523.15, or by such other means as may be appropriate, if an additional subscription to capital stock is required of any member, in order to comply with the act, and the Bank shall notify the member of any additional requirement.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 64-3519; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. Docket No. 1849; Amdt. 40-40]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Operation of Three-Engine Airplanes

The purpose of this amendment is to prescribe certain training and proficiency requirements for the pilot in command of a three-engine airplane and to authorize certain operations of three-engine airplanes under the same conditions authorized for four-engine airplanes.

On July 11, 1963, the Federal Aviation Agency issued as a notice of proposed rule making (28 F.R. 7398), circulated as Notice No. 63-26, a proposal to amend Parts 40, 41, and 42 to require that training and proficiency maneuvers for pilots in command of three-engine airplanes include the operation of the airplane with the most critical combination of two engines inoperative, or operating at zero thrust, and to authorize the same prerogatives in the operation of three-engine airplanes that are permitted in the operation of four-engine airplanes with respect to:

1. Continuation of flight under certain circumstances beyond the nearest suitable airport with one engine inoperative; and

2. Location of the alternate airport at a distance up to two hours of flying time, with one engine inoperative, from the airport of takeoff.

Insofar as this amendment relates to the initial flight training of a pilot qualifying to serve as pilot in command of a three-engine airplane, § 40.282(b)(1)(ii) is amended to require flight in a three-engine airplane, including maneuvering to a landing, with the most critical combination of two engines inoperative. These maneuvers will then be required as part of the pilot in command proficiency check as well, since § 40.302(b)(2)(i) requires that the maneuvers set forth in § 40.282(b)(1) be accomplished during that check. Also, with regard to the pilot in command proficiency check, CAM §§ 40.302–1(j) and 40.302–1(v) respectively require maneuvering and landing while utilizing 50 percent of the available power units. These sections are amended to make them applicable to three-engine airplanes by requiring the maneuvers to be performed in those airplanes with the center and one outboard engine in a simulated inoperative condition.

The Air Line Pilots Association's comments on these requirements were favorable provided that experience gained subsequent to the preparation of their comments proved that the maneuvers could be performed safely considering the actual performance characteristics of the airplanes which had not been certificated at that time. Experience gained subsequently with airplanes of this type has shown that airplane performance is adequate for these maneuvers.

The Aerospace Industries Association and the Air Transport Association opposed the two-engine-inoperative maneuver requirements. One basis of their opposition was the good engine reliability record of turbine-powered airplanes. They further contended that the requirement is more stringent than for four-engine airplanes; that maneuvering to a landing with two engines inoperative exposes the airplane to untoward incidents; and that proficiency in these maneuvers could be attained through the practice of other maneuvers such as engine failure on takeoff and jammed stabilizer landings.

The Federal Aviation Agency recognizes the commendable engine reliability record established to date by turbine-powered airplanes. However, while improved reliability reduces the probability of engine failures, the possibility factor has not been eliminated and cannot be ignored. The airplane is required to have certain performance capabilities with two engines inoperative so that the airplane may proceed to a landing in the event of two engine failures when operating more than 90 minutes from an airport. The Federal Aviation Agency believes that pilots must be competent to fly the airplane in any configuration in which it is certificated to fly.

The two-engine-inoperative landing maneuver is sufficiently different from other required maneuvers that proficiency in this maneuver is not attained by practice of the other maneuvers as was suggested by the air carriers. Concerning the industry contention that two-engine inoperative landings unnecessarily expose the airplane to an inci-

dent, experience has shown that when the degree of skill and judgment normally required of pilots is exercised, the risk factor is not significant. Moreover, the Agency believes that the practice of engine failure on takeoff and jammed stabilizer landings is necessary to develop the skill and judgment required to cope with the most critical emergency situations.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following amendments are made in Parts 40, 41, and 42 of the Civil Air Regulations, effective May 11, 1964:

1. By amending § 40.282(b)(1)(ii) to read as follows:

§ 40.282 Maneuvers and procedures required.

(b) *Airplane category.* (1) *Class of airplane.*

(ii) Three-engine airplane, including maneuvering to a landing, with the most critical combination of two engines inoperative, or operating at zero thrust, utilizing, where appropriate, applicable climb

2. Location of the alternate airport at a distance up to two hours of flying time,

Section 41.75 provides for the en route

§ 41.363 [Amended]

the maneuvers required by § 42.282(b)(1)

dent, experience has shown that when the degree of skill and judgment normally required in training type operations is used there is no reason to consider the two-engine-inoperative maneuvers to be unduly hazardous.

Section 40.75 provides for the en route operation of four-engine piston-powered airplanes along a track which is as much as 90 minutes or more from an available landing area when appropriate performance and gross weight requirements are complied with. Notice 63–26 contained a proposal to amend that section by broadening its applicability to include three-engine piston-powered airplanes. As a necessary corollary to this, it was proposed to amend § 40.62(a) (which limits two- and three-engine airplanes to operation at distances of not more than 60 minutes from an airport) by deleting reference in it to all three-engine airplanes. After consideration of the fact that three-engine piston-powered airplanes are not now available nor envisioned in the foreseeable future, it has been decided that the proposed amendments to §§ 40.75 and 40.62(a), insofar as they apply to three-engine piston-powered airplanes, are unnecessary. Section 40.62(a) is amended by excepting from its provisions three-engine turbine-powered airplanes, but not three-engine piston-powered airplanes as was proposed. Excepting three-engine turbine-powered airplanes from the provisions of § 40.62(a) will enable them to be operated more than 60 minutes from an airport as provided in Section 40T.83 of SR–422B.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. The issuance of this amendment was withheld until sufficient flight experience had been obtained with a three-engine turbine-powered airplane. Inasmuch as this type of airplane has recently been certificated by the Agency and introduced into air carrier operations, I find that, in the interest of safety there is good cause for making it effective on less than 30 days' notice.

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, Part 40 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective April 10, 1964, as hereinafter set forth.

§ 40.62 [Amended]

1. By amending § 40.62(a) by inserting at the beginning thereof the phrase "Except for three-engine turbine-powered airplanes • • •".

2. By amending § 40.282(b)(1)(ii) to read as follows:

§ 40.282 Initial pilot flight training.

• • • • •

(b) • • •

(1) • • •

(ii) At the authorized maximum landing weight, flight, including maneuvering to a landing, in a three- or four-engine airplane with the most critical combination of two engines inoperative, or operating at zero thrust, utilizing, where appropriate, applicable climb speeds as set forth in the Airplane Flight Manual.

• • • • •

3. By amending § 40.302–1(j) by adding between the first and second sentences a new sentence to read: "In the case of a three-engine airplane, maneuvering will be accomplished with a loss of the center and one outboard engine."

4. By amending § 40.302–1(v) by adding before the last sentence a new sentence to read: "In the case of a three-engine airplane, the airplane shall be maneuvered to a landing while utilizing one of the outboard engines, and with the center engine and the other outboard engine in a simulated inoperative condition."

§ 40.363 [Amended]

5. By amending § 40.363(b) by deleting from the introductory sentence the numeral "4" and inserting in lieu thereof the numeral "3".

§ 40.388 [Amended]

6. By amending § 40.388(a) by deleting from the title of subparagraph (1) the words "or 3", and by deleting from the title of subparagraph (2) the numeral "4" and inserting in lieu thereof the numeral "3".

Issued in Washington, D.C., on April 2, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64–3500; Filed, Apr. 9, 1964; 8:45 a.m.]

[Reg. Docket No. 1849; Amdt. 41–6]

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

Operation of Three-Engine Airplanes

The purpose of this amendment is to prescribe certain training and proficiency requirements for the pilot in command of a three-engine airplane and to authorize certain operations of three-engine airplanes under the same conditions authorized for four-engine airplanes.

On July 11, 1963, the Federal Aviation Agency issued as a notice of proposed rule making (28 F.R. 7398), circulated as Notice No. 63–26, a proposal to amend Parts 40, 41, and 42 to require that training and proficiency maneuvers for pilots in command of three-engine airplanes include the operation of the airplane with the most critical combination of two engines inoperative, or operating at zero thrust, and to authorize the same prerogatives in the operation of three-engine airplanes that are permitted in the operation of four-engine airplanes with respect to:

1. Continuation of flight under certain circumstances beyond the nearest suitable airport with one engine inoperative; and

2. Location of the alternate airport at a distance up to two hours of flying time, with one engine inoperative, from the airport of takeoff.

Insofar as this amendment relates to the initial flight training of a pilot qualifying to serve as pilot in command (or as second in command in a crew requiring 3 or more pilots) of a three-engine airplane, § 41.282(b)(1)(ii) is amended to require flight in a three-engine airplane, including maneuvering to a landing, with the most critical combination of two engines inoperative. These maneuvers will then be required as part of the pilot in command proficiency check as well, since § 41.302(b)(2)(ii) presently requires that the maneuvers required by § 41.282(b)(1) be accomplished during the proficiency check.

The Air Line Pilots Association's comments on these requirements were favorable provided that experience gained subsequent to the preparation of their comments proved that the maneuvers could be performed safely considering the actual performance characteristics of the airplanes which had not been certificated at that time. Experience gained subsequently with airplanes of this type has shown that airplane performance is adequate for these maneuvers.

The Aerospace Industries Association and the Air Transport Association opposed the two-engine-inoperative maneuver requirements. One basis of their opposition was the good engine reliability record of turbine-powered airplanes. They further contended that the requirement is more stringent than for four-engine airplanes; that maneuvering to a landing with two engines inoperative exposes the airplane to untoward incidents; and that proficiency in these maneuvers could be attained through the practice of other maneuvers such as engine failure on takeoff and jammed stabilizer landings.

The Federal Aviation Agency recognizes the commendable engine reliability record established to date by turbine-powered airplanes. However, while improved reliability reduces the probability of engine failures, the possibility factor has not been eliminated and cannot be ignored. The airplane is required to have certain performance capabilities with two engines inoperative so that the airplane may proceed to a landing in the event of two engine failures when operating more than 90 minutes from an airport. The Federal Aviation Agency believes that pilots must be competent to fly the airplane in any configuration in which it is certificated to fly.

The two-engine-inoperative landing maneuver is sufficiently different from other required maneuvers that proficiency in this maneuver is not attained by practice of the other maneuvers as was suggested by the air carriers. Concerning the industry contention that two-engine-inoperative landings unnecessarily expose the airplane to an incident, experience has shown that when the degree of skill and judgment normally required in training type operations is used there is no reason to consider the two-engine-inoperative maneuvers to be unduly hazardous.

Section 41.75 provides for the en route operation of four-engine piston-powered airplanes along a track which is as much as 90 minutes or more from an available landing area when appropriate performance and gross weight requirements are complied with. Notice 63–26 contained a proposal to amend that section by broadening its applicability to include three-engine piston-powered airplanes. As a necessary corollary to this, it was proposed to amend § 41.62(a) (which limits two- and three-engine airplanes to operation at distances of not more than 60 minutes from an airport) by deleting reference in it to all three-engine airplanes. After consideration of the fact that three-engine piston-powered airplanes are not now available nor envisioned in the foreseeable future, it has been decided that the proposed amendments to §§ 41.75 and 41.62(a), insofar as they apply to three-engine piston-powered airplanes, are necessary. Section 41.62(a) is amended by excepting from its provisions three-engine turbine-powered airplanes, but not three-engine piston-powered airplanes as was proposed. Excepting three-engine turbine-powered airplanes from the provisions of § 41.62(a) will enable them to be operated more than 60 minutes from an airport as provided in Section 40T.83 of SR–422B.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. The issuance of this amendment was withheld until sufficient flight experience had been obtained with a three-engine turbine powered airplane. Inasmuch as this type of airplane has recently been certificated by the Agency and introduced into air carrier operations, I find that, in the interest of safety, there is good cause for making it effective on less than 30 days' notice.

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, Part 41 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective April 10, 1964, as hereinafter set forth.

§ 41.62 [Amended]

1. By amending § 41.62(a) by inserting at the beginning thereof the phrase "Except for three-engine turbine-powered airplanes • • •".

2. By amending § 41.282(b)(1)(ii) to read as follows:

§ 41.282 Pilot flight training.

• • • • •

(b) • • •

(1) • • •

(ii) At the authorized maximum landing weight, flight, including maneuvering to a landing, in a three- or four-engine airplane with the most critical combination of two engines inoperative, or operating at zero thrust, utilizing, where appropriate, applicable climb speeds as set forth in the Airplane Flight Manual.

• • • • •

§ 41.363 [Amended]

3. By amending § 41.363(b) by deleting from the introductory sentence the numeral "4" and inserting in lieu thereof the numeral "3".

§ 41.388 [Amended]

4. By amending § 41.388(a) by deleting from the title of subparagraph (1) the words "or 3", and by deleting from the title of subparagraph (2) the numeral "4" and inserting in lieu thereof the numeral "3".

Issued in Washington, D.C., on April 2, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64–3501; Filed, Apr. 9, 1964; 8:46 a.m.]

[Reg. Docket No. 1849; Amdt. 42–5]

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

Operation of Three-Engine Airplanes

The purpose of this amendment is to prescribe certain training and proficiency requirements for the pilot in command of a three-engine airplane and to authorize certain operations of three-engine airplanes under the same conditions authorized for four-engine airplanes.

On July 11, 1963, the Federal Aviation Agency issued as a notice of proposed rule making (28 F.R. 7398), circulated as Notice No. 63–26, a proposal to amend Parts 40, 41, and 42 to require that training and proficiency maneuvers for pilots in command of three-engine airplanes include the operation of the airplane with the most critical combination of two engines inoperative, or operating at zero thrust, and to authorize the same prerogatives in the operation of three-engine airplanes that are permitted in the operation of four-engine airplanes with respect to:

1. Continuation of flight under certain circumstances beyond the nearest suitable airport with one engine inoperative; and

2. Location of the alternate airport at a distance up to two hours of flying time, with one engine inoperative, from the airport of takeoff.

Insofar as this amendment relates to the initial flight training of a pilot qualifying to serve as pilot in command (or as second in command in a crew requiring 3 or more pilots) of a three-engine airplane, § 42.282(b)(1)(ii) is amended to require flight in a three-engine airplane, including maneuvering to a landing, with the most critical combination of two engines inoperative. These maneuvers will then be required as part of the pilot in command proficiency check as well, since § 42.302(b)(2)(ii) presently requires that the maneuvers required by § 42.282(b)(1) be accomplished during the proficiency check.

The Air Line Pilots Association's comments on these requirements were favorable provided that experience gained subsequent to the preparation of their comments proved that the maneuvers could be performed safely considering the actual performance characteristics of the airplanes which had not been certificated at that time. Experience gained subsequently with airplanes of this type has shown that airplane performance is adequate for these maneuvers.

The Aerospace Industries Association and the Air Transport Association opposed the two-engine-inoperative maneuver requirements. One basis of their opposition was the good engine reliability record of turbine-powered airplanes. They further contended that the requirement is more stringent than for four-engine airplanes; that maneuvering to a landing with two engines inoperative so that the airplane may proceed to a landing in the event of two engine failures when operating more than 90 minutes from an airport. The Federal Aviation Agency believes that pilots must be competent to fly the airplane in any configuration in which it is certificated to fly.

The two-engine-inoperative landing maneuver is sufficiently different from other required maneuvers that proficiency in this maneuver is not attained by practice of the other maneuvers as was suggested by the air carriers. Concerning the industry contention that two-engine-inoperative landings unnecessarily expose the airplane to an incident, experience has shown that when the degree of skill and judgment normally required in training type operations is used there is no reason to consider the two-engine-inoperative maneuvers to be unduly hazardous.

Section 42.75 provides for the en route operation of four-engine piston-powered airplanes along a track which is as much as 90 minutes or more from an available landing area when appropriate performance and gross weight requirements are complied with. Notice 63–26 contained a proposal to amend that section by broadening its applicability to include three-engine piston-powered airplanes. As a necessary corollary to this, it was proposed to amend § 42.62(a) (which limits two- and three-engine airplanes to operation at distances of not more than 60 minutes from an airport) by deleting reference in it to all three-engine air-

planes. After consideration of the fact

Title 21 FOOD AND DRUGS

Effective date. This order shall be

if such dividends are distributed out of

planes. After consideration of the fact that three-engine piston-powered airplanes are not now available nor envisioned in the foreseeable future, it has been decided that the proposed amendments to §§ 42.75 and 42.62(a), insofar as they apply to three-engine piston-powered airplanes, are unnecessary. Section 42.62(a) is amended by excepting from its provisions three-engine turbine-powered airplanes, but not three-engine piston-powered airplanes as was proposed. Excepting three-engine turbine-powered airplanes from the provisions of § 42.62(a) will enable them to be operated more than 60 minutes from an airport as provided in Section 40T.83 of SR-422B.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. The issuance of this amendment was withheld until sufficient flight experience had been obtained with a three-engine turbine-powered airplane. Inasmuch as this type of airplane has recently been certificated by the Agency and introduced into air carrier operations, I find that, in the interest of safety, there is good cause for making it effective on less than thirty days' notice.

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, Part 42 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective April 10, 1964, as hereinafter set forth.

§ 42.62 [Amended]

1. By amending § 42.62(a) by inserting at the beginning thereof the phrase "Except for three-engine turbine-powered airplanes * * *".

2. By amending § 42.282(b)(1)(ii) to read as follows:

§ 42.282 Pilot flight training; airplanes.

* * * * *

(b) * * *

(1) * * *

(ii) At the authorized maximum landing weight, flight, including maneuvering to a landing, in a three or four-engine airplane with the most critical combination of two engines inoperative, or operating at zero thrust, utilizing, where appropriate, applicable climb speeds as set forth in the Airplane Flight Manual.

* * * * *

§ 42.363 [Amended]

3. By amending § 42.363(b) by deleting from the introductory sentence the numeral "4" and inserting in lieu thereof the numeral "3".

§ 42.388 [Amended]

4. By amending § 42.388(a) by deleting from the title of subparagraph (1) the words "or 3", and by deleting from the title of subparagraph (2) the numeral "4" and inserting in lieu thereof the numeral "3".

Issued in Washington, D.C., on April 2, 1964.

N. E. Halaby,
Administrator.

[F.R. Doc. 64-3502; Filed, Apr. 9, 1964; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-WE-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area

On October 30, 1963, a notice of proposed rule making was published in the Federal Register (28 F.R. 11567) stating that the Federal Aviation Agency (FAA) proposed to alter the Modesto, Calif., control zone and designate the Modesto transition area. On February 4, 1964, a supplemental notice of proposed rule making was published amending the original proposal (29 F.R. 1693).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the Modesto, Calif., control zone is amended to read:

Modesto, Calif.

Within a 5-mile radius of the Modesto City-County Airport, Modesto, Calif., (latitude 37°37'35'' N., longitude 120°57'15'' W.); within 2 miles each side of the Modesto VOR 291° radial, extending from the 5-mile radius zone to 8 miles W of the VOR; within 2 miles each side of the Modesto VOR 119° radial, extending from the 5-mile radius zone to 8 miles E of the VOR from 0630 to 2200 hours local time, daily, excluding the portion within R-2514.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Modesto, Calif.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Modesto City-County Airport (latitude 37°37'35'' N., longitude 120°57'15'' W.) within 2 miles each side of the Modesto VOR 291° radial, extending from the 5-mile radius area to 8 miles W of the VOR, and within 2 miles each side of the Modesto VOR 119° radial, extending from the 5-mile radius area to 8 miles E of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120°-30'00'' W., on the SE by a line extending from latitude 37°38'45'' N., longitude 120°-30'00'' W., to latitude 37°25'00'' N., longitude 120°48'00'' W., on the S by latitude 37°25'00'' N., on the W by V-109, and on the N by a line extending from the E boundary of V-109 through latitude 37°38'00'' N., longitude 121°00'35'' W., to latitude 37°45'45'' N., longitude 120°30'00'' W.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., June 25, 1964.

Issued in Washington, D.C., on April 3, 1964.

D. E. Barrow,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3503; Filed, Apr. 9, 1964; 8:46 a.m.]

[Airspace Docket No. 63-SW-32]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration and Designation of Jet Routes

On December 7, 1963, a notice of proposed rule making was published in the Federal Register (28 F.R. 13319) stating that the Federal Aviation Agency (FAA) proposed the following: (1) Designation of a jet route from the Boulder, Nev., VOR via the Tuba City, Ariz., VOR; the Crown Point, N. Mex., VOR; the Las Vegas, N. Mex., VORTAC; the Amarillo, Texas, VORTAC; the Wichita Falls, Texas, VORTAC; to the Dallas, Texas, VORTAC; (2) extension of Jet Route No. 72 from the Albuquerque, N. Mex., VORTAC via the Winslow, Ariz., VORTAC; to the Peach Springs, Ariz., VORTAC; to the Boulder VOR; (3) realignment of Jet Route No. 58 from the Amarillo, Texas, VORTAC, via the Wichita Falls VORTAC to the Dallas VORTAC.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, therefore, for the reasons stated in the notice, the following actions are taken:

1. In § 75.100 (29 F.R. 1287) Jet Route No. 76 is added as follows:

Jet Route No. 76 (Boulder, Nev., to Dallas, Texas).

From Boulder, Nev., via Tuba City, Ariz.; Crown Point, N. Mex.; Las Vegas, N. Mex.; Amarillo, Texas; Wichita Falls, Texas; to Dallas, Texas.

2. In § 75.100 (29 F.R. 1287) Jet Route No. 72 is amended to read as follows:

Jet Route No. 72 (Boulder, Nev., to Dallas, Tex.).

From Boulder, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Texico, N. Mex.; Wichita Falls, Texas; to Dallas, Texas.

3. In § 75.100 (29 F.R. 1287) Jet Route No. 58 is amended as follows: In the text "Amarillo, Texas; Dallas, Texas;" is deleted and "Amarillo, Texas; Wichita Falls, Texas; Dallas, Texas;" is substituted therefor.

(Sec. 307(a), 72 Stat. 749, 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., May 28, 1964.

Issued in Washington, D.C., on April 3, 1964.

Daniel E. Barrow,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3504; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

Lactylic Esters of Fatty Acids

The Commissioner of Food and Drugs having evaluated data in a petition (FAP 1189) filed by The Glidden Company, 900 Union Commerce Building, Cleveland 14, Ohio, and other relevant material, has concluded that § 121.1048 should be amended to prescribe a class of lactylic esters of fatty acids capable of acting as safe emulsifiers and plasticizers in food. Since it would serve no useful purpose to include specifications of each specific ester, it would likewise serve no purpose to retain the specifications of the one ester currently described in § 121.1048. Likewise, in the absence of a need to prescribe specific levels of use, no purpose is served by retaining the present labeling requirements imposed by § 121.1048(d). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1048 is revised to read as follows:

§ 121.1048 Lactylic esters of fatty acids.

Lactylic esters of fatty acids may be safely used in food in accordance with the following prescribed conditions:

(a) They were prepared from lactic acid and fatty acids meeting the requirements of § 121.1070(b).

(b) They are used as emulsifiers and plasticizers in the following foods, in an amount not greater than that required to produce the intended physical or technical effect, and where standards of identity do not preclude use: Bakery mixes, pancake mixes, baked products, pudding mixes, dehydrated potatoes, and cake icings.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the Federal Register.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 6, 1964.

Geo. P. Larrick,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3520; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6721]

PART 19—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1964

Election of 100-Percent Dividends Received Deduction

The following regulations prescribed under section 243 of the Internal Revenue Code of 1954, as amended by section 214(a) of the Revenue Act of 1964 (78 Stat. 52), relate to the election by an affiliated group of the 100-percent dividends received deduction allowed by section 243(a)(3) of the Code, and to the apportionment of the single $100,000 exemption from estimated tax allowed to members of such group under section 243(b)(3)(C)(v).

The regulations set forth herein are temporary and are designed to inform taxpayers of certain rules governing the performance of acts required or permitted under certain provisions relating to the 100-percent dividends received deduction. More comprehensive rules with respect to these and other provisions relating to such deduction will be issued subsequently.

In order to provide temporary regulations under section 243 of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 19.4-1 **Election by affiliated group of 100-percent dividends received deduction; apportionment of $100,000 exemption from estimated tax among members of affiliated group.**

(a) *General.* Section 214(a) of the Revenue Act of 1964 (78 Stat. 52) amends section 243 of the Internal Revenue Code of 1954 to provide that a corporation shall be allowed as a deduction an amount equal to 100 percent of the qualifying dividends (as defined in section 243(b)(1)) received from a domestic corporation which is subject to taxation under chapter 1 of the Code. Section 243(b)(1) defines the term "qualifying dividends" to mean dividends received by a corporation which, at the close of the day the dividends are received, is a member of the same affiliated group of corporations (as defined in section 243(b)(5)) as the corporation distributing the dividends, if such affiliated group has made an election under section 243(b)(2) which is effected for the taxable years of its members which include such day, and if such dividends are distributed out of earnings and profits specified in section 243(b)(1)(B).

(b) *Election*—(1) *Manner and time of making election.* The election provided by section 243(b)(2) shall be made for an affiliated group by the common parent corporation and shall be made for a particular taxable year of the common parent corporation ending after December 31, 1963. The election shall be made by means of a statement, signed by any officer who is duly authorized to act on behalf of the common parent corporation, stating that the affiliated group elects under section 243(b)(2) for such taxable year. The statement shall set forth the name, address, taxpayer account number, and taxable year of each corporation which is a member of the affiliated group at any time during its taxable year which includes the last day of such taxable year of the common parent corporation. The statement must be filed on or before the date prescribed by law (including extensions of time) for the filing of the income tax return of the common parent corporation for such taxable year, or on or before June 10, 1964, whichever is later. The statement shall be attached to such return or, if the due date of such return (including extensions of time) is before June 10, 1964, shall be filed on or before June 10, 1964, with the district director with whom such return was filed. If a corporation becomes a member of the affiliated group after the date on which the election is filed and during its taxable year which includes the last day of such taxable year of the common parent corporation, then the common parent corporation shall notify the district director with whom the election was filed of such fact in writing within 60 days after such new member becomes a member of the affiliated group, and supply such district director with the name, address, taxpayer account number, and taxable year of such new member. An election under this subparagraph, once filed, is irrevocable, and is not subject to termination under section 243(b)(4) with respect to the taxable year of the common parent corporation for which it is made.

(2) *Consents by subsidiary corporations*—(i) *General.* Each member of an electing affiliated group (other than the common parent corporation) which is a member of such group at any time during its taxable year which includes the last day of the common parent corporation's taxable year for which the election is made must consent to such election in the manner and time provided in subdivision (ii) or (iii) of this subparagraph, whichever is applicable.

(ii) *Wholly-owned subsidiary.* If all of the stock of a corporation is owned by a member or members of the affiliated group on each day such corporation is a member of such group during its taxable year which includes the last day of the common parent's taxable year for which an election is made under this paragraph, such corporation (hereinafter in this paragraph referred to as a "wholly-owned subsidiary") shall be deemed to consent to such election. Each wholly-owned subsidiary shall attach a statement to its income tax return for such

taxable year stating that it is subject to

common parent corporation but which

election made by X for 1964 with respect to

taxable year stating that it is subject to an election under section 243(b)(2) for such taxable year and setting forth the name, address, taxpayer account number, and taxable year of the common parent corporation which made the election. However, if the due date for such return (including extensions of time) is before June 10, 1964, such statement shall be filed on or before June 10, 1964, with the district director with whom such return is filed.

(iii) *Other members.* The consent of each member referred to in subdivision (i) of this subparagraph (other than a wholly-owned subsidiary) shall be made by means of a statement, signed by any officer who is duly authorized to act on behalf of the consenting member, stating that such member consents to an election under section 243(b)(2) for a particular taxable year of the common parent corporation. The statement shall set forth the name, address, taxpayer account number, and taxable year of the consenting member and of the common parent corporation. The consent of more than one such member may be incorporated in a single statement. The statement (or statements) shall be attached to the election filed by the common parent corporation. The consent of each such member which, after the date the election was filed and during its taxable year which includes the last day of the taxable year of the common parent corporation for which the election is made, either (*a*) becomes a member, or (*b*) ceases to be a wholly-owned subsidiary but continues to be a member, shall be filed with the district director with whom the election was filed. Any such consent shall be filed on or before the date prescribed by law (including extensions of time) for the filing of the consenting member's income tax return for such taxable year, or on or before June 10, 1964, whichever is later. A consent, once filed, is irrevocable. A copy of the statement of consent must be filed by the consenting member on or before the date prescribed by law (including extensions of time) for the filing of the income tax return for its taxable year which includes the last day of such taxable year of the common parent corporation, or on or before June 10, 1964, whichever is later. The copy shall be attached to such return or, if the due date of such return (including extensions of time) is before June 10, 1964, shall be filed on or before June 10, 1964, with the district director with whom such return is filed.

(3) *Years for which election effective*—(i) *General rule.* An election under section 243(b)(2) shall be effective—

(*a*) For the taxable year of each member of the electing affiliated group which includes the last day of the taxable year of the common parent corporation with respect to which such election is made, and

(*b*) For the taxable year of each member of such affiliated group (whether or not a member of such group at any time during such taxable year of the common parent corporation) which ends after the last day of such taxable year of the common parent corporation but which does not include such date, unless the election is terminated under section 243(b)(4).

(ii) *Special rule.* In the case of a taxable year of a member (other than the common parent corporation) of an affiliated group (*a*) which begins in 1963 and ends in 1964, and (*b*) for which an election is not effective under subdivision (i)(*a*) of this subparagraph, if an election under subparagraph (1) of this paragraph is effective for the taxable year of the common parent corporation which includes the last day of such taxable year of such member, then such election shall be effective for such taxable year of such member if such member files a separate consent with respect to such taxable year. However, in order for a dividend distributed by such member during such taxable year to meet the requirements of section 243(b)(1), an election under subparagraph (1) of this paragraph must be effective for the taxable year of each member of the affiliated group which includes the date such dividend is received. See section 243(b)(1)(A). Accordingly, if the dividend is to qualify for the 100-percent dividends received deduction under section 243(a)(3), a consent must be filed under this subdivision by each member of the affiliated group with respect to its taxable year which includes the day the dividend is received (unless an election is effective for such taxable year under subdivision (i)(*a*) of this subparagraph). For purposes of this subdivision, a consent shall be made by means of a statement meeting the requirements of subparagraph (2)(iii) of this paragraph, and shall be attached to the election made by the common parent corporation for its taxable year which includes the last day of the taxable year of the consenting member with respect to which the consent is made. A copy of the statement shall be filed, within 60 days after such election is filed by the common parent corporation, with the district director with whom the consenting member filed its income tax return for such taxable year.

(iii) *Examples.* The provisions of subdivision (ii) of this subparagraph may be illustrated by the following examples:

Example (1). X Corporation owns all the stock of Y Corporation on each day of 1963, 1964, and 1965. X uses the calendar year as its taxable year and Y uses a fiscal year ending June 30 as its taxable year. X makes an election under subparagraph (1) of this paragraph for 1964. Since Y is a wholly-owned subsidiary for its taxable year ending June 30, 1965, it is deemed to consent to the election. However, in order for the election to be effective with respect to Y's taxable year ending June 30, 1964, a statement specifying that Y consents to the election with respect to such taxable year and containing the information required in a statement of consent under subparagraph (2)(iii) of this paragraph must be attached to the election.

Example (2). Assume the same facts as in example (1), except that X also owns all the stock of Z Corporation on each day of 1963, 1964, and 1965. Z uses a fiscal year ending May 31 as its taxable year. If Y distributes a dividend to X on January 15, 1964, the dividend may qualify under section 243(a)(3) only if Y and Z both consent to the election made by X for 1964 with respect to their taxable years ending in 1964.

Example (3). Assume the same facts as in example (1), except that X uses a fiscal year ending on January 31 as its taxable year and makes an election under subparagraph (1) of this paragraph for its taxable year ending January 31, 1964. Since Y's taxable year beginning in 1963 and ending in 1964 includes January 31, 1964, the last day of X's taxable year for which the election was made, the election is effective, under subdivision (i)(*a*) of this subparagraph, for Y's taxable year ending June 30, 1964. Accordingly, the special rule of subdivision (ii) of this subparagraph has no application.

(4) *Effect of election.* If an election by an affiliated group is effective with respect to a taxable year of the common parent corporation, then under the regulations to be issued under section 243(b)—

(i) *Election of multiple surtax exemptions.* No member of such affiliated group may consent to an election under section 1562 for such taxable year,

(ii) *Foreign tax credit elections.* The members of such affiliated group shall be treated as one taxpayer for purposes of making the elections under section 901(a) (relating to allowance of foreign tax credit) and section 904(b)(1) (relating to election of overall limitation),

(iii) *Other limitations.* The members of such affiliated group shall be limited to (*a*) one $100,000 minimum accumulated earnings credit under section 535(c)(2) or (3); (*b*) one $100,000 limitation for exploration expenditures under section 615(a) and (b); (*c*) one $400,000 limitation for exploration expenditures under section 615(c)(1); (*d*) one $25,000 limitation on small business deductions of life insurance companies under sections 804(a)(4) and 809(d)(10); and (*e*) one $100,000 exemption for purposes of estimated tax filing requirements under section 6016 and the addition to tax under section 6655 for failure to pay estimated tax.

(c) *Estimated tax*—(1) *Exemption from estimated tax*—(i) *General rule.* In the case of an affiliated group which makes an election under paragraph (b) of this section for a taxable year of the common parent corporation beginning after December 31, 1963, the members of such group shall be limited in the aggregate to a single $100,000 exemption from estimated tax for purposes of section 6016 (relating to declaration of estimated income tax by corporations) for their taxable years which include the last day of such taxable year of the common parent corporation. Such $100,000 exemption may be apportioned among such members in accordance with the rules provided in subparagraph (2) of this paragraph.

(ii) *Special rules.* (*a*) If an election under paragraph (b) of this section is effective with respect to any member of an affiliated group for its taxable year which includes the last day of a taxable year of the common parent corporation beginning in 1963 and ending in 1964, and if the last day of the 8th month of such taxable year of the member falls after April 10, 1964, then all such members having such taxable years shall be limited in the aggregate to a single $100,000 exemption from estimated tax for such taxable years.

(b) If an election under paragraph (b) of this section is effective for a taxable year of a member of an affiliated group under the provisions of paragraph (b)(3)(ii) of this section, and if the last day of the 8th month of such taxable year falls after April 10, 1964, then all such members having such taxable years shall be limited in the aggregate to a single $100,000 exemption from estimated tax for such taxable years.

(c) The $100,000 exemption referred to in (*a*) or (*b*) of this subdivision may be apportioned in accordance with the rules provided in subparagraph (3) of this paragraph.

(iii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Corporation P owns all the stock of corporations W, X, Y, and Z on each day of 1963, 1964, and 1965. P, W, X, Y, and Z each use the calendar year as their taxable year. P makes a valid election under paragraph (b) of this section for 1964. Under subdivision (1) of this subparagraph, P, W, X, Y, and Z are limited in the aggregate to a single $100,000 exemption from estimated tax for their 1964 taxable years.

Example (2)—(a) Facts. Assume the same facts as in example (1), except that P uses a fiscal year ending November 30 as its taxable year, W uses a fiscal year ending October 31 as its taxable year, X uses a fiscal year ending September 30 as its taxable year, and Y uses a fiscal year ending March 31 as its taxable year. P makes a valid election under paragraph (b) of this section for its taxable year ending on November 30, 1964. W, X, and Y file separate consents under paragraph (b)(3)(ii) of this section to the election with respect to their taxable years ending in 1964.

(b) *Application of subdivision (ii)(b) of this subparagraph.* The election by P is effective under the provisions of paragraph (b)(3)(ii) of this section for the taxable years of W, X, and Y ending in 1964. However, since the last day of the 8th month of Y's taxable year ending in 1964 does not fall after April 10, 1964, the members of the affiliated group having taxable years referred to in subdivision (ii)(*b*) of this subparagraph include only W and X. Accordingly, W and X are limited in the aggregate to a single $100,000 exemption from estimated tax for their taxable years ending in 1964. Y is entitled to a separate $100,000 exemption for its taxable year ending in 1964.

(c) *Application of subdivision (ii)(a) of this subparagraph.* The election by P is also effective, under the provisions of paragraph (b)(3)(i)(*a*) of this section, with respect to P, W, X, Y, and Z for their taxable years which include November 30, 1964 (the last day of P's taxable year which begins in 1963 and ends in 1964). The last day of the 8th month of each such taxable year falls after April 10, 1964. Therefore, P, W, X, Y, and Z are limited in the aggregate to a single $100,000 exemption from estimated tax for their taxable years which include November 30, 1964.

(2) *Apportionment of $100,000 exemption*—(i) *Manner of apportionment.* Any portion of the $100,000 amount specified in subparagraph (1)(i) of this paragraph may be apportioned to a member referred to in such subparagraph who is a member at any time during its taxable year (referred to in such subparagraph) prior to the date the apportionment plan is filed under subdivision (ii) of this subparagraph. Such plan may provide for the apportionment of the $100,000 amount in any manner the common parent corporation may select if all such members (other than the common parent corporation) consent, in the manner provided in subdivision (iii) or (iv) of this subparagraph, whichever is applicable, to the apportionment plan. The amount apportioned to each such member pursuant to such plan shall constitute such member's exemption from estimated tax (in lieu of the $100,000 amount specified in section 6016(a) and (b)(2)(A)) for the period it is a member of such group during such taxable year, unless an amendment to such plan is filed under subparagraph (4) of this paragraph.

(ii) *Filing of plan.* The apportionment plan shall be in the form of a statement attached to the income tax return filed by the common parent corporation for its taxable year for which the election is made under paragraph (b) of this section. The statement shall be signed by any officer who is duly authorized to act on behalf of the common parent corporation and shall set forth the name, address, taxpayer account number, and taxable year of each member to whom the common parent corporation could apportion an amount under subdivision (i) of this subparagraph, the identity of the common parent corporation, and the amount actually apportioned to each such member under the plan.

(iii) *Consent of wholly-owned subsidiaries.* If all the stock of a corporation is owned by a member or members of the affiliated group on each day such corporation is a member of such group during its taxable year (referred to in subparagraph (1)(i) of this paragraph) prior to the date the apportionment plan is filed under subdivision (ii) of this subparagraph, such corporation (hereinafter in this subparagraph referred to as a "wholly-owned subsidiary") shall be deemed to consent to the apportionment plan. Each wholly-owned subsidiary shall attach a copy of the apportionment plan filed by the common parent corporation to its income tax return for such taxable year.

(iv) *Consent of other members.* The consent of a member (other than the common parent corporation and wholly-owned subsidiaries) to an apportionment plan filed pursuant to this subparagraph shall be in the form of a statement, signed by any officer who is duly authorized to act on behalf of the member consenting to the plan, stating that such member consents to the apportionment plan. The consent of more than one such member may be incorporated in a single statement. The statement (or statements) shall be attached to the apportionment plan filed by the common parent corporation. Each such consenting member shall attach a copy of the apportionment plan filed by the common parent corporation to its income tax return for its taxable year referred to in subparagraph (1)(i) of this paragraph.

(3) *Apportionment for certain taxable years*—(i) *Manner of apportionment.* (*a*) Any portion of the $100,000 amount specified in subparagraph (1)(ii)(*a*) of this paragraph may be apportioned to a member referred to in such subparagraph who is a member at any time during its taxable year (referred to in such subparagraph) prior to the date the apportionment plan is filed under subdivision (ii) of this subparagraph. Such plan may provide for the apportionment of the $100,000 amount in any manner the common parent corporation may select if all such members (other than the common parent corporation) consent, in the manner provided in subdivision (iii) or (iv) of this subparagraph, whichever is applicable, to the apportionment plan. The amount apportioned to each such member pursuant to such plan shall constitute such member's exemption from estimated tax (in lieu of the $100,000 amount specified in section 6016(a) and (b)(2)(A)) for the period it is a member of such group during such taxable year, unless an amendment to such plan is filed under subparagraph (4) of this paragraph.

(*b*) Any portion of the $100,000 amount specified in subparagraph (1)(ii)(*b*) of this paragraph may be apportioned to a member referred to in such subparagraph who is a member at any time during its taxable year (referred to in such subparagraph) prior to the date the apportionment plan is filed under subdivision (ii) of this subparagraph. Such plan may provide for the apportionment of the $100,000 amount in any manner the common parent corporation may select if all such members consent, in the manner provided in subdivision (iii) or (iv) of this subparagraph, whichever is applicable, to the apportionment plan. The amount apportioned to each such member pursuant to such plan shall constitute such member's exemption from estimated tax (in lieu of the $100,000 amount specified in section 6016(a) and (b)(2)(A)) for the period it is a member of such group during such taxable year, unless an amendment to such plan is filed under subparagraph (4) of this paragraph.

(ii) *Filing of plan.* The apportionment plan referred to in subdivision (i)(*a*) or (*b*) of this subparagraph shall be in the form of a statement which shall be filed with the district director with whom the common parent corporation files its income tax returns. In the case of an apportionment plan referred to in subdivision (1)(*a*) of this subparagraph, such plan shall be filed on or before the earliest date after April 10, 1964, on which a member described in such subdivision files an income tax return for a taxable year referred to in such subdivision. In the case of an apportionment plan referred to in subdivision (1)(*b*) of this subparagraph, such plan shall be filed on or before the earliest date after April 10, 1964, on which a member described in such subdivision files an income tax return for a taxable year referred to in such subdivision. The statement shall be signed by any officer who is duly authorized to act on behalf of the common parent corporation and shall set forth the name, address, taxpayer account number, and taxable year of each member to whom the common parent corporation could apportion an amount under subdivision (i)(*a*) or (*b*) of this subparagraph, as the case may be, the identity of the common parent corporation, and the amount actually ap-

portioned to each such member under the plan.

(iii) *Consent of wholly-owned subsidiaries.* If all the stock of a corporation is owned by a member or members of the affiliated group on each day such corporation is a member of such group during its taxable year (referred to in subparagraph (1)(i) of this paragraph) prior to the date the apportionment plan is filed under subdivision (ii) of this subparagraph, such corporation (hereinafter in this subparagraph referred to as a "wholly-owned subsidiary") shall be deemed to consent to the apportionment plan. Each wholly-owned subsidiary shall attach a copy of the apportionment plan filed by the common parent corporation to its income tax return for such taxable year.

(iv) *Consent of other members.* The consent of a member (other than the common parent corporation and wholly-owned subsidiaries) to an apportionment plan filed pursuant to this subparagraph shall be in the form of a statement, signed by any officer who is duly authorized to act on behalf of the member consenting to the plan, stating that such member consents to the apportionment plan. The consent of more than one such member may be incorporated in a single statement. The statement (or statements) shall be attached to the apportionment plan filed by the common parent corporation. Each such consenting member shall attach a copy of the apportionment plan filed by the common parent corporation to its income tax return for its taxable year referred to in subparagraph (1)(i) of this paragraph.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Title 31—MONEY AND FINANCE: TREASURY

as revised, may establish its eligibility to employ the procedure authorized by this circular upon application on Treasury Department Form PD 2381 to the Director, Bureau of Public Debt, Washington, D.C. 20226. Such application should be executed in accordance with the instructions thereon and should be filed sufficiently in advance of the first interest payment date to allow time for the Bureau of Public Debt to establish the necessary records and to advise the applicant of the action taken. Applicants will be required to establish the receipt of such instructions as well as records establishing compliance therewith.

(*a*) A Series F or J bond shall be paid at its face value.

(*b*) A Series G or K bond shall be paid at its face value, together with the final

portioned to each such member under the plan.

(iii) *Consent of wholly-owned subsidiaries.* If all the stock of a corporation is owned by a member or members of the affiliated group on each day such corporation is a member of such group during its taxable year (referred to in subparagraph (1)(ii) (*a*) or (*b*) of this paragraph, as the case may be) prior to the date the apportionment plan is filed under subdivision (ii) of this subparagraph, such corporation (hereinafter in this subparagraph referred to as a "wholly-owned subsidiary") shall be deemed to consent to the apportionment plan. Each wholly-owned subsidiary shall attach a copy of the apportionment plan to its income tax return for such taxable year.

(iv) *Consent of other members.* The consent of a member (other than wholly-owned subsidiaries) to an apportionment plan filed pursuant to this subparagraph, shall be in the form of a statement, signed by any officer who is duly authorized to act on behalf of the member consenting to the plan, stating that such member consents to the apportionment plan. The consent of more than one member may be incorporated in a single statement. The statement (or statements) shall be attached to the apportionment plan filed by the common parent corporation. Each such consenting member shall attach a copy of the apportionment plan filed by the common parent corporation to its income tax return for its taxable year which is referred to in subparagraph (1)(ii) (*a*) or (*b*) of this paragraph, as the case may be.

(4) *Amendment of apportionment plan.* An apportionment plan filed pursuant to subparagraph (2) or (3) of this paragraph may be amended in the manner and subject to such conditions as will be specified in the regulations to be issued under section 243(b)(3).

(5) *Additions to tax.* The provisions of section 6655 (relating to additions to tax for failure to pay estimated tax) shall be applied to the members of an affiliated group referred to in subparagraph (1)(i) of this paragraph for their taxable years referred to in such subparagraph by limiting such members in the aggregate to a single $100,000 exemption from estimated tax for purposes of section 6655 (d)(1) and (e)(2)(A). Such provisions shall be similarly applied to the members of an affiliated group referred to in subparagraph (1)(ii) (*a*) or (*b*) of this paragraph. If an apportionment plan is filed pursuant to this paragraph, the amount apportioned to any such member under the plan shall constitute such member's exemption from estimated tax (in lieu of the $100,000 amount specified in section 6655 (d)(1) and (e)(2)(A)) for the period it is a member of such group during its taxable year for which an election under paragraph (b) of this section is effective. If an apportionment plan is not filed, such member's exemption shall be determined under the regulations to be issued under section 243(b)(3).

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation P owns all the stock of corporations X, Y, and Z on each day of 1964. P, X, Y, and Z each use the calendar year as their taxable year. On March 31, 1964, the affiliated group consisting of P, X, Y, and Z anticipates making an election under paragraph (b) of this section for P's taxable year ending on December 31, 1964. Accordingly, P computes its estimated tax liability for 1964 on the basis of a $100,000 exemption and X, Y, and Z compute their estimated tax liability for 1964 on the basis of a zero exemption. P, X, Y, and Z file declarations of estimated tax on April 15, 1964, on such basis and make payments with respect to such declarations on such basis. Assume P does make an election under paragraph (b) of this section for its taxable year ending December 31, 1964. Under subparagraph (1)(i) of this paragraph, P, X, Y, and Z are limited in the aggregate to a single $100,000 exemption from estimated tax for their taxable years ending on such date. P should attach an apportionment plan to its income tax return for 1964 pursuant to subparagraph (2)(ii) of this paragraph apportioning $100,000 to P, and zero to X, Y, and Z, for their taxable years ending on December 31, 1964, in order to minimize additions to tax for failure to pay estimated tax under section 6655 for such taxable years.

Example (2). Assume the same facts as in example (1) except that P, X, Y, and Z file declarations of estimated tax on April 15, 1964, on the basis of separate $100,000 exemptions from estimated tax for their taxable years ending on December 31, 1964, and make payments with respect to such declarations on such basis. Since, under subparagraph (1)(i) of this paragraph, P, X, Y, and Z are limited in the aggregate to a single, $100,000 exemption from estimated tax for their taxable years ending on December 31, 1964, the provisions of section 6655 will be applied to such taxable years on the basis of a single exemption. Since the election was made under paragraph (b) of this section, regardless of whether or not the affiliated group anticipated making such election, the members of such group may incur additions to tax under section 6655 in respect of their taxable years ending on December 31, 1964.

Because this Treasury decision merely provides temporary regulations designed to inform taxpayers how to make the election provided by section 243(b)(2), and how the limitation on the $100,000 exemption from estimated tax will be applied to the members of electing affiliated groups for their taxable years affected by such election, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1964, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] BERTRAND M. HARDING,
Acting Commisioner of Internal Revenue.

Approved: April 8, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3589; Filed, Apr. 9, 1964; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

[Dept. Circ. 888; 2d Rev.]

PART 330—REGULATIONS GOVERNING THE SPECIAL ENDORSEMENT OF UNITED STATES SAVINGS BONDS OF ANY SERIES AND THE PAYMENT OF MATURED SERIES F, G, J AND K BONDS BY ELIGIBLE PAYING AGENTS

APRIL 7, 1964.

Part 330 (Department Circular No. 888, Revised, dated April 8, 1953, as supplemented (31 CFR, 1963 Supp., 330)) is hereby further amended and issued as a Second Revision.

Sec.

330.1 Purpose of regulations in this part.
330.2 Agents eligible to process bonds.
330.3 Bonds eligible for processing.
330.4 Guaranty given to the United States.
330.5 Evidence of owner's authorization to agent.
330.6 Endorsement of bonds.
330.7 Bonds in coownership form.
330.8 Payment or exchange of bonds.
330.9 Functions of Federal Reserve Banks.
330.10 Modification of other parts.
330.11 Other parts generally applicable.
330.12 Supplements, amendments, or revisions.

AUTHORITY: The provisions of this Part 330 issued under sec. 22, 49 Stat. 21, as amended; 31 U.S.C. 757c.

§ 330.1 Purpose of regulations in this part.

These regulations in this part prescribe a procedure whereby qualified paying agents may specially endorse United States Savings Bonds of certain classes, with or without the owners' signatures to the requests for payment, and make provisions for such agents either to pay certain of the bonds so endorsed or to forward them to the Federal Reserve Bank or Branch servicing their accounts for payment or for any authorized exchange. Section 330.3 describes the eligibility of various classes of bonds for processing under the procedure provided in this part, and § 330.8 sets out which of these classes may be paid by such agents and which should be forwarded to a Federal Bank or Branch. Under no circumstances shall the provisions of this part be used to give effect to a transfer, hypothecation, or pledge of a bond or to permit payment to any person other than the owner or coowner. Violation of these prohibitions will be cause for the withdrawal of an agent's privilege to process any bonds under this part.

§ 330.2 Agents eligible to process bonds.

Any institution qualified as a paying agent of United States Savings Bonds under the provisions of Part 321 of this chapter (Department Circular No. 750), as revised, may establish its eligibility to employ the procedure authorized by this circular upon application on Treasury Department Form PD 2291 to the Federal Reserve Bank of the District in which it is located. This form provides a certification that by duly executed resolution of its governing board or committee the institution has been authorized to apply for the privilege of processing and paying bonds in accordance with the provisions and conditions of this part (Department Circular No. 888), including all supplements, amendments, and revisions thereof, and any instructions issued in connection therewith. If the application is approved, the Federal Reserve Bank will so notify the institution on Treasury Department Form PD 2292. The Secretary of the Treasury reserves the right to withdraw from any institution at any time the authority granted thereto under the regulations in this part.

§ 330.3 Bonds eligible for processing.

The procedure provided in the regulations in this part may be employed in connection with the redemption or exchange of any savings bond upon the request of its registered owner or either coowner. The term "owner" is defined to include individuals, incorporated and unincorporated bodies, executors, administrators, and other fiduciaries named on a bond. This procedure does not apply, however, to cases where payment or exchange is requested by a parent in behalf of a minor named on a bond as owner. Also, it does not apply to requests made by surviving beneficiaries, or to any cases requiring a death certificate or other documentary evidence.

§ 330.4 Guaranty given to the United States.

A paying agent by the act of paying or presenting to the Federal Reserve Bank or Branch either for payment or for exchange a bond bearing the special endorsement prescribed in this part shall be deemed thereby (a) to have unconditionally guaranteed to the United States the validity of the transaction, including the identification of the owner and the disposition of the proceeds or the new bonds, as the case may be, in accordance with his instructions, (b) to have assumed complete and unconditional liability to the United States for any loss which may be incurred by the United States as a result of the transaction, and (c) to have unconditionally agreed to make prompt reimbursement for the amount of the loss upon request of the Treasury Department.

§ 330.5 Evidence of owner's authorization to agent.

By the act of paying or presenting to the Federal Reserve Bank or Branch for payment or for exchange a bond bearing the special endorsement described in § 330.6, the paying agent represents to the United States that it has obtained adequate instructions from the owner with respect to payment or exchange of the bond and disposition of its proceeds or the new bond, as the case may be. To support this representation, agents should maintain such records as may be necessary to establish the receipt of such instructions as well as records establishing compliance therewith.

§ 330.6 Endorsement of bonds.

Each bond processed under the regulations in this part shall bear the following endorsement:

Request by owner and validity of transaction guaranteed in accordance with T.D. Circular No. 888, Revised.
(Name and location of agent).

This endorsement must be placed on the back of the bond in the space provided for the owner to request payment. (See § 330.7 for additional instructions covering bonds inscribed in coownership form.) The endorsement stamp must be legibly impressed in black or other dark-colored ink. The Federal Reserve Bank of the District will furnish rubber stamps for impressing the above endorsement or, in lieu thereof, will approve designs for suitable stamps to be obtained by paying agents. Requests for endorsement stamps to be furnished or approved by the Federal Reserve Bank shall be made in writing by an officer of the institution.

§ 330.7 Bonds in coownership form.

In addition to the endorsement prescribed in § 330.6, the paying agent shall, in the case of bonds registered in coownership form, indicate which coowner requested payment or exchange. This should be done by encircling in black or other dark-colored ink the name of such coowner (or both coowners if a joint request for payment or exchange is made) as it appears in the inscription on the face of the bond.

§ 330.8 Payment or exchange of bonds.

(a) *By paying agents—(1) Payment of Series A–E bonds, inclusive, for cash.* Bonds of Series A to E, inclusive, bearing the special endorsement may be paid by a paying agent pursuant to the authority and subject, in all other respects, to the provisions and conditions of Part 321 of this chapter (Department Circular No. 750), as revised, and the instructions issued pursuant thereto. Bonds so paid will be combined with other Series A to E bonds paid under that circular and forwarded to the Federal Reserve Bank or Branch servicing the agent's account.

(2) *Payment of Matured Series F, G, J and K bonds.* Matured savings bonds of Series F, G, J and K may be paid by paying agents whose eligibility has been duly established pursuant to § 330.2. No fees will be paid to the agents for making these payments. Such matured bonds may be paid only under the provisions and conditions of this paragraph and such instructions as may be issued pursuant thereto. It will be required that (i) the bonds be of a class which may be processed by special endorsement (see § 330.3), (ii) the owner has requested the payment (see § 330.3), (iii) the bonds bear no material alteration, irregularity, mutilation, or other defect that may be a basis for questioning payment thereof, and (iv) the bonds bear the special endorsement (see § 330.6). The payment of matured bonds of Series F, G, J and K shall be made in accordance with the following provisions:

(a) A Series F or J bond shall be paid at its face value.

(b) A Series G or K bond shall be paid at its face value, together with the final interest due thereon, as shown below:

Authorized denominations	Amount payable (face value plus final interest)	
	Series G	Series K
$100 (series G only)	$101.25	
$500	506.25	$506.90
$1,000	1,012.50	1,013.80
$5,000	5,062.50	5,069.00
$10,000	10,125.00	10,138.00
$100,000 (series K only)		101,380.00

(c) Each bond shall bear on its face, in the upper right portion, a payment stamp setting forth the word "Paid" and the amount of the payment (including the final interest on Series G and K bonds), the date of payment (month, day, year), and the name and location of the paying agent including the ABA transit number or other identifying code approved or assigned by the Federal Reserve Bank of the District (the payment stamp prescribed for use under Part 321 of this chapter (Department Circular No. 750) as revised, may be used).

(d) The proceeds of each bond shall be disposed of pursuant to the owner's instructions.

(e) Each payment shall be subject to the guaranty and liability provisions of § 330.4.

(f) Paying agents shall be subject to such other instructions governing these payments as may be issued by the Federal Reserve Bank of the District.

Immediate settlement, subject to adjustment, will be made with the paying agent by the Federal Reserve Bank or Branch servicing its account for the total amount due on the paid bonds submitted hereunder at any one time.

(3) *Payment of Series E, F and J bonds on redemption-exchange for Series H bonds.* All outstanding Series E bonds, and all Series F and J bonds received not later than six months from the month of maturity, presented for redemption-exchange under the provisions of Part 339 of this chapter (Department Circular No. 1036) which bear the special endorsement, may be paid by a paying agent pursuant to the authority and subject, in all other respects, to the provisions and conditions of Part 321 of this chapter (Department Circular No. 750) as revised, and the instructions issued pursuant thereto.

(b) *By Federal Reserve Banks—(1) General.* All bonds forwarded to a Federal Reserve Bank or Branch for payment or exchange under this part must be accompanied by appropriate instructions governing the transaction and the disposition of the redemption checks or the new bonds, as the case may be. The bonds must be kept separate from any bonds the agent has paid, and they must be presented in accordance with such instructions as may be issued by the Federal Reserve Bank of the District.

(2) *Payment.* Savings bonds presented to an eligible paying agent for payment which it elects to process by special endorsement under the pro-

visions and conditions of this part must be forwarded to the Federal Reserve

§ 339.1 Exchange of certain Series E, F and J bonds with the privilege of de-

tive 30 days after publication in the FEDERAL REGISTER, as follows:

day of the fifth consecutive month of con-

insured's failure to file such application was

to carry out the fellowship, provided such

visions and conditions of this part must be forwarded to the Federal Reserve Bank or Branch servicing the agent's account for payment (i) if the bonds are not payable under paragraph (a) of this section, or (ii) if being payable thereunder, the agent does not elect to make the payment.

(3) *Exchange.* Series E, F and J bonds presented for redemption-exchange which the agent elects to process but not to pay under paragraph (a)(3) of this section, as well as any savings bonds submitted for exchange, in whole or in part, pursuant to an authorized exchange offering and processed by special endorsement under this part, must be forwarded to the Federal Reserve Bank or Branch.

§ 330.9 Functions of Federal Reserve Banks.

The Federal Reserve Banks, as fiscal agents of the United States, are authorized and directed to perform such duties, and prepare and issue such instructions, as may be necessary to the fulfillment of the purpose and requirements of this part. The Federal Reserve Banks may utilize any or all of their Branches in the performance of these duties.

§ 330.10 Modification of other parts.

The provisions of the regulations in this part shall be considered as amendatory of and supplementary to Parts 315, 316, 318, 321, 322, 329, 332, and 333 of this chapter (Department Circular Nos. 530, 653, 654, 750, 751, 885, 905, and 906) and any revisions thereof, and those parts are hereby modified where necessary to accord with the provisions of this part.

§ 330.11 Other parts generally applicable.

Except as provided in the regulations in this part, the circulars referred to in the preceding section will continue to be generally applicable.

§ 330.12 Supplements, amendments, or revisions.

The Secretary of the Treasury may at any time, or from time to time, supplement, amend, or revise the terms of the regulations in this part.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237, as amended) is found to be unnecessary with respect to this revisions.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-3530; Filed, Apr. 9, 1964; 8:47 a.m.]

PART 339—EXCHANGE OFFERING OF UNITED STATES SAVINGS BONDS SERIES H

APRIL 7, 1964.

Section 339.1 (Department Circular No. 1036, dated December 31, 1959 (31 CFR, 1963 Supp., 339)) is hereby amended as follows:

§ 339.1 Exchange of certain Series E, F and J bonds with the privilege of deferral of Federal income tax.

• • • • • •

(c) *Description of bonds and definitions*—(1) *Description of bonds.* This section shall apply to:

(i) All outstanding Series E bonds; and

(ii) All Series F and J bonds, provided such bonds are received not later than six months from the month of maturity by an agency authorized to accept subscriptions for exchange.[1]

• • • • • •

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237, as amended) is found to be unnecessary with respect to this amendment.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-3531; Filed, Apr. 9, 1964; 8:47 a.m.]

[1] Series J bonds which become ineligible for exchange under this circular because of failure to present them for that purpose not later than six months from the month of maturity may be exchanged under the provisions of section 332.7(b) of Department Circular No. 905, Second Revision, as amended.

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

PART 878—DECORATIONS AND AWARDS

Good Conduct Medal and Air Force Good Conduct Medal

Correction

In F.R. Doc. 64-3252, appearing at page 4772 of the issue for Friday, April 3, 1964, the following correction is made in Table 2 of § 878.57: Under the "Upon Separation" heading, exes should appear in both columns opposite the 3d, 4th, 5th, 6th, and 7th entries of the "For Service During—" column.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Corpus Christi Bay, Texas

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.188 establishing and governing the use and navigation of a seaplane restricted area in Corpus Christi Bay, Texas, is hereby amended changing the title of the section and reducing the size of the area described in paragraph (a), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.188 Corpus Christi Bay, Tex.; seaplane restricted area, U.S. Naval Air Station, Corpus Christi.

(a) *The area.* The waters of Corpus Christi Bay within the area described as follows: Beginning at a point on the south shore of Corpus Christi Bay at the "North Gate" of the U.S. Naval Air Station at longitude 97°17'15"; thence to latitude 27°44'30", longitude 97°20'-00"; thence due north to latitude 27°-46'30"; thence to latitude 27°44'12", longitude 97°16'31"; thence to latitude 27°43'04", longitude 97°13'12"; thence to a point on the easterly shore of Demit Island at latitude 27°41'20"; thence along the south shore of Corpus Christi Bay to point of beginning.

• • • • • •

[Regs., March 25, 1964, 1507-32 (Corpus Christi, Tex.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-3518; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Total Disability Provisions

1. In § 6.164, the 4th and 5th undesignated paragraphs of the Total Disability Provision which follow the paragraph beginning "(b) Pay to the insured • • •" are amended to read as follows:

§ 6.164 Total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, and section 748 of Title 38, United States Code.

• • • • • •

The insured must file written application for total disability benefits and must file due proof of such total disability: *Provided*, That in the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and due proof may be filed by the beneficiary within 1 year after the death of the insured. Except as hereinafter provided, the monthly income payments may relate back to a date not exceeding 6 months prior to the date of death of the insured.

Total disability as referred to herein is any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation. Except as provided above in this regulation, the monthly income payments may relate back to a date not exceeding 6 months prior to receipt of due proof of such total disability but not prior to the first day of the fifth consecutive month of continuous total disability. Without prejudice to any other cause of disability, the loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total disability, and monthly income payments for any of these specifically enumerated causes of total disability may be paid from the first day of the fifth consecutive month of such continuous total disability. However, such anatomical and functional loss shall not be deemed to be a total disability under a total disability provision originally issued subsequent to December 15, 1936.

• • • • • •

(72 Stat. 1114, 1158, as amended; 38 U.S.C. 210, 740-760, 781-788)

2. In § 8.98, Clauses (C) and (D) of the Total Disability Income Provision are amended to read as follows:

§ 8.98 Total disability income provision for National Service life insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946.

• • • • • •

(C) The insured must file written application for total disability income benefits and must file the required proof that clauses (A) and (B) above have been fulfilled. The required proof must be filed while this provision is in force or within 1 year after this provision has ceased to be in effect. In the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and required proof may be filed by the beneficiary within 1 year after the date of death of the insured. In such cases, except for total disability which is due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the monthly income payments may relate back to a date not exceeding 6 months prior to the date of death of the insured.

(D) The disability income payments will be paid from the first day of the seventh consecutive month of continuous total disability, except that if the total disability is not due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the disability income payments will not relate back to a date more than 6 months prior to receipt at the Veterans Administration of the required proof, except as provided above in clause (C). Any disability income payments due the insured and not paid during his lifetime will be paid to the person entitled to the proceeds of this policy.

• • • • • •

3. In § 8.99, Clauses (C) and (D) of the Total Disability Income Provision are amended to read as follows:

§ 8.99 Total disability income provision for National Service life insurance authorized by Public Law 85-678 and section 715 of Title 38, United States Code.

• • • • • •

(C) The insured must file written application for total disability income benefits and must file the required proof that clauses (A) and (B) above have been fulfilled. The required proof must be filed while this provision is in force or within 1 year after this provision has ceased to be in effect. In the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and required proof may be filed by the beneficiary within 1 year after the date of death of the insured. In such cases, except for total disability which is due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the monthly income payments may relate back to a date not exceeding 6 months prior to the date of death of the insured.

(D) The disability income payments will be paid from the first day of the seventh consecutive month of continuous total disability, except that if the total disability is not due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the disability income payments will not relate back to a date more than 6 months prior to receipt at the Veterans Administration of the required proof, except as provided above in clause (C). Any disability income payments due the insured and not paid during his lifetime will be paid to the person entitled to the proceeds of this policy.

• • • • • •

(72 Stat. 1114, 1148, 1164, as amended; 38 U.S.C. 210, 701-724, 781-788)

These VA regulations are effective the date of approval.

Approved: April 7, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-3528; Filed, Apr. 9, 1964; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER E—FELLOWSHIPS, INTERNSHIPS, TRAINING

PART 61—FELLOWSHIPS

Allowances

Notice of proposed rule making, public rule making procedures and delay in effective date have been omitted in the issuance of the following amendments which relate exclusively to the award of fellowships. The amendments are intended to clarify the purposes for which allowances are made to sponsoring institutions and the payment procedures.

1. In § 61.9, amend paragraph (c), redesignate paragraph (d) as paragraph (e), and insert a new paragraph (d). Paragraphs (c) and (d) read as follows:

§ 61.9 Benefits.

• • • • • •

(c) *Travel expenses.* Any individual awarded a fellowship may, when authorized in advance by the Public Health Service, be granted separate allowances for transportation and subsistence expenses, not exceeding such amounts as may be prescribed by the Surgeon General on account of (1) travel to the place at which he is to be located during the term of the fellowship and (2) travel to return him at the end of the fellowship term to his home or other place he left to carry out the fellowship, provided such return travel is to or from a place outside the continental United States. Individuals awarded service fellowships shall be entitled to transportation and subsistence expenses while traveling on official business during the term of the fellowship on the same basis as other civilian employees of the Public Health Service. Allowances will not be granted for transportation expenses of dependents or for shipping charges for personal effects or household goods.

(d) *Payments—stipends, dependency allowances, travel expenses.* Payments for stipends, dependency allowances and the travel expenses specified in paragraphs (c) (1) and (2) of this section may be made directly to the fellow or to the sponsoring institution for payment to the fellow.

• • • • • •

2. Amend § 61.10 to read as follows:

§ 61.10 Tuition and other allowances; accountability.

(a) *Authorization.* The Surgeon General may authorize allowances for payment of expenses, in whole or in part, of tuition, fees, equipment, supplies, attendance at meetings required to carry out the purposes of the fellowship, or other expenses of the research or training activities of the fellow.

(b) *Payment—tuition and fees.* Allowances for tuition and fees may be paid to the fellow or sponsoring institution.

(c) *Payment—other expenses; standard or maximum allowances.* Allowances for equipment, supplies, attendance at meetings, and other expenses shall, except as provided otherwise in these regulations, be paid to the sponsoring institution. The Surgeon General may establish a standard allowance, or a maximum allowance for payment to the sponsoring institution for such expenses.

(d) *Payment—attendance at meetings.* Allowances for expenses of attending meetings of fellows who are sponsored by Federal agencies may be paid directly to such fellows.

(e) *Accountability.* Allowances paid directly to a fellow for tuition, fees and other expenses shall be subject to such requirements relating to accountability as may be specified by the Surgeon General.

3. These amendments shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690, as amended, 42 U.S.C. 216. Interpret or apply secs. 207(g), 301(c), 402(d), 58 Stat. 686, as amended, 692, 707, secs. 412(g), 422(c), 62 Stat. 465, 598, sec. 433(a), 64 Stat. 444, sec. 444, 76 Stat. 1073, sec. 4(a), 70 Stat. 499; 42 U.S.C. 209(g), 241(c), 282(d), 287a(g), 288a(c), 289c(a), 289g, 33 U.S.C. 466c(a))

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: April 6, 1964.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 64-3521; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 143—GRANTS FOR GUIDANCE, COUNSELING, AND TESTING

Notice of proposed rule making, public rule making procedures and delay in effective date have been omitted in the issuance of the following amendments which relate exclusively to grants for guidance, counseling, and testing. The amendments are intended to clarify the purposes for which allowances are made to sponsoring institutions and the payment procedures.

Section 143.28 is amended to read as follows:

§ 143.28 Purposes of testing program.

Grants may be made to State educational agencies for the purpose of assisting them in establishing and maintaining programs of testing in public schools, or testing programs in public schools and, to the extent authorized by law, in other schools to identify students with outstanding aptitudes and abilities. Grants may be made to State educational agencies for the purpose of assisting them in establishing and maintaining programs of guidance and counseling, and testing; and (3) for administration of the State plan. There

fect the actual utilization of prior year allotments, the pending program applications awaiting State approval, the anticipated State-level activities which will

(c) Providing individual counseling (1) to help the student and his parents develop a better understanding of the student's educational and occupational

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 143—GUIDANCE, COUNSELING, AND TESTING; IDENTIFICATION AND ENCOURAGEMENT OF ABLE STUDENTS—STATE PROGRAMS

Miscellaneous Amendments

Part 143 of Title 45 of the Code of Federal Regulations, dealing with regulations for the administration of sections 501–504(a), inclusive, of Title V of the National Defense Education Act of 1958, 72 Stat. 1592, as amended, 20 U.S.C. 481–484, is amended as follows:

In § 143.1, paragraph (a) is amended, paragraph (b) is deleted, paragraphs (c) and (d) are redesignated as paragraphs (b) and (c), a new paragraph (d) is added, and paragraphs (f), (g), (h), and (i) are amended. The amended and added paragraphs read as follows:

§ 143.1 Definitions.

* * * * *

(a) "Act" means the National Defense Education Act of 1958, 72 Stat. 1580, as amended, 20 U.S.C. Ch. 17.

* * * * *

(d) "Elementary school" means a school which provides elementary education, as determined under State law, or, if such school is not in any State, as determined by the Commissioner.

* * * * *

(f) "Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision in a State, or any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(g) "Public," as applied to any school or institution, includes a school or institution of any agency of the United States, except that no such school or institution shall be eligible to receive any grant, loan, or other payment under the Act.

(h) "Secondary school" means a school which provides secondary education as determined under State law, or, if such school is not in any State, as determined by the Commissioner, except that the term does not include any education provided beyond grade 12.

(i) "State" means a State of the Union, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, or the Virgin Islands.

* * * * *

Section 143.2(a) is amended to read as follows:

§ 143.2 State plan.

(a) *Purpose.* A basic condition for the payment of Federal funds to a State for elementary and secondary schools with respect to students who are not below grade 7, or above grade 12, for the establishment, maintenance, or extension of guidance and counseling programs in public schools, or testing programs in public schools and, to the extent authorized by law, in other schools to identify students with outstanding aptitudes and ability, is a State plan meeting the requirements of section 503(a) of the Act. The plan shall include a general description of the guidance and counseling, and testing, services of the State and local educational agencies, available to elementary and secondary school students eligible for such services under the Act at the time the plan for providing such services is originally submitted. The plan shall set forth the objectives to be accomplished through the proposed programs during the period in which Title V, Part A, of the Act is in effect, and shall show how the realization of such objectives will result in adequate guidance and counseling, and testing, programs in the State for students in elementary and secondary schools who are not below grade 7, or above grade 12. The plan, when approved by the Commissioner, shall constitute the basis on which Federal grants will be made, as well as a basis for determining the propriety of State and local expenditures in which Federal participation is requested.

* * * * *

Section 143.4 is amended to read as follows:

§ 143.4 Authority of State agency.

The State plan shall set forth the authority of the State educational agency under State law to submit the State plan and to administer the program set forth therein, including a description of the supervisory relationships between the State agency and the local educational agencies. Citations to, or copies of, all directly pertinent statutes and interpretations of law by appropriate State officials, whether by regulation, policy statements, opinions of the Attorney General, or court decisions, shall be furnished as part of the plan. All copies shall be certified as correct by an appropriate official. If the agency is not authorized under State law to expend funds for testing children not below grade 7, or above grade 12, in any one or more elementary or secondary schools in the State, the authorized officer of the agency shall so certify, indicating the schools or types of schools thus excluded and giving the legal basis for his conclusion. In such cases, the Commissioner will arrange for testing such children under the authority contained in section 504(b) of the Act.

Section 143.12 is amended to read as follows:

§ 143.12 Federal participation in general.

(a) *Nature.* The Federal Government will pay from each State's allotment, as reduced by expenditures required pursuant to section 504(b) of the Act, one-half of the total amount expended under the approved State plan: (1) By the State and local educational agencies in the establishment, maintenance, or extension of guidance and counseling, and testing, programs approved under the State plan; (2) for State agency supervision and related services in public elementary or secondary schools in the fields of guidance and counseling, and testing; and (3) for administration of the State plan. There can be no Federal financial participation in the expenditures made by local educational agencies for a guidance and counseling, or testing, program if the program has not been approved by the State agency under an approved plan prior to the incurrence of the obligation.

(b) *Equipment from a Communist country.* Annual appropriation acts for the Department of Health, Education, and Welfare, such as the Department of Health, Education, and Welfare Appropriation Act, 1964 (77 Stat. 224, 231), have provided that no part of the funds appropriated for "Defense Educational Activities" shall be available for the purchase of science, mathematics, or modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source. Such a prohibition applies to expenditures with respect to which Federal participation is requested from allotments under section 502 or section 1008 of the Act.

Paragraph (a)(2) of § 143.18 is amended to read as follows:

§ 143.18 Annual estimates and financial reports.

(a) *Content.* * * *

(2) A statement of estimated total annual expenditures for activities under the plan, indicating the amount of funds available to pay the non-Federal share of the amount estimated.

* * * * *

Section 143.19 is amended to read as follows:

§ 143.19 Federal payments.

Payments will be made in advance to States with approved plans on the basis of estimates and reports of expenditures provided for in §§ 143.18, 143.20(c), and 143.21. In connection with the making of payments, such adjustments of underpayments or overpayments for any prior period will be made as are indicated by the accounts for such prior period. In settling accounts upon the termination of the Act, the State shall refund to the Commissioner any overpayment which may have been made under Title V of the Act.

Section 143.20 is amended by revising the section heading and by adding a new paragraph (c), as follows:

§ 143.20 Effect of Federal payments and reallotment.

* * * * *

(c) *Reallotment.* In order to provide a basis for reallotments by the Commissioner under section 502(b) of the Act, each State agency shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto. Such a statement or statements shall reflect the actual utilization of prior year allotments, the pending program applications awaiting State approval, the anticipated State-level activities which will require the expenditure during that fiscal year of funds previously allotted or of additional funds and such further information as the Commission may require for the purpose of making such reallotments.

Section 143.21 is amended to read as follows:

§ 143.21 Request for payment of Federal funds.

The State agency shall, at such times and for such periods as the Commissioner may specify, submit to him upon official forms requests for funds equal to the Federal share of anticipated disbursements for program activities at the State level and for transfer, in accordance with § 143.16, either in advance or as reimbursement for program activities by local educational agencies or other school authorities.

Section 143.22 is amended to read as follows:

§ 143.22 Certifying payment.

Payment will be certified after: (a) The State has on file in the Office of Education a plan approved by the Commissioner; (b) the estimates and reports required in §§ 143.18, 143.20(c), and 143.21 have been reviewed; and (c) the Commissioner is satisfied that the State needs the funds and will be able to carry out the plan during the current fiscal year.

Section 143.24(b) is amended to read as follows:

§ 143.24 General program operations.

* * * * *

(b) *Categories of expense.* The costs for which there may be such a Federal participation include, but only to the extent that they are directly related to supervisory or related services in public elementary or secondary schools in the fields of guidance and counseling, and testing, or to the administration of the State plan, items such as the following: (1) Salaries of the State staff, in both professional and clerical positions, including the employer's contribution to retirement, workmen's compensation, or other welfare funds maintained for one or more general classes of employees of the State educational agency; (2) communication; (3) office equipment and supplies; (4) printing and printed materials; (5) the purchase or rental of tests, answer sheets, profile sheets, cumulative record forms, and such other materials as may be necessary under the plan; (6) the rental of equipment conducive to efficiency in scoring, processing, and reporting the results of tests administered under the plan or, if such equipment is owned by State or local educational agencies, the pro-rata share of the cost of maintaining and operating such equipment; (7) rental of office space as provided for in paragraph (c) of this section; and (8) other costs provided for in the following sections.

* * * * *

Section 143.28 is amended to read as follows:

§ 143.28 Purposes of testing program.

The Federal Government will participate in expenditures to establish and maintain a program for testing aptitudes and abilities of students who are not below grade 7, or above grade 12, in public elementary and secondary schools and, if authorized by law, in corresponding grades in other elementary or secondary schools to identify students with outstanding aptitudes and abilities, reports of which may be used for the following purposes: (a) To provide such information about the aptitudes and abilities of students as may be needed by school guidance personnel in carrying out their duties; and (b) to provide information to other educational institutions relative to the educational potential of students seeking admission to such institutions.

Section 143.31 is amended to read as follows:

§ 143.31 Plan requirements solely applicable to the program for testing aptitudes and abilities.

The plan shall describe the primary objectives of the program, including procedures for making such a program available to all students in elementary or secondary schools in specified grades not below grade 7, or above grade 12, and shall provide for annual reviews by the State agency of progress toward meeting such objectives. The plan shall describe the provisions for carrying out the programs, including: (a) The types of tests to be utilized for the measurement of aptitudes and abilities; (b) the grade level of students to be tested; and (c) the procedures to be utilized in the administration and scoring of tests, and in the reporting and recording of test results.

The introductory material in and paragraph (c) of § 143.32 are amended to read as follows:

§ 143.32 Scope and purposes.

Guidance and counseling programs under the plan shall serve to advise students who are not below grade 7, or above grade 12, in public elementary and secondary schools regarding courses of study best suited to their abilities, aptitudes, and skills, and to encourage such students with outstanding aptitudes and abilities to complete their secondary school education, to take the necessary courses for admission to institutions of higher education, and to enter such institutions. These programs shall provide assistance to students by assessing abilities, aptitudes, interests, and educational needs; developing understandings of educational and career opportunities and requirements; and helping them make the best possible use of these opportunities through the formulation and achievement of realistic goals. Such programs may be carried out by the following activities when directed to the foregoing purposes:

* * * * *

(c) Providing individual counseling (1) to help the student and his parents develop a better understanding of the student's educational and occupational strengths and weaknesses; (2) to help the student and his parents relate his abilities and aptitudes to educational and career opportunities and requirements; (3) to help the student, with the assistance of his parents, make appropriate educational plans, including the choice of courses in the school and the choice of an institution of higher education; (4) to stimulate desires in the student to utilize his abilities in attaining appropriate educational and career goals; and (5) to provide the student with such assistance as may be needed for the development of his aptitudes and the full utilization of his abilities.

The introductory material in § 143.33 is amended to read as follows:

§ 143.33 Categories of expenditures applicable to approved local guidance and counseling programs.

* * * * *

Categories of allowable expenditures for the supervision and operation of local guidance and counseling programs approved by the State educational agency under the standards established pursuant to § 143.34(a) with respect to students who are not below grade 7, or above grade 12, in public elementary and secondary schools include the following:

* * * * *

(Secs. 501–504, 72 Stat. 1592–1593, as amended by sec. 25, 77 Stat. 417, and sec. 1001, 72 Stat. 1602, 20 U.S.C. 481–484, 581)

Dated: March 18, 1964.

[SEAL] FRANCIS KEPPEL,
U.S. Commissioner of Education.

Approved: April 6, 1964.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 64-3522; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32248]

PART 131—UNITED STATES SAFETY-APPLIANCE STANDARDS (RAILROAD)

Applicability of Safety Regulations to Track Motor Cars and Push Trucks; Amended Order

It appearing, that a prehearing conference in the above-entitled proceeding was held on March 4, 1964, for the purpose of discussing informally the character and factual matter to be developed upon the record at a subsequent hearing, how such matters should be developed and the procedure to be followed:

It further appearing, that after full

By the Commission, Commissioner

circular departure by using the follow-

It further appearing, that after full opportunity for the parties to discuss all pertinent issues and matters which may aid in expediting the disposition of this proceeding, a formal hearing is desirable and necessary, and good cause appearing therefor:

It is ordered, That this proceeding be, and the same is hereby, referred to Examiner Henry J. Vinskey, for hearing on June 10, 1964, at 9:30 a.m., United States standard time (or 9:30 a.m. local daylight saving time if that time is observed), at the offices of the Interstate Commerce Commission in Washington, D.C., and for appropriate proceedings, including recommendation of an appropriate order thereon, accompanied by the reasons therefor, unless waived by the parties.

And it is further ordered, That the evidence introduced at the above hearing shall relate and be limited to tract motor cars and push trucks of the type involved in the Baltimore and Ohio Railroad Co. v. Daniel T. Jackson, 353 U.S. 325, namely, self-propelled four-wheel cars and push trucks capable of being removed from the rails by a crew of men.

Dated at Washington, D.C., this 1st day of April A.D. 1964.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3524; Filed, Apr. 9, 1964; 8:47 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Suspension Supplements

In the matter of postponement or further postponement of matter suspended and establishment of matter found justified:

At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 18th day of March 1964.

It is ordered, That 49 CFR Part 187 be, and the same is hereby amended by deleting the text of § 187.90(f) and substituting in lieu thereof the following:

§ 187.90 Suspension supplements.

• • • • •

(f) Publications issued hereunder to make specific reference hereto as authority for short notice filing or for tariff circular departure by using the following notation wholly or in part:

Issued on (show number of days) notice; Tariff Circular departure authorized; ICC Permission No. M-83800, amended.

This permission does not, except as expressly indicated, waive or modify any outstanding formal order of the Commission, any of the requirements of its published rules relative to the construction and filing of the tariffs or schedules, nor any of the provisions of the Interstate Commerce Act. This permission shall continue in force and effect until April 24, 1966.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304, interpret or apply sec. 217, as amended, 49 Stat. 560, as amended, 49 U.S.C. 317)

It is further ordered, That this order shall become effective March 18, 1964.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director Office of the Federal Register.

By the Commission, Special Permission Board.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3525; Filed, Apr. 9, 1964; 8:47 a.m.]

Proposed Rule Making

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 40, 50, 70]

EXEMPTIONS FROM LICENSING REQUIREMENTS FOR CERTAIN AEC CONTRACTORS

Notice of Proposed Rule Making

The current licensing regulations of the Atomic Energy Commission, as set forth in 10 CFR Parts 30, 40, 50 and 70, include sections providing an exemption from the licensing requirements for certain Atomic Energy Commission contractors who are generally described (in Parts 40, 50 and 70) as being "contractors with and for the account of the Commission." The sections are §§ 30.6, 40.11, 50.11 and 70.11.

The proposed amendments are intended to redefine and clarify the scope of these exemptions by specifying certain categories of Atomic Energy Commission contractors which would be exempted from the licensing requirements.

Under the proposed amendments set forth below, the following categories of Atomic Energy Commission contractors would be included in the exemptions:

(1) Atomic Energy Commission prime contractors performing work for the Commission at United States Government-owned or controlled sites;

(2) Atomic Energy Commission prime contractors performing research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof;

(3) Atomic Energy Commission prime contractors using or operating nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel; and

(4) Any other Atomic Energy Commission prime contractor or subcontractor when the Commission determines (a) that the exemption of such contractor or subcontractor is in the interest of the common defense and security or national welfare and (b) that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.

The phrase "Government controlled site" means a site leased or otherwise made available to the Government under terms which afford to the Commission rights of access and control substantially equal to those which the Commission would possess if it were the holder of the fee as agent of and on behalf of the Government.

The proposed amendments would not affect the status of other persons who are not subject to licensing for reasons unrelated to their contractual relationship with the Commission, such as the Department of Defense, common and contract carriers, and construction subcontractors.

In addition, the proposed amendments would provide that all currently unlicensed persons who are required to be licensed under the amended regulations will continue to be exempt on an interim basis if they apply within 60 days following the effective date of the amendments for either a license or an exemption. This interim exemption would remain in effect until final action in the matter is taken by the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments of 10 CFR Parts 30, 40, 50 and 70 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Section 30.6 of 10 CFR, Part 30, is revised to read as follows:

§ 30.6 Persons using byproduct material under certain Atomic Energy Commission contracts.

Any prime contractor of the Commission is exempt from the requirements for a license set forth in sections 81 and 82 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, manufactures, produces, transfers, receives, acquires, owns, possesses, uses, imports or exports byproduct material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of byproduct material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in sections 81 and 82 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor manufactures, produces, transfers, receives, acquires, owns, possesses, uses, imports or exports byproduct material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

2. Section 40.11 of 10 CFR, Part 40, is revised to read as follows:

§ 40.11 Persons using source material under certain Atomic Energy Commission contracts.

Any prime contractor of the Commission is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of source material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from li-

censing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

3. Section 50.11 of 10 CFR, Part 50, is revised to read as follows:

§ 50.11 Persons using source material under certain Atomic Energy Commission contracts.

Any prime contractor of the Commission is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of source material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

4. Section 70.11 of 10 CFR, Part 70, is revised to read as follows:

§ 70.11 Persons using source material under certain Atomic Energy Commission contracts.

Any prime contractor of the Commission is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of source material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

Dated at Germantown, Md., this 3d day of April 1964.

For the Atomic Energy Commission.

W. B. McCOOL, *Secretary.*

Issued in Washington, D.C., on April 3, 1964.

[SEAL] ROBERT E. KLEIN, *Assistant Director for Regulation, Bureau of Land Management.*

[F.R. Doc. 64-3526; Filed, Apr. 9, 1964; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Public Land Order 3358]

[Arizona 0111 (d)]

ARIZONA

Withdrawing Public Lands for Protection of Recreation Area

By virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847, as amended, 43 U.S.C. 141-143, and pursuant to Executive Order No. 10355 of May 26, 1952, 17 F.R. 4831, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, and reserved for the protection of the Lake Havasu Recreation Area:

GILA AND SALT RIVER MERIDIAN

T. 15 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, E½, E½W½;
Sec. 9, lots 1 to 4, inclusive, E½, E½W½;
Sec. 10, lots 1 to 4, inclusive, E½, E½W½;
Sec. 11, lots 1 to 4, inclusive, E½, E½W½;
Sec. 12, lots 1 to 4, inclusive, E½, E½W½;
Sec. 13, lots 1 to 4, inclusive, E½, E½W½;
Sec. 14, lots 1 to 4, inclusive, E½, E½W½;
Sec. 15, lots 1 to 4, inclusive, E½, E½W½;
Sec. 16, lots 1 to 4, inclusive, E½, E½W½;
Sec. 17, lots 1 to 4, inclusive, E½, E½W½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Sec. 32, lots 1 to 4, inclusive, E½, E½W½;
Sec. 33, lots 1 to 4, inclusive, E½, E½W½;
Sec. 34, lots 1 to 4, inclusive, E½, E½W½;
Sec. 35, lots 1 to 4, inclusive, E½, E½W½;
Sec. 36, lots 1 to 4, inclusive, E½, E½W½.

T. 16 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 33, lots 1 to 4, inclusive, E½, E½W½;
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T. 17 N., R. 19 W.,
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Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 32, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 35, lots 1 to 4, inclusive, E½, E½W½;
Sec. 36, lots 1 to 4, inclusive, E½, E½W½.

T. 18 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, E½, E½W½;
Sec. 9, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 32, lots 1 to 4, inclusive, E½, E½W½;
Sec. 33, lots 1 to 4, inclusive, E½, E½W½;
Sec. 34, lots 1 to 4, inclusive, E½, E½W½;
Sec. 35, lots 1 to 4, inclusive, E½, E½W½;
Sec. 36, lots 1 to 4, inclusive, E½, E½W½.

T. 19 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, E½, E½W½;
Sec. 9, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 12, lots 1 to 4, inclusive, E½, E½W½;
Sec. 13, lots 1 to 4, inclusive, E½, E½W½;
Sec. 14, lots 1 to 4, inclusive, E½, E½W½;
Sec. 15, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 20, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 22, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 32, lots 1 to 4, inclusive, E½, E½W½;
Sec. 33, lots 1 to 4, inclusive, E½, E½W½;
Sec. 34, lots 1 to 4, inclusive, E½, E½W½;
Sec. 35, lots 1 to 4, inclusive, E½, E½W½;
Sec. 36, lots 1 to 4, inclusive, E½, E½W½.

T. 20 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, E½, E½W½;
Sec. 9, lots 1 to 4, inclusive, E½, E½W½;
Sec. 10, lots 1 to 4, inclusive, E½, E½W½;
Sec. 11, lots 1 to 4, inclusive, E½, E½W½;
Sec. 12, lots 1 to 4, inclusive, E½, E½W½;
Sec. 13, lots 1 to 4, inclusive, E½, E½W½;
Sec. 14, lots 1 to 4, inclusive, E½, E½W½;
Sec. 15, lots 1 to 4, inclusive, E½, E½W½;
Sec. 16, lots 1 to 4, inclusive, E½, E½W½;
Sec. 17, lots 1 to 4, inclusive, E½, E½W½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, E½, E½W½;
Sec. 21, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 33, lots 1 to 4, inclusive, E½, E½W½;
Sec. 34, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 36, lots 1 to 4, inclusive, E½, E½W½.

T. 21 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 35, lots 1 to 4, inclusive, E½, E½W½;
Sec. 36, lots 1 to 4, inclusive, E½, E½W½.

T. 22 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, E½, E½W½;
Sec. 9, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 13, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 32, lots 1 to 4, inclusive, E½, E½W½;
Sec. 33, lots 1 to 4, inclusive, E½, E½W½;
Sec. 34, lots 1 to 4, inclusive, E½, E½W½;
Sec. 35, lots 1 to 4, inclusive, E½, E½W½;
Sec. 36, lots 1 to 4, inclusive, E½, E½W½.

T. 23 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, E½, E½W½;
Sec. 9, lots 1 to 4, inclusive, E½, E½W½;
Sec. 10, lots 1 to 4, inclusive, E½, E½W½;
Sec. 11, lots 1 to 4, inclusive, E½, E½W½;
Sec. 12, lots 1 to 4, inclusive, E½, E½W½;
Sec. 13, lots 1 to 4, inclusive, E½, E½W½;
Sec. 14, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 16, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 20, lots 1 to 4, inclusive, E½, E½W½;
Sec. 21, lots 1 to 4, inclusive, E½, E½W½;
Sec. 22, lots 1 to 4, inclusive, E½, E½W½;
Sec. 23, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 32, lots 1 to 4, inclusive, E½, E½W½;
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Sec. 34, lots 1 to 4, inclusive, E½, E½W½;
Sec. 35, lots 1 to 4, inclusive, E½, E½W½;
Sec. 36, lots 1 to 4, inclusive, E½, E½W½.

T. 24 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots

censing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

3. Section 50.11 of 10 CFR Part 50, is revised to read as follows:

§ 50.11 Exceptions and exemptions from license.

Nothing in this part shall be deemed to require a license for:

(a) The manufacture, production, or acquisition by the Department of Defense of any utilization facility authorized pursuant to section 91 of the Act, or the use of such facility by the Department of Defense or by a person under contract with and for the account of the Department of Defense;

(b) The processing, fabricating, or refining of special nuclear material, or the separation of special nuclear material, or the separation of special nuclear material from other substances, by a prime contractor of the Commission under a prime contract for:

(1) The performance of work for the Commission at a United States Government-owned or controlled site;

(2) Research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or

(3) The use or operation of a production or utilization facility in a United States Government-owned vehicle or vessel;

or by a prime contractor or subcontractor of the Commission under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety;

(c) The construction or operation of a production or utilization facility for the Commission at a United States Government-owned or controlled site, including the transportation of the production or utilization facility to or from such site and the performance of contract services during temporary interruptions of such transportation; or the construction or operation of a production or utilization facility in the performance of research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components thereof; or the use or operation of a production or utilization facility in a United States Government-owned vehicle or vessel: *Provided*, That such activities are conducted by a prime contractor of the Commission under his prime contract with the Commission;

(d) The construction or operation of a production or utilization facility by a prime contractor or subcontractor of the Commission under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety;

(e) The transportation or possession of any production or utilization facility by a common or contract carrier or warehouseman in the regular course of carriage for another or storage incident thereto.

Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of paragraph (b), (c) or (d) of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

4. Section 70.11 of 10 CFR Part 70, is revised to read as follows:

§ 70.11 Persons using special nuclear material under certain Atomic Energy Commission contracts.

Any prime contractor of the Commission is exempt from the requirements for a license set forth in section 53 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, receives, possesses, uses, or transfers special nuclear material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of special nuclear material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in section 53 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor receives, possesses, uses, or transfers special nuclear material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 27th day of March 1964.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 64-3533; Filed, Apr. 9, 1964; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-69]

FEDERAL AIRWAYS, CONTROL AREA EXTENSION, AND REPORTING POINTS

Withdrawal of Proposal Relating to Alteration and Designation

On November 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER as Airspace Docket No. 63-SW-69 (28 F.R. 12627) stating that the Federal Aviation Agency (FAA) was considering the following actions:

1. Realign VOR Federal airway No. 68 between Corpus Christi, Tex., and Brownsville, Tex., via Harlingen, Tex., including an east alternate.

2. Redesignate VOR Federal airway No. 163 from Alice, Tex., to McAllen, Tex.

3. Realign VOR Federal airway No. 1643 between Brownsville and Alice.

4. Designate the Harlingen and Brownsville VORs as reporting points.

5. Alter the Brownsville control area extension.

Subsequent to publication of the notice, the air traffic control and airspace use requirements have changed to the extent that the proposals contained in Airspace Docket No. 63-SW-69 would no longer apply. Revised airspace assignments regarding these and other airway segments in the San Antonio-Corpus Christi-Brownsville, Tex., area will be proposed in Airspace Docket No. 64-SW-13, to be published at an early date.

In consideration of the foregoing, notice is hereby given that the actions proposed in Airspace Docket No. 63-SW-69, are withdrawn.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 3, 1964.

D. E. Barrow,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3506; Filed, Apr. 9, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-9]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations. These proposals relate to navigable airspace both within and outside the United States. The substance of these proposals is stated below.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on International air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operated in International airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Federal Aviation Agency is considering the following airspace actions:

1. Designate the Boca Grande, Key West, Fla., transition area as that airspace extending upward from 2,000 feet above the surface, bounded by a line extending from latitude 24°45'00" N., longitude 82°32'00" W.; thence to latitude 24°25'00" N., longitude 82°32'00" W.; thence to latitude 24°13'00" N., longitude 82°19'00" W.; thence along latitude 24°13'00" N., to a line 5 miles west of and parallel to the 205° True bearing from the Key West radio range; thence northeast along this line and the west edge of low altitude airway V-225 to latitude 24°45'00" N.; and thence westward along latitude 24°45'00" N., to the point of beginning.

This would provide additional controlled airspace to accommodate aircraft exercising holding procedures west of Key West, Fla.

2. Designate the Marathon, Fla., transition area as that airspace extending upward from 2,000 feet above the surface, bounded on the north by low altitude airway V-35, on the east by longitude 80°25'00" W., on the south by latitude 24°20'00" N., and on the west by control area 1233.

This would provide additional controlled airspace for aircraft exercising holding procedures south of Homestead AFB, Fla., based on aircraft holding at a point 55 miles out on the Miami VORTAC 192° True bearing, which is used for the TACAN approach to Homestead AFB.

The FAA has been advised by the Department of Defense that the aircraft and ordinance activity periodically conducted within Warning Areas W-174 and W-465 is hazardous to non-participating aircraft. Therefore, the portions of these proposed transition areas which lie within Warning Areas W-174 and W-465 would be utilized by the FAA for purposes of air traffic service only when not required for national defense activities hazardous to non-participants. Detailed arrangements for the cessation and resumption of hazardous military activities and for the use of these warning areas for purposes of air traffic service would be set forth in letters of procedure between the appropriate military commanders and the Federal Aviation Agency.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on April 3, 1964.

Daniel E. Barrow,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3507; Filed, Apr. 9, 1964; 8:46 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63-EA-49]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.39 of the Federal Aviation Regulations, the substance of which is stated below.

The Limestone, Maine (Loring AFB) Restricted Area/Military Climb Corridor R-3902 is presently described as follows:

Boundaries. The area centered on the 353° radial of the Loring AFB TACAN extending from 5 miles N of the airbase (Lat. 46°57'05" N., Long. 67°53'10" W.) to 32 miles N of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity, excluding the portion which lies outside of the United States.

Designated altitudes.

2,750 feet MSL to 15,750 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase.

2,750 feet MSL to flight level 247 from 6 to 7 miles N of the airbase.

2,750 feet MSL to flight level 270 from 7 to 10 miles N of the airbase.

6,750 feet MSL to flight level 270 from 10 to 15 miles N of the airbase, excluding the portion which lies outside of the United States.

10,750 feet MSL to flight level 270 from 15 miles N of the airbase to the United States-Canadian Border.

Time of designation. Continuous.

Using agency. Loring AFB Approach Control.

The Air Force has requested alteration of R-3902 in accordance with the present Federal Aviation Agency airspace criteria which provides for enlarging such corridors as necessary to meet the climb capabilities and requirements of supersonic fighter/interceptor aircraft of the Air Defense Command. Altered as proposed, R-3902 will afford protection for air defense aircraft and other aircraft north of Loring AFB during the initial climb phase of air defense missions.

A study indicates this proposal would not affect existing low and intermediate altitude airways and would be less restrictive to jet routes. Although portions of the Limestone AFB control zone (§ 71.171) and control area extension (§ 71.165) would coincide with the reconfigured restricted area/military climb

corridor, it is not proposed to change the descriptions of these areas since the requirement for pilots to obtain prior approval from appropriate authority before

Issued in Washington, D.C., on April 3, 1964.

Daniel E. Barrow,

product code number with five digits. Before establishing such a size standard for financial assistance purposes, both

are considered in formulating industry size standards: (i) concentration of output, (ii) coverage ratio, (iii) primary

concerning the nature of companies which manufacture such product. For size standards purposes, a product shall

protest or other information which would cause him to question the veracity of the self-certification, the contracting

corridor, it is not proposed to change the descriptions of these areas since the requirement for pilots to obtain prior approval from appropriate authority before operating in restricted airspace is specified in § 91.95 of the Federal Aviation Regulations.

Coordination has been initiated with the Department of Transport, Ottawa, Canada, and they have interposed no objection.

If the proposed action is taken, the Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor would be redescribed as follows:

R–3902 Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on a line beginning at latitude 47°00'00" N., longitude 67°54'10" W. (2 nmi north of the north end of Runway 1), and extending via a True bearing therefrom of 354° to a point 30 nmi north, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity, excluding the portion which lies outside the United States.

Designated altitudes.

Surface to flight level 240 from point of beginning to 3 nmi north.

2,000 feet MSL to flight level 240 from 3 to 6 nmi north of point of beginning.

5,000 feet MSL to flight level 240 from 6 to 11 nmi north of point of beginning, excluding the portion which lies outside the United States.

10,000 feet MSL to flight level 240 from 11 to 15 nmi north of point of beginning, excluding the portion which lies outside the United States.

Time of designation. Continuous.

Using agency. Loring AFB Approach Control.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 3, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–3506; Filed, Apr. 9, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 4]

SMALL BUSINESS SIZE STANDARDS

Method of Establishing Standards and Definition of Small Business for Government Procurement

Paragraph 121.3–1(b) of the Small Business Size Standards Regulation (Revision 4) (29 F.R. 86) provides in part that, "in defining industries, SBA follows the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President. The * * * Manual defines industries in accordance with the existing structure of the American economy. An industry is a group of establishments engaged in the same or similar lines of economic activity * * *"

The criteria for recognizing manufacturing industries are set forth in the Appendix of the Manual. There are some groups of establishments engaged in the same or similar lines of economic activity which should be recognized as separate industries even though they do not meet the criteria for industries established by the Standard Industrial Classification. This is necessary in order that the financial assistance provided by the Small Business Loan Program of this Agency can be made available to strengthen the competitive position of certain groups of business concerns that are relatively small in their fields of operation.

In the Standard Industrial Classification Manual more than 400 manufacturing industries are designated by industry numbers of four digits. For example, the industry number for food preparations not elsewhere classified in any other industry included in the food and kindred products major group is 2099. The financial assistance size standard established for this industry is 250 employees. For the reason that companies operating establishments primarily engaged in making baking powder and yeast are significantly larger than the companies in this industry as a whole, it is appropriate to establish a size standard of 500 employees for baking powder and yeast. Baking powder and yeast has a class of product code number with five digits, 20994.

When appropriate, and necessary in order to carry out the policy of the Congress and the objectives of the Small Business Act, as amended, the Small Business Administration will establish a separate size standard for a class of product code number with five digits. Before establishing such a size standard for financial assistance purposes, both administrative and economic considerations will be carefully weighed. This authority will be confined to those instances where, for manufacturing concerns, the financial assistance size standard is 250 employees and where the Government procurement size standard is 500 employees.

It also has come to our attention that certain products can be and are for statistical and other purposes classified into more than one industry. However, we have determined that, for size determination purposes, a product should be classified into only one industry.

Consequently, it is proposed to amend the Small Business Size Standards Regulation so that, for size standards purposes, a product shall be classified into only one industry and that SBA shall determine the SIC industry into which particular products are classified for such purposes.

Interested persons may file with the Small Business Administration within fifteen (15) days after publication in the FEDERAL REGISTER written statements of facts, opinions, or arguments concerning the proposed amendments.

All correspondence shall be addressed to:

Office of Economic Adviser,
Small Business Administration,
Washington, D.C. 20416.

It is proposed to amend the Small Business Size Standards Regulation (Revision 4), as follows:

The Small Business Size Standards Regulations (Revision 4) (29 F.R. 86) is hereby amended by:

1. Deleting § 121.3–1(b) and substituting in lieu thereof new § 121.3–1(b) as follows:

§ 121.3–1 Purpose and method of establishing size standards.

* * * * *

(b) *Method of establishing size standards.* In defining industries, SBA uses the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President, *Provided, however*, that, whenever SBA determines that (1) there is within an industry, as defined in the Standard Industrial Classification Manual, a group of establishments manufacturing a class of products which has been given a five-digit code by the Bureau of the Census and such group of establishments would be recognized as a separate industry except for the fact that it fails to meet the Bureau of the Budget's size of industry criterion for such recognition, and (2) the financial assistance size standard for such class of products should be 500 employees, rather than 250 employees, it shall adopt a separate size standard for such class of products and list it in Schedule A hereof. The Standard Industrial Classification Manual defines industries in accordance with the existing structure of the American economy. An industry is a group of establishments engaged in the same or similar lines of economic activity. The following factors

are considered in formulating industry size standards: (i) concentration of output, (ii) coverage ratio, (iii) primary product specialization ratio, (iv) absolute number of concerns, (v) size of industry (dollar volume), (vi) employment size of industry leaders, and (vii) the SBA program for which the size standard is established. In certain instances, the loan standard and procurement standard may differ for the same industry. This is due to the fact that when establishing size standards for the purpose of Government procurement, an eighth factor, Government procurement history, is used but is not a factor in formulating a size standard for the purpose of financial assistance. SBA shall determine the SIC industry into which particular products shall be classified for size standards purposes. When making such classifications, consideration shall be given to all appropriate factors, including (*a*) alphabetic indices published by the Bureau of the Budget, Bureau of the Census, and the Business and Defense Services Administration, (*b*) description of the product under consideration, (*c*) previous Government procurements for the same or similar products, and (*d*) published information concerning the nature of companies which manufacture such product. For size standards purposes, a product shall be classified into only one industry, even though, for other purposes, it could be classified into more than one industry.

2. Deleting the fifth sentence of the introductory text to § 121.3–8 in its entirety. As amended, the introductory text to § 121.3–8 will read as follows:

§ 121.3–8 Definition of small business for Government procurement.

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. When computing the size status of a bidder or offerer, the number of employees, annual sales or receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular procurement involved. If a procurement calls for more than one item, the bidder must meet the size standard for each item for which it submits a bid.

* * * * *

3. Deleting the category headings at the beginning of Schedule A and substituting in lieu thereof the headings below, and by adding to Schedule A the product classes and size standards as follows:

Census classification code	Industry or class of product	Employment size standard (number of employees)
20991	Desserts (ready-to-mix)	500
20994	Baking powder and yeast	500
35452	Precision measuring tools	500

Dated: April 1, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64–3499; Filed, Apr. 9, 1964; 8:45 a.m.]

anyone of any commodities (except absorbent cotton and sterilized gauze and

Commodity	Sales price or method of sale

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 115-4]

GENERAL NUCLEAR ENGINEERING CORP. AND PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Issuance of Provisional Operating Authorization

Notice is hereby given that no request for hearing or petition to intervene having been filed in accordance with the notice of proposed issuance of provisional operating authorization published in the FEDERAL REGISTER on December 28, 1963, 28 F.R. 14449, the Atomic Energy Commission has issued Provisional Operating Authorization No. DPRA-4 to General Nuclear Engineering Corporation (GNEC) and Puerto Rico Water Resources Authority (PRWRA) authorizing the use and operation at powers up to 55 megawatts thermal of the Boiling Nuclear Superheater (BONUS) Power Station (the reactor) located at Punta Higuera, Puerto Rico.

Copies of the Provisional Operating Authorization are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 2d day of April 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 64-3534; Filed, Apr. 9, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

April Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during April 1964 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, and flax.

The April list of commodities available is unchanged from March.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for April 1964 are 4 percent for periods up to and including 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program.

The following CCC-owned commodities are available for programing under Title IV, Public Law 480, private trade agreements: Wheat, corn, barley, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programing. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Nonfat dry milk, butter, cheddar cheese, cotton, tobacco, wheat, corn, barley, and grain sorghum. This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate, CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by

anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in-store at storage location of products. Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any butter offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any cheese offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices, under LD-35: Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Monday at prices announced by press releases in Washington each Tuesday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Export, CCC sales for export: Competitive bid under the terms and conditions of Announcements CN-EX-18 Cotton Export Program—Sales (1963-64 Marketing Year), as amended, and NO-C-22 Sale of Upland Cotton (Cotton Export Program—1963-64 Marketing Year), as amended, and NO-C-24 Sale of Irregular Upland Cotton for Export. Also CCC will, under the terms and conditions of Announcement NO-C-25, sell its interest in 1963-crop upland loan cotton for export under Announcement CN-EX-18. Export, CCC Barter and Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-21 (Acquisition of Upland Cotton for Export Under Barter and Credit Sales Programs) and NO-C-22, (Sale of Upland Cotton (Cotton Export Program—1963-64 Marketing Year)), as amended.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements domestic grown extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton).
Available	Sales of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from that office.
Barley, bulk	Domestic and export, unrestricted use: [1] Storable: Market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate [2] (published price support loan rate plus 14 cents per bu.) for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown below. Nonstorable: At not less than market price as determined by CCC. Markups and Agricultural Act of 1949 formula price examples (per bushel)

Markup in cents received by		Example of in-store [3] formula minimum prices for No. 2 or better barley (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
14	9	Minneapolis, Minn.	$1.39
		Kansas City, Mo.	1.32

Availability information: For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

See footnotes at end of table.

Commodity	Sales price or method of sale
Barley, bulk (continued)	Export announcement sales: (1) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter, credit and other designated sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in subparagraph C above. Sale is made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston and Kansas City ASCS offices. Stocks at West Coast seaboard terminals and stocks at Duluth or Minneapolis will be available through the Portland and Minneapolis ASCS grain offices, respectively.
Grain sorghum, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. B. General sales:[1] 1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate[2] (published price support loan rate plus 20 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per hundredweight).

Markup in cents received by		Examples of in-store[2] formula minimum prices for No. 2 or better grain sorghum (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
29	18	Kansas City, Mo.	$2.65

D. Availability information: For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum held in California export terminals are the only stocks stored in California available for sale under these export announcements, except that such sorghum shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provision of these export sales announcements of 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Corn, bulk	Domestic and export—unrestricted use: A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the corn, plus the amount shown in C below applicable to the storage point involved. B. General sales:[1] 1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate[2] (published price support loan rate plus 18 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per bushel).

Markup in cents in-store at		Example of in-store[2] formula minimum prices for No. 2 yellow corn (14 percent Mt. and 2 percent F.M.) (exrail or barge in dollars)	
Production point	Other points	Terminal	General sales price
6	7½	Minneapolis, Minn.[3]	$1.40¾
		Chicago, Ill.[4]	1.59½

D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the above announcements. CCC stocks of corn at West Coast seaboard terminals are available for sale under these export announcements, except such corn shall not be eligible for Title I, P.L. 480 purchase authorization or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Commodity	Sales price or method of sale
Rye, bulk	Domestic and export,[1] unrestricted use: Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate[2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Per bushel markup received by		Examples of per bushel formula minimum price (exrail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 15	*Cents* 9	Minneapolis, Minn.	No. 2 or better (or No. 3 on TW only).	$1.45

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.
Export:
(1) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for approved CCC credit and other designated sales. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit sales prices.
Available: Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.

Commodity	Sales price or method of sale
Flaxseed, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[3] but not less than the applicable 1963 support price for the class, grade, and quality of the grain plus 14½ cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Unit	Received by		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Bushel	*Cents* 17	*Cents* 9	Minneapolis	No. 1	$3.36½

Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office.
Available: Through the Minneapolis Grain Merchandising ASCS office.

See footnotes at end of table.

Commodity	Sales price or method of sale
Oats, bulk	Domestic and export: [1] Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate[2] for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added.

Per bushel markup in-store at		Examples of per bushel formula minimum prices basis in-store		
Production point	Other points	Terminal	Grade and class	Price
Cents 9	*Cents* 10½	Chicago,[4] Ill.	No. 2 (or better)	$0.07
		Minneapolis,[3] Minn.		.23¾

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table.
Export announcement sales:
(1) Under Announcement GR-368 (Rev. Aug. 31, 1959) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and other designated sales. Oats will not be sold for application to Title I, or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Commodity	Sales price or method of sale
Wheat, bulk	Domestic and export, unrestricted use: A. Redemption of Domestic Payment-in-kind Certificates:[1] Such CCC dispositions of wheat, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under the 1963 wheat price-support program. The minimum price at which wheat shall be valued for such dispositions shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support loan rate[2] for the class, grade, and quality[4] of the wheat plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price. B. General sales:[1] 1. Storable: Such CCC dispositions of storable wheat, as CCC may designate will be general sales. Such sales shall be made at the same minimum price as redemptions of payments-of-kind certificates described in A above. CCC will normally make general sales of wheat when dispositions of such wheat are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable wheat as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and formula minimum price examples.

Per bushel markup received by		Examples of per bushel formula minimum prices basis in-store[3] ex-rail or barge		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 15	*Cents* 9	Chicago	No. 1 RW	$2.30
		Minneapolis	No. 1 DNS	2.36
		Kansas City	No. 1 HW	2.27
		Portland	No. 1 SW	2.19

wise provided by law, "the power marketing program of the United States" refers to undertakings by the Department of the

the Interior for the transmission or wheeling of power makes execution by marketing agency of the Department of the Interior with the applicant.

Commodity	Sales price or method of sale
Wheat, bulk (continued)	Domestic and export, unrestricted use—Continued D. Availability information: For information on CCC wheat sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table. Export announcement sales: (1) Under Announcement GR-345 (Revised July 13, 1962) as amended, for export under the wheat export payment-in-kind program, except that durum wheat will not be eligible for P.L. 480, Title I sales, (2) under Announcement GR-372 (Rev. 2, Jan. 9, 1961), for specified offerings as announced and (3) under Announcement GR-361 (Rev. 2, Jan. 9, 1961, as amended) for export as wheat and under Announcement GR-362 (Rev. 2, Jan. 9, 1961) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Sales under the above announcements are made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices. (At Portland ASCS office, Hard Red Winter wheat with 12.0 percent or less protein will be available for barter or Title I, P.L. 480 transactions for export to Korea, Okinawa, and Formosa only.)
Peanuts, shelled or unshelled (farmers' stock) as available.	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended and supplemented March 3, 1964.
Rice, rough	Domestic, unrestricted use: Market price but not less than 1963 loan rate plus 5 percent, plus 38 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369, Revision II, Rice Export Program—Payment-in-Kind, and under GR-379, Revision I, for approved credit sales. Price, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

[1] Such dispositions shall be for domestic unrestricted use or for export.
[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.
[5] Woodford County, Ill., origin.
[6] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).
Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.
Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.
Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.
Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.
Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.
Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: Capitol 6-3361.
Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export Sales only).
Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121.
Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529-2411.
Cotton Products and Export Operations Office, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.
Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.
Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 5, Calif. Telephone: Sutter 1-3179.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on April 6, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-3536; Filed, Apr. 9, 1964; 8:48 a.m.]

Office of the Secretary

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENTS OF AGRICULTURE AND INTERIOR

Procedures for Rights-of-Way for Electric Transmission Lines Crossing National Forest or Other Lands Under Forest Service Jurisdiction

Memorandum of Understanding between the Department of Agriculture and the Department of the Interior setting forth procedures pursuant to 36 CFR 251.52 to be followed for rights-of-way for electric transmission lines, 33 kilovolts or more, crossing National Forests or other lands under Forest Service jurisdiction.

For the purpose of this Memorandum of Understanding, except where otherwise provided by law, "the power marketing program of the United States" refers to undertakings by the Department of the Interior, necessary or appropriate for the purpose of making electric power and energy at federal multipurpose projects constructed or under construction by the Bureau of Reclamation or by the Corps of Engineers, available in wholesale quantities to agencies designed by existing law as preference agencies and to other purchasers of electric power and energy at wholesale, or for the purpose of interconnecting those projects with other electric facilities, pursuant to the Bonneville Project Act, the Reclamation Project Act of 1939, the Flood Control Act of 1944, or other applicable marketing authorization.

1. Applications for rights-of-way for electric transmission lines, with a capacity of 33 kilovolts or more, across National Forest or other lands under Forest Service jurisdiction in the following States may be acted upon without referral to the Department of the Interior: Connecticut, Delaware, Hawaii, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, West Virginia, Wisconsin, and Vermont.

2. Electric transmission line rights-of-way across National Forest or other lands under Forest Service jurisdiction in the above mentioned States, if granted, will be subject to the wheeling provisions of 36 CFR 251.52(d)(2) et seq.

3. Copies of approved rights-of-way across National Forest or other lands under Forest Service jurisdiction in the above-mentioned States, with the indication that the approval is subject to the wheeling regulations, will be made available to the Office of the Assistant Secretary of the Interior (Water and Power Development).

4. Application for electric transmission line rights-of-way across National Forest or other lands under Forest Service jurisdiction in all other States will be submitted to the Office of the Assistant Secretary (Water and Power Development) for comment and recommendations in accordance with the following procedure:

a. The Regional Forester will refer the application to the appropriate power marketing office of the Department of the Interior in accordance with the attached table and map. Where an application does not indicate that applicant will conform to the wheeling requirements of 36 CFR 251.52(d)(2) the Regional Forester will ask the applicant whether a contract exists between applicant and the Department of the Interior for the transmission or wheeling of electric power over applicant's transmission system or parts thereof, and will refer the results of his inquiry, together with the application, to the appropriate power marketing office of the Department of the Interior.

b. The power marketing office will state and comment appropriately upon the following:

(i) The relationship and possible conflict of the proposed facility with the power marketing program of the United States;

(ii) Whether an existing contract between applicant and the Department of the Interior for the transmission or wheeling of power makes execution by applicant of the wheeling stipulation referred to at 36 CFR 251.52(d)(2) unnecessary;

(iii) Changes, if any, that should be made to eliminate conflict between the proposed facility and the power marketing program of the United States, and changes, if any, needed to increase the capacity of the proposed facility for use by the Department of the Interior; and

(iv) Whether surplus capacity, if any, of the facility as proposed and if changed in the manner indicated in (iii) above, could be used by the Department of the Interior.

These comments and the application will then be referred to the Washington Office of the Bureau of Reclamation, Bonneville Power Administration, or Southwestern Power Administration, as the case may be, for further comments of these offices prior to submission to the Office of Assistant Secretary (Water and Power Development). (Southeastern Power Administration will submit its comments directly to the Office of Assistant Secretary.)

c. The Office of Assistant Secretary (Water and Power Development) will review the application in relation to the power marketing program of the United States, and will determine whether any existing contract between applicant and the Department of the Interior makes execution of the wheeling stipulation by applicant unnecessary. The comments and recommendations of the Secretary of the Interior will be transmitted to the Secretary of Agriculture, with copies to the appropriate Washington Office (Bonneville Power Administration) for referral back to the regional power marketing office. The Secretary of Agriculture will advise the Chief of the Forest Service of the action to be taken on the application.

5. In the event the Secretary of the Interior determines that modifications in the proposed facility should be made in order to eliminate conflict with the power marketing program of the United States, the Assistant Secretary (Water and Power Development) will direct the appropriate regional power marketing office to negotiate directly with the applicant and require him to submit a modified application to the Forest Service.

In the event a potential conflict with the power marketing program of the United States exists, the application will be held by the Office of the Assistant Secretary (Water and Power Development) until a determination has been made. In the event that Interior recommends that an application be denied, the Secretary of Agriculture will be so informed and advised of the reasons for the recommendations.

6. Any action taken by Interior in connection with determinations of quantities of surplus transmission capacity, use of the facility by the Department of the Interior for the delivery of power, payments to be made to the owner for joint use of the facility, or arbitration procedures under the regulations, will be handled directly by the appropriate marketing agency of the Department of the Interior with the applicant.

7. There will be no change in the procedures now being followed by the Department of Agriculture regarding the inclusion of rights-of-way across National Forest or other lands under Forest Service jurisdiction in Federal Power Commission licenses for construction and operation of hydroelectric plants. The Secretary of the Interior will make recommendations directly to the Federal Power Commission for transmission lines to be covered by Federal Power Commission licenses.

8. A master file of all rights-of-way granted subject to the provisions of the wheeling regulations will be maintained by the Office of the Assistant Secretary (Water and Power Development).

Dated: March 5, 1964.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 64-3529; Filed, Apr. 9, 1964; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

OFFICE OF CIVIL DEFENSE

Establishment

APRIL 1, 1964.

Organization and operation of the Office of Civil Defense within the Office of the Secretary of the Army and delegation of administrative authorities for civil defense functions:

Reference (a). Executive Order 10952 dated 20 July 1961, assigning civil defense responsibilities to the Secretary of Defense and others;
Reference (b). DOD Directive 5160.50 dated 31 March 1964, assigning civil defense responsibilities to the Secretary of the Army;
Reference (c). Department of Defense delegation of administrative authorities for civil defense functions (27 F.R. 903-906, 31 January 1962).

1. There is established within the Office of the Secretary of the Army an Office of Civil Defense. The Office of Civil Defense shall be under a Director of Civil Defense, who shall report directly to the Secretary of the Army.

2. Subject to the direction and control of the Secretary of the Army, those responsibilities, functions, powers and authorities assigned to the Secretary of the Army by Reference (b) and those authorities assigned to the Assistant Secretary of Defense (Civil Defense) by Reference (c) are hereby redelegated to the Director of Civil Defense with authority to redelegate. Redelegations heretofore made by the Assistant Secretary of Defense (Civil Defense) are continued in effect until modified, amended or revoked by the Director, Office of Civil Defense.

STEPHEN AILES,
Secretary of the Army.

[F.R. Doc. 64-3517; Filed, Apr. 9, 1964; 8:46 a.m.]

Office of the Secretary

SECRETARY OF THE ARMY

Delegation of Authority Regarding Civil Defense Functions

The Deputy Secretary of Defense approved the following on March 31, 1964:

The functions delegated to the Secretary of Defense by Executive Order 10952, dated July 20, 1961, assigning Civil Defense responsibilities to the Secretary of Defense and others, are delegated to the Secretary of the Army with authority to redelegate.

All personnel, records, facilities, and equipment of the Office of Civil Defense, Department of Defense, are transferred to the Secretary of the Army.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 64-3498; Filed, Apr. 9, 1964; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENTS OF AGRICULTURE AND INTERIOR

Procedures for Rights-of-way for Electric Transmission Lines Crossing National Forest or Other Lands Under Forest Service Jurisdiction

CROSS REFERENCE: For a document setting forth the above procedures, see Agriculture Department, Office of the Secretary, F.R. Doc. 64-3529, *supra*.

ANCHORAGE LAND OFFICE, BUREAU OF LAND MANAGEMENT

Notice of Reopening of Office

Notice is hereby given that the Anchorage Land Office, Bureau of Land Management, will be reopened for business on April 24, 1964. The Land Office was temporarily closed as of the close of business on March 27, 1964 by order published in the FEDERAL REGISTER on April 1, 1964 (29 F.R. 4685).

Applications and other documents received between the time the Land Office was closed and 10 a.m. April 24, 1964, will be considered as filed at 10 a.m. April 24, 1964.

The Land Office will be located in the Federal Building, Fourth and G Streets, Anchorage, Alaska. All mail should be directed to that address until further notice. Persons who have sent mail to the Land Office during this emergency period caused by the earthquake may wish to inquire whether it has been received.

Personnel of the Land Office will be available to give information and assistance after 10 a.m. April 21, 1964.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 8, 1964.

[F.R. Doc. 64-3590; Filed, Apr. 9, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 325]

OMNIA K. G. KRAUS, WEISS AND CO. AND FRIEDERICH ZIFFER

Order Denying Export Privileges

In the matter of Omnia K. G. Kraus, Weiss and Company and Friederich Ziffer, 30a Hanauer Strasse, Munich 54, Federal Republic of Germany, Case No. 325; Respondents.

The respondents, Omnia K. G. Kraus, Weiss and Company and Friederich Ziffer, both of Munich, Federal Republic of Germany, were on February 7, 1964 charged by the Director, Export Control Investigations Division, Bureau of International Commerce, with violations of the Export Control Act of 1949, as amended, and regulations thereunder. The respondents were served with the charging letter and they have filed answers. The charging letter in substance alleged that the respondents imported from the United States to West Germany certain office composing machines and accessories; that at the time of exportation from the United States, and at all times thereafter, export of said equipment and accessories from the United States to Sino-Soviet bloc destinations was prohibited, unless authorization had been granted by a validated export license; that reexportation from West Germany to Sino-Soviet bloc destinations was prohibited unless prior authorization for such reexportation had been granted; that the respondents were aware of the prohibition against unauthorized reexportation; that notwithstanding this knowledge the respondents, without authority, reexported said equipment and accessories to the Soviet Union. They were charged with having violated specific sections of the U.S. Export Regulations.

Prior to the issuance of the charging letter, an order temporarily denying export privileges was issued against said respondents on October 8, 1963 (28 F.R. 10927, October 11, 1963). On December 6, 1963 said temporary order was extended until the completion of administrative compliance proceedings (28 F.R. 13552, December 14, 1963).

In accordance with the provisions of § 382.10 of the Export Regulations, with agreement of the Director, Investigations Division, the respondents have submitted to the Compliance Commissioner a proposal for the issuance of a consent order substantially in the form hereinafter set forth. In said consent proposal, the respondents have admitted, for the purpose of these compliance proceedings, the allegations in the charging letter.

The Compliance Commissioner has reviewed the facts in the case and the proposal, has approved the proposal and has submitted his recommendation to the undersigned Acting Director, Office of Export Control that the consent proposal be accepted.

After reviewing and considering the record in the case and the Compliance Commissioner's recommendation, I hereby make the following findings of fact:

1. Omnia K. G. Kraus, Weiss and Company (hereinafter referred to as Omnia) was at all times stated herein a limited partnership in West Germany engaged in importing and exporting duplicating machines, office composing machines, and accessories thereto. Friederich Ziffer was a silent partner in the firm and sales manager thereof. The respondent Ziffer was the individual primarily responsible for the transactions herein set forth.

2. Between April 1962 and September 1962, Omnia imported from a manufacturer in the United States certain office composing machines, multiple typewriters and accessories thereto, having a total value in excess of $26,000. Said equipment and accessories were exported from the United States to Omnia in Munich, pursuant to authority of General License GRO.

3. At the time the aforesaid exportations were made from the United States and at all times thereafter, export of said equipment and accessories from the United States to Sino-Soviet bloc destinations was prohibited unless prior authorization had been granted by a validated export license issued by the Bureau of International Commerce. Reexportation to Sino-Soviet bloc destinations of such equipment and accessories, originally exported from the United States under General License, was also prohibited by the Export Regulations unless prior authorization for such exportation had been granted by the Bureau of International Commerce.

4. The respondents, Omnia and Ziffer, were at the time of receipt of the shipments in question fully aware of the aforesaid prohibition against the unauthorized reexportation of the equipment and accessories to the Sino-Soviet bloc. Notwithstanding this knowledge, the respondent Ziffer, acting for Omnia and without authority of the Bureau of International Commerce, reexported and diverted the aforesaid equipment and accessories to the Soviet Union.

From the foregoing I have concluded that the respondents, without authorization, knowingly exported, disposed of, diverted, transshipped, and reexported commodities to persons, destinations, and uses contrary to the terms of export control documents, prior representations, notification of prohibition against such action, and contrary to the Export Control Law and regulations and licenses issued thereunder, all in violation of §§ 370.2, 371.4, 381.2 and 381.6 of the Export Regulations.

Now, after considering the record in the case, and being of the opinion that the proposal for this consent order should be accepted, and that this order is calculated to achieve effective enforcement of the law and the purpose thereof, *It is hereby ordered:*

I. Such validated export licenses as may be outstanding in which respondents appear or participate in any manner or capacity and which have heretofore been revoked shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondents for a period of 30 months from October 8, 1963 are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors or assigns, officers, partners, representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Six months after October 8, 1963, to wit, on April 9, 1964, without further order of the Bureau of International Commerce, the respondents shall have their export privileges restored to them conditionally and thereafter for the remainder of the 30-month period the respondents shall be on probation. However, no validated licenses which have been revoked under the temporary denial order of October 8, 1963 or the extension thereof shall thereby be restored. The conditions of such restoration are that the respondents shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that any respondent has knowingly failed to comply with the requirements and conditions of this order or with the conditions of probation, said official at any time, with or without prior notice of said respondent, by supplemental order, may revoke the probation of said person, revoke all outstanding validated export licenses to which any respondent may be a party, and deny all export privileges, for a period up to 24 months. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. Any person affected by a supplemental order revoking without notice his probation, may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 382.16 of the Export Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on April 9, 1964.

Dated: April 2, 1964.

RAUER H. MEYER,
Acting Director,
Office of Export Control.

[F.R. Doc. 64-3509; Filed, Apr. 9, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15407]

CITY TAXI CO.

Order To Show Cause

In the matter of Olga I. Shea, d/b as City Taxi Company, Sacramento, California, order to show cause why the license for taxicab radio station KMA-528 should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated February 17, 1964, and March 19, 1964, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that the foregoing communications from the Commission called for responses by the licensee within 15 days; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.89 of the Commission's rules;

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 6th day of April 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to licensee at her last known address of 1104 Third St., Sacramento 14, Calif.

Released: April 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3544; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 15380; FCC 64M-289]

RICHARD H. SANDERS

Order To Show Cause; Scheduling of Hearing

In the matter of Richard H. Sanders, Fort Lauderdale, Florida, Docket No. 15380, order to show cause why there should not be revoked the license for Radio Station 7W2005 in the Citizens Radio Service.

It is ordered, This 6th day of April 1964, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 1, 1964, in Fort Lauderdale, Florida.

Released: April 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3543; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 15402; FCC 64M-287]

HORACE C. BOREN (KWON)

Order Scheduling Hearing

In re application of Horace C. Boren (KWON), Bartlesville, Oklahoma, Docket No. 15402, File No. BP-15453, for construction permit.

It is ordered, This 6th day of April 1964, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 24, 1964, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., May 4, 1964.

Released: April 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3538; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 15362; FCC 64M-281]

GRAYSON ENTERPRISES, INC.

Order Continuing Hearing

In re application of Grayson Enterprises, Incorporated, Big Spring, Texas, Docket No. 15362, File No. BPCT-3029, for construction permit to increase power, change transmitter site, and other changes in facilities of Station KWAB-TV (formerly KEDY-TV), Big Spring, Texas.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered,* This 2d day of April 1964, that the hearing presently scheduled to commence on May 4, 1964, is continued to a date to be fixed at the further prehearing conference on May 15, 1964.

Released: April 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3539; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket Nos. 15323-15325; FCC 64M-280]

INTEGRATED COMMUNICATION SYSTEMS, INC., OF MASSACHUSETTS ET AL.

Order Regarding Procedural Dates

In re applications of Integrated Communication Systems, Inc., of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT-3169; WGBH Educational Foundation, Boston, Massachusetts, Docket 15325, File No. BPCT-3277; for construction permits for new television broadcast stations.

At a prehearing conference held today it was specified that the proceeding would be tried on the written direct case basis, that all written material would be exchanged by each of the applicants with all of the other parties no later than September 1, 1964, and that the hearing would get under way at 10:00 a.m. in Washington, D.C., on September 14, 1964 with the first order of business to be given over to considering offers into evidence of the written material. Other

procedural dates will be fixed as the requirements of the proceeding dictate.

[Docket No. 14722; FCC 64M-266]

FEDERAL POWER COMMISSION

procedural dates will be fixed as the requirements of the proceeding dictate.

So ordered, This 2d day of April 1964.

Released: April 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 64-3540; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 12847; FCC 64M-290]

KPDQ, INC. (KPDQ)

Order Scheduling Hearing

In re application of KPDQ, Inc. (KPDQ), Portland, Oregon, Docket No. 12847, File No. BP-11436, for construction permit.

It is ordered, This 6th day of April 1964, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 17, 1964, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., May 4, 1964.

Released: April 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 64-3541; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 15358; FCC 64M-284]

LOMPOC VALLEY CABLE TV

Statement and Order After Prehearing Conference

In re application of Lompoc Valley Cable TV (KGT-30), Docket No. 15358, File No. 30779-IB-53X, for operational fixed stations in the Business Radio Service.

At today's prehearing conference, among other things the following schedule was agreed upon:

Further prehearing conference—April 13, 1964 at 10 a.m.

KCOY-TV to furnish proposed exhibits by May 11, 1964.

Receipt of notification of witnesses desired for qualification and cross-examination by May 25, 1964.

Hearing (rescheduled from May 18, 1964)—June 8, 1964 at 10 a.m.

So ordered, This 3d day of April 1964.

Released: April 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3542; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 14722; FCC 64M-286]

SOUTH MISSISSIPPI BROADCASTING CO.

Order Following Prehearing Conference

In re application of Holton D. Turnbough and George J. Sliman d/b as South Mississippi Broadcasting Company, Mississippi City, Mississippi, Docket No. 14722, File No. BP-14865, for construction permit.

A prehearing conference in the above-captioned proceeding having been held on April 3, 1964, and it appearing that certain procedural agreements reached therein should properly be formalized by order;

Accordingly, it is ordered, This 6th day of April 1964, that:

(1) The direct affirmative cases of the applicant on all issues shall be presented by written sworn exhibits;

(2) In the event any material in a written exhibit is excluded at the hearing as incompetent, it may be restored by competent oral testimony;

(3) There shall be an exchange of the applicant's proposed nonengineering exhibits (with copies to be supplied to the Hearing Examiner also) by May 1, 1964;

(4) Notification as to those of applicant's lay witnesses desired to be present at the hearing for cross-examination shall be given to counsel for applicant by May 8, 1964;

(5) Notification as to the taking of any prehearing depositions by the applicant shall be given by May 8, 1964;

(6) There shall be a preliminary exchange of the applicant's proposed engineering exhibits (with copies to be supplied to the Examiner also) by May 15, 1964;

(7) There shall be a final exchange of the applicant's proposed engineering exhibits (with copies to be supplied also to the Hearing Examiner) by May 21, 1964; and

(8) Notification as to those of applicant's engineering witnesses desired to be present at the hearing for cross-examination shall be given to counsel for applicant by May 22, 1964.

It is further ordered, That the hearing heretofore scheduled to commence on May 11, 1964, is hereby postponed to May 26, 1964, at 10:00 a.m., in the offices of the Commission at Washintgon, D.C.

Released: April 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3545; Filed, Apr. 9, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64-666 etc.]

ELMORE A. WILLETS, JR., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 2, 1964.

Elmore A. Willets, Jr. and Earl M. Craig, Jr. (and other Respondents listed herein), Docket Nos. RI64-666, et al.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before May 20, 1964.

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] Commissioners O'Connor and Woodward not participating in the suspension of the filings in Docket Nos. RI64-667, Hugh McMillan, RI64-669, United States Smelting Refining and Mining Company, and RI64-670, Beta Development Company.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-666...	Elmore A. Willets, Jr., and Earl M. Craig, Jr., 701 Midland Natural Bank Bldg., Midland, Tex.	1	1	Northern Natural Gas Co. (Buckhorn-Ellenburger Field, Crockett County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	$1,440	3- 5-64	[4] 4- 5-64	9- 5-64	[6] 10.0	[5] [6] 11.0	
RI64-667...	Hugh McMillan, P.O. Box 1977, El Paso, Tex., 79950, Attn: Mr. William J. Mounce.	2	2	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,329	3- 9-64	[4] 4- 9-64	9- 9-64	[6] 13.0	[5] [10] 14.0536	
RI64-668...	Schermerhorn Oil Corp. (Operator), et al., P.O. Box 287, Tulsa, Okla.	5	5	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	1,171	3- 6-64	[4] 4- 7-64	9- 7-64	10.0125	[5] [11] 11.2243	
RI64-669...	United States Smelting Refining and Mining Co., P.O. Box 1877, Midland, Tex., 79701.	4	3	El Paso Natural Gas Co. (Blanco (Mesa Verde) Field, San Juan County, N. Mex.) (San Juan Basin Area).	470	3-12-64	[5] -1-64	10- 1-64	[6] 13.3	[5] [10] 14.0	
RI64-670...	Beta Development Co., Mid Continent Bldg., Fort Worth 2, Tex.	1	11	El Paso Natural Gas Co. (San Juan Field, San Juan County, N. Mex.) (San Juan Basin Area).	378	3-12-64	[4] 4-12-64	9-12-64	[6] [12] 13.0	[5] [12] [13] 14.0	
RI64-671...	Walter Duncan, P.O. Box 137, Durango, Colo.	4	2	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	4,015	3-13-64	[4] 4-13-64	9-13-64	[6] 13.0	[5] [10] 14.0	
RI64-672...	Kansas Natural Gas, Inc. (Operator), et al., P.O. Box 270, Hays, Kans.	22	3	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	821	3-10-64	[4] 4-10-64	9-10-64	[14] 11.0	[5] [14] [15] 13.5	
RI64-673...	do	30	[14]	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.).	1,140	3-11-64	[4] 4-11-64	9-11-64	[16] 8.9329	[5] [16] [17] 13.5	
		30	1								
RI64-674...	H. N. Burnett, 328 First National Bank Bldg., Amarillo, Tex.	8	13	Cities Service Gas Co. (West Panhandle Field, Carson County, Tex.) (R.R. District No. 10).	7,557	3-16-64	[4] 4-16-64	9-16-64	10.09	[5] [18] 11.099	
RI64-675...	E. W. Campbell, Lakin, Kans.	2	3	Cities Service Gas Co. (Hugoton Field, Kearney and Stanton Counties, Kans.).	372	3- 9-64	[4] 4- 9-64	9- 9-64	[19] 7.5036	[5] [19] [20] 14.5	
RI74-676...	Southeastern Public Service Co. (Operator), et al., 70 Pine St., New York 5, N.Y.	5	2	Natural Gas Pipeline Co. of America (Menafee Field Area, Wharton County, Tex.) (R.R. District No. 3).	12,257	3- 9-64	[4] 4- 9-64	9- 9-64	15.0	[5] [6] 16.0	
RI64-677...	R. H. Siegfried, Inc., et al., [21] National Bank of Tulsa Bldg., Tulsa, Okla.	2	2	Natural Gas Pipeline Co. of America (Wise County Area, Wise County, Tex.). (R.R. District No. 9).	4,039	3-11-64	[4] 4-11-64	9-11-64	14.95	[5] [17] 16.0	RI-62-380.[18]
RI64-678...	Bright & Schiff (Operator), et al., 107 Mercantile Continental Bldg., Dallas 1, Tex.	4	1	South Texas Natural Gas Gathering Co. (Monte Cristo Field, Hidalgo County, Tex.) (R.R. District No. 4).	1,000	3-13-64	[6] 1-64	11- 1-64	14.5	[5] [6] 15.5	
RI64-679...	Royalite Oil Company, Inc., Royalite Bldg., Calgary, Alberta, Canada.	1	3	United Fuel Gas Co. (Deep Lake Field, Cameron Parish, La.).	40,880	3- 9-64	[4] 4- 9-64	9- 9-64	[22] 18.3	[10] [22] [23] 21.1	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Subject to a 0.75 cent per Mcf increase in price if sulphur and hydrogen sulphide content does not exceed 5 grains of total sulphur or ¼ grain of hydrogen sulphide per 100 cu. ft. and carbon dioxide content does not exceed 1 percent by volume.
[4] The stated effective date is the effective date requested by Respondent.
[5] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[6] Includes partial reimbursement for 0.55 percent increase in New Mexico Oil and Gas Emergency School Tax.
[7] Pressure base is 14.65 psia.
[8] Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[9] Pressure base is 15.025 psia.
[10] Includes 0.4875 cent per Mcf compression charge for low pressure gas (below 600 psig).
[11] Rate for gas delivered from acreage added by Supplement No. 10.
[12] Renegotiated rate increase.
[13] Subject to downward Btu adjustment.
[14] Supersedes Kansas Natural Gas, Inc.'s FPC Gas Rate Schedule No. 28. (Rate Schedule No. 30 is suspended herein.)
[15] Redetermined rate increase.
[16] Includes 0.75 cent per Mcf for Btu adjustment (1050) and 0.25 cent per Mcf for dehydration charged by seller.
[17] Price includes 0.70 cent per Mcf for Btu adjustment (1050 Btu gas) and 0.25 cent per Mcf for dehydration charged by Seller.
[18] Seven-step periodic rate increase.
[19] Inclusive of 1.5 cents per Mcf tax reimbursement.
[20] Coastal States Gas Producing Company is an et al. party and affiliate of the buyer. Coastal State's interest is 12.5 percent.

Royalite Oil Company, Inc., requests an effective date of November 1, 1963; Elmore A. Willets, Jr., and Earl M. Craig, Jr. (Willets and Craig) request an effective date of December 1, 1963; Walter Duncan requests an effective date of January 1, 1964, and H. N. Burnet requests an effective date of January 7, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

Beta Development Co. (Beta) requests an effective date of March 1, 1964, for its proposed rate filing. Beta's proposed rate increase is applicable to additional acreage and Beta requests that if the proposed rate is suspended that such suspension be limited to a period terminating not later than June 1, 1964, so that a common increased rate for sales from all of the acreage covered by the rate schedule can be placed into effect on the same date, thereby avoiding unnecessary and burdensome accounting. Good cause has not been shown for granting Beta's request for an earlier effective date for its rate filing and for shortening the suspension period with respect thereto to June 1, 1964, and such request is denied.

With respect to the proposed rate increase filed by Willets and Craig, the gas is sour and the contract provides for an increase in price of 0.75 cent per Mcf if the gas delivered is sweet. The addition of this 0.75 cent increase for delivery of sweet gas to the proposed increased rate of 11.0 cents per Mcf amounts to a total rate of 11.75 cents per Mcf which exceeds the applicable area ceiling for pipeline quality gas.

Hugh McMillan, United States Smelting Refining and Mining Company, and Beta did not include in their proposed rates the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate plus the periodic increase results in a total rate in excess of 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Permian Basin Area rate proceeding, except as noted in footnote 6 above. Willets and Craig request waiver of the Commission's notice requirements to permit an effective date of November 1, 1963, for the proposed increased rate and charge. Good cause has not been shown for granting such request and it is denied.

The proposed increased rates and charges of Willets and Craig, Walter Duncan, Beta, and Burnet have not been justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed increased rates and charges, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed increased rates and charges.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before May 20, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[Docket Nos. G-17077, RI63-67]

ALBERT C. PLUMMER, ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Rate Change To Become Effective Subject to Refund

APRIL 2, 1964.

Albert C. Plummer, et al., Docket Nos. G-17077, RI63-67.

On March 2, 1964, Albert C. Plummer, et al., (Plummer) filed a proposed change in rate to be charged for natural gas sold to Superior Oil Company (Superior) from the Plummer-Superior Gas Unit No. 1 Well, Block 1, Section 1, Township 1 South, Range 1 East, Jefferson County, Texas, in the Hamshire Field, Jefferson County, Texas. The proposed change would increase the rate and charge from 15.0 cents per Mcf at 14.65 psia to 16.0 cents per Mcf at 14.65 psia, plus 0.75 cent per Mcf for dehydration, and 0.70 cent per Mcf for Btu adjustment (1050 Btu gas). The proposed rate is applicable to Plummer's FPC Gas Rate Schedule No. 1 and Supplement No. 1 thereto.

Plummer requests an effective date of March 1, 1964, for its proposed rate change. Good cause has not been shown for granting such request and it is denied.

The proposed increased rate and charge has not been justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed increased rate and charge, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed increased rate and charge.

(B) Pending hearings and decisions thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before May 20, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, Sec. 2.56). Additionally the increased rate of Bright & Schiff (Operator), et al., is suspended because of the affiliation between the buyer, South Texas Natural Gas Gathering Company, and one of the seller "et al" parties.

[F.R. Doc. 64–3470; Filed, Apr. 9, 1964; 8:45 a.m.]

[Project No. 2447]

CONSUMERS POWER CO.

Notice of Application for License

APRIL 3, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Consumers Power Company (correspondence to: W. R. Boris, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201) for license for constructed Project No. 2447, located on Au Sable River in Alcona County, Michigan.

The project consists of: an earth fill dam comprising spillway chute, powerhouse and spillway block sections totaling about 4,900 feet in length; a reservoir about four miles in length containing 1,075 acres in surface area; a masonry and steel powerhouse with two open penstocks with steel tainter gates, six spill tubes, and two generating units totaling 3,000 kilowatts in capacity; a substation; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 22, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3512; Filed, Apr. 9, 1964; 8:46 a.m.]

[Docket No. CI63–1062]

GULF OIL CORP.

Notice of Application

APRIL 3, 1964.

Gulf Oil Corporation (Successor to Agnes Cullen Arnold, et al.) Docket No. CI63–1062.

Take notice that on February 25, 1963, as supplemented on April 22, 1963, Gulf Oil Corporation (Applicant) filed in Docket No. CI63–1062 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Southern Natural Gas Company for resale from the Tantine (West Bay) Field, Plaquemines Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas as successor in interest to Agnes Cullen Arnold, et al., at a total initial rate of 22.0 cents per Mcf at 15.025 psia pursuant to a contract designated as Agnes Cullen Arnold, et al., FPC Gas Rate Schedule No. 2. Applicant requests that the successor's rate schedule be redesignated as its own rate schedule. Agnes Cullen Arnold, et al., filed a notice of change in rate under the subject rate schedule to 23.5 cents per Mcf, which change was suspended in Docket No. RI61–222 and has not been made effective. Applicant requests to be substituted as respondent in said proceeding.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3513; Filed, Apr. 9, 1964; 8:46 a.m.]

[Docket No. CP64–128]

MICHIGAN GAS STORAGE CO.

Notice of Application

APRIL 3, 1964.

Take notice that on December 4, 1963, Michigan Gas Storage Company (Applicant), Jackson, Michigan, filed in Docket No. CP64–128 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities and the transportation of natural gas in Michigan for and in behalf of Consumers Power Company (Consumers), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport for and in behalf of Consumers up to 200,000 Mcf of natural gas per day commencing April 1, 1964, and up to 225,000 Mcf per day commencing November 1, 1964.

Applicant states that in Docket No. CP–63–221 it was authorized to transport 200,000 Mcf of natural gas per day for Consumers commencing in the fall of 1964. Said gas to be transported was to be supplied by Trunkline Gas Company (Trunkline). The application indicates that Consumers and Trunkline have entered into a new agreement providing for the sale and delivery to Consumers of 200,000 Mcf per day commencing April 1, 1964, and 225,000 Mcf per day commencing November 1, 1964.[1] Accordingly, Applicant requests herein authorization to transport for Consumers these increased sales from Trunkline to Consumers.

Applicant states further that the proposed increased transportation service will be provided without any additional facilities and that all costs arising from said service will be passed on to Consumers pursuant to Applicant's cost of service tariff.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 27, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3514; Filed, Apr. 9, 1964; 8:46 a.m.]

[1] By Commission order issued Mar. 20, 1964, in Docket No. CP64–144 Trunkline was authorized to render the increased service to Consumers.

[Docket Nos. G–17077, RI63–67]

ALBERT C. PLUMMER ET AL.

Order Terminating Proceedings

APRIL 3, 1964.

Albert C. Plummer, Docket No. G–17077,[1] Getty Oil Company (Operator), et al., Docket No. RI63–67 (AR64–2).

The above-named Respondents have heretofore severally tendered for filing proposed increased rates which were subsequently suspended in the above-entitled proceedings and which have not been placed in effect. By orders issued October 11, 1963, and July 25, 1963, the Commission permitted the abandonment of service and the cancellation of the rate schedule of Albert C. Plummer in Docket No. CI63–1235 and of Getty Oil Company (Operator), et al. (Getty) in Docket No. CI63–1551, respectively, relating to the subject increased rate proceedings. Since the increased rates have not been placed in effect and the related certificates terminated, the subject increased rate proceedings are moot and should be terminated.

It should be noted that the termination of the proceeding in Docket No. RI63–67, which was heretofore consolidated in the Area Rate Proceeding, Docket No. AR64–2, does not constitute or authorize the deletion of Getty Oil Company as a Respondent in Docket No. AR64–2 as Getty Oil Company is making another jurisdictional sale of natural gas in the area.

The Commission finds: For the reasons heretofore stated, it is in the public interest to terminate the rate suspension proceedings as hereinafter ordered.

The Commission orders: The rate suspension proceedings in Docket No. G–17077 insofar as it relates to Albert C. Plummer's FPC Gas Rate Schedule No. 1 and in Docket No. RI63–67 are hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3515; Filed, Apr. 9, 1964; 8:46 a.m.]

[1] Docket No. G–17077 is terminated insofar as it relates to Albert C. Plummer's FPC Gas Rate Schedule No. 1.

[Docket No. RI62–445]

SUPERIOR OIL CO. ET AL.

Order Making Successor in Interest Co-Respondent, Redesignating Proceeding, and Requiring Successor To File Agreement and Undertaking

APRIL 3, 1964.

The Superior Oil Company and A. W. Rutter, Jr. (Operator), et al., Docket No. RI62–445.

A. W. Rutter, Jr. (Operator), et al. (Rutter) has acquired by various assignments a portion of the interest in the acreage dedicated under The Superior Oil Company (Superior) FPC Gas Rate Schedule No. 30, as supplemented, for the jurisdictional sale of natural gas in the Spraberry Trend Field, Upton County, Texas, to El Paso Natural Gas Company (El Paso). The presently effective rate under Superior's FPC Gas Rate Schedule No. 30 is 17.2295 cents per Mcf at 14.65 psia, which was suspended and placed in effect subject to refund in Docket No. RI62–445.

By order issued October 11, 1963, Rutter was issued a certificate of public convenience and necessity in Docket No. CI63–1180 authorizing his continuation of the sale to El Paso from his assigned interest from Superior. In his request for authorization to continue the sale, Rutter asked to be made a co-respondent in Docket No. RI62–445.

The responsibility for making refunds, plus interest at seven percent to the actual date of refund, for any amounts collected in excess of the rate finally determined to be just and reasonable by the Commission in Docket No. RI62–445, rests with Superior up to the date of the various transfers of the subject interest to Rutter and thereafter rests with Rutter.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder, that Rutter be joined as co-respondent with Superior in the rate proceeding in Docket No. RI62–445, that such proceeding be redesignated accordingly, and that Rutter be required to file an agreement and undertaking in Docket No. RI62–445.

The Commission orders:

(A) Rutter is hereby joined as co-respondent with Superior in the proceeding in Docket No. RI62–445, and the proceeding is hereby redesignated as "The Superior Oil Company and A. W. Rutter, Jr. (Operator), et al.".

(B) Within 30 days from the issuance of this order, Rutter shall execute and shall file with the Secretary of the Commission an acceptable agreement and undertaking, in the form attached,[1] in Docket No. RI62–445 to assure refund of any excess charges which the Commission may require in accordance with this order. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(C) Rutter shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, and its agreement and undertaking filed in Docket No. RI62–445 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3516; Filed, Apr. 9, 1964; 8:46 a.m.]

[1] Form filed as part of original document.

[Docket No. G–4567, etc.]

BERT FIELDS ESTATE

Order Amending Orders Issuing Certificates, etc.

APRIL 2, 1964.

Bert Fields Estate (Successor to Bert Fields) Docket Nos. G–4567, G–4568, G–4569, G–4570, G–4571, G–4572, G–11473, G–11614, G–13302, G–19601, CI61–422, RI63–366, RI64–290.

On January 3, 1964, Bert Fields Estate (Petitioner) filed in the above-docketed certificate proceedings a petition pursuant to section 7(c) of the Natural Gas Act to amend the orders issuing certificates of public convenience and necessity in said proceedings by substituting Petitioner in lieu of Bert Fields, deceased, as certificate holder, all as more fully set forth in the petition.

Three of the decedent's FPC gas rate schedules are involved in rate proceedings in Docket Nos. RI63–366 and RI64–290. Increased rates are being collected subject to refund in Docket No. RI63–366.

Petitioner will be substituted as respondent in the afore-mentioned rate proceedings and all of the decedent's FPC gas rate schedules will be redesignated as those of Petitioner.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Bert Fields in Docket Nos. G–4567, G–4568, G–4569, G–4570, G–4571, G–4572, G–11473, G–11614, G–13302, G–19601, and CI61–422 be and the same are hereby amended by substituting Bert Fields Estate in lieu of Bert Fields as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Bert Fields Estate be and is hereby substituted as respondent in lieu of Bert Fields in the pending rate proceedings in Docket Nos. RI63–366 and RI64–290, and said proceedings are redesignated accordingly.

(C) Within 30 days from the issuance of this order, Bert Fields Estate shall execute, in the form set out below,[1] and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI63–366 to assure refund of any amounts, together with interest at the rate of seven percent per annum, collected in excess of the amount determined to be just and reasonable in said docket. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, said agreement and undertaking shall be deemed to have been accepted for filing.

(D) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and Petitioner's agreement and undertaking filed in Docket No. RI63–366 shall remain in full force and effect until discharged by the Commission.

(E) The notices of succession are hereby accepted for filing and Bert Fields FPC gas rate schedules are hereby redesignated as FPC gas rate schedules of Bert Fields Estate, effective August 3, 1963, as shown below.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Filed as part of the original document.

APPENDIX

expressly authorized by the Alabama

Company Act of 1935 ("Act"), desig-

may request that he be notified if the

APPENDIX

Docket No.	Applicant	New designation: Rate schedule No.	New designation: Supplement No.	Former designation	Purchaser	Location
G-4572	Bert Fields Estate (Operator), et al.	1		Bert Fields (Operator), et al. FPC Gas Rate Schedule No. 1.	Arkansas Louisiana Gas. Co.	Waskom Field, Harrison County, Tex.
		1	1-11	Supplement Nos. 1-11.		
		1		Notice of Succession.		
G-4571	Bert Fields Estate, et al.	2		Bert Fields, et al. FPC Gas Rate Schedule No. 2.	Tennessee Gas Transmission Co.	Carthage Field, Panola County, Tex.
		2	1- 5	Supplement Nos. 1-5.		
		2		Notice of Succession.		
G-4567	do	3		Bert Fields, et al. FPC Gas Rate Schedule No. 3.	United Gas Pipe Line Co.	Bethany Field, Panola County, Tex.
		3	1- 7	Supplement Nos. 1-7.		
		3		Notice of Succession.		
G-4567	Bert Fields Estate	4		Bert Fields	do	Do.
		4		FPC Gas Rate Schedule No. 4.		
		4	1- 6	Supplement Nos. 1-6.		
		4		Notice of Succession.		
G-4568	Bert Fields Estate, et al.	5		Bert Fields, et al. FPC Gas Rate Schedule No. 5.	Arkansas Louisiana Gas Co.	Carthage Field, Panola County, Tex.
		5	1- 8	Supplement Nos. 1-8.		
		5		Notice of Succession.		
G-4569	do	6		Bert Fields, et al. FPC Gas Rate Schedule No. 6.	do	North Lansing Field, Harrison County, Tex.
		6	1-10	Supplement Nos. 1-10.		
		6		Notice of Succession.		
G-4570	Bert Fields Estate (Operator), et al.	7		Bert Fields (Operator), et al. FPC Gas Rate Schedule No. 7.	do	Sentell Field, Caddo and Bossier Parishes, La.
		7	1- 8	Supplement Nos. 1-8.		
		7		Notice of Succession.		
G-11614	Bert Fields Estate, et al.	8		Bert Fields, et al. FPC Gas Rate Schedule No. 8.[1]	Texas Eastern Transmission Corp.	Greenwood-Waskom Field, Caddo Parish, La.
		8	1-14	Supplement Nos. 1-14.		
		8		Notice of Succession.		
G-11473	do	9		Bert Fields, et al. FPC Gas Rate Schedule No. 9.[2]	do	Waskom Field, Harrison and Panola Counties, Tex.
		9	1- 9	Supplement Nos. 1-9.		
		9		Notice of Succession.		
G-13302	do	10		Bert Fields, et al. FPC Gas Rate Schedule No. 10.	do	Trebloc Field, Chickasaw County, Miss.
		10	1- 3	Supplement Nos. 1-3.		
		10		Notice of Succession.		
G-19601	do	11		Bert Fields, et al. FPC Gas Rate Schedule No. 11.[2]	West Texas Gathering Co.	Emperor Deep (Yates) Field, Winkler County, Tex.
		11	1	Supplement No. 1.		
		11		Notice of Succession.		
CI61-422	Bert Fields Estate	12		Bert Fields. FPC Gas Rate Schedule No. 12.	El Paso Natural Gas Co.	South Blanco-Dakota Field, Rio Arriba County, N. Mex.
		12	1	Supplement No. 1.		
		12		Notice of Succession.		

[1] Bert Fields has filed an increased rate under this rate schedule. The increase was suspended in Docket No. RI64-290 and has not been made effective.
[2] Bert Fields has filed an increased rate under this rate schedule. The increase was suspended in Docket No. RI63-306 and is being collected subject to refund.

[F.R. Doc. 64-3463; Filed, Apr. 8, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4201]

ALABAMA POWER CO.

Proposed Issuance and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

APRIL 6, 1964.

Notice is hereby given that Alabama Power Company ("Alabama") 600 North 18th Street, Birmingham, Alabama 35202, an exempt holding company and an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $29,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1994. The interest rate of the new bonds (which will be a multiple of ⅛ of 1 percent and the price, exclusive of accrued interest, to be paid to Alabama (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under an Indenture dated as of January 1, 1942, between Alabama and Chemical Bank New York Trust Company, successor to Chemical Bank & Trust Company, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of May 1, 1964.

Alabama also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 60,000 shares of its cumulative preferred stock, par value $100 per share. The dividend rate of the new preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued dividends, to be paid to Alabama (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. Alabama's charter will be amended to allow for and to establish the terms of the new preferred stock. The general provisions which apply to Alabama's preferred stocks of all classes which are now or may hereafter be authorized or created are set forth in the joint agreement of merger between Alabama and Birmingham Electric Company. In addition to the terms and conditions therein, Alabama has agreed to further terms and conditions applicable to its preferred stocks that were imposed by the order of the Commission dated March 15, 1961, in File No. 70-3941 (Holding Company Act Release No. 14389).

The application states that Alabama intends to use the proceeds from the issuance and sale of the new bonds and new preferred stock, together with other available funds, for the construction or acquisition of permanent improvements, extensions of, and additions to its property; for the payment of short-term bank loans made for such purposes; and for other lawful purposes. Alabama's 1964 construction expenditures are estimated to aggregate $73,505,000, and the company expects to finance the balance of these costs from cash on hand, to be generated from internal sources, and by issuing short-term notes to banks, $10,000,000 of which the company estimates will be outstanding at December 31, 1964.

The issuance and sale of the new bonds and the new preferred stock have been expressly authorized by the Alabama Public Service Commission, the State commission of the State of which Alabama is organized and doing business. The application states that no Federal commission, other than this Commission, has jurisdiction over the transactions proposed. Estimates of fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than May 4, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3510; Filed, Apr. 9, 1964; 8:46 a.m.]

[File No. 70-4200]

POTOMAC LIGHT AND POWER CO. ET AL.

Proposed Issuance and Sale of Capital Stocks by Subsidiary Companies and Acquisition and Pledge Thereof by Holding Company

APRIL 6, 1964.

In the matter of Potomac Light and Power Company, South Penn Power Company, the Potomac Edison Company, 200 East Patrick Street, Frederick, Maryland; File No. 70-4200.

Notice is hereby given that the Potomac Edison Company ("Potomac Edison"), a registered holding company, an electric utility company, and a subsidiary company of Allegheny Power System, Inc., also a registered holding company, and two of Potomac Edison's electric utility subsidiary companies, Potomac Light and Power Company ("Potomac Light") and South Penn Power Company ("South Penn"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Potomac Light and South Penn propose to issue and sell, from time to time prior to December 31, 1964, additional shares of their authorized and unissued capital stocks, and Potomac Edison proposes to acquire such shares, in each case for a cash consideration equal to the aggregate par or stated value thereof as follows:

	Presently outstanding	Proposed to be issued	Cash consideration
Potomac Light: Common Stock, par value $100 per share	*Shares* 170,000	*Shares* 12,000	$1,200,000
South Penn: Capital Stock, no par, stated value $5 per share	1,258,000	140,000	700,000

The proceeds to be received by Potomac Light and South Penn from the proposed sales of stock will be used to finance, in part, necessary property additions and improvements. The estimated costs of the 1964 construction programs of such subsidiary companies are $2,083,950 and $1,324,750, respectively.

Potomac Edison owns all the outstanding shares of capital stock of each of said subsidiary companies and has pledged such shares under its Indenture dated as of October 1, 1944, as supplemented, securing its First Mortgage and Collateral Trust Bonds. It is proposed that such additional shares to be acquired by Potomac Edison will also be pledged under said Indenture in accordance with the requirements thereof.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $2,300, consisting of legal fees of $300, Federal stamp tax of $1,900, and miscellaneous expenses of $100.

The filing states that the Pennsylvania Public Utility Commission has jurisdiction over the issuance of the stock of South Penn; that the Public Service Commission of West Virginia has or asserts jurisdiction over the acquisition by Potomac Edison of the capital stocks of the subsidiary companies; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that appropriate orders of the respective State commissions are to be supplied by amendment to the application-declaration.

Notice is further given that any interested person may, not later than May 1, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3511; Filed, Apr. 9, 1964; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

U.S./CANADA-WEST AFRICA CONFERENCE, EASTBOUND AND WESTBOUND

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the U.S./Canada-West Africa Freight Conference, Eastbound and Westbound, Agreement No. 9339, has filed with the Commission, pursuant to section 14b of the Shipping Act, 1916, a proposed exclusive patronage (dual rate) contract and an application for permission to institute a dual rate system in the trade between Atlantic and St. Lawrence River ports of Canada/U.S. Atlantic and Gulf of Mexico ports on the one hand and West African ports (south of the southerly border of Rio de Oro, Spanish Sahara and north of the northerly border of Southwest Africa), including the Atlantic Islands of the Azores, Madeira, Canary and Cape Verde, also the islands of Fernando Po, Principe, and Sao Tome in the Gulf of Guinea on the other hand.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Manager of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request

for a hearing, should a hearing be desired.

[Notice 965]

Brockton, Mass., in lieu of Everett A. Massachusetts. Mary E. Kelley, 10 Tre-

R. M. Marshall, Osage, Iowa, authorizing

for a hearing, should a hearing be desired.

Dated: April 7, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3532; Filed, Apr. 9, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 7, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38946: *Liquid caustic soda from points in Louisiana.* Filed by O. W. South, Jr., agent (No. A4490), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Baton Rouge, North Baton Rouge, and Geismar, La., to specified points in Florida and Georgia.

Grounds for relief: Market competition.

Tariff: Supplement 10 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 38947: *Iron or steel articles to Owensboro, Ky.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2714), for interested rail carriers. Rates on iron or steel angles, plates, sheets and structural braces, brackets, forms, posts, shoes, strutts or separators, in carloads, from Canton, Cleveland, Massillon, Warren, and Youngstown, Ohio, to Owensboro, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 33 to Traffic Executive Association—Eastern Railroads, agent, tariff I.C.C. C-282.

FSA No. 38948: *Coke and coke products to points in southwestern territory.* Filed by Southwestern Freight Bureau (No. B-8534), for interested rail carriers. Rates on coke and coke products, as described in the application, in carloads, from St. Louis, Mo., East St. Louis and Granite City, Ill., to points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief: Carrier competition.

Tariff: Supplement 27 to Southwestern Freight Bureau, agent, tariff I.C.C. 4449.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-3526; Filed, Apr. 9, 1964; 8:47 a.m.]

[Notice 965]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 7, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 23030. By order of April 3, 1964, the Transfer Board approved the transfer to Muller Boat Co., Inc., Taylors Falls, Minn., of the operating rights issued by the Commission July 29, 1942, under Certificate No. W-264, to C. C. Muller, doing business as Muller Boat Co., Taylors Falls, Minn., authorizing the transportation, over regular and irregular routes, of passengers from boat landing at Taylors Falls, Minn., on round trips through the Dalles of the St. Croix River and return; and on demand, stage of water permissible, from boat landing at Taylors Falls, Minn., to Franconia, Minn., and return. Howard F. Johnson, Center City, Minn., attorney for Applicants.

No. MC-FC 66324. By order of April 1, 1964, the Transfer Board approved the transfer to Blue Springs Truck Line, a corporation, Post Office Box 216, Blue Springs, Mo., of the operating rights issued by the Commission in No. MC 9003 on March 8, 1961, to Raymond Haller, doing business as Blue Springs Truck Line, Blue Springs, Mo., and acquired by Ward Badder, doing business as Blue Springs Truck Line, P.O. Box 216, Blue Springs, Mo., pursuant to MC-FC 65059, approved July 13, 1962, authorizing the transportation of salt, from Kanopolis, Kans., to Blue Springs, Mo., serving no intermediate points; ground feed, tankage, grain, seed, farm machinery, and fertilizer, from Kansas City, Kans., to Blue Springs, Mo., serving all intermediate and off-route points within 10 miles of Blue Springs, Mo., hardware and commodities incidental to the conduct of retail hardware stores, between Blue Springs, Mo., and McCracken, Kans., serving no intermediate points; general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Blue Springs, Mo., and Kansas City, Kans., serving the intermediate and off-route point of Lake Tapawingo, Mo., and for the transportation of livestock only, points within 10 miles of Blue Springs, Mo.; livestock, from points in Wisconsin to Blue Springs, Mo., and points within 10 miles of Blue Springs; and household goods, between Lake Tapawingo, Mo., on the one hand, and, on the other, points in Johnson and Wyandotte Counties, Kans.

No. MC-FC 66460. By order of April 1, 1964, the Transfer Board approved the transfer to Jesse Gaines Lancaster, doing business as Lancaster Transfer, 411-413 West Seventh Street, West Point, Ga., of the operating rights issued by the Commission July 30, 1937, under Certificate in No. MC 69101, to Joe H. Smallwood and L. G. Smallwood, a partnership, doing business as Smallwood Transfer Company, Lanett, Ala., authorizing the transportation over irregular routes, between West Point, Ga., and points within a radius of 10 miles thereof, on the one hand, and points in Alabama and Georgia, on the other.

No. MC-FC 66591. By order of April 1, 1964, the Transfer Board approved the transfer to Wescon Transportation Co., Inc., Mt. Vernon, N.Y., of Certificate in No. MC 32102, issued September 4, 1962, to T. A. D. Trucking Corp., Brooklyn, N.Y., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in Orange and Rockland Counties, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, and Morris Counties, N.J. Carmine Porpora, 25 Warren Place, Mt. Vernon, N.Y., representative for transferee. Joseph M. Schwartz, 291 Broadway, New York 7, N.Y., attorney for transferor.

No. MC-FC 66661. By order of April 1, 1964, the Transfer Board approved the transfer to John F. Mudge, doing business as J. J. Mudge & Son, 391 Ferry Street, Everett, Mass., of the operating rights in Second Corrected Certificate in No. MC 83253, issued June 21, 1949, to John J. Mudge and John F. Mudge, doing business as J. J. Mudge & Son, 391 Ferry Street, Everett, Mass., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between Everett, Mass., and points within 25 miles thereof, on the one hand, and, on the other, points in Maine, Massachusetts, Connecticut, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

No. MC-FC 66671. By order of April 1, 1964, the Transfer Board approved the transfer to Pallet Trucking Co., a corporation, Tamaqua, Pa., of the operating rights in Permit in No. MC 124258 (Sub-No. 1), issued January 21, 1963, to Frank A. Kelly, doing business as Pallet Trucking Co., Tamaqua, Pa., authorizing the transportation over irregular routes, of: Wood pallets, from the site of Tam Pallet Co., Inc., Carbon County, Pa., to points in New York, New Jersey, and Delaware. Guy A. Bowe, Jr., 129 West Broad Street, Tamaqua, Pa., attorney for applicants.

No. MC-FC 66672. By order of April 1, 1964, the Transfer Board approved the substitution of Jack Hopwood and Robert Hopwood, a partnership, doing business as Hoppy's Ice & Oil Service, Brockton, Mass., in lieu of Everett A. Hopwood (Fred D. Hendrick, Administrator), doing business as Hoppy's Ice & Oil Service, Brockton, Mass., as applicant in No. MC 58468 (Sub-No. 1) for a certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act supported by Texas Certificate No. 5268 authorizing the transportation, over irregular routes, of general commodities anywhere within the Commonwealth of Massachusetts. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., attorney for applicants.

No. MC-FC 66692. By order of April 1, 1964, the Transfer Board approved the transfer to Keith Marshall, doing business as Marshall Truck Line, Osage, Iowa, of the operating rights in Certificates in Nos. MC 31668, MC 31668 (Sub-No. 5), MC 31668 (Sub-No. 6), MC 31668 (Sub-No. 7), issued by the Commission, September 9, 1948, July 6, 1950, July 18, 1950 and October 5, 1956, respectively, to R. M. Marshall, Osage, Iowa, authorizing the transportation, over regular and irregular routes, of: Commodities of a general commodity nature, between points in Illinois, Iowa, Minnesota, and Wisconsin. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306, attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-3527; Filed, Apr. 9, 1964; 8:47 a.m.]

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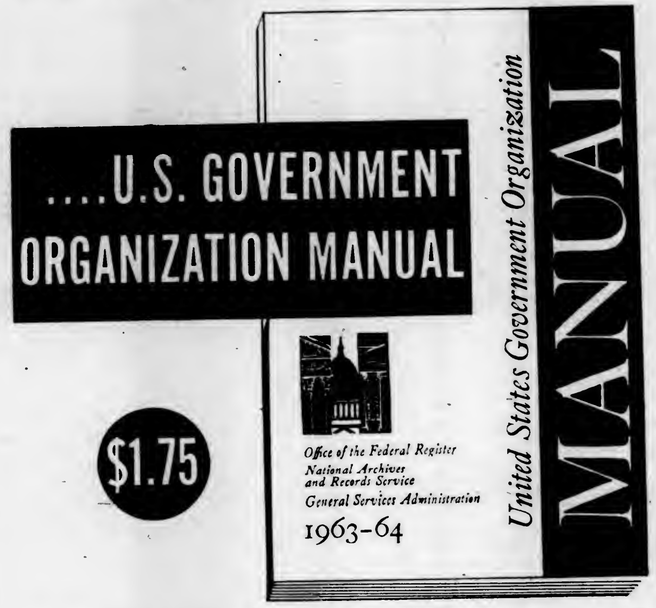
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VOLUME 29 NUMBER 72

Washington, Saturday, April 11, 1964

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116(g)(1) is amended to extend the authority for hiring Cuban refugees until June 30, 1965. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (g) of § 213.3116 is amended as set out below.

§ 213.3116 Department of Health, Education, and Welfare

* * * * *

(g) *Welfare Administration.* (1) Not to exceed 150 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided,* that employment under this authority shall be temporary and no employment shall be made under it after June 30, 1965.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3572; Filed, Apr. 10, 1964; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 79]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.379 Valencia Orange Regulation 79.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 9, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 12, 1964, and ending at 12:01 a.m., P.s.t., April 19, 1964, are hereby fixed as follows:

(i) District 1: 336,281 cartons;
(ii) District 2: 10,134 cartons;
(iii) District 3: 225,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 10, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3684; Filed, Apr. 10, 1964; 11:12 a.m.]

[Grapefruit Reg. 18]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.318 Grapefruit Regulation 18.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on April 2, 1964, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on April 6, 1964; information regarding the provisions of the regulation recommended by the committee has been disseminated to handlers of grapefruit grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set

forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., April 12, 1964, and ending at 12:01 a.m., P.s.t., May 3, 1964, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2: *Provided,* That any such grapefruit may have scars to the extent permitted by the U.S. No. 3 grade: *Provided further,* That, in lieu of the 10 percent tolerance provided for the U.S. No. 2 grade, not more than a total tolerance of 20 percent, by count, shall be allowed for fruit which fail to meet the requirements of such grade but included in such tolerance (a) not more than 15 percent, by count, shall be allowed for serious damage caused by dryness; (b) not more than 10 percent, by count, shall be allowed for defects other than serious damage caused by dryness; and (c) not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the steam end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point outside thereof, in Zone 1 or Zone 2, any grapefruit, grown as aforesaid, which measure less than 3$^{9}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than 3$^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," "Zone 1," "Zone 2," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "U.S. No. 3" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 9, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3629; Filed, Apr. 10, 1964; 8:48 a.m.]

[Lemon Reg. 106]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.406 Lemon Regulation 106.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 7, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 12, 1964, and ending at 12:01 a.m., P.s.t., April 19, 1964, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 9, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3630; Filed, Apr. 10, 1964; 8:48 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 138]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Amending Order

§ 1138.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than May 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decisions of the Assistant Secretary were issued December 27, 1963, and January 29, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued March 12, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1964, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1138.51, paragraph (a) is revised as follows:

§ 1138.51 Class prices.

* * * * *

(a) *Class I milk.* During the period from the effective date of this order until July 1, 1965, the price for Class I milk shall be the basic formula price for the preceding month plus $2.35 during each of the months July through February and plus $2.05 during each of the months March through June. This price shall be increased or decreased by a supply-demand adjustment equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kansas (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); and North Texas (Part 1126 of this chapter) milk marketing orders. If the supply-demand adjustment in any of these markets is limited in its effect by another provision of the respective order, the supply-demand adjustment to be used in this computation shall be the net adjustment which determines the Class I price in such market.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. May 1, 1964.

Signed at Washington, D.C., on April 7, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-3575; Filed, Apr. 10, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 4093]

[Special Federal Aviation Reg. 4]

PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

Prohibition of Air Traffic Over and in Vicinity of D.C. Stadium, Washington, D.C.

On April 13, 1964, President Lyndon B. Johnson will attend the opening game of the 1964 baseball season at the D.C. Stadium, Washington, D.C. The interest of the public in the President and the large assemblage of persons resulting from his presence should attract numerous aircraft to the area that will be operated over the stadium and through the adjacent airspace generally used by other large aircraft. In addition the Federal agency responsible for the security of the President has requested that we take appropriate action for his safety and the safety of other persons present.

In order to provide appropriate safeguards for aircraft operations in the area and for persons and property on the ground, I have determined that a temporary restriction must be imposed on air traffic to prohibit the operation of all types of aircraft in the vicinity of the stadum below 5,000 feet above the surface unless authorized by air traffic control. This authorization may be obtained most readily by communicating with Washington National Airport Traffic Control, Washington National Airport.

I have determined that there is a requirement for the immediate adoption of this regulation for the safety of air commerce. Therefore, I find it contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this Regulation effective immediately.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted:

(1) Unless otherwise authorized by air traffic control, no person, during the period 1300 to 1700 hours Eastern Standard Time on April 13, 1964, may operate an aircraft below 5,000 feet above the surface of the area within one nautical mile horizontally from the perimeter of the D.C. Stadium, Washington, D.C.

(2) This regulation becomes effective immediately and expires at 1700 Eastern Standard Time, April 13, 1964.

This regulation is adopted under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on April 9, 1964.

HAROLD W. GRANT,
Deputy Administrator.

[F.R. Doc. 64-3646; Filed, Apr. 10, 1964; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-9]

PART 386—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; DETERMINATION OF THE PROBABLE CAUSE OF AIRCRAFT ACCIDENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of April 1964.

Reorganization Plan No. 3 of 1961 confers upon the Board authority to delegate by published order or rule any of its functions to any of its employees, including functions with respect to determining, reporting or otherwise acting as to any work, business or matter. The purpose of the Plan is to relieve Board Members from the necessity of dealing with matters of lesser importance and thus conserve their time for the consideration of major matters of policy and planning.

In Part 385 (14 CFR Part 385) the Board has made numerous delegations in non-hearing matters having mainly to do with economic regulation. In Part 386 the Board, in further implementation of Reorganization Plan No. 3 of 1961, is now delegating to the Director, Bureau of Safety, its statutory function of determining the probable cause of certain minor aircraft accidents and reporting the facts, conditions, and circumstances relating to each such accident and the probable cause thereof. Provision is also made in this part for review by the Board, upon the request of two or more Members, of any action taken by the Director pursuant to this delegation of authority.

There are approximately 4,000 "minor" accidents each year involving civil aircraft in which the determination of the probable cause of the accident is a relatively simple determination. Primarily these accidents involve ground loop, nose over, hard landing and collision with objects in which there are no serious or fatal injuries, and the facts, conditions, and circumstances relative to the accident are usually noncontroversial and may be readily ascertained. The delegation granted herein is necessary to relieve the Board of the administrative burden involved in determining the probable cause of each such accident. It

should be stressed, however, that the Board itself will continue to determine the probable cause of each accident involving a serious or fatal injury to any person; and each accident involving an aircraft operated by an air carrier, an aircraft weighing more than 12,500 pounds, or a rotorcraft. The Board will also continue to determine the probable cause of any other civil aircraft accident which is deemed to be of sufficient public interest.

The Board's determination of the probable cause of an accident does not determine the rights or liabilities of any person, and the determination may not be used in any private litigation growing out of the accident nor in any subsequent proceeding under Title VI of the Federal Aviation Act. In accident investigations, there are no parties or intervenors with an interest of the sort which section 1(b) of Plan 3 was designated to protect. Therefore, no provision is necessary or made in this part for any person to request review by the Board of action taken by the Director under this delegation.

Since this regulation is not a substantive rule but a rule of agency organization and procedure, notice and public procedure hereon are unnecessary, and the regulation may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby enacts new Part 386 of the Organization Regulations (14 CFR Part 386) effective April 7, 1964, to read as follows:

Sec.
386.1 Applicability.
386.2 Delegation of function to the Director, Bureau of Safety.
386.3 Referral to the Board; exercise of authority by the Board.
386.4 Review by the Board.

AUTHORITY: The provision of this Part 386 issued under secs. 204(a) and 701(a) of the Federal Aviation Act; 72 Stat. 743 and 781; 49 U.S.C. 1324 and 1441; and under Reorganization Plan No. 3 of 1961, 26 F.R. 5989.

§ 386.1 Applicability.

This part describes the organization of the Board insofar as, pursuant to authority conferred on it by Reorganization Plan No. 3 of 1961, 26 F.R. 5989, the Board has delegated its functions under section 701 of the Federal Aviation Act of 1958, as amended, of determining the probable cause of accidents involving civil aircraft. This part also sets forth the procedures governing discretionary review by the Board of action taken under such delegation.

§ 386.2 Delegation of function to the Director, Bureau of Safety.

The Board hereby delegates to the Director, Bureau of Safety, the authority to report the facts, conditions, and circumstances relating to each accident involving a civil aircraft and to determine and report the probable cause thereof:

(a) When the aircraft (1) is a fixed wing aircraft, (2) is not operated by an air carrier, and (3) weighs 12,500 pounds or less; and

(b) When the accident does not result in a serious or fatal injury to any person.

§ 386.3 Referral to the Board; exercise of authority by the Board.

When the Director, Bureau of Safety, finds that the public interest so requires, he shall, in lieu of exercising the delegated authority herein, submit the findings of the accident investigation to the Board for determination of the probable cause of the accident. Also, the Board may at any time itself exercise the authority delegated herein.

§ 386.4 Review by the Board.

The Board may, and if two or more Members request the Board will, exercise its discretionary right to review the action taken by the Director, Bureau of Safety, under the delegation. Upon review, the Board may either affirm the action taken or determine the probable cause of the accident and report the facts, conditions, and circumstances relating to the accident and the probable cause thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3591; Filed, Apr. 10, 1964; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56143]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

Contents of Invoices; Incomplete Invoices; General Requirements Supplemented

It has been determined that T.D. 55977 which amended § 8.13(h), Customs Regulations, to require additional information on or with invoices covering "Aluminum and alloys of aluminum" classifiable under schedule 6, part 2D, Tariff Schedules of the United States, is too broad in its scope. Therefore, to limit this requirement to the items in schedule 6, part 2D, for which the additional information is needed, the description of and the additional information requirements for the aforesaid class of merchandise in § 8.13(h) are amended to read:

§ 8.13 Contents of invoices; incomplete invoices; general requirements supplemented.

• • • • •

Aluminum and alloys of aluminum classifiable under items 618.02, 618.04, 618.06 or 618.10, Tariff Schedules of the United States (T.D. 53092, 55977, 58143)—(1) Statement of the percentages by weight of any metallic element used as an alloy in the articles.

• • • • •

(Secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759, sec. 101, 76 Stat. 72; 19 U.S.C. 1481, 1484, 1624, Gen. Hdnote 11, Tariff Schedules of the United States)

Since the amendment will reduce the requirements for additional information on invoices by making it applicable only to specified items of schedule 6, part 2D, of the Tariff Schedules of the United States instead of to all items of schedule 6, part 2D, notice of proposed rulemaking and public procedure under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) are found to be unnecessary and good cause is found for making the amendment effective upon publication in the FEDERAL REGISTER.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: April 3, 1964.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 64-3587; Filed, Apr. 10, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953* is amended by deleting, in subdivision (i) thereof, the words "January 1, 1963", and inserting in lieu thereof the words "January 1, 1964".

(Sec. 109, 65 Stat. 22, 50 U.S.C. App. Sup. 1219)

Dated: April 9, 1964.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 64-3643; Filed, Apr. 10, 1964; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Miscellaneous Amendments

The amendments contained herein are issued by the Saint Lawrence Seaway Development Corporation, acting jointly with The St. Lawrence Seaway Authority of Canada, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.). Subpart B—Rules, of 33 CFR Part 401, as revised by 28 F.R. 3754-3762 is amended as follows:

I. For clearer direction as to the preparation of cargo declarations for Seaway transits, the rules regarding Toll Assessment and Collection §§ 401.106-1 to 401.106-9 are amended by adding § 401.106-10, as follows:

§ 401.106-10 Off-loaded weights.

The loaded or manifest weight of cargo must be shown for toll assessment purposes, except in the case of petroleum products, the weight of which is determined by measurement, where off-loaded weights are acceptable.

II. Section 401.120-1 is revised to provide for submission of vessel pre-clearance applications in duplicate and to clarify the instructional notes appearing on the application form. As revised, § 401.120-1 reads as follows:

§ 401.120-1 Pre-clearance Form.

The St. Lawrence Seaway Application for Vessel Pre-clearance; Form S.L.S. 429.

INSTRUCTIONS

The application form attached is to be completed for each vessel by its representative in duplicate and submitted to The St. Lawrence Seaway Authority, P.O. Box 98, Cornwall, Ontario or to the Saint Lawrence Seaway Development Corporation, Massena, New York.

Upon approval of an application, one copy bearing the Seaway number assigned to the vessel will be returned to the representative.

The representative will be responsible for the documentary and financial arrangements with respect to each transit of the vessel.

When the representative is a Corporation, a resolution will be required authorizing the execution of the Certificate of Guarantee unless it is signed by the President and the Secretary-Treasurer and bears the seal of the company.

A new application will be required where the guarantee endorsed on this application has expired or has been cancelled, for each change of representative or of his address, and after a change in ownership or any major revision in the physical characteristics of the vessel.

NOTICE

No vessel is pre-cleared until this application has been approved by the Authority.

Seaway No. ------

PART I—REGISTRATION

1. Registration of Vessel:
(a) Name ----------
(b) Country of registry ----------
(c) Port ----------
(d) Official number of letters ----------
2. Insurance: Liability insurance must be equal to or exceed $40.00 per gross registered ton.
(a) Amount of liability insurance coverage on the vessel (P & I) ----------
(b) Names of Underwriters: ----------
----
3. Representative responsible for payment of tolls and charges:
(a) Name ----------
(b) Address ----------
(c) Telephone No. ----------
4. Certificate of Guarantee.

The undersigned hereby accepts responsibility for the carrying out of the obligations of the representative pursuant to the Seaway Regulations, including the accurate completion of Part II hereof, and hereby undertakes to make payment of all monies that may become due by this vessel for tolls and charges during the full term of this certificate, which undertaking will remain in force notwithstanding the earlier expiration of this certificate.

The undersigned also agrees that security for the payment of tolls, which may be provided by him during the currency of this certificate, shall be subject to summary forfeiture in the event of noncompliance by him with the Seaway Circulars or Authority By-Laws relating to the payment of tolls and charges.

This certificate shall be good and binding:
(a) Until the Authority is otherwise advised in writing by the undersigned
or
(b) For the following voyage ----------

Dated at ---------- this ------ day of ----------, 19---.
Signed ----------

NOTE: Approval of this application does not constitute acceptance of the fact that the vessel is in a condition satisfactory to the Authority.

IMPORTANT—RETURN BOTH COPIES

PART II—INFORMATION ON VESSEL

The furnishing of inaccurate information is an offense under the Regulations.

NOTE: It is of the utmost importance to furnish the precise overall length of all vessels in order that traffic controllers may arrange lockages accordingly.

1. Managing Owner or Operator of the Vessel:
(a) Name of Company ----------
(b) Address ----------
2. Type of Vessel:
(a) Cargo ---------- ☐
(b) Tanker ---------- ☐
(c) Passenger only ---------- ☐
(d) Cargo/Passenger ---------- ☐
(more than 12 passengers)
(e) Cargo/Passenger ---------- ☐
(under 12 passengers)
(f) Under Tow ---------- ☐
(g) Dredge ---------- ☐
(h) Scow ---------- ☐
Barge ---------- ☐
Tank Barge ---------- ☐
(i) Tug ---------- ☐
(j) Naval (MIL.) ---------- ☐
(k) Government ---------- ☐
(l) Other (specify) ---------- ☐
3. Type of Service:
(a) For which constructed:
(i) Inland ☐
(ii) Ocean ☐
(b) In which engaged:
(i) Overseas ☐
(ii) Coastal ☐
(iii) Inland ☐
4. Specifications:
(a) Gross Tons----------
(b) Net Tons----------
(c) Length (overall)----------
(d) Extreme Breadth (including fenders) ----------
5. Machinery:
Steam ----------
Diesel ----------
Turbine ----------
Is vessel fitted with adjustable pitch propeller? Yes ☐ No ☐
Is vessel fitted with stern anchor? Yes ☐ No ☐
Bridge control? Yes ☐ No ☐
Is vessel fitted with wrong way propeller direction alarm? Yes ☐ No ☐
6. Radio-Telephone Equipment:
V.H.F. Yes ☐ No ☐
Frequency 156.8 ☐ 156.7 ☐ 156.6 ☐
M.F. Yes ☐ No ☐
Frequency 2182 ☐ 2003 ☐

III. In the Note following the Index of Part 401, "Masters' Handbook" is changed to read "Seaway Handbook". With this change, the Note reads as follows:

NOTE: The regulations contained in Subpart A and the rules in Subpart B are issued jointly by the Saint Lawrence Seaway Development Corporation and The St. Lawrence Seaway Authority of Canada. The numbering of sections in Subpart A, §§ 401.1 to 401.21, corresponds to the Regulations Nos. 1 to 21 of the Canadian agency. The section numbers of Subpart B, §§ 401.101-1 to 401.107-8 inclusive, correspond to the numbering of provisions of Circulars Nos. 1-1 through 7-8 of the Canadian agency. The Canadian Regulations and Circulars are published in the Seaway Handbook, which is distributed to vessel operators using the Seaway.

(68 Stat. 93-97, 33 U.S.C. 981-990, as amended)

SAINT LAWRENCE
SEAWAY DEVELOPMENT
CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 64-3579; Filed, Apr. 10, 1964; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3361]

[Oregon 013615]

OREGON

Withdrawal for Forest Service Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Siskiyou National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as a recreation area:

WILLAMETTE MERIDIAN

LOWER ROGUE RIVER RECREATIONAL AREA ADDITION

T. 33 S., R. 10 W.,
Sec. 20, S½N½;
Sec. 21, lot 4 and SW¼NW¼.
T. 33 S., R. 11 W.,
Sec. 24, SW¼SE¼, NE¼SE¼, SE¼SE¼ excluding patented HE 09557;
Sec. 34, lots 1 and 2 excluding patented HES 116.
T. 35 S., R. 12 W.,
Sec. 9, lots 3, 4 and 5;
Sec. 10, lots 12, 13, 14 and 15;
Sec. 11, lots 9, 11 and SW¼SE¼.
T. 35 S., R. 13 W.,
Sec. 36, lot 3.
T. 36 S., R. 13 W.,
Sec. 2, lot 14.

The areas described aggregate approximately 816 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3558; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3362]

[Anchorage 058802]

ALASKA

Power Site Restoration No. 613; Partly Revoking Power Site Reserve No. 684

By virtue of the authority vested in the President by section 1 of the Act of June

25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA-77—Alaska, it is ordered as follows:

1. The Executive Order of April 27, 1918, creating Power Site Reserve No. 684, is hereby revoked so far as it affects the following-described lands:

COPPER RIVER MERIDIAN

LAKINA RIVER AREA

T. 5 S., R. 11 E.,
Sec. 36, S½NE¼, SE¼SW¼ and SE¼.
T. 6 S., R. 11 E.,
Sec. 1, lots 1, 2, 3, 5, NW¼NE¼, NE¼NW¼, and W½W½;
Sec. 2, E½NE¼, SW¼NE¼ and S½;
Sec. 11, N½NW¼.
T. 5 S., R. 12 E.,
Sec. 31, lots 1, 2, 3, E½NW¼, and NE¼SW¼.

All unsurveyed lands within ¼ mile of the Lakina River from the mouth upstream to Fohlin Creek, a distance of approximately 16 miles.

The areas described aggregate approximately 5,200 acres, some of which are included in withdrawals for Power Projects Nos. 2138 and 2215.

2. Subject to valid existing rights and the provisions of existing withdrawals, the public lands are hereby opened to settlement and to filing of applications and selections in accordance with the following, the unsurveyed lands being opened to such forms of application and selection as are allowable for unsurveyed lands:

a. Until 10:00 a.m. on July 7, 1964, the State of Alaska shall have a preferred right to select the lands in accordance with provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76. The State of Alaska also has a more limited preferred right of application for the restored lands for highway easement or for highway material site purposes, as provided by section 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

b. All other valid applications and selections under the nonmineral public land laws presented at or prior to 10:00 a.m. on July 7, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The restored lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). They will be open to settlement under the homestead and Alaska homesite laws beginning at 10:00 a.m. on July 7, 1964.

3. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3559; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3363]

[Oregon 013871]

OREGON

Withdrawal for Forest Service Roadside Zone and Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Fremont National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for use of the surface as a roadside zone and recreation areas, as indicated:

WILLAMETTE MERIDIAN

FREMONT ROAD ZONE

State Highway 31 Addition: A strip of land 330 feet on each side of centerline of existing highway and roads through public land in following sections:

T. 24 S., R. 11 E.,
Sec. 36, W½SW¼ and SE¼SW¼.
T. 25 S., R. 11 E.,
Sec. 1, N½NE¼, SE¼NE¼, and NE¼NW¼.

EAST BAY RECREATION AREA

T. 30 S., R. 14 E.,
Sec. 28, W½W½SW¼NE¼, SW¼NW¼NE¼, S½NE¼NW¼, and E½E½SE¼NW¼.

PIKES CROSSING RECREATION AREA

T. 33 S., R. 15 E.,
Sec. 22, E½SW¼NE¼, E½NW¼SW¼NE¼, and W½NW¼NE¼SE¼.

QUARTZ MOUNTAIN RECREATION AREA

T. 37 S., R. 16 E.,
Sec. 28, SW¼NE¼SE¼, E½SE¼NW¼SE¼, N½NE¼SW¼SE¼, and N½SE¼SE¼.

QUARTZ GROVE RECREATION AREA

T. 38 S., R. 16 E.,
Sec. 12, S½NW¼NE¼SE¼, SW¼NE¼SE¼, NW¼SE¼SE¼, E½SW¼SE¼SE¼, and SE¼SE¼SE¼;
Sec. 13, NE¼NE¼NE¼.

MARSTER SPRING RECREATION AREA ADDITION

T. 34 S., R. 18 E.,
Sec. 16, W½E½NW¼.

SAWDUST PILE RECREATION AREA

T. 37 S., R. 20 E., (Unsurveyed)
Sec. 8, SE¼SW¼NE¼, NE¼NW¼SE¼.

MUD CREEK RECREATION AREA

T. 38 S., R. 21 E.,
Sec. 11, N½SW¼SE¼.

DEEP CREEK RECREATION AREA

T. 40 S., R. 22 E.,
Sec. 31, NE¼SE¼NW¼.

DISMAL CREEK RECREATION AREA ADDITION

T. 41 S., R. 22 E.,
Sec. 17, E½NE¼SW¼, S½SW¼NE¼SW¼, N½SE¼SW¼, N½S½SE¼SW¼, N½NW¼SW¼SE¼, NW¼NE¼SE¼, NW¼SE¼, S½SE¼NE¼, E½SE¼SW¼NE¼.

The areas described aggregate approximately 485 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3560; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3364]

[Idaho 014817]

IDAHO

Withdrawal for Forest Service Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Kaniksu National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for use of the surface as an administrative site:

BOISE MERIDIAN

PRIEST LAKE RANGER STATION

T. 60 N., R. 5 W.,
Sec. 2, E½SW¼SW¼ and W½SE¼SW¼;
Sec. 11, E½NW¼NW¼ and NE¼NW¼.

The areas described aggregate approximately 100 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3561; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3365]

[Anchorage 049034]

ALASKA

Reserving Public Lands for the Protection of Recreation Values

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not from leasing under the mineral leasing laws, and reserved under jurisdiction of the Bureau of Land Management for the preservation of public recreation values:

SEWARD MERIDIAN

UPPER FIRE LAKE AREA

T. 15 N., R. 1 W.,
Sec. 30, lots 87, 96, 97, 105, 107, 108, 109 and those portions of lots 88, 98 and 104 lying between the boundary of lots 87, 105 and 107, and the centerline of the Glenn Highway.

Containing approximately 14.2 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3562; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3366]

[Washington 05008]

WASHINGTON

Withdrawal for Forest Service Public Campgrounds and Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Umatilla National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for use of the surface as public campgrounds and an administrative site, as indicated:

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Kelly Campground

T. 7 N., R. 42 E.,
Sec. 2: Lot 1.
T. 8 N., R. 42 E.,
Sec. 35: S½S½SE¼SE¼.

Crooked Creek Cooperative Cabin Site

T. 7 N., R. 42 E.,
Sec. 32: NE¼NW¼SE¼.

Teal Spring Campground

T. 8 N., R. 42 E.,
Sec. 8: W½SW¼NE¼.

Spruce Spring Campground

T. 8 N., R. 42 E.,
Sec. 15: NW¼NW¼NW¼;
Sec. 16: NE¼NE¼NE¼.

Lost Trail Campground

T. 8 N., R. 42 E.,
Sec. 23: NE¼NW¼SW¼.

Big Spring Campground

T. 9 N., R. 42 E.,
Sec. 27: W½W½SW¼NW¼;
Sec. 28: E½E½SE¼NE¼.

Indian Camp Campground

T. 6 N., R. 39 E.,
Sec. 14: E½NW¼NW¼.

Godman Spring Campground

T. 7 N., R. 40 E.,
Sec. 10: S½N½SW¼NE¼, SW¼SW¼NE¼.

Edmiston Spring Campground

T. 8 N., R. 40 E.,
Sec. 23: SW¼NE¼NE¼, NW¼SE¼NE¼.

Stockade Spring Campground

T. 9 N., R. 40 E.,
Sec. 35: SE¼SE¼SW¼, SW¼SW¼SE¼.

Teepee Campground

T. 7 N., R. 41 E.,
Sec. 6: SE¼ Lot 2.

Misery Spring Campground

T. 7 N., R. 42 E.,
Sec. 1: NE¼ Lot 8.

Wickiup Spring Campground

T. 8 N., R 43 E.,
Sec. 28: S½S½SW¼SW¼;
Sec. 33: N½NW¼NW¼.

The areas described aggregate approximately 239 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3563; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3367]

[Anchorage 044485]

ALASKA

Revoking Public Land Order No. 2320 of April 4, 1961

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C 214), it is ordered as follows:

1. Public Land Order No. 2320 of April 4, 1961, which withdrew the following described land for use of the Department of the Air Force in the maintenance of an air navigation facility (Homer TACON Site) is hereby revoked:

SEWARD MERIDIAN

T. 6 S., R. 14 W.,
Sec. 2, S½SE¼NE¼SE¼, NW¼SE¼NE¼SE¼, SW¼NE¼SE¼, S½NW¼NE¼SE¼, SE¼NW¼SE¼, S½NE¼NW¼SE¼, and E½SW¼NW¼SE¼.

Containing 42.5 acres.

2. The lands are located about 3 miles northwest of Homer, Alaska, on top of a 1,200 foot hill. The soil is shallow, supporting a vegetative cover of blue joint grass and clusters of low willow. The lands are in part included in oil and gas lease, A-024342.

3. Until 10:00 a.m. on July 7, 1964, the State of Alaska shall have a preferred right of application to select the lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and Section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) and the regulations in 43 CFR, Part 76. After that date and hour, the lands shall become subject to application, petition, location, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received at or prior to 10:00 a.m. on July 7, 1964, shall be considered as simultaneously filed at that time. The lands have been open to applications and offers under the mineral leasing laws. They shall be open to location under the United States mining laws after 10:00 a.m. on July 7, 1964.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3564; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3368]

[Riverside 03517]

CALIFORNIA

Withdrawing Public Lands for Use of the Department of the Navy for Rifle Range, Additional to Those Withdrawn by Public Land Order No. 1090 of March 10, 1955

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Department of the Navy as a safety zone in connection with the Marine Corps Rifle Range, Barstow, California:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 E.,
Sec. 19, S½ of lot 2 of NW¼, S½S½ of lot 1, of NW¼, S½N½ of lot 1 of SW¼, S½SW¼NE¼, SW¼NW¼SW¼NE¼, S½SE¼NE¼, and NW¼SW¼SE¼NE¼.
T. 9 N., R. 1 W.,
Secs. 23 and 24;
Sec. 26, N½N½.

The areas described aggregate 1,555.49 acres.

The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative sources, other than under the mining and mineral leasing laws.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3565; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3369]

[Arizona 033246]

ARIZONA

Revoking Air Navigation Site Withdrawal No. 71

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental order of December 2, 1931, which withdrew the following-described lands for use of the Department of Commerce, in the maintenance of air navigation facilities, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 3 N., R. 13 W.,
Sec. 25, S½;
Sec. 36, N½.

Containing approximately 640 acres.

2. The lands are situated about 15 miles southeast of Salome, Arizona. They are nearly flat with deep alluvial soils suporting typical southwestern-type vegetation.

3. Until 10:00 a.m. on October 6, 1964, the State of Arizona shall have a preferred right of application to select the lands as provided by section 2276(c) of the Revised Statutes as amended by section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852(c)). On and after that date and hour the lands shall become subject to application, petition, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received at or prior to 10:00 a.m. on October 6, 1964, shall be considered as simultaneously filed at that time.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on October 6, 1964.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3566; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3370]

[Montana 063725, 063726]

MONTANA

Partly Revoking Public Water Reserves Nos. 62 and 145

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive Order of April 8, 1919, and Executive Order No. 5907 of August 18, 1932, creating Public Water Reserves No. 62 and No. 145, respectively, are hereby revoked so far as they affect the following-described lands:

PRINCIPAL MERIDIAN

T. 22 N., R. 33 E.,
Sec. 11, SE¼SE¼;
Sec. 13, lot 2;
Sec. 14, E½NE¼.
T. 22 N., R. 34 E.,
Sec. 5, lots 6 and 11.
T. 22 N., R. 37 E.,
Sec. 8, lots 2 and 3;
Sec. 9, lots 1 to 4, incl.;
Sec. 10, lots 3 and 4.
T. 23 N., R. 38 E.,
Sec. 22, lots 1 to 4, incl.
T. 24 N., R. 40 E.,
Sec. 29, lots 1 to 3, incl., and NE¼.

The areas described aggregate 773.16 acres.

The lands are withdrawn for the Charles M. Russell National Wildlife Range, and for the Fort Peck Reservoir.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3567; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3371]

[Oregon 014408]

OREGON

Opening Lands Subject to Section 24 of the Federal Power Act

1. In DA-492-Oregon, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry or selection under appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

WILLAMETTE MERIDIAN

T. 28 S., R. 12 W.,
Sec. 1, lots 3 and 4.

Containing 96.66 acres.

2. The lands are revested Coos Bay Wagon Road grant lands situated about five air miles east of Coquille, Oregon.

3. Until 10:00 a.m. on June 3, 1964, the State of Oregon shall have a preferred right of application for the reservation to the State or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with the provisions of section 24 of the Federal Power Act, supra.

4. Beginning at 10:00 a.m. on June 3, 1964, the lands shall be open to such forms of disposition as may by law be made of revested Coos Bay Wagon Road grant lands, subject to provisions of section 24 of the Federal Power Act, supra.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3568; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3372]

[Washington 04835]

WASHINGTON

Withdrawals for Forest Service Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Olympic National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as recreation areas:

WILLAMETTE MERIDIAN

MAPLE CREEK CAMPGROUND

T. 26 N., R. 2 W.,
Sec. 14, E½NW¼NE¼ and W½NE¼NE¼.

STEELHEAD CAMPGROUND

T. 26 N., R. 3 W.,
Sec. 16, S½NE¼SE¼.

BIG CREEK CAMPGROUND

T. 23 N., R. 4 W.,
Sec. 6, E½SE¼SE¼;
Sec. 9, W½SW¼SW¼.

TWO MILE CAMPGROUND

T. 28 N., R. 4 W.,
Sec. 1, N½NE¼NW¼, unsurveyed.

STEEL BRIDGE RECREATION AREA

T. 22 N., R. 5 W.,
Sec. 26, NW¼SW¼NE¼.

PINE LAKE CAMPGROUND

T. 22 N., R. 6 W.,
Sec. 5, NW¼NW¼, unsurveyed.

QUINAULT RIVER CAMPGROUND

T. 24 N., R. 8 W.,
Sec. 33, that portion of NE¼ bounded on west by HES-116, on north by south shore of Quinault River, on east by section line 33/34, and on south by centerline of Jefferson County Road No. 13, unsurveyed.

NOSGWINUK CAMPGROUND

T. 23 N., R. 10 W.,
Sec. 15, S½SE¼SE¼;
Sec. 22, lot 5.

KIAHANIE CAMPGROUND

T. 28 N., R. 12 W.,
Sec. 3, lot 7.

The areas aggregate approximately 270 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3569; Filed, Apr. 10, 1964; 8:45 a.m.]

[Public Land Order 3373]

[83720]

CALIFORNIA

Transferring Jurisdiction Over Oil and Gas Deposits in Lands of the Naval Weapons Station Owned by the United States

Whereas, the hereinafter described lands, title to which has been acquired by the United States, comprising the Naval Weapons Station, Concord, California, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership, and;

Whereas, it is in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands, and;

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Navy to the Department of the Interior, and;

Whereas, such transfer has the concurrence of the Secretary of the Navy;

Now, therefore, by virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits owned by the United States in the following-described lands comprising the Naval Weapons Station, Concord, California, is hereby transferred from the Department of the Navy to the Department of the Interior:

NAVAL WEAPONS STATION

CONCORD, CALIFORNIA

INLAND STORAGE AREA

Boundary Description

A tract of land situate in the County of Contra Costa, State of California, said tract being that portion of the Naval Weapons Station Concord, California, commonly known as "Inland Storage Area" acquired by the United States of America in Civil Actions No. 23529, No. 24955 and No. 21993 had in the District Court of the United States, Northern District of California, Southern Division, and the boundaries of said tract being described as follows:

Beginning at an angle point in the southerly boundary of the land described in the Fourth Amendment to Complaint filed March 24, 1945 in the aforesaid Civil Action No. 23529, said point being the northeasterly corner of "R. N. Burgess Company's Map No. 1, Gehringer Subdivision", filed May 28, 1918 in Book 16 of Maps at page 353 in the Office of the Recorder, Contra Costa County, from said point of beginning thence along the southerly boundary of the land described in said Fourth Amendment

(1) North 46°42'57" West, 2659.80 feet to the northwesterly corner of said Gehringer Subdivision; thence

(2) North 46°41'27" West, 5600.54 feet to the southwesterly corner of that certain parcel described in the Final Judgment as to Parcel 9, Civil Action No. 24955, recorded in Volume 1493 of Official Records at page 504, Records of Contra Costa County; thence along the southerly boundary of said Parcel 9, and along the easterly line of Willow Pass Road

(3) North 52°08'25" West, 1721.02 feet to a point in the easterly line of Willow Pass Road; thence along said easterly line

(4) North 31°31'13" East, 45.40 feet; and

(5) North 21°40'31" East, 44.48 feet; and

(6) North 22°01'13" East, 40.07 feet to a point therein; thence crossing Willow Pass Road

(7) North 66°11'17" West, 62.07 feet to a point in the westerly line of Willow Pass Road, said point being the southeasterly corner of that certain "Unit A" described in the Amendment to Complaint filed in Civil Action No. 24955 on December 31, 1946; thence along the southerly boundaries of said "Unit A"

(8) South 28°01'56" West, 69.98 feet; and

(9) South 35°10'13" West, 23.76 feet; and

(10) South 34°50'13" West, 101.64 feet; and

(11) South 41°00'13" West, 462.00 feet; and

(12) North 46°10'57" West, 625.00 feet; and

(13) South 57°21'46" West, 1147.50 feet to the southwesterly corner of said "Unit A", said corner being in the easterly right of way line of that portion of the Contra Costa Canal described in deed to the United States of America recorded in Volume 479 of Official Records at page 492, Records of Contra Costa County; thence crossing said canal

(14) South 43°12'22" West, 107.75 feet to a point in the westerly right of way line of said Canal, being also in the easterly boundary of that certain 300.56 acre, more or less, parcel described in the Judgment on Amendment to Declaration of Taking, Civil Action No. 21993, recorded in Volume 672 of Official Records at page 39, Records of Contra Costa County; thence along the easterly and southerly boundaries of said 300.56 acre, more or less, parcel

(15) South 8°10' West, 280.00 feet to a point; thence

(16) South 4°29' West, 700.10 feet to a point; thence

(17) South 1°17' East, 130.90 feet to a point; thence

(18) South 10°21' West, 170.70 feet to a point; thence

(19) South 12°42' West, 94.40 feet to a point; thence

(20) South 49° West, 245.10 feet to a point; thence

(21) South 31°15' West, 52.50 feet to a point; thence

(22) South 49° West, 50.00 feet to a point; thence

(23) South 66°45' West, 52.50 feet to a point; thence

(24) South 49° West, 671.00 feet to a point; thence

(25) South 59°22'48" West (record South 59°22' West), 1356.40 feet to the southeasterly corner of that certain 8.72 acre parcel of land transferred by the Navy to the Army by letter of March 14, 1962 from District Public Works Officer, Twelfth Naval District to U.S. Army Engineer District, Sacramento, California; thence along the easterly and northerly boundaries of said 8.72 acre parcel

(26) North 30°31'27" West, 806.88 feet; and

(27) South 59°22'48" West, 450.00 feet to the northwesterly corner of said 8.72 acre parcel, said corner being in the westerly boundary of the aforesaid 300.56 acre, more or less, parcel; thence continuing along the boundaries of said parcel

(28) North 30°31'27" West (record North 30°30' West), 1532.03 feet; and

(29) North 30°06'03" East (record North 30°07'30" East), 331.76 feet; and

(30) North 59°53'57" West (record North 59°52'30" West), 136.67 feet; and

(31) North 10°32'38" West, 1656.44 feet (record North 10°46'50" West, 1622.18 feet); and

(32) North 62°50' East, 734.71 feet to a point in the boundary of the aforesaid 300.56 acre, more or less, parcel, said point being the southwesterly corner of that certain 54.233 acre, more or less, parcel described in the Amended Final Judgment as to Parcel 8, Civil Action No. 24955 recorded in Volume 1743 of Official Records at page 68, Records of Contra Costa County; thence along the westerly boundaries of said 54.233 acre, more or less, parcel

(33) North 33°37'30" West, 1779.19 feet; and

(34) North 6°02'02" West, 1534.17 feet to a point on curve on the easterly line of the right of way of the Sacramento Northern Railroad; thence

(35) Northerly on the circumference of a circle, the radius point of which bears South 55°49'56" East, 2859.33 feet from said point on curve through a central angle of 4°08'58" an arc distance of 207.05 feet (from said point on curve, the long chord bears North 36°-14'33" East, 207.01 feet) to a point on curve; thence non-tangentially

(36) North 37°52'27" East, 209.96 feet to a point; and

(37) North 44°02'01" East, 22.30 feet to a point; and

(38) North 43°29'51" East, 98.00 feet to a point; and

(39) North 40°33'51" East, 40.50 feet to a point; and

(40) North 44°48'54" East, 101.88 feet to the northwesterly corner of the aforesaid 54.233 acre, more or less, parcel, said corner being also the southwesterly corner of that certain 9.06 acre, more or less, parcel described in the Final Judgment as to Parcel 7, Civil Action No. 24955, recorded in Volume 1150 of Official Records at page 113, Records of Contra Costa County; thence along the westerly boundaries of said 9.06 acre, more or less, parcel

(41) North 22°32'37" East, 461.67 feet; and

(42) North 16°32'37" East, 396.00 feet; and

(43) North 8°32'37" East, 109.44 feet to the northwesterly corner of the aforesaid 9.06 acre, more or less, parcel, said corner being also the southwesterly corner of that certain Parcel 19 described in the Final Judgment on Parcel 19, Civil Action No. 23529, recorded in Volume 791 of Official Records at page 276, Records of Contra Costa County; thence along the westerly boundaries of said Parcel 19

(44) North 8°30' East, 154.56 feet; and

(45) North 20°45' East, 297.00 feet; and

(46) North 5° East, 660.00 feet to the northwesterly corner of the aforesaid Parcel 19, said corner being in the southerly right of way line of State Highway 106 (Arnold Industrial Highway); thence along said southerly right of way line

(47) South 84°13'33" West, 85.28 feet; and

(48) South 79°38'28" West, 20.00 feet to the point of curvature of the course next following; thence crossing said Highway and continuing along the boundaries of the land described in the aforesaid Fourth Amendment to Complaint, Civil Action No. 23529.

(49) Northwesterly on the circumference of a circle, the radius point of which bears South 80°32'39.2" West, 1462.47 feet from said point of curvature through a central angle of 2°57'01" an arc distance of 75.21 feet (from said point of curvature, the long chord bears North 10°55'51.35" West, 75.30 feet) to a point of tangency; thence tangentially

(50) North 12°24'22" West, 792.03 feet to a point of curvature; thence

(51) Northwesterly on the circumference of a circle, the radius point of which bears South 59°05'38" West, 2894.83 feet from said point of curvature through a central angle of 8°30' an arc distance of 429.46 feet (from said point of curvature, the long chord bears North 16°39'22" West, 429.06 feet) to a point of tangency; thence tangentially

(52) North 20°54'22" West, 37.17 feet to a point; thence

(52a) North 35°43'47" East, 486.16 feet to a point; thence

(52b) North 53°03'26" East, 1086.61 feet to a point; thence

(52c) North 74°17'47" East, 600.07 feet to a point; thence

(52d) North 61°39'14" West, 2404.62 feet to a point; thence

(52e) South 54°29'40" West, 164.37 feet to a point; thence

(52f) North 35°15'25" West, 36.61 feet to a point; thence

(52g) South 69°59'34" West, 310.30 feet to a point; thence

(52h) North 20°54'22" West, 743.85 feet to a point on a compound curve of the southwesterly line of the former Bay Point and Clayton Railroad right of way; thence along said former right of way line

(53) Northwesterly on the circumference of a circle, the radius point of which bears North 33°11'03" East, 1467.47 feet from said point on compound curve through a central angle of 0°33'50" an arc distance of 14.44 feet (from said point of compound curve, the long chord bears North 56°32'02" West, 14.44 feet) to a point of compound curvature; thence

(54) Northwesterly on the circumference of a circle, the radius point of which bears

North 33°44'33" East, 1308.32 feet from said point of compound curvature through a central angle of 1°21'00" an arc distance of 22.97 feet (from said point of compound curvature, the long chord bears North 55°34'37" West, 30.83 feet) to a point of compound curvature; thence

(55) Northwesterly on the circumference of a circle, the radius point of which bears North 33°23'33" East, 1308.32 feet from said point of compound curvature through a central angle of 1°03'00" an arc distance of 29.360 feet (from said point of compound curvature, the long chord bears South 57°58'37" East, 29.36 feet) to a point of compound curvature; thence

(56) Southeasterly on the circumference of a circle, the radius point of which bears South 60°32'20" East, 199.30 feet to a point; thence

(57) South 60°33'20" East, 203.10 feet to a point; thence

(58) North 84°54'40" East, 453.50 feet to a point; thence

(59) South 52°09'20" East, 794.40 feet to a point; thence

(60) South 37°50'40" West, 1320.00 feet to a point; thence

(61) South 52°09'20" East, 1320.00 feet to a point; thence

(62) North 37°50'40" East, 1320.00 feet to a point; thence

(63) South 52°09'20" East, 1320.00 feet to a point; thence

(64) South 37°50'40" West, 1320.00 feet to a point; thence

(65) South 52°09'20" East, 1320.00 feet to a point; thence

(66) North 37°50'40" East, 1320.00 feet to a point; thence

(67) South 52°09'20" East, 1320.00 feet to a point; thence

(68) South 37°50'40" West, 1320.00 feet to a point; thence

(69) South 52°09'20" East, 1320.00 feet to a point; thence

(70) North 37°50'40" East, 1320.00 feet to a point; thence

(71) South 52°09'20" East, 1320.00 feet to a point; thence

(72) South 37°50'40" West, 1320.00 feet to a point; thence

(73) South 52°09'20" East, 1320.00 feet to a point; thence

(74) North 37°50'40" East, 1320.00 feet to a point; thence

(75) South 52°09'20" East, 1320.00 feet to a point; thence

(76) South 37°50'40" West, 1320.00 feet to a point; thence

(77) South 52°09'20" East, 1320.00 feet to a point; thence

(78) North 37°50'40" East, 1320.00 feet to a point; thence

(79) South 52°09'20" East, 1320.00 feet to a point; thence

(80) South 37°50'40" West, 1320.00 feet to a point; thence

(81) South 52°09'20" East, 1320.00 feet to a point; thence

(82) North 37°50'40" East, 1320.00 feet to a point; thence

(83) South 52°09'20" East, 1320.00 feet to a point; thence

(84) South 37°50'40" West, 1320.00 feet to a point; thence

(85) South 52°09'20" East, 1320.00 feet to a point; thence

(86) South 37°50'40" West, 1320.00 feet to a point; thence

(87) South 52°09'20" East, 1320.00 feet to a point; thence

(88) South 37°50'40" West, 1320.00 feet to a point; thence

(89) South 52°09'20" East, 1320.00 feet to a point; thence

(90) North 37°50'40" East, 1320.00 feet to a point; thence

(91) South 52°09'20" East, 1320.00 feet to a point; thence

(92) South 37°50'40" West, 1320.00 feet to a point; thence

(93) South 52°09'20" East, 1320.00 feet to a point; thence

(94) North 37°50'40" East, 1320.00 feet to a point; thence

(95) South 52°09'20" East, 1320.00 feet to a point; thence

(96) South 37°50'40" West, 1320.00 feet to a point; thence

(97) South 52°09'20" East, 1320.00 feet to a point; thence

(98) North 37°50'40" East, 1320.00 feet to a point; thence

(99) South 52°09'20" East, 1320.00 feet to a point; thence

(100) South 37°50'40" West, 1320.00 feet to a point; thence

(101) South 52°09'20" East, 1320.00 feet to a point; thence

(102) North 37°50'40" East, 1320.00 feet to a point; thence

(103) South 52°09'20" East, 1320.00 feet to a point; thence

(104) South 37°50'40" West, 1320.00 feet to a point; thence

(105) South 52°09'20" East, 1320.00 feet to a point; thence

(106) North 37°50'40" East, 1320.00 feet to a point; thence

(107) South 52°09'20" East, 1320.00 feet to a point; thence

(108) South 37°50'40" West, 1320.00 feet to a point; thence

(109) South 52°09'20" East, 1320.00 feet to a point; thence

(110) North 37°50'40" East, 1320.00 feet to a point; thence

(111) South 52°09'20" East, 1320.00 feet to a point; thence

(112) South 37°50'40" West, 1320.00 feet to a point; thence

(113) South 52°09'20" East, 1320.00 feet to a point; thence

(114) South 81°07'15" West, 24.60 feet to a point; thence

(115) North 68°53'10" West, 1296.88 feet to a point; thence

(116) North 49°26'47" West, 302.52 feet to a point; thence

(117) North 58°05'35" West, 576.70 feet to

to insure that there is no interference with the primary use for naval purposes of the Naval Weapons Station.

JOHN M. KELLY,
Assistant Secretary of the Interior.

APRIL 7, 1964.

North 33°44'53" East, 1308.32 feet from said point of compound curvature through a central angle of 1°21'00" an arc distance of 22.97 feet (from said point of compound curvature, the long chord bears North 55°34'37" West, 30.83 feet) to a point of compound curvature; thence

(55) Northwesterly on the circumference of a circle, the radius point of which bears North 35°05'53" East, 1181.01 feet from said point of compound curvature through a central angle of 1°30'00" an arc distance of 30.92 feet (from said point of compound curvature, the long chord bears North 54°09'07" West, 30.92 feet) to a point of compound curvature; thence

(56) Northwesterly on the circumference of a circle, the radius point of which bears North 36°35'53" East, 1076.84 feet from said point of compound curvature through a central angle of 1°39'00" an arc distance of 31.01 feet (from said point of compound curvature, the long chord bears North 52°34'37" West, 31.01 feet) to a point of compound curvature; thence

(57) Northwesterly on the circumference of a circle, the radius point of which bears North 38°14'53" East, 990.04 feet from said point of compound curvature through a central angle of 0°06'33" an arc distance of 1.60 feet (from said point of compound curvature, the long chord bears North 51°42'20.5" West, 1.598 feet) to a point of intersection with the westerly line of the Sacramento Northern Railroad right of way; thence along said westerly right of way line

(58) North 20°54'22" West, 156.13 feet to the point of intersection thereof with the northeasterly line of the former Bay Point and Clayton Railroad right of way, said point being the point of curvature of the course next following; thence along said former northeasterly right of way line

(59) Southeasterly on the circumference of a circle, the radius point of which bears North 46°43'35" East, 920.039 feet from said point of curvature through a central angle of 8°28'42" an arc distance of 136.143 feet (from said point of curvature, the long chord bears South 47°30'46" East, 136.02 feet) to a point of compound curvature; thence

(60) Southeasterly on the circumference of a circle, the radius point of which bears North 38°14'53" East, 1006.841 feet from said point of compound curvature through a central angle of 1°39'00" an arc distance of 28.995 feet (from said point of compound curvature, the long chord bears South 52°34'37" East, 28.99 feet) to a point of compound curvature; thence

(61) Southeasterly on the circumference of a circle, the radius point of which bears North 36°35'53" East, 1111.007 feet from said point of compound curvature through a central angle of 1°30'00" an arc distance of 29.086 feet (from said point of compound curvature, the long chord bears South 54°09'07" East, 29.09 feet) to a point of compound curvature; thence

(62) Southeasterly on the circumference of a circle, the radius point of which bears North 35°05'53" East, 1238.32 feet from said point of compound curvature through a central angle of 1°21'00" an arc distance of 29.177 feet (from said point of compound curvature, the long chord bears South 55°34'37" East, 29.18 feet) to a point of compound curvature; thence

(63) Southeasterly on the circumference of a circle, the radius point of which bears North 33°44'53" East, 1397.467 feet from said point of compound curvature through a central angle of 1°12'00" an arc distance of 29.269 feet (from said point of compound curvature, the long chord bears South 56°51'07" East, 29.27 feet) to a point of compound curvature; thence

(64) Southeasterly on the circumference of a circle, the radius point of which bears North 32°32'53" East, 1602.086 feet from said point of compound curvature through a central angle of 1°03'00" an arc distance of 29.360 feet (from said point of compound curvature, the long chord bears South 57°58'37" East, 29.36 feet) to a point of compound curvature; thence

(65) Southeasterly on the circumference of a circle, the radius point of which bears North 31°29'53" East, 1874.914 feet from said point of compound curvature through a central angle of 0°54'00" an arc distance of 29.451 feet (from said point of compound curvature, the long chord bears South 58°57'07" East, 29.45 feet) to a point of compound curvature; thence

(66) Southeasterly on the circumference of a circle, the radius point of which bears North 30°35'53" East, 2256.876 feet from said point of compound curvature through a central angle of 0°45'00" an arc distance of 29.543 feet (from said point of compound curvature, the long chord bears South 59°46'37" East, 29.54 feet) to a point of compound curvature; thence

(67) Southeasterly on the circumference of a circle, the radius point of which bears North 29°50'53" East, 2829.825 feet from said point of compound curvature through a central angle of 0°36'00" an arc distance of 29.634 feet (from said point of compound curvature, the long chord bears South 60°27'07" East, 29.63 feet) to a point of compound curvature; thence

(68) Southeasterly on the circumference of a circle, the radius point of which bears North 29°14'53" East, 3784.746 feet from said point of compound curvature through a central angle of 0°27'00" an arc distance of 29.725 feet (from said point of compound curvature, the long chord bears South 60°58'37" East, 29.725 feet) to a point of compound curvature; thence

(69) Southeasterly on the circumference of a circle, the radius point of which bears North 28°47'53" East, 5694.596 feet from said point of compound curvature through a central angle of 0°18'00" an arc distance of 29.817 feet (from said point of compound curvature, the long chord bears South 61°21'07" East, 29.82 feet) to a point of compound curvature; thence

(70) Southeasterly on the circumference of a circle, the radius point of which bears North 28°29'53" East, 11,424.170 feet from said point of compound curvature through a central angle of 0°9'00" an arc distance of 29.908 feet (from said point of compound curvature, the long chord bears South 61°34'37" East, 29.908 feet) to a point of tangency; thence tangentially

(71) South 61°39'07" East, 98.05 feet to a point; thence leaving said right of way

(72) North 48°21'00" East, 620.00 feet to a point; thence

(73) South 53°41'57" East, 80.00 feet to a point; thence

(74) North 43°18'03" East, 645.45 feet to a point on the southerly right of way line of the Contra Costa Canal; thence along said right of way line the following courses and distances

(75) South 74°30'20" East, 488.37 feet to a point; thence

(76) North 14°49'20" West, 8.20 feet to a point; thence

(77) South 63°11'20" East, 455.70 feet to a point; thence

(78) South 33°51'20" East, 397.80 feet to a point; thence

(79) South 81°29'20" East, 442.80 feet to a point; thence

(80) South 69°55'20" East, 397.90 feet to a point; thence

(81) South 39°45'20" East, 449.11 feet to a point; thence

(82) South 73°37'20" East, 753.50 feet to a point; thence

(83) South 48°41'20" East, 59.00 feet to a point; thence

(84) South 23°44'20" East, 522.90 feet to a point; thence

(85) South 60°32'20" East, 199.30 feet to a point; thence

(86) South 60°33'20" East, 203.10 feet to a point; thence

(87) North 84°54'40" East, 453.50 feet to a point; thence

(88) South 52°09'20" East, 794.40 feet to a point; thence

(89) South 52°09'20" East, 100.00 feet to a point; thence

(90) South 52°09'20" East, 399.90 feet to a point; thence leaving said southerly right of way line of Contra Costa Canal

(91) South 47°50'49" East, 645.59 feet to a point; thence

(92) South 45°47'16" East, 736.75 feet to a point on the southerly right of way line of State Highway 106 (Arnold Industrial Highway); thence along the southerly right of way line of said Highway

(93) North 79°38'28" East, 120.77 feet to a point; thence

(94) North 85°21'06" East, 251.25 feet to a point; thence

(95) North 79°38'28" East, 541.62 feet to a point of curvature; thence

(96) Northeasterly on the circumference of a circle, the radius point of which bears North 10°21'32" West, 1900 feet from said point of curvature through a central angle of 6°37'58" an arc distance of 219.95 feet (from said point of curvature, the long chord bears North 76°19'29" East, 219.83 feet) to a point of reverse curvature; thence

(97) Southeasterly on the circumference of a circle, the radius point of which bears South 16°59'30" East, 100 feet from said point of reverse curvature through a central angle of 92°51'50" an arc distance of 162.08 feet (from said point of reverse curvature, the long chord bears South 60°33'35" East, 144.91 feet) to a point of tangency in westerly line of Willow Pass Road; thence tangentially along the westerly line of Willow Pass Road

(98) South 14°07'40" East, 298.39 feet to a point of curvature; thence

(99) Southwesterly on the circumference of a circle, the radius point of which bears South 75°52'20" West, 600 feet from said point of curvature through a central angle of 28°39'53" an arc distance of 300.176 feet (from said point of curvature, the long chord bears South 0°12'16.5" West, 297.06 feet) to a point of tangency; thence non-tangentially and crossing Willow Pass Road

(100) South 75°27'47" East, 126.18 feet to a point in the easterly line thereof; thence along said easterly line

(101) North 14°32'13" East 597.13 feet to a point therein; thence leaving said easterly line

(102) North 78°21'16" East, 327.16 feet to a point; thence

(103) North 63°36'14" East, 758.48 feet to a point; thence

(104) North 16°01'03" East, 82.10 feet to a point; thence

(105) North 36°49'49" East, 377.63 feet to a point; thence

(106) North 81°55' 27" East, 513.00 feet to a point; thence

(107) North 63°34'06" East, 861.87 feet to a point; thence

(108) South 39°09'30.5" East, 8,670.77 feet to the point of intersection with the north line of Section 27, T. 2 N., R. 1 W., MDB&M; thence

(109) South 53°13'31" East, 10,641.44 feet to a point from which a fence corner (taken to be the quarter section corner between Sections 35 and 36, T. 2 N., R. 1 W., MDB&M) bears South 52°28'59" East, 2197.80 feet; thence

(110) South, 3015.62 feet to a point; thence

(111) South 15°10'03" West, 1478.05 feet to a point; thence

(112) South 43°18'03" West, 2116.47 feet to a point; thence

(113) South 80°51'45" West, 862.02 feet to a point; thence

(114) South 81°07'15" West, 24.60 feet to a point; thence

(115) North 68°53'10" West, 1296.88 feet to a point; thence

(116) North 49°26'47" West, 302.52 feet to a point; thence

(117) North 58°05'35" West, 576.70 feet to a point; thence

(118) North 28°49'05" West, 223.80 feet to a point; thence

(119) North 63°05'35" West, 299.90 feet to a point; thence

(120) North 47°49'35" West, 150.00 feet to a point; thence

(121) North 62°38'35" West, 94.20 feet to a point; thence

(122) North 82°53'05" West, 94.70 feet to a point; thence

(123) South 74°29'55" West, 177.20 feet to a point; thence

(124) North 47°03'35" West, 335.40 feet to a point; thence

(125) South 66°13'55" West, 78.58 feet to a point; thence

(126) North 17°32'55" East, 188.13 feet to a point; thence

(127) North 42°35'55" East, 207.40 feet to a point; thence

(128) North 50°34'17" West, 835.04 feet to a point; thence

(129) North 37°10'05" West, 218.47 feet to a point; thence

(130) North 42°17'35" West, 1148.25 feet to a point; thence

(131) North 86°52'57" West, 1053.11 feet to a point; thence

(132) North 73°40'57" West, 261.22 feet to a point; thence

(133) South 43°17'29" West, 778.43 feet to a point; thence

(134) North 46°42'31" West, 2062.24 feet to a point; thence

(135) South 43°17'29" West, 909.52 feet to the Point of Beginning.

Containing 5411.90 acres, more or less, before the following

EXCEPTIONS:

Excepting from the above described tract such portions of the right of way for the Contra Costa Canal, Arnold Industrial Highway, Willow Pass Road and Bailey Road as lay therein.

And also excepting those certain parcels of land designated as Parcel 57, Parcel 58 and Parcel 59 in the aforesaid Civil Action No. 23529 and described in the "Judgment as to Mineral Rights, Parcels 57, 58 and 59", original filed March 21, 1950 with the Clerk, U.S. District Court, San Francisco, and that certain parcel designated as Parcel 64 in Civil Action No. 23529 described in the "Final Judgment as to Parcel 64", original filed November 17, 1950 with the Clerk, U.S. District Court, San Francisco.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Navy for naval purposes.

4. Prior to any advertisement for bids, the Department of the Navy shall have the opportunity to indicate any further reservations and restrictions that are to be included in the proposed lease or leases.

Prior to execution of any lease or development authorized by the Department of the Interior, the approval of the Department of the Navy is to be obtained to insure that there is no interference with the primary use for naval purposes of the Naval Weapons Station.

JOHN M. KELLY,
Assistant Secretary of the Interior.

APRIL 7, 1964.

[F.R. Doc. 64-3570; Filed, Apr. 10, 1964; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Further Interpretation of the Shipping Act, 1916

§ 530.5 Further interpretation of the Shipping Act, 1916.

(a) Section 15 of the Shipping Act, 1916, as recently amended by Public Law 88-275 provides that the penalty provisions of section 15:

"shall not apply to leases, licenses, assignments, or other agreements of similar character for the use of terminal property or facilities which were entered into before the date of enactment of this Act, and, if continued in effect beyond said date, submitted to the Federal Maritime Commission for approval prior to or within ninety days after the enactment of this Act, unless such leases, licenses, assignments, or other agreements for the use of terminal facilities are disapproved, modified, or canceled by the Commission and are continued in operation without regard to the Commission's action thereon. The Commission shall promptly approve, disapprove, cancel, or modify each such agreement in accordance with the provisions of this section."

(b) Particular agreements described in Public Law 88-275 may or may not be subject to section 15. The Federal Maritime Commission interprets section 15 to exclude, and will not require the filing of, "leases, licenses, assignments, or other agreements of similar character for the use of terminal property or facilities" when they:

(1) Are not related to terminal facilities for the handling of cargo or passengers moving in foreign or interstate ocean commerce, i.e., cargo that has been dispatched in such transportation and has not reached its ultimate destination;

(2) are not related to terminal facilities which handle, or hold themselves out to handle common carrier vessels in foreign or interstate ocean commerce; or

(3) cover only lease of space to stevedores for offices and/or for storage of gear, provided that rental for such space is a fixed amount not in excess of $10,000 annually.

By the Commission, April 7, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3571; Filed, Apr. 10, 1964; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

were concerned with amending the order to:

(1) Authorize the Secretary to pre-

time when only a limited volume of cranberries, if any, is available, with the result that enough free percentage cran-

(2) It is desirable to allow credit to handlers who withhold and dispose of an excess quantity of cranberries when such excess results from a modification of the free and restricted percentages. The committee has the responsibility of reviewing the current and prospective marketing situation for cranberries and making recommendations to the Secre-

any such event, the disposition of excess withholding would not result from the mandatory withholding requirements of the order.

There was considerable controversy at the hearing concerning the period when handlers should be extended credit for excess withholding. Some proponents indicated that such credit should be

be valid only during the next fiscal period.

(3) The order should be amended to authorize the committee to fix and announce the amount (price) per barrel which handlers would be required to pay to obtain release of all or part of the cranberries they are withholding and to require any handler making such re-

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

[Docket No. AO-341-A1]

CRANBERRIES GROWN IN CERTAIN STATES

Notice of Recommended Decision and Opportunity To File Written Exceptions with Respect To Proposed Amendment of the Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of the marketing agreement and Order No. 929 (7 CFR Part 929), hereinafter referred to collectively as the "order," regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington; and Long Island in the State of New York, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S., 601–674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the close of business of the tenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Cranberry Marketing Committee, the administrative agency established pursuant to the order, Ocean Spray Cranberries, Inc., Hanson, Massachusetts, and by John C. Decas, Wareham, Massachusetts. In accordance with the applicable rules of practice and procedure, a notice that such public hearing would be held in the Cafeteria Room, Memorial Town Hall, Marion Road, Wareham, Massachusetts, on February 10, 1964, in the Mt. Laural Room, Holliday Motel, Exit 4, New Jersey Turnpike, Moorestown, New Jersey, on February 12, and in the Courthouse Auditorium, Wood County Courthouse, 400 Market Street, Wisconsin Rapids, Wisconsin, on February 14, was published in the FEDERAL REGISTER (29 F.R. 1388) on January 28, 1964.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize the Secretary to prescribe the time and manner in which handlers are to meet the withholding obligation;

(2) Allow handlers to receive credit for any excess of cranberries withheld and disposed of when such excess results from a modification of the free and restricted percentages;

(3) Require the committee to fix and announce the price, per barrel, at which handlers may obtain release of withheld cranberries and require handlers making such request to submit the full amount with each request;

(4) Provide for the disposition of certain committee funds;

(5) Base the withholding obligation on the volume of cranberries handled rather than acquired;

(6) Require a referendum on termination of the program each year and make it mandatory for the Secretary to terminate the program on a majority vote of either (a) growers affiliated with any cooperative marketing organization handling more than two-thirds of the cranberry production, or (b) all other growers; and

(7) Require handlers with a carryover to set aside an equivalent volume of cranberries from the current crop after which any restricted percentage would be uniformly applied to cranberries acquired by handlers from current production.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be amended to provide wider authority in the specifying of the time and manner in which handlers are to meet the withholding obligation. Presently, the order provides that the Secretary shall fix the date during each fiscal period by which handlers shall have met the withholding requirements.

This requirement to fix a single date, in effect, makes it mandatory that such date be late enough in the season so that all handlers will have completed their acquisitions of cranberries. Record evidence establishes that all handlers do not terminate their operations at the same time. Some handlers finish fairly early in the season. This may be so due, for example, to the size or location of a handler's operations. Presently, such handlers have a tendency towards procrastination in meeting their withholding obligations promptly because often they think that they may acquire additional cranberries. When such cranberry acquisitions do not materialize, such a handler often will request the committee to release the total quantity of cranberries that he is required to withhold. Such request is most likely to be made late in the season and at a time when only a limited volume of cranberries, if any, is available, with the result that enough free percentage cranberries cannot be acquired to replace those released and the balance between the free and restricted percentages is not maintained. While it may not be possible to operate the order so as always to maintain the exact balance between the free and restricted cranberries, as represented by the free and restricted percentages, it is apparent that such balance must be reasonably maintained if the order is to operate effectively, and the time and manner of meeting withholding requirements should be fixed so as to assure such reasonable balance.

As indicated heretofore, handlers operate differently. Some complete their acquisitions and marketing of cranberries early. Some handle only fresh market berries while others are processors. Some request release of their withheld berries and others do not. Hence, under the present system of doing business within the industry, it would be advisable to prescribe a variable and prompt time for compliance with the withholding and release provisions of the order. It could be required, for example, that each handler meet a portion of their withholding obligation based upon acquisitions prior to a particular date or that all of the obligations be met within seven to ten days after final acquisition. Although the time when a handler makes his final acquisition may not always be readily determined prior to the end of the marketing season, the requirement to meet the withholding obligation within a specified period after final acquisition would not impose any particular burden upon handlers. If, after a handler believed he had completed acquisitions and full compliance had been effected with respect to all cranberries already acquired, he should acquire an additional quantity of cranberries such later acquisition could be considered as an additional but separate transaction, subject to the withholding requirements.

It was testified that the total available supply of cranberries has been acquired prior to January 1. This situation is likely to continue for some time. Thus, the latest date for meeting the withholding obligation should probably continue to be December 31 of each fiscal period. However, with the accumulation of information with respect to storage and with the continued effort to extend the period of fresh fruit sales, acquisitions may be made later in the season. The committee, composed of growers or agents of growers, is knowledgeable, individually, and collectively, with respect to all phases of the cranberry industry. Thus the committee should be qualified to make recommendations to the Secretary, which reflect the then current situation, concerning the fixing of the date or dates, by which and manner in which, handlers are to meet the withholding requirement.

(2) It is desirable to allow credit to handlers who withhold and dispose of an excess quantity of cranberries when such excess results from a modification of the free and restricted percentages. The committee has the responsibility of reviewing the current and prospective marketing situation for cranberries and making recommendations to the Secretary with respect to the free and restricted percentages. While such recommendation is based upon the most accurate information available to the committee at that time, it is recognized that the crop conditions are subject to change which may seriously alter the marketing situation. This change may result in either a greater or lesser volume of cranberries being marketed within a given fiscal period. When marketing conditions change so that it becomes desirable to market a greater quantity of cranberries, the committee may recommend a modification of the free and restricted percentage so that fewer cranberries would be placed in the restricted category.

It was testified at the hearing that handlers, while acting in good faith and in prompt conformity with the committee's recommendation and the established free and restricted percentages, have withheld a greater quantity of cranberries than required to be withheld on the basis of the modified restricted percentage. For example, with a restricted percentage of 10 percent, a handler with a 5,000 barrel volume would be required to withhold 500 barrels. Should the restricted percentage be lowered to 5 percent such handler's withholding obligation would be 250 barrels. Should said handler have already withheld and disposed of the entire 500 barrels, he could not participate in the benefits afforded by reason of this modification.

There is nothing in the order which requires a handler to dispose of his restricted cranberries. However, cranberries are a perishable commodity. They are subject to deterioration caused by evaporation and decay. Thus, the handler's decision promptly to dispose of the withheld portion may be a wise one from a marketing standpoint and, in each instance, he would be acting in good faith and in accordance with the provisions of the order and regulations issued thereunder then in effect. Therefore, some relief should be afforded to handlers who, under the circumstances set forth, have withheld and disposed of an excess quantity of cranberries.

Excess withholding and disposition of cranberries which results from any situation other than from a modification of the free and restricted percentages should not be considered within the area where relief should be extended to handlers. For example, should a handler, after the modified withholding percentage is established, dispose of withheld cranberries in an amount greater than that required to be withheld by the modified percentage, credit should not be extended to such handler for such excess. Other situations generally would result from errors in records, or erroneous estimation of the marketing situation. Or, a handler could simply decide that some of his cranberries should not be marketed. In any such event, the disposition of excess withholding would not result from the mandatory withholding requirements of the order.

There was considerable controversy at the hearing concerning the period when handlers should be extended credit for excess withholding. Some proponents indicated that such credit should be limited to two fiscal years while others indicated one fiscal year would be more desirable. Those testifying in support of providing credit over two fiscal years stated that such should not be apportioned both years and that, if partial credit were extended during the first year, any balance should not be carried over into the next year. However, if no free and restricted percentages are fixed for the first of such fiscal periods, they contended full credit should be extended during the following fiscal period. Other proponents, those favoring extending credit for only one fiscal period, contended that should the marketing situation that year be such as to require no free and restricted percentages, the need for credit for excess withholding and disposition would be dissipated as a result of time and a favorable market. It is concluded that the record does not disclose sufficient reasons for extending credit for excess withholding during any fiscal year beyond the next fiscal year.

The evidence of record contains considerable discussion with respect to the time when the disposition of excess withholding should have occurred in order for a credit to be applied. As indicated, some handlers, immediately after the initial withholding percentage is established, start withholding and disposing of the restricted cranberries. Also, a handler may, after the restricted percentage has been reduced, withhold and dispose of a greater quantity than required to be withheld simply because he chooses to do so. This raises the question of how the committee can determine the excess withholding, if any, that should be credited. All withheld cranberries are required by the order to be inspected and certified as meeting program requirements. The date of the inspection is shown on the inspection certificate and such date can be used to determine the time prior to which the withholding occurred. Under the order, the disposition of withheld cranberries is subject to the supervision and accounting control of the committee. Generally, in accordance therewith, the handler has the inspector supervise disposition of these withheld cranberries and a statement concerning such disposition is shown on the certificate. In most instances, the date of the inspection certificate is the same as the date of disposition. In other instances, independent evidence of the disposition must be furnished to the committee or it must be given prior notice of the impending disposition of withheld cranberries and thereafter it supervises such disposition.

It is concluded that the order should be amended to allow handlers to receive credit for excess withholding and disposition only when such excess results from a modification of the restricted percentage and occurs prior to the effective time of such modification. Such credit is to be valid only during the next fiscal period.

(3) The order should be amended to authorize the committee to fix and announce the amount (price) per barrel which handlers would be required to pay to obtain release of all or part of the cranberries they are withholding and to require any handler making such request to submit the full amount with the request.

Under the current provisions of the order, a handler may request the committee to release to him the cranberries he is withholding, stating in such request the amount per barrel he will deposit with the committee for such release. The requested release is granted if the committee determines that the amount to be deposited is at least equal to the then current market price.

The record evidence shows that it is much preferred by handlers to provide that the committee fix and announce the price at which requests for release would be granted. Most of the production of cranberries, probably more than 90 percent, has been handled by cooperative marketing organizations or for the account of the grower. Only relatively small quantities have been purchased directly from growers during any particular period. Hence, there has been no established price for cranberries such as those that handlers are withholding and may request the committee to release. Under these circumstances, a handler does not have an adequate guide for determining the price, to be stated in his request, which will be acceptable for the release, so he cannot make any commitment to his customers concerning the future sale of these berries. This may result in the loss of sales.

The committee is in the best position to determine the price at which withheld cranberries should be released to applicants. There generally are some sales by growers to handlers throughout the harvest and early marketing periods. Also, handlers are making sales of cranberries to their fresh market and processor customers. The committee can ascertain these prices and make appropriate adjustments to arrive at a reasonable price for handlers to deposit with it as a condition for the release of withheld berries. Moreover, the committee must use the money it receives for the release of withheld berries to purchase berries to replace those released. Experience in connection with such purchases will enable the committee to adjust the release price, applicable in future periods, so that it will be in line with the price necessary to keep the quantities of free and restricted berries reasonably close to the quantities represented by the free and restricted percentages.

It is necessary that the committee be authorized to fix the release price for whatever period it determines appropriate and to change the price whenever it may be necessary to do so. As indicated heretofore, the crop is subject to damage both prior to and during the harvesting season. Also, quantities harvested may exceed the volume estimated to be harvested earlier in the season. The committee, composed of growers or

agents of growers, possesses or has avail-

mate the purchase. This placed the

is handled by cooperative marketi

agents of growers, possesses or has available to it a vast fund of knowledge with respect to the effect of such change in the supply of cranberries. This knowledge should enable the committee to fix and adjust the release price on the most equitable basis possible.

The determination and fixing of the release price should be done as early in the season as is reasonable. The official crop estimate is released during the latter part of August each year. Soon thereafter the committee will meet to develop its marketing policy and formulate its recommendation for regulation. It is anticipated that the committee will also consider fixing the price at which withheld cranberries may be released. But, it should not be required to fix this price at the aforesaid meeting inasmuch as sufficient information may not be available to do so at this time. The committee should perform this function as early in the season as is reasonable, however, as it is advantageous to all handlers to have knowledge of the amount per barrel which will be required to obtain release of withheld cranberries.

Should the committee recommend that no free and restricted percentages should be fixed, and none were established, there would be no need for establishing a price for release of withheld cranberries since no cranberries would be withheld.

The committee should make available to all handlers the release price, together with the period such price is to be in effect. The committee periodically issues bulletins with respect to the operation of the program which are mailed to all handlers. This would be a good method of disseminating this information. Another method available at this time for disseminating this information would be a news item in "Cranberries," a national cranberry magazine which presently is mailed to every cranberry grower and handler. In like manner, the committee should make available to handlers promptly any modification of the release price including its effective period.

Record testimony shows that it is necessary for each handler making a request for the release of any or all of the cranberries he is withholding to accompany each request with full payment. Full payment would be the amount equal to the product of the number of barrels stated in the request multiplied by the release price. Payment of this amount should be only by cash or a cashier's or certified check, made payable to the Cranberry Marketing Committee. The committee is required by the terms of the order to use this money to purchase from handlers free percentage cranberries in an aggregate amount as nearly equal to, but not in excess of, the total quantity of cranberries released. Such cranberries are to replace those released and may be disposed of only in outlets for withheld cranberries. Some handlers who, under the requirements of the order, certified that payment for released berries would be made upon demand by the committee did not make such payment promptly. This resulted in the committee contracting to purchase from handlers free cranberries to replace those released without then having funds available to consummate the purchase. This placed the committee in the very embarrassing position of not being able to meet its obligations promptly. Moreover, the requirement of full payment accompanying the request for release should not work an undue hardship on anyone. At most, handlers would have to finance a short term loan to pay for the released berries which costs, in contrast with the benefits derived from the special provisions, are considered very minimal. The payment of the full amount at the time the request is made would make it possible for the committee to fulfill its duties and responsibilities with respect to purchasing free cranberries to replace those released.

The order should also require each handler making a request for release of withheld cranberries to certify that such cranberries are in his possession. Only cranberries which are being withheld are eligible for release and it was indicated that a certification by the handler to the effect that he is withholding such cranberries would generally satisfy the requirement. Such certification should be a part of the request to enable the committee to act promptly thereon. Of course, the committee may, at its discretion, make a physical inspection to determine whether the quantity covered by the request is actually being withheld. In view of the foregoing, the order should be amended as hereinafter set forth.

(4) There is likely to be accumulated certain funds by the committee which are derived from other than assessment income and the order should provide for the disposition of such funds. Through the operation of the provisions of the order relating to withheld cranberries, monies may be accumulated by the committee (1) from the disposition of cranberries that it has purchased, or (2) because of its inability, for reasons beyond its control, to purchase cranberries. In fact, the committee has more than $50,000 on hand because the committee, despite repeated efforts to do so, was unable to purchase free percentage cranberries to replace all of the withheld cranberries released during the 1962–63 fiscal period. There is no provision in the order for disposition of this money over and above the amount needed to defray costs incidental to the purchase and disposition of cranberries to offset withheld berries released to handlers in administering the withholding feature of the program. Because such funds are accumulated as the result of the operation of the provisions of the order relating to the withholding of cranberries, any excess should be distributed to handlers who have withheld cranberries in accordance with such provisions. An equitable method for such distribution would be to base payments on the quantities of cranberries withheld inasmuch as such quantities are indicative of the extent of each handler's obligation under the withholding provisions.

It was advanced at the hearing that the payments to handlers should be passed on to growers and concern was expressed that this may not be done. However, the testimony indicates that such payments generally will accrue to the benefit of growers. Approximately 85 percent of the cranberry production is handled by cooperative marketing organizations so growers affiliated with such organizations will automatically benefit from payments to these handlers. For a substantial portion of the remaining cranberry production, the grower handles his own cranberries and would be the one to whom the payment is made. Also handlers, including those who handle their own production and that of other growers, indicated that they would consider themselves obligated to distribute any such payment to the growers from whom they acquired berries. Thus, it is concluded that it is not necessary to include a specific provision in the order concerning handlers' disposition of such payments.

Excess funds should be paid to handlers or credited to their accounts, at the option of the committee. Generally, distribution of the excess should be made by payment to handlers. However, there is no way of knowing the size of the excess that may be available for distribution at the end of a fiscal year. Thus, a requirement that the committee always pay the excess to handlers could, in some years, result in the committee incurring expense such as to exceed the amount to be paid. Also, should the amount due a particular handler be so small as not to warrant the drawing of a check and mailing it, the committee should not be prevented from crediting such handler's account in lieu of making a payment directly to him.

(5) It was proposed, in the notice of hearing, to amend the order to base the withholding obligation on the volume of cranberries handled. Testimony offered both in support of and in opposition to this proposal establishes that handlers vary in their methods of doing business. In some instances, handlers acquire lots of cranberries in the chaff, crediting the grower with the quantity of sound cranberries, as determined from a representative sample of the berrries. In this case, such quantity of cranberries will, unless immediately screened and handled, exceed the quantity that later will be handled. The longer the berries are held before screening and handling, the greater will be the variance in the two quantities. In other instances, handlers defer their acquisition of cranberries until immediately prior to the handling and only the screened cranberries are acquired. Proponent testimony was primarily directed towards establishing and maintaining the uniformity, contemplated by the order, among all handlers with respect to the application of the restricted percentage. The record shows that some handlers have been withholding from handling more cranberries, in relation to the total quantity of the cranberries handled, than has been the case for other handlers. Hence, the order should be amended to correct this situation. However, the record does not contain sufficient evidence for determining that basing the withholding obligation on the volume of cranberries handled could be operated within the framework of the other order provisions. The problem presented could be readily corrected, it appears, by amending the provisions of § 929.54. Withholding to provide that

the quantity of cranberries required to be withheld shall be determined from the sum of the products obtained by multiplying each of the following by the restricted percentage: (1) the quantity of screened cranberries acquired; (2) the quantity of cranberries screened from unscreened lots of cranberries acquired; and (3) the quantity of screened cranberries contained in lots of cranberries acquired which are not screened, such quantity to be computed, in accordance with uniform rules prescribed by the committee with the approval of the Secretary, not later than the time fixed by the Secretary for handlers to meet all the withholding obligation. It is necessary, of course, to provide for such computation at the time specified so that the withholding obligation will apply to lots of cranberries which may never be screened (for example, unscreened lots of cranberries which a handler may acquire and designate as restricted cranberries) and, also, to enable each handler and the committee to determine the total quantity of cranberries he is required to withhold.

(6) The order provisions concerning grower referenda should not be changed to require a referendum on termination of the program each year or to require the Secretary to terminate the program on a majority vote of either (1) the growers affiliated with any cooperative marketing organization handling more than two-thirds of the cranberry production, or (2) all other growers.

The order contains provisions, similar to those contained in the act, requiring the Secretary to terminate the order whenever he finds that its provisions do not tend to effectuate the declared policy of the act or that the order is not favored by the specified percentage of the growers. In addition, the order requires that a grower referendum be conducted every other year to ascertain grower sentiment concerning its continuance. Accordingly, by means of a referendum or otherwise, the Secretary can consider grower sentiment in making his evaluation as to whether the program is accomplishing its purpose and should or should not be terminated.

Testimony in support of the proposed change in the referenda provisions shows that, while an annual referendum was preferred, the biennial referendum now provided for is satisfactory. Moreover, it was indicated that the proposed termination based upon the vote of growers affiliated with certain segments of the industry should be permissive rather than mandatory.

It is concluded, therefore, that no change in the provisions of the order concerning termination is warranted.

(7) Handlers who are processors of cranberries generally carry over from one fiscal year to the next cranberries in frozen form so as to maintain a flow of their products to market until fresh cranberries are available in volume from the oncoming crop. The total quantity of such carryover estimated to be needed by the entire industry for this purpose is approximately 125,000 barrels and is equivalent to about 10 percent of the annual production of cranberries. It would be ideal if the total carryover, as well as the carryover of each processor, could be tailored to the precise quantity that was needed to meet market demands until adequate supplies from the new crop are available. However, the evidence of record does not disclose any way that this could be accomplished by means of the proposal to require handlers with an excessive carryover (proposed at the hearing to be fixed for each handler at any quantity in excess of 10 percent of the volume of cranberries he handled during the preceding fiscal year) to withhold from handling a quantity of cranberries equal to such excess in addition to that otherwise required to be so withheld. It was shown that the additional withholding could be avoided by any handler likely to possess the proposed "excessive carryover" by shipping, just prior to the beginning of the next fiscal year, sufficient cranberry products to bring his inventory below the quantity at which the additional withholding would apply. If efforts to reduce carryover result in a larger volume of cranberry products being pushed into the market than could readily be absorbed, market prices would be depressed and the orderly marketing of the on-coming crop jeopardized. It could negate the effects of the program.

The order, therefore, should not be amended to contain a provision for a withholding obligation based on inventory carryover.

Rulings on proposed findings and conclusions. March 6, 1964, was fixed as the latest date for the filing of proposed findings and conclusions, and written arguments or briefs based upon the evidence received at the hearing. Briefs were filed by John C. Decas and by George T. Finnegan, Ropes and Gray, attorneys for and on behalf of Ocean Spray Cranberries, Inc. Each point included in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in either of the briefs are inconsistent with the findings and conclusion contained herein, they are denied on the basis of the facts found and stated in connection with this decision.

General findings. (1) The marketing agreement and order as hereby proposed to be amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement and order as hereby proposed to be amended regulate the handling of cranberries grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement and order as hereby proposed to be amended are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in the marketing agreement and order as hereby proposed to be amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. In § 929.54, paragraph (a) is amended, paragraph (b) is revised, and paragraph (d) is added, to read as follows:

§ 929.54 Withholding.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 929.52(a), each handler shall withhold from handling a portion of the cranberries he acquires during such period: *Provided,* That such withholding requirement shall not apply to any lot of cranberries for which such withholding requirement previously has been met by another handler in accordance with § 929.55. The withheld portion shall be equal to the sum of the products obtained by multiplying each of the following quantities, as applicable, by the restricted percentage:

(1) The quantity of screened cranberries acquired;

(2) The quantity of cranberries screened from unscreened lots of cranberries acquired; and

(3) The quantity of screened cranberries contained in lots acquired but which are not screened prior to the time fixed by the Secretary for handlers to meet all withholding obligations. The committee, with the approval of the Secretary, shall prescribe uniform rules to be followed in determining the quantity of screened cranberries in each lot of unscreened cranberries.

(b) The committee, with the approval of the Secretary, shall prescribe the manner in which, and date or dates during the fiscal period by which, handlers shall have complied with the withholding requirements specified in paragraph (a) of this section.

* * * * * *

(d) Any handler who withholds from handling a quantity of cranberries in excess of that required pursuant to paragraph (a) of this section shall have such excess quantity credited toward the next fiscal year's withholding obligation, if any, of such handler: *Provided,* That such credit shall be applicable only (1) if the restricted percentage established pursuant to § 929.52 was modified pursuant to § 929.53; (2) to the extent such excess was disposed of prior to such modification; and (3) after such handler furnishes the committee with such in-

formation as it prescribes regarding such withholding and disposition.

2. The provisions of § 929.56 *Special provisions relating to withheld (restricted) cranberries* are revised to read as follows:

§ 929.56 Special provisions relating to withheld (restricted) cranberries.

(a) Except as otherwise directed by the Secretary, as near as practicable to the beginning of the marketing season of each fiscal period with respect to which the marketing policy proposes regulation pursuant to § 929.52(a), the committee shall determine the amount per barrel each handler shall deposit with the committee for it to release to him, in accordance with paragraph (b) of this section, all or part of the cranberries he is withholding; and the committee shall give notice of such amount of deposit to handlers. Such notice shall state the period during which such amount of deposit shall be in effect. Whenever the committee determines that, by reason of changed conditions or otherwise, a different amount should thereafter be deposited for the release of withheld cranberries, it shall give notice to handlers of the new amount and the effective period thereof. Each determination as to the amount of deposit shall be on the basis of the committee's evaluation of the following factors: (1) The prices at which growers are selling cranberries to handlers, (2) the prices at which handlers are selling fresh market cranberries to dealers, (3) the prices at which cranberries are being sold for processing into products, and (4) the prices the committee has paid to purchase cranberries to replace released cranberries in accordance with this section.

(b) Any handler may make a written request to the committee for the release of all or part of the cranberries he is withholding from handling pursuant to § 929.54(a). Each such request shall state, in addition to all other information as may be prescribed by the committee, the quantity of cranberries for which release is requested and shall be accompanied by a deposit (in cash, or a cashier's or certified check made payable to the Cranberry Marketing Committee) in an amount equal to the product of the number of barrels stated in the request multiplied by the then effective amount per barrel to be deposited. If the committee determines such request is properly filled out, is accompanied by the required deposit, and contains a certification that the handler is withholding such cranberries, it shall release to such handler the quantity of cranberries specified in his request. Such determination shall be made not later than 72 hours after the request is received by the committee.

(c) Funds deposited for the release of withheld cranberries, pursuant to paragraph (a) of this section, shall be used by the committee to purchase from handlers unrestricted (free percentage) cranberries in an aggregate amount as nearly equal to, but not in excess of, the total quantity of the released cranberries as it is possible to purchase to replace the released cranberries. All handlers shall be given an opportunity to participate in such purchase. If a larger quantity is offered than can be purchased, the purchases shall be made at the lowest prices possible. If two or more handlers offer at the same price, purchases from such handlers shall be in proportion to the quantity of their respective offerings insofar as such division is practicable. The cranberries so purchased shall be disposed of by the committee as restricted cranberries in accordance with § 929.57. Any funds received by the committee for cranberries so disposed of, which are in excess of the costs incurred by the committee in making such disposition, shall be paid or credited proportionately to handlers on the basis of the volume of cranberries withheld by each handler.

(d) In the event any portion of the funds deposited with the committee pursuant to paragraph (a) of this section cannot, for reasons beyond the committee's control, be expended to purchase unrestricted (free percentage) cranberries to replace those released, such unexpended funds shall, after deducting expenses incurred by the committee in connection with the purchase and disposition of cranberries pursuant to paragraph (c) of this section, be paid or credited proportionately to handlers on the basis of the volume of cranberries withheld by each handler.

Dated: April 9, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-3644; Filed, Apr. 10, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

KING & MEWBOURN STOCKYARDS ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
King & Mewbourn Stockyards, Florence, May 28, 1959.	King Livestock Auction Co., Jan. 1, 1964.
ARKANSAS	
Jonesboro Stockyards, Inc., Jonesboro, Nov. 17, 1960.	Farmer's Livestock Commission Co., Feb. 1, 1964.
Randolph County Sales Co., Pocahontas, Feb. 20, 1959.	Farmers & Ranchers Auction Co., Feb. 15, 1964.
CALIFORNIA	
Gridley Auction and Sales Yard, Gridley, Nov. 18, 1959.	Gridley Auction Yard, Feb. 18, 1964.
GEORGIA	
Washington County Marketing Assn., Sandersville, June 12, 1959.	County Stock Barn, Dec. 1, 1963.
IOWA	
Farmers Sales Co., Sumner, May 22, 1959	Sumner Livestock Auction, Nov. 15, 1963.
LOUISIANA	
Dominique Stock Yards, Inc., Baton Rouge, June 13, 1957.	Dominique's Stockyard, Inc., Aug. 1, 1963.
NEBRASKA	
Crofton Livestock Sales Co., Crofton, Feb. 9, 1963	Crofton Livestock Sales, Inc., Sept. 19, 1963.
NEW MEXICO	
Ranchers and Farmers Livestock Auction Co., Clovis, Nov. 17, 1948.	Ranchers and Farmers Livestock Auction Co., Inc., Jan. 30, 1964.
OREGON	
Klamath Cattle Sales, Inc., Klamath Falls, Sept. 25, 1959.	Klamath Stockmen's Commission Co., Inc., March 18, 1964.
SOUTH DAKOTA	
Eureka Livestock Sales Co., Inc., Eureka, May 20, 1959.	Eureka Livestock Sales Commission Company, Inc., Jan. 1, 1964.
TEXAS	
Tyler Livestock Commission Co., Tyler, Jan. 11, 1957.	Tyler Livestock Auction, June 22, 1963.

Done at Washington, D.C., this 7th day of April 1964.

H. L. JONES,
Chief, Rates and Registrations Branch,
Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-3576; Filed, Apr. 10, 1964; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-p]

BICYCLES FROM HUNGARY

Purchase Price Less Than Foreign Market Value or Constructed Value

APRIL 7, 1964.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of bicycles from Hungary, manufactured by Pannonia, Budapest, Hungary, is less, or likely to be less, than the foreign market or constructed value, whichever is applicable, as defined by sections 203, 205, and 206, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162, 164, and 165).

Customs officers are being authorized to withhold appraisement of entries of bicycles from Hungary, manufactured by Pannonia, Budapest, Hungary, pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

The complaint in this case was received on March 6, 1964, and was made by Philip Sherman, Esquire, New York, New York.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 64-3588; Filed, Apr. 10, 1964; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ERNST MAREK ET AL.

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Ernst Marek, individually, and as natural guardian of Gerhard Marek and Renate Herta Marek, Redl No. 14, Post Zipf, Austria; $125.00 in the Treasury of the United States.

Edda (Ethel) Guertler, Purgstall No. 39, Post Eggersdorf bei Graz, Styria, Austria; $125.00 in the Treasury of the United States.

Walter Guertler, Purgstall No. 39, Post Eggersdorf bei Graz, Styria, Austria; Claim No. 37669; Voluntary Turnover; $125.00 in the Treasury of the United States.

Executed at Washington, D.C., on April 6, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64-3546; Filed, Apr. 10, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15059]

UNITED AIR LINES, INC.

Notice of Prehearing Conference

Economy seating-configuration tariff revisions proposed by United Air Lines, Inc. (Order E-20532).

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on April 21, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., April 8, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-3592; Filed, Apr. 10, 1964; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

COMPAGNIE MARITIME BELGE, S.A., ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9329, between Compagnie Maritime Belge, S.A. and Compagnie Maritime Congolaise, S.C.R.L., a joint service operating under approved Agreement 7688, and United States Lines Company, establishes a cooperative working arrangement for spacing of sailings and coverage of ports in the trade between Atlantic coast ports of the United States and ports in Belgium, as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3583; Filed, Apr. 10, 1964; 8:47 a.m.]

[No. 1095]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN AND JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Order Reopening Proceeding

By its Report and Order in Docket 1095, served October 30, 1963, the Commission approved Agreement No. 150-21, a modification of the basic agreement of the Trans-Pacific Freight Conference of Japan, and Agreement No. 3103-17, a modification of the basic agreement of the Japan-Atlantic & Gulf Freight Conference. Among other things, these modifications revise the self-policing procedure ("neutral body" system) through which the conferences police the obligations of their members.

On November 9, 1963, States Marine Lines, Inc. and Global Bulk Transport Corporation, member of both conferences, petitioned the United States Court of Appeals for the District of Columbia Circuit for review of the Commission's Report and Order. Thereafter, the Commission moved the Court to remand the case to it, so that it might vacate its prior action and reopen and reconsider Docket No. 1095, pursuant to the authority vested in it by section 25 of the Shipping Act, 1916, and Commission Rule 16(a). The Court on March 16, 1964 granted this motion and remanded the case. Accordingly,

It is ordered, That the Commission's Report and Order in Docket 1095, served October 30, 1963, are hereby vacated and withdrawn and the proceedings in Docket 1095 are reopened:

It is further ordered, That Agreement No. 150 and Agreement No. 3103, as amended and approved by the Commission to the date of this order, shall remain in full force and effect except for Articles 10, 12 and 25, which articles shall remain in full force and effect as approved prior to October 30, 1963:

It is further ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission enter upon an investigation and hearing to determine whether Articles 10, 12 and 25 as proposed to be modified by Agreement No. 150-21 and Agreement No. 3103-17 are unjustly discriminatory or unfair, detrimental to the commerce of the United States, contrary to the public interest, or violative of the Shipping Act, 1916, and whether they should be approved, disapproved or modified pursuant to section 15 of the Act.

It is further ordered, That the Trans-Pacific Freight Conference of Japan and the Japan-Atlantic and Gulf Freight Conference and their respective member lines shall continue to be respondents in this proceeding, and that other persons who were previously parties to this proceeding may continue to participate therein.

It is further ordered, That any other person who desires to become a party and participate in this proceeding shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., on or before April 17, 1964, with copy to respondents and other parties; and

It is further ordered, That this proceeding is assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner; that notice of this order shall be published in the FEDERAL REGISTER and copy thereof served upon the respondents and persons who were previously parties to this proceeding; and that all future notices issued by or on behalf of the Commission in this proceeding shall be mailed to all parties of record.

By the Commission, April 2, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-3584; Filed, Apr. 10, 1964; 8:47 a.m.]

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-170, between the Port of Seattle (Port) and Sea-Land Service, Inc. (Sea-Land) provides for a 20 year lease of pier 5, Seattle, Washington, for the loading and discharging of Sea-Land's vessels including rights to use a gantry crane. Port shall retain the right of secondary use provided such use does not interfere with Sea-Land's operations. As rental for the leased premises Sea-Land guarantees the Port a minimum of $85,000 annually based upon dockage, wharfage, wharf demurrage and storage charges as shown in the applicable tariffs of the Port. Sea-Land will be excused from paying additional rental each year after $150,000 is received from dockage, wharfage, wharf demurrage and storage. Sea-Land also agrees to pay the Port a minimum of $14,400 annually, based upon the Port's applicable tariff charges for the use of the crane, and a fixed amount each month in order to reimburse the Port for certain improvements made at the leased premises. Sea-Land further agrees that charges for all of its operations at the facility will be assessed in accordance with the rates shown in the Port's applicable tariffs, except the service and facility charge.

Interested parties may submit not later than the close of business April 20, 1964, by telegraph, telephone, letter or other means with reference to the Agreement, their position as to approval, disapproval, or modification. All such communications should be directed to Edward Schmeltzer, Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573.

Dated: April 9, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3637; Filed, Apr. 10, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2441]

CITY OF NORWICH DEPARTMENT OF PUBLIC UTILITIES

Notice of Application for License

APRIL 6, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by City of Norwich Department of Public Utilities (correspondence to: Philip L. White, General Manager, City of Norwich Department of Public Utilities, 34 Shetucket Street, Norwich, Connecticut) for license for constructed Project No. 2441, known as the Greenville Project, located on the Shetucket River in the City of Norwich, New London County, Connecticut.

The project consists of: a wood crib dam faced with planks; a canal 3150 feet long extending to the powerhouse containing two water wheels each connected to a 500 kva generator (making the total installation 1000 kva) with a head at the powerhouse of 17 feet; and generators operating at 4800 volts and tied into the Applicant's distribution system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 25, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3548; Filed, Apr. 10, 1964; 8:45 a.m.]

[Project No. 2448]

CONSUMERS POWER CO.

Notice of Application for License

APRIL 6, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Consumers Power Company (correspondence to: W. R. Boris, Secretary, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan, 49201) for license for constructed Project No. 2448, located on the Au Sable River, in Oscoda County, Michigan.

The project consists of: two earth fill dam sections 2,020 feet long with a design head of 29 feet; a reservoir about 5 miles in length containing 860 acres in surface area; a powerhouse with two open penstocks controlled by tainter gates; two 60 inch spill tubes; generating units with total capacity of 5,000 kilowatts; a substation; and other appurtenant mechanical and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 8, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3549; Filed, Apr. 10, 1964; 8:46 a.m.]

[Project No. 2450]

CONSUMERS POWER CO.

Notice of Application for License

APRIL 6, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Consumers Power Company (correspondence to: W. R. Boris, Secretary, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan) for license for constructed Project No. 2450, known as Cooke Plant, located on Au Sable River, in Losco County, Michigan, and affecting lands of the United States within the Huron National Forest.

The project consists of: Two earth fill dam sections about 700 feet in length with a design head of 40 feet; a reservoir about 10 miles in length containing 1,800 acres in surface area; a concrete spillway structure with three steel tainter gates; a powerhouse with three open penstocks controlled by steel tainter gates and containing three generating units with total capacity of 9,000 kilowatts; and other appurtenant mechanical and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 18, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3550; Filed, Apr. 10, 1964; 8:45 a.m.]

[Docket No. RP64-32]

PENNSYLVANIA GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 6, 1964.

Take notice that on April 1, 1964, Pennsylvania Gas Company tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective January 1, 1964. The proposed changes reflect reductions in rates and charges in its Rate Schedule CA-1.

The annual reduction in rate level is $964, based on sales for the year 1963, and reflects the recent reduction in the corporate Federal income tax rate from 52 percent to 50 percent.

Copies of the proposed rate changes have been served by Pennsylvania Gas on its customers and the Pennsylvania Public Utility Commission. Comments may be filed with the Commission on or before April 22, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3551; Filed, Apr. 10, 1964; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN KOREA

Limitation on Entry or Withdrawal From Warehouse

MARCH 26, 1964.

The United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, has informed the Korean Government that it intends, pending the conclusion of discussions with Korea on the subject of the exports of cotton textiles and cotton textile products from Korea to the United States, to renew the arrangements in effect between the two governments on the exports of such goods to the United States in Categories 43 and 50, produced or manufactured in Korea, during the twelve-month period beginning April 2, 1964.

There is published below a letter of March 25, 1964, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Categories 43 and 50, produced or manufactured in Korea, which may be entered, or withdrawn from warehouse, for consumption in the United States from April 2, 1964, through April 1, 1965, be limited, respectively, to 15,750 dozen and 20,000 dozen.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C.
March 25, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective April 2, 1964, and for the period extending through April 1, 1965, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 43 and 50, produced or manufactured in Korea, in excess of the following level of restraint:

Category	*Level of restraint*
43	15,750 dozen
50	20,000 dozen

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 43 and 50, produced or manufactured in Korea, which have been exported to the United States from Korea prior to April 2, 1964, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period April 2, 1963, through April 1, 1964. In the event that the level of restraint established for the period April 2, 1963, through April 1, 1964, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Categories 43 and 50 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Korea and with respect to imports of cotton textiles and cotton textile products from Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs func-

tions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-3582; Filed, Apr. 10, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-1180]

KEYSTONE CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 7, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Keystone Corporation ("Applicant"), 721 Commerce Building, Kansas City, Missouri, a management closed-end non-diversified investment company, has ceased to be an investment company.

Applicant represents that at the annual meeting of stockholders held on January 9, 1963, stockholders voted to dissolve the corporation and adopted a Plan For Complete Liquidation. Pursuant to this plan, a first and final liquidating distribution was made to the stockholders on January 3, 1964 in the amount of $6,546,124.47 which represented the total assets of Applicant. Of this amount, $6,420,871.00 was distributed and paid to the stockholders pro rata, and the balance of $125,253.47 was deposited in an escrow fund with the Trust Department of Commerce Trust Company of Missouri. Any funds remaining in this escrow fund after all liabilities have been settled will be paid to the stockholders pro rata. All but five shareholders of Applicant owning 171 shares have surrendered their stock certificates for cancellation and redemption and have received the initial distribution. In addition to the escrow fund, the Commerce Trust Company is holding $20,993.67 for payment to these five shareholders.

Applicant further represents that it has no assets and that it filed a Certificate of Dissolution with the Secretary of State of Delaware on January 22, 1963.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 24, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commision shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3577; Filed, Apr. 10, 1964; 8:46 a.m.]

[File No. 812-1669]

PENNSYLVANIA DEVELOPMENT CREDIT CORP.

Notice of Filing of Application for Order

APRIL 6, 1964.

Notice is hereby given that Pennsylvania Development Credit Corporation ("Development Corporation"), Harrisburg, Pennsylvania, a Pennsylvania corporation organized under the Pennsylvania Business Development Credit Corporation Law, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order declaring that Development Corporation is exempt from the provisions of the Act. All interested persons are referred to the application, which is on file with the Commission, for a full statement of the representations therein, which are summarized below.

Development Corporation represents that the Business Development Credit Corporation Law of Pennsylvania has as its purpose, as part of an overall program, the encouragement of the location of new business in the State and the expansion of existing businesses. Its primary purpose is to provide money and credit to new and existing businesses located in 53 counties in the State by means of secured or unsecured loans or advances to a business unable to obtain desired financial assistance from financial institutions in its region, and, on a limited scale, the purchase of equity securities of such companies.

The authorized capital of Development Corporation is $1,000,000 represented by 80,000 shares of Class "A" voting capital stock and by 20,000 shares of Class "B" non-voting capital stock, each class with a par value of $10 per share. Development Corporation will also obtain funds through term loans from financial institutions within the region pursuant to lending agreements as contemplated by the Pennsylvania Business Development Credit Corporation Law. Development Corporation will not sell, or offer to sell, securities to individuals. The offering of capital stock will be made to not more than 40 business organizations—principally utilities—doing business in the region, including 30 which have already subscribed to a total of 70,550 voting and 20,000 non-voting shares. Development Corporation has also obtained letters of commitment from approximately 255 financial institutions to enter into lending agreements under which they agree to loan Development Corporation sums totaling $8.7 million. Under the lending agreements, Development Corporation has the right to make pro-rata calls on the participating financial institutions for loans to it to be evidenced by promissory notes payable in five years at an interest rate expected to be the prime rate plus one-half percent. Development Corporation represents that the business organizations and financial institutions which will purchase the capital stock and enter into lending agreements are sophisticated in security matters and will purchase for investment only and not for resale.

Under the provisions of the Pennsylvania Business Development Credit Corporation Law, six of the fifteen members of the Board of Directors of Development Corporation are elected by the shareholders, eight members by the financial institutions who are parties to loan agreements (with each such financial institution being given one vote for each $1,000 of loan obligation under its lending agreement with Development Corporation), and the remaining director is ex officio the Secretary of Commerce of the Commonwealth of Pennsylvania.

Since Development Corporation will be engaged in the business of investing and since it proposes to acquire investment securities having a value exceeding 40 per cent of its total assets, Development Corporation is an investment company within the definition of section 3(a)(3) of the Act and is required to register unless exempted pursuant to section 6(c) of the Act. Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of its application, Development Corporation states it will conduct its operations and business so as to implement the public purposes of the Pennsylvania Business Development Credit Corporation Law by seeking to alleviate a critical and chronic condition of unemployment which exists in various areas of

the State; by promoting, attracting, stimulating, rehabilitating, and revitalizing commerce, industry, and manufacturing in such areas; and by providing to deserving borrowers financial assistance otherwise unavailable from conventional financial institutions. It also states that the Commonwealth of Pennsylvania will be involved in the management of Development Corporation through membership of the Pennsylvania Secretary of Commerce on the board of directors; that neither Development Corporation nor any of those to whom it offers its securities are motivated primarily by profit making prospects, but their interest is primarily one of civic responsibility and community service in fulfillment of the public purposes of the Pennsylvania Business Development Credit Corporation Law. The securities of Development Corporation will be sold only to banks and other knowledgeable business entities for whom, it is alleged, the protections of the Act are not designed, and, in addition, Development Corporation will be supervised by the State Department of Banking and is required to make annual reports of its condition to the Governor, Legislature, and Secretary of Banking.

Notice is further given that any interested person may, not later than April 22, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Development Corporation. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3578; Filed, Apr. 10, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 966]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 8, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66397. By order of April 1, 1964, the Transfer Board approved the transfer to Bennett, Goding & Cooper, Inc., Boston, Mass., of certificate of registration in No. MC 98552 (Sub-No. 1), issued February 13, 1964, to Gorden-Lowe-Godfrey-Braidwood, Inc., Boston, Mass., covering the movement of general commodities in Massachusetts. Joseph A. Kline, 185 Devonshire Street, Boston, Mass., attorney for applicants.

No. MC-FC 66446. By order of April 2, 1964, the Transfer Board approved the transfer to Busy Bee, Inc., Eugene, Oreg., of Certificate in No. MC 116589, issued April 16, 1962, to Elmer Floyd Magel, doing business as Floyd Magel & Son, Medford, Oreg., authorizing the transportation of: Lumber, from points in Jackson and Josephine Counties, Oreg., to all points in Nevada and to certain counties in California, and; from points in Josephine County, Oreg., to Phoenix and Tucson, Ariz. Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland 10, Oreg., attorney for applicants.

No. MC-FC 65525, published in the May 15, 1963, issue of the FEDERAL REGISTER on page 4874. Application filed March 31, 1964, for HAGERSTOWN TRANSFER CO., INC., 78 West Lee St. Hagerstown, Md., for temporary authority to lease the operating rights of HIGHWAY REFRIGERATED SERVICE, INC. (W. WARREN STULTZ, TRUSTEE), 2 Court Place, Hagerstown, Md., under Section 210a(b). By order of the Commission, the Transfer Board, dated May 8, 1963, the transfer to HAGERSTOWN TRANSFER CO., INC., of the operating rights of HIGHWAY REFRIGERATED SERVICE, INC. (W. WARREN STULTZ, TRUSTEE), was approved. Petitions were filed and the effective date of said order was stayed.

No. MC-FC 66557. By order of April 3, 1964, the Transfer Board approved the transfer to Horvath Bros. Trucking, Inc., Kearny, N.J., of the operating rights in certificate in No. MC 123201, issued by the Commission August 3, 1961, to Steve Horvath, Frank Horvath, and Joseph George Horvath, a Partnership, doing business as Horvath Bros., Kearny, N.J., authorizing the transportation, over irregular routes, of structural steel and steel bars, shapes, plates, sheets, and tubing, between Newark, N.J., on the one hand, and, on the other, points in 16 specified counties in New York, and points in specified portions of Columbia, Rensselaer, Albany, and Schenectady Counties, N.Y., and rolled steel products, wooden lath, lathing nails, chain and cable-type hoists, and parts and accessories thereof, and wooden crating and empty wooden cases or crates, between Newark, N.J., on the one hand, and, on the other, New York, N.Y., and points in Dutchess, Columbia, Orange, Putnam, Rockland, Ulster, and Westchester Counties, N.Y., and Lehigh, Montgomery, and Northampton Counties, Pa. Morton E. Kiel, 140 Cedar Street, New York 6, New York, attorney for applicants.

No. MC-FC 66694. By order of April 1, 1964, the Transfer Board approved the transfer to Los Alamos Transfer Company, a Corporation, Los Alamos, N. Mex., applicant in No. MC 121178 (Sub No. 1), BOR-99 filed in the name of Robert E. Waterman and E. E. Higginbotham, a partnership, doing business as Los Alamos Transfer Company, Los Alamos, N. Mex., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by New Mexico Certificate No. 944, authorizing transportation of uncrated household goods only to and from Los Alamos, New Mexico and all points in New Mexico with Los Alamos, New Mexico as the point of distination or origin, over irregular routes, under non-scheduled service; and general freight from Santa Fe to Los Alamos, New Mexico, when called upon to do so, over irregular routes, under non-scheduled service. William J. Lucas, c/o Los Alamos Transfer Company, 3300 Second Street NW., Albuquerque, New Mexico, representative for applicants.

No. MC-FC 66695. By order of April 1, 1964, the Transfer Board approved the transfer to George Solberg, Woodville, Wis., of the operating rights issued by the Commission March 14, 1942, under Certificate in No. MC 70142, to Gerhart Solberg, Woodville, Wis., authorizing the transportation, over irregular routes, of household goods, and general commodities, except those of unusual value, and except dangerous explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Woodville, Wis., and points within 10 miles of Woodville, on the one hand, and, on the other, South St. Paul, St. Paul, Newport, and Minneapolis, Minn. A. R. Fowler, 2288 University Ave., St. Paul, Minn., 55114, authorized representative for applicants.

No. MC-FC 66707. By order of April 1, 1964, the Transfer Board approved the transfer to Alexander Truck Line, Inc., 337 E. Main, Lyons, Kans., of the operating rights issued by the Commission October 13, 1958, to Dale E. Alexander, doing business as Alexander Truck Lines, and acquired by Elma Alexander, B. F. Alexander, Diane McElroy, Donald G. Alexander, and Dick Alexander, a partnership, doing business as Alexander Truck Line, Lyons, Kans., pursuant to proceedings in MC-FC 66281 and assigned Certificate No. MC 58992, authorizing over regular routes, transportation of agricultural implements and farm machinery, from Kansas City, Mo., to Dodge City, Kans., serving the intermediate and off-route points of North Kansas City, Mo., and Larned, Ellinwood,

Stafford, Lyons, Inman, Great Neck, Sterling, Hutchinson, Salina, Ellsworth, Abilene, St. John, LaCrosse, and Wichita, Kans.; general commodities, with exceptions, from Kansas City, Mo., to Great Bend, Kans., serving intermediate and off-route points of North Kansas City, Mo., and Lyons, Hoisington, and Ellinwood, Kans.; and over irregular routes, feed, machinery, building materials, windmills, iron and steel articles, seeds, paper cartons, and oil in containers, from Kansas City, Kans., and Kansas City and North Kansas City, Mo., to Geneseo, Kans., and points within 40 miles of Geneseo; and livestock, between Geneseo, Kans., and points within 40 miles thereof, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and North Kansas City, Mo.; between Ellinwood, Kans., and points within 40 miles thereof, on the one hand, and, on the other, St. Joseph, Kansas City, and North Kansas City, Mo.

No. MC–FC 66710. By order of April 1, 1964, the Transfer Board approved the transfer to Robert M. Johnson, Nannie Lee Johnson and Mary Pittman, a partnership, doing business as Ellis Moving & Storage, 215 Fatherland Street, Nashville, Tenn., of Certificates in Nos. MC 30845 and MC 30845 (Sub No. 4), issued August 4, 1955 and July 31, 1963, respectively, to Robert M. Johnson and Nannie Lee Johnson, a partnership, doing business as Ellis Moving Company, 214 Fatherland Street, Nashville, Tenn., authorizing the transportation of household goods, over irregular routes, between Nashville, Tenn., and points in Tennessee within 250 miles of Nashville, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, South Carolina, Virginia, and West Virginia; between points in Kentucky within 65 miles of Nashville, Tenn., on the one hand, and, on the other, points in the above-specified destination territory; between points in Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va., on the one hand, and, on the other, points in West Virginia, Virginia, Maryland, Delaware, Ohio, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Kentucky, Indiana, Illinois, Michigan, Minnesota, Missouri, Kansas and the District of Columbia; between points in Belmont County, Ohio, Marshall, Brooke, and Ohio Counties, W. Va., and those in Pennsylvania, Ohio, West Virginia and Maryland within 125 miles of said counties, on the one hand, and, on the other, points in Wisconsin, Iowa, Tennessee, Oklahoma, Texas, Nebraska, Colorado, Vermont, New Hampshire, and Maine; and the operating rights described in Certificate No. MC 114723, acquired pursuant to MC–FC 66488, approved January 30, 1964, consummated March 4, 1964, and assigned No. MC 30845 (Sub No. 6), authorizing the transportation of household goods, over irregular routes, between points in Lawrence, Wayne, Hardin, and Giles Counties, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, and Florida. Robert M. Johnson, 215 Fatherland Street, Nashville, Tenn., representative for applicants.

No. MC–FC 66722. By order of April 1, 1964, the Transfer Board approved the transfer to Darr, Inc., Kelso, Wash., of the operating rights in Permits Nos. MC 100820, MC 100820 (Sub-No. 1), and MC 100820 (Sub-No. 2), issued August 4, 1942, May 18, 1949, and March 29, 1961, respectively, to Lawrence A. Darr, Kelso, Wash., authorizing the transportation, over irregular routes, of: Lumber, shingles, lath, plywood, doors, sash, gutters, poles and pilings, between specified points in Washington and Oregon. Ferris A. Albers, Suite 201, National Bank of Commerce Building, Longview, Wash., 98632, attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–3585; Filed, Apr. 10, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 460]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Los Angeles County in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Application for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from landslides and accompanying conditions occurring on or about March 24, 1964.

Office

Small Business Administration Regional Office,
312 West Fifth St.,
Los Angeles 13, Calif.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1964.

Dated: March 26, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64–3547; Filed, Apr. 10, 1964; 8:45 a.m.]

[Delegation of Authority 2]

GENERAL COUNSEL

Delegation of Authority Regarding Legal Activities

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; and Small Business Investment Act of 1958, 72 Stat. 689, as amended; there is hereby delegated to the General Counsel the authority:

1. To approve or decline fees relating to the closing of loans for attorneys retained by SBA.

2. To approve or decline fees and expenses relating to litigation and liquidation matters for attorneys retained by SBA, trustees under deeds of trust, receivers, title examinations and reports, advertising and other necessary litigation expenses.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting General Counsel.

IV. All authority previously delegated by the Administrator to the General Counsel is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date. January 27, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64–3580; Filed, Apr. 10, 1964; 8:46 a.m.]

[Delegation of Authority 30–XII Disaster 1]

MANAGER, DISASTER FIELD OFFICE, CRESCENT CITY, CALIF.

Delegation of Authority Regarding Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), 28 F.R. 3228, there is hereby redelegated to the Manager of Crescent City, California Disaster Field Office under San Francisco Regional Office Jurisdiction the following authority.

A. Financial Assistance:

1. To approve and decline disaster loans in an amount not exceeding $50,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name),
Administrator.

By _____
Manager, Disaster Field Office.

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date. March 31, 1964.

JOSEPH P. WASSERBURGER,
Acting Regional Director,
San Francisco, California.

[F.R. Doc. 64–3581; Filed, Apr. 10, 1964; 8:46 a.m.]

[Declaration of Disaster Area 461]

ALASKA, CALIFORNIA, HAWAII, OREGON AND WASHINGTON

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1964, because of the effects of earthquake, tidal waves, fires, and accompanying conditions, damage resulted to residential, business and other property located in the States of Alaska, California, Hawaii, Oregon and Washington;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the aforesaid States, and areas adjacent thereto, suffered damage or other destruction resulting from the aforesaid disasters which occurred on or about March 27, 1964.

Offices

Small Business Administration Regional Office.
506 Second Ave.,
Seattle, Wash.
Small Business Administration Branch Office,
307 East Penthouse,
Anchorage, Alaska.
Small Business Administration Branch Office,
921 Southwest Washington,
Portland, Oreg.
Small Business Administration Regional Office, 525 Market St.,
San Francisco, Calif.
Small Business Administration Regional Office, 312 West Fifth St.,
Los Angeles, Calif.
Small Business Administration Branch Office,
195 South King St.,
Honolulu, Hawaii.

2. Temporary disaster offices will be established in the areas as necessary, announcements to be made locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1964.

Dated: March 28, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64–3574; Filed, Apr. 10, 1964; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION II

H. L. Green Co., No. 1025, 130 Broad Street, Elizabeth, N.J.; effective 4–1–64 to 9–2–64 (variety store; 54 employees).

H. L. Green, No. 1152, 1017 Springfield Avenue, Irvington, N.J.; effective 4–1–64 to 9–2–64 (variety store; 69 employees).

S. S. Kresge Co., No. 573, Ellisburg Circle Shopping Center, 1600 Kings Highway East, Haddonfield, N.J.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

S. S. Kresge Co., No. 392, 514 Bloomfield Avenue, Montclair, N.J.; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

S. S. Kresge Co., No. 260, 696 Main Avenue, Passaic, N.J.; effective 4–1–64 to 9–2–64 (variety store; 58 employees).

S. S. Kresge Co., No. 30, 228 Main Street, Paterson, N.J.; effective 4–1–64 to 9–2–64 (variety store; 64 employees).

S. S. Kresge Co., No. 65, 115 East State Street, Trenton, N.J.; effective 4–1–64 to 9–2–64 (variety store; 73 employees).

Lynns Fashions, 1126 East Jersey Street, Elizabeth, N.J.; effective 4–1–64 to 9–2–64 (apparel store; 6 employees).

McCrory-McLellan-Green, No. 1032, 632 Cookman Avenue, Asbury Park, N.J.; effective 4–1–64 to 9–2–64 (variety store; 46 employees).

McCrory-McLellan-Green Stores, No. 168, 455–459 Kaighn Avenue, Camden, N.J.; effective 4–1–64 to 9–2–64 (variety store; 37 employees).

McCrory-McLellan-Green Stores, No. 308, 1049 Bloomfield Avenue, Clifton, N.J.; effective 4–1–64 to 9–2–64 (variety store; 46 employees).

McCrory-McLellan-Green Stores, No. 272, 767 Bergen Avenue, Jersey City, N.J.; effective 4–1–64 to 9–2–64 (variety store; 33 employees).

McCrory-McLellan-Green Co., No. 1075, 151 Newark Avenue, Jersey City, N.J.; effective 4–1–64 to 9–2–64 (variety store; 50 employees).

McCrory Stores Corp., 701 Broad Street, Newark, N.J.; effective 4–1–64 to 9–2–64 (variety store; 286 employees).

McCrory-McLellan-Green Stores, No. 1085, 192 Springfield Avenue, Newark, N.J.; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

McCrory Stores Corp., No. 240, 271 Main Street, Orange, N.J.; effective 4–1–64 to 9–2–64 (variety store; 85 employees).

McCrory-McLellan-Green Corp., 648 Main Avenue, Passaic, N.J.; effective 4–1–64 to 9–2–64 (variety store; 127 employees).

Newberry Dover Corp., 15 West Blackwell Street, Dover, N.J.; effective 4–1–64 to 9–2–64 (variety store; 127 employees).

REGION III

Glosser Bros., Inc., Franklin and Locust Streets, Johnstown, Pa.; effective 4–1–64 to 9–2–64 (department store; 467 employees).

W. T. Grant Co., 4536 Frankford Avenue, Philadelphia, Pa.; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

W. T. Grant Co., No. 281, 10 South Centre Street, Pottsville, Pa.; effective 2–26–64 to 9–2–64 (variety store; 18 employees).

H. L. Green Store, No. 1114, 610 Market Street, Wilmington, Del.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

S. S. Kresge Co., 801 Market Street, Wilmington, Del.; effective 4–1–64 to 9–2–64 (variety store; 43 employees).

S. S. Kresge Co., No. 285, Towson Plaza Shopping Center, 774 Fairmount Avenue, Baltimore, Md.; effective 4–1–64 to 9–2–64 (variety store; 58 employees).

S. S. Kresge Co., No. 348, 3508 Eastern Avenue, Baltimore, Md.; effective 4–1–64 to 9–2–64 (variety store; 21 employees).

S. S. Kresge Co., No. 209, 59 Shipping Place, Dundalk, Md.; effective 4–1–64 to 9–2–64 (variety store; 61 employees).

S. S. Kresge Co., No. 695, 1539–1541 Potomac Avenue, Hagerstown, Md.; effective 4–1–64 to 9–2–64 (variety store; 5 employees).

S. S. Kresge Co., No. 341, 3842 Donnell Drive, Washington, D.C.; effective 4–1–64 to 9–2–64 (variety store; 59 employees).

S. S. Kresge Co., No. 639, 1634 State Street West, Baden, Pa.; effective 4–1–64 to 9–2–64 (variety store; 35 employees).

S. S. Kresge Co. No. 302, Great Southern Shoppers Mart, Washington Pike, Bridgeville, Pa.; effective 4–1–64 to 9–2–64 (variety store; 49 employees).

S. S. Kresge Co., No. 76, 904 State Street, Erie, Pa.; effective 4–1–64 to 9–2–64 (variety store; 58 employees).

S. S. Kresge Co., No. 615, 220 Market Street, Harrisburg, Pa.; effective 4–1–64 to 9–2–64 (variety store; 58 employees).

S. S. Kresge Co., No. 143, 108 West Broad Street, Hazleton, Pa.; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

S. S. Kresge Co., No. 64, Lancaster Shopping Center, 1625 Lititz Pike, Lancaster, Pa.; effective 4–1–64 to 9–2–64 (variety store; 39 employees).

S. S. Kresge Co., No. 476, Levittown Shopping Center, Levittown, Pa.; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

S. S. Kresge Co., No. 200, 45 Morrisville Shopping Center, Morrisville, Pa.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

S. S. Kresge Co., No. 191, 2021 South Broad Street, Philadelphia, Pa.; effective 4–1–64 to 9–2–64 (variety store; 43 employees).

S. S. Kresge Co., No. 269, Cottman-Caster Shopping Center, 205 Cottman Avenue,

Philadelphia, Pa.; effective 4–1–64 to 9–2–64 (variety store; 51 employees).

S. S. Kresge Co., No. 284, 3415 Pleasant Valley Boulevard, Altoona, Pa.; effective 4–1–64 to 9–2–64 (variety store; 55 employees).

S. S. Kresge Co., No. 327, 3614 Germantown Avenue, Philadelphia, Pa.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

S. S. Kresge Co., No. 438, 5614 North Fifth Street, Philadelphia, Pa.; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

S. S. Kresge Co., No. 528, 3116 Kensington Avenue, Philadelphia, Pa.; effective 4–1–64 to 9–2–64 (variety store; 38 employees).

S. S. Kresge Co., No. 545, 5223 Frankford Avenue, Philadelphia, Pa.; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

S. S. Kresge Co., No. 53, 525 Clairton Boulevard, Pittsburgh, Pa.; effective 4–1–64 to 9–2–64 (variety store; 45 employees).

S. S. Kresge Co., No. 182, North Park Village, 4801 McKnight Road, Pittsburgh, Pa.; effective 4–1–64 to 9–2–64 (variety store; 33 employees).

S. S. Kresge Co., No. 675, East Hills Center, Pittsburgh, Pa.; effective 4–1–64 to 9–2–64 (variety store; 48 employees).

S. S. Kresge Co., No. 282, 9 North Main Street, Pittston, Pa.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

S. S. Kresge Co., No. 121, 16 South Centre Street, Pottsville, Pa.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

S. S. Kresge, No. 18, 544 Penn Street, Reading, Pa.; effective 4–1–64 to 9–2–64 (variety store; 61 employees).

S. S. Kresge Co., No. 293, 2301 Sharon-Mercer Road, Sharon, Pa.; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

S. S. Kresge Co., No. 492, Springfield Shopping Center, 799 Sproul Road, Springfield, Delaware County, Pa.; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

S. S. Kresge Co., No. 475, Uniontown Plaza, 575 Morgantown Street, Uniontown, Pa.; effective 4–1–64 to 9–2–64 (variety store; 54 employees).

S. S. Kresge Co., No. 478, 204 Liberty Street, Warren, Pa.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

S. S. Kresge Co., No. 68, 33 Public Square, Wilkes Barre, Pa.; effective 4–1–64 to 9–2–64 (variety store; 93 employees).

S. S. Kresge Co., No. 67, 321 Pine Street, Williamsport, Pa.; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

McCrory Stores Corp., No. 46, 13–15 North Market Street, Frederick, Md.; effective 4–1–64 to 9–2–64 (variety store; 48 employees).

McCrory-McLellan-Green, No. 38, 215–219 Main Street, Salisbury, Md.; effective 4–1–64 to 9–2–64 (variety store; 11 employees).

McCrory Store, No. 28, 611 Edgmont Avenue, Chester, Pa.; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

McCrory Stores, No. 147, 126–30 West High Street, Ebensburg, Pa.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

McCrory-McLellan-Green Stores, 33–37 Frederick Street, Hanover, Pa.; effective 4–1–64 to 9–2–64 (variety store; 35 employees).

McCrory-McLellan-Green Stores, 562 Broad Street, Hazleton, Pa.; effective 4–1–64 to 9–2–64 (variety store; 46 employees).

McCrory-McLellan-Green Stores, 682–684 Philadelphia Street, Indiana, Pa.; effective 4–1–64 to 9–2–64 (variety store; 42 employees).

McCrory Stores Corp., No. 80, 15–17 North Queen Street, Lancaster, Pa.; effective 4–1–64 to 9–2–64 (variety store; 53 employees).

McCrory-McLellan-Green, 744 Cumberland Street, Lebanon, Pa.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

McCrory's, 824–28 Cumberland Street, Lebanon, Pa.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

McCrory-McLellan-Green Stores, 231 Fifth Avenue, McKeesport, Pa.; effective 4–1–64 to 9–2–64 (variety store; 121 employees).

McCrory Store, No. 104, 200–202 Front Street, Philipsburg, Pa.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

McCrory-McLellan-Green, 318–320 Fifth Avenue, Pittsburgh, Pa.; effective 4–1–64 to 9–2–64 (variety store; 152 employees).

McCrory Store Corp., No. 11, 105 East Ohio Street, Pittsburgh, Pa.; effective 4–1–64 to 9–2–64 (variety store; 128 employees).

McCrory-McLellan-Green Stores, 510–516 Penn Street, Reading, Pa.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

Newberry Keystone Corp., No. 34, 58–66 Main Street, Waynesboro, Pa.; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

Newberry Penn-Empire Inc., No. 55, 11 Main Street, Bradford, Pa.; effective 4–1–64 to 9–2–64 (variety store; 11 employees).

F. W. Woolworth Co., No. 2125, 230 East Main Street, Newark, Del.; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

F. W. Woolworth Co., No. 2214, Nylon Capital Shopping Center, Stein Highway and Atlanta Road, Seaford, Del.; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

F. W. Woolworth Co., West Seventh Street, Frederick, Md.; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

F. W. Woolworth Co., No. 563, 2–14 East Main Street, Bloomsburg, Pa.; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

F. W. Woolworth Co., 239–43 East Main Street, Coatesville, Pa.; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

F. W. Woolworth Co., No. 606, Bustleton Pike, Feasterville, Pa.; effective 4–1–64 to 9–2–64 (variety store; 31 employees).

F. W. Woolworth Co., No. 255, Clearview Shopping Center, Carlisle Street, Hanover, Pa.; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

F. W. Woolworth Co., No. 213, 2318 North Front Street, Philadelphia, Pa.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

F. W. Woolworth Co., No. 1302, 116–22 South Allen Street, State College, Pa.; effective 4–1–64 to 9–2–64 (variety store; 17 employees).

REGION IV

Arbor Vitae Variety, Inc., d/b/a T. G. & Y. Stores Co., No. 219, Riverlands Shopping Center, La Place, La.; effective 3–9–64 to 9–2–64 (variety store; 12 employees).

REGION V

The Barr Co., 116 South Main, Celina, Ohio; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

Bischoff's Food Center, 2940 Sylvania Avenue, Toledo, Ohio; effective 4–1–64 to 9–2–64 (food store; 37 employees).

The W. J. Kennedy Co., Orange Street and Bellbrook Avenue, Xenia, Ohio; effective 4–1–64 to 9–2–64 (food store; 41 employees).

S. S. Kresge Co., No. 485, 142 East Maumee Street, Adrian, Mich.; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

S. S. Kresge Co., No. 605, 6530 Allen Road, Allen Park, Mich.; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

S. S. Kresge Co., No. 74, 204 South Main Street, Ann Arbor, Mich.; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

S. S. Kresge Co., No. 160, 317 South State Street, Ann Arbor, Mich.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

S. S. Kresge Co., No. 296, 3116 West 12 Mile, Berkley, Mich.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

S. S. Kresge Co., No. 453, 1155 West 14 Mile Road, Clawson, Mich.; effective 4–1–64 to 9–2–64 (variety store; 66 employees).

S. S. Kresge Co., No. 16, Westborn Shopping Center, 23131 Michigan Avenue, Dearborn, Mich.; effective 4–1–64 to 9–2–64 (variety store; 81 employees).

S. S. Kresge Co., No. 490, 22022 Michigan Avenue, Dearborn, Mich.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

S. S. Kresge Co., No. 580, 13546 Michigan Avenue, Dearborn, Mich.; effective 4–1–64 to 9–2–64 (variety store; 50 employees).

S. S. Kresge Co., No. 1, 1201 Woodward, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 286 employees).

S. S. Kresge Co., No. 166, 14329 Mack Avenue, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

S. S. Kresge Co., No. 190, 7717 East Seven Mile Road, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

S. S. Kresge Co., No. 208, 15221 Houston, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

S. S. Kresge Co., No. 241, 2831 East Seven Mile Road, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 21 employees).

S. S. Kresge Co., No. 289, 19215 Mack, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 44 employees).

S. S. Kresge Co., No. 290, 18610 Fenkell Avenue, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

S. S. Kresge Co., No. 352, 14300 Jefferson, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 16 employees).

S. S. Kresge Co., No. 369, 11960 East Warren Avenue, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 59 employees).

S. S. Kresge Co., No. 395, 5505 Michigan, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

S. S. Kresge Co., No. 456, Eastland Center, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 144 employees).

S. S. Kresge Co., No. 521 6300 West Seven Mile Road, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

S. S. Kresge Co., No. 527, 17646 Joy Road, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

S. S. Kresge Co., No. 533, 14301 Gratiot Avenue, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 47 employees).

S. S. Kresge Co., No. 550, 10786 Grand River, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 84 employees).

S. S. Kresge Co., No. 582, 7350 Grand River, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

S. S. Kresge Co., No. 620, 20100 West Seven Mile Road, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

S. S. Kresge Co., No. 652, Telecraft Shopping Center, 14060 Telegraph Road, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

S. S. Kresge Co., No. 659, 25465 Grand River, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 70 employees).

S. S. Kresge Co., No. 699, 5010 Dixie Highway, Drayton Plains, Mich.; effective 4–1–64 to 9–2–64 (variety store; 41 employees).

S. S. Kresge Co., No. 185, 200 West Nine Mile Road, Ferndale, Mich.; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

S. S. Kresge Co., No. 12, 415 South Saginaw Street, Flint, Mich.; effective 4–1–64 to 9–2–64 (variety store; 119 employees).

S. S. Kresge Co., No. 214, 4901 Clio, Flint, Mich.; effective 4–1–64 to 9–2–64 (variety store; 52 employees).

S. S. Kresge Co., No. 272, North Flint Plaza, 102 West Pierson Road, Flint, Mich.; effective 4–1–64 to 9–2–64 (variety store; 50 employees).

S. S. Kresge Co., No. 642, 4925 Fenton, Flint, Mich.; effective 4–1–64 to 9–2–64 (variety store; 48 employees).

S. S. Kresge Co., No. 59, 135 Monroe Avenue, Grand Rapids, Mich.; effective 4–1–64 to 9–2–64 (variety store; 55 employees).

S. S. Kresge Co., No. 211, 14551 Woodward at Sears, Highland Park, Mich.; effective 4–1–64 to 9–2–64 (variety store; 99 employees).

S. S. Kresge Co., No. 365, 13933 Woodward Avenue, Highland Park, Mich.; effective 4–1–64 to 9–2–64 (variety store; 37 employees).

S. S. Kresge Co., No. 405, Cherry Hill Plaza, 27225 Cherry Hill Road, Inkster, Mich.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

S. S. Kresge Co., No. 103, 133 West Michigan Avenue, Jackson, Mich.; effective 4–1–64 to 9–2–64 (variety store; 39 employees).

S. S. Kresge Co., No. 70, 114 South Washington Avenue, Lansing, Mich.; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

S. S. Kresge Co., No. 245, 3688 Fort Street, Lincoln Park, Mich.; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

S. S. Kresge Co., No. 685, 1750 Dix Highway, Lincoln Park, Mich.; effective 4–1–64 to 9–2–64 (variety store; 57 employees).

S. S. Kresge Co., No. 27, Wonderland Shopping Center, 29589 Plymouth Road, Livonia, Mich.; effective 4–1–64 to 9–2–64 (variety store; 104 employees).

S. S. Kresge Co., No. 257, 33111 Plymouth, Livonia, Mich.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

S. S. Kresge Co., No. 529, 1 East Front Street, Monroe, Mich.; effective 4–1–64 to 9–2–64 (variety store; 56 employees).

S. S. Kresge Co., No. 535, 17 North Gratiot, Mt. Clemens, Mich.; effective 4–1–64 to 9–2–64 (variety store; 99 employees).

S. S. Kresge Co., No. 626, 267 West Western, Muskegon, Mich.; effective 4–1–64 to 9–2–64 (variety store; 48 employees).

S. S. Kresge Co., No. 404, 15 South Telegraph, Pontiac, Mich.; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

S. S. Kresge Co., No. 684, 2301 South Telegraph, Pontiac, Mich.; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

S. S. Kresge Co., No. 2, 240 Huron Avenue, Port Huron, Mich.; effective 4–1–64 to 9–2–64 (variety store; 76 employees).

S. S. Kresge Co., No. 577, 10563 West Jefferson, River Rouge, Mich.; effective 4–1–64 to 9–2–64 (variety store; 38 employees).

S. S. Kresge Co., No. 677, North Hill Shopping Center, 1471 Rochester Road, Rochester, Mich.; effective 4–1–64 to 9–2–64 (variety store; 38 employees).

S. S. Kresge Co., No. 415, 26280 Eastgate Boulevard, Roseville, Mich.; effective 4–1–64 to 9–2–64 (variety store; 64 employees).

S. S. Kresge Co., No. 530, 406 South Washington, Royal Oak, Mich.; effective 4–1–64 to 9–2–64 (variety store; 76 employees).

S. S. Kresge Co., No. 428, 310 Genesee Avenue, Saginaw, Mich.; effective 4–1–64 to 9–2–64 (variety store; 50 employees).

S. S. Kresge Co., No. 315, 506 Ashmun, Sault Sainte Marie, Mich.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

S. S. Kresge Co., No. 123, F20 Northland Center, Southfield, Mich.; effective 4–1–64 to 9–2–64 (variety store; 155 employees).

S. S. Kresge Co., No. 499, 211 East Front Street, Traverse City, Mich.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

S. S. Kresge Co., No. 687, 13751 Eureka Road, Wyandotte, Mich.; effective 4–1–64 to 9–2–64 (variety store; 52 employees).

S. S. Kresge Co., No. 354, 1106 South Main Street, Akron, Ohio; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

S. S. Kresge Co., No. 120, 301 North Market, Canton, Ohio; effective 4–1–64 to 9–2–64 (variety store; 78 employees).

S. S. Kresge Co., No. 28, 216 Euclid Avenue, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 155 employees).

S. S. Kresge Co., No. 267, 402 Euclid Avenue, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

S. S. Kresge Co., No. 298, 5700 Broadway, Box No. 429 Station, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 43 employees).

S. S. Kresge Co., No. 376, 3191 Westgate, Westgate Shopping Center, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 50 employees).

S. S. Kresge Co., No. 411, 11008 Lorain Avenue, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 66 employees).

S. S. Kresge Co., No. 449, 8409 Carnegie Avenue, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 46 employees).

S. S. Kresge Co., No. 459, Pearl-Brook Shopping Center, 5140 Pearl Road, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

S. S. Kresge Co., No. 557, 1411 S.O.M. Center Road, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

S. S. Kresge Co., No. 614, 4087 Lee Road, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

S. S. Kresge Co., No. 85 North High Street, Columbus, Ohio; effective 4–1–64 to 9–2–64 (variety store; 43 employees).

S. S. Kresge Co., No. 29, 657 Harrisburg Pike, Columbus, Ohio; effective 4–1–64 to 9–2–64 (variety store; 35 employees).

S. S. Kresge Co., No. 604, 3750 East Broad Street, Columbus, Ohio; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

S. S. Kresge Co., No. 636, 3890 East Broad Street, Columbus, Ohio; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

S. S. Kresge Co., No. 640, Northern Lights Shopping Center, 3477 Cleveland Avenue, Columbus, Ohio; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

S. S. Kresge Co., No. 643, 137 Graceland Boulevard, Columbus, Ohio; effective 4–1–64 to 9–2–64 (variety store; 11 employees).

S. S. Kresge Co., No. 528, 2857 State Road, Cuyahoga Falls, Ohio; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

S. S. Kresge Co., No. 9, 123 South Main Street, Dayton, Ohio; effective 4–1–64 to 9–2–64 (variety store; 54 employees).

S. S. Kresge Co., No. 628, 316 Stroop Road, Dayton, Ohio; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

S. S. Kresge Co., No. 649, 4271 West Third Street, Dayton, Ohio; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

S. S. Kresge Co., No. 564, 100 North Main Street, Fostoria, Ohio; effective 4–1–64 to 9–2–64 (variety store; 21 employees).

S. S. Kresge Co., No. 223, 224 High Street, Hamilton, Ohio; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

S. S. Kresge Co., No. 171, 108 West Main Street, Lancaster, Ohio; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

S. S. Kresge Co., No. 406, O'Neil-Sheffield Shopping Center, 1321 North Ridge Road, Lorain, Ohio; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

S. S. Kresge Co., No. 144, 20900 Libby Road, Maple Heights, Ohio; effective 4–1–64 to 9–2–64 (variety store; 71 employees).

S. S. Kresge Co., No. 603, 15818 Broadway, Maple Heights, Ohio; effective 4–1–64 to 9–2–64 (variety store; 17 employees).

S. S. Kresge Co., No. 362, 143 West Center Street, Marion, Ohio; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

S. S. Kresge Co., No. 531, 6869 Southland Drive, Middleburg Heights, Ohio; effective 4–1–64 to 9–2–64 (variety store; 41 employees).

S. S. Kresge Co., No. 512, 201 South Main Street (3), Mt. Vernon, Ohio; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

S. S. Kresge Co., No. 40, 23 North Third Street, Newark, Ohio; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

S. S. Kresge Co., No. 205, 30 McKinley Heights Plaza, Niles, Ohio; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

S. S. Kresge Co., No. 410, 121 Main Street, Painesville, Ohio; effective 4–1–64 to 9–2–64 (variety store; 48 employees).

S. S. Kresge Co., No. 676, 1301 Pleasant Valley Road, Parma, Ohio; effective 4–1–64 to 9–2–64 (variety store; 47 employees).

S. S. Kresge Co., No. 488, 326 North Main, Piqua, Ohio; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

S. S. Kresge Co., No. 458, 438 Market, Steubenville, Ohio; effective 4–1–64 to 9–2–64 (variety store; 45 employees).

S. S. Kresge Co., No. 48, Stow-Kent Shopping Center, 4301 Stow-Kent Road, Stow, Ohio; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

S. S. Kresge Co., No. 447, 65 Midway Plaza, Tallmadge, Ohio; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

S. S. Kresge Co., No. 646, 3301 West Central Avenue, Westgate Village Shopping Center, Toledo, Ohio; effective 4–1–64 to 9–2–64 (variety store; 58 employees).

S. S. Kresge Co., No. 299, 125 West Market Street, Warren, Ohio; effective 4–1–64 to 9–2–64 (variety store; 44 employees).

S. S. Kresge Co., No. 226, Shoregate Shopping Center, 29650 Lakeshort Boulevard, Willowick, Ohio; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

S. S. Kresge Co., No. 248, 30 South Detroit, Xenia, Ohio; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

S. S. Kresge Co., No. 588, Glenwood Plaza, 365 Boardman-Canfield Road, Youngstown, Ohio; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

S. S. Kresge Co., No. 377, 501 Main Street, Zanesville, Ohio; effective 4–1–64 to 9–2–64 (variety store; 69 employees).

McCrory-McLellan-Green Stores, 125 North Second Avenue, Alpena, Mich.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

McCrory-McLellan Stores Corp., No. 447, 286 West Nepessing Street, Lapeer, Mich.; effective 4–1–64 to 9–2–64 (variety store; 37 employees).

McCrory-McLellan-Green Store, No. 189, 227 Market Avenue, North, Canton, Ohio; effective 4–1–64 to 9–2–64 (variety store; 88 employees).

McCrory-McLellan-Green Store, No. 1207, 520 Euclid, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 55 employees).

McCrory-McLellan-Green, No. 684, 30 North Sandusky, Delaware, Ohio; effective 4–1–64 to 9–2–64 (variety store; 15 employees).

McCrory-McLellan-Green Stores, No. 125, 236–40 High Street, Hamilton, Ohio; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

McCrory-McLellan-Green Store, No. 1059, division of McCrory Corp., 412 Chillicothe Street, Portsmouth, Ohio; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

McCrory-McLellan-Green Store, No. 1124, 135 East Third, Uhrichsville, Ohio; effective 4–1–64 to 9–2–64 (variety store; 21 employees).

McCrory-McLellan-Green Store, No. 185, 9–11 West Federal, Youngstown, Ohio; effective 4–1–64 to 9–2–64 (variety store; 49 employees).

G. C. Murphy Co., 309 South Superior, Albion, Mich.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

G. C. Murphy Co., No. 436, 138 South Cochran, Charlotte, Mich.; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

G. C. Murphy Co., No. 444, 31–35 West Chicago, Coldwater, Mich.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

G. C. Murphy Co., No. 406, 58–60 North Howell Street, Hillsdale, Mich.; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

G. C. Murphy Co., No. 437, 143 West Michigan, Marshall, Mich.; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

G. C. Murphy Co., No. 424, 200 North Washington, Owosso, Mich.; effective 4–1–64 to 9–2–64 (variety store; 46 employees).

G. C. Murphy Co., No. 120, 307–311 State Street, St. Joseph, Mich.; effective 4–1–64 to 9–2–64 (variety store; 42 employees).

G. C. Murphy Co., No. 451, 323–325 Center, South Haven, Mich.; effective 4–1–64 to 9–2–64 (variety store; 33 employees).

G. C. Murphy Co., No. 181, 358–364 East Main Street, Alliance, Ohio; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

G. C. Murphy Co., No. 140, 105–109 East Main Street, Barnesville, Ohio; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

G. C. Murphy Co., No. 65, 3300–3320 Belmont Street, Bellaire, Ohio; effective 4–1–64 to 9–2–64 (variety store; 75 employees).

G. C. Murphy Co., No. 36, 126–132 South Main, Bellefontaine, Ohio; effective 4–1–64 to 9–2–64 (variety store; 47 employees).

G. C. Murphy Co., No. 415, 111–117 West Butler Street, Bryan, Ohio; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

G. C. Murphy Co., No. 431, 120 South Sandusky, Bucyrus, Ohio; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

G. C. Murphy Co., No. 234, 415 Swifton Center, Cincinnati, Ohio; effective 4–1–64 to 9–2–64 (variety store; 144 employees).

G. C. Murphy Co., No. 110, 101–103 West Main Street, Circleville, Ohio; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

G. C. Murphy Co., No. 265, Lane Shopping Center, West Lane Avenue, Columbus, Ohio; effective 4–1–64 to 9–2–64 (variety store; 79 employees).

G. C. Murphy Co., No. 418, 416–420 Clinton Street, Defiance, Ohio; effective 4–1–64 to 9–2–64 (variety store; 81 employees).

G. C. Murphy Co., No. 452, 109 South Main, Fostoria, Ohio; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

G. C. Murphy Co., No. 441, 245 South Main, Franklin, Ohio; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

G. C. Murphy Co., No. 460, 101 Harding Way, East, Galion, Ohio; effective 4–1–64 to 9–2–64 (variety store; 21 employees).

G. C. Murphy Co., No. 2, 348–350 Second Avenue, Gallipolis, Ohio; effective 4–1–64 to 9–2–64 (variety store; 38 employees).

G. C. Murphy Co., No. 468, 316–320 Second, Gallipolis, Ohio; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

G. C. Murphy Co., No. 37, 423–429 South Broadway, Greenville, Ohio; effective 4–1–64 to 9–2–64 (variety store; 58 employees).

G. C. Murphy Co., No. 456, 121–123 West Main, Hillsboro, Ohio; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

G. C. Murphy Co., No. 459, 215–217 Broadway, Jackson, Ohio; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

G. C. Murphy Co., No. 269, Hills and Dales Shopping Center, 1450 West Dorothy Lane, Kettering, Ohio; effective 4–1–64 to 9–2–64 (variety store; 54 employees).

G. C. Murphy Co., No. 446, 15–17 South Broadway, Lebanon, Ohio; effective 4–1–64 to 9–2–64 (variety store; 48 employees).

G. C. Murphy Co., No. 466, 4 East Main Street, Logan Ohio; effective 4–1–64 to 9–2–64 (variety store; 35 employees).

G. C. Murphy Co., No. 230, 228 West Center, Marion, Ohio; effective 4–1–64 to 9–2–64 (variety store; 59 employees).

G. C. Murphy Co., No. 38, 1044 Central Avenue, Middletown, Ohio; effective 4–1–64 to 9–2–64 (variety store; 59 employees).

G. C. Murphy Co., No. 462, 102–104 Washington, Napoleon, Ohio; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

G. C. Murphy Co., No. 257, Ridgeview Shopping Center, 38899 Center Ridge Road, North Ridgeville, Ohio; effective 4–1–64 to 9–2–64 (variety store; 65 employees).

G. C. Murphy Co., No. 41, 316 North Main Street, Piqua, Ohio; effective 4–1–64 to 9–2–64 (variety store; 35 employees).

G. C. Murphy Co., No. 453, 109–113 West Spring, St. Marys, Ohio; effective 4–1–64 to 9–2–64 (variety store; 46 employees).

G. C. Murphy Co., No. 52, 506–516 East State Street, Salem, Ohio; effective 4–1–64 to 9–2–64 (variety store; 44 employees).

G. C. Murphy Co., No. 40, 110–112 East Poplar Street, Sidney, Ohio; effective 4–1–64 to 9–2–64 (variety store; 49 employees).

G. C. Murphy Co., No. 122, 206–208 North Fourth Street, Toronto, Ohio; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

G. C. Murphy Co., No. 35, 1–9 South Market, Troy, Ohio; effective 4–1–64 to 9–2–64 (variety store; 38 employees).

G. C. Murphy Co., No. 419, 133 North Main, Urbana, Ohio; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

G. C. Murphy Co., No. 192, 1302 Rombach, Wilmington, Ohio; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

G. C. Murphy Co., No. 187, 3345 Mahoning Avenue, Youngstown, Ohio; effective 4–1–64 to 9–2–64 (variety store; 52 employees).

G. C. Murphy Co., No. 222, 2630 South Market, Youngstown, Ohio; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

J. J. Newberry Co., 109 South James, Ludington, Mich.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

J. J. Newberry Co., 230 Huron Avenue, Port Huron, Mich.; effective 4–1–64 to 9–2–64 (variety store; 31 employees).

J. J. Newberry Co., 30–36 West Main Street, Ashland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

J. J. Newberry Co., 108–114 South Sandusky Avenue, Bucyrus, Ohio; effective 4–1–64 to 9–2–64 (variety store; 21 employees).

J. J. Newberry Co., 5728 Broadway, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 10 employees).

Newberry Coshocton Corp., 441 Main Street, Coshocton, Ohio; effective 4–1–64 to 9–2–64 (variety store; 62 employees).

J. J. Newberry Co., 141 South Washington, Tiffin, Ohio; effective 4–1–64 to 9–2–64 (variety store; 42 employees).

Newberry Wooster Corp., No. 415, 146–148 East Liberty Street, Wooster, Ohio; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

F. W. Woolworth Co., No. 219, 39–41 West Michigan, Battle Creek, Mich.; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

F. W. Woolworth Co., No. 327, 257 Western, Muskegon, Mich.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

F. W. Woolworth Co., No. 2447, 280 West Genesee Avenue, Saginaw, Mich.; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

REGION VI

Grebe's Bakeries, Inc., 5132 West Lincoln Avenue, West Allis, Wis.; effective 4–1–64 to 9–2–64 (food store; 234 employees).

Jupiter Discount Store, No. 4542, 336 East Grand Avenue, Beloit, Wis.; effective 4–1–64 to 9–2–64 (variety store; 16 employees).

Jupiter Discount Store, 222 North Washington, Green Bay, Wis.; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

K Mart, No. 4058, 419 East Adams Street, Springfield, Ill.; effective 4–1–64 to 9–2–64 (variety store; 82 employees).

S. S. Kresge Co., No. 303, Arlington Market Shopping Center, 12 North Dryden Avenue, Arlington Heights, Ill.; effective 4–1–64 to 9–2–64 (variety store; 35 employees).

S. S. Kresge Co., No. 236, 5626 West Belmont Avenue, Chicago, Ill.; effective 4–1–64 to 9–2–64 (variety store; 45 employees).

S. S. Kresge Co., No. 253, 11221 South Michigan Avenue, Chicago, Ill.; effective 4–1–64 to 9–2–64 (variety store; 85 employees).

S. S. Kresge Co., No. 480, 6300 South Halsted Street, Chicago, Ill.; effective 4–1–64 to 9–2–64 (variety store; 171 employees).

S. S. Kresge Co., No. 627, 9530 South Western Avenue, Chicago, Ill.; effective 4–1–64 to 9–2–64 (variety store; 94 employees).

S. S. Kresge Co., No. 201, 343 North Water Street, Decatur, Ill.; effective 4–1–64 to 9–2–64 (variety store; 49 employees).

S. S. Kresge Co., No. 177, 32 South Grove Avenue, Elgin, Ill.; effective 4–1–64 to 9–2–64 (variety store; 41 employees).

S. S. Kresge Co., No. 179, 211 East Main Street, Galesburg, Ill.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

S. S. Kresge Co., No. 90, 50 East Side Square, Jacksonville, Ill.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

S. S. Kresge Co., No. 122, 101 South Kickapoo Street, Lincoln, Ill.; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

S. S. Kresge Co., No. 96, 530 Maine Street, Quincy, Ill.; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

S. S. Kresge Co., No. 647, 850 New Green River Road, Evansville, Ind.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

S. S. Kresge Co., No. 672, 626 Twin-Aire Drive, Indianapolis, Ind.; effective 4–1–64 to 9–2–64 (variety store; 67 employees).

S. S. Kresge Co., No. 520, 634 Nicollet Avenue, Minneapolis, Minn.; effective 4–1–64 to 9–2–64 (variety store; 158 employees).

S. S. Kresge Co., No. 323, 1201 South Broadway, Rochester, Minn.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

S. S. Kresge Co., No. 609, 5722 Sixth Avenue, Kenosha, Wis.; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

S. S. Kresge Co., 659 Gilbert Road, Madison, Wis.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

S. S. Kresge Co., No. 420, 836 South 8th Street, Manitowoc, Wis.; effective 4–1–64 to 9–2–64 (variety store; 70 employees).

S. S. Kresge Co., 3333 South 27th Street, Milwaukee, Wis.; effective 4–1–64 to 9–2–64 (variety store; 37 employees).

S. S. Kresge Co., No. 286, 801–803 North 8 Street, Sheboygan, Wis.; effective 4–1–64 to 9–2–64 (variety store; 39 employees).

S. S. Kresge Co., No. 493, 401 Third Street, Wausau, Wis.; effective 4–1–64 to 9–2–64 (variety store; 65 employees).

Wm. A. Lewis Clothing Co., 2301 West 95th Street, Chicago, Ill.; effective 4–1–64 to 9–2–64 (apparel store; 85 employees).

Wm. A. Lewis Clothing Co., Hillside Shopping Center, Hillside, Ill.; effective 4–1–64 to 9–2–64 (apparel store; 60 employees).

Wm. A. Lewis Clothing Co., Harlem-Irving Plaza, Norridge, Ill.; effective 4–1–64 to 9–2–64 (apparel store; 55 employees).

Skinner, Chamberlain & Co., Inc., 225 South Broadway, Albert Lea, Minn.; effective 4–1–64 to 9–2–64 (department store; 72 employees).

F. W. Woolworth Co., No. 99, 19 South Broadway, Aurora, Ill.; effective 4–1–64 to 9–2–64 (variety store; 45 employees).

F. W. Woolworth Co., No. 95, 301 North Main Street, Bloomington, Ill.; effective 4–1–64 to 9–2–64 (variety store; 43 employees).

F. W. Woolworth Co., 4019 Milwaukee Avenue, Chicago, Ill.; effective 4–1–64 to 9–2–64 (variety store; 108 employees).

F. W. Woolworth Co., No. 676, 5201 Hohman Avenue, Hammond, Ind.; effective 4–1–64 to 9–2–64 (variety store; 51 employees).

F. W. Woolworth Co., 618–620 Lincolnway, LaPorte, Ind.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

F. W. Woolworth Co., No. 2400, 9–11 Southland Shopping Center, Terre Haute, Ind.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

REGION VII

40 & 7 United Super 30, Blue Springs, Mo.; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

Ball's Thrift-Way Market, Inc., 3400 State Avenue, Kansas City, Kans.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

E & F Corp., d/b/a Ramey Super Market No. 1, 1812 South Glenstone, Springfield, Mo.; effective 4–1–64 to 9–2–64 (variety store; 45 employees).

Forsythia Variety, Inc., d/b/a T. G. & Y. Stores Co., No. 156, 6003 Independence Avenue, Kansas City, Mo.; effective 3–11–64 to 9–2–64 (variety store; 14 employees).

Graves & Thompson, Graves Drug Store, No. 11, 212 South Summit, Arkansas City, Kans.; effective 3–7–64 to 9–2–64 (variety store; 15 employees).

Hested Stores Co., No. 773, 2700 South Colorado Boulevard, Denver, Colo.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

Hested Stores Co., No. 701, 510 E Street, Fairbury, Nebr.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

Hested Stores Co., No. 715, 311 Norfolk, Avenue, Norfolk, Nebr.; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

Hillcrest Food Center, Inc., Ninth and Iowa, Lawrence, Kans.; effective 4–1–64 to 9–2–64 (food store; 49 employees).

Kessler's Super Market, 621 Sixth Avenue, S.E., Aberdeen, S. Dak.; effective 4–1–64 to 9–2–64 (food store; 60 employees).

S. S. Kresge Co., No. 154, 516 West Broadway, Council Bluffs, Iowa; effective 4–1–64 to 9–2–64 (variety store; 52 employees).

S. S. Kresge Co., No. 270, Village Shopping Center, 902 West Kimberly Road; Davenport, Iowa; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

S. S. Kresge Co., No. 542C, Merle Hay Plaza, Merle Hay Road at Douglass Avenue, Des Moines, Iowa; effective 4–1–64 to 9–2–64 (variety store; 64 employees).

S. S. Kresge Co., No. 559, 121 Washington Street, Box 366, Iowa City, Iowa; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

S. S. Kresge Co., No. 692C, 1700–1702 South Federal Avenue, Mason City, Iowa; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

S. S. Kresge Co., No. 163, 423 Fourth Street, Sioux City, Iowa; effective 4–1–64 to 9–2–64 (variety store; 108 employees).

S. S. Kresge Co., No. 152, 219 East Fourth Street, Waterloo, Iowa; effective 4–1–64 to 9–2–64 (variety store; 41 employees).

S. S. Kresge Co., No. 244, 609 Commercial Street, Atchison, Kans.; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

S. S. Kresge Co., No. 697, Parklane Shopping Center, 1012 South Oliver, Wichita, Kans.; effective 4–1–64 to 9–2–64 (variety store; 37 employees).

S. S. Kresge Co., No. 89, 101–109 North Main Street, Hannibal, Mo.; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

S. S. Kresge Co., No. 625, 111 North Main Street, Independence, Mo.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

S. S. Kresge Co., No. 555, Northland Shopping Center, Jennings, Mo.; effective 4–1–64 to 9–2–64 (variety store; 103 employees).

S. S. Kresge Co., No. 58, 601 Felix Street, St. Joseph, Mo.; effective 4–1–64 to 9–2–64 (variety store; 78 employees).

S. S. Kresge Co., No. 24, 522 Washington Avenue, St. Louis, Mo.; effective 4–1–64 to 9–2–64 (variety store; 193 employees).

S. S. Kresge Co., No. 601C, 24 Hampton Village Plaza, St. Louis, Mo.; effective 4–1–64 to 9–2–64 (variety store; 58 employees).

S. S. Kresge Co., No. 451, 1514 South Glenstone, Springfield, Mo.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

S. S. Kresge Co., No. 11, Yorkshire Village Shopping Center, 8039 Watson Road, Webster Groves, Mo.; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

S. S. Kresge Co., No. 109, 1137 O Street, Lincoln, Nebr.; effective 4–1–64 to 9–2–64 (variety store; 64 employees).

S. S. Kresge Co., No. 326M, 402 South 16th Street, Omaha, Nebr.; effective 4–1–64 to 9–2–64 (variety store; 77 employees).

S. S. Kresge Co., No. 401, 4828 South 24th Street, South Omaha, Nebr.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

S. S. Kresge Co., No. 671, 707 Mountain View Road, Baken Park Shopping Center, Rapid City, S. Dak.; effective 4–1–64 to 9–2–64 (variety store; 80 employees).

Lebanon Consumers, Inc., Jefferson and Highway No. 5, Lebanon, Mo.; effective 4–1–64 to 9–2–64 (food store; 30 employees).

McCrory-McLellan-Green Stores, No. 460, 230 Second Street, S.E., Cedar Rapids, Iowa; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

McCrory-McLellan-Green Store, No. 560, 12–14 South Federal, Mason City, Iowa; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

McLellan Stores Co., 624 Minnesota Avenue, Kansas City, Kans.; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

J. J. Newberry Co., No. 411, Westroads Shopping Center, Richmond Heights, Mo.; effective 4–1–64 to 9–2–64 (variety store; 104 employees).

Prairie Village Variety, Inc., d/b/a T. G. & Y. Stores Co., No. 141, No. 22-on-The-Mall, Prairie Village, Kans.; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

Riverside Red X Co., P.O. Box 9008, Kansas City, Mo.; effective 4–1–64 to 9–2–64 (food store; 151 employees).

Rusty's Food Center, Inc., 23d and Louisiana, Lawrence, Kans.; effective 4–1–64 to 9–2–64 (food store; 66 employees).

T & E Corp., d/b/a Ramey Super Market, No. 2, 1445 West Kearney, Springfield, Mo.; effective 4–1–64 to 9–2–64 (food store; 27 employees).

F. W. Woolworth Co., No. 516, 309–11 West Third, Grand Island, Nebr.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

REGION VIII

H. E. B. Food Store, No. 27, 407 East Main, Alice, Tex.; effective 4–1–64 to 9–2–64 (food store; 39 employees).

H. E. B. Food Store, No. 73, 520 South Commercial, Aransas Pass, Tex.; effective 4–1–64 to 9–2–64 (food store; 22 employees).

H. E. B. Food Store, No. 30, 2701 East Seventh Street, Austin, Tex.; effective 4–1–64 to 9–2–64 (food store; 36 employees).

H. E. B. Food Store, No. 31, 824 West 12th Street, Austin, Tex.; effective 4–1–64 to 9–2–64 (food store; 28 employees).

H. E. B. Food Store, No. 32, 1405 San Jacinto, Austin, Tex.; effective 4–1–64 to 9–2–64 (food store; 18 employees).

H. E. B. Food Store, No. 33, 3106 Windsor Road, Austin, Tex.; effective 4–1–64 to 9–2–64 (food store; 19 employees).

H. E. B. Food Store, No. 34, 1111 East First Street, Austin, Tex.; effective 4–1–64 to 9–2–64 (food store; 12 employees).

H. E. B. Food Store, No. 39, 3901 Guadalupe Street, Austin, Tex.; effective 4–1–64 to 9–2–64 (food store; 17 employees).

H. E. B. Food Store, No. 45, 2400 South Congress, Austin, Tex.; effective 4–1–64 to 9–2–64 (food store; 70 employees).

H. E. B. Food Store, No. 51, 5814 Burnet Road, Austin, Tex.; effective 4–1–64 to 9–2–64 (food store; 22 employees).

H. E. B. Food Store, No. 79, 5404 Cameron Road, Austin, Tex.; effective 4–1–64 to 9–2–64 (food store; 65 employees).

H. E. B. Food Store, No. 10, 200 North St. Marys, Beeville, Tex.; effective 4–1–64 to 9–2–64 (food store; 41 employees).

H. E. B. Food Store, No. 1, 924 South Elizabeth Street, Brownsville, Tex.; effective 4–1–64 to 9–2–64 (food store; 32 employees).

H. E. B. Food Store, No. 14, 2230 Boca Chica Road, Brownsville, Tex.; effective 4–1–64 to 9–2–64 (food store; 22 employees).

H. E. B. Food Store, No. 15, 556 West Elizabeth, Brownsville, Tex.; effective 4–1–64 to 9–2–64 (food store; 13 employees).

H. E. B. Food Store, No. 17, 60 Parkdale Plaza, Corpus Christi, Tex.; effective 4–1–64 to 9–2–64 (food store; 52 employees).

H. E. B. Food Store, No. 19, 3926 Highway 9, Corpus Christi, Tex.; effective 4–1–64 to 9–2–64 (food store; 49 employees).

H. E. B. Food Store, No. 21, 2300 Leopard, Corpus Christi, Tex.; effective 4–1–64 to 9–2–64 (food store; 24 employees).

H. E. B. Food Store, No. 23, 1403 Third Street, Corpus Christi, Tex.; effective 4–1–64 to 9–2–64 (food store; 8 employees).

H. E. B. Food Store, No. 35, Agnes and 19th Streets, Corpus Christi, Tex.; effective 4–1–64 to 9–2–64 (food store; 17 employees).

H. E. B. Food Store, No. 37, 3133 South Alameda, Corpus Christi, Tex.; effective 4–1–64 to 9–2–64 (food store; 39 employees).

H. E. B. Food Store, No. 38, 2818 North Water Street, Corpus Christi, Tex.; effective 4–1–64 to 9–2–64 (food store; 6 employees).

H. E. B. Food Store, No. 46, 3001 Ayers, Corpus Christi, Tex.; effective 4–1–64 to 9–2–64 (food store; 32 employees).

H. E. B. Food Store, No. 65, 3102 Baldwin, Corpus Christi, Tex.; effective 4–1–64 to 9–2–64 (food store; 32 employees).

H. E. B. Food Store, No. 80, 605 North Esplanade, Cuero, Tex.; effective 4–1–64 to 9–2–64 (food store; 14 employees).

H. E. B. Food Store, No. 88, 512 Pecan, Del Rio, Tex.; effective 4–1–64 to 9–2–64 (food store; 18 employees).

H. E. B. Food Store, No. 9, Main and Miller, Donna, Tex.; effective 4–1–64 to 9–2–64 (food store; 17 employees).

H. E. B. Food Store, No. 75, 282 Main, Eagle Pass, Tex.; effective 4–1–64 to 9–2–64 (food store; 21 employees).

H. E. B. Food Store, No. 6, 123 East McIntyre, Edinburg, Tex.; effective 4–1–64 to 9–2–64 (food store; 18 employees).

H. E. B. Food Store, No. 78, 306 North Mechanic, El Campo, Tex.; effective 4–1–64 to 9–2–64 (food store; 32 employees).

H. E. B. Food Store, No. 3, 201 East Jackson, Harlingen, Tex.; effective 4–1–64 to 9–2–64 (food store; 20 employees).

H. E. B. Food Store, No. 55, 821 West Harrison, Harlingen, Tex.; effective 4–1–64 to 9–2–64 (food store; 41 employees).

H. E. B. Food Store, No. 77, 1202 Elm Avenue, Harlingen, Tex.; effective 4–1–64 to 9–2–64 (food store; 16 employees).

H. E. B. Food Store, No. 89, 217 Quinlan, Kerrville, Tex.; effective 4–1–64 to 9–2–64 (food store; 40 employees).

H. E. B. Food Store, No. 72, 809 North Sixth Street, Killeen, Tex.; effective 4–1–64 to 9–2–64 (food store; 21 employees).

H. E. B. Food Store, No. 26, 409 East Kleberg, Kingsville, Tex.; effective 4–1–64 to 9–2–64 (food store; 40 employees).

H. E. B. Food Store, No. 8, 1002 Farragut, Laredo, Tex.; effective 4–1–64 to 9–2–64 (food store; 32 employees).

H. E. B. Food Store, No. 16, 1201 Guadalupe, Laredo, Tex.; effective 4–1–64 to 9–2–64 (food store; 35 employees).

H. E. B. Food Store No. 7, 101 South Broadway, McAllen, Tex.; effective 4–1–64 to 9–2–64 (food store; 20 employees).

H. E. B. Food Store, No. 86, 10th and Pecan, McAllen, Tex.; effective 4–1–64 to 9–2–64 (food store; 20 employees).

H. E. B. Food Store, No. 4, 402 South Texas Avenue, Mercedes, Tex.; effective 4–1–64 to 9–2–64 (food store; 13 employees).

H. E. B. Food Store, No. 13, 114 West Ninth Street, Mission, Tex.; effective 4–1–64 to 9–2–64 (food store; 20 employees).

H. E. B. Food Store, No. 62, 843 West San Antonio, New Braunfels, Tex.; effective 4–1–64 to 9–2–64 (food store; 42 employees).

H. E. B. Food Store, No. 12, 100 South Cage Boulevard, Pharr, Tex.; effective 4–1–64 to 9–2–64 (food store; 24 employees).

H. E. B. Food Store, No. 11, 105 West Hidalgo, Raymondville, Tex.; effective 4–1–64 to 9–2–64 (food store; 16 employees).

J. J. Newberry Company, 129 North Main

H. L. Green Co., 97 Whitehall Street, SW.

McCrory-McLellan-Green, 126 North Broad

H. E. B. Food Store, No. 24, 210 Commerce, Refugio, Tex.; effective 4–1–64 to 9–2–64 (food store; 18 employees).

H. E. B. Food Store, No. 22, 406 East Main, Robstown, Tex.; effective 4–1–64 to 9–2–64 (food store; 28 employees).

H. E. B. Food Store, No. 40, 1509 North Main, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 39 employees).

H. E. B. Food Store, No. 41, 4821 Broadway, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 33 employees).

H. E. B. Food Store, No. 42, 3221 West Commerce, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 44 employees).

H. E. B. Food Store, No. 43, 1601 Nogalitos, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 32 employees).

H. E. B. Food Store, No. 44, 2110 Fredericksburg Road, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 59 employees).

H. E. B. Food Store, No. 47, 2701 South Presa, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 51 employees).

H. E. B. Food Store, No. 48, 410 North New Braunfels, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 42 employees).

H. E. B. Food Store, No. 49, 261 McCullough, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 38 employees).

H. E. B. Food Store, No. 52, 811 Bandera Road, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 54 employees).

H. E. B. Food Store, No. 53, 803 SW. Military, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 40 employees).

H. E. B. Food Store, No. 57, 106 Goliad Road, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 57 employees).

H. E. B. Food Store, No. 60, 4503 Blanco Road, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 23 employees).

H. E. B. Food Store, No. 61, 2011 Vance Jackson, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 23 employees).

H. E. B. Food Store, No. 66, 719 Castroville Road, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 47 employees).

H. E. B. Food Store, No. 67, 102 Dakota, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 20 employees).

H. E. B. Food Store, No. 68, 1200 Austin Highway, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 41 employees).

H. E. B. Food Store, No. 69, 719 South Brazos, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 26 employees).

H. E. B. Food Store, No. 2, 207 North Sam Houston, San Benito, Tex.; effective 4–1–64 to 9–2–64 (food store; 18 employees).

H. E. B. Food Store, No. 63, 170 South Austin, San Marcos, Tex.; effective 4–1–64 to 9–2–64 (food store; 26 employees).

H. E. B. Food Store, No. 29, 330 Green Avenue, Taft, Tex.; effective 4–1–64 to 9–2–64 (food store; 16 employees).

H. E. B. Food Store, No. 71, 1312 West Adams, Temple, Tex.; effective 4–1–64 to 9–2–64 (food store; 35 employees).

H. E. B. Food Store, No. 74, 130 East Main, Uvalde, Tex.; effective 4–1–64 to 9–2–64 (food store; 24 employees).

H. E. B. Food Store, No. 25, 2702 North Laurent, Victoria, Tex.; effective 4–1–64 to 9–2–64 (food store; 36 employees).

H. E. B. Food Store, No. 26, 706 North Main, Victoria, Tex.; effective 4–1–64 to 9–2–64 (food store; 42 employees).

H. E. B. Food Store, No. 50, 901 Elm Street, Waco, Tex.; effective 4–1–64 to 9–2–64 (food store; 26 employees).

H. E. B. Food Store, No. 64, 3900 Bosque, Waco, Tex.; effective 4–1–64 to 9–2–64 (food store; 27 employees).

H. E. B. Food Store, No. 70, 581 Westview Village, Waco, Tex.; effective 4–1–64 to 9–2–64 (food store; 33 employees).

H. E. B. Food Store, No. 76, Southgate Shopping Center, Waco, Tex.; effective 4–1–64 to 9–2–64 (food store; 40 employees).

H. E. B. Food Store, No. 87, 810 Webster Street, Waco, Tex.; effective 4–1–64 to 9–2–64 (food store; 21 employees).

H. E. B. Food Store, No. 5, 510 South Texas, Weslaco, Tex.; effective 4–1–64 to 9–2–64 (food store; 23 employees).

H. E. B. Food Store, No. 31, 201 West Gonzales, Yoakum, Tex.; effective 4–1–64 to 9–2–64 (food store; 16 employees).

McCrory-McLellan-Green Corp., 901–5 Houston Street, Fort Worth, Tex.; effective 4–1–64 to 9–2–64 (variety store; 17 employees).

McCrory's Store, No. 321, 6305 Camp Bowie Boulevard, Fort Worth, Tex.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

McCrory-McLellan-Green, No. 241, 2123 Avenue E, Galveston, Tex.; effective 4–1–64 to 9–2–64 (variety store; 44 employees).

Morgan & Lindsey, Inc., 3380 Avenue A, Beaumont, Tex.; effective 4–1–64 to 9–2–64 (variety store; 15 employees).

Morgan & Lindsey, Inc., No. 3058, 699 Orleans Street, Beaumont, Tex.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

Morgan & Lindsey, Inc., No. 3068, 845 Gaylynn Drive, Beaumont, Tex.; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

Harry's Food Stores, Inc., 135 West Twohig, San Angelo, Tex.; effective 4–1–64 to 9–2–64 (food store; 33 employees).

Piggly Wiggly, No. 1, 704 North First Street, Lamesa, Tex.; effective 4–1–64 to 9–2–64 (food store; 17 employees).

Piggly Wiggly, No. 2, 710 North Fourth Street, Lamesa, Tex.; effective 4–1–64 to 9–2–64 (food store; 35 employees).

Toudouze Mart, 4007 South Flores Street, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (food store; 35 employees).

REGION X

Byck Bros. & Co., 532 South Fourth Street, Louisville, Ky.; effective 4–1–64 to 9–2–64 (apparel store; 198 employees).

Cat & Fiddle Super Markets, Inc., 714 South Main Street, Danville, Va.; effective 4–1–64 to 9–2–64 (food store; 26 employees).

Cherokee Food Town, Inc., 427 Cherokee Boulevard, Chattanooga, Tenn.; effective 4–1–64 to 9–2–64 (food store; 27 employees).

Cooke's Food Store, 17 Broad Street, SW., Cleveland, Tenn.; effective 4–1–64 to 9–2–64 (food store; 30 employees).

Cooper & Ratcliff of Bassett, Inc., Bassett, Va.; effective 4–1–64 to 9–2–64 (food store; 24 employees).

Cooper & Ratcliff, Inc., Collinsville, Va.; effective 4–1–64 to 9–2–64 (food store; 41 employees).

Cooper & Ratcliff, Box 2037, Martinsville, Va.; effective 4–1–64 to 9–2–64 (food store; 49 employees).

Daisy Pruett's Food Town, Inc., Daisy, Tenn.; effective 4–1–64 to 9–2–64 (food store; 28 employees).

Danville Foods, Inc., T/A, Cat & Fiddle Super Market, Riverside Drive, Danville, Va.; effective 4–1–64 to 9–2–64 (food store; 22 employees).

Dyche Jones Food Store, South Broad Street, London, Ky.; effective 4–1–64 to 9–2–64 (food store; 14 employees).

Dyche Jones Food Store, Manchester, Ky.; effective 4–1–64 to 9–2–64 (food store; 12 employees).

Eagle Stores Company, Inc., 1524 Winchester Avenue, Ashland, Ky.; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

Eagle Stores Company, Inc., 1–11 West Main Street, Martinsville, Va.; effective 4–1–64 to 9–2–64 (variety store; 46 employees).

George's Markets, 1216 East Main, Morristown, Tenn.; effective 4–1–64 to 9–2–64 (food store; 40 employees).

H. L. Green Co., No. 1117, 3821 Mt. Vernon Avenue, Alexandria, Va.; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

Jupiter, No. 4549, 223 Capitol Street, Charleston, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

S. S. Kresge Co., No. 124, 624 Madison Avenue, Covington, Ky.; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

S. S. Kresge Co., 5320 South Third Street, Louisville, Ky.; effective 4–1–64 to 9–2–64 (variety store; 47 employees).

S. S. Kresge Co., No. 385, 4436 Shively Center, Louisville, Ky.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

S. S. Kresge Co., 822 Monmouth, Newport, Ky.; effective 4–1–64 to 9–2–64 (variety store; 39 employees).

S. S. Kresge Co., No. 112, 318 Broadway, Paducah, Ky.; effective 4–1–64 to 9–2–64 (variety store; 91 employees).

S. S. Kresge Co., 2910 East 49th Street, Chattanooga, Tenn.; effective 4–1–64 to 9–2–64 (variety store; 33 employees).

S. S. Kresge Co., No. 633, 6471 Arlington Boulevard, Falls Church, Va.; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

S. S. Kresge Co., No. 612, 902 Main Street, Lynchburg, Va.; effective 4–1–64 to 9–2–64 (variety store; 31 employees).

S. S. Kresge, No. 660, 130 Janaf Shopping Center, Virginia Beach Boulevard and Military Highway, Norfolk, Va.; effective 4–1–64 to 9–2–64 (variety store; 31 employees).

Kuhn's 5–10–25¢ Store, 129 North Main Street, Dickson, Tenn.; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

Kuhn's 5–10–25¢ Store, East Lincoln Street, Tullahoma, Tenn.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

Kuhn's 5–10–25¢ Store, Front Street and Public Square, Winchester, Tenn.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

McCrory-McLellan-Green Stores, 110 East Main Street, Lexington, Ky.; effective 4–1–64 to 9–2–64 (variety store; 79 employees).

McCrory-McLellan-Green Co., No. 1204, 236 West Main Street, Lexington, Ky.; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

McCrory's, 526–38 State Street, Bristol, Tenn.; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

McCrory-McLellan-Green Stores, 101 East Lafayette Street, Jackson, Tenn.; effective 4–1–64 to 9–2–64 (variety store; 38 employees).

McCrory-McLellan-Green Store, 407–11 Gay Street, Knoxville, Tenn.; effective 4–1–64 to 9–2–64 (variety store; 52 employees).

McCrory-McLellan-Green Stores, 269 Mason Avenue, Cape Charles, Va.; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

McCrory-McLellan-Green Stores, 213–215 East Main Street, Front Royal, Va.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

McCrory Corporation, 35–37–43 Main Street, Pulaski, Va.; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

McCrory Stores Corp., No. 13, 218–220 Capitol Street, Charleston, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 33 employees).

McCrory-McLellan-Green Store, No. 40, 50–52 West Main Street, Grafton, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

McCrory Store, 905–907 Third Avenue, Huntington, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 48 employees).

McCrory-McLellan-Green Store, No. 1131, 833 Third Avenue, Huntington, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 60 employees).

McCrory-McLellan-Green Stores, 130–134 North Queen Street, Martinsburg, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

McCrory Stores Corp., No. 96, 517–19 Market Street, Parkersburg, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 11 employees).

J. J. Newberry Co., 110 South Main Street, Harlan, Ky.; effective 4–1–64 to 9–2–64 (variety store; 43 employees).

J. J. Newberry Company, 129 North Main Street, Farmville, Va.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

J. J. Newberry Company, 910–16 Caroline Street, Fredericksburg, Va.; effective 4–1–64 to 9–2–64 (variety store; 39 employees).

Pruett's Food Town, Inc., 2108 East Third Street, Chattanooga, Tenn.; effective 4–1–64 to 9–2–64 (food store; 49 employees).

Raylass Department Stores, Inc., 307–9 Main Street, South Boston, Va.; effective 4–1–64 to 9–2–64 (department store; 18 employees).

Silver's 5 & 10, No. 1133, 219 Capitol Street, Charleston, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

Sterling's-Airways, Inc., 2240 Lamar Avenue, Memphis, Tenn.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

Teague's Shop-Rite Foods, Inc., 420 Madison Street, Clarksville, Tenn.; effective 4–1–64 to 9–2–64 (food store; 25 employees).

F. W. Woolworth Company, 205–07 Capitol Street, Charleston, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 56 employees).

F. W. Woolworth Company, 344–348 West Main Street, Clarksburg, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

REGION XI

Belk-Gallant Company, 125 Main Street, La Grange, Ga.; effective 4–1–64 to 9–2–64 (department store; 40 employees).

Boney Wilson & Son, Inc., T/A Wilson's IGA Foodliner, Rocky Point, N.C.; effective 3–16–64 to 9–2–64 (food store; 42 employees).

Eagle Stores Company, Inc., No. 13, 222 Sunset Avenue, Asheboro, N.C.; effective 4–1–64 to 9–2–64 (variety store; 35 employees).

Eagle Store Company, Inc., 337 Hay Street, Fayetteville, N.C.; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

Eagle Stores Company, Inc., No. 5, 12–14 East First Street, Newton, N.C.; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

Eagle Stores Co., Inc., No. 51, 5613 Rivers Avenue, Palmetto Shopping Center, Charleston Heights, S.C.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

Edwards Inc., 82–84 Reynolds Avenue, Charleston Heights, S.C.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

Edwards Inc., 517 King Street, Charleston, S.C.; effective 4–1–64 to 9–2–64 (variety store; 92 employees).

Edwards Inc., 496 King Street, Charleston S.C.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

Edwards Inc., 41–41½ Laurel Street, Conway, S.C.; effective 4–1–64 to 9–2–64 (variety store; 37 employees).

Edwards Inc., 31–33 Washington Street, Walterboro, S.C.; effective 4–1–64 to 9–2–64 (variety store; 42 employees).

Edwards of Beaufort, Beaufort, S.C.; effective 4–1–64 to 9–2–64 (variety store; 72 employees).

Edwards of Byrnes Down, St. Andrews Shopping Center, Charleston, S.C.; effective 4–1–64 to 9–2–64 (variety store; 53 employees).

Edwards of Georgetown, Front Street, Georgetown, S.C.; effective 4–1–64 to 9–2–64 (variety store; 31 employees).

Edwards of Myrtle Beach, Myrtle Beach, S.C.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

Edwards of Pinehaven, Pinehaven Shopping Center, Charleston Heights, S.C.; effective 4–1–64 to 9–2–64 (variety store; 106 employees).

Edwards of Sumter, North Main Street, Sumter, S.C.; effective 4–1–64 to 9–2–64 (variety store; 54 employees).

W. T. Grant Co., No. 70, 82 Whitehall Street, Atlanta, Ga.; effective 4–1–64 to 9–2–64 (variety store; 140 employees).

H. L. Green Co., 97 Whitehall Street SW., Atlanta, Ga.; effective 4–1–64 to 9–2–64 (variety store; 95 employees).

Helms Super Market, Inc., d/b/a Piggly Wiggly, No. 1, 1815 Garrard Street, Columbus, Ga.; effective 4–1–64 to 9–2–64 (food store; 11 employees).

Helms Super Market, No. 2, Inc., d/b/a Piggly Wiggly, No. 2, 4702 Hamilton Road, Columbus, Ga.; effective 4–1–64 to 9–2–64 (food store; 13 employees).

Helms Super Market, Inc., d/b/a, Piggly Wiggly, No. 6, 2202 Elm Drive, Columbus, Ga.; effective 4–1–64 to 9–2–64 (food store; 11 employees).

S. S. Kresge Co., No. 728, 4425 14th Street W., Bradenton, Fla.; effective 4–1–64 to 9–2–64 (variety store; 47 employees).

S. S. Kresge Co., 6120 East Colonial, Orlando, Fla.; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

S. H. Kress & Co., 19 Patton Avenue, Asheville, N.C.; effective 4–1–64 to 9–2–64 (variety store; 64 employees).

McCrory-McLellan-Green, No. 73, 128 South Beach Street, Daytona Beach, Fla.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

McCrory Stores Corp., 103–107 North Woodland Boulevard, De Land, Fla.; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

McCrory Store, No. 173, 108–110 Broadway, Kissimmee, Fla.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

McCrory-McLellan-Green, No. 1313, 214–218 East Park Avenue, Lake Wales, Fla.; effective 4–1–64 to 9–2–64 (variety store; 16 employees).

McCrory-McLellan-Green Corp., 111–117 North Collins Street, Plant City, Fla.; effective 4–1–64 to 9–2–64 (variety store; 69 employees).

McCrory's, 3270 Central Avenue, St. Petersburg, Fla.; effective 4–1–64 to 9–2–64 (variety store; 43 employees).

McCrory-McLellan-Green, No. 324, Tyrone Shopping Center, St. Petersburg, Fla.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

McCrory's, 105–9 East First, Sanford, Fla.; effective 4–1–64 to 9–2–64 (variety store; 46 employees).

McCrory's, 216–220 Monroe Street, Tallahassee, Fla.; effective 4–1–64 to 9–2–64 (variety store; 54 employees).

McCrory-McLellan-Green Store, No. 71, 330–38 Clematis Street, West Palm Beach, Fla.; effective 4–1–64 to 9–2–64 (Variety store; 37 employees).

McCrory-McLellan-Green, No. 432, 275 East Clayton, Athens, Ga.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

McCrory-McLellan-Green Stores, No. 1113, 970 Broad Street, Augusta, Ga.; effective 4–1–64 to 9–2–64 (variety store; 88 employees).

McCrory Stores Corp., No. 159, 110–116 South Broad Street, Bainbridge, Ga.; effective 4–1–64 to 9–2–64 (variety store; 17 employees).

McCrory-McLellan-Green, 1141 Broadway, Columbus, Ga.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

McCrory Store, No. 213, 1124 Broadway, Columbus, Ga.; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

McCrory-McLellan-Green, 452 Third Street, Macon, Ga.; effective 4–1–64 to 9–2–64 (variety store; 103 employees).

McLellan Stores Co., 56 Park Square, Marietta, Ga.; effective 4–1–64 to 9–2–64 (variety store; 55 employees).

McCrory-McLellan-Green, No. 436, 2–6 South Main Street, Moultrie, Ga.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

McCrory-McLellan-Green Corp., 1–3 West Broughton Street, Savannah, Ga.; effective 4–1–64 to 9–2–64 (variety store; 38 employees).

McCrory-McLellan-Green, 126 North Broad Street, Thomasville, Ga.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

McCrory's Store, No. 303, 406–408 Mary Street, Waycross, Ga.; effective 4–1–64 to 9–2–64 (variety store; 50 employees).

McCrory-McLellan-Green Stores, No. 283, 1000–06 Roanoke Avenue, Roanoke Rapids, N.C.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

McCrory-McLellan-Green, 112 South Main Street, Salisbury, N.C.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

McCrory-McLellan-Green Stores, No. 132, 1556–64 Main Street, Columbia, S.C.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

McCrory-McLellan-Green Stores, No. 1203, 1620 Main Street, Columbia, S.C.; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

McCrory's Store, No. 133, 512 North Limestone Street, Gaffney, S.C.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

McCrory-McLellan-Green, No. 415, 2 South Main Street, Sumter, S.C.; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

Milliner's, Inc., 104 Main Street SW., Gainesville, Ga.; effective 4–1–64 to 9–2–64 (apparel store; 31 employees).

G. C. Murphy Co., 26–28 Second Street NW., Hickory, N.C.; effective 4–1–64 to 9–2–64 (variety store; 60 employees).

Peebles-Kimbrell Co., 121 South Main Street, Roxboro, N.C., effective 4–1–64 to 9–2–64 (department store; 23 employees).

Raylass Department Store, 315 West Main Street, Durham, N.C.; effective 4–1–64 to 9–2–64 (department store; 35 employees).

Raylass Department Store, 202 Hay Street, Fayetteville, N.C.; effective 4–1–64 to 9–2–64 (department store; 25 employees).

Raylass Department Stores, Inc., Corner Main and Marietta Streets, Gastonia, N.C.; effective 4–1–64 to 9–2–64 (department store; 27 employees).

Raylass Department Store, Corner Main Street and Second Avenue, Lexington, N.C.; effective 4–1–64 to 9–2–64 (department store; 18 employees).

Raylass Department Store, Corner Elm and South Court Streets, Lumberton, N.C.; effective 4–1–64 to 9–2–64 (department store; 44 employees).

Raylass Department Stores, Inc., 220–222 Main Street, Salisbury, N.C.; effective 4–1–64 to 9–2–64 (department store; 19 employees).

Raylass Department Store, 9 and 11 West Fourth Street, Winston-Salem, N.C.; effective 4–1–64 to 9–2–64 (department store; 26 employees).

Raylass Department Store, 146 South Main Street, Rock Hill, S.C.; effective 4–1–64 to 9–2–64 (department store; 16 employees).

Silvers 5–10¢ Store, 114 North Wash Street, Albany, Ga.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

White's Stores, Inc., P.O. Box 859, Greenville, N.C.; effective 4–1–64 to 9–2–64 (variety store; 47 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraph (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificate permits the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Britte Brick Plaza Corp., Chambers Bridge Road, Bricktown, N.J.; effective

4–1–64 to 9–2–64; office clerks, sales clerks, stock clerks, janitors, window trimmers, markers; between 9.7 percent and 10 percent (department store; 280 employees).

J. S. Dillon & Sons Stores Co., Inc., No. 43, 1740 Massachusetts, Lawrence, Kans.; effective 4–1–64 to 9–2–64; cashiers, clerks, carry-outs, wrappers, maintenance; 10 percent for each month (food store; 38 employees).

J. S. Dillon & Sons Stores Co., Inc., No. 46, 2900 Anderson, Highway 24, Manhattan, Kans.; effective 4–1–64 to 9–2–64; cashiers, clerks, carry-outs, wrappers, maintenance; 10 percent for each month (food store; 30 employees).

Famous Co., Inc., Parkview Shopping Center, Marshall, Tex.; effective 4–1–64 to 9–2–64; sales personnel, stock clerks, janitors; 10 percent for each month (department store; 16 employees).

Fifty-Nine & Penn Variety, Inc., d/b/a T. G. & Y. Stores Co., No. 82, 2130 SW. 59th Street, Oklahoma City, Okla.; effective 4–1–64 to 9–2–64; clerks, sales, stocking; 10 percent for each month (variety store; 25 employees).

Galliano Variety, Inc., d/b/a T. G. & Y. Stores Co., No. 328, Galliano, La.; effective 3–17–64 to 9–2–64; clerks, sales clerks, stock clerks; between 7.5 percent and 10 percent (variety store; 10 employees).

Frank Glass Minimax, 1001 South Broadway, La Porte, Tex.; effective 4–1–64 to 9–2–64; baggers, carry-out, janitors; between 8.3 percent and 10 percent (food store; 35 employees).

H. E. B. Food Store, No. 36, 200 Hancock Center, Austin, Tex.; effective 3–23–64 to 9–2–64; package boys, bottle boys, sack boys; 10 percent for each month (food store; 59 employees).

H. E. B. Food Store, No. 82, 2600 Seventh Street, Bay City, Tex.; effective 4–1–64 to 9–2–64; bottle boys, package boys, sack boys; 10 percent for each month (food store; 36 employees).

H. E. B. Food Store, No. 93, 411 East Central Avenue, Belton, Tex.; effective 3–23–64 to 9–2–64; package boys, bottle boys, sack boys; 10 percent for each month (food store; 26 employees).

H. E. B. Food Store, No. 92, Alameda at Airline, Corpus Christi, Tex.; effective 3–23–64 to 9–2–64; package boys, bottle boys, sack boys; 10 percent for each month (food store; 32 employees).

H. E. B. Food Store, No. 94, 703 Avenue F, Del Rio, Tex.; effective 4–1–64 to 9–2–64; package boys, bottle boys, sack boys; 10 percent for each month (food store; 21 employees).

H. E. B. Food Store, No. 85, 120 West Rice Street, Falfurrias, Tex.; effective 4–1–64 to 9–2–64; bottle boys, package boys, sack boys; 10 percent for each month (food store; 21 employees).

H. E. B. Food Store, No. 84, 302 South Second Street, McAllen, Tex.; effective 4–1–64 to 9–2–64; bottle boys, package boys, sack boys; 10 percent for each month (food store; 31 employees).

H. E. B. Food Store, No. 20, Viking Mall Shopping Center, Port Lavaca, Tex.; effective 4–1–64 to 9–2–64; package boys, bottle boys, sack boys; 10 percent for each month (food store; 34 employees).

H. E. B. Food Store, No. 96, Comancho at Austin, Rockport, Tex.; effective 3–23–64 to 9–2–64; package boys, bottle boys, sack boys; 10 percent for each month (food store; 21 employees).

H. E. B. Food Store, No. 58, Loop 410 South and Lackland Drive, San Antonio, Tex.; effective 4–1–64 to 9–2–64; bottle boys, package boys, sack boys; 10 percent for each month (food store; 35 employees).

H. E. B. Food Store, No. 59, North Star Mall, San Antonio, Tex.; effective 4–1–64 to 9–2–64; bottle boys, package boys, sack boys; 10 percent for each month (food store; 45 employees).

H. E. B. Food Store, No. 56, 516 North Main, Taylor, Tex.; effective 4–1–64 to 9–2–64; bottle boys, sack boys, package boys; 10 percent for each month (food store; 34 employees).

H. E. B. Food Store, No. 54, 516 North 20th Street, Waco, Tex.; effective 4–1–64 to 9–2–64; package boys, bottle boys, sack boys; 10 percent for each month (food store; 50 employees).

Jupiter Discount Store, No. 4522, 101 East First Street, Newton, Iowa; effective 4–1–64 to 9–2–64; sales clerks; between 0.6 percent and 5.1 percent (variety store; 15 employees).

Jupiter, No. 4514, 22 West Independence Street, Shamokin, Pa.; effective 4–1–64 to 9–2–64; sales clerks; between 0.7 percent and 5.9 percent (variety store; 18 employees).

S. S. Kresge Co., No. 554, King Plaza Center, 23d Avenue at 41st Street, Moline, Ill.; effective 4–1–64 to 9–2–64; sales; 10 percent for each month (variety store; 45 employees).

S. S. Kresge Co., No. 25, Canterbury Shopping Center, 3041 West 159th Street, Markham, Ill.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 42 employees).

S. S. Kresge Co., No. 187, Palatine Plaza Shopping Center, 239 West Northwest Highway, Palatine, Ill.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 34 employees).

S. S. Kresge Co., No. 39, Capital Plaza Shopping Center, 6200 Annapolis Road, Hyattsville, Md.; effective 4–1–64 to 9–2–64; part-time sales; 10 percent for each month (variety store; 73 employees).

S. S. Kresge Co., No. 131, Westgate Center, 2511 Jackson Road, Ann Arbor, Mich.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 35 employees).

S. S. Kresge Co., No. 468, Arborland Shopping Center, 3601 Washtenaw Avenue, Ann Arbor, Mich.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 49 employees).

S. S. Kresge Co., No. 516, Pontiac Mall Shopping Center, 343 North Telegraph Road, Pontiac, Mich.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 94 employees).

S. S. Kresge Co., No. 135, 7971 Southtown Center, Minneapolis, Minn.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 42 employees).

S. S. Kresge Co., No. 49, 1104 North Meyer Boulevard, Kansas City, Mo.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 43 employees).

S. S. Kresge Co., No. 72, 68 Town and Country Mall, Page at Woodson Road, St. Louis, Mo.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 48 employees).

S. S. Kresge Co., No. 274, Preakness Shopping Center, Paterson Hamburg Turnpike, Wayne, N.J.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 43 employees).

S. S. Kresge Co., No. 314, 7851 Ridgewood Drive, Cleveland, Ohio; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 43 employees).

S. S. Kresge Co., Northfield Square Shopping Center, Unit No. 110, Northfield Road, Northfield, Ohio; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 31 employees).

S. S. Kresge Co., No. 62, West Mills Shopping Center, Coraopolis, Pa.; effective 4–1–64 to 9–2–64; sales clerk; between 2.2 percent and 7.8 percent (variety store; 39 employees).

S. S. Kresge Co., No. 189, 19 Olmsted Plaza Shopping Center, West Harrisburg Pike, Middletown, Pa.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 25 employees).

S. S. Kresge Co., No. 129, Cheltenham Center, 2309 Cheltenham Avenue, Philadelphia, Pa.; effective 4–1–64 to 9–2–64; sales clerks; between 5.7 percent and 10 percent (variety store; 57 employees).

S. S. Kresge Co., No. 723, Village Shopping Center, Keith Street and Harrison Pike, Cleveland, Tenn.; effective 4–1–64 to 9–2–64; sales clerks; between 2.2 percent and 6.9 percent (variety store; 29 employees).

S. S. Kresge Co., No. 705, 134 West 43d Street, Houston, Tex.; effective 4–1–64 to 9–2–64; sales clerks; between 5.4 percent and 10 percent (variety store; 29 employees).

S. S. Kresge Co., No. 547, Springfield Plaza Shopping Center, 6414 Springfield Plaza, Springfield, Va.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 48 employees).

Kwik Shop, Inc., No. 70, 507 East 30th, Kutchinson, Kans.; effective 4–1–64 to 9–2–64; cashiers, clerks, carry-out, maintenance, wrappers; 10 percent for each month (food store; 12 employees).

Kwik Shop, Inc., No. 73, 1714 West 23d Street, Lawrence, Kans.; effective 4–1–64 to 9–2–64; cashiers, clerks, carry-out, maintenance, wrappers; between 7.6 percent and 10 percent (food store; 9 employees).

Kwik Shop, Inc., No. 71, 13th and Oliver, Wichita, Kans.; effective 4–1–64 to 9–2–64; cashiers, carry-out, clerks, wrappers, maintenance; between 8.7 percent and 10 percent (food store; 4 employees).

Kwik Shop, Inc., No. 72, 2232 Amidon, Wichita, Kans.; effective 4–1–64 to 9–2–64; clerks, cashiers, carry-out, maintenance, wrappers; between 8.7 percent and 10 percent (food store; 6 employees).

Wm. A Lewis Clothing Co., Elmhurst Road and Rand Road, Mt. Prospect, Ill.; effective 4–1–64 to 9–2–64; receptionists, wrappers, check writers, stock clerks; 10 percent for each month (apparel store; 42 employees).

G. C. Murphy Co., No. 298, Independence Hall, 2645 South Broad Street, Trenton, N.J.; effective 4–1–64 to 9–2–64; sales, clerks, stock keeping, janitors; 10 percent for each month (variety store; 70 employees).

Newberry Poplar Bluff Corp., Valley Plaza Shopping Center, Poplar Bluff, Mo.; effective 4–1–64 to 9–2–64; sales clerks, stock clerks, office clerks; 10 percent for each month (variety store; 74 employees).

Pruett's Food Town, No. 4, 131 West Main Street, Dayton, Tenn.; effective 4–1–64 to 9–2–64; sack boys; 10 percent for each month (food store; 15 employees).

Raylass Department Store, 232 South Elm Street, Greensboro, N.C.; effective 4–1–64 to 9–2–64; selling, marking, clerks, stock-work, janitors; 10 percent for each month (department store; 19 employees).

Rio Grande Variety, Inc., d/b/a T. G. & Y. Stores Co., No. 285, 2107 Central Avenue NW., Albuquerque, N. Mex.; effective 3–20–64 to 9–2–64; clerks, sales clerks, stock clerks; 10 percent for each month (variety store; 15 employees).

Rusty's North Side IGA, 620 North Second Street, Lawrence, Kans.; effective 4–1–64 to 9–2–64; sackers, carry-out; between 7.2 percent and 10 percent (food store; 22 employees).

Sterling's-Park, Inc., University Avenue and Markham Street, Little Rock, Ark.; effective 4–1–64 to 9–2–64; sales, stock clerks, janitors; 10 percent for each month (variety store; 26 employees).

F. W. Woolworth, No. 1397, Reisterstown Shopping Center, 11933–11939 Reisterstown Road, Reisterstown, Md.; effective 4–1–64 to 9–2–64; sales clerks; between 9.3 percent and 10 percent (variety store; 25 employees).

F. W. Woolworth Co., No. 399, 150 East Front Street, Traverse City, Mich.; effective 4–1–64 to 9–2–64; sales clerks, stock clerks; between 8.3 percent and 10 percent (variety store; 30 employees).

F. W. Woolworth Co., 5840 South Pulaski Road, Chicago, Ill.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 35 employees).

F. W. Woolworth Co., No. 2606, 11301 South Michigan Avenue, Chicago, Ill.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 46 employees).

F. W. Woolworth Co., No. 704, 101 East Third Street, Sterling, Ill.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 46 employees).

F. W. Woolworth Co., No. 2475, 101–103 East Main Street, Streator, Ill.; effective 4–1–64 to 9–2–64; sales clerks; between 5.7 percent and 10 percent (variety store; 23 employees).

F. W. Woolworth Co., 224 Main Street, Lafayette, Ind.; effective 3–27–64 to 6–30–64; sales clerks; between 0.8 percent and 8.1 percent (variety store; 36 employees).

Wrights Velda Rose, 5700 East Main, Mesa, Ariz.; effective 4–1–64 to 9–2–64; carry-out, bag boys, bottle boys; 10 percent for each month (food store; 33 employees).

Yuma-Mesa Variety, Inc., d/b/a T. G. & Y. Stores Co., No. 189, 349 West 16th Street, Yuma, Ariz.; effective 3–19–64 to 9–2–64; clerks, sales clerks, stock clerks; 10 percent for each month (variety store; 13 employees).

The following certificate was issued to an establishment under paragraph (k) of § 519.6 of 29 CFR, Part 519. This certificate supplements the certificate issued pursuant to other paragraphs of that section, but does not authorize the employment of full-time students at rates below $1.00 an hour in additional occupations. The certificate contains limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The additional allowance applies to the specified month.

H & J Corp., d/b/a Ramey Super Market, No. 3, 1844 South Campbell, Springfield, Mo.; effective 3–13–64 to 9–2–64; between 1.0 percent and 5.0 percent for the months of March through September (food store; 35 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C. this 3d day of April 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64–3553; Filed, Apr. 10, 1964 8:45 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

B.C.J. Corp., 5 John Street, Carbondale, Pa.; effective 3–27–64 to 3–26–65 (children's dresses).

Blue Bell, Inc., Prentiss County, Baldwyn, Miss.; effective 4–1–64 to 3–31–65 (ladies', girls' and kiddies' blouses).

The Chaffee Manufacturing Co., Inc., Chaffee, Mo.; effective 4–1–64 to 3–31–65 (men's trousers).

Chester Sportswear Co., Chester, S.C.; effective 3–25–64 to 3–24–65 (men's dress and sport shirts).

Ely and Walker, A Division of Burlington Inds., Inc., Monterey, Tenn.; effective 3–30–64 to 3–29–65 (boys' sport shirts).

Fortex Manufacturing Co., Inc., Fort Deposit, Ala.; effective 4–7–64 to 4–6–65 (men's pajamas).

Georgetown Dress Corp., Route 17 South, Georgetown, S.C.; effective 4–17–64 to 4–16–65 (children's sportswear and dresses).

J. H. Manufacturing Co., Inc., Centerville, Tenn.; effective 3–25–64 to 3–24–65 (men's pants).

Kane Manufacturing Co., Leitchfield, Ky.; effective 4–5–64 to 4–4–65 (men's and boys' cossack outerwear jackets).

Leitchfield Manufacturing Co., Leitchfield, Ky.; effective 4–5–64 to 4–4–65 (men's trousers, men's and boys' jackets).

Martin Manufacturing Co., Inc., Ramer, Tenn.; effective 3–31–64 to 3–30–65 (men's woven shirts and uniform jackets).

Oxford Manufacturing Co., A Division of Kellwood Co., Oxford, Miss.; effective 3–31–64 to 3–30–65 (boys' semi-dress pants).

J. H. Rutter-Rex Manufacturing Co., Inc., Columbia, Miss.; effective 3–30–64 to 3–29–65 (men's cotton work shirts).

Salant and Salant, Inc., 408 East Florida Avenue, Union City, Tenn.; effective 4–13–64 to 4–12–65 (men's and boys' cotton work pants).

The Seaford Garment Company, Phillips Street, Seaford, Del.; effective 3–27–64 to 3–26–65 (men's shirts).

Ware Place Manufacturing Co., Inc., Route No. 3, Pelzer, S.C.; effective 3–30–64 to 3–29–65 (ladies' dresses).

Williamson-Dickie Manufacturing Co., Plant No. 19, Maverick County Airfield, Eagle Pass, Tex.; effective 3–26–64 to 3–25–65 (men's and boys' work pants).

Windon Manufacturing Co., Winona, Miss.; effective 3–31–64 to 3–30–65 (men's cotton sport shirts).

Jack Winter Sportswear, Inc., 515 West Central, Warren, Ark.; effective 4–1–64 to 3–31–65 (women's slacks, pants and shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Anthracite Overall Manfacturing Co., Inc., 430 Penn Avenue, Scranton, Pa.; effective 3–30–64 to 3–29–65; 10 learners (men's work and dress trousers, overalls and work jackets).

Romac, Inc., Donaldson, Pa.; effective 3–27–64 to 3–26–65; 10 learners (ladies' house dresses).

Shroyer Dress Co., 315 North Water Street, Selinsgrove, Pa.; effective 3–25–64 to 3–24–65; 10 learners (women's and misses' cotton and rayon dresses).

Tamaqua Garment Co., Tamaqua, Pa.; effective 3–30–64 to 3–29–65; 10 learners (women's street dresses).

Vicky Sportswear, 2 South Sheridan Street, McAdoo, Pa.; effective 3–30–64 to 3–29–65; 5 learners (women's blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates, and the number of learners authorized are indicated.

Bernice Manufacturing Corp., Bernice, La.; effective 3–26–64 to 9–25–64; 100 learners (women's jumpers and ladies' nightwear).

Gallant Sportswear, Inc., 607 East Main Street, Cherryville, N.C.; effective 3–31–64 to 9–30–64; 30 learners (men's and boys' sport shirts).

The H. D. Lee Company, Inc., Lebanon, Mo.; effective 3–27–64 to 9–26–64; 65 learners (men's and boys' pants).

J. H. Manufacturing Co., Inc., Centerville, Tenn.; effective 3–25–64 to 9–24–64; 50 learners (boys' sport shirts and dress shirts).

Levi Strauss & Co., 220 North Houston, Denison, Tex.; effective 3–25–64 to 9–24–64; 200 learners (men's and boys' casual wear slacks).

Vista Slack Corp., 660 L Street, Chula Vista, Calif.; effective 3–30–64 to 9–29–64; 40 learners (men's separate trousers).

Whiteville Garment Manufacturing Co., Plant No. 2, South Main Street, Whiteville, S.C.; effective 3–27–64 to 9–26–64; 35 learners (boys' dungarees).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Newton Glove, Inc., Box 271, Newton, N.C.; effective 4–21–64 to 4–20–65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton and leather work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Casa Grande Mills, A Division of the Parsons and Baker Co., Phoenix Highway, Casa

Grande, Ariz.; effective 3–30–64 to 9–29–64; 5 learners for plant expansion purposes (infants' cotton knit underwear, men's and boys' jockey briefs).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

France Neckwear Manufacturing Co., 1217 South 13th Street, Wilmington, N.C.; effective 3–29–64 to 9–28–64; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operator, hand sewer, presser, finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of not less than $1.10 an hour for the first 160 hours, and not less than $1.15 an hour for the remaining 160 hours (men's and boys' neckwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 3d day of April 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64–3557; Filed, Apr. 10, 1964; 8:45 a.m.]

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VOLUME 29 NUMBER 73

Washington, Tuesday, April 14, 1964

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show the revocation of the exception for the position of Executive Assistant to the Deputy Attorney General. Effective upon publication in the FEDERAL REGISTER, subparagraph (6) of paragraph (b) of § 213.3310 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–3647; Filed, Apr. 13, 1964; 8:49 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart D—Payments During Evacuation

PURPOSE

Section 550.401 is amended to clarify its meaning to show that payments are permissible when an evacuation occurs within as well as from a United States area. Effective upon publication in the FEDERAL REGISTER, § 550.401 is amended as set out below.

§ 550.401 **Purpose.**

The purpose of this subpart is to provide the authority necessary for a department to administer the act (except section 5), by establishing an efficient, orderly, and equitable procedure for the payment of compensation, allowances, and differentials in the event of an emergency evacuation of employees or their dependents, or both, from or within United States areas for military reasons or because of imminent danger to their lives.

(Sec. 6, 75 Stat. 644; 5 U.S.C. 3076; E.O. 10982; 27 F.R. 3, 3 CFR, 1962 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–3648; Filed, Apr. 13, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 105, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.405 (Lemon Regulation 105, 29 F.R. 4792) are hereby amended to read as follows:

§ 910.405 **Lemon Regulation No. 105.**

* * * * * *

(b) * * *

(1) * * *

(ii) District 2: 218,550 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 9, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–3658; Filed, Apr. 13, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–WE–86]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

Correction

In F.R. Doc. 64–3454, appearing at page 4963 of the issue for Thursday, April 9, 1964, the language "In V–8" in the fourth paragraph should read "In V–81".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8309 o.]

PART 13—PROHIBITED TRADE PRACTICES

Bakers of Washington, Inc., et al.

Subpart—Coercing and intimidating: § 13.345 *Competitors.* Subpart—Combining or conspiring: § 13.430 *To enhance, maintain or unify prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bakers of Washington, Inc. (Seattle, Wash.) et al., Docket 8309, Feb. 28, 1964]

In the Matter of Bakers of Washington, Inc., an Incorporated Association, its Officers, Board of Trustees, Employees, Representatives and Agents, Including but not Limited to the Following: George B. Buchan, Richard Hoyt, Arthur H. Lalime; the Following Named Members of Respondent Association: Buchan Baking Co., Continental Baking Company, Langendorf United Bakeries, Inc., Hansen Baking Co., Inc., Trennery's Bakery Co., Snyder's Bakery, Inc., Corporations. John M. Larsen, Trading as Larson's Bakery, Vic H. Goethals, Trading as Fortune's Bakery, Each Individually and as a Member of the Respondent Association and all as Representative of all of the Members of Respondent Association; Safeway Stores, Inc. and Holsum Baking Company, Corporations

Order requiring a trade association with headquarters in Seattle, Wash.,

along with its responsible officers and wholesale and retail baker members in Washington State, to cease conspiring among themselves and with others to fix and adhere to prices, terms or conditions of sale of bread, and to deter or attempt to deter any competitor from exercising his individual judgment as to prices and terms of sale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Bakers of Washington, Inc., an incorporated association, and respondents George B. Buchan and Richard Hoyt, individually and as officers of respondent association, and respondents Buchan Baking Co., Continental Baking Company, Langendorf United Bakeries, Inc., Hansen Baking Co., Inc., Trenerry's Bakery Co., and Snyder's Bakery, Inc., corporations, John M. Larson, trading as Larson's Bakery, and Vic H. Goethals, trading as Fortune's Bakery, all members of respondent association; and the following members of said association: Ruth Ashbrook Bakeries Corp., 1407 11th Avenue, Seattle, Washington; Albertson's Inc., 17000 Aurora Avenue, Seattle; Baders' Dutch Bakeries, 3755 University, Seattle; Baker Boy Bakery, 8050 Bothell Way, Seattle; Bake-Rite Bakery, 1414 14th Avenue, Seattle; Bellinger Bakery, North Bend; Best Pie Company, Inc., 132 Queen Anne Avenue, Seattle; Big Four Donut, Inc., 319 Nickerson Street, Seattle; Blake's Bakery, Inc., 4729 California Avenue, Seattle; Bookter's Seattle Bakery, Inc., 3409 4th Avenue, South, Seattle; Butter-Krisp Bakery, Inc., 2203 23d Avenue, South, Seattle; Boldt's Western Hotels Food Service, Inc., Boeing Cafeteria, Boeing Plant No. 2, Seattle; Carolyn's Cakes, 518 15th Avenue, North, Seattle; Caster's Lake City Bakery, 12532 Bothell Way, Seattle; Frederick & Nelson (Bakery Department), 5th at Pine, Seattle; Gai's Seattle French Baking Co., Inc., 2006 Weller Street, Seattle; Golden Rule Bakery, Inc., 4450 Fremont Avenue, Seattle; Grandma Cookie Baking Co., Inc., 3402 Wallingford Avenue, Seattle; Karl's Bakery, 1614 Hewitt Avenue, Everett; Kent Bakery, 213 First South, Kent; Lippman's Bakery, Inc., 119 23d Avenue, Seattle; Lindsay's Thriftway Market, 11100 Roosevelt Way, Seattle; Manning's, Inc., 621 Seaboard Building, Seattle; Richard's Fried Pies, Inc., 220 1st Avenue, North, Seattle; Swiss Pastry & Candy Shop, 1325 5th Avenue, Seattle; Smith & Sonnleitner Cookie Co., 1238 No. 99 W., McMinnville, Oregon (7710 Bagley, Seattle, Washington); Van de Kamp's Holland Dutch Bakers, 823 Yale Avenue, North, Seattle; Grand Central Bakery, Market and H Streets, Aberdeen; Swanson's Food, Inc., 1401 Simpson Avenue, Aberdeen; Veldkamp's Olympic Bakery, 417 W. Wishkah Street, Aberdeen; Bame's Ye Olde Home Bakery, Riverside, Mount Vernon; Bellingham Baking Company, 2001 State Street, Bellingham; City Bakery, 607 1st Street, Mount Vernon; Thrifty Foods, 130 Fairhaven Avenue, Burlington; Golden Rule Bakery, Inc., 915 Center Street, Tacoma; Jordan Baking Company, 3623 S. 54th Street, Tacoma; Eddy Bakeries Company, Inc., 232 S. Front Street, Yakima; Sigman Food Stores, P.O. Box 618, Yakima; and the following officials of Bakers of Washington, Inc.: Miss Maud Pemberton, Golden Rule Bakery, Inc., 4450 Fremont Avenue, Seattle; Henry Richards, Continental Baking Company, P.O. Box 3227, Seattle; Lloyd C. Mitchell, Van de Kamp's Holland Dutch Bakers, 823 Yale Avenue, North, Seattle; Lou Blackfield, Bake-Rite Bakery, 1414 14th Avenue, Seattle; Horace Snyder, Snyder's Bakery, Inc., 31 North 4th Street, Yakima; Al Moore, Langendorf United Bakeries, Inc., 2901 6th Avenue, South, Seattle; Roy Reynolds, Grandma Cookie Baking Co., Inc., 3402 Wallingford, Seattle; LeConie Stiles, Jr., Ruth Ashbrook Bakeries Corp., 1407 11th Avenue, Seattle; Hentry Gai, Seattle French Baking Co., Inc., 2006 Weller Street, Seattle; Donald R. Due, Best Pie Company, Inc., 132 Queen Anne Avenue, Seattle; and Maurice Vyvey, Baker Boy Bakery, 8050 Bothell Way, Seattle, as officers of Bakers of Washington, Inc.; and respondents Safeway Stores, Inc., and Holsum Baking Company, corporations; and respondents' representatives, agents and employees, directly or through any corporate or other device in or in connection with the offering for sale, sale or distribution of bread, do forthwith cease and desist from:

Entering into, carrying out, continuing or cooperating in any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said respondents, or members of Bakers of Washington, Inc., or between any one or more of them and others not parties hereto, where any one or more of the parties to such planned common course of action, understanding, agreement, combination or conspiracy is selling bread in interstate commerce in competition with bread sold by any one or more of the other parties thereto, to do or perform any of the following things:

(1) Establish, fix or maintain prices, terms or conditions of sale of bread.

(2) Adhere to any prices, terms or conditions of sale so fixed or maintained, or

(3) Deter or attempt to deter any competitor from exercising his individual judgment as to prices, terms or conditions of sale of bread.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to Arthur H. LaLime, deceased.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order set forth herein.

Issued: February 28, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3596; Filed, Apr. 13, 1964; 8:45 a.m.]

PART 14—ADMINISTRATIVE INTERPRETATIONS

Tire Advertising Guides

The Federal Trade Commission has amended paragraph (j) *Prices* of § 14.3 *Tire advertising guides* of this part to read as follows:

§ 14.3 **Tire advertising guides.**

* * * * * * *

(j) *Deceptive pricing.* Members of the industry shall not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

* * * * * * *

NOTE: On December 20, 1963 the Commission adopted Guides Against Deceptive Pricing which became effective on January 8, 1964 and which supersede paragraph (j) of § 14.3 as adopted May 20, 1958. Copies of the 1964 Guides will be furnished upon request.

The reason for the amendment is self-evident in the above Note.

(Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Approved: April 3, 1964.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3586; Filed, Apr. 13, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

LACTYLIC ESTERS OF FATTY ACIDS

Correction

In F.R. Doc. 64-3520, appearing at page 4997 of the issue for Friday, April 10, 1964, § 121.1048(a) should open with the words "They are prepared * * *" instead of with the words "They were prepared * * *".

SUBCHAPTER C—DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Streptomycin Hydrochloride Solution Oral Veterinary Etc.; Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146b.119) are amended as follows:

Section 146b.119 is amended by changing the expiration dates in paragraphs (c)(3) and (f)(1). As amended the affected portions read as follows:

§ 146b.119 **Streptomycin hydrochloride solution oral veterinary; streptomycin sulfate solution oral veterinary.**

* * * * * * *

(c) * * *

(3) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time, such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

* * * * * * *

(f) * * *

(1) The labels bear an expiration date that is not more than 24 months after the month during which the batch was last assayed and released by the manufacturer.

* * * * * * *

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the changes is such that they cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: April 8, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-3631; Filed, Apr. 13, 1964; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6722]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On September 17, 1963, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 37, 62, 72, 101, 104, 105, 401, 402, 403, 404, 503, and 1361 of the Internal Revenue Code of 1954 (relating to the inclusion of certain medical benefits in pension or annuity plans, to the prohibited transactions of trusts under certain plans covering owner-employees, and certain other miscellaneous matter) to conform to section 2 (a) and (b) of the Act of October 23, 1962 (Public Law 87-863, 76 Stat. 1141) and sections 6 and 7 (a)-(e) and (h) of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 828, 829) was published in the FEDERAL REGISTER (28 F.R. 10161). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below. In addition, there is contained herein an amendment of the Income Tax Regulations under section 6033 of the Internal Revenue Code of 1954 which modifies the information required to be filed with the return of an exempt employees' trust.

PARAGRAPH 1. Paragraph (h) of § 1.72-15 is amended.

PAR. 2. Paragraph (b) of § 1.105-5 is amended.

PAR. 3. Paragraph (b)(1)(i) of § 1.401-1 is amended.

PAR. 4. Paragraph (b) of § 1.404-14 is amended.

PAR. 5. Paragraph (f)(2)(i) of § 1.404(a)-3 is amended.

PAR. 6. Paragraph (a)(3) of § 1.6033-1 is amended.

[SEAL] MORTIMER M. CAPLIN, *Commissioner of Internal Revenue.*

Approved: April 8, 1964.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

PARAGRAPH 1. Section 1.37 is amended by revising section 37(c)(1) and by changing the historical note. These amended provisions read as follows:

§ 1.37 **Statutory provisions; retirement income.**

SEC. 37. *Retirement income.* * * *

(c) *Retirement income.* * * *

(1) In the case of an individual who has attained the age of 65 before the close of the taxable year, income from—

(A) Pensions and annuities (including, in the case of an individual who is, or has been, an employee within the meaning of section 401(c)(1), distributions by a trust described in section 401(a) which is exempt from tax under section 501(a)),

(B) Interest,

(C) Rents,

(D) Dividends, and

(E) Bonds described in section 405(b)(1) which are received under a qualified bond purchase plan described in section 405(a) or in a distribution from a trust described in section 401(a) which is exempt from tax under section 501(a), or

* * * * * * *

[Sec. 37 as amended by Act of Aug. 9, 1955 (Pub. Law 299, 84th Cong., 69 Stat. 591); Act of Jan. 28, 1956 (Pub. Law 398, 84th Cong., 70 Stat. 8); Act of Oct. 24, 1962 (Pub. Law 87-876, 76 Stat. 1199); sec. 7(a), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828)]

PAR. 2. Section 1.37-3 is amended by revising paragraph (a)(2) to read as follows:

§ 1.37-3 **Retirement income.**

(a) *Inclusions in retirement income.* * * *

(2) *Individuals 65 or over at the close of taxable year.* In the case of individuals who have attained the age of 65 before the close of the taxable year, retirement income consists of income from pensions and annuities, interest, rents, dividends, and bonds described in section 405(b)(1) which are received under a qualified bond purchase plan described in section 405(a) or in a distribution from a trust described in section 401(a) which is exempt from tax under section 501(a), to the extent that such income is includible in gross income. Pensions and annuities include (but are not limited to) amounts received as such under a public retirement system or under a retirement system established for members of the Armed Forces of the United States and distributions which are made by a trust described in section 401(a) and exempt from tax under section 501(a) and which are attributable to contributions on behalf of a self-employed individual. For the purpose of section 37(c)(1), income from rents shall be the gross amount received, not reduced by depreciation or other expenses. Retirement income does not include royalties as distinguished from rents.

PAR. 3. Section 1.62 is amended by adding a new paragraph (7) to section 62 and by adding a historical note. These added provisions read as follows:

§ 1.62 **Statutory provisions; adjusted gross income defined.**

SEC. 62. *Adjusted gross income defined.* * * *

(7) *Pension, profit-sharing, annuity, and bond purchase plans of self-employed individuals.* In the case of an individual who is an employee within the meaning of section 401(c)(1), the deductions allowed by section 404 and section 405(c) to the extent attributable to contributions made on behalf of such individual.

[Sec. 62 as amended by sec. 7(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828)]

PAR 4. Section 1.62-1 is amended by revising paragraph (c) (8) and (9) and by adding a new subparagraph to paragraph (c). These amended and added provisions read as follows:

§ 1.62-1 **Adjusted gross income.**

* * * * * * *

(c) * * *

(8) Deductions allowable under part VI, section 212, and section 611 which are attributable to property held for the production of rents or royalties;

(9) Deductions for depreciation and depletion allowable under sections 167 and 611 to a life tenant of property or to an income beneficiary of property held in trust or to an heir, legatee, or devisee of an estate;

(10) Deductions allowed by sections 404 and 405(c) for contributions on behalf of a self-employed individual.

PAR. 5. There is added immediately after paragraph (g) of § 1.72-15 the following new paragraph:

§ 1.72–15 Applicability of section 72 to accident or health plans.

* * * * *

(h) *Medical benefits for retired employees, etc.* Employer contributions to provide medical benefits described in section 401(h) under a qualified pension or annuity plan are not includible in the gross income of the employee on whose behalf such contributions were made. Similarly, if the trustee of a trust forming a part of a qualified pension plan applies employer contributions which have been contributed to provide medical benefits described in section 401(h) or earnings thereon, to purchase insurance contracts which provide such benefits, the amount so applied is not includible in the gross income of the employee on whose behalf such insurance was purchased. The payment of medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14 under a plan established by an employer shall be treated in the same manner as the payment of any other accident or health benefits under an employer-established plan. See paragraphs (b), (c), and (d) of this section.

PAR. 6. Paragraph (b)(1) of § 1.72–18 is amended by adding a new subdivision (vii) at the end thereof. The added provision reads as follows:

§ 1.72–18 Treatment of certain total distributions with respect to self-employed individuals.

* * * * *

(b) *Distributions to which this section applies.* (1) * * *

(vii) For purposes of this section, the total amounts payable to a distributee or payee, or the amounts to the credit of the employee, do not include any amounts which have been placed in a separate account for the funding of medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14. Thus, a distribution by a qualified trust or annuity plan may constitute a distribution to which this section applies even though amounts attributable to the funding of section 401(h) medical benefits as defined in paragraph (a) of § 1.401–14 are not so distributed.

PAR. 7. Section 1.101 is amended by revising section 101(b)(2)(B), by adding a paragraph (3) to section 101(b), and by adding a historical note. These amended and added provisions read as follows:

§ 1.101 Statutory provisions; certain death benefits.

SEC. 101. Certain death benefits. * * *

(b) *Employees' death benefits.* * * *

(2) *Special rules for paragraph (1).* * * *

(B) *Nonforfeitable rights.* Paragraph (1) shall not apply to amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living. This subparagraph shall not apply to total distributions payable (as defined in section 402(a)(3)) which are paid to a distributee within one taxable year of the distributee by reason of the employee's death—

(i) By a stock bonus, pension, or profit-sharing trust described in section 401(a) which is exempt from tax under section 501(a),

(ii) Under an annuity contract under a plan described in section 403(a), or

(iii) Under an annuity contract purchased by an employer which is an organization referred to in section 508(b)(1), (2), or (3) and which is exempt from tax under section 501(a), but only with respect to that portion of such total distributions payable which bears the same ratio to the amount of such total distributions payable which is (without regard to this subsection) includible in gross income, as the amounts contributed by the employer for such annuity contract which are excludable from gross income under section 403(b) bear to the total amounts contributed by the employer for such annuity contract.

* * * * *

(3) *Self-employed individual not considered an employee.* For purposes of this subsection, the term "employee" does not include an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

* * * * *

[Sec. 101 as amended by sec. 23(d), Technical Amendments Act 1958 (72 Stat. 1622); sec. 7(c), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829)]

PAR. 8. Section 1.101–2 is amended by adding the following new paragraph:

§ 1.101–2 Employees' death benefits.

* * * * *

(f) *Distributions on behalf of a self-employed individual.* (1) Under sections 401(c)(1) and 403(a)(3), certain self-employed individuals may be covered by a pension or profit-sharing plan described in section 401(a) and exempt under section 501(a) or under an annuity plan described in section 403(a). However, a payment pursuant to the provisions of any such plan by reason of the death of an individual who participated in such a plan as a self-employed individual immediately before his retirement or death to the beneficiary or estate of such individual does not qualify for the exclusion provided by section 101(b).

(2) The application of this paragraph may be illustrated by the following examples:

Example (1). From 1950 to 1965, A was an employee of B, a sole proprietor. In 1963, B established a qualified pension plan covering A and all other persons who had been employed by B for more than 3 years. In 1965, A acquired from B a 40-percent interest in the capital and profits of the business. A continued to participate in the pension plan as a self-employed individual. In 1970, A died and his widow, in compliance with one of the provisions of the pension plan, elected to receive all of the benefits accrued to A prior to his death in a lump-sum distribution. As A participated in the plan as a self-employed individual immediately prior to his death, A's widow may not exclude any portion of such distribution from her gross income under section 101(b).

Example (2). A, an attorney, is employed by the X Company in their legal department. He is covered by the pension plan that X has established for its employees. Under the terms of A's contract of employment with X, A is permitted to carry on the private practice of law in his off-duty hours. A establishes his own pension plan with respect to his earnings from his private practice. On A's death, his widow elected to receive a lump-sum distribution with respect to any benefits accrued to A under both X's pension plan and A's own pension plan. To the extent that such payment otherwise complies with the requirements of section 101(b), up to $5,000 of the amount paid by X may be excluded from her gross income. No part of the distribution from A's own pension plan may be excluded from her gross income under section 101(b) because A participated in the plan as a self-employed individual immediately before his death.

PAR. 9. Section 1.104 is amended by revising section 104(a) to add a new sentence after paragraph (4) and by adding a historical note. These added provisions read as follows:

§ 1.104 Statutory provisions; compensation for injuries or sickness.

SEC. 104. *Compensation for injuries or sickness*—(a) *In general.* * * *

For purposes of paragraph (3), in the case of an individual who is, or has been, an employee within the meaning of section 401(c)(1) (relating to self-employed individuals), contributions made on behalf of such individual while he was such an employee to a trust described in section 401(a) which is exempt from tax under section 501(a), or under a plan described in section 403(a), shall, to the extent allowed as deductions under section 404, be treated as contributions by the employer which were not includible in the gross income of the employee.

* * * * *

[Sec. 104 as amended by sec. 7(d), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829)]

PAR. 10. Section 1.104–1 is amended by revising paragraph (d) to read as follows:

§ 1.104–1 Compensation for injuries or sickness.

* * * * *

(d) *Accident or health insurance.* Section 104(a)(3) excludes from gross income amounts received through accident or health insurance for personal injuries or sickness (other than amounts received by an employee, to the extent that such amounts (1) are attributable to contributions of the employer which were not includible in the gross income of the employee, or (2) are paid by the employer). Similar treatment is also accorded to amounts received under accident or health plans and amounts received from sickness or disability funds. See section 105(e) and § 1.105–5. If, therefore, an individual purchases a policy accident or health insurance out of his own funds, amounts received thereunder for personal injuries or sickness are excludable from his gross income under section 104(a)(3). See, however, section 213 and the regulations thereunder as to the inclusion in gross income of amounts attributable to deductions allowed under section 213 for any prior taxable year. Section 104(a)(3) also applies to amounts received by an employee for personal injuries or sickness from a fund which is maintained exclusively by employee contributions. Conversely, if an employer is either the sole contributor to such a fund, or is the sole purchaser of a policy of accident or health insurance for his employees (on either a group or individual basis), the exclusion provided under section 104(a)(3) does not apply to any amounts received by his employees through such fund or insurance. If the employer and his employees contribute to a fund or purchase insurance which pays accident or health benefits to employees, section

104(a)(3) does not apply to amounts received thereunder by employees to the extent that such amounts are attributable to the employee's contributions. See § 1.105–1 for rules relating to the determination of the amount attributable to employer contributions. Although amounts paid by or on behalf of an employer to an employee for personal injuries or sickness are not excludable from the employee's gross income under section 104(a)(3), they may be excludable therefrom under section 105. See §§ 1.105–1 through 1.105–5, inclusive. For treatment of accident or health benefits paid to or on behalf of a self-employed individual by a trust described in section 401(a) which is exempt under section 501(a) or under a plan described in section 403(a), see paragraph (g) of § 1.72–15.

PAR. 11. Section 1.105 is amended by adding a new subsection (g) to section 105 and by adding a historical note. These added provisions read as follows:

§ 1.105 Statutory provisions; amounts received under accident and health plans.

SEC. 105. *Amounts received under accident and health plans.* * * *

(g) *Self-employed individual not considered an employee.* For purposes of this section, the term "employee" does not include an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

[Sec. 105 as amended by sec. 7(e), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829)]

PAR. 12. Section 1.105–1 is amended by revising paragraph (a) to read as follows:

§ 1.105–1 Amounts attributable to employer contributions.

(a) *In general.* Under section 105(a), amounts received by an employee through accident or health insurance for personal injuries or sickness must be included in his gross income to the extent that such amounts (1) are attributable to contributions of the employer which were not includible in the gross income of the employee, or (2) are paid by the employer, unless such amounts are excluded therefrom under section 105 (b), (c), or (d). For purposes of this section, the term "amounts received by an employee through an accident or health plan" refers to any amounts received through accident or health insurance, and also to any amounts which, under section 105(e), are treated as being so received. See § 1.105–5. In determining the extent to which amounts received for personal injuries or sickness by an employee through an accident or health plan are subject to the provisions of section 105(a), rather than section 104(a)(3), the provisions of paragraphs (b), (c), (d), and (e) of this section shall apply. A self-employed individual is not an employee for purposes of section 105 and §§ 1.105–1 through 1.105–5. See paragraph (g) of § 1.72–15. Thus, such an individual will not be treated as an employee with respect to benefits described in section 105 received from a plan in which he participates as an employee within the meaning of section 401(c)(1) at the time he, his spouse, or any of his dependents becomes entitled to receive such benefits.

PAR. 13. Section 1.105–5 is amended to read as follows:

§ 1.105–5 Accident and health plans.

(a) *In general.* Sections 104(a)(3) and 105 (b), (c), and (d) exclude from gross income certain amounts received through accident or health insurance. Section 105(e) provides that for purposes of sections 104 and 105 amounts received through an accident or health plan for employees, and amounts received from a sickness and disability fund for employees maintained under the law of a State, a Territory, or the District of Columbia, shall be treated as amounts received through accident or health insurance. In general, an accident or health plan is an arrangement for the payment of amounts to employees in the event of personal injuries or sickness. A plan may cover one or more employees, and there may be different plans for different employees or classes of employees. An accident or health plan may be either insured or noninsured, and it is not necessary that the plan be in writing or that the employee's rights to benefits under the plan be enforceable. However, if the employee's rights are not enforceable, an amount will be deemed to be received under a plan only if, on the date the employee became sick or injured, the employee was covered by a plan (or a program, policy, or custom having the effect of a plan) providing for the payment of amounts to the employee in the event of personal injuries or sickness, and notice or knowledge of such plan was reasonably available to the employee. It is immaterial who makes payment of the benefits provided by the plan. For example, payment may be made by the employer, a welfare fund, a State sickness or disability benefits fund, an association of employers or employees, or by an insurance company.

(b) *Self-employed individuals.* Under section 105(g), a self-employed individual is not treated as an employee for purposes of section 105. Therefore, for example, benefits paid under an accident or health plan as referred to in section 105(e) to or on behalf of an individual who is self-employed in the business with respect to which the plan is established will not be treated as received through accident and health insurance for purposes of sections 104(a)(3) and 105.

PAR. 14. Section 1.401 is amended by redesignating subsection (h) of section 401 as subsection (i), by inserting after subsection (g) a new subsection (h), and by amending the historical note. These amended and added provisions read as follows:

§ 1.401 Statutory provisions; qualified pension, profit-sharing, and stock bonus plans.

SEC. 401. *Qualified pension, profit-sharing, and stock bonus plans.* * * *

(h) *Medical, etc., benefits for retired employees and their spouses and dependents.* Under regulations prescribed by the Secretary or his delegate, a pension or annuity plan may provide for the payment of benefits for sickness, accident, hospitalization, and medical expenses of retired employees, their spouses and their dependents, but only if—

(1) Such benefits are subordinate to the retirement benefits provided by the plan,

(2) A separate account is established and maintained for such benefits,

(3) The employer's contributions to such separate account are reasonable and ascertainable,

(4) It is impossible, at any time prior to the satisfaction of all liabilities under the plan to provide such benefits, for any part of the corpus or income of such separate account to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of such benefits, and

(5) Notwithstanding the provisions of subsection (a)(2), upon the satisfaction of all liabilities under the plan to provide such benefits, any amount remaining in such separate account must, under the terms of the plan, be returned to the employer.

(i) *Cross reference.* For exemption from tax of a trust qualified under this section, see section 501(a).

[Sec. 401 as amended by sec. 2, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 809); sec. 2(a), Act of Oct. 23, 1962 (Pub. Law 87–863, 76 Stat. 1141)]

PAR. 15. Paragraph (b)(1)(i) of § 1.401–1 is amended to read as follows:

§ 1.401–1 Qualified pension, profit-sharing, and stock bonus plans.

* * * * *

(b) *General rules.* (1)(i) A pension plan within the meaning of section 401(a) is a plan established and maintained by an employer primarily to provide systematically for the payment of definitely determinable benefits to his employees over a period of years, usually for life, after retirement. Retirement benefits generally are measured by, and based on, such factors as years of service and compensation received by the employees. The determination of the amount of retirement benefits and the contributions to provide such benefits are not dependent upon profits. Benefits are not definitely determinable if funds arising from forfeitures on termination of service, or other reason, may be used to provide increased benefits for the remaining participants (see § 1.401–7, relating to the treatment of forfeitures under a qualified pension plan). A plan designed to provide benefits for employees or their beneficiaries to be paid upon retirement or over a period of years after retirement will, for the purposes of section 401(a), be considered a pension plan if the employer contributions under the plan can be determined actuarially on the basis of definitely determinable benefits, or, as in the case of money purchase pension plans, such contributions are fixed without being geared to profits. A pension plan may provide for the payment of a pension due to disability and may also provide for the payment of incidental death benefits through insurance or otherwise. However, a plan is not a pension plan if it provides for the payment of benefits not customarily included in a pension plan such as layoff benefits or benefits for sickness, accident, hospitalization, or medical expenses (except medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14).

PAR. 16. Paragraph (a) (1) of § 1.401–2 is amended to read as follows:

§ 1.401–2 Impossibility of diversion under the trust instrument.

(a) *In general.* (1) Under section 401(a)(2) a trust is not qualified unless under the trust instrument it is impossible (in the taxable year and at any time thereafter before the satisfaction of all liabilities to employees or their beneficiaries covered by the trust) for any part of the trust corpus or income to be used for, or diverted to, purposes other than for the exclusive benefit of such employees or their beneficiaries. This section does not apply to funds of the trust which are allocated to provide medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14. For the rules prohibiting diversion of such funds and the requirement of reversion to the employer after satisfaction of all liabilities under the medical benefits account, see paragraph (c) (4) and (5) of § 1.401–14.

PAR. 17. There is inserted immediately after § 1.401–13 the following new section:

§ 1.401–14 Inclusion of medical benefits for retired employees in qualified pension or annuity plans.

(a) *Introduction.* Under section 401(h) a qualified pension or annuity plan may make provision for the payment of sickness, accident, hospitalization, and medical expenses for retired employees, their spouses, and their dependents. The term "medical benefits described in section 401(h)" is used in this section to describe such payments.

(b) *In general*—(1) *Coverage.* Under section 401(h), a qualified pension or annuity plan may provide for the payment of medical benefits described in section 401(h) only for retired employees, their spouses, or their dependents. To be "retired" for purposes of eligibility to receive medical benefits described in section 401(h), an employee must be eligible to receive retirement benefits provided under the pension plan, or else be retired by an employer providing such medical benefits by reason of permanent disability. For purposes of the preceding sentence, an employee is not considered to be eligible to receive retirement benefits provided under the plan if he is still employed by the employer and a separation from employment is a condition to receiving the retirement benefits.

(2) *Discrimination.* A plan which provides medical benefits described in section 401(h) must not discriminate in favor of officers, shareholders, supervisory employees, or highly compensated employees with respect to coverage and with respect to the contributions or benefits under the plan. The determination of whether such a plan so discriminates is made with reference to the retirement portion of the plan as well as the portion providing the medical benefits described in section 401(h). Thus, for example, a plan will not be qualified under section 401 if it discriminates in favor of employees who are officers or shareholders with respect to either portion of the plan.

(3) *Funding medical benefits.* Contributions to provide the medical benefits described in section 401(h) may be made either on a contributory or noncontributory basis, without regard to whether the contributions to fund the retirement benefits are made on a similar basis. Thus, for example, the contributions to fund the medical benefits described in section 401(h) may be provided for entirely out of employer contributions even though the retirement benefits under the plan are determined on the basis of both employer and employee contributions.

(4) *Definitions.* For purposes of section 401(h) and this section:

(i) The term "dependent" shall have the same meaning as that assigned to it by section 152, and

(ii) The term "medical expense" means expenses for medical care as defined in section 213(e)(1).

(c) *Requirements.* The requirements which must be met for a qualified pension or annuity plan to provide medical benefits described in section 401(h) are set forth in subparagraphs (1) through (5) of this paragraph.

(1) *Benefits.* (i) The plan must specify the medical benefits described in section 401(h) which will be available and must contain provisions for determining the amount which will be paid. Such benefits, when added to any life insurance protection provided for under the plan, must be subordinate to the retirement benefits provided by such plan. For purposes of this section, life insurance protection includes any benefit paid under the plan on behalf of an employee-participant as a result of the employee-participant's death to the extent such payment exceeds the amount of the reserve to provide the retirement benefits for the employee-participant existing at his death. The medical benefits described in section 401(h) are considered subordinate to the retirement benefits if at all times the aggregate of contributions (made after the date on which the plan first includes such medical benefits) to provide such medical benefits and any life insurance protection does not exceed 25 percent of the aggregate contributions (made after such date) other than contributions to fund past service credits.

(ii) The meaning of the term "subordinate" may be illustrated by the following example:

Example. The X Corporation amends its qualified pension plan to provide medical benefits described in section 401(h) effective for the taxable year 1964. The total contributions under the plan (excluding those for past service credits) for the taxable year 1964 are $125,000, allocated as follows: $100,000 for retirement benefits, $10,000 for life insurance protection, and $15,000 for medical benefits described in section 401(h). The medical benefits described in section 401(h) are considered subordinate to the retirement benefits since the portion of the contributions allocated to the medical benefits described in section 401(h) ($15,000) and to life insurance protection after such medical benefits were included in the plan ($10,000), or $25,000, does not exceed 25 percent of $125,000. For the taxable year 1965, the X Corporation contributes $140,000 (exclusive of contributions for past service credits) allocated as follows: $100,000 for retirement benefits, $10,000 for life insurance protection, and $30,000 for medical benefits described in section 401(h). The medical benefits described in section 401(h) are considered subordinate to the retirement benefits since the aggregate contributions allocated to the medical benefits described in section 401(h) ($45,000) and to life insurance protection after such medical benefits were included in the plan ($20,000) or $65,000 does not exceed 25 percent of $265,000, the aggregate of the contributions made in 1964 and 1965.

(2) *Separate accounts.* Where medical benefits described in section 401(h) are provided for under a qualified pension or annuity plan, a separate account must be maintained with respect to contributions to fund such benefits. The separation required by this section is for recordkeeping purposes only. Consequently, the funds in the medical benefits account need not be separately invested. They may be invested with funds set aside for retirement purposes without identification of which investment properties are allocable to each account. However, where the investment properties are not allocated to each account, the earnings on such properties must be allocated to each account in a reasonable manner.

(3) *Reasonable and ascertainable.* Section 401(h) further requires that amounts contributed to fund medical benefits therein described must be reasonable and ascertainable. For the rules relating to the deduction of such contributions, see paragraph (f) of § 1.404(a)–3. The employer must, at the time he makes a contribution, designate that portion of such contribution allocable to the funding of medical benefits.

(4) *Impossibility of diversion prior to satisfaction of all liabilities.* Section 401(h) further requires that it must be impossible, at any time prior to the satisfaction of all liabilities under the plan to provide for the payment of medical benefits described in section 401(h), for any part of the corpus or income of the medical benefits account to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of such benefits. Consequently, a plan which, for example, under its terms, permits funds in the medical benefits account to be used for any retirement benefit provided under the plan does not satisfy the requirements of section 401(h) and will not qualify under section 401(a). However, the payment of any necessary or appropriate expenses attributable to the administration of the medical benefits account does not affect the qualification of the plan.

(5) *Reversion upon satisfaction of all liabilities.* The plan must provide that any amounts which are contributed to fund medical benefits described in section 401(h) and which remain in the medical benefits account upon the satisfaction of all liabilities arising out of the operation of the medical benefits portion of the plan are to be returned to the employer.

(6) *Forfeitures.* The plan must expressly provide that in the event an individual's interest in the medical benefits account is forfeited prior to termination of the plan an amount equal to the amount of the forfeiture must be applied as soon as possible to reduce employer contributions to fund the medical benefits described in section 401(h).

(d) *Effective date.* This section applies to taxable years of a qualified pension or annuity plan beginning after October 23, 1962.

PAR. 18. Section 1.402(a)–1 is amended by adding a new subdivision (vi) at the end of paragraph (a)(1) and by adding a new subdivision (viii) at the end of paragraph (a)(6). These added provisions read as follows:

§ 1.402(a)–1 Taxability of beneficiary under a trust which meets the requirements of section 401(a).

(a) *In general.* (1) • • •

(vi) For the treatment of amounts paid to provide medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14, see paragraph (h) of § 1.72–15.

• • • • • •

(6) • • •

(viii) The term "total distributions payable" does not include any amount which has been placed in a separate account for the funding of medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14. Thus, a distribution by a qualified trust may constitute a total distributions payable with respect to an employee even though the trust retains amounts attributable to the funding of medical benefits described in section 401(h).

PAR. 19. Section 1.403(a)–1 is amended by adding a new paragraph (g) at the end thereof. The added provision reads as follows:

§ 1.403(a)–1 Taxability of beneficiary under a qualified annuity plan.

• • • • • •

(g) For the treatment of amounts paid to provide medical benefits described in section 401(h) as defined in § 1.401–14, see paragraph (h) of § 1.72–15.

PAR. 20. Section 1.403(a)–2 is amended by adding the following new subparagraph (6) to paragraph (b):

§ 1.403(a)–2 Capital gains treatment for certain distributions.

• • • • • •

(b) • • •

(6) The term "total amounts" does not include any amount which has been placed in a separate account for the funding of benefits described in section 401(h). Thus, a distribution under a qualified annuity plan may constitute a distribution of the total amounts payable with respect to an employee even though amounts attributable to the funding of section 401(h) medical benefits as defined in paragraph (a) of § 1.401–14 are not so distributed.

PAR. 21. Section 1.404(a) is amended by revising section 404(a)(2) and by amending the historical note. These amended provisions read as follows:

§ 1.404(a) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; general rule.

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan*—(a) *General rule.* • • •

(2) *Employees' annuities.* In the taxable year when paid, in an amount determined in accordance with paragraph (1), if the contributions are paid toward the purchase of retirement annuities, or retirement annuities and medical benefits as described in section 401(h), and such purchase is a part of a plan which meets the requirements of section 401(a) (3), (4), (5), (6), (7), and (8), and, if applicable, the requirements of section 401(a) (9) and (10) and of section 401(d) (other than paragraph (1)), and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities, or such retirement annuities and medical benefits.

• • • • • •

[Sec. 404(a) as amended by sec. 3, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 819; sec. 2(b), Act of Oct. 28, 1962 (Pub. Law 87–863, 76 Stat. 1141)]

PAR. 22. Section 1.404(a)–3 is amended by revising paragraph (a) and by inserting after paragraph (e) a new paragraph (f). These amended and added provisions read as follows:

§ 1.404(a)–3 Contributions of an employer to or under an employees' pension trust or annuity plan that meets the requirements of section 401(a); application of section 404(a)(1).

(a) If contributions are paid by an employer to or under a pension trust or annuity plan for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 1.404(a)–1), the contributions are deductible under section 404(a) (1) or (2) if the further conditions provided therein are also satisfied. As used in this section, a "pension trust" means a trust forming part of a pension plan and an "annuity plan" means a pension plan under which retirement benefits are provided under annuity or insurance contracts without a trust. This section is also applicable to contributions to a foreign situs pension trust which could qualify for exemption under section 501(a) except that it is not created or organized and maintained in the United States. For the meaning of "pension plan" as used in this section, see paragraph (b)(1)(i) of § 1.401–1. Where disability pensions, insurance, or survivorship benefits incidental and directly related to the retirement benefits under a pension or annuity plan are provided for the employees or their beneficiaries by contributions under the plan, deductions on account of such incidental benefits are also covered under section 404(a)(1) or (2). See paragraph (b)(2) of § 1.72–16 as to taxability to employees of cost of incidental life insurance protection. Similarly, where medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14 are provided for retired employees, their spouses, or their dependents under the plan, deductions on account of such subordinate benefits are also covered under section 404(a)(1) or (2). In order to be deductible under section 404(a)(1), contributions to a pension trust must be paid in a taxable year of the employer which ends with or within a year of the trust for which it is exempt under section 501(a). Contributions paid in such a taxable year of the employer may be carried over and deducted in a succeeding taxable year of the employer in accordance with section 404(a)(1)(D), whether or not such succeeding taxable year ends with or within a taxable year of the trust for which it is exempt under section 501(a). See § 1.404(a)–7 for rules relating to the limitation on the amount deductible in such a succeeding taxable year of the employer. See § 1.404(a)–8 as to conditions for deductions under section 404(a)(2) in the case of an annuity plan. In either case, the deductions are also subject to further limitations provided in section 404(a)(1). The limitations provided in section 404(a)(1) are, with an exception provided for certain years under subparagraph (A) thereof (see § 1.404(a)–4), based on the actuarial costs of the plan.

• • • • • •

(f)(1) Amounts contributed by an employer under the plan for the funding of medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14 must satisfy the general requirements which are applicable to deductions allowable under section 404 and which are set forth in § 1.404(a)–1 including, for example, the requirements described in paragraph (b) of such section. Accordingly, such amounts must constitute an ordinary and necessary expense relating to either the trade or business or the production of income and must not, when added to all other compensation paid by the employer to the employee on whose behalf such a contribution is made, constitute more than reasonable compensation. However, in determining the amount which is deductible with respect to contributions to provide retirement benefits under the plan, amounts contributed for the funding of medical benefits described in section 401(h) shall not be taken into consideration.

(2) The amounts deductible with respect to employer contributions to fund medical benefits described in section 401(h) shall not exceed the total cost of providing such benefits. The total cost of providing such benefits shall be determined in accordance with any generally accepted actuarial method which is, reasonable in view of the provisions and coverage of the plan, the funding medium, and other applicable considerations. The amount deductible for any taxable year with respect to such cost shall not exceed the greater of—

(i) An amount determined by distributing the remaining unfunded costs of past and current service credits as a level amount, or as a level percentage of compensation, over the remaining future service of each employee, or

(ii) 10 percent of the cost which would be required to completely fund or purchase such medical benefits.

In determining the amount deductible, an employer must apply either subdivision (i) of this subparagraph for all employees or subdivision (ii) of this subparagraph for all employees. If contributions paid by an employer in a taxable year to fund such medical benefits under a pension or annuity plan exceed the limitations of this subparagraph but otherwise satisfy the conditions for deduction under section 404, then the excess benefits must, in accordance with these rules, be applied toward the purchase of medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14.

PAR. 24. Paragraphs (a) and (b) of § 1.503(a)–1 are amended to read as follows:

§ 1.503(a)–1 Denial of exemption to organizations engaged in prohibited

503(b). Whether a transaction is a prohibited transaction depends on the facts and circumstances of the particular case. This section denies tax-exempt status to those organizations described in sections 501(c)(3) and 401(a) which engage in certain transactions which inure to the private advantage of (1) the creator of such organization (if it is a trust); (2) any substantial contributor to the organization; (3) a member of the family (as

§ 1.503(j)–1 Trusts benefiting certain owner-employees.

(a) *In general.* Section 503(j) defines the term "prohibited transaction" to include certain transactions in addition to the transactions enumerated in section 503(c) in the case of an employees' trust described in section 401(a) and exempt from tax under section 501(a) forming part of a plan that covers employee who controls, or owner-employees who together control, the trade or business with respect to which the plan is established is a prohibited transaction within the meaning of section 503(j) unless the loan is repaid prior to such date. For loans made before October 10, 1962, see section 503(j)(2).

(d) *Definitions.* For purposes of section 503(j) and this section:

(1) The term "owner-employee" has

historical note. These amended and added provisions read as follows:

§ 1.1361 Statutory provisions; unincorporated business enterprises electing to be taxed as domestic corporations.

SEC. 1361. *Unincorporated business enterprises electing to be taxed as domestic corporations.* • • •

(d) *Limitation.* A partner or proprietor of an unincorporated business enterprise as

tion of the plan.

(ii) Shareholders with respect to trailer portion of the plan.

($10,000), or $25,000, does not exceed 25 percent of $125,000. For the taxable year 1965,

(6) For years. The plan shall expressly provide that in the event an in-

amended provisions read as follows:

their dependents under the plan, deduc-

purchase such medical benefits.

In determining the amount deductible, an employer must apply either subdivision (i) of this subparagraph for all employees or subdivision (ii) of this subparagraph for all employees. If contributions paid by an employer in a taxable year to fund such medical benefits under a pension or annuity plan exceed the limitations of this subparagraph but otherwise satisfy the conditions for deduction under section 404, then the excess contributions are carried over and are deductible in succeeding taxable years of the employer which end with or within taxable years of the trust for which it is exempt under section 501(a) in order of time to the extent of the difference between the amount paid and deductible in each succeeding year and the limitation applicable to such year under this subparagraph. For purposes of subdivision (i) of this subparagraph, if the remaining future service of an employee is one year or less, it shall be treated as one year.

PAR. 23. Section 1.404(a)–8 is amended by revising paragraph (a)(1), by revising that portion of paragraph (a)(3) which precedes subdivision (i), and by adding a new sentence to paragraph (a)(3) after subdivision (ii)(b). These amended and added provisions read as follows:

§ 1.404(a)–8 Contributions of an employer under an employees' annuity plan which meets the requirements of section 401(a); application of section 404(a)(2).

(a) • • •

(1) The contributions must be paid toward the purchase of retirement annuities (or for disability, severance, insurance, survivorship benefits incidental and directly related to such annuities, or medical benefits described in section 401 (h) as defined in paragraph (a) of § 1.401–14) under an annuity plan for the exclusive benefit of the employer's employees or their beneficiaries. See paragraph (a) of § 1.401–1.

• • • • •

(3) There must be a definite written arrangement between the employer and the insurer that refunds of premiums, if any, shall be applied within the taxable year of the employer in which received or within the next succeeding taxable year toward the purchase of retirement annuities (or for disability, severance, insurance, survivorship benefits incidental and directly related to such annuities, or medical benefits described in section 401 (h) as defined in paragraph (a) of § 1.401–14) under the plan. For the purpose of this condition, "refunds of premiums" means payments by the insurer on account of credits such as dividends, experience rating credits, or surrender or cancellation credits. The arrangement may be in the form of contract provisions or written directions of the employer or partly in one form and partly in another. This condition will be considered satisfied where—

• • • • •

If the plan also includes medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14, any refund of premium attributable to such benefits must, in accordance with these rules, be applied toward the purchase of medical benefits described in section 401 (h) as defined in paragraph (a) of § 1.401–14.

PAR. 24. Paragraphs (a) and (b) of § 1.503(a)–1 are amended to read as follows:

§ 1.503(a)–1 Denial of exemption to organizations engaged in prohibited transactions.

(a) The prohibited transactions enumerated in section 503 are in addition to and not in limitation of the restrictions contained in section 501(c)(3) and section 401(a). Even though an organization has not engaged in any of the prohibited transactions referred to in section 503, it still may not qualify for tax exemption in view of the general provisions of section 501(c)(3) and section 401(a). Thus, if a trustee or other fiduciary of the organization (whether or not he is also a creator of such organization) enters into a transaction with the organization, such transaction will be closely scrutinized in the light of the fiduciary principle requiring undivided loyalty to ascertain whether the organization is in fact being operated for the stated exempt purposes.

(b) An organization described in section 501(c)(3) which after July 1, 1950, has engaged in any prohibited transaction as defined in section 503(c), unless it is excepted by the provisions of section 503(b), and an organization described in section 401(a) which after March 1, 1954, has engaged in any prohibited transaction defined in section 503 shall not be exempt from taxation under section 501(a) for any taxable year subsequent to the taxable year in which there is mailed to it a notice in writing by the Commissioner that it has engaged in such prohibited transaction. Such notification by the Commissioner shall be by registered or certified mail to the last known address of the organization. However, notwithstanding the requirement of notification by the Commissioner, exemption shall be denied with respect to any taxable year if such organization during or prior to such taxable year commenced the prohibited transaction with the purpose of diverting income or corpus from its exempt purposes and such transaction involved a substantial part of the income or corpus of such organization. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

PAR. 25. Paragraph (a) of § 1.503(c)–1 is amended to read as follows:

§ 1.503(c)–1 Prohibited transactions.

(a) *In general.* For purposes of this section, the term "prohibited transaction" includes any transaction described as such in section 503(c) engaged in by an organization described in section 501 (c)(3) or section 401(a), other than those organizations excepted by section 503(b). Whether a transaction is a prohibited transaction depends on the facts and circumstances of the particular case. This section denies tax-exempt status to those organizations described in sections 501(c)(3) and 401(a) which engage in certain transactions which inure to the private advantage of (1) the creator of such organization (if it is a trust); (2) any substantial contributor to the organization; (3) a member of the family (as defined in section 267(c)(4)) of an individual who is such creator of or such substantial contributor to such organization; or (4) a corporation controlled, as set forth in section 503(c), by such creator or substantial contributor.

PAR. 26. Section 1.503(g)–1 is amended to read as follows:

§ 1.503(g)–1 Cross references.

For provisions relating to loans described in section 503(c)(1) by a trust described in section 401(a), see § 1.503 (c)–1 and section 503 (h) and (i) and the regulations thereunder.

PAR. 27. The following new sections are added immediately after § 1.503(i)–1:

§ 1.503(j) Statutory provisions; requirements for exemption: trusts benefiting certain owner-employees.

SEC. 503. *Requirements for exemption.*

• • •

(j) *Trusts benefiting certain owner-employees*—(1) *Prohibited transactions.* In the case of a trust described in section 401(a) which is part of a plan providing contributions or benefits for employees some or all of whom are owner-employees (as defined in section 401(c)(3)) who control (within the meaning of section 401(d)(9)(B)) the trade or business with respect to which the plan is established, the term "prohibited transaction" also means any transaction in which such trust, directly or indirectly—

(A) Lends any part of the corpus or income of the trust to;

(B) Pays any compensation for personal services rendered to the trust to;

(C) Makes any part of its services available on a preferential basis to; or

(D) Acquires for the trust any property from, or sells any property to;

any person described in subsection (c) or to any such owner-employee, a member of the family (as defined in section 267(c)(4)) of any such owner-employee, or a corporation controlled by any such owner-employee through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation.

(2) *Special rule for loans.* For purposes of the application of paragraph (1)(A), the following rules shall apply with respect to a loan made before the date of the enactment of this subsection which would be a prohibited transaction if made in a taxable year beginning after December 31, 1962:

(A) If any part of the loan is repayable prior to December 31, 1965, the renewal of such part of the loan for a period not extending beyond December 31, 1965, on the same terms, shall not be considered a prohibited transaction.

(B) If the loan is repayable on demand, the continuation of the loan beyond December 31, 1965, shall be considered a prohibited transaction.

[Sec. 503(j) as added by sec. 6, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 827)]

§ 1.503(j)–1 Trusts benefiting certain owner-employees.

(a) *In general.* Section 503(j) defines the term "prohibited transaction" to include certain transactions in addition to the transactions enumerated in section 503(c) in the case of an employees' trust described in section 401(a) and exempt from tax under section 501 (a) forming part of a plan that covers (within the meaning of paragraph (a)(2) of § 1.401–10) one or more owner-employees who control the trade or business with respect to which the plan has been established. In the case of such a trust, the term "prohibited transaction" includes any transaction in which the trust, directly or indirectly—

(1) Lends any part of the corpus or income of the trust to;

(2) Pays any compensation for personal services rendered to the trust to;

(3) Makes any part of its services available on a preferential basis to;

(4) Acquires for the trust any property from, or sells any property to;

any person described in section 503(c) or to any such owner-employee, a member of the family (as defined in section 267(c)(4)) of any such owner-employee, or a corporation controlled by such owner-employee through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation. Mere participation by such a trust in such a transaction constitutes a "prohibited transaction" without regard to the reasonableness of the rate of either interest or compensation (as the case may be), the adequacy of the security involved, or the accuracy of the values the parties may have placed upon property which has been transferred to or from the trust.

(b) *Transfer of property to trust.* The term "prohibited transaction" as defined in section 503(j)(1)(D) includes any transaction in which a trust to which this section applies acquires property from, or sells property to, a person described in section 503(j). These persons include an owner-employee covered under the plan, of which the trust forms a part, and the person treated as the employer of such an owner-employee. For purposes of this section, a trust is considered to have "acquired" property when it is included in a contribution to the trust. Thus, in the case of a trust to which section 503(j) applies, the employer may not make a contribution of property to provide benefits for any employee, irrespective of whether such employee is a person described in section 503(j). Similarly, the owner-employee himself shall not contribute property to such a trust as an employee contribution permitted under the plan. For purposes of this section the term "property" does not include money. See also section 503 (c) for transfers of property that constitute prohibited transactions.

(c) *Loans.* A loan made to a person described in section 503(j) by a trust after October 9, 1962, but prior to the date on which the plan, of which the trust forms a part, first covers an owner-employee who controls, or owner-employees who together control, the trade or business with respect to which the plan is established is a prohibited transaction within the meaning of section 503(j) unless the loan is repaid prior to such date. For loans made before October 10, 1962, see section 503(j)(2).

(d) *Definitions.* For purposes of section 503(j) and this section:

(1) The term "owner-employee" has the same meaning as that assigned to it by section 401(c)(3) and paragraph (d) of § 1.401–10;

(2) The term "control" has the same meaning as that assigned to it by section 401 (d)(9)(B) and paragraph (e)(3) of § 1.401–12.

(e) *Examples.* The following examples illustrate the application of section 503 (j)(1):

Example (1). A, B, C, and D each owns a 25-percent interest in both the capital and profits of the ABCD Partnership engaged in a business with respect to which capital is not a material income-producing factor. The partnership has three full-time employees, E, F, and G. In 1963, the partnership established a qualified pension plan which covered all partners and full-time employees. In 1970, the trust, which was part of such plan, loaned partner A $100,000 for which A gave his secured promissory note at the rate of 6 percent interest, the rate charged by financial institutions in the community where the transaction took place. The loan by the trust to A is a prohibited transaction since section 503(j)(1)(A) prohibits any loan to A, regardless of the rate of interest or the adequacy of the security.

Example (2). Assume the same facts as those given in example (1), with the exception of the loan to A. A's brother L, who is a specialist on the subject of employee benefit programs, was employed by the trust to render advice in connection with the administration of the trust. L was reasonably compensated by the trust for this work. However, since L is a member of A's family (as defined in section 267(c)(4)), the payment of this compensation to him for services rendered the pension trust constitutes a prohibited transaction within the meaning of section 503(j)(1)(B).

Example (3). Assume the same facts as those given in example (1), with the exception of the loan to A. The plan provided that each covered person could make voluntary employee contributions not to exceed five percent of his compensation. A contributed securities having a fair market value of $2,500. A's contribution of securities constitutes a transaction in which the trust acquired property from a person described in section 503(j) and, therefore, was a prohibited transaction within the meaning of section 503(j)(1)(D).

Example (4). The ABC Partnership is composed of 10 partners. A, B, and C each owns a 15-percent interest in the profits and capital of the partnership. The remaining 55 percent is divided equally among the other partners. The partnership established a qualified pension plan under which all partners participate. The trust which was part of such plan, loaned partner A $100,000 for which A gave his secured promissory note at the rate of 3 percent interest. Since there is no owner-employee, or combination of owner-employees, who control the business with respect to which the plan was established and who are covered under the plan, section 503(j) is not applicable to this situation. However, the loan may be a prohibited transaction within the meaning of section 503(c)(1).

PAR. 28. Section 1.1361 is amended by revising section 1361(d) and by adding a historical note. These amended and added provisions read as follows:

§ 1.1361 Statutory provisions; unincorporated business enterprises electing to be taxed as domestic corporations.

SEC. 1361. *Unincorporated business enterprises electing to be taxed as domestic corporations.* • • •

(d) *Limitation.* A partner or proprietor of an unincorporated business enterprise as to which an election has been made under subsection (a) shall not be considered an employee for purposes of section 401(a) (relating to employees' pension trust, etc.) other than an employee within the meaning of section 401(c)(1) (relating to self-employed individuals), or for purposes of section 405 (relating to qualified bond purchase plans) other than an employee described in section 405(f).

• • • • • •

[Sec. 1361 as amended by sec. 7(h), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829)]

PAR. 29. Section 1.1361–4 is amended to read as follows:

§ 1.1361–4 Pension or profit-sharing plan.

A proprietor or partner of a section 1361 corporation shall not be considered a common-law employee for purposes of section 401(a) (relating to employees' pension trusts, etc.), section 403(a) (relating to employees' annuity plans, etc.), or section 405 (relating to qualified bond purchase plans). Accordingly, such a proprietor or partner may not participate as a common-law employee in any pension or profit-sharing plan described in section 401(a), an annuity plan described in section 403(a), or a qualified bond purchase plan described in section 405 which the section 1361 corporation may have for its employees. However, such a proprietor or partner may participate in any such plan as a self-employed individual in accordance with those provisions of sections 401 through 405 which are applicable to self-employed individuals. A contribution to any such plan by a section 1361 corporation on behalf of a self-employed individual is deductible in computing the taxable income of such corporation. However, the amount of such deduction shall be determined in accordance with the provisions of section 404 (a) (8), (9), (10), and (e). No deduction with respect to such contribution is allowable to the self-employed individual on whose behalf such contribution is made. For purposes of applying the provisions of sections 401–405 which are applicable to self-employed individuals, the proprietor or partner of a section 1361 corporation shall not be treated as a shareholder of such corporation.

PAR. 30. Paragraph (a)(3) of § 1.6033–1 is amended to read as follows:

§ 1.6033–1 Returns by exempt organizations.

(a) *In general.* • • •

(3) Every employees' trust described in section 401(a) which is exempt from taxation under section 501(a) shall file an annual return on Form 990–P. The return shall include the information required by paragraph (b)(5)(ii) of § 1.401–1. In addition, the trust must

file the information required to be filed by the employer pursuant to the provisions of § 1.404(a)–2, unless the employer has notified the trustee in writing that he has or will timely file such information. If the trustee has received such notification from the employer, then

ment will be returned to the individual concerned and will not be part of his enlistment file.

• • • • •

§ 875.5 [Corrected]

2. In § 875.5(d)(1), line 2, "as" [illegible]

tional war shall be limited to meeting estimated shortages of materials for a three-year emergency period. Strategic stockpile objectives for nuclear war involving attack on the United States, shall be designed to meet estimated shortages of materials during (a) actual hostilities

amined upon receipt. A full-scale review may be undertaken at any time that a change is believed to be taking place that would have a significant bearing on the wartime readiness position. Priority of review shall be given to materials under procurement.

ernment and which would not be disruptive to the economy or to projects essential to the national security. Such settlements may take into account anticipated profits and cover adjustments for above-market premiums. The settle-

materials in Government inventories that are excess to the needs thereof whenever such action is found to be consistent with over-all disposal policies and with the best interests of the Government. Except where appropriate in the

file the information required to be filed by the employer pursuant to the provisions of § 1.404(a)-2, unless the employer has notified the trustee in writing that he has or will timely file such information. If the trustee has received such notification from the employer, then such notification, or a copy thereof, shall be retained by the trust as a part of its records.

* * * * *

Because the amendment in paragraph 30 to the regulations under section 6033 of the Internal Revenue Code of 1954 eliminates the requirement that certain documents be filed with the annual return of exempt employees' trusts, it is found that it is unnecessary to issue that portion of this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 64-3657; Filed, Apr. 13, 1964; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

PART 861—OFFICERS' RESERVE USAF OFFICER TRAINING SCHOOL (OTS)

PART 875—APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

PART 878—DECORATIONS AND AWARDS

Miscellaneous Amendments; Correction

1. In F.R. Doc. 65-3253 appearing in the issue for Friday, April 3, 1964, at page 4774, § 861.6(c) is corrected in its entirety, to read as follows:

§ 861.6 Eligibility requirements.

* * * * *

(c) *Educational qualifications.* (1) Applicants must be college graduates with a baccalaureate or higher degree from a college or university listed in the latest issue of Part 3, "Higher Education," Education Directory, published by the Department of Health, Education, and Welfare.

(2) An applicant who is a graduate of an unlisted or foreign college or university, if otherwise qualified, may meet the educational requirements by submitting evidence that the college's credits have been and are accepted as if coming from an accredited institution by not fewer than three U.S. accredited institutions.

(3) Students enrolled in the senior year of college may submit applications 210 days before scheduled graduation date. These persons will be processed as college graduates. Applicants will not be enlisted until documentary evidence has been submitted showing they have been awarded their degrees. This document will be returned to the individual concerned and will not be part of his enlistment file.

* * * * *

§ 875.5 [Corrected]

2. In § 875.5(d)(1), line 2, "as affidavit" is corrected to read "an affidavit."

3. In § 878.44, paragraph (q) is corrected to read as follows:

§ 878.44 List of authorized service medals and ribbons.

* * * * *

(q) Small Arms Expert Marksmanship Ribbon.

* * * * *

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64-3607; Filed, Apr. 13, 1964; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

DMO I-17—FURTHER ASSIGNMENT OF DEFENSE MOBILIZATION AUTHORITY TO THE GENERAL SERVICES ADMINISTRATION

DMO V-4—DELEGATION OF AUTHORITY TO THE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

DMO V-7—GENERAL POLICIES FOR STRATEGIC AND CRITICAL MATERIALS STOCKPILING

DMO 8600.1—GENERAL POLICES FOR STRATEGIC AND CRITICAL MATERIALS STOCKPILING

1. *Purpose.* This order sets forth policies for the administration of strategic and critical materials stockpiling.

2. *Cancellation.* This order supersedes Defense Mobilization Order V-4 (19 F.R. 7458, November 19, 1954), Defense Mobilization Order I-17 (20 F.R. 3437, May 17, 1955), Defense Mobilization Order V-7 (24 F.R. 10308, Dec. 19, 1959) and Amendment 1 thereof (27 F.R. 4169, May 2, 1962).

3. *Policies.* By virtue of the authority vested in me by Executive Order 11051, the following policies are promulgated to govern the administration of strategic and critical materials stockpiling:

a. *General.* The strategic stockpile shall be so administered as to assure the availability of strategic and critical materials in a war emergency.

b. *Period covered by stockpiling.* All strategic stockpile objectives for conventional war shall be limited to meeting estimated shortages of materials for a three-year emergency period. Strategic stockpile objectives for nuclear war involving attack on the United States, shall be designed to meet estimated shortages of materials during (a) actual hostilities and (b) the reconstruction of the national economy to a point where it is adequate for national defense.

c. *Stockpile objectives.* Strategic stockpile objectives shall be adequate for limited or general, conventional or nuclear war, whichever shows the largest supply-requirements deficit to be met by stockpiling.

d. *Emergency requirements.* The requirements estimates for limited or general, conventional or nuclear war shall, where appropriate, reflect specific requirements to the extent available. It shall be assumed that the total requirements will approximate the capacity of industry to consume, taking into account necessary wartime limitation, conservation and substitution measures. Requirements shall be discounted for wartime losses of consuming capacity to the extent that such losses can be reliably estimated. Departments and agencies having responsibilities with regard to requirements data on stockpile materials shall review such data and provide the Director of the Office of Emergency Planning annually with information as to all significant changes.

e. *Emergency supplies.* Estimates of supply for the mobilization period shall be based on readily available capacity and known resources. No reliance shall be placed on foreign sources of supply beyond North America and comparably accessible sources during an emergency. The share of an accessible foreign source of supply available to the United States shall be discounted to reflect the risks involved internally in the supply country and the risks of concentration of the sources. Domestic supplies shall be discounted to reflect vulnerability to total or partial destruction by overt to covert action. In cases of excessive concentration particularly, provision shall be made for supplies during the estimated time required to restore capacity and operations. Departments and agencies having the responsibilities with regard to supply data on stockpile materials shall review such data and provide the Director of the Office of Emergency Planning annually with information as to all significant changes.

f. *Provision for special-property materials.* Arrangements shall be made for the regular availability of objective scientific advice to assist in the evaluation of prospective needs for high-temperature and other special-property materials. Such materials shall be stockpiled if reasonably firm minimum requirements indicate the existence of a supply deficit in the event of an emergency.

g. *Supply-requirements reviews.* The supply-requirements balance for any material that is now or may become important to defense shall be kept under continuing surveillance. Supply-requirements data submitted pursuant to paragraphs d. and e. above shall be examined upon receipt. A full-scale review may be undertaken at any time that a change is believed to be taking place that would have a significant bearing on the wartime readiness position. Priority of review shall be given to materials under procurement.

h. *Procurement policy.* Unfilled objectives shall be attained expeditiously by cash procurement, barter, surplus transfers or otherwise as the Director shall deem appropriate. Long term contracts shall contain termination clauses whenever possible. Although various measures that are feasible shall be considered for meeting a materials deficit in an emergency, measures other than stockpiling shall be undertaken only after it is clear that stockpiling is not the best solution.

i. *Maintenance of the mobilization base.* A portion of the mobilization base comprises existing or projected productive capacity the output of which will be relied on to fill defense requirements. All inventories of Government-owned materials held for long-term storage are a part of the mobilization base and should be weighed in determining the need for a relevant portion of the productive segment of the mobilization base. The maintenance of any portion of the productive segment of the mobilization base through stockpile procurement shall be undertaken only within unfilled stockpile objectives.

j. *Upgrading to ready usability.* In order to satisfy the initial surge of abnormal demands following intensive mobilization either in a general or limited, conventional or nuclear war, subobjectives of stockpile materials shall be established for upgraded forms of such materials for immediate use in such circumstances. For this purpose a minimum readiness inventory shall be provided near centers of consumption. To the greatest extent practicable the amounts of such inventories should be based on the largest of the calculated mobilization requirements for any of the foregoing types of war during the first six months of the first year of mobilization. Materials in Government inventories may be upgraded for such stockpiling purposes only when the net cost of such processing including transportation and handling is less than the cost of new material. Materials should be upgraded to forms which will permit the greatest use-flexibility. Surplus materials may be used to pay for the upgrading of the same or other materials required to meet objectives providing that the use of excess materials for this purpose is in conformance with disposal criteria.

k. *Beneficiation of subspecification materials.* Subspecification-grade materials in Government inventories may be beneficiated within the limits of the objectives when this can be accomplished at less cost than buying new material.

l. *Cancellation of commitments.* Commitments for deliveries to national stockpile and Defense Production Act inventories beyond the objectives shall be cancelled or reduced when settlements can be arranged which would be mutually satisfactory to the supplier and the Government and which would not be disruptive to the economy or to projects essential to the national security. Such settlements may take into account anticipated profits and cover adjustments for above-market premiums. The settlement of commitments may be made through the payment of cash or through the use of surplus materials. Responsibility with respect to the settlement of commitments in the light of over-all interests of the Government rests with the Administrator of General Services who shall keep other agencies advised and consult with them to the extent appropriate.

m. *Retention of other inventories.* Within the limits of unfilled stockpile objectives, stockpile-grade materials in the Defense Production Act and the Supplemental Stockpile inventories shall be retained for national stockpile purposes.

n. *Disposals.* The Director of the Office of Emergency Planning will authorize the disposal of excess materials whenever possible under the following conditions: (a) avoidance of serious disruption of the usual markets of producers, processors and consumers, (b) avoidance of adverse effects on the international interests of the United States, (c) due regard to the protection of the United States against avoidable loss, (d) avoidance of adverse effects upon domestic employment and labor disputes, and (e) except when materials are channeled to other agencies for their direct use, consultation with the Departments of the Interior, Commerce, State, Agriculture, Defense, Labor, and other governmental agencies concerned, and consultation as appropriate with the industries concerned. If within 30 days after such consultation either the Department of State or the Department of the Interior indicates an objection to the proposed plan which, after discussion, the Director does not support, he shall so notify the President and present the issue to him for decision. To the extent possible disposals should be made in accordance with long-run disposal plans which have been worked out in consultation with the interested departments and which take into account probable trends in supply and price both at home and abroad.

In making such disposals preference shall be given to materials in the Defense Production Act inventories.

Disposals of materials that deteriorate, that are likely to become obsolete, that do not meet quality standards, or that do not have stockpile objectives, are to be expedited.

The Administrator of General Services shall be responsible for conducting negotiations for the sale of materials and will consult with and advise the agencies concerned.

o. *Public notice on disposals.* Generally the sale of excess materials acquired under the Defense Production Act will be made only after appropriate public announcement of the quantity or quantities to be offered in a specified period of time.

p. *Direct Government use.* Government agencies which directly use strategic and critical materials shall fulfill their requirements through the use of materials in Government inventories that are excess to the needs thereof whenever such action is found to be consistent with over-all disposal policies and with the best interests of the Government. Except where appropriate in the judgment of the Administrator of General Services, the requirements of subsection n, above, with respect to approval by Government departments or agencies and consultation with industries, shall not be applicable to transfers of strategic and critical materials for direct Government use.

4. *Delegation of authority*—a. *Preparation of reports.* The Administrator of General Services shall prepare on behalf of the Director of the Office of Emergency Planning and forward to him for transmittal to the Congress the reports required by section 304 of the Defense Production Act of 1950, as amended, and section 4 of the Strategic and Critical Materials Stock Piling Act.

b. *Supplemental Stockpile.* The Administrator of General Services shall on behalf of the Director of the Office of Emergency Planning and in accordance with programs certified by him, purchase or contract for the purchase of materials for the Supplemental Stockpile under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended.

5. *Effective date.* This order shall take effect on the date hereof.

Dated: March 30, 1964.

EDWARD A. MCDERMOTT,
Director, Office of Emergency Planning.

[F.R. Doc. 64-3608; Filed, Apr. 13, 1964; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3374]

[Los Angeles 0165220]

CALIFORNIA

Correcting Public Land Order No. 3338 of February 24, 1964

F.R. Doc. No. 64-1919, appearing as Public Land Order No. 3338, in the issue of February 28, 1964, at pages 2787-8, is hereby corrected in the following particulars:

a. In T. 6 N., R. 20 W., San Bernardino Meridian, sec. 31, "S½NE½" is corrected to read "S½NE¼".

b. In T. 8 N., R. 20 W., San Bernardino Meridian, the description "SW¼SW¼" in the first line of the land description should be referenced to Sec. 4 of the township (an error in publication).

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 8, 1964.

[F.R. Doc. 64-3609; Filed, Apr. 13, 1964; 8:46 a.m.]

[Public Land Order 3375]

[Los Angeles 0165220]

CALIFORNIA

Withdrawing Public Land for Protection of Recreation Areas

By virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847, as amended, 43 U.S.C. 141-143, and pursuant to Executive Order No. 10355 of May 26, 1952, 17 F.R. 4831, it is ordered as follows:

Subject to valid existing rights, the following described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, and reserved for use by the Forest Service, Department of Agriculture, as recreation areas:

SAN BERNARDINO MERIDIAN

Big Bear Lake Recreation Area

T. 2 N., R. 1 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, S½;
sec. 2, lots 1 to 4, inclusive, S½N½, S½;
sec. 3, lots 1 to 4, inclusive, S½N½, S½;
sec. 4, lots 1 to 4, inclusive, S½N½, S½;
sec. 5, lots 1 to 4, inclusive, S½N½, S½;
sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 7, lots 1 to 4, inclusive, E½, E½W½;
sec. 8, lots 1 to 4, inclusive, S½N½, S½;
sec. 9, lots 1 to 4, inclusive, S½N½, S½;
sec. 10, lots 1 to 4, inclusive, S½N½, S½;
sec. 11, lots 1 to 4, inclusive, S½N½, S½;
sec. 12, lots 1 to 4, inclusive, S½N½, S½;
sec. 13, lots 1 to 4, inclusive, S½N½, S½;
sec. 14, lots 1 to 4, inclusive, S½N½, S½;
sec. 15, lots 1 to 4, inclusive, S½N½, S½;
sec. 16, lots 1 to 4, inclusive, S½N½, S½;
sec. 17, lots 1 to 4, inclusive, S½N½, S½;
sec. 18, lots 1 to 4, inclusive, S½N½, S½;
sec. 19, lots 1 to 4, inclusive, S½N½, S½;
sec. 20, lots 1 to 4, inclusive, S½N½, S½;
sec. 21, lots 1 to 4, inclusive, S½N½, S½;
sec. 22, lots 1 to 4, inclusive, S½N½, S½;
sec. 23, lots 1 to 4, inclusive, S½N½, S½;
sec. 24, lots 1 to 4, inclusive, S½N½, S½;
sec. 25, lots 1 to 4, inclusive, S½N½, S½;
sec. 26, lots 1 to 4, inclusive, S½N½, S½;
sec. 27, lots 1 to 4, inclusive, S½N½, S½;
sec. 28, lots 1 to 4, inclusive, S½N½, S½;
sec. 29, lots 1 to 4, inclusive, S½N½, S½;
sec. 30, lots 1 to 4, inclusive, S½N½, S½;
sec. 31, lots 1 to 4, inclusive, S½N½, S½;
sec. 32, lots 1 to 4, inclusive, S½N½, S½;
sec. 33, lots 1 to 4, inclusive, S½N½, S½;
sec. 34, lots 1 to 4, inclusive, S½N½, S½;
sec. 35, lots 1 to 4, inclusive, S½N½, S½;
sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 3 N., R. 1 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, S½;
sec. 2, lots 1 to 4, inclusive, S½N½, S½;
sec. 3, lots 1 to 4, inclusive, S½N½, S½;
sec. 4, lots 1 to 4, inclusive, S½N½, S½;
sec. 5, lots 1 to 4, inclusive, S½N½, S½;
sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 7, lots 1 to 4, inclusive, E½, E½W½;
sec. 8, lots 1 to 4, inclusive, S½N½, S½;
sec. 9, lots 1 to 4, inclusive, S½N½, S½;
sec. 10, lots 1 to 4, inclusive, S½N½, S½;
sec. 11, lots 1 to 4, inclusive, S½N½, S½;
sec. 12, lots 1 to 4, inclusive, S½N½, S½;
sec. 13, lots 1 to 4, inclusive, S½N½, S½;
sec. 14, lots 1 to 4, inclusive, S½N½, S½;
sec. 15, lots 1 to 4, inclusive, S½N½, S½;
sec. 16, lots 1 to 4, inclusive, S½N½, S½;
sec. 17, lots 1 to 4, inclusive, S½N½, S½;
sec. 18, lots 1 to 4, inclusive, S½N½, S½;
sec. 19, lots 1 to 4, inclusive, S½N½, S½;
sec. 20, lots 1 to 4, inclusive, S½N½, S½;
sec. 21, lots 1 to 4, inclusive, S½N½, S½;
sec. 22, lots 1 to 4, inclusive, S½N½, S½;
sec. 23, lots 1 to 4, inclusive, S½N½, S½;
sec. 24, lots 1 to 4, inclusive, S½N½, S½;
sec. 25, lots 1 to 4, inclusive, S½N½, S½;
sec. 26, lots 1 to 4, inclusive, S½N½, S½;
sec. 27, lots 1 to 4, inclusive, S½N½, S½;
sec. 28, lots 1 to 4, inclusive, S½N½, S½;
sec. 29, lots 1 to 4, inclusive, S½N½, S½;
sec. 30, lots 1 to 4, inclusive, S½N½, S½;
sec. 31, lots 1 to 4, inclusive, S½N½, S½;
sec. 32, lots 1 to 4, inclusive, S½N½, S½;
sec. 33, lots 1 to 4, inclusive, S½N½, S½;
sec. 34, lots 1 to 4, inclusive, S½N½, S½;
sec. 35, lots 1 to 4, inclusive, S½N½, S½;
sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 2 N., R. 2 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, S½;
sec. 2, lots 1 to 4, inclusive, S½N½, S½;
sec. 3, lots 1 to 4, inclusive, S½N½, S½;
sec. 4, lots 1 to 4, inclusive, S½N½, S½;
sec. 5, lots 1 to 4, inclusive, S½N½, S½;
sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 7, lots 1 to 4, inclusive, E½, E½W½;
sec. 8, lots 1 to 4, inclusive, S½N½, S½;
sec. 9, lots 1 to 4, inclusive, S½N½, S½;
sec. 10, lots 1 to 4, inclusive, S½N½, S½;
sec. 11, lots 1 to 4, inclusive, S½N½, S½;
sec. 12, lots 1 to 4, inclusive, S½N½, S½;
sec. 13, lots 1 to 4, inclusive, S½N½, S½;
sec. 14, lots 1 to 4, inclusive, S½N½, S½;
sec. 15, lots 1 to 4, inclusive, S½N½, S½;
sec. 16, lots 1 to 4, inclusive, S½N½, S½;
sec. 17, lots 1 to 4, inclusive, S½N½, S½;
sec. 18, lots 1 to 4, inclusive, S½N½, S½;
sec. 19, lots 1 to 4, inclusive, S½N½, S½;
sec. 20, lots 1 to 4, inclusive, S½N½, S½;
sec. 21, lots 1 to 4, inclusive, S½N½, S½;
sec. 22, lots 1 to 4, inclusive, S½N½, S½;
sec. 23, lots 1 to 4, inclusive, S½N½, S½;
sec. 24, lots 1 to 4, inclusive, S½N½, S½;
sec. 25, lots 1 to 4, inclusive, S½N½, S½;
sec. 26, lots 1 to 4, inclusive, S½N½, S½;
sec. 27, lots 1 to 4, inclusive, S½N½, S½;
sec. 28, lots 1 to 4, inclusive, S½N½, S½;
sec. 29, lots 1 to 4, inclusive, S½N½, S½;
sec. 30, lots 1 to 4, inclusive, S½N½, S½;
sec. 31, lots 1 to 4, inclusive, S½N½, S½;
sec. 32, lots 1 to 4, inclusive, S½N½, S½;
sec. 33, lots 1 to 4, inclusive, S½N½, S½;
sec. 34, lots 1 to 4, inclusive, S½N½, S½;
sec. 35, lots 1 to 4, inclusive, S½N½, S½;
sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 3 N., R. 2 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, S½;
sec. 2, lots 1 to 4, inclusive, S½N½, S½;
sec. 3, lots 1 to 4, inclusive, S½N½, S½;
sec. 4, lots 1 to 4, inclusive, S½N½, S½;
sec. 5, lots 1 to 4, inclusive, S½N½, S½;
sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 7, lots 1 to 4, inclusive, E½, E½W½;
sec. 8, lots 1 to 4, inclusive, S½N½, S½;
sec. 9, lots 1 to 4, inclusive, S½N½, S½;
sec. 10, lots 1 to 4, inclusive, S½N½, S½;
sec. 11, lots 1 to 4, inclusive, S½N½, S½;
sec. 12, lots 1 to 4, inclusive, S½N½, S½;
sec. 13, lots 1 to 4, inclusive, S½N½, S½;
sec. 14, lots 1 to 4, inclusive, S½N½, S½;
sec. 15, lots 1 to 4, inclusive, S½N½, S½;
sec. 16, lots 1 to 4, inclusive, S½N½, S½;
sec. 17, lots 1 to 4, inclusive, S½N½, S½;
sec. 18, lots 1 to 4, inclusive, S½N½, S½;
sec. 19, lots 1 to 4, inclusive, S½N½, S½;
sec. 20, lots 1 to 4, inclusive, S½N½, S½;
sec. 21, lots 1 to 4, inclusive, S½N½, S½;
sec. 22, lots 1 to 4, inclusive, S½N½, S½;
sec. 23, lots 1 to 4, inclusive, S½N½, S½;
sec. 24, lots 1 to 4, inclusive, S½N½, S½;
sec. 25, lots 1 to 4, inclusive, S½N½, S½;
sec. 26, lots 1 to 4, inclusive, S½N½, S½;
sec. 27, lots 1 to 4, inclusive, S½N½, S½;
sec. 28, lots 1 to 4, inclusive, S½N½, S½;
sec. 29, lots 1 to 4, inclusive, S½N½, S½;
sec. 30, lots 1 to 4, inclusive, S½N½, S½;
sec. 31, lots 1 to 4, inclusive, S½N½, S½;
sec. 32, lots 1 to 4, inclusive, S½N½, S½;
sec. 33, lots 1 to 4, inclusive, S½N½, S½;
sec. 34, lots 1 to 4, inclusive, S½N½, S½;
sec. 35, lots 1 to 4, inclusive, S½N½, S½;
sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 2 N., R. 3 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, S½;
sec. 2, lots 1 to 4, inclusive, S½N½, S½;
sec. 3, lots 1 to 4, inclusive, S½N½, S½;
sec. 4, lots 1 to 4, inclusive, S½N½, S½;
sec. 5, lots 1 to 4, inclusive, S½N½, S½;
sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 7, lots 1 to 4, inclusive, E½, E½W½;
sec. 8, lots 1 to 4, inclusive, S½N½, S½;
sec. 9, lots 1 to 4, inclusive, S½N½, S½;
sec. 10, lots 1 to 4, inclusive, S½N½, S½;
sec. 11, lots 1 to 4, inclusive, S½N½, S½;
sec. 12, lots 1 to 4, inclusive, S½N½, S½;
sec. 13, lots 1 to 4, inclusive, S½N½, S½;
sec. 14, lots 1 to 4, inclusive, S½N½, S½;
sec. 15, lots 1 to 4, inclusive, S½N½, S½;
sec. 16, lots 1 to 4, inclusive, S½N½, S½;
sec. 17, lots 1 to 4, inclusive, S½N½, S½;
sec. 18, lots 1 to 4, inclusive, S½N½, S½;
sec. 19, lots 1 to 4, inclusive, S½N½, S½;
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sec. 23, lots 1 to 4, inclusive, S½N½, S½;
sec. 24, lots 1 to 4, inclusive, S½N½, S½;
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sec. 27, lots 1 to 4, inclusive, S½N½, S½;
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sec. 29, lots 1 to 4, inclusive, S½N½, S½;
sec. 30, lots 1 to 4, inclusive, S½N½, S½;
sec. 31, lots 1 to 4, inclusive, S½N½, S½;
sec. 32, lots 1 to 4, inclusive, S½N½, S½;
sec. 33, lots 1 to 4, inclusive, S½N½, S½;
sec. 34, lots 1 to 4, inclusive, S½N½, S½;
sec. 35, lots 1 to 4, inclusive, S½N½, S½;
sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 3 N., R. 3 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, S½;
sec. 2, lots 1 to 4, inclusive, S½N½, S½;
sec. 3, lots 1 to 4, inclusive, S½N½, S½;
sec. 4, lots 1 to 4, inclusive, S½N½, S½;
sec. 5, lots 1 to 4, inclusive, S½N½, S½;
sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 7, lots 1 to 4, inclusive, E½, E½W½;
sec. 8, lots 1 to 4, inclusive, S½N½, S½;
sec. 9, lots 1 to 4, inclusive, S½N½, S½;
sec. 10, lots 1 to 4, inclusive, S½N½, S½;
sec. 11, lots 1 to 4, inclusive, S½N½, S½;
sec. 12, lots 1 to 4, inclusive, S½N½, S½;
sec. 13, lots 1 to 4, inclusive, S½N½, S½;
sec. 14, lots 1 to 4, inclusive, S½N½, S½;
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sec. 31, lots 1 to 4, inclusive, S½N½, S½;
sec. 32, lots 1 to 4, inclusive, S½N½, S½;
sec. 33, lots 1 to 4, inclusive, S½N½, S½;
sec. 34, lots 1 to 4, inclusive, S½N½, S½;
sec. 35, lots 1 to 4, inclusive, S½N½, S½;
sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 2 N., R. 4 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, S½;
sec. 2, lots 1 to 4, inclusive, S½N½, S½;
sec. 3, lots 1 to 4, inclusive, S½N½, S½;
sec. 4, lots 1 to 4, inclusive, S½N½, S½;
sec. 5, lots 1 to 4, inclusive, S½N½, S½;
sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 7, lots 1 to 4, inclusive, E½, E½W½;
sec. 8, lots 1 to 4, inclusive, S½N½, S½;
sec. 9, lots 1 to 4, inclusive, S½N½, S½;
sec. 10, lots 1 to 4, inclusive, S½N½, S½;
sec. 11, lots 1 to 4, inclusive, S½N½, S½;
sec. 12, lots 1 to 4, inclusive, S½N½, S½;
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sec. 31, lots 1 to 4, inclusive, S½N½, S½;
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sec. 33, lots 1 to 4, inclusive, S½N½, S½;
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sec. 35, lots 1 to 4, inclusive, S½N½, S½;
sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 3 N., R. 4 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, S½;
sec. 2, lots 1 to 4, inclusive, S½N½, S½;
sec. 3, lots 1 to 4, inclusive, S½N½, S½;
sec. 4, lots 1 to 4, inclusive, S½N½, S½;
sec. 5, lots 1 to 4, inclusive, S½N½, S½;
sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 7, lots 1 to 4, inclusive, E½, E½W½;
sec. 8, lots 1 to 4, inclusive, S½N½, S½;
sec. 9, lots 1 to 4, inclusive, S½N½, S½;
sec. 10, lots 1 to 4, inclusive, S½N½, S½;
sec. 11, lots 1 to 4, inclusive, S½N½, S½;
sec. 12, lots 1 to 4, inclusive, S½N½, S½;
sec. 13, lots 1 to 4, inclusive, S½N½, S½;
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sec. 31, lots 1 to 4, inclusive, S½N½, S½;
sec. 32, lots 1 to 4, inclusive, S½N½, S½;
sec. 33, lots 1 to 4, inclusive, S½N½, S½;
sec. 34, lots 1 to 4, inclusive, S½N½, S½;
sec. 35, lots 1 to 4, inclusive, S½N½, S½;
sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 2 N., R. 5 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, S½;
sec. 2, lots 1 to 4, inclusive, S½N½, S½;
sec. 3, lots 1 to 4, inclusive, S½N½, S½;
sec. 4, lots 1 to 4, inclusive, S½N½, S½;
sec. 5, lots 1 to 4, inclusive, S½N½, S½;
sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 7, lots 1 to 4, inclusive, E½, E½W½;
sec. 8, lots 1 to 4, inclusive, S½N½, S½;
sec. 9, lots 1 to 4, inclusive, S½N½, S½;
sec. 10, lots 1 to 4, inclusive, S½N½, S½;
sec. 11, lots 1 to 4, inclusive, S½N½, S½;
sec. 12, lots 1 to 4, inclusive, S½N½, S½;
sec. 13, lots 1 to 4, inclusive, S½N½, S½;
sec. 14, lots 1 to 4, inclusive, S½N½, S½;
sec. 15, lots 1 to 4, inclusive, S½N½, S½;
sec. 16, lots 1 to 4, inclusive, S½N½, S½;
sec. 17, lots 1 to 4, inclusive, S½N½, S½;
sec. 18, lots 1 to 4, inclusive, S½N½, S½;
sec. 19, lots 1 to 4, inclusive, S½N½, S½;
sec. 20, lots 1 to 4, inclusive, S½N½, S½;
sec. 21, lots 1 to 4, inclusive, S½N½, S½;
sec. 22, lots 1 to 4, inclusive, S½N½, S½;
sec. 23, lots 1 to 4, inclusive, S½N½, S½;
sec. 24, lots 1 to 4, inclusive, S½N½, S½;
sec. 25, lots 1 to 4, inclusive, S½N½, S½;
sec. 26, lots 1 to 4, inclusive, S½N½, S½;
sec. 27, lots 1 to 4, inclusive, S½N½, S½;
sec. 28, lots 1 to 4, inclusive, S½N½, S½;
sec. 29, lots 1 to 4, inclusive, S½N½, S½;
sec. 30, lots 1 to 4, inclusive, S½N½, S½;
sec. 31, lots 1 to 4, inclusive, S½N½, S½;
sec. 32, lots 1 to 4, inclusive, S½N½, S½;
sec. 33, lots 1 to 4, inclusive, S½N½, S½;
sec. 34, lots 1 to 4, inclusive, S½N½, S½;
sec. 35, lots 1 to 4, inclusive, S½N½, S½;
sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 3 N., R. 5 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, S½;
sec. 2, lots 1 to 4, inclusive, S½N½, S½;
sec. 3, lots 1 to 4, inclusive, S½N½, S½;
sec. 4, lots 1 to 4, inclusive, S½N½, S½;
sec. 5, lots 1 to 4, inclusive, S½N½, S½;
sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 7, lots 1 to 4, inclusive, E½, E½W½;
sec. 8, lots 1 to 4, inclusive, S½N½, S½;
sec. 9, lots 1 to 4, inclusive, S½N½, S½;
sec. 10, lots 1 to 4, inclusive, S½N½, S½;
sec. 11, lots 1 to 4, inclusive, S½N½, S½;
sec. 12, lots 1 to 4, inclusive, S½N½, S½;
sec. 13, lots 1 to 4, inclusive, S½N½, S½;
sec. 14, lots 1 to 4, inclusive, S½N½, S½;
sec. 15, lots 1 to 4, inclusive, S½N½, S½;
sec. 16, lots 1 to 4, inclusive, S½N½, S½;
sec. 17, lots 1 to 4, inclusive, S½N½, S½;
sec. 18, lots 1 to 4, inclusive, S½N½, S½;
sec. 19

[Public Land Order 3375]

[Arizona 083334]

ARIZONA

Partly Revoking Certain Stock Driveway Withdrawals

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300) as amended, it is ordered as follows:

1. The departmental orders of March 18, 1918, and February 4, 1919, creating Stock Driveway Withdrawals No. 10, Arizona No. 1, and No. 56, Arizona No. 2, respectively, are hereby revoked so far as they affect the following-described lands:

GILA AND SALT RIVER MERIDIAN

(a) Order of March 18, 1918: (Stock Driveway No. 10, Arizona No. 1).
T. 11 N., R. 26 E.,
Secs. 24 and 25.
(b) Order of February 4, 1919: (Stock Driveway No. 56, Arizona No. 2).
T. 13 N., R. 2 E.,
Secs. 6, 7, 18, 19, 30, and 31;
Sec. 32, SW¼.
T. 14 N., R. 2 E.,
Sec. 30, NE¼, NW¼, N½SW¼, and SW¼SW¼.
Sec. 31, E½, E½NW¼, SW¼NW¼, and SW¼.

The areas described aggregate approximately 6,235 acres.

2. The lands in subparagraph (a), are located approximately 18 miles south and west of Saint Johns; vegetation is of the mountain brush types. Those in (b) are approximately 20 miles east of Prescott; vegetation ranges from desert shrub to mountain brush types.

3. Until 10:00 a.m. on October 7, 1964, the State of Arizona shall have a preferred right of application to select the public lands as provided by subsection (c) of section 2, of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). On and after that date and hour the lands shall become subject to application, petition, and selection, generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received at or prior to 10:00 a.m. on October 7, 1964, shall be considered as simultaneously filed at that time. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the regulations in 43 CFR 185.35.

5. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their application setting forth all facts relevant to their claims.

6. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 8, 1964.

[F.R. Doc. 64-3610; Filed, Apr. 13, 1964; 8:46 a.m.]

[Public Land Order 3376]

[Oregon 012453]

OREGON

Partly Revoking Public Land Order No. 2956 of March 4, 1963

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 2956 of March 4, 1963, so far as it withdrew the following-described lands for preservation of archeological values, is hereby revoked:

WILLAMETTE MERIDIAN

T. 19 S., R. 19 E.,
Sec. 1, E½SW¼;
Sec. 12, E½NW¼ and SW¼NW¼.

Containing 200 acres.

2. The land is situated about 34 airline miles southeast of Prineville, Oregon. Soils range from a generally heavy silty clay loam in the bottom of the shallow draw traversing the area, to tuffaceous material on the higher ground.

3. Subject to any valid existing rights and equitable claims, the requirements of applicable law, and the provisions of any existing withdrawals, the lands are hereby opened to filing of applications and selections. All valid applications and selections under the nonmineral public land laws presented at or prior to 10:00 a.m. on May 14, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on May 14, 1964.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

6. The State of Oregon has waived the preference right of application granted to certain States by section 2(c) of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 8, 1964.

[F.R. Doc. 64-3611; Filed, Apr. 13, 1964; 8:46 a.m.]

[Public Land Order 3377]

[Washington 04743]

WASHINGTON

Withdrawal for Forest Service Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Mt. Baker National Forest, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws, but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture for utilization of the surface as recreation areas, as indicated:

WILLAMETTE MERIDIAN

MINERAL PARK CAMPGROUND

T. 34 N., R. 13 E., Unsurveyed,
Sec. 5, NW¼SW¼NW¼;
Sec. 6, N½N½SW¼NE¼ and N½SE¼NE¼.

CASCADE PASS CAMPGROUND

T. 34 N., R. 13 E., Unsurveyed,
Sec. 1, NW¼NE¼NE¼ and NE¼NW¼NE¼.
T. 35 N., R. 13 E., Unsurveyed,
Sec. 36, SE¼SE¼SW¼ and SW¼SW¼SE¼.

CASCADE ROAD PICNICKING AREA

T. 35 N., R. 13 E., Unsurveyed,
Sec. 35, S½SW¼NE¼.

COLONIAL CREEK CAMPGROUND

T. 37 N., R. 13 E., Unsurveyed,
Sec. 15, SW¼SE¼NW¼, N½NE¼SW¼, E¼NE¼NW¼SW¼, W½NW¼SE¼, NE¼SW¼SE¼, E½SE¼SW¼SE¼, and SW¼SE¼SE¼.

The areas described aggregate approximately 180 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 8, 1964.

[F.R. Doc. 64-3612; Filed, Apr. 13, 1964; 8:47 a.m.]

[Public Land Order 3378]

[New Mexico 0397617]

NEW MEXICO

Withdrawal for Forest Service Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands in the Cibola National Forest are hereby withdrawn from prospecting, location, entry and purchase under the United States mining laws, but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service for utilization of the surface for administrative sites:

NEW MEXICO PRINCIPAL MERIDIAN

BALDWIN ADMINISTRATIVE SITE

T. 1 S., R. 10 W.,
Sec. 33, NE¼NW¼.

WATER CANYON ADMINISTRATIVE SITE

T. 3 S., R. 3 W.,
Sec. 23, E½SW¼NE¼ and W½SE¼NE¼.

MONICA ADMINISTRATIVE SITE

T. 4 S., R. 6 W.,
Sec. 18, SW¼NE¼SE¼ and SE¼NW¼SE¼.

The areas described aggregate approximately 100 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 8, 1964.

[F.R. Doc. 64-3613; Filed, Apr. 13, 1964; 8:47 a.m.]

[Public Land Order 3379]

OREGON

Withdrawal for Forest Service Administrative Sites and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as administrative sites and recreation areas, as indicated:

[Oregon 013902]

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Happy Home Campground

T. 4 S., R. 29 E.,
Sec. 29, S½SW¼NE¼SE¼ and N½NW¼SE¼SE¼.

Coon Campground

T. 4 S., R. 30 E.,
Sec. 31, NE¼SW¼SE¼ and N½SE¼SW¼SE¼.

Drift Fence Campground

T. 6 S., R. 32 E.,
Sec. 4, SE¼SW¼SW¼.

Mote Springs Campground

T. 7 S., R. 32 E.,
Sec. 28, NE¼NE¼SW¼.

Cable Creek Campground

T. 6 S., R. 33 E.,
Sec. 11, SW¼NW¼NW¼, SW¼SE¼NW¼NW¼ and NW¼NE¼SW¼NW¼.

Big Creek Campground

T. 6 S., R. 34 E.,
Sec. 33, S½NE¼NE¼NE¼ and N½SE¼NE¼NE¼.

Moon Meadows Recreational Area

T. 7 S., R. 35 E.,
Sec. 30, SW¼NE¼NE¼ and S½NW¼NE¼.

South Fork Campground

T. 2 N., R. 37 E.,
Sec. 5, NE¼ lot 2.

Elk Campground

T. 2 N., R. 37 E.,
Sec. 5, SE¼SE¼NE¼.

Elbow Campground

T. 3 N., R. 37 E.,
Sec. 28, SE¼NW¼NE¼.

Powder Campground

T. 3 N., R. 37 E.,
Sec. 28, NW¼SW¼NE¼, SE¼SE¼NW¼ and E½NE¼SW¼.

Squaw Springs Campground

T. 2 N., R. 38 E.,
Sec. 5, SE¼SW¼NW¼ and NE¼NW¼SW¼.

Phillips Wayside

T. 2 N., R. 38 E.,
Sec. 11, NW¼NW¼SW¼.

Spout Springs Lookout and Ski Area

T. 3 N., R. 38 E.,
Sec. 3, S½S½S½;
Sec. 10, W½NE¼, N½NW¼, NE¼SW¼NW¼, SE¼NW¼, E½NE¼SW¼, and NW¼SE¼.

Woodland Park Campground

T. 3 N., R. 38 E.,
Sec. 14, W½SE¼SW¼.

Deadman Spring Campground

T. 4 N., R. 38 E.,
Sec. 14, S½NW¼SW¼.

Target Meadow Campground

T. 4 N., R. 38 E.,
Sec. 21, SE¼NE¼SW¼, SE¼SW¼SW¼, SE¼SW¼, and W½SW¼SE¼;
Sec. 28, NW¼NE¼, NW¼SW¼NE¼, NE¼NW¼, E½NW¼NW¼, and N½SE¼NW¼.

Tollgate Campground

T. 4 N., R. 38 E.,
Sec. 32, S½SE¼NE¼.

Luger Spring Campground

T. 3 N., R. 39 E.,
Sec. 5, NW¼NE¼SW¼.

Dusty Spring Campground

T. 4 N., R. 39 E.,
Sec. 7, S½ lot 10.

Jubilee Campground

T. 4 N., R. 39 E.,
Sec. 8, SE¼SW¼ and SW¼SE¼;
Sec. 17, NW¼NE¼, and NE¼NW¼.

Squaw Spring Campground

T. 5 N., R. 39 E.,
Sec. 9, SE¼SE¼NE¼.

Bone Springs Campground

T. 5 N., R. 39 E.,
Sec. 28, SW¼NE¼SE¼ and NW¼SE¼SE¼.

Mottet Spring Campground

T. 5 N., R. 39 E.,
Sec. 32, NE¼SW¼SE¼ and NW¼SE¼SE¼.

Timothy Spring Campground

T. 5 N., R. 39 E.,
Sec. 36, S½NW¼SW¼ and NE¼SW¼SW¼.

Deduck Campground

T. 6 N., R. 39 E.,
Sec. 29, SW¼SW¼NE¼ and NW¼NW¼SE¼.

Bear Canyon Campground

T. 5 N., R. 40 E.,
Sec. 35, SE¼NE¼SE¼;
Sec. 36, SW¼NW¼SW¼.

Mosier Spring Campground

T. 5 N., R. 41 E.,
Sec. 4, S½SE¼SE¼.

(Oregon 013914)

WILLAMETTE MERIDIAN

MALHEUR NATIONAL FOREST

Blue Creek Work Center

T. 20 S., R. 28 E.,
Sec. 9, SW¼SW¼SE¼ and SE¼SE¼SW¼.

Bear Tree Guard Station

T. 19 S., R. 29 E.,
Sec. 7, NE¼SW¼NE¼.

Sugarloaf Lookout

T. 19 S., R. 29 E.,
Sec. 21, NE¼NE¼NE¼.

West Myrtle Lookout

T. 18 S., R. 30 E.,
Sec. 31, NW¼NE¼NE¼.

Burnt Mountain Lookout

T. 19 S., R. 30 E.,
Sec. 36, SW¼NW¼NW¼.

Crow Flat Guard Station

T. 20 S., R. 31 E.,
Sec. 13, W½NE¼NW¼ and E½NW¼NW¼.

Joaquin Miller Campground

T. 20 S., R. 31 E.,
Sec. 23, W½NE¼NW¼ and E½NW¼NW¼.

Idlewild Campground

T. 20 S., R. 31 E.,
Sec. 27, S½SE¼SW¼ and S½SW¼SE¼.
Sec. 34, N½NE¼NW¼.

Hi-Desert Ski Area

T. 20 S., R. 31 E.,
Sec. 34, E½NE¼SW¼.

Rock Springs Campground

T. 18 S., R. 32 E.,
Sec. 23, E½SE¼NE¼.

King Mountain Lookout

T. 20 S., R. 32 E.,
Sec. 27, NE¼SE¼NW¼.

Wolf Mountain Lookout

T. 17 S., R. 33 E.,
Sec. 33, SW¼NE¼NW¼.

Cove Springs Work Center

T. 18 S., R. 33 E.,
Sec. 13, W½NW¼SE¼.

Calamity Butte Lookout

T. 19 S., R. 33 E.,
Sec. 13, S½NW¼NE¼.

Call Meadows Guard Station

T. 20 S., R. 33 E.,
Sec. 29, E½NW¼NW¼.

The areas described total in the aggregate 1,473.41 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 8, 1964.

[F.R. Doc. 64-3614; Filed, Apr. 13, 1964; 8:47 a.m.]

[Public Land Order 3380]

WASHINGTON

Withdrawals for Forest Service Recreation Areas and for Highway Purposes

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in Washington, in the national forests hereafter named, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws, but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as recreation areas and highway purposes as indicated:

(Washington 04792)

WILLAMETTE MERIDIAN

OKANOGAN NATIONAL FOREST

North Cross-State Highway zone addition

T. 35 N., R. 17 E., unsurveyed,
Sec. 24, SW¼SW¼;
Sec. 26, NE¼NE¼, and SW¼NW¼;
Sec. 27, NW¼SW¼;
Sec. 28, SE¼NE¼.
T. 35 N., R. 18 E., unsurveyed,
Sec. 18, SW¼SE¼ and SE¼SW¼.

The areas described aggregate approximately 280 acres.

(Washington 04896)

WILLAMETTE MERIDIAN

OKANOGAN NATIONAL FOREST

Slate Peak Observation Site

T. 37 N., R. 17 E., Unsurveyed,
Sec. 1, SW¼NE¼NW¼.

Slate Meadows Campground

T. 37 N., R. 18 E., Unsurveyed,
Sec. 7, NE¼SW¼ and W½NW¼SE¼.

Robinson Creek Observation Site

T. 37 N., R. 18 E., Unsurveyed,
Sec. 36, NE¼SW¼NE¼.

Early Winters Ranger Station Administrative Site

T. 36 N., R. 19 E.,
Sec. 23, S½SE¼SW¼SW¼, S½SE¼SW¼, excluding patented HES–89; SW¼SW¼ SE¼ south of West Fork Methow River excluding patented HES–84.
Sec. 26, W½NW¼NW¼, excluding patented HES–89 and 250; E½NW¼NE¼ NW¼, NE¼NE¼NW¼, excluding patented HES–250 W½NW¼NE¼ excluding patented HES–84 and 250.

Buttermilk Butte Observation Site

T. 32 N., R. 20 E., Unsurveyed,
Sec. 2, NE¼NW¼SW.

Buttermilk Campground

T. 32 N., R. 20 E., Unsurveyed,
Sec. 2, SW¼SW¼SW¼.

Sweetgrass Butte Observation Site

T. 37 N., R. 20 E., Unsurveyed,
Sec. 35, SW¼NW¼NE¼.

Falls Creek Campground Addition

T. 36 N., R. 21 E.,
Sec. 12, NE¼ lot 1.

Eightmile Campground

T. 37 N., R. 21 E., Unsurveyed,
Sec. 32, NW¼SW¼NE¼.

Lake Creek Cabin Campground

T. 38 N., R. 21 E., Unsurveyed,
Sec. 24, NE¼SW¼NW¼.

Andrews Trail Campground

T. 38 N., R. 22 E., Unsurveyed,
Sec. 20, SE¼NW¼NE¼.

Frazer Creek Campground

T. 33 N., R. 23 E.,
Sec. 1, SE¼SE¼NW¼.

Starvation Mt. Observation Site

T. 35 N., R. 23 E., Unsurveyed,
Sec. 15, NW¼SE¼SW¼.

Iron Gate Campground

T. 40 N., R. 23 E.,
Sec. 35, NW¼SE¼SE¼.

Mutton Ridge Observation Site

T. 37 N., R. 24 E.,
Sec. 30, SE¼NW¼NE¼.

Mt. Hull Observation Site

T. 39 N., R. 28 E.,
Sec. 8, NW¼SE¼NW¼.

Aeneas Hunter Springs Campground

T. 35 N., R. 29 E.,
Sec. 12, SE¼SW¼SW¼.

San Poil Campground

T. 35 N., R. 31 E.,
Sec. 24, NW¼SE¼SW¼.

The areas described aggregate approximately 292 acres.

(Washington 04938)

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Table Rock Lookout Tower Site

T. 6 N., R. 39 E.,
Sec. 3, SW¼NE¼NE¼, and NW¼SE¼ NE¼.

Griffin Peak Lookout Site

T. 7 N., R. 39 E.,
Sec. 10, SW¼SE¼SE¼.

Godman Guard Station

T. 7 N., R. 40 E.,
Sec. 10, SE¼SW¼NE¼, and SW¼SE¼ NE¼.

Oregon Butte Lookout

T. 7 N., R. 41 E.,
Sec. 4, NW¼SE¼SW¼.

Clearwater Lookout

T. 8 N., R. 42 E.,
Sec. 5, NE¼SE¼NW¼.

Saddle Springs Guard Station

T. 7 N., R. 43 E.,
Sec. 18, SW¼SE¼NE¼.

Saddle Butte Lookout

T. 7 N., R. 43 E.,
Sec. 19, NE¼SE¼NE¼;
Sec. 20, NW¼SW¼NW¼.

Pataha Creek Campground

T. 9 N., R. 42 E.,
Sec. 2, E½ and E½W½ of lot 3, and NE¼ SE¼NW¼.

The areas describe aggregate approximately 148 acres.

The national forest lands withdrawn by this order total approximately 720 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 8, 1964.

[F.R. Doc. 64–3615; Filed, Apr. 13, 1964; 8:47 a.m.]

[Public Land Order 3381]

[Washington 04087 (11762; 460355)]

WASHINGTON

Revoking Lighthouse Reserve; Cape Elizabeth

By virtue of the authority contained in the Act of August 22, 1914 (38 Stat. 704), it is ordered as follows:

1. The Departmental order of November 14, 1914, which reserved the following described lands at or near Cape Elizabeth, Washington, for lighthouse purposes and the Departmental order of January 30, 1909, so far as it reserved the same lands temporarily for lighthouse purposes are hereby revoked:

WILLAMETTE MERIDIAN

T. 22 N., R. 13 W.,
Sec. 27, lot 4 and SE¼SE¼;
Sec. 34, lots 1, 2, 3, and NE¼NE¼.

Containing 206.75 acres.

2. The lands are in the Quinaielt Indian Reservation established by Presidential Proclamation of April 11, 1859 (12 Stat. 971). About 85.05 acres were restored to trust status by the Act of October 15, 1962 (76 Stat. 913).

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 8, 1964.

[F.R. Doc. 64–3616; Filed, Apr. 13, 1964; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL, PUBLIC HEALTH, AND CIVIL DEFENSE PURPOSES

Part 13 of Title 45 CFR is hereby amended to read as follows:

Sec.
13.1 Definitions.
13.2 Basic policy.
13.3 Geographic scope.
13.4 Allocation of donable property.
13.5 Donations of personal property.
13.6 Certifications by state agencies and donees.
13.7 State agency agreements.
13.8 Certifications and agreements respecting interstate distribution.
13.9 Terms and conditions applicable to transfers or retransfers of donable property.
13.10 Terms and conditions applicable to transfers or retransfers of aircraft.

AUTHORITY: The provisions of this Part 13 issued under sec. 203, 63 Stat. 385, as amended, 70 Stat. 493; 40 U.S.C. 484; 76 Stat. 805.

§ 13.1 Definitions.

(a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). Terms defined in the act and not defined in this section, shall have in this part the meaning given to them in the act.

(b) "Accredited" means approval by a recognized accrediting board or association on a regional, state, or national level such as a State Board of Education or Health, a regional or national accrediting association for universities, colleges, or secondary schools, the American Hospital Association, etc.

(c) "Approved" means recognition and approval by the State Department of Education, State Department of Health, or other appropriate authority. With respect to an educational institution, such approval must relate to academic or instructional standards. An educational institution may be considered as approved if its credits are accepted by accredited or State approved institutions, or if it meets the academic or instructional standards prescribed for public schools in the State.

(d) "Civil defense organization" means the official organization established by or pursuant to State law as being responsible for the civil defense program for such State, or political subdivisions and instrumentalities thereof. This term does not include a "State agency" as defined in paragraph (cc) of this section.

(e) "Clinic" means an approved facility organized and operated for the primary purpose of providing outpatient health services and includes the customary related facilities such as laboratories, treatment rooms, etc.

(f) "College" means an approved or accredited institution of higher learning offering organized study courses and credits leading to the baccalaureate or higher degrees.

(g) "Department" means the Department of Health, Education, and Welfare.

(h) "Donable property" means surplus equipment, materials, books, or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to section 405 of the National Security Act of 1947, as amended, or in similar management-type funds) except:

(1) Such property as may be specified from time to time by the Administrator of General Services;

(2) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization;

(3) Property in the custody of an agency or an organizational unit thereof which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U.S.C. 841); the donation of which is determined by the holding agency to be inconsistent with its program responsibilities.

(4) Property in trust funds.

(i) "Donated property" means equipment, materials, books and other personal property transferred to eligible institutions or organizations pursuant to the provisions of Sec. 203(j) of the Act and implementing regulations.

(j) "Donee" means an eligible applicant who is a recipient of donable property.

(k) "Educational Institution" means a tax-supported or nonprofit school system, school, college, university, school for the mentally retarded, school for the physically handicapped, radio or television station licensed by the Federal Communications Commission as an educational radio or an educational television station, and public libraries. School systems, schools, colleges and universities must be approved or accredited.

(l) "Eligible applicant" means (1) a civil defense organization as defined in paragraph (d) of this section, (2) an approved or accredited tax-supported or nonprofit medical institution, hospital, clinic, health center, school system, school, college, or university, or (3) a tax-supported or nonprofit school for the mentally retarded, school for the physically handicapped, a radio station or a television station licensed by the Federal Communications Commission as an educational radio or an educational television station, or a public library. Nonprofit organizations must be exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(m) "Health center" means an approved facility utilized by a health unit for the provision of public health services, including related facilities such as laboratories and clinics.

(n) "Hospital" means an approved or accredited institution providing health services primarily for inpatient medical or surgical care of the sick or injured and includes related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an "integral part" of the hospital. The term "hospital" does not include institutions whose primary purpose is the furnishing of domiciliary care.

(o) "Medical institution" means an approved or accredited institution, facility, entity or organization which has for its primary function the provision of medical services, or the promotion of health through the conduct of research, investigations, experiments, training and demonstrations, relating to causes, prevention, and methods of diagnosis and treatment of diseases or injuries; the term includes hospitals, clinics, research and health centers, laboratories, medical, dental, and nursing schools, and similar institutions, but does not include those primarily engaged in domiciliary care.

(p) "Motor vehicles" means property in Federal Supply Classification Group 23.

(q) "Need" means a requirement for anything usable and necessary by eligible applicants in the conduct of educational, public health, or civil defense activities.

(r) "Nonprofit" used in connection with a medical institution, hospital, clinic, health center, school, college, university, school for the mentally retarded, school for the physically handicapped, or an educational television or educational radio station licensed by the Federal Communications Commission means one which is operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under the provisions of section 501(c)(3) of the 1954 Internal Revenue Code.

(s) "Personal property" means surplus property of any kind or any interest therein, except: Real property, records of the Federal Government and naval vessels of the following categories: "Battleships, cruisers, aircraft carriers, destroyers, and submarines; and merchant vessels of 1,500 gross tons or more subject to disposal by the United States Maritime Commission."

(t) "Public library" means a library that serves free all residents of a community, district, state, or region, and receives its financial support in whole or in part from public funds.

(u) Radio—"Educational radio station" means a radio station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and the licensee of which is tax-supported or nonprofit and tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1954.

(v) "Reimbursement to donees" means those costs and expenses for which the donee may recover monies from the proceeds of the sale of restricted donated items. These include (1) in such prorated amount, based on use, as may be prescribed by the Department (i) the certified costs of initially acquiring the property; (ii) the rehabilitation costs incurred in initially placing the property into operable condition; (2) the actual costs of listing and lotting property for sale; and (3) the actual costs of advertising the property when authorized by the Regional Representative to conduct the sale.

(w) "Reimbursement to State Agencies" means those costs and expenses for which the State Agency may recover monies from the proceeds of the sale of undistributed surplus property in the custody of the State Agency. These include only those costs of listing and lotting the property which are incurred subsequent to GSA authorization of the sales action, plus the actual cost of advertising in those cases where the State Agency is requested to conduct the sale.

(x) "School" (excepting schools for the "mentally retarded and schools for the physically handicapped") means an approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for a minimum school year and employs a full-time staff of qualified instructors.

(y) "School for the mentally retarded" means a facility or institution operated primarily to provide specialized instruction to students of limited mental capacity. It must be tax-supported or nonprofit and exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954. It must operate on a full-time basis for the equivalent of a

minimum school year prescribed for public schools in the State.

§ 13.2 Basic policy.

(a) Surplus personal property shall be made available for donation for educational, public health, and civil defense purposes in accordance with the provisions of the Act and this part.

(b) Donations shall be made on a nondiscriminatory basis without regard to race, color, creed, or sex.

(c) Donations shall be made only to eligible applicants.

(d) Donations shall be made only for the needs of the eligible applicant.

(e) Donations shall be made only for the purposes for which the eligible applicant was established.

(f) Donations shall be made only for the purposes of education, public health, or civil defense.

(g) Donations shall be made only for the purposes of the eligible applicant's activities.

(h) Donations shall be made only for the purposes of the eligible applicant's facilities.

(i) Donations shall be made only for the purposes of the eligible applicant's programs.

(j) Donations shall be made only for the purposes of the eligible applicant's services.

(k) Donations shall be made only for the purposes of the eligible applicant's operations.

(l) Donations shall be made only for the purposes of the eligible applicant's maintenance.

(m) Donations shall be made only for the purposes of the eligible applicant's repair.

(n) Donations shall be made only for the purposes of the eligible applicant's improvement.

(o) Donations shall be made only for the purposes of the eligible applicant's expansion.

(p) Donations shall be made only for the purposes of the eligible applicant's development.

(q) Donations shall be made only for the purposes of the eligible applicant's research.

(r) Donations shall be made only for the purposes of the eligible applicant's training.

(s) Donations shall be made only for the purposes of the eligible applicant's instruction.

(t) Donations shall be made only for the purposes of the eligible applicant's education.

(u) Donations shall be made only for the purposes of the eligible applicant's public health.

(v) Donations shall be made only for the purposes of the eligible applicant's civil defense.

(w) Donations shall be made only for the purposes of the eligible applicant's welfare.

(x) Donations shall be made only for the purposes of the eligible applicant's safety.

(y) Donations shall be made only for the purposes of the eligible applicant's security.

(z) Donations shall be made only for the purposes of the eligible applicant's protection.

(aa) Donations shall be made only for the purposes of the eligible applicant's preservation.

(bb) Donations shall be made only for the purposes of the eligible applicant's conservation.

(cc) Donations shall be made only for the purposes of the eligible applicant's restoration.

(dd) Donations shall be made only for the purposes of the eligible applicant's replacement.

(ee) Donations shall be made only for the purposes of the eligible applicant's modernization.

(ff) Donations shall be made only for the purposes of the eligible applicant's upgrading.

(gg) Donations shall be made only for the purposes of the eligible applicant's updating.

(hh) Donations shall be made only for the purposes of the eligible applicant's renovation.

(ii) Donations shall be made only for the purposes of the eligible applicant's remodeling.

(jj) Donations shall be made only for the purposes of the eligible applicant's alteration.

(kk) Donations shall be made only for the purposes of the eligible applicant's addition.

(ll) Donations shall be made only for the purposes of the eligible applicant's extension.

(mm) Donations shall be made only for the purposes of the eligible applicant's enlargement.

(nn) Donations shall be made only for the purposes of the eligible applicant's reduction.

(oo) Donations shall be made only for the purposes of the eligible applicant's demolition.

(pp) Donations shall be made only for the purposes of the eligible applicant's disposal.

(qq) Donations shall be made only for the purposes of the eligible applicant's abandonment.

(rr) Donations shall be made only for the purposes of the eligible applicant's termination.

(ss) Donations shall be made only for the purposes of the eligible applicant's cessation.

(tt) Donations shall be made only for the purposes of the eligible applicant's discontinuance.

(uu) Donations shall be made only for the purposes of the eligible applicant's suspension.

(vv) Donations shall be made only for the purposes of the eligible applicant's revocation.

(ww) Donations shall be made only for the purposes of the eligible applicant's withdrawal.

(xx) Donations shall be made only for the purposes of the eligible applicant's forfeiture.

(yy) Donations shall be made only for the purposes of the eligible applicant's surrender.

(zz) Donations shall be made only for the purposes of the eligible applicant's relinquishment.

(aaa) Donations shall be made only for the purposes of the eligible applicant's transfer.

(bbb) Donations shall be made only for the purposes of the eligible applicant's assignment.

(ccc) Donations shall be made only for the purposes of the eligible applicant's delegation.

(ddd) Donations shall be made only for the purposes of the eligible applicant's conveyance.

(eee) Donations shall be made only for the purposes of the eligible applicant's grant.

(fff) Donations shall be made only for the purposes of the eligible applicant's gift.

(ggg) Donations shall be made only for the purposes of the eligible applicant's bequest.

(hhh) Donations shall be made only for the purposes of the eligible applicant's devise.

(iii) Donations shall be made only for the purposes of the eligible applicant's inheritance.

(jjj) Donations shall be made only for the purposes of the eligible applicant's succession.

(kkk) Donations shall be made only for the purposes of the eligible applicant's descent.

(lll) Donations shall be made only for the purposes of the eligible applicant's distribution.

(mmm) Donations shall be made only for the purposes of the eligible applicant's allocation.

(nnn) Donations shall be made only for the purposes of the eligible applicant's apportionment.

(ooo) Donations shall be made only for the purposes of the eligible applicant's assessment.

(ppp) Donations shall be made only for the purposes of the eligible applicant's taxation.

(qqq) Donations shall be made only for the purposes of the eligible applicant's levy.

(rrr) Donations shall be made only for the purposes of the eligible applicant's collection.

(sss) Donations shall be made only for the purposes of the eligible applicant's enforcement.

(ttt) Donations shall be made only for the purposes of the eligible applicant's penalty.

(uuu) Donations shall be made only for the purposes of the eligible applicant's fine.

(vvv) Donations shall be made only for the purposes of the eligible applicant's imprisonment.

(www) Donations shall be made only for the purposes of the eligible applicant's execution.

(xxx) Donations shall be made only for the purposes of the eligible applicant's death.

(yyy) Donations shall be made only for the purposes of the eligible applicant's dissolution.

(zzz) Donations shall be made only for the purposes of the eligible applicant's liquidation.

(aaaa) Donations shall be made only for the purposes of the eligible applicant's bankruptcy.

(bbbb) Donations shall be made only for the purposes of the eligible applicant's insolvency.

(cccc) Donations shall be made only for the purposes of the eligible applicant's receivership.

(dddd) Donations shall be made only for the purposes of the eligible applicant's trusteeship.

(eeee) Donations shall be made only for the purposes of the eligible applicant's guardianship.

(ffff) Donations shall be made only for the purposes of the eligible applicant's conservatorship.

(gggg) Donations shall be made only for the purposes of the eligible applicant's custodianship.

(hhhh) Donations shall be made only for the purposes of the eligible applicant's agency.

(iiii) Donations shall be made only for the purposes of the eligible applicant's representation.

(jjjj) Donations shall be made only for the purposes of the eligible applicant's power of attorney.

(kkkk) Donations shall be made only for the purposes of the eligible applicant's proxy.

(llll) Donations shall be made only for the purposes of the eligible applicant's authorization.

(mmmm) Donations shall be made only for the purposes of the eligible applicant's permission.

(nnnn) Donations shall be made only for the purposes of the eligible applicant's consent.

(oooo) Donations shall be made only for the purposes of the eligible applicant's approval.

(pppp) Donations shall be made only for the purposes of the eligible applicant's ratification.

(qqqq) Donations shall be made only for the purposes of the eligible applicant's confirmation.

(rrrr) Donations shall be made only for the purposes of the eligible applicant's validation.

(ssss) Donations shall be made only for the purposes of the eligible applicant's verification.

(tttt) Donations shall be made only for the purposes of the eligible applicant's certification.

(uuuu) Donations shall be made only for the purposes of the eligible applicant's attestation.

(vvvv) Donations shall be made only for the purposes of the eligible applicant's witnessing.

(wwww) Donations shall be made only for the purposes of the eligible applicant's notarization.

(xxxx) Donations shall be made only for the purposes of the eligible applicant's acknowledgment.

(yyyy) Donations shall be made only for the purposes of the eligible applicant's recognition.

(zzzz) Donations shall be made only for the purposes of the eligible applicant's registration.

(aaaaa) Donations shall be made only for the purposes of the eligible applicant's enrollment.

(bbbbb) Donations shall be made only for the purposes of the eligible applicant's admission.

(ccccc) Donations shall be made only for the purposes of the eligible applicant's matriculation.

(ddddd) Donations shall be made only for the purposes of the eligible applicant's graduation.

(eeeee) Donations shall be made only for the purposes of the eligible applicant's commencement.

(fffff) Donations shall be made only for the purposes of the eligible applicant's convocation.

(ggggg) Donations shall be made only for the purposes of the eligible applicant's assembly.

(hhhhh) Donations shall be made only for the purposes of the eligible applicant's meeting.

(iiiii) Donations shall be made only for the purposes of the eligible applicant's conference.

(jjjjj) Donations shall be made only for the purposes of the eligible applicant's convention.

(kkkkk) Donations shall be made only for the purposes of the eligible applicant's congress.

(lllll) Donations shall be made only for the purposes of the eligible applicant's symposium.

(mmmmm) Donations shall be made only for the purposes of the eligible applicant's seminar.

(nnnnn) Donations shall be made only for the purposes of the eligible applicant's workshop.

(ooooo) Donations shall be made only for the purposes of the eligible applicant's clinic.

(ppppp) Donations shall be made only for the purposes of the eligible applicant's institute.

(qqqqq) Donations shall be made only for the purposes of the eligible applicant's academy.

(rrrrr) Donations shall be made only for the purposes of the eligible applicant's college.

(sssss) Donations shall be made only for the purposes of the eligible applicant's university.

(ttttt) Donations shall be made only for the purposes of the eligible applicant's school.

(uuuuu) Donations shall be made only for the purposes of the eligible applicant's library.

(vvvvv) Donations shall be made only for the purposes of the eligible applicant's museum.

(wwwww) Donations shall be made only for the purposes of the eligible applicant's gallery.

(xxxxx) Donations shall be made only for the purposes of the eligible applicant's theater.

(yyyyy) Donations shall be made only for the purposes of the eligible applicant's auditorium.

(zzzzz) Donations shall be made only for the purposes of the eligible applicant's stadium.

(aaaaaa) Donations shall be made only for the purposes of the eligible applicant's arena.

(bbbbbb) Donations shall be made only for the purposes of the eligible applicant's park.

(cccccc) Donations shall be made only for the purposes of the eligible applicant's playground.

(dddddd) Donations shall be made only for the purposes of the eligible applicant's recreation.

(eeeeee) Donations shall be made only for the purposes of the eligible applicant's sports.

(ffffff) Donations shall be made only for the purposes of the eligible applicant's athletics.

(gggggg) Donations shall be made only for the purposes of the eligible applicant's exercise.

(hhhhhh) Donations shall be made only for the purposes of the eligible applicant's fitness.

(iiiiii) Donations shall be made only for the purposes of the eligible applicant's health.

(jjjjjj) Donations shall be made only for the purposes of the eligible applicant's medicine.

(kkkkkk) Donations shall be made only for the purposes of the eligible applicant's surgery.

(llllll) Donations shall be made only for the purposes of the eligible applicant's dentistry.

(mmmmmm) Donations shall be made only for the purposes of the eligible applicant's nursing.

(nnnnnn) Donations shall be made only for the purposes of the eligible applicant's pharmacy.

(oooooo) Donations shall be made only for the purposes of the eligible applicant's optometry.

(pppppp) Donations shall be made only for the purposes of the eligible applicant's podiatry.

(qqqqqq) Donations shall be made only for the purposes of the eligible applicant's chiropractic.

(rrrrrr) Donations shall be made only for the purposes of the eligible applicant's osteopathy.

(ssssss) Donations shall be made only for the purposes of the eligible applicant's veterinary medicine.

(tttttt) Donations shall be made only for the purposes of the eligible applicant's agriculture.

(uuuuuu) Donations shall be made only for the purposes of the eligible applicant's forestry.

(vvvvvv) Donations shall be made only for the purposes of the eligible applicant's fishery.

(wwwwww) Donations shall be made only for the purposes of the eligible applicant's mining.

(xxxxxx) Donations shall be made only for the purposes of the eligible applicant's petroleum.

(yyyyyy) Donations shall be made only for the purposes of the eligible applicant's natural gas.

(zzzzzz) Donations shall be made only for the purposes of the eligible applicant's coal.

(aaaaaaa) Donations shall be made only for the purposes of the eligible applicant's oil shale.

(bbbbbbb) Donations shall be made only for the purposes of the eligible applicant's geothermal steam.

(ccccccc) Donations shall be made only for the purposes of the eligible applicant's water.

(ddddddd) Donations shall be made only for the purposes of the eligible applicant's irrigation.

(eeeeeee) Donations shall be made only for the purposes of the eligible applicant's drainage.

(fffffff) Donations shall be made only for the purposes of the eligible applicant's flood control.

(ggggggg) Donations shall be made only for the purposes of the eligible applicant's navigation.

(hhhhhhh) Donations shall be made only for the purposes of the eligible applicant's power.

(iiiiiii) Donations shall be made only for the purposes of the eligible applicant's transportation.

(jjjjjjj) Donations shall be made only for the purposes of the eligible applicant's communication.

(kkkkkkk) Donations shall be made only for the purposes of the eligible applicant's broadcasting.

(lllllll) Donations shall be made only for the purposes of the eligible applicant's publishing.

(mmmmmmm) Donations shall be made only for the purposes of the eligible applicant's printing.

(nnnnnnn) Donations shall be made only for the purposes of the eligible applicant's binding.

(ooooooo) Donations shall be made only for the purposes of the eligible applicant's bookbinding.

(ppppppp) Donations shall be made only for the purposes of the eligible applicant's typesetting.

(qqqqqqq) Donations shall be made only for the purposes of the eligible applicant's composition.

(rrrrrrr) Donations shall be made only for the purposes of the eligible applicant's lithography.

(sssssss) Donations shall be made only for the purposes of the eligible applicant's photography.

(ttttttt) Donations shall be made only for the purposes of the eligible applicant's engraving.

(uuuuuuu) Donations shall be made only for the purposes of the eligible applicant's etching.

(vvvvvvv) Donations shall be made only for the purposes of the eligible applicant's sculpture.

(wwwwwww) Donations shall be made only for the purposes of the eligible applicant's painting.

(xxxxxxx) Donations shall be made only for the purposes of the eligible applicant's drawing.

(yyyyyyy) Donations shall be made only for the purposes of the eligible applicant's design.

(zzzzzzz) Donations shall be made only for the purposes of the eligible applicant's architecture.

(aaaaaaaa) Donations shall be made only for the purposes of the eligible applicant's engineering.

(bbbbbbbb) Donations shall be made only for the purposes of the eligible applicant's surveying.

(cccccccc) Donations shall be made only for the purposes of the eligible applicant's mapping.

(dddddddd) Donations shall be made only for the purposes of the eligible applicant's geodesy.

(eeeeeeee) Donations shall be made only for the purposes of the eligible applicant's astronomy.

(ffffffff) Donations shall be made only for the purposes of the eligible applicant's meteorology.

(gggggggg) Donations shall be made only for the purposes of the eligible applicant's climatology.

(hhhhhhhh) Donations shall be made only for the purposes of the eligible applicant's oceanography.

(iiiiiiii) Donations shall be made only for the purposes of the eligible applicant's geology.

(jjjjjjjj) Donations shall be made only for the purposes of the eligible applicant's seismology.

(kkkkkkkk) Donations shall be made only for the purposes of the eligible applicant's volcanology.

(llllllll) Donations shall be made only for the purposes of the eligible applicant's mineralogy.

(mmmmmmmm) Donations shall be made only for the purposes of the eligible applicant's petrology.

(nnnnnnnn) Donations shall be made only for the purposes of the eligible applicant's paleontology.

(oooooooo) Donations shall be made only for the purposes of the eligible applicant's archaeology.

(pppppppp) Donations shall be made only for the purposes of the eligible applicant's anthropology.

(qqqqqqqq) Donations shall be made only for the purposes of the eligible applicant's sociology.

(rrrrrrrr) Donations shall be made only for the purposes of the eligible applicant's psychology.

(ssssssss) Donations shall be made only for the purposes of the eligible applicant's economics.

(tttttttt) Donations shall be made only for the purposes of the eligible applicant's political science.

(uuuuuuuu) Donations shall be made only for the purposes of the eligible applicant's history.

(vvvvvvvv) Donations shall be made only for the purposes of the eligible applicant's geography.

(wwwwwwww) Donations shall be made only for the purposes of the eligible applicant's linguistics.

(xxxxxxxx) Donations shall be made only for the purposes of the eligible applicant's literature.

(yyyyyyyy) Donations shall be made only for the purposes of the eligible applicant's philosophy.

(zzzzzzzz) Donations shall be made only for the purposes of the eligible applicant's religion.

(aaaaaaaaa) Donations shall be made only for the purposes of the eligible applicant's theology.

(bbbbbbbbb) Donations shall be made only for the purposes of the eligible applicant's ethics.

(ccccccccc) Donations shall be made only for the purposes of the eligible applicant's morality.

(ddddddddd) Donations shall be made only for the purposes of the eligible applicant's law.

(eeeeeeeee) Donations shall be made only for the purposes of the eligible applicant's jurisprudence.

(fffffffff) Donations shall be made only for the purposes of the eligible applicant's legislation.

(ggggggggg) Donations shall be made only for the purposes of the eligible applicant's regulation.

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(iiiiiiiii) Donations shall be made only for the purposes of the eligible applicant's order.

(jjjjjjjjj) Donations shall be made only for the purposes of the eligible applicant's decree.

(kkkkkkkkk) Donations shall be made only for the purposes of the eligible applicant's judgment.

(lllllllll) Donations shall be made only for the purposes of the eligible applicant's sentence.

(mmmmmmmmm) Donations shall be made only for the purposes of the eligible applicant's penalty.

(nnnnnnnnn) Donations shall be made only for the purposes of the eligible applicant's fine.

(ooooooooo) Donations shall be made only for the purposes of the eligible applicant's imprisonment.

(ppppppppp) Donations shall be made only for the purposes of the eligible applicant's execution.

(qqqqqqqqq) Donations shall be made only for the purposes of the eligible applicant's death.

(rrrrrrrrr) Donations shall be made only for the purposes of the eligible applicant's dissolution.

(sssssssss) Donations shall be made only for the purposes of the eligible applicant's liquidation.

(ttttttttt) Donations shall be made only for the purposes of the eligible applicant's bankruptcy.

(uuuuuuuuu) Donations shall be made only for the purposes of the eligible applicant's insolvency.

(vvvvvvvvv) Donations shall be made only for the purposes of the eligible applicant's receivership.

(wwwwwwwww) Donations shall be made only for the purposes of the eligible applicant's trusteeship.

(xxxxxxxxx) Donations shall be made only for the purposes of the eligible applicant's guardianship.

(yyyyyyyyy) Donations shall be made only for the purposes of the eligible applicant's conservatorship.

(zzzzzzzzz) Donations shall be made only for the purposes of the eligible applicant's custodianship.

(aaaaaaaaaa) Donations shall be made only for the purposes of the eligible applicant's agency.

(bbbbbbbbbb) Donations shall be made only for the purposes of the eligible applicant's representation.

(cccccccccc) Donations shall be made only for the purposes of the eligible applicant's power of attorney.

(dddddddddd) Donations shall be made only for the purposes of the eligible applicant's proxy.

(eeeeeeeeee) Donations shall be made only for the purposes of the eligible applicant's authorization.

(ffffffffff) Donations shall be made only for the purposes of the eligible applicant's permission.

(gggggggggg) Donations shall be made only for the purposes of the eligible applicant's consent.

(hhhhhhhhhh) Donations shall be made only for the purposes of the eligible applicant's approval.

(iiiiiiiiii) Donations shall be made only for the purposes of the eligible applicant's ratification.

(jjjjjjjjjj) Donations shall be made only for the purposes of the eligible applicant's confirmation.

(kkkkkkkkkk) Donations shall be made only for the purposes of the eligible applicant's validation.

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(mmmmmmmmmm) Donations shall be made only for the purposes of the eligible applicant's certification.

(nnnnnnnnnn) Donations shall be made only for the purposes of the eligible applicant's attestation.

(oooooooooo) Donations shall be made only for the purposes of the eligible applicant's witnessing.

(pppppppppp) Donations shall be made only for the purposes of the eligible applicant's notarization.

(qqqqqqqqqq) Donations shall be made only for the purposes of the eligible applicant's acknowledgment.

(rrrrrrrrrr) Donations shall be made only for the purposes of the eligible applicant's recognition.

(ssssssssss) Donations shall be made only for the purposes of the eligible applicant's registration.

(tttttttttt) Donations shall be made only for the purposes of the eligible applicant's enrollment.

(uuuuuuuuuu) Donations shall be made only for the purposes of the eligible applicant's admission.

(vvvvvvvvvv) Donations shall be made only for the purposes of the eligible applicant's matriculation.

(wwwwwwwwww) Donations shall be made only for the purposes of the eligible applicant's graduation.

(xxxxxxxxxx) Donations shall be made only for the purposes of the eligible applicant's commencement.

(yyyyyyyyyy) Donations shall be made only for the purposes of the eligible applicant's convocation.

(zzzzzzzzzz) Donations shall be made only for the purposes of the eligible applicant's assembly.

(aaaaaaaaaaa) Donations shall be made only for the purposes of the eligible applicant's meeting.

(bbbbbbbbbbb) Donations shall be made only for the purposes of the eligible applicant's conference.

(ccccccccccc) Donations shall be made only for the purposes of the eligible applicant's convention.

(ddddddddddd) Donations shall be made only for the purposes of the eligible applicant's congress.

(eeeeeeeeeee) Donations shall be made only for the purposes of the eligible applicant's symposium.

(fffffffffff) Donations shall be made only for the purposes of the eligible applicant's seminar.

(ggggggggggg) Donations shall be made only for the purposes of the eligible applicant's workshop.

(hhhhhhhhhhh) Donations shall be made only for the purposes of the eligible applicant's clinic.

(iiiiiiiiiii) Donations shall be made only for the purposes of the eligible applicant's institute.

(jjjjjjjjjjj) Donations shall be made only for the purposes of the eligible applicant's academy.

(kkkkkkkkkkk) Donations shall be made only for the purposes of the eligible applicant's college.

(lllllllllll) Donations shall be made only for the purposes of the eligible applicant's university.

(mmmmmmmmmmm) Donations shall be made only for the purposes of the eligible applicant's school.

(nnnnnnnnnnn) Donations shall be made only for the purposes of the eligible applicant's library.

(ooooooooooo) Donations shall be made only for the purposes of the eligible applicant's museum.

(ppppppppppp) Donations shall be made only for the purposes of the eligible applicant's gallery.

(qqqqqqqqqqq) Donations shall be made only for the purposes of the eligible applicant's theater.

(rrrrrrrrrrr) Donations shall be made only for the purposes of the eligible applicant's auditorium.

(sssssssssss) Donations shall be made only for the purposes of the eligible applicant's stadium.

(ttttttttttt) Donations shall be made only for the purposes of the eligible applicant's arena.

(uuuuuuuuuuu) Donations shall be made only for the purposes of the eligible applicant's park.

(vvvvvvvvvvv) Donations shall be made only for the purposes of the eligible applicant's playground.

(wwwwwwwwwww) Donations shall be made only for the purposes of the eligible applicant's recreation.

(xxxxxxxxxxx) Donations shall be made only for the purposes of the eligible applicant's sports.

(yyyyyyyyyyy) Donations shall be made only for the purposes of the eligible applicant's athletics.

(zzzzzzzzzzz) Donations shall be made only for the purposes of the eligible applicant's exercise.

(aaaaaaaaaaaa) Donations shall be made only for the purposes of the eligible applicant's fitness.

(bbbbbbbbbbbb) Donations shall be made only for the purposes of the eligible applicant's health.

(cccccccccccc) Donations shall be made only for the purposes of the eligible applicant's medicine.

(dddddddddddd) Donations shall be made only for the purposes of the eligible applicant's surgery.

(eeeeee

minimum school year prescribed for public school instruction of the mentally retarded, with a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the state or local governmental body.

(z) "School for the physically handicapped" means a school organized primarily to provide specialized instruction to students whose physical handicaps necessitate individual or group instruction. The school must be tax-supported or nonprofit and exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954. Such a school must operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction for the physically handicapped, with a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the state or local governmental body.

(aa) "School system" means a group of approved or accredited tax-supported schools operated under one administrative organization.

(bb) "Secretary" means the Secretary of Health, Education, and Welfare.

(cc) "State agency" means the agency designated by State statute or Executive order to make the certifications concerning and distribution of donable property to eligible applicants within the State, as provided for in section 203(j) of the Act.

(dd) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a Territory or possession of the United States.

(ee) "Tax-supported" used in connection with a medical institution, hospital, clinic, health center, school, school system, college, university, school for the mentally retarded, school for the physically handicapped, or an educational television station or educational radio station licensed by the Federal Communications Commission means one which receives a major portion of its financial support from moneys derived from State or local government revenues.

(ff) Television—"Educational television station" means a television station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and the licensee of which is tax-supported or nonprofit and tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1954.

(gg) "University" means an approved or accredited institution for instruction and study in the higher branches of learning and which is empowered to confer degrees in special departments or colleges.

§ 13.2 Basic policy.

It is the policy of the Department to strengthen and encourage the development and expansion of educational and public health programs and to promote a state of civil defense operational readiness by the equitable allocation among the States of donable property for educational, public health, and civil defense purposes, and the assuring thereafter of its maximum utilization for these purposes.

§ 13.3 Geographic scope.

This part is applicable to donable personal property located, needed and usable within the continental United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

§ 13.4 Allocation of donable property.

(a) Allocation of donable property will be made on the basis of need and usuability of the property. The following factors will be taken into consideration in effecting equitable allocation of property:

(1) Need and usability of property as reflected by requests from State Agencies.

(2) Areas or States in greatest need of the type of property to be allocated, where the particular important need is evidenced by a justification accompanying the expression of need.

(3) Extraordinary needs occasioned by disasters.

(4) Equity in allocations based on population percentages.

(5) The quantity of property of the type under consideration which has already been allocated or is potentially available to a State Agency.

(6) The ability or performance of State Agencies in meeting current transportation requirements.

(b) It is recognized that rigid adherence to the above factors is not possible; good sense must always be applied. Judgment is necessary in the application of the factors and the weight that will be given each factor. However, factors other than those set forth will not be used or applied by allocators. When using factor in paragraph (a)(2) of this section, it should not be applied to commonly available items. Its use must be confined to critical or special items not normally available, or to items required by the State to maintain the interest of its donees; in such cases, State Agencies must make statements of fact as justifications.

§ 13.5 Donations of personal property.

(a) Donations of personal property are authorized by the Administrator of General Services upon determination by the Department that the property applied for is usable and necessary for educational, public health, or civil defense purposes, including research for any such purpose. Property is allocated by the Department to State Agencies on the basis of need and utilization. All applications for property shall be made by State Agencies on Form HEW 135, "Application for Surplus Property—Federal Property and Administrative Services Act of 1949—as amended." Applications shall indicate that pickup will be made by or that shipment will be made to either a State Agency or an eligible donee. In its application, the State Agency shall make the certifications as provided in §13.6(a) and shall agree to the terms and conditions as provided in § 13.7. When property is to be picked up by or shipped to a donee, in addition to the certifications made by the State Agency as above provided, the donee shall make the certifications as provided in § 13.6(b). The donee shall also indicate the purpose for which the property is being acquired and shall agree to the applicable terms and conditions as provided in §§ 13.9 and 13.10. Prior to the release of property by the holding agency to a State Agency or donee, the Department must certify that the State Agency is eligible to receive the property in accordance with the act and regulations promulgated thereunder, and that the property is usable and needed. When property is distributed by a State Agency to a donee, the donee shall make the certifications as provided in § 13.6(b). The donee shall also indicate the purpose for which the property is being acquired, and shall agree to the applicable terms and conditions as provided in §§ 13.9 and 13.10. The certifications and agreements of a donee shall be made through its authorized representative. The State Agency must make a finding that the donee is eligible and that the property is usable and needed by the donee.

(b) An otherwise eligible applicant, except educational radio stations and educational television stations, may, in the discretion of the Department, receive donable property prior to "approval" or "accreditation" (as elsewhere defined in this part) of its operations only where it is unable to obtain such approval or accreditation because it is newly organized or because the facilities in which the health or educational activities are to be housed are not yet constructed or are being constructed. Also, schools for the mentally retarded and physically handicapped and public libraries which establish their eligibility under the Department's regulations may receive donable property during construction. In such cases, the applicant must demonstrate to the satisfaction of the Department, that upon completion of construction the facilities will be used for an eligible health or educational purpose and that such health or educational utilization will after operations in such facilities have commenced, receive such approval or accreditation, except schools for physically handicapped, mentally retarded, and public libraries. No property shall be so donated under this paragraph except upon submission of the application to the Department and the express written approval of the Department to such donation.

(c) Donation of property other than aircraft shall be effective, and title shall pass from the United States of America to the donee, upon the taking of possession of the property by the donee and the execution by an authorized representative of the donee of either a Form HEW 135 or a warehouse issue sheet or other State agency document containing the same certifications, terms and conditions as are applicable and set forth on Form HEW 135. Title to aircraft shall pass from the United States of America to the donee upon execution and delivery of a Conditional Transfer Document containing the terms and conditions provided in sec. 13.10.

(d) Retransfers and reallocations of donable property to other donees or to other State Agencies shall be subject to the applicable provisions set forth in §§ 13.6, 13.7, 13.9, and 13.10.

(e) No donable property will be allocated until the Secretary has determined that the State Agency has conformed to minimum standards of operation prescribed by the Secretary for the disposal of surplus property.

(f) Donable property received in State Agency warehouses shall be distributed promptly to eligible donees within the State, or shall be reallocated to another State Agency by the Department. Property not distributed within a twelve-month period shall be reported to the Department for redisposal instructions.

(g) State Agencies shall make such reports to the Department on the use, condition, and location of donated property and other pertinent matters as the Department may from time to time require.

§ 13.6 Certifications by State Agencies and donees.

(a) A State Agency, in making application for donable surplus personal property, shall make a certification as follows:

(1) The State Agency hereby certifies that:

(i) It is the agency of the State designated under State law and as such has legal authority within the meaning of section 203(j) of the Act, and the regulations of the Department to receive surplus property for distribution within the State to eligible donees within the meaning of said Act and regulations.

(ii) Such property is usable and needed for educational, public health, or civil defense purposes, including research for any such purpose, in the State.

(2) When such property is picked up by or shipped to a State Agency, the State certifies that it has available adequate funds, facilities and personnel to effect accountability, warehousing, proper maintenance, and distribution of such property.

(3) When such property is distributed by a State Agency to a donee, or when delivery is made direct from a holding agency to a donee, the State certifies that the donee who is acquiring the property is eligible within the meaning of the Act, and the regulations of the Department, and that such property is usable and needed by the donee.

(b) A donee, when acquiring donable surplus personal property shall certify as follows:

(1) It is a tax-supported or nonprofit and tax-exempt (under section 501(c)(3) of the Internal Revenue Code of 1954, or section 101(6) of the Internal Revenue Code of 1939) school system, school, college, university, school for the mentally retarded or physically handicapped, public library, educational radio or educational television station, medical institution, hospital, clinic or health center, or a civil defense organization designated pursuant to State law, within the meaning of the Act, and the regulations of the Department.

(2) Such property is usable and necessary in the State for either educational, public health, or civil defense purposes, including research for any such purpose, is required for its own use to fill an existing need for one of such purposes, and is not being acquired for any other use or purpose, for use outside the State, or for sale.

(3) Funds are available to pay the costs of care and handling incident to donation, including packing, preparation for shipping, loading, and transporting such property.

§ 13.7 State Agency agreements.

With respect to property picked up by or shipped to State Agencies, the State Agency shall agree to the following:

(a) The right to possession only is granted and the State agrees to make prompt State-wide distribution of the same, on the basis of educational, public health, or civil defense usability and need, to donees eligible to acquire property under section 203(j) of the Act, and regulations of the Department, after such eligible donees have properly executed the certifications and appropriate agreements required by this part.

(b) Title to such property shall remain in the United States of America although the State shall have taken possession thereof, except where State licensing laws require that title pass in order that State licensing or registration of the property may be effected. Title to the property shall pass to the eligible donees when it executes the certifications and appropriate agreements required by this part and has taken possession of the property.

(c) The State further agrees that it will pay the cost of care, handling, and shipping incident to taking possession of such property and that during the time that title remains in the United States of America it will be responsible, as a bailee for mutual benefit, for such property from the time it is released to the State or to the transportation agent designated by the State; and that in the event of any loss of, or damage to any or all of the property, it will file such claim and/or institute and prosecute to conclusion such proceedings as may be necessary to recover, for the account of the United States of America, the fair value of any such property lost or damaged.

(d) No surplus property hereafter approved for donation by the Administrator of General Services shall be available to State Agencies for their own administrative purposes unless such property is approved for such use by the Secretary and the Administrator, and the State Agency shall have entered into a Cooperative Agreement with the Department providing for such use.

§ 13.8 Certifications and agreements respecting interstate distribution.

Where an applicant State Agency is acting (under an interstate distribution agreement approved by the Department) as an agent and authorized representative of an adjacent State with which it shares a common boundary, the certifications and agreements required by §§ 13.6 and 13.7 shall also be made by such applicant State Agency respecting the donees in such adjacent State to which distribution will be made and the property to be distributed in such adjacent State, and such certifications and agreements shall constitute the certifications and agreements of the adjacent State on whose behalf and as whose authorized representative the applicant State Agency is acting.

§ 13.9 Terms and conditions applicable to transfers or retransfers of donable property.

(a) Property acquired by a donee, regardless of acquisition cost, donated for public health or educational purposes, shall be on an "as is", "where is" basis without warranty of any kind.

(b) Property having a single item acquisition cost of $2,500 or more, donated for public health or educational purposes shall be subject to the following additional terms and conditions:

(1) Such property shall be used only for the public health or educational purpose for which acquired, including research for any such purpose, and for no other purpose.

(2) Such property shall be placed in use for the purpose for which acquired no later than twelve months after acquisition thereof. In the event such property is not placed in use within twelve months of receipt, the donee, within 30 days after the expiration of the twelve-month period, shall notify the Department in writing through the State Agency. Title and right to the possession of such property not so placed in use within the above-mentioned period shall, at the option of the Department revert to the United States of America, and upon demand the donee shall release such property to such person as the Department or its designee shall direct.

(3) There shall be a period of restriction which will expire after such property has been used for the purpose for which acquired for a period of four years, except that the period of restriction on motor vehicles will expire after a period of two years of such use.

(4) During the period of restriction, the donee shall not sell, trade, lease, lend, bail, encumber, or otherwise dispose of such property or remove it for use outside the State without prior written approval of the Department. Any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by the Department shall be for the benefit and account of the United States of America and the gross proceeds thereof shall be received and held in trust for the United States of America and transmitted through the SASP promptly to the Department. Reimbursement to the donee will be made by the Department in accordance with the provisions of this part.

(5) In the event such property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of during the period of restriction without prior approval, all proceeds shall be deemed to have been received and held in trust for the United States and the donee shall promptly remit the same to the Department. When the fair market value of the property at the time of the unauthorized action is greater than the proceeds derived from such action, the donee shall, at the option of the Department, also be liable for and promptly remit the difference between such proceeds and the fair market value.

(6) If during the period of restriction, property is no longer suitable, usable or further needed by the donee for the purpose for which acquired, the donee shall promptly notify the Department through

the State Agency, and shall, as directed by the Department or State Agency, either return the property to the SASP

a description of each item. Lotting, as used here, means segregating the prop-

the Department of Health, Education, and Welfare, or its designee, in the case

(11) If, during the period of restriction, the aircraft property is no longer

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§ 43.01–32 Stability.

(a) The rules of this part necessarily

the State Agency, and shall, as directed by the Department or State Agency, either return the property to the SASP, retransfer the property to another donee, a department or agency of the United States, sell or otherwise dispose of the property. Any sale shall be for the benefit and account of the United States of America and the gross proceeds thereof shall be received and held in trust for the United States of America and shall be transmitted promptly through the State Agency to the Department. Reimbursement by the Department will be made to the donee in accordance with the provisions of this part.

(7) Donee shall make reports to the State Agency on the use, condition, and location of such property and on other pertinent matters as may be required from time to time by the State Agency or the Department.

(8) At the option of the Department, the donee may abrogate the terms and conditions set forth in subparagraphs (1) through (7) of this paragraph by payment of an amount as determined by the Department.

(c) Aircraft (FSC Group 15) are a specific exception to the provisions of paragraph (a) and (b) of this section. The special terms and conditions provided in § 13.10 herein shall apply to the donation of aircraft.

(d) Property donated for civil defense purposes shall be subject to the terms and conditions set forth in 32 CFR Chapter I, Subchapter G, Part 222.

(e) Butler-type storage warehouses, house trailers (without undercarriages), and quonset huts, located on nonexcess land, donated under this section, shall be subject to the terms and conditions applicable to the transfer or retransfer of donable property for public health, educational or civil defense purposes. The State Agency and/or the donee, as applicable, shall comply with all conditions which may be required by the holding agency for the removal of such property. Whenever the holding agency requires the site upon which such property is located to be cleared after removal of such property, the State Agency shall post performance bonds, or make performance guaranty deposits, or give whatever assurances may be required by the Department or the holding agency that the site will be cleared. Where the application Form HEW 135 has also been executed by a donee, the State Agency in lieu of posting such performance bonds, or making such performance guaranty deposits, or giving such other assurances that the site will be cleared, may require these actions to be taken by the donee.

(f) When surplus property in the custody of a State Agency is sold, it shall be sold for the benefit and account of the United States of America, and the gross proceeds thereof will be deposited in the Federal Depository. DHEW may reimburse a State Agency for its documented costs of listing and lotting the property which are incurred subsequent to the authorization of the sales action, plus the actual cost of advertising in those cases where the State Agency is requested to conduct the sale. Listing, as used here, means preparing a list of the items of property to be advertised for sale with a description of each item. Lotting, as used here, means segregating the property to be sold and dividing the property into lots, if by such a grouping a greater return may be expected from the sale. Advertising, as used here, means any form of public announcement intended to give wide circularization and publicity to prospective purchasers.

§ 13.10 Terms and conditions applicable to transfers or retransfers of aircraft.

(a) Aircraft donated pursuant to this part, regardless of acquisition cost, shall be on an "as is", "where is" basis without warranty of any kind.

(b) Aircraft having a single item acquisition cost of $2,500 or more, regardless of the purpose for which donated, shall be subject to the following additional terms and conditions:

(1) A Conditional Transfer Document (Aircraft) containing the terms and conditions provided for in this section and signed by the authorized representative of the applicant must accompany the institution's or organization's application.

(2) Title to the aircraft shall pass from the United States of America to the donee when the Conditional Transfer Document (Aircraft) is executed by the Department of Health, Education, and Welfare and is delivered to the donee.

(3) The donee shall apply to the Federal Aviation Agency for registration of the aircraft within thirty days of the receipt of the fully executed Conditional Transfer Document (Aircraft), and the donee's application for registration shall include a fully executed copy of the Conditional Transfer Document (Aircraft).

(4) The aircraft, together with all engines, appurtenances, and accessories attached thereto and installed therein, hereinafter referred to in this section as the "aircraft property" shall be placed in use for the purpose stated no later than twelve months after acquisition thereof.

(5) In the event the donee does not apply to the Federal Aviation Agency for registration of the aircraft property, or in the event the aircraft property is not placed in use within twelve months of receipt, the donee, within thirty days after the date on which application for registration should have been made, or within thirty days after the expiration of the twelve-month period, shall notify the Department of Health, Education, and Welfare, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft property donated for civil defense purposes, in writing, through the State Agency. Title and right to the possession of the aircraft property on which application for registration has not been made within thirty days, or which has not been placed in use within twelve months, shall at the option of the Department of Health, Education, and Welfare, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft property donated for civil defense purposes, revert to the United States of America. Upon demand, the donee shall, as directed by the Department of Health, Education, and Welfare, or its designee, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, or its designee, in the case of aircraft property donated for civil defense purposes, release the aircraft property to such agency or person as may be designated, sell the aircraft property, or otherwise dispose of the aircraft property. Any sale shall be for the benefit and account of the United States of America.

(6) There shall be a period of restriction which will expire after the aircraft property has been used for the purpose stated for a period of ten years.

(7) During the period of restriction the aircraft property shall be used only for the purpose stated.

(8) During the period of restriction the donee shall make reports to the State Agency on the use, condition and location of the aircraft property and on other pertinent matters as may be required from time to time by such State Agency, or the Department of Health, Education, and Welfare, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft property donated for civil defense purposes.

(9) During the period of restriction, the donee shall not sell, trade, lease, lend, bail, encumber, or otherwise dispose of the aircraft property, without prior written approval of the Department of Health, Education, and Welfare, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft property donated for civil defense purposes. Any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the aircraft property, when such action is authorized by the Department of Health, Education, and Welfare, where the property was donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft property donated for civil defense purposes, shall be for the benefit and account of the United States of America.

(10) In the event, during the period of restriction, the aircraft property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of without prior approval, or is used for a purpose other than the purpose stated, the donee, at the option of the Department of Health, Education, and Welfare, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft property donated for civil defense purposes, shall be liable to the United States of America for the proceeds of the disposal, the fair market value, or the fair rental value of the aircraft property at the time of such unauthorized transaction or use, as determined by the Department of Health, Education, and Welfare, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft property donated for civil defense purposes.

(11) If, during the period of restriction, the aircraft property is no longer suitable, usable or further needed by the donee for the purpose for which acquired, the donee shall promptly notify the Department of Health, Education, and Welfare, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft property donated for civil defense purposes, through the State Agency, and shall, as directed by the Department of Health, Education, and Welfare, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft property donated for civil defense purposes, or the State Agency, retransfer the aircraft property to another donee, retransfer the aircraft property to a department or agency of the United States, sell the aircraft property, or otherwise dispose of the aircraft property. Any sale shall be for the benefit and account of the United States of America.

(12) At the option of the Department of Health, Education, and Welfare, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft property donated for civil defense purposes, the donee may obtain abrogation of the terms and conditions set forth in subparagraphs (6) through (11) of this paragraph by payment of an amount as determined by the Department of Health, Education, and Welfare, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft property donated for civil defense purposes.

(13) The Department of Health, Education, and Welfare, in the case of aircraft property donated for public health or educational purposes, or the Office of Civil Defense, Department of Defense, in the case of aircraft property donated for civil defense purposes, may terminate all of the above conditions and give unrestricted title to the aircraft property to the donee whenever such action is determined to be appropriate.

Dated: April 7, 1964.

[SEAL] ANTHONY J. CELEBREZZE, *Secretary.*

[F.R. Doc. 64-3635; Filed, Apr. 13, 1964; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER E—LOAD LINES

[CGFR 64-16]

STABILITY CONSIDERATIONS; SUBDIVISION; AND MIDSUMMER SEASONAL LOAD LINES FOR GREAT LAKES

Miscellaneous Amendments

Pursuant to the notices of proposed rule making published in the FEDERAL REGISTER of January 30, 1964 (29 F.R. 1572–1586), and February 13, 1964 (29 F.R. 2426), and the Merchant Marine Council Public Hearing Agenda, dated March 23, 1964 (CG–249), the Merchant Marine Council held a public hearing on March 23, 1964, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to XVI, inclusive. Item III contained proposals regarding stability considerations in load line assignments and subdivision load lines for passenger vessels (CG–249, III, pages 28 to 32, inclusive). Item XVI contained the proposals regarding midsummer seasonal load lines for the Great Lakes (CG–249, XVI, page 340). Several comments supported the proposals. While not proposing specific language changes, some comments opposed proposals if specific actions would reduce safety standards. The proposals in Items III and XVI in the Agenda are adopted without change and set forth in this document, which is the first of a series covering the proposals considered by the Merchant Marine Council.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–48, dated October 19, 1962 (27 F.R. 10504), the following actions are ordered:

1. The load line regulations shall be amended in accordance with the changes in this document.

2. The amendments to 46 CFR 45.01–75 (a) and (c), regarding a new spring date for midsummer seasonal load lines for the Great Lakes, shall be effective May 1, 1964.

3. The amendments to 46 CFR 43.40–10, 44.05–35, and 45.25–5, which revise the various load line certificates, shall be effective July 1, 1964: *Provided, however,* That load line certificates issued prior to that date without the notes as required by these amendments need not be amended nor reissued to show the change in notes, but shall remain valid and in effect until the expiration dates given thereon or until otherwise canceled or superseded by competent authority.

4. The other regulations and amendments in this document shall become effective on the 30th day following the date of publication in the FEDERAL REGISTER.

5. With the exception of the use of the midsummer seasonal load lines for the Great Lakes, the regulations in this document may be complied with during the interim prior to the applicable effective date specified in lieu of existing requirements; however, the new or revised requirements in this document shall be met by no later than the applicable effective date specified herein and shall be followed thereafter.

PART 43—FOREIGN OR COASTWISE VOYAGE

Subpart 43.01—Administration

1. Subpart 43.01 is amended by inserting after § 43.01–30 a new § 43.01–32 reading as follows:

§ 43.01–32 Stability.

(a) The rules of this part necessarily assume that the nature and stowage of the cargo, ballast, etc., are such as to secure sufficient stability for the vessel.

(b) Having regard for the fact that certain vessels, such as those carrying all their cargo as deck cargo, may need to have the amount of cargo and resulting draft limited by stability considerations, the load line assignments of vessels, which are subject to the stability test requirements contained in § 31.10–30 in Subchapter D—Tank Vessels or in Subpart 93.05 in Subchapter I—Cargo and Miscellaneous Vessels of this chapter, shall in no case be deeper than permitted by the results of such tests.

(c) Load line assignments to vessels not subject to inspection will also be made subject to the results of a stability test if the design and service of the vessels are such as to indicate the need for a draft limitation based thereon.

(d) Load line assignments made to vessels before the results of stability tests are known shall be regarded as conditional and subject to verification by the Commandant.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–48, October 19, 1962, 27 F.R. 10504)

Subpart 43.05—General Rules for Determining Maximum Load Lines of Merchant Vessels

2. The "note" following Subpart 43.05 heading and preceding § 43.05–1 is canceled. (The text is transferred to § 43.01–32(a).)

Subpart 43.40—Zones and Seasonal Areas and Miscellaneous Requirements

3. Section 43.40–10 is amended by designating in each of the described forms the "note" at the bottom of the first page of the form as "note 1" and by adding a new note 2 so that these notes in Forms A1, A2 and A3 (International Load Line Certificate), Form B (Load Line Certificate), and Forms C1, C2, C3, and C4 (Coastwise Load Line Certificate), read as follows:

§ 43.40–10 Forms of load line certificates.

INTERNATIONAL LOAD LINE CERTIFICATE

(FORM A1)

* * * * *

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

* * * * *

INTERNATIONAL LOAD LINE CERTIFICATE

(FORM A2)

. . . . . .

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

. . . . . .

INTERNATIONAL LOAD LINE CERTIFICATE

(FORM A3)

. . . . . .

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. (The diagram showing the timber load line marks is to be inserted above by the assigning authority.) Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

. . . . . .

LOAD LINE CERTIFICATE

(FORM B)

. . . . . .

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center lines. This certificate is limited to 1 year and must be renewed annually.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

. . . . . .

COASTWISE LOAD LINE CERTIFICATE

(FORM C1)

. . . . . .

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

. . . . . .

COASTWISE LOAD LINE CERTIFICATE

(FORM C2)

. . . . . .

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

. . . . . .

COASTWISE LOAD LINE CERTIFICATE

(FORM C3)

. . . . . .

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. (The diagram showing the timber load line marks is to be inserted above by the assigning authority.) Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

. . . . . .

COASTWISE LOAD LINE CERTIFICATE

(FORM C4; APPLICABLE TO VESSELS ASSIGNED FREEBOARDS) ON THE BASIS OF 46 CFR 43.15-87, 43.15-90, AND/OR 43.30-75

. . . . . .

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

. . . . . .

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-48, October 19, 1962, 27 F.R. 10504)

PART 44—VARIANCE FOR STEAM COLLIERS, BARGES, AND SELF-PROPELLED BARGES (WHEN ENGAGED IN SPECIAL SERVICES ON COASTWISE AND INTER-ISLAND VOYAGES)

Subpart 44.05—Rules of Assignment; Special Service

1. Section 44.05-25(a) is amended to read as follows:

§ 44.05-25 Freeboards.

(a) *General.* (1) When the assigning authority is satisfied that the requirement of this part as applicable to the type of vessel under consideration are complied with the freeboards will be computed as described in this section.

(2) In the assignment of freeboards under this part, the provisions of § 43.01-32 relating to stability are applicable.

. . . . . .

(Sec. 2, 49 Stat. 888, as amended, 46 U.S.C. 88a. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-48; October 19, 1962, 27 F.R. 10504)

2. Section 44.05-35(a) is amended by designating in the described form the present "note" at the bottom of the first page of the form as "note 1" and by adding a note 2 so that these notes in the form read as follows:

§ 44.05-35 Form of load line certificate.

(a) . . .

LOAD LINE CERTIFICATE FOR A SPECIAL SERVICE COASTWISE OR INTER-ISLAND VOYAGE

. . . . . .

NOTES: (1) In accordance with the Load Line Regulations, the disk or diamond and the lines must be permanently marked by center punch marks or cutting.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

. . . . . .

(Sec. 2, 49 Stat. 888, as amended, 46 U.S.C. 88a. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-48 October 19, 1962, 27 F.R. 10504)

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

Subpart 45.01—Administration

1. Subpart 45.01 is amended by inserting after § 45.01-20 a new § 45.01-22 reading as follows:

§ 45.01-22 Stability.

(a) The rules of this part necessarily assume that the nature and stowage of the cargo, ballast, etc., are such as to secure sufficient stability for the vessel.

(b) Having regard for the fact that certain vessels, such as those carrying all their cargo as deck cargo, may need to have the amount of cargo and resulting draft limited by stability considerations, the load line assignments of vessels, which are subject to the stability test requirements contained in § 31.10-30 in Subchapter D (Tank Vessels) or in Subpart 93.05 in Subchapter I (Cargo and Miscellaneous Vessels) of this chapter, shall in no case be deeper than permitted by the results of such tests.

(c) Load line assignments to vessels not subject to inspection will also be made subject to the results of a stability test if the design and service of the vessels are such as to indicate the need for a draft limitation based thereon.

(d) Load line assignments made to vessels before the results of stability tests are known shall be regarded as conditional and subject to verification by the Commandant.

2. Section 45.01-75 is amended by revising paragraphs (a) and (c) to read as follows:

§ 45.01-75 Seasonal load lines.

(a) For load line purposes there is hereby established for the Great Lakes a winter, intermediate, summer, and for tankers and cargo vessels (see §§ 45.01-15 and 45.01-17) a midsummer season, and load lines applicable to each season are established by the regulations in this part. The winter season shall be that period from November 1 through April 15 of the next year, the intermediate seasons from April 16 through April 30, and from October 1 through October 31, and the summer season from May 1 through September 30. The midsummer season shall be the portion of the summer season from May 1 through September 15 which shall be applicable only in those cases where midsummer season load lines are permitted. (All dates are inclusive.)

. . . . . .

(c) When engaged on voyages between the limits of Toledo Harbor and Port Huron, Michigan, cargo and tank vessels above 300 feet in length may load to their intermediate marks between October 1 and April 30, inclusive. Such vessels above 400 feet in length may load to their summer marks between September 16 and April 30, inclusive.

(Sec. 2, 49 Stat. 888, as amended, 46 U.S.C. 88a. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-48, October 19, 1962, 27 F.R. 10504)

Subpart 45.05—General Rules for Determining Maximum Load Lines of Merchant Vessels on the Great Lakes

3. The "note" following Subpart 45.05 heading and preceding § 45.05-1 is canceled. (The text is transferred to § 45.01-22(a).)

Subpart 45.20—Load Lines for Tankers

§ 45.20-75 [Canceled]

4. Section 45.20-75 *Fees* is canceled. (The text of this section is transferred to a new § 45.25-1.)

Subpart 45.25—Fees and Form of Certificate

5. Subpart 45.25 is amended by inserting a new § 45.25-1 (formerly § 45.20-75) reading as follows:

§ 45.25-1 Fees.

(a) Fees payable by owners will be charged for the assignment of load line, renewal of load line certificates, and annual load line inspection, in accordance with the regulations set forth in § 43.40-5 of this subchapter.

6. Section 45.25-5 is amended by adding a note "3" at the bottom of the first page of the described form which reads as follows:

§ 45.25-5 Form of load line certificate.

LOAD LINE CERTIFICATE FOR THE GREAT LAKES

. . . . . .

NOTES: . . .

(3) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

. . . . . .

(Sec. 2, 49 Stat. 888, as amended, 46 U.S.C. 88a. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-48, October 19, 1962, 27 F.R. 10504)

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

Subpart 46.10—Administration

Section 46.10-10 is amended by revising paragraph (b) to read as follows:

§ 46.10-10 Marks to indicate subdivision load lines.

. . . . . .

(b) The Commandant, U.S. Coast Guard, shall determine the position of the subdivision load lines by the application of the requirements contained in this part and Parts 73 and 74 of Subchapter H (Passenger Vessels) of this chapter. The correct marking of subdivision load lines on passenger vessels shall be certified to by the American Bureau of Shipping as a classification society approved by Commandant for such purpose.

. . . . . .

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Interpret or apply R.S. 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 482, 483, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 5026; 167-48, October 19, 1962, 27 F.R. 10504)

Dated: April 9, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-3654; Filed, Apr. 13, 1964; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BREAD AND RELATED BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Notice of Proposal To Add Enzyme Bromelain to List of Optional Ingredients

Notice is given that Midwest Biochemical Corporation, Milwaukee, Wisconsin, has filed a petition proposing that the standard of identity for bread (21 CFR 17.1) be amended to provide for using the enzyme bromelain as an optional ingredient of bread. The basis for proposing this optional ingredient is that the use of bromelain will facilitate dough handling and speed up production in the bakery. Section 17.1(a)(6) lists malt products and other enzymatic preparations as optional ingredients of bread. It is proposed that this paragraph be amended by inserting therein the phrase "the food-grade enzyme preparation bromelain from pineapple plants" immediately preceding the phrase "or any combination of two or more of these."

Because of the cross-references to § 17.1 that are included in the standards for enriched bread, milk bread, raisin bread, and whole wheat bread (21 CFR 17.2, 17.3, 17.4, 17.5), adopting the amendment proposed would make bromelain an optional ingredient for each of these four kinds of bread.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: April 3, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3632; Filed, Apr. 13, 1964; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

DRIVER SALESMEN

Postponement of Proceeding

The opportunity to present oral data, views, and argument concerning what changes, if any, should be made in the regulations established under section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)) defining and delimiting the term "outside salesman" as it applies to driver salesmen is hereby postponed from April 27, 1964 (29 F.R. 3206) to June 15, 1964. The proceeding will commence at 10:00 a.m. in Conference Room B, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D.C.

Signed at Washington, D.C., this 8th day of April 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-3606; Filed, Apr. 13, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-m]

WHITE PORTLAND CEMENT FROM JAPAN

Determination of Sales at Less Than Fair Value

APRIL 7, 1964.

A complaint was received that white portland cement from Japan, manufactured by Nihon Cement Co., Ltd., Tokyo, Japan was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that white portland cement from Japan, manufactured by Nihon Cement Co., Ltd., Tokyo, Japan, is being or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended, (19 U.S.C. 160(a)).

Statement of reasons. The information received indicated that shipments to the United States were outright purchase transactions between firms not related within the meaning of section 207 of the Antidumping Act.

The quantity sold in the home market for home consumption was sufficient to form a basis for comparison.

Accordingly, the appropriate comparison for fair value purposes is between purchase price and home market price.

Purchase price has been calculated by deducting ocean freight, insurance, and inland charges from the c.i.f. price to the United States.

Adjusted home market price was calculated by deducting from the weighted-average price for home consumption in Japan, inland freight and insurance. Adjustment was made for allowable technical services and advertising provided to home market customers, which were not incurred on sales for export to the United States. Allowance was made for bad debts incurred on sales in the home market and not experienced on sales for exportation to the United States. Further adjustment was made for differences in credit terms, interest charges and commissions between sales in the home market and for export to the United States. A deduction was made from home market price to reflect the greater cost of packing on sales in the home market.

Comparison of purchase price and adjusted home market price calculated as above reveals that purchase price is lower than adjusted home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3653; Filed, Apr. 13, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order 102]

ALASKA

Recreation and Public Purposes; Cancellation

APRIL 7, 1964.

1. Pursuant to the authority delegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in Delegation of Authority (F.R. Doc. 64-2127) dated March 4, 1964, I hereby cancel Recreation and Public Purpose Classification Order 102 covering lands described as follows:

FIELDING LAKE SMALL TRACT UNITS

U.S. SURVEY 3299

Tract 1—Lots 1 to 4 inclusive;
Tract 2—Lots 5 to 15 inclusive;
Tract 3—Lots 16 to 30 inclusive;
Tract 4—Lots 31 and 32.

Containing 157.78 acres.

2. Most of the subject lands have been patented, leased or withdrawn. Upon cancellation of this order those vacant unappropriated lands present will be subject to a blanket selection filed by the State of Alaska under the Act of July 7, 1958.

3. This cancellation shall take effect immediately.

ROSS A. YOUNGBLOOD,
District Manager.

[F.R. Doc. 64-3617; Filed, Apr. 13, 1964; 8:47 a.m.]

Office of the Secretary

WILLIAM A. ALEXANDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 24, 1964.

Dated: March 24, 1964.

WILLIAM A. ALEXANDER.

[F.R. Doc. 64-3618; Filed, Apr. 13, 1964; 8:47 a.m.]

MARK V. BURLINGAME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Add: Montgomery Ward & Co.
(3) None.
(4) None.

This statement is made as of March 31, 1964.

Dated: March 31, 1964.

MARK V. BURLINGAME.

[F.R. Doc. 64-3619; Filed, Apr. 13, 1964; 8:47 a.m.]

ALEXANDER S. CHAMBERLAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 30, 1964.

Dated: March 30, 1964.

ALEXANDER S. CHAMBERLAIN.

[F.R. Doc. 64-3620; Filed, Apr. 13, 1964; 8:47 a.m.]

LOWELL E. HUNT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 27, 1964.

Dated: March 27, 1964.

LOWELL E. HUNT.

[F.R. Doc. 64-3621; Filed, Apr. 13, 1964; 8:47 a.m.]

LAYTON E. KINCANNON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28,

1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2)
American Cement Corporation.
American Hospital Supply Company.
American Rubber & Plastic.
A. J. Armstrong Company.
Bankers Life Insurance Company.
Basic Incorporated.
Becton Dickinson Company.
Berkey Photo, Inc.
Business Capital.
Cont. Mortgage Inv. Sh. BI.
Devoe & Raynolds Company.
Dresser Industries.
Electronic Specialty.
Great American Corporation.
Halliburton Company.
Hamilton National Life Insurance Co.
Hawley Products Company.
Howard Johnson Company.
Marathon Oil Company.
McWood Corporation.
Microwave Assoc., Inc.
N.Y. Chicago, St. Louis.
Outboard Jet, Inc.
Printing Corp. of America.
Rock Island Refining Corporation.
Singer, Inc.
Standard Oil of Indiana.
Standard Oil of New Jersey.
Welch Scientific Company.
Singer, Inc.; bought.
Friden, Inc.; sold.
Helene Curtis Indust.; sold.
Hurletron, Inc.; sold.
Perini Corp.; sold.
Pneumodynamics Corp.; sold.
Ross Gear and Tool; sold.
(3) None.
(4) None.

This statement is made as of March 30, 1964.

Dated: March 30, 1964.

L. E. KINCANNON.

[F.R. Doc. 64-3622; Filed, Apr. 13, 1964; 8:47 a.m.]

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 25, 1964.

Dated: March 25, 1964.

JAMES S. BROADDUS.

[F.R. Doc. 64-3623; Filed, Apr. 13, 1964; 8:47 a.m.]

JOHN W. HIERONYMUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

Deletions: None.
Additions: None.

This statement is made as of March 25, 1964.

Dated: March 25, 1964.

JOHN W. HIERONYMUS.

[F.R. Doc. 64-3624; Filed, Apr. 13, 1964; 8:47 a.m.]

HOMER G. KEESLING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Atlas Corporation; sold.
(2) Curtis-Wright Corporation; sold.
(3) Electric Bond and Share Company; sold.
(4) Niagara Mohawk Power Corporation; sold.
(5) The United Corporation; sold.
(6) United Gas Corporation; sold.

This statement is made as of April 1, 1964.

Dated: April 1, 1964.

HOMER G. KEESLING.

[F.R. Doc. 64-3625; Filed, Apr. 13, 1964; 8:47 a.m.]

EDWARD W. WELCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

My entire financial estate and assets consist of: U.S. Government Bonds (E, H, and K) Treasury Notes, bank deposits, and real estate, consisting of homestead (unincumbered), and miscellaneous personal property.
Deletions: None.
Additions: None—except deposits from interest bearing securities.

This statement is made as of March 26, 1964.

Dated: At Janesville, Wisconsin, March 26, 1964.

EDWARD W. WELCH.

[F.R. Doc. 64-3626; Filed, Apr. 13, 1964; 8:47 a.m.]

EDWARD F. ZIEGLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 25, 1964.

Dated: March 25, 1964.

EDWARD F. ZIEGLER.

[F.R. Doc. 64-3627; Filed, Apr. 13, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 29]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through April 3, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP	Gross tonnage
Total—all flags (203 ships)	1,506,032
British (69 ships)	568,759
*Amalia	7,189
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Ardsirod	7,025
Arlington Court (now Southgate—British flag)	9,662
Athelcrown (Tanker)	11,149
Atheleduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Beech Hill	7,150
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
Denmark Hill	7,150
East Breeze	8,708
*Elm Hill	7,125
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
Kinross	5,388
Kirriemoor	5,923
Linkmoor	8,236
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Majesty (Tanker)	12,132
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Lord Gladstone	11,299
Maratha Enterprise	7,166
Mulberry Hill	7,121
*Muswell Hill	7,131
Nancy Dee	6,597
Newgate	6,743
Newhill	7,855
Newlane	7,043
Oak Hill	7,139
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Ruthy Ann	7,361
Santa Granda	7,229
Sea Coral	10,421
Shienfoon	7,127
*Shun Fung	7,148
**Southgate (trip to Cuba under ex-name, Arlington Court—British flag).	
Stanwear	8,108
Streatham Hill	7,130
*Sudbury Hill	7,140
Suva Breeze	4,970
Sycamore Hill	7,124
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag).	
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (44 ships)	346,103
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282

*Added to Report No. 28 appearing in the FEDERAL REGISTER issue of March 31, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

FLAG OF REGISTRY AND NAME OF SHIP—Con.

	Gross tonnage
British—Continued	
Kinross	5,388
Kirriemoor	5,923
Linkmoor	8,236
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Majesty (Tanker)	12,132
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Lord Gladstone	11,299
Maratha Enterprise	7,166
Mulberry Hill	7,121
*Muswell Hill	7,131
Nancy Dee	6,597
Newgate	6,743
Newhill	7,855
Newlane	7,043
Oak Hill	7,139
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Ruthy Ann	7,361
Santa Granda	7,229
Sea Coral	10,421
Shienfoon	7,127
*Shun Fung	7,148
**Southgate (trip to Cuba under ex-name, Arlington Court—British flag).	
Stanwear	8,108
Streatham Hill	7,130
*Sudbury Hill	7,140
Suva Breeze	4,970
Sycamore Hill	7,124
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag).	
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (44 ships)	346,103
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Greek—Continued	
**Nicolaos F. (trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
North Empress	10,904
North Queen	9,341
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	15,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Pressia (broken up)	10,820
Propontis	7,128
Redestos	5,911
**Selrios (sold Japanese ship breakers)	7,289
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,244
**Timios Stavros (now British flag).	
Tina	7,362
Western Trader	9,268
Lebanese (46 ships)	306,508
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
Carnation	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Leftric	7,176
Malou	7,145
Mantric	7,255
*Marichristina	7,124
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Razani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theologos	6,529
Toula	4,561
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Italian (6 ships)	49,985
Achille	6,950
Airone	6,969
Aspromonte	7,154
Nazareno	7,173
San Nicola (Tanker)	12,461
San Lucia	9,278
Polish (12 ships)	80,586
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
Trebisnjica (wrecked)	7,145
Spanish (5 ships)	8,159
Castillo Ampudia	3,566
Escorpion	999
Sierra Andia	1,596
Sierra Madre	999
Sierra Maria	999
Norwegian (4 ships)	34,503
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jezreel—Panamanian flag)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
**Guinee (now Comfort, Chinese "Formosa" flag)	3,048
Nelee	2,874
Moroccan (4 ships)	32,614
Atlas	10,392
Banora	3,082
Mauritanie	10,392
Toubkal	8,748
Swedish (2 ships)	14,295
**Atlantic Friend (now Atlantic Venture—Liberian flag)	7,805
Dagmar	6,490
Finnish (1 ship):	
Valny (Tanker)	11,691
Chinese (Formosa):	
**Comfort (trip to Cuba under ex-name, Guinee—French flag).	
Liberian:	
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963,

have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last reports:

British (3 ships):	Gross tonnage
London Prestige (Tanker)	16,194
Silverforce (now Jalagourl—Indian flag)	8,058
Silverlake (now Jalaganga—Indian flag)	8,058

b. Previous reports:

Flag of registry:	Number of ships
British	6
Danish	1
German (West)	1
Greek	14
Italian	4
Japanese	1
Norwegian	2

SEC. 3. The ships listed in Sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through April 3, 1964:

Flag of registry	Number of trips										
	1963							1964			
	Jan.-June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Total
British	66	14	11	8	10	12	12	15	7	17	172
Greek	55	17	7	8	8	2	2	1	5	2	107
Lebanese	28	8	3	4	10	5	6	6	3	8	81
Norwegian	9	1	2	1			1	2	1		17
Italian	10	2	2		1	1		1			17
Yugoslav	6	1	1	2		2		1	1	1	15
Spanish	2	1	1	1		1	2		3		11
Danish	1										1
Finnish	1										1
French				5	1		2				8
German (West)	1										1
Japanese	1										1
Moroccan	2	1	1	1	2	1	1		2		11
Swedish	2		1								3
Subtotal	184	45	29	30	32	24	26	26	22	28	446
Polish	10	1	1		2	3	1	1	3	1	23
Grand total	194	46	30	30	34	27	27	27	25	29	469

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: April 7, 1964.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64-3686; Filed, Apr. 13, 1964; 8:50 a.m.]

VALUATION OF VESSELS FOR EXCHANGE OF C4 TROOPSHIPS

Further Statement of Previously Announced Policy

The Acting Maritime Administrator on January 30, 1964, assigned 18 C4 troopships in the reserve fleet to seven of the eighteen applicants who offered to exchange certain of their ships for them under the Ship Exchange Act (Public Law 86-575). The notice of assignment published in the FEDERAL REGISTER on February 1, 1964 (29 F.R. 1665, 1667) contained the following statement regarding the valuation of the ships:

> The Ship Exchange Act provides for the fair and reasonable value of the traded-in and the traded-out vessels to be determined as of the date of the exchange pursuant to section 510(d) of the Merchant Marine Act, 1936, as amended, which is concerned with the determination of the value of an obsolete vessel traded-in for an allowance of credit on the purchase price of a new vessel. Section 510(d) provides that the trade-in allowance of an obsolete vessel—
>
> shall be the fair and reasonable value of such vessel as determined by the [Maritime Administrator].
>
> In making that determination, the Maritime Administrator is required to consider the scrap value, the depreciated value, and the market value in the domestic and world markets. The Ship Exchange Act provides that in determining the "fair and, reasonable value" of vessels to be exchanged there shall also be considered the cost of placing the vessel in class with respect to hull and machinery, and with respect to any traded-out vessels of the military type, the cost of reconverting and restoring such vessels for normal operation in commercial service.
>
> Consistent with the valuation requirements of the Ship Exchange Act, and the legislative history of that Act, the Maritime Administrator has determined, and has approved as a matter of policy because of the military type of ship involved in these particular exchanges, that the domestic market value of the traded-in and traded-out vessels, "as is, where is", will represent the "fair and reasonable value" of such vessels in the absence of material unforeseen circumstances, and will be approved as such.

The valuation policy adopted for these exchanges takes into account the views set out in House Committee Report No. 1097, 87th Congress, and is a departure from the general policy of averaging domestic and restricted world market values, and from the prior practice of valuing a military type C4 vessel by first determining the value of a standard type C4 merchant vessel in operation and deducting therefrom the cost of conversion.

Pursuant to the above statement, the Maritime Administration determined the values of each of the proposed trade-in and trade-out vessels, as stated in more detail below, and the applicants were advised of those values by letters dated February 11 and 18, 1964, which stated that the values would be considered valid for a period of 45 days.

Calmar Steamship Corporation advised the Maritime Administration by letter dated February 13, 1964, that the valuations determined for the vessels involved in its application were entirely acceptable.

Marine Navigation Company, Inc., by telegram dated March 22, 1964, and letter dated March 12, 1964, advised the Maritime Administration that it disagreed with the valuations determined by the Administration for the vessels involved in its application, and requested an extension of time until March 31, 1964, to present to the Administration the reasons for its disagreement.

The American Maritime Association by letter dated March 12, 1964, protested the valuation policy published in the FEDERAL REGISTER on February 1, 1964, on behalf of the following companies:

Bildberg Rothchild Co., Inc.
Bulk Transport Inc.
Calmar Steamship Corp.
Doric Shipping & Trading Corp.
Hudson Waterways Corp.
Marine Carriers Corp.
Oceanic Petroleum Carriers
Pacific Seafarers Inc.
Penn Marine Co.
Penn Navigation Co.
Penntrans Company
U.S. Shipping Corp.
Waterman Steamship Corp.

The Association asked to be allowed until April 14, 1964, to present a memorandum of law setting forth its position.

The Maritime Administrator on March 16, 1964, acknowledged receipt of the American Maritime Association's letter and by letter dated March 30, 1964, advised the Association that there would be forwarded to it within the next few days, a further statement of the Maritime Administration's previously announced policy with respect to the valuations and that the Association and others would be afforded 15 days thereafter to submit their comments, and that the Administrator would re-examine the policy in the light of the comments and render his decision thereon.

Calmar Steamship Corporation has advised the Maritime Administration that it has withdrawn from participation in the protest of the American Maritime Association and that it agrees with the interpretation of the statute and the valuation policy announced by the Acting Maritime Administrator in the FEDERAL REGISTER on February 1, 1964. Since

Calmar is desirous of proceeding promptly with its exchanges, the Maritime Administration is processing its application looking toward the execution of exchange contracts. (Contracts were executed on April 7, 1964.)

The Administration is willing to go forward with any other applicant who wishes to proceed in the same manner as Calmar.

The following is a further statement of the Maritime Administration's previously announced policy with respect to the valuation of the vessels involved in the proposed exchange of the 18 C4 troopships:

The statute. The Ship Exchange Act requires the "fair and reasonable value of the traded-in and traded-out vessels" to be determined as of the date of the exchange pursuant to section 510(d) of the Merchant Marine Act, 1936, which is concerned with the determination of the value of an obsolete vessel traded-in for an allowance of credit on the purchase price of a new vessel. Section 510(d) provides that the trade-in allowance of an obsolete vessel—

> shall be the fair and reasonable value of such vessel as determined by the Commission.

In making that determination, the Commission (now Maritime Administrator [1]) is required to consider certain "factors", as follows:

> (1) the scrap value of the obsolete vessel both in American and foreign markets;
> (2) the depreciated value based on a twenty or twenty-five year life, whichever is applicable to the obsolete vessel; and
> (3) the market value thereof for operation in the world trade or in the foreign or domestic trade of the United States.

The Ship Exchange Act provides that in determining the "fair and reasonable value" of vessels to be exchanged, the Maritime Administrator, in addition to the three factors listed above, shall also consider:

> (4) the cost of placing the vessel in class with respect to hull and machinery; and
> (5) with respect to any traded-out vessels of the military type, the cost of reconverting and restoring such vessels for normal operation in commercial service.

Prior policy. Prior to the release of the 18 C4 troopships by the Department of Defense for trade-out under the Ship Exchange Act, it had been the policy of the Maritime Administration to value a trade-out vessel of the military type for the purpose of the Exchange Program as if it were an operating commercial vessel of the standard C4 type, using as a starting value the average of the domestic market value and restricted world market value of such operating commercial vessel in sound condition and in class. From that average value of a standard type C4 operating merchant vessel there was deducted the actual cost of class and conversion work performed on the C4 troopship by the applicant.

[1] See: Sections 201 and 202 of Reorganization Plan No. 7 of 1961, effective August 12, 1961, 26 F.R. 7315, 75 Stat. 840, 46 USCA 1111n; and section 3 of Department of Commerce Order No. 117 (Revised) April 17, 1962, 27 F.R. 3637.

To date, four military type C4 vessels have been traded-out under the Ship Exchange Program, the "Marine Raven" on March 7, 1961, to Winco Tankers, Inc., the "Marine Wolf" on June 13, 1961, to Globe Waterways Corporation, and the "Marine Fox" and "Marine Panther" on August 29, 1961, to A. H. Bull Steamship Co. In all four cases, the Maritime Administration valued the traded-out vessels as if they were operating vessels of the standard C4 type. The value was $886,250, representing the average of the domestic market value of $1,075,000 and the restricted world market value of $697,000 taking into account that the ships would be put in class, converted for commercial use, and have their special surveys passed.

From that value of $886,250 there were deducted the actual costs of class and conversion work. The following is a summary of the final results of each of the four exchange transactions that involved a military type C4 vessel:

	Unadjusted value of traded-out vessel	Cost of class and conversion work	Adjusted value of traded-out vessel	Adjusted value of traded-in vessel
Marine Raven	$886,250	$653,528	$232,727	$274,635
Marine Wolf	886,250	$935,861	−49,611	90,940
Marine Fox	886,250	$1,285,000 (at least)	−398,750	201,987
Marine Panther	886,250	$1,285,000 (at least)	−398,750	233,103

From the foregoing figures, it is apparent that the "value" of the traded-out vessel was in all four cases less than the "value" of the traded-in vessel, and, in the last three cases, the cost of class and conversion work when subtracted from the unadjusted value of the traded-out vessel reduced its "value" to less than zero, as indicated above by a minus "value."

When the value of the traded-out vessel is less than the value of the traded-in vessel (and approaches or goes below zero), it is to the applicant's advantage to trade-in the least valuable ship available that is eligible for trade-in, because he obtains the traded-out vessel without any cash payment to the Government and his "cost" of the traded-out ship, "as is, where is", is the same as the value of the ship traded-in.

The estimated values of the ships proposed to be traded-in by the applicants for the 18 military type C4 vessels, as shown by the pending applications, vary from the scrap value of a vessel to the domestic market value of a C-3 type vessel in operating condition. If the prior valuation policy and procedure were applied to the 18 military type C4 vessels, the ultimate value of each vessel would approximate zero, and the applicants trading in the least valuable ships would gain a windfall over the applicants trading in ships having substantial value. Moreover, it is apparent from the values of the ships proposed to be traded-in by the applicants that in their opinion the military type C4 vessels in "as is, where is" condition have substantial value to the applicants for the purpose of converting them to operating vessels.

Legislative history of Ship Exchange Act. The legislative history of the Ship Exchange Act, shows that the Congress intended to grant broad discretion to the Maritime Administrator to determine the fair and reasonable value of vessels for the Exchange Program, and that in valuing a military type vessel the Maritime Administrator is not required to first value an operating commercial type C4 vessel and subtract from that value the estimated cost of converting the vessel to a standard type C4 merchant vessel, or the actual costs incurred by the applicant to convert the vessel to a specialized type C4 vessel.

A summary of pertinent portions of the legislative history upon which that conclusions is based is set forth at the end of the text of this statement. From that summary, it appears that Congressman Mailliard and Deputy Maritime Administrator Ford agreed at the hearings on H.R. 8890 (which became the Ship Exchange Act) that the provision requiring that consideration be given to the cost of converting a military type ship was not "an absolute requirement" but was intended to give the Secretary of Commerce "a good deal of discretion" so that he could "reduce the fair and reasonable value on account of reconverting or restoring the vessel" where it "would be highly desirable from the public interest point of view" to do so because otherwise "you would not get the ship upgraded."

LEGISLATIVE HISTORY OF SHIP EXCHANGE ACT

The legislative history of the Ship Exchange Act shows that the Under Secretary of Commerce recommended that the bill (S. 2618) should be amended by deleting the provision which requires that in determining the value of vessels of the military type consideration should be given to the cost of conversion. (In letter dated February 19, 1960 to Senate Committee on Interstate and Foreign Commerce, Hearings before the Senate Merchant Marine and Fisheries Subcommittee on S. 2618, 86th Congress, p. 50.) Maritime Administrator Morse and Mr. Burchill testified at the hearing before the Senate Subcommittee that the purpose of the proposed amendment was to prevent Maritime from taking into consideration the cost of converting military type ships to freighters. (See Senate Subcommittee Hearings pp. 39-40.) Industry representatives opposed the amendment, and stated that it would make it almost impossible, as a practical matter, for them to exchange operating vessels for Reserve Fleet vessels of the military type. (See Senate Subcommittee Hearings, p. 85.)

At the hearings before the House Committee on Merchant Marine and Fisheries on H.R. 8890, 86th Congress, Deputy Maritime Administrator Ford testified that Maritime did not think the conversion costs should be taken into consideration at all. (House Committee Hearings, pp. 7, 9-11.) However, Admiral Ford did "backtrack" on that point to some extent (House Committee Hearings,

p. 12) and finally agreed that since the provision permitted the Secretary of Commerce to "consider" conversion costs and was not "an absolute requirement", it gave the Secretary of Commerce "a good deal of discretion."

The following comments of Congressman Mailliard and Admiral Ford throw a great deal of light on the intended meaning of the provision (Hearings, p. 14):

"Mr. Mailliard. Pursuing the line that Mr. Drewry was discussing with you with particular reference to your first suggested amendment, just trying to look at the problem from the point of view of the public interest, would you not be better off to leave that language on page 2, paragraph 3, as it is, because it seems to me that any danger of disadvantage to the Government is pretty well protected by your second recommended amendment? In other words, you cannot finagle around here and end up by the Government paying somebody to upgrade his ships if we put in amendment B as you suggest but *I could visualize a situation where it would be highly desirable from the public interest point of view to reduce the fair and reasonable value on account of the cost of reconverting or restoring the vessel.*

"I can see where it would be definitely in the public intereat to have a vessel which might be, in effect, obsolete and, as long as it did not require the Government to pay somebody for upgrading his fleet, but for that allowance we might end up with a much better ship and it would not actually cost the Government anything. It might reduce the amount of payment that you would receive on account of the upgrading.

"On the other hand, I could visualize the situation where *either you would reduce that amount or you would not get the ship upgraded.*

"Admiral Ford. I think that is true, Mr. Mailliard, particularly since it states that *it will be considered rather than make it an absolute requirement.*

"Mr. Mailliard. *I would think this wording leaves a good deal of discretion with the Secretary of Commerce* and, if we amend it by striking all after the word 'machinery,' you have tied him down where he may not be able to make a good deal for the Government. Do you think that is true?

"Admiral Ford. I think, generally, that is true.

"Mr. Mailliard. That is all." (Italics added.)

The bill was passed without the deletion of of the provision.

Bull's application—Boykin Bill. While the application of A. H. Bull Steamship Co. for two military type C4 vessels was pending before the Maritime Administration, the Department of Defense advised the Administration on April 11, 1961, that no more military type C4 vessels would be released for trade-out. As a result, it became apparent that Sword Line, Inc., a subsidiary of McLean Industries, would not be able to acquire two military type C4 vessels for which it had applied. Sword Line wired the Administration on July 20, 1961, that it would trade-in two tankers at their scrap value in exchange for the two military type C4 vessels for which Bull had applied and would pay the full price of $886,250 for them without deduction for the costs of conversion and class work.

On August 10, 1961, Congressman Boykin introduced H.R. 8632 which, if passed, would have deleted the provision in the Ship Exchange Act that requires the Secretary to consider the cost of conversion in valuing a military type vessel. (A summary of the pertinent parts of the legislative history of the Boykin bill are included in the summary set forth at the end of the text of this statement.

The Boykin bill passed the House on September 6, 1961, but was not passed by the Senate. Nevertheless, the testimony given at the hearings held by the House Merchant Marine and Fisheries Committee on the bill on August 15–17, 1961, and the report of that Committee on the bill clearly show that the Committee looked with disfavor on the old valuation policy of the Administration. Congressman Mailliard referred to it as producing "a value which is unrealistic on the existing market" and resulting in the applicant "getting something far below what it is worth." Congressman Pelly agreed with Congressman Mailliard and said that "there should be careful consideration given to the possibility of a windfall under any of these transactions". The House Committee's report contains the following significant comments:

After experience with section 510(1) since its enactment in 1960 your Committee has concluded on the basis of full hearings, including considered views expressed by representatives of the Department of Commerce, that the special allowance which might be made in connection with the cost of converting and restoring military-type vessels in the reserve fleet *is undesirable.*

Inasmuch as the so-called military-type vessels, consisting largely of the C4 class originally built as troop ships, are sought by vessel operators for conversion to completely new types of vessels for operation in commercial service, it appears that the application of the formula in the existing law *could result in undue burden on the Government and create inequities as between such operators* and other operators who exchange vessels for upgrading their fleets with conventional type vessels. (Italics added.)

LEGISLATIVE HISTORY OF BOYKIN BILL

On August 10, 1961, Congressman Boykin introduced H.R. 8632, 87th Congress, which, if passed, would have deleted the provision in the Ship Exchange Act that requires the Secretary of Commerce to consider the cost of conversion in valuing a traded-out vessel of the military type.

At the Hearings held on H.R. 8632, by the House Merchant Marine and Fisheries Committee, on August 5–17, 1961, Acting Maritime Administrator Stakem appeared and testified in favor of the bill, provided it was amended so as not to apply to applications filed prior to August 11, 1961. Mr. Stakem also explained in detail to the Committee how he intended to value the MARINE FOX (Transcript, pp. 58–59) and the MARINE PANTHER (Transcript, pp. 60–61).

Congressman Mailliard called attention to his discussion with Admiral Ford (quoted on pages 2–3 of this Exhibit) at the Hearings on the bill that became the Ship Exchange Act. Congressman Mailliard said that he understood that the Ship Exchange Act was not intended to require the Secretary of Commerce in all cases to make full allowance for the conversion costs, but that it was left up to his discretion as to whether by making an allowance it would directly serve the purpose of the Act. (Typewritten Transcript pp. 97–98.) Congressman Mailliard also observed (Transcript pp. 98–99):

"Mr. Mailliard. I tried yesterday in the moment I had to raise this question of the possibility of speculation. That is why I am curious to know whether the applicants are people who in fact will be upgrading operating fleets to serve the commerce of the United States or *whether this is looked on as a rather attractive means of, in effect, getting something far below what it is worth.*

"Has the Department ever considered the possibility of recommending an amendment to this Act that would permit, where there is more than one qualified applicant, that bids be taken?" (Italics added.)

Congressman Mailliard stated (Transcript, p. 100):

"Mr. Mailliard. It seems to me unless the discretionary power is in here as to placing a value on conversion, as to evaluating the putting in class and so forth, that we may have inadvertently missed an opportunity to get a little bit more revenue for the Treasury and disposed of these ships at a *value which is unrealistic on the existing market.*" (Italics added.)

Congressman Pelly commented as follows (Transcript, p. 104):

"First, I would like to associate myself with my colleague, Mr. Mailliard, in expressing my own feeling *that there should be careful consideration given to the possibilities of a windfall under any of these transactions* and assuring some way that any undue profit by a speculator would come back to the Government. I hope you will consider that." (Italics added.)

After the Hearings held on August 15–17, 1961, the House Committee on Merchant Marine and Fisheries reported the bill favorable, as amended, so as to apply only to future cases. Its report (House Report No. 1097, 87th Congress, on H.R. 8632) contains the following significant comments (p. 2):

"The bill would delete the above-quoted language, which requires taking into account the cost of converting Government-owned reserve fleet vessels of a military type to commercial vessels in connection with the valuation process under this vessel exchange legislation.

"After experience with section 510(1) since its enactment in 1960 your committee has concluded on the basis of full hearings, including considered views expressed by representatives of the Department of Commerce, *that the special allowance which might be made in connection with the cost of converting and restoring military-type vessels in the reserve fleet is undesirable.*

"Inasmuch as the so-called military-type vessels, consisting largely of the C-4 class originally built as troop ships, are sought by vessel operators for conversion to completely new types of vessels for operation in commercial service, *it appears that the application of the formula in the existing law could result in undue burden on the Government and create inequities as between such operators and other operators who exchange vessels for upgrading their fleets with conventional-type* vessels." (Italics added.)

The bill passed the House on September 6, 1961, but was not passed by the Senate.

Fair and reasonable value—"As is, Where is". In view of the foregoing, the Maritime Administration concluded that the valuation policy and procedure used in the past to value military type vessels traded-out under the Ship Exchange Act are not suitable for valuing the 18 military type C4 vessels released by the Defense Department, and that the present statutory provisions do not "require" the vessels to be valued as standard type C4 merchant vessels and the estimated cost of conversion deducted therefrom.

The Administration considered the pending applications for the 18 military type C4s as concrete evidence of the fact that the vessels "as is, where is" have market value as vessels suitable for conversion to operating merchant vessels that exceeds their scrap value. If the applicants are willing to trade-in vessels having substantial value for the C4 troop ships "as is, where is", knowing that they will have to spend their own money to convert them, it is reasonable to assume that such applicants have placed a value on those ships, "as is, where is", at least equal to the value of the ship they propose to trade in, which takes into account the cost of conversion to the extent contemplated by the statute.

The Ship Exchange Act, provides for the values of the ships to be their "fair and reasonable value" as determined by the Administrator after considering the scrap value, depreciated value, market value in the domestic and world markets, and the cost of class and conversion work necessary in the vessels being valued. Black's Law Dictionary (4th Edition) contains the following definition on page 714:

"Fair and reasonable value." This phrase in a statute imposing a tax on property means the best price obtainable at a voluntary sale, to be paid at once in money, and excluding any additional amount that might be had were credit or terms allowed.

Applying this test, the fair and reasonable value of a military type C4 vessel in the Reserve Fleet would be the best cash price obtainable at a voluntary sale assuming that the Government put the vessels up for sale "as is, where is".

Values on the domestic market are generally higher than on the restricted world market, and since the transaction involves a "sale" of both the traded-in and traded-out vessels on the domestic market it is appropriate to use values current in that market to value both vessels. The costs of repairs and conversion work will be based on domestic prices, and the value of the vessels on an "as is, where is" basis will automatically give consideration to the cost of class and restoration work, to the extent required by the statute.

As the seller of ships from the reserve fleet in exchange transactions, the Government should not, in fairness to other American flag owners undersell the market. That would depress the market for the sale of ships by private American flag owners.

Policy. In view of the foregoing, the Maritime Administration determined, and approved as a matter of policy, that after considering the scrap value, the depreciated value, the market value in the domestic and world markets, and the cost of class and conversion work necessary on the vessel being valued, the domestic market value of the traded-in and traded-out vessels, "as is, where is", would represent the "fair and reasonable value" of such vessels, in the absence of material unforeseen circumstances, and would be approved as such for the vessels involved in the exchange of the 18 military type C4 vessels released by the Department of Defense for exchange.

Application of policy. The values of the individual ships as set forth in the letters to the applicants dated February 11 and 18, 1964, from the Chief, Office of Property and Supply were determined in accordance with the above policy as follows:

The C4 troop ships were determined to have "as is, where is" values on the domestic market assuming they were structurally sound, well preserved, and suitable for conversion for various commercial uses, as follows:

C4–S–A1	$400,000
C4–S–A3	$475,000
C4–S–B2	$550,000

These basic values were determined by the Maritime Administration after considering information indicating what a willing buyer would pay a willing seller for the vessels "as is, where is" for the purpose of converting them at his own expense for commercial operation under American flag. That information included appraisals of each of the three types of vessels made by independent private appraisers. The basic values listed above were adjusted by deducting from the appropriate base value the estimated cost of repairs necessary to make the ship being valued structurally sound and suitable for conversion for commercial use. The resulting value for each individual ship represents the "unadjusted fair and reasonable value" of the vessel, as defined in § 375.2(e)(i) of General Order 92 (46 CFR 375.2(e)(i), 27 F.R. 2011). Since the vessels were not dry docked before the estimates were made of the needed repairs, the "unadjusted" value will be "adjusted" after the exchange contract is executed and the vessel dry docked by deducting from the "unadjusted" value the estimated cost of "unknown" bottom damage as defined in § 375.2(f) of General Order 92 (46 CFR 375.2(f)).

The resulting values after adjustment will become the "as is, where is" value of the particular vessel on the domestic market as contemplated by the previously published valuation policy.

The proposed trade-in vessels of the applicants were individually valued on the basis of information indicating the price a willing buyer would pay a willing seller for the vessels assuming they were in sound condition and in class, and would be operated under American flag after they were purchased. That information included appraisals of individual types of vessels made by independent private appraisers. The resulting values represent the "unadjusted fair and reasonable value" of the vessels as defined in § 375.2(c)(i) of General Order 92 (46 CFR 375.2(e)(i)). Since the proposed trade-in vessels were not dry docked and surveyed before the values were released to the applicants, the values will be reduced after dry docking and survey by the cost of repairs necessary to place the vessel in class. The resulting values after adjustment will become the "as is, where is" values of the particular vessels on the domestic market as contemplated by the previously published valuation policy. Such values will be increased by the cost of deactivation and preparation of the vessels for lay up as provided in the Exchange Contracts.

Time for filing comments. All interested persons shall have 15 days from the date of publication of this notice in the FEDERAL REGISTER to submit written comments thereon. All such comments shall be submitted in triplicate to the Secretary, Maritime Administration, Washington, D.C., 20235.

After this statement was prepared, the written comments of the American Maritime Association dated April 1, 1964, were received by the Maritime Administration. Those comments have not been considered or taken into account in this statement, but will be considered by the Maritime Administrator along with any comments submitted pursuant to this notice.

Dated: April 9, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64–3659; Filed, Apr. 13, 1964; 8:49 a.m.]

Office of the Secretary

GEORGE E. HARDING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 19, 1964.

Dated: March 19, 1964.

GEORGE E. HARDING.

[F.R. Doc. 64–3595; Filed, Apr. 13, 1964; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MINNESOTA MINING AND MANUFACTURING CO.

Notice of Filing of Petition Regarding Food Additives, Resinous and Polymeric Coatings

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 979) has been filed by Minnesota Mining and Manufacturing Company, 2501 Hudson Road, St. Paul 19, Minnesota, proposing that paragraph (b)(3)(viii)(b) of § 121.2514 *Resinous and polymeric coatings* be amended as follows:

1. By changing the introduction to read:

(*b*) Catalysts and cross-linking agents for epoxy resins:

2. By inserting alphabetically the following items:

Cyanoguanidine for use only in coatings subject to the provisions of paragraph (c)(3) or (4) of this section.

Isophthalyl dihydrazide for use only in coatings subject to the provisions of paragraph (c)(3) or (4) of this section.

Tri(dimethylaminomethyl) phenol and its

vision Facilities Program, U.S. Office of

tary as set forth in § 2–248.20A.1, above.

Tri(dimethylaminomethyl) phenol and its salts, as listed in subdivision (xxii)(b) of this subparagraph, for use only in coatings subject to the provisions of paragraph (c) (3) or (4) of this section.

Dated: April 7, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3633; Filed, Apr. 13, 1964; 8:48 a.m.]

ROHM AND HAAS CO.

Notice of Filing of Petition Regarding Food Additives, Ion-Exchange Resins

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1324) has been filed by Rohm and Haas Company, Washington Square, Philadelphia, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of the following ion-exchange resins in the processing of food:

1. Completely hydrolyzed copolymers of methyl acrylate and divinylbenzene.

2. Completely hydrolyzed terpolymers of methyl acrylate, divinylbenzene, and acrylonitrile.

3. Sulfonated terpolymers of styrene, divinylbenzene, and not more than 2-mole percent of acrylonitrile or methyl acrylate.

Dated: April 3, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3634; Filed, Apr. 13, 1964; 8:48 a.m.]

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Spokane School District No. 81, West 325 Trent Avenue, Spokane, Washington, File No. 61, for the establishment of a new noncommercial educational television broadcasting station on Channel 7, Spokane, Washington.

Detroit Educational Television Foundation, 5035 Woodward Avenue, Detroit, Michigan, 48202, File No. 62, to expand and improve the operation of the noncommercial educational television broadcasting station on Channel No. 56, Detroit, Michigan.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 64-3645; Filed, Apr. 13, 1964; 8:49 a.m.]

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

Surplus Property Utilization Program

1. Section 2-248 of Part 2 of the Statement of Organization and Delegations of Authority is hereby amended to read as follows:

SEC. 2-248.10 *Organization.* The Division of Surplus Property Utilization, under the supervision of a Division Chief, consists of:

Office of the Chief.
Real Property Branch.
Personal Property Branch.
Regional Representatives, Surplus Property Utilization.

SEC. 2-248.20 *Chief, Division of Surplus Property Utilization.*

A. The Chief of the Division of Surplus Property Utilization, under the direction and supervision of the Director, Office of Field Administration, shall be responsible for:

1. Carrying out the functions, duties, and responsibilities vested in the Secretary of Health, Education, and Welfare by sections 203(j), 203(k) and 203(n) of the Federal Property and Administrative Services Act of 1949, as amended, and by Federal Civil Defense Administration (now the Office of Civil Defense, Department of the Army) Delegation 5 (21 F.R. 6721) as the same may be amended from time to time, in conformance with the rules, regulations, and circulars issued, and criteria established, by the Director of Civil Defense, Department of the Army, to the extent that they affect such functions, duties, and responsibilities (hereinafter called the Program) of the Secretary of Health, Education, and Welfare; and

2. The organization, integration, coordination, evaluation and direction of the Program.

B. In the absence or disability of the Chief, or in the event of a vacancy in the office, the Assistant Chief shall act for him. In the event of absence or disability of both the Chief and the Assistant Chief, the Assistant to Chief for Management Operations, the Chief of the Real Property Branch, the Chief of the Personal Property Branch, or as designated by the Director of Field Administration, shall serve as Acting Chief.

SEC. 2-248.30 *Division of Surplus Property Utilization.*

A. The Division of Surplus Property Utilization, in carrying out the functions, duties, and responsibilities of the Secretary as set forth in § 2-248.20A.1. above, shall:

1. Develop, with the approval of the Director of Field Administration, the policy and planning of all aspects of the Program;

2. Maintain liaison with the General Services Administration, and the Director of Civil Defense, Department of the Army, and other interested Federal and State agencies, instrumentalities, organizations, and representatives, in connection with all aspects of the Program;

3. Develop and promulgate, with the approval of the Director of Field Administration, instructions and procedures relative to the operation of the Program;

4. Prepare for submission by the Secretary to the Senate and to the House of Representatives the reports required to be made by section 203(o) of the Act.

SEC. 2-248.40 *Delegation of Authority.*

A. The Chief of the Division of Surplus Property Utilization is authorized to make determinations and allocations for educational, public health, and civil defense purposes as outlined by section 203(j) of the Act and Federal Civil Defense Administration (Director of Civil Defense, Department of the Army), Delegation 5, take such action as may be necessary in connection with the assignment, disposal, and utilization of surplus property for educational and public health purposes pursuant to section 203(k) of the Act, and enter into cooperative agreements pursuant to section 203(n) of the Act, except that any action which is required to be taken by the Secretary shall be prepared and submitted for the Secretary's approval.

2. Section 2-249 of Part 2 of the Statement or Organization and Delegations of Authority is hereby amended to read as follows:

SEC. 2-249.10 *Regional Directors.*

A. *Real property.* This delegation relates to the disposal and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, with respect to such property located within his jurisdiction, is authorized:

1. To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon where the acquisition and improvement cost of the property was $500,000 or less;

2. To execute instruments in modification of previous transfers where the acquisition and improvement cost of the land and improvements thereon involved in the modification action was $500,000 or less;

3. To execute all instruments with respect to land and improvements thereon where the acquisition and improvement cost exceeded $500,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office;

4. To execute all instruments relating to the transfer of improvements for removal and use away from the site, including improvements located outside his jurisdiction, but intended for removal to and use within his jurisdiction; and

5. To execute all modifying or retransfer instruments affecting improvements originally disposed of for removal and use away from the site.

B. *Personal property.* To act or designate a member of his staff (other than the Regional Representative) to act as reviewing officer to approve or disapprove determinations by the Regional Representative, to authorize State Agencies to abandon or destroy surplus personal property having a lot acquisition cost greater than $1,000.00.

SEC. 2-249.30 *Regional representatives—Personal property.*

A. In each region the representative of the program of donation of surplus personal property for educational, public health, and civil defense purposes contemplated by section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and Federal Civil Defense Administration Delegation 5, is the Regional Representative.

B. Each Regional Representative, with respect to the allocation for donation for educational, public health, and civil defense purposes of surplus personal property located within his jurisdiction, is authorized:

1. To make determinations, consistent with the policies and procedures set forth in applicable regulations of the Department, concerning the usability of and need for surplus personal property by educational or health institutions and civil defense organizations;

2. To allocate surplus personal property and to take all actions necessary to accomplish donation or transfer of property so allocated, consistent with the policies and procedures set forth in applicable regulations of the Department;

3. To make determinations of eligibility of educational and public health donees to acquire donable property consistent with applicable regulations of the Department;

4. To designate individuals recommended by State Agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

5. To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

C. Each Regional Representative, with respect to surplus personal property located within his jurisdiction, is authorized to allocate such property to any other regional jurisdiction and to take the actions set forth in B.2. above in connection with such out-of-region allocation.

D. Each Regional Representative, to whose jurisdiction surplus personal property has been allocated by another Regional Representative in exercise of the authority set forth in C. above, is authorized to take the action respecting such property set forth in B.2., B.3., and B.5. above.

E. Each Regional Representative, with respect to personal property located within his jurisdiction and in possession of State Agencies for subsequent donation for educational, public health, and civil defense purposes, is authorized:

1. To effect redistribution of usable and needed property to other State Agencies;

2. To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and reduction of acquisition cost of property consistent with policies and procedures set forth in applicable regulations of the Department;

3. To recommend to GSA for disposal, property excess to the needs of State Agencies; and

4. To authorize destruction or abandonment of property having a lot acquisition cost greater than $1,000, by a determination in writing that the property has no commercial value, subject, however, to approval of such determination by a reviewing officer before authorization to destroy or abandon is given to the State Agency.

F. Each Regional Representative, with respect to personal property located within his jurisdiction previously donated for educational and public health purposes, is authorized:

1. To make determinations and take actions appropriate thereto, consistent with the policies and procedures set forth in applicable regulations of the Department, concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

2. To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in paragraph F.1.;

3. To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

4. Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

5. Subject to the 30 day right of disapproval by GSA, to authorize and execute instruments necessary to carry out sales abrogations and release of restrictions, cannibalization, secondary utilization, reduction of acquisition cost, trade-ins, and destruction or abandonment of property in the custody of donees consistent with the policies and procedures set forth in applicable regulations of the Department.

G. The authority herein delegated, or any part hereof, may, with the concurrence of the Regional Director, be redelegated in writing by the Regional Representative to Assistant Regional Representative or to his other operating or administrative assistants.

H. Each Regional Representative, with respect to the States within the jurisdiction of his region, is authorized, consistent with the policies and procedures set forth in applicable regulations of the Department, to approve State plans of operation and amendments thereto submitted by State Agencies for Surplus Property: Provided, however, that such authority shall not include the authority to disapprove a State plan, in whole or in part.

I. Each Regional Representative, with respect to the States within the jurisdiction of his region, is authorized, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property of such States, either individually or collectively.

Dated: April 7, 1964.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 64-3636; Filed, Apr. 13, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-138]

CURTISS-WRIGHT CORP.

Notice of Proposed Issuance of Facility Export License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice, 10 CFR Part 2, the Commission proposes to issue to Curtiss-Wright Corporation a facility export license on Form AEC-250 containing the authority set forth in the text below authorizing the export of the remaining parts of the 1000 kilowatt nuclear research reactor for the Thai Atomic Energy Commission for Peace, Bangkok, Thailand. Previous shipments were authorized under AEC Export License Nos. XR-33, XR-33-A and XR-33-B.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, the Commission has found that:

1. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. The issuance of this license is within the scope of and is consistent with the terms of an Agreement for Cooperation between the Government of the United States and the Government of Thailand.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject facility.

A copy of the application, dated March 3, 1964, is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 6th day of April 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

PROPOSED EXPORT LICENSE

investigative employees assigned to Com-

with the Director, Bureau of Domestic

and concrete canal type spillway 40 feet

The proceeding in Docket No. CI61-439

Under the procedure herein provided

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954 and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, Curtiss-Wright Corporation, Rockefeller Center, 1271 Avenue of the Americas, New York 20, New York, is authorized to export the remaining parts of the 1000 kilowatt nuclear research reactor for the Thai Atomic Energy Commission for Peace, Bangkok, Thailand, subject to the terms and provisions herein. Previous shipments were authorized under AEC Export Licenses Nos. XR-33, XR-33-A and XR-33-B. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all of the other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission.

This license is effective as of the date of issuance and shall expire on December 31, 1964.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 64-3641; Filed, Apr. 13, 1964; 8:49 a.m.]

VERY HIGHLY ENRICHED URANIUM

Addition to Schedule of Base Charges

1. The United States Atomic Energy Commission hereby gives notice of an addition to the schedule of base charges for enriched uranium published in the FEDERAL REGISTER on May 29, 1962 (27 F.R. 5006, as amended by 27 F.R. 5155).

2. The following entry is added at the end of Table 1:

Assay (weight fraction U-235):	*Base charge (per Kg U)*
0.96	$11,597.00
0.98	12,389.00

3. The second paragraph following Table 1 is revised to read as follows:

The inclusion above of assays of 0.94 weight fraction U-235 and above are for the purposes of interpolation and for establishment of a base charge for limited amounts of material available at an assay in that range. Inquiries concerning the availability of material at specific assays above 0.93 should be addressed to the AEC Material Leasing Officer at Oak Ridge, Tennessee.

4. This notice is effective immediately.

Dated at Germantown, Md., this 3d day of April 1964.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 64-3593; Filed, Apr. 13, 1964; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[Agency Order 1100.79]

SELECTED EMPLOYEES

Delegation of Authority Relating to Conduct of Investigations

1. *Purpose.* The purpose of this order is to delegate to Federal Aviation Agency investigative employees assigned to Compliance and Security certain authority of the Administrator under Title III of the Federal Aviation Act of 1958, relating to the conduct of investigations. Selected employees have been issued special identifications for this purpose.

2. *Delegation.* Authority to receive evidence, examine witnesses and administer, but not compel, oaths or affirmations at any place within the jurisdiction of the United States in connection with investigations ordered to carry out functions of the Office of Compliance and Security is hereby delegated to each FAA employee who possesses an unexpired FAA Official Credential with his photograph, identifying him as a Special Agent and bearing the FAA seal. Redelegation is not authorized.

3. *Effective date.* This order is effective immediately.

Issued in Washington, D.C., on April 3, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-3594; Filed, Apr. 13, 1964; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN FORWARDING CO. ET AL.

Changes in Independent Ocean Freight Forwarder Applications

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

NAME AND ADDRESS

American Forwarding Co., No. 578, (Fred Van Dover, d/b/a), 69 Gold Street, New York, N.Y., revoked March 12, 1964.
Excelsior Shipping Co., No. 721, (Octacilio Gay, d/b/a), 33 Rector Street, New York, N.Y., 10006, revoked March 20, 1964.
Export Services Unlimited, No. 785, (Edmond J. Hingle, d/b/a), 730 Gravier Street, New Orleans, La., 70130, revoked March 5, 1964.
Florida Overseas Export Co., No. 497, (Juan J. Novales, d/b/a), 4509 Northwest Seventh Street, Miami, Fla., 33126, revoked March 10, 1964.
Jackson Co., Inc., Robert L., No. 674, 646 South Holgate Street, Seattle, Wash., revoked January 10, 1964.
Marturet Brokerage Corp., No. 823, Rinconea Co., Inc., P.R. Jr., 37 Wall Street, New York, N.Y., 10005, revoked March 10, 1964.
Pendleton Shipping Co., No. 324, (Walker N. Pendleton, Jr., d/b/a), 1518-19 Healey Building, Atlanta 3, Ga., denied March 24, 1964.
Rolnick, Jack, No. 709, 1127 Willmohr Street, Brooklyn, N.Y., revoked March 4, 1964.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

NONGRANDFATHER APPLICANTS

NAME AND ADDRESS

Manaco International Forwarders, (Melvyn Paul Cohen, d/b/a) 30 Dayton Street, Newark, N.J., 07114, Melvyn Paul Cohen, owner.
Supreme Shippers, Inc., 38 Pearl Street, New York, N.Y., 10004, Mildred F. Berger, president-treasurer, Nathan J. Roen, vice president-secretary.

Notice is hereby given of changes in the following application for independent ocean freight forwarder licenses to the following applicants, pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

NONGRANDFATHER APPLICANTS

NAME AND ADDRESS

Nester International Shipping Co., (Roy G. Nester, d/b/a), East Road, Harbor Acres, Sands Point, L.I., N.Y., dismissed March 24, 1964.
Albert L. Thompson, P.O. Box 6065, Charleston, S.C., dismissed January 23, 1964.

Dated: April 9, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3655; Filed, Apr. 13, 1964; 8:49 a.m.]

[Fact Finding Investigation 4]

NORTH ATLANTIC PORTS; HAMPTON ROADS, VA., TO SEARSPORT, MAINE

Terminal Practices; Notice of Hearing

APRIL 13, 1964.

A hearing in this proceeding will be held by the undersigned beginning at 10:00 a.m., May 5, 1964, at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa.

The hearing will be public.

JAMES A. KEMPKER,
Investigative Officer.

[F.R. Doc. 64-3556; Filed, Apr. 13, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2439]

GREEN MOUNTAIN POWER CORP.

Notice of Application for License

APRIL 8, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Green Mountain Power Corporation (correspondence to: G. M. McKibbin, President, Green Mountain Power Corporation, 1 Main Street, Burlington, Vermont) for a license for constructed Project No. 2439, known as Molly's Falls Project, located on Molly's Brook and Winooski River, in Washington and Caledonia Counties, Vermont, in the vicinity of Marshfield, Cabot and Peacham, Vermont.

The project consists of: An earth rolled fill dam 980 feet long and 48 feet high and concrete canal type spillway 40 feet long with crest elevation 1223.85 feet with flashboards to provide normal pool elevation 1230.05 feet and a reservoir area of 400 acres; and earth dam 700 feet long and 26 feet high with concrete sill spillway 90 feet long creating Peacham Pond Reservoir with usable storage of 2867 acre-feet; an intake with conduit leading to a 8293-foot penstock with a Johnson differential surge tank; a powerhouse containing one 7,000 horsepower turbine connected to a 5,000 kilowatt generator; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 8, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3650; Filed, Apr. 13, 1964; 8:49 a.m.]

[Docket Nos. G-2728 etc.]

CARL D. PERKINS ET AL.

Notice of Applications for Certificates, Abandonment of Service, Petitions To Amend Certificates and Notice of Severance [1]

APRIL 6, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 4, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

The proceeding in Docket No. CI61-439 is hereby severed from the consolidated proceedings in Docket Nos. G-4281 et al.

The proceeding in Docket No. CI61-531 is hereby severed from the consolidated proceedings in Docket Nos. CI61-153 et al.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-2728 F 3-25-64	Carl D. Perkins, et al. (successor to Ruth A. McBurney, et al.).	Equitable Gas Co., Clay District, Ritchie County, W. Va.	16.0	15.325
G-2791 F 3-9-64	Glenn H. Johnson, agent (successor to Dalton & Hanna Co. [1]).	Equitable Gas Co., Elk and Union District, Barbour County, W. Va.	21.0	15.325
G-3711 D 3-30-64	Union Oil Co. of California	United Gas Pipe Line Co., Gordon Field, Beauregard Parish, La.	Assigned	
G-4822 D 3-30-64	Texaco Inc.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Declined in Pressure.	
G-7823 D 3-26-64	Hondo Oil & Gas Co.	El Paso Natural Gas Co., Blanco Area, La Plata County, Colo.	Assigned	
G-8816 D 3-27-64	Humble Oil & Refining Co.	United Gas Pipe Line Co., Maris and Pistol Ridge Fields, Forrest, Lamar and Pearl River Counties, Miss.	Assigned	
G-12244 C 3-23-64	Texaco Inc.	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	13.0	14.65
G-16010 D 3-27-64	Sunray DX Oil Co.	Northern Natural Gas Co., acreage in Harper Ranch, Clark County, Kans.	(2)	
G-17391 D 3-27-64	Humble Oil & Refining Co.	Hope Natural Gas Co., Bayou Pigeon Field, Iberia Parish, La.	Assigned	
CI61-403 F 3-30-64 [3a]	Herman Brown Estate (successor to Herman Brown).	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	16.0	14.65
CI61-439 B 3-25-64 [3a]	Pioneer Production Corp. (Operator), et al.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	Depleted	
CI61-531 B 3-12-64	Westheimer-Neustadt Corp.	Cimarron Transmission Co., Westheimer Unit, Love County, Okla.	Depleted	
CI61-1642 C 3-23-64	Continental Oil Co.	Michigan Wisconsin Pipe Line Co., acreage in Ellis County, Okla.	17.0	14.65
CI62-454 C 3-27-64	Gas, Inc.	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Stevens County, Kans.	14.0	14.65
CI63-207 E 3-26-64	Hal Pack (successor to Lloyd G. Jackson, et al., d/b/a Orbit Producing Co.).	Hope Natural Gas Co., McClellan District, Doddridge County, W. Va.	25.0	15.325
CI63-562 E 3-26-64	Hal Pack (successor to Lloyd G. Jackson, et al., d/b/a Orbit Producing Co.).	Hope Natural Gas Co., Eagle District, Harrison County, W. Va.	25.0	15.325
CI63-635 C 3-23-64 D 3-23-64	Humble Oil & Refining Co.	Southern Natural Gas Co., Pointe la Hache and Bohemia Fields, Plaquemines Parish; and Fausse Point Field, Iberia Parish, La.	20.625	15.025
CI63-894 E 3-26-64	Hal Pack (successor to Lloyd G. Jackson, et al., d/b/a Orbit Producing Co.).	Hope Natural Gas Co., Clark District, Harrison County, W. Va.	25.0	15.325
CI64-175 C 3-27-64	Pan American Petroleum Corp.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	12.0	15.025
CI64-588 C 3-30-64 [4]	Northern Natural Gas Producing Co.	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	15.0	14.65
CI64-906 A 2-12-64	L. B. Horn (Operator), et al.	Tennessee Gas Transmission Co., Seven Sisters Field, Duval County, Tex.	[4] 16.0	14.65
CI64-1135 A 3-27-64	J. F. Stephenson (Operator), et al.	Lone Star Gas Co., East Hewitt Area, Carter County, Okla.	15.0	14.65
CI64-1136 A 3-23-64	J. A. Heard, d/b/a Heard Oil & Gas.	United Gas Pipe Line Co., Quinto Creek and Fort Lipan Fields, Jim Wells and Nueces Counties, Tex.	13.166	14.65
CI64-1137 A 3-25-64	The Pure Oil Co.	Colorado Interstate Gas Co., Desert Springs Area, Sweetwater County, Wyo.	14.5	14.65
CI64-1138 A 3-27-64	Texaco Inc.	El Paso Natural Gas Co., Fuller Gasoline Plant, Scurry County, Tex.	16.0	14.65
CI64-1139 A 3-26-64	Belco Petroleum Corp.	Kansas-Nebraska Natural Gas Co., Inc., North Shawnee-Flat Top Field, Converse County, Wyo.	15.0	15.025
CI64-1140 A 3-26-64	Humble Oil & Refining Co.	Michigan Wisconsin Pipe Line Co., Quinlan Field, Woodward County, Okla.	[5] 20.495	14.65
CI64-1141 A 3-26-64	Carl E. Gungoll and Henry H. Gungoll.	Arkansas-Louisiana Gas Co., Lacy Area, Kingfisher County, Okla.	0.168	14.65
CI64-1142 A 3-26-64	American Metal Climax, Inc.	Kansas-Nebraska Natural Gas Co., Inc., North Shawnee-Flat Top Field, Converse County, Wyo.	15.0	15.025
CI64-1143 A 3-27-64	Joseph E. Newman (Operator), et al.	Cities Service Gas Co., acreage in Pratt County, Kans.	13.0	14.65
CI64-1144 A 3-30-64	Great Circle Gas Co., Inc.	Texas Eastern Transmission Corp., Freisburg Field, Colorado County, Tex.	12.0	14.73
CI64-1145 A 3-30-64	Lonnie Glasscock, Jr. and Woodrow Glasscock.	J. A. Heard, d/b/a Heard Oil & Gas (successor to J. A. Heard, Trustee) Quinto Creek Field Area, Jim Wells County, Tex.	9.0	15.325
CI64-1146 A 3-30-64	J. A. Heard, et al.	do	6.0	15.325
CI64-1147 A 3-30-64	Whitehall Oil Co., Inc.	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	17.0	14.65
CI64-1148 A 3-30-64	Phillips Petroleum Co.	Panhandle Eastern Pipe Line Co., Oklahoma Panhandle Area, Beaver County, Okla.	17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI64-1149 A 3-31-64	Hyland Oil Corp. and G. G. Gabrielson.	Garfield Gas Gathering Co., South Sulphur Creek Field, Rio Blanco County, Colo.	15.0	15.026
CI64-1150 A 3-31-64	Pacific Natural Gas Exploration Co.	Garfield Gas Gathering Co., Divide Creek, Garfield County, Colo.	15.0	15.026
CI64-1151 A 3-31-64	Granada Exploration and Development Co.	Garfield Gas Gathering Co., Mam Creek and Scandard Draw Areas, Garfield and Rio Blanco Counties, Colo.	15.0	15.025
CI64-1152 A 3-31-64	Great Yellowstone Corp.	Garfield Gas Gathering Co., Sulphur Creek Field, Rio Blanco County, Colo.	15.0	15.025
CI64-1153 A 3-31-64	Gulf Oil Corp.	El Paso Natural Gas Co., Gomes Unit, Pecos County, Tex.	[4] 15.70925 [5] 17.2295	14.65
CI64-1154 A 3-31-64	Pan American Petroleum Corp.	Trunkline Gas Co., Offshore Vermillion Parish, La.	22.0	15.025
CI64-1155 A 3-31-64	California Oil Co., Western Division.	Garfield Gas Gathering Co., Mam Creek Area, Garfield County, Colo.	15.0	15.025
CI64-1156 A 3-30-64	H. K. Zink	United Gas Pipe Line Co., Willmann (Upper Stillwell) Field, San Patricio County, Tex.	13.25	14.65

[1] Dalton & Hanna Co., never made a succession filing for subject sale; certificate authorization was granted to Black Gas Company in Docket No. G-2791.
[2] Deletes non-productive acreage.
[3] Presently consolidated with Docket Nos. G-4281, et al.
[4] Original authorization conditioned pursuant to Commission's Opinion No. 350.
[5] Applicant advised willingness to accept permanent certificate at 16.0 cents by letter filed March 27, 1964.
[6] Includes .995 cent tax reimbursement.
[7] Wellhead price 15.70925 includes tax reimbursement; Tailgate price 17.2295 includes tax reimbursement.

[F.R. Doc. 64-3552; Filed, Apr. 13, 1964; 8:45 a.m.]

NATIONAL POWER SURVEY ADVISORY COMMITTEE

Continuance

APRIL 7, 1964.

Pursuant to Paragraph 8 of the Commission's Order Establishing National Power Survey Advisory Committees and Prescribing Procedures, issued March 22, 1962, the Commission hereby determines that the continued existence of the General Technical Advisory Committee for an additional period of two years is in the public interest.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3597; Filed, Apr. 13, 1964; 8:45 a.m.]

[Docket No. CP64-108]

CITIES SERVICE GAS CO.

Notice of Application To Amend Order

APRIL 8, 1964.

Take notice that on March 18, 1964, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed an application to amend the Commission's order issued January 27, 1964, in Docket No. CP64-108 to authorize the construction and operation in the Barber County producing area, Kansas, seven (7) field booster stations consisting of small field compressor units totaling approximately 2,300 horsepower in lieu of the 2,000 horsepower of compression heretofore authorized in this proceeding to be installed at the Alva Compressor Station, Woods County, Oklahoma, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The order of January 27, 1964, authorized Applicant to construct and operate, among other things, 2000 compressor horsepower at the existing Alva Station to enable Applicant to lower the intake pressure of its Barber County Field pipeline at said Station, in order to take gas ratably between the approximately 27 different fields which make up said producing area. Applicant states that up-to-date studies indicate that the Barber Area can be operated with greater flexibility, with better control of over-all production giving consideration to the variation in pressures existent between the fields within the Area, and for a longer period of time, without the need for additional compression, by the installation of the herein proposed 7 field booster stations rather than by the installation of the larger single unit at the Alva Station. The proposed booster stations will be composed of 230 horsepower basic units.

The application indicates that, although the subject proposal will add approximately 300 more horsepower to Applicant's system than was originally certificated, the estimated installed cost of the booster stations will be approximately $76,000 less than the estimated cost of the 2000 horsepower proposed for the Alva Station.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3649; Filed, Apr. 13, 1964; 8:49 a.m.]

[Project No. 2449]

CONSUMERS POWER CO.

Notice of Application for License

APRIL 7, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Consumers Power Company (correspondence to: W. R. Boris, Secretary, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan, 49201) for license for constructed Project No. 2449, known as the Loud Plant, located on Au Sable River, in Iosco County, Michigan, and affecting lands of the United States within the Huron National Forest.

The project consists of: Two earth fill dam sections about 1,820 feet long with a design head of 26 feet; a reinforced concrete spillway having three tainter gates; a reservoir about 3½ miles in length containing a surface area of 790 acres; a powerhouse with three open penstocks controlled by tainter gates and two generating units with a total capacity of 4,000 kilowatts; a substation; and other appurtenant mechanical and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 12, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3598; Filed, Apr. 13, 1964; 8:45 a.m.]

[Docket Nos. RI60-20, RI60-434]

JOCELYN-VARN OIL CO. ET AL.

Order Redesignating Proceedings

APRIL 7, 1964.

Jocelyn-Varn Oil Company, Agent for Oil & Minerals Investments, Inc., et al. (Formerly Jocelyn-Varn Oil Company (Operator), et al.), Docket Nos. RI60-20 and RI60-434.

On June 28, 1963, Jocelyn-Varn Oil Company, Agent for Oil & Minerals Investment, Inc., et al. (Agent) filed a motion requesting that Agent be substituted for Jocelyn-Varn Oil Company (Operator), et al. (Operator) in the above-designated rate suspension proceedings, to reflect changes in ownership of the working interest.

On December 18, 1959, Operator tendered for filing a notice of change in its FPC Gas Rate Schedule No. 6, involving the jurisdictional sale of natural gas to West Lake Natural Gasoline Company, et al., from the Nena Lucia Field, Nolan County, Texas (Railroad Commission District No. 7-B). The proposed increased rate, designated as Supplement No. 1 to Operator's FPC Gas Rate Schedule No. 6, was suspended by order issued January 15, 1960, in Docket No. RI60-20, until January 23, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act. The proposed increased rate became effective subject to refund on June 6, 1960, under an agreement and undertaking filed by Jocelyn-Varn Oil Company. The redesignation of the proceedings here will not affect the filed agreement and undertaking in view of the nature of the redesignation. The agreement and undertaking of Jocelyn-Varn Oil Company will, therefore, remain in full force and effect.

On May 23, 1960, Operator tendered for filing a second notice of change in the aforementioned rate schedule. The proposed increased rate, designated as Supplement No. 2 to Operator's FPC Gas Rate Schedule No. 6, was suspended by order issued June 22, 1960, in Docket No. RI60-434, until June 24, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act. The proposed increased rate has not become effective subject to refund.

By order issued July 2, 1963, in Docket Nos. G-11174, et al., Agent was substituted for Operator as certificate holder in Docket No. G-20240, which relates to Operator's FPC Gas Rate Schedule No. 6, and such rate schedule, as supplemented, was redesignated as Agent's FPC Gas Rate Schedule No. 6.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that the proceedings in Docket Nos. RI60-20 and RI60-434 be redesignated "Jocelyn-Varn Oil Company, Agent for Oil & Minerals Investments, Inc., et al."

The Commission orders: The proceedings in Docket Nos. RI60-20 and RI60-434 are redesignated as "Jocelyn-Varn Oil Company, Agent for Oil & Minerals Investments, Inc., et al."

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3599; Filed, Apr. 13, 1964; 8:45 a.m.]

[Docket No. G-17355]

MURCHISON BROS. & DENIUS

Order Accepting Offer of Settlement, Requiring Filing of Notice of Change and Contract Amendment, and Terminating Proceeding

APRIL 7, 1964.

On February 7, 1964, Murchison Bros. & Denius (Murchison) submitted an offer of settlement in the proceeding pursuant to § 1.18(e) of the Commission's Rules of Practice and Procedure. The offer involves proposed increased rates for sales of natural gas made to Tennessee Gas Transmission Company (TGT) by Murchison. The offer relates to sales made under Supplement No. 6 to Murchison's FPC Gas Rate Schedule No. 1 in Victoria County, Texas (Texas R.R. Com. District No. 2). The proposed increased rate was suspended by order of the Commission for the statutory period, and was made effective by Murchison on July 10, 1959.

Under the terms of the offer, Murchison proposes to eliminate the favored-nation and price redetermination provisions from the rate schedule and to establish a 14.6 cents per Mcf rate for the subject sale with future periodic price escalations consistent with the Second Amendment. Murchison's annual revenues will be decreased about $1,406 from the presently effective rates. No protests or objections have been filed to the offer.

Murchison, in its offer, proposes to refund all amounts collected, subject to refund, for sales of natural gas to TGT under the subject rate schedule in excess of the settlement rate. The estimated total dollars to be refunded approximates $7,433, exclusive of interest.

The proposed settlement is consistent with the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61-1, issued December 20, 1960, 24 F.P.C. 1107, as amended by Order No. 264, issued March 27, 1963, 29 F.P.C. 589, and its acceptance would serve the public interest.

However, we desire to make it clear that acceptance of Murchison's offer of settlement shall not be construed as approval of any future increased rate filed in accordance with its reservations of the right to file increases to cover future tax increases. Nor, may our action herein be construed as constituting approval of any future periodic rate increase that may be filed under the subject rate schedule, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Murchison's rate and rate schedule.

The Commission finds: The proposed settlement of the above-designated proceeding, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Murchison on February 7, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by Murchison on February 7, 1964, is hereby approved in accordance with the provisions of this order.

(B) Murchison shall file, within 30 days from the date of issuance of this order, notice of change in rate providing for the 14.6 cents per Mcf rate specified in its offer of settlement, and an executed contractual amendment to its FPC Gas Rate Schedule No. 1 eliminating the favored-nation, and price redetermination provisions therefrom. The notice of change and the contractual amendment shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Murchison shall refund to TGT to the date of issuance of this order the difference between the rates collected subject to refund under the rate schedule herein and the settlement rate with simple interest at 6 percent per annum and shall report to the Commission, in writing, within 30 days from the date of issuance of this order, the amount of such refund, showing separately the amount of principal and interest, and the bases used for such determination, together with a release from TGT.

(D) Upon notification by the Secretary of the Commission that Murchison has complied with the terms and conditions of the order, the rate and charge of 14.6 cents per Mcf at 14.65 psia, specified in its offer of settlement, shall be effective as of the date of issuance of this order, the above designated proceedings shall be deemed terminated, and severed from the consolidated area rate proceeding (Texas Gulf Coast Area) in Docket No. AR64-2 without further order of the Commission.

(E) The acceptance by the Commission of Murchison's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Murchison, including area rate or other similar proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3600; Filed, Apr. 13, 1964; 8:45 a.m.]

[Docket No. G-9476 etc.]

PAN AMERICAN PETROLEUM CORP.

Order Redesignating Proceedings and Accepting Agreements and Undertakings

APRIL 7, 1964.

Pan American Petroleum Corporation, Docket Nos. G-9476, G-11536, G-13848, G-17158, G-19910, RI61-223, RI62-75, RI63-143, RI64-234.

Texas Gulf Producing Company (Operator), et al. (Texas Gulf) tendered for filing from time to time proposed increased rates under its FPC Gas Rate Schedule No. 10 for sales of natural gas to United Fuel Gas Company from Lake Long Field, Lafourche Parish, Louisiana. That rate schedule covered Pan American Petroleum Corporation's (Pan American) interest as well as Texas Gulf's interest in the subject properties. The increased rates were suspended in the above-designated proceedings,[1] and were, except for the increase suspended in Docket No. RI64-234,[2] subsequently made effective subject to refund. As a result of a settlement agreement approved by order issued December 30, 1963 in Texas Gulf Producing Company, Docket Nos. G-9476, et al., the above-designated proceedings, except Docket No. RI64-234, were terminated except as to the interest of Pan American.[3]

On December 27, 1963, Pan American tendered for filing a rate schedule, with supplements, to cover its interest in the subject sale in lieu of having its interest covered by Texas Gulf's FPC Gas Rate

[1] All of the proceedings, except Docket No. RI64-234, have been consolidated with the Area Rate Proceedings, Docket Nos. AR61-2, et al.

[2] The proposed increased rate, which relates only to Pan American's interest, is under suspension until April 1, 1964, and thereafter until such further time it is made effective in the manner prescribed by the Natural Gas Act.

[3] The settlement agreement with Texas Gulf excluded the rate suspended in Docket No. RI64-234 since it relates only to the interest of Pan American.

Schedule No. 10.[4] Concurrent with this

[Docket Nos. G-20060, RI60-330]

is hereby approved in accordance with

proposed increased rate was suspended

has complied with the terms and condi-

the Walter F. George project located on

Schedule No. 10.[1] Concurrent with this filing Pan American tendered agreements and undertakings in the above-designated proceedings to assure the refund of all charges, applicable to its interest in the instant sale, determined by the Commission to be excessive.[2] By Commission letter dated March 5, 1964, Pan American's rate schedule was accepted for filing and designated as Pan American Petroleum Corporation FPC Gas Rate Schedule No. 384, as supplemented.

In view of the above, Pan American should be made the respondent in the above-designated proceedings, such proceedings should be redesignated accordingly, and the agreements and undertakings filed in these proceedings, except for Docket No. RI64–234, should be accepted for filing.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Pan American be made the respondent in the above-designated proceedings, that such proceedings be redesignated accordingly, and that except for the undertaking filed in Docket No. RI64–234, the agreements and undertakings filed in such proceedings should be accepted for filing.

The Commission orders:

(A) Pan American Petroleum Corporation is hereby made the respondent in the above-designated proceedings and such proceedings are redesignated accordingly.

(B) Except for the undertaking filed in Docket No. RI64–234, the agreements and undertakings submitted by Pan American Petroleum Corporation in the above-designated proceedings are hereby accepted for filing.

(C) Pan American Petroleum Corporation shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings accepted for filing in paragraph (B) above shall remain in full force and effect until discharged by the Commission.

(D) Our action herein is without prejudice to any action that may be necessary in these proceedings with respect to filings by Texas Gulf under the terms and conditions provided for in the December 30, 1963 order approving Texas Gulf's settlement proposal.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3601; Filed, Apr. 13, 1964; 8:45 a.m.]

[1] A certificate relating to the subject sale was issued October 28, 1954 to Pan American's predecessor, The American Oil Company, in Docket No. G–2793, Texas Gulf Producing Company and The American Oil Company.

[2] Pan American is premature in the filing of an agreement and undertaking in Docket No. RI64–234, since the suspension period for the rate involved does not expire until April 1, 1964, and no motion to place such rate in effect subject to refund has been filed. Accordingly, no action will be taken on this filing until a later date.

[Docket Nos. G–20060, RI60–330]

RIO BRAVO OIL CO.

Order Accepting Offer of Settlement, Requiring Filing of Notice of Change and Contract Amendment, and Terminating Proceedings

APRIL 7, 1964.

On February 10, 1964, Rio Bravo Oil Company (Rio) submitted an offer of settlement in these proceedings pursuant to § 1.18(e) of the Commission's rules of practice and procedure. The offer involves proposed increased rates for sales of natural gas made to Tennessee Gas Transmission Company (TGT) by Rio. The offer relates to sales made under Supplement Nos. 3 and 4 to Rio's FPC Gas Rate Schedule No. 2 in Hidalgo County, Texas (Texas R.R. Com. District No. 4). Each of the proposed increased rates were suspended by order of the Commission for the statutory period, and were made effective by Rio on April 15 and October 15, 1950.

Under the terms of the offer, Rio proposes to eliminate the favored-nation and price redetermination provisions from the rate schedule and to establish a 14.6 cents per Mcf rate for the subject sale. Rio's annual revenues will be decreased about $740 from the presently effective rates. No protests or objections have been filed to the offer.

Rio, in its offer, proposed to refund all amounts collected, subject to refund, for sales of natural gas to TGT under the subject rate schedule in excess of the settlement rate. The estimated total dollars to be refunded approximates $2,740, exclusive of interest.

The proposed settlement is consistent with the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61–1, issued December 20, 1960, 24 F.P.C. 1107, as amended by Order No. 264, issued March 27, 1963, 29 F.P.C. 589, and its acceptance would serve the public interest.

However, we desire to make it clear that acceptance of Rio's offer of settlement shall not be construed as approval of any future increased rate filed in accordance with its reservations of the right to file increases to cover future tax increases. Nor, may our action herein be construed as constituting approval of any future periodic rate increase that may be filed under the subject rate schedule, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Rio's rate and rate schedule.

The Commission finds: The proposed settlement of each of the above-designated proceedings, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Rio on February 10, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by Rio February 10, 1964, is hereby approved in accordance with the provisions of this order.

(B) Rio shall file, within 30 days from the date of issuance of this order, notice of change in rate providing for the 14.6 cents per Mcf rate specified in its offer of settlement, and an executed contractual amendment to its FPC Gas Rate Schedule No. 4 eliminating the favored-nation and price redetermination provisions therefrom. The notice of change and the contractual amendment shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Rio shall refund to TGT to the date of issuance of this order the difference between the rates collected subject to refund under the rate schedule herein and the settlement rate with simple interest at the rate of 6 percent per annum, and shall report to the Commission, in writing, within 30 days from the date of issuance of this order, the amount of such refund, showing separately the amount of principal and interest, and the bases used for such determination, together with a release from TGT.

(D) Upon notification by the Secretary of the Commission that Rio has complied with the terms and conditions of the order, the rate and charge of 14.6 cents per Mcf at 14.65 psia, specified in its offer of settlement, shall be effective as of the date of issuance of this order, the above designated proceedings shall be deemed terminated, and severed from the consolidated area rate proceeding (Texas Gulf Coast Area) in Docket No. AR64–2 without further order of the Commission.

(E) The acceptance by the Commission of Rio's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Rio, including area rate or other similar proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3602; Filed, Apr. 13, 1964; 8:45 a.m.]

[Docket No. G–13582]

TENNECO OIL CO. ET AL.

Order Accepting Offer of Settlement, Requiring Filing of Notice of Change and Contract Amendment, Severing and Terminating Proceeding

APRIL 8, 1964.

On January 9, 1964, Tenneco Oil Company (Operator) (Tenneco) submitted an offer of settlement in this proceeding pursuant to § 1.18(e) of the Commission's rules of practice and procedure. The offer involves a proposed increased rate for a sale of natural gas made to United Gas Pipe Line Company (United) by Tenneco. The offer relates to a sale made under Supplement No. 9 to Tenneco's FPC Gas Rate Schedule No. 2 in San Patricio and Nueces Counties, Texas (Texas R.R. Com. District No. 4). The proposed increased rate was suspended by order of the Commission for the statutory period, and was made effective by Tenneco on April 1, 1958.

Under the terms of the offer, Tenneco proposes to eliminate the price redetermination provision from the rate schedule and to establish a 14.6 cents per Mcf rate for the subject sale. Tenneco's annual revenues will be decreased about $5,000 from the presently effective rates. No protests or objections have been filed to the offer.

Tenneco, in its offer, proposes to refund all amounts collected, subject to refund, for sales of natural gas to United under the subject rate schedule in excess of the settlement rate. The estimated total dollars to be refunded approximates $45,500, exclusive of interest.

The proposed settlement is consistent with the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61–1, issued December 20, 1960, 24 F.P.C. 1107, as amended by Order No. 264, issued March 27, 1963, 29 F.P.C. 589, and its acceptance would serve the public interest.

However, we desire to make it clear that our action herein shall not be construed as constituting approval of any future rate increase that may be filed under the subject rate schedule, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Tenneco's rate and rate schedule.

The Commission finds: The proposed settlement of the above-designated proceeding, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Tenneco on January 9, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by Tenneco January 9, 1964, is hereby approved in accordance with the provisions of this order.

(B) Tenneco shall file, within 30 days from the date of issuance of this order, notice of change in rate providing for the 14.6 cents per Mcf rate specified in its offer of settlement, and an executed contractual amendment to its FPC Gas Rate Schedule No. 2 eliminating the price redetermination provisions therefrom. The notice of change and the contractual amendment shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Tenneco shall refund to United to the date of issuance of this order the difference between the rates collected subject to refund under the rate schedule herein and the settlement rate with simple interest, at 6 percent per annum, and shall report to the Commission, in writing, within 30 days from the date of issuance of this order, the amount of such refund, showing separately the amount of principal and interest, and the bases used for such determination, together with a release from United.

(D) Upon notification by the Secretary of the Commission that Tenneco has complied with the terms and conditions of the order, the rate and charge of 14.6 cents per Mcf at 14.65 psia, specified in its offer of settlement shall be effective as of the date of issuance of this order, the above designated proceeding shall be deemed terminated, and severed from the consolidated area rate proceeding (Texas Gulf Coast Area) in Docket No. AR64–2 without further order of the Commission.

(E) The acceptance by the Commission of Tenneco's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Tenneco, including area rate or other similar proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3651; Filed, Apr. 13, 1964; 8:49 a.m.]

[Docket No. RP64–33]

UNITED NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 8, 1964.

Take notice that on April 6, 1964, United Natural Gas Company (United) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective January 1, 1964. The proposed changes reflect reductions in rates and charges in its Rate Schedules G–1 and CD–1.

The annual reduction approximates $49,693 based upon sales for the year 1963 and reflects the recent reduction in the corporate Federal income tax rate from 52 percent to 50 percent.

Copies of the proposed rate changes have been served by United upon its customers and State Commissions. Comments may be filed with the Commission on or before April 24, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3652; Filed, Apr. 13, 1964; 8:49 a.m.]

[Docket No. E–7160]

DEPARTMENT OF THE INTERIOR AND SOUTHEASTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates

APRIL 7, 1964.

Notice is hereby given that the Secretary of the Interior, on behalf of the Southeastern Power Administration (SEPA), has filed with the Federal Power Commission for confirmation and approval, pursuant to the Flood Control Act of 1944 (58 Stat. 887), proposed rates and charges for the sale of power marketed from the Allatoona and Buford projects located in Northern Georgia, the Clark Hill and Hartwell projects located on the Savannah River on the Georgia-South Carolina state line and the Walter F. George project located on the Chattahoochee River on the Alabama-Georgia state line. Approval is requested for a period beginning July 1, 1964, and ending June 30, 1969.

The rates and charges are contained in the following wholesale rate schedules:

1. *Wholesale Power Rate Schedule GA–1.* This rate schedule shall be available to public bodies and cooperatives in Georgia to whom power may be wheeled pursuant to the provisions of the contract, dated October 11, 1957, as amended, between the Georgia Power Company and the Government. The rate schedule shall be applicable to power and accompanying energy generated at the Allatoona, Buford, Clark Hill, Walter F. George, and Hartwell projects and sold in wholesale quantities.

2. *Wholesale Power Rate Schedule GA–2.* This rate schedule shall be available to the Georgia Power Company. The rate schedule shall be applicable to electric capacity and energy generated at the Allatoona, Buford, Clark Hill, Walter F. George, and Hartwell projects and sold under the contract, dated October 11, 1957, as amended, between the Government and the Company.

3. *Wholesale Power Rate Schedule ALA–1.* This rate schedule shall be available to the Alabama Electric Cooperative, Incorporated. The rate schedule shall be applicable to power and accompanying energy delivered at the Walter F. George project power plant and sold under contract executed June 28, 1961, as amended, between the Cooperative and the Government.

4. *Wholesale Power Rate Schedule SC–1.* This rate schedule shall be available to the South Carolina Public Service Authority and to the Greenwood County Electric Power Commission. The rate schedule shall be applicable to power and accompanying energy generated at the Clark Hill project and sold in wholesale quantities.

5. *Wholesale Power Rate Schedule CAR–1.* This rate schedule shall be available to public bodies and cooperatives in North Carolina and South Carolina to whom power may be wheeled pursuant to the provisions of the contract, dated December 16, 1963, between the Duke Power Company and the Government.

6. *Wholesale Power Rate Schedule CAR–2.* This rate schedule shall be available to the Duke Power Company. The rate schedule shall be applicable to electric capacity and energy generated at the Hartwell Project and sold under the contract, dated December 16, 1963, between the Government and the Company.

The Commission has previously approved the rates and charges for the sale of power from the above-named projects in Docket Nos. E–6938 and E–7043. The Commission's approval in both cases expires June 30, 1964. The proposed new rate schedules will supersede the rate schedules heretofore approved.

The above rate schedules along with a Repayment Study supplying the rates are on file with the Commission for public inspection. Any person desiring to make comments or suggestions for Com-

[Secretary's Order 13–64]

make advance payments under executed

mission consideration with respect to the proposed rates and charges should submit the same in writing on or before April 24, 1964 to the Federal Power Commission, Washington, D.C., 20426.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3603; Filed, Apr. 13, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 811-912, 812-1457]

HARBOR PLYWOOD CORP. AND HUNT FOODS AND INDUSTRIES, INC.

Notice of Filing of Amended Application for an Order Declaring That Company Has Ceased To Be Investment Company

APRIL 8, 1964.

Notice is hereby given that an amended application has been filed under section 8(f) of the Investment Company Act of 1940 ("Act") for an order declaring that Harbor Plywood Corporation ("Harbor") Aberdeen, Washington, a closed-end non-diversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application, as amended, filed with the Commission for a complete statement of the representations therein which are summarized below.

On March 5, 1962, the Commission issued an order (Investment Company Act Release No. 3440) exempting from section 17(a) of the Act transactions incident to the merger of Harbor into Hunt Foods and Industries, Inc. ("Hunt") Fullerton, California and reserving jurisdiction to issue, following consummation of the merger, an appropriate order concerning the application filed by Harbor under section 8(f) of the Act. The Agreement of Merger entered into by Hunt and Harbor was filed with the Secretary of the State of Delaware on March 5, 1962 and the merger was consummated. Over 99 percent of the shares of Harbor to be exchanged for shares of Hunt under the terms of the merger agreement have been so exchanged. By letters dated March 5, April 20, and May 31, 1962, and February 6, 1963, Hunt has requested the holders of all unexchanged shares of Harbor stock to exchange their certificates for certificates of Hunt stock. On January 2, 1964, seventy-six shareholders of Harbor holding certificates for 2,375.4 shares of Harbor had not exchanged such shares for shares of common stock of Hunt.

Holders of unexchanged shares of Harbor stock may present their certificates representing such shares to Manufacturers Hanover Trust Company, Exchange Agent, 70 Broadway, New York, New York, 10015, for exchange into certificates of common stock of Hunt. The unexchanged shares of Harbor stock are equivalent in the aggregate to 1714.75 shares of common stock of Hunt. In addition, holders of unexchanged shares of Harbor stock have rights to all accumulated dividends paid on Hunt stock since the effective date of the merger of Harbor into Hunt.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 22, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3642; Filed, Apr. 13, 1964; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 10-64]

ADMINISTRATIVE ASSISTANT SECRETARY

Delegation of Authority To Enter Into and Execute Contracts

1. *Purpose.* This order delegates authority to enter into and execute contracts for property, services, and the publication of advertisements, notices, and proposals.

2. *Authority.* This order is issued pursuant to the following: R.S. section 161, 1878 (5 U.S.C. 22); Act of March 4, 1913 (37 Stat. 736, 5 U.S.C. 611) and Reorganization Plan No. 6 of 1950 (15 F.R. 3174, 64 Stat. 1263, 5 U.S.C. 611 note); Act of Aug. 2, 1946 (60 Stat. 809, 5 U.S.C. 22a); the Federal Property and Administrative Services Act of 1949, Title III, as amended (63 Stat. 393, 41 U.S.C. 251 et seq.), and Delegation of Authority No. 410 thereunder (27 F.R. 3017), dated March 26, 1962, by the Administrator of the General Services Administration; the Government Employees Training Act as amended (72 Stat. 327; 5 U.S.C. 2301); and the Manpower Development and Training Act of 1962 (76 Stat. 23, 42 U.S.C. 2571) and as amended.

3. *Directives affected.* Secretary's Orders Nos. 21-62 and 22-62 are canceled. All other orders, instructions, directives and memoranda of the Secretary of Labor and other officials of the Department of Labor are superseded to the extent that they are inconsistent herewith.

4. *Delegation of authority.* a. The authority vested in the Secretary of Labor to purchase and procure property and services, to enter into and execute contracts therefor, and to authorize the publication of advertisements, notices, and proposals and execute contracts therefor, is delegated to the Administrative Assistant Secretary or officers acting in that capacity. This delegated authority includes but is not limited to:

(1) The authority under Title III of the Federal Property and Administrative Services Act of 1949, as amended, delegated to the Secretary of Labor in said Delegation of Authority No. 410 (27 F.R. 3017, dated March 26, 1962, except the authority to make the Determinations specified in section 302(c) paragraphs (12) and (13) of the Act, and the Determination specified in section 302(c) paragraph (11) of the Act when the proposed contract under section 302(c) (11 will require the expenditure of more than $25,000 (41 U.S.C. 252(c) (12), (13) and (11). Such authority shall be exercised in accordance with the applicable limitations and requirements of the Act, and policies, procedures, limitations, controls and reporting requirements prescribed by the General Services Administration and by the Department of Labor pursuant thereto, as promulgated by the Administrative Assistant Secretary.

(2) The authority under section 22a of Title 5 of the U.S. Code to authorize and contract for the publication of advertisements, notices and proposals in newspapers, journals and other appropriate public issuances. This authority is to be exercised in accordance with section 324 of Title 44 of the U.S. Code and other applicable laws and regulations.

(3 The authority to enter into contracts for property and services pursuant to existing agreements entered into by the Department of Labor with operating Federal agencies under provisions of the Foreign Assistance Act of 1961, as amended (75 Stat. 424, 719; 76 Stat. 255; 22 U.S.C. 2151 et seq.), and the Mutual Educational and Cultural Exchange Act of 1961, as amended (75 Stat. 527; 76 Stat. 263; 22 U.S.C. 2451 et seq.), or pursuant to agreements with international organizations. This authority shall include the execution of such contracts for all bureaus and offices of the Department under any such authorized program, subject to funds made available by such operating agencies and international organizations under said agreements.

(4) The authority to enter into and execute contracts authorized by the Government Employees Training Act of 1961 as amended, and the Manpower Development and Training Act as amended.

(5) The authority to contract vested in the Secretary of Labor by any other law, appropriation act, or other authorized mandate or delegation of authority.

(6) The authority to procure property, supplies, equipment and services under existing contracts.

b. All procurement and contracting authority herein delegated shall be administered and exercised in accordance with the requirements and limitations of the applicable authorizing statutes, executive orders, appropriation acts, interagency and international agreements, regulations, delegations of authority, and Department of Labor policies and procedures pursuant thereto.

5. *Redelegating authority.* The Administrative Assistant Secretary may redelegate to other officers or employees of the Department of Labor any of the authority delegated herein under paragraphs 4a. (1), (3)-(6) incl., and may so assign the administrative duties involved in accomplishing the advertising requirements under paragraph 4a.(2) above, including the execution of such advertising orders and contracts. The authority redelegated by the Administrative Assistant Secretary pursuant to this order shall be exercised under his general direction and in accordance with the procedures promulgated by him and the requirements specified in paragraph 4b. above.

6. *Action requirements.* a. The Administrative Assistant Secretary shall promulgate such procurement and contracting procedures as may be deemed necessary to carry out the purposes of this order. He shall maintain such review of the procurement and contract operations, procedures, and administration in the Department of Labor as is necessary to assure that such practices are conducted in an economical and efficient manner and in accordance with said Delegation of Authority, No. 410, dated March 26, 1962, and all applicable laws and regulations.

b. *The Solicitor.* As a general policy, all contracts of the Department are subject to review by the Solicitor. However, in order to avoid unnecessary review, all contracts entered into under the authority of this order, prepared on standard forms or forms previously approved by the Solicitor, are not required to be submitted to the Solicitor for review. If changes or additions are made in the standard forms, or forms previously approved by the Solicitor, which may affect the legal obligations arising under the contracts, they shall be submitted to the Solicitor for review.

7. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 31st day of March 1964.

JOHN F. HENNING,
Acting Secretary of Labor.

[F.R. Doc. 64-3604; Filed, Apr. 13, 1964; 8:46 a.m.]

[Secretary's Order 13-64]

DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES, OFFICE OF THE ADMINISTRATIVE ASSISTANT SECRETARY

Redelegation of Authority To Enter Into and Execute Contracts

1. *Purpose.* This order redelegates certain authority to enter into and execute contracts for property, and services and contracts related to the training or orientation of foreign nationals, and assigns the administrative duties involved in accomplishing the publication of advertisements, notices and proposals.

2. *Directives affected.* This order implements Secretary's Order No. 10-64 dated March 31, 1964, which canceled Secretary's Orders No. 21-62 and 22-62. Provision is also made in that order for the redelegation and assignment of certain authority and duties by the Administrative Assistant Secretary.

3. *Redelegation of authority and assignment of administrative duties.*

a. The Director, Office of Administrative Services, Office of the Administrative Assistant Secretary, or officers acting in that capacity, are authorized to purchase and procure supplies, equipment, property and services, and the publication of advertisements, under existing orders and contracts, and to purchase and procure supplies, equipment, property, services, and advertising requirements and to sign orders, make awards, and enter into and execute contracts therefor, obligating funds available for such purposes appropriated or allotted to the Department of Labor or to any bureau, division, office or service of the Department. This includes the authority: (1) To procure books, newspapers, periodicals, and commerical and labor reporting services ordered by the Librarian; (2) to perform all the administrative duties involved in accomplishing the publication of advertisements, notices and proposals, including signing orders and contracts therefor; (3) to effect procurement through formal advertising, and make and sign awards and contracts therefor; (4) to enter into and execute contracts for property and services without advertising; (5) to make advance payments under executed contracts; and (6) to make the Determinations required under applicable provisions of law, except the Determinations specified in section 302 (c) (11), (12) and (13) of the Federal Property and Administrative Services Act of 1949 as amended (63 Stat. 393 et seq; 41 U.S.C. 252(c) (11), (12) and (13).

b. The Deputy Associate Commissioner for Management and the Chief, Division of Fiscal Management and Services, Bureau of Labor Statistics, or officers acting in such capacities, are individually authorized to procure property and services under existing Bureau of Labor Statistics contracts, and to procure and enter into and execute contracts for property and services, without advertising, as may be required in connection with the authorized functions performed by the Bureau of Labor Statistics, obligating funds available for such purposes appropriated or alotted to the Bureau of Labor Statistics. This includes the authority to make advance payments under executed contracts and to make the Determinations required under Title III of the Federal Property and Administrative Services Act of 1949 as amended (63 Stat. 393 et seq.; 41 U.S.C. 251 et seq.), except the Determinations specified in section 302 (c) paragraphs (11), (12), (13), and (14) of said Act (41 U.S.C. 252(c) (11), (12), (13), and (14).

c. The Chief, Division of Administration and Management, Bureau of International Labor Affairs, or officers acting in that capacity, are authorized to procure property and services under existing Bureau of International Labor Affairs contracts, and to procure and enter into and execute contracts for property and services related to the training or orientation of foreign nationals, without advertising, and to make advance payments under executed contracts therefor, pursuant to existing agreements entered into by the Department of Labor with operating Federal agencies under provisions of the Foreign Assistance Act of 1961 as amended (75 Stat. 424, 719; 76 Stat. 255; 22 U.S.C. 2151 et seq.), and the Mutual Educational and Cultural Exchange Act of 1961 as amended (75 Stat. 527; 76 Stat. 263; 22 U.S.C. 2451 et seq.), or pursuant to agreements entered into with international organizations. This authority includes the execution of such contracts for all bureaus and offices of the Department under any such authorized program, subject to funds made available by such operating Federal agencies or international organizations pursuant to said agreements, and authority to make such Determinations as may be required by law, except the Determinations specified in section 302(c) paragraphs (11), (12), (13), and (14) of the Federal Property and Administrative Services Act of 1949 as amended (63 Stat. 393, et seq.; 41 U.S.C. 252(c) (11), (12), (13), and (14).

d. The authority redelegated hereunder in subparagraphs (1), (2), (3) and (4) includes the authority to make advance payments under executed contracts and to make the Determinations required under Title III of the Federal Property and Administrative Services Act of 1949 as amended, except the Determinations specified in section 302(c) paragraphs (11), (12), (13) and (14) of said Act (63 Stat. 393, et seq.; 41 U.S.C. 252(c) (11), (12), (13) and (14).

(1) The Manpower Administrator, or officers acting in that capacity, are authorized to procure property and services under existing contracts pursuant to the Manpower Development and Training Act of 1962, and to utilize the provisions of Title III of the Federal Property and Administrative Services Act of 1949, as amended, to procure, without advertising, property and services authorized under the Manpower Development and Training Act of 1962 as amended (76 Stat. 23; 42 U.S.C. 2571 et seq.), and to enter into and execute contracts therefor, obligating funds appropriated or allotted for such purposes under the Manpower Development and Training Act of 1962 as amended.

(2) The Administrator, Bureau of Apprenticeship and Training, or officers act-

ing in that capacity, are authorized to

other laws and regulations pertinent

LONG-AND-SHORT HAUL

ing in that capacity, are authorized to procure property and services under existing "On-The-Job Training" contracts, and to utilize the provisions of Title III of the Federal Property and Administrative Services Act of 1949, as amended, to procure, without advertising, property and services authorized for "On-The-Job Training" projects under Title II of the Manpower Development and Training Act of 1962, as amended, and to enter into and execute contracts therefor, and obligate funds appropriated or allotted under said Title II of said Act for such purposes. This authority is further redelegated to such Regional Directors and field employees of the Bureau of Apprenticeship and Training, and for such specified "On-The-Job Training" projects, as shall hereafter be designated by the Administrator of said Bureau, subject to the prior approval of the Administrative Assistant Secretary.

(3) The Administrator, Bureau of Employment Security, or officers acting in that capacity, are authorized to utilize the provisions of Title III of the Federal Property and Administrative Services Act of 1949, as amended, to procure, without advertising, property and services under such projects authorized under Title II of the Manpower Development and Training Act of 1962, as amended, as shall be designated by the Manpower Administrator to be the responsibility of the Bureau of Employment Security, and to enter into and execute contracts therefor, and obligate funds appropriated or allotted under said Title II of said Act for such purposes. This authority is further redelegated to such Regional Administrators of the Bureau of Employment Security as shall hereafter be designated by the Administrator of said Bureau, subject to the prior approval of the Administrative Assistant Secretary.

(4) The Director, Office of Manpower, Automation and Training, or officers acting in that capacity, are authorized to procure property and services contracted for under existing Office of Manpower, Automation and Training contracts, and to utilize the provisions of Title III of the Federal Property and Administrative Services Act of 1949, as amended, to procure, without advertising, property and services authorized under Title I of the Manpower Development and Training Act of 1962, as amended, and authorized under Title II of said Act for such responsibilities thereunder as the Manpower Administrator shall assign to the Director, Office of Manpower, Automation and Training, and to enter into and execute contracts therefor, and obligate funds appropriated or allotted under said Title I and Title II of said Act for such purposes, respectively.

e. All procurements and contracts entered into pursuant to this Order shall be in compliance with the provisions, limitations, and requirements of the applicable authorizing statutes, executive orders, inter-agency and international agreements, appropriation acts, regulations, Secretary's Orders, and prescribed Department policies and procedures pursuant thereto, and internal manpower administration, bureau or office procedures consistent therewith, and with all other laws and regulations pertinent thereto.

f. Unless otherwise authorized by law, the contracting authority redelegated herein shall be exercised and administered pursuant to the provisions of Title III of the Federal Property and Administrative Services Act of 1949 as amended (63 Stat. 393, 41 U.S.C. 251 et seq.), and in accordance with the applicable limitations and requirements of said Act and the policies, procedures, limitations, controls and reporting requirements prescribed by the Administrator, General Services Administration and the Comptroller General of the United States. Such authority shall be exercised and administered under the general direction of the Administrative Assistant Secretary and in accordance with Department of Labor procurement and contract policies and procedures prescribed by him, and internal manpower administration, bureau or office procedures consistent therewith.

4. *Action requirements.* a. Copies of all executed contracts, and modifications and amendments thereto, shall be forwarded to the Office of Administrative Services, Office of the Administrative Assistant Secretary, promptly upon execution of same. These instruments shall be accompanied by signed copies of the Determinations and Findings, statements, and such other requirements and documentation as may be prescribed by applicable law and regulation and Department of Labor policies and procedures.

b. As a general policy, all contracts of the Department are subject to review by the Solicitor. However, in order to avoid unnecessary review, all contracts entered into under the authority of this order, prepared on standard forms or forms previously approved by the Solicitor, are not required to be submitted to the Solicitor for review. If changes or additions are made in the standard forms or forms previously approved by the Solicitor, which may affect the legal obligations arising under the contracts, they shall be submitted to the Solicitor for review.

5. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 2d day of April 1964.

LEO R. WERTS,
Administrative Assistant Secretary.

[F.R. Doc. 64-3605; Filed, Apr. 13, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 9, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38949; *Liquid Caustic Soda from Charleston, W. Va. District Points.* Filed by O. W. South, Jr., agent (No. A4482), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Charleston, Dock, Elk, Owens, South Charleston and South Ruffner, W. Va., to specified points in Georgia and Florida.

Grounds for relief: Market competition.

Tariff: Supplement 130 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-102.

FSA No. 38950: *Liquid Caustic Soda to Port Rayon, Tenn.* Filed by O. W. South, Jr., agent (No. A4483), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Charleston, Dock, Elk, Owens, South Charleston and South Ruffner, W. Va., to Port Rayon, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 130 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-102.

FSA No. 38951: *Liquid Caustic Soda to Pepperell, Ala.* Filed by O. W. South, Jr., agent (No. A4484), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Calvert, Ky., Baton Rouge and North Baton Rouge, and Geismar, La., Charleston and Memphis, Tenn., Charleston, W. Va., and group points, also Saltville, Va., to Pepperell, Ala.

Grounds for relief: Market competition.

Tariffs: Supplement 72 to Southern Freight Association, agent, tariff I.C.C. S-207 and other schedules named in the application.

FSA No. 38952; *Liquid Caustic Soda to Cartersville, Ga.* Filed by O. W. South, Jr., agent (No. A4489), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Acme and Wilmington, N.C., to Cartersville, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 72 to Southern Freight Association, agent, tariff I.C.C. S-207.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-3638; Filed, Apr. 13, 1964; 8:48 a.m.]

[Notice 967]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 9, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66402. By order of April 2, 1964, the Transfer Board approved the transfer to Rodgers Brothers Express, Incorporated, 102 Maryland Ave., Paterson, N.J., of Certificate in No. MC 106702, issued June 28, 1950, to Nathaniel Rodgers, Joseph Rodgers, Samuel Rodgers, and William Rodgers, a partnership, doing business as Rodgers Bros., 102 Maryland Ave., Paterson, N.J., authorizing the transportation of: general commodities, with the usual exceptions including commodities in bulk, between Clifton, Lodi, Garfield, Passaic, Paterson, and Rutherford, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined in M.C.C. 665.

No. MC-FC 66609. By order of April 2, 1964, the Transfer Board approved the transfer to Russell Trumbauer, Warren E. Fluck and William F. Voight, Jr., a partnership, doing business as The Buskirk Company, Easton, Pa., of Certificates in Nos. MC 109494, MC 109494 (Sub No. 1), MC 109494 (Sub No. 5), MC 109494 (Sub No. 7) and MC 109494 (Sub No. 9), issued November 21, 1949, April 24, 1952, September 9, 1955, May 14, 1959, and February 21, 1961, respectively, to Herbert Buskirk, Easton, Pa., authorizing the transportation of: Various knitting machines and accessories therefor, between points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, South Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, Oregon, Connecticut, Michigan, New Hampshire, Ohio, Texas, Vermont, Wisconsin, and West Virginia; Machinery, between Philadelphia, Pa., and Wilmington, Del., and between Philadelphia on the one hand, and, on the other, points in New Jersey within 35 miles of Philadelphia, and, roofing materials from Philadelphia, Pa., to Wilmington, Del. and points in New Jersey within 35 miles of Philadelphia. Albert E. Enoch, 556 Main Street, Bethlehem, Pa., representative for applicants.

No. MC-FC 66658. By order of April 2, 1964, the Transfer Board approved the transfer to Jacob Los and John Vriezen, a partnership, doing business as Los & Vriezen Transfer & Storage, Delavan, Wis., of Certificate in No. MC 106133 issued July 20, 1950, to John S. Welch, doing business as Welch Transfer & Storage Co., Delavan, Wis., authorizing the transportation of household goods, over irregular routes, between points in Racine, Kenosha, and Walworth Counties, Wis., on the one hand, and, on the other, points in Illinois. Los & Vriezen, 360 Bradley Avenue, Delavan, Wisconsin, representative for transferee. John S. Welch, 525 East Washington Street, Delavan, Wisconsin, representative for transferor.

No. MC-FC 66664. By order of April 2, 1964, the Transfer Board approved the transfer to B & W Transport Co., Inc., Austell, Ga., of the operating rights issued by the Commission July 10, 1963, under Permit in No. MC 123989 (Sub No. 2), to James R. Bennett and Francis R. Weyandt, a partnership, doing business as B & W Transport Company, Austell, Ga., authorizing the transportation, over irregular routes, of latex, latex compounds, and materials and supplies used in the compounding, production and distribution thereof, between the plant sites of Southern Latex Corporation at Austell and Dalton, Ga., and Concord, N.C., on the one hand, and, on the other, Cheswold, Del., and points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Tennessee, North Carolina, South Carolina, and Virginia. Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C., attorney for applicants.

No. MC-FC 66679. By order of April 2, 1964, the Transfer Board approved the transfer to Mary O'Pezio, Victor O'Pezio, Joseph O'Pezio, and John O'Pezio, a partnership, doing business as Lawrence O'Pezio & Sons, Bay Shore, N.Y., applicant in No. MC 60505 (Sub No. 2) BOR-99 application filed in the name of Lawrence O'Pezio, Mary O'Pezio, administratrix, Victor O'Pezio, Joseph O'Pezio and John O'Pezio, a partnership, doing business as Lawrence O'Pezio & Sons, Bay Shore, N.Y., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of Section 206 (a)(1) of the Act, supported by New York Certificate No. 2101, as amended, authorizing the transportation of flour, in bags, from the hamlet of Bay Shore (Suffolk County) to all points in Nassau and Suffork Counties; refused, rejected or damaged merchandise of the same description, empty bags, and used pallets in the reverse direction. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, New York, attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-3639; Filed, Apr. 13, 1964; 8:48 a.m.]

[Rev. S.O. 162; Taylor's I.C.C. Order 172]

ILLINOIS CENTRAL RAILROAD

Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Illinois Central Railroad, because of work stoppage and embargo having been issued, is unable to transport traffic routed over and to points on its lines.

It is ordered, That

(a) Rerouting traffic: Because of work stoppage and embargo placed, the Illinois Central Railroad and its connections being unable to transport traffic in accordance with shippers' routing, are hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroad before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p.m., April 8, 1964.

(g) Expiration date: This order shall expire at 11:59 p.m., April 30, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 8, 1964.

INTERSTATE COMMERCE COMMISSION
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-3640; Filed, Apr. 13, 1964; 8:48 a.m.]

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NEW CODIFICATION GUIDE

[January–March 1964]

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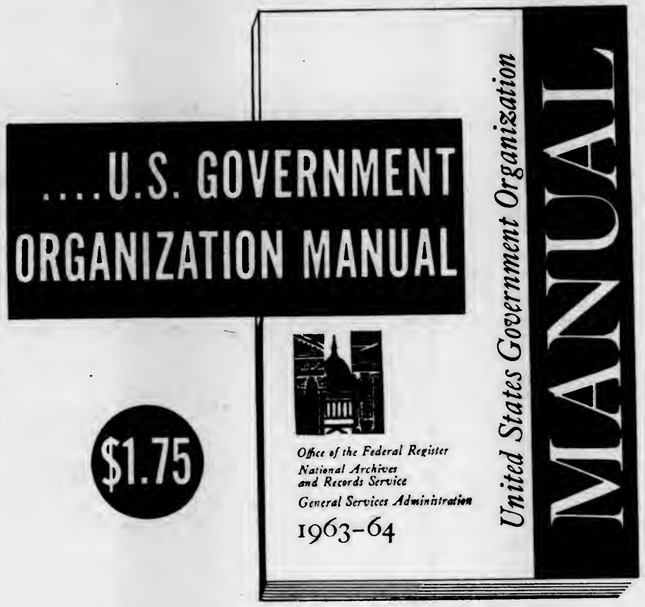
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PART II

FEDERAL REGISTER

VOLUME 29 NUMBER 73

Washington, Tuesday, April 14, 1964

Federal Aviation Agency

Proposed Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes

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Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 3, 23 [New]]

[Reg. Docket No. 4080; Notice 64–17]

AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Agency is considering a proposal to recodify present Part 3 of the Civil Air Regulations into Part 23 [New].

Interested persons are invited to participate in the proposed recodification by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20533. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The object of Part 23 [New] is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and re-arranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of Part 23 [New] to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive changes involving an increased burden on the public have been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587), would apply to the proposed rules. In addition, those definitions in present Part 3 (and not now in Part 1 [New] or executed in proposed Part 23 [New]) that are necessary, will be recodified with the definition of the other airworthiness parts and added to Part 1 [New] prior to the adoption of Part 23 [New].

Proposed Part 21 [New] will contain the procedural requirements for type certification. These requirements, though basically identical, are now repeated in 10 separate airworthiness parts. Proposed Part 23 [New] contains the airworthiness requirements for airplanes to be certificated in the normal, utility, or acrobatic categories.

Proposed FAR § 23.21 [New] requires that all flight requirements be met at the critical combination of airplane weight and center of gravity within the range of loading conditions for which certification (in accordance with proposed Part 21 [New]) is requested. As this general rule applies to all flight tests, it has not been repeated in each test requirement.

Present CAR § 3.109(a)(2) requires that during the demonstration of longitudinal control, it must be possible at all speeds below the best angle of climb speed V_X to pitch the nose downward so that the rate of increase in airspeed is enough for prompt acceleration to V_X with power off and the airplane trimmed at 1.5 V_{S_1} or at the minimum trim speed, whichever is higher. As this is unnecessary to demonstrate longitudinal control, this requirement has been changed to permit the use of the trim speed instead of V_X. In addition, the trim requirements of § 3.112(b) require that a multiengine airplane maintain longitudinal and directional trim . . . "during climbing flight" with the critical engine inoperative and with certain other requirements. This has been changed by deleting the requirement that the airplane be in climbing flight in this demonstration as safe trim characteristics may be demonstrated without such climbing flight.

Present CAR 3 Appendix A, "Simplified Design Load Criteria for Airplanes Having a Design Weight Equal to or Less Than 6,000 Pounds", has been recodified and is Appendix A of proposed Part 23. The figures following CAR § 3.211, containing acceptable values of control surface loadings, have been consolidated and placed in Appendix B of this proposed part. Similarly, the material containing acceptable landing conditions, and the material containing an acceptable method to determine wheel spin-up loads, has been placed in Appendices C and D, respectively, of the proposed part.

When finally adopted, Part 23 [New] will include the substance of any applicable rules or amendments adopted and made effective during the period between the date of notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been theretofore adopted.

In consideration of the foregoing it is proposed to amend Chapter I of Title 14 of the Code of Federal Regulations by deleting Part 3 and adding a Part 23 [New] reading as hereinafter set forth.

This proposal is made under the authority of §§ 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, and 1423).

Issued in Washington, D.C., on March 25, 1964.

N. E. HALABY,
Administrator.

DISTRIBUTION TABLE

Old section	New section
3.0	23.1
3.1	(1)
3.10–3.19	(2)
3.20 (less 2d sentence of (a)(2) and 2d and 3d sentences of (b))	23.3
3.20(a)(2) (2d sentence)	(3)
3.20(b) (2d and 3d sentences)	(4)
3.20–1	23.3
3.20–2 (1st sentence)	23.3
3.20–2 (less 1st sentence)	(5)
3.61	23.21
3.62–3.65	(2)
3.71	23.31
3.71–1	(3)
3.72	23.33
3.72–1	(5)
3.73 (1st sentence)	23.31
3.73 (2d sentence)	23.31
3.73–1	(2)
3.73–2	(5)
3.73–3 (less (b))	(3)
3.73–3(b)	23.31
3.74	23.35
3.75	23.37
3.76	23.39
3.76–1	(5)
3.80	(4)
3.81	23.49
3.82	23.51
3.82–1	23.51
3.83	23.51
3.84	23.61
3.84–1	(2)
3.84–2	23.61
3.84–3	(2)
3.84a	23.63
3.85	23.73
3.85–1	(5)
3.85–2	(4)
3.85–3	23.73
3.85–4 (last sentence)	23.371
3.85–4 (less last sentence)	(2)
3.85–5(a)	(2)
3.85(b) (less (1) and (2))	23.73
3.85–5(b)(1) and (2)	(2)
3.85a	23.75
3.86	23.85
3.86–1	23.85
3.86–2	(5)
3.87	23.87
3.105	23.97
3.106	23.107
3.107	23.109

See footnotes at end of table.

DISTRIBUTION TABLE—Continued

Old section	New section
3.108	23.111
3.109	23.113
3.110	23.115
3.111	23.117
3.112	23.127
3.113	23.137
3.114	23.139
3.115	23.139
3.116	23.141
3.117	23.143
3.118	23.145
3.118–2	(6)
3.120	23.155
3.120–1 (1st sentence)	(6)
3.120–1 (less 1st sentence)	23.155
3.120–2	(5)
3.121	23.157
3.121–1	(5)
3.122	23.159
3.123	23.161
3.124	23.171
3.143	(5)
3.144	23.181
3.145	23.183
3.146	23.185
3.147	23.187
3.150	23.197
3.171	23.217
3.171–1	(4)
3.171–2	(4)
3.172	23.219
3.173	23.221
3.173–1	(5)
3.174	23.223
3.174–1 through 8	(4)
3.181	23.233
3.182	23.233
3.183	23.243
Figure 3–1	23.243
3.184	23.245
3.185	23.247
3.186	23.249
3.187	23.251
3.188	23.253
3.188–1	23.253
3.189	23.255
3.190	23.265
Note following 3.190	23.265
3.190–1	23.265
3.191 and note	23.275
3.191–1	(5)
3.194	23.285
Note following 3.194	23.285
3.195	23.287
3.196	23.289
3.197	23.291
3.211	23.301
Note following 3.211 (including figures 3–3 (a) and (b), and figures 3–4, 3–5(a), 3–5(b), 3–6, 3–7, 3–8, 3–9, 3–10)	(6)
3.211–1	(6)
3.212	23.303
Figure 3–11	23.303
3.212–1	23.303
3.213	23.305
3.214	(6)
3.215 and note	23.315
3.216 and notes	23.317
3.216–1 (including figure 1)	(5)
3.216–2	(5)
3.216–3	(5)
3.216–4 (a) and (b)	23.317
3.216–4 (less (a) and (b))	(5)
3.216–5	(5)
3.216–6	(5)
3.217 (intro. para. and (a))	23.319
3.217 (b) and (c) and note	23.319
3.217–1	(5)
3.218	23.321
3.219 and notes	23.331
3.219–1	(6)
3.220	23.333
3.220–1	(5)
3.221	23.335
3.222 (less (c) and (d))	23.345
3.222 (c) and (d)	(7)

See footnotes at end of table.

DISTRIBUTION TABLE—Continued

Old section	New section
3.223	23.347
3.223–1	(5)
3.224	23.349
3.224–1	(5)
3.225	23.351
3.231	23.357
3.231–1 (1st and 4th sentences)	23.357(b)
3.231–1 (less 1st and 4th sentences)	(5)
3.231–2	23.357
3.231–3	(5)
3.232	23.359
3.233	23.361
3.233–1	23.361
3.234	23.363
3.241	23.369
3.241–1	(5)
3.241–2	(5)
3.242	23.371
3.243	23.373
3.244	23.383
Fig. 3–12(a)	(10)
3.244–1	(5)
3.245	23.385
3.245–1(a)	(8)
3.245–1(b) (before equation)	23.385
3.245–1(b) (equation and following)	(11)
3.245–1(c)	(5)
3.245–2	(5)
Fig. 3–12(b)	(10)
3.246	23.387
3.247	23.389
3.248	23.399
3.249	23.401
3.250	23.411
3.251	23.411
3.252	23.411
3.253	23.421
3.254	23.421
3.255	23.421
3.256	23.421
3.257	23.431
3.257–1	(8)
3.257–2	(5)
3.257–3	(5)
3.265	23.441
3.265–1(a)	23.441
3.265–1(b)	(5)
3.265–2	23.441
3.270	23.451
3.291	23.471
3.292	23.473
3.293	23.475
3.294	23.477
3.295	23.479
3.296	23.481
3.301 and note following	23.491
3.301–1 (less 1st sentence of (b))	23.493
3.301–1 (1st sentence of (b))	(5)
3.201–2	23.495
3.302	23.497
3.303	23.499
3.304	23.501
3.305	23.503
3.306	23.505
3.307	23.507
3.311	23.525
3.311–1	(5)
Discussion of policies (following 3.311–1)	(5)
3.311–2 (less (a))	(5)
3.311–2(a)	23.525
3.317	23.535
3.316	23.537
3.327	23.547
3.328	23.549
3.328–1	(5)
3.329	23.551
3.330	23.553
3.335	23.563
3.336	23.565
3.336–1	(8)
3.337	23.567
3.337–1 through 3	(7)
3.338	23.569
3.338–1	23.571
3.339	23.573
3.340	23.575
3.341	23.577

DISTRIBUTION TABLE—Continued

Old section	New section
3.342	23.579
3.343	23.581
3.344	23.591
3.345	23.593
3.345–1	23.593
3.345–2	(5)
3.345–3	(5)
3.346	23.595
3.347	23.597
3.351	23.607
3.352	23.609
3.352–1	(5)
3.353	23.611
3.354	23.613
3.355	23.615
3.356	23.625
3.356 (less last sentence of (b))	(5)
3.356 (less last sentence of (b))	23.625
3.357	23.627
3.358	23.629
3.359	23.631
Note following 3.359 (less last sentence)	(5)
Note following 3.359 (last sentence)	23.631
3.360	(5)
3.361	23.643
3.362	23.645
3.362–1	23.645
3.362–2	(5)
3.363	23.655
3.364	23.665
3.364–1	(5)
3.371	23.675
3.372	23.677
3.373	23.679
3.381	23.689
3.382	23.693
3.382–1	(5)
3.382–2	(5)
3.383 (incl. note following (b))	23.695
Note following 3.383(d)	(5)
3.383–1	(5)
3.384	23.697
Figure 3–13	23.697
Figure 3–14	23.697
3.385	23.699
3.386	23.709
3.386–1	(5)
3.387	23.711
3.388	23.713
3.388–1 through 3	(5)
3.388–4	(8)
3.389	23.723
3.390	23.725
3.390–1 (intro. para.)	23.725
3.390–2	(5)
3.390–3	(5)
3.392	23.727
3.392–1	(5)
3.393	23.729
3.394 (less parentheses)	(6)
3.394 (parentheses)	(12)
3.395	23.739
3.396	23.741
3.401	23.751
3.411	23.771
3.411–1	23.771
3.415	23.781
3.416	23.783
3.417	23.785
3.418	23.787
3.419	23.789
3.419–1(a) (2d sentence)	23.789
3.419–1(a) (less 2d sentence)	(13)
3.419–1(b) (1st sentence)	23.789
3.419–1(b) (less 1st sentence)	(8)
3.419–1(c)	(5)
3.420	23.791
3.421	23.793
3.422	23.795
3.422–1	(5)
3.422–2 (1st sentence)	23.795
3.422–2 (less 1st sentence)	(5)
3.429	23.805
3.430	23.807
3.431	23.809
3.431–1	(5)
3.433	23.819
3.434	23.821

DISTRIBUTION TABLE—Continued

Old section	New section
3.435	23.823
3.436	23.1093
3.437	23.1095
3.438	23.1097
3.439	23.1099
3.440	23.1101
3.441	23.1103
3.442	23.1105
3.443	23.1107
3.444	23.1109
3.445	23.1111
3.446	23.1113
3.447	23.1115
3.448	23.1117
3.449	23.1119
3.450	23.1121
3.451	23.1123
3.452	23.1125
3.453	23.1127
3.454	23.1129
3.455	23.1131
3.456	23.1133
3.457	23.1135
3.458	23.1137
3.459	23.1139
3.460	23.1141
3.461	23.1143
3.462	23.1145
3.463	23.1147
3.464	23.1149
3.465	23.1151
3.466	23.1153
3.467	23.1155
3.468	23.1157
3.469	23.1159
3.470	23.1161
3.471	23.1163
3.472	23.1165
3.473	23.1167
3.474	23.1169
3.475	23.1171
3.476	23.1173
3.477	23.1175
3.478	23.1177
3.479	23.1179
3.480	23.1181
3.481	23.1183
3.482	23.1185
3.483	23.1187
3.484	23.1189
3.485	23.1191
3.486	23.1193
3.487	23.1195
3.488	23.1197
3.489	23.1199
3.490	23.1201
3.491	23.1203
3.492	23.1205
3.493	23.1207
3.494	23.1209
3.495	23.1211
3.496	23.1213
3.497	23.1215
3.498	23.1217
3.499	23.1219
3.500	23.1221
3.501	23.1223
3.502	23.1225
3.503	23.1227
3.504	23.1229
3.505	23.1231
3.506	23.1233
3.507	23.1235
3.508	23.1237
3.509	23.1239
3.510	23.1241
3.511	23.1243
3.512	23.1245
3.513	23.1247
3.514	23.1249
3.515	23.1251
3.516	23.1253
3.517	23.1255
3.518	23.1257
3.519	23.1259
3.520	23.1261
3.521	23.1263
3.522	23.1265
3.523	23.1267
3.524	23.1269
3.525	23.1271
3.526	23.1273
3.527	23.1275
3.528	23.1277
3.529	23.1279
3.530	23.1281
3.531	23.1283
3.532	23.1285
3.533	23.1287
3.534	23.1289
3.535	23.1291
3.536	23.1293
3.537	23.1295
3.538	23.1297
3.539	23.1299
3.540	23.1301
3.541	23.1303
3.542	23.1305
3.543	23.1307
3.544	23.1309
3.545	23.1311
3.546	23.1313
3.547	23.1315
3.548	23.1317
3.549	23.1319
3.550	23.1321
3.551	23.1323
3.552	23.1325
3.553	23.1327
3.554	23.1329
3.555	23.1331
3.556	23.1333
3.557	23.1335
3.558	23.1337
3.559	23.1339
3.560	23.1341
3.561	23.1343
3.562	23.1345
3.563	23.1347
3.564	23.1349
3.565	23.1351
3.566	23.1353
3.567	23.1355
3.568	23.1357
3.569	23.1359
3.570	23.1361
3.571	23.1363
3.572	23.1365
3.573	23.1367
3.574	23.1369
3.575	23.1371
3.576	23.1373
3.577	23.1375
3.578	23.1377
3.579	23.1379
3.580	23.1381
3.581	23.1383
3.582	23.1385
3.583	23.1387
3.584	23.1389
3.585	23.1391
3.586	23.1393
3.587	23.1395
3.588	23.1397
3.589	23.1399
3.590	23.1401
3.591	23.1403
3.592	23.1405
3.593	23.1407
3.594	23.1409
3.595	23.1411
3.596	23.1413
3.597	23.1415
3.598	23.1417
3.599	23.1419
3.600	23.1421
3.601	23.1423
3.602	23.1425
3.603	23.1427
3.604	23.1429
3.605	23.1431
3.606	23.1433
3.607	23.1435
3.608	23.1437
3.609	23.1439
3.610	23.1441
3.611	23.1443
3.612	23.1445
3.613	23.1447
3.614	23.1449
3.615	23.1451
3.616	23.1453
3.617	23.1455
3.618	23.1457
3.619	23.1459
3.620	23.1461
3.621	23.1463
3.622	23.1465
3.623	23.1467
3.624	23.1469
3.625	23.1471
3.626	23.1473
3.627	23.1475
3.628	23.1477
3.629	23.1479
3.630	23.1481
3.631	23.1483
3.632	23.1485
3.633	23.1487
3.634	23.1489
3.635	23.1491
3.636	23.1493
3.637	23.1495

APPENDIX A—Continued

Old section	New section
Table 2	23.1511
Table 3	23.1513
Table 4	23.1515
Table 5	23.1517
Table 6	23.1519
Table 7	23.1521
Table 8	23.1523
Table 9	23.1525
Table 10	23.1527
Table 11	23.1529
Table 12	23.1531
Table 13	23.1533
Table 14	23.1535
Table 15	23.1537
Table 16	23.1539
Table 17	23.1541
Table 18	23.1543
Table 19	23.1545
Table 20	23.1547
Table 21	23.1549
Table 22	23.1551
Table 23	23.1553
Table 24	23.1555
Table 25	23.1557
Table 26	23.1559
Table 27	23.1561
Table 28	23.1563
Table 29	23.1565
Table 30	23.1567
Table 31	23.1569
Table 32	23.1571
Table 33	23.1573
Table 34	23.1575
Table 35	23.1577
Table 36	23.1579
Table 37	23.1581
Table 38	23.1583
Table 39	23.1585
Table 40	23.1587
Table 41	23.1589
Table 42	23.1591
Table 43	23.1593
Table 44	23.1595
Table 45	23.1597
Table 46	23.1599
Table 47	23.1601
Table 48	23.1603
Table 49	23.1605
Table 50	23.1607
Table 51	23.1609
Table 52	23.1611
Table 53	23.1613
Table 54	23.1615
Table 55	23.1617
Table 56	23.1619
Table 57	23.1621
Table 58	23.1623
Table 59	23.1625
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Table 69	23.1645
Table 70	23.1647
Table 71	23.1649
Table 72	23.1651
Table 73	23.1653
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Table 77	23.1661
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Table 79	23.1665
Table 80	23.1667
Table 81	23.1669
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Table 86	23.1679
Table 87	23.1681
Table 88	23.1683
Table 89	23.1685
Table 90	23.1687
Table 91	23.1689
Table 92	23.1691
Table 93	23.1693
Table 94	23.1695
Table 95	23.1697
Table 96	23.1699
Table 97	23.1701
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Table 128	23.1763
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Table 135	23.1777
Table 136	23.1779
Table 137	23.1781
Table 138	23.1783
Table 139	23.1785
Table 140	23.1787
Table 141	23.1789
Table 142	23.1791
Table 143	23.1793
Table 144	23.1795
Table 145	23.1797
Table 146	23.1799
Table 147	23.1801
Table 148	23.1803
Table 149	23.1805
Table 150	23.1807
Table 151	23.1809
Table 152	23.1811
Table 153	23.1813
Table 154	23.1815
Table 155	23.1817
Table 156	23.1819
Table 157	23.1821
Table 158	23.1823
Table 159	23.1825
Table 160	23.1827
Table 161	23.1829
Table 162	23.1831
Table 163	23.1833
Table 164	23.1835
Table 165	23.1837
Table 166	23.1839
Table 167	23.1841
Table 168	23.1843
Table 169	23.1845
Table 170	23.1847
Table 171	23.1849
Table 172	23.1851
Table 173	23.1853
Table 174	23.1855
Table 175	23.1857
Table 176	23.1859
Table 177	23.1861
Table 178	23.1863
Table 179	23.1865
Table 180	23.1867
Table 181	23.1869
Table 182	23.1871
Table 183	23.1873
Table 184	23.1875
Table 185	23.1877
Table 186	23.1879
Table 187	23.1881
Table 188	23.1883
Table 189	23.1885
Table 190	23.1887
Table 191	23.1889
Table 192	23.1891
Table 193	23.1893
Table 194	23.1895
Table 195	23.1897
Table 196	23.1899
Table 197	23.1901
Table 198	23.1903
Table 199	23.1905
Table 200	23.1907
Table 201	23.1909
Table 202	23.1911
Table 203	23.1913
Table 204	23.1915
Table 205	23.1917
Table 206	23.1919
Table 207	23.1921
Table 208	23.1923
Table 209	23.1925
Table 210	23.1927
Table 211	23.1929
Table 212	23.1931
Table 213	23.1933
Table 214	23.1935
Table 215	23.1937
Table 216	23.1939
Table 217	23.1941
Table 218	23.1943
Table 219	23.1945
Table 220	23.1947
Table 221	23.1949
Table 222	23.1951
Table 223	23.1953
Table 224	23.1955
Table 225	23.1957
Table 226	23.1959
Table 227	23.1961
Table 228	23.1963
Table 229	23.1965
Table 230	23.1967
Table 231	23.1969
Table 232	23.1971
Table 233	23.1973
Table 234	23.1975
Table 235	23.1977
Table 236	23.1979
Table 237	23.1981
Table 238	23.1983
Table 239	23.1985
Table 240	23.1987
Table 241	23.1989
Table 242	23.1991
Table 243	23.1993
Table 244	23.1995
Table 245	23.1997
Table 246	23.1999
Table 247	23.2001
Table 248	23.2003
Table 249	23.2005
Table 250	23.2007
Table 251	23.2009
Table 252	23.2011
Table 253	23.2013
Table 254	23.2015
Table 255	23.2017
Table 256	23.2019
Table 257	23.2021
Table 258	23.2023
Table 259	23.2025
Table 260	23.2027
Table 261	23.2029
Table 262	23.2031
Table 263	23.2033
Table 264	23.2035
Table 265	23.2037
Table 266	23.2039
Table 267	23.2041
Table 268	23.2043
Table 269	23.2045
Table 270	23.2047
Table 271	23.2049
Table 272	23.2051
Table 273	23.2053
Table 274	23.2055
Table 275	23.2057
Table 276	23.2059
Table 277	23.2061
Table 278	23.2063
Table 279	23.2065
Table 280	23.2067
Table 281	23.2069
Table 282	23.2071
Table 283	23.2073
Table 284	23.2075
Table 285	23.2077
Table 286	23.2079
Table 287	23.2081
Table 288	23.2083
Table 289	23.2085
Table 290	23.2087
Table 291	23.2089
Table 292	23.2091
Table 293	23.2093
Table 294	23.2095
Table 295	23.2097
Table 296	23.2099
Table 297	23.2101
Table 298	23.2103
Table 299	23.2105
Table 300	23.2107
Table 301	23.2109
Table 302	23.2111
Table 303	23.2113
Table 304	23.2115
Table 305	23.2117
Table 306	23.2119
Table 307	23.2121
Table 308	23.2123
Table 309	23.2125
Table 310	23.2127
Table 311	23.2129
Table 312	23.2131
Table 313	23.2133
Table 314	23.2135
Table 315	23.2137
Table 316	23.2139
Table 317	23.2141
Table 318	23.2143
Table 319	23.2145
Table 320	23.2147
Table 321	23.2149
Table 322	23.2151
Table 323	23.2153
Table 324	23.2155
Table 325	23.2157
Table 326	23.2159
Table 327	23.2161
Table 328	23.2163
Table 329	23.2165
Table 330	23.2167
Table 331	23.2169
Table 332	23.2171
Table 333	23.2173
Table 334	23.2175
Table 335	23.2177
Table 336	23.2179
Table 337	23.2181
Table 338	23.2183
Table 339	23.2185
Table 340	23.2187
Table 341	23.2189
Table 342	23.2191
Table 343	23.2193
Table 344	23.2195
Table 345	23.2197
Table 346	23.2199
Table 347	23.2201
Table 348	23.2203
Table 349	23.2205
Table 350	23.2207
Table 351	23.2209
Table 352	23.2211
Table 353	23.2213
Table 354	23.2215
Table 355	23.2217
Table 356	23.2219
Table 357	23.2221
Table 358	23.2223
Table 359	23.2225
Table 360	23.2227
Table 361	23.2229
Table 362	23.2231
Table 363	23.2233
Table 364	23.2235
Table 365	23.2237
Table 366	23.2239
Table 367	23.2241
Table 368	23.2243
Table 369	23.2245
Table 370	23.2247
Table 371	23.2249
Table 372	23.2251
Table 373	23.2253
Table 374	23.2255
Table 375	23.2257
Table 376

DISTRIBUTION TABLE—Continued

Old section	New section
3.435	23.823
3.436	23.825
3.437	23.827
3.438	23.829
3.439	23.831
3.440	23.841
3.441	23.843
3.442	23.845
3.442–1	23.845
3.443	23.847
3.444	23.849
3.445	23.851
3.446	23.853
3.447–A	23.855
3.448	23.857
3.449	23.867
3.449–1	23.867
3.550	23.877
3.551	23.879
3.552	23.881
3.553	23.891
3.554	(4)
3.561	23.903
3.561–1(a)	(5)
3.561–1(b)	23.903
3.562	(5)
3.563	23.915
3.564	23.917
3.565	23.919
3.566	23.921
3.567	23.923
3.568	23.925
3.569	23.927
3.570	23.937
3.571	(3)
3.572	23.941
3.573	23.943
3.574	23.945
3.575	23.947
3.576	(3)
3.577	23.951
3.581	23.961
3.582 (less last sentence)	23.971
3.582 (last sentence)	(4)
3.582–1	23.971
3.583	23.973
3.583–1 (1st sentence)	23.973
3.583–1 (less 1st sentence)	(5)
3.584	23.973
3.585	23.973
3.586	23.975
3.587	23.977
3.587–1	(4)
3.588	23.985
3.589	23.987
3.590	23.989
3.591	23.991
3.592	23.993
3.593	23.995
3.594	23.997
3.595	23.999
3.596	(4)
3.605	23.1011
3.606	23.1013
3.606–1	(5)
3.607	23.1015
3.608	23.1017
3.609	23.1019
3.610	23.1021
3.611	23.1023
3.612	23.1025
3.615	23.1085
3.616	23.1087
3.617	23.1039
3.618	23.1041
3.623	23.1051
3.623–1	23.1055
3.624	23.1055
3.625	23.1057
3.627	23.1067
3.628	23.1069
3.629	23.1071
3.630	23.1073
3.631	23.1075
3.632	23.1077
3.633	23.1079
3.634	23.1081
3.635	23.1091

See footnotes at end of table.

DISTRIBUTION TABLE—Continued

Old section	New section
3.636	23.1093
3.637	23.1103
3.638	23.1105
3.651	23.1125
3.652	23.1127
3.652–1	23.1127
3.655	23.1129
3.661	23.1139
3.662	23.1141
3.663	23.1151
3.664	23.1153
3.665	23.1155
3.666	23.1157
3.667	23.1159
3.668	23.1161
3.669	23.1163
3.670	23.1173
3.671	23.1175
3.672	23.1177
3.672–1	23.1177
3.673	23.1179
3.674	23.1181
3.675	23.1183
3.681	23.1193
3.682	23.1203
3.683	23.1205
3.685	23.1207
3.686	23.1209
3.687 and note	23.1219
3.688	23.1221
3.689	23.1223
3.690	23.1233
3.691	23.1235
3.692	23.1237
3.693	23.1247
3.694	23.1249
3.695	23.1251
3.696	23.1261
3.696–1	23.1261
3.697	23.1263
3.698	23.1273
3.699	23.1275
3.700	23.1285
3.700–1	(6)
3.701	23.1287
3.702	23.1289
Figure 3–15	23.1291
Figure 3–16	23.1293
Figure 3–17	23.1295
3.702–1	23.1289
3.702–2	23.1289
3.703	23.1297
3.704	23.1305
3.705	23.1315
Figure 3–18	23.1315
3.705–1 (1st sentence)	23.1315
3.705–1 (less 1st sentence)	23.1317
3.711	23.1327
3.712	23.1329
3.713	(4)
3.714	(4)
3.715	23.1335
3.716	23.1345
3.716–1	(4)
3.717	23.1347
3.718	23.1349
3.721	23.1359
3.721–1	(5)
3.721–2	(5)
3.725	23.1369
3.726	23.1379
3.727	23.1381
3.728	23.1383
3.735	23.1403
3.737	23.1413
3.738	23.1423
3.739	23.1423
3.740	23.1423
3.741	23.1423
3.742	23.1423
3.743	23.1423
3.744	23.1433
3.748	23.1443
3.749	23.1453
3.750	23.1463
3.755	23.1473
3.755–1	(5)
3.755–2	(5)
3.756	23.1483

DISTRIBUTION TABLE—Continued

Old section	New section
3.757	23.1485
3.757–1	(5)
3.758	23.1487
3.759	23.1489
3.759–1	(5)
3.760	23.1491
3.761	23.1493
3.762	23.1503
3.762–1	23.1503
3.763	23.1505
3.764	23.1507
3.765	23.1509
3.766	23.1519
3.767	23.1521
3.768	23.1523
3.769	23.1525
3.770	23.1527
3.771	23.1529
3.772	23.1531
3.777	23.1541
3.777–1	(5)
3.777–2 through 4	(7)
3.778	23.1543
3.779	23.1545
3.780	(14)
3.780–2	(5)
3.780–3(a) (1st sentence)	23.1547
3.780–3(a) (less 1st sentence)	(5)
3.780–3(b) (1st sentence)	23.1547
3.780–3(b) (less 1st sentence)	(5)
3.791–3.792	(15)

APPENDIX A

Old section	New section
1.0	23.217
1.1 (less last sentence)	A23.1
1.1 (last sentence)	(5)
1.2 (1st and 2d sentences)	23.217
1.2 (less 1st and 2d sentences)	(5)
2.1	(5)
2.2	(5)
2.30	(5)
2.31	(5)
2.32	(5)
2.33	(5)
2.4	(5)
3.1 (intro. para.)	A23.1
3.1 (less intro. para.)	A23.3
4.0	A23.5
5.1 (1st sentence)	A23.7
5.1 (2d sentence)	A23.7
5.10	A23.7
5.11	A23.7
5.12	A23.7
5.2 (less 3d sentence)	A23.7
5.2 (3d sentence)	(5)
5.3	A23.7
5.4	A23.7
6.1	A23.9
6.20	A23.9
6.201	A23.9
6.202	A23.9
6.203	A23.9
6.21	A23.9
6.3	A23.9
6.30	A23.9
6.31	A23.9
6.32 (1st and 2d sentences)	A23.9
6.32 (3d sentence to end)	A23.9
6.4	A23.9
6.40	A23.9
6.41	A23.9
6.42	A23.9
7.1	A23.11
7.2	A23.11
7.30	A23.11
7.31	A23.11
7.4	A23.11
7.5	A23.11
8.10	A23.13
8.101	A23.13
8.102	A23.13
8.11	A23.13
8.2	A23.13
8.3	A23.13
8.4	A23.13
Figure 4	(16)
Figure 5	(16)
Table 1	(16)

APPENDIX A—Continued

Old section	New section
Table 2	(16)
Figure 6	(16)
Figure 7	(16)
Figure 8	(16)
Figure 9	(16)
Appendix B	(17)
Appendix C	(17)
Appendix D:	
SR–392D	(12)
SR–425C	(2)

[1] Executed or transferred to Part 1 [New].
[2] Transferred to proposed Part 21.
[3] Surplusage.
[4] Obsolete.
[5] Not a rule.
[6] Executed.
[7] Not rules.
[8] Surplusage or not rules.
[9] Appendix B.
[10] Appendix C.
[11] Appendix D.
[12] Precedes 23.739.
[13] Surplusage or not a rule.
[14] 23.1547 (less (d)).
[15] Transferred to proposed Part 45.
[16] (Follow A23.13).
[17] Nonregulatory.
[18] Leave as is.

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Subpart A—General

Sec.
23.1 Applicability.
23.3 Airplane categories.

Subpart B—Flight Requirements

GENERAL

23.21 Proof of compliance.

WEIGHT RANGE AND CENTER OF GRAVITY

23.31 Weight and balance.
23.33 Use of ballast.
23.35 Maximum certificated weight.
23.37 Minimum certificated weight.
23.39 Recording of loading instructions in the airplane flight manual.

PERFORMANCE REQUIREMENTS

GENERAL

23.49 Performance.
23.51 Stalling speed.

TAKEOFF

23.61 Takeoff requirements for airplanes of more than 6,000 pounds maximum weight.
23.63 Takeoff requirements for airplanes of 6,000 pounds or less maximum weight.

CLIMB

23.73 Climb requirements for airplanes of more than 6,000 pounds maximum weight.
23.75 Climb requirements for airplanes of 6,000 pounds or less maximum weight.

LANDING

23.85 Landing requirements for airplanes of more than 6,000 pounds maximum weight.
23.87 Landing requirements for airplanes of 6,000 pounds or less maximum weight.

FLIGHT CHARACTERISTICS

23.97 Flight characteristic requirements.

CONTROLLABILITY

23.107 General.
23.109 Approved acrobatic maneuvers for utility category airplanes.
23.111 Acrobatic maneuvers for acrobatic category airplanes.
23.113 Longitudinal control.
23.115 Lateral and directional control.
23.117 Minimum control speed.

TRIM

23.127 Trim requirements.

STABILITY

23.137 Stability.
23.139 Static longitudinal stability.
23.141 Instrumented stick force measurements.
23.143 Dynamic longitudinal stability.
23.145 Directional and lateral stability.

STALLS

23.155 Stalling demonstration.
23.157 Climbing stalls.
23.159 Turning flight stalls.
23.161 One-engine inoperative stalls.

SPINNING

23.171 Spinning.

GROUND AND WATER CHARACTERISTICS

23.181 Longitudinal stability and control.
23.183 Directional stability and control.
23.185 Shock absorption.
23.187 Spray characteristics for seaplanes.

VIBRATION AND BUFFETING

23.197 Vibration and buffeting.

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23.217 Loads.
23.219 Factor of safety.
23.221 Strength and deformation.
23.223 Proof of structure.

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23.233 Flight loads.

SYMMETRICAL FLIGHT CONDITIONS (FLAPS RETRACTED)

23.243 General.
23.245 Design airspeeds
23.247 Maneuvering envelope.
23.249 Limit maneuvering load factors.
23.251 Gust envelope.
23.253 Gust load factors.
23.255 Airplane equilibrium.

FLAPS EXTENDED FLIGHT CONDITIONS

23.265 Flaps extended flight conditions.

UNSYMMETRICAL FLIGHT CONDITIONS

23.275 Unsymmetrical flight conditions.

SUPPLEMENTARY CONDITIONS

23.285 Special conditions for rear lift truss.
23.287 Engine torque effects.
23.289 Side load on engine mount.
23.291 Pressurized cabin loads.

CONTROL SURFACE LOADS

23.301 Control surface loads.
23.303 Pilot effort effects.
23.305 Trim tab effects.

HORIZONTAL TAIL SURFACES

23.315 Balancing loads.
23.317 Maneuvering loads.
23.319 Gust loads.
23.321 Unsymmetrical loads.

VERTICAL TAIL SURFACES

23.331 Maneuvering loads.
23.333 Gust loads.
23.335 Outboard fins.

AILERONS, WING FLAPS, TABS, AND SPECIAL DEVICES

23.345 Ailerons.
23.347 Wing flaps.
23.349 Tabs.
23.351 Special devices.

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23.357 Primary flight controls and systems.
23.359 Dual controls.
23.361 Ground gust conditions.
23.363 Secondary controls and systems.

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23.369 Ground loads.
23.371 Design landing weight.
23.373 Load factor for landing conditions.

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23.385 Level landing.
23.387 Tail down landing.
23.389 One wheel landing.

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23.399 Braked roll.
23.401 Side load.

TAIL WHEELS

23.411 Supplementary conditions for tail wheels.

NOSE WHEELS

23.421 Supplementary conditions for nose wheels.

SKIPLANES

23.431 Supplementary conditions for skiplanes.

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23.441 Water load conditions.

FATIGUE EVALUATION

23.451 Pressurized cabins.

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23.471 General.
23.473 Materials and workmanship.
23.475 Fabrication methods.
23.477 Standard fastenings.
23.479 Protection against deterioration.
23.481 Inspection provisions.

STRUCTURAL PARTS

23.491 Material strength properties and design values.
23.493 Design properties.
23.495 Interchangeability of seam-welded and seamless steel tubing.
23.497 Special factors.
23.499 Variability factor.
23.501 Casting factors.
23.503 Bearing factor.
23.505 Pitting factor.
23.507 Fatigue strength.

FLUTTER AND VIBRATION

23.525 Flutter and vibration prevention measures.

WINGS

23.535 Proof of strength.
23.537 Rib tests.

CONTROL SURFACES (FIXED AND MOVABLE)

23.547 Proof of strength.
23.549 Installation.
23.551 Hinges.
23.553 Mass balance weights.

CONTROL SYSTEMS

23.563 General.
23.565 Primary flight controls.
23.567 Trimming controls.
23.569 Wing flap controls.
23.571 Wing flap position indicators.
23.573 Flap interconnection.
23.575 Stops.
23.577 Control system locks.
23.579 Proof of strength.
23.581 Operation test.

CONTROL SYSTEM DETAILS

23.591 General.
23.593 Cable systems.

Sec.
23.595 Joints.

OPERATION

Sec.
23.1023 Induction system ducts.

TYPES OF OPERATION

(3) Acrobatic category, for each air-

Sec.
23.595 Joints.
23.597 Spring devices.

LANDING GEAR

SHOCK ABSORBERS

23.607 Tests.
23.609 Shock absorption tests.
23.611 Limit drop tests.
23.613 Limit load factor determination.
23.615 Reserve energy absorption drop tests.

RETRACTING MECHANISM

23.625 General.
23.627 Emergency operation.
23.629 Operation test.
23.631 Position indicator and warning device.

WHEELS AND TIRES

23.643 Wheels.
23.645 Tires.

BRAKES

23.655 Brakes.

SKIS

23.665 Skis.

HULLS AND FLOATS

23.675 Seaplane main floats.
23.677 Hulls of boat type seaplanes and amphibians.
23.679 Auxiliary floats.

FUSELAGE

PILOT COMPARTMENT

23.689 General.
23.693 Pilot vision and view.
23.695 Windshields, windows, and canopies.
23.697 Cockpit controls.
23.699 Instruments and markings.

EMERGENCY PROVISIONS

23.709 Protection.
23.711 Emergency exits.
23.713 Fire precautions.

PERSONNEL AND CARGO ACCOMMODATIONS

23.723 Doors.
23.725 Seats and berths.
23.727 Cargo compartments.
23.729 Ventilation.

PRESSURIZED CABINS

23.739 Pressure control.
23.741 Pressurization tests.

MISCELLANEOUS

23.751 Leveling marks.

Subpart E—Powerplant

GENERAL

23.771 Components.

ENGINES AND PROPELLERS

23.781 Engines.
23.783 Propellers.
23.785 Propeller vibration.
23.787 Propeller pitch and speed limitations.
23.789 Speed limitations for propellers that cannot be controlled in flight.
23.791 Speed and pitch limitations for controllable pitch propellers without constant speed controls.
23.793 Variable pitch propellers with constant speed controls.
23.795 Propeller clearance.

FUEL SYSTEM

23.805 General.

ARRANGEMENT

23.807 Fuel system arrangement.
23.809 Multiengine fuel system arrangement.

OPERATION

23.819 Fuel flow rate.
23.821 Fuel flow rate for gravity systems.
23.823 Fuel flow rate for pump systems.
23.825 Fuel flow rate for auxiliary fuel systems and fuel transfer systems.
23.827 Determination of unusable fuel supply and fuel system operation on low fuel.
23.829 Fuel system hot weather operation.
23.831 Flow between interconnected tanks.

FUEL TANKS

23.841 General.
23.843 Fuel tank tests.
23.845 Fuel tank installation.
23.847 Fuel tank expansion space.
23.849 Fuel tank sump.
23.851 Fuel tank filler connection.
23.853 Fuel tank vents and carburetor vapor vents.
23.855 Fuel tank vents for acrobatic category airplanes.
23.857 Fuel tank outlet.

FUEL PUMPS

23.867 Fuel pump and pump installation.

LINES, FITTINGS, AND ACCESSORIES

23.877 Fuel system lines and fittings.
23.879 Fuel valves.
23.881 Fuel strainer.

DRAINS

23.891 Fuel system drains.

OIL SYSTEM

23.903 Oil system.

OIL TANKS

23.915 Oil tanks.
23.917 Oil tank tests.
23.919 Oil tank installation.
23.921 Oil tank expansion space.
23.923 Oil tank filler connection.
23.925 Oil tank vent.
23.927 Oil tank outlet.

LINES, FITTINGS, AND ACCESSORIES

23.937 Oil system lines, fittings, and accessories.
23.941 Oil radiators.
23.943 Oil filters.
23.945 Oil system drains.
23.947 Engine breather lines.
23.951 Propeller feathering system.

COOLING

23.961 General

TESTS

23.971 Cooling tests.
23.973 Temperature corrections and assumptions.
23.975 Cooling test procedures for single-engine airplanes.
23.977 Cooling test procedures for multiengine airplanes.

LIQUID COOLING SYSTEMS

23.985 Independent systems.
23.987 Coolant tank.
23.989 Coolant tank tests.
23.991 Coolant tank installation.
23.993 Coolant tank filler connection.
23.995 Coolant system lines and fittings.
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AUTHORITY: The provision of this Part 23 issued under 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, and 1423.

Subpart A—General

§ 23.1 Applicability.

This part prescribes airworthiness requirements for issuing type certificates and changes to those certificates, for small airplanes. Each person who applies under Part 21 [New] for a type certificate or a change to a type certificate must show that the airplane concerned meets the applicable requirements of this part.

[Revision note: based on § 3.0]

§ 23.3 Airplane categories.

(a) The Administrator designates the following airplane categories:

(1) Normal category, for each airplane intended for nonacrobatic operation. Nonacrobatic operation includes all maneuvers incident to normal flying, stalls (except whip stalls), and turns in which the angle of bank is not great than 60 degrees.

(2) Utility category, for each airplane intended for limited acrobatic operation. Limited acrobatic operation includes all maneuvers incident to normal flying, stalls (except whip stalls), spins (if approved for the particular type of aircraft), lazy eights, chandelles, and steep turns in which the angle of bank is greater than 60 degrees.

(3) Acrobatic category, for each airplane intended for use without restrictions other than those shown to be necessary as a result of required flight tests.

(b) The Administrator may certificate an airplane under the requirements of a single category, or in more than one category, if all the requirements of each desired category are met.

[Revision note: Combines §§ 3.20 (less 2d sentence of (a)(2), (b) (2d and 3d sentences)), 3.20–1, and 3.20–2 (1st sentence)]

Subpart B—Flight Requirements

GENERAL

§ 23.21 Proof of compliance.

(a) Each applicant must show, by flight or other tests (or by calculations based upon tests if calculated results are substantially equal in accuracy to results obtainable by direct testing), that the airplane meets the requirements of this subpart.

(b) The airplane must meet the requirements of this subpart at the critical combination of airplane weight and center of gravity within the range of loading conditions for which certification is requested. This requires a systematic investigation of all probable weight and center of gravity combinations unless compliance is reasonably inferable from those actually investigated.

[Revision note: Based on § 3.61]

WEIGHT RANGE AND CENTER OF GRAVITY

§ 23.31 Weight and balance.

(a) Each applicant must establish ranges of weights and centers of gravity within which the airplane may be safely operated. If low fuel adversely affects balance or stability, the airplane must be tested under conditions simulating those that would exist when the amount of usable fuel on board does not exceed one gallon for each 12 maximum continuous horsepower of the engine or engines.

(b) The empty weight (and the corresponding center of gravity) includes all—

(1) Fixed ballast;

(2) Unusable fuel;

(3) Undrainable oil (all oil remaining in the airplane while in the ground attitude after drainage from all oil drains);

(4) Engine coolant; and

(5) Hydraulic fluid.

(c) The weight and the location of each item of equipment that is installed when the airplane is weighed must be recorded in the airplane flight manual.

[Revision note: Combines §§ 3.71, 3.73, and 3.73–3(b)]

§ 23.33 Use of ballast.

Removable ballast may be used in the airplane to comply with the flight requirements of this part, if—

(a) The place for carrying ballast is properly designed and installed, and is marked in accordance with § 23.1519; and

(b) The airplane flight manual includes instructions for the proper placement of the removable ballast under all

loading conditions for which removable

which the airplane is controllable (ex-

(c) The takeoff within the distance

loading conditions for which removable ballast is necessary.

[Revision note: Based on § 3.72]

§ 23.35 Maximum certificated weight.

(a) The maximum certificated weight for airplanes may not exceed—

(1) The selected weight;

(2) The proven design weight (except as provided in § 23.371 for multiengine airplanes); or

(3) The maximum weight at which compliance with all of the applicable flight requirements of this part is demonstrated.

(b) Assuming a weight of 170 pounds for each occupant of each seat for normal category airplanes, and 190 pounds for utility and acrobatic category airplanes (except if otherwise placarded), the maximum certificated weight for any airplane may not be less than its weight with—

(1) All seats occupied, oil to full tank capacity, and at least enough fuel for one-half hour of operation at rated maximum continuous power; or

(2) The required minimum crew, and fuel and oil to full tank capacity.

[Revision note: Based on § 3.74]

§ 23.37 Minimum certificated weight.

The minimum certificated weight for airplanes may not exceed the sum of—

(a) The empty weight of the airplane as defined in § 23.31(b);

(b) The total weight of the required minimum crew (assuming a weight of 170 pounds for each crewmember);

(c) The weight of the oil at full tank capacity; and

(d) The weight of no more than the quantity of fuel required for one-half hour of operation at rated maximum continuous power.

[Revision note: Based on § 3.75]

§ 23.39 Recording of loading instructions in the airplane flight manual.

Loading instructions must be recorded in the airplane flight manual if the center of gravity under any possible loading condition between the maximum certificated weight (determined in accordance with § 23.35) and the minimum certificated weight (determined in accordance with § 23.37) is outside of—

(a) The extremes selected by the applicant;

(b) The extremes within which the structure is proven; or

(c) The extremes within which compliance with all functional requirements is demonstrated.

[Revision note: Based on § 3.76]

PERFORMANCE REQUIREMENTS

GENERAL

§ 23.49 Performance.

Each applicant must show that the airplane meets the performance requirements of this part (corrected for standard atmosphere and still air).

[Revision note: Based on § 3.81]

§ 23.51 Stalling speed.

(a) V_{S_0} is the stalling speed, if obtainable, or the minimum steady speed at which the airplane is controllable (expressed in miles per hour calibrated airspeed), with—

(1) Engine(s) idling, throttle(s) closed (or at not more than sufficient power for zero thrust at 110 percent of the stalling speed);

(2) Propeller(s) in the takeoff position;

(3) Landing gear extended;

(4) Wing flaps in the landing position;

(5) Cowl flaps closed;

(6) The center of gravity in the most unfavorable position within the allowable landing range; and

(7) The weight of the airplane equal to the weight in connection with which V_{S_0} is being used to determine compliance with a required performance standard.

(b) V_{S_0} at maximum certificated weight may not exceed 70 miles per hour for—

(1) Single engine airplanes; and

(2) Multiengine airplanes that cannot meet the minimum rate of climb specified in § 23.75(b) with the critical engine inoperative.

(c) V_{S_1} is the stalling speed, if obtainable, or the minimum steady speed at which the airplane is controllable (expressed in miles per hour calibrated airspeed), with—

(1) Engine(s) idling, throttle(s) closed (or at not more than sufficient power for zero thrust at 110 percent of the stalling speed);

(2) Propeller(s) in the takeoff position;

(3) All systems (such as flaps and landing gear) in the particular condition existing in the particular test in connection with which V_{S_1} is being used; and

(4) The weight of the airplane equal to the weight in connection with which V_{S_1} is being used as a factor to determine compliance with a required performance standard.

(d) V_{S_0} and V_{S_1} must be determined by flight tests, using the procedure specified in § 23.155.

[Revision note: Combines §§ 3.82, 3.82–1, and 3.83]

TAKEOFF

§ 23.61 Takeoff requirements for airplanes of more than 6,000 pounds maximum weight.

(a) The distance required to take off and climb over a 50-foot obstacle must be determined with—

(1) The engine(s) operating within approved limitations; and

(2) The cowl flaps in the position normally used for takeoff.

Upon reaching a height of 50 feet above the takeoff surface level, the airplane must have attained a speed of not less than 1.3 V_{S_1} unless a lower speed of not less than V_X plus 5 can be shown to be safe under all conditions, including turbulence and complete engine failure.

(b) The starting point for measuring seaplane takeoff distances may be the point at which it has attained a speed of not more than three miles per hour.

(c) The takeoff within the distance determined in accordance with paragraph (a) of this section may not require exceptional piloting skill or exceptionally favorable conditions.

(d) The distance obtained in accordance with paragraph (a) of this section, the type of surface from which the takeoff was made, and the pertinent information with respect to cowl flap position, use of flight-path control devices, and use of the landing gear retraction system, must be recorded in the airplane flight manual.

[Revision note: Combines §§ 3.84 and 3.84–2]

§ 23.63 Takeoff requirements for airplanes of 6,000 pounds or less maximum weight.

(a) Safe takeoff may not require exceptional piloting skill.

(b) The airplane, with takeoff power applied, must have sufficient elevator control—

(1) For a tail-wheel type airplane, to maintain, at a speed equal to 0.8 V_{S_1}, an attitude that will allow holding the airplane on the runway until a safe takeoff speed is attained; and

(2) For a nose-wheel type airplane to raise the nose-wheel clear of the takeoff surface at a speed equal to 0.85 V_{S_1}.

[Revision note: Based on § 3.84a]

CLIMB

§ 23.73 Climb requirements for airplanes of more than 6,000 pounds maximum weight.

(a) The airplane must have a steady rate of climb at sea level of at least 300 feet per minute and a steady angle of climb of at least 1:12 for land planes or 1:15 for seaplanes with—

(1) Not more than maximum continuous power on each engine;

(2) The landing gear retracted;

(3) The wing flaps in the takeoff position; and

(4) The cowl flaps in the position used in the cooling tests required by §§ 23.961 through 23.999.

(b) For an airplane with an engine or engines for which the takeoff and maximum continuous power ratings are identical and that has fixed-pitch, two-position, or similar propellers, a lower propeller pitch setting than that permitted by § 23.789 may be used to obtain rated engine r.p.m. at the best angle-of-climb speed if—

(1) The airplane shows marginal performance (such as when it can meet the rate of climb requirements of paragraph (a) of this section but has difficulty in meeting the angle of climb requirements of paragraph (a) or (d)); and

(2) Acceptable engine cooling is shown at the lower speed associated with the best angle of climb.

(c) A multiengine airplane must be able to maintain a steady rate of climb of at least 0.02 $V_{S_0}^2$ (in feet per minute) at an altitude of 5,000 feet with—

(1) The critical engine inoperative;

(2) The remaining engine(s) operating at not more than maximum continuous power;

(3) The inoperative propeller in the minimum drag position;

(4) The landing gear retracted;

(5) The wing flaps in the most favorable position; and

(6) The cowl flaps in the position used in the cooling tests required by §§ 23.961 through 23.999.

(d) For a balked landing, the airplane must be able to maintain a steady angle of climb at sea level of at least 1:30 with—

(1) Takeoff power on all engines;

(2) The landing gear extended; and

(3) The wing flaps in landing position, except that, if the flaps may safely be retracted in two seconds or less without loss of altitude and without requiring sudden changes of angle of attack or an exceptional degree of piloting skill, they may be retracted.

[Revision note: Combines §§ 3.85, 3.85–3, and 3.85–5(b) (less (1) and (2))]

§ 23.75 Climb requirements for airplanes of 6,000 pounds or less maximum weight.

(a) The airplane must have a steady rate of climb at sea level of 300 feet per minute, or 10 times V_{S_1} (expressed in feet per minute), whichever is greater, with—

(1) Takeoff power applied;

(2) The landing gear extended;

(3) The wing flaps in the takeoff position; and

(4) The cowl flaps in the position used in the cooling tests required by §§ 23.961 through 23.999.

(b) A multiengine airplane with a stalling speed V_{S_0} of more than 70 miles per hour must be able to maintain a steady rate of climb of at least 0.02 $V_{S_0}^2$ (in feet per minute), at an altitude of 5,000 feet with—

(1) The critical engine inoperative;

(2) The remaining engine(s) operating at not more than maximum continuous power;

(3) The inoperative propeller in the minimum drag position;

(4) The landing gear retracted;

(5) The wing flaps in the most favorable position; and

(6) The cowl flaps in the position used in the cooling tests required by §§ 23.961 through 23.999.

(c) The steady rate of climb at 5,000 feet for a multiengine airplane with a stalling speed of 70 miles per hour or less must be determined with—

(1) The critical engine inoperative;

(2) The remaining engine(s) operating at not more than maximum continuous power;

(3) The inoperative propeller in the minimum drag position;

(4) The landing gear retracted;

(5) The wing flaps in the most favorable position; and

(6) The cowl flaps in the position used in the cooling tests required by §§ 23.961 through 23.999.

(d) For a balked landing, the airplane must be able to maintain a steady rate of climb at sea level of 200 feet per minute, or five times V_{S_0} (in feet per minute), whichever is greater, with—

(1) Takeoff power on each engine;

(2) The landing gear extended; and

(3) The wing flaps in the landing position, except that, if rapid retraction is possible with safety, without loss of altitude, and without requiring sudden changes of angle of attack or an exceptional degree of piloting skill, they may be retracted.

[Revision note: Based on § 3.85a]

LANDING

§ 23.85 Landing requirements for airplanes of more than 6,000 pounds maximum weight.

(a) The horizontal distance required to land and come to a complete stop (or to a speed of approximately three miles per hour for seaplanes or floatplanes) from a point at a height of 50 feet above the landing surface must be determined. Immediately before reaching this point, the airplane must be maintained in a steady gliding approach with a calibrated airspeed of at least 1.5 V_{S_1}.

(b) The landing within the distance determined in accordance with paragraph (a) of this section may not require exceptional piloting skill or exceptionally favorable conditions. The airplane must be able to be landed without excessive vertical acceleration, and without tending to bounce, nose over, ground loop, porpoise or water loop.

(c) The distance obtained in accordance with paragraph (a) of this section, the kind of surface on which the landing was made, and the pertinent information with respect to flap position and the use of flight-path control devices must be in the airplane flight manual.

(d) Unless approved by the Administrator, reverse thrust may not be used in the determination of the horizontal distance required to land and come to a complete stop.

[Revision note: Combines §§ 3.86 and 3.86–1]

§ 23.87 Landing requirements for airplanes of 6,000 pounds or less maximum weight.

The airplane must be able to be landed safely and come to a stop without exceptional piloting skill and without excessive vertical acceleration, tendency to bounce, nose over, ground loop, porpoise, or water loop.

[Revision note: Based on § 3.87]

FLIGHT CHARACTERISTICS

§ 23.97 Flight characteristic requirements.

Each applicant must show that the airplane meets the requirements of §§ 23.107 through 23.171 at all normally expected operating altitudes, under all critical loading conditions within the center of gravity range and, unless otherwise specified, at the maximum weight for which certification is requested.

[Revision note: Based on § 3.105]

CONTROLLABILITY

§ 23.107 General.

(a) The airplane must be satisfactorily controllable and maneuverable during takeoff, climb, level flight, dive, and landing with or without power. It must be possible to make a smooth transition from one flight condition to another (including turns and slips) without an exceptional degree of skill, alertness or strength on the part of the pilot, and without danger of exceeding the limit load factor, under all conditions of operation probable for the type (including, for multiengine airplanes, those conditions normally encountered in the event of sudden failure of any engine).

(b) If, during the testing required by paragraph (a) of this section, the Administrator finds that marginal conditions exist with regard to the strength required of the pilot, quantitative testing must show that the "strength of pilots" limits do not exceed the limits prescribed in the following table:

Values in pounds of pressure	Pitch	Roll	Yaw
(a) For temporary application:			
Stick	60	30	150
Wheel (applied to rim)	75	60	150
(b) For prolonged application	10	5	20

[Revision note: Based on § 3.106]

§ 23.109 Approved acrobatic maneuvers for utility category airplanes.

Each utility category airplane must be able to safely perform all acrobatic maneuvers for which certification is requested. Safe entry speeds for these maneuvers must be determined.

[Revision note: Based on § 3.107]

§ 23.111 Acrobatic maneuvers for acrobatic category airplanes.

Each acrobatic category airplane must be able to safely perform all maneuvers for which certification is requested. Safe entry speeds for these maneuvers must be determined.

[Revision note: Based on § 3.108]

§ 23.113 Longitudinal control.

(a) It must be possible, at all speeds below the trim speed, to pitch the nose of the airplane downward so that the rate of increase in airspeed allows prompt acceleration to the trim speed with—

(1) Maximum continuous power on each engine and the airplane trimmed for V_X;

(2) Power off and the airplane trimmed for 1.5 V_{S_1} or for the minimum trim speed, whichever is higher; and

(3) Wing flaps and landing gear (i) retracted, and (ii) extended.

(b) It must be shown that, with the landing gear extended, no change in trim control or exertion of more control force than can be readily applied with one hand for a short period of time is required for any of the following maneuvers:

(1) With power off, flaps retracted, and the airplane trimmed for 1.5 V_{S_1}, or for the minimum trim speed, whichever is higher, extend the flaps as rapidly as possible while maintaining the airspeed at approximately 40 percent above the instantaneous value of the stalling speed.

(2) Repeat subparagraph (1) except initially extend the flaps and then retract them as rapidly as possible.

(3) Repeat subparagraph (2) except

(1) The critical engine inoperative;

landing gear and wing flaps extended,

(iv) The airplane trimmed for 1.9 V_{S_1}

(2) The static lateral stability, as

6,000 lbs. maximum weight, or with 90

(3) Repeat subparagraph (2) except with maximum continuous power.

(4) With power off, flaps retracted, and the airplane trimmed for 1.5 V_{S_1}, or for the minimum trim speed, whichever is higher, apply takeoff power quickly while maintaining the same airspeed.

(5) Repeat subparagraph (4), except with the flaps extended.

(6) With power off, flaps extended, and the airplane trimmed for 1.5 V_{S_1}, or for the minimum trim speed, whichever is higher, obtain and maintain any airspeed between 1.1 V_{S_1} and either 1.7 V_{S_1} or V_F, whichever is lower.

(c) It must be possible, without exceptional piloting skill, to maintain approximately level flight when flap retraction from any position is made during steady horizontal flight at 1.1 V_{S_1} with simultaneous application of not more than maximum continuous power.

(d) It must be possible, with a pilot control force of not more than 10 pounds, to maintain a speed of not more than 1.5 V_{S_1} during a power-off glide with landing gear and wing flaps extended, and with—

(1) The most forward center of gravity approved at the maximum weight; and

(2) The most forward center of gravity approved at any weight.

(e) It must be possible, by using all normal flight and power controls except the primary longitudinal control, to control the descent of the airplane to a zero rate of descent and to an attitude suitable for a controlled landing, without exceptional skill, alertness, or strength on the part of the pilot, and without exceeding the operational and structural limitations of the airplane.

[Revision note: Based on § 3.109]

§ 23.115 Lateral and directional control.

(a) For each multiengine airplane, it must be possible to make turns with 15 degrees of bank both towards and away from an inoperative engine, from a steady climb at 1.4 V_{S_1} or V_Y for the condition with—

(1) The remaining engine(s) at not more than maximum continuous power;

(2) The rearmost allowable center of gravity;

(3) The landing gear (i) retracted, and (ii) extended;

(4) The wing flaps in the most favorable climb position;

(5) The maximum certificated weight; and

(6) The inoperative propeller in its minimum drag condition.

(b) For each multiengine airplane, it must be possible, while holding the wings level laterally within five degrees, to execute sudden changes in heading in both directions without encountering dangerous characteristics. This must be demonstrated at 1.4 V_{S_1} or V_Y with heading changes up to 15 degrees (except that the heading change at which the rudder force corresponds to the limits specified in § 23.107 need not be exceeded), with—

(1) The critical engine inoperative;

(2) The remaining engine(s) at maximum continuous power;

(3) The landing gear (i) retracted, and (ii) extended;

(4) The wing flaps in the most favorable climb position;

(5) The inoperative propeller in its minimum drag condition; and

(6) The center of gravity at its rearmost allowable position.

[Revision note: Based on § 3.110]

§ 23.117 Minimum control speed.

(a) The minimum speed must be determined at which, when any one engine is suddenly made inoperative, it is possible to recover control of the airplane with that engine still inoperative and maintain straight flight, either with zero yaw, or, at the option of the applicant, with an angle of bank of not more than five degrees. This speed V_{MC} may not exceed 1.2 V_{S_1} with—

(1) Takeoff or maximum available power on all engines;

(2) The rearmost allowable center of gravity;

(3) The flaps in the takeoff position; and

(4) The landing gear retracted.

(b) The rudder forces required to maintain V_{MC} may not exceed the limitations set forth in § 23.107, nor may it be necessary to throttle the remaining engine or engines. During recovery, the airplane may not assume any dangerous attitude nor require exceptional skill, alertness or strength on the part of the pilot, to prevent a change of heading in excess of 20 degrees.

[Revision note: Based on § 3.111]

TRIM

§ 23.127 Trim requirements.

(a) After being trimmed, and without further pressure upon or movement of either the primary controls or their corresponding trim controls by the pilot or the automatic pilot, the airplane must maintain—

(1) Lateral and directional trim in level flight at a speed of 0.9 V_H or V_O, whichever is lower, with the landing gear and wing flaps retracted; and

(2) Longitudinal trim in—

(i) A climb with maximum continuous power at a speed between V_X and 1.4 V_{S_1}, with the landing gear and wing flaps retracted;

(ii) A climb with maximum continuous power at a speed between V_X and 1.4 V_{S_1}, with the landing gear retracted and the wing flaps in the takeoff position;

(iii) A power approach at 1.5 V_{S_1}, with a three degree angle of descent, the landing gear extended, and the wing flaps retracted;

(iv) A power approach at 1.5 V_{S_1}, with a three degree angle of descent, the landing gear and wing flaps extended, and the most forward center of gravity approved for the maximum weight;

(v) A power approach at 1.5 V_{S_1}, with a three degree angle of descent, the landing gear and wing flaps extended, and the most forward center of gravity approved for any weight; and

(vi) Level flight at any speed from 0.9 V_H to V_X or 1.4 V_{S_1}, with landing gear and wing flaps retracted.

(b) In addition to the requirements of paragraph (a) of this section, each multiengine airplane must maintain longitudinal and directional trim at a speed between V_Y and 1.4 V_{S_1}, with—

(1) The critical engine inoperative;

(2) The remaining engine(s) at maximum continuous power;

(3) The landing gear retracted;

(4) The wing flaps retracted; and

(5) An angle of bank of not more than five degrees.

[Revision note: Based on § 3.112]

STABILITY

§ 23.137 Stability.

The airplane must be longitudinally, directionally, and laterally stable in accordance with §§ 23.139 through 23.145. In addition, the airplane must show suitable stability and control "feel" (static stability) in all conditions normally encountered in service, if flight tests show that kind of stability is necessary for safe operation.

[Revision note: Based on § 3.113]

§ 23.139 Static longitudinal stability.

(a) Under the conditions specified in paragraph (b) of this section, and with the airplane trimmed as indicated, the elevator control forces and the friction within the control system must be designed in accordance with the following:

(1) A pull must be required to obtain and maintain speeds below the specified trim speed and a push required to obtain and maintain speeds above the specified trim speed. This must be shown at any speed that can be obtained without excessive control force, except speeds greater than the appropriate maximum allowable speed or less than the minimum speed for steady unstalled flight.

(2) The airspeed must return to within plus or minus 10 percent of the original trim speed when the control force is slowly released at any speed within the speed range specified in subparagraph (1) of this paragraph.

(3) The stable slope of the stick forces versus speed curve, throughout the speed ranges specified in paragraph (b) of this section, must make any substantial change in speed clearly perceptible to the pilot through resulting changes in stick forces.

(b) Compliance with the static longitudinal stability requirements of paragraph (a) of this section must be shown under the following conditions:

(1) *Approach at all speeds between 1.1 V_{S_1} and 1.8 V_{S_1}.* Under this condition the stick force curve must have a stable slope and the stick force may not exceed 40 pounds with—

(i) The wing flaps in the landing position;

(ii) The landing gear extended;

(iii) The maximum certificated weight; and

(iv) The airplane trimmed for 1.9 V_{S_1} with sufficient power to maintain a three degree angle of descent.

(2) *Climb at all speeds between 1.2 V_{S_1} and 1.6 V_{S_1}.* Under this condition the stick force curve must have a stable slope with—

(i) The wing flaps retracted;

(ii) The landing gear retracted;

(iii) The maximum certificated weight;

(iv) 75 percent of maximum continuous power; and

(v) The airplane trimmed at 1.4 V_{S_1}.

(3) *Cruising at all speeds between 1.3 V_{S_1} and the maximum allowable speed.* Under this condition the stick force curve must have a stable slope at all speeds obtainable with a stick force not exceeding 40 pounds, with—

(i) The landing gear retracted;

(ii) The wing flaps retracted;

(iii) The maximum certificated weight;

(iv) 75 percent of maximum continuous power; and

(v) The airplane trimmed for level flight.

(4) The same condition as that in subparagraph (3), except with the landing gear extended and without exceeding level flight trim speed.

[Revision note: Combines §§ 3.114 and 3.115]

§ 23.141 Instrumented stick force measurements.

Instrumented stick force measurements must be made unless changes in speed are clearly reflected by changes in stick forces and the maximum forces obtained in complying with § 23.139 are not excessive.

[Revision note: Based on § 3.116]

§ 23.143 Dynamic longitudinal stability.

Any short period oscillation occurring between the stalling speed and the maximum allowable speed must be heavily damped with the primary controls (1), free and (2), in a fixed position.

[Revision note: Based on § 3.117]

§ 23.145 Directional and lateral stability.

(a) *Three-control airplanes.* The stability requirements for three-control airplanes are as follows:

(1) The static directional stability, as shown by the tendency to recover from a skid with the rudder free, must be positive for all landing gear and flap positions appropriate to the takeoff, climb, cruise, and approach, configurations. This must be shown with symmetrical power up to maximum continuous power, and at all speeds from 1.2 V_{S_1} up to the maximum allowable speed for the condition being investigated. The angle of skid for these tests must be appropriate to the type of airplane. At greater angles of skid up to that at which full rudder is employed or a control force limit contained in § 23.107 is obtained, whichever occurs first, and at speeds from 1.2 V_{S_1} to V_A, the rudder pedal force must not reverse.

(2) The static lateral stability, as shown by the tendency to raise the low wing in a slip, must be positive for all landing gear and flap positions. This must be shown with symmetrical power up to 75 percent of maximum continuous power at all speeds above 1.2 V_{S_1}, up to the maximum allowable speed for the configuration being investigated. The static lateral stability may not be negative at a speed of 1.2 V_{S_1}. The angle of slip for these tests must be appropriate to the type of airplane but in no case may the slip angle be less than that obtainable with 10 degrees of bank.

(3) In straight, steady slips at a speed of 1.2 V_{S_1} for all landing gear and flap positions, and for all symmetrical power conditions up to 50 percent of maximum continuous power, the aileron and rudder control movements and forces must increase steadily (but not necessarily in constant proportion) as the angle of slip is increased up to the maximum appropriate to the type of airplane. At greater rudder angles up to the angle at which the full rudder or aileron control is used or a control force limit contained in § 23.107 is obtained, the rudder pedal force may not reverse. Sufficient bank must accompany slipping to hold a constant heading. Rapid entry into, or recovery from, a maximum slip may not result in uncontrollable flight characteristics.

(4) Any short period oscillation, occurring between stalling speed and the maximum permissible speed, must be heavily damped with the primary controls (i) free and (ii) in a fixed position.

(b) *Two-control (or simplified control) airplanes.* The stability requirements for two-control airplanes are as follows:

(1) The directional stability of the airplane must be demonstrated by showing that, in all configurations, it can be rapidly rolled from a 45 degree bank in one direction to a 45 degree bank in the opposite direction without showing dangerous skid characteristics.

(2) The lateral stability of the airplane must be demonstrated by showing that it will not assume a dangerous attitude or speed when all controls are abandoned for two minutes. This demonstration must be made in moderately smooth air with the airplane trimmed for straight level flight at 0.9 V_H or V_O, whichever is lower, with flaps and landing gear retracted, and with a rearward center of gravity.

(3) Any short period oscillation occurring between the stalling speed and the maximum allowable speed must be heavily damped with the primary controls (i) free and (ii) in a fixed position.

[Revision note: Based on § 3.118]

STALLS

§ 23.155 Stalling demonstration.

(a) Stalls must be demonstrated with—

(1) Power off; and

(2) A power setting of not less than that required to show compliance with § 23.73(a) for an airplane of more than 6,000 lbs. maximum weight, or with 90 percent of maximum continuous power for an airplane of 6,000 lbs. or less maximum weight.

(b) In either condition required by paragraph (a) of this section, it must be possible to comply with the applicable requirements of this section with flaps and landing gear in any position.

(c) For an airplane with independently controlled rolling and directional controls, it must be possible to produce and to correct roll by unreversed use of the rolling control and to produce and correct yaw by unreversed use of the directional control, up to the time the airplane pitches in the maneuver prescribed by paragraph (h) of this section.

(d) For an airplane with or without interconnected rolling and directional controls, it must be possible to produce and to correct roll by unreversed use of the rolling control without producing excessive yaw, up to the time the airplane pitches in the maneuver prescribed by paragraph (h) of this section.

(e) During the recovery portion of the maneuver prescribed by paragraph (h) of this section, it must be possible to prevent more than 15 degrees of roll or yaw by the normal use of the controls.

(f) Any loss of altitude greater than 100 feet, or any pitch greater than 30 degrees below flight level, occurring during the recovery portion of the maneuver prescribed by paragraph (h) of this section must be recorded in the airplane flight manual.

(g) A clear and distinctive stall warning must precede the stalling of the airplane, with the flaps and the landing gear in any position, both in straight and in turning flight. The stall warning must begin at a speed exceeding the stalling speed by not less than five and not more than 10 miles per hour, and must continue until the stall occurs.

(h) The following procedure must be used to show compliance with paragraphs (c) through (g) of this section:

(1) With the trim controls adjusted for straight flight at 1.5 V_{S_1}, or at the minimum trim speed, whichever is higher, reduce the speed by means of the elevator control until the speed is slightly above the stalling speed.

(2) Pull back the elevator control so that the rate of speed reduction will not exceed one mile per hour per second until a stall is produced, as shown by an uncontrollable downward pitching motion of the airplane, or until the control reaches the stop. Normal use of the elevator control for recovery is allowed after the pitching motion has unmistakeably developed.

(i) Except where made inapplicable by the special features of a particular type of airplane, the following procedure must be used to measure loss of altitude during a stall:

(1) The approach to the stall must be made as prescribed in paragraph (h) of this section.

(2) The loss of altitude encountered in the stall (power on or power off) is the change in altitude (as observed on the sensitive altimeter testing installation) between the altitude at which the

airplane pitches and the altitude at

(1) Produce and correct roll by un-

(1) A maximum weight five percent

airplane pitches and the altitude at which horizontal flight is regained.

(3) Power used during the recovery portions of a stall maneuver may, at the discretion of the inspector, be that which would likely be used by a pilot under normal operating conditions when executing this particular maneuver. However, the power used to regain level flight may not be applied until the airplane has regained flying control at a speed of approximately 1.2 V_{S_1}. During investigation of stalls with the critical engine inoperative, the power may be reduced on the operating engine or engines before reapplying power for the purpose of regaining level flight.

[Revision note: Combines §§ 3.120 and 3.120–1 (less 1st sentence)]

§ 23.157 Climbing stalls.

It must be possible, when stalled from an excessive climb attitude, to recover without exceeding airspeed or acceleration limits.

[Revision note: Based on § 3.121]

§ 23.159 Turning flight stalls.

(a) When stalled during a coordinated turn with 30 degrees of bank, 75 percent maximum continuous power on each engine, and flaps and landing gear retracted, it must be possible to regain normal level flight without excessive loss of altitude or uncontrollable rolling or spinning tendencies.

(b) The following maneuver must be used to show compliance with paragraph (a) of this section. Establish a steady, curvilinear, level, coordinated turn in a 30 degree bank and, while maintaining the 30 degree bank, stall the airplane by steadily and progressively tightening the turn with the elevator control until the airplane is stalled, or until the elevator has reached its stop. When the stall has fully developed, regain level flight with normal use of the controls.

[Revision note: Based on § 3.122]

§ 23.161 One-engine inoperative stalls.

(a) A multiengine airplane must have stall characteristics which preclude unintentional spin entry. These characteristics must be shown by performing the maneuver prescribed in paragraph (b) of this section, at the lowest practical altitude, with—

(1) The critical engine inoperative and its propeller in the normal inoperative position;

(2) Landing gear extended, with the flaps (i) retracted and (ii) extended; and

(3) The remaining engine(s) operating at full throttle or maximum continuous power.

(b) The following maneuver must be used to show that unintentional spin entry is impossible. Establish a steady, curvilinear turn and, while maintaining a 15 degree bank (1), toward and (2) away from the inoperative engine, steadily increase the angle of attack with the elevator control until an uncontrollable downward pitching motion of the airplane occurs. In performing this maneuver, it must be possible to—

(1) Produce and correct roll by unreversed use of the lateral control until the airplane stalls; and

(2) Recover immediately to full flight control with wings level, from the stalled condition, by normal use of the controls, reducing power on the operating engine or engines if desired, without the airplane exceeding a 60 degree angle of bank.

(c) The loss of altitude (as measured from the altitude at which the airplane starts to pitch uncontrollably to the altitude at which level flight is regained and the pitch angle must be recorded in the airplane flight manual.

[Revision note: Based on § 3.123]

SPINNING

§ 23.171 Spinning.

(a) *Normal category airplanes.* A single-engine, normal category airplane must be able to recover from a one-turn spin in not more than one additional turn, with the controls used in the manner normally used for recovery. For both the flaps-retracted and flaps-extended conditions, the applicable airspeed limit and positive limit maneuvering load factor may not be exceeded. For the flaps-extended condition, the flaps may be retracted during recovery. In addition, there may be no excessive back pressure during the spin or recovery. It may not be possible to obtain uncontrollable spins with any possible use of the controls. Each normal category airplane, regardless of weight, must be placarded against spins unless it is shown to be "characteristically incapable of spinning", in which case it must be so designated.

(b) *Utility category airplanes.* A utility category airplane must conform to either all of the requirements of paragraph (a) of this section or all of the requirements of paragraph (c) of this section.

(c) *Acrobatic category airplanes.* An acrobatic category airplane must be able to spin at least six turns, and must be able to conform to the following requirements:

(1) The airplane must recover from any point in a spin, not exceeding six turns with flaps retracted and one turn with flaps extended, in not more than one and one-half additional turns after normal recovery application of the controls.

(2) For both the flaps-retracted and flaps-extended conditions, the applicable airspeed limit and positive limit maneuvering load factor may not be exceeded. For the flaps-extended condition, the flaps may be retracted during recovery, if a placard is installed prohibiting intentional spins with flaps extended.

(3) It may not be possible to obtain uncontrollable spins with any use of the controls.

(4) A placard listing the use of the controls required to recover from spinning maneuvers must be in the cockpit of the airplane.

(d) If the applicant desires to designate an airplane as a type "characteristically incapable of spinning", he must show this characteristic with—

(1) A maximum weight five percent greater than the weight for which approval is requested;

(2) A center of gravity at least three percent aft of the rearmost position for which approval is requested;

(3) An available elevator up-travel four degrees in excess of that to which the elevator travel is to be limited for approval; and

(4) An available rudder travel seven degrees, in both directions, in excess of that to which the rudder travel is to be limited for approval.

[Revision note: Based on § 3.124]

GROUND AND WATER CHARACTERISTICS

§ 23.181 Longitudinal stability and control.

A landplane may not have any uncontrollable tendency to nose over in any reasonably expected operating condition or when rebound occurs during landing or takeoff. Wheel brakes must operate smoothly and may not induce any undue tendency to nose over. A seaplane may not exhibit dangerous or uncontrollable porpoising at any speed at which it is normally operated on the water.

[Revision note: Based on § 3.144]

§ 23.183 Directional stability and control.

(a) There may be no uncontrollable ground or water looping tendency in 90 degree cross winds, up to a velocity equal to 0.2 V_{S_0}, at any speed at which the aircraft may be expected to be operated upon the ground or water.

(b) A landplane must be satisfactorily controllable, without exceptional skill or alertness on the part of the pilot, in power-off landings at normal landing speed, with neither brakes nor engine power used to maintain a straight path.

(c) The airplane must have adequate directional control during taxiing.

[Revision note: Based on § 3.145]

§ 23.185 Shock absorption.

The shock-absorbing mechanism may not damage the structure of the airplane when it is taxied on the roughest ground that it is reasonable to expect the airplane to meet in normal operation.

[Revision note: Based on § 3.146]

§ 23.187 Spray characteristics for seaplanes.

Spray may not dangerously obscure the vision of the pilot or pilots or damage the propeller or other parts of a seaplane at any time during taxiing, takeoff, and landing.

[Revision note: Based on § 3.147]

VIBRATION AND BUFFETING

§ 23.197 Vibration and buffeting.

Each part of the airplane must be free from excessive vibration under all speed and power conditions appropriate to the operation of the airplane, up to at least the minimum value permitted for V_D in § 23.245. In addition, there may be no buffeting in any normal flight condition severe enough to interfere with the satisfactory control of the airplane, cause

excessive fatigue to the crew, or result in structural damage.

[Revision note: Based on § 3.180]

Subpart C—Strength Requirements

§ 23.217 Loads.

(a) Strength requirements are specified in terms of—

(1) Limit loads, which are the maximum loads to be expected in service. Unless otherwise specified, all prescribed loads are limit loads.

(2) Ultimate loads, which are limit loads multiplied by prescribed factors of safety.

(b) Unless otherwise provided, the specified air, ground, and water loads must be placed in equilibrium with inertia forces, considering all items of mass in the airplane. Each of these loads must be distributed in a manner conservatively approximating or closely representing actual conditions. If deflections under load would significantly change the distribution of external or internal loads, this redistribution must be taken into account.

(c) Simplified structural design criteria may be used if the Administrator finds that they result in design loads not less than those prescribed in §§ 23.233 through 23.441. For conventional, single-engine airplanes with design weights of 6,000 pounds or less, the design criteria of Appendix A of this part are an approved equivalent of §§ 23.233 through 23.359. If Appendix A is used, the entire Appendix must be substituted for the corresponding sections of this part.

[Revision note: Combines §§ 3.171 and 1.0 of Appendix A]

§ 23.219 Factor of safety.

Unless otherwise specified in this part, a factor of safety of 1.5 must be used.

[Revision note: Based on § 3.172]

§ 23.221 Strength and deformation.

Each structure must be capable of supporting limit loads without suffering detrimental, permanent deformation. At all loads up to limit loads, the deformation must not interfere with the safe operation of the airplane. The structure must be capable of supporting ultimate loads without failure for at least three seconds. However, when proof of strength is demonstrated by dynamic tests simulating actual load conditions, the three-second limit does not apply.

[Revision note: Based on § 3.173]

§ 23.223 Proof of structure.

Each structure must conform to the strength and deformation requirements of § 23.221 for all critical load conditions. Proof of compliance by structural analysis is acceptable only when the structure conforms to types for which experience has shown such methods to be reliable. In all other cases, substantiating load tests are required. Dynamic tests, including structural flight tests, are acceptable if it is shown that the design load conditions have been simulated. Certain parts of the structure must be tested as specified in Subpart D of this part.

[Revision note: Based on § 3.174]

FLIGHT LOADS

§ 23.233 Flight loads.

(a) Flight load factors represent the ratio of the aerodynamic force component (acting normal to the assumed longitudinal axis of the airplane) to the weight of the airplane. A positive flight load factor is an aerodynamic force acting upward, with respect to the airplane.

(b) The airplane must conform to the flight load requirements in this part at critical altitudes within the range in which the airplane may be expected to operate and at all weights between the minimum design weight and the maximum design weight, with any practicable distribution of disposable load within prescribed operating limitations stated in §§ 23.1543 through 23.1547.

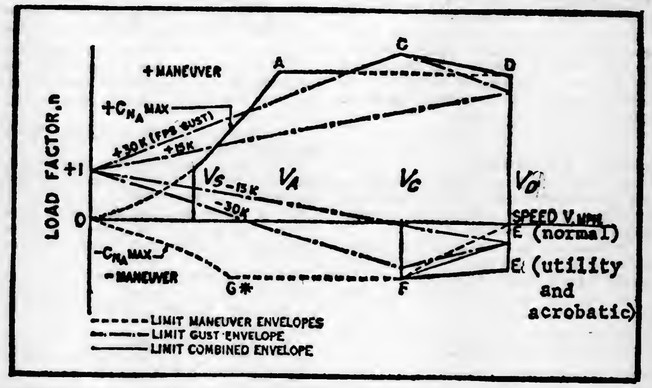
[Revision note: Combines §§ 3.181 and 3.182]

SYMMETRICAL FLIGHT CONDITIONS (FLAPS RETRACTED)

§ 23.243 General.

(a) The strength requirements must be met at all combinations of airspeed and load factor on and within the boundaries of a pertinent V–n diagram (similar to the one in paragraph (b) of this section) that represents the envelope of the flight loading conditions specified by the maneuvering and gust criteria of §§ 23.247 and 23.251, respectively.

(b) V–n diagram (flight envelope).



NOTE: Point G need not be investigated when the supplementary condition specified in § 23.285 is investigated.

[Revision note: Combines § 3.183 and Figure 3–1]

§ 23.245 Design airspeeds.

The selected design airspeeds must be equivalent airspeeds (EAS) of not less than the values derived from the following formulas:

(a) V_C (design cruising speed, m.p.h.)
$=38\sqrt{W/S}$ (for normal and utility category airplanes).
$=42\sqrt{W/S}$ (for acrobatic category airplanes).

For values of W/S greater than 20, the numerical multiplying factors must be decreased linearly with W/S to a value of 33 where $W/S=100$. The required minimum value need not be greater than 0.9 V_H actually obtained at sea level.

(b) V_D (design dive speed)
$=1.40\ V_{C\ min}$ (for normal category airplanes).
$=1.50\ V_{C\ min}$ (for utility category airplanes.
$=1.55\ V_{C\ min}$ (for acrobatic category airplanes).

For values of W/S greater than 20, the numerical multiplying factors must be decreased linearly with W/S to a value of 1.35 at $W/S=100$. $V_{C\ min}$ is the required minimum design cruising speed.

(c) V_A (design maneuvering speed, m.p.h.)
$=V_S\sqrt{n}$

where—

V_S = a computed stalling speed with flaps retracted at the design weight, normally based on the maximum airplane normal force coefficient, C_{N_A}; and

n = limit maneuvering load factor used in design.

The value of V_A need not exceed the value of V_C used in design.

[Revision note: Based on § 3.184]

§ 23.247 Maneuvering envelope.

Except where limited by maximum (static) lift coefficients, the airplane is assumed to be subjected to symmetrical maneuvers resulting in the following limit load factors:

(a) The positive maneuvering load factor specified in § 23.249 at all speeds up to V_D;

(b) The negative maneuvering load factor specified in § 23.249 at speed V_C; and

(c) Factors varying linearly with speed from the specified value at V_C to 0.0 at V_D for the normal category, and −1.0 at V_D for the acrobatic and utility categories.

[Revision note: Based on § 3.185]

§ 23.249 Limit maneuvering load factors.

(a) Positive limit maneuvering load factors may not be less than those derived as follows:

(1) $n=2.1+\frac{24{,}000}{W+10{,}000}$ for normal category airplanes except that n need not be greater than 3.8 nor may it be less than 2.5.

(2) $n=4.4$ for utility category airplanes.

(3) $n=6.0$ for acrobatic category airplanes.

(b) Negative limit maneuverng load factors not less than −0.4 times the positive load factor for the normal and utility categories, and not less than −0.5 times the positive load factor for the acrobatic category, must be used.

(c) Maneuvering load factors lower than those specified in paragraphs (a) and (b) of this section may be used if the airplane has designed features which make it impossible for the airplane to exceed these values in flight.

[Revision note: Based on § 3.166]

§ 23.251 Gust envelope.

(a) Limit loads are considered to be the loads which would result when the airplane encounters the following symmetrical vertical gusts:

(1) Positive (up) and negative (down) gusts of 30 feet per second nominal intensity at all speeds up to V_G.

(2) Positive and negative gusts of 15 feet per second at V_D.

(b) Gust load factors are assumed to vary linearly between V_G and V_D.

[Revision note: Based on § 3.167]

§ 23.253 Gust load factors.

In applying gust load requirements, the slope of the lift curve may be assumed to be that of the wing alone, and the gust load factors must be computed using the following formula:

$$n=1+\frac{KUVm}{575(W/S)}$$

where—

$K=\frac{1}{2}(W/S)^{1/4}$ (for $W/S<16$ p.s.f.);

$K=1.33-\frac{2.67}{(W/S)^{3/4}}$ (for $W/S>16$ p.s.f.);

U = nominal gust velocity, f.p.s. (Note that the "effective sharp-edged gust" equals KU);

V = airplane speed, m.p.h.;

m = slope of lift curve, C_L per radian, corrected for aspect ratio;

W/S = wing loading, p.s.f.

[Revision note: Combines §§ 3.188 and 3.188–1]

§ 23.255 Airplane equilibrium.

(a) The appropriate balancing horizontal tail load must be accounted for in a rational or conservative manner when determining the wing loads and linear inertia loads corresponding to any of the flight conditions specified in §§ 23.243 through 23.253.

(b) The incremental horizontal tail loads due to maneuvering and gusts must be reacted by the angular inertia of the complete airplane in a rational or conservative manner.

[Revision note: Based on § 3.189]

FLAPS EXTENDED FLIGHT CONDITIONS

§ 23.265 Flaps extended flight conditions.

(a) If flaps or other high lift devices (intended for use at the relatively low airspeeds of approach, landing, and takeoff) are installed, the airplane, with the flaps fully deflected at the design flap speed V_F, is assumed to be subjected to symmetrical maneuvers and gusts resulting in limit load factors within the range determined by the conditions specified in subparagraphs (1) and (2) of this paragraph. V_F must be assumed to be not less than 1.4 V_S or 1.8 V_{SF}, whichever is greater, where—

V_S = the computed stalling speed with flaps retracted at the design weight; and

V_{SF} = the computed stalling speed with flaps fully extended at the design weight.

However, if an automatic flap load limiting device is used, the airplane may be designed for the critical combinations of airspeed and flap position allowed by that device.

(1) Maneuvering, to a positive limit load factor of 2.0.

(2) Positive and negative gusts of 15 feet per second acting normal to the flight path in level flight.

(b) In designing the flaps and supporting structures, slipstream effects must be accounted for, as specified in paragraph (b) of § 23.347.

(c) In determining external loads on the airplane as a whole, thrust, slipstream, and pitching acceleration may be assumed to be zero.

(d) The requirements of §§ 23.139 (b) (1), 23.347, and this section, may be complied with separately or in combination.

[Revision note: Combines §§ 3.190, 3.190 (Note), and 3.190–1]

UNSYMMETRICAL FLIGHT CONDITIONS

§ 23.275 Unsymmetrical flight conditions.

Unbalanced aerodynamic moments about the center of gravity must be reacted in a rational or conservative manner, considering the principal masses furnishing the reacting inertia forces. The airplane must meet the following requirements:

(a) *Rolling conditions.* The wing and wing bracing must be designed for the following loading conditions:

(1) Unsymmetrical wing loads appropriate to the airplane category. Unless the Administrator finds that the following values result in unrealistic loads, the rolling accelerations may be obtained by modifying the symmetrical flight conditions in § 23.243(b) as follows:

(i) For acrobatic category airplanes, in conditions A and F, assume that 100 percent of the wing airload acts on one side of the plane of symmetry and 60 percent of this load acts on the other side.

(ii) For normal and utility category airplanes, in condition A, assume that 100 percent of the wing airload acts on one side of the airplane and 70 percent of this load acts on the other side. For airplanes of more than 1,000 pounds design weight, the latter percentage may be increased linearly with weight up to 75 percent at 12,500 pounds.

(2) The loads resulting from the aileron deflections and speeds specified in § 23.345, in combination with an airplane load factor of at least two thirds of the positive maneuvering load factor used for design. Unless the Administrator finds that the following values result in unrealistic loads, the effect of aileron displacement on wing torsion may be accounted for by adding the following increment to the basic airfoil moment coefficient over the aileron portion of the span in the critical condition determined in § 23.243(b):

$\Delta cm=-0.01\delta$

where—

Δcm is the moment coefficient increment; and δ is the down aileron deflection in degrees in the critical condition.

(b) *Yawing conditions.* The airplane must be designed for yawing loads resulting from the loads specified in §§ 23.331 through 23.335, on the vertical tail surfaces.

[Revision note: Based on § 3.191]

SUPPLEMENTARY CONDITIONS

§ 23.285 Special conditions for rear lift truss.

(a) If a rear lift truss is used, it must be designed for conditions of reversed airflow at a design speed of—

$V=10\sqrt{W/S}+10$ (m.p.h.).

(b) Aerodynamic data for the particular wing section used, or a value of C_L equalling −0.8 with a chordwise distribution that is triangular between a peak at the trailing edge and zero at the leading edge, must be used.

[Revision note: Based on § 3.194]

§ 23.287 Engine torque effects.

(a) Each engine mount and its support structure must be designed for the effects of—

(1) The limit torque corresponding to takeoff power and propeller speed acting simultaneously with 75 percent of the limit loads flight condition A;

(2) The limit torque corresponding to maximum continuous power and propeller speed, acting simultaneously with the limit loads from flight condition A; and

(3) The limit torque obtained by multiplying the mean torque by a factor of 1.33 for engines with five or more cylinders, or by factors of 2, 3, or 4 for engines with 4, 3, or 2 cylinders, respectively.

(b) Engine torque effects need not be investigated for any other conditions.

[Revision note: Based on § 3.195]

§ 23.289 Side load on engine mount.

The limit load factor in a lateral direction for the side load on the engine mount must be at least equal to one-third of the limit load factor for flight condition A, but may not be less than 1.33. Each engine mount and its supporting structure must be designed for this side load, which may be assumed to be independent of other flight conditions.

[Revision note: Based on § 3.196]

§ 23.291 Pressurized cabin loads.

In the case of a pressurized compartment, the following requirements must be met:

(a) The airplane structure must be strong enough to withstand the flight loads combined with pressure differential loads from zero up to the maximum relief valve setting. The external pressure distribution in flight must be accounted for. Stress concentrations must be accounted for in the design of the pressurized structure.

(b) If landings with the cabin pressurized are to be allowed, landing loads must be combined with pressure differential loads from zero up to the maximum expected during landing.

(c) The airplane structure must be strong enough to withstand the pressure differential loads corresponding to the maximum relief valve setting multiplied by a factor of 1.33. All other loads may be omitted in this case.

(d) If a pressurized cabin is separated into two or more compartments by bulkheads or a floor, the primary structure must be designed for the effects of sudden release of pressure in any compartment with external doors or windows. This condition must be investigated for the effects of failure of the largest opening in the compartment. The effects of intercompartmental venting may be considered.

[Revision note: Based on § 3.197]

CONTROL SURFACE LOADS

§ 23.301 Control surface loads.

(a) The control surface loads specified in §§ 23.303 through 23.351 are assumed to occur in the symmetrical and unsymmetrical flight conditions described in §§ 23.255 through 23.275.

(b) If allowed by the following sections, the values of control surface loading in Appendix B of this part may be used instead of using particular control surface data, to determine the detailed rational requirements of §§ 23.303 through 23.351, unless the Administrator finds that these values result in unrealistic loads.

[Revision note: Based on § 3.211]

§ 23.303 Pilot effort effects.

(a) *Airloads.* Compliance with the control surface loading requirements of this part must be shown with movable surface airloads and deflections which need not exceed the loads which would result in flight from the application of any pilot load within the ranges specified in paragraph (b) of this section. In applying this criterion, consider the effects of control system boost and servomechanisms, and the effects of tabs. In addition, the automatic pilot effort must be used for design if it alone can produce greater control surface loads than the human pilot.

(b) *Limit pilot loads.*

Control	Maximum loads for design weight W equal to or less than 5,000 pounds [1]	Minimum loads [2]
Aileron:		
Stick	67 pounds	40 pounds.
Wheel [3]	53 D in-pounds [4]	40 D in-pounds. [4]
Elevator:		
Stick	167 pounds	100 pounds.
Wheel	200 pounds	100 pounds.
Rudder	200 pounds	130 pounds.

[1] For design weight (W) greater than 5,000 pounds, the specified maximum values must be increased linearly with weight to 1.18 times the specified values at a design weight of 12,500 pounds.

[2] If the design of any individual set of control systems or surfaces makes these specified minimum loads inapplicable, values corresponding to the pertinent hinge moments obtained in accordance with § 23.361 but not less than 0.6 of the specified minimum loads, may be used.

[3] The critical portions of the aileron control system must also be designed for a single tangential force with a limit value of 1.25 times the couple force determined from the above criteria.

[4] D = wheel diameter.

[Revision note: Combines §§ 3.212, Figure 3–11, and 3.212–1]

§ 23.305 Trim tab effects.

The effects of trim tabs on the control surface design conditions must be considered only where the surface loads are limited by maximum pilot effort. In these cases, the tabs are considered to be deflected in the direction which would assist the pilot. This deflection must correspond to the maximum degree of "out of trim" expected at the speed for the condition under consideration.

[Revision note: Based on § 3.213]

HORIZONTAL TAIL SURFACES

§ 23.315 Balancing loads.

(a) A horizontal tail balancing load is the load that is necessary to maintain equilibrium in any specified flight condition with no pitching acceleration.

(b) Horizontal tail surfaces must be designed for the balancing loads occurring at any point on the limit maneuvering envelope and in the flap conditions specified in § 23.265. The distribution in figure 6 of Appendix B may be used instead of this requirement.

[Revision note: Based on § 3.215 and the note]

§ 23.317 Maneuvering loads.

Each horizontal tail surface must be designed for maneuvering loads imposed by the following conditions:

(a) At maneuvering speed V_A, a sudden deflection of the elevator control to the maximum upward deflection, as limited by the control stops, or pilot effort, whichever is critical. The average loading of B23.11 of Appendix B and the distribution in figure 7 of Appendix B may be used instead of this requirement.

(b) The same as case (a), except for downward elevator deflection. The average loading of B23.11 of Appendix B and the distribution of figure 7 of Appendix B may be used instead of this requirement.

(c) At all speeds above V_A, a sudden upward deflection of the elevator followed by a downward deflection of the elevator, resulting in the following combinations of normal and angular acceleration:

Condition	Normal acceleration (n)	Angular acceleration (radian/sec.^{2})
Down load	1.0	$\frac{+45}{V}n_m(n_m-1.5)$
Up load	n_m	$\frac{-45}{V}n_m(n_m-1.5)$

where—

(1) n_m = positive limit maneuvering load factor used in the design of the airplane; and

(2) V = initial speed in miles per hour.

The conditions in this paragraph involve loads corresponding to the loads that may occur in a "checked maneuver" (a maneuver in which the pitching control is suddenly displaced in one direction and then suddenly moved in the opposite direction), the deflections and timing avoiding exceeding the limit maneuvering load factor. The total tail load for both down and up load conditions is the sum of the balancing tail loads at speed V and the specified value of the normal load factor (n), plus the maneuvering load increment due to the specified value of the angular acceleration. The maneuvering load increment in figure 2 of Appendix B and the distributions in figure 7 (for down loads) and in figure 8 (for up loads) of Appendix B may be used instead of this requirement.

[Revision note: Based on § 3.216 and the notes following § 3.216 (a), (b), and (d)]

§ 23.319 Gust loads.

(a) Each horizontal tail surface must be designed for loads resulting from—

(1) Positive and negative gusts of 30 feet per second nominal intensity at V_C, corresponding to the flight condition specified in § 23.251(a) with flaps retracted; and

(2) Positive and negative gusts of 15 feet per second nominal intensity at speed V_F, corresponding to the flight condition specified in § 23.265(a)(2) with flaps extended and at V_D corresponding with the flight conditions specified in § 23.251(a)(2) with flaps retracted.

(b) The average loadings in figures 3 and 4 of Appendix B and the distribution in figure 8 of Appendix B may be used instead of the requirements of subparagraph (a)(1).

(c) When determining the total load on the horizontal tail for the conditions specified in paragraph (a) of this section, the initial balancing tail loads for steady unaccelerated flight at the pertinent design speeds V_F, V_C, V_D must first be determined. The incremental tail load resulting from the gusts must be added to the initial balancing tail load to obtain the total tail load.

(d) The incremental tail load due to the gust may be computed by the following formula:

$$\Delta t = 0.1 K U V S_t a_t \left[\frac{1-36 a_w}{R_w}\right]$$

where—

Δt = the limit gust load increment on the tail in pounds;
K = gust coefficient K derived from § 23.253;
U = nominal gust intensity in feet per second;
V = airplane speed in miles per hour;
S_t = tail surface area in square feet;
a_t = slope of lift curve of tail surface, C_L per degree, corrected for aspect ratio;
a_w = slope of lift curve of wing, C_L per degree; and
R_w = aspect ratio of the wing.

[Revision note: Based on § 3.217 (and the note following § 3.217(a))]

§ 23.321 Unsymmetrical loads.

The maximum horizontal tail surface loading (load per unit area), as determined in accordance with §§ 23.315 through 23.319, must be applied to the horizontal surfaces on one side of the plane of symmetry and the following percentage of that loading must be applied to the opposite side:

$\% = 100 - 10(n-1)$ where n is the specified positive maneuvering load factor.

This value may not be greater than 80 percent.

[Revision note: Based on § 3.218]

VERTICAL TAIL SURFACES

§ 23.331 Maneuvering loads.

(a) At all speeds up to V_A, the vertical tail surfaces must be designed to withstand the loads from—

(1) A sudden displacement of the rudder control (with the airplane in unaccelerated flight with zero yaw) to the maximum deflection allowed by the control stops or by pilot strength, whichever is critical;

(2) A yaw angle of 15 degrees with the rudder fully deflected (except as limited by pilot strength) in the direction tending to increase the slip; and

(3) A yaw angle of 15 degrees with the rudder control maintained in the neutral position (except as limited by pilot strength).

(b) The average loading of B23.11 and figure 1 of Appendix B and the distribution in figures 7, 6, and 8 of Appendix B may be used instead of the requirements of subparagraphs (a)(1), (a)(2), and (a)(3), respectively.

(c) The yaw angles specified in paragraph (a)(3) of this section may be reduced if the yaw angle chosen for a particular speed cannot be exceeded in—

(1) Steady slip conditions;

(2) Uncoordinated rolls from steep banks; and

(3) Sudden failure of the critical engine with delayed corrective action.

[Revision note: Based on § 3.219 and notes]

§ 23.333 Gust loads.

(a) Vertical tail surfaces must be designed to withstand, in unaccelerated flight at V_C, a gust of 30 feet per second nominal intensity normal to the plane of symmetry.

(b) The gust loading for that part of a vertical tail surface with a well defined leading edge must be computed by the following formula:

$$\bar{w} = \frac{KUVm}{575}$$

where—

$\bar{w}$ = average limit unit pressure in pounds per square foot;
$K = 1.33 - \frac{4.5}{(W/S_v)^{3/4}}$, except that K may not be less than 1.0.

However, a value of K obtained by rational determination may be used;
U = nominal gust intensity in feet per second;
$m = u_1$ airplane speed in miles per hour;
V = slope of lift curve of vertical surface, C_L per radian, corrected for aspect ratio;
W = design weight in pounds; and
S_v = vertical surface area in square feet.

(c) The average loading in figure 5 and the distribution in figure 8 of Appendix B may be used instead of the requirements of this section.

[Revision note: Based on § 3.220]

§ 23.335 Outboard fins.

(a) If outboard fins are on the horizontal tail surface, the tail surfaces must be designed for the maximum horizontal surface load in combination with the corresponding loads induced on the vertical surfaces by endplate effects. These induced effects need not be combined with other vertical surface loads.

(b) If outboard fins extend above and below the horizontal surface, the critical vertical surface loading (the load per unit area as determined in accordance with §§ 23.331 and 23.333) must be applied to—

(1) The part of the vertical surfaces above the horizontal surface with 80 percent of that loading applied to the part below the horizontal surface; and

(2) The part of the vertical surfaces below the horizontal surface with 80 percent of that loading applied to the part above the horizontal surface.

[Revision note: Based on § 3.221]

AILERONS, WING FLAPS, TABS, ETC., AND SPECIAL DEVICES

§ 23.345 Ailerons.

(a) The ailerons must be designed for all loads that they are subjected to while in the neutral position during symmetrical flight conditions.

(b) The ailerons must be designed for all loads that they are subjected to by the following deflections (except as limited by pilot effort) during unsymmetrical flight conditions:

(1) Sudden maximum displacement of the aileron control at speed V_A. Suitable allowance may be made for control system deflections.

(2) Sufficient deflection at V_C, where V_C is greater than V_A, to produce a rate of roll not less than that obtained in subparagraph (1).

(3) Sufficient deflection at V_D to produce a rate of roll not less than one-third of that obtained in subparagraph (1).

(c) The average loading in § 23.11 and figure 1 of Appendix B and the distribution in figure 9 of Appendix B may be used instead of the requirements of this section.

[Revison note: Based on § 3.222 (less (c) and (d))]

§ 23.347 Wing flaps.

(a) The wing flaps, their operating mechanisms, and supporting structures must be designed for critical loads occurring in the flaps-extended flight conditions with the flaps in any position. However, if an automatic flap load limiting device is used, these components may be designed for the critical combinations of airspeed and flap position allowed by that device.

(b) The effects of propeller slipstream, corresponding to takeoff power, must be taken into account at an airplane speed of not less than 1.4 V_S, where V_S is the computed stalling speed with flaps fully retracted at the design weight. For the investigation of slipstream effects, the load factor may be assumed to be 1.0.

[Revision note: Based on § 3.223]

§ 23.349 Tabs.

Control surface tabs must be designed for the most severe combination of airspeed and tab deflection likely to be obtained within the limit V–n diagram for any usable loading condition of the airplane.

[Revision note: Based on § 3.224]

§ 23.351 Special devices.

The loading for special devices employing aerodynamic surfaces, such as slots and spoilers, must be determined from test data.

[Revision note: Based on § 3.225]

CONTROL SYSTEM LOADS

§ 23.357 Primary flight controls and systems.

(a) Each flight control system and its supporting structure must be designed for loads corresponding to at least 125 percent of the computed hinge moments of the movable control surface in the conditions prescribed in §§ 23.301 through 23.351. In addition, the following applies:

(1) The system limit loads need not exceed the greater of the loads which can be produced by the pilot and automatic devices operating the controls. However, autopilot loads need not be added to pilot loads. The system must be designed for the maximum effort of the pilot or autopilot, whichever is greater. In addition, if the pilot and the autopilot act in opposition, the part of the system between them may be designed for the maximum effort of the one that imposes the lesser load.

(2) The design must, in any case, provide a rugged system for service use, considering jamming, ground gusts, taxiing downwind, control inertia, and friction.

(b) A 125 percent factor on computed hinge moments must be used to design elevator, aileron, and rudder systems. A factor as low as 1.0 may be used if hinge moments are based on accurate flight test data. However, the exact reduction depends upon the accuracy and reliability of the data. Acceptable maximum and minimum pilot loads for elevator, aileron, and rudder controls are shown in § 23.303(b). These pilot loads are assumed to act at the appropriate control grips or pads as they would in flight, and to react at the attachments of the control system to the control surface horns.

[Revision note: Combines §§ 3.231, 3.231–1 (1st and 4th sentences), and 3.231–2]

§ 23.359 Dual controls.

If dual controls are installed, the systems must be designed for the pilots operating in opposition, using individual pilot loads equal to 75 percent of those obtained in accordance with § 23.357. Each pilot load may not, however, be less than the minimum load specified in § 23.303(b).

[Revision note: Based on § 3.232]

§ 23.361 Ground gust conditions.

(a) If pilot effort loads less than those specified in the minimum loads column of § 23.303(b) are used for design, the effects of surface loads due to ground gusts and taxiing downwind must be investigated for the entire control system according to the following formula:

$H = KcSq$

where—

H = limit hinge moment (foot-pounds);
c = mean chord of the control surface aft of the hinge line (feet);
S = area of control surface aft of the hinge line (square feet);
q = dynamic pressure (pounds per square foot) based on a design speed not less than $10\sqrt{W/S+10}$ miles per hour, except that the design speed need not exceed 60 miles per hour; and
K = factor as specified below. (In connection with ailerons and elevators, a positive value of K indicates a moment tending to depress the surface while a negative value of K indicates a moment tending to raise the surface.)

Surface	K
(1) Aileron—Control column locked or lashed in mid-position.	+0.75
(2) Aileron—Ailerons at full throw; +moment on one aileron, −moment on the other.	±0.50
(3)(4) Elevator—Elevator (3) full up (−), and (4) full down (+).	±0.75
(5)(6) Rudder—Rudder (5) in neutral, and (6) at full throw.	±0.75

(b) If an investigation of the control system for ground gust loads is not required by paragraph (a) of this section but the applicant elects to design a part of the control system for these loads, the ground gust loads need only be carried from control surface horns through the nearest stops or gust locks and their supporting structures.

[Revision note: Combines §§ 3.233 and 3.233–1]

§ 23.363 Secondary controls and systems.

Secondary controls, such as wheel brakes, spoilers, and tab controls, must

be designed for the loads resulting from the maximum effort that a pilot is likely to apply to those controls.

[Revision note: Based on § 3.234]

GROUND LOADS

§ 23.369 Ground loads.

The loads specified in the following conditions are considered to be external loads and inertia forces that act upon an airplane structure. In each of the specified ground load conditions, the external reactions must be rationally or conservatively placed in equilibrium with the linear and angular inertia forces.

[Revision note: Based on § 3.241]

§ 23.371 Design landing weight.

(a) Except as provided in paragraphs (b) and (c) of this section, the design landing weight may not be less than the maximum weight for which the airplane is to be certificated.

(b) The design landing weight may be as low as 95 percent of the maximum certificated weight if—

(1) The structural limit load values at the maximum certificated weight are not exceeded when the airplane is operated at all speeds up to takeoff speed over terrain as rough as that expected in service;

(2) The minimum fuel capacity is not less than the sum of the capacities prescribed in § 23.841 plus the capacity equal to a fuel weight equal to the difference between the maximum certificated weight and the design landing weight; and

(3) The operating limitations limit the takeoff weight to assure that landing weights in normal operation do not exceed the design landing weight.

(c) The design landing weight of a multiengine airplane may be less than 95 percent of the maximum certificated weight if—

(1) The airplane meets the one-engine-inoperative climb requirements of § 23.73(c) or § 23.75 (b) and (c); and

(2) Instead of the corresponding requirements of this part, compliance is shown with the following requirements of Part 25 [New] (present Part 4b):

(i) The ground load requirements of § ——— (present § 4b.230).

(ii) The landing gear requirements of §§ ——— through ——— (present §§ 4b.331 through 4b.336).

(iii) The fuel jettisoning system requirements of § ——— (present § 4b.437).

(d) The design landing weight may be used only for structural design purposes.

[Revision note: Combines §§ 3.242 and 3.85–4 (last sentence)]

§ 23.373 Load factor for landing conditions.

The applicant must choose the limit vertical inertia load factor at the center of gravity of the airplane for the following landing conditions. However, it may not be less than the value that would be obtained when landing the airplane with a descent velocity (V), in feet per second, equal to 4.4 $(W/S)^{1/4}$, except that the descent velocity need not be more than 10 feet per second and may not be less than seven feet per second. Wing lift not exceeding two-thirds of the weight of the airplane may be assumed to exist throughout the landing impact and to act through the center of gravity. Under these assumptions, the ground reaction load factor may be taken to be equal to the inertia load factor minus the ratio of the above assumed wing lift to the airplane weight. The energy absorption tests (to determine the limit load factor corresponding to the required limit descent velocities) must be made in accordance with § 23.613. However, no inertia load factor used for design purposes may be less than 2.67, nor may the limit ground reaction load factor be less than 2.0, unless it is shown that the lower values of limit load factor will not be exceeded in taxiing the airplane at all speeds up to takeoff speed over terrain as rough as that expected in service.

[Revision note: Based on § 3.243]

LANDING CASES AND ATTITUDES

§ 23.383 General.

(a) For conventional arrangements of main and nose, or main and tail wheels, it is assumed that the airplane contacts the ground at the specified limit vertical velocity in the attitudes described in §§ 23.385 through 23.389.

(b) The conditions in Appendix C conform to §§ 23.385 through 23.389.

[Revision note: Based on § 3.244]

§ 23.385 Level landing.

(a) The airplane is assumed to be in the following attitudes:

(1) For tail wheel type airplanes, a normal level flight attitude.

(2) For nose wheel type airplanes, attitudes in which—

(i) The nose and main wheels contact the ground simultaneously; and

(ii) The main wheels contact the ground and the nose wheel is just clear of the ground. (The same angular attitude as was used in subdivision (i) of this subparagraph may be used in this analysis.)

(b) When investigating landing conditions, the drag components stimulating the forces required to accelerate the tires and wheels up to the landing speed must be properly combined with the corresponding instantaneous vertical ground reactions, assuming wing lift and a tire-sliding coefficient of friction of 0.8. However, the drag loads may not be less than 25 percent of the maximum vertical ground reactions (neglecting wing lift).

(c) In determining the wheel spin-up loads for landing conditions, the method set forth in Appendix D may be used if a more rational method than the use of the arbitrary drag components referred to in § 23.383(b) is desired. However, the 25 percent value for the minimum drag component must be used.

[Revision note: Combines §§ 3.245 and 3.245–1(b) (before equation)]

§ 23.387 Tail down landing.

(a) The airplane is assumed to be in the following attitudes:

(1) For tail wheel type airplanes, an attitude in which the main and tail

wheels contact the ground simultaneously; and

(2) For nose wheel type airplanes, attitudes in which—

(i) The nose and main wheels contact the ground simultaneously; and

(ii) The main wheels contact the ground and the nose wheel is just clear of the ground. (The same angular attitude as was used in subdivision (i) of this subparagraph may be used in this analysis.)

(b) When investigating landing conditions, the drag components stimulating the forces required to accelerate the tires and wheels up to the landing speed must be properly combined with the corresponding instantaneous vertical ground reactions, assuming wing lift and a tire-sliding coefficient of friction of 0.8. However, the drag loads may not be less than 25 percent of the maximum vertical ground reactions (neglecting wing lift).

(c) In determining the wheel spin-up loads for landing conditions, the method set forth in Appendix D may be used if a more rational method than the use of the arbitrary drag components referred to in § 23.383(b) is desired. However, the 25 percent value for the minimum drag component must be used.

[Revision note: Combines §§ 3.245 and 3.245–1(b) (before equation)]

§ 23.387 Tail down landing.

(a) The airplane is assumed to be in the following attitudes:

(1) For tail wheel type airplanes, an attitude in which the main and tail wheels may be assumed to be deflected to their static positions.

(2) For nose wheel type airplanes, attitudes in which—

(i) The nose and main wheels contact the ground simultaneously; and

(ii) The main wheels contact the ground and the nose wheel is just clear of the ground. (The same angular attitude as was used in subdivision (i) of this subparagraph may be used in this analysis.)

(b) When investigating landing conditions, the drag components stimulating the forces required to accelerate the tires and wheels up to the landing speed must be properly combined with the corresponding instantaneous vertical ground reactions, assuming wing lift and a tire-sliding coefficient of friction of 0.8. However, the drag loads may not be less than 25 percent of the maximum vertical ground reactions (neglecting wing lift).

(c) In determining the wheel spin-up loads for landing conditions, the method set forth in Appendix D may be used if a more rational method than the use of the arbitrary drag components referred to in § 23.383(b) is desired. However, the 25 percent value for the minimum drag component must be used.

[Revision note: Combines §§ 3.245 and 3.245–1(b) (before equation)]

§ 23.387 Tail down landing.

(a) The airplane is assumed to be in the following attitudes:

(1) For tail wheel type airplanes, an attitude in which the main and tail

used on bolts subject to rotation during

distributed to other load carrying mem-

(b) Each casting whose failure would

wheels contact the ground simultaneously.

(2) For nose wheel type airplanes, a stalling attitude, or at the maximum angle permitting all parts of the airplane to clear the ground, whichever is lesser.

(b) For both tail and nose wheel type airplanes, all ground reactions must be assumed to be vertical, with the wheels up to speed before the maximum vertical load is attained.

[Revision note: Based on § 3.246]

§ 23.389 One wheel landing.

One side of the main gear is assumed to contact the ground while the airplane is in a level attitude. The ground reactions must be the same as those obtained in accordance with § 23.385 on that side in the level attitude.

[Revision note: Based on § 3.247]

GROUND ROLL CONDITIONS

§ 23.399 Braked roll.

In the braked roll condition, the following applies:

(a) The limit vertical load factor must be 1.33.

(b) The attitudes and ground contacts must be those described in § 23.385 for level landings, with the shock absorbers and tires deflected to their static positions.

(c) A drag reaction equal to the vertical reaction at the wheel multiplied by a coefficient of friction of 0.8 must be applied at the ground contact point of each wheel having brakes, except that the drag reaction need not exceed the maximum value based on limiting brake torque.

[Revision note: Based on § 3.248]

§ 23.401 Side load.

In the side load condition, the following applies:

(a) The airplane must be in a level attitude with only the main wheels contacting the ground and with the shock absorbers and tires deflected to their static positions.

(b) The limit vertical load factor must be 1.33, with the vertical ground reaction divided equally between the main wheels.

(c) The limit side inertia factor must be 0.83, with the side ground reaction divided between the main wheels so that—

(1) 0.5(*W*) is acting inboard on one side; and

(2) 0.33(*W*) is acting outboard on the other side.

[Revision note: Based on § 3.249]

TAIL WHEELS

§ 23.411 Supplementary conditions for tail wheels.

In determining the ground loads on the tail wheel and affected supporting structures, the following conditions must be met:

(a) For the obstruction load, the limit ground reaction obtained in the tail down landing condition must be assumed to act up and aft through the axle at 45 degrees. The shock absorber and tire may be assumed to be deflected to their static positions.

(b) For the side load, a limit vertical ground reaction equal to the static load on the tail wheel, in combination with a side component of equal magnitude, must be assumed. If a swivel is used, the tail wheel must be assumed to be swiveled 90 degrees to the airplane longitudinal axis with the resultant ground load passing through the axle. If a lock steering device or shimmy damper is used, the tail wheel must also be assumed to be in the trailing position with the side load acting at the ground contact point. The shock absorber and tire must be assumed to be deflected to their static positions.

[Revision note: Combines §§ 3.250, 3.251, and 3.252]

NOSE WHEELS

§ 23.421 Supplementary conditions for nose wheels.

In determining the ground loads on nose wheels and affected supporting structures, and assuming that the shock absorbers and tires are deflected to their static positions, the following conditions must be met:

(a) For aft loads, the limit force components at the axle must be—

(1) A vertical component of 2.25 times the static load on the wheel; and

(2) A drag component of 0.8 times the vertical load.

(b) For forward loads, the limit force components at the axle must be—

(1) A vertical component of 2.25 times the static load on the wheel; and

(2) A forward component of 0.4 times the vertical load.

(c) For side loads, the limit force components at ground contact must be—

(1) A vertical component of 2.25 times the static load on the wheel; and

(2) A side component of 0.7 times the vertical load.

[Revision note: Combines §§ 3.253 through 3.256]

SKIPLANES

§ 23.431 Supplementary conditions for skiplanes.

In determining ground loads on skiplanes, and assuming that the airplane is resting on the ground with one main ski frozen at rest and the other main ski and the tail ski free to slide, a limit side force equal to *P*/3 must be applied at the most convenient point near the tail assembly with—

(a) *P* being the static ground reaction on the tail ski; and

(b) A factor of safety equal to 1.0.

[Revision note: Based on § 3.257]

WATER LOADS

§ 23.441 Water load conditions.

(a) The structure of boat and float type seaplanes must be designed for water loads developed during takeoff and landing with the seaplane in any attitude likely to occur in normal operation at appropriate forward and sinking velocities under the most severe sea conditions likely to be encountered. Unless the applicant makes a rational analysis of the water loads, §§ ——— through ——— (present §§ 4b.251 through 4b.258) apply.

(b) Floats certificated under Part 4a before November 9, 1945, may be installed on airplanes that are designed in accordance with this part.

(c) The requirements set forth in ANC–3 may be used instead of those of paragraph (a) of this section.

[Revision note: Combines §§ 3.265, 3.265–1 (a), and 3.265–2]

FATIGUE EVALUATION

§ 23.451 Pressurized cabins.

The strength, detail design, and fabrication of the pressure cabin structure must be evaluated in accordance with either of the following:

(a) Fatigue strength investigation, in which the structure is shown by analysis, tests, or both to be able to withstand the repeated loads of variable magnitude expected in service.

(b) Fail safe strength investigation, in which it is shown by analysis, tests, or both that catastrophic failure of the structure is not probable after fatigue failure or obvious partial failure of a principal structural element, and that the remaining structures are able to withstand a static ultimate load factor of 75 percent of the limit load factor at V_C, considering the combined effects of normal operating pressures, expected external aerodynamic pressures, and flight loads. These loads must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered.

[Revision note: Based on § 3.270]

Subpart D—Design and Construction

§ 23.471 General.

The suitability of all questionable design details or parts that have an important bearing on safety in operations, must be established by tests.

[Revision note: Based on § 3.291]

§ 23.473 Materials and workmanship.

The suitability and durability of materials used in the airplane structure must be established on the basis of experience or tests. The materials used in the airplane structure must conform to approved specifications that insure that they have the strength and other properties assumed in the design data. Workmanship must be of a high standard.

[Revision note: Based on § 3.292]

§ 23.475 Fabrication methods.

The methods of fabrication used must produce consistently sound structures. If a fabrication process (such as gluing, spot welding, or heat-treating) requires close control to attain this objective, the process must be performed in accordance with an approved process specification.

[Revision note: Based on § 3.293]

§ 23.477 Standard fastenings.

Only approved bolts, pins, screws, and rivets may be used in the structure. Approved locking devices and methods must be used for all of those bolts, pins, and screws. No self-locking nuts may be used on bolts subject to rotation during the operation of the airplane.

[Revision note: Based on § 3.294]

§ 23.479 Protection against deterioration.

Each member of the structure must be suitably protected against deterioration or loss of strength in service due to weathering, corrosion, abrasion, or other causes. In seaplanes, special precautions must be taken against corrosion from salt water, particularly where dissimilar metals are in close proximity. Adequate provisions for ventilation and drainage of all parts of the structure must be made.

[Revision note: Based on § 3.295]

§ 23.481 Inspection provisions.

There must be adequate means to permit the close examination of all parts requiring recurring inspection, adjustments for proper alignment and function, and lubrication.

[Revision note: Based on § 3.296]

STRUCTURAL PARTS

§ 23.491 Material strength properties and design values.

(a) Material strength properties must be based on the number of tests of material conforming to specifications necessary to establish design values on a statistical basis. The design values must be chosen so that the probability of any structure being understrength because of material variations is extremely remote.

(b) Values contained in MIL–HDBK–5, "Metallic Materials and Elements for Flight Vehicle Structure", MIL–HDBK–17, "Plastics for Flight Vehicles, Part I—Reinforced Plastics", ANC–17, "Plastics for Aircraft, Part II—Transparent Glazing Materials", ANC–18 "Design of Wood Aircraft Structures", MIL–HDBK–23, "Composite Construction for Flight Vehicles, Part I—Fabrication Inspection Durability and Repair", and ANC–23, "Sandwich Construction for Aircraft, Part II—Material Properties and Design Criteria" must be used unless they are shown to be inapplicable. These manuals may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20401.

[Revision Note: Based on § 3.301 and note]

§ 23.493 Design properties.

(a) Design properties outlined in chapter 3 of MIL–HDBK–5, may be used subject to the following conditions:

(1) Where applied loads are eventually distributed through single members within an assembly, the failure of which would result in the loss of the structural integrity of the component involved, the guaranteed minimum design mechanical properties listed in MIL–HDBK–5 must be met. Examples of these items are: wing lift struts; spars in two-spar wings; sparcaps in regions such as wing cutouts and wing center sections where loads are transmitted through caps only; and primary attachment fittings dependent on single bolts for load transfer.

(2) Redundant structures in which the partial failure of individual elements would result in applied loads being safely distributed to other load carrying members may be designed on the basis of the "90 percent probability" allowable. Examples of these items are sheet-stiffener combinations and multirivet or multiple bolt connections.

(b) Design values greater than the guaranteed minimums required by paragraph (a) of this section may be used if a "premium selection" of the material is made in which a specimen of each individual item is tested before its use, to determine that the actual strength properties of that particular item will equal or exceed those used in design.

(c) Material correction factors for structural items such as sheets, sheet-stringer combinations, and riveted joints, may be omitted if sufficient test data are obtained to allow a probability analysis showing that 90 percent or more of the elements will either equal or exceed selected design allowable values.

[Revision note: Based on § 3.301–1 (less (b) (1st sentence))]

§ 23.495 Interchangeability of seamwelded and seamless steel tubing.

Seam-welded and seamless steel tubing may be interchanged as follows:

(a) SAE 4130 welded tubing conforming to Specification MIL–T–6731 and SAE 4130 seamless tubing conforming to Specification MIL–T–6736.

(b) SAE 1025 welded tubing and SAE 1025 seamless tubing conforming to Specification MIL–T–5066.

(c) SAE 8630 welded tubing conforming to Specification MIL–T–6734 and SAE 8630 seamless tubing conforming to Specification MIL–T–6732.

[Revision note: Based on § 3.301–2]

§ 23.497 Special factors.

If there is uncertainty concerning the actual strength of a part of the structure, or if the strength is likely to deteriorate in service before normal replacement, increased factors of safety must be used to insure that the reliability of that part is not less than that of the rest of the structure as specified in §§ 23.499 through 23.505.

[Revision note: Based on § 3.302]

§ 23.499 Variability factor.

For parts whose strength is subject to appreciable variability due to uncertainties in manufacturing processes and inspection methods, the factor of safety must be increased so that the probability of any part being under-strength from these causes is extremely remote. Minimum variability factors are set forth in §§ 23.501 through 23.505. Only the highest pertinent variability factor need be considered.

[Revision note: Based on § 3.303]

§ 23.501 Casting factors.

(a) For structural castings, the factor of safety prescribed in § 23.219 must be multiplied by the casting factors specified in paragraphs (b) and (c) of this section. The prescribed tests and inspections are in addition to those necessary to establish foundry quality control. Castings must be inspected in accordance with approved specifications.

(b) Each casting whose failure would preclude continued safe flight and landof the airplane, or result in serious injury to occupants, must have a casting factor of at least 1.25 and must receive 100 percent inspection by visual, radiographic, and magnetic particle or penetrant inspection methods, or by approved equivalent nondestructive inspection methods. Where such castings have a casting factor less than 1.50, three sample castings must be static tested. The test castings must conform to the strength requirements of § 23.221 at an ultimate load corresponding to a casting factor of 1.25, and must conform to the deformation requirements at a load equal to 1.15 times the limit load. Examples of these castings are structural attachment fittings, parts of flight control systems, control surface hinges and balance weight attachments, seat, berth, safety belt, and fuel and oil tank supports and attachments, and cabin pressure valves.

(c) For structural castings other than those specified in paragraph (b) of this section, the casting factors and inspections must conform to the following table. However, the percentage of castings inspected by nonvisual methods may be reduced when an approved quality control procedure is established. A casting factor of 1.0 may be used for castings procured in accordance with a specification which guarantees the mechanical properties of the material in the castings and provides for demonstation of these properties by test of coupons cut from castings on a sampling basis. The inspection requirements for these castings must be in accordance with the requirements in the following table for casting factors of 1.25 to 1.50, and the testing requirements must be in accordance with paragraph (b) of this section.

Casting factor	*Inspections*
2.0 or greater	100 percent visual.
Less than 2.0 and greater than 1.5.	100 percent visual, magnetic particle or penetrant or equivalent nondestructive inspection methods.
1.25 to 1.50	100 percent visual, and netic particle or penetrant, and radiographic or approved equivalent nondestructive inspection methods.

(d) No casting factor need exceed 1.25 with regard to bearing stresses regardless of the method of inspection employed. No casting factor need be used with respect to the bearing surface of a part if the bearing factor used is greater than the casting factor.

(e) Unless they support airplane structural loads, this section does not apply to casting that are pressure tested as parts of a hydraulic or fluid system.

[Revision note: Based on § 3.304]

§ 23.503 Bearing factor.

(a) The factor of safety in bearings at bolted or pinned joints must be increased to provide for—

(1) Relative motion in operation; and

(2) Joints with clearance (free fit) subject to pounding or vibration.

(b) No bearing factor need be applied

(f) High lift devices.

abrupt trim tab operation. There must

while the flaps are retracted on one side

have design features or must be dis-

LANDING GEAR

(b) No bearing factor need be applied if other special factors apply.

[Revision note: Based on § 3.305]

§ 23.505 Fitting factor.

A multiplying factor of safety of at least 1.15 must be used in the analysis of all fittings, the strength of which is not proven by limit and ultimate load tests in which actual stress conditions are simulated in the fitting and the surrounding structures. This factor applies to all parts of the fitting, the means of attachment, and the bearing areas of the joined members. For integral fittings, the part must be treated as a fitting up to the point where the section properties become typical of the member. No fitting factor need be applied if a type of joint design, based on comprehensive test data, is used. Examples of these joints are continuous joints in metal plating, welded joints, and scarf joints in wood, all made in accordance with approved practices.

[Revision note: Based on § 3.306]

§ 23.507 Fatigue strength.

The structure must be designated, as far as practicable, to avoid points of stress concentration where variable stresses above the fatigue limit are likely to occur in normal service.

[Revision note: Based on § 3.307]

FLUTTER AND VIBRATION

§ 23.525 Flutter and vibration prevention measures.

(a) The wings, tail, and control surfaces, must be free from flutter, airfoil divergence, and control reversal from lack of rigidity, for all conditions of operation within the limit V–n envelope. In addition—

(1) Adequate wing tortional rigidity must be demonstrated by tests or other approved methods;

(2) The mass balance of surfaces must be designed to prevent flutter; and

(3) The natural frequencies of all main structural components must be determined by vibration tests or other approved methods.

(b) Flight flutter tests are acceptable as proof of freedom from flutter if it is shown by these tests that proper and adequate attempts to induce flutter have been made within the speed range up to V_D, and that the vibratory response of the structure during the test indicates freedom from flutter.

[Revision note: Combines §§ 3.311 and 3.311–2(a)]

WINGS

§ 23.535 Proof of strength.

The strength of stressed-skin wings must be proven by load tests or by combined structural analysis and load tests.

[Revision note: Based on § 3.317]

§ 23.537 Rib tests.

Rib tests must simulate the effects of—

(a) The tortional rigidity of spars;
(b) Fixity conditions;
(c) Lateral supports;
(d) Attachment to spars;
(e) Ailerons; and
(f) High lift devices.

[Revision note: Based on § 3.318]

CONTROL SURFACES (FIXED AND MOVABLE)

§ 23.547 Proof of strength.

Limit load tests of control surfaces are required. These tests must include the horn or fitting to which the control system is attached. Instructural analyses, rigging loads due to wire bracing must be accounted for in a rational or conservative manner.

[Revision note: Based on § 3.327]

§ 23.549 Installation.

Movable tail surfaces must be installed so that there is no interference between the surfaces or their bracing when each surface is held in its extreme position and all others are operated through their full angular movement. If an adjustable stabilizer is used, it must have stops that, in the event of failure of the adjusting mechanism, will limit its travel to a range permitting safe flight and landing.

[Revision note: Based on § 3.328]

§ 23.551 Hinges.

Each control surface hinge, except those incorporating ball and roller bearings, must have a factor of safety of not less than 6.67 with respect to the ultimate bearing strength of the softest material used as a bearing. For hinges incorporating ball or roller bearings, the approved rating of the bearing may not be exceeded. Hinges must have sufficient strength and rigidity for loads parallel to the hinge line.

[Revision note: Based on § 3.329]

§ 23.553 Mass balance weights.

The supporting structure and the attachment of concentrated mass balance weights used on control surfaces must be designed for the following limit acceleration: 24g normal to the plane of the control surface; 12g fore and aft; and 12g parallel to the hinge line.

[Revision note: Based on § 3.330]

CONTROL SYSTEMS

§ 23.563 General.

Each control must operate easily, smoothly, and positive enough to allow proper performance of its functions. Controls must be arranged and identified to provide for convenience in operation and to prevent the possibility of confusion and subsequent inadvertent operation.

[Revision note: Based on § 3.335]

§ 23.565 Primary flight controls.

(a) Primary flight controls are those used by the pilot for the immediate control of pitch, roll, and yaw.

(b) The design of two-control airplanes must minimize the likelihood of complete loss of lateral or directional control in the event of failure of any connecting or transmitting element in the control system.

[Revision note: Based on § 3.336]

§ 23.567 Trimming controls.

(a) Proper precautions must be taken to prevent inadvertent, improper, or abrupt trim tab operation. There must be means adjacent to the trim control to indicate to the pilot the direction of trim control movement relative to airplane motion. In addition, there must be means to indicate to the pilot the position of the trim device with respect to the range of adjustment. This latter means must be visible to the pilot and must be located and designed so as to prevent confusion.

(b) Trimming devices must be designed so that, when any one connecting or transmitting element in the primary flight control system fails, normal trimming operation may be continued with—

(1) For single-engine airplanes, the longitudinal trimming devices; or

(2) For multiengine airplanes, the longitudinal and directional trimming devices.

(c) Tab controls must be irreversible unless the tab is properly balanced and has no unsafe flutter characteristics. Irreversible tab systems must have adequate rigidity and reliability in the portion of the system from the tab to the attachment of the irreversible unit to the airplane structure.

[Revision note: Based on § 3.337]

§ 23.569 Wing flap controls.

Each control must be designed so that, when the flap has been placed in any position upon which compliance with the performance requirements of this part is based, the flap will not move from that position unless the control is adjusted or it is moved by the automatic operation of a flap load limiting device. There must be means to indicate the flap position to the pilot. If any flap position other than retracted or fully extended is used to show compliance with the performance requirements of this part, there must be means to indicate these positions. The rate of movement of the flaps in response to the operation of the pilot's control or automatic device may not result in unsatisfactory flight or performance characteristics under steady or changing conditions of airspeed, engine power, and attitude.

[Revision note: Based on § 3.338]

§ 23.571 Wing flap position indicators.

(a) For flap installations with only the retracted and fully extended positions, an indicator is required unless—

(1) A direct operating mechanism provides a sense of "feel" and position (such as when a mechanical linkage is employed); or

(2) The flap position is readily determined without seriously detracting from other piloting duties under all conditions of flight, either day or night.

(b) For flap installations with intermediate flap positions, an indicator is required unless the installation complies with paragraph (a) (1) of this section.

[Revision note: Based on § 3.338–1]

§ 23.573 Flap interconnection.

(a) The motion of flaps on opposite sides of the plane of symmetry must be synchronized by a mechanical interconnection, unless it is shown that the airplane has safe flight characteristics while the flaps are retracted on one side and extended on the other.

(b) Where an interconnection is used in multiengine airplanes, it must be designed to account for the unsymmetrical loads resulting from flight with the engine or engines on one side of the plane of symmetry inoperative and the remaining engine or engines at takeoff power. For single-engine airplanes, it may be assumed that 100 percent of the critical air load acts on one side and 70 percent on the other.

[Revision note: Based on § 3.339]

§ 23.575 Stops.

Each control system must have stops that positively limit the range of motion of the control surfaces. Stops must be located in the system so that wear, slackness, or take-up adjustments will not appreciably affect the range of surface travel. The stops must be able to withstand the loads corresponding to the design conditions for the control system.

[Revision note: Based on § 3.340]

§ 23.577 Control system locks.

Any control system locking device must be installed to provide unmistakable warning to the pilot when it is engaged. There must be means to prevent locks from becoming engaged in flight.

[Revision note: Based on § 3.341]

§ 23.579 Proof of strength.

Compliance with limit load requirements must be proven by tests. The direction of test loads must produce the most severe loading of the control system structure. The testing must include all fittings, pulleys, and brackets used to attach the control system to the primary structure. Analyses or individual load tests must be made to show compliance with the multiplying factor of safety requirements specified for control system joints subjected to angular motion.

[Revision note: Based on § 3.342]

§ 23.581 Operation test.

Operation tests must be made by operating the controls from the pilot compartment with the entire system loaded in a manner corresponding to the limit air loads on the surface. For secondary control systems, including adjustable stabilizers, the system loading in the operation tests need not exceed that corresponding to the maximum pilot effort established in accordance with § 23.363. In this test there may be no jamming, excessive friction, or excessive deflection.

[Revision note: Based on § 3.343]

CONTROL SYSTEM DETAILS

§ 23.591 General.

Each control system and operating device must be designed and installed in a manner that will prevent jamming, chafing, or interference, resulting from inadequate clearances or from cargo, passengers, or loose objects. Special precautions must be taken in the cockpit to prevent foreign objects from jamming the controls. Provision must be made to prevent the slapping of cables or tubes against parts of the airplane. The elements of the flight control system must have design features or must be distinctively and permanently marked to minimize the possibility of incorrect assembly which could result in malfunctioning of the control system.

[Revision note: Based on § 3.344]

§ 23.593 Cable systems.

(a) Each cable, cable fitting, turnbuckle, splice, and pulley used in the airplane must conform to approved specifications. No cable smaller than ⅛-inch diameter may be used in primary control systems. Cable systems must be designed so that there will be no hazardous change in cable tension throughout the range of travel under operating conditions and temperature variations. Provision for visual inspection must be made at all fairleads, pulleys, terminals, and turnbuckles.

(b) Each pulley type and size must correspond to the cable with which it is used, as specified in the pulley specification. Each pulley must have satisfactory guards which are closely fitted to prevent the cable from becoming misplaced or fouled, even when slack. The pulley must lie in the plane passing through the cable so that the cable does not rub against the pulley flange.

(c) Fairleads must be installed so that they do not cause a change in cable direction of more than three degrees. Clevis pins subject to load or motion and retained only by cotter pins may not be used in the control system.

(d) Turnbuckles must be attached to parts with angular motion in a manner that will positively prevent binding throughout the range of travel.

(e) Tab control cables are not part of the primary control system. Therefore, the cable diameter requirement of paragraph (a) of this section does not apply to tab control cables with high strength margins. However, where the airplane would not be safely controllable in flight and landing with tabs in the most adverse positions required for the various critical trim, weight, and center of gravity conditions, the tab systems must be designed in a manner that will provide reliability equivalent to that required for primary systems.

[Revision note: Combines §§ 3.345 and 3.345–1]

§ 23.595 Joints.

Each control system joint that is subject to angular motion in push-pull systems, except a ball and roller bearing system, must incorporate a factor of safety of at least 3.33 with respect to the ultimate bearing strength of the softest material used as a bearing. This factor may be reduced to 2.0 for those joints in cable control systems. For ball or roller bearings, the approved rating of the bearing may not be exceeded.

[Revision note: Based on § 3.346]

§ 23.597 Spring devices.

The reliability of any spring device used in the control system must be established by tests simulating service conditions, unless it is shown that failure of the spring will not cause flutter or unsafe flight characteristics.

[Revision note: Based on § 3.347]

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SHOCK ABSORBERS

§ 23.607 Tests.

The shock absorbing elements in the main, nose, and tail wheel units of the airplane must be substantiated by the tests specified in § 23.609. The shock absorbing ability of the landing gear during taxiing must be shown in the operational tests required by § 23.185.

[Revision note: Based on § 3.351]

§ 23.609 Shock absorption tests.

(a) It must be shown by energy absorption tests that the limit load factors selected for design in accordance with § 23.373 will not be exceeded in landings with the limit descent velocity specified in that section.

(b) In addition, it must be shown that, when the descent velocity is at least 1.2 times the limit descent velocity, there is a reserve of energy absorption ability. In this test there may be no failure of the shock absorbing unit, although yielding of the unit is allowed. Wing lift equal to the weight of the airplane may be assumed.

[Revision note: Based on § 3.352]

§ 23.611 Limit drop tests.

(a) If compliance with § 23.609(a) is shown by free drop tests, these tests must be made on the complete airplane, or on units consisting of wheel, tire, and shock absorber, in their proper relation, from free drop heights not less than those determined by the following formula:

$$h \text{ (inches)} = 3.6\ (W/S)^{1/2}$$

However, the free drop height may not be less than 9.2 inches and need not be greater than 18.7 inches.

(b) In simulating the permissible wing lift in free drop tests, the landing gear unit must be dropped with an effective weight determined from the following formula:

$$W_e = W\left[\frac{h+(1-L)d}{h+d}\right]$$

where—

W_e = the effective weight to be used in the drop test;
h = specified height of drop in inches;
d = deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass. (The value of d used in the computation of W_e may not exceed the value actually obtained in the drop tests);
$W = W_M$ for main gear units, and must be equal to the static weight on the particular unit with the airplane in the level attitude (with the nose wheel clear, in the case of nose wheel type airplanes);
$W = W_T$ for tail gear units, and must be equal to the static weight on the tail unit with the airplane in the tail down attitude;
$W = W_N$ for nose wheel units, and must be equal to the static reaction which will exist at the nose wheel when the mass of the airplane is concentrated at the center of gravity and exerts a force of 1.0g downward and 0.33g forward; and
L = ratio of assumed wing lift to airplane weight, but may not be greater than 0.667.

(c) The attitude in which the landing

§ 23.629 Operation test.

degree of safety and assurance that the

engine, and of enough capacity to pro-

(b) Cockpit controls must be designed

EMERGENCY PROVISIONS

(c) The attitude in which the landing gear unit is drop tested must simulate the airplane landing condition resulting in critical energy absorption for that unit.

[Revision note: Based on § 3.353]

§ 23.613 Limit load factor determination.

(a) The limit inertia load factor must be determined from the drop test specified in § 23.611 according to the following formula:

$$n = n_j \frac{W_e}{W} + L$$

where—

n_j = the load factor developed in the drop test (that is, the acceleration (dv/dt) in g's recorded in the drop test) plus 1.0.

(b) The value of n determined in accordance with paragraph (a) may not be greater than the limit inertia load factor used in the landing conditions in § 23.373.

[Revision note: Based on § 3.354]

§ 23.615 Reserve energy absorption drop tests.

If compliance with the reserve energy absorption condition under § 23.609(b) is shown by free drop tests, the drop height may not be less than 1.44 times the drop height specified in § 23.611. In simulating wing lift equal to the airplane weight, the units must be dropped with an effective weight equal to

$$W_e = W \frac{h}{h+d}$$

where the symbols and other details are the same as the corresponding ones in § 23.611.

[Revision note: Based on § 3.355]

RETRACTING MECHANISM

§ 23.625 General.

Each landing gear retracting mechanism and its supporting structure must be designed for maximum flight load factors with the gear retracted and must also be designed for the combination of friction, inertia, brake torque, and air loads, occuring during retraction at any airspeed up to 1.6 V_{S_1} with flaps retracted, and for any load factor up to those specified in § 23.265, for the flaps-extended condition. The landing gear and retracting mechanism, including the wheel well doors, must withstand flight loads with the landing gear extended at any speed up to at least 1.6 V_{S_1} with flaps retracted. There must be positive mechanical means to keep the wheels in the extended position.

[Revision note: Combines §§ 3.356 and 3.356-1(b) (last sentence)]

§ 23.627 Emergency operation.

Except for amphibians, an airplane not having manually operated landing gear must have an auxiliary means of extending that landing gear.

[Revision note: Based on § 3.357]

§ 23.629 Operation test.

The proper functioning of the landing gear retraction mechanism must be shown by operational tests.

[Revision note: Based on § 3.358]

§ 23.631 Position indicator and warning device.

If retractable landing wheels are used, there must be means to indicate to the pilot when the wheels are secured in the extreme positions. In addition, landplanes must have an aural or equally effective warning device which functions continuously, when one or more throttles are closed, until the gear is down and locked. A throttle stop is not an acceptable alternative to an aural landing gear warning device.

[Revision note: Based on § 3.359 and last sentence of note]

WHEELS AND TIRES

§ 23.643 Wheels.

Only approved main and nose wheels may be used. The maximum static load rating of each wheel may not be less than the corresponding static ground reaction under the design maximum weight and critical center of gravity. The maximum limit load rating of each wheel must be at least the maximum radial limit load determined from the applicable ground load requirements of this part.

[Revision note: Based on § 3.361]

§ 23.645 Tires.

(a) Landing gear wheels may be equipped with any tire that properly fits the rim of the wheel, if the tire rating (assigned by the Tire and Rim Association or the Administrator) is not exceeded—

(1) By a load on each main wheel tire equal to the corresponding static ground reaction under the design maximum weight and critical center of gravity; and

(2) By a load on nose wheel tires (to be compared with the dynamic rating established for such tires) equal to the reaction obtained at the nose wheel, assuming the mass of the airplane to be concentrated at the most critical center of gravity and exerting a force of 1.0g downward and 0.31g forward, with the reactions distributed to the nose and main wheels by the principles of statics, and with the drag reaction at the ground applied only at those wheels having brakes.

(b) If specially constructed tires are used, the wheels must be plainly and conspicuously marked to that effect. The markings must include the make, size, number of plies, and identification marking of the proper tire.

[Revision note: Combines §§ 3.362 and 3.362-1]

BRAKES

§ 23.655 Brakes.

The airplane must have brakes that are adequate to prevent the airplane from rolling on a paved runway while applying takeoff power to the critical engine, and of enough capacity to provide adequate speed control during taxiing without excessive pilot loads.

[Revision note: Based on § 3.363]

SKIS

§ 23.665 Skis.

Skis must be of an approved type. The maximum limit load rating of each ski may not be less than the maximum limit load determined in accordance with the applicable ground load requirements of this part.

[Revision note: Based on § 3.364]

HULLS AND FLOATS

§ 23.675 Seaplane main floats.

(a) Each seaplane main float must be of an approved type and must conform to the provisions of § 23.441. In addition, each seaplane main float must—

(1) Have a buoyancy of 80 percent in excess of that required to support the maximum weight of the seaplane in fresh water; and

(2) Have enough watertight compartments to provide reasonable assurance that the airplane will stay afloat if any two compartments of the main floats are flooded.

(b) Each main float must contain at least four watertight compartments of approximately equal volume.

[Revision note: Based on § 3.371]

§ 23.677 Hulls of boat type seaplanes and amphibians.

(a) The hull of a boat type seaplane (or amphibian) of 1,500 pounds or more maximum certificated weight must have watertight compartments designed and arranged so that the hull, auxiliary floats, and tires (if used), will keep the airplane (at the maximum certificated weight) afloat in fresh water when—

(1) In the case of an airplane of 5,000 lbs. or more maximum certificated weight, any two adjacent compartments are flooded; and

(2) In the case of an airplane of 1,500 pounds up to but not including 5,000 pounds maximum certificated weight, any one compartment is flooded.

(b) The hulls of boat type seaplanes (or amphibians) with less than 1,500 pounds maximum certificated weight need not be compartmented.

(c) Bulkheads (where used) may have watertight doors for communication between compartments.

[Revision note: Based on § 3.372]

§ 23.679 Auxiliary floats.

Auxiliary floats must be arranged so that, when completely submerged in fresh water, they will provide a righting moment that is at least 1.5 times the upsetting moment caused by the airplane being tilted.

[Revision note: Based on § 3.373]

FUSELAGE

PILOT COMPARTMENT

§ 23.689 General.

(a) Each pilot compartment and its equipment must provide a satisfactory degree of safety and assurance that the pilot will be able to perform all his duties and operate the controls in the correct manner without unreasonable concentration or fatigue.

(b) The primary cockpit controls set forth in § 23.697(b), excluding cables and control rods, must be located with respect to the propellers so that no part of the pilot or the controls lies in the region between the plane of rotation of any inboard propeller and the surface generated by a line passing through the center of the propeller hub and making an angle of 5 degrees forward or aft of the plane of rotation of the propeller.

[Revision note: Based on § 3.381]

§ 23.693 Pilot vision and view.

(a) Each pilot compartment must be free from glare and reflections that could interfere with the pilot's vision, and must be designed so that—

(1) The pilot's view is sufficiently extensive, clear, and undistorted, for safe operation; and

(2) During moderate rain conditions, the pilot has an adequate view of the flight path in normal flight and while landing, and is sufficiently protected from the elements that his vision is not unduly impaired.

(b) For each airplane intended for night operation, compliance with paragraph (a) of this section must be shown in night flight tests.

[Revision note: Based on § 3.382]

§ 23.695 Windshields, windows, and canopies.

(a) Each internal glass pane must be of a nonsplintering, safety type.

(b) The design of windshields, windows, and canopies on pressurized airplanes must be based on factors peculiar to high altitude operation, including at least the effect of continuous and cyclic pressurization loadings, the inherent characteristics of the material used, and the effects of temperatures and temperature gradients.

(c) On pressurized airplanes, an inclosure canopy including a representative part of the installation must be subjected to special tests to account for the combined effects of continuous and cyclic pressurization loadings and flight loads.

(d) The windshield and side windows forward of the pilot's back when he is seated in the normal flight position, must have a luminous transmittance value of not less than 70 percent.

[Revision note: Based on § 3.383 (and note following § 3.383(b))]

§ 23.697 Cockpit controls.

(a) Each cockpit control must be located and (except where its function is obvious) identified to provide for convenience in operation, including provisions to prevent confusion and consequent inadvertent operation. The controls must be located and arranged so that the pilot, when seated, has full and unrestricted movement of each control without interference from either his clothing or the cockpit structure.

(b) Cockpit controls must be designed so that they operate in accordance with the following movement and actuation:

Controls	Movement and actuation
Primary:	
Aileron	Right (clockwise) for right wing down.
Elevator	Rearward for nose up.
Rudder	Right pedal forward for nose right.
Powerplant:	
Throttle	Forward to open.

(c) Identical powerplant controls for the engines of multiengine airplanes must be located to prevent confusion as to the engines they control.

(d) The wing flap and auxiliary lift device controls must be located centrally, or to the right of the pedestal or powerplant throttle control centerline, and must be sufficiently displaced from the landing gear control to avoid confusion.

(e) The landing gear control must be located to the left of the throttle centerline or pedestal centerline.

(f) Landing gear and wing flap control knobs must be shaped in accordance with the following figure:

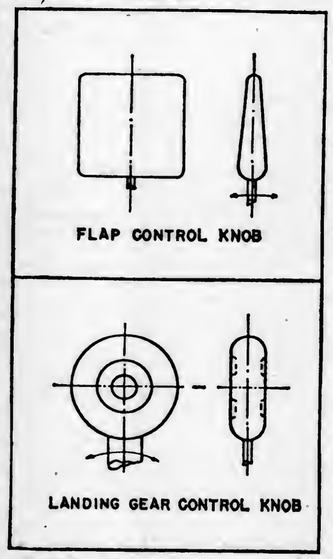


Illustration of control knob shapes. This figure indicates general shape only and is not intended to indicate the exact size or specific proportions of the control knobs.

[Revision note: Combines §§ 3.384 and figures 3-13 and 3-14]

§ 23.699 Instruments and markings.

Instruments must be arranged as prescribed in § 23.1139. Instruments and controls must have operational markings, instructions, and placards, as required by §§ 23.1483 through 23.1509.

[Revision note: Based on § 3.385]

EMERGENCY PROVISIONS

§ 23.709 Protection.

(a) The fuselage must be designed to give reasonable assurance that each occupant, if he makes proper use of belts or harnesses for which provision is made in the design, will not suffer serious injury during minor crash conditions as a result of any vulnerable part of his body contacting any penetrating or relatively solid object, although parts of the airplane may be damaged.

(b) The ultimate accelerations to which occupants are assumed to be subjected are shown on the following table:

ULTIMATE CRASH ACCELERATIONS

	Normal and utility categories	Acrobatic category
Upward	3.0g	4.5g
Forward	9.0g	9.0g
Sideward	1.5g	1.5g

(c) For airplanes with retractable landing gear, the fuselage, in combination with other portions of the structure, must be designed to afford protection to the occupants in a wheels-up landing with moderate descent velocity, assuming a vertical ultimate acceleration of 3g's and a friction coefficient of 0.5 at the ground.

(d) If the characteristics of an airplane make a turnover reasonably probable, the fuselage, in combination with other parts of the structure, must be designed to afford protection to the occupants in a complete turnover, assuming a vertical ultimate acceleration of 3g's and a friction coefficient of 0.5 at the ground.

(e) Except as provided in § 23.727, the means for preventing the breakaway of all items of mass which could injure the occupants if they came loose in a minor crash, and their supporting structures, must be designed for the crash loads specified in paragraph (b) of this section.

[Revision note: Based on § 3.386]

§ 23.711 Emergency exits.

(a) *Number and location.* Emergency exits must be located to allow escape without crowding in all probable crash attitudes. The airplane must have at least the following emergency exits:

(1) For an airplane with a seating capacity of more than five occupants, but less than 16, at least one emergency exit on the opposite side of the cabin from the main door specified in § 23.723.

(2) For an airplane with a seating capacity of more than 15 occupants, the emergency exit specified in subparagraph (1) of this paragraph, and, in addition, an emergency exit in the top or side of the cabin for each seven occupants, or fraction thereof, above 15. However, no more than four exits are required if their arrangement and size allows the quick evacuation of all occupants.

(3) If the pilot compartment is separated from the cabin by a door which is likely to block the pilot's escape in a

minor crash, there must be an exit in the pilot's compartment. The number of

§ 23.725 Seats and berths.

Each seat and berth must be of an

for controlling cabin pressure must be provided:

after being subjected to the flight tests

§ 23.787 Propeller pitch and speed lim-

landing gear) or nine inches (for each

minor crash, there must be an exit in the pilot's compartment. The number of exits required by subparagraphs (1) and (2) of this paragraph must then be separately determined for the passenger compartment using the seating capacity of that compartment.

(b) *Type and operation.* Emergency exits must be movable windows, panels, or external doors, that provide a clear and unobstructed opening of a size and shape in which at least a 19-by-26-inch ellipse can be inscribed. In addition, each emergency exit must—

(1) Be readily accessible, requiring no exceptional agility to be used in emergencies;

(2) Have a method of opening that is simple and obvious;

(3) Be arranged and marked for easy location and operation, even in darkness;

(4) Have reasonable provisions against jamming by fuselage deformation; and

(5) In the case of acrobatic category airplanes, allow all occupants to bail out quickly with parachutes at any speed between V_{S_0} and V_D.

(c) *Tests.* The proper functioning of each emergency exit must be demonstrated by tests.

[Revision note: Based on § 3.387]

§ 23.713 Fire precautions.

(a) *Cabin interiors.* Only materials that are flash resistant may be used in cabin interiors. In compartments where smoking is to be permitted, the wall and ceiling linings, covering of all upholstery, floors, and furnishings, must be flame resistant. These compartments must have an adequate number of self-contained ash trays. The other compartments must be placarded against smoking.

(b) *Combustion heaters.* Only approved combustion heaters may be installed. The installation must meet applicable powerplant installation requirements covering fire hazards and precautions. Each applicable requirement concerning fuel tanks, lines, and exhaust systems, must be considered. Each combustion heater must have means to automatically shut off and hold off its ignition and fuel supply when the heat exchanger temperature or ventilating air temperature exceed safe limits or when either the combustion airflow or the ventilating airflow become inadequate for safe operation. This automatic device must be remote from the heater and must be independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow.

[Revision note: Based on § 3.388]

PERSONNEL AND CARGO ACCOMMODATIONS

§ 23.723 Doors.

Each enclosed cabin with passenger accommodations must have at least one adequate and easily accessible external door. No passenger door may be located with respect to the propeller discs so as to endanger persons using the door.

[Revision note: Based on § 3.389]

§ 23.725 Seats and berths.

Each seat and berth must be of an approved type. Each seat, berth, and its supporting structure, must be designed for occupants weighing at least 170 pounds (or 190 pounds with parachute for seats in airplanes intended for the acrobatic and utility categories), and for the maximum load factors corresponding to all specified flight and ground load conditions including the emergency landing conditions prescribed in § 23.709. In addition, the following requirements must be met:

(a) Each pilot seat must be designed for the reactions resulting from the application of pilot forces to the primary flight controls, as prescribed in § 23.357.

(b) Each seat in utility and acrobatic category airplanes must be designed to accommodate passengers wearing parachutes, unless otherwise placarded.

(c) Each berth installed parallel to the longitudinal axis of an airplane must be designed so that the forward part has a padded end board, canvas diaphragm, or equal means capable of withstanding the static load reaction of the occupant when the occupant is subjected to the forward accelerations prescribed in § 23.709. These berths must have an approved safety belt and may not have corners or other parts likely to cause serious injury to a person occupying the berth during emergency conditions. Safety belt attachments for these berths must be designed to withstand the critical loads resulting from all relevant flight and ground load conditions and from all the emergency landing conditions prescribed in § 23.709, with the exception of the forward load.

(d) In determining the strength of the attachment of the seat and berth to the structure, the accelerations prescribed in § 23.709 must be multiplied by a factor of 1.33 rather than by the fitting factor prescribed in § 23.505.

[Revision note: Combines §§ 3.390 and 3.390–1]

§ 23.727 Cargo compartments.

Each cargo compartment must be designed for the placarded maximum weight of contents and critical load distributions at the appropriate maximum load factors corresponding to all specified flight and ground load conditions of this part. Suitable provision must be made to prevent the dangerous shifting of the contents of cargo compartments, and adequate to protect the passengers from injury by the contents of any cargo compartment under any forward acting accelerating force up to 4.5 *g*'s.

[Revision note: Based on § 3.392]

§ 23.729 Ventilation.

Each passenger and crew compartment must be suitably ventilated. Carbon monoxide concentration may not exceed 1 part in 20,000 parts of air.

[Revision note: Based on § 3.393]

PRESSURIZED CABINS

§ 23.739 Pressure control.

For a pressurized cabin, at least the following valves, controls, and indicators for controlling cabin pressure must be provided:

(a) Two pressure relief valves (at least one of which is the normal regulating valve) to automatically limit the positive pressure differential to a predetermined value at the maximum rate of flow delivered by the pressure source. The pressure differential is considered to be positive when the internal pressure is greater than the external pressure. The combined capacity of the relief valves must be large enough so that the failure of any one valve will not cause an appreciable rise in the pressure differential.

(b) Two reverse pressure differential relief valves (or their equivalents) to automatically prevent a negative pressure differential from damaging the structure. However, one valve is enough if it is of a design which reasonably prevents malfunctioning.

(c) A means by which the pressure differential can be rapidly eliminated.

(d) An automatic or manual regulator for controlling the intake or exhaust airflow, or both, allowing the required internal pressures and airflow rates to be maintained.

(e) Instruments so show the pilot the pressure differential, the absolute pressure in the cabin, and the rate of change of the absolute pressure.

(f) A warning device to show the pilot when the safe or preset pressure differential and absolute cabin pressure limits are exceeded.

(g) A warning placard for the pilot if the structure is not designed for pressure differentials up to the maximum relief valve setting in combination with landing loads.

(h) A means to stop rotation of the compressor or to divert airflow from the cabin if continued rotation of an engine-driven cabin compressor or continued flow of any compressor bleed air will create a hazard if a malfunction occurs.

[Revision note: Based on § 3.395]

§ 23.741 Pressurization tests.

(a) *Strength test.* The complete pressurized cabin, including its doors, windows, canopy, and valves, must be tested as a pressure vessel for the pressure differential specified in § 23.291(c).

(b) *Functional tests.* The following functional tests must be performed:

(1) Tests of the functioning and capacity of the positive and negative pressure differential valves and of the emergency release valve, to simulate the effects of closed regulator valves.

(2) Tests of each part of the pressurization system to show proper functioning under all possible conditions of pressure, temperature, and moisture, up to the maximum altitude selected for certification.

(3) Flight tests to demonstrate the performance of the pressure supply, pressure and flow regulators, indicators, and warning signals, in steady and stepped climbs and descents at rates corresponding to the maximum attainable within the operating limitations of the airplane up to the maximum altitude selected for certification.

(4) Tests of each door or emergency exit to show that it operates properly after being subjected to the flight tests prescribed in subparagraph (3) of his paragraph.

[Revision note: Based on § 3.396]

MISCELLANEOUS

§ 23.751 Leveling marks.

The airplane must have leveling marks for the purpose of leveling the airplane on the ground.

[Revision note: Based on § 3.401]

Subpart E—Powerplant

GENERAL

§ 23.771 Components.

(a) The powerplant installation of an airplane includes all components that are necessary for propulsion and all components that affect the safe operation and control of the major propulsive units. "Components" of a powerplant installation means the elements of that installation that are furnished by the airplane, engine, or propeller manufacturer, including components of the fuel system that are integral parts of the type certificated engine.

(b) Each powerplant installation must be designed and built to assure the safe operation of the airplane.

(c) Each powerplant installation must be accessible for all necessary inspections and maintenance.

[Revision note: Combines §§ 3.411 and 3.411–1]

ENGINES AND PROPELLERS

Each engine must have been certificated under Part 33 [New] (present Part 13) of this subchapter.

[Revision note: Based on § 3.415]

§ 23.783 Propellers.

(a) Each propeller must have been certificated under Part 35 [New] (present Part 14) of this subchapter.

(b) Engine power and propeller shaft rotational speed allowed for use in the airplane may not exceed the limits for which the propeller has been certificated.

(c) Each propeller that may be feathered in flight must have a means to unfeather it in flight.

[Revision note: Based on § 3.416]

§ 23.785 Propeller vibration.

(a) Each propeller with metal blades, or highly stressed metal components, must be shown to have vibration stresses in all normal operating conditions that do not exceed those that have been shown by the propeller manufacturer to be safe for continuous operation. This must be shown by actual measurement of stresses through direct testing of the propeller, or by comparison with similar installations that have been so tested. The Administrator may accept other test methods or service experience, that prove the safety of the installation.

(b) The Administrator may require proof of safe vibration characteristics for any type of propeller, except for conventional, fixed-pitch, wood propellers.

[Revision note: Based on § 3.417]

§ 23.787 Propeller pitch and speed limitations.

The propeller pitch and speed must be limited to values that will assure safe operation under all normal conditions of operation.

[Revision note: Based on § 3.418]

§ 23.789 Speed limitations for propellers that cannot be controlled in flight.

(a) During takeoff and initial climb at best rate of climb speed, each propeller, the pitch of which cannot be controlled in flight, must have a means to limit the engine r.p.m., at full throttle or at maximum allowable takeoff manifold pressure, to a speed not greater than the maximum allowable takeoff r.p.m.

(b) During a closed throttle glide at the placarded "never-exceed speed", the propeller may not cause the engine to rotate at a speed in excess of 110 percent of its maximum allowable continuous speed.

(c) Except as provided in § 23.73(b), each airplane of more than 6,000 lbs. maximum weight may not use a propeller pitch setting less than that allowed by paragraph (a) of this section to obtain takeoff r.p.m. at the best angle of climb speed to show compliance with paragraphs (a) and (d) of § 23.73.

[Revision note: Combines §§ 3.419 and 3.419–1(a) (2d sentence)]

§ 23.791 Speed and pitch limitations for controllable pitch propellers without constant speed controls.

Each propeller that can be controlled in flight, but that does not have constant speed controls, must have a means to limit the pitch range so that—

(a) The lowest possible pitch allows compliance with § 23.789(a); and

(b) The highest possible pitch allows compliance with § 23.789(b).

[Revision note: Based on § 3.420]

§ 23.793 Variable pitch propellers with constant speed controls.

Each variable pitch propeller with constant speed controls must have—

(a) With the governor in operation, a means at the governor to limit the maximum engine speed to the maximum permissible takeoff r.p.m.; and

(b) With the governor inoperative, a means to limit the maximum engine speed to 103 percent of the maximum permissible takeoff r.p.m. with the propeller blades at the lowest possible pitch and with takeoff manifold pressure, the airplane stationary, and no wind.

[Revision note: Based on § 3.421]

§ 23.795 Propeller clearance.

Unless smaller clearances are properly substantiated, propeller clearances with the airplane at maximum certificated weight, with the most adverse center of gravity, and with the propeller in the most adverse pitch position, may not be less than the following:

(a) *Ground clearance.* There must be a clearance of at least seven inches (for each airplane with nose wheel type landing gear) or nine inches (for each airplane with tail wheel type landing gear) with the landing gear statically deflected and the airplane in the level, normal takeoff, or taxiing attitude, whichever is most critical. In addition, for each airplane with conventional landing gear struts using fluid or mechanical means for absorbing landing shocks, there must be positive clearance between the propeller and the ground when the airplane is in the level takeoff attitude, the critical tire completely deflated, and the corresponding landing gear strut bottomed.

(b) *Water clearance.* There must be a clearance of at least 18 inches between each propeller and the water, unless compliance with § 23.187 can be demonstrated with a lesser clearance.

(c) *Structural clearance.*

(1) There must be at least one inch radial clearance between the blade tips and the airplane structure, or whatever additional radial clearance is necessary to prevent harmful vibration.

(2) There must be a minimum clearance of one-half inch longitudinal clearance between the propeller blades or cuffs and stationary parts of the airplane. There must be adequate clearance between other rotating parts of the propeller or spinner and stationary parts of the airplane.

[Revision note: Combines §§ 3.422 and 3.422–2 (1st sentence)]

FUEL SYSTEM

§ 23.805 General.

The fuel system must be constructed and arranged so that fuel flows to each engine at a rate and pressure adequate for proper engine functioning under all normal conditions of operation.

[Revision note: Based on § 3.429]

ARRANGEMENT

§ 23.807 Fuel system arrangement.

Each fuel system must be arranged to permit a fuel pump to draw fuel from only one tank at a time. Each gravity feed system may not supply fuel to an engine from more than one tank at a time, unless the tank air spaces are interconnected so that all interconnected tanks will feed equally.

[Revision note: Based on § 3.430]

§ 23.809 Multiengine fuel system arrangement.

(a) Each fuel system of a multiengine airplane must be arranged so that, in at least one system configuration, the failure of any one component (other than a fuel tank) will not result in the loss of power of more than one engine nor require immediate action by the pilot to prevent the loss of power of more than one engine.

(b) Each multiengine airplane using a single fuel tank, or series of fuel tanks interconnected to function as a single fuel tank, must have independent tank outlets to each engine. Each outlet must incorporate a shutoff valve at the tank. This valve may also serve as the firewall

shutoff valve required by § 23.879 if the line between the valve and the engine

is a suitable placard stating that the auxiliary tank is not to be opened to the

tioning due to fuel depletion becomes apparent while the engine is being sup-

lated support conditions, a pressure of 2 p.s.i. for the first tank of a specific de-

cluding the critical conditions of low airspeed and rate of descent likely to be

cap for venting purposes or for the purpose of allowing passage of a fuel

shutoff valve required by § 23.879 if the line between the valve and the engine compartment does not contain a hazardous amount of fuel than can drain into the engine compartment. In addition, there must be—

(1) At least two vents arranged to minimize the possibility of both vents becoming obstructed simultaneously;

(2) Filler cap(s) designed to minimize the possibility of incorrect installation or loss in flight; and

(3) A fuel system in which each part supplying fuel from the tank outlet to any one engine is entirely independent of each part of the system supplying fuel to any other engine(s).

[Revision note: Based on § 3.431]

OPERATION

§ 23.819 Fuel flow rate.

(a) The ability of the fuel system to provide fuel at the rates specified in §§ 23.821 through 23.827 and at a pressure sufficient for proper carburetor operation must be demonstrated with the airplane in the attitudes which are most critical with respect to fuel feed and quantity of usable fuel. These conditions may be simulated in a suitable mockup.

(b) The amount of fuel in the tank being tested may not exceed the unusable fuel supply for that tank, as determined under § 23.827, plus the additional fuel necessary to conduct the flow test. If there is a fuel flowmeter in the system, it must be blocked during the flow test and the fuel must flow through the meter bypass.

[Revision note: Based on § 3.433]

§ 23.821 Fuel flow rate for gravity systems.

Fuel flow rate for gravity systems (main and reserve supply) must be 150 percent of the actual takeoff fuel consumption of the engine.

[Revision note: Based on § 3.434]

§ 23.823 Fuel flow rate for pump systems.

The fuel flow rate for each pump system (main and reserve supply) must be 0.9 pound per hour for each takeoff horsepower or 125 percent of the actual takeoff fuel consumption of the engine, whichever is greater. This flow rate is required for each primary engine-driven pump and each emergency pump, and must be available when the pump is running as it would during takeoff. For each hand-operated pump, this rate must occur at not more than 60 complete cycles (120 single strokes) per minute.

[Revision note: Based on § 3.435]

§ 23.825 Fuel flow rate for auxiliary fuel systems and fuel transfer systems.

Sections 23.821 and 23.823 apply to each auxiliary and transfer system, except that the required fuel flow rate must be established upon the basis of maximum continuous power and engine rotational speed, instead of takeoff power and fuel consumption. A lesser flow rate may be used for a small auxiliary tank feeding into a large main tank, if there is a suitable placard stating that the auxiliary tank is not to be opened to the main tank unless a predetermined satisfactory amount of fuel remains in the main tank.

[Revision note: Based on § 3.436]

§ 23.827 Determination of unusable fuel supply and fuel system operation on low fuel.

(a) The unusable fuel supply for each tank is the amount at which the first evidence of malfunctioning occurs under the conditions specified in this section. If more than one fuel tank is involved, any tank that is not needed to feed the engine under all conditions specified in this section need be investigated only for the flight conditions in which it is to be used. In such a case, the unusable fuel supply for that tank is based on the most critical applicable conditions. Information regarding the conditions under which the full amount of usable fuel in each tank can safely be used must be made available to the operating personnel by a suitable placard or by instructions in the airplane flight manual.

(b) For test purposes, the amount of fuel to be used to show compliance with this section must be chosen by the applicant. In addition, when establishing the unusable fuel supply, the following conditions must be arranged in order, from the most to the least critical:

(1) Level flight at maximum continuous power, or at the power required for level flight at V_C, whichever is lower.

(2) Climb at maximum continuous power at the calculated best angle of climb at minimum weight.

(3) Rapid application of power and subsequent transition to best rate of climb following a power-off glide at 1.3 V_{S_0}.

(4) Slips and skids in level flight, climb, and glide, under the applicable conditions specified in subparagraphs (1), (2), and (3) of this paragraph, of the greatest severity likely to be encountered in normal service or turbulent air.

(c) For each acrobatic and utility category airplane, there may be no evidence of malfunctioning during all maneuvers in the airplane flight manual. During this test the amount of fuel in each tank may not exceed the unusable fuel supply established in accordance with paragraph (b) of this section, plus 0.03 gallon for each maximum continuous horsepower for which certification is requested.

(d) There may be no evidence of malfunctioning during takeoff and one minute of climb at the calculated attitude of best angle of climb at takeoff power and minimum weight where the takeoff is begun with the amount of fuel in each tank specified in paragraph (c) of this section.

(e) If an engine can be supplied with fuel from more than one tank, it must be possible, in level flight, to regain full power and fuel pressure to that engine in not more than 10 seconds (for single-engine airplanes) or 20 seconds (for multiengine airplanes) after switching to any full tank after engine malfunctioning due to fuel depletion becomes apparent while the engine is being supplied from any other tank.

[Revision note: Based on § 3.437]

§ 23.829 Fuel system hot weather operation.

Each fuel system conducive to vapor formation must be shown to be free from vapor lock when using fuel at a temperature of 110° F. under critical operating conditions.

[Revision note: Based on § 3.438]

§ 23.831 Flow between interconnected tanks.

It may not be possible in a gravity feed system with interconnected tank outlets, for enough fuel to flow between the tanks to cause an overflow of fuel from any tank vent when the airplane is operated under the conditions in § 23.827(b)(1), (2), (3), and (4), except with full tanks.

[Revision note: Based on § 3.439]

FUEL TANKS

§ 23.841 General.

Each fuel tank must be able to withstand any vibration, inertia, and fluid and structural load to which it may be subject in operation. Each flexible fuel tank liner must be of an approved type. Each integral fuel tank must have adequate facilities for interior inspection and repair. The total usable capacity of the fuel tank must be enough for at least one-half hour of operation at rated maximum continuous power. The unusable capacity is considered to be the minimum amount of fuel that allows compliance with § 23.827 Each fuel quantity indicator must be adjusted, as specified in § 23.793, to account for the unusable fuel supply. If the unusable fuel supply in any tank exceeds five percent of the tank capacity, or one gallon, whichever is greater, there must be a placard and a suitable notation in the airplane flight manual to show flight personnel that the fuel remaining in the tank when the quantity indicator reads "zero" cannot be used safely in flight. The weight of the unusable fuel supply must be included in the empty weight of the airplane.

[Revision note: Based on § 3.440]

§ 23.843 Fuel tank tests.

(a) Each fuel tank must be able to withstand the following pressure tests without failure or leakage:

(1) For each conventional metal tank and nonmetallic tank with walls not supported by the airplane structure, a pressure of 3.5 p.s.i., or that pressure developed during the maximum ultimate acceleration of the airplane with a full tank, whichever is greater.

(2) For each integral tank, the pressure developed during the maximum limit acceleration of the airplane with a full tank, with simultaneous application of the critical limit structural loads.

(3) For each nonmetallic tank with walls that are supported by the airplane structure and constructed of an acceptable basic tank material and type of construction, and with actual or simulated support conditions, a pressure of 2 p.s.i. for the first tank of a specific design. The supporting structure must be designed for the critical loads occurring in the flight or landing strength conditions combined with the fuel pressure loads resulting from the corresponding accelerations.

(b) Each fuel tank with large, unsupported, or unstiffened flat areas, must be able to withstand the following tests without leakage or failure:

(1) Each complete tank assembly and its supports must be vibration tested while mounted to simulate the actual installation. The tank assembly must be vibrated for 25 hours at a total amplitude of not less than 1/32 of an inch while ⅔ filled with water. The frequency of vibration must be 90 percent of the maximum continuous rated speed of the engine unless some other frequency within the normal operating range of speeds of the engine is more critical. If another frequency within the normal operating range of speeds is more critical, it must be used, and the time of test must be adjusted to accomplish the same number of vibration cycles as would be accomplished during 25 hours at a frequency of 90 percent of the maximum continuous rated r.p.m.

(2) In conjunction with the vibration test, a sloshing test must be made in which the tank assembly is rocked through an angle of 15 degrees on either side of the horizontal (30 degrees total), about an axis parallel to the axis of the fuselage, at 16 to 20 complete cycles per minute.

(c) Each integral tank using methods of construction and sealing not previously proven to be adequate by test data or service experience must be able to withstand the vibration test specified in subparagraph (1) of paragraph (b) of this section.

(d) Each tank with a nonmetallic liner must be subjected to the sloshing test outlined in subparagraph (2) of paragraph (b) of this section, with the fuel at room temperature. In addition, a specimen liner of the same basic construction as that to be used in the airplane must, when installed in a suitable test tank, satisfactorily withstand the sloshing test with fuel at a temperature of 110° F.

[Revision note: Based on § 3.441]

§ 23.845 Fuel tank installation.

(a) Each fuel tank must be supported so that tank loads are not concentrated. There must be pads to prevent chafing between the tank and its supports. Materials used for padding must be nonabsorbent or must be treated to prevent the absorption of fuel. If a flexible tank liner is used, it must be of an approved type and must be supported so that it is not required to withstand fluid loads. Interior surfaces adjacent to the liner must be smooth and free from projections that might cause wear, unless there are provisions to protect the liner at these points or unless the construction of the liner itself provides this protection. A positive pressure must be maintained within the vapor space of each bladder cell under all conditions of operation, including the critical conditions of low airspeed and rate of descent likely to be encountered.

(b) Each tank compartment must be ventilated and drained to prevent the accumulation of flammable fluids or vapors. Each compartment adjacent to a tank that is an integral part of the airplane structure must also be ventilated and drained.

(c) No fuel tank may be on the engine side of the firewall. There must be at least one-half inch of clearance between the fuel tank and the firewall. No part of the engine nacelle skin that lies immediately behind a major air opening from the engine compartment may act as the wall of an integral tank.

(d) No fuel tank may be in the personnel compartment of a multiengine airplane. If a fuel tank is in the personnel compartment of a single engine airplane, it must—

(1) If no larger than 25 gallons total capacity, be properly drained and ventilated; and

(2) If larger than 25 gallons total capacity—

(i) (For a conventional fuel tank) be isolated from the personnel compartment by fume and fuel proof enclosures; or

(ii) (For a bladder type fuel cell) have a retaining shell that is at least equivalent to a metal fuel tank in structural integrity and in fume and fuel tightness, and that is drained to the exterior of the airplane.

[Revision note: Combines §§ 3.442 and 3.442-1]

§ 23.847 Fuel tank expansion space.

Each fuel tank must have an expansion space of at least two percent of the tank capacity, unless the tank vent discharges clear of the aircraft (in which case no expansion space is required). It may not be possible to inadvertently fill the fuel tank expansion space when the airplane is in the normal ground attitude.

[Revision note: Based on § 3.443]

§ 23.849 Fuel tank sump.

Each fuel tank must have a drainable sump with an effective capacity, in all normal ground and flight attitudes, of 0.25 percent of the tank capacity, or 1/16 gallon, whichever is greater, unless—

(a) The fuel system has a sediment bowl or chamber that is accessible for drainage and has a capacity of 1 ounce for every 20 gallons of fuel tank capacity; and

(b) Each fuel tank outlet is located so that, in the normal ground attitude, water will drain from all parts of the tank to the sediment bowl or chamber.

[Revision note: Based on § 3.444]

§ 23.851 Fuel tank filler connection.

(a) Each fuel tank filler connection must be marked as specified in § 23.1521.

(b) Spilled fuel must be prevented from entering the fuel tank compartment or any part of the airplane other than the tank itself. The filler cap must provide a fuel-tight seal for the main filler opening. However, there may be small openings in the fuel tank cap for venting purposes or for the purpose of allowing passage of a fuel gauge through the cap.

[Revision note: Based on § 3.445]

§ 23.853 Fuel tank vents and carburetor vapor vents.

(a) Each fuel tank must be vented from the top part of the expansion space. Each vent outlet must be located and constructed in a manner that minimizes the possibility of its being obstructed by ice or other foreign matter. In addition, it must be constructed in a manner that prevents siphoning of fuel during normal operation. The vent must be large enough to allow the rapid relief of excessive differences of pressure between the interior and exterior of the tank. Airspaces of tanks with interconnected outlets must also be interconnected. There may be no undrainable points in the vent line where moisture is apt to accumulate with the airplane in either the ground or level flight attitudes. No vent may terminate at a point where the discharge of fuel from the vent outlet will constitute a fire hazard or from which fumes may enter personnel compartments.

(b) Each carburetor with vapor elimination connections must have a vent line that leads vapors back to one of the airplane fuel tanks. If there is more than one fuel tank, and if it is necessary to use these tanks in a definite sequence for any reason, the vapor vent return line must lead back to the fuel tank to be used first, unless the relative capacities of the tanks are such that return to another tank is preferable.

[Revision note: Based on § 3.446]

§ 23.855 Fuel tank vents for acrobatic category airplanes.

Excessive loss of fuel during acrobatic maneuvers, including short periods of inverted flight, must be prevented. It may not be possible for fuel to siphon from the vent when normal flight has been resumed after having executed any acrobatic maneuver for which the airplane is intended.

[Revision note: Based on § 3.447-A]

§ 23.857 Fuel tank outlet.

Each fuel tank outlet must have a screen of from 8 to 16 meshes per inch. If a finger strainer is used, the length of the strainer may not be less than four times the outlet diameter. The diameter of the strainer may not be less than the diameter of the fuel tank outlet. Each finger strainer must be accessible for inspection and cleaning.

[Revision note: Based on § 3.448]

FUEL PUMPS

§ 23.867 Fuel pump and pump installation.

(a) If there are fuel pumps to maintain a supply of fuel to the engine, at least one pump for each engine must be directly driven by the engine. The fuel pump or pumps must be adequate to meet the flow requirements of the applicable parts of §§ 23.819 through 23.825.

(b) There must be enough emergency fuel pumps to supply each engine with

fuel if any engine-driven pump fails,

§ 23.921 Oil tank expansion space.

that might freeze and obstruct the line

(b) Cooling test results for winteriza-

(3) The temperatures of the operat-

fuel if any engine-driven pump fails. However, if an engine fuel injection pump (that is, a pump that supplies proper flow and pressure for fuel injection when the injection is not accomplished in a carburetor) that is certificated as an integral part of the engine is used, an emergency pump is not required. Enough emergency fuel pumps must be available for immediate use if any other pump fails. If both the normal pump and emergency pump operate continuously, there must be a means to indicate to the crew a malfunction of either pump.

[Revision note: Combines §§ 3.449 and 3.449–1]

LINES, FITTINGS, AND ACCESSORIES

§ 23.877 Fuel system lines and fittings.

(a) Each fuel line must be installed and supported in a manner that prevents excessive vibration and so that it withstands loads due to fuel pressure and accelerated flight conditions.

(b) Each fuel line that is connected to components of the airplane between which relative motion could exist must have provisions for flexibility.

(c) The provisions for flexibility in each fuel line that may be under pressure and subjected to axial loading must incorporate flexible hose assemblies, not hose-clamp connections.

(d) Each flexible hose must be of an approved type, or must be shown to be suitable for the particular application.

(e) Each flexible hose that might be adversely affected by exposure to high temperatures may not be used in locations where excessive temperatures will exist during operation or after engine shutdown.

[Revision note: Based on § 3.550]

§ 23.879 Fuel valves.

(a) There must be a means to allow the flight personnel to rapidly shut off, in flight, the flow of fuel to each engine individually. Valves for this purpose must be on the side of the firewall most remote from the engine.

(b) There must be a means to guard against inadvertent operation of each shutoff valve and to allow flight personnel to reopen each valve rapidly after it has been closed.

(c) Each valve must have either positive stops or "feel" in the "on" and "off" positions, and must be supported so that loads resulting from its operation or from accelerated flight conditions are not transmitted to the lines connected to the valve. Each valve must be installed so that the effect of gravity and vibration will tend to turn its handle to the open or "on" position, not the closed or "off" position.

(d) Each fuel valve handle and its connections to the valve mechanism must have design features that minimize the possibility of incorrect installation.

[Revision note: Based on § 3.551]

§ 23.881 Fuel strainer.

The airplane must have a fuel strainer between the fuel tank outlet and the carburetor inlet. If there is an engine-driven fuel pump, the strainer must be the tank outlet and the engine-driven pump inlet. The strainer must be accessible for drainage and cleaning, and the strainer screen must be removable.

[Revision note: Based on § 3.552]

DRAINS

§ 23.891 Fuel system drains.

The airplane must have drains to permit safe drainage of the entire fuel system. Each drain must have a means to lock it in the closed position, and must be effective in the normal ground attitude.

[Revision note: Based on § 3.553]

OIL SYSTEM

§ 23.903 Oil system.

(a) Each engine must have an independent oil system that is able to supply the engine with an ample amount of oil at a temperature not exceeding the maximum which has been established as safe for continuous operation. The usable oil tank capacity may not be less than the product of the endurance of the airplane under critical operating conditions and the maximum oil consumption of the engine under the same conditions, plus a suitable margin to assure adequate system circulation and cooling.

(b) For a conventional oil system (that is, an oil system without an oil transfer system), only the usable oil tank capacity may be considered. The amount of oil in the engine oil lines, the oil radiator, and the feathering reserve, may not be considered. If an oil transfer system is used, and the transfer pump can pump some of the oil in the transfer lines into the main engine oil tanks, the amount of oil in these lines that can be pumped by the transfer pump may be included in the oil capacity.

[Revision note: Combines §§ 3.561 and 3.561–1(b)]

OIL TANKS

§ 23.915 Oil tanks.

Each oil tank must be able to withstand all vibration, inertia, and fluid, loads to which it might be subjected in operation. Each flexible oil tank liner must be of an acceptable type.

[Revision note: Based on § 3.563]

§ 23.917 Oil tank tests.

Each oil tank must be tested in accordance with, and meet the same test requirements as, a fuel tank except that—

(a) The applied pressure must be five p.s.i. for all tank construction instead of the pressures specified in § 23.843(a); and

(b) For a tank with a nonmetallic liner the test fluid must be oil rather than fuel as specified in § 23.843(d), and the slosh test on a specimen liner must be conducted with the oil at a temperature of 250° F.

[Revision note: Based on § 3.564]

§ 23.919 Oil tank installation.

Each oil tank installation must conform to § 23.845 (a) and (b).

[Revision note: Based on § 3.565]

§ 23.921 Oil tank expansion space.

Each oil tank must have an expansion space of at least 10 percent of the tank capacity, or ½ gallon, whichever is greater. It must not be possible to inadvertently fill the oil tank expansion space when the airplane is in the normal ground attitude.

[Revision note: Based on § 3.566]

§ 23.923 Oil tank filler connection.

Each oil tank filler connection must be marked as specified in § 23.1521.

[Revision note: Based on § 3.567]

§ 23.925 Oil tank vent.

(a) Each oil tank must be vented to the engine crankcase from the top of the expansion space so that the vent connection is not covered by oil under any normal flight conditions. Each oil tank vent must be arranged so that condensed water vapor which might freeze and obstruct the line cannot accumulate at any point.

(b) For acrobatic category airplanes, there must be provisions to prevent hazardous loss of oil during acrobatic maneuvers, including short periods of inverted flight.

[Revision note: Based on § 3.568]

§ 23.927 Oil tank outlet.

No oil tank outlet may be enclosed or covered by any screen or other guard that might impede the flow of oil. No oil tank outlet diameter may be less than the diameter of the engine oil pump inlet.

[Revision note: Based on § 3.569]

LINES, FITTINGS, AND ACCESSORIES

§ 23.937 Oil system lines, fittings, and accessories.

Each oil line must conform to § 23.877, except that the inside diameter of the engine oil inlet and outlet lines may not be less than the diameter of the corresponding engine oil pump inlet and outlet.

[Revision note: Based on § 3.570]

§ 23.941 Oil radiators.

Each oil radiator and its supporting structures must be able to withstand any vibration, inertia, and oil pressure load to which it might normally be subjected.

[Revision note: Based on § 3.572]

§ 23.943 Oil filters.

If the powerplant installation has an oil filter (strainer), the filter must be constructed and installed so that oil continues to flow at the normal rate through the remainder of the system when the flow of oil through the filter element is completely blocked.

[Revision note: Based on § 3.573]

§ 23.945 Oil system drains.

The airplane must have drains to permit safe drainage of the entire oil system. Each drain must have a means to positively lock it in the closed position.

[Revision note: Based on § 3.574]

§ 23.947 Engine breather lines.

(a) Each engine breather line must be arranged so that condensed water vapor

that might freeze and obstruct the line cannot accumulate at any point. A breather may not discharge in a location where the discharge will constitute a fire hazard if foaming occurs or where the oil emitted from the line will impinge upon the pilot's windshield. A breather may not discharge into the engine air induction system.

(b) For acrobatic category airplanes, there may be no excessive loss of oil from the breather during acrobatic maneuvers, including short periods of inverted flight.

[Revision note: Based on § 3.575]

§ 23.951 Propeller feathering system.

If the propeller feathering system depends on using engine oil supply, there must be provisions to trap an amount of oil in the tank if the supply becomes depleted due to failure of any part of the lubricating system, other than the tank itself. The amount of oil trapped must be enough to accomplish the feathering operation and must be available only to the feathering pump. The ability of the system to accomplish feathering when the supply of oil has fallen to the above level must be shown.

[Revision note: Based on § 3.577]

COOLING

§ 23.961 General.

The powerplant cooling provisions must be able to maintain the temperatures of all powerplant components and fluids within the established limits during ground and flight operation.

[Revision note: Based on § 3.581]

TESTS

§ 23.971 Cooling tests.

(a) Compliance with § 23.961 must be shown under critical ground, water, and flight operating conditions in accordance with the test procedures set forth in §§ 23.975 and 23.977.

(b) If the tests are conducted under conditions that deviate from the highest anticipated summer air temperature, the recorded powerplant temperatures must be corrected in accordance with paragraphs (c) and (d) of § 23.973. The corrected temperatures determined in this manner may not exceed the established safe values.

(c) The fuel used during the cooling tests must be the minimum grade approved for the engines involved, and the mixture settings must be the settings appropriate to the operating conditions.

(d) Water taxiing tests must be conducted on each flying boat that may reasonably be expected to be taxied for extended periods.

[Revision note: Combines §§ 3.582 (less last sentence) and 3.582–1]

§ 23.973 Temperature corrections and assumptions.

The following temperature corrections and assumptions must be used to determine compliance with the cooling test requirements:

(a) The maximum anticipated summer air temperature is considered to be 100° F. at sea level and to decrease from this value at the rate of 3.6° F. per thousand feet of altitude above sea level.

(b) Cooling test results for winterization installations may be corrected to any temperature desired by the applicant rather than the conventional 100° F. hot day.

(c) Cylinder head, oil inlet, carburetor air, and engine coolant inlet temperatures must be corrected by adding to them the difference between the maximum anticipated summer air temperature and the temperature of the ambient air at the time of the first occurrence of maximum head, air, oil, or coolant temperature recorded during the cooling test.

(d) Cylinder barrel temperatures must be corrected by adding to them 0.7 of the difference between the maximum anticipated summer air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test.

[Revision note: Combines §§ 3.583, 3.583–1 (1st sentence), 3.584, and 3.585]

§ 23.975 Cooling test procedures for single-engine airplanes.

(a) Engine cooling tests for each single-engine airplane must be conducted in the following manner:

(1) Stabilize the engine temperatures in flight with the engine operating at not less than 75 percent of the maximum continuous power rating.

(2) After engine temperatures have stabilized, start a climb at the lowest practicable altitude and continue the climb for one minute with the engine operating at the takeoff rating.

(3) At the end of one minute, continue the climb at maximum continuous power for at least five minutes after the occurrence of the highest temperature recorded.

(b) The climb required in paragraph (a) of this section must be conducted at a speed not more than the best rate-of-climb speed with maximum continuous power unless—

(1) The slope of the flight path at the speed chosen for the cooling test is equal to or greater than the minimum required angle of climb; and

(2) The airplane has a cylinder head temperature indicator as specified in § 23.1183.

(c) The stabilizing and climb parts of the test must be conducted with cowl flap settings selected by the applicant.

[Revision note: Based on § 3.586]

§ 23.977 Cooling test procedures for multiengine airplanes.

(a) Engine cooling tests for each multiengine airplane that meets the minimum one-engine-inoperative climb performance specified in § 23.73(c) or § 23.75(b) must be conducted in the following manner:

(1) The airplane must be in the configuration specified in § 23.73(c) or § 23.75(b), except that, when above the critical altitude, the operating engines must be operated at maximum continuous power or at full throttle.

(2) The stabilizing and climb parts of the test must be conducted with cowl flap settings selected by the applicant.

(3) The temperatures of the operating engines must be stabilized in flight, with the engines operating at not less than 75 percent of the maximum continuous power rating.

(4) After engine temperatures have stabilized, a climb must be started 1,000 feet below the engine critical altitude (or, if this is impracticable, at the lowest altitude which the terrain will allow) or 1,000 feet below the altitude at which the single-engine-inoperative rate of climb is 0.02 $V_{S_0}^2$, whichever is lower, and continue the climb for at least five minutes after the highest temperature has been recorded.

(5) The climb must be conducted at a speed not greater than the highest speed at which compliance with the climb requirement of § 23.73(c) or § 23.75(b) can be shown. If the speed used exceeds the speed for best rate of climb with one engine inoperative, the airplane must have a cylinder head temperature indicator as specified in § 23.1183.

(b) Engine cooling tests for each multiengine airplane which cannot meet the minimum one-engine-inoperative climb performance specified in § 23.73 (c) or § 23.75(b) must be conducted in the manner prescribed in paragraph (a) of this section, except that, after stabilizing temperatures in flight, the climb (or descent, for airplanes with zero or negative one-engine-inoperative rate of climb) must be commenced at as near sea level as is practicable and must be conducted at the best rate-of-climb speed (or the speed of minimum rate of descent, for airplanes with zero or negative one-engine-inoperative rate of climb).

[Revision note: Based on § 3.587]

LIQUID COOLING SYSTEMS

§ 23.985 Independent systems.

Each liquid-cooled engine must have an independent cooling system. The cooling system must be arranged so that no air or vapor can be trapped in any part of the system, except the expansion tank, during filling or during operation.

[Revision note: Based on § 3.588]

§ 23.987 Coolant tank.

The airplane must have a coolant tank. The tank capacity may not be less than one gallon, plus 10 percent of the cooling system capacity. Each coolant tank must be able to withstand all vibration, inertia, and fluid loads to which it may be subjected in operation. Each coolant tank must have an expansion space of at least 10 percent of the total cooling system capacity. It may not be possible to inadvertently fill the expansion space with the airplane in the normal ground attitude.

[Revision note: Based on § 3.589]

§ 23.989 Coolant tank tests.

Each coolant tank must be tested in accordance with the tests for, and meet the same requirements as, a fuel tank except that—

(a) The test required by § 23.843(a)(1) must be replaced with a similar test using the sum of the pressure developed during the maximum ultimate accelera-

FIREWALL AND COWLING

tion with a full tank or a pressure of 3.5 pounds per square inch, whichever is greater, plus the maximum working pressure of the system; and

(b) For a tank with a nonmetallic liner, the test fluid must be coolant rather than fuel as specified in § 23.843 (d), and the slosh test on a specimen liner must be conducted with the coolant at operating temperature.

[Revision note: Based on § 3.590]

§ 23.991 Coolant tank installation.

Each coolant tank must be supported so that tank loads are distributed over a large part of the tank surface. There must be pads between the tank and its supports to prevent chafing. Material used for padding must be nonabsorbent or must be treated to prevent the absorption of flammable fluids.

[Revision note: Based on § 3.591]

§ 23.993 Coolant tank filler connection.

(a) Each coolant tank filler connection must be marked as specified in § 23.1521.

(b) Spilled coolant must be prevented from entering the coolant tank compartment or any part of the airplane other than the tank itself. Each recessed coolant filler connection must have a drain or drains that discharge clear of all parts of the airplane.

[Revision note: Based on § 3.592]

§ 23.995 Coolant system lines and fittings.

Each coolant system line and fitting must conform to § 23.877, except that the inside diameter of the engine coolant inlet and outlet lines may not be less than the diameter of the corresponding engine inlet and outlet connections.

[Revision note: Based on § 3.593]

§ 23.997 Coolant radiators.

Each coolant radiator must be able to withstand any vibration, inertia, and coolant pressure load to which it may normally be subjected. Each radiator must be supported in a manner that allows expansion due to operating temperatures and prevents the transmittal of harmful vibration to the radiator. If flammable coolant is used, the air intake duct to the coolant radiator must be located so that (in case of fire) flames issuing from the nacelle cannot strike the radiator.

[Revision note: Based on § 3.594]

§ 23.999 Cooling system drains.

Each airplane must have at least one drain to permit drainage of the entire cooling system (including the coolant tank, radiator, and the engine) when the airplane is in the normal ground attitude. Each drain must discharge clear of all parts of the airplane and must have means to positively lock it in the closed position. Each cooling system drain must be accessible.

[Revision note: Based on § 3.595]

INDUCTION SYSTEM

§ 23.1011 General.

(a) Each engine air induction system must supply an adequate amount of air to the engine under all operating conditions.

(b) Each engine must have at least two separate air intake sources, except that an engine equipped with a fuel injector must have only one air intake source if the air intake, opening, or passage, is not obstructed by a screen, filter, or other part on which ice might form and restrict the airflow so as to adversely affect engine operation. Primary air intakes may open within the cowling if that part of the cowling is isolated from the engine accessory section by a fire-resistant diaphragm or if provision is made to prevent the emergence of backfire flames. Each alternate air intake must be located in a sheltered position and may not open within the cowling unless it is located so that the emergence of backfire flames will not result in a hazard. The supplying of air to the engine through the alternate air intake system of the carburetor air preheater may not result in a loss of excessive power in addition to the power lost due to the rise in the temperature of the air.

[Revision note: Based on § 3.605]

§ 23.1013 Induction system deicing and anti-icing provisions.

Each engine air induction system must have a means to prevent and eliminate ice accumulations, and must conform to the requirements of this section when the airplane is operating in air that is at a temperature of 30° F. and free of visible moisture.

(a) Each airplane with a sea level engine using a conventional venturi carburetor must have a preheater capable of providing a heat rise of 90° F. when the engine is operating at 75 percent of its maximum continuous power.

(b) Each airplane with an altitude engine using a conventional venturi carburetor must have a preheater capable of providing a heat rise of 120° F. when the engine is operating at 75 percent of its maximum continuous power.

(c) Each airplane with an altitude engine using a carburetor which has features tending to reduce the possibility of ice formation must have a preheater capable of providing a heat rise of 100° F. when the engine is operating at 60 percent of its maximum continuous power. However, the preheater need not provide a heat rise in excess of 40° F. if a fluid deicing system conforming to the requirements of §§ 23.1015 through 23.1019 is also installed.

(d) Each single-engine airplane with a sea level engine using a carburetor which has features tending to reduce the possibility of ice formation must have a sheltered alternate source of air. The preheat supplied to this alternate air intake may not be less than that provided by the engine cooling air downstream of the cylinders.

(e) Each multiengine airplane with a sea level engine using a carburetor which has features tending to reduce the possibility of ice formation must have a preheater capable of providing a heat rise of 90° F. when the engine is operating at 75 percent of its maximum continuous power.

[Revision note: Based on § 3.606]

§ 23.1015 Carburetor deicing fluid flow rate.

If a carburetor deicing fluid system is used, it must be able to supply each engine with a rate of fluid flow, expressed in pounds per hour, of not less than 2.5 multiplied by the square root of the maximum continuous power of the engine. This flow must be available to all engines simultaneously. The fluid must be introduced into the air induction system at a point close to, and upstream of, the carburetor. The fluid must be introduced in a manner that will assure that it is equally distributed over the entire cross section of the induction system air passages.

[Revision note: Based on § 3.607]

§ 23.1017 Carburetor deicing fluid system capacity.

Each carburetor deicing fluid system capacity may not be less than that required to provide fluid at the rate specified in § 23.1015 for a time equal to three percent of the maximum endurance of the airplane. However, the capacity need not exceed that required for two hours of operation, nor may it be less than that required for 20 minutes of operation, at the above flow rate. If the available preheat exceeds 50° F. but is less than 100° F., the capacity of the system may be decreased in proportion to the heat rise available in excess of 50° F.

[Revision note: Based on § 3.608]

§ 23.1019 Carburetor deicing fluid system detail design.

Each carburetor deicing fluid system must conform to the provisions for the design of a fuel system, except as specified in §§ 23.1015 and 23.1017 and except if the provisions are clearly inapplicable.

[Revision note: Based on § 3.609]

§ 23.1021 Carburetor air preheater design.

There must be means to assure adequate ventilation of the carburetor air preheater when the engine is operated in cold air. Each preheater must be constructed so that the exhaust manifold parts that it surrounds and critical parts of the preheater itself may be inspected.

[Revision note: Based on § 3.610]

§ 23.1023 Induction system ducts.

Each induction system duct must have a drain or drains that prevents the accumulation of fuel or moisture while in all normal ground and flight attitudes. No open drain may be on the pressure side of turbosupercharger installations. No drain may discharge in a location that will constitute a fire hazard. Each duct that is connected to a component of the airplane between which relative motion may exist must have provision for flexibility.

§ 23.1025 Induction system screens.

[Revision note: Based on § 3.611]

If an induction system screen is used, it must be upstream of the carburetor. It may not be possible for fuel to strike the screen. No screen may be in any part of the induction system that is the only passage through which air can

reach the engine, unless the available preheat is 100° F. or over and the screen can be deiced by the application of the heated air. No induction system screen may be deiced by means of alcohol instead of heated air.

[Revision note: Based on § 3.612]

EXHAUST SYSTEM

§ 23.1035 General.

(a) Each exhaust system must assure the safe disposal of exhaust gases without creating a fire hazard and without allowing carbon monoxide contamination of the air in personnel compartments.

(b) Unless suitable precautions are taken, no exhaust system part may be in close proximity to parts of any system carrying flammable fluids or vapors, or under parts of such a system that may be subject to leakage. Each exhaust system component must be separated by means of fireproof shields from adjacent flammable parts of the airplane which are outside the engine compartment. No exhaust gases may be discharged where they will cause a glare that seriously affects pilot visibility at night, nor may they be discharged within dangerous proximity of any fuel or oil system drains. Each exhaust system component must be ventilated to prevent points of excessively high temperature.

[Revision note: Based on § 3.615]

§ 23.1037 Exhaust manifolds.

Each exhaust manifold must be made of fireproof, corrosion-resistant materials, and must have provisions to prevent failure due to expansion when heated to operating temperatures. Each exhaust manifold must be supported so that it will withstand all vibration and inertia loads to which it may be subjected in operation. Parts of the manifold that are connected to components between which relative motion might exist must have provisions for flexibility.

[Revision note: Based on § 3.616]

§ 23.1039 Exhaust heat exchangers.

(a) Each exhaust heat exchanger must be constructed and installed in a manner that assures its ability to withstand all vibration, inertia, and other loads to which it may normally be subjected. The heat exchanger must be constructed of materials that are suitable for continued operation at high temperatures and that are adequately resistant to corrosion due to products contained in exhaust gases.

(b) There must be provisions to allow inspection of all critical parts of exhaust heat exchangers, particularly if welded construction is used. Each heat exchanger must be ventilated where it is subject to contact with exhaust gases.

[Revision note: Based on § 3.617]

§ 23.1041 Exhaust heat exchangers used in ventilating air heating systems.

Each heat exchanger used in ventilating air heating systems must be constructed so that exhaust gases may not enter the ventilating air.

[Revision note: Based on § 3.618]

FIREWALL AND COWLING

§ 23.1051 Firewalls.

Each engine, auxiliary power unit, fuel burning heater, and each other unit of combustion equipment that is to be operated in flight, must be isolated from the remainder of the airplane by firewalls, shrouds, or equivalent means.

[Revision note: Based on § 3.623]

§ 23.1055 Firewall construction.

(a) Each firewall or shroud must be constructed so that no hazardous amount of liquid, gas, or flame can pass from the engine compartment to other parts of the airplane. Each opening in the firewall or shroud must be sealed tight with fireproof grommets, bushings, or firewall fittings. Seals made of fire-resistant materials may be used on single-engine airplanes and multiengine airplanes that are not required to conform to the provisions of § 23.73(c) or § 23.75 (b) or (c) if—

(1) The airplane has an engine (or engines) with a volumetric displacement of 1,000 cubic inches or less; and

(2) Each opening in the firewall or shroud will not allow the passage of a hazardous amount of flame without seals.

(b) Each firewall or shroud must be constructed of fireproof material and must be protected against corrosion. The following test procedures for demonstrating compliance with the criteria for fireproof material must be used:

(1) The flame to which the materials are subjected must be 2,000±50° F.

(2) Sheet materials approximately 10 inches square must be subjected to the flame from a suitable burner.

(3) The flame must be large enough to maintain the required test temperature over an area approximately five inches square.

(c) Firewall materials and fittings must resist flame penetration for 15 minutes.

(d) The following materials are satisfactory for use in firewalls or shrouds without being tested as required by this section:

(1) Stainless steel sheet, 0.015 inch thick.

(2) Mild steel sheet (coated with aluminum or otherwise protected against corrosion) 0.018 inch thick.

(3) Terne plate, 0.018 inch thick.

(4) Monel metal, 0.018 inch thick.

(5) Steel or copper base alloy firewall fittings.

[Revision note: Combines §§ 3.623–1 and 3.624]

§ 23.1057 Cowling.

(a) Each cowling must be made and suported so that it can resist all vibration, inerta, and air loads to which it may normally be subjected. There must must be provisions for rapid and complete drainage of all parts of the cowling in all normal ground and flight attitudes. No drain may discharge where the discharge will cause a fire hazard.

(b) Cowling must be constructed of fire-resistant material. Each part of the airplane behind an opening in the engine compartment cowling must be made of fire-resistant material for a distance of at least 24 inches aft of the opening. Each part of the cowling that is subjected to high temperatures due to proximity to exhaust system ports or exhaust gas impingement, must be made of fireproof material.

[Revision note: Based on § 3.625]

POWERPLANT CONTROLS AND ACCESSORIES

CONTROLS

§ 23.1067 Powerplant controls.

Each powerplant control must conform to §§ 23.697 and 23.1503. Each control must maintain any necessary position without constant attention by the flight personnel and may not have a tendency to creep due to control loads or vibration. Each flexible control must be of an acceptable type. Each control must have adequate strength and rigidity to withstand operating loads without failure or excessive deflection.

[Revision note: Based on § 3.627]

§ 23.1069 Throttle controls.

The airplane must have a throttle control to give independent control for each engine. Each throttle control must give a positive and immediately responsive means of controlling the engine. Throttle controls must be grouped and arranged so that separate control of each engine and simultaneous control of all engines is possible.

[Revision note: Based on § 3.628]

§ 23.1071 Ignition switches.

Each ignition switch must provide control for each ignition circuit on each engine. It must be possible to quickly shut off all ignition on multiengine airplanes, either by grouping of the individual switches or by providing a master ignition control. If the system has a master control, there must be means to prevent its inadvertent operation.

[Revision note: Based on § 3.629]

§ 23.1073 Mixture controls.

If the airplane has mixture controls, each engine must have a separate control. The mixture controls must be grouped and arranged so that separate control of each engine and simultaneous control of all engines is possible.

[Revision note: Based on § 3.630]

§ 23.1075 Propeller speed and pitch controls.

If the airplane has propeller speed or pitch controls, the controls must be grouped and arranged so that separate control of each engine and simultaneous control of all propellers is possible. The controls must permit ready synchronization of all propellers on multiengine airplanes.

[Revision note: Based on § 3.631]

§ 23.1077 Propeller feathering controls.

If the airplane has propeller feathering controls, each propeller must have a separate control. Propeller feathering controls must have means to prevent inadvertent operation.

[Revision note: Based on § 3.632]

§ 23.1079 Fuel system controls.

Each fuel system control must conform to § 23.879(c).

[Revision note: Based on § 3.633]

§ 23.1081 Carburetor air preheat controls.

The airplane must have separate controls to regulate the temperature of the carburetor air for each engine.

[Revision note: Based on § 3.634]

ACCESSORIES

§ 23.1091 Powerplant accessories.

Each engine-driven accessory must be of a type satisfactory for installation on the engine involved, and must use the provisions made on the engine to mount the unit. Electrical equipment subject to arcing or sparking must be installed in a manner that minimizes the possibility of contact with any flammable fluids or vapors that might be present in a free state.

[Revision note: Based on § 3.635]

§ 23.1093 Engine battery ignition systems.

(a) Each battery ignition system must be supplemented with a generator that is automatically made available as an alternate source of electrical energy, allowing continued engine operation in the event of the depletion of any battery.

(b) The capacity of batteries and generators must be enough to meet the simultaneous demands of the engine ignition system and the greatest demands of other electrical system components that draw electrical energy from the same source. The condition of an inoperative generator, and the condition of a completely depleted battery when the generator is running at its normal operating speed, must be considered. If there is only one battery, the condition in which the battery is completely depleted and the generator is operating at idling speed must be considered.

(c) The airplane must have a means to warn the appropriate flight personnel if malfunctioning of any part of the electrical system is causing the continuous discharging of a battery used for engine ignition.

[Revision note: Based on § 3.636]

POWERPLANT FIRE PROTECTION

§ 23.1103 Flammable fluids; shutoff means for multiengine aircraft which must conform to the provisions of § 23.73(c) or § 23.75(b).

(a) Each engine must have a means to shut off or otherwise prevent hazardous quantities of fuel, oil, deicing fluid, and other flammable fluids from flowing into, within, or through the engine compartment, except in lines forming an integral part of an engine. The closing of the fuel shutoff valve for any engine may not make any of the fuel supply unavailable to the remaining engines.

(b) Operation of the shutoff means may not interfere with the subsequent emergency operation of other equipment such as propeller feathering devices.

(c) Each shutoff must be outside of the engine compartment unless an equally high degree of safety is provided with the shutoff inside the engine compartment. It must be shown that no hazardous amount of flammable fluid could drain into the engine compartment after shutoff has been accomplished.

(d) The airplane must have a means to guard against inadvertent operation of the shutoff, and to make it possible for the crew to reopen the shutoff in flight after it has been closed.

[Revision note: Based on § 3.637]

§ 23.1105 Lines and fittings.

(a) Each line or fitting carrying a flammable fluid in the engine compartment must be fire resistant except—

(1) A line or fitting that forms an integral part of the engine; and

(2) A vent, drain line, or its fittings, the failure of which will not result in, or add to, a fire hazard.

(b) If flexible hose is used, the assembly of hose and end fittings must be of an approved type.

[Revision note: Based on § 3.638]

Subpart F—Equipment

§ 23.1125 General.

(a) The equipment specified in § 23.1129 must be used to show compliance with this part.

(b) Unless otherwise provided, additional equipment specified in other parts of this chapter for special types of operation is not required in order to show compliance with this part.

[Revision note: Based on § 3.651]

§ 23.1127 Functional and installation requirements.

(a) Each item of equipment that is essential to the safe operation of the airplane, including radio communication and navigation equipment installed on the airplane, must be found by the Administrator to adequately perform the functions for which it is to be used, must function properly when installed, and, where appropriate, must be adequately labeled as to its identification, function, and operating limitations.

(b) The installation of radio equipment must conform to § 23.1359.

[Revision note: Combines §§ 3.652 and 3.652-1]

BASIC EQUIPMENT

§ 23.1129 Required basic equipment.

The required basic equipment items are as follows:

(a) Flight and navigational instruments:

(1) Airspeed indicator.
(2) Altimeter.
(3) Magnetic direction indicator.

(b) Powerplant instruments for each engine or tank (if required):

(1) Fuel quantity indicator.
(2) Oil pressure indicator.
(3) Oil temperature indicator.
(4) Tachometer.
(5) Cylinder head temperature indicator.
(6) Fuel pressure indicator (if pump-fed engines are used).
(7) Manifold pressure indicator (if altitude engines are used).
(8) Oil quantity indicator.
(c) Electrical equipment (if required)
(1) Master switch arrangement.
(2) Adequate source(s) of electrical energy.
(3) Electrical protective devices.
(d) Miscellaneous equipment:
(1) Approved safety belts for all occupants.
(2) Airplane flight manual (if required by § 23.1541).

[Revision note: Based on § 3.655]

INSTRUMENTS; INSTALLATION

GENERAL

§ 23.1139 Arrangement and visibility of instrument installations.

(a) Each flight, navigation, and powerplant instrument must be easily visible to each pilot for whom its use is intended.

(b) For each multiengine airplane, identical powerplant instruments for the engines must be located in a manner that prevents confusion as to which engine the instruments relate.

[Revision note: Based on § 3.661]

§ 23.1141 Instrument panel vibration characteristics.

Vibration characteristics of the instrument panel may not impair the accuracy of any instrument or cause damage to it.

[Revision note: Based on § 3.662]

FLIGHT AND NAVIGATIONAL INSTRUMENTS

§ 23.1151 Airspeed indicating system.

(a) Except for an allowable installational error of plus or minus three percent of the calibrated airspeed, or five miles per hour, whichever is greater, each airspeed indicating system must indicate true airspeed at sea level under standard conditions—

(1) At all speeds from V_C to 1.3 V_{S_1}, with flaps up; and

(2) At 1.3 V_{S_1}, with flaps extended.

(b) Calibration of each airspeed indicating system must be made in flight.

[Revision note: Based on § 3.663]

§ 23.1153 Airspeed indicator marking.

Each airspeed indicator must be marked in accordance with the requirements of § 23.1485.

[Revision note: Based on § 3.664]

§ 23.1155 Static air vent system.

Each instrument with static air case connections must be vented so that the influence of airplane speed, the opening and closing of windows, airflow variation, and moisture or other foreign matter does not seriously affect its accuracy.

[Revision note: Based on § 3.665]

§ 23.1157 Magnetic direction indicator.

Each magnetic direction indicator must be installed so that its accuracy is not excessively affected by the airplane's vibration or magnetic fields. In addition, the magnetic direction indicator must be installed so that, after it has been compensated, the deviation in level flight does not exceed ten degrees on any heading.

[Revision note: Based on § 3.666]

§ 23.1159 Automatic pilot system.

If an automatic pilot system is installed, the following requirements apply:

(a) The system must be designed so that the automatic pilot can either be quickly and positively disengaged by the human pilot to prevent it from interfering with the control of the airplane, or be overpowered by the human pilot to enable him to control the airplane.

(b) Unless there is automatic synchronization, each system must have a means to readily indicate to the pilot the alignment of the actuating device in relation to the control system it operates.

(c) Each manually operated control for the system's operation must be readily accessible to the pilot. Each control must operate in the same plane and sense of motion as specified in § 23.697 for cockpit controls. The direction of motion must be plainly indicated on, or adjacent to, each control.

(d) Each automatic pilot system must be designed and adjusted so that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the airplane or create hazardous deviations in the flight path under any conditions of flight appropriate to its use, either during normal operation or in the event of a malfunction, assuming that corrective action is initiated within a reasonable period of time.

(e) Each system must be designed so that a single malfunction will not produce a hardover signal in more than one control axis. If the automatic pilot integrates signals from auxiliary controls or furnishes signals for operation of other equipment, positive interlocks and sequencing of engagement to preclude improper operation are required. Protection against adverse interaction of integrated components, resulting from a malfunction, is also required.

[Revision note: Based on § 3.667]

§ 23.1161 Gyroscopic instruments.

Each gyroscopic instrument installed in airplanes must derive its energy from power sources of sufficient capacity to maintain its required accuracy at all airplane speeds above the best rate-of-climb speed. It must be installed in a manner that prevents malfunctioning due to rain, oil, and other detrimental elements. There must be a means to indicate the adequacy of the power being supplied to the instruments. In addition, the following applies to multiengine airplanes:

(a) There must be at least two independent sources of power (not driven by the same engine), a manual or an automatic means for selecting the power source, and a means for indicating the adequacy of the power being supplied by each source.

(b) The installation and power supply systems must be designed so that—

(1) The failure of one instrument will not interfere with the proper supply of energy to the remaining instruments; and

(2) The failure of the energy supply from one source will not interfere with the proper supply of energy from any other source.

[Revision note: Based on § 3.668]

§ 23.1163 Flight director instrument.

If the airplane has a flight director instrument, the installation may not affect the performance and accuracy of the required instruments. There must be a means for disconnecting the flight director instrument from the required instruments or their installations.

[Revision note: Based on § 3.669]

POWERPLANT INSTRUMENTS

§ 23.1173 Operational markings.

Instruments must be marked as specified in § 23.1489.

[Revision note: Based on § 3.670]

§ 23.1175 Instrument lines.

Each powerplant instrument line must conform to § 23.877. In addition, an instrument line carrying inflammable fluids or gasses under pressure must have restricted orifices or other safety devices at the source of the pressure to prevent escape of excessive fluid or gas if the line fails.

[Revision note: Based on § 3.671]

§ 23.1177 Fuel quantity indicator.

(a) Each airplane must have a means to indicate to the flight personnel the quantity of fuel in each tank during flight. Tanks with interconnected outlets and airspaces may be considered as one tank and need not have separate indicators. Each exposed sight guage must be installed and guarded in a manner that precludes the possibility of breakage or damage. A sight gauge that forms a trap in which water can collect and freeze must have means to permit drainage on the ground. Each fuel quantity gauge must be calibrated to read "zero" during level flight when the amount of fuel remaining in the tank is equal to the unusable fuel supply determined under § 23.827.

(b) No fuel gauge is required for a small auxiliary tank that is used only to transfer fuel to other tanks if the relative size of the tank, the rate of fuel transfer, and operating instructions are adequate to—

(1) Guard against overflow; and

(2) Give the crew prompt warning if transfer is not proceeding as planned.

(c) A fuel tank gauge calibrated to read in either gallons or pounds, and clearly marked to indicate which scale is being used, may be used.

[Revision note: Combines §§ 3.672 and 3.672-1]

§ 23.1179 Fuel flowmeter system.

If there is a fuel flowmeter system in the fuel line, the metering component must have a suitable means for the purpose of bypassing the fuel supply in the event that a malfunction of the metering component severely restricts fuel flow.

[Revision note: Based on § 3.673]

§ 23.1181 Oil quantity indicator.

The airplane must have a ground means (such as a stick gauge) to indicate the quantity of oil in each tank. If there is an oil transfer system or a reserve oil supply system, there must be means to indicate the quantity of oil in each tank to the flight personnel, during flight.

[Revision note: Based on § 3.674]

§ 23.1183 Cylinder head temperature indicating system for air-cooled engines.

Each air-cooled engine on airplanes equipped with cowl flaps must have a cylinder head temperature indicator. An airplane that does not have cowl flaps must have an indicator if compliance with § 23.961 is shown at a speed in excess of the speed of best rate of climb.

[Revision note: Based on § 3.675]

ELECTRICAL SYSTEMS AND EQUIPMENT

§ 23.1193 Installation.

Each electrical system must be of a type and design that is adequate for the intended use. In addition, when installed, it must be—

(a) Free from hazards in itself, in its method of operation, and in its effects on other parts of the airplane; and

(b) Suitably protected from fuel, oil, water, other detrimental substances, and mechanical damage.

[Revision note: Based on § 3.681]

ELECTRIC POWER SOURCES

§ 23.1203 Electric power sources.

(a) Each electric power source, its transmission cables, and its associated control and protective devices, must have enough capacity to furnish the required power at the proper voltage to all load circuits essential to the safe operation of the airplane.

(b) Compliance with paragraph (a) of this section must be shown by means of an electrical load analysis, or by electrical measurements, that take into account all electrical loads applied to the electrical system in probable combinations and for probable durations.

(c) There must be at least one generator if the electrical system supplies power to load circuits that are essential to the safe operation of the airplane.

(d) Electric power sources must function properly independently and when connected in combination. The failure or malfunction of any electric power source may not impair the ability of any remaining source to supply load circuits which are essential to the safe operation of the airplane.

(e) Each electric power source control must permit independent operation of each source.

[Revision note: Based on § 3.682]

§ 23.1205 Storage battery design and installation.

Unless operating experience with similar battery designs and installations shows that no temperature or pressure problems will arise with a particular battery design and installation, it must

be shown for each battery design and

§ 23.1223 Master switch installation.

tance or insulating material between

airplane and the other 110 degrees to the planes 70 degrees to the right and left, phibian, it must be able to show a white

be shown for each battery design and installation that the following conditions are met:

(a) Safe cell temperatures and pressures will be maintained during all probable charging or discharging conditions.

(b) No uncontrolled increase in cell temperature will result when the storage battery is recharged (after previous complete discharge) at the maximum regulated voltage, during a flight of maximum duration, under the most adverse cooling conditions likely to occur in service.

(c) Explosive or toxic gases emitted by the storage battery in normal operation, or as a result of any probable malfunction in the charging system or battery installation, will not accumulate in hazardous quantities within the airplane.

(d) Corrosive fluids or gases which may be emitted or spilled from the storage battery will not damage surrounding airplane structures or adjacent essential equipment.

[Revision note: Based on § 3.683]

§ 23.1207 Generator.

Each generator must be able to deliver its continuous rated power.

[Revision note: Based on § 3.685]

§ 23.1209 Generator controls.

(a) Generator voltage control equipment must be able to dependably regulate the generator output within rated limits.

(b) Each generator reverse current cutout must be designed and installed so that the generator is disconnected from the battery and other generators when the generator is developing a voltage of such a value that enough current to cause malfunctioning can flow into the generator.

[Revision note: Based on § 3.686]

INSTRUMENTS

§ 23.1219 Electric power system instruments.

(a) The airplane must have a means to indicate to appropriate crewmembers those electric power system quantities that are essential for the safe operation of the system.

(b) For direct current systems, an ammeter which can be switched into each generator feeder may be used. If there is only one generator, the ammeter may be in the battery feeder.

[Revision note: Based on § 3.687 and the note following]

MASTER SWITCH

§ 23.1221 Arrangement.

The airplane must have a master switch arrangement to allow expeditious disconnection of all electric power sources from the main bus. The point of disconnection must be adjacent to the power sources. Load circuits may be connected so that they remain energized after the master switch is opened if they are protected by circuit protective devices, rated at five amperes or less located next to the electric power source.

[Revision note: Based on § 3.688]

§ 23.1223 Master switch installation.

Each master switch or its controls must be installed so that it is easily discernible and accessible to a member of the crew in flight.

[Revision note: Based on § 3.689]

PROTECTIVE DEVICES

§ 23.1233 Fuses or circuit breakers.

Protective devices (fuses or circuit breakers) must be installed in the circuits of all electrical equipment except the main circuits of starter motors or other circuits where no hazard is presented by their omission. Not more than one circuit that is essential to safety in flight may be protected by a single protective device. Each resettable type circuit protective device must be designed so that a manual operation is required to restore service after tripping, and so that, when an overload or circuit fault exists, it will open the circuit irrespective of the position of the operating control.

[Revision note: Based on § 3.690]

§ 23.1235 Protective devices installation.

If the ability to reset a circuit breaker or to replace a fuse is essential to safety in flight, the circuit breaker or fuse must be in a position and identified so that it can be readily reset or replaced in flight.

[Revision note: Based on § 3.691]

§ 23.1237 Spare fuses.

If fuses are used, there must be one spare of each rating, or 50 percent spare fuses of each rating, whichever is greater.

[Revision note: Based on § 3.692]

ELECTRIC CABLES

§ 23.1247 Electric cables.

Each electric connecting cable must be of adequate capacity. A cable that would overheat in the event of circuit overload or fault must be flame resistant and may not emit dangerous quantities of toxic fumes.

[Revision note: Based on § 3.693]

SWITCHES

§ 23.1249 Switches.

Each switch must be able to carry its rated current and must be constructed with sufficient distance or insulating material between current carrying parts and the housing so that vibration in flight will not cause shorting.

[Revision note: Based on § 3.694]

§ 23.1251 Switch installation.

Each switch must be installed so that it is readily accessible to the appropriate crewmember. Each switch must be suitably labeled as to operation and the circuit controlled.

[Revision note: Based on § 3.695]

INSTRUMENT LIGHTS

§ 23.1261 Instrument lights.

If there are instrument lights, they must be constructed with sufficient distance or insulating material between current carrying parts and the housing so that vibration in flight will not cause shorting. They must provide sufficient illumination to make all instruments and controls easily readable and discernible. A cabin dome light is not an instrument light.

[Revision note: Combines §§ 3.696 and 3.696–1]

§ 23.1263 Instrument light installation.

Instrument lights must be installed so that their direct rays, and rays reflected from the windshield or other surface, are shielded from the pilot's eyes.

[Revision note: Based on § 3.697]

LANDING LIGHTS

§ 23.1273 Landing lights.

If there are landing lights, they must be of acceptable types.

[Revision note: Based on § 3.698]

§ 23.1275 Landing light installation.

Landing lights must be installed so that no dangerous glare is visible to the pilot and so that the pilot is not seriously affected by halation. In addition, they must provide adequate illumination for night landing.

[Revision note: Based on § 3.699]

POSITION LIGHTS

§ 23.1285 Position light system installation.

(a) Each position light system must consist of the following lights:

(1) Forward position lights consisting of a red and a green light, spaced laterally as far apart as practicable, and installed in a forward location on the airplane so that, with the airplane in normal flying position, the red light is displayed on the left side and the green light is displayed on the right side. The individual lights must be of approved types.

(2) A rear position white light, mounted as far aft as practicable. The light must be of an approved type.

(b) The two forward position lights and the rear position light must make a single circuit.

(c) The light covers or color filters used must be made of flame-resistant material and must be constructed so that they will not change color or shape, or suffer any appreciable loss of light transmission, during normal use.

[Revision note: Based on § 3.700]

§ 23.1287 Position light system dihedral angles.

The forward and rear position lights, when installed on the airplane, must show unbroken light within the dihedral angles specified in this section.

(a) Dihedral angle *L* (left) is formed by two intersecting vertical planes, one parallel to the longitudinal axis of the airplane and the other at 110 degrees to the left of the first, when looking forward along the longitudinal axis.

(b) Dihedral angle *R* (right) is formed by two intersecting vertical planes, one parallel to the longitudinal axis of the airplane and the other 110 degrees to the right of the first, when looking forward along the longitudinal axis.

(c) Dihedral angle *A* (aft) is formed by two intersecting vertical planes making angles of 70 degrees to the right and 70 degrees to the left, respectively, looking aft along the longitudinal axis, to a vertical plane passing through the longitudinal axis.

[Revision note: Based on § 3.701]

§ 23.1289 Position light distribution and intensities.

(a) *General.* The intensities prescribed in this section are for new equipment with all light covers and color filters in place. Intensities must be determined with the light source operating at a steady value equal to the average luminous output of the light source at the normal operating voltage of the airplane. The light distribution and intensities of position lights must conform to the provisions of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights are expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlapping beams within dihedral angles *L*, *R*, and *A*. They must conform to the following requirements:

(1) *Intensities in horizontal plane.* The intensities in the horizontal plane may not be less than the values in § 23.1291. (The horizontal plane is the plane containing the longitudinal axis of the airplane and is perpendicular to the plane of symmetry of the airplane.)

(2) *Intensities above and below horizontal.* The intensities in any vertical plane may not be less than the appropriate value in § 23.1293 where I is the minimum intensity prescribed in § 23.1291 for the corresponding angles in the horizontal plane. (Vertical planes are planes perpendicular to the horizontal plane).

(3) *Overlaps between adjacent signals.* The intensities in overlaps between adjacent signals may not exceed the values in § 23.1295. However, higher intensities in the overlaps may be used with main beam intensities substantially greater than the minima specified in §§ 23.1291 and 23.1293 if the overlap intensities in relation to the main beam intensities do not adversely affect signal clarity. If the peak intensity of the forward position lights is greater than 100 candles, the maximum overlap intensities between them may exceed the values in § 23.1295 if the overlap intensity in Area *A* is not more than 10 percent of peak position light intensity, and the overlap intensity in Area *B* is not more than 2.5 percent of peak position light intensity.

(c) *Rear position light installation.* A single rear position light may be installed in a position displaced laterally from the plane of symmetry of an airplane if the axis of the maximum cone of illumination is parallel to the flight path in level flight, and if there is no obstruction aft of the light and between planes 70 degrees to the right and left of the axis of maximum illumination.

[Revision note: Combines §§ 3.702, 3.702–1, and 3.702–2]

§ 23.1291 Minimum intensities in the horizontal plane of forward and rear position lights.

Dihedral angle (light involved)	Angle from right or left of longitudinal axis, measured from dead ahead	Intensity (candles)
L and *R* (forward red and green)	0° to 10°	40
	10° to 20°	30
	20° to 110°	5
A (rear white)	110° to 180°	20

[Revision note: Based on figure 8–15]

§ 23.1293 Minimum intensities in any vertical plane of forward and rear position lights.

Angle above or below horizontal	Intensity
0°	1.00 *I.*
0° to 5°	0.90 *I.*
5° to 10°	0.80 *I.*
10° to 15°	0.70 *I.*
15° to 20°	0.50 *I.*
20° to 30°	0.30 *I.*
30° to 40°	0.10 *I.*
40° to 90°	0.05 *I.*

[Revision note: Based on figure 3–16]

§ 23.1295 Maximum intensities in overlapping beams of forward and rear position lights.

Overlaps	Maximum intensity	
	Area A (candles)	Area B (candles)
Green in dihedral angle *L*	10	1
Red in dihedral angle *R*	10	1
Green in dihedral angle *A*	5	1
Red in dihedral angle *A*	5	1
Rear white in dihedral angle *L*	5	1
Rear white in dihedral angle *R*	5	1

Area A includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 10 degrees but less than 20 degrees. Area B includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 20 degrees.

[Revision note: Based on figure 3–17]

§ 23.1297 Color specifications.

Position light colors must conform to the following chromaticity coordinates of the International Commission on Illumination:

(a) *Aviation red.*

y is not greater than 0.335.
z is not greater than 0.002.

(b) *Aviation green.*

x is not greater than $0.440-0.320y$,
x is not greater than $y-0.170$,
y is not less than $0.390-0.170x$

(c) *Aviation white.*

x is not less than 0.350
x is not greater than 0.540,
$y-y_0$ is not numerically greater than 0.01, y_0 being the y coordinate of the Planckian radiator for which $x_0=x$.

[Revision note: Based on § 3.703]

RIDING LIGHT (SEAPLANES)

§ 23.1305 Riding light.

(a) If a riding (anchor) light is required for a seaplane, flying boat, or amphibian, it must be able to show a white light for at least two miles at night under clear atmospheric conditions.

(b) Each riding light must be installed so that it shows the maximum unbroken light practicable when the airplane is moored or drifting on the water. Externally hung lights may be used.

[Revision note: Based on § 3.704]

ANTICOLLISION LIGHT SYSTEM

§ 23.1315 Anticollision light system for air planes for which an application for a type certificate was made after March 31, 1957.

To be eligible for certification for use in night operations, airplanes for which application for type certification was made after March 31, 1957, must have an anticollision light system. The system must consist of one or more approved anticollision lights, located where the emitted light will not impair the crew's vision and will not detract from the conspicuity of the position lights. The system must conform to the following requirements:

(a) *Field of coverage.* The system must consist of a light or lights that cover all vital areas around the airplane considering the physical configuration and the flight characteristics of the airplane. The field of coverage must extend in all directions within 30 degrees above and 30 degrees below the horizontal plane of the airplane, except that a solid angle or angles of obstructed visibility totaling not more than 0.5 steradians is allowable.

(b) *Flashing characteristics.* Each system (including the number of light sources, beam width, speed of rotation, and similar characteristics) must be arranged to give an effective flash frequency of not less than 40 nor more than 100 cycles per minute. The effective flash frequency is the frequency at which the airplane's complete anticollision light system is observed from a distance, and applies to all sectors of light including the overlaps which might exist when the system consists of more than one light source. In overlaps, flash frequencies above 100 cycles per minute, but not more than 180 cycles per minute, are allowed.

(c) *Color.* The color of the anticollision lights must be aviation red, in accordance with the specifications of § 23.1297(a).

(d) *Light intensity.* The minimum light intensity in all vertical planes, measured with the red filter and expressed in "effective intensities", is as follows:

(1)

Angle above or below horizontal plane	Effective intensity (candles)
0° to 5°	100
5° to 10°	60
10° to 20°	20
20° to 30°	10

(e) *Minimum control speed V_{MC}.* The

MARKINGS AND PLACARDS

tude with engine(s) operating and radio

(2) The following relation is assumed:

$$I_e = \frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2 + (t_2 - t_1)}$$

where—

(i) I_e = effective intensity (candles);

(ii) $I(t)$ = instantaneous intensity as a function of time; and

(iii) $t_2 - t_1$ = flash time interval (seconds).

[Revision note: Combines §§ 3.706, figure 3-18, and 3.706-1 (1st sentence)]

§ 23.1317 Anticollision light system for airplanes for which an application for a type certificate was made before April 1, 1957.

(a) Airplanes for which application for a type certificate was made before April 1, 1957, may be certificated for night operation without an anticollision light system. If there is an anticollision light system, it must conform either to § 23.1315 or paragraphs (b) through (d) of this section.

(b) The anticollision light system must be of the rotating beacon type. It must be installed on top of the fuselage or the tail in a location where the light will not impair the flight crew's vision and will not detract from the conspicuity of the position lights. If there is no acceptable location on top of the fuselage or tail, a bottom fuselage installation may be used.

(c) The color of the anticollision light must be aviation red, in accordance with the specifications of § 23.1297(a).

(d) The arrangement of the anticollision light (the number of light sources, beam width, speed of rotation, and similar items), must provide an effective flash frequency of not less than 40 nor more than 100 cycles per minute, with an on-off ratio not less than 1: 75.

[Revision note: Based on § 3.705-1 (less 1st sentence)]

SAFETY EQUIPMENT: INSTALLATION

§ 23.1327 Marking.

Required safety equipment which the crew is expected to operate in an emergency (such as flares and automatic life raft releases) must be readily accessible and plainly marked as to method of operation. If this equipment is carried in lockers, compartments, or other storage places, the storage places must be marked for the benefit of passengers and crew.

[Revision note: Based on § 3.711]

§ 23.1329 Deicers.

If there are pneumatic deicers, the installation must be made in accordance with approved data. There must be a positive means to deflate the pneumatic boots.

[Revision note: Based on § 3.712]

§ 23.1335 Safety belts.

Each safety belt must be of an approved type. The rated strength of the safety belt may not be less than that required to withstand the ultimate load factors specified in § 23.709(b), considering the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. Each safety belt must be attached so that no part of the anchorage will fail at a load lower than that which would result from the application of ultimate load factors equal to those specified in § 23.709(b) multiplied by a factor of 1.33. This factor must be used in place of the fitting factor prescribed in § 23.505. For safety belts for berths parallel to the longitudinal axis of the airplane, the forward load factor need not be applied.

[Revision note: Based on § 3.715]

EMERGENCY FLOTATION AND SIGNALING EQUIPMENT

§ 23.1345 Rafts and life preservers.

Each raft and life preserver must be of an approved type.

[Revision note: Based on § 3.716]

§ 23.1347 Installation.

If emergency flotation and signaling equipment is required, it must be installed so that it is readily available to the crew and passengers. Each raft released automatically or by the pilot must be attached to the airplane by means of a line to keep it adjacent to the airplane. This line must be weak enough to break before submerging the empty raft.

[Revision note: Based on § 3.717]

§ 23.1349 Signaling device.

If a signaling device is required by other parts in this chapter, it must be accessible and function satisfactorily and must be free of any hazard in its operation.

[Revision note: Based on § 3.718]

RADIO EQUIPMENT: INSTALLATION

§ 23.1359 General.

Radio equipment and installations in the airplane must be free of hazards in themselves, in their method of operation, and in their effects on other components of the airplane.

[Revision note: Based on § 3.721]

MISCELLANEOUS EQUIPMENT: INSTALLATION

§ 23.1369 Accessories for multiengine airplanes.

Engine-driven accessories essential to the safe operation of the airplane must be distributed among two or more engines so that the failure of any one engine will not impair the safe operation of the airplane through the malfunctioning of these accessories.

[Revision note: Based on § 3.725]

HYDRAULIC SYSTEMS

§ 23.1379 General.

Each hydraulic system and element of the system must be designed to withstand, without exceeding the yield point, all structural loads in addition to the hydraulic loads that might be imposed.

[Revision note: Based on § 3.726]

§ 23.1381 Tests.

Each hydraulic system must be substantiated by proof pressure tests. When proof tested, no part of the hydraulic system may fail, malfunction, or experience a permanent set. The proof load of any system must be 1.5 times the maximum operating pressure of that system.

[Revision note: Based on § 3.727]

§ 23.1383 Accumulators.

No hydraulic accumulator or pressurized reservoir may be installed on the engine side of the firewall unless it is an integral part of the engine or propeller.

[Revision note: Based on § 3.728]

Subpart G—Operating Limitations and Information

§ 23.1403 General.

There must be a means to adequately inform the pilot and other appropriate crewmembers of the operating limitations upon which the type design is based. Any other information (concerning the airplane) found by the Administrator to be necessary for safety during its operation must also be made available to the crew.

[Revision note: Based on § 3.735]

LIMITATIONS

§ 23.1413 Limitations; general.

The operating limitations specified in §§ 23.1423 through 23.1463, and any similar limitations, must be established for each airplane to be certificated and made available to the operator in the manner prescribed in §§ 23.1473 through 23.1547, unless those limitations are unnecessary for safe operation because of the design of the airplane.

[Revision note: Based on § 3.737]

AIRSPEED

§ 23.1423 Airspeed limitations.

The airspeed limitations must be established in accordance with the following:

(a) *Never-exceed speed* V_{NE}. No never-exceed speed may exceed the lesser of—

(1) 0.9 V_D chosen in accordance with § 23.245; or

(2) 0.9 times the maximum speed demonstrated in accordance with § 23.197 but not less than 0.9 times the minimum value of V_D permitted by § 23.245.

(b) *Maximum structural cruising speed* V_{NO}. No maximum structural cruising speed may be—

(1) Greater than V_C chosen in accordance with § 23.245;

(2) Greater than 0.89 times V_{NE} established under paragraph (a) of this section; and

(3) Less than the minimum V_C permitted in § 23.245.

(c) *Maneuvering speed* V_A. The maneuvering speed must be determined in accordance with § 23.245.

(d) *Flaps-extended speed* V_{FE}:

(1) No flaps-extended speed V_{FE} may be less than the minimum value of design flap speed in §§ 23.265 and 23.347, nor more than the lesser of—

(i) The design flap speed, V_F, chosen in accordance with § 23.265; or

(ii) The design flap speed chosen in accordance with §§ 23.247.

(2) Additional combinations of flap setting, airspeed, and engine power may be established if the structure has been proven for the corresponding design conditions.

(e) *Minimum control speed* V_{MC}. The minimum control speed must be determined in accordance with § 23.117.

[Revision note: Combines §§ 3.738 through 3.743]

POWERPLANT

§ 23.1433 Powerplant limitations.

(a) The following powerplant limitations must be established:

(1) For takeoff operation—

(i) The maximum rotational speed (r.p.m.);

(ii) The maximum allowable manifold pressure;

(iii) The maximum allowable gas temperature;

(iv) The time limit for use of the power or thrust which corresponds to the values established in subdivisions (i) through (iii) of this subparagraph; and

(v) The maximum allowable cylinder head, oil, and liquid coolant temperatures, if the time limit established in subdivision (iv) of this subparagraph exceeds two minutes.

(2) For maximum continuous operation—

(i) The maximum rotational speed (r.p.m.);

(ii) The maximum allowable manifold pressure;

(iii) The maximum allowable gas temperature; and

(iv) The maximum allowable cylinder head, oil, and liquid coolant temperatures.

(3) For takeoff and maximum continuous operation—

(i) The minimum fuel grade for reciprocating engines; or

(ii) The fuel designation for turbine engines.

(b) No powerplant limitation established under this section may exceed any corresponding limit established as part of the type certification of the engine or propeller used.

[Revision note: Based on § 3.744]

AIRPLANE WEIGHT

§ 23.1443 Airplane weight.

The airplane weight and center of gravity limitations must be determined in accordance with § 23.31.

[Revision note: Based on § 3.748]

MINIMUM FLIGHT CREW

§ 23.1453 Minimum flight crew.

The minimum flight crew must be determined as that number of persons required for the safe operation of the airplane during flight under VFR, determined by the availability and satisfactory operation of all necessary controls by each operator concerned.

[Revision note: Based on § 3.749]

KINDS OF OPERATION

§ 23.1463 Kinds of operation.

The kind of operation to which the airplane is limited is established by the category in which it is found eligible for certification and by the equipment installed.

[Revision note: Based on § 3.750]

MARKINGS AND PLACARDS

§ 23.1473 Markings and placards.

(a) Except as provided in § 23.1529 (b), all specified markings and placards are required for all airplanes certificated in the normal, utility, and acrobatic categories. Placards must be displayed in a conspicuous place. No placard or marking may be easily erased, disfigured, or obscured. Additional informational placards and instrument markings with a direct and important bearing on safe operation may be required by the Administrator because of unusual design, operating, or handling characteristics.

(b) If an airplane is to be certificated in more than one category, the applicant must select one category on which the placards and markings on the airplane are to be based. The placard and marking information for the other categories in which the airplane is to be certificated must be recorded in the airplane flight manual. A reference to this information must be on a placard which must also indicate the category on which the airplane placards and markings are based.

[Revision note: Based on § 3.755]

INSTRUMENT MARKINGS

§ 23.1483 Instrument markings.

Each instrument must be marked in accordance with §§ 23.1485 through 23.1493. If these markings are on the cover glass of the instrument, there must be adequate provisions to maintain the correct alignment of the glass cover with the face of the dial. Each arc and line must be wide enough to be clearly and easily visible to the pilot.

[Revision note: Based on § 3.756]

§ 23.1485 Airspeed indicator.

(a) Calibrated airspeed must be used. The following markings must be made:

(1) For the never-exceed speed V_{NE}, a radial red line.

(2) For the caution range, a yellow arc extending from the red line specified in subparagraph (1) to the upper limit of the green arc specified in subparagraph (3) of this paragraph.

(3) For the normal operating range, a green arc with the lower limit at V_{S_1} with maximum weight and with landing gear and wing flaps retracted, and the upper limit at the maximum structural cruising speed V_{NO} established in accordance with § 23.1423(b).

(4) For the flap operating range, a white arc with the lower limit at V_{S_0} at the maximum weight, and the upper limit at the flaps-extended speed V_{FE} established in accordance with § 23.1423 (d).

(b) If the never-exceed and maximum structural cruising speeds vary with altitude, there must be means to indicate to the pilot the appropriate limitations throughout the operating altitude range.

[Revision note: Based on § 3.757]

§ 23.1487 Magnetic direction indicator.

A placard that contains the calibration of the instrument in a level flight attitude with engine(s) operating and radio receiver(s) on or off (state which), must be installed on or in close proximity to the magnetic direction indicator. The calibrated readings must be to known magnetic headings in not greater than 30° increments.

[Revision note: Based on § 3.758]

§ 23.1489 Powerplant instruments.

Each required powerplant instrument must be marked with a red radial line at the maximum and minimum (if applicable) indications for safe operation. The normal operating ranges must be marked with a green arc that may not extend beyond the maximum and minimum limits for continuous operation. Takeoff and precautionary ranges must be marked with a yellow arc. Ranges of engine speed that are restricted because of excessive engine or propeller vibration must be marked with a red arc.

[Revision note: Based on § 3.759]

§ 23.1491 Oil quantity indicators.

Each oil quantity indicator must be suitably marked with such a number of increments that the indicator readily and accurately indicates the quantity of oil.

[Revision not: Based on § 3.760]

§ 23.1493 Fuel quantity indicator.

If the unusable fuel supply for any tank exceeds one gallon or five percent of the tank capacity, whichever is greater, there must be a red band on the fuel quantity indicator, extending from the calibrated zero reading to the lowest reading obtainable in the level flight attitude. There must be a suitable notation in the airplane flight manual to indicate to the flight personnel that the fuel remaining in the tank when the quantity indicator reads "zero" cannot be used safely in flight.

[Revision note: Based on § 3.761]

CONTROL MARKINGS

§ 23.1503 General.

Each cockpit control, except the primary flight controls and simple push button type starter switches, must be plainly marked as to its function and method of operation.

[Revision note: Combines §§ 3.762 and 3.762-1]

§ 23.1505 Aerodynamic controls.

Each secondary control must be suitably marked.

[Revision note: Based on § 3.763]

§ 23.1507 Powerplant fuel controls.

(a) Each fuel tank selector valve control must be marked to indicate the position corresponding to each tank and to all existing cross feed positions.

(b) If there is more than one fuel tank, and, if safe operation depends upon the use of tanks in a specific sequence, the fuel tank selector controls must be marked (adjacent to or on the control) to indicate to the flight personnel the order in which the tanks must be used.

(c) On each multiengine airplane, controls for engine valves must be

marked to indicate the position corre-

placard must bear a notation to this

clearly stated placards, markings, or

(g) *Flight crew.* If a flight crew of

instead of including complete new data

category is desired, than that required for

marked to indicate the position corresponding to each engine.

(d) The usable capacity of each tank must be indicated adjacent to or on the fuel tank selector control.

[Revision note: Based on § 3.764]

§ 23.1509 Accessory and auxiliary controls.

(a) If retractable landing gear is used, the indicator required by § 23.631 must be marked so that the pilot can ascertain at all times that the wheels are secured in the extreme positions.

(b) Each emergency control must be colored red and clearly marked as to its method of operation.

[Revision note: Based on § 3.765]

MISCELLANEOUS

§ 23.1519 Baggage compartments, ballast location, and special seat loading limitations.

(a) Each baggage, cargo, and ballast location must bear a placard that states the maximum allowable weight for that location and, if applicable, special limitations on contents due to loading requirements.

(b) If the maximum allowable weight to be carried in a seat is less than 170 pounds, there must be a placard permanently attached to the seat structure that states the maximum allowable weight to be carried in that seat.

[Revision note: Based on § 3.766]

§ 23.1521 Fuel, oil, and coolant filler openings.

The following information must be marked on or adjacent to the filler cover:

(a) For each fuel tank, the word "fuel", the minimum allowable fuel grade or designation for the engines installed, and the usable fuel tank capacity.

(b) For each oil tank, the word "oil" and the oil tank capacity.

(c) For each coolant tank, the name of the proper coolant fluid and the capacity of the coolant system.

[Revision note: Based on § 3.767]

§ 23.1523 Emergency exit placards.

Each emergency exit placard and operating control must be colored red. There must be a placard adjacent to the control that clearly indicates the exit to be an emergency exit and describes the method of operation of the control.

[Revision note: Based on § 3.768]

§ 23.1525 Approved flight maneuvers.

(a) For normal category airplanes, there must be a placard in front of and in clear view of the pilot stating: "No acrobatic maneuvers, including spins, approved."

(b) For utility category airplanes, there must be a placard in clear view of the pilot stating: "Acrobatic maneuvers are limited to the following ------" (list approved maneuvers).

(c) For acrobatic category airplanes, there must be a placard in clear view of the pilot listing the approved acrobatic maneuvers and the recommended entry airspeed for each. If inverted flight maneuvers are not approved, the placard must bear a notation to this effect.

[Revision note: Based on § 3.769]

§ 23.1527 Operating limitations placard.

There must be a placard in clear view of the pilot stating: "This airplane must be operated as a -------- or -------- category airplane in compliance with the operating limitations stated in the form of placards, markings, and manuals" (insert correct categories).

[Revision note: Based on § 3.770]

§ 23.1529 Airspeed placards.

(a) *For all airplanes.* There must be an airspeed placard in clear view of the pilot and as close as practicable to the airspeed indicator. This placard must list:

(1) The maximum speed for landing gear operation and the maximum speed with landing gear extended, if the airplane is equipped with retractable landing gear;

(2) The design maneuvering speed V_A;

(3) The minimum control speed V_{MC}; and

(4) The demonstrated crosswind velocity.

(b) *For airplanes of more than 6,000 pounds.* The placard required by paragraph (a) of this section must also include—

(1) The recommended climb speed;

(2) The best angle of climb speed;

(3) The engine-inoperative-climb speed; and

(4) The demonstrated crosswind speeds.

[Revision note: Based on § 3.771]

§ 23.1531 Kinds-of-operation placard.

There must be a placard in clear view of the pilot that specifies the kind of operations (such as VFR, IFR, day, or night) and the meteorological conditions (such as icing conditions) to which the operation of the airplane is limited, or from which it is prohibited, by the equipment installed.

[Revision note: Based on § 3.772]

AIRPLANE FLIGHT MANUAL

§ 23.1541 Airplane flight manual.

(a) There must be an airplane flight manual for each airplane of more than 6,000 pounds maximum certificated weight. The parts of this document listed below must be verified and approved by the Administrator, and must be segregated, identified, and clearly distinguished from parts not so approved. Additional items of information with a direct and important bearing on safe operation may be required by the Administrator when unusual design, operating, or handling characteristics so warrant.

(b) For airplanes with a maximum certificated weight of 6,000 pounds or less, an airplane flight manual is not required. However, the information prescribed in this part for inclusion in the airplane flight manual must be made available to the operator in the form of clearly stated placards, markings, or manuals.

[Revision note: Based on § 3.777]

§ 23.1543 Operating limitations.

(a) *Airspeed limitations.* Each airplane flight manual must include enough information to allow proper marking of the airspeed limitations on the indicator, as required in § 23.1485. It must also include the design maneuvering speed and the maximum safe airspeed at which the landing gear can be safely lowered. In addition, the significance of the airspeed limitations and of the color coding used must be explained.

(b) *Powerplant limitations.* Each airplane flight manual must include enough information to outline and explain all powerplant limitations and to allow marking the instruments as required by § 23.1489.

(c) *Weight.* The airplane flight manual must include—

(1) The maximum certificated weight;

(2) The empty weight and center of gravity location;

(3) The useful load; and

(4) The composition of the useful load, including the total weight of fuel and oil with tanks full.

(d) *Load distribution.* Each airplane flight manual must include all authorized center of gravity limits. If the available space for loading the airplane is adequately placarded or arranged so that any reasonable distribution of the useful load listed in weight above will not result in a center of gravity outside of the stated limits, the manual need not include any information other than the statement of center of gravity limits. In each other case, the manual must include adequate information to indicate satisfactory loading combinations that will assure maintaining the center of gravity within approved limits.

(e) *Maneuvers.* The airplane flight manual must include the authorized maneuvers, their appropriate airspeed limitations, and the unauthorized maneuvers, in accordance with the following:

(1) *Normal category airplanes.* Acrobatic maneuvers, including spins, are unauthorized. If the airplane has been demonstrated to be "characteristically incapable of spinning" in accordance with § 23.171(d), a statement to this effect must be entered.

(2) *Utility category airplanes.* Authorized maneuvers demonstrated in the type flight tests must be listed, together with recommended entry speeds. Other maneuvers are not authorized. If the airplane has been demonstrated to be "characteristically incapable of spinning" in accordance with § 23.171(d), a statement to this effect must be entered.

(3) *Acrobatic category airplanes.* The approved flight maneuvers demonstrated in the type flight tests must be included, together with recommended entry speeds.

(f) *Flight load factor.* Each airplane flight manual must include the positive limit load factors made good by the airplane's structure, in terms of accelerations in *g*'s.

(g) *Flight crew.* If a flight crew of more than one is required to operate the airplane safely, each airplane flight manual must include the number and functions of the minimum flight crew.

(h) *Kinds of operation.* Each airplane flight manual must include the kind of operations (such as VFR, IFR, day, or night) in which the airplane may or may not be used and the meteorological conditions under which it may or may not be used. Any installed equipment that affects the operating limitations of the airplane must be listed and identified as to operational function.

[Revision note: Based on § 3.778]

§ 23.1545 Operating procedures.

Each airplane flight manual must include information concerning normal and emergency procedures and other pertinent information necessary to safe operation. Procedures and pertinent information relating to the use of the airspeeds prescribed in § 23.1529(b) for airplanes of more than 6,000 pounds must be included.

[Revision note: Based on § 3.779]

§ 23.1547 Performance information for airplanes with a maximum certificated weight of more than 6,000 pounds.

(a) Each airplane flight manual must include the following information:

(1) The stalling speed, V_{S_0} at maximum weight.

(2) The stalling speed, V_{S_1} at maximum weight and with landing gear and wing flaps retracted, and the effect upon this stalling speed of angles of bank up to 60 degrees.

(3) The takeoff distance determined in accordance with § 23.61, the airspeed at the 50-foot height, and, if pertinent, the airplane configuration.

(4) The landing distance determined in accordance with § 23.85, and, if pertinent, the airplane configuration.

(5) The steady rate of climb, determined in accordance with paragraphs (a), (b) (if appropriate), and (c) of § 23.73, the airspeed, power, and, if pertinent, the airplane configuration.

(b) Each airplane flight manual must contain the calculated approximate effect on takeoff distance (paragraph (a) (3) of this section), landing distance (paragraph (a) (4) of this section), and steady rate of climb (paragraph (a) (5) of this section), of variations in—

(1) Altitude from sea level to 8,000 feet; and

(2) Temperature at these altitudes from minus 60 degrees F. below standard to plus 40 degrees F. above standard.

(c) Each airplane flight manual must include the best climb speed or the minimum descent speed for multiengine airplanes with one engine inoperative.

(d) If landplane takeoff and landing distances are included in the airplane flight manual, it is not necessary, in complying with paragraph (a) (3) and (4) of this section, to make takeoff and landing distance tests for skiplane installations. A statement in the airplane flight manual of the approximate reduction in climb performance may be used instead of including complete new data for the skiplane configuration if—

(1) The landing gear is fixed in both landplane and skiplane configurations;

(2) The climb requirements are not critical; and

(3) The climb reduction in the skiplane configurations is small (30 to 50 feet per minute).

[Revision note: Combines §§ 3.780, 3.780–3(a) (1st sentence), and 3.780–3(b) (1st sentence)]

APPENDIX A—SIMPLIFIED DESIGN LOAD CRITERIA FOR CONVENTIONAL, SINGLE-ENGINE AIRPLANES OF 6,000 POUNDS OR LESS MAXIMUM WEIGHT

A23.1 *General.*

(a) The design load criteria in this Appendix are an approved equivalent of those in §§ 23.233 through 23.359 of this subchapter for the certification of conventional, single-engine airplanes of 6,000 pounds or less maximum weight.

(b) Unless otherwise stated, the nomenclature and symbols in this Appendix are the same as the corresponding nomenclature and symbols in Part 23.

[Revision note: Combines §§ 1.1 (less last sentence) and 3.1 (introductory paragraph)]

A23.3 *Special symbols used in this Appendix.*

n_1 = Airplane Positive Maneuvering Limit Load Factor.

n_2 = Airplane Negative Maneuvering Limit Load Factor.

n_3 = Airplane Positive 30 fps Gust Limit Load Factor at V_C.

n_4 = Airplane Negative 30 fps Gust Limit Load Factor at V_C.

n_{flap} = Airplane Positive Limit Load Factor With Flaps Fully Extended at V_F.

*$V_{F\,min}$ = Minimum Design Flap Speed = $12.5\sqrt{n_1 W/S}$

*$V_{A\,min}$ = Minimum Design Maneuvering Speed = $17.0\sqrt{n_1 W/S}$

*$V_{C\,min}$ = Minimum Design Cruising Speed = $19.5\sqrt{n_1 W/S}$

*$V_{D\,min}$ = Minimum Design Dive Speed = $27.3\sqrt{n_1 W/S}$

*Also see paragraph A23.7(e)(2) of this Appendix.

[Revision note: Based on § 3.1 (less introductory paragraph)]

A23.5 *Certification in more than one category.*

The criteria in this Appendix may be used for certification in the normal, utility, and acrobatic categories, or in any combination of these categories. If certification in more than one category is desired, the design category weights must be selected to make the term "$n_1 W$" constant for all categories or greater for one desired category than for others. The wings and control surfaces (including wing flaps and tabs) need only be investigated for the maximum value of "$n_1 W$", or for the category corresponding to the maximum design weight, where "$n_1 W$" is constant. If the acrobatic category is selected, a special unsymmetrical flight load investigation in accordance with subparagraphs A23.9(c)(2) and A23.11(c)(2) of this Appendix must be completed. The wing, wing carrythrough, and the horizontal tail structures must be checked for this condition. The basic fuselage structure need only be investigated for the highest load factor design category selected. The local supporting structure for dead weight items need only be designed for the highest load factor imposed when the particular items are installed in the airplane. The engine mount, however, must be designed for a higher side load factor, if certification in the acrobatic category is desired, than that required for certification in the normal and utility categories. When designing for landing loads, the landing gear and the airplane as a whole need only be investigated for the category corresponding to the maximum design weight. These simplifications apply to single-engine aircraft of conventional types for which experience is available, and the Administrator may require additional investigations for aircraft with unusual design features.

[Revision note: Based on § 4.0]

A23.7 *Flight loads.*

(a) Each flight load may be considered independent of altitude and, except for the local supporting structure for dead weight items, only the maximum design weight conditions must be investigated.

(b) Table 1 and figures 3 and 4 of this Appendix must be used to determine values of n_1, n_2, n_3, and n_4, corresponding to the maximum design weights in the desired categories.

(c) Figures 1 and 2 of this Appendix must be used to determine values of n_2 and n_4 corresponding to the minimum flying weights in the desired categories, and, if these load factors are greater than the load factors at the design weight, the supporting structure for dead weight items must be substantiated for the resulting higher load factors.

(d) Each specified wing and tail loading is independent of the center of gravity range. The applicant, however, must select a c.g. range, and the basic fuselage structure must be investigated for the most adverse dead weight loading conditions for the c.g. range selected.

(e) The following loads and loading conditions are the minimums for which strength must be provided in the structure:

(1) *Airplane equilibrium.* Vertical wing loads may be found directly from vertical airplane loads by multiplying the airplane loads (as determined from paragraphs A23.9 (b) and (c) of this Appendix) by a factor of 1.05 for the positive flight conditions and 1.0 for the negative. The vertical wing load is the wing load vertical to the relative wind. All chordwise components of the vertical wing load must be taken into consideration.

(2) *Minimum design airspeeds.* The minimum design airspeeds may be chosen by the applicant except that they may not be less than the minimum speeds found by using figure 3 of this Appendix. In addition, $V_{C\,min}$ need not exceed values of $0.9v_H$ actually obtained at sea level for the lowest design weight category for which certification is desired. In computing these minimum design airspeeds, n_1 may not be less than 3.8

(3) *Flight load factor.* The limit flight load factors specified in Table 1 of this Appendix represent the acceleration component in terms of the gravitational constant, *g*, normal to the assumed longitudinal axis of the airplane, and equal in magnitude and opposite in direction to the airplane inertia load factor at the center of gravity.

[Revision note: Based on § 5.0 (less 3d sentence of paragraph 5.2)]

A23.9 *Flight conditions.*

(a) *General.* Each design condition in paragraphs (b) and (c) of this section must be used to assure sufficient strength for each condition of speed and load factor on or within the boundary of a *V–n* diagram for the airplane similar to the diagram in figure 4 of this Appendix. This diagram must also be used to determine the airplane structural operating limitations as specified in §§ 23.1403 through 23.1423 and 23.1443.

(b) *Symmetrical flight conditions.* The airplane must be designed for symmetrical flight conditions as follows:

(1) The airplane must be designed for at least the four basic flight conditions, "A",

"D", "E", and "G" as noted on the flight V_A, V_C, and V_D described in subparagraph

(1) Simplified limit surface loadings and

"D", "E", and "G" as noted on the flight envelope of figure 4 of this Appendix. In addition, the following requirements apply:

(i) The design limit flight load factors corresponding to conditions "D" and "E" of figure 4 must be at least as great as those specified in Table 1 and figure 4 of this Appendix, and the design speed for these conditions must be at least equal to the value of V_D found from figure 3 of this Appendix.

(ii) For conditions "A" and "G" of figure 4, the load factors must correspond to those specified in Table 1 of this Appendix, and the design speeds must be computed using these load factors with the maximum static lift coefficient C_{N_A} determined by the applicant. However, in the absence of more precise computations, these latter conditions may be based on a value of $C_{N_A}=\pm 1.35$ and the design speed for condition "A" may be less than $V_{A\,min}$.

(iii) Conditions "C" and "F" of figure 4 need only be investigated when n_3W/S or n_4W/S are greater than n_1W/S or n_2W/S of this Appendix respectively.

(2) If flaps or other high lift devices intended for use at the relatively low airspeed of approach, landing, and takeoff, are installed, the airplane must be designed for the two flight conditions corresponding to the values of limit flap-down factors specified in Table 1 of this Appendix with the flaps fully extended at not less than the design flap speed $V_{F\,min}$ from figure 3 of this Appendix.

(c) *Unsymmetrical flight conditions.* Each affected structure must be designed for unsymmetrical loadings as follows:

(1) The aft fuselage-to-wing attachment must be designed for the critical vertical surface load determined in accordance with subparagraphs A23.11(c) (1) and (2) of this Appendix.

(2) The wing and wing carry-through structures must be designed for 100 percent of condition "A" loading on one side of the plane of symmetry and 70 percent on the opposite side for certification in the normal and utility categories, or 60 percent on the opposite side for certification in the acrobatic category.

(3) The wing and wing carry-through structures must be designed for the loads resulting from a combination of 75 percent of the positive maneuvering wing loading on both sides of the plane of symmetry and the maximum wing torsion resulting from aileron displacement. The effect of aileron displacement on wing torsion at V_C or V_A using the basic airfoil moment coefficient modified over the aileron portion of the span, must be computed as follows:

(i) $C_m=C_m+0.1\delta_u$ (up aileron side) wing basic airfoil.

(ii) $C_m=C_m-0.1\delta_d$ (down aileron side) wing basic airfoil, where δ_u is the up aileron deflection and δ_d is the down aileron deflection.

(4) Δ critical, which is the sum of $\delta_u+\delta_d$, must be computed as follows:

(i) Compute Δ_a and Δ_b from the formulas:

$$\Delta_a=\frac{V_A}{V_C}\times\Delta_a \text{ and}$$

$$\Delta_b=0.5\frac{V_A}{V_D}\times\Delta_a$$

where Δ_a=the maximum total deflection (sum of both aileron deflections) at V_A with V_A, V_C, and V_D described in subparagraph (2) of § 23.7(e) of this Appendix.

(ii) Compute K from the formula:

$$K=\frac{(C_m-0.01\delta_b)V_D^2}{(C_m-0.01\delta_a)V_C^2}$$

where δ_a is the down aileron deflection corresponding to Δ_a, and δ_b is the down aileron deflection corresponding to Δ_b as computed in step (i).

(iii) If K is less than 1.0, Δ_a is Δ critical and must be used to determine δ_u and δ_d. In this case, V_C is the critical speed which must be used in computing the wing torsion loads over the aileron span.

(iv) If K is equal to or greater than 1.0, Δ_b is Δ critical and must be used to determine δ_u and δ_d. In this case, V_D is the critical speed which must be used in computing the wing torsion loads over the aileron span.

(d) *Supplementary conditions; rear lift truss; engine torque; side load on engine mount.* Each of the following supplementary conditions must be investigated:

(1) In designing the rear lift truss, the special condition specified in § 23.285 may be investigated instead of condition "G" of figure 4 of this Appendix. If this is done, and if certification in more than one category is desired, the value of W/S used in the formula appearing in § 23.285 must be that for the category corresponding to the maximum gross weight.

(2) Each engine mount and its supporting structures must be designed for the maximum limit torque corresponding to METO power and propeller speed acting simultaneously with the limit loads resulting from the maximum positive maneuvering flight load factor n_1. The limit torque must be obtained by multiplying the mean torque by a factor of 1.33 for engines with five or more cylinders. For 4, 3, and 2 cylinder engines, the factor must be 2, 3, and 4, respectively.

(3) Each engine mount and its supporting structure must be designed for the loads resulting from a lateral limit load factor of not less than 1.47 for the normal and utility categories, or 2.0 for the acrobatic category.

[Revision note: Based on § 6.0]

A23.11 *Control surface loads.*

(a) *General.* Each control surface load must be determined using the criteria of paragraph (b) of this section and must lie within the simplified loadings of paragraph (c) of this section.

(b) *Pilot effort.* In each control surface loading condition described in paragraphs (c) through (e) of this section, the airloads on the movable surfaces and the corresponding deflections need not exceed those which could be obtained in flight by employing the maximum pilot control forces specified in the table in § 23.303. If the surface loads are limited by maximum pilot effort, the tabs must either be considered to be deflected to their maximum travel in the direction which would assist the pilot or the deflection must correspond to the maximum degree of "out of trim" expected at the speed for the condition under consideration. The tab load, however, need not exceed the value specified in Table 2 of this Appendix.

(c) *Surface loading conditions.* Each surface loading condition must be investigated as follows:

(1) Simplified limit surface loadings and distributions for the horizontal tail, vertical tail, aileron, wing flaps, and trim tabs are specified in Table 2 and figures 5 and 6 of this Appendix. If more than one distribution is given, each distribution must be investigated.

(2) If certification in the acrobatic category is desired, the horizontal tail must be investigated for an unsymmetrical load of 100 percent W on one side of the airplane centerline and 50 percent on the other side of the airplane centerline.

(d) *Outboard fins.* Outboard fins must conform to the requirements of § 23.335.

(e) *Special devices.* Special devices must conform to the requirements of § 23.351.

[Revision note: Based on § 7.0]

A23.13 *Control system loads.*

(a) *Primary flight controls and systems.* Each primary flight control and system must be designed as follows:

(1) The flight control system and its supporting structure must be designed for loads corresponding to 125 percent of the computed hinge moments of the movable control surface in the conditions prescribed in A23.11 of this Appendix. In addition—

(i) The system limit loads need not exceed those that could be produced by the pilot and automatic devices operating the controls; and

(ii) The design must provide a rugged system for service use, including jamming, ground gusts, taxiing downwind, control inertia, and friction.

(2) Acceptable maximum and minimum pilot loads for elevator, aileron, and rudder controls are shown in the table in § 23.303. These pilots loads must be assumed to act at the appropriate control grips or pads as they would under flight conditions, and to be reacted at the attachments of the control system to the control surface horn.

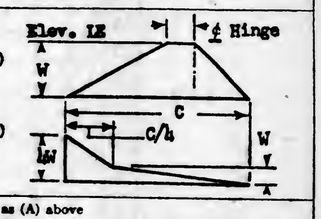
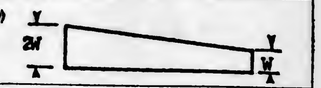
(b) *Dual controls.* If there are dual controls, the systems must be designed for pilots operating in opposition, using individual pilot loads equal to 75 percent of those obtained in accordance with paragraph (a) of this section, except that individual pilot loads may not be less than the minimum loads shown in the table in § 23.303.

TABLE 1—LIMIT FLIGHT LOAD FACTORS

LIMIT FLIGHT LOAD FACTORS					
			Normal category	Utility category	Acrobatic category
FLIGHT Load Factors	Flaps Up	n_1	3.8	4.4	6.0
		n_2	$-0.5n_1$		
		n_3	Find n_3 from Fig. 1		
		n_4	Find n_4 from Fig. 2		
	Flaps Down	$n_{f1\,up}$	$0.5n_1$		
		$n_{f1\,up}$	Zero*		

*Vertical wing load may be assumed equal to zero and only the flap part of the wing need be checked for this condition.

TABLE 2—AVERAGE LIMIT CONTROL SURFACE LOADING

AVERAGE LIMIT CONTROL SURFACE LOADING			
SURFACE	DIRECTION OF LOADING	MAGNITUDE OF LOADING	CHORDWISE DISTRIBUTION
HORIZONTAL TAIL I	a) Up and Down	Figure 5 Curve (2)	
	b) Unsymmetrical loading (Up and Down)	100% $\overline{W}$ on one side airplane ℄ 65% $\overline{W}$ on other side of airplane ℄ for the normal and utility categories. For the acrobatic category see A23.11(c).	
VERTICAL TAIL II	a) Right and Left	Figure 5 Curve (1)	Same as (A) above
	b) Right and Left	Figure 5 Curve (1)	Same as (B) above
AILERON III	a) Up and Down	Figure 6 Curve (5)	
WING FLAP IV	a) Up	Figure 6 Curve (4)	
	b) Down	.25 x Up Load (a)	
TRIM TAB V	a) Up and Down	Figure 6 Curve (3)	Same as (D) above

The surface loadings I, II, III, and V above are based on speeds $V_{A\,min}$ and $V_{C\,min}$. The loading of IV is based on $V_{f\,min}$. If values of speeds greater than these minimums are selected for design the appropriate surface loadings must be multiplied by the ratio $\left[\frac{V_{sel}}{V_{min}}\right]^2$.

For conditions I, II, III and V the multiplying factor used must be the higher of $\left[\frac{V_{A\,sel}}{V_{A\,min}}\right]^2$ or $\left[\frac{V_{C\,sel}}{V_{C\,min}}\right]^2$.

FIGURE 1 – CHART FOR FINDING n_3 FACTOR AT SPEED V_C

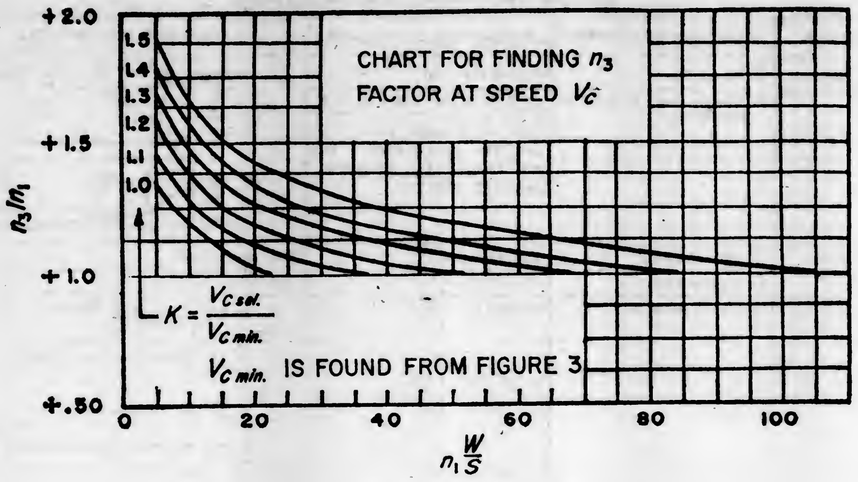


FIGURE 2 – CHART FOR FINDING n_4 FACTOR AT SPEED V_C

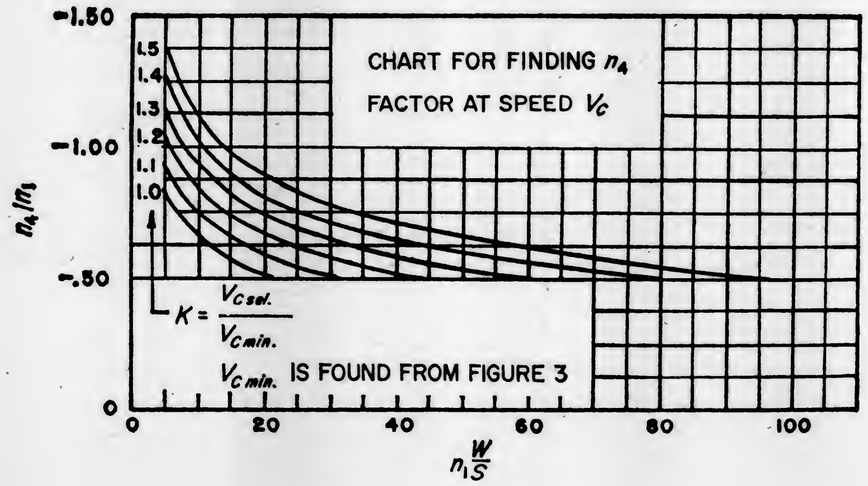


FIGURE 3 - MINIMUM DESIGN AIRSPEEDS

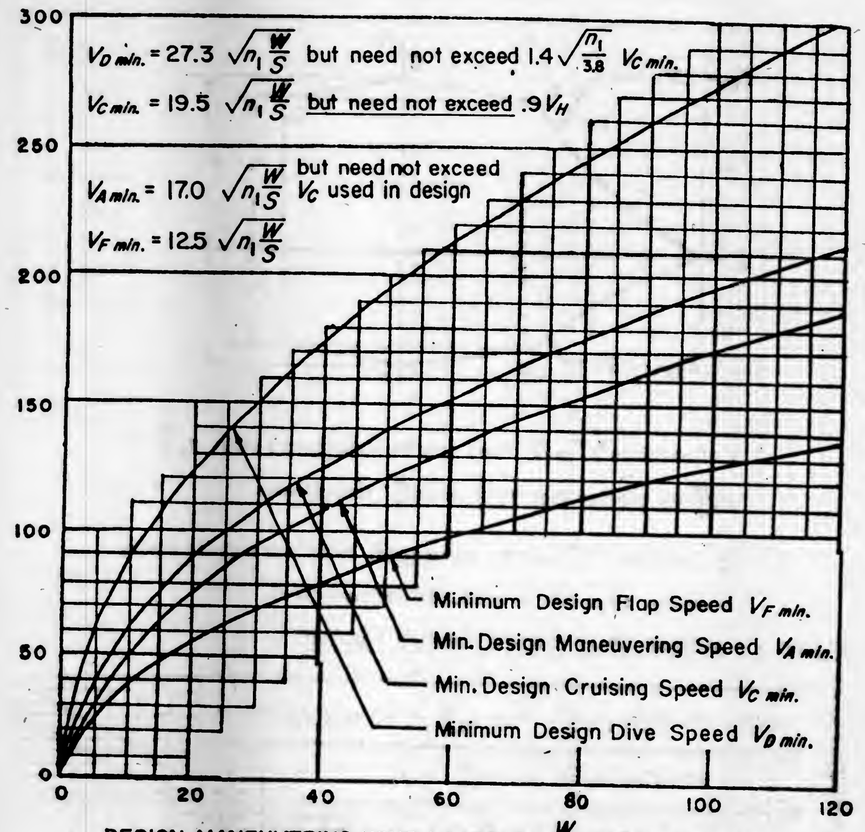
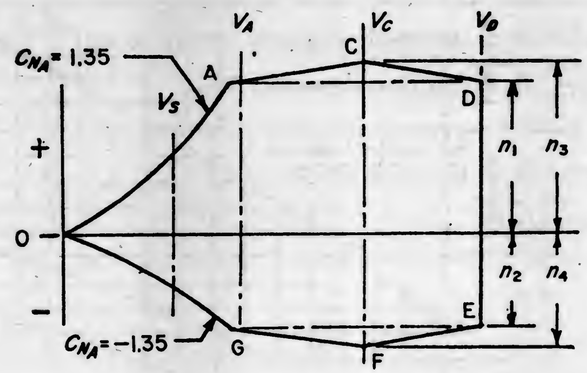


FIGURE 4 – V–n DIAGRAM (FLIGHT ENVELOPE)



1. Conditions "C" or "F" need only be investigated when $n_3\frac{W}{S}$ or $n_4\frac{W}{S}$ is greater than $n_1\frac{W}{S}$ or $n_2\frac{W}{S}$, respectively.

2. Condition "G" need not investigated when the supplementary condition specified in § 23.285 is investigated.

FIGURE 5 - AVERAGE LIMIT CONTROL SURFACE LOADING

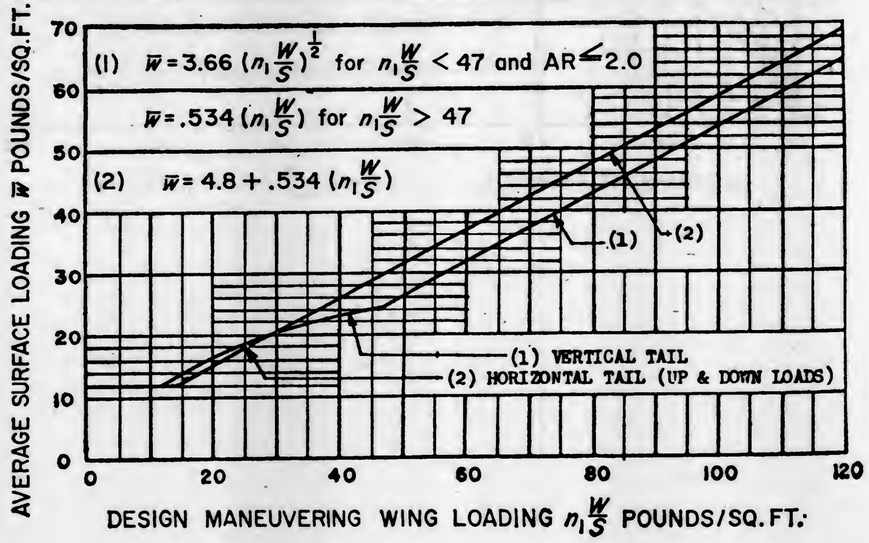
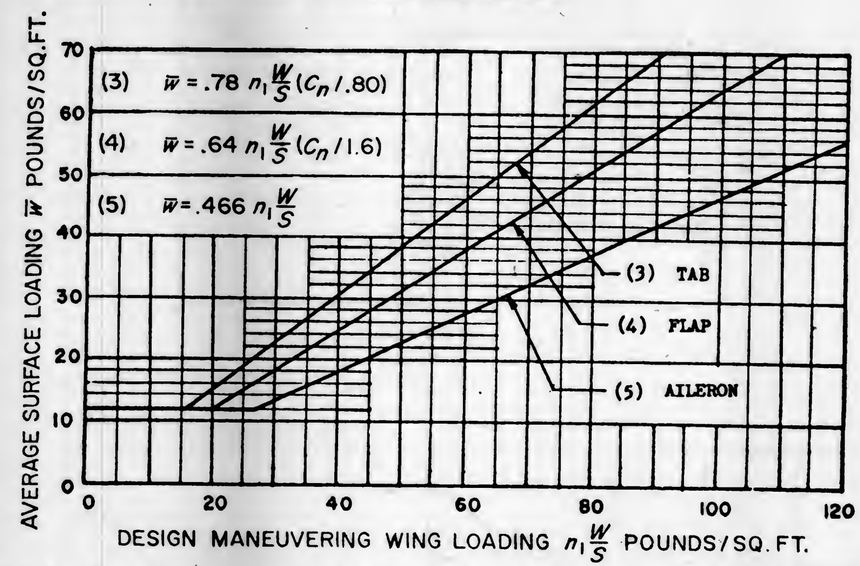


FIGURE 6 - AVERAGE LIMIT CONTROL SURFACE LOADING



APPENDIX B—CONTROL SURFACE LOADINGS

B23.1 *General.*

(a) If allowed by the specific requirements in this part, the values of control surface loading in this appendix may be used to determine the detailed rational requirements of §§ 23.303 through 23.351 unless the Administrator finds that these values result in unrealistic loads.

(b) For a seaplane version of a landplane, the landplane wing loadings may be used to determine the limit maneuvering control surface loadings (in accordance with B23.11 and figure 1 of Appendix B) if—

(1) The power of the seaplane engine(s) does not exceed the power of the landplane engine(s);

(2) The placard maneuver speed of the seaplane does not exceed the placard maneuver speed of the landplane;

(3) The maximum certificated weight of the seaplane does not exceed the maximum certificated weight of the landplane by more than 10 percent;

(4) The landplane service experience does not show any serious control-surface load problem; and

(5) The landplane service experience is of sufficient scope to ascertain with reasonable accuracy that no serious control-surface load problem will develop on the seaplane.

B23.11 *Control surface loads.*

Acceptable values of limit average maneuvering control-surface loadings may be obtained from figure 1 of this Appendix in accordance with the following:

(a) For horizontal tail surfaces—

(1) With the conditions in § 23.317(a), obtain W as a function of W/S and surface deflection, using—

(i) Curve C of figure 1 for a deflection of 10° or less;

(ii) Curve B of figure 1 for a deflection of 20°;

(iii) Curve A for a deflection of 30° or more;

(iv) Interpolation for all other deflections; and

(v) The distribution of figure 7; and

(2) With the conditions in § 23.317(b), obtain W from curve B of figure (1) using the distribution of figure 7. (b) For vertical tail surfaces—

(1) With the conditions in § 23.331(a)(1), obtain W as a function of W/S and surface deflection using the same requirements as used in subdivisions (a)(1)(1) through (a)(1)(v);

(ii) With the conditions in § 23.331(a)(2), obtain W from Curve C, using the distribution of figure 6; and

(iii) With the conditions in § 23.331(a)(3), obtain W from Curve A, using the distribution of figure 8.

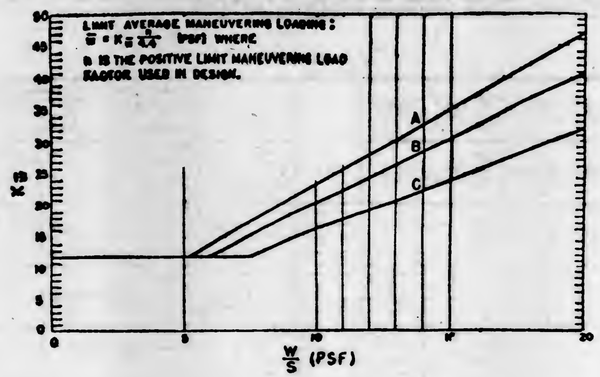
(c) For ailerons, obtain W from Curve B, acting in both the up and down directions, using the distribution of figure 9.

FIGURE 1—LIMIT AVERAGE MANEUVERING CONTROL SURFACE LOADING

FIGURE 7—TAIL SURFACE LOAD DISTRIBUTION

FIGURE 8—TAIL SURFACE LOAD DISTRIBUTION

FIGURE 1—LIMIT AVERAGE MANEUVERING CONTROL SURFACE LOADING



Note: In no case may $\bar{w}$ be less than 12 psf.

FIGURE 2—MANEUVERING TAIL LOAD INCREMENT (UP OR DOWN)

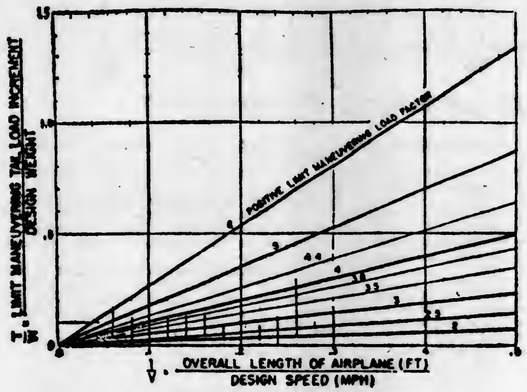


FIGURE 3—DOWN GUST LOADING ON HORIZONTAL TAIL SURFACE

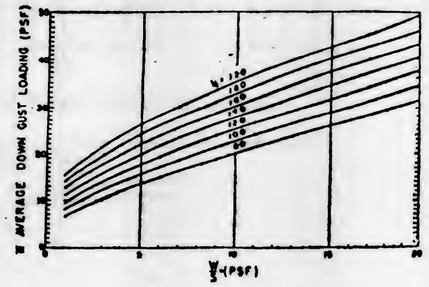


FIGURE 4—UP GUST LOADING ON HORIZONTAL TAIL SURFACE

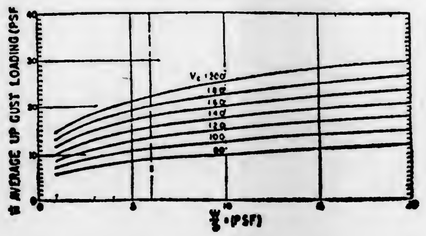


FIGURE 5—GUST LOADING ON VERTICAL TAIL SURFACE

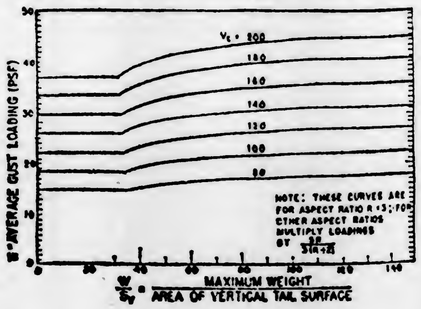


FIGURE 6—TAIL SURFACE LOAD DISTRIBUTION

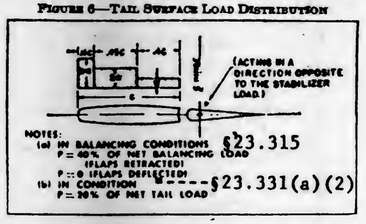


FIGURE 7—TAIL SURFACE LOAD DISTRIBUTION

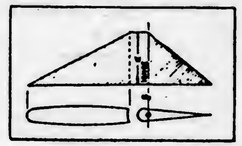


FIGURE 8—TAIL SURFACE LOAD DISTRIBUTION

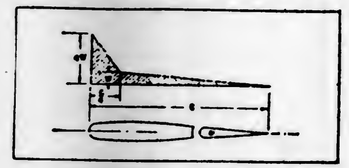
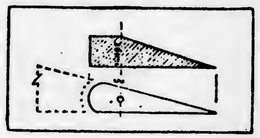


FIGURE 9—AILERON LOAD DISTRIBUTION



APPENDIX C—BASIC LANDING CONDITIONS

C23.1 *Basic landing conditions.*

Condition	Tail wheel type		Nose wheel type		
	Level landing	Tail-down landing	Level landing with inclined reactions	Level landing with nose wheel just clear of ground	Tail-down landing
Reference section	23.385(a)(1)	23.387(a)(1)	23.385(a)(2)(i)	23.385(a)(2)(ii)	23.387(a)(2) and (b)
Vertical component at c. g.	nW	nW	nW	nW	nW
Fore and aft component at c. g.	KnW	0	KnW	KnW	0
Lateral component in either direction at c. g.	0	0	0	0	0
Shock absorber extension (hydraulic shock absorber)	Note (2)	Note (2)	Note (2)	Note (2)	Note (2)
Shock absorber deflection (rubber or spring shock absorber)	100%	100%	100%	100%	100%
Tire deflection	Static	Static	Static	Static	Static
Main wheel loads (both wheels) V_r	$(n-L)W$	$(n-L)Wb/d$	$(n-L)Wa'/d'$	$(n-L)W$	$(n-L)W$
Main wheel loads (both wheels) D_r	KnW	0	$KnWa'/d'$	KnW	0
Tail (nose) wheel loads V_f	0	$(n-L)Wa/d$	$(n-L)Wb'/d'$	0	0
Tail (nose) wheel loads D_f	0	0	$KnWb'/d'$	0	0
Notes	(1), (3), and (4)	(4)	(1)	(1), (3), and (4)	(3) and (4)

NOTE (1). K may be determined as follows: $K=0.25$ for $W=3{,}000$ pounds or less; $K=0.33$ for $W=6{,}000$ pounds or greater, with linear variation of K between these weights.

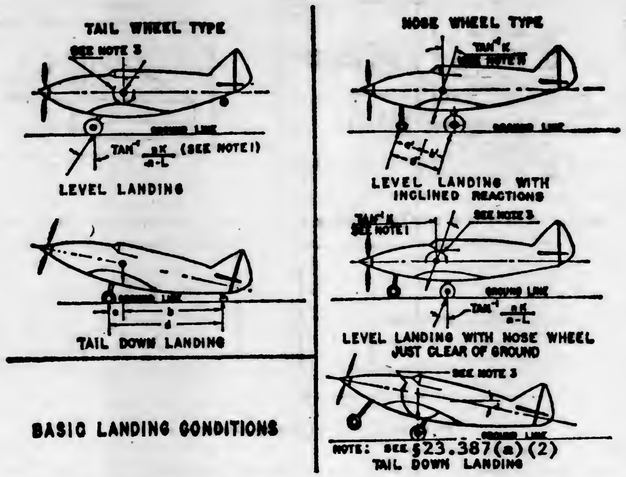
NOTE (2). For the purpose of design, the maximum load factor is assumed to occur throughout the shock absorber stroke from 25 percent deflection to 100 percent deflection unless otherwise shown and the load factor must be used with whatever shock absorber extension is most critical for each element of the landing gear.

NOTE (3). Unbalanced moments must be balanced by a rational or conservative method.

NOTE (4). L is defined in § 23.611(b).

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FIGURE 1.



BASIC LANDING CONDITIONS

APPENDIX D—WHEEL SPIN-UP LOADS

D23.1 *Wheel spin-up loads.*

(a) The following method for determining wheel spin-up loads for landing conditions is based on NACA T.N. 863. However, the drag component used for design may not be less than the drag load prescribed in § 23.385(b).

$$F_{H\,max}=\frac{1}{r_e}\sqrt{\frac{2I_w(V_H-V_c)nF_{V\,max}}{t_z}}$$

where—

$F_{H\,max}$ = maximum rearward horizontal force acting on the wheel (in pounds);

r_e = effective rolling radius of wheel under impact based on recommended operating tire pressure (which may be assumed to be equal to the rolling radius under a static load of n_lW_e) in feet;

I_w = rotational mass moment of inertia of rolling assembly (in slug feet);

V_H = linear velocity of airplane parallel to ground at instant of contact (assumed to be 1.2 V_{S_0}, in feet per second);

V_c = peripheral speed of tire, if pre-rotation is used (in feet per second) (there must be a positive means of pre-rotation before pre-rotation may be considered);

n = effective coefficient of friction (0.80 may be used);

$F_{V\,max}$ = maximum vertical force on wheel (pounds) $=n_lW_e$, where W_e and n_l are defined in §§ 23.611 and 23.613;

t_z = time interval between ground contract and attainment of maximum vertical force on wheel (seconds). (However, if the value of $F_{V\,max}$ from the above equation exceeds 0.8 $F_{V\,max}$, the later value must be used for $F_{H\,max}$.)

(b) This equation assumes a linear variation of load factor with time until the peak load is reached and under this assumption, the equation determines the drag force at the time that the wheel peripheral velocity at radius r_e equals the airplane velocity. Most shock absorbers do not exactly follow a linear variation of load factor with time. Therefore, rational or conservative allowances must be made to compensate for these variations. On most landing gears, the time for wheel spin-up will be less than the time required to develop maximum vertical load factor for the specified rate of descent and forward velocity. For exceptionally large wheels, a wheel peripheral velocity equal to the ground speed may not have been attained at time of maximum vertical gear load. However, as stated above, the drag spin-up load need not exceed 0.8 of the maximum vertical loads.

[F.R. Doc. 64-3688; Filed, Apr. 13, 1964; 8:50 a.m.]

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VOLUME 29 NUMBER 74

Washington, Wednesday, April 15, 1964

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[87th Cong., 2d Sess.]

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PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3206(a)(1) is amended to authorize a new exception for two Special Projects Directors, CS–15. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (a) of § 213.3206 is amended as set out below.

§ 213.3206 Department of Defense.

(a) *Office of the Secretary.* (1) Professional members of Policy Planning Staff in positions at grades GS–16 and above and two Special Projects Directors, GS–15, Office of Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense (International Security Affairs).

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended: 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3715; Filed, Apr. 14, 1964; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Loans, Discounts, and Extensions of Credit; Interest Bearing Deposits, and Substitution of Borrowers

§ 222.117 Loans, discounts, and extensions of credit: interest-bearing deposits, substitution of borrowers.

(a) The Board of Governors has recently been asked to consider the application of section 6(a) of the Bank Holding Company Act ("the Act") to three different factual situations involving transactions between holding company banks. All three questions pertain to the application of section 6(a)(4) of the Act, under which it is unlawful for a bank "to make any loan, discount or extension of credit to a bank holding company of which it is a subsidiary or to any other subsidiary of such bank holding company."

(b) *Interest-bearing deposits as "loans" or "extensions of credit".* (1) The first question involves (i) an interest-bearing deposit by a bank, which is also a registered bank holding company, with a subsidiary bank, and (ii) an interest-bearing deposit by the subsidiary bank with a branch of its parent bank, the bank holding company.

(2) The last paragraph of section 6(a) of the Act provides in part that "Non-interest-bearing deposits to the credit of a bank shall not be deemed to be a loan or advance to the bank of deposit * * *." On the basis of the clear implication of that language, it is the Board's position that an interest-bearing deposit shall be deemed to be a loan or advance unless the circumstances of a particular case strongly compel a different conclusion.

Assuming that the interest-bearing deposits in the present case are to be deemed to be loans or advances, the deposit by the subsidiary bank with the branch of its parent holding company would be prohibited as a "loan" or "extension of credit" by a "bank", as defined in section 2(c) of the Act, "to a bank holding company of which it is a subsidiary". However, the deposit by the parent bank, the bank holding company, with its subsidiary bank would not be prohibited because, on the basis of the language of section 6(a)(4) of the Act and § 222.6 (Reg. Y), the prohibition does not apply to a loan by a bank which is not itself a subsidiary of a bank holding company.

(c) *Inter-subsidiary mortgage loan transfer upon substitution of new borrower.* (1) The second question involves the "transfer" of a home mortgage loan from holding company bank "X" to co-subsidiary bank "Y" in connection with the substitution of the purchaser of the home for the seller as borrower. Bank X agrees to forward the loan to Bank Y for the recording of substitution of liability and for collection.

(2) The question is whether such a loan transfer is a sale of paper equivalent to a "discount" prohibited by section 6(a)(4) of the Act in accordance with the Board's decision in the matter of "General Contract Corporation", 44 F.R. Bulletin 260 (1958). In the course of that opinion, the Board took the position, in effect, that bank loans might be participated, without involving a "discount" of the amount of the participation, provided that the participations are "joined at the outset". A subsequent interpretation in 1958, codified as § 222.105, contains examples of the methods by which a loan might be participated "at the outset" so that it would not involve the sale of an asset of the "originating" bank. The Board has also taken the position that upon certain changes in the incidents of a loan it may be regarded as a "new loan" so that the participation of the loan as of the time of such a change becomes permissible as a participation "at the outset".

(3) The substitution of a new borrower in good faith, as in the case of the sale of a mortgaged home by the original borrower thereon and the assumption of the loan by the purchaser, is regarded by the Board as a change permitting the loan to be treated as a "new loan" eligible for participation as of the time of the substitution of borrowers. It is clear that the same principles that determine the eligibility of a loan for participation also determine eligibility for a change of lenders as to the entire amount of the loan.

(4) Therefore, it is the Board's position that the substitution of borrowers on the home mortgage loan as described would permit the loan to be transferred between holding company co-subsidiary banks, provided that the transfer is accomplished "at the outset" with respect to the substitution of borrowers, in a manner consistent with the 1958 interpretation cited above.

(d) *Inter-subsidiary transfer of corporate loan upon a substitution of borrowers by merger.* (1) The facts pertaining to the third question may be summarized as follows: B Corporation has a line of credit with holding company subsidiary Y Bank. By the terms of a proposed merger of B Corporation into A Corporation, A Corporation is to assume B's loan liability. It is proposed that at the time of the merger, when A Corporation is substituted as borrower on B's old line of credit with Y Bank, Y's co-subsidiary X Bank be substituted as lender. X Bank would take a new note from A Corporation, pay off Y Bank, and take an assignment of collateral from Y Bank. Prior to the merger, B Corporation is wholly owned by A Corporation.

(2) If A Corporation's assumption of B Corporation's liability can be regarded as the good faith substitution of a new borrower, that event would permit the outstanding line of credit and advances thereunder to be regarded as a "new loan" eligible for transfer between co-subsidiary banks at the time of such substitution, on the same principles as those applied above in the case of the home loan mortgage. However, the fact that prior to the merger B Corporation is wholly owned by A Corporation raises the question whether A Corporation should be regarded as a "new borrower" for the purposes of section 6(a)(4) in this case.

(3) The Board takes the position that, if A Corporation has had no legal liability as to B Corporation's line of credit (or the security given therefor) prior to the merger, then A Corporation may be regarded as a "new borrower" in spite of its stock ownership of B Corporation. However, a substitution of borrowers will not constitute the making of a new loan unless the "new borrower" is in fact entirely new so far as liability on the loan or extension of credit is concerned; when there is a corporate affiliation as in this case, it becomes particularly appropriate to make inquiry as to whether

there is in fact a good faith substitution

FEDERAL REGISTER (29 F.R. 21) stating

Section 298.21(d) of the Board's Eco-

there is in fact a good faith substitution of borrowers.

(12 U.S.C. 1844)

Dated at Washington, D.C., this 6th day of April 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-3660; Filed, Apr. 14, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-EA-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke VOR Federal airway No. 856 (Chicago, Ill., Metropolitan Area to New York, N.Y., Metropolitan Area).

The 800 series airways are designated to indicate preferred routes of flight between major terminal areas for the purpose of segregating opposite direction traffic and generally coincide with existing VOR Federal airways. Victor 856 is designated via low altitude airways. Since the preferred route for aircraft operating from Chicago to New York is now via airways in the intermediate altitude airway structure, Victor 856 no longer serves the purpose for which it was designated. Accordingly, action is taken herein to revoke Victor 856.

Since this action will neither assign nor reassign airspace and will impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, the following action is taken:

In § 71.123 (29 F.R. 1009) V-856 is revoked.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 8, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3661; Filed, Apr. 14, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-78]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On January 1, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 21) stating that the Federal Aviation Agency was considering amendments to Parts 73 and 71 of the Federal Aviation Regulations which would alter the boundaries of the Goldsboro, North Carolina (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor R-5312 (§ 73.53). The notice stated also that if the proposal was adopted, the description of the Goldsboro, North Carolina, control zone (§ 71.171) would be amended to require approval from appropriate authority prior to operation within that portion of the control zone which coincides with the restricted area/military climb corridor. The description of the control zone is not changed herein since this requirement is specified in § 91.95 of the Federal Aviation Regulations.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing and for the reasons stated in the Notice, the following action is taken:

In § 73.53 North Carolina (29 F.R. 1269), R-5312 Goldsboro, North Carolina (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor is amended to read:

R-5312 Goldsboro, N.C. (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 35°19'27" N., longitude 78°00'55" W., the area centered on a bearing therefrom of 228°, extending to a point 30 nmi SW, having a width of 2 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes. Surface to flight level 240 from the point of beginning to 3 nmi SW. 2,000 feet MSL to flight level 240 from 3 to 6 nmi SW of the point of beginning. 5,000 feet MSL to flight level 240 from 6 to 11 nmi SW of the point of beginning. 10,000 feet MSL to flight level 240 from 11 to 15 nmi SW of the point of beginning. 14,000 feet MSL to flight level 240 from 15 to 19 nmi SW of the point of beginning. 16,000 feet MSL to flight level 240 from 19 to 25 nmi SW of the point of beginning. 20,000 feet MSL to flight level 240 from 25 to 30 nmi SW of the point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Raleigh-Durham Approach Control.

Using agency. Commander, Seymour-Johnson AFB, N.C.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on April 8, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-3662; Filed, Apr. 14, 1964; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-402]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Limitation on Exemptions; Definitions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of April 1964.

Section 298.21(d) of the Board's Economic Regulations provides that no service by helicopter aircraft shall be offered or performed by an air taxi operator between any two points between which scheduled helicopter service is provided by the holder of a certificate of public convenience and necessity authorizing such service. Section 298.2(f) provides that when used in connection with the continental United States, except Alaska, the term "point" shall mean any airport or place where aircraft may be landed or taken off, including the area within a three-mile radius thereof.

West 30th Street Heliport, now available for use by air taxi operators, and the Pan Am Building Heliport, which is proposed to be placed in operation shortly, are both located in the City of New York and are within three miles of each other. Thus, under the Part 298 provisions above cited, they are to be taken as a single point, and operations by a certificated helicopter operator from the Pan Am Building to other points would preclude air taxi operations between those points and the 30th Street Heliport.

By petition dated March 19, 1964, New York Airways, Inc. (NYA), the holder of a certificate of public convenience and necessity authorizing it to engage in air transportation by helicopter, has requested that the Board "lift the present three-mile rule of Part 298 insofar as it concerns the Pan Am Building and 30th Street Heliports * * *" or issue an interim exemption order permitting the continuance of Air Taxi operations at 30th Street (notwithstanding the commencement of operations by NYA at the Pan Am Building Heliport) to the same extent as now permitted by Part 298." No objections have been submitted to the request, and the Port of New York Authority supports it in a letter addressed to the Board on March 25, 1964.

West 30th Street Heliport was constructed and is operated by the Port of New York Authority, a public body, as a unit in its transportation complex, and is available for use by air taxi operators employing helicopters. NYA proposes to commence helicopter services between the Pan Am Building Heliport and the World's Fair Heliport. It will also use the Pan Am Building Heliport for certain other services. Under the terms of Part 298, the inauguration of these services will automatically foreclose the West 30th Street Heliport to air taxi helicopter services to any point served by NYA from the Pan Am Building Heliport.

The petitioner requesting a partial lifting of those restrictions is in the class of carrier for whose protection the restrictions were designed. It does not appear that the requested relief would result in any present subsidy impact, and it will make available to the public air taxi helicopter services without cost to the Government. Under these circumstances, we have determined to amend Part 298 as prayed in the petition. This renders moot the request for an exemption from the existing regulation.

This regulation does not impose any regulatory burden upon any person, it relieves restrictive burdens heretofore existing, and the public interest requires

that it become effective promptly. Accordingly, we find that notice and public procedures thereon are not required, and this amendment may be made effective on less than 30 days' notice.

In consideration whereof, the Civil Aeronautics Board hereby amends Part 298 of its Economic Regulations (14 CFR Part 298), effective on April 15, 1964 by adding a proviso to § 298.2(f), so that it shall read as follows:

(f) "Point" when used in connection with any territory or possession of the United States, or the States of Alaska and Hawaii, means any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place; when used in connection with the continental United States, except Alaska, it shall have the same meaning except be limited to the area within a three-mile radius of such airport or place: *Provided*, That for the purposes of this part, West 30th Street Heliport and Pan Am Building Heliport, both located in New York City, shall be regarded as separate points.

Effective: April 15, 1964.

Adopted: April 9, 1964.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324; interpret or apply secs. 411, 416, 72 Stat. 769, 771; 49 U.S.C. 1381, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3712; Filed, Apr. 14, 1964; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 4094; Amdt. 714]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Series Aircraft

Amendment 554, 28 F.R. 3780, AD 63-8-2, as revised by Amendment 643, 28 F.R. 12057, requires removal and inspection of the elevator control tab push rod on Douglas Model DC-8 Series aircraft. Since the issuance of Amendment 554, the manufacturer has designed and obtained FAA approval of a new tab push rod assembly which eliminates the need for the repetitive inspections. Therefore, Amendment 554 as amended by Amendment 643, is being further amended to permit the discontinuance of the repetitive inspections outlined in the AD when a newly designed elevator control tab push rod assembly is substituted for the original push rod assembly.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 554, 28 F.R. 3780, AD 63-8-2, as amended by Amendment 643, 28 F.R. 12057, Douglas Model DC-8 Series aircraft, is further amended by:

1. Changing paragraph (d) to read:

(d) The periodic reinspection prescribed by (b) and (c)(2) may be discontinued when:

(1) It is determined that no wear or contact with the guide support assembly has developed during the preceding reinspection interval, or

(2) The elevator control tab push-rod assembly Douglas P/N 3703218 is replaced with Douglas P/N 3703218-501, in accordance with the procedure outlined in DC-8 Service Bulletin No. 27-150 dated November 5, 1963, or by an FAA-approved equivalent part and procedure.

2. Changing the parenthetical reference statement to read:

(Douglas DC-8 Service Bulletins No. 27-51, Reissue No. 1, dated September 25, 1962, and No. 27-150, dated November 5, 1963, covers this same subject)

This amendment shall become effective April 15, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 9, 1964.

G. S. MOORE,
Director Flight Standards Service.

[F.R. Doc. 64-3663; Filed, Apr. 14, 1964; 8:45 a.m.]

[Reg. Docket No. 1964; Amdt. 713]

PART 507—AIRWORTHINESS DIRECTIVES

Lycoming VO-540 Series Engines

A proposal to amend Part 507 of the Regulations of the Administrator to include and airworthiness directive requiring replacement of the connecting rod bolts and inspection prior to modification of the connecting rods on Lycoming VO-540 Series engines was published in 29 F.R. 2509.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directives:

LYCOMING. Applies to VO-540 Series engines with Serial Numbers 101-43 through 724-43, 727-43 through 743-43, 747-43 and 753-43, except remanufactured engines shipped from Lycoming after October 29, 1962.

Compliance required as indicated.

To preclude the possibility of connecting rod P/N 71947 failure, the inspection and modification set forth in paragraph (c) shall be accomplished at the times specified in paragraphs (a) and (b).

(a) On engines which, as of the effective date of this AD, have less than 550 hours' time in service since new or since overhaul, compliance with (c) is required prior to 600 hours' time in service.

(b) On engines which, as of the effective date of this AD, have 550 or more hours' time in service since new or since overhaul, compliance with (c) is required within the next 50 hours' time in service after the effective date of this AD.

(c) The following shall be accomplished in accordance with the instructions contained in the latest revision of Lycoming Service Bulletin No. 296.

(1) Inspect each connecting rod P/N 71947 for galling on the surface facing the bearing insert.

(2) If there is any evidence of galling, the entire rod assembly shall be replaced.

(3) If there is no evidence of galling, modify the connecting rod P/N 71947 and replace connecting rod bolt P/N 71087 with new stretch bolts P/N 74033 and nut P/N 72796.

This amendment shall become effective May 18, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 8, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-3664; Filed, Apr. 14, 1964; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev., Export Regs.; Amdt. No. 82]

PART 385—EXPORTATION OF TECHNICAL DATA

General License GTDU; Unpublished Technical Data

Section 385.2 *General licenses*, paragraph (c) *General License GTDU; Unpublished technical data*, subparagraph (4) *Requirement of written assurance for certain data, services, materials, and equipment* is amended in the following respects:

1. The heading of subparagraph (4) is amended;

2. In the introductory portion of subparagraph (4) the three references to "subdivisions (i) and (ii)" are amended to read "subdivisions (i), (ii), and (iii)," and the reference to subdivision (iii) is amended to read subdivision (iv);

3. Subdivision (i) is amended;

4. Subdivisions (ii) and (iii) are redesignated (iii) and (iv) respectively and a new subdivision (ii) is added.

The heading of paragraph (4), as amended, and subdivision (i), as amended, and the new subdivision (ii), read as follows:

§ 385.2 General licenses.

* * * * * *

(c) *General License GTDU; Unpublished technical data.* * * *

(4) *Requirement of written assurance for certain data, services, and materials.* * * *

(i) Technical data and services listed in (*a*) of this subdivision for the plants and processes listed in (*b*) of this subdivision:

(*a*) Type of technical data and services:

(1) Proprietary research and the re-

Department of Commerce

In the Matter of Friestan Products, Inc.,

Department of Commerce

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended;

any reduction in benefits or any other

(*f*) Proprietary research and the results therefrom;

(*g*) Processes developed pursuant to research (including technology with regard to component equipment items);

(*h*) Catalyst production, activation, utilization, reactivation and recovery;

(*i*) Plant and equipment design and layout to implement the processes; and

(*j*) Construction and operation of plant and equipment.

(*b*) Types of plants and processes:

The following plants or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom: [2]

alkylation	oxidation
aromatization	oxo process
cracking	ozonolysis
dehydrogenation	polymerization
desulfurization	reduction
halogenation	reforming
hydrogenation	selective absorption
isomerization	selective adsorption
nitration	

(ii) Technical data relating to the following commodities usable in processes listed in (*b*) of subdivision (i) of this subparagraph:

Department of Commerce Schedule B No.	*Commodity description*
77046--	Stationary positive displacement air and gas compressors, reciprocating, capable of receiving a power input of 500 horsepower or greater *and* specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77046--	Stationary positive displacement air and gas compressors, reciprocating, over 125 horsepower, having all flow-contact surfaces made of or lined with any of the materials specified.[1]
77063--	Parts and accessories, n.e.c., specially fabricated for compressors included above under Schedule B No. 77046.
77073--	Centrifugal air and gas compressors capable of receiving a power input of 500 horsepower or greater *and* specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77073--	Centrifugal air and gas compressors having all flow-contact surfaces made of or lined with *any* of the material specified.[1]

[1] The materials applicable to the flow-contact surfaces of this equipment are: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement.

[2] This includes plants or processes for the production, extraction, and purification of petroleum products, petrochemical products, and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.

Department of Commerce Schedule B No.	*Commodity description*
77076--	Axial flow and mixed flow air and gas compressors capable of receiving a power input of 500 horsepower or greater *and* specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77076--	Axial flow and mixed flow air and gas compressors having all flow-contact surfaces made of or lined with *any* of the materials specified.[1]
77078--	Parts and accessories, n.e.c., specially fabricated for compressors included above under Schedule B Nos. 77073 and 77076.
77101--	Centrifugal pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77101--	Centrifugal pumps having all flow-contact surfaces made of or lined with *any* of the materials specified.[1]
77103--	Turbine pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77103--	Turbine pumps having all flow-contact surfaces made of or lined with *any* of the materials specified.[1]
77105--	Rotary pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77105--	Rotary pumps having all flow-contact surfaces made of or lined with *any* of the materials specified.[1]
77107--	Reciprocating power pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77107--	Reciprocating power pumps having flow-contact surfaces made of or lined with *any* of the materials specified.[1]
77117--	Pumps n.e.c., specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77117--	Pumps, n.e.c., having all flow-contact surfaces made of or lined with *any* of the materials specified.[1]
77119--	Parts and accessories, n.e.c., specially fabricated for pumps included above under Schedule B Nos. 77101, 77103, 77105, 77107, and 77117.
77125--	Heat exchangers having all flow-contact surfaces made of or lined with *any* of the materials specified; [1] and specially fabricated parts and accessories, n.e.c.
77450--	Pipe valves, iron or steel, specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77450--	Pipe valves, iron or steel, having all flow-contact surfaces made of or lined with *any* of the materials specified.[1]
77455--	Pipe valves, brass, bronze or other nonferrous metals, specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77455--	Pipe valves, brass, bronze or other nonferrous metals, having all flow-contact surfaces made of or lined with *any* of the materials specified.[1]
77460--	Automatic control or regulating pipe valves specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77460--	Automatic control or regulating pipe valves having all flow-contact surfaces made of or lined with *any* of the materials specified.[1]
77465--	Pipe valves, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified.[1]
77567--	Nonelectric industrial furnaces (heaters) of the following types: (a) cylindrical having a suspended deflecting cone, or (b) radiant wall employing multiple independently controlled ceramic cup burners.
77570--	Parts and accessories, n.e.c., specially designed for the furnaces (heaters) included above under Schedule B No. 77567.
77582--	Mixing and blending machines and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with *any* of the materials specified.[1]
77585--	Fractionating columns as follows: (a) having, or having provisions for, 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified; [1] and specially fabricated parts and accessories, n.e.c.
77585--	Other processing vessels, non-mixing, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified; [1] and specially fabricated parts and accessories, n.e.c.
77588--	Separators and collectors, industrial process types, n.e.c., and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified.[1]
77599--	Pulsation dampeners, and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with *any* of the materials specified.[1]

* * * * *

This amendment shall become effective April 15, 1964.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-3709; Filed, Apr. 14, 1964; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8592]

PART 13—PROHIBITED TRADE PRACTICES

Friestan Products, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-10 *Bait.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1779 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Friestan Products, Inc., et al., Philadelphia, Pa., Docket 8592, Mar. 27, 1964]

In the Matter of Friestan Products, Inc., a Corporation, as Friestan Products, and Friestan Distributors, and Morris Friedman and Edwin Hass, Individually and as Officers of Said Corporation

Order requiring Philadelphia sellers of home improvement materials to the public to cease representing in newspaper and other advertising and by statements of their salesmen, that they were offering storm-screen windows at bargain prices when the purported offers were not bona fide but were made to obtain leads to prospects who were then pressured to purchase different and more expensive storm-screen windows.

The order to cease and desist is as follows:

It is ordered, That respondent Friestan Products, Inc., a corporation, trading as Friestan Products, and Friestan Distributors, or under any other name or names, and its officers, and Morris Friedman and Edwin Hass, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of storm-screen windows, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise or services.

2. Discouraging the purchase of, or disparaging, any merchandise or services which are advertised or offered for sale.

3. Representing, directly or indirectly, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell said merchandise or services.

By "Decision of the Commission", etc., order requiring report of compliance is as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 27, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-3668; Filed, Apr. 14, 1964; 8:45 a.m.]

[Docket No. C-726]

PART 13—PROHIBITED TRADE PRACTICES

Guarantee Reserve Life Insurance Company of Hammond

Subpart—Advertising falsely or misleadingly: § 13.260 *Terms and conditions:* 13.260-40 Insurance coverage.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Guarantee Reserve Life Insurance Company of Hammond, Hammond, Ind., Docket C-726, Mar. 25, 1964]

Consent order requiring a health and accident insurance company with headquarters in Hammond, Ind., to cease misrepresenting the cost, coverage, benefits and conditions of their policies, in circulars, folders and other advertising material disseminated throughout the various states.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Guarantee Reserve Life Insurance Company of Hammond, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of any insurance policy or policies, in commerce, as "commerce" is defined in the Federal Trade Commission Act, except in those States where respondent is licensed and regulated by State law to conduct the business of insurance, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That, for a payment of three cents or any other amount, respondent will issue a policy which will provide indemnification for loss due to sickness and accident for a period of thirty days, or any other length of time, when such policy specifies that any of such benefits shall not accrue until the policy has been in force for thirty days, or such other length of time, from date of issuance.

2. That a policy provides for indemnification for accidental disablement in all instances where the insured is traveling on a train or in a private automobile or as a pedestrian when said policy contains exceptions and limitations concerning the conditions of such travel under which no payment will be made.

3. That a policy provides for indemnification for sickness or disease for a greater length of time or in a greater amount than is actually specified in the policy.

4. That a policy provides for indemnification for all accidental loss of life, hands, feet, eyes or any other part or parts of the body, when such policy provides that no payment will be made for more than one of such losses resulting from any one accident.

5. That a policy provides for indemnification for the death of the insured from any cause when said policy provides that no payment shall be made if the insured commits suicide within a specified time from the date of the policy.

6. That a policy is noncancellable or guaranteed renewable without reduction in benefits for a certain length of time when said policy provides that the benefits therein may be reduced before the said length of time expires.

B. Representing, directly or by implication:

1. That any policy may be continued in effect indefinitely or for many stated period of time unless full disclosure of any reduction in benefits or any other such provision, condition or limitation contained in the policy is made conspicuously, prominently and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

2. That any policy provides for indemnification against disability or loss due to sickness, disease, accident or death, in any amount or for any period of time, unless a statement of all the conditions, exceptions, restrictions and limitations affecting the indemnification actually provided is set forth conspicuously, prominently and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 25, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-3669; Filed, Apr. 14, 1964; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Ex Parte Communications

In § 1.774, paragraph (e) is added to read as follows:

§ 1.774 Miscellaneous provisions.

* * * * *

(e) *Ex parte communications.* Any communication between a Board member or employee and a party to a proceeding before the Board respecting the merits of such proceeding, which is not made in the presence of, or communicated to, any other party to the proceedings, with a full opportunity on their part to respond, is prohibited. Any communication respecting the merits of any pending appeal, other than those specifically mentioned hereinabove in these regulations, will be in writing with copy simultaneously supplied by the communicant to any other party thereto who shall be afforded a period of 15 calendar days from the date of receipt thereof to file a response, which, with the incoming communication, shall be made a part of the appeal file [Rule 22].

(Secs. 1, 2, 68 Stat. 81, 72 Stat. 1114; 38 U.S.C. 210, 41 U.S.C. 321, 322)

This VA regulation is effective upon publication in the FEDERAL REGISTER.

Approved: April 9, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-3689; Filed, Apr. 14, 1964; 8:46 a.m.]

Title 43—PUBLIC LANDS:

tion generally subject to valid existing

2. In § 2.603, paragraphs (a) and (c) § 2.603 Treaties and other international

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3382]

[Montana 063128]

HELENA NATIONAL FOREST, MONTANA

Addition of Lands

By virtue of the authority vested in the Secretary of the Interior by the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), it is ordered as follows:

The following-described lands within the exterior boundaries of the Helena National Forest are hereby added to and made a part of that forest, subject to existing valid rights, and hereafter shall be subject to all laws and regulations applicable to such national forest:

PRINCIPAL MERIDIAN

T. 8 N., R. 4 E.,
Sec. 18, lot 1 and NE¼NW¼.

Containing approximately 74 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 9, 1964.

[F.R. Doc. 64–3676; Filed, Apr. 14, 1964; 8:46 a.m.]

[Public Land Order 3383]

[Oregon 014284]

OREGON

Power Site Cancellation No. 203. Partly Cancelling Power Site Classification No. 426 of July 25, 1952

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

1. The order of the Geological Survey, dated July 25, 1952, creating Power Site Classification No. 426, is hereby cancelled so far as it affects the following-described land in Oregon:

WILLAMETTE MERIDIAN

T. 5 N., R. 28 E.,
Sec. 12, lots 9, 10, 11 and 12.

Containing approximately 120 acres.

2. The land is situated in Umatilla County. Topography is rough and rocky.

3. Until 10:00 a.m. on June 16, 1964, the State of Oregon shall have a preferred right of application for the reservation to the State or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, June 10, 1920, supra. Thereafter the lands shall become subject to application, petition, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received at or prior to 10:00 a.m. on June 16, 1964, shall be considered as simultaneously filed at that time.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

5. The State of Oregon has waived the preference right granted to certain States by the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 9, 1964.

[F.R. Doc. 64–3677; Filed, Apr. 14, 1964; 8:46 a.m.]

[Public Land Order 3384]

ALASKA

Partly Revoking Certain Executive Orders

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of June 13, 1899, and Executive Order No. 4131 of January 22, 1925, which withdrew lands in connection with the Fort Egbert Military Reservation, are hereby revoked so far as they affect the following-described lands:

[Fairbanks 027725]

EAGLE AREA

Beginning at a point on the northern boundary of U.S. Survey No. 353, Eagle Townsite, distant 1308 feet from Corner No. 1 of said Survey No. 353; thence N. 21°57' W. 470 feet; thence N. 68°03' E. 300 feet; thence N. 21°57' W. 255 feet; thence S. 68°03' W. 735 feet; thence N. 21°57' W. 300 feet; thence S. 68°03' W. 300 feet; thence S. 21°57' E. 450 feet; thence S. 68°03' W. 225 feet; thence S. 21°57' E. 575 feet; thence N. 68°03' E. 960 feet to the point of beginning.

The tract described contains approximately 19 acres of nonpublic land.

2. Executive Order No. 1194 of April 26, 1910, so far as it withdrew a tract of land at Circle, Alaska, for educational purposes, described by metes and bounds, and now more particularly described as follows, is hereby revoked:

[Fairbanks 030964]

CIRCLE AREA

U.S. Survey 2240.

Containing 1.57 acres.

3. Until 10:00 a.m. on July 9, 1964, the State of Alaska shall have a preferred right to select the land described in paragraph 2 of this order as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76. This order shall not otherwise become effective to change the status of the lands until 10:00 a.m. on July 9, 1964. At that time the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State received at or prior to 10:00 a.m. on July 9, 1964 shall be considered as simultaneously filed at that time.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 9, 1964.

[F.R. Doc. 64–3678; Filed, Apr. 14, 1964; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Part 2, Subpart G of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are isued pursuant to authority contained in sections 4(i), (5)(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.341(a) of the Commission's rules;

It is ordered, This 10th day of April 1964, that effective April 20, 1964, Part 2, Subpart G is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: April 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 2.601 is amended to read as follows:

§ 2.601 General.

This subpart is corrected to April 1, 1964. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

2. In § 2.603, paragraphs (a) and (c) are amended by the addition of the following new entries in chronological sequence.

§ 2.603 Treaties and other international agreements relating to radio.

(a) • • •

1963	TIAS 5483	United States-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.

• • • • • • • • • • • • • • •

(c) • • •

1963	Partial Revision of the Radio Regulations (Geneva, 1959) with Annexes, Resolutions and Recommendations. Signed at Geneva Nov. 8, 1963. Shall enter into force Jan. 1, 1965.

[F.R. Doc. 64–3703; Filed, Apr. 14, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

PART 80—RESTORATION OF GAME BIRDS, FISH AND MAMMALS

Equal Employment Opportunity

Pursuant to the authority vested in the Secretary of the Interior by section 10 of the Federal Aid in Wildlife Restoration Act, as amended (50 Stat. 919; 16 U.S.C. 669i) and by section 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 434; 16 U.S.C. 777i), § 80.21 of Title 50, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to make the equal employment opportunity provisions of Executive Order 11114 applicable to each project agreement entered into by the Bureau of Sport Fisheries and Wildlife.

In order to assure timely execution of the Bureau's functions under Executive Order 11114, notice and public procedure on this amendment have been deemed impracticable and the amendment shall become effective at the beginning of the day on which it is published in the FEDERAL REGISTER.

The heading and text of § 80.21 are amended to read as follows:

§ 80.21 Equal employment opportunity.

Each project agreement shall contain the equal employment opportunity provisions of Executive Orders 10925 (26 F.R. 1977) and 11114 (28 F.R. 6485), and as they may be amended.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 9, 1964.

[F.R. Doc. 64–3683; Filed, Apr. 14, 1964; 8:46 a.m.]

or persons. The rule makes provision orderly market would also be exempted, trading in the statute is scant. Testi-

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 75 [New]]

[Airspace Docket No. 64-WA-16]

JET ROUTE

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 10 is presently aligned in part from the Farmington, N. Mex., VORTAC to the Denver, Colo., VORTAC. The FAA proposes to alter this segment by realigning it from the Farmington VORTAC via the Gunnison, Colo., VORTAC to the Denver VORTAC. Such action would provide more precise navigational guidance on this segment. There would be no requirement for the designation of the Gunnison VORTAC as a compulsory reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 8, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3665; Filed, Apr. 14, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-21]

JET ROUTES

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route Nos. 70 and 90 are presently aligned in part from the Seattle, Wash., VORTAC via the intersection of the Seattle VORTAC 091° and the Mullan Pass, Idaho, VOR 269° radials to the Mullan Pass VOR. The FAA proposes to alter these segments of J-70 and J-90 by realigning them via the Ephrata, Wash., VOR. Further, J-90 is presently aligned in part from the Mullan Pass VOR to the Billings, Mont., VORTAC. The FAA proposes to realign this segment of J-90 via the Helena, Mont., VOR. These actions would provide more precise navigational guidance on these jet route segments. There would be no requirement to designate the Ephrata and Helena VORs as compulsory reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulatons and Procedures Division. Any data, views or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 8, 1964.

H. D. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3666; Filed, Apr. 14, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-22]

JET ROUTE

Proposed Designation

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA proposes to designate a jet route from the Memphis, Tenn., VORTAC via the Chattanooga, Tenn., VORTAC to the Spartanburg, S.C., VORTAC. Such action would provide an alternate route between Memphis and the Washington, D.C., and New York City, N.Y., metropolitan areas, which would be beneficial during inclement weather or unfavorable wind conditions on existing routes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 8, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3667; Filed, Apr. 14, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-7290]

NATIONAL SECURITIES EXCHANGES

Restriction of Floor Trading

The Securities and Exchange Commission announced that it has under consideration a proposal to adopt a rule under the Securities Exchange Act of 1934 ("Exchange Act") and particularly sections 11(a) and 23(a) thereof to limit or restrict floor trading on national securities exchanges. In releasing the text of the proposed rule, the Commission invited views and comments of the securities industry and of any interested groups or persons. The rule makes provision for exemption of smaller national securities exchanges where the volume of floor trading is not substantial.

"Floor trading" is trading by members of national securities exchanges for their own account while personally present on the trading floor of an exchange. For reasons explained below the discussion will relate primarily to floor trading on the New York Stock Exchange.

The functions of members participating in execution of securities transactions on the floor of the New York Stock Exchange ("Exchange") are of three types: specialists, floor brokers, and odd-lot dealers and their associate brokers. The rules of the Exchange permit members of all three types to also engage in floor trading. In his capacity as a floor trader, the member's role is unique, for it is only in that capacity that he is not assigned, and does not assume, any responsibility in the handling of orders on the Exchange. Floor brokers and specialists must meet fiduciary standards of behavior in executing agency orders. Odd-lot dealers acting through their associate brokers on the floor consider themselves obligated to fill every odd-lot order placed with them. Specialists must, in certain situations, buy stock or sell stock. The actions of a member as a floor trader are dictated only by his personal desire to trade profitably, for his own account, on the floor of the Exchange.

At the present time, there are over 400 members of the Exchange who engage intermittently in floor trading. Of these, there are approximately 35 members of the New York Stock Exchange whose primary activity is floor trading. The number of members predominantly engaged in floor trading has remained fairly constant over the years but since 1950 the number of casual floor traders has shown a significant increase. The volume of floor trading, on the other hand, has declined since 1937 from 61 million shares to 44.7 million shares in 1961, or from 6.8 percent of total Exchange purchases and sales to 2.1 percent. At the same time, studies have consistently shown that floor trading is concentrated in the more active stocks. Thus, in certain stocks floor trading has amounted to over 35 percent of total reported volume on selected days; during shorter periods, floor traders have, on occasion, participated in virtually every transaction in particular stocks.

The proposed rule would restrict floor trading by a member of a national securities exchange for any account in which he has an interest or in which he is vested with more than the usual broker's discretion by prohibiting such trading unless it comes under specified exemptions or conditions. The proposed rule would exempt transactions of specialists and odd-lot dealers in the performance of their respective functions. Bona fide arbitrage transactions and stabilizing transactions effected in connection with the distribution of securities would be exempted. Certain other transactions effected with the approval of a floor official to assist in maintaining a fair and orderly market would also be exempted. Finally the proposed rule exempts transactions effected in conformity with a plan which is designed to eliminate floor trading activities not beneficial to the market adopted by an exchange and approved by the Commission.

The Commission's proposal is directed solely to the question of floor trading and is not concerned with the issue of off-floor trading generally, except where off-floor trading is employed to evade the floor trading restrictions. Furthermore, the Report of the Special Study of Securities Markets made no recomendation in the area of segregation, i.e., that members be prohibited from both dealing in stocks, and acting as brokers, and the Commission is not considering any such proposals.

In view of the interest which has been expressed in this matter, it seems appropriate to provide some explanation of the background of the proposal.

Legislative history. In section 2 of the Exchange Act Congress found it "necessary to provide for regulation and control" of securities transactions and related practices and "to make such regulation and control reasonably complete and effective, in order to * * * insure the maintenance of fair and honest markets * * *." Particular evils at which such regulation was to be directed as set forth in Section 2 were manipulation, excessive speculation and sudden and unreasonable fluctuations in the prices of securities. Goals sought to be obtained are "fair dealing," "a fair and orderly market" and such regulation as is "necessary or appropriate in the public interest or for the protection of investors."[1] To this end, manipulation and the use of manipulative and deceptive devices are defined and prohibited, and excessive trading by members and the activities of certain classes of members are subjected to regulation. It is in the context of these evils and these objectives that the Commission views its duties and responsibilities in respect to floor trading.

Trading by members of exchanges for their own account was a matter which particularly concerned Congress in its consideration of the legislation in 1934. As enacted, that statute included in section 11(a) the following broad grant of authority to the Commission:

SECTION 11. (a) The Commission shall prescribe such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, (1) to regulate or prevent floor trading by members of national securities exchanges, directly or indirectly for their own account or for discretionary accounts * * *.

Earlier drafts of the legislation contemplated complete segregation of the function of broker and dealer and, as an incident thereto, major modifications in the specialist system and the complete prohibition of floor trading. Congressional attention in this area was primarily focused upon the first two of these propositions, and the legislative history with respect to the treatment of floor trading in the statute is scant. Testimony by proponents of the legislation noted the special advantages enjoyed by floor traders because of their presence on the floor, their tendency to trade with the trend, and the conflicts of interest involved in acting as both a floor trader and commission broker. In defense of floor trading it was argued that the practice contributed to the maintenance of continuous and liquid markets. Thus the theme was set for subsequent discussions of the problem.

The reason for the ultimate decision to vest responsibility in the Commission to regulate or to prohibit floor trading was stated by Congressman Lea on the floor as follows:

> When we came to the question of the broker and the dealer, a good deal of controversy was involved as to what control should be established; whether or not these positions should be separated; whether or not we would permit a man to act in the capacity of both broker and dealer; whether or not we should permit floor trading or permit specialists to be on the floor; and other problems.
>
> In attempting to deal with these questions I am candid to admit that the committee proposed to confer a large regulatory power on the regulatory Commission.
>
> There were two reasons for this: the first was that we recognized we are not experts and tried to act with a caution becoming our inexperience. Where in doubt as to what should be done, we thought it better to resolve the doubt in favor of maintaining the present business practices than to establish some fixed rule that might prove unfortunate. In the second place, where we gave the regulatory Commission the power, it would be a flexible power. If the Commission finds a mistake has been made, it can readily change its rules to more favorable ones and thus accomplish the purposes of Congress. (78 Cong. Rec. 7862 (1934))

The reasons for vesting in the Commission the responsibility to regulate or prohibit floor trading were thus essentially two-fold: lack of experience with these problems on the part of Congress, and the need for flexibility. In view of this legislative history, the Commission regards this provision of the Exchange Act as a mandate to attempt regulation of floor trading; but if such regulation does not accomplish the statutory purposes, the alternative, expressly provided by Congress, is prohibition.

Objections to, and defense of, floor trading. Orders to buy and sell securities flow through commission houses to the floor of the Exchange from buyers and sellers in all parts of the world. The Exchange holds itself out as, and in general is, an efficient and effective mechanism for the orderly execution of these orders. It maintains a specialist system designed to provide reasonable price continuity and to maintain a fair and orderly market in each issue traded. The floor trader, however, by his short-swing speculations frequently interferes with the orderly execution of public brokerage orders in a normal fashion through the facilities provided for that purpose by delaying consummation of a public transaction or causing it to be executed at a different price than it otherwise would, to the detriment of one or the other of the public customers involved. Floor traders, to the extent that they engage in destabilizing transactions,

[1] See Exchange Act, section 6(d), section 11, and section 19(b); See also Report of the Special Study of Securities Markets, Pt. 2, pp. 13ff.

make it more difficult for the specialist to perform his functions. The public

and, by a succession of purchases at rising prices, interspersed with those of

bility of the Exchange, which it has implemented by placing affirmative obliga-

floor trading distracted brokers from their duties to the public; and that floor

the findings of that Report are summarized above under the heading "Ob-

Exchange was appointed to consider the

make it more difficult for the specialist to perform his functions. The public has no way of knowing the impact of floor traders' activities on the functioning of the market generally or in particular securities.

The potential harmful effect of the floor trader upon prices and, in some instances, upon the volume of trading in a security stems from his central position in the market place, his freedom from obligations such as those to which the specialist is committed, his mobility on the floor, and his agility in the actual trading process.

In pursuance of the Congressional mandate the Commission has since 1934 performed studies of floor trading on at least 15 occasions. The most comprehensive were those conducted in 1936, 1945, and, most recently, in 1962–63 by the Special Study of Securities Markets (Pt. 2, pp. 203–242).

Commission studies make it clear that floor trading possesses special characteristics which result from floor traders' presence on the floor. From this strategic positon, trading activity may be observed minutes before it appears on the tape, and bids or offers may be made or withdrawn in a matter of seconds. In addition, presence on the floor carries with it the benefit of what has been termed the "feel of the market"—a heightened sense of market tenor and trend. This is attributable, among other things, to the exchange of observations among floor members, and familiarity with the trading techniques of specialists or floor brokers, with a resulting ability to foresee short-term market movements by informed observation of the activities of other persons on the floor.

This position has important consequences. Being first on the scene as a market movement commences, the floor trader can buy stock quicker and at a lower price, or sell it quicker and at a higher price. This, of course, is done at the expense of some members of the public.

It is thus apparent that the floor trader enjoys certain advantages over public investors as well as other professionals not on the floor. A question consequently arises as to the extent to which the floor trader's ability to exploit these advantages must be restricted in order to meet the statutory objective of "fair and honest markets" and its strictures against sudden and unreasonable fluctuations in securities prices.

There is inherent in floor trading an opportunity and an incentive to engage in a course of conduct which is inconsistent with the statutory purposes and scheme. For example, a floor trader, familiar with the fact that certain commission brokers handle a large number of orders and do not execute them all at once, can anticipate from their appearance in the market that further substantial buying is forthcoming; and, it is extremely doubtful whether trading on this information, which is unavailable to the investing public, is consistent with "fair dealing" or with the anti-fraud provisions of Rule 10b–5 under the Exchange Act (17 C.F.R. 240.10b–5).

Where floor traders rush to a security in which buying exists or is anticipated, and, by a succession of purchases at rising prices, interspersed with those of the public, arouse and capitalize upon public reaction to the activity shown on the tape, the consequences are hardly distinguishable from those of a manipulation, whether or not a violation of Section 9 of the Exchange Act is intended or can be established. Similar questions arise where he trades in anticipation of the rally which is apt to follow the "clean up" of a large sell order overhanging the market.

Evidence in the Commission's possession indicates that such conduct does occur and, indeed, a substantial number of members on the floor have complained of such activities. In the nature of things, it is impossible to determine how often these things happen. But, as noted, the opportunity and incentive for such conduct is inherent in floor trading; and, while the Exchange endeavors to prevent such abuses, its efforts to do so have not been successful. Indeed, under present concepts of floor trading, these efforts could hardly be expected to be successful except perhaps by an inordinate expenditure of time and money.

These problems are compounded where commission brokers handling public orders simultaneously engage in floor trading. A conflict of interest at once arises between the commission broker's duty of fidelity to his customer and his opportunity to personally profit from his customer's investment decisions—perhaps at the customer's expense. Floor trading may also distract brokers, as well as specialists, from the performance of their responsibilities. This conflict has been recognized in an exchange rule which prohibits a member from trading for his own account in a security if he has an unexecuted customer's market order in that security, and by member firms which have restricted or prohibited floor trading by their floor members. The exchange rule and the voluntary action of some firms do not insure that the floor broker's duty of fidelity to his customer is not compromised by his own floor trading activity.

Floor trading has been defended on the grounds that added market liquidity and continuity have been a beneficial by-product of the presence of professionals on the floor. The exchanges have suggested that this advantage to the market as a whole more than outweighs the possible injury to public investors. Commission studies, however, demonstrate, first, that added liquidity standing alone cannot justify floor trading that is otherwise harmful and, secondly, that floor trading actually tends to have a destabilizing influence on prices. Studies have shown that floor traders are generally buyers in rising markets and sellers in declining markets, with respect to both the market as a whole and to individual stocks. Their trading, as a result, has been found to be inimical to the orderly functioning of the market, tending to accentuate price movements. These studies also have consistently found that floor trading is heavily concentrated in the active stocks, where additional liquidity is least needed. In addition, the maintenance of orderly markets and continuity is the responsibility of the Exchange, which it has implemented by placing affirmative obligations on the specialist.

It was recognized in the Report of the Special Study and again in the report of a consultant retained by the Exchange to study floor trading, that on occasion certain floor traders provide a useful service in the auction market. This service is mainly in the area of providing capital on the floor of the Exchange to aid in the orderly assimilation and liquidation of large blocks of securities without disruption of the auction market. Also, on other occasions, certain floor traders are willing to commit capital to aid in situations where there is temporary imbalance between supply and demand for a stock. These functions are mainly assumed by a small group of well-capitalized traders who are in a position to commit substantial capital for a period of time. However, the Exchange has neither placed any obligation on floor traders to assume these functions which are only voluntarily performed from time to time nor has it restricted floor trading to those members who are most likely to perform these useful functions.

The regulation of floor trading. The history of regulation of floor trading on the New York Stock Exchange under the Exchange Act is described in some detail in the Report of the Special Study of Securities Markets (Pt. 2, pp. 226–237). The following is a summary of certain salient aspects of that history.

Over the years since the enactment of the Exchange Act, the Commission has relied upon rules adopted by the Exchange to regulate and control floor trading rather than adopting its own rules. In 1935, the Commission suggested that the exchanges adopt certain rules to regulate floor trading. The reasons given for this choice were the desire to encourage flexibility in the administration of the rules and to facilitate adaptation of the regulation to varying conditions on the several exchanges.[3]

When, in 1936, the Commission evaluated the functioning of floor trading, it concluded that, notwithstanding the existence of exchange rules, the undesirable characteristics of floor trading persisted. It was determined, however, not to abolish floor trading but to strengthen its regulation by additional rules. One of these proposals would have required a complete segregation of floor trading from the floor brokerage function. This proposal was not carried into effect.[4]

The next major evaluation of floor trading occurred in 1945. Following a comprehensive study, the Division of Trading and Exchanges filed with the Commission a report made public on January 16, 1945. This report found that the evils of floor trading persisted; that floor traders enjoyed a "formidable" advantage over the general public; that

[3] Report on the Feasibility and Advisability of the Complete Segregation of the Functions of Dealer and Broker, p. 60, 1936.

[4] The other proposal, adopted in 1937, called the "daylight margin" rule, required each member to have on deposit each night an amount equal to the margin required to carry the maximum position assumed during the day.

floor trading distracted brokers from their duties to the public; and that floor traders traded with the trend and were a destabilizing influence. This report also concluded that the existing exchange rules were ineffective to meet the problem and that the only adequate solution was complete prohibition of floor trading.[4]

The Commission tentatively determined to abolish floor trading in August 1945, but after considering the matter and holding conferences with the Exchange, it determined not to abolish floor trading in light of repeated assurances that the exchanges would develop effective self-regulation of this activity. The Commission said:

> We have reviewed the information available to us from the sources just described, including the discussions subsequent to the conference of May 16, and are satisfied that floor trading as now conducted gives an undue advantage to floor traders over the public; that frequently it accelerates market movements and accentuates fluctuations in particular securities or groups of securities; and that more often than not it detracts from the stability of the market. We are convinced that it is essential to make effective as soon as practicable regulation that will minimize or eliminate those influences of floor trading which impair the stability of the market.
>
> The New York Stock Exchange has urged us, in lieu of abolishing floor trading at this time, to afford it the opportunity to apply certain regulations which it believes will minimize the undesirable features of floor trading, yet preserve certain asserted benefits. The New York Curb Exchange has expressed its desire to put similar rules into effect * * * We propose to give (the exchanges) that opportunity * * * If at any time it becomes evident to us that the Exchanges' rules either in the form now proposed, or as they may be modified, are inadequate for the effective regulation of floor trading, we shall reconsider the recommendations of our staff, or any appropriate modification of those recommendations, and take such action as, in our opinion, will provide an adequate solution of the problems created by floor trading.

Shortly after this statement the Exchange adopted rules designed to meet the problem. Two of these rules, Rule 108 dealing with parity or precedence and Rule 109 prohibiting "stopping" of stock for floor traders, have continued in effect substantially unchanged. The more important rule, now Rule 110, has undergone a steady process of amendment and erosion which is described in the Report of the Special Study (Pt. 2, pp. 233–237).[5]

Although various Commission staff studies between 1945 and 1961 reported critically upon floor trading practices, the next major evaluation was the Report of the Special Study. Certain of the findings of that Report are summarized above under the heading "Objections to, and Defenses of, Floor Trading". The Study concluded that the existing regulation of floor trading by the exchanges "has not only been generally ineffective but in a most important respect it has been misdirected;" and that "despite the great variety and complexity of exchange rules experimented with to date * * * floor traders still retain their significant private trading advantages in a public market, continue to concentrate their activities in the more active stocks, and continue to accentuate price movements." The Study recommended that floor trading be prohibited by Commission rule and that the feasibility of utilizing present floor traders as "auxiliary specialists" be explored.[6]

In a letter to the Congress, dated July 23, 1963, the Commission commented on the Special Study's recommendation as follows:

> In light of the very serious and basic problems presented by the continuation of floor trading, as brought out by the Report of the Special Study and as evidenced by prior studies, and of the lengthy and apparently unsuccessful efforts to resolve them, the Commission agrees that a rule proposal abolishing floor trading on the New York and American Stock Exchange should be developed, unless those exchanges demonstrate that its continuance would be consistent with the public interest.

From the earliest days of the Commission's administration of the Act to date, the Commission has relied for the regulation of floor trading upon rules adopted by the exchanges. Numerous approaches have been attempted, and rules have been adopted, amended, and repealed.

One salient fact emerges from this history. Notwithstanding its reliance upon exchange rules, there has been no time in the past thirty years when the Commission, which has the statutory responsibility, has been in a position to make a finding that exchange regulation had satisfactorily resolved the problems of floor trading. Not only has the Commission's staff, as a result of numerous studies, consistently concluded that regulation by the Exchange was inadequate, but on the three occasions in 1936, 1945 and 1962 when the Commission formally addressed itself to the matter, it expressed a similar conclusion.

Current developments. After the release of the Report of the Special Study, with the Commission's comment on floor trading, quoted above, the Exchange stated that it wished to take advantage of the opportunity afforded to it by the Commission. In October, 1963, the Exchange retained Cresap, McCormick & Paget, a management consultant firm, to make a study of floor trading. Also a Special Committee of Governors of the Exchange was appointed to consider the matter. In formulating a response to the Commission, the Special Committee and the Exchange had available to them not only the Report of the Special Study and the Cresap recommendations, but also the factual and analytical materials developed in the course of that firm's study. The Exchange thus had ample basis upon which to formulate a regulatory program which would isolate and preserve the beneficial aspects of floor trading while effectively eliminating its demonstrated abuses.

After the Exchange received the Cresap report on February 14, 1964, copies were made available to the Commission. On March 4 the Exchange presented to the Commission its own proposals. It was the view of the Commission that neither the recommendations of the Cresap report nor the less restrictive proposals submitted by the Exchange represented any new departure or meaningful change in existing practices. The Exchange was informed that its proposals did not recognize the existence of the problems presented by floor trading and constituted only a series of rules little different from those which had been tried at one time or another during the long history of ineffectual regulation.

In the course of formulating its own position the Commission has studied, among other things, the various materials collected by the Cresap firm. These materials included completed questionnaires which the Cresap firm had sent to all members of the Exchange to elicit their firm's polices or practices and their own experiences, observations and comments on floor trading. A study of the answers of these members, as well as statistical data relied on in the report, were useful to the Commission in the formulation of its own program.

In the course of several meetings with the Exchange held between March 9 and March 30, 1964, the Commission staff presented such a program to the Exchange. The alternative approach suggested by the Commission's staff was directed at preserving the benefits of floor trading while controlling and limiting its harmful effects. This approach was based on several concepts. First, floor trading would in effect be restricted to professionals having substantial capital and capable of supplementing the activities of specialists in acquiring or disposing of blocks, thus eliminating the casual, amateur floor trader whose capital was insufficient to enable him to take or maintain any substantial positions. The shortswing trading with the trend done by this type of floor trader has been one of the principal problems of floor trading and makes no contribution to the market. Secondly, the function of floor trading would have to be sufficiently separated from that of acting as a commission broker so that the floor broker's duty of fidelity to his customer's interest would not be compromised by his floor trading activities. Thirdly, in order to minimize the ability of the floor trader to compete with the investing public, floor traders would not be entitled to priority over public orders. In the fourth place, destabilizing transactions by floor

[4] The report concluded that "* * * [a] review of the exchanges' enforcement of these rules over the past 10 years demonstrates that neither these nor any similar rules administered by the exchanges serve to restrain floor trading in the slightest measureable degree."

[5] The relaxation of the floor trading rules coincided with important changes in 1949–50 in the constitution and policies of the Exchange as a result of proposals made by a group of floor members known as the Committee of 17. In general, the committee recommended that the board be increased in size and that the active floor members be given greater representation. The committee also recommended that the Exchange make greater efforts in the areas of public relations and advertising. Finally, it proposed that the Exchange repeal certain floor trading rules which it claimed were inhibiting a free market.

[6] Report of the Special Study, Pt. 2, pp. 241–242.

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beneficial to the market and which plan

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adjacent thereto; other rooms, lobbies

proposed plan of the New York Stock

traders would be restricted by methods similar to those proposed by the Exchange but with more rigorous standards. Finally, in view of the regulatory history which has seen cycles of regulation followed by erosion of exchange rules, it was deemed essential that any plan be subject to control by the Commission. This would be done through a rule of the Commission under Section 11 of the Exchange Act generally prohibiting floor trading with an exception for trading conducted pursuant to a plan filed by the Exchange and approved by the Commission, which would leave day to day administration and enforcement of the plan to the Exchange. The Exchange initially refused to accept these principles, contending that they would be tantamount to abolition of floor trading.[1] However, on March 30, Exchange representatives agreed to accept these proposals and on April 2 the Exchange's Board of Governors approved the basic elements of a plan to implement them which would be filed with the Commission under the rule being proposed today.

As described above, the new pattern of regulation falls into two parts. The first is a Commission rule which generally prohibits floor trading on national securities exchanges, except for transactions "effected in conformity with a plan designed to eliminate floor trading activities which are not beneficial to the market." The New York Stock Exchange has agreed to file under the proposed rule a plan which conforms to the proposals set forth by the Commission in the course of discussions held with the Exchange. The essential elements to be contained in the plan are the following:

1. A member activity known as the "registered trader" would be established by the Exchange.

2. Each member registered as a trader would be required to meet an initial minimum capital requirement of $250,000 over and above the capital required for the member's other activities.[2] In order to engage in floor trading, members would also be required to show a familiarity with the requirements applicable to registered traders through an appropriate examination.

3. Registered traders would be prohibited from executing brokerage orders and floor trading in the same security during a single trading session.

4. A series of new rules would compel registered traders to conduct their business in a way calculated to contribute to the orderliness of markets and to prohibit them from engaging in transactions which have disruptive effects:

a. Destabilizing acquisitions of a security above the previous day's closing price in such security would be prohibited;

b. At least 75 percent of all registered trader acquisitions and 75 percent of all liquidations (except for liquidations at a loss) would have to meet a "stabilization" test (i.e., purchases below the last different price and sales above the last different price would be considered stabilizing.) This performance test would be computed on a monthly basis;

c. Present Exchange rules which now prohibit members from trading on the floor in such a way as to "dominate" markets in the acquisition of a position would be extended to cover liquidations of positions.

5. Registered traders in the acquisition of positions would have to yield the floor to orders originated off the floor by giving up priority based on time and parity with, or precedence based on size over, such orders, and would also yield precedence based on size when liquidating positions.[3]

6. The Exchange will, within the limits of system capabilities, proceed with the automation of the surveillance of registered traders' transactions as a first step in the automation of the surveillance of all floor activities.

It is the Commission's present judgment that this new program of regulation should preserve the constructive market purposes of floor trading while eliminating its harmful effects. The part-time occasional floor trader, who was responsible for many of the problems in this area, should disappear. According to the Exchange, during the last six months some 420 members engaged in trading on the floor. Under the new program, the Exchange estimates that about 20 to 30 members would register and thereby be eligible to engage in floor trading. Registered traders would not be in a position to use the knowledge of their customers' orders in their trading activities and their ability to compete with the public generally would be substantially curtailed. A high capital requirement would limit floor trading to those members who can supplement the activities of specialists in acquiring and disposing of blocks. Finally, the Exchange's commitment to automate surveillance would insure that the performance standards in the plan are enforced. It is anticipated that the net effect of such a plan would be to create a small group of professional dealers whose activities should be of maximum assistance to the public in the execution of orders on the Exchange. The Commission will in the course of its program of exchange inspections determine whether the new program has the desired effects.

The American Stock Exchange has also been studying the question of floor trading and has submitted a statement to the Commission. That exchange has requested that the problem of floor trading on its floor be considered separately upon the ground that it believes that the requirements and problems of its market are different from those of other markets. The Commission has determined to grant this request. However, it is of the view that if the American Stock Exchange wishes to continue floor trading, any plan which it devises to meet its own requirements and problems must at the same time eliminate the detrimental aspects of floor trading described above.

Floor trading on regional exchanges in stocks also traded on the major New York exchanges does not appear to influence price movements or involve special advantages. The Commission has not made a study of floor trading in securities traded only on such regional exchanges which account for only a small part of the total volume on most of these exchanges. Under these circumstances, an exemption for floor trading on such exchanges would appear to be warranted at this time.

The text of the proposed rule is as follows:

§ 240.11a–1 Regulation of floor trading.

(a) No member of a national securities exchange, while on the floor of such exchange, shall initiate, directly or indirectly, any transaction in any security admitted to trading on such exchange, for any account in which such member has an interest, or for any account with respect to which such member has discretion as to the time of execution, the choice of security to be bought or sold, the total amount of any security to be bought or sold, or whether any such transaction shall be one of purchase or sale.

(b) The provisions of paragraph (a) of this section shall not apply to:

(1) Any transaction by a specialist in a security in which he is so registered on such exchange;

(2) Any transaction by an odd-lot dealer in a security in which he is so registered on such exchange;

(3) Any stabilizing transaction effected in compliance with § 240.10b–7 (Rule 10b–7) to facilitate a distribution of such security in which such member is participating;

(4) Any bona fide arbitrage transaction;

(5) Any transaction made with the prior approval of a floor official of such exchange to permit such member to contribute to the maintenance of a fair and orderly market in such security; and

(6) Any transaction effected in conformity with a plan designed to eliminate floor trading activities which are not beneficial to the market and which plan has been adopted by an exchange and declared effective by the Commission. For the purpose of this rule, a plan filed with the Commission by a national securities exchange shall not become effective unless the Commission, having due regard for the maintenance of fair and orderly markets, for the public interest, and for the protection of investors, declares the plan to be effective.

(c) For the purpose of this rule the term "on the floor of such exchange" shall include the trading floor; the rooms, lobbies, and other premises immediately adjacent thereto; other rooms, lobbies and premises made available primarily for use by members generally; and the telephone and other facilities in any such place.

(d) Any national securities exchange may apply for an exemption from the provisions of this rule under section 11(c) of the Act because of the limited volume of transactions on such exchange.

(Secs. 11(a) and 23(a), 48 Stat. 891, 901, as amended, 15 U.S.C. 78k, 78w)

All interested persons are invited to submit their views and comments, on the Commission's proposed rule and the proposed plan of the New York Stock Exchange, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before May 8, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 8, 1964.

[F.R. Doc. 64–3670; Filed, Apr. 14, 1964; 8:45 a.m.]

[1] Letter to Exchange members from G. Keith Funston, President of the NYSE, dated March 14, 1964, on the subject: Discussion with the SEC on Floor Trading.

On March 19, 1964, the Exchange Board of Governors decided to make certain amendments to the floor trading rules of the Exchange. It was the view of the Commission, that these amendments failed to meet the floor trading problem.

[2] If losses in a registered trader's account exceed about $75,000, additional capital would have to be deposited.

[3] Where two or more parties have placed bids (or offers) in a security at the same price, technical rules of the Exchange determine who is entitled to the transaction. These are known as "priority," "precedence," and "parity." "Priority" holds that the bid or offer which is first in time is entitled to the first execution. If all orders were placed simultaneously, or if the party entitled to priority has effected his transaction, the principle of "precedence" becomes determinative, holding that bids (or offers) are to be executed in order of size. All bids for amounts as large or larger than the amount of stock offered are considered of equal size, or on a "parity." These bidders then "match" (flip a coin) to determine who is entitled to the execution. If none of the bids is as large as the amount offered (or no offer as large as the bid) they are executed in order of size, with parties having bids (or offers) of equal size "matching" to determine the order of execution.

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Notices

ATOMIC ENERGY COMMISSION

STATE OF FLORIDA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Florida for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Florida and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Florida regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State & Licensee Relations, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 13th day of April 1964.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary to the Commission.

Proposed Agreement Between the United States Atomic Energy Commission and the State of Florida for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Florida is authorized under section 290.13 of the Florida Nuclear Code (Chapter 290, Florida Statutes, 1961) to enter into this agreement with the Commission; and

Whereas, The Governor of the State of Florida certified on ----------, that the State of Florida (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on ----------, 1963, that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this agreement;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproducts, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This agreement shall become effective on ----------, 1964, and shall remain in effect unless, and until such time as it is terminated pursuant to article VII.

APPENDIX "A"

RADIATION CONTROL IN THE STATE OF FLORIDA

I. Introduction. The radiation control program of the State is designed to regulate all sources of radiation other than those for which regulatory responsibility is to be retained by the U.S. Atomic Energy Commission. As the term "radiation sources" is used hereinafter in this narrative, it is intended to mean those sources under the control of the State. The sources are divided into two major categories: radioactive materials and radiation machines. Radioactive materials, including radium, are to be regulated under a licensing program similar to the existing program of the U.S. Atomic Energy Commission, requiring possession of a license prior to acquisition or use of such materials. Radiation machines will be subject to a registration program involving the reporting of information by the registrant and the right of inspection by the State for compliance with prescribed safety standards.

The program described herein constitutes a continuation of Florida's efforts to modify and improve its activities for the control of radiation hazards, to gain increased knowledge of radiological health significance and to make use of ionizing radiation for the improvement of the public health when and if methods for such use are discovered or developed. An integral part of this program is the assumption of certain responsibilities which the United States Atomic Energy Commission will discontinue under a contemplated agreement between the Commission and the State.

II. History. The first regulations for the control of radiation in the State of Florida were prepared jointly by the Florida Industrial Commission and the Florida State Board of Health and promulgated in April, 1947, by the Florida Industrial Commission. They were embodied in Regulation No. 8, "Radiant Energy" of the "Regulations for the Control and Prevention of Occupational Diseases". These rules were revised in 1957 and in 1960. As a result of this cooperative effort, the Florida Industrial Commission and the Florida State Board of Health have established a very close working relationship in the field of occupational health.

In 1950, the Board of Health conducted a statewide survey of shoe-fitting fluoroscopes, as a result of which the use of almost all of these machines was discontinued; such use is now prohibited. In 1957, a statewide program of radiological surveillance of the environment was started in order to develop baseline knowledge and to enable us to know when increases occurred from fallout or from possible pollution from other sources. The area in the vicinity of the then proposed power reactor to be located in Polk County was examined in much greater detail. This program has continued and has been expanded to include seafood and shell fish beds. Spot samples of citrus and other terrestrial foods have been analyzed. The State of Florida has participated in the national air and precipitation fallout surveillance network since 1957, and now operates two stations (Jacksonville and Miami). To provide a degree of information on which action programs could be based, the State added four more identical stations (Pensacola, Tallahassee, St. Peterburg, and Orlando). In addition to operating a collecting station for the National Pasteurized Milk Surveillance Program (Tampa), the State Board of Health has an active producer milk surveillance program which is statewide in scope and sufficiently detailed in sampling points to permit specifically-localized action programs, should such become necessary. At the request of county medical societies and other organized professional groups and industry, the Board of Health initiated, in 1958, a program of physical inspection and consultation aimed at reducing exposure to the public (as well as the user) from diagnostic and other uses of X-rays. To date, roughly 80 percent of the approximately 3,000 dental, 50 percent of the approximately 3,500 medical, and a number of industrial X-ray installations have been visited. During 1961–63, the Board of Health conducted a research project in an effort to improve this program. One of the outstanding features of this study was a demonstration of the importance of repeated visits. Another research program, currently under way, is designed to establish radiation background levels in various parts of the state and to determine the components of this radiation. These two projects have been supported by the U.S. Public Health Service at approximately $76,000.00 per annum.

On December 1, 1955, the Honorable Leroy Collins, Governor of Florida, by executive order, created the Florida Nuclear Development Commission to assist the Governor in the promotion of nuclear development within the State of Florida and in cooperation with the other southern states and the Atomic Energy Commission. The Commission consists of nine members to serve at the pleasure of the Governor and without compensation.

In 1957, the legislature enacted chapter 57-178 which created the Florida Nuclear Development Commission as a permanent agency of the State for the development and application of nuclear energy with all its attendant benefits, thus placing the coordination of all nuclear development within the State on a statutory basis. The Act has subsequently been amended (1961, chapter 61-262) clarifying and broadening the duties of the Commission.

In September of 1959, the Congress of the United States enacted Public Law 86-373, which amended the Atomic Energy Act of 1954, and provided for the transfer of certain regulatory powers from the Atomic Energy Commission to qualified States in accordance with negotiated agreements. This transfer of authority applies to the control of certain categories of radioactive materials and becomes effective when appropriate State legislation has been enacted; and, an agreement has been signed by the Atomic Energy Commission and the Governor of the respective State.

In May of 1960, the Florida Nuclear Development Commission, in recognition of the inevitable and urgent need for the control of radiation by the State launched a drive for an extensive analysis of Public Law 86-373 and its application to the specific needs of this State. It called first on the School of Law at the University of Florida to conduct a study of the many implications connected with the assumption of control of radiation sources by the State. On September 30, 1960, the results of that study were presented to the State Legislative Council, after which many other meetings with various agencies were sponsored by the Florida Nuclear Development Commission to consider the various aspects of such a program.

Inasmuch as State policy and courses of action with respect to atomic energy development and radiation protection have been the subject of legislative consideration in Florida for a number of years, the Legislative Council's Select Committee on Nuclear Legislation conducted public hearings on this subject in 1960 and 1961, with a view toward appraising the desirability or necessity for a broad system of radiation control, including assumption of authority from the Atomic Energy Commission and a licensing or registration program designed to obtain a maximum of information regarding radiation use in Florida.

After such public hearings by the Legislative Council's Select Committee on Nuclear Legislation and consultations with interested governmental agencies, representatives of industry and professional groups that use atomic energy and radiation, it concluded that a comprehensive legislative program for radiation control should be enacted.

Consequently, chapter 61-262 was introduced in the 1961 session of the legislature, which provided the framework for such a program. The bill was derived in large measure from suggested legislation of the Council of State Governments. It was widely circulated and critically reviewed by a number of interested and affected persons and groups, and was revised to take into account appropriate comments. After extensive consideration by committees of the legislature, including several public hearings at which all interested parties were afforded opportunity to be heard, the measure was enacted as the Florida Nuclear Code (chapter 290, part I, Florida Statutes, 1961). At the same legislative session, chapter 61-227 (part 2 of chapter 290, Florida Statutes, 1961) was enacted, which made Florida a party to the Southern Inter-State Nuclear Compact.

The enactment of the Florida Nuclear Code strengthend the framework for the control of radiation activities within the State as follows:

1. Established the Florida Nuclear Commission headed by a director responsible to the Commission. With respect to administrative and regulatory responsibilities, the duties of the Commission are to promote and support a comprehensive program of education and research relative to nuclear development in the field of education, science, agriculture, industry, transportation, medicine, and all other fields of endeavor which may aid in or be benefited by nuclear development and nuclear science and engineering; to promote the industrial development of Florida (in cooperation with the Florida Development Commission) by attracting new industry based on nuclear science and engineering; to coordinate development and regulatory activities of the State, other States and the Federal Government; to convene a coordinating council consisting of representatives of appropriate State agencies to coordinate action in any matter bearing of the State's nuclear program; and to collect and disseminate information relative to nuclear developments and their effect; and

2. Empowered the Governor of the State to sign an agreement with the Atomic Energy Commission which would transfer to the State control over certain radioactive materials in accordance with Public Law 86-373; and

3. Authorized the Governor of the State to designate a State agency as the regulatory agency to adopt regulations for effectuating the purposes of this legislation, including regulations for the licensing or registration of all radiation sources.

On July 11, 1961, to achieve the objectives of the Florida Nuclear Code (section 290.06) the Florida Nuclear Commission appointed a Coordinating Council and three technical committees. The technical committees include representation from industry, labor, medicine, dentistry, medical physics, health departments, universities, and the legislature. To insure that the many State agencies which have any degree of official concern with nuclear matters are properly represented, the Coordinating Council is composed of the directors (or their designated representatives) of such interested agencies as: Attorney General, State Board of Conservation, State Board of Control, Nuclear Coordinator of Florida State University, Director of Nuclear Activities of University of Florida, Florida State Board of Health, Commissioner of Agriculture, Superintendent of Public Instruction, Department of Public Safety, Department of Water Resources, Florida Development Commission, State Fire Marshal, State Insurance Commissioner, Florida Geological Survey, Florida Industrial Commission, Legislative Reference Bureau, Railroad and Public Utilities Commission, and the Secretary of State.

Prior to the enactment of chapter 61-262 supra in June, 1961, the Florida State Board of Health, in March, 1961, in order to protect the people of the State from the hazardous effects of ionizing radiation, and acting under the authority of the General Public Law (Chapter 381, Florida Statutes) adopted a comprehensive set of regulations pertaining to radiological health, as chapter 34 of the Sanitary Code of the State. To insure the maximum safety of all persons during the manufacture, use, storage, transportation and disposal of radiation sources, the regulations applied to all sources of ionizing radiation and required the registration of all radiation producing machines and radioactive substances; set limits of radiation exposure; defined the reponsibilities of users of radiation to radiation workers and to the general public and provided for inspection and enforcement of such regulations.

On February 21, 1962, pursuant to the provisions of chapter 290, Florida Statutes, and the recommendations of the Florida Nuclear Commission, the Honorable C. Farris Bryant, Governor of Florida, designated the Florida State Board of Health (hereinafter referred to as the Board) as the regulatory agency for nuclear control and licensing as contemplated by section 290.10, Florida Statutes.

To implement certain provisions of the Florida Nuclear Code and to insure compatibility with Federal regulations and reciprocity with other agreement States, the Board

of Health revised its 1961 regulations. They now constitute chapters 170J-1 through -4 of the Florida Administrative Code. A copy of these regulations is included in this pres-

issued upon application. Registration is required for radiation producing machines.

It is planned to make preliconsing inspection a part of the evaluation procedure when

tem to insure that timely and adequate inspections are performed and that appropriate actions are taken.

2. Stimulated by the I^{131} levels in Utah and certain other States the Florida State Board of Health convened a meeting of rep-

and pending the addition of personnel he will be responsible for licensing and the review of regulations.)

tary of the Treasury to New England Insurance Company, Springfield, Massachusetts, and The Standard Insurance

of Health revised its 1961 regulations. They now constitute chapters 170J-1 through -4 of the Florida Administrative Code. A copy of these regulations is included in this presentation as "Attachment C".

In redrafting the regulations, language was drawn largely from models developed jointly by the Atomic Energy Commission, the U.S. Public Health Service and the Council of State Governments; and from recommendations of the National Committee on Radiation Protection and Measurement, and Reports of the Federal Radiation Council.

Assistance in drafting the regulations was obtained from a number of individual, agencies and groups, including representatives of the Atomic Energy Commission, the U.S. Public Health Service, the Florida Nuclear Commission, Florida Governmental Agencies, professional associations and industrial groups.

III. *The Radiation Control Program—A. Regulations.* The principal elements of the program for the control of radiation hazards in the State of Florida are the Florida Nuclear Code (Chapter 290, Florida Statutes) and applicable rules of the State Board of Health.

The radiation regulations of the State Board of Health have been modified in order to achieve:

(1) A comprehensive program covering not only activities over which the State agency has exercised exclusive jurisdiction (e.g., X-rays and radium), but also activities over which authority will be discontinued by the Atomic Energy Commission (byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass); and

(2) Compatibility between the State's radiation control program and the Atomic Energy Commission's program for the regulation of like radioactive materials as required by § 274.D(2) of the Atomic Energy Act of 1954 as amended.

In developing the regulations to achieve the foregoing objectives, the Board of Health predicated the substantial content of the program, i.e., the radiation protection standards, regulation relating to permissible doses, levels and concentrations, on the guides of the Federal Radiation Council, as approved by the President, and pertinent recommendations of the National Committee on Radiation Protection Measurements.

With respect to other substantive matters such as licensing and precautionary procedures, e.g., surveys, posting, labeling, existing Atomic Energy Regulations and the suggested regulations issued by the Council of State Governments were used as models.

The Board's regulations with regard to burial are more stringent than those of the suggested regulations. This stringency is held as being necessary in the interest of the public health because of the particular and somewhat peculiar geology and hydrology of the State of Florida which necessitates individual appraisal of each proposed site to minimize the probability of underground contamination.

Modification of the laws and regulations has resulted in a State program which is compatible with the Commission's program and those of "agreement States" but which differs from the Commission's program in several respects. This difference is primarily in that the State's comprehensive program covers all radiation sources, including those whose possession and use is subject to registration rather than licensing.

B. *Program administration*—1. *Licensing and registration.* Licenses are required for the possession of radioactive materials above exempt amounts of concentrations, regardless of the mode of formation of such materials. Licenses for radioactive materials are of two types, general licenses effective without the filing of applications or the issuance of licensing documents, and specific licenses issued upon application. Registration is required for radiation producing machines.

It is planned to make prelicensing inspection a part of the evaluation procedure when such prelicensing is deemed to be necessary and practicable. In connection with licensing procedures, provision is made to give opportunity for all interested persons to be heard.

With respect to human use the State Health Officer has appointed highly qualified medical consultants knowledgeable in the clinical use of isotopes and other sources of ionising radiation to assist in the development of policies, the establishment of criteria and the evaluation of unusual applications for license to apply radioactive substances to humans.

Although the Florida Nuclear Code permits the enactment of municipal ordinances and regulations that are not inconsistent with the code and regulations adopted thereunder, the agency charged with the responsibility of promulgating regulations and issuing licenses is the Florida State Board of Health.

2. *Inspection.* Inspection for compliance with regulations and with license conditions will be carried on by the State Board of Health and its duly authorized representatives.

The local health departments, under the direction of the Florida State Board of Health, will participate in inspection activities as they develop a radiological health program and demonstrate their capability.

As a part of the preparation for the assumption of regulatory authority from the AEC, State radiological health program personnel have accompanied AEC inspectors on almost all of their license inspections in the State since September, 1959. There are approximately 200 licensees in the State.

Based upon the number and kind of licenses and registrations, a priority system will be established under which inspection of the most hazardous activities will be scheduled at least once each six months, and the remainder on a less frequent basis. Initial priorities will be established on the basis of the prelicensing evaluation and may be modified in accordance with subsequent inspections. It is expected that all licensed activities will be inspected at least once in two years.

Most inspections will be scheduled visits; a significant number may be on an unscheduled basis. A review of the structure of the organization of the establishment and of pertinent operational procedures will be made, especially if changes have occurred since the license was issued or the registration accomplished. Specific responsibilities will be ascertained or confirmed. Inspection visits will usually entail a comprehensive review by the inspector of equipment, facilities and procedures for handling and storage of radioactive material, and an interview with key personnel directly involved. The inspector will review the survey methods and results of personnel monitoring, the posting of signs and labeling, instruction of personnel; and the methods and apparent effectiveness of maintaining control of people in controlled areas. He will review the records of receipts, transfers and inventory of licensed or registered material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may take measurements of radiation levels. He will meet with management to discuss the results of his inspection. During this meeting, he will discuss questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to describe the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action. The Board will review the operation of this system to insure that timely and adequate inspections are performed and that appropriate actions are taken.

In addition, there will be investigations of incidents and complaints involving radiation sources to determine the cause, the steps taken by the licensee or registrant to cope with the incident, whether or not there was non-compliance with a regulation, and the steps taken to avoid recurrence of the incident.

The licensee or registrant will be informed of the results of all inspections, orally at the time of the inspection, and by letter or notice from the Board.

3. *Enforcement.* Reports of inspections will be evaluated by the State Board of Health to determine the status of compliance with license conditions and regulations. If no item of noncompliance is observed, licensee or registrant will be so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which at the time of the inspection the licensee or registrant agrees to correct, he will be informed in writing of these matters and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee or registrant will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the Board will either conduct a prompt follow-up inspection or the matter will be reviewed during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the Board will take such administrative actions as are available, such as holding a hearing in accordance with section 290.15, Florida Statutes, which also provides for judicial review of the final order resulting from such hearing. There is provision for emergency action without notice or hearing, but such emergency action shall be subject to a prompt hearing afforded the licensee or registrant. Among the enforcement procedures available to the Board are modification, suspension, or revocation of licenses, or injunctive relief, and criminal sanctions afforded in the courts. (Sections 290.15, 290.16, 290.17 and 290.19, Florida Statutes.)

Upon failure to secure administrative relief where applicable, the Board will prepare proper charges against alleged noncensed operators or those persons failing to comply with Board orders, for presentment to State Attorneys or local county prosecuting attorneys; accompanying the said charge shall be a request for prosecution together with a trial memorandum setting forth the names of the witnesses and the testimony that may be adduced from the individual witness, and an outline showing the chain of custody on the tangible evidence expected to be introduced at the trial.

C. *Emergency planning and capabilities.* 1. Under the general coordination of the Florida Nuclear and Space Commission a radiological assistance organization and plan of action have been developed. The State Highway Patrol has assumed the responsibility for alerting, communications and team transportation or escort. Local law enforcement officials will control any possible crowd development. Radiological assistance technical teams, including physicians have been developed at public health and university centers. There are six such teams so located that no point in the State (except Key West) is more than 100 miles from a team. Emphasis at this time is on training, rehearsal and more completely equipping the teams. Personnel of the AEC Savannah Operations Office and of the AEC Pinellas Area Office have assisted in this development.

2. Stimulated by the I^{131} levels in Utah and certain other States the Florida State Board of Health convened a meeting of representatives from the Department of Agriculture, milk producer and distributor associations, cattle feed industry, and the University of Florida to discuss possible action programs for the State of Florida. An ad hoc committee has formed with the Department of Agriculture representative as chairman. This committee held several meetings during which a detailed plan of action based on the use of aged feed was drawn up. Specific responsibilities were assigned and lines of communication were established.

D. *Laboratory support.* The radiological laboratory of the State Board of Health is administratively a unit of the Bureau of Laboratories. Technical assistance and direction is supplied by the Division of Radiological and Occupational Health. The laboratory is manned by two radiological chemists and two technicians with part-time clerical assistance. It is located in a new building and was designed specifically for radiological work. Equipment includes: a two detector low beta counting system, windowless proportional counters, one single channel gamma scintillation spectrometer and a 512 channel gamma scintillation spectrometer, beta and alpha scintillation detectors, and an eleven cubic foot muffle furnace. The sample preparation section is complete with full chemical analytical capability.

IV. Organization and personnel. The radiation control program is established in the Division of Rallological and Occupational Health, an existing organizational unit of the Florida State Board of Health. There is no absolute line of cleavage between the radiological and occupational health programs, but for clarity of this presentation, they are being considered as separate and distinct. With regard to the Radiological Health Program, Division philosophy requires that there be as much interplay between programs as possible. The reason for this is that we need sufficient breadth of capabilities so that no program will be seriously interfered with by routine absences or emergency situations. A further but perhaps no less serious reason is that some activities in each of the programs are of a routine nature and carry little, if any, psychological challenge or job satisfaction if they constitute the sole function of any one person for extended periods of time. As a further measure of providing broader training and experience, employees are encouraged to avail themselves of general and catagorical orientation courses given by the State Board of Health, the U.S. Public Health Service, and the AEC.

The minimum educational and experience requirements for the position categories directly related to the regulatory program as set forth in the Florida Merit System job descriptions (with salaries) are attached in Attachment A. Presented in Attachment B is biographical material for personnel presently employed.

A brief description of the various positions follows:

Director, Division of Radiological and Occupational Health (Health Officer IV). This individual is Director of the Division, being administratively responsible for the combined radiological and occupational health program of the State Board of Health. This person is an M.D. and, in addition to administrative duties, will assist by providing staff medical advice when needed.

Public Health Physicist IV. The person in this position has major technical administrative responsibility for all the radiological health programs of the Division, including the source control program, emergency programs, and environmental surveillance and studies. He will provide direct assistance in the regulatory program as required. (During the initial phase of the program incident to the transfer of authority from the AEC and pending the addition of personnel he will be responsible for licensing and the review of regulations.)

Public Health Physicist III. There are proposed two positions at this level. One is primarily responsible for licensing and for the development and constant review of regulations. The other, now on duty, will be responsible for the survey and consultation with the user aspects of the program. This concept differs from the AEC inspection and enforcement program only in that, in addition to the detailed inspection and rigid enforcement, we feel a responsibility and will exert considerable effort in assisting the user in improving his physical facilities and his procedures in an attempt to arrive at the least practical exposure to humans to ionizing radiation.

Public Health Physicist II. It is planned that the program will begin with at least two individuals at this level. Each will be responsible for a given area of the State, and will be responsible for prelicensing visits, inspections, as well as preliminary processing of registration forms, making X-ray surveys, and performing other radiological health program work as required in his area.

Upon consummation of an agreement with the Atomic Energy Commission, additional personnel will be employed, as available and necessary to perform license evaluations and to provide supervision over the inspection program.

Requirements as to qualifications and proficiencies of local health department personnel performing Radiological Health duties will be at least as high as for State personnel performing similar duties.

V. Coordination. Coordination of the State program for the control of radiation is facilitated through the functions of the Florida Nuclear and Space Commission. All agencies and political subdivisions of the State are required to keep the Commission fully and currently informed as to their activities.

The Coordinating Council of the Florida Nuclear Commission was established early in the development of the radiation control program and its functions and recommendations have been instrumental in developing the present program.

The Florida Nuclear Code provides that any rule, regulation or ordinance, or amendment thereto or repeal thereof primarily or directly relating to Atomic Energy proposed by any department, division, commission or agency of the State of any political subdivision thereof, shall not become effective until 90 days after it has been submitted to the Commission, unless the Commission or the Governor waives such waiting period. If, after consultation with the Commission, the Governor finds any of either the proposed or existing rules to be inconsistent, he may direct the appropriate agency to amend or repeal such rules to achieve consistency (Section 290.09, Florida Statutes).

[F.R. Doc. 64-3744; Filed, Apr. 14, 1964; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 28]

NEW ENGLAND INSURANCE CO. AND STANDARD INSURANCE CO.

Termination of the Authorities of Companies to Qualify as Sureties on Federal Bonds

APRIL 9, 1964.

Notice is hereby given that the Certificates of Authority issued by the Secretary of the Treasury to New England Insurance Company, Springfield, Massachusetts, and The Standard Insurance Company, of Tulsa, Oklahoma, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13) to qualify as sole sureties on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States are hereby terminated effective as of midnight, December 31, 1963.

Springfield Insurance Company, a Massachusetts corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to Agreement of Merger dated September 27, 1963, effective midnight December 31, 1963, approved by the Commissioner of Insurance of the Commonwealth of Massachusetts, December 18, 1963, and the Insurance Commissioner of the State of Oklahoma on December 20, 1963, New England Insurance Company, Springfield, Massachusetts and The Standard Insurance Company, of Tulsa, Oklahoma, were merged into Springfield Insurance Company, Springfield, Massachusetts, the surviving company. Springfield Insurance Company acquired all of the assets and assumed all of the liabilities of New England Insurance Company and The Standard Insurance Company. A copy of the Agreement of Merger is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond approving officers, by reason of the merger, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1963, by New England Insurance Company or The Standard Insurance Company pursuant to the Certificates of Authority issued to the Companies by the Secretary of the Treasury.

The merger of the Companies will not affect the underwriting limitation of the surviving corporation, Springfield Insurance Company. Its present limitation of $9,830,000.00 will remain in effect until a new limitation is established effective June 1, 1964.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 64-3693; Filed, Apr. 14, 1964; 8:47 a.m.]

[Dept. Circ. 570, 1963 Rev. Supp. No. 27]

STANDARD ACCIDENT INSURANCE CO.

Termination of the Authority to Qualify as Surety on Federal Bonds

APRIL 9, 1964.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Standard Accident Insurance Company, Detroit, Michigan, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States is hereby

terminated effective as of the close of

tions, or objections in connection with

livestock loan assistance and who can

Accordingly, it is hereby ordered:

V. No person, firm, corporation, part-

DEPARTMENT OF HEALTH, EDU

terminated effective as of the close of business December 31, 1963.

Reliance Insurance Company, a Pennsylvania corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to Agreement of Merger dated February 8, 1963 and amendment thereto dated August 9, 1963, effective as of the close of business December 31, 1963, approved by the Commissioner of Insurance of the State of Michigan, October 31, 1963 and the Insurance Commissioner and Governor of the State of Pennsylvania, December 18, 1963, Standard Accident Insurance Company, Detroit, Michigan, was merged into Reliance Insurance Company, Philadelphia, Pennsylvania, the surviving company. Reliance Insurance Company acquired all of the assets and assumed all of the liabilities of Standard Accident Insurance Company. Copies of the Agreement of Merger are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond-approving officers, by reason of the merger, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1963 by Standard Accident Insurance Company pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

The merger will not affect the underwriting limitation of the surviving corporation, Reliance Insurance Company. Its present limitation of $10,326,000 will remain in effect until a new limitation is established effective June 1, 1964.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 64-3694; Filed, Apr. 14, 1964; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

[W-0308886]

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 8, 1964.

The Corps of Engineers, U.S. Army Engineer District, Omaha, has filed an application, serial number Wyoming 0308886, in behalf of the Department of the Air Force, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing laws, as provided by Executive Order 10355 (43 USC 141), subject to valid existing rights.

The applicant desires the lands for expansion of the Air Force weather research station, Boulder, Wyoming, and for a buffer zone around the basic construction site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2002 Capitol Avenue, Cheyenne, Wyoming.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers in behalf of the Department of the Air Force.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 32 N., R. 107 W.
Sec. 1, SW¼NE¼NW¼SW¼, S½NW¼NW¼SW¼, SW¼NW¼SW¼, W½SE¼NW¼SW¼, W½SW¼SW¼, W½E½SW¼SW¼.

The area described aggregates 52.5 acres.

BURTON W. SILCOCK,
Acting State Director.

[F.R. Doc. 64-3679; Filed, Apr. 14, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OHIO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Ohio natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OHIO

Adams.	Pike.
Brown.	Scioto.
Clermont.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of April 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-3711; Filed, Apr. 14, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 26-480]

ANNA WELLEMS ET AL.

Order Denying Export Privileges for an Indefinite Period

In the matter of Anna Wellems trading as Stemege Handel Mit Steuerungstechnik und Messgerate Wohllebengasse 15 Vienna IV, Austria, File 26-480; respondent.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondent all export privileges for an indefinite period because the said respondent failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that Anna Wellems, trading as Stemege Handel Mit Steuerungstechnik Und Messgerate, has a place of business in Vienna, Austria; that she has participated in a transaction involving the exportation from Austria of U.S. origin commodities of a strategic nature; that the aforesaid Investigations Division is conducting an investigation into the details of respondent's participation in said transaction and as to the disposition of said commodities. It is impracticable to subpoena the respondent and relevant and material interrogatories and request to furnish certain specific documents were served on her pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and she has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, her successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to her agents and employees and to any successor and to any person, firm, corporation, or business organization with which she now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon her or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on April 10, 1964.

Dated: April 6, 1964.

RAUER H. MEYER,
Acting Director,
Office of Export Control.

[F.R. Doc. 64-3710; Filed, Apr. 14, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

S. B. PENICK & CO.

Notice of Filing of Petition Regarding Food Additives Sanitizing Solutions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1360) has been filed by S. B. Penick & Company, 100 Church Street, New York 8, New York, proposing an amendment to § 121.2547 to provide for the safe use of potassium iodide, sodium lauryl sulfate, and sodium *p*-toluenesulfonchloramide as components of sanitizing solutions.

Dated: April 9, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3690; Filed, Apr. 14, 1964; 8:46 a.m.]

POLYMER INDUSTRIES, INC.

Notice of Filing of Petition Regarding Food Additives Adhesives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1374) has been filed by Polymer Industries, Inc., Viaduct Road, Springdale, Connecticut, proposing the amendment of paragraph (c)(5) of § 121.2520 *Adhesives* by inserting in the list "Components of Adhesives" the new item "1,4-Butanediol."

Dated: April 9, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3691; Filed, Apr. 14, 1964; 8:46 a.m.]

DR. SALSBURY'S LABORATORIES

Notice of Filing of Petition Regarding Food Additive Dimetridazole

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348

(b)(5)), notice is given that petitions (FAP 1092, 1152) have been filed by Dr.

lation to provide for the safe use of dimetridazole (1,2-dimethyl-5-nitroimi-

such ground transportation is between

[Docket No. 14629]

for construction permits to establish stations in the Point-to-Point Microwave

Released: April 10, 1964.

(b)(5)), notice is given that petitions (FAP 1092, 1152) have been filed by Dr. Salsbury's Laboratories, Charles City, Iowa, proposing the issuance of a regulation to provide for the safe use of dimetridazole (1,2-dimethyl-5-nitroimidazole) in feed and drinking water of chickens and turkeys, as follows:

TABLE 1—DIMETRIDAZOLE IN FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Dimetridazole	91-908 (0.01-0.1%)			For turkeys; not for laying turkeys; withdraw 3 days before slaughter.	Prevention and treatment of blackhead (histomoniasis, enterohepatitis); for restoring feed consumption in turkeys affected by blackhead; for growth stimulation and improved feed efficiency.
2. Dimetridazole	45.5-908 (0.005-0.1%)			For chickens; not for laying chickens; withdraw 3 days before slaughter.	Prevention and treatment of blackhead (histomoniasis, enterohepatitis); for restoring feed consumption in chickens affected by blackhead; for growth stimulation and improved feed efficiency.

TABLE 2—DIMETRIDAZOLE IN DRINKING WATER

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
1. Dimetridazole	(0.01%)			For turkeys; as sole source of drinking water; not for laying birds; withdraw 3 days before slaughter.	Prevention of black head.
2. Dimetridazole	(0.02%)			For turkeys; as sole source of drinking water; not for laying birds; withdraw 3 days before slaughter.	Treatment of blackhead.
3. Dimetridazole	(0.04%)			For turkeys; as sole source of drinking water; treat for 5 days only; not for laying birds; withdraw 3 days before slaughter.	Treatment of severe outbreaks of blackhead.

Dated: April 9, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3692; Filed, Apr. 14, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14945; Order E-20680]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of April 1964.

In the matter of an agreement adopted by Joint Conference 1-2 of the International Air Transport Asosciation relating to cargo rates, Docket No. 14945, Agreement C.A.B. 17479, R-9.[1]

There has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA) adopted at meetings held in December 1963. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement here under consideration provides for the readoption of Resolution 507, which provides in substance that air cargo rates shall be applicable on an airport-to-airport basis only.

Seaboard World Airlines, Inc., by letter, has requested that the Board condition its approval to the effect that approval is given under the assumption that this resolution in no way restricts the right of member carriers to establish air/surface rates, as long as charges are not absorbed to undercut specified or constructed IATA fares or rates. Seaboard considers that IATA may be improperly assuming jurisdiction over the scope of carrier operations through its common-rating practices and prohibition of trucking arrangements.

Pan American World Airways, Inc., and Trans World Airlines, Inc., have submitted comments in opposition to Seaboard's request for a government reservation. We have examined all comments and the Conference minutes, and conclude that Resolution 507 should be approved without condition.

In coming to this conclusion we take particular note of the fact that the unanimity requirements of IATA preserve the right of individual carriers not to be bound for an indefinite period by IATA resolutions. Seaboard in this instance acquiesced in the readoption of the resolution, albeit not without grave doubts as to the effect on its operations. Under these circumstances, we are reluctant to grant the Seaboard request which could be interpreted as achieving through goverment action an objective it has been unable to obtain through conference negotiations.

The Board believes that the cargo resolutions as applied by IATA, however, operate to restrict the freedom of a carrier to enter into arrangements for through air/surface transportation on a competitive basis, particularly where such ground transportation is between points which are common rated to the ultimate origin or destination point. We can perceive no logical bar to a through air/surface arrangement over a reasonably direct routing at charges equal to the IATA rates from origin to destination.[2] We do not herein purport to affect the authority which any carrier may have to serve any particular point, or to endorse any particular operation. Neither is the matter of a carrier's authority to perform services between any points for IATA to determine. Our concern with the restrictive effect of the resolutions does not mean, of course, that specific rate resolutions stating allowable routing considerations may not be proper, particularly where indicated to prevent undue circuity. Such resolutions, whether of general or specific application, should be definite and nondiscriminatory.

We believe, however, that an equitable solution to this problem in the first instance should be left to the carriers within the framework of IATA. We note in this connection the carriers have directed the working group to give this matter further consideration.

We would add that we are concerned with the termination of Resolution 512 (b). Such a resolution is essential to the maintenance of airport-to-airport rates. Indeed, the absence of an appropriate terminal charge for ground transportation is considered a form of rebate. The absence of a charge for such terminal services would be in violation of the prohibitions against rebating and discrimination contained in sections 403 and 404 of the Act.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution 507 incorporated in R-9 of Agreement C.A.B. 17479, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That, Agreement C.A.B. 17479, R-9 (insofar as it pertains to Resolution 507), be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 64-3713; Filed, Apr. 14, 1964; 8:49 a.m.]

[1] Resolution 002, Standard Revalidation Resolution, as it pertains to Resolution 507.

[2] Carriers desiring to participate in combined air surface transportation under such circumstances must show appropriate references thereto in their tariffs filed with the Board.

[Docket No. 14629]

SERVICE TO ANDERSON, SOUTH CAROLINA

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 12, 1964, at 10 a.m., l.t., in the Holiday Room at the Holiday Inn, 3025 North Main Street, Anderson, South Carolina, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 25, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 10, 1964.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 64-3714; Filed, Apr. 14, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14585, 14586; FCC 64M-297]

GROSSCO, INC., AND VALLEY BROADCASTING CO.

Order Scheduling Prehearing Conference

In re applications of Grossco, Inc., West Hartford, Connecticut, Docket No. 14585, File No. BPH-3222; The Valley Broadcasting Company, Ansonia, Connecticut, Docket No. 14586, File No. BPH-3241; for construction permits (FM).

On the Examiner's own motion: *It is ordered,* This 6th day of April 1964 that a further prehearing conference, be, and the same is, hereby scheduled for April 16, 1964, at 10:00 a.m. in the Offices of the Commission in Washington, D.C., for the purpose of discussing further proceedings in the above-entitled matter since the lifting of the FM freeze.

Released: April 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3704; Filed, Apr. 14, 1964; 8:48 a.m.]

[Docket No. 14730; FCC 64M-293]

W. A. HENLEY AND KIMBLE COMMUNICATIONS

Memorandum Opinion and Order Scheduling Prehearing Conference

In re applications of W. A. Henley, d/b as Kimble Communications, Docket No. 14730, File Nos. 2397/2398-C1-P-62; for construction permits to establish stations in the Point-to-Point Microwave Radio Service near Kerrville, and at Midway, Texas.

1. By order released August 8, 1963, the Review Board remanded the instant proceeding to the Hearing Examiner on a modified issue. On April 3, 1964, the Commission disposed of an application for review of the Review Board's order by directing that all factual issues should be resolved prior to Commission consideration of the matter.

2. Whether additional hearing sessions will be necessary to prepare an Initial Decision on the modified issues is uncertain. On the one hand, a reasonably complete record has already been made as to relationships between the parties involved, and the applicant may wish to submit its case on the existing record. On the other hand, the applicant may wish to submit additional evidence on the modified issue, or may wish to up-date its showing on the basis of changed facts since the closing of the record. In either event, the applicant should be afforded an opportunity to express its views on the record.

Accordingly, it is ordered, This 3d day of April 1964, that a hearing conference will be held on April 17, 1964, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: April 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3705; Filed, Apr. 14, 1964; 8:48 a.m.]

[Docket No. 14974; FCC 64M-303]

SALEM BROADCASTING CO.

Order Continuing Hearing

In re application of Salem Broadcasting Company, Salem, Ohio, Docket No. 14974, File No. BP-13950; for construction permit.

The Hearing Examiner having under consideration petition filed April 8, 1964, on behalf of the applicant requesting changes in certain procedural and hearing dates;

It appearing, that good cause exists why said petition should be granted and there is no objection thereto;

Accordingly, it is ordered, This 9th day of April 1964, that the petition is granted; that the preliminary exchange of engineering exhibits shall be accomplished on or before April 17, 1964; that any further request for engineering materials shall be made on or before April 24, 1964; that the final exchange of engineering material shall be accomplished on or before April 28, 1964, and that the notification of witnesses desired for cross-examination shall be made before April 30, 1964;

It is further ordered, That the hearing herein now scheduled for June 10, 1964, be and the same is hereby rescheduled for May 4, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: April 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3706; Filed, Apr. 14, 1964; 8:48 a.m.]

[Docket Nos. 15326-15328; FCC 64M-298]

SPRINGFIELD TELEVISION BROADCASTING CORP. ET AL.

Order Continuing Hearing

In re applications of Springfield Television Broadcasting Corporation, Toledo, Ohio, Docket No. 15326, File No. BPCT-3157; D. H. Overmyer, Toledo, Ohio, Docket No. 15327, File No. BPCT-3173; Producers, Inc., Toledo, Ohio, Docket No. 15328, File No. BPCT-3178; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the motion for extension of procedural date and continuance of hearing filed in the above-entitled proceeding on April 2, 1964, by Springfield Television Broadcasting Corporation;

It appearing, that the said motion requests an extension of time for the exchange of exhibits to be offered in evidence in the presentation of the direct affirmative cases from May 4, 1964 to May 11, 1964, and that the hearing herein presently scheduled to commence on May 11, 1964, be continued to May 20, 1964;

It further appearing, that all parties have consented to immediate consideration and grant of the said motion and that good cause for a grant thereof is shown:

It is ordered, This 7th day of April 1964 that the said motion is granted and that the time for exchange of the exhibits is extended from May 4, 1964, to May 11, 1964;

It is further ordered, That the hearing herein presently scheduled for May 11, 1964, is continued to May 20, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: April 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3707; Filed, Apr. 14, 1964; 8:48 a.m.]

[Docket Nos. 15204-15207; FCC 64M-295]

WHDH, INC. (WHDH-TV) ET AL.

Order Regarding Procedural Dates

In re applications of WHDH, Inc. (WHDH-TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT-530, for renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT-3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT-3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207,

File No. BPCT-3171; for construction permits for new VHF television broad-

By order of the Federal Maritime

Notice is hereby given that time for

Docket Nos. BI60-54 and BI63-85 are increasing gas requirements of its pre-

eral Maritime Commission, Washington

File No. BPCT-3171; for construction permits for new VHF television broadcast stations.

It is ordered, This 6th day of April 1964, that the unopposed motion for continuance, filed by counsel for Boston Broadcasters, Inc. on April 3, 1964, is granted; that the hearing session of April 13, 1964, at 2 p.m. is changed to a further prehearing conference; and that the hearing proper will begin as now scheduled on April 20, 1964, at 10 a.m.

Released: April 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3708; Filed, Apr. 14, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF PHILADELPHIA ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements between the City of Philadelphia (City) and various lessees have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-100 with Atlantic and Gulf Stevedoring Company; Agreement No. T-101 with The Baltimore and Ohio Railroad Company and The Schuylkill River East Side Railroad Company; Agreement No. T-102 with Independent Pier Company; Agreement No. T-103 with Jarka Corporation of Philadelphia (Pier 9); Agreement No. T-104 with Jarka Corporation of Philadelphia (Pier 20); Agreement No. T-106 with Lavino Shipping Company; Agreement No. T-108 with Luckenbach Steamship Company; Agreement No. T-113 with Stockard Shipping and Terminal Company; and Agreement No. T-114 with United States Lines Company, provide for the lease of certain terminal property in Philadelphia. Maximum rates for wharfage, dockage, and for use of the pier other than storage may be fixed by City.

Interested parties may inspect the agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, diapproval, or modification, together with a request for hearing, should a hearing be desired.

Dated: April 10, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3680; Filed, Apr. 14, 1964; 8:46 a.m.]

WILHELMSEN LINE JOINT SERVICE AND SWEDISH AMERICAN LINE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9338 between Wilhelmsen Line, a joint service operating under approved Agreement 7589, and Aktiebolaget Svenska Amerika Linien (Swedish American Line) establishes a rate agreement in the trade from U.S. Gulf ports to Continental European ports, Hamburg/Bayonne range inclusive, as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 10, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3681; Filed, Apr. 14, 1964; 8:46 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND ATID CARGO LINES, LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9340 between Lykes Bros. Steamship Co., Inc., and Atid Cargo Lines, Ltd., covers an arrangement for the fixing of rates on cargo which Lykes originates at U.S. Gulf and South Atlantic ports, transhipped to vessels of Atid Cargo Lines at Italian ports, and transported by the latter carrier to Haifa and/or Tel Aviv, Israel, under rates and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 10, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3680; Filed, Apr. 14, 1964; 8:46 a.m.]

SOUTH AND EAST AFRICA RATE AGREEMENT

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8054-1, between the parties to a memorandum agreement on rates in the trade between U.S. Atlantic and Gulf ports and various ports in Southwest, South and East Africa including islands adjacent thereto and en route, modifies the basic agreement of the parties, No. 8054, to provide for a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 10, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3682; Filed, Apr. 14, 1964; 8:46 a.m.]

ALASKA STEAMSHIP CO. ET AL.

Agreement for Which Approval Is Requested; Corrected Notice

The F.R. Doc. 64-3573 appearing in the FEDERAL REGISTER issue of April 9, 1964 (29 F.R. 4978), is hereby amended in the following respect:

Notice is hereby given that time for filing communications with the Federal Maritime Commission, Washington 25, D.C., of interested parties' position with respect to Agreement DC-12 is hereby extended from April 15, 1964, to April 30, 1964.

Agreement DC-12 between Alaska Steamship Company, Puget Sound-Alaska Van Lines, Alaska Freight Lines, Inc., Alaska Division of Consolidated Freightways and Weaver Brothers, Inc. would provide for the emergency period resulting from the earthquake and tidal wave of March 27, 1964, that such parties would coordinate sailings and sailing schedules; coordinate the handling of priority cargoes; apportion traffic among the carriers; and regulate the volume and character of traffic to be carried.

Dated: April 14, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3772; Filed, Apr. 14, 1964; 11:37 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR61-2 etc.]

AREA RATE PROCEEDING ET AL.

Order Severing and Consolidating Proceedings

APRIL 8, 1964.

Area Rate Proceeding, et al., Docket No. AR61-2, et al.; Area Rate Proceeding, et al., Docket No. AR64-2, et al.; Union Producing Company (Operator) et al., Docket No. G-18354, et al.

By Opinion No. 414-A, issued on March 6, 1964, we held that the rates for all sales of natural gas by Union Producing Company (Union) to its pipeline affiliate, United Gas Pipe Line Company (United) would be in issue in the section 5(a) proceeding in Docket No. G-18354 which by Opinion No. 414 we remanded for further hearing on limited issues. We also hold that Union's rates for sales to nonaffiliated pipeline purchasers would be determined in the appropriate area rate proceedings.

There are presently consolidated with the proceedings in Docket Nos. AR61-2 and AR64-2 certain Section 4(e) proceedings involving certain sales by Union to United. It is appropriate that these proceedings be severed from the area proceedings and consolidated with Union's section 5(a) proceeding in Docket No. G-18354 together with other section 4(e) proceedings for sales to United not now consolidated with either proceeding. By the instant severance and consolidation Union's rates for sales to its affiliate, United, will be determined in the Docket No. G-18354 proceeding and its rates for sales to nonaffiliates will be determined in the appropriate area proceedings.

The Commission orders: The proceeding in Docket No. G-20204 is hereby severed from the proceedings in Docket Nos. AR61-2, et al., and the proceedings in Docket Nos. RI60-54 and RI63-85 are hereby severed from the proceedings in Docket Nos. AR64-2, et al., and together with the proceedings in Docket Nos. G-18689, G-20085, G-20431, RI63-28, RI63-256, RI63-257, RI63-300, and RI64-276, are hereby consolidated with the proceeding in Docket No. G-18354.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3671; Filed, Apr. 14, 1964; 8:46 a.m.]

[Docket No. CP64-117]

ATLANTIC SEABOARD CORP.

Notice of Application

APRIL 9, 1964.

Take notice that on November 26, 1963, as supplemented on February 3 and March 31, 1964, Atlantic Seaboard Corporation (Applicant), 1700 MacCorkle Avenue SE., Charleston, West Virginia, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, acquisition and operation of certain facilities and the activation and operation of a proposed storage field (Storage Field X-77) in Randolph and Pocahontas Counties, West Virginia, and, further, for authority to abandon certain facilities, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The proposed Storage Field X-77 contains an approximate area of 57,200 acres, and Applicant proposes to acquire it, by purchase, together with field facilities and remaining gas reserves, from Hope Natural Gas Company, Columbian Carbon Company and Columbian Carbon Company, Operator.

Further, Applicant proposes herein (1) to construct and operate approximately 2.5 miles of 24-inch pipeline, (2) to convert a 1,000 horsepower compressor unit proposed to be acquired herein for the initial storage operation; (3) to construct and operate a 3,960 horsepower compressor station, consisting of three 1,320 horsepower gas engine driven compressor units; (4) to recondition 22 existing wells for utilization in storage operations, and (5) to drill 25 new wells. Applicant also proposes to abandon by retirement the above-described 1,000 horsepower compressor, together with the adjacent measurement facilities, upon completion of construction of the 3,960 horsepower station herein proposed.

The application indicates that the proposed field will have top storage capacity of 12,195,000 Mcf and a maximum daily withdrawal potential of 240,000 Mcf, when fully developed by 1970.

Applicant states that the estimated market requirements of its existing customers indicate its load factors for gas purchased from its primary supplier, United Fuel Gas Company, will be improved with the activation and operation of proposed Storage Field X-77. Applicant states further that its proposed storage project is necessary to meet the increasing gas requirements of its customers by the most economical and feasible method.

The estimated total cost of the proposed project is shown to be $19,090,818. This amount includes $8,528,070 acquisition costs. The proposed abandonment will result in a total estimated net debit to retirement of $683,583. Financing for the proposed project will be secured through the parent company, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3672; Filed, Apr. 14, 1964; 8:46 a.m.]

[Docket Nos. G-20429, G-20430]

DELHI-TAYLOR OIL CORP. AND MAYFAIR MINERALS, INC.

Order Accepting Offer of Settlement Requiring Filing of Contract Amendments, and Terminating Proceedings

APRIL 8, 1964.

On February 25, 1964, Delhi-Taylor Oil Corporation and Mayfair Minerals, Inc. (D & M) submitted an offer of settlement in these proceedings pursuant to § 1.18(e) of the Commission's rules of practice and procedure. The offer involves proposed increased rates for sales of natural gas made to Trunkline Gas Company (Trunkline) by D & M. The offer relates to sales made under Supplement No. 6 to D & M's FPC Gas Rate Schedules No. 1 in Hidalgo County, Texas (Texas R.R. Com. District No. 4). Each of the proposed increased rates of 14.-55861 cents per Mcf was suspended by order of the Commission for the statutory period, and was made effective by

D & M on June 1, 1960, in the above dockets.

Under the proposed settlement, D & M would agree to file contract amendments eliminating the favored-nation and price redetermination provisions therein. Trunkline would agree to pay the proposed increased rates, subject to refund, and to withdraw its protest to D & M's proposed rate increases.

The Commission finds: The proposed settlement is fair and reasonable and in the public interest and should be accepted.

The Commission orders: (A) The offer of settlement filed by D & M on February 25, 1964, is accepted.

(B) D & M shall file contract amendments as proposed in the offer of settlement.

(C) Upon compliance with ordering paragraph (B) above, Docket Nos. G-20429 and G-20430 shall be terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3673; Filed, Apr. 14, 1964; 8:46 a.m.]

The Midland National Bank, Trustee

D & M on June 1, 1960, in the above dockets.

Under the terms of the offer, D & M propose to eliminate the favored-nation and price redetermination provisions from each of the rate schedules and to establish a 14.55861 cents[1] per Mcf rate for the subject sales. No protests or objections have been filed to the offer.

The proposed settlement is consistent with the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61–1, issued December 20, 1960, 24 F.P.C. 1107, as amended by Order No. 264, issued March 27, 1963, 20 F.P.C. 589, and its acceptance would serve the public interest.

However, we desire to make it clear that acceptance of D & M's offer of settlement shall not be construed as approval of any future rate increases that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving D & M's rates and rate schedules.

The Commission finds. The proposed settlement of each of the above-designated proceedings, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by D & M on February 25, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by D & M February 25, 1964, is hereby approved in accordance with the provisions of this order.

(B) D & M shall file, within 30 days from the date of issuance of this order, executed contractual amendments to each of its FPC Gas Rate Schedules No. 1 eliminating the favored-nation and price redetermination provisions therefrom. The contractual amendments shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Upon notification by the Secretary of the Commission that D & M have each complied with the terms and conditions of the order, the rate and charge of 14.55861 cents per Mcf at 14.65 psia, specified in its offer of settlement shall be effective as of the date of issuance of this order, the above-designated proceedings shall be deemed terminated, and severed from the consolidated area rate proceeding (Texas Gulf Coast Area) in Docket No. AR64–2 without further order of the Commission.

(D) The acceptance by the Commission of D & M's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against D & M, including area rate or other similar proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3673; Filed, Apr. 14, 1964; 8:46 a.m.]

[Docket No. RI64–681 etc.]

MIDLAND NATIONAL BANK ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [2]

APRIL 9, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 27, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–681	The Midland National Bank, Trustee, Midland, Tex.	2	2	El Paso Natural Gas Co. (Sprayberry Driver Unit, Reagan County, Tex.) (R.R. District No. 7–c) (Permian Basin Area).	$868	3–18–64	[3] 4–18–64	9–18–64	10.0	[4] [5] 17.2295	
RI64–682	Belco Petroleum Corp. (Operator), 630 Third Avenue, New York, 17, N.Y.	7	7	Mountain Fuel Supply Co. (Birch Creek Area, Sublette County, Wyo.).	11,915	3–19–64	[3] 4–19–64	9–19–64	15.0	[4] [6] 16.0	
RI64–683	do	4	2	Mountain Fuel Supply Co. (Dry Piney Area Unit, Sublette County, Wyo.).	19,130	3–19–64	[3] 4–19–64	9–19–64	15.0	[4] [6] 16.0	
RI64–684	Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex., 75202.	22	9	Natural Gas Pipeline Co. of America (Texas County, Okla.) (Oklahoma Panhandle Area).	94	3–17–64	[7] 5–10–64	10–10–64	[8] 17.6	[4] [9] 17.6	RI63–408
	do	21	8	Natural Gas Pipeline Co. of America (Texas County, Okla.) (Oklahoma Panhandle Area).	237	3–17–64	[7] 5–10–64	10–10–64	[8] 17.4	[4] [9] 17.6	RI63–408
	do	10	11	Natural Gas Pipeline Co. of America (Texas County, Okla.) (Oklahoma Panhandle Area).	168	3–18–64	[7] 5–10–64	10–10–64	[8] 17.4	[4] [9] 17.6	RI63–408
RI64–685	Davidor & Davidor, Inc., 4515 North Santa Fe, Oklahoma City, Okla.	1	4	Cities Service Gas Co. (N. White Rock Area, Noble County, Okla.) (Oklahoma "Other" Area).	286	3–13–64	[3] 4–13–64	9–13–64	[8] 11.0	[4] [9] 12.0	
RI64–686	Sunray DX Oil Company P. O. Box 2039, Tulsa 2, Okla.	184	4	Panhandle Eastern Pipe Line Co. (S. Hopewell Field, Pratt County, Kans.).	2,061	3–23–64	[7] 5–1–64	11–1–64	15.0	[4] [6] 16.0	
RI64–687	American Petrofina Company of Texas, P. O. Box 2159, Dallas 21, Tex.	33	5	Texas Eastern Transmission Corp. (Mercedes Field, Hidalgo County, Tex.) (R.R. District No. 4).	10,028	3–16–64	[7] 5–1–64	10–1–64	14.6	[4] [6] 15.6	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Renegotiated rate increase.
[3] Pressure base is 14.65 psia.
[4] Periodic rate increase.
[5] Pressure base is 15.025 psia.
[6] The stated effective date is the effective date requested by Respondent.
[7] Subject to a downward Btu adjustment.
[8] Favored-nation rate increase.

[1] Rate is inclusive of tax reimbursement and 0.25 cent hydration allowance paid by buyer.
[2] Does not consolidate for hearing or dispose of the several matters herein.

The Midland National Bank, Trustee, requests an effective date of February 1, 1964, for its proposed renegotiated rate increase. Belco Petroleum Corporation (Operator) and Belco Petroleum Corporation request an effective date of March 1, 1964, for their proposed periodic rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 64–3675; Filed, Apr. 14, 1964; 8:46 a.m.]

[Docket No. G–19191 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Extension of Time

MARCH 3, 1964.

Humble Oil & Refining Company (Operator) et al., Docket No. G–19191; Chicago Mill and Lumber Company, et al., Docket No. G–19192; Sunray DX Oil Company, Docket No. CI66–85; Wheless Drilling Company (Operator), et al., Docket No. CI61–587.

Upon consideration of the motion filed on February 18, 1964 by Humble Oil & Refining Company for an extension of time within which to file prepared evidence and for postponement of the hearing in the above-designated matters;

Notice is hereby given that: the time is extended to and including April 8, 1964 within which applicants shall serve their written cases in chief upon intervenors, if any, and staff; the time is extended to and including April 22, 1964 for service of answering cases prepared in writing by staff and intervenors, if any; the hearing presently scheduled for March 30, 1964 is postponed to April 29, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3674; Filed, Apr. 14, 1964; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BRAZIL

Limitation on Entry or Withdrawal From Warehouse

APRIL 10, 1964.

On October 25, 1963, the United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, requested the Government of Brazil to restrain the level of exports to the United States of cotton textile products in Category 9 to a designated level for the twelve-month period beginning October 28, 1963, and ending October 27, 1964.

There is published below a letter of April 1, 1964, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, prohibiting, effective April 14, 1964, for the period ending October 27, 1964, the entry or withdrawal from warehouse for consumption in the United States of cotton textile products in Category 9, produced or manufactured in Brazil, which were exported to the United States from Brazil on or after October 28, 1963.

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C.
April 1, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: The United States Government on October 25, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Government of Brazil to restrain the export of cotton textile products in Category 9 to the United States during the twelve-month period beginning October 28, 1963. The Long Term Arrangement is an agreement contemplated by Section 204 of the Agricultural Act of 1956, as amended.

Under the terms of the Long Term Arrangement, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective April 14, 1964, and for the period extending through October 27, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 9, produced or manufactured in Brazil, in excess of the adjusted level of restraint provided:

Category	12-month level of restraint	Adjusted level of restraint
9	500,000 square yards	0

The adjusted level of restraint has been corrected to reflect entries made during the period October 28, 1963, through February 29, 1964.

In carrying out this directive, you shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 9, produced or manufactured in Brazil, when the cotton textile products sought to be entered have been exported to the United States from Brazil prior to October 28, 1963, even though the restraint level has been filled.

A detailed description of the listed category in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64–3716; Filed, Apr. 14, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 300]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 10, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

No. MC 3470 (Deviation No. 1), THE FLEET TRANSPORT COMPANY, 1301 Towson Street, Baltimore, Md., 21230, filed March 30, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: (1) From Baltimore, Md., over the Baltimore-Washington Parkway to junction Maryland Highway 175, thence over Maryland Highway 175 to Waterloo, Md., and return over the same route, for operating convenience only, and (2) from Baltimore over Interstate Highway 695 to junction Maryland Highway 3, thence over Maryland Highway 3 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore over U.S. Highway 1 to Alexandria, and return over the same route.

No. MC 38170 (Deviation No. 1), Avenue, Indianapolis 7, Ind., filed April

1.247 of the Commission's rules of prac-

No. MC 38170 (Deviation No. 1), WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich., 48146, filed April 1, 1964. Attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich., 48226. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Toledo, Ohio, over Ohio Highway 120 to junction U.S. Highway 23, thence over U.S. Highway 23 to Flint, Mich.; (B) from Toledo, over Ohio Highway 120 to its junction with U.S. Highway 23, thence over U.S. Highway 23 to junction Interstate Highway 96, thence over Interstate Highway 96 to junction Michigan Highway 218, thence over Michigan Highway 218 to Wixom, Mich.; (C) from Toledo, over Ohio Highway 120 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Tyler Road, thence over Tyler Road to Willow Run, Mich.; (D) from Toledo over Interstate Highway 75 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Tyler Road, thence over Tyler Road to Willow Run, Mich.; (E) from Detroit, Mich., over Interstate Highway 96 to junction Michigan Highway 218, thence over Michigan Highway 218 to Wixom, Mich.; (F) from Detroit, over Interstate Highway 96 to junction U.S. Highway 23, thence over U.S. Highway 23 to Flint, Mich.; (G) from Detroit, over Interstate Highway 75 to junction Michigan Highway 54, thence over Michigan Highway 54 to Flint, Mich., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Toledo over U.S. Highway 25 to Detroit, thence over U.S. Highway 10 to Flint, also from Toledo over U.S. Highway 24 to junction U.S. Highway 25, thence over U.S. Highway 25 to Detroit, thence over U.S. Highway 10 to Flint, also from Toledo over alternate U.S. Highway 24 (not Interstate Highway 75) to Detroit, thence over U.S. Highway 10 to Flint, from Toledo over U.S. Highway 25 to Detroit, or over U.S. Highway 25 to junction U.S. Highway 24, thence over U.S. Highway 24 to Detroit, from Toledo over U.S. Highway 24 or U.S. Highway 25 to their junction north of Flat Rock, Mich., thence over U.S. Highway 24 to Hand, Mich., thence over Michigan Highway 17 to Willow Run, Mich., from Toledo over U.S. Highway 24 to junction Michigan Highway 112 (now Interstate Highway 94) thence over Michigan Highway 112 to Willow Run, from Toledo over U.S. Highway 25 to junction U.S. Highway 24, thence over U.S. Highway 24 to its junction Michigan Highway 112 thence over Michigan Highway 112 to Willow Run, from Toledo over alternate U.S. Highway 24 to Detroit, Mich., thence over U.S. Highway 112 (now U.S. Highway 12) to Rawsonville Road, thence over Rawsonville Road to Willow Run, and return over the same routes.

No MC 108298 (Deviation No. 2), ELLIS TRUCKING CO., INC., 1600 Oliver Avenue, Indianapolis 7, Ind., filed April 1, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cairo, Ill., over U.S. Highway 51 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Mound City, Ill., over U.S. Highway 51 via Cairo, Ill., to junction U.S. Highway 60, thence over U.S. Highway 60 to Sikeston, Mo., thence over U.S. Highway 61 to Memphis, Tenn., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 46047 (Deviation No. 2), READING TRANSPORTATION COMPANY, 415 Reading Terminal, Philadelphia, Pa., 19107, filed March 29, 1964. Attorney Harold B. Vikoren (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Philadelphia, Pa., over the Schuylkill Expressway and the Pennsylvania Turnpike, to junction Pennsylvania Highway 10 at Morgantown, Pa., thence over Pennsylvania Highways 10 and 23 to junction Interstate Highway 176, thence over Interstate Highway 176 to Reading, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route, as follows: From Philadelphia over U.S. Highway 422 to Reading, and return over the same route.

No. MC 59238 (Deviation No. 3), VIRGINIA STAGE LINES, INCORPORATED, 403 East Water Street, Charlottesville, Va., filed April 1, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Richmond, Va., over Interstate Highway 95 to its interchange with U.S. Highway 1, approximately 3 miles south of Fredericksburg, Va., thence over U.S. Highway 1 and Alternate U.S. Highway 1 Bypass to Fredericksburg, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and their baggage over a pertinent service route as follows: From Richmond over Virginia Highway 2 and U.S. Highway 17 to Fredericksburg, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3606; Filed, Apr. 14, 1964; 8:47 a.m.]

[Notice 625]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 10, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

MOTOR CARRIERS OF PROPERTY

No. MC 22254 (Sub-No. 43), filed March 31, 1964. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. Applicant's attorney: John C. Bradley, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other points in the United States (except Hawaii).

HEARING: May 4, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 22278 (Sub-No. 14), filed April 8, 1964. Applicant: TAKIN BROS. FREIGHT, INC., 2125 Commercial Street, Waterloo, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described by the Commission, in appendix I to the report in *Descriptions of Motor Carrier Certificates, Packinghouse Products*, 61 M.C.C. 209 and 766, from Columbus Junction, Iowa, to points in Illinois, Indiana, Iowa, Minnesota, Nebraska, and Wisconsin.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

SECTION B

MOTOR CARRIERS OF PROPERTY

No. MC 19227 (Sub-No. 79), (CORRECTION), filed August 26, 1963, published in the FEDERAL REGISTER issue of April 1, 1964, and republished as corrected this issue. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Applicant's attorney: William O. Turney, 20001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities the transportation of which because of size, weight or fragile character requires special equipment or special handling and of related parts, attachments, accessories, materials, and supplies when their transportation is incidental to the transportation of commodities which by reason of size, weight, or fragile character require special equipment or special handling*, between points in California, on the one hand and, on the other, points in Texas and New Mexico.

NOTE: Applicant proposes to combine the proposed operations with its present authority. This republication is for the purpose of correctly stating the operations proposed, and to indicate that if granted they will be combined with existing authority.

HEARING: Remains as assigned May 26, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Laurence E. Masoner. This assignment is for applicant's presentation only. A continued hearing at Los Angeles, Calif., is contemplated at the discretion of the presiding examiner.

No. MC 29566 (Sub-No. 83), filed November 18, 1963. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 4, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, building materials, roofing materials, and insulating materials, and materials and supplies used in the installation of such commodities* (except liquid commodities, in bulk, in tank vehicles), from the plant site of Bestwall Gypsum Co., located near Blue Rapids, Kans., to points in Arkansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *returned shipments thereof*, on return.

NOTE: Common control may be involved.

HEARING: May 19, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Theodore M. Tahan.

No. MC 31879 (Sub-No. 10), filed September 9, 1963. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 120 West 17th Street, Kansas City, Mo. Applicant's attorney: Erle W. Francis, Veterans of Foreign Wars Building, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), from, to, and between all points within the following-described area and all points located on or within 5 miles from the following highways: From Kansas City, Mo., over U.S. Highway 50 to Lee's Summit, Mo., thence over bypass U.S. Highway 71 to Junction Missouri Highway 58; thence over Missouri Highway 58 to junction U.S. Highway 50; thence over U.S. Highway 50 to junction U.S. Highway 63; thence over U.S. Highway 63 to junction U.S. Highway 36; thence over U.S. Highway 36 to St. Joseph, Mo.; thence over U.S. Highway 71 to junction U.S. Highway 6; thence over U.S. Highway 6 to Omaha, Nebr.; thence over U.S. Highway 73 to U.S. Highway 30; thence over U.S. Highway 30 to junction U.S. Highway 77; thence over U.S. Highway 77 to Junction U.S. Highway 36; thence over U.S. Highway 36 to Junction U.S. Highway 75; thence over U.S. Highway 75 to Topeka, Kans.; thence over U.S. Highway 40 to Lawrence, Kans.; thence over U.S. Highway 59 to Junction Interstate Highway 35; thence over Interstate Highway 35 to Kansas City, Mo.; thence over city streets of Kansas City, Mo., the point of beginning.

NOTE: Applicant states authority sought is subject to the following restrictions: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or being 110 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (b) no service shall be rendered between department stores, mail order stores, specialty shops and retail stores and the branches or warehouses of such stores; or between department stores, mail order stores, specialty shops and retail stores or the branches or warehouses thereof, on the one hand, and on the other, the premises of the customers of such stores; and (c) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 70 pounds from any one consignor to any one consignee on any one day. Common control may be involved.

HEARING: May 25, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Theodore M. Tahan.

No. MC 52709 (Sub-No. 231), filed November 15, 1963. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors and neutral spirits*, in bulk, in tank vehicles, from Atchison, Kans., to points in Oregon.

NOTE: Common control may be involved.

HEARING: May 18, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Theodore M. Tahan.

No. MC 92983 (Sub-No. 428), filed December 12, 1963. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Kansas City commercial zone to points in Illinois, Indiana, Louisiana, and Washington.

HEARING: May 20, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Theodore M. Tahan.

No. MC 92983 (Sub-No. 430), filed December 16, 1963. Applicant: ELDON MILLER, INC., Post Office Box 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Des Moines, Iowa, to points in Louisiana, Oregon, and Pennsylvania.

HEARING: May 20, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Theodore M. Tahan.

No. MC 105387 (Sub-No. 26), filed December 23, 1963. Applicant: R. A. CORBETT (Grace Lee Corbett, Independent Executrix), doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from Shreveport and Bossier City, La., to points in Oklahoma, and (2) from Shreveport and Bossier City, La., and Waskom, Tex., and points within 5 miles thereof, to Arkadelphia, Conway, Danville, and points within 8 miles thereof, DeQueen, Driggs, El Dorado, Foreman, Fort Smith, Pine Bluff, Prescott, and Russellville, Ark.

HEARING: June 1, 1964, at the Washington-Youree Hotel, Shreveport, La., before Examiner William A. Royall.

No. MC 113908 (Sub-No. 132), filed December 13, 1963. Applicant: ERICKSON TRANSPORT CORPORATION, Main Post Office Box 706, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, III, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor and grain alcohol*, in bulk, in tank vehicles, from Atchison, Kans., to points in Oregon.

HEARING: May 18, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Theodore M. Tahan.

No. MC 117094 (Sub-No. 9), filed December 26, 1963. Applicant: HOFER, INC., Post Office Box 583, Pittsburg, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in the Kansas City, Kans.-Mo., commercial zone, Souix City, Iowa, and Goodman, Mo., on the one hand, and, on the other, points in Missouri, Kansas, Nebraska, Iowa, Illinois, Indiana, Minnesota, Wisconsin, North Dakota, South Dakota, Oklahoma, Texas, Tennessee, Louisiana, Mississippi, Alabama, Arkansas, Kentucky, West Virginia, and that part of Colorado lying on and east of U.S. Highway 87.

NOTE: Applicant states the above-described operations will be limited to a transportation service to be performed under a continuing contract, or contracts with R. L. Vaughan, doing business as Vaughn Sales Co.

HEARING: May 22, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Theodore M. Tahan.

No. MC 117119 (Sub-No. 125) (REPUBLICATION), filed November 12, 1963, published in FEDERAL REGISTER issue of January 8, 1964, and republished, this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. By application filed November 12, 1963, applicant seeks a certificate of public con-

venience and necessity authorizing operations as a contract carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite and storage facilities of Chemical Co. located in Plainfield and

APPLICATIONS FOR CERTIFICATES OR PER-

points between Chicago, Ill., and Che-

of LOWTHER TRUCKING COMPANY

venience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen foods, from Belvidere, Ill., to New Orleans and Baton Rouge, La., and points in Arkansas, Mississippi, and the Memphis, Tenn., commercial zone, when previously stopped for partial unloading in the States of Kentucky, Alabama, and Tennessee, other than the Memphis, Tenn., commercial zone. The application was referred to Francis A. Welch for hearing and the recommendation of an appropriate order thereon. Hearing was held on February 12, 1964 at Little Rock, Ark. At the hearing it was observed that authorization of service by applicant without the "less truckload" limitation is in excess of the scope of the application as filed and as published in the FEDERAL REGISTER. Such a grant amounts, in effect, to the allowance of an amendment broadening the authority sought in the application. A report and order, served April 7, 1964, which became effective March 30, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *frozen foods*, from Belvidere, Ill., to New Orleans and Baton Rouge, La., and points in Arkansas, Mississippi, Kentucky, Alabama, and Tennessee. The examiner further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued. Issuance of authority herein shall be withheld until the lapse of 30 days from the date of such republication in the FEDERAL REGISTER, during which period any proper party in interest may file a petition for further hearing.

No. MC 117119 (Sub-No. 131), filed December 23, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Kans., to Montezuma, Ga., Norfolk, Grand Island, and North Platte, Nebr., Hutchinson, Kans., Seabrook, N.J., Grand Forks and Minot, N. Dak.

HEARING: May 21, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Theodore M. Tahan.

No. MC 119990 (Sub-No. 1), filed April 29, 1963. Applicant: MERCHANTS DELIVERY CO., a corporation, 1212 East 18th Street, Kansas City, Mo. Applicant's attorney: Lee Reeder, Suite 1010, 1012 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), from, to, and between points within following-described area, and points located on or within five (5) miles of the following highways, from St. Joseph, Mo., over U.S. Highway 59 to Atchison, Kans., thence over U.S. Highway 73 to junction Kansas Highway 20, thence over Kansas Highway 20 to junction U.S. Highway 75, thence over U.S. Highway 75 to U.S. Highway 24, thence over U.S Highway 24 to junction U.S. Highway 77, thence over U.S. Highway 7, to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 169, thence over U.S. Highway 169, to junction U.S. Highway 160, thence over U.S. Highway 160 to U.S Highway 75, thence over US. Highway 75 to junction U.S. Highway 166, thence over U.S. Highway 166 to U.S. Highway 59, thence over U.S. Highway 59, to Oklahoma Highway 10, thence over Oklahoma Highway 10 to junction Oklahoma Highway 10C, thence over Oklahoma Highway 10C to junction Missouri-Oklahoma State line, thence south on Missouri-Oklahoma State line to junction U.S. Highway 60, thence over U.S. Highway 60, to junction U.S. Highway 71, thence over U.S. Highway 71 to Harrisonville, thence over Missouri Highway 2 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 58, thence over Missouri Highway 58 to U.S. Highway 50, thence over U.S. Highway 50 to Jefferson City, thence over U.S. Highway 63 to U.S. Highway 36, thence over U.S. Highway 36, to St. Joseph, Mo., the point of beginning.

NOTE: Applicant states the proposed service is restricted to (a) no service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds or exceeding 110 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment, (b) no service shall be rendered between department stores, mail order stores, specialty shops, and retail stores and the branches or warehouses of such store, or between department stores, mail order stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores, and (c) no services shall be provided in the transportation of packages or articles weighing in the aggregate more than seventy (70) pounds from any one consignor to any one consignee on any one day.

HEARING: May 25, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Theodore M. Tahan.

No. MC 125392 (Sub-No. 2) (REPUBLICATION), filed August 18, 1963, published FEDERAL REGISTER issue of November 20, 1963, and republished this issue. Applicant: FOAM TRUCKERS, INC., 143 Scholes Avenue, Clifton, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. By application filed August 18, 1963, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of urethane foam (except in bulk, in tank vehicles), from the plant site of Nopco Chemical Co. located in Plainfield and Piscataway Township, N.J., to points in Connecticut, Delaware, Massachusetts, New York, Rhode Island, Maryland, and points in Pennsylvania located on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 111, thence over U.S. Highway 111 to the Pennsylvania-Maryland State line, and returned shipments on return. The application was referred to Examiner Armin G. Clement for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 6, 1964 at New York, N.Y. At the hearing an amendment was proposed to change the origin area from "Plainfield and Dunellen, N.J." to "the plant site of Nopco Chemical Co. located in Plainfield-Piscataway Township, N.J." Applicant moved also to amend the application so as to include the eastern half of Pennsylvania, instead of the western half, in this application. A report and order, served April 7, 1964, which became effective April 2, 1964, finds that applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules, and regulations of the Commission thereunder, and that operation, in interstate or foreign commerce by applicant as a contract carrier by motor vehicle, under a continuing contract with Nopco Chemical Co. of Newark, N.J., of urethane foam (except in bulk, in tank vehicles), from the plant site of Nopco Chemical Co. located in Plainfield and Piscataway Township, N.J., to points in Connecticut, Delaware, Massachusetts, New York, Rhode Island, Maryland, and points in Pennsylvania located on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 111, thence over U.S. Highway 111 to the Pennsylvania-Maryland State line, and returned shipments on return, will be consistent with the public interest and the national transportation policy; that an appropriate permit should be granted after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein, provided that no petitions for further hearing are received during that period.

No. MC 125717 (Sub-No. 1), filed December 17, 1963. Applicant: NORMAN JOSEPH CHOPLIN, doing business as JOE CHOPLIN, 1301 North Spring, Independence, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy replacement products*, and *rejected, outdated, and damaged commodities* being returned to the shipper, between Kansas City, Mo., on the one hand, and, on the other, points in Texas, Oklahoma, and Kansas.

HEARING: May 19, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Theodore M. Tahan.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 115180 (Sub-No. 11), filed March 30, 1964. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles* distributed by meat packinghouses, as described in sections A and C, appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles and not restricted to shipments moving to or from packinghouses, between Allentown, Pa., on the one hand, and, on the other, New York, N.Y., Baltimore, Md., Wilmington, Del., and points in New Jersey.

NOTE: Applicant states the reason for the instant application is that it seeks, in another proceeding before the Commission to purchase J. H. Glowatsky Trucking, Inc. J. H. Glowatsky Trucking, Inc., now has a restriction in its general commodity, with usual exceptions, authority reading "in truckload lots only." The instant application is for the removal of this restriction against the commodities shown above so that applicant would be able to tack its present authority on the commodities specified to that of Glowatsky for through movements without truckload restriction. This application is to be handled concurrently with MC-F-8710, published FEDERAL REGISTER issue of April 8, 1964. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., and Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8713. Authority sought for purchase by SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend 24, Ind., of a portion of the operating rights of McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich., and for acquisition by ALFRED D. HUFFMAN, 1601 Inwood Road, South Bend, Ind., and ROY L. ROELKE, 1741 Wall Street, South Bend, Ind., of control of such rights through the purchase. Applicants' attorneys: Ferdinand Born, 1019C of C Building, Indianapolis, Ind., and Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between South Bend, Ind., and St. Louis, Mo., serving all intermediate and certain off-route points, between Frankfort, Ill., and St. Louis, Mo., serving all intermediate points, between Chicago, Ill., and Chenoa, Ill., between Chicago, Ill., and St. Louis, Mo., serving the intermediate points of Joliet and Peoria, Ill., and Fort Madison, Iowa, between Momence, Ill., and junction U.S. Highway 41 and Indiana Highway 2, serving no intermediate points, between Chicago, Ill., and junction U.S. Highway 6, and Indiana Highway 2 at Westville, Ind., serving all intermediate points, several alternate routes for operating convenience only, with certain restriction; and *empty vehicles*, to be used in conducting operations otherwise authorized, between Frankfort, Ill., and Joliet, Ill. Vendee is authorized to operate as a *common carrier* in Indiana, Ohio, Illinois, Michigan, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8714. Authority sought for control and merger by MID-AMERICAN TRUCK LINES, INC., 900 North Indiana Avenue, Kansas City 20, Mo., of the operating rights and property of WHITE OWL EXPRESS, INC., 212 Osmun Street, Pontiac, Mich., and for acquisition by LEE SHALHOPE, 1500 West 33d Street, Chicago, Ill., and LEROY WOLFE, also of Kansas City 20, Mo., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Mottville, Mich., and junction Indiana Highway 212 and U.S. Highway 20, between the junction of U.S. Highway 112 and unnumbered highways, and the Ford Willow Run Plant (near Ypsilanti, Mich.), serving no intermediate points, between Detroit, Mich., and Ypsilanti, Mich., serving the intermediate point of the Ford Willow Run Plant (near Ypsilanti, Mich.), between the Chrysler Corporation Tank Arsenal (located near Detroit, Mich.), and Detroit, Mich., the junction of U.S. Highway 10 and Eleven Mile Road (located near Berkley, Mich.), and Ferndale, Mich., serving no intermediate points, between Niles, Mich., and junction U.S. Highways 12 and 24 near Detroit, Mich., between Ypsilanti, Mich., and Ann Arbor, Mich., serving no intermediate points; *general commodities*, except those of unusual value, and except high explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Pontiac, Mich., and Chicago, Ill., serving certain intermediate and off-routes points, MID-AMERICAN TRUCK LINES, INC., is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8715. Authority sought for purchase by EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala., of a portion of the operating rights of LOWTHER TRUCKING COMPANY, Post Office Box 2115, Charlotte, N.C., and for acquisition by F. W. EDWARDS AND O. M. COOK, SR., both of Birmingham, Ala., of control of such rights through the purchase. Applicants' attorney and representative: Donald L. Morris, 937 Bank for Savings Building, Birmingham, Ala., and J. Wesley Lowther, Post Office Box 2115, Charlotte 1, N.C. Operating rights sought to be transferred: *Pipe and pipe fittings, cast iron meter boxes, manhole frames and manhole covers*, except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in *T. E. Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459,543, as a *common carrier* over irregular routes, from Swan, Tex., to points in Alabama, Florida, Mississippi, North Carolina, and South Carolina; and *wallboard*, from Diboll, Tex., and points within five (5) miles thereof, to points in Alabama, Florida (except Jacksonville), Mississippi, North Carolina, and South Carolina. Vendee is authorized to operate as a *common carrier* in Georgia, Mississippi, Tennessee, Alabama, Florida, Louisiana, Texas, Virginia, Arkansas, North Carolina, South Carolina, Iowa, Kansas, Missouri, Illinois, Michigan, Ohio, Wisconsin, Kentucky, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8716. Authority sought for purchase by THE BESL TRANSFER COMPANY, 5550 Este Avenue, Cincinnati, Ohio, 45232, of the operating rights of P. J. METZ SONS, INC., 1128 Straight Street, Cincinnati, Ohio, 45214, and for acquisition by RAYMOND A. BESL, 6211 Gray Road, Fairfield, Ohio, CLARA BESL, 5591 Colerain Avenue, Cincinnati, Ohio, and ALFRED BESL, 5460 Fox Road, Cincinnati, Ohio, of control of such rights through the purchase. Applicants' attorneys: John L. Muething, 3701 Carew Tower, Cincinnati 2, Ohio, and Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Ohio within 5 miles of Cincinnati, including Cincinnati, between Cincinnati, Ohio, and points in Ohio, within 5 miles of Cincinnati, on the one hand, and, on the other, points in Kentucky within 10 miles of the intersection of Second and Court Streets, in Covington, Ky.; *heavy machinery and commodities requiring special equipment or handling*, by reason of their size or weight, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Ohio, those in Dearborn County, Ind., and those in that part of Kentucky within 10 miles of the southern limits of Cincinnati, Ohio; and *commodities*, which because of their size or weight, require the use of special equipment, between Cincinnati, and points in Ohio, Indiana, and Kentucky, within 25 miles of Cincinnati, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New York, Missouri, Pennsylvania, and West Virginia.

Vendee is authorized to operate as a

and place designated in the notice of the Plantation Pipeline Company, in

Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8717. Authority sought for control by PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash., 98101, of PUGET SOUND TRUCKING CO., Pier 62, Seattle, Wash., 98101, upon the latter's institution of operations in interstate or foreign commerce, as a contract carrier by motor vehicle, for which application has been made, as described below, and for acquisition by PUGET SOUND FREIGHT LINES, also of Seattle, Wash., and, in turn by, C. H. CARLANDER, H. E. LOVEJOY, J. KNOX WOODRUFF, JEAN LOVEJOY, L. S. CARLANDER, all of Seattle, Wash., and G. W. FOSS, 705 Dock Street, Tacoma, Wash., of control of PUGET SOUND TRUCKING CO., through the acquisition by PUGET SOUND TRUCK LINES, INC. Applicants' attorney: Charles J. Keever, 2112 Washington Building, Post Office Box 340, Seattle, Wash., 98111. Operating rights sought to be controlled: Authority applied for in pending application in No. MC-124578 Sub-3, filed January 24, 1964, for a contract carrier permit to transport palletized cans, palletized can ends, in cartons, pallet pack sleeves, caps, divider sheets, and pallets, over irregular routes between Portland, Oreg., on the one hand, and, Olympia, Tumwater, Lacey, and Seattle, Wash., on the other hand. PUGET SOUND TRUCK LINES, INC., is authorized to operate as a *common carrier* in Washington and Oregon. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3697; Filed, Apr. 14, 1964; 8:47 a.m.]

[Notice 626]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 10, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

SECTION A

MOTOR CARRIERS OF PROPERTY

No. MC 21170 (Sub-No. 45), filed April 8, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B-29, Federal Building and U.S. Court House, 110 South Fourth St., Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 113828 (Sub-No. 61), filed April 7, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha*, but (excluding other acids and chemicals, in bulk, in tank vehicles, from the outlets or terminals of the Plantation Pipeline Company in Roanoke County, Va., to points in West Virginia and points in Buchanan and Tazewell Counties, Va.

HEARING: May 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 115491 (Sub-No. 44), filed March 20, 1964. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: W. Craig Massey, 223 South Florida Avenue, Drawer J, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, from the plant site of Armour and Company located at or near Emporia, Kans., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Louisiana.

NOTE: Applicant states the proposed service will be restricted to shipments originating at the plant site of Armour and Co., and further restricted against tacking at origin, also against commodities in bulk, in tank vehicles.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 115915 (Sub-No. 22), filed April 3, 1964. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, 6120 North 16th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* and *articles* distributed by meat packinghouses, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles, from the plant site of Armour and Company located at or near Emporia, Kans., to points in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming. RESTRICTION: Authority sought is limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at origin.

HEARING: May 4, 1964, at Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 124123 (Sub-No. 18) (CORRECTION), filed March 23, 1964, published FEDERAL REGISTER, issue of April 1, 1964, and republished, this issue. Applicant: SCHWERMAN TRUCKING CO. OF ILL., INC., 611 South 28th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). The purpose of this corrected notice is to give applicant's correct name as shown above in lieu of SCHWERMAN TRUCKING CO. OF *ILLINOIS*, INC., as shown in previous publication.

No. MC 124174 (Sub-No. 25), filed April 6, 1964. Applicant: MOMSEN

TRUCKING CO., a corporation, Highway 71 and 18 North, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles) from the plant site of Armour & Company, at or near Emporia, Kans., to points in Illinois, Indiana, Iowa, Nebraska, Minnesota, and Wisconsin.

NOTE: Common control may be involved.

HEARING: May 4, 1964, at Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No MC 124306 (Sub-No. 3) (AMENDMENT), filed July 21, 1963, published in FEDERAL REGISTER, issue January 29, 1964, and republished as amended this issue. Applicant: KENAN TRANSPORT COMPANY, a corporation, Post Office Box 2933, West Durham Station, Durham, N.C. Applicant's attorney: W. T. Croft, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including specifically naphtha*, in bulk, in tank vehicles, from (1) Montvale, Va., to points in West Virginia, (2) from the Colonial Pipeline Terminals, at or near Selma, N.C., to points in Virginia, and (3) from the Colonial Pipeline Terminals, at or near Norfolk, Va., to points in North Carolina, and *returned or rejected shipments* of the above named commodities, in (1), (2), and (3), on return.

NOTE: Applicant has a pending contract carrier application in MC 124645, therefore dual operations may be involved. The purpose of this republication is to change the territorial descriptions from that previously published to that specified above.

HEARING: May 25, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 292, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 125949, filed January 23, 1964. Applicant: MOLNER TRANSPORT, INC., 504 South Kane Street, Baltimore 24, Md. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Colonial Pipe Line Terminals located in Fairfax County, Va., to points in Maryland and the District of Columbia.

HEARING: May 25, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 68, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 126151, filed April 2, 1964. Applicant: STEUART PETROLEUM COMPANY, a corporation, 4646 40th Street NW., Washington, D.C. Applicant's attorney: John C. Bradley, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from oil pipeline terminals, storage and other facilities, located at or near Newington, Fairfax County, Va., to points in Virginia, West Virginia, Maryland, and the District of Columbia.

HEARING: May 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

SECTION B

MOTOR CARRIERS OF PROPERTY

No. MC 3114 (Sub-No. 20), filed August 25, 1963. Applicant: T. H. COMPTON, INC., Great Cacapon, W. Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from terminals on the Colonial Pipe Line located in Fairfax City and Fairfax County, Va., to points in Berkeley, Jefferson and Morgan Counties, W. Va., and Romney, W. Va., and Cumberland, La Vale, Hagerstown, Hancock, Ellicott City, Frederick, and Westminster, Md.

HEARING: May 25, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 63, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 103383 (Sub-No. 3), filed August 8, 1963. Applicant: SAFETY TANK LINES, INC., Post Office Box 344, Danville, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South Tenth Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank trucks, from the Montvale terminal of the pipe line located at or near Montvale, Va., to points in West Virginia and Tazewell County, Va.

NOTE: Applicant is also authorized to operate as a contract carrier in MC 109654; therefore, dual operations may be involved.

HEARING: May 25, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 245, or, if the Joint Board waives its right to participate before Examiner Leo M. Pellerzi.

No. MC 103383 (Sub-No. 4), filed September 16, 1963. Applicant: SAFETY TANK LINES, INC., Post Office Box 344, Danville, Va. Applicant's attorney: John C. Goddin, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank trucks, from the Fairfax Terminal of the pipeline located at or near Fairfax, Va., to points in West Virginia and Tazewell County, Va.

HEARING: May 25, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 245, or, if the Joint Board waives its right to participate before Examiner Leo M. Pellerzi.

No. MC 118416 (Sub-No. 2), filed September 15, 1963. Applicant: GREEN MOTOR LINES, INCORPORATED, 1420 East Ninth Street Road, Richmond, Va. Applicant's attorney: Jno C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank trucks, (1) from the Montvale terminal of the pipe line located at or near Montvale, Va., to points in West Virginia and Tazewell County, Va., and (2) from the Fairfax terminal of the pipeline located at or near Fairfax, Va., to points in West Virginia and Tazewell County, Va.

NOTE: Applicant is also authorized to operate as a contract carrier in MC 109654; therefore, dual operations may be involved.

HEARING: May 25, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 245, or, if the Joint Board waives its right to participate before Examiner Leo M. Pellerzi.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3698; Filed, Apr. 14, 1964; 8:47 a.m.]

[Notice 627]

business, from the plant site of Agar Packing Co. at or near Monmouth, Ill.

cept hides and commodities in bulk, in tank vehicles), as described in sections

within ten (10) miles thereof, to points

No. MC 99284 (Sub-No. 3), filed March

thence easterly and northerly along "B"

[Notice 627]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 10, 1964.

Important notice. The following applications are governed by § 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rules. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 10297 (Sub-No. 17), filed March 30, 1964. Applicant: CAPITOL MOTOR TRANSPORTATION CO., INC., 69 Norman Street, Everett, Mass. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, cut and uncut, rough and finished, from Franklin County, Ala., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine and *rejected, returned*, and *damaged* shipments on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 10761 (Sub-No. 152), filed April 2, 1964. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in appendix A and C in *Description Case*, Ex Parte MC 45, also, *supplies, equipment, and materials* used in the conduct of such business, from the plant site of Agar Packing Co., at or near Monmouth, Ill., to points in Arkansas, Connecticut, Delaware, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *returned or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 11207 (Sub-No. 224), filed March 27, 1964. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, and fittings, materials, and accessories for the installation or transportation thereof*, from Ragland, Ala., to points in Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, Missouri, Arkansas, Mississippi, Louisiana, Texas, Oklahoma, and Kansas, and only *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Birmingham, Ala.

No. MC 20783 (Sub-No. 70), filed April 3, 1964. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, Ga. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit and vegetables, and canned fruit and vegetable juices*, from points in Florida to points in Illinois, Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, points in that part of Minnesota on and south of Minnesota Highway 28, beginning at the Minesota-South Dakota State line, thence eastward to the junction of U.S. Highway 52, thence over U.S. Highway 52 to the junction of Minnesota Highway 95, thence over Minnesota Highway 95 to the Minnesota-Wisconsin State line, and points in that part of West Virginia on and west of U.S. Highway 19 beginning at the West Virginia-Virginia State line running northward to the West Virginia-Pennsylvania State line. RESTRICTION: Service to points in West Virginia to be restricted to stop-off in-transit deliveries.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 20783 (Sub-No. 71), filed April 6, 1964. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, Ga. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in sections A and C of appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, including *supplies, equipment and materials* used in the conduct of such business, from Monmouth, Ill., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 25798 (Sub-No. 114), filed April 3, 1964. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products* and *articles distributed by meat packinghouses*, from the plant site of Swift & Co., located at or near Grand Island, Nebr., to points in Tennessee, Kentucky, West Virginia, Maryland, District of Columbia, North Carolina, South Carolina, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 37755 (Sub-No. 4), filed March 31, 1964. Applicant: LLOYD GRAHEM, Ozawkie, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Joplin, Mo., and points within 10 miles thereof, to Valley Falls, Kans., and points within 16 miles of Valley Falls.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 52709 (Sub-No. 240), filed April 2, 1964. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables, frozen berries, frozen juices, frozen fish, and frozen foods*, (1) from points in California, Oregon, Washington, and Idaho, to Laramie, Wyo., and (2) from Laramie, Wyo., to Denver, Colo., Omaha, Nebr., El Paso and Dallas, Tex., Oklahoma City and Tulsa, Okla., Kansas City and Wichita, Kans., Kansas City, Mo., Little Rock, Ark., and the District of Columbia.

NOTE: Applicant states shipments in (1) will be "for storage in transit and subsequent outbound movement," and service in (2) will be restricted to traffic having a prior inbound movement from the origin territory of California, Oregon, Washington, or Idaho. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Portland, Oreg.

No. MC 64932 (Sub-No. 340), filed April 3, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, in bulk, in tank vehicles, from Monmouth, Ill., and points within ten (10) miles thereof, to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82841 (Sub-No. 6), filed March 31, 1964. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. Applicant's attorney Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from Rock Island and Moline, Ill., to points in Wyoming.

NOTE: Applicant states it holds authority to perform this service by tacking. The purpose of this application is to eliminate the necessity of operating via gateways in Douglas, Elbert, El Paso, or Lincoln Counties, Colo. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 85934 (Sub-No. 30), filed April 2, 1964. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (not including prefabricated buildings, complete, knocked down, or in sections), (a) from L'Anse, Mich., to points in Wisconsin, Illinois, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, and Missouri, (b) from Lagro, Ind., to points in New York, Ohio, Pennsylvania, Wisconsin, Michigan, Illinois, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, and Missouri, and (c) from Fort Dodge, Iowa, to points in New York, Indiana, Ohio, Pennsylvania, Wisconsin, Illinois, Minnesota, North Dakota, South Dakota, Nebraska, and Missouri, and (2) *materials and supplies*, used or useful in the manufacture or processing of building materials or in the maintenance of the plant, from points in the destination states listed in (a), (b) and (c) above, to the origins named therein.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Lansing, Mich.

No. MC 93393 (Sub-No. 6), filed March 30, 1964. Applicant: EDWIN H. NELSON AND ALFRED S. NELSON, doing business as NIGHTWAY TRANSPORTATION CO., a partnership, 4106 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlon, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A, C, and D, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of the Agar Packing Co., located at or near Monmouth, Ill., to points in Indiana, Kentucky, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 99284 (Sub-No. 3), filed March 27, 1964. Applicant: SULLIVAN'S MOTOR DELIVERY, INC., 1019 West Canal Street, Box 1405, Milwaukee, Wis., 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphic arts materials*, between Milwaukee, Racine, and Kenosha, Wis., and Chicago, Ill.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 116487 and Subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 99734 (Sub-No. 1), filed April 3, 1964. Applicant: VINCENT DURKEE, doing business as VINCENT L. DURKEE DRAYAGE, 2225 Ingalls, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, automobiles, trucks, buses, commodities in dump truck equipment, commodities mechanically mixed in transit, furniture and used household goods, liquid commodities in bulk, gasoline, explosives, and commodities requiring refrigeration), to, from and between points in the San Francisco-East Bay Cartage Zone, Calif., as set forth below: San Francisco-East Bay Cartage Zone includes that area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point 1 mile west of U.S. Highway 101; thence southeasterly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 (El Camino Real) to its intersection with the southerly boundary line of the city of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point 1 mile south of Toll Bridge Road; thence easterly along an imaginary line 1 mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mount Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line 1 mile south and southeasterly of and paralleling Mount Eden Road and Jackson Road to its intersection with an imaginary line 1 mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line 1 mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the city of Oakland; thence easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County boundary line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point 1 mile northeasterly of San Pablo Avenue (U.S. Highway 40); thence northwesterly along an imaginary line 1 mile easterly of and paralleling San Pablo Avenue (U.S. Highway 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to U.S. Highway 40; thence northerly along U.S. Highway 40 to Rivers Street; thence thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Co. right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 102567 (Sub-No. 94), filed March 30, 1964. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potable water*, in bulk, in tank vehicles, from points in Arkansas to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary applicant requests it be held at Houston, Tex.

No. MC 103066 (Sub-No. 19), filed March 27, 1964. Applicant: STONE TRUCKING COMPANY, a corporation, Post Office Box 2014, Tulsa, Okla. Applicant's attorney: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, materials*, and *sup-*

[1] Copies of § 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

plies used in connection with the con-

Authority sought to operate as a *common*

SLATER, INC., Post Office Box 369,

NOTE: Applicant states the proposed service

No. MC 113267 (Sub-No. 130), filed [illegible]

plies used in connection with the construction, operation, maintenance, servicing, repair and dismantling of pipelines between points in the United States (except California).

NOTE: Applicant states no duplicating authority is requested. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 103378 (Sub-No. 287), filed April 2, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turpentine*, in bulk, in tank vehicles, from Valdosta, Ga., to Jacksonville, Fla.

NOTE: If a hearing is deemed necessary applicant requests it be held at Jacksonville, Fla.

No. MC 104149 (Sub-No. 173), filed March 30, 1964. Applicant: OSBORNE TRUCK LINE, INC., 520 North 31st Street, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, and fittings, materials, and accessories* for the installation and transportation thereof, from Ragland, Ala., and points within 3 miles thereof, to points in Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, Missouri, Arkansas, Mississippi, Louisiana, Texas, Oklahoma, and Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodities, on return.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Birmingham, Ala.

No. MC 105733 (Sub-No. 31) (AMENDMENT), filed February 12, 1964, published in the FEDERAL REGISTER issue of March 11, 1964, and republished, as amended, this issue. Applicant: H. R. RITTER TRUCKING CO., INC., 928 South Hazelwood Avenue, Rahway, N.J. Applicant's attorney: John R. Mahoney, 26 Broadway, New York 4, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from points on the Alleghany Pipeline Co., and Texas Eastern Transmission Corp. (Little Big Inch Division) pipelines in New York, and from points in Cortland and Washington Counties, N.Y., to points in Massachusetts, New Jersey, New York, Pennsylvania, Vermont, New Hampshire, Maine, Rhode Island, and Connecticut.

NOTE: The purpose of this republication is to show the origin area as indicated above, rather than "from points in Schuyler, Tompkins, and Albany Counties, N.Y.," as previously published. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107107 (Sub-No. 301), filed March 27, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *supplies, equipment* and *materials* used in the conduct of such business (meat packinghouses), from the plant site of Agar Packing Co., located at or near Monmouth, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107403 (Sub-No. 548), filed March 27, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, between points in Knox and Perry Counties, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky, Indiana, and Michigan.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 107403 (Sub-No. 549), filed April 1, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill scale*, in dump equipment, from Jackson, Mich., to points in Ohio (except points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio).

NOTE: Applicant does not specify location, in case hearing is deemed necessary.

No. MC 107515 (Sub-No. 479), filed April 2, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 214–217, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses*, and *supplies, equipment, and material* used in the conduct of such business as described in sections A, C, and D of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plant site of Agar Packing Co. at or near Monmouth, Ill., to points in Tennessee (except Memphis), Alabama, Georgia, Florida, South Carolina, North Carolina, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Indiana, Ohio, and the District of Columbia.

NOTE: Applicant states the proposed service will be restricted against tacking or interlining at origin or destination, and excludes liquid commodities in bulk, in tank vehicles. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 107757 (Sub-No. 21), filed March 27, 1964. Applicant: M. C. SLATER, INC., Post Office Box 369, Granite City, Ill. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Champ, Mo., also known as Champ Industrial Village, as an off-route point in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary applicant requests it be held at St. Louis, Mo.

No. MC 108453 (Sub-No. 26), filed April 2, 1964. Applicant: G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, Mich. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood paneling, wood doors*, and *wood products*, from Goshen and Mishawaka, Ind., to points in Calhoun, Kalamazoo, Branch, Cass, Saint Joseph, Berrien, and Van Buren Counties, Mich.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract or contracts with the Weyerhaeuser Co. of Tacoma, Wash. If a hearing is deemed necessary applicant requests that it be held at Lansing, Mich., or Indianapolis, Ind.

No. MC 109306 (Sub-No. 1), filed April 1, 1964. Applicant: OLIVER J. SOUTHARD, doing business as SOUTHARD TRUCKING COMPANY, 103 North Water Street, Post Office Box 206, Clinton, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone and black top*, in bulk, in dump vehicles, from points in Vigo, Vermillion, Parke, and Putnam Counties, Ind., to points in Clark, Cumberland, Coles, Douglas, Effingham, and Edgar Counties, Ill.

NOTE: If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind. No duplicating authority is sought.

No. MC 109397 (Sub-No. 90), filed March 27, 1964. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, byproducts materials, radioactive materials, and related reactor-experiment equipment, component parts and associated materials*, between facilities of the United States Government and Government contractors located at or near Shippingport, Pa., on the one hand, and, on the other, points in Allegheny County, Pa.

NOTE: Applicant states the proposed service in Alleghany County shall be restricted to tacking with its existing Sub-68 authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109533 (Sub-No. 19), filed March 31, 1964. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Post Office Box 1216, Richmond, Va. Applicant's attorney: William T. Croft, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, liquids in bulk, in tank vehicles, dangerous explosives, and commodities the transportation of which requires the use of special equipment by reason of size or weight), between Asheville, N.C., and Nashville, Tenn., from Asheville over U.S. Highway 70 to junction thereof with U.S. Highway 70S at or near Crossville, Tenn., thence over U.S. Highway 70S to junction thereof with Tennessee Highway 26 at or near Sparta, Tenn., thence over Tennessee Highway 26 to junction thereof with U.S. Highway 70N at or near Lebanon, Tenn., thence over U.S. Highway 70N to Nashville and return over the same route, serving Knoxville, Tenn., as an intermediate point and Lowland, Madison, Oak Ridge, and Old Hickory, Tenn., as off-route points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 111812 (Sub-No. 244), filed April 3, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Ottumwa, Iowa, to points in Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 111812 (Sub-No. 245), filed April 3, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in California, Oregon, and Washington, to American Falls, Boise, Nampa, and Pocatello, Idaho, and Ontario, Oreg., for storage-in-transit and subsequent outbound movement to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113267 (Sub-No. 130), filed March 30, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses* and *such commodities as are used by meat packers* in the conduct of their business when destined to and for use by meat packers as described in sections A, C, and D, of appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site and/or warehouse facilities utilized by Agar Packing Co., located at or near Monmouth, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant states the proposed operations will be restricted against the transportation of commodities in bulk in tank vehicles. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 131), filed April 2, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved food products*, from points in Spaulding and Pike Counties, Ga., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Wisconsin.

NOTE: Applicant states that the proposed service is to be restricted against the transportation of commodities in bulk in tank vehicles. If a hearing is deemed necessary applicant requests that it be held at Atlanta, Ga.

No. MC 113651 (Sub-No. 68), filed March 30, 1964. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plant site of Swift & Co., at or near Grand Island, Nebr., to points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Maine, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, New Hampshire, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113651 (Sub-No. 69), filed March 30, 1964. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouse*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Muncie, Ind., to points in Kansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 113651 (Sub-No. 70), filed March 30, 1964. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorneys: Mario Pieroni, 523 Johnson Building, Muncie, Ind., and Charles Singer, 33 North La Salle Street, Suite 3600, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, and *equipment, materials, and supplies used in the conduct of such business* (except commodities in bulk, in tank vehicles), between the plant site of the Agar Packing Co. at Monmouth, Ill., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, District of Columbia, Ohio, Virginia, West Virginia, Indiana, North Carolina, South Carolina, Alabama, Florida, Georgia, Massachusetts, Rhode Island, Tennessee, Kentucky, Maine, Connecticut, Vermont, and New Hampshire.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113843 (Sub-No. 79), filed March 30, 1964. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared, and preserved foodstuffs*, from points in Delaware, and Maryland, and that portion of Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, West Virginia, Wisconsin, and points in Pennsylvania on and west of U.S. Highway 219.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 113843 (Sub-No. 80), filed March 30, 1964. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials and supplies used in the conduct of such business*, from the plant site of Agar Packing Co., located at Monmouth, Ill., to points in Connecticut, Delaware, Maine, Maryland,

Massachusetts, New Hampshire, New

foods, from Le Porte, Ind., to points in and on the other, points in the United Wyandotte, Mich. Applicant's attorney:

Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 90), filed April 2, 1964. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, and *tractor attachments and parts*, from points in California to points in the United States, including Alaska but excluding Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113908 (Sub-No. 141), filed March 30, 1964. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, Springfield, Mo., 65804. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, in tank vehicles, from Springdale, Pa., to Fort Smith, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 114019 (Sub-No. 117), filed April 3, 1964. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen), *bird and fish foods* (pet foods), and *pet supplies, pressed wood pulp, impregnated (fire starters)* and *buffing* and *polishing compounds*, from Rochester, N.Y., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Milan, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 118), filed April 3, 1964. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen), from Milton, Pa., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 133), filed April 1, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles, distributed by meat packinghouses*, as described in sections A and C of appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Swift & Co., located at or near Grand Island, Nebr., to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 114533 (Sub-No. 88), filed April 3, 1964. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Accounting media, business reports*, and *records*, between the plant site of the Pure Oil Co. in Schaumburg Township, Ill., on the one hand, and, on the other, Indianapolis, Kokomo, and Richmond, Ind., Bay City, Flint, Grand Rapids, Kalamazoo, Lansing, and Pontiac, Mich., Lake Geneva and Waukesha, Wis., and Cleveland and Toledo, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115180 (Sub-No. 12), filed April 2, 1964. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olson, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in appendix A and C in *Description Case, Ex Parte MC 45*, and *supplies, equipment*, and *materials* used in the conduct of such business (except commodities in bulk in tank vehicles, and hides), from the plant site of Agar Packing Co. located at Monmouth, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115826 (Sub-No. 28), filed April 1, 1964. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *commodities distributed by meat packinghouses* as defined in sections A, B, and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Colo., to points in Arizona and California.

NOTE: If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

No. MC 115841 (Sub-No. 171), filed April 2, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles*, and *textile products*, made of natural or synthetic fibers, *metallic yarn, dry goods, rugs, carpeting, carpeting products*, and *manufactured textile products*, between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 115841 (Sub-No. 171), filed April 2, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles and textile products*, made of natural or synthetic fibres, *dry goods, metallic yarn and mixtures thereof, rugs, carpeting products*, and *manufactured textile products*, between points in Alabama, Georgia, and Tennessee, on the one hand, and, on the other, points in Idaho, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chattanooga, Tenn.

No. MC 116227 (Sub-No. 2), filed March 30, 1964. Applicant: DUANE POLMAN, doing business as POLMAN TRANSFER, Route 3, Wadena, Minn. Applicant's attorney: James F. Greenstein, Twin City Federal Building, 112 East Sixth Street, St. Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, crushed, ground or pulverized, in bags and (2) *dicalcium phosphate* in bags, from Alden, Iowa, to points in Minnesota and *empty containers or other such incidental facilities* used in transporting the above-described commodities on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 108523; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 116273 (Sub-No. 23), filed March 26, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in bulk, in tank vehicles, from Chicago, Ill., to Newburg, Ind., and points within 5 miles thereof.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 143), filed April 2, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from La Porte, Ind., to points in Tennessee and Arkansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117574 (Sub-No. 91), filed March 29, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Logs, pallets, wood chips or shavings, poles, mine timber, wood flour or fiber in bags, bulk or packages, wood fiber products, firring strips and crating lumber*, (2) *fasteners, mouldings and other accessories and supplies for use in erection or installation of items in (1) above*, between points in Lycoming, Tioga, Sullivan, Bradford Counties, Pa., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, Ohio, Indiana, Illinois, Michigan, Missouri, Wisconsin, Kentucky, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 92), filed March 30, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiators*, air heating or cooling, iron or steel combined with other metal; *radiators*, air heating or cooling, aluminum, brass, bronze or copper; *cooling or freezing equipment and machines; condensers, equalizers*, or *exchangers*, gas or liquid; *coolers, heat exchangers*, or *equalizers* for air, gas, or liquids; *air coolers, heaters, humidifiers, dehumidifiers* or *washers* and *blowers* or *fans combined; blowers, rotary*, or *exhaust fans*, iron; *compressors* or *pumps*, gas or liquid, *electric motors*, or *parts; machinery parts*, iron or steel; *machinery parts*, aluminum, brass, bronze or copper; and (2) *parts, attachments* and *accessories* of and for the commodities described in (1) above, from La Crosse, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Milwaukee, Wis.

No. MC 117574 (Sub-No. 93), filed April 3, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic display signs, gasoline pumps, fans, automobile hoists, air compressors and blowers, display racks, and initial stock, accessories and advertising material* for gasoline service stations, between points in Dauphin, Lancaster, and Perry Counties, Pa., on the one hand, and, on the other, points in the United States (except Hawaii).

NOTE: Applicant did not specify place of hearing if one is deemed necessary.

No. MC 117815 (Sub-No. 21), filed April 2, 1964. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and commodities used by packinghouses*, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk in tank vehicles), (1) from the plant site of Agar Packing Co., at or near Monmouth, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Wisconsin, and the upper peninsula of Michigan, and (2) from points in Iowa to the plant site of Agar Packing Co., at or near Monmouth, Ill.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 118175 (Sub-No. 3), filed March 30, 1964. Applicant: HARVEY W. McCOY, 938 Custer Avenue, Billings, Mont., 59102. Applicant's attorney: Jerome Anderson, Suite 300, First National Bank Building, Billings, Mont., 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, frozen fruit, frozen fish, frozen fruit juices, frozen fowl, frozen berries, frozen potato products, frozen pies, frozen processed foods*, from Seattle, Wenatchee, Prosser, and Arlington, Wash., and Weston and Portland, Oreg., to Billings, Great Falls, Missoula, Livingston, and Bozeman, Mont.

NOTE: If a hearing is deemed necessary applicant requests it be held at Billings, Mont.

No. MC 118196 (Sub-No. 18), filed March 31, 1964. Applicant: RAYE & COMPANY TRANSPORTS, INC., Hiway 71 North, Post Office Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salvaged dairy products*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with salvaged dairy products, from points in Colorado, New Mexico, Arizona, and California, to points in Oklahoma, Kansas, Missouri, and Arkansas, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 119321 (Sub-No. 6), filed March 30, 1964. Applicant: THOMAS E. BUBER, INC., 308 Antoine Street, Wyandotte, Mich. Applicant's attorney: John M. Veale, Suite 1700, 1 Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, refractory products and refractory materials*, between points in the Lower Peninsula of Michigan and points in Illinois and Indiana.

NOTE: If a hearing is deemed necessary applicant requests it be held at Lansing, Mich.

No. MC 119362 (Sub-No. 1), filed March 30, 1964. Applicant: URBAN F. DeWALL, DeWALL TRUCKING SERVICE, 2224 23d Avenue, Rockford, Ill. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated pulpboard boxes*, knocked down, and *shipping containers*, knocked down, including necessary partitions and separators used therein, from Rockford, Ill., to points in Columbia (except Columbus), Crawford, Dane (except Madison), Dodge, Grant, Green, Iowa, Jefferson, Kenosha (except City of Kenosha), Lafayette, Milwaukee (except City of Milwaukee), Ozaukee (except Port Washington), Racine, Richland, Rock (except Beloit), Sauk, Walworth (except Whitewater), Washington, Waukesha, and Wood (except Marshfield), Counties, Wis. (2) *Corrugated pulpboard boxes*, knocked down, and *shipping containers*, knocked down, including necessary partitions and separators used therein, from Antigo, Manitowoc, and Sheboygan, Wis., and points in Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk, Walworth, Washington, Waukesha, and Wood Counties, Wis. to Rockford, Ill. RESTRICTION: The proposed operations are to be performed under a continuing contract or contracts, with the Weyerhaeuser Co. of Tacoma, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119697 (Sub-No. 8), filed April 3, 1964. Applicant: CHRISPENS TRUCK LINES, INC., 348 West 42d Place, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, other than commodities in bulk, in tank vehicles, as described in sections A, C, and D, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Agar Packing Co. at or near Monmouth, Ill., to points in Indiana and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119765 (Sub-No. 5), filed March 31, 1964. Applicant: HENRY G. NELSEN, 1548 Locust Street, Avoca, Iowa. Applicant's attorney: Joseph M.

Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, other than commodities in bulk, in tank vehicles, as described in sections A, B, and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the site of the plant of Swift & Co., at or near Grand Island, Nebr., to points in Illinois and Wisconsin.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 119792 (Sub-No. 15), filed March 30, 1964. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlon, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A, C and D, appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Agar Packing Co., located at or near Monmouth, Ill., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119810 (Sub-No. 11), filed March 27, 1964. Applicant: NEBRASKA EASTERN EXPRESS, INC., Livestock Exchange Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials, and supplies, used in the conduct of such business* (except liquid commodities, in bulk, in tank vehicles, and except canned goods not requiring refrigeration), from the plant site of Agar Packing Co., located at or near Monmouth, Ill., to Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington, D.C.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 119894 (Sub-No. 3), filed March 31, 1964. Applicant: BOWARD TRUCK LINE, INC., Post Office Box 293, Staunton, Va. Applicant's attorney: M. Bruce Morgan, 804 Warner Building, 501 13th Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, not corrugated and *wrapping paper*, in truckload lots, from Covington, Va., to Tyrone, Pa., and Williamsburg, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119894 (Sub-No. 4), filed March 31, 1964. Applicant: BOWARD TRUCK LINE, INC., Post Office Box 293, Staunton, Va. Applicant's attorney: M. Bruce Morgan, 804 Warner Building, 501 13th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Damaged and refused furniture*, returned to the manufacturer, from Washington, D.C., Wilmington, Del., Camden, Trenton, and Brunswick, N.J., Annapolis, and Union Bridge, Md., Buffalo, Rochester, and Syracuse, N.Y., and points in the New York, N.Y., commercial zone, points in Allegheny County, Pa., and points in Pennsylvania on and east of U.S. Highway 11, to Staunton, Waynesboro, Harrisonburg, McGaheysville, and Bridgewater, Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 120582 (Sub-No. 2), filed March 18, 1964. Applicant: McMINNVILLE FREIGHT LINE, INC., McMinnville, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 417 Stahlman Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *General commodities*, Regular routes: (1) Between Nashville, Tenn. and McMinnville, Tenn., from Nashville over Tennessee Highway 1 to Murfreesboro, Tenn., thence over Tennessee Highway 2 to Manchester, Tenn., thence over Tennessee Highway 55 to McMinnville, and return over the same route, serving the intermediate points of Morrison and Summitville, Tenn., and the off-route point of Viola, Tenn., restricted against service between Nashville, Tenn., and Manchester, Tenn.; (2) between McMinnville, Tenn., and Manchester, Tenn., over Tennessee Highway 55, serving all intermediate points, restricted against service between Nashville, Tenn., and Manchester, Tenn., by interchange or any other method; and (3) between Nashville, Tenn., and Minnville, Tenn., over U.S. Highway 70S, serving no intermediate points, as an alternate route, for operating convenience only, in connection with applicant's authorized regular-route operations. Irregular routes: (B) *Molding sand*, loose, in bulk, in dump trailers, from Sewanee and Chattanooga, Tenn., to McMinnville, Tenn., (C) *coke*, loose, in bulk, in dump trailers, from Chattanooga, Tenn., to McMinnville, Tenn., (D) *rough castings and forgings*, loose, in bulk, in dump trailers, from McMinnville, Tenn., to Daisy and Chattanooga, Tenn., (E) *pig iron*, loose, in bulk, in dump trailers, from Rockwood, Tenn., to McMinnville, Tenn., and (F) *pig iron*, loose, in bulk, in dump trailers and dump trucks, from Birmingham, Ala., and points in its commercial zone, to McMinnville, Tenn., and points in its commercial zone.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124174 (Sub-No. 24), filed April 1, 1964. Applicant: MOMSEN TRUCKING CO., a corporation, Highway 71 and 18 North, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* including, but not limited to, *diacalcium phosphate*, from Montpelier, Iowa, and points within 5 miles thereof, to points in Iowa, Nebraska, Missouri, Illinois, Minnesota, Kansas, Wisconsin, North Dakota, and South Dakota.

NOTE: Common control may be involved. Applicant does not specify where he wishes hearing to be held if one is deemed necessary.

No. MC 124211 (Sub-No. 19), filed April 2, 1964. Applicant: HILT TRUCK LINES, INC., 1813 Yolande Street, Box 824, Lincoln, Nebr. Applicant's attorney: J. Max Harding, NSEA Building, 14th and J Streets, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plant site of Swift & Co. at Grand Island, Nebr., to Milwaukee and Madison, Wis., St. Louis, Union, and St. Joseph, Mo., and points in Illinois.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Chicago, Ill.

No. MC 124212 (Sub-No. 24), filed March 2, 1964. Aplicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio. Applicant's attorney: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of Lehigh Portland Cement Co., located at Baltimore, Md., to points in Virginia, New Jersey, Pennsylvania, Delaware, and Washington, D.C., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124324 (Sub-No. 1), filed March 27, 1964. Applicant: MURPHY TRUCKING CO., INC., Denver, Ind. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Bulding, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *feed ingredients*, from points in Lucas, Sandusky, and Ottawa Counties, Ohio, and Monroe and Lenawee Counties, Mich., to points in Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124418 (Sub-No. 2), filed April 3, 1964. Applicant: D-H-R TRUCKING, INC., Harrisburg, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building machinery, equipment and parts therefor* when moving in connection therewith, between points in Illinois, Indiana, Kentucky, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 124578 (Sub-No. 3) (AMENDMENT), filed January 24, 1964, published in FEDERAL REGISTER issue of February 6, 1964, amended March 30, 1964, and republished, as amended, this issue. Applicant: PUGET SOUND TRUCKING CO., a corporation, Pier 62, Seattle 1, Wash. Applicant's attorney: Charles J. Keever, Washington Building, Post Office Box 340, Seattle 11, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Palletized cans, palletized can ends, pallet pack sleeves, caps and divider sheets* and *pallets*, between Portland, Oreg., and points in Washington.

NOTE: The purpose of this republication is to broaden the scope of the proposed operation.

No. MC 124770 (Sub-No. 3), filed April 2, 1964. Applicant: FRANK G. TELLERI, doing business as TELLERI TRUCKING CO., 335 Allen Street, Post Office Box 521, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, in vehicles equipped with mechanical refrigeration and "tram" meat rails, from Hoboken, N.J., to points in Pennsylvania on and east of U.S. Highway 15, points in Westchester, Nassau, Suffolk, and Albany Counties, N.Y., Baltimore and Landover, Md., and the District of Columbia, and *rejected, returned, damaged shipments*, on return.

NOTE: Applicant states the proposed service will be under contract with Jefferson Packing Company, Hoboken, N.J. If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124886 (Sub-No. 1), filed March 29, 1964. Applicant: PHILIP PICARIELLO, doing business as P & F CARRIERS, 478 Farnham Avenue, Lodi, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitrocellulose solutions*, in bulk, in tank vehicles, from the site of the plant of Cellofilm Corporation in Woodbridge, N.J., to Detroit, Mich.

NOTE: Applicant is authorized to conduct operations as a common carrier in Certificate No. MC 26570 and Subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 125000 (Sub-No. 3), filed April 2, 1964. Applicant: LEWIS G. HERRING, 2211 Hamilton (Post Office Box 1456), Pampa, Tex. Applicant's attorney: Joe T. Lanham, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone, and related mineral aggregates, including but not limited to rock, stone, caliche and dirt*, in bulk, in motor vehicles, between points in Armstrong, Briscoe, Carson, Castro, Childers, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Counties, Texas, points in Colfax, Curry, DeBaca, Guadalupe, Harding Quay, Roosevelt, San Miguel, and Union Counties, N. Mex., points in Beaver, Beckham, Cimarron, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward, Counties, Okla., points in Clark, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Meade, Morton, Seward, Stanton, and Stevens Counties, Kans., and points in Baca, Bent, Crowley, Las Animas, and Prowers Counties, Colo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 125258 (Sub-No. 4), filed March 27, 1964. Applicant: MURRAY STOVAL, WARREN WISE, PAUL KLINE AND EARL WISE, a partnership, doing business as STOVAL, WISE, KLINE & WISE, 103 Circle Drive, Thermopolis, Wyo. Applicant's attorney: Ward A. White, Post Office Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, (1) from Milwaukee, Wis., and Salt Lake City, Utah, to Thermopolis, Wyo., and (2) from Milwaukee, Wis., to Casper, Wyo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo.

No. MC 125657 (Sub-No. 2), filed April 1, 1964. Applicant: FLOYD DELBERT BAZE, doing business as BAZE TRUCKING, 4879 Martin Street, Mira Loma, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camper and vacation trailers*, by truckaway method, from points in California, to points in Oregon, Washington, Idaho, Utah, Nevada, Arizona, Colorado, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 125988 (Sub-No. 2), filed April 3, 1964. Applicant: A. GORNO, INC., 12451 Haggerty Road, Belleville, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, unfinished castings, coke, scrap metals, finished castings, and limestone*, in dump vehicles, between Belleville, Mich., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, New York, and Pennsylvania, and ports of entry on the International Boundary line between the United States and Canada, located at or near Detroit and Port Huron, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. Applicant states proposed service will be under a continuing contract or contracts with Huron Valley Steel Corp.

No. MC 126004, filed February 11, 1964. Applicant: DANIEL R. RICHARDSON, doing business as TOWN & COUNTRY MOBILE HOME SALES, 802 North First Street, Artesia, N. Mex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from Artesia, N. Mex., to points in the United States.

NOTE: If a hearing is deemed necessary applicant requests it be held at Albuquerque, N. Mex.

No. MC 126023 (Sub-No. 1), filed March 30, 1964. Applicant: LYLE L. HARRISON, 1220 Fourth Street, Lewiston, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel and asphaltic concrete*, between points in Nez Perce and Latah Counties, Idaho, and points in Asotin, Garfield, and Whitman Counties, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 126025 (AMENDMENT), filed February 19, 1964, published in FEDERAL REGISTER issue March 4, 1964, amended April 8, 1964, and republished as amended this issue. Applicant: BALLARD TRANSFER OF WASHINGTON, INC., doing business as BALLARD TRANSFER CO., 2417 Northwest Market Street, Seattle, Wash. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Seattle, Wash., to points in Idaho, (2) between Seattle, Wash., and points in Oregon.

NOTE: Applicant states the above-proposed operations will be performed under a continuing contract with Northwest Steel Rolling Mills, Inc., of Seattle, Wash. The purpose of this republication is to show the two (2) movements above, in lieu of previously published movement. If a hearing is deemed necessary applicant requests it be held at Seattle, Wash.

No. MC 126145, filed March 30, 1964. Applicant: PHILLIPS TRUCKING, a corporation, 20299 Valley Boulevard, Rialto, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry manufactured and chemical fertilizer*, in bulk, in hopper, pneumatic, and dump-type vehicles, from points in California, to points in Arizona, and *refused and contaminated shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126147, filed April 1, 1964. Applicant: FREDERICK S. GREGG, doing business as FRED S. GREGG, 1602 South Spring Street, Springfield, Ill. Applicant's attorney: Mack Stephenson, 922 First National Bank Building, Springfield, Ill. Authority sought to

operate as a *contract carrier*, by motor

operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pastries*, in insulated vehicles, from St. Louis, Mo., to Centralia, Vandalia, Effingham, Mattoon, Decatur, Taylorville, and Springfield, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodities, on return.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Springfield, Ill.

No. MC 126149, filed April 3, 1964. Applicant: DENNY MOTOR FREIGHT, INC., 201 Ellen Court, New Albany, Ind. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings*, complete, knocked down or in sections, and when transported in connection with the transportation of such buildings, *component parts* thereof and *equipment and materials* incidental to the erection and completion of such buildings, from New Albany, Ind., and points within one (1) mile thereof, to points in Pennsylvania, Kentucky, Missouri, Ohio, and Illinois; (2) *flavoring syrup, liquid sugar*, and *invert sugar*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Louisiana, Maryland, Illinois, Indiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; (3) *farm machinery* and *farm implements* when transported in special equipment, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, Colorado, Connecticut, Delaware, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Vermont, and Wisconsin; and (4) *agricultural machinery, and implements and parts* as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Louisville, Ky., to points in West Virginia.

NOTE: Applicant is presently authorized to operate as a contract carrier under Permit No. MC 104201, and holds authority to transport the same commodities within the identical territory (set forth above), as follows: (1) May be found in MC 104201 (Sub-No. 29); (2) in MC 104201 (Sub-No. 32); (3) in MC 104201 (Subs-Nos. 34 and 35), and (4) in MC 104201 (Sub-No. 38). The purpose of this application therefore, is to convert applicant's contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C., and St. Louis, Mo.

No. MC 126150, filed April 3, 1964. Applicant: DEAN J. McCLURE, doing business as McCLURE TRUCKING CO., U.S. Highway 6 West, Kendallville, Ind. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels), and *attachments* and *parts* thereof when moving incidental to or and in the same vehicle with said tractors, from East Moline, Rock Island, Canton, Melrose Park, and Broadview, Ill., and Louisville, Ky., to points in Indiana on and north of U.S. Highway 40.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126154, filed April 2, 1964. Applicant: DOMENIC MARCHI, 508 North Stephenson Avenue, Iron Mountain, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Minneapolis, Minn., to points in Dickinson, Iron, Gogebic, Delta, and Menominee Counties, Mich., (2) from Duluth, Minn., to points in Gogebic, Iron, Dickinson, Delta, and Menominee Counties, Mich. (3) from Milwaukee, Wis., to points in Dickinson, Iron, Gogebic, Delta, Menominee, and Houghton Counties, Mich., and (4) from La Crosse, Wis., to points in Dickinson, Iron, Gogebic, Delta, and Menominee Counties, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant holds contract carrier authority in MC 113997, and by the instant application requests a change from his present authority permit as a contract carrier to a common carrier. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 126155, filed March 27, 1964. Applicant: GLEN R. WALL, Lanark, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercially prepared livestock feed*, in bags, packages and in bulk, from West Bank, Iowa, to points in Carroll, Stephenson, Whiteside, and Ogle Counties, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *damaged shipments*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Freeport, Ill.

No. MC 126158, filed March 30, 1964. Applicant: OTHO SMITH, doing business as SMITHWAY, 33 Oolitic Road, Bedford, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe, aluminum tubing, aluminum sheet, flat, corrugated, or coiled, aluminum angles and extruded shapes, aluminum rivets, aluminum pipe fittings and aluminum rods, aluminum plate and coil*, (1) from the plant site of the Kaiser Aluminum and Chemical Corp. located at or near Bedford, Ind., to points in Wisconsin, Illinois, Kentucky, West Virginia, Ohio, and Michigan, and (2) from Ravenswood, W. Va., to the plant site of Kaiser Aluminum and Chemical Corp. located at or near Bedford, Ind., under a continuing contract with Kaiser Aluminum and Chemical Corp. of Bedford, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, and *rejected shipments* on return in (1) and (2) above.

NOTE: If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind.

No. MC 126159, filed April 1, 1964. Applicant: ROC-SALT TRANSPORT, INC., 4875 North 32d Street, Milwaukee, Wis. Applicant's attorney: Frank M. Coyne, 1 West Main Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt products*, from Chicago, Ill., to points in Wisconsin and the Upper Peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

MOTOR CARRIERS OF PASSENGERS

No. MC 35690 (Sub-No. 1), filed March 30, 1964. Applicant: CENTRAL N.Y. COACH LINES, INC., 313 Broad Street, Utica, N.Y., 13501. Applicant's attorney: James H. Gilroy, Jr., First National Bank Building, Utica, N.Y., 13503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations consisting of all-expense sightseeing or pleasure tours, beginning and ending at points in Herkimer, Oneida, and Madison Counties, N.Y., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Utica or Syracuse, N.Y.

No. MC 126052 (AMENDMENT), filed February 27, 1964, published in FEDERAL REGISTER issue of March 11, 1964, amended March 31, 1964, and republished as amended this issue. Applicant: EDWARD P. SCHEIBLY, JR., Box No. 6, Rural Delivery No. 1, Rensselaer, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Albany, N.Y., and North Adams, Mass., from Albany north over Broadway through Menands, N.Y., and Watervliet, N.Y., to Troy, N.Y., thence east over New York Highway 2 to junction U.S. Highway 7, thence north over U.S. Highway 7 to Williamstown, Mass., thence east over Massachusetts Highway 2 to North Adams, Mass., and return over the same route, serving all intermediate points.

NOTE: The purpose of this republication is to delete the previously described route through North Pownal and Pownal, Vt. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 126114, filed March 16, 1964. Applicant: WILLINGHAM BUS LINES, INC., doing business as AZTEC BUS LINES, 4437 Twain Avenue, San Diego, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter or special operations, in round-trip or one-way service, beginning and/or ending at San Diego, Calif., and extending to points in California, Arizona and Nevada.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Diego, Calif.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12900 filed March 23, 1964. Applicant: WM. A. WILSON, doing business as WILSON TRAVEL CLUB, 1213 Capitol Street, Houston, Tex. Applicant's attorney: Joe G. Fender, 2033 Norfolk Sreet, Houston 6, Tex. For a license (BMC 5) to engage in operations as a *broker* at Houston, Tex., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, between points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 29886 (Sub-No. 188), filed March 30, 1964. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, fibre and pulpwood, from the plant site of the Upson Co., Lockport, N.Y., to points in Lake, Porter, La Porte, Starke, Marshall, St. Joseph, Elkhart, and Lagrange Counties, Ind., and points in Calhoun, Branch, St. Joseph, Kalamazoo, Cass, Van Buren, and Berrien Counties, Mich.

NOTE: Common control may be involved.

No. MC 30319 (Sub-No. 131), filed March 30, 1964. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto Street, Post Office Box 4054, Houston 14, Tex. Applicant's attorney: Edwin N. Bell, 1600 Esperson Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Iowa, La., and New Orleans, La., from Iowa over U.S. Highway 165 to junction U.S. Highway 190 thence over U.S. Highway 190 to junction U.S. Highway 61, thence over U.S. Highway 61 to New Orleans, and return over the same route as an alternate route for operating convenience only, serving no intermediate points.

No. MC 58135 (Sub-No. 2), filed March 30, 1964. Applicant: FOGG'S TRANSPORTATION, INC., 76 Cross Street, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from U.S. Highway 202 at a point approximately four (4) miles north of Greene, Maine, over Maine Highway 106 to Leeds, Maine, and return over the same route, serving no intermediate or off-route points.

No. MC 107500 (Sub-No. 76), filed March 30, 1964. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: R. J. Schreiber, 548 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Roseville and St. Augustine, Ill., over Illinois Highway 116, for operating convenience only, serving no intermediate or off-route points, in connection with applicant's authorized regular route operations.

No. MC 114106 (Sub-No. 43), filed April 1, 1964. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Post Office Box 573, 1820 South Main Street, Lexington, N.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, and blends of liquid sugar and corn syrup*, in bulk, in tank vehicles, from Lexington, N.C., to points in Florida.

NOTE: Applicant is also authorized to conduct operations in Permit No. MC 115176 and Subs thereunder; therefore dual operations may be involved.

No. MC 123075 (Sub-No. 10), filed April 1, 1964. Applicant: HARVEY D. SHUPE AND HOWARD YOST, doing business as SHUPE & YOST, a partnership, 271 Eighth Avenue, Greeley, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from the plant site of Leslie Salt Co., located at Lake Point, Utah, to points in Colorado and Wyoming, and to points in Nebraska and South Dakota on and west of U.S. Highway 83, and *exempt commodities*, on return.

No. MC 125035 (Sub-No. 5), filed April 3, 1964. Applicant: RAY E. BROWN, doing business as RAY E. BROWN TRUCKING, 1132 55th Street NE., North Canton, Ohio. Applicant's attorney: Fred H. Zollinger, First National Bank Building, Canton, Ohio, 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and ice cream confections* such as but not limited to *fudgesicles, popsicles, eskimo pies, ice cream bars, ice cream sandwiches, drum sticks* and *creamsicles*, from Wheeling, W. Va., to Columbus, Akron, and Shelby, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, including the *dollies* upon which ice cream containers are loaded, on return.

No. MC 126057 (Sub-No. 1), filed March 16, 1964. Applicant: MARQUARD EXPRESS, INC., 2726 Brentwood Boulevard, St. Louis, Mo., 63144. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Marquand, Mo., and St. Louis, Mo.: (1) from Marquand, over County Highway A to junction U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, and return over the same route, serving Fredericktown, Mo., as an intermediate point, and (2) from Marquand, over County Highway A to Missouri Highway 51, thence over Missouri Highway 51 to junction U.S. Highway 61, thence over U.S. Highway 61 to St. Louis, and return over the same route, serving no intermediate points.

MOTOR CARRIERS OF PASSENGERS

No. MC 7257 (Sub-No. 7), filed March 25, 1964. Applicant: PROVINCIAL TRANSPORT COMPANY, a corporation, 1188 Dorchester Boulevard West, Montreal, Quebec, Canada. Applicant's attorney: Anthony C. Vance, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, and New York and extending to points in the United States (except Alaska and Hawaii). RESTRICTION: The proposed authority herein will be restricted to charter parties originating at authorized points in Canada.

NOTE: Common control may be involved. Applicant states no duplication of authority is sought.

No. MC 116385 (Sub-No. 3), filed March 30, 1964. Applicant: ANTHONY S. KASPER, doing business as NIAGARA FRONTIER SCENIC TOURS, 7900 Pine Avenue Boulevard, Niagara Falls, N.Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonowanda, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof and not including children under ten (10) years of age who do not occupy a seat or seats, in seasonal operations between April 15 and October 1, inclusive, of each year, between the ports of entry on the international boundary line between the United States and Canada located at Niagara Falls and Lewiston, N.Y., and points in Niagara County, N.Y., within six (6) miles of Niagara Falls, N.Y., including Niagara Falls, N.Y.

No. MC 116943 (Sub-No. 3), filed April 1, 1964. Applicant: EMPIRE STATE SCENIC TOURS AND INFORMATION, INC., 1139 Niagara Falls Boulevard, Buffalo, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and*

their baggage, in special operations, in

HEARING: April 23, 1964, at 9:30

tion of *general commodities*, (1) from,

State Docket No. A46314, filed March

scribed thereunder (49 CFR Part 179),

Fritsh, Hutchinson County, Tex.; from

their baggage, in special operations, in round trip sightseeing and pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, during the season from May 1 to October 31 of each year, beginning and ending at points in Niagara County, N.Y., and those points in Erie County, N.Y., on U.S. Highway 62 and north of New York Highway 324, and extending to ports of entry on the international boundary line between the United States and Canada at Niagara Falls, N.Y.

NOTE: Applicant states it is presently certificated to perform the above transportation, restricted to seven (7) passengers. The sole purpose of this application is to have the "7 passengers" increased to "8 passengers."

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3699; Filed, Apr. 14, 1964; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 10, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C-102, Case No. 1, filed October 23, 1963. Applicant: HOOKER MOTOR FREIGHT, INC., 326 Pleasant Street SW., Grand Rapids, Mich. Applicant's attorney: John M. Veale, Suite 1700, 1 Woodward Avenue, Detroit 26, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (1) between Grand Rapids, Mich., and Lansing, Mich., over Interstate Highway 96, serving no intermediate points, for operating convenience only; (2) between junction U.S. Highway 31 and Interstate Highway 96 and Grand Rapids, Mich., over Interstate Highway 96, provided that no freight originating at Muskegon, Mich., or points intermediate to Grand Rapids shall be transported to Grand Rapids or vice versa on this route; and (3) between Freeport, Mich., and Middleville, Mich., over unnumbered county road.

HEARING: April 23, 1964, at 9:30 a.m., on the Fifth Floor, Lewis Cass Building, South Walnut Street, Lansing, Mich.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4516 Sub-1, filed March 24, 1964. Applicant: W. C. KEYT AND CHARLES A. HERSHISER, doing business as COOKEVILLE MOTOR LINE, 611 Mulberry, Nashville, Tenn. Applicant's attorney: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Between Nashville and Cookeville, Tenn., (1) over U.S. Highway 70N, and (2) over Interstate Highway 40, utilizing segments of Interstate Highway 40, as it becomes completed and open to traffic, as alternate routes in conjunction with applicant's authorized regular-route service.

HEARING: May 7, 1964, at 9:30 a.m., in the Commission's Court Room, C-1-110 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. H-4885, filed March 17, 1964. Applicant: WENDELL HAUPERT, doing business as HAUPERT EXPRESS, Woodbury Building, Marshalltown, Iowa. Applicant's attorney: Robert R. Rydell, 1020 Savings and Loan Building, Des Moines, Iowa. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Interstate Commerce Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Marshalltown, Iowa, and Ogden, Iowa, over U.S. Highway 30, serving all intermediate points.

HEARING: April 28, 1964, at 10:00 a.m., in the office of the Iowa State Commerce Commission, Des Moines, Iowa.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines 19, Iowa, and should not be directed to the Interstate Commerce Commission.

State Docket No. 9278, filed March 26, 1964. Applicant: SAIA MOTOR FREIGHT LINE, INC., Post Office Box 10157, Station No. 1, Naval Air Station, Houma, La. Applicant's attorney: Joseph L. Waitz, Post Office Box 590, Houma, La. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) from, to, and between New Orleans, La. and Norco, La., over Louisiana Highway 48 to intersection Bonnet Carre Spillway Bridge, thence over Bonnet Carre Spillway Bridge, which is U.S. Highway 61; from, to, and between intersection Louisiana Highway 44 and Bonnet Carre Spillway Bridge on U.S. Highway 61, thence over Louisiana Highway 44 to Burnside, La.; and from, to, and between Burnside, La., and Baton Rouge, La., over Louisiana Highway 30. For the purpose of clarity, it is understood that the second portion of this application is from, to, and between New Orleans and Baton Rouge, La., serving all points, over the road commonly referred to as the Old River Road, connecting Baton Rouge and New Orleans, La., (2) from, to, and between Geismar, La., and Baton Rouge, La., over Louisiana Highway 73, serving all points; (3) from, to, and between New Orleans, La., and Baton Rouge, La., over U.S. Highway 61 (commonly known as the Airline Highway); from, to, and between Baton Rouge, La., and Kinder, La., over U.S. Highway 190, serving all intermediate points; from, to, and between Kinder, La., and Iowa, La., over U.S. Highway 165, serving all intermediate points; and (4) from, to, and between Opelousas, La., over Louisiana Highway 10 to intersection U.S. Highway 167, thence over U.S. Highway 167 to Ville Platte, La., serving all points, thence over Louisiana Highway 29 to Tate Cove, La., serving all points, including the Cabot Corbin Plant located near Tate Cove, La.; from, to, and between Tate Cove, La., and the Cabot Corbin Plant, over Louisiana Highway 29, from, to, and between Eunice, La., serving all points.

And State Docket No. 9279, filed March 26, 1964. Applicant: (same as above). Applicant's attorney: (same as above). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (1) from, to, and between Baton Rouge, La., and Shreveport, La., from Baton Rouge over U.S. Highway 190 to intersection U.S. Highway 71, thence over U.S. Highway 71 through Alexandria, La., to Shreveport; serving all intermediate points (2) from, to, and between Iowa, La., and Alexandria, La., over U.S. Highway 165, serving all intermediate points; (3) from, to, and between Eunice, La., and Meeker, La., or to intersection U.S. Highway 167 and U.S. Highway 71, over U.S. Highway 167 to Turkey Creek, La., thence over Louisiana Highway 13 to Eunice, serving all intermediate points; and (4) from, to, and between Lake Charles, La., and Shreveport, La., over U.S. Highway 171, serving all intermediate points.

HEARING: Date, time, and place, assigned for hearing these applications, not known.

Requests for procedural information, including the time for filing protests, concerning these applications should be addressed to the Louisiana Public Service Commission, Box 4035, Capitol Station, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

State Docket No. A46314, filed March 24, 1964. Applicant: LUCIANO GIUDICE, CHARLOTTE GIUDICE, CHARLES TRAINA, AND JOHN TRAINA, a copartnership, doing business as AUTO FAST FREIGHT, 564 Rialto Avenue, San Bernardino, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, with the usual exceptions, (1) between all points and places in the Los Angeles Basin Territory as described in Item No. 270-1 of Minimum Rate Tariff No. 2, issued by the Public Utilities Commission of the State of California; (2) the said Los Angeles Basin Territory and Crestline, Lake Arrowhead, and Big Bear Lake, and points and places along California Highways 18, 30 and U.S. Highway 66, and all points within five (5) miles laterally of said highways named; and (3) the said Los Angeles Basin Territory and Yermo, via U.S. Highways 66, 466, and 91, including the off-route points of United States Marine Corps Depot at or near Daggett, and Daggett, inclusive, and all points within five (5) miles laterally of said highways named.

HEARING: Date, time, and place assigned for hearing, not known.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the California Public Utilities Commission, California State Building, San Francisco 2, Calif., and should not be directed to the Interstate Commerce Commission.

State Docket No. L-12059 Case No. 3, filed March 16, 1964. Applicant: EVERETT DELIVERY SERVICE, INC., 4220 East Davison, Detroit 12, Mich. Applicant's representative: Gene F. Everett, 19980 Garfield, Detroit 40, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *film* for Eastman Kodak Co., for the purpose of processing, between Detroit, Mich., and points within fifty (50) miles thereof.

HEARING: May 5, 1964, at 9:30 a.m., in the offices of the Commission, Lewis Cass Building, Lansing, Mich.

Requests for procedural information, including the time for protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3700; Filed, Apr. 14, 1964; 8:47 a.m.]

[Notice 968]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 10, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following-numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66689. By order of April 2, 1964, the Transfer Board approved the transfer to Jersey Express Inc., East Rutherford, N.J., of certificate in No. MC 116453 issued July 26, 1963, to Michael Della Fave, doing business as Jersey Carriers, Lyndhurst, N.J., authorizing the transportation over irregular routes, of such merchandise as is dealt in by novelty stores, from Lyndhurst, N.J., to New York, N.Y.; paint pigments, from New York, N.Y., to Newark, N.J.; sheet paper, between Lyndhurst, and Newark, N.J., on the one hand, and, on the other, New York, N.Y.; ladies' undergarments, and textiles, materials, and supplies used in the manufacture of ladies' undergarments, between New York, N.Y., on the one hand, and, on the other, Lyndhurst, N.J., and points within 12 miles of Lyndhurst. Michael Della Fave, Post Office Box 401, Lyndhurst, N.J., 07071, representative for applicants.

No. MC-FC 66714. By order of April 2, 1964, the Transfer Board approved the transfer to Al's Truck Line, Inc., Davenport, Iowa, of certificate in No. MC 71199 issued March 30, 1944 to Albert L. Machamer, doing business as Al's Truck Line, Daveport, Iowa, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, between Keithsburg, Ill., and Davenport, Iowa, with service to and from all intermediate points and the off-route points of Bettendorf, Iowa, and Moline, Sherrard, Matherville, Edgington, Millersburg, and New Boston, Ill. William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa, representative for applicants.

No. MC-FC 66715. By order of April 2, 1964, the Transfer Board approved the transfer to Chesnut Co., Inc., Arnett, Okla., of the operating rights issued by the Commission June 3, 1938, June 3, 1938, August 6, 1940, July 25, 1942, October 12, 1951, April 15, 1947, and November 24, 1947, under Certificates Nos. MC 34553, MC 34553 (Sub-No. 1), MC 34553 (Sub-No. 2), MC 34553 (Sub-No. 3), MC 34553 (Sub-No. 9), MC 34553 (Sub-No. 11), and MC 34553 (Sub-No. 13), respectively, to A. V. Chesnut, Arnett, Okla., authorizing the transportation, of petroleum products, in bulk, between Ponca City and Enid, Okla., on the one hand, and, on the other, points in Ochiltree, Lipscomb, Hemphill, and Gray Counties, Tex.; from Ponca City, Okla., to points in Hutchinson County, Tex.; absorption oil, in bulk, in tank trucks, over irregular routes, from Cushing, Okla., to the plant of the Texhoma, Natural Gas Co., near Stinnett, Tex., and to Fritsh, Hutchinson County, Tex.; from Cushing, Okla., and points within 3 miles thereof, to Skellytown, Tex., and points within 20 miles thereof, and Stinnett, Tex., and points within 15 miles thereof; petroleum products, in bulk, in tank trucks, over irregular routes, from Ponca City, Okla., to points in Hansford and Moore Counties, Tex., from Borger and Pampa, Tex., and points within 5 miles of each, to Arnett, Buffalo, Erick, Fargo, Laverne, Reydon, Sayre, and Shattuck, Okla.; between Borger, Tex., and points within 5 miles thereof, on the one hand, and, on the other, points in Alfalfa, Harper, Woods, Woodward, Ellis, Dewey, Major, Custer, Roger Mills, Beckham, and Washita Counties, Okla., except from Borger and points within 5 miles thereof to Buffalo, Erick, Fargo, Laverne, Reydon, Sayre and Shattuck, Okla.; gasoline, in bulk, in tank trucks, over irregular routes, from Laverne, Okla., and points within 3 miles of Laverne, to points in Hemphill, Lipscomb, and Ochiltree Counties, Tex.; and rejected shipments of gasoline, in bulk, in tank trucks, over irregular routes, from the above-specified destination points to origin points. Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla., 37102, attorney for applicants.

No. MC-FC 66724. By order of April 2, 1964, the Transfer Board approved the transfer to Reliable Transfer Corp., Juneau, Alaska, of certificate in No. MC 123297 issued May 16, 1963 to Carl V. Lindstrom and Elmer E. Lindstrom, a partnership, doing business as Reliable Transfer, Juneau, Alaska, authorizing the transportation over irregular routes of general commodities, including household goods but excluding commodities in bulk, between points within 25 miles of Juneau, Alaska. R. Boochever, Post Office Box 1121, Juneau, Alaska, attorney for applicants.

No. MC-FC 66727. By order of April 2, 1964, the Transfer Board approved the transfer to Thomas R. Hogarth, doing business as Hogarth's Towing & Wrecker Service, 1136 Broadmoor, Macedonia, Ohio, of the operating rights in certificate in No. MC 110943 (Sub-No. 1) issued August 15, 1961, to Long Distance Towing, Inc., Akron, Ohio, authorizing the transportation, over irregular routes, of: Wrecked and disabled motor vehicles, and replacement or repair parts or equipment for same, between points in a specified portion of Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, New York, Pennsylvania, Virginia, and West Virginia. Edwin C. Reminger, 905 Leader Building, Cleveland 14, Ohio, attorney for applicants.

No. MC-FC 66735. By order of April 2, 1964, the Transfer Board approved the transfer to Hyman S. Scher, doing business as Sanford Moving & Storage Co., 1999 Jerome Avenue, New York, N.Y., of the operating rights issued by the Commission October 28, 1942, under certificate in No. MC 25199 to Ben R. Kolinsky and Hyman S. Scher, a partnership, doing business as Sanford Moving & Storage Co., 1999 Jerome Avenue, New York, N.Y., authorizing the transportation of:

Household goods, as defined by the Commission, over irregular routes, between

FOURTH SECTION APPLICATIONS FOR RELIEF

American Railroads, Car Service Division, as agent of all railroads subscrib-

Household goods, as defined by the Commission, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and Pennsylvania.

No. MC–FC 66739. By order of April 2, 1964, the Transfer Board approved the transfer to Redigo Trucking, Inc., Philadelphia, Pa., of certificate in No. MC 11431, issued May 29, 1961, to George H. Wood, Jr., Philadelphia, Pa., authorizing the transportation of gears and gear wheels, drugs, sheet metal products, and iron fencing and accessories, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and New Jersey. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

No. MC–FC 66742. By order of April 2, 1964, the Transfer Board approved the transfer of Certificate of Registration No. MC 98442 (Sub-No. 1) evidencing the rights of the holder thereof to engage in interstate or foreign commerce, corresponding in scope to the service authorized by the Certificate of Public Convenience and Necessity No. 2749 issued by the Massachusetts Department of Public Utilities, from John H. Gilbert, doing business as Gilbert Truck, Millbury, Mass., to Frank Stankiewicz, doing business as FS Trucking, Worcester, Mass. Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass., representative for applicants.

No. MC–FC 66744. By order of April 2, 1964, the Transfer Board approved the transfer to Towing Service, Inc., doing business as Bishop Towing Service, St. Paul, Minn., of certificate in No. MC 109741, issued January 6, 1949, to Joseph C. Zabel, doing business as Bishop Towing Service, St. Paul, Minn., authorizing the transportation of wrecked or disabled motor vehicles, and tractors for replacement of wrecked or disabled tractors, in truckaway service, over irregular routes, between points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3701; Filed, Apr. 14, 1964; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order No. 172–A]

ILLINOIS CENTRAL RAILROAD

Order Vacated

Upon further consideration of Taylor's I.C.C. Order No. 172 (Illinois Central Railroad) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 172 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 9:00 a.m., April 10, 1964.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 10, 1964.

[SEAL] INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-3702; Filed, Apr. 14, 1964; 8:47 a.m.]

[Notice 968–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 13, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66106. By order of April 10, 1964, Division 3, acting as an Appellate Division, approved the transfer to Booth Freight Lines, Inc., Clifton, N.J., of Certificate in No. MC 59463, issued July 13, 1956, to Towers Transportation, Inc., Jersey City, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Mercer, Union, Hudson, Middlesex, and Passaic Counties, N.J. Charles J. Williams, 1060 Broad Street, Newark 2, N.J., attorney for applicants.

No. MC–FC 66107. By order of April 10, 1964, Division 3, acting as an Appellate Division, approved the transfer to Towers Transportation, Inc., Jersey City, N.J., of Certificate in No. MC 6968, issued October 5, 1949, to James J. Morrissey, Inc., New York, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 40 miles of New York. Charles J. Williams, 1060 Broad Street, Newark 2, N.J., attorney for transferee. William D. Traub, 10 East 40th Street, New York 16, N.Y., practitioner for transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3739; Filed, Apr. 14, 1964; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 10, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38953: *Sand from Riverton, Ind., to Mattoon, Ill.* Filed by Illinois Freight Association, agent (No. 237), for and on behalf of Illinois Central Railroad Co. Rates on sand, as described in the application, in carloads, from Riverton, Ind., to Mattoon, Ill.

Grounds for relief: Motortruck competition.

Tariff: Supplement 109 to Illinois Central Railroad Co., tariff I.C.C. A–11687.

FSA No. 38954: *Joint Motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 20), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States and Middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 12 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF–I.C.C. 59.

FSA No. 38955: *Joint Motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 21), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in official territory, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 12 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF–I.C.C. 59.

FSA No. 38956: *Gravel from Muscatine, Iowa to points in southern territory.* Filed by Illinois Freight Association, agent (No. 238), for interested rail carriers. Rates on gravel, as described in the application, in carloads, from Muscatine, Iowa, to specified points in southern territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 6 to Illinois Freight Association, agent, tariff I.C.C. 1017.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3695; Filed, Apr. 14, 1964; 8:47 a.m.]

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Rules and Regulations

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PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3148 is amended to consolidate paragraphs (a) and (c), NASA's two existing authorities for the employment of alien scientists with special qualifications in fields closely related to manned space flight and aeronautical and space research, into a single authority with an increase of 65 positions available for such employment. Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 213.3148 is revoked and paragraph (a) is amended as set out below.

§ 213.3148 National Aeronautics and Space Administration.

(a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3749; Filed, Apr. 15, 1964; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Paragraph (d) of § 213.3348 is amended to show a title change from Director of Manned Space Flight to Associate Administrator for Manned Space Flight. Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 213.3348 is amended as set out below.

§ 213.3348 National Aeronautics and Space Administration.

• • • • • •

(d) One Secretary (Stenography) to the Associate Administrator for Manned Space Flight.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3748; Filed, Apr. 15. 1964; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-CE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Control Area Extension and Alteration of Transition Area

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to revoke the Lansing, Mich., control area extension and alter the Lansing transition area.

Designation of the Lansing transition area was published in the FEDERAL REGISTER on August 23, 1963 (Airspace Docket No. 63-CE-9, 28 F.R. 9283), and became effective on December 12, 1963. In the prefatory material accompanying this action, it was stated that the revocation of the Lansing control area extension would be delayed pending completion of associated separate airspace actions. These actions have now been completed and the Lansing control area extension is now substantially encompassed by transition areas. However, a small, triangular shaped portion of the area remaining, located north of the Lansing VOR and southwest of the Saginaw, Mich., VOR between V-216 and V-274, is still required for the radar separation of en route air traffic operating outside of the control areas associated with the airways. Accordingly, action is taken herein to add this small area to the 1,200-foot floor portion of the Lansing transition area, and concurrently revoke the Lansing control area extension.

Since the changes effected by these amendments are minor and less restrictive in nature than present requirements, and impose no burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, the following actions are taken:

1. In § 71.165 (29 F.R. 1073), the following control area extension is revoked: Lansing, Mich.

2. In § 71.181 (29 F.R. 1160), the Lansing, Mich., transition area is amended as follows: In the text "and on the W by longitude 85°15'00" W." is deleted and "and on the W by longitude 85°15'00" W.; and within the area bounded on the N by V-216, on the E by longitude 84°-25'00" W., on the S by latitude 43°16'00" N., and on the W by longitude 85°02'00" W." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., June 25, 1964.

Issued in Washington, D.C., on April 6, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3750; Filed, Apr. 15, 1964; 8:47 a.m.]

[Airspace Docket No. 64-SO-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the description of the Atlanta, Ga. (Fulton County Airport) control zone.

The Fulton County Airport control zone is presently designated, in part, to provide protection for aircraft executing the AL-745-VOR-RADIAL 275 approach procedure. This procedure was revised, effective March 14, 1964, by relocating the Margaret intersection 4 statute miles closer to the airport. Therefore, the existing control zone extension based on the Fulton County VOR 276° True radial may be reduced in length from 11 miles to 7 miles west of the VOR as the area beyond 7 miles from the VOR is no longer required for air traffic control purposes.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary and it may be made effective upon the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, in § 71.171 (29 F.R. 1101) the Atlanta, Ga. (Fulton County Airport) control zone is amended to read:

Atlanta, Ga. (Fulton County Airport).

Within a 5-mile radius of Fulton County Airport (latitude 33°46'47" N., longitude 84°-31'20" W.) and within 2 miles each side of the Fulton County VOR 276° radial extending from the 5-mile radius zone to 7 miles W of the VOR excluding the portion within the Dobbins AFB/NAS Atlanta control zone.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on April 6, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3751; Filed, Apr. 15, 1964; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

14 CFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4059; Amdt. 368]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority dele gated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Famoso FM (Final)	BC-LFR	Direct	1600	T-dn	300–1	300–1	200–½
Bakersfield VOR	BC-LFR	Direct	2700	C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side NW crs, 321° Outbnd, 141° Inbnd, 2700′ within 10 miles.
Crs and distance, facility to airport, 150°—1.3 miles.
Minimum altitude over facility on final approach crs, 1600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles after passing BC LFR, turn right (W) and climb to 3000′ on NW crs within 20 miles, or when directed by ATC, climb to 3000′ on the SW crs within 15 miles.
NOTE: Final approach from holding pattern at BC LFR not authorized. Procedure turn required.
Other change: Deletes Air Carrier Note and Caution Note.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 488′; Fac. Class., SBMRAZ; Ident., BC; Procedure No. 1, Amdt 9; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 8; Dated, 26 Mar. 60

Las Vegas VOR	Las Vegas LFR	Direct	9000	T-dn	300–1	300–1	300–1
				C-dn	500–1	600–1	600–1½
				S-dn-2	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 201° Outbnd, 021° Inbnd, 9000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs 7800′.
Crs and distance, facility to airport, 009°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing LV LFR, climb to 10,000′ on NE crs of LV LFR within 20 miles.
NOTE: Air Carrier use not authorized.
MSA: NE—8000′; SE—8000′; SW—13,000′; NW—13,000′.

City, Las Vegas; State, N. Mex.; Airport Name, Las Vegas Municipal; Elev., 6866′; Fac. Class., SBMRAZ; Ident., LV; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Apr. 64

PROCEDURE CANCELLED, EFFECTIVE 18 APR. 1964.

City, Malad City; State, Idaho; Airport Name, Malad City; Elev., 4503′; Fac. Class., SBRAZ Ident., MD; Procedure No. 1, Amdt. 5; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 4; Dated, 17 Nov. 62

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn	NA	NA	NA
				A-dn	800–2	800–2	800–2

After crossing range on initial, proceed Outbnd on E crs not below 2700′ for five miles before starting descent to procedure turn altitude.
Procedure turn S side of E crs, 089° Outbnd, 249° Inbnd, 1700′ within 15 miles.
Minimum altitude on final approach, 500′, descend to 500′ immediately after completion of procedure turn.
If visual contact not established upon descent to 500′, turn left, climb to 3000′ on E crs of the MO LFR within 15 miles. VFR flight required from missed approach point to airport.
Crs and distance, facility to airport, 057°—2.6 miles.
NOTES: 1. ADF approach not authorized. 2. Final approach from holding pattern at Moses Point LFR not authorized. Procedure turn required.
CAUTION: (1) Terrain 1706′ 3 miles NW and 978′ 2.2 miles W, rising to 1360′ 3 miles W of Moses Point LFR. (2) No maneuvering authorized N through SW of Moses Point LFR.

City, Moses Point; State, Alaska; Airport Name, Moses Point; Elev., 14′; Fac. Class., BMRLZ; Ident., MOS; Procedure No. 1, Amdt. 8 Eff. Date, 18 Apr. 64; Sup. Amdt. No. 7; Dated, 4 Jan. 64

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ENN-VOR	XN-LFR	Direct	2600	T-dn*	300–1	300–1	300–1
				C-dn	700–1	700–1	700–1½
				S-dn-30	500–1	800–1	500–1
				A-dn	900–2	900–2	900–2

Procedure turn N side of SE crs, 105° Outbnd, 285° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 303°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing XN LFR, turn left, climb to cross XN LFR 1100′ or above, continue climb to 2600′ on the SE crs of XN LFR within 15 miles.
CAUTION: Terrain to 1600′ 2.0 miles N of airport.
NOTE: ADF approach not authorized.
*800–1 required for takeoff Runway 30.

City, Nenana; State, Alaska; Airport Name, Nenana; Elev., 360′; Fac. Class., BMRLZ; Ident., XN; Procedure No. 1, Amdt. 8; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 7; Dated, 17 June 61

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 18 Apr. 1964.

City, Las Vegas; State, N. Mex.; Airport Name, Las Vegas; Elev., 6866′; Fac. Class., MHW; Ident., LV; Procedure No. 1, Amdt. Orig. Eff. Date, 3 Feb. 62, or on com. of facility

Plattsburgh VOR	PBG RBn	Direct	3200	T-dn*	300–1	300–1	200–½
Bedford Int	PBG RBn	Direct	4000	C-dn	600–1	600–1	600–1½
Keeseville Int	PBG RBn	Direct	3200	S-dn-19	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns utilizing Burlington, Vt., radar.
Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 3200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 199°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing PBG RBn, make left climbing turn to 3200′ direct to PBG RBn. Hold N of PBG RBn, 199° Inbnd, 1-minute, right turns.
NOTE: Approach from a holding pattern not authorized, procedure turn required.
*300–1 required for takeoff Runway 1.

City, Plattsburgh; State, N.Y.; Airport Name, Municipal; Elev., 371′; Fac. Class., MHW; Ident., PBG; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Apr. 64

PIH VOR	LOM	Direct	7000	T-dn	300–1	300–1	200–½
PH LFR	LOM	Direct	7000	C-dn*	500–1	500–1	500–1½
Falls Int	LOM	Direct	7000	S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 020° Outbnd, 200° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5600′.
Crs and distance, facility to airport, 207°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 6500′ on W crs of PH LFR (236°) or, when directed by ATC, turn right, climb to 7500′ on N crs PH LFR (326°) within 15 miles.
CAUTION: High terrain SE through SW of airport.
*Circling not authorized S of airport.

City, Pocatello; State, Idaho; Airport Name, Pocatello Municipal; Elev., 4448′; Fac. Class., LOM; Ident., PI; Procedure No. 1, Amdt. 5; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 4; Dated, 3 Jan. 60

PAE VOR	SZ LOM	Direct	2000	T-dn	300–1	300–1	200–½
Burton VHF Int	SZ LOM	Direct	2000	C-dn	800–2	800–2	800–2
Black Diamond VHF Int	SZ LOM	Direct	3000	A-dn	800–2	800–2	800–2
SJ-LFR	SZ LOM	Direct	2000				
SEA-VOR	SZ LOM	Direct	2000				
Bainbridge LF Int	SZ LOM	Direct	2000				
Lofall VHF Int	SZ LOM	Direct	2000				

Radar vectoring using Seattle-Tacoma radar authorized in accordance with approved patterns.
Procedure turn S side of crs, 114° Outbnd, 294° Inbnd, 2000′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over SJ-LFR/Z on final approach crs, 1400′; over SZ LOM 800′.
Crs and distance, SJ-LFR/Z to airport, 294°—2.1 miles. SZ LOM on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing SJ-LFR/Z, climb to 2000′ on crs 291° within 10 miles of SZ LOM.
CAUTION: Obstructions to 600′ 1.8 to 2.3 miles SW through W and E through SE of airport.
MSA: 000–090°—6200′; 090–180°—8600′; 180–270°—4700′; 270–360°—4500′.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Field); Elev., 17′; Fac. Class., LOM; Ident., SZ; Procedure No. 2, Amdt. 5, Eff. Date, 18 Apr. 64; Sup. Amdt. No. 4; Dated, 7 Mar. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Thornhurst VOR	LOM	Direct	3500	T–dn*	600–1	600–1	600–1
Hazleton RBn	LOM	Direct	3500	C–d	1200–1	1200–1½	1200–2
Crystal Lake RBn#	LOM (final)	Direct	3000	C–n	1200–2	1200–2	1200–2
				S–dn	NA	NA	NA
				A–d	1400–2	1400–2	1400–2
				A–n	1600–3	1600–3	1600–3

Radar transitions authorized in accordance with approved patterns.
Procedure turn W side of crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 miles of LOM.**
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 043°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM, climb to 3500′ on crs 043° from the Wilkes-Barre LOM, then proceed to Wilkes-Barre VOR, maintain 4000′, hold E, 1-minute right turns, Inbnd crs, 268° or, when directed by ATC, (1) climb to 3500′ on crs 043° from the Wilkes-Barre LOM, turn left and proceed direct to Wilkes-Barre LOM, maintain 3500′, hold SW, 1-minute left turns, Inbnd crs 043°, (2) hold W of the Wilkes-Barre LOM at 3500′, 1-minute right turns, Inbnd crs 100°.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: High terrain to E, SE and S of airport within 2.5 miles.
*Takeoff Runways 10 and 16, day 600-2, Night 800-2.
**Nonstandard procedure turn and holding pattern due to terrain considerations and to provide separations from Hazleton traffic.
#This transition authorized only for aircraft dual ADF equipped.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., LOM; Ident., AV; Procedure No. 1, Amdt. 5; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 4; Dated, 27 Oct. 62

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Famoss FM	BFL–VOR (final)	142°–7.5	1500	T–dn	300–1	300–1	200–½
Bakersfield LFR	BFL–VOR	Direct	2800	C–dn	500–1	500–1	500–1½
				S–dn–12L	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn E* side of crs, 322° Outbnd, 142° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 131°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing BFL VOR, turn right (W) and climb to 3000′ on R–322 within 20 miles, or when directed by ATC, climb to 3000′ on R–227 within 15 miles.
NOTE: Final approach from holding pattern at BFL VOR not authorized. Procedure turn required.
Other changes: Deletes Air Carrier Note and Caution Note.
*All turns E side of crs, traffic restrictions W.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 488′; Fac. Class., BVORTAC; Ident., BFL; Procedure No. 1, Amdt. 7; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 6; Dated, 26 Mar. 60

				T–d	300–1	300–1	NA
				C–d	500–1	500–1	NA
				C–n	600–1	600–1	NA

Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 2300′ within 10 miles. Nonstandard due to high towers to N. All turns to the S side of crs.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 250°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing VOR, make left climbing turn to 2300′ and proceed to JFN–VOR. Hold NE, 1-minute left turns, 245° Inbnd, 065° Outbnd.
CAUTION: Unlighted transmission poles 40′ high 80′ from approach end of Runway 27.
NOTES: 1. Weather service not available. 2. Nonstandard holding. All turns to the S side of crs due to high towers to N.

City, Jefferson; State, Ohio; Airport Name, Ashtabula-Jefferson; Elev., 935′; Fac. Class., BVORTAC; Ident., JFN; Procedure No. 1, Amdt. 1; Eff. Date, 18 Apr. 64; Sup. Amdt. No. Orig.; Dated, 28 July 62

				T–dn	300–1	300–1	200–½
				C–d	600–1	600–1	600–1½
				C–n	600–2	600–2	600–2
				S–d–8	600–1	600–1	600–1
				S–n–8	600–2	600–2	600–2
				A–dn	NA	NA	NA

Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 085°—6.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles after passing MSP VOR, make left climbing turn to 2600′ and return to the MSP VOR.
MSA: 000°–360°—2500′.

City, Minneapolis; State, Minn.; Airport Name, Anoka County; Elev., 908′; Fac. Class., BVORTAC; Ident., MSP; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Apr. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn*	300–1	300–1	200–½
				C–d	700–1	700–1	700–1½
				C–n	700–2	700–2	700–2
				A–dn**	800–2	800–2	800–2
				After passing Butler Int,# the following minimums apply:			
				C–dn	400–1	500–1	500–1½

Radar vectoring authorized in accordance with approved patterns, utilizing Burlington radar.
Procedure turn N side of crs, 048° Outbnd, 228° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 228°—8.3 miles; Butler Int 228°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 miles after passing PLB VOR (or 3.7 miles after passing Butler Int), make a left climbing turn and return to Plattsburgh VOR at 2100′. Hold NE of PLB VOR on R–048, 1-minute, right turns, 228° Inbnd crs.
*300–1 required for takeoff Runway 1.
**Alternate weather minimums of 800–2 authorized for those who have an approved arrangement for weather service at the airport.
#Butler Int: Int PLB VOR R–228 and 138° bearing from PBG LOM.

City, Plattsburgh; State, N.Y.; Airport Name, Plattsburgh Municipal; Elev., 371′; Fac. Class., BVOR; Ident., PLB; Procedure No. 1, Amdt. 7; Eff. Date, 18 Apr. 64; Sup Amdt. No. 6; Dated, 18 Aug. 62

PH LFR	PIH–VOR	Direct	6800	T–dn	300–1	300–1	200–½
				C–dn*	500–1	500–1	500–1½
				S–dn–3	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 234° Outbnd, 054° Inbnd, 6800′ within 10 miles. All turns N side of crs; high terrain S.
Minimum altitude over facility on final approach crs, 5200′.
Crs and distance, facility to airport, 032°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing PIH VOR, climb to 7000′ on R–015 within 15 miles.
NOTE: Final approach from holding pattern at PIH VOR not authorized, procedure turn required.
CAUTION: High terrain located SE through SW of airport.
*Circling not authorized S of airport.

City, Pocatello; State, Idaho; Airport Name, Pocatello Municipal; Elev., 4445′; Fac. Class., BVOR; Ident., PIH; Procedure No. 1, Amdt. 4; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 3; Dated, 26 Dec. 59

				T–dn	300–1	300–1	200–½
				C–dn*	700–1	700–1	700–1½
				A–dn	1200–2	1200–2	1200–2

Procedure turn N side of crs, 081° Outbnd, 261° Inbnd, 9200′ within 10 miles.
Minimum altitude over Salt Int# on final approach crs, 8600′; over VOR, 8000′.
Course and distance, Salt Int# to VOR, 261°—2.1 miles; VOR to airport, 267°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing RKS–VOR, climb to 10,000′ on R–268 within 20 miles.
NOTE: If Salt Int is used, ADF equipment required.
Other change: Deletes transition from RK LFR.
*If Salt Int not received, minimums of 1200–1 apply.
#Salt Int: Int RKS–VOR R–081 and 340° bearing to RKS outer compass locator.

City, Rock Springs; State, Wyo.; Airport Name, Rock Springs Municipal; Elev., 6752′; Fac. Class., BVORTAC; Ident., RKS; Procedure No. 1, Amdt. 6; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 5; Dated, 26 Jan. 63

ONT VOR	POM VOR	Direct	3000	T–dn	300–1	300–1	NA
Covina Int	POM VOR (final)	Direct	2000	C–dn*	500–1	500–1	NA
				S–dn–5	400–1	400–1	NA
				A–dn	800–2	800–2	NA

Radar vectoring utilizing March Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 235° Outbnd, 055° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 055°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing POM VOR, make immediate right climbing turn, climb direct to POM VOR at 3000′.
*CAUTION: Rapidly rising terrain to 4200′ at 3.5 miles N of airport.
MSA: 000°–090°—11,100′; 090°–180°—4,100′; 180°–270°—3,000′; 270°–360°—9,600′.

City, Upland; State, Calif.; Airport Name, Cable; Elev., 1450′; Fac. Class., L–VORW; Ident., POM; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Apr. 64

Covington Int	SSU–VOR	Direct	5800	T–d	1600–1	1600–1	1600–1
Natural Well Int	SSU–VOR	Direct	5400	T–n	NA	NA	NA
Frankford Int	SSU–VOR	Direct	5400	C–d	2100–2	2100–2	2100–2
Cliffdale VOR	SSU–VOR	Direct	5400	C–n	NA	NA	NA
				A–dn	NA	NA	NA

Procedure turn N side of crs, 119° Outbnd, 299° Inbnd, 6400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 4100′.
Crs and distance, facility to airport, 299°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 1.7 miles after passing VOR, make an immediate climbing left turn to 6400′ on SSU–VOR R–119. Hold E 1-minute right turns.

City, White Sulphur Springs; State, W. Va.; Airport Name, Greenbrier; Elev., 1801′; Fac. Class., BVOR; Ident., SSU; Procedure No. 1, Amdt. 4; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 3; Dated, 27 Oct. 62

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures [illegible]

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Boston VOR	Lawrence VOR	Direct	2000	T-dn	300–1	300–1	300–1
Manchester VOR	Lawrence VOR	Direct	2000	C-dn	500–1	500–1	500–1½
Bedford Rbn	Lawrence VOR	Direct	2000	A-dn**	800–2	800–2	800–2
Hollis Int	Lawrence VOR	Direct	2000	If aircraft equipped with dual VOR the following minimums are authorized after passing Merrimac Int#:			
				S-dn-23	500–1	500–1	500–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 058° Outbnd, 238° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 238°—1.5 miles; Merrimac Int# to airport, 238°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing LWM-VOR, make left climbing turn to 1800' to LWM-VOR. Hold NE of LWM VOR on R-058, 1-minute, right turns 238° Inbnd crs.
CAUTION: 314' terrain 1.5 miles S of LWM-VOR.
#Merrimac Int: Int R-098 LWM-VOR and R-132 MHT-VOR.
**Alternate minimums of 800–2 authorized only when prior arrangements have been made for weather service at the airport.

City, Lawrence; State, Mass.; Airport Name, Lawrence Municipal; Elev., 153'; Fac. Class., BVOR; Ident., LWM; Procedure No. TerVOR-23, Amdt. 1; Eff. Date, 18 Apr. 64; Sup. Amdt. No. TerVOR No. 1, Orig.; Dated, 13 July 63

				T-dn	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1½
				S-dn-07R	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 251° Outbnd, 071° Inbnd, 2000' within 10.0 miles.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 071°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing LAX VOR, climb to Firestone Int at 2000' via R-069.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126'; Fac. Class., BVOR; Ident., LAX; Procedure No. TerVOR-7R, Amdt. 1; Eff. Date, 18 Apr. 64; Sup. Amdt. No. Orig.; Dated, 8 June 63

Long Beach VOR	Firestone Int	Direct	2000	T-dn	300–1	300–1	200–½
Santa Ana VOR	Firestone Int	Direct	2000	C-dn	500–1	600–1	600–1½
Downey RBn/FM	Freeway Int (final)	Direct	1800	S-dn-25L	500–1	500–1	500–1
Firestone Int	Freeway Int (final)	Direct	1800	A-dn	800–2	800–2	800–2
LAX VOR	Freeway Int	Direct	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S*** side of crs, 060° Outbnd, 249° Inbnd, 2400' within 10.0 miles of Freeway Int.
Minimum altitude over Freeway Int on final approach crs, 1800'.
Crs and distance, Freeway Int to airport, 249°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing Freeway Int, climb to 2000' via LAX R-249 within 20 miles.
***Nonstandard procedure turn due to traffic restrictions N of final approach crs. All turns S of crs.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126'; Fac. Class., BVOR; Ident., LAX; Procedure No. TerVOR-25L, Amdt. 2; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 1; Dated, 3 Aug. 63

Long Beach VOR	Canal Int*	Direct	3000	T-dn	300–1	300–1	200–½
Downey RBn/FM	Canal Int*	Direct	3000	C-dn	500–1	600–1	600–1½
LAX VOR	Speedway Int**	Direct	2400	S-dn-25R	500–1	500–1	500–1
Canal Int*	Speedway Int** (final)	Direct	1800	A-dn	800–2	800–2	800–2
				If aircraft equipped with operating dual VOR receivers and Holly Int# received, the following minimums apply:			
				S-dn	400–1	400–1	400–1

Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 2400' within 10 miles of Speedway Int. Nonstandard due to traffic restrictions N of final approach crs.
Minimum altitude over Speedway Int** on final approach crs 1800'.
Crs and distance, Speedway Int** to airport, 246°—5.8 miles. Breakoff point to runway, 248°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing Speedway Int,** climb to 2000' via LAX VOR R-246 within 20 miles.
*Canal Int: Int LAX R-066 and LGB R-319.
**Speedway Int: Int LAX R-066 and LGB R-299.
#Holly Int: Int LAX R-066 and LGB R-290.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126'; Fac. Class., H-BVOR; Ident., LAX; Procedure No. TerVOR-25R; Amdt. 1; Eff. Date, 18 Apr. 64; Sup. Amdt. No. Orig.; Dated, 21 Mar. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Deer Park VOR (23.4-mile DME fix JFK-VOR R-078).	JFK-VOR R-117 (23.4-mile DME fix).*	23.4 miles clockwise arc.	3000	T-dn	300–1	300–1	200–½
Sandy Hook VHF Int (19-mile DME fix JFK-VOR R-190).	JFK-VOR R-117 (19-mile DME fix)**	19 miles counter clockwise arc.	2000	C-dn	1000–3	1000–3	1000–3
JFK-VOR R-117 (23.4- or 19-mile DME fix).*	Helen Int (7-mile DME fix)** (final)	Direct	1500	A-dn	1000–3	1000–3	1000–3

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectors or DME transitions to final approach are required.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, breakoff point to approach end of Runway 31R, 312°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of JFK-VOR, make a left climbing turn to 2000' on R-190 JFK-VOR to Sandy Hook VHF Int (19-miles DME fix). Hold S, 1-minute right turns, Inbnd crs, 010°.
*Final approach, R-117.
**Helen Int: Int JFK-VOR R-117 and DPK-VOR R-244.
MSA: 000°–090°—1900'; 090°–180°—1300'; 180°–270°—1600'; 270°–360°—2500'.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., BVORTAC; Ident., JFK; Procedure No. TerVOR-31R, Amdt. 3; Eff. Date, 2 Apr. 64; Sup. Amdt. No. 2; Dated, 9 Nov. 63

Sunol Int	SJC-VOR	Direct	#5000	T-dn*	300–1	300–1	200–½
Mt. Hamilton Int	SJC-VOR	Direct	#5000	C-dn	600–1	600–1	600–1½
Saratoga Int	SJC-VOR	Direct	#4500	S-dn-12R	600–1	600–1	600–1
OSI-VOR	SJC-VOR	Direct	4000	A-dn	800–2	800–2	800–2
Lick Int**	SJC-VOR	Direct	3500				
OAK-VOR	SJC-VOR	Direct	3000				
SFO-VOR	Agnew Int	Direct	2000				
Agnew Int	SJC-VOR (final)	Direct	700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Facility on airport.
Crs and distance, Agnew Int to VOR, 128°—5.5 miles; breakoff point to Runway 12R, 122°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn left, climb to 2000' on R-308 within 15 miles.
Other change: Deletes Air Carrier Note.
#Shuttle descent to 4000' will be accomplished in a 1-minute holding, 300° Outbnd, 120° Inbnd, left turns.
*400–1 required when taking off on Runways 12 R-L.
**Lick Int: Int R-332 SNS VOR and E crs SJC ILS or R-120 SJC VOR.
MSA: 320°–105°—5400'; 105°–200°—5100'; 200°–290°—4200'; 290°–320°—2500'.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56'; Fac. Class., VOR; Ident., SJC; Procedure No. TerVOR-12R, Amdt. 5; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 4; Dated, 4 Jan. 64

Mt. Hamilton Int	SJC VOR	Direct	5000	T-dn*	300–1	300–1	200–½
SJC-VOR	Lick Int*	Direct	4000	C-dn	700–1	700–1	700–1½
Morgan Int	Lick Int*	Direct	4000	A-dn	800–2	800–2	800–2
Lick Int*	SJC ILS OM (final)	Via SJC-VOR R-120	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 4000' within 10 miles of Lick Int*.
Facility on airport.
Minimum altitude over Lick Int* on final approach crs, 4000'; over OM, 2000'; over facility, 800'.
Crs and distance, SJC ILS OM to airport, 300°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, climb to 2000' on R-308 within 15 miles.
Other change: Deletes Air Carrier Note.
*400–1 required for takeoff on Runways 12R–L.
*Lick Int: SJC VOR R-120 and SNS VOR R-332.
MSA: 320°–105°—5400'; 105°–200°—5100'; 200°–290°—4200'; 290°–320°—2500'.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56'; Fac. Class., VOR; Ident., SJC; Procedure No. TerVOR-30L, Amdt. 6; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 5; Dated, 26 Oct. 63

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR-DME) procedures

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR-DME) procedures prescribed in § 97.15 to read:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mile DME fix R-081	7-mile DME fix R-081	Direct	9200	T-dn	300–1	300–1	200–½
7-mile DME fix R-081	3-mile DME fix R-081	Direct	8100	C-dn	400–1	500–1	500–1½
3-mile DME fix R-081	RKS-VOR (final)	Direct	7300	S-dn-25	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 081° Outbnd, 261° Inbnd, 9200′ within 10 miles.
Crs and distance, facility to airport, 267°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.9-mile DME fix R-267, climb to 10,000′ on R-268 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 15 miles between radials 010° clockwise to 081° at 9500′ to position aircraft for final approach, with the elimination of a procedure turn.

City, Rock Springs; State, Wyo.; Airport Name, Rock Springs Municipal; Elev., 6752′; Fac. Class., BVORTAC; Ident., RKS; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 2; Dated, 22 Dec. 62

				T-dn	600–2	600–2	NA
				C-dn	1100–2	1100–2	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 264° Outbnd, 084° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′; 3-mile DME fix—1900′; 4-mile DME fix—1600′.
Crs and distance, VOR to airport, 084°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing SBP VOR, climb straight ahead to 7.0-mile DME fix, turn right, climb via 7.0 DME ARC to intercept SBP R-126, climb to SBP VOR at 3500′.
NOTE: When authorized by ATC, DME may be used between 5 and 10 miles at 4300′ altitude from SBP R-358 counterclockwise to SBP R-264 to position aircraft for a straight-in approach with the elimination of the procedure turn.

City, San Luis Obispo; State, Calif.; Airport Name, San Luis Obispo County; Elev., 208′; Fac. Class., M-BVORTAC; Ident., SBP; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 18 Apr. 64

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA RBn	AMA-VOR	Direct	5000	T-dn	300–1	300–1	200–½
AM LOM	AMA-VOR	Direct	5000	C-dn	500–1	500–1	500–1½
Borger Int	AMA-VOR	Direct	5000	S-dn-21	300–1	300–1	300–1
				A-dn	800–2	800–2	800–2

Radar vectoring and transitions using Amarillo radar authorized in accordance with approved radar pattern.
Procedure turn S side of crs, 035° Outbnd, 215° Inbnd, 5000′ within 10 miles. (Nonstandard due ATC requirements.)
No glide slope.
Minimum altitude over AMA-VOR* R-125 on final approach crs, 4600′.
Crs and distance, AMA-VOR* R-125 to airport, 215°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing AMA-VOR, climb to 5500′ on SW crs of ILS within 10 miles of LOM or, when directed by ATC, turn left and intercept R-076 AMA-VOR, climbing to 5000′ within 10 miles.
CAUTION: 3764′ grain elevator located adjacent to SW boundary of airport.
*AMA-VOR lies 1000′ NW of localizer crs. Positive station passage required for descent below 4600′.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Municipal; Elev., 3607′; Fac. Class., ILS; Ident., I-AMA; Procedure No. ILS-21 (Back course), Amdt. 4; Eff. Date 18 Apr. 64; Sup. Amdt. No. 3; Dated, 4 May 63

FOT VOR via R-036	SE crs ILS (final)	Direct	3500	T-dn	300–1	300–1	200–½
Int FOT R-036 and SE crs ILS	LOM (final)	Direct	#1800	C-dn	500–1	500–1	500–2
Trinidad Int	LOM	Direct	4200	S-dn-31	200–½	200–½	200–½
Yager Int	LOM (final)	Direct	%5000	A-dn	800–2	800–2	800–2

Procedure turn S side SE crs, 134° Outbnd, 314° Inbnd, 4200′ within 10 miles of LOM. Beyond 10 miles not authorized.
Procedure turn nonstandard, high terrain N.
Minimum altitude at glide slope interception Inbnd, 4200′.*
Altitude of glide slope and distance to approach end of runway at OM 1800′—4.7 miles; at MM 460′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a left climbing turn, climb to 2000′ on crs of 295° from the LMM to Trinidad Int.
NOTE: Procedure not authorized with any component of the ILS or airborne receiver inoperative.
*Glide slope will be intercepted 7 miles from LOM (Int FOT R-037).
#Descent on glide slope is required.
%After intercepting glide slope descent on glide slope authorized. Glide slope will be intercepted when crossing FOT R-057.

City, Arcata; State, Calif.; Airport Name, Arcata; Elev., 217′; Fac. Class., ILS; Ident., I-ACV; Procedure No. ILS-31, Amdt. 8; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 7; Dated, 24 June 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CRP-VOR	LOM	Direct	1800	T-dn	300–1	300–1	200–½
CRP RBn	LOM	Direct	1800	C-dn	400–1	500–1	500–1½
Robstown Int	LOM	Direct	1800	S-dn-13#	200–½	200–½	200–½
Sinton Int	LOM	Direct	1800	A-dn	600–2	600–2	600–2
Sinton Int	San Pat Int*	Via R-040 ALI-VOR.	1400				
San Pat Int*	LOM (final)	Direct	1400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope intercepition Inbnd, 1400′.
Altitude of glide slope and distance to approach end of runway at LOM, 1370′—4.8 miles; at LMM, 244′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 1500′ direct to CRP-VOR and proceed outbound on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800′ on CRP-VOR R-227 within 20 miles.
*San Pat Int: Int ALI-VOR R-040 and CRP ILS NW crs.
#500-½ required if glide slope not utilized.

City, Corpus Christi; State, Texas; Airport Name, Corpus Christi International; Elev., 44′; Fac. Class., ILS; Ident., I-CRP; Procedure No. ILS-13, Amdt. 7; Eff. Date, 18 Apr 64; Sup. Amdt. No. 6; Dated, 8 Sept. 62

GRR VOR	Wilson Int#	Direct	2400	T-dn	300–1	300–1	200–½
James Int*	Wilson Int# (final)	Direct	2100	C-dn	400–1	500–1	500–1½
MKG VOR	James Int*	Direct	2400	S-dn-8	400–1	400–1	400–1
GRR LOM	Wilson Int#	Direct	2400	A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 2400′ within 10 miles of Wilson Int#.
Minimum altitude over Wilson Int# on final approach crs, 2100′.
Crs and distance, Wilson Int# to airport, 082°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles of Wilson Int# make climbing left turn to 2400′ and proceed to Comstock Int via GRR VOR R-335 or, when directed by ATC, make right climbing turn to 2900′ and proceed direct to GRR VOR or make climbing left turn and return to Wilson Int# via W crs ILS.
NOTES: 1. No approach lights. 2. No glide slope. 3. Procedure authorized only for aircraft equipped to receive ILS and ADF simultaneously.
*James Int: Int GRR ILS W crs and PMM R-029.
#Wilson Int: Int GRR ILS W crs and GRR R-307.

City, Grand Rapids; State, Mich.; Airport Name, Kent County-Cascade; Elev., 793′; Fac. Class., ILS; Ident., I-GRR; Procedure No. ILS-8 (Back course), Amdt. Orig.; Eff. Date, 18 Apr. 64

GRR VOR	LOM	Direct	2500	T-dn	300–1	300–1	200–½
Lyons Int	Ionia Int	Direct	2500	C-dn	400–1	500–1	500–1½
Ionia Int	LOM (final)	Direct	2500	S-dn-26*	200–½	200–½	200–½
Comstock Int	LOM	Direct	2500	A-dn	600–2	600–2	600–2
Orangeville Int	LOM	Direct	2900				
Byron Int	LOM	Direct	2500				
Orleans Int	Ionia Int	Via BTL R-011 and E crs ILS.	2500				
James Int	LOM	Direct	2500				
Sun Int	LOM	Direct	2500				

Procedure turn N side of crs, 082° Outbnd, 262° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Minimum altitude at glide slope interception Inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM 2422′—6.1 miles; at MM 970′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right climbing turn to 2500′ and proceed to Comstock Int via GRR VOR R-335 or, when directed by ATC, make climbing right turn to 2500′ and proceed direct to GRR LOM.
Other changes: Deletes transitions from ADA, Caledonia and Sarsnac intersections.
*600-2 required with glide slope inoperative if high-intensity runway or approach lights are in use.
Ionia Int: Int E crs GRR ILS and LAN R-304.
James Int: Int W crs GRR ILS and PMM R-029.
Lyons Int: Int E crs GRR ILS and LAN R-321.

City, Grand Rapids; State, Mich.; Airport Name, Kent County-Cascade; Elev., 793′; Fac. Class., ILS; Ident., I-GRR; Procedure No. ILS-26, Amdt. 1; Eff. Date, 18 Apr. 64; Sup. Amdt. No. Orig.; Dated, 14 Dec. 63

Deer Park VOR	Carol Int#	DPK R-229	2000	T-dn*	300–1	300–1	200–½
Deer Park VOR (23.4-mile DME fix JFK R-078).	Carol Int#	JFK R-078 to 11.5-mile clockwise arc.	2000	C-dn	500–1	500–1	500–1½
				S-dn-31R%	300–½	300–½	300–¾
Sandy Hook Int	Carol Int#	DPK R-229	2000	A-dn	600–2	600–2	600–2
Sandy Hook Int (19-mile DME fix JFK R-190).	Carol Int#	JFK R-190 to 11.5-mile counterclockwise arc.	2000				
Carol Int#	LOM (final)	Direct	1500				
Kennedy VOR	LOM	Direct	1500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of SE crs, 132° Outbnd, 312° Inbnd, 1500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1466′—5.6 miles; at MM, 198′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 500′, make climbing left turn to 2000′ on JFK R-190 to Sandy Hook Int (19-mile DME fix). Hold S, 1-minute right turns, Inbnd crs, 010°.
CAUTION: Circling minimums do not provide standard clearance over stack 277′, 1.1 miles SSE of Runway 4R.
#Carol Int: Int SE crs RTH ILS and DPK VOR R-229 (11.5-mile DME fix JFK VOR R-128).
*Runway visual range 2000′ is authorized for takeoff on Runway 31L and 4R in lieu of 200–½ when 200–½ is authorized, provided associated high-intensity runway lights are operational.
%400-1 required when glide slope not utilized.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12′; Fac. Class., ILS; Ident., I-RTH; Procedure No. ILS-31R, Amdt. Orig.; Eff. Date, 11 Apr. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ORL-VOR	Barton Int*	Direct	1600	T-dn	300–1	300–1	200–½
ORL LOM	Barton Int*	Direct	1700	C-dn	400–1	500–1	500–1½
MCO RBn	Barton Int*	Direct	1600	S-dn-25	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 1600′ within 10 miles of Barton Int*. Nonstandard due to Sanford NAS traffic to the N.
Minimum altitude over Barton Int* on final approach crs, 1300′.
Crs and distance, Barton Int* to airport, 246°—4.2 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing Barton Int*, turn right, climb to 2000′ on ORL VOR R–308 within 20 miles of ORL VOR or, when directed by ATC, climb straight ahead to 2000′ on the SW crs of ILS within 20 miles.
CAUTION: 749′—687′—630′ antennas approximately 5 miles W of the airport.
*Barton Int: Int E crs of localizer (066°) and MCO VOR R–023.

City, Orlando; State, Fla.; Airport Name, Herndon; Elev., 113′; Fac. Class., ILS; Ident., I–ORL; Procedure No. ILS–25 (Back course), Amdt. 2; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 1; Dated, 12 Jan. 63

				T-dn*	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1½
				S-dn-12R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring using Moffett radar authorized in accordance with approved patterns.
No procedure turn. Radar vectoring to final approach crs required.
Minimum altitude over Sunnyvale Int# on final approach crs, 2000′.
Crs and distance, Sunnyvale Int# to airport, 122°—5.6 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing Sunnyvale Int#, make a left climbing turn, climb to 2000′ on the NW crs of SJC ILS within 15 miles.
Other change: Deletes Air Carrier Note.
#Sunnyvale Int: Int NW crs SJC ILS and OSI R–062.
*400–1 required for takeoff on Runways 12L and R.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56′; Fac. Class., ILS; Ident., I–SJC; Procedure No. ILS–12R (Back course), Amdt. 1; Eff. Date, 18 Apr. 64; Sup. Amdt. No. Orig.; Dated, 3 Aug. 63

SJC VOR	Lick Int**	Direct	4000	T-dn*	300–1	300–1	200–½
Morgan Int	Lick Int**	Direct	4000	C-dn	600–1	600–1	600–1½
				S-dn-30L#	300–¾	300–¾	300–¾
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordnace with approved patterns.
Procedure turn E side of crs, 122° Outbnd, 302° Inbnd, 4000′ within 10 miles of Lick Int**.
Minimum altitude at glide slope interception Inbnd, 3700′.
Altitude of glide slope and distance to approach end of runway at OM 1734′—5.1 miles; at MM 292′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on NW crs of SJC ILS within 15 miles.
AIR CARRIER NOTE: Sliding scale not authorized for landing.
Other changes: Deletes transitions from Cathedral Int and Saratoga Int.
*400–1 required for takeoff on Runways 12R–L.
#700–1 required if glide slope not utilized.
**Lick Int: Int R–332 SNS VOR and E crs SJC ILS or R–120 SJC VOR.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56′; Fac. Class., ILS; Ident., I–SJC; Procedure No. ILS–30L, Amdt. 1; Eff. Date, 18 Apr. 64; Sup. Amdt. No. Orig.; Dated, 10 Aug. 63

GEG VOR	Willow Lake VHF Int*	Direct	4000	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-3	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 305° Outbnd, 025° Inbnd, 4000′ within 10 miles of Willow Lake Int*.
Minimum altitude over Willow Lake Int* on final approach crs, 3700′.
Crs and distance, Willow Lake Int* to airport, 025°—4.5 miles.
No glide slope. Back course.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Willow Lake Int*, climb to 4500′ direct GE LOM, thence continue climb in a 170–175 KT 1-minute right turn holding pattern NE of GE LOM, on NE crs of localizer or when directed by ATC, turn left climb to 4000′ direct GEG VOR.
NOTES: 1. Dual VHF receivers required for this approach between R–073 clockwise to R–241. 2. When authorized by ATC, DME may be used within 9 miles of GEG VOR at 4000′ to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: Terrain and tower 6031′ 16 miles NE of LOM; high terrain N through E of airport; 3183′ tower 4.8 miles SE of GE LOM; 4549′ TV tower 9.2 miles E of airport.
*Willow Lake Int: SW crs I–GEG localizer and R–115 GEG VOR.

City, Spokane; State ,Wash.; Airport Name, Spokane International; Elev., 2372′; Fac. Class., ILS; Ident., I–GEG; Procedure No. ILS–3 (Back course), Amdt. Orig.; Eff. Date, 18 Apr. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Thornhurst VOR	CYE* RBn	Direct	3500	T-dn#	600–1	600–1	600–1
Effort Int	CYE* RBn	Direct	3500	C-d	900–1½	1000–1½	1000–2
Pocono Int	CYE* RBn	Direct	3500	C-n	1300–2	1300–2	1300–2
Scranton Int##	CYE* RBn	Direct	4000	S-dn-4**	600–1	600–1	600–1
Loper Int	CYE* RBn	Direct	3500	A-d	1200–2	1200–2	1200–2
Hazelton RBn	CYE* RBn	Direct	3500	A-n	1600–3	1600–3	1600–3
Hazelton VOR	CYE* RBn	Direct	3500				

Radar transitions authorized in accordance with approved patterns. Radar vectoring to final approach crs must intercept localizer SW of CYE RBn.
Procedure turn W% side SW crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 miles of Crystal Lake RBn.
Minimum altitude at glide slope Int Inbnd final, 3500′ over Crystal Lake RBn.
Altitude of glide slope and distance to approach end of runway at CYE* RBn, 3500′—8.5 miles; at OM, 2230′—3.9 miles; at MM, 1180′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM or 8.5 miles after passing Crystal Lake RBn, climb to 3500′ on crs 043° from the Wilkes-Barre LOM, then proceed direct to the Wilkes-Barre VOR, maintain 4000′. Hold E, 1-minute right turns, Inbnd crs 268° or, when directed byATC, (1) climb to 3500′ on crs 043° from the LOM, turn left and proceed direct to Crystal Lake RBn, maintain 3500′, hold SW 1-minute left turns Inbnd crs 043°, (2) hold W of Crystal Lake RBn, 3500′ 1-minute right turns, Inbnd crs 100°.
NOTE: High terrain to E, SE and S of airport within 2.5 miles.
AIR CARRIER NOTE: Sliding scale not authorized.
Other change: Deletes transition from Avoca Int.
#Takeoff minimums for Runways 10 and 16: Day—600–2, night—800–2.
*Crystal Lake RBn: This approach is authorized only when Crystal Lake radio beacon is operating, and/or when radar vectoring to final is available.
%Procedure turn nonstandard to provide separation from approaches to Hazelton, Pa.
**If glide slope not utilized, straight-in minimums to Runway 4 will be 800–1—65 knots or less, 800–1½—more than 65 knots. After passing CYE RBn, if OM not received do not descend below 2600′.
##Scranton Int: Int R–349 Thornhurst VOR and R–289 Wilkes-Barre VOR.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., ILS; Ident., I–AVP; Procedure No. ILS–4, Amdt. 16; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 15; Dated, 6 Oct. 62

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions		Within 30 miles	5500	Surveillance approach			
				T-dn*	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-30L#	600–1	600–1	600–1
				S-dn-12R	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 30L: Climb to 2000′ on the SJC VOR R–308 within 15 miles or, when directed by ATC, climb to 2000′ on 302° crs from the SJC ILS LMM within 15 miles.
Runway 12R: Make left climbing turn, climb to 2000′ on the SJC VOR R–308 within 15 miles or, when directed by ATC, make left climbing turn, climb to 2000′ on 302° crs from the SJC ILS LMM within 15 miles.
AIR CARRIER NOTE: Sliding scale not authorized for landing Runway 30L.
*400–1 required for takeoff on Runways 12L–R.
#1300′ required at 4-mile radar fix.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56′; Fac. Class. and Ident., Moffett Radar; Procedure No. 1, Amdt. 4; Eff. Date, 18 Apr. 64; Sup. Amdt. No. 3; Dated, 3 Aug. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on March 13, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–2688; Filed, Apr. 15, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

[Farm Marketing Quotas and Acreage

(2) Estimated domestic consumption

Stat. 238; 5 U.S.C. 1003) is impracticable

to soil and other physical factors affect-

ARKANSAS—Continued

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture

[Farm Marketing Quotas and Acreage Allotments]

PART 722—COTTON

Subpart—National Domestic Acreage Allotment for the 1964 Crop of Upland Cotton

Sec.
722.248 Basis and purpose.
722.249 National domestic acreage allotment.

AUTHORITY: The provisions of this subpart issued under sec. 350, 78 Stat. 173; 7 U.S.C. 1350.

§ 722.248 Basis and purpose.

(a) The provisions of §§ 722.248 and 722.249 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31 as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act"), as amended by Title I of the Agricultural Act of 1964. These provisions proclaim a national domestic acreage allotment pursuant to section 350 of the act. The term "upland cotton" (referred to as "cotton") does not include extra long staple cotton described in section 347(a) of the act or similar types of extra long staple cotton which are imported. The findings and determinations of the Secretary in §§ 722.248 and 722.249 have been made on the basis of the latest available statistics of the Federal Government.

(b) Since the proclamation of the national domestic acreage allotment must be made not later than April 1, 1964, it is essential that §§ 722.248 and 722.249 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and §§ 722.248 and 722.249 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.249 National domestic acreage allotment.

(a) Under section 350 of the act, the national domestic acreage allotment for the 1964 crop of upland cotton shall be that acreage, based upon the national average yield per acre of cotton for the four years immediately preceding the calendar year in which the national acreage allotment for such crop was proclaimed, required to make available from such crop an amount of cotton equal to the estimated domestic consumption of cotton for the marketing year for such crop. The following findings are hereby made by the Secretary:

(1) National average yield per acre of cotton for the four calendar years 1959, 1960, 1961, and 1962—428 pounds.

(2) Estimated domestic consumption of cotton for the marketing year beginning August 1, 1964—9,600,000 standard bales of 500 pounds gross weight.

(3) National acreage allotment for the 1964 crop of upland cotton as proclaimed in § 722.242 (28 F.R. 11011; October 15, 1963)—16,000,000 acres.

(b) It is hereby determined and proclaimed that the national domestic acreage allotment for the 1964 crop of upland cotton shall be 10,766,000 acres based on the following calculations:

9,600,000 bales multiplied by 480 pounds (net weight of a standard bale) equals 4,608 million pounds estimated domestic consumption.

4,608 million pounds (estimated domestic consumption) divided by 428 pounds (national average yield) equals 10,766,000 acres (national domestic acreage allotment).

The percentage which the national domestic acreage allotment of 10,766,000 acres is of the national acreage allotment of 16,000,000 acres is hereby determined to be 67 percent (67.3 percent rounded to nearest percent).

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 11, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-3753; Filed, Apr. 14, 1964; 12:45 p.m.]

[Farm Marketing Quotas and Acreage Allotments]

PART 722—COTTON

Subpart—Export Market Acreage for the 1964 Crop of Upland Cotton

Sec.
722.250 Basis and purpose.
722.251 Export market acreage.

AUTHORITY: The provisions of this subpart issued under sec. 349, 78 Stat. 173; 7 U.S.C. 1349.

§ 722.250 Basis and purpose.

(a) The provisions of §§ 722.250 and 722.251 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31 as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act"), as amended by Title I of the Agricultural Act of 1964. These provisions establish export market acreage pursuant to section 349 of the act. The findings and determinations of the Secretary in §§ 722.250 and 722.251 have been made on the basis of the latest available statistics of the Federal Government.

(b) Since the determinations regarding export market acreage must be acted upon immediately by the State and county ASC committees and cotton farmers, it is essential that §§ 722.250 and 722.251 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and §§ 722.250 and 722.251 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.251 Export market acreage.

(a) *Findings.* Under section 349 of the act, the Secretary may supplement the farm acreage allotments established under section 344 of the act for the 1964 crop of upland cotton by an acreage equal to a percentage not exceeding 10 percent of such farm allotments as he determines will not increase the carryover of cotton at the beginning of the marketing year for the next succeeding crop above one million bales less than the carryover on the same date one year earlier, if the carryover on such earlier date exceeds eight million bales. The following findings are hereby made by the Secretary:

(1) Estimated production of upland cotton from the 1964 crop taking into account the estimated reduction in production on farms receiving allotments under section 344 of the act and which plant within the farm domestic allotments established under section 350 of the act but excluding any production on export market acreage—13,450,000 bales.

(2) Estimated production on an export market acreage established at five percent of farm allotments under section 344 of the act—200,000 bales.

(3) Estimated carryover of cotton on August 1, 1964—12,400,000 bales.

(4) Estimated imports and city crop of cotton for the marketing year beginning August 1, 1964—100,000 bales.

(5) Estimated total supply of cotton for the marketing year beginning August 1, 1964 consisting of the sum of subparagraphs (1), (2), (3), and (4) of this paragraph—26,150,000 bales.

(6) Estimated offtake of cotton for the marketing year beginning August 1, 1964 consisting of 9,600,000 bales of domestic consumption and 5,200,000 bales for export—14,800,000 bales.

(7) Estimated carryover of cotton on August 1, 1965—11,350,000 bales.

(8) Estimated reduction in carryover on August 1, 1965 from August 1, 1964—1,050,000 bales.

(b) *Determinations.* It is hereby determined on the basis of the findings in paragraph (a) of this section that the reduction in carryover on August 1, 1965 from August 1, 1964 is more than one million bales. Accordingly, it is hereby determined that farm acreage allotments established under section 344 of the act for the 1964 crop of upland cotton shall be supplemented by a maximum export market acreage of five percent.

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 11, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-3752; Filed, Apr. 14, 1964; 12:45 p.m.]

[Farm Marketing Quotas and Acreage Allotments]

PART 722—COTTON

Subpart—National Domestic Acreage Allotment, Export Market Acreage and Related Determinations Under the Agricultural Act of 1964 for the 1964 Crop of Upland Cotton

NORMAL YIELDS

Section 722.252 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by Title I of the Agricultural Act of 1964. The purpose of this section is to establish county normal yields for the 1964 crop of upland cotton.

Since immediate action by State and county ASC committees is required, it is essential that § 722.252 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and § 722.252 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.252 Normal yields for 1964 crop of upland cotton.

(a) *Definitions.* (1) Normal yield for the county: average yield for any crop per harvested acre of lint cotton for the county, adjusted for abnormal weather conditions and any significant changes in production practices, during the 5 calendar years immediately preceding the year in which the national marketing quota for such crop is proclaimed. If for any year of the 5-year period, actual yield data are not available, or there was no actual yield, the yield for such year shall be appraised, taking into consideration the yields in years for which data are available, abnormal weather conditions, and yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar.

(2) Normal yield for the farm: average yield per harvested acre of lint cotton for the farm, adjusted for abnormal weather conditions and any significant changes in production practices during the 3 calendar years immediately preceding the year in which such normal yield is determined. If for any year of the 3-year period, actual yield data are not available, or there was no actual yield, the yield for such year shall be appraised, taking into consideration abnormal weather conditions, the actual yield for the farm for years for which acceptable data are available, changes in production practices and the county normal yield for the year for which the farm normal yield is being established. If the producer furnishes yield data and fails to prove to the satisfaction of the county committee that such data are complete and accurate, the farm normal yield shall be appraised taking into consideration the factors set forth above. Normal yields for other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton may also be considered in determinations of normal yield for new cotton farms. Determinations of farm normal yield by the county committee shall be subject to the approval of a representative of the State committee.

(b) *County normal yields for 1964.* The following table sets forth the normal yields for the 1964 crop year for upland cotton, as adjusted under paragraph (a)(1) of this section, which are established for the respective counties.

ALABAMA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Autauga	439	Houston	385
Baldwin	297	Jackson	420
Barbour	317	Jefferson	349
Bibb	446	Lamar	323
Blount	394	Lauderdale	372
Bullock	295	Lawrence	448
Butler	354	Lee	374
Calhoun	337	Limestone	436
Chambers	408	Lowndes	328
Cherokee	499	Macon	373
Chilton	367	Madison	451
Choctaw	283	Marengo	316
Clarke	262	Marion	374
Clay	341	Marshall	488
Cleburne	313	Mobile	284
Coffee	364	Monroe	430
Colbert	421	Montgomery	357
Conecuh	315	Morgan	396
Coosa	256	Perry	382
Covington	379	Pickens	348
Crenshaw	316	Pike	290
Cullman	444	Randolph	360
Dale	355	Russell	295
Dallas	348	St Clair	314
De Kalb	480	Shelby	458
Elmore	430	Sumter	281
Escambia	419	Talladega	308
Etowah	397	Tallapoosa	345
Fayette	395	Tuscaloosa	357
Franklin	360	Walker	298
Geneva	391	Washington	310
Greene	265	Wilcox	336
Hale	366	Winston	357
Henry	366		

ARIZONA

Cochise	823	Pima	899
Gila	766	Pinal	1011
Graham	876	Santa Cruz	732
Greenlee	805	Yavapai	719
Maricopa	1058	Yuma	1116
Mohave	1172		

ARKANSAS

Arkansas	425	Greene	490
Ashley	527	Hempstead	366
Baxter	374	Hot Spring	255
Benton	269	Howard	361
Bradley	269	Independence	430
Calhoun	269	Izard	350
Chicot	497	Jackson	495
Clark	347	Jefferson	565
Clay	506	Johnson	541
Cleburne	300	Lafayette	500
Cleveland	295	Lawrence	494
Columbia	215	Lee	507
Conway	408	Lincoln	543
Craighead	517	Little River	447
Crawford	527	Logan	402
Crittenden	519	Lonoke	509
Cross	485	Marion	333
Dallas	295	Miller	419
Desha	544	Mississippi	530
Drew	457	Monroe	514
Faulkner	340	Montgomery	288
Franklin	411	Nevada	324
Fulton	377	Newton	327
Garland	250	Ouachita	248
Grant	278	Perry	365

ARKANSAS—Continued

Phillips	535	Searcy	318
Pike	329	Sebastian	406
Poinsett	483	Sevier	288
Polk	340	Sharp	341
Pope	484	Stone	410
Prairie	429	Union	206
Pulaski	398	Van Buren	246
Randolph	513	Washington	303
St. Francis	522	White	340
Saline	226	Woodruff	509
Scott	323	Yell	470

CALIFORNIA

Fresno	1083	Riverside	1182
Imperial	1339	San Benito	768
Kern	1180	San Bernardino	419
Kings	923	San Diego	1120
Los Angeles	766	Stanislaus	790
Madera	850	Tulare	922
Merced	909		

FLORIDA

Alachua	279	Lafayette	239
Baker	200	Leon	223
Bay	290	Levy	238
Calhoun	362	Liberty	235
Clay	368	Madison	256
Columbia	183	Nassau	200
Dixie	285	Okaloosa	290
Escambia	390	Putnam	280
Gadsden	235	Santa Rosa	395
Gilchrist	194	Suwannee	198
Hamilton	215	Taylor	226
Holmes	352	Union	227
Jackson	294	Walton	317
Jefferson	248	Washington	289

GEORGIA

Appling	360	Echols	229
Atkinson	332	Effingham	327
Bacon	364	Elbert	384
Baker	286	Emanuel	384
Baldwin	358	Evans	416
Banks	399	Fayette	350
Barrow	370	Floyd	383
Bartow	467	Forsyth	343
Ben Hill	375	Franklin	377
Berrien	354	Fulton	347
Bibb	383	Glascock	344
Bleckley	442	Gordon	437
Brantley	226	Grady	342
Brooks	366	Greene	259
Bryan	388	Gwinnett	367
Bulloch	424	Habersham	275
Burke	376	Hall	349
Butts	376	Hancock	332
Calhoun	430	Haralson	320
Candler	378	Harris	354
Carroll	313	Hart	408
Catoosa	436	Heard	339
Charlton	200	Henry	396
Chatham	332	Houston	421
Chattahoochee	151	Irwin	367
Chattooga	305	Jackson	317
Cherokee	297	Jasper	384
Clarke	303	Jeff Davis	357
Clay	382	Jefferson	386
Clayton	272	Jenkins	373
Clinch	256	Johnson	354
Cobb	224	Jones	225
Coffee	363	Lamar	253
Colquitt	421	Lanier	313
Columbia	258	Laurens	348
Cook	425	Lee	384
Coweta	312	Liberty	235
Crawford	421	Lincoln	242
Crisp	472	Long	337
Dade	305	Lowndes	302
Dawson	244	Lumpkin	411
Decatur	339	McDuffie	345
De Kalb	256	McIntosh	213
Dodge	367	Macon	472
Dooly	463	Madison	386
Dougherty	282	Marion	340
Douglas	250	Meriwether	387
Early	410	Miller	379

GEORGIA—Continued

Mitchell	421	Stephens	384
Monroe	332	Stewart	332
Montgomery	384	Sumter	421
Morgan	384	Talbot	332
Murray	384	Taliaferro	332
Muscogee	332	Tattnall	332
Newton	384	Taylor	332
Oconee	384	Telfair	332
Oglethorpe	384	Terrell	332
Paulding	384	Thomas	332
Peach	332	Tift	421
Pickens	384	Toombs	332
Pierce	332	Towns	384
Pike	384	Treutlen	332
Polk	384	Troup	332
Pulaski	332	Turner	421
Putnam	332	Twiggs	332
Quitman	332	Union	384
Rabun	384	Upson	332
Randolph	332	Walker	384
Richmond	332	Walton	384
Rockdale	332	Ware	332
Schley	332	Warren	332
Screven	332	Washington	332
Seminole	332	Wayne	332
Spalding	332	Webster	332
Stewart	332	Wheeler	332
Sumter	421	White	384
Talbot	332	Whitfield	384
Taliaferro	332	Wilcox	332
Tattnall	332	Wilkes	332
Taylor	332	Wilkinson	332
Telfair	332	Worth	421
Terrell	332		

KENTUCKY

Ballard	1000	Hickman	1000
Calloway	1000	Livingston	1000
Carlisle	1000	Lyon	1000
Fulton	1000	Marshall	1000
Graves	1000	McCracken	1000
Hopkins	1000	Trigg	1000

LOUISIANA

Acadia	446	Lafayette	446
Allen	446	Lafourche	446
Ascension	446	La Salle	446
Assumption	446	Lincoln	446
Avoyelles	446	Livingston	446
Beauregard	446	Madison	446
Bienville	446	Morehouse	446
Bossier	446	Natchitoches	446
Caddo	446	Orleans	446
Calcasieu	446	Ouachita	446
Caldwell	446	Plaquemines	446
Cameron	446	Pointe Coupee	446
Catahoula	446	Rapides	446
Claiborne	446	Red River	446
Concordia	446	Richland	446
De Soto	446	Sabine	446
East Baton Rouge	446	St. Bernard	446
East Carroll	446	St. Charles	446
East Feliciana	446	St. Helena	446
Evangeline	446	St. James	446
Franklin	446	St. John the Baptist	446
Grant	446	St. Landry	446
Iberia	446	St. Martin	446
Iberville	446	St. Mary	446
Jackson	446	St. Tammany	446
Jefferson	446	Tangipahoa	446
Jefferson Davis	446	Tensas	446
Lafayette	446	Terrebonne	446
Lafourche	446	Union	446
La Salle	446	Vermilion	446
Lincoln	446	Vernon	446
Livingston	446	Washington	446
Madison	446	Webster	446
Morehouse	446	West Baton Rouge	446
Natchitoches	446	West Carroll	446
Orleans	446	West Feliciana	446
Ouachita	446	Winn	446
Plaquemines	446		
Pointe Coupee	446		
Rapides	446		
Red River	446		
Richland	446		
Sabine	446		
St. Bernard	446		
St. Charles	446		
St. Helena	446		
St. James	446		
St. John the Baptist	446		
St. Landry	446		
St. Martin	446		
St. Mary	446		
St. Tammany	446		
Tangipahoa	446		
Tensas	446		
Terrebonne	446		
Union	446		
Vermilion	446		
Vernon	446		
Washington	446		
Webster	446		
West Baton Rouge	446		
West Carroll	446		
West Feliciana	446		
Winn	446		

MISSISSIPPI

Adams	446	Lafayette	446
Alcorn	446	Lamar	446
Amite	446	Lauderdale	446
Attala	446	Lawrence	446
Benton	446	Leake	446
Bolivar	446	Lee	446
Calhoun	446	Leflore	446
Carroll	446	Lincoln	446
Chickasaw	446	Lowndes	446
Choctaw	446	Madison	446
Claiborne	446	Marion	446
Clarke	446	Marshall	446
Clay	446	Monroe	446
Coahoma	446	Montgomery	446
Copiah	446	Neshoba	446
Covington	446	Newton	446
De Soto	446	Noxubee	446
Forrest	446	Oktibbeha	446
Franklin	446	Panola	446
George	446	Pearl River	446
Greene	446	Perry	446
Grenada	446	Pike	446
Hancock	446	Pontotoc	446
Harrison	446	Prentiss	446
Hinds	446	Quitman	446
Holmes	446	Rankin	446
Humphreys	446	Scott	446
Issaquena	446	Sharkey	446
Itawamba	446	Simpson	446
Jackson	446	Smith	446
Jasper	446	Sunflower	446
Jefferson	446	Tallahatchie	446
Jefferson Davis	446	Tate	446
Jones	446	Tippah	446
Kemper	446	Tishomingo	446
Lafayette	446	Tunica	446
Lamar	446	Union	446
Lauderdale	446	Walthall	446
Lawrence	446	Warren	446
Leake	446	Washington	446
Lee	446	Wayne	446
Leflore	446	Webster	446
Lincoln	446	Wilkinson	446
Lowndes	446	Winston	446
Madison	446	Yalobusha	446
Marion	446	Yazoo	446
Marshall	446		
Monroe	446		
Montgomery	446		
Neshoba	446		
Newton	446		
Noxubee	446		
Oktibbeha	446		
Panola	446		
Pearl River	446		
Perry	446		
Pike	446		
Pontotoc	446		
Prentiss	446		
Quitman	446		
Rankin	446		
Scott	446		
Sharkey	446		
Simpson	446		
Smith	446		
Sunflower	446		
Tallahatchie	446		
Tate	446		
Tippah	446		
Tishomingo	446		
Tunica	446		
Union	446		
Walthall	446		
Warren	446		
Washington	446		
Wayne	446		
Webster	446		
Wilkinson	446		
Winston	446		
Yalobusha	446		
Yazoo	446		

MISSOURI

Dunklin	1000	New Madrid	1000
Mississippi	1000	Pemiscot	1000
Scott	1000	Stoddard	1000

NORTH CAROLINA

Anson	446	Lincoln	446
Beaufort	446	Martin	446
Bertie	446	Mecklenburg	446
Bladen	446	Montgomery	446
Brunswick	446	Moore	446
Cabarrus	446	Nash	446
Caldwell	446	New Hanover	446
Camden	446	Northampton	446
Carteret	446	Onslow	446
Catawba	446	Pamlico	446
Chatham	446	Pasquotank	446
Chowan	446	Pender	446
Cleveland	446	Perquimans	446
Columbus	446	Person	446
Craven	446	Pitt	446
Cumberland	446	Polk	446
Currituck	446	Randolph	446
Dare	446	Richmond	446
Davidson	446	Robeson	446
Davie	446	Rockingham	446
Duplin	446	Rowan	446
Durham	446	Rutherford	446
Edgecombe	446	Sampson	446
Forsyth	446	Scotland	446
Franklin	446	Stanly	446
Gaston	446	Stokes	446
Gates	446	Surry	446
Granville	446	Tyrrell	446
Greene	446	Union	446
Guilford	446	Vance	446
Halifax	446	Wake	446
Harnett	446	Warren	446
Hertford	446	Washington	446
Hoke	446	Wayne	446
Iredell	446	Wilson	446
Jackson	446		
Johnston	446		
Jones	446		
Lee	446		
Lenoir	446		
Lincoln	446		
Martin	446		
Mecklenburg	446		
Montgomery	446		
Moore	446		
Nash	446		
New Hanover	446		
Northampton	446		
Onslow	446		
Pamlico	446		
Pasquotank	446		
Pender	446		
Perquimans	446		
Person	446		
Pitt	446		
Polk	446		
Randolph	446		
Richmond	446		
Robeson	446		
Rockingham	446		
Rowan	446		
Rutherford	446		
Sampson	446		
Scotland	446		
Stanly	446		
Stokes	446		
Surry	446		
Tyrrell	446		
Union	446		
Vance	446		
Wake	446		
Warren	446		
Washington	446		
Wayne	446		
Wilson	446		

TENNESSEE—Continued

Obion	1000	Weakley	1000
Shelby	1000		
Tipton	1000		

TEXAS

Anderson	446	Hopkins	446
Angelina	446	Houston	446
Aransas	446	Howard	446
Archer	446	Hunt	446
Atascosa	446	Jack	446
Austin	446	Jackson	446
Bandera	446	Jasper	446
Bastrop	446	Jefferson	446
Baylor	446	Jim Hogg	446
Bee	446	Jim Wells	446
Bell	446	Johnson	446
Bexar	446	Karnes	446
Blanco	446	Kaufman	446
Borden	446	Kendall	446
Bosque	446	Kenedy	446
Bowie	446	Kent	446
Brazoria	446	Kerr	446
Brazos	446	Kimble	446
Brewster	446	King	446
Briscoe	446	Kinney	446
Brooks	446	Kleberg	446
Brown	446	Knox	446
Burleson	446	La Salle	446
Burnet	446	Lamar	446
Caldwell	446	Lamb	446
Calhoun	446	Lampasas	446
Callahan	446	Lavaca	446
Cameron	446	Lee	446
Camp	446	Leon	446
Carson	446	Liberty	446
Cass	446	Limestone	446
Castro	446	Live Oak	446
Chambers	446	Llano	446
Cherokee	446	Loving	446
Childress	446	Lubbock	446
Clay	446	Lynn	446
Cochran	446	Madison	446
Coke	446	Marion	446
Coleman	446	Martin	446
Collin	446	Mason	446
Collingsworth	446	Matagorda	446
Colorado	446	Maverick	446
Comal	446	McCulloch	446
Comanche	446	McLennan	446
Concho	446	McMullen	446
Cooke	446	Medina	446
Coryell	446	Menard	446
Cottle	446	Midland	446
Crane	446	Milam	446
Crockett	446	Mills	446
Crosby	446	Mitchell	446
Culberson	446	Montague	446
Dallam	446	Montgomery	446
Dallas	446	Moore	446
Dawson	446	Morris	446
Deaf Smith	446	Motley	446
Delta	446	Nacogdoches	446
Denton	446	Navarro	446
De Witt	446	Newton	446
Dickens	446	Nolan	446
Dimmit	446	Nueces	446
Donley	446	Ochiltree	446
Duval	446	Oldham	446
Eastland	446	Orange	446
Ector	446	Palo Pinto	446
Edwards	446	Panola	446
Ellis	446	Parker	446
El Paso	446	Parmer	446
Erath	446	Pecos	446
Falls	446	Polk	446
Fannin	446	Potter	446
Fayette	446	Presidio	446
Fisher	446	Rains	446
Floyd	446	Randall	446
Foard	446	Reagan	446
Fort Bend	446	Real	446
Franklin	446	Red River	446
Freestone	446	Reeves	446
Frio	446	Refugio	446
Gaines	446	Roberts	446
Galveston	446	Robertson	446
Garza	446	Rockwall	446
Gillespie	446	Runnels	446
Glasscock	446	Rusk	446
Goliad	446	Sabine	446
Gonzales	446	San Augustine	446
Gray	446	San Jacinto	446
Grayson	446	San Patricio	446
Gregg	446	San Saba	446
Grimes	446	Schleicher	446
Guadalupe	446	Scurry	446
Hale	446	Shackelford	446
Hall	446	Shelby	446
Hamilton	446	Sherman	446
Hansford	446	Smith	446
Hardeman	446	Somervell	446
Hardin	446	Starr	446
Harris	446	Stephens	446
Harrison	446	Sterling	446
Hartley	446	Stonewall	446
Haskell	446	Sutton	446
Hays	446	Swisher	446
Hemphill	446	Tarrant	446
Henderson	446	Taylor	446
Hidalgo	446	Terrell	446
Hill	446	Terry	446
Hockley	446	Throckmorton	446
Hood	446	Titus	446
Hopkins	446	Tom Green	446
Houston	446	Travis	446
Howard	446	Trinity	446
Hunt	446	Tyler	446
Jack	446	Upshur	446
Jackson	446	Upton	446
Jasper	446	Uvalde	446
Jefferson	446	Val Verde	446
Jim Hogg	446	Van Zandt	446
Jim Wells	446	Victoria	446
Johnson	446	Walker	446
Karnes	446	Waller	446
Kaufman	446	Ward	446
Kendall	446	Washington	446
Kenedy	446	Webb	446
Kent	446	Wharton	446
Kerr	446	Wheeler	446
Kimble	446	Wichita	446
King	446	Wilbarger	446
Kinney	446	Willacy	446
Kleberg	446	Williamson	446
Knox	446	Wilson	446
La Salle	446	Winkler	446
Lamar	446	Wise	446
Lamb	446	Wood	446
Lampasas	446	Yoakum	446
Lavaca	446	Young	446
Lee	446	Zapata	446
Leon	446	Zavala	446
Liberty	446		
Limestone	446		
Live Oak	446		
Llano	446		
Loving	446		
Lubbock	446		
Lynn	446		
Madison	446		
Marion	446		
Martin	446		
Mason	446		
Matagorda	446		
Maverick	446		
McCulloch	446		
McLennan	446		
McMullen	446		
Medina	446		
Menard	446		
Midland	446		
Milam	446		
Mills	446		
Mitchell	446		
Montague	446		
Montgomery	446		
Moore	446		
Morris	446		
Motley	446		
Nacogdoches	446		
Navarro	446		
Newton	446		
Nolan	446		
Nueces	446		
Ochiltree	446		
Oldham	446		
Orange	446		
Palo Pinto	446		
Panola	446		
Parker	446		
Parmer	446		
Pecos	446		
Polk	446		
Potter	446		
Presidio	446		
Rains	446		
Randall	446		
Reagan	446		
Real	446		
Red River	446		
Reeves	446		
Refugio	446		
Roberts	446		
Robertson	446		
Rockwall	446		
Runnels	446		
Rusk	446		
Sabine	446		
San Augustine	446		
San Jacinto	446		
San Patricio	446		
San Saba	446		
Schleicher	446		
Scurry	446		
Shackelford	446		
Shelby	446		
Sherman	446		
Smith	446		
Somervell	446		
Starr	446		
Stephens	446		
Sterling	446		
Stonewall	446		
Sutton	446		
Swisher	446		
Tarrant	446		
Taylor	446		
Terrell	446		
Terry	446		
Throckmorton	446		
Titus	446		
Tom Green	446		
Travis	446		
Trinity	446		
Tyler	446		
Upshur	446		
Upton	446		
Uvalde	446		
Val Verde	446		
Van Zandt	446		
Victoria	446		
Walker	446

GEORGIA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Mitchell	325	Talbot	272
Monroe	290	Taliaferro	242
Montgomery	315	Tattnall	400
Morgan	385	Taylor	516
Murray	289	Telfair	325
Muscogee	238	Terrell	488
Newton	352	Thomas	393
Oconee	430	Tift	349
Oglethorpe	356	Toombs	418
Paulding	314	Treutlen	340
Peach	476	Troup	321
Pickens	354	Turner	355
Pierce	333	Twiggs	382
Pike	421	Upson	284
Polk	391	Walker	292
Pulaski	374	Walton	410
Putnam	272	Ware	330
Quitman	281	Warren	342
Randolph	455	Washington	384
Richmond	276	Wayne	373
Rockdale	420	Webster	298
Schley	368	Wheeler	361
Screven	416	White	358
Seminole	397	Whitfield	388
Spalding	283	Wilcox	381
Stephens	366	Wilkes	278
Stewart	388	Wilkinson	233
Sumter	491	Worth	382

ILLINOIS

Alexander	372	Pulaski	421

KANSAS

Montgomery	171

KENTUCKY

Ballard	306	Graves	408
Calloway	289	Hickman	487
Carlisle	361	McCracken	351
Fulton	536	Marshall	325

LOUISIANA

Acadia	378	Livingston	305
Allen	292	Madison	531
Ascension	316	Morehouse	514
Avoyelles	460	Natchitoches	482
Beauregard	233	Ouachita	492
Bienville	283	Plaquemines	325
Bossier	480	Pointe Coupee	396
Caddo	500	Rapides	536
Calcasieu	291	Red River	443
Caldwell	475	Richland	406
Catahoula	400	Sabine	272
Claiborne	223	St. Helena	223
Concordia	474	St. James	241
De Soto	227	St. Landry	423
East Baton Rouge	209	St. Martin	419
East Carroll	555	St. Tammany	208
East Feliciana	269	Tangipahoa	204
Evangeline	427	Tensas	510
Franklin	400	Union	279
Grant	484	Vermillion	365
Iberia	288	Vernon	265
Iberville	241	Washington	307
Jackson	257	Webster	288
Jefferson	347	West Baton Rouge	310
Jefferson Davis	374	West Carroll	412
Lafayette	426	West Feliciana	268
La Salle	438	Winn	272
Lincoln	285		

MISSISSIPPI

Adams	208	Clay	406
Alcorn	430	Coahoma	582
Amite	261	Copiah	316
Attala	379	Covington	386
Benton	469	De Soto	488
Bolivar	523	Forrest	379
Calhoun	486	Franklin	200
Carroll	481	George	306
Chickasaw	429	Greene	312
Choctaw	392	Grenada	484
Claiborne	331	Hancock	211
Clarke	258	Hinds	315

MISSISSIPPI—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Holmes	571	Panola	512
Humphreys	553	Pearl River	268
Issaquena	599	Perry	307
Itawamba	383	Pike	244
Jackson	291	Pontotoc	469
Jasper	300	Prentiss	434
Jefferson	252	Quitman	524
Jefferson Davis	316	Rankin	358
Jones	342	Scott	319
Kemper	267	Sharkey	634
Lafayette	378	Simpson	284
Lamar	376	Smith	357
Lauderdale	269	Stone	283
Lawrence	243	Sunflower	515
Leake	344	Tallahatchie	535
Lee	346	Tate	495
Leflore	558	Tippah	449
Lincoln	270	Tishomingo	373
Lowndes	347	Tunica	534
Madison	354	Union	438
Marion	313	Walthall	322
Marshall	455	Warren	469
Monroe	395	Washington	560
Montgomery	471	Wayne	325
Neshoba	282	Webster	484
Newton	251	Wilkinson	258
Noxubee	399	Winston	346
Oktibbeha	315	Yalobusha	485
		Yazoo	533

MISSOURI

Bollinger	428	Oregon	391
Butler	485	Ozark	245
Cape Girardeau	424	Pemiscot	569
Carter	388	Ripley	417
Dunklin	522	Scott	488
Howell	448	Stoddard	533
Mississippi	552	Vernon	353
New Madrid	527	Wayne	409

NEVADA

Clark	846	Nye	861

NEW MEXICO

Chaves	805	Lea	583
Curry	438	Luna	914
De Baca	547	Otero	744
Dona Ana	838	Quay	514
Eddy	837	Roosevelt	514
Grant	884	Sierra	792
Guadalupe	458	Socorro	637
Hidalgo	945	Valencia	445

NORTH CAROLINA

Alamance	309	Greene	351
Alexander	329	Guilford	327
Anson	344	Halifax	406
Beaufort	390	Harnett	366
Bertie	397	Hertford	419
Bladen	330	Hoke	345
Brunswick	310	Hyde	334
Burke	286	Iredell	367
Cabarrus	350	Johnston	396
Caldwell	272	Jones	328
Camden	433	Lee	360
Carteret	328	Lenoir	366
Catawba	345	Lincoln	379
Chatham	325	Martin	349
Chowan	408	Mecklenburg	388
Cleveland	382	Montgomery	340
Columbus	320	Moore	334
Craven	325	Nash	374
Cumberland	335	New Hanover	255
Currituck	403	Northampton	426
Davidson	337	Onslow	314
Davie	355	Orange	313
Duplin	371	Pamlico	322
Durham	314	Pasquotank	356
Edgecombe	381	Pender	314
Forsyth	315	Perquimans	395
Franklin	339	Person	370
Gaston	343	Pitt	347
Gates	408	Polk	325
Granville	330	Randolph	314

NORTH CAROLINA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Richmond	333	Vance	385
Robeson	365	Wake	339
Rowan	384	Warren	352
Rutherford	334	Washington	362
Sampson	352	Wayne	408
Scotland	384	Wilkes	272
Stanly	363	Wilson	411
Tyrrell	337	Yadkin	267
Union	376		

OKLAHOMA

Adair	149	Lincoln	291
Atoka	229	Logan	332
Beaver	249	Love	224
Beckham	285	McClain	339
Blaine	253	McCurtain	395
Bryan	287	McIntosh	255
Caddo	314	Major	241
Canadian	322	Marshall	309
Carter	287	Mayes	252
Cherokee	196	Murray	460
Choctaw	320	Muskogee	330
Cleveland	359	Noble	266
Coal	298	Nowata	264
Comanche	208	Okfuskee	203
Cotton	215	Oklahoma	288
Craig	251	Okmulgee	200
Creek	226	Osage	393
Custer	361	Pawnee	328
Dewey	270	Payne	399
Ellis	244	Pittsburg	256
Garfield	374	Pontotoc	247
Garvin	387	Pottawatomie	272
Grady	372	Pushmataha	199
Grant	271	Roger Mills	293
Greer	300	Rogers	251
Harmon	358	Seminole	200
Haskell	279	Sequoyah	380
Hughes	218	Stephens	278
Jackson	428	Texas	453
Jefferson	242	Tillman	315
Johnston	270	Tulsa	319
Kay	442	Wagoner	317
Kingfisher	186	Washington	338
Kiowa	295	Washita	323
Latimer	214	Woodward	204
Le Flore	277		

SOUTH CAROLINA

Abbeville	379	Greenwood	339
Aiken	392	Hampton	461
Allendale	469	Horry	275
Anderson	382	Jasper	306
Bamberg	409	Kershaw	315
Barnwell	416	Lancaster	358
Beaufort	299	Laurens	377
Berkeley	343	Lee	386
Calhoun	435	Lexington	347
Charleston	273	McCormick	326
Cherokee	329	Marion	299
Chester	367	Marlboro	379
Chesterfield	296	Newberry	379
Clarendon	396	Oconee	368
Colleton	340	Orangeburg	426
Darlington	378	Pickens	346
Dillon	316	Richland	361
Dorchester	412	Saluda	398
Edgefield	410	Spartanburg	274
Fairfield	295	Sumter	360
Florence	315	Union	308
Georgetown	228	Williamsburg	349
Greenville	352	York	324

TENNESSEE

Bedford	369	Fayette	493
Benton	394	Franklin	502
Bradley	328	Gibson	599
Cannon	301	Giles	356
Carroll	561	Grundy	415
Chester	521	Hamilton	374
Coffee	407	Hardeman	509
Crockett	611	Hardin	404
Davidson	352	Haywood	564
Decatur	405	Henderson	514
De Kalb	411	Henry	442
Dyer	550	Hickman	370

TENNESSEE—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Humphreys	370	Moore	320
Knox	467	Obion	559
Lake	608	Perry	357
Lauderdale	566	Polk	348
Lawrence	388	Rhea	345
Lewis	322	Roane	355
Lincoln	402	Rutherford	413
Loudon	388	Shelby	492
McMinn	314	Tipton	568
McNairy	463	Van Buren	451
Madison	552	Warren	368
Marion	411	Wayne	389
Marshall	377	Weakley	525
Maury	339	White	360
Meigs	342	Williamson	357
Monroe	294	Wilson	334

TEXAS

Anderson	177	Ellis	207
Andrews	296	El Paso	953
Angelina	229	Erath	146
Aransas	291	Falls	195
Archer	169	Fannin	210
Armstrong	253	Fayette	251
Atascosa	225	Fisher	294
Austin	302	Floyd	575
Bailey	425	Foard	246
Bastrop	181	Fort Bend	371
Baylor	272	Franklin	201
Bee	242	Freestone	159
Bell	172	Frio	526
Bexar	215	Gaines	431
Blanco	176	Galveston	320
Borden	286	Garza	351
Bosque	144	Gillespie	180
Bowie	442	Glasscock	534
Brazoria	397	Goliad	177
Brazos	517	Gonzales	165
Brewster	865	Gray	228
Briscoe	427	Grayson	206
Brooks	116	Gregg	169
Brown	160	Grimes	270
Burleson	436	Guadalupe	216
Burnet	122	Hale	567
Caldwell	237	Hall	318
Calhoun	285	Hamilton	162
Callahan	161	Hansford	365
Cameron	416	Hardeman	295
Camp	166	Hardin	208
Carson	234	Harris	240
Cass	219	Harrison	172
Castro	529	Hartley	271
Chambers	255	Haskell	285
Cherokee	188	Hays	173
Childress	274	Hemphill	269
Clay	254	Henderson	165
Cochran	447	Hidalgo	466
Coke	158	Hill	158
Coleman	167	Hockley	454
Collin	223	Hood	197
Collingsworth	278	Hopkins	164
Colorado	302	Houston	176
Comal	153	Howard	263
Comanche	124	Hudspeth	817
Concho	216	Hunt	193
Cooke	231	Irion	352
Coryell	159	Jack	195
Cottle	300	Jackson	289
Crockett	459	Jasper	160
Crosby	504	Jeff Davis	926
Culberson	931	Jim Hogg	99
Dallam	363	Jim Wells	212
Dallas	212	Johnson	180
Dawson	381	Jones	221
Deaf Smith	409	Karnes	160
Delta	212	Kaufman	185
Denton	252	Kendall	185
DeWitt	175	Kent	254
Dickens	293	Kerr	239
Dimmit	428	Kimble	242
Donley	234	King	261
Duval	112	Kinney	547
Eastland	139	Kleberg	314
Ector	507	Knox	329

TEXAS—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Lamar	224	Robertson	518
Lamb	491	Rockwall	210
Lampasas	157	Runnels	221
La Salle	315	Rusk	170
Lavaca	190	Sabine	200
Lee	162	San Augustine	175
Leon	172	San Jacinto	168
Liberty	240	San Patricio	367
Limestone	132	San Saba	230
Live Oak	197	Schleicher	348
Llano	162	Scurry	271
Loving	786	Schackelford	182
Lubbock	537	Shelby	135
Lynn	377	Smith	146
McCulloch	163	Somervell	154
McLennan	165	Starr	253
McMullen	136	Stephens	161
Madison	247	Sterling	483
Marion	113	Stonewall	222
Martin	358	Sutton	690
Mason	412	Swisher	530
Matagorda	300	Tarrant	221
Maverick	462	Taylor	194
Medina	338	Terry	489
Menard	190	Throckmorton	184
Midland	395	Titus	181
Milam	213	Tom Green	286
Mills	183	Travis	165
Mitchell	262	Trinity	153
Montague	221	Tyler	273
Montgomery	174	Upshur	130
Moore	249	Upton	452
Morris	155	Uvalde	683
Motley	267	Van Zandt	177
Nacogdoches	158	Victoria	292
Navarro	161	Walker	197
Newton	149	Waller	305
Nolan	264	Ward	776
Nueces	361	Washington	248
Ochiltree	465	Webb	505
Oldham	239	Wharton	332
Palo Pinto	186	Wheeler	231
Panola	154	Wichita	274
Parker	153	Wilbarger	306
Parmer	625	Willacy	430
Pecos	840	Williamson	212
Polk	170	Wilson	218
Potter	250	Winkler	656
Presidio	838	Wise	173
Rains	168	Wood	152
Randall	334	Yoakum	403
Reagan	580	Young	184
Red River	241	Zapata	513
Reeves	833	Zavala	637
Refugio	290		
Roberts	314		

VIRGINIA

Brunswick	352	Nansemond	367
Charlotte	330	Patrick	383
Chesapeake	378	Prince Edward	330
Cumberland	313	Prince George	363
Dinwiddie	348	Southampton	352
Greenville	361	Surry	393
Halifax	352	Sussex	359
Isle of Wight	394	Virginia Beach	342
Lunenburg	357		
Mecklenburg	343		

(Sec. 301, 78 Stat. 173; 7 U.S.C. 1301)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 11, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-3685; Filed, Apr. 15, 1964; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 6 (Rev. 2)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there are amended, as set forth below, §§ 107.301, 107.706, and 107.710 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743-9754 and amended in 28 F.R. 681, 1627, 3021, 10860, and 12250.

Information and effective date. The purpose of subject amendments is to implement the provisions of sections 2, 4, and 5 of the Small Business Investment Act Amendments of 1963 (Public Law 88-273, 78 Stat. 147), approved February 28, 1964. Section 2 amended section 302(a) of the Small Business Investment Act of 1958 by increasing the maximum amount of subordinated debentures which SBA may purchase from a Licensee company, on a matching basis and to the extent that necessary funds are not available from private sources on reasonable terms, from $400,000 to $700,000, and extended the time during which a Licensee company may qualify for section 302(a) funds to 5 years after date of licensing or date of enactment (February 28, 1964), whichever is later. Section 4 amended section 306 of the Act to delete the requirement that a Licensee's loans to and investments in any single enterprise shall not exceed $500,000, leaving intact (as the limitation on the total amount of obligations and securities which a Licensee may acquire from any single enterprise) the existing requirement that such amount shall not exceed 20 percent of the Licensee's combined capital and surplus. Section 5 amended section 308 (b) of the Act by adding to the existing provision that Licensees may invest idle operating funds in direct obligations of, or obligations guaranteed as to principal and interest by, the United States, the further privilege of investing such funds in insured savings accounts (up to the amount of the insurance) in any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

As set forth below, subject amendments (1) delete the references to "$400,000" in §§ 107.301(b)(2) and 107.301(c)(1) pertaining to the maximum amount of Subordinated Debentures which SBA may purchase from a Licensee, and substitute in lieu thereof "$700,000"; (2) delete the words "On or before April 3, 1964, or two and one-half years after the issuance of its license, whichever is later" in § 107.301(c), pertaining to the period in which a Licensee may request SBA to agree to

purchase its Subordinated Debentures,

(b) A Proposed Operator must have

Business Administration, Washington 25,

with a commercial bank (or banks)

performance of the bank services has its

color designations specified in paragraph

purchase its Subordinated Debentures, and substitute in lieu thereof the words "On or before February 27, 1968, or four years after the issuance of its license, whichever is later"; (3) add a proviso to § 107.301(c) to the effect that a Licensee with paid-in capital and paid-in surplus from private sources in excess of $2,000,000 may not request SBA to purchase its Subordinated Debentures in an aggregate amount of more than $400,000 until it has borrowed the maximum amount of section 303 funds available to it under § 107.402 of the regulations; (4) delete the words "in no case later than October 3, 1964, or three years after the date of the issuance of the license, whichever is later" in § 107.301(c), pertaining to the expiration of commitments which SBA may issue for the purchase of Subordinated Debentures, and substitute in lieu thereof the words "in no case later than February 27, 1969, or five years after the date of the issuance of the license, whichever is later"; (5) delete the reference to sections 302(a), 303(b), and 306 of the Act in §107.301(e), and substitute in lieu thereof a reference to §§ 107.301, 107.402, and 107.708(a) of the regulations implementing such sections of the Act; (6) delete from § 107.708(a) all references to the former $500,000 limitation on the aggregate amount of financing which a Licensee may provide any single small business concern; and (7) add to § 107.710 the provision that a Licensee may place idle operating funds in insured savings accounts (up to the amount of the insurance) in any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. The reference to "appropriate Regional Office" in § 107.301(f), in connection with the receipt by SBA of a Licensee's request for disbursement pursuant to a commitment issued to it, is also corrected to read "Office of Investment Assistance, Investment Division, Small Business Administration, Washington 25, D.C."

Since subject amendments amount to a relaxation of the restrictions set forth in §§ 107.301, 107.708, and 107.710 of the regulations and are, therefore, exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), and because of the necessity of promptly applying the amendments to the program authorized under the Small Business Investment Act of 1958, they shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby further amended by:

1. Deleting § 107.301 in its entirety and substituting a new § 107.301 which reads as follows:

§ 107.301 Capital and surplus of licensees.

(a) In considering whether to issue a License to a Proposed Operator SBA will, in addition to all other requirements and criteria, give preference to those Proposals which contemplate the minimum use of Government funds. The management of a Proposed Operator or of a Licensee should plan and encourage the maximum investment of private funds.

(b) A Proposed Operator must have a paid-in capital and paid-in surplus from private sources of at least $150,000 (exclusive of organizational expenses), in cash or eligible Government securities. To the extent that additional funds are not available to the Proposed Operator from private sources on reasonable terms, it may request SBA, in the License Application, to agree to purchase Subordinated Debentures in the following amounts:

(1) In the amount required to meet the $300,000 statutory minimum, or

(2) In such greater amount, up to but not exceeding $700,000, as the Proposed Operator may match with paid-in capital and paid-in surplus from private sources.

(c) On or before February 27, 1968, or four years after the issuance of its license, whichever is later, a Licensee may request SBA to agree to purchase its Subordinated Debentures in an amount which, when added to any Subordinated Debentures previously issued to SBA, will not exceed the lesser of:

(1) $700,000, or

(2) Its paid-in capital and paid-in surplus from private sources.

Provided, however, That a Licensee with paid-in capital and paid-in surplus from private sources in excess of $2,000,000 may request SBA to purchase its Subordinated Debentures in an aggregate amount of more than $400,000 only after it has borrowed the maximum amount of funds available to it pursuant to § 107.402.

(d) In connection with any request for such funds, the Licensee shall submit evidence satisfactory to SBA that such funds are not available on reasonable terms from private sources.

(e) SBA may issue a commitment for such funds. Such commitment will expire one year from the date it is issued, but in no case later than February 27, 1969, or five years after the date of issuance of the license, whichever is later. The commitment, as well as the Subordinated Debenture itself, shall be treated as part of the paid-in capital and paid-in surplus of a Licensee for purposes of §§ 107.301, 107.402, and 107.708(a).

(f) A commitment fee shall be computed against the amount committed but not disbursed. Such fee will be at the rate of one-twelfth of one percent for each 30-day period or fraction thereof, beginning with the first day after the first thirty days following the date of the commitment. The fee shall be due and payable upon billing. The fee shall not apply to any amount for which disbursement is requested during the initial 30-day period following the date of the commitment. Thereafter, the fee will terminate, as to the amount requested to be disbursed, at the end of the 30-day period during which request for disbursement is made. The date which appears on the SBA form used to request the disbursement shall be deemed to be the date the disbursement is requested, but if ten days or more have elapsed between the date of the form and the date of its receipt in the Office of Investment Assistance, Investment Division, Small Business Administration, Washington 25, D.C., SBA may, in its discretion, consider that the request was made as of the date of such receipt. Disbursement of funds shall be subject to § 107.709 (a) and (b).

(g) Such Subordinated Debentures shall contain such terms and conditions, as shall be determined by SBA. Interest shall be at the rate of five percent per annum and maturities shall not exceed twenty years. The debentures may be prepaid at any time without penalty, subject, however, to the rquirements of § 107.1001. Amortization of the debentures shall commence no later than the beginning of the second half of their term.

(h) Proceeds of Subordinated Debentures shall not be used by a Licensee to provide loans or equity capital to business concerns which derive a substantial portion of their net sales from the sale of alcoholic beverages. Compliance with this requirement shall be deemed to have been demonstrated if the Licensee, within thirty days after receipt of any such proceeds, and thereafter for as long as the debentures remain unpaid, maintains assets consisting of cash, elegible Government securities, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their net sales from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such Subordinated Debentures were disbursed), equal in face value to no less than the unpaid principal of such Subordinated Debentures.

2. Deleting § 107.708 in its entirety and substituting a new § 107.708 which reads as follows:

§ 107.708 Aggregate limitation on investments and loans.

(a) Without the prior written approval of SBA, the aggregate amount of funds loaned to, or invested in Equity Securities of, any single small business concern, or for which commitments may be made, shall not exceed twenty percent of the combined paid-in capital and paid-in surplus of any Licensee (including in such Licensee's capital and surplus the outstanding amount of any SBA loans and commitments under § 107.301).

(b) Without the prior written approval of SBA, no more than five Licensees may, by participation or otherwise, provide Equity Capital or long-term loans to any single small business concern unless the total financing involved is $500,000 or less.

3. Deleting § 107.710 in its entirety and substituting a new § 107.710 which reads as follows:

§ 107.710 Idle operating funds.

Funds of a Licensee not employed in accordance with the provisions of sections 304 and 305 of the Act and the regulations thereunder, and not invested in accordance with the last sentence of section 308(b) of the Act, shall, as soon as practicable after receipt thereof, be placed on demand deposit

with a commercial bank (or banks) which is a member of the Federal Deposit Insurance Corporation, or placed on time deposit with such a bank, evidenced by a Time Certificate of Deposit, the maturity of which shall not be longer than one year from the date of such deposit, or placed in insured savings accounts (up to the amount of the insurance) in any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation: *Provided, however,* That a Licensee may establish and maintain an imprest petty cash fund in an amount not to exceed $500 at any one time.

Dated: April 9, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-3719; Filed, Apr. 15, 1964; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. S]

PART 219—BANK SERVICE ARRANGEMENTS

Assurances in Situations Involving State Member Banks

§ 219.103 Assurances required under Bank Service Corporation Act in situations involving State member banks.

(a) Under section 5 of the Bank Service Corporation Act (12 U.S.C. 1865), no State member bank may cause to be performed, by contract or otherwise, any bank services for itself, whether on or off its premises, unless assurances satisfactory to the Board of Governors of the Federal Reserve System are furnished to the Board by both the bank and the party performing such services that the performance thereof will be subject to regulation and examination by the Board to the same extent as if such services were being performed by the bank itself on its own premises.

(b) In reply to a recent inquiry, the Board's view is that section 5 of the Act requires the furnishing of assurances, as described in that section, in the case of the performance of bank services for a State member bank by another State member bank.

(c) Neither the language of the Act nor of this Part 219 (Board's Regulation S) contains any exception for situations of the kind in question. Section 219.2 contemplates that the assurances in such a situation be submitted in the form of a letter (or separate letters) signed by duly authorized officers of both of the State member banks. Section 219.2 also provides that letters of assurances shall be addressed to the Board in care of the Federal Reserve Bank of the district in which the State member bank receiving performance of the bank services has its main office.

(Interprets or applies 12 U.S.C. 1865)

Dated at Washington, D.C., this 8th day of April 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-3714; Filed, Apr. 15, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 37—FISH; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARDS OF FILL OF CONTAINER

Canned Tuna; Order Listing Sodium Acid Pyrophosphate as Optional Ingredient

In the matter of amending the standard of identity for canned tuna (21 CFR 37.1) by listing sodium acid pyrosphosphate in an amount not to exceed 0.15 gram per ounce, net weight, as an optional ingredient of canned tuna for inhibiting the development of struvite crystals in the food:

The notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of February 6, 1964 (29 F.R. 1807) elicited only one comment, which favored the proposal. Therefore, in consideration of the information furnished in the petition, the comment received, and other relevant information available, it is concluded that it would promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for canned tuna as hereinafter set forth. Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471): *It is ordered,* That § 37.1 be amended as set forth below:

Paragraph (a) is amended; and paragraph (h) is amended by redesignating subparagraph (7) as (8) and by inserting a new subparagraph (7). As amended, the affected portions of the section read as follows:

§ 37.1 Canned tuna; definition and standard of identity; label statement of optional ingredients.

(a) Canned tuna is the food consisting of processed flesh of fish of the species enumerated in paragraph (b) of this section, prepared in one of the optional forms of pack specified in paragraph (c) of this section, conforming to one of the color designations specified in paragraph (d) of this section, in one of the optional packing media specified in paragraph (e) of this section, and may contain one or more of the seasonings and flavorings specified in paragraph (f) of this section. For the purpose of inhibiting the development of struvite crystals, sodium acid pyrophosphate may be added in a quantity not in excess of 0.5 percent by weight of the finished food. It is packed in hermetically sealed containers and so processed by heat as to prevent spoilage. It is labeled in accordance with the provisions of paragraph (h) of this section.

• • • • • •

(h) • • •

(7) Where the canned tuna contains the optional ingredient sodium acid pyrophosphate as provided in paragraph (a) of this section, the label shall bear the statement "pyrophosphate added" or "with added pyrophosphate."

(8) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredient used, as specified in subparagraphs (3), (6), and (7) of this paragraph, shall immediately and conspicuously precede or follow such name, without intervening, written, printed, or graphic matter, except that the common name of the species of tuna fish used may so intervene; but the species name "albacore" may be employed only for canned tuna of that species which meets the color designation "white" as prescribed by paragraph (d)(1) of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 21 U.S.C. 341, 371)

Dated: April 10, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3746; Filed, Apr. 15, 1964; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.506]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Quota Chargeability of Chinese Persons

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to give effect to the decision of the United States District Court in Wong v. Esperdy (214 F. Supp. 264) regarding the quota chargeability of Chinese persons.

Section 42.56 is hereby amended to read as follows:

§ 42.56 Quota chargeability of Chinese persons.

(a) The quota chargeability of a Chinese person as that term is defined in § 42.1, shall be determined under section 202(b) of the Act except that for the purposes of section 202(b)(2) and section 202(b)(4), the quota for the quota area of China shall be the quota for Chinese persons authorized by section 201(a) of the Act. Accordingly, a Chinese person who is classifiable as a quota immigrant shall, unless he is a child chargeable to the quota of an accompanying parent as provided in section 202(a)(1) of the Act, be chargeable as follows: (1) If born in China, to the quota for Chinese persons; (2) if born within the Asia Pacific triangle within a separate quota area other than China, to the quota for that area; (3) if born in a colony or other dependent area within the Asia Pacific triangle, to the Asia Pacific quota; (4) if born outside the Asia Pacific triangle, to the quota for Chinese persons, unless he is also attributable by as much as 50 percent of his ancestry to a people or peoples indigenous to the Asia Pacific triangle, other than China, in which event he would be chargeable to the Asia Pacific quota.

(b) The exceptions to the general rule of quota chargeability provided in section 202(a)(2), (3) and (4) of the Act do not apply to a Chinese person. (For definition of term "Chinese person" see § 42.1.)

(Sec. 201(a), 66 Stat. 175; 8 U.S.C. 1151)

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: April 7, 1964.

CHARLES H. MACE,
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 64-3731; Filed, Apr. 15, 1964; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 73]

PART 152—REGULATORY TAXES ON MARIHUANA

Correction

In F.R. Doc. 64-2942 appearing in the issue for Thursday, March 26, 1964, at page 3758, make the following changes:

1. In § 152.75, second line, the word "used" should read "issued".

2. In column 3 on page 3768, following the first paragraph (b), the section heading for § 152.125 was inadvertently omitted. It should read as follows:

§ 152.125 Refunds.

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 732—MEDICAL AND DENTAL CARE AT NAVY EXPENSE AT NON-NAVY FACILITIES

Miscellaneous Amendments

Scope and purpose. Part 732 is amended to conform with Change 1 to the corresponding Bureau of Medicine and Surgery Instruction 6320.32 distributed to Navy and Marine Corps commands in due course.

1. Section 732.2 is amended by revising paragraph (d) and adding paragraph (k) at the end, to read as follows:

§ 732.2 Definitions.

For the purpose of this part, the following definitions apply:

• • • • •

(d) *Retired member of the Navy or Marine Corps.* (1) Except as indicated in subparagraph (2) of this paragraph, a member or former member of the Navy or Marine Corps who is entitled to retired, retirement, or retainer or equivalent pay from the Navy or Marine Corps.

(2) Does not include a member of a Reserve component who is entitled to retired pay by reason of years of satisfactory Federal service and who has not served on active duty for 8 years other than for training duty.

• • • • •

(k) *Optometrist.* A person who is licensed to practice optometry.

2. Subpart A is amended by inserting § 732.3, to read as follows:

§ 732.3 Scope.

(a) *Applicability.* This part provides the policies, authority, and procedures whereby naval commands may arrange for appropriate care in other than Navy facilities. (The special-authority provisions of the Manual of the Medical Department, article 11-7(3)(b) to commanding officers of naval hospitals remain in effect and are to be used by such commanding officers in lieu of Subpart D of this part.) This part also provides guidance for situations where authorized personnel may obtain necessary care for themselves. All commands are requested to assure that personnel under their cognizance are made aware of these provisions. Failure to meet requirements can result in denial of the Navy's responsibility for the expense of the care obtained.

(b) *Cross-reference.* This part should be used in conjunction with Part 728 of this chapter which part promulgates policies and procedures governing authorization of persons eligible to receive medical care at Navy facilities and defines the extent of the care at naval facilities authorized for such persons.

3. The caption of Subpart B is revised to read as follows:

Subpart B—Persons Eligible for Medical and Dental Care at Navy Expense at Non-Navy Facilities

4. Section 732.13 is amended by revising paragraphs (h) through (j) to read as follows:

§ 732.13 Persons eligible.

• • • • •

(h) An inactive retired member of the Navy or Marine Corps is eligible for care in uniformed services facilities other than Navy subject to the availability of space and facilities and the capabilities of the medical and dental staff. Such member is also eligible for care in Federal facilities other than those of the uniformed services upon prior approval of the Bureau of Medicine and Surgery. Inactive retired members are not eligible for care in non-Federal facilities under this part.

(i) Active duty naval and marine members of the states of the North-Atlantic-Treaty-Organization Status of Forces Agreement (NATO SOFA States) stationed in or passing through the United States in connection with their official duties except personnel carried as trainees under the Grant-Aid Military Assistance Program. Care is limited to that provided in the United States on or after July 1, 1963.

(j) A member of a uniformed service of the United States other than the Navy or Marine Corps is not authorized to receive medical attention in non-Navy facilities at Navy expense under this part.

5. Section 732.31 is revised to read as follows:

§ 732.31 General.

In certain instances eligible personnel as defined in Subpart B of this part may receive medical and dental care at the Navy's expense at other than Federal facilities. Subpart D sets forth the requirements which must be met before the Navy may pay the expenses of such case. Care in facilities of foreign governments is included in this subpart. Provisions concerning patients in naval hospitals are contained in the Manual of the Medical Department, article 11-7(3)(b).

6. Section 732.33 is amended by revising paragraph (a) to read as follows:

§ 732.33 Authorizing officer.

• • • • •

(a) For care within naval districts and river commands, the commandant of the naval district or river command wherein the care is to be provided. (To be exercised through the respective district medical officer, district dental officer, river command medical officer, and staff dental officer.) The Eleventh Naval District is additionally assigned responsibility for care in Sonoma and Baja California, Mexico.

• • • • •

7. Section 732.36 is amended by adding paragraph (c) at the end to read as follows:

§ 732.36 Care which may be authorized.

• • • • •

(c) *Eye refractions and spectacles.* Includes refractions of eyes by physicians and optometrists and the repair and furnishing of spectacles. A refraction may be obtained only when Federal facilities are not available and no suitable prescription is in the Health Record. The prescription from the refractionist with proper facial measurements should be sent to the appropriate dispensing activity set forth in the BUMED Instruction 6810.4 series. When a member has no suitable spectacles and the lack thereof combined with the delay resulting from obtaining them from a military source would prevent the performance of duty, the repair, replacement, or procurement of spectacles from civilian sources may be authorized. Procurement of contact lenses is not authorized by this part.

8. Section 732.42 is revised to read as follows:

§ 732.42 Payment for care at Federal facilities.

(a) *By whom.* Payment when required, except that provided by the Canal Zone Government, will be arranged by the Bureau of Medicine and Surgery upon presentation of appropriate claim by the Federal agency concerned. Approval and payment for care furnished by the Canal Zone Government will be accomplished locally under separate directive.

(b) *Rates.* Payment for inpatient care, except that provided by the Canal Zone Government, will be made at the inpatient rate prescribed by the Bureau of the Budget. Payment for inpatient care and for outpatient care in the Canal Zone Government facilities will be made at the prescribed rate of the Federal agency furnishing the service. For those personnel eligible under this part there is no charge for outpatient care at uniformed services facilities. Care in Army and Air Force facilities for eligible foreign NATO naval personnel will be on a common-service basis.

9. Section 732.43 is amended by revising the caption of the section and paragraphs (a), (b), (c), and (f), redesignating paragraph (g) as (h) and inserting a new paragraph (g), to read as follows:

§ 732.43 Payment for care at other than Federal facilities.

(a) *Approving and paying officers.* Except for NATO personnel, approval of claims for care furnished within naval districts and river commands shall be accomplished by the appropriate authorizing officer set forth in § 732.33. Payment of the approved claim shall be made by the disbursing officer serving the approving command. For care furnished elsewhere the claim shall be approved by the authorizing officer (§ 732.33) or if such officer has left the area by another naval command in the area. Normally an authorizing officer leaving the area should make arrangements for approval of the bills prior to his departure. Bills for NATO personnel should be sent to the Bureau of Medicine and Surgery (Code 454).

(b) *Preparation of claims.* Unpaid bills should be prepared in quadruplicate, itemized to show the dates on or between which services were rendered or supplies furnished, and the nature of and the charge for each item. Receipt of the services or supplies should be acknowledged on the face of the bill, or by separate certificate, by the person receiving treatment, or by an officer having cognizance of the case. Separate bills should be submitted for services of special nurses, anesthetists, or other persons on a fee basis, unless the bill including such services is accompanied by receipts to show that the expenses have been defrayed by the physician, dentist or hospital submitting the bill, or by a statement to the effect that the individual is a full-time employee of the payee. In cases where the expenses have already been paid by an individual including a service member, a claim for reimbursement may be made by the person defraying the expenses by submitting the bills which were paid, either receipted or with other equal evidence of their payment, proof that the claimant paid the bills, and a request for reimbursement. The complete address to which the check is to be mailed should be indicated. The material required above should be forwarded with the form NAVMED-U to the appropriate approving officer.

(c) *Approval/disapproval of claims.* When the required documents have been received by the approving officer, he shall determine whether the bills are payable in whole or in part or whether the claims should be disallowed. Where payment is to be disallowed, the claimant should receive a prompt and courteous letter stating the reason for the disallowance. If approvable, the officer shall prepare a document containing the following information and forward it to the appropriate disbursing officer for the issuance of a check:

(1) Payee's name and address.

(2) Patient's name and service identification.

(3) Statement that claim is approved for payment.

(4) Statement of the amount payable.

(5) Accounting information.

(6) Dates of service.

(7) If appropriate, statement that NavSandA Form 534, Ration Notice, has been issued.

(8) Date of approval.

(9) Signature of approving officer.

• • • • •

(f) *Appropriation chargeable.* All expenses approved for payment shall be charged as follows:

Appropriation	17-1804.1835 O&MN (Enter last digit of appropriate year in blank space).
Object class	25.
Expenditure account No.	77510.
Allotment and activity accounting No.	18/24001.

(g) *Fiscal year chargeable.* Charges are to be made to the appropriation of the fiscal year in which the obligation is created. Ordinarily, obligations may be created only by contracts entered into, project orders issued, services performed, or material issued during the fiscal year. Any claim that is approved is a proper charge to the appropriation current at the time the patient was admitted to the hospital or first treated as an outpatient. When two fiscal years are involved and such claims are clearly divisible, they should be charged to the appropriation current at the time the services were rendered.

• • • • •

10. Section 732.44 is revised to read as follows:

§ 732.44 Collection for subsistence.

The accounts of officers (Navy or Marine Corps) receiving treatment in Veterans' Administration hospitals, the Canal Zone Hospital, or civilian hospitals at the expense of the Department of the Navy will be checked for subsistence. This checkage will be made by Hospital Ration Notice, Nav. S & A Form 534, which will be submitted by the officer's commanding officer or activity designated by the commandant of the appropriate naval district to the disbursing officer having custody of the member's pay record. It is the responsibility of the originating activity to insure that checkage has been accomplished in accordance with the Navy Comptroller Manual, paragraph 044025. When officers are hospitalized in an Army, Air Force, or U.S. Public Health Service medical facility, the charge for subsistence will be collected by the facility.

(R.S. 161, sec. 4, 70 Stat. 805, secs. 5031, 6148, 6201-6203, 70A Stat. 278, 383, 387, secs. 1071-1085, 72 Stat. 1445-1450, as amended; 5 U.S.C. 22, 802, 10 U.S.C. 1071-1085, 5031, 6148, 6201-6203)

By direction of the Secretary of the Navy.

Dated: April 8, 1964.

[SEAL] WILFRED HEARN,
Read Admiral, U.S. Navy,
Judge Advocate General of the Navy.

[F.R. Doc. 64-3726; Filed, Apr. 15, 1964; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1035]

[Docket No. AO–176–A15]

MILK IN COLUMBUS, OHIO, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Columbus, Ohio, on October 23–25, 1962, pursuant to notice thereof issued on September 24, 1962 (27 F.R. 9613).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary of Agriculture on January 20, 1964 (29 F.R. 1389; F.R. Doc. 64–780) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (29 F.R. 1389; F.R. Doc. 64–780) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. The paragraph following the list of material issues is revised by substituting four new paragraphs.

2. A new paragraph is added between paragraphs 33 and 34 of issue No. 1.

3. The second paragraph of issue No. 4 is revised by substituting two new paragraphs.

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Revision of classification of milk;
3. The level of the class prices;
4. Administrative and conforming changes; and
5. The obligation of nonpool handlers and the allocation of milk.

Findings with respect to issue No. 5 are being dealt with on the basis of another hearing, namely the regional hearing to consider amendments to 24 orders, including Columbus, which was held in Arlington, Virginia, during January 1963. The recommended decision and proposed amendments based on that hearing (29 F.R. 2002) covered changes in the Columbus order provisions dealing with nonpool plants, reports, transfers, allocation, obligation of handlers, computation of uniform price, location differential, and expense of administration.

The recommended decisions on the two hearings were issued concurrently. However, the action on the basis of the two hearings can no longer be coordinated without delaying action on the issues of this hearing. The time for filing exceptions to the recommended decisions based on the regional hearing has been extended to April 1, 1964. Because of the size and complexity of the documents covering the regional decision, the time required to complete the remaining procedures will necessarily be much longer than on this decision.

Issuance of the amended order contained herein at the earliest practicable time will tend to effectuate the declared policy of the Act even though it will not contain certain provisions being considered on the basis of the regional hearing. The expansion of the marketing area is necessary to effectuate orderly marketing among all handlers doing business in the new territory. Revision of the classification and pricing provisions will result in alignment with such provisions in nearby Federal orders and thereby effectuate orderly marketing among Columbus handlers and handlers regulated under such nearby orders.

In order to make the amended order operative the present provisions with respect to transfers and allocation are retained, except that, to the extent necessary, these provisions are modified to conform to the change from four to two classes of milk utilization.

Proposal No. 14 as it appeared in the notice of hearing relating to the diversion of producer milk was abandoned by its proponent at the hearing. Consequently, no further reference is made to proposal No. 14.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The marketing area should be expanded to include the Ohio counties of Coshocton (except Adams township), Fayette, Guernsey (except Londonderry, Millwood and Oxford townships); Muskingum and Pickaway and the townships in Fairfield, Madison, Licking and Union Counties which are outside of the present marketing area. In each of these designated areas more than half of the fluid milk distribution is from plants which are or will be subect to full regulation under the Columbus order.

The marketing area now includes Franklin and Delaware Counties, all of Fairfield County except Clear Creek and Amanda townships, the two western tiers of townships in Licking County, six townships in Madison County and Jerome township in Union County.

In addition to Columbus, the present marketing area includes the cities of Lancaster, Delaware, London and Westerville, Ohio.

Fluid milk products are distributed throughout the present marketing area by 12 Columbus regulated handlers. A total of 1,350 producers supplied milk to regulated handlers for the Columbus market during the month of September 1962.

In recent months the sales by Columbus regulated handlers have increased in the territory beyond the present marketing area. Retail and wholesale routes have spread outward from Columbus to take in more territory. An increase in centralized milk processing was also a major cause of this sales expansion. A Columbus handler stopped bottling milk at its affiliated plants in Marion, Newark and Zanesville, Ohio, in November of 1961 and at its Mansfield, Ohio, plant in September of 1962. The sales territories which were formerly served by these four plants located outside of the marketing area are now supplied from the consolidated distributing plant in Columbus. Enlargement of the marketing area as recommended will largely encompass the expanded sales territories of Columbus regulated handlers.

The sales by Columbus regulated handlers in the territory outside of the marketing area are made in competition with some unregulated handlers who have bought milk from dairy farmers at a flat rate approximating the Columbus blend price. A high Class I utilization percentage is maintained at most of these plants. The unregulated handlers who buy Class I milk at the Columbus blend price pay their producers less than the full utilization value for the milk and thus enjoy a competitive advantage over Columbus regulated handlers who are required to pay class prices.

The expanded marketing area will encompass the major sales territories of Columbus regulated handlers and to the maximum extent feasible the sales areas of those handlers who will become regulated as a result of the enlargement of the marketing area. Handlers who distribute in the expanded marketing area will be assured that they will be in competition with distributors who are required to pay for producer milk purchased on a classified use basis.

It is expected that fourteen additional handlers will become fully regulated and three others will become partially regulated as a result of the expansion of the marketing area.

The population of the expanded marketing area at the time of the U.S. Census for 1960 was approximately 1,132,000. Principal cities located within the territory to be added to the marketing area include Cambridge, Circleville, Coshocton, Marysville, Newark, Washington Court House and Zanesville, Ohio.

Central Ohio Cooperative Milk Producers, Incorporated, proposed that the marketing area be expanded to include Fayette, Muskingum, Pickaway and Ross Counties and the townships in Fairfield, Licking, Madison and Union Counties

which are outside of the present marketing area.

A partially regulated Washington Court House, Ohio, handler is the principal competitor of Columbus regulated handlers in the area proposed by the cooperative south and west of the present marketing area. This handler became partially regulated in 1959 when the order was amended to increase the marketing area to its present size. According to the option provided in the order, this distributor has, since 1959, paid the classified use value for milk bought from dairy farmers in lieu of paying compensatory payments on his route sales. Approximately seven percent of his sales are in the existing marketing area.

This handler testified that he wished to become fully regulated in order to overcome some of the disadvantages that he had encountered under partial regulation. The principal problem that he has arises because a high proportion of his sales are made outside the marketing area. He indicated that he operated at a disadvantage compared to unregulated handlers who compete with him in Union, Fayette and Pickaway Counties. According to his testimony, these distributors have gained a price advantage over him by paying less than class prices for their milk.

Another problem that he encountered was due to the intermingling of Columbus producers with those who sell to his plant. Although he has paid class prices for milk, the blend price at his plant has generally been different from the Columbus uniform price. The prices differed because the utilization for his plant was different from the market average and because of the effect of the take-out and pay-back plan on the Columbus blend price. Some dissatisfaction occurred among producers because of these price differences.

The Washington Court House, Ohio, handler supported the annexation of all of Union, Madison, Fayette and Pickaway Counties to the marketing area. Approximately 54 percent of his sales are in this four-county area.

Columbus regulated handlers and the partially regulated Washington Court House, Ohio, handler who pays class prices account for 61 percent of the sales in the unregulated part of Union County. A Marion, Ohio, handler who is regulated by the North Central Ohio order sells two percent of the milk in the unregulated area in the county.

A New Bremen, Ohio, handler distributes 25 percent of the fluid milk products in the unregulated portion of Union County. The record did not clearly indicate whether this handler was unregulated, partially regulated or regulated by a Federal order. Official notice is taken of the Market Service Bulletins issued by the market administrator for the Indianapolis, Indiana, Federal order which show this plant to have been regulated under that order since June 1963. An additional two percent of the sales in the unregulated part of Union County is made by an unregulated Bellefontaine, Ohio, handler.

Columbus handlers and the Washington Court House, Ohio, distributor have approximately 49 percent of the business in the eight townships of Madison County which are outside of the present marketing area.

The fluid milk sales in Fayette County are made by the partially regulated handler from Washington Court House, Ohio, and by an unregulated handler whose plant is also located in that city. Sales by the partially regulated handler account for 90 percent of the total for the county.

Pickaway County is served by three Columbus regulated handlers, the partially regulated Washington Court House, Ohio, handler and an unregulated handler whose plant is located within the county at Circleville, Ohio. The sales by the three Columbus handlers plus those of the partially regulated Washington Court House, Ohio, handler equal 70 percent of the county total. Sales by the Circleville, Ohio, handler comprise 28 percent of the county total.

The unregulated Circleville, Ohio, handler has paid a flat price approximately equal to the Columbus blend price for milk bought from dairy farmers. This price does not reflect the use value of the milk.

Amanda and Clear Creek Townships in Fairfield County are areas of sales competition between the Circleville, Ohio, handler and Columbus regulated handlers. The unregulated handler from Circleville is the principal distributor in these townships. His distribution in Clear Creek and Amanda townships constitutes 90 percent and 50 percent, respectively, of the total sales within these townships. Columbus regulated handlers sell about 10 percent of the milk in the two-township area.

All of the territory in Union, Madison, Fayette, Pickaway and Fairfield Counties should be included in the marketing area since these counties are an important sales area for milk priced under the Columbus order. Columbus regulated handlers and the Washington Court House, Ohio, handler face significant competition from unpriced milk in much of the unregulated area in these counties. Inclusion of this area will place all distributors who sell milk in the counties on a competitive par with respect to the minimum prices they pay for producer milk. Producers who supply the handlers will also be assured of payment for their milk according to its use. Fayette County is included among those areas to be added to the marketing area even though no sales are made in the county by Columbus handlers. This is necessary to assure equality of minimum producer prices between the two handlers who are located within the county. Fayette County is the home base of the partially regulated Washington Court House, Ohio, handler. His distribution in Fayette County constitutes 90 percent of the total sales within the county and 21 percent of his total Class I business. If Fayette County were not added, the partially regulated handler who will become regulated due to sales in other counties would continue to face unregulated competition near his plant and could be placed at a serious competitive disadvantage in maintaining sales in this area.

Adding the above counties will bring under full regulation the partially regulated Washington Court House, Ohio, handler. A majority of his sales are in this area. As a result of the marketing area expansion, he will not have the problem of competing at a disadvantage with large amounts of unpriced milk. Pooling of his plant will also eliminate the problem he encountered when his producer pay price differed from the Columbus blend price.

The unregulated handler from Circleville, Ohio, and the unregulated handler from Washington Court House, Ohio, will also be regulated as a result of the area expansion. A handler at Bellefontaine, Ohio, will be partially regulated due to his sales in the territory to be added to the marketing area.

The territory east of Columbus proposed for inclusion in the marketing area includes the unregulated portion of Licking County, Muskingum County, Coshocton County, Perry County, and that portion of Guernsey County which is not in the Greater Wheeling marketing area.

Licking and Muskingum Counties are the most populous counties proposed for addition to the Columbus marketing area. The population of the two-county area which includes the cities of Newark and Zanesville, Ohio, was 169,000 at the time of the 1960 census.

Sales by a Columbus regulated handler in Licking County increased during recent months when its affiliated plant in Newark, Ohio, was closed. The sales territory formerly served by the company's Newark, Ohio, plant is now supplied from the consolidated plant in Columbus. The producers who supplied the Newark, Ohio, plant were also shifted to the company's plant in Columbus.

Approximately 57 percent of the packaged milk sold within the unregulated area of Licking County is now distributed by Columbus regulated handlers. An additional four percent of the sales in the Licking County townships outside the present marketing area are made from a Dayton, Ohio, plant by a handler regulated by the Dayton-Springfield, Ohio, Federal order. A partially regulated Zanesville, Ohio, handler distributes approximately 8 percent of the total packaged milk that is sold in the above Licking County townships. Five unregulated handlers who are located within Licking County account for more than 20 percent of the sales in the unregulated portion of the county.

Milk Producers, Incorporated, whose members supply 4 unregulated Newark, Ohio, handlers opposed extension of the marketing area to include all of Licking County. Several members of the producer organization testified that the prices paid by the unregulated Newark, Ohio, handlers were higher than those received by producers who sold to Columbus regulated handlers. These producers testified that their incomes would be substantially reduced if the Newark handlers who purchased their milk were to be regulated.

The unregulated Newark, Ohio, handlers pay their producers according to a base and excess plan. Producers' bases under the payment plan are established equal to marketings during the months

of September through December by 3 of

marketing area to include the unregu-

partially regulated Washington Court

ciation with the Columbus market. The

of September through December by 3 of the 4 Newark, Ohio, handlers. The other handler follows a system whereby the producer bases are established equal to marketings during the 4 months of the year when the lowest volume of milk is received from dairy farmers at his plant. The Newark, Ohio, handlers pay their producers for milk purchased according to the producer bases established but without regard to the use made of the milk. No method is available to producers to determine the amount of milk that goes into various products at these plants. Testimony presented by the producers who supplied the Newark, Ohio, handlers indicated that some milk which was bought for the excess price was being bottled and sold for fluid use.

The partially regulated Zanesville, Ohio, handler, who has eight percent of the sales in Licking County, also has had a procurement advantage over his Columbus competitors. Milk which he sold outside the regulated area in Licking County was unpriced. He elected to pay compensatory payments on his route sales in the marketing area instead of paying class prices for all his milk.

Information submitted by the Zanesville handler shows that his producer pay prices averaged 15 cents per hundredweight lower than the Columbus blend prices for the months of October 1961 through September 1962. Other testimony by this handler shows that a very high Class I utilization percentage is maintained at his plant. No system of classified pricing is followed and his producers are paid less than the use value for their milk.

The Columbus marketing area should be expanded to include all of Licking County since the entire county is now an integral part of the sales area of Columbus regulated handlers. Handlers who sell milk within the county will be assured that their competitors do not have a price advantage in the procurement of producer milk. Producers who now sell to the unregulated handlers will also benefit from the detailed audit provided by the order which will assure them payment for their milk according to its use.

Exceptions to the inclusion of the remainder of Licking County in the marketing area were filed by unregulated handlers located in the vicinity of Newark, Ohio, and by the producers who supply these handlers. These exceptions were carefully considered in connection with the record evidence and the above findings. It is found that regulation of this territory is necessary to effectuate orderly marketing in the area. Exception is therefore overruled.

It is expected that four Newark, Ohio, handlers and a Utica, Ohio, handler will become regulated by the Columbus order as a result of the expansion of the marketing area to include all of Licking County. The partially regulated Zanesville, Ohio, handler will also be regulated due to his Licking County sales.

With the inclusion of all of Licking County in the marketing area, about 16 percent of the sales from the partially regulated Zanesville plant will be in the marketing area. While these sales are sufficient to regulate it, a high proportion of the plant's distribution would be outside the marketing area if Licking County were the only county added. The Zanesville handler wished to get more of his sales covered by the marketing area so that he would face less unregulated competition. He supported the producer proposal to add Muskingum County and proposed, in addition, that Coshocton, Perry and the part of Guernsey County which is outside the Greater Wheeling marketing area be added to the marketing area. About 38 percent of his sales are made in Muskingum County. Another 27 percent of his sales are made in the counties he proposed.

If the Zanesville handler were to become regulated due to his sales in Licking County, then, 70 percent of the milk sold in Muskingum County would be priced by the Columbus order. His sales account for 30 percent of the county total. Columbus regulated handlers sell 40 percent of the milk.

Sales by Columbus handlers increased to the 40 percent total only recently, after an unregulated plant in Zanesville was closed in 1961. The routes of the unregulated plant were taken over and supplied with milk from a plant operated by the same company in Columbus.

Additional sales are made in Muskingum County by four unregulated handlers. These handlers from Zanesville, Crooksville, Dresden and Utica, Ohio, account for 20 percent of the county distribution.

Muskingum County should be added to the marketing area because of the importance it will have as a sales area for Columbus regulated milk. More than 70 percent of the sales here are made by handlers who are presently regulated or by handlers who will be regulated because of their Licking County sales.

The unregulated handlers from Zanesville, Crooksville and Dresden, Ohio, will be regulated by adding Muskingum County. The unregulated Utica, Ohio, handler who has sales in Muskingum County is the same one who sells in Licking County.

The Coshocton County sales pattern is similar to that which exists in Muskingum County. Sales by a Columbus handler, plus the sales of the handlers who will be regulated by their Licking County sales, equal more than 44 percent of the total for the county. Regulated handlers from two other Federal orders sell another 36 percent of the milk, so, a total of 80 percent of the milk sold in the county will be priced by Federal orders. Since more than half of this regulated milk will be from Columbus plants, Coshocton County, except Adams township, should be added to the Columbus marketing area.

The details of the sales pattern for Coshocton County show that the partially regulated Zanesville handler accounts for 39 percent of the milk sales in the county. Sales from a Mansfield, Ohio, distribution point by a Columbus handler comprise five percent of the county total. The previously mentioned unregulated handler from Utica, Ohio, who distributes milk in Licking and Muskingum Counties also has some sales in Coshocton County.

A Canton, Ohio, handler, regulated by the Northeastern Ohio order, accounts for 26 percent of the Coshocton County sales. The sales by a Mansfield, Ohio, handler, regulated by the North Central Ohio order, equal 10 percent of the total for the county. An unregulated Dresden, Ohio, handler who also distributes milk in Muskingum County accounts for 12 percent of the sales.

Additional sales are made throughout the east north-central portion of the county from an operating cooperative plant in Newcomerstown, Ohio. It is expected that this handler will be partially regulated as a result of the expansion of the marketing area to include Coshocton County.

An unregulated handler in New Philadelphia, Ohio, has sales in Coshocton County which are confined to Adams township. This handler does most of his business and purchases milk from dairy farmers in Tuscarawas County where he is primarily in competition with Northeastern Ohio Federal order regulated handlers. His Adams township sales are made in the village of Bakersville where he is the only distributor. There is little, if any, sales competition in Adams township by Columbus handlers or by distributors who will become regulated due to the expansion of the marketing area. Adams township in Coshocton County, therefore, should not be added to the marketing area.

The Guernsey County townships which are not in the Greater Wheeling marketing area should be added to the Columbus marketing area. This part of Guernsey County is now an important sales area for regulated handlers from several Federal orders. After the Zanesville handler is regulated, Columbus handlers will be the dominant regulated sellers in this area. Because of this sales dominance, the unregulated section of Guernsey County should become part of the Columbus marketing area.

A break-down of the sales in Guernsey County shows that the Zanesville, Ohio, handler distributes approximately 25 percent of the milk in the county. This handler's distribution is confined to the unregulated part of the county. A Columbus regulated handler accounts for 10 percent of the county sales. Sales by Greater Wheeling regulated handlers whose plants are located in Quaker City and Martins Ferry, Ohio, equal approximately 20 percent of the total for the county. Additional distribution, equal to five percent of the total milk sales for the county, is made by a Dayton-Springfield, Ohio, Federal order regulated handler from a Dayton, Ohio, plant. A Canton, Ohio, handler regulated by the Northeastern Ohio Federal order, also accounts for five percent of the county sales.

An unregulated handler, located within the county at Cambridge, Ohio, sells about 20 percent of the packaged milk in the county. Additional unregulated sales are made in the county by a Dover, Ohio, handler. It is expected that the Dover, Ohio, handler and the Cambridge, Ohio, handler will be regulated as a result of the extension of the Columbus marketing area to include the unregulated part of Guernsey County.

The previously mentioned Greater Wheeling regulated handler from Martins Ferry, Ohio, supported the proposal to regulate the remainder of Guernsey County. In his testimony, he related that most of the sales in the county were made by regulated handlers. He contended that regulation of the entire county was necessary because of its importance as an area of competition between Federal order handlers.

No evidence was presented at the hearing to show the need for adding Perry County to the marketing area. The proponent handler testified that his company's interest in the county was small and that the county was proposed for inclusion in the marketing area only in order to include as much as possible of the sales territory of the Zanesville, Ohio, plant within a regulated area. The regulated handlers with sales in Perry County did not support the proposal to include the county. Perry County, therefore, should not be added to the marketing area.

Fluid milk sales are made in Ross County by nine handlers. The handler with the largest amount of sales in the county is the previously mentioned partially regulated distributor from Washington Court House, Ohio. His sales comprise approximately 48 percent of the Ross County total. An unregulated handler from Chillicothe, Ohio, is second in distribution with about 18 percent of the total sales for the county. A Columbus regulated handler distributes slightly less than 16 percent of the packaged milk that is sold within the county. Sales by two unregulated handlers whose plants are located in Circleville and Hillsboro, Ohio, account for 13 percent of the Ross County distribution. Three Tri-State order regulated handlers and a producer-distributor from Chillicothe, Ohio, account for the remaining five percent of the Ross County sales.

The Chillicothe, Ohio, handler who is the principal unregulated distributor in Ross County opposed the proposal to extend the marketing area to include the county. Evidence was submitted by this handler to show that he had no advantage over regulated handlers in the procurement of producer milk supplies.

The Chillicothe, Ohio, handler follows a classified pricing system and pays his producers according to the use made of their milk. Figures submitted by the handler show that his procurement costs for milk purchased from dairy farmers during 1961 were approximately the same as they would have been if Columbus order prices had been used to calculate his obligation to producers. This handler paid an average monthly blend price of $4.383 per hundredweight for milk purchased from producers in 1961. His average monthly procurement costs would have been $4.397 per hundredweight for producer milk if he had been a Columbus regulated handler during 1961.

The Columbus regulated handler who sells packaged milk within Ross County did not support the proposal to include the county in the marketing area. The partially regulated Washington Court House, Ohio, handler testified that he would not be placed at a competitive disadvantage if Ross County were omitted from the expanded marketing area.

Additional testimony in opposition to the expansion of the marketing area to include Ross County was presented by an unregulated Hillsboro, Ohio, handler. The Hillsboro, Ohio, handler sells packaged milk on routes within Ross County and to the unregulated Chillicothe, Ohio, distributor. He also buys packaged products from the Chillicothe, Ohio, handler.

The Hillsboro, Ohio, handler supported a conditional proposal while opposing the expansion of the marketing area to include Ross County. He proposed that Highland County (the county in which his plant is located) also be added if Ross County were included in the expanded marketing area. Inclusion of Highland County was proposed in order to place a greater amount of the sales territory of the Hillsboro plant in the marketing area in the event that Ross County sales would cause the plant to be regulated. The Hillsboro, Ohio, handler also wished to attain regulated status if the Chillicothe, Ohio, handler with whom he exchanged packaged milk were to be regulated.

Approximately 17 percent of the packaged milk sold from the Hillsboro plant is distributed in Ross County. A high proportion of the Ross County sales is made to the Chillicothe, Ohio, handler. These sales are defined as inter-plant transfers of milk by the Columbus order. Route sales in Ross County are less than the 15 percent of receipts from dairy farmers and other plants required to qualify the plant as a pool plant under the order. The Hillsboro plant would be partially regulated if Ross County were included in the marketing area.

The Hillsboro, Ohio, handler is the principal distributor in Highland County. Packaged milk sales from his plant account for 35 percent of the total for the county. Sales by Dayton-Springfield, Ohio Federal order regulated handlers and by regulated Cincinnati Federal order handlers equal approximately 20 percent of the county total. A Columbus regulated distributor sells about 15 percent of the packaged milk in Highland County. The Hillsboro distributor buys milk from twenty-six producers located in Highland and Brown Counties. During the month of December 1961 a total of 193 Cincinnati Federal order producers were located in these counties. No producers located in Highland and Brown Counties sold to Columbus regulated handlers in December of 1961.

Ross and Highland Counties should not be included in the marketing area. The economic conditions prevailing within the counties do not warrant their inclusion. The principal unregulated distributor in Ross County follows a classified pricing plan and pays his producers according to the utilization of their milk. Competitors of the Chillicothe, Ohio, distributor did not support the proposal for inclusion of Ross County in the marketing area. Highland County lacks significant economic association with the Columbus market. The Highland County handler's competition for producer milk supplies is primarily with Greater Cincinnati Federal order regulated handlers. Dayton-Springfield, Ohio, and Greater Cincinnati order regulated handlers have a greater percent of the sales in Highland County than the Columbus regulated handler who distributes packaged milk within the county.

2. *Classification.* The classification provisions of the order should be amended to provide for only two classes of milk instead of the four classes presently defined. However, the discussion of need for two use classes is combined with the discussion of prices presented hereinafter.

(a) *Changes in the classification of fluid milk products.* Milk shake mixes which contain 15 percent or less total milk solids and dietary milk should continue to be classified as Class I milk. Sterilized cream packaged in hermetically sealed containers should be classified as Class II milk. Products which contain sour cream but which are not labeled "Grade A" should be classified as Class II milk. These changes can be accomplished by revising the definition of fluid milk product to include milk shake mixes with the specified milk solids content and dietary milk and to exclude products packaged in hermetically sealed containers and sour cream products which are not labeled "Grade A".

Except for the change recommended hereinafter to classify fortified milk in Class I on a volume basis, no change in the classification will result from adding dietary milk to the list of fluid milk products specified in the order. Dietary milk, which was first sold on the Columbus market in November 1960, has been classified as Class I milk by the market administrator since sales of the product began on the basis that it fell within the designation of a flavored milk drink. The present classification of dietary milk and milk shake mixes with 15 percent or less of milk solids should continue since they are required to be made from Grade A milk and are similar to and competitive with other fluid milk products sold in the Columbus marketing area. In the past the market administrator has classified as Class II milk shake mixes containing more than 15 percent total milk solids since these mixes were indistinguishable from mixes for ice milk and similar soft frozen desserts. The provisions of the order should be clarified to include specifically in Class II milk shake mixes having a milk solids content higher than 15 percent.

Sour cream products are sold in the Columbus marketing area from grocery stores and grocery warehouses in competition with similar products which are processed at handlers' pool plants. These sour cream mixtures may contain food items such as cheese, chives and vegetable oils and other flavoring and seasoning ingredients. When such additional ingredients are added the product may not carry a Grade A label and hence it need not be made from Grade A milk. The cultured sour mixtures from

nonpool sources which were exhibited

tively short distance outside the mar-

of producer milk (except for shrinkage)

Separate classification and pricing for

nonpool sources which were exhibited at the hearing did not carry a Grade A label.

Columbus regulated handlers are required by the terms of the order to pay the Class I price for producer milk which is sold in the form of cultured sour mixtures. This price makes their raw product cost for sour cream mixtures which are sold without a "Grade A" label considerably higher than that of their nonpool competitors. These products should be classified as Class II milk in order to place Columbus regulated handlers on an equal competitive basis with those sellers who can obtain the sour cream product from an unpriced or ungraded source. If sour cream products with or without added food ingredients are sold under a Grade A label, they should continue to be classified as Class I milk as now provided by the order.

Sterilized cream in hermetically sealed glass and metal containers is sold by a California firm to a handler who will be regulated as a result of the expansion of the marketing area. The purchasing handler proposed the deletion of the sterilized cream product from the fluid milk product definition and the classification of the item in the lowest use class. The handler's testimony indicated that the imported sterilized cream could be distributed through grocery stores in the same manner as other manufactured dairy products such as nonfat dry milk and evaporated or condensed milk in hermetically sealed cans. The product has a long shelf life similar to that of canned condensed or evaporated milk and refrigeration is not required due to the hermetic seal applied to the containers. Manufacturing grade milk is used to produce the product.

Producers contended that the product displaces producer milk sold in the form of whipping cream and that, therefore, it should be classified as Class I milk. Since the product is not required to be made from Grade A milk, it should not be classified and priced as a fluid milk product, but should be classified as Class II milk.

(b) *Classification on nonfat dry milk solids.* The order should be amended to provide for the classification of fluid milk products fortified with additional milk solids as Class I milk only to the extent of the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II milk.

Fortification of a fluid milk product involves the addition of nonfat dry milk powder or condensed skim milk to a fluid product to yield a finished product with a higher nonfat solids content than that contained in an equivalent amount of whole milk. Sales of fortified products have increased in recent months in the Columbus market due to greater consumer demand for low fat products with added milk solids. Under the present order provisions the skim milk equivalent amount of the added milk powder is priced as Class I milk.

Handler proponents of the change in the classification and pricing of solids used to fortify fluid milk products testified that the additon of milk solids enabled them to increase Class I milk sales and to supply consumers with a product of higher quality and better flavor. The present order provision was cited by handlers as a deterrent to a practice which helps to maintain a volume of milk in Class I which might otherwise be used in the surplus class.

Producers favored retention of the present order provision for classifying and pricing solids used for fortification purposes. It was their contention that the present provision merely allows them to receive the Class I price for Class I sales and that these sales include the full amount of fluid milk needed to produce the fortified product.

The nonfat dry milk powder used for fortifying fluid milk products in the Columbus market may be produced from unpriced milk or from milk which was priced in a surplus class of another Federal order. Skim milk powder obtained from producer milk would have no greater value for fortification purposes than this nonfat dry milk which is purchased at the national market price. It is not economic to charge handlers the Class I price for a product which is available from alternate sources at a price reflecting the value of manufacturing grade milk.

The request of producers for retention of the present order provisions with respect to fortified products should be rejected. There is no showing that fortification of fluid milk products with added nonfat solids displaces producer milk in Class I uses. On the contrary it appears that the production of a product with greater consumer appeal may actually increase consumption of producer milk in Class I uses. The change in classification of fortified products by lowering handler's raw product costs will provide an incentive for further expansion of sales of these products thereby enhancing overall returns to producers.

For accounting purposes, the nonfat milk solids added to fluid milk items should be converted to their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of the fortified product and the actual weight of the product disposed of in fluid form should be classified as Class II. The skim milk equivalent of the added solids should be considered as a receipt of other source milk.

Skim milk powder or condensed milk products which are used for reconstitution of fluid milk products should be accounted for on a skim equivalent basis and classified in Class I, as is now provided in the order. Reconstituted fluid milk products compete for Class I sales with other milk and skim milk, and if made from other source milk, would displace producer milk in Class I sales to the extent of the full volume of the reconstituted fluid milk products which are sold.

A handler proposed the deletion from the order of the provision which requires the use of a skim milk equivalent accounting procedure for products from which water has been removed before use or disposal. This provision should be retained in the order. Skim milk equivalent accounting permits the establishment of a common base for dissimilar milk products and thereby provides an efficient method of reconciling the receipt and disposition of a variety of products that may be handled in the plant. The procedure is widely used in Federal order markets and it has functioned effectively.

The proponent handler did not indicate the specific nature of the problems that had been encountered because of this accounting device. No action to delete the provision is justified on the basis of the record evidence and the proposal is therefore denied.

A handler proposed the classification of the pounds of skim milk powder used in the production of cottage cheese as Class II milk and the difference between the weight and the skim milk equivalent of the nonfat dry milk as Class IV milk. The proponent specified that the provision should become effective only during months when the producer milk supply declined below 110 percent of Class I sales. The proposal would reduce handlers' costs when other source milk in the form of skim milk powder was used during times when producer milk was in short supply.

This proposal would not be applicable to the revised order due to the reduction in the number of classes of utilization from four to two. In the revised order, the skim milk equivalent of the skim milk powder used in the production of cottage cheese should be considered a receipt of other source milk and as disposed of in Class II. The proposal is denied since it would not apply to the revised order.

(c) *Revision of the transfer provisions.* The order should be amended to permit the transfer or diversion of fluid milk products as Class II milk to nonpool plants located within 300 highway miles of the nearer of the State Capitol in Columbus, or the City Hall in Zanesville, Ohio. A surplus disposal area of this magnitude is necessary to encompass the additional outlets for surplus milk required for the enlarged market.

Nonpool plants located more than 100 airline miles from Columbus are outside the surplus disposal area as defined by the present order and all fluid milk products which are transferred or diverted to these nonpool plants are classified as Class I milk.

A handler proposed the deletion of the entire transfer provision of the order which limits the distance that fluid milk products may be transferred as other than Class I milk. He contended that a mileage limit was not necessary since the reported use of the milk at any nonpool plant could be verified by a market administrator from another Federal order.

The surplus disposal area should encompass those plants to which handlers would be expected to transfer or divert milk or cream that is not needed at their own plant.

An expansion of the surplus disposal area should accompany expansion of the marketing area. The Northeastern tip of Guernsey County in the enlarged marketing area is approximately 90 miles from Columbus. If the surplus disposal area were not enlarged surplus milk transferred by a Guernsey County handler to a nonpool plant located a relatively short distance outside the marketing area would be classified as Class I milk under the present terms of the order. The use of the City Hall in Zanesville, Ohio, as an alternative basing point will be appropriate. Also, the use of highway miles is recommended since the milk is actually moved over the highway and the location differential provisions of the order employ highway miles.

Enlargement of the surplus disposal area to include the nonpool plants located within 300 miles of Columbus or Zanesville, will provide adequate outlets for the surplus milk of all regulated handlers. The handler who proposed the change in the transfer provision testified that a surplus disposal area which extended 300 miles from Columbus would include the plants to which fluid milk products would ordinarily be transferred by his company. A Beckley, West Virginia, plant located approximately 230 miles from Columbus and 215 miles from Zanesville is the most distant outlet mentioned.

The handler proposal to delete the entire mileage limit on the surplus disposal area should not be adopted. Removal of the limit could cause the market administrator to incur excessive auditing costs. While the market administrators from other Federal orders can assist in the verification of the reported use of certain transfers, as suggested by the proponent, this is not feasible for some long distance shipments. The reported use of milk sold to nonpool plants which are not regularly audited by a neighboring market administrator would still have to be verified from Columbus. The 300 mile limit will allow the market administrator to check the claimed classification of these sales without incurring unreasonable costs.

(d) *Inventory.* Fluid milk products in inventory should be classified as Class II, with provision for an additional charge when allocated to Class I use in the succeeding month.

The Columbus order presently classifies bulk milk, cream and other Class I products on hand at the end of the month as Class I milk. In the succeeding month such inventory (now the beginning inventory) is subtracted from Class I milk. Retention of this treatment of inventory would afford the large number of handlers who will become regulated under the expanded marketing area an incentive to build up inventories prior to becoming regulated since such milk would be allocated to Class I use and would displace current receipts of producer milk. In addition under the present system each handler pays for some portion of each month's Class I sales at the Class I price of the preceding month. This proportion is not uniform among handlers and encourages manipulation of inventory to take advantage of the change in the Class I price.

Greater equity among handlers will be achieved by reserving current Class I sales so far as possible for assignment to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II milk, and allocation of opening inventory to Class I milk only when current receipts of producer milk (except for shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price paid for such milk in the preceding month and the current Class I price. The volume on which this change is made should not exceed the volume (in excess of allowable shrinkage) for which producers were paid at the Class II price in the preceding month.

(3) *Classes of utilization and class prices*—(a) *Class II milk.* A handler witness testifying on the need for intermarket alignment of prices for manufactured products cited the price advantage which handlers in nearby markets have over Columbus dealers in buying milk for use in cottage cheese and ice cream. He then proposed that the Columbus prices for these items be reduced to align them with those in neighboring markets. Alignment of Columbus order prices for milk used in cottage cheese and ice cream with such prices in the Dayton-Springfield and North Central Ohio markets was held to be particularly important because of the extensive competion between distributors from those orders and Columbus handlers.

A change such as that proposed by the handler would be appropriate as it would contribute to orderly marketing of milk in the area by putting handlers on a more competitive basis with respect to the minimum prices for milk used in products which they sell in competition with handlers from nearby order markets.

In the Columbus order there are four use classes for milk with a separate price level for each class. Fluid milk, cottage cheese, ice cream, and butter are all classified and priced in separate categories.

In the Dayton-Springfield and North Central Ohio markets, milk used in cottage cheese and ice cream is priced at about the Columbus Class IV price level. In 1961 the Columbus Class II (cottage cheese) and Class III (ice cream) prices averaged 93 cents and 68 cents, respectively, above the Class IV price. Accordingly, Columbus handlers have to compete with handlers under neighboring orders for sales of cottage cheese and ice cream while paying substantially more for the milk used in these products. It would contribute to orderly marketing if milk used in these products were priced commensurate with prices in nearby orders.

In the past, orderly marketing was maintained in the Columbus marketing area even though the classification and pricing provisions of the order were not in close alignment with other markets as there was not a significant overlap of sales by Columbus handlers and handlers under adjacent orders. Originally the Columbus marketing area was primarily coextensive with the jurisdiction of a single health authority which required cottage cheese and ice cream to be made from Grade A milk. There are several health inspection agencies with jurisdiction in the expanded marketing area. Products such as ice cream and cottage cheese can be sold in most parts of the expanded marketing area without being made from Grade A milk.

Separate classification and pricing for reserve milk used in individual products or groups of products has tended to eliminate the incentive for handlers to seek the higher valued use for reserve milk. Instead, there is an incentive to supply the market's needs of such products from cheaper sources. There has been a substantial reduction in the use of reserve milk for ice cream by Columbus handlers. The primary source of milk used in ice cream by one of the principal Columbus handlers is milk priced under the Northeastern Ohio order. The Minnesota-Wisconsin price series is used in that order to price milk which is utilized in ice cream. Use of the same price in the Columbus order would facilitate the orderly flow of milk between the orders for use in such products.

Separate classification and pricing of various manufactured products between adjacent orders where there is an overlap of competition unavoidably results in an incentive to shift production to the lower priced class uses because of wider operating margins. With the present price alignment there is an incentive for Columbus handlers to use the reserve supply in Class IV and supply the market's needs of cottage cheese and ice cream from milk priced under nearby orders. The consolidation of all reserve milk into one class would encourage handlers to utilize their excess milk in the higher valued uses.

It is concluded from the above considerations that the order should provide for two use classes by combining the present Class II, Class III and Class IV into one use class designated Class II.

(b) *Class II price.* The Class II price should be the Minnesota-Wisconsin basic formula price except that it should not exceed the price resulting from a butter-powder formula by more than ten cents.

The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may occur from time to time. The price, however, should not be so low, that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

A handler witness proposed that the Minnesota-Wisconsin price series be used as the basic formula in the computation of the present Class II and Class III prices. This price series has been used as the basic formula for the Class I price since March 1, 1962. Prior to that time the basic formula price for Class I was the same as for Class II and Class III. This formula price is the higher of the (1) average of prices reported to have been paid by certain specified milk manufacturing plants in Wisconsin and Michigan or (2) the price computed from market values of butter and nonfat dry milk.

Official notice is taken of the Under Secretary's decision of February 21, 1962 (27 F.R. 1802) to incorporate the Minnesota-Wisconsin price series in the Columbus order as well as 35 other orders throughout the Midwest as the basic formula price for Class I milk. It was found in that decision that the Minnesota-Wisconsin price series was a more appropriate measure of manufacturing

milk values for use in the orders than the formulas which were in use.

The Minnesota-Wisconsin price series has been incorporated as the surplus use effective Class II price. This formula will result in prices very similar to those under the present formula.

(d) *Supply-demand adjuster.* The "standard utilization percentages" of the supply-demand adjuster should be revised slightly to conform with the

trend toward fewer producers which had continued for nearly ten consecutive

Class I during the two-year period. The present level of producer prices has maintained a proper balance between

Increasing the Class I differential to $1.25 will also align it with the differentials in nearby markets. As a result of

milk values for use in the orders than the formulas which were in use.

The Minnesota-Wisconsin price series has been incorporated as the surplus use price in many orders throughout the Midwest. This price series is the effective price for milk used for cottage cheese, ice cream and other manufactured dairy products by handlers regulated under the North Central Ohio order. There is considerable overlap of competition by handlers in this and the Columbus market. In addition, the producers supplying the two markets are intermingled. In view of this intermingling of the production and sales areas it is appropriate that the price for milk used in manufactured dairy products be the same under the Columbus order as the North Central Ohio order.

It was proposed by a handler that the present Class IV butter-powder formula price be modified by increasing the manufacturing allowance factors and deleting the minus differential of 12 cents during April through July and five cents during other months.

The handler witness contended that the revised formula would facilitate the disposal of milk to local manufacturing plants.

Typically, Columbus handlers process fluid milk, cottage cheese and ice cream. Milk in excess of such needs is transferred to local manufacturing plants which make butter and nonfat dry milk. Handlers have accepted these excess supplies at the present price level.

The level of the Minnesota-Wisconsin price series has differed very little from the Class IV price formula provided in the order. Since April 1961 the Minnesota-Wisconsin price series has not exceeded the Class IV butter-powder formula by more than nine cents in any month and has averaged 5.4 cents higher. However, during the period of September 1960 through April 1961 the Minnesota-Wisconsin price series averaged 16 cents over the Class IV price. During this period the demand for Minnesota and Wisconsin milk for manufacture into products other than butter and powder caused prices to rise significantly.

Since most of the Columbus reserve milk which cannot be used in cottage cheese or ice cream must be shipped to local butter plants, it is essential that the Class II price not differ significantly from the market value of butter and powder. Accordingly, it is appropriate that an alternative Class II price become effective whenever the Minnesota-Wisconsin price exceeds by more than ten cents the value of milk for manufacture into butter and powder. Such an alternative price may be constructed from the present Class IV price by substituting for the manufacturing allowance factors in the present formula, factors of three cents per pound for butter and 5.5 cents per pound for powder. The resultant price is identical to the one used in the Northeastern Ohio market to limit the Minnesota-Wisconsin manufacturing price to ten cents over the formula's value of milk used in butter and powder. It also serves the same purpose in the North Central Ohio market where the Northeastern Ohio surplus price is the effective Class II price. This formula will result in prices very similar to those under the present formula.

The Class II price provisions recommended herein will return to producers a value for their milk consistent with the value of milk used in the manufacture of like products in adjacent markets and thereby contribute to the orderly marketing of milk in the area.

(c) *Butterfat differential.* The Class IV butterfat differential which is calculated as the price per pound of Chicago 92-score butter times 0.115 should be retained as the Class II butterfat differential. This is an appropriate and representative measure of butterfat values for manufacturing purposes in the area.

It was proposed that the Class III and Class IV butterfat differentials be reduced. The present Class III butterfat differential is determined by multiplying the Chicago butter price by 0.126 during the months of August through March and by 0.124 during other months. The Class IV butterfat differential is 0.115 times the Chicago butter price. A handler proposed that these differentials be reduced by using a factor of 0.120 for Class III and 0.113 for Class IV.

The butterfat differential for Class I and Class II milk is 1.72 percent of the Class I price. The Class I butterfat differential should be continued at its present level. In view of the recommendation to combine the present Class II, Class III and Class IV uses as Class II, however, a single butterfat differential should be fixed for milk so utilized.

A handler witness contended that his company would use more producer butterfat in ice cream (Class III) rather than sell it for butter manufacture (Class IV) if it were priced in closer alignment with alternative sources. This handler's primary source of supply for ice cream usage is from the Northeastern Ohio order where the butterfat differential factor is 0.115. Use of the same factor in the Columbus order will encourage the use of producer butterfat in higher valued products like ice cream and cottage cheese rather than butter.

The butterfat differential of 11.5 percent of the Chicago butter price will not be so low as to give an unnatural incentive to the movement of butterfat to the manufacture of butter at the expense of preferred outlets such as for cottage cheese and frozen desserts. Moreover, at the recommended rate the cost of butterfat in the market will be competitive with butterfat from alternative sources of supply.

The proposal to apply a somewhat lower value for butterfat used in butter is unnecessary in this market as handlers do not maintain extensive butter manufacturing operations. To provide a lower butterfat differential for milk in such uses could stimulate uneconomic use of milk in this lower value outlet while a higher use product demand is available. Thus, returns to producers would be adversely affected.

The producer butterfat differential should be continued at a rate equal to the weighted average value of the butterfat in producer milk in accordance with its classification.

(d) *Supply-demand adjuster.* The "standard utilization percentages" of the supply-demand adjuster should be revised slightly to conform with the changed seasonal pattern of producer milk deliveries for the Columbus market.

The supply-demand adjuster is a means of adjusting the Class I price up or down in relation to the decrease or increase in the proportion of the supply utilized for Class I. This is done by using the historical relationship of supplies to sales in the market as a standard and comparing it with current utilization. The standard utilization percentages in the present order were made effective April 1, 1959.

A handler contended that there has been a significant change in the market structure and the supply-demand adjuster should be changed to recognize the new conditions. Specifically, the handler referred to the sales in the Columbus market by handlers regulated under the Dayton-Springfield order and stated that because of the sales by these out of market handlers Class I sales by Columbus handlers have not kept pace with the increase in receipts of milk from producers. Thus, the utilization in Class I has been declining relative to the standard utilization percentages.

The handler proposed three alternative changes in the supply-demand adjuster, all with moving standard utilization percentages.

(1) A one-cent adjustment for each percentage difference between the utilization in the preceding month and a standard utilization based on a twenty-four month moving average ending with the second preceding month.

(2) A one-cent adjustment for each percentage variation between the utilization in the second and third preceding months and a standard based on the utilization in the corresponding months of the previous two years.

(3) A one-cent adjustment for each percentage variation between the utilization in the second and third preceding months and a standard based on the average utilization in the same months for the current year and the preceding two years.

Since the proposed supply-demand adjusters incorporate a moving standard utilization percentage they would have the advantage of staying relatively current with the pattern of receipts and sales. However, due to the lag in the months to which the adjustment applies, these adjusters tend to result in minus adjustments during the early fall months when supplies swing to their seasonally low level. This would act counter to the principle that prices should be increased when milk is in short supply.

The adjuster provided in the order has the advantage of adjusting prices according to the seasonal supply-sales pattern. However, the present standard utilization percentages should be modified to more closely reflect the current utilization pattern.

The standard utilization percentages recommended herein place particular emphasis on the supply-sales relationship that has existed since September 1961 when there was a reversal of the

trend toward fewer producers which had continued for nearly ten consecutive years. This was primarily due to the activities of one of the principal handlers in closing its affiliated plants in Newark and Zanesville, Ohio, and transferring the receipts and sales of those plants to its Columbus plant.

It was proposed that the supply-demand adjuster be limited in its application if the marketing area is extended to regulate additional handlers. However, the evidence indicates that the additional plants which will be regulated have seasonal receipts-sales patterns which do not differ significantly from those of plants presently on the Columbus market. Thus, it can be expected that the supply-demand adjuster will be little affected by the addition of the receipts and sales of the plants in the new area which is added.

In addition, the supply-demand adjuster should be effective in view of the intermingling of production and sales areas of the Columbus, Dayton-Springfield, and Northeastern Ohio orders.

Official notice is taken of the supply-demand provisions of the Dayton-Springfield and Northeastern Ohio orders. The standard utilization percentage and the rates of adjustment in these orders are very similar to the Columbus supply-demand adjuster. The action of the supply-demand adjusters will tend to coordinate the prices between the markets. Accordingly, the Columbus supply-demand adjuster should be made fully effective.

In view of the foregoing considerations it is concluded that the following standard utilization percentages should be adopted:

Month for which a price is being computed:	*Standard utilization percentage*
January	127
February	129
March	126
April	124
May	125
June	130
July	141
August	157
September	153
October	137
November	128
December	130

(e) *Class I price differential.* Producers proposed that the Class I differential be increased from $1.11 to $1.25. This proposed change should be adopted. The 14 cent increase in the differential is necessary, in part, to prevent producer prices from being reduced by the pricing of milk used for cottage cheese and ice cream at a lower level. In addition, an upward adjustment in the differential is needed to offset the lower prices which would result from the revision of the supply-demand adjuster and other product classification changes.

The change in the Class I price is in accordance with the requirements of the enabling statute which specify that prices must reflect economic conditions which affect market supply and demand for milk in the marketing area. During the past two years the market has had an adequate but not an excessive supply of milk. About 76 percent of the receipts of milk from producers were used in Class I during the two-year period. The present level of producer prices has maintained a proper balance between supplies and Class I sales and it should be continued. Thus, those class price and product classification changes recommended herein which would cause, in the absence of compensating price adjustments elsewhere, lower producer prices must be fully offset by increases in the Class I differential.

The consolidation of Classes II, III and IV into a single surplus class would have, on the basis of figures for 1961 and 1962, lowered blend prices an average of 6.4 cents. Official notice is taken of the market administrator's monthly price announcements for 1961 and 1962 which provide the basis for estimating the effects of certain order changes. The 6.4 cent reduction would have resulted largely from pricing milk for cottage cheese at a lower level. This in itself would have reduced the uniform price 5.0 cents. Another 2.2 cent reduction would have occurred as a result of decreasing the price of milk used for ice cream. Substitution of the Minnesota-Wisconsin surplus price for the present Class IV price would have affected producer prices oppositely by adding value to milk used in Class IV. It would have increased the blend price by 0.8 cent thereby cancelling some of the negative price effects of reducing the prices for milk used in cottage cheese and ice cream. An 8.5 cent increase in the price of Class I milk would have been required to offset the total 6.4 cent reduction in the blend price caused by the consolidation of the manufacturing milk classes.

Another factor which would necessitate an offsetting change in the Class I price is the revision of the supply-demand adjuster. The up-dating of the standard utilization percentages required that they be reduced an average of 0.5 percentage points per month. During the past two years the supply-demand adjustment has averaged 2.33 cents for each percentage of negative deviation from the standard utilization percentage. A 1.2 cent increase in the Class I differential would have been required to offset this change in the standard norms.

Producer prices would also be lowered by the change in the classification and pricing of sour cream dips and fortified products. A 4.2 cent increase in the Class I differential would compensate for this blend price reduction. A 1.1 cent adjustment is necessary to offset the direct change in price on these items and a 3.1 cent adjustment is necessary to offset the effect of omitting these items from Class I in the computation of the supply-demand adjustment.

The required increase in the Class I differential is 14 cents—8.5 cents to offset lower prices for milk used in cottage cheese and ice cream, 1.2 cents to compensate for the change in the supply-demand adjuster and 4.2 cents to offset classification changes on dips and fortified products. These figures, estimated on the basis of the average compensating increases that would have been required during 1961 and 1962, total 13.9 cents, or, rounded to the nearest whole cent, 14 cents.

Increasing the Class I differential to $1.25 will also align it with the differentials in nearby markets. As a result of this price alignment, the provision which requires Columbus handlers to pay the difference between the Class I prices on their sales in other marketing areas will no longer be required and it should be deleted from the order.

Columbus handlers are presently required by the order to pay for sales in other marketing areas at the higher of the Columbus price or the Class I price of the other order. They testified that this interorder payment provision placed them at a disadvantage in competing in other markets and that it should be deleted from the order. It was maintained that the differences in order Class I prices should approximately equal the cost of moving milk between the markets.

A witness from another market, testifying in opposition to the request for deletion of the provision, said that the Columbus Class I differential, even if increased as proposed, would still be so low that an interorder price provision would be necessary to provide equity for handlers who would compete with Columbus dealers.

Presently, the $1.11 Columbus Class I differential is the lowest in the region. For example, in the nearby Dayton-Springfield market handlers who compete with Columbus dealers have a Class I differential of $1.24, thirteen cents higher than that in Columbus. The Northeastern Ohio order annual average Class I differential adjusted for location to Columbus is $1.39 or 28 cents higher than the differential for Columbus.

As related by the out-of-market handler, with the $1.11 Class I differential Columbus dealers could conceivably have a sizable price advantage over dealers from other markets on sales in their marketing area if it were not for the interorder pricing provision. However, the increase in the Columbus Class I differential to $1.25 will result in one cent above the Dayton-Springfield differential and significantly improve intermarket price alignment between Columbus and other nearby orders. Therefore, the provision which requires Columbus handlers to pay the difference between the Class I prices on their sales in other marketing areas will no longer be required.

(f) *Location differential.* The City Hall in Zanesville, Ohio, should be added as a basing point from which the location adjustments are calculated.

The present order provides that location adjustments apply at plants located 80 miles or more from the State Capitol in Columbus, Ohio. The expansion of the marketing area as recommended herein would regulate handlers in densely populated centers east of Columbus near the edge of the present 80 mile zone in which no location adjustment applies. The cost of moving milk to plants in this area is virtually the same as the cost of moving milk to plants in Columbus. By fixing Zanesville, Ohio (56 miles east of Columbus), as an alternative basing point it would assure that prices are fixed according to the cost

of moving milk to the population centers of the marketing area.

It was proposed at the hearing that the price in the Zanesville portion of the marketing area be fixed at a level higher than at Columbus. Proponents contended that this would assure closer alignment of prices between the Columbus order and the order regulating the handling of milk in the Greater Wheeling marketing area. The present market situation does not indicate a need for a higher price in the Zanesville area relative to Columbus.

The handler with the largest proportion of sales in Muskingum County (in which Zanesville is located) supplies his customers from his Columbus plant and receives milk from producers located in the county. This indicates that the area can be adequately supplied without a higher price than that applicable at Columbus. Accordingly, a zone price differential should not be fixed for the Zanesville portion of the marketing area.

4. *Administrative and conforming changes.* The amendments required to carry out the conclusion of this decision require extensive changes in the makeup of the order. The entire order has accordingly been redrafted to incorporate those textual changes necessary to implement the amendments discussed above.

Changes in §§ 1035.11, 1035.31, 1035.42, 1035.43, 1035.46, 1035.53, 1035.60, 1035.61, 1035.63, 1035.71(c), 1035.74(b), and 1035.76 were not included in the recommended order as consideration was being given to those provisions on the basis of the regional hearing and it was expected that the amendment action on the two hearings would be coordinated. Since this procedure is being changed the above provisions, except § 1035.63, have been redrafted but only for the purpose of conforming to the two-class system covered in this decision. In addition, conforming changes are made in §§ 1035.14, 1035.41, 1035.62, 1035.70, 1035.75, and 1035.78.

Two additional actions affecting the Columbus order since the recommended decision was issued have been incorporated in the order contained herein. Namely the termination of the roller powder provisions in § 1035.18 which was made effective on March 1, 1964 (29 F.R. 2926) and the changes in the seasonal take-out and pay-back provisions of § 1035.61, effective April 1, 1964.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Columbus, Ohio, marketing area", and "Order amending the order regulating the handling of milk in the Columbus, Ohio, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Columbus, Ohio, marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of February 1964 is hereby determined to be the representative period for the conduct of such referendum.

Fred W. Issler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on April 13, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area

§ 1035.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts at his pool plant during the month of producer milk and other source milk received in the form of a fluid milk product.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary of Agriculture, on January 20, 1964, and published in the FEDERAL REGISTER on January 28, 1964 (29 F.R. 1389; F.R. Doc. 64–780), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

Changes are made in §§ 1035.14, 1035.18, 1035.41, 1035.43, 1035.46, 1035.53, 1035.60, 1035.61, 1035.62, 1035.70, 1035.71, 1035.74, 1035.75, 1035.76, and 1035.78. Section 1035.63 is revoked.

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AUTHORITY: The provisions of this Part 1035 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1035.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1035.2 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1035.3 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1035.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1035.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1035.6 Columbus, Ohio, marketing area.

"Columbus, Ohio, marketing area", hereinafter called the marketing area, means all the territory within the boundaries of the counties of Coshocton (except Adams township), Delaware, Fairfield, Fayette, Franklin, Guernsey (except Londonderry, Millwood, and Oxford townships), Licking, Madison, Muskingum, Pickaway and Union, all in the State of Ohio, including territory wholly or partly within such boundaries occupied by government (Federal, State or local) reservations, installations and institutions.

§ 1035.7 Fluid milk product.

"Fluid milk products" means the fluid form of milk, skim milk, buttermilk, concentrated milk, milk drinks (plain or flavored including dietary milk, prepared milk shake mixes containing 15 percent or less of total milk solids and eggnog), sweet or sour cream, or any mixture in fluid form of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, cultured sour mixtures which are not labeled "Grade A", evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

§ 1035.8 Route.

"Route" means a delivery (including a sale from a plant store) of a fluid milk product(s) to a wholesale or retail stop(s) other than to a milk plant(s) or to a food processing plant(s) for use other than for fluid consumption.

§ 1035.9 Fluid milk plant.

"Fluid milk plant" means a plant or other facilities which are used in the receipt, preparation, or processing of milk which is approved by a duly constituted health authority for fluid disposition as Grade A milk and all or a portion of such milk is:

(a) Disposed of during the month in the form of a fluid milk product(s) in the marketing area on a route(s); or

(b) Moved to a plant described in paragraph (a) of this section in the form of a fluid milk product(s).

§ 1035.10 Pool plant.

"Pool plant" means any fluid milk plant meeting the conditions of paragraph (a) or (b) of this section, except a plant operated by a producer-handler or a plant exempt pursuant to § 1035.64:

(a) Any fluid milk plant from which the volume of Class I milk disposed of on a route(s) is equal to not less than 50 percent of the Grade A milk described in § 1035.12(a) received at such plant from dairy farmers and from other plants during the month and more than 15 percent of such receipts are disposed of as Class I milk on routes in the marketing area: *Provided,* That the 50 percent requirement of this paragraph shall apply only during the months of January, February, October and November to a fluid milk plant which operates routes

all of which service only the Campus of Ohio State University, Columbus, Ohio;

any portion of such milk on a route in the marketing area and who receives no

(a) Within 30 days following the date

(3) On or before the 10th day after

§ 1035.32 Records and facilities.

(3) Disposed of in bulk fluid form to

all of which service only the Campus of Ohio State University, Columbus, Ohio; or

(b) Any fluid milk plant which receives milk from dairy farmers described in § 1035.12(a) and from which fluid milk products equal to not less than 50 percent of the milk received at such plant from such dairy farmers during the month is moved to a plant(s) described in paragraph (a) of this section: *Provided*, That if such shipments are not less than 50 percent of the receipts of milk from such dairy farmers at such plant during the immediately preceding period of August through November, such plant shall, unless written application for nonpool plant status is received by the market administrator from the operator of such plant on or before March 1 of any year, be designated as a pool plant for the months of March through July of such year.

§ 1035.11 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing, or bottling plant other than a pool plant.

§ 1035.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and whose milk is:

(a) Permitted by the health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant or diverted from a pool plant to another pool plant or to a nonpool plant pursuant to the conditions set forth in § 1035.13.

§ 1035.13 Producer milk.

"Producer milk" means skim milk and butterfat contained in milk: (a) Received at a pool plant directly from producers; (b) diverted for the account of the operator of a pool plant to another pool plant; or (c) diverted during the month to a nonpool plant for the account of a cooperative association or the operator of a pool plant: *Provided*, That producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant from which it is diverted; *And provided further*, That this definition shall not include the milk of any person during any of the months of August through March in which the milk of such person is diverted to a nonpool plant for more than one-half of the days of delivery during the month.

§ 1035.14 Handler.

"Handler" means (a) any person who operates a fluid milk plant, and (b) any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1035.13(c).

§ 1035.15 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on a route in the marketing area and who receives no fluid milk products from other dairy farmers on nonpool plants: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1035.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except: (1) Fluid milk products received from pool plants, (2) producer milk, and (3) inventories of fluid milk products on hand at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are repackaged, reprocessed or converted to another product in the plant during the month or skim milk and butterfat in such products for which other utilization or disposition is not established on the basis of the records required pursuant to § 1035.32.

§ 1035.17 Chicago butter price.

"Chicago butter price" means the arithmetical average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the Department.

§ 1035.18 Nonfat dry milk price.

"Nonfat dry milk price" means the weighted average of the carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

MARKET ADMINISTRATOR

§ 1035.20 Designation.

The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1035.21 Powers.

The market administrator shall have the power to: (a) Administer all of the terms and provisions of this part; (b) make rules and regulations to effectuate the terms and provisions of this part; and (c) receive, investigate, and report to the Secretary complaints of violations of this part.

§ 1035.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties, and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 1035.76:

(1) The cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1035.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days, after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to § 1035.30, or

(2) Payments pursuant to §§ 1035.71, 1035.72, 1035.75, 1035.76, or 1035.78;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) On or before the 10th day after the end of each month, supply each cooperative association upon request, with a record of the amount and average butterfat test of milk received during such month and the amount of any advance payments made and of any deductions or charges from payments for such milk authorized with respect to each producer determined by the market administrator to be a member of such association or to have given written authorization to such association to receive such information;

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of milk for such handler depends;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 6th day of each month, the minimum Class I price and butterfat differential computed pursuant to §§ 1035.51(a) and 1035.52(a);

(2) On or before the 6th day after the end of each month, the minimum Class II price and butterfat differential computed pursuant to §§ 1035.51(b) and 1035.52(b); and

(3) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 1035.61 and the butterfat differential computed pursuant to § 1035.73;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 10th day after the end of each month, upon request by a cooperative association described in § 1035.77(b) or the operator of a pool plant, furnish such person and publicly announce by posting in a conspicuous place in his office, unless otherwise directed by the Secretary, the name of each handler who during the month received producer milk and the percentage of the skim milk and butterfat in such milk which was classified in each class during the month together with any significant changes in the reported percentages for any previous month as are revealed by the regular audit of the market administrator.

REPORTS, RECORDS, AND FACILITIES

§ 1035.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler shall report for such month to the market administrator for each of his pool plant(s), in the detail and on the forms prescribed by the market administrator, the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Beginning and ending inventories of fluid milk products;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe; and

(d) His producer payroll which shall show for each producer and association of producers:

(1) The total pounds of producer milk received and the average butterfat test thereof;

(2) The amount of any advance payments; and

(3) The nature, amount or rate per hundredweight of milk of each deduction or charge made by the handler.

§ 1035.31 Other reports.

(a) Each handler and producer-handler shall make reports to the market administrator with respect to receipts and utilization at each of his fluid milk plants which is not at a pool plant at such time and in such manner as the market administrator may request.

(b) The operator of a pool plant shall notify the cooperative association of his intention to divert milk of its member-producers pursuant to § 1035.13(c) not less than 24 hours prior to such diversion.

§ 1035.32 Records and facilities.

Each handler and producer-handler shall maintain and make available to the market administrator, his agent, or such other person as the Secretary may designate, during the usual hours of business, such accounts and records of his operations and such facilities, as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat handled, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 1035.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1035.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1035.30(a) shall be classified by the market administrator, subject to the provisions of §§ 1035.41 to 1035.46.

§ 1035.41 Classes of utilization.

Subject to the provisions set forth in §§ 1035.43 and 1035.44 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3), (4) and (5) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I only to the extent of the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) Not specifically accounted for as Class II milk; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of in bulk fluid form to any manufacturer of soup, candy, or bakery products for use in such manufacturing operation;

(4) Specifically accounted for as dumped or disposed of for livestock feed;

(5) Contained in that portion of fortified milk or skim milk not classified as Class I milk pursuant to paragraph (a) (1) of this section and in milk shake mixes containing over 15 percent total milk solids;

(6) In actual plant shrinkage allocated to producer milk pursuant to § 1035.42, but not in excess of two percent of such receipts of skim milk and butterfat, respectively; and

(7) In actual plant shrinkage allocated to other source milk pursuant to § 1035.42.

§ 1035.42 Shrinkage.

The market administrator shall allocate shrinkage at the handlers' pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively;

(b) To the producer milk at such plant, add the producer milk diverted to such plant and subtract producer milk diverted from such plant to another pool plant; and

(c) Prorate the amount computed pursuant to paragraph (a) of this section between receipts of skim milk and butterfat, respectively, in producer milk as computed pursuant to paragraph (b) of this section and in other source milk received in the form of a fluid milk product in bulk.

§ 1035.43 Transfers.

Skim milk or butterfat transferred or diverted from a pool plant shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to another pool plant, unless:

(1) Utilization in Class II is claimed by the operators of both plants in their reports submitted pursuant to § 1035.30; and

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after making the assignment pursuant to § 1035.46(a)(3) and the corresponding steps of § 1035.46(b): *Provided*, That if either or both plants have other source milk, the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the highest-valued use classification available at both plants to producer milk;

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located more than 300 miles by shortest highway distance as determined by the market administrator from the nearer of the State Capitol in Columbus, Ohio, or the City Hall in Zanesville, Ohio; and

(d) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant, except a plant operated by a producer-handler,

located less than 300 miles by shortest

(a) Skim milk shall be allocated in

Standard

Class I milk or assigned Class I location

pounds of skim milk and butterfat re-

be subject to the classification and pric-

located less than 300 miles by shortest highway distance as determined by the market administrator from the nearer of the State Capitol in Columbus, Ohio, or the City Hall in Zanesville, Ohio, unless:

(1) The handler claims classification in Class II in his report submitted pursuant to § 1035.30 and the operator of the nonpool plant maintains books and records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available, if requested by the market administrator for verification: *Provided*, That if fluid milk products as defined pursuant to § 1035.7, except ungraded products for manufacturing uses, are disposed of from such nonpool plant, the milk so transferred or diverted from pool plants shall be Class I to the extent of the following pro rata computation:

(i) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant; and

(ii) Prorate the remaining Class I milk to receipts at the nonpool plant from plants which are fully subject to the classification and pricing provisions of this order and other orders issued pursuant to the Act.

§ 1035.44 Responsibility of handlers.

In establishing the classification of skim milk and butterfat as required in §§ 1035.41 and 1035.43, the burden rests upon the handler who first receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

§ 1035.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is removed before the product is utilized or disposed of by the handler, the pounds of skim milk used to produce and disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water normally associated with such solids in the form of whole milk.

§ 1035.46 Allocation of skim milk and butterfat classified.

After making the computation pursuant to § 1035.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during the month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk shrinkage assigned to Class II milk pursuant to § 1035.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification determined pursuant to §§ 1035.41 and 1035.43;

(5) Add to the pounds of skim milk remaining in Class II milk the skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) Subtract, in series beginning with Class II, the amount, if any, by which the total skim milk remaining in all classes exceeds the pounds of skim milk in producer milk.

(b) Butterfat shall be allocated by the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class.

MINIMUM PRICES

§ 1035.50 Basic formula prices.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1035.51 Class prices.

Subject to the provisions of §§ 1035.52 and 1035.53 the minimum class prices for producer milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month, plus $1.25 and plus or minus a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the total receipts of producer milk during the second and third preceding months by the total gross pounds of Class I milk (adjusted to eliminate duplications due to interhandler transfers) for the same months, multiplying the result by 100, and rounding to the nearest integer.

(2) Compute a "net utilization percentage" by subtracting (algebraically) from the current utilization percentage the following appropriate "standard utilization percentage":

Month for which a price is being computed:	*Standard utilization percentage*
January	127
February	129
March	126
April	124
May	125
June	130
July	141
August	157
September	153
October	137
November	128
December	130

(3) Determine the amount of the supply-demand adjustment from the following table:

Net utilization percentage:	*Supply-demand adjustment (cents per hundredweight)*
+16 or over	−38
+12 or +13	−28
+ 8 or + 9	−20
+ 4 or + 5	−10
+ 1 or − 1	0
− 4 or − 5	+10
− 8 or − 9	+20
−12 or −13	+28
−16 or under	+38

Provided, That when the net utilization percentage is between two tabulated brackets, the supply-demand adjustment shall be determined by the tabulated bracket which is adjacent to the net utilization percentage and is the same as or the nearer to the bracket used in the immediately preceding month.

(b) *Class II milk.* The Class II milk price for the month shall be the basic formula price computed pursuant to § 1035.50, except that in no event shall such price exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent, plus 10 cents:

(1) From the Chicago butter price, subtract 3.0 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the nonfat dry milk price, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1035.52 Butterfat differentials to handlers.

For each one-tenth of one percent that the weighted average butterfat test of producer milk which is classified in each class for each handler is more or less than 3.5 percent there shall be added to or subtracted from, as the case may be, the price for such class a butterfat differential calculated by the market administrator as follows:

(a) *Class I milk.* Multiply the Class I price for the month by 0.0172 and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply the Chicago butter price for the month by 0.115 and round to the nearest one-tenth cent.

§ 1035.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 80 miles by shortest highway distance as measured by the market administrator, from the nearer of the State Capitol in Columbus, Ohio, or the City Hall in Zanesville, Ohio, and disposed of as

Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section the price computed pursuant to § 1035.51(a) shall be reduced by 15 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles;

(b) For purposes of calculating such adjustment, fluid milk products transferred between pool plants shall be assigned to Class I disposition at the transferee plant which is in excess of the receipts, at such plant from producers, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1035.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1035.55 Computation of prices of skim milk and butterfat.

The prices per hundredweight of skim milk and butterfat to be paid by each handler for milk in each class shall be computed and announced to handlers by the market administrator on or before the dates for announcing the corresponding class prices pursuant to § 1035.22(1) as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month computed pursuant to paragraphs (a) and (b) of § 1035.51 less the result of multiplying the applicable class price butterfat differential for the month computed pursuant to paragraphs (a) and (b) of § 1035.52 by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

DETERMINATION OF UNIFORM PRICE

§ 1035.60 Computation of the net pool obligation of each pool handler.

The net obligation of each handler for producer milk received during the month shall be a sum of money computed as follows:

(a) Multiply the pounds of skim milk and butterfat, respectively, in producer milk in each class by the applicable class prices pursuant to § 1035.55 and add together the resulting amounts; and

(b) Add the amount(s) computed by multiplying the pounds deducted from each class for such handler pursuant to § 1035.46(a)(6) and the corresponding step of § 1035.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 1035.46(a)(3) and the corresponding step in § 1035.46(b) or the pounds of skim milk and butterfat remaining in Class II milk for the preceding month after the calculation pursuant to § 1035.46(a)(4) and the corresponding step of § 1035.46(b); and

(d) Add or subtract, as the case may be, any amount due the producer-settlement fund or the handler as a result of errors discovered by the market administrator in the verification of reports or payments of such handler for any previous month.

§ 1035.61 Computation of uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1035.60 for all handlers except those who did not make payments pursuant to § 1035.71 for the previous month;

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(c) Add for each of the months of September, October, November and December 20, 30, 30 and 20 percent, respectively of the total amount subtracted during the immediately preceding April–July period pursuant to paragraph (b) of this section;

(d) Add the sum of the values of the location differentials allowable pursuant to § 1035.74;

(e) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed pursuant to paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by such difference and multiply the result by the butterfat differential computed pursuant to § 1035.73 times 10;

(f) Add not less than one-half of the unobligated balance in the producer-settlement fund;

(g) Divide by the hundredweight of producer milk; and

(h) Subtract not less than four cents nor more than five cents.

§ 1035.62 Notification of handlers.

The market administrator shall:

(a) On or before the 10th day after the end of each month, notify each handler who operates a pool plant:

(1) The amount and value of his milk in each class pursuant to § 1035.60;

(2) The totals of such amounts and values due the producer-settlement fund pursuant to § 1035.71; and

(3) The amount to be paid by such handler pursuant to § 1035.76.

APPLICATION OF PROVISIONS

§ 1035.64 Plants subject to other Federal orders.

The provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1035.10 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Columbus, Ohio, marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

PAYMENTS

§ 1035.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to § 1035.71 shall be deposited in this fund, and all payments made pursuant to § 1035.72 (a) and (b) shall be made out of this fund; and

(b) All amounts subtracted pursuant to § 1035.61(b) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1035.72 in accordance with the requirements of § 1035.61(c).

§ 1035.71 Payments to producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 1035.62(a), less (a) the amount of deductions authorized pursuant to § 1035.72(a)(4) and itemized on the handler's producer payroll: *Provided*, That such deductions for each individual producer shall not exceed the total value of the milk received from such producer during the month, and (b) an amount not to exceed the value of milk received from producers to whom the request to make payment pursuant to § 1035.72(c) applies computed at the rate of the uniform price adjusted by the butterfat and location differentials pursuant to §§ 1035.73 and 1035.74.

§ 1035.72 Payments to producers.

(a) Except as provided in paragraph (c) of this section, on or before the 16th day after the end of each month, the market administrator shall make payment to each producer for milk received from him during the month by each handler from whom the appropriate payments have been received pursuant to § 1035.71(a) at the uniform price computed pursuant to § 1035.61 subject to the following adjustments:

(1) The butterfat differential pursuant to § 1035.73;

(2) The location differential pursuant to § 1035.74;

(3) Less marketing service deductions

§ 1035.73 Butterfat differential to pro-

and tests of producer milk received by

(2) From time to time account for all

(2) The month(s) during which the

Done at Washington, D.C., this 10th

(3) Less marketing service deductions pursuant to § 1035.77(a);

(4) Less proper deductions authorized in writing by the producer: *Provided*, That for producers who are members of a cooperative association which receives payment for milk pursuant to paragraph (b) of this section, such authorization for hauling and assignments shall be by the cooperative association; and

(5) Adjusted for any error in making payment to such producer for past months: *Provided*, That if the balance in the producer-settlement fund not otherwise obligated is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments pro rata and shall complete such payments on or before the next date for making payments pursuant to this section following that on which such balance of payment is received;

(b) In making payments to producers pursuant to paragraph (a) of this section, the market administrator shall pay on or before the 14th day after the end of the month to:

(1) A cooperative association qualified under § 1035.77(b) which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, the aggregate of the payments calculated pursuant to paragraph (a) of this section for all producers certified to the market administrator by such cooperative association as having authorized such association to receive such payments, and

(2) Each handler an amount, if any, by which payments to producers for milk required pursuant to paragraph (c) of this section, before deductions for marketing services, exceeds the amount deducted pursuant to § 1035.71 (a) and (b) with respect to such milk.

(c) On or before the 16th day after the end of each month, each handler shall pay each producer, who is not a member of a cooperative association qualified pursuant to § 1035.77(b) and for whom a written request to make payments has been filed by the handler with the market administrator, for milk received from him during the month at not less than the uniform price as adjusted pursuant to paragraphs (a) (1), (2), (3), and (4) of this section; and

(d) In making the payments to producers pursuant to paragraphs (a), (b), and (c) of this section, the payer shall furnish each producer or cooperative association, as the case may be, with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The amount or the rate per hundredweight of milk and nature of each deduction claimed by the handler; and

(5) The net amount of payment to such producer.

§ 1035.73 Butterfat differential to producers.

In making payment for producer milk pursuant to § 1035.72, there shall be added to or subtracted from, respectively, the uniform price per hundredweight for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage that the butterfat in producer milk remaining in each class pursuant to § 1035.46 is of the total butterfat in producer milk so assigned to such classes;

(b) Multiply each such percentage by the butterfat differential for the respective class pursuant to § 1035.52; and

(c) Add into one total the values obtained in paragraph (b) of this section and round off such total to the nearest one-tenth cent.

§ 1035.74 Location differential to producers.

In making payment for producer milk pursuant to § 1035.72, the uniform price for all producer milk received at a pool plant located 60 miles or more by the shortest hard-surfaced highway distance from the nearer of the Ohio State Capitol in Columbus or the City Hall in Zanesville, Ohio, as determined by the market administrator, shall be reduced by the appropriate zone differential provided in § 1035.53.

§ 1035.75 Adjustment of errors.

Whenever audit by the market administrator of the payment required to be made by a handler pursuant to § 1035.71 or § 1035.72, discloses payment of less than is required, the handler shall make up such payment not later than the time for making such payments next following such disclosure.

§ 1035.76 Expense of administration.

As his pro rata share of expense incurred in the maintenance and function of the office of the market administrator and in the performance of his duties, each handler shall pay to the market administrator on or before the 12th day after the end of the month, two cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts at his pool plant during the month of producer milk and other source milk received in the form of a fluid milk product.

§ 1035.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, the market administrator or handler, as the case may be, shall deduct 5 cents per hundredweight or such amount not to exceed 5 cents as the Secretary may from time to time prescribe, from the payments made to each producer pursuant to § 1035.72(a) or (c). Such deductions made by the handler shall be paid to the market administrator on or before the 12th day after the end of the month. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him; and

(b) In the case of producers for whom a cooperative association which, as determined by the Secretary, has its entire activities under the control of its members and is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, the market administrator shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 14th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

§ 1035.78 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1035.71, 1035.72, 1035.75, 1037.76, or 1035.77 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1035.80 Effective time.

The provisions of this part or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1035.81.

§ 1035.81 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1035.82 Continuing power and duty of the market administrator.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(a) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements, and when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person to such person as the Secretary may direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

(b) Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrators' office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1035.90 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1035.91 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

§ 1035.92 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c(15)(A) of the Act or before a Court.

(a) The obligation of any handler to pay money required to be paid under the the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

[F.R. Doc. 64-3755; Filed, Apr. 15, 1964; 8:47 a.m.]

Agricultural Research Service

[7 CFR Part 362]

ECONOMIC POISONS ALDRIN, DIELDRIN AND ENDRIN

Proposed Registration; Notice of Additional Session of Public Hearing

On April 2 and April 8, 1964, there appeared in the FEDERAL REGISTER (29 F.R. 4723 and 4917) notices announcing public hearing sessions concerning the registration of the economic poisons aldrin, dieldrin and endrin under the Federal Insecticide, Fungicide, and Rodenticide Act. Notice is hereby given that a third session of such public hearing will be held commencing at 9:30 a.m., Thursday, April 23, 1964, in the Hill Memorial Building, Louisiana State University, Baton Rouge, Louisiana.

Done at Washington, D.C., this 10th day of April 1964.

M. R. CLARKSON,
Acting Administrator,
Agriculture Research Service.

[F.R. Doc. 64-3778; Filed, Apr. 15, 1964; 8:47 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 851]

SUGAR BEETS

Commitment of Acreage Reserve to Drayton, N. Dak., Locality; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the provisions of section 302 of the Sugar Act, as amended (7 U.S.C. 1132), the Secretary of Agriculture is preparing to issue regulations providing for the revision of paragraph (g), subparagraph (2) of § 851.1 (28 F.R. 1369) as follows:

§ 851.1 Commitments of sugarbeet acreage from the national reserve.

(g) • • •

(2) *Conditions of commitment.* The commitment of acreage made pursuant to subparagraph (1) of this paragraph shall be subject to the following conditions:

(i) *Eligible farms and farmers.* An acreage commitment will be made only to farms which are operated during the 1965 sugarbeet crop year by persons who have not been operators of farms in the Red River Valley on which sugarbeets were grown for delivery to a processor for the extraction of sugar in any of the three crop years 1962, 1963 or 1964.

(ii) *Limits of commitment to individual farm or farm operator.* The maximum commitment to any farm shall be the smaller of 80 acres or the acreage on the farm which is suitable for the production of sugarbeets in consideration of sound rotation and other cultural practices.

(iii) If proportionate shares are in effect in 1966 and 1967, the proportionate share for a farm in such locality operated by a person who was the 1965 operator of a farm to which a commitment of reserve acreage will be made in accordance with paragraph (g) of this section, shall not be less than the reserve acreage so committed to the farm operated in 1965 by such operator and utilized for the production of sugarbeets for the extraction of sugar.

• • • • •

Statement of bases and considerations. In committing acreage from the national sugarbeet acreage reserve to any locality in which the production records of farms would likely be used in establishing proportionate shares, eligibility for such acreage has been limited to those farms on which sugarbeets were not grown for the extraction of sugar in any of the three years immediately preceding the year for which the acreage was committed. In localities to which commitments were made and in which the personal production records of farm operators would likely be used

in, establishing farm proportionate shares, such as the Red River Valley, it appears desirable that the eligibility for

tionate shares (acreage allotments) after public notice and opportunity to attend an informal public hearing expressly held

and legal principles which do or should obtain in the performance of the termi-

submission of evidence and arguments on the issues presented.

3. Determining the time and place or

in, establishing farm proportionate shares, such as the Red River Valley, it appears desirable that the eligibility for acreage from the national sugarbeet acreage reserve be limited to farms which are operated by persons without sugarbeet production records during such three years.

A farm to be eligible to receive a share of the 1965 sugarbeet crop acreage reserve committed to farms in the Drayton, North Dakota, area must be operated for the 1965 sugarbeet crop year by a person who shall not have been the operator of a farm in the Red River Valley on which sugarbeets were grown for delivery to a processor for the extraction of sugar in any of the three 1962, 1963, and 1964 sugarbeet crop years.

The proposed subdivision (iii) contemplates the use of the personal production records of farm operators, if proportionate shares are established in 1966 and 1967. The 1965 operator of a farm which is eligible for a share of the 1965 sugarbeet acreage reserve committed to farms in the Drayton area, would have a proportionate share established for the farm operated by him in each year 1966 and 1967, that would not be less than the amount of the acreage reserve which will be committed to the farm operated by him in 1965 and used for the production of sugarbeets. Therefore, in 1966 and 1967 the farm share of the commitment of the 1965-crop acreage reserve would not accrue to the farm on which the beets were planted and grown in 1965, but would follow the operator if he operates a different farm in 1966 or 1967. Should it develop that the total acreage committed to the area exceeds the amount required to establish proportionate shares in 1966 or 1967 under the priority accorded farm operators as described above as a result of 1965-crop farm operators not requesting acreage in 1966 or 1967, then any such excess would be made available to farm operators under regulations issued at that time.

All persons who desire to submit comments and views regarding the foregoing proposed revision, as set forth above, may submit the same in writing and in duplicate to the Administrator, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250, within twenty days following the date of publication of this notice in the FEDERAL REGISTER.

In addition to submitting views concerning the proposed change in regulations heretofore described, any interested person may submit written views in regard to the possible use of the personal history of sugarbeet production of a farm operator as the exclusive basis for establishing farm proportionate shares in general in the Red River Valley if sugarbeet acreage restrictions should be imposed in future years. Before sugarbeet acreage restrictions are imposed for any year, however, all interested persons will be given an opportunity to submit views and recommendations upon all aspects of restriction of sugarbeet production and establishment of farm proportionate shares (acreage allotments) after public notice and opportunity to attend an informal public hearing expressly held for such purpose.

Signed at Washington, D.C., on April 10, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-3754; Filed, Apr. 15, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[Ex Parte No. 242]

EXPRESS COMPANY TERMINAL AREAS

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of March A.D. 1964:

It appearing that in recent years there has been evidenced a growing concern over the legal and operational problems arising in connection with transportation by motor vehicle in the performance of collection, delivery, and related terminal services, within what are described in Part I or Part II of the Interstate Commerce Act or commonly referred to thereunder as terminal areas, by or for express companies subject to such parts, and in particular by Railway Express Agency, Inc., of New York, N.Y.;

And it further appearing that in Railway Exp. Agency, Inc., Extension—Nashua, N.H., 91 M.C.C. 311, it was concluded that if would be in the public interest to institute a proceeding to resolve the legal and operational problems arising in connection with the terminal services referred to in the preceding paragraph; therefore:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of Part I (49 U.S.C. 1, et seq) and Part II (49 U.S.C. 301, et seq) of the Interstate Commerce Act, including sections 1, 12(1), 202(c)(2), 203(a)(14), and 204 thereof (49 U.S.C. 1, 12(1), 302(c)(2), 303(a)(14), and 304), and section 4 of the Administrative Procedure Act (5 U.S.C. 1003), to inquire into the legal and operational practices, and the manner and methods of operation associated with transportation by motor vehicle, in interstate or foreign commerce, in the performance of transfer, collection, delivery, and all similar and related types of services and practices, within what are described or otherwise known as terminal, pickup, or delivery areas of, or for, express companies under Part I or Part II of the Act, with a view to prescribing such rules and regulations as may be appropriate, or taking such other action as may be necessary or desirable in the light of the national transportation policy and the purposes of the Interstate Commerce Act as a whole, to resolve and define the operational practices, scope, and legal principles which do or should obtain in the performance of the terminal area services and related activities described.

Specific issues which may be considered in this proceeding include, but are not limited to, the following:

I. Under what circumstances may an express company, as referred to hereinabove, publish rates for through transportation which involves motor terminal area services.

II. Do the findings and conclusions of the Commission in Ex Parte No. MC-37, Commercial Zones and Terminal Areas, 54 M.C.C. 21, govern the extent of the terminal area motor services which an express company may or should provide on traffic which has moved or will move from or to the terminal point under an express rate in motor carrier line-haul service subject to Part II of the Act; or, may an express company establish the terminal area points or limits at or within which it will provide terminal services for all of its traffic regardless of what type or mode of line-haul transportation is utilized, by appropriate tariff provision subject only to investigation, suspension, or complaint.

IIa. What motor vehicle transportation by an express company is excluded from the term "common carrier by motor vehicle" contained in section 203(a)(14) of the Act, and thus "to be considered * * * and regulated as transportation subject to Part I," as provided in such section.

III. What rules or regulations, if any, should be prescribed or adopted which specify the maximum or minimum limits within which an express company may or should provide, or offer to provide, terminal area motor services pursuant to Part I of the Act, or specify the maximum or minimum limits within which such services may or should be provided by or for an express company under Part II of the Act, including section 202(c)(2) thereof.

It is further ordered, That the Bureau of Inquiry and Compliance of this Commission be, and it is hereby, authorized and directed to participate in this proceeding as a party.

It is further ordered, That Railway Express Agency, Inc., and any other express company or companies subject to Part I of the Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That, in accordance with Rule 68 of the Commission's general rules of practice, the proceeding be, and it is hereby, assigned for a prehearing conference at 8:30 a.m., U.S.s.t. (9:30 a.m., District of Columbia d.s.t.), on May 12, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Frank R. Saltzman, Hearing Examiner, at which prehearing conference respondents, and all other interested persons, are invited to appear for the purposes of:

1. Identifying other issues, if any, within the scope of the proceeding in addition to those appearing above, to which consideration should be given.

2. Considering special procedures to expedite and control the handling of the proceeding, including the production and submission of evidence and arguments on the issues presented.

3. Determining the time and place or places of any hearing or hearings which may be required, and the scope of such hearing or hearings.

4. Determining the practicability and desirability of an exchange by the parties of exhibits related to the above matters in advance of hearing, if one is to be held, or otherwise.

5. Ascertaining the need or desirability, if any, for the entry of a supplemental order changing or modifying the scope of the proceeding.

6. Determining any other method or means by which the processing of the proceeding can be expedited, simplified, or the Commission's handling thereof aided.

It is further ordered, That this proceeding be, and it is hereby, assigned to Division 1 for administrative handling.

And it is further ordered, That a copy of this order be served on Railway Express Agency, Inc., and on the Public Utility Commissions or Boards of each State having jurisdiction over transportation of the types here involved; that a copy be posted in the Office of the Secretary of the Interstate Commission for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-3738; Filed, Apr. 15, 1964; 8:46 a.m.]

Notices

available from nongovernmental or gov- 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), lines, Inc., is 39.66 cents per mail ton-

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 84088]

FLORIDA

Revocation of So Much of Certain Notices of Filing of Plats of Survey as Provided for Opening of Lands

APRIL 9, 1964.

So much of the following notices of filing of plats of survey, as provided for opening of the lands affected to the operation of, and to disposition under the public land laws, including applications and offers under the mineral-leasing laws, is hereby revoked:

a. The notice of March 25, 1960 (25 F.R. 2746, 2747), pertaining to the following-described lands:

TALLAHASSEE MERIDIAN

GARDEN ISLAND

T. 27 S., R. 15 E.,	Acres
Sec. 26, lot 4	0.93
Sec. 27, lot 2	11.42

b. The notice of November 8, 1960 (25 F.R. 10954, 10955), pertaining to the following-described lands:

TALLAHASSEE MERIDIAN

T. 44 S., R. 20 E. (Islands),	Acres
Sec. 1, lot 20	5.44
Sec. 2, lot 2	12.10
Sec. 11, lot 1	16.06
Sec. 13, lot 4	17.13

The lands are naturally-made islands which formerly were "lands beneath navigable waters" as that phrase is defined in the Submerged Lands Act of May 22, 1953, c. 65 (67 Stat. 29; 43 U.S.C. 1301–1315). By that Act the United States relinquished any former title to the lands (71 Interior Decisions 2045).

IRVING SENZEL,
Acting Assistant Director.

[F.R. Doc. 64-3727; Filed, Apr. 15, 1964; 8:46 a.m.]

KETCHUM TOWNSITE, IDAHO

Notice of Sale of Lot

APRIL 8, 1964.

1. Notice is hereby given that there will be offered at public auction to the highest bidder at 2:00 p.m. on May 15, 1964, in the Idaho Land Office, Room 327 of the Federal Building, Boise, Idaho, the lot listed at the end of this notice. Except for certain lots withdrawn for stock driveway purposes, all remaining lots in the Ketchum Townsite have been sold.

2. This lot will be sold at not less than the appraised price of $1800.00. No bid exceeding that amount will be accepted unless made in multiples of $10.00. Bids may be made personally be an individual or his agent at the sale. When there are no further offers, the lot will be declared sold to the last and highest bidder.

3. The bidder will be required to make payment for the tract at the close of the bidding. Personal checks will be accepted.

4. The purchaser will be required to furnish evidence that he is a citizen of the United States or that he has declared his intention to become such a citizen; or if a corporation, it will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in Idaho.

5. A reservation of the oil and gas deposits to the United States under the provisions, reservations, conditions, and limitations of the Act of July 17, 1914 (38 Stat. 509; 30 U.S.C. secs. 121–123) may be required. A patent to the land will contain the reservations of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391).

6. All persons are warned against violation of the provisions of 18 U.S.C. 1860 prohibiting unlawful combinations or intimidations of bidders.

7. Inquiries concerning the lot should be addressed to the Idaho State Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

8. The lot is located on the east corner of River Street and East Avenue in Ketchum, Idaho. It is legally described as Lot 1, Block 104, City of Ketchum, containing 5,600 sq. ft., as depicted on the supplemental plat of survey accepted June 21, 1963.

ORVAL G. HADLEY,
Acting Land Office Manager.

[F.R. Doc. 64-3728; Filed, Apr. 15, 1964; 8:46 a.m.]

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 8, 1964.

Notice of an application, Serial Number 059923, for withdrawal and reservation of lands was published as F.R. Doc. 63-2115 on page 1887 of the issue for February 28, 1963. A partial termination was published as F.R. Doc. 63-5860 on pages 5535 and 5536 of the issue for June 5, 1963. The applicant has canceled its application. Therefore, pursuant to the regulations contained in 43 CFR, Part 2310, Subpart 2311, such lands will be at 10:00 a.m. on April 18, 1964, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 19 N., R. 29 E.,
Sec. 13, E½SW¼SE¼SE¼, E½SE¼SE¼;
Sec. 24, NE¼NW¼NE¼NE¼, NE¼NE¼NE¼, NE¼SE¼NE¼NE¼.

T. 19 N., R. 30 E.,
Sec. 18, Portions of lot 4, described as W½SW¼SW¼, NW¼NE¼SW¼SW¼, S½NE¼SW¼SW¼, SE¼SW¼SW¼.

The area as described contains approximately 75.13 acres.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 64-3729; Filed, Apr. 15, 1964; 8:46 a.m.]

UTAH LAND OFFICE

Change of Location and Temporory Closing

APRIL 10, 1964.

Notice is hereby given that the Land Office, Bureau of Land Management, in Salt Lake City, Utah, will be closed to the public Friday May 1, 1964 to permit its move to a new location in Room 3230, Federal Building, 125 South State Street, Salt Lake City, Utah. The new mailing address of the Land Office, effective May 4, 1964, will be Post Office Box 11505, Salt Lake City, Utah, 84111.

In accordance with Title 43, Code of Federal Regulations, § 1821.2–1–2–3, applications, payments and other documents received for filing May 1, 1964 shall be deemed to be filed as of 10:00 a.m., m.s.t., May 4, 1964, and those required by the regulations to be filed on or before May 1, 1964 will be timely filed if received in the land office in its new location during its regular public hours on May 4, 1964.

J. E. KEOGH,
Manager, Land Office.

[F.R. Doc. 64-3730; Filed, Apr. 15, 1964; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Determination for Survey

In conformity with 13 U.S.C. 181, 224, and 225, and due notice of consideration having been published on March 14, 1964 (29 F.R. 3406), pursuant to said Act, I have determined that a first quarter 1964 survey of selected multiunit companies is needed to collect information for the 1964 County Business Patterns Report. The survey is similar to those conducted for previous County Business Patterns Reports and is designed to collect information on number of employees, taxable wages, geographic location, and kind of business for establishments of selected multiunit companies. Only those companies which do not report in sufficient detail to other Federal Agencies will be required to report in this survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 64-3721; Filed, Apr. 15, 1964; 8:45 a.m.]

MANUFACTURERS' SHIPMENTS AND SERVICES FOR FEDERAL GOVERNMENT AND CONTRACTORS, 1963

Notice of Determination for Survey

In conformance with Title 13, United States Code, sections 181, 224 and 225, and due notice having been published February 8, 1964 (29 F.R. 2314), pursuant to said Act, I have determined that data to be derived from a survey of manufacturers concerning their shipments to and/or receipts for services performed for the Federal Government or its contractors during 1963 are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry.

The survey will provide important information on the impact of Federal procurement on various industries and on the economy of States, Standard Metropolitan Statistical Areas, and other geographic regions. The data requested in this survey are not publicly available from nongovernmental or other governmental sources.

The survey will be conducted on a sample basis covering selected industries as a supplement to the Annual Survey of Manufactures which for 1963 is additionally considered a part of the 1963 Census of Manufactures.

The report form will be furnished to firms included in this survey and additonal copies are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

I have, therefore, directed that this survey be conducted for the purpose of collecting the data hereinabove described.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 64-3722; Filed Apr. 15, 1964; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PITMAN-MOORE CO.

Notice of Withdrawal of Petition for Food Additive; Iron-Carbohydrate Chelate Complex

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Pitman-Moore Company, Division of The Dow Chemical Company, P.O. Box 1656, Indianapolis 6, Indiana, has withdrawn its petition (FAP 750), published in the FEDERAL REGISTER of April 11, 1962 (27 F.R. 3469), proposing the issuance of a regulation to provide for the safe use of iron-carbohydrate chelate complex as a dietary source of iron for human use.

The withdrawal of this petition is without prejudice to a future filing.

Dated: April 9, 1964.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-3747; Filed, Apr. 15, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15054; Order E-20678]

BRANIFF AIRWAYS, INC.

Order To Show Cause

Petition of Braniff Airways, Inc., for equalization of international service mail rate; Docket No. 15054.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of April 1964.

On February 28, 1964, Braniff Airways, Inc., filed a motion for leave to file an unauthorized document and together therewith filed a petition for equalization of Braniff's international service mail rate insofar as it applies to the San Antonio-Mexico City market. On March 12, 1964, the Post Office Department filed (1) a motion for leave to file an unauthorized answer, and (2) an answer to Braniff's motion for leave to file an unauthorized document. Essentially, the Post Office states that (1) effective on or about March 3, 1964, the Post Office determined that economic considerations necessitated the routing of all San Antonio-Mexico City air mail via American Airlines, Inc., the lower price carrier, and (2) it strongly supports Braniff's motion and urges that the Board grant the relief sought by the carrier.

The situation involved herein is closely similar to that raised in a recent petition filed by Delta Air Lines, Inc., in Docket 14862. As in the Delta order,[1] we will grant the motions of Braniff and the Post Office for leave to file an unauthorized document [2] and we will consider the carrier's petition and the answer of the Post Office on their merits.

Braniff's service mail rate between San Antonio and Mexico City was established in 1955 as an international rate at the level of 65.30 cents per mail ton-mile.[3] While this rate continues to apply to Braniff, it alleges in its instant petition that the rate applicable to American Airlines, Inc., is 39.66 cents per mail ton-mile for similar service between San Antonio and Mexico City.[4] Officials of the Post Office Department advised Braniff that the bulk of the mail which it had been transporting would be tendered to American because of the rate differential unless the rates were equalized by March 3, 1964.[5] Braniff requests that its rates be equalized with those of American, effective March 1, 1964, but requests, alternatively, that its petition be dismissed if such equalization cannot be accomplished without reopening all of Braniff's domestic and international rates.[6]

As stated in the Delta order, the Board has established a policy of allowing equalization of service mail rates to a lower level so that the carrier may compete equally with other carriers for the carriage of mail. Since the Post Office has a policy of routing mail over the carriers with the lowest rates applicable between any points, such equalizations make more schedules available to the Post Office, facilitate the carriage of mail, and are in the public interest. International service mail rate cases, when providing for equalization, generally made compensating upward adjustments on other segments to offset the effect of equalization.[7] No such compensating adjustments are requested by the petitioner, nor are they necessary herein since our proposed action will provide mail revenues, not obtainable at this time, at rates presently fair and reasonable to competing carriers.

Procedurally, the carrier requests the Board to amend the orders which established its domestic and its international rates so that the transportation of mail by Braniff between the United States and terminal points in Mexico will be made part of the domestic rate order and will be excluded from the international rate order.[8] The Board will not grant Braniff's request in this regard, but we will instead propose to adjust Braniff's rate in a manner similar to that set forth in the aforementioned Delta

[1] See Order E-20677, dated April 10, 1964.

[2] The motion was occasioned by 14 CFR 302.303(b).

[3] Pan American-Grace, Service Mail Rates, 21 C.A.B. 961, 963 (1955).

[4] Domestic Trunklines, Service Mail Rates, 21 C.A.B. 8 (1955) established American's rate over its entire system, which includes the market in question. The Pan American-Grace case, supra, note 3, established Braniff's international rate which was not covered by the Domestic Trunklines case. Braniff alleges that subsequently it was authorized, in 1960, to serve the subject market, which fell under its international rate.

[5] As noted above, mail between these points has been routed via American since that date.

[6] This order is concerned solely with priority mail, which may be defined as that mail which is designated as air mail or air parcel post by the sender.

[7] See, e.g., Pan American-Grace Service Mail Rates, supra, note 3; Pan American-Grace Airways Service Mail Rates, 23 C.A.B. 106 (1956); Pacific Service Rate Case, 24 C.A.B. 629 (1957).

[8] Although Braniff may, by its suggested amendments, be anticipating future equalization situations between other points in the United States and Mexico, the Board considers it to be procedurally desirable to approach each situation as it occurs. Even the domestic multielement cases with their provisions for automatic equalization, require the filing of certain documents with the Board for each equalization.

order to show cause. Historically, the

equalization of the service mail rate for

by the Postmaster General pursuant to

By the Civil Aeronautics Board.

order to show cause. Historically, the Board has established separate rate-making units for carriers which provide domestic and international service or provide international service in different geographic areas. Although the multi-element formula includes stub-end operations (e.g., Canada, San Juan), where a route segment has been part of a longer foreign route or homogeneous route system, the Board has generally found it appropriate to fix the rate for the entire route or route system, except in equalization situations. We find no basis to depart from this fundamental rule in the instant case; therefore, for Braniff we will propose to adjust the San Antonio-Mexico City route segment to a lower competitive level, rather than to remove it from Braniff's international rate-making unit and place it within the domestic multielement formula.

Braniff also has requested that the equalization proposed herein be made retroactive to March 1, 1964. Since the carrier has not been carrying mail since March 3, 1964, there appears to be no compelling reason to consider this request since such retroactivity would have no effect upon Braniff's mail revenue on this route segment. To the extent that Braniff may have carried mail between the subject points during the period between March 1, 1964, and the date upon which the rate herein proposed may become effective, the old rate shall apply.

In the event that no notice of objection, or if after such notice, no answer is filed within the time designated herein, a final order will be entered to make the proposed rates specified herein effective on the earliest practicable date.

Rule 305(b) of the rules of practice provides that the Board may specify different times for notice of objection or answer than those set out in that rule. In view of the continuing loss of mail revenues by Braniff, and the support of its petition by the Post Office, we have concluded that the customary periods for filing notices of objection and answers should be reduced. Braniff's basic international service mail rate of 65.30 cents per mail ton-mile is not deemed to be reopened by any action proposed herein. The proposed action will affect all priority mail carried by Braniff in the San Antonio-Mexico City market.

Upon consideration of the foregoing, Braniff's motion and petition, the motion and answer of the Post Office and matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The Post Office Department utilizes the least expensive air carrier which would not unduly delay expeditious carriage of mail.

2. Braniff's present final service mail rate applicable for services between San Antonio and Mexico City is 65.30 cents per mail ton-mile, whereas American's rate for competitive service is 39.66 cents per priority mail ton-mile.

3. The fair and reasonable service mail rate applicable to all priority mail carried by Braniff between San Antonio and Mexico City is 39.66 cents per mail ton-mile.[6]

4. Such service mail rate of 39.66 cents per priority mail ton-mile shall be paid in its entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board.

5. The mail ton-miles to be used by the Post Office in determining service mail payments pursuant to this order shall be computed on the basis of the direct airport-to-airport mileage between San Antonio, Texas and Mexico City, Mexico.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302,

It is ordered, That

A. The motions filed by Braniff Airways, Inc., and the Post Office Department for leave to file an unauthorized document shall be granted and the related documents filed by Braniff and the Post Office shall be considered.

B. All interested persons, and particularly American Airlines, Inc., Braniff Airways, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions, and fix, determine and publish 39.66 cents per priority mail ton-mile as the fair and reasonable rate of compensation to be paid to Braniff for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between San Antonio and Mexico City.

C. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice of objection shall be filed within 7 days, and written answer and supporting documents shall be filed within 15 days, after the date of service of this order.

D. If notice of objection or answer is not filed, as specified in 14 CFR Part 302 and this order, all persons shall be deemed to have waived further procedural steps herein before an order fixing the final equalized rate, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final equalized rate herein specified.

E. If any answer is filed presenting issues for hearing, the issues involved thereafter in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with 14 CFR 302.307.

F. This order shall be served upon American Airlines, Inc., Braniff Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[6] This rate is the ton-mile equivalent of the domestic service mail rate now applicable between San Antonio and Mexico City.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 64-3756; Filed, Apr. 15, 1964; 8:47 a.m.]

[Docket No. 11822; Order E-20676]

CORDOVA AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of April 1964.

Petition of Cordova Airlines, Inc., for adjustment of service mail rates on specific routes; Docket No. 11822.

On October 3, 1960, Cordova Airlines, Inc., filed a petition for amendment of its existing service mail rate[1] so as to reduce such rate to 47 cents per mail ton-mile insofar as it applies between Anchorage and Cordova, Anchorage and Yakutat, and Cordova and Yakutat. By amendment filed January 29, 1963, the petition was changed to request a rate of $1.29 per mail ton-mile. The effect of such proposal would be to equalize Cordova's rate with the rate presently being paid to Pacific Northern Airlines, Inc.[2] The petitioner alleges that the Post Office Department tenders substantially all mail on these segments to Pacific Northern, which it understands provides the carriage at a service rate of $1.29 per mail ton-mile. Cordova states that with the requested revision in rates it would no longer be effectively barred from participating in the mail movements on the respective segments; that additional schedules would be available to the Post Office Department for the transportation of mail; and that Cordova would be enabled to earn nonsubsidy revenues which are presently unavailable to it. Petitioner claims that grant of its petition would not have any serious adverse effect upon Pacific Northern because the long-haul, four-engine services of that company are not necessarily adapted to the requirements of the Postal Service on the route segments here involved.

The Post Office Department, by its General Counsel, states that Pacific Northern's services are used "• • • to the greatest possible extent, since it is the low cost carrier" and that the Department supports Cordova's petition for equalization of the service mail rate for the route segments involved.[3]

Rule 303 of the current rules of practice provides for dismissal of a petition challenging only a part of a final mail rate in any case where a carrier is operating under a final mail rate uniformly applicable to an entire rate-making unit,[4] and it appears that Cordova's petition is without authority to be filed. The Board has determined, however, to waive the application of Rule 303 in this instance for service mail rate purposes.

In other proceedings, the Board has established a policy of permitting service mail rate equalization which enables carriers to compete on a similar footing for mail, and which improves the mail service.[5] This policy allows carriers to adjust their service mail rates to a lower rate between specific points, without reopening the entire rate. In these circumstances, the Board has decided to consider the Cordova petition, as amended, and tentatively proposes to establish the equalized rates requested. Cordova's basic service mail rate of $2.50 per mail ton-mile is not deemed to be reopened by any action proposed herein. This order shall affect all mail carrier by Cordova between the points specified herein. No compensating upward adjustment on other routes will be made to offset the adjustment proposed herein. It is neither requested nor is it necessary, since the proposed adjustment will be to a rate presently fair and reasonable to another carrier, and it will provide Cordova with revenue not now obtainable.

In the event that no notice of objection, or if after such notice, no answer is filed within the time designated herein, a final order will be entered to make the proposed rates specified herein effective on the earliest practicable date.

Upon consideration of the foregoing, the amended petition, the answer thereto and matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The Post Office Department utilizes the least expensive air carrier which would not unduly delay expeditious carriage of mail.

2. Cordova's present final system service mail rate is $2.50 per mail ton-mile applicable over the routes involved herein.

3. The fair and reasonable service mail rate applicable to mail carried by Cordova from Anchorage to Cordova or from Anchorage to Yakutat or from Cordova to Yakutat, in either direction, is $1.29 per mail ton-mile.[6]

4. Such service mail rate of $1.29 per mail ton-mile shall be paid in its entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board.

5. The mail ton-miles to be used by the Post Office in determining service mail payments pursuant to this order shall be computed on the basis of the mileage applicable to service mail pay computations for mail carried by Pacific Northern Airlines, Inc., between the points set out in numbered paragraph three.

6. Cordova's basic service mail rate of $2.50 per mail ton-mile is not reopened by this order.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302,

It is ordered, That

A. The application of Rule 303 of the rules of practice shall be waived insofar as it would preclude Cordova Airlines, Inc., from filing a petition with the Board for the equalization of service mail rates with Pacific Northern Airlines, Inc., solely as set out above in numbered paragraph three.

B. All interested persons, and particularly Cordova Airlines, Inc., Pacific Northern Airlines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine and publish $1.29 per mail ton-mile as the fair and reasonable rate of compensation to be paid to Cordova for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, from Anchorage to Cordova, from Anchorage to Yakutat, and from Cordova to Yakutat, in either direction.

C. Cordova's basic service mail rate of $2.50 per mail ton-mile shall apply to all other mail carried by Cordova.

D. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice of objection shall be filed within 10 days, and written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

E. If notice of objection or answer is not filed, as specified in 14 CFR Part 302, and this order, all persons shall be deemed to have waived further procedural steps herein before an order fixing the final rate, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final service mail rate herein specified.

F. If any answer is filed presenting issues for hearing, the issues involved thereafter in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with 14 CFR 302.307.

G. This order shall be served upon Cordova Airlines, Inc., Pacific Northern Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 64-3757; Filed, Apr. 15, 1964; 8:47 a.m.]

[Docket No. 14862; Order E-20677]

DELTA AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of April 1964.

Petition of Delta Air Lines, Inc., for adjustment of international service mail rate; Docket No. 14862.

On November 7, 1963, Delta Air Lines, Inc., filed a petition for adjustment of its international service mail rate only insofar as it applies to the San Juan-New Orleans market. On November 12, 1963, pursuant to Rule 4(f) of the Board's rules of practice,[1] Delta filed a motion for leave to file an unauthorized document, after having determined that Rule 303 may preclude the filing of a petition such as the one filed on November 7, 1963.[2] In effect, Delta requests an equalization of service mail rates, but requests, alternatively, that its petition be dismissed if such cannot be accomplished without reopening its entire international rate.[3]

In response to Delta's petition, on November 29, 1963, the Post Office Department filed (1) a motion for leave to file an unauthorized answer, and (2) an answer to Delta's motion for leave to file an unauthorized document. Essentially, the Post Office states (1) that it uses services of other carriers operating via Miami to serve the San Juan-New Orleans market and other domestic markets because Delta's rate is higher, and (2) that it strongly supports Delta's motion and urges that the Board grant the relief sought by the carrier.

The Board has decided to grant the motions of Delta and the Post Office and to consider Delta's petition, and the answer of the Post Office, on their merits.

Delta alleges that it is the only carrier holding single-carrier authority in the San Juan-Los Angeles, San Juan-San Francisco and San Juan-San Diego markets, but that substantially all of the San Juan-West Coast mail is diverted to the San Juan-Miami services of Eastern Air Lines, Inc., or Pan American World Airways, Inc., and the services of domestic connecting carriers. Delta states that this occurs because the service mail rate applicable via the Miami routing

[1] See letter-answer dated October 26, 1960. No answer to Cordova's amendment was filed by the Post Office.

[2] 14 CFR 302.303(b).

[3] E.g., Petition of National Airlines, Inc., Order E-18264, adopted April 26, 1962, at p. 3; Nonpriority Mail Rate Case, Order E-17255, at pp. 33-35 (1961); Domestic Trunklines, Service Mail Rates, 21 C.A.B. 8, 11-13 (1955), Allegheny Air., Service Mail Rates, 21 C.A.B. 894, 896 (1955).

[4] See footnote 2, supra.

[5] Service Mail Rates, Reorganization Plan No. 10, 17 C.A.B. 898 (1953), established a service mail rate of $2.50 per mail ton-mile for Cordova over its entire system.

[6] Cordova's service mail rate of $2.50 per mail ton-mile shall remain unchanged for segments other than those specifically enumerated herein. Hence, for mail carried between Anchorage, Cordova and Yakutat on the one hand, and intermediate points on the other, or between other points intermediate between Anchorage and Yakutat, or beyond Anchorage and Yakutat, the service mail rate of $2.50 per mail ton-mile would apply.

[1] 14 CFR 302.4(f).

[2] Rule 303(b), (14 CFR 302.303(b)), provides as follows: "In any case where a carrier is operating under a final mail rate uniformly applicable to an entire rate-making unit as established by the Board, a petition must clearly and unequivocally challenge the rate for such entire rate-making unit and not only a part of such unit. Unless such a petition clearly and unequivocally requests review of the rate for the entire rate-making unit, it shall be dismissed. No amendment intended to cure the omission shall be given retroactive effect."

[3] This order is concerned solely with priority mail, which may be defined as that mail which is designated as air mail or air parcel post by the sender.

is less than that applicable via the New Orleans routing of Delta. Delta also

The domestic multielement service mail rate formula which is applicable to

the adjustment which we will propose herein will apply to all mail transported

B. All interested persons, and par-

Dated at Washington, D.C., April 13, 1964

the Bureau of Foreign Regulation, Federal Maritime Commission, Washington

is less than that applicable via the New Orleans routing of Delta. Delta also result in the adjustment of Delta's rates to those existing in the San Juan-Dallas/Fort Worth markets "• • • where only Delta provides single-carrier service." [4]

The diversion alleged by Delta is a result of the policy of the Post Office Department to use the carrier having the lowest rate authorized by the Board, when air mail service would not be impaired.[5]

The proceeding which established the international service mail rate involved herein dealt with equalization problems which were then present.[6] In the Board's statement of provisional findings and conclusions adopted August 15, 1955, it was stated that the right of a party to raise additional rate equalization questions in the future was in no way precluded by the equalization action taken in that proceeding.[7] In the absence of transcontinental route authority, Delta's current problem did not exist at the time when Pan American's San Juan-New York and San Juan-Miami rates were equalized with the lower rates of Eastern for the same services. In these circumstances, Delta's rate for all of Route 114 (including Delta's San Juan-New Orleans market) was established at 65.30 cents per mail ton-mile, whereas the rate for the Miami-San Juan routes of Eastern and Pan American was established at 36.54 cents per mail ton-mile.

Delta states that as a result of the Southern Transcontinental Service Case,[8] it provides through-plane service between San Juan and Los Angeles via New Orleans, and that direct connections are available at New Orleans with its San Francisco service via Dallas/Fort Worth.[9] Therefore, Delta argues that although these single carrier services may be equal to or preferable to connecting carrier services provided via Miami, they are not utilized by the Post Office solely because of the significantly higher service mail rate which is applicable via Delta. The carrier states that it does not want to undercut any other carrier, but only to compete equally for the carriage of mail.

The domestic multielement service mail rate formula which is applicable to all domestic trunk and local service carriers reflects the Board's policy of fixing equal service mail rates for equal service, regardless of the carriers involved.[10] The multielement formula is so designed that every carrier would receive the same total amount of compensation for the carriage of a given quantity of mail between two specific domestic points over the same routing. As discussed above in relation to Delta's international rate, the proceeding in which service mail rates were established for the major transatlantic, transpacific and Latin American routes, generally provided for equal payment for the same service in specific instances, but did not include provision for automatic future rate equalizations.[11] These international service mail rate cases (which postdated the domestic multielement mail rate proceeding) generally provided for compensating upward adjustments on other segments to offset the effect of equalization. No such compensating adjustments are requested by the petitioner, nor are they necessary herein since our proposed action will provide mail revenues, not obtainable at this time, at rates presently fair and reasonable to competing carriers.

The Board's policy evidenced in the domestic multielement cases was interpreted by a recent order of the Board [12] in which equalizations were allowed which did not fall specifically into the pattern given as an example in the multielement cases. The Board said, in pertinent part:

> Thus, although • • • (the multielement) decision discussed the problem of equalization of rates under circumstances reasonably to be anticipated, our order was not limited to the specific situations there discussed • • • our order • • • effectuates our intent of • • • affording carriers the opportunity to equalize their rates in order to continue to participate in the carriage of mail.[13]

There appears to be no compelling reason to restrict to domestic service rates our policy of allowing equalizations to a lower competitive level. As we mentioned in the Pacific Service Rate Case,[14] price is now a crucial factor in establishing service mail rates since it determines whether a carrier will carry mail over a competitive route. Although the rate involved herein is an international rate which is being adjusted to a lower domestic level, a similar adjustment to the equivalent of a domestic multielement level was effected as an equalization in the Pan Am.-Grace case.[15] In addition, the adjustment which we will propose herein will apply to all mail transported by Delta between the specified points, as was permitted in the Pan Am.-Grace case.[16] Delta's basic international service mail rate of 65.30 cents per priority mail ton-mile is not deemed to be reopened by the action that the Board is proposing in this order.

Rule 305(b) of the rules of practice provides that the Board may specify different times for notice of objection or answer than those set out in that rule. In view of the lack of mail carriage over the routes concerned, and the support of Delta's petition by the Post Office, we have concluded that the customary periods for filing notices of objection and answers should be reduced.

In the event that no notice of objection, or if after such notice, no answer is filed within the time designated herein, a final order will be entered to make the proposed rates specified herein effective on the earliest practicable date.

Upon consideration of the foregoing, Delta's motion and petition, the motion and answer of the Post Office and matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions: [17]

1. The Post Office Department utilizes the least expensive air carrier which would not unduly delay expeditious carriage of mail.

2. Delta's present final service mail rate applicable for services between San Juan and New Orleans is 65.30 cents per mail ton-mile, whereas the rate between Miami and San Juan is 36.54 cents per priority mail ton-mile.

3. The fair and reasonable service mail rate applicable to all priority mail carried by Delta between San Juan and New Orleans is 34.0302 cents per mail ton-mile.[18]

4. Such service mail rate of 34.0302 cents per priority mail ton-mile shall be paid in its entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board.

5. The mail ton-miles to be used by the Post Office in determining service mail payments pursuant to this order shall be computed on the basis of the direct airport-to-airport mileage between San Juan, Puerto Rico and New Orleans, Louisiana.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR, Part 302,

It is ordered, That

A. The motions filed by Delta Air Lines, Inc., and the Post Office Department for leave to file an unauthorized document shall be granted and the related documents filed by Delta and the Post Office shall be considered.

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[4] In a footnote to this statement Delta alleges that it "• • • has held nonstop authority in the San Juan-New Orleans market for years, and Delta utilizes such authority. Eastern has only recently obtained restricted authority in that market, and the carrier does not utilize the authority on a single-plane basis. Delta has held one-stop authority in the San Juan-Dallas/Fort Worth market for years, and Delta also utilizes that authority. Eastern recently obtained restricted authority in the San Juan-Dallas/Fort Worth market, via two mandatory stops (one at Miami and the second at an additional point on Segment 6 of Eastern's Route 10 other than Dallas or Fort Worth). The carrier does not utilize its authority in the Dallas/Fort Worth-San Juan market on a single-plane basis."

[5] For this policy, Delta cites a November 23, 1953, letter from the Post Office Department to various carriers.

[6] Pan Am.-Grace, Service Mail Rates, 21 C.A.B. 961 (1955).

[7] 21 C.A.B. at 965.

[8] Order E–16500, dated March 13, 1961.

[9] The footnotes at page five of Delta's petition explain the carrier's allegations more fully.

[10] See, e.g., Domestic Trunklines, Service Mail Rates, 21 C.A.B. 8, 11–13 (1955); Allegheny Air., Service Mail Rates, 21 C.A.B. 894, 899 (1955); Nonpriority Mail Rate Case, Order E–17255 at pp. 33–35 (1961); Petition of National Airlines, Inc., Order E–18264, adopted April 26, 1962, at p. 3.

[11] See, e.g., Pan Am.-Grace Service Mail Rates, supra, note 6; Pan Am.-Grace Airways Service Mail Rates, 23 C.A.B. 106 (1956); Pacific Service Rate Case, 24 C.A.B. 629 (1957).

[12] Petition of National Airlines, Inc., Order E–18264, dated April 26, 1962.

[13] Supra, note 12 at p. 3.

[14] 24 C.A.B. 629, 632.

[15] 21 C.A.B. 961, 962–963.

[16] Supra, note 15 at p. 962 n. 4.

[17] The effective date for application of the rates proposed herein will be the date of the final order of the Board.

[18] This rate is the ton-mile equivalent of the domestic multielement service mail rate applicable for services between San Juan and New Orleans via Miami.

B. All interested persons, and particularly Delta Air Lines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine and publish 34.0302 cents per priority mail ton-mile as the fair and reasonable rate of compensation to be paid to Delta for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between San Juan and New Orleans.

C. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice of objection shall be filed within 7 days, and written answer and supporting documents shall be filed within 15 days, after the date of service of this order.

D. If notice of objection or answer is not filed, as specified in 14 CFR Part 302 and this order, all persons shall be deemed to have waived further procedural steps herein before an order fixing the final rate, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate herein specified.

E. If any answer is filed presenting issues for hearing, the issues involved thereafter in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with 14 CFR 302.307.

F. This order shall be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 64–3758; Filed, Apr. 15, 1964; 8:47 a.m.]

[Docket No. 14695 etc.]

FRONTIER AIRLINES, INC.

Service to Western Colorado; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 19, 1964, at 10 a.m., m.s.t., in the Courtroom of the U.S. Court of Appeals, Post Office Building, 18th and Stout Streets, Denver, Colorado, before Examiner Ross I. Newmann.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Order E–20402, dated January 27, 1964; Order E–20559, dated March 9, 1964; the Prehearing Conference Report served on February 27, 1964; and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 13, 1964.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 64–3759; Filed, Apr. 15, 1964; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES AND MATSON NAVIGATION CO.

Notice of Filing of Agreement

Notice is hereby given that the following-described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9333 between American Export Isbrandtsen Lines, and Matson Navigation Company, provides for the appointment of Matson as General Passenger Agent of American Export Isbrandtsen Lines in Hawaii, which appointment Matson accepts, subject to the covenants, conditions and terms of the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 10, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–3732; Filed, Apr. 15, 1964; 8:46 a.m.]

AMERICAN EXPORT ISBRANDTSEN LINES AND OCEANIC STEAMSHIP CO.

Notice of Filing of Agreement

Notice is hereby given that the following-described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9334 between American Export Isbrandtsen Lines and The Oceanic Steamship Company, provides for the appointment of The Oceanic Steamship Company as General Passenger Agent of American Export Isbrandtsen Lines in Australia and New Zealand, which appointment Oceanic accepts, subject to the covenants, conditions and terms of the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 10, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–3733; Filed, Apr. 15, 1964; 8:46 a.m.]

MATSON NAVIGATION CO., AND AMERICAN EXPORT ISBRANDTSEN LINES

Notice of Filing of Agreement

Notice is hereby given that the following-described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9336 between Matson Navigation Company and American Export Isbrandtsen Lines, provides for the appointment of American Export Isbrandtsen Lines as General Passenger Agent of Matson in Genoa, Italy; Trieste, Italy; Marseille, France; and Barcelona, Spain, which appointment American Export Isbrandtsen Lines accepts, subject to the covenants, conditions and terms of the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 10, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–3734; Filed, Apr. 15, 1964; 8:46 a.m.]

OCEANIC STEAMSHIP COMPANY AND AMERICAN EXPORT ISBRANDTSEN LINE

Notice of Filing of Agreement

Notice is hereby given that the following-described agreement has been filed

with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9337 between The Oceanic Steamship Company and American Export Isbrandtsen Line, provides for the appointment of American Export Isbrandtsen Line as General Passenger Agent of Oceanic in Genoa, Italy; Trieste, Italy; Marseille, France; and Barcelona, Spain, which appointment American Export Isbrandtsen Lines accepts, subject to the covenants, conditions and terms of the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 10, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3735; Filed, Apr. 15, 1964; 8:46 a.m.]

U.S. ATLANTIC & GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 6200-10 between the members of the U.S. Atlantic & Gulf/Australia-New Zealand Conference modifies the basic Agreement, as amended, by adding a second paragraph to Article 9, which provides that any carrier joining the conference shall thereby become a party to, and any carrier withdrawing from the conference shall thereby cease to be a party to, any agreements between the member lines of the conference (jointly entered into by said member lines in their capacity as conference members), and any other carrier or other person subject to the Shipping Act, 1916, as amended, provided said agreements are filed and approved pursuant to the provisions of said Act and contain specific provisions for such admission to or withdrawal from participation therein.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 13, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3736; Filed, Apr. 15, 1964; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BAYSTATE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Baystate Corporation, Boston, Massachusetts, for prior approval of the acquisition of up to 100 percent of the voting shares of Merrimack Valley National Bank, Haverhill, Haverhill, Massachusetts.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Baystate Corporation, Boston, Massachusetts, a registered bank holding company, for the Board's approval of the acquisition of up to 100 percent of the outstanding voting shares of Merrimack Valley National Bank, Haverhill, Haverhill, Massachusetts.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views thereon. The Comptroller recommended approval of the application. Notice of receipt of the application was also given to the Massachusetts Commissioner of Banks which notice was acknowledged by the Clerk of the Massachusetts Board of Bank Incorporation. The Board was advised that the Massachusetts Board of Bank Incorporation, after a hearing pursuant to the laws of Massachusetts upon the related application filed with it, granted approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 22, 1963 (28 F.R. 12378), providing an opportunity for submission of comments and views regarding the proposed acquisition. The time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be, and it hereby is, approved, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 9th day of April 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-3718; Filed, Apr. 15, 1964; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Boston. Concurring Statement of Governor Robertson also filed as part of the original document and available upon request.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

APRIL 10, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period April 12, 1964, through April 21, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3723; Filed, Apr. 15, 1964; 8:45 a.m.]

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Robertson, Shepardson, and Daane. Absent and not voting: Governor Mitchell.

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

APRIL 10, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period April 12, 1964, through April 21, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3724; Filed, Apr. 15, 1964; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area No. 462]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Wichita County in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about April 3, 1964.

Office

Small Business Administration Regional Office,
1025 Elm Street,
Dallas 2, Tex.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1964.

Dated: April 4, 1964.

LOGAN B. HENDRICKS,
Acting Deputy Administrator.

[F.R. Doc. 64-3720; Filed, Apr. 15, 1964; 8:45 a.m.]

TARIFF COMMISSION

[AA1921-35]

[TC Publication 124]

CAST IRON SOIL PIPE FROM AUSTRALIA

Determination of No Injury or Likelihood Thereof

APRIL 13, 1964.

On January 15, 1964, the Tariff Commission was advised by the Assistant Secretary of the Treasury that cast iron soil pipe from Australia is being, or is likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act. Accordingly, the Commission on January 16, 1964, instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation was published in the FEDERAL REGISTER (29 F.R. 518). No public hearing in connection with the investigation was ordered by the Commission, but interested parties were referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of the Commission's notice of investigation in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request. No request for a hearing was made.

In arriving at a determination in this case, due consideration was given by the Tariff Commission to all written submissions from interested parties and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of cast iron soil pipe from Australia, sold at less than fair value, within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. The Commission's reasons for making a negative determination and the more relevant facts considered in making this determination are set forth below:

The evidence indicates that imports of cast iron soil pipe from Australia sold at less than fair value have not been a disruptive factor in the United States market. Such imports have been insignificant compared with the quantity of domestic consumption and entered the United States market only over a short period of time. In the existing market conditions such imports have not caused material injury to a domestic industry.

The Commission also weighed certain other facts which are relevant to a possible determination of likelihood of injury: The sole producer in Australia that exports the subject pipe to the United States has capacity excess to his domestic demand; has installed special equipment in his plant to produce United States standard pipe which is not ordinarily sold in the Australian market and which cannot be competitive with the United States domestic product unless it is offered at less than fair value; and has the capacity to ship somewhat larger quantities of such United States standard pipe. Sales below fair value have been discontinued while this investigation has been in progress but there is evidence that they will be resumed upon the issuance of a negative finding. Even so, within the foreseeable future, they would most likely continue to be "insignificant" compared with the quantity of domestic consumption. This fact does not insure that they will not disrupt the market, and, therefore, be injurious because the condition of the market and the manner in which such sales will be made (especially the pricing practices and strategies) will have a bearing on whether or not injury will develop. The Commission does not, however, find clear and imminent likelihood that injury will be inflicted and therefore does not find likelihood of injury within the meaning of the Antidumping Act.

This determination and statement of reasons are published pursuant to 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.[1]

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 64-3742; Filed, Apr. 15, 1964; 8:46 a.m.]

WHITE PORTLAND CEMENT FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on April 9, 1964 that white portland cement from Japan, manufactured by Nihon Cement Co., Ltd., Tokyo, Japan, is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Anti-

[1] Statement of Reasons of Commissioners Dorfman and Talbot filed as part of the original document.

dumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an in-

Reason II

McCrory-McLellan-Green, 227 Northampton Street, Easton, Pa.; effective 4-1-

G. C. Murphy Co., No. 78, 16-18 South

G. C. Murphy Co., No. 165, 215-219 Market

G. C. Murphy Co., No. 221, 4110 Browns-

dumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on May 26, 1964. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least five days in advance of the date set for the hearing.

Issued: April 13, 1964.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-3743; Filed, Apr. 15, 1964; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION II

M. H. Fishman Co., 400 George Street, New Brunswick, N.J.; effective 4-1-64 to 9-2-64 (variety store; 33 employees).

S. S. Kresge Co., 17 Park Place, Morristown, N.J.; effective 4-1-64 to 9-2-64 (variety store; 28 employees).

S. S. Kresge Co., No. 80, Garden State Plaza, Paramus, N.J.; effective 4-1-64 to 9-2-64 (variety store; 78 employees).

S. S. Kresge Co., No. 23, Princeton Shopping Center, North Harrison Street, Princeton, N.J.; effective 4-1-64 to 9-2-64 (variety store; 26 employees).

S. S. Kresge Co., No. 587, 66 South Broad Street, Woodbury, N.J.; effective 4-1-64 to 9-2-64 (variety store; 43 employees).

McCrory-McLellan Stores, No. 301, 1008-1010 Stuyvesant Avenue, Union, N.J.; effective 4-1-64 to 9-2-64 (variety store; 39 employees).

G. C. Murphy Co., No. 139, 25 East Washington Street, Washington, N.J.; effective 4-1-64 to 9-2-64 (variety store; 16 employees).

Newberry Asbury Park Corp., 614-630 Cookman Avenue, Asbury Park, N.J.; effective 4-1-64 to 9-2-64 (variety store; 107 employees).

Newberry East Brunswick Corp., 72 West Prospect Street, East Brunswick, N.J.; effective 4-1-64 to 9-2-64 (variety store; 110 employees).

F. W. Woolworth Co., 716 Black Horse Pike, Pleasantville, N.J.; effective 4-1-64 to 9-2-64 (variety store; 33 employees).

F. W. Woolworth Co., No. 1348, 117-121 East State Street, Trenton, N.J.; effective 4-1-64 to 9-2-64 (variety store; 85 employees).

REGION III

W. T. Grant Co., No. 28, 508 Penn Street, Reading Pa.; effective 4-1-64 to 9-2-64 (variety store; 84 employees).

H. L. Green Co., Inc., No. 1024, 221 Market Street, Harrisburg, Pa.; effective 4-1-64 to 9-2-64 (variety store; 38 employees).

H. L. Green, No. 1052, 1015 Market Street, Philadelphia, Pa.; effective 4-1-64 to 9-2-64 (variety store; 88 employees).

S. S. Kresge Co., No. 20, 119 West Lexington Street, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 76 employees).

S. S. Kresge Co., No. 414, 1300 Eastern Boulevard, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 42 employees).

S. S. Kresge Co., No. 576, 5501 Harford Road, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 27 employees).

S. S. Kresge Co., No. 616, 1550 Havenwood Road, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 39 employees).

S. S. Kresge Co., No. 309, Unit B-5, Camp Hill Shopping Center, Camp Hill, Pa.; effective 4-1-64 to 9-2-64 (variety store; 59 employees).

McCrory's Store Corp., 1306-1310 11th Avenue, Altoona, Pa.; effective 4-1-64 to 9-2-64 (variety store; 46 employees).

McCrory Store, No. 220, 110-12 West Crawford Avenue, Connellsville, Pa.; effective 4-1-64 to 9-2-64 (variety store; 30 employees).

McCrory-McLellan-Green, 50-56 West Washington Street, Hagerstown, Md.; effective 4-1-64 to 9-2-64 (variety store; 68 employees).

McCrory-McLellan-Green Stores, 8640 Colesville Road, Silver Spring, Md.; effective 4-1-64 to 9-2-64 (variety store; 58 employees).

McCrory-McLellan-Green Stores, No. 6, 725-731 Hamilton tSreet, Allentown, Pa.; effective 4-1-64 to 9-2-64 (variety store; 85 employees).

McCrory-McLellan-Green Stores, No. 37, 62-64 Main Street, Bradford, Pa.; effective 4-1-64 to 9-2-64 (variety store; 20 employees).

McCrory-McLellan-Green, 227 Northampton Street, Easton, Pa.; effective 4-1-64 to 9-2-64 (variety store; 30 employees).

McCrory-McLellan-Green Stores, No. 316, Gateway Shopping Center, South Wyoming Avenue, Edwardsville, Pa.; effective 4-1-64 to 9-2-64 (variety store; 53 employees).

McCrory-McLellan-Green, 1006 Market Street, Philadelphia, Pa.; effective 4-1-64 to 9-2-64 (variety store; 70 employees).

McCrory-McLellan-Green Stores, No. 63, 1205 Market Street, Philadelphia, Pa.; effective 4-1-64 to 9-2-64 (variety store; 56 employees).

McCrory-McLellan-Green Stores, No. 201, 919 Market Street, Philadelphia, Pa.; effective 4-1-64 to 9-2-64 (variety store; 98 employees).

G. C. Murphy Co., No. 236, Eastover Shopping Center, 4845 Indianhead Road, Washington, D.C.; effective 4-1-64 to 9-2-64 (variety store; 89 employees).

G. C. Murphy Co., No. 242, 2300 Iverson Street, Hillcrest Heights, Md., Washington, D.C.; effective 4-1-64 to 9-2-64 (variety store; 32 employees).

G. C. Murphy Co., No. 149, 100-104 Main Street, Annapolis, Md.; effective 4-1-64 to 9-2-64 (variety store; 49 employees).

G. C. Murphy Co., No. 134, 1200-1204 West Baltimore Street, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 110 employees).

G. C. Murphy Co., No. 138, 18-22 West North Avenue, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 61 employees).

G. C. Murphy Co., No. 148, 411-413 South Broadway, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 39 employees).

G. C. Murphy Co., No. 151, 1024-1031 Light Street, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 18 employees).

G. C. Murphy Co., No. 152, 6863-6865 Loch Raven Boulevard, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 54 employees).

G. C. Murphy Co. No. 153, 901 West 36th Street, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 23 employees).

G. C. Murphy Co., No. 174, 5406-5410 Harford Road, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 31 employees).

G. C. Murphy Co., No. 200, 3421-3425 Belair Road, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 29 employees).

G. C. Murphy Co., No. 238, 2027 Mondawmin Mall, Baltimore, Md.; effective 4-1-64 to 9-2-64 (variety store; 121 employees).

G. C. Murphy Co., No. 273, Prince George Plaza, 3400 East-West Highway, Hyattsville, Md.; effective 4-1-64 to 9-2-64 (variety store; 118 employees).

G. C. Murphy Co., No. 191, 214-216 Montgomery Street, Rockville, Md.; effective 4-1-64 to 9-2-64 (variety store; 21 employees).

G. C. Murphy Co., No. 248, Twinbrook Shopping Center, 2100 Viers Mill Road, Rockville, Md.; effective 4-1-64 to 9-2-64 (variety store; 38 employees).

G. C. Murphy Co., No. 266, Congressional Airport Shopping Center, 1683 East Montgomery Avenue, Rockville, Md.; effective 4-1-64 to 9-2-64 (variety store; 54 employees).

G. C. Murphy Co., No. 199, 8239-8241 Georgia Avenue, Silver Spring, Md.; effective 4-1-64 to 9-2-64 (variety store; 31 employees).

G. C. Murphy Co., No. 95, 6-10 West Main Street, Westminster, Md.; effective 4-1-64 to 9-2-64 (variety store; 30 employees).

G. C. Murphy Co., No. 117, 460-474 Franklin Avenue, Aliquippa, Pa.; effective 4-1-64 to 9-2-64 (variety store; 43 employees).

G. C. Murphy Co., No. 27, 561-575 Merchant Street, Ambridge, Pa.; effective 4-1-64 to 9-2-64 (variety store; 54 employees).

G. C. Murphy Co., No. 78, 16-18 South Broadway, Bangor, Pa.; effective 4-1-64 to 9-2-64 (variety store; 27 employees).

G. C. Murphy Co., No. 68, 506-508 Third Street, Beaver, Pa.; effective 4-1-64 to 9-2-64 (variety store; 26 employees).

G. C. Murphy Co., No. 32, 1100-1106 Seventh Avenue, Beaver Falls, Pa.; effective 4-1-64 to 9-2-64 (variety store; 78 employees).

G. C. Murphy Co., No. 130, 100-108 South Juliana Street, Bedford, Pa.; effective 4-1-64 to 9-2-64 (variety store; 51 employees).

G. C. Murphy Co., No. 144, 110-112 West High Street, Bellefonte, Pa.; effective 4-1-64 to 9-2-64 (variety store; 52 employees).

G. C. Murphy Co., No. 115, 517-519 Lincoln Avenue, Bellevue, Pa.; effective 4-1-64 to 9-2-64 (variety store; 59 employees).

G. C. Murphy Co., No. 271, 1836 Stefko Boulevard Shopping Center, Bethlehem, Pa.; effective 4-1-64 to 9-2-64 (variety store; 38 employees).

G. C. Murphy Co., No. 178, 255-259 Main Street, Brookville, Pa.; effective 4-1-64 to 9-2-64 (variety store; 22 employees).

G. C. Murphy Co., No. 30, 5-13 Market Street, Brownsville, Pa.; effective 4-1-64 to 9-2-64 (variety store; 66 employees).

G. C. Murphy Co., No. 160, 8-10 North Main Street, Burgettstown, Pa.; effective 4-1-64 to 9-2-64 (variety store; 18 employees).

G. C. Murphy Co., No. 92, 118-122 South Main Street, Butler, Pa.; effective 4-1-64 to 9-2-64 (variety store; 84 employees).

G. C. Murphy Co., No. 55, 201-205 Wood Street, California, Pa.; effective 4-1-64 to 9-2-64 (variety store; 18 employees).

G. C. Murphy Co., No. 54, 23-29 East Main Street, Carnegie, Pa.; effective 4-1-64 to 9-2-64 (variety store; 18 employees).

G. C. Murphy Co., No. 88, 559-565 Miller Avenue, Clairton, Pa.; effective 4-1-64 to 9-2-64 (variety store; 30 employees).

G. C. Murphy Co., No. 66, 516 Main Street, Clarion, Pa.; effective 4-1-64 to 9-2-64 (variety store; 38 employees).

G. C. Murphy Co., No. 158, 243-245 Market Street, Clearfield, Pa.; effective 4-1-64 to 9-2-64 (variety store; 42 employees).

G. C. Murphy Co., No. 201, 109 West Crawford Avenue, Connellsville, Pa.; effective 4-1-64 to 9-2-64 (variety store; 77 employees).

G. C. Murphy Co., No. 169, 46-54 North Center Street, Corry, Pa.; effective 4-1-64 to 9-2-64 (variety store; 27 employees).

G. C. Murphy Co., No. 46, 108-110 Second Street, Elizabeth, Pa.; effective 4-1-64 to 9-2-64 (variety store; 17 employees).

G. C. Murphy Co., No. 176, 914-922 State Street, Erie, Pa.; effective 4-1-64 to 9-2-64 (variety store; 51 employees).

G. C. Murphy Co., No. 226, 934 West Erie Plaza, Erie, Pa.; effective 4-1-64 to 9-2-64 (variety store; 48 employees).

G. C. Murphy Co., No. 56, 352-354 Butler Street, Etna, Pa.; effective 4-1-64 to 9-2-64 (variety store; 20 employees).

G. C. Murphy Co., No. 124, 114-118 East Main Street, Everett, Pa.; effective 4-1-64 to 9-2-64 (variety store; 26 employees).

G. C. Murphy Co., No. 58, 600-602 Idaho Street, Farrell, Pa.; effective 4-1-64 to 9-2-64 (variety store; 19 employees).

G. C. Murphy Co., No. 184, 1261-1262 Liberty Street, Franklin, Pa.; effective 4-1-64 to 9-2-64 (variety store; 30 employees).

G. C. Murphy Co., No. 129, 15-31 Baltimore Street, Gettysburg, Pa.; effective 4-1-64 to 9-2-64 (variety store; 34 employees).

G. C. Murphy Co., No. 43, 205-209 Main Street, Greenville, Pa.; effective 4-1-64 to 9-2-64 (variety store; 20 employees).

G. C. Murphy Co., No. 13, 149-153 South Broad Street, Grove City, Pa.; effective 4-1-64 to 9-2-64 (variety store; 42 employees).

G. C. Murphy Co., No. 28, 30-32 Broadway, Hanover, Pa.; effective 4-1-64 to 9-2-64 (variety store; 54 employees).

G. C. Murphy Co., No. 165, 215-219 Market Street, Harrisburg, Pa.; effective 4-1-64 to 9-2-64 (variety store; 86 employees).

G. C. Murphy Co., No. 211, 305-309 Allegheny Street, Hollidaysburg, Pa.; effective 4-1-64 to 9-2-64 (variety store; 29 employees).

G. C. Murphy Co., No. 126, 665-667 Philadelphia Street, Indiana, Pa.; effective 4-1-64 to 9-2-64 (variety store; 84 employees).

G. C. Murphy Co., No. 23, 328-334 Main Street, Irwin, Pa.; effective 4-1-64 to 9-2-64 (variety store; 42 employees).

G. C. Murphy Co., No. 6, 810-812 Ligonier Street, Latrobe, Pa.; effective 4-1-64 to 9-2-64 (variety store; 65 employees).

G. C. Murphy Co., No. 79, 101-105 North First Street, Lehington, Pa.; effective 4-1-64 to 9-2-64 (variety store; 38 employees).

G. C. Murphy Co., No. 59, 2 East Market Street, Lewistown, Pa.; effective 4-1-64 to 9-2-64 (variety store; 125 employees).

G. C. Murphy Co., No. 116, 105-111 South Diamond, Ligonier, Pa.; effective 4-1-64 to 9-2-64 (variety store; 20 employees).

G. C. Murphy Co., No. 202, 106 Lincoln Avenue, McDonald, Pa.; effective 4-1-64 to 9-2-64 (variety store; 27 employees).

G. C. Murphy Co., No. 84, 630-632 Midland Avenue, Midland, Pa.; effective 4-1-64 to 9-2-64 (variety store; 23 employees).

G. C. Murphy Co., No. 31, 518-526 Donner Avenue, Monessen, Pa.; effective 4-1-64 to 9-2-64 (variety store; 33 employees).

G. C. Murphy Co., No. 146, 31 West Shirley Street, Mount Union, Pa.; effective 4-1-64 to 9-2-64 (variety store; 32 employees).

G. C. Murphy Co., No. 186, 205 Center Street, Myersdale, Pa.; effective 4-1-64 to 9-2-64 (variety store; 20 employees).

G. C. Murphy Co., No. 233, Heights Plaza, Broadview Boulevard, Natrona Heights, Pa.; effective 4-1-64 to 9-2-64 (variety store; 77 employees).

G. C. Murphy Co., No. 48, 312 Broad Street, New Bethlehem, Pa.; effective 4-1-64 to 9-2-64 (variety store; 23 employees).

G. C. Murphy Co., No. 106, 119-125 East Washington Street, New Castle, Pa.; effective 4-1-4 to 9-2-4 (variety store; 70 employees).

G. C. Murphy Co., No. 4, 875-889 Fifth Avenue, New Kensington, Pa.; effective 4-1-64 to 9-2-64 (variety store; 86 employees).

G. C. Murphy Co., No. 157, 3-5 Main Street, North East, Pa.; effective 4-1-64 to 9-2-64 (variety store; 25 employees).

G. C. Murphy Co., No. 246, 62d and Woodland Avenue, Philadelphia, Pa.; effective 4-1-64 to 9-2-64 (variety store; 68 employees).

G. C. Murphy Co., No. 12, 220-232 Fifth Avenue, Pittsburgh, Pa.; effective 4-1-64 to 9-2-64 (variety store; 309 employees).

G. C. Murphy Co., No. 29, 701-705 North Homewood Avenue, Pittsburgh, Pa.; effective 4-1-64 to 9-2-64 (variety store; 45 employees).

G. C. Murphy Co., No. 57, 4327 Butler Street, Pittsburgh, Pa.; effective 4-1-64 to 9-2-64 (variety store; 37 employees).

G. C. Murphy Co., No. 61, 4847 Second Avenue, Pittsburgh Pa.; effective 4-1-64 to 9-2-64 (variety store; 19 employees).

G. C. Murphy Co., No. 83, 1413-1415 Potomac Avenue, South Hills Station, Pittsburgh, Pa.; effective 4-1-64 to 9-2-64 (variety store; 29 employees).

G. C. Murphy Co., No. 87, 680-682 Washington Road, Pittsburgh, Pa.; effective 4-1-64 to 9-2-64 (variety store; 19 employees).

G. C. Murphy Co., No. 163, 719-723 East Ohio Street, North Side, Pittsburgh, Pa.; effective 4-1-64 to 9-2-64 (variety store; 47 employees).

G. C. Murphy Co., No. 170, 221-223 Brownsville Road, Pittsburgh, Pa.; effective 4-1-64 to 9-2-64 (variety store; 45 employees).

G. C. Murphy Co., No. 196, 6019 Penn Avenue, Pittsburgh, Pa.; effective 4-1-64 to 9-2-64 (variety store; 76 employees).

G. C. Murphy Co., No. 206, 2700 Brownsville Road, Pittsburgh, Pa.; effective 4-1-64 to 9-2-64 (variety store; 20 employees).

G. C. Murphy Co., No. 221, 4110 Brownsville Road, Pittsburgh, Pa.; effective 4-1-64 to 9-2-64 (variety store; 82 employees).

G. C. Murphy Co., No. 127, 17 North Main Street, Red Lion, Pa.; effective 4-1-64 to 9-2-64 (variety store; 16 employees).

G. C. Murphy Co., No. 7, 188-192 Brighton Avenue, Rochester, Pa.; effective 4-1-64 to 9-2-64 (variety store; 35 employees).

G. C. Murphy Co., No. 85, 31-33 Erie Avenue, St. Marys, Pa.; effective 4-1-64 to 9-2-64 (variety store; 49 employees).

G. C. Murphy Co., No. 80, 411-413 Beaver Street, Sewickley, Pa.; effective 4-1-64 to 9-2-64 (variety store; 24 employees).

G. C. Murphy Co., No. 128, 47-61 East State Street, Sharon, Pa.; effective 4-1-64 to 9-2-64 (variety store; 49 employees).

G. C. Murphy Co., No. 118, 1-5 East King Street, Shippensburg, Pa.; effective 4-1-64 to 9-2-64 (variety store; 36 employees).

G. C. Murphy Co., No. 145, 127-131 South Allen Street, State College, Pa.; effective 4-1-64 to 9-2-64 (variety store; 40 employees).

G. C. Murphy Co., No. 64, 414-416 Corbett Street, Tarentum, Pa.; effective 4-1-64 to 9-2-64 (variety store; 43 employees).

G. C. Murphy Co., No. 73, 116 West Spring Street, Titusville, Pa.; effective 4-1-64 to 9-2-64 (variety store; 24 employees).

G. C. Murphy Co., No. 5, 538-540 Penn Avenue, Turtle Creek, Pa.; effective 4-1-64 to 9-2-64 (variety store; 15 employees).

G. C. Murphy Co., No. 164, 13-17 East Main Street, Uniontown, Pa.; effective 4-1-64 to 9-2-64 (variety store; 127 employees).

G. C. Murphy Co., No. 159, 120-124 Grant Avenue, Vandergrift, Pa.; effective 4-1-64 to 9-2-64 (variety store; 39 employees).

G. C. Murphy Co., No. 60, 306-308 Second Avenue, Warren, Pa.; effective 4-1-64 to 9-2-64 (variety store; 32 employees).

G. C. Murphy Co., No. 155, 43-47 North Main Street, Washington, Pa.; effective 4-1-64 to 9-2-64 (variety store; 140 employees).

G. C. Murphy Co., No. 177, 22-26 West High Street, Waynesburg, Pa.; effective 4-1-64 to 9-2-64 (variety store; 45 employees).

G. C. Murphy Co., No. 47, 129-131 Main Street, West Newton, Pa.; effective 4-1-64 to 9-2-64 (variety store; 47 employees).

G. C. Murphy Co., No. 39, 708-712 Penn Avenue, Wilkinsburg, Pa.; effective 4-1-64 to 9-2-64 (variety store; 34 employees).

G. C. Murphy Co., No. 227, 48 North Easton Road, Willow Grove, Pa.; effective 4-1-64 to 9-2-64 (variety store; 75 employees).

G. C. Murphy Co., No. 205, 1-5 East Market Street, York, Pa.; effective 4-1-64 to 9-2-64 (variety store; 34 employees).

J. J. Newberry Co., No. 154, 106-110 East Main Street, Elkton, Md.; effective 4-1-64 to 9-2-64 (variety store; 62 employees).

J. J. Newberry Co., 61-75 West Washington Street, Hagerstown, Md.; effective 4-1-64 to 9-2-64 (variety store; 101 employees).

J. J. Newberry Co., 258-266 Mill Street, Danville, Pa.; effective 4-1-64 to 9-2-64 (variety store; 20 employees).

J. J. Newberry Co., 2028 Main Street, Northampton, Pa.; effective 4-1-64 to 9-2-64 (variety store; 43 employees).

Newberry Coatesville Corp., 221-227 East Lincoln Highway, Coatesville, Pa.; effective 4-1-64 to 9-2-64 (variety store; 49 employees).

Newberry Ephrata Corp., 5 East Main Street, Ephrata, Pa.; effective 4-1-64 to 9-2-64 (variety store; 44 employees).

Newberry Keystone, Inc., No. 106, 111-113 East Main Street, Lock Haven, Pa.; effective 4-1-64 to 9-2-64 (variety store; 21 employees).

Newberry Keystone Co., 243-245 High Street, Pottstown, Pa.; effective 4-1-64 to 9-2-64 (variety store; 24 employees).

Newberry Lehigh, Inc., No. 3, 24 West Ridge Street, Lansford, Pa.; effective 4-1-64 to 9-2-64 (variety store; 17 employees).

Newberry Northumberland, Inc., 5-11 South Front Street, Milton, Pa.; effective 4-1-64 to 9-2-64 (variety store; 34 employees).

Newberry Susquehanna, 131 West Front Street, Berwick, Pa.; effective 4-1-64 to 9-2-64 (variety store; 34 employees).

McCrory-McLellan-Green, No. 275, 229-231 Main Street, McComb, Miss.; effective 4-1-64 to 9-2-64 (variety store; 17 employees).

McLellan Stores Corp., 360 Delmas Avenue, San Jose, Calif.; effective 4-1-64 to 9-2-64 (variety store; 17 employees).

Sterling Stores Co., Inc., Osceola, Ark.; effective 4-1-64 to 9-2-64 (variety store; 22 employees).

Sterling Stores Co., Inc., Searcy, Ark.; effective 4-1-64 to 9-2-64 (variety store; 17 employees).

McCrory-McLellan-Green Stores, 159 Monroe, Grand Rapids, Mich.; effective 4-1-64 to 9-2-64 (variety store; 48 employees).

McCrory-McLellan's No. 506, 17 North

4-1-64 to 9-2-64 (variety store; 19 employees).

F. W. Woolworth Co., No. 190, 562 South Saginaw Street, Flint, Mich.; effective 4-1-64

S. H. Kress and Co., 224 East Douglas Avenue, Wichita, Kans.; effective 4-1-64 to 9-2-64 (variety store; 71 employees).

Newberry Northumberland, Inc., 5–11 South Front Street, Milton, Pa.; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

Newberry Susquehanna, 131 West Front Street, Berwick, Pa.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

Newberry Susquehanna, Inc., 416–422 Market Street, Sunbury, Pa.; effective 4–1–64 to 9–2–64 (variety store; 42 employees).

F. W. Woolworth Co., No. 43, 839 Market Street, Wilmington, Del.; effective 4–1–64 to 9–2–64 (variety store; 69 employees).

F. W. Woolworth Co., No. 75, 504 Market Street, Wilmington, Del.; effective 4–1–64 to 9–2–64 (variety store; 62 employees).

F. W. Woolworth Co., No. 261, 444 Main Street, Johnston, Pa.; effective 4–1–64 to 9–2–64 (variety store; 91 employees).

F. W. Woolworth Co., No. 53, 21–27 North Queen Street, Lancaster, Pa.; effective 4–1–64 to 9–2–64 (variety store; 90 employees).

F. W. Woolworth Co., No. 692, 8–16 East Main Street, Lock Haven, Pa.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

REGION IV

R. Aland Store, Inc., t/a New Ideal, 1801 Second Avenue, North, Birmingham, Ala.; effective 4–1–64 to 9–2–64 (apparel store; 116 employees).

Basswood Variety, Inc., d/b/a, T. G. & Y. Stores Co., No. 207, 9604 Florida Street, Baton Rouge, La.; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

Chickasaw Variety, Inc., d/b/a, T. G. & Y. Stores Co., No. 240, 114 North Craft, Chickasaw, Ala.; effective 3–23–64 to 9–2–64 (variety store; 14 employees).

Chinquapin Variety, Inc., d/b/a, T. G. & Y. Stores Co., No. 211, 2821 Claiborne Avenue, New Orleans, La.; effective 4–1–64 to 9–2–64 (variety store; 15 employees).

H. L. Green Co., Inc., No. 1106, 1908 North Second Avenue, Birmingham, Ala.; effective 4–1–64 to 9–2–64 (variety store; 31 employees).

H. L. Green Co., Inc., 71 Dexter Avenue, Montgomery, Ala.; effective 4–1–64 to 9–2–64 (variety store; 219 employees).

H. L. Green Co., No. 1312, 1436 Dryades Street, New Orleans, La.; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

H. L. Green Co., No. 1019, 216 East Capital, Jackson, Miss.; effective 4–1–64 to 9–2–64 (variety store; 33 employees).

Autry Greer & Sons, Inc., Post Office Drawer 349, Mobile, Ala.; effective 4–1–64 to 9–2–64 (food store; 444 employees).

Hibiscus Variety, Inc., d/b/a, T. G. & Y. Stores Co., No. 221, 2934 Ryan Street, Lake Charles, La.; effective 4–1–64 to 9–2–64 (variety store; 21 employees).

Huckleberry Variety, Inc., d/b/a, T. G. & Y. Stores, No. 218, 3723 Jewella Road, Shreveport, La.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

McCrory, 409 19th Street, Ensley, Ala.; effective 4–1–64 to 9–2–64 (variety store; 60 employees).

McCrory's, 1005 Canel Street, New Orleans, La.; effective 4–1–64 to 9–2–64 (variety store; 132 employees).

McCrory-McLellan-Green, No. 444, 1904–06 Second Avenue, Bessemer, Ala.; effective 4–1–64 to 9–2–64 (variety store; 43 employees).

McCrory-McLellan-Green Stores, 422 Broad Street, Gadsden, Ala.; effective 4–1–64 to 9–2–64 (variety store; 29 employees).

McCrory-McLellan-Green, No. 509, 600–606 Main, Little Rock, Ark.; effective 4–1–64 to 9–2–64 (variety store; 43 employees).

McCrory-McLellan-Green Co., 402 Texas Street, Shreveport, La.; effective 4–1–64 to 9–2–64 (variety store; 93 employees).

McCrory-McLellan-Green, 2521–2523 13th Street, Gulfport, Miss.; effective 4–1–64 to 9–2–64 (variety store; 44 employees).

McCrory-McLellan-Green, No. 275, 229–231 Main Street, McComb, Miss.; effective 4–1–64 to 9–2–64 (variety store; 17 employees).

McLellan Stores Corp., 360 Delmas Avenue, Pascagoula, Miss.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

McCrory-McLellan-Green Stores, 101–103 South Main Street, Yazoo City, Miss.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

Morgan & Lindsey, Inc., No. 3090, 7441 St. Claude, Arabi, La.; effective 4–1–64 to 9–2–64 (variety store; 15 employees).

Morgan & Lindsey, Inc., No. 3065, 3382 Government Street, Baton Rouge, La.; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

Morgan & Lindsey, Inc., No. 3022, 239 DeSiard Street, Monroe, La.; effective 4–1–64 to 9–2–64 (variety store; 15 employees).

Morgan & Lindsey, Inc., No. 3083, 906 Seventh Street, Morgan City, La.; effective 4–1–64 to 9–2–64 (variety store; 13 employees).

Morgan & Lindsey, Inc., No. 3057, 3606 South Carrollton, New Orleans, La.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

Morgan & Lindsey, Inc., No. 3068, 4718 Paris Avenue, New Orleans, La.; effective 4–1–64 to 9–2–64 (variety store; 17 employees).

Morgan & Lindsey, Inc., No. 3019, 109–111 North Trentin, Ruston, La.; effective 4–1–64 to 9–2–64 (variety store; 12 employees).

Morgan & Lindsey, Inc., No. 3086, West Point Village, Sulphur, La.; effective 4–1–64 to 9–2–64 (variety store; 17 employees).

Morgan & Lindsey, Inc., No. 3050, 215 Trentin Street, West Monroe, La.; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

Morgan & Lindsey, Inc., No. 3074, 2934 West Beach, Biloxi, Miss.; effective 4–1–64 to 9–2–64 (variety store; 12 employees).

Morgan & Lindsey, Inc., No. 3076, 776 Highway 1, South, Greenville, Miss.; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

Morgan & Lindsey, Inc., No. 3085, 2415 25th Avenue, Gulfport, Miss.; effective 4–1–64 to 9–2–64 (variety store; 17 employees).

Morgan & Lindsey, Inc., No. 3084, Broadway Mart, Hattiesburg, Miss.; effective 4–1–64 to 9–2–64 (variety store; 13 employees).

Morgan & Lindsey, Inc., No. 3082, Gardiner Center, Laurel, Miss.; effective 4–1–64 to 9–2–64 (variety store; 16 employees).

G. C. Murphy Co., No. 261, 18 Parkway Shopping Center, Huntsville, Ala.; effective 4–1–64 to 9–2–64 (variety store; 115 employees).

G. C. Murphy Co., No. 263, 12 Leland Shopping Center, Tuscaloosa, Ala.; effective 4–1–64 to 9–2–64 (variety store; 47 employees).

J. J. Newberry Co., 2212 Fifth Street, Meridian, Miss.; effective 4–1–64 to 9–2–64 (variety store; 33 employees).

Sterling's of Conway, Inc., Russellville, Ark.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

Sterling's of Jacksonville, Inc., Jacksonville, Ark.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

Sterling Stores Co., Inc., Batesville, Ark.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

Sterling Stores Co., Inc., Benton, Ark.; effective 4–1–64 to 9–2–64 (variety store; 16 employees).

Sterling Stores Co., Inc., Blytheville, Ark.; effective 4–1–64 to 9–2–64 (variety store; 27 employees).

Sterling Stores Co., Inc., Harrison, Ark.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

Sterling Dept. Stores, Inc., Capitol Avenue & Center Street, Little Rock, Ark.; effective 4–1–64 to 9–2–64 (department store; 96 employees).

Sterling Stores Co., Inc., Osceola, Ark.; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

Sterling Stores Co., Inc., Searcy, Ark.; effective 4–1–64 to 9–2–64 (variety store; 17 employees).

T. G. & Y. Stores Co., No. 174, 1219 South 34th Street, Fort Smith, Ark.; effective 4–1–64 to 9–2–64 (variety store; 16 employees).

T. G. & Y. Stores Co. of Louisiana, Inc., d/b/a T. G. & Y. Stores Co., No. 210, 7929 Airline Highway, New Orleans, La.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

Veterans & Causeway Variety, Inc., d/b/a T. G. & Y. Stores Co., No. 220, 3301 Veterans Highway, Metairie, La.; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

F. W. Woolworth Co., 816 Garrison Avenue, Fort Smith, Ark.; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

F. W. Woolworth Co., 17 Big Chain Center, Bossier City, La.; effective 4–1–64 to 9–2–64 (variety store; 11 employees).

REGION V

Angell's Super Valu, Alfred Angell, Inc., 318 West Adams Street, Iron River, Mich.; effective 4–1–64 to 9–2–64 (food store; 27 employees).

W. T. Grant Co., 240 Euclid Avenue, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 146 employees).

S. S. Kresge Co., No. 21, 35 West Michigan Avenue, Battle Creek, Mich.; effective 4–1–64 to 9–2–64 (variety store; 40 employees).

S. S. Kresge Co., No. 6, 808 Washington Avenue, Bay City, Mich.; effective 4–1–64 to 9–2–64 (variety store; 70 employees).

S. S. Kresge Co., No. 507, 1104 Ludington Street, Escanaba, Mich.; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

S. S. Kresge Co., No. 276, 1839 East Eight Mile Road, Hazel Park, Mich.; effective 4–1–64 to 9–2–64 (variety store; 43 employees).

S. S. Kresge Co., No. 403, 405 Stephenson, Iron Mountain, Mich.; effective 4–1–64 to 9–2–64 (variety store; 49 employees).

S. S. Kresge Co., No. 549, Frandor Shopping Center, 510 Frandor Avenue, Lansing, Mich.; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

S. S. Kresge Co., No. 623, 360 South Main Street, Plymouth, Mich.; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

S. S. Kresge Co., No. 670, 31039 Harper Avenue, St. Clair Shores, Mich.; effective 4–1–64 to 9–2–64 (variety store; 53 employees).

S. S. Kresge Co., No. 586, 35004 Michigan Avenue, Wayne, Mich.; effective 4–1–64 to 9–2–64 (variety store; 38 employees).

S. S. Kresge Co., No. 658, 39 Norton Village Shopping Center, 3140 Greenwich Road, Barberton, Ohio; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

S. S. Kresge Co., No. 240, Richmond Shopping Center, 25871 Euclid Avenue, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

S. S. Kresge Co., No. 203, Milford Shopping Center, 989 Lila Avenue, Milford, Ohio; effective 4–1–64 to 9–2–64 (variety store; 37 employees).

S. S. Kresge Co., No. 606, 4503 Mayfield Road, South Euclid, Ohio; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

S. S. Kresge Co., No. 183, 202 Columbus Avenue, Sandusky, Ohio; effective 4–1–64 to 9–2–64 (variety store; 15 employees).

S. S. Kresge Co., No. 316, 15 East Main Street, Springfield, Ohio; effective 4–1–64 to 9–2–64 (variety store; 32 employees).

S. S. Kresge Co., No. 595, 3551 Belmont Avenue, Youngstown, Ohio; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

S. S. Kresge Co., No. 674, 2505 Parkman Road, Trumbull Plaza, Warren, Ohio; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

McCrory-McLellan-Green Stores, 159 Monroe, Grand Rapids, Mich.; effective 4–1–64 to 9–2–64 (variety store; 48 employees).

McCrory-McLellan's No. 506, 17 North Washington Street, Ypsilanti, Mich.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

McCrory Stores Corp., 29 South Main Street, Dayton, Ohio; effective 4–1–64 to 9–2–64 (variety store; 138 employees).

Neisner Brothers, Inc., No. 2, 14325 Gratiot Avenue, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

Neisner Brothers, Inc., No. 32, 7769 West Vernor, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

Neisner Brothers, Inc., No. 63, 5848 West Fort Street, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

Neisner Brothers, Inc., No. 82, 7701 Harper Avenue, Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

Neisner Brothers, Inc., No. 3, 22651 Gratiot Avenue, East Detroit, Mich.; effective 4–1–64 to 9–2–64 (variety store; 13 employees).

Neisner Brothers, Inc., No. 58, 1116 Ludington Street, Escanaba, Mich.; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

Neisner Brothers, Inc., No. 13, 9644 Joseph Campau, Hamtramck, Mich.; effective 4–1–64 to 9–2–64 (variety store; 52 employees).

Neisner Brothers, Inc., No. 62, 14115 Woodward Avenue, Highland Park, Mich.; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

Neisner Brothers, Inc., No. 101, 1736 Fort Street, Lincoln Park, Mich.; effective 4–1–64 to 9–2–64 (variety store; 13 employees).

Neisner Brothers, Inc., No. 17, 42 North Saginaw Street, Pontiac, Mich.; effective 4–1–64 to 9–2–64 (variety store; 45 employees).

Neisner Brothers, Inc., No. 107, 421 South Washington, Royal Oak, Mich.; effective 4–1–64 to 9–2–64 (variety store; 35 employees).

Neisner Brothers, Inc., No. 73, 3106 Biddle Avenue, Wyandotte, Mich.; effective 4–1–64 to 9–2–64 (variety store; 46 employees).

Neisner Brothers, Inc., No. 100, 517 Race Street, Cincinnati, Ohio; effective 4–1–64 to 9–2–64 (variety store; 89 employees).

Neisner Brothers, Inc., No. 29, 10301 Euclid Avenue, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 16 employees).

Neisner Brothers, Inc., No. 53, 1920 West 25th Street, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

Neisner Brothers, Inc., No. 113, 700 East 185th Street, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

Neisner Brothers, Inc., No. 128, 3310 Warren Road, Cleveland, Ohio; effective 4–1–64 to 9–2–64 (variety store; 15 employees).

Neisner Brothers, Inc., No. 132, 1321 North Ridge Road, Lorain, Ohio; effective 4–1–64 to 9–2–64 (variety store; 20 employees).

Neisner Brothers, Inc., No. 19, 59 North Main Street, Mansfield, Ohio; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

Neisner Brothers, Inc., No. 36, 36 Lincoln Way West, Massillon, Ohio; effective 4–1–64 to 9–2–64 (variety store; 15 employees).

Neisner Brothers, Inc., No. 39, 4619 Montgomery Road, Norwood, Ohio; effective 4–1–64 to 9–2–64 (variety store; 36 employees).

J. J. Newberry Co., 374 River Street, Manistee, Mich.; effective 4–1–64 to 9–2–64 (variety store; 34 employees).

J. J. Newberry Co., 133–135 South Main Street, Bryan, Ohio; effective 4–1–64 to 9–2–64 (variety store; 18 employees).

J. J. Newberry Co., 135 North Main Street, Lima, Ohio; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

F. W. Woolworth Co., No. 2171, 1785 Hi M. 139 (S.), Benton Harbor, Mich.; effective 4–1–64 to 9–2–64 (variety store; 120 employees).

F. W. Woolworth Co., No. 1170, 329 North Main Street, Cheboygan, Mich.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

F. W. Woolworth Co., No. 190, 562 South Saginaw Street, Flint, Mich.; effective 4–1–64 to 9–2–64 (variety store; 43 employees).

F. W. Woolworth Co., No. 45, 169 Monroe Avenue, Grand Rapids, Mich.; effective 4–1–64 to 9–2–64 (variety store; 56 employees).

REGION VII

Carrollton Foods, Inc., IGA Foodliner, No. 15, 905 South Main, Carrollton, Mo.; effective 4–1–64 to 9–2–64 (food store; 28 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 38, 425 North Summit, Arkansas City, Kans.; effective 4–1–64 to 9–2–64 (food store; 35 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 2, 303 South Second, Dodge City, Kans.; effective 4–1–64 to 9–2–64 (food store; 35 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 15, 711 North Main, Garden City, Kans.; effective 4–1–64 to 9–2–64 (food store; 34 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 3, 1811 North Main, Great Bend, Kans.; effective 4–1–64 to 9–2–64 (food store; 42 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 1, 200 South Main, Hutchinson, Kans.; effective 4–1–64 to 9–2–64 (food store; 28 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 8, 1321 North Main, Hutchinson, Kans.; effective 4–1–64 to 9–2–64 (food store; 56 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 10, 734 East 4th, Hutchinson, Kans.; effective 4–1–64 to 9–2–64 (food store; 35 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 25, 206 West Fifth Street, Hutchinson, Kans.; effective 4–1–64 to 9–2–64 (food store; 33 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 39, 13th and Washington, Junction City, Kans.; effective 4–1–64 to 9–2–64 (food store; 20 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 9, 423 Main, Larned, Kans.; effective 4–1–64 to 9–2–64 (food store; 14 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 23, 202 East Avenue North, Lyons, Kans.; effective 4–1–64 to 9–2–64 (food store; 16 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 6, 320 North Main, Newton, Kans.; effective 4–1–64 to 9–2–64 (food store; 34 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 24, 724 North Main, Newton, Kans.; effective 4–1–64 to 9–2–64 (food store; 12 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 21, 124 North Main, Pratt, Kans.; effective 4–1–64 to 9–2–64 (food store; 16 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 11, 118 East Third, St. John, Kans.; effective 4–1–64 to 9–2–64 (food store; 12 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 27, 511 East Iron, Salina, Kans.; effective 4–1–64 to 9–2–64 (food store; 32 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 41, 1201 West Crawford, Salina, Kans.; effective 4–1–64 to 9–2–64 (food store; 39 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 45, 124 West Harvey, Wellington, Kans.; effective 4–1–64 to 9–2–64 (food store; 25 employees).

S. S. Kresge Co., No. 96, 124 South Side Square, Springfield, Mo.; effective 4–1–64 to 9–2–64 (variety store; 24 employees).

S. H. Kress and Co., 617 North Broadway, Pittsburg, Kans.; effective 4–1–64 to 9–2–64 (variety store; 42 employees).

S. H. Kress and Co., 224 East Douglas Avenue, Wichita, Kans.; effective 4–1–64 to 9–2–64 (variety store; 71 employees).

REGION VIII

C. R. Anthony Co., No. 84, Dumas, Tex.; effective 4–1–64 to 9–2–64 (apparel store; 9 employees).

Sam Glass Minimax, Inc., 1552 Palm Boulevard, Brownsville, Tex.; effective 4–1–64 to 9–2–64 (food store; 44 employees).

H. L. Green Co., 224 West Main Street, Oklahoma City, Okla.; effective 4–1–64 to 9–2–64 (variety store; 64 employees).

S. H. Kress & Co., No. 515, 414 Central SW., Albuquerque, N. Mex.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

S. H. Kress & Co., 208 North Main, Roswell, N. Mex.; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

S. H. Kress & Co., 119 West Main, Ardmore, Okla.; effective 4–1–64 to 9–2–64 (variety store; 16 employees).

S. H. Kress & Co., No. 527, 325 Chickasha Avenue, Chickasha, Okla.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

S. H. Kress & Co., 129 West Maine, Enid, Okla.; effective 4–1–64 to 9–2–64 (variety store; 14 employees).

S. H. Kress & Co., 324 C Avenue, Lawton, Okla.; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

S. H. Kress & Co., No. 537, 109–113 North Second, Muskogee, Okla.; effective 4–1–64 to 9–2–64 (variety store; 45 employees).

S. H. Kress & Co., 218 West Main Street, Oklahoma City, Okla.; effective 4–1–64 to 9–2–64 (variety store; 41 employees).

S. H. Kress & Co., 218 South Main, Tulsa, Okla.; effective 4–1–64 to 9–2–64 (variety store; 92 employees).

S. H. Kress & Co., 591 Pearl Street, Beaumont, Tex.; effective 4–1–64 to 9–2–64 (variety store; 30 employees).

S. H. Kress & Co., 1031 East Elizabeth Street, Brownsville, Tex.; effective 4–1–64 to 9–2–64 (variety store; 112 employees).

S. H. Kress & Co., 1404 Elm Street, Dallas, Tex.; effective 4–1–64 to 9–2–64 (variety store; 96 employees).

S. H. Kress & Co., 206 West Jefferson, Dallas, Tex.; effective 4–1–64 to 9–2–64 (variety store; 25 employees).

S. H. Kress & Co., 230 Main Street, Eagle Pass, Tex.; effective 4–1–64 to 9–2–64 (variety store; 62 employees).

S. H. Kress & Co., 211 North Mesa, El Paso, Tex.; effective 4–1–64 to 9–2–64 (variety store; 227 employees).

S. H. Kress & Co., 201 West California Street, Gainesville, Tex.; effective 4–1–64 to 9–2–64 (variety store; 38 employees).

S. H. Kress & Co., 124 East Jackson, Harlingen, Tex.; effective 4–1–64 to 9–2–64 (variety store; 19 employees).

S. H. Kress & Co., 6704 Harrisburg Boulevard, Houston, Tex.; effective 4–1–64 to 9–2–64 (variety store; 31 employees).

S. H. Kress & Co., 16 Lamar Avenue, Paris, Tex.; effective 4–1–64 to 9–2–64 (variety store; 53 employees).

S. H. Kress & Co., 625 Procter Street, Port Arthur, Tex.; effective 4–1–64 to 9–2–64 (variety store; 38 employees).

S. H. Kress & Co., 101 North Flores Street, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (variety store; 74 employees).

S. H. Kress & Co., 315 East Houston Street, San Antonio, Tex.; effective 4–1–64 to 9–2–64 (variety store; 147 employees).

S. H. Kress & Co., 110 North Travis, Sherman, Tex.; effective 4–1–64 to 9–2–64 (variety store; 26 employees).

S. H. Kress & Co., 116–118 West Broad Street, Texarkana, Tex.; effective 4–1–64 to 9–2–64 (variety store; 22 employees).

S. H. Kress & Co., 114 West Erwin Street, Tyler, Tex.; effective 4–1–64 to 9–2–64 (variety store; 28 employees).

S. H. Kress & Co., No. 671, 101 South College Street, Waxahachie, Tex.; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

S. H. Kress & Co., No. 673, 806 Indiana Street, Wichita Falls, Tex.; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

S. S. Kresge Co., No. 457, 414 West Market Street, Louisville, Ky.; effective 4–1–64 to 9–2–64 (variety store; 58 employees).

S. S. Kresge Co., 100 East Main Street, Owensboro, Ky.; effective 4–1–64 to 9–2–64 (variety store; 52 employees).

G. C. Murphy Co., No. 15, 105–111 Third Street, Elkins, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 52 employees).

G. C. Murphy Co., No. 172, 314–320 Adams Street, Fairmont, W. Va.; effective 4–1–64 to 9–2–64 (variety store; 38 employees).

J. J. Newberry Co., No. 197, 203–207 East Mount Vernon Street, Somerset, Ky.; effective 4–1–64 to 9–2–64 (variety store; 33 employees).

J. J. Newberry Co., No. 237, 9–19 Main Street, Williamsburg, Ky.; effective 4–1–64 to 9–2–64 (variety store; 23 employees).

S. H. Kress and Co., 118 Jackson Street, Americus, Ga.; effective 4–1–64 to 9–2–64 (variety store; 39 employees).

S. H. Kress and Co., 40 Broad Street, SW., Atlanta, Ga.; effective 4–1–64 to 9–2–64 (variety store; 83 employees).

Raylass Department Store, 342 North Main Street, Hendersonville, N.C.; effective 4–1–64 to 9–2–64 (variety store; 15 employees).

Rose's 5–10–25¢ Store, No. 143, East Nash Street, Wilson, N.C.; effective 4–1–64 to 9–2–64 (variety store; 15 employees).

S. H. Kress & Co., No. 671, 101 South College Street, Waxahachie, Tex.; effective 4-1-64 to 9-2-64 (variety store; 23 employees).

S. H. Kress & Co., No. 673, 808 Indiana Street, Wichita Falls, Tex.; effective 4-1-64 to 9-2-64 (variety store; 34 employees).

McCrory-McLellan Store, No. 542, 320 Central SW., Albuquerque, N. Mex.; effective 4-1-64 to 9-2-64 (variety store; 42 employees).

McCrory-McLellan-Green Store, No. 597, 327 Avenue D, Lawton, Okla.; effective 4-1-64 to 9-2-64 (variety store; 22 employees).

McCrory-McLellan-Green Store, No. 198, 240 East Houston Street, San Antonio, Tex.; effective 4-1-64 to 9-2-64 (variety store; 42 employees).

McCrory-McLellan-Green Store, 11 South Main, Temple, Tex.; effective 4-1-64 to 9-2-64 (variety store; 13 employees).

McCrory-McLellan-Green Stores, No. 1099, 1015-10th Street North, Texas City, Tex.; effective 4-1-64 to 9-2-64 (variety store; 17 employees).

J. J. Newberry Co., 320 East Overland Street, El Paso, Tex.; effective 4-1-64 to 9-2-64 (variety store; 80 employees).

J. J. Newberry Co., No. 295, 110-114 West Broad Street, Texarkana, Tex.; effective 4-1-64 to 9-2-64 (variety store; 25 employees).

Terry Farris, No. 5411, 308 East Main Street, Alice, Tex.; effective 4-1-64 to 9-2-64 (variety store; 11 employees).

Terry Farris, No. 5407, 1215 East Elizabeth, Brownsville, Tex.; effective 4-1-64 to 9-2-64 (variety store; 24 employees).

Terry Farris, No. 5412, 106 West Jackson, Harlingen, Tex.; effective 4-1-64 to 9-2-64 (variety store; 24 employees).

Terry Farris, No. 5406, 208 East Kleberg, Kingsville, Tex.; effective 4-1-64 to 9-2-64 (variety store; 12 employees).

Terry Farris, No. 5409, 123 South Main Street, McAllen, Tex.; effective 4-1-64 to 9-2-64 (variety store; 51 employees).

Terry Farris, No. 5419, 124 South 15th Street, McAllen, Tex.; effective 4-1-64 to 9-2-64 (variety store; 20 employees).

Terry Farris, No. 5402, 394 West Hidalgo, Raymondville, Tex.; effective 4-1-64 to 9-2-64 (variety store; 12 employees).

REGION IX

M. H. King Co., 1258 Overland Avenue, Burley, Idaho; effective 4-1-64 to 8-31-64 (variety store; 20 employees).

S. H. Kress & Co., 901 G Avenue, Douglas, Ariz.; effective 4-1-64 to 8-31-64 (variety store; 24 employees).

S. H. Kress & Co., 119 Morley Avenue, Nogales, Ariz.; effective 4-1-64 to 8-31-64 (variety store; 77 employees).

S. H. Kress & Co., 22 West Washington Street, Phoenix, Ariz.; effective 4-1-64 to 8-31-64 (variety store; 50 employees).

S. H. Kress & Co., 97 East Congress Street, Tucson, Ariz.; effective 4-1-64 to 8-31-64 (variety store; 42 employees).

S. H. Kress & Co., 105 West Center Street, Provo, Utah; effective 4-1-64 to 8-31-64 (variety store; 42 employees).

S. H. Kress & Co., 257 South Main Street, Salt Lake City, Utah; effective 4-1-64 to 8-31-64 (variety store; 134 employees).

REGION X

Highway Foods, Inc., T/A Farm Fresh Super Market, 3600 Military Highway, Norfolk, Va.; effective 4-1-64 to 9-2-64 (food store; 88 employees).

J. Fred Johnson Co., Broad Street, Kingsport, Tenn.; effective 4-1-64 to 9-2-64 (department store; 173 employees).

S. S. Kresge Co., No. 157, 812 Monmouth Street, Newport, Ky.; effective 4-1-64 to 9-2-64 (variety store; 24 employees).

S. S. Kresge Co., No. 79, 250 West Main Street, Lexington, Ky.; effective 4-1-64 to 9-2-64 (variety store; 58 employees).

S. S. Kresge Co., No. 56, 412 South Fourth Street, Louisville, Ky.; effective 4-1-64 to 9-2-64 (variety store; 69 employees).

S. S. Kresge Co., No. 457, 414 West Market Street, Louisville, Ky.; effective 4-1-64 to 9-2-64 (variety store; 58 employees).

S. S. Kresge Co., 100 East Main Street, Owensboro, Ky.; effective 4-1-64 to 9-2-64 (variety store; 55 employees).

S. S. Kresge Co., No. 648, Dixie Manor Shopping Center, Pleasure Ridge Park, Ky.; effective 4-1-64 to 9-2-64 (variety store; 24 employees).

S. S. Kresge Co., No. 342, 423 Main Street, Danville, Va.; effective 4-1-64 to 9-2-64 (variety store; 43 employees).

S. S. Kresge Co., No. 425, 300 Federal Street, Bluefield, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 59 employees).

S. S. Kresge Co., 209 Capitol Street, Charleston, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 47 employees).

S. H. Kress & Co., 628 State Street, Bristol, Tenn.; effective 4-1-64 to 9-2-64 (variety store; 24 employees).

S. H. Kress & Co., No. 317, 822 Market Street, Chattanooga, Tenn.; effective 4-1-64 to 9-2-64 (variety store; 95 employees).

S. H. Kress & Co., No. 319, 423 Elk Avenue, Elizabethton, Tenn.; effective 4-1-64 to 9-2-64 (variety store; 41 employees).

S. H. Kress Co., No. 323, 243 East Main Street, Johnson City, Tenn.; effective 4-1-64 to 9-2-64 (variety store; 42 employees).

S. H. Kress & Co., 220 Broad Street, Kingsport, Tenn.; effective 4-1-64 to 9-2-64 (variety store; 89 employees).

S. H. Kress & Co., No. 327, 417 South Gay Street, Knoxville, Tenn.; effective 4-1-64 to 9-2-64 (variety store; 115 employees).

S. H. Kress & Co., 29 West Campbell Avenue, Roanoke, Va.; effective 4-1-64 to 9-2-64 (variety store; 59 employees).

McCrory Corp., No. 163, 148-152 West Main Street, Morristown, Tenn.; effective 4-11-64 to 9-2-64 (variety store; 20 employees).

McCrory-McLellan-Green Store, 200 Franklin Street, Clarksville, Tenn.; effective 4-1-64 to 9-2-64 (variety store; 13 employees).

G. C. Murphy Co., No. 17, 1537 Winchester Avenue, Ashland, Ky.; effective 4-1-64 to 9-2-64 (variety store; 101 employees).

G. C. Murphy Co., No. 204, 507 Court Street, Paintsville, Ky.; effective 4-1-64 to 9-2-64 (variety store; 36 employees).

G. C. Murphy Co., No. 176, 323½ Main Street, Pikesville, Ky.; effective 4-1-64 to 9-2-64 (variety store; 84 employees).

G. C. Murphy Co., No. 111, 2-4 West Second Street, Maysville, Ky.; effective 4-1-64 to 9-2-64 (variety store; 51 employees).

G. C. Murphy Co., No. 198, 616-618 King Street, Alexandria, Va.; effective 4-1-64 to 9-2-64 (variety store; 99 employees).

G. C. Murphy Co., No. 241, Bradlee Shopping Center, 3654 King Street, Alexandria, Va.; effective 4-1-64 to 9-2-64 (variety store; 54 employees).

G. C. Murphy Co., No. 214, 3000-3008 Wilson Boulevard, Arlington, Va.; effective 4-1-64 to 9-2-64 (variety store; 66 employees).

G. C. Murphy Co., No. 24, 109-121 Newmarket Shopping Center, Newport News, Va.; effective 4-1-64 to 9-2-64 (variety store; 63 employees).

G. C. Murphy Co., No. 142, 4750 North Southside Plaza, Richmond, Va.; effective 4-1-64 to 9-2-64 (variety store; 64 employees).

G. C. Murphy Co., No. 245, 1717 Willow Lawn Drive, Richmond, Va.; effective 4-1-64 to 9-2-64 (variety store; 75 employees).

G. C. Murphy Co., No. 132, 218-22 West Main Street, Post Office Box 1458, Beckley, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 128 employees).

G. C. Murphy Co., No. 171, 312-314 West Main Street, Clarksburg, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 96 employees).

G. C. Murphy Co., No. 209 Main Street, East Rainelle, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 32 employees).

G. C. Murphy Co., No. 15, 105-111 Third Street, Elkins, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 52 employees).

G. C. Murphy Co., No. 172, 314-320 Adams Street, Fairmont, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 122 employees).

G. C. Murphy Co., No. 137, 209 Temple Street, Hinton, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 41 employees).

G. C. Murphy Co., No. 22, 97-103 North Main Street, Keyser, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 52 employees).

G. C. Murphy Co., 205 Stratton Street, Logan, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 31 employees).

G. C. Murphy Co., No. 42, 326-330 Third Avenue, Montgomery, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 68 employees).

G. C. Murphy Co., No. 197, 222-230 High Street, Morgantown, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 76 employees).

G. C. Murphy Co., No. 182, Howard Street, Mullens, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 40 employees).

G. C. Murphy Co., No. 168, Main Street, North Fork, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 28 employees).

G. C. Murphy Co., No. 213, Main and Oak Streets, Oak Hill, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 40 employees).

G. C. Murphy Co., No. 212, 712-714 Market Street, Parkersburg, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 112 employees).

G. C. Murphy Co., No. 185, 11 North Main Street, Philippi, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 23 employees).

G. C. Murphy Co., No. 49, 61-63 Ashfield Street, Piedmont, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 18 employees).

G. C. Murphy Co., No. 62, 426-28 Main Street, Point Pleasant, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 36 employees).

G. C. Murphy Co., No. 154, 905-907 Mercer Street, Princeton, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 78 employees).

G. C. Murphy Co., No. 180, 8 Main Street, Richwood, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 29 employees).

G. C. Murphy Co., No. 189, Bridge and Pike Streets, Shinnston, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 28 employees).

G. C. Murphy Co., No. 19, 702-706 Wells Street, Sistersville, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 27 employees).

G. C. Murphy Co., No. 207, 302-308 Seventh Avenue, South Charleston, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 40 employees).

G. C. Murphy Co., No. 195, Main and Church Streets, Spencer, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 34 employees).

G. C. Murphy Co., No. 162, 3200-3210 Main Street, Cove Station, Weirton, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 38 employees).

G. C. Murphy Co., No. 254, 3339 Main Street, Post Office Box 328, Weirton, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 43 employees).

G. C. Murphy Co., No. 133, 81-85 McDowell Street, Welch, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 70 employees).

G. C. Murphy Co., No. 14, 704-714 Charles Street, Wellsburg, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 24 employees).

G. C. Murphy Co., No. 21, 160-164 Main Street, Weston, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 50 employees).

G. C. Murphy Co., No. 131, 54 Second Street, Williamson, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 66 employees).

J. J. Newberry Co., 316-18-20-22 St. Clair Street, Frankfurt, Ky.; effective 4-1-64 to 9-2-64 (variety store; 34 employees).

J. J. Newberry Co., 200 North Main Street, Henderson, Ky.; effective 4-1-64 to 9-2-64 (variety store; 21 employees).

J. J. Newberry Co., 136 West Main Street, Richmond, Ky.; effective 4-1-64 to 9-2-64 (variety store; 29 employees).

J. J. Newberry Co., No. 197, 203-207 East Mount Vernon Street, Somerset, Ky.; effective 4-1-64 to 9-2-64 (variety store; 33 employees).

J. J. Newberry Co., No. 237, 8-10 Main Street, Winchester, Ky.; effective 4-1-64 to 9-2-64 (variety store; 19 employees).

J. J. Newberry Co., 125-127 East Main Street, Front Royal, Va.; effective 4-1-64 to 9-2-64 (variety store; 27 employees).

J. J. Newberry Co., Main Street, South Boston, Va.; effective 4-1-64 to 9-2-64 (variety store; 22 employees).

J. J. Newberry Co., 404 West Main Street, Waynesboro, Va.; effective 4-1-64 to 9-2-64 (variety store; 91 employees).

J. J. Newberry Co., 145 North Loudoun Street, Winchester, Va.; effective 4-1-64 to 9-2-64 (variety store; 37 employees).

J. J. Newberry Co., Charleston, W. Va.; effective 4-1-64 to 9-2-64 (variety store; 32 employees).

Raylass Department Store, 619-621 State Street, Bristol, Va.; effective 4-1-64 to 9-2-64 (department store; 22 employees).

Raylass Department Store, 335 Main Street, Danville, Va.; effective 4-1-64 to 9-2-64 (department store; 21 employees).

Wytheville Crest 5-10-25¢ Stores, Wytheville, Va.; effective 4-1-64 to 9-2-64 (variety store; 24 employees).

REGION XI

Boone Crest 5-10-25¢ Stores Co., Boone, N.C.; effective 4-1-64 to 9-2-64 (variety store; 23 employees).

Brevard Crest 5-10-25¢ Stores Co., Brevard, N.C.; effective 4-1-64 to 9-2-64 (variety store; 17 employees).

H. S. Cohen Co., Inc., North Lafayette Street, Shelby, N.C.; effective 4-1-64 to 9-2-64 (variety store; 26 employees).

Eagle Stores Co., Inc., 181 West Main Street, Gastonia, N.C.; effective 4-1-64 to 9-2-64 (variety store; 26 employees).

Eagle Stores Co., Inc., Lincolnton, N.C.; effective 4-1-64 to 9-2-64 (variety store; 17 employees).

H. L. Green Co., 212-214 North Queen Street, Kinston, N.C.; effective 4-1-64 to 9-2-64 (variety store; 42 employees).

S. S. Kresge Co., No. 730, 183 Northwest Seventh Avenue, Miami, Fla.; effective 4-1-64 to 9-2-64 (variety store; 27 employees).

S. S. Kresge Co., No. 750, Pasadena Shopping Center, 6864 Gulfport Boulevard, St. Petersburg, Fla.; effective 4-1-64 to 9-2-64 (variety store; 29 employees).

S. H. Kress & Co., 6108-14th Street West, Bradenton, Fla.; effective 4-1-64 to 9-2-64 (variety store; 67 employees).

S. H. Kress and Co., 3501 Philips Highway, Jacksonville, Fla.; effective 4-1-64 to 9-2-64 (variety store; 41 employees).

S. H. Kress and Co., 500 Duval Street, Key West, Fla.; effective 4-1-64 to 9-2-64 (variety store; 58 employees).

S. H. Kress and Co., 64 East Flagler Street, Miami, Fla.; effective 4-1-64 to 9-2-64 (variety store; 102 employees).

S. H. Kress and Co., 9-15 South Palafox Street, Pensacola, Fla.; effective 4-1-64 to 9-2-64 (variety store; 37 employees).

S. H. Kress & Co., 475 Central Avenue, St. Petersburg, Fla.; effective 4-1-64 to 9-2-64 (variety store; 48 employees).

S. H. Kress and Co., 1442 Main Street, Sarasota, Fla.; effective 4-1-64 to 9-2-64 (variety store; 15 employees).

S. H. Kress & Co., 811 Franklin Street, Tampa, Fla.; effective 4-1-64 to 9-2-64 (variety store; 48 employees).

S. H. Kress & Co., 400 Clematis Street, West Palm Beach, Fla.; effective 4-1-64 to 9-2-64 (variety store; 57 employees).

S. H. Kress & Co., 1624 East Broadway, Ybor City, Fla.; effective 4-1-64 to 9-2-64 (variety store; 22 employees).

S. H. Kress & Co., No. 101, 121 Washington Street, Albany, Ga.; effective 4-1-64 to 9-2-64 (variety store; 48 employees).

S. H. Kress and Co., 118 Jackson Street, Americus, Ga.; effective 4-1-64 to 9-2-64 (variety store; 39 employees).

S. H. Kress and Co., 40 Broad Street, SW., Atlanta, Ga.; effective 4-1-64 to 9-2-64 (variety store; 89 employees).

McCrory-McLellan-Green Store, No. 1107, 1101 Broadway, Columbus, Ga.; effective 4-1-64 to 9-2-64 (variety store; 51 employees).

McCrory-McLellan-Green, No. 1305, 309 Main Street, Traffic Circle Shopping Center, Savannah, Ga.; effective 4-1-64 to 9-2-64 (variety store; 30 employees).

McCrory-McLellan-Green Stores, Corp., 249 Middle Street, New Bern, N.C.; effective 4-1-64 to 9-2-64 (variety store; 57 employees).

McCrory-McLellan-Green Stores, No. 426, 244 South Main Street, Rocky Mount, N.C.; effective 4-1-64 to 9-2-64 (variety store; 28 employees).

McCrory-McLellan-Green Stores, 140 West Main Street, Washington, N.C.; effective 4-1-64 to 9-2-64 (variety store; 24 employees).

McCrory-McLellan Green, No. 1045, 258 North Front, Wilmington, N.C.; effective 4-1-64 to 9-2-64 (variety store; 56 employees).

McCrory-McLellan-Green, 1546 Main Street, Columbia, S.C.; effective 4-1-64 to 9-2-64 (variety store; 51 employees).

McCrory-McLellan-Green, 13-15 North Main Street, Greenville, S.C.; effective 4-1-64 to 9-2-64 (variety store; 34 employees).

G. C. Murphy Co., No. 255, Bellair Plaza, 2505 North Atlantic Avenue, Daytona Beach, Fla.; effective 4-1-64 to 9-2-64 (variety store; 44 employees).

G. C. Murphy Co., No. 276, Palm Springs Village Shopping Center, 499 West 49th Street, Hialeah, Fla.; effective 4-1-64 to 9-2-64 (variety store; 68 employees).

G. C. Murphy Co., No. 279, Halifax Shopping Center, 231 Riverside Drive, Holly Hill, Fla.; effective 4-1-64 to 9-2-64 (variety store; 33 employees).

G. C. Murphy Co., No. 262, Gateway Shopping Center, Norwood Avenue, Jacksonville, Fla.; effective 4-1-64 to 9-2-64 (variety store; 65 employees).

G. C. Murphy Co., No. 264, Central Shopping Plaza, 3709 NW. Seventh Street, Miami, Fla.; effective 4-1-64 to 9-2-64 (variety store; 74 employees).

G. C. Murphy Co., No. 253, 3240-3248 Pace Boulevard, Pensacola, Fla.; effective 4-1-64 to 9-2-64 (variety store; 84 employees).

G. C. Murphy Co., No. 272, Tyrone Shopping Center, 950 58th Street North, St. Petersburg, Fla.; effective 4-1-64 to 9-2-64 (variety store; 57 employees).

G. C. Murphy Co., No. 274, Palm Coast Shopping Plaza, 7801 South Dixie Highway, W. Palm Beach, Fla.; effective 4-1-64 to 9-2-64 (variety store; 56 employees).

G. C. Murphy Co., No. 259, Broadview Shopping Center, 2581 Piedmont Road NE., Atlantic, Ga.; effective 4-1-64 to 9-2-64 (variety store; 46 employees).

G. C. Murphy Co., No. 243, 15-17 East Central Avenue, Moultrie, Ga.; effective 4-1-64 to 9-2-64 (variety store; 34 employees).

G. C. Murphy Co., No. 250, 413-417 Broad Street, Rome, Ga.; effective 4-1-64 to 9-2-64 (variety store; 41 employees).

J. J. Newberry Co., 1147 Broadway, Columbus, Ga.; effective 4-1-64 to 9-2-64 (variety store; 48 employees).

North Wilkesboro Crest 5-10-25¢ Stores Co., North Wilkesboro, N.C.; effective 4-1-64 to 9-2-64 (variety store; 21 employees).

Piggly Wiggly Super Market, No. 37, Post Office Box 834, Ridgeland, S.C.; effective 4-1-64 to 9-2-64 (food store; 14 employees).

Raylass Department Store, Corner Main and Davis Streets, Burlington, N.C.; effective 4-1-64 to 9-2-64 (department store; 21 employees).

Raylass Department Store, 342 North Main Street, Hendersonville, N.C.; effective 4-1-64 to 9-2-64 (department store; 15 employees).

Rose's 5-10-25¢ Store, No. 143, East Nash Street, Wilson, N.C.; effective 4-1-64 to 9-2-64 (variety store; 48 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Ann-Hope Factory Outlet of Warwick, Inc., 1689 Post Road, Warwick, R.I.; effective 4-1-64 to 9-2-64; baggers, messengers, stock clerks; between 2.2 and 3.4 percent (department store; 394 employees).

Baytown Variety, Inc., d/b/a T.G. & Y. Stores Co., No. 244, 1006 Market Street, Baytown, Tex.; effective 4-1-64 to 9-2-64; office clerk, stock clerk, sales clerk; 10 percent for each month (variety store; 14 employees).

Columbia Variety, Inc., d/b/a T.G. & Y. Stores Co., No. 159, 1729 Broadway, Columbia, Mo.; effective 4-1-64 to 9-2-64; clerical, sales, stock work; 0.0 to 10 percent (variety store; 22 employees).

Edward's of Aiken, Mitchell Shopping Center, Aiken, S.C.; effective 4-1-64 to 9-2-64; part-time sales clerks; 6.4 to 10 percent (variety store; 35 employees).

Sam Glass Minimax, Inc., 1301 East Levee Street, Brownsville, Tex.; effective 4-1-64 to 9-2-64; bagger, carry-out, janitorial, errand boy; 9.4 to 10 percent (food store; 42 employees).

H.E.B. Food Store, No. 90, 3002 Goliad Road., San Antonio, Tex.; effective 4-1-64 to 9-2-64; package boy, sack boy, bottle boy; 10 percent for each month (food store; 29 employees).

H.E.B. Food Store, No. 91, Milan and Dennis Streets, Wharton, Tex.; effective 4-1-64 to 9-2-64; package boy, sack boy, bottle boy; 10 percent for each month (food store; 23 employees).

Jupiter Discount Store, No. 4513, 6316 Woodland Avenue, Philadelphia, Pa.; effective 4-1-64 to 9-2-64; sales clerk; 3.0 to 10 percent (variety store; 12 employees).

M. H. King Co., 1305 Filer Avenue East, Twin Falls, Idaho; effective 4-1-64 to 9-2-64; counter service clerk; 10 percent for each month (variety store; 18 employees).

S. S. Kresge Co., No. 745, Carol City Center, 2820 Northwest 183d Street, Carol City, Fla.; effective 4-1-64 to 9-2-64; sales clerk; 7.8 to 10 percent (variety store; 25 employees).

S. S. Kresge Co., No. 429, Market Place Shopping Center, 755 West Golf Road, Des Plaines, Ill.; effective 4-1-64 to 9-2-64; sales clerk; 10 percent for each month (variety store; 35 employees).

S. S. Kresge, No. 455, 2369 South McArthur, Town/Country Shopping Center, Springfield, Ill.; effective 4-1-64 to 9-2-64; sales clerk; 10 percent for each month (variety store; 49 employees).

S. S. Kresge Co., No. 33, Green Acres Plaza, 4602 State Street, Saginaw, Mich.; effective 4-1-64 to 9-2-64; sales clerk; 10 percent for each month (variety store; 40 employees).

S. S. Kresge, No. 364, 29134 Van Dyke, Warren, Mich.; effective 4-1-64 to 9-2-64; sales clerk; 0.0 to 9.1 percent (variety store; 52 employees).

S. S. Kresge Co., No. 578, Village Square, Lindberg Boulevard at Village Square Road; Hazelwood, Mo.; effective 4-1-64 to 9-2-64;

sales clerk; 10 percent for each month (variety store; 29 employees).

S. S. Kresge Co., No. 132, Cherry Hill Shopping Center, 431 Cherry Hill Merchantville, N.J.; effective 4–1–64 to 9–2–64; sales clerks; 10 percent for each month (variety store; 55 employees).

S. S. Kresge Co., No. 434, Brookgate Shopping Center, 5837 Smith Road, Cleveland, Ohio; effective 4–1–64 to 9–2–64; sales clerk; 10 percent for each month (variety store; 26 employees).

S. S. Kresge Co., No. 773, 1405 East Elizabeth, Brownsville, Tex.; effective 4–1–64 to 9–2–64; sales clerk; between 3.6 and 7.1 percent (variety store; 27 employees).

S. S. Kresge Co., 408 Northlake Shopping Center, Northwest Highway and Ferndale Road, Dallas, Tex.; effective 4–1–64 to 9–2–64; sales clerks; 7.1 to 10 percent (variety store; 22 employees).

S. S. Kresge Co., Richland Shopping Center, 6363 Grapevine Highway, Fort Worth, Tex.; effective 4–1–64 to 9–2–64; sales clerk; 10 percent for each month (variety store; 35 employees).

S. S. Kresge Co., No. 729, MacArthur Drive Shopping Center, 2656 West MacArthur Drive, Orange, Tex.; effective 4–1–64 to 9–2–64; sales clerk; between 1.5 and 4.8 percent (variety store; 30 employees).

S. S. Kresge Co., No. 743, 1606 Pasadena Plaza, 2004 Spencer Highway, Pasadena, Tex.; effective 4–1–64 to 9–2–64; sales clerk; 7.6 to 10 percent (variety store; 19 employees).

S. H. Kress and Co., No. 8, Indian Hills Shopping Center, Canton Pike, Hopkinsville, Ky.; effective 4–1–64 to 9–2–64; sales clerk; between 0.2 and 10 percent (variety store; 35 employees).

S. H. Kress and Co., Cache Road Square Shopping Center, 38th and Cache Road, Lawton, Okla.; effective 4–1–64 to 9–2–64; sales clerk; 7.7 to 10 percent (variety store; 36 employees).

S. H. Kress and Co., No. 540, 403 SW. 25th Street, Oklahoma City, Okla.; effective 4–1–64 to 9–2–64; sales clerk; between 1.9 and 10 percent (variety store; 65 employees).

Mart Grocers, Inc., 501 East Armour, North Kansas City, Mo.; effective 4–1–64 to 9–2–64; bag boys, carry-out boys; 10 percent for each month (food store; 24 employees).

Mart Grocers, Inc., 8601 East 40 Highway, Kansas City, Mo.; effective 4–1–64 to 9–2–64; shag boys; 10 percent for each month (food store; 21 employees).

McCrory-McLellan-Green Corp., Palm Plaza Shopping Center, Leesburg, Fla.; effective 4–1–64 to 9–2–64; sales clerk, stock clerk, office clerk; between 8.1 and 10 percent (variety store; 23 employees).

McCrory-McLellan-Green Stores, 23–29 East Flagler Street, Miami, Fla.; effective 4–1–64 to 9–2–64; sales, office clerk, counter clerk; between 3.5 and 10 percent (variety store; 185 employees).

McCrory-McLellan Stores, No. 339, West Orange Shopping Center, Dillard and Cypress Streets, Winter Garden, Fla.; effective 4–1–64 to 9–2–64; sales clerks; between 5.7 and 8.3 percent (variety store; 26 employees).

McCrory-McLellan Stores, No. 706, North Valley Shopping Center, 1114 Candelaria Road NW., Albuquerque, N. Mex.; effective 4–1–64 to 9–2–64; stock clerks, sales clerks; 10 percent for each month (variety store; 29 employees).

G. C. Murphy Co., No. 289, 10 Northwest Sixth Street, Gainesville, Fla.; effective 4–1–64 to 9–2–64; sales, clerical, stock keeping, janitorial; between 9.4 and 10 percent (variety store; 33 employees).

G. C. Murphy Co., No. 150, Roosevelt Mall Shopping Center, 4423 Roosevelt Boulevard, Jacksonville, Fla.; effective 4–1–64 to 9–2–64; sales, clerical, stock keeping, janitorial; between 9.4 and 10 percent (variety store; 37 employees).

G. C. Murphy Co., No. 284, Pine Hill Shopping Center, 5217–5229 West Colonial Drive, Orlando, Fla.; effective 4–1–64 to 9–2–64; sales, clerical, stockkeeping, janitorial; between 4.7 and 10 percent (variety store; 45 employees).

G. C. Murphy Co., No. 287, 549 Harrison Avenue, Panama City, Fla.; effective 4–1–64 to 9–2–64; sales, janitorial, stockkeeping, clerical; 10 percent for each month (variety store; 30 employees.

G. C. Murphy Co., No. 292, Corry Field Shopping Center, Pensacola, Fla.; effective 4–1–64 to 9–2–64; sales, clerical stockkeeping, janitorial; 10 percent for each month (variety store; 25 employees).

G. C. Murphy Co., No. 290, 7001 Taft Street, West Hollywood, Fla.; effective 4–1–64 to 9–2–64; sales, clerical, stockkeeping, janitorial; between 9.8 and 10 percent (variety store; 34 employees).

G. C. Murphy Co., No. 277, 1127 Mount Prospect Plaza, Mount Prospect, Ill.; effective 4–1–64 to 9–2–64; sales, clerical, stockkeeping, janitorial; 10 percent for each month (variety store; 44 employees).

G. C. Murphy Co., No. 91, West Side Shopping Center, 2429 Frederick Avenue, Baltimore, Md.; effective 4–1–64 to 9–2–64; sales, clerical, stockkeeping, janitorial; 10 percent for each month (variety store; 56 employees).

G. C. Murphy Co., No. 285, 3901 Erdman Avenue, Baltimore, Md.; effective 4–1–64 to 9–2–64; sales, janitorial, stockkeeping, clerical; 10 percent for each month (variety store; 43 employees).

G. C. Murphy Co., No. 161, 156 Apache Plaza, Minneapolis, Minn.; effective 4–1–64 to 9–2–64; sales, clerical, stockkeeping, janitorial; 10 percent for each month (variety store; 64 employees).

G. C. Murphy Co., No. 291, 17400 Lorain Avenue, Cleveland, Ohio; effective 4–1–64 to 9–2–64; sales, clerical, stockkeeping, janitorial; between 9.4 and 10 percent (variety store; 47 employees).

G. C. Murphy Co., No. 280, 10 Olympia Park Plaza, Versailles, McKeesport, Pa.; effective 4–1–64 to 9–2–64; sales clerks, office clerks, stock clerks, janitors; between 7.3 and 10 percent (variety store; 67 employees).

G. C. Murphy Co., No. 283, Oaklawn Shopping Center, Texarkana, Tex.; effective 4–1–64 to 9–2–64; sales, clerical, stockkeeping, janitorial; 10 percent for each month (variety store; 40 employees).

G. C. Murphy Co., No. 278, Pittman Plaza Shopping Center, 801 Lakeside Drive, Lynchburg, Va.; effective 4–1–64 to 9–2–64; stock clerk, janitor, sales clerk, clerk; between 9.2 and 10 percent (variety store; 83 employees).

G. C. Murphy Co., No. 240, Roanoke-Salem Shopping Center, 4142 Melrose Avenue, Roanoke, Va.; effective 4–1–64 to 9–2–64; sales, clerical, stockkeeping, janitorial; between 9.2 and 10 percent (variety store; 47 employees).

G. C. Murphy Co., No. 156, 642 Jefferson Davis Highway, Woodbridge, Va.; effective 4–1–64 to 9–2–64; sales, clerical, stockkeeping, janitorial; 10 percent for each month (variety store; 46 employees).

Neisner Brothers, Inc., No. 192, 1091 West Main Street, Avon Park, Fla.; effective 4–1–64 to 9–2–64; sales clerk, stock clerk; between 6.0 and 10 percent (variety store; 15 employees).

Neisner Bros., Inc., No. 179, 4 Lake City Plaza U.S. 41 South, Lake City, Fla.; effective 4–1–64 to 9–2–64; selling; between 8.7 and 10 percent (variety store; 19 employees).

Neisner Bros., Inc., No. 196, Post Office Box 608, Marathon, Fla.; effective 4–1–64 to 9–2–64; selling, stocking; between 7.2 and 10 percent (variety store; 15 employees).

Neisner Bros., Inc., No. 184, 1101 Eighth Avenue, Palmetto, Fla.; effective 4–1–64 to 9–2–64; sales clerk, stock clerk, porter; 10 percent for each month (variety store; 15 employees).

Neisner Bros., Inc., No. 194, 194 North Tennessee Street, Tallahassee, Fla.; effective 4–1–64 to 9–2–64; sales clerk, stock clerk, office clerk; between 9.1 and 10 percent (variety store; 19 employees).

Neisner Bros., Inc., No. 202, Crystal Lake Plaza, Crystal Lake, Ill.; effective 4–1–64 to 9–2–64; sales clerk, stock clerk, office clerk; between 9.2 and 10 percent (variety store; 28 employees).

Neisner Bros., Inc., No. 168, 1938 Grand Avenue North, Spencer, Iowa; effective 4–1–64 to 9–2–64; sales clerk, stock clerk; between 5.6 and 10 percent (variety store; 18 employees).

Neisner Bros., Inc., No. 195, 3723 Blanco Road, San Antonio, Tex.; effective 4–1–64 to 9–2–64; selling stock, clerical; between 6.0 and 10 percent (variety store; 9 employees).

Newberry East Brunswick Corp., 72 West Prospect Street, East Brunswick, N.J.; effective 4–1–64 to 9–2–64; office clerk, sales clerk, stock clerk, janitor, window trimmer, marker; 10 percent for each month (variety store; 117 employees).

Newberry Mentor Corp., 850 Mentor Avenue, Mentor, Ohio; effective 4–1–64 to 9–2–64; office clerks, sales, credit office, sign makers; between 7.5 and 10 percent (variety store; 145 employees).

Nicoma Park Variety, Inc., d/b/a T. G. & Y. Stores Co., No. 86, 2403 North Westminster, Nicoma Park, Okla.; effective 4–1–64 to 9–2–64; clerical, sales, stockwork; 10 percent for each month (variety store; 16 employees).

Raylass Department Store, 119–121 Main Street, High Point, N.C.; effective 4–1–64 to 9–2–64; clerk, sales clerk, stock clerk, marker, janitor; 10 percent for each month (department store; 21 employees).

Raylass Department Store, 908–12 Main Street, Lynchburg, Va.; effective 4–1–64 to 9–2–64; clerk, sales clerk, stock clerk, marker, janitorial; 10 percent for each month (department store; 23 employees).

Raylass Department Store; Corner Main and Washington Streets, Suffolk, Va.; effective 4–1–64 to 9–2–64; clerks, sales clerks, janitorial, stock clerks, markers; 10 percent for each month (department store; 27 employees).

F. W. Woolworth Co., No. 2615, 3090 North Water Street, Decatur, Ill.; effective 4–1–64 to 9–2–64; sales clerk; 4.7 to 10 percent (variety store; 35 employees).

F. W. Woolworth Co., No. 2624, 500 Central Avenue, Connersville, Ind.; effective 4–1–64 to 9–2–64; sales clerk; 10 percent for each month (variety store; 22 employees).

F. W. Woolworth Co., 133 West Main Street, Benton Harbor, Mich.; effective 4–1–64 to 9–2–64; sales clerk; 4.3 to 10 percent (variety store; 28 employees).

F. W. Woolworth Co., No. 2584, 1220 28th Street, Wyoming, Mich.; effective 4–1–64 to 9–2–64; sales clerk; 9.1 to 10 percent (variety store; 35 employees).

F. W. Woolworth Co., 601 Cherry Hill, S.C., Cherry Hill, N.J.; effective 4–1–64 to 9–2–64; stock clerk, sales; 7.8 to 10 percent (variety store; 186 employees).

Wyandotte Variety, Inc., d/b/a T. G. & Y. Stores Co., No. 302, 7716 State Street, Kansas City, Kans.; effective 4–1–64 to 9–2–64; clerical, stockwork, sales; 10 percent for each month (variety store; 21 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 9th day of April 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64–3725; Filed, Apr. 15, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 969]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 13, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 22954. By order of April 3, 1964, the Transfer Board approved the transfer to Roy C. Berrie, doing business as Elk Boat Line, McGregor, Iowa, of the operating rights issued by the Commission, as amended, September 9, 1954, under Certificate No. W-314, to Alan Duane Butterfield, doing business as Elk Boat Line, McGregor, Iowa, authorizing the transportation of passengers during the season from May to November, inclusive, between ports and points on the Mississippi River from Davenport, Iowa, to La Crosse, Wis., inclusive. Robert E. Coon, McGregor, Iowa, attorney for applicants.

No. MC–FC 66713. By order April 3, 1964, the Transfer Board approved the transfer to Springfield-Decatur Transfer Company, a Delaware corporation, Springfield, Ill., of the operating rights in Certificate of Registration No. MC 97884 (Sub-No. 1) issued November 4, 1963, to John Enlow, doing business as Springfield Decatur Transfer, Springfield, Ill., corresponding to the grant of intrastate authority to transferor, pursuant to Certificate of Public Convenience and Necessity No. 6449 MC, issued November 19, 1957, by the Illinois Commerce Commission.

No. MC–FC 66747. By order of April 2, 1964, the Transfer Board approved the transfer to Charles Wolfe & Sons, Inc., Farmingdale, N.Y., of the operating rights in the Certificates Nos. MC 95808 and MC 95808 (Sub-No. 1), issued November 15, 1955 and June 27, 1957, respectively, to Charles Wolfe, doing business as Charles Wolfe & Sons, Farmingdale, N.Y., authorizing the transportation, over irregular routes, between New York, N.Y., on the one hand, and on the other, points in Connecticut, Maryland, New Jersey New York, Vermont, and the District of Columbia. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y., attorney at law.

No. MC–FC 66753. By order of April 2, 1964, the Transfer Board approved the transfer to Earl Newton, Baldwin, Wis., of Certificate No. MC 14431 issued June 14, 1962, to Vernon Anderson and Earl Newton, a partnership, doing business as Baldwin Egg & Potato Co., Baldwin, Wis., authorizng the transportation, over irregular routes, of livestock and agricultural commodities, from points in the Towns of Baldwin, Hammond, Eau Galle, Springfield, Pleasant Valley, Glenwood, Emerald, Erin, Cylon, Richmond, Warren, and Rush River, St. Croix County, Wis., to St. Paul, South St. Paul, Newport, and Minneapolis, Minn.; and general commodities, excluding household goods and commodities in bulk, from the above-specified points in Minnesota to points in the above-specified towns in Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, Minnesota, 55114, representative for applicants.

No. MC–FC 66758. By order of April 2, 1964, the Transfer Board approved the transfer to Lenoir Transfer Company, Inc., Lenoir, N.C., of the operating rights in Certificate of Registration No. MC 98039 (Sub-No. 2), issued March 6, 1964, to Wade L. Thompson, doing business as Lenoir Transfer Company, Lenoir, N.C., corresponding to the grant of intrastate authority to transferor, pursuant to Common Carrier Certificate No. C–250 dated May 16, 1951 and amended October 28, 1957, issued by the North Carolina Utilities Commission.

No. MC–FC 66771. By order of April 2, 1964, the Transfer Board approved the transfer of the "claimed grandfather-proviso" rights set forth in the order of the Commission dated December 18, 1963, by Operating Rights Board No. 2, in the name of Roy Prince Trucking Co., a corporation, 2330 East Main Street, Grand Prairie, Tex., in No. MC 99319 (Sub-No. 1) providing for the issuance of a Certificate of Registration upon compliance with the conditions thereof, to E. E. Barrett, doing business as Barrett Vacuum Tank Service, Box 218, Daisetta, Texas, authorizing operations within the State of Texas.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–3740; Filed, Apr. 15, 1964; 8:46 a.m.]

[Rev. S.O. No. 562; Taylor's I.C.C. Order No 171–A]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Vacation of Order

Upon further consideration of Taylor's I.C.C. Order No. 171 (Missouri-Kansas-Texas Railroad Company) and good cause appearing therefor:

It is ordered, That

(a) Taylor's I.C.C. Order No. 171, be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 4:00 p.m., April 10, 1964.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 10, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64–3741; Filed, Apr. 15, 1964; 8:46 a.m.]

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Title 3—THE PRESIDENT

Proclamation 3580

CITIZENSHIP DAY AND CONSTITUTION WEEK, 1964

By the President of the United States of America

A Proclamation

WHEREAS September 17, 1964, marks the one hundred and seventy-seventh anniversary of the signing of the Constitution of the United States on September 17, 1787; and

WHEREAS the year 1964 marks the one hundred and seventy-fifth anniversary of the organization of our constitutional form of government—for in 1789, our first Congress convened, our first President was inaugurated, and our Federal judicial system was established; and

WHEREAS our constitutional form of government has withstood the test of time and the ravages of war, internal strife, natural catastrophes, economic disasters, and international conspiracies and still stands constantly young and vigorous and ever resolute in its quest for peace, liberty, justice, and economic opportunity for all mankind; and

WHEREAS the manner in which the entire Nation reacted to the crisis occasioned by the assassination of President Kennedy and gave me, as its new President, under the terms of our Constitution, its undivided loyalty and support in those dark days attests to the strength and stability of our Government; and

WHEREAS in this world of many challenges—some of which endanger the rights of free men—it is imperative that all our citizens, whether native born or naturalized, be aware of the acts and events that led to the adoption of the Constitution and of the adversities that have subsequently proved its durability in order that they may have a better understanding and appreciation of the basic principles upon which this Nation was founded and by which it lives; and

WHEREAS, this year, it is more appropriate than ever that our citizens proclaim to the world our renewed determination to preserve, regardless of cost, the constitutional system of government which has sustained our Nation and its people through a century and three-quarters of turbulent history and which stands today as a beacon of hope to freedom-loving people everywhere; and

WHEREAS, by a joint resolution approved February 29, 1952 (66 Stat. 9), the Congress designated the seventeenth day of September of each year as Citizenship Day in commemoration of the signing of the Constitution on September 17, 1787, and in recognition of those citizens who have come of age and those who have been naturalized during the year; and

WHEREAS, by a joint resolution approved August 2, 1956 (70 Stat. 932), the Congress requested the President to designate the week beginning September 17 of each year as Constitution Week—a time for the study and observance of the acts and events which resulted in the formation of the Constitution; and

WHEREAS those resolutions of the Congress authorize the President to issue annually a proclamation calling for the observance of Citizenship Day and of Constitution Week:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, call upon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1964; and I urge Federal, State, and local officials, as well as all religious, civic, educational, and other organizations, to hold appropriate ceremonies on that

day to inspire all our citizens to pledge themselves anew to the service of their country and to the support and defense of the Constitution.

I also designate the period beginning September 17 and ending September 23, 1964, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches and in other suitable places to the end that our citizens may have a better understanding of the Constitution and of the rights and responsibilities of United States Citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of April in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

George W. Ball,
Acting Secretary of State.

[F.R. Doc. 64-3848; Filed, Apr. 16, 1964; 10:13 a.m.]

Proclamation 3581

LOYALTY DAY, 1964

By the President of the United States of America

A Proclamation

The strength and vigor of our Nation is directly attributable to the dedication, devotion, and loyalty of its people to the democratic principles embodied in our Constitution. We have had the good fortune from the time of the inception of our system of freedom and justice under law to be blessed with sons and daughters who have willingly and courageously risked, or sacrificed, their lives and their fortunes in order that this Nation might live and prosper. But the wisdom and sacrifices of yesterday cannot assure the perpetuation of our democratic institutions—they can be preserved only by the constant vigilance of a devoted and dedicated citizenry. It is for this reason that the Congress, by a joint resolution of July 18, 1958 (72 Stat. 369), designated May 1 of each year as Loyalty Day and called upon the President to issue a proclamation inviting the people of the United States to observe that day with appropriate ceremonies.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America do hereby call upon the people of the United States, and upon all patriotic, civic, and educational organizations to observe Friday, May 1, 1964, as Loyalty Day, in schools and other suitable places with appropriate ceremonies in which all of our people may join in a reaffirmation of their loyalty to the United States of America.

I also call upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day as a manifestation of our loyalty to the Nation which that flag symbolizes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of April in the year of our Lord nineteen hundred and sixty-four, [SEAL] and of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 64-3849; Filed, Apr. 16, 1964; 10:13 a.m.]

Executive Order 11152

ESTABLISHING THE PRESIDENT'S COMMITTEE ON MANPOWER

WHEREAS various Federal programs and activities have a significant impact on the demand, supply, development, and utilization of manpower for the Nation; and

WHEREAS sound public policy requires an assessment of present and anticipated manpower resources and requirements of the Nation, including the direct and indirect impact of Federal policies, programs, and activities, and their interrelationship with other sectors of the economy; and

WHEREAS the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571 *et seq.*), requires the Federal Government to appraise the manpower requirements and resources of the Nation, and directs the President to report to the Congress each year on manpower requirements, resources, use, and training; and

WHEREAS as provisions of Title I of that Act require the Secretary of Labor to report and make recommendations to the President on manpower requirements, resources, use, and training:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Committee.* (a) There is hereby established a President's Committee on Manpower (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of the Secretary of Labor, who shall be the Chairman, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Chairman of the Atomic Energy Commission, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Chairman of the Civil Service Commission, the Director of Selective Service, and such other heads of Federal agencies as the President may designate.

(c) The Chairman may invite the head of any other Federal agency to participate in meetings of the Committee when matters of substantial interest to such agency head are to be considered by the Committee.

(d) The Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, the Director of the Office of Emergency Planning, and the Director of the Office of Science and Technology may each designate a member of his staff to attend meetings of the Committee as an observer.

SEC. 2. *Functions of the Committee.* (a) To assist in carrying out Federal functions under the Manpower Development and Training Act of 1962, as amended, the Committee (1) shall assist the Secretary of Labor, as requested by him, in assessing the Nation's current and prospective manpower requirements and supplies, including the direct and indirect effects of Federal programs, and in developing recommendations to deal with current and prospective manpower problems, and (2) shall advise the Secretary of Labor and other Federal officials, as appropriate, in developing improved methods and programs for appraising national manpower needs and resources.

(b) In carrying out these functions the Committee shall:

(1) Evaluate and, where appropriate, recommend improvements in methods and programs for assessing (i) present and anticipated manpower resources and requirements of the Nation, and (ii) in particular, the present and anticipated direct and indirect impact of Federal programs and activities on the Nation's manpower.

(2) Evaluate and make recommendations for the coordination within the Government of information, projections, research, and action programs concerned with measuring and projecting manpower needs and supplies.

(3) Make recommendations to appropriate Federal officials concerning procedures for obtaining consistency among projections of national manpower resources and requirements, and consult with the Chairman of the Council of Economic Advisers with a view to obtaining consistency between the Government's manpower projections and estimates of current and foreseeable trends in the levels of employment, production, and purchasing power made pursuant to section 3(a) of the Employment Act of 1946 (15 U.S.C. 1022(a)).

(4) Make recommendations to appropriate officials concerning (i) information needed from Federal agencies in order to carry out the purposes of this order, (ii) the desirable form and manner of reporting such information, and (iii) the techniques and guidelines to be used in developing information and preparing such reports as may be prescribed by appropriate authority in order to obtain consistency among agency reports.

SEC. 3. *Administrative arrangements.* In consonance with the provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134, 31 U.S.C. 691), and as may be necessary for effectuating the purposes of this order, (1) the Department of Labor shall provide administrative services and general staff support for the Committee, and (2) each Federal agency represented on the Committee (including the Department of Labor) shall furnish the Committee other necessary assistance in accordance with the said section 214.

SEC. 4. *Construction.* Nothing in this order shall be construed to abrogate, modify, or restrict any function vested by law in, or assigned pursuant to law to, any Federal agency or any officer thereof.

LYNDON B. JOHNSON

Approved:

THE WHITE HOUSE,
April 15, 1964.

[F.R. Doc. 64-3847; Filed, Apr. 15, 1964; 4:53 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[ACP-1964, Supp. 2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1964

MISCELLANEOUS AMENDMENTS

For the purposes of the 1964 program:

1. Section 701.30 is amended to read as follows:

§ 701.30 Persons eligible to file application for payment of Federal cost-shares.

Any person who, as owner, landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him. A livestock producer who, as a member of an incorporated producer-owned grazing association, is the owner of an interest in the property and assets of such grazing association, shall be deemed to be an owner of the land of the association for the purposes of this section.

2. Paragraph (g) of § 701.41 is amended to read as follows:

§ 701.41 Definitions.

* * * * *

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as owner, landlord, tenant, or sharecropper, participates in the operation of a farm or ranch. The term "person" shall include a livestock producer who, as a member of an incorporated producer-owned grazing association, owns an interest in the property and assets of such grazing association and participates in the operation of the grazing lands of the association.

* * * * *

(Sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended, 16 U.S.C. 590d, 590g–590q)

Signed at Washington, D.C., on April 14, 1964.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-3782; Filed, Apr. 16, 1964; 8:49 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Acreage and Compliance Reg. Amdt. 3]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Miscellaneous Amendments

1. *Basis and purpose.* This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100, et seq.), the Agricultural Adjustment Act of 1949, as amended (7 U.S.C. 1441, et seq.), the Soil Bank Act (7 U.S.C. 1801, et seq.), and the Food and Agriculture Act of 1962 (Public Law 87-703, approved September 27, 1962, Public Law 87-801, approved October 11, 1962), the Feed Grain Act of 1963 (Public Law 88-26, approved May 20, 1963), and the Agricultural Act of 1964 (Public Law 88-297, approved April 11, 1964), for the purpose of prescribing the provisions governing the determination of acreage and compliance under the 1964 Wheat Diversion and Cotton programs.

2. Section 718.5(e)(5) (28 F.R. 8117) is amended to read as follows:

§ 718.5 Determination of crop and land use acreages.

* * * * *

(e) *Acreage devoted to a crop or land use.* * * *

(5) *Areas diverted under the wheat diversion and feed grain programs.* The area(s) designated by the farm operator as being diverted from the production of wheat, barley, corn, or grain sorghums under the wheat diversion and feed grain programs must be eligible land as defined in program regulations.

* * * * *

3. Section 718.8(b)(2) (28 F.R. 8117) is amended to read as follows:

§ 718.8 Report of acreage.

* * * * *

(b) *Obtained by certification.* * * *

(2) *For wheat on a farm not participating in the wheat diversion program.* When the farm operator certifies:

(i) To the acreage of wheat where the "Small farm allotment" is the effective allotment.

(ii) That the acreage of wheat is zero or is in excess of the allotment where the "regular allotment" is the effective allotment.

(iii) Notwithstanding the provisions of subdivisions (i) and (ii) of this subparagraph (2), a farm visit will be made to measure the acreage of wheat for harvest as grain if it is determined that any producer on the farm is participating in the wheat diversion program on another farm.

* * * * *

4. Section 718.14(b) (1) and (2) (28 F.R. 8117) are amended to read as follows:

§ 718.14 Adjustment of acreage.

* * * * *

(b) *Timing requirements*—(1) *Notification of adjustment.* If the farm operator or other producer on the farm elects to adjust an acreage, he shall notify the county office manager by the applicable date specified in subdivisions (i) through (viii) of this paragraph (b) that he has adjusted the acreage or that he intends to adjust the acreage in case of tobacco or peanuts. Notification is not required if the final acreage of the crop will be determined at ASCS expense under the conditions prescribed in paragraph (c) (1) of this section.

(i) *For wheat (except as provided in subdivision (ii) of this subparagraph), barley, rice, corn, grain sorghums, nonallotment soil bank base crops and cotton where a disposition date has been established.* By the established disposition date or 15 days from the date of the notice of acreage, whichever is later.

(ii) *For wheat where the acreage for a farm not participating in the wheat diversion program is determined as a result of farm operators request for measurement after receipt of a notice of acreage.* Seven days from the date of notice or the established disposition date, whichever is later.

(iii) *For cotton where a disposition date has not been established.* Fifteen days from the date of the notice of acreage.

* * * * *

(v) *For peanuts.* Before any marketing, except for green peanuts before any peanuts of the same type are picked or threshed.

(vi) *For deficient diverted acreage*—(a) *Acreage is diverted under the wheat diversion program only.* Fifteen days from the date of notice or the established disposition date for wheat, whichever is later.

(b) *Acreage is diverted under feed grain program only.* When barley is the only feed grain crop planted on the farm, the established disposition date for barley or 15 days from date of the notice, whichever is later. When feed grain crops in addition to barley will be planted, the latest disposition date for feed grains or 15 days from the date of the notice, whichever is later.

(c) *Acreage diverted under both wheat and feed grain programs.* Fifteen days from the date of the notice or the latest disposition date, whichever is later, for wheat or feed grains to be planted on the farm.

* * * * *

(viii) *For crop disposition to meet the conserving base requirement.* The established disposition date, where appli-

ment fiscal year began on November 1 plastic-coated paper cartons for both

cable, or 15 days from the date of the notice, whichever is later. Where an established disposition date is not applicable, 15 days from the date of the notice.

(2) *Substitution of diverted acreage.* A request for the substitution of other eligible land for previously designated diverted acreage may be accepted up to the latest disposition date for feed grain except that a request may be accepted up to the disposition date for wheat when the farm is not participating in the feed grain program.

* * * * *

(Secs. 374, 375, 52 Stat. 65, 66, sec. 401, 68 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 7 U.S.C. 1374, 1375, 1421, 1153, 1812; sec. 16(g), 76 Stat. 612; 16 U.S.C. 590p(g); sec. 16(h), 77 Stat. 45; 16 U.S.C. 590p(h); sec. 307, 76 Stat. 615)

Effective date. Wheat has been planted in the winter wheat areas, and spring wheat and cotton are being planted. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that provisions of this amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 11, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-3783; Filed, Apr. 16, 1964; 8:49 a.m.]

[Amdt. 3]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

EXPORT MARKET ACREAGE

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by Title I of the Agricultural Act of 1964.

(a) The purpose of this amendment is to provide for the establishment of export market acreage under section 349 of the act.

(b) Since immediate action is required by State and county ASC committees and cotton farmers, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The acreage allotment regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041, 29 F.R. 2301) are amended as follows:

1. The following new sections are added immediately after § 722.226 of the regulations:

§ 722.227 Export market acreage for 1964.

(a) *Maximum export market acreage for the farm for 1964.* The maximum export market acreage for each farm for 1964 shall be 5 percent of the 1964 farm acreage allotment after release and reapportionment. Such maximum export market acreage shall be in addition to the farm acreage allotment and the county, State and national acreage allotments and shall not be taken into account in establishing future State, county and farm acreage allotments.

(b) *Application for export market acreage.* An application for export market acreage must be filed on or before June 1, 1964, by the farm operator and approved by the county committee in order for the farm to be eligible to participate in the export market acreage program.

(c) *Export market acreage on the farm.* The export market acreage on the farm shall be the number of acres, not exceeding the maximum export market acreage for the farm, by which the acreage planted to cotton on the farm (actually planted plus regarded as planted under the conservation programs) exceeds the farm acreage allotment after release and reapportionment. For purposes of determining compliance with the 1964 farm acreage allotment, the permitted acreage for farms with export market acreage shall be the sum of the farm acreage allotment and the maximum export market acreage except that on a farm where (1) the bond or other undertaking required under § 722.228 is not furnished, (2) payment in lieu of such bond or other undertaking is not made under § 722.228 or (3) the acreage actually planted to cotton on the farm exceeds the farm acreage allotment by more than the maximum export market acreage, the permitted acreage for such farm for compliance purposes shall be the farm acreage allotment after release and reapportionment.

§ 722.228 Exportation of cotton produced on export market acreage.

Producers on any farm on which there is export market acreage or the purchasers of cotton produced thereon shall furnish a bond or other undertaking as prescribed in this section providing for the exportation, without benefit of any Government cotton export subsidy, of a quantity of cotton produced on the farm equal to the average yield per harvested acre for the farm multiplied by the export market acreage on the farm. This section will be supplemented at a later date to establish in detail the documents, forms and procedure which will be required to prove exportation of the cotton produced on the export acres.

(Secs. 349, 375, 78 Stat. 173, 52 Stat. 66, as amended; 7 U.S.C. 1349, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 11, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-3769; Filed, Apr. 16, 1964; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Determination Relative to Expenses and the Fixing of Rate of Assessment for 1963–64 Fiscal Year

Notice was published in the April 2, 1964, daily issue of the FEDERAL REGISTER (29 F.R. 4723) that consideration was being given to the proposals regarding the expenses and the fixing of the rate of assessment for the 1963–64 fiscal year under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 908.203 Expenses and rate of assessment for the 1963–64 fiscal year.

(a) The expenses necessary to be incurred by the Valencia Orange Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the 1963–64 fiscal year (November 1, 1963, through October 31, 1964) will amount to $185,000; and the rate of assessment, which each handler who first handles oranges shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at twelve mills ($0.012) per carton of oranges handled by such handler as the first handler thereof during the 1963–64 fiscal year.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable Valencia oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1963, and the rate of assessment herein fixed will automatically apply to all assessable Valencia oranges beginning with such date.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 13, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3770; Filed, Apr. 16, 1964; 8:46 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 137]

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

Order Terminating Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Colorado marketing area (7 CFR Part 1137), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act:

In § 1137.46(a)(2)(i) the words "if such fluid milk products are not processed and packaged in the pool plant during the month".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This termination order will permit Eastern Colorado order handlers to receive packaged milk products from a Colorado Springs-Pueblo order pool plant and have such products classified and deducted from Class I if they were classified as Class I at the Colorado Springs-Pueblo pool plant. Under the present provision such milk so transferred could receive a Class II assignment under the Eastern Colorado order if the same product were packaged in the plant of the receiving handler.

The specific application of the termination order relates to two plants located in Colorado Springs, Colorado, which are pool plants under separate orders; namely, Eastern Colorado and Colorado Springs-Pueblo. These two plants desire to make arrangements whereby one of the plants fills all gallons of milk in glass jugs for both plants and the other plant fills all gallons of milk in plastic-coated paper cartons for both plants. This termination order, in conjunction with the suspension of a like provision of the Colorado Springs-Pueblo order issued June 25, 1963 (28 F.R. 6674), will facilitate the exchange of gallons of milk packaged in different type containers between the two plants by permitting a Class I milk classification on such milk in both markets.

(4) This termination was requested by a major cooperative association which supplies milk to the two plants involved.

(5) Interested parties were afforded opportunity to file written data, views, or arguments concerning this termination. None were filed in opposition to the proposed termination.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby terminated, effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. The date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 14, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-3784; Filed, Apr. 16, 1964; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Definitions; Recodification

Effective upon publication in the FEDERAL REGISTER, § 201.2, Part 201, Chapter II, Title 9 of the Code of Federal Regulations, is hereby amended to read as follows:

§ 201.2 Terms defined.

The definitions of terms contained in the act shall apply to such terms when used in the regulations in this part. In addition, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) "Act" means the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 et seq.).

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) "Service" means the Agricultural Marketing Service of the Department.

(e) "Administrator" means the Administrator of the Service or any person authorized to act in his stead.

(f) "Deputy Administrator" means the Deputy Administrator, Regulatory Programs of the Service or any person authorized to act in his stead.

(g) "Packers and Stockyards Division" means the Packers and Stockyards Division of the Service.

(h) "Director" means the Director of the Packers and Stockyards Division or any person authorized to act in his stead.

(i) "Area Supervisor" means the Area Supervisor of the Division for a given Area or any person authorized to act in his stead.

(j) "Person" means individuals, partnerships, corporations, and associations.

(k) "Registrant" means any person registered pursuant to the provisions of the act and the regulations in this part.

(l) "Licensee" means any person licensed pursuant to the provisions of the act and the regulations in this part.

(m) "Stockyard" means a livestock market determined by the Secretary to come within the definition of the term "stockyard" contained in section 302 of the act, notice of which determination shall have been given pursuant to such section.

(n) "Designation" means the designation of a city, and the markets and places in or near such city, pursuant to the provisions of title V of the act.

(o) "Schedule" means a tariff of rates and charges filed by stockyard owners, market agencies, or licensees.

This amendment recodifies § 201.2 (k) through (q) as § 201.2 (l) through (o), and makes minor changes in the wording of the section. In view of the fact that no changes of a substantive nature are being made, it is found that notice and public procedure on the amendment are unnecessary and good cause is found for making the amendment effective in less than 30 days after the publication thereof in the FEDERAL REGISTER.

(Sec 407(a), 42 Stat. 169, 72 Stat. 1750, 7 U.S.C. 228(a))

Done at Washington, D.C., this 14th day of April 1964.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 64-3771; Filed, Apr. 16, 1964; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4684, etc.]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Change in Delegation

The Securities and Exchange Commission has amended its delegation rules

to provide for delegation by the Commission to the Director of the Office of Opinions and Review, formerly the Office of Opinion Writing, of the functions of issuing findings and orders in certain default and consent cases under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Advisers Act of 1940. The Commission determined that the new designation "Office of Opinions and Review" was appropriate as being more descriptive of the functions of the Office.

These actions are accomplished by amendments to §§ 200.15 and 200.30–6 of Title 17 (Articles 15 and 30–6 of Subpart A of the Commission's Statement of Organization, Conduct and Ethics, and Information Practices). The action of the Commission follows:

I. Section 200.15 of Title 17 is amended by changing the phrase "Office of Opinion Writing" wherever it appears therein to "Office of Opinions and Review," and by adding the following sentence immediately preceding the last sentence thereof: "The Director is further responsible for the exercise of such review functions with respect to adjudicatory matters as are delegated to him by the Commission pursuant to 76 Stat. 394 or as may be otherwise delegated or assigned to him."

As so amended, § 200.15 reads as follows:

§ 200.15 Director of the Office of Opinions and Review.

The Director of the Office of Opinions and Review is responsible for assisting Members of the Commission in the preparation of the opinions of the Commission, and to the Commission for the preparation of opinions and decisions on motions and certifications of questions and rulings by Hearing Examiners in the course of administrative proceedings, except in cases where, pursuant to a waiver by the parties of separation of function requirements, another Division or Office of the Commission's staff undertakes to prepare such Findings and Opinion, in which cases the Director may assist in such preparation. He has responsibility for the preparation of the Commission's Annual Report to the Congress, including the editing of material submitted by various staff units, and joint responsibility with the General Counsel in dealing with general problems arising under the Administrative Procedure Act, including the revision or adoption of rules of practice. The Director is further responsible for the exercise of such review functions with respect to adjudicatory matters as are delegated to him by the Commission pursuant to 76 Stat. 394 or as may be otherwise delegated or assigned to him.

§ 200.21 [Amended]

II. In the last sentence of § 200.21, the phrase "Office of Opinion Writing" is changed to read "Office of Opinions and Review."

III. Section 200.30–6 of Title 17 is amended to provide for a delegation with respect to specified default and consent matters, so that it reads as follows:

§ 200.30–6 Delegation of authority to Director of Office of Opinions and Review.

Pursuant to the provisions of Public Law No. 87–592, 76 Stat. 394, the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Office of Opinions and Review, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) (1) With respect to proceedings conducted pursuant to the Securities Act of 1933, 15 U.S.C. 77a et seq., the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a et seq., the Trust Indenture Act of 1939, 15 U.S.C. 77aaa et seq., the Investment Company Act of 1940, 15 U.S.C. 80a–1 et seq., and the Investment Advisers Act of 1940, 15 U.S.C. 80b–1 et seq.:

(i) To consider an application for review of an interlocutory ruling which a hearing examiner has refused to certify, and to deny such application upon determining that the hearing examiner did not err in refusing to certify the matter.

(ii) To consider an interlocutory ruling which a hearing examiner has certified, and to affirm such ruling upon determining that such action is appropriate.

(2) With respect to proceedings conducted pursuant to the Securities Act of 1933, 15 U.S.C. 77a et seq., the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., and the Investment Advisers Act of 1940, 15 U.S.C. 80b–1 et seq., to issue findings and orders taking the remedial action described in the order for proceedings where the respondents expressly consent to such action, fail to appear, or default in the filing of answers required to be filed.

(3) With respect to proceedings under section 15A (g) and (h) of the Securities Exchange Act of 1934, 15 U.S.C. 78o–3 (g) and (h), to determine that an application for review of disciplinary action taken by a registered securities association has been abandoned, under the provisions of § 240.15ag–1(c) of this chapter or otherwise, and to issue an order dismissing the application in such event.

(b) Notwithstanding anything in the foregoing, in any case in which the Director of the Office of Opinions and Review believes it appropriate, he may submit the matter to the Commission.

The Commission finds that the foregoing action relates to agency organization, procedure or practice and that compliance with sections 4 (a), (b), and (c) of the Administrative Procedure Act is unnecessary. Accordingly, the foregoing action, which was taken pursuant to Public Law No. 87–592, 76 Stat. 394, becomes effective April 8, 1964.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 8, 1964.

[F.R. Doc. 64–3762; Filed, Apr. 16, 1964; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 64–17]

SUBCHAPTER K—SECURITY OF VESSELS

PART 124—CONTROL OVER MOVEMENT OF VESSELS

SUBCHAPTER L—SECURITY OF WATERFRONT FACILITIES

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

Miscellaneous Amendments

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of January 30, 1964 (29 F.R. 1572–1586), and the Merchant Marine Council Public Hearing Agenda, dated March 23, 1964 (CG–249), the Merchant Marine Council held a public hearing on March 23, 1964, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to XVI, inclusive. Item IX contained proposals regarding security of vessels and waterfront facilities (CG–249, IX, pages 138 to 144, inclusive). The Merchant Marine Council considered the proposals and comments submitted and recommended adoption of the proposals regarding ammonium nitrate products handled and stored on waterfront facilities (Item IXc) as set forth in the Agenda. In line with comments received, 33 CFR 124.16 in the proposals regarding advance notice of arrival of vessel when laden with explosives (or certain specified dangerous cargoes) or when fire (or other abnormal conditions) exist on the vessel (Item IXd) was revised. The proposals in Items IXc and IXd, as revised are adopted and set forth in this document, which is the second of a series covering regulations considered at this public hearing.

The proposals regarding power-operated equipment on waterfront facilities (Item IXb) were commented on extensively. Many comments discussed problems of maintenance and the difficulties in upgrading existing equipment to the proposed standards. It is also understood that a study of power-operated equipment is being made by a recognized professional group for the purpose of developing acceptable industrial standards for the maintenance of such equipment. Therefore, final actions on these proposals are postponed for the time being.

The proposals regarding hot work on waterfront facility or vessel (Item IXa), were commented on and questions raised concerning applicability of the proposals in view of other similar requirements presently prescribed in 46 CFR Chapter I. The many factors spoken to in the comments received indicate a need for further study of this proposal. Therefore, Item IXa is withdrawn for further study.

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other causes of similar nature to vessels, ports, and waterfront facilities in the United States and all its territories and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04–8 in Executive Order 10173 (15 F.R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessels from damage or injury or to prevent damage or injury to any waterfront facility on waters of the United States or to secure the observance of rights and obligations of the United States.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173 as amended by Executive Orders 10277 and 10352 I hereby prescribe the following amendments in this document which shall become effective 30 days after the date of publication in the FEDERAL REGISTER; however, during the interim prior to this effective date, the regulations in this document may be complied with in lieu of existing requirements.

1. Part 124 is amended by inserting after § 124.10 two new §§ 124.14 and 124.16 to read as follows:

§ 124.14 Advance notice of arrival of vessel laden with explosives or certain specified dangerous cargoes.

(a) The master, agent, or person in charge of any domestic or foreign vessel which is bound for a port or place in the United States and which is carrying as cargo any of the dangerous cargoes described in this paragraph, whether for discharge in the United States or not, shall, at least 24 hours in advance of arrival at each port or place, notify the Captain of the Port or the Commander of the Coast Guard District in which such port or place is located concerning the amount and location of stowage on board the vessel of any of the following:

(1) Explosives, Class A (commercial or military).

(2) Oxidizing materials for which a special permit for water transportation is required by 46 CFR 146.22.

(3) Radioactive materials for which a special approval by the Commandant for water transportation is required by 46 CFR 146.25–30.

(b) When the arrival is a direct result of "force majeure," and it is not possible to give at least 24 hours' advance notice, then advance notice as early as possible shall be furnished.

§ 124.16 Advance notice of fire or other abnormal condition on arriving vessel.

(a) The master, agent, or person in charge of any domestic or foreign vessel which is bound for a port or place in the United States shall give notice to the Captain of the Port or the Commander of the Coast Guard District in which such port or place is located as early as possible in advance of arrival of any fire or other abnormal condition which may jeopardize the vessel's safety or that of other vessels or facilities in port.

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191; E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

2. Part 126 is amended by inserting after § 126.27 a new § 126.28 reading as follows:

§ 126.28 Ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate; general provisions.

(a) When any item of ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate, described and defined as an oxidizing material by the regulations of 46 CFR 146.22, is handled, stored, stowed, loaded, discharged or transported on a waterfront facility, the following provisions shall apply:

(1) All outside containers shall be marked with the proper shipping name of the nitrate packed within the container.

(2) The building on a waterfront facility used for storage of any of these materials shall be of such construction as to afford good ventilation.

(3) Storage of any of these materials shall be at a safe distance from electric wiring, steam pipes, radiators or any heating mechanism.

(4) These materials shall be separated by a fire resistant wall or by a distance of at least 30 feet from organic materials or other chemicals and substances which could cause contamination such as flammable liquids, combustible liquids, corrosive liquids, chlorates, permanganates, finely divided metals, caustic soda, charcoal, sulfur, cotton, coal, fats, fish oils or vegetable oils.

(5) Storage of any of these materials shall be in a clean area upon clean wood dunnage, or on pallets over a clean floor. In the case of a concrete floor, storage may be made directly on the floor if it is first covered with a moisture barrier such as a polethylene sheet or asphaltic laminated paper.

(6) Any spilled material shall be promptly and thoroughly cleaned up and removed from the waterfront facility. If any spilled material has remained in contact with a wooden floor for any length of time the floor shall be scrubbed with water and all spilled material shall be thoroughly dissolved and flushed away.

(7) An abundance of water for fire fighting shall be readily available.

(8) Such open drains, traps, pits, or pockets shall be eliminated or plugged as in case of fire could be filled with molten ammonium nitrate (and thus become potential detonators for the storage piles).

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191; E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: April 10, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64–3785; Filed, Apr. 16, 1964; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Rosins and Rosin Derivatives; Proposed Amendments

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York (FAP 354); Hercules Powder Company, 910 Market Street, Wilmington 99, Delaware (FAP 269, 336); and West Virginia Pulp and Paper Company, 230 Park Avenue, New York 17, New York (FAP 346, 375), and other relevant material, has concluded that the food additive regulations should be amended with respect to food additives resulting from the use of rosins and rosin derivatives as components of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1784; 21 U.S.C. 348), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), it is proposed to amend the food additive regulations in the following respects:

1. By adding to Subpart F the following new section:

§ 121.—— Rosins and rosin derivatives.

The rosins and rosin derivatives identified in paragraph (a) of this section may safely be used in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The rosins and rosin derivatives are identified as follows:

(1) Rosins:

(i) Gum rosin, refined to color grade of K or paler.

(ii) Wood rosin, refined to color grade of K or paler.

(iii) Tall oil rosin, refined to color grade of K or paler.

(iv) Dark tall oil rosin, a fraction resulting from the refining of tall oil rosin produced by multicolumnar distillation of crude tall oil to effect removal of fatty acids and pitch components and having a saponification number of from 110–135 and 32 percent–34 percent rosin acids.

(v) Dark wood rosin, all or part of the residue after the volatile terpene oils are distilled from the oleoresin extracted from pine wood.

(2) Modified rosins manufactured from rosins identified in subparagraph (1) of this paragraph:

(i) Partially hydrogenated rosin, catalytically hydrogenated to a maximum refractive index of 1.5012 at 100° C., and a color of WG or paler.

(ii) Fully hydrogenated rosin, catalytically hydrogenated to a maximum dehydroabietic acid content of 2 percent, a minimum drop-softening point of 79° C., and a color of X or paler.

(iii) Partially dimerized rosin, dimerized by sulfuric acid catalyst to a drop-softening point of 95° C.–105° C., and a color of WG or paler.

(iv) Fully dimerized rosin, dimerized by sulfuric acid catalyst, and from which sufficient nondimerized rosin has been removed by distillation to achieve a minimum drop-softening point of 143° C., and a color of H or paler.

(v) Disproportionated rosin, catalytically disproportionated to a dehydroabietic acid content greater than 45 percent, abietic acid content 1 percent maximum, and a color of WG or paler.

(3) Rosin esters manufactured from rosins and modified rosins identified in subparagraphs (1) and (2) of this paragraph:

(i) Glycerol ester of wood rosin, having an acid number of 5 to 9, a drop-softening point of 88° C.–96° C., and a color of N or paler, and purified by countercurrent steam distillation.

(ii) Glycerol ester of partially hydrogenated wood rosin, having an acid number of 3 to 10, a drop-softening point of 79° C.–88° C., and a color of N or paler.

(iii) Glycerol ester of partially dimerized rosin, having an acid number of 3 to 8, a drop-softening point of 109° C.–119° C., and a color of M or paler.

(iv) Glycerol ester of fully dimerized rosin, having an acid number of 5 to 16, a drop-softening point of 165° C.–175° C., and a color of H or paler.

(v) Glycerol ester of maleic anhydride-modified wood rosin, having an acid number of 30 to 40, a drop-softening point of 138° C.–146° C., a color of M or paler, and a saponification number less than 280.

(vi) Methyl ester of rosin, partially hydrogenated, having an acid number of 4 to 8, a refractive index of 1.5170 to 1.5205 at 20° C., and a viscosity of 23 to 66 poises at 25° C. The product is purified by countercurrent steam distillation.

(vii) Pentaerythritol ester of wood rosin, having an acid number of 6 to 16, a drop-softening point of 109° C.–116° C., and a color of M or paler.

(viii) Pentaerythritol ester of partially hydrogenated wood rosin, having an acid number of 7 to 18, a drop-softening point of 102° C.–110° C., and a color of K or paler.

(ix) Pentaerythritol ester of maleic amhydride-modified wood rosin, having an acid number of 8 to 16, a drop-softening point of 154° C.–162° C., a color of M or paler, and having a saponification number less than 280.

(x) Pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 9 to 16, a drop-softening point of 130° C.–140° C., a color of N or paler, and having a saponification number less than 280.

(xi) Pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 134 to 145, a drop-softening point of 127° C.–137° C., a color of M or paler, and having a saponification number less than 280.

(xii) Pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 30 to 40, a drop-softening point of 131° C.–137° C., a color of N or paler, and having a saponification number less than 280.

(xiii) Pentaerythritol ester of maleic anhydride-modified wood rosin, further modified by reaction with 4,4'-isopropylidenediphenol-formaldehyde condensate, having an acid number of 10 to 22, a drop-softening point of 162° C.–172° C., a color of K or paler, a saponification number less than 280, and a maximum ultraviolet absorbance of 0.14 at 296 mμ (using a 1-centimeter cell and 200 milligrams of the rosin ester per liter of solvent consisting of ethyl alcohol made alkaline by addition of 0.1 percent of potassium hydroxide).

(xiv) Mixed methyl and pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 73 to 83, a drop-softening point of 113° C.–123° C., a color of M or paler, and a saponification number less than 280.

(xv) Triethylene glycol ester of partially hydrogenated wood rosin, having an acid number of 2 to 10, a color of K or paler, and a viscosity of 350 to 425 seconds Saybolt at 100° C.

(4) Rosin salts and sizes—Ammonium, calcium, potassium, sodium, or zinc salts of rosin manufactured by the partial or complete saponification of gum rosin, wood rosin, tall oil rosin, dark tall oil rosin, dark wood rosin, partially hydrogenated rosin, fully hydrogenated rosin, or disproportionated rosin as identified in subparagraphs (1) and (2) (i), (ii), and (v) of this pragraph, or blends thereof, and with or without modification by reaction with one or more of the following:

(i) Formaldehyde.

(ii) Fumaric acid.

(iii) Maleic anhydride.

(iv) Saligenin.

(b) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect.

(c) The use in any substance or article that is the subject of a regulation in this Subpart F shall conform with any specifications and limitations prescribed by such regulation for the finished form of the substance or article.

(d) The provisions of this section are not applicable to rosins and rosin derivatives identified in § 121.2514(b)(3)(v) and used in resinous and polymeric coatings complying with § 121.2514.

(e) The provisions of this section are not applicable to rosins and rosin derivatives identified in § 121.2520(c)(5) and used in defoaming agents complying with § 121.2519, food-packaging adhesives complying with § 121.2520, and rubber articles complying with § 121.2562.

2. By amending paragraph (c) of § 121.2507 *Cellophane* as follows:

a. By deleting the following items:

Glycerin ester of dimerized rosin.
Maleic acid- or maleic anhydride-modified glycerin ester of rosin.
Rosin (wood, gum, or tall oil) esterified with methanol and condensed with the reaction product of maleic anhydride, ethylene glycol, and phthalic anhydride.
Rosin-maleic anhydride ester.
Rosin polymerized (from wood, gum, or tall oil rosin) minimum 20 percent dimer • • •.

b. By inserting alphabetically the following new items:

Polyester resin formed by the reaction of the methyl ester of rosin, phthalic anhydride, maleic anhydride, and ethylene glycol, such that the polyester resin has an acid number of 4 to 11, a drop-softening point of 70° C.–92° C., and a color of K or paler.
Rosins and rosin derivatives as provided in § 121.——. (Proposed amendment 1.)

3. By amending paragraph (b)(3) of § 121.2514 *Resinous and polymeric coatings* as follows:

a. By changing the introduction to subdivision (v)(*a*) to read:

(*a*) Rosins, refined to color grade of K or paler:	
• • •	
List of substances	*Limitations*
Rosins and rosin derivatives.	As provided in § 121.——. (Proposed amendment 1.)

b. By adding a new (*e*) to subdivision (v), as follows:

(*e*) Rosins (subdivision (v)(*a*) of this subparagraph) as reactants in oil based- or fatty acid-based alkyd resins described in subdivision (vii) of this subparagraph, and used as the basic film former.	
• • •	
List of substances	*Limitations*
Rosins and rosin derivatives.	As provided in § 121.——. (Proposed amendment 1.)

c. By changing the item "Rosin-maleic acid adduct" in subdivision (vii)(*a*) to read:

Terpene-maleic acid adduct.

d. By deleting from subdivision (vii)(b) the item "Rosin and rosin acids."

4. By amending paragraph (d) of § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard* as follows:

a. By deleting from the introduction to subparagraph (2) the term "rosin oils."

b. By inserting alphabetically in subparagraph (3) the following new item:

Rosins and rosin derivatives identified in § 121.2520(c)(5).

5. By amending paragraph (b) of § 121.2526 *Resinous and polymeric coatings for paper and paperboard* as follows:

a. By changing subparagraph (1) to read as follows:

(b) • • •	
(1) Substances identified in § 121.2514(b), with the exception of subparagraph (3)(v) (*a*) through (*d*), inclusive, (xxxi), and (xxxii) of that paragraph.	
• • •	
List of substances	*Limitations*
Rosins and rosin derivatives.	As provided in § 121.——. (Proposed amendment 1.)

b. By deleting from subparagraph (2) the item "Rosin (wood, gum, or tall oil rosin) • • •".

c. By inserting alphabetically in subparagraph (2) the following new items:

List of substances	*Limitations*
• • •	
Polyester resin formed by the reaction of the methyl ester of rosin, phthalic anhydride, maleic anhydride, and ethylene glycol, such that the polyester resin has an acid number of 4 to 11, a drop-softening point of 70° C.–92° C., and a color of K or paler.	----------
Rosin and rosin derivatives.	As provided in § 121.——. (Proposed amendment 1.)

6. By amending paragraph (d)(3) of § 121.2530 *Reinforced wax* by inserting therein alphabetically the new item:

Rosins and rosin derivatives as provided in § 121.——. (Proposed amendment 1.)

7. By amending § 121.2534 *Animal glue* by changing the item "Rosin and rosin derivatives • • •" in paragraph (d)(3) to read as follows:

(d) • • •	
(3) • • •	
List of substances	*Limitations*
Rosins and rosin derivatives.	As provided in § 121.——. (Proposed amendment 1.)

3. By amending § 121.2550 *Closures with sealing gaskets for food containers* in the following respects:

a. By changing the introduction to paragraph (b) to read as follows:

(b) Closure-sealing gaskets and overall discs are formulated from substances identified in § 121.2514(b), with the exception of subparagraph (3)(v), (xxxi), and (xxxii) of that paragraph, and from other optional substances, including the following:

• • • • •

b. By inserting in the "List of substances" in Table 1 of paragraph (b)(5) a new item, immediately following the item "Natural rubber • • •," as follows:

TABLE 1

List of substances	*Limitations (expressed as percent by weight of closure-sealing gasket composition)*
• • •	
Rosins and rosin derivatives.	As defined in § 121. use only in resinous and polymeric coatings on metal substances; for all other uses as defined in § 121.——. (Proposed amendment 1.)

9. By amending § 121.2556 *Preservatives for wood* in the following respects:

a. By deleting from the "List of substances" in paragraph (b) the item "Hydrogenated methyl ester of rosin."

b. By inserting alphabetically in the "List of substances" in paragraph (b) a new item as follows:

List of substances	*Limitations*
• • •	
Rosins and rosin derivatives.	As provided in § 121.——. (Proposed amendment 1.)

10. By amending § 121.2557 *Defoaming agents used in coatings* by inserting alphabetically in the "List of substances" in paragraph (d)(3) a new item as follows:

List of substances	*Limitations*
• • •	
Rosins and rosin derivatives.	As provided in § 121.——. (Proposed amendment 1.)

11. By amending paragraph (c)(4) of § 121.2562 *Rubber articles intended for repeated use* in the following respects:

a. By deleting from subdivision (iv) the item "Rosin oil" and by changing the item "Rosin and rosin derivatives • • •" in that subdivision to read as follows:

(iv) • • •	
Rosins and rosin derivatives identified in § 121.2520(c)(5).	

b. By changing the item "Rosin acid salts • • •" in subdivision (viii) to read as follows:

Rosins and rosin derivatives identified in § 121.2520(c)(5).

12. By changing the items "Resinous and polymeric coatings • • •" and "Rosins and rosin derivatives" in paragraph (b) of § 121.2571 *Components of paper and paperboard in contact with dry food* to read as follows:

(b) • • •	
List of substances	*Limitations*
• • •	
Resinous and polymeric coatings and their constituents listed in § 121.2514(b), with the exception of subparagraph (8)(v)(*a*) through (*d*), (xxxi), and (xxxii).	
• • •	
Rosins and rosin derivatives.	As provided in § 121.——. (Proposed amendment 1.)

All interested persons are invited to present their views in writing regarding the proposals published in this notice. Such views and comments should be submitted preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: April 13, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-3779; Filed, Apr. 16, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[La/Field-3]

DIRECTOR, UNITED STATES A.I.D. MISSION TO CHILE

Delegation of Authority

Pursuant to the authority vested in the Deputy U.S. Coordinator, Alliance for Progress, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the Director, United States A.I.D. Mission to Chile ("Director"), retaining for myself concurrent authority to exercise any of the functions herein delegated:

(1) Authority to execute Capital Assistance Authorizations, loan or grant for projects or programs whenever:

(a) The amount proposed for obligation is less than $2.5 million; and

(b) An Intensive Review Request for the project or program has been approved by the Assistant Administrator or his designee.

(2) Authority to execute amendments to Capital Assistance Authorizations executed heretofore or hereafter, where the amount originally authorized is less than $2.5 million and the amendment does not increase the maximum total amount of the loan or grant to $2.5 million or more.

(3) Authority to negotiate, execute and implement all agreements and amendments to agreements hereafter authorized by the Director.

(4) Authority to implement all loans heretofore authorized for Chile by the Development Loan Fund, the International Corporation Administration, and the Agency for International Development, and all Capital Assistance Activities heretofore or hereafter authorized by the Agency for International Development, this authority to include authority to negotiate, execute and implement agreements and amendments to agreements.

The authority hereby delegated may not be redelegated.

Dated: March 23, 1964.

WILLIAM D. ROGERS,
Deputy U.S. Coordinator, Alliance for Progress.

[F.R. Doc. 64-3776; Filed, Apr. 16, 1964; 8:47 a.m.]

[Delegation of Authority No. 38]

ASSISTANT ADMINISTRATOR FOR THE NEAR EAST-SOUTH ASIA ET AL.

Delegation of Authority Relating to Project Agreements, Trust Fund Agreements, and Grants to International Organizations

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State dated November 3, 1961 (26 F.R. 10608), and in accordance with the provisions of section 635(b) of the Foreign Assistance Act of 1961, it is directed as follows:

1. I hereby delegate authority to the Assistant Administrator for the Near East-South Asia, the Assistant Administrator for Latin America and United States Coordinator for the Alliance for Progress, the Assistant Administrator for Africa, and the Assistant Administrator for the Far East, to sign project agreements and trust fund agreements with foreign governments and foreign government agencies, and grant agreements with international organizations for projects, programs and activities primarily for the benefit of countries within the responsibility of the Assistant Administrator.

2. Such authority may be redelegated to such other officers and employees as may from time to time be appropriate, and shall be exercised in accordance with regulations, policies and procedures now or hereafter established or modified and promulgated within A.I.D.

3. Paragraphs 1(d) and 1(e) of Delegation of Authority to the Deputy Director for Operations from the Director of ICA dated September 28, 1960 (25 F.R. 9927), and paragraph 5 of Delegation of Authority to the Assistant Director for Administration from the Director of ICA dated August 9, 1961 (26 F.R. 7742), are hereby rescinded.

4. This Delegation of Authority shall be effective immediately.

Dated: April 10, 1964.

DAVID E. BELL,
Administrator.

[F.R. Doc. 64-3777; Filed, Apr. 16, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CHARLES M. CUSTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) 100 Shares—American Security Savings & Loan Association Stock at $1.35 per share.
(3) No change.
(4) No change.

This statement is made as of March 27, 1964.

Dated: April 10, 1964.

CHARLES M. CUSTER.

[F.R. Doc. 64-3773; Filed, Apr. 16, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 324]

OTTO ALBRECHT JOSEPH ET AL.

Order Denying Export Privileges

In the matter of Otto Albrecht Joseph, also known as Albert O. Joseph, trading as Latin American Industrial Development Company, 80 Bennett Avenue, New York 33, New York; Jack Schloss, 729 West 186 Street, New York 33, New York; Alfred Nupnau, Moenckebergstrasse 11, I. Stock, Hamburg 1, Germany, respondents; Case No. 324.

By letter dated November 5, 1963 the Director, Export Control Investigations Division, Bureau of International Commerce, charged Otto Albrecht Joseph, doing business as Latin American Industrial Development Company, Jack Schloss, and Alfred Nupnau, with violations of the regulations under the U.S. Export Control Act. Copies of the charging letter were duly served on each of the respondents. The respondent Nupnau failed to respond to the charges or to file an answer and he is held to be in default. The respondent Joseph filed an answer and requested a hearing. Prior to hearing of the charges against him, he submitted a proposal for the entry of a consent order in which, for the purposes of these compliance proceedings only, he admitted the charges set forth in the charging letter. The proposal for the consent order approved by the Director, Investigations Division, consented to the issuance of an order with provisions in substance hereinafter set forth. The respondent Schloss filed an answer and requested a hearing.

In accordance with the usual practice the case was referred to the Compliance Commissioner. He held a hearing on the charges against Schloss on February 26, 1964. The Compliance Commissioner has considered the pleadings and evidence and has submitted to the undersigned his written report including findings of fact and findings that violations have occurred. He has approved the consent proposal submitted by Joseph and recommended that it be accepted. He has recommended that remedial action as hereinafter set forth be taken against the respondents. The Compliance Commissioner has also submitted the record in the case including the pleadings, exhibits, and transcript of testimony. After considering the entire record in the case, I hereby make the following findings of fact:

FINDINGS OF FACT

1. The respondent Otto Albrecht Joseph, also known as Albert O. Joseph, was an exporter in New York City and did business under the name of Latin American Industrial Development Company. He also did business under the name of Metals & By Products Company. The respondent Jack Schloss of New York City was an export sales broker who brought together potential foreign buyers with potential U.S. sellers. The respondent Alfred Nupnau was in the import-export business in Hamburg, West Germany.

2. Nupnau desired to purchase for a customer of his, a firm in West Germany, a quantity of tantalum scrap. This commodity was on the U.S. Positive List and required a validated license for this exportation. Nupnau communicated with Schloss and he brought Joseph, an exporter of this material, into the transaction. Following negotiations Nupnau ordered from Joseph 250 lbs. at $14 per pound. Joseph accepted the order subject to obtaining a U.S. export license and he requested Nupnau to furnish a West German Import Certificate. Nupnau furnished such a certificate which showed that he was the importer. On October 9, 1961 Joseph submitted to BIC an application for a license to export this material to Nupnau. This was accompanied by the import certificate which Nupnau has furnished.

3. For some time prior to this transaction Nupnau had been having difficulties with BIC regarding the granting of export licenses where he was a party to a license application. Joseph and Schloss knew that such difficulties existed but did not know the reason therefor. Joseph had doubts that the license application showing Nupnau as importer would be granted and he expressed these doubts to Schloss and suggested that Nupnau furnished an import certificate from his user-customer so that such new certificate could be substituted for the one which had been submitted to BIC. Schloss wrote to Nupnau transmitting Joseph's doubts and suggestion.

4. On October 19, 1961 BIC orally notified Joseph that the application of October 9, 1961 would be rejected and on October 27, 1961 notified him in writing of such rejection for the reason that approval would be contrary to the national interest. Joseph informed Schloss and Nupnau that the application had been rejected. Thereupon Nupnau wrote to Schloss that he would handle the transaction by using a Hamburg firm as an intermediary. Schloss conveyed this information to Joseph. Schloss, at the request of Joseph, asked Nupnau to furnish a new import certificate from the new firm.

5. Through deceitful means Nupnau obtained a West German import certificate in the name of a firm which was in receivership and which firm had no real interest in the importation. Nupnau sent the import certificate to Joseph. Joseph, as exporter, filed a second application for an export license which was accompanied by said import certificate. Schloss knew that Joseph had filed a second application using this import certificate but Schloss was not a party to the application. Neither Schloss nor Joseph knew of the deceitful means used by Nupnau in obtaining the import certificate. However, both Schloss and Joseph knew that Nupnau was the real party in interest as importer and that the firm named as importer in the import certificate had no real interest as importer.

6. BIC suspected that Nupnau was the real party in interest in the second import certificate and an end-use check was made through the U.S. Consulate. The true nature of the transaction and Nupnau's interest was disclosed and the license application was rejected and the exportation was not made.

7. The firm which Nupnau represented to Schloss as his customer was a reputable West German firm and would have been an ultimate consignee satisfactory to BIC.

Based on the foregoing I have concluded that the respondents Nupnau, Joseph, and Schloss, in violation of § 381.3(b) of the export regulations, acted in concert to bring about acts which constituted violation of the export regulations; that the respondents Joseph and Schloss, in violation of § 381.2 of the export regulations, aided and permitted the doing of acts prohibited by the export regulations; that the respondent Nupnau, in violation of § 381.5 of the export regulations, acting through a foreign government agency, in connection with the preparation and issuance of an import certificate, made false statements to and concealed material facts from the Office of Export Control; that the respondent Joseph, in violation of § 381.5 of the export regulations, in connection with the preparation and submission of an application for an export license, made false statements to and concealed material facts from the Office of Export Control.

As to the sanctions that should be imposed, the Compliance Commissioner said:

> The consent proposal submitted by Joseph and acceptable to the Director of the Investigations Division calls for denial of export privileges for one month and probation thereafter for six months. I consider this sanction as fair and just and have approved the consent proposal and recommend that it be accepted. As above stated, Joseph does business under the name and style of Latin American Industrial Development Company. He also does business under the name and style of Metals & By Products Company and the order should also be effective against said firms.
>
> Schloss did not participate directly in the deception practiced by Joseph or Nupnau. However, he worked together with the other parties, acquiesed in, and, to a degree, aided them in their plan. As to him I recommend that he be denied export privileges for one month but that the effective denial be held in abeyance and that he be placed on probation for six months.
>
> Nupnau is the party primarily responsible for the violations which took place. He induced the former director of Hazan Danon, a firm in receivership, to apply for and obtain the West German import certificate. This firm had no real interest in the transaction and Nupnau used its name as a subterfuge in an attempt to hide his own interest. He made false and misleading statements that Hazan Danon was the importer and concealed the material fact that he was the importer. He bears a much greater degree of culpability than either of the other respondents. I recommend that Nupnau be denied export privileges for one year and that thereafter he be placed on probation for an additional two years.

I have considered the entire record and the recommendations of the Compliance Commissioner concerning the sanctions that should be imposed and have concluded that the recommendations of the Compliance Commissioner concerning the sanctions that should be imposed and have concluded that the recommendations are fair and just and designed to achieve effective enforcement of the law. Accordingly, it is hereby ordered:

I. All outstanding export licenses in which the respondents Alfred Nupnau or Otto Albrecht Joseph, also known as Albert O. Joseph, trading as Latin American Industrial Development Company and also as Metals & By Products Company, appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof the respondent Nupnau for a period of three years from the effective date hereof, and the respondents Joseph and Schloss for a period of six months from the effective date hereof are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. (A) As to the respondent Schloss, the provisions of Part II hereof shall be held in abeyance for the entire six months period and said respondent shall be on probation under the conditions set forth in (D) of this part. (B) As to the respondent Joseph, the privileges denied under Part II hereof shall be restored conditionally one month after this order becomes effective and thereafter said respondent shall be on probation for the remainder of the denial period under the conditions set forth in (D) of this part. (C) As to the respondent Nupnau, the privileges denied under Part II hereof shall be restored conditionally one year after this order becomes effective and thereafter said respondent shall be on

probation for the remainder of the denial period under the conditions set forth in (D) of this part. (D) The conditions referred to in (A), (B), and (C) of this part are that the respondents shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that any respondent has knowingly failed to comply with the requirements and conditions of this order or with the conditions of probation, said official at any time, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said person and deny all export privileges, for a period up to six months as to Joseph and Schloss, and for a period up to three years as to Nupnau. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. Any person affected by a supplemental order revoking without notice his probation, may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 382.16 of the export regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on April 10, 1964.

Dated: April 6, 1964.

RAUER H. MEYER,
Acting Director,
Office of Export Control.

[F.R. Doc. 64-3774; Filed, Apr. 16, 1964; 8:47 a.m.]

National Bureau of Standards

RADIO STATION WWV

Changes in Program

Notice of changes in program of National Bureau of Standards Radio Station WWV, Greenbelt, Maryland.

Notice is hereby given of the changes in program following the installation of a new announcing machine at WWV on November 15, 1963.

Previous schedule	*Present schedule*
No frequency offset information.	Frequency offset M150[1] broadcast in Morse Code immediately following the "on-the-hour" voice announcement.
Propagation forecasts in Morse Code twice hourly during 20th and 50th minutes.	Propagation forecasts in Morse Code every five minutes immediately following Morse Code time announcements.

[1] M150 indicates all frequencies broadcast are lower than their nominal values, which are based on the present International definition of the second, by 150 parts in 10^{10}.

A. V. ASTIN,
Director,
National Bureau of Standards.

[F.R. Doc. 64-3781; Filed, Apr. 16, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-81]

[NDA No. 10-781]

PURDUE FREDERICK CO.

Somatovite Liquid; Notice of Withdrawal of Approval of New-Drug Application

The Purdue Frederick Company, Yonkers, New York, the applicant for and the holder of new-drug application No. 10-781 covering the drug Somatovite Liquid, having requested, by Laboratories for Pharmaceutical Development, agent for The Purdue Frederick Company, the withdrawal of the approval of said application, and thereby having waived notice of hearing as provided by section 505(e) of the Federal Food, Drug, and Cosmetic Act, prior to such withdrawal:

The Commissioner of Food and Drugs by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1052; 21 U.S.C. 355(e)) and delegated to the Commissioner by the Secretary (21 CFR 2.90; 29 F.R. 471) finds that, on the basis of new information evaluated together with the evidence available when new-drug application No. 10-781 covering the drug Somatovite Liquid was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of the drug are inadequate to assure and preserve its identity, strength, quality, and purity;

Wherefore, on the foregoing finding of fact and the request of the applicant, the approval of new-drug application No. 10-781 covering Somatovite Liquid is hereby withdrawn, effective on the date of signature of this document.

Dated: April 13, 1964.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 64-3780; Filed, Apr. 16, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-4]

GENERAL NUCLEAR ENGINEERING CORP., AND PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Determination and Authorization

Please take notice that pursuant to paragraph 5.A. of Provisional Operating Authorization No. DPRA-4 dated April 2, 1964, and based upon a review and evaluation by this Division of the results of inspections made by the Division of Compliance with respect to the completion of the Boiling Nuclear Superheater (BONUS) Power Station (the facility) located at Punta Higuera, Puerto Rico, I have found (1) that construction of the facility has been completed in conformity with the Construction Authorization, the Final Hazards Summary Report, and the Technical Specifications to Provisional Operating Authorization No. DPRA-4 to the extent necessary to permit loading of the core and operation of the facility, and (2) that all pre-operational tests required for loading to criticality have been completed.

Accordingly, on April 6, 1964, General Nuclear Engineering Corporation and the Puerto Rico Water Resources Authority were authorized to load the core and to operate the Boiling Nuclear Superheater Power Station in accordance with Provisional Operating Authorization No. DPRA-4.

Dated at Bethesda, Md., this 8th day of April 1964.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 64-3760; Filed, Apr. 16, 1964; 8:45 a.m.]

[Docket No. 70-810]

WESTERN NEW YORK NUCLEAR RESEARCH CENTER, INC.

Notice of Issuance of License SNM-781

Notice is hereby given that the Atomic Energy Commission, on April 8, 1964, issued Special Nuclear Material License No. SNM-781 to Western New York Nuclear Research Center, Inc., a Subsidiary of State University of New York. The license authorizes the transfer of irradiated fuel elements used in the reactor licensed under facility license R-77, from the campus at Buffalo, New York to the U.S.-Canadian border at the Peace Bridge where they will be transferred to the Atomic Energy Commission's Division of International Affairs for further shipment to McMaster University at Hamilton, Ontario, Canada. The design of the shielded cask, which will be used for the shipment, was previously approved in connection with the issuance of License No. SNM-130, Docket No. 7-154. The shipments are to be made in accordance with the procedures described in the application dated November 11, 1963 as supplemented to date. For further details see (1) the application and (2) a Safety Analysis by the Irradiated Fuels Branch of the Division of Materials Licensing in Docket No. 70-810 both of which are on file at the AEC's Public Document Room. A copy of the Safety Analysis by the Irradiated Fuels Branch is available upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention, Director, Division of Materials Licensing.

Dated at Bethesda, Md., this 8th day of April 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[F.R. Doc. 64-3761; Filed, Apr. 16, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14493]

EASTERN AIR LINES PHILADELPHIA-WILMINGTON SERVICE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 21, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., April 14, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-3791; Filed, Apr. 16, 1964; 8:50 a.m.]

[Docket No. 14288]

MICHIGAN AREA AIRLINE SERVICE AIRPORT INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 401, 1001, and 1004 thereof, that the above-entitled proceeding is hereby assigned for hearing on May 5, 1964, at 10 a.m., in room 911, Universal Building, Connecticut and Florida Aves. NW., Washington, D.C., and for further hearing on May 11, 1964, at 10 a.m., in the Auditorium, Second Floor, Building 1A, Federal Center, 74 North Washington, Battle Creek, Mich., and on May 12, 1964, at 10 a.m., in the Civil Service Exam. Room, Federal Building, 410 West Michigan, Kalamazoo, Mich., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues raised by the pleadings in this proceeding, particular attention will be directed to the following matters:

1. Do the public convenience and necessity require the alteration, amendment, or modification of the certificate of public convenience and necessity of North Central Airlines, Inc., so as to require service to Battle Creek and Kalamazoo, Mich., through a single area airline service airport?

2. Do the public convenience and necessity require the alteration, amendment, or modification of the certificate of public convenience and necessity of Lake Central Airlines, Inc., so as to redesignate Kalamazoo as Battle Creek-Kalamazoo and require service to the above redesignated point through a single airport?

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices entered by the Board and the examiner, the documents filed by the parties, and the examiner's prehearing-conference report served May 2, 1963, and supplemental report served May 20, 1963, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before April 28, 1964, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., April 13, 1964.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 64-3792; Filed, Apr. 16, 1964; 8:50 a.m.]

[Docket No. 14875 etc.]

SERVICE TO HURON, SOUTH DAKOTA

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 12, 1964, at 10:00 a.m., local time, at the Plains Motel, 924 Fourth Street NE., Huron, South Dakota, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Order E-20654, dated April 6, 1964, the prehearing conference report served March 6, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 13, 1964.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 64-3793; Filed, Apr. 16, 1964; 8:50 a.m.]

[Docket 13795 etc.]

SUPPLEMENTAL AIR SERVICE PROCEEDING

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on May 21, 1964, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

In order to facilitate conduct of the conference, all parties are directed to submit to the Examiner and serve on all parties, on or before May 11, 1964, copies of a written statement of position with respect to the following matters:

1. *Issues.* The ultimate issues are those set forth in Order E-20573. To the extent that specific subsidiary issues are proposed, they should be formulated for the consideration of all parties.

2. *Requests for information.* Each statement shall list in detail any information or evidence desired of other parties.

3. *Proposed stipulations.* Rule 24(m) of the rules of practice sets forth the data which are normally the subject of official notice. In view of the large number of parties and the broad expanse of the issues, additional stipulations of fact concerning the applicants, other evidentiary material, etc., might be highly desirable.

4. *Applications.* Each applicant shall designate with particularity the applications and portions thereof it desires to prosecute. If an applicant is proposing authorizations involving service between specific terminal and intermediate points or between particular geographic areas which are not specifically designated in its applications, the statement shall so state.

5. *Procedural dates.* Statements shall set forth the party's views on the timetable to be established for further procedural steps following the prehearing conference, such as the exchange of exhibits and hearing.

6. *Hearing.* To the extent presently feasible, the parties shall indicate the number of witnesses to be offered in support of or in opposition to the applications. Suggestions by the parties generally are invited concerning dates for hearing, the necessity, if any, for field hearings, possible separate hearing sessions on public convenience and necessity and fitness issues, and related matters.

One copy of each statement of position will be submitted to the Examiner and served on each party. Such statements

are not to be filed with the Board's Docket Section.

Dated at Washington, D.C., April 14, 1964.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 64-3794; Filed, Apr. 15, 1964; 8:50 a.m.]

[Docket No. 14945; Order E-20585]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of March 1964.

An agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket No. 14945, Agreement C.A.B. 17633, R-3 and R-4.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers, names additional specific commodity rates as follows:

Item 2417—Shoes and Slippers, Finished; Shoe and Slipper Soles, Heels and Uppers, excluding any other parts thereof.

Rate: 96 cents per kilogram, minimum weight 500 kilograms, from Casablanca/Rabat to New York.

Item 8207[1]—Musical Instruments, N.E.S., and parts thereof.

Rate: 65 cents per kilogram, minimum weight 200 kilograms, from New York to Amsterdam.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered, That Agreement C.A.B. 17633, R-3 and R-4, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3795; Filed, Apr. 16, 1964; 8:51 a.m.]

[1] To reverse routing in Item 8207 to read "from New York to Amsterdam."

[Docket No. 14945; Order E-20688]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of April 1964.

An agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket No. 14945, Agreement C.A.B. 17633, R-6.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers, names an additional specific commodity rate as follows:

Item 2418—Shoes and slippers, finished; shoe and slipper soles, heels and uppers, excluding any other parts thereof.

Rate: 80 cents per kilogram, minimum weight 200 kilograms, from Athens to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered, That Agreement C.A.B. 17633, R-6, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 64-3796; Filed, Apr. 16, 1964; 8:51 a.m.]

[Docket No. 13777; Order E-20686]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of April 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17666, R-10 through R-13.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates and cancels one rate as set forth below.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17666, R-10 through R-13, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

C.A.B. agreement 17666	IATA memorandum TC1/rates	Commodity item No.	Rates
R-13	1937	4401	44 cents per kilogram, minimum weight 100 kilograms, from Panama City to Lima.
R-12	1940	2203	23 cents per kilogram, minimum weight 200 kilograms, from Barbados to San Juan.
R-11	1942	4201	37 cents per kilogram, minimum weight 500 kilograms, from Panama City to Mexico City.
R-10	1943	4211	Cancels 33 cents per kilogram, minimum weight 500 kilograms, from Panama City to Mexico City.

[F.R. Doc. 64-3797; Filed, Apr. 16, 1964; 8:51 a.m.]

[Docket No. 13777; Order E-20687]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17666, R-3 through R-9.

Adopted by the Civil Areonautics Board at its office in Washington, D.C., on the 13th day of April 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional specific commodity rates from Houston to Panama City as set forth below.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17666, R-3 through R-9, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

C.A.B agreement 17666	IATA memorandum TC1/ rates	Commodity item numbers	Rates
R-3	1950	8001	43/39 cents per kilogram; Minimum weight 45/200 kilograms, respectively.
R-4	1949	7400	
R-5	1948	6200	
R-6	1947	5100	
R-7	1946	4010	
R-8	1945	3300	
R-9	1944	3002	

[F.R. Doc. 64-3798; Filed, Apr. 16, 1964; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket 14321-14328; FCC 64M-308]

BLACK HILLS VIDEO CORP.

Order Continuing Hearing

In re applications of Black Hills Video Corporation, Docket No. 14321, File No. 223-C1-R-61, for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14322, File No. 361-C1-ML-61, for modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14323, File No. 338-C1-R-61, for renewal of the license for Station KKU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Texas; Docket No. 14324, File No. 752-C1-R-61, for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colorado; Docket No. 14325, File No. 753-C1-R-61, for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebraska; Docket No. 14326, File No. 754-C1-R-61, for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebraska; Docket No. 14327, File No. 755-C1-R-61, for renewal of the license for Station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyoming; Docket No. 14328, File No. 756-C1-R-61; for renewal of the license for Station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, South Dakota.

The Hearing Examiner having under consideration the informal request of Black Hills Video Corporation filed herein on April 10, 1964, for continuance of hearing from April 20, 1964, to April 27, 1964;

It appearing, that all parties have consented to immediate consideration and grant of the said request and that good cause for a grant thereof is shown:

It is ordered, This 10th day of April 1964, that the said request is granted and the hearing herein is continued from April 20, 1964, to April 27, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: April 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3786; Filed, Apr. 16, 1964; 8:49 a.m.]

[Docket Nos. 12865, 12866; FCC 64M-305]

CHRONICLE PUBLISHING CO. (KRON-TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO-TV)

Memorandum Opinion and Order Continuing Prehearing Conference

In re applications of Chronicle Publishing Company (KRON-TV), San Francisco, California, Docket No. 12865, File No. BPCT-2168; American Broadcasting-Paramount Theatres, Inc. (KGO-TV), San Francisco, California, Docket No. 12866, File No. BPCT-2401; for construction permits.

1. The Commission designated the two above-captioned applications for hearing in a consolidated proceeding through an order released May 4, 1959. Since that time there have been innumerable delays and changes in events which are referred to in the various transcripts of record.

2. At the last prehearing conference on March 23, 1964, counsel for the applicants, as well as counsel for Westinghouse Broadcasting Company, Inc., an intervenor, and the Commission's Broadcast Bureau, were of the unanimous opinion that conditions have been so altered since 1959 that it is doubtful whether the hearing can be held upon the issues as now framed. For instance, Issue Number 1 is actually moot. Issue Number 2 is an air hazard issue predicated upon a state of facts which no longer exist. Issue Number 3 relates to both Issues Numbers 1 and 2.

3. Consequently, the parties were of the opinion that the matter should be presented to the Commission for its attention and consideration in light of the present posture of the proceeding.

4. Therefore, on March 27, 1964, the American Broadcasting-Paramount Theatres, Inc. (KGO-TV) filed a petition for modification of the issues herein.

5. Subsequently, on April 3, 1964, Chronicle Publishing Company (KRON-TV) likewise filed a petition for the modification of the issues, as well as an opposition to the other applicant's petition for modification of issues.

6. Later, on April 9, 1964, the intervenor, Westinghouse, filed a petition requesting modification of issues.

7. Counsel for the Broadcast Bureau has informally advised the Hearing Examiner that it will file responses to both petitions of the respective applicants.

8. It is apparent that the issues requested by the applicants are neither identical nor exactly comparable. However, the Westinghouse petition embraces all of the requested issues embodied in the AB-Paramount petition in addition to one further requested issue.

9. In light of the current state of the proceeding, it is deemed appropriate that the matter should be held in abeyance pending disposition by the Commission of the current interlocutory pleadings.

Accordingly, it is ordered, This 10th day of April 1964, that the prehearing conference herein now scheduled for April 13, 1964, be and the same is hereby continued to a date to be hereinafter determined.

Released: April 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3787; Filed, Apr. 16, 1964; 8:49 a.m.]

[Docket No. 15410]

BILL HOBSON

Order To Show Cause

In the matter of Bill Hobson, Port Orchard, Washington, Docket No. 15410; order to show cause why the license for radio station WS8115 aboard the Vessel "Hyding" should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated February 13, 1964, and a follow-up letter dated March 2, 1964, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.89 of the Commission's rules:

It is ordered, This 13th day of April 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the licensee at the address of record at Port Orchard, Washington, and also at the address of P.O. Box 362, Bremerton, Washington.

Released: April 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3788; Filed, Apr. 16, 1964; 8:49 a.m.]

[Docket No. 15176 etc.; FCC 64M-309]

WTIF, INC., ET AL.

Order Scheduling Hearing Conference

In the matter of revocation of license of radio station WTIF, Inc. for standard broadcast station WTIF, Tifton, Georgia, Docket No. 15176; in re applications of WDMG, Inc., Docket No. 15177, File No. BR-1709, for renewal of license of standard broadcast station WDMG, Douglas, Georgia; WMEN, Inc., Docket No. 15274, File No. BR-3030, for renewal of license of standard broadcast station WMEN, Tallahassee, Florida; B. F. J. Timm, Jacksonville, Florida, Docket No. 15275, File No. BP-13649, for construction permit.

It is ordered, This 13th day of April 1964, on the Hearing Examiner's own motion, that a hearing conference in the above-entitled matter will be held commencing at 9:30 a.m., April 20, 1964, in Room 6318, New Post Office Building, Washington, D.C.

Released: April 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 64-3789; Filed, Apr. 16, 1964; 8:50 a.m.]

[Docket Nos. 15254, 15255; FCC 64R-192]

ULTRAVISION BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, Buffalo, New York, Docket No. 15254, File No. BPCT-3200; WEBR, Inc., Buffalo, New York, Docket No. 15255, File No. BPCT-3211; for construction permits for new television broadcast stations.

1. The Review Board has before it a motion to modify and enlarge issues in the above-captioned proceeding, filed by WEBR, Inc.[1] The motion seeks to modify the order designating this matter for hearing by deleting certain language from the second "It Appearing" clause which was designed to limit the scope of the financial qualifications issue to matters described therein. It would also have the Board add issue 3 "to determine whether Ultravision Broadcasting Company's estimate of its first year's operating revenues is reasonable and, if not, whether there is a reasonable assurance of effectuation of the program proposal contained in the Ultravision application", and a comparative coverage issue.

2. The Commission in its order designating this matter for hearing found each of the applicants to be legally, technically and otherwise qualified to construct and operate its proposed television station. However, it had some questions as to the availability to Ultravision of a proposed bank loan in the amount of $150,000. Therefore, it was unable to find Ultravision financially qualified but specified that evidence to be adduced with respect to the financial issue would be restricted to this particular deficiency or to an alternative showing of financial qualifications. WEBR, Inc. urges that there are also questions as to whether Mr. Florian R. Burczynski can make available a $60,000 loan to the partnership and still provide the security which the bank will require for the $150,000 loan which it will make to the partnership. In this connection, it is noted that the letter from the Manufacturers and Traders Trust Co. of Buffalo, New York is addressed to Ultravision Broadcasting Company and does not in any way indicate that Mr. Burczynski will be required to personally secure the proposed loan. Ultravision submitted a revised balance sheet for Mr. Burczynski as of January 31, 1964, with its opposition to this petition, which shows that Mr. Burczynski has assets which are liquid or readily convertible as follows:

Cash on hand	$52,355.69
Cash value of insurance	14,749.75
Securities listed on major exchanges	7,537.77
Securities sold over the counter in Buffalo	20,606.05
Total	[2] $95,249.26

Moreover, Mr. Burczynski's balance sheet indicated substantial other assets consisting of notes receivable to him and proprietary interest in several businesses in Buffalo which, together with his assets described above, establish his net worth at $383,738.40. In view of these circumstances, it is clear that Mr. Burczynski can meet his $60,000 loan commitment to Ultravision Broadcasting.

3. Petitioner also urged that there is a serious question as to whether Mr. Lund can meet his commitment to lend $35,000 to Ultravision. However, the applicant submitted an affidavit of Robert F. Meyer, Vice President of the Marine Trust Company of Western New York, Buffalo, N.Y., advising the Commission that a $35,000 loan would be made available to Mr. Lund if and when he requests it, and that such loan would be repayable in equal semiannual installments over a period of from 5 to 10 years, with exact duration of the time to be fixed at the time the loan is made. This affidavit effectively removes any doubt as to the availability of the $35,000 which Mr. Lund is committed to lend Ultravision. In these circumstances, it is clear, with the exception of the outstanding question concerning the $150,000 loan to be made to Ultravision Broadcasting Company by the Manufacturers and Traders Trust Co. of Buffalo, the funds relied upon by the applicant will be available to it.

4. The petitioner has urged that the applicant substantially under-estimated its cost of construction in its pre-operational expenses. This argument runs to the sufficiency of the funds to accomplish the proposal and should be raised with the Hearing Examiner. South Central Broadcasting Corp., 9 RR 1035 (1953); Triangle Publications Inc. (WNHC) FCC 61-99, 21 RR 187 (1961); and Rhinelander Television Cable Corp., 25 RR 476 (1963). The petitioner's request to delete the limiting language from the Appearing clause will therefore be denied and the limitation imposed on the issue by the Commission will remain.

5. It is agreed by all parties that a comparative coverage issue must be added. WEBR requests an issue which would permit a comparison of the city grade, grade A, and grade B contours, and a comparison of population and services available in the area which are proposed to be served by one applicant and not the other. Ultravision suggests that the issue should be framed to permit it to show that because of the location of its antenna, it will provide a stronger signal to the population in the central Buffalo area than would be available from the WEBR proposal. The Bureau urges that the comparative consideration should be restricted to a showing concerning the respective grade B service contours. Petitioner has established that there are sufficient differences between the areas and populations encompassed within the applicants' proposed Grade A and Grade B contours to warrant the addition of issues to permit the determination of these differences. Publix Television Corporation, 18 RR 771 (1959); Wabash Valley Broadcasting Corporation, 18 RR 1021 (1959). However, petitioner has not established that the addition of an issue concerning differences in the coverage attained by the proposed City Grade contours is warranted. Section 73.685 of the rules specifies the minimum field intensity to be attained over the principal city to be served (principal city signal). WEBR's exhibits depict that both applicants provide the required signal over Buffalo, New York, the principal community to be served. Since both applicants meet the requirement of the rule, the requested issue is not warranted. Cleveland Broadcasting, Inc., 1 RR 2d, 949 (1964).

6. With respect to the proposed new issue 3, the petitioner urges that Ultravision's proposal is for a fourth station in a community with three VHF stations, that there are few, if any, modern UHF receivers in Buffalo, that network programming will not be available to the applicant, and thus that it is highly unrealistic to anticipate operating revenues of $250,000 for the first year, and that in view of these facts, the Commission's usual procedure for determining financial qualifications is inappropriate in this case. The Bureau agrees that the circumstances surrounding the operation of a UHF station which is the fourth station in an all VHF market are different than those normally encountered by VHF applicants. It points out, however, that such an inquiry as that requested by the petitioner is contrary to the Commission's present policy with respect to the financial showing required of applicants. However, the Bureau observes that at this stage of the development of UHF television, it is extremely important for the service to succeed and that some financial requirements beyond the minimal showing of ability to construct and to operate for 3 months without revenues might well be considered. In view of this, the Bureau urges the Board to certify this particular question to the Commission for its consideration. The Review Board agrees that the issue sought here goes far beyond the Commission's established policy with respect to financial showings. Moreover, the Board is impressed with the petitioner's and the Bureau's argument that the circumstances which confront a UHF television applicant in a 3 VHF station market are substantially different than those normally encountered by a VHF television applicant. The Board will therefore certify this question to the Commission.

Accordingly, it is ordered, This 3d day of April 1964, That the Motion to Modify and Enlarge Issues is granted in part and denied in part; and

It is further ordered, That the request to delete certain language from the hearing order is denied; the issues are enlarged to include the following issues:

(3) To determine the location of the proposed Grade A and Grade B contours of the applicants in this proceeding.

(4) To determine, on a comparative basis, the areas and populations of the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed operations.

(5) In the event the proof under issues (3) and (4) above shall establish that either applicant will bring actual service to areas and populations not served by its competitor, to determine the number of services, if any, presently available to such areas and populations;

and Issue 3 requested by the petitioner is hereby certified to the Commission for its determination.

Released: April 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3790; Filed, Apr. 16, 1964; 8:50 a.m.]

[1] Motion to Modify and Enlarge The Issues, filed 1-22-64 by WEBR, Inc.; Opposition to WEBR's Motion to Modify and Enlarge Issues, filed 2-28-64 by Ultravision Broadcasting Company; Broadcast Bureau's Response to Motion to Modify and Enlarge The Issues, filed 2-28-64; and Reply to Responses to Motion to Modify and Enlarge the Issues, filed 3-11-64 by WEBR, Inc.

[2] The value of the listed securities was market value as of the date of the balance sheet.

FEDERAL POWER COMMISSION

[Docket No. RI64-688]

E. W. CAMPBELL ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

APRIL 10, 1964.

On March 12, 1964,[1] E. W. Campbell (Operator), et al.,[2] (Campbell) tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change,[3] dated March 10, 1964.
Purchaser and producing area: Northern Natural Gas Co. (Hugoton Field, Kearny County, Kans.).
Rate schedule designation: Supplement No. 1 to Campbell's FPC Gas Rate Schedule No. 4.
Effective date: April 12, 1964.[4]
Amount of annual increase: $131.[5]
Pressure base: 14.65 psia.
Effective rate: 10.4458 cents per Mcf.[6][7]
Proposed rate: 11.0 cents per Mcf.[8]

The presently effective rate under Campbell's rate schedule is 11.0 cents per Mcf subject to a full proportionate downward Btu adjustment for gas containing less than 925 Btu per cubic foot. No change is proposed in the 11.0 cents per Mcf base price. The subject filing amends the contract involved so as to eliminate any reduction in price for gas containing less than 925 Btu's.

Campbell states that the Btu content of the gas involved herein is 925 Btu's. However, the filing shows that increased revenues amounting to $131 annually will be collected. Such increased revenues reflect an average Btu content of the gas at 878.4 per cubic foot. Information in the Commission's files disclose that the Btu content of the gas being produced from the subject well is approximately 875 Btu's. Application of the 11.0 cents minimum price to the 878.4 Btu gas would be equivalent of a 11.58 cents per Mcf rate for 925 Btu gas. Under the circumstances, we believe that the 11.0 cents per Mcf rate for 878 Btu gas should be suspended because it exceeds the area ceiling price for in-

[1] Filing completed March 23, 1964.
[2] Address is: Lakin, Kansas.
[3] Includes agreement dated February 28, 1963, which eliminates downward Btu adjustment based on 925 Btu and establishes rate of 11.0 cents per Mcf regardless of Btu content.
[4] The stated effective date is the effective date requested by Respondent.
[5] Based on elimination of downward Btu adjustment.
[6] Applicant states that the 11.0 cents per Mcf rate is subject to tax reimbursement, however, there are no taxes which apply and applicant is not receiving any tax reimbursement.
[7] Includes base rate of 11.0 cents per Mcf less downward Btu adjustment from 925 Btu. (Gas contains approximately 878 Btu's.)
[8] Rate not to be less than 11.0 cents per Mcf regardless of Btu content of gas (based on 878.4 Btu—rate is equivalent to 11.58 cents per Mcf for 925 Btu gas).

creased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 1 to Campbell's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Campbell's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, Supplement No. 1 to Campbell's FPC Gas Rate Schedule No. 4 is hereby suspended and the use thereof deferred until September 12, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 27, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3763; Filed, Apr. 16, 1964; 8:45 a.m.]

[Docket No. RP64–9]

CITIES SERVICE GAS CO.

Notice of Extension of Time and Further Postponement of Prehearing Conference

APRIL 10, 1964.

Upon consideration of the motion for extension of time for filing of intervenors' evidence and for postponement of prehearing conference filed on April 7, 1964, by counsel for Midwest Industrial and Commercial Gas Users Association and Sheffield Division, Armco Steel Corporation, and the concurrences therein filed on April 8, 1964, and April 10, 1964, by counsel for the State Corporation Commission of the State of Kansas and the Municipal Group, respectively;

Notice is hereby given that the time is extended to and including April 27, 1964, within which all intervenors shall serve their testimony and exhibits.

Further, notice is hereby given that the prehearing conference now scheduled to commence on April 23, 1964, is further postponed to May 7, 1964.

By direction of the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3764; Filed, Apr. 16, 1964; 8:45 a.m.]

[Project No. 2446]

COMMONWEALTH EDISON CO.

Notice of Application for License

APRIL 10, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Commonwealth Edison Company (correspondence to: Hubert H. Nexon, Vice President, Commonwealth Edison Company, 72 West Adams Street, Room 1822, Chicago, Illinois, 60690), for license for constructed Project No. 2446, known as the Dixon Hydro Project, located on Rock River in the vicinity of the City of Dixon, Lee County, Illinois.

The project consists of: A dam composed of a rock-filled timber crib encased with steel piling and capped with concrete; a powerhouse containing five 800 horsepower vertical shaft turbines connected to five 800 kva vertical shaft generators; a substation; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 8, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3765; Filed, Apr. 16, 1964; 8:46 a.m.]

[Project No. 2451]

CONSUMERS POWER CO.

Notice of Application for License

APRIL 10, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Consumers Power Company (correspondence to: W. R. Boris, Secretary, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan, 49201) for license for constructed Project No. 2451, known as the Rogers Project, located on Muskegon River, Mecosta County, Michigan, in the vicinity of Big Rapids and Stanwood.

The project consists of: A dam about 800 feet long, including 3 earth embankment sections with concrete corewall, a gated spillway section about 150 feet long, and a powerhouse section occupying about 50 feet along the dam; a reservoir having 610 acres of surface area extending upstream about 7½ miles; a fish chute; a log chute; a powerhouse with four 2110 horsepower turbines each connected to a 1875 kva generator; a substation; a 46 kv circuit connection about 140 feet long extending to Applicant's interconnected transmission system; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 15, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3766; Filed, Apr. 16, 1964; 8:46 a.m.]

[Project No. 2452]

CONSUMERS POWER CO.

Notice of Application for License

APRIL 10, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Consumers Power Company (correspondence to: W. R. Boris, Secretary, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan, 49201) for license for constructed Project No. 2452, known as the Hardy Project, located on the Muskegon River in Newago and Mecosta Counties, Michigan, in the vicinity of Morley and White Cloud.

The project consists of: An earth embankment dam about 3,000 feet long containing about 1,950 feet of concrete corewall; an emergency spillway about 600 feet long at the right end of dam with crest of fixed and successively overturning concrete sections and concrete paved discharge channel; a reservoir extending upstream about 19 miles containing a surface area of about 3,971 acres; three-part concrete penstocks (with intake tower) through dam to powerhouse; a powerhouse with three 14,800 horsepower turbines, each direct connected to a 10,000 kilowatt generator; a 7.2/138 kv substation; about 5 miles of 138 kv transmission line connecting to Applicant's 138 kv Croton switching station; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 15, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3767; Filed, Apr. 16, 1964; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

KENTUCKY

Amendment to Notice of Major Disaster

Notice of Major Disaster for the Commonwealth of Kentucky dated March 18, 1964, and published March 25, 1964 (29 F.R. 3717), as amended, dated March 30, 1964, and published April 4, 1964 (29 F.R. 4842) is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 17, 1964:

Todd.

Dated: April 10, 1964.

EDWARD A. MCDERMOTT, *Director, Office of Emergency Planning.*

[F.R. Doc. 64–3768; Filed, Apr. 16, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 14, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38957: *T.O.F.C. service—Cast iron pipe from Lone Star, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8536), for interested rail carriers. Rates on cast iron pipe and fittings, loaded in trailers and transported on railroad flat cars, from Lone Star, Tex., to points in Kansas.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Supplement 8 to Southwestern Freight Bureau, agent, tariff I.C.C. 4566.

FSA No. 38958: *T.O.F.C. service—From and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–8538), for interested rail carriers. Rates on property moving on class or commodity rates, loaded in trailers and transported on railroad flat cars, between points on the lines of the Florida East Coast Railway Company, also Greenwood, Miss., Henderson, N.C., and Lewisport, Ky., on the one hand, and points in southwestern territory, including Bond and Lone Star, Tex., on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 58 to Southwestern Freight Bureau, agent, tariff I.C.C. 4511.

FSA No. 38959: *Cement returned from points in WTL territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2715), for interested rail carriers. Rates on cement, in covered hopper cars, returned from original destination to original point of shipment, in carloads, from points in western trunk-line territory, to points in official territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 43 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C–314.

FSA No. 38960: *Superphosphate to Maumee and Toledo, Ohio.* Filed by O. W. South, Jr., agent (No. A4491), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate nor feed grade superphosphate, in bulk, in carloads, subject to aggregate minimum weight of 1,200 tons of 2,000 pounds per shipment, from producing points in Florida, to Maumee and Toledo, Ohio.

Grounds for relief: Rail-water-rail and rail-water-truck competition.

Tariff: Supplement 31 to Southern Freight Association, agent, tariff I.C.C. S–269.

FSA No. 38961: *Liquid caustic soda to Chattanooga, Tenn.* Filed by O. W. South, Jr., agent (No. A4492), for and on behalf of Southern Railway Company. Rates on liquid caustic soda, in tank-car loads, from Redstone Arsenal, Ala., to Chattanooga, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 125 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA No. 38962: *Liquid caustic soda to Cartersville, Ga.* Filed by O. W. South, Jr., agent (No. A4493), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Redstone Arsenal, Ala., to Cartersville, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 125 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA No. 38963: *Liquid caustic soda from McIntosh, Ala.* Filed by O. W. South, Jr., agent (No. A4494), for and on behalf of Southern Railway Company. Rates on liquid caustic soda, in tank-car loads, from McIntosh, Ala., to Augusta, Ga., Clearwater, Graniteville and Langley, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 125 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA No. 38964: *Liquid caustic soda to Palatka, Fla.* Filed by O. W. South, Jr., agent (No. A4496), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Anniston, Ala., to Palatka, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 125 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA No. 38965: *Petroleum and petroleum products from Bayou Sale and North Bend, La.* Filed by Southwestern Freight Bureau, agent (No. B–8537), for interested rail carriers. Rates on petroleum and petroleum products, in carloads, from Bayou Sale and North Bend, La., to points in southwestern, western trunk-line, Illinois and Southern territories, also to Mississippi River crossings, Memphis, Tenn., and south thereof.

Grounds for relief: Market competition.

Tariffs: Supplements 105, 9, 48, 341 and 66 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4410, 4549, 4486, 4279 and 4395, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–3775; Filed, Apr. 16, 1964; 8:47 a.m.]

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Announcing a New Statutory Citations Guide

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This pamphlet contains typical legal reference situations which require further citing. Official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them to make the search. Additional finding aids, some especially useful in citing current material, also have been included. Examples are furnished at pertinent points and a list of reference titles, with descriptions, is carried at the end.

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Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 561—ARMY RESERVE

Appointments

Sections 561.1 through 561.21 are revoked and the following §§ 561.1 through 561.17 substituted therefor:

Sec.
- 561.1 General.
- 561.2 Appointment limitations.
- 561.3 Eligibility criteria.
- 561.4 Ineligibles.
- 561.5 Waiver.
- 561.6 Grade on appointment.
- 561.7 Service obligations.
- 561.8 Applications and allied papers.
- 561.9 Submission and processing of application.
- 561.10 Appointment of officers and former officers.
- 561.11 Appointment for assignment as chaplains.
- 561.12 Appointment for assignment in the Judge Advocate General's Corps.
- 561.13 Appointment for assignment in the Women's Army Corps.
- 561.14 Appointment of professional and technical personnel.
- 561.15 Appointment for assignment in the Staff Specialist Branch.
- 561.16 Appointment in the Army National Guard of the United States.
- 561.17 Appointment as reserve warrant officers of the Army.

AUTHORITY: The provisions of §§ 561.1 to 561.17 issued under sec. 280, 70A Stat. 14; 10 U.S.C. 280.

SOURCE: AR 135–100, February 5, 1964.

§ 561.1 General.

Sections 561.1–561.17 establish responsibility and provides procedures for the appointment of male and female commissioned and warrant officers in the Reserve components of the Army except:

(a) For appointment in Reserve general officer grades see AR 135–156.

(b) Army Medical Service commissioned officers will be appointed under the provisions of AR 140–101, AR 601–139, and applicable paragraphs of this part referenced therein.

(c) Graduates of senior division ROTC units will be appointed under the provisions of AR 145–100.

(d) Graduates of officer candidate schools will be appointed under the provisions of AR 350–50.

§ 561.2 Appointment limitations.

Appointment of qualified applicants as officers for service in the Army Reserve are limited to:

(a) Commissioned officers to fill:

(1) Mobilization designee table of distribution vacancies.

(2) Ready Reserve troop program unit vacancies.

(3) Quotas normally in the grade of captain and below announced by the Department of the Army for Ready Reserve Reinforcements with assignment to a Control Group Reinforcement. Appointments will be tendered only to exceptionally well qualified individuals who cannot otherwise obtain a commission because of lack of position vacancy in USAR units or inability to join a unit due to geographical location.

(4) Active duty requirements when qualified Reserve officers are not available.

(b) Warrant officers to fill:

(1) Ready Reserve troop program unit vacancies.

(2) Active duty requirements under specific allocations announced by Headquarters, Department of the Army, when qualified Reserve warrant officers are not available.

(3) Department of the Army announced quotas for Ready Reserve Reinforcements under specific allocations by career warrants for assignment to a Control Group Reinforcement.

(c) The restrictions in paragraphs (a) and (b) of this section do not apply to warrant officers and enlisted personnel in the active Army, Reserve officers in a grade above colonel who cease to occupy a position commensurate with their grade, Regular Army officers applying for appointment in the Army Reserve concurrent with their unqualified resignation, and Coast and Geodetic Survey officers eligible for appointment as an exception to the provisions of § 561.4(e).

§ 561.3 Eligibility criteria.

(a) *General.* Individuals possessing the qualifications in paragraphs (b) through (i) of this section may apply for appointment as USAR commissioned or warrant officers.

(b) *Age.* Minimum and maximum age limitations are shown below. The applicant must not have reached the birthday of the maximum age indicated prior to appointment in the grade indicated.

Grade	*Minimum age*	*Maximum age*[1]
Second lieutenant, except divinity students and WAC	18	28
Second lieutenants — divinity students	18	30
Second lieutenants—WAC	20	28
First lieutenant, except WAC	21	33
First lieutenant, WAC	21	32
Captain		39
Major		48
Lieutenant colonel		51
Colonel		55
Warrant officer, male	18	46
Warrant officer, female	20	46

[1] Maximum age limitations may be increased for former officers and warrant officers by an amount not more than the length of previous service in grade in which appointment is authorized. (Previous service includes active duty or active Reserve service in any component of the Armed Forces.) An increase in age is not authorized if an applicant will have less than 2 years to serve before being removed from an active status under provisions of AR 140–10, or if applying for appointment and concurrent active duty, before being removed from active duty with the active Army under the provisions of AR 135–173.

(c) *Citizenship.* (1) Except for those medical, dental, and allied category specialists liable for induction under the provisions of the Universal Military Training and Service Act, as amended, and as indicated in subparagraph (2) of this paragraph, an applicant must be a United States citizen or have lawfully entered the United States for permanent residence under applicable provisions of the Immigration and Nationality Act as amended, unless he is currently serving, or has served previously in the Armed Forces of the United States.

(2) Applicants for Army Intelligence and Security and Civil Affairs Branches must be citizens of the United States.

(3) Under no circumstances will appointment be made from the following categories:

(i) Applicants who have been convicted of wartime desertion or evasion of military service, as specified in the Immigration and Nationality Act.

(ii) Any individual if barred from citizenship because of having applied for and having been relieved or discharged from service in the Armed Forces by reason of alienage.

(d) *Mental.* Male applicants must achieve a percentile score of 74 or higher on the Armed Forces Qualification Test. Applicants for the Women's Army Corps must achieve a raw score of 54 or higher in the Armed Forces Women's Selection Test, AFWST–5, or a raw score of 58 or higher on AFWST–6. The AFWST is administered at or under the direction of AFES. Exception to these mental requirements may be made for:

(1) Female applicants having a previously recorded raw score of 58 or higher on AFWST–3 or –4, a percentile score of 74 or higher on AFWST–1 or –2 or a raw score of 100 or higher on the WAC Officer Candidate Test (WAC OCT). In the event none of these forms has been administered, the AFQT may be administered and scored according to the GT aptitude area.

(2) Applicants for appointment in the Army Medical Service.

(3) Those who have satisfactorily completed 120 semester or equivalent quarter hours at a college or university accredited by appropriate national or regional accrediting associations as listed in the educational directories published by U.S. Office of Education.

(4) Former commissioned and warrant officers.

(e) *Education.* Each USAR applicant must: (1) Have demonstrated understanding and proficiency in the English language. Applicants whose mother tongue is other than English will be carefully examined by the board to insure that their command of the English language is sufficient to enable them to perform as officers.

(2) For appointment as a commissioned officer, be a graduate of a high school or school of comparable level, or pass the General Education Develop-

ment Test (high school level or higher) and meet any additional requirements for specific branches.

(3) For appointment as a warrant officer, have sufficient education and practical experience to insure satisfactory performance of duties of the classification for which application is made.

(f) *Character.* Each applicant must be of good moral character.

(g) *Leadership.* Applicants must possess qualifications as potential leaders and have the ability to deal effectively with people. Such qualifications may be evaluated in terms of the applicant's background and experience.

(h) *Security check and cryptographic clearance.* A minimum of a favorable National Agency Check is required. A cryptographic clearance is required for each applicant for assignment to Army Security Specialties. Applicants for appointment with assignment to Army Intelligence and Security Branch will be informed that background investigation and final clearance may take up to 12 months. A background investigation is required for all alien personnel prior to their appointment as officers in the USAR. Waivers of this requirement will not be granted.

(i) *Examining boards.* Applicants must appear before an examining board except those individuals applying under § 561.4(c)(4)(ii) and (5) and (e)(2) and as otherwise provided for in this part or in regulations governing specific appointments.

§ 561.4 Ineligibles.

The following persons are not eligible for appointment in USAR unless waiver is authorized under the provisions of § 561.5:

(a) Conscientious objectors, except those classified by Selective Service as 1–A–O who volunteer for noncombat service with concurrent active duty in the Chaplains Branch or any of the Corps of the Army Medical Service (except Veterinary Corps). See § 561.8(k) for statement required for such applicants.

(b) Persons who have been adjudged a youthful offender or have a record of convictions by any type of military or civil court, excluding minor violations involving a fine or forfeiture of $50 or less and excluding action taken under Article of War 104 or Article 15, Uniform Code of Military Justice.

(c) Persons dropped from the rolls or released from active duty, or separated from any component of the Armed Forces of the United States for any of the following reasons:

(1) Under other than honorable conditions. If, upon appeal, an individual's discharge was changed to separation "under honorable conditions," he is not eligible for appointment solely because of such change. The action characterizing the service as honorable is determinative only of the type of discharge. Appointment will be tendered or refused, based upon the facts and merit of the individual case. Appointment will not be effected in any case until approval has been received from Headquarters, Department of the Army.

(2) For unsatisfactory service.

(3) Resignation for the good of the service in lieu of court-martial, elimination, or any form of disciplinary or corrective action.

(4) Former commissioned officers having been passed over twice for promotion or otherwise released from active duty because of failure to be promoted to a higher commissioned grade except:

(i) Individuals in this category are eligible to apply for appointment as warrant officer USAR if otherwise qualified.

(ii) A Regular Army officer with 10 or more years of active commissioned service and less than 20 years of active Federal service who is discharged because of failure, after second consideration, to be selected for promotion or who voluntarily resigns prior to discharge therefor, may apply to Chief of Personnel Operations, ATTN: RCAP–AA, Department of the Army, Washington, D.C., 20315, for a Reserve commission. If it is determined that the applicant can be utilized in a Reserve status during mobilization, he may be appointed in an active Reserve status without regard to the limitations in § 561.2 or if he desires, he may request concurrent transfer to the Retired Reserve.

(5) USAR warrant officers having been twice passed over for AUS or USAR promotion to a higher warrant officer grade are ineligible for appointment as commissioned officers or warrant officers in the USAR. A Regular Army warrant officer with less than 20 years of active Federal service who is discharged because of failure, after second consideration, to be selected for promotion or who voluntarily resigns prior to discharge therefor, may apply to Chief of Personnel Operations, Attn: RCAP–AA, Department of the Army, Washington, D.C., 20315, for a Reserve warrant. If it is determined that the applicant can be utilized in a Reserve status during mobilization, he may be appointed in an active Reserve status without regard to the limitations in § 561.2 or if he desires, he may request concurrent transfer to the Retired Reserve.

(6) Having been separated from any component of the Armed Forces as a security risk. Applications for appointment filed by individuals who were under security investigation at time of their separation will be forwarded to the Chief of Personnel Operations, ATTN: RCAP–AA, Department of the Army, Washington, D.C., 20315.

(7) For failure to maintain eligibility for retention in an active Reserve status. After a lapse of 1 year an individual may be considered for appointment if the obstacles to active Reserve participation have been removed. An individual in this category must:

(i) Prove conclusively a valid reason for nonparticipation existed but is no longer a bar.

(ii) Agree to participate actively if appointed.

(d) Commissioned officers, warrant officers, and enlisted personnel on the retired list of any of the Armed Forces except retired warrant officers and retired enlisted personnel of the Regular Army who were former commissioned officers.

(e) Commissioned officers of the Regular components of the Armed Forces, Public Health Service, and U.S. Coast and Geodetic Survey, except:

(1) Officers of the Regular Army as indicated in paragraph (c)(4)(ii) of this section and

(2) Officers of the Coast and Geodetic Survey commissioned from the Army ROTC program who are about to be separated from the Coast and Geodetic Survey prior to completion of at least 6 years' active duty. Such officers will be appointed upon discharge from the Coast and Geodetic Survey, if otherwise qualified.

(f) Cadets, United States Military Academy, United States Air Force Academy, United States Coast Guard Academy, and midshipmen, United States Naval Academy.

(g) Female personnel having any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children, including stepchildren or foster children, under 18 years of age.

(h) Applicants whose appointment would cause them to hold simultaneously more than one Reserve status. This does not preclude appointment when separation from the current Reserve status can be accomplished. For example, a reservist on active duty cannot be separated from his current status as long as he is to remain on active duty in that status. His appointment to another Reserve status will not be made unless he is to be placed on active duty under the new Reserve status.

(i) Individuals denied retired pay or annuities under the so-called "Hiss Act." (Act of 1 September 1954 (68 Stat. 1142), as amended (U.S.C. 2281 et seq.)).

(j) Individuals who are, or have been, members of any foreign or domestic organization, association, movement, group, or combination of persons advocating a subversive policy or seeking to alter the form of government by unconstitutional means, whose case has not been adjudicated favorably by the Department of the Army.

(k) Citizens of the United States residing in a foreign country, except those:

(1) Residing in a country where the United States has troops stationed, or

(2) Residing in a country where the United States has a military mission, advisory or similar group, or

(3) Employed by the United States Government and on duty with an Embassy, Legation, or Consular office of the United States.

(4) Residing in an area occupied by the Armed Forces of the United States.

NOTE: Request to obtain the official consent of the country in which they reside to accept appointment as a USAR commissioned or warrant officer from individuals in subparagraph (1), (2), or (3) of this paragraph will be submitted through diplomatic channels.

(l) Except as indicated in AR 140–101, applicants with a Selective Service classification of 1–A, or when their classification could be changed to 1–A with loss of deferment status, except when applying for appointment with concurrent active duty.

(m) Enlisted members of the Reserve Components of the Armed Forces of the United States who have not completed 6 months' active duty or an initial tour of active duty for training in any component of the Armed Forces except:

(1) When applying for appointment with concurrent active duty.

(2) When the applicant initially enlisted prior to 9 August 1955 and his service has been continuous. Such applicant may also be appointed to fill a position vacancy in a Ready Reserve Troop Program unit.

(n) Applicants for appointment as commissioned officer unable to complete 20 years creditable service for retirement or retired pay prior to mandatory removal from an active status as prescribed in AR 140–10 or those applying for concurrent active duty who are unable to qualify for retirement under title 10, United States Code, section 3911, prior to attaining 28 years' service (25 years of service for members of the Women's Army Corps below the grade of lieutenant colonel) as computed under the provisions of title 10, United States Code, section 3853. Applicants for warrant officer appointment who are unable to complete 20 years of satisfactory active Federal service prior to age 62 (male) or 55 (female).

(o) Individuals transferred to the Standby Reserve or discharged from the Army as a result of approved exemption from involuntary order to active duty as a member of the Ready Reserve as prescribed by AR 601–25.

(p) Those who are in the military service of a foreign government, or those employed by a foreign government.

§ 561.5 Waiver.

Each request for waiver will be submitted with the application and must contain complete justification, including recommendations of intermediate commanders when applicable. Requests for waiver will be processed as follows:

(a) *Chief of Personnel Operations.* The following requests for waiver will be forwarded to the Chief of Personnel Operations, Attn: RCAP–AA, Department of the Army, Washington, D.C., 20315.

(1) Exceptions to prescribed maximum age limitations, education, experience, and military training will be considered when individuals possess unusual skills or technical qualifications fulfilling a specific need. Waiver of minimum age will not be authorized.

(2) Waiver for appointment in the grade of lieutenant colonel and colonel of applicants without prior commissioned service.

(3) Requests for waiver of conviction of the following offenses will be submitted with the application and evaluated with the National Agency Check:

(i) Felony under local, Federal, or military law.

(ii) One which resulted in sentence to confinement in prison, stockade, or detention area, or in sentence to hard labor.

(iii) One involving moral turpitude.

(4) Applications from individuals employed by a foreign government for final determination by the Secretary of the Army.

(5) Waiver of requirements set forth in § 561.12(b) (1) and (3) for appointment in the Judge Advocate General's Corps.

(6) Waiver of the provisions of § 561.4(c)(4) will be considered for those individuals who were discharged as a result of twice failing of selection for USAR promotion based on promotion service accrual while regularly enrolled as students in approved medical or dental schools or while undergoing civilian internship or residency training.

(7) Exceptions to the provisions of § 561.4(o) be made when appointment is for concurrent active duty. Those members of the Standby Reserve requesting waiver under this paragraph must also meet the requirements of § 561.4(h).

(8) Waiver of the provisions of § 561.4(n) will be considered at Headquarters, Department of the Army on an individual basis when an applicant applying for appointment without concurrent active duty possesses outstanding qualifications.

(9) Requests for waiver of any disqualification not specifically listed in this section will be acted upon by Headquarters, Department of the Army.

(b) *Chief of Chaplains.* The following requests for waiver will be forwarded direct to the Chief of Chaplains, Department of the Army, Washington, D.C., 20315.

(1) Exceptions to maximum age limitation up to 40th birthday for initial appointment with concurrent active duty in the grade of first lieutenant, Chaplains Branch.

(2) Appearance before an examining board for initial appointment in grade of captain and below when the services of the individual are desired for immediate active duty.

(c) *Area commanders.* Area commanders may grant a waiver for offenses under military or civil codes, except as specified in paragraph (a)(3) of this section, if the applicant's conduct and character at this time are above reproach and the potential value of the applicant's services as a Reserve officer of the Army is considered to be very high.

§ 561.6 Grade on appointment.

If otherwise qualified, applicants will be appointed in grades indicated.

(a) *Commissioned officers.* (1) Male warrant officers and enlisted personnel will not be appointed above the grade of second lieutenant.

(2) Officers and former officers.

(i) Former Army officers in the highest grade satisfactorily held or in the last grade held if reduced from a higher grade.

(ii) Reserve officers or former commissioned officers of the other Armed Forces of the United States, United States Public Health Service, including temporary officers thereof, and officers of the Coast and Geodetic Survey, when applicable, in the Army grade comparable to the last grade satisfactorily held by them.

(iii) Former second lieutenants who upon appointment would be eligible for promotion to first lieutenant will be appointed in the grade of first lieutenant.

(3) Appointment to fill troop program unit vacancies will be in grades authorized in subparagraphs (1) and (2) of this paragraph, providing appropriate vacancies are available.

(4) For grades on appointment with assignment to the Women's Army Corps, the Judge Advocate General's Corps, Civil Affairs, as Professional and Technical Specialists, or Chaplains, see appropriate sections of this part.

(5) Male officers may be appointed in grades up to and including colonel.

(b) *Warrant officers.* Appointments will be as warrant officer, W–1, except:

(1) Chief warrant officers and former chief warrant officers will be appointed in the highest warrant officer grade satisfactorily held.

(2) Commissioned and former commissioned officers who have served a minimum of 2 years active service in a commissioned status will be appointed in the grade of chief warrant officer, W–2.

§ 561.7 Service obligations.

(a) For obligations incurred upon initial appointment, see AR 135–90.

(b) Nonobligated personnel appointed as commissioned or warrant officers in the USAR must be available for service during any emergency or mobilization. Applicants must have full knowledge of this requirement when submitting applications for appointment.

(c) Applicants accepted for appointment as commissioned or warrant officers in the USAR with concurrent active duty are required to serve in an active status for a specified period. The duration of this term of service will be in accordance with regulations or Department of the Army circulars announcing each procurement program.

§ 561.8 Applications and allied papers.

Applications for appointment in the USAR will include the following documents, except as indicated in paragraphs (v) and (w) of this section.

(a) DA Form 61 (Application for Appointment) in duplicate.

(b) Documentary evidence of educational qualifications. Consolidated transcripts of college and university study will be signed by an official of the institution attended. Photostatic or true copies are acceptable.

(c) DD Form 98 (Armed Forces Security Questionnaire) in duplicate.

(d) DD Form 398 (Statement of Personal History). When the National Agency Checks has not been completed for applications for appointment and concurrent active duty, DD Form 398 will not be forwarded with the application and allied papers, but will be forwarded separately as soon as the National Agency Check is completed. Copies will be prepared as follows:

(1) The original copy will accompany the request for investigation.

(2) 1 copy for Personnel Records Jacket.

(3) Additional copies when required

(m) A statement from the appropriate

applying within 1 year from date of dis-

(b) Appointments under this section verify ecclesiastical indorsements prior ments indicated below and those required

(3) Additional copies when required may be reproduced mechanically (i.e., Xerox, photostat, or similar process).

(e) FD Form 258 (U.S. Department of Justice Fingerprint Card).

(f) Standard Form 88 (Report of Medical Examination) will be prepared in two copies and Standard Form 89 (Report of Medical History) will be prepared in original only. A certificate in lieu of medical examination may be submitted when an applicant has been selected for appointment with concurrent active duty if a previous medical examination is valid under AR 40–500 and the individual furnishes a statement to the effect that there has been no change in his medical fitness since that examination. Any applicant drawing a pension, disability compensation, or retirement pay must undergo a medical fitness examination regardless of how recently his last medical examination was completed. Applicants for appointment as USAR warrant officer with concurrent active duty who are serving on active duty in an enlisted status in the Army will not be required to undergo a medical examination until notification is received from the Chief of Personnel Operations of the applicant's selection for appointment. Applicants for appointment as commissioned or warrant officers without concurrent active duty will not be required to undergo medical examinations until selected for appointment by the appropriate appointing authority.

(g) Three full-length photographs (approximately postcard size) when application is for Army Intelligence for INTC specialization.

(h) Photostatic copy of DA Form 152 (Army Extension Courses—Certificate of Completion of Course) when required.

(i) DA Form 160 (Application for Active Duty) in duplicate, when applying for appointment with concurrent active duty.

(j) A signed statement will be furnished by former conscientious objectors expressing abandonment of such beliefs so far as they pertain to their willingness to bear arms and to give full and unqualified military service to the United States and agree that they will not apply for separation by reason of conscientious objection during the period of their contracted agreement.

(k) A statement by a conscientious objector applying for appointment in the Chaplains Branch or a corps of the Army Medical Service (except Veterinary Corps) to the effect he conscientiously objects to combat service but is willing to perform full and unqualified service as a Chaplain or officer of the Army Medical Service (except Veterinary Corps). Conscientious objectors applying under the provisions of this section must possess a Selective Service classification of no higher than 1–A–O (as opposed to 1–O).

(l) Members of Reserve Components of the Navy, Air Force, Marine Corps, Coast Guard, and Public Health Service must meet requirements of AR 140–10 for interservice transfer between Reserve Components of the Armed Forces. A conditional release obtained through official channels will be submitted with the application.

(m) A statement from the appropriate State adjutant general that a member of the ARNG or ARNGUS applying for appointment as USAR officer, if tendered an appointment, will be separated from his National Guard status.

(n) Female applicants having surrendered rights to custody and control of dependents under 18 years of age through formal adoption or final divorce proceedings will submit a certificate or photostatic copy of the instrument that accomplished such action.

(o) Nonprior service male applicants under 26 years of age who have not previously incurred a training and service obligation under the UMT&S Act, will complete the required agreement to serve.

(p) Prior service applicants appointed following a break in service, female applicants, and nonprior service applicants over 26 years of age will complete the required agreement to serve.

(q) An individual not a citizen of the United States by birth will submit required statement concerning naturalization.

(r) The following signed statement from an applicant for appointment with concurrent active duty with assignment as a Chaplain who may not because of the provisions of title 10 U.S.C. 3848 be able to qualify for retirement under 10 U.S.C. 3911. This statement is not required for those individuals who cannot qualify for retirement under 10 U.S.C. 3911 prior to attaining age 60.

I understand that, because of my age, the possibility of my becoming entitled to military retirement benefits under existing legislation is contingent upon the passage of future events which are not accurately predictable at this time.

(s) A person receiving pension, retirement pay, disability compensation, or retired pay from the Federal Government will be required to furnish a waiver in accordance with paragraph 20–49, AR 37–104.

(t) Applicants for appointment with concurrent active duty will complete a personal summary sheet listing military and civilian education to indicate prior active Federal Service, unit, job title, and MOS.

(u) A statement by applicants who are enlisted members of the Reserve Components of the Armed Forces and who have completed 6 months active duty or an initial tour of ACDUTRA acknowledging that if their induction is caused by failure to participate satisfactorily in required training, they will be ineligible for active duty as an officer or warrant officer and their commission or warrant will be terminated.

(v) In lieu of formal application the following may request appointment in letter form:

(1) Regular Army officers applying for USAR appointment concurrent with Regular Army resignation.

(2) Individuals currently serving on active duty as officers of the other Armed Forces when applying for appointment with concurrent active duty as prescribed in AR 618–100.

(3) Warrant officers applying under § 561.17(b)(1)(iii) and (iv), and former officers under § 561.17(b)(1)(v) when applying within 1 year from date of discharge. Such applicant must meet requirements of § 561.3(b).

(4) USAR officers applying for appointment for assignment in another branch or grade. Such applicants must furnish documentary evidence of educational level as required for the branch and any additional forms, documents or information as required by other regulations or the section of those regulations governing the particular branch. In addition, a current medical examination as prescribed in AR 140–120 is required.

(w) For members of the Coast and Geodetic Survey applying under § 561.4(e), the forms required by paragraphs (a), (c), (d) and (f) of this section.

§ 561.9 Submission and processing of application.

Applications for appointment in the USAR as commissioned or warrant officers will be submitted and processed under this section except that applicants for appointment under §§ 561.10 through 561.17 must meet special requirements outlined in those sections. Applicants for appointment in the Army Nurse Corps and the Army Medical Specialists Corps will be guided by AR 601–139 and applicants for appointments in the other corps of the Army Medical Services by AR 140–101. Applications will be submitted as follows:

(a) For appointment with assignment to Reserve troop program units, mobilization designee table of distribution vacancies and Ready Reserve Reinforcement vacancies.

(1) Through the unit commander for enlisted and warrant officer members of active Reserve units.

(2) Through the commander of the unit where assignment is requested for individuals not members of the Army Reserve.

(3) Through the commanding officer of the unit where applicant is assigned for duty when individual is currently on active duty.

(4) Through the Commanding Officer, U.S. Army Records Center for applicants who are members of the Standby Reserve.

(5) Through corps commander for Ready Reserve Reinforcement vacancies.

(b) For appointment with concurrent active duty.

(1) For individuals not on active duty to the corps commander or Commanding Officer, U.S. Army Records Center, as appropriate for those reservists under their jurisdiction. As an exception, applications for appointment with concurrent active duty with assignment to Chaplains Branch will be forwarded by the applicant direct to the Chief of Chaplains, Department of the Army, Washington, D.C., 20315.

(2) For personnel on active duty, applications will be forwarded through the commander of the unit where the applicant is assigned for duty.

§ 561.10 Appointment of officers and former officers.

(a) Applications of officers and former officers must meet the requirements prescribed in §§ 561.1 through 561.7 and will be processed in accordance with §§ 561.8 and 561.9.

(b) Appointments under this section will not be made in general officer grades or for assignment in:

(1) Army Medical Service.

(2) Chaplains.

(3) Civil Affairs.

(4) Judge Advocate General's Corps.

§ 561.11 Appointment for assignment as chaplains.

(a) *General.* This section prescribes special requirements and procedures for appointment of qualified male personnel for assignment as Chaplains. The provisions of §§ 561.1–561.9 apply except as otherwise provided in this section.

(b) *Special requirements.* (1) Applicants with prior service as chaplains in any component of the Armed Forces of the United States must meet the requirements shown in subdivision (ii) of this subparagraph. Applicants for initial appointment in grades above second lieutenant and former officers without prior service as chaplains must meet the following criteria:

(i) Education:

(a) Possess a consolidated transcript of 120 semester hours of undergraduate credit obtained at a recognized college or university, and a consolidated transcript of 90 semester hours of credit obtained at a recognized theological school or equivalent credits in the fields of religion, the social sciences, or the humanities obtained at a recognized university or other graduate school.

(b) As an exception to (a) of this subdivision, be a senior seminary student in a recognized theological school or a graduate student in a recognized university pursuing courses in the fields of religion, the social sciences, or the humanities and request appointment and concurrent call to active duty. Such persons may apply 180 days prior to graduation and ordination. The applicant must submit, in addition to transcripts of undergraduate credits, a consolidated transcript of graduate credits completed at the time of application and a statement from the registrar of the hours that will be completed upon graduation. The Chief of Chaplains will verify successful completion of graduate study prior to appointment.

(ii) Ecclesiastical indorsement. Each applicant must be:

(a) Accredited by and in good standing in a recognized religious denomination or organization.

(b) A fully ordained or accredited priest, rabbi, or minister of religion.

(c) Actively engaged in the pursuit of his religious vocation.

(d) Qualified spiritually, intellectually, and psychologically for the Army Chaplaincy.

(e) Granted ecclesiastical indorsement by the recognized agency of his denomination.

(f) Granted conditional ecclesiastical indorsement by the recognized agency of his denomination in lieu of ecclesiastical indorsement if he is a senior theological student requesting active duty. The conditional indorsement will indicate that he will receive full indorsement upon graduation from the seminary and/or ordination. The Chief of Chaplains will verify ecclesiastical indorsements prior to appointment.

(2) Applicants for initial appointment in the grade of second lieutenant with assignment to the Staff Specialist Branch, MOS 0001 (Divinity Student) must meet the following special requirements (such applicants will not be required to appear before an examining board as required by § 561.3(i), but will be required to appear before an examining board prior to being commissioned as first lieutenant with assignment to the Chaplains Branch).

(i) Present transcript of 120 undergraduate hours completed in recognized colleges or universities.

(ii) Present ecclesiastical approval from the applicant's recognized denominational indorsing agency.

(iii) Present a statement from the registrar of a recognized theological seminary or university that the applicant is either enrolled as a full-time student or has been accepted for the next entering class.

(iv) Applicant must sign the following statement and attach it to DA Form 61:

If appointed in the grade of second lieutenant, USAR, MOS 0001 (Divinity Student) for assignment to the Staff Specialist Branch, I agree to apply for and accept a commission as first lieutenant, USAR, with assignment to the Chaplains Branch, upon graduation from seminary and upon ordination. I further agree to serve a minimum period of 3 consecutive years active duty if the Department of the Army requires my services.

(c) *Grade.* (1) Appointment will not be made in the grade of second lieutenant, except as provided in subparagraph (3) of this paragraph, or in general officer grades.

(2) Appointment of qualified individuals will be made in the following grades:

(i) Applicants without prior commissioned service above the grade of second lieutenant—first lieutenant. Applicants initially appointed under this authority will be credited with 3 years service in an active status.

(ii) Reserve officers or former officers, including chaplains of any of the Armed Forces—in a grade corresponding to the last grade held.

(iii) Reserve officers or former officers of any of the Armed Forces who have previously served sufficient time in grade to qualify for consideration for promotion to the next higher grade—in the higher grade.

(3) Within authorized quotas, qualified individuals (paragraph (b)(2) of this section) may be appointed as second lieutenants in the USAR with assignment to the Staff Specialist Branch, MOS 0001, until such time as they become eligible for appointment as first lieutenant in the Chaplains Branch. An individual when appointed first lieutenant will be credited with 3 years service in an active status exclusive of the years, months and days assigned in the grade of second lieutenant USAR to the Staff Specialist Branch as a divinity student.

(d) *Applications.* (1) Individuals applying for appointment in grades above second lieutenant will furnish the documents indicated below and those required by §§ 561.8 and 561.9. Individuals holding appointments as second lieutenants, Staff Specialist Branch, with MOS 0001, need not submit transcripts of undergraduate studies or forms required by §§ 561.8 and 561.9 other than DA Form 61 and SF 88 and SF 89.

(i) Senior Theological Students.

(a) Transcript and statement of registrar as specified in paragraph (b)(1)(i)(b) of this section.

(b) Conditional ecclesiastical indorsement as specified in paragraph (b)(1)(ii)(f) of this section.

(ii) Other applicants.

(a) A consolidated transcript of undergraduate and graduate work.

(b) Ecclesiastical indorsement.

(2) Individuals applying for appointment in the grade of second lieutenant will furnish the papers required by §§ 561.8 and 561.9 and the additional documents specified in paragraph (b)(2) of this section.

(3) Ecclesiastical approval, conditional indorsement, or ecclesiastical indorsement will be forwarded directly to the Chief of Chaplains, Department of the Army, Washington, D.C., 20315, by the applicant or the denominational indorsing agency when application is for appointment with concurrent active duty. Area commanders are authorized to forward applications and allied papers to the Chief of Personnel Operations without these documents when application is for appointment without concurrent active duty.

§ 561.12 Appointment for assignment in the Judge Advocate General's Corps.

(a) *General.* This section prescribes the special requirements for appointment of qualified male personnel for assignment to the Judge Advocate General's Corps. Qualified women attorneys may apply for appointment in the Women's Army Corps with detail to the Judge Advocate General's Corps as prescribed in § 561.13.

(b) *Special requirements.* Each applicant for appointment for assignment in the Judge Advocate General's Corps must meet the following requirements in addition to those shown in §§ 561.1–561.7:

(1) Have been graduated from a law school approved by the American Bar Association, with a professional degree. Waiver of the approved law school provision of this paragraph will be considered in accordance with § 561.5(a)(5), only in those cases where the applicant possesses unique professional experience as determined by The Judge Advocate General.

(2) Have been admitted to practice and have membership in good standing of the bar of the highest court of a State of the United States or a Federal court.

(3) Have been actively engaged in the practice of law, in the teaching of law or in judicial office, for a minimum period of 3 years immediately preceding the effective date of appointment. In accordance with § 561.5(a)(5) this requirement may be waived by the Department of the Army in the case of outstanding appli-

cants who are otherwise qualified and whose services are desired for immediate active duty. For appointments without concurrent call to active duty, the 3-year practice requirement may be reduced, on the following basis, for periods of active military service and for service in the Ready Reserve:

(i) Full credit for periods of active military service.

(ii) Half credit for service in any active status in the Army Reserve or while in the Army National Guard of the United States.

(c) *Grade.* (1) A qualified person, may be appointed in the grade of first lieutenant through colonel for assignment to the Judge Advocate General's Corps. He may be appointed:

(i) In the highest grade (or comparable grade) held satisfactorily in the Judge Advocate General's Corps or in an assignment corresponding to an assignment in the Judge Advocate General's Corps, while on active duty in any of the Armed Forces; while in an active status in the Army Reserve or while in the federally recognized Army National Guard, or—

(ii) In the highest grade for which he can qualify as a result of education and experience as set forth in subparagraph (3) of this paragraph. For appointments without concurrent call to active duty, applicants must have completed at least 3 years practice of law, teaching of law, or in judicial office, before any remaining credit for education or experience is applied toward grade determination. A combination of 3 years of law practice, teaching of law, or in judicial office, and military service pursuant to paragraph (b)(3) of this section may be used in lieu of 3 years practice of law.

(2) When the grade of an officer is determined by credit for education and experience in accordance with subparagraph (3) of this paragraph, such credit will be considered equivalent to the number of years in an active status for appointment in following grades:

Years of service in an active status	*Grade*
3 years or more, but less than 7 years.	First lieutenant
7 years or more, but less than 14 years.	Captain
14 years or more, but less than 21 years.	Major
21 years or more, but less than 23 years.	Lieutenant colonel
23 or more years	Colonel or lieutenant colonel as determined at Headquarters, Department of the Army.

(3) Credit for education and experience will be computed as follows:

(i) Three "years of service in an active status" for graduation from a law school which has been approved by the American Bar Association; and

(ii) The number of years, months, and days that individual has been actively engaged between the date of his admission to the bar of the highest court of a State of the United States or a Federal court and his appointment in the Judge Advocate General's Corps:

(a) In the practice of law.

(b) Teaching of law.

(c) Performance of judicial duties.

(d) In the full-time pursuit of graduate legal studies.

(e) In other appropriate professional activities as determined by the Judge Advocate General.

As an exception, for each year of professional experience in excess of 21 years, he will be given credit for only one-half "years of service in an active status".

(iii) The number of years, months, and days of active duty performed as a commissioned officer in any of the Armed Forces during the periods September 16, 1940 to June 24, 1948; and June 25, 1950 to July 27, 1953.

(4) "Years of service in an active status" in excess of the minimum required for the grade appointed will be credited as "promotion service" in the grade appointed. No periods of time will be used more than once in computing an officer's "years of service in an active status".

(c) *Applications.* In addition to the forms and allied papers required by §§ 561.8 and 561.9, applicants will submit the following documents:

(1) A certified transcript of all college and law school grades in support of undergraduate and graduate degrees. Transcripts should show, if practicable, the class standing of the applicant.

(2) A statement from proper authority showing that the applicant has been admitted to private practice before the highest court of a State of the United States or a Federal court and that he is now a member of the bar thereof in good standing.

(3) A statement from the applicant listing all legal experience. Legal experience may include governmental, judicial, teaching, private practice, and graduate legal studies. Each applicant will include:

(i) A list and brief description of important legal actions or other legal matters handled by him.

(ii) If he has been in private practice, a general statement of the character thereof.

(iii) If he has had Government or military legal experience, a description of his position and rating.

(iv) If he has held judicial office, the extent of the jurisdiction of his court.

(v) If he has taught law, the subjects which he teaches, or has taught.

(vi) If he has pursued graduate legal studies, a transcript of all courses completed, certified by an official of the school.

(4) Letters based on personal acquaintance from not less than 3 disinterested judges, lawyers, or law school professors relative to the applicant's reputation and professional standing, the types of cases handled by him, and his ability as an attorney, teacher, judge, or student.

(5) Two copies of a recent photograph, head and shoulder type, 3" x 5" with the applicant's name on the reverse.

§ 561.13 Appointment for assignment in the Women's Army Corps.

(a) *General.* This section prescribes the special requirements for the appointment of qualified women for assignment to the Women's Army Corps. The provisions of §§ 561.1–561.9 apply, except as otherwise indicated in this section.

(b) *Special requirements.* (1) Each applicant must have a baccalaureate degree from an accredited college or university recognized by the Department of Health, Education, and Welfare, Office of Education, as listed in Part 3, Education Directory, Higher Education. Students may apply in their senior year prior to date of graduate. The anticipated date of graduation will be entered under "remarks" on the application. A statement by an official of the university or college verifying the entry will be attached. Upon graduation, the applicant will furnish the area commander a certificate of graduation signed by an appropriate official of the university or college for transmittal to the Chief of Personnel Operations, ATTN: RCAP-AA, Department of the Army, Washington, D.C., 20315. If the applicant fails to graduate when scheduled, the Chief of Personnel Operations, ATTN: RCAP-AA, will be notified immediately.

(2) For appointment and concurrent detail to an appropriate branch, such as the Judge Advocate General's Corps, requirements for the detail branch apply.

(3) For appointment and concurrent active duty in the grade of first lieutenant, the applicant must have professional qualifications or supervisory experience in the fields of education, business, personnel management, public relations, or science.

(c) *Grade.* (1) For appointment to fill vacancies in Ready Reserve troop program units.

(i) Initial appointments normally will be in the grade of second lieutenant.

(ii) Where detail of WAC personnel to another branch is authorized, qualified applicants may apply for appointment and assignment to the WAC branch and concurrent detail to an appropriate branch. Appointment will be in the grade authorized for comparable male applicants assigned to the same branch, but not above the grade of lieutenant colonel.

(iii) Women who are otherwise qualified may be appointed for assignment to the Women's Army Corps in the highest grade in which they have previously served satisfactorily on active duty (other than for training).

(2) For appointment and concurrent active duty.

(i) Appointments to meet WAC branch requirements normally will not be above first lieutenant.

(ii) Where detail of WAC personnel to another branch is authorized, qualified applicants may apply for appointment and assignment to the WAC branch and concurrent detail to an appropriate branch. Appointments will be in the grade authorized for comparable male applicants assigned to the same branch, but not above the grade of lieutenant colonel.

(d) *Applications.* The following documents, in addition to those prescribed in §§ 561.8 and 561.9, will be furnished:

(1) A recent photograph, head and shoulder type, approximately post card size. The applicant's name will appear on the reverse.

(2) Transcript of college credits. Students applying prior to date of graduation will submit statement required by paragraph (b) of this section.

(3) Applications for concurrent order to active duty will include the following agreement:

If appointed and ordered to active duty I agree to serve on active duty as an officer for a period of 2 years, including the time spent in attendance at the WAC officer basic course. I understand that if I fail to satisfactorily complete the required WAC officer basic course my Reserve commission may be terminated.

(4) Commanders receiving the application will obtain the following reports and letters of appraisal for inclusion with the allied papers. (When such reports and letters were secured prior to enlistment, they will be removed from the enlisted women's file and be made a part of the application.)

(i) Letter of appraisal from Dean of College, Dean of Women, or other college official.

(ii) Letters of appraisal from last 2 employers (full or part time), using DD Form 370 (Request for Report from Employer, School, or Personal Reference). If applicant has no work experience, 2 letters of appraisal from school officials in addition to subdivision (i) of this subparagraph will be submitted.

(iii) Letters of appraisal from 2 residents of the applicant's home community.

(5) A written statement from the applicant, outlining her reasons for desiring a commission in the Women's Army Corps. The statement may be included in remarks section of personnel summary sheet.

(6) Applicants for appointment in the Women's Army Corps with concurrent detail to the Judge Advocate General's Corps will furnish documents prescribed in § 561.12(c) in addition to those prescribed in this section. Service agreement prescribed in subparagraph (3) of this paragraph will be modified to reflect an agreement by such applicants to serve 3 years.

§ 561.14 Appointment of professional and technical personnel.

(a) *General.* This section provides for the appointment of professional and technical specialists as commissioned officers in the USAR. The categories for appointment under this section are listed below. Sections 561.1–561.9 will apply except as indicated in this section.

Archivist.
Aeronautical engineering.
Automotive engineering.
Bacteriology.
Biochemistry.
Biological sciences.
Business administration.
Chemical engineering and chemistry.
Civil engineering.
Education specialists.
Electrical accounting machine specialists.
Electrical engineering, including radio, television, and wire communications.
Electronic data processing systems specialists.
Entomology.
Fire Prevention and firefighting.
Food technology (inspection, procurement, testing, research, and related subjects).
Geographers.
Geology, geophysics, and meteorology.
Geopolitical and area specialists.
Guided missile specialists.
Harbor craft specialists.
Health physicist.
Highway engineering and traffic.
Industrial specialists (engineering, management, and security).
Language and foreign liaison.
Law enforcement officials, administratory, and allied investigative specialists.
Legal.
Marine engineering.
Mathematicians, statisticians, and physicists.
Mechanical engineering.
Metallurgical engineering.
Military historians.
Mining engineering.
Naval architectural.
Nuclear specialists (nuclear physicist, radiological chemist, nuclear chemistry, nuclear engineering, nuclear effects engineering, biophysics, and bioradiology).
Parasitology.
Penology.
Petroleum and natural gas engineering.
Pharmacology and toxicology.
Photographic (still, motion picture, television, and related subjects).
Plant pathology.
Plant physiology.
Postal.
Printing and reproduction.
Psychology.
Psychological warfare (journalism, international relations, psychology, and related subjects).
Public information, including field press censorship.
Purchasing, storage, and distribution (logistics).
Radar engineering.
Railway service.
Safety engineering.
Submarine diving.
Traffic management.
Zoology.

(b) *Branch.* The branch of assignment for male applicants will be determined by the authority tendering appointment, based upon the qualifications of the applicant and the needs of the service. The branch for female applicants will be Women's Army Corps. Appointments will not be made for assignment in:

(1) Armor.
(2) Artillery (except Guided Missiles).
(3) Infantry.
(4) Chaplains.
(5) Judge Advocate General's Corps.
(6) Corps of the Army Medical Service.
(7) Women's Army Corps (except in conjunction with concurrent detail to an appropriate branch. Section 561.13 applies).
(8) Civil Affairs.
(9) Staff Specialist.

(c) *Special requirements.* (1) In addition to the requirements of §§ 561.1–561.7, each applicant must possess the professional or technical ability required to perform the duties appropriate to the grade of appointment and branch of assignment.

(2) For appointment to fill vacancies in the Reserve troop program, an applicant's services must be required and there must not be a qualified Reserve commissioned officer of the appropriate or lower grade available to fill the vacancy.

(3) For appointment with concurrent active duty an applicant's services must be required to meet the needs of the Active Army.

(4) Except as provided in subparagraph (5) of this paragraph, applicants must have graduated from an accredited college or university recognized by the Department of Health, Education and Welfare, Office of Education as listed in part 3, Education Directory, Higher Education, preferably with a major field of study closely related to the specialty serving as the basis for appointment and have at least the minimum number of years of qualifying experience indicated below for appointment to the grade indicated:

Grade	*Years experience*
Second lieutenant	One.
First lieutenant	Three.
Captain	Seven.
Major	Fourteen.

(5) Each year of graduate education in the field for which the applicant is being considered may be counted as a year of qualifying experience. Experience in an allied field of specialization acceptable to Headquarters, Department of the Army may be considered in computing minimum qualifying experience.

(i) For service in the Military Railway Service and for duty as Postal specialists, 4 years of qualifying experience may be substituted in lieu of graduation from a recognized college.

(ii) For service in harbor craft units, the following may be substituted in lieu of graduation from a recognized college:

(*a*) Possession of license required for a civilian ship officer in the American Merchant Marine and issued in accordance with the general rules and regulations of the Board of Supervisory Inspectors of the Merchant Marine Inspection Service, the United States Coast Guard, or the Bureau of Marine Inspection and Navigation.

(*b*) A diploma or record of graduation from the Merchant Marine Academy.

(*c*) A certificate as senior navigator from the Coast Guard Auxiliary, or—.

(*d*) A United States Power Squadron Certificate as a navigator.

(iii) For appointment with assignment as a postal specialist, the following is required:

(*a*) Experience in an administrative, executive, or supervisory capacity in the United States Post Office Department, or—

(*b*) Experience in the Military Postal Service as a warrant officer or noncommissioned officer in grade E–5 or higher. A minimum of 1 year of such experience is required for the grade of second

lieutenant; 3 years for the grade of first lieutenant, and 5 years for the grade of captain.

(6) *Military education.* (i) Applicants who are appointed under this section will be granted equivalent credit by Headquarters, Department of the Army, for military education as follows:

Grade to which appointed	*Credit*
Second lieutenant	None.
First lieutenant	None.
Captain	Officer Branch Basic Course.
Major	Fifty percent of the total credit hours of the Associate Officer Branch Career Course.
Lieutenant colonel	Associate Officer Branch Career Course.
Colonel	Associate Officer Branch Career Course.

(ii) Area commanders will insure that individuals enroll in and pursue satisfactorily the appropriate course to qualify themselves for promotion and retention.

(d) *Grade.* Initial appointments are authorized in the grades indicated in paragraph (c) of this section, in recognition of advanced professional or technical experience and training. However, appointment may be made in grades up to and including the grade of colonel for male applicants, but not above the grade of lieutenant colonel for female applicants, when an individual possesses outstanding qualifications critical to military requirements.

§ 561.15 Appointment for assignment in the Staff Specialist Branch.

(a) *General.* (1) This section prescribes the special requirements and procedures for appointment as a commissioned officer in the USAR for assignment as Staff Specialist. Sections 561.1–561.9 apply except as indicated in this section.

(2) No individual will be appointed for assignments to the Staff Specialist Branch if he can be appropriately assigned to another branch.

(b) *Eligibility.* Divinity students—see § 561.11. All other applicants must:

(1) Meet general requirements of §§ 561.1–561.7.

(2) Qualify for a MOS listed in paragraph (d) of this section.

(3) Possess advanced professional or technical experience and training.

(c) *Applications.* (1) Divinity students will apply under the provisions of § 561.11.

(2) Other applications will be processed in accordance with §§ 561.8 and 561.9. Forwarding indorsements will recommend grade for appointment taking into consideration individual attainments, usable skills, training, or knowledge, and related requirements of the Army.

(d) *Specialist categories for appointment.* Appointment will be made in the Staff Specialist Branch in the following MOS:

Proponent agency	*Title*	*MOS*
Chief of Chaplains	Duties unassigned (Divinity Student or Seminarian).	0001
TAG	Selective Service Officer	2334
Chief of Military History.	Military Historian	2421
TAG	Nonmilitary Subject Instruction Officer (Teaching Methods).	2701
TAG	Nonmilitary Subject Instruction Officer (Physical Science.)	2701
TAG	Nonmilitary Subject Instruction Officer (English).	2701
TAG	Nonmilitary Subject Instruction Officer (Social Sciences).	2701
CINFO	Information Officer	5505
CINFO	Radio Broadcast Officer	5522
DCSOPS	Psychological Warfare Officer.	9305
DCSOPS	Foreign Language Propaganda Officer (Designated Language).	9306

§ 561.16 Appointment in the Army National Guard of the United States.

(a) *General.* (1) Upon being federally recognized, an officer or warrant officer of the Army National Guard will be appointed as a Reserve of the Army for service as a member of the Army National Guard.

(2) No person will be appointed in a commissioned grade above major unless he was formerly a commissioned officer of an armed force or such an appointment is recommended by a board of officers convened by the Secretary of the Army.

(b) *Personnel eligible to apply for appointment.* Individuals having been federally recognized as commissioned officers or warrant officers of the Army National Guard, when they meet the security standards as prescribed in § 561.3(h).

(c) *Applications.* Applications for appointment as Reserve commissioned or warrant officers of the Army will be submitted through appropriate National Guard commanders, the State adjutant general, and the Chief, National Guard Bureau, to the Chief of Personnel Operations, Attn: RCAP–AA. The following forms will be submitted:

(1) NGS Form 62 (Application for Federal Recognition as an Army National Guard Officer or Warrant Officer and Appointment as a Reserve Commissioned Officer or Warrant Officer of the Army in the Army National Guard of the United States) in single copy.

(2) One copy of DD Form 398 (Statement of Personal History). Entry regarding a favorable National Agency check will be recorded on the DD Form 398.

(3) DD Form 98 (Armed Forces Security Questionnaire), one copy to accompany the application and one copy to be retained in the Personnel Records Jacket.

§ 561.17 Appointment as Reserve Warrant Officers of the Army.

(a) *General.* This section prescribes special requirements for the appointment of Reserve warrant officers of the Army for service in the Army Reserve. Sections 561.1–561.9 apply except as provided in this section.

(b) *Special requirements.* (1) Personnel listed below qualifying for warrant officer MOS currently authorized in AR 611–112 or AR 611–113 may apply for appointment under this section. Although Reserve enlisted personnel and Reserve officers are eligible for appointment under this section, acceptance of appointment as a Reserve warrant officer will automatically terminate any other Reserve status held by the individual concerned. Such persons serving on active duty will be appointed only as authorized in § 561.2(b)(2).

(i) Enlisted personnel of the Reserve Components of the Armed Forces.

(ii) Enlisted personnel in the active military service of the Armed Forces provided they are ordered to concurrent active duty as warrant officers under the provisions of § 561.2(b)(2).

(iii) Former warrant officers currently in civilian status. Applicants applying under this section, if otherwise qualified, will not be subject to the requirements of §§ 561.2 and 561.3(b), if appointed within 1 year after date of last discharge as a warrant officer.

(iv) Warrant officers in the active military service holding only temporary appointments, without component, may request appointment as a Reserve warrant officer at any time prior to release from active duty.

(v) Officers and former officers who qualify for warrant officer MOS.

(vi) Qualified technical experts or specialists who are former members of any component of any U.S. Armed Force or civilians with no military status.

(2) Specialty requirements:

(i) Applications for Army attaché career warrant officers will be limited to individuals who meet the requirements of AR 611–60 and have been assigned and performed duties in any Army attaché office for a period of at least 6 months in a military or civilian status.

(ii) Applicants for appointment in the intelligence career fields covered in AR 140–192 must meet the requirements specified in this regulation, or submit appropriate request for waiver.

(iii) Applicants for appointment as bandmaster must meet additional technical requirements. Evaluations are made in the following areas to determine the qualifications of each applicant:

(*a*) Civilian and service music education and experience.

(*b*) Knowledge of sound band management to include the operation of concert bands, dance bands, and ensembles.

(*c*) Conducting capabilities to include baton techniques, musicality of presentation, rehearsal techniques, podium presence, military bearing, and sound leadership characteristics.

(*d*) Theoretical capabilities to include sight-singing, sight-reading, melodic dictation, harmonic dictation, aural and written harmony, arranging and knowledge of instrumentation. In those cases where a definite evaluation cannot be made by a review of the application and allied papers, the Chief of Personnel Operations will direct that a technical examination be administered to the applicant by the bandmaster of the band at the ZI Army Headquarters or major oversea headquarters through which the applicant applied or at Headquarters, USCONARC. All travel involved will be at the expense of the applicant.

(*e*) Personnel applying for appointment as Reserve warrant officer, Army Band Officer, will include the following items which their applications and allied papers:

(1) Chronological listing of all military and civilian positions held to include specific scope of responsibilities.

(2) Representative list or programs of solos played or recitals given on major instruments for public performance.

(3) Representative list or programs of band numbers conducted in public performance.

(iv) Applicants for appointment in MOS 232A, 241B, 241C, 241D, 241E, 251B, 251C, 261A, and 262A must have successfully completed the appropriate MOS qualification course.

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64–3820; Filed, Apr. 17, 1964; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3144(a)(1) is revoked, reflecting a shift of the administrative operations supporting the voluntary mortgage credit extension program from the Office of the Administrator, Housing and Home Finance Agency, to the Federal National Mortgage Association, under that Agency. Schedule A authority is withdrawn for the positions of Executive Secretary and Deputy Executive Secretary, National Voluntary Mortgage Credit Extension Committee and for the Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954. A new position of Special Assistant in the Federal National Mortgage Association is excepted until September 30, 1965. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (a) of § 213.3144 is revoked and paragraph (c)(1) is added as set out below.

§ 213.3144 Housing and Home Finance Agency.

* * * * *

(c) *Federal National Mortgage Association.* (1) Until September 30, 1965, one Special Assistant (VHMCP).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–3799; Filed, Apr. 17, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Farm Definition

(a) *Basis and purpose.* This amendment is issued pursuant to section 375 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375), section 124 of the Soil Bank Act (7 U.S.C. 1812), Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(h)), to amend the regulations governing the reconstitution of farms, farm allotments, farm history and soil bank base acreages (27 F.R. 6482, 7382, 11919; 28 F.R. 1415, 1711, 2227; 29 F.R. 339). This amendment adds a provision to the definition of a farm under which a farm would include, for compliance purposes, the land on which the acreage of a commodity, transferred for natural disaster reasons, is planted. This is to implement sections 334(k) and 344(n) of the Agricultural Adjustment Act of 1938, as amended by the Agricultural Act of 1964. Since the planting of the affected commodities, cotton and wheat, is now in progress, it is imperative that the provisions of this amendment be made known to the farm operators as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice public procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest, and the amendment contained herein shall become effective upon publication in the FEDERAL REGISTER.

Section 719.2(l)(2) is amended by adding subdivision (vi) to read as follows:

§ 719.2 Definitions.

* * * * *

(l) * * *

(2) * * *

(vi) Any farm from which the acreage of a commodity is transferred for natural disaster reasons pursuant to regulations issued by the Secretary shall include, for compliance purposes, the acreage of land on which such commodity is planted.

* * * * *

(Sec. 375, 52 Stat. 66, as amended; sec. 16(h), 77 Stat. 45; sec. 124, 70 Stat. 198; secs. 334, 344, 78 Stat. 173; 7 U.S.C. 1375, 1812; 16 U.S.C. 590p(h); 7 U.S.C. 1334, 1344)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 14, 1964.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64–3843; Filed, Apr. 17, 1964; 8:51 a.m.]

[Amdt. 2]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

TRANSFER OF COTTON ACREAGE AFFECTED BY A NATURAL DISASTER

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by Title I of the Agricultural Act of 1964.

(a) The purpose of this amendment is to modify the planting requirements for history purposes under sections 344 (f)(8) and 377 of the act in the case of farms planting for 1964 and 1965 within the farm domestic allotment established under section 350 of the act, and to provide for the transfer of cotton acreage affected by a natural disaster under section 344(a) of the act.

(b) In order that determinations with respect to transfers of acreage for the 1964 crop may be made prior to the end of the cotton planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The acreage allotment regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041, 29 F.R. 2301) are amended as follows:

1. Section 722.214 of the regulations is amended by adding a new paragraph at the end thereof as follows:

§ 722.214 Adjustment of allotment bases and determination of acreage history.

* * * * *

(d) *Farms planting within the farm domestic allotment for 1964 and 1965.* Farm domestic allotments for the 1964 and 1965 crops are required to be estab-

lished for each farm under section 350 of the act. If the acreage planted to cotton on the farm is within the farm domestic allotment so established, the provisions of paragraphs (a) and (b) of this section regarding planting of 75 percent of the farm allotment shall be satisfied if 75 percent of the farm domestic allotment is planted as specified in these respective paragraphs.

2. A new § 722.226 is added to the regulations immediately after § 722.225 as follows:

§ 722.226 Transfer of farm cotton acreage affected by a natural disaster.

(a) *General authority.* Upon a determination for any year that because of a natural disaster a portion of the farm allotments in a county cannot be timely planted or replanted in such year, a transfer of such acreage may be authorized under section 344(n) of the act. For any year in which a natural disaster within the meaning of section 344(n) of the act occurs, the necessary determinations and designation of affected States and counties and closing date for filing applications for transfer will be published as paragraphs of this section.

(b) *Application for transfer.* The owner or operator of a farm in a county designated for any year under paragraph (a) of this section may file a written application for transfer of cotton acreage, within the farm cotton allotment, for such year to another farm in the same county or in an adjoining county in the same or another State if such acreage cannot be timely planted or replanted because of the natural disaster determined for such year. The application shall be filed with the county committee for the county in which the farm affected by such disaster is located. If the application involves a transfer to an adjoining county, the county committee for the adjoining county shall be consulted before action is taken by the county committee receiving the application.

(c) *Amount of transfer.* The acreage to be transferred shall not exceed the smaller of (1) the farm allotment established under section 344 of the act less such acreage planted to cotton and not destroyed by the natural disaster, or (2) the acreage requested to be transferred.

(d) *County committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(1) All or part of the farm allotment for the farm from which the acreage is to be transferred could not be timely planted or replanted because of the natural disaster and planting was not prohibited by the lease in case of lands owned by the Federal Government.

(2) One or more producers of cotton on the farm from which the acreage is to be transferred will be a bona fide producer engaged in the production of cotton on the farm to which the acreage is to be transferred and will share in the crop or in the proceeds of the cotton. Such sharing shall be in the manner customary in the area in order to establish the status of such producer as a bona fide producer on the farm to which the acreage is to be transferred.

(e) *Cancellation of transfers.* If a transfer is approved under this section and it is later determined that the conditions in paragraph (d) of this section have not been met, the county committee, State committee or the deputy administrator may cancel such transfer. Action by the county committee to cancel a transfer shall be subject to the approval of the State committee or its representative.

(f) *Acreage history credits and eligibility as an old cotton farm.* Any acreage transferred under this section shall be deemed to be released acreage for purposes of acreage history credits un sections 344(f)(8), 344(m)(2) and 377 of the act: *Provided,* That notwithstanding section 344(m)(2) of the act, transferred acreage shall be deemed planted on the farm from which transferred for purposes of determining eligibility as an old cotton farm under section 344(f)(1) of the act whether or not such acreage was actually planted.

(g) *Closing date.* The 1964 closing date for approval of transfers by the county committee shall be June 10, 1964.

(h) *Designated States and counties affected by natural disaster.* An amendment to this paragraph will be issued designating States and counties in which it is determined that a natural disaster consisting of flood or excessive rainfall in 1964 may have prevented timely planting or replanting of a portion of the 1964 farm cotton allotment.

(Secs. 344(f)(8), 344(n), 375, 377; 78 Stat. 173, 52 Stat. 66, as amended, 7 U.S.C. 1344 (f)(8), 1344(n), 1375, 1377)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 14, 1964.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilizaton and Conservation Service.

[F.R. Doc. 64-3844; Filed, Apr. 17, 1964; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 80]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.380 Valencia Orange Regulation 80.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 16, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 19, 1964, and ending at 12:01 a.m., P.s.t., April 26, 1964, are hereby fixed as follows:

(i) District 1: 500,000 cartons;

(ii) District 2: 71,543 cartons;

(iii) District 3: 225,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 17, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3939; Filed, Apr. 17, 1964; 11:38 a.m.]

[Lemon Reg. 107]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.407 Lemon Regulation 107.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 14, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 19, 1964, and ending at 12:01 a.m., P.s.t., April 26, 1964, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 16, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3876; Filed, Apr. 17, 1964; 8:52 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBPART B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1963-64 Cotton Equalization Program—Payment-in-Kind Regulations

Sec.
1427.1801 General statement.
1427.1802 Administration.
1427.1803 Definitions.
1427.1804 Eligibility of a domestic cotton user for payment.
1427.1805 Payment rate.
1427.1806 Amount due domestic cotton users.
1427.1807 Form of payment.
1427.1808 Application for payment.
1427.1809 Issuance of Cotton Equalization Payment Certificates.
1427.1810 Cash Advance to Payee.
1427.1811 Marketing of certificates.
1427.1812 Redemption of certificates.
1427.1813 Issuance of balance certificates.
1427.1814 Assignments.
1427.1815 Satisfactory evidence of bale openings.
1427.1816 Use of cotton in manufacturing.
1427.1817 Records and reports.
1427.1818 Right to amend.
1427.1819 Persons not eligible.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended, sec. 101, Pub. L. 88-297; 15 U.S.C. 714 (b) and (c).

§ 1427.1801 General statement.

In order to maintain and expand domestic consumption of upland cotton produced in the United States and to prevent discrimination against the domestic users of such cotton, Commodity Credit Corporation (referred to in this subpart as "CCC") will carry out a program under which payments will be made by the actual or constructive delivery of payment-in-kind certificates to domestic users of bales of eligible raw upland cotton opened for consumption during the period beginning at 12:01 a.m., April 11, 1964, and ending at midnight, July 31, 1964. Cash advances will be made to domestic cotton users who wish CCC's assistance in marketing the certificates earned by them under the program. It also provides the methods by which CCC shall redeem certificates and market certificates for which its assistance in marketing has been requested.

§ 1427.1802 Administration.

(a) The Farmer Programs Division, Agricultural Stabilization and Conservation Service, will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, in accordance with program provisions and policy determined by the CCC Board and the Executive Vice President, CCC. In the field the program will be administered through the Agricultural Stabilization and Conservation State and county committees. Additional information concerning the operation of this program may be obtained from the State committees. The New Orleans Agricultural Stabilization and Conservation Service Commodity Office will maintain accounts and records for the program and issue sales announcements relating to certificate pools established under this subpart.

(b) Forms will be available in offices of the State committees.

(c) State and county committees, the New Orleans office, and employees thereof do not have authority to modify or waive any of the provisions of this subpart or any amendment or supplement thereto, except as specifically authorized in this subpart.

(d) No delegation herein to a State committee, county committee, or the New Orleans office shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State committee, a county committee, or the New Orleans office.

(a) *Eligible cotton.* "Eligible Cotton" means raw upland cotton grown in the United States of grades named in the Universal Standards for American Upland Cotton which has a staple length of $1\frac{3}{16}$-inch or longer: *Provided, however,* That with respect to bales opened on and after April 27, 1964, before a bale of (1) reginned or repacked cotton, as defined in regulations of the Department of Agriculture under the United States Cotton Standards Act (Service and Regulatory Announcement No. A.M.S. 153; Title 7, Chapter I, Part 28, of the Code of Federal Regulations), or (2) cotton which the domestic cotton user has any reason to believe may have a staple length shorter than $1\frac{3}{16}$-inch or may be below grade, may be included in an application for payment under this subpart, the domestic cotton user must obtain a Form A Classification Memorandum, an acceptable Form D Classification Memorandum or other classification memorandum acceptable to CCC issued for such bale of cotton by a board of cotton examiners of the U.S. Department of Agricultural showing that such bale was $1\frac{3}{16}$-inch or longer in staple length and of a grade named in the Universal Standards for American Upland Cotton. A Form D classification of the U.S. Department of Agriculture will be acceptable hereunder if a representative of the county committee supervises the drawing, handling, packaging, and shipping of samples in accordance with CCC instructions. (Bales of (i) foreign grown cotton, (ii) cotton shorter in staple length than $1\frac{3}{16}$-inch, (iii) below grade cotton, (iv) by-products of cotton such

as cotton mill waste, motes, linters, and sweepings, and (v) any cotton that has been mixed with by-products of cotton are not eligible under this subpart.) CCC's determination as to the eligibility of cotton hereunder shall be final.

(b) *Cotton product.* "Cotton product" means any product containing cotton fibers that results from the manufacture of a bale of raw cotton.

(c) *Domestic cotton user.* "Domestic cotton user" means an individual, corporation, partnership, association or other legal entity, which is regularly engaged in the business of opening bales of eligible cotton and manufacturing such cotton into cotton products in the United States.

(d) *Bale openings.* "Bale openings" means the removal of the bagging and ties from a bale of eligible cotton in a building or collection of buildings where the cotton in the bale will be used in the continuous process of manufacturing raw cotton into cotton products in the United States.

(e) *United States.* "United States" means the fifty States, the District of Columbia, and the territory of Puerto Rico.

(f) *State committee.* "State committee" means the Agricultural Stabilization and Conservation Committee for the State in which the bales of cotton are opened, except that in the case of cotton opened in the District of Columbia and Puerto Rico, "State committee" means the State committee for Maryland and the Caribbean Agricultural Stabilization and Conservation Service Area Office in San Juan, Puerto Rico, respectively.

(g) *County committee.* "County committee" means the Agricultural Stabilization and Conservation Committee serving the county or city in which the bales of cotton are located at time of sampling, except that in the case of cotton located in the District of Columbia and Puerto Rico, at the time of sampling, "county committee" means the State committee for Maryland and the Caribbean Agricultural Stabilization and Conservation Service Area Office, San Juan, Puerto Rico, respectively.

(h) *Public notice.* "Public notice" means the filing of a notice with the FEDERAL REGISTER for publication.

(i) *Gross weight.* "Gross weight" means the gross weight at which the bale was purchased by the domestic cotton user: *Provided, however,* That if such weight cannot be furnished, a gross weight determined in some other manner and approved by the State committee will be accepted by CCC: *And provided, further,* That if CCC determines that a substantial portion of an industry purchases cotton on weights determined upon delivery of the cotton to the domestic cotton user's warehouse, a domestic cotton user in such industry may use such delivered weights as to all cotton opened.

§ 1427.1804 Eligibility of a domestic cotton user for payment.

If a domestic cotton user opens bales of eligible cotton during the period set forth in § 1427.1801 for use in the manufacture of cotton products in the United States, such user will be eligible to receive a payment on such bales in the form of a payment-in-kind certificate, subject to the terms and conditions set forth in this subpart.

§ 1427.1805 Payment rate.

The payment rate will be 6.5 cents per pound, gross weight.

§ 1427.1806 Amount due domestic cotton users.

The amount due a domestic cotton user under an application will be determined by multiplying the applicable payment rate by the total gross weight, as defined in § 1427.1803(i), of the bales covered by the application on which the domestic cotton user is entitled to payment.

§ 1427.1807 Form of payment.

A domestic cotton user who is entitled to payment under this subpart shall receive payment in the form of a Cotton Equalization Payment Certificate (Form CCC–843), issued by the State committee on behalf of CCC, except that if, at the time of applying for payment, he requests CCC's assistance in the marketing of his certificate, the State committee shall make a cash advance on behalf of CCC to such domestic cotton user as provided in this subpart and a certificate pool will be credited with the value of the certificate earned by him.

§ 1427.1808 Application for payment.

In order to obtain payments under this subpart, a domestic cotton user must submit to the State committee an original and two copies of Applications for Cotton Equalization Payment, Form CCC 841 (referred to in this subpart as "Form 841"). Applications must be submitted separately for each census reporting period, but no bale may be covered by more than one Form 841. No Form 841 may be submitted later than August 31, 1964, except that an extension of such date will be granted by the State committee if it determines that the domestic cotton user has been or will be delayed in submitting such form by a cause occurring without his fault or negligence. Where an application is mailed, the date of the postmark on the envelope shall be considered the date of submission.

§ 1427.1809 Issuance of Cotton Equalization Payment Certificates.

Upon receipt of a properly executed and acceptable Form 841 and other required documents, the State committee will, unless the domestic cotton user requests a cash advance under § 1427.1810, issue to the domestic cotton user a Cotton Equalization Payment Certificate (Form CCC 843) for the amount due, subject to the following terms and conditions:

(a) *Payee.* Except as provided in § 1427.1814, the certificate will be issued only to the domestic cotton user who submitted the Form 841.

(b) *Face value.* The face value of the certificate, which will be shown in the space provided, will be the amount due the domestic cotton user under an application for payment, determined in accordance with § 1427.1806, except that more than one certificate in face values totaling the amount due will be issued if requested. A certificate shall be accepted by CCC at face value, if within 30 days after the date of issuance, it is tendered to CCC for redemption in cotton or for marketing. If after such 30-day period, but not later than the expiration date of the certificate, the certificate is tendered to CCC for redemption in cotton or for marketing, the value at which the certificate is accepted shall be the face value minus one-hundredth of 1 percent of the face value for each day beginning on the 31st day after issuance thereof to but not including the day it is tendered to CCC for redemption or for marketing. Such reduction in value shall cover storage and carrying charges.

(c) *Date of issuance.* The date of issuance shown on the certificate shall be the date the certificate is issued. Substitute certificates issued to replace original certificates never received by the payee shall bear a current date of issuance. Substitute certificates issued to replace other original certificates shall bear the same date of issuance as the certificate being replaced.

(d) *Signature and countersignature.* To be valid, the certificates must be signed and countersigned by authorized representatives of CCC.

(e) *Transfer.* The certificate may be transferred to any person or firm, in which case the certificate must be endorsed by the named payee and by the holder who presents it to CCC.

(f) *Expiration date.* The certificate shall expire three years after date of issuance and thereafter will not be redeemable by CCC.

§ 1427.1810 Cash advance to payee.

A cash advance shall be made by the State committee on behalf of CCC to any payee who requests CCC's assistance in marketing a certificate earned by him under this subpart. Only the payee shall have this option. If such request is made at the time the payee applies for payment, constructive delivery of the certificate to the payee will be made by making the cash advance and crediting a certificate pool with the value of the certificate earned by him. A payee who does not request CCC's assistance in marketing his certificate at such time may subsequently request CCC's assistance in marketing his certificate by delivering it to the State committee for marketing. Such certificate shall also be credited to a certificate pool. A cash advance to a payee shall be made in the form of a CCC sight draft for the face value of the certificate earned by him less any applicable reduction in value for storage and carrying charges.

§ 1427.1811 Marketing of certificates.

All certificates for which payees have requested CCC's assistance in marketing shall be pooled by CCC and shall lose their identity as individual certificates. The amount of the certificate pool shall be the total of the value of certificates of which CCC has made constructive delivery to the payees and the value of the certificates presented to the State offices by the payees for marketing by CCC. Such amount shall be equal to the amount of cash advances. CCC shall market the rights represented by pooled certificates upon terms and conditions established by the Executive Vice President, CCC, at such times and in such manner as it determines will best effectuate the purposes of the program.

§ 1427.1812 Redemption of certificates.

Certificates shall be redeemable in cotton upon terms and conditions established by the Executive Vice President, CCC, by submitting an application to the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, 120 Marais Street, New Orleans, Louisiana.

§ 1427.1813 Issuance of balance certificates.

If the full amount of the face value of a certificate tendered by the payee or a subsequent holder for redemption in cotton is not fully redeemed in cotton, a balance certificate shall be issued to the certificate holder for the unused amount. If the amount is $3.00 or less, no balance certificate will be issued unless requested. The date of the balance certificate shall be the date of issuance of the original certificate. Balance certificates may be tendered to CCC for redemption in cotton in the same manner as the original certificates. Balance certificates issued to the payee shown on the original certificate may be surrendered by the payee to CCC for marketing.

§ 1427.1814 Assignments.

No domestic cotton user shall, without the written consent of CCC, assign any right to an equalization payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 1427.1809 (e).

§ 1427.1815 Satisfactory evidence of bale openings.

Evidence of bale openings of cotton, to be satisfactory hereunder, must meet the following requirements unless otherwise approved by CCC:

(a) The domestic cotton user shall maintain (1) a record of the acquisition of all cotton covered by an application for payment which is adequate to establish the person or firm from whom he acquired the bales and the gross weight of the cotton, (2) all classification memorandums which the domestic cotton user is required to obtain under this subpart, and (3) a record of the disposition made of all cotton on which he receives payment under this subpart.

(b) There shall be submitted with Form 841, a Tag List of Cotton Bales Opened, Form CCC 842 (referred to in this subpart as "Form 842"). The bale tag numbers under which the cotton was purchased by the domestic cotton user shall be shown on such Form 842 or on an attached list: *Provided, however,* That if the bale tag numbers under which the cotton was purchased are not readily available he shall furnish a Form CCC 842 listing thereon or on an attached list bale numbers acceptable to the State committee. Such Form 842 shall contain a certification by the domestic cotton user that the bale tag numbers and weights shown thereon or on the attached list are true and correct and that to the best of his knowledge and belief, the cotton was upland cotton produced in the United States and was eligible cotton as defined in § 1427.1803(a).

(c) The domestic cotton user shall certify on the Form 842 that to the best of his knowledge and belief the official classification assigned to the cotton by a board of cotton examiners does not (and for any of the cotton for which he has not obtained a classification memorandum, and official classification would not) describe the cotton as either shorter than $^{13}/_{16}$-inch in staple length or below grade.

(d) The domestic cotton user shall certify on the application that the cotton covered thereby is eligible for payment. If it is determined by CCC that payment has been made on any bales of (1) cotton shorter than $^{13}/_{16}$-inch staple length, (2) below grade cotton, (3) reginned or repacked cotton for which a required classification memorandum was not obtained, or (4) cotton which is otherwise ineligible for payment, the domestic cotton user shall be obligated to repay to CCC the amount of any such payment with interest at 6 percent per annum for the date of such payment to the date of repayment.

§ 1427.1816 Use of cotton in manufacturing.

By submitting a Form 841, the domestic cotton user shall be deemed to have agreed that the cotton covered thereby has been or will be used in the manufacture of cotton products in the United States. If any bales of eligible cotton on which a domestic cotton user obtains payment under this subpart are disposed of other than in the manufacture of cotton products in the United States, the domestic cotton user shall furnish full information to CCC of the bales not so used and the disposition thereof, including the name and address of the purchaser where applicable. The domestic cotton user shall pay to CCC an amount equal to the amount of the payments made by CCC on such bales plus interest at 6 percent per annum from the dates of such payments to the date of repayment.

§ 1427.1817 Records and reports.

The domestic cotton user shall make available to CCC at all reasonable times, upon CCC's request, such information and reports, and such of the domestic cotton user's and such of his affiliates' and subsidiaries' books, records, and accounts and other documents and papers as CCC may deem pertinent to any transaction hereunder. Such records covering any plant shall be maintained for a period of five years after the date of last payment under any Form 841 covering cotton opened at the plant.

§ 1427.1818 Right to amend.

CCC reserves the right to amend any and all of the provisions of this subpart at any time by giving public notice thereof.

§ 1427.1819 Persons not eligible.

No Member of, or Delegate to, Congress, or Resident Commissioner, shall be admitted to any benefit under this subpart, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

NOTE: The record keeping and reporting requirements of this announcement have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Reports Act of 1942.

Signed at Washington, D.C., on April 11, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64–3886; Filed, Apr. 17, 1964; 8:52 a.m.]

PART 1434—HONEY

Subpart—Honey Price Support Regulations

These regulations supersede the Honey Price Support Regulations for 1963 and subsequent crops (28 F.R. 3578) and amendments thereto with respect to 1964 and subsequent crops.

Sec.

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AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421.

§ 1434.50 General statement.

This subpart contains the regulations which set forth the requirements with respect to price support for the 1964 crop of extracted honey and each subsequent crop of extracted honey for which a program is authorized. An eligible producer is required, as a condition precedent to receiving price support, to obtain approval of an application for price support filed with the county office. Approval of such an application will entitle an eligible producer to obtain price support from CCC through loans on and

purchases of eligible honey. Loans will be evidenced by notes and secured by chattel mortgages on eligible honey in approved storage. On or after the purchase date for honey, the producer may sell to CCC any or all of his eligible honey, which is not security for a price support loan, by delivering the honey to CCC. As used in this subpart "CCC" means the Commodity Credit Corporation and "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

§ 1434.51 Administration.

(a) *Responsibility.* The Farmer Programs Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, State and County Operations, in accordance with program provisions and policy determined by the CCC Board and the Executive Vice President, CCC. In the field, such provisions will be administered by the Agricultural Stabilization and Conservation State and County Committees (hereinafter called State and county committees), ASCS commodity offices and, the ASCS Data Processing Center.

(b) *Documents.* Any member of the county committee, the county office manager, or other employee of the county office designated by the county office manager to act in his behalf is authorized to approve documents in accordance with the provisions of this program except where otherwise specified in this subpart. Any such designation shall be in writing and a copy thereof shall be on file in the county office.

(c) *Limitation of authority.* The authority conferred by this subpart to administer the honey price support program does not include authority to modify or waive any of the provisions of this subpart.

(d) *State committee.* The State committee may take any action authorized or required by this subpart to be taken by the county committee which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action taken by such county committee which is not in accordance with this subpart or (2) require a county committee to withhold taking any action which is not in accordance with this subpart.

(e) *Executive Vice President, CCC.* No delegation of authority herein shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under this subpart or from reversing or modifying any determination made pursuant to a delegation of authority in this subpart.

§ 1434.52 Eligible producers.

(a) *Producer.* An eligible producer shall be an individual, partnership, corporation, estate, trust, or other legal entity, who extracts honey produced by bees owned by him, or a cooperative marketing association which qualifies as an eligible producer under § 1434.56 and meets the requirements for eligibility for price support contained in this subpart.

(b) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustee of a trust estate will be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiary of a trust respectively, and the production of the receiver, executor, administrator, guardian or trustee shall be considered to be the production of the person he represents. Loan or purchase documents executed by such legal representative will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(d) *Approval by State committee.* If a producer has been convicted of a criminal act or has made a misrepresentation in connection with any price support program or has unlawfully disposed of any loan collateral or if the county committee has had difficulty in settling a loan with the producer because of his failure to protect properly the mortgaged commodity or for other reasons, the producer may be denied price support until the State committee is satisfied that both he and the honey offered for price support meet the eligibility requirements of the program and that CCC will be fully protected against any possible loss.

(e) *Joint loans.* Two or more eligible producers may obtain a joint loan on eligible honey produced and extracted by them if stored in the same storage facility. Each producer who obtains a joint loan will be jointly and severally liable for the obligations under the loan documents and this subpart.

§ 1434.53 Eligibility requirements.

(a) *Filing application.* A producer must file an application for price support on a form prescribed by CCC. Approval of an application by a representative of the county committee shall be a condition precedent to a producer's eligibility for price support through loans from and purchases by CCC.

(b) *Beneficial interest.* To be eligible for price support, the beneficial interest in the honey must be in the producer tendering it as security for a loan or for purchase and must always have been in him, or in him and a former producer whom he succeeded as owner of the bees before the honey was extracted. In the case of a cooperative marketing association, the beneficial interest in the honey must have been in the producer-members who delivered the honey to the association or to member associations or must always have been in them and former producers whom they succeeded before the honey was extracted. Honey acquired by an association shall not be eligible for price support if the producer-members who delivered the honey to the association or member associations do not retain the right to share proportionately in the proceeds from the marketing of the honey as provided in § 1434.56(1).

(c) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to ownership of the bees which produced the honey shall have been substantially assumed by the person claiming succession. Mere purchase of the honey prior to extraction without acquisition of any additional interest in the production unit shall not constitute succession.

(d) *Doubtful cases.* Any producer or association in doubt as to whether his interest in the honey complies with the requirements of this section, before applying for price support, should make available to the county committee all pertinent information which will permit a determination to be made by CCC.

§ 1434.54 Miscellaneous requirements.

(a) *Revenue stamps.* Farm Storage Note, Mortgage and Security Agreements must have State and documentary revenue stamps affixed thereto when required by law.

(b) *Execution of documents—other than producer.* Any legal entity which has an interest in storing, processing or merchandising honey for which price support is requested and any representative of such legal entity shall not be eligible to secure price support on such honey as an agent for a producer through the use of a power of attorney, except that this provision shall not apply when the representative of such legal entity is serving in a capacity of farm manager for such producer.

§ 1434.55 Availability, disbursement and maturity of loans.

(a) *Where to apply.* Application for price support should be made at the local ASCS county office of the county in which the honey is stored. An approved cooperative marketing association must make application at the ASCS county office for the county in which the principal office of the association is located unless the State committee designates some other ASCS county office. In the case of an association having operations in two or more States, application may be made at the county office for the county in which its principal office for each such State is located.

(b) *Availability date.* Producers desiring price support must file an application no later than December 31 of the year in which the honey was produced and extracted.

(c) *Final date for loans and maturity date.* Loans shall be available through April 30 of the year following the year in which the honey was produced and extracted. Unless demand is made earlier, loans shall mature on the following May 31. When the final dates of availability or the maturity date falls on a nonwork day for ASCS county offices, the applicable final dates shall be extended to include the next work day.

(d) *Disbursement of loans.* Disbursement of loans will be made to producers by ASCS county offices by means of loan drafts drawn on CCC or by credit to the producer's account. The producer shall not present the loan documents for disbursement unless the honey covered by the mortgage is in existence. If the honey was not in existence at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

§ 1434.56 Cooperative marketing associations.

A cooperative marketing association which meets the requirements of this section shall be deemed an eligible producer and shall be eligible for price support on eligible honey through cooperative storage loans and purchases. An association desiring to qualify as an eligible producer shall submit annually an application for determination of such eligibility to the State committee of the State where the association's principal office is located no later than July 1 of the year in which the honey to be offered for price support is produced.

(a) *Producer-owned and controlled.* The association must be a producer-owned cooperative marketing association of producers under the control of its producer-members. The association shall submit with its application a detailed statement of its method of operations showing the manner in which producer-members have control of the association.

(b) *Articles or bylaws provisions.* Except as otherwise provided in this paragraph the articles of incorporation or association or the bylaws of the association must provide for: (1) An annual membership meeting at a location which will provide reasonable opportunity for all members to attend and participate, (2) a notice of all district, area, special or annual meetings to be given to all members affected by such meeting, (3) membership in the association to be open to all producers of honey except that producers may be denied membership on a reasonable basis, including among other reasons that the membership of the producer would be inimical to the effective operation of the association, (4) voting on election of officers and directors by secret ballot, when there have been more nominees than there are vacancies to be filled, (5) a single vote for each member regardless of the number of shares of stock owned or controlled by him or voting rights for each member based on his production of honey marketed by the association during the current year or a single preceding year, but whichever of the preceding bases of voting is practiced it shall be uniform for all members of the association, and (6) each member receiving a summary financial statement prepared by the independent accountant who made the annual audit of the association. The requirements of subparagraphs (4), (5), and (6) of this paragraph may be provided for by resolution of the board of directors of the association.

(c) *Financial condition.* The association must be on a financially sound basis. The association shall submit with its application evidence establishing that its operation is on a financially sound basis.

(d) *Operations.* The association (1) must have been in existence and conducting legitimate marketing operations for its producer-members for a period of not less than two years prior to the date of its application, or (2) must submit evidence that it is so organized and staffed as to provide effective marketing operations for its producer-members.

(e) *Conflict of interest.* The association must submit with its application a detailed report concerning all transactions, except those which are no different than transactions entered into by the association with its general membership, for the year preceding the date of the application: (1) With any director, officer, or employee of the association or any of his close relatives, (2) with any partnership in which any such person or any of his close relatives are entitled to receive a percentage of the gross profits, (3) with any corporation in which any such person or any of his close relatives own stock, (4) with any business entity from which any such person or any of his close relatives received fees for transacting business with or on behalf of the association, or (5) with any business entity in which an agent, director, officer or employee of the association was an agent, director, officer or employee of such business entity. A close relative shall be deemed to refer to a husband or a wife or a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report must include, but is not limited to, transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities. A statement must also be submitted indicating whether any transactions of the kind described in this paragraph are contemplated in the period between the date of the application and the end of its next fiscal year and if any such transaction is contemplated, a detailed statement of the reasons therefor. The association shall not be eligible for price support unless it establishes that any such transactions in the year preceding the date of application and during the period beginning with the date of the application and ending at the conclusion of its next fiscal year, have not and will not operate to the detriment of members of the association.

(f) *Uniform marketing agreement.* All eligible honey which is delivered to the association by producer-members and which is included in a pool consisting in whole or in part of honey on which price support is obtained from CCC must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer-members who delivered such eligible honey.

(g) *Purchased and non-member honey.* Honey purchased from producer-members by a cooperative marketing association in which the producer-members do not retain the right to share in the proceeds of marketing as provided in paragraph (1) of this section, and honey purchased or acquired from non-members is not eligible for price support.

(h) *Member business.* Not less than 80 percent of the honey marketed by the association must be produced by its producer-members. Honey purchased by the association from CCC shall not be considered in determining the volume of honey marketed for members and non-members.

(i) *Vested authority.* The association must have authority to obtain a loan on the security of the honey and give a lien thereon as well as authority to sell such honey.

(j) *Records maintained.* The association must maintain a record of the quantity of honey eligible for price support delivered to the association from each member. Separate records must be maintained for honey purchased or acquired by the association which is ineligible for price support and must show the source and disposition of such honey.

(k) *Segregated storage.* The association must maintain a physical segregation of eligible honey received from eligible producer-members. Price support may be obtained by the association only on the quantity of eligible honey so segregated which remains undisposed of in its inventory at the time of application for price support thereon.

(l) *Distribution of proceeds.* The association may establish separate pools for honey acquired from its members. Proceeds of marketing of any pool which consists in whole or in part of honey on which price support is obtained from CCC must be distributed only to members participating in such pool on a proportionate basis according to the quality and quantity of the honey delivered by each member which is included in such pool. All honey included in such pool must be eligible for price support and must have been produced and extracted by eligible producers who are members of the association. Allocations of costs and expenses as between separate pools must be made in accordance with sound accounting principles and practices. Any losses incurred by the association in marketing honey not included in a pool consisting in whole or in part of honey on which price support is obtained from CCC may not be assessed against the proceeds of marketing of such a pool.

(m) *Inspection by CCC.* Honey held by an association must be available for inspection by CCC at all reasonable times so long as the association has honey under price support. The books and records of the association relating to each year's honey must be available to CCC for inspection at all reasonable times during the period beginning with the date of the application for approval for price support and ending five years after the loan maturity date for such year's honey.

(n) *Member associations.* For purposes of meeting the requirements of paragraph (a) of this section, an association otherwise eligible for price support

which includes in its membership other associations composed of producer-members shall be eligible for price support if all such member associations meet the requirements for price support under this section. The requirements of paragraph (f) of this section shall be deemed to be satisfied if all such member associations have the right to deliver to the association applying for price support eligible honey delivered by their producer-members and to authorize the association applying for price support to sell the honey and to obtain a loan on the security of the honey and to give a lien thereon. The association applying for price support shall: (1) In its charter, bylaws, marketing contracts or by other legal means require that its member association meet the requirements for price support under this section, (2) submit the material and certifications required by paragraphs (c), (d), and (e) of this section with respect to each member association, (3) certify to CCC that its member associations are in fact eligible for price support under the requirements of this section, and (4) except for the requirement that it consist of producers, otherwise qualify for price support under this section.

(o) *Eligibility determinations.* Determinations with respect to the eligibility of cooperative marketing associations of producers under this section for either cooperative-storage loans or purchases or both, shall be made by the Executive Vice President, CCC.

(p) *Investigations.* CCC shall have the right at any time after an application is received to examine all records and make such investigations deemed necessary to determine whether the cooperative is operating in accordance with its articles of incorporation, bylaws, agreements with producers or member associations and with the representation made in its application.

§ 1434.57 Eligible honey.

Honey must meet the requirements of this section in addition to other applicable requirements of the program in order to be eligible for a loan or for delivery under a loan or purchase. Honey described in § 1434.58 is not eligible.

(a) *Production.* The honey must have been produced and extracted in the continental United States by an eligible producer during the year in which application is made for price support.

(b) *Containers.* The honey must be packed in metal containers of a capacity of not less than 5 gallons nor greater than 70 gallons and of a style used in normal commercial practice in the honey industry.

(1) *Five-gallon.* The 5-gallon containers must contain approximately 60 pounds of honey and shall be new, clean, sound, uncased and free from appreciable dents and rust. The handle of each container must be firm and strong enough to permit carrying the filled can. The cover must be fitted with a gasket and the cover and can opening must not be damaged in any way that will prevent a tight seal. Cans which are punctured or have been punctured and resealed by soldering will not be acceptable.

(2) *Steel drums.* Steel drums must be filled to their rated capacities and be new, or used drums which have been reconditioned inside and outside. They must be clean, treated to prevent rusting and fitted with gaskets which provide a tight seal.

§ 1434.58 Ineligible honey.

(a) *Floral source.* Honey from the following floral sources is not eligible for price support regardless of whether it meets other eligibility requirements: Andromeda, Athel, Bitterweed, Broomweed, Cajeput, Carrot, Chinquapin, Dog Fennel, Desert Holly Hock, Gumweed, Mescal, Onion, Prickly Pear, Prune, Queen's Delight, Rabbit Brush, Snowbrush (Ceanothus), Snow-on-the-Mountain, Tarweed, and similar objectionably flavored honey or blends of honey as determined by the Director, Farmer Programs Division, ASCS. If any blends of honey contain such ineligible honey, the lot as a whole shall be considered ineligible for loan or delivery for purchase.

(b) *Contamination or poisonous substances.* Honey which is contaminated or which contains chemicals or other substances poisonous to man or animals is not eligible for price support.

§ 1434.59 Approved storage.

Loans shall be made only on honey in approved storage as defined in this section

(a) *Farm and cooperative storage.* Approved farm cooperative storage shall consist of a storage structure located on or off the farm (excluding public warehouse) which is determined by a representative of the county committee to afford safe storage for honey.

(b) *Segregation of loan collateral.* Storage structures used for storage of honey covered by more than one loan must be partitioned to preserve the identity of the honey covered by each loan. Partitions must also be used to segregate honey covered by a loan from any other honey stored in the same storage structure.

(c) *Purchase.* Purchases will be made by CCC without regard to whether the honey is in approved storage.

§ 1434.60 Applicable forms.

The forms for use in connection with this program shall be as prescribed by CCC.

If there are any liens or encumbrances on the honey, waivers that will fully protect the interest of CCC must be obtained, even though the liens or encumbrances are satisfied from the loan or purchase proceeds. No additional liens or encumbrances shall be placed on the honey after a loan has been approved.

§ 1434.62 Application fee and service charge.

(a) *Application fee.* A producer shall pay a fee of $3.00 for each application for price support. This application fee is not refundable.

(b) *Service charges.* A service charge of one cent per hundredweight, in addition to the application fee, shall be paid by producers at time of settlement on the quantity of honey delivered to CCC.

§ 1434.63 Setoffs.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm-storage facilities or drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under these regulations, the amount due the producer, after deduction of service charges and amounts due prior lienholders, shall be applied to such installment(s).

(b) *Producers listed on county debt record.* If a producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county debt record, amounts due the producer under the program provided in this subpart, after deduction of amounts payable on farm-storage facilities or drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's Setoff Regulations, Part 13 of this title (23 F.R. 3757), to such indebtedness.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1434.64 Determination of quantity.

(a) *For loan purposes.* The estimated quantity of honey placed under loan shall be determined as provided in § 1434.71. The estimate shall be made on the basis of 12 pounds for each gallon of rated capacity of the container.

(b) *At time of acquisition.* The quantity of honey acquired by CCC on delivery under loan or delivery for purchase shall be determined under the direction of the State committee. The quantity determination of honey acquired in 5-gallon cans shall be, the number of cans time the average net weight of honey per can rounded to the nearest whole pound or 60 pounds per can, whichever is lower. The quantity determination of honey acquired in larger containers shall be the actual net weight of the honey. The quantity determined shall be the net weight of the honey before sampling.

§ 1434.65 Determination of quality.

(a) *Quality for loan.* Loans will be be made on the basis of the floral source, color and class (table or nontable), of the honey as declared by the producer at the time it is placed under loan.

(b) *Samples for delivery.* When honey is delivered to CCC, its quality and color shall be determined by the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS (herein called "AMS") in accordance with U.S. Standards for Grades of Extracted Honey on the basis of samples drawn by an AMS inspector. The cost of sampling and inspection shall not be for the account of CCC.

(c) *Segregation by color.* Table honey shall, insofar as is practicable, be segregated into lots by color to conform with the color categories stated in § 1434.77. If a lot of honey is not segregated so that it can be certified as on color in accordance with the U.S. Standards for Grades of Extracted Honey, the rate for settlement under a loan or purchase shall be based on the darkest color shown on the inspection certificate: *Provided,* That if the inspection certificate at time of delivery to CCC shows that the lot of honey contains more than two colors and if the number of samples of the darkest color shown on such certificate is not more than one-sixth of the total number of samples, the color for the purpose of settlement shall be the next lighter color.

(d) *Segregation by classes.* If the honey is not segregated so that it can be classified as table honey, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

(e) *Blends.* In the case of blends of table and nontable honeys, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

§ 1434.66 Interest rate.

Loans shall bear interest at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 1434.67 Transfer of producer's interest prohibited.

The producer shall not transfer either his remaining interest in or his right to redeem honey mortgaged as security for a loan, nor shall anyone acquire such interest or right. Subject to the provisions of § 1434.72, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the honey must obtain written prior approval of the county office on a form prescribed by CCC to remove the honey from storage. Any such approval shall be subject to the terms and conditions set out in the applicable form, copies of which may be obtained by producers or prospective purchasers at the ASCS county office.

§ 1434.68 Insurance.

CCC will not require the producer to insure the honey placed under loan; however, if the producer insures such honey and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the honey involved in the loss.

§ 1434.69 Loss or damage.

The producer is responsible for any loss in quantity or quality or change in color of the honey placed under loan. Notwithstanding the foregoing, any such loss or change in color occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the honey destroyed up to a quantity not in excess of that required to secure the oustanding loan (or, if the honey is not destroyed, in an amount equivalent to the extent of the loss or damage or change in color, as determined by CCC), less any insurance proceeds to which CCC may be entitled and less any salvage value of the honey if the producer establishes to the satisfaction of CCC each of the following conditions: (a) A physical loss or damage occurred to the honey without fault, negligence, or conversion on the part of the producer; (b) the physical loss or damage resulted solely from an external cause (other than insect infestation, vermin, or animals) such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood, or other act of God; (c) the producer gave the county office immediate notice of such loss or damage; and (d) the producer made no fraudulent representation in the loan documents or in obtaining the loan. No loss on the value of the honey caused by a change in color will be assumed by CCC unless the change in color is the direct result of one or more of the causes listed in paragraph (b) of this section and the producer otherwise meets the requirements of this section. No physical loss or damage to or change in color of the honey which occurred prior to disbursement of the loan funds to the producer will be assumed by CCC.

§ 1434.70 Personal liability of the producer.

(a) *Fraud relating to loans and unlawful disposition.* The making of any fraudulent representation by a producer in the loan documents (including the application for price support) in obtaining a loan, or in connection with settlement or delivery under a loan, or the unlawful disposition of any portion of the honey by him will render the producer subject to criminal prosecution under Federal law. Any such loans shall become payable upon demand and the producer shall be personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amount paid to the producer in connection with the honey, and for all costs which CCC would not have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on such amounts. If a producer has made any such fraudulent representation or any unlawful disposition, the amount for which he shall be credited will be the market value of the honey as determined by CCC on the date of delivery to or removal from storage by CCC, or the sales price if the honey is sold by CCC in order to determine its market value. If the unlawful disposition of loan collateral is determined by CCC not to have been willful conversion, the value of the honey or part thereof delivered to CCC or removed by CCC shall be the same as the settlement value for eligible honey acquired by CCC as provided in this subpart.

(b) *Fraud relating to purchases.* If the producer has made a fraudulent representation in a price support purchase by CCC or in the purchase documents (including the application for price support), he shall be personally liable, aside from any additional liability under criminal or civil frauds statutes, for any loss which CCC sustains upon the honey delivered under the purchase. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the honey delivered under the purchase plus all costs sustained by CCC in connection with the honey together with interest on such amounts, less the market value, as determined by CCC, as of the close of the market on the date of delivery, or the sales price if the honey is sold in order to determine its market value.

(c) *Overdisbursement.* If the amount disbursed under a loan or purchase exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(d) *Contamination or poisonous substances.* A producer shall be personally liable for any damages resulting from delivery to CCC of contaminated honey or honey containing chemicals or other substances poisonous to man or animals.

(e) *Joint loans.* In the case of joint loans, the personal liability for the amounts specified in this section shall be joint and several on the part of each producer signing the note.

§ 1434.71 Quantity for loan.

Loans shall be made on 90 percent, or such other lessor percentage determined by the State committee, of the estimated quantity of the eligible honey stored in approved farm storage and covered by a chattel mortgage. The State committee's determination shall be on a State-wide basis or for specified areas within the State. The county committee may lower the above percentages on an individual basis when determined to be in the best interests of CCC. Loans may be made on less than the maximum quantity eligible for loan at the producer's request. In any event, the mortgage shall cover all of the honey in the lot in which the honey on which the loan is made is stored.

§ 1434.72 Release of the honey under loan.

(a) *Obtaining release.* A producer shall not remove honey covered by a chattel mortgage until he has received prior approval in writing from the county committee. A producer may, at any time, obtain release of all or part of the honey remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of honey released plus interest. When the proceeds of a sale of honey are needed to repay all or part of a loan, see § 1434.67.

(b) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county office manager shall release the chattel mortgage.

§ 1434.73 Liquidation of loans.

(a) *General.* Except with respect to the loss or damage CCC will assume under § 1434.69, the producer is required to pay off his loan or deliver to CCC a sufficient quantity of eligible honey having a price support value equal to the outstanding balance of the loan. Deliveries may be either of the identical honey which is subject to the chattel mortgage or of other eligible honey and shall be made in accordance with written instructions issued by the county office which shall set forth the time and place

of delivery. Any quantity delivered in excess of the quantity necessary to settle the amount due on the loan may be sold to CCC under § 1434.74. Delivery points shall be limited to those recommended by the State committee and approved by the Minneapolis Commodity Office.

(b) *Notice to county committee.* If the producer desires to deliver the honey to CCC he must give the county committee notice in writing of his intention to do so within a reasonable time prior to the applicable loan maturity date.

(c) *Honey going out of condition.* If, either before or after maturity, the honey is going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that the honey is going out of condition or is in danger of going out of condition and that the honey cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made subject to the provisions of § 1434.69 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, for the quantity actually delivered.

(d) *Delivery before maturity date.* The honey may be delivered before the maturity date of the loan upon prior approval by the county committee in the event the bees are sold, the honey is going out of condition, or the producer dies or upon authorization of the Executive Vice President, CCC, for other reasons. Settlement will be made on the basis of the quantity, floral source, color, and quality delivered by the producer.

(e) *Storage deduction for early delivery.* If the loan maturity date is accelerated upon request of the producer and with the approval of CCC, the settlement value of the honey shall be reduced by one-twentieth of a cent per pound per month or fraction thereof, from the date delivery is accomplished, or from the final date for delivery shown in the delivery instructions, whichever is earlier, to and including the original loan maturity date.

§ 1434.74 Purchases from producers.

(a) *General.* An eligible producer, whose application for price support has been approved by CCC, may sell to CCC any or all of his eligible honey other than the quantity mortgaged to CCC under a loan. The producer is not obligated, however, to sell any quantity of his honey to CCC. Delivery points for honey under purchase shall be limited to those recommended by the State committee and approved by the Minneapolis Commodity Office.

(b) *Notify county committee.* A producer must notify the county committee of his intention to sell. Such notice must be given within a reasonable period of time prior to the applicable loan maturity date. Such period will be prescribed by the county committee in a notice mailed to the producer.

§ 1434.75 Settlement of loans and purchases.

(a) *General.* Settlement with producers for honey acquired by CCC under loans or purchases, entered into pursuant to this subpart, will be made as provided in this subpart. The support rate per pound of honey at which settlement will be made shall be the rate for the State where the producer made application for price support.

(b) *Ineligible honey inadvertently accepted by CCC.* If ineligible honey is inadvertently accepted by CCC, the settlement value shall be the market value as of the date of delivery as determined by CCC. The provisions of § 1434.70 shall be applicable to settlement on ineligible honey where there has been a fraudulent representation on the part of the producer.

(c) *Payments of amount due producer.* If the settlement value of the honey delivered exceeds the amount due on the loan (excluding interest), such excess amount shall be paid to the producer. Any payment due the producer on either a loan or purchase will be made by sight draft drawn on CCC by the county office.

(d) *Payment of deficiency by producer.* If the settlement value of the honey is less than the amount due on the loan (excluding interest), the amount of any deficiency plus interest thereon shall be paid to CCC, except as provided in § 1434.69. If it is not promptly paid, CCC may, in addition to any of its other rights, satisfy the amount of such deficiency plus interest out of any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(e) *Storage where CCC is unable to take delivery.* A producer may be required to retain the honey under loan or for sale to CCC for 60 days after maturity without any cost to CCC. However, if CCC is unable to take delivery of the honey within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the honey to CCC: *Provided*, That in the case of sales to CCC a storage payment shall be paid a producer only if he had properly given notice of his intention to sell the honey to CCC.

The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the earlier of: (1) The final date of delivery, or (2) the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the storage rate stated in the applicable CCC storage agreement for honey in effect at the delivery point where he delivers.

§ 1434.76 Foreclosure.

(a) *Removal from storage.* If the loan (i.e., the amount of the note, interest, and charges) is not satisfied upon maturity, CCC may remove the honey from storage, and assign, transfer, and deliver the honey or documents evidencing title thereto at such time, in such manner, and upon such terms as CCC may determine, at public or private sale. Any such disposition may similarly be effected without removing the honey from storage. The honey may be processed before sale and CCC may become the purchaser of the whole or any part of the honey.

(b) *When CCC takes title to honey.* Upon maturity and nonpayment of the producer's note, at CCC's election, title to all or any part of the unredeemed honey securing the note as CCC may designate shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed honey, CCC shall have no obligation to pay for any market value which such honey may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges.

(c) *Payments to producer.* Nothing herein shall preclude the making of the following payments to the producer, or to his personal representative only, without right of assignment to or substitution of any other party: (1) Any amount by which the settlement value of the collateral honey exceeds the principal amount of the loan, or (2) the amount by which the proceeds of sale exceed the loan indebtedness including interest and charges if the collateral honey is sold to third persons rather than CCC acquiring full title to such collateral honey.

(d) *Honey sold at less than amount due on loan.* If honey which CCC does not elect to take title pursuant to paragraph (b) of this section is removed by CCC from storage and is sold at less than the amount due on the loan (excluding interest), the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the honey removed by CCC, plus interest on such difference. The amount of the deficiency may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States.

§ 1434.77 Support rates.

The support rate for the quality of 1964-crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below. An amendment to this section shall be issued annually to set forth the support rate for the then current crop of honey.

Class and color	For Montana, Wyoming, Colorado, New Mexico and States West thereof	All States East of Montana, Wyoming, Colorado and New Mexico
	Cents per pound	*Cents per pound*
Table honey:		
1. White and lighter	12.0	12.9
2. Extra light amber	11.0	11.9
3. Light amber	9.5	10.4
4. Other table honey	7.5	8.4
Nontable honey	7.5	8.4

(a) *Table honey.* Table honey means honey having a good flavor of the predominant floral source which can be readily marketed for table use in all parts of the county. Such sources include Alfalfa, Bird's-foot Trefoil, Blackberry, Brazil Brush, Catsclaw, Clover, Cotton, Firewood, Gallberry, Huajillo, Lima Bean, Mesquite, Orange, Raspberry, Sage, Saw Palmetto, Sourwood, Star Thistle, Sweetclover, Tupelo, Vetch, Western Wild Buckwheat, Wild Alfalfa, and similar mild-flavors, or blends of mild-flavored honeys, as determined by the Director, Farmer Programs Division, ASCS.

(b) *Nontable honey.* Nontable honey means honey having a predominant flavor of limited acceptability for table use but considered to be suitable for table use in areas in which it is produced. Such honeys include those with a predominant flavor of Aster, Avocado, Buckwheat (except Western Wild Buckwheat), Cabbage Palmetto, Dandelion, Eucalyptus, Goldenrod, Heartsease (Smartweed), Horsemint, Mangrove, Manzanita, Mint, Partridge Pea, Rattan Vine, Safflower, Salt Cedar (Tamarix Gallica), Spanish Needle, Spikeweed, Titi-Toyon (Christmas Berry), Tulip-Poplar, Wild Cherry, and similarly flavored honey, or blends of such honeys, as determined by the Director, Farmer Programs Division, ASCS.

§ 1434.78 Charges not to be assumed by CCC.

CCC will not assume any charges for insurance, storage, inspection to determine settlement value or handling or processing.

§ 1434.79 Handling payments and collections not exceeding $3.00.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3.00 or less which are due the producer will be paid only upon his request. Deficiencies of $3.00 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1434.80 Death, incompetency, or disappearance.

In case of the death, incompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan or a purchase, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 1472.1151 and 1472.1154 of this chapter (Payment Programs for Shorn Wool and Unshorn Lambs (Pulled Wool), 27 F.R. 933, February 1, 1962), upon proper application to the office of the county committee which made the loan or purchase.

§ 1434.81 ASCS Commodity Office and Data Processing Center.

The Minneapolis Commodity Office serves all States for honey. Accounting, recording and reporting for all States will be handled through the Data Processing Center, 8930 Ward Parkway, Post Office Box 205, Kansas City, Missouri, 64141.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 15, 1964.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-3845; Filed, Apr. 17, 1964; 8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Washington, Wisconsin, and Wyoming;

(2) The following counties in Illinois: Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) All counties in Kansas except Cloud, Ellsworth, Harper, Jewell, Republic, and Sedgewick;

(4) All counties in Minnesota except Lincoln and Rock;

(5) The following counties in Missouri: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) All counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance county line at the town of Corona, New Mexico, and thence, running in a westerly direction along the Lincoln-Torrance county line and the Socorro-Torrance county line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves county line; thence, running northward along the Lincoln-Chaves county line and the Lincoln-De Baca county line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe county line to its intersection with the Lincoln-Torrance county line; thence, running southerly along the Lincoln-Torrance county line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance county line to the point of beginning at the town of Corona, New Mexico;

(8) All counties in Pennsylvania except Chester;

(9) All counties in Virginia except Augusta and Highland.

(b) Notice is hereby given also that sheep scabies exists in all States and territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Iowa, Kentucky, Ohio, Tennessee, and West Virginia;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, Republic, and Sedgewick;

(4) The following counties in Minnesota: Lincoln and Rock;

(5) All counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance county line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance county line and the Socorro-Torrance county line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves county line; thence, running northward along the Lincoln-Chaves county line and the Lincoln-DeBaca county line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe county line to its intersection with the Lincoln-Torrance county line; thence, running southerly along the Lincoln-Torrance county line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance county line to the point of beginning at the town of Corona, New Mexico;

(8) The following county in Pennsylvania: Chester;

(9) The following counties in Virginia: Augusta and Highland.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the County of Republic in the State of Kansas to the list of infected and eradication areas and deletes such county from the list of free areas as sheep scabies is known to exist therein. After the effective date of this amendment, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such county.

The amendment imposes certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of April 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-3846; Filed, Apr. 17, 1964; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Bond Anticipation Notes Issued by New York State Housing Finance Agency

§ 1.135 Bond anticipation notes issued by the New York State Housing Finance Agency.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the application of the 10 percent limitation of paragraph Seventh of 12 U.S.C. 24 to bond anticipation notes issued by the New York State Housing Finance Agency.

(b) *Opinion.* The Agency issues bond anticipation notes and upon the issuance of the bonds provides for the funding of these notes by the deposit of bond proceeds sufficient to pay the principal of the notes in trust for the sole purpose of paying such principal. The funds deposited are required to be invested in direct obligations of the United States, maturing not later than the maturity date of the notes.

(c) *Ruling.* When the proceeds from the Agency bonds are deposited, the notes are not thereafter considered obligations of the issuer for the purpose of computing the 10 percent limitation prescribed by 12 U.S.C. 24 on the holdings of the investment securities of any one obligor.

Dated: April 10, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-3826; Filed, Apr. 17, 1964; 8:48 a.m.]

PART 1—INVESTMENT SECURITIES REGULATION

Bonds of State Public School Building Authority of Pennsylvania

§ 1.136 State Public School Building Authority of the Commonwealth of Pennsylvania Series N Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $25 million School Lease Revenue Bonds, Series N, of the State Public School Building Authority of the Commonwealth of Pennsylvania are eligible for purchase, dealing in, underwriting and unlimited holding by National Banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The State Public School Building Authority was created in 1947 by an act of the General Assembly of the Commonwealth of Pennsylvania, as a body corporate and politic, a public corporation and a governmental instrumentality. The purpose of the Authority is the construction, improvement, maintenance, operation, furnishing and equipping of public school buildings for use as a part of the Public School System of the Commonwealth of Pennsylvania. In order to provide funds for this purpose, the Authority has been authorized to issue its bonds and to pledge its revenues and its full faith and credit for the payment thereof. It is not authorized, however, to pledge the credit or the taxing power of the Commonwealth or any of its school districts.

(2) The proceeds from the sale of the bonds of the Authority will be used to refund certain outstanding bonds of the Authority and for school building projects which are to be leased to School Districts of the Commonwealth. The leases will provide for payment, out of the current revenues of the School District, of annual rentals substantially in excess of the annual principal and interest requirements on the bonds. Pennsylvania law authorizes School Districts to enter into leases with the Authority and to levy ad valorem real estate taxes without limitation as to rate or amount to pay the rentals provided for in such leases. State school subsidies include reimbursement to School Districts in accordance with a statutory formula and approval procedure for a portion of the rental paid to the Authority on approved projects. The bonds will be direct and general obligations of the Authority and will be secured equally with all other bonds of the Authority, issued or to be issued, by the full faith and credit of the Authority and by the pledge of rentals payable by School Districts on projects leased from the Authority.

(3) The Supreme Court of Pennsylvania has passed favorably on the constitutionality of the Act creating the Authority, has ruled that the current revenues of a School District include taxes for the ensuing year, State school subsidies and other revenues, and that the long term commitment of a School District to use current revenues to pay annual rentals to the Authority does not violate the municipal debt limitation of the Pennsylvania Constitution.

(4) The bonds of the Authority are the general obligations of a public authority of the Commonwealth of Pennsylvania. The resources of the Authority include the lease rental obligations of Pennsylvania School Districts which possess powers of general property taxation and in addition receive from the Commonwealth school subsidy payments under an established statutory program. The Commonwealth has thus made appropriate provisions and provided adequate resources for the payment of the bond obligations of its duly constituted School Building Authority and the lease rental obligations of its School Districts.

(c) *Ruling.* Following the principles and definitions set forth in paragraphs (d) and (e) of § 1.3 and applied in rulings on the Virginia Public School Authority and on Authorities of the Commonwealth of Pennsylvania (§§ 1.124, 1.125, 1.129), it is our conclusion that the School Lease Revenue Bonds, Series N, of the State Public School Building Authority of the Commonwealth of Pennsylvania are eligible for purchase, dealing in, underwriting and unlimited holding under paragraph Seventh of 12 U.S.C. 24.

Dated: April 8, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-3827; Filed, Apr. 17, 1964; 8:48 a.m.]

PART 1—INVESTMENT SECURITIES REGULATION

Delaware River and Bay Authority Revenue Bonds

§ 1.137 Delaware River and Bay Authority revenue bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $103,000,000 Revenue Bonds of the Delaware River and Bay Authority are eligible for investment by National Banks and banks in the District of Columbia under the provisions of paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The bonds are being issued for the purposes of paying the balance of the cost of constructing an additional bridge across the Delaware River immediately adjacent to The Delaware Memorial Bridge, the cost of constructing certain improvements and modifications to The Delaware Memorial Bridge and the balance of the cost of constructing and acquiring a public ferry system across Delaware Bay between Cape May, New Jersey and Lewes, Delaware.

(2) The subject issue consists of revenue bonds to be issued by The Delaware River and Bay Authority which is a body politic and an agency of the government of the States of Delaware and New Jersey created in 1962 by a compact between these two states for the purpose of developing the area in both States, bordering the Delaware River and Bay for transportation, port and terminal purposes. Only the tolls and other revenues to be derived from the sources heretofore described are pledged as security for the bonds. The bonds do not pledge the credit of the States of Delaware or New Jersey or of any agency or political subdivision thereof and do not create a debt or liability of the States of Delaware or New Jersey or of any agency or political subdivision thereof.

(3) The subject bonds are to be issued under and secured by a trust agreement which provides for fixing and revising charges for traffic using the Authority Facilities and for the deposit of a sufficient amount of charges, over and above the amount necessary for the payment of current expenses, to a special sinking fund for debt service of all bonds issued under the trust agreement. All revenues derived from any other crossing facility owned and operated by the Authority will be deposited in the Revenue Fund and applied in the same manner.

(4) The Compact between the States of Delaware and New Jersey by which the Authority was created contains a covenant by which said States agree that so long as any obligations of the Authority remain outstanding and unpaid, neither of said States will authorize any structure or facility adapted for public use in crossing the Delaware River or Bay between the States within prescribed geographic boundaries by any person or body other than the Authority unless adequate provision shall be made for the protection of those advancing money upon such obligations.

(5) The First Bridge, which has been in operation since August 16, 1951, is a vital link in the heavily traveled route between New England and Washington, D.C. Net operating revenues enabled the Authority to retire by September 1963, $39,290,000 of the $48,600,000 of bonds issued to construct and improve the First Bridge. The remaining principal indebtedness of $9,310,000 was refunded by the proceeds of short term notes issued on September 16, 1963, which are due on June 15, 1964. The construction of the second structure for The Delaware Memorial Bridge is expected to result in a significant increase in revenues through the inducement of a larger traffic volume on The Delaware Memorial Bridge. It is estimated that revenues from the crossing facilities of the Authority will cover principal and interest requirements from 1.51 to 1.71 times during the next ten years and from 1.71 to 2.73 times from 1974 to 2003. The earnings records and financial statements of the Authority warrant the conclusion that the subject bonds fall within § 1.5(a) and are therefore, subject to the limitation of § 1.6(a). However, bankers are reminded that they must determine on the basis of their own review whether securities are suitable for their own investment.

(c) *Ruling.* It is the conclusion of this Office that the above described revenue bonds of The Delaware River and Bay Authority are eligible for investment by National Banks and banks in the District of Columbia within the limitations of paragraph Seventh of 12 U.S.C. 24.

Dated: April 14, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-3828; Filed, Apr. 17, 1964; 8:49 a.m.]

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R]

PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

Securities Affiliate of Brokerage Firm

§ 218.108 Interlocking relationship involving securities affiliate of brokerage firm.

(a) The Board of Governors was asked recently whether section 32 of the Banking Act of 1933 ("section 32"), 12 U.S.C. 78, prohibits the interlocking service of X as a director of a member bank of the Federal Reserve System and as a partner in a New York City brokerage firm ("Partnership") having a corporate affiliate ("Corporation") engaged in business of the kinds described in section 32 ("section 32 business").

(b) Section 32, subject to an exception not applicable here, provides that "No officer, director, or employee of any corporation or unincorporated association, no partner or employee of any partnership, and no individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of stocks, bonds, or other similar securities, shall serve the same time as an officer, director, or employee of any member bank • • •".

(c) From the information submitted it appears that Partnership, a member firm of the New York Stock Exchange, is the successor of two prior partnerships, in one of which X had been a partner. This prior partnership had been found not to be "primarily engaged" in section 32 business. The other prior partnership, however, had been so engaged. By arrangement between the two prior firms, Corporation was formed chiefly for the purpose of carrying on the section 32 business of the prior firm that had been "primarily engaged" in that business, which business was transferred to Corporation. The two prior firms were then merged, and the stock of Corporation was acquired by all the partners of Partnership, other than X, in proportion to the respective partnership interests of the stockholding partners. The information submitted indicated also that two of the three directors and "some" of the principal officers of Corporation are partners in Partnership, although X is not a director or officer of Corporation.

(d) It is understood that the practice of forming corporate affiliates of brokerage firms, in order that the affiliate may carry on the securities business (such as section 32 business) with limited liability

and other advantages, has become rather widespread in recent years. Accordingly, other cases may arise where a partner in such a firm may desire to serve at the same time as director of a member bank.

(e) On the basis of the information presented, the Board concluded that X, in his capacity as an "individual", was not engaged in section 32 business. However, as that information showed Corporation to be "primarily engaged" in section 32 business, the Board stated that a finding that Partnership and Corporation were one entity for the purposes of the statute would mean that X would be forbidden to serve both the member bank and Partnership, if the one entity were so engaged.

(f) Paragraph .15 of Rule 321 of the New York Stock Exchange governing the formation and conduct of affiliated companies of member organizations states that:

> Since Rule 314 provides that each member and allied member in a member organization must have a fixed interest in its entire business, it follows that the fixed interest of each member and allied member must extend to the member organization's corporate affiliate. When any of the corporate affiliate's participating stock is owned by the members and allied members in the member organization, such holdings must at all times be distributed among such members and allied members in approximately the same proportions as their respective interests in the profits of the member organization. When a member or allied member's interest in the member organization is changed, a corresponding change must be made in his participating interest in the affiliate.

(g) Although it was understood that X had received special permission from the Exchange not to own any of the stock of Corporation, it appeared to the Board that Rule 321.15 would apply to the remaining partners. Moreover, other paragraphs of the rule forbid transfers of the stock, except under certain circumstances to limited classes of persons, such as employees of the organization or estates of decedent partners, without permission of the Exchange.

(h) The information supplied to the Board clearly indicated that Corporation was formed in order to provide Partnership with an "underwriting arm". Under Rule 321 of the Exchange, the partners (other than X) are required to own stock in Corporation because of their partnership interest, would be required to surrender that stock on leaving the partnership, and incoming partners would be required to acquire such stock. Furthermore, Rule 321 speaks of a corporate affiliate, such as Corporation, as a part of the "entire business" of a member organization.

(i) On the basis of the foregoing, the Board concluded that Partnership and Corporation must be regarded as a single entity or enterprise for purposes of section 32.

(j) The remaining question was whether the enterprise, as a whole, should be regarded as "primarily engaged" in section 32 business. The Information presented stated that the total dollar volume of section 32 business of Corporation during the first eleven months of its operation was $89 million. The gross income from section 32 business was less than half a million, and represented about 7.9 percent of the income of Partnership. The Board was advised that the relatively low amount of income from section 32 business of Corporation was due to special costs, and to the condition of the market for municipal and State bonds during the past year, a field in which Corporation specializes. Corporation is listed in a standard directory of securities dealers, and holds itself out as having separate departments to deal with the principal underwriting areas in which it functions.

(k) In view of the above information, the Board concluded that the enterprise consisting of Partnership and Corporation was "primarily engaged" in section 32 business. Accordingly, the Board stated that the partners in Partnership, including X, were forbidden by that section and by this Part 218 (Reg. R), issued pursuant to the statute, to serve as officers, directors, or employees of any member banks.

(12 U.S.C. 78)

Dated at Washington, D.C., this 9th day of April 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-3806; Filed, Apr. 17, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-WE-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration and Designation of Control Zones, Revocation of Control Area Extension, Designation of Transition Areas, and Alteration and Revocation of Federal Airways

On August 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 8416) stating that the Federal Aviation Agency (FAA) proposed to alter Federal airways and a control zone, designate a control zone and transition areas, and revoke a control area extension in the Spokane, Wash., terminal area. On January 23, 1964, a supplemental notice of proposed rule making was published amending the original proposal (29 F.R. 573).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. There were no adverse comments on the proposal as revised in the supplemental notice.

The substance of the proposed amendments having been published and for the reasons stated in the notices, the following actions are taken:

1. Section 71.171 (29 F.R. 1101) is amended as follows:

a. The Spokane, Wash., control zone is amended to read:

Spokane, Wash. (*International*).

Within a 5-mile radius of the Spokane International Airport (latitude 47°37'35'' N., longitude 117°32'05'' W.), and within 2 miles each side of the Runway 21 extended centerline, extending from the 5-mile radius zone to 6 miles SW of the lift-off end of Runway 21, excluding the portion W of a line extending from latitude 47°32'45'' N., longitude 117°35'00'' W., to latitude 47°40'57'' N., longitude 117°36'00'' W.

b. The following control zone is added:

Spokane, Wash. (*Fairchild AFB*).

Within a 5-mile radius of Fairchild AFB (latitude 47°36'55'' N., longitude 117°39'20'' W.); within 2 miles each side of the Runway 23 extended centerline, extending from the 5-mile radius zone to 4 miles SW of the lift-off end of Runway 23; and within 2 miles each side of the Spokane International Airport Runway 21 extended centerline, extending from the runway to 6 miles SW of the lift-off end of Runway 21, excluding the portion E of a line extending from latitude 47°32'45'' N., longitude 117°35'00'' W., to latitude 47°40'57'' N., longitude 117°36'00'' W.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following transition areas:

Spokane, Wash.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Spokane International Airport (latitude 47°37'35'' N., longitude 117°32'05'' W.); and that airspace extending upward from 1,200 feet above the surface within a 38-mile radius of Fairchild AFB, Spokane (latitude 47°36'55'' N., longitude 117°39'20'' W.), within a 52-mile radius of Fairchild AFB, extending clockwise from the Spokane VORTAC 024° radial to a line 5 miles S of and parallel to the Spokane VORTAC 094° radial, and clockwise from a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial to the Spokane VORTAC 300° radial; and that airspace S of Spokane extending from the 52-mile radius area bounded on the E by longitude 117°32'00'' W., on the S by V-536, and on the W by V-281; that airspace extending upward from 7,000 feet MSL within the area bounded by the arcs of 38 and 52-mile radius circles centered on Fairchild AFB, extending clockwise from the Spokane VORTAC 300° to the 024° radials; and that airspace extending upward from 6,000 feet MSL within the area bounded by arcs of 38 and 52-mile radius circles centered on Fairchild AFB, extending clockwise from a line 5 miles S of and parallel to the Spokane VORTAC 094° radial to a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial, excluding the portion within a 39-mile radius of Larson AFB, Moses Lake, Wash.

Coeur d'Alene, Idaho.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur d'Alene Air Terminal (latitude 47°46'30'' N., longitude 116°49'05'' W.), and within 2 miles each side of the 181° and 347° bearings from latitude 47°41'30'' N., longitude 116°47'34'' W., extending from the 5-mile radius area to 8 miles S of latitude 47°41'30'' N., longitude 116°47'34'' W.

3. In § 71.165 (29 F.R. 1073) the Spokane, Wash., control area extension is revoked.

4. Section 71.123 (29 F.R. 1009, 2693) is amended as follows:

a. V-444 is revoked.

b. V-448 is amended to read:

V-448 From Yakima, Wash., to Ephrata, Wash.

c. In V-2 "Spokane, Wash.;" is deleted and "Spokane, Wash., including an S alternate via INT of Ephrata 096° and Spokane 221° radials;" is substituted therefor, and "INT of Spokane 125° and Mullan Pass 260° radials" is deleted and "INT of Spokane 109° and Mullan Pass 260° radials" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., June 25, 1964.

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3807; Filed, Apr. 17, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area

On December 12, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 13465) stating that the Federal Aviation Agency proposed to alter the control zone and transition area at Pocatello, Idaho.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

Subsequent to publication of the notice, it was determined that the currently effective Pocatello ADF-1 instrument approach procedure would require an additional control zone extension or a realignment of the inbound course ten degrees counterclockwise if the straight-in approach capability is to be retained. The Air Transport Association of America opposed the implementation of this proposal unless action is taken to retain the straight-in approach capability for the ADF-1 procedure. Action is being taken to realign the inbound course of the ADF-1 instrument approach procedure. This requires a slight increase in the size of the 700 and the 1,200 foot transition areas to protect the final approach area and the procedure turn area. The description of the Pocatello transition area as proposed is altered herein to include the necessary additional controlled airspace.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the Pocatello, Idaho, control zone is amended to read:

Pocatello, Idaho.

Within a 5-mile radius of Pocatello Municipal Airport (latitude 42°54'35'' N., longitude 112°35'25'' W.), and within 2 miles each side of the Pocatello VOR 252° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

2. In § 71.181 (29 F.R. 1160) the Pocatello, Idaho, transition area is amended to read:

Pocatello, Idaho.

That airspace extending upward from 700 feet above the surface within 5 miles SE and 4 miles NW of the Pocatello ILS localizer NE course, extending from the arc of a 5-mile radius circle centered on the Pocatello Municipal Airport (latitude 42°54'35'' N., longitude 112°35'25'' W.) to 8 miles NE of the OM; within the area bounded on the W by a line 2 miles W of and parallel to the Pocatello VOR 015° radial, on the SE by a line 4 miles NW of and parallel to the Pocatello ILS localizer NE course, on the NE by the arc of a 13-mile radius circle centered on the Pocatello VOR, and on the S by the arc of a 5-mile radius circle centered on the Pocatello Municipal Airport; and that airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Pocatello VOR 167° radial, extending from the VOR to 18 miles S of the VOR; within 9 miles N and 8 miles S of the Pocatello VOR 252° radial, extending from the VOR to 18 miles SW of the VOR, and within 6 miles SE and 10 miles NW of the Pocatello VOR 045° radial, extending from the VOR to 27 miles NE of the VOR.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., June 25, 1964.

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3808; Filed, Apr. 17, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segments and Alteration of Transition Area

On January 14, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 324) stating that the Federal Aviation Agency (FAA) was considering an amendment to Part 71 [New] of the Federal Aviation Regulations by revoking a segment of VOR Federal airway No. 79 from Fort Stockton, Tex., to Hobbs, N. Mex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

Subsequent to publication of the notice, it was determined that the Midland, Tex., transition area is bounded in part by Victor 79. Action is taken herein to substitute geographical coordinates for Victor 79 in the description of the transition area. In addition, Victor 79 west alternate is codesignated with VOR Federal airway No. 102 between Hobbs and Lubbock, Tex. This airway segment traverses Reese No. 2, Intensive Student Jet Training Area and was designated for continuity with Victor 79 to provide a shorter route from Fort Stockton to Lubbock when Reese No. 2, Intensive Student Jet Training Area was not in use. Since this segment of Victor 79 west alternate would no longer serve the purpose for which it was designated and since Victor 102 will continue to serve this route between Hobbs and Lubbock, action is taken herein to revoke the segment of Victor 79 west alternate from Hobbs to Lubbock.

Since the alteration of the Midland transition area is editorial in nature and the revocation of Victor 79 west alternate is minor in nature and will not involve the assignment of airspace, and since neither change will impose an undue burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the following actions are taken:

1. In § 71.123 (29 F.R. 1009) the following change is made: V-79 is altered to read:

V-79 From Hobbs, N. Mex., via the INT of Hobbs 077° and Lubbock, Tex., 188° radials; to Lubbock.

2. Section 71.181 (29 F.R. 1160) is amended as follows: In the Midland, Tex., transition area "extending from the W boundary of V-79" is deleted and "extending W from a line between latitude 32°06'45'' N., longitude 103°07'50'' W., and latitude 32°15'35'' N., longitude 103°07'00'' W." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., June 25, 1964.

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3809; Filed, Apr. 17, 1964; 8:46 a.m.]

[Airspace Docket No. 63-WE-112]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of a Segment of Federal Airway

On January 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 573) stating that the Federal Aviation Agency proposed to revoke VOR Federal airway No. 74 segment from Hugo, Colo., to Garden City, Kans.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (29 F.R. 1009) is amended as follows: In V-74 "From Hugo, Colo., via INT of Hugo 112° and Garden City, Kans., 296° radials; Garden City;" is deleted and "From Garden City, Kans., via" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

This amendment shall become effective 0001 e.s.t., June 25, 1964.

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3810; Filed, Apr. 17, 1964; 8:46 a.m.]

[Airspace Docket No. 63-WE-116]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Segment of Federal Airway

On January 24, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 614) stating that the Federal Aviation Agency proposed to revoke VOR Federal airway No. 182 segment from Douglas, Wyo., to Chadron, Nebr.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (29 F.R. 1009, 2337) is amended as follows: In V-182 "From Douglas, Wyo.; to Chadron, Nebr." is deleted.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

This amendment shall become effective 0001 e.s.t., June 25, 1964.

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3811; Filed, Apr. 17, 1964; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-89]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Prehearing Subpena Power of Hearing Examiners

APRIL 14, 1964.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1964.

Recommendation 30 of the Administrative Conference of the United States recommends that each Federal agency provide for discovery in adjudicatory proceedings "to the extent and in the manner appropriate to its proceedings." The Board has reviewed its rules and practices in economic proceedings in the light of this recommendation and has concluded that the prehearing conference, outlined in § 302.23, provides the most effective and appropriate means for revelation of facts by the parties before formal hearing in an economic proceeding.

Therefore, the existing provisions for discovery of documentary evidence are being clarified by spelling out the examiner's authority to issue subpenas for production of documents prior to hearing as an adjunct of the prehearing conference. The examiner already has express authority to compel the production of documents at a hearing, under § 302.19, but a party seeking documents for discovery purposes prior to hearing must resort to the motion procedure of § 302.18 for the issuance of a subpena under the general powers conferred upon examiners by § 302.22.

This amendment is not intended to affect the procedure for obtaining documents in the Board's custody, although the motion procedure prescribed in § 302.19(g) is limited to the production of documents at hearings. The provisions of § 302.19(g) are therefore being made applicable to production of Board documents prior to hearing as well.

Minor editorial changes in the present language of the section are also being made.

Since this amendment is a rule of procedure that merely affirms and standardizes existing practice and is not in derogation of the rights of any person, notice and public procedure hereon are not required and the regulation may become effective upon less than 30 days' notice.

Accordingly, the Board hereby amends § 302.23(a) of Part 302 of the Procedural Regulations (14 CFR 302.23(a)), effective April 18, 1964, to read as follows:

§ 302.23 Prehearing conference.

(a) *Purpose and scope of conference.* Prior to any hearings there will ordinarily be a prehearing conference before an examiner, although in economic enforcement proceedings where the issues are drawn by the pleadings such conference will usually be omitted. Written notice of the prehearing conference shall be sent by the chief examiner to all parties to a proceeding and to other persons who appear to have an interest in such proceeding. The purpose of such a conference is to define and simplify the issues and the scope of the proceeding, to secure statements of the positions of the parties with respect thereto and amendments to the pleadings in conformity therewith, to schedule the exchange of exhibits before the date set for hearing, and to arrive at such agreements as will aid in the conduct and disposition of the proceeding. For example, consideration will be given to: (1) Matters which the Board can consider without the necessity of proof; (2) admissions of fact and of the genuineness of documents; (3) requests for documents; (4) admissibility of evidence; (5) limitation of the number of witnesses; (6) reducing of oral testimony to exhibit form; (7) procedure at the hearing, etc. The examiner may require further conference, or responsive pleadings, or both. If a party refuses to produce documents requested by another party at the conference, the examiner may compel the production of such documents prior to hearing by subpena issued in accordance with the provisions of § 302.19 as though at a hearing. Applications for the production prior to hearing of documents in the Board's possession shall be addressed to the examiner, in accordance with the provisions of § 302.19(g), in the same manner as provided therein for production of documents at a hearing. The examiner may also on his own motion or on motion of any party direct any party to the proceeding (air carrier or non-air carrier) to prepare and submit exhibits setting forth studies, forecasts, or estimates on matters relevant to the issues in the proceeding.

• • • • •

(Secs. 204, 1001, and 1004 of the Federal Aviation Act of 1958, 72 Stat. 743, 788, 792; 49 U.S.C. 1324, 1481, 1484.)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 64-3839; Filed, Apr. 17, 1964; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 3031; Amdt. 715]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707/720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring rework of the stabilizer and spoiler position transmitter shaft crank arms or replacement with modified crank arms and modification of the clamping bolt assemblies on Boeing Models 707 and 720 Series aircraft was published in 29 F.R. 107.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment contended that the manufacturer's alert service bulletin adequately covered the correction of excessive grip length on bolts installed in the clamping position on the stabilizer and spoiler position transmitter arms. Therefore it was recommended that the compliance time for this AD be increased to coincide with the overhaul time of the airplane or if a shorter compliance time is necessary, to 1,000 hours' time in service after the effective date of this AD for those airplanes on which the alert service bulletin has been previously accomplished. However, the possibility of binding during installation still exists even after compliance with the alert service bulletin unless the bolt holes are enlarged as required by the service bulletin referenced in this AD. Accordingly, the compliance time for this AD has not been increased to coincide with the time of airplane overhaul. However, the Agency believes that merely increasing the compliance time to 1,000 hours in this instance would not compromise safety and the AD has been revised to incorporate this increase in the compliance time.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft, Serial Numbers 17586 through 17612, 17614 through 17652, 17658 through 17690, 17692 through 17724, 17908 through 17905, 17907 through 17930, 18012 through 18037, 18041 through 18050, 18054 through 18087, 18154 through 18167, 18240 through 18246, 18248 through 18251, 18334 through 18339, 18351 through 18357, 18372 through 18397, 18400 through 18404, 18406 through 18408, 18411 and 18412, 18414 through 18425, 18451 through 18457, 18460 and 18461.

Compliance required within 1,000 hours' time in service after the effective data of this AD, unless already accomplished.

To prevent slippage of the crank arms on the shafts of the respective stabilizer and spoiler position transmitters, and to prevent rotation of the position transmitter in its bracket, rework the crank arms or replace with modified crank arms, and add a washer under the nut of each clamping bolt in accordance with the Modification Data (PRR 15506) of Boeing Service Bulletin No. 1836 or FAA-approved equivalent.

(Boeing Service Bulletin No. 1836 covers this same subject.)

This amendment shall become effective May 19, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 10, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-3812; Filed, Apr. 17, 1964; 8:46 a.m.]

[Reg. Docket No. 4013; Amdt. 716]

PART 507—AIRWORTHINESS DIRECTIVES

Schleicher Models Ka-6 and K-8 Gliders

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the joint fittings and the welds between the bearing bracket for the airbrake flap cross shaft lever and fuselage main frame on Schleicher Models Ka-6 and K-8 gliders, and replacement or modification if cracks are found was published in 29 F.R. 2651.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SCHLEICHER. Applies to Models Ka-6 and K-8 gliders.

Compliance required as indicated.

Cracks and faulty welds have been found at the joint fitting welded to the airbrake push-pull rod and in the weld between the bearing bracket for the airbrake flap cross shaft lever and the fuselage main frame.

(a) On Model Ka-6 all serial numbers up to and including Serial Number 6067 and Model K-8 all serial numbers up to and including Serial Number 8098, within 25 hours' time in service after the effective date of this AD, visually inspect for cracks in the joint fitting welded to the airbrake push and pull rod with at least a 3-power magnifying glass.

(1) If cracks are found at the fitting welded to the airbrake push-pull rod in either Models Ka-6 or K-8 gliders, replace the push-pull rod with a modified part as provided for in Schleicher Modification No. 7 dated September 13, 1962, for Model Ka-6 and Modification No. 9 dated September 13, 1962, for Model K-8 before further flight.

(2) If the inspection in (a) reveals no cracks, install the modified push-pull rod within 50 hours' time in service after the effective date of this AD.

(b) On Model K-8 all serial numbers up to and including Serial Number 8117, within 25 hours' time in service after the effective date of this AD, visually inspection with at least a 3-power magnifying glass, the welds between the bearing bracket for the airbrake flap cross shaft lever and fuselage main frame. If faulty welds or cracks in the weld are found, modify the bracket before further flight as provided for in Schleicher Modification No. 10 dated October 25, 1962.

(Schleicher Modification No. 7 for Model Ka-6, dated September 13, 1962, Modification No. 9 for Model K-8 dated September 13, 1962, and Modification No. 10 for Model K-8 dated October 25, 1962, pertain to this same subject.)

This amendment shall become effective May 19, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 10, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-3813; Filed, Apr. 17, 1964; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-728]

PART 13—PROHIBITED TRADE PRACTICES

Carson Pirie Scott & Co.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Carson Pirie Scott & Co., Chicago, Ill., Docket C-728, Mar. 26, 1964]

Consent order requiring a Chicago department store to cease violating the Textile Fiber Products Identification Act by failing to label textile fiber products with the required information; failing, in newspaper advertising, to set forth the true generic names of the fibers contained in products represented to be "velvet", "terry", "percale", etc.; and failing in other respects to make disclosures required by the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Carson Pirie Scott & Co., a corporation, and its officers and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such textile fiber products showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to label textile fiber products with the information required by such Act and the rules and regulations promulgated thereunder where the sale of such products is effected by means of properly labeled samples, swatches or specimens and such products are manufactured specifically for a particular customer after the sale is consummated and are not accompanied by an invoice or other paper showing the information otherwise required to appear on the label.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to disclose the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, in such a manner as to indicate that such fiber content information relates only to the face, pile, or outer surface of the floor covering and not to the backing, filling, or padding.

3. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 26, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3833; Filed, Apr. 17, 1964; 8:49 a.m.]

[Docket C-729]

PART 13—PROHIBITED TRADE PRACTICES

Clarise International Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1295 *Quality or grade;* § 13.1325 *Source or origin:* 13.1325-60 Maker or seller: 13.1325-60 (a) Wool Products Labeling Act; Sec. 13.1325-70 Place: 13.1325-70(k) Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Clarise International Company, Inc., et al., New York, N.Y., Docket C-729, Mar. 26, 1964]

In the Matter of Clarise International Company, Inc., a Corporation, Trading as Skirts International Corp. and Donald W. Jacobson and Maurice Russo, Individually and as Officers of Said Corporation

Consent order requiring New York City importer-wholesalers of wool products to cease violating the Wool Products Labeling Act by such practices as tagging as containing "93% Reprocessed Wool, 7% Nylon", wool products which contained substantially different amounts of fibers than thus represented and also contained other fibers; labeling as made in the United States, wool products which were manufactured in, and imported from, Italy; labeling wool products as being made by "Skirts International" (their trade name) when they had no factories; labeling wool products falsely as made of "Italy's Finest Wools"; and failing to disclose on wool products labels the fiber content and manufacturer, as required.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Clarise International Company, Inc., a corporation, and its officers, trading as Skirts International Corp., or under any other trade name, and Donald W. Jacobson and Maurice Russo individually and as officers of said corporation and respondents' representatives, agents and employees directly or through any corporate or other device in connection with the introduction into commerce or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939 do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of constituent fibers contained therein.

2. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the country in which such wool products are manufactured.

3. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the identity of the manufacturer of said products.

4. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the quality of constituent fibers contained therein.

5. Failing to securely affix to or place on each such product a stamp, tag, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 26, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3834; Filed, Apr. 17, 1964; 8:49 a.m.]

[Docket C-727]

PART 13—PROHIBITED TRADE PRACTICES

Kahn Bros. and Pinto, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1680 *Manufacture or preparation.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* 13.1865-40 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Kahn Bros. and Pinto, Inc., et al., New York, N.Y., Docket C-727, Mar. 26, 1964]

In the Matter of Kahn Bros. and Pinto, Inc., a Corporation, and Leonard H. Kahn and Leonard Kahn, Individually and as Officers of the said Corporation

Consent order requiring New York City manufacturing furriers to cease violating the Fur Products Labeling Act by such practices as failing, on invoices, to disclose when fur was bleached or dyed, and showing bleached or artificially colored fur as natural; and furnishing false guaranties that certain of their fur products were not misbranded, falsely invoiced or falsely advertised.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Kahn Bros. and Pinto, Inc., a corporation, and its officers, and Leonard Kahn and Leonard H. Kahn, individually and as officers of the said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 26, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3835; Filed, Apr. 17, 1964; 8:49 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 14640]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Supplemental Notice of Proposed Rule Making

APRIL 15, 1964.

The Board, by publication in 28 F.R. 12281 and by circulation of a notice of proposed rule making and request for comments and information, EDR-62, dated November 12, 1963, gave notice that it has under consideration amendment of § 298.21(b) (1) and (2) to eliminate the restriction against scheduled services by air taxi operators within the territories and possessions of the United States and within the State of Hawaii. The Board requested interested persons to submit specific economic data and information to enable the Board to reach an informed judgment of the need for regular and frequent air taxi service in these areas and the competitive impact of such authorizations on the carriers presently serving these areas. The notice provided that economic data and information be filed on or before December 20, 1963, and that data, views, or arguments pertaining solely to communications previously filed by other interested persons be submitted on or before January 20, 1964.

In successive supplemental notices of proposed rule making (EDR-62A, -62B, and -62C, 28 F.R. 13311, 29 F.R. 433, and 29 F.R. 3583), the Board extended the dates for submitting data and information to February 20, 1964 and for submitting comments pertaining to such communications to April 20, 1964.

Counsel for two interested persons have orally requested that the date for filing comments pertaining to communications of other interested persons be extended for a brief period. The undersigned finds that good cause has been shown for such extension.

Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the time for submitting data, views, or arguments pertaining solely to communications filed by other interested persons from April 20 to April 23, 1964. All relevant data, views, or arguments received on or before that date will be considered by the Board before taking action on the proposal.

Copies of all communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Secs. 204(a), 401(a), and 416(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 771; 49 U.S.C. 1324, 1371, 1386)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS, *Associate General Counsel, Rules and Special Counsel Division.*

[F.R. Doc. 64-3840; Filed, Apr. 17, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-55]

TRANSITION AREA

Proposed Designation; Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on December 12, 1963 (28 F.R. 13462), it was stated, in part, that the Federal Aviation Agency proposed to designate a transition area at Houghton, Mich.

Subsequent to the publication of the notice, it was determined by the Federal Aviation Agency that the designation of a 700-foot floor transition area northeast of the Houghton VOR would be required, in addition to the 1,200-foot floor area proposed in the notice, if existing Houghton County Memorial Airport instrument approach landing minimums were to be retained. The recommendation for only a 1,200-foot floor area was predicated on raising the procedure turn altitudes of prescribed Houghton County Airport VOR instrument approach procedures to more than 1,500 feet above the surface. However, it was later determined that in raising these procedure turn altitudes the established straight-in landing minimums would no longer be applicable. Accordingly, the notice is hereby amended to describe, as a portion of the proposed Houghton transition area, that airspace extending upward from 700 feet above the surface within 5 miles southeast and 8 miles northwest of the Houghton VOR 060° radial extending from the VOR to 12 miles northeast. This would provide the necessary additional protection below the floor of the proposed 1,200-foot transition area and outside of the control zone for aircraft executing the AL-896-VOR-RWY 25 procedure at the Houghton County Memorial Airport.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to 30 days after publication of this supplemental notice in the FEDERAL REGISTER.

Communications should be submitted to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM, *Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-3819; Filed, Apr. 17, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-8]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following is a portion of the controlled airspace which will be designated in the area comprising the greater Peoria/Bloomington, Ill., terminal area effective May 28, 1964 (Airspace Docket No. 63-CE-78).

1. The Peoria control zone will be designated to comprise that airspace within a 5-mile radius of the Greater Peoria Airport; within 2 miles each side of the Peoria VORTAC 091° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Greater Peoria Airport ILS localizer southeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the ILS localizer northwest course, extending from the 5-mile radius zone to 6 miles northwest of the airport.

2. A part of the Peoria, Ill., transition area effective May 28, 1964, extending upward from 700 feet above the surface reads "within 2 miles each side of the Greater Peoria Airport ILS localizer northwest course, extending from the 8-mile radius area to 14 miles northwest of the airport".

The Federal Aviation Agency has under consideration the following airspace actions:

1. Alter the Peoria transition area by revoking the portion described above.

2. Alter the Peoria control zone by increasing the northwest extension within 2 miles each side of the ILS localizer northwest course extending from the 5-mile radius zone to 11 miles northwest of the airport.

The instrument approach procedure utilizing the back course of the ILS at Greater Peoria was revised subsequent to designation of the Peoria transition area in Airspace Docket No. 63-CE-78. The revised procedure permits descent to less

that 1,000 feet above the surface within 11 miles of the airport. A control zone extension is, therefore, necessary to protect aircraft executing the revised procedure. This action would increase the length of the northwest control zone extension by 5 miles while eliminating the portion of the 700-foot transition area which extends from the airport to 14 miles northwest.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3814; Filed, Apr. 17, 1964; 8:46 a.m.]

[14 CFR Parts 71 [New], 75 [New]]

[Airspace Docket No. 64-WA-19]

JET ROUTES

Proposed Alteration

The Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] and Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 58 is presently designated in part from the Stockton, Calif., VORTAC via the Tonopah, Nev., VOR; intersection of the Tonopah VOR 083° and the Bryce Canyon, Utah, VOR 289° radials; to the Bryce Canyon VOR. Jet Route No. 80 is presently designated in part from the Stockton VORTAC via the Tonopah VOR; to the Milford, Utah, VORTAC. The FAA proposes to realign these segments via the Coaldale, Nev., and the Wilson Creek, VOR's. Such action would provide more precise navigational guidance on these jet route segments. The Coaldale VOR would be designated as a compulsory reporting point but there would be no requirement for designation of the Wilson Creek VOR as a compulsory reporting point. The Tonopah VOR would be eliminated from use in the jet route structure and would no longer be designated as a compulsory reporting point.

If such action is taken, J-58 would be designated in part as follows: From the Stockton VORTAC via the Coaldale VOR; Wilson Creek VOR; to the Bryce Canyon VOR. J-80 would be designated in part as follows: From the Stockton VORTAC via the Coaldale VOR; Wilson Creek VOR; to the Milford VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3817; Filed, Apr. 17, 1964; 8:47 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 64-WA-17]

JET ROUTES

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 15 is presently aligned in part from the Boise, Idaho, VORTAC via the intersection of the Boise VORTAC 294° and the Newberg, Oreg., VORTAC 106° radials to the Newberg VORTAC. Jet Route No. 73 is presently aligned from the Boise VORTAC via the intersection of the Boise VORTAC 294° and The Dalles, Oreg., VORTAC 139° radials to The Dalles VORTAC. The FAA proposes to alter these segments of J-15 and J-73 by realigning them via the John Day, Oreg., VOR. Such action would provide more precise navigational guidance on these jet route segments. There would be no requirement for the designation of the John Day VOR as a compulsory reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3815; Filed, Apr. 17, 1964; 8:46 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 64-WA-18]

JET ROUTE

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 20 is presently designated in part from the Denver, Colo., VORTAC to the Gage, Okla., VORTAC. The FAA proposes to alter this segment of J-20 by realigning it via the Lamar, Colo., VOR. Such action would provide more precise navigational guidance on this segment. There would be no requirement for the designation of the Lamar VOR as a compulsory reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be

submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3816; Filed, Apr. 17, 1964; 8:47 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 64-WA-20]

JET ROUTE

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 92 is presently aligned in part from the Stockton, Calif., VORTAC via the intersection of the Stockton VORTAC 085° and the Tonopah, Nev., VOR 268° and the Beatty, Nev., VOR 326° radials; to the Beatty VOR. The FAA proposes redesignation of this segment via the Coaldale, Nev., VOR. Such action would provide more precise navigational guidance on this segment of J-92 without altering its alignment. Action to designate the Coaldale VOR as a compulsory reporting point and to eliminate the Tonopah VOR as a compulsory reporting point is proposed in Airspace Docket No. 64-WA-19.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3818; Filed, Apr. 17, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Hamilton and Stanton Counties, Kansas, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of April 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-3824; Filed, Apr. 17, 1964; 8:48 a.m.]

SOUTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Carolina a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Aiken.	Greenville.
Barnwell.	Lexington.
Beaufort.	Orangeburg.
Calhoun.	Pickens.
Charleston.	Saluda.
Cherokee.	Spartanburg.
Chesterfield.	York.
Edgefield.	

It has also been determined that in the hereinafter-named counties in the State of South Carolina the above-mentioned natural disaster has caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

South Carolina:	*Previous designation*
Beaufort	28 F.R. 7867
Charleston	28 F.R. 7867
Cherokee	26 F.R. 10814 27 F.R. 5017 28 F.R. 5655
Edgefield	28 F.R. 6661
Orangeburg	28 F.R. 5654
Saluda	28 F.R. 6661
Spartanburg	26 F.R. 10814 27 F.R. 5017 28 F.R. 5655

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of April 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-3825; Filed, Apr. 17, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DREW CHEMICAL CORP.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1351) has been filed by Drew Chemical Corporation, 416 Division Street, Boonton, New Jersey, proposing the issuance of a regulation to provide for the safe use of polyoxyethylene (20) sorbitan tristearate and/or polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), with or without sorbitan monostearate, as emulsifiers in edible vegetable fat-water emulsions used as coffee "whiteners," when the level of the total emulsifiers does not exceed 0.4 percent by weight of the emulsion.

Dated: April 13, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3831; Filed, Apr. 17, 1964; 8:49 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Food Additives; Resinous and Polymeric Coatings

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. (b)(5), notice is given that a petition (FAP 1361) has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing that paragraph (b)(3)(xxii)(a) of § 121.2514 *Resinous and polymeric coatings* be amended by inserting alphabetically therein the new item "Lithium."

Dated: April 13, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3832; Filed, Apr. 17, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15079; Order E-20693]

BRANIFF AIRWAYS, INC., ET AL.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1964.

Westbound general commodity rates of Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., The Slick Corporation; Docket No. 15079.

By Orders E-20571 of March 12, 1964, and E-20595 of March 20, 1964, the Board instituted an investigation of current and proposed general commodity rates of American Airlines, Inc., Braniff Airways, Inc. (Braniff), Delta Air Lines, Inc. (Delta), The Flying Tiger Line Inc., Trans World Airlines, Inc., and United Air Lines, Inc., in numerous markets because of their relatively low level (Docket 15079).

Continental Air Lines, Inc., and The Slick Corporation also have in effect general commodity rates in a number of the same markets. In addition, in several of these markets Braniff and Delta, which are already parties to the investigation, have general commodity rates that were not embraced in Docket 15079. Most of the foregoing rates are identical to rates already under investigation. We are adding these rates to the investigation for the same reasons for which we instituted Docket 15079. Other of these rates are higher than the rates in the same markets under investigation. We are expanding the investigation to include these rates in order that the Board's decision will cover all the general commodity rates in the markets involved.

The foregoing rates that we are setting for investigation involve only local rates (covering movements over the individual carriers for which they are in effect). The Board is not adding joint rates in the same markets, which apply to movements over two or more carriers, in order to keep the investigation from becoming unwieldy. However, we contemplate that the Board's decision will contain a rule of construction that will protect the local rates that may be prescribed from being undercut by joint rates.

In addition, we are amending our prior order (E-20571 and Appendix A thereto) by deleting three short-haul markets that are not relevant to this investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof:

It is ordered, That

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A hereto,[1] including subsequent revisions or reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions;

2. The investigation ordered herein be consolidated into the investigation in Docket 15079; and

3. Copies of this order shall be served upon Continental Air Lines, Inc., and The Slick Corporation, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 64-3841; Filed, Apr. 17, 1964; 8:50 a.m.]

[Docket No. 14838]

THRIFT CLASS FARE INVESTIGATION

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding heretofore assigned to be held on April 28, 1964, is postponed to May 5, 1964, at 10 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Hearing Examiner.

Dated at Washington, D.C., April 14, 1964.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 64-3842; Filed, Apr. 17, 1964; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14748 etc.; FCC 64R-207]

CHARLES COUNTY BROADCASTING CO., INC., AND DORLEN BROADCASTERS, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Charles County Broadcasting Co., Inc., La Plata, Maryland, Docket No. 14748, File No. BP-14748; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP-15287; for construction permit; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 15202, File No. BRH-1209, for renewal of license of Station WSMD (FM).

1. The Review Board has before it for consideration a petition to enlarge issues, filed February 4, 1964, by the Broadcast Bureau, and related pleadings.[2] The Bureau requests the addition of a contingent standard comparative issue as between the two standard broadcast applications.

2. In support of its request, the Bureau states that neither of the communities involved in this proceeding has its own standard broadcast station; that the population of the two communities is substantially the same; that although Dorlen's proposal would serve more persons than would Charles' proposal, these additional persons already receive a minimum of seven services; and that the presence of an FM station in Dorlen's community does not eliminate the need for a first standard broadcast station. These basic facts, the Bureau maintains, do not permit a meaningful choice to be made on the basis of section 307(b) considerations alone. As good cause for the late filing of its request, the Bureau states that a determination that section 307(b) considerations would not be decisional could not be made until all the evidence was carefully evaluated.

3. Both Charles and Dorlen, the applicants in this proceeding, oppose the Bureau's petition. First, they allege that the Bureau is asking the Review Board to decide that section 307(b) considerations would not be decisive. This, they maintain, would be a usurpation of the Examiner's function. Second, both maintain that a choice can be made on the basis of section 307(b) considerations. Charles offers no explanation in support of its position, and Dorlen argues that the 307(b) choice can be rested upon the fact that its proposal will serve more people. Third, they state that if the requested issue is added, there will necessarily be a long delay in the proceeding to gather and adduce evidence. Fourth, they assert that the Bureau's petition is untimely and that no good cause has been shown.

4. The Bureau, in its reply, asserts that it is asking for a contingent issue and thus that the Review Board will not be deciding the section 307(b) issue but only concluding that there is a possibility that a section 307(b) choice cannot be made. Further, the Bureau alleges that a delay will not necessarily occur because the requested issue is contingent and so it will be up to the Examiner whether or not to adduce evidence on it.

5. The applicants' contention that the Bureau is in legal effect requesting the Review Board to decide that 307(b) considerations alone will not permit a choice to be made between the two applicants closes a basic misunderstanding of the scope and purpose of the contingent standard comparative issue. Its basic purpose is to avoid the very prejudgment of the 307(b) issue that the applicants complain is inherent in the Bureau's request. See Rockland Broadcasting Co., FCC 62-577, 23 RR 789 (1962). Instead, as is pointed out in Rockland, it "leaves to the Hearing Examiner the responsibility of determining, after the evidence under the 307(b) issue has been adduced, whether a determination may be made solely on the basis of 307(b) considerations or whether it would be appropriate to adduce evidence under the contingent standard comparative issue." As is further pointed out in Rockland, the Examiner may request briefs and hold oral argument before deciding whether to hear evidence under the contingent standard comparative issue; should there be a substantial doubt as to whether 307(b) considerations alone would be determinative, evidence under the contingent standard comparative issue should be adduced.

6. It is thus clear from the Rockland case that the inclusion of the contingent standard comparative issue does not constitute a prejudgment by the Commission that 307(b) considerations alone will not be determinative. It is likewise clear that in adding the contingent standard comparative issue in Rockland, the Commission did not intend to prejudge the 307(b) issue. For these reasons, the applicants' contention that the Bureau is in effect requesting a prejudgment of the 307(b) issue is rejected. As we understand the petition, all that the Bureau is saying is that, on the basis of the facts alleged by it, 307(b) considerations alone may not be determinative, and that the contingent standard comparative issue should be added as an additional tool which the Hearing Examiner may use in the event he should agree with the Bureau.

7. The question presented to the Board by the Bureau's petition is whether in the light of 307(b) facts alleged in the pleadings before us the contingent standard comparative issue should be added; resolution of this question turns upon whether there is a sufficient possibility of a need to resort to the contingent standard comparative issue as to warrant its addition. The Bureau's 307(b) allegations, summarized in paragraph 2 above, support its view that 307(b) considerations alone may not be determinative and that resort to the contingent standard comparative issue may become necessary. Dorlen's contrary view, based upon the argument that it will be preferred under the 307(b) issue, is not sufficiently persuasive to conclude that the need for the contingent issue is so remote that its addition is not warranted.

8. One final matter remains, viz., the untimeliness of the Bureau's petition. The Review Board shares the view of Charles and Dorlen as to the desirability of the early filing of petitions to enlarge. On the other hand, the Review Board cannot dismiss as without substance the Bureau's plea that not until proposed findings and conclusions were being prepared did it become evident that 307(b) considerations alone would not be determinative; in many instances, tentative determinations based upon an

[1] Filed as part of the original document.

[2] Also before the Board are: opposition, filed February 17, 1964, by Charles County Broadcasting Co., Inc. (Charles); opposition, filed February 18, 1964, by Dorlen Broadcasters, Inc. (Dorlen); statement in support of Broadcast Bureau's petition, filed February 17, 1964, by WPGC, Inc.; opposition to supporting statement, filed February 28, 1964, by Charles; and reply, filed February 28, 1964, by the Broadcast Bureau.

overview of the entire record undergo substantial modifications in the writing of the decision. Unlike other issues, the addition of the contingent standard comparative issue at this time will not necessarily cause an additional delay in the ultimate conclusion of this proceeding. Thus, if the Hearing Examiner determines that he can decide this case on 307 (b) considerations alone, a grant of the Bureau's petition, notwithstanding its untimeliness, will not result in any substantial delay in the proceeding. If, on the other hand, this case cannot be decided on 307(b) considerations alone, the addition of the issue at the present time would avoid the possibility of a remand, with its attendant delay, for further hearing on the standard comparative issue. Only if the contingent issue is added, and the Hearing Examiner erroneously determines that evidence under this issue must be adduced, would the addition of the issue unnecessarily prolong the hearing. However, this is a matter which the Commission has, in Rockland Broadcasting, supra, entrusted to the discretion of the Examiner.

Accordingly, it is ordered, This 13th day of April 1964, that the petition to enlarge issues, filed February 4, 1964, by the Broadcast Bureau, is granted, and the issues in this proceeding are enlarged by the addition of the following issue:

To determine, in the event it is concluded that a choice between the instant applications cannot be made upon considerations relating to section 307(b), which of the operations proposed in the above-captioned standard broadcast applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(i) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station;

(ii) The proposals of each of the instant applicants with respect to the management and operation of the proposed station;

(iii) The programming service proposed in each of the instant applications.

Released: April 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3836; Filed, Apr. 17, 1964; 8:49 a.m.]

[Docket No. 15249, 15250; FCC 64M-310]

CLEVELAND TELECASTING CORP. AND SUPERIOR BROADCASTING CORP.

Order Scheduling Prehearing Conference

In re applications of Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT-3191; The Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT-3243; for construction permits for new television broadcast stations.

It is ordered, This 14th day of April 1964, with the consent of all interested parties, that Elizabeth C. Smith, in lieu of Sol Schildhause, shall serve as presiding officer in the above-entitled proceeding: *And it is further ordered*, That the presiding officer herein designated shall convene a prehearing conference in the proceeding at 9:00 a.m., April 24, 1964, in the offices of the Commission, Washington, D.C.

Released: April 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3837; Filed, Apr. 17, 1964; 8:49 a.m.]

[Docket No. 14841; FCC 64R-196]

VERNE M. MILLER

Memorandum Opinion and Order Amending Issues

In re application of Verne M. Miller, Crystal Bay, Nevada, Docket No. 14841, File No. BP-14706; for construction permit.

1. B.B.C. Inc. (KCBN), Reno, Nevada, a party respondent in the above-entitled proceeding, requests an enlargement of issues to determine whether the proposal of Verne M. Miller would serve primarily a particular city, town, political subdivision, or community as contemplated by § 73.30(a) of the Commission's rules.[1]

2. In support of its request, KCBN contends that it learned of the nature of the community from the petition to intervene filed by Robert Sherman (KHOE), Truckee, California; that it has made an independent study; and that an applicant for a new station must establish that the location it has applied for is a particular city, town, political subdivision, or community and is not permitted to rely on areas which are identified with other locations, citing Seven Locks Broadcasting Co., FCC 62-140, 22 RR 967 (1962); Denbigh Broadcasting Co., 28 FCC 393, 18 RR 449 (1960). KCBN states that its investigation reveals that Crystal Bay has no local government, churches, schools, fraternal or civic organizations, banks, hospital, or newspapers, that it has only 144 resident telephone listings, that Crystal Bay "settlement" is principally one of motels and summer homes, and that the few permanent residents look to other locations for education, religion, shopping, and other facets of ordinary community life. It further states that the applicant admits in its opposition to a motion to enlarge issues filed Februray 17, 1964, that Crystal Bay is not a city but a residential resort community having neither a business nor factory area. As good cause for filing its petition at this time, KCBN contends that the need for the issue did not become apparent until KHOE filed its petition to intervene on January 24, 1964.

3. The Broadcast Bureau supports the motion, stating that the cumulative effect of the allegations contained in these pleadings raises serious doubts as to whether Crystal Bay is in fact a "community" within the purview of § 73.30(a) of the rules. It cites Mercer Broadcasting Co., 22 FCC 1009, 13 RR 891 (1957); North Atlanta Broadcasting Company, FCC 63R-450, 1 RR 2d 275 (1963).

4. In opposition, Miller argues that KCBN has not shown good cause for filing its petition late; that, the fact that KCBN admits that it made no study of Crystal Bay until prompted by the allegation of another party is reason enough to deny its petition; and that no explanation was given why the alleged facts were not independently ascertained at an earlier date. Miller contends that the Commission has consistently held that the excuse of a petitioner that certain facts only recently came to its attention, when it had not made an independent search of its own where the facts alleged have existed for any length of time, is not reason enough to enlarge issues pursuant to an untimely request, citing Alkima Broadcasting Co., FCC 59-926, 18 RR 993 (1959); Florida Gulfcoast Broadcasters, Inc., FCC 59-573, 18 RR 631 (1959). Miller urges that there is no basis for questioning the ability of applicant's proposal to meet the rule; that Crystal Bay is in fact the hub of the North Lake Tahoe area; that two similar unincorporated communities in the same area have licensed radio stations; that year round population of Crystal Bay is 500 and it increases to 2500 during tourist season; that Crystal Bay has its own telephone exchange and a post office; and that these facts establish the compliance of applicant's proposal with § 73.30(a).

5. The Review Board is not persuaded that KCBN had good cause for the late filing of its petition. However, the petitioner's allegations raise a sufficiently serious problem to warrant enlargement of the issues on the Board's own motion. The objective facts alleged by petitioner tend to show that Crystal Bay does not have the usual indicia of a community. While Miller has alleged facts which tend to support a contrary conclusion, it is the judgment of the Review Board that the question of whether Crystal Bay is a community should be determined on the basis of an evidentiary record rather than on the basis of allegations in interlocutory pleadings.

Accordingly, it is ordered, This 7th day of April 1964, that the motion to enlarge issues filed by B.B.C., Inc., Reno, Nevada, February 25, 1964, is denied; and

It is further ordered, On the Board's own motion, that the Commission's Order (FCC 62-1165), released November 13, 1962, is amended by the addition of the following issue:

To determine whether the proposal of Verne M. Miller would serve primarily a particular city, town, political subdivision, or community as contemplated by § 73.30(a) of the rules.

Released: April 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3838; Filed, Apr. 17, 1964; 8:50 a.m.]

[1] The Review Board has before it for consideration (a) a motion to enlarge issues filed February 25, 1964 by B.B.C. Inc. (KCBN); (b) a response of Broadcast Bureau filed March 10, 1964; (c) an opposition to motion to enlarge issues, filed March 11, 1964, by Verne M. Miller; and (d) a reply to opposition to motion to enlarge issues filed March 18, 1964, by B.B.C. Inc.

CIVIL SERVICE COMMISSION

CHIEF ECONOMIST ET AL.

Positions for Which There Is Determined To Be a Manpower Shortage

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

Series and grade	Position	Location	Effective date
GS-110-15	Chief Economist	Community Facilities Administration, Housing and Home Finance Agency, Washington, D.C.	Jan. 9, 1964.
GS-301-12 and above.	Science Information Specialist.	National Science Foundation, Washington, D.C.	Mar. 2, 1964.
GS-525-5 and 7	Tax Technician	Internal Revenue Service, New York City, N.Y.	Feb. 25, 1964 (expires June 15, 1964).

Travel and transportation expenses may be paid for appointees to their duty station for the positions as listed above.

Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3800; Filed, Apr. 17, 1964; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5029]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

APRIL 13, 1964.

Take notice that on March 31, 1964, Arizona Public Service Company (Applicant), incorporated under the laws of the State of Arizona, with its principal place of business in Phoenix, Arizona, filed an application for supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount of electric energy which Applicant is presently authorized to transmit from the United States to Mexico.

By Commission order issued June 30, 1954, in the above docket, Applicant was authorized to transmit electric energy from the United States to Mexico in an amount not to exceed 1,000,000 kwh per annum at a maximum transmission rate of 300 kw at the international boundary line adjacent to Naco, Sonora, Mexico. Applicant now seeks authorization to transmit up to 2,400,000 kwh per annum at a maximum transmission rate of 700 kw in order that it may enable Junta Federal de Mejoras Materiales to meet the demand for additional electric service in Naco, Sonora, and environs.

The amount of electric energy which Applicant proposes to export, like the amount presently exported pursuant to the aforementioned authorization, is to be transmitted to Mexico from the State of Arizona under certain facilities specified in a Presidential Permit released to Applicant's predecessor by order of the Commission entered July 28, 1942 and transferred to the Applicant by Amendatory Presidential Permit (in the above docket), signed by the President of the United States on August 28, 1952, and accepted by the Applicant on October 1, 1952.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3803; Filed, Apr. 17, 1964; 8:45 a.m.]

[Docket No. IT-5331]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

APRIL 13, 1964.

Take notice that on March 31, 1964, Arizona Public Service Company (Applicant), incorporated under the laws of the State of Arizona, with its principal place of business at Phoenix, Arizona, filed an application for a supplemental order, pursuant to section 202(e) of the Federal Power Act authorizing an increase in the amount of electric energy which Applicant is presently authorized to transmit from the United States to Mexico.

By Commission order issued April 6, 1960, in the above docket, Applicant was authorized to transmit energy from the United States to Mexico in an amount not to exceed 6,000,000 kwh per annum at a maximum transmission rate of 1500 kw at the international boundary line adjacent to Agua Prieta, Sonora, Mexico. Applicant now seeks authorization to transmit up to 8,000,000 kwh per annum at a maximum transmission rate of 1900 kw in order that it may enable Compania de Servicios Publicos de Agua Prieta, S.A., to meet the demand for additional electric energy made upon it for electric service in the community of Agua Prieta and environs.

The amount of electric energy which Applicant proposes to export, like that amount presently exported pursuant to the aforementioned authorization, is to be transmitted to Mexico from the State of Arizona over certain facilities specified in a Presidental Permit signed by the President of the United States on July 30, 1941, and released to Arizona Edison Company, Inc., and subsequently transferred to Applicant by an Amendatory Presidential Permit signed by the President of the United States on August 28, 1952, both in the above docket.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3804; Filed, Apr. 17, 1964; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

GERHARD D. BLEICKEN

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710 (b)(6) of the Defense Production Act of 1950, as amended.

No changes since last statement published in the FEDERAL REGISTER, August 15, 1963 (28 F.R. 8390).

Date: February 15, 1964.

GERHARD D. BLEICKEN.

[F.R. Doc. 64-3801; Filed, Apr. 17, 1964; 8:45 a.m.]

CARLTON S. DARGUSCH

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement published in the FEDERAL REGISTER, August 15, 1963 (28 F.R. 8390).

Dated: February 15, 1964.

CARLTON S. DARGUSCH.

[F.R. Doc. 64-3802; Filed, Apr. 17, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1613]

ESS-KAY ENTERPRISES, INC.

Order Canceling Hearing and Making Suspension Permanent

APRIL 13, 1964.

The Commission, by order dated March 2, 1964, having temporarily suspended the Regulation A exemption of Ess-Kay Enterprises, Inc., Suite 407, 101 Marietta Street Bldg., Atlanta, Georgia, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and the company having requested a hearing upon the allegations set forth in the aforementioned order, and the Commission by order dated March 9, 1964, having ordered a hearing in the above-entitled matter, said hearing having been postponed to commence on April 20, 1964, at 10:00 a.m., e.s.t., at the Atlanta Regional Office of the Commission, 1371 Peachtree Street NE., Atlanta, Georgia, before William Swift, hearing examiner, and

The company having requested withdrawal of its request for a hearing, and the Division of Corporation Finance and the Atlanta Regional Office not objecting thereto:

It is ordered, That the request for hearing be, and it hereby is, deemed withdrawn.

It is further ordered, That the hearing in this matter scheduled for April 20, 1964, be and it hereby is canceled.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3821; Filed, Apr. 17, 1964; 8:47 a.m.]

[File No. 811-1029]

KOSTIN CORP.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 14, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Kostin Corp. ("Applicant"), 408 Summit Street, Toledo, Ohio, a management closed-end non-diversified investment company, has ceased to be an investment company by reason of the exception contained in section 3(c)(1) of the Act.

Applicant states that its securities are beneficially owned by less than 100 persons and that it does not presently propose to make a public offering of its securities. Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities (other than short term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 30, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3822; Filed, Apr. 17, 1964; 8:47 a.m.]

[File No. 2-11881]

ST. CROIX PAPER CO.

Notice of Application for Exemption

APRIL 13, 1964.

Notice is hereby given that St. Croix Paper Company, a Maine corporation ("St. Croix"), has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Exchange Act") for an order exempting St. Croix from the operation of section 15(d) of the Exchange Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption, as follows:

1. St. Croix is a corporation organized and existing under the laws of the State of Maine, having its principal office and place of business at Woodland, Maine, and has outstanding 586,714 shares of common stock of the par value of $12.50 per share.

2. In 1955, St. Croix filed a registration statement under the Securities Act of 1933 with the Commission. The registration statement was ordered effective on or about September 21, 1955 and contained the undertaking required by section 15(d) of the Exchange Act. Since that time St. Croix has filed with the Commission the reports required pursuant to the undertaking.

3. On January 18, 1963, Georgia-Pacific Corporation ("G-P"), a Georgia corporation, offered to exchange shares of its common stock for shares of common stock of St. Croix at the rate of 8/10ths of a share of G-P for each share of common stock of St. Croix, pursuant to an offer registered on registration statement File No. 2-20946 under the Securities Act of 1933. The exchange offer by its terms expired on February 20, 1963. At the conclusion of the exchange offer, 1,982 stockholders of St. Croix had exchanged 579,156 shares (98.76 percent of the outstanding shares) of St. Croix common stock for 463,325 shares of common stock of G-P.

4. On January 20, 1964, St. Croix made a cash offer to its remaining stockholders pursuant to which it offered to buy its remaining outstanding shares at $40 a share, on or before March 9, 1964. As a result of acceptances of the cash offer, the 586,174 outstanding shares of common stock of St. Croix were on March 31, 1964, held of record as follows: 579,449 shares by G-P, 6,735 shares by St. Croix, 7 director's qualifying shares by 7 holders, and the remaining 523 shares by 14 stockholders.

5. In consideration of the granting of the exemption, St. Croix agrees that it will, so long as shares of its common stock are held by or for the account of others than G-P, upon the request of any stockholder, cause to be prepared and made available to such stockholder, as promptly as practicable after such request, financial statements with respect to St. Croix's last completed fiscal year, such financial statements to be prepared from the books of St. Croix and to consist of a balance sheet as at the end of such fiscal year and a statement of operations and statement of surplus for the year then added, all prepared in reasonable detail and in accordance with generally accepted accounting principles consistently followed and to be attested by the principal financial and accounting officer of St. Croix.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after May 13, 1964 unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than May 11, 1964 at 5:30 p.m. submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact or law raised by the application which he desires to controvert.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3823; Filed, Apr. 17, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 970]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 15, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66526. By order of April 3, 1964, the Transfer Board approved the transfer to Faulks Trucking, Inc., Antigo, Wis., of Permit in No. MC 119111, issued January 10, 1961, to Harvey Mach, Antigo, Wis., authorizing the transportation of: Fertilizer and fertilizer materials, from Indianapolis and Plymouth, Ind., to points in Wisconsin. Edward Solle, 1 South Pinckney Street, Madison 3, Wisconsin, attorney for applicants.

No. MC-FC 66570. By order of April 3, 1964, the Transfer Board approved the transfer to Mervin R. Mewes, doing business as Mewes Trucking, Highmore, S. Dak., of Certificate in No. MC 107614, issued December 23, 1954, to John W. Mewes, doing business as Central Dakota Transport, Highmore, S. Dak., authorizing the transportation of: Livestock, between Highmore, S. Dak., and points within 25 miles thereof, on the one hand, and, on the other, points in Iowa and Minnesota; and emigrant movables, between Highmore, S. Dak., and points within 25 miles thereof, on the one hand, and, on the other, points in Iowa, Minnesota, and Nebraska; and, lumber, animal and poultry feeds, feed minerals, seeds, and farm machinery and implements (not including parts therefor), from Minneapolis, Minn., and Sioux City, Iowa, to Highmore, S. Dak., and points within 25 miles thereof. Reuben R. Widmayer, Miller, S. Dak., attorney for applicants.

No. MC-FC 66685. By order of April 3, 1964, the Transfer Board approved the transfer to A City Van & Storage, Inc., Mequon, Wis., of the operating rights issued by the Commission December 15, 1961, under Certificate No. MC 75442 to William W. Krohn, doing business as City Express & Moving Company, West Allis, Wis., authorizing the transportation, over irregular routes of household goods, as defined by the Commission, between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Illinois; from points in Milwaukee County, Wis., to points in Illinois, Indiana, Ohio, Iowa, and Minnesota; and from points in Illinois, Indiana, Ohio, Iowa, and Minnesota, to Milwaukee, Wis., and points within 75 miles thereof. Jerris Leonard, c/o Michael, Best & Friedrich, 626 East Wisconsin Avenue, Milwaukee, Wis., 53201, attorney for applicants.

No. MC-FC 66740. By order of April 3, 1964, the Transfer Board approved the transfer to Fred J. Keller, doing business as Keller Trucking Company, North & Hamilton Street, Powell, Wyo., of the operating rights issued by the Commission October 8, 1956, under Certificate in No. MC 108853, to Joe Good, doing business as Good Transportation, 830 Shoshone Avenue, Lowell, Wyo., authorizing the transportation, over irregular routes, of livestock, emigrant moveables, agricultural commodities, machinery and machinery parts, farm equipment, building material, pipe, seed, and livestock feed, between points in Big Horn, Park, Washakie, and Hot Springs Counties, Wyo., livestock and emigrant moveables, between points in Big Horn, Park, Washakie, and Hot Springs Counties, Wyo., on the one hand, and, on the other, points in Colorado, Idaho, Montana, Nebraska, and Utah; machinery and related machinery parts; when their transportation is incidental to the transportation of machinery, and agricultural commodities, in bulk, between points in Big Horn, Park, Washakie, and Hot Springs Counties, Wyo., on the one hand, and, on the other, points in Montana; building material and pipe, between points in Big Horn, Park, Washakie, and Hot Springs Counties, Wyo., on the one hand, and on the other, points in Montana, except Billings, Mont.; and seed, livestock feed, and agricultural commodities, except those in bulk, between points other than incorporated towns and cities in Big Horn, Park, Washakie, and Hot Springs Counties, Wyo., on the one hand, and, on the other, points in Montana.

No. MC-FC 66745. By order of April 3, 1964, the Transfer Board approved the transfer to Acme Transfer Company, Inc., Lincoln, Nebr., of the operating rights issued by the Commission December 13, 1960, and May 14, 1962, under Certificates Nos. MC 117979 and MC 117979 (Sub No. 1), respectively, to Harold W. Bracy, Metairie, La., authorizing the transportation, over irregular routes, of bananas, from New Orleans, La., to Bismarck, N. Dak., Minneapolis, Mankato, and Winona, Minn., Sioux City, Iowa, Omaha, Nebr., and Indianapolis, Ind.; and from New Orleans, La., and Mobile, Ala., to Fergus Falls, Minn., and points in North Dakota, except Bismarck, N. Dak. Donald E. Leonard, Box 2028, Lincoln, Nebr., attorney for applicants.

No. MC-FC 66776. By order of April 3, 1964, the Transfer Board approved the transfer to Merlin C. Schnoor, Manilla, Iowa, of the operating rights in Certificate No. MC 34534, issued September 14, 1953, to Ben Huebner, Denison, Iowa, authorizing the transportation, over regular routes, of: Livestock, feed, hardware, building materials, agricultural implements, and related farm material, between Denison, Iowa, and Omaha, Nebr., serving certain intermediate and off-route points.

No. MC-FC 66778. By order of April 3, 1964, the Transfer Board approved the transfer to Robert E. Elmore, Tallahassee, Fla., of Certificate No. MC 4394, issued August 26, 1943, to G. D. Elmore, Holt, Fla., authorizing the transportation over regular routes, between Dothan, Ala., and Camilla, Ga., of peanuts and cottonseed and cottonseed hulls, cottonseed meal, and peanut meal; between Dothan, Ala., and Mobile, Ala., of cotton in bales, cooking oil, peanut butter, and cottonseed meal and groceries and agricultural commodities, with service authorized to and from the intermediate point of Pensacola, Fla., without restriction; and from intermediate and off-route points within 25 miles of Dothan, restricted to pick-up of cotton only; and between Dothan, Ala., and Columbus, Ga., of cotton in bales and livestock, hardware, bagging and ties; cotton in bales, fertilizer, fertilizer materials, peanuts, cottonseed meal, and cottonseed hulls, over irregular routes between points in Alabama, Georgia, and Florida, within 75 miles of Dothan, Ala., including Dothan; and groceries, hardware, cotton, cottonseed, peanuts, livestock, cottonseed meal and cottonseed hulls, between Dothan, Ala., on the one hand, and on the other, points in Alabama. Norman J. Bolinger, 1730 Lynch Building, Jacksonville 2, Florida, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3829; Filed, Apr. 17, 1964; 8:49 a.m.]

[Notice No. 970-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 15, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations

prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66575. By order of April 14, 1964, the Transfer Board approved the transfer to Philip Stinger, Inc., a Delaware Corporation, Philadelphia, Pa., of Permits in Nos. MC 67419 and MC 67419 (Sub No. 1), issued September 10, 1952 and June 13, 1961, respectively, to Philip Stinger, Inc., a Pennsylvania Corporation, Philadelphia, Pa., authorizing the transportation of: Roofing materials and supplies, and supplies and materials used in the manufacture thereof, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, the District of Columbia, and a part of New York state; and, gypsum wallboard and gypsum products, and materials and supplies used in the installation thereof, from Wilmington, Del., to Washington, D.C., points in certain counties in Virginia, and points in Maryland, New Jersey, New York, Pennsylvania, and West Virginia, and materials and supplies used in the manufacture of gypsum wallboard and gypsum products, on the return; and gypsum products, from Edgewater, N.J., to Wilmington, Del. Raymond A. Thistle, Jr., 1500 Walnut Street, Philadelphia 2, Pa., attorney for applicants.

No. MC–FC 66650. By order of April 7, 1964, the Transfer Board approved the transfer to Joura Movers, Inc., Staten Island, N.Y., of the operating rights in Certificate in No. MC 76980, issued October 27, 1943, to The Bergen Storage Warehouse Company, A Corporation, Jersey City, N.J., authorizing the transportation of household goods, as defined between New York, N.Y., and points in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Alvin Altman, 1776 Broadway, New York 19, N.Y., attorney for applicant.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–3830; Filed, Apr. 17, 1964; 8:49 a.m.]

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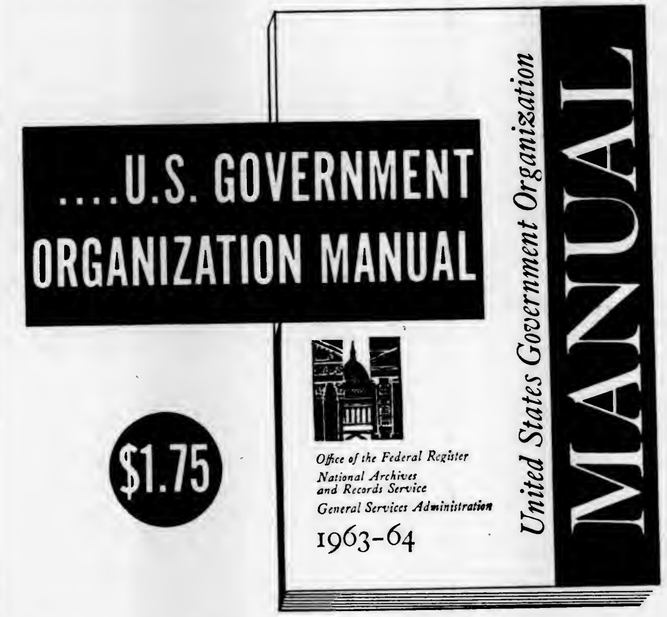
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VOLUME 29 NUMBER 78

Washington, Tuesday, April 21, 1964

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

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Order from Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11153

INSPECTION OF INCOME, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON THE JUDICIARY

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, estate, or gift tax return for the years 1960 to 1964, inclusive, shall, during the Eighty-eighth Congress, be open to inspection by the Senate Committee on the Judiciary or any duly authorized subcommittee thereof, in connection with its study and investigation of the applicability of the antitrust and monopoly laws of the United States to professional boxing, pursuant to Senate Resolution 262, 88th Congress, agreed to February 10, 1964. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6132, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

LYNDON B. JOHNSON

THE WHITE HOUSE,
April 17, 1964.

[F.R. Doc. 64-3984; Filed, Apr. 20, 1964; 10:07 a.m.]

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PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311(b)(9) is amended to show a title change from Assistant for Congressional Relations to the Executive Assistant to the Assistant Postmaster General to Special Assistant to the Assistant Postmaster General. Effective upon publication in the FEDERAL REGISTER, subparagraph (9) of paragraph (b) of § 213.3311 is amended as set out below.

§ 213.3311 **Post Office Department.**

• • • • • •

(b) *Bureau of Facilities.* • • •

(9) One Special Assistant to the Assistant Postmaster General.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 623; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3891; Filed, Apr. 20, 1964; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 106, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.406 (Lemon Regulation 106, 29 F.R. 5032) are hereby amended to read as follows:

(ii) District 2: 255,750 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 16, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3875; Filed, Apr. 20, 1964; 8:48 a.m.]

PART 911—LIMES GROWN IN FLORIDA

Terminations

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of available information, it is hereby found that the continuation of limitations on shipments of limes in accordance with the provisions of the Lime Regulations specified in paragraph (b) hereof will not, after the effective time hereof, tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this termination of regulations until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this action is based became available and the time when this action must become effective pursuant to the declared policy of the act is insufficient, and this termination of regulations relieves restrictions on the handling of limes grown in Florida.

(b) The following Lime Regulations shall be and are hereby terminated effective at 12:01 a.m., e.s.t., April 22, 1964:

Lime Regulation 6 (§ 911.308; 29 F.R. 470, 2645); Container Regulation (§ 911.302; 23 F.R. 1805, 3375; 26 F.R. 12751), and Pack Regulation (§ 911.305; 23 F.R. 1694; 24 F.R. 7605; 26 F.R. 12751).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3977; Filed, Apr. 20, 1964; 8:53 a.m.]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Terminations

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of available information, it is hereby found that the continuation of limitations on shipments of avocados in accordance with the provisions of the Avocado Regulations specified in paragraph (b) hereof will not, after the effective time hereof, tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making proccdure, and postpone the effective date of this termination of regulations until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this action is based became available and the time when this action must become effective pursuant to the declared policy of the act is insufficient, and this termination of regulations relieves restrictions on the handling of avocados grown in south Florida.

(b) The following Avocado Regulations shall be and are hereby terminated effective at 12:01 a.m., e.s.t., April 22, 1964:

Avocado Regulation 2 (§ 915.302; 28 F.R. 5005, 7212); Avocado Regulation 3 (§ 915.303; 28 F.R. 5412, 5610), and Pack Regulation (§ 915.315; 23 F.R. 3372; 26 F.R. 12751).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-3978; Filed, Apr. 20, 1964; 8:53 a.m.]

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Expenses of Grape Crush Administrative Committee for 1963–64 Crop Year and Suspension of Certain Provisions

Notice was published in the March 21, 1964, issue of the FEDERAL REGISTER (29 F.R. 3625) regarding expenses of the Grape Crush Administrative Committee for the 1963–64 crop year pursuant to § 990.71, and suspension of certain provisions of the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing (hereinafter referred to collectively as the "order"), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons the opportunity to submit written data, views, or arguments on the proposals; however, none was received within the time prescribed therefor.

A referendum (28 F.R. 6590) was conducted early during the current (1963–64) crop year to determine whether producers favored termination of the order at the end of the crop year, and such termination was favored. No free and surplus percentages were made effective under the order for the current crop year. On the basis of the foregoing, the Committee's activities during this crop year primarily have been concerned with disposition of setaside from prior crop years, and preparation for termination and liquidation in accordance with the order. The Committee unanimously recommended (1) a budget of expenses in the total amount of $84,000 for the 1963–64 crop year (July 1, 1963–June 30, 1964), (2) in lieu of a 1963–64 rate of assessment which would be fixed pursuant to § 990.72(a) to provide funds for such expenses, that the money collected as assessments for the 1962–63 crop year and not expended in connection with the Committee's operations during that year be used directly for such proposed expenses, sufficient excess assessments being available for such use, and (3) that certain provisions of the order pertaining to the filing and fixing of an assessment rate and refunding or crediting of excess assessments be suspended.

Under the foregoing circumstances, assessing handlers during the current crop year to provide funds for such year's expenses and refunding to them excess 1962–63 assessments would unduly complicate the financial operations of the Committee during the remainder of the crop year. For example, the levying and collection of assessments pursuant to the order would entail considerable manhours in computing each handler's assessment, billing him for this amount, and collecting and crediting such amounts to the respective handlers' accounts. Furthermore, such activities would require the use of personnel whose services could otherwise be employed, and would require the Committee to wait for payment of these assessments before handlers' accounts could be audited and settled. This could unduly prolong termination and liquidation actions.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Committee, and other available information, it is hereby found (1) that expenses in the amount of $84,000 are reasonable and likely to be incurred by the Committee during the 1963–64 crop year, and (2) that during the period hereinafter provided certain provisions of the order requiring the filing and fixing of a rate of assessment and the refund of excess assessments obstruct or do not tend to effectuate the declared policy of the act and should be suspended.

Therefore, it is ordered as follows:

1. With respect to the expenses of the Grape Crush Administrative Committee for 1963–64 crop year:

§ 990.303 **Expenses of the Grape Crush Administrative Committee for the 1963–64 crop year.**

Expenses (other than expenses incurred in receiving, handling, holding, or disposing of setaside) in the amount of $84,000 are reasonable and likely to be incurred by the Grape Crush Administrative Committee during the 1963–64 crop year (July 1, 1963–June 30, 1964) for the maintenance and functioning of the Committee and the Grape Crush Advisory Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

2. With respect to the suspension of certain provisions:

The following provisions are suspended: (a) "and rate of assessment" in the last sentence of § 990.71; (b) the second and third sentences of § 990.72 (a); (c) "for a period of four months subsequent to the end of such crop year" in the first sentence of § 990.72(b); and (d) the second and third sentences of § 990.72(b).

It is hereby further found that good cause exists for not postponing the effective time of these actions until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) Pursuant to the applicable provisions of the act and the order, it is mandatory for the Secretary to suspend any provisions of the order whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act; (2) the Committee has been incurring expenses since the beginning (i.e., July 1, 1963) of the current 1963–64 crop year for the maintenance and functioning of it and the Grape Crush Advisory Board during such crop year, and some of these expenses have been defrayed from excess 1962–63 assessments as authorized by the order; (3) the amount of reasonable expenses for such crop year should be fixed promptly so as to enable the Committee to conduct its operations accordingly; (4) there is no need to collect any additional sums for such operations since sufficient money from excess 1962–63 assessments is available to the Committee for such expenses; and (5) postponing the effective time of these actions beyond the date of publication in the FEDERAL REGISTER would serve no useful purpose and would unduly delay accounting under the program.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated April 15, 1963, to become effective upon publication in the FEDERAL REGISTER.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-3877; Filed, Apr. 20, 1964; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 **Modified certified brucellosis areas.**

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, Walker, Washington, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Oklaloosa, Santa

Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. Honolulu County;

Idaho. The entire State;

Illinois. The entire State;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Guthrie, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Story, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De-Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. The entire State;

Nebraska. Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fairfield, Fayette, Franklin, Fulton, Gallia, Geauga, Greene, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Rees, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Wayne, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Haskell, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, and Pushmataha Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Bexar, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El aPso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Hall, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Randall, Reagan, Real, Reeves, Runnels, San Saba, Schleicher Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Conecuh, Fayette, Walker, and Washington Counties in Alabama; Henry County in Illinois; Custer and Powder River Counties in Montana; Red Willow County in Nebraska; Brown and Fairfield Counties in Ohio; and Bexar, Hall, Lubbock, and Randall Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of April 1964.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 64-3896; Filed, Apr. 20, 1964; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. No. 2055; Amdt. 717]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and lubrication of the elevator balance panels and panel track grips on Boeing Models 707 and 720 Series aircraft was published in 28 F.R. 12329.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Several comments were made by operators of the aircraft that they have not experienced any incidents of above normal control column forces directly attributable to ice formation in the subject areas, and that they therefore are opposed to the issuance of this AD. Fourteen occurrences of above normal control column forces have been reported on Models 707 and 720 Series aircraft by six operators. The problem has occurred in several areas of the world with ground level precipitation and low freezing altitude as common factors. Therefore, this AD is considered necessary.

Several comments opposed the requirement of the particular lubricant required by this AD. One recommended the use of a silicone based lubricant. Silicone based lubricants were considered but have been rejected because they attack the silicone rubber of the aerodynamic seals, and they dry out and could require more frequent applications. The lubricant specified in this AD has been previously tested in a similar application and has been found to be completely satisfactory. Other more tenacious and weather resistant lubricants were considered but were found to lose their plasticity and craze or flake off under the high drying rate conditions prevailing in the balance bays thereby leaving the areas unprotected. The lubricant specified in this AD was chosen primarily because of its ice inhibitor characteristics as well as its lubricator characteristics. The addition of the solvent to the greases to form the lubricant is to facilitate application and to help obtain a uniform

film over the subject areas. Another comment stated that the lubricant might collect dirt and dust and become harmfully abrasive. Such accumulations should only occur on the surfaces of the lubricant layer and should not harmfully penetrate into the rubbing surfaces before the areas are cleaned during normal overhaul.

A comment also recommended that the operators should be allowed, under the AD, to continue similar programs which have so far proven adequate. The AD has been revised to provide for the approval of equivalent procedures.

It was also requested that the compliance time be changed from 500 hours' time in service to 600 hours' time in service to better fit progressive maintenance programs. Since it is not considered that safety would be adversely affected by an increase of 100 hours in the compliance time, the change to 600 hours has been incorporated into the AD. Other comments suggested that the frequency of subsequent compliance times be changed to 2,500 hours' time in service or periodically at the decision of the operator. The compliance times in this AD are based on the useful life of the lubricant under these operating conditions. There is no data available which indicates that the lubricant has a useful life greater than the time specified. If later service experience indicates that the subsequent inspection frequency may be relaxed, the AD will be revised.

Another comment stated that frequent entry into the sensitive elevator/stabilizer areas under line conditions might prove to be hazardous. It is considered that safe entry into these areas is well within the capabilities of operator maintenance personnel and that the application of the lubricant in accordance with this AD will result in an increase in safety.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft.

Compliance required as indicated.

There have been instances of above normal control column forces and sluggish airplane response. In all cases, the airplanes involved had been exposed to heavy rain prior to takeoff or had taken off in heavy rain, with comparatively low freezing altitudes prevailing. This can result in ice formation in the elevator balance panel hinge or around the balance panel track grip.

In order to preclude this unsafe condition, accomplish the following:

Within 600 hours' time in service after the effective date of this AD, and thereafter at intervals not exceeding 600 hours' time in service, accomplish the following or equivalent approved by Engineering and Manufacturing Branch, FAA Western Region:

(a) Mix MIL-G-25760 or MIL-G-7118 grease or equivalent approved by Engineering and Manufacturing Branch, FAA Western Region, with Methyl Ethyl Ketone or allphatic naptha (Varsol), or equivalent approved by Engineering and Manufacturing Branch, FAA Western Region, to a consistency suitable for application with a squirt type oil can, and apply a good coverage of lubricant to the following areas:

(1) Upper surface of the piano hinge for each balance panel, and

(2) On either side of both balance panel track grips.

(b) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Service Bulletins Nos. 1865 and 1865A cover this same subject.)

This amendment shall become effective May 19, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 14, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-3850; Filed, Apr. 20, 1964; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards with Schedule of Weights and Fees

DESCRIPTIVE LIST

Pursuant to authority contained in 15 U.S.C. 275a the following amendments are effective upon publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list:*

1. Paragraph (e) *Titanium- and Zirconium-base alloys* is amended to revise sample number 173 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
173a.....	Titanium metal, 6A1-4V ...	100	$12.00

2. Paragraph (y) *Uranium isotopic standards* is amended to add sample number U-500 to read as follows:

Sample No.	Nominal composition, percent U-235	Price per gram U
U-500.....	50	$20.00

3. Paragraph (ee) *Metal organic standards* is amended to add sample number 1075, which is a replacement for sample number 1050, to read as follows:

Sample No.	Description	Approximate weight of sample in grams	Price per sample
1075.....	Aluminum 2-ethylhexanoate.	5	$10.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director,
National Bureau of Standards.

[F.R. Doc. 64-3857; Filed, Apr. 20, 1964; 8:46 a.m.]

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST

Pursuant to authority contained in 15 U.S.C. 275a the following amendments are effective upon publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list:*

1. Paragraph (m) *Spectrographic standards* is amended by the addition of 5 new samples to the (Ingot Iron and Low-Alloy Steel series) to read as follows:

Sample No.[1]	Name	Price per sample
D803a.....	A.O.H., 0.6C.....	$10.00
D805a.....	Medium manganese.....	10.00
D807a.....	Chromium-vanadium.....	10.00
D809b.....	Nickel.....	10.00
D820a.....	Ingot iron.....	10.00

[1] Size: D800 series, 1¼ inches in diameter, ¾ inch thick (suitable only for X-ray analysis—prepared from the rods ½ inch in diameter by upset forging and annealing).

2. Paragraph (p) *Standard rubbers and rubber compounding materials* is amended by the revision of sample 375d to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
375e.....	Channel black.....	7,000	$14.00

3. Paragraph (r) *Radioactivity standards* is amended by the revision of sample 4950 to read as follows:

RADIUM STANDARDS (FOR RADON ANALYSIS)

Sample No.	Radium content (grams)	Volume (milliliters)	Price per sample
4960-A....	10^{-8}.....	100	$42.00

2. Paragraph (r) *Radioactivity standards* is amended by the addition of new samples 4200, 4945, 4946 and to revise samples 4922-C and 4997-B to read as follows:

ALPHA, BETA, GAMMA, STANDARDS

Sample No.	Nuclide	Radiation	Nominal activity	Volume	Price per sample
4922-D.....	Sodium-22.....	β^+, β^-	10^6 d/s	*Grams* 5.....	$37.00
4945.....	Strontium-90.....	β^-	10^5 d/s/g	3.....	20.00
4946.....	Cerium-141.....	β^-, γ	10^5 d/s/g	3.....	49.00

POINT SOURCE STANDARDS

Sample No.	Nuclide	Radiation	Nominal activity	Volume	Price per sample
4200-C.....	Cesium-barium [137]	β^-, γ	5×10^5 d/s	Point source.....	$46.00
4997-C.....	Manganese-54.....		5×10^5 d/s	Point source.....	54.00

3. Paragraph (ee) *Metal organic standards* is amended to add samples 1078 and 1079 to read as follows:

Sample No.	Description	Approximate weight of sample in grams	Price per sample
1078.....	Tris (1-phenyl-1,3-butanediene) chromium (III).	5	$10.00
1079.....	Tris (3-phenyl-1,3-butanediene) iron (III).	5	10.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director,
National Bureau of Standards.

[F.R. Doc. 64-3856; Filed, Apr. 20, 1964; 8:46 a.m.]

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST

Pursuant to authority contained in 15 U.S.C. 275a the following amendments are effective upon publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list:*

1. Paragraph (m) *Spectrographic standards* is amended by the addition of 25 new samples to the (Copper-base alloy series) to read as follows:

Sample No.[1]	Name	Price per sample
1103.....	Free-cutting brass A, wrought.....	$25.00
C1103.....	Free-cutting brass A, chill-cast.....	25.00
1104.....	Free-cutting brass B, wrought.....	25.00
C1104.....	Free-cutting brass B, chill-cast.....	25.00
1105.....	Free-cutting brass C, wrought.....	25.00
C1105.....	Free-cutting brass C, chill-cast.....	25.00
1109.....	Red-brass A, wrought.....	25.00
C1109.....	Red-brass A, chill-cast.....	25.00
1112.....	Gilding metal A, wrought.....	25.00
C1112.....	Gilding metal A, chill-cast.....	25.00
1113.....	Gilding metal B, wrought.....	25.00
C1113.....	Gilding metal B, chill-cast.....	25.00
1114.....	Gilding metal C, wrought.....	25.00
C1114.....	Gilding metal C, chill-cast.....	25.00
1115.....	Commercial bronze A, wrought.....	25.00
C1115.....	Commercial bronze A, chill-cast.....	25.00
1116.....	Commercial bronze B, wrought.....	25.00
C1116.....	Commercial bronze B, chill-cast.....	25.00
1117.....	Commercial bronze C, wrought.....	25.00
C1117.....	Commercial bronze C, chill-cast.....	25.00
1118.....	Aluminum brass A, wrought.....	25.00
C1118.....	Aluminum brass A, chill-cast.....	25.00
1119.....	Aluminum brass B, wrought.....	25.00
C1119.....	Aluminum brass B, chill-cast.....	25.00
1120.....	Aluminum brass C, wrought.....	25.00
C1120.....	Aluminum brass C, chill-cast.....	25.00

[1] Sizes: The sample numbers not preceded by a letter "C" are wrought and are nominally 1 inch square, ¾-inch thick. The sample numbers preceded by the letter "C" generally have the same composition but are in the form of chill-cast sections 1¼ inches square, ¾-inch thick.

kind which is subject to a tariff-rate quota.

Accordingly, section 8.59(g) of the Customs Regulations is amended by substituting the figure "4" for the figure "9" in the first sentence and by deleting the second sentence.

(Secs. 448, 484, 624, 46 Stat. 714, 722, as amended, 759; 19 U.S.C. 1448, 1484, 1624)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: April 14, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3881; Filed, Apr. 20, 1964; 8:48 a.m.]

[T.D. 56150]

PART 14—APPRAISEMENT

Antidumping; Steel Reinforcing Bars From Canada

APRIL 14, 1964.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority a determination was made, and on December 17, 1963, the United States Tariff Commission was advised that steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited through its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, are being, or are likely to be, sold in the United States at less than their fair value.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on March 23, 1964, it notified the Secretary of the Treasury, that an industry in the United States is likely to be injured by reason of the importation of steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited through its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56151]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Entry of Articles Released Under Immediate Delivery Permit

Complaint has been made that the 2-day period, excluding the day of release, Saturday, Sunday, and holidays, prescribed in § 8.59(g) of the regulations for making timely entry for merchandise released under an immediate delivery permit is often inadequate to complete preparation and filing of the entry, along with the deposit of estimated duties and taxes, so that additional time is required in which to make the entry.

The regulations now require an importer who applies for an additional period of 2 days in which to make entry for merchandise released under an immediate delivery permit to give a satisfactory explanation in writing of his inability to make entry and deposit within 2 days after the day of release. A satisfactory explanation in one district might be unsatisfactory in another. The necessity of applying for additional time in which to make entry involves additional work for both importers and customers.

Under these circumstances and since it is desirable that the correct amount of duty be deposited on an entry at the time it is made for merchandise released under an immediate delivery permit so as to avoid as far as possible a refund or further collection of duty on the entry, the Bureau is of the opinion that at least 4 days, excluding the day of release, Saturday, Sunday, and holidays, may properly be granted in which timely entry may be made for merchandise released under an immediate delivery permit, except under certain conditions as specified in the regulations for articles of a

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited through its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada.

Section 14.13(b) of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Steel reinforcing bars	Canada	56150

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3882; Filed, Apr. 20, 1964; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6723]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Interest, and Constructive Receipt of Income

On November 15, 1962, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 61 and 451 of the Internal Revenue Code of 1954, relating to interest on insurance policy dividends and the constructive receipt of income, respectively, was published in the FEDERAL REGISTER (27 F.R. 11264). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (d) of § 1.61-7, as set forth in the notice of proposed rule making, is revised.

PAR. 2. Paragraphs (a)(3) and (b) of § 1.451-2, as set forth in the notice of proposed rule making, are revised.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: April 15, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The Income Tax Regulations (26 CFR Part 1) under sections 61 and 451 of the Internal Revenue Code of 1954, relating to interest on insurance policy dividends and the constructive receipt of income, respectively, are amended as follows:

PARAGRAPH 1. Paragraph (d) of § 1.61-7 is amended to read as follows:

§ 1.61-7 Interest.

* * * * *

(d) *Bonds sold between interest dates; amounts received in excess of original issue discount; interest on life insurance.* When bonds are sold between interest dates, part of the sales price represents interest accrued to the date of the sale and must be reported as interest income. Amounts received in excess of the original issue discount upon the retirement or sale of a bond or other evidence of indebtedness may under some circumstances constitute capital gain instead of ordinary income. See section 1232 and the regulations thereunder. Interest payments on amounts payable as employees' death benefits (whether or not section 101(b) applies thereto) and on the proceeds of life insurance policies payable by reason of the insured's death constitute gross income under some circumstances. See section 101 and the regulations thereunder for details. Where accrued interest on unwithdrawn insurance policy dividends is credited annually and is subject to withdrawal annually by the taxpayer, such interest credits constitute gross income to such taxpayer as of the year of credit. However, if under the terms of the insurance policy the interest on unwithdrawn policy dividends is subject to withdrawal only on the anniversary date of the policy (or some other date specified therein), then such interest shall constitute gross income to the taxpayer for the taxable year in which such anniversary date (or other specified date) falls.

PAR. 2. Paragraphs (a) and (b) of § 1.451-2 are amended to read as follows:

§ 1.451-2 Constructive receipt of income.

(a) *General rule.* Income although not actually reduced to a taxpayer's possession is constructively received by him in the taxable year during which it is credited to his account, set apart for him, or otherwise made available so that he may draw upon it at any time, or so that he could have drawn upon it during the taxable year if notice of intention to withdraw had been given. However, income is not constructively received if the taxpayer's control of its receipt is subject to substantial limitations or restrictions. Thus, if a corporation credits its employees with bonus stock, but the stock is not available to such employees until some future date, the mere crediting on the books of the corporation does not constitute receipt. In the case of interest, dividends, or other earnings (whether or not credited) payable in respect of any deposit or account in a bank, building and loan association, savings and loan association, or similar institution, the following are not substantial limitations or restrictions on the taxpayer's control over the receipt of such earnings:

(1) A requirement that the deposit or account, and the earnings thereon, must be withdrawn in multiples of even amounts;

(2) The fact that the taxpayer would, by not withdrawing the earnings until a later date, receive a higher rate of earnings than would be payable if the earnings are withdrawn during the taxable year;

(3) A requirement that the earnings may be withdrawn only upon a withdrawal of all or part of the deposit or account. However, the mere fact that such institutions may pay earnings on withdrawals, total or partial, made during the last three business days of any calendar month ending a regular quarterly or semiannual earnings period at the applicable rate calculated to the end of such calendar month shall not constitute constructive receipt of income by any depositor or account holder in any such institution who has not made a withdrawal during such period;

(4) A requirement that a notice of intention to withdraw must be given in advance of the withdrawal. In any case when the rate of earnings payable in respect of such a deposit or account depends on the amount of notice of intention to withdraw that is given, earnings at the maximum rate are constructively received during the taxable year regardless of how long the deposit or account was held during the year or whether, in fact, any notice of intention to withdraw is given during the year. However, if in the taxable year of withdrawal the depositor or account holder receives a lower rate of earnings because he failed to give the required notice of intention to withdraw, he shall be allowed an ordinary loss in such taxable year in an amount equal to the difference between the amount of earnings previously included in gross income and the amount of earnings actually received. See section 165 and the regulations thereunder.

(b) *Examples of constructive receipt.* Interest coupons which have matured and are payable but which have not been cashed are constructively received in the taxable year during which the coupons mature, unless it can be shown that there are no funds available for payment of the interest during such year. Dividends on corporate stock are constructively received when unqualifiedly made subject to the demand of the shareholder. However, if a dividend is declared payable on December 31 and the corporation followed its usual practice of paying the dividends by checks mailed so that the shareholders would not receive them until January of the following year, such dividends are not considered to have been constructively received in December. Generally, the amount of dividends or interest credited on savings bank deposits or to shareholders of organizations such as building and loan associations or cooperative banks is income to the depositors or shareholders for the taxable year when credited. However, if any portion of such dividends or interest is not subject to withdrawal at the time credited, such portion is not constructively received and does not constitute income to the depositor or shareholder until the taxable year in which the portion first may be withdrawn. Accordingly, if, under a bonus or forfeiture plan, a portion of the dividends or interest is accumulated and may not be withdrawn until the maturity of the plan, the crediting of such portion to the account of the shareholder or depositor does not constitute constructive receipt. However, in this case such credited portion is income to the depositor or shareholder in the year in which the plan matures. Accrued interest on unwithdrawn insurance policy dividends is gross income to the taxpayer for the first taxable year during which such interest may be withdrawn by him.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 64-3893; Filed, Apr. 20, 1964; 8:50 a.m.]

[T.D. 6724]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Distributions in Redemption of Stock To Pay Death Taxes

In order to clarify the meaning of the term "gross estate" in section 303(b)(2) of the Internal Revenue Code of 1954, relating to corporate distributions in redemption of stock to pay certain death taxes, paragraph (b) of § 1.303-2 is amended to read as follows:

§ 1.303-2 Requirements.

* * * * *

(b) For the purpose of section 303(b)(2)(A)(i), the term "gross estate" means the gross estate as computed in accordance with section 2031 (or, in the case of the estate of a decedent nonresident not a citizen of the United States, in accordance with section 2103). For the purpose of section 303(b)(2)(A)(ii), the term "taxable estate" means the taxable estate as computed in accordance with section 2051 (or, in the case of the estate of a decedent nonresident not a citizen of the United States, in accordance with section 2106). In case the value of an estate is determined for Federal estate tax purposes under section 2032 (relating to alternate valuation), then, for purposes of section 303(b)(2), the value of the gross estate, the taxable estate, and the stock shall each be determined on the applicable date prescribed in section 2032.

* * * * *

Because this Treasury decision merely clarifies the regulations relating to the meaning of the term "gross estate" in section 303(b)(2) of the Internal Revenue Code of 1954 and does not adversely affect any existing rights of taxpayers, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] D. W. BACON,
Acting Commissioner of Internal Revenue.

Approved: April 15, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3894; Filed, Apr. 20, 1964; 8:51 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.7—Small Business Concerns

Small Business Policies; Screening of Procurements

Subparagraph (3) of § 9-1.702(b) is revised to read as follows:

§ 9-1.702 Small business policies.

(b) *Specific policies.* * * *

(3) The AEC-SBA Agreement set forth in AECPR 9-1.751 provides a basis for cooperation between the two agencies to further the AEC small business program and the intent of Congress which is set forth in the Small Business Act. It is expected that Field Offices, through contracting officers, will cooperate with the SBA in establishing set-aside programs or in setting aside selected items or classes of items of procurement. Where SBA representatives are not available to screen proposed procurements and to initiate joint small business set-asides, unilateral small business set-asides shall be made by the contracting officers as appropriate. Cost-type contractors shall be encouraged to make similar efforts.

The following section is added:

§ 9-1.705-3 Screening of procurements.

(b) *Class set-asides.* An agreement has been reached between the AEC and the SBA that AEC would accept SBA initiation of class set-asides for formally advertised construction procurements estimated to cost between $2,500 and $500,000, including new construction, and repair, maintenance and alteration of structures. When, in the judgment of the contracting officer, a particular procurement falling within these dollar limits is determined unsuitable for a set-aside for exclusive small business participation, he shall notify the appropriate SBA representative of this decision. Unless SBA appeals the decision (see FPR 1-1.706-2), the contracting officer shall proceed to process the procurement on an unrestricted basis. Proposed contracts for construction, and repair, maintenance and alteration of structures having an estimated cost of more than $500,000 shall be screened individually pursuant to FPR 1-1.705-3(a) and AECPR 9-1.702(b)(3).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 10th day of April 1964.

For the Atomic Energy Commission.

JAMES SCAMMAHORN,
Acting Director, Division of Contracts.

[F.R. Doc. 64-3884; Filed, Apr. 20, 1964; 8:49 a.m.]

Chapter 11—U.S. Coast Guard

[CGFR 63-80]

PART 11-3—PROCUREMENT BY NEGOTIATION

PART 11-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Miscellaneous Amendments

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530), § 11-3.204(b)(2)(v) is amended and Subpart 11-4.50 is hereby established under authority of 14 U.S.C. 633 and 10 U.S.C. Chapter 137.

Subpart 11-3.2—Circumstances Permitting Negotiation

§ 11-3.204 Personal and professional services.

* * * * *

(b) * * *

(2) * * *

(v) Names and addresses of commercial concerns located in and around the area where the services are to be required, which are recommended as being capable of performing the desired services determined in accordance with the procedure set forth in Subpart 11-4.50 of this chapter.

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

Subpart 11-4.50—Architect-Engineering Services

Sec.

11-4.5000 Scope of subpart.
11-4.5001 Selection of offerors for Architect-Engineering services for negotiation and award.
11-4.5001-1 Policy.
11-4.5001-2 Method of soliciting offerors.
11-4.5001-3 Selection and rating of firms for further negotiation.
11-4.5002 Negotiation with selected firms.
11-4.5003 Contract price.
11-4.5004 Records of selection and negotiation.
11-4.5005 Approval.
11-4.5006 Documenting Architect-Engineering services contracts.
11-4.5007 Contract format, terms and conditions.

AUTHORITY: The provisions of this Subpart 11-4.50 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

§ 11-4.5000 Scope of subpart.

This subpart sets forth policies and procedures for use in selecting, negotiating and formalizing contracts for Architect-Engineering Services.

§ 11-4.5001 Selection of offerers for Architect-Engineering services for negotiation and award.

§ 11-4.5001-1 Policy.

Architect-Engineering services contracts estimated to exceed $2500, will normally be negotiated under authority contained in § 11-3.204 after approval of determination and findings as set forth in § 11-3.204(b).

§ 11–4.5001–2 Method of soliciting offerers.

U.S. Government Architect-Engineering questionnaire (SF–251) prescribed in § 1–16.803 will be used to obtain information necessary for selection of firms best qualified for further negotiation of the type of Architect-Engineering services contract required.

§ 11–4.5001–3 Selection and rating of firms for further negotiation.

(a) Selection of Architect-Engineering firms will be made by a formally constituted selection board appointed by the district commander or commanding officer of Headquarters units consisting of the contracting officer and a minimum of three technically competent staff architects and/or engineers or military personnel having comprehensive experience in construction.

(b) Evaluation of the information contained on SF–251 which is received from firms solicited in accordance with § 11–4.5001–2 for the purpose of developing a preselection list will be made. Illustrative of the general factors to be considered in evaluating a firm are:

(i) Specialized experience of the firm in the type of work required.

(ii) Capacity of the firm to accomplish the work in the required time.

(iii) Past experiences of the firm with respect to performance on Coast Guard or other Government contracts, if applicable.

(iv) Location of the firm in the general geographical area of the project, provided that there are an appropriate number of qualified firms therein for consideration.

(v) Volume of work previously awarded to the firm by the Coast Guard or other Government agencies, with the objective of effecting an equitable distribution of Government Architect-Engineering services contracts among qualified Architect-Engineering firms.

(c) The selection board will perform a detailed review of the qualifications and performance data of each of the firms on the preselection list, conducting such interviews as may be necessary, for the purpose of rating firms in an order of preference for further negotiations. A minimum of three firms will be rated, and all pertinent information will be forwarded by letter for approval of the chief officer responsible for procurement.

§ 11–4.5002 Negotiation with selected firms.

Upon approval of selections, as required in § 11–4.5001–3(c), negotiations will be initiated with the number one firm. In the event that a mutually satisfactory contract cannot be consummated, negotiation will be terminated and the firm so notified. Negotiations will then be initiated with the number two firm, and the same procedure followed until a satisfactory contract is consummated.

§ 11–4.5003 Contract price.

The contract price shall be fixed at the lowest fee obtainable. Title 10 U.S.C. 2306(d) sets forth statutory limitations that may be paid Architect-Engineers for preparation of working drawings and specifications. In addition to the statutory limitations, the cost is subject to review at the time of contract approval to determine that negotiated price is not in excess of the amount authorized and/or paid for comparable services for comparable Architect-Engineering services contracts. A separate price shall be negotiated for supervision, inspection, soil exploration, and other unusual conditions when included as part of the Architect-Engineering services contract.

§ 11–4.5004 Records of selection and negotiation.

A record of actions taken with respect to selection and negotiation, sufficient to reconstitute a full history of the transaction, to permit ready construction of all of the stages of the transaction, shall be documented and become a part of the contract file for use of authorized personnel.

§ 11–4.5005 Approval.

All Architect-Engineering services contracts, modifications and/or changes thereto, negotiated under § 11–3.204 are subject to approval of the Comptroller, U.S. Coast Guard and shall not be binding until so approved.

§ 11–4.5006 Documenting Architect-Engineering services contracts.

Contract format, terms and conditions set forth in § 11–4.5007 supplemented as deemed necessary by the contracting officer will be used in effecting Architect-Engineering services contracts. The original and three copies of contracts executed by the contractor and the contracting officer will be forwarded for approval required by § 11–4.5005. The original and two copies will be returned for required distribution to the contracting officer.

§ 11–4.5007 Contract format, terms and conditions.

ARCHITECT-ENGINEERING PROFESSIONAL SERVICES CONTRACT

Contract No. ------

CONTRACT FOR PROFESSIONAL SERVICES

Contractor ----------
Name of project ----------
Location ----------

Appropriation ----------
Subhead or Project No. ------
Total Fee $----------

	Item(s)	*Date(s)*
Completion Date:	----------	----------
	----------	----------
	----------	----------
	----------	----------

On this ------ day of -------- 19--, the United States of America (hereinafter called the Government) represented by the Contracting Officer executing this contract, and ----------
----
(hereinafter called the contractor), do hereby agree as follows:

ARTICLE I. PROJECT

The project is identified as follows:

(Name)
(Location)
(Project Number)
(Description)

This project will consist of:

ARTICLE II. SCOPE OF SERVICES

The Contractor shall perform all professional services necessary for completion of the project, including the following:

(a) Make instrument survey as follows and furnish two (2) copies of report:

(b) Make sub-soil investigation described as follows and furnish two (2) copies of report:

(c) Perform services described as follows:

(d) Prepare and furnish the originals or sepia reproducibles of drawings, specifications and cost estimates in three stages as follows:

(1) Preliminary (This phase shall include at least one perspective sketch, preliminary cost estimate and outline specifications.)

(2) Intermediate.

(3) Final (Working drawings and specifications suitable for inviting construction bids are to be included in this stage and the final cost estimate.)

(e) The contractor will furnish ------ bound sets of final drawings reproduced by the ---------- process and ------ sets of final specifications printed by the ---------- process.

(f) The contractor will prepay shipping charges on all charts, sketches, drawings, specifications and documents which he sends to the Contracting Officer.

(g) The contractor will redesign as necessary at no additional cost to the Government until a satisfactory low bid for construction has been obtained that is within the amount of $------ which is available and reserved for construction.

(h) Furnish Government with ------ sets of "As-Built" plans and specifications if contractor furnishes supervision of construction under (j) of this Article.

(i) After award of the construction contract, the contractor will at no additional cost to the Government:

(1) Prepare any additional explanatory or minor contract change drawings and/or specifications required.

(2) Check and recommend approval or disapproval of shop drawings.

(3) Recommend approval or disapproval of all materials and equipment proposed for use in construction.

(j) The contractor will supervise the construction of the project as follows:

(k) The contractor will provide consultation service during construction.

(l) The services required by paragraphs ------ through ------ of this Article shall be completed within ------ calendar days after contractor's receipt of approved contract. The contractor will furnish time schedules within ten days after receipt of approved contract and progress reports every fourteen days thereafter to assure that the work is well planned and is progressing at such rate that completion dates of each phase will be met.

ARTICLE III. FEE

The Government will pay the contractor a lump sum fixed fee totaling $------ paid as follows for the work outlined in Article II.

$------ upon completion of instrument survey and receipt of acceptable report by Government.
$------ upon completion of sub-soil investigation and receipt of acceptable analysis by Government.
$------ upon completion of services described in paragraph (c) of Article II and receipt of acceptable report by Government.
$------ when all preliminary drawings, specifications and cost estimates are approved.
$------ when all intermediate drawings, specifications and cost estimates are approved.
$------ when all final drawings, specifications and cost estimates are approved.
$------ when ------ bound sets of final drawings and ------ sets of specifications are furnished to Government.
$------ when awardable low bid is obtained.
$------ on completion of construction contract for "As-Built" plans and specifications, checking and approving shop drawings and materials.

Any additional ------ in excess of ------ provided in Article II ------ and ordered by the Government in writing will be paid for at the rate of $------ for each additional ------.

The above payment shall comprise full compensation for all services and materials outlined above.

Prior to final payment, the contractor shall furnish the Government with a release of all claims against the Government under this contract, other than such claims as the contractor may except. He shall describe and state the amount of each excepted claim.

ARTICLE IV. REIMBURSEMENT FOR TRAVEL

The contractor agrees that all necessary travel by his representatives will be at the contractor's expense and no additional reimbursement therefor will be claimed unless directed in writing by the Government. If directed to travel by the Government, reimbursement will be subject to the law and regulations applicable to Government employees plus subsistence at rate of $-------- per person per day while in travel status.

ARTICLE V. REVISIONS

a. The Government will pay an additional fee for changes or revisions required by the contracting officer and approved in accordance with the article entitled "Approval" of this contract, after approval of any material submitted: Provided, that the Government will not pay additional fee for any correction or revision (even though required after approval of any material submitted) if the contracting officer finds that such requirement results from deficiencies for which the contractor was responsible.

b. Such additional fee shall be fixed by negotiation between the parties hereto and shall be covered by a written change order to the contract.

c. The contracting officer may change the basic requirements of the project. If, in the opinion of the contracting officer, this requires major revision or abandonment of drawings or other documents, the Government shall pay the contractor for such revisions or for new drawings or documents required to replace those abandoned, an amount to be agreed upon by the parties hereto.

ARTICLE VI. DATA AND SERVICES FURNISHED BY THE GOVERNMENT

The Government will:

a. Furnish surveys, soil data and information on existing facilities when available.

b. Furnish design data, standard details, specification forms, copies of Coast Guard Engineering Instructions, guides and other available information.

c. Review for final acceptance all material submitted by the contractor.

d. Confer with and obtain approval of occupying agencies.

e. Obtain bids and award all construction contracts.

f. Approve material samples.

g. Supervise, administer and inspect the construction contract if not provided for otherwise in Article II(j).

ARTICLE VII. ABANDONMENT, DEFERMENT OR TERMINATION

a. The contracting officer may abandon or indefinitely defer the work at any time he finds it expedient or necessary.

b. If, in the opinion of the contracting officer, the contractor violates any terms or conditions of this contract, or his conduct may jeopardize the Government's interests, the contracting officer may terminate this contract by written notice to the contractor.

c. If the work is abandoned or deferred or the contract terminated by the contracting officer, the Government shall pay the contractor that proportion of his fee that the amount of acceptable work he has actually done on his current submission of work bears to the whole of that submission. Payment by the Government of such compensation shall be in full and final settlement for all work performed by the contractor. After such payment, all charts, sketches, drawings, and other documents, whether finished or not, shall become the property of the Government.

ARTICLE VIII. BASIC DATA CLAUSE

Insert the clause prescribed in (ASPR) 32 CFR 9–203 under the conditions and in the manner set forth therein.

ARTICLE IX. TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

Insert the clause set forth in § 1–8.709 under the conditions and in the manner set forth therein.

ARTICLE X. DISPUTES

Insert the clause set forth in § 1–7.101–12.

ARTICLE XI. OFFICIALS NOT TO BENEFIT

Insert the clause set forth in § 1–7.101–19.

ARTICLE XII. COVENANT AGAINST CONTINGENT FEES

Insert the clause set forth in § 1–1.503 under the conditions contained in § 1–1.501.

ARTICLE XIII. ASSIGNMENT OF CLAIMS

Insert the clause set forth in § 1–7.101–8 in the manner prescribed therein.

ARTICLE XIV. NONDISCRIMINATION IN EMPLOYMENT

Insert the clause set forth in § 1–7.101–18.

ARTICLE XV. CONVICT LABOR

Insert the clause set forth in § 1–12.203 under the conditions and in the manner prescribed in § 1–12.202.

ARTICLE XVI. MILITARY SECURITY REQUIREMENTS

Insert the clause set forth in (ASPR) 32 CFR 7–104.12 under the conditions and in the manner prescribed therein.

ARTICLE XVII. DEFINITIONS

Insert the clause set forth in § 1–7.101–1.

ARTICLE XVIII. APPROVAL

This contract and any modifications thereto shall be subject to written approval of the Comptroller of the United States Coast Guard and shall not be binding until so approved.

ARTICLE XIX. CHANGES

Insert the clause set forth in § 1–7.101–2.

ARTICLE XX. EXAMINATION OF RECORDS

Insert the clause set forth in § 1–7.101–10 under the conditions and in the manner prescribed therein.

ARTICLE XXI. TERMINATION FOR THE CONVENIENCE OF THE GOVERNMENT

Insert the appropriate clause prescribed in § 1–8.700–2(a)(1) as applicable under the conditions and in the manner prescribed therein.

ARTICLE XXII. NOTICES AND INTERPRETATIONS

Insert the clause set forth in § 11–7.101–65.

ARTICLE XXIII. WORK HOURS ACT OF 1962—OVERTIME COMPENSATION

Insert the clause prescribed in Subpart 1–12.3.

ARTICLE XXIV. RELEASE OF INFORMATION

The contractor agrees not to divulge or release any information developed or obtained in connection with performance of this contract concerning the details of performance of this contract or any possible construction based on the results thereof (including but not limited to plans, specifications, location, time or estimated cost of construction), except to authorized Government personnel or upon the prior written approval of the Contracting Officer.

ARTICLE XXV. SUBCONTRACTING FOR WORK OR SERVICES

No contract shall be made by the contractor with any other party for furnishing any of the work or services herein contracted for without approval of the Contracting Officer, but this provision will not be taken as requiring the approval of contracts of employment between the contractor and personnel assigned for services thereunder, except as otherwise provided for in the terms of this contract.

ARTICLE XXVI. INSPECTION, DELIVERY, AND ACCEPTANCE

The work called for hereunder, as well as the contractor's books, records, and place of business, related to the performance of this contract, shall, at all reasonable times, be subject to inspection by the Contracting Officer. Delivery shall be made to ----------, at ----------, which is designated as the place for final inspection and acceptance by the Government.

ARTICLE XXVII. RESPONSIBILITY OF THE CONTRACTOR

Notwithstanding any review, acceptance or approval by the Government, the contractor shall be responsible for the professional and technical quality of all designs, drawings, specifications and other material produced under this contract, for the professional quality and adequacy of the services and material furnished; and for compliance with design criteria specified by the Government for use under this contract.

ARTICLE XXVIII. CERTIFICATION OF DRAWINGS AND OTHER DOCUMENTS

The contractor, or his authorized representative, shall sign the original tracings of all drawings and the first page of all specifications, estimates, or similar documents under the contractor's printed name and over the affixed replica of his professional seal or his registration certificate number, including the state or jurisdiction of issuance.

IN WITNESS THEREOF, the parties hereto have executed this contract as of the date entered on the first page hereof.

UNITED STATES OF AMERICA,
By ----------

(Official title)
CONTRACTOR

(Name of contractor)
By ----------

(Title)

This contract is authorized by section 2304a (4), Title 10, U.S.C.

APPROVAL

(Date)

It is hereby determined that this contract is authorized by law; that it is advantageous to and necessary in the best interests of the

Government; existing facilities of the Coast Guard are inadequate to accomplish the required services; and compensation specified herein is considered reasonable.

Dated: April 9, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-3883; Filed, Apr. 20, 1964; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

North Dakota, Arrowwood National Wildlife Refuge et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,270 acres or 39 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 9, 1964, through September 15, 1964; daylight hours only. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, without motors, is permitted.

(3) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1964.

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to fishing. This open area, comprising 400 acres or 45 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 9, 1964, through September 15, 1964; daylight hours only. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, with motors not to exceed 7½ h.p. is permitted.

(3) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1964.

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,800 acres or 13 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 9, 1964, through September 15, 1964; daylight hours only. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, with motors not to exceed 7½ h.p. is permitted.

(3) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1964.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 880 acres or 8 percent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours only from May 9, 1964, through December 31, 1964, in all fishing areas (Numbers I through IX) south of the Westhope-Landa Road; May 9, 1964, through September 15, 1964, in all fishing areas (Numbers X and XI) north of the Westhope-Landa Road. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, with motors not to exceed 7½ h.p. is permitted.

(3) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1965.

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,115 acres or 63 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 9, 1964, through December 31, 1964. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1965.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 6,000 acres or 39 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 9, 1964, through September 15, 1964; daylight hours only. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of minnows or any other fish, or part thereof, for bait is prohibited in all waters which lie north of the Lake Darling Dam.

(3) The use of boats, with motors not to exceed 7½ h.p., is permitted in Fishing Areas I, II, and III. The use of racing craft, hydroplanes, sailboats, air thrust or inboard motors is prohibited.

(e) Other provisions:

(1) Bank fishing only on Fishing Areas IV, V, VI, VII, and the ponds at the Grano pits.

(2) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(3) A Federal permit is not required to enter the public fishing area.

(4) The provisions of this special regulation are effective to September 16, 1964.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 14, 1964.

[F.R. Doc. 64-3863; Filed, Apr. 20, 1964; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 39]

INCOME TAX

Treatment of Amounts Received on Certain Transfers of Patent Rights; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805), and section 3791 of the Internal Revenue Code of 1939 (53 Stat. 467; 26 U.S.C. (1952 ed.) 3791).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

In order to clarify the treatment of income from certain transfers of patent rights, § 1.1235–2 of the Income Tax Regulations (26 CFR Part 1) and § 39.117 (q)–2 of Regulations 118 (26 CFR (1939) Part 39) are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 1.1235–2 is amended by adding new subparagraph (5) to read as follows:

§ 1.1235–2 Definition of terms.

* * * * * * *

(b) *All substantial rights to a patent.*
* * *

(5) A holder of a patent who, in respect of the patent, transfers (i) certain rights (whether or not exclusive) limited as to use, trade, or industry, or (ii) less than all the claims or inventions embodied in the patent, is not considered to have transferred all substantial rights in the patent for purposes of section 1235, unless the initial transfer of any right, claim, or invention in respect of the patent constitutes a release to the transferee of all rights, claims, or inventions of the owner in the entire patent property which are of value.

PAR. 2. Paragraph (b) of § 39.117 (q)–2 of the 1939 Code (26 CFR (1939) Part 39) is amended by adding new subparagraph (5) to read as follows:

§ 39.117 (q)–2 Definition of terms.

* * * * * * *

(b) *All substantial rights to a patent.*
* * *

(5) A holder of a patent who, in respect of the patent, transfers (i) certain rights (whether or not exclusive) limited as to use, trade, or industry, or (ii) less than all the claims or inventions embodied in the patent, is not considered to have transferred all substantial rights in the patent for purposes of section 117 (q), unless the initial transfer of any right, claim, or invention in respect of the patent constitutes a release to the transferee of all rights, claims, or inventions of the owner in the entire patent property which are of value.

[F.R. Doc. 64–3895; Filed, Apr. 20, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–AL–22]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations. These proposals relate to the designation of navigable airspace outside the United States.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The following controlled airspace is presently designated in the Moses Point, Alaska, terminal area:

1. The Moses Point control zone is designated within a 5-mile radius of the Moses Point Airport, and within 2 miles either side of the Moses Point radio range east course extending from the 5-mile radius zone to 12 miles east of the radio range.

2. The Moses Point transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the 088° and 268° True bearings from the Moses Point radio range, extending from 9 miles west to 20 miles east of the radio range.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Moses Point area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Moses Point control zone by redesignating it as that airspace within a 5-mile radius of Moses Point Airport (latitude 64°42′ N., longitude 162°03′ W.); within 2 miles each side of the 088° True radial of a VOR to be established (latitude 64°42′ N., longitude 162°04′ W.) in the vicinity of Moses Point, extending from the 5-mile radius zone to 8 miles east of the VOR, and within 2 miles each side of the Moses Point radio range east course, extending from the 5-mile radius zone to 14 miles east of the radio range.

2. Alter the Moses Point transition area by redesignating it as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Moses Point VOR 088° True radial, extending from 8 miles to 12 miles east of the VOR, and within 2 miles each side of the Moses Point radio range east course, extending from 14 miles to 17 miles east of the radio range; and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 10 miles south of the Moses Point VOR 088° and 268° True radials, extending from 11 miles west to 15 miles east of the VOR.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions proposed herein would, in part, enlarge the Moses Point control zone by lengthening the control zone east extension from 12 miles to 14 miles east of the radio range and by the addition of an extension based on the VOR 088° True radial to 8 miles east of the VOR. These extensions would provide protection for aircraft executing prescribed VOR and range approach procedures. The portion of the Moses Point transition area with a floor of 700 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach and departure procedures conducted beyond the limits of the Moses Point control zone. The portion of the transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach and departure procedures beyond the limits of the proposed 700-foot area. The controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained, together with the additional portions proposed for designation herein, would provide protection for aircraft executing prescribed holding, approach and departure procedures with the Moses Point terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace and Rules Branch, Air Traffic Division, Alaskan Region, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–3851; Filed, Apr. 20, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SW–40]

CONTROL ZONE AND TRANSITION AREA

Withdrawal of Proposal To Alter and Designate

In a notice of proposed rule making published in the FEDERAL REGISTER on October 12, 1963 (28 F.R. 10978), followed by a supplemental notice of proposed rule making published on January 30, 1964 (29 F.R. 1588), it was stated that the Federal Aviation Agency proposed to alter the Palacios, Tex., control zone and designate a transition area at Palacios. Subsequent to publication of the notices, it has been determined that further coordination will be required in conjunction with airspace structure revisions being developed for the terminal areas adjacent to the Palacios terminal area. Accordingly, the notices are being withdrawn and a new proposal will be submitted at a later date.

In consideration of the foregoing, notice is hereby given that the proposals contained in Airspace Docket No. 63–SW–40 are withdrawn.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–3852; Filed, Apr. 20, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 5000]

AIRWORTHINESS DIRECTIVES

Dornier Models DO–28 A1 and DO–27 Q6 Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Dornier Models DO–28 A1 and DO–27 Q6 aircraft. Service experience has shown that when flaps are in the 35 degree and the 45 degree position flaps may be inadvertently retracted by a slight touch of the lever. To correct this condition, this AD requires modification of all levers without control grips by installing a protective cover.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 19, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DORNIER. Applies to Model DO–28 A1 aircraft Serial Numbers 3024 through 3060 and all Model DO–27 Q6 aircraft equipped with landing flap actuating levers without a control grip.

Compliance required within the next 100 hours' time in service after the effective date of this AD.

In order to preclude an unintentional retraction of flaps, modify all levers without control grips by installing a cover in accordance with Dornier Technical Bulletin No. 27–18 dated October 16, 1963, for Model DO–27 Q6 aircraft and Bulletin No. 28–12 dated October 16, 1963, for Model DO–28 A1 aircraft.

(Dornier Technical Bulletins No. 27–18 dated October 16, 1963, and No. 28–12 dated October 16, 1963, cover this same subject.)

Issued in Washington, D.C., on April 14, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64–3853; Filed, Apr. 20, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 5001]

AIRWORTHINESS DIRECTIVES

Dornier Model DO–28 Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Dornier Model DO–28 aircraft. It has been found that the generator and battery relays remain inoperative with low battery voltage so that the electrical system remains without power supply. To correct this condition,

this AD requires the changing of the electrical wiring.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 19, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DORNIER. Applies to all Model DO-28 aircraft up to and including Serial Number 3060.

Compliance required as indicated.

It has been found that the generator and battery relays remain inoperative with low battery voltage so that the electrical system remains without power supply. To correct this condition, accomplish the following:

Within the next 50 hours' time in service, change the electrical wiring as specified by Dornier Technical Bulletin 28-6 dated December 7, 1962.

(Dornier Technical Bulletin No. 28-6 dated December 7, 1962, covers the same subject.)

Issued in Washington, D.C., on April 14, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-3854; Filed, Apr. 20, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 5002]

AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Series Aircraft

Amendment 484, 27 F.R. 9212, AD 62-20-1, as revised by Amendment 490; 27 F.R. 9697, Amendment 559, 28 F.R. 4127, Amendment 593, 27 F.R. 7558, and Amendment 637, 28 F.R. 11728, requires inspection, replacement of the wing flap actuating cylinder hoses and modification of the flap system on Douglas Model DC-8 Series aircraft. Since the issuance of AD 62-20-1, it has been determined that mandatory incorporation of a flap lockout system is necessary for safety. Therefore, it is proposed to supersede Amendment 484, as revised by Amendments 490, 559, 593, and 637 with a new directive to include this requirement and the later issuance of the manufacturer's service bulletins.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 19, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DOUGLAS. Applies to all Model DC-8 Series aircraft.

Compliance required as indicated.

To assure flap system reliability and to eliminate difficulties which could result in the inadvertent retraction of the flaps during critical portions of the flight regime, accomplish the following:

(a) Modify each aircraft within 6,000 hours' time in service after the effective date of this AD to incorporate a flap lockout system per Douglas DC-8 Service Bulletin No. 27-132, Revision No. 2, dated December 12, 1963, or an FAA Western Region, Engineering and Manufacturing Branch approved equivalent modification. When the flap system is modified as indicated, the hose inspection and replacement provisions of this AD may be discontinued.

(b) Until the modification required by paragraph (a) is incorporated, inspect the flap system hoses and remove the hoses from service as follows:

(1) Within 900 hours hose time in service since the last inspection or 90 days after the effective date of this AD, whichever occurs first, inspect all flap hoses bearing Douglas basic P/N 5716378-4 for any evidence of cracking, splitting, abrasion, or other damage to the covering. Reinspect at intervals of 900 hours hose time in service or 90 days, whichever occurs first, until the modification in (a) is accomplished. Remove from service any hose on which only the covering is found to be cracked or abraded and the hose itself is found to be undamaged prior to the next 300 hours hose time in service or 30 days, whichever occurs first. Remove from service any hose exhibiting damage other than cracked or abraded covering before further flight. Remove from service undamaged hoses bearing Douglas basic P/N 5716378-4 prior to 1,500 hours total hose time in service. The inspections and the removal from service requirements of this paragraph apply also to new hoses installed as replacements pursuant to this paragraph.

(2) Prior to 1,800 hours total hose time in service, remove from service all hoses bearing Douglas basic P/N S5773937-4 (same length code) Aeroquip basic P/N 611049-4 (same length code), or Resistoflex basic P/N R25800-4 (same length code).

(3) Remove from service all hoses bearing Douglas basic P/N S5776432-4 (same length code) or Aeroquip basic P/Ns 677219-4, 677220-4 (same length code) as follows:

(i) Remove from service hoses with less than 1,900 hours total hose time in service on the effective date of this AD prior to 2,000 hours total hose time in service.

(ii) Remove from service hoses with 1,900 or more hours total hose time in service on the effective date of this AD within the next 100 hours hose time in service.

(iii) Remove from service hoses installed as replacements under this paragraph prior to 2,000 hours hose time in service.

(4) Remove from service all hoses bearing Douglas basic P/N S5778051 (same length code) or Resistoflex basic P/Ns R23718-4, R23706-4 (same length code) as follows:

(i) Remove from service hoses with less than 2,300 hours total hose time in service on the effective date of this AD prior to 2,400 hours total hose time in service.

(ii) Remove from service hoses with 2,300 or more hours total hose time in service on the effective date of this AD within the next 100 hours hose time in service.

(iii) Remove from service hoses installed as replacements under this paragraph prior to 2,000 hours hose time in service.

(c) Do not install green or black flap actuating cylinder hoses dated prior to 1962.

(Douglas DC-8 Service Bulletins No. 27-113, Reissue No. 1 dated November 14, 1962, No. A27-146, Reissue No. 2 dated December 27, 1963, and No. 27-132, Revision No. 2 dated December 12, 1963, pertain to this same subject.)

Amendment 484, 27 F.R. 9212, AD 62-20-1, as revised by Amendment 490, 27 F.R. 9697, Amendment 559, 28 F.R. 4127, Amendment 593, 28 F.R. 7558, and Amendment 627, 28 F.R. 11728, is superseded by this new amendment.

Issued in Washington, D.C., on April 14, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-3855; Filed, Apr. 20, 1964; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[Foreign Tariff Circular 1; Docket 964]

COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Notice of Modification of Proposed Tariff Filing Rules

On December 23, 1961, and on May 4, 1963, the Federal Maritime Commission gave notice by publication in the FEDERAL REGISTER (26 F.R. 12294; 28 F.R. 4518) that, in accordance with the provisions of section 4 of the Administrative Procedure Act and sections 18(b) and 43 of the Shipping Act, 1916 (75 Stat. 764; 75 Stat. 766), it was considering promulgation of regulations covering the filing of tariffs by common carriers by water in the foreign commerce of the United States and by conferences of such carriers. Having given due consideration to the comments of interested persons filed in response to said notice, the Federal Maritime Commission hereby gives notice that it is considering further modification of the proposed rules. Substance of proposed modification: Consideration is being given by the Federal Maritime Commission to modification of the proposed tariff filing rules, cited above, so as to include in such rules provisions for the filing of tariff information in a form adaptable to the institution of a system of electronic data processing of freight rates within the Commission.

Proposed rules (§§ 536.4(c); 536.5(c)(1); 536.7(e)(3)) are to be modified to provide that each commodity or commodity grouping shall be assigned a separate commodity code number as found in the Commodity Indexes for the Standard International Trade Classification, Revised Series Number 38, Volumes I and II, published by the Department of Economic and Social Affairs of the United Nations.

A list of United Nations sales agencies where this publication is available, and proposed tariff forms, may be obtained from the offices of the Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573; or at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif.

All tariff pages shall be filed in accordance with the tariff forms referred to above. Commodity code numbers shall be placed to the left of the respective commodities in a column so designated for that purpose. The proposed modifications to the tariff filing rules do not require that commodity descriptions in tariffs conform to the commodity descriptions contained in the Commodity Indexes for the Standard International Trade Classification but only require the assignment of the appropriate commodity code number.

It is contemplated that the introduction of a system of electronic data processing of ocean freight rates will greatly simplify the performance of the Commission's responsibilities.

Interested persons may participate in this proceeding for modifications of the proposed rules previously published in this matter by submitting an original and 15 copies of written statements, data, views or arguments, pertaining to these proposed further modifications to the Secretary, Federal Maritime Commission, Washington, D.C., 20573. All communications received within thirty days from date of publication of this notice in the F.R. will be considered.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3873; Filed, Apr. 20, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-7288]

BROKERS AND DEALERS

Extension of Time for Comments on Proposed Rulemaking

The Securities and Exchange Commission has extended to May 18, 1964, the due date for the submission of views and comments upon its proposal to adopt a new § 240.15c2-7 (Rule 15c2-7 under the Securities Exchange Act of 1934) relating to the wholesale quotations system through which dealers advertise their buying or selling interests in securities traded over-the-counter.

The proposal was published in Release No. 34-7275 and in the FEDERAL REGISTER of March 27, 1964, 29 F.R. 3815, interested persons then being given until April 20, 1964, for the submission of views and comments thereon. The extension to May 18th was authorized on request of the National Association of Securities Dealers, Inc.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 7, 1964.

[F.R. Doc. 64-3865; Filed, Apr. 20, 1964; 8:46 a.m.]

[17 CFR Part 270]

[Release 40-3957]

EXEMPTION OF CERTAIN TRANSACTIONS OF INSURANCE COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment to 17 CFR 270.3c-3 (Rule 3c-3 under the Investment Company Act of 1940 ("Act")) which would have the effect described below. Such rule, if adopted, would be promulgated pursuant to the authority conferred by sections 6(c) and 38(a) of the Act.

On January 7, 1963, the Securities and Exchange Commission adopted § 270.3c-3 (Rule 3c-3 (Investment Company Act Release No. 3605) under the Act) exempting from the provisions of the Act transactions of insurance companies with respect to certain group annuity contracts which provide for the administration of funds held by an insurance company in a separate account established and maintained pursuant to legislation which permits the income, gains and losses whether or not realized, from assets allocated to such account to be credited to or charged against such account without regard to other income, gains or losses of the insurance company. Transactions so exempt from the Act by § 270.3c-3 were also brought within the phrase "transactions by an issuer not involving any public offering" in section 4(1) of the Securities Act of 1933, subject to certain conditions, by the adoption by the Commission on August 1, 1963 of 17 CFR 230.156 (Rule 156 under the Securities Act of 1933 (Securities Act Release No. 4627)).

The Commission has had the field of group pension plans, including those utilizing variable funding media and those proposed to provide variable benefits to employees, under continuing study. As to group variable plans generally, the Commission has previously announced its intention of dealing with the problems involved in its administrative capacity. See In the Matter of The Prudential Insurance Company of America (Investment Company Act Release No. 3620, January 22, 1963, at p. 5), and The Prudential Insurance Company of America v. S.E.C., 326 F. 2d 383 at 384 (C.A. 3, 1964).

In order to qualify for the exemption under 17 CFR 270.3c-3 the group contract, among other things, must provide that the retirement benefits for covered employees be payable in fixed dollar amounts. The group contract may not permit retirement benefits payable to employees which are measured by the investment results of the assets allocated to the separate account. The Commission has been urged to modify this qualification in order to permit retirement benefits payable to employees to vary in accordance with investment results of assets in the segregated account representing the pro rata share of the employer's contributions thereto.

The effect of the proposed amendment would be to modify § 270.3c-3 in order to permit group contracts otherwise meeting the condition thereof to provide for retirement benefits payable to employees to be measured by the investment results of a segregated account established and maintained by an insurance company to the extent, and only to the extent, of the employer's contributions thereto. No variable benefits would be permitted in respect of employee contributions, and all other restrictions and conditions of § 270.3c-3 would remain intact. The employee would be subject to the risk of market fluctuations of equity and other securities in the segregated account in respect of his employer's contributions but not in respect of his own contributions, if any, under the group contract.

Although the insurance companies may not be acting as trustees, the arrangements for utilization by employers of such special accounts maintained by insurance companies would be similar to arrangements excepted from the definition of "investment company" pursuant to section 3(c)(13) of the Act and maintained by bank trustees for the investment of funds which employers have set aside to meet their obligations under qualified pension plans.

The proposed amendment is not intended to exempt pension plans adopted pursuant to the provisions of the Self-Employed Individuals Tax Retirement Act of 1962. These so-called "Smathers-Keogh" plans are expected to be the subject of another proposed rule which will be noticed for public comment by the Commission in the near future.

Section 6(c) of the Act provides that the Commission by rule, regulation or order may conditionally or unconditionally exempt any person, security, or transaction, or any class of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 38(a) of the Act authorizes the Commission to issue and amend rules necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

The text of the proposed amendment of § 270.3c-3 is as follows:

§ 270.3c–3 Exemption for certain group annuity contracts which provide for administration of funds held by an insurance company in a segregated account.

(a) Any transaction by an insurance company, as defined in section 2(a)(17) of the Act, involving a group annuity contract or contracts with an employer, employers or persons acting on their behalf (herein called the "employer") providing for the allocation of part or all of the employer's contributions thereunder to one or more separate accounts shall be exempt from the provisions of the Act, and no company, as defined in section 2(a)(8) of the Act, shall be deemed to have become subject to the Act by virtue of having engaged or participated in any of such transaction: *Provided*, That the contract:

(1) Contains an undertaking by the insurance company to provide, to the extent of the interest in such separate account of the employer and of the covered employees, for the future issue to covered employees on their retirement of annuities payable in fixed dollar amounts or of variable annuities measured by the investment results of assets allocated to such separate account, or both;

(2) Is made in connection with a plan which meets the requirements for qualification under section 401 of the Internal Revenue Code, or the requirements for deduction of the employer's contributions under section 404(a)(2) of said Code whether or not the employer deducts the amounts paid for the contract under such section, except that plans covering employees, some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code, shall be excluded from the effect of this rule;

(3) Prohibits the allocation to the separate account of any payment or contribution made by any employee; and

(4) Covers at least 25 employees at the time of its execution.

(b) "Separate account" as used in this rule shall mean an account established and maintained pursuant to the law of any state or territory of the United States or the District of Columbia, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains or losses of the insurance company and which does not include the reserves maintained for annuities in guaranteed fixed dollar amounts in the course of payment.

(c) All references herein to sections of the Internal Revenue Code mean said sections as now or hereafter amended, or any corresponding provisions of prior or subsequent United States Revenue laws.

(d) The exemption provided in this rule shall apply notwithstanding that there is no guarantee by the insurance company of or with respect to the investment results of assets allocated to a separate account.

(Secs. 6(c) and 38(a), 54 Stat. 800, 841, 15 U.S.C. 80a–6, 80a–37)

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before May 8, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 13, 1964.

[F.R. Doc. 64–3866; Filed, Apr. 20, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 36]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State, I hereby delegate the following functions and authorities to the Assistant Administrator for Administration, and otherwise direct as follows:

1. Authority to perform functions in the Controller field of responsibility as follows:

(a) Authority to sign the following:

(i) Allocation request letters;

(ii) Appropriation transfer authorizations (SF–1151);

(iii) Advices of allotment and funding plans;

(iv) Advices of allocation;

(v) Authorization letters to the Treasury Department concerning Federal Reserve Bank draft accounts;

(vi) Bank deposit agreements;

(vii) Travel advances;

(viii) Apportionment requests;

(ix) Letters of commitment to U.S. banking institutions, or to U.S. suppliers;

(x) Applications for letters of credit.

(b) Authority with respect to any individual PA or PIO/C, to waive, withdraw or amend, under § 201.23 of A.I.D. Regulation I, application of any of the provisions of § 201.11 and Subparts C, D, and E of A.I.D. Regulation I;

(c) Authority to sign and issue approvals and determinations, or to take other actions on behalf of the Administrator, as authorized or required by any of the provisions of § 201.11 and Subparts C, D and E of A.I.D. Regulation I;

(d) Authority to appoint, and to revoke the appointment of certifying officers, and to certify as to bonding status of such employees;

(e) Authority to request the Department of the Treasury to designate specified employees of A.I.D. as cashier, or such other designation as may be required in performing disbursing functions, to request the revocation of such designation, and to certify as to bonding status of such employees;

(f) In accordance with § 202.8 of A.I.D. Regulation 2, to waive in individual cases any of the provisions of A.I.D. Regulation 2;

(g) Authority to make findings, determinations and recommendations as appropriate relating to the relief of disbursing or other accountable officers pursuant to sections 82a–1 and 82a–2 of title 31 of the U.S. Code;

(h) In addition to the foregoing, authority to designate the officers or employees who are to execute on my behalf the various budget, accounting and fiscal documents, other than those set forth above, and certifications required to be furnished by this Agency to the Department of the Treasury, the Bureau of the Budget, or any other Agency of the U.S. Government.

2. In connection with administrative or program support activities:

(a) Authority to sign the following:

(i) Contracts, leases, and other documents for procurement of quarters, supplies, equipment and services, advertising, printing and binding, living quarters, offices, buildings, grounds and necessary supporting facilities, including payments therefor in advance, maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government; and costs of fuel, water and utilities for such properties;

(ii) Contracts and other documents for disposition of AID's interest in property, real or personal, held or acquired in connection with the conduct of the Foreign Assistance program.

(b) Authority to authorize and approve official travel, transportation and storage of effects (including automobiles) and related expenses, for A.I.D. financed activities;

(c) Authority to authorize and approve official travel on an actual subsistence expense basis, including authority to prescribe conditions under which reimbursement may be authorized on an actual subsistence expense basis;

(d) Authority to accept and use in furtherance of the purposes of the Foreign Assistance Act of 1961, as amended, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise, for such purpose, pursuant to section 635(d) of the Foreign Assistance Act of 1961, as amended.

3. In connection with the participant training program, authority to:

(a) Approve, in accordance with A.I.D. Regulation 5, the maximum rates of per diem for participants in training in the United States and to authorize exceptional rates of per diem for distinguished participants;

(b) To sign and issue Project Implementation Orders—Participant (PIO/P).

4. Authority to authorize expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of United States Government funds as may be necessary to accomplish the purposes of the Act, pursuant to section 636(b) of the Foreign Assistance Act of 1961, as amended.

5. The Assistant Administrator for Administration shall exercise all the authorities and perform the functions heretofore delegated to the Deputy Administrator for Administration as set forth in delegations of authority, manual orders, regulations, policy directives, notices or other issuances of this Agency.

6. The Assistant Administrator for Administration may delegate and, if he shall so specify, may authorize successive redelgations of, the authorities herein delegated.

7. Any redelegations issued and official actions taken prior to the effective date hereof by officers duly authorized pursuant to the superseded delegations are hereby continued in effect according to their terms until modified, revoked or superseded by actions of the officers to whom I have delegated relevant authority in this Delegation.

8. With respect to the authority to issue PIO/P's, the Director, Office of International Training and Deputy Director, Office of International Training, shall be deemed to be the successors of the Acting Chief, International Training Division, and the Acting Assistant Chief, International Training Division respectively, who, in turn, are the successors of the Director, Office Participant Training, and the Assistant Director, Office of Participant Training of ICA.

9. References in delegations of authority, regulations, policy directives, policy determinations, manual orders, instructions, memoranda, notices or other similar documents to the Director, Office of Contract Relations, and to the Director, Office of Administrative Services shall be deemed as of November 4, 1961 to refer to the Chief, Contract Services Division, and to the Chief, General Services Division, respectively, and subsequently thereto to such other officer(s) as may be designated as the successor(s) thereto.

10. Nothing herein shall be construed (a) to derogate from the authority of the Administrator, in his discretion, at any time to exercise any of the functions herein delegated or to amend or supplement this Delegation of Authority, or (b) to derogate from other delegations or assignments heretofore or hereafter made.

11. The following delegations of authority, or parts of delegations of authority, are hereby revoked:

(a) Delegation of Authority from the Administrator of A.I.D. to the Assistant Deputy Administrator for Administration dated June 22, 1963;

(b) Delegation of Authority No. 18 from the Administrator of A.I.D. to the Deputy Administrator for Administration, dated September 11, 1962 (27 F.R. 9236);

(c) Delegation of Authority No. 13 from the Administrator of A.I.D. to the Assistant Administrator for Administration dated March 15, 1962 (27 F.R. 3701);

(d) Delegation of Authority from the Director of the International Cooperation Administration to the Assistant Director for Administration (ICA) dated August 9, 1961 (26 F.R. 7742);

(e) Section 2 of Delegation of Authority from the Director of ICA to the Deputy Director for Management of ICA dated September 28, 1960 (25 F.R. 9927);

(f) Delegation of Authority from the Director of ICA to the Chief, Fiscal Branch of the Office of the Controller dated August 29, 1956 relating to the withholding of income taxes for the District of Columbia and other jurisdictions;

(g) Delegation of Authority from the Acting Director, FOA, to the Controller, FOA, dated October 25, 1954, relating to the certification required by Section 1311 of the Supplemental Appropriation Act of 1955;

(h) Delegation of Authority from the Director of FOA to the Deputy Director for Management of FOA relating to Certifying Officers, dated November 19, 1953;

(i) Delegation of Authority to the Secretary-Treasurer, Development Loan Fund, from the Managing Director, Development Loan Fund dated June 30, 1960 (25 F.R. 6445), to sign Fiscal Documents, which was continued in effect by the Administrator of A.I.D. by Delegation of Authority No. 3 dated November 4, 1961 (26 F.R. 10734);

(j) Delegation of Authority to the Secretary-Treasurer, Development Loan Fund, from the Managing Director, Development Loan Fund dated June 30, 1960 (25 F.R. 6445), to certify vouchers, which was continued in effect by the Administrator of A.I.D. by Delegation of Authority No. 3 dated November 4, 1961 (26 F.R. 10734).

This delegation of authority shall be deemed effective as of September 16, 1963.

Dated: April 8, 1964.

DAVID E. BELL,
Administrator.

[F.R. Doc. 64-3870; Filed, Apr. 20, 1964; 8:47 a.m.]

CONTROLLER, A.I.D., ET AL.

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority, No. 36 from the Administrator of A.I.D. dated April 8, 1964, I hereby redelegate the following authority and functions:

1. To the Controller, A.I.D.:

(a) Authority to sign the following:

(i) Allocation request letters;

(ii) Appropriation transfer authorizations (SF-1151);

(iii) Advices of allotment and funding plans;

(iv) Advices of allocation;

(v) Authorization letters to the Treasury Department concerning Federal Reserve Bank draft accounts;

(vi) Bank deposit Agreements;

(vii) Travel advances;

(viii) Apportionment requests;

(ix) Letters of commitment to U.S. banking institutions or to U.S. suppliers;

(x) Applications for letters of credit.

(b) Authority with respect to any individual PA or PIO/C, to waive, withdraw or amend, under § 201.23 of A.I.D. Regulation I, application of any of the provisions of § 201.11 and Subparts C, D, and E of A.I.D. Regulation I;

(c) Authority to sign and issue approvals and determinations, or to take other actions on behalf of the Administrator, as authorized or required by any of the provisions of § 201.11 and Subparts C, D, and E of A.I.D. Regulation I;

(d) Authority to appoint, and to revoke the appointment of certifying officers, and to certify as to bonding status of such employees;

(e) Authority to request the Department of the Treasury to designate specified employees of A.I.D. as cashier, or such other designation as may be required in performing disbursing functions, to request the revocation of such designation, and to certify as to bonding status of such employees;

(f) In accordance with § 202.8 of A.I.D. Regulation No. 2, to waive in individual cases any of the provisions of A.I.D. Regulation 2;

(g) Authority to make findings, determinations and recommendations as appropriate relating to the relief of disbursing or other accountable officers pursuant to sections 82a-1 and 82a-2 of title 31 of the U.S. Code;

(h) In addition to the foregoing, authority to designate on behalf of the Administrator, the officers or employees who are to execute the various budget, accounting and fiscal documents, other than those set forth above, and certifications required to be furnished by this Agency to the Department of the Treasury, the Bureau of the Budget, or any other Agency of the U.S. Government;

(i) To accept for use in the Foreign Assistance program, money, funds, or property, such as transportation tickets, made available pursuant to section 635(d) of the Foreign Assistance Act.

2. To the Chief, General Services Division, in connection with administrative or program support activities:

(a) Authority to sign the following:

(i) Contracts, leases, and other documents for procurement of quarters, supplies, equipment and services, advertising, printing and binding, living quarters, offices, building, grounds, and necessary supporting facilities, including payments therefor in advance, maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government; and costs of fuel, water and utilities for such properties;

(ii) Contracts and other documents for disposition of AID's interest in property, real or personal, held or acquired in connection with the conduct of the Foreign Assistance program.

(b) Authority to authorize official travel, transportation and storage of effects (including automobiles) in connection with the travel of persons whose travel is financed by A.I.D.;

(c) Authority to accept property (and related services) pursuant to section 635(d) of the Foreign Assistance Act of 1961, as amended.

3. To the Director, Office of International Training, authority to:

(a) Approve, in accordance with A.I.D. Regulation 5, the maximum rates of per diem for participants in training in the United States and to authorize exceptional rates of per diem for distinguished participants;

(b) To sign and issue Project Implementation Orders—Participant (PIO/P).

4. The officers to whom authority has been delegated above may redelegate such authority, including authority to authorize successive redelegation, when they shall so specify.

5. Any redelegations issued and official actions taken prior to the effective date hereof by officers duly authorized pursuant to the superseded delegations are hereby continued in effect according to their terms until modified, revoked or superseded by actions of the officers to whom I have delegated relevant authority in this Delegation.

6. The following redelegations of authority, or parts of redelegations of authority are hereby revoked:

(a) Delegation of Authority to the Controller of ICA from the Deputy Director for Management dated June 18, 1957, relating to appointment of certifying officers, designation of cashiers and assistant disbursing officers, and other matters;

(b) Delegation of Authority to the Controller, the Director, Office of Administrative Services, and Director, Office of Personnel, of ICA, relating to various matters from the Deputy Director for Management dated September 29, 1960 (25 F.R. 9928);

(c) Delegation of Authority to the Director and Assistant Director, Office of Participant Training of ICA, relating to issuance of Project Implementation Orders—Participants (PIO/P) from the Deputy Director for Operations dated September 29, 1960;

(d) Delegation of Authority to the Director, Office of Program Support, of A.I.D., relating to per diem rates for distinguished participants from the Assistant Administrator for Administration dated March 19, 1962 (27 F.R. 3701) and Delegation of Authority to the Acting Chief, International Training Division of A.I.D. from the Acting Deputy Administrator for Administration, relating to the same subject matter dated July 19, 1963.

7. This Redelegation of Authority shall be effective upon publication in the FEDERAL REGISTER.

Dated: April 8, 1964.

WILLIAM O. HALL,
Assistant Administrator for Administration.

[F.R. Doc. 64-3871; Filed, Apr. 20, 1964; 8:47 a.m.]

[Delegation of Authority No. 39]

ASSISTANT ADMINISTRATOR FOR DEVELOPMENT FINANCE AND PRIVATE ENTERPRISE, ET AL.

Delegation of Authority Relating to Investment Guaranties

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), I hereby delegate the following functions:

1. To the Assistant Administrator for Development Finance and Private Enterprise:

(A) Authority to authorize and issue guaranties under sections 221(b)(1) and 221(b)(2) of the Foreign Assistance Act of 1961 (except as otherwise delegated in paragraphs 2(A) and 3 herein), and in connection therewith to exercise the functions provided in sections 221(b)(1), 221(b)(2) and section 635(i), and to make the related approvals and determinations provided therein and in section 221(a), 221(c), and 222(a).

(B) Authority to take all appropriate action with respect to guaranties issued under paragraph 1(A) above, under section 111(b)(3) of the Economic Cooperation Act, and under section 413(b)(4) of the Mutual Security Act of 1954.

2. To the Assistant Administrator for the Near East-South Asia, the Assistant Administrator for Latin America, the Assistant Administrator for Africa, and the Assistant Administrator for the Far East, each for the countries or areas for which they have responsibility:

(A) Authority to authorize and issue guaranties under section 221(b)(2) of the Foreign Assistance Act of 1961 for loan investments for housing projects, and in connection therewith to exercise the functions provided therein, and in 635(i), and to make the related approvals and determinations provided therein, and in sections 221(a), 221(c), and 222(a).

(B) Authority to authorize and issue guaranties in an amount not to exceed $10 million under section 221(b)(2) of the Foreign Assistance Act of 1961 when such guaranties are to be issued for investment in a project also receiving a dollar or local currency loan from the Agency for International Development, and in connection with such guaranties to exercise the functions provided in sections 221(b)(2) and 635(i), and to make the related approvals and determinations provided therein and in sections 221(a) and 221(c).

(C) Authority to take all appropriate action with respect to guaranties issued under paragraphs 2 (A) and (B) above and under section 202(b) of the Mutual Security Act of 1954.

3. To the Assistant Administrator for Latin America: Authority to authorize, issue and to take all appropriate action with respect to (i) guaranties for loan investments for housing projects in Latin America under section 224 of the Foreign Assistance Act of 1961, and (ii) guaranties for investments in Latin America in an amount not to exceed $10 million each under section 221(b)(2) other than for housing projects, and in connection therewith to exercise the functions provided in sections 221(b)(2) and 635(i), to make the related approvals and determinations provided therein, and in sections 221(a) and 221(c), and in connection with (i) above, to make the fee determination under section 222(a).

4. Delegation of Authority No. 5 from the Administrator of A.I.D. dated December 29, 1961, as amended, by Delegation of Authority No. 5.1 of September 18, 1962, is hereby further amended as follows:

(A) In paragraph "(1)" of section A, delete the following:

1. the words "and guaranty" in subparagraphs "(a)" and "(b)" thereof; and

2. subparagraph "(c)" thereof in its entirety.

(B) In paragraph "(2)" of Section A, make the following changes in the first sentence:

1. Delete the words "and guaranties" after the word "loans", and

2. Insert a "." after the word "loan" and delete the following which appear at the end thereof: "or potential liability of the United States under a guaranty."

(c) 1. In paragraph "(1)" of Section B, delete the words "and guaranty".

2. In paragraph "(2)" of Section B, delete the words "and guaranties".

(D) Delete the paragraph which immediately follows paragraph (2) of Section B.

5. Paragraph 4 of Delegation of Authority No. 3 from the Administrator of A.I.D. dated November 4, 1961, and Redelegation of Authority from the Deputy Administrator of A.I.D. to the head of the Office of Development Financing, dated November 9, 1961, are hereby revoked.

6. The authorities delegated herein may be redelegated and shall be exercised in accordance with agency policies, regulations, and procedures.

7. References in this Delegation of Authority to any Act shall be deemed to be references to such Act as amended from time to time.

8. This Delegation of Authority shall be deemed effective as of December 17, 1963 and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this Delegation of Authority.

Dated: April 13, 1964.

DAVID E. BELL,
Administrator.

[F.R. Doc. 64-3872; Filed, Apr. 20, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 5]

SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIFORNIA; ASSISTANT SUPERINTENDENT ET AL.

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. The Assistant Superintendent and the Administrative Officer may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent and the Administrative Officer on behalf of any coordinated area.

2. The Procurement and Property Management Officer may execute and prove contracts not in excess of $50,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Management Officer on behalf of any coordinated area.

3. The Procurement Agent may execute and approve contracts not in excess of $10,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Procurement Agent on behalf of any coordinated area.

4. The Property and Supply Supervisor and the Warehouseman may execute and approve contracts not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Property and Supply Supervisor and the Warehouseman on behalf of any coordinated area.

5. Revocation: This order supersedes Order No. 4, issued May 24, 1963.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: March 27, 1964.

JOHN M. DAVIS,
Superintendnt, Sequoia and Kings Canyon National Parks.

[F.R. Doc. 64-3864; Filed, Apr. 20, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15185; Order No. E-20704]

NORTHEAST AIRLINES, INC.

Proposed "Econ-O-Flight" and Group Fares to Florida; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of April 1964:

On March 12, 1964, Northeast Airlines, Inc. (Northeast), filed a tariff [1] marked to become effective April 27, 1964, proposing group round-trip jet coach fares between Miami/Ft. Lauderdale, on the one hand, and Boston, New York, and Philadelphia, on the other.[2] Fares are

[1] Northeast Airlines, Inc., Local Group Passenger Tariff, C.A.B. No. 49, bearing a posting date of March 13, 1964.

[2] National Airlines' earlier-filed fares for individuals and for groups of 25 or more passengers have already been permitted by the Board to become effective for the same date (CAB Press Release No. 64-24, March 6, 1964). Eastern has filed individual and group fares similar to those of National and Northeast has filed only individual excursion fares equal to National's.

proposed for groups of 25–49, 50, 51, 52, 53, 54, and 55–75 persons. These fares range from approximately 109 to 163 percent of Northeast's one-way jet day coach fares, and vary with the number of passengers in each group, and the days on which the fares apply. For example, the New York-Miami round-trip fares, which are representative of the fares for the other segments, would be, for groups of 25 through 49 passengers, $119.00 on Friday through Sunday, $99.00 on Monday and Thursday, and $89.00 on Tuesday and Wednesday. As the size of the group increases, the fares would decrease by steps of $1.50, up to a total reduction of $9.00 ($110.00, $90.00, and $80.00 fares, respectively) for groups of 55 through 75 passengers. The proposed tariff bears an expiration date of October 25, 1964.

Northeast has also filed a tariff,[3] marked to become effective May 2, 1964, proposing one-way and round-trip "Econ-O-Flight" fares between Miami, on the one hand, and Boston, New York, and Philadelphia, on the other. The proposed one-way fares are $42.86, $38.10, and $36.19, respectively. Transportation will be on designated Econ-O-Flights scheduled to depart between the hours of 4:00 a.m. Saturday and 3:59 a.m. Monday, using DC–6B aircraft having 76 or more seats. No food or alcoholic beverages will be served. Other tariff provisions are similar to those of "air-bus" service in some of these markets. The tariff expires with December 13, 1964.

National Airlines, Inc. (National), and Eastern Air Lines, Inc. (Eastern), filed complaints requesting suspension and investigation of the proposed tariffs, stating that the proposed fares would be discriminatory, prejudicial, preferential, unreasonable, and unjust. The complaints allege that the group fares of Northeast would be unreasonably low; that such fares should not apply on weekends (the peak travel days) and that no justification could be established for such application; that lower fares on Tuesday and Wednesday than on Monday and Thursday are not justified; and that the proposed larger reductions for larger groups are uneconomical. The complaints further assert that the Econ-O-Flight fares of Northeast would be unlawful, since they would be unreasonably low; that the fares would be substantially lower than those suspended by the Board in several of its decisions; and that Northeast would be neglecting its New England service to provide uneconomic fares to Florida. Northeast and the Southern Florida Hotel and Motel Association have filed answers to the complaints.

Defensive tariffs have been filed by Eastern and National. Eastern's filings match Northeast's Econ-O-Flight and group fares. National has not filed fares similar to Econ-O-Flight, but has filed tariff revisions,[4] effective April 27, 1964, proposing group fares between Miami, on the one hand, and Baltimore, Boston, New York/Newark, Philadelphia, and Washington, on the other, for groups of 25 or more passengers, but at the level of Northeast's fares for groups of 55 or more passengers. National's group fares, however, are applicable to coach service flown with jet or propeller aircraft, as opposed to the group fares of Northeast which apply only to jet aircraft. Both carriers state that they will withdraw these competitive tariffs if Northeast's group fares are suspended. National further states that it has not published fares for seven group sizes, as filed by Northeast, because it believes that such a tariff cannot be properly administered and creates undue confusion to the traveling public. Northeast has filed complaints against the "Thrift" fares filed defensively by Eastern (to match Northeast's Econ-O-Flight fares), and the group fares of National. Eastern has filed an answer to Northeast's complaint.

In support of its tariff filings, and in answer to the complaints,[5] Northeast asserts that it believes there is a market for its Econ-O-Flight low fares by persons who are "price conscious" travelers, desiring to purchase such transportation for weekend travel, and who would not, or could not, travel at higher jet fares. In defense of its group fares, Northeast alleges that the Board has long recognized the desirability of promotional fares in the Florida market; that the Board has approved group fares of Northeast as low as $80.00 between New York and Miami; that group fares with the reductions of the magnitude proposed are well established; and that in the summer of 1963, Monday and Thursday, and not weekends, were the peak traffic days in the Florida market. The carrier further alleges that it expects that both of its proposals will stimulate traffic and smooth out seasonal and weekly traffic peaks, thereby achieving better utilization of equipment and ground facilities, and that its proposals will increase revenues.

Upon consideration of the complaints and other matters of record, the Board finds that the proposed Econ-O-Flight fares and the group fares other than those applicable on Monday and Thursday may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that such fares should be investigated. Conversely, we find that the complaints lodged against the group fares of Northeast applicable on Monday and Thursday fail to set forth facts which warrant investigation. The Board would also consider any tariff filings extending the fares for Monday and Thursday to Tuesday and Wednesday. Our order of investigation will also include the corresponding defensive fares and provisions of Eastern and the entire group fare tariff revisions of National. As explained in subsequent parts of this order, these fares will also be suspended.

There has been no showing of a demonstrated economic validity of the Econ-O-Flight fares. The Econ-O-Flight tariff proposes a new class of service for the Florida market, but except for a short statement of added costs relating to this service, no adequate cost data have been supplied by Northeast in support of its proposal. Northeast has not submitted any estimate of such basic cost and financial data for the new service as the cost per seat-mile, cost per passenger-mile, or break-even load factor on a fully allocated cost basis. The aircraft to be operated in the proposed service are DC–6B's with a coach configuration of 76 seats, which causes the unit cost of the service to be greater than that of high-density piston or jet aircraft. Furthermore, since the fares, yielding approximately 3.5 cents per passenger-mile, are set at a level of approximately 35 and 49 percent below regular propeller and jet fares, respectively, without apparent corresponding cost savings, they raise a substantial question of economic validity when considered from the viewpoint of the entire service to the Florida market. The Board notes that there are already numerous reduced fares in the market available to the public; that Eastern has defensively proposed to operate this service with Electra aircraft; that the proposed fares are applicable on weekends, the normal traffic peak days in the market; that no service with high-density seating configuration is contemplated by Northeast; and that the fares may divert substantial traffic from both regular and excursion travel.

There is no traffic justification for offering weekend group fare discounts. The summer excursion fares from points in the East to Florida, approved by the Board in 1963 and early this year, have the distinctive features of equalizing traffic between weekends and low-traffic days in the week.[6] The proposed Friday-Sunday group fares would be contrary to the purpose of the current excursion fares and by undercutting regular fares and, in certain instances, day and night jet coach excursion fares, would tend to divert traffic from light-traffic days to weekends. With respect to Northeast's proposal to establish group fares, at varying levels, on Monday and Thursday, the differentials below regular fares for the various group sizes proposed by Northeast do not appear unreasonable, and we will not require their investigation.

The group fares applicable on Tuesday and Wednesday appear to be of questionable economic validity on different grounds. These fares, ranging from 3.6 to 4.1 cents per passenger-mile are unduly low in relation to regular fares. Furthermore, although there is a substantial differential between weekend and weekday volume of regular traffic, the difference in traffic between Tuesday and Wednesday and the other days of the week, other than weekends, appears to be small. Although the Board has allowed fare differentials to permit a better distribution of traffic during off-peak periods, no substantial traffic or cost justification supporting lower group fares on Tuesday and Wednesday rather than on Monday and Thursday has been supplied by Northeast.

Furthermore, in view of the questionable economic validity of the Econ-O-Flight fares and the group fares of Northeast, other than those applicable on Monday and Thursday, and the competitive impact which these fares might have upon the carriers operating in the Florida market, we have concluded to suspend the use of such fares pending investigation. Eastern's "thrift" fares and group fares similar to Northeast's will also be suspended pending investigation.

With regard to the group fares of National, the fares start at the lowest level of Northeast's group fares. This causes the proposal to be a new and different filing, and not a defensive filing as claimed by National. Even though we note that there may be some validity in National's contention that seven fares for each group of days may be difficult to administer, National's proposal incorporates the uneconomic and damaging diversionary aspects of Northeast's group tariff. Accordingly, the entire tariff revision of National will be suspended and investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That

1. An investigation be instituted to determine whether the fares and provisions in "Column A" and "Column C" appearing on Original Page 5 of Eastern Air Lines, Inc., C.A.B. No. 150; Eastern Air Lines, Inc., C.A.B. No. 151; the fares and provisions appearing on 2d Revised Page 8 of National Airlines, Inc., C.A.B. No. 81; Northeast Airlines, Inc., C.A.B. No. 50, including 1st Revised Title Page thereto; and the fares and provisions applicable between 12:01 a.m. local time Friday and 11:59 p.m. local time Sunday and between 12:01 a.m. local time Tuesday and 11:59 p.m. local time Wednesday appearing on Original Pages 8, 9, 10, 11, 12, 13, and 14 of Northeast Airlines, Inc., C.A.B. No. 49, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares and provisions.

2. Pending hearing and decision by the Board, the fares and provisions described in ordering paragraph 1 are suspended and their use deferred to and including July 25, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints in Dockets 15113, 15117, 15131, 15160, and 15171, to the extent granted, are consolidated herein;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and shall be served upon Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and the Southern Florida Hotel and Motel Association, who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–3887; Filed, Apr. 20, 1964; 8:49 a.m.]

[3] Northeast Airlines, Inc., Local Econ-O-Flight Tariff, C.A.B. No. 50, bearing a posting date of March 17, 1964.

[4] Revisions to National Airlines, Inc., Local Group Passenger Tariff, C.A.B. No. 81, filed March 27, 1964.

[5] Northeast claims in its answer that the complaint of National against the Econ-O-Flight fares was untimely under Rule 302.505 (b). Since the filing period expired on March 29, 1964 (a Sunday), the provisions of Rule 302.16 also apply in this case. This Rule authorizes the filing of complaints on the following day, Monday, March 30, 1964. National's complaint, therefore, was timely filed.

[6] In its answer to the complaints, Northeast alleges that the average number of passengers carried on Tuesday and Wednesday was about 60 percent of the average number carried on Monday and Thursday, and that these days have a traffic volume greater than weekends. Northeast's information is based on data for July 1963, which reflect summer excursion fares in that period.

[Docket No. 14945; Order No. E–20706]

TRANS WORLD AIRLINES, INC., ET AL.

Order Approving Agreement Relating to North Atlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of April 1964:

In the matter of an agreement between Trans World Airlines, Inc., Pan American World Airways, Inc., and other carriers relating to North Atlantic fares, Docket 14945, Agreement C.A.B. 17685:

Trans World Airlines, Inc., by a document filed January 30, 1964, has requested Board approval of an agreement relating to fares and rules to become effective April 1, 1964, for North Atlantic travel, if the Board finds an agreement does exist within the meaning of section 412 of the Act. However, the carrier asserts that there is no agreement between TWA and other carriers on the tariff rules or fares relating to such tariffs, that its tariffs represent the independent belief by TWA that the fares and rules are just and reasonable. TWA states that it is making the request for approval because the fares are similar to those which would have become the subject of an agreement had they been adopted as an IATA resolution and because other air carriers and foreign air carriers have filed fares and rules substantially the same as those filed by TWA. Pan American, by document filed February 5, 1964, states that the matters referred to in the TWA document are equally applicable to Pan American and joins in a similar request.

The rates and fares in foreign air transportation are for the most part established by agreement pursuant to the Board approval of IATA rate-making machinery (6 C.A.B. 639, 1946). The fares last established by IATA carriers on the North Atlantic were by resolutions marked to expire March 31, 1964. Consistent with past practice, the carriers during the preceding months met (at Salzburg and at Nassau) to establish, inter alia, fares and rules for travel on the North Atlantic for a period commencing April 1, 1964. The carrier meetings at Salzburg and Nassau did not result in any formal agreement as to the full and complete rates which the carriers would apply on the North Atlantic. A bar to the conclusion of a formal agreement of the fares appears to have been the insistence by certain carriers of particular promotional fare provisions of limited application. It is clear, however, that the carriers in the course of their discussions at the Salzburg meetings and at Nassau reached certain conclusions as to what they considered appropriate fares which form the basis for the fare structure on the North Atlantic. Further, the carriers have by tariffs filed and marked to become effective April 1, 1964, implemented their common conclusions in this regard. Such tariffs provide essentially the same fares concerning which, for the most part, consensus was reached in the discussions above mentioned.

In determining whether these actions by the carriers constitute an agreement within the meaning of the Act, we note first that section 412(a) thereof requires every air carrier to file with the Board a true copy, or if oral, a true and complete memorandum, of any contract or agreement (whether or not there are provisions for liquidated damages, penalties, bonds, or otherwise) affecting air transportation, or any modification thereof between such air carrier and any other air carrier or foreign air carrier.[1] Thus, by the terms of the Act, the contract or agreement need not be in writing but may be made orally between the parties. Further, the Act applies to modification or cancellation of existing agreements and to contracts or agreements, whether or not enforceable by provisions for liquidated damages, penalties, bonds, or otherwise. It does not therefore appear to the Board that carrier actions leading up to and including the present tariff filings for April 1 effectiveness are necessarily precluded from the provisions of sections 412 and 414 of the Act by reason of the fact that no resolution was formally adopted by unanimous consent of the IATA carriers in accordance with the approved procedures for the IATA rate-making machinery. Neither are our considerations as to the existence of an agreement affected by our judgment of the public interest aspects of the tariff proposals of the IATA carriers. Accepting, arguendo, TWA's condition that the fares and rules for effectiveness April 1, 1964, result from its independent belief that they are just and reasonable, it does not follow therefore that such fares and charges were independently arrived at, or that such fares and charges are not the product of an agreement between TWA and other

[1] In Sec. 412(b) it is further provided that the Board shall by order disapprove any such contract or agreement it finds to be adverse to the public interest or in violation of the Act and by order approve any such contract or agreement or any modification or cancellation thereof that it does not find to be adverse to the public interest or in violation of the Act. Section 414 relieves from the operations of the antitrust laws any person affected by an order made pursuant to section 412 of the Act.

air carriers and foreign air carriers within the meaning of section 412 of the Act.

As indicated, it is not controverted by any party that the fares and rules now appearing in the proposed tariffs are basically the same as those fares and rules upon which a consensus was reached by the majority, if not all, of the IATA carriers in the above-referenced discussions. The identity of the tariff proposals with the terms and conditions discussed as most appropriate during the IATA conferences, as well as the identity of the terms and tariff provisions of the different carriers with each other suggest or demonstrate that they are the result of concerted action. An intent of the antitrust laws is to insure that rates and fares in air transportation not be established by concerted action, except where the fares and rates resulting from such concerted action (whether by written agreement or otherwise) are subject to the scrutiny and control of the Board. We have concluded that the matters raised by TWA and Pan American require action by the Board pursuant to sections 412 and 414 of the Act. In accordance with current IATA procedures, the Board has received daily reports of the Salzburg meetings and a summary of the Nassau meeting, and IATA has provisionally filed the resolutions agreed to by the majority. Upon consideration of the Salzburg and Nassau conferences, and the uniformity of the tariffs subsequently filed by the parties thereto, we conclude that an agreement has been reached by TWA, Pan American, and other air carriers and foreign air carriers with respect to the fares and charges applicable on the North Atlantic. We will proceed to consider such agreement with respect to the public interest aspects, and lawfulness of the fares established thereby, pursuant to the provisions of section 412(b) of the Act. The Board will treat the documents filed by TWA and Pan American, together with the referenced reports and summary, as well as the tariff filings, as meeting the filing requirements of section 412(a) of the Act. The agreement has been assigned the above-designated C.A.B. Agreement number.

Turning to the merits of the agreement, the fare package agreed to by the majority and implemented in the tariff filings accomplishes the following: It would establish two levels of economy-class fares. Round-trip low-level fares, New York-London, provide a reduction of $100.70, from $499.70 to $399.00. These fares are to be available for travel except during the peak travel period of 10½ weeks when round-trip fares will provide only a token reduction of $15.20. Round-trip first-class fares will be reduced by $190.00, from $902.50 to $712.50. Current round-trip 14–21 day excursion fares of $350.00, New York-London, will be reduced by $50.00 and made available during most of the year (April 1 through November 5 this year) except for weekends and periods of short duration in the peak travel season. Affinity group fares will be retained for one additional season through September 30, 1964. These fares will be increased by 5 percent and amended to preclude travel during April and May and to extend the present two-week periods in which travel may not be undertaken to include extra days in each direction. The fare package also contemplates the continuation for at least another year of the different special fares for military personnel. The reduced round-trip fares for individual travel by U.S. military personnel will be reduced from $349.80, New York-London, to $300.00. Family fare discounts and North Atlantic emigrant fares from Europe to the United States will be terminated.

Although the revised fare structure has certain deficiencies, it falls within the pattern that the Board has indicated it could accept. With respect to first-class fares, the Board did not press for any reduction, since it appeared existing fares were marginal in relation to the cost of providing the service. Nevertheless, the carriers consider that the reduced fares for this service will reverse the trend away from first-class travel and increase carrier revenues. The low-level economy-class fare—available for about 41½ weeks during the year—offers significant reductions to the traveling public during most of the year, and should serve as a stimulus both to the development of new traffic and to spreading traffic to the shoulder months of the on-season. The 10.5-week blackout period of these fares, however, exceeds the duration of peak-travel weeks, which more nearly falls within a 6- to 7-week period. The excessive length of the blackout period, therefore, tends to defeat, in part, the objective of spreading peak traffic to shoulder months. On the other hand, the extension of reduced 14–21 day excursion fares to the on-season, except for periods of comparatively short duration, appears to be a promising experiment in the development of new traffic.

With respect to group fares, the revisions in the dates when they will not be available and the proscription against travel in May and June are troublesome. The Board has received a number of complaints on the disruption of travel plans by these revisions. The Board did not urge the continuation of these fares, preferring excursion fares for individual travel. However, since the carriers have elected to offer these fares for a further period it would have been preferable if the periods of availability had remained unchanged. At the same time, the extra days' restriction against travel in the peak weeks would not appear unreasonable. For this reason and in light of the total improvement in the fare structure, we will not condition our approval to require retention of last year's provisions governing the applicability of these fares.[3]

On balance, we consider that the revised fare structure may be viewed as a major step toward achieving the Board's objective to obtain lower fares for the majority of the transatlantic travelers.

We do not consider that the special round-trip fares for groups of 40 passengers or more for travel to Israel fall within the realm of the agreement or our approval of the agreement. The El Al Israel Airlines' tariff on file retains a provision interpreted to permit resumption of travel at a point other than the place of stopover, a privilege intended to be prohibited by other carriers. However, a number of tariffs seem to have been conformed with the El Al tariff as a defensive measure. Accordingly, we do not consider that the carriers are acting by agreement in this respect.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That

Agreement C.A.B. 17685 be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3888; Filed, Apr. 20, 1964; 8:49 a.m.]

[Docket No. 14875 etc.]

SERVICE TO HURON, S. DAK.

Notice of Change in Place of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will be held on May 12, 1964, at 10:00 a.m., local time, in the Ballroom of the Marvin Hughitt Hotel, 375 Dakota South, Huron, South Dakota, instead of in the Plains Motel, 924 Fourth Street NE., Huron, South Dakota, as previously announced.

Dated at Washington, D.C., April 16, 1964.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 64-3889; Filed, Apr. 20, 1964; 8:50 a.m.]

[Docket No. 15059]

UNITED AIR LINES, INC.

Notice of Postponement

Economy seating-configuration tariff revisions proposed by United Air Lines, Inc. (Order E-20532):

Notice is hereby given that the prehearing conference on the above-entitled application now assigned to be held on April 21 is postponed to May 20, 1964, at 10:00 a.m., e.d.t., Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., April 16, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-3890; Filed, Apr. 20, 1964; 8:50 a.m.]

[3] However, we will expect the carriers to accommodate groups for which they made reservations under the old rules within the new periods. Failure to accommodate such groups would afford a basis for reconsideration of the necessity to impose appropriate conditions.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15412]

JOSE GASCOT BRANA

Order To Show Cause

In the matter of Jose Gascot Brana, San Juan, Puerto Rico, Docket No. 15412; order to show cause why the license for Citizens Radio Station KIJ-0167 should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated December 13, 1963, alleging violation of § 19.72(b) (now § 95.101(b)) of the Commission's rules."

It further appearing, that the licensee did not reply to that communication or to a follow-up letter dated January 28, 1964, also mailed to the licensee at his address of record; and

It further appearing, that the foregoing communications from the Commission called for responses by the licensee within 10 and 15 days, respectively; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 15th day of April 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of P.O. Box 1629, San Juan, Puerto Rico.

Released: April 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3897; Filed, Apr. 20, 1964; 8:51 a.m.]

[Docket No. 15414]

THOMAS LEROY BROCK

Order To Show Cause

In the matter of Thomas Leroy Brock, Fort Payne, Alabama, Docket No. 15414; order to show cause why the license for radio station 6W6559 in the Citizens Radio Service should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated December 19, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules."

It further appearing, that the licensee did not reply to that communication or to a follow-up letter dated January 14, 1964, also mailed to the licensee at his address of record; and

It further appearing, that the foregoing communications from the Commission called for responses by the licensee within 10 and 15 days, respectively; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 15th day of April 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of 501 Tyler Avenue, Fort Payne, Alabama.

Released: April 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3898; Filed, Apr. 20, 1964; 8:51 a.m.]

[Docket No. 14748 etc.; FCC 64M-318]

CHARLES COUNTY BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order Scheduling Hearing Conference

In re applications of Charles County Broadcasting Co., Inc., La Plata, Maryland, Docket No. 14748, File No. BP-14748; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP-15287; for construction permit and Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 15202, File No. BRH-1209; for renewal of license of station WSMD (FM).

1. By order released April 14, 1964, the Review Board authorized the Hearing Examiner to receive evidence under a standard comparative issue in this proceeding if, in his judgment, a choice under the 307(b) issue would be inappropriate.

2. In a proceeding which from its inception contained the contingent comparative issue, the Hearing Examiner would be reluctant to order the adduction of evidence directed to such issue without first soliciting the parties' views as to the necessity therefor. However, this is not the ordinary case. Here, the parties have already stated their positions on the 307(b) issue in their proposed findings of fact, and their stands with respect to the necessity for hearing on the comparative issue are fully articulated in their pleadings to the Review Board, relative to the Broadcast Bureau's request to add the contingent comparative issue. Thus, in this instance, the Hearing Examiner is enabled to exercise his discretion without the necessity of requiring formal pleadings to ascertain the parties' appraisals of the record.

3. There are undoubted differences in the applicants' 307(b) showings, and competitive advantages which flow therefrom. However, without attempting the analysis of these differences which will appear in the Initial Decision herein, it may be stated that the facts considered in the light of pertinent precedents do not dictate a clear 307(b) superiority for either applicant. Under these circumstances, the Hearing Examiner is of the opinion that the public interest would be better served by the receipt of evidence under the comparative issue.

Accordingly, it is ordered, This 15th day of April 1964, that the record is reopened for the purpose of adducing evidence directed to the contingent standard comparative issue added by the

Memorandum Opinion and Order of the Review Board released April 14, 1964; and,

It is further ordered, That a hearing conference will be convened on April 23, 1964, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C., for the purpose of establishing the schedule for the presentation of such evidence.

Released: April 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3899; Filed, Apr. 20, 1964; 8:51 a.m.]

[Docket Nos. 15299, 15300; FCC 64M-319]

GREAT NORTHERN BROADCASTING SYSTEM, ET AL.

Order Continuing Hearing

In re applications of Robert L. Greaige and Roderick C. Maxson, d/b as Great Northern Broadcasting System, Traverse City, Michigan, Docket No. 15299, File No. BPH-3982; Midwestern Broadcasting Company, Traverse City, Michigan, Docket No. 15300, File No. BPH-4079; for construction permits.

Pending action on Midwestern's petition for rule making to add Channel 278 to Traverse City and consequent possible avoidance of the hearing, and without objection by the other parties: *It is ordered*, This 15th day of April 1964, that the hearing now scheduled for May 12, 1964, is rescheduled to July 13, 1964, and that the other dates mentioned in the Statement and Order released March 10, 1964 (FCC 64M-197) are extended 60 days.

Released: April 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3900; Filed, Apr. 20, 1964; 8:51 a.m.]

[Docket No. 15413]

METROPOLITAN RADIO USERS ASSOCIATION, INC.

Order To Show Cause

In the matter of Metropolitan Radio Users Association, Inc., Denver, Colorado, Docket No. 15413; order to show cause why the licenses for Radio Stations KE-4341, KAZ-78 and KAN-858 in the Business Radio Service should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned stations;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio stations in communications dated February 6, 1964, and March 23, 1964, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that the foregoing communications from the Commission called for responses by the licensee within 30 days and 15 days respectively; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.89 of the Commission's rules; and

It further appearing, that the violations of section 308(b) of the Communications Act and § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 15th day of April 1964, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the licensee show cause why the licenses for the above-captioned radio stations should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the licensee at his address of record at 3051 West 20th Avenue, Denver, Colorado.

Released: April 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3901; Filed, Apr. 20, 1964; 8:51 a.m.]

[Docket No. 8218 etc.; FCC 64M-318]

NORTHWESTERN INDIANA RADIO CO., INC., ET AL.

Order Continuing Hearing

In re applications of Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, Docket No. 8218, File No. BP-5574; Anthony Santucci, Robert Jones, Kenneth Berres, Albert Geller and Gabriel Aprati d/b as Valley Broadcasting, Kankakee, Illinois, Docket No. 15359, File No. BP-15459; Merlin J. Meythaler, Merton J. Gonstead, Rex N. Eyler and James B. Goetz, d/b as Livingston County Broadcasting Company, Pontiac, Illinois, Docket No. 15360, File No. BP-15470; for construction permits.

A prehearing conference having been held on April 13, 1964, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order:

It is ordered, This 13th day of April 1964, that:

(1) The direct affirmative cases of the applicants shall be presented entirely in the form of sworn, written exhibits; provided that Valley Broadcasting's direct case on Issue No. 6 may be supplemented by oral testimony, but in the event Valley Broadcasting elects to present part of its proof directed to Issue No. 6 in oral form, it shall furnish all other parties a list of its witnesses and a summary of the general scope of their testimony on or before June 15, 1964;

(2) Copies of the applicants' exhibits shall be exchanged on or before June 1, 1964; provided that the said exhibits may be modified through June 15, 1964, by the correction of errors or the addition of material requested by other parties, but are not to be modified by the addition of substantial new material designed to improve the applicants' position vis-a-vis its opponents;

(3) Copies of the applicants' exhibits in final form shall be exchanged on or before June 15, 1964;

(4) Any party wishing to call for cross-examination any witnesses sponsoring another parties' exhibit shall give notification therefor on or before June 22, 1964; and,

It is further ordered, That the hearing now scheduled to commence on May 25, 1964, is continued to July 6, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: April 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3902; Filed, Apr. 20, 1964; 8:52 a.m.]

[Docket No. 15321; FCC 64M-315]

PEPINO BROADCASTERS, INC.

Order Continuing Hearing

In re application of Pepino Broadcasters, Inc., San Sebastian, Puerto Rico, Docket No. 15321, File No. BP-14253; for construction permit.

The Chief Hearing Examiner having under consideration a petition in behalf of the applicant, filed April 14, 1964, requesting that hearing in the above-entitled proceeding be continued from April 16 to April 30, 1964;

It appearing, that the petition is supported by a showing of good and sufficient cause and is not opposed by the Commission's Broadcast Bureau, the only other party to the proceeding;

It appearing further, that, while it is appropriate to authorize a continuance of the hearing herein, due to the present schedule of the presiding officer it will be necessary for him later to specify the new hearing date:

It is ordered, This 15th day of April 1964, that the petition is granted to the extent that it requests a continuance of hearing in the above-entitled proceeding and is otherwise denied, and the said hearing which heretofore was scheduled

to commence April 16, 1964, is hereby continued without date: *And, it is further ordered*, That a new hearing date will be specified by the presiding officer.

Released: April 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3903; Filed, Apr. 20, 1964; 8:52 a.m.]

[Docket No. 15204-15207; FCC 64R-210]

WHDH, INC. (WHDH-TV) ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of WHDH, Inc. (WHDH-TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT-530, for renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT-3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT-3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT-3171; for construction permits for new VHF Television Broadcast Stations.

1. The Review Board has before it for consideration a petition to enlarge issues, filed February 26, 1964, by Boston Broadcasters, Inc. (Boston), and related pleadings.[1] Boston requests the addition of the following issue as to WHDH, Inc. (WHDH):[2] "To determine whether a grant of the application of WHDH, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended."

2. In support of its request for the foregoing issue, petitioner reports that Commission ownership files reveal that 21 percent of the stock of the Boston Herald-Traveler Corp. (WHDH's parent organization) is held by nominal owners for persons unknown, that 47.31 percent is held by small stockholders about whom nothing is known, and that WHDH has never revealed the citizenship of this group (68.31 percent) of stockholders. Citing the provisions of section 310(a)(5) of the Communications Act of 1934, as amended, that a station license shall not be granted to any corporation controlled by another corporation of which more than one-fourth of the capital stock is owned by aliens if the Commission finds that the public interest will be served by the refusal or revocation of such license, petitioner contends that the aforementioned uncertainty as to stock ownership makes the situation here sufficiently similar to that in proceedings where a section 310(a)(5) issue was added[3] to warrant the addition of such an issue here.

3. In a brief opposition, WHDH urges first that the petition is untimely filed with no showing of good cause for such untimeliness. In addition, WHDH would distinguish TVue Associates, Inc., supra, on the ground that there the Review Board rejected the accuracy of a sampling procedure, whereas The Boston Herald-Travel Corp. has used a procedure since 1946 which surveys every stockholder of the company. Finally, WHDH urges that petitioner has raised no matter which the Review Board need pursue on its own motion. The opposition of the Broadcast Bureau is based on substantially similar grounds.[4]

4. In Integrated Communications Systems Inc., of Massachusetts, supra, the Commission designated a section 310(a)(5) issue as to United Artists Broadcasting, Inc., because the sampling method used was not shown to be statistically valid. The same issue was added as to United Artists in TVue Associates, Inc., supra. Here, the Broadcast Bureau points out that 85 percent of the stockholders responded in 1946 and that all but a fraction of one percent of these were United States citizens. But WHDH has not come forward with the results of its most recent alleged survey—made before the October, 1962, renewal application, although it has had the opportunity to do so in its response to the subject petition. Thus, due to the lack of up-to-date information on a possibly disqualifying matter, addition of a specific issue to develop that information is warranted.

Accordingly, it is ordered, This 14th day of April 1964, that the motion to strike, filed March 11, 1964, by WHDH, Inc., is dismissed; and

It is further ordered, That the petition to enlarge issues, filed February 26, 1964, by Boston Broadcasters, Inc., is granted to the extent of enlarging the issues as indicated below, and is dismissed in all other respects; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue: "To determine whether a grant of the application of WHDH, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended."

Released: April 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3904; Filed, Apr. 20, 1964; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

CRUSADER SHIPPING COMPANY LIMITED AND HAMBURG-SUEDAMERIKANISCHE DAMPFSCHIFFFAHRTS-GESELLSCHAFT, EGGERT & AMSINCK (COLUMBUS LINE)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9342, between Crusader Shipping Company Limited and Hamburg-Suedamerikanische Dampfschifffahrts-Gesellschaft, Eggert & Amsinck (Columbus Line), provides for the establishment of a spaced schedule of sailings between the parties in the trade from New Zealand and the South Sea Islands to Pacific Coast ports of the United States and Canada.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 15, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3874; Filed, Apr. 20, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-217]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following the publication of notice of proposed action in the FEDERAL REGISTER on March 26, 1964 (29 F.R. 3782), the Atomic Energy Commission has issued License No. XR-50 to General Dynamics

[1] Also before the Board are: Comments in support of the petition to enlarge issues, filed March 3, 1964, by Charles River Civic Television, Inc.; motion to strike the latter, filed March 11, 1964, by WHDH, Inc.; opposition, filed March 11, 1964, by WHDH, Inc.; and Broadcast Bureau's comments, filed March 11, 1964.

[2] Boston also requests the addition of an issue to determine whether a grant of WHDH's application would be consistent with § 73.636 of the rules. This request will be dismissed, since an identical issue was added as to WHDH by Review Board Memorandum Opinion and Order FCC 64R-128, released March 12, 1964.

[3] Integrated Communications Systems, Inc., of Massachusetts, FCC 64-96, released February 12, 1964; TVue Associates, Inc., FCC 64R-89, released February 18, 1964.

[4] Charles River Civic Television, Inc., filed comments in support of Boston's petition. WHDH has filed a motion to strike these comments on the grounds that it is an unauthorized pleading. In light of the fact that the information supplied in the comments is not necessary to the result reached herein, the motion to strike will be dismissed as moot.

Corporation authorizing export of a 30 kilowatt TRIGA Mark II nuclear reactor to The Johannes Gutenberg University, Mainz, Rheinland-Pfalz, Federal Republic of Germany.

Dated at Bethesda, Maryland, this 11th day of April 1964.

For the Atomic Energy Commission,

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[F.R. Doc. 64-3885; Filed, Apr. 20, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-8894, etc.]

ATLANTIC REFINING CO., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 13, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service herctofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 11, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-8894 D 3-12-64	The Atlantic Refining Co.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	Assigned	
G-8910 C 4-3-64	Shell Oil Co.	El Paso Natural Gas Co., Monahans Field, Ward and Winkler Counties, Tex.	14.0	14.65
G-8766 C 4-6-64	Continental Oil Co.	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	9.0	14.65
G-8852 C 4-6-64	Gulf Oil Corp.	Trunkline Gas Co., San Salvador Field, Hidalgo County, Tex.	13.696	14.65
G-11261 D 4-6-64	Socony Mobil Oil Co., Inc. (partial abandonment).	Cities Service Gas Co., Hardtner and Driftwood Fields, Barber County, Kans.	Assigned	
G-11870 D 4-6-64	do	Panhandle Eastern Pipe Line Co., Prairie Field, Hansford County, Tex.	Assigned	
G-11942 D 4-6-64	do	United Gas Pipe Line Co., Boyce Field, Gallad County, Tex.	Assigned	
G-12003 D 4-6-64	do	Phillips Petroleum Co., Texas Hugoton Field, Hansford and Sherman Counties, Tex.	Assigned	
G-17340 D 4-1-64	Callery Properties, Inc.	Hope Natural Gas Co., Little Bayou Pigeon Field, Iberia Parish, La.	Assigned	
G-19280 [1] D 4-6-64	Humble Oil & Refining Co.	Southern Natural Gas Co., Hub Field, Marion County, Miss.	Assigned	
G-19644 D 4-3-64	Phillips Petroleum Co., Operator.	Panhandle Eastern Pipe Line Co., Hansford and Sherman Counties, Tex., and Texas County, Okla.	Uneconomical	
G-19836 C 4-6-64	Continental Oil Co.	Tennessee Gas Transmission Co., Grand Isle Area, Offshore Louisiana.	19.0	15.025
CI61-340 E 4-6-64	Richard C. Davoust (successor to Stanton Oil Co., Ltd.).	El Paso Natural Gas Co., Levelland Field, Cochran County, Tex.	[2] 15.7092	14.65
CI61-516 C 4-1-64	Pan American Petroleum Corp.	Michigan-Wisconsin Pipe Line Co., Acreage in Woodward County, Okla.	19.5	14.65
CI61-524 C 5-7-63 C 3-2-64	Shell Oil Co. (Operator), et al.	Michigan-Wisconsin Pipe Line Co., Acreage in Major County, Okla., Cedardale Field, Woodward County, Okla.	[3] 15.0 [3] 17.0	14.65 14.65
CI63-459 C 2-4-64	Gulf Oil Corp. (Operator), et al.	Michigan-Wisconsin Pipe Line Co., N.E. Quinlan Field, Woodward County, Okla.	[3] 17.0	14.65
CI63-1061 C 4-6-64	Consolidated Oil & Gas, Inc.	El Paso Natural Gas Co., Tapacito, Blanco Mesaverde and Basin Dakota Fields, Rio Arriba County, N. Mex.	13.0	15.025
CI63-1424 C 10-25-63	Tenneco Corp.[4]	Panhandle Eastern Pipe Line Co., Northeast Trail Field, Dewey County, Okla.	[5] 15.0	14.65
CI64-543 C 4-3-64	Sunray DX Oil Co.	Northern Natural Gas Co., Southeast Como Field, Beaver County, Okla.	15.0	14.65
CI64-1157 A 4-1-64	Pearl G. Campbell (partial succession).	Northern Natural Gas Co., acreage in Kearny County, Kans.	11.055	14.65
CI64-1158 A 4-1-64	Pan American Petroleum Corp. (successor to The Pure Oil Co.) (partial succession).	Michigan-Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	21.545	14.65
CI64-1159 A 4-2-64	R. James Gear	Cities Service Gas Co., West Whelan Gas Field, Barber County, Kans.	13.0	14.65
CI64-1161 A 4-3-64	W. J. Coppinger (Operator), et al.	Northern Natural Gas Co., Wide Awake Field, Seward County, Kans.	14.0	14.65
CI64-1162 A 4-3-64	Haynes & V. T. Drilling Co., Operator.	J. A. Heard d/b/a Heard Oil & Gas (successor to J. A. Heard, Trustee), Quinto Creek Field Area, Jim Wells County, Tex.	10.5	14.7
CI64-1163 A 4-3-64	John M. Peel d/b/a Ricardo Oil & Gas Co., Operator.	J. A. Heard d/b/a Heard Oil & Gas (successor to J. A. Heard, Trustee), Fort Lipan Field Area, Nueces County, Tex.	10.0	14.7
CI64-1164 A 4-3-64	A. G. Hyden and Jimmie B. Myers d/b/a Hyden and Myers.	J. A. Heard d/b/a Heard Oil & Gas (successor to J. A. Heard, Trustee), Quinto Creek Field Area, Jim Wells County, Tex.	8.5	14.65
CI64-1165 A 4-3-64	Mary L. Windom, agent for Windom & Sons Oil & Gas Co. (successor to James E. Windom).	Penova Interests, Inc., Grant District, Ritchie County, W. Va.	19.0	15.325
CI64-1166 A 4-3-64	Sun Oil Co.	Garfield Gas Gathering Co., Divide Creek Area, Garfield and Mesa Counties, Colo.	16.0	15.025
CI64-1167 A 4-3-64	Houston Royalty Co. (Operator), et al.	Texas Gas Transmission Corp., Sardis Church Field, Caldwell Parish, La.	14.75	15.025
CI64-1168 A 4-3-64	Union Oil Co. of California (Operator), et al.	El Paso Natural Gas Co., Union-Moncrief-Federal No. 1-22 Gas Unit, San Juan County, N. Mex.	13.0	15.025
CI64-1169 B 4-3-64	Walter F. Kuhn, et al.	Northern Natural Gas Co., acreage in Haskell County, Kans.	Uneconomical	
CI64-1170 A 4-3-64	Shell Oil Co.	Natural Gas Pipeline Co. of America, Thomas Plant, Dewey County, Okla.	15.0	14.65
CI64-1171 A 4-3-64	Texaco Inc.	Lone Star Gas Co., East Hewitt Field, Carter County, Okla.	15.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI64-1172 A 4-6-64	Thomas A. Dugan	El Paso Natural Gas Co., Fulcher Kutz-Pictured Cliffs Field, San Juan County, N. Mex.	11.0	15.025
CI64-1173 A 4-6-64	Jas. F. Smith	Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans.	14.0	14.65
CI64-1174 A 4-7-64	Carl A. Nilsen	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	17.0	14.65
CI64-1175 A 4-6-64	Ashland Oil & Refining Co. (Operator), et al.	Natural Gas Pipeline Co. of America, Woodward County Area, Woodward County, Okla.	17.0	14.65
CI64-1176 A 4-6-64	The Hefner Production Co., et al.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Area, Beaver County, Okla.	16.0	14.65
CI64-1177 A 4-6-64	do	Cities Service Gas Co., Northeast Richfield Area, Morton County, Kans.	12.0	14.65
CI64-1178 A 4-6-64	Compadre Oil Corp., et al.	Lone Star Gas Co., acreage in Stephens County, Okla.	15.0	14.65
CI64-1179 A 4-6-64	Longhorn Production Co., Operator.	Natural Gas Pipeline Co. of America, acreage in Wise County, Tex.	15.0	14.65
CI64-1180 A 4-7-64	W. C. Pickens, et al.	Northern Natural Gas Co., Como Field, Beaver County, Okla.	17.0	14.65
CI64-1181 A 4-7-64	Skelly Oil Co.	Texas Gas Transmission Corp., Northwest Cotton Valley Area, Webster Parish, La.	18.25	15.025
CI64-1182 A 4-7-64	H. N. Kennedy	Natural Gas of West Virginia, Inc., Battelle District, Monongalia County, W. Va.	17.5	14.7
CI64-1183 A 4-7-64	Brooks Hall, et al.	Panhandle Eastern Pipe Line Co., acreage in Major and Dewey Counties, Okla.	17.0	14.65
CI64-1184 B 4-6-64	Forest Oil Corp. (Operator), et al.	Lone Star Gas Co., acreage in Garvin County, Okla.	Uneconomical	

[4] Presently consolidated with Docket Nos. G-8302, et al.
[5] Rate in effect subject to refund in Docket No. RI61-106.
[6] Original authorization conditioned pursuant to Commission's Opinion No. 353.
[7] Tenneco Corporation has been succeeded by Tenneco Oil Company; such succession is presently being reviewed by the Commission.
[8] Applicant agreed by letter dated 10-25-63 to accept a rate of 15.0 cents/Mcf as conditioned by Opinion. No. 353

[F.R. Doc. 64-3805; Filed, Apr. 20, 1964; 8:46 a.m.]

[Docket No. G-13221 etc.]

UNION TEXAS PETROLEUM, ET AL.

Order Severing Proceeding, Conditionally Approving Settlement Proposal and Conditionally Issuing Certificate of Public Convenience and Necessity

APRIL 14, 1964.

Union Texas Petroleum, et al., Docket No. G-13221, et al.; Gene M. Woodfin, Trustee for the Jean Curry Glassell Trust, CI63-885.

On February 4, 1964, Gene M. Woodfin, Trustee for the Jean Curry Glassell Trust (Woodfin) filed an offer of settlement and petition for issuance of certificate of public convenience and necessity in the above-entitled proceeding.

Woodfin's settlement proposal is similar to recent settlements conditionally approved by the Commission in the Union Texas Proceeding [1] and provides for the issuance of a certificate of public convenience and necessity at a rate of 20.625 cents per Mcf [2] for a sale of gas from the Chacahoula Field, Lafourche Parish, south Louisiana; a rate-increase moratorium through March 31, 1968 (subject to the usual exceptions); extension of the take-or-pay make-up period from 2 years to 4 years; refunds of all amounts above the settlement rate collected since the date of initial delivery.

No answers to Woodfin's petition and offer of settlement have been received.

We find this proposal, generally, to be in the public interest and shall approve it subject to the following reservations and conditions.

We shall require that interest on the amounts to be refunded accrue through the last day of the month in which the petition and offer were filed, February 29, 1964. This has been a requirement in all of our orders approving settlements arising out of the Union Texas proceeding.

In the context of the proposal, we interpret the term "delivered" as used in paragraph 1 of the proposal to include gas required to be taken during the moratorium period but paid for and not taken and our approval is conditioned upon such interpretation. Thus, prepayments, if any, shall be made during the moratorium period at a rate no higher than the rate in effect for gas physically delivered.

The settlement provisions for adjustments in rates according to our order or orders in Area Rate Proceeding, Docket No. AR61-2, seek to anticipate in part the nature of our final determinations in that matter. It is clear that we shall make no determinations in this matter which will control our conclusions in Docket No. AR61-2. The settlement proposal also provides that adjustments in price growing out of the Area Rate Proceeding, Docket No. AR61-2, should go into effect upon conclusion of judicial review of our final order.

However, we cannot now commit the Commission to conditionally staying the effectiveness of its final order in Docket No. AR61-2. These matters should be decided at the conclusion of that proceeding and our approval of the settlement will be so conditioned.

In accordance with the above we shall sever this individual docket from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G-13221, et al., and issue a certificate of public convenience and necessity in accordance with the application, settlement proposal and conditions of this order.[3]

The Commission finds:

(1) Gene M. Woodfin, Trustee For The Jean Curry Glassell Trust is a natural-gas company within the meaning of the Natural Gas Act, and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The proposed sale of natural gas is subject to the jurisdiction of the Commission, and such sale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Woodfin is able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The proposed sale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, is required by the public convenience and necessity and is in the public interest upon the conditions set forth below, and a certificate should be issued as ordered below.

(5) The conditions attached to the certificate herein issued are required by the public convenience and necessity.

The Commission orders:

(A) The matters in Docket No. CI63-885 are hereby severed from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G-13221, et al.

(B) A certificate of public convenience and necessity is hereby issued to Gene M. Woodfin, Trustee For The Jean Curry Glassell Trust, upon the conditions set forth herein authorizing the sale of natural gas in interstate commerce for resale as proposed and as modified by the settlement proposal and this order, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the application and settlement proposal herein.

(C) The certificate granted by paragraph (B) above, is granted upon the express condition that Woodfin comply fully with the terms of this order and the settlement proposal, as modified, which settlement is expressly approved, under the conditions of this order.

[1] See orders issued August 7, 1963 (Humble Oil & Refining Company) and October 9, 1963 (Gulf Oil Corporation and Socony Mobil Oil Company, Inc.), in Union Texas Petroleum, et al., Docket Nos. G-13221, et al.

[2] All rates expressed inclusive of applicable tax reimbursement and all volumes expressed at 15.025 psia.

[3] The hearings in the Union Texas Petroleum, et al., consolidated proceeding concluded July 25, 1963 and the Examiner's Decision was issued on January 14, 1964. The matter is now before the Commission on exceptions to the Examiner's Decision.

(D) Within 90 days from the date of issuance of this order, Woodfin shall refund to the pipeline purchaser the difference between the amounts collected for gas delivered since the date of initial delivery and the amount that would have been collected under the settlement rate for gas delivered since that time together with interest computed at a rate of 7 percent per annum, such interest to accrue through the last day of the month in which the settlement proposal was filed, February 29, 1964.

(E) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposal as modified, Woodfin shall report to the Commission, in triplicate, the amount of the refunds made to its pipeline purchaser, showing separately the amount of principal and interest so paid and the bases used for such determinations, together with a release from the purchaser showing receipt of the refunds in conformity with the settlement as approved.

(F) Upon full compliance of Woodfin with all the terms of this order and of the settlement proposal, Woodfin shall be relieved of any further refund obligations in this certificate proceeding and said proceeding shall terminate.

(G) The certificate herein issued is not transferable and shall be effective only so long as Woodfin continues the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(H) The grant of the certificate herein shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act, or Part 154 of the regulations thereunder; *Provided, however*, That the 30-day notice provision of § 154.94(b) and the detailed submittal requirements of § 154.94(f) are hereby waived insofar as they apply to the filing of reductions in rate as required by this order and the settlement proposal.

(I) The grant of certificate herein and approval of the settlement proposal is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Woodfin, particularly any proceeding under section 5 of the Natural Gas Act and is without prejudice to claims or contentions which may be made by the Commission, Woodfin, the Commission staff, or any affected party herein in any other proceeding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3862; Filed, Apr. 20, 1964; 8:46 a.m.]

[Docket No. E-7090]

ARKANSAS POWER & LIGHT CO.

Notice of Further Postponement of Hearing

APRIL 14, 1964.

Upon consideration of the motion for postponement of hearing filed on April 3, 1964, by Commission staff counsel in the above-designated matter, and the statement filed on April 8, 1964, by counsel for Arkansas Power & Light Company stating that the latter company and the Arkansas Public Service Commission have no objection to the granting thereof;

Notice is hereby given that the hearing in the above-designated matter presently scheduled to commence at 10:00 a.m. on April 21, 1964, is postponed to June 29, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3859; Filed, Apr. 20, 1964; 8:46 a.m.]

[Docket No. RI64-689]

LAFFOON OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 14, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8, 1.37(f) on or before June 3, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI64-689...	Laffoon Oil Co., Cravens Bldg., Oklahoma City, Okla.	1	1	Jernigan & Morgan Transmission Co., (North Wellston Field, Lincoln County, Okla.) (Oklahoma "Other" Area).	$600	3-18-64	[1] 4-20-64	[2] 4-21-64	[3] 9.0	[4] [5] 10.0	----------

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to one day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 psia.
[5] Subject to downward Btu adjustment.
[6] Net rate is 5.5 cents per Mcf after 4.5 cents per Mcf deduction for compressing gas.

Laffoon Oil Company's (Laffoon) proposed rate increase, which was contractually due December 23, 1962, relates to the sale of natural gas to the gatherer, Jernigan & Morgan Transmission Company (Jernigan), for resale to Cities Service Gas Company. The increased price falls below the 11.0 cents per Mcf ceiling for increased rates in the Oklahoma "Other" Area as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56) but should be suspended because it is geared to the gatherer's resale rate, there being a 2.0 cents differential, and the gatherer's related rate increase as 12.0 cents per Mcf which is subject to refund in Docket No. RI63-234. Since the gatherer (Jernigan) is now collecting its increased rate (subject to refund) we believe that Laffon's proposed increased rate should be suspended for one day from the requested effective date of April 20, 1964.

[F.R. Doc. 64-3860; Filed, Apr. 20, 1964; 8:46 a.m.]

[Docket No. CP64-23]

PENDLETON COUNTY WATER DISTRICT

Notice of Application

APRIL 14, 1964.

Take notice that on July 24, 1963, as amended on November 26, 1963, and February 17, 1964, the Pendleton Water District (Applicant) a municipal corporation under the laws of Kentucky, having its principal place of business in Butler, Pendleton County, Kentucky, filed in Docket No. CP64-23 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Kentucky Gas Transmission Corporation (Kentucky Gas) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant consisting of 17.5 miles of transmission line and distribution systems in the communities of Butler and Falmouth and their environs, and to sell and deliver to Applicant its daily and annual requirements of natural gas in Mcf at 14.73 psia as follows:

Year of service	Peak day	Annual
1	828	90,140
2	1,014	110,131
3	1,201	130,123

The estimated cost of the project is $643,250 to be financed by the sale of 30 year revenue bonds and customer connection fees.

Applicant states that it has made arrangements for the sale of the bonds and the procurement of customer fees.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3861; Filed, Apr. 20, 1964; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS

Announcement of ITAC Actions and Restraint Levels

APRIL 16, 1964.

The purpose of this notice is to announce certain actions taken by the United States Government in furtherance of the objectives of, and under the terms of, the Long Term Arrangment Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962.

1. *Bilateral agreements.* On April 2, 1964, the Interagency Textile Administrative Committee announced that the United States had agreed to certain amendments to the bilateral cotton agreement with Spain concluded on July 16, 1963 (TIAS 5427). Under these amendments several new levels of restraint have been established and other existing levels have been revised as follows:

Category	*Level of restraint for the 12-month period October 1, 1963-September 30, 1964*
18-19	4,257,000 square yards
22	2,100,000 square yards
24	800,000 square yards
25	350,000 square yards
26 (Duck fabric only)	750,000 square yards
26 (Bark cloth only)	555,000 square yards
27	350,000 square yards
53	9,000 dozen
63	23,000 pounds

*Cotton textiles and cotton textile products in Categories 18-19, 22, 24, 25, 26, and 27 are subject to a group ceiling of 7,604,314 square yards. The aggregate ceiling of 31,366,919 for cotton textiles and cotton textile products produced or manufactured in Spain and all other provisions of the 1963 bilateral cotton agreement remain unchanged.

Consultations are currently being held with representatives of the Government continuing with the Governments of Korea. Separate consultations are India and Pakistan. Similar consultations are planned with the Governments of Greece and Yugoslavia.

2. *Completed restraint actions.* Discussions have been completed with the Government of Argentina relating to Category 1, which will be restrained for a period of twelve months beginning September 3, 1963, to a level of 400,000 pounds.

3. *Renewal of restraint actions.* In view of the continuing disruption of the domestic cotton textile market, the United States Government has renewed the following restraints for an additional twelve-month period:

Country	Category	Restraint level	Effective date of restraint
		Pounds	
Greece	2	105,000	Mar. 27, 1964.
Do	4	52,500	Mar. 27, 1964.

4. *Pending restraints.* Consultations are in progress with several foreign governments concerning United States requests for restraints in certain categories. Under Article 3 of the Long Term Arrangement, if no agreement is reached at the end of a sixty-day period of consultation, the importing country may decline to accept cotton textiles in the particular categories in excess of the requested level of restraint.

The particular countries and categories involved are as follows:

County	*Category*
Argentina	9
Trinidad and Tobago	26 and 61
Brazil	9

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

[F.R. Doc. 64-3905; Filed, Apr. 20, 1964; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FROZEN CONCENTRATE FOR ARTIFICIALLY SWEETENED LEMONADE

Notice of Issuance of Temporary Permit to Cover Market Testing

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Libby, McNeill, and Libby, Chicago, Illinois, to cover interstate marketing tests of frozen concentrate for artificially sweetened lemonade deviating from the requirements of the standard of identity for frozen concentrate for

lemonade (21 CFR 27.101), in that the nonnutritive sweeteners (calcium cyclamate and saccharin), a thickener (methylcellulose), and a dispersing agent (brominated vegetable oil), will replace the nutritive sweeteners specified in § 27.101. The product is to be named "Frozen concentrate for artificially sweetened lemonade," and this name and the names of the ingredients are to be prominently and conspicuously displayed on the label. The letters in the words "artificially sweetened" are to be of the same style and size as the letters in the word "lemonade."

This permit expires March 15, 1965.

Dated: April 14, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-3880; Filed, Apr. 20, 1964; 8:48 a.m.]

INTERNATIONAL JOINT COMMISSION

LAKE ERIE

Construction of Ice Boom

APRIL 15, 1964.

Notice is hereby given that on 1 April 1964 the International Joint Commission received an application by the Hydro-Electric Power Commission of Ontario and the Power Authority of the State of New York pursuant to Article III of the Boundary Waters Treaty, for approval of the construction and maintenance of a boom in Lake Erie just upstream from the entrance to the Niagara River. The purpose of this boom, as stated in the application, is to assist the formation of an ice cover on Lake Erie and to reduce movement of ice from the Lake to the River. It is proposed that the boom be approximately two miles in length consisting of anchored floating timbers extending from the Canadian shore to the north end of the Old Breakwater on the United States side. The boom would be removed at the end of the winter.

Notice is also given that the International Joint Commission, pursuant to its rules of procedure, will conduct a public hearing on this matter at Buffalo, New York, in Hearing Room, Part IV (First Floor), State Office Building, 65 Court Street, Niagara Square, on 4 May 1964, beginning at 10:00 a.m., local time.

At the hearing, all interested persons will be given opportunity to present their views regarding the proposed ice boom. Oral statements will be heard, but for accuracy of the record all important facts and arguments should be submitted in writing. Written submissions may be filed with the Secretaries, either before or at the hearing. Fifty copies should be provided.

Copies of the application and drawings pertaining to the proposed ice boom are available for inspection at the offices of the Commission in Washington and Ottawa and at the following places:

UNITED STATES

Office of the Commissioner of Public Works,
City Hall,
Buffalo, N.Y.
Office of the District Engineer,
U.S. Army Engineer District, Buffalo,
Foot of Bridge St.,
Buffalo, N.Y.
Office of the City Clerk,
Tonawanda, N.Y.
Office of the City Clerk,
Niagara Falls, N.Y.
William A Bullard,
Secretary, United States Section,
International Joint Commission,
1711 New York Ave., NW.,
Room B208,
Washington, D.C., 20440.

CANADA

Fort Erie Public Library,
Fort Erie, Ontario.
Niagara Falls Public Library,
Niagara Falls, Ontario.
Office of the Town Clerk,
Fort Erie, Ontario.
Office of the City Clerk,
Niagara Falls, Ontario.
Water Resources Branch,
Department of Northern Affairs and National Resources,
Toronto Power Building,
Niagara Falls, Ontario.
D. G. Chance,
Secretary, Canadian Section,
International Joint Commission,
Third Floor, Fuller Building,
75 Albert St.,
Ottawa 4, Ontario.

WILLIAM A. BULLARD,
Secretary, U.S. Section, International Joint Commission.

APRIL 15, 1964.

[F.R. Doc. 64-3879; Filed, Apr. 20, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4202]

AMERICAN ELECTRIC POWER COMPANY, INC., AND KINGSPORT POWER CO.

Notice of Proposed Capital Contribution and Renewal of Short-Term Notes to Banks

APRIL 15, 1964.

Notice is hereby given that American Electric Power Company, Inc. ("American"), 2 Broadway, New York 8, New York, a registered holding company, and its public-utility subsidiary company, Kingsport Power Company ("Kingsport", 40 Franklin Road, Roanoke, Virginia, formerly Kingsport Utilities Incorporated), have filed a joint declaration and an amendment thereto with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12 of the Act and Rules 45 and 50(a)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below:

American proposes to make a cash capital contribution to Kingsport in an aggregate amount not to exceed $800,000. Such capital contribution will be credited by Kingsport to its Other Paid-In Capital account.

Kingsport proposes, from time to time prior to July 1, 1965, to renew its short-term promissory note indebtedness now outstanding with Manufacturers Hanover Trust Company and Morgan Guaranty Trust Company of New York in the aggregate principal amount of $1,600,000. The presently outstanding notes were issued for renewal purposes pursuant to Commission authorization by order dated March 1, 1963 (Holding Company Act Release No. 14815). Each new renewal note will be dated as of the date of the renewal, will be due not more than 270 days after the date of issuance, will bear interest at the prime rate (currently 4½ percent) in effect on the respective dates of issuance, and will be prepayable, in whole or in part, without premium. No such new note will be issued or renewed after July 1, 1965, without the further order of this Commission.

The filing states that Kingsport's construction program for 1964 and 1965 is estimated to cost approximately $1,800,000, of which $1,000,000 will be derived from internal sources and the remainder from the proposed $800,000 cash contribution of American. The filing further states that, in addition to the $1,600,000 short-term promissory notes referred to above, Kingsport now has outstanding $5,000,000 principal amount of 3½ percent promissory notes due July 1, 1965 payable to banks; and that, on or prior to July 1, 1965, it contemplates issuing long-term securities in an amount sufficient to refund all of its then outstanding short-term and long-term promissory notes aggregating $6,600,000. Any such financing program will be the subject of a future filing with this Commission and Kingsport agrees that in the event of any permanent financing the authorization requested in the instant filing, if granted, shall terminate and cease to be in effect.

Declarants state that no commission other than this Commission has jurisdiction over the proposed transactions; and that no fees or expenses are expected to be paid or incurred in connection therewith.

Notice is further given that any interested person may, not later than May 5, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request.

At any time after said date, the joint declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3867; Filed, Apr. 20, 1964; 8:47 a.m.]

[File 7-2363—7-2369]

DYMO INDUSTRIES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 15, 1964.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Dymo Industries, Inc.	File 7-2363
William H. Rorer, Inc.	File 7-2368
Anelex Corporation	File 7-2369

Upon receipt of a request, on or before April 30, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3868; Filed, Apr. 20, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-X, Disaster 1]

WICHITA FALLS, TEXAS; MANAGER, DISASTER FIELD OFFICE

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), 28 F.R. 3228, there is hereby redelegated to the Manager of Wichita Falls Disaster Field Office the following authority.

A. *Financial Assistance.*

1. To approve and decline disaster loans in an amount not exceeding $50,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
Manager, Disaster Field Office.

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date. April 7, 1964.

ROBERT E. WEST,
Regional Director, Dallas, Texas.

[F.R. Doc. 64-3869; Filed, Apr. 20, 1964; 8:47 a.m.]

CIVIL SERVICE COMMISSION

DENTAL OFFICER

Notice of Increase in Minimum Rates of Pay

1. Under authority of section 504 of the Federal Salary Reform Act of 1962, the Civil Service Commission has increased the minimum salary rate and the rate range for positions of Dental Officer (Public Health-Pedodontia), GS-680-14. The revised rates for this occupational level are:

PER ANNUM RATES (in Dollars)

Grade	1	2	3	4	5	6	7	8	9
GS-14	14,965	15,415	15,865	16,315	16,765	17,215	17,665	18,115	18,565

2. Geographic coverage is limited to the Washington, D.C., metropolitan area.

3. The effective date will be the first day of the first pay period beginning on or after April 15, 1964.

4. As of the effective date, all agencies will process a pay adjustment to increase the pay of current employees in the affected occupational class. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range, shall receive compensation at the corresponding numbered rate authorized by this letter on and after such date.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3892; Filed, Apr. 20, 1964; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

VOYAGE CHARTER RATE GUIDELINES

Suspension

The Maritime Administration is presently undertaking a general and thorough overall review of guideline rates established and issued in 1957, and subsequent thereto, for the carriage of U.S. Government-sponsored commodities moving in full shipload lots in U.S.-flag vessels. All interested parties will be invited to participate, as appropriate, in that undertaking.

The Maritime Administration recently investigated complaints with regard to the inequity of the minus 20 percent rates as noncompensatory for certain commodities moving to some areas of the world and has found that such rate applications are, in fact, noncompensatory and should be adjusted.

Accordingly, the minus 20 percent guideline rates for bulk grain to Korea and Brazil and wheat flour to the United Arab Republic will be suspended five days from the date of publication of this notice, pending comments received during that time. The guideline rates established and issued in 1957, and subsequent thereto, to these areas will thereafter apply.

The Maritime Administrator will consider suspension of the application of the minus 20 percent guideline rates for other commodities to other areas after investigation of any future complaints and a finding that such relief is necessary.

The active suspension of the guideline rates as set forth above is being withheld for five days from the date of publi-

cation of this notice in order to give any interested parties the opportunity to protest this suspension or otherwise present their views.

Objections may be filed with the Secretary, Maritime Administration, Washington, D.C., 20235. The Maritime Administrator will give full consideration to any objections and take such action as in his discretion is deemed warranted.

Dated: April 17, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-3951; Filed, Apr. 20, 1964; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 16, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38966; *Liquid caustic soda to points in Georgia and Florida.* Filed by O. W. South, Jr., agent (No. A4495), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from McIntosh, Ala., and Charleston, Tenn., to specified points in Florida and Georgia.

Grounds for relief: Market competition.

Tariffs: Supplements 125 and 168 to Southern Freight Association, agent, tariffs I.C.C. S-194 and S-116, respectively.

FSA No. 38967: *Substituted service—T&P for Strickland Transportation Co., Inc.* Filed by J. D. Hughett, agent (No. 53), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Dallas, Tex., and New Orleans, La., on traffic originating at or destined to such point or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to J. D. Hughett, agent, tariff MF-I.C.C. 375.

FSA No. 38968: *T.O.F.C. Service—From and to Greenwood, Miss.* Filed by Western Trunk Line Committee, agent (No. A-2357), for interested rail carriers. Rates on property moving on class rates loaded in trailers and transported on railroad flat cars, between Greenwood, Miss., on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Western Trunk Line Committee, agent, tariff I.C.C. A-4522.

FSA No. 38969: *Liquid caustic soda to Thomaston, Ga.* Filed by O. W. South, Jr., agent (No. A4497), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from McIntosh, Ala., and Saltville, Va., to Thomaston, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 125 and 75 to Southern Freight Association, agent, tariffs I.C.C. S-194 and S-207, respectively.

FSA No. 38970: *Phosphate rock to New Orleans, La.* Filed by O. W. South, Jr., agent (No. A4499), for interested rail carriers. Rates on phosphate rock, crude (other than ground phosphate rock), as described in the application, in carloads, subject to minimum of 300 net tons per shipment, from Florida producing points, to New Orleans, La.

Grounds for relief: Rail-barge-truck competition.

Tariff: Supplement 60 to Southern Freight Association, agent, tariff I.C.C. S-140.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-3878; Filed, Apr. 20, 1964; 8:48 a.m.]

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Washington, Wednesday, April 22, 1964

THE UNIVERSITY OF MICHIGAN
APR 23 1964
MAIN READING ROOM

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

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Proclamation 3582

NATIONAL DEFENSE TRANSPORTATION DAY AND NATIONAL TRANSPORTATION WEEK, 1964

By the President of the United States of America

A Proclamation

WHEREAS the transportation industry of this Nation is essential to the maintenance of our free enterprise system and our economic capability; and

WHEREAS transportation is a strong and vital element in the national defense posture; and

WHEREAS it is right and proper to recognize the importance of a modern, progressive transportation system to the well-being of each and every citizen of this country; and

WHEREAS the Congress, by Senate Joint Resolution 22, approved May 16, 1957 (71 Stat. 30), has requested the President to proclaim annually the third Friday of May of each year as National Defense Transportation Day, and by House Joint Resolution 628, approved May 14, 1962 (76 Stat. 69), has requested the President to proclaim annually the week in May of each year in which falls the third Friday of that month as National Transportation Week, as a tribute to the men and women who, night and day, move goods and people throughout our land:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Friday, May 15, 1964, as National Defense Transportation Day, and the week beginning May 10, 1964, as National Transportation Week; and I urge our people to participate, together with the transportation industry, representatives of the armed forces, and other governmental agencies, in the observance of these occasions by appropriate ceremonies.

I also invite the Governors of the States to provide for the observance of National Defense Transportation Day and National Transportation Week in such manner as will afford an opportunity for the citizens of each community to recognize and appreciate fully the vital role of a great modern transportation complex in their daily lives and in our national defense.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of April in the year of our Lord nineteen hundred and sixty-four, [SEAL] and of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 64-4020; Filed, Apr. 20, 1964; 1:55 p.m.]

Rules and Regulations

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15330, RM-639; FCC 64-332]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Station, Pascagoula, Miss.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 64-101) released in this proceeding on February 7, 1964, in which comments were invited on the proposal to add the assignment of FM Channel 255 to Pascagoula, Mississippi. No oppositions were filed to the proposed amendment of the FM Table of Assignments.

2. Pascagoula, Mississippi, with a population of 17,155, is located in Jackson County. That county's population according to the 1960 U.S. census is 55,522. Pascagoula presently has only petitioner's station WPMP(AM) (1 kw daytime only) licensed in it. A construction permit has been granted for the use of FM Channel 285A, assigned to Pascagoula, at Moss Point, Mississippi (WACY-FM).

3. In support of petitioner's request for a Class C FM assignment to serve the Pascagoula area of Mississippi, petitioner points out that the area is presently without either AM or FM local nighttime service. It states that the station it desires to put on the air (a wide coverage unlimited operation) would not only provide a normal information service to the area at nighttime and early morning hours but that in addition the station would be able to provide the strategic service, throughout the day and night, of broadcasting vital Civil Defense and storm bulletins. There are a number of vital defense construction projects in the area. Pascagoula is located in the tropical storm belt which means that it is subject to frequent and sudden disastrous hurricanes and storms. Petitioner indicates that if the channel in question is assigned to Pascagoula and it is granted a license to operate the station, the FM facility will to some degree have individual programming and not be used merely to duplicate the programming of its present AM outlet in Pascagoula (WPMP). It urges that the proposed assignment can be made in full conformance with the Commission's minimum mileage separation requirements without adverse effect on any other assignments.

4. The Commission is of the view that the proposed amendment would conform to all the rules and allocation principles; that it would represent a fair and equitable distribution of available facilities; and that it would serve the public interest.

5. Authority for the adoption of the proposed amendment is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective May 25, 1964, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, insofar as the community named is concerned, to read as follows:

City	*Channel No.*
Pascagoula, Miss	255, 285A

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: April 15, 1964.

Released: April 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3973; Filed, Apr. 21, 1964; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 62]

PART 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board, held at Washington, D.C., on the sixth day of April 1964.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that Notice No. 62, dated January 7, 1964, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on January 28, 1964 (29 F.R. 1414), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing, that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 62 are deemed justified and necessary;

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in said Notice No. 62, dated January 7, 1964, as revised by the specific deletions, modification, and addition set forth as follows:

Delete the entire proposed amendment of § 71.1.

In § 72.5 delete the proposed addition of the commodity description "Fissile radioactive materials, n.o.s."

Delete the entire proposed amendment of § 73.1.

In § 73.107, amend paragraphs (a) and (c)(1).

Delete the entire proposed amendments of §§ 73.391, 73.392, 73.393, 73.394, 73.395, 73.402, 73.414, 74.532, 74.586, 75.655, 77.800, and 77.841.

It is further ordered, That this order shall become effective July 4, 1964, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. McCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5(a) Commodity List (15 F.R. 8264, 8267, 8268, 8271, 8273, Dec. 2, 1950) (24 F.R. 10109, Dec. 15, 1959) (24 F.R. 3595, May 5, 1959) (23 F.R. 4028, June 10, 1958) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

• • • • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(change)				
Batteries, electric storage, wet	Cor. L	73.260	White	600 pounds.
Fish scrap or fish meal *containing less than 5 percent or more than 12 percent moisture.*	F.S	No exemption, 73.171	Yellow	Not accepted.
Garbage tankage *containing less than 5 percent of moisture.*	F.S	No exemption, 73.209	Yellow	Not accepted.
Rags, oily	F.S	No exemption, 73.199	Yellow	Not accepted.
*Rough ammoniate tankages	F.S	No exemption, 73.210	Yellow	Not accepted.
Spirits of nitroglycerin	F.L	No exemption, 73.133	Red	6 quarts.
Spirits of nitroglycerin *not exceeding 1 percent nitroglycerin by weight.*	F.L	73.118, 73.133	Red	6 quarts.
*Tankage fertilizers	F.S	No exemption, 73.209	Yellow	Not accepted.
*Tankages, rough ammoniate	F.S	No exemption, 73.210	Yellow	Not accepted.
(add)				
1-Aziridinyl phosphine oxide (tris). *See* Tris-(1-aziridinyl) phosphine oxide.				
Hafnium metal, dry, *mechanically produced, finer than 270 mesh particle size.*	F.S	No exemption, 73.214	Yellow	75 pounds.
Hafnium metal, dry, *chemically produced, finer than 20 mesh particle size.*	F.S	No exemption, 73.214	Yellow	75 pounds.
Hafnium metal, wet, *mechanically produced, finer than 270 mesh particle size.*	F.S	No exemption, 73.214	Yellow	150 pounds.
Hafnium metal, wet, *chemically produced, finer than 20 mesh particle size.*	F.S	No exemption, 73.214	Yellow	150 pounds.
Lithium ferro silicon	F.S	No exemption, 73.206	Yellow	25 pounds.
Tris-(1-aziridinyl) phosphine oxide.	Cor. L	73.244, 73.299a	White	1 gallon.
Zirconium metal, dry, *mechanically produced, finer than 270 mesh particle size.*	F.S	No exemption, 73.214	Yellow	75 pounds.
Zirconium metal, dry, *chemically produced, finer than 20 mesh particle size.*	F.S	No exemption, 73.214	Yellow	75 pounds.
Zirconium metal, wet, *mechanically produced, finer than 270 mesh particle size.*	F.S	No exemption, 73.214	Yellow	150 pounds.
Zirconium metal, wet, *chemically produced, finer than 20 mesh particle size.*	F.S	No exemption, 73.214	Yellow	150 pounds.
(cancel)				
Hafnium powder or sponge, dry	F.S	No exemption, 73.215	Yellow	75 pounds.
Hafnium powder, wet or sludge	F.S	No exemption, 73.214	Yellow	150 pounds.
Zirconium powder or sponge, dry	F.S	No exemption, 73.215	Yellow	75 pounds.
Zirconium powder, wet or sludge	F.S	No exemption, 73.214	Yellow	150 pounds.

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.21 amend paragraph (a) (18 F.R. 801, Feb. 7, 1953) to read as follows:

§ 73.21 Prohibited packing.

(a) The offering of packages of dangerous articles in outside packages containing in the same compartment interior packages, the mixture of contents of which would be liable to cause a dangerous evolution of heat or gas or produce corrosive materials, is prohibited for transportation by common, contract, and private carriers by rail freight, rail express, highway, or water, except as specified in §§ 73.152(a), 73.242 (a), (b) and 73.301(a).

• • • • •

Subpart B—Explosives; Definitions and Preparation

In § 73.107 amend paragraph (a); add paragraph (c)(1) (15 F.R. 8296, Dec. 2, 1950) to read as follows:

§ 73.107 Primers, percussion caps, and empty grenades, primed.

(a) Primers (cannon, combination and small arms), percussion caps, and empty grenades, primed, must be packed in strong, tight, outside wooden boxes, except as otherwise provided herein, with special provision for securing individual packages against movement in the box.

• • • • •

(c) • • •

(1) Spec. 23H (§ 78.219 of this chapter). Fiberboard boxes of full depth telescope style with top section having extended end flaps and bottom section with extended side flaps designed to tuck under and form boxes without glued or stapled joints. Boxes shall have full height inside perimeter liner and top and bottom full area pads of double-wall corrugated fiberboard. Hand-holes oval in shape, not more than 1 inch in width by 4 inches in length and horizontal with top score line, are authorized in ends of boxes. Primers shall be packed in cellular inside packages with partitions separating the layers and columns of the primers as required by the introductory text of this paragraph. Not more than 50,000 primers shall be packed in one outside box.

• • • • •

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 amend paragraph (a)(10) (15 F.R. 8298, Dec. 2, 1950) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

(a) • • •

(10) Spec. 42B, 42C, or 42H (§ 78.107, 78.108, or 78.112 of this chapter). Aluminum barrels or drums.

• • • • •

In § 73.128 amend paragraph (a)(3) (25 F.R. 6625, July 14, 1960) to read as follows:

§ 73.128 Paints and related materials.

(a) • • •

(3) Spec. 52 (§78.246 of this chapter). Aluminum or magnesium portable tanks.

• • • • •

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.206 amend the heading and introductory text of paragraph (a); add paragraph (a)(8) (19 F.R. 1278, Mar. 6, 1954) (15 F.R. 8310, Dec. 2, 1950) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

(a) Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride, must be packed in specification containers as follows:

• • • • •

(8) Spec. 21C (§ 78.224 of this chapter). Fiber drums constructed for 400 pounds net weight, with the material packed not more than 5 pounds net weight each in not to exceed one-half gallon steel cans equipped with friction-top closures. Authorized for lithium ferro silicon only.

• • • • •

Amend entire § 73.214 (23 F.R. 4032, June 10, 1958) (24 F.R. 904, Feb. 6, 1959) (18 F.R. 6778, Oct. 27, 1953) to read as follows:

§ 73.214 Hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, chemically produced (see Note 1), finer than 20 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, chemically produced (see Note 1), finer than 20 mesh particle size.

NOTE 1: Produced by means other than attrition or grinding.

NOTE 2: Any product containing 10 percent or more, particle size specified, shall be subject to this section.

NOTE 3: Any product containing less than 25 percent water by weight is considered dry for purposes of these regulations.

(a) **Hafnium metal, wet, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size with a minimum of 25 percent water by weight (a mixture of water and a suitable anti-freeze agent may be used when freezing temperatures may be encountered during transportation) must be packed in specification containers as follows:**

(1) Spec. 15A or 15B (§ 78.168 or 78.169 of this chapter) wooden boxes or spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) metal drums with inside containers of glass or non-carbon polyethylene having net weight of not over 10 pounds each. Inside glass containers must be equipped with positive type clamp-on closures equipped with rubber gaskets. Inside polyethylene containers may have screw-cap closures equipped with gaskets ahead of thread and shall be of material which will not react with or be decomposed when in contact with contents. Screw-cap closures must be secured in place by suitable tape. Each glass or polyethylene container must be surrounded on all sides with not less than 1 inch of incombustible cushioning material and in an amount sufficient to completely absorb the entire liquid contents of the containers. Each inside glass or polyethylene container must be placed in a spec. 2A (§ 78.20 of this chapter) metal can closed with push-in cover held in place by soldering or crimping at at least four points. Authorized net weight of hafnium in one outside container shall not exceed 40 pounds for wooden boxes and shall not exceed 150 pounds for steel drums.

(2) Spec. 10A (§ 78.155 of this chapter). Wooden kegs containing not to exceed 75 pounds net each.

(b) **Hafnium metal, dry, in an atmosphere of inert gas, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size must be packed in specification containers as follows:**

(1) Spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) or spec. 17C, 17H, or 37A (single-trip containers) (§ 78.115, 78.118, or 78.131 of this chapter). Metal barrels or drums with inside non-carbon polyethylene bottles having positive type clamp-on closures equipped with rubber gaskets, or with screw-cap closures having not less than three continuous threads and equipped with gaskets ahead of threads, not over 5 pounds net weight capacity each. Screw-cap closures must be secured in place by suitable tape. Each bottle must be placed in a spec. 2R (§ 78.34 of this chapter) metal container having a wall thickness of one-fourth inch and be completely surrounded by cushioning material. Spec. 2R containers must be separated from one another by incombustible cushioning material. Authorized net weight of metal in one outside container not over 150 pounds.

(c) Zirconium metal, wet, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size with a minimum of 25 percent water by weight (a mixture of water and a suitable anti-freeze agent may be used when freezing temperatures may be encountered during transportation) must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or 78.169 of this chapter) wooden boxes or spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) or spec. 17C or 17H (single-trip containers) (§ 78.115 or 78.118 of this chapter) metal drums with inside containers of glass or non-carbon polyethylene having net weight of not over 10 pounds each. Inside glass containers must be equipped with positive type clamp-on closures equipped with rubber gaskets. Inside polyethylene containers may have screw-cap closures equipped with gaskets ahead of thread and shall be of material which will not react with or be decomposed when in contact with contents. Screw-cap closures must be secured in place by suitable tape. Each glass or polyethylene container must be surrounded on all sides with not less than 1 inch of incombustible cushioning material and in an amount sufficient to completely absorb the entire liquid contents of the containers. Each inside glass or polyethylene container must be placed in a spec. 2A (§ 78.20 of this chapter) metal can closed with push-in cover held in place by soldering or crimping at at least four points. Authorized net weight of zirconium in one outside container shall not exceed 40 pounds in wooden boxes and 150 pounds in steel drums.

(2) Spec. 10A (§ 78.155 of this chapter). Wooden kegs containing not to exceed 75 pounds net each.

(d) Zirconium metal, dry, in an atmosphere of inert gas, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size must be packed in specification containers as follows:

(1) Spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) or spec. 17c, 17H, or 37A (single-trip containers) (§ 78.115, 78.118, or 78.131 of this chapter). Metal barrels or drums with inside non-carbon polyethylene bottles having positive type clamp-on closures equipped with rubber gaskets, or with screw-cap closures having not less than three continuous threads and equipped with gaskets ahead of threads, not over 5 pounds net weight capacity each. Screw-cap closures must be secured in place by suitable tape. Each bottle must be placed in a spec. 2R (§ 78.34 of this chapter) metal container having a wall thickness of one-fourth inch and be completely surrounded by cushioning material. Spec. 2R containers must be separated from one another by incombustible cushioning materials. Authorized net weight of metal in one outside container not over 150 pounds.

(e) Mechanically produced hafnium metal, coarser than 270 mesh particle size and chemically produced coarser than 20 mesh particle size in strong tight containers are not subject to Parts 71–78 and 197 of this chapter.

(f) Mechanically produced zirconium metal, coarser than 270 mesh particle size and chemically produced coarser than 20 mesh particle size in strong tight containers are not subject to Parts 71–78 and 197 of this chapter. (See § 73.220, zirconium scrap.)

Cancel entire § 73.215 (23 F.R. 4029, June 10, 1958) (18 F.R. 6778, Oct. 27, 1953) (17 F.R. 9837, Nov. 1, 1952).

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.260 amend paragraph (c)(2) (1) (27 F.R. 6737, July 17, 1962) to read as follows:

§ 73.260 Electric storage batteries, wet.

• • • • • •

(c) • • •

(2) • • •

(i) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps), or plastic battery terminal covers designed to transmit any superimposed weight directly to the top inner wall of the battery case, or fiberboard boxes with chip board and chip board jute lined tubes which shall fit directly over the terminal posts and rest directly on battery cell covers.

• • • • • •

Add § 73.299a (15 F.R. 8324, Dec. 2, 1950) to read as follows:

§ 73.299a Tris-(1-aziridinyl) phosphine oxide.

(a) Tris-(1-aziridinyl) phosphine oxide must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.245, not over 5 gallons capacity each.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.314 amend paragraph (a) Table (26 F.R. 9402, Oct. 6, 1961) (22 F.R. 2227, Apr. 4, 1957) to read as follows:

§ 73.314 Compressed gases in tank cars.

(a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(change)	*Percent*	
Anhydrous ammonia	50	ICC-106A500, 106A500X, Note 12.
	57	ICC-105A300-W.
	57	ICC-112A400-F, 112A340-W, Note 21.
	58.8	ICC-112A400-F, 112A340-W, Note 21.
(add)		
Butadiene (pressure not exceeding 255 pounds per square inch at 115° F.), inhibited.	Notes 3 and 6	ICC-112A340-W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 255 pounds per square inch at 115° F.).	Note 3	ICC-112A340-W, Notes 5 and 9.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart B—Specifications for Inside Containers and Linings

Amend entire § 78.34 (20 F.R. 954, Feb. 15, 1955) (24 F.R. 907, Feb. 6, 1959) to read as follows:

§ 78.34 Specification 2R; inside containers, metal tubes.

§ 78.34–1 Materials.

(a) Metal tubes shall be stainless steel, malleable iron, or brass, or other materials having equivalent physical strength and fire resistance.

§ 78.34–2 Manufacture.

(a) The ends of the tubes must be fitted with screw-type closures or flanges (see § 78.34–4), except that one or both ends of the tube may be permanently closed by a welded or brazed plate. Welded or brazed side seams are authorized.

(b) Welding or brazing must be done in a workmanlike manner and must be free from defects.

§ 78.34–3 Size.

(a) Inside diameter of the tube shall not exceed 12 inches, exclusive of flanges for handling or fastening devices and shall have wall thickness and length in accordance with the following:

Inside diameter not over (inches)	Wall thickness minimum (inch)	Length maximum (inches)
2	3/32	16
6	1/8	72
12	1/4	72

§ 78.34–4 Closing devices.

(a) Closing devices shall be as follows:

(1) Screw-type, caps or plugs; number of threads per inch must not be less than United States standard pipe threads and must have sufficient length of thread to engage at least 5 threads when securely tightened.

(2) Openings exceeding 3 inches inside diameter may be closed by securely bolted flanges and leak-tight gasket.

§ 78.34–5 Marking.

(a) Each container shall be marked with the words "RADIOACTIVE MATERIAL" either by embossing or die-stamping directly onto the container or by securely affixing by welding or brazing a metal plate bearing this notation to the container.

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

Add § 78.112 (15 F.R. 8447, Dec. 2, 1950) to read as follows:

§ 78.112 Specification 42H; aluminum drums; removable head containers not authorized.

§ 78.112–1 Compliance.

(a) Required in all details.

§ 78.112–2 Rated capacity.

(a) Rated capacity as marked shall be 55 gallons, see § 78.112–10(a)(3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent.

§ 78.112–3 Composition.

(a) Body and heads shall be of aluminum alloy 5086–H32 or an aluminum base alloy of equivalent corrosion resistance and physical properties.

§ 78.112–4 Seams.

(a) Body seams welded.

(b) Head and chime seams welded or double-seamed.

§ 78.112–5 Chime reinforcement.

(a) Chime reinforcement required and shall be not less than 12-gauge galvanized steel commercial coating.

§ 78.112–6 Parts and dimensions.

(a) At start of fabrication, aluminum alloy sheets shall have a minimum thickness of 0.063 inch and completed container shall have no wall thickness less than 0.059 inch.

(b) Rolled or swedged-in rolling hoops required.

(c) Drum shall be of straight side type.

§ 78.112–7 Convex heads.

(a) Convex (crowned) heads, not extending beyond level of chime; minimum convexity of three-eighths inch required.

§ 78.112–8 Defective containers.

(a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

§ 78.112–9 Closures.

(a) Of screw-thread type or secured by screw-thread device; openings over 2.3 inches not authorized; suitable gaskets required.

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 12 threads per inch, with at least 3 threads engaged when gasket is in place; two five-sixths inch drainage holes are authorized in flange.

§ 78.112–10 Marking.

(a) Marking on each container on head, by stamping with pressure dies, by embossing with raised marks, or plate attached by welding, as follows:

(1) ICC–42H. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

(3) Gauge of metal, decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 0.063–55–63).

§ 78.112–11 Size of marking.

(a) Size of marking (minimum): three-fourths inch high.

§ 78.112–12 Type tests.

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made or for one year, whichever period is shorter. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional tests on any other parts which might be considered weaker than the chime.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes.

§ 78.112–13 Leakage test.

(a) Each container shall be tested, unsupported, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Leaking or damaged drums shall be rejected or repaired and retested.

[F.R. Doc. 64–3737; Filed, Apr. 21, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Moisture Content of Durum Wheat

On January 25, 1964, there was published in the FEDERAL REGISTER a document containing a revision of the Official Grain Standards of the United States for Wheat (7 CFR 26.101 et seq.). The revision was promulgated (29 F.R. 1309, 2593) to become effective June 1, 1964, pursuant to the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.).

Section 26.128(a) of the revised standards provides in substance, that wheat shall be graded and designated as "Tough" if it contains more than 13.5 percent of moisture. Section 26.127 of the revised standards provides for grading wheat as "Sample Grade" without regard to its moisture content. Under the present standards, wheat of the class Durum Wheat is graded as Tough Wheat if it contains more than 14.5 percent and not more than 16 percent moisture, and durum wheat with more than 16 percent moisture is graded as Sample Grade.

Over 96 percent of the durum wheat inspected on arrival at terminal markets during the last three years has contained less than 13.5 percent moisture. During 1959 through 1963, the percentage of the lots of grain stored on farms under the price-support loan program with more than 13.5 percent moisture and not over 14.5 percent moisture has ranged from zero in one year to 11.86 percent in another, with an average of 3.23 percent.

Field drying of durum wheat in the swath without impairing its amber color or increasing its brittleness creates a special problem for producers in their efforts to obtain satisfactory moisture levels. Some durum producers have expressed the view that the revised moisture standards could require considerable adjustment on their part. It was decided, therefore, by USDA to review and study further these conditions during the 1964 harvesting and storage season for durum wheat.

Accordingly, the effective date of § 26.128(a) of the revised standards is postponed until June 1, 1965, insofar as it applies to the class Durum wheat, and the effect of § 26.127 of the revision is also postponed until said date insofar as it would provide for the grading of this class of wheat as Sample Grade without regard to moisture content. The following wording which appears in § 26.103 (b) and (h) of the present standards (7 CFR 26.103 (b) and (h)) shall remain in effect until June 1, 1965, with respect to the class Durum Wheat: "(b) *Grades and grade requirements for the subclasses Hard Amber Durum Wheat, Amber Durum Wheat, and Durum Wheat of the class Durum Wheat.* * * * Sample grade: Sample Grade shall be wheat * * * which contains more than 16.0 percent of moisture; * * * (h) *Special grades, special grade requirements, and special grade designations for wheat*—(1) *Tough wheat*—(i) *Requirements.* Tough wheat shall be * * * (b) wheat of any of the classes * * * Durum Wheat * * * or of the class Mixed Wheat in which wheat of any one of the classes * * * Durum Wheat * * * predominates, which contains more than 14.5 percent but not more than 16 percent of moisture."

It appears that public rule making procedure with respect to the change in effective date would not make additional information available to this Department. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public rule making procedure with respect to the change in effective date are unnecessary and impracticable.

Done at Washington, D.C., this 17th day of April 1964.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 64–3979; Filed, Apr. 21, 1964; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 944—FRUIT; IMPORT REGULATIONS

Avocados; Termination

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of Avocado Regulation 11 (§ 944.3; 28 F.R. 5006, 7288) shall be and are hereby terminated effective at 12:01 a.m., e.s.t., April 22, 1964.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time of this action beyond that herein specified (5 U.S.C. 1001–1011) in that (a) the requirements of the import regulation being terminated were imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which requires such regulation to be imposed whenever restrictions are made applicable to domestic shipments of avocados pursuant to a marketing order; (b) such regulation of domestic shipments of avocados is being terminated at the effective time hereof; (c) it is necessary, therefore, to terminate also the regulation of imports of avocados; and (d) such termination relieves restrictions.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–4026; Filed, Apr. 21, 1964; 8:53 a.m.]

PART 944—FRUIT; IMPORT REGULATIONS

Limes; Termination

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of Lime Regulation 1 (§ 944.200; 27 F.R. 3797, 5734, 6923, 11219; 28 F.R. 347, 5638, 12702, 13928; 29 F.R. 2646) shall be and are hereby terminated effective at 12:01 a.m., e.s.t., April 22, 1964.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time of this action beyond that herein specified (5 U.S.C. 1001–1011) in that (a) the requirements of the import regulation being terminated were imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which requires such regulation to be imposed whenever restrictions are made applicable to domestic shipments of limes pursuant to a marketing order; (b) such regulation of domestic shipments of limes is being terminated at the effective time hereof; (c) it is necessary, therefore, to terminate also the regulation of imports of limes; and (d) such termination relieves restrictions.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–4027; Filed, Apr. 21, 1964; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. Docket No. 1740; Amdt. 4b–14]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

Wing-Flap-Actuated Landing Gear Warning System

The Federal Aviation Agency published as a notice of proposed rule making (28 F.R. 4958), circulated as Notice No. 63–19 dated May 10, 1963, a proposal to amend Parts 4b, 40, 41, and 42 of the Civil Air Regulations to require the installation of a wing-flap-actuated landing gear warning system.

The currently effective § 4b.334(e) requires, for airplanes with retractable landing gear, that a means be provided for indicating to the pilot when the gear is secured in the extended and in the retracted positions; that, in addition, landplanes be provided with an aural warning device to function continuously when one or more throttles are closed if the gear is not fully extended and locked; and that, if a manual shutoff for the aural warning device is provided, it be installed so that reopening the throttles will reset the warning mechanism. A third safety provision, required by § 4b.740, is the Airplane Flight Manual containing the chronological outline of the procedures (checklist) to be followed by the flight crew during all phases of operations.

The Agency finds, from a review of the accident record over the past 8 years, that 17 inadvertent gear-up landing accidents involved airplanes operating under Parts 40, 41, and 42. Fifteen of these accidents involved a number of airplane models, irrespective of performance or type of powerplant used, whose maximum weight exceeded 12,500 pounds. Although these accidents did not result

in either major injuries or fatalities, such accidents are potentially hazardous, particularly because of possible ignition of fuel which might be spilled.

From the analysis of the accident record and from a study of operational practices relating to landing gear aural warning systems, the Agency finds that the currently prescribed throttle-actuated aural warning device and the other safety provisions are not sufficiently effective in preventing inadvertent gear-up landing accidents. The Agency further finds that installation of a wing-flap-actuated aural warning system should reduce the number of such accidents, thereby eliminating the potential hazard to the airplane occupants and preventing damage to the airplane.

Among the comments received in response to the notice of proposed rule making were objections to the proposed requirement. It was contended that the installation of a fourth safety device was unjustified. The Agency disagrees because 10 of the 15 inadvertent gear-up landing accidents involving transport category airplanes probably would have been prevented if a wing-flap-actuated warning system had been installed. These accidents occurred after long approaches with throttles retarded and with the aural warning device manually shut off and not reset prior to landing, or after long power-on approaches and the aural warning device actuated too late to discontinue the approach and initiate a go-around. (The remaining five accidents involved two deactivated aural warning circuits because of a missing fuse and a pulled circuit breaker; a landing with the pilot aware that the gear was still extending; a complete electrical failure; and a no-flap landing during training.) The comment went on to say that the justification in the notice refers only to jet airplanes but the specific proposal applies to all type airplanes. It should be noted that the notice states that "the currently prescribed landing gear warning system is inadequate because of the faster pace of present day operations (which reduces the effectiveness of the checklist on all airplanes) and because of the operational characteristics of jet transports (long straight-in approaches with throttles retarded, occasionally all the way to touchdown) • • •" The notice clearly speaks of all transport category airplanes and is not limited to any particular class. Although the notice refers only to jet transports in regard to long straight-in approaches with throttles retarded, 4 of the 10 transport gear-up landing accidents that the Agency believes would have been prevented by wing-flap-actuated landing gear warning involved propeller-driven airplanes making approaches with throttles retarded. The proposal, therefore, is applicable to all transport airplanes irrespective of method of propulsion.

There were other comments which recommended amending the proposal to apply to all aircraft with retractable gears rather than limiting it to airplanes with a maximum weight of more than 12,500 pounds. This recommendation goes beyond the scope of the notice, and requires that an additional notice of proposed rule making be issued. The Agency is conducting a separate study of inadvertent gear-up landing accidents involving small airplanes. If the study indicates that amendments to the gear-up warning system requirements are needed, appropriate proposals will be made.

Several comments indicated that some interpretations of the proposal could result in the warning sounding for long periods of time during approach and takeoff. As proposed, an aural warning device would be required which would function continuously when the wing flaps are extended beyond the approach climb configuration setting or to a setting normally used following gear extension, whichever is the lesser. The intent of the proposal was that on airplanes for which an approach flap position is determined by the climb performance requirements under which the airplane is type certificated, the warning system would be activated when the wing flaps are extended beyond the maximum approach position. Since all airplanes type certificated under Part 4b must comply with climb performance requirements that determine approach flap positions, the final rule identifies the provision in Part 4b which establishes the approach climb configuration setting. Therefore, the final rule is amended to require activation of the warning system when the wing flaps are extended beyond the maximum approved approach position determined in accordance with § 4b.120(d).

A comment was received suggesting that flexibility be permitted in selecting the flap position at which the gear-up warning system is activated. It appears, however, that, if the selected position is less than the approach position, a large number of nuisance warnings might occur during approaches and takeoffs. On the other hand, if the selected position is greater than the approach position, the gear-up warning system would lose effectiveness because it would sound late in the approach. Therefore, the suggestion has not been accepted.

A comment was received contending that on certain airplanes the presently required throttle-actuated warning system is ineffective because it activates too many nuisance warnings, and suggests that the proposed wing-flap-actuated system alone should be considered adequate. The proposed warning system is activated when wing flaps are extended beyond a prescribed position; however, if a landing is made in which the wing flaps are not extended beyond the prescribed position, the throttle-actuated warning system is needed. Therefore, the suggestion has not been accepted.

Another comment was received suggesting that the presently required throttle-actuated gear-up warning system is adequate on airplanes which do not have the optional manual shutoff on the aural device and, therefore, on such airplanes the proposed flap-actuated warning system should not be required. The throttle-actuated warning system is not activated during a power-on approach, even if the aural warning device is functioning. Of the 15 transport airplane gear-up landing accidents previously mentioned, one definitely and probably two others occurred after a power-on approach. Therefore, the suggestion has not been accepted.

One comment was received recommending that in new airplanes the circuit for the flap-actuated warning system should be separate from the circuit for the throttle-actuated warning system. This recommendation apparently was prompted by an inadvertent gear-up landing accident in which the aural warning device was silenced by pulling out the circuit breaker when the manual shutoff failed to silence the device during a long approach. The Agency considers that a requirement for two separate circuits would pose an unwarranted burden because it would require protection against a combination of equipment malfunction and improper cockpit procedure. Therefore, the recommendation has not been accepted. Furthermore, the proposed rule has been amended to make it clear that a separate circuit is not required. However, the voluntary installation of separate circuits is not prohibited.

A comment was received questioning the validity of the premise in the notice that the faster pace of present day operations reduces the effectiveness of the landing checklist. It was contended that the landing checklist may be too long and cumbersome, and suggested shortening it so that flight crews would be more aware of important items such as extending the gear prior to landing. The Agency does not consider that landing checklists are unnecessarily long or cumbersome. In none of the gear-up accident investigation was this suggested by flight crewmembers. There is no evidence that shorter checklists would change the cockpit procedures to make the existing warning and indication systems more effective or reduce the frequency of inadvertent gear-up accidents.

A comment suggested changing the proposal to apply only to those airplanes in which the main landing gear is used as a speed control device. None of the inadvertent gear-up landing accidents involved the main gear down and nose gear up, which would occur if the landing gear were not lowered after using the main gear to control airspeed. Therefore, this suggestion has not been accepted.

A number of comments requested that the proposal be revised to specify clearly that the flap position sensing unit can be installed at either the flap or the flap control handle. The intent of the proposal was that the sensing unit can be installed at any suitable location in the airplane and the final rule is so amended.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, § 4b.334(e) of Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) is hereby amended by adding a new subparagraph (4) to read as follows, effective May 22, 1964:

§ 4b.334 Retracting mechanism.

• • • • • •

(e) *Position indicator and warning device.* • • •

(4) In addition to the requirements of subparagraphs (1), (2), and (3) of this paragraph, landplanes shall be provided with an aural warning device to function continuously when the wing flaps are extended beyond the maximum approved approach position determined in accordance with § 4b.120(d) if the gear is not fully extended and locked. There must be no manual shutoff provided for the warning device. The flap position sensing unit may be installed at any suitable location in the airplane. The system required by this subparagraph may utilize any portion of the system, including the aural warning device, required by subparagraph (2) of this paragraph.

Issued in Washington, D.C., on April 15, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-3906; Filed, Apr. 21, 1964; 8:45 a.m.]

[Reg. Docket No. 1925; Amdt. 13-6]

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

Type Certification of Turbine Engines for Use in Multiengine Helicopters

There is hereby being adopted an amendment of Part 13 of the Civil Air Regulations, to establish a 2½-minute power rating and associated test requirements for type certification of turbine engines intended for use in multiengine helicopters. Manufacturers of engines, and manufacturers and operators of multiengine helicopters may be affected by this amendment. The contents of this amendment were published by the Federal Aviation Agency as a notice of proposed rule making (28 F.R. 9697) and circulated as Notice 63-35 dated August 28, 1963.

The currently effective provisions of Part 7 of the Civil Air Regulations require for Category A that the takeoff performance be determined and scheduled in such a manner that, in the event of one engine becoming inoperative at any instant after the start of takeoff, it be possible for the rotorcraft either to return to and stop safely on the takeoff area, or to continue the takeoff climbout. For the landing approach, performance must be determined and scheduled in such a manner that, in the event of one engine becoming inoperative at any point in the approach path, it be possible for the rotorcraft to land and stop safely or to climbout safely. Under the present schedule of engine power ratings, takeoff power is used to show compliance with these requirements.

The rule being issued establishes a rated power, greater than takeoff, but limited in use to 2½ minutes, to determine takeoff and approach performance when one engine of a multiengine helicopter becomes inoperative. This rating will improve the economics of domestically-built multiengine helicopters, will enhance the position of the United States manufacturers in the foreign market, and will not result in a degradation of safety.

With respect to the effect of the 2½-minute rating upon engine reliability, the limitations on turbine engine power and performance are determined, in a physical sense, by considerations of the cumulative turbine blade creep, which is dependent principally upon the temperature and mechanical loads to which the blades are subjected. There has been no clear criterion for establishing the absolute power limit of a turbine engine. The power ratings that are established represent compromises intended to produce engines which have reasonable performance, a satisfactory service life, and are able to complete the endurance test program satisfactorily. When the basis for the established ratings is evaluated against the fundamental consideration of material creep, it is seen that higher temperatures and speeds than are associated with rated power levels may be attainable. To date, however, there has been no particular effort by manufacturers to exploit this capability.

To grant engine power ratings in excess of takeoff power would not be justifiable if engine reliability were adversely affected. It is recognized that there are temperatures and/or speeds for any particular engine that could result in immediate and catastrophic failure. It is also recognized that continued operation of a particular engine at temperatures and/or speeds slightly higher than its established limits would probably cause an appreciable reduction in service life. It is seen, however, that a 2½-minute power rating would be needed only in the event of an engine failure during takeoff or approach to landing. Service experience so far gathered with respect to multiengine helicopters indicates that this situation occurs relatively infrequently, hence, it would be expected that an engine would rarely be called upon to deliver 2½-minute power. On this basis, establishment of 2½-minute power would not adversely affect engine reliability by subjecting turbine blades to prolonged operations at elevated temperatures or speeds. A definition of the power is adopted as a new § 13.1(b)(5). The format of the definition differs from that in the currently effective regulations. It is consistent with that of a rated power and properly does not include limitations.

To establish that the introduction of 2½-minute power will not involve temperatures or speeds that would immediately impair engine reliability, and otherwise to establish that a satisfactory level of overall reliability exists when the selected 2½-minute rating is used, it is necessary that the endurance test schedule be modified for engines to be granted this rating. The endurance test schedule of § 13.254 is amended, therefore, to require that during the 150-hour endurance test the engine be operated at 2½-minute power during 50 periods of 2½-minutes duration. It is considered that this procedure will establish the reliability of the engine with a 2½-minute rating when operated in service under the conditions proposed for this rating.

Several comments were received on the notice of proposed rule making (28 F.R. 9697), and are discussed in the following numbered paragraphs.

1. One comment stated that the 2½-minute rating, as proposed in the notice, would result in a derated engine with only a small amount of extra power available for emergency use. This comment suggested a new "X-minute emergency rating" which would make available more power than the proposed 2½-minute rating, but which would be more restricted in use by requiring the engine to be inspected or overhauled after the emergency rating is used a specified number of times (preferably one time) and by requiring a device to prevent the engine from being started after such use. This comment also suggested that the engine testing for the X-minute emergency rating consist of 5 cycles at this power for each time the emergency power is to be made available without inspection or overhaul, and that this testing take place after the normal 150-hour test. The suggestion to establish a higher power emergency rating, based on fewer test cycles but having special inspection and overhaul requirements, represents a major substantive change from the proposal and is not within the framework of this regulatory action; consequently, the suggestion has not been incorporated in the amendment.

2. Another comment considered the proposed testing as reasonable to establish a 2½-minute rating, but expressed concern about the variety of power ratings and stated a belief that the 2½-minute rating should be a fully tested takeoff rating. The comment also indicated concern that the 2½-minute power rating would be abused in operations if it is an emergency rating which must be reported and must not be utilized more than once before overhaul. However, the 2½-minute rating is not one which requires such special reporting and engine overhaul after each use. As explained previously, the 50 cycles of testing at 2½-minute power are considered adequate to assure safe operation of the remaining engines at this power on the relatively few occasions when a multiengine helicopter is operated with one engine inoperative during takeoff or landing. On the other hand, the 2½-minute rating is not a normal takeoff rating, since the total endurance testing at this power would be approximately 2 hours whereas the testing at takeoff power is approximately 18 hours. For this reason, the rotorcraft takeoff performance with all engines operating is determined with takeoff power under the provisions of Part 7. An engine which meets the present takeoff power testing would be expected to meet the 2½-minute power testing at a power somewhat higher than the takeoff rating. If the duration of the 2½-minute power testing were made comparable to the

takeoff power testing, as suggested by the comment, the resulting engine rating would probably be about the same as present takeoff power, and no economic benefit would be obtained under the one-engine-inoperative performance requirements. In view of the foregoing, and since no specific justification was presented in support of this comment, it has not been incorporated in the amendment.

3. A comment was made that the words "or thrust" should be added after "horsepower" in the definition of 2½-minute power; otherwise, the rating would be restricted to shaft engines. Since the proposed rating and corresponding tests were developed expressly for helicopter engines, and the comment presented no reason or explanation for including thrust in the definition, it has not been incorporated in the amendment.

4. Another comment on the proposed definition of 2½-minute power noted that it referred to the horsepower developed at a single altitude, and stated that if the word altitude is needed in the definition, it should be plural. Although this power may be developed at various altitudes and the available power may vary with altitude, a specific condition is desirable for the purpose of establishing an engine "rating" under Part 13; consequently, the comment has not been incorporated in the amendment.

5. A comment concerning the paragraph on gas and oil temperatures in the proposed test requirements recommended that the following clause be added at the end of § 13.254(c)(7): "• • • except where the test periods are not longer than 5 minutes and do not permit stabilization." Since this addition is needed to allow for the problem of stabilizing temperatures during short test periods and is consistent with the current requirements of § 13.254(b)(7), it has been incorporated in the amendment.

Although this amendment to Part 13 establishes a 2½-minute power rating for the type certification of helicopter turbine engines, it should be noted that certain related provisions of Part 7 for the certification of rotorcraft do not yet provide for this power rating. This is the case, for example, with respect to rotor drive mechanism endurance tests, engine cooling, and determination of the height-velocity diagram with one engine inoperative. A notice proposing appropriate amendments to Part 7 will, therefore, be issued in the near future.

Interested persons have been afforded an opportunity to participate in the making of this amendment (28 F.R. 9697), and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, good cause exists for making it effective on less than 30 days' notice.

This amendment is subject to the FAA Recodification Program announced in Draft Release No. 61-25 (26 F.R. 10698). This recodification, however, will not result in any substantive change in the rules as adopted herein.

This amendment is issued under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, Part 13 of the Civil Air Regulations (14 CFR Part 13, as amended) is hereby amended as follows, effective April 22, 1964:

1. By amending § 13.1(b) by redesignating subparagraphs (5), (6), (7), and (8) as (6), (7), (8), and (9), and by adding a new subparagraph (5) to read as follows:

§ 13.1 Definitions.

• • • • • •

(b) *General design.* • • •

(5) *2½-minute power for helicopter turbine engines.* 2½-minute power for helicopter turbine engines is the brake horsepower developed statically in standard atmosphere at sea level, or at a specified altitude, for one-engine-out operation of multiengine helicopters for 2½ minutes at rotor shaft rotation speed and gas temperature established for this rating.

• • • • • •

2. By amending § 13.254 by deleting "or (b)" from the first sentence and inserting ", (b), or (c)" in lieu thereof, and by adding a new paragraph (c) to read as follows:

§ 13.254 Endurance test.

• • • • • •

(c) *Helicopter engines for which 2½-minute and 30-minute power ratings are desired*—(1) *Takeoff, 2½-minute power, and idling.* One hour of alternate 5-minute periods of engine operation shall be conducted at takeoff power and thrust and at idling power and thrust except that, during the third and sixth takeoff power periods, only 2½ minutes will be conducted at takeoff power and the remaining 2½ minutes will be conducted at 2½-minute power. The developed powers and thrusts at takeoff, 2½-minute, and idling conditions and their corresponding rotor speed and gas temperature conditions shall be as established by the power control(s) in accordance with the schedule established by the manufacturer. It shall be permissible to control manually during any one period the rotor speed and power and thrust while taking data to check performance. For engines with augmented takeoff ratings which involve increases in turbine inlet temperature, rotor speed, or shaft power, this period of running at rated takeoff power shall be at the augmented rating. In changing the power setting after or during each period, the power control lever shall be moved in the manner prescribed in subparagraph (5) of this paragraph.

(2) *30-minute power.* Thirty minutes of engine operation shall be conducted at 30-minute power, or thrust, or both.

(3) *Maximum continuous power and thrust.* Two hours of engine operation shall be conducted at the maximum continuous power and thrust.

(4) *Incremental cruise power and thrust.* Two hours of engine operation shall be conducted at the successive power lever positions corresponding with not less than 12 approximately equal speed and time increments between maximum continuous engine rotational speed and ground or minimum idle rotational speed. For engines operating at constant speed, it shall be permissible to vary the thrust and power in lieu of speed. In the event significant peak vibrations exist anywhere between ground idle and maximum continuous conditions, the number of increments chosen shall be altered to increase the amount of running conducted while being subjected to the peak vibrations up to an amount not exceeding 50 percent of the total time spent in incremental running. (See also § 13.251.)

(5) *Acceleration and deceleration runs.* Thirty minutes of engine operation shall be conducted of accelerations and decelerations consisting of 6 cycles from idling power and thrust to takeoff power and thrust and maintaining at the takeoff power lever position for 30 seconds and at the idling power lever position for approximately 4½ minutes. In complying with the provisions of this subparagraph, the power-control lever shall be moved from one extreme position to the other in not more than one second except that, where different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time shall be acceptable but in no case shall this time exceed 2 seconds.

(6) *Starts.* One hundred starts shall be made, of which 25 starts shall be preceded by at least a 2-hour engine shutdown. Ten starts shall be false engine starts pausing for the applicant's specified minimum fuel drainage time before attempting a normal start. Ten starts shall be normal restarts, each performed not more than 15 minutes after engine shutdown. It shall be acceptable to make the remaining starts after completion of the 150 hours of endurance testing.

(7) *Maximum temperatures.* The limiting maximum hot gas and oil inlet temperatures shall be substantiated by operation at these limits during all the takeoff, 2½-minute power, 30-minute power, and maximum continuous running of the endurance test, except where the test periods are not longer than 5 minutes and do not permit stabilization.

Issued in Washington, D.C., on April 17, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-4015; Filed, Apr. 21, 1964; 8:52 a.m.]

[Reg. Docket No. 1740; Amdt. 40-41]

PART 40—SCHEDULED INTERSTATE AIR CARRIER, CERTIFICATION AND OPERATION RULES

Wing-Flap-Actuated Landing Gear Warning System

The Federal Aviation Agency published as a notice of proposed rule making (28 F.R. 4958), circulated as Notice No. 63-19 dated May 10, 1963, a proposal to amend Parts 4b, 40, 41, and 42 of the Civil Air Regulations to require the installation of a wing-flap-actuated landing gear warning system.

All airplanes airworthiness regulations require, for airplanes with retractable landing gear, that a means be provided for indicating to the pilot when the gear is secured in the extended and in the retracted positions; that, in addition, landplanes be provided with an aural warning device to function continuously when one or more throttles are closed if the gear is not fully extended and locked. The airplane airworthiness regulations that permit a manual shutoff for the aural warning device also require that it be installed so that reopening the throttles will reset the warning mechanism. A third safety provision, required in §§ 4b.740 and 40.357, is the cockpit check procedure (checklist) to be used by the flight crew during all phases of operation.

The Agency finds, from a review of the accident record over the past 8 years, that 17 inadvertent gear-up landing accidents involved airplanes operating under Parts 40, 41, and 42. Fifteen of these accidents involved a number of airplane models, irrespective of performance or type of powerplant used, whose maximum weight exceeded 12,500 pounds. Although these accidents did not result in either major injuries or fatalities, such accidents are potentially hazardous, particularly because of possible ignition of fuel which might be spilled.

From the analysis of the accident record and from a study of operational practices relating to landing gear aural warning systems, the Agency finds that the currently prescribed throttle-actuated aural warning device and the other safety provisions are not sufficiently effective in preventing inadvertent gear-up landing accidents. The Agency further finds that installation of a wing-flap-actuated aural warning system should reduce the number of such accidents, thereby eliminating the potential hazard to the airplane occupants and preventing damage to the airplane.

Among the comments received in response to the notice of proposed rule making were objections to the proposed requirement. It was contended that the installation of a fourth safety device was unjustified. The Agency disagrees because 10 of the 15 inadvertent gear-up landing accidents involving transport category airplanes probably would have been prevented if a wing-flap-actuated warning system had been installed. These accidents occurred after long approaches with throttles retarded and with the aural warning device manually shut off and not reset prior to landing, or after long power-on approaches and the aural warning device actuated too late to discontinue the approach and initiate a go-around. (The remaining 5 accidents involved 2 deactivated aural warning circuits because of a missing fuze and a pulled circuit breaker; a landing with the pilot aware that the gear was still extending; a complete electrical failure; and a no-flap landing during training.) The comment went on to say that the justification in the notice refers only to jet airplanes but the specific proposal applies to all type airplanes. It should be noted that the notice states that "the currently prescribed landing gear warning system is inadequate because of the faster pace of present day operations (which reduces the effectiveness of the checklist on all airplanes) and because of the operational characteristics of jet transports (long straight-in approaches with throttles retarded, occassionally all the way to touchdown) • • •" The notice clearly speaks of all transport category airplanes and is not limited to any particular class. Although the notice refers only to jet transports in regard to long straight-in approaches with throttles retarded, 4 of the 10 transport gear-up landing accidents that the Agency believes would have been prevented by wing-flap-actuated landing gear warning involved propeller-driver airplanes making approaches with throttles retarded. The proposal, therefore, is applicable to all transport airplanes irrespective of method of propulsion.

A comment was received suggesting that the presently required throttle-actuated gear-up warning system is adequate on airplanes which do not have the optional manual shutoff on the aural device and, therefore, on such airplanes the proposed flap-actuated warning system should not be required. The throttle-actuated warning system is not activated during a power-on approach, even if the aural warning device is functioning. Of the transport airplane gear-up landing accidents previously mentioned, one definitely and probably two others occurred after a power-on approach. Therefore, the suggestion has not been accepted.

A comment was received questioning the validity of the premise in the notice that the faster pace of present day operations reduces the effectiveness of the landing checklist. It was contended that the landing checklist may be too long and cumbersome, and suggested shortening it so that flight crews would be more aware of important items such as extending the gear prior to landing. The Agency does not consider that landing checklists are unnecessarily long or cumbersome. In none of the gear-up accident investigations was this suggested by flight crewmembers. There is no evidence that shorter checklists would change the cockpit procedures to make the existing warning and indication systems more effective or reduce the frequency of inadvertent gear-up accidents.

A comment was received contending that on certain airplanes the presently required throttle-actuated warning system is ineffective because it activates too many nuisance warnings, and suggests that the proposed wing-flap-actuated system alone should be considered adequate. The proposed warning system is activated when wing flaps are extended beyond a prescribed position; however, if a landing is made in which the wing flaps are not extended beyond the prescribed position, the throttle-actuated warning system is needed. Therefore, the suggestion has not been accepted.

A comment was received which estimated the cost of modification of the total air carrier fleet to be over one million dollars and that this represents only the initial cost and does not include recurring costs for maintenance or delays due to malfunctioning equipment. The comment went on to state that if the proposed installation could contribute materially to safety the cost would not be excessive, but questioned that this has been demonstrated. The Agency does not agree that it is questionable that the proposed installation could contribute materially to safety, but finds that significant improvement in safety will be provided as evidenced in the foregoing discussion.

Several comments indicate that some interpretations of the proposal could result in the warning sounding for long periods of time during approach and takeoff. The intent of the proposal was that on those airplanes for which an approach flap position is determined by the climb performance requirements under which the airplane is type certificated, the warning system would be activated when the wing flaps are extended beyond the maximum approach position. On airplanes whose type certification basis does not include climb performance requirements that determine approach flap positions, the intent of the proposal was to activate the warning system when the flaps are extended beyond the position normally used during landing gear extension. The final rule is clarified in this respect.

A comment was received suggesting that flexibility be permitted in selecting the flap position at which the gear-up warning system is activated. If the selected position is less than that specified in the proposal, as clarified in the preceding paragraph, a large number of nuisance warnings would occur during approaches and takeoffs. On the other hand, if the selected position is greater than that specified in the proposal, as clarified above, the gear-up warning system would lose effectiveness because it would sound late in the approach. Therefore, the suggestion has not been accepted.

A comment suggested changing the proposal to apply only to those airplanes in which the main landing gear is used as a speed control device. None of the inadvertent gear-up landing accidents involved the main gear down and nose gear up, which would occur if the landing gear were not lowered after using the main gear to control airspeed. Therefore, this suggestion has not been accepted.

One comment recommended that, if the proposal is adopted, provision should be made for continuation of flight with the device inoperative. This will be determined by a Flight Operations Evaluation Board for each model airplane affected by the rule and included in the appropriate part of each air carrier's manual, in accordance with § 40.391.

There were other comments which recommended amending the proposal to apply to all aircraft with retractable gears rather than limiting it to airplanes with a maximum weight of more than 12,500 pounds. This recommendation goes beyond the scope of the notice, and would require that an additional notice of proposed rule making be issued. The Agency is conducting a separate study of inadvertent gear-up landing accidents involving small airplanes. If the study indicates that amendments to the gear-

up warning system requirements are needed, appropriate proposals will be made.

A number of comments requested that the proposal be revised to specify clearly that the flap position revising unit can

beyond the position at which landing gear extension normally is performed.

(b) Prior to February 1, 1965, the air carrier may submit to the assigned Federal Aviation Agency principal inspector, in writing, a request for extension of the

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proach flap position is determined by the climb performance requirements under which the airplane is type certificated, the warning system would be activated when the wing flaps are extended beyond the maximum approach position. On

install the system on all airplanes in air carrier operations. The Agency believes that this is a reasonable request and the final rule is amended accordingly. The Agency also considers it appropriate to provide for the possibility that an air

result in any substantive change in the rules as adopted herein.

This amendment is issued under the authority of sections 313(a), 601, and 603 shall be conducted at the successive power lever positions corresponding with not less than 12 approximately equal speed and time increments between amend Parts 4b, 40, 41, and 42 of the Civil Air Regulations to require the installation of a wing-flap-actuated landing gear warning system.

should be noted that the notice states that "the currently prescribed landing gear warning system is inadequate be-

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A comment was received questioning the validity of the premise in the notice that the faster pace of present day operations reduces the effectiveness of the landing checklist. It was contended that the landing checklist may be too long and cumbersome, and suggested shortening it so that flight crews would be more aware of important items such as extending the gear prior to landing. The Agency does not consider that landing checklists are unnecessarily long or cumbersome. In none of the gear-up accident investigations was this suggested by flight crewmembers. There is no evidence that shorter checklists would change the cockpit procedures to make the existing warning and indication systems more effective or reduce the frequency of inadvertent gear-up accidents.

A comment was received contending that on certain airplanes the presently required throttle-actuated warning system is ineffective because it activates too many nuisance warnings, and suggests that the proposed wing-flap actuated system alone should be considered adequate. The proposed warning system is activated when wing flaps are extended beyond a prescribed position; however, if a landing is made in which the wing flaps are not extended beyond the prescribed position, the throttle-actuated warning system is needed. Therefore, the suggestion has not been accepted.

A comment was received which estimated the cost of modification of the total air carrier fleet to be over one million dollars and that this represents only the initial cost and does not include recurring costs for maintenance or delays due to malfunctioning equipment. The comment went on to state that if the proposed installation could contribute materially to safety the cost would not be excessive, but questioned that this has been demonstrated. The Agency does not agree that it is questionable that the proposed installation could contribute materially to safety, but finds that significant improvement in safety will be provided as evidenced in the foregoing discussion.

Several comments indicate that some interpretations of the proposal could result in the warning sounding for long periods of time during approach and takeoff. The intent of the proposal was that on those airplanes for which an approach flap position is determined by the climb performance requirements under which the airplane is type certificated, the warning system would be activated when the wing flaps are extended beyond the maximum approach position. On airplanes whose type certification basis does not include climb performance requirements that determine approach flap positions, the intent of the proposal was to activate the warning system when the flaps are extended beyond the position normally used during landing gear extension. The final rule is clarified in this respect.

A comment was received suggesting that flexibility be permitted in selecting the flap position at which the gear-up warning system is activated. If the selected position is less than that specified in the proposal, as clarified in the preceding paragraph, a large number of nuisance warnings would occur during approaches and takeoffs. On the other hand, if the selected position is greater than that specified in the proposal, as clarified above, the gear-up warning system would lose effectiveness because it would sound late in the approach. Therefore, the suggestion has not been accepted.

A comment suggested changing the proposal to apply only to those airplanes in which the main landing gear is used as a speed control device. None of the inadvertent gear-up landing accidents involved the main gear down and nose gear up, which would occur if the landing gear were not lowered after using the main gear to control airspeed. Therefore, this suggestion has not been accepted.

One comment recommended that, if the proposal is adopted, provision should be made for continuation of flight with the device inoperative. This will be determined by a Flight Operations Evaluation Board for each model airplane affected by the rule and included in the appropriate part of each air carrier's manual, in accordance with § 41.391.

There were other comments which recommended amending the proposal to apply to all aircraft with retractable gears rather than limiting it to airplanes with a maximum weight of more than 12,500 pounds. This recommendation goes beyond the scope of the notice, and would require that an additional notice of proposed rule making be issued. The Agency is conducting a separate study of inadvertent gear-up landing accidents involving small airplanes. If the study indicates that amendments to the gear-up warning system requirements are needed, appropriate proposals will be made.

A number of comments requested that the proposal be revised to specify clearly that the flap position revising unit can be installed at either the flap or the flap control handle. The intent of the proposal was that the sensing unit can be installed at any suitable location in the airplane and the final rule is so amended.

A comment was received requesting that the compliance date for installation of the proposed warning system be one year after adoption of the rule, to permit adequate time to design, fabricate, and install the system on all airplanes in air carrier operations. The Agency believes that this is a reasonable request and the final rule is amended accordingly. The Agency also considers it appropriate to provide for the possibility that an air carrier may not be able to meet the compliance date due to circumstances beyond his control. The final rule is further amended to include provisions whereby the Agency's assigned inspector may authorize a limited extension of the compliance date.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is hereby amended as follows, effective May 22, 1964:

1. By adding a new § 41.155 to read as follows:

§ 41.155 Landing gear aural warning device.

(a) Except as otherwise provided in paragraph (b) of this section, on and after May 1, 1965, landplanes having a maximum weight of more than 12,500 pounds shall be provided with a landing gear aural warning device to function continuously when the wing flaps are extended in accordance with subparagraph (1) or (2) of this paragraph and the landing gear is not fully extended and locked. There shall be no manual shutoff provided for the warning device. The flap position sensing unit may be installed at any suitable location in the airplane. The wing-flap-actuated warning system shall be in addition to the throttle-actuated device installed in compliance with the airworthiness requirements under which the landplane was type certificated. The system required by this paragraph may utilize any portion of the throttle-actuated system including the aural warning device.

(1) For landplanes having an established approach wing-flap position, when the wing flaps are extended beyond the maximum certificated approach climb configuration position in the Airplane Flight Manual.

(2) For landplanes without an established approach climb wing-flap position, when the wing flaps are extended beyond the position at which landing gear extension normally is performed.

(b) Prior to February 1, 1965, the air carrier may submit to the assigned Federal Aviation Agency principal inspector, in writing, a request for extension of the May 1, 1965, date specified in paragraph (a) of this section, together with supporting data along the lines set forth in subparagraphs (1) and (2) of this paragraph. The inspector may extend the May 1, 1965, compliance date, but in no event shall such compliance date be extended beyond August 1, 1965, if he finds that the air carrier—

(1) Made a diligent effort to comply with the May 1, 1965, date, but will not be able to comply by that date due to procurement or installation problems beyond its control; and

(2) Has undertaken specific action to comply with the requirements of paragraph (a) of this section at the earliest practicable date following May 1, 1965.

§ 40.170 [Amended]

2. By amending § 40.170(c)(1) by deleting the reference "§§ 40.150 through 40.153" and inserting in lieu thereof the reference "§§ 40.150 through 40.155".

Issued in Washington, D.C., on April 15, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-3907; Filed, Apr. 21, 1964; 8:45 a.m.]

[Reg. Docket No. 1740; Amdt. 41-7]

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGED IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

Wing-Flap-Actuated Landing Gear Warning System

The Federal Aviation Agency published as a notice of proposed rule making (28 F.R. 4958), circulated as Notice No. 63-19 dated May 10, 1963, a proposal to amend Parts 4b, 40, 41, and 42 of the Civil Air Regulations to require the installation of a wing-flap-actuated landing gear warning system.

All airplane airworthiness regulations require, for airplanes with retractable landing gear, that a means be provided for indicating to the pilot when the gear is secured in the extended and in the retracted positions; that, in addition, landplanes be provided with an aural warning device to function continuously when one or more throttles are closed if the gear is not fully extended and locked. The airplane airworthiness regulations that permit a manual shutoff for the aural warning device also require that it be installed so that reopening the throttles will reset the warning mechanism. A third safety provision, required in §§ 4b.740 and 41.176, is the cockpit check procedure (checklist) to be used by the flight crew during all phases of operation.

The Agency finds, from a review of the accident record over the past 8 years, that 17 inadvertent gear-up landing accidents involved airplanes operating under Parts 40, 41, and 42. Fifteen of these accidents involved a number of airplane models, irrespective of performance or type of powerplant used, whose maximum weight exceeded 12,500 pounds. Although these accidents did not result in either major injuries or fatalities, such accidents are potentially hazardous, particularly because of possible ignition of fuel which might be spilled.

From the analysis of the accident record and from a study of operational practices relating to landing gear aural warning systems, the Agency finds that the currently prescribed throttle-actuated aural warning device and the other safety provisions are not sufficiently effective in preventing inadvertent gear-up landing accidents. The Agency further finds that installation of a wing-flap-actuated aural warning system should reduce the number of such accidents, thereby eliminating the potential hazard to the airplane occupants and preventing damage to the airplane.

Among the comments received in response to the notice of proposed rule making were objections to the proposed requirement. It was contended that the installation of a fourth safety device was unjustified. The Agency disagrees because 10 of the 15 inadvertent gear-up landing accidents involving transport category airplanes probably would have been prevented if a wing-flap-actuated warning system had been installed. These accidents occurred after long approaches with throttles retarded and with the aural warning device manually shut off and not reset prior to landing, or after long power-on approaches and the aural warning device actuated too late to discontinue the approach and initiate a go-around. (The remaining 5 accidents involved 2 deactivated aural warning circuits because of a missing fuse and a pulled circuit breaker; a landing with the pilot aware that the gear was still extending; a complete electrical failure; and a no-flap landing during training.) The comment went on to say that the justification in the notice refers only to jet airplanes but the specific proposal applies to all type airplanes. It should be noted that the notice states that "the currently prescribed landing gear warning system is inadequate because of the faster pace of present day operations (which reduces the effectiveness of the checklist on all airplanes) and because of the operational characteristics of jet transports (long straight-in approaches with throttles retarded, occasionally all the way to touchdown) * * *" The notice clearly speaks of all transport category airplanes and is not limited to any particular class. Although the notice refers only to jet transports in regard to long straight-in approaches with throttles retarded, 4 of the 10 transport gear-up landing accidents that the Agency believes would have been prevented by wing-flap-actuated landing gear warning involved propeller-driven airplanes making ap-

curement or installation problems beyond its control; and

(2) Has undertaken specific action to comply with the requirements of paragraph (a) of this section at the earliest practicable date following May 1, 1965.

§ 41.170 [Amended]

2. By amending § 41.170(c)(1) by deleting the reference "§§ 41.150 through 41.154" and inserting in lieu thereof the reference "§§ 41.150 through 41.155".

Issued in Washington, D.C., on April 15, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-3908; Filed, Apr. 21, 1964; 8:45 a.m.]

[Reg. Docket No. 1740; Amdt. 42-6]

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

Wing-Flap-Actuated Landing Gear Warning System

The Federal Aviation Agency published as a notice of proposed rule making (28 F.R. 4958), circulated as Notice No. 63-19 dated May 10, 1963, a proposal to amend Parts 4b, 40, 41, and 42 of the Civil Air Regulations to require the installation of a wing-flap-actuated landing gear warning system.

All airplane airworthiness regulations require, for airplanes with retractable landing gear, that a means be provided for indicating to the pilot when the gear is secured in the extended and in the retracted positions; that, in addition, land planes be provided with an aural warning device to function continuously when one or more throttles are closed if the gear is not fully extended and locked. The airplane airworthiness regulations that permit a manual shutoff for the aural warning device also require that it be installed so that reopening the throttles will reset the warning mechanism. A third safety provision, required in §§ 4b.740 and 42.176, is the cockpit check procedure (checklist) to be used by the flight crew during all phases of operation.

The Agency finds, from a review of the accident record over the past 8 years, that 17 inadvertent gear-up landing accidents involved airplanes operating under Parts 40, 41, and 42. Fifteen of these accidents involved a number of airplane models, irrespective of performance or type of powerplant used, whose maximum weight exceeded 12,500 pounds. Although these accidents did not result in either major injuries or fatalities, such accidents are potentially hazardous, particularly because of possible ignition of fuel which might be spilled.

From the analysis of the accident record and from a study of operational practices relating to landing gear aural warning systems, the Agency finds that the currently prescribed throttle-actuated aural warning device and the other safety provisions are not sufficiently effective in preventing inadvertent gear-up landing accidents. The Agency further finds that installation of a wing-flap-actuated aural warning system should reduce the number of such accidents, thereby eliminating the potential hazard to the airplane occupants and preventing damage to the airplane.

Among the comments received in response to the notice of proposed rule making were objections to the proposed requirement. It was contended that the installation of a fourth safety device was unjustified. The Agency disagrees because 10 of the 15 inadvertent gear-up landing accidents involving transport category airplanes probably would have been prevented if a wing-flap-actuated warning system had been installed. These accidents occurred after long approaches with throttles retarded and with the aural warning device manually shut off and not reset prior to landing, or after long power-on approaches and the aural warning device actuated too late to discontinue the approach and initiate a go-around. (The remaining 5 accidents involved 2 deactivated aural warning circuits because of a missing fuse and a pulled circuit breaker; a landing with the pilot aware that the gear was still extending; a complete electrical failure; and a no-flap landing during training.) The comment went on to say that the justification in the notice refers only to jet airplanes but the specific proposal applies to all type airplanes. It should be noted that the notice states that "the currently prescribed landing gear warning system is inadequate because of the faster pace of present day operations (which reduces the effectiveness of the checklist on all airplanes) and because of the operational characteristics of jet transports (long straight-in approaches with throttles retarded, occasionally all the way to touchdown) • • •" The notice clearly speaks of all transport category airplanes and is not limited to any particular class. Although the notice refers only to jet transports in regard to long straight-in approaches with throttles retarded, 4 of the 10 transport gear-up landing accidents that the Agency believes would have been prevented by wing-flap-actuated landing gear warning involved propeller-driven airplanes making approaches with throttles retarded. The proposal, therefore, is applicable to all transport airplanes irrespective of method of propulsion.

A comment was received suggesting that the presently required throttle-actuated gear-up warning system is adequate on airplanes which do not have the optional manual shutoff on the aural device and, therefore, on such airplanes the proposed flap-actuated warning system should not be required. The throttle-actuated warning system is not activated during a power-on approach, even if the aural warning device is functioning. Of the transport airplane gear-up landing accidents previously mentioned, one definitely and probably two others occurred after a power-on approach. Therefore, the suggestion has not been accepted.

A comment was received questioning the validity of the premise in the notice that the faster pace of present day operations reduces the effectiveness of the landing checklist. It was contended that the landing checklist may be too long and cumbersome, and suggested shortening it so that flight crews would be more aware of important items such as extending the gear prior to landing. The Agency does not consider that landing checklists are unnecessarily long or cumbersome. In none of the gear-up accident investigations was this suggested by flight crewmembers. There is no evidence that shorter checklists would change the cockpit procedures to make the existing warning and indication systems more effective or reduce the frequency of inadvertent gear-up accidents.

A comment was received contending that on certain airplanes the presently required throttle-actuated warning system is ineffective because it activates too many nuisance warnings, and sugests that the proposed wing-flap-actuated system alone should be considered adequate. The proposed warning system is activated when wing flaps are extended beyond a prescribed position; however, if a landing is made in which the wing flaps are not extended beyond the prescribed position, the throttle-actuated warning system is needed. Therefore, the suggestion has not been accepted.

A comment was received which estimated the cost of modification of the total air carrier fleet to be over one million dollars and that this presents only the initial cost and does not include recurring costs for maintenance or delays due to malfunctioning equipment. The comment went on to state that if the proposed installation could contribute materially to safety the cost would not be excessive, but questioned that this has been demonstrated. The Agency does not agree that it is questionable that the proposed installation could contribute materially to safety, but finds that significant improvement in safety will be provided as evidenced in the foregoing discussion.

Several comments indicate that some interpretations of the proposal could result in the warning sounding for long periods of time during approach and takeoff. The intent of the proposal was that on those airplanes for which an approach flap position is determined by the climb performance requirements under which the airplane is type certificated, the warning system would be activated when the wing flaps are extended beyond the maximum approach position. On airplanes whose type certification basis does not include climb performance requirements that determine approach flap positions, the intent of the proposal was to activate the warning system when the flaps are extended beyond the position normally used during landing gear extension. The final rule is clarified in this respect.

A comment was received suggesting that flexibility be permitted in selecting the flap position at which the gear-up warning system is activated. If the selected position is less than that specified in the proposal, as clarified in the preceding paragraph, a large number of nuisance warnings would occur during approaches and takeoffs. On the other hand, if the selected position is greater than that specified in the proposal, as clarified above, the gear-up warning system would lose effectiveness because it would sound late in the approach. Therefore, the suggestion has not been accepted.

A comment suggested changing the proposal to apply only to those airplanes in which the main landing gear is used as a speed control device. None of the inadvertent gear-up landing accidents involved the main gear down and nose gear up, which would occur if the landing gear were not lowered after using the main gear to control airspeed. Therefore, this suggestion has not been accepted.

One comment recommended that, if the proposal is adopted, provision should be made for continuation of flight with the device inoperative. This will be determined by a Flight Operations Evaluation Board for each model airplane affected by the rule and included in the appropriate part of each air carrier's manual, in accordance with § 42.391.

There were other comments which recommended amending the proposal to apply to all aircraft with retractable gears rather than limiting it to airplanes with a maximum weight of more than 12,500 pounds. This recommendation goes beyond the scope of the notice, and would require that an additional notice of proposed rule making be issued. The Agency is conducting a separate study of inadvertent gear-up landing accidents involving small airplanes. If the study indicates that amendments to the gear-up warning system requirements are needed, appropriate proposals will be made.

A number of comments requested that the proposal be revised to specify clearly that the flap position revising unit can be installed at either the flap or the flap control handle. The intent of the proposal was that the sensing unit can be installed at any suitable location in the airplane and the final rule is so amended.

A comment was received requesting that the compliance date for installation of the proposed warning system be one year after adoption of the rule, to permit adequate time to design, fabricate, and install the system on all airplanes in air carrier operations. The Agency believes that this is a reasonable request and the final rule is amended accordingly. The Agency also considers it appropriate to provide for the possibility that an air carrier may not be able to meet the compliance date due to circumstances beyond his control. The final rule is further amended to include provisions whereby the Agency's assigned inspector may authorize a limited extension of the compliance date.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, Part 42 of the Civil Air Regulations (28 F.R. 7124) is hereby amended as follows, effective May 22, 1964:

1. By adding a new § 42.155 to read as follows:

§ 42.155 Landing gear aural warning device.

(a) Except as otherwise provided in paragraph (b) of this section, on and after May 1, 1965, landplanes having a maximum weight of more than 12,500 pounds shall be provided with a landing gear aural warning device to function continuously when the wing flaps are extended in accordance with subparagraph (1) or (2) of this paragraph and the landing gear is not fully extended and locked. There shall be no manual shutoff provided for the warning device. The flap position sensing unit may be installed at any suitable location in the airplane. The wing-flap-actuated warning system shall be in addition to the throttle-actuated device installed in compliance with the airworthiness requirements under which the landplane was type certificated. The system required by this paragraph may utilize any portion of the throttle-actuated system including the aural warning device.

(1) For landplanes having an established approach wing-flap position, when the wing flaps are extended beyond the maximum certificated approach climb configuration position in the Airplane Flight Manual.

(2) For landplanes without an established approach climb wing-flap position, when the wing flaps are extended beyond the position at which landing gear extension normally is performed.

(b) Prior to February 1, 1965, the operator may submit to the assigned Federal Aviation Agency principal inspector, in writing, a request for extension of the May 1, 1965, date specified in paragraph (a) of this section, together with supporting data along the lines set forth in subparagraphs (1) and (2) of this paragraph. The inspector may extend the May 1, 1965, compliance date, but in no event shall such compliance date be extended beyond August 1, 1965, if he finds that the operator—

(1) Made a diligent effort to comply with the May 1, 1965, date, but will not be able to comply by that date due to procurement or installation problems beyond its control; and

(2) Has undertaken specific action to comply with the requirements of paragraph (a) of this section at the earliest practicable date following May 1, 1965.

§ 42.170 [Amended]

2. By amending § 42.170(c)(1) by deleting the reference "§§ 42.150 through 42.154" and inserting in lieu thereof the reference "§§ 42.150 through 42.155".

Issued in Washington, D.C., on April 15, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-3909; Filed, Apr. 21, 1964; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-AL-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On January 30, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1587) stating that the Federal Aviation Agency proposed to alter the Bettles, Alaska, control zone, revoke the Bettles control area extension and designate the Bettles transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Bettles, Alaska, control zone is amended to read:

Bettles, Alaska.

Within a 5-mile radius of Bettles Airport (latitude 66°55'00" N., longitude 151°31'00" W.); within 2 miles each side of the Bettles RR SE course, extending from the 5-mile radius zone to 8 miles SE of the RR; within 2 miles each side of the 210° bearing from the RR, extending from the 5-mile radius zone to 8 miles SW of the RR, and within 2 miles each side of the Bettles VOR 216° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR.

2. Section 71.165 (29 F.R. 1073) is amended by revoking the following control area extension: "Bettles, Alaska."

3. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Bettles, Alaska.

That airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Bettles VOR, extending clockwise from the NE boundary of Amber 2 to a line 8 miles NW of and parallel to the Bettles VOR 216° radial, and within an 8-mile radius of Bettles VOR, extending clockwise from a line 8 miles NW of and parallel to the Bettles VOR 216° radial to the NE boundary of Amber 2; and that airspace extending upward from 14,500 feet MSL within 9 miles NE and 16 miles SW of the Bettles VOR 155° and 335° radials, extending from 12 miles NW to 26 miles SE of the VOR. The portion of the transition area extending upward from 14,500 feet MSL is excluded from Federal airways.

These amendments shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3910; Filed, Apr. 21, 1964; 8:46 a.m.]

[Airspace Docket No. 63-AL-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area

On January 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 569) stating that the Federal Aviation Agency (FAA) proposed to alter the Galena, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Department of the Air Force did not object to the proposed action but requested that the proposal be amended to provide for the designation of a transition area with a base of 14,500 feet mean sea level to provide protection for aircraft conducting instrument approaches and holding procedures based on the Galena TACAN 228° True radial. The additional procedure to be protected (SIAP JAL-1229-TACAN-2) was published after publication of the notice of proposed rule making. The FAA feels it would be more prudent to proceed with rule-making action on the original proposal at this time and to publish a new proposal pertaining to the additional transition area. This new proposal will be contained in Airspace Docket No. 64-AL-4. Also, subsequent to publication of the notice, it was determined that the 14,500-foot transition area based on the Galena TACAN 128° True radial is required only to a distance of 22 miles northeast of the radial and not 27 miles northeast as proposed. Since this change is less restrictive in nature and imposes no additional burden on any person, notice and public procedure are unnecessary. Therefore, this change is reflected in the action taken herein.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Galena, Alaska, control zone is amended to read:

Galena, Alaska.

Within a 5-mile radius of Galena Airport (latitude 64°44'10" N., longitude 156°56'00" W.); within 2 miles each side of the Galena TACAN 257° radial, extending from the 5-mile radius zone to 11 miles W of the TACAN; within 2 miles each side of the Galena TACAN 090° radial, extending from the 5-mile radius zone to 8 miles E of the TACAN, and within 2 miles each side of the 089° bearing from the Galena RR, extending from the 5-mile radius zone to 11.5 miles E of the RR.

2. In § 71.181 (29 F.R. 1160), the Galena, Alaska, transition area is amended to read:

Galena, Alaska.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Galena TACAN 257° radial, extending from 11 miles to 12 miles W of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 32-mile radius of the Galena RR; and that airspace extending upward from 14,500 feet MSL within 14 miles SW and 22 miles NE of the Galena TACAN 128° radial, extending from the 32-mile radius area to 75 miles SE of the TACAN. The portion of this transition area with a floor of 14,500 feet MSL is excluded from Federal airways.

These amendments shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3911; Filed, Apr. 21, 1964; 8:46 a.m.]

[Airspace Docket No. 63-CE-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area; Revocation of Control Area Extension and Transition Area; and Designation of Transition Area

On December 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 13940), followed by a supplemental notice of proposed rule making published on January 15, 1964 (29 F.R. 352), stating that the Federal Aviation Agency proposed to alter the Springfield, Ill., control zone, revoke the Springfield control area extension and the Jacksonville, Ill., transition area, and designate the Springfield transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notices, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Springfield, Ill., control zone is amended to read:

Springfield, Ill.

Within a 5-mile radius of Capital Airport, Sprinfigeld, Ill. (latitude 39°50'35" N., longitude 89°40'35" W.); within 2 miles each side of the ILS localizer SW course, extending from the 5-mile radius zone to the ILS OM; within 2 miles each side of the Capital VOR 040° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR; and within 2 miles each side of the ILS localizer NE course extending from the 5-mile radius zone to 8 miles NE of the INT of the ILS localizer NE course and the Capital VOR 132° radial.

2. In § 71.165 (29 F.R. 1073), the following control area extension is revoked: "Springfield, Ill."

3. Section 71.181 (29 F.R. 1160) is amended as follows:

a. The following transition area is revoked: "Jacksonville, Ill."

b. The following transition area is added:

Springfield, Ill.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Capital Airport, Springfield, Ill. (latitude 39°50'35" N., longitude 89°40'35" W.); within 2 miles each side of the Springfield RR 214° bearing, extending from the 7-mile radius area to 12 miles SW of the RR, and within 2 miles each side of the ILS localizer SW course, extending from the 7-mile radius area to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within a 26-mile radius of Capital Airport, extending clockwise from the Capital VOR 164° radial to a line 5 miles SE of and parallel to the Capital VOR 058° radial; within a 15-mile radius of the Capital VOR, extending clockwise from a line 5 miles SE of and parallel to the Capital VOR 058° radial to the Capital VOR 164° radial; that airspace extending from the 26-mile radius area bounded on the E by longitude 89°33'00" W., on the SE by V-426, on the S by the arc of a 33-mile radius circle centered on the Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), on the W by the W boundary of V-9W and longitude 90°10'00" W.; and that airspace W of Springfield within 6 miles N and 10 miles S of the Capital VOR 269° radial, extending from the 26-mile radius area to 45 miles W of the VOR.

c. The St. Louis, Mo., transition area is amended as follows: In the text "excluding the airspace within the Jacksonville, Ill., and Vandalia, Ill., transition areas" is deleted and "excluding the airspace within the Vandalia, Ill., transition area" is substituted therefor.

These amendments shall become effective 0001 e.s.t., August 20, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3912; Filed, Apr. 21, 1964; 8:46 a.m.]

[Airspace Docket No. 64-SW-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

On February 15, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2505) stating that the Federal Aviation Agency (FAA) proposed to alter the Alexandria, La. (Esler Field) control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all relevant matter presented.

Subsequent to the publication of the notice, the FAA found it necessary to delay the decommissioning of the Esler Field radio beacon for approximately six months. The instrument approach procedure (AL-5021-ADF-1) based on this facility will be retained until the decommissioning. Therefore, the control zone extension based on the 327° True bearing from the Esler radio beacon will also be retained to protect aircraft executing the ADF-1 procedure. The Air Transport Association of America (ATA) suggested that alteration of the control zone include an extension for protection of aircraft utilizing a "planned VOR back course procedure." Additional controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

The substance of the proposed amendment having been published and for the reasons stated herein and in the notice, the following action is taken:

In § 71.171 (29 F.R. 1101) the Alexandria, La. (Esler Field) control zone is amended to read:

Alexandria, La. (Esler Field).

Within a 5-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.), within 2 miles each side of the 327° bearing from the Esler Field RBN extending from the 5-mile radius zone to the RBN, and within 2 miles each side of the Esler Field VOR 338° radial extending from the 5-mile radius zone to 8 miles NW of the VOR.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3913; Filed, Apr. 21, 1964; 8:46 a.m.]

[Airspace Docket No. 64-WE-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The Tacoma, Washington, control zone is now described, in part, by reference to the McChord LF/MF radio range. This range will be converted to a nondirectional radio beacon approximately May 1, 1964. The purpose of this amendment is to revise the description of the control zone accordingly.

Since this amendment is editorial in nature, compliance with the notice and public procedure requirements of the Administrative Procedure Act is unnecessary and it may be made effective less than 30 days after p iblication.

For the above reason, § 71.171 (29 F.R. 1101) is amended to describe the Tacoma, Wash., control zone as follows:

Tacoma, Wash.

Within a 5-mile radius of McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'05" W.); and within 2 miles each side of the McChord RBN 360° bearing, extending from the 5-mile radius zone to the RBN.

This amendment shall become effective 0001 e.s.t., May 1, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3914; Filed, Apr. 21, 1964; 8:46 a.m.]

[Airspace Docket No. 63-CE-120]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Transition Area

On January 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 574) stating that the Federal Aviation Agency proposed to alter the existing transition area at Hays, Kans.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

The substance of the proposed amendment having been published and for the reasons stated in the notice, the following action is taken:

In § 71.181 (29 F.R. 1160) the Hays, Kans., transition area is amended to read:

Hays, Kans.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Hays Municipal Airport (latitude 38°-51'00" N., longitude 99°16'30" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 176° bearing from Hays Municipal Airport, extending from the airport to 18 miles S of the airport.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3915; Filed, Apr. 21, 1964; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-403]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

Reasonable Level of Compensation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of April 1964.

By EDR-67, March 13, 1964, 29 F.R. 3440, the Board proposed to amend, effective July 1, 1964, Part 288 of its Economic Regulations by further reducing the minimum rates applicable to MATS cargo charters in foreign and overseas air transportation. The new proposed minimums were intended to reflect the lower unit operating costs of pure jet aircraft in anticipation that such aircraft would meet increasing use by the military establishment in fiscal year 1965. Cost data underlying the new rate levels were attached to the notice, and comments from interested persons were invited. All materials submitted have been fully considered and the Board has decided that the minimum rates proposed in EDR-67 should be adopted.

In general, the comments of the carriers which participate in MATS cargo charters, with the exception of Pan American World Airways, Inc. (Pan American), are opposed to the proposed minimum rate reductions altogether, or at least at this time. They argue in particular that some experience under the actual fiscal year 1965 MATS procurement program should be obtained before new minimums are set by the Board.

Cost data. Some carriers point to certain alleged deficiencies in the cost findings, although no carrier has brought out errors in costs pertaining to itself; the allegations of errors and deficiencies relate to costs of other carriers. Slick Airways claims, for example, that the costs of Pan American were a year old, were related to passenger experience and not cargo services, and that the more recent filed data were inconsistent with cost estimates used by the Board. The Flying Tiger Line, on the other hand, states "we do not quarrel with the cost figures which the Board has derived for the jet aircraft." It also states "PAA, of course, did have experience figures and the figures as shown in EDR-67 check out with the data on the PAA Forms 41." On the one hand Slick claims that Pan American's flying operation costs in the Pacific, direct maintenance and maintenance burden are higher than the figures used by the Board; on the other hand, Slick complains that the Board's estimates for Pan American's investment, depreciation and estimated ground costs are too high. Pan American itself raises no questions as to the Board's estimates of carrier costs, but presses for lower minimums than the Board proposes.

We agree with Slick and the other carriers that current experience data with convertible jets in MATS services would be the ideal basis for establishing minimum rates, and we were mindful of this fact that the time the notice was published. However, the forecasts used by the Board are the best data available at this time and we believe that they are sufficiently reliable in the manner in which they have been used.

Utilization. Several carriers have pointed out the fact that the eight hours of daily utilization employed in computing cost is not realistic in their case. It is true that a forecast of eight hours is somewhat optimistic in the case of the smaller carriers. On the other hand, larger carriers may achieve better than an eight-hour utilization rate. As we pointed out in ER-401, the uniform rate approach, which all parties apparently favor, dictates an accommodation between two utilization extremes. On balance we believe that the eight-hour utilization assumed in constructing the minimum rates herein is as reasonable as any assumed level, and none of the carriers has suggested any other level as being a more reasonable overall figure.

Division of usage. As was pointed out in the notice, the proposed rates have been predicated upon an even division between the usage of pure jets and CL-44's in MATS foreign and overseas cargo charter services. Of course the actual division cannot be ascertained until MATS makes its specific awards for fiscal year 1965. In fact, it appears likely

that MATS may use commercial services (Category A) to a greater degree in fiscal year 1965 than heretofore. If in fact the cargo traffic were to be moved for the most part on CL–44 aircraft in fiscal year 1965 as has been the case in fiscal year 1964, then the carriers would be inadequately compensated because of undue weighting for lower jet costs. However, a substantial number of cargo jets have recently been acquired, and it is to be expected that MATS will employ such aircraft in satisfying a significant portion of its cargo lift requirements. On the other hand, if the cargo rates were set on pure jet costs, as Pan American appears to argue for, then the CL–44 operators would be paid an unduly low rate. No carrier has proposed any other specific basis for the mix, and in light of all the prevailing circumstances we believe that the assumed 50–50 division is a reasonable one.

Other carrier comments. Capitol Airways, Inc. reiterates its position that the new minimum cargo rates should be limited in their application to jet and turboprop aircraft, maintaining that MATS uses piston aircraft in situations which would result in over-all economies to the government. Capitol presents no new facts and we adhere to our view expressed in ER–401 that higher rates for piston aircraft would largely price them out of the market.[1]

Pan American contends, in principal part, that the Board should establish two sets of rates, one for jets and one for the CL–44. We do not believe that separate rates for jets and turbo-prop services are practical. The Defense Department would be compelled in normal circumstances to tender the contracts to the lower cost jet operators, which in effect would put the turbo-prop cargo aircraft operators out of business. This result would be incompatible with the Board's responsibility for promoting and developing a sound civil aviation system in the national interest. Pan American also argues that the one-way rate should be further reduced to 16.8 cents per ton-mile. In our opinion the 16.8-cent rate would be uneconomic even for the jet cargo aircraft in one-way operations due to the fact that most backhauls are operated on a ferry basis.

United Air Lines, Inc., challenges again, as it did in its comments in connection with ER–401, the Board's legal authority to establish minimum rates applicable to MATS charters in foreign air transportation. The carrier presents no new argument, however, and we see no occasion to add to what we said on the matter in ER–401.

Flying Tiger (FTL) challenges the validity of the new minimum rates with respect to operations across the North Pacific, maintaining that as compared to the mid-Pacific route, operations on the Northern route are more costly because of higher fuel costs, stronger headwinds, greater likelihood of diversions and higher maintenance and servicing costs. FTL apparently is urging that the new rate should, in some manner, take into account such higher cost factors. Yet the carrier has not supported these contentions with sufficient factual data upon which to determine the amount of the cost differential. FTL did not previously raise the cost argument with respect to the North Pacific in the recent proceeding to amend Part 288 (Docket 14749, which culminated in ER–401), but now advances this argument for the first time. In the absence of an affirmative showing by FTL as to what the precise cost differential is, the Board is unable to determine whether an adjustment should be made with respect to North Pacific operations, or how much any such adjustment should be.

General. We are aware that the proposed cargo rate minimums are predicated upon important factors which cannot be factually determined at this time but which must be estimated or assumed. However, this is fundamental in most ratemaking for the future.

Knowledge of the facts of the fiscal year 1965 procurement would provide a better basis for forecasting utilization and the weighting to be given jet costs in relation to turbo-prop costs. Moreover, the cost characteristics of the new jet cargo aircraft will undoubtedly be better understood after a reasonable period of cargo operating experience. On the other hand, it is obviously in the public interest to give the military the cost benefits of technological improvements as soon as practicable, and the use of both types of aircraft in the forthcoming fiscal year is the most reasonable assumption upon which to proceed. In addition, from a planning point of view, it is important that the military know what effect introduction of improved equipment will have on its costs prior to the fiscal year 1965 awards. In the light of the foregoing we have determined to adopt the proposed cargo rate minimums and to make them effective on July 1, 1964 for use in fiscal year 1965.

Accordingly, the Civil Aeronautics Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective July 1, 1964, as follows:

In § 288.7(a), subparagraphs (5) and (6) are redesignated as subparagraphs (6) and (7), respectively, and new subparagraph (5) is added to read:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(5) For services performed on and after July 1, 1964, other than services specified in subparagraphs (6) and (7) of this paragraph:

(i) All round trips on which passengers are carried on at least one segment thereof—2.55 cents per passenger-mile.

(ii) Round-trip cargo services—10.5 cents per cargo ton-mile.

(iii) One-way passenger and mixed passenger-cargo services—4.2 cents per passenger-mile.

(iv) One-way cargo services—19.0 cents per cargo ton-mile: *Provided*, That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to the passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

* * * * *

(Secs. 204(a), 407, and 416 of the Federal Aviation Act of 1958; 72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–3962; Filed, Apr. 21, 1964; 8:50 a.m.]

[1] We have, however, in ER–401 prescribed higher minimum rates in certain geographical areas where piston aircraft are used exclusively.

[Order No. E–20716]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Stay of Effectiveness

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of April 1964.

Petitions for reconsideration have been filed herein seeking, inter alia, modification of the Board's decision of February 24, 1964 (Orders E–20530 and 20531), awarding certificate authority to Capitol Airways and Saturn Airways. It appearing to the Board that it cannot finally dispose of these petitions prior to April 18, 1964, the date presently fixed for making Capitol's and Saturn's certificates effective;

It is therefore ordered, That the effectiveness of the certificates of public convenience and necessity issued to Capitol Airways, Inc., and Saturn Airways, Inc., by Order E–20530 and of Part 295 of the Board's Economic Regulations (29 F.R. 3151) issued by Order E–20531 be and they hereby are stayed to and including April 30, 1964.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–3981; Filed, Apr. 21, 1964; 9:00 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 4008; Amdt. 718]

PART 507—AIRWORTHINESS DIRECTIVES

de Havilland Model DHC–2 "Beaver" Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the aileron mass balance weight arm and replacement if cracks or corrosion are found on de Havilland Model DHC–2 "Beaver" aircraft was published in 29 F.R. 2609.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DE HAVILLAND. Applies to all Model DHC–2 "Beaver" aircraft.

Compliance required as indicated.

As a result of cracks and corrosion found on the aileron mass balance weight arm C2WA151 and C2WA152 or C2WA127 and C2WA128, accomplish the following inspection within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 475 hours' time in service, and thereafter within 500 hours' time in service from the last inspection.

(a) Inspect the aileron mass balance weight arm on each aileron for cracks and corrosion, particularly around welds, using a dye penetrant and a 10-power magnifying glass, or an FAA-approved equivalent inspection. Prior to inspection, remove all paint (using a paint solvent which will not have a deleterious effect upon the base metal), grease and dirt from all surfaces involved.

(b) If cracks or corrosion are found, replace the part with a new part of the same part number, or an equivalent, approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or make a repair approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. This is to be accomplished before further flight, except that one flight may be made in accordance with the provisions of CAR 1.76 for the purpose of obtaining these repairs.

(de Havilland Engineering Bulletin Series "B", No. 17, dated November 20, 1959, available from de Havilland Aircraft of Canada, Ltd., Toronto, Canada, covers this same subject.)

This amendment shall become effective May 22, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 15, 1964.

W. LLOYD LANE, *Acting Director, Flight Standards Service.*

[F.R. Doc. 64–3916; Filed, Apr. 21, 1964; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–730]

PART 13—PROHIBITED TRADE PRACTICES

Earl H. Anderson and Free School

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–270 *Size and extent;* § 13.75 *Free goods or services;* § 13.100 *Individual attention;* § 13.125 *Limited offers or supply;* § 13.205 *Scientific or other relevant facts;* § 13.260 *Terms and conditions;* § 13.280 *Unique nature or advantages.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1747 *Special or limited offers.* Subpart—Using misleading name—Vendor: § 13.2430 *Non-profit character.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Earl H. Anderson doing business as The Free School, Kokomo, Ind., Docket C–730, Mar. 27, 1964]

In the Matter of Earl H. Anderson, an Individual, Doing Business as The Free School

Consent order requiring a Kokomo, Ind., seller of civil service correspondence courses to cease representing falsely, by use of his trade name and in promotional material and newspaper and magazine advertising, that his courses were free of charge; that purchasers did not have to pay for them until they had civil service positions; that his courses were different from others and were tailored to individual needs; and that his school was the largest of its kind in the United States; and to cease representing falsely through his salesmen that the enrollment fee merely covered the cost of handling and postage, that questions in the course were identical to those in civil service examinations, and that the school enrolled only two or three students in a particular area.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Earl H. Anderson, individually and trading as The Free School, or under any other name, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of correspondence courses of instruction or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Free" as a part of respondent's business or trade name.

2. Representing, directly or by implication, that:

(a) His courses of instruction are given free of charge or without cost, or that the enrollment price charged is limited to the cost of postage or handling; or misrepresenting in any other manner the purpose or the amount of the initial fee charged purchasers of his course of instruction.

(b) Purchasers of respondent's courses of instruction do not have to pay for them until they have secured a civil service position.

(c) The principles of The Free School are different from those of other correspondence schools, or that its courses of instruction are tailored to meet the individual needs of students preparing for civil service examinations.

(d) Respondent's school is the largest school of its kind or the largest school for civil service instructions in the United States; or misrepresenting in any other manner the size of respondent's enterprise.

(e) The questions included in said courses are identical with those which will appear in the Civil Service examination for which the course is alleged to prepare the purchasers.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: March 27, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–3923; Filed, Apr. 21, 1964; 8:47 a.m.]

[Docket No. C–731]

PART 13—PROHIBITED TRADE PRACTICES

Geriatric Research, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–195 *Nature;* § 13.15–235 *Producer status of dealer or seller;* § 13.15–235(k) *Laboratory;* § 13.90 *History of product or offering;* § 13.170 *Qualities or properties of product or service;* § 13.170–52 *Medicinal, therapeutic, healthful, etc.* Subpart—Neglecting, unfairly, or deceptively, to make material disclosure: § 13.1895 *Scientific or other relevant facts.* Subpart—Using misleading name—Goods: § 13.2325 *Qualities or properties.* Subpart—Using misleading name—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization;* § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Geriatric Research, Inc., et al., Chicago, Ill., Docket C–731, Mar. 27, 1964]

In the Matter of Geriatric Research, Inc., a Corporation, and Fred M. Friedlob, Individually and as an Officer of Said Corporation, and Olian & Bronner, Inc., a Corporation, and Maurice H. Bronner, Individually and as an Officer of Both Corporations

Consent order requiring Chicago distributors of a drug preparation and their advertising agency to cease representing falsely in newspaper advertising, by radio and television and otherwise, that their "Over-Fifty Capsulets" were a new discovery, and were of benefit in the prevention of colds, influenza, and other infections; to cease representing that they were of benefit in the treatment and relief of tiredness, nervousness, depression and other similar symptoms unless it was made clear that effectiveness of the preparation was limited to cases of vitamin deficiency, that the named symptoms generally had other causes, and that in persons over 50 there was no special need for any such preparation; and to cease representing falsely, through use of such words as "Geriatric", "Research" or "Laboratories" as part of their trade name, that they were engaged in research or operated a laboraory or were engaged in selling preparations to benefit persons of advanced years.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Geriatric Research, Inc., a corporation trad-

ing as Geriatric Pharmaceuticals, Inc., Geriatric Products, Inc., Geriatric Research Laboratories, or as Geriatric Research Laboratories, Inc., or under any other trade name or names, and its officers, and Fred M. Friedlob, individually and as an officer of said corporation, and Olian & Bronner, Inc., a corporation, and its officers, and Maurice H. Bronner, individually and as an officer of both corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Over-Fifty Capsulets" or any other preparation of substantially similar composition, or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from:

1. Disseminating, or causing the dissemination of any advertisement, directly or indirectly, by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication:

(a) That said preparation is a new medical or scientific discovery or achievement;

(b) That the use of said preparation will be of benefit in the prevention of influenza, colds or other infections;

(c) That the use of said preparation, will be of benefit in the treatment or relief of the symptoms of tiredness, nervousness, restlessness, listlessness, worry, irritability, tension, depression, lack of pep or energy, loss of vigor or vitality, or lack of altertness, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms are due to a deficiency of Vitamin B–1 (Thiamin), Vitamin B–2 (Riboflavin), Vitamin C (Ascorbic Acid), or Niacinamide, and further, unless such advertising clearly and conspicuously reveals the facts that in the great majority of persons, or of any age, sex, or other group or class thereof, who experience such symptoms, these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation, and that in such persons the preparation will not be of benefit;

(d) That the ingredients in said preparation other than Vitamin B–1 (Thiamin), Vitamin B–2 (Riboflavin), Vitamin C (Ascorbic Acid), or Niacinamide will be of benefit in the treatment or relief of tiredness, nervousness, restlessness, listlessness, worry, irritability, tension, depression, lack of pep or energy, loss of vigor or vitality, or lack of alertness.

2. Disseminating, or causing to be disseminated, directly or indirectly, by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement in which the words "Over-Fifty" or any other words of similar import, are used as a part of any name under which respondents do business or as a part of the name of any such preparation, unless respondents clearly and conspicuously state, in immediate conjunction with such words, that in persons over 50 years of age, there is no special need for any such preparation.

3. Disseminating, or causing to be disseminated, directly or indirectly, by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement in which the words "Geriatric", "Research", or "Laboratories", singly or in combination, or any other words of similar import, are used as a part of any name under which respondents Geriatric Research, Inc., Fred M. Friedlob or Maurice H. Bronner do business, or which represents in any manner, directly or indirectly, that said respondents are engaged in research in that field of medicine which is concerned with old age or its diseases, or in research of any kind, or that said respondents operate a laboratory in connection with their business, or that said respondents are engaged in the business of formulating or selling preparations to prevent, treat or cure diseases peculiar to persons of advanced years or the symptoms thereof.

4. Disseminating, or causing to be disseminated, directly or indirectly, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such preparation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1, 2 or 3 hereof or which fails to comply with any of the affirmative requirements of Paragraphs 1 and 2 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 27, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–3924; Filed, Apr. 21, 1964; 8:47 a.m.]

[Docket No. 8573]

PART 13—PROHIBITED TRADE PRACTICES

W.M.R. Watch Case Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service;* § 13.170–96 *Waterproof, waterproofing, water-repellent.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1290 *Qualities or properties.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1900 *Source or origin;* § 13.1900–30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, W.M.R. Watch Case Corp., et al., New York, N.Y., Docket 8573, Mar. 25, 1964]

In the Matter of WMR Watch Case Corp., a Corporation and Sheldon Parker, Individually and as an Officer of Said Corporation, and Sophia K. Cohen Huff, and Sheldon Parker, Co-Partners Trading as WMR Watch Case Company

Order requiring New York City distributors of watch cases to watch makers, assemblers of watches and wholesalers of watch makers' supplies, to cease selling watch cases and bezels made of base metal treated to simulate precious metal or stainless steel, or treated with an unsubstantial flashing of precious metal, without conspicuously disclosing the true metal composition; advertising and branding watch cases falsely as "water resistant"; selling watch cases from Hong Kong—many housing movements from Switzerland with the dials marked "Swiss"—without conspicuous disclosure of their foreign origin.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent WMR Watch Case Corp., a corporation, and its officers, and respondents Sheldon Parker, individually and as an officer of said corporation, and Sheldon Parker, a copartner trading as WMR Watch Case Company or under any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watch cases, or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling watch cases—

(a) Which are in whole or in part composed of base metal that has been treated to simulate precious metal or stainless steel, or

(b) Which are in whole or in part composed of base metal that has been treated with an electrolytically applied flashing or coating of precious metal of less than 1½ of one thousandths of an inch over all exposed surfaces after completion of all finishing operations,

without clearly and conspicuously disclosing on such cases or parts the true metal composition in a form consistent with the Trade Practice Conference Rules for the Watch Industry (set forth in the Code of Federal Regulations, Title 16, Chapter I, Part 170).

2. Offering for sale or selling watch cases which are in whole or in part of foreign origin without affirmatively disclosing the country or place of foreign origin thereof on the exterior thereof on an exposed surface or on a label or tag affixed thereto of such degree of permanency as to remain thereon until consummation of consumer sale of the completed watches and of such conspicuousness as likely to be observed and read by purchasers and prospective purchasers of the completed watches.

3. Representing, directly or by implication, that their watch cases are "water resistant", it being understood that respondents may successfully defend the use of such representation with respect to any watch case or watch, the case of which respondents can show will provide protection against water or moisture to the extent of meeting the test designated Test No. 2 of the Trade Practice Conference Rules for the Watch Industry, as set forth in the Code of Federal Regulations, Title 16, Chapter I, § 170.2(c) (16 CFR 170.2(c)).

4. Supplying to, or placing in the hands of, any dealer or other purchaser means or instrumentalities by or through which he may deceive and mislead the purchasing public in respect to practices prohibited in paragraphs one through three above.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 24, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–3925; Filed, Apr. 21, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

β-CAROTENE; CONFIRMATION OF EFFECTIVE DATE; DELETION FROM PROVISIONAL LISTINGS

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b) (1), (c) (2), 74 Stat. 399, 402; 21 U.S.C. 376 (b) (1), (c) (2)) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of March 5, 1964 (29 F.R. 3003), with reference to the color additive β-carotene. Accordingly, the amendments promulgated by that order will become effective May 4, 1964.

2. Effective May 4, 1964, § 8.501 *Provisional lists for color additives* is amended by deleting from paragraph (f) the item "Carotene, natural and synthetic."

(Sec. 706 (b) (1), (c) (2), 74 Stat. 399, 402; 21 U.S.C. 376 (b) (1), (c) (2))

Dated: April 16, 1964.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64–3967; Filed, Apr. 21, 1964; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Optional Use of Wheat Gluten

In the matter of amending the definitions and standards of identity for bakery products to provide for the optional use of suitable wheat gluten in bread, enriched bread, milk bread, raisin bread, and whole wheat bread, baked in loaf form:

After consideration of the information furnished by the petitioner and that submitted in response to the invitation for comments published in the FEDERAL REGISTER of February 20, 1964 (29 F.R. 2609), together with other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for bakery products as hereinafter set out. Accordingly, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471); *It is ordered:*

A. That the standards of identity for white bread, enriched bread, and milk bread (21 CFR 17.1, 17.2, 17.3) be amended as follows:

§ 17.1 [Amended]

1. Section 17.1 *Bread, white bread, and rolls, white rolls* • • • is amended as follows:

a. The introduction to paragraph (a) is amended by deleting from the fourth sentence the clause "if the food is baked in the form of rolls or buns" and by inserting the word "gluten" following "optional." As amended, the fourth sentence reads: "Each of such foods is seasoned with salt, and in its preparation one or more of the optional ingredients specified in this paragraph and the optional gluten ingredient specified in paragraph (b) (2) of this section may be used:".

b. Paragraph (b) (2) is amended by changing the first sentence to read: "The optional gluten ingredient referred to in paragraph (a) of this section is suitable wheat gluten in such quantity that for each 100 parts by weight of flour used the added gluten does not exceed 2 parts for dough used to make loaves and does not exceed 4 parts for dough used to make rolls or buns."

2. Section 17.2(b) (2) is amended to read:

§ 17.2 Enriched bread and enriched rolls or enriched buns; identity; label statement of optional ingredients.

• • • • • •

(b) • • •

(2) The optional gluten ingredient described in § 17.1(b) (2) may be added in such quantity that for each 100 parts by weight of flour used the added gluten does not exceed 2 parts for dough used to make loaves and does not exceed 4 parts for dough used to make rolls or buns.

§ 17.3 [Amended]

3. In § 17.3 *Milk bread and milk rolls* • • •, paragraph (a) is amended by changing the introduction to the paragraph to read: "Each of the foods milk bread, milk rolls, milk buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.1 (a), (b) (2), and (c), except that:".

B. The notice of proposed rule making in the above-identified matter did not propose that the standards of identity for raisin bread and whole wheat bread be amended. The standard for raisin bread in the form of loaves and rolls or buns already permits the use of suitable wheat gluten. The standard for whole wheat bread limits the farinaceous ingredients to whole wheat flour and does not provide for adding wheat gluten. Because cross-references to § 17.1 (amendment 1) are used in the standards for raisin bread and whole wheat bread, in order to avoid substantive changes in these standards they are amended as follows:

4. Section 17.4(a) (6) is revised to read:

§ 17.4 Raisin bread and raisin rolls or raisin buns; identity; label statement of optional ingredients.

(a) • • •

(6) The optional gluten ingredient described in § 17.1(b) (2) may be added in such quantity that for each 100 parts by weight of flour used the added gluten does not exceed 4 parts for dough used to make loaves, rolls, or buns.

5. Section 17.5(a) (1) is amended to read:

§ 17.5 Whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns; identity; label statement of optional ingredients.

(a) • • •

(1) The dough is made from whole wheat flour, and no flour or gluten in-

gredient as described in § 17.1(b)(2) is used therein.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: April 16, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-3968; Filed, Apr. 21, 1964; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ETHYL CELLULOSE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1346) filed by Fritzsche Brothers, Inc., 76 Ninth Avenue, New York 11, N.Y., and other relevant material, has concluded that an amendment to § 121.1087 should issue to prescribe the use of ethyl cellulose as a fixative in flavor compounds. Therefore pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1087(b) is amended by inserting therein a new subparagraph (3), reading as follows:

§ 121.1087 Ethyl cellulose.

* * * * * *

(b) * * *

(3) As a fixative in flavoring compounds.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 16, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-3969; Filed, Apr. 21, 1964; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 155]

INSPECTION AND CERTIFICATION OF PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture, pursuant to the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), proposes to amend the regulations for inspection and certification of products for dogs, cats, and other carnivora (9 CFR Part 155) in the following respects:

1. Subparagraphs (1) and (2) of paragraph (a) of § 155.29 would be amended to read:

§ 155.29 Composition of certified product for dogs, cats, and other carnivora.

(a) *Composition of canned or semi-moist certified maintenance food.* (1) Only ingredients which are normal to canned or semi-moist food for dogs, cats, and other carnivora, which are favorable to adequate nutrition, and which are classed by the Director of the Division as conforming with requirements contained in this part shall be used in the preparation of certified maintenance food.

(2) Not less than 30 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both, shall be used in the preparation of canned or semi-moist certified maintenance food. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used. The uncooked weight of the meat or animal food meat by-product or both, or of the horse meat or animal food horse meat by-product or both, or of the mule meat or animal food mule meat by-product or both, or combinations thereof, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the certified maintenance food.

* * * * *

2. Subparagraphs (3), (4), (5) and (6) of paragraph (a) of § 155.29 would be amended by adding the word "certified" before the word "maintenance" wherever the latter occurs in those subparagraphs.

3. A new subparagraph (7) would be added to paragraph (a) of § 155.29 reading: Semi-moist certified maintenance food has a soft granular consistency, is shelf stable and has a moisture content not exceeding 27 percent.

4. Section 155.32 would be amended by adding the words "and certified" before the word "product" in the first paragraph of that section.

5. Subparagraphs (1) and (4) of paragraph (a) of § 155.32 would be amended to read:

§ 155.32 Labeling required.

(a) * * *

(1) The name of the canned or semi-moist certified food shall include words such as "dog food," "cat food," "dog and cat food," or "fox food," accompanied with such references to optional ingredients as may be required by the Director of the Division under this part. Product names shall not be misleading in regard to class of canned or semi-moist certified food for which label is intended.

* * * * *

(4) The inspection legend for canned, semi-moist or frozen certified animal food shall appear on the label in the form shown herewith, except that the plant number need not appear with the legend when such number is embossed on the sealed metal container as provided in § 155.33.

* * * * *

The proposed amendments would broaden the coverage of the program by including the animal foods known generally in the trade as "semi-moist." These would be processed to reduce the moisture content to 27 percent or less and they would be shelf stable. They would meet the nutritional requirements which have been applied to canned certified maintenance foods.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of April 1964.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 64-3980; Filed, Apr. 21, 1964; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Rosins and Rosin Derivatives; Proposed Amendments

Correction

In F.R. Doc. 64-3779, appearing at page 5278 of the issue for Friday, April 17, the following correction is made in the proposed amendment of Table 1 of § 121.2550(b)(5): In the Limitations column, the entry should open with the words "As defined in § 121.2514(b)(3)(v) for use only * * *" instead of with the words "As defined in § 121. use only * * *".

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-WA-9]

POSITIVE CONTROL AREAS

Alteration of Proposed Alteration

In a Notice of proposed rule making published in the FEDERAL REGISTER on March 28, 1964 (29 F.R. 4100), it was stated that the Federal Aviation Agency (FAA) proposed lowering the floor of positive control area from flight level 240 to 18,000 feet MSL within an area that would generally coincide with the high altitude boundaries of the following air route traffic control centers: Oakland, Los Angeles, Salt Lake City, Denver, Kansas City, Chicago, Indianapolis, Detroit, Cleveland, New York and Washington. A portion of the area in which it was proposed to lower the floor of positive control area was described as follows:

Latitude 41°01'20" N., longitude 71°50'45" W.; thence south via a line three nautical miles from the mainland to latitude 33°58'-30" N., longitude 77°50'00" W.; thence to latitude 34°00'00" N., longitude 78°07'00" W; thence to latitude 34°12'00" N., longitude 78°17'00" W.; thence to latitude 34°-21'00" N., longitude 79°17'00" W.; thence to latitude 34°31'00" N., longitude 79°30'00" W.; thence to latitude 34°38'00" N., longitude 79°43'20" W.; thence to latitude 34°-51'00" N., longitude 79°55'00" W.; thence to latitude 34°52'00" N., longitude 80°10'20" W.; thence to latitude 35°01'45" N., longitude 80°02'00" W.; thence to latitude 35°47'20" N., longitude 79°31'00" W.; thence to latitude 36°19'00" N., longitude 79°16'00" W.; thence to latitude 36°29'30" N., longitude 79°26'30" W.; thence to latitude 36°35'30" N., longitude 79°32'50" W.; thence to latitude 37°00'20" N., longitude 80°27'40" W.; thence counterclockwise along a 15-statute-mile arc centered on latitude 37°05'16" N., longitude 80°42'33" W.; thence to latitude 37°18'15" N., longitude 80°44'45" W.; thence to latitude 36°34'00" N., longitude 84°01'00" W.; thence to latitude 36°30'00" N., longitude 84°45'00" W.; thence to latitude 36°11'00" N., longitude 85°17'00" W.; thence to latitude 36°54'-00" N., longitude 85°34'00" W.; thence to latitude 37°18'00" N., longitude 86°09'00" W.

Since publication of the notice, it has been determined that effective April 28, 1964, minor changes will be made to the southern boundaries of the Washington and Indianapolis Air Route Traffic Control Center areas, with a corresponding change in the area wherein the floor of positive control would be lowered. Therefore, in lieu of the partial description listed in the foregoing, the following is substituted therefor:

Latitude 41°01'20" N., longitude 71°50'45" W.; thence south via a line three nautical miles from the mainland to latitude 39°57'-05" N., longitude 77°52'05" W.; thence to latitude 34°26'40" N., longitude 78°45'00" W.; thence to latitude 34°25'30" N., longitude 79°20'00" W.; thence to latitude 34°-51'00" N., longitude 79°55'00" W.; thence to latitude 34°52'00" N., longitude 80°10'20" W.; thence to latitude 35°47'20" N., longitude 79°31'00" W.; thence to latitude 36°-19'00" N., longitude 79°16'00" W.; thence to latitude 37°00'00" N., longitude 80°25'10" W.; thence to latitude 37°12'15" N., longitude 80°25'45" W.; thence to latitude 37°-16'00" N., longitude 80°53'00" W.; thence to latitude 37°11'30" N., longitude 81°09'00" W.; thence to latitude 36°34'00" N., longitude 84°01'00" W.; thence to latitude 36°-30'00" N., longitude 84°45'00" W.; thence to latitude 36°12'30" N., longitude 85°10'30" W.; thence to latitude 36°11'00" N., longitude 85°24'00" W.; thence to latitude 36°-54'00" N., longitude 85°35'00" W.; thence to latitude 37°18'00" N., longitude 86°09'00" W.

In addition, a coordinate of the Denver/Kansas City area was incorrectly listed as "latitude 36°33'00" N., longitude 100°04'30" W." This is corrected herein to "latitude 36°33'00" N., longitude 101°04'30" W."

The time within which comments will be received for consideration on the original notice expires on May 7, 1964. Since the alteration proposed herein is minor in nature, the time within which comments will be received for consideration on Airspace Docket No. 64–WA–9 will be retained. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3917; Filed, Apr. 21, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–CE–140]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Fort Leonard Wood, Mo., area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Designate the Fort Leonard Wood ccntrol zone as that airspace within a 4-mile radius of the Forney AAF (latitude 37°44'00" N., longitude 92°09'00" W.) and within 2 miles each side of the Forney AAF VOR 323° True radial extending from the 4-mile radius zone to 8 miles northwest of the VOR and within 2 miles each side of the 148° True bearing from the Forney AAF radio beacon extending from the 4-mile radius zone to 8 miles southeast of the radio beacon. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Forney Army Air Field. Communications within the proposed control zone would be provided by the Forne AAF control tower. Weather service would be provided by the United States Army.

2. Designate the Fort Leonard Wood transition area. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Forney AAF (latitude 37°44'00" N., longitude 92°09'00" W.); within 8 miles east and 5 miles west of the 148° bearing from the Forney AAF radio beacon extending from the radio beacon to 12 miles southeast; within 8 miles west and 5 miles east of the Forney AAF VOR 323° True radial extending from the VOR to 12 miles northwest; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the following direct radials: Maples, Mo., VOR to Forney AAF VOR, Maples VOR to Forney radio beacon, Vichy, Mo., VORTAC to Forney VOR, Vichy VORTAC to Forney radio beacon, excluding the portion within the Vichy transition area.

This would provide protection for aircraft transitioning from the Vichy VORTAC and the Maples VOR to the Forney AAF and would provide protection for aircraft executing prescribed instrument approach and departure procedures at Forney AAF. Communications service within the proposed transition area would be provided by remote air/ground facilities of the St. Louis Air Route Traffic Control Center. The Maples, Mo., transition area would be altered to exclude the airspace within the Ft. Leonard Wood transition area herein proposed.

The floors of the airways which traverse the transition area proposed herein would automatically assume a floor coincident with the floors of the transition area.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3916; Filed, Apr. 21, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–5]

CONTROL ZONES, CONTROL AREA EXTENSIONS, AND TRANSITION AREAS

Proposed Alteration, Designation and Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 (New) of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated within the Phoenix, Ariz., terminal area:

1. The Phoenix (Sky Harbor Airport) control zone is designated within a 5-mile radius of Sky Harbor Airport, Phoenix, Ariz., and within 2 miles either side of the Phoenix VORTAC 270° True radial, extending from the 5-mile radius zone to the VORTAC.

2. The Phoenix (Luke AFB) control zone is designated within a 5-mile radius of Luke AFB.

3. The Chandler, Ariz., control zone is designated within a 5-mile radius of Williams AFB, Chandler, Ariz., and within 2 miles either side of the 115° True bearing from the AFB, extending from the 5-mile radius zone to the Chandler radio beacon.

4. The Phoenix control area extension is designated as that airspace northeast of Phoenix, bounded on the northeast by an arc of a 50-mile radius circle centered on the Phoenix VORTAC extending clockwise from Victor 95 west alternate to a point 8 miles south of the Phoenix VORTAC 066° True radial, on the southeast and east by a line 8 miles south of and parallel to the Phoenix VORTAC 066° True radial extending from the 50-mile radius arc to longitude 111°27'00" W., thence via longitude 111°27'00" W. to the Williams, Ariz., control area extension, on the south by the north boundary of the Williams control area extension, and on the west by Victor 16 and Victor 95W; the airspace southwest of Phoenix bounded on the north and east by Victor 16, on the south by Victor 94 and on the west by Victor 461; and the airspace northwest of Phoenix bounded on the north by latitude 34°00'00" N., on the east by Victor 95W, on the south by Victor 16, and on the west by longitude 112°50'00 W.

5. The Williams, Ariz., control area extension is designated as that airspace bounded on the north by latitude 33°22'-00" N., on the northeast and southeast by a line from latitude 33°22'00" N., longitude 111°13'00" W., to latitude 32°56'00" N., longitude 110°31'00" W., thence through latitude 32°42'00" N., longitude 110°42'00" W., to the north boundary of Victor 94, on the south by Victor 94, and on the west by Victor 16.

6. The Buckeye, Ariz., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Buckeye VOR 096° and 276° True radials, extending from 9 miles east to 20 miles west of the VOR.

7. The Casa Grande, Ariz., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles southwest and 7 miles northeast of the Casa Grande VOR 158° and 338° True radials, extending from 9 miles northwest to 20 miles southeast of the VOR.

8. The Gila Bend, Ariz., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Gila Bend VORTAC 262° and 082° True radials, extending from 9 miles east to 20 miles west of the VORTAC, excluding the portions within R–2301 and R–2305.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Phoenix area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Phoenix (Sky Harbor Airport) control zone by redesignating it as that airspace within a 5-mile radius of Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.), and within 2 miles each side of the Phoenix VORTAC 090° and 270° True radials, extending from the 5-mile radius zone to 2 miles east and 13 miles west of the VORTAC.

2. Alter the Chandler control zone by redesignating it as that airspace within a 5-mile radius of Williams AFB (latitude 33°18'25" N., longitude 111°39'35" W.); within 2 miles each side of the Chandler TACAN 117° True radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN, and within 2 miles each side of the Chandler TACAN 141° True radial, extending from the 5-mile radius zone to 9 miles southeast of the TACAN. This control zone would be effective from 0700 to 1700 hours, local time, Monday through Friday, excluding Federal legal holidays.

3. Alter the Phoenix (Luke AFB) control zone by redesignating it as that airspace within a 5-mile radius of Luke AFB (latitude 33°32'05" N., longitude 112°-22'55" W.); within 2 miles each side of the 178° True bearing from the Luke radio beacon, extending from the 5-mile radius zone to 2 miles south of the radio beacon, and within 2 miles each side of the Luke TACAN 056° True radial, extending from the 5-mile radius zone to 9 miles northeast of the TACAN.

4. Designate the Phoenix (NAF Litchfield Park) control zone as that airspace within a 4-mile radius of NAF Litchfield Park (latitude 33°25'25" N., longitude 112°22'30" W.), from 0600 to 1800 hours, local time, daily. The portion within the Phoenix (Luke AFB) control zone is excluded.

5. Revoke the Phoenix and Williams control area extensions, the Buckeye, Casa Grande and Gila Bend transition areas and designate the Phoenix transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); within 2 miles each side of the Phoenix VORTAC 090° True radial extending from the 8-mile radius area to 8 miles east of the VORTAC; within 2 miles each side of the Phoenix VORTAC 110° True radial extending from the 8-mile radius area to 12 miles east of the VORTAC; within an 8-mile radius of Williams AFB (latitude 33°-18'25" N., longitude 111°39'35" W.); within 2 miles each side of the Chandler TACAN 141° True radial, extending from the 8-mile radius area to 10 miles southeast of the TACAN and within 2 miles each side of the Chandler TACAN 123° True radial, extending from the 8-mile radius area to 9 miles southeast of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at

Latitude 34°10'00" N., longitude 112°30'-00" W.; thence to latitude 34°10'00" N., longitude 111°30'00" W.; thence to latitude 34°00'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 112°00'00" W.; thence to latitude 32°51'00" N., longitude 112°30'00" W.; thence to latitude 32°51'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 112°43'00" W.; thence to point of beginning.

6. Designate the Luke AFB, Ariz., transition area as that airspace extending upward from 700 feet above the surface within 6 miles west and 7 miles east of the Luke TACAN 003° and 183° True radials, extending from 13 miles south to 8 miles north of the TACAN; within 2 miles each side of the Luke TACAN 056° True radial, extending from the TACAN to 10 miles northeast of the TACAN, and within 5 miles each side of the Phoenix VORTAC 272° True radial, extending from longitude 112°23'00" W. to longitude 112°41'30" W.

The floors of the airways which would traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

The actions proposed herein would, in part, increase the length of the Phoenix (Sky Harbor) control zone extension from the VORTAC to 2 miles east of the VORTAC and designate a control zone extension west of Sky Harbor. The Chandler control zone would be altered by revoking the control zone extension extending from the Williams AFB to the Chandler radio beacon, which has been decommissioned; designate 2 extensions southeast of Williams AFB, based on the Chandler TACAN; and change the time of designation from full time to part time. The Phoenix (Luke AFB) control zone would be altered by the addition of an extension north of Luke based on the Luke radio beacon and an extension northeast of Luke.

The designation of a control zone at NAF Litchfield Park would provide protection for aircraft executing prescribed instrument approach and departure procedures at NAF Litchfield. The designation of control zone extensions west and east of Sky Harbor, southeast of Chandler and north and northeast of Luke AFB would provide protection for aircraft executing prescribed instrument approach, departure and radar procedures at Sky Harbor Airpark, Luke AFB and Williams AFB. The proposed Phoenix transition area, with floors of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach, departure, radar and special air traffic procedures while operating below the floor of the proposed 1,200-foot area. The portion of the transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing the higher altitude portions of the prescribed instrument approach, departure, holding, radar and jet penetration procedures within the Phoenix terminal area.

The revocation of the Phoenix control area extension and the designation of the Phoenix transition area would raise the floor of controlled airspace beyond the limits of the 700-foot areas proposed herein from 700 to 1,200 feet above the surface. The portions of controlled airspace released by the proposed action would become available for other aeronautical purposes. The portions of the controlled airspace retained would provide protection to aircraft executing prescribed holding, arrival, departure, and radar vector procedures within the Phoenix terminal area.

The Buckeye, Casa Grande and Gila Bend transition areas proposed for revocation herein would no longer be required with the designation of the proposed Phoenix transition area.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would air-

craft performance or present landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3919; Filed Apr. 21, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-82]

FEDERAL AIRWAY SEGMENTS AND TRANSITION AREA

Proposed Revocation and Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 21 west alternate is designated in part from Mormon Mesa, Nev., via Milford, Utah, and Delta, Utah, to Provo, Utah; VOR Federal airway No. 200 is designated in part from Delta, Utah, to Provo; and VOR Federal airway No. 253 is designated in part from Provo to Tooele, Utah, Intersection. The Federal Aviation Agency is considering the revocation of these airway segments.

The latest Federal Aviation Agency IFR peak day airway traffic survey for the above-mentioned segments of Victors 21 west alternate, 200 and 253 shows a maximum of two aircraft movements between any two points along these airway segments. Therefore, it appears that retention of these airway segments is unjustified as an assignment of airspace and they may be revoked.

Concurrently with the revocation of the above-mentioned airway segments, it is proposed to designate an area northwest of Provo as the Provo transition area. This would be the airspace extending upward from 1,200 feet above the surface, bounded on the northeast by a line five miles northeast of and parallel to the Provo, Utah, VOR 315° True radial, on the east by VOR Federal airway No. 21, on the south by the Provo 257° True radial and on the west by VOR Federal airway No. 257, excluding the airspace within R-6401; and that airspace southwest of Provo extending upward from 10,500 feet MSL bounded on the north by the Provo 257° True radial, on the southeast by VOR Federal airway No. 21 and on the west by VOR Federal airway No. 257. This controlled airspace would be used for transitioning aircraft arriving and departing the Salt Lake City terminal area and also would permit radar vectoring of aircraft in the area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3920; Filed, Apr. 21, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-113]

FEDERAL AIRWAY SEGMENT AND CONTROL AREA EXTENSION

Proposed Revocation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 138 south alternate is designated in part from Cheyenne, Wyo., to Sidney, Nebr. The Denver, Colo., control area extension is bounded in part by Victor 138 south alternate.

The Federal Aviation Agency is considering the revocation of Victor 138 south alternate. The latest Federal Aviation Agency IFR peak day airway traffic survey for this segment of Victor 138 south alternate shows no aircraft movements between Cheyenne and Sidney. Therefore, it would appear that this airway segment is unjustified as an assignment of airspace and that it may be revoked. Concurrently, with the revocation of Victor 138 south alternate as proposed herein, it is proposed to revoke the segment of the Denver control area extension bounded on the north by Victor 138 south alternate, on the east by longitude 103°52'00" W., on the southwest by VOR Federal airway No. 132 and on the northwest by VOR Federal airway No. 207, since there is no longer an air traffic control requirement for this portion of the control area extension.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3921; Filed, Apr. 21, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-98]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA has under consideration the designation of a transition area near Blakely, Ga. The proposed transition area would be designated to extend upward from 1,200 feet above the surface and would be bounded by a line beginning at latitude 31°47'20" N., longitude 84°58'20" W.; to latitude 31°41'20" N., longitude 84°56'55" W.; to latitude 31°37'30" N., longitude 84°46'00" W.; to latitude 31°16'30" N., longitude 84°51'-30" W.; to latitude 31°14'35" N., longitude 85°10'45" W.; thence counterclockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55" N., longitude 85°46'20" W., to the east boundary of VOR airway 241; thence along the east boundary of VOR airway 241 to latitude 31°47'20" N.; thence east along the line of latitude 31°47'20" N., to the point of beginning.

The purpose of the proposed transition area is to provide controlled airspace for the conduct of extensive military helicopter instrument flight training from Fort Rucker, Ala. This action would facilitate the timely, efficient accomplishment of the training program and would relieve airway congestion in the vicinity. An internal route system, based on radio beacons located at Early County and Gay Farm Airports, would be set up in the transition area by the Army to accommodate the instrument training. Responsibility for air traffic control service for the training altitudes in the transition area would be delegated by the Jacksonville, Florida, Air Route Traffic Control Center to Fort Rucker Approach Control. The altitudes which will normally be used are from 2,000 feet to 5,000 feet mean sea level with an average density of eight aircraft for each 1,000 foot increment. These altitudes should be sufficient during established training periods, but additional altitudes may be used on occasion. The area would be used from 0600 until 1800 hours, local time, daily in both IFR and VFR weather conditions.

No revisions to prescribed instrument approach procedures would be required by the action proposed herein. More specific details of the instrument training program and the routes which would be used in the transition area may be examined by contacting the Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3922; Filed, Apr. 21, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 9288; FCC 64-315]

RESTRICTED RADIATION DEVICES

Notice of Proposed Rule Making

1. In 1938, the Commission promulgated its Low Power Rules which provided for the operation without a license of any apparatus which generated a radio frequency field not greater than 15 microvolts/meter at a distance of lambda over 2 pi $(\lambda/2\pi)$[1] subject to the overriding requirement that no interference be caused to the licensed radio services.

2. The increased use of radio facilities resulting from the accelerated developments in the radio art during the next decade made it clear that these low power rules required review. Accordingly, on April 13, 1949, the Commission issued a notice of proposed rule making, Docket No. 9288,[2] for amendment of Part 15 to limit operation of restricted radiation devices on discrete frequency bands and to specify limits and restrictions on the power and radiated field for these devices. Comments in response to the proposed rules expressed the opinion, in general, that comprehensive studies in regard to the technical and economic aspects of restricted radiation devices were necessary before any rule amendments governing this type of equipment are put into effect. After further consideration and study, the Commission issued a notice of further proposed rule making on April 14, 1954,[3] which proposed to establish categories of restricted radiation devices with appropriate limits on power or emitted field and a certification procedure.

3. On December 21, 1955, the Commission, by a First Report and Order,[4] adopted a partial amendment of Part 15. The amendment retained the general rules, heretofore in effect, applicable to the operation of restricted radiation devices and promulgated new rules specifically applicable to incidental radiation devices and radio receivers. By a Second Report and Order on July 11, 1956,[5] the Commission adopted a further revision of Part 15 and promulgated rules governing Community Antenna Television Systems. A Third Report and Order adopted by the Commission on July 18, 1957,[6] further amended Part 15 by adding rules to govern Low Power Communications Devices.

4. The remaining, still unresolved area in this proceeding deals with the conditions under which carrier current systems (including campus radio systems) should be operated. These systems are presently regulated by the general provisions in § 15.7. The problems involved in devising new regulations for such systems have not been resolved nor does a solution appear to be imminent. Moreover, the data pertaining to carrier current operations submitted in this proceeding are now out of date.

5. Having accomplished the bulk of its objective in this proceeding, and since § 15.7 appears to be reasonably satisfactory in regulating the operation of carrier current systems, the Commission is of the opinion that the proceeding in this docket should be terminated. If it should appear that further regulation of carrier current systems is required, the Commission will institute a new proceeding.

6. In view of the foregoing: *It is ordered*, That effective April 27, 1964, the

[1] This distance is equivalent to a distance in feet equal to 157,000 divided by the frequency in kilocycles.

[2] 14 F.R. 2033.
[3] 19 F.R. 2319.
[4] 20 F.R. 10056.
[5] 21 F.R. 5366.
[6] 22 F.R. 5895.

proceeding in Docket No. 9288 is terminated.

Adopted: April 15, 1964.

Released: April 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-3974; Filed, Apr. 21, 1964; 8:50 a.m.]

[47 CFR Part 73]

[Docket No. 15424; FCC 64-331]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations, (Elgin and Glen Ellyn, Ill.; Paintsville, Ky.; London, Ohio; Clarksburg and Morgantown, W. Va.; Marshfield, Merrill, Port Washington, Waupaca and Wisconsin Rapids, Wis.); Docket No. 15424, RM-567, RM-569, RM-570, RM-575.

1. Notice is hereby given of proposed rule making in the above-entitled matters.

2. The Commission has before it for consideration several petitions for rule making proposing amendments in the FM Table of Assignments as discussed below:

3. RM-569, Paintsville, Ky. On February 17, 1964, Big Sandy Broadcasting Company, Inc., prospective applicant for a new FM station in Paintsville, filed a petition requesting rule making so as to assign channel 249A to Paintsville. Petitioner states that the Commission, in response to comments filed by it, assigned Class C channel 255 to Paintsville, but at the same time raised the minimum power for Class C stations to 25 kilowatts. Petitioner urges that economic conditions in the market do not justify the required expenditure for a Class C station; that a Class A assignment would adequately serve the area and would be within the economic potential of the market; and that channel 249A may be assigned to Paintsville in conformance with all the rules and without adversely affecting other assignments in the table.

4. The Commission is of the view that rule making is warranted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Paintsville, Ky.	255	249A

5. RM-570, Port Washington, Wis. On February 18, 1964, Great Lakes Broadcasting Corp., licensee of radio station WGLB, Port Washington, filed a petition for rule making so as to assign channel 261A to Port Washington. Petitioner submits that there are no FM channels assigned to or available to Port Washington; that it has no nighttime radio facility; and that the Port Washington population is 5,984 persons and that of the county in which it is located is 38,441. Petitioner urges that channel 261A can be assigned to Port Washington in full conformance with the rules; that sites are available from which all present spacings can be met to other assignments and stations; and that it will file an application for this assignment in the event it is finalized by the Commission.

6. The Commission is of the view that rule making should be instituted on this proposal in order that all interested parties may submit their views and relevant data. It invites comments on the following:

City	Channel No.	
	Present	Proposed
Port Washington, Wis.		261A

7. RM-567 Waupaca and Wisconsin Rapids, Wis. On February 5, 1964 Laird Broadcasting, Inc., licensee of radio station WDUX, Waupaca filed a petition requesting rule making so as to assign channel 293 to Waupaca by deleting it from Wisconsin Rapids and making one other change in the Table. Laird states that Waupaca is a community of 3,984 and is located in a county with a population of 35,340 persons, that it has no FM assignment whereas Wisconsin Rapids has two FM assignments; and that no applications are pending for channel 293 at Wisconsin Rapids. Laird urges that the proposed changes are technically feasible; that they would further the purposes of section 307(b) of the Communications Act; and that an application will be filed for this assignment in the event it is adopted by the Commission.

8. The Commission is of the view that rule making should be instituted on the proposal in order that interested parties may file their comments and relevant data. It therefore invites comments on the following:

City	Channel No.	
	Present	Proposed
Menominee, Mich.	292A	296A
Waupaca, Wis.		293
Wisconsin Rapids, Wis.	277, 293	277

9. RM-575, London, Ohio. On February 27, 1964, Paul Dean Ford and J. T. Winchester, applicant for a new FM station on channel 269A at London, filed an application requesting rule making so as to assign channel 292A to London by making other changes in the Table of Assignments. Petitioner has filed an application under the "25 mile rule" for channel 269A, assigned to Urbana, Ohio. This application has been designated for a competitive hearing with three other applications for Urbana. Petitioner urges that the assignment of channel 292A to London, together with the other required changes, will conform to all the rules; that London is of sufficient size and importance to warrant its own FM assignment; and that a site could be used near London from which all the required spacings would be met and from which the signal required for the principal community may be placed over all of London. Since the filing of the subject petition, one of the applications for Urbana has been dismissed and negotiations are going forward on a possible merger request and the adoption of the instant request, may obviate the necessity of a comparative hearing for the parties concerned and the Commission.

10. The Commission is of the view that rule making should be instituted on the proposal in order that interested parties may submit their views and relevant data. Comments are invited on the following:

City	Channel No.	
	Present	Proposed
Circleville, Ohio	292A	285A
Columbus, Ohio	222, 234, 242, 246, 250, 256, 285A.	222, 234, 242, 246, 250, 256.
London, Ohio		292A
Middleport, Ohio	285A	221A

11. In addition to the above proposals made by interested parties we wish to make other changes in the Table of Assignments on our own motion. Channel 293 was erroneously assigned to Morgantown, West Virginia, and cannot be used there because it is short-spaced to another assignment. It may, however, be utilized at Clarksburg, West Virginia, if a site on this assignment is selected about 5 miles out of the city. Comments are therefore invited on the following proposal:

City	Channel No.	
	Present	Proposed
Clarksburg, W. Va.	224A, 249A	224A, 249A, 293
Morgantown, W. Va.	257A, 270, 293	257A, 270

12. Channel 300 is assigned to Marshfield, Wisconsin where it cannot be used because of a co-channel short-spacing with Cambridge, Minnesota. It is therefore proposed to substitute a Class A channel for channel 300 in Marshfield as follows:

City	Channel No.	
	Present	Proposed
Marshfield, Wis.	300	224A
Merrill, Wis.	224A	228A

13. Channel 280A is presently assigned to Elgin, Illinois, and channel 296A is assigned to Glen Ellyn, Illinois. On March 11, 1964 the Commission, in an order adopted March 11, 1964, deleted the authorizations for the stations on these assignments. Channel 280A is short-spaced to two existing FM stations in Chicago while channel 296A at Glen Ellyn is short spaced with one station in Chicago and a proposed assignment in the general area. It is therefore proposed that these assignments be deleted from the table as follows: [1]

City	Channel No.	
	Present	Proposed
Elgin, Ill.	232A, 280A	232A
Glen Ellyn, Ill.	296A	

14. Channels 252A and 250 were erroneously assigned to Cleveland, Mississippi and Greenville, Mississippi, respectively at a short spacing. An application has been filed for channel 252A at Cleveland. In order to correct this short spacing it is proposed to substitute another assignment for 250 at Greenville and comments are invited on the following:

City	Channel No.	
	Present	Proposed
Canton, Miss.	269A	224A
Greenville, Miss.	250, 264	264, 268

15. All of the assignments proposed herein which are within 250 miles of the U.S.-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963.

16. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

17. Pursuant to applicable procedures set out in Section 1.415 of the Commission's rules, interested persons may file comments on or before May 18, 1964, and reply comments on or before June 1, 1964. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

18. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: April 15, 1964.

Released: April 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-3975; Filed, Apr. 21, 1964; 8:50 a.m.]

[1] Commissioner Cox concurring in the result.

[1] In a memorandum opinion and order issued October 29, 1963 (FCC 63-976), in Docket 14185, we stated that we were withholding action on several petitions for reconsideration on allocations in the Chicago area pending resolution of other relevant proceedings. The action proposed herein will be of help in this regard.

[2] Commissioner Loevinger absent.

Notices

ATOMIC ENERGY COMMISSION

STATE OF FLORIDA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Florida for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Florida and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Florida regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State & Licensee Relations, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 13th day of April 1964.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary to the Commission.

Proposed Agreement Between the United States Atomic Energy Commission and the State of Florida for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Florida is authorized under section 290.13 of the Florida Nuclear Code (Chapter 290, Florida Statutes, 1961) to enter into this agreement with the Commission; and

Whereas, The Governor of the State of Florida certified on ----------, that the State of Florida (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on ----------, 1963, that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this agreement;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproducts, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This agreement shall become effective on ----------, 1964, and shall remain in effect unless, and until such time as it is terminated pursuant to article VII.

APPENDIX "A"

RADIATION CONTROL IN THE STATE OF FLORIDA

I. Introduction. The radiation control program of the State is designed to regulate all sources of radiation other than those for which regulatory responsibility is to be retained by the U.S. Atomic Energy Commission. As the term "radiation sources" is used hereinafter in this narrative, it is intended to mean those sources under the control of the State. The sources are divided into two major categories: radioactive materials and radiation machines. Radioactive materials, including radium, are to be regulated under a licensing program similar to the existing program of the U.S. Atomic Energy Commission, requiring possession of a license prior to acquisition or use of such materials. Radiation machines will be subject to a registration program involving the reporting of information by the registrant and the right of inspection by the State for compliance with prescribed safety standards.

The program described herein constitutes a continuation of Florida's efforts to modify and improve its activities for the control of radiation hazards, to gain increased knowledge of radiological health significance and to make use of ionizing radiation for the improvement of the public health when and if methods for such use are discovered or developed. An integral part of this program is the assumption of certain responsibilities which the United States Atomic Energy Commission will discontinue under a contemplated agreement between the Commission and the State.

II. History. The first regulations for the control of radiation in the State of Florida were prepared jointly by the Florida Industrial Commission and the Florida State Board of Health and promulgated in April, 1947, by the Florida Industrial Commission. They were embodied in Regulation No. 8, "Radiant Energy" of the "Regulations for the Control and Prevention of Occupational Diseases". These rules were revised in 1957 and in 1960. As a result of this cooperative effort, the Florida Industrial Commission and the Florida State Board of Health have established a very close working relationship in the field of occupational health.

In 1950, the Board of Health conducted a statewide survey of shoe-fitting fluoroscopes, as a result of which the use of almost all of these machines was discontinued; such use is now prohibited. In 1957, a statewide program of radiological surveillance of the environment was started in order to develop baseline knowledge and to enable us to know when increases occurred from fallout or from possible pollution from other sources. The area in the vicinity of the then proposed power reactor to be located in Polk County was examined in much greater detail. This program has continued and has been expanded to include seafood and shell fish beds. Spot samples of citrus and other terrestrial foods have been analyzed. The State of Florida has participated in the national air and precipitation fallout surveillance network since 1957, and now operates two stations (Jacksonville and Miami). To provide a degree of information on which action programs could be based, the State added four more identical stations (Pensacola, Tallahassee, St. Peterburg, and Orlando). In addition to operating a collecting station for the National Pasteurized Milk Surveillance Program (Tampa), the State Board of Health has an active producer milk surveillance program which is statewide in scope and sufficiently detailed in sampling points to permit specifically-localized action programs, should such become necessary. At the request of county medical societies and other organized professional groups and industry, the Board of Health initiated, in 1958, a program of physical inspection and consultation aimed at reducing exposure to the public (as well as the user) from diagnostic and other uses of X-rays. To date, roughly 80 percent of the approximately 3,000 dental, 50 percent of the approximately 3,500 medical, and a number of industrial X-ray installations have been visited. During 1961–63, the Board of Health conducted a research project in an effort to improve this program. One of the outstanding features of this study was a demonstration of the importance of repeated visits. Another research program, currently under way, is designed to establish radiation background levels in various parts of the state and to determine the components of this radiation. These two projects have been supported by the U.S. Public Health Service at approximately $76,000.00 per annum.

On December 1, 1955, the Honorable Leroy Collins, Governor of Florida, by executive order, created the Florida Nuclear Development Commission to assist the Governor in the promotion of nuclear development within the State of Florida and in cooperation with the other southern states and the Atomic Energy Commission. The Commission consists of nine members to serve at the pleasure of the Governor and without compensation.

In 1957, the legislature enacted chapter 57-178 which created the Florida Nuclear Development Commission as a permanent agency of the State for the development and application of nuclear energy with all its attendant benefits, thus placing the coordination of all nuclear development within the State on a statutory basis. The Act has subsequently been amended (1961, chapter 61-262) clarifying and broadening the duties of the Commission.

In September of 1959, the Congress of the United States enacted Public Law 86-373, which amended the Atomic Energy Act of 1954, and provided for the transfer of certain regulatory powers from the Atomic Energy Commission to qualified States in accordance with negotiated agreements. This transfer of authority applies to the control of certain categories of radioactive materials and becomes effective when appropriate State legislation has been enacted; and, an agreement has been signed by the Atomic Energy Commission and the Governor of the respective State.

In May of 1960, the Florida Nuclear Development Commission, in recognition of the inevitable and urgent need for the control of radiation by the State launched a drive for an extensive analysis of Public Law 86-373 and its application to the specific needs of this State. It called first on the School of Law at the University of Florida to conduct a study of the many implications connected with the assumption of control of radiation sources by the State. On September 30, 1960, the results of that study were presented to the State Legislative Council, after which many other meetings with various agencies were sponsored by the Florida Nuclear Development Commission to consider the various aspects of such a program.

Inasmuch as State policy and courses of action with respect to atomic energy development and radiation protection have been the subject of legislative consideration in Florida for a number of years, the Legislative Council's Select Committee on Nuclear Legislation conducted public hearings on this subject in 1960 and 1961, with a view toward appraising the desirability or necessity for a broad system of radiation control, including assumption of authority from the Atomic Energy Commission and a licensing or registration program designed to obtain a maximum of information regarding radiation use in Florida.

After such public hearings by the Legislative Council's Select Committee on Nuclear Legislation and consultations with interested governmental agencies, representatives of industry and professional groups that use atomic energy and radiation, it concluded that a comprehensive legislative program for radiation control should be enacted.

Consequently, chapter 61-262 was introduced in the 1961 session of the legislature, which provided the framework for such a program. The bill was derived in large measure from suggested legislation of the Council of State Governments. It was widely circulated and critically reviewed by a number of interested and affected persons and groups, and was revised to take into account appropriate comments. After extensive consideration by committees of the legislature, including several public hearings at which all interested parties were afforded opportunity to be heard, the measure was enacted as the Florida Nuclear Code (chapter 290, part I, Florida Statutes, 1961). At the same legislative session, chapter 61-227 (part 2 of chapter 290, Florida Statutes, 1961) was enacted, which made Florida a party to the Southern Inter-State Nuclear Compact.

The enactment of the Florida Nuclear Code strengthend the framework for the control of radiation activities within the State as follows:

1. Established the Florida Nuclear Commission headed by a director responsible to the Commission. With respect to administrative and regulatory responsibilities, the duties of the Commission are to promote and support a comprehensive program of education and research relative to nuclear development in the field of education, science, agriculture, industry, transportation, medicine, and all other fields of endeavor which may aid in or be benefited by nuclear development and nuclear science and engineering; to promote the industrial development of Florida (in cooperation with the Florida Development Commission) by attracting new industry based on nuclear science and engineering; to coordinate development and regulatory activities of the State, other States and the Federal Government; to convene a coordinating council consisting of representatives of appropriate State agencies to coordinate action in any matter bearing of the State's nuclear program; and to collect and disseminate information relative to nuclear developments and their effect; and

2. Empowered the Governor of the State to sign an agreement with the Atomic Energy Commission which would transfer to the State control over certain radioactive materials in accordance with Public Law 86-373; and

3. Authorized the Governor of the State to designate a State agency as the regulatory agency to adopt regulations for effectuating the purposes of this legislation, including regulations for the licensing or registration of all radiation sources.

On July 11, 1961, to achieve the objectives of the Florida Nuclear Code (section 290.06) the Florida Nuclear Commission appointed a Coordinating Council and three technical committees. The technical committees include representation from industry, labor, medicine, dentistry, medical physics, health departments, universities, and the legislature. To insure that the many State agencies which have any degree of official concern with nuclear matters are properly represented, the Coordinating Council is composed of the directors (or their designated representatives) of such interested agencies as: Attorney General, State Board of Conservation, State Board of Control, Nuclear Coordinator of Florida State University, Director of Nuclear Activities of University of Florida, Florida State Board of Health, Commissioner of Agriculture, Superintendent of Public Instruction, Department of Public Safety, Department of Water Resources, Florida Development Commission, State Fire Marshal, State Insurance Commissioner, Florida Geological Survey, Florida Industrial Commission, Legislative Reference Bureau, Railroad and Public Utilities Commission, and the Secretary of State.

Prior to the enactment of chapter 61-262 supra in June, 1961, the Florida State Board of Health, in March, 1961, in order to protect the people of the State from the hazardous effects of ionizing radiation, and acting under the authority of the General Public Law (Chapter 381, Florida Statutes) adopted a comprehensive set of regulations pertaining to radiological health, as chapter 34 of the Sanitary Code of the State. To insure the maximum safety of all persons during the manufacture, use, storage, transportation and disposal of radiation sources, the regulations applied to all sources of ionizing radiation and required the registration of all radiation producing machines and radioactive substances; set limits of radiation exposure; defined the reponsibilities of users of radiation to radiation workers and to the general public and provided for inspection and enforcement of such regulations.

On February 21, 1962, pursuant to the provisions of chapter 290, Florida Statutes, and the recommendations of the Florida Nuclear Commission, the Honorable C. Farris Bryant, Governor of Florida, designated the Florida State Board of Health (hereinafter referred to as the Board) as the regulatory agency for nuclear control and licensing as contemplated by section 290.10, Florida Statutes.

To implement certain provisions of the Florida Nuclear Code and to insure compatibility with Federal regulations and reciprocity with other agreement States, the Board

of Health revised its 1961 regulations. They now constitute chapters 170J–1 through –4 of the Florida Administrative Code. A copy of these regulations is included in this presentation as "Attachment C".

In redrafting the regulations, language was drawn largely from models developed jointly by the Atomic Energy Commission, the U.S. Public Health Service and the Council of State Governments; and from recommendations of the National Committee on Radiation Protection and Measurement, and Reports of the Federal Radiation Council.

Assistance in drafting the regulations was obtained from a number of individual, agencies and groups, including representatives of the Atomic Energy Commission, the U.S. Public Health Service, the Florida Nuclear Commission, Florida Governmental Agencies, professional associations and industrial groups.

III. *The Radiation Control Program*—A. *Regulations.* The principal elements of the program for the control of radiation hazards in the State of Florida are the Florida Nuclear Code (Chapter 290, Florida Statutes) and applicable rules of the State Board of Health.

The radiation regulations of the State Board of Health have been modified in order to achieve:

(1) A comprehensive program covering not only activities over which the State agency has exercised exclusive jurisdiction (e.g., X-rays and radium), but also activities over which authority will be discontinued by the Atomic Energy Commission (byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass); and

(2) Compatibility between the State's radiation control program and the Atomic Energy Commission's program for the regulation of like radioactive materials as required by § 274.D(2) of the Atomic Energy Act of 1954 as amended.

In developing the regulations to achieve the foregoing objectives, the Board of Health predicated the substantial content of the program, i.e., the radiation protection standards, regulation relating to permissible doses, levels and concentrations, on the guides of the Federal Radiation Council, as approved by the President, and pertinent recommendations of the National Committee on Radiation Protection Measurements.

With respect to other substantive matters such as licensing and precautionary procedures, e.g., surveys, posting, labeling, existing Atomic Energy Regulations and the suggested regulations issued by the Council of State Governments were used as models.

The Board's regulations with regard to burial are more stringent than those of the suggested regulations. This stringency is held as being necessary in the interest of the public health because of the particular and somewhat peculiar geology and hydrology of the State of Florida which necessitates individual appraisal of each proposed site to minimize the probability of underground contamination.

Modification of the laws and regulations has resulted in a State program which is compatible with the Commission's program and those of "agreement States" but which differs from the Commission's program in several respects. This difference is primarily in that the State's comprehensive program covers all radiation sources, including those whose possession and use is subject to registration rather than licensing.

B. *Program administration*—1. *Licensing and registration.* Licenses are required for the possession of radioactive materials above exempt amounts of concentrations, regardless of the mode of formation of such materials. Licenses for radioactive materials are of two types, general licenses effective without the filing of applications or the issuance of licensing documents, and specific licenses issued upon application. Registration is required for radiation producing machines.

It is planned to make prelicensing inspection a part of the evaluation procedure when such prelicensing is deemed to be necessary and practicable. In connection with licensing procedures, provision is made to give opportunity for all interested persons to be heard.

With respect to human use the State Health Officer has appointed highly qualified medical consultants knowledgeable in the clinical use of isotopes and other sources of ionizing radiation to assist in the development of policies, the establishment of criteria and the evaluation of unusual applications for license to apply radioactive substances to humans.

Although the Florida Nuclear Code permits the enactment of municipal ordinances and regulations that are not inconsistent with the code and regulations adopted thereunder, the agency charged with the responsibility of promulgating regulations and issuing licenses is the Florida State Board of Health.

2. *Inspection.* Inspection for compliance with regulations and with license conditions will be carried on by the State Board of Health and its duly authorized representatives.

The local health departments, under the direction of the Florida State Board of Health, will participate in inspection activities as they develop a radiological health program and demonstrate their capability.

As a part of the preparation for the assumption of regulatory authority from the AEC, State radiological health program personnel have accompanied AEC inspectors on almost all of their license inspections in the State since September, 1959. There are approximately 200 licensees in the State.

Based upon the number and kind of licenses and registrations, a priority system will be established under which inspection of the most hazardous activities will be scheduled at least once each six months, and the remainder on a less frequent basis. Initial priorities will be established on the basis of the prelicensing evaluation and may be modified in accordance with subsequent inspections. It is expected that all licensed activities will be inspected at least once in two years.

Most inspections will be scheduled visits; a significant number may be on an unscheduled basis. A review of the structure of the organization of the establishment and of pertinent operational procedures will be made, especially if changes have occurred since the license was issued or the registration accomplished. Specific responsibilities will be ascertained or confirmed. Inspection visits will usually entail a comprehensive review by the inspector of equipment, facilities and procedures for handling and storage of radioactive material, and an interview with key personnel directly involved. The inspector will review the survey methods and results of personnel monitoring, the posting of signs and labeling, instruction of personnel; and the methods and apparent effectiveness of maintaining control of people in controlled areas. He will review the records of receipts, transfers and inventory of licensed or registered material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may take measurements of radiation levels. He will meet with management to discuss the results of his inspection. During this meeting, he will discuss questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to describe the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action. The Board will review the operation of this system to insure that timely and adequate inspections are performed and that appropriate actions are taken.

In addition, there will be investigations of incidents and complaints involving radiation sources to determine the cause, the steps taken by the licensee or registrant to cope with the incident, whether or not there was non-compliance with a regulation, and the steps taken to avoid recurrence of the incident.

The licensee or registrant will be informed of the results of all inspections, orally at the time of the inspection, and by letter or notice from the Board.

3. *Enforcement.* Reports of inspections will be evaluated by the State Board of Health to determine the status of compliance with license conditions and regulations. If no item of noncompliance is observed, licensee or registrant will be so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which at the time of the inspection the licensee or registrant agrees to correct, he will be informed in writing of these matters and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee or registrant will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the Board will either conduct a prompt follow-up inspection or the matter will be reviewed during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the Board will take such administrative actions as are available, such as holding a hearing in accordance with section 290.15, Florida Statutes, which also provides for judicial review of the final order resulting from such hearing. There is provision for emergency action without notice or hearing, but such emergency action shall be subject to a prompt hearing afforded the licensee or registrant. Among the enforcement procedures available to the Board are modification, suspension, or revocation of licenses, or injunctive relief, and criminal sanctions afforded in the courts. (Sections 290.15, 290.16, 290.17 and 290.19, Florida Statutes.)

Upon failure to secure administrative relief where applicable, the Board will prepare proper charges against alleged nonlicensed operators or those persons failing to comply with Board orders, for presentment to State Attorneys or local county prosecuting attorneys; accompanying the said charge shall be a request for prosecution together with a trial memorandum setting forth the names of the witnesses and the testimony that may be adduced from the individual witness, and an outline showing the chain of custody on the tangible evidence expected to be introduced at the trial.

C. *Emergency planning and capabilities.* 1. Under the general coordination of the Florida Nuclear and Space Commission a radiological assistance organization and plan of action have been developed. The State Highway Patrol has assumed the responsibility for alerting, communications and team transportation or escort. Local law enforcement officials will control any possible crowd development. Radiological assistance technical teams, including physicians have been developed at public health and university centers. There are six such teams so located that no point in the State (except Key West) is more than 100 miles from a team. Emphasis at this time is on training, rehearsal and more completely equipping the teams. Personnel of the AEC Savannah Operations Office and of the AEC Pinellas Area Office have assisted in this development.

2. Stimulated by the I^{131} levels in Utah and certain other States the Florida State Board of Health convened a meeting of representatives from the Department of Agriculture, milk producer and distributor associations, cattle feed industry, and the University of Florida to discuss possible action programs for the State of Florida. An ad hoc committee has formed with the Department of Agriculture representative as chairman. This committee held several meetings during which a detailed plan of action based on the use of aged feed was drawn up. Specific responsibilities were assigned and lines of communication were established.

D. *Laboratory support.* The radiological laboratory of the State Board of Health is administratively a unit of the Bureau of Laboratories. Technical assistance and direction is supplied by the Division of Radiological and Occupational Health. The laboratory is manned by two radiological chemists and two technicians with part-time clerical assistance. It is located in a new building and was designed specifically for radiological work. Equipment includes: a two detector low beta counting system, windowless proportional counters, one single channel gamma scintillation spectrometer and a 512 channel gamma scintillation spectrometer, beta and alpha scintillation detectors, and an eleven cubic foot muffle furnace. The sample preparation section is complete with full chemical analytical capability.

IV. Organization and personnel. The radiation control program is established in the Division of Raliological and Occupational Health, an existing organizational unit of the Florida State Board of Health. There is no absolute line of cleavage between the radiological and occupational health programs, but for clarity of this presentation, they are being considered as separate and distinct. With regard to the Radiological Health Program, Division philosophy requires that there be as much interplay between programs as possible. The reason for this is that we need sufficient breadth of capabilities so that no program will be seriously interfered with by routine absences or emergency situations. A further but perhaps no less serious reason is that some activities in each of the programs are of a routine nature and carry little, if any, psychological challenge or job satisfaction if they constitute the sole function of any one person for extended periods of time. As a further measure of providing broader training and experience, employees are encouraged to avail themselves of general and catagorical orientation courses given by the State Board of Health, the U.S. Public Health Service, and the AEC.

The minimum educational and experience requirements for the position categories directly related to the regulatory program as set forth in the Florida Merit System job descriptions (with salaries) are attached in Attachment A. Presented in Attachment B is biographical material for personnel presently employed.

A brief description of the various positions follows:

Director, Division of Radiological and Occupational Health (Health Officer IV). This individual is Director of the Division, being administratively responsible for the combined radiological and occupational health program of the State Board of Health. This person is an M.D. and, in addition to administrative duties, will assist by providing staff medical advice when needed.

Public Health Physicist IV. The person in this position has major technical administrative responsibility for all the radiological health programs of the Division, including the source control program, emergency programs, and environmental surveillance and studies. He will provide direct assistance in the regulatory program as required. (During the initial phase of the program incident to the transfer of authority from the AEC and pending the addition of personnel he will be responsible for licensing and the review of regulations.)

Public Health Physicist III. There are proposed two positions at this level. One is primarily responsible for licensing and for the development and constant review of regulations. The other, now on duty, will be responsible for the survey and consultation with the user aspects of the program. This concept differs from the AEC inspection and enforcement program only in that, in addition to the detailed inspection and rigid enforcement, we feel a responsibility and will exert considerable effort in assisting the user in improving his physical facilities and his procedures in an attempt to arrive at the least practical exposure to humans to ionizing radiation.

Public Health Physicist II. It is planned that the program will begin with at least two individuals at this level. Each will be responsible for a given area of the State, and will be responsible for prelicensing visits, inspections, as well as preliminary processing of registration forms, making X-ray surveys, and performing other radiological health program work as required in his area.

Upon consummation of an agreement with the Atomic Energy Commission, additional personnel will be employed, as available and necessary to perform license evaluations and to provide supervision over the inspection program.

Requirements as to qualifications and proficiencies of local health department personnel performing Radiological Health duties will be at least as high as for State personnel performing similar duties.

V. Coordination. Coordination of the State program for the control of radiation is facilitated through the functions of the Florida Nuclear and Space Commission. All agencies and political subdivisions of the State are required to keep the Commission fully and currently informed as to their activities.

The Coordinating Council of the Florida Nuclear Commission was established early in the development of the radiation control program and its functions and recommendations have been instrumental in developing the present program.

The Florida Nuclear Code provides that any rule, regulation or ordinance, or amendment thereto or repeal thereof primarily or directly relating to Atomic Energy proposed by any department, division, commission or agency of the State of any political subdivision thereof, shall not become effective until 90 days after it has been submitted to the Commission, unless the Commission or the Governor waives such waiting period. If, after consultation with the Commission, the Governor finds any of either the proposed or existing rules to be inconsistent, he may direct the appropriate agency to amend or repeal such rules to achieve consistency (Section 290.09, Florida Statutes).

[F.R. Doc. 64–3744; Filed, Apr. 14, 1964; 8:50 a.m.]

[Docket No. 50–211]

UNIVERSITY OF CINCINNATI

Notice of Withdrawal of Application for Utilization Facility License

Please take notice that the University of Cincinnati, Cincinnati 21, Ohio, by letter dated March 5, 1964, has withdrawn its application for a license to construct and operate a five megawatt thermal pool type nuclear research reactor on a site in the northern part of the City of Cincinnati, Hamilton County, Ohio.

Notice of the receipt of the application was published in the FEDERAL REGISTER on July 4, 1963, 28 F.R. 6889.

Dated at Bethesda, Md., this 13th day of April 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64–3926; Filed, Apr. 21, 1964; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56156]

TUNA FISH

Tariff-Rate Quota, 1964

APRIL 17, 1964.

Pursuant to the provisions of item 112.30, Tariff Schedules of the United States, it has been determined that 60,911,870 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1964 at the rate of 12½ per centum ad valorem under item 112.30. Any such tuna which is entered, or withdrawn, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 25 per centum ad valorem under item 112.34 of the tariff schedules.

The above quota is based on the United States pack of canned tuna during the calendar year 1963, as reported by the United States Fish and Wildlife Service.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 64–3972; Filed, Apr. 21, 1964; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Land Management Bureau

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 15, 1964.

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior, has filed an application, Serial Number Colorado 0122327, for the withdrawal from public entry, subject to existing valid claims, pursuant to section 8, Colorado River Storage Project and Participating Projects Act (70 Stat. 110), certain public lands in the sections and townships described below.

The applicant desires the land for the purpose of establishing a wildlife management unit to be operated under agreement by the Colorado Department of Game, Fish and Parks in connection with the Curecanti Resource Management Project.

For a period of thirty days from the date of publication of this notice, all per-

sons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager, Colorado Land Office, Bureau of Land Management, Department of the Interior, Insurance Exchange Building, 910 15th St., Denver, Colorado, 80202.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Township 49 North, Range 3 West,
In Sections 2, 3, 6, 7, 8, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, and 27.
Township 49 North, Range 4 West,
In Sections 13, 14, 22, 23, and 24.

Lands proposed to be withdrawn in the above designated area aggregate approximately 7,165 acres.

W. F. MEEK,
Land Office Manager.

[F.R. Doc. 64-3935; Filed, Apr. 21, 1964; 8:48 a.m.]

Office of the Secretary

GEORGE A. PORTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Purchased: 50 Shares Gen. Motors Common, 100 shares Avco. 50 N.Y.-Chicago & St. Louis R.R.
(3) No change.
(4) No change.

This statement is made as of April 13, 1964.

Dated: April 13, 1964.

GEORGE A. PORTER.

[F.R. Doc. 64-3936; Filed Apr. 21, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

LILES BROTHERS LIVESTOCK COMMISSION CO., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Liles Brothers Livestock Commission Co., Searcy, Sept. 19, 1960.	Carson's Livestock Auction, Mar. 7, 1964.
IOWA	
Laurens Livestock Sales Co., Laurens, May 26, 1959.	Laurens Auction, Inc., Mar. 11, 1964.
KENTUCKY	
Science Hill Livestock Commission Co., Inc., Science Hill, July 18, 1962.	Science Hill Livestock Corp., Jan. 23, 1964.
MISSISSIPPI	
Owen Brothers Stockyards, Inc., Hattiesburg, Jan 7, 1959.	Hub City Stockyards, Inc., Dec. 1, 1963.
MISSOURI	
Neosho Livestock Commission Co., Neosho, June 4, 1959.	Neosho Auction Sales, Inc., Dec. 24, 1963.
MONTANA	
Dillon Livestock Auction Co., Dillon, Nov. 30, 1961.	Dillon Public Auction, Inc., Mar. 13, 1964.
TEXAS	
Rusk County Cattleman's Auction, Inc., Henderson, Mar. 12, 1959.	Rusk County Auction, Feb. 1, 1964.

Done at Washington, D.C., this 16th day of April 1964.

H. L. JONES,
Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-3940; Filed, Apr. 21, 1964; 8:48 a.m.]

Office of the Secretary

GEORGIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Georgia a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Bibb.	Monroe.
Butts.	Morgan.
Clayton.	Newton.
Coweta.	Oconee.
Crawford.	Peach.
Henry.	Pike.
Houston.	Rockdale.
Jasper.	Spalding.
Jones.	Talbot.
Lamar.	Taylor.
Macon.	Upson.
Meriwether.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of April 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-3941; Filed, Apr. 21, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order No. 15 (Rev.)]

OFFICE OF BUSINESS ECONOMICS

General Functions

The following order was issued by the Secretary of Commerce on February 13, 1964. This material supersedes the material appearing at 28 F.R. 3737 of April 17, 1963.

SECTION 1. *Purpose.* The purpose of this order is to describe the general functions of the Office of Business Economics.

SEC. 2. *General.*

.01 The Office of Business Economics, established by Department Order No. 15, is hereby continued as a primary organization unit of the Department of Commerce.

.02 The Office of Business Economics shall be headed by a Director who shall report and be responsible to the Assistant Secretary of Commerce for Economic Affairs. The Director shall be assisted by an Associate Director and a Deputy Director who shall, in turn, perform the functions of the Director during the latter's absence.

SEC. 3. *General functions and objectives.*

.01 The Office of Business Economics shall:

1 Provide the business community with basic economic measures of the national economy, including the national income accounts and the balance of international payments, and current analyses of the economic situation and business outlook;

2 Perform general economic research on the functioning of the economy, including cooperative research with business organizations, other Government agencies, and university and research institutions;

3 Develop basic economic and statistical indicators;

4 Provide a basis for policy formulation of the Department with respect to Government operations insofar as they affect economic movements and tendencies;

5 Serve as the central economic research organization of the Department on the functioning of the national economy, and collaborate with other primary organization units which require its economic research and statistical measures in matters within the scope of this order; and

6 Measure and analyze factors affecting regional economic development in the United States.

SEC. 4. *Transfer of personnel, funds, records, and property.*

.01 The personnel, funds, records, and property of the Business and Defense Services Administration heretofore allocated to functions and activities relating to regional economic development in the United States described in Section 3-6 of this order are transferred to the Office of Business Economics.

.02 The Assistant Secretary for Administration, acting through the appropriate offices of the Department, shall determine and arrange for the transfer of personnel, funds, records, and property of the Business and Defense Services Administration as provided herein.

Effective date: February 13, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3953; Filed, Apr. 21, 1964; 8:49 a.m.]

[Dept. Order No. 15 (Rev.); Organization and Function Supp. (Rev.)]

OFFICE OF BUSINESS ECONOMICS

Organization and Assignment of Functions

This material supersedes the material appearing at 28 F.R. 3737-3738 of April 17, 1963.

SECTION 1. *Purpose.* The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Office of Business Economics.

SEC. 2. *Organization.*

.01 The Office of Business Economics shall consist of the following organization units:

1 Office of the Director—
(1) Director,
(2) Associate Director,
(3) Deputy Director,
(4) Assistant Director (Chief Statistician),
(5) Assistant Director (National Economic Accounts),
2 National Income Division;
3 National Economics Division;
4 Business Structure Division;
5 Current Business Analysis Division;
6 Balance of Payments Division;
7 Regional Economics Division.

SEC. 3. *Functions of the organization units.*

.01 The Director formulates policies, develops and coordinates the programs, and directs all operations of the Office of Business Economics.

.02 The Associate Director of the Office of Business Economics shares with the Director the overall responsibility for determining, planning, and directing the activities of the Office of Business Economics. In addition, he shares with the Director prime responsibility for the integrity of all statistics and economic analyses emanating from the Office and for the interpretation, at the top echelons of Government and the business world, of highly complex data relating to the functioning of the national economy.

.03 The Deputy Director shall participate with the Director and the Associate Director in the development of broad overall programs, plans, policies, and direction of the Office; coordinate the end-product of regular and special analytical operations to effect published dissemination of complete and balanced reviews and analyses of the various current developments of the national economy; shall give direction to, and be responsible for, all aspects of management and administrative activities including budget, organization planning, personnel management and administrative services; and shall represent the Director in securing administrative services provided to the Office of Business Economics through the staff service officers reporting to the Assistant Secretary for Administration.

.04 The Assistant Director (Chief Statistician) shall be responsible for the investigation, establishment and continuous utilization of pertinent, comprehensive, and valid statistical criteria and advanced mathematical and econometric techniques in the development of statistical measures of economic aggregates basic to the functions of the Office; and for the analytical utilization of these and other data in current economic evaluations.

.05 The Assistant Director (National Economic Accounts) shall be responsible for the adequacy, quality, and extension of the basic economic research conducted by the Office with particular emphasis on national income and product, inter-industry sales and purchases, the balance of payments, and other facets of national economic accounting; and serve as the formally designated focal point within the Federal Government for the development and analytical application of the system of national accounts adopted as the Nation's essential economic interpretive mechanism.

.06 The National Income Division shall formulate and analyze the measures of the national income, gross national product and income flow to individuals, and prepare regular reports upon the position of the economy and the tendencies revealed by such data and analysis; compile analytical data on national income by industries and distributive shares indicating the origins and components of income produced, and the flow of production from basic resources to finished products; prepare estimates of income size distribution so as to describe the sources of income of recipients in different income classes, and the use of funds for taxes, consumption, and savings.

.07 The National Economics Division shall prepare and maintain on as current a basis as possible, estimates of the flows of goods and services from each industry to other industries as well as to final markets in the economy, organized in the form of inter-industry sales and purchases tables to analyze the economic repercussions of changes in final markets, i.e., consumers, investment, foreign trade, and Government, on the industries in the economy and income originating in these industries; and carry on a program of research and developmental studies aimed at the establishment of new essential series of economic data of meaningful analytical content for evaluating the functioning of the domestic economy.

.08 The Business Structure Division shall analyze and report upon the structure of industry, the effect of structural organization upon the economy, and the volume of business operations; provide current and historical data on (1) the structure of production and markets as an aid to expanding aggregate output and demand in the major industries and commodities; (2) the characteristics of the different types of businesses with particular relation to the specific markets for producers' and consumers' goods; (3) the financial organization and performance of business; and (4) changes in the business population by kinds of businesses, including analysis of the movement of firms in an out of particular lines of business; develop monthly and quarterly basic economic series on sales, consumer expenditures, capital expenditures, new and unfilled orders and inventories; and compile data and prepare analyses on business programs, including sales and capital budgets, and on the sources and uses of business funds.

.09 The Current Business Analysis Division shall compile material on significant factors in the current economic situation; conduct a continuing study of current business activity and of the forces contributing to and influencing these movements and provide business with comprehensive analyses, through the *Survey of Current Business*, of the effects of these forces upon business activity; conduct statistical research for the purpose of assembling for publication all of the current business statistics required for the evaluation of changes in major segments of the economy and for adapting these data to the analyses of the Office and to the use of business; and analyze national and regional economic developments and their relationship to current market trends and tendencies.

.10 The Balance of Payments Division shall compile, analyze, and interpret data on the balance of international payments and international investments of the United States, particularly as to their effect on the functioning of the domestic economy and prepare reports embodying the results of this research; analyze information concerning foreign transactions of the United States Gov-

ernment and arrange with other Government agencies for detailed reports covering their foreign transactions, including financial aid, goods transactions, and inventories, and prepare such data for use in the estimate of the balance of payments and gross national product of the United States; and collaborate with other primary organization units of the Department in the analysis of the international position of other countries and their capacity to utilize effectively and to service American investment capital.

.11 The Regional Economics Division shall develop and maintain measures which reflect the current economic situation in the various regions of the Nation and through which regional economic records can be traced; analyze the factors responsible for geographic differences in the levels of economic activity and for regional variations in rates of economic growth and development; construct a system of regional economic measures that will have optimum flexibility in terms of geographic delineation; conduct a program of regional economic research designed to develop series useful for identifying and evaluating regional economic trends; develop techniques and methods for measuring the geographic impact of major economic occurrences; and provide breakdowns of the significant income data by State, regions, and industrial areas, adapting these data for marketing and other purposes.

SEC. 4. *Field programs.* The Office of Business Economics shall have the authority and responsibility for the determination of all programs and policies governing its operations in the field. The facilities of the Office of Field Services shall be utilized to carry out the field programs of the Office of Business Economics.

Effective date: February 13, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3954; Filed, Apr. 21, 1964; 8:49 a.m.]

[Dept. Order No. 152 (Rev.)]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

General Functions

The following order was issued by the Secretary of Commerce on April 2, 1964. This material supersedes the material appearing at 28 F.R. 1118–1119 of February 5, 1963. Also this material, together with Department Order No. 152 (Revised) Organization and Function Supplement (Revised) of April 2, 1964, supersedes the material appearing at 28 F.R. 6594 of June 26, 1963.

SECTION 1. *Purpose.* The purpose of this order is to continue the Business and Defense Services Administration, delegate authority to the Administrator, Business and Defense Services Administration, and to describe the general functions of the Administration.

SEC. 2. *General.*

.01 The Business and Defense Services Administration, established on October 1, 1953, pursuant to authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950 and Executive Order 10480 of August 14, 1953, is continued as a primary organization unit of the Department of Commerce.

.02 The Business and Defense Services Administration shall be headed by an Administrator who shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Administrator shall be assisted by a Deputy Administrator who shall perform the functions of the Administrator in the latter's absence.

SEC. 3. *Delegation of Authority.*

.01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce and the Assistant Secretary for Domestic and International Business may prescribe, the Administrator, Business and Defense Services Administration, is hereby delegated the authority vested in the Secretary of Commerce relating to the industry and trade of the United States by the applicable provisions of:

1 The Act of February 14, 1903 (32 Stat. 825; 5 U.S.C. 596; 15 U.S.C. 175), as amended, to foster, promote, and develop the domestic commerce of the United States, and related provisions (15 U.S.C. 171 et seq.);

2 The Defense Production Act of 1950 (64 Stat. 798), as amended and extended, and Executive Order 10480 thereunder except the authority of the Secretary of Commerce with respect to the use of transportation facilities and the creation of new agencies within the Department of Commerce;

3 Executive Order 10999 of February 16, 1962, with respect to emergency preparedness functions concerning production and distribution of materials, and use of production facilities;

4 The National Security Act of 1947 (61 Stat. 495), as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

5 The Strategic and Critical Materials Stockpiling Act (60 Stat. 496), with respect to the acquisition of stocks of materials for defense purposes;

6 Executive Order 10660 of February 15, 1956, as amended, with respect to the establishment and training of the National Defense Executive Reserve;

7 Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

8 Section 402 of the Act of June 30, 1949 (63 Stat. 398; 40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, Section 601 of the Act of June 30, 1949 (63 Stat. 399; 64 Stat. 583; 40 U.S.C. 473) relating to the importation into the United States of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Reg. 8 (44 CFR 308.15), and including authority to promulgate regulations pertaining thereto; and

9 Chapters 1 and 2 of Title III of the Trade Expansion Act of 1962 (Public Law 87-794 of October 11, 1962), other than the authority to make certifications pursuant to Sections 302(b)(1), 302(c) and 311(b) of the Act.

.02 The Administrator, Business and Defense Services Administration, may redelegate his authority to appropriate officials of the Business and Defense Services Administration or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *General functions.* The Business and Defense Services Administration shall:

.01 Promote and develop the growth of industry and commerce of the United States through the following functions:

1 Stimulate the development of manufacturing, construction, distribution and service industries in order to achieve and sustain full and efficient production and employment commensurate with the needs of an expanding economy;

2 Conduct continuing studies and analyses of the American industrial economy and selected segments thereof in order to provide analytical and interpretive data on industrial trends affecting economic stability and recommend necessary and appropriate action on the part of Government and industry towards continued industrial and economic growth;

3 Foster a common understanding of the problems of Government and business and industry;

4 Obtain and consider the views of business and industry in formulating recommendations to the Secretary and the Assistant Secretary of Commerce for Domestic and International Business on national economic policy affecting the industry and commerce of the United States;

5 Provide technical advice and assistance on commodities and industries to other agencies of the Federal Government and cooperate with them on programs to achieve national economic stability and growth;

6 Develop, as requested, basic commodity-industry information and recommendations concerning adjustment assistance to individual firms in an industry which has been injured due to increased imports resulting from concessions granted under Trade Agreements;

7 Develop export potential for selected commodities, and analyze and disseminate foreign trade opportunity information to U.S. business on commodities and products;

8 Administer the Foreign Excess Property program;

9 Provide staff assistance to the Departmental official designated to carry out the Department's responsibility for regulating textile imports affected by international agreements; and

10 Administer Trade Adjustment Assistance under Title III of the Trade Expansion Act.

.02 Perform the following national defense and industrial mobilization functions:

1 Be responsible for the achievement of approved national security programs through the issuance of priorities and by channeling materials and products required therefor in accordance with the provisions of the Defense Production Act of 1950, as amended, including the operation of the Defense Materials System and related regulations and orders;

2 Assist in achieving a fair and equitable distribution of that portion of critical materials in excess of defense requirements to civilian industry, including small business;

3 Participate in the development of national plans for industry and economic mobilization including the development of a production control system with appropriate standby orders and regulations, and the development and administration of preparedness measures and their execution in an emergency;

4 Be responsible for the development of practical mobilization programs by ascertaining the production potential of the industrial economy as related to industrial materials, products, and facilities for defense-supporting and essential civilian needs and appraise productive capacity for full mobilization requirements;

5 Establish appropriate procedure and assemble necessary supply and requirements information on industrial products and services to assist in the formulation of national programs of stockpiling, increased production, facilities and other courses of action looking toward survival of the nation and its people in the event of any type of emergency including nuclear attack;

6 Provide the framework for the integration of defense production and mobilization programs with industry's long-range plans for maintaining civilian production and employment on a sound basis;

7 Install and execute, in an emergency, the programs and procedures for the establishment of requirements by designated claimant agencies, the assessment of resources availability to meet such requirements and the preparation of appropriate program recommendations;

8 Provide liaison with the Office of Emergency Planning, Department of Defense, National Aeronautics and Space Administration and Atomic Energy Commission and other departments and agencies having mobilization responsibilities; and

9 Administer and direct the industrial unit of the National Defense Executive Reserve.

.03 The Administrator shall have the authority and responsibility for determining all programs and policies governing the domestic and foreign field activities pertaining to the responsibilities of the Business and Defense Services Administration. Such authority and responsibility shall be exercised through and in coordination with the Directors of the Offices of Field Services and Foreign Commercial Services.

SEC. 5. *Administrative, publications, and related services.*

.01 The Office of Administration (DIB) shall furnish management, budget, personnel and related administrative services to the Business and Defense Services Administration pursuant to Department Order No. 189.

.02 The Office of Publications and Information (DIB) shall furnish publications and information services to the Business and Defense Services Administration pursuant to Department Order No. 190.

SEC. 6. *Transfer of personnel, funds, records, and property.*

.01 The personnel, funds, records, and property of the Office of Trade Adjustment are transferred to the Business and Defense Services Administration.

.02 The Assistant Secretary for administration, acting through the appropriate offices of the Department, shall determine and arrange for the transfer of personnel, funds, records, and property of the Office of Trade Adjustment as provided herein.

SEC. 7. *Saving provision.* All outstanding delegations, rules, regulations, orders, certificates, and other actions issued by or relating to the Business and Defense Services Administration or any official thereof shall remain in effect until amended or revoked by proper authority.

Effective date: April 2, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3957; Filed, Apr. 21, 1964; 8:49 a.m.]

[Dept. Order No. 152 (Rev.); Organization and Function Supp. (Rev.)]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Organization and Assignment of Functions

This material supersedes the material appearing at 28 F.R. 1119–1120 of February 5, 1963. Also this material, together with Department Order No. 152 (Revised) of April 2, 1964, supersedes the material appearing at 28 F.R. 6594 of June 26, 1963.

SECTION 1. *Purpose.* The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Business and Defense Services Administration.

SEC. 2. *Organization.* The Business and Defense Services Administration shall consist of the following organization units:

1 Office of the Administrator—
Administrator,
Deputy Administrator,
2 Office of the Assistant Administrator for Industrial Analysis—
Industrial Analysis Staff,
Statistical Operations and Analysis Staff,
3 Office of the Assistant Administrator for Business and Government Services—
Foreign Excess Property Office,
4 Office of the Assistant Administrator for Industrial Mobilization—
Industrial Materials Staff,
Mobilization Plans and Controls Staff,
Mobilization Readiness Staff,
Industrial Evaluation Staff,
5 Office of Distribution Services—
Wholesale and Retail Division,
Service Trades Division,
Marketing Information Division,
Water Industries Division,
6 Office of Chemicals and Consumer Products—
Chemical and Rubber Division,
Consumer Durables Division,
Food Industries Division,
Leather and Allied Products Division,
7 Office of Industrial Equipment—
Agricultural, Construction, Mining Equipment Division,
General Industrial Equipment and Components Division,
Metalworking Equipment Division,
Transportation Equipment Division,
8 Office of Metals and Minerals—
Aluminum and Magnesium Division,
Copper Division,
Iron and Steel Division,
Miscellaneous Metals and Minerals Division,
9 Office of Scientific and Technical Equipment—
Communications Industries Division,
Electronics Division,
Power and Electrical Equipment Division,
Scientific, Photographic, and Business Equipment Division,
10 Office of Construction and Materials Industries—
Building Materials and Construction Industries Division,
Containers and Packaging Division,
Forest Products Division,
Printing and Publishing Industries Division,
11 Office of Textiles—
Business Services and Analysis Division,
Market Analysis Division,
Trade Analysis Division,
12 Office of Trade Adjustment—
Project Managers.

SEC. 3. *Functions of the Office of the Administrator.*

.01 The Administrator shall determine the policy, direct the programs, and be responsible for the conduct of all activities of the Business and Defense Services Administration.

.02 The Deputy Administrator shall assist the Administrator in all matters affecting the Business and Defense Services Administration, and shall perform the duties of the Administrator during the latter's absence.

SEC. 4. *Functions of the Office of the Assistant Administrator for Industrial Analysis.*

.01 The Assistant Administrator, Industrial Analysis shall be the principal assistant and adviser to the Administrator on economic research programs concerned with business and industrial development, and shall maintain liaison with other areas of the Department and with other Departments and agencies on industrial economic development matters.

.02 The Office of the Assistant Administrator, Industrial Analysis shall

provide direction and guidance in the application of sound statistical and economic standards, techniques and procedures to Business and Defense Services Administration statistical and economic projects; and conduct research on factors affecting industry economic growth, including but not limited to monetary and fiscal policies, automation, technological progress, inventory policies, price fluctuations, and foreign competition.

SEC. 5. *Functions of the Office of the Assistant Administrator for Business and Government Services.*

.01 The Assistant Administrator, Business and Government Services shall be the principal assistant and adviser to the Administrator on business and Government services programs, provide policy direction and coordination in the execution of such programs in the business and industry offices; direct the activities of the Foreign Excess Property Office; and maintain liaison with other areas of the Department and with other Departments and agencies.

.02 The Office of the Assistant Administrator, Business and Government Services shall be responsible for industrial and marketing consultative services; liaison with Federal, State, and local business development and planning groups; communication of information to the business community; stimulation of industrial modernization and productivity improvement; foreign market export potential studies; and analysis and dissemination of foreign trade opportunities.

.03 The Foreign Excess Property Office shall administer the provisions of the Foreign Excess Property Order No. 1 relating to importation of foreign excess property into the United States; and shall coordinate studies to determine the impact on industry of the sale of domestic Government surplus in the domestic market.

SEC. 6. *Functions of the Office of the Assistant Administrator for Industrial Mobilization.*

.01 The Assistant Administrator, Industrial Mobilization shall be the principal assistant and adviser to the Administrator in the performence of functions under the Defense Production Act of 1950, as amended, Executive Orders 10480 and 10660 and on all programs relating to mobilization of industrial resources during a national emergency pursuant to Executive Order 10999; provide policy direction and coordination in the execution of such programs in the business and industry offices; and maintain liaison with other areas of the Department and with other departments and agencies.

.02 The Office of the Assistant Administrator, Industrial Mobilization, shall be responsible for the administration of the Defense Materials System; issuance of priorities and directives; industrial mobilization planning, including development of mobilization production control systems and standby regulations; development of recommendations on the national stockpile of critical materials; training and direction of the industrial unit of the National Defense Executive Reserve; and identification and analysis through the Industry Evaluation Board of industry facilities of critical importance to industrial mobilization.

SEC. 7. *Business and industry offices.* The business and industry offices (Chemicals and Consumer Products, Industrial Equipment, Metals and Minerals, Scientific and Technical Equipment, Construction and Materials Industries, Textiles, and Distribution Services) each represent a broad segment of American business and industry. These offices shall plan, direct, and coordinate the activities of the industry divisions within their areas of responsibility in the execution of the agency's programs of industrial mobilization, industrial analysis, and business and Government services. In addition to the above functions, the Office of Textiles shall provide staff assistance to the Departmental official designated to carry out the Department's responsibilities for regulating textile imports affected by international agreements.

SEC. 8. *Industry divisions.* Each Industry Division shall perform the following functions within its assigned segment of American industry:

1 Act as first point of contact with industry on Government-industry relations, foster a common understanding of the problems of Government and business and industry, and provide assistance and advice on industry, commodity, and trade problems;

2 Develop and maintain basic information and data on production, capacity, consumption, inventories, markets, distribution, sources of supply, technological developments, and other factors which affect the economic position of the assigned industries;

3 Prepare analytical and interpretive reports for use by business, industry, and Government containing basic data on production, inventories, distribution and consumption, conditions and levels of business activity for specific industries, and current and projected production trends and market outlooks;

4 Prepare data for use in (1) industrial economic studies, (2) reports on import-impact and petitions filed under Sections 7 and 8 of the Trade Agreements Extension Act, and (3) support of General Agreement on Tariffs and Trade negotiations; and

5 Conduct defense production and mobilization preparedness activities, as assigned, such as post-attack and capability studies, preparation of recommendations on stockpiling or disposal of stockpiled strategic materials and equipment, preparation of Industry Evaluation Board analyses, and participation in development of national industrial mobilization plans.

SEC. 9. *Office of Trade Adjustment.* The Office of Trade Adjustment shall:

1 Recommend to the Assistant Secretary for Domestic and International Business, through the Administrator, action to be taken on requests by firms to determine their eligibility to make application for adjustment assistance under Sections 302(b)(1) and 302(c) of the Trade Expansion Act;

2 Establish procedures by which firms will apply for adjustment assistance;

3 Investigate and render assistance to applicant firms which are preparing proposals for their adjustment;

4 Contract with qualified consulting firms or individuals for the provision of advice and assistance to applicant firms;

5 Establish and maintain contact with other agencies providing adjustment assistance as defined in the Trade Expansion Act;

6 Recommend to the Secretary, through the Administrator, action to be taken on proposals for adjustment assistance submitted by firms under Section 311(b) of the Trade Expansion Act;

7 Refer certified adjustment proposals to appropriate Federal Government agencies for action;

8 Furnish adjustment assistance to firms whose adjustment proposals have been certified if such assistance cannot be obtained from other Federal agencies;

9 Establish procedures for investigation of progress toward adjustment objectives by firms receiving assistance under the Trade Expansion Act;

10 Perform investigations as necessary to insure compliance with regulations issued under the Trade Expansion Act;

11 Consult with appropriate officials of other Federal agencies on matters within the cognizance of those agencies as set forth in the Trade Expansion Act; and

12 Administer such regulations as may be necessary to assure the adequacy and effectiveness of the program for trade adjustment assistance, subject to applicable provisions of Title III of the Trade Expansion Act.

SEC. 10. *Administrative, publications, and related services.*

.01 Administrative management, budget, personnel and related administrative services are furnished to the Business and Defense Services Administration by the Office of Administration (DIB) pursuant to Department Order No. 189.

.02 Publications and information services are furnished to the Business and Defense Services Administration by the Office of Publications and Information (DIB) pursuant to Department Order No. 190.

Effective date: April 2, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3958; Filed, Apr. 21, 1964; 8:49 a.m.]

[Dept. Order No. 168 (Rev.)]

OFFICE OF FIELD SERVICES

General Functions and Responsibilities

The following order was issued by the Secretary of Commerce on April 2, 1964. This material supersedes the material appearing at 28 F.R. 8049 of August 7, 1963.

SECTION 1. *Purpose.* The purpose of this order is to continue the Office of Field Services as a primary organization unit, and to describe the general functions and responsibilities of the Office of Field Services.

SEC. 2. *General.*

.01 The Office of Field Services is hereby continued as a primary organization unit of the Department of Commerce.

.02 The Office of Field Services shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director in the latter's absence.

.03 The Director, Office of Field Services, subject to such policies and directives as the Secretary of Commerce and the Assistant Secretary for Domestic and International Business may prescribe, shall be responsible for conducting the activities of the Office of Field Services as described herein.

SEC. 3. *General functions and responsibilities.*

.01 The Office of Field Services shall be responsible for carrying out the field programs of the Business and Defense Services Administration, the Bureau of International Commerce, the Office of Technical Services in the National Bureau of Standards, and the Office of Business Economics. In the discharge of these responsibilities the Office of Field Services shall:

1 Disseminate reports, data, and statistical information relating to business development and published by any bureau or office of the Department;

2 Provide staff support, in Washington and in the field, for the National and Regional Export Expansion Councils;

3 Administer the President's "E" Award Program, pursuant to Executive Order 10978 of December 5, 1961; and

4 Under the terms of any agreement between the Department of Commerce and another Government agency, the Office of Field Services may act as such agency's representative by disseminating to the business public information on the agency's policies and programs.

.02 The head of each organization unit whose field program is carried out under this order shall have authority and responsibility for determining all programs and policies governing Field Office activities pertaining to such organization unit. Such authority and responsibility shall be exercised through and in coordination with the Director, Office of Field Services.

.03 Continuing liaison shall be maintained between the Director, Office of Field Services and the head of each organization unit whose field program is carried out under this order to assure: (1) effective assistance to each Field Office in serving business and industry in its area, and (2) constructive feed-back of information from Field Offices to each affected organization unit which will help in evaluating current usefulness of program elements or which will highlight unsatisfied needs of business which should be considered in any program revision.

.04 Local and State associations, Chambers of Commerce, Boards of Trade, State development agencies, and similar organizations or groups shall be utilized to the fullest extent possible to increase the use and effectiveness of the services, facilities and published information and data of the Department, and to develop close relationships between the Department of Commerce and such organizations and the business public in the areas they serve. To this end, the Director of the Office of Field Services is authorized to enter into formal cooperative office agreements or appropriate informal arrangements as may be feasible with such agencies.

SEC. 4. *Administrative, publications, and related services.*

.01 The Office of Administration (DIB) shall furnish management, budget, personnel and related administrative services to the Office of Field Services pursuant to Department Order No. 189.

.02 The Office of Publications and Information (DIB) shall furnish publications and information services to the Office of Field Services pursuant to Department Order No. 190.

SEC. 5. *Transfer of personnel, funds, records, and property.*

.01 There are hereby transferred to the Office of Field Services all personnel, funds, records, and property heretofore assigned or available to the Bureau of International Commerce in connection with staff support for the National and Regional Export Expansion Councils and for the President's "E" Award Program.

.02 The Assistant Secretary for Administration, acting through appropriate offices of the Department, shall determine and arrange for the transfer of personnel, funds, records, and property of the Bureau of International Commerce as provided herein.

Effective date: April 2, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3959; Filed, Apr. 21, 1964; 8:49 a.m.]

[Dept. Order No. 168 (Rev.); Organization and Function Supp. (Rev.)]

OFFICE OF FIELD SERVICES

Organization and Assignment of Functions

This material supersedes the material appearing at 28 F.R. 8048-8049 of August 7, 1963.

SECTION 1. *Purpose.* The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Office of Field Services.

SEC. 2. *Organization.*

.01 The Office of Field Services shall comprise the following organization units:

(Headquarters)

1 Office of the Director—
Director,
Deputy Director,
Assistant Director,
2 Executive Director, Export Expansion Councils
3 Operations Division
4 Trade Conferences Division

(Field)

5 Field Offices (located in principal cities as listed in Appendix A).

SEC. 3. *Functions of the Office of the Director.*

.01 The Director plans, supervises, coordinates, and executes all policies and programs of the Office of Field Services.

.02 The Deputy Director assists the Director in his duties, and carries out the functions and responsibilities of the Director in the latter's absence.

.03 The Assistant Director is responsible for supervising the functions and activities of the Operations Division and the Trade Conferences Division.

SEC. 4. *Functions of headquarters organization units.*

.01 The Executive Director, Export Expansion Councils provides executive support to the Chairman of the National Export Expansion Council.

.02 The Operations Division is the focal point for coordination and evaluation of all program activities of the Office of Field Services. The functions performed by the Division in execution of its principal mission include, but are not limited to the following:

1 Maintain continuous liaison with Bureau of International Commerce, Business and Defense Services Administration, Office of Technical Services in the National Bureau of Standards, Office of Business Economics, other offices and bureaus of the Department, and other agencies for whom services are performed under inter-agency agreement, to assure that Field Offices are effectively fulfilling program needs on a continuing basis and that the program agencies act promptly on needs expressed by Field Offices;

2 Participate, at the planning and development stage, with any bureau or office of the Department or with any other agency of Government which is proposing a new program (or significant change in an existing program) to be implemented through Field Offices;

3 Review and evaluate Field Offices' performance to assure fulfillment of the Department's objectives by analysis of reports from either Field Offices or program agencies, in-the-field inspections, investigations of complaints or suggestions;

4 Take action, in light of evaluations, to improve Field Office operations;

5 Direct all phases of emergency readiness activities in the Office of Field Services; and

6 Plan and supervise the Cooperative Office Program in the Office of Field Services.

.03 The Trade Conferences Division provides secretariat and technical staff services for the National Export Expansion Council and technical staff services for the Regional Export Expansion Councils relating to implementation and coordination of program activities, processing of appointment, re-appointments, and termination of memberships; and administering the President's "E" Award

Program, including processing of applications, providing of secretariat services for Interagency Awards Committee, and arranging of presentation ceremonies.

SEC. 5. *Functions of offices in the field.*

.01 Each Field Office shall be headed by a Director who shall report and be responsible to the Director, Office of Field Services. The Field Office Director acts as the Department's representative in maintaining constructive relationships between the Department and representatives of business and industry, and other Government agencies in the area served. The staff of a Field Office, under the Director's supervision, works in continuous consultation with individuals and representatives of firms or associations concerned with any aspect of foreign or domestic commerce of the United States. Functions performed in all Field Offices are the same, though emphasis on specific functions may vary in accordance with the economic characteristics of the area served by a particular Field Office. Functions of a typical Field Office are as follows:

1 *International trade.* (1) With specific emphasis on the Department of Commerce program for expansion of the United States export trade, assists in the promotion of international trade, foreign investment and travel, by advising and consulting with exporters, importers, bankers, service agencies and trade associations, with respect to market and general economic conditions abroad and performs such other functions as are necessary in furthering the international trade promotion programs of the Department;

(2) Assists in the administration of the Export Control Act of 1949, as amended; and

(3) In accordance with the agreements entered into between the Department of Commerce and the Agency for International Development, and between the Department of Commerce and the Export-Import Bank, acts as representative of each of these agencies in disseminating to the business public information on such agency's policies and programs.

2 *Domestic trade.* (1) Assists businessmen and trade and industrial groups engaged in manufacturing, construction, distribution, banking, communications, advertising, publishing, transportation and other service trades by providing factual, analytical and interpretive data on commodities, products, industries, and marketing for use as basic guides for business in trade maintenance and expansion programs;

(2) Provides access to, and counseling service on, the facilities, publications, and reports of the Office of Technical services in the National Bureau of Standards; and

(3) Maintains contact with State, local, and industrial development groups to provide effective utilization of the services and facilities of the Area Redevelopment Administration.

3 *Defense production activities.* Assists and advises all segments of business with respect to the orders, regulations, policies, directives, priorities, allocations, inventory controls, conservation orders, and other actions of the Business and Defense Services Administration, taken under the authority of Title I of the Defense Production Act.

SEC. 6. *Administrative, publications, and related services.*

.01 Administrative management budget, personnel and related administrative services are furnished to the Office of Field Services by the Office of Administration (DIB) pursuant to Department Order No. 189.

.02 Publications and information services are furnished to the Office of Field Services by the Office of Publications and Information (DIB) pursuant to Department Order No. 190.

Effective date: April 2, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

OFFICE OF FIELD SERVICES—FIELD OFFICES

Albuquerque, N. Mex.	Kansas City, Mo.
Anchorage, Alaska.	Los Angeles, Calif.
Atlanta, Ga.	Memphis, Tenn.
Birmingham, Ala.	Miami, Fla.
Boston, Mass.	Milwaukee, Wis.
Buffalo, N.Y.	Minneapolis, Minn.
Charleston, S.C.	New Orleans, La.
Charleston, W. Va.	New York, N.Y.
Cheyenne, Wyo.	Philadelphia, Pa.
Chicago, Ill.	Phoenix, Ariz.
Cincinnati, Ohio.	Pittsburgh, Pa.
Cleveland, Ohio.	Portland, Oreg.
Dallas, Tex.	Reno, Nev.
Denver, Colo.	Richmond, Va.
Detroit, Mich.	St. Louis, Mo.
Greensboro, N.C.	Salt Lake City, Utah.
Hartford, Conn.	San Francisco, Calif.
Honolulu, Hawaii.	Santurce, Puerto Rico
Houston, Tex.	Savannah, Ga.
Jacksonville, Fla.	Seattle, Wash.

See local telephone directory under "United States Government—Commerce, Department of—Field Services" for address and telephone number.

[F.R. Doc. 64-3960; Filed, Apr. 21, 1964; 8:49 a.m.]

[Dept. Order No. 182 (Rev.)]

BUREAU OF INTERNATIONAL COMMERCE

General Functions

The following order was issued by the Secretary of Commerce on April 2, 1964. This material supersedes the material appearing at 28 F.R. 1073–1074 of February 2, 1963.

SECTION 1. *Purpose.* The purpose of this order is to continue the Bureau of International Commerce, delegate authority to the Director of the Bureau, and describe the general functions of the Bureau.

SEC. 2. *General.*

.01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the Bureau of International Commerce is hereby continued as a primary organization unit of the Department of Commerce.

.02 The Bureau of International Commerce shall be headed by a Director who shall report and be responsible to the Assistant Secretary of Commerce for Domestic and International Business. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director in the latter's absence.

SEC. 3. *Delegation of authority.*

.01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce and the Assistant Secretary for Domestic and International Business may prescribe, the Director, Bureau of International Commerce, is hereby delegated the authority vested in the Secretary of Commerce relating to the international trade and investment of the United States by the applicable provisions of:

1 The Act of February 14, 1903 (32 Stat. 825), as amended (5 U.S.C. 596; 15 U.S.C. 175), to foster, promote and develop the foreign commerce and trade of the United States, and related provisions (15 U.S.C. 171 et seq.);

2 The Export Control Act of 1949 (63 Stat. 7) as amended and extended (50 U.S.C. App. 2021–2032), and Executive Orders 10945 of May 24, 1961, and 11038 of July 23, 1962, delegating the President's authority thereunder to control exports;

3 The Trade Expansion Act of 1962 (Public Law 87–794; 76 Stat. 872) and Executive Order 11075 of January 15, 1963, authorizing foreign trade agreements and tariff and other assistance (except the provisions dealing with the furnishing of adjustment assistance to firms and the Adjustment Assistance Advisory Board);

4 The Foreign Assistance Act of 1961 (Public Law 87–195; 75 Stat. 424) as amended (22 U.S.C. 2151 et seq.), and Section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad;

5 The Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256; 75 Stat. 527) (22 U.S.C. 2451 et seq.), Executive Order 11034 of June 25, 1962, and delegation of authority dated June 25, 1962 from the Director, United States Information Agency, dealing with U.S. participation in international fairs, expositions and trade missions abroad;

6 The Mobile Trade Fairs Act of 1962 (Public Law 87–839; 76 Stat. 1074);

7 The Trade Fair Act of 1959 (Public Law 86–14; 73 Stat. 18) (19 U.S.C. 1751–1756) relating to the designation of domestic trade fairs which are in the public interest in promoting trade;

8 The Foreign Trade Zones Act of June 18, 1934 (48 Stat. 998) as amended (19 U.S.C. 81a–81u), dealing with the establishment and operation of foreign trade zones within the United States;

9 The China Trade Act, 1922 (42 Stat. 849), as amended (15 U.S.C. 141 et seq.) (except the provisions authorizing issuance of certificates of incorporation of China Trade Act Corporations), and Section 914(b), Internal Revenue Code of 1954 (26 U.S.C. 914(b)) dealing with certification of special dividend distributions; and

10 The Internal Revenue Code of 1954 (72 Stat. 1282) as amended (26 U.S.C. 4221), and the Tariff Act of 1930 (46 Stat. 690) as amended (19 U.S.C. 1309), insofar as they relate to findings with respect to exemptions from taxes and import duties on supplies and equipment for aircraft.

.02 The Director of the Bureau of International Commerce may redelegate his authority to appropriate officials of the Bureau of International Commerce or to any other appropriate officer or agency of the U.S. Government, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *General functions.*

.01 The Bureau of International Commerce shall:

1 Foster the economic strength and national security of the United States by promoting and protecting its foreign commerce;

2 Stimulate the participation of U.S. private enterprise in, and its expansion of, international trade and investment by all appropriate means;

3 Recommend policies, programs and procedures to the Assistant Secretary for Domestic and International Business which will enhance the foreign commerce of the United States;

4 Provide recommendations leading to the development of Department policy in the field of international investment and export financing and develop appropriate programs and procedures to ensure their effective implementation;

5 Assist in opening new, or protecting and maintaining old, markets for U.S. private enterprise abroad through negotiations with other nations bilaterally or through international organizations and conferences, in cooperation with the Department of State;

6 Manage export promotion and expansion facilities such as trade fairs, trade missions, trade centers, and sample fairs and develop other techniques to stimulate non-exporting U.S. businesses to participate in overseas markets, or to enlarge sales for present exporters.

7 Review and approve on behalf of the Secretary national program activities developed by the National Export Expansion Council for execution by the Regional Export Expansion Councils;

8 Administer the Foreign Trade Zones Act under the policies established by the Foreign Trade Zones Board and advise the business community of the uses of foreign trade zones;

9 Collect, organize, and analyze information obtained from the Foreign Service and other sources and disseminate such information to the business community and other end-users regarding (1) the economic, commercial, industrial and financial structure of countries with which the U.S. maintains trade relations; (2) the identity of overseas importers, exporters and manufacturers of potential interest to U.S. business; (3) the investment opportunities in the United States for potential foreign investors, and opportunities for investment in developing overseas areas for U.S. investors; and (4) export and import statistics;

10 Assist in the development of, and make recommendations on, the Department's position in all phases of international trade, commercial and financial policy, help broaden U.S. export opportunities by preparing for and participating in tariff negotiations pursuant to the Trade Expansion Act of 1962, and collaterally seek the elimination or reduction of non-tariff barriers;

11 Administer the export control program;

12 Develop recommendations concerning U.S. Government positions on proposed international commodity agreements, and furnish technical advice and assistance in preparations for and support of U.S. negotiations with foreign governments concerning international trade and commodity problems; and

13 Develop and maintain plans to ensure the continuity of the essential functions of the Bureau in the event of a national emergency.

.02 The Director shall have the authority and responsibility for determining all programs and policies governing domestic and foreign field activities pertaining to the responsibilities of the Bureau of International Commerce. Such authority and responsibility shall be exercised through and in coordination with the Directors of the Offices of Field Services and Foreign Commercial Services.

SEC. 5. *Administrative, publications, and related services.*

.01 The Office of Administration (DIB) shall furnish management, budget, personnel and related administrative services to the Bureau of International Commerce pursuant to Department Order No. 189.

.02 The Office of Publications and Information (DIB) shall furnish publications and information services to the Bureau of International Commerce pursuant to Department Order No. 190.

SEC. 6. All outstanding delegations, rules, regulations, orders, certificates, licenses and other actions issued by or relating to the Bureau of International Commerce and its predecessor organizations or any official thereof, shall remain in effect until amended or revoked by proper authority.

Effective date: April 2, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3961; Filed, Apr. 21, 1964; 8:49 a.m.]

[Dept. Order No. 182, Amdt. No. 2; Organization and Function Supp.]

BUREAU OF INTERNATIONAL COMMERCE

Organization and Functions

The material appearing at 28 F.R. 1074–1077 of February 2, 1963, as amended by the material appearing at 28 F.R. 4773 of May 11, 1963, is further amended as follows:

The Organization and Function Supplement dated February 1, 1963 (as amended) to Department Order No. 182 is hereby further amended in the following particulars:

1. In section 2.01, under item 1, delete "Office of Publications and Information," and "Office of Administration."

2. In section 2.01, under item 2, add "International Resources Policy Division."

3. In section 2.01, under item 5, delete "Trade Conference Staff."

4. Add as new sentence to section 3.01: "In addition, the Director reviews and approves on behalf of the Secretary the national program activities developed by the National Export Expansion Council for execution by the Regional Export Expansion Councils."

5. Delete sections 3.08 and 3.09.

6. Under section 4 add as new item 12:

12 Develop recommendations concerning U.S. Government positions on proposed international commodity agreements, and furnish technical advice and assistance in preparation for and support of U.S. negotiations with foreign governments concerning international trade and commodity problems.

7. Under section 7, delete items 11 and 12, and renumber item 13 as item 11.

8. Add as new section 9:

SEC. 9. *Administrative, publications, and related services.*

.01 Administrative management, budget, personnel and related administrative services are furnished to the Bureau of International Commerce by the Office of Administration (DIB) pursuant to Department Order No. 189.

.02 Publications and information services are furnished to the Bureau of International Commerce by the Office of Publications and Information (DIB) pursuant to Department Order No. 190.

9. Renumber the present section 9, "Effect on Other Orders" as section 10.

Effective date: April 2, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3962; Filed, Apr. 21, 1964; 8:49 a.m.]

[Dept. Order No. 189]

OFFICE OF ADMINISTRATION FOR DOMESTIC AND INTERNATIONAL BUSINESS

Establishment and General Functions

The following order was issued by the Secretary of Commerce on December 20, 1963.

SECTION 1. *Purpose.* The purpose of this order is to establish the Office of Administration for Domestic and International Business, to delegate authority to the Director of the Office, and to describe the general functions of the Office.

SEC. 2. *Establishment and direction.*

.01 Pursuant to the authority vested in the Secretary of Commerce by law there is hereby established the Office of Administration for Domestic and International Business (DIB).

.02 The Office of Administration (DIB) shall be headed by a Director who shall report and be responsible to the Assistant Secretary of Commerce for Domestic and International Business. The Director shall be assisted by a Deputy Director who shall also perform the

functions of the Director in the latter's absence.

SEC. 3. *Delegation of authority.*

.01 Subject to such policies, directives and delegations of authority as may be issued by the Secretary of Commerce and the Assistant Secretary for Domestic and International Business, and in accordance with applicable Department and Administrative Orders, the Director, Office of Administration (DIB) is hereby authorized to conduct all administrative management activities and serve as the administrative officer for all operating organization units under the jurisdiction of the Assistant Secretary for Domestic and International Business.

.02 The Director, Office of Administration (DIB) is hereby authorized to exercise, on behalf of the heads of operating organization units reporting to the Assistant Secretary for Domestic and International Business, the administrative management authorities delegated to the heads of primary organization units by Department and Administrative Orders.

.03 The authority delegated herein shall be exercised only in consultation with the relevant subject matter office or bureau head, and with the concurrence of the Assistant Secretary for Domestic and International Business.

SEC. 4. *General functions.*

.01 The Director, Office of Administration (DIB) shall be the principal assistant and adviser to the Assistant Secretary for Domestic and International Business on administrative management activities.

.02 The Office of Administration shall:

1 Be the liaison with counterpart offices reporting to the Assistant Secretary for Administration and similar offices of other departments and agencies;

2 Review and coordinate budget requirements and prepare and control fiscal plans and programs for domestic and foreign activities;

3 Administer the personnel management program;

4 Provide leadership and direction in planning, organizing, developing and executing comprehensive administrative management programs for all organization units under the jurisdiction of the Assistant Secretary for Domestic and International Business;

5 Provide administrative management services except those provided by the staff service offices under the Assistant Secretary for Administration; and

6 Develop, coordinate and maintain an administrative readiness capability to support the essential emergency readiness functions of domestic and international business organization units.

SEC. 5. *Organization and assignment of functions.* An Organization and Function Supplement to this order, prescribing the organization and assignment of functions within the Office of Administration (DIB), shall be developed and issued by the Director with the approval of the Assistant Secretary for Domestic and International Business and the Assistant Secretary for Administration.

SEC. 6. *Transfer of personnel, records, and property.*

.01 The personnel, records, and property of the Bureau of International Commerce, Business and Defense Services Administration, Office of Field Services, Office of Foreign Commercial Services and Office of Trade Adjustment heretofore allocated to the functions and activities described in this order are transferred to the Office of Administration (DIB).

.02 The Assistant Secretary for Administration, acting through appropriate offices of the Department, shall determine and arrange for the transfer of personnel, records, and property of the Bureau of International Commerce, Business and Defense Services Administration, Office of Field Services, Office of Foreign Commercial Services and Office of Trade Adjustment as provided herein.

Effective date: December 20, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3963; Filed, Apr. 21, 1964; 8:49 a.m.]

[Dept. Order No. 189; Organization and Function Supp.]

OFFICE OF ADMINISTRATION FOR DOMESTIC AND INTERNATIONAL BUSINESS

Organization and Assignment of Functions

SECTION 1. *Purpose.* The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Office of Administration for Domestic and International Business.

SEC. 2. *Organization.*

.01 The Office of Administration for Domestic and International Business (DIB) provides administrative management services (except those provided by the staff service offices under the Assistant Secretary for Administration) to the Business and Defense Services Administration, Bureau of International Commerce, Office of Field Services, Office of Foreign Commercial Services, and Office of Publications and Information (DIB) hereafter in this order referred to as "the operating units."

.02 The Office of Administration (DIB) shall consist of the following organization units:

1 Office of the Director—
Director,
Deputy Director,
Assistant Director,

2 Budget and Finance Division;

3 Management and Organization Division;

4 Personnel Division;

5 Administrative Services Division;

SEC. 3. *Functions of the Office of the Director.*

.01 The Director determines the policy, directs the programs, and is responsible for the conduct of all activities of the Office of Administration (DIB).

.02 The Deputy Director assists the Director in all matters affecting the Office of Administration (DIB), and performs the duties of the Director during the latter's absence.

.03 The Assistant Director is specifically responsible for contracting and administrative services activities.

SEC. 4. *Functions of the Budget and Finance Division.* The Budget and Finance Division is responsible for development and administration of fiscal programs for domestic and overseas activities; formulation, presentation, and execution of budgets for the operating units; administration and control of trust funds, allocations, and working funds; financial and budgetary controls; fiscal reports; fiscal planning for emergency readiness; and liaison with the Department's Office of Budget and Finance.

SEC. 5. *Functions of the Management and Organization Division.* The Management and Organization Division is responsible for organization planning; management surveys and analysis, including automatic data processing; procedures and directives; management improvement; program reporting and evaluation; committee management; workload projections; work measurement; organization and management planning for emergency readiness; and liaison with the Department's Office of Management and Organization.

SEC. 6. *Functions of the Personnel Division.* The Personnel Division is responsible for development and administration of personnel management programs which include recruitment, placement, employee development and career planning, position classification, performance evaluation, employee relations and services, personnel planning for emergency readiness, and liaison with the Department's Office of Personnel.

SEC. 7. *Functions of the Administrative Services Division.* The Administrative Services Division is responsible for property and supply management, including that used in overseas trade fair exhibits under the cognizance of the Bureau of International Commerce; procurement; space management; safety; physical and documentary security; correspondence management and control; records management; forms management and control; communications; foreign and domestic travel services; administrative services activities for emergency readiness; liaison with the Department's Office of Administrative Services; and other services as assigned by the Director, Office of Administration (DIB).

Effective date: April 2, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3964; Filed, Apr. 21, 1964; 8:49 a.m.]

[Dept. Order No. 190]

OFFICE OF PUBLICATIONS AND INFORMATION FOR DOMESTIC AND INTERNATIONAL BUSINESS

Establishment and General Functions

The following order was issued by the Secretary of Commerce on December 20, 1963.

SECTION 1. *Purpose.* The purpose of this order is to establish the Office of Publications and Information for Domestic and International Business, to delegate authority to the Director of the Office, and to describe the general functions of the Office.

SEC. 2. *Establishment and direction.*

.01 Pursuant to the authority vested in the Secretary of Commerce by law there is hereby established the Office of Publications and Information for Domestic and International Business (DIB).

.02 The Office of Publications and Information (DIB) shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Domestic and International Business subject to the policy guidance and coordination of the Special Assistant to the Secretary for Public Affairs. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director in the latter's absence.

SEC. 3. *Delegation of authority.*

.01 Subject to such policies, directives and delegations of authority as may be issued by the Secretary of Commerce and the Assistant Secretary for Domestic and International Business, and in accordance with applicable Department and Administrative Orders, the Director, Office of Publications and Information (DIB) is hereby authorized to conduct all publications and information activities for all operating organization units under the jurisdiction of the Assistant Secretary for Domestic and International Business.

.02 The authority delegated herein shall be exercised only in consultation with the relevant subject matter office or bureau head, and with the concurrence of the Assistant Secretary for Domestic and International Business.

SEC. 4. *General functions.*

.01 The Office of Publications and Information (DIB) is a central service unit providing complete publications and information service to each of the operating organization units under the jurisdiction of the Assistant Secretary for Domestic and International Business.

.02 The Director shall be the adviser to the head of each operating organization unit under the jurisdiction of the Assistant Secretary for Domestic and International Business on publications and information matters, conduct and be responsible for the management of the publications programs of these operating organization units, including the review and editing of publications, and conduct an information program under the general policy guidance of the Department's Office of Public Information.

SEC. 5. *Organization and assignment of functions.* An Organization and Function Supplement to this order, prescribing the organization and assignment of functions within the Office of Publications and Information (DIB) shall be developed and issued by the Director with the approval of the Assistant Secretary for Domestic and International Business and the Assistant Secretary for Administration.

SEC. 6. *Transfer of personnel, records, and property.*

.01 The personnel, records, and property of the Bureau of International Commerce, Business and Defense Services Administration, Office of Field Services, Office of Foreign Commercial Services, and Office of Trade Adjustment heretofore allocated to the functions and activities described in this order are transferred to the Office of Publications and Information (DIB).

.02 The Assistant Secretary for Administration, acting through appropriate offices of the Department, shall determine and arrange for the transfer of personnel, records, and property of the Bureau of International Commerce, Business and Defense Services Administration, Office of Field Services, Office of Foreign Commercial Services, and Office of Trade Adjustment as provided herein.

Effective date: December 20, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3965; Filed, Apr. 21, 1964; 8:49 a.m.]

[Dept. Order No. 190; Organization and Function Supp.]

OFFICE OF PUBLICATIONS AND INFORMATION FOR DOMESTIC AND INTERNATIONAL BUSINESS

Organization and Assignment of Functions

SECTION 1. *Purpose.* The purpose of this Organization and Function Supplement is to prescribe the organization and assign functions within the Office of Publications and Information for Domestic and International Business.

SEC. 2. *Organization.*

.01 The Office of Publications and Information for Domestic and International Business (DIB) provides publications and information services to the Business and Defense Services Administration, Bureau of International Commerce, Office of Field Services, Office of Foreign Commercial Services, and Office of Administration (DIB), hereafter in this order referred to as "the operating units."

.02 The Office of Publications and Information (DIB) shall consist of the following organization units:

1 Office of the Director—
Director,
Deputy Director,
"International Commerce" Staff,
Speaker and Exhibits Assignment Staff,

2 Publications Division;

3 Information Division;

4 Graphics Division.

SEC. 3. *Functions of the Office of the Director.*

.01 The Director determines the policy, directs the programs, and is responsible for the conduct of all activities of the Office of Publications and Information (DIB).

.02 The Deputy Director assists the Director in all matters affecting the Office of Publications and Information (DIB), and performs the duties of the Director in the latter's absence.

.03 The "International Commerce" Staff is responsible for the content, editing and production of the Bureau of International Commerce's official weekly news magazine, "International Commerce".

.04 The Speaker and Exhibits Assignment Staff advises the Director, Office of Publications and Information (DIB) of significant events of concern to the Assistant Secretary for Domestic and International Business at which this area should be represented by speakers and/or exhibits; informs Information Division of scheduled speaking engagements; and schedules and routes all exhibits and exhibit material, including publications supplemental to speaking engagements.

SEC. 4. *Functions of the Publications Division.* The Publications Division is responsible for the development and recommendation of publishing and publications policies for the operating units; development of standards relating to essentiality, utility, content, format and style of publications; review and approval of proposals for publications projects; the contents, editing, design, illustration and production of all publications except "International Commerce"; and sole liaison between any of the operating units and the Department's Office of Publications.

SEC. 5. *Functions of the Information Division.* The Information Division is responsible for providing information services for the operating units. The Division recommends policies governing domestic and international business information programs and carries out such information programs, including writing and communicating press releases, initiating and arranging media interviews with, and writing speech material for, officials of the operating units, preparing feature articles for publications; and maintains liaison with the Department's Office of Public Information.

SEC. 6. *Functions of the Graphics Division.* The Graphics Division is responsible for conceiving, initiating, and designing graphic and illustrative material for the operating units, including that for "International Commerce" and special publications; it also initiates, designs and produces Domestic and International Business exhibits for use in the United States. The Division operates the central photographic and illustrations library for the operating units.

Effective date: April 2, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3966; Filed, Apr. 21, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14493]

EASTERN AIR LINES, INC.

Redesignation of Philadelphia, Pa.-Wilmington, Del.; Notice of Postponement of Prehearing Conference

By letter dated April 17, 1964, the New Castle County Airport Commission requested a postponement of the prehearing conference in the above-entitled proceeding which is now assigned to be held on April 21, 1964. For the reasons set forth in the Commission's letter the prehearing conference is hereby postponed for a period of two weeks and is now assigned to be held before the undersigned Examiner on May 5, 1964, at 10:00 a.m., e.d.t., in Room 803, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 17, 1964.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 64-3983; Filed, Apr. 21, 1964; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15415; FCC 64-310]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Acquisition by Television Broadcast Licensees; Notice of Inquiry

1. The Commission's continuing concern with the role of community antenna television systems (CATV) in relation to television broadcasting is by now a familiar matter, the history of which need not be repeated here. Recently, however, a more restricted aspect of the problem has been forcefully presented to the Commission as deserving its particular and urgent attention. In Lompoc Valley Cable TV, FCC 64-170, adopted March 4, 1964, the Commission was faced with the question,

> • • • [A]s a matter of policy, whether a multiple owner should be permitted to acquire • • • extensive holdings in the community antenna field or whether the policy underlying the Commission's multiple ownership rules requires that the Commission strive to prevent such entry.

The quoted question was not then answered since the Commission determined that a hearing was required on independent grounds and, in addition, that a pending application (2400-C1-TC-(9)-64) for transfer of Lompoc Valley's parent corporation, H & B Microwave Corporation, to Video Independent Theatres, Inc., a subsidiary of RKO General, Inc., would "provide a more convenient vehicle for Commission consideration." The following week, on March 11, 1964, the Commission adopted its opinion in Rust Craft Broadcasting Company, FCC 64-208, in which, although it consented to the transfer of control of a television broadcast station in Clarksburg, West Virginia, to a CATV system operator in that city, it stated, in relevant part, that

> [W]e regard situations of this kind with growing concern and therefore propose in the near future to institute an inquiry into the problem of joint ownership of CATV systems and television stations in the same communities. Pending that event, we serve notice that any applications involving such combined ownership—however accomplished—will be carefully scrutinized and may, in appropriate cases, be deferred until we finally develop a long range policy with respect to this problem.

The issues raised in these cases prompt the present inquiry.

2. In addition, other recent activities illustrate the increasing problems facing the Commission in this general area. For example, a television broadcast licensee in Dayton has applied to the Dayton City Council for a franchise to operate a CATV system in Dayton. Similarly, the television station licensee in Utica, New York, has obtained a franchise for a community antenna system to serve Utica, and applications for microwave relay facilities to serve the system are presently before the Commission. Apart from these specific cases, there have been many instances in which television broadcasters have acquired ownership interests in the CATV field outside of their own service areas. These acquisitions, of course, do not require Commission approval unless authorizations issued by the Commission are involved.[1] The Commission believes that now is the appropriate time to institute an inquiry looking toward establishing and clarifying our policy with respect to broadcast licensee ownership of CATV systems. If we are to carry out our statutory responsibilities in this field, policy determinations must be made without further delay.

3. Section 73.636 of the Commission's rules, the multiple ownership rules, is the codification of the Commission's policy regarding multiple ownership. It expresses the Commission's desire to encourage competition in the broadcast industry, and, at the same time, encourage the diversification of control of broadcast facilities. The background of this position is sufficiently established so that it does not require an extensive restatement at this time. See amendment of §§ 3.35, 3.240 and 3.636 of the Rules and Regulations relating to Multiple Ownership of AM, FM, and Television Broadcast Stations, 9 R.R. 1563.

4. The relationship of television broadcast licensee ownership of CATV systems to our multiple ownership rules has been brought into focus by the pending proposal to transfer the interests of H & B American Corporation to a subsidiary of RKO General, Inc., one of the nation's large multiple owners,[2] and the other situations referred to above. Clearly, the H & B matter poses the problem in acute form, since even though joint television-CATV ownership may serve the public interest in some special circumstances,[3] grant of this application would put under common control one of the largest owners of television broadcast stations and probably the largest group of CATV systems in the country. Before it acquiesces in the formation of such an entity, the Commission believes it to be necessary to seek a basis for estimating the impact that acquisitions such as that contemplated by RKO General might have on its multiple ownership and other public interest policies.[4]

5. A final question which was presented in Rust Craft Broadcasting Company, supra, deserves consideration in this general inquiry. We there stated that, "Where a CATV operator seeks to acquire the only television station in the community, questions are presented which normally do not arise in connection with transfer applications. We believe it more healthy to have these entities—which compete with each other for the attention and support of the public—in separate hands in the ordinary case. • • • The principal concern in these situations is whether a CATV owner may place that part of his operations first, and may therefore subordinate the welfare of the television station to the interests of a more lucrative cable operation." We determined in the Rust Craft case that special circumstances there were such that the hazard, although not totally absent, was outweighed by other considerations. However, we believe that the Rust Craft case points up a potentially serious problem and we take this opportunity of inviting more general comment on the question of the possible conflict of interest arising from joint television station and CATV ownership in the same area. We also invite comment on the question of whether potential problems, pertinent to the public interest, might arise out of joint ownership of television broadcast stations and CATV systems whether or not they are located in the same area.

6. For the purpose of obtaining pertinent information on the problems described above, an inquiry is hereby instituted. Views and data are invited from the broadcasting industry, the CATV industry, and any other interested groups or members of the public. Comments directed to the following questions will be of particular value to the Commission in this inquiry. The listing of these questions should not be construed, however, as limiting in any way the area of comment directed to this problem and solicited in this inquiry.

A. To what extent do television broadcast licensees now own interests in CATV systems:

(1) Within their predicted Grade B contours,

(2) Outside of their predicted Grade B contour.

B. To what extent and in what manner do CATV systems originate any programming, including commercial announcements, which they furnish to their subscribers?

It is requested specifically that each party filing comments in this proceeding answer the first two questions to the extent they are applicable to its own situation. Additionally, the Commission welcomes information on these matters from other parties, such as trade associations, which may have such information in its possession.

C. To what extent, if any, does ownership of CATV systems, or interests therein, by television broadcast licensees conflict with § 73.636(a)(2) of the Commission's rules relating to concentration of control, or the policies underlying such rule?

(1) If such conflict exists, should CATV interests be considered as television broadcast interests under the numerical limits of § 73.636(a)(2) of the Commission's rules?

(2) If it is determined that CATV interests should be so considered, what should be the definition of a CATV system requiring treatment in this manner?

(3) Should such classification depend in any way upon whether or not the CATV system originates any of the programming which it furnishes to its subscribers?

(4) Apart from the numerical limitations, under what conditions, if any, should a television broadcast licensee be permitted to own interests in CATV systems located outside the area served by the licensee's television broadcast station?

(5) Should any special significance attach to ownership by television broadcast licensees of CATV systems which carry the signals of television broadcast stations which they own into other separate and distinct communities?

D. Under what conditions, if any, should television broadcast licensees be permitted to own CATV systems, or interest therein, where the CATV systems serve portions of the area served by the licensee's television broadcast station? In any event, should the Commission permit ownership of a CATV system by a television broadcast licensee in the principal city or cities served by the licensee's television broadcast station? If so, in what circumstances and under what conditions?

E. Apart from considerations relating to the Commission's multiple ownership rules (§ 73.636), and the policies underlying such rules, does ownership by a television broadcast licensee of CATV interests in substantially the same area or in different areas raise any question of conflict of interest detrimental to the public interest in television broadcasting?

7. We repeat what we stated in Rust Craft—that applications involving combined ownership of CATV and television broadcast interests—however accomplished (i.e., either by the CATV seeking to acquire the broadcast license as in Rust Craft or the broadcast licensee seeking assignment of microwave authorizations of the CATV system—and see also Note 1, supra) will be carefully scrutinized and, where appropriate, deferred until we finally develop a long range policy in this field. An applicant, seeking to avoid such deferment, should accompany his application with a clear and compelling showing as to how the public interest would be served by an immediate grant thereof, instead of deferment until the establishment of a policy in this area.

8. In view of the foregoing, the Commission invites comments on the matters set forth above. Authority for the institution of this proceeding is found in Section 403 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 19, 1964, and reply comments on or before July 20, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: April 15, 1964.

Released: April 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3976; Filed, Apr. 21, 1964; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 201.1, Amdt. 6]

DIRECTOR, BUREAU OF DOMESTIC REGULATION

Redelegation of Authority With Respect to Freight Forwarder Licensing

The purpose of this amendment is to redelegate to the Director, Bureau of Domestic Regulation, additional authority with respect to freight forwarder licensing as hereinafter provided.

Accordingly, section 6.03 of the basic order is hereby amended as follows:

Authority to (a) process, within the framework of prescribed Commission policy and criteria, applications for licenses and to issue licenses approved by the Managing Director to persons, partnerships, corporations, or associations desiring to engage in the business of ocean freight forwarding; (b) reissue or transfer, within the framework of Commission policy and criteria, freight forwarder licenses; (c) prepare recommendations to the Managing Director for the denial of licenses, or rescind letters of intent to deny; (d) deny any application for freight forwarder license where applicant has received a letter of intent to deny and, within the notice period, has not requested a hearing or has not furnished the required security; (e) grant extensions of the time specified in letters of intent to deny licenses; (f) revoke the grandfather rights of applicants who have requested withdrawal of the application, moved from their last known address and reasonable efforts to locate their present whereabouts have failed, or been denied a license in accordance with subsection (d) of this section.

TIMOTHY J. MAY,
Managing Director.

APRIL 8, 1964.

[F.R. Doc. 64-3942; Filed, Apr. 21, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-10154 etc.]

AMERICAN PETROFINA, INC., ET AL.

Order Amending Order Issuing Certificate of Public Convenience and Necessity et al.

APRIL 16, 1964.

American Petrofina, Incorporated (Successor to E. H. Adair, d.b.a. Adair Oil Company), Docket Nos. G-10154 and CI63-1126; E. H. Adair, d.b.a. Adair Oil Company and American Petrofina, Incorporated, Docket No. RI62-399.[1]

On March 7, 1963, American Petrofina, Incorporated (Applicant) filed in Docket No. CI63-1126 an application pursuant to section 7(c) of the Natural Gas Act for authorization to sell and deliver natural gas in interstate commerce to Cities Service Gas Company for resale from the Blunk and Hardtner Fields, Barber County, Kansas, all as more fully set forth in the application.

Applicant proposes to sell and deliver natural gas pursuant to a contract which was designated E. H. Adair, d.b.a. Adair Oil Company, FPC Gas Rate Schedule No. 1, as supplemented, and subsequently redesignated American Petrofina, Incorporated, FPC Gas Rate Schedule No. 31, as supplemented. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI62-399. Applicant has submitted its

[1] Consolidated with Docket No. AR64-1, et al.

[1] It would, however, be appropriate to consider the impact of these acquisitions on the public interest in passing upon applications for renewal of the broadcast licenses involved.

[2] On March 18, 1964, the Commission adopted a letter notifying H & B American Corporation and Video Independent Theatres, Inc., subsidiary of RKO General, that action on their application for transfer of control would be withheld pending conclusion of the proceeding instituted by the present Notice of Inquiry. RKO General, Inc., presently owns four VHF and one UHF television stations in the United States and one VHF station in Windsor, Canada, which serves the Detroit, Michigan area.

[3] For example, see Prairie States Broadcasting Company, Inc., FCC 64-158.

[4] As a further matter, we note that some CATV systems originate news, weather, etc., and that there is a potential for further development by the CATV system in this respect. The Commission has not studied the matter in detail and takes no position at this time as to whether program origination by a CATV is or is not in the public interest. But clearly such program origination, and its potential, raise a consideration under the multiple ownership rules. For this reason, we are seeking information on the extent to which such originations exist.

[5] Commissioner Ford absent.

agreement and undertaking in said proceeding to refund those amounts collected in excess of the amount found by the Commission to be just and reasonable.

E. H. Adair, d.b.a. Adair Oil Company, was authorized to render the subject service in Docket No. G–10154.

After due notice, no petition to intervene, notice of intervention, or protest to the granting of the application has been filed.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate of public convenience and necessity in Docket No. G–10154 to E. H. Adair, d.b.a. Adar Oil Company, should be amended by substituting American Petrofina, Incorporated, as certificate holder, as applied for in Docket No. CI63–1126, and Docket No. CI63–1126 should be cancelled.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that American Petrofina, Incorporated, should be made a co-respondent with E. H. Adair, d.b.a. Adair Oil Company, in the proceeding in Docket No. RI62–399, that said proceeding be redesignated accordingly, and that the agreement and undertaking submitted by American Petrofina, Incorporated, in said proceeding be accepted for filing.

The Commission orders:

(A) The order issuing a certificate of public convenience and necessity in Docket No. G–10154 to E. H. Adair, d.b.a. Adair Oil Company, be and the same is hereby amended by substituting American Petrofina, Incorporated, as certificate holder, and in all other respects said order shall remain in full force and effect.

(B) Docket No. CI63–1126 is hereby cancelled.

(C) American Petrofina, Incorporated, be and is hereby joined as a co-respondent with E. H. Adair, d.b.a. Adair Oil Company, in the pending rate proceeding in Docket No. RI62–399, and said proceeding is hereby redesignated accordingly.

(D) The agreement and undertaking submitted by American Petrofina, Incorporated, in Docket No. RI62–399 be and the same is hereby accepted for filing.

(E) American Petrofina, Incorporated, shall comply with the refunding and reporting procedure required under the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed in said docket shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3927; Filed Apr. 21, 1964; 8:47 a.m.]

[Docket No. CP64–204]

COLORADO INTERSTATE GAS CO.

Notice of Application

APRIL 16, 1964.

Take notice that on March 16, 1964, as supplemented on March 26 and March 27, 1964, Colorado Interstate Gas Company (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colorado, filed in Docket No. CP64–204 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of two existing meter stations and the sale and delivery of up to 50,000 Mcf of natural gas per day in the Kansas Hugoton Field for a three year period to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The application shows the proposed deliveries will be made at existing interconnections of Applicant's and Kansas-Nebraska's systems in Kearny and Finney Counties, Kansas.

Pursuant to an agreement, dated February 26, 1964, between Applicant and Kansas-Nebraska gas will be sold at a rate of 12.5 cents per Mcf. Further, Kansas-Nebraska has agreed to take or pay for a minimum volume of 20,000,000 Mcf during the three-year term of the agreement. All deliveries herein proposed shall be subject to curtailment by Applicant to accommodate its other system requirements.

Applicant states that it has a supply of gas temporarily in excess of its current market requirements and that, therefore, it is continually attempting to make short-term sales pending future disposition of gas on a long-term basis. Applicant further states that the proposed short-term sale will assist in reducing the possibility of having to pay for gas not taken or of having to make gas supply prepayments and in minimizing possible liability under its leases.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 11, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3928; Filed, Apr. 21, 1964; 8:47 a.m.]

[Docket No. CP64–189]

MONTANA DAKOTA UTILITIES CO.

Notice of Application

APRIL 16, 1964.

Take notice that on February 26, 1964, Montana-Dakota Utilities Company (Applicant), a Delaware corporation with its principal place of business in Minneapolis, Minnesota, filed an application in Docket No. CP64–189, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate the facilities described as follows:

1. Approximately 600 feet of 3½" O.D. pipeline in the Pennel-Lookout Butte fields located in the NW¼, NW¼ of Section 29, T 7 N, R 60 E, Fallon County, Montana, to transport gas from Continental Oil Company's residue gas outlet to an existing pipeline.

2. A gas measurement station to meter residue gas to be purchased from Continental Oil Company in the Pennel-Lookout Butte fields in Fallon County, Montana.

Applicant states that the proposed facilities are for the purpose of transporting residue gas to be purchased from the Continental Oil Company in the Pennel-Lookout Butte oil fields of Fallon County, Montana.

Applicant's request for temporary authority to proceed with construction pending final determination of its application was granted by the Commission on April 10, 1964, by a letter.

The estimated cost of the facilities is $4,250, which will be financed through internally generated funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 4, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3929; Filed, Apr. 21, 1964; 8:47 a.m.]

[Docket No. RP64–27]

NORTH PENN GAS CO.

Notice of Revision of Proposed Changes in Rates and Charges

APRIL 15, 1964.

Take notice that on April 9, 1964, North Penn Gas Company withdrew its tariff sheets filed on March 16, 1964, proposing changes in its rates and charges, and tendered for filing substitute tariff sheets containing revisions of those proposed changes. The proposed changes were the subject of the Commission's notice published March 23, 1964, in the above-named docket.

The revised proposed changes in North Penn's FPC Gas Tariff, First Revised Volume No. 1, filed to become effective as of January 1, 1964, reflect reductions in rates and charges in its Rate Schedules G–1 and P–1.

The annual reduction approximates $15,830 based on North Penn's cost of service for the twelve months ended April 30, 1961, the test period upon which the company's present rates are based, and reflects the recent reduction in the corporate Federal income tax rate from 52 percent to 50 percent.

Comments may be filed with the Commission on or before April 30, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3930; Filed, Apr. 21, 1964; 8:47 a.m.]

[Docket No. CP64–169]

SOUTHERN NATURAL GAS CO.

Notice of Application

APRIL 16, 1964.

Take notice that on January 29, 1964, as supplemented on February 24, 1964, Southern Natural Gas Company (Applicant) filed in Docket No. CP64–169 an application pursuant to section 7(b) of the Natural Gas Act for authority to abandon .891 mile of its Yates branch line in Coweta County, Georgia, and its 1.181 mile Arkwright tap line in Bibb County, Georgia, and meter station buildings and metering and regulating facilities located at the terminal points of such lines, because of the cancellation, effective January 31, 1964, of Applicant's contract with Georgia Power Company providing for the sale by Applicant and the purchase by Georgia Power Company of natural gas for use at Georgia Power Company's Yates and Arkwright power plants. The Yates branch line is of 12¾-inch diameter and the Arkwright line of 10¾-inch diameter.

Applicant proposes to abandon the .891 mile of the Yates branch line, the 1.181 mile Arkwright tap line and the brick meter station building located at the terminus of the Arkwright tap line in place, the costs of salvaging such facilities being greater than the values of such facilities as salvaged. Applicant proposes to dismantle the steel panel meter station buildings at the terminus of the Yates branch line, and to salvage those metering and regulating facilities at the Yates and Arkwright delivery points which are above ground and to abandon in place those which are below ground, all as more fully described in the application on file with the Commission and open to public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take furher notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 4, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3931; Filed, Apr. 21, 1964; 8:48 a.m.]

[Docket No. RP64–34]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 16, 1964.

Take notice that on April 13, 1964, South Georgia Natural Gas Company (South Georgia) tendered for filing a proposal to change its FPC Gas Tariff, Original Volume No. 1, subject to the provisions of Section 4 of the Natural Gas Act, to become effective as of January 1, 1964. The proposed changes reflect decreased rates and charges in South Georgia's Rate Schedules G–1, G–2, I–1, I–2, and AC–1. In addition, the availability of Rate Schedule G–1 for firm deliveries would be increased from 3000 to 3500 Mcf per day, and the imposition of minimum volumetric limitations on the availability of Rate Schedule I–1 would be discontinued.

South Georgia states that the annual decrease in revenues is approximately $187,500 based upon sales for the calendar year 1962, adjusted, and that the changes in availability of Rate Schedules G–1 and I–1 would increase its cost of service in the net amount of $20,900. The total resulting benefit to jurisdictional customers is approximately $208,400, as of January 1, 1964.

The proposal reflects reductions in South Georgia's jurisdictional cost of service included among which is the recently enacted decrease in Federal corporate income tax rate from 52 percent to 50 percent, and the partially offsetting increase in the State of Georgia's corporate income tax rate from 4 percent to 5 percent. South Georgia also proposes to further reduce its rates on January 1, 1965, to reflect the reduction in the Federal corporate income tax rate to 48 percent.

South Georgia proposes to flow-through to its customers $20,000 of refunds received from its supplier, Southern Natural Gas Company, in Docket Nos. G–20509 and RP60–15, in addition to the approximately $101,000 of refunds previously passed on by South Georgia, which are applicable to the period June 1, 1960 through August 31, 1961. South Georgia proposes to further reduce its rates by approximately $16,600 as of April 1, 1964, to reflect Southern's rate reduction proposal in Docket No. RP64–31, now pending before the Commission; and also to pass on and reflect future refunds and rate reductions of its supplier.

Copies of the rate proposal, South Georgia states, have been served upon all customers and interested State commissions. Comments may be filed with the Commission on or before May 5, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3932; Filed, Apr. 21, 1964; 8:48 a.m.]

[Docket No. CP64–107]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

APRIL 15, 1964.

Take notice that on November 8, 1963, as amended February 28, 1964, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky, filed in Docket No. CP64–107 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing

the construction and operation of certain facilities in order to render increase contract demand service to existing customers by 100,491 Mcf per day (14.73 psia) commencing with the 1964–65 and 1965–66 winter heating seasons, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate over a two year period, the following facilities:

(1) Approximately 34.59 miles of 30-inch loop pipeline in Louisiana, Mississippi, Tennessee and Kentucky;

(2) Approximately 19.04 miles of 26-inch loop pipeline in Louisiana;

(3) One 30-inch Tennessee River Crossing in Kentucky;

(4) 2,100 compressor horsepower in the Bastrop, Louisiana, Compressor Station by turbo-charging three existing 2,000 horsepower compressor units to 2,700 horsepower each;

(5) One 8,000 horsepower compressor unit in the Columbia, Louisiana, Compressor Station;

(6) One 4,800 horsepower compressor unit in the Pineville, Louisiana, Compressor Station;

(7) One 8,000 horsepower compressor unit in the Kenton, Tennessee, Compressor Station, and,

(8) Two 550 horsepower compressor units in the Leesville, Indiana, Compressor Station for additional development of the Leesville Storage Field.

In addition, Applicant proposes to activate two new storage facilities, the Graham Lake Storage Field, Muhlenberg County, Kentucky, and the Hanson Storage Field, Hopkins County, Kentucky. Accordingly, Applicant requests authority to:

(a) Operate the Graham Lake Field as a gas storage field and in connection therewith, to construct and operate one 1,000 horsepower compressor station, one meter and control station, and approximately 400 feet of 10-inch pipeline which will connect the existing facilities of Applicant with that field, and,

(b) Operate the Hanson Field as a gas storage field and in connection therewith, to construct and operate one meter and control station, approximately 8 miles of 20-inch pipeline which will connect the existing facilities of Applicant with that field, and one 330 horsepower compressor station.

Further, Applicant seeks permission and approval to abandon and remove 400 feet of 4-inch pipeline and one purchase meter station presently located in the Graham Lake Field and one purchase meter station presently located in the Hanson Field. Said facilities are not adequate for storage operations.

Applicant proposes to deliver an additional 54,213 Mcf of contract demand to existing customers commencing with the 1964–65 winter heating season, and an additional 46,278 Mcf to existing customers commencing with the 1965–66 winter heating season. Of the total increased deliveries some 60,000 Mcf will be obtained through initial development of the Hanson and Graham Lake Storage Fields and through further development of the existing Leesville Storage Field.

The total cost of Applicant's project is estimated to be $17,792,500, which cost will be financed by the issuance of long-term debt securities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 6, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3933; Filed, Apr. 21, 1964; 8:48 a.m.]

[Docket No. RI60-325 etc.]

UNION OIL COMPANY OF CALIFORNIA

Order Amending Order Making Successor in Interest Co-Respondent, Accepting Successor's Undertaking, and Redesignating Proceedings

APRIL 15, 1964.

Union Oil Company of California; Docket Nos. RI60-325, RI61-26 and RI61-27.

On February 28, 1964 Union Oil Company of California (Union) filed a motion to amend the Commission's December 6, 1963 "Order Making Successor In Interest Co-Respondent, Accepting Successor's Undertaking, And Redesignating Proceedings," issued in the above-designated proceedings. Said order, issued pursuant to a joint motion to substitute filed November 13, 1962, by Union and Texas National Petroleum Company (Texas National), made Union a co-respondent with Texas National in the subject proceedings and accepted Union's agreements and undertakings to assure the refund of any excess charges which might be determined in said proceedings to have accrued on or after 10:00 a.m. November 1, 1962.

Union requests in its motion that Texas National be deleted as a respondent in the subject proceedings and be relieved of any refund obligation with respect thereto. In support of its motion Union states that it was the intent of the joint motion to substitute filed by Union and Texas National to have Union made the sole respondent in the subject proceedings and to have Union made solely responsible for any and all refunds of excess charges determined in such proceedings. In view of the foregoing good cause exists for amending our December 6, 1963, order.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder to grant Union's February 28, 1964, motion and thereby amend the Commission's order issued December 6, 1963, in the above-designated proceedings as hereinafter ordered.

The Commission orders:

(A) The Commission's order issued December 6, 1963, in the above-designated proceedings is hereby amended so as to make Union the sole respondent and the said proceedings are hereby redesignated as "Union Oil Company of California."

(B) The said December 6, 1963, order is hereby further amended so that Union's agreements and undertakings filed November 13, 1962, in the above-designated proceedings are accepted as assurance that Union will refund any and all excess charges determined in such proceedings, with Texas National hereby discharged of its refund obligation with regard to these proceedings.

(C) All other provisions of the said December 6, 1963, order shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3934; Filed, Apr. 21, 1964; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION I (NEW YORK)

Designation

The officers named, or appointed to the positions, in the list below are hereby designated to serve as Acting Regional Director of Community Facilities, Region I (New York), during the present vacancy in the position of Regional Director of Community Facilities, Region I, with all the powers, functions, and duties redelegated or assigned to the Regional Director of Community Facilities, Region I, provided that no officer is authorized to serve as Acting Regional Director of Community Facilities unless all officers whose name or title precedes his in this designation are unable to act by reason of absence:

1. Frank C. Trentacosti, Deputy Regional Director of Community Facilities, Region I.

2. Chief, Public Facilities Operations Branch, Region I.

3. Chief, College Housing Operations Branch, Region I.

This designation supersedes the designation effective March 31, 1964 (29 F.R. 4175, March 31, 1964).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 10th day of April 1964.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 64-3943; Filed, Apr. 21, 1964; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF CHINA

Adjustment of Restraints

APRIL 16, 1964.

By an exchange of letters dated February 3, 1964, and March 18, 1964, amending the bilateral cotton textile agreement of October 1963, the United States and the Republic of China have agreed for the twelve-month period beginning October 1, 1963, and extending through September 30, 1964, to establish a sub-ceiling of 1,800,000 square yards for duck fabric in Category 26 and to allow entry and withdrawal for consumption of an additional 33,182 dozen in Category 50.

There is published below a directive dated April 16, 1964, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, establishing the above mentioned sub-level in Category 26 and authorizing the additional entry in Category 50. This directive amends and supplements directives concerning cotton textiles in Categories 26 and 50, produced or manufactured in the Republic of China, which appeared in the FEDERAL REGISTER on November 2, 1963 (28 F.R. 11756), and April 8, 1964 (29 F.R. 4926).

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C.
APRIL 16, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive supplements and amends my directives to you of October 30, 1963, and April 3, 1964, published in the FEDERAL REGISTER on November 2, 1963 (28 F.R. 11756), and April 8, 1964 (29 F.R. 4926), regarding restraints of cotton textiles and cotton textile products in several categories including Categories 26 and 50, produced or manufactured in the Republic of China for the twelve-month period beginning October 1, 1963, and extending through September 30, 1964.

By my letter of October 30, 1963, as amended by my letter of April 3, 1964, you were directed to prohibit entry for consumption and withdrawal from warehouse for consumption of cotton textile products in the two above stated categories in excess of designated quarterly cumulative levels of restraint, as adjusted, to reflect entries through October 22, 1963.

The United States Government has now agreed to establish a sub-ceiling for duck fabric in Category 26 and to allow entry or withdrawal for consumption of an additional quantity of cotton textile products in Category 50.

Accordingly, you are directed under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, to prohibit, effective April 27, 1964 entry into the United States for consumption and withdrawal from warehouse for consumption of duck fabric in Category 26, produced or manufactured in the Republic of China, in excess of the following sub-levels, which have been adjusted to reflect entries reported to the Bureau of Customs from October 1, 1963, through April 3, 1964:

Category	Adjusted sub-level Oct. 1, 1963–June 30, 1964	Adjusted sub-level Oct. 1, 1963–Sept. 30, 1964
26 (T.S.U.S.A. Nos. 320...01, 320...02, 320...03, 320...04, 320...06, 320...08, 321...01, 321...02, 321...03, 321...04, 321...06, 321...08, 322...01, 322...02, 322...03, 322...04, 322...06, 322...08, 326...01, 326...02, 326...03, 326...04, 326...06, 326...08, 327...01, 327...02, 327...03, 327...04, 327...06, 327...08, 328...01, 328...02, 328...03, 328...04, 328...06, and 328...08).	*Sq. yds.* 1,373,234	*Sq. yds.* 1,499,234

In addition, you are directed to increase by 33,182 dozen the quantity of cotton textile products in Category 50, produced or manufactured in the Republic of China, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period beginning October 1, 1963, and extending through September 30, 1964.

A detailed description of Categories 26 and 50 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

All other provisions of my directives of October 30, 1963, and April 3, 1964, remain unchanged.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-3952; Filed, Apr. 21, 1964; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4203]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Proposed Issuance and Sale of Installment Notes and Common Stock

APRIL 16, 1964.

In the matter the Columbia Gas System, Inc., 120 East 41st Street, New York 17, New York; United Fuel Gas Company, Atlantic Seaboard Corporation, Columbia Gas of Kentucky, Inc., Virginia Gas Distribution Corporation, Kentucky Gas Transmission Corporation, the Ohio Fuel Gas Company, Columbia Gas of Ohio, Inc., the Ohio Valley Gas Company, the Preston Oil Company, the Manufacturers Light and Heat Company, Home Gas Company, Columbia Gas of New York, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Maryland, Inc., Columbia Gulf Transmission Company; File No. 70-4203.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary companies listed above have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

The new cash requirements for the system companies during 1964 are estimated at an aggregate of $197,839,000, including $126,125,000 for construction expenditures and $20,000,000 for anticipated rate refunds. In order to meet these cash requirements, the following subsidiary companies of Columbia propose, on or prior to March 31, 1965, to issue and sell to Columbia, and Columbia proposes to acquire, installment notes in amounts not to exceed the following:

Atlantic Seaboard Corp	$4,000,000
Columbia Gas of Kentucky, Inc	1,375,000
Kentucky Gas Transmission Corp	850,000
United Fuel Gas Co	7,000,000
Virginia Gas Distribution Corp	700,000
The Ohio Fuel Gas Co	12,350,000
Columbia Gas of Ohio, Inc	15,500,000
The Ohio Valley Gas Co	800,000
Columbia Gas of Pennsylvania, Inc	6,200,000

Columbia Gas of Maryland, Inc.	$600,000
Columbia Gas of New York, Inc.	650,000
The Manufacturers Light and Heat Co.	5,900,000
Columbia Gulf Transmission Co.	39,500,000
The Preston Oil Co.	3,300,000
Total	98,725,000

The installment notes are to be unsecured and nonregistered and will be dated when issued. The principal amounts will be due in 25 equal annual installments on January 15 of each of the years 1966 to 1990, inclusive. Interest is to be paid semi-annually at a rate approximately equal to the cost of money to Columbia with respect to its next sale of Senior Debentures which the company contemplates will be consummated in May 1964. (See File No. 70-4197.) Columbia's cost of money in respect of its last sale of debentures was 4.4 percent.

In addition to the installment notes, the following subsidiary companies, for the purposes stated above, propose to issue and sell to Columbia, and Columbia proposes to acquire, shares of their common stocks, at prices equal to the par value thereof, for an aggregate cash amount of $4,850,500, as follows: Columbia Gas of Kentucky, Inc., $700,000; Virginia Gas Distribution Corporation, $300,000; The Ohio Fuel Gas Company, $2,250,000; The Ohio Valley Gas Company, $400,500; Columbia Gas of New York, Inc., $500,000; and The Preston Oil Company, $700,000.

Columbia also proposes to advance an open account to the subsidiary companies shown below amounts not in excess of the following:

United Fuel Gas Co.	$20,000,000
The Ohio Fuel Gas Co.	36,000,000
The Manufacturers Light and Heat Co.	15,000,000
Home Gas Co.	2,500,000
Atlantic Seaboard Corp.	6,500,000
Total	80,000,000

The advances are to be made from time to time during 1964 as needed for the purchase of current inventory gas and are to be repaid in three equal installments on February 25, March 25, and April 26, 1965, from revenues collected by the subsidiary companies as the inventory gas is withdrawn and sold during the winter. The interest rate will be the same as the rate on Columbia's short-term notes to banks, the issuance of which will be the subject of a subsequent filing by Columbia with this Commission.

The expenses to be incurred by Columbia and its subsidiary companies in connection with the proposed transactions are estimated to aggregate $10,715, consisting of charges of the system service company, at cost, of $1,200, Federal original issue taxes of $7,315, and miscellaneous expenses of $2,200.

The joint application-declaration states that the following State commissions have jurisdiction over certain of the proposed transactions: the Pennsylvania Public Utility Commission, the Public Service Commission of West Virginia, the Public Utilities Commission of Ohio, the State Corporation Commission of Virginia, the Kentucky Public Service Commission, and the New York Public Service Commission. Copies of all the requisite State commission orders are to be filed with this Commission by amendment to the joint application-declaration.

Notice is further given that any interested person may, not later than May 12, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3938; Filed, Apr. 21, 1964; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishments employed full-time students at wages below $1.00 an hour in the base period.

These certificates are effective from April 1, 1964, through September 2, 1964, except as otherwise indicated.

REGION I

Ann-Hope Factory Outlet, Inc., Mill Street, Cumberland, R.I. (department store; 663 employees).

M. H. Fishman Co., 82 Main Street, Keene, N.H. (variety store; 15 employees).

M. H. Fishman Co., 41 Main Street, Newport, Vt. (variety store; 28 employees).

M. H. Fishman Co., Inc., 50 North Main Street, St. Albans, Vt. (variety store; 33 employees).

W. T. Grant Co., 77-85 Congress Street, Rumford, Maine (variety store; 36 employees).

Grover Cronin, Inc., 223 Moody Street, Waltham, Mass. (department store; 660 employees).

S. S. Kresge Co., 4527 Jupiter, 440 Main Street, Middletown, Conn. (variety store; 11 employees).

S. S. Kresge Co., 60 Lisbon Street, Lewiston, Maine (variety store; 57 employees).

S. S. Kresge Co., 477 Washington Street, Boston, Mass. (variety store; 171 employees).

S. S. Kresge Co., No. 409, 780 Dudley Street, Boston (Dorchester), Mass. (variety store; 44 employees).

S. S. Kresge Co., No. 532, 24 Corinth Street, Boston (Roslindale), Mass. (variety store; 31 employees).

S. S. Kresge Co., No. 63, 121 Main Street, Brockton, Mass. (variety store; 42 employees).

S. S. Kresge Co., 614-616 Massachusetts Avenue, Cambridge, Mass. (variety store; 38 employees).

S. S. Kresge Co., No. 653, 35 White Street, Cambridge, Mass. (variety store; 48 employees).

S. S. Kresge Co., No. 192, 71 South Main Street, Fall River, Mass. (variety store; 51 employees).

S. S. Kresge Co., No. 229, 439 Main Street, Fitchburg, Mass. (variety store; 24 employees).

S. S. Kresge Co., 35 Merrimack Street, Lowell, Mass. (variety store; 40 employees).

S. S. Kresge Co., No. 294, 329 Union Street, Lynn, Mass. (variety store; 34 employees).

S. S. Kresge Co., No. 184, 824 Purchase Street, New Bedford, Mass. (variety store; 46 employees).

S. S. Kresge Co., North Shore Shopping Center, Peabody, Mass. (variety store; 54 employees).

S. S. Kresge Co., 1445 Hancock Street, Quincy, Mass. (variety store; 57 employees).

S. S. Kresge Co., 1534 Main Street, Springfield, Mass. (variety store; 61 employees).

S. S. Kresge Co., 474 Main Street, Worcester, Mass. (variety store; 66 employees).

McLellan Store Co., 855 Main Street, Westbrook, Maine (variety store; 21 employees).

McCrory-McLellan-Green Stores, 1138 Main Street, Bridgeport, Conn. (variety store; 81 employees).

J. J. Newberry Co., 845 Main Street, Hartford, Conn. (variety store; 95 employees).

J. J. Newberry Co., 362 Main Street, Rockland, Maine (variety store; 19 employees).

J. J. Newberry Co., No. 4, 65 Congress Street, Rumford, Maine (variety store; 15 employees).

J. J. Newberry Co., 328 Broadway, Chelsea, Mass. (variety store; 22 employees).

J. J. Newberry Co., No. 54, 72 High Street, Clinton, Mass. (variety store; 14 employees).

J. J. Newberry Co., 42-44 Parker Street, Gardner, Mass. (variety store; 14 employees).

J. J. Newberry Co., No. 73, 237 High Street, Holyoke, Mass. (variety store; 45 employees).

J. J. Newberry Co., 79 North Street, Pittsfield, Mass. (variety store; 68 employees).

J. J. Newberry Co., 757 Washington Street, Stoughton, Mass. (variety store; 12 employees).

J. J. Newberry Co., 395 Main Street, Wakefield, Mass. (variety store; 17 employees).

J. J. Newberry Co., 135 Main Street, Berlin, N.H. (variety store; 15 employees).

J. J. Newberry Co., 23 Pleasant Street, Claremont, N.H. (variety store; 4 employees).

J. J. Newberry Co., No. 42, 44-52 North Main Street, Concord, N.H. (variety store; 19 employees).

J. J. Newberry Co., 66 Main Street, Keene, N.H. (variety store; 14 employees).

J. J. Newberry Co., Main Street, Littleton, N.H. (variety store; 20 employees).

J. J. Newberry Co., 1006 Elm Street, Manchester, N.H. (variety store; 45 employees).

J. J. Newberry Co., Main Street, Barre, Vt. (variety store; 28 employees).

J. J. Newberry Co., 46 Main Street, Newport, Vt. (variety store; 34 employees).

J. J. Newberry Co., South Main Street, White River Jct., Vt. (variety store; 24 employees).

Newberry Franklin Corp., 384 Central Street, Franklin, N.H. (variety store; 30 employees).

Newberry Laconia Corp., 601 Main Street, Laconia, N.H. (variety store; 34 employees).

Newberry Madawaska Corp., Main Street and 11th Avenue, Madawaska, Maine (variety store; 27 employees).

Newberry Millinocket Corp., 216 Penobscot Avenue, Millinocket, Maine (variety store; 19 employees).

Newberry Pine State Inc., 142 Main Street, Ellsworth, Maine (variety store; 23 employees).

Newberry Pine State, Inc., 45-47 Main Street, Farmington, Maine (variety store; 27 employees).

Newberry Pine State, Inc., 40-44 Main Street, Lincoln, Maine (variety store; 26 employees).

Newberry Pine State, Inc., No. 351, 191-195 Main Street, Norway, Maine (variety store; 20 employees).

The Outlet Co., 176 Waybosset Street, Providence, R.I. (department store; 1,022 employees).

Ward Bros., Inc., 72 Lisbon Street, Lewiston, Maine (apparel store; 93 employees).

REGION II

S. S. Kresge Co., No. 562, 575 Bloomfield Avenue, Bloomfield, N.J. (variety store; 44 employees).

S. S. Kresge Co., No. 263, 345 Central Avenue, Jersey City, N.J. (variety store; 26 employees).

S. H. Kress & Co., 343 Springfield Avenue, Summit, N.J. (variety store; 21 employees).

G. C. Murphy Co., No. 136, 759-761 Asbury Avenue, Ocean City, N.J. (variety store; 20 employees).

G. C. Murphy Co., No. 135, 3211-3215 Pacific Avenue, Wildwood, N.J. (variety store; 38 employees).

Neisner Bros., Inc., No. 127, 100 Broadway, East Paterson, N.J. (variety store; 33 employees).

Neisner Bros., Inc., No. 149, 1151 Highway No. 35, Middletown, N.J. (variety store; 26 employees).

F. W. Woolworth Co., No. 1866, 83 Journal Square, Jersey City, N.J. (variety store; 97 employees).

F. W. Woolworth Co., No. 28, 165 Market Street, Newark, N.J. (variety store; 441 employees).

REGION III

King Edward's Super Susie-Q-Bakery, 23-25 North Hamilton Avenue, Greensburg, Pa. (food store; 42 employees).

S. S. Kresge Co., No. 491, 4903 Annapolis Road, Bladensburg, Md. (variety store; 31 employees).

S. S. Kresge Co., No. 543, Miracle Mile Shopping Center, Monroeville, Pa. (variety store; 46 employees).

S. S. Kresge Co., No. 378, 45 Seneca Street, Oil City, Pa. (variety store; 18 employees).

S. S. Kresge Co., No. 379, 4506 Frankford Avenue, Philadelphia, Pa. (variety store; 44 employees).

S. S. Kresge Co., No. 592, 7254 Frankford Avenue, Philadelphia, Pa. (variety store; 23 employees).

S. S. Kresge Co., No. 92, 415 Lacka Avenue, Scranton, Pa. (variety store; 66 employees).

S. S. Kresge Co., No. 509, 92 South 69th Street, Upper Darby, Pa. (variety store; 86 employees).

McCrory Stores Corp., No. 331, Rodney Village Shopping Center, Dover, Del. (variety store; 30 employees).

McCrory-McLellan-Green Stores, No. 1111, 315 West Lexington Street, Baltimore, Md. (variety store; 50 employees).

McCrory-McLellan-Green Stores, No. 155, 48-56 West Pike Street, Cannonsburg, Pa. (variety store; 27 employees).

McCrory-McLellan-Green Stores, No. 317, 2449-51 East Market Street, East York, Pa. (variety store; 45 employees).

McCrory-McLellan-Green, No. 1122, 301 Allegheny Street, Hollidaysburg, Pa. (variety store; 22 employees).

McCrory-McClellan-Green, No. 1066, 59 North Queen Street, Lancaster, Pa. (variety store; 43 employees).

McCrory-McLellan-Green Store, No. 273, 14-16 East Market Street, Lewistown, Pa. (variety store; 28 employees).

McCrory-McLellan-Green Store, No. 67, 1011-15 Pennsylvania Avenue, Tyrone, Pa. (variety store; 18 employees).

G. C. Murphy Co., No. 147, East Point Shopping Center, 7737 Eastern Boulevard, Baltimore, Md. (variety store; 148 employees).

G. C. Murphy Co., No. 224, 3411 Dundalk Avenue, Baltimore, Md. (variety store; 41 employees).

G. C. Murphy Co., No. 267, 5732 Baltimore National Pike, Baltimore, Md. (variety store; 136 employees).

G. C. Murphy Co., No. 179, 138-152 Baltimore Street, Cumberland, Md. (variety store; 91 employees).

G. C. Murphy Co., No. 268, 338 Harundale Shopping Center, Glen Burnie, Md. (variety store; 100 employees).

G. C. Murphy Co., No. 188, 1006-1008 Philadelphia Avenue, Barnesboro, Pa. (variety store; 35 employees).

G. C. Murphy Co., No. 11, 512-520 Fallowfield Avenue, Charleroi, Pa. (variety store; 94 employees).

G. C. Murphy Co., No. 44, 402-406 Ford Street, Ford City, Pa. (variety store; 21 employees).

G. C. Murphy Co., No. 3, 133-145 South Main Street, Greensburg, Pa. (variety store; 89 employees).

G. C. Murphy Co., No. 228, Eagle and West Chester Pike, Manoa Shopping Center, Havertown, Pa. (variety store; 63 employees).

G. C. Murphy Co., No. 143, 526 Washington Street, Huntingdon, Pa. (variety store; 23 employees).

G. C. Murphy Co., No. 45, 314-316 Clay Avenue, Jeannette, Pa. (variety store; 42 employees).

G. C. Murphy Co., No. 9, 212-220 Market Street, Kittanning, Pa. (variety store; 90 employees).

G. C. Murphy Co., No. 232, 1200 Market Street, Lemoyne, Pa. (variety store; 59 employees).

G. C. Murphy Co., 315-321 Fifth Avenue, McKeesport, Pa. (variety store; 117 employees).

G. C. Murphy Co., No. 16, 226-228 Chestnut Street, Meadville, Pa. (variety store; 64 employees).

G. C. Murphy Co., No. 193, 23-25 Belvidere Street, Nazareth, Pa. (variety store; 19 employees).

G. C. Murphy Co., No. 299, 2001 Oregon Avenue, Philadelphia, Pa. (variety store; 56 employees).

G. C. Murphy Co., No. 237, 300 Mt. Lebanon Boulevard, Castle Shannon, Pittsburgh, Pa. (variety store; 45 employees).

G. C. Murphy Co., No. 258, East Hills Center, Robinson Boulevard and Frankstown Road, Pittsburgh, Pa. (variety store; 97 employees).

G. C. Murphy Co., No. 183, 101 West Mahoning Avenue, Punxsutawney, Pa. (variety store; 48 employees).

G. C. Murphy Co., No. 247, 249 Main Street, Ridgway, Pa. (variety store; 30 employees).

Newberry Chambersburg Corp., No. 9, 18-24 South Main Street, Chambersburg, Pa. (variety store; 59 employees).

Newberry Lewisburg Corp., No. 127, 304 Market Street, Lewisburg, Pa. (variety store; 54 employees).

Newberry Shamokin Corp., No. 5, 6-12 Independence Street, Shamokin, Pa. (variety store; 38 employees).

Newberry Susquehanna, 110 East State Street, Kennett Square, Pa. (variety store; 36 employees).

Newberry Towanda Corp., No. 22, Main and Popular Streets, Towanda, Pa. (variety store; 33 employees).

Rhea's, Inc., 441 Market Street, Pittsburgh, Pa. (food store; 44 employees).

Rhea's, Inc., 536 Smithfield Street, Pittsburgh, Pa. (food store; 39 employees).

F. W. Woolworth Co., No. 2025, 5-7 South Main Street, Bel Air, Md. (variety store; 30 employees).

F. W. Woolworth Co., 19 Shopping Center, Westminister, Md. (variety store; 33 employees).

F. W. Woolworth Co., 1441 Old York Road, Abington, Pa. (variety store; 25 employees).

F. W. Woolworth Co., No. 106, 301 Northampton Street, Easton, Pa. (variety store; 57 employees).

F. W. Woolworth Co., No. 80, 816 State Street, Erie, Pa. (variety store; 25 employees).

S. H. Kress & Co., 101 West Main Street, Dothan, Ala. (variety store; 45 employees).

S. H. Kress & Co., No. 17, 107 South Washington Street, Huntsville, Ala. (variety store; 26 employees).

S. H. Kress & Co., 115 Dauphin Street, Mobile, Ala. (variety store; 96 employees).

S. H. Kress & Co., 39 Dexter Avenue, Montgomery, Ala. (variety store; 97 employees).

S. H. Kress & Co., 3008 North 27th Street, North Birmingham, Ala. (variety store; 20 employees).

S. H. Kress & Co., 305 South Wilson Avenue, Prichard, Ala. (variety store; 46 employees).

S. H. Kress & Co., 121 Broad Street, Selma, Ala. (variety store; 37 employees).

S. H. Kress & Co., 2223 Broad Street, Tuscaloosa, Ala. (variety store; 71 employees).

S. H. Kress & Co., 328 Main Street, Pine Bluff, Ark. (variety store; 40 employees).

S. H. Kress & Co., Shirley-Duke Shopping Center, 4615 Duke Street, Alexandria, Va. (variety store; 59 employees).

S. H. Kress & Co., 439 Third Street, Baton Rouge, La. (variety store; 53 employees).

S. H. Kress & Co., 923 Canal Street, New Orleans, La. (variety store; 209 employees).

S. H. Kress & Co., 316 Texas Street, Shreveport, La. (variety store; 28 employees).

S. H. Kress & Co., 500 Main Street, Hattiesburg, Miss. (variety store; 30 employees).

S. H. Kress & Co., 2214–16 Fifth Street, Meridian, Miss. (variety store; 72 employees).

McCrory-McLellan-Green, No. 600, Parkway City, Huntsville, Ala. (variety store; 31 employees).

McCrory-McLellan-Green Store, No. 315, 412 North Third Street, Baton Rouge, La. (variety store; 66 employees).

Morgan & Lindsey, Inc., No. 3036, 1007 Denny Avenue, Pascagoula, Miss. (variety store; 14 employees).

J. J. Newberry Co., 819 Ryan Street, Lake Charles, La. (variety store; 26 employees).

Richard's Variety Store, 202 East Main Street, Houma, La.; effective 3–26–64 to 9–2–64 (variety store; 34 employees).

REGION V

S. S. Kresge Co., No. 350, 5090 Schaefer Highway, Dearborn, Mich.; effective 4–3–64 to 9–2–64 (variety store; 42 employees).

S. S. Kresge Co., No. 340, 15370 Grand River, Detroit, Mich. (variety store; 92 employees).

S. S. Kresge Co., No. 565, 15420 West 7 Mile Road, Detroit, Mich. (variety store; 18 employees).

S. S. Kresge Co., No. 13, 66 North Saginaw Street, Box 3035, Pontiac, Mich. (variety store; 104 employees).

S. S. Kresge Co., No. 47, Del-Fair Center, 5267 Delhi Pike, Cincinnati, Ohio (variety store; 33 employees).

S. S. Kresge Co., No. 328, 85 South High Street, Columbus, Ohio (variety store; 50 employees).

S. S. Kresge Co., No. 51, 201 North Main Street, Lima, Ohio (variety store; 62 employees).

S. S. Kresge Co., No. 150, 400 Chillicothe Street, Portsmouth, Ohio (variety store; 88 employees).

G. C. Murphy Co., No. 469, 12–14 South Main Street, London, Ohio (variety store; 22 employees).

G. C. Murphy Co., No. 20, 101–119 East Court Street, Washington C.H., Ohio (variety store; 63 employees).

F. W. Woolworth Co., 157 South Burdick Street, Kalamazoo, Mich. (variety store; 95 employees).

The Baby Shop, Inc., 404 Main Street, Evansville, Ind. (apparel store; 77 employees).

Columbia Shopping Center, 1200 West Columbia, Evansville, Ind. (drug store; 52 employees).

Greenfield Search Foods Stores, Inc., Greenfield, Ill. (food store; 10 employees).

Jupiter Discount Store, No. 4561, 1637 West Chicago Avenue, Chicago, Ill. (variety store; 23 employees).

Geo. H. Knollenberg Co., 809–815 Main Street, Richmond, Ind. (department store; 92 employees).

S. S. Kresge Co., No. 81, Northgate Shopping Plaza, 930 North Lake Street, Aurora, Ill. (variety store; 39 employees).

S. S. Kresge Co., No. 254, 27 South Broadway, Aurora, Ill. (variety store; 68 employees).

S. S. Kresge Co., 213 North Main Street, Bloomington, Ill. (variety store; 55 employees).

S. S. Kresge Co., No. 94, Southfield Shopping Center, 8751 South Harlem Avenue, Bridgeview, Ill. (variety store; 34 employees).

S. S. Kresge Co., No. 164, 82 North Main Street, Canton, Ill. (variety store; 26 employees).

S. S. Kresge Co., No. 174, 215 North Neil Street, Champaign, Ill. (variety store; 35 employees).

S. S. Kresge Co., 1956 West Laurence Avenue, Chicago, Ill. (variety store; 29 employees).

S. S. Kresge Co., 8027 South Cicero, Chicago, Ill. (variety store; 38 employees).

S. S. Kresge Co., No. 305, 7240 West Foster Avenue, Chicago, Ill. (variety store; 30 employees).

S. S. Kresge Co., No. 445, 4016 West Madison Avenue, Chicago, Ill. (variety store; 61 employees).

S. S. Kresge Co., No. 471, 2774 Milwaukee Avenue, Chicago, Ill. (variety store; 23 employees).

S. S. Kresge Co., No. 594, 3141 North Lincoln Avenue, Chicago, Ill. (variety store; 34 employees).

S. S. Kresge Co., No. 599, 4767 Lincoln Avenue, Chicago, Ill. (variety store; 14 employees).

S. S. Kresge Co., No. 301, 1630 Halsted Street, Chicago Heights, Ill. (variety store; 44 employees).

S. S. Kresge Co., No. 413, 1 West Stephenson, Freeport, Ill. (variety store; 32 employees).

S. S. Kresge Co., No. 207, 19 North Main Street, Harrisburg, Ill. (variety store; 32 employees).

S. S. Kresge Co., No. 130, Larkin Road and Theadore Street, Hillcrest Shopping Center, Joliet, Ill. (variety store; 40 employees).

S. S. Kresge Co., No. 417, 162 East Court Street, Kankakee, Ill. (variety store; 44 employees).

S. S. Kresge Co., No. 295, 206 North Tremont Street, Kewanee, Ill. (variety store; 17 employees).

S. S. Kresge Co., No. 218, 26 South La Grange Road, La Grange, Ill. (variety store; 40 employees).

S. S. Kresge Co., No. 497, 1603 Broadway Avenue, Mattoon, Ill. (variety store; 26 employees).

S. S. Kresge Co., No. 161, 9525 South Cicero, Oak Lawn, Ill. (variety store; 32 employees).

S. S. Kresge Co., No. 463, Hometown Shopping Center, 4120 Southwest Highway, Oak Lawn, Ill. (variety store; 34 employees).

S. S. Kresge Co., No. 630, Park Forest Shopping Center, 211 Plaza, Park Forest, Ill. (variety store; 34 employees).

S. S. Kresge Co., 353 Court Street, Pekin, Ill. (variety store; 16 employees).

S. S. Kresge Co., No. 242, Sheridan Village Shopping Center, 4125 North Sheridan Road, Peoria, Ill. (variety store; 49 employees).

S. S. Kresge Co., No. 321, Legion Town & Country Shopping Center, 3227–43 Legion Boulevard, Quincy, Ill. (variety store; 44 employees).

S. S. Kresge Co., No. 318, 636 Hollister Avenue, Rockford, Ill. (variety store; 37 employees).

S. S. Kresge Co., No. 136, Valley Shopping Center, 1505 West Main Street, St. Charles, Ill. (variety store; 31 employees).

S. S. Kresge Co., 111 Old Orchard, Skokie, Ill. (variety store; 52 employees).

S. S. Kresge Co., 401 South Main Street, Elkhart, Ind. (variety store; 60 employees).

S. S. Kresge Co., No. 556, 401 Main Street, Evansville, Ind. (variety store; 74 employees).

S. S. Kresge Co., No. 568, Northcrest Shopping Center, Unit No. 737, Fort Wayne, Ind. (variety store; 32 employees).

S. S. Kresge Co., No. 462, Village Shopping Center, 3542 Village Court, Gary, Ind. (variety store; 65 employees).

S. S. Kresge Co., No. 618, 747 Broadway, Gary, Ind. (variety store; 71 employees).

S. S. Kresge Co., No. 283, 5129–31 Hohman Avenue, Hammond, Ind. (variety store; 20 employees).

S. S. Kresge Co., No. 7, 17 West Washington Street, Indianapolis, Ind. (variety store; 106 employees).

S. S. Kresge Co., No. 258, Eagledale Plaza Shopping Center, 2744 Lafayette Road, Indianapolis, Ind. (variety store; 34 employees).

S. S. Kresge Co., No. 583, 6000 East 46th Street, Devington Shopping Center, Indianapolis, Ind. (variety store; 37 employees).

S. S. Kresge Co., No. 589, 116 North Main Street, Kokomo, Ind. (variety store; 48 employees).

S. S. Kresge Co., No. 31, Market Square Shopping Center, 2200 Elmwood Avenue, Lafayette, Ind. (variety store; 35 employees).

S. S. Kresge Co., No. 204, 102–112 North Third Street, Lafayette, Ind. (variety store; 37 employees).

S. S. Kresge Co., No. 167, 422 East Broadway, Logansport, Ind. (variety store; 32 employees).

S. S. Kresge Co., No. 85, 214 South Walnut Street, Muncie, Ind. (variety store; 25 employees).

S. S. Kresge Co., No. 251, 1401 Broad Street, New Castle, Ind. (variety store; 25 employees).

S. S. Kresge Co., No. 64, 801 Main Street, Richmond, Ind. (variety store; 26 employees).

S. S. Kresge Co., No. 101, 201 South Michigan Street, South Bend, Ind. (variety store; 111 employees).

S. S. Kresge Co., 637 Wabash Avenue, Terre Haute, Ind. (variety store; 62 employees).

S. S. Kresge Co., 319 South Front Street, Mankato, Minn. (variety store; 24 employees).

S. S. Kresge Co., No. 645, 2912 Pentagon Drive, Minneapolis, Minn. (variety store; 24 employees).

S. S. Kresge Co., 2106 East Lake Street, Minneapolis, Minn. (variety store; 27 employees).

S. S. Kresge Co., No. 393, 12 West 66th Street, Richfield, Minn. (variety store; 39 employees).

S. S. Kresge Co., No. 683, 2167 Hudson Road, St. Paul, Minn. (variety store; 25 employees).

S. S. Kresge Co., No. 202, 110 West College Avenue, Appleton, Wis. (variety store; 47 employees).

S. S. Kresge Co., No. 607, 124 South Barstow Street, Eau Claire, Wis. (variety store; 35 employees).

S. S. Kresge Co., No. 611, 68 South Main Street, Fond du Lac, Wis. (variety store; 50 employees).

S. S. Kresge Co., 817 Military Avenue, Green Bay, Wis. (variety store; 44 employees).

S. S. Kresge Co., 27 East Main Street, Madison, Wis. (variety store; 52 employees).

S. S. Kresge Co., No. 446, Bay Shore Shopping Center, 5828 North Port Washington Road, Milwaukee, Wis. (variety store; 32 employees).

S. S. Kresge Co., No. 637, 7 Mayfair Mall, 2500 North 108th Street, Milwaukee, Wis. (variety store; 50 employees).

S. S. Kresge Co., 305 Main Street, Oshkosh, Wis. (variety store; 28 employees).

S. S. Kresge Co., No. 169, 1603 Washington, Two Rivers, Wis. (variety store; 16 employees).

S. S. Kresge Co., No. 119, 207 Main Street, Watertown, Wis. (variety store; 36 employees).

McCrory Store, No. 44, 1003–5 Meridian Street, Anderson, Ind. (variety store; 33 employees).

McLellan Stores, 155 South Schuyler, Kankakee, Ill. (variety store; 19 employees).

McCrory-McLellan-Green Stores Co., 365 Wabasha Street, St. Paul, Minn. (variety store; 58 employees).

McCrory-McLellan-Green Store, No. 1056, 67 East Seventh Street, St. Paul, Minn. (variety store; 46 employees).

McCrory-McLellan Stores Corp., 111 North Main Street, Oconomowoc, Wis. (variety store; 23 employees).

McCrory-McLellan-Green, 248 West Broadway, Waukesha, Wis. (variety store; 20 employees).

G. C. Murphy Co., No. 251, 7075 Cermak Plaza, Berwyn, Ill. (variety store; 153 employees).

G. C. Murphy Co., No. 458, 909–911 Broadway, Mt. Vernon, Ill. (variety store; 25 employees).

G. C. Murphy Co., No. 112, 205–211 North Mill Street, Pontiac, Ill. (variety store; 31 employees).

G. C. Murphy Co., No. 113, 307–311 East Main Street, Streator, Ill. (variety store; 37 employees).

G. C. Murphy Co., No. 461, 411–415 Second Street, Aurora, Ind. (variety store; 22 employees).

G. C. Murphy Co., No. 101, 14–18 East National Avenue, Brazil, Ind. (variety store; 32 employees).

G. C. Murphy Co., No. 99, 235–241 South Main Street, Clinton, Ind. (variety store; 28 employees).

G. C. Murphy Co., No. 81, 415–417 Washington Street, Columbus, Ind. (variety store; 46 employees).

G. C. Murphy Co., No. 407, 161 North Second Street, Decatur, Ind. (variety store; 28 employees).

G. C. Murphy, No. 404, 202–204 South Anderson Street, Elwood, Ind. (variety store; 26 employees).

G. C. Murphy Co., No. 103, 823–831 Calhoun Street, Fort Wayne, Ind. (variety store; 186 employees).

G. C. Murphy Co., No. 412, 50 East Jefferson Street, Franklin, Ind. (variety store; 43 employees).

G. C. Murphy, No. 417, P.O. Box 453, Goshen, Ind. (variety store; 19 employees).

G. C. Murphy Co., No. 223, 129–131 North Broadway Avenue, Greensburg, Ind. (variety store; 51 employees).

G. C. Murphy Co., No. 119, 12–14 East Washington Street, Greencastle, Ind. (variety store; 21 employees).

G. C. Murphy Co., No. 408, 101–105 North High Street, Hartford City, Ind. (variety store; 26 employees).

G. C. Murphy Co., No. 425, 407–409 Fourth Street, Huntingburg, Ind. (variety store; 19 employees).

G. C. Murphy Co., No. 104, 33–47 North Illinois Street, Indianapolis, Ind. (variety store; 166 employees).

G. C. Murphy Co., No. 123, 1043–1047 Virginia Avenue, Indianapolis, Ind. (variety store; 137 employees).

G. C. Murphy Co., No. 215, P.O. Box 5942, 705–709 Broad Ripple Avenue, Indianapolis, Ind. (variety store; 35 employees).

G. C. Murphy Co., No. 235, 3928 Meadows Drive, Indianapolis, Ind. (variety store; 81 employees).

G. C. Murphy Co., No. 445, 108 South Main Street, Kendallville, Ind. (variety store; 38 employees).

G. C. Murphy Co., No. 203, 15–19 East Vincennes Street, Linton, Ind. (variety store; 33 employees).

G. C. Murphy Co., No. 430, 209–211 East Main Street, Madison, Ind. (variety store; 35 employees).

G. C. Murphy Co., No. 411, 54–56 North Ninth Street, Noblesville, Ind. (variety store; 23 employees).

G. C. Murphy Co., No. 422, 1–3 South Broadway, Peru, Ind. (variety store; 38 employees).

G. C. Murphy Co., No. 420, 125 North Hart Street, Princeton, Ind. (variety store; 18 employees).

G. C. Murphy Co., No. 100, 108–110 Ohio Street, Rockville, Ind. (variety store; 28 employees).

G. C. Murphy, No. 443, 21–23 Public Square, Salem, Ind. (variety store; 35 employees).

G. C. Murphy Co., No. 105, 31 Public Square, Shelbyville, Ind. (variety store; 42 employees).

G. C. Murphy Co., No. 114, 308–316 East Maine Street, Washington, Ind. (variety store; 28 employees).

G. C. Murphy Co., No. 275, Silver Spring Shopping Village, 8237 West Silver Spring Drive, Milwaukee, Wis. (variety store; 59 employees).

J. J. Newberry Co., No. 166, 3714 Main Street, Indiana Harbor, Ind. (variety store; 34 employees).

Newberry-Wabash, Inc., 1–15 North Jefferson Street, Martinsville, Ind. (variety store; 27 employees).

Red Cross Drug Co., 3701 Durand Avenue, Racine, Wis. (drug store; 17 employees).

Red Cross Drug Co., 520 Goold Street, Racine, Wis. (drug store; 11 employees).

Red Cross Drug Co., 320 Sixth Street, Racine, Wis. (drug store; 8 employees).

Roodhouse Search Food Stores, Inc., Roodhouse, Ill. (food store; 12 employees).

Whitehall Search Foods Stores, 121 South Main Street, White Hall, Ill. (food store; 12 employees).

F. W. Woolworth Co., 13044 South Western, Blue Island, Ill. (variety store; 34 employees).

F. W. Woolworth Co., 231 Gold Coast Lane, Calumet City, Ill. (variety store; 34 employees).

F. W. Woolworth Co., No. 160, 3152 West 11th Street, Chicago, Ill. (variety store; 33 employees).

F. W. Woolworth Co., No. 551, 8600 Cottage Grove, Chicago, Ill. (variety store; 39 employees).

F. W. Woolworth Co., No. 1208, 7850 South Halsted Street, Chicago, Ill. (variety store; 34 employees).

F. W. Woolworth Co., No. 1305, 6308 South Ashland, Chicago, Ill. (variety store; 36 employees).

F. W. Woolworth Co., No. 1404, 4813 Milwaukee Avenue, Chicago, Ill. (variety store; 23 employees).

F. W. Woolworth Co., No. 1447, 3401 West Diversey, Chicago, Ill. (variety store; 48 employees).

F. W. Woolworth Co., No. 1656, 2407 West 63d, Chicago, Ill. (variety store; 27 employees).

F. W. Woolworth Co., No. 369, 8 North Vermilion Street, Danville, Ill. (variety store; 37 employees).

F. W. Woolworth Co., 239 North Water Street, Decatur, Ill. (variety store; 54 employees).

F. W. Woolworth Co., No. 726, 116–118 West First Street, Dixon, Ill. (variety store; 71 employees).

F. W. Woolworth Co., No. 427, 1 East Stephenson Street, Freeport, Ill. (variety store; 19 employees).

F. W. Woolworth Co., No. 2103, 6433 North Second Street, Loves Park, Ill. (variety store; 29 employees).

F. W. Woolworth Co., No. 78, 113 South Adams, Peoria, Ill. (variety store; 49 employees).

F. W. Woolworth Co., No. 308, 1515 Fifth Avenue, Moline, Ill. (variety store; 48 employees).

F. W. Woolworth Co., No. 63, 113 South Fifth Street, Springfield, Ill. (variety store; 38 employees).

F. W. Woolworth Co., No. 1663, 124 Cass Street, Woodstock, Ill. (variety store; 28 employees).

F. W. Woolworth Co., No. 307, 1016 Meridian Street, Anderson, Ind. (variety store; 43 employees).

F. W. Woolworth Co., 109 Lincoln Way West, Mishawaka, Ind. (variety store; 26 employees).

F. W. Woolworth Co., No. 2193, Northwest Plaza, Muncie, Ind. (variety store; 20 employees).

F. W. Woolworth Co., No. 2317, Unit 19, Southway Plaza, Muncie, Ind. (variety store; 24 employees).

F. W. Woolworth Co., 701 Main Street, Richmond, Ind. (variety store; 19 employees).

REGION VII

Cypress Variety, Inc., d/b/a T.G.&Y. Stores Co., No. 127, 3017 Strong Avenue, Kansas City, Kans. (variety store; 15 employees).

J. S. Dillon & Sons Stores Co., Inc., No. 14, 419 South Main, Pratt, Kans. (food store; 22 employees).

J. S. Dillon & Sons Stores Co., Inc., No. 4, 1401 North Waco, Wichita, Kans. (food store; 37 employees).

J. S. Dillon & Sons Stores Co., Inc., No. 19, 9021 East Kellogg, Wichita, Kans. (food store; 36 employees).

J. S. Dillon & Sons Stores Co., Inc., No. 26, 1807 East Kellogg, Wichita, Kans. (food store; 32 employees).

J. S. Dillon & Sons Stores Co., Inc., No. 32, 1900 East Pawnee, Wichita, Kans. (food store; 13 employees).

J. S. Dillon & Sons Stores Co., Inc., No. 29, 8829 West Central, Wichita, Kans. (food store; 34 employees).

J. S. Dillon & Sons Stores Co., Inc., No. 37, 714 Main Street, Winfield, Kans. (food store; 28 employees).

REGION VIII

Admiral & Sheridan Variety, Inc., d/b/a T.G.&Y. Stores Co., No. 68, 6318 East Admiral Place, Tulsa, Okla. (variety store; 36 employees).

Bargain World (Terry Farris), No. 5414, 401–5 West Houston, San Antonio, Tex. (variety store; 26 employees).

Cedar Variety, Inc., d/b/a T.G.&Y. Stores Co., No. 8, Elk City, Okla. (variety store; 12 employees).

Elm Variety, Inc., d/b/a T.G.&Y. Stores Co., No. 31, 3820 East Frank Phillips, Bartlesville, Okla. (variety store; 28 employees).

Gosselin Stores, Inc., d/b/a T.G.&Y. Stores Co., No. 113, 1906 Ninth Street, Wichita Falls, Tex. (variety store; 15 employees).

Hawthorn Variety, Inc., d/b/a T.G.&Y. Stores Co., No. 57, 328 East Side Boulevard, Muskogee, Okla. (variety store; 34 employees).

Hydrangea Variety, Inc., d/b/a T.G.&Y. Stores Co., No. 251, 122 Dallas West Shopping Center, Dallas, Tex. (variety store; 26 employees).

S. S. Kresge Co., No. 744, Penn Square Shopping Center, 1969 Penn Square, Oklahoma City, Okla. (variety store; 44 employees).

S. H. Kress & Co., 109 East Main, Shawnee, Okla. (variety store; 23 employees).

S. H. Kress & Co., 700 Polk Street, Amarillo, Tex. (variety store; 19 employees).

Ligustrum Variety, Inc., d/b/a T.G.&Y. Stores Co., No. 35, 403 North 14th, Ponca City, Okla. (variety store; 33 employees).

Locust Variety, Inc., d/b/a T.G.&Y. Stores Co., No. 1, 1850 Utica Square, Tulsa, Okla. (variety store; 33 employees).

McCrory-McLellan Stores Corp., No. 485, Bel Alre Shopping Center, Dal Paso and Bender, Hobbs, N. Mex. (variety store; 29 employees).

McCrory-McLellan-Green Co., 300 East Graham Avenue, Pryor, Okla. (variety store; 18 employees).

McLellan Store, No. 565, 4710 Central SE., Albuquerque, N. Mex. (variety store; 29 employees).

Neisner Bros., Inc., No. 131, 1200 Elizabeth Street, Brownsville, Tex. (variety store; 51 employees).

Neisner Bros., Inc., No. 170, 1100 South Santa Fe Street, El Paso, Tex. (variety store; 45 employees).

Neisner Bros., Inc., No. 144, 1238 Uvalde Road, Houston, Tex. (variety store; 16 employees).

Neisner Bros., Inc., No. 45, 502 Convent Avenue, Laredo, Tex. (variety store; 47 employees).

Neisner Bros., Inc., No. 172, 3617 Twin City Highway 347, Port Arthur, Tex. (variety store; 28 employees).

Neisner Bros., Inc., No. 120, 101 Broadway, San Antonio, Tex. (variety store; 73 employees).

Neisner Bros. Inc., No. 141, 149 Plaza De Las Palmas, San Antonio, Tex. (variety store; 65 employees).

Neisner Bros., Inc., No. 160, 141 Terrell Plaza, San Antonio, Tex. (variety store; 21 employees).

Neisner Bros., Inc., No. 134, 2907 Garnett Avenue, Wichita Falls, Tex. (variety store; 17 employees).

Newberry East Texas Inc., 106 Gateway, Beaumont, Tex. (variety store; 124 employees).

Popular Dry Goods Co., Inc., Texas, Mesa-San Antonio Streets, El Paso, Tex.; effective 3-2-64 to 9-2-64 (department store; 745 employees).

Spruce Variety, Inc., d/b/a T.G.&Y. Stores Co., No. 6, 506 Frisco, Clinton, Okla. (variety store; 15 employees).

Walnut Variety, Inc., d/b/a T.G.&Y. Stores, No. 11, 220 West Commerce, Oklahoma City, Okla. (variety store; 17 employees).

REGION X

Diskay Discount, subdivision of W. T. Grant Co., 134 North Loudoun Street, Winchester, Va. (variety store; 19 employees).

W. T. Grant Co., No. 356, 224 West Main Street, Clarksburg, W. Va. (variety store; 42 employees).

Jupiter Discount Store, 112 North Sycamore Street, Petersburg, Va. (variety store; 22 employees).

S. S. Kresge Co., No. 439, 240 Granby Street, Norfolk, Va. (variety store; 39 employees).

McCrory-McLellan-Green Stores, No. 507, 229-233 Fifth Avenue N., Nashville, Tenn. (variety store; 61 employees).

G. C. Murphy Co., No. 239, Dixie Manor Shopping Canter, Pleasure Ridge Park, Ky. (variety store; 59 employees).

G. C. Murphy Co., No. 208, 401-409 East Broad Street, Richmond, Va. (variety store; 109 employees).

G. C. Murphy Co., No. 50, 10-14 Main Street, Buckhannon, W. Va. (variety store; 48 employees).

G. C. Murphy Co., No. 18, Jefferson and Third Streets, Moundsville, W. Va. (variety store; 40 employees).

G. C. Murphy Co., No. 33, 1115-1117 Market Street, Wheeling, W. Va. (variety store; 132 employees).

J. J. Newberry Co., No. 448, 227-229 Main Street, Danville, Ky. (variety store; 14 employees).

J. J. Newberry Co., 100-06 South Sixth Street, Mayfield, Ky. (variety store; 33 employees).

J. J. Newberry Co., Main and Maysville Streets, Mount Sterling, Ky. (variety store; 26 employees).

W. S. Peebles & Co., Inc., Main and Hicks Streets, Lawrenceville, Va. (department store; 65 employees).

W. S. Peebles & Co., Inc., New Hicks and Sharp Streets, Lawrenceville, Va. (food store; 16 employees).

W. S. Peebles & Co., Inc., 138 Danville Street, South Hill, Va. (department store; 19 employees).

Peebles Department Store, Inc., 429 Mathis Street, Manassas, Va. (department store; 49 employees).

Rose's Stores, Inc., No. 137, 314 Laskin Road, Virginia Beach, Va. (variety store; 25 employees).

F. W. Woolworth Co., No. 1314, 103 South Mill Avenue, Dyersburg, Tenn. (variety store; 28 employees).

REGION XI

Big Apple Supermarket, No. 2, 806 South Scales Street, Reidsville, N.C. (food store; 26 employees).

Big Apple Supermarket, No. 3, 709 North Scales Street, Reidsville, N.C. (food store; 20 employees).

W. T. Grant Co., 416 Third Street, Macon, Ga. (variety store; 45 employees).

M. L. Green Co., 432 North Liberty Street, Winston-Salem, N.C. (variety store; 87 employees).

S. S. Kresge Co., 4390 Sixth Street S., St. Petersburg, Fla. (variety store; 21 employees).

S. S. Kresge Co., No. 713, Moreland Shopping Center, 1400 Moreland Avenue SE., Atlanta, Ga. (variety store; 25 employees).

S. H. Kress & Co., No. 112, 822 Broad Street, Augusta, Ga. (variety store; 104 employees).

S. H. Kress & Co., 1117 Broad Street, Columbus, Ga. (variety store; 35 employees).

S. H. Kress & Co., 137 Main Street, La Grange, Ga. (variety store; 27 employees).

S. H. Kress & Co., 620 Cherry Street, Macon, Ga. (variety store; 27 employees).

S. H. Kress & Co., No. 125, 120 West Broughton Street, Savannah, Ga. (variety store; 84 employees).

S. H. Kress & Co., No. 127, 101-105 North Patterson Street, Valdosta, Ga. (variety store; 33 employees).

S. H. Kress & Co., 306 Mary Street, Waycross, Ga. (variety store; 57 employees).

S. H. Kress & Co., 101 South Tryon Street, Charlotte, N.C. (variety store; 114 employees).

S. H. Kress & Co., 101 West Main Street, Durham, N.C. (variety store; 54 employees).

S. H. Kress & Co., 113 Maxwell Street, Fayetteville, N.C. (variety store; 107 employees).

S. H. Kress & Co., 208 South Elm Street, Greensboro, N.C. (variety store; 95 employees).

S. H. Kress & Co., 141 South Main Street, High Point, N.C. (variety store; 37 employees).

S. H. Kress & Co., 307 Middle Street, New Bern, N.C. (variety store; 69 employees).

S. H. Kress & Co., 162 South Main Street, Rocky Mount, N.C. (variety store; 44 employees).

S. H. Kress & Co., 11 North Front Street, Wilmington, N.C. (variety store; 40 employees).

S. H. Kress & Co., 5 West Fourth Street, Winston-Salem, N.C. (variety store; 74 employees).

S. H. Kress & Co., 281 King Street, Charleston, S.C. (variety store; 31 employees).

S. H. Kress & Co., 1508 Main Street, Columbia, S.C. (variety store; 54 employees).

S. H. Kress & Co., No. 297, 117 West Evans Street, Florence, S.C. (variety store; 72 employees).

S. H. Kress & Co., 27-31 South Main Street, Greenville, S.C. (variety store; 55 employees).

S. H. Kress & Co., 311-313 Main Street, Greenwood, S.C. (variety store; 39 employees).

S. H. Kress & Co., 301 Russell Street, Orangeburg, S.C. (variety store; 36 employees).

S. H. Kress & Co., 115 East Main Street, Spartanburg, S.C. (variety store; 51 employees).

S. H. Kress & Co., 49 South Main Street, Sumter, S.C. (variety store; 39 employees).

McCrory-McLellan-Green Stores, 509-513 Cleveland Street, Clearwater, Fla. (variety store; 25 employees).

McCrory-McLellan-Green Stores, No. 1003, 65 Miracle Mile, Coral Gables, Fla. (variety store; 32 employees).

McCrory, No. 157, 326-328 North Marion Street, Lake City, Fla. (variety store; 27 employees).

McCrory-McLellan-Green Stores, 455 Harrison Avenue, 282 Panama City, Fla. (variety store; 20 employees).

McCrory-McLellan-Green Stores, 47 Whitehall Street, Atlanta, Ga. (variety store; 64 employees).

McCrory-McLellan-Green Stores, No. 700, 124 West Main Street, Albemarle, N.C. (variety store; 21 employees).

McCrory-McLellan-Green, 145 East Main Street, Spartanburg, S.C. (variety store; 23 employees).

Neisner Brothers, Inc., No. 162, 420 Brevard Avenue, Cocoa, Fla. (variety store; 35 employees).

Neisner Brothers, Inc., No. 167, 20271 South Federal Highway, Cutler Ridge, Fla. (variety store; 29 employees).

Neisner Brothers, Inc., No. 158, 230 Southwest 40th Avenue, Fort Lauderdale, Fla. (variety store; 30 employees).

Neisner Brothers, Inc., No. 99, 1130 North Main Street, Gainesville, Fla. (variety store; 22 employees).

Neisner Brothers, Inc., No. 175, 2506 North Roosevelt Boulevard, Key West, Fla. (variety store; 64 employees).

Neisner Brothers, Inc., No. 21, 3721 Northwest Seventh Street, Miami, Fla. (variety store; 39 employees).

Neisner Brothers, Inc., No. 40, 3359 North Federal Highway, Pompano Beach, Fla. (variety store; 25 employees).

Neisner Brothers, Inc., No. 157, 1155 Apalachee Parkway, Tallahassee, Fla. (variety store; 45 employees).

Neisner Brothers, Inc., No. 146, 8825 Florida Avenue, Tampa, Fla. (variety store; 39 employees).

Neisner Brothers, Inc., No. 147, 3902 Britton Plaza, Tampa, Fla. (variety store; 22 employees).

J. J. Newberry Co., 502-6 Cherry Street, Macon, Ga. (variety store; 65 employees).

Richbourg Bros. Markets, Inc., 700 Bleckley Street, Anderson, S.C. (food store; 26 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provides for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

These certificates are effective from April 1, 1964 through September 2, 1964, except as otherwise indicated.

Bonifay Shopworth Stores, Inc., 226 North Waukesha Street, Bonifay, Fla.; bag boys, carry-out boys; between 9.6 percent and 9.9 percent (food store; 15 employees).

Braun's, No. 357, division of S. H. Kress & Co., 160 Main Street, Warrenton, Va.; sales clerks; between 6.3 percent and 9.9 percent (variety store; 24 employees).

Britts Newton Corp., No. 428, 77-89 Spring Street, Newton, N.J.; office clerk, stock clerk, window trimmer, sales clerk, janitor, markers; 10 percent for each month (variety store; 153 employees).

Centers, 151-159 Main Street, Waterville, Maine; sales clerks, maintenance; 10 percent for each month (variety store; 23 employees).

Colquitt Piggly Wiggly, Inc., 209 West College, Colquitt, Ga.; bag boy, carry-out; between 9.6 percent and 9.8 percent (food store; 13 employees).

Graceville Piggly-Wiggly, Inc., Cotton Street, Graceville, Fla.; bag boy, carry-out; between 9.4 percent and 9.9 percent (food store; 13 employees).

Headland Piggly Wiggly, Inc., Main Street, Headland, Ala.; bag boys; between 9.5 percent and 9.8 percent (food store; 12 employees).

K-Mart, No. 4005, 108 South Adams Street, Peoria, Ill.; sales; 10 percent for each month (variety store; 55 employees).

S. S. Kresge Co., No. 217, 226-228 Main Street, Vincennes, Ind.; sales; between 7.8 percent and 10 percent (variety store; 40 employees).

S. S. Kresge Co., No. 450, South Shore Plaza, Granite Street, (Route 37) and Route 128, Braintree, Mass.; sales clerk; 10 percent for each month (variety store; 50 employees).

S. S. Kresge Co., No. 196, 1806 Duke Street, Alexandria, Va.; effective 4-7-64 to 9-2-64; sales clerk; 10 percent for each month (variety store; 33 employees).

S. H. Kress & Co., 36 West Landis Avenue, Vinaland, N.J.; sales clerks; 10 percent for each month (variety store; 53 employees).

Mariana Piggly Wiggly, Inc., N/E West Lafayette Street, Mariana, Fla.; bag boy, carry-out; between 8.9 percent and 9.7 percent (food store; 19 employees).

Neisner Bros., Inc., No. 183, 211 North Seventh Street, Dade City, Fla.; sales clerk, clerical, stock clerk; 10 percent for each month (variety store; 14 employees).

Neisner Bros., Inc., No. 142, 2426 Brunswick Pike, Trenton, N.J.; selling, waitresses, stock; 10 percent for each month (variety store; 24 employees).

Newberry Painesville Corp., 135 Main Street, Painesville, Ohio; sales clerks, office clerks; between 7.5 percent and 10 percent (variety store; 82 employees).

J. J. Newberry Co., 340 Pompton Avenue, Route 23, Verona, N.J.; office clerks, window trimmers, stock clerks, janitors, sales clerks, markers; between 9.6 percent and 10 percent (variety store; 156 employees).

F. W. Woolworth Co., No. 312, 824 LaSalle Street, Ottawa, Ill.; sales; between 5.7 percent and 10 percent (variety store; 34 employees).

F. W. Woolworth Co., No. 2616, 119-129 East Wayne Street, Fort Wayne, Ind.; sales; between 1.2 percent and 6.0 percent (variety store; 45 employees).

F. W. Woolworth Co., No. 2620, 318-336 North State Street, Caro, Mich.; sales clerk; 10 percent for each month (variety store; 29 employees).

Younker Brothers, Inc., 1950 Grand Avenue N., Spencer, Iowa; sales clerk, delivery clerk, messenger, stock clerk, wrapper, cleaning, office clerk, marker, porter work; between 3.7 percent and 7.9 percent (department store; 24 employees).

Younker Brothers, Inc., 1501 First Avenue E., Newton, Iowa; sales clerk, delivery clerk, wrapper, office clerk, messenger, cleaning, stock clerk, marker, porter work; between 0.6 percent and 8.2 percent (department store; 31 employees).

Younker Brothers, Inc., 4444 First Avenue, NE., Cedar Rapids, Iowa; stock clerk, delivery clerk, marker, office clerk, wrapper, cleaning, sales clerk, messenger, porter work; between 3.8 percent and 8.8 percent (department store; 158 employees).

Younker Brothers, Inc., Middle and Kimberley Roads, Bettendorf, Iowa; stock clerk, messenger, delivery clerk, office clerk, wrappers, cleaning, sales clerk, markers, porter work; between 8.9 percent and 10 percent (department store; 117 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 15th day of April 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-3937; Filed, Apr. 21, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 301]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 17, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1222 (Deviation No. 2), THE REINHARDT TRANSFER COMPANY, 1410 10th Street, Portsmouth, Ohio, filed April 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Huntington, W. Va., over Interstate Highway 64 to Charleston, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Coal Grove, Ohio, over U.S. Highway 52 to Huntington, W. Va., thence over U.S. Highway 60 to Charleston, W. Va., thence over U.S. Highway 119 to Racine, W. Va., thence over West Virginia Highway 3 to junction U.S. Highway 19 near Peckley, W. Va., and thence over U.S. Highway 19 to Bluefield, W. Va., and return over the same route.

No. MC 2202 (Deviation No. 74), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron Ohio, 44309, filed April 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Washington, D.C., over Virginia Highway 350 to junction Virginia Highway 236, thence over Virginia Highway 236 to junction U.S. Highway 29, thence over U.S. Highway 29 to Reidsville, N.C., thence over U.S. Highway 158 to junction North Carolina Highway 68, thence over North Carolina Highway 68 to junction North Carolina Highway 150, thence over North Carolina Highway 150 to Winston-Salem, N.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Washington, over U.S. Highway 1 to junction U.S. Highway 158, thence over U.S. Highway 158 to junction U.S. Highway 15, thence over U.S. Highway 15 to Durham, N.C., thence over U.S. Highway 70 to junction Alternate U.S. Highway 70, thence over Alternate U.S. Highway 70 to junction U.S. Highway 421 (at Greensboro, N.C.) thence over U.S. Highway 421 to Winston-Salem, and return over the same route.

No. MC 19778 (Deviation No. 3), THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 508 Union Station Building, 516 West Jackson Boulevard, Chicago, Ill., 60606, filed April 5, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to junction U.S. Highway 20, thence over U.S. Highway 20 to Rockford, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over Illinois Highway 64 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 19, thence over Illinois Highway 19 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Illinois Highway 72, thence over Illinois Highway 72 to junction Illinois Highway 23, thence over Illinois Highway 23 to De Kalb, Ill.; and from Lanark, Ill., over Illinois Highway 72 to junction Illinois Highway 26, thence over Illinois Highway 26 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Belt Line Road, thence over Belt Line Road to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Illinois Highway 72, thence over Illinois Highway 72 to Hampshire, Ill., and return over the same routes.

No. MC 22173 (Deviation No. 1), SMITH'S TRANSFER, 710 East Eager Street, Baltimore 2, Md., filed April 7, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Baltimore, Md., over Baltimore-Washington Parkway to junction Maryland Highway 175, thence over Maryland Highway 175 to Waterloo, Md., and (B) from Baltimore, over Interstate Highway 695 to junction Maryland Highway 3, thence over Maryland Highway 3 to junction U.S. Highway 50, and thence over U.S. Highway 50 to Washington, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service

route as follows: From Baltimore over U.S. Highway 1 to Alexandria, Va., and return over the same route.

No. MC 29988 (Deviation No. 15), DENVER-CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo., applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill., filed April 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and Nebraska Highway 92, approximately 3 miles southwest of Clarks, Nebr., over Nebraska Highway 92 to Omaha, Nebr., thence over South Omaha Bridge to Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 48, at or near Griswold, Iowa, thence over Iowa Highway 48 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Iowa Highway 64, thence over Iowa Highway 64 to junction U.S. Highway 30, approximately 9 miles east of State Center, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Denver over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to Sterling, Colo. (also from Denver over U.S. Highway 6 to Sterling), thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill.; and, from junction U.S. Highway 30 and Alternate U.S. Highway 30 over U.S. Highway 30 to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, and return over the same routes.

No. MC 35628 (Deviation No. 19), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandview Avenue SW., Grand Rapids, Mich., 49502, filed April 8, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Denver, Colo., over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to Chicago, Ill., (B) from Buffalo, N.Y., over New York Highway 5 to Batavia, N.Y., thence over New York Highway 33 to Rochester, N.Y., thence over U.S. Highway 104 to junction New York Highway 370 near Red Creek, N.Y., thence over New York Highway 370 to junction New York Highway 234, thence over New York Highway 234 to Vernon, N.Y., (C) from Detroit, Mich., over Interstate Highway 96 to Lansing, Mich., and (D) from Flint, Mich., over Michigan Highway 78 to Lansing, Mich., thence over unnumbered highway (formerly U.S. Highway 16) to junction Interstate Highway 96, thence over Interstate Highway 96 to Grand Rapids, Mich., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Denver, Colo., over U.S. Highway 6 to Sterling, Colo., thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha; from Omaha over U.S. Highway 6 to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to Oswego, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago; from Buffalo over New York Highway 5 to Batavia, N.Y., thence over New York Highway 33 to Rochester, N.Y., thence over New York Highway 31 to junction New York Highway 234, thence over New York Highway 234 to Vernon, N.Y.; from Detroit, Mich., over U.S. Highway 16 to Lansing, Mich.; and from Flint, Mich., over Michigan Highway 78 to Lansing, Mich., thence over U.S. Highway 16 to junction U.S.B.R. 16 (formerly U.S. Highway 16), thence U.S.B.R. 16 to Grand Rapids, Mich., and return over the same routes.

No. MC 52426 (Deviation No. 1), POWELL TRANSPORTATION COMPANY, INC., 511 Buchanan Street, Hyattsville, Md., filed April 9, 1964. Attorney Hugh M. Steinberger (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Washington, D.C., over U.S. Highway 50 to junction Maryland Highway 3, thence over Maryland Highway 3 to junction U.S. Highway 1; (B) from junction U.S. Highway 40 and Interstate Highway 95 at or near Baltimore, Md., over Interstate Highway 95 (Northeast Expressway) to junction U.S. Highway 40, Wilmington, Del.; and (C) from junction U.S. Highway 40 and Interstate Highway 295 at or near Wilmington, Del., over Interstate Highway 295 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Washington, over U.S. Highway 1 to Baltimore, thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., and thence over U.S. Highway 1 to New York, and return over the same route.

No. MC 59680 (Deviation No. 21), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222, filed April 5, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Dallas, Tex., and Shreveport, La., over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas over U.S. Highway 67 to Greenville, Tex., thence over Texas Highway 24 to Paris, Tex., thence over U.S. Highway 82 to Texarkana, Tex.-Ark., thence over U.S. Highway 71 to Shreveport; and return over the same route.

No. MC 66562 (Deviation No. 14), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017, filed April 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route as follows: From junction Massachusetts Highway 28 and Interstate Highway 93, over Interstate Highway 93 to juction U.S. Highway 3, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston over city streets to Somerville, Mass., thence over Massachusetts Highway 28 to junction Massachusetts Highway 128, thence over Massachusetts Highway 28 to junction U.S. Highway 3, thence over U.S. Highway 3 to Manchester, N.H., and return over the same route.

No. MC 69116 (Deviation No. 23), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., filed April 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 94 to junction Interstate Highway 194, thence over Interstate Highway 194 to junction Interstate Highway 294, thence over Interstate Highway 294 to junction Interstate Highway 94, thence over Interstate Highway 94 to Madison, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 41 to Milwaukee, Wis., thence over U.S. Highway 16 to Watertown, Wis., thence over Wisconsin Highway 19 to Sun Prairie, Wis., thence over U.S. Highway 151 to Madison; and, from Chicago over U.S. Highway 41 to Milwaukee, Wis., thence over Wisconsin Highway 30 to Madison, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3944; Filed, Apr. 21, 1964; 8:48 a.m.]

[Notice 628]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 17, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

No. MC 79658 (Sub-No. 8), filed April 15, 1964. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, Evansville, Ind. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in the United States.

HEARING: May 18, 1964, in Room 117, 909 First Avenue, Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 105275 (Sub-No. 28), (REPUBLICATION), filed March 19, 1964. Published FEDERAL REGISTER issue of March 8, 1964, and republished this issue. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products*, from the town of Massena, N.Y., and points within five (5) miles thereof, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Delaware, New Hampshire, and Vermont, and those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending over U.S. Highway 11 to junction U.S. Highway 15, thence over U.S. Highway 15 to the Pennsylvania-Maryland State line, and (2) *commodities used in the manufacture, packing, and shipping of aluminum and aluminum products*, from points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, those in New York (except Albany and New York, N.Y.) and those in that part of Pennsylvania as above-specified, to the town of Massena, N.Y., and points within five (5) miles thereof.

NOTE: Applicant states no duplicating authority is sought. Common control may be involved. This application was formerly published in the April 8, 1964, issue of the FEDERAL REGISTER. It is being republished herein for the purpose of assigning it for hearing.

HEARING: May 22, 1964, at the Federal Building, Albany, N.Y., before Examiner Frank J. Mahoney.

No. MC 111812 (Sub-No. 247), filed April 8, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant-site of Kitchens of Sara Lee at Deerfield, Ill., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: May 20, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 114699 (Sub-No. 23), filed April 14, 1964. Applicant: TANK LINES INCORPORATED, Post Office Box 6415, Dabney Road, Richmond, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, including products and blends thereof*, in bulk, in tank vehicles, from Chicago, Ill., to Suffolk and Richmond, Va., and Washington, D.C.

HEARING: May 11, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 118196 (Sub-No. 19), filed April 7, 1964. Applicant: RAYE AND COMPANY TRANSPORTS, INC., Post Office Box 613, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 4000 Tunlaw Road NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766 and (2) *dairy products*, from points in Wisconsin and Minnesota, to points in Kansas, Missouri, Iowa, Nebraska, Oklahoma, and Arkansas.

HEARING: May 18, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Harry M. Shooman.

SECTION B

No. MC 65626 (Sub-No. 10), filed February 13, 1964. Applicant: FREDONIA EXPRESS, INC., Post Office Box 222, Fredonia, N.Y. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs, including vegetables, fruits, fruit juices, jellies, preserves, table sauces, and vegetables with meat*, from points in Erie, Cattaraugus, and Chautauqua Counties, N.Y., to points in New Jersey, and Pennsylvania, and *empty containers (glass, plastic, and tin) including jars, bottles, glasses, goblets, pots, tumblers, vials or cans, with or without their tops, corks, covers, stoppers, caps and closures, and caps (bottle jar and tin), glass, metal or plastic, including caps, tops, corks, covers, stoppers and closures, when shipped separately from their empty containers*, on return.

NOTE: Applicant states it "seeks no duplicating authority in this application", also, claims that it presently is entitled to transport the commodities as shown in return movement, under "its grandfather operations", that "this claim will be the subject of a separate petition for waiver of Rule 1.101(e) of the General Rules of Practice, and for reopening of the above entitled proceedings for clarification of 'Grandfather' authority and/or for formal hearing." Applicant further "requested that the section 207 application and the above-described petition be handled concurrently."

HEARING: May 18, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Charles B. Heinemann.

NOTICE OF FILING OF PETITIONS

No. MC 12217 (PETITION FOR CHANGE IN PLACE FOR DOING BUSINESS), dated March 17, 1964. Petitioner: CHARLES WEITZ, doing business as WEIT TOURS AND TRAVEL SERVICE, 125 Albert Avenue, Aldan, Pa. Petitioner's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington 5, D.C. Petitioner holds a license to engage in operations as a broker at Lansdale, Pa., in arranging for the transportation of passengers and their baggage, from Lansdale, Pa., and points in Pennsylvania within 25 miles of Lansdale, to points in the United States, and return. By the instant petition, petitioner requests the Commission to reissue his broker's license to read "Aldan, Pa." in lieu of "Lansdale, Pa." as the place at which he may engage in operations as a broker. Petitioner states no new authority is sought herein, as Aldan is within 25 miles of Lansdale, Pa., and all of petitioner's operations as a licensed broker in connection with transportation as authorized by his license No. MC 12217 will remain restricted to the territory within 25 miles of Lansdale, Pa. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by the petitioner.

No. MC 20722 (Sub-No. 9) (PETITION FOR MODIFICATION OF CERTIFICATE PURSUANT TO THE REPORT IN MC-C-3024), filed April 8, 1964. Petitioner: M & G CONVOY, INC., Buffalo, N.Y. Petitioner's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Petitioner holds authority in No. MC 20722 (Sub-No. 9), authorizing the transportation of "New passenger automobiles, including ambulances, hearses, and taxis, and automobile chassis, in initial movements, in truckaway service, from Newark, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, and damaged vehicles as stipulated above, on return." In view of the report of the Commission in No. MC-C-3024, *National Automobile Transporters Association Petition for Declaratory Order* (wherein

provision is made for modification of existing authorities under certain conditions), the holder of the above-described operating authority, by the instant petition, requests the Commission to modify its certificate to perform service as follows: "New passenger automobiles, including ambulances, hearses, and taxis, and automobile chassis, in secondary movements, in truckaway service, from Selkirk, N.Y., and Framingham, Mass., to points in Vermont, New Hampshire, Maine, and Rhode Island, restricted to traffic originating at the Chrysler Corp. plant in Newark, Del., and having an immediately prior movement by rail." Any person or persons desiring to participate in this proceeding may file replies to said petition (original and fourteen (14) copies each), within 45 days from the date of this publication in the FEDERAL REGISTER.

No. MC 124315 (PETITION TO ADD AN ADDITIONAL SHIPPER TO PRESENT OPERATING AUTHORITY), filed March 26, 1964. Petitioner: ROBERT LUKENBILL AND DWIGHT JOHNSON, a partnership doing business as J & L CO., 6517 North Smith Street, Spokane, Wash. Petitioner's attorney: Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash., 99201. Petitioner is authorized by virtue of Permit No. MC 124315, dated November 21, 1962, to transport, over irregular routes: Bakery products, from Spokane, Wash., to Newport, Pullman, and Colville, Wash., and Wallace, Lewiston, Moscow, Plummer, Coeur d'Alene, Sandpoint, and Kellogg, Idaho, and returned and stale bakery products, on return. This permit carries a restriction limiting its transportation service on the commodities described herein to continuing contracts with the following shippers: Silver Loaf Baking Co., Spokane, Wash., and Boge Bros. Baking Co., Spokane, Wash. By the instant petition, petitioner requests authority to add an additional shipper, Holsum Baking Co., Lewiston, Idaho, to its presently held authority, thereby servicing all three companies under Permit No. MC 124315. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

No. MC 124813 (PETITION FOR CONVERSION OF CERTIFICATE), filed April 1, 1964. Petitioner: UMTHUN TRUCKING CO., a corporation, Eagle Grove, Iowa. Petitioner's attorney: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Petitioner is authorized to conduct operations by virtue of No. MC 124813, dated November 27, 1962, to transport, over irregular routes, gypsum products, and building materials, moving therewith, from the plant site of the United States Gypsum Co. at Fort Dodge, Iowa, to points in Nebraska, North Dakota, and South Dakota. By the instant petition, petitioner requests the Commission to convert this certificate into a contract carrier permit, under which service would be limited to a continuing contract with United States Gypsum Co.; and that the Commission find it would be consistent with the public interest for it to conduct dual operations. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

No. MC 124952 (Sub-No. 2), (PETITION TO AMEND PERMIT TO SUBSTITUTE NEW CONTRACTING SHIPPER), filed April 2, 1964. Petitioner: RUSSELL F. HASINBILLER, doing business as, R & H TRANSPORT, Craigville, Ind. Petitioner's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Indiana. Petitioner is authorized in Permit No. MC 124952 (Sub-No. 2), to transport, over irregular routes, thermal insulation products and machinery and materials used in applying thermal insulation products, from Craigville, Ind., to points in Arkansas, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Hampshire, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and institutional news and aluminum sulphate, from the above-specified destination States to Craigville, Ind., limited to a transportation service to be performed, under a continuing contract, or contracts, with Thermtron Products, Inc., and inserting Incel Corp. as the applicable contracting shipper. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8665 (HOWARD'S EXPRESS, INC.—PURCHASE—EXCHANGE TRUCKING CORP.), published in the February 5, 1964, issue of the FEDERAL REGISTER, on page 1771. Application filed April 13, 1964, for temporary authority under section 210a(b).

No. MC-F-8718. Authority sought for control and merger by MEADORS FREIGHT LINE, INC., 310 East Usher, Post Office Box 70, Covington, Ga., of the operating rights and property of JACK'S FAST FREIGHT, INC., 810 Old Flat Shoals Road SE., Atlanta, Ga., 30312, and for acquisition by T. RUCKER GINN, and S. A. GINN, both of Covington, Ga., of control of such rights and property through the transaction. Applicants' attorney: R. J. Reynolds, Jr., 403-11 Healey Building, Atlanta, Ga., 30303. Operating rights sought to be controlled and merged: Under a certificate of registration in No. MC-99989 Sub-2, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Georgia, MEADORS FREIGHT LINE, INC., claims "grandfather" rights in Georgia, under section 206(a)(7) of the act, pursuant to BOR-99, in No. MC-117604 Sub-2. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8719. Authority sought for purchase by BROCKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Somerville, N.J., of the operating rights of BAY SHORE TRUCKING CO., 295 Broadway, Keyport, N.J., and for acquisition by DANIEL P. DAMEO, 779 West Foothill Road, Somerville, N.J., of control of such rights through the purchase. Applicants' representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *Brick, crushed stone, sand, gravel,* and *building materials* (not including lumber), as a *common carrier*, over irregular routes, between points in Middlesex County, N.J., on the one hand, and, on the other, Cliffwood, N.J., and points within 100 miles of Cliffwood, N.J., in New York, and New Jersey. Vendee is authorized to operate as a *common carrier* in New Jersey, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, New York, Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8720. Authority sought for control by U.S. TRUCK LINES, INC., OF DELAWARE, 1602 Union Commerce Building, Cleveland 14, Ohio, of CENTRAL TRUCK LINES, INC., 1001 Jackson Street, Post Office Box 1411, Tampa, Fla. Applicants' attorneys: William R. Fifner, 1602 Union Commerce Building, Cleveland 14, Ohio, and Roland Rice, 618 Perpetual Building, Washington 4, D.C. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Atlanta, Ga., and St. Petersburg, Fla., between Barnesville, Ga., and St. Petersburg, Fla., between New Orleans, La., and Mobile, Ala., between Mobile, Ala., and Pensacola, Fla., between Jacksonville, Fla., and Midway, Ga., between specified points in Florida and Georgia, serving certain intermediate and off-route points, numerous alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Waycross, Ga., and Jacksonville, Fla., between specified points in Georgia, and Florida, serving certain intermediate and off-route points, numerous alternate routes for operating convenience only; *general commodities*, between Tifton, Ga., and Moultrie, Ga., between Alapaha, Ga., and Homerville, Ga., serving all intermediate points, between Macon, Ga., and Eastman, Ga., serving no intermediate points; *general commodities*, except petroleum in bulk, in tank vehicles, and except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, other than those requiring special handling or rigging because of weight or size, between Valdosta, Ga., and Ray City, Ga., between Valdosta, Ga., and Lakeland, Ga., serving certain intermediate and off-route points; *feed* and *pecans*, from Valdosta, Ga., to Jacksonville, Fla., serving no intermediate points; *groceries*, over regular and irregular routes, from Jacksonville, Fla., to Valdosta, Thomasville, Tifton, and Camilla, Ga., serving no intermediate points; and *paper and paper products*, over irregular routes, from Palatka and Yulee, Fla., to New Orleans, La., and points within 7 miles thereof, Mobile, Ala., and points within seven miles thereof, and points on U.S. Highway 90 between Mobile, Ala., and New Orleans, La. U.S. TRUCK LINES, INC., OF DELAWARE, holds no authority from this Commission. However, it is affiliated with the following *common carriers:* (1) BROWN EXPRESS, INC., which is authorized to operate in the State of Texas; (2) THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., which is authorized to operate in Indiana, West Virginia, Ohio, Michigan, and Kentucky; (3) THE CONSOLIDATED CARTAGE & STORAGE COMPANY, which is authorized to operate in Ohio; (4) MOTOR EXPRESS, INC., OF INDIANA, which is authorized to operate in Indiana, Illinois, Ohio, and Wisconsin; (5) MOTOR EXPRESS, INC. (N.J. CORP.), which is authorized to operate in Illinois; (6) MOTOR EXPRESS, INC. (OHIO CORP.), which is authorized to operate in Ohio, Pennsylvania, New York, and West Virginia; and (7) NATIONAL TANK TRUCK DELIVERY, INC., which is authorized to operate as a *contract carrier* in Ohio, Indiana, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

NOTE: Application for authority under section 214 was filed in conjunction with the application under section 5, in Finance Docket No. 23081.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3946; Filed, Apr. 21, 1964; 8:48 a.m.]

[Notice 629]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 17, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendixes thereto.

(4) The admissibility of the evidence contained in the written statements and the appendixes thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

SECTION A

No. MC 2153 (Sub-No. 35), filed April 13, 1964. Applicant: MIDWEST MOTOR EXPRESS, INC., 1205 Front Avenue, Bismarck, N. Dak. Applicant's attorney: James F. Greenstein, Twin City Federal Building, 112 East Sixth Street, St. Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 15473 (Sub-No. 16), filed April 15, 1964. Applicant: BEST TRUCK LINES, INC., 325 North Main Street, Ottawa, Kans. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products,* and *articles distributed by meat packinghouses*, between the plant site of Armour & Co., located at or near Emporia, Kans., on the one hand, and, on the other, points in Missouri, Iowa, and Oklahoma.

HEARING: May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 35628 (Sub-No. 257), filed April 13, 1964. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Street SW., Grand Rapids, Mich. Applicant's attorneys: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich., and Donald Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn., as off-route points in connection with applicant's authorized regular-route operations between Minneapolis and St. Paul, Minn.

HEARING: April 30, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 42487 (Sub-No. 599), filed April 9, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except dangerous explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17, M.C.C. 467, commodities in bulk, and requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fair Grounds, Bloomington, and Plymouth, Minn.

NOTE: Common control may be involved.

HEARING: April 30, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate before Examiner Harry M. Shooman.

No. MC 66788 (Sub-No. 20), filed April 10, 1964. Applicant: RAYMOND MOTOR TRANSPORTATION, INC., 1912 Broadway NE., Minneapolis, Minn. Applicant's attorney: Donald A. Morken, First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate before, Examiner Harry M. Shooman.

No. MC 103191 (Sub-No. 14), filed February 25, 1964. Applicant: THE GEO. A. RHEMAN CO., INC., Post Office Box 2095, Station A, Charleston, S.C. Applicant's attorney: Beverley S. Simms, 612 Barr Building, 910 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (including specifically naphtha), in bulk, in tank vehicles, from the Colonial Pipeline Terminals in Georgia, North Carolina, and South Carolina to points in Georgia, North Carolina, and South Carolina and *returned and rejected shipments* on return.

HEARING: June 22, 1964, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 107605 (Sub-No. 14), filed April 16, 1964. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road, Minneapolis, Minn. Applicant's attorney: Val M. Higgens, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

HEARING: April 30, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

No. MC 110315 (Sub-No. 11) filed April 13, 1964. Applicant: FELTS TRANSPORT CORPORATION, Post Office Box 69, Galax, Va. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the pipeline terminals of the Plantation Pipelines in Fairfax County and the city of Fairfax, Va., to points in Maryland, West Virginia, and the District of Columbia.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 110315 (Sub-No. 12), filed April 10, 1964. Applicant: FELTS TRANSPORT CORPORATION, Post Office Box 69, Galax, Va. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the terminal of the Colonial Pipe Line Co. at or near Montvale, Va., to points in West Virginia and Tazewell and Buchanan Counties, Va., and *returned* and *rejected shipments*, on return.

HEARING: May 25, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 245, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 112595 (Sub-No. 24), filed April 14, 1964. Applicant: FORD BROTHERS, INC., 510 Riverside Drive, Coal Grove, Ohio. Mailing address: Post Office Box 419, Ironton, Ohio. Applicant's attorney: Charles F. Dodrill, 600 Fifth Avenue, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in appendix XIII, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from terminals and storage areas located on or near the Plantation Pipe Line, at points in Virginia, and Tennessee, to points in West Virginia, Virginia, Kentucky, and Ohio.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113678 (Sub-No. 72) (AMENDMENT), filed April 1, 1964, published in FEDERAL REGISTER issue of April 8, 1964, amended April 11, 1964, and republished as amended and corrected this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Richard A. Peterson, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co. at or near Emporia, Kans., to points in Iowa, Nebraska, Colorado, Connecticut, Massachusetts, Kentucky, Tennessee, Illinois, Georgia, Washington, D.C., and New York.

NOTE: Applicant states the proposed operations will be restricted against commodities in bulk in tank vehicles. The purpose of this republication is to add New York as a destination State, and to correctly state the restriction.

HEARING: Remains as assigned May 4, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 123067 (Sub-No. 20), filed April 14, 1964. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from Roanoke, Va., and points within fifteen (15) miles thereof, to points in West Virginia, (2) from the Plantation Pipe Line Terminal located in Fairfax County, Va., to points in Delaware, Maryland, West Virginia, and the District of Columbia, and (3) *rejected shipments*, on return in (1) and (2) above.

NOTE: Common control may be involved.

HEARING: May 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 124174 (Sub-No. 26), filed April 6, 1964. Applicant: MOMSEN TRUCKING CO., a corporation, Highway 71 and 18 North, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

NOTE: Common control may be involved.

HEARING: April 30, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Harry M. Shooman.

SECTION 5

No. MC 25708 (Sub-No. 20), filed June 24, 1963. Applicant: LANEY TANK LINES, INCORPORATED, 1009 Church Street, Camden, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from terminals of the Colonial Pipeline in Georgia, to points in South Carolina; (2) from terminals of the Colonial Pipeline in South Carolina, to points in Georgia and North Carolina; and (3) from terminals of the Colonial Pipeline in North Carolina, to points in South Carolina.

HEARING: June 22, 1964, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 102806 (Sub-No. 16), filed June 24, 1963. Applicant: PETROLEUM TRANSPORTATION, INCORPORATED, Post Office Box No. 232, Gastonia, N.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from terminals of the Colonial Pipeline in South Carolina, to points in North Carolina; (2) from terminals of the Colonial Pipeline in Tennessee, to points in North Carolina; and (3) from terminals of the Colonial Pipeline in North Carolina, to points in South Carolina.

HEARING: June 22, 1964, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 289, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 103378 (Sub-No. 259), filed May 23, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 360 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Albany, and Bainbridge, Ga., and points within 15 miles of each to points in Alabama.

HEARING: June 22, 1964, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 157, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 106119 (Sub-No. 16), filed June 26, 1963. Applicant: ASSOCIATED PETROLEUM CARRIERS, Union Road, Spartanburg, S.C. Applicant's attorneys: L. A. Odom and Robert R. Odom, 120 Walnut Street, Spartanburg, S.C., and James J. Williams and Dale C. Dillon, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, from Colonial Pipe Line Co. terminals located in Georgia, North Carolina, and South Carolina to points in Georgia, North Carolina, and South Carolina.

HEARING: June 22, 1964, at 680 West Peachtree Street NW., Atlanta Ga., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 118831 (Sub-No. 26), filed July 3, 1963. Applicant: CENTRAL TRANSPORT, INCORPORATED, East College Drive, Post Office Box 5044, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha*, but excluding all other acids and chemicals, in bulk, in tank vehicles, (1) from Colonial Pipe Line Terminals in North Carolina, to points in South Carolina and Virginia, and (2) from Colonial Pipe Line Terminals in South Carolina and Virginia, to points in North Carolina, and *rejected and refused shipments*, on return.

HEARING: June 22, 1964, at 680 West Peachtree Street, NW., Atlanta, Ga., before Joint Board No. 196, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-3947; Filed, Apr. 21, 1964; 8:49 a.m.]

[Notice 630]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 17, 1964.

Important notice. The following applications are governed by § 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rules. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 1838 (Sub-No. 3), filed April 6, 1964. Applicant: ALEX C. SMITH, INC., 41 East Avenue, Akron, N.Y. Applicant's attorney: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and gypsum products* (except liquid commodities in bulk, in tank vehicles), between Clarence Center, N.Y., on the one hand, and, on the other, points in Mercer, Lawrence, Butler, Armstrong, Allegheny, Washington, Greene, Indiana, Westmoreland, Fayette, Blair, Cambria, Somerset, Bedford, Beaver, Fulton, Franklin, Huntingdon, Mifflin, Snyder, Juniata, Perry, Cumberland, Adams, York, Lebanon, Lancaster, Dauphin, Schuylkill, Berks, Chester, Montgomery, Bucks, Northampton, Lehigh, Delaware, and Philadelphia Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 9325 (Sub-No. 17), filed April 9, 1964. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland 5, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from Portland, Oreg., to points in Washington.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Portland, Oreg.

No. MC 17803 (Sub-No. 4), filed April 6, 1964. Applicant: PREMIER TRUCKING SERVICE CO., a corporation, Box 156, Downtown Station, Omaha, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Agar Packing Co., located at Monmouth, Ill., to Sioux City, Iowa, and Omaha, Nebr.

NOTE: If a hearing is deemed necessary applicant requests it be heard at Chicago, Ill.

No. MC 20793 (Sub-No. 38), filed April 9, 1964. Applicant: WAGNER TRUCKING CO., INC., Jobstown, N.J. Ap-

[1] Copies of § 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

plicant's representative: G. Donald Bullock, Post Office Box 146, Wyncote, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick* (other than fire brick), from points in Gloucester County, N.J., to points in New Castle County, Del., points in Cecil County, Md., and points in Philadelphia, Montgomery, Bucks, and Chester Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 21170 (Sub-No. 46), filed April 13, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Jack H. Blanshan, 3½ West Main Street, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 25869 (Sub-No. 20), filed April 7, 1964. Applicant: NOLTE BROS. TRUCK LINE, INC., Farnhamville, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by packinghouses*, from the plantsite of Swift & Co., located at or near Grand Island, Nebr., to Milwaukee and Madison, Wis., St. Louis, Union, and St. Joseph, Mo., points in Illinois, and Gary and Hammond, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 147), filed April 13, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in the appendix in *Descriptions in Motor Carrier Certificates—Packinghouse Products*, 61 M.C.C. 209 and 766, from Waterloo, Iowa, to points in Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 31600 (Sub-No. 564), filed April 9, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium sulfite, sodium bisulfite, sodium hyposulfite, and aluminum sulfite*, dry, in bulk, from Claymont, Del., to Rochester, N.Y. and (2) *soda ash*, dry, in bulk, from Solway, N.Y., to Claymont, Del.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC48635 (Sub-No. 2), filed April 6, 1964. Applicant: CLOQUET TRANSFER COMPANY, a corporation, 107 Avenue C, Cloquet, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill products, equipment*, and *supplies*, between Cloquet, Minn., and the plantsite of Northwest Paper Co. located at Brainerd, Minn.

NOTE: Applicant states it intends to tack the proposed authority with its presently existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or Duluth, Minn.

No. MC 50069 (Sub-No. 295), filed April 10, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, plastics, plastic materials, soaps, fatty acids, fatty acid materials, products and blends thereof*, and *organic ammonia compounds*, in bulk, in tank or hopper vehicles, from Kankakee, Ill., to points in West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61396 (Sub-No. 108), filed April 9, 1964. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petoleum gas*, in tank vehicles, from the site of the Associated Gas Co. located approximately 3 miles south of Padroni, Colo. to points in Nebraska on and west of U.S. Highway 281 and points in Kansas on and west of U.S. Highway 183, and *returned and rejected shipments thereof*, on return.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Tulsa, Okla.

No. MC 65802 (Sub-No. 28), filed April 9, 1964. Applicant: LYNDEN TRANSFER, INC., Post Office Box 433, Lynden, Wash. Applicant's attorney: James T. Johnson, 609 Norton Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Seattle, Wash., on the one hand, and, on the other, points in Alaska.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 76032 (Sub-No. 186), filed April 10, 1964. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, commodities in bulk, household goods as defined by the Commission and those requiring special equipment), between Wichita, Kans., and Kansas City, Mo.; from Wichita over combined U.S. Highway 81 and Interstate Highway 35W to junction U.S. Highway 50 at or near Newton, Kans., thence over U.S. Highway 50 to junction Interstate Highway 35 at or near Emporia, Kans., thence over combined U.S. Highway 50 and Interstate Highway 35 to Kansas City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Wichita, Kans.

No. MC 85934 (Sub-No. 30) (CORRECTION), filed March 27, 1964, published FEDERAL REGISTER issue April 15, 1964, and republished as corrected this issue. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich.

NOTE: The purpose of this republication is to show the correct filing date as shown above, in lieu of that erroneously shown in previous publication.

No. MC 89684 (Sub-No. 49), filed March 24, 1964. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West Street, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* in express service, (1) between Boise, Idaho, and Weiser, Idaho; (a) From Boise over U.S. Highway 30 to junction U.S. Highway 20 west of Caldwell, Idaho, thence over U.S. Highway 20 through Nyssa, Oreg., to Ontario, Oreg., thence over U.S. Highway 30 to Weiser, and return over the same route, serving all intermediate points, and (b) from Boise over Idaho Highway 44 to junction Idaho Highway 16 near Star, Idaho, thence over Idaho Highway 16 through Emmett, Idaho, to junction Idaho Highway 52, thence over Idaho Highway 52 to Payette, Idaho, thence over U.S. Highway 30N to Weiser and return over the same route, serving all intermediate points; (2) between Parma, Idaho, and Caldwell, Idaho, from Parma over U.S. Highway 95 to Marsing, Idaho, thence over Idaho Highway 72 (formerly Idaho Highway 20) to Caldwell, and return over the same route, serving all intermediate points, and (3) between Payette, Idaho, and Boise, Idaho, from Payette over U.S. Highway 20 to junction U.S. Highway 30N south of Fruitland, Idaho, thence over U.S. Highway 30N to Caldwell, Idaho, thence over U.S. Highway 30 to Boise, and return over the same route, serving all intermediate points, (4) between Boise, Idaho, and Caldwell, Idaho, over U.S. Highways 20 and 26, serving all intermediate points, (5) between Fruitland, Idaho, and Parma, Idaho, over U.S. Highway 95, serving all intermediate points, (6) between Ontario, Oreg., and Weiser, Idaho, over Oregon Highway 201, serving all intermediate points, (7) between Wilder, Idaho, and Caldwell, Idaho, over Idaho Highway 19, serving all intermediate points, (8) between Homedale, Idaho, and Caldwell, Idaho, over unnumbered highway, serving all intermediate points, (9) between New Plymouth, Idaho, and Emmett, Idaho, over Idaho Highway 52, serving all intermediate points, and (10) between Nampa, Idaho, and Meridian, Idaho, from Nampa over unnumbered highways to junction Idaho Highway 69, thence over Idaho Highway 69 to Meridian, and return over the same route, serving all intermediate points, and (11) serving Vale, Oreg., and Adrian, Oreg., as off-route points, in connection with applicant's proposed regular-route operations, as described in (1) through (10) above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 95473 (Sub-No. 13), filed April 8, 1964. Applicant: H. A. DAUB, INC., Reinerton, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in Berks County, Pa., to points in Delaware.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 579), filed April 6, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Charlotte, Concord, and Greensboro, N.C., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103051 (Sub-No. 172), filed April 6, 1964. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from points in Screven County, Ga., to points in South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103051 (Sub-No. 173), filed April 6, 1964. Applicant: FLEET TRANSPORT COMPANY, INC., Post Office Box 13444, Station K, Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions and anhydrous ammonia*, in bulk, in tank vehicles, from Pace, Fla., to points in Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103993 (Sub-No. 182), filed April 9, 1964. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Sumter, S.C., to points in the United States, including Alaska, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 103993 (Sub-No. 183), filed April 9, 1964. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Webster County, Ky., to points in the United States (except Hawaii), and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it to be held at Louisville, Ky.

No. MC 105733 (Sub-No. 34), filed April 6, 1964. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J. Applicant's attorney: John R. Mahoney, 26 Broadway, New York 4, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from points in Pennsylvania on the Alleghany Pipeline Co. and Texas Eastern Transmission Corp. (Little Big Inch Division) pipelines, to points in Deleware, Maryland, Ohio, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107403 (Sub-No. 519), filed December 20, 1963. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Wayne County, Mich., to points in Indiana and Ohio.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107403 (Sub-No. 550), filed April 8, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulfite, sodium bisulfite, sodium hyposulfite, and aluminum sulfate*, dry, in bulk, from Claymont, Del., to Rochester, N.Y.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 107403 (Sub-No. 551), filed April 8, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, dry, in bulk, from Solvay, N.Y., to Claymont, Del.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 480), filed April 9, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 214–217 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry powdered shellac*, refrigerated at temperatures of 35 degrees or lower, in vehicles equipped with mechanical refrigeration, (1) from Atlanta, Ga., to Pensacola, Fla., and (2) from Attleboro, Mass., to Kansas City, Mo., and Dallas, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New York City, N.Y.

No. MC 107515 (Sub-No. 481), filed April 13, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 214–217 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, La., to New Orleans, La.

NOTE: Applicant states that the proposed operations will be restricted to the transportation of frozen foods moving to New Orleans for storage-in-transit, ultimately destined to points presently authorized to be served by applicant from New Orleans. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at New Orleans, La.

No. MC 108435 (Sub-No. 19), filed April 13, 1964. Applicant: OSCAR C. RADKE, doing business as RADKE TRANSIT, Ross Street, Schofield, Wis. Applicant's attorney: Claude J. Jasper, Suite 301, Provident Building, 111 South Fairchild Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, fiberous felted (fiberboard), from Phillips, Wis., to points in Illinois and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 108435 (Sub-No. 20), filed April 13, 1964. Applicant: OSCAR C. RADKE, doing business as RADKE TRANSIT, Grand Avenue, Schofield, Wis. Applicant's attorney: Claude J. Jasper, Suite 301, Provident Building, 111 South Fairchild Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and manufactured granite*, between points in Michigan, on the one hand, and, on the other, points in Minnesota and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 110525 (Sub-No. 651), filed April 7, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium sulfite, sodium bisulfite, sodium hyposulfite and aluminum sulfate*, dry, in bulk, from Claymont, Del., to Rochester, N.Y., and (2) *soda ash*, dry, in bulk, from Solvay, N.Y., to Claymont, Del.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 652), filed April 9, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil*, in bulk, in tank vehicles, from Niagara Falls, N.Y., to Bayonne, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 110525 (Sub-No. 654), filed April 13, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C., and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada located in New York, to points in New York.

NOTE: Applicant states traffic will be restricted to shipments originating in Quebec Province, Canada. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111401 (Sub-No. 153), filed April 6, 1964. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Wichita, Kans., and points within 5 miles thereof, to points in the United States (except Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma).

NOTE: Applicant has a pending contract application MC 125020; therefore dual operations may be involved. If a hearing is deemed necessary applicant requests that it be held at Kansas City, Kans.

No. MC 111812 (Sub-No. 245) (AMENDMENT), filed April 3, 1964, published FEDERAL REGISTER issue April 15, 1964, republished as amended, this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and frozen fruit juice concentrates*, from points in California, Oregon, and Washington, to American Falls, Boise, Nampa, and Pocatello, Idaho, and Ontario, Oreg., for storage-in-transit and subsequent outbound movement to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant states that no duplicating authority is sought. Common control may be involved. The purpose of this republication is to add "frozen fruit juice concentrates" as a commodity. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111812 (Sub-No. 248), filed April 8, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Wilson Terminal Building, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in containers, and *carbon, gum*, and *sludge removing compounds* in containers, from St. Mary's, W. Va., and Bradford, Karns City, Petrolia, Warren, North Warren and Freedom, Pa., to points in Michigan and Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 112822 (Sub-No. 41), filed April 8, 1964. Applicant: EARL BRAY, INC., Post Office Box 910, Cushing, Okla. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* in packages and containers, between points in Kansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 113192 (Sub-No. 8), filed April 7, 1964. Applicant: A. E. KNAPP, Hortonville Road, New London, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint, varnish, and finishing materials*, from North Chicago, Ill., to New London, Wis., (2) *steel*, from Joliet, and Chicago, Ill. (including points in the Chicago, Ill., commercial zone, as defined by the Commission), to New London, and Hortonville, Wis., and (3) *materials, and supplies, used for the manufacturing of food and food products*, from points in Illinois, to Manawa, Wis.

NOTE: Applicant states that on return from the destination points specified in (1), (2), and (3) above, potatoes will be transported. If a hearing is deemed necessary applicant requests it be held at Madison, Wis.

No. MC 113336 (Sub-No. 69), filed April 7, 1964. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers and dry fertilizer materials*, in bulk, in covered dump, tank and hopper type vehicles, from Wilmington, N.C., and points within twenty (20) miles thereof, to points in South Carolina, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above on return.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant, requests it be held at Wilmington, N.C.

No. MC 113388 (Sub-No. 58), filed April 8, 1964. Applicant: LESTER C. NEWTON TRUCKING CO., Post Office Box 265, Bridgeville, Del. Applicant's attorney: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, and potato products*, from Portland, Maine, to points in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 113651 (Sub-No. 71), filed April 13, 1964. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from New York, N.Y., and points in the New York commercial zone, to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, Iowa, Minnesota, and Louisville, Ky.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 113855 (Sub-No. 91), filed April 10, 1964. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides and green salted pelts*, (1) from points in Arizona, California, Nevada, Utah, Wyoming, Colorado, Nebraska, South Dakota, North Dakota, Iowa, and Minnesota, to Hartford, Ill., and points within three (3) miles thereof, and (2) from points in Washington, Oregon, Idaho, Colorado, Montana, Wyoming, Arizona, California, Nevada, Utah, Iowa, Nebraska, North Dakota, South Dakota, and Minnesota, to Bolivar, Tenn., and points within three (3) miles thereof.

NOTE: If a hearing is deemed necessary applicant requests it be held at St. Louis, Mo.

No. MC 114004 (Sub-No. 49), filed April 9, 1964. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, by truckaway method, from points in Faulkner County, Ark., to points in the United States (except Hawaii), and *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock Ark.

No. MC 114194 (Sub-No. 68), (CLARIFICATION), filed February 14, 1964, published FEDERAL REGISTER, issue of March 4, 1964, and republished as clarified this issue. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feed ingredients, and blends*, in bulk, and *rejected shipments*, between East St. Louis, Ill., on the one hand, and, on the other, Dupo, Ill.

NOTE: Previous publication noted that applicant intends to tack this applied for authority to its Sub-19 at Dupo, Ill. This note was incomplete, and it should have read: "Applicant states it intends to tack this applied for authority to its Sub-19 at Dupo, Ill., wherein it is authorized to operate from Dupo, Ill., into the States of Missouri, Illinois, Nebraska, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, Kentucky, Indiana, Louisiana, Texas, Kansas, Oklahoma, Arkansas, Tennessee, Iowa, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Mississippi, and Alabama, subject to certain restrictions."

No. MC 114647 (Sub-No. 13), filed April 6, 1964. Applicant: ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, 117 North Fourth Street, Forest City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer pads and cushions, and ground scrap foam*, from Forest City, Iowa, to points in Minnesota, Wisconsin, Illinois, Indiana, Missouri, Arkansas, Kansas, Nebraska, and Michigan, and *damaged, unclaimed, rejected, or returned shipments thereof*, on return.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Forest City, Iowa.

No. MC 114719 (Sub-No. 4), filed April 3, 1964. Applicant: FRANK R. DEAN, JR., 1198 New Circle Road NE., Lexington, Ky. Applicant's attorney: Herbert D. Liebman, Post Office Box 233, Frankfort, Ky. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Fort Wayne, Ind. to Lexington, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodities, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 118636; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 114719 (Sub-No. 5), filed April 3, 1964. Applicant: FRANK R. DEAN, JR., 1198 New Circle Road NE., Lexington, Ky. Applicant's attorney: Herbert D. Liebman, Post Office Box 233, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., and St. Joseph, Mo., to Lexington, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant is also authorized to conduct operations in Certificate No. MC 118636; therefore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Lexington, Ky.

No. MC 114969 (Sub-No. 17), filed April 6, 1964. Applicant: PROPANE TRANSPORT, INC., 27 Water Street, Milford, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, and *refused and rejected shipments*, between points in Westmoreland County, Pa., on the one hand, and, on the other, points in Maryland, New York, Ohio, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116459 (Sub-No. 35), filed April 6, 1964. Applicant: RUSS TRANSPORT, INC., Post Office Box 4022, Route 5, Chattanooga, Tenn., 37405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, tallow and blends thereof*, in bulk, in tank vehicles, between points in Hamilton County, Tenn., on the one hand, and, on the other, points in Georgia, North Carolina, South Carolina, Mississippi, Virginia, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 94), filed April 7, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment and machinery and parts*, from Tulsa, Okla., to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, Maine, Massachusetts, Connecticut, New Hampshire, Vermont, District of Columbia, North Carolina, West Virginia, and Rhode Island.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117574 (Sub-No. 95), filed April 7, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment and machinery and parts*, from Vinton, Iowa, to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, Maine, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, North Carolina, District of Columbia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117675 (Sub-No. 2), filed April 6, 1964. Applicant: FELTON METTS, doing business as METTS TRUCKING COMPANY, Route 10, Box 850X, Jacksonville, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *fresh fruits, berries, and vegetables* when transported in the same vehicle with commodities the transportation of which is not exempt from economic regulation under section 203 (b) (6) of the Interstate Commerce Act, and (2) *pineapples and coconuts*, from Jacksonville, Fla., to Savannah, Ga., and Charleston, S.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 117815 (Sub-No. 20) (CLARIFICATION), filed March 23, 1964, published in FEDERAL REGISTER issue of April 1, 1964, clarified April 10, 1964, and republished as clarified this issue. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy cream* and *milk solids; dessert materials; beverage preparations; confectioneries; flour and pancake mixes*, dry; *dietary products*, liquid; *milk* and *cream substitutes;* and *cream and milk in hermetically sealed containers*, from Menomonie, Vesper, Astico, and Oconomowoc, Wis., to points in Iowa, Illinois, Missouri, Kansas, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. The purpose of this republication is to clarify the commodities proposed to be transported.

No. MC 118196 (Sub-No. 17) (AMENDMENT), filed March 25, 1964, published FEDERAL REGISTER issue April 8, 1964, amended April 10, 1964, and republished as amended this issue. Applicant: RAYE & COMPANY TRANSPORTS, INC., Hiway 71 North, Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, from points in Iowa and Nebraska (restricted to shipments having an initial pickup at Neosho, Mo.), to points in Wyoming, Colorado, Montana, Utah, Idaho, Oregon, Washington, California, Arizona, New Mexico, and Nevada, and (2) *dairy products*, from Neosho, Mo. (restricted to traffic requiring a stop in Nebraska or Iowa for completion of loading), to points in California, Arizona, New Mexico, and Colorado.

NOTE: The purpose of this republication is to broaden the authority previously sought and published by including therein (2) as shown above. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 119577 (Sub-No. 5), filed April 6, 1964. Applicant: OTTAWA CARTAGE, INC., Post Office Box 458, Ottawa, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory materials*, from Goose Lake, Ill., to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held in Chicago, Ill.

No. MC 119741 (Sub-No. 9), filed April 8, 1964. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles, as described in sections A, B, and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from the plantsite of Swift & Co., located at or near Grand Island, Nebr., to points in Illinois, Iowa, Kansas, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be heard at Chicago, Ill.

No. MC 119741 (Sub-No. 10), filed April 8, 1964. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, other than commodities in bulk, in tank vehicles, as described in sections A, B, C, and D, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Wilson & Co. at or near Cherokee, Iowa, to points in Illinois, Kansas, Missouri, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119741 (Sub-No. 11), filed April 8, 1964. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, other than commodities in bulk, in tank vehicles, as described in sections A, C, and D, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Agar Packing Co. located at or near Monmouth, Ill., to points in Iowa, Kansas, Missouri, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119934 (Sub-No. 85), filed April 5, 1964. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorosulfonic acids*, in bulk, in tank vehicles, from Lookland, Ohio, to Sodyeco, N.C., and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 120543 (Sub-No. 20), filed April 10, 1964. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301 North, Dade City, Fla. Applicant's attorney: Lawrence D. Fay, Post Office Box 1086, 1205 Universal Marion Building, Jacksonville, Fla., 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and packinghouses products*, fresh and frozen, in vehicles equipped with mechanical refrigeration, from Bristol, Va., to points in California, Oregon, and Washington, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Bristol, Va., or Tampa, Fla.

No. MC 121557 (Sub-No. 1), filed April 9, 1964. Applicant: UTICA TRANSFER, INC., Utica, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those requiring special equipment) REGULAR ROUTES: (1) Between Utica and Omaha, Nebr.; from Utica over U.S. Highway 34 to York, thence over county roads to Henderson, thence over Nebraska Highway 5 to Sutton, thence over U.S. Highway 6 to junction U.S. Highway 81, thence over U.S. Highway 81 to Geneva, thence over U.S. Highway 81 to junction U.S. Highway 6, thence over U.S. Highway 6 to Omaha, and (a) return over U.S. Highway 6 to Milford, thence over U.S. Highway 6 and county roads to Beaver Crossing, thence over county roads to Goehner, thence over county roads to Tamora, thence over U.S. Highway 34 to Utica, serving the intermediate points of Lincoln, Milford, Beaver Crossing, Goehner, Tamora, Grafton, Lushton, Fairmont, and Exeter, (2) between Utica and Wilber, Nebr.; from Utica over county roads to Goehner, thence over county roads to Beaver Crossing, thence over county roads to Dorchester, thence over Nebraska Highway 15 to junction Nebraska Highway 41, thence over Nebraska Highway 41 to Wilber, and (a) return over Nebraska Highway 82 and county roads to Milford, serving the intermediate points of Goehner, Beaver Crossing, Dorchester, Wilber and the off-route point of Friend, (3) between Utica and Omaha, Nebr.; from Utica over U.S. Highway 34 to junction U.S. Highway 6 at or near Lincoln (also from Utica over U.S. Highway 34 to junction Interstate Highway 80), thence over U.S. Highway 6 to Omaha (also from junction U.S. Highway 34 and Interstate Highway 80 over Interstate Highway 80 to Omaha), (4) between Utica and Henderson; from Utica over U.S. Highway 34 to York, thence over State Spur and unnumbered county roads to Henderson, and return over the same routes, serving no intermediate points as alternate routes for operating convenience only in connection with applicant's proposed regular route operations in (1) and (2) above. IRREGULAR ROUTES: (1) Between Utica and points within 15 miles thereof, and (2) between Utica and points within 15 miles thereof on the one hand, and, on the other, points in Nebraska.

NOTE: If a hearing is deemed necessary applicant, requests it be held at Lincoln, Nebr.

No. MC 123048, (Sub-No. 39), filed April 6, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis., 53401. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, including poles, piling, posts*, and *crossarms*, from Jackson, Tenn., and Louisville, Miss., to points in Kentucky, New York, Ohio, Pennsylvania, and Wisconsin and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Chicago, Ill., or Madison, Wis.

No. MC 123067 (Sub-No. 21), filed April 14, 1964. Applicant: M & M TANK LINES, INC., Post Office Box 4174 North Station, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, 1111 E. Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* as described in appendix XIII, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 294, 295, 296, in bulk, in tank vehicles, from Doraville, Ga., to Copperhill, Tenn., and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123383 (Sub-No. 12), filed April 9, 1964. Applicant: BOYLE BROTHERS, INC., 256 River Road, Edgewater, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* from the plantsite of Allentown Portland Cement Co., division of National Gypsum Co., at Bowie, Md., to points in Delaware, the District of Columbia, Maryland, Pennsylvania, and Virginia, and *returned shipments* on return.

NOTE: If a hearing is deemed necessary, requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 123407 (Sub-No. 11), filed April 6, 1964. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from L'Anse, Mich., to points in North Dakota, South Dakota, Nebraska, Iowa, and Missouri.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124078 (Sub-No. 105), filed April 10, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsions, and asphalt products*, in bulk, in tank vehicles, from Rock Falls, Ill., and points within five (5) miles thereof, to points in Wisconsin.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 113832 and subs thereto; therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 124078 (Sub-No. 106), filed April 6, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from points in Wisconsin to points in Illinois and Iowa.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832, and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Madison, Wis.

No. MC 124083 (Sub-No. 15), filed April 10, 1964. Applicant: SKINNER MOTOR EXPRESS, INC., 6341 West Minnesota Street, Indianapolis 18, Ind. Applicant's attorney: David L. Millen, 108 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, between Louisville, Ky., and points in Illinois and Indiana within and on the following boundaries: Starting at the Ohio River and U.S. Highway 51, at Cairo, Ill., and proceeding northward along U.S. Highway 51 to U.S. Highway 24 at El Paso, Ill., thence eastward along U.S. Highway 24 to the Indiana-Ohio State line, thence southward along the Indiana-Ohio State line to the Ohio River, thence southwestward along the Ohio River to the point of beginning.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Indianapolis, Ind.

No. MC 125624 (Sub-No. 1), filed April 7, 1964. Applicant: R. E. HAUGEN AND ORVILLE CLOUSE, doing business as, EVERGREEN FREIGHT LINES, a partnership, 5205 East Union, Spokane 6, Wash. Applicant's attorney: Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash., 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading), between Spokane, Wash., and Stratford, Wash.: From Spokane over U.S. Highway 2 to junction Washington Highway 2G west of Reardan, Wash., thence over Washington Highway 2G to Edwall, Wash., thence west over unnumbered county road to junction Washington Highway 7, approximately 6 miles north of Harrington, thence over Washington Highway 7 to Stratford, and return over the same route serving the intermediate points of Reardan and Edwall, Wash., and the off-route points of Irby, Marlin, Wilson Creek and Adrian, Wash.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 125722 (Sub-No. 2), filed April 6, 1964. Applicant: GREAT WESTERN PACKERS EXPRESS, INC., 3330 East 54th Avenue, Denver, Colo. Applicant's attorney: James C. Hardman, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouses products and commodities used by packinghouses*, as defined by the Commission, from Denver, Colorado Springs, and Pueblo, Colo., to points in Arizona (except Phoenix, Tucson, and Prescott, Ariz.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125759 (Sub-No. 2), filed April 7, 1964. Applicant: RAY MINSHELL, JR., AND HERBERT W. HAIDLE, doing business as MINSHELL'S EXPRESS, 317 Depot Street, Latrobe, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between the Greater Pittsburgh Airport, Moon Township, Allegheny County, Pa., on the one hand, and, on the other, points in Indiana and Westmoreland Counties, Pa., and those points in Fayette County, Pa., lying north of Pennsylvania Highway 711.

NOTE: Applicant states the service as proposed above will be restricted to shipments by air. Applicant further states "effective March 11, 1964, the petitioner holds one way rights from points in Westmoreland County, Pa., to the Greater Pittsburgh Airport, Moon Township, Allegheny County, Pa., restricted to traffic having an immediately subsequent movement by air, which your applicant will voluntarily relinquish if the within application is granted." If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 125865 (Sub-No. 2), filed April 8, 1964. Applicant: MID-STATES GRAIN TRANSPORT, INC., Rural Route 2, Lebanon, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and fed ingredients*, between Cincinnati, Ohio, and points in Illinois, Indiana, and Kentucky.

NOTE: Applicant requests hearing be held at Indianapolis if deemed necessary.

No. MC 126099, filed March 12, 1964. Applicant: DALE E. HUBER, Armstrong, Mo. Applicant's attorney: Frank J. Iuen, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Kansas City, Mo., to points in Howard, Randolph, Chariton, Boone, Saline, and Cooper Counties, Mo., and *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with animal and poultry feed.

NOTE: If a hearing is deemed necessary applicant requests it be held at Jefferson City, Mo.

No. MC 126104 (AMENDMENT), filed March 11, 1964, published FEDERAL REGISTER issue of April 1, 1964, amended April 10, 1964, and republished as amended this issue. Applicant: WEBER TRUCKING CORPORATION, Route 3, Box 117, Ogden, Utah. Applicant's attorney: Irene Warr, 419 Judge Building, Salt Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe, concrete block, concrete products*, and *corrugated metal pipe*, from Salt Lake City and Ogden, Utah, to points in Utah, Idaho, Wyoming, and Nevada.

NOTE: The purpose of this republication is to add the destination State of Nevada and to delete the destination States of Arizona and Colorado as previously published.

No. MC 126123, filed April 6, 1964. Applicant: HAROLD COPP, doing business as COPP TRUCKING, Rural Route 1, Columbia City, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, and fertilizer materials*, dry, in bags, and in bulk, from Indianapolis, Ind., to points in Illinois, Kentucky, the Lower Peninsula of Michigan, and Ohio, and Streator, Ill., to points in Indiana, and *damaged and rejected shipments*, of the commodities specified above on return.

NOTE: Applicant states "Fertilizer, and fertilizer materials, in bulk, will move in hopper type vehicles equipped with conveyor, for unloading. The transportation services to be performed will be under a contract or continuing contract with Smith-Douglass Company, Inc., Norfolk, Va." If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind.

No. MC 126152 (Sub-No. 1), filed April 6, 1964. Applicant: DALE E. SIPLES, doing business as S & S TRUCKING COMPANY, 418 South Oak Street, Kendallville, Ind. Applicant's attorney: Kenneth A. King, 112 East Williams Street, Kendallville, Ind., 46755. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Lumber and building supplies*, from the site of Wickes Lumber Co., at Huntertown, Ind., to points in Jackson, Calhoun, Cass, Kalamazoo, Branch, Hillsdale, Lenawee, Monroe, and St. Joseph Counties, Mich., Williams, Fulton, Lucas, Defiance, Henry, Wood, Paulding, Putman, Hancock, Hardin, Allen, Van Wert, Mercer, Auglaize, Logan, Shelby, and Darke Counties, Ohio, and Steuben, DeKalb, Allen, Adams, Jay, Randolph, Wayne, Lagrange, Noble, Huntington, Wells, Blackford, Delaware, Henry, Madison, Grant, Wabash, Whitley, Kosciusko, Elkhart, St. Joseph, Marshall, Fulton, Cass, Howard, Carroll, White, Pulaski, and LaPorte Counties, Ind.

NOTE: If a hearing is deemed necessary applicant requests it be held at Kendallville, Ind.

No. MC 126157, filed March 30, 1964. Applicant: JOHN SCHOCK TRUCKING, 388 Portage Road, Niagara Falls, Ontario, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in dump vehicles, between ports of entry on the international boundary line between the United States and Canada at or near Buffalo, Niagara Falls, and Lewiston, N.Y., and Lackawanna, Batavia, Youngstown, N.Y., and points on Grand Island, N.Y., restricted to loads not exceeding 32,000 pounds.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 126162, filed April 6, 1964. Applicant: MAX SUMMERS AND JERRY SUMMERS, doing business as M & J SUMMERS TRUCKING, 720 Park Avenue, Covington, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk, (1) from Indianapolis, Ind., to points in Illinois, Kentucky, the Lower Peninsula of Michigan, and Ohio, and (2) from Streator, Ill., to points in Indiana, and *damaged and rejected shipments* on return, in (1) and (2) above.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Smith-Douglass Co., Inc., Norfolk, Va. If a hearing is deemed necessary applicant requests that it be held at Indianapolis, Ind.

No. MC 126165, filed April 9, 1964. Applicant: JAMES E. FELLOWS, doing business as JIM FELLOWS TRUCKING, Box 34, Scottsburg, Ind. Applicant's attorney: James D. Williams, 307 North Capitol Avenue, Corydon, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt, and bituminous paving products*, in dump vehicles, from the plantsite of Coffman & Lucas Sand & Gravel Co., located at or near Mauckport (Harrison County), Ind., to points in Harrison, Washington, Orange, and Crawford Counties, Ind., and points in Meade, Hardin, Bullitt, and Breckinridge Counties, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 126166, filed April 3, 1964. Applicant: SELLERS TRANSFER COMPANY, INC., 6 Hasell Street, Charleston, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and personal effects* moving in thru-containers or by other methods, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, between points in Charleston, Berkeley, Georgetown, Horry, and Jasper Counties, S.C., on the one hand, and, on the other, points in South Carolina.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 126167, filed April 6, 1964. Applicant: HOPKINS TRANSFER AND STORAGE, INC., doing business as HOPKINS-MAYFLOWER, 2 Hasell Street, Charleston, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, personal effects*, moving in thru-containers or by other methods, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in Charleston, Berkeley, Georgetown, Horry, and Jasper Counties, S.C., on the one hand, and, on the other, points in South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 126172, filed April 6, 1964. Applicant: APEX TRANSPORT COMPANY, a corporation, 111 South Meramec Avenue, Clayton 5, Mo. Applicant's attorney: Israel Treiman, Suite 1955, Railway Exchange Building, 611 Olive Street, St. Louis, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil* and *other petroleum products*, from Wood River and Pana, Ill., to city of St. Louis, and points in St. Louis, Audrain, Butler, Franklin, Gasconade, Jefferson, Lewis, Madison and Ste. Genevieve Counties, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 126174, filed April 13, 1964. Applicant: TURNPIKE TRUCKING, INC., 51 West Hills Road, Huntington Station, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from New York, N.Y., to the plantsite of Nucci Brothers, Inc., Huntington Station, N.Y.

NOTE: Applicant states that the proposed operation is to be restricted to traffic having a prior movement by rail or barge carrier. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 44), filed April 8, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: R. J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, between Hopkinsville, Ky., and junction U.S. Highway 60 and U.S. Highway 62, east of Paducah, Ky., from Hopkinsville over Kentucky Highway 91 to junction Western Kentucky Parkway north of Princeton, Ky., thence over Western Kentucky Parkway to junction Kentucky Highway 278, thence over Kentucky Highway 278 to junction U.S. Highway 62 at or near Kuttawa, Ky., thence over U.S. Highway 62 to junction U.S. Highway 60 east of Paducah, Ky., and return over the same route, serving all intermediate points including the junction of U.S. Highways 60 and 62, except that no passenger shall be handled between points east of the junction of U.S. Highways 60 and 62 and Princeton, Ky., on the one hand, and, on the other, Paducah, Ky., and points beyond.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky.

No. MC 72349 (Sub-No. 20), filed April 6, 1964. Applicant: EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, a corporation, 1442 Main Street, Brockton, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail, newspapers, and baggage of passengers* in the same vehicle with passengers, between Quincy, Mass., and Providence, R.I., from Quincy, over city and town streets to Massachusetts Highway 37 in Braintree, Mass., thence over Massachusetts Highway 37 to Brockton, Mass., thence over city streets and Massachusetts Highway 123 to junction Massachusetts Highways 123 and 138, in Easton, Mass., thence over Massachusetts Highway 138 to Taunton, thence over U.S. Highway 44 to Massachusetts-Rhode Island State line, thence over U.S. Highway 44 to Providence, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Boston, Mass.

No. MC 72349 (Sub-No. 21), filed April 8, 1964. Applicant: EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, a corporation, 1442 Main Street, Brockton, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, (1) between Fall River, Mass., and Boston, Mass., over Massachusetts Highway 138, serving the intermediate points of Somerset, Dighton, Taunton, Raynham, and Easton, Mass., and (2) between Fall River, Mass., and junction Massachusetts Highway 128 and Massachusetts Highway 138; from Fall River over Massachusetts Highway 24 to junction Massachusetts Highway 140, thence over Massachusetts 140 to Taunton, thence over U.S. Highway 44 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Massachusetts Highway 138, and return over the same route, serving the intermediate point of Taunton, Mass.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 100327 (Sub-No. 2), filed April 9, 1964. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Road, East Longmeadow, Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations and all-expense sightseeing and pleasure tours, from Springfield, Mass., and points within 20 miles of Springfield, to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New York, and return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., or Hartford, Conn.

No. MC 119233 (Sub-No. 2), filed April 3, 1964. Applicant: LAKE LINES, INC., 3906 West Ridge Road, Erie, Pa. Applicant's attorney: David H. Lund, 332 East Sixth Street, Erie, Pa., 16507. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, between junction Pennsylvania Highway 5 and U.S. Highway 20 and junction Pennsylvania Highway 18 and U.S. Highway 20, from junction Pennsylvania Highway 5 and U.S. Highway 20 over U.S. Highway 20 to junction U.S. Highway 6N, thence over U.S. Highway 6N to junction Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to junction U.S. Highway 20, and return over the same route, serving all intermediate points.

NOTE: Applicant states it proposes to use the above specified route in connection with its authorized regular-route operations in MC 119233 (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 125569 (Sub-No. 8), filed April 7, 1964. Applicant: VALLEY TRANSPORTATION COMPANY, a corporation, 829 State Street, Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations during authorized racing season of each year between Harrisburg, Lemoyne, Camp Hill, Middletown, Elizabethtown, and York, Pa., on the one hand, and, on the other, Delaware Park Race Course, Stanton, Del.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 32948 (Sub-No. 9), filed April 8, 1964. Applicant: P. A. K. TRANSPORT, INC., 96 Laurel Street, Newport, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk, salvage, scrap and waste materials, and empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in New Hampshire, Maine, Connecticut, Massachusetts, Vermont, Rhode Island, and New York.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 21945, therefore dual operations may be involved.

No. MC 35334 (Sub-No. 56), filed April 8, 1964. Applicant: COOPER-JARRETT, INC., Post Office Box 333, Orange, N.J. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Springfield, Ill., and Pittsburgh, Pa.; from Springfield over U.S. Highway 36 to Indianapolis, Ind., thence over U.S. Highway 40 to Washington, Pa., thence over U.S. Highway 19 to Pittsburgh, and return over the same route, serving no intermediate points, and serving the termini for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

No. MC 59894 (Sub-No. 38), filed April 6, 1964. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street (Post Office Box 1034), El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Odessa, Tex., and Coyanosa-Wolfcamp Cycling Plant (Pecos County), Tex., located approximately six (6) miles southeast of Coyanosa, Tex.; from Odessa over U.S. Highway 80 to junction Texas Highway 18 at or near Monahans, Tex., thence over Texas Highway 18 to junction Farm or Ranch Road 1776, and thence over Farm or Ranch Road 1776 to Coyanosa and the Coyanosa-Wolfcamp Cycling Plant Site (Pecos County), and return over the same route, serving the intermediate point of Coyanosa, Tex., only, (2) between Pecos, Tex., and Coyanosa-Wolfcamp Cycling Plant (Pecos County), Tex., located approximately six (6) miles southeast of Coyanosa, Tex.; from Pecos over U.S. Highway 285 to junction Farm or Ranch Road 1450, thence over Farm or Ranch Road 1450 to junction Farm or Ranch Road 1776 to Coyanosa and the Coyanosa-Wolfcamp Cycling Plant Site (Pecos County), and return over the same route, serving all intermediate points, (3) between Fort Stockton, Tex., and Coyanosa-Wolfcamp Cycling Plant (Pecos County), Tex., located approximately six (6) miles southeast of Coyanosa, Tex.; (a) from Fort Stockton over U.S. Highway 285 to junction Farm or Ranch Road 1776, thence over Farm or Ranch Road 1776 to Coyanoca and the Coyanosa-Wolfcamp Cycling Plant Site (Pecos County), and return over the same route, serving all intermediate points, and (b) from Fort Stockton over Texas Highway 18 to junction Farm or Ranch Road 1450, thence over Farm or Ranch Road 1450 to junction Farm or Ranch Road 1776, and thence over Farm or Ranch Road 1776 to Coyanosa and Coyanosa-Wolfcamp Cycling Plant Site (Pecos County), and return over the same route, serving all intermediate points, and (4) between Crane, Tex., and Coyanosa-Wolfcamp Cycling Plant (Pecos County), Tex., located approximately six (6) miles southeast of Coyanosa, Tex.; from Crane over Texas Highway 329 to junction Texas Highway 18 near Grandfalls, Tex., thence over Texas Highway 18 to junction Farm or Ranch Road 1450, thence over Farm or Ranch Road 1450 to junction Farm or Ranch Road 1776, and thence over Farm or Ranch Road 1776 to Coyanosa and the Coyanosa-Wolfcamp Cycling Plant Site (Pecos County), and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 110525 (Sub-No. 653), filed April 9, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in tank vehicles, from Cleveland, Ohio, to Cortland, N.Y.

No. MC 110686 (Sub-No. 22), filed April 7, 1964. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. Applicant's attorney: David A. Sutherlund, 1120 Connecticut Avenue, NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Jersey Shore, Pa., and points within 10 miles thereof, to points in Florida, Georgia, and North Carolina, and *used railroad rails* on return.

No. MC 112497 (Sub-No. 224) filed April 6, 1964. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorneys: E. Stephen Heisley and Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Arkansas.

NOTE: Common control may be involved.

No. MC 113604 (Sub-No. 2), filed March 27, 1964. Applicant: C. C. STARCHER, doing business as STARCHER'S TRANSFER, Charmco, W. Va. Applicant's attorney: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston 32, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Lumber* and *building materials* and *supplies*, from Rainelle, W. Va., to points in Michigan, Wisconsin, Tennessee, New Jersey, and New York.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 123383 (Sub-No. 11), (CORRECTION), filed January 2, 1964, published FEDERAL REGISTER issue January 29, 1964, republished as corrected, this issue. Applicant: BOYLE BROTHERS, INC., 256 River Road, Edgewater, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, in dump vehicles, from points in Nassau, Suffolk, Orange, Westchester, and Rockland Counties, N.Y., to points in Somerset, Morris, Essex, Passaic, Bergen, Union, Hudson, and Sussex Counties, N.J., and (2) *magnetitie ore*, in bulk and in bags, from Mount Hope, N.J., to points in Pennsylvania, Virginia, West Virginia, and Kentucky.

NOTE: The purpose of this republication is to add Virginia as a destination area in (2) above.

No. MC 126057 (Sub-No. 1), (CORRECTION), filed March 16, 1964, published FEDERAL REGISTER, issue of April 15, 1964, and republished as corrected this issue. Applicant: MARQUAND EXPRESS, INC., 2726 Brentwood Boulevard, St. Louis, Mo., 63144. The purpose of this republication is to correct the spelling of applicants name, shown in previous issue as *MARQUARD* EXPRESS, INC.

MOTOR CARRIERS OF PASSENGERS

No. MC 118689 (Sub-No. 3), filed March 13, 1964. Applicant: BRISTOL-JENKINS BUS LINE, INC., 421 Cumberland Street, Bristol, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail, and newspapers*, in the same vehicle with passengers, between Coeburn, Va., and Clintwood, Va., from Coeburn over Virginia Highway 72 to junction Virginia Highway 83, thence over Virginia Highway 83 to Clintwood, and return over the same route, serving all intermediate points.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 64-3948; Filed, Apr. 21, 1964; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 17, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 4253 Sub-1, filed March 26, 1964. Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Avenue, Nashville, Tenn. Applicant's attorney: James C. Havron, 513 Nashville Bank and Trust Building, Nashville, Tenn.

Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Memphis, Tenn., and Nashville, Tenn., over Interstate Highway 40, serving no intermediate points, as an alternate route, for operating convenience only in connection with applicant's authorized regular-route operations.

NOTE: Applicant states the above-proposed operations between Memphis and Nashville, Tenn., will be used to the extent Interstate Highway 40 is available for use, and in the future over such additional sections of said highway as become available for use, with authority to enter, leave and reenter said highway at such interchanges and crossings and traversing such highways as will be necessary to connect with applicant's presently authorized routes, including the right to operate over U.S. Highway 70 between the westerly completed portion of Interstate Highway 40 and Memphis, Tenn., with this operation over U.S. Highway 70 being limited to a period of time that will terminate on completion of the construction of Interstate Highway 40 between Memphis and Nashville, Tenn.

HEARING: May 14, 1964, at 9:30 a.m., in the Commission's Courtroom, C-1-110 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4630, filed March 24, 1964. Applicant: MARION HASKINS, doing business as HASKINS EXPRESS, Church Street, Centerville, Tenn. Applicant's attorney: Lon P. MacFarland, Middle Tennessee Bank Building, Columbia, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Nashville, Tenn., and Centerville, Tenn., over Tennessee Highway 100, serving Lyles, Fairview, and Wrigley, Tenn.

HEARING: May 13, 1964, at 9:30 a.m., in the Commission's Courtroom, C-1-110 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. C-6714 Case No. 7, filed February 10, 1964. Applicant: CENTRAL TRANSPORT, INC., 3391 East McNichols, Detroit, Mich. Applicant's attorney: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between junction Michigan Highway 59 and Interstate Highway 94 near Selfridge Air Force Base and junction U.S. Highway 127 and Interstate Highway 94 near Jackson, Mich., over Interstate Highway 94; (2) between Jackson, Mich., and Lansing, Mich., over U.S. Highway 127; (3) between Detroit, Mich., and junction Interstate Highways 96 and 696 near Novi, Mich., over Interstate Highway 696; and (4) between South Rockwood, Mich., and Bay City, Mich., over Interstate Highway 75.

NOTE: Applicant states the above authority is subject to the following limitations: (a) Restricted against service to points not otherwise authorized; (b) access routes may be used only for connection with intersecting routes otherwise authorized; and (c) access routes may be authorized within commercial zones of points otherwise authorized.

HEARING: May 7, 1964, at 9:30 a.m., in the offices of the Commission, Lewis Cass Building, Lansing, Mich.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. T-6728, Sub-1, filed March 31, 1964. Applicant: C. M. McNEELY AND PEARLIE McNEELY, doing business as, HUMANSVILLE TRUCK LINE, Humansville, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, from Humansville, Mo., over Missouri Highway 13 to junction U.S. Highway 54 at Collins, Mo., thence over U.S. Highway 54 to El Dorado Springs, Mo., and return over said route to junction Missouri Highway 39, thence over Missouri Highway 39 to junction Route N, thence over Route N to Caplinger Mills, Mo., and return, thence over Missouri Highway 39 to junction Missouri Highway 32, thence over Missouri Highways 39 and 32 to Stockton, Mo., thence over Missouri Highway 32 to Fair Play, Mo., and return over said routes, serving Cedar Springs, El Dorado Springs, Caplinger Mills, and Stockton, Mo., as regular route points, between said points, on the one hand, and Springfield, Mo., and its commercial zone, on the other hand; serving Humansville and Fair Play, Mo., as points of joinder on applicant's presently authorized routes; with authority to render through service at through rates between the points sought to be served and applicant's presently authorized service points.

HEARING: May 7, 1964, at 10:00 a.m., in the Missouri Public Service Commission, 100 East Capitol Avenue, Jefferson City, Mo.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to Mr. Warren G. Taylor, Secretary, Missouri Public Service Commission, Jefferson Building, Jefferson City, Mo., and should not be directed to the Interstate Commerce Commission.

State Docket No. A 46320, filed March 27, 1964. Applicant: A & B GARMENT DELIVERY OF SAN FRANCISCO, 2277 Shafter Avenue, San Francisco 24, Calif. Applicant's attorney: Daniel Baker, 625 Market Street, San Francisco 5, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *apparel*, wearing; *bags*, cloth; *bags*, hand; *bath robes; belts; blouses; buttons; cloth; cloth*, piece goods; *clothing; clothing accessories; containers*, clothes; *draperies; dry goods; fittings*, tailored; *footwear; furnishings*, men's; *garments; gloves; hangers*, clothes; *hose; jewelry*, costume; *lining*, clothes; *luggage; patterns; shirts; shoes; suspenders; tapes*, cloth; *textiles; thread; ties; towels; trimmings*, tailored; *umbrellas*; and *yarns*, between all points and places on and within five (5) miles of U.S. Highway 101 between San Francisco, Calif. and Santa Rosa, Calif., inclusive, and all points within five (5) miles of the city of Santa Rosa, Calif.

HEARING: Date, time, and place assigned for hearing application, not known.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the California Public Utilities Commission, California State Building, San Francisco 2, Calif., and shall not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 64-3949; Filed, Apr. 21, 1964; 8:49 a.m.]

[Notice 971]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following-numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66486. By order of April 9, 1964, the Transfer Board approved the transfer to Hart Truck Line, Inc., Dexter, Mo., of the operating rights in certificates in Nos. MC 106233 (Sub-No. 1), MC 106233 (Sub-No. 3), MC 106233 (Sub-No. 4), MC 106233 (Sub-No. 6), and MC 106233 (Sub-No. 8), issued by the Commission January 31, 1950, as amended August 1, 1950, June 22, 1951, May 4, 1953, March 20, 1956, and January 31, 1962, respectively, to Gordon Hart, doing business as Gordon Hart Truck Line, Dexter, Mo., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities, in bulk, and other specified commodities, and general commodities, excluding household goods and other specified commodities, and over irregular routes, of livestock, malt beverages, petroleum products, household goods, as defined, and scrap leather, from, to, and between specified points in Arkansas, Illinois, Missouri, and Tennessee, varying with the commodities transported. B. W. LaTourette, Jr., 1230 Boatman's Bank Building, St. Louis, Mo., 63102, attorney for applicants.

No. MC-FC 66534. By order of April 10, 1964, the Transfer Board approved the transfer to Akes Hauling Service, Inc., Pasco, Wash., of certificates in Nos. MC 88644, MC 88644 (Sub-No. 2), and MC 88644 (Sub-No. 4), issued June 14, 1938, March 13, 1942, and May 27, 1958, respectively, to C. L. Akes, Yakima, Wash., authorizing the transportation of: Agricultural commodities, between points in Umatilla County, Oreg., and Walla Walla and Columbia Counties, Wash., and, fruit and products, from Grandview, Wash., to Takoma, Wash., and asphalt and gravel, in dump vehicles, between points in Columbia, Walla Walla, Franklin, and Benton Counties, Wash., on the one hand, and, on the other, points in Umatilla and Morrow Counties, Oreg. Herbert H. Freise, 200 Jones Building, Walla Walla, Wash., attorney for applicants.

Nos. MC-FC 66696 and MC-FC 66697. By order of April 10, 1964, the Transfer Board approved the related applications to transfer to Kentucky Freight, Inc., Louisville, Ky., of the operating rights claimed in No. MC 97992 (Sub-No. 1) under the "grandfather clause" of section 206(a)(7)(B), Interstate Commerce Act by the estate of C. C. Mattingly, Kirk, Ky., and the substitution of Kentucky Freight, Inc., as applicant for a certificate of registration from this Commission corresponding to a grant of intrastate authority by the Kentucky Department of Motor Transportation in Certificate No. 361, issued to C. C. Mattingly and transferred to Mildred Mattingly. Ben K. Wilmot, Republic Building, Louisville, Ky., attorney for applicants.

No. MC-FC 66717. By order of April 10, 1964, the Transfer Board approved the transfer to Samuel Tortorelli, doing business as Tortorelli Trucking, Ridgewood, N.Y., of the operating rights in permit in No. MC 105988, issued June 12, 1953, to Dominick Tortorelli, doing business as Tortorelli Trucking, College Point, Queens, N.Y., authorizing the transportation, over irregular routes, of: Iron and steel bars, plates, rods, sheets, and strips, subject to certain restrictions, between New York, N.Y., on the one hand, and, on the other Newark, N.J., and points in New Jersey within 25 miles thereof. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

No. MC-FC 66728. By order of April 10, 1964, the Transfer Board approved the transfer to William M. Lueddeke, doing business as William M. Lueddeke Motor Freight, Cranford, N.J., of the operating rights in certificate in No. MC 60933, issued by the Commission April 23, 1942, to Empire Express, Inc., New York, N.Y., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities between New York, N.Y., on the one hand, and, on the other, points in Essex and Union Counties, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306, representative for applicants.

No. MC-FC 66769. By order of April 10, 1964, the Transfer Board approved the transfer to Allen Christensen, Anita, Iowa, of the operating rights issued by the Commission November 3, 1952, under certificate in No. MC 9801, to Irwin Weimer, Anita, Iowa, authorizing the transportation, over irregular routes, of clay, tankage, feed, flour, hay, furniture, agricultural implements and parts, petroleum products, in containers, wallpaper, drugs, paint, lumber, building materials, plumbers' supplies, iron pipe, molasses, potatoes, and twine, from Omaha, Nebr., to Anita, Iowa, and farms within 40 miles thereof; empty oil drums, from Anita, to Omaha, Nebr., horses and mules, between Anita, Iowa, and points in Iowa within 125 miles of Anita, on the one hand, and, on the other, Omaha, Nebr.; and livestock, between Anita, Iowa, and points within 50 miles of Anita, on the one hand, and, on the other, Omaha, Nebr.

No. MC-FC 66773. By order of April 7, 1964, the Transfer Board approved the transfer to Schneider Trucking Co., Inc., Richmond, Va., of a portion of permit in No. MC 114061 (Sub-No. 5), issued May 22, 1961, to Harry Schneider and Rose F. Schneider, a partnership, doing business as Schneider's Transfer, Richmond, Va., authorizing the transportation, over irregular routes, of new furniture, in cartons, set up, from Richmond, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Ohio, West Virginia, Michigan, Indiana, Kentucky, Illinois, and Tennessee, and points in New York (with exception), Maryland (with exception), Delaware (with exception), and Pennsylvania (with exceptions); new furniture, in cartons, from Richmond, Va., to points in Alabama, Florida, Georgia, and South Carolina, and damaged and defective shipments of new furniture, in cartons, from points in Alabama, Florida, Georgia, and South Carolina to Rich-

mond, Va.; new furniture, crated or uncrated, from Richmond, Va., to points in Mississippi, and defective shipments on return. Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va., attorney for applicants.

No. MC-FC 66786. By order of April 10, 1964, the Transfer Board approved the transfer to Beauce Transport, Ltd., a corporation, Beauceville-Est, Beauce City, Quebec, Canada, of the operating rights in the permit No. MC 123448, issued October 10, 1962, to Fernando Rodrigue, doing business as Rodrigue & Rodrigue, Enrg, St. Honore, Beauce, Quebec, Canada, authorizing the transportation, over irregular routes of: Harwood squares, from ports of entry of the U.S.-Canada boundary line, at or near Jackman, Maine, and Derby Line, Vt., to specified points in named counties in Maine. Donald J. Bourassa, 116 State Street, Augusta, Maine, attorney for applicants.

No. MC-FC 66791. By order of April 10, 1964, the Transfer Board approved the transfer to Bezanson Transportation Co., Inc., Saugus, Mass., of the operating rights in certificate of registration No. MC 58472 (Sub-No. 1), issued December 30, 1963, to Lloyd E. Bezanson, doing business as Bezanson Transportation Co., Saugus, Mass., corresponding to the grant of intrastate authority to transferor, pursuant to common carrier certificate No. 4732, issued January 10, 1961, by the Department of Public Utilities of the Commonwealth of Massachusetts. William D. Traub, 10 East 40th Street, New York 16, N.Y., practitioner for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3950; Filed, Apr. 21, 1964; 8:49 a.m.]

[Notice No. 631]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 20, 1964.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8723. Authority sought for control by GENERAL MOVERS CORPORATION, 550 Mercer Street, Seattle, Wash., 98109, of MARTIN VAN LINES, INC., 557 Roy Street, Seattle, Wash., and for acquisition by G. W. SMYTH, also of 550 Mercer Street, Seattle, Wash., 98109, of control of MARTIN VAN LINES, INC., through the acquisition by GENERAL MOVERS CORPORATION. Applicants' attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points within 3 miles of Portland, Oreg., including Portland; *household goods*, as defined by the Commission, from points in Yellowstone, Stillwater, Sweet Grass, Park, Wheatland, Fergus, Musselshell, Golden Valley, Petroleum, Big Horn, and Carbon Counties, Mont., to points in Wyoming, Colorado, Idaho, Utah, Oregon, and Washington, from points in Wyoming, Colorado, Idaho, Utah, Oregon, and Washington, to all points in Montana, between points in Rosebud, Custer, and Treasure Counties, Mont., except Forsyth, Mont., on the one hand, and, on the other, points in Minnesota, South Dakota, North Dakota, Wyoming, Idaho, Washington, and Montana, between Forsyth, Mont., on the one hand, and, on the other, points in Montana, more than 125 miles from Forsyth, and those in Minnesota, South Dakota, North Dakota, Wyoming, Idaho, and Washington, between points in California, Oregon, and Washington, between points in Douglas, Klamath, Jackson, Josephine, Coos, and Curry Counties, Oreg., on the one hand, and, on the other, points in Idaho, and Nevada. GENERAL MOVERS CORPORATION, holds no authority from this Commission. However, it is affiliated with A WORLD VAN SERVICE, INC., which is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4030; Filed, Apr. 21, 1964; 8:58 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 17, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38971: *Phosphate rock to Dothan, Ala.* Filed by O. W. South, Jr., agent (No. A4498), for interested rail carriers. Rates on phosphate rock, crude (other than ground phosphate rock), in carloads, from producing points in Florida, to Dothan, Ala.

Grounds for relief: Rail-barge-truck competition.

Tariff: Supplement 60 to Southern Freight Association, Agent, tariff I.C.C. S-140.

FSA No. 38972: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 500), for interested rail carriers. Rates on chemicals, phosphatic fertilizer solution, frozen foods and textile softeners, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same conditions.

Tariff: Supplement 12 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38973: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 501), for interested rail carriers. Rates on chemicals, phosphatic fertilizer solution, etc., in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 12 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3945; Filed, Apr. 21, 1964; 8:48 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304(h)(4) is amended to show a change in title from Special Assistant to the Assistant Secretary (Public Affairs) to Special Assistant to the Assistant Secretary (Information). Effective upon publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (h) of § 213.3304 is amended as set out below.

§ 213.3304 Department of State.

* * * * * * *

(h) *Bureau of International Organization Affairs.* * * *

(4) One Special Assistant to the Assistant Secretary (Information).

* * * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-4028; Filed, Apr. 22, 1964; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Sabine River Authority, Louisiana, General Obligation Bonds, Series 1964

§ 1.138 **Sabine River Authority, State of Louisiana, General Obligation Bonds, Series 1964.**

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $15,000,000 Sabine River Authority, State of Louisiana, General Obligation Bonds, Series 1964, are eligible for investment by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Authority, created by an Act of the Louisiana Legislature and subsequently ratified in a constitutional amendment, is an agency and instrumentality of the State of Louisiana. In accordance with the purposes of the Authority, the subject bonds are to pay part of the $60,000,000 acquisition and construction cost of dam, water reservoir, and hydroelectric power generating plant to be constructed by the Authority and the Sabine River Authority of Texas. This joint project is to be undertaken pursuant to a compact between Louisiana and Texas for the purpose of conserving and developing the waters of the Sabine River for beneficial purposes. In addition to hydroelectric generation, the joint project will create a reservoir of 65-mile length (to be the largest inland body of water in both Louisiana and Texas) and control, both upstream and downstream of the dam, waters on the boundary line between Louisiana and Texas. Water will be provided for industrial and agricultural uses as well as community development and recreational activities.

(2) The estimated cost of the project is to be paid with the proceeds of these bonds, the proceeds of $15,000,000 bonds to be issued simultaneously by Sabine River Authority of Texas, $15,000,000 to be contributed by the State of Louisiana, and $15,000,000 to be supplied by Sabine River Authority of Texas from sources other than the issuance of bonds. The power to be supplied by the project is under contract of sale to Gulf States Utilities Company, Central Louisiana Electric Company, Inc., and Louisiana Power & Light Company. Under this contract of sale, these companies agree to be unconditionally obligated without qualification to make payments sufficient to pay joint project bond principal and interest of both Authorities. The balance of Power Payments remaining after payment of such bond principal and interest is estimated sufficient to pay joint project maintenance and operation expenses. Engineering estimates indicate that with the construction of the new bridge and other improvements, funds available for bond service will be sufficient to enable the Authority to perform all that it undertakes to perform in connection with these bonds, including all debt service requirements.

(3) The Authority is authorized to issue and have outstanding bonds and notes not in excess of $15,000,000 which are payable from revenues derived from properties and facilities maintained and operated by the Authority or received by it from other sources. Consequently, unless the law is amended to permit issuance of such bonds and notes in excess of said $15,000,000, such issuance of additional bonds would be limited to the amount of bonds then retired by the Authority.

(c) *Ruling.* It is our conclusion that a bank may in these circumstances prudently determine that there is adequate evidence that the Authority will be able to perform all that it undertakes to perform and that the General Obligation Bonds, Series 1964, of the Sabine River Authority, State of Louisiana meet the requirements of § 1.5(a) and are eligible for investment by national banks under the provisions and subject to the 10 percent limitation of paragraph Seventh of 12 U.S.C. 24.

Dated: April 17, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-4022; Filed, Apr. 22, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Expenses of Grape Crush Administrative Committee for 1963–64 Crop Year and Suspension of Certain Provisions

Correction

In F.R. Doc. 64-3877 appearing in the issue for Tuesday, April 21, 1964, at page 5338, the final paragraph should read as follows:

Dated April 15, 1964, to become effective upon publication in the FEDERAL REGISTER.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket 1993; Amdts. 1–4; 40–42; 41–8; 42–7; 46–8; 65–2; 91–3; 145–2]

MAINTENANCE, PREVENTIVE, MAINTENANCE, REBUILDING, AND ALTERATION

Miscellaneous Amendments

This amendment adds Part 43 [New] to the Federal Aviation Regulations to replace Part 18 of the Civil Air Regulations and is a part of the Agency recodification program announced in Draft Release 61-25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

Part 43 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on November 13, 1963 (28 F.R. 12096), and given further distribution as Notice No. 63-37.

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as this one, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Many of the comments received recommended specific substantive changes to the regulations. Although many of the recommendations appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and delete obsolete or redundant provisions. To attempt substantive changes, other than relaxatory ones that are completely noncontroversial, would delay the project and be contrary to the ground rules specified for it in Draft Release 61-25. However, we recognize that an overall substantive review of the part is long overdue. This review is now being undertaken and all substantive comments received are being carefully studied.

A number of changes have been made in the proposal, both as a result of comments received and as a result of further review by the Agency. As proposed, amateur built aircraft would have been excluded from the applicability of Part 43 [New]. This exclusion has been broadened to include any experimentally certificated aircraft that had not previously been issued a different airworthiness certificate. These aircraft present unique maintenance requirements which can only be met on a case-by-case basis. To require compliance with Part 18 would be impractical and unnecessarily burdensome.

The maintenance authority of air carriers certificated under Part 40, 41, 42, or 46 and of commercial operators certificated under Part 42 has been transferred to those parts and consolidated with other rules relating to their basic responsibility for maintenance.

The definition of "major alteration" in Part 1 [New] is being amended to exclude alterations listed in the aircraft, aircraft engine, or propeller specifications. This makes the definition consistent with Appendix A of Part 43 [New]. In addition, the definition of "airframe" is being amended, for clarity, to specifically include rotors.

Other minor changes of a technical clarifying nature have been made. They are not substantive and do not impose any burden on regulated persons.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to Part 43 [New].

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing Chapter I of Title 14 is amended as follows, effective July 6, 1964.

PART 1—DEFINITIONS AND ABBREVIATIONS [NEW]

1. By amending Part 1 [New] as follows:

By amending the definitions of "airframe" and "major alteration" in § 1.1 to read as follows:

§ 1.1 General definitions.

* * * * *

"Airframe" means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotors but excluding propellers and rotating airfoils of engines), and landing gear of an aircraft and their accessories and controls."

* * * * *

"Major alteration" means an alteration not listed in the aircraft, aircraft engine, or propeller specifications—

(1) That might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(2) That is not done according to accepted practices or cannot be done by elementary operations.

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

* * * * *

2. By amending § 40.240 of Part 40 to read as follows:

§ 40.240 Maintenance responsibility and authority.

(a) Irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection functions, each air carrier shall have the primary responsibility for the airworthiness of its airplanes and required equipment.

(b) An air carrier may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(c) An air carrier may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (b) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFIED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA,

3. By amending § 41.240 of Part 41 to read as follows:

§ 41.240 Maintenance responsibility and authority.

(a) Irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection functions, each air carrier shall have the primary responsibility for the airworthiness of its airplanes and required equipment.

(b) An air carrier may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(c) An air carrier may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (b) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

5. By amending § 46.240 of Part 46 to read as follows:

§ 46.240 Maintenance responsibility and authority.

(a) Irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection functions, each air carrier shall have the primary responsibility for the airworthiness of its airplanes and required equipment.

(b) An air carrier may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(c) An air carrier may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (b) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFIED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

4. By amending § 42.240 of Part 42 to read as follows:

§ 42.240 Maintenance responsibility and authority.

(a) Irrespective of whether the operator has made arrangements with any other person for the performance of maintenance and inspection functions, each operator shall have the primary responsibility for the airworthiness of its airplanes and required equipment.

(b) An operator may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(c) An operator may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (b) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

other person for the performance of maintenance and inspection functions, each air carrier shall have the primary responsibility for the airworthiness of its airplanes and required equipment.

(b) An air carrier may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(c) An air carrier may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (b) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS [NEW]

6. By amending the first sentence of § 65.81(a) of Part 65 [New] to read as follows:

§ 65.81 General privileges and limitations.

(a) A certificated mechanic may perform or supervise the maintenance or alteration of an aircraft or appliance, or a part thereof, for which he is rated (but excluding major repairs to, and major alterations of, propellers, and any repair to, or alteration of, instruments), and may perform additional duties in accordance with §§ 65.85, 65.87, and 65.95.

* * * * *

7. By amending § 65.95(a)(1) of Part 65 [New] to read as follows:

§ 65.95 Inspection authorization: privileges and limitations.

(a) The holder of an inspection authorization may—

(1) Inspect and approve for return to service any aircraft or related part or appliance (except aircraft operated under Part ____, ____, or ____ of this chapter (present Part 40, 41, or 46) or large aircraft operated under Part ____ of this chapter (present Part 42)) after a major repair or major alteration to it in accordance with Part 43 [New] of this chapter, if the work was done in accordance with technical data approved by the Administrator; and

* * * * *

PART 91—GENERAL OPERATION AND FLIGHT RULES [NEW]

8. By amending § 91.171 of Part 91 [New] as follows:

By amending subdivision (a)(2)(ii), by redesignating present paragraph (b) as paragraph (c) and inserting a new paragraph (b), and by revising the redesignated paragraph (c) to read as follows:

§ 91.171 Progressive inspection.

(a) * * *

(2) * * *

(ii) An inspection schedule, specifying the intervals in hours or days when routine and detailed inspections will be performed and including instructions for exceeding an inspection interval by not more than 10 hours while en route and for changing an inspection interval because of service experience;

(b) The frequency and detail of the progressive inspection shall provide for the complete inspection of the aircraft within each 12 calendar months and be consistent with the manufacturer's recommendations, field service experience, and the kind of operation in which the aircraft is engaged. The progressive inspection schedule must insure that the aircraft at all times will be airworthy and will conform to all applicable FAA aircraft specifications, type certificate data sheets, airworthiness directives, and other approved data.

(c) If the progressive inspection is discontinued, the owner or operator shall immediately notify the local General Aviation District Office, in writing, of the discontinuance. After that discontinuance, the first periodic inspection under § 91.169(a) is due within 12 calendar months after the last complete inspection of the aircraft under the progressive inspection. The 100-hour inspection under § 91.169(b) is due within 100 hours after that complete inspection. A complete inspection of the aircraft, for the purpose of determining when the periodic and 100-hour inspections are due, will require a detailed inspection of the aircraft and all its components in accordance with the progressive inspection. A routine inspection of the aircraft and a detailed inspection of several components is not considered to be a complete inspection.

PART 145—REPAIR STATIONS [NEW]

§ 145.51 [amended]

9. By revising the last sentence of § 145.51 of Part 145 [New] to read as follows: "However, a certificated repair station may not approve for return to service any aircraft, airframe, aircraft engine, propeller, or appliance after major repair or major alteration unless the work was done in accordance with technical data approved by the Administrator."

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS AND APPLIANCES

10. By deleting Part 18.

(Secs. 313(a), 601, 602, 603, 604, and 605 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422, 1423, 1424, 1425)

11. By adding a Part 43 [New] reading as follows:

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

Sec.
43.1 Applicability.
43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.
43.5 Return to service after maintenance, preventive maintenance, rebuilding, or alteration.
43.7 Persons authorized to approve aircraft, airframes, aircraft engines, propellers, and appliances for return to service after maintenance, preventive maintenance, rebuilding, or alteration.
43.9 Content, form and disposition of maintenance, preventive maintenance, rebuilding, and alteration records (except 100-hour, periodic, and progressive inspections).
43.11 Content, form, and disposition of periodic, 100-hour, and progressive inspection records.
43.13 Performance rules (general).
43.15 Additional performance rules for 100-hour, periodic, and progressive inspections.
Appendix A—Major alterations, major repairs, and preventive maintenance
Appendix B—Recording of major repairs and major alterations
Appendix C—Recording of periodic and progressive inspections
Appendix D—Scope and detail of items (as applicable to the particular aircraft) to be included in periodic and 100-hour inspections

AUTHORITY: The provisions of this Part 43 [New] issued under secs. 313(a), 601, 602, 603, 604, and 605 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422, 1423, 1424, 1425.

§ 43.1 Applicability.

(a) Except as provided in paragraph (b) of this section, this part prescribes rules governing the maintenance, preventive maintenance, rebuilding, and alteration of any—

(1) Aircraft having a U.S. airworthiness certificate; and

(2) Airframe, aircraft engine, propeller, or appliance of such an aircraft.

(b) This part does not apply to any aircraft for which an experimental airworthiness certificate has been issued, unless a different kind of airworthiness certificate had previously been issued for that aircraft.

§ 43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.

(a) Except as provided in this section, no person may maintain, rebuild, alter, or perform preventive maintenance on an aircraft, airframe, aircraft engine, propeller, or appliance to which this part applies. Those items, the performance of which is a major alteration, a major repair, or preventive maintenance, are listed in Appendix A.

(b) The holder of a mechanic certificate may perform maintenance, preventive maintenance, and alterations as provided in Part 65 [New] of this chapter.

(c) The holder of a repairman certificate may perform maintenance and preventive maintenance as provided in Part 65 [New] of this chapter.

(d) A person working under the supervision of a holder of a mechanic or repairman certificate may perform the maintenance, preventive maintenance, and alterations that his supervisor is authorized to perform, if the supervisor

personally observes the work being done to the extent necessary to ensure that it is being done properly and if the supervisor is readily available, in person, for consultation. However, this paragraph does not authorize the performance of 100-hour or periodic inspections, nor inspections performed after a major repair or alteration.

(e) The holder of a repair station certificate may perform maintenance, preventive maintenance, and alterations as provided in Part 145 [New] of this chapter.

(f) The holder of an air carrier certificate may perform maintenance, preventive maintenance, and alterations as provided in Part 40, 41, 42, or 46 of this chapter, as applicable.

(g) The holder of a commercial operator certificate issued under Part 42 of this chapter may perform maintenance, preventive maintenance, and alterations as provided in that part.

(h) The holder of a pilot certificate issued under Part 61 [New] of this chapter may perform preventive maintenance on any aircraft owned or operated by him that is not used in air carrier service.

(i) A manufacturer may rebuild or alter products manufactured by him, for which he holds a type or production certificate or which he manufactured in accordance with a Technical Standard Order or Product and Process Specification issued by the Administrator. In addition, he may perform 100 hour, periodic, and progressive inspections on aircraft manufactured by him, while operating under a production certificate or under an approved production inspection system for such aircraft.

§ 43.5 Return to service after maintenance, preventive maintenance, rebuilding, or alteration.

(a) No person may return to service any aircraft, airframe, aircraft engine, propeller, or appliance, that has undergone maintenance, preventive maintenance, rebuilding, or alteration unless—

(1) It has been approved for return to service by a person authorized under § 43.7;

(2) The maintenance record entry required by § 43.9 has been made;

(3) The repair or alteration form authorized by or furnished by the Administrator has been executed in a manner prescribed by the Administrator; and

(4) If a repair or an alteration results in any change in the aircraft operating limitations or flight data contained in the approved aircraft flight manual, those operating limitations or flight data are appropriately revised and set forth as prescribed in § 91.31 [New] of this chapter.

(b) This section does not apply to preventive maintenance performed by a certificated pilot under § 43.3(h).

§ 43.7 Persons authorized to approve aircraft, airframes, aircraft engines, propellers, and appliances for return to service after maintenance, preventive maintenance, rebuilding, or alteration.

(a) Except as provided in this section, no person, other than the Administrator, may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after it has undergone maintenance, preventive maintenance, rebuilding, or alteration.

(b) The holder of a mechanic certificate or an inspection authorization may approve an aircraft, airframe, aircraft engine, propeller, or appliance for return to service as provided in Part 65 [New] of this chapter.

(c) The holder of a repair station certificate may approve an aircraft, airframe, aircraft engine, propeller, or appliance for return to service as provided in Part 145 [New] of this chapter.

(d) A manufacturer may approve for return to service any aircraft, airframe, aircraft engine, propeller, or appliance that he has worked on under § 43.3(i). However, except for minor alterations, the work must have been done in accordance with technical data approved by the Administrator.

(e) The holder of an air carrier certificate may approve an aircraft, airframe, aircraft engine, propeller, or appliance for return to service as provided in Part 40, 41, 42, or 46 of this chapter, as applicable.

(f) The holder of a commercial operator certificate issued under Part 42 of this chapter may approve an aircraft, airframe, aircraft engine, propeller, or appliance for return to service as provided in that part.

§ 43.9 Content, form and disposition of maintenance, preventive maintenance, rebuilding, and alteration records (except 100-hour, periodic, and progressive inspections).

(a) *Maintenance record entries.* Except as provided in paragraphs (b) and (c) of this section, each person who maintains, rebuilds, alters, or performs preventive maintenance on an aircraft, airframe, aircraft engine, propeller, or appliance shall make an entry in the permanent maintenance record of that equipment containing the following information:

(1) A description (or reference to data acceptable to the Administrator) of the work performed.

(2) The date of completion of the work performed.

(3) The name of the person performing the work.

(4) If the aircraft, airframe, aircraft engine, propeller, or appliance is approved for return to service, the signature (and if a certificated mechanic, the certificate number) of the person who approved it.

In addition to the entry required by this paragraph, major repairs and major alterations shall be entered on a form, and the form disposed of, in the manner prescribed in Appendix B, by the person performing the work.

(b) *Special provisions for certificated air carrier and commercial operator records.* Paragraph (a) of this section does not apply to maintenance, preventive maintenance, or alterations performed on aircraft operated by a certificated air carrier or commercial operator that is required by its operating certificate or by approved operations specifications to provide for a continuous airworthiness maintenance and inspection program, if a suitable system of recording maintenance and alteration is used that includes the information required by paragraph 9(a) of this section. In addition, the registered owner or operator of the aircraft shall—

(1) Keep all records of major structural repairs and major alterations until the aircraft is sold, transferred, or retired;

(2) Keep all records of maintenance for one year from the date of approval for return to service of the aircraft, airframe, aircraft engine, propeller, appliance, or component thereof, to which the record pertains;

(3) Keep all maintenance records of the last complete overhaul cycle for each aircraft, airframe, aircraft engine, propeller, appliance, or component thereof, until that aircraft is sold, transferred, or retired;

(4) Keep all records of the results of x-rays, and other special tests specified by the Administrator, relating to airframes, aircraft engines, propellers, appliances, or parts thereof, designated as critical by the Administrator, until that airframe, aircraft engine, propeller, or appliance is sold, transferred, or retired; and

(5) In addition:

(i) If the aircraft, or an airframe, aircraft engine, propeller, appliance, or part thereof, designated as critical by the Administrator, is retired, keep the particular records for one year after cancellation of the registration certificate, or if not registered, for one year from the date of retirement;

(ii) For records of major structural repairs and major alterations, if the aircraft is retired, keep the records for one year after cancellation of the registration certificate; and

(iii) If an aircraft, airframe, aircraft engine, propeller, or appliance is sold or transferred, give the records required to be kept under this section to the new owner or operator.

(c) This section does not apply to persons performing the periodic, 100-hour, and progressive inspections required by Part 91 [New] of this chapter or to certificated pilots performing preventive maintenance under § 43.3(h).

§ 43.11 Content, form, and disposition of periodic, 100-hour, and progressive inspection records.

(a) *Maintenance record entries.* The person approving or disapproving for return to service an aircraft, airframe, aircraft engine, propeller, or appliance after a periodic, 100-hour, or progressive inspection required by Part 91 [New] of this chapter shall make an entry in the permanent maintenance record of that equipment, containing the following information:

(1) The type of inspection (and for progressive inspections, a brief description of the extent of the inspection).

(2) The date of the inspection and aircraft time in service.

(3) The signature (and if a certificated mechanic, the certificate number) of the person approving or disapproving for return to service, the aircraft, airframe, aircraft engine, propeller, or appliance.

(4) For periodic or 100-hour inspections if the aircraft is approved for return to service, the following or a similarly worded statement—"I certify that this aircraft has been inspected in accordance with (insert type) inspection and was determined to be in airworthy condition".

(5) For periodic inspections, if the aircraft is not approved for return to service because of needed maintenance, noncompliance with applicable specifications, airworthiness directives or other approved data, the following or a similarly worded statement—"I certify that this aircraft has been inspected in accordance with a periodic inspection and a list of discrepancies and unairworthy items dated (date) has been provided for the aircraft owner or lessee".

(6) For progressive inspections, the following or a similarly worded statement—"I certify that in accordance with a progressive inspection program, a routine inspection of (identify whether aircraft, or components) and a detailed inspection of (identify components) were performed in accordance with a progressive inspection and the aircraft is approved for return to service".

(b) *Additional recording requirements.* Each person performing a periodic or progressive inspection shall complete the form and dispose of it as prescribed in Appendix C. In addition, if the person performing a periodic inspection finds that the aircraft is unairworthy or does not meet the applicable type certificate data, airworthiness directives, or other approved data upon which airworthiness depends, he shall give the owner or lessee a signed and dated copy of a list of discrepancies.

§ 43.13 Performance rules (general).

(a) Each person maintaining or altering, or performing preventive maintenance, shall use methods, techniques, and practices acceptable to the Administrator. He shall use the tools, equipment, and test apparatus necessary to assure completion of the work in accordance with accepted industry practices. If special equipment or test apparatus is recommended by the manufacturer involved, he must use that equipment or apparatus or its equivalent acceptable to the Administrator.

(b) Each person maintaining or altering, or performing preventive maintenance, shall do that work in such a manner and use materials of such a quality, that the condition of the aircraft, airframe, aircraft engine, propeller, or appliance worked on will be at least equal to its original or properly altered condition (with regard to aerodynamic function, structural strength, resistance to vibration and deterioration, and other qualities affecting airworthiness).

(c) *Special provisions for air carriers and commercial operators.* Unless otherwise notified by the Administrator, the methods, techniques, and practices contained in the maintenance manual or the maintenance part of the air carrier manual of a certificated air carrier or commercial operator (that is required by its operating certificate or approved operating specifications to provide a continuous airworthiness maintenance and inspection program) constitute acceptable means of compliance with this section.

§ 43.15 Additional performance rules for 100-hour, periodic, and progressive inspections.

(a) *General.* Each person performing a 100-hour, periodic, or progressive inspection required by Part 91 [New] of this chapter shall perform those inspections in such a manner as to determine whether the aircraft concerned meets all applicable airworthiness requirements.

(b) *Rotorcraft.* Each person performing a 100-hour, periodic, or progressive inspection of a rotorcraft shall inspect the following systems in accordance with the maintenance manual of the manufacturer concerned:

(1) The drive shafts or similar systems.

(2) The main rotor transmission gear box for obvious defects.

(3) The main rotor and center section (or the equivalent area).

(4) The auxiliary rotor on helicopters.

(c) *Periodic and 100-hour inspections.* (1) Each person performing a periodic or 100-hour inspection shall use a checklist while performing the inspection. The checklist may be of the person's own design, one provided by the manufacturer of the equipment being inspected, or one obtained from another source. This checklist must include the scope and detail of the items contained in Appendix D to this part and paragraph (b) of this section.

(2) Each person approving an aircraft for return to service after a periodic or 100-hour inspection shall, before that approval, run the aircraft engine or engines to determine satisfactory performance, in accordance with the manufacturer's recommendations, of—

(i) Power output (static and idle r.p.m.);

(ii) Magnetos;

(iii) Fuel and oil pressure; and

(iv) Cylinder and oil temperature.

(d) *Progressive inspection.* (1) Each person performing a progressive inspection shall, at the start of a progressive inspection system, inspect the aircraft completely. After this initial inspection, routine and detailed inspections must be conducted as prescribed in the progressive inspection schedule. Routine inspections consist of visual examination or check of the appliances, the aircraft, and its components and systems, insofar as practicable without disassembly. Detailed inspections consist of a thorough examination of the appliances, the aircraft, and its components and systems, with such disassembly as is necessary. For the purposes of this subparagraph, the overhaul of a component or system is considered to be a detailed inspection.

(2) If the aircraft is away from the station where inspections are normally conducted, an appropriately rated mechanic, a certificated repair station, or the manufacturer of the aircraft may perform inspections in accordance with the procedures and using the forms of the person who would otherwise perform the inspection.

NOTE: The record-keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

DISTRIBUTION TABLE

Former section	Revised section
18.0	43.1.
18.1	Surplusage.
18.1–1	Appendix A.
18.1–2	Not a rule.
18.1–3	Appendix A.
18.1–4	Not a rule.
18.1–5	Not a rule.
18.1–6	Appendix A.
18.10	43.3.
18.10–1	43.3.
18.11 (7th through 31st words of (b)(2)).	Trfd. to Part 145 [New].
18.11 (15th through 54th words of (b)(5) (as applicable to air carriers and commercial operators)).	Trfd. to Parts 40, 41, 42, and 46.
18.11 (15th through 54th words of (b)(5) (as applicable to repair stations)).	Trfd. to Part 145 [New].
18.11 (15th through 54th words of (b)(5) (less applicability to air carriers, commercial operators, and repair stations)).	43.7.
18.11 (less 7th through 31st words of (b)(2) and 15th through 54th words of (b)(5)) (as applicable to return to service requirements).	43.5.
18.11 (less 7th through 31st words of (b)(2) and 15th through 54th words of (b)(5) and less applicability to return to service requirements).	43.7.
18.11–1	Surplusage.
18.11–2	Not a rule.
18.12 (as applicable to performance).	43.3.
18.12 (less applicability to performance).	43.7.
18.12–1	Surplusage.
18.13	43.5.
18.20 (last sentence)	43.9.
18.20 (less last sentence)	Surplusage.
18.20–1	Obsolete.
18.21	43.9.
18.21–1 (2d sentence)	43.9.
18.21–1 (less 2d sentence)	Note a rule.
18.22	43.9.
18.22–1	Appendix A.
18.22–2	Appendix A.
18.23	43.11.
18.23–1	Appendix B.
18.24	43.9.
18.30	43.13.
18.30–1	43.13.
18.30–2—18.30–17	Not a rule.
18.30–18 (paragraph (a))	43.15.
18.30–18 (paragraph (l))	Appendix D.
18.30–18 (paragraphs (i)–(ix)) (less last sentence of (i), (iii), (v), and (vi)).	Appendix D.
18.30–18 (paragraphs (i), (iii), (v), and (vi) (last sentence)).	43.15.
18.30–18 (paragraph (x))	43.15.
18.30–18 (paragraphs (xi), (a), and (b)).	43.11.
18.30–19(a)	Not a rule.
18.30–19(b) (less last 2 sentences).	43.15.
18.30–19(b) (last 2 sentences).	Trfd. to Part 91 [New].
18.30–19(c)	Trfd. to Part 91 [New].
18.30–19(d)	43.15.
18.30–19 (less (a)–(d))	43.11.
18.30–20	Obsolete.
18.30–21	Surplusage.

DISTRIBUTION TABLE—Continued

Former section	Revised section
18.30–22	Not a rule.
Appendix A	Not a rule.
Appendix B	Not a rule.
Appendix C	Not a rule.
Appendix D	Not a rule.

APPENDIX A—MAJOR ALTERATIONS, MAJOR REPAIRS, AND PREVENTIVE MAINTENANCE

(a) *Major alterations*—(1) *Airframe major alterations.* Alterations of the following parts and alterations of the following types, when not listed in the aircraft specifications issued by the FAA, are airframe major alterations:

(i) Wings.
(ii) Tail surfaces.
(iii) Fuselage.
(iv) Engine mounts.
(v) Control system.
(vi) Landing gear.
(vii) Hull or floats.
(viii) Elements of an airframe including spars, ribs, fittings, shock absorbers, bracing, cowlings, fairings, and balance weights.
(ix) Hydraulic and electrical actuating system of components.
(x) Rotor blades.
(xi) Changes to the empty weight or empty balance which result in an increase in the maximum certificated weight or center of gravity limits of the aircraft.
(xii) Changes to the basic design of the fuel, oil, cooling, heating, cabin pressurization, electrical, hydraulic, de-icing, or exhaust systems.
(xiii) Changes to the wing or to fixed or movable control surfaces which affect flutter and vibration characteristics.

(2) *Powerplant major alterations.* The following alterations of a powerplant when not listed in the engine specifications issued by the FAA, are powerplant major alterations.

(i) Conversion of an aircraft engine from one approved model to another, involving any changes in compression ratio, propeller reduction gear, impeller gear ratios or the substitution of major engine parts which requires extensive rework and testing of the engine.
(ii) Changes to the engine by replacing aircraft engine structural parts with parts not supplied by the original manufacturer or parts not specifically approved by the Administrator.
(iii) Installation of an accessory which is not approved for the engine.
(iv) Removal of accessories that are listed as required equipment on the aircraft or engine specification.
(v) Installation of structural parts other than the type of parts approved for the installation.
(vi) Conversions of any sort for the purpose of using fuel of a rating or grade other than that listed in the engine specifications.

(3) *Propeller major alterations.* The following alterations of a propeller when not authorized in the propeller specifications issued by the FAA are propeller major alterations:

(i) Changes in blade design.
(ii) Changes in hub design.
(iii) Changes in the governor or control design.
(iv) Installation of a propeller governor or feathering system.
(v) Installation of propeller de-icing system.
(vi) Installation of parts not approved for the propeller.

(4) *Appliance major alterations.* Alterations of the basic design not made in accordance with recommendations of the appliance manufacturer or in accordance with an FAA Airworthiness Directive are appliance major alterations. In addition, changes in the basic design of radio communication and navigation equipment approved under type certification or a Technical Standard Order that have an effect on frequency stability, noise level, sensitivity, selectivity, distortion, spurious radiation, AVC characteristics, or ability to meet environmental test conditions and other changes that have an effect on the performance of the equipment are also major alterations.

(b) *Major repairs*—(1) *Airframe major repairs.* Repairs to the following parts of an airframe and repairs of the following types, involving the strengthening, reinforcing, splicing, and manufacturing of primary structural members or their replacement, when replacement is by fabrication such as riveting or welding, are airframe major repairs.

(i) Box beams.
(ii) Monocoque or semimonocoque wings or control surfaces.
(iii) Wing stringers or chord members.
(iv) Spars.
(v) Spar flanges.
(vi) Members of truss-type beams.
(vii) Thin sheet webs of beams.
(viii) Keel and chine members of boat hulls or floats.
(ix) Corrugated sheet compression members which act as flange material of wings or tail surfaces.
(x) Wing main ribs and compression members.
(xi) Wing or tail surface brace struts.
(xii) Engine mounts.
(xiii) Fuselage longerons.
(xiv) Members of the side truss, horizontal truss, or bulkheads.
(xv) Main seat support braces and brackets.
(xvi) Landing gear brace struts.
(xvii) Axles.
(xviii) Wheels.
(xix) Skis, and ski pedestals.
(xx) Parts of the control system such as control columns, pedals, shafts, brackets, or horns.
(xxi) Repairs involving the substitution of material.
(xxii) The repair of damaged areas in metal or plywood stressed covering exceeding six inches in any direction.
(xxiii) The repair of portions of skin sheets by making additional seams.
(xxiv) The splicing of skin sheets.
(xxv) The repair of three or more adjacent wing or control surface ribs or the leading edge of wings and control surfaces, between such adjacent ribs.
(xxvi) Repair of fabric covering involving an area greater than that required to repair two adjacent ribs.
(xxvii) Replacement of fabric on fabric covered parts such as wings, fuselages, stabilizers, and control surfaces.
(xxviii) Repairing, including rebottoming, of removable or integral fuel tanks and oil tanks.

(2) *Powerplant major repairs.* Repairs of the following parts of an engine and repairs of the following types, are powerplant major repairs:

(i) Separation or disassembly of a crankcase or crankshaft of a reciprocating engine equipped with an integral supercharger.
(ii) Separation or disassembly of a crankcase or crankshaft of a reciprocating engine equipped with other than spur-type propeller reduction gearing.
(iii) Special repairs to structural engine parts by welding, plating, metalizing, or other methods.

(3) *Propeller major repairs.* Repairs of the following types to a propeller are propeller major repairs:

(i) Any repairs to, or straightening of steel blades.
(ii) Repairing or machining of steel hubs.
(iii) Shortening of blades.
(iv) Retipping of wood propellers.
(v) Replacement of outer laminations on fixed pitch wood propellers.
(vi) Repairing elongated bolt holes in the hub of fixed pitch wood propellers.
(vii) Inlay work on wood blades.
(viii) Repairs to composition blades.
(ix) Replacement of tip fabric.
(x) Replacement of plastic covering.
(xi) Repair of propeller governors.
(xii) Overhaul of controllable pitch propellers.
(xiii) Repairs to deep dents, cuts, scars, nicks, etc., and straightening of aluminum blades.
(xiv) The repair or replacement of internal elements of blades.

(4) *Appliance major repairs.* Repairs of the following types to appliances are appliance major repairs:

(i) Repairs to instruments.
(ii) Adjusting and calibrating VOR, ILS, and DME equipment.
(iii) Rewinding the field coil of an electrical accessory.
(iv) Complete disassembly of complex hydraulic power valves.
(v) Overhaul of pressure type carburetors, and pressure type fuel, oil, and hydraulic pumps.

(c) *Preventive maintenance.* Work of the following type is preventive maintenance:

(1) Removal, installation, and repair of landing gear tires.
(2) Replacing elastic shock absorber cords on landing gear.
(3) Servicing landing gear shock struts by adding oil, air, or both.
(4) Servicing landing gear wheel bearings, such as cleaning and greasing.
(5) Replacing defective safety wiring or cotter keys.
(6) Lubrication not requiring disassembly other than removal of nonstructural items such as cover plates, cowlings, and fairings.
(7) Making simple fabric patches not requiring rib stitching or the removal of structural parts or control surfaces.
(8) Replenishing hydraulic fluid in the hydraulic reservoir.
(9) Refinishing decorative coating of fuselage, wings, tail group surfaces (excluding balanced control surfaces), fairings, cowling, landing gear, cabin, or cockpit interior when removal or disassembly of any primary structure or operating system is not required.
(10) Applying preservative or protective material to components where no disassembly of any primary structure or operating system is involved and where such coating is not prohibited or is not contrary to good practices.
(11) Repairing upholstery and decorative furnishings of the cabin or cockpit interior when the repairing does not require disassembly of any primary structure or operating system or interfere with an operating system or affect primary structure of the aircraft.
(12) Making small simple repairs to fairings, nonstructural cover plates, cowlings, and small patches and reinforcements not changing the contour so as to interfere with proper air flow.
(13) Replacing side windows where that work does not interfere with the structure or any operating system such as controls, electrical equipment, etc.
(14) Replacing safety belts.
(15) Replacing seats or seat parts with replacement parts approved for the aircraft, not involving disassembly of any primary structure or operating system.
(16) Trouble shooting and repairing broken circuits in landing light wiring circuits.
(17) Replacing bulbs, reflectors, and lenses of position and landing lights.
(18) Replacing wheels and skis where no weight and balance computation is involved.
(19) Replacing any cowling not requiring removal of the propeller or disconnection of flight controls.
(20) Replacing or cleaning spark plugs and setting of spark plug gap clearance.
(21) Replacing any hose connection except hydraulic connections.
(22) Replacing prefabricated fuel lines.
(23) Cleaning fuel and oil strainers.
(24) Replacing batteries and checking fluid level and specific gravity.
(25) Removing and installing glider wings and tail surfaces that are specifically designed for quick removal and installation and when such removal and installation can be accomplished by the pilot.

APPENDIX B—RECORDING OF MAJOR REPAIRS AND MAJOR ALTERATIONS

(a) Except as provided in paragraph (b), each person performing a major repair or major alteration shall—

(1) Execute FAA Form 337 at least in duplicate;

(2) Give a signed copy of that form to the aircraft owner; and

(3) Forward a copy of that form to the local Flight Standards District Office within 48 hours after the aircraft, airframe, aircraft engine, propeller, or appliance is approved for return to service.

(b) For major repairs made in accordance with a manual or specification acceptable to the Administrator, a certificated repair station may, in place of the requirements of paragraph (a)—

(1) Use the customer's work order upon which the repair is recorded;

(2) Give the aircraft owner a signed copy of the work order and retain a duplicate copy for at least two years from the date of approval for return to service of the aircraft, airframe, aircraft engine, propeller, or appliance;

(3) Give the aircraft owner a maintenance release signed by an authorized representative of the repair station and incorporating the following information:

(i) Identity of the aircraft, airframe, aircraft engine, propeller, or appliance.
(ii) If an aircraft, the make, model, serial number, nationality and registration marks, and location of the repaired area.
(iii) If an airframe, aircraft engine, propeller, or appliance, give the manufacturer's name, name of the part, model, and serial numbers (if any); and

(4) Include the following or a similarly worded statement—

"The aircraft, airframe, aircraft engine, propeller, or appliance identified above was repaired and inspected in accordance with current Regulations of the Federal Aviation Agency and is approved for return to service.

Pertinent details of the repair are on file at this repair station under Order No. _____.
Date _____
Signed _____
(For signature of authorized representative)
_____ _____
(Repair station name) (Certificate No.)
_____"
(Address)

APPENDIX C—RECORDING OF PERIODIC AND PROGRESSIVE INSPECTIONS

(a) Each person performing a periodic or progressive inspection shall execute FAA Form 3350, Aircraft Use and Inspection Report.

(b) Each person performing a periodic inspection shall—

(1) Send the form to the local FAA District Office within 48 hours after the aircraft is approved for return to service; or

(2) If the aircraft is not approved for return to service, send the form and the list of discrepancies required by § 43.11(b) to the local FAA District Office, within 48 hours after completing the inspection.

(c) For progressive inspections, each person performing a progressive inspection shall—

(1) Send the form to the local FAA District Office within 48 hours after completing the first complete inspection of the aircraft (upon beginning a progressive inspection system) and thereafter once in January of each year; or

(2) If a progressive inspection system is discontinued for a particular aircraft, forward the form with the word "Discontinued" written in over the box preceding "progressive inspection", within 48 hours after the discontinuance.

APPENDIX D—SCOPE AND DETAIL OF ITEMS (AS APPLICABLE TO THE PARTICULAR AIRCRAFT) TO BE INCLUDED IN PERIODIC AND 100-HOUR INSPECTIONS

(a) Each person performing a periodic or 100-hour inspection shall, before that inspection, remove or open all necessary inspection plates, access doors, fairing, and cowling. He shall thoroughly clean the aircraft and aircraft engine.

(b) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the fuselage and hull group:

(1) Fabric and skin—for deterioration, distortion, other evidence of failure, and defective or insecure attachment of fittings.
(2) Systems and components—for improper installation, apparent defects, and unsatisfactory operation.
(3) Envelope, gas bags, ballast tanks, and related parts—for poor condition.

(c) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the cabin and cockpit group:

(1) Generally—for uncleanliness and loose equipment that might foul the controls.
(2) Seats and safety belts—for poor condition and apparent defects.
(3) Windows and windshields—for deterioration and breakage.
(4) Instruments—for poor condition, mounting, marking, and (where practicable) improper operation.
(5) Flight and engine controls—for improper installation and improper operation.
(6) Batteries—for improper installation and improper charge.
(7) All systems—for improper installation, poor general condition, apparent and obvious defects, and insecurity of attachment.

(d) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) components of the engine and nacelle group as follows:

(1) Engine section—for visual evidence of excessive oil, fuel, or hydraulic leaks, and sources of such leaks.
(2) Studs and nuts—for improper torquing and obvious defects.
(3) Internal engine—for cylinder compression and for metal particles or foreign matter on screens and sump drain plugs. If there is weak cylinder compression, for improper internal condition and improper internal tolerances.
(4) Engine mount—for cracks, looseness of mounting, and looseness of engine to mount.
(5) Flexible vibration dampeners—for poor condition and deterioration.
(6) Engine controls—for defects, improper travel, and improper safetying.
(7) Lines, hoses, and clamps—for leaks, improper condition and looseness.
(8) Exhaust stacks—for cracks, defects, and improper attachment.
(9) Accessories—for apparent defects in security of mounting.
(10) All systems—for improper installation, poor general condition, defects, and insecure attachment.
(11) Cowling—for cracks, and defects.

(e) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the landing gear group:

(1) All units—for poor condition and insecurity of attachment.
(2) Shock absorbing devices—for improper oleo fluid level.
(3) Linkages, trusses, and members—for undue or excessive wear fatigue, and distortion.
(4) Retracting and locking mechanism—for improper operation.
(5) Hydraulic lines—for leakage.
(6) Electrical system—for chafing and improper operation of switches.
(7) Wheels—for cracks, defects, and condition of bearings.
(8) Tires—for wear and cuts.
(9) Brakes—for improper adjustment.
(10) Floats and skis—for insecure attachment and obvious or apparent defects.

(f) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) all components of the wing and center section assembly for poor general condition, fabric or skin deterioration, distortion, evidence of failure, and insecurity of attachment.

(g) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) all components and systems that make up the complete empennage assembly for poor general condition, fabric or skin deterioration; distortion, evidence of failure, insecure attachment, improper component installation, and improper component operation.

(h) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the propeller group:

(1) Propeller assembly—for cracks, nicks, binds, and oil leakage.
(2) Bolts—for improper torquing and lack of safetying.
(3) Anti-icing devices—for improper operations and obvious defects.
(4) Control mechanisms—for improper operation, insecure mounting, and restricted travel.

(i) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the radio group:

(1) Radio and electronic equipment—for improper installation and insecure mounting.
(2) Wiring and conduits—for improper routing, insecure mounting, and obvious defects.
(3) Bonding and shielding—for improper installation and poor condition.
(4) Antenna including trailing antenna—for poor condition, insecure mounting, and improper operation.

(j) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) each installed miscellaneous item that is not otherwise covered by this listing for improper installation and improper operation.

Issued in Washington, D.C., on April 15, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-3994; Filed, Apr. 22, 1964; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-SO-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Restricted Areas and Alteration of Continental Control Area

The purpose of these amendments to §§ 71.151 and 73.29 of the Federal Aviation Regulations is to revoke the Panama City, Florida, Restricted Areas R-2912C and R-2913 and to delete these areas from the description of the continental control area.

The Department of the Air Force has advised the Federal Aviation Agency that R-2912C and R-2913 are no longer required. Accordingly, action is taken herein to revoke these areas and delete them from the description of the continental control area.

Since these amendments reduce a burden on the public, compliance with the notice, public procedure and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary and they may be made effective upon publication.

In consideration of the foregoing, the following actions are taken:

1. In § 73.29 (29 F.R. 1245), the Panama City, Florida, Restricted Areas R-2912C and R-2913 are revoked.

2. In § 71.151 (29 F.R. 1067), "R-2912C Panama City, Florida" and "R-2913 Panama City, Florida" are deleted.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1964.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 64-3985; Filed, Apr. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area

On January 30, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1586) stating that the Federal Aviation Agency proposed to alter the existing control zone and transition area at Farmington, N. Mex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the Farmington, N. Mex., control zone is amended to read:

Farmington, N. Mex.

Within a 5-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.); and within 2 miles each side of the Farmington VORTAC 268° radial, extending from the 5-mile radius zone to the VORTAC.

2. In § 71.181 (29 F.R. 1160) the Farmington, N. Mex., transition area is amended to read:

Farmington, N. Mex.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.), and that airspace within 8 miles each side of the Farmington VORTAC 094° radial, extending from the 11-mile radius area to 8 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles N and 8 miles S of the Farmington VORTAC 094° radial, extending from the 11-mile radius area to 13 miles E of the VORTAC, and that airspace within 5 miles each side of the Farmington VORTAC 257° radial, extending from the 11-mile radius area to 17 miles W of the VORTAC.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 15, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3986; Filed, Apr. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On January 29, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1479) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would revoke the segment of VOR Federal airway No. 435 from Attica, Ohio, to Carleton, Mich.

Interested persons have been afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, the following action is taken:

In § 71.123 (29 F.R. 1009) V-435 is amended to read:

V-435 From Rosewood, Ohio, to Attica, Ohio.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 15, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3987; Filed, Apr. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On January 29, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1480) stating that the Federal Aviation Agency was considering amendments to Part 71 [New] of the Federal Aviation Regulations which would extend VOR Federal airway No. 153 from Sound Intersection to Madison, Conn., and redesignate VOR Federal airway No. 863 from La Guardia, N.Y., to Boston, Mass.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments were favorable.

In consideration of the foregoing, the following actions are taken:

Section 71.123 (29 F.R. 1009) is amended as follows:

1. In V-153 "From INT of Hartford, Conn., 223° and La Guardia, N.Y., 059° radials via La Guardia;" is deleted and "From Madison, Conn., via La Guardia, N.Y.;" is substituted therefor.

2. V-863 is amended to read:

V-863 From La Guardia, N.Y., via Madison, Conn.; Norwich, Conn.; to Boston, Mass.

These amendments shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 15, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3988; Filed, Apr. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-105]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

On January 29, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1480) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate a new segment of VOR Federal airway No. 157 from La Guardia, N.Y., via the intersection of La Guardia 034° and Hartford, Conn., 246° radials to Hartford.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it has been determined that the segment of the proposed airway from the intersection of La Guardia 034° and Hartford 246° radials, to Hartford, which would be codesignated with VOR Federal airways Nos. 3 and 875 and a proposed realignment of VOR Federal airway No. 251, would increase chart clutter by displaying four airway numbers on a short airway segment. Since there is a requirement for only that segment of the proposed Victor 157 between La Guardia and the intersection of La Guardia 034° and Hartford 246° radials, action is taken herein to designate only this segment.

In consideration of the foregoing, the following action is taken:

Section 71.123 (29 F.R. 1009, 1561, 2934) is amended as follows:

In V-157 all after "to Kennedy." is deleted and "From La Guardia, N.Y., to the INT of La Guardia 034° and Hartford, Conn., 246° radials. The airspace within R-6612 is excluded." is substituted therefor.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 15, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3989; Filed, Apr. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On January 29, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1480) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would revoke the segment of VOR Federal airway No. 134 from Tuskegee, Ala., to Atlanta, Ga.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, the following action is taken:

Section 71.123 (29 F.R. 1009) V-134 is amended to read:

V-134 From Evergreen, Ala., via INT of Evergreen 075° and Tuskegee, Ala., 220° radials; to Tuskegee.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 15, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3990; Filed, Apr. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

On January 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 572) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would alter VOR Federal airway No. 114 north alternate from Alexandria, La., to New Orleans, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, the following action is taken:

Section 71.123 (29 F.R. 1009) is amended as follows:

In V-114 all after "to New Orleans, La.," is deleted and "including an N alternate from Alexandria to New Orleans via INT of Alexandria 109° and New Orleans 312° radials (11 miles wide from 45 nmi from Alexandria to 50 nmi from Alexandria, thence 12 miles wide to INT Alexandria 109° and New Orleans 312° radials, thence 15 miles wide to 65 nmi from New Orleans, thence decreasing in width in graduated steps of one mile for every 5 nmi to 45 nmi from New Orleans)," is substituted therefor.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 15, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3991; Filed, Apr. 22, 1964; 8:46 a.m.]

[Airspace Docket No. 63-CE-109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Transition Area; Alteration; Correction

On March 13, 1964, Federal Register Document 64-2432 was published in the FEDERAL REGISTER (29 F.R. 3356) and in part altered the Topeka, Kans., transition area. The actions in this document are to become effective April 30, 1964. In describing this transition area, reference was made to a line beginning at latitude 40°02'10" N., longitude 96°40'-28" W., as a portion of the boundary. These geographical coordinates should have been latitude 40°01'50" N., longitude 96°42'25" W. Action is taken herein to reflect the correct coordinates.

Since this change is minor in nature and will impose no undue burden on any person, notice and public procedure hereon are unnecessary and the effective date of the amendment as originally adopted may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document 64-2432 (29 F.R. 3356) is altered as follows:

In item 2.b., in the Topeka, Kans., transition area "latitude 40°02'10" N., longitude 96°40'28" W.," is deleted and "latitude 40°01'50" N., longitude 96°42'-25" W.," is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 15, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3992; Filed, Apr. 22, 1964; 8:46 a.m.]

[Airspace Docket No. 63-EA-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On January 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 575) stating that the Federal Aviation Agency proposed to designate a transition area at NAS Patuxent River, Md.

Interested persons have been afforded an opportunity to participate in the rule making through submission of comments. All comments were favorable.

The substance of the proposed amendment having been published, and for the reasons stated in the notice, the following action is taken:

Section 71.181 (29 F.R. 1160) is amended by adding the following:

NAS Patuxent River, Md.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the NAS Patuxent River VOR, excluding the portion NW of a line extending from latitude 38°15'00" N., longitude 76°39'20" W., to latitude 38°26'20" N., longitude 76°-14'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 37°55'30" N., longitude 76°46'00" W., to latitude 37°44'40" N., longitude 75°58'05" W., to latitude 38°15'20" N., longitude 75°40'05" W., to latitude 38°16'10" N., longitude 75°-42'20" W., to latitude 38°23'00" N., longitude 75°38'00" W., to latitude 38°57'00" N., longitude 75°53'00" W., to latitude 38°47'00" N., longitude 76°16'00" W., to latitude 38°-14'00" N., longitude 76°46'00" W., to latitude 38°14'00" N., longitude 77°04'00" W., to point of beginning. The portions within R-4002, R-4005, R-4006, R-4007, R-4008 and R-8609 are excluded.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 15, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3993; Filed, Apr. 22, 1964; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4066; Amdt. 369]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ancon Int	Gustavus LFR	Direct	2700	T–dn*	300–1	300–1	200–½
Pleasant Island FM	Gustavus LFR	Direct	2700	C–dn**	400–1	500–1	500–1½
				S–dn–10	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of NW crs, 286° Outbnd, 106° Inbnd, 2700′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1600′.ǂ
Crs and distance, facility to airport, 106°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing GST LFR, climb immediately to 4500′ on SE crs GST LFR within 30 miles.
Other change: Deletes Caution Note.
ǂDescent to 800′ authorized after passing LOM.
*Takeoff Runway 01, 700–2 day and night, right turn out.
**Maneuvering N through E of airport not authorized due to terrain rising to 3000′ 4.8 miles NE airport, terrain to 4000′ 6.1 miles NE approach crs, and 8.7 miles NW LFR. Mountainous terrain all quadrants. Shuttle descent below 3800′ not authorized.

City, Gustavus; State, Alaska; Airport Name, Gustavus; Elev., 36′; Fac. Class., SBRAZ; Ident., GST; Procedure No. 1, Amdt. 9; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 8; Dated, 18 May 63

PROCEDURE CANCELLED, EFFECTIVE 25 APR. 1964.

City, Scottsbluff; State, Nebr.; Airport Name, Scottsbluff Municipal; Elev., 3965′; Fac. Class., SBMRLZ; Ident., BJ; Procedure No. 1, Amdt. 11; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 10; Dated, 1 July 61

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BET BH	BEA RBn	Direct	1600	T–dn	300–1	300–1	200–½
BET VOR	BEA RBn	Direct	1600	C–dn	400–1	500–1	500–1½
				S–dn–19	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 004° Outbnd, 184° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, facility to airport, 184°—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing BEA RBn, turn left, climb to 1600′ on 004° bearing of BEA RBn within 15 miles.
CAUTION: Antennas 232′ 1.7 miles SW of airport.

City, Bethel; State, Alaska; Airport Name, Bethel Municipal; Elev., 135′; Fac. Class., HW; Ident., BEA; Procedure No. 1, Amdt. 4; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 3; Dated, 16 Nov. 63

PROCEDURE CANCELLED, EFFECTIVE 25 APR. 1964.

City, Bethel; State, Alaska; Airport Name, Bethel Municipal; Elev., 135′; Fac. Class., H; Ident., BT; Procedure No. 2, Amdt. Orig.; Eff. Date, 16 Nov. 63, or upon commissioning of BT RBn

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Park City FM	LOM	Direct	5300	T–dn*	300–1	300–1	200–½
BIL–VOR	LOM	Direct	5300	C–dn	**500–1	500–1	500–1½
BIL–RBn	LOM	Direct	5300	S–dn–9**	500–1	500–1	500–1
Musselshell Int	LOM	Direct	6000	A–dn	800–2	800–2	800–2
Ryegate Int	LOM	Direct	5300				
Rapelje DME Int#	LOM	Direct	5300				

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 5300′ within 10 miles.
Minimum altitude over facility on final approach crs, 4800′.
Crs and distance, facility to airport, 095°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LOM, climb to 5200′ on bearing 095° from BI LOM within 15 miles or, when directed by ATC, climb to 5300′ on R–095 BIL–VOR within 20 miles.
NOTE: Procedure not authorized when control tower not in operation.
Other change: Deletes Caution Note.
*Takeoff below 800–1 not authorized on Runways 4–22 and 16–34.
**400–1 authorized after passing R–095 BIL–VOR.
#Rapelje DME Int: Billings VOR R–284 and 26–mile DME fix.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., LOM; Ident., BI; Procedure No. 1, Amdt. 6; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 5; Dated, 9 Nov. 63

PROCEDURE CANCELLED, EFFECTIVE 25 APR. 1964, OR UPON DECOMMISSIONING OF FACILITY.

City, Fayetteville; State, Ark.; Airport Name, Drake Field; Elev., 1250′; Fac. Class., BMH; Ident., FYV; Procedure No. 1, Amdt. 1; Eff. Date, 25 Jan. 64; Sup. Amdt. No Orig.; Dated, 17 Jan. 59

OSH VOR	De Pere Int**	Direct	2500	T–dn	300–1	300–1	200–½
De Pere Int**	LOM (final)	Direct	2200	C–dn	400–1	500–1	500–1½
Wolf Int	LOM	Direct	2300	S–dn–6	400–1	400–1	400–1
Bear Creek Int	LOM	Direct	2300	A–dn	800–2	800–2	800–2
GRB VOR	LOM	Direct	2300				
Sherwood Int	LOM	Direct	2300				
Waffle Int	LOM	Direct	2300				
Nicollet Int	LOM	Direct	3000				
Stadium Int	LOM	Direct	2300				
Freedom Int*	LOM	Direct	2300				
Pine Grove Int	LOM	Direct	3000				

Procedure turn S side of crs, 239° Outbnd, 059° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 059°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing GR LOM, make left turn, climbing to 2300′ and return to LOM or, when directed by ATC, climb to 2300′ on 059° bearing from LOM within 20 miles.
NOTE: Due to 2049′ tower 7 miles SE of airport, aircraft departing on Runway 18 which are southeastbound, climb to 2500′ on runway heading before proceeding on crs. Aircraft departing Runway 12 which are southeastbound, turn left after takeoff, climb to above 2500′ on a 075° magnetic bearing from the GR LOM before proceeding on crs.
NOTE: Procedure not authorized when control tower not in operation.
Other change: Deletes Caution Note.
*Freedom Int: Int GRB VOR R–204 and 239° bearing from GR LOM.
**De Pere Int: Int OSH VOR R–012 and 239° bearing from GR LOM.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694′; Fac. Class., LOM; Ident., GR; Procedure No. 1, Amdt. 6; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 5 Dated, 8 Feb. 64

Mt. Healthy Int	HAL RBn	Direct	2600	T–dn	300–1	300–1	NA
Cedar Grove Int	HAL RBn	Direct	2600	C–dn	700–1	700–1	NA
New Baltimore Int	HAL RBn	Direct	2600	A–dn	NA	NA	NA
Mason Int	HAL RBn	Direct	2600				
Middletown RBn	HAL RBn	Direct	2600				
Millville Int	HAL RBn	Direct	2600				
Hamilton Int	HAL RBn	Direct	2600				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 279° Outbnd, 099° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 099°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing HAL RBn, make right climbing turn to 2600′, return to HAL RBn. Hold W, 1–minute right turns, 099° Inbnd.
NOTES: 1. Communications (UNICOM) 122.8 mc. 2. Facility owned and operated by city. 3. No weather service on field. 4. Contact Cincinnati approach control for clearance.
CAUTION: 1550′ tower 11 miles E of RBn. 988′ tower 1.7 miles N of airport.
Millville Int: Int CVG R–006 and 281° bearing from HAL RBn.

City, Hamilton; State, Ohio; Airport Name, Hamilton; Elev., 631′; Fac. Class., MH; Ident., HAL; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 Apr. 64

CMX VOR	CMX RBn	Direct	2900	T–dn	800–1	800–1	800–1
				C–dn	400–1	400–1	400–1½
				C–n	400–2	400–2	400–2
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 020° Outbnd, 200° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 200°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing CMX RBn, climb to 2900′ on 200° bearing from CMX RBn within 20 miles.
NOTE: Final approach from holding pattern at CMX RBn not authorized, procedure turn required.
CAUTION: 1384′ and 1520′ towers between 2.4 and 3.5 miles SW of airport.
MSA: 000°–090°—2600′; 090°–180°—3100′; 180°–270°—2800′; 270°–360°—2300′.

City, Houghton; State, Mich.; Airport Name, Houghton-County; Elev., 1091′; Fac. Class., SABH; Ident., CMX; Procedure No. 1, Amdt. 1; Eff. Date, 25 Apr. 64; Sup. Amdt. No. Orig.; Dated, 21 July 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HOU VOR	AAP MH	Direct	1800	T-dn	300-1	NA	NA
Fairbanks Int	AAP MH	Direct	1800	C-dn	600-1	NA	NA
Arcola Int	AAP MH	Direct	2500	A-dn	NA	NA	NA
Rosenberg Int	AAP MH	Direct	1500				
Cypress Int	AAP MH	Direct	1500				
HOU RBn	AAP MH	Direct	1800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 344° Outbnd, 164° Inbnd, 1500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 166°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile after passing AAP RBn, turn right, climb to 2000′ on crs of 270° from the AAP RBn within 10 miles.
NOTES: No weather service. Unicom 24 hours 122.8 and 122.1. Procedure not authorized for air carrier. Runways 50′ wide. Private facility approved for public use.
Other change: Deletes radar vectoring position transition.

City, Houston (formerly Alief); State, Tex.; Airport Name, Andrau Airpark; Elev., 80′; Fac. Class., MHW; Ident., AAP; Procedure No. 1, Amdt. 4; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 3; Dated, 7 July 62

LAN VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
St. Johns Int	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Eagle Int	LOM	Direct	2500	S-dn-27	400-1	400-1	400-1
Fowler Int	LOM	Direct	2900	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 093° Outbnd, 273° Inbnd, 2500′ within 10 miles.
Minimum altitude over LOM on final approach crs, 1900′.
Crs and distance, LOM to Runway 27, 273°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing LOM, climb to 2500′ on crs of 273° from LOM and proceed direct to LAN-VOR or, when directed by ATC, make right turn, climb to 2500′ and proceed to St. Johns Int via LAN-VOR R-031.
NOTES: 1. Final approach from holding pattern at LOM not authorized. Procedure turn required. 2. Tower operates part time. 3. Procedure authorized only when LAN tower is operating.
Other change: Deletes Caution Note regarding obstructions.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859′; Fac. Class., LOM; Ident., LA; Procedure No. 1, Amdt. 10; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 9; Dated, 21 Sept. 63

				T-d	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				S-d	NA	NA	NA
				A-d	NA	NA	NA

Procedure turn N side of crs, 010° Outbnd, 190° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 166°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile after passing MDO RBn, turn left and climb to 1500′ on 010° bearing from MDO RBn.
CAUTION: No control zone, weather available one hour prior notice (special observation) through Cordova radio. Local communications with Cordova radio. Night operations not authorized. Air carrier sliding scale not authorized. Altimeter setting not available.

City, Middleton Island; State, Alaska; Airport Name, Middleton Island; Elev., 87′; Fac. Class., SBHZ; Ident., MDO; Procedure No. 1, Amdt. 2; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 1; Dated, 7 Mar. 64

RID-VOR	RID RBn	Direct	2700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-6	400-1	400-1	400-1
				A-dn*	NA	NA	NA

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 054°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing RID RBn, turn right, climb to 2700′ on crs of 234° and return to RBn.
NOTES: Richmond "H" facility must be continuously monitored during approach. No voice on this facility. All aircraft except scheduled air carriers obtain altimeter setting from Dayton, Ohio, radio prior to IFR approach. Final approach from holding pattern not authorized, procedure turn required.
*AIR CARRIER NOTE: 800-2 authorized for those air carriers with weather reporting service.

City, Richmond; State, Ind.; Airport Name, Municipal; Elev., 1141′; Fac. Class., MHW; Ident., RID; Procedure No. 1, Amdt. 2; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 1; Dated, 29 Apr. 61

BFF VOR	BFF RBn	Direct	6200	T-dn	300-1	300-1	*200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 122° Outbnd, 302° Inbnd, 6200′ within 10 miles.
Minimum altitude over facility on final approach crs, 5100′.
Crs and distance, facility to airport, 302°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing BFF RBn, make right turn climbing to 6200′, return to BFF RBn.
NOTE: Final approach from holding pattern at BFF RBn not authorized. Procedure turn required.
CAUTION: 5144′ tower 7.6 miles NW of airport.
‡IFR flight planned to SW, WSW or NW. After takeoff, climb on heading 260° until 5000′ before departing on crs.
*AIR CARRIER NOTE: 300-1 required for Runway 28.

City, Scottsbluff; State, Nebr.; Airport Name, Municipal; Elev., 3965; Fac. Class., SBH; Ident., BFF; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 Apr. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CAP-VOR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Waverly Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Dawson Int	LOM	Direct	2600	S-dn-4	400-1	400-1	400-1
Tallula Int	LOM	Direct	2200	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 038°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, make left turn, climb to 2200′ and proceed to SP LOM.
Other change: Deletes transition from SI LFR.
MSA: 045°-135°—2600′; 135°-225°—2000′; 225°-315°—2000′; 315°-045°—2000′
Tallula Int: CAP VOR R-265 and 310° bearing from SPI LOM.
Dawson Int: Int CAP VOR R-101 and 055° bearing from SPI LOM.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593′; Fac. Class., LOM; Ident., SP; Procedure No. 1, Amdt. 8; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 7; Dated, 30 Mar. 63

Capital VOR	SPI RBn	Direct	2200	T-dn	300-1	300-1	200-½
Waverly Int	SPI RBn	Direct	2200	C-dn	400-1	500-1	500-1½
Tallula Int*	SPI RBn	Direct	2200	S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 056°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing SPI RBn, climb to 2200′ on 026° bearing from SPI RBn within 10 miles and return to RBn.
*Tallula Int: Int CAP VOR R-265 and 310° bearing from SPI LOM.
MSA: 045°-135°—2000′; 135°-225°—2000′; 225°-315°—2000′; 315°-045°—2000′.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593′; Fac. Class., SBH; Ident., SPI; Procedure No. 2, Amdt. Orig.; Eff. Date, 25 Apr. 64

				T-dn	2000-2	2000-2	2000-2
				C-dn	2000-2	2000-2	2000-2
				A-dn	2000-2	2000-2	2000-2

Procedure turn SW side of crs, 198° Outbnd, 018° Inbnd, 6100′ within 10 miles. Beyond 10 miles not authorized. Nonstandard.
Minimum altitude on final approach crs, 4400′. Descent to 4400′ immediately after completion of procedure turn.
Crs and distance, facility to airport, 034°—1.6 miles.
If visual contact not established upon descent to 4400′, turn left, climb to 10,000′ on 198° bearing within 15 miles. All turns SE of 198° bearing.
NOTE: Sliding scale not authorized.
CAUTION: Mountainous terrain all quadrants.

City, Summit; State, Alaska; Airport Name, Summit; Elev., 2409′; Fac. Class., SBRAZ; Ident., UMM; Procedure No. 1, Amdt. 1; Eff. Date, 25 Apr. 64; Sup. Amdt. No. Orig.; Dated, 14 Mar. 64

HUF RBn	LOM	Direct	2100	T-dn	300-1	300-1	200-½
HUF VOR	LOM	Direct	2100	C-dn	400-1	500-1	500-1½
LEU VOR	LOM	Direct	2200	S-dn-6	400-1	400-1	400-1
Fairbanks Int	LOM (final)	Direct	2000	A-dn	800-2	800-2	800-2
Sanford Int	LOM	Direct	2200				
Clinton Int	LOM	Direct	2200				
Spencer Int	LOM	Direct	2200				

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 045°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, proceed direct to HUF RBn, climbing to 2000′ or, when directed by ATC, make climbing right turn to 2200′ and proceed direct to LEU-VOR.
NOTES: 1. Tower operates part time. 2. Procedure authorized only when HUF tower in operation.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., LOM; Ident., HU; Procedure No. 2, Amdt. 2; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 1; Dated, 14 Sept. 63

ICT VOR	LOM	Direct	2700	T-dn	300-1	300-1	200-½
Conway Int	LOM	Direct	2900	C-dn	400-1	500-1	500-1½
Mayfield Int	Anson Int*	Direct	3000	S-dn-1	400-1	400-1	400-1
Anson Int*	LOM (final)	Direct	2600	A-dn	800-2	800-2	800-2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 190° Outbnd, 010° Inbnd, 2700′ within 10 miles. (Nonstandard to avoid McConnell AFB).
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 010°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing IC LOM, make left turn, climb to 3400′, proceeding Outbnd on R-216 ICT VOR within 20 miles or, when directed by ATC, climb to 3400′ on 010° bearing from IC LOM, intercept R-027 ICT VOR and proceed to White Water Int.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: Simultaneous approaches being conducted on McConnell AFB. 2444′ tower 8.4 miles NNW of airport.
Other change: Deletes transitions from Viola RBn and Oxford RBn.
*Anson Int: Int 190° bearing LOM and IAB VOR R-260. Radar identification of Anson Int authorized.

City, Wichita; State, Kans.; Airport Name, Municipal; Elev., 1332′; Fac. Class., LOM; Ident., IC; Procedure No. 1, Amdt. 6; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 5; Dated, 13 Apr. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
AEX VOR	ESF VOR	Direct	1700	T-dn	300-1	300-1	200-½
AEX RBn	ESF VOR	Direct	1700	C-dn	400-1	500-1	500-1½
Boyce Int	ESF VOR	Direct	1700	S-dn-14	400-1	400-1	400-1
Clew Int	ESF VOR	Direct	2000	A-dn	800-2	800-2	800-2
Larto Int	ESF VOR	Direct	2000				
Bunkie Int	Marks Int	Direct	1700				

Radar vector authorized in accordance with approved patterns.
Procedure turn E side of crs, 331° Outbnd, 151° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 151°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing ESF VOR, climb to 1700′ on ESF VOR R-151, turn left and return to ESF VOR.
Other change: Deletes transition from ESF RBn.

City, Alexandria; State, La.; Airport Name, Esler Field; Elev., 108′; Fac. Class., VOR; Ident., ESF; Procedure No. 1, Amdt. 1; Eff. Date, 25 Apr. 64; Sup. Amdt. No. Orig.; Dated, 31 Aug. 63

PROCEDURE CANCELLED, EFFECTIVE 30 APR. 1964, OR UPON DECOMMISSIONING OF FACILITY.

City, Defiance; State, Ohio; Airport Name, Bryan-Defiance Memorial; Elev., 707′; Fac. Class., BVOR; Ident., DFI; Procedure No. 1, Amdt. 2; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 1; Dated, 7 Oct. 61

				T-dn	300-1	NA	NA
				C-dn	500-1	NA	NA
				S-dn-33	500-1	NA	NA
				A-dn	NA	NA	NA

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 341°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 3.0 miles after passing JKS-VOR, make left climbing turn to 2000′ and return to JKS-VOR.
MSA: 000°-090°—2000′; 090°-180°—1700′; 180°-270°—1900′; 270°-360°—2100′.

City, Lexington; State, Tenn.; Airport Name, Franklin-Wilkins; Elev., 516′; Fac. Class., VOR; Ident., JKS; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 Apr. 64

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 036° Outbnd, 216° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 216°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 3.2 miles after passing CAP-VOR, make right turn, climb to 2100′ and proceed to CAP-VOR.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
Other change: Deletes transitions.
MSA: 060°-150°—2600′; 150°-240°—2000′; 240°-330°—2000′; 330°-060°—2000′.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593′; Fac. Class., BVOR; Ident., CAP; Procedure No. 1, Amdt. 9; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 8; Dated 30 Mar. 63

PROCEDURE CANCELLED, EFFECTIVE 25 APR. 1964.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27′; Fac. Class., BVORTAC; Ident., PIE; Procedure No. 1, Amdt. Orig.; Eff. Date, 17 Aug. 63

Cashmere VHF Int	EAT VOR	Direct	7300	T-dn	1000-1	1000-1	1000-1
Beehive Mt. VHF Int	EAT VOR	Direct	6000	C-dn*	1900-1	1900-1	1900-1½
				A-dn	2000-2	2000-2	2000-2
				If Malaga FM received the following minimums apply:			
				C-d*	1000-1	1000-1	1000-1½
				C-n*	1000-1½	1000-1½	1000-2

Procedure turn N side of crs, 102° Outbnd, 282° Inbnd, 4500′ within 10 miles.
Minimum altitude over Malaga FM on final approach crs, 3100′; over EAT VOR 2200′.
Crs and distance, Malaga FM to airport, 282°—3.5 miles, EAT VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of EAT VOR, make an immediate left climbing turn, climb to 4500′ on R-102 within 15 miles of EAT VOR.
CAUTION: High terrain in all quadrants.
*Terrain to 1800′ 1.7 miles NW through NE of airport. All circling and maneuvering S of Runway 11/29.
MSA: 315°-045° —7300′; 045°-135°—4500′; 135°-225°—8000′; 225°-315°—10,000′.

City, Wenatchee; State, Wash.: Airport Name, Pangborn Field; Elev., 1245′; Fac. Class., L-BVOR; Ident., EAT; Procedure No. 1, Amdt. 2; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 1; Dated, 20 Oct. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PBI-RBn	PBI-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 098°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing VOR, climb to 1500′ on PBI-VOR R-098 within 20 miles of VOR
NOTE: When authorized by ATC DME orbits may be used within 15 miles from R-181 clockwise through R-275 at 2000′ and from R-275 clockwise through R-358 at 1500′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA: 000°-090°—1700′; 090°-180°—1400′; 180°-270°—2100′; 270°-360°—1400′.

City, West Palm Beach; State, Fla.; Airport Name Palm Beach International; Elev., 19′; Fac. Class., BVORTAC; Ident., PBI; Procedure No. 1, Amdt. 2; Eff. Date, 25 Apr, 64; Sup. Amdt. No. 1; Dated, 20 Oct. 62

ICT VOR	Beech Int*	Via ICT VOR R-093.	2900	T-d	300-1	300-1	NA
				C-d	500-1½	500-1½	NA
				A-dn	NA	NA	NA

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 093° Outbnd, 273° Inbnd, 2900′ within 10 miles of Beech Int.*
Minimum altitude over Beech Int* on final approach crs, 2900′.
Crs and distance, Beech Int* to airport, 273°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon reaching the IAB VOR R-009 or within 3.5 miles after passing Beech Int,* make right climbing turn to 3100′, heading 000° to intercept ICT VOR R-051, proceed to DeGraff Int.
NOTES: (1) Airport attended Monday through Friday, daylight hours only. (2) No runway lights. (3) Aircraft executing missed approach may be radar controlled after being reidentified. (4) When radar not available dual operating VOR equipment required to execute this procedure.
Beech Int: Inf ICT-VOR R-093 and IAB-VOR R-020. Radar identification of Beech Int authorized.

City, Wichita; State, Kans.; Airport Name, Beech; Elev., 1387′; Fac. Class., BVOR; Ident., ICT; Procedure No. 1, Amdt. 1; Eff. Date, 30 Apr. 64; Sup. Amdt. No. Orig.; Dated, 9 Mar. 63

ICT VOR	IAB VOR	Direct	2900	T-d	300-1	300-1	NA
				C-d	500-1	500-1	NA
				S-d-35R	500-1	500-1	NA
				A-dn	NA	NA	NA

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2900′ within 10 miles of IAB-VOR.
Minimum altitude over VOR Inbnd, 2900′.
Minimum altitude over Cessna Int* on final approach crs, 2400′.
Crs and distance, facility to airport, 360°—9.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Cessna Int,* climb to 3100′ on IAB-VOR R-360 to ICT-VOR R-051, proceed to DeGraff Int.
NOTES: 1. No runway lights. 2. Aircraft executing missed approach may be radar controlled after being reidentified. 3. When radar not available operating dual VOR equipment is required to execute this procedure.
CAUTION: 1482′ water tower located 0.5 mile from approach end of Runway 35R.
Cessna Int: Int IAB-VOR R-360 and ICT-VOR R-127. Radar identification of Cessna Int authorized.

City, Wichita; State, Kans.; Airport Name, Cessna; Elev., 1384′; Fac. Class., VOR; Ident., IAB; Procedure No. 1, Amdt. 1; Eff. Date, 30 Apr. 64; Sup. Amdt. No. Orig.; Dated, 9 Mar. 63

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of N crs, 350 Outbnd, 170 Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 161°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing ICT VOR, turn right, climb to 3400′ on R-216 within 20 miles, or when directed by ATC, turn right, climb to 2000′ on R-184 and proceed to Mayfield Int.
CAUTION: 2444′ TV tower 8.4 miles NNW.
NOTES: Approach from holding pattern not authorized. Procedure turn required. Aircraft executing missed approach may be radar controlled after being reidentified.
Other change: Deletes transition from Viola RBn.

City, Wichita; State, Kans.; Airport Name, Municipal; Elev., 1332′; Fac. Class., BVOR; Ident., ICT; Procedure No. 1, Amdt. 3; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 2; Dated, 13 Apr. 63

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-13	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				If aircraft equipped with operating VOR and ADF and Boston Int* received, the following minimums apply:			
				C-d	400-1	500-1	500-1½
				C-n	400-2	500-2	500-2
				S-dn-13	400-1	400-1	400-1

Procedure turn N side of crs, 308° Outbnd, 128° Inbnd, 2600′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to Runway 13, 131°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of CMX VOR, climb to 2600′ on R-135 and return to VOR.
CAUTION: 1384′ and 1520′ towers between 2.4 and 3.5 miles SW of airport.
*Boston Int: Int R-308 CMX-VOR and 263° bearing from CMX RBn.

City, Houghton; State, Mich.; Airport Name, Houghton County Memorial; Elev., 1091′; Fac. Class., BVOR; Ident., CMX; Procedure No. TerVOR-13, Amdt. 3; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 2; Dated, 5 Jan. 63

				T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-31	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to airport, 311°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of CMX VOR, climb to 2600′ on R-308 and return to VOR.
CAUTION: 1384′ and 1520′ towers between 2.4 and 3.5 miles SW of airport.
MSA: 000°-090°—2600′; 090°-180°—3100′; 180°-270°—2800′; 270°-360°—2300′.

City, Houghton; State, Mich.; Airport Name, Houghton County Memorial; Elev., 1091′; Fac. Class., BVOR; Ident., CMX; Procedure No. TerVOR-31, Amdt. 2; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 1; Dated, 22 July 61

				T-d	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-2	500-1	500-1	500-1
				A-d	800-2	800-2	800-2

Procedure turn E side of crs, 202° Outbnd, 022° Inbnd, 9000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 7400′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LVS VOR, climb to 9000′ on R-022 within 15 miles. Return to LVS VOR and hold NE on R-022 (202° Inbnd), left turns.
NOTE: Not authorized for air carrier use.
Other change: Deletes transition from Las Vegas LFR.
MSA: 000°-090°—9500′; 090°-180°—9100′; 180°-270°—11,500′; 270°-360°—13,500′.

City, Las Vegas; State, N. Mex.; Airport Name, Las Vegas Municipal; Elev., 6866′; Fac. Class., BVORTAC; Ident., LVS; Procedure No. TerVOR-2, Amdt. 3; Eff. Date, 25 Apr. 64; Sup. Amdt. No. TerVOR R-022, 2; Dated, 3 Jan. 59

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-4	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 228° Outbnd, 048° Inbnd, 1600′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 500′. Maintain at least 1000′ until abeam Norfolk LOM.
Crs and distance, breakoff point to approach end of runway, 044°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ORF VOR, turn right and climb to 1600′ on R-228 ORF VOR. Hold SW, 1-minute right turns.
MSA: 000°-090°—1300′; 090°-180°—1200′; 180°-270°—2100′; 270°-360°—1500′.

City, Norfolk; State, Va.; Airport Name, Norfolk Municipal; Elev., 26′; Fac. Class., BVORTAC; Ident., ORF; Procedure No. TerVOR-4, Amdt. 5; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 4; Dated, 11 Aug. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Camden Int	RID-VOR	Direct	2700	T-dn	300-1	300-1	200-½
Arba VHF Int	RID-VOR	Direct	2700	C-dn	500-1	500-1	500-1½
				S-dn-6	500-1	500-1	500-1
				A-dn	NA	NA	NA
				If Int* received, landing minimums are:			
				C-dn	400-1	500-1	500-1½
				S-dn-6	400-1	400-1	400-1

Procedure turn S side of crs, 243° Outbnd, 063° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to approach end of runway, 054°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RID VOR, climb to 2700′ on R-063 and return to RID VOR.
NOTE: All aircraft except scheduled air carrier obtain altimeter setting from Dayton, Ohio, radio prior to IFR approach.
*Int RID-VOR R-243 and 330° bearing from RID "H" facility.
‡AIR CARRIER NOTE: 800-2 authorized for those air carriers with weather reporting service.

City, Richmond; State, Ind.; Airport Name, Municipal; Elev., 1141′; Fac. Class., BVOR; Ident., RID; Procedure No. TerVOR-6, Amdt. 2; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 1; Dated, 3 June 61

Camden Int	RID-VOR	Direct	2700	T-dn	300-1	300-1	200-½
Arba VHF Int	RID-VOR	Direct	2700	C-dn	500-1	500-1	500-1½
				S-dn-24	500-1	500-1	500-1
				A-dn*	NA	NA	NA

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to approach end of runway, 235°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RID VOR, climb to 2700′ on RID VOR R-245 and return to RID VOR.
NOTE: All aircraft except scheduled air carrier obtain altimeter setting from Dayton, Ohio, radio prior to IFR approach.
*AIR CARRIER NOTE: 800-2 authorized for those air carriers with weather reporting service.

City, Richmond; State, Ind.; Airport Name, Municipal; Elev., 1141′; Fac. Class., BVOR; Ident., RID; Procedure No. TerVOR-24, Amdt. 2; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 1; Dated, 29 Apr. 61

Forest Int*	Oxon Int**	Direct	1300	T-dn	300-1	300-1	200-½
Oxon Int**	Eagle Int‡ (final)	Direct	600	C-dn	700-1	700 1	700-1½
				S-dn-33	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Radar vectors to final approach crs authorized, approach radial DCA 160°.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance breakoff point to Runway 33, 330°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of DCA VOR, make climbing left turn to 2000′ altitude on 320° DCA VOR, proceed to Potomac Int, hold NW on DCA R-320, 140° Inbnd, 1-minute right turns.
NOTE: Functioning dual receivers required.
CAUTION: Terrain and buildings 240′ 1.3 miles SE of airport. Washington Monument 596′ 1.6 miles N of airport. 193′ stack 1.3 miles SW of airport.
*Forest Int: Int R-160 DCA VOR and R-278 OTT VOR.
**Oxon Int: Int R-160 DCA VOR and R-295 ADW VOR.
‡Eagle Int: Int R-160 DCA VOR and R-295 ADW VOR.
MSA: 000°-270°—1600′; 270°-360°—2000′.

City, Washington, D.C.; Airport Name, National; Elev., 15′; Fac. Class., BVOR; Ident., DCA; Procedure No. TerVOR-33, Amdt. Orig.; Eff. Date, 25 Apr. 64

Oakwood Int*	Groveton Int** (final)	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn	NA	NA	NA
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 202° Outbnd, 022° Inbnd, 1500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 700′. Maintain 1400′ altitude until passing Groveton Int.**
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of DCA VOR, make immediate left climbing turn to 2000′ on R-320 DCA VOR and proceed to Potomac Int, hold NW on DCA R-320, 140° Inbnd, 1-minute right turns.
CAUTION: 442′ temple 2.6 miles SW of airport. 596′ monument 1.6 miles N of airport.
*Oakwood Int: Int R-208 DCA VOR and R-278 OTT VOR.
**Groveton Int: Int R-203 DCA VOR and R-288 OTT VOR.

City, Washington, D.C.; Airport Name, National; Elev., 15′; Fac. Class., BVOR; Ident., DCA; Procedure No. TerVOR R-206, Amdt. Orig.; Eff. Date, 25 Apr. 64

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
North Plains Int/11-mile DME fix R-334	UBG VOR	Direct	3000	T–dn	500–1	500–1	500–1
Oswego Int/11-mile DME fix R-048	UBG VOR	Direct	3000	C–d	1000–1	1000–1	1000–1½
Aurora Int/10-mile DME fix R-111	UBG VOR	Direct	3000	C–n	1000–2	1000–2	1000–2
10-mile DME fix R-183	5-mile DME fix R-183	Direct	2700	A–dn*	NA	NA	NA
5-mile DME fix R-183	UBG VOR (final)	Direct	2400				
Gladstone Int/17-mile DME fix R-085	UBG VOR	Direct	3500				

Procedure turn W side of crs, 165° Outbnd, 345° Inbnd, 2700′ within 10 miles.
Final approach from holding pattern as UBG VOR not authorized, procedure turn required.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 345°—11.1 miles.
CAUTION: VOR reception not available over airport below 700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing UBG VOR, or at the 6.0-mile DME fix R-345, turn right to crs 110° to intercept UBG VOR R-014 thence direct to UBG VOR climbing to 2700′. Operations from 6.0 miles to airport must be conducted in accordance with visual flight rules.
*No public weather service. Air Carrier use not authorized.
MSA: 045°–135°—3500′; 135°–225°—2900′; 225°–315°—4600′; 315°–045°—3300′.

City, Hillsboro; State, Oreg.; Airport Name, Hillsboro Municipal; Elev., 204′; Fac. Class., M-BVORTAC; Ident., UBG; Procedure No. VOR/DME No. 1, Amdt. Orig; Eff. Date, 25 Apr. 64

TPA Rbn	PIE VOR	Direct	1600	T–dn	300–1	300–1	*200–½
Culpepper Int#/9-mile DME fix on R-274	PIE VOR (final)	Direct	1600	C–d	700–1	700–1	700–1½
				C–n	700–2	700–2	700–2
				S–d–9	700–1	700–1	700–1½
				S–n–9	700–2	700–2	700–2
				A–dn	800–2	800–2	800–2
				If 5-mile DME or radar fix on R–063 received, the following minimums are authorized:			
				C–dn	500–1	500–1	500–1½
				S–dn–9	500–1	500–1	500–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 243° Outbnd, 063° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′; at 5-mile DME or radar fix on R–063 700′.
Crs and distance, facility to airport, 063°—8.7 miles; 5-mile DME or radar fix on R–063 to airport, 063°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing 5-mile DME or radar fix or 8.7 miles after passing PIE VOR, turn left, climb to 1600′ and return direct to PIE VOR or when directed by ATC, turn left, climb to 1500′ and proceed direct to TP LOM.
NOTE: When authorized by ATC, DME orbits may be used from R–132 clockwise through R–334 within 15 miles at 1500′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
AIR CARRIER NOTES: 200–½ absolute minimum for takeoff Runway 27. Runway 14–32 closed to all air carrier operations.
CAUTION: 210′ radio tower 1 mile WSW of airport.
*1 mile visibility required all operations runway 14–32.
#Culpepper Int: Int PIE VOR R–274 and 344° bearing from Egmont RBn.
MSA: 000°–090°—1500′; 090°–180°—2100′; 180°–270°—1500′; 270°–360°—1300′.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27′; Fac. Class., BVORTAC; Ident., PIE; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 25 Apr. 64

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BIL VOR	LOM	Direct	5300	T–dn*	300–1	300–1	200–½
BIL RBn	LOM	Direct	5300	C–dn	400–1	500–1	500–1½
Park City FM	LOM	Direct	5300	S–dn–9#	200–½	200–½	200–½
Musselshell Int	LOM	Direct	6000	A–dn$	600–2	600–2	600–2
Rspelje DME Int**	LOM	Direct	5300				
Ryegate Int	LOM	Direct	5300				
12-mile DME fix R–284 BIL VOR	W crs ILS (final)	Via R–284 BIL–VOR.	5000				

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 5300′ within 10 miles.
Minimum altitude at glide slope intercepton Inbnd, 5000′.
Altitude of glide slope and distance to approach end of runway at OM 4894′—4.0 miles; at MM 3815′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 5200′ on SE crs of the ILS within 15 miles or, when directed by ATC, climb to 5300′ on R–055 BIL–VOR within 20 miles, or climb to 5300′ on R–114 BIL–VOR within 20 miles.
*Takeoff below 300–1 not authorized on Runways 4–22 and 16–34.
**Rapelje DME Int: Int BIL–VOR R–284 and 25-mile DME fix.
#400–1 required when glide slope not utilized.
¢300–¾ required when control tower not in operation.
$Alternate minimums not authorized when control tower not in operation.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., ILS; Ident., I–BIL; Procedure No. ILS–9, Amdt. 8; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 7; Dated, 4 Jan. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
De Pere Int*	LOM (final)	Direct	2200	T–dn	300–1	300–1	200–½
OSH VOR	De Pere Int*	Direct	2500	C–dn	400–1	500–1	500–1½
Pine Grove Int	LOM	Direct	3000	S–dn–24$	200–½	200–½	200–½
Wolf Int	LOM	Direct	2300	A–dn#	600–2	600–2	600–2
Bear Creek Int	LOM	Direct	2300				
GRB VOR	LOM	Direct	2300				
Sherwood Int	LOM	Direct	2300				
Stadium Int	LOM	Direct	2300				
Waffle Int	LOM	Direct	2300				
Nicollet Int	LOM	Direct	3000				
Freedom Int**	LOM	Direct	2300				

Procedure turn S side of crs, 239° Outbnd, 059° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2138′—5.0 miles; at MM, 882′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn to 2300′, proceed direct to LOM or, when directed by ATC, (1) make left climbing turn to 2300′, proceed direct to GRB–VOR or (2) climb to 2300′ on NE crs GRB ILS within 20 miles.
NOTE: Due to 2049′ tower 7 miles SE of airport, aircraft departing on Runway 18 which are SE bound climb to 2500′ on runway heading before proceeding on crs. Aircraft departing Runway 12 which are southeastbound, turn left after takeoff, climb to above 2500′ on a 075° magnetic bearing from the GR LOM before proceeding on crs.
Other change: Deletes Caution Note.
*DePere Int: Int OSH VOR R–012 and SW crs ILS.
**Freedom Int: Int GRB VOR R–204 and SW crs ILS.
¢400–¾ required when glide slope not utilized.
#Alternate minimums not authorized when control tower not in operation.
$300–¾ required when control tower not in operation.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694′; Fac. Class., ILS; Ident., I–GRB; Procedure No. ILS–6, Amdt. 5; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 4; Dated, 14 Mar. 64

GRB–VOR	Stadium Int	Direct	2300	T–dn	300–1	300–1	200–½
Little Rapids Int¢	Stadium Int	Direct	2300	C–dn	400–1	500–1	500–1½
Clare Int$	Stadium Int	Direct	2300	S–dn–24	400–1	400–1	400–1
Freedom Int*	Stadium Int	Direct	2300	A–dn***	800–2	800–2	800–2
Oneida Int**	Stadium Int	Direct	2300				
Green Bay LOM	Stadium Int	Direct	2300				

Procedure turn N side of crs, 059° Outbnd, 239° Inbnd, 2300′ within 10 miles of Stadium Int.
No glide slope.
Minimum altitude over Stadium Int on final approach crs, 2000′.
Crs and distance, Stadium Int to airport, 239°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Stadium Int, climb to 2300′ on SW crs GRB ILS, proceed to LOM or, when directed by ATC, make right climbing turn to 2300′, proceed direct to GRB–VOR.
NOTE: Due to 2049′ tower 7 miles SE of airport, aircraft departing on Runway 18 which are southeastbound, climb to 2500′ on runway heading before proceeding on crs. Aircraft departing Runway 12 which are southeastbound, turn left after takeoff, climb to above 2500′ on a 075° bearing from the GR LOM before proceeding on crs.
*Freedom Int: Int GRB VOR R–204 and SW crs ILS.
**Oneida Int: Int GRB VOR R–181 and SW crs ILS.
¢Little Rapids Int: Int GRB VOR R–164 and SW crs ILS.
$Clare Int: Int GRB VOR R–130 and NE crs ILS.
***Alternate minimums not authorized during hours control tower not in operation.
Stadium Int: Int R–099 GRB VOR and NE crs ILS.
MSA: 000°–360°—3000′.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694′; Fac. Class., ILS; Ident., I–GRB; Procedure No. ILS–24 (back course), Amdt. 3; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 2; Dated 11 Apr. 64

Bryceville Int	LOM	Direct	2000	T–dn	300–1	300–1	200–½
JAX RBn	LOM	Direct	2000	C–dn	400–1	500–1	500–1½
JAX VOR	LOM	Direct	2000	S–dn–5*	200–½	200–½	200–½
Blue Jacket Int	LOM	Direct	2000	A–dn	600–2	600–2	600–2
Sunbeam Int	LOM	Direct	2000				
Callahan Int	LOM	Direct	2000				
Shiloh Int	LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N** side of crs, 225° Outbnd, 045° Inbnd, 2000′ within 10 miles. Procedure turn not authorized unless approved by ATC.
Minimum altitude at glide slope interception Inbnd, 1200′.
Altitude of glide slope and distance to approach end of runway at OM 1170′—4.0 miles, at MM 220′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600′ on a crs from the LOM of 045° within 15 miles or, when directed by ATC, climb to 1600′ on R–089 JAX VOR within 20 miles.
CAUTION: Restricted area 2903A and 2903B located 14 miles SW of airport.
*400–¾ required when glide slope not utilized.
**Procedure turn N side due to traffic at Jacksonville NAS.
MSA: 000°–090°—1200′; 090°–180°—2100′; 180°–270°—1700′; 270°–360°—1400′.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 82′; Fac. Class., ILS; Ident., I–JAX; Procedure No. ILS–5, Amdt. 20; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 19; Dated, 28 Dec. 63

LAN VOR	Grand Ledge Int#	Direct	2500	T–dn	300–1	300–1	200–½
Int W crs LAN ILS and LAN R–297	Eagle Int	Direct	2500	C–dn	400–1	500–1	500–1½
LAN LOM	Grand Ledge Int#	Direct	2500	S–dn–9	400–1	400–1	400–1
St. Johns Int	Grand Ledge Int#	LAN R–031 and W crs ILS.	2500	A–dn*	800–2	800–2	800–2
Eagle Int	Grand Ledge Int# (final)	Direct	2200				

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 2500′ within 10 miles.
No glide slope. Altitude over Grand Ledge Int,# 2200′.
No outer marker or middle marker. Crs and distance to approach end of runway, 093°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing Grand Ledge Int,# climb to 2500′ on E crs ILS, proceed to LOM or, when directed by ATC, make left turn climbing to 2500′ and proceed to St Johns Int via LAN VOR R–031.
NOTES: 1. Procedure not authorized unless aircraft equipped to receive ILS and VOR simultaneously. 2. Tower operates part time.
*Alternate minimums authorized only when LAN tower is operational.
#Grand Ledge Int: Int W crs LAN ILS and R–360 LAN.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859′; Fac. Class., ILS; Ident., I–LAN; Procedure No. ILS–9 (back course), Amdt. 6; Eff. Date, 30 Apr. 64 Sup. Amdt. No. 5; Dated, 21 Sept. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lansing VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
St. Johns Int	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Fowler Int	LOM#	Direct	2900	S-dn-27S	200-½	200-½	200-½
Eagle Int*	LOM	Direct	2500	A-dn**	600-2	600-2	600-2

Procedure turn N side crs, 093° Outbnd, 273° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope int Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1924'—3.5 miles; at MM, 1062'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' of W crs ILS to Grand Ledge Int# or, when directed by ATO, make right turn, climb to 2500' and proceed to St. Johns Int via LAN VOR R-031.
NOTES: 1. Final approach from holding pattern at LOM not authorized, procedure turn required. 2. Tower operates part time.
Other change: Deletes Caution Note regarding obstructions.
*Eagle Int: Int R-321 LAN-VOR and W crs ILS or the 273° bearing from LOM.
#Authorized as final transition when interception of E crs ILS made via R-311 of SVM. Minimum altitude 2100' after interception of E crs ILS.
$400-1 required with glide slope inoperative. 200-½ required when tower not operating.
#Grand Ledge Int: Int W crs LAN ILS and LAN R-090.
**Alternate minimums authorized only when LAN tower is operating.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859'; Fac. Class., ILS; Ident., I-LAN; Procedure No. ILS-27, Amdt. 10; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 9; Dated, 22 June 63

Wheeling VOR	Hookstown Int	Direct	3000	T-dn	300-1	300-1	200-½
Hookstown Int#	LOM (final)	Direct	2700	C-dn	500-1	500-1	500-1½
				S-dn-10L*	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectoring required.
Minimum altitude at glide slope interception Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM 2665'—4.3 miles; at MM 1442'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on 102° crs to GP LOM, hold E, 1-minute right turns, 277° Inbnd.
*400-¾ required with glide slope inoperative.
#Hookstown Int: Int of HLG R-016 and LXB ILS W crs.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1203'; Fac. Class., ILS; Ident., I-LXB; Procedure No. ILS-10L, Amdt. 1; Eff. Date, 25 Apr. 64; Sup. Amdt. No. Orig.; Dated, 22 Feb. 64

Woodland FM	SVY RBn	Direct	3200	T-dn* **	300-1	300-1	200-½
Scappoose VHF Int	SVY RBn (final)	Direct	3000	C-dn*	700-1	700-1	700-1½
UBG VOR	SVY RBn	Direct	3200	S-dn-10 R# #*	300-¾	300-¾	300-¾
Willamette FM	SVY RBn	Direct	3200	A-dn	700-2	700-2	700-2
PDX VOR	SVY RBn	Direct	3200				
PO-LFR	SVY RBn	Direct	3200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3200' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope int Inbnd, 3000'.
Altitude of glide slope and distance to approach end of runway at SVY RBn, 3000'—9.4 miles; at OM, 1357'—4.0 miles; at MM, 280'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3700' direct to IA LOM, continue climb in a 1-minute left-turn holding pattern E of IA LOM or, when directed by ATC, proceed direct to PDX VOR, climbing to 4000'.
*200-½ authorized Runways 10R/L and 28R/L only. 700-2 required on Runways 2 and 20.
#500-¾ required when glide slope not utilized.
%CAUTION: 600' terrain 1.8 miles SE of airport.
**Runway visual range 2600', also authorized for takeoff on Runway 10R in lieu of 200-½ when 200-½ authorized; provided high-intensity runway lights are operational.
#Runway visual range 4000', also authorized for landing on Runway 10R provided all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 323' shall not be made unless visual contact with approach lights has been established or the aircraft is clear of the clouds.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23'; Fac. Class., ILS; Ident., I-PDX; Procedure No. ILS-10R, Amdt. 13; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 12; Dated, 24 Aug. 63

CAP-VOR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Waverly Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Dawson Int	LOM	Direct	2600	S-dn-4	200-½	200-½	200-½
Tallula Int	LOM	Direct	2200	A-dn	600-2	600-2	600-

Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM 2077'—5.1 miles, at MM 797'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2100' and proceed to CAP-VOR.
Other change: Deletes transition from SI LFR.
Tallula Int: Int CAP VOR R-265 and 310° bearing from SPI LOM.
Dawson Int: Int CAP VOR R-101 and 055° bearing from SPI LOM.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593'; Fac. Class., ILS; Ident., I-SPI; Procedure No. ILS-4, Amdt. 10; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 9; Dated, 30 Mar. 63

SP-LOM	Sherman Int*	Direct	2100	T-dn	300-1	300-1	200-½
CAP VOR	Sherman Int*	Direct	2100	C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 038° Outbnd, 218° Inbnd, 2100' within 10 miles of Sherman Int.*
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 218°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Sherman Int,* climb to 2200' and proceed to SP LOM.
NOTE: ILS procedure not authorized unless aircraft equipped to receive ILS/VOR simultaneously. Approach from VOR holding pattern not authorized. Procedure turn required.
Other change: Deletes transition from SPI LFR.
*Sherman Int: Int NE crs SPI ILS and R-128 CAP VOR.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593'; Fac. Class., ILS; Ident., I-SPI; Procedure No. ILS-22 (back course), Amdt. 2; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 1; Dated, 18 Aug. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HUF RBn	LOM	Direct	2100	T-dn	300-1	300-1	200-½
HUF VOR	LOM	Direct	2100	C-dn	400-1	500-1	500-1½
LEU VOR	LOM	Direct	2100	S-dn-5#	300-¾	300-¾	300-¾
Fairbanks Int	LOM	Direct	2100	A-dn*	600-2	600-2	600-2
Sanford Int	LOM	Direct	2200				
Int R-248 LEU-VOR and HUF ILS SW crs	Prairie Creek Int	Direct	2400				
Prairie Creek Int	LOM (final)	Direct	1900				
Spencer Int	LOM	Direct	2200				
Clinton Int	LOM	Direct	2200				

Procedure turn S side crs, 225° Outbnd, 045° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1900'.
Altitude of glide slope and distance to approach end of runway at LOM, 1848'—4.7 miles, at LMM 761'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2100' on NE crs HUF ILS and proceed direct to Carbon Int or, when directed by ATC, make climbing right turn to 2200' and proceed direct to LEU-VOR.
NOTES: 1. No approach lights. 2. Tower operates part time.
#400-1 required when glide slope not utilized.
*Alternate minimums authorized only when HUF tower is operational.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585'; Fac. Class., ILS; Ident., I-HUF; Procedure No. ILS-5, Amdt. 3; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 2; Dated, 21 Mar. 64

Int HUF R-009 and SCJ R-339	Carbon Int#	Via SCJ R-339	2000	T-dn	300-1	300-1	200-½
Carbon Int#	HUF RBn (final)	Direct	1500	C-dn	400-1	500-1	500-1½
Carbon Int#	HUF VOR (final)	Direct	1500	S-dn-23	400-1	400-1	400-1
Clinton Int	HUF VOR or HUF RBn	Direct	2200	A-dn*	800-2	800-2	800-2
Spencer Int	HUF VOR or HUF RBn	Direct	2200				
Sandford Int	HUF VOR or HUF RBn	Direct	2200				
Fairbanks Int	HUF VOR or HUF RBn	Direct	2200				
Manhattan Int	HUF VOR or HUF RBn	Direct	2200				
LEU VOR	HUF VOR or HUF RBn	Direct	2200				
HUF LOM	HUF VOR or HUF RBn	Direct	2000				

Procedure turn N side localizer crs, 045° Outbnd, 225° Inbnd, 2000' within 10 miles of HUF RBn* or HUF VOR.**
Minimum altitude over HUF RBn, 1500'; over HUF VOR, 1600'.
Crs and distance, HUF RBn to airport, 225°—4 miles, HUF VOR to airport, 229°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing HUF RBn or 3 miles after passing HUF VOR, climb to 2200' southwestbound on SW crs HUF ILS to Prairie Creek Int## or, when directed by ATC, make climbing left turn to 2200' and proceed direct to LEU VOR.
NOTES: 1. No glide slope. 2. No approach lights. 3. This procedure not authorized unless aircraft equipped to receive ILS and ADF or ILS and VOR simultaneously. 4. Tower operates part time.
Other change: Deletes transition from Bainbridge Int.
*Alternate minimums authorized only when HUF tower is operational.
#Carbon Int: Int NE crs HUF ILS and LEU R-013.
##Prairie Creek Int: Int HUF ILS SW crs and LEU R-280.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585'; Fac. Class., ILS; Ident., I-HUF; Procedure No. ILS-23 (back course), Amdt. 3; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 2; Dated, 14 Sept. 63

ICT VOR	LOM	Direct	2700	T-dn	300-1	300-1	200-½
Conway Int	LOM	Direct	2900	C-dn	400-1	500-1	500-1½
Mayfield Int	Anson Int*	Direct	3000	S-dn-1	200-½	200-½	200-½
Anson Int*	LOM (final)	Direct	2600	A-dn	600-2	600-2	600-2

Radar vectoring to final approach crs authorized in accordance with approved pattern.
Procedure turn W side of crs, 190° Outbnd, 010° Inbnd, 2700' within 10 miles. (Procedure turn nonstandard to avoid McConnell AFB.)
Minimum altitude at glide slope intercept Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 2528'—4.1 miles, at MM 1523'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left turn, climb to 3400' proceeding Outbnd on R-216 ICT-VOR within 20 miles or, when directed by ATC, climb to 3400' on N crs ICT ILS, intercept R-027 ICT-VOR, proceed to Whitewater Int.
CAUTION: Simultaneous approaches being conducted on McConnell AFB. 2444' tower 8.4 miles NNW of airport.
Other changes: Deletes transitions from Viola RBn and Oxford RBn.
*Anson Int: SW crs ICT ILS and IAB VOR R-260. Radar identification of Anson Int authorized.

City, Wichita; State, Kans.; Airport Name, Municipal; Elev., 1332'; Fac. Class., ILS; Ident., I-ICT; Procedure No. ILS-1, Amdt. 6; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 5; Dated, 13 Apr. 63

ICT-VOR	Kechi Int*	Direct	3000	T-dn	300-1	300-1	200-½
White Water Int	Kechi Int* (final)	Via R-027 ICT VOR (V-77) and N crs ICT ILS.	3000	C-dn	400-1	500-1	500-1½
				S-dn-19	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
DeGraff Int	Kechi Int* (final)	Via R-051 ICT VOR (V-12) and N crs ICT ILS.	3000				

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 010° Outbnd, 190° Inbnd, 3000' within 10 miles of Kechi Int.* Procedure turn nonstandard account of 2444' tower W.
Minimum altitude over Goddard Int** on final approach crs, 2200'; over Kechi Int,* 3000'.
Crs and distance, Goddard Int** to airport, 190°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing Kechi Int*, make right turn climbing to 3400' and proceed Outbnd on R-216 ICT-VOR within 20 miles of ICT-VOR or, when directed by ATC, to 3000' on S crs ICT ILS and proceed to Mayfield Int.
NOTES: 1. Aircraft executing missed approach may be radar vectored after being reidentified. 2. When radar not available procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously. 3. No glide slope.
CAUTION: 2444' tower 8.4 miles NW of airport.
*Kechi Int: Int of ICT VOR R-051 (V-12) and N crs ICT ILS—radar identification authorized.
**Goddard Int: Int of ICT VOR R-108 and N crs ILS—radar identification authorized.

City, Wichita; State, Kans.; Airport Name, Municipal; Elev., 1332'; Fac. Class., ILS; Ident., I-ICT; Procedure No. ILS-19 (back course), Amdt. 4; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 3; Dated, 13 Apr. 63

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 20 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums		
From—	To—	Distance	Altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
5				Precision approach/ASR approach			
				T-dn	800-1	800-1	800-1
				C-d	800-1½	800-1½	800-1½
				C-n	1000-2	1000-2	1000-2
				S-dn-6I	400-1	400-1	400-1
				A-dn	1000-2	1000-2	1000-2

This instrument approach to be conducted in accordance with U.S. Navy GCA standard instrument approach and applies to civil aircraft only.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runway 6I, climb on 062° to 2000' and contact GCA.
NOTES: 1. 3.15° glide slope. 2. Radar handoffs by Guam radar (FAA) authorized in accordance with approved patterns.

City, Agana, Guam, M.I.; Airport Name, NAS, Agana; Elev., 298'; Fac. Class., NAS Agana; Ident., GSA; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 Apr. 64

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
030	150	10	4000											Precision approach			
150	030	20	3000											T-dn	300-1	300-1	200-½
														C-d	1000-1	1000-1	1000-1½
														C-n	1000-2	1000-2	1000-2
														S-dn-17	300-½	200-½	300-½
														S-dn-35	300-¾	300-¾	300-¾
														A-dn	1000-2	1000-2	1000-2
														Surveillance approach			
														S-d-17	800-1	800-1	800-1
														S-n-17	800-2	800-2	800-2
														S-d-35	700-1	700-1	700-1
														S-n-35	700-2	700-2	700-2

Radar terminal transition altitudes: All bearings are from radar site within sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for Runway 17, climb to 2500', proceed direct to Whitesburg RBn and enter holding pattern or, when directed by ATC, turn right and climb to 2600' on R-349 of HUA VOR within 20 miles. Runway 35, climb to 2600' on R-349 of HUA VOR within 20 miles.
NOTES: Authorized for military use only, except by prior arrangement.
CAUTION: High terrain 1.7 miles E of airport with tower, elevation 1371'. Due to terrain and towers in maneuvering areas, radar guidance will not be discontinued until the aircraft has either landed or climbed to designated altitude and crs on missed approach.

City, Huntsville; State, Ala.; Airport Name, Redstone AAF; Elev., 682'; Fac. Class and Ident., Redstone Radar; Procedure No. 1, Amdt. 2; Eff. Date, 25 Apr. 64; Sup. Amdt. No. 1; Dated, 1 Feb. 64

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
000°	360°	0-25 miles*	3000	Surveillance approach			
				T-d#	300-1	300-1	NA
				C-d#	700-1	700-1	NA
				S-D-18#	700-1	700-1	NA
				A-d#	NA	NA	NA

All bearings and distances are from radar site.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climbing to 3100' on R-002 IAB VOR, intercept R-061 ICT VOR, proceed to DeGraff Intersection.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
Other changes: Deletes vector area 030° to 300°, 300° to 030°, 0 to 10 miles.
*3400' within 0-3 miles of 2444' tower located 15 miles WNW of Beech Airport.
#Airport attended Monday through Friday, daylight hours only. No runway lights.

City, Wichita; State, Kans.; Airport Name, Beech; Elev., 1387'; Fac. Class and Ident., Wichita Radar; Procedure No. 1, Amdt. 1; Eff. Date, 30 Apr. 64; Sup. Amdt. No. Orig; Dated, 2 Mar. 63

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
000°	360°	0-5 miles	2700	Surveillance approach			
000°	360°	5-25 miles#	3000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-1-19	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transition altitudes: All bearings and distances are from Wichita Municipal Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for Runway 01, climb to 3000' on heading 010°, intercept and proceed Outbnd on 010° bearing from IC LOM within 20 miles or, when directed by ATC, make left turn climbing to 3400', intercept ICT VOR R-216, proceed Outbnd on R-216 within 20 miles. Runway 19, make right turn climbing to 3400', intercept and proceed Outbnd on ICT VOR R-216 within 20 miles of VOR or, when directed by ATC, climb to 2700' and proceed directly to IC LOM.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
#3400' within 0-3 miles and 2900' within 3-5 miles of 2444' TV tower located 8.4 miles NNW of airport.

City, Wichita; State, Kans.; Airport Name, Municipal; Elev., 1332'; Fac. Class and Ident., Wichita Radar; Procedure No. 1, Amdt. 3; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 2; Dated, 2 Mar. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on March 19, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-2865; Filed, Apr. 22, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-734]

PART 13—PROHIBITED TRADE PRACTICES

Advanced Quilting and Batting Corp., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68)
[Cease and desist order, Advanced Quilting and Batting Corp., et al., Brooklyn, N.Y., Docket C-734, April 9, 1964]

In the Matter of Advanced Quilting and Batting Corp., a Corporation, and Rubin Partel, Mark Zelkowitz, and Joe Rosenthal, Individually and as Officers of Said Corporation

Consent order requiring Brooklyn, N.Y., manufacturers of wool products to cease violating the Wool Products Labeling Act by such practices as labeling and invoicing as "90% Reprocessed Wool, 10% Other Fibers" and "60% Reprocessed Wool, 40% Other Fibers", quilting materials which contained substantially different fibers and amounts than thus represented, and by failing to label certain of such materials with the wool and other fiber content and to comply with other labeling requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Advanced Quilting and Batting Corp., a corporation, and its officers, and Rubin Partel, Mark Zelkowitz, and Joe Rosenthal, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool interlining material or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

It is further ordered, That respondents Advanced Quilting and Batting Corp., a corporation, and its officers, and Rubin Partel, Mark Zelkowitz, and Joe Rosenthal, individually and as officers of said corporation, and respondents' representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of interlining material or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in quilted interlining material or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 9, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-3995; Filed, Apr. 22, 1964; 8:46 a.m.]

[Docket No. C-732]

PART 13—PROHIBITED TRADE PRACTICES

Feldman Wholesale Furs Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; § 13.1255 *Manufacture or preparation:* 13.1255-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure:

§ 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Feldman Wholesale Furs Inc., et al., Chicago, Ill., Docket C–732, April 2, 1962]

In the Matter of Feldman Wholesale Furs Inc., a Corporation, and Harry Witt, Individually and as an Officer of Said Corporation

Consent order requiring wholesale furriers in Chicago to cease violating the Fur Products Labeling Act by labeling artificially colored fur as natural, failing to comply with labeling requirements, substituting non-conforming labels for those originally attached to fur products, and failing to keep required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Feldman Wholesale Furs Inc., a corporation, and its officers and Harry Witt, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the Subsections of section 4(2) of the Fur Products Labeling Act.

2. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That Feldman Wholesale Furs Inc., a corporation and its officers, and Harry Witt, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from:

1. Misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

2. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder in substituting labels as permitted by section 3(e) of the said Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 2, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–3996; Filed, Apr. 22, 1964; 8:46 a.m.]

[Docket No. C–733]

PART 13—PROHIBITED TRADE PRACTICES

James Paris Furs, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* 13.1865–40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900–40 Fur Products Labeling Act: 13.1900–40 (b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, James Paris Furs, Inc., et al., New York, N.Y., Docket C–733, April 2, 1964]

In the Matter of James Paris Furs, Inc., a Corporation, and James Paris, Individually and as an Officer of Said Corporation

Consent order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by failing, on invoices, to show the true animal name of fur and the country of origin of imported furs, to disclose when fur was artificially colored, to use the terms "Persian Lamb" and "natural" where required, and to comply in other respects with invoicing requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, James Paris Furs, Inc., a corporation, and its officers, and James Paris, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution, in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 2, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–3997; Filed, Apr. 22, 1964; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56157]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Wools and Camel Hair

Wools and hair of the camel entered under bond for uses enumerated in item 306.00, Tariff Schedules of the United States—Customs Regulations, amended.

Form prescribed for reporting use or transfer for use in violation of bond relating to wools and hair of the camel entered under item 306.00, Tariff Schedules of the United States. Section 10.96, Customs Regulations, amended.

Section 10.96, Customs Regulations, requires that a report be filed with the collector of customs when bonded wool or hair is used or transferred for use otherwise than in the manufacture of the articles enumerated in item 306.00, Tariff Schedules of the United States, but no form is prescribed for this purpose. The number of instances in which a report is required is too small to warrant the publication and stocking of a salable customs form. However, in the interests of uniformity and to insure that all necessary information will be furnished, section 10.96 is amended to set forth the information to be supplied in the report.

Section 10.96 is amended by adding a paragraph (d) reading as follows:

§ 10.96 Reports of use or transfer for use in violation of bond.

* * * * *

(d) The report required by this section shall be in the following form and shall be filed in triplicate:

Date .....

REPORT OF WOOL OR HAIR TRANSFERRED OR USED OUT OF BOND UNDER SECTION 10.96, CUSTOMS REGULATION

Name of dealer or manufacturer .....

Date of transfer or use	If transferred, transferee and address	Quantity	Exact description under which wool or hair was transferred or used	If known, state specific use to which put

I, ..., of the firm of ....., do hereby state that wool or hair reported herein was transferred or used by me as indicated; that a representative sample (not less than one pound) of such wool or hair has been retained for our records; that such wool or hair (did / did not)* result in the usual course of manufacture of articles enumerated in item 306.00, TSUS, and it (could / could not)* have been used in the manufacture of such articles.

Term bond No. .....

Manufacturer or dealer .....
Per .....
Title .....

Transferred from ..... on ..... under [Consumption No. ..... / Warehouse No. ..... / Withdrawal No. .....]

For cashier's use only	Wool in its imported form sample submitted herewith	For collector's use only	For comptroller's use only	Remarks
	Net weight ..... lbs. Yield ..... % Clean yield ..... lbs. Item No. ..... Rate ..... Estimated duty			

* Cross out inapplicable words.

(Sec. 101, 76 Stat. 72; Sch. 3, pt. 1C, hdnote 6, Tariff Schedules of the United States)

[SEAL] PHILIP NICHOLS, JR., *Commissioner of Customs.*

Approved: April 15, 1964.

JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64–3970; Filed, Apr. 22, 1964; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 14]

APPRAISEMENT

Procedure Under Antidumping Act, 1921, As Amended

There was published in the FEDERAL REGISTER of December 24, 1963 (28 F.R. 14245), a notice that the Treasury Department was reviewing its regulations relating to procedures under the Antidumping Act, 1921 (19 CFR 14.6–14.13), and announcing that all interested parties would be afforded an opportunity to file written statements and be heard on January 23, 1964, with regard to these regulations.

After consideration of all the written submissions and oral statements it has been concluded that certain amendments of the regulations should be proposed. Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that it is proposed to amend certain sections of Part 14 of the Customs Regulations (19 CFR Part 14) as indicated in tentative form below:

1. Section 14.6 presently provides that any person outside the Customs Service who has reason to believe or suspect that merchandise is being, or is likely to be, imported under circumstances which bring it within the purview of the Antidumping Act may communicate such beliefs or suspicions to an appraiser of merchandise. It is proposed to amend this section to provide that (1) information furnished pursuant to this section should be based on belief and not merely grounded on suspicion, (2) communications setting forth such information should be addressed to the Commissioner of Customs, (3) certain additional information will be requested, (4) notice of the receipt of information pursuant to this section and other data relating thereto will be published in the FEDERAL REGISTER, and (5) the Commissioner's notice that there are reasonable grounds to believe or suspect sales at less than foreign market value (or constructed value) will specify whether the proper basis of comparison for fair value purposes is purchase price or exporter's sales price.

Accordingly, it is proposed to amend § 14.6 as follows:

Amend the first sentence of paragraph (b), (b) (1) and (2), add (4) and amend (c), (d) (1) and (e) to read as follows:

(b) Any person outside the Customs Service who has information that merchandise is being, or is likely to be, imported into the United States under such circumstances as to bring it within the purview of the Antidumping Act, 1921, as amended," may communicate such information in writing to the Commissioner of Customs. • • •

(1) A detailed description or sample of the merchandise; the name of the country from which it is being, or is likely to be, imported; the name of the exporter or exporters if known; and the ports or probable ports of importation into the United States. If no sample is furnished, the Bureau of Customs may call upon the person who furnished the information to furnish samples of the imported and competitive domestic articles, or either.

(2) Such detailed data as are available with respect to values and prices indicating that such merchandise is being or is likely to be, sold in the United States at less than its fair value, within the meaning of the Antidumping Act, 1921, as amended, including information as to any differences between the foreign market value or constructed value and the purchase price or exporter's sales price which may be accounted for by any difference in taxes, discounts, incidental costs such as those for packing or freight, or other items.

• • • • •

(4) Such suggestions as the person furnishing the information may have as to specific avenues of investigation to be pursued or questions to be asked in seeking pertinent information.

• • • • •

(c) If any information filed pursuant to paragraph (b) of this section, does not conform with the requirements of that paragraph, the Commissioner shall return the communication to the person who submitted it with detailed written advice as to the respects in which it does not conform.

(d) (1) Upon receipt pursuant to paragraph (a), (b), or (c) of this section of information in proper form:

(i) the Commissioner shall publish notice of that fact in the FEDERAL REGISTER, which notice may be referred to as the "Antidumping Proceeding Notice." The date of such receipt shall be the date on which the question of dumping was raised or presented for purposes of sections 201(b) and 202(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b) and 161(a)) and that date shall be included in the notice. The notice shall also contain a summary of the information received. If a person outside the Customs Service raised or presented the question of dumping, his name shall be included in the notice unless a determination under section 14.6a of these regulations requires that his name not be disclosed.

(ii) the Commissioner shall thereupon proceed promptly to decide whether or not reasonable grounds exist to believe or suspect that the merchandise is being, or is likely to be, sold at less than its foreign market value (or, in the absence of such value, than its constructed value). To assist him in making such decision the Commissioner, in his discretion, may conduct a brief preliminary investigation into such matters, in addition to the invoice or other papers or information presented to him, as he may deem necessary.

• • • • •

(e) If the Commissioner determines pursuant to paragraph (d) (1) (ii) of this section, or in the course of an investigation under paragraph (d) (3) (i) of this section, that there are reasonable grounds to believe or suspect that any merchandise is being, or is likely to be, sold at less than its foreign market value (or, in the absence of such value, than its constructed value) under the Antidumping Act, he shall publish notice of that fact in the FEDERAL REGISTER, furnishing an adequate description of the merchandise, the name of each country of exportation, and the date of the receipt of the information in proper form, and shall advise all appraisers of his action. This notice may be referred to as the "Withholding of Appraisement Notice." If the belief or suspicion relates only to certain shippers, the notice shall also include the names of such shippers. The notice shall also specify whether the appropriate basis of comparison for fair value purposes is purchase price or exporter's sales price if sufficient information is available to so state; otherwise a supplementary notice will be published in the FEDERAL REGISTER as soon as possible which will specify which of such prices is the appropriate basis of comparison for fair value purposes. Upon receipt of such advice, the appraisers shall proceed to withhold appraisement in accordance with the pertinent provisions of section 14.9.

It is proposed to amend Part 14 to change the designation of footnote "14a" to footnote "14."

2. To make available to the fullest extent possible all information received in connection with antidumping proceedings it is proposed to add a new § 14.6a reading as follows:

§ 14.6a Disclosure of information in antidumping proceedings.

(a) *Information generally available.* In general, all information, but not necessarily all documents, obtained by the Treasury Department, including the Bureau of Customs, in connection with any antidumping proceeding will be available for inspection or copying by any interested person, including any importer, exporter or domestic producer of merchandise similar to that which is the subject of the proceeding. With respect to documents prepared by an officer or employee of the United States factual material, as distinguished from recommendations and evaluations, contained in any such document will be made available by summary or otherwise on the same basis as information contained in other documents. Attention is directed to § 24.12 of this chapter relating to fees charged for providing copies of documents.

(b) *Requests for confidential treatment of information.* Any person who submits information in connection with an antidumping proceeding may request that such information, or any specified part thereof, be held confidential. Information covered by such a request shall be set forth on separate pages from other information; and all such pages shall be clearly marked "Confidential Treatment Requested." The Commissioner of Customs or the Secretary of the Treasury or the delegate of either will determine, pursuant to paragraph (c) of this section, whether such information, or any part thereof, shall be treated as confidential. If it is so determined, the information covered by the determination will not be made available for inspection or copying by any person not an officer or employee of the United States Government other than a person who has been specifically authorized to receive it by the person requesting confidential treatment. If it is determined that information submitted with such a request, or any part thereof, should not be treated as confidential, or that summarized or approximated presentations thereof should be made available for disclosure, the person who has requested confidential treatment thereof shall be promptly so advised and, unless he thereafter agrees that the information, or any specified part or summary or approximated presentations thereof, may be disclosed to all interested parties, the information will be disregarded for the purpose of the antidumping proceeding, and no reliance shall be placed thereon in connection with the proceeding.

(c) *Standards for determining whether information will be regarded as confidential.* (1) Information will ordinarily be considered to be confidential only if its disclosure would have a significantly adverse effect upon a person supplying the information or upon a person from whom he acquired the information. Further, if disclosure of information in specific terms or with identifying details would have a significantly adverse effect upon the person supplying the information or upon any person from whom he acquired the information, the information will ordinarily be considered appropriate for disclosure in generalized, summary or approximated form, without identifying details, if it is determined that this course can be followed without its having the significantly adverse effect which direct disclosure of the information would entail.

(2) Information will ordinarily be regarded as appropriate for disclosure if it:

(i) Relates to price information;

(ii) Relates to claimed freely available price allowances for quantity purchases; or

(iii) Relates to claimed differences in circumstances of sale.

(3) Information will ordinarily be regarded as confidential if its disclosure would:

(i) Disclose business or trade secrets;

(ii) Disclose production costs;

(iii) Disclose distribution costs, except to the extent that such costs are relied on to justify allowances for quantity or differences of circumstances of sale;

(iv) Disclose the names of particular customers or the price or prices at which particular sales were made;

(v) Disclose information which would be of significant competitive advantage to a competitor; or

(vi) Affect in a significantly adverse way any person who supplied information, including any informer, or any person from whom the supplier of the information acquired it.

3. To provide more definitive standards for determining when and in what manner it is appropriate to make allowances for price differences based on differences in quantities of merchandise sold it is proposed to amend § 14.7(b) (1) to read as follows:

(1) *Quantities.* In comparing the purchase price or exporter's sales price, as the case may be, with such applicable criteria as sales or offers, on which a determination of fair value is to be based, reasonable allowances will be made for differences in quantities if it is established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences. In determining the question of allowances for differences in quantity, consideration will be given, among other things, to the practice of the industry in the country of exportation with respect to affording in the home market (or third country markets, where sales to third countries are the basis for comparison) discounts for quantity sales which are freely available to those who purchase in the ordinary course of trade. Allowances for price discounts based on sales in large quantities ordinarily will not be made unless (i) the exporter during the year prior to the date when the question of dumping was raised or presented had been granting quantity discounts of at least the same magnitude with respect to 20 percent or more of such or similar merchandise which he sold in the home market (or in third country markets when sales to third countries are the basis for comparison) and that such discounts had been freely available to all purchasers, or (ii) the exporter can demonstrate that the discounts are warranted on the basis of savings specifically attributable to the quantities involved.

4. It is proposed to amend § 14.7(b) (3) to provide that in making fair value comparisons between merchandise sold in the United States and similar merchandise sold in either the home market or third country markets differences in the merchandise will ordinarily be considered only to the extent that such differences affect market value. This will make § 14.7(b) (3) more closely parallel to § 14.7(b) (2). As amended, § 14.7(b) (3) would read as follows:

(3) *Similar merchandise.* In comparing the purchase price or exporter's sales price, as the case may be, with the selling price in the home market, or for exportation to countries other than the United States, in the case of similar merchandise described in subdivisions (C), (D), (E), or (F) of section 212(3), Antidumping Act, 1921, as amended (19 U.S.C. 170a(3)), due allowance shall be made for differences in the merchandise. In this regard the Secretary will be guided primarily by the effect of such differences upon the market value of the merchandise but, when appropriate, he may also consider differences in cost of manufacture if it is established to his satisfaction that the amount of any price differential is wholly or partly due to such differences.

5. To define offering price to exclude non bona fide offers, it is proposed to amend § 14.7(b) (4) to read as follows:

(4) *Offering price.* In the determination of fair value, offers will be considered in the absence of sales but an offer made in circumstances in which acceptance is not reasonably to be expected will not be deemed to be an offer.

6. To provide a simple procedure for terminating antidumping procedures when changed circumstances indicate that there is no likelihood of sales below fair value it is proposed to amend § 14.7(b) by adding a new subparagraph (9) to read as follows:

(9) *Likelihood of sales at less than fair value*—(i) *Revision of prices.* Whenever the Secretary of the Treasury is satisfied that an exporter, promptly after learning of an antidumping investigation with respect to his shipments, has revised his prices so as to eliminate the likelihood of his sales in the United States being at prices below his comparable sales in the home market (or in third country markets, when sales to third countries are the basis for comparison) or has, without intention to resume them, terminated his sales to the United States, the Secretary shall publish a notice to this effect in the FEDERAL REGISTER. The notice shall also state that the exporter's action is considered to be evidence that he is not selling and is not likely to sell below fair value and that the Secretary will so determine unless evidence or argument to the contrary is presented within thirty days.

(ii) *Other changed circumstances.* Whenever a person who has filed information pursuant to § 14.6(b), prior to the determination referred to in § 14.8(a), advises the Secretary of the Treasury that he no longer believes it is appropriate to determine that there are, or that there are likely to be, sales below fair value with respect to the merchandise to which his information related, the Secretary may publish a notice of this fact in the FEDERAL REGISTER, together with an invitation to all interested parties to express their views thereon. If, within thirty days after the publication of such notice, comment shall be received indicating that any segment of an industry interested in the antidumping proceeding believes that it is desirable that the determination provided for in § 14.8(a) be made, the Commissioner of Customs and the Secretary of the Treasury shall proceed in accordance with the provisions of that section. Otherwise, the antidumping proceeding may be closed with a determination that this

action has been taken pursuant to the procedures herein described.

7. To provide for publication of notice of a tentative determination of whether merchandise is being or is likely to be sold at less than its fair value, and to provide for the receipt of oral views and argument thereon, it is proposed to amend § 14.8(a) to read as follows:

(a) Upon receipt from the Commissioner of Customs of the information referred to in § 14.6(d), the Secretary of the Treasury will proceed as promptly as possible to determine tentatively whether the merchandise in question is in fact being, or is likely to be, sold in the United States or elsewhere at less than its fair value. Notice of the tentative determination, which may be referred to as "Notice of Tentative Determination," will be published in the FEDERAL REGISTER. Interested persons will be given an opportunity to make such written submissions as they desire, within a period which will be specified in the notice, with respect to the contemplated action. Appropriate consideration will be given to any such new or additional information submitted. If any person believes that any information obtained by the Bureau of Customs in the course of an antidumping proceeding is inaccurate he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard. Upon receipt of such a request the Secretary will notify the person who supplied the information, the accuracy of which is questioned. If the Secretary is satisfied that the circumstances so warrant an opportunity will be afforded by the Secretary or his delegate for both persons to appear, through their counsel or in person, accompanied by counsel if they so desire, to make known their respective points of view and to supply such further information as may be of assistance in leading to a conclusion as to the accuracy of the information in question. The Secretary or his delegate may at any time, upon appropriate notice, request that information or argument be supplied orally to him by any such person or persons as he in his discretion may deem to be appropriate. As soon as possible thereafter, the Secretary will make a final determination. If the determination is affirmative, the Secretary will advise the United States Tariff Commission accordingly.

8. To avoid the retroactive application of dumping duties to merchandise imported by persons whose relationship to the exporter is not such as to justify the use of exporter's sales price as the basis for making the fair value comparison, it is proposed to amend § 14.9(a) to read as follows:

§ 14.9 Action by the appraiser.

(a) Upon receipt of advice from the Commissioner of Customs pursuant to § 14.6(e), if the Commissioner's "Withholding of Appraisement Notice" shall specify that the proper basis of comparison for fair value purposes is exporter's sales price or if that notice does not specify the appropriate basis of comparison for fair value purposes, each appraiser shall withhold appraisement as to such merchandise entered, or withdrawn from warehouse, for consumption, on any date after the 120th day before the question of dumping was raised by or presented to the Secretary of the Treasury or his delegate. If the Commissioner's "Withholding of Appraisement Notice," including any supplementary notice, shall specify that the proper basis of comparison for fair value purposes is purchase price, the appraiser shall withhold appraisement as to such merchandise entered or withdrawn from warehouse for consumption after the date of publication of the "Withholding of Appraisement Notice." Each appraiser shall notify the collector and importer immediately of each lot of merchandise with respect to which appraisement is so withheld. Upon advice of a finding made in accordance with section 14.8(b), the appraiser shall give immediate notice thereof to the collector and the importer when any shipment subject thereto is imported after the date of the finding and information is not on hand for completion of appraisement of such shipment. Customs Form 6459 shall be used to notify the collector and importer whenever appraisement is withheld under this paragraph.

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9. To provide that certain warranties will not be regarded as affecting purchase price, it is proposed to amend § 14.9(f) to read as follows:

(f) In calculating purchase price or exporter's sales price, as the case may be, there shall be deducted the amount of any special dumping duties which are, or will be, paid by the manufacturer, producer, seller; or exporter, or which are, or will be, refunded to the importer by the manufacturer, producer, seller, or exporter, either directly or indirectly, but a warranty of nonapplicability of dumping duties granted to an importer with respect to merchandise which is purchased, or agreed to be purchased, before publication of a "Withholding of Appraisement Notice" with respect to such merchandise will not be regarded as affecting purchase price or exporter's sales price.

It is contemplated that if the proposed amendments are adopted they will become effective, but not retroactively, on the date of their adoption. Section 14.6a and the amendments of §§ 14.7(b)(1), (3), and 14.9(a) will not be effective with respect to antidumping proceedings in connection with which the question of dumping was raised or presented for the purposes of section 201(b) and 202(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b) and 161(a)) before the date of the adoption of the amendments.

Prior to the final adoption of any amendments based on the foregoing, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Customs, Washington, D.C., 20226, within sixty days from the date of the publication of this notice in the FEDERAL REGISTER. The proposed amendments are to be issued under the authority of R.S. 161, as amended, 251, sec. 407, 42 Stat. 18; 5 U.S.C. 22, 19 U.S.C. 66, 173.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: April 15, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3971; Filed, Apr. 22, 1964; 8:45 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Parts 113, 114]

INTERNATIONAL MAIL

Forwarding Postal Union Mail; Notice of Proposed Rule Making

The Department proposes to amend the procedures for forwarding and disposing of incoming and outgoing postal union mail in § 113.4(b) and § 114.3 (a) and (b) of Title 39, Code of Federal Regulations.

The proposed amendment of § 113.4(b) provides regulations to be followed for forwarding domestic mail when the addressee has moved to another country and for handling mail bearing a foreign return address.

The proposed amendments of § 114.3 (a) and (b) limit the redirection and forwarding of periodical publications which cannot be delivered because the addressee has moved to another address to a period of three months after the change of address occurs.

Although the proposed changes relate to the proprietary functions of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that the patrons of the Postal Service may have an opportunity to present written views concerning the proposed changes. Accordingly, such written views may be submitted to the Director, International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, at any time prior to the expiration of thirty days from the date of publication of this document.

The proposed amendments are as follows:

In part 113—Treatment of Outgoing Postal Union Mail:

In § 113.4, amend paragraph (b) to read as follows:

§ 113.4 Forwarding.

• • • • •

(b) *Domestic*—(1) *Addressee moved to another country.* Domestic post or postal cards and ordinary letters (except those that appear to contain merchandise) addressed to persons who have filed a change of address to another country are redirected and forwarded to the foreign address unless they bear a notice forbidding forwarding. They are forwarded by surface if surface mail is involved, without prepayment of additional postage. Credit is allowed for the postage already on the articles, and only the deficiency will be collected on delivery. Domestic mail, other than post or postal cards and ordinary letters which appear to contain no merchandise, shall be treated as undeliverable. (See Part 48 of this chapter.)

(2) *Bearing foreign return address.* Any domestic letters (except those that appear to contain merchandise) or domestic post or postal cards bearing the sender's request for return are returned to the foreign return address. Return is by surface mail only, and without prepayment of additional postage. Indication of a foreign return address on registered or certified letter mail will be deemed to constitute a request on the part of the sender that the letter is to be forwarded to the foreign return address if it is not deliverable at the United States address, and, further, that the sender thereby agrees, in case of loss of a registered letter after dispatch from the United States, to adjustment of indemnity in accordance with the provisions of § 162.2 of this chapter, irrespective of the amount of registry fee paid. Articles or packages containing merchandise are held by the post office of address and a report sent to the Department as provided in § 131.8(b) of this chapter. Treat other undeliverable domestic articles with foreign return addresses as dead mail. (See § 48.7(b)(1) of this chapter.)

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NOTE: The corresponding Postal Manual section is 223.42.

In Part 114—Treatment of Incoming Postal Union Mail:

In § 114.3, amend paragraphs (a) and (b) to read as follows:

§ 114.3 Forwarding.

(a) *Within the United States.* (1) Articles received by surface may be forwarded by surface and articles received by air may be forwarded by air, without an additional postage charge or fee, unless the envelope or wrapper bears a notation forbidding its being forwarded.

(2) Second-class publications from Canada are treated in accordance with § 48.2(b)(1) through (3) of this chapter. A periodical publication from any other country whose delivery requires that it be forwarded to another local address or to another post office shall be forwarded and the addressee shall be requested to notify the publisher of his new address. If the publication is still being received three months after the change of address occurs, the post office of original address will send a complete copy, with a notation of the new address of the addressee, to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, for attention of the sender through the postal authorities of the country of mailing. Thereafter, any copies received with the old address shall be disposed of as waste, except that publications bearing the request of sender for return shall be endorsed "Moved", "Not Forwardable" and returned to origin.

(b) *To another country.* (1) Articles can be forwarded on condition that the country of destination accepts mail of the classification involved. Articles received by either surface or air, which do not bear instructions forbidding their being forwarded, are forwarded by surface without an additional postage charge or fee. United States postage at the airmail rate to the country concerned must be paid on any article that is forwarded by air. Cross out the Par Avion label or endorsement on an airmail article that is forwarded by surface. See § 113.4 (b) and (c), and § 121.8(b) concerning forwarding of domestic mail.

(2) The provisions of paragraph (a) (2) of this section apply in the case of periodical publications addressed to persons who have filed change of address to another country.

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NOTE: The corresponding Postal Manual sections are 224.31 and 224.32.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-4024; Filed, Apr. 22, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

LICENSING OF BYPRODUCT MATERIAL

Proposed General License To Own Byproduct Material

The Commission has received a petition for rule making (PRM 30-15) filed by the Industrial Nucleonics Corporation, Columbus, Ohio, requesting that the Commission's regulation "Licensing of Byproduct Material," 10 CFR Part 30, be amended to issue a general license for ownership of byproduct material.

The Commission has given careful consideration to this petition and considers it desirable to issue such a general license. Ownership alone of byproduct material does not present any radiation safety problems.

The proposed amendment of 10 CFR Part 30 set forth below would amend § 30.21 by the addition of a new paragraph (f). The Commission would, in the new paragraph (f), issue a general license for the ownership of byproduct material in any quantity. The general license would include the right both to receive and transfer such ownership. It would not change or otherwise affect the Commission's existing rules applicable to the transfer, receipt, possession, use, import or export of byproduct material.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment of 10 CFR Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendment should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

A new paragraph (f) is added to § 30.21 to read as follows:

§ 30.21 General licenses.

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(f) A general license is hereby issued to own byproduct material without regard to quantity. Notwithstanding any other provision of this part, a general licensee under this paragraph is not authorized to manufacture, produce, transfer, receive, possess, use, import or export byproduct material, except as authorized in a specific license.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 2d day of April 1964.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

[F.R. Doc. 64-4001; Filed, Apr. 22, 1964; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 105]

TOBACCO DISTRIBUTING INDUSTRY

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice (July 11, 1963), the Federal Trade Commission proposes to revise § 105.10 *Prohibited discrimination*, of the Trade Practice Rules for the Tobacco Distributing Industry promulgated June 30, 1962, to read as follows:

§ 105.10 Prohibited discrimination.

(a) *Prohibited discriminatory prices, rebates, discounts, etc.* No member of the industry engaged in commerce, in the course of such commerce, shall grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,* (1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the

United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are sold or delivered to purchasers;

(b) *Prohibited brokerage and commissions.* No member of the industry engaged in commerce, in the course of such commerce, shall pay or grant, or receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

Certain Articles Imported for Use by Nonprofit Institutions; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the provisions of section 4(c) of Public Law 88-344, 78 Stat. 191, it is proposed to amend § 10.151 of the Customs Regulations (19 CFR 10.151) to provide that articles imported for the use of nonprofit institutions may be entered free of duty only if they are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use.

Prior to the final adoption of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Customs, Washington, D.C., 20226, within sixty days from the date of the publication of this notice in the FEDERAL REGISTER. The proposed amendment is to be issued under the authority of R.S. 161, as amended, 251, sec. 407, 42 Stat. 18; 5 U.S.C. 22, 19 U.S.C. 66, 173.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: April 15, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3972; Filed, Apr. 22, 1964; 8:45 a.m.]

United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE 1: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however*, That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

NOTE 2: Nothing in this section should be construed as prohibiting the granting of different prices which are not otherwise violative of the foregoing provisions of this section, to customers in different functional categories. For example, a seller may grant a lower price to wholesalers than to retailers to the extent that such wholesalers resell to retailers. If such wholesalers also sell at retail in competition with their customers they may not properly be granted a price lower than the prices granted to competing retailers on that portion of the goods they sell at retail.

(b) *Prohibited brokerage and commissions.* No member of the industry engaged in commerce, in the course of such commerce, shall pay or grant, or receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* No member of the industry engaged in commerce shall pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* No member of the industry engaged in commerce shall discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities including, but not limited to, displays, exhibits, and promotional material connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section is applicable to paragraph (d) of this section.

(e) *Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.* No member of the industry engaged in commerce, in the course of such commerce, shall knowingly induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, which is prohibited by the foregoing provisions of this section [Rule 10].

Interested or affected parties may submit their views, suggestions, objections or other information concerning the proposed revision to the Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C., 20580, in writing not later than May 27, 1964. Due consideration will be given by the Commission to all comments received before final action is taken in this matter.

Approved: April 3, 1964.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3998; Filed, Apr. 22, 1964; 8:47 a.m.]

[16 CFR Part 202]

SUN GLASS INDUSTRY

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice (July 11, 1963), the Federal Trade Commission proposes to revise § 202.5 *Deceptive price representations*, of the Trade Practice Rules for the Sun Glass Industry promulgated April 17, 1959, to read as follows:

§ 202.5 Deceptive price representations.

Members of the industry shall not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: On December 20, 1963 the Commission adopted Guides Against Deceptive Pricing which became effective on January 8, 1964 and which supersede the Guides on this subject as adopted October 2, 1958. The 1964 Guides appear in the FEDERAL REGISTER of January 8, 1964 (29 F.R. 178) and constitute an appendix to these rules.

Interested or affected parties may submit their views, suggestions, objections or other information concerning the proposed revision to the Chief, Division of Trade Practice Conferences and Guides, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C., 20580, in writing not later than May 27, 1964. Due consideration will be given by the Commission to all comments received before final action is taken in this matter.

Approved: April 3, 1964.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-3999; Filed, Apr. 22, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-p]

COLD-ROLLED STEEL SHEETS FROM ENGLAND

Purchase Price Less Than Foreign Market Value

APRIL 17, 1964.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of cold-rolled steel sheets, oiled or unoiled, in various sizes and thicknesses, imported from England, manufactured by John Summers & Sons Ltd., Shotton, Chester, England, is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of cold-rolled steel sheets, oiled or unoiled, in various sizes and thicknesses, from England, manufactured by John Summers & Sons Ltd., Shotton, Chester, England, pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

The allegation in this case was received on January 24, 1964.

[SEAL] PHILIP NICHOLS, Jr., *Commissioner of Customs.*

[F.R. Doc. 64-4023; Filed, Apr. 22, 1964; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GENERAL ANILINE & FILM CORPORATION

Notice of Intention to Sell Certain Vested Shares of Common Stock

Certain shares of common stock of General Aniline & Film Corporation, vested by the Alien Property Custodian and held by me under the provisions of the Trading With the Enemy Act, as amended (50 U.S.C. App. 1 et seq.), are the subject of a suit for return filed under section 9(a) of that Act and presently pending in the United States District Court for the District of Columbia under the title Societe Internationale Pour Participations Industrielle et Commerciales, S.A. etc. (I.G. Chemie) v. Robert F. Kennedy, Attorney General of the United States, et al., No. 4360-48.

The President on January 6, 1963, acting under the authority granted to him by section 203 of Public Law 87-846, approved October 22, 1962 (76 Stat. 1113), made a determination that the interest and welfare of the United States require the sale of the above-described shares of stock of General Aniline & Film Corporation.

I hereby give notice under the provisions of section 203 of Public Law 87-846 that I intend to sell the shares of stock of General Aniline & Film Corporation in conformity with the law applicable to the sales of property under the provisions of the Trading With the Enemy Act, as amended: *Provided*, That I shall not sell any shares of stock reserved pursuant to section VII of the Stipulation of Settlement filed in the above-entitled action on December 20, 1963, except after application for and receipt of approval of sale thereof from the United States District Court for the District of Columbia.

My notice of March 12, 1963 (28 F.R. 2507), concerning the above-described stock is hereby superseded.

Dated: April 21, 1964.

ROBERT F. KENNEDY, *Attorney General.*

[F.R. Doc. 64-4080; Filed, Apr. 22, 1964; 9:43 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[23-ALD]

ALASKA

Cancellation of Small Tract Public Sale Number

APRIL 15, 1964.

1. Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215) as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015) dated February 27, 1964, it is hereby ordered that the Small Tract Classification, Opening Order, and Public Sale No. 23-ALD appearing in F.R. Doc. 64-2826 dated March 17, 1964 be modified as follows:

Paragraphs 4-11: Public Sale No. 23-ALD is hereby cancelled until further notice pending an assessment of possible earthquake damage.

JAMES W. SCOTT, *District Manager.*

[F.R. Doc. 64-4005; Filed, Apr. 22, 1964; 8:47 a.m.]

[No. 125]

ALASKA

SMALL TRACT CLASSIFICATION

APRIL 17, 1964.

1. Pursuant to authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015) dated March 5, 1964, I hereby classify the following described public lands, totaling 1,584.11 acres near Birchwood, Alaska as suitable for lease and for sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

SEWARD MERIDIAN

T. 15 N., R. 1 W.,
- Sec. 5, lots 110 to 113, inclusive, and 115 to 117, inclusive;
- Sec. 6, lot 3;
- Sec. 7, lots 1 to 5, inclusive, 8 to 19, inclusive, 22, 24 to 35, inclusive, 37, 41 to 63, inclusive, and 71 to 92, inclusive;
- Sec. 8, lots 104, 105, 142 to 144, inclusive, 161 to 163, inclusive, 173 to 176, inclusive, 193 to 196, inclusive, and 205 to 208, inclusive;
- Sec. 9, lots 11, 103, 104, 117, 118, 120, 133, 135, and 148 to 150, inclusive;
- Sec. 17, NW¼NW¼, NE¼SE¼SW¼, NE¼NW¼SE¼, and lots 4 to 6, inclusive, and 11 to 14, inclusive;
- Sec. 18, NE¼SW¼SE¼, and lots 11 to 27, inclusive, 42 to 57, inclusive, 76 to 88, inclusive, 108 to 118, inclusive, 138, to 144, inclusive, 162 to 164, inclusive, 185, and 200;
- Sec. 19, N½SE¼SE¼, W½SW¼SE¼SE¼;
- Sec. 20, E½NW¼NW¼, lots 3 to 5, inclusive, 8, 9, 15, 17, and 21.

T. 15 N., R. 2 W.,
- Sec. 13;
- Sec. 25, lots 15 to 22, inclusive, 39 to 46 inclusive, 63 to 78, inclusive, and 95 to 110, inclusive.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except to applications under the mineral leasing laws and to selections by the State of Alaska in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands described in paragraph 1 of this order were restored from withdrawal by Public Land Orders Nos. 689 of November 20, 1950, 802 of February 5, 1952 and 891 of April 15, 1953. They were retained in a reserved status pending an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a).

4. The lands classified by this order shall not become subject to application under the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer opening the lands to application or bid.

JAMES W. SCOTT, *District Manager.*

[F.R. Doc. 64-4006; Filed, Apr. 22, 1964; 8:47 a.m.]

MINIDOKA TOWNSITE, IDAHO

Notice of Sale; Correction

APRIL 17, 1964.

In F.R. Doc. 64-3486, appearing on page 4975 of the issue for April 9, 1964, the following changes should be made:

1. In the first paragraph, the land description should read "Lot 4, NW¼SW¼, W½NE¼SW¼, and NW¼SE¼SW¼ sec. 6, T. 9 S., R. 23 E., Boise Meridian, Idaho, containing 120.00 acres."

2. In the second paragraph, the land description should read "Lot 3, NE¼SW¼, and E½SE¼SW¼ sec. 6, T. 9 S., R. 23 E., Boise Meridian, Idaho, containing 120.00 acres."

3. Parcel 4 is also located in Cassia County approximately 13 miles northeast of Malta, Idaho. The land varies from flat to rolling foothills with a silt loam soil which supports a seeding of crested wheatgrass and a small regrowth of sagebrush.

4. Parcel 4 is also located in Cassia County approximately 13 miles northeast of Malta, Idaho. The land varies from flat to rolling foothills with a silt loam soil which supports a seeding of crested wheatgrass and a small regrowth of sagebrush.

5. Parcel 4 is also located in Cassia County approximately 13 miles northeast of Malta, Idaho. The land varies from flat to rolling foothills with a silt loam soil which supports a seeding of crested wheatgrass and a small regrowth of sagebrush.

6. Parcel 4 is also located in Cassia County approximately 13 miles northeast of Malta, Idaho. The land varies from flat to rolling foothills with a silt loam soil which supports a seeding of crested wheatgrass and a small regrowth of sagebrush.

7. Parcel 4 is also located in Cassia County approximately 13 miles northeast of Malta, Idaho. The land varies from flat to rolling foothills with a silt loam soil which supports a seeding of crested wheatgrass and a small regrowth of sagebrush.

8. Parcel 4 is also located in Cassia County approximately 13 miles northeast of Malta, Idaho. The land varies from flat to rolling foothills with a silt loam soil which supports a seeding of crested wheatgrass and a small regrowth of sagebrush.

9. Inquiries concerning the lands should be addressed to the Idaho State Office, P.O. Box 2237, Boise, Idaho.

ORVAL G. HADLEY, *Acting Land Office Manager.*

[F.R. Doc. 64-4008; Filed, Apr. 22, 1964; 8:47 a.m.]

Management, Department of the Interior, 2002 Capitol Avenue, Cheyenne, Wyoming.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the public lands considered for classification and their resources. He will also undertake negotiations with adjacent landowners considering the desirability of adjusting boundaries and consolidating ownership by exchange or purchase. He will prepare a report for consideration by the Secretary of the Interior.

Notice is hereby given that a series of hearings will be conducted by an Examiner from the Office of Hearing Examiners, U.S. Department of Agriculture, industry on a program to follow the interim program for the period August 1, 1964 through July 31, 1966.

Notice is hereby given that a series of hearings will be conducted by an Examiner from the Office of Hearing Examiners, U.S. Department of Agriculture, as a primary organization unit of the Department of Commerce. The Bureau shall be headed by a Chief of the Weather Bureau appointed by the President with the advice and consent of the Senate. The Chief shall report and be responsible to the Assistant Secretary of Commerce

MINIDOKA TOWNSITE, IDAHO

Notice of Sale; Correction

APRIL 17, 1964.

In F.R. Doc. 64-3486, appearing on page 4975 of the issue for April 9, 1964, the land description in paragraph 2 is corrected to read as follows:

Block	Lot
1 through 10, 12, 13, 15, 16, 17, 20, and 22 through 29.	All lots.
11	Lots 1 to 11, inclusive.
14	Lots 1 to 11, inclusive.
18	Lots 1 to 11, inclusive.
19	Lots 1 to 7, inclusive, and lot 10.
21	Lots 2 to 9, inclusive, and lot 12.

EUGENE E. BABIN,
Acting Land Office Manager.

[F.R. Doc. 64-4007; Filed, Apr. 22, 1964; 8:47 a.m.]

[Serial No. Idaho 015120]

IDAHO

Order Providing for Opening of Public Lands

APRIL 16, 1964.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

BOISE MERIDIAN, IDAHO

PARCEL 1

T. 7 N., R. 1 E.,
Sec. 25, W½SW¼;
Sec. 32, NE¼NE¼;
Sec. 33, N½NW¼, SE¼NW¼ and N½SW¼.

PARCEL 2

T. 1 N., R. 32 E.,
Sec. 16, SE¼SW¼ and S½SE¼;
Sec. 19, lots 1, 2, N½NE¼, E½W½ and SE¼;
Sec. 20, N½NW¼.

PARCEL 3

T. 14 S., R. 27 E.,
Sec. 12, SE¼;
Sec. 13, NE¼NE¼.

PARCEL 4

T. 16 S., R. 25 E.,
Sec. 23, NW¼NE¼.

The areas described aggregate 1,238.49 acres.

2. Parcel 1 is located in Gem County near Montour, Idaho, south of the Payette River at an elevation ranging from 2780 feet to 3240 feet. Soils are sands and silts supporting cheat and bunch grasses with some sagebrush. The land is of a rough and mountainous character.

3. Parcel 2 is located in Bingham County approximately 22 miles northwest of Blackfoot, Idaho. The land is undulating to rolling with a light colored silt loam soil which supports a sagebrush-grass cover. Approximately 200 acres have some suitability for farming under irrigation.

4. Parcel 3 is located in Cassia County approximately 6½ miles south and 6 miles east of Malta, Idaho. The land varies from flat to rolling foothills with a silt loam soil which supports a seeding of crested wheatgrass and a small regrowth of sagebrush.

5. Parcel 4 is also located in Cassia County approximately 13 miles northeast of Almo, Idaho, and 12 miles west of Naf, Idaho. The land is flat to rolling with a gravelly loam soil which supports a stand of sagebrush. Approximately 75 percent of the land has agricultural potential under irrigation.

6. No application for these lands will be allowed under the Homestead, desert land, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

7. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to the filing of petition-applications, selections, and locations in accordance with the following:

a. Petition-applications and selections under the nonmineral public land laws, except applications under the Small Tract Act, may be presented to the Manager mentioned below, beginning on the date of this order. Such petition-applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid petition-applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., May 21, 1964, will be considered as simultaneously filed at that hour. Rights under such petition-applications and selections filed after that hour will be governed by the time of filing.

b. The lands in parcels 2, 3, and 4 will be open to mineral leasing and to location under the United States mining laws, beginning at 10:00 a.m. on May 21, 1964.

c. The mineral rights to the lands in parcel 1 were retained by the exchange claimant.

8. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing petition-applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

9. Inquiries concerning the lands should be addressed to the Idaho State Office, P.O. Box 2237, Boise, Idaho.

ORVAL G. HADLEY,
Acting Land Office Manager.

[F.R. Doc. 64-4008; Filed, Apr. 22, 1964; 8:47 a.m.]

[Classification Order No. Nevada 063675]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated by Bureau Order No. 684 dated August 28, 1961 (26 F.R. 8216) and the State Director June 29, 1962 (F.R. Doc. 62-6376), I hereby classify the following described public lands in White Pine County, Nevada, as suitable for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended.

MOUNT DIABLO MERIDIAN

T. 19 N., R. 55 E.,
Sec. 16, E½SE¼NE¼, E½E½SE¼.

The area described aggregates 60 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not be subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, U.S.C. 682 a-e), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to sale.

ROY W. BEAN,
District Manager.

[F.R. Doc. 64-4009; Filed, Apr. 22, 1964; 8:48 a.m.]

[W-0304138]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 16, 1964.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 0304138, for the withdrawal of lands described below, from all forms of appropriation under the public land laws, including the mining laws, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the lands for additional water storage in connection with the Seminoe Reservoir, Kendrick Project. Grazing administration will remain with the Bureau of Land Management until such time as the lands are actually needed for reclamation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2002 Capitol Avenue, Cheyenne, Wyoming.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 23 N., R. 84 W.
Sec. 24, SW¼NE¼ and NW¼SE¼.

The area described aggregates 80 acres.

ED PIERSON,
State Director.

[F.R. Doc. 64-4010; Filed, Apr. 22, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

COTTON EQUALIZATION PAYMENT-IN-KIND PROGRAM

Notice of Hearings

The United States Department of Agriculture announced on April 11, 1964, that an interim Cotton Equalization Payment-in-Kind Program applicable to upland cotton grown in the United States would be in effect from April 11, 1964, the date of enactment of the Agricultural Act of 1964 (P.L. 88-297), through July 31, 1964, the end of the current cotton marketing year.

Under this program, payments will be made through the issuance of payment-in-kind certificates to domestic users of eligible raw upland cotton grown in the United States. The purpose of these payments is to maintain and expand domestic consumption of United States grown upland cotton and to eliminate inequities in the cost of raw cotton between domestic and foreign users of U.S. cotton.

The Department also announced on April 11, 1964 that hearings would be held to obtain the views of the cotton industry on a program to follow the interim program for the period August 1, 1964 through July 31, 1966.

Notice is hereby given that a series of hearings will be conducted by an Examiner from the Office of Hearing Examiners, U.S. Department of Agriculture, as follows:

April 30 and May 1, 1964, Holiday Inn, No. 2, 900 North Tryon Street, Highway 29, corner of Tryon and 12th Street, Charlotte, North Carolina, commencing at 9:00 a.m., e.s.t.

May 4 and 5, 1964, Chisca Plaza Motor Hotel, 272 South Main Street, Memphis, Tennessee, commencing at 9:00 a.m., e.s.t.

All members of the cotton industry interested in the cotton equalization payment program are invited to attend the hearings and present their views and recommendations. Perhaps the most important matter to be considered at the hearings is at what point in cotton trade channels should the payment-in-kind certificates be issued—that is, should the recipient be one of the various handlers of cotton or the mill and other end-user of raw cotton. The law prohibits the issuance of these payment-in-kind certificates to cotton producers.

The record of the hearings will be furnished to the appropriate administrative officials who will make the decisions in this matter. Written views and recommendations, as well as statements supplementing evidence presented at the hearings, may be submitted not later than midnight May 11, 1964 to the Secretary, Commodity Credit Corporation, Room 203-W, Administration Building, 14th and Independence Avenue SW., Washington, D.C., 20250.

(Secs. 4, 5, 62 Stat. 1070, as amended, sec. 101, Public Law 88-297; 15 U.S.C. 714 (b) and (c))

Done at Washington, D.C., this 21st day of April 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-4052; Filed, Apr. 22, 1964; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order No. 91 (Rev.)]

WEATHER BUREAU

General Functions

The following order was issued by the Secretary of Commerce effective April 15, 1964. This material supersedes the material appearing at 28 F.R. 5689 of June 11, 1963.

SECTION 1. *Purpose.* The purpose of this order is to delegate authority to the Chief of the Weather Bureau and to describe the general functions of the Weather Bureau.

SEC. 2. *General.*

.01 The Weather Bureau, established by the Act of October 1, 1890 (26 Stat. 653; 15 U.S.C. 311), is hereby continued as a primary organization unit of the Department of Commerce. The Bureau shall be headed by a Chief of the Weather Bureau appointed by the President with the advice and consent of the Senate. The Chief shall report and be responsible to the Assistant Secretary of Commerce for Science and Technology.

.02 The Director, Office of National Meteorological Services shall perform the functions of the Chief of Bureau in the latter's absence.

SEC. 3. *Delegation of authority.*

.01 Pursuant to the authority vested in the Secretary of Commerce by law and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Science and Technology may prescribe, the Chief of the Weather Bureau is hereby authorized to perform the functions vested in the Secretary of Commerce under:

1. Title 15, Chapter 9, U.S. Code (The Weather Bureau);

2. 49 U.S.C. 1463 (Weather Service for Civil Aviation);

3. Provisions relating to Weather in Title 49, Chapter 15, U.S. Code (International Aviation Facilities); and

4. Any other existing or subsequent legislation with respect to meteorology, climatology, hydrology, or related activities within the special competence of the Weather Bureau.

.02 The Chief of the Weather Bureau may redelegate his authority to any employee of the Weather Bureau subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *General functions.*

.01 The Weather Bureau shall provide meteorological service to the Nation, including:

1. Preparation and distribution of forecasts and warnings of general weather conditions and of severe storms and floods for agriculture, aviation, commerce, and other elements of the economy;

2. Collection and dissemination of weather information;

3. Development of improved applications of meteorological data; and

4. The conduct of research directed toward a better understanding of the atmosphere.

.02 In providing the foregoing services the Bureau shall:

1. Make observations and measurements of atmospheric phenomena as required for meteorological services and research;

2. Develop and distribute forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property;

3. Collect, tabulate, analyze, and publish records of temperature, rainfall, and other climatic elements for the United States, the oceans, and certain foreign areas;

4. Maintain continuous watch over river stages and those weather conditions which produce floods; provide warnings of impending floods; furnish regular forecasts of river stages for navigation and of seasonal water supply; and participate with other Federal agen-

cies in hydrometeorological investigations for overall planning and development of water resources;

5. Participate in international meteorological activities including: development and operation of a basic reporting network; maintenance of observational standards; coordination of exchanges of meteorological data; and promotion and development of meteorological science; and

6. Conduct research on the physical processes in the atmosphere, circulation patterns, interaction of the oceans and atmosphere, improved techniques in weather forecasting, and other aspects of the meteorological science.

SEC. 5. *Saving provision.* All rules, regulations, orders, certificates, and delegations of authority issued by or relating to the Weather Bureau or any official thereof shall remain in effect until specifically revoked or amended by proper authority.

Effective date. April 15, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-3955; Filed, Apr. 22, 1964; 8:45 a.m.]

[Dept. Order No. 91 (Rev.); Organization and Function Supplement (Rev.)]

WEATHER BUREAU

Organization and Assignment of Functions

This material supersedes the material appearing at 28 F.R. 5689-5692 of June 11, 1963.

SECTION 1. *Purpose.* The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Weather Bureau.

SEC. 2. *Organization.*

.01 The Weather Bureau shall consist of the following organization units:

1. Office of Chief of Bureau
   - Chief of Bureau
   - Chief Scientist
   - Office of Aviation Weather Affairs
   - Office of International Affairs
   - Office of Policy Planning
   - Office of Public Information
2. Office of National Meteorological Services
   - Director, Office of National Meteorological Services
   - Systems Development Office
   - National Meteorological Center
   - Data Acquisition Division
   - Communications Division
   - Weather Analysis and Prediction Division
   - Systems Control Division
3. Office of Meteorological Research
4. Office of Hydrology
5. Office of Climatology
6. National Weather Satellite Center
7. Office of Administration and Technical Services
   - Director, Administration and Technical Services
   - Administrative Operations Division
   - Budget and Accounting Division
   - Facilities and Maintenance Division
   - Management and Organization Division
   - Personnel Division
   - Scientific Documentation Division
8. Field Organization
   - Regions
     - Regional Offices
     - Field Offices
   - Specialized Offices in the Field.

SEC. 3. *Office of Chief of Bureau.*

.01 The Chief of Bureau develops the objectives of the Bureau, formulates policies and programs for achieving those objectives, and directs execution of these programs.

.02 The Chief Scientist reviews the content and adequacy of the Weather Bureau's scientific programs for meeting objectives and advises the Chief of Bureau thereon.

.03 The Office of Aviation Weather Affairs provides staff assistance to the Chief of Bureau on all aviation weather service matters; coordinates all Bureau activities in aviation meteorology; and represents the Bureau on matters affecting aviation user groups.

.04 The Office of International Affairs advises the Chief of Bureau on international meteorological matters; develops plans for furthering U.S. objectives in atmospheric sciences internationally; coordinates the program activities of the Bureau to insure that U.S. commitments under international arrangements are properly discharged; and coordinates development of U.S. technical position on international meteorological proposals; and provides Bureau representation before international meteorological organizations.

.05 The Office of Policy Planning establishes program requirements; prepares, maintains, and keeps current the annual and long range technical and operating plans of the Bureau; conducts special analyses and studies of Weather Bureau operations to provide bases for management decisions relating to cost effectiveness; coordinates Bureau-wide management of computer facilities and provides leadership in planning optimum utilization of computer equipment; and provides staff support to the Chief of Bureau in the development of program policy and in long range organizational planning and resource allocation.

.06 The Office of Public Information provides information on Weather Bureau activities to news media; coordinates matters pertaining to public and press relations; and handles special material and other data for purposes of publication or release to the public.

SEC. 4. *Office of National Meteorological Services.*

.01 The Office of National Meteorological Services includes all services related to the fields of meteorology, hydrology and climatology. This Office directs these services and develops policy and procedures necessary to meet user requirements in these disciplines.

.02 The Director directs the Office of National Meteorological Services and exercises supervision over the regional structure of the Weather Bureau which consists of Regional Offices and Field Offices thereunder. The Director is assisted by a Deputy Director for Operations and a Deputy Director for Service Programs. The Deputy Director for Operations oversees and manages the furnishing of weather services by the Bureau. The Deputy Director for Service Programs, through continuous liaison with user groups, receives requests from any user group for change in Weather Bureau services; recommends action on such requests in light of related programs and probable effect on all services; and evaluates effectiveness for the user, of weather services.

.03 The Systems Development Office manages and directs all activities involved in the planning, design and development of a system to meet all meteorological service requirements; undertakes all development activities in the fields of weather analysis and forecasting, observing equipment, communications and display facilities; and conducts tests and evaluation of techniques and equipment. The Office is responsible for the integration of all sub-components and sub-systems developed for the improvement of the national system; and is responsible for translating research results into operational practices.

.04 The National Meteorological Center provides analyses of current weather conditions over the Northern Hemisphere and furnishes maps and charts depicting the current and anticipated state of the atmosphere for general national and international uses; conducts development programs in numerical weather prediction; and provides leadership in the gradual and orderly extension of objective techniques to all phases of the Bureau's hemispheric synoptic analysis, prognostic guidance and long-range forecast programs.

.05 The Data Acquisition Division develops plans and policies and establishes procedures for the measurement, observation and reporting of weather conditions by field offices; coordinates the observational programs of the several regions; and prepares the necessary instructions and manuals for field offices.

.06 The Communications Division establishes plans and policies as they affect the communication of raw and processed weather data; establishes communication procedures and schedules as required for the collection and dissemination of weather intelligence necessary for the proper operation of the field service; develops plans and procedures for the display, presentation, and interpretation of weather data and forecasts for all users; and coordinates the communications, display, and presentation activities of the several regions.

.07 The Weather Analysis and Prediction Division develops plans and policies for the analysis and prediction of weather conditions by the field offices; establishes analysis and forecast procedures and coordinates the scheduling and issuance of forecasts of storm and flood warnings in the several regions to meet user requirements.

.08 The Systems Control Division inspects and maintains quality control of the National Meteorological Service System to insure adherence to standards.

SEC. 5. *Office of Meteorological Research.* The Office of Meteorological Research conducts those studies and investigations of atmospheric processes as may be required to gain a sufficient understanding of phenomena necessary for the improvement of Bureau forecast services and coordinates the total research program of the Weather Bureau.

SEC. 6. *Office of Hydrology.* The Office of Hydrology establishes plans, policies and procedures for observing, collecting and processing hydrologic data for river and flood forecasts and warnings and water supply forecasts; establishes and conducts research and development programs for improving field services; and provides staff assistance to the Director, National Meteorological Services for coordinating activities of the river and flood forecasting field services.

SEC. 7. *Office of Climatology.* The Office of Climatology establishes plans, policies and procedures for the collection of climatological data from field offices of the Weather Bureau and foreign countries; provides for the analysis, storage, summarization and utilization of these data; formulates and conducts climatological research and development programs to improve climatological service; and provides staff assistance to the Director, National Meteorological Services in the direction of the field climatological services.

SEC. 8. *National Weather Satellite Center.* The National Weather Satellite Center directs the establishment and operation of a meteorological satellite system for the continuous observation of worldwide meteorological conditions; conducts research and development in the field of meteorological satellites; coordinates the overall Bureau effort in the satellite field; coordinates user requirements for meteorological satellite data; and represents the Bureau in negotiations concerning satellite and space programs.

SEC. 9. *Office of Administration and Technical Services.* .01 The Office of Administration and Technical Services establishes policies, standards, and basic procedures for administrative and technical services which include budget, fiscal, personnel, procurement and supply, management and organization, administrative services, safety, scientific documentation, library, and installation and maintenance of field instruments and equipment; exercises technical supervision over these services in the field; and provides all of the foregoing services (other than installation and maintenance of field instruments and equipment) to the headquarters organization. The Office of the Director, Office of Administration and Technical Services, includes an Internal Audit Staff which conducts independent appraisal of the effectiveness and efficiency of the Bureau's operations.

.02 The functions of each of the divisions reporting to the Director, Office of Administration and Technical Services are:

1. The Administrative Operations Division administers and controls procurement and supply activities supporting Bureau-wide operations, and is responsible for the management and administration of printing, distribution of printed and reproduced material, drafting, safety, security, records management, and general administrative services; directs the development, application, and revision of standard administrative service policies throughout the Bureau; and serves as the focal point for all civil defense activities of the Bureau except those of a technical service program nature.

2. The Budget and Accounting Division administers the budget and accounting functions including budget preparation; allocates funds for authorized activities; establishes and maintains budgetary controls; and provides fiscal and accounting services.

3. The Facilities and Maintenance Division provides facilities support and installs and maintains equipment required for Bureau activities.

4. The Management and Organization Division is responsible for coordinating manpower utilization activities, management improvement practices, organizational planning, preparation of required administrative reports and internal reports control.

5. The Personnel Division administers the personnel functions, including personnel management with specific emphasis on position classification, wage administration, recruitment, placement, health services, employee awards, grievances, disciplinary actions, employer-employee relationships, and executive, administrative, and technical training programs.

6. The Scientific Documentation Division edits all technical and scientific publications; documents the total research effort in the field of meteorology; and operates the National Meteorological Library.

SEC. 10. *Field organization.*

.01 *Regions.* The main structure of the field organization of the Weather Bureau consists of six regions, each headed by a regional office, as specified below:

Region	Location of regional office	Regional area
Region I	New York City, N.Y.	Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia.
Region II	Fort Worth, Tex.	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, Texas.
Region III	Kansas City, Mo.	Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming.
Region IV	Salt Lake City, Utah	Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington.
Region V	Anchorage, Alaska	Alaska.
Region VI	Honolulu, Hawaii	Hawaii.

.02 *Regional Office.* In each region a Regional Director, who is under the direction of the Director, Office of National Meteorological Services, directs all activities of the region. Under the direction of the Regional Director, the Regional Office:

1. Supervises and directs all activities of field offices of the region;

2. Manages resources in the fields of meteorology, climatology, and hydrology to assure optimum fulfillment of user needs;

3. Coordinates interaction among field office activities; and

4. Conducts liaison with Federal, State, and local officials;

.03 Field offices, performing a variety of functions, are established by the Chief of Bureau. The number, types, and location of field offices in each region are determined by the weather characteristics and needs of the region. Functions vary among field offices in light of size, location, or specific missions of a particular office. The principal functions of the field offices are:

1. Take, record, and transmit on a daily, six-hourly, or hourly basis observations of surface and upper-air meteorological elements;

2. On a regular basis, prepare and disseminate weather forecasts of a general and specialized nature;

3. Issue advice or special warnings of expected severe weather conditions, when indicated; and

4. Prepare and disseminate river forecasts and regional weather forecasts.

.04 The National Weather Records Center, Asheville, North Carolina, is continued as a specialized office of the Weather Bureau. That Office, which is directly responsible to the Director, Office of Climatology, processes, analyzes, publishes, and stores climatic data and serves as the central repository for weather records.

.05 Additional specialized offices in the field may be established by the Chief of Bureau. Each such office shall be under the direction of an Office Director at the headquarters of the Weather Bureau or the Director of a Regional Office as assigned by the Chief of Bureau.

Effective date. April 15, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

WEATHER BUREAU—FIELD ORGANIZATION

SPECIALIZED OFFICES IN THE FIELD

1. The following Offices report directly to the Director, Office of Meteorological Research:

National Hurricane Research Project, Miami, Fla.
Research Flight Facility, Miami, Fla.
Weather Radar Laboratory, Norman, Okla.

2. The National Weather Records Center, Asheville, N.C., reports directly to the Director, Office of Climatology.

REGIONAL AND FIELD OFFICES

The following list, arranged alphabetically by city name, shows the location of the Regional Offices and Field Offices of the Weather Bureau: (Six Regional Office locations are identified by an asterisk.)

Aberdeen, S. Dak.
Abilene, Tex.
Agana, Guam, Mariana Islands.
Akron, Ohio.
Alamosa, Colo.
Albany, N.Y.
Albuquerque, N. Mex.
Alexandria, La.
Allentown, Pa.
Alpena, Mich.
Amarillo, Tex.
Anchorage, Alaska.*
Annette, Alaska.
Apalachicola, Fla.
Asheville, N.C.
Astoria, Oreg.
Athens, Ga.
Atlanta, Ga.
Atlantic City, N.J.
Auburn, Ala.
Augusta, Ga.
Austin, Tex.
Bakersfield, Calif.
Baltimore, Md.
Barrow, Alaska.
Barter Island, Alaska.
Baton Rouge, La.
Beckley, W. Va.
Bethel, Alaska.
Billings, Mont.
Binghamton, N.Y.
Birmingham, Ala.
Bishop, Calif.
Bismarck, N. Dak.
Block Island, R.I.
Blue Canyon, Calif.
Boise, Idaho.
Boston, Mass.
Bridgeport, Conn.
Bristol, Tenn.
Brookings, S. Dak.
Brownsville, Tex.
Buffalo, N.Y.
Burbank, Calif.
Burlington, Iowa
Burlington, Vt.
Burns, Oreg.
Burrwood, La.
Cairo, Ill.
Canton Island, Pacific.
Cape Hatteras, N.C.
Cape Henry, Va.
Caribou, Maine.
Casper, Wyo.
Champaign, Ill.
Charleston, S.C.
Charleston, W. Va.
Charlotte, N.C.
Chattanooga, Tenn.
Cheyenne, Wyo.
Chicago, Ill.
Cincinnati, Ohio.
Clayton, N. Mex.
Clemson, S.C.
Cleveland, Ohio.
Cold Bay, Alaska.
Colorado Springs, Colo.
Columbia, Mo.
Columbia, S.C.
Columbus, Ga.
Columbus, Ohio.
Concord, N.H.
Concordia, Kans.
Cordova, Alaska.
Corpus Christi, Tex.
Corvallis, Oreg.
Dallas, Tex.
Dayton, Ohio.
Daytona Beach, Fla.
Del Rio, Tex.
Denver, Colo.
Des Moines, Iowa.
Detroit, Mich.
Dodge City, Kans.
Dubuque, Iowa.
Dulles International Airport, Va.
Duluth, Minn.
Elkins, W. Va.
Elko, Nev.
El Paso, Tex.
Ely, Nev.
Erie, Pa.
Eugene, Oreg.
Eureka, Calif.
Evansville, Ind.
Fairbanks, Alaska.
Fargo, N. Dak.
Flagstaff, Ariz.
Flint, Mich.
Florence, S.C.
Fort Myers, Fla.
Fort Smith, Ark.
Fort Wayne, Ind.
Fort Worth, Tex.
Fresno, Calif.
Gainesville, Fla.
Galveston, Tex.
Glasgow, Mont.
Goodland, Kans.
Grand Island, Nebr.
Grand Junction, Colo.
Grand Rapids, Mich.
Great Falls, Mont.
Green Bay, Wis.
Greensboro, N.C.
Greenville, Spartanburg, S.C.
Griffin, Ga.
Harrisburg, Pa.
Hartford, Conn.
Havre, Mont.
Helena, Mont.
Hilo, Hawaii.
Honolulu, Hawaii.*
Houghton Lake, Mich.
Houston, Tex.
Huntington, W. Va.
Huntsville, Ala.
Huron, S. Dak.
Indianapolis, Ind.
International Falls, Minn.
Ithaca, N.Y.
Jackson, Miss.
Jackson, Tenn.
Jacksonville, Fla.
Johnston Island, Pacific.
Juneau, Alaska.
Kahului, Hawaii.
Kalispell, Mont.
Kansas City, Mo.*
Kearneysville, W. Va.
Keiser, Ark.
Key West, Fla.
King Salmon, Alaska.
Klamath Falls, Oreg.
Knoxville, Tenn.
Koror, Pacific.
Kotzebue, Alaska.
LaCrosse, Wis.
Lafayette, Ind.
Lake Charles, La.
Lakeland, Fla.
Lander, Wyo.
Lansing, Mich.
Laredo, Tex.
Las Vegas, Nev.
Lewiston, Idaho.
Lexington, Ky.
Lihue, Hawaii.
Lincoln, Nebr.
Little Rock, Ark.
Long Beach, Calif.
Los Angeles, Calif.
Louisville, Ky.
Lubbock, Tex.
Lynchburg, Va.
McGrath, Alaska.
Macon, Ga.
Madison, Wis.
Majuro, Pacific.
Mansfield, Ohio.
Marquette, Mich.
Meacham, Oreg.
Medford, Oreg.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Midland, Tex.
Milford, Utah.
Milwaukee, Wis.
Minneapolis, Minn.
Missoula, Mont.
Mobile, Ala.
Moline, Ill.
Montgomery, Ala.
Morgantown, W. Va.
Mount Shasta, Calif.
Muskegon, Mich.
Nantucket, Mass.
Nashville, Tenn.
New Brunswick, N.J.
New Haven, Conn.
New Orleans, La.
New York, N.Y.*
Newark, N.J.
Nome, Alaska.
Norfolk, Nebr.
Norfolk, Va.
North Platte, Nebr.
Oakland, Calif.
Oklahoma City, Okla.
Omaha, Nebr.
Orlando, Fla.
Parkersburg, W. Va.
Pendleton, Oreg.
Pensacola, Fla.
Peoria, Ill.
Philadelphia, Pa.
Phoenix, Ariz.
Pittsburgh, Pa.
Pittsfield, Mass.
Pocatello, Idaho.
Pomana, Calif.
Ponape, Pacific.
Portageville, Mo.
Port Arthur, Tex.
Portland, Maine.
Portland, Oreg.
Prescott, Ariz.
Providence, R.I.
Pueblo, Colo.
Quincy, Fla.
Raleigh, N.C.
Rapid City, S. Dak.
Raton, N. Mex.
Reading, Pa.
Red Bluff, Calif.
Redding, Calif.
Reno, Nev.
Richmond, Va.
Roanoke, Va.
Rochester, Minn.
Rochester, N.Y.
Rockford, Ill.
Rome, Ga.
Roseburg, Oreg.
Roswell, N. Mex.
Sacramento, Calif.
St. Cloud, Minn.
St. Joseph, Mo.
St. Louis, Mo.
St. Paul Island, Alaska.
Salem, Oreg.
Salt Lake City, Utah.
San Angelo, Tex.
San Antonio, Tex.
Sandberg, Calif.
San Diego, Calif.
San Francisco, Calif.
San Juan, Puerto Rico.
Santa Catalina Island, Calif.
Santa Maria, Calif.
Sault Ste. Marie, Mich.
Savannah, Ga.
Scottsbluff, Nebr.
Scranton, Pa.
Seattle, Wash.
Sexton Summit, Oreg.
Shemya, Alaska.
Sheridan, Wyo.
Shreveport, La.
Silver City, N. Mex.
Sioux City, Iowa.
Sioux Falls, S. Dak.
South Bend, Ind.
Spokane, Wash.
Springfield, Ill.
Springfield, Mo.
Stampede Pass, Wash.
Stockton, Calif.
Stoneville, Miss.
Swan Island, West Indies.
Syracuse, N.Y.
Tallahassee, Fla.
Tampa, Fla.
Tatoosh Island, Wash.
Texarkana, Ark.
Thomasville, Ga.
Tifton, Ga.
Toledo, Ohio.
Topeka, Kans.
Trenton, N.J.
Truk, Pacific.
Tucson, Ariz.
Tulsa, Okla.
Twin Falls, Idaho.
Valentine, Nebr.
Vicksburg, Miss.
Victoria, Tex.
Waco, Tex.
Wake Island, Pacific.
Walla Walla, Wash.
Washington, D.C.
Waterloo, Iowa.
Wenatchee, Wash.
Wendover, Utah.
Weslaco, Tex.
West Palm Beach, Fla.
Wichita, Kans.
Wichita Falls, Tex.
Williamsport, Pa.
Williston, N. Dak.
Wilmington, Del.
Wilmington, N.C.
Winnemucca, Nev.
Winslow, Ariz.
Winston Salem, N.C.
Worcester, Mass.
Yakima, Wash.
Yakutat, Alaska.
Yap, Pacific.
Youngstown, Ohio.
Yuma, Ariz.

CIVIL AERONAUTICS BOARD

[Docket Nos. 14515, 14799]

SHULMAN, INC., ET AL.

Notice of Proposed Approval of Applications

Applications of Shulman, Inc., et al. for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Dockets 14515 and 14799.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are afforded a period of fifteen days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., April 16, 1964.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority.

Application of Shulman, Inc., Docket 14515; for approval of control relationships under section 408 of the Federal Aviation Act of 1958, as amended.

Application of Drake Motor Lines, Inc., et al., Docket 14799; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

Shulman, Inc. (Shulman-Del.), a Delaware corporation, seeks approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act), of its acquisition of the outstanding stock of Quaker City Delivery Company (Quaker), a New Jesery corporation, and of the proposed merger of Quaker into Shulman-Del. by dissolution of Quaker and distribution of its assets to Shulman-Del.[1] Quaker is an intrastate motor carrier holding a Pennsylvania certificate of public convenience and necessity authorizing operations within Philadelphia; Shulman-Del. is a domestic and international air freight forwarder.

Drake Motor Lines, Inc. (Drake), a Delaware corporation, Harry Shulman, Martin Shulman, Matthew Metrick, Carlyle Swope, Samuel Elkins and Stella Lotierzo seek (a) approval under section 408 of the Act, of the acquisition by Drake of all of the outstanding stock of Orient American Forwarding Company (Orient-American), a Japanese corporation forwarding shipments inbound to the United States, (b) approval under section 409 of the Act of the interlocking relationships resulting from the simultaneous holding by the named individuals of designated positions in Drake, Shulman-Del., Quaker and Shulman, Inc. (Shulman-Mass.), a Massachusetts corporation, and (c) general approval under § 251.4 of the Board's economic regulations for the named individuals to hold other positions in the so-called "Shulman" companies to which they may be appointed or elected hereafter without further approval by the Board.[2]

Quaker is a small, intrastate motor carrier which operates a pick-up and delivery service in Philadelphia. Its acquisition by Shulman-Del. is designed to provide more efficient service in the air freight forwarder operations conducted by Shulman-Del. and is not adverse to the public interest. The dissolution of Quaker and distribution of its assets to Shulman-Del., as proposed in the application, will not be adverse to the public interest.

Prior to the transfer by Harry and Martin Shulman of all of the outstanding stock of Orient-American to Drake and prior to the acquisition of Quaker by Shulman-Del., the various control and interlocking relationships involving Shulman-Del., Shulman-Mass., Orient-American, Drake and the Shulmans had been reviewed and approved by the Board.[3] The changes in control resulting from the transfer of Orient-American, the acquisition of Quaker, and the death of Benjamin Shulman do not appear significant.[4] Consequently, it is concluded that the acquisition of control of Orient-American by Drake and of Quaker by Shulman-Del. (including the proposed dissolution of Quaker and the distribution of its assets to Shulman-Del.) are subject to section 408 of the Act, that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, do not tend to restrain competition and do not jeopardize another air carrier not a party to the relationship. Further, no party disclosing a substantial interest in the proceeding is currently requesting a hearing and the public interest does not require a hearing. Therefore, approval of the control relationships is not inconsistent with the public interest.

The interlocking relationships for which approval is sought appear in the following tabulation: [5]

	Drake	Orient-American	Shulman-Mass.	Shulman-Del.	Quaker
Martin Shulman	President; Director.	President; Director.	Secretary; Treasurer; Director.	President; Director.	Secretary; Treasurer; Director.
Harry Shulman	Secretary; Treasurer; Director.	Secretary; Treasurer; Director.	President; Director.	Secretary; Treasurer; Director.	President; Director.
Matthew Metrick			Vice-President; Director.	Vice-President; Director.	
Carlyle Swope	Vice-President				Vice-President; Director.
Samuel Elkins				Vice-President.	
Stella Lotierzo	Ass't Secretary			Ass't Secretary	Ass't Secretary.
Alonzo Pickett		Exec. Vice-President; Director.	Clerk [6]		

The positions held by Carlyle Swope, Samuel Elkins, and Alonzo Pickett do not result in interlocking relationships involving an air carrier. To the extent that the application in Docket 14799 seeks approval of the interlocking relationships involving these three individuals, the application will be dismissed.[7]

As appears in the previous proceedings noted above, interlocking relationships involving the Shulman companies and members of the Shulman family have been approved as not adverse to the public interest. The instant applications present no substantial deviation from the previous pattern of interlocking relationships between the companies. It is concluded that interlocking relationships within the scope of section 409(a) of the Act will result from the holding by Martin Shulman, Harry Shulman, Matthew Metrick and Stella Lotierzo of the positions shown in the above tabulation, that such interlocking relationships will not adversely affect the public interest, and that accordingly they will be approved.

It is further concluded that it is consistent with the public interest, subject to the terms, conditions and limitations of § 251.4 of the Board's economic regulations, to approve the holding by Martin Shulman, Harry Shulman, Matthew Metrick and Stella Lotierzo, in addition to the positions hereinabove designated, of the other positions in the companies listed herein.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such action has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing, that the interlocking relationships should be approved under section 409 of the Act, and that pursuant to authority granted in 14 CFR 385.3 the application to the extent not granted above should be dismissed.

Accordingly, it is ordered:

1. That (a) the control by Shulman, Inc., a Delaware corporation, of Quaker City Delivery Company, a New Jersey corporation (including the proposed dissolution of Quaker and distribution of Quaker's assets to Shulman-Del.), (b) the control by Drake Motor Lines, Inc., of (1) Orient-American Forwarding Company, a Japanese corporation, (2) Shulman, Inc., a Massachusetts corporation, (3) Shulman, Inc., a Delaware corporation, and (4) Quaker City Delivery Company, and (c) the common control by Harry Shulman, Martin Shulman, the Estate of Benjamin Shulman and Anna Shulman of Drake and through Drake of Orient-American, Shulman-Mass, Shulman-Del, and Quaker, be and they are hereby approved pursuant to section 408 of the Act.

2. That subject to the provisions of Part 251 of the Board's economic regulations, as now in effect or as hereafter amended, the interlocking relationships among Drake, Orient-American, Shulman-Mass., Shulman-Del., and Quaker arising from the simultaneous holding by Martin Shulman, Harry Shulman, Matthew Metrick and Stella Lotierzo of the positions designated in the tabulation hereinabove set forth, be and they are hereby approved under section 409 of the Act.

3. That, subject to § 251.4 of the Board's economic regulations, Harry Shulman, Martin Shulman, Matthew Metrick and Stella Lotierzo are authorized to hold in addition to the positions set forth above, such other positions within the Shulman companies as designated hereinabove to which they or any one or more of them may hereafter be elected or appointed.

4. That the application in Docket 14799, insofar as it involves Carlyle Swope, Samuel Elkins and Alonzo Pickett, be and the same is hereby dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

BY J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-4029; Filed, Apr. 22, 1964; 8:50 a.m.]

[1] Application filed May 22, 1963, Docket 14515. The application is construed to include a request for approval of the proposed merger.

[2] Application filed October 9, 1963, amended December 16, 1963, Docket 14799. It has been decided not to enforce the doctrine expressed in the Sherman Control and Interlocking Relationships Case 15 CAB 876 (1952) and to consider the applications filed in Dockets 14515 and 14799 on their merits.

[3] Shulman, Inc., Interlocking and Control Relationships, 25 CAB 723 (1957); Harry and Martin Shulman, et al., Control and Interlocking Relationships, 31 CAB 300 (1960); Shulman, Inc., et al., International Airfreight Forwarder Investigation Order E-18317, dated May 9, 1962, Docket 11238, et al.

[4] Benjamin Shulman died August 22, 1963; Martin Shulman and Harry Shulman, as executors of the Estate of Benjamin Shulman, appear to have power to vote the Drake stock held by such estate.

[5] Martin and Harry Shulman are also officers and stockholders of Ar-Ess Realty Corporation, a family real estate holding company, and Ardmore Leasing Corporation which engages in the business of leasing surface vehicles. Shulman-Del. controls Shulco Consolidators, Inc., a non-regulated (by ICC) consolidator of surface freight in the Massachusetts, Pennsylvania, New Jersey and Delaware areas. The present nature and extent of the activities of these companies appear essentially the same as described in Docket 11238 where they were not found subject to Board jurisdiction under sections 408 and 409 of the Act.

[6] Under Massachusetts law, a clerk is an officer of a Massachusetts corporation.

[7] Consequently, the finding in earlier proceedings (31 CAB 300) that Pickett is a nominee of Martin Shulman remains undisturbed.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MERCK & CO., INC.

Notice of Filing of Petition Regarding Food Additive Thiabendazole

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1372) has been filed by Merck & Co., Inc., Rahway, New Jersey, proposing the issuance of a regulation to provide for the safe use of thiabendazole (2-(4'-thiazolyl)-benzimidazole) for cattle, as follows:

Principal ingredient	Dose	Combined with—	Dose	Limitations	Indications for use
1. Thiabendazole...	3 gm. per 100 lb. body weight.	----------	----------	For cattle; one application as a drench; may repeat once in 2 to 3 weeks; not for dairy animals in production; do not treat within 30 days of slaughter.	Treatment of infestations with gastrointestinal roundworms (genera *Trichostrongylus, Haemonchus, Ostertagia*).
2. Thiabendazole...	5 gm. per 100 lb. body weight.	----------	----------	For cattle; one application as a drench; may repeat once in 2 to 3 weeks; not for dairy animals in production; do not treat within 30 days of slaughter.	Treatment of severe infestations with gastrointestinal roundworms (genera *Trichostrongylus, Haemochus, Ostertagia*); treatment of infestations with *Cooperia* species.

Dated: April 16, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-4004; Filed, Apr. 22, 1964; 8:47 a.m.]

PENICK & FORD, LTD., INC.

Notice of Filing of Petition Regarding Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1238) has been filed by Penick & Ford, Ltd., Incorporated, 750 Third Avenue, New York 17, New York, proposing an amendment to § 121.1031 to provide for the safe use of food starch, modified by treatment with not more than 0.075 percent ammonium persulfate and not more than 0.05 percent sulfur dioxide.

Dated: April 17, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-4021; Filed, Apr. 22, 1964 8:49 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Food Additives; Resinous and Polymeric Coatings

Correction

In F.R. Doc. 64-3832, appearing at page 5324 of the issue for Saturday, April 18, 1964, the authority reading "(sec. (b)(5)" should be changed to read "(sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5))".

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15122; FCC 64-305]

OVERSEAS LEASED CIRCUITS

Notice of Termination of Inquiry

1. We instituted this inquiry by notice adopted July 17, 1963,[1] to assist us in our formulation of recommendations, to be submitted to the Department of State, as to the position to be taken by the United States on certain questions,[2] relating to the international leased circuit service, to be considered by the International Telegraph and Telephone Consultative Committee (CCITT) of the International Telecommunication Union at its forthcoming Third Plenary Assembly, May 25–June 27, 1964.

2. The questions with which we were concerned had been assigned, with others for preliminary study by CCITT Study Group III. At a meeting of the Study Group held in October 1962 a majority of delegations present had taken positions on them which were either contrary to existing United States practice or contrary to views we had stated with respect to the domestic leased channel service. Because it appeared that such positions, if adopted by the CCITT at its forthcoming Plenary Assembly, could seriously affect the United States, we believed that we should formulate and advise the Department of State of our own views, so that appropriate instructions could be given for the guidance of the United States delegation at further CCITT consideration of these matters.

3. At a further meeting of Study Group III during February 1964, however, it was decided that, insofar as these questions related to intercontinental (as distinguished from intra-continental) leased circuits, they would be left for determination by the administrations operating such circuits.[3] In view of this, we see no useful purpose in continuing the present inquiry, looking toward a formulation of our views on the particular matters set out in the notice of inquiry for transmission to the Department of State. Insofar as any of the matters herein require resolution by us for purposes other than consideration by the CCITT, such can be more effectively resolved within a more appropriate context, such as a licensing or other proceeding within the framework of the Communications Act.

[1] Released July 19, FCC 63-652.

[2] These questions are set out in the notice of inquiry.

[3] Report of Chairman, United States Delegation, Meeting of Study Group III, CCITT, Geneva, Switzerland, February 3–7, 1964, Department of State, TD Serial No. 951 (1964).

4. *Accordingly, it is ordered,* This 15th day of April 1964, that the proceeding herein is terminated.

Released: April 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4031; Filed, Apr. 22, 1964; 8:50 a.m.]

[Docket No. 15395; FCC 64M-325]

BLACKHAWK BROADCASTING CO. (WSDR)

Order Continuing Hearing

In re application of Blackhawk Broadcasting Company (WSDR), Sterling, Illinois, Docket No. 15395, File No. BMP-10504; for construction permit.

The Hearing Examiner having under consideration a motion for continuance filed April 16, 1964 by Blackhawk Broadcasting Company (WSDR) in the above-entitled matter, and

It appearing, that the movant desires a continuance without date for both the prehearing conference (now scheduled to commence April 24, 1964) and the hearing (now scheduled to commence May 28, 1964), and

It further appearing, that counsel for all parties herein, including the Broadcast Bureau, agree that the circumstances in the matter are such as to warrant granting the aforesaid motion,

It is ordered, This 17th day of April 1964, that the motion for continuance is granted and that, accordingly, the prehearing conference and the hearing in this proceeding are continued without date.

Released: April 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4032; Filed, Apr. 22, 1964; 8:50 a.m.]

[Docket No. 15247; FCC 64M-326]

FRANKLIN BROADCASTING CO., ET AL.

Order Continuing Hearing

In re application of Franklin Broadcasting Company (transferor), William F. Johns, Sr. and William F. Johns, Jr. (transferees), Docket No. 15247; File No. BTC-4303; for transfer of control of WLOD, Inc., Pompano Beach, Florida.

The Examiner has before him a motion for continuance filed on April 16, 1964, by both transferor and transferee; and

It appearing that a 30-day continuance is requested of both the dates for exchange of exhibits and of hearing; and

It further appearing that the Broadcast Bureau, the only other party to the proceeding, has no objection to grant of the motion and that in view of the Examiner's present docket, grant of the motion need not unduly postpone final disposition of the matter here involved;

Accordingly, it is ordered, This 17th day of April 1964, that the motion described above is granted; and the date for exchange of exhibits is continued from April 20, 1964, to May 20, 1964, and that the date for hearing is continued from May 4, 1964, to June 3, 1964.

Released: April 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4033; Filed, Apr. 22, 1964; 8:51 a.m.]

[Docket No. 15321; FCC 64M-327]

PEPINO BROADCASTERS, INC.

Order Continuing Hearing

In re application of Pepino Broadcasters, Inc., San Sebastian, Puerto Rico; Docket No. 15321, File No. BP-14253; for construction permit.

Upon the Hearing Examiner's own motion: *It is ordered,* This 17th day of April 1964, that the hearing in the above-entitled proceeding is scheduled for May 6, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: April 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4034; Filed, Apr. 22, 1964; 8:51 a.m.]

[Docket No. 14611; FCC 64M-328]

PROGRESS BROADCASTING CORP. (WHOM)

Order Continuing Hearing

In re application of Progress Broadcasting Corporation (WHOM), New York, New York; Docket No. 14611, File No. BP-13915; for construction permit.

The Hearing Examiner having under consideration petition filed April 16, 1964, in behalf of the applicant requesting that the date for the exchange of exhibits heretofore established and the date for the commencement of the hearing be rescheduled;

It appearing, that good cause exists why said petition should be granted and there is no opposition thereto;

Accordingly, it is ordered, This 20th day of April 1964, that the exchange of exhibits shall be accomplished on or before May 6, 1964; *And, it is further ordered,* That the hearing herein shall commence on June 8, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: April 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4035; Filed, Apr. 22, 1964; 8:51 a.m.]

[Docket Nos. 15204-15207; FCC 64M-324]

WHDH, INC. (WHDH-TV) ET AL.

Order Continuing Hearing

In re applications of WHDH, Inc. (WHDH-TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT-530; for renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT-3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT-3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT-3171; for construction permits for new VHF Television Broadcast Stations.

On April 16, 1964, the United States Court of Appeals for the District of Columbia Circuit issued a Memorandum in its Nos. 17785 and 17788. Because of possible action by the Commission as a result of the Memorandum which may affect the proceedings in this case: *It is ordered,* This 17th day of April 1964, that the hearing of April 20, 1964 is rescheduled to May 11, 1964.

Released: April 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4036; Filed, Apr. 22, 1964; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-6256, RI61-28]

CENARD OIL & GAS CO. ET AL.

Order Amending Order Issuing Certificate of Public Convenience and Necessity et al.

APRIL 16, 1964.

Cenard Oil & Gas Company (formerly Chicago Stock Yards Research Company (Operator), et al.), Docket No. G-6256; Cenard Oil & Gas Company, Docket No. RI61-28.[1]

On August 2, 1963, Cenard Oil & Gas Company (Applicant) filed a motion for redesignation of FPC Gas Rate Schedule and Amendment of Certificate to reflect a change of corporate name from Chicago Stock Yards Research Company, all as more fully set forth in the motion.

On August 26, 1963, Public Service Electric and Gas Company filed a petition to intervene and on August 30, 1963, withdrew the petition. The withdrawal has become effective by operation of § 1.11(d) of the Commission's rules of practice and procedure. On August 29, 1963, Long Island Lighting Company filed a petition to intervene and on March 31, 1964, withdrew the petition.

The Commission orders:

(A) The order issuing a certificate of public convenience and necessity in Docket No. G-6256 be and the same is hereby amended to change the name of the certificate holder from Chicago Stock Yards Research Company (Operator), et al., to Cenard Oil & Gas Company, and in all other respects said order shall remain in full force and effect.

(B) The Notice of Change in Name is accepted for filing, and Chicago Stock Yards Research Company (Operator), et al., FPC Gas Rate Schedule No. 2, as supplemented, is redesignated as Cenard Oil & Gas Company FPC Gas Rate Schedule No. 1, as supplemented.

(C) The pending rate proceeding in Docket No. RI61-28, designated as Chicago Stock Yards Research Company (Operator), be and the same is hereby redesignated as Cenard Oil & Gas Company.

(D) Long Island Lighting Company be and is hereby permitted to withdraw the petition to intervene filed on August 29, 1963, in Docket No. G-6256.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4002; Filed, Apr. 22, 1964; 8:47 a.m.]

[Project No. 487]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Application for Amendment of License

APRIL 16, 1964.

Public notice is hereby given that application has been given under the Federal Power Act (16 U.S.C. 791a-825r) by Pennsylvania Power & Light Company (correspondence to: F. H. Markley, Vice President, Financial, Pennsylvania Power & Light Company, 901 Hamilton Street, Allentown, Pennsylvania, and Austin Gavin, Vice President & General Counsel, Pennsylvania Power & Light Company, 901 Hamilton Street, Allentown, Pennsylvania) for amendment of the license for Project No. 487, located on Wallenpaupack Creek in Wayne and Pike Counties, Pennsylvania.

The purpose of the application is to seek amendment of the license to make it subject to the current regulations of the Commission with respect to the establish-

[1] Consolidated with Docket No. AR61-2, et al.

ment and maintenance of a reserve for amortization.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 24, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4008; Filed, Apr. 22, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4205]

AMERICAN ELECTRIC POWER CO., INC., AND WHEELING ELECTRIC CO.

Notice of Proposed Capital Contributions and Issues, Sales and Renewals of Short-Term Promissory Notes to Banks

APRIL 17, 1964.

Notice is hereby given that American Electric Power Company, Inc. ("American"), 2 Broadway, New York, New York, 10008, a registered holding company, and its public-utility subsidiary company, Wheeling Electric Company ("Wheeling"), 51 16th Street, Wheeling, West Virginia, have filed a joint declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12 of the Act and Rules 45 and 50(a)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below:

American proposes, from time to time prior to December 1, 1965, to make cash capital contributions to Wheeling in an aggregate amount not to exceed $1,100,000. Such capital contributions will be credited by Wheeling to its Other Paid-In Capital account.

Wheeling presently has outstanding with banks an aggregate of $4,250,000 principal amount of short-term notes, which had been issued for renewal purposes pursuant to authorization of the Commission by Order dated March 1, 1963 (Holding Company Act Release No. 14814). Wheeling proposes to issue and sell to the same banks an additional $750,000 aggregate principal amount of short-term notes and to renew, from time to time prior to December 1, 1965, such notes as well as the $4,250,000 presently-outstanding notes. Each new note proposed to be issued and each new renewal note will be dated as of the date of the issuance or renewal as the case may be; will be due not more than 270 days after the date of issuance or renewal; will bear interest at the prime rate (currently 4½ percent) in effect on the respective dates of issuance or renewal; and will be prepayable, in whole or in part, without premium. No such new note will be issued or renewed after December 1, 1965, without the further order of this Commission.

Wheeling also has outstanding with the same banks $7,000,000 principal amount of long-term notes due December 1, 1965. Upon completion of the proposed bank borrowings, Wheeling will have outstanding with the following named banks long-term and short-term promissory notes in the amounts designated:

	Long-term notes	Short-term notes
Mellon National Bank and Trust Company, Pittsburgh, Pa.	$3,000,000	$2,300,000
The First National City Bank of New York, N.Y.	1,000,000	675,000
Bankers Trust Company, New York, N.Y.	1,000,000	675,000
Morgan Guaranty Trust Company of New York, N.Y.	1,000,000	675,000
Manufacturers Hanover Trust Company, New York, N.Y.	1,000,000	675,000
Totals	7,000,000	5,000,000

The filing states that on or prior to December 1, 1965, Wheeling contemplates issuing long-term securities in an amount sufficient to refund all of its then outstanding short-term and long-term promissory notes aggregating $12,000,000. Any such financing program will be the subject of a future filing with this Commission and Wheeling agrees that in the event of any permanent financing the authorization requested in the instant filing, if granted, shall terminate and cease to be in effect.

Wheeling further states that its construction program for 1964 and 1965 is estimated to cost approximately $3,700,000, of which about one-half will be derived from internal sources and the other half from the proposed $1,100,000 cash contributions of American and the $750,000 of additional short-term bank borrowings.

Declarants state that the proposed capital contributions are subject to the jurisdiction of the Public Service Commission of West Virginia; that a copy of that Commission's order will be filed by amendment; and that no commission, other than this Commission, has jurisdiction over the proposed note issues and renewals. Declarants further state that, other than a fee for legal services not in excess of $500, no fees or expenses are expected to be paid or incurred in connection with the proposed transactions.

Notice is further given that any interested person may, not later than May 7, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint declaration, as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-4011; Filed, Apr. 22, 1964; 8:48 a.m.]

[File No. 812-1673]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

APRIL 17, 1964.

Notice is hereby given that E. I. du Pont de Nemours and Company ("applicant"), Wilmington 98, Delaware, a Delaware corporation, 29 percent of the common stock of which is owned by Christiana Securities Company ("Christiana"), a registered closed-end investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from section 17(a) of the Act the transactions described below whereby Nitto Fluorochemicals Company, Ltd. ("NFC") and Nitto Chemical Industry Company, Ltd. ("NCC") would sell each other certain property in Japan. All persons are referred to said application on file with the Commission for a full statement of the representations therein which are summarized below.

NFC and NCC are Japanese corporations having their principal offices in Tokyo, Japan. Applicant and NCC each own 50 percent of the outstanding shares of NFC. Under sections 2(a)(3) and 2(a)(9) of the Act, NCC is an affiliated person of NFC, NFC is an affiliated person of Christiana and applicant and NCC are presumed to be controlled by Christiana. Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

NFC was organized by applicant and NCC on April 10, 1963 for the purpose of manufacturing and selling fluorochemicals in Japan. Prior to such organization, applicant and NCC confirmed an "NFC Plant Site" agreement which provided for the acquisition of certain properties by NFC from NCC and, by formal agreement dated May 20, 1963, NFC purchased from NCC for 216,055,200 yen (approximately $600,000) about six acres of land on which the existing fluorinated hydrocarbons manufacturing facilities of NCC were located and which were a part of NCC's Tsurumi plant (Yokohama works). Pursuant to the agreement dated May 20, 1963, NFC also agreed to purchase NCC's fluorinated hydrocarbons manufacturing facilities located on the six acres of land for 360,000,000 yen (approximately $1,000,000), the principal amount to be paid over a period of five years at the annual rate of 72,000,000 yen (approximately $200,000) plus 6 percent interest on the unpaid balance. The price of the land and the manufacturing facilities was negotiated between applicant and NCC and was confirmed in the formal "NFC Plant Site" agreement.

It has now been determined by applicant, NFC and NCC that the facilities at the Yokohama works are not satisfactory for NFC's purposes and the parties have agreed that NFC should construct a new plant at a different location and transfer its operations thereto. They have therefore renegotiated the purchase of land and facilities at the Yokohama works by NFC from NCC. NFC has negotiated for the purchase from a seller not affiliated with any of the parties of about 14 acres of land in Shimizu, Japan, as the site for the construction of its new plant.

Applicant requests that the following transactions be exempted by the Commission's order:

1. NCC will repurchase the Tsurumi land for 216,055,200 yen (approximately $600,000), the same price paid to NCC for the land by NFC.

2. NFC will purchase NCC's fluorinated hydrocarbons facilities at its Yokohama works for 360,000,000 yen (approximately $1,000,000), the amount originally agreed upon, payment to be made by: (a) Cash in the amount of 210,000,000 yen (approximately $538,000) on the date of sale; and (b) a non-interest bearing non-negotiable promissory note in the amount of 150,000,000 yen (approximately $417,000) payable July 1, 1965.

3. When NFC ceases to use the facilities at the Yokohama works, about April 1, 1965, NFC will move certain of these facilities to the new plant at Shimizu and will sell the remaining facilities to NCC. NCC will repurchase these remaining facilities for 150,000,000 yen (approximately $417,000), the sale price of these facilities to NFC less depreciation accrued during their use by NFC, by cancellation of the promissory note referred to above for that amount.

Applicant believes that the transactions are fair and reasonable to both NFC and NCC because they involve basically the same consideration for the properties in question as those agreed to by applicant and NCC when NCC was not affiliated with NFC within the meaning of the Act.

Notice is further given that any interested person may, not later than May 4, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-4012; Filed, Apr. 22, 1964; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4]

DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation on Financial Assistance

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended; there is hereby delegated to the Deputy Administrator for Financial Assistance the following authority:

1. To approve or decline business and disaster loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

2. To approve amendments of loan authorizations in loans that: (a) have, or (b) have not been fully disbursed.

3. To determine eligibility of loan applicants within the framework of prior determinations.

4. To authorize acceptance of disaster loan applications after expiration of the original disaster period.

5. To extend the original disaster period resulting from a disaster declaration.

6. To declare a disaster area and period in the absence of both the Administrator and the Executive Administrator.

7. To take all necessary actions in connection with the servicing, administration, collection, and liquidation of partially or fully disbursed loans, other obligations and acquired property but is not authorized:

a. To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

b. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

c. To exercise any rights under the "Management Agreement" clause of a Loan Agreement.

d. To deny liability of the Small Business Administration under the terms of a participation agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participating agreement.

II. The authority delegated herein may be redelegated with the exception of that contained in Item I.6.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for Financial Assistance.

IV. All authority previously delegated by the Administrator to the Deputy Administrator for Financial Assistance is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to date hereof.

Effective date. April 1, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-4013; Filed, Apr. 22, 1964; 8:48 a.m.]

[Delegation of Authority No. 30 (Rev. 8), Amdt. 4]

REGIONAL DIRECTORS

Delegation of Authority To Conduct Program Activities in Regional Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179 and 29 F.R. 4842 is hereby amended by deleting Items I.D.3 and 4, and substituting the following in lieu thereof:

I. • • •

D. • • •

3. To (a) purchase all office supplies and expendable equipment, including all desk-top items and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings in an amount not to exceed $50 in any one instance; (c) contract for services required in setting up and dismantling, and moving SBA exhibits.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administra-

tion for the rental of office space; (b) rent office equipment; (c) rent motor vehicles commercially when not available from General Services Administration; (d) procure (without dollar limitation) emergency supplies and materials.

Effective date. April 13, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-4014; Filed, Apr. 22, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 25; Amdt. No. 4]

NEW ENGLAND MOTOR FREIGHT BUREAU, INC.

Application for Agreement

APRIL 20, 1964.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed April 13, 1964, by: Charles E. Ryan, Counsel, 125 Lincoln Street, Boston, Mass., 02111.

Amendments involved: Change the agreement so as to (1) modify the qualifications and authority of the Bureau's treasurer, (2) provide for an increase of one director in the membership of the board of directors, (3) specifically permit nonmember participation in certain agency publications by use of power of attorney, and (4) allow common carriers by railroad to participate as concurring carriers in Bureau tariffs naming joint rates, and provide that such carriers shall have no voice in the affairs and will not participate in the classification of rate making procedures of the Bureau.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-4017; Filed, Apr. 22, 1964; 8:48 a.m.]

[Notice 972]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 20, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66436. By order of April 14, 1964, the Transfer Board approved the transfer to Floyd M. Shook, Jr., doing business as Shook Van & Storage Company, Santa Barbara, Calif., of the operating rights in Certificate in No. MC 47718, issued by the Commission April 17, 1956, to Floyd M. Shook, Sr., and Lillian J. Shook, a partnership, doing business as Shook's Van & Storage Company, Santa Barbara, Calif., authorizing the transportation, over irregular routes, of household goods, between Santa Barbara, Calif., on the one hand, and, on the other, points in Ventura and Santa Barbara Counties, Calif., and between Santa Barbara, Calif., and points in that part of Santa Barbara County within 15 miles of the Santa Barbara-Ventura County line, and those in Ventura and Los Angeles Counties, on and within 30 miles of U.S. Highway 101, other than Los Angeles, Calif., on the one hand, and, on the other, Los Angeles.

No. MC-FC 66580. By order of April 14, 1964, the Transfer Board approved the transfer to The Monroe Transfer and Storage Company, Incorporated, Hampton, Va., of Certificate in No. MC 7395, issued March 17, 1949, to E. A. Monroe, doing business as Monroe Transfer and Storage Company, Hampton, Va., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, between Old Point Comfort, Va., and Newport News, Va. Charles B. Arrington, Jr., 819 Citizens Bank Building, Norfolk 10, Va., attorney for applicants.

No. MC-FC 66672. Corrected notice*—By order of April 1, 1964, the Transfer Board approved the substitution of Jack Hopwood and Robert Hopwood, a partnership, doing business as Hoppy's Ice & Oil Service, Brockton, Mass., in lieu of Everett A. Hopwood (Fred D. Hendrick, Administrator), doing business as Hoppy's Ice & Oil Service, Brockton, Mass., as applicant in No. MC 58468 (Sub-No. 1) for a certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act supported by Massachusetts Certificate No. 5268 authorizing the transportation, over irregular routes, of general commodities anywhere within the Commonwealth of Massachusetts. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., attorney for applicants.

No. MC-FC 66767. By order of April 14, 1964, the Transfer Board approved the transfer to Wilbur Miller, doing business as Miller Truck Line, River Falls, Wis., of the operating rights in Certificates in Nos. MC 5857 and MC 5857 (Sub-No. 1), issued by the Commission January 8, 1941, and November 21, 1962, respectively, to Chester Truesdill, Baldenville, Wis., authorizing the transportation, over irregular routes, of livestock and agricultural commodities, from points in five specified towns in Pierce County, Wis., and three specified towns in St. Croix County, Wis., to Minneapolis, St. Paul, South St. Paul, and Newport, Minn., and of general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Minneapolis, St. Paul, South St. Paul, and Newport, Minn., to points in the above-referred-to Wisconsin towns, and from River Falls, Wis., to Minneapolis, Minn. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, representative for applicants.

No. MC-FC 66793. By order of April 14, 1964, the Transfer Board approved the transfer to Geo. I. Cornelison, Creston, Iowa, the operating rights in the Certificate in No. MC 90221 issued August 12, 1963 to Carl N. Campbell, doing business as Campbell Bros., Orient, Iowa, authorizing the transportation, over regular routes, of: Livestock and agricultural commodities, and general commodities, excluding household goods, commodities in bulk, and other specified commodities, and livestock, over irregular routes, between specified points in Iowa and Nebraska. William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50306, representative for applicants.

No. MC-FC 66799. By order of April 14, 1964, the Transfer Board approved the transfer of Robert L. Mitchener and Ronald J. Mozingo, a partnership, doing business as A & W Transfer & Storage, Arkansas City, Kans., of the operating rights in Certificate in No. MC 107302, issued March 15, 1954, to Claude R. Stacy, doing business as Stacy Transfer & Storage Co., Arkansas City, Kans., authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, from Gueda Springs, and Arkansas City, Kans., to points in Oklahoma. J. Michael Smith, Box 220, Winfield, Kans., attorney for applicants.

No. MC-FC 66826. By order of April 14, 1964, the Transfer Board approved the transfer to Joseph Campbell, Philadelphia, Pa., of Certificate in No. MC 18735, issued March 16, 1951, to William B. Sullender, 5706 Thomas Avenue Philadelphia, Pa. (Zone 43), authorizing the transportation of household goods, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. James C. Brennan, 19 West Fifth Street, Chester, Pa., attorney for transferee.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-4018; Filed, Apr. 22, 1964; 8:49 a.m.]

*On page 5027 in the FEDERAL REGISTER dated April 10, 1964 line 10 the transfer of Texas intrastate certificate is shown, and it should have been Massachusetts.

[Notice 972-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 20, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-66725. Application filed March 24, 1964, for L. C. Corp., Room 735, 89 Broad Street, Boston, Mass., for temporary authority to lease the operating rights of C. J. Hogan, Inc., 79 Seattle Street, Allston, Mass., under section 210a(b). The transfer to L. C. Corp., of the operating rights of C. J. Hogan, Inc., is still pending.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-4019; Filed, Apr. 22, 1964; 8:49 a.m.]

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4082; Amdt. 370]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below-named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Aberdeen VOR	AR LFR	Direct	2900	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-35	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side S crs, 162° Outbnd, 342° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 341°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing AR-LFR, make right climbing turn to 2900′ and return to the LFR. Hold S crs, 342° Inbnd, right turns.
NOTE: Final approach from holding pattern at LFR not authorized. Procedure turn required.

City, Aberdeen; State, S. Dak.; Airport Name, Aberdeen Municipal; Elev., 1301′; Fac. Class., SBRAZ; Ident., AR; Procedure No. 1, Amdt. 12; Eff. Date, 2 May 64; Sup. Amdt. No. 11; Dated, 21 Sept. 63

Pulaski VOR	Pulaski LFR	Direct	5100	T-dn	*500–1	*500–1	*500–1
				C-dn	800–2	800–2	800–2
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 5100′ within 10 miles.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 059°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Pulaski LFR, make a right climbing turn to PK-LFR at 5100′. Hold SW on PK-LFR, 248° Outbnd, 068° Inbnd, 1-minute right turns.
*CAUTION: Mountainous terrain 1600′ higher than airport elevation S, W, and N at 5 to 8 miles. Higher terrain at greater distances. Climb to 8000′ in an area bounded by bearing of 050° through 110° from LFR within 15 miles.
MSA: NE—5400′; SE—4600′; SW—5100′; NW—5100′.

City, Dublin; State, Va.; Airport Name, New River Valley; Elev., 2105′; Fac. Class., SBMRAZ; Ident., PK; Procedure No. 1, Amdt. 2; Eff. Date, 2 May 64; Sup. Amdt. No. 1; Dated, 21 Mar. 64

Evans Creek FM	ME LFR	Direct	5000	T-dn	300–1	300–1	200–½
MFR VOR	ME LFR	Direct	5000	C-dn*	1900–1	1900–1	1900–1½
Evans Creek FM	Eagle Pt. LF Int	Direct	3900	A-dn	1900–2	1900–2	1900–2
Eagle Pt. LF Int	ME LFR (final)	Direct	2600	*If Eagle Pt. Int is positively identified the following minimums apply:			
				C-dn	700–1	700–1	700–1½

Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 5000′ within 12 miles.
Minimum altitude over Eagle Pt. Int on final approach crs, 3900′; over ME LFR 2600′.
Crs and distance, facility to airport, 160°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing ME LFR, make immediate right turn, climb to 5000′ direct ME LFR thence continue on the N crs of ME LFR within 10 miles. All turns E side of N crs.
CAUTION: High terrain all quadrants.
Other change: Deletes transition from Gold Hill Int to ME LFR.
*If Eagle Pt. Int is not positively identified, minimum over ME LFR is 3900′. VOR equipment required to execute this procedure to reduced minimums.
MSA: 000°–090°—10,000′; 090°–180°—8600′; 180°–270°—7600′; 270°–360°—6300′.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., SBRAZ; Ident., ME; Procedure No. 1, Amdt. 9; Eff. Date, 2 May 64; Sup. Amdt. No. 8; Dated, 27 Jan. 62

PROCEDURE CANCELLED, EFFECTIVE 2 MAY 1964.

City, Pocatello; State, Idaho; Airport Name, Municipal; Elev., 4445′; Fac. Class., BMRLZ; Ident., PIH; Procedure No. 1, Amdt. 4; Eff. Date, 26 Dec. 59; Sup. Amdt. No. 3; Dated, 17 Sept. 55

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BC-LFR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
BFL-VOR	LOM	Direct	2400	C-dn	500-1	500-1	500-1½
Maricopa Int	LOM	Direct	3000	S-dn-30R	400-1	400-1	400-1
Arvin Int	LOM	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn S* side of crs, 119° Outbnd, 299° Inbnd, 2400′ within 10 miles of LOM. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 299°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 3000′ on NW crs of the BC-LFR within 20 miles or, when directed by ATC; (1) climb to 3000′ on R-227 BFL-VOR within 15 miles; (2) climb to 3000′ on SW crs BC-LFR within 15 miles.
Other changes: Deletes transitions from Wheeler Ridge Int, Whitman Int, and Grapevine Int. Deletes Caution note.
*All turns S side of crs, high terrain N.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 488′; Fac. Class., LOM; Ident., BF; Procedure No. 1, Amdt. 2; Eff. Date, 2 May 64; Sup. Amdt. No. 1; Dated, 12 Aug. 61

Oakville Int	LOM	Direct	1900	T-dn%	300-1	300-1	200-½
Bruins RBn	LOM	Direct	1800	C-dn	500-1	500-1	500-1½
Waverly Int	LOM (final)	Direct	1700	S-dn-9	400-1	400-1	400-1
Kerrville Int	LOM	Direct	1800	A-dn	800-2	800-2	800-2
Memphis VOR	LOM	Direct	1900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side W crs, 267° Outbnd, 087° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 087°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing ME LOM, climb to 1900′ on crs 087° within 15 miles or, when directed by ATC, turn right, climb to 1900′ on R-135 MEM-VOR within 15 miles.
Other change: Deletes transition from Miller Int.
%AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized on Runway 14-32.
MSA: 000°-090°—2300′; 090°-180°—1700′; 180°-270°—1700′; 270°-360°—1700′.

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331′; Fac. Class., LOM; Ident , ME; Procedure No. 1, Amdt. 12; Eff. Date, 2 May 64; Sup. Amdt. No. 11; Dated, 11 Jan. 64

MEM VOR	LOM	Direct	1900	T-dn#	300-1	300-1	200-½
Independence Int	LOM	Direct	1900	C-dn	500-1	500-1	500-1½
Coldwater Int	LOM	Direct	1900	S-dn-35	400-1	400-1	400-1
Walls Int	LOM	Direct	1900	A-dn	800-2	800-2	800-2
Porter Int	LOM	Direct	1900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 354°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing TS LOM, climb to 2500′ on crs of 354° within 15 miles or, when directed by ATC, turn left, climb to 1800′ on R-271 MEM-VOR within 15 miles.
Other change: Deletes transitions from Miller Int and Lewisburg Int.
#AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized on Runway 14-32.
MSA: 000°-090°—2300′; 090°-180°—1700′; 180°-270°—1500′; 270°-360°—1700′.

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331′; Fac. Class., LOM; Ident., TS; Procedure No. 2, Amdt. 2; Eff. Date, 2 May 64; Sup. Amdt. No. 1; Dated, 11 Jan. 64

Carmel Int	LMM	Direct	4000	T-dn*	300-1	300-1	300-1¼
Salinas VOR	LMM	Direct	3000	C-d	900-2	900-2	900-2
Salinas VOR	Marina Int	Direct	2000	C-n	900-3	900-3	900-3
Marina Int	LMM	Direct	2000	A-dn	1000-3	1000-3	1000-3
Shark Int	LMM	Direct	3000				

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2000′ within 10 miles of LOM/OM. Beyond 10 miles not authorized.
Minimum altitude over LOM/OM on final approach crs, 1500′; over LMM, 1100′.
Crs and distance, facility to airport, 096°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LMM, turn left, climb to 2000′ on crs 276° from LMM within 15 miles.
AIR CARRIER NOTE: No reduction in visibility minimums authorized, except for takeoff Runway 28.
CAUTION: High terrain S of airport. All maneuvering for circling approaches must be accomplished N of Runway 10/28.
*500-1 required for takeoff Runway 6.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class., LMM; Ident., RY; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 May 64

PROCEDURE CANCELLED, EFFECTIVE 2 MAY 1964 OR UPON RELOCATION OF RBN.

City, Pago Pago, Tutuila Island, American Samoa; Airport Name, Pago Pago International; Elev., 6′; Fac. Class., HW; Ident., TUT; Procedure No. 1, Amdt. 1; Eff. Date, 26 Jan. 63; Sup. Amdt. No. Orig.; Dated, 23 Jan. 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All directions	TUT RBn	Direct	4100	T-dn	800-2	800-2	*200-½
TUT VOR	TUT RBn	Direct	2600	C-d**	900-2	900-2	900-2
				C-n**	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3

Procedure turn Teardrop SE side of crs, 195° Outbnd, 035° Inbnd, 1000′ within 10 miles. Do not descend below 2600′ until 3 miles Outbnd on 195° bearing.
Minimum altitude on final approach crs, 900′. Descend to 900′ immediately upon completion of procedure turn. Flight to airport under VFR conditions at authorized minimums required.
Crs and distance, facility to airport, 055°—1.2 miles; breakoff point to runway, 048°—2 miles.
If visual contact not established upon descent to 900′, turn right and climb to 4100′ on 195° bearing within 20 miles.
AIR CARRIER NOTE: Sliding scale not authorized.
*200-½ authorized for takeoff Runway 5 only. 800-2 required Runway 23 with left turn after takeoff.
**Circling to N and NW of C/L Runway 5/23 extended not authorized.
MSA: 000°-090°—4100′; 090°-180°—1200′; 180°-270°—2100′; 270°-360°—2600′.

City, Pago Pago, Tutuila Island, American Samoa; Airport Name, Pago Pago International; Elev., 30′; Fac. Class., HW; Ident., TUT; Procedure No. 2, Amdt. Orig.; Eff. Date, 2 May 64

SUX RBn	LOM	Direct	2600	T-dn	300-1	300-1	*200-½
SUX VOR	LOM	Direct	2600	C-dn	500-1	600-1	600-1¼
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 127° Outbnd, 307° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 307°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, climb to 2400′ on crs 307° from LOM within 20 miles or, when directed by ATC, turn left and climb to 3000′ on 247° bearing from SUX RBn within 20 miles.
Other change: Deletes Caution note.
*300-1 required for all takeoffs on Runway 4, due to 1318′ terrain 1.4 miles ENE of airport.
MSA: 000-360°—3100′.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., LOM; Ident., SU; Procedure No. 1, Amdt. 8; Eff. Date, 2 May 64; Sup. Amdt. No. 7; Dated, 4 Jan. 64

SUX RBn	JKN RBn	Direct	2400	T-dn	300-1	300-1	*200-½
SUX VOR	JKN RBn	Direct	2400	C-dn	600-1	600-1	600-1¼
Jefferson Int##	JKN RBn	Direct	2400	S-dn-13	600-1	600-1	600-1
Hubbard Int##	JKN RBn	Direct	2400	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2400′ within 10 miles.
Minimum altitude, facility to airport, 2200′.
Crs and distance, facility to airport, 127°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing JKN RBn, climb to 2500′ on crs of 127° within 20 miles.
Other change: Deletes Caution note.
*300-1 required for all takeoffs on Runway 4, due to 1318′ terrain 1.4 miles ENE of airport.
#Jefferson Int: Int SUX VOR R-331 and 016° bearing from JKN RBn.
##Hubbard Int: Int SUX VOR R-296 and 221° bearing from JKN RBn.
MSA: 000°-090°—3100′; 090°-360°—2700′.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., MHW; Ident., JKN; Procedure No. 2, Amdt. 2; Eff. Date, 2 May 64; Sup. Amdt. No. 1; Dated, 26 Aug. 61

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Aberdeen LFR	ABR-VOR	Direct	2400	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1¼
				S-dn-30	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 121° Outbnd, 301° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 301°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing ABR VOR, execute right climbing turn to 3500′, return to VOR and hold SE on R-301 Inbnd right turns.

City, Aberdeen; State, S. Dak.; Airport Name, Aberdeen Municipal; Elev., 1301′; Fac. Class., H-BVOR; Ident., ABR; Procedure No. 1, Amdt. 5; Eff. Date, 2 May 64; Sup. Amdt. No. 4; Dated, 21 Sept. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
IRL VOR	EWC VOR	Direct	3000	T-dn	500-1	700-1	NA
				C-d	700-1	700-1	NA
				C-n	700-2	700-2	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 253°—8.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.6 miles after passing EWC VOR, make right climbing turn to 3000′. Return to EWC VOR. Hold NE, 1-minute right turns, 253° Inbnd.
NOTE: No weather service. UNICOM 122.8.

City, Beaver Falls; State, Pa.; Airport Name, Beaver County; Elev., 1247′; Fac. Class., BVORTAC; Ident., EWC; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 May 64

				T-dn	300-1	300-1	200-½
				C-dn*	400-1	500-1	500-1½
				S-dn	NA	NA	NA
				A-dn	800-2	800-2	800-2

Radar transitions authorized within approved radar patterns of Kennedy radar.
Procedure turn N side of crs, 085° Outbnd, 265° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 265°—9.0 miles; Sunrise Int# to airport, 265°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.0 miles after passing DPK-VOR or 2.4 miles after passing Sunrise Int,# make left climbing turn to 1800′, proceed direct to DPK-VOR. Hold E, 1-minute right turns, Inbnd crs 265°.
*Maintain 900′ until passing Sunrise Int.# If Sunrise Int# not identified, ceiling minimums of 800-1 are applicable for landing.
#Sunrise Int: Int DPK-VOR R-265 and 174° bearing from Bethpage RBn.

City, Bethpage; State, N.Y.; Airport Name, Grumman-Bethpage; Elev., 119′; Fac. Class., BVOR; Ident., DPK; Procedure No. 1, Amdt. 2; Eff. Date, 2 May 64; Sup. Amdt. No. 1; Dated, 2 Apr. 64

BOI RBn	BOI-VOR	Direct	4200	T-dn	300-1	300-1	200-½
Mayfield Int	BOI-VOR	Direct	7000	C-dn	400-1	500-1	500-1½
Willow Creek Int	BOI-VOR	Direct	7500	S-dn-10R	400-1	400-1	400-1
				A-dn	900-2	900-2	900-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 4200′ within 10 miles.
Minimum altitude over Meridian Int or 3.5-mile DME fix on final approach, 3700′.
Crs and distance, Meridian Int or 3.5-mile DME fix to airport, 106°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BOI-VOR, climb to 5500′ on R-111 within 10 miles. All turns S.
NOTE: ADF or DME equipment required for descent below 3700′.

City, Boise; State, Idaho; Airport Name, Boise Air Terminal; Elev., 2858′; Fac. Class., BVORTAC; Ident., BOI; Procedure No. 1, Amdt. 5; Eff. Date, 2 May 64; Sup. Amdt. No. 4; Dated, 21 Mar. 64

Berenda Int	FAT VOR (final)	Direct	1900	T-dn	300-1	300-1	NA
				C-d	800-1	800-1	NA
				C-n	800-2	800-2	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 168°—9.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles after passing FAT VOR, turn right, proceed direct to FAT VOR, climbing to 2300′ on R-305 within 20 miles.
MSA: 340°-110°—5800′; 110°-180°—2100′; 180°-270°—1900′; 270°-340°—3300′.

City, Fresno; State, Calif.; Airport Name, Fresno-Chandler Municipal; Elev., 283′; Fac. Class., BVORTAC; Ident., FAT; Procedure No. 1, Amdt. 1; Eff. Date, 2 May 64; Sup. Amdt. No. Orig.; Dated, 21 Mar. 64

Ada Int	GRR VOR	Direct	2900	T-dn	300-1	300-1	200-½
Comstock Int	GRR VOR	Direct	2900	C-dn	400-1	500-1	500-1½
Orangeville Int	GRR VOR	Direct	2900	S-dn-36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 351°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing VOR, climb to 2500′ and proceed to Comstock Int via GRR R-351 and MKG R-115 or, when directed by ATC, make left climbing turn and return to the VOR at 2900′.

City, Grand Rapids; State, Mich.; Airport Name, Kent County-Cascade; Elev., 793′; Fac. Class., L-BVOR; Ident., GRR; Procedure No. 1, Amdt. 1; Eff. Date, 2 May 64; Sup. Amdt. No. Orig.; Dated, 14 Dec. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Chapel Int**	LAF VOR (final)	Direct	2300	T-dn*	300-1	300-1	200-½
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				Following minimums apply for dual VOR equipped aircraft and Battle Int# identified:			
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of final approach crs, 323° Outbnd, 143° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 143°—10.6 miles; Battle Int# to airport, 143°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.6 miles after passing LAF VOR or 3.4 miles after passing Battle Int,# climb to 2300′ on LAF VOR R-143 and return to LAF VOR.
NOTE: Aircraft departing runway 10 eastbound climb to 1800′ on heading 140°. Runway 5 departures eastbound climb to 1800′ on runway heading before proceeding on crs.
CAUTION: 1305′ tower 3.6 miles ESE of airport directly in line with Runway 10.
*300-1 required for Runway 5.
**Chapel Int: LAF R-312 and DNV R-037.
#Battle Int: INT LAF VOR R-143 and EPT VOR R-019.
MSA: 000°-090°—2000′; 090°-180°—2400′; 180°-270°—2200′; 270°-360°—2100′.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 605′; Fac. Class., BVORTAC; Ident., LAF; Procedure No. 1, Amdt. 10; Eff. Date, 2 May 64; Sup. Amdt. No. 9; Dated, 22 Feb. 64

				T-dn*	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-d-5	700-1	700-1	700-1
				S-n-5	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2
				Following minimums apply for dual VOR equipped aircraft and Wabash Int# identified:			
				C-dn	600-1	600-1	600-1½
				S-dn-5	500-1	500-1	500-1

Procedure turn S side of crs, 217° Outbnd, 037° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Minimum altitude after passing Wabash Int# on final approach crs, 1100′.
Crs and distance, facility to airport, 037°—9.4 miles, Wabash Int# to airport, 037°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished withing 9.4 miles after passing EPT VOR or 4.4 miles after passing Wabash Int,# climb to 2300′ on EPT R-037 and return to EPT VOR.
NOTE: Aircraft departing Runway 10 eastbound climb to 1800′ on heading 140°. Runway 5 departures eastbound climb to 1800′ on runway heading before proceeding on crs.
CAUTION: 1305′ tower 3.6 miles ESE of airport directly in line with Runway 10.
Other change: Deletes Sliding Scale note.
*300-1 required for Runway 5.
#Wabash Int: INT EPT VOR R-037 and LAF R-163.
MSA: 000°-090°—2400′; 090°-180°—2200′; 180°-270°—2200′; 270°-360°—2200′.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 605′; Fac. Class., BVORTAC; Ident., EPT; Procedure No. 2, Amdt. 8; Eff. Date, 2 May 64; Sup. Amdt No. 7; Dated, 22 Feb. 64

Penguin Int	LNY R-293/MKK R-162	Direct	2000	T-d	700-1	700-1	NA
LNY R-293/MKK R-162	Rose Int*	Direct	2000	C-d	700-1	700-1	NA
Sampan Int	Rose Int*	Direct	2000	A-d	800-2	800-2	NA
Rose Int*	LNY VOR (final)	Direct	2000				

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 2800′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 026°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums over the LNY VOR or, if landing not accomplished, make right turn, climb to 4000′ on LNY R-278 within 20 miles.
NOTES: 1. No airport lighting. 2. Control zone operates 1430-1815 local standard time only. 3. Warning area 3.1 miles S of VOR.
CAUTION: Terrain rises sharply 2 miles NE of airport. Lee side turbulence may be encountered throughout approach.
*Rose Int: Int R-278 LNY VOR and R-162 MKK VOR.
MSA: 000°-090°—7900′; 090°-180°—3500′; 180°-270°—3300′; 270°-360°—5200′.

City, Lanai City; State, Hawaii; Airport Name, Lanai; Elev., 1315′; Fac. Class., BVOR; Ident., LNY; Procedure No. 1, Amdt. 1; Eff. Date, 2 May 64; Sup. Amdt. No. Orig.; Dated, 4 June 60

MFR VOR	Evans Creek FM	Direct	6500	T-dn	800-1	300-1	200-½
Evans Creek FM-V23	MFR VOR (final)	Direct	3900	C-d*	1000-1	1000-1	1000-1½
Evans Creek FM-V23W	MFR VOR (final)	Direct	3900	C-n*	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				*If Table Int is positively identified, the following minimums apply:			
				C-dn	700-1	700-1	700-1½

Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 6500′ within 10 miles of Evans Creek FM.
Minimum altitude over Evans Creek FM on final approach crs, 6000′; over MFR VOR, 3900′; over Table Int, 2900′.
Crs and distance, MFR VOR to airport, 145°—6.3 miles; Table Int# to airport, 145°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 6.3 miles after passing MFR VOR or 4.5 miles after passing Table Int, make immediate right turn, climb to 6500′ direct to MFR VOR thence continue in a 1-minute right turn holding pattern S of MFR VOR on R-156.
NOTE: When authorized by ATC, DME may be used between R-218 MFR VOR clockwise to R-347 MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain in all quadrants.
Other change: Deletes transition from Gold Hill Int to MFR VOR (final).
*ADF equipment required to execute this procedure to the reduced minimums.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. 1, Amdt. 5; Eff. Date, 2 May 64; Sup. Amdt. No. 4; Dated, 27 Jan. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn*	300–1		
				C–d	600–1½		
				C–n*	600–2		
				A–dn*	800–2		

Procedure turn W side of crs, 356° Outbnd, 176° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 176°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.7 mile after passing RSL VOR, make left turn climbing to 3400′, return to RSL VOR.
NOTE: Approach from holding pattern at RSL VOR not authorized. Procedure turn required.
*Night operations on N–S runway only.

City, Russell; State, Kans.; Airport Name, Russell Municipal; Elev., 1863′; Fac. Class., BVOR; Ident., RSL; Procedure No. 1, Amdt. 8; Eff. Date, 2 May 64; Sup. Amdt. No. 7; Dated, 11 June 60

Sioux City RBn	SUX–VOR	Direct	2400	T–dn	300–1	300–1	*200–½
				C–dn	500–1	600–1	600–1½
				S–dn–31	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 132° Outbnd, 312° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 312°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing SUX VOR, climb to 3000′ on R–332 within 20 miles.
NOTE: When authorized by ATC, DME may be used to position aircraft for straight-in approach at 2600′ between R–060 clockwise to R–250 via 10-mile DME arc with the elimination of procedure turn.
*300–1 required for all takeoffs on Runway 4, due to 1318′ terrain 1.4 miles ENE of airport.
MSA: 000°–360°—3100′.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., BVORTAC; Ident., SUX; Procedure No. 1, Amdt. 8; Eff. Date, 2 May 64; Sup. Amdt. No. 7; Dated, 29 Sept. 62

				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of N crs, 350° Outbnd, 170° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 161°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing ICT VOR, turn right, climb to 3400′ on R–216 within 20 miles, or when directed by ATC, turn right, climb to 3000′ on R–134 and proceed to Mayfield Int.
CAUTION: 2444′ TV tower 8.4 miles NNW.
NOTES: Approach from holding pattern not authorized. Procedure turn required. Aircraft executing missed approach may be radar controlled after being reidentified.
Other change: Deletes transition from Viola RBn.

City, Wichita; State, Kans.; Airport Name, Municipal; Elev., 1332′; Fac. Class., BVOR; Ident., ICT; Procedure No. 1, Amdt. 3; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 2; Dated, 13 Apr. 63

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FMN VOR	DRO VOR	Direct	9500	T–dn	1000–1	1000–1	1000–2
				C–dn	1000–1	1000–1	1000–2
				A–dn*	1500–3	1500–3	1500–3

Procedure turn S side of crs, 104° Outbnd, 284° Inbnd, 9500′ within 10 miles.
Procedure turn nonstandard on account of terrain.
Minimum altitude over facility on final approach crs, 7700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn right, climb to 9500′ on R–104 within 10 miles.
NOTES: 1. Final approach from holding patterns at VOR not authorized; procedure turn required. 2. Communications available with FMN FSS. Transmit on 122.1 and receive on DRO VOR 108.2. 3. Communications with Denver Center below 7600′ unreliable.
*Effective during the hours weather is available—1200Z to 0600Z.
MSA: 180°–270°—10, 400′; 270°–360°—16,100′; 360°–090°—16,100′; 090°–180°—10,600′.

City, Durango; State, Colo.; Airport Name, La Plata Field; Elev., 6684′; Fac. Class., L–VOR; Ident., DRO; Procedure No. TerVOR R–104, Amdt. 7; Eff. Date, 2 May 64; Sup. Amdt. No. 6; Dated, 14 Mar. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Abbeville Int	OZR VOR	Direct	2000	T–dn	300–1	300–1	200–½
DIN VOR	OZR VOR	Direct	2000	C–dn	500–1	500–1	500–1½
Skipperville Int	OZR VOR	Direct	2000	S–dn–24	400–1	400–1	400–1
Hartford Int	OZR VOR	Direct	2000	A–dn	800–2	800–2	800–2
Enterprise RBn	OXR VOR	Direct	2000				
Darlington Int	OZR VOR	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 1700′ within 10 miles of Newton Int.*
Minimum altitude over Newton Int* on final approach crs, 1700′.
Crs and distance, breakoff point to end of runway 24, 236°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn right, climb to 2000′ on R–280 OZR VOR within 20 miles.
NOTE: Authorized for military use only except by prior arrangement.
*Newton Int: Int R–160 HEY VOR and R–060 OZR VOR.
MSA: 000°–090°—2500′; 090°–180°—2500′; 180°–270°—1600′; 270°–360°—1700′.

City, Ft. Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class., VOR; Ident., OZR; Procedure No. TerVOR–24, Amdt. 2; Eff. Date, 2 May 64; Sup. Amdt. No. 1; Dated, 5 Oct. 63

				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–5	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
				*If Carpenter Int or 6-mi DME fix received, minimums are:			
				C–dn	400–1	500–1	500–1½
				S–dn–5	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W** side of crs, 236° Outbnd, 056° Inbnd, 2000′ within 10 miles.
Minimum altitude over RDU–VOR, 900′.*
Crs and distance, Carpenter Int* to Runway 5, 055°—5.8 miles.
Crs and distance, breakoff point to Runway 5, 040°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over RDU–VOR, climb to 2000′ on R–055, or when directed by ATC, (1) turn left, climb to 2000′ on R–041, or (2) turn left, climb to 2400′ on R–309. All within 20 miles.
*Carpenter Int: Int RDU–VOR R–235 and 325° crs from RD LOM or 6-mile DME fix R–235.
**Procedure turn nonstandard due to ATC requirement.
MSA: 000°–090°—1800′; 090°–180°—2800′; 180°–270°—1800′; 270°–360°—2500′.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., BVORTAC; Ident; RDU; Procedure No. TerVOR–5, Amdt. 2; Eff. Date, 2 May 64; Sup. Amdt. No. 1; Dated, 14 July 62

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 2 MAY 64.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., BVORTAC; Ident., SUX; Procedure No. VOR/DME–1, Amdt. Orig.; Eff. Date, 14 July 62

SUX–VOR	10-mile DME fix R–311	Direct	2400	T–dn	300–1	300–1	*300–½
				C–dn	600–1	600–1	600–1½
				S–dn–13	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 311° Outbnd, 131° Inbnd, 2400′ between 10 and 20 miles.
Minimum altitude over 10-mile DME fix R–311 on final approach crs, 2200′.
Crs and distance, 10-mile DME fix R–311 to airport, 131°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.1-mile DME fix R–311, climb to 2600′ on R–131 within 10 miles of VOR.
NOTE: When authorized by ATC, DME may be used to position aircraft for straight-in approach at 2600′ between R–260 clockwise to 360° via 20 miles DME are with the elimination of procedure turn.
Other changes: Deletes Caution note; deletes transitions from 20- and 10-mile fixes.
*300–1 required for all takeoffs on Runway 4, due to 1318′ terrain 1.4 miles ENE of airport.
MSA: 000°–360°—3100′.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., BVORTAC; Ident., SUX; Procedure No. VOR/DME–2, Amdt. 1; Eff. Date, 2 May 64; Sup. Amdt. No. Orig., Dated, 14 July 62

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
BC LFR	LOM	Direct	2400	T–dn	300–1	300–1	200–½
BFL VOR	LOM	Direct	2400	C–dn	500–1	500–1	500–1½
Maricopa Int	LOM	Direct	3000	S–dn–30R#	200–½	200–½	200–½
River Int	LOM	Direct	2400	A–dn	600–2	600–2	600–2
Arvin Int	LOM (final)	Direct	**2000				

Procedure turn S* side SE crs, 119° Outbnd, 299° Inbnd, 2400′ within 10 miles of OM. Beyond 10 miles not authorized.
Minimum altitude at glide slope int Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 1985′—4.5 miles; at MM, 713′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on NW crs ILS within 20 miles or, when directed by ATC, (1) climb to 3000′ on R–227 BFL within 15 miles; (2) climb to 3000′ on SW crs BC LFR within 15 miles; (3) climb to 3000′ on NW crs BC LFR within 20 miles.
Other changes: Deletes transition from Lamont Int. Deletes Caution note.
*All turns S side of crs, high terrain N.
**Descent to 1985′ at LOM authorized after glide slope intercept on localizer crs.
#400–¾ required with glide slope inoperative.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 488′; Fac. Class., ILS; Ident., I–BFL; Procedure No. ILS–30R, Amdt. 13; Eff. Date, 2 May 64; Sup. Amdt. No. 12; Dated, 13 Oct. 62

Justin Int	Keller Int##	Direct	2000	T–dn	300–1	300–1	*200–½
Keller Int##	OM (final)	Direct	2000	C–dn	600–1	600–1	600–1½
Joshua Int	OM	Via FTW ILS		S–dn–17#%	300–¾	300–¾	300–¾
			**2200	A–dn	600–2	600–2	600–2

Radar vectoring may be used to position A/C for final approach within 5 miles N of OM with elimination of procedure turn.
Procedure turn E side of crs, 354° Outbnd, 174° Inbnd, 2000′ within 10 miles of OM. Beyond 10 miles not authorized.
Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 2000′.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2000′—3.5 miles, at MM, 950′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000 on S crs ILS within 20 miles.
*300–1 required for takeoff Runways 9–27 and 13–31.
**Radar terminal area transition altitude 2000′ within 20 miles of radar site. (Greater Southwest International Airport.) Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1749′ TV tower 6 miles SE; 1679′ tower 7 miles SE; 2349′ TV tower 24 miles ESE of airport.
#600–¾ required when glide slope not utilized.
%400–1 required when control tower is not in operation. Normal hours of tower operation 0700–2300 daily.
##Keller Int: Int of FTW ILS N crs and EWX R–040 or GSW R–300—MAA to determine intersection—8000′.
AIR CARRIER NOTE: Reduction in landing minimums not authorized on cargo or ferry flights.
CAUTION: 956′ grain elevator 1.5 miles N and 990′ grain elevator 1.9 miles N of airport.

City, Fort Worth; State, Tex.; Airport Name, Meacham Field; Elev., 692′; Fac. Class., ILS; Ident., I–FTW; Procedure No. ILS–17, Amdt. 15; Eff. Date, 2 May 64; Sup. Amdt. No. 14; Dated, 29 Feb. 64

Kerrville Int	LOM	Direct	1800	T–dn**%	300–1	300–1	200–½
Oakville Int	LOM	Direct	1900	C–dn	500–1	500–1	500–1½
Bruins RBn	LOM	Direct	1800	S–dn–04#	200–½	200–½	200–½
Waverly Int	LOM (final)	Direct	1700	A–dn	600–2	600–2	600–2
Memphis VOR	LOM	Direct	1900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side W crs, 267° Outbnd, 087° Inbnd, 1800′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1650′—4.2 miles, at MM, 540′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1900′ on E crs ILS (087°) within 15 miles or, when directed by ATC, turn right, climb to 1900′ on R–135 MEM–VOR within 15 miles.
NOTE: 400–¾ required when glide slope not utilized. Touchdown point approximately 1800′ E of runway threshold.
Major change: Deletes transition from Miller Int.
%AIR CARRIER NOTE: Takeoff with less than 200–½ not authorized runway 14–32.
#Runway visual range 2600′ also authorized for landing on Runway 9, provided all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 531′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 9 in lieu of 200–½ when 200–½ is authorized; provided high-intensity runway lights are operational.

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331′; Fac. Class., ILS; Ident., I–MEM; Procedure No. ILS–9, Amdt. 10; Eff. Date, 2 May 64; Sup. Amdt. No. 9; Dated, 11 Jan. 64

MEM–VOR	LOM	Direct	1900	T–dn#	300–1	300–1	200–½
Independence Int	LOM	Direct	1900	C–dn	500–1	500–1	500–1½
Coldwater Int	LOM	Direct	1900	S–dn–35*	200–½	200–½	200–½
Walls Int	LOM	Direct	1900	A–dn	600–2	600–2	600–2
Porter Int	LOM	Direct	1900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 1900′ within 10 miles of OM.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1694′—4.7 miles; at MM, 531′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on crs of 354° from LOM within 15 miles or, when directed by ATC, turn left, climb to 1800′ on R–271 MEM–VOR within 15 miles.
Other change: Deletes transitions from Miller Int and Lewisburg Int.
*400–¾ required when glide slope not utilized.
#AIR CARRIER NOTE: Takeoff with less than 200–½ not authorized on Runway 14–32

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331′; Fac. Class., ILS; Ident., I–TSE; Procedure No. ILS–35, Amdt. 3; Eff. Date, 2 May 64; Sup. Amdt. No. 2; Dated, 8 Feb. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
OSH VOR	LOM	Direct	2600	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–9	400–1	400–1	400–1
				A–dn*	800–2	800–2	800–2

Procedure turn S side of crs, 268° Outbnd, 088° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
No glide slope.
Distance to approach end of runway at OM, 5.7 miles; at MM, 0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 2600′ on OSH VOR R–088 within 15 miles or, when directed by ATC, make right climbing turn to 2600′ on W crs ILS within 15 miles.
NOTES: No approach lights.
Other change: Deletes Air Carrier note.
*Alternate minimums not authorized when control tower not in operation.

City, Oshkosh; State, Wis.; Airport Name, Winnebago County; Elev., 795′; Fac. Class., ILS; Ident., I–OSH; Procedure No. ILS–9, Amdt. 3; Eff. Date, 2 May 64; Sup. Amdt. No. 2; Dated, 11 Jan. 64

SUX Rbn	JKN–RBn	Direct	2400	T–dn	300–1	300–1	*200–½
SUX–VOR	JKN–RBn	Direct	2400	C–dn	600–1	600–1	600–1½
Jefferson Int#	JKN RBn	Direct	2400	S–dn–13	600–1	600–1	600–1
Hubbard Int##	JKN RBn	Direct	2400	A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2400′ within 10 miles.
Minimum altitude over JKN–RBn on final approach, 2200′.
Crs and distance, JKN–RBn to approach end of runway, 127°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing JKN RBn, climb to 2500′ on SE crs of ILS within 20 miles.
*300–1 required for all takeoffs on Runway 4, due to 1318′ terrain 1.4 miles ENE of airport.
CAUTION NOTE: This procedure not premised on use of glide slope.
Other change: Note concerning towers deleted.
NOTE: When authorized by ATC, SUX DME may be used to position aircraft for straight-in approach at 2600′ between R–260 clockwise to 350° via 20-mile DME arc with the elimination of procedure turn.
#Jefferson Int: Int SUX VOR R–331 and 016° bearing from JKN RBn.
##Hubbard Int: Int SUX VOR R–266 and 221° bearing from JKN RBn.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., ILS; Ident., I–SUX; Procedure No. ILS–13 (back course), Amdt. 2; Eff. Date, 2 May 64; Sup. Amdt. No. 1; Dated, 26 Aug. 61

SUX Rbn	LOM	Direct	2600	T–dn	300–1	300–1	*200–½
SUX–VOR	LOM	Direct	2600	C–dn	500–1	600–1	600–1½
				S–dn–31	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn E side SE crs, 127° Outbnd, 307° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2575′—5.3 miles; at MM, 1287′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2400′ on NW crs ILS within 20 miles or, when directed by ATC, turn left and climb to 3000′ on 247° bearing from SUX RBn within 20 miles.
Other change: Deletes Caution note.
*300–1 required for all takeoffs on Runway 4, due to 1318′ terrain 1.4 miles ENE of airport.
NOTE: When authorized by ATC, SUX DME may be used to position aircraft for straight-in approach at 2600′ between R–060 clockwise to R–250 via 10-mile DME arc with the elimination of procedure turn.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., ILS; Ident., I–SUX; Procedure No. ILS–31, Amdt. 8; Eff. Date, 2 May 64; Sup. Amdt. No. 7; Dated, 4 Jan 64

ICT VOR	LOM	Direct	2700	T–dn	300–1	300–1	200–½
Conway Int	LOM	Direct	2900	C–dn	400–1	500–1	500–1½
Mayfield Int	Anson Int*	Direct	3000	S–dn–1	200–½	200–½	200–½
Anson Int*	LOM (final)	Direct	2600	A–dn	600–2	600–2	600–2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 190° Outbnd, 010° Inbnd, 2700′ within 10 miles. (Procedure turn nonstandard to avoid McConnell AFB.)
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2528′—4.1 miles; at MM, 1523′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left turn, climb to 3400′ proceeding Outbnd on R–216 ICT–VOR within 20 miles or, when directed by ATC, climb to 3400′ on N crs ICT ILS, Intercept R–027 ICT–VOR, proceed to Whitewater Int.
CAUTION: Simultaneous approaches being conducted on McConnell AFB. 2444′ tower 8.4 miles NNW of airport.
NOTE: Aircraft executing missed approach may be radar vectored after being reidentified.
Other changes: Deletes transitions from Viola RBn and Oxford RBn.
*Anson Int: SW crs ICT ILS and IAB VOR R–260. Radar identification of Anson Int authorized.

City, Wichita; State, Kans.; Airport Name, Municipal; Elev., 1332′; Fac. Class., ILS; Ident., I–ICT; Procedure No. ILS–1, Amdt. 6; Eff. Date, 30 Apr. 64; Sup. Amdt. No. 5; Dated, 13 Apr. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on March 27, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64–3248; Filed, Apr. 23, 1964; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108(b)(1) is amended to except the position of Dean of Admissions at the United States Naval Academy in place of the predecessor position of Assistant to the Superintendent for Academic Matters. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (b) of § 213.3108 is amended as set out below.

§ 213.3108 Department of the Navy.

* * * * *

(b) *United States Naval Academy.*

(1) Professors, instructors, and teachers in the United States Naval Academy, the United States Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, the Dean of Admissions at the United States Naval Academy, and social counselors.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-4025; Filed, Apr. 23, 1964; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAM

[Amdt. 3]

PART 540—PILOT FOOD STAMP PROGRAM

Miscellaneous Amendments

The regulations governing the Pilot Food Stamp Program as revised and reissued in 27 F.R. 9207, are amended as follows:

Section 540.14(c)(3) is amended to read as follows:

§ 540.14 Miscellaneous provisions.

* * * * *

(c) * * *

(3) *Retail food stores and wholesale food concerns.* Any authorized retail food store or authorized wholesale food concern may be disqualified from further participation by AMS for a reasonable, definitely stated pedlod of time not to exceed three years as AMS may determine, if such retail food store or wholesale food concern fails to comply with the provisions of this part or any procedures or instructions issued pursuant thereto. AMS may reduce any such period of disqualification prior to the expiration of the period originally specified if it is determined by the Director of the Food Distribution Division, AMS, that the purpose for which the period of disqualification was imposed has been served and that the retail food store or wholesale food concern is currently responsible and willing to comply with the provisions of this part. The Director of the Food Distribution Division may require, as a condition precedent to any such reduction, a showing by the retail food store or wholesale food concern of its responsibility and willingness to comply with the provisions of this part or any procedures or any instructions issued pursuant thereto, including such instructions or directions as may be specified and accepted by such retail food store or wholesale food concern as an express condition to the reduction in the period of disqualification.

* * * * *

This amendment shall be effective when signed by the Secretary of Agriculture.

ROY W. LENNARTSON,
Acting Administrator.

Approved: April 21, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-4069; Filed, Apr. 23, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 26—GRAIN STANDARDS

Fees and Charges

Statement of considerations. The regulations governing the fees and charges in an appeal or dispute (7 CFR 26.74) under the United States Grain Standards Act (7 U.S.C. 71 et seq.) were amended August 30, 1960 (25 F.R. 8247).

The administrative regulations issued by the U.S. Department of Agriculture concerning overtime for inspectional personnel, including employees engaged in appeal inspection work, were amended May 24, 1963 (8 AR 188.2, Amendment No. 347).

A further amendment to the regulations governing the fees and charges in an appeal or dispute is warranted to conform such regulations to the administrative regulations concerning overtime for inspectional personnel. The amendment will establish the criteria for charging for a two-hour minimum for overtime or holiday work, and will liberalize the commuted travel time allowances for such work. The change in the commuted travel time allowance will more nearly compensate the Department for the time spent in the travel required to perform overtime on appeal grain inspections.

At the present, the original and one copy of each appeal or dispute grade certificate are issued to the appellant of record or to his order, and one copy is issued to each other interested party of record or to his order. Additional copies of the certificates are frequently requested by the appellant or other interested parties. The furnishing of the additional copies is a time-consuming activity for which no charge has been made. The amendment establishes a fee of fifty cents ($0.50) for each additional copy to recover the cost of preparation and issuance.

Pursuant to the authority contained in section 8 of the United States Grain Standards Act, as amended (7 U.S.C. 84), § 26.74 of the regulations under the Act (7 CFR Part 26) governing the fees and charges in an appeal or dispute is amended as follows:

§ 26.74 Fees and charges.

The fee in an appeal or dispute shall be fixed as follows:

(a) For bulk or sacked grain in carload lots, $9.00 per car;

(b) For bulk or sacked grain in trucks and trailers, $5.50 per truck or trailer lot;

(c) For bulk or sacked grain in boats, barges, or other vessels, $2.25 per thousand bushels or fraction thereof, with a minimum of $5.00 per lot;

(d) For a submitted sample or package of grain $3.50 per sample or package;

(e) For all lots of grain other than those referred to in paragraphs (a), (b), (c), and (d) of this section, $2.25 per thousand bushels or fraction thereof, with a minimum fee of $5.00 per lot;

(f) For extra copies of an appeal or a dispute grade certificate fifty cents ($0.50) per copy. The original and one copy of each appeal or dispute grade certificate shall be issued to the appellant of record or to his order, and one copy shall be issued to each other interested party of record, or to his order. Additional copies furnished to the appellant and to each other interested party, or to their order, shall be considered extra copies;

(g) Charges for overtime, night, or holiday work performed by employees of the Department on account of an appeal or a dispute shall be determined at the rate of $6.40 per man-hour per employee and shall include the following:

(1) A minimum charge of two hours shall be made for any unscheduled overtime work performed by an employee in any of the following circumstances: (i) On a day when no work was scheduled for him; or (ii) which is performed by an employee on his regular work day beginning either at least one hour before his regular tour of duty or which has necessitated his recall to perform work after he has completed his regular tour of duty, and has left his place of employment; or (iii) when the employee is ordered, before he leaves his place of employment, to perform such unscheduled overtime work and at least two hours elapse between the end of his duty tour, whether regular or overtime, and his return to duty to perform the overtime work.

(2) Each period of unscheduled overtime or holiday work within the Metropolitan area to which the two hour minimum guarantee provision applies shall include a commuted travel time period of one hour to be paid for at the overtime rate. (For the purpose of this section all travel of 50 miles (one way) or less as measured by a speedometer reading from the point of departure to the point of inspection by the most direct route shall be considered within the Metropolitan area.)

(3) With respect to unscheduled overtime or holiday work performed outside the Metropolitan area:

(i) Each employee who is entitled to the two hour minimum guarantee under subparagraph (1) of this paragraph shall be paid at the overtime rate for commuted travel time periods as follows:

Outside metropolitan area	*Commuted travel time period*
51–100 miles	2 hours
101–200 miles	3 hours
201 and over	4 hours

(For purpose of this section all travel over 50 miles (one way) measured in the same manner as subparagraph (2) of this paragraph shall be considered outside the Metropolitan area.)

(ii) When inspection duties do not warrant the minimum two hour guarantee but involve overtime that

(a) Either begins less than one hour before the beginning of the regular tour of duty or is in continuation of the regular tour of duty, the employee will be allowed one-half the commuted travel time period applicable to the point at which the inspection is made in accordance with the schedule in subdivision (i) of this subparagraph; and

(b) Both begins before the regular tour and is in continuation thereof, the employee will be allowed one-half the commuted time period applicable to the point at which the inspection is made in each instance in accordance with the schedule in subdivision (i) of this subparagraph.

(4) The charges for overtime shall be in addition to the fees described in paragraphs (a) to (f) of this section in all cases, whether the appeal be sustained or not sustained.

(39 Stat. 485; 7 U.S.C. 84)

The establishment of the fees and charges herein above set forth depends upon facts within the knowledge of the Agricultural Marketing Service. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective May 1, 1964.

Done at Washington, D.C., on this 21st day of April 1964.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 64-4070; Filed, Apr. 23, 1964; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 728—WHEAT

Subpart—Wheat Diversion Program for 1964 and 1965

MISCELLANEOUS AMENDMENTS

The regulations governing the Wheat Diversion Program for 1964 and 1965, 28 F.R. 5133, are hereby amended as follows:

§ 728.50 [Amended]

1. Section 728.50 is amended by deleting the last sentence in paragraph (a) and by deleting paragraph (e) in its entirety.

2. Section 728.50(b) is amended by changing the phrase "within such tolerances as are permitted in amendments to these regulations to be promulgated at a later date" to "within the tolerances provided in § 728.64(b)".

3. Section 728.51(b)(2) is amended by changing the word "A" to "a" and inserting immediately before such word the following: "Subject to the tolerances provided in § 728.64(b),".

3a. Section 728.51(b)(4) is amended by inserting immediately following the phrase "cropland conversion program" the following: "(minus that part of the acreage designated under the cropland conversion program for which a reduction in the conserving acreage requirement is permitted under § 751.20(b) of this chapter (regulations governing the cropland conversion program, 28 F.R. 1206))".

3b. Section 728.51(b) is amended by deleting subparagraph (8) in its entirety.

3c. Section 728.51(c)(2) is amended to read as follows:

§ 728.51 Requirements for eligibility.

* * * * *

(c) * * *

(2)(i) The producer shall not knowingly exceed the allotment for the farm for any commodity.

(ii) The acreage of wheat on any other farm in which the producer has an interest shall not exceed the allotment. For the purpose of this subdivision (ii) of this subparagraph, a producer shall not be considered as violating the foregoing requirement if he satisfies the county committee that he did not have control of the managerial operations of the non-complying farm, that he has made a reasonable effort to encourage compliance with the requirements of this subparagraph and that it was through no fault of his own that such farm was not in compliance. A producer who violates the requirement of this subdivision (ii) shall be ineligible for payment under the program, except that if the allotment for each farm is exceeded by no more than the larger of 2 acres or 5 percent of the allotment (but not to exceed 15 acres), the payment otherwise earned by the producer under the program shall be reduced in an amount determined by multiplying the number of acres the allotment is exceeded on each farm by the smallest per acre diversion payment earned on any farm in which he shares in a diversion payment, but not to exceed the total payments otherwise earned by the producer under the program.

4. Section 728.52 is amended in the following respects:

a. The last two sentences of paragraph (a) are deleted and new text substituted in lieu thereof;

b. Subparagraph (1) of paragraph (c) is deleted in its entirety, and subparagraphs (2) and (3) are redesignated as subparagraphs (1) and (2), respectively;

c. In paragraph (c), subdivision (i) of newly redesignated subparagraph (2) is amended by deleting the word "additional".

d. The first two sentences of paragraph (d) are deleted, and new text is substituted in lieu thereof;

e. Paragraphs (e), (f), and (g) are amended.

The substituted and amended portions of § 728.52 read as follows:

§ 728.52 Designation, use, and care of diverted acreage.

(a) *Cropland eligible for designation as diverted acreage.* * * * Land from which a crop is harvested in the current year prior to designation as diverted acreage other than as authorized in paragraph (c)(1) of this section, land devoted in the current year to asparagus, strawberries or bush fruits (including new planting of such crop), and land which, at the time the diverted acreage is designated, is expected to be utilized in the current year for industrial development, housing, highway construction or other nonfarm use, shall not be eligible for designation as diverted acreage. In addition, land devoted to a nonagricultural use on or before September 30 of the current year shall not be eligible for designation as diverted acreage, unless such land is acquired by eminent domain and a representative of the State committee determines that it could not be anticipated at the time the diverted acreage was designated that the land would be devoted to nonagricultural use before the end of the current year.

* * * * *

(d) *Restriction on grazing.* The designated diverted acreage shall not be grazed between April 30 and November 1 of the current year, or upon recommendation of the State committee, approval by the Deputy Administrator, and

notice to the operator, between March 31 and October 1 or between April 14 and October 15, except where the Secretary considers it necessary to permit the diverted acreage to be grazed in order to alleviate a shortage of forage in the area resulting from severe drought, flood, or other natural disaster. In addition to the foregoing restriction, the designated diverted acreage shall not be grazed on or after October 1 of the current year when planted to wildlife food plots authorized in § 728.53(a)(11) or devoted to a grain or oilseed crop which has matured, other than a substitute crop. • • •

(e) *Diverted acreage devoted to designated crops planted for harvest in lieu of conservation uses.* Diverted acreage devoted to castor beans, guar, sunflower, safflower or sesame may be harvested.

(f) *Use of land.* Measures normally carried out in the fall in the area in connection with the production of a crop for harvest in a subsequent year may be carried out on the diverted acreage in the fall of the current year.

(g) *Control of erosion, insects, weeds and rodents.* The farm operator shall carry out such measures as are needed for the control of erosion, insects, weeds and rodents on the designated acreage. If the county committee determines that the measures carried out are not adequate, it shall prescribe and require the application of such other or additional measures as are needed. If erosion, insects, weeds and rodents are not timely controlled in accordance with instructions received from the county committee, the designated diverted acreage shall, for purposes of determining the total diverted acreage on which payment is based under § 728.64, be reduced by the number of acres on which erosion, insects, weeds and rodents are not satisfactorily controlled.

5. Section 728.53 is amended in the following respects:

a. In paragraph (a), the introductory text and subparagraphs (1), (7), and (11) are amended, the last sentence of subparagraph (13) is deleted, and a new subparagraph (14) is added;

b. Paragraph (b) is amended.

The amended and added portions of § 728.53 read as follows:

§ 728.53 Approved conservation uses for diverted acreage.

(a) Subject to the provisions for the use and care of diverted acreage as specified in § 728.52 and the provisions of paragraph (b) of this section, the conservation uses and practices approved for diverted acreage are as follows:

(1) Summer or winter cover crops consisting principally of small grains, annual legumes or annual grasses including volunteer stands of such crops which are normally seeded in the area. Soybeans may be used as a cover crop only when incorporated into the soil by a date established for the area by the State committee. In the case of winter cover crops, seedings may be made in the fall of the preceding year or in the fall of the current year; however, other approved conservation uses will be required if necessary to protect the land throughout the current year cropping season. Wheat or barley may be used as a cover crop only when destroyed by natural causes, plowed down as green manure, destroyed by mechanical means or clipped and left on the land not later than the wheat disposal date.

• • • • • •

(7) Guar which is not harvested, provided the farm operator notifies the county office that the crop will be used only for cover. Other substitute crops destroyed by a date established by the State committee, but not later than 30 days before normal harvest for such crop, will also qualify. However, other approved conservation uses will be required, if necessary, to protect the land during the cropping season.

• • • • • •

(11) Plantings for wildlife food plots (other than acreages of wheat or rice) or establishment of wildlife habitat. Barley, corn, and grain sorghums will qualify only if planted in small plots which are designated by the operator and approved by the county committee for such purpose prior to planting and no grazing or harvesting other than by wildlife is permitted.

• • • • • •

(14) Otherwise eligible cropland which is designated as diverted acreage but which is not devoted to one of the conservation uses and practices specified in subparagraphs (1) through (13) of this paragraph will qualify as being devoted to an approved conservation use only if the county committee determines that, due to flood, drought or other natural disaster, serious illness, or other cause not due to the fault or negligence of the producer, it would not be practicable to devote the land to any of such specified uses and practices in the current year, and provided such measures for the control of erosion, insects, weeds and rodents as are prescribed by the county committee are carried out.

(b) Information will be available in the county ASCS office as to (1) the availability of the conservation uses and practices in a particular county, (2) the specifications for the uses and practices, including any supplementation or modification of such uses and practices, and (3) the disposal dates referred to in paragraph (a) of this section.

6. Section 728.54 is amended to read as follows:

§ 728.54 Non-cropland used for crops in 1964 or 1965.

The conserving base established for a farm shall be increased by the number of acres of non-cropland which are brought into a cropland status in the current year.

7. Section 728.55 is amended to read as follows:

§ 728.55 Farm conserving base.

(a) *Conservation uses for establishing the conserving base.* Subject to the provisions of paragraph (d) of this section, cropland devoted to the conservation uses set forth in this paragraph shall count toward establishing the conserving base.

(1) The conservation uses set forth in subparagraph (8) of § 728.53(a).

(2) Summer or winter cover crops consisting principally of small grains, annual legumes or annual grasses, including volunteer stands of such crops, which are normally seeded in the area. (An acreage of annual grasses (including millet) and soybeans, cowpeas, field and canning peas, and field and canning beans, which is harvested as seed or grain or for processing purposes, shall not be considered as devoted to a conservation use. Soybeans shall not be considered as devoted to a conservation use unless incorporated into the soil by a date established for the area by the State committee.)

(3) Small grain cover crops when left standing, when grazed off before maturity, when clipped green or when mechanically incorporated into the soil before maturity. Also, small grain seeded as a nurse crop with grass or legumes and cut green for hay or, excluding barley, cut green for silage by a date well ahead of maturity of the grain as established for the area by the State committee, and in the case of wheat and barley, not later than the barley disposal date. An acreage of small grain used as a nurse crop and harvested for any purpose after such date shall not be considered as devoted to a conservation use. An acreage of barley, wheat or rice left standing as of the established disposition date, shall not be considered as devoted to a conservation use, except as provided for barley in § 728.53(a)(11).

(4) Idle cropland and summer fallowed cropland.

(b) *Determining farm conserving base.* The conserving base for a farm shall be the average acreage of cropland on the farm devoted in 1959 and 1960 to the conservation uses specified in paragraph (a) of this section, as adjusted by the county committee to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography.

(c) *Eligible conservation uses for maintaining the conserving base.* Subject to the provisions of paragraph (d) of this section, the following uses of cropland will qualify as eligible conservation uses for the purpose of maintaining the conserving base:

(1) The conservation uses set forth in paragraph (a) of this section.

(2) Small grains seeded alone and cut for hay not later than the date referred to in paragraph (a)(3) of this section, in areas determined by the State committee to be adversely affected by severe drought conditions.

(3) Trees or shrubs planted for erosion control, shelter-belts, or other forestry purposes or for wildlife habitat.

(4) The conservation uses set forth in subparagraphs (10) through (13) of § 728.53(a).

(d) *Additional provisions relating to the conserving base.* (1) Cropland devoted to both an approved conserving use and a use which is not an approved conserving use in the same year shall not be counted toward establishing the conserving base or maintaining the conserving base.

(2) Measures normally carried out in the area in connection with the production of a crop for harvest in a subsequent year may be carried out in the fall of the current year on acreage used in maintaining the conserving base.

(3) Information will be available in the county ASCS office as to (i) the availability of the conservation uses and practices in a particular county, (ii) the specifications for the uses and practices, including any supplementation or modification of such uses and practices, and (iii) the disposal dates referred to in paragraph (c) of this section.

§ 728.56 [Amended]

8. Section 728.56 is amended by deleting paragraph (b) in the second sentence thereof and redesignating paragraph (c) as (b).

9. Section 728.57 (a) and (b) are amended to read as follows:

§ 728.57 Determination of payment rates.

(a) The payment rate per acre for the farm shall be obtained by multiplying the county bushel payment rate by the farm normal yield determined under § 728.21. The county bushel payment rate will be published in an amendment to this subpart. The county bushel diversion payment rate per bushel for both minimum and additional diversion shall be 20 per centum of the estimated basic county support rate for non-certificate wheat.

(b) Notwithstanding any other provision of this section, the rates of payment under the programs shall be (1) 50 percent of the payment rate per acre otherwise applicable to the farm in the case of diverted acreage devoted to guar, castor beans, and sesame, and (2) 30 percent of the payment rate per acre otherwise applicable to the farm in the case of diverted acreage devoted to sunflower. No diversion payment shall be made with respect to diverted acreage devoted to safflower.

• • • • • •

10. Section 728.59 is amended to read as follows:

§ 728.59 Notice of payment rates, normal yield, minimum diversion requirement and conserving base.

Each operator and owner interested in the wheat crop on a farm for which an old farm wheat allotment is established will be notified in writing on Form ASCS-865 of the wheat normal yield. Any producer who files an intention to participate under § 728.61 will receive notice of the farm payment rate, minimum required diversion acreage and the conserving base on Form ASCS-477 (Wheat).

11. Section 728.60 is amended to read as follows:

§ 728.60 Appeals.

(a) A producer may request reconsideration of any determination made by a county committee concerning a question of fact under this subpart, including the conserving base as determined under § 728.55, and the farm normal yield as determined under § 728.21, and he may appeal such determination in accordance with the provisions of this paragraph. The producer shall first request reconsideration by the county committee. If the producer is dissatisfied with a determination of the county committee with respect to his request for reconsideration, he may then appeal the determination to the State committee. The producer may also request reconsideration of any determination of the State committee. If he is is dissatisfied with a determination of the State committee with respect to his appeal from the determination of the county committee or with respect to his request for reconsideration by the State committee, he may appeal such determination to the Deputy Administrator, in which case the determination of the Deputy Administrator shall be final. Each request for reconsideration or appeal shall be in writing and shall be supported by a written statement of facts upon which it is based. Any request for reconsideration or appeal shall not operate to extend the applicable closing date for filing Form ASCS-477 (wheat). Each request for reconsideration or appeal shall be filed within 15 days after notice of the determination is mailed to or is otherwise made available to the producer: *Provided*, That a request for reconsideration or appeal may be accepted and acted upon even though it is not filed within such time limit if, in the judgment of the committee or person to whom such request for reconsideration or appeal is made, the circumstances warrant such action. Nothing herein shall preclude the county committee or the State committee, on its own motion or upon request at any time, from revising or requiring revision of any determination for any farm to correct mechanical or clerical errors resulting solely from action by a county or State committee representative.

(b) To the extent that a producer proves the actual yields for the farm for each of the five years preceding the year in which the normal yield is determined, either prior to receipt of notice under § 728.59 or pursuant to paragraph (a) of this section, the yields so proven shall be used in establishing the farm normal yield in accordance with § 728.21: *Provided*, That the producer whose production records are used to prove yields on the farm shall be required to furnish production data for all other farms in the county or adjoining counties in which he had an interest in any of the years for which the yields are proven (unless there is conclusive evidence that the records presented are in fact for the specific farm), and such data shall be used in making determinations for such other farms in which the producer has an interest in the current year.

12. In § 728.61, paragraph (d) is amended, and paragraph (e) is amended by inserting a period following the reference "§ 728.51(b)(2)" in the last sentence of paragraph (e) and deleting the balance of such sentence. Paragraph (d), as amended, reads as follows:

§ 728.61 Intention to participate in the program.

• • • • • •

(d) *Contents.* The operator or owner shall provide on Form ASCS-477 (Wheat) the following information: The acreage which is intended to be diverted from the production of wheat for the farm for which the form is filed; the names of the producers entitled to share in diversion payments and the proportionate share of each; the acreage, if any, of substitute crops which is intended to be planted for harvest on the diverted acreage; and if advance payment is available, whether or not such advance payment is desired for the farm.

• • • • • •

13. Section 728.62 is amended to read as follows:

§ 728.62 Advance payment.

Advance payment shall not be made available to participants in the 1964 Wheat Diversion Program.

§ 728.63 [Amended]

14. Section 728.63 is amended by deleting paragraph (b) in its entirety and redesignating paragraph (c) as paragraph (b).

15. Section 728.64 is amended as follows:

§ 728.64 Final diversion payment.

(a) Payments of any amounts due the producers on a farm shall be made after the farm operator certifies that the farm is in compliance with the requirements of the program by signing Part IV, Form ASCS-477 (Wheat), and the county committee determines that the producers and the farm are in compliance with such requirements. The signing of Part III, Form ASCS-477 (Wheat), by any producer or Part IV by the farm operator after May 1, of the year following the current year, shall not be approved by the county committee unless prior approval of the State committee is obtained.

(b) No payment shall be made if (1) the acreage of wheat on the farm exceeds the wheat allotment; (2) the acreage designated and credited as diverted from wheat is less than the stated intention by more than, in case the stated intention is 20 acres or less, the larger of 1 acre or 10 percent of the stated intention and, in case the stated intention is over 20 acres, the larger of 2 acres or 5 percent of the stated intention, not to exceed 15 acres; (3) the acreage of wheat is within the allotment but exceeds the permitted acreage by more than, in case the stated intention is 20 acres or less, the larger of 1 acre or 10 percent of the stated intention, and, in case the stated intention is over 20 acres, the larger of 2 acres or 5 percent of the stated intention, not to exceed 15 acres; or (4) the total conserving acreage on the farm (including diverted acreage devoted to crops planted in lieu of conservation uses) is less than the sum of the conserving base and the intended diverted acres under this program and the Feed Grain Program by more than (i) in case the sum of the conserving base and the stated intention is 20 acres or less the

largest of 1 acre, the sum of the tolerances applicable to the stated intention under subparagraph (1) of this paragraph (b) and § 775.318(b)(1) of this chapter of the regulations governing the Feed Grain Program, or 10 percent of the sum of the conserving base and the stated intention, and (ii) in case the sum of the conserving base and the stated intention is over 20 acres, the largest of 2 acres, the sum of the tolerances applicable to the stated intention under subparagraph (1) of this paragraph (b) and § 775.318(b) of this chapter of the regulations governing the Feed Grain Program, or 5 percent of the sum of the conserving base and the stated intention: *Provided*, That the county committee, with the approval of a representative of the State committee, may make payment to the extent of the acreage eligible for payment under paragraph (c) of this section with respect to a farm not meeting the requirements of subparagraph (2) and (4) of this paragraph (b) if the farm operator establishes that, because of the small size of the deficiency and the unavailability of recent measurements of field acreages on the farm, he had no reason to believe that the designated acreage was less than the acreage intended to be diverted or that the total conserving acreage was less than the sum of the conserving base and the stated intention, and all additional acreage on the farm (including any wheat and other unharvested crops) eligible for such purposes at the time the operator receives a Form ASCS–590 (Notice of Acreage) is designated as diverted acreage or is counted toward meeting the conserving base requirement, and there is still insufficient acreage to comply with the requirements of subparagraphs (2) and (4) of this paragraph (b).

(c) The total diverted acreage of wheat on the farm shall be determined by subtracting the current year's wheat acreage on the farm, as defined in § 728.10, from the current year's farm acreage allotment and adding thereto the farm minimum diversion acreage determined under § 728.51(a)(2). The total diverted acreage on which payment shall be based within the tolerance authorized in paragraph (b) of this section shall be the smallest of:

(1) The total diverted acreage of wheat on the farm determined as provided above;

(2) The stated intention;

(3) The increased acreage devoted to approved conservation uses and substitute crops, excluding substitute crops which are in excess of the stated intention and acreage credited for payment under the Feed Grain Program;

(4) The designated diverted acreage excluding acreage credited for payment under the Feed Grain Program;

(5) If the farm is covered by a conservation reserve contract or a cropland conversion program agreement, the number of acres which are permitted to be devoted to soil bank base crops under the terms of the contract or which can be devoted to nonconserving crops under the terms of the agreement minus the acreage devoted to such crops (excluding designated diverted acreage which is devoted to soil bank base or nonconserving crops in lieu of conservation uses or on which soil bank base or nonconserving crops are planted as a conservation use).

(d) The amount of the earned diversion payment for the farm shall be computed by multiplying the total diverted acreage on which payment is based by the payment rate determined in accordance with § 728.57.

(e) The amount of the total earned diversion payment due each eligible producer under the program shall be determined by multiplying the total earned diversion payment for the farm by the producer's share of such payment and subtracting therefrom any advance payment made to such producer. Producers shall refund any payment previously made to which they are not entitled.

(f) Notwithstanding any other provision of these regulations, if a producer declines, for personal reasons, to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

§ 728.66 [Amended]

16. Section 728.66 is amended by deleting paragraph (b) in its entirety and redesignating paragraph (c) as paragraph (b).

17. Section 728.72 is amended to read as follows:

§ 728.72 Land use penalty.

The land use penalty provisions of section 339(a) of the Agricultural Adjustment Act of 1938, as amended, are not applicable for 1964 and 1965.

18. Section 728.73 is amended to read as follows:

§ 728.73 County bushel payment rates.

The county bushel payment rate per bushel under the 1964 Wheat Diversion Program shall be 20 per centum of the estimated basic county support rate for the 1964 crop of wheat.

19. A new § 728.74 is added to read as follows:

§ 728.74 Assignments.

Payments under this program may not be assigned.

20. A new § 728.75 is added to read as follows:

§ 728.75 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(Sec. 339(g), 76 Stat. 624)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 21, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Program.

[F.R. Doc. 64-4072; Filed, Apr. 23, 1964; 8:52 a.m.]

PART 728—WHEAT

Subpart—Farm Wheat Certificate Program for 1964 and 1965

Sec.
728.100 General.
728.101 Definitions.
728.102 Requirements for eligibility.
728.103 Issuance of certificates.
728.104 Division of certificates between producers.
728.105 Assignments.
728.106 Other provisions applicable to program.

AUTHORITY: The provisions of this subpart issued under sec. 379j of the Agricultural Adjustment Act of 1938, as amended, 76 Stat. 630.

§ 728.100 General.

(a) The regulations in this subpart provide terms and conditions under which wheat marketing certificates are issued to producers who divert acreage from the production of wheat under the provisions of the Wheat Diversion Program for 1964 and 1965, §§ 728.50–728.75 inclusive, to the extent provided herein.

(b) Domestic marketing certificates shall be issued for the portion of the wheat marketing allocation representing wheat used for food products for consumption in the United States and export marketing certificates shall be issued for the portion of the wheat marketing allocation used for exports. The wheat marketing certificates issued with respect to any farm for the current year shall be in the amount of the farm wheat allocation for such year, but not to exceed the acreage of wheat on the farm multiplied by the farm normal yield. Upon request, Commodity Credit Corporation will purchase certificates from the producer to whom they are issued.

(c) This program is applicable in the commercial wheat-producing area which includes all of the States in the United States except Hawaii.

§ 728.101 Definitions.

As used in the regulations in this subpart, and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section and in § 728.10 of the subpart relating to farm acreage allotments, small farm bases and normal yields for 1964 and subsequent crop years shall have the meanings assigned to them therein unless the context or subject matter otherwise requires, except that "current year" shall mean the calendar year in which the marketing year with respect to which marketing certificates may be issued under this subpart begins.

(a) "National allocation percentage" means the percentage which the national marketing allocation is of the national marketing quota for the 1964 crop adjusted for expected production on noncomplying farms. For 1964, this percentage is 90.

(b) "Farm wheat marketing allocation" means the number of bushels obtained by multiplying the farm acreage allotment determined under § 728.16 by the farm normal yield determined under § 728.21 and multiplying the resulting number of bushels by the national allocation percentage.

§ 728.102 Requirements for eligibility.

(a) *General.* Any person who will share in the current year's crop of wheat or the proceeds thereof on an old wheat farm or a new wheat farm which meets the requirements of paragraph (b) of this section and who meets the requirements of § 728.51(c) (2) and (3) of the regulations governing the Wheat Diversion Program shall receive marketing certificates in an amount and manner specified in §§ 728.103 and 728.104.

(b) *Farm requirements.* A farm shall be eligible for wheat marketing certificates if producers on the farm file an intention to participate and application for payment (herein called Form 477 (Wheat)) for the current year in accordance with § 728.61 of the regulations governing the Wheat Diversion Program and the farm is eligible for a wheat diversion payment or would have been eligible for such payment except for the fact that (1) the diverted acreage was devoted to a substitute crop in lieu of payment; (2) the producers on the farm, while diverting the minimum acreage required under § 728.51(b)(2), failed to divert an acreage equal to the number of acres stated on Form 477 (Wheat) as required under § 728.50(b) of the regulations governing the Wheat Diversion Program; or (3) a new farm wheat allotment was established for the farm.

§ 728.103 Issuance of certificates.

(a) *Compliance requirements.* Issuance of marketing certificates due the producers on a farm shall be made after the farm operator certifies that the farm is in compliance with the requirements of § 728.102 by signing Part IV, Form 477 (Wheat) and the county committee determines that the producers and farms are in compliance with such requirements.

(b) *Amount of certificates.* The number of bushels for which marketing certificates shall be issued to producers on an eligible farm shall be computed on Form 477 (Wheat) and shall be a number of bushels which is equal to the smaller of (1) the farm wheat marketing allocation as determined under § 728.101(b) or (2) the current year's wheat acreage as defined under § 728.10(m) multiplied by the normal yield determined under § 728.21.

(c) *Type of certificates.* (1) Domestic marketing certificates for a farm for 1964, shall be issued for 50 percentum of the farm wheat marketing allocation: *Provided*, That the number of bushels of domestic certificates issued for any farm shall not exceed the number of bushels computed under paragraph (b)(2) of this section.

(2) Export marketing certificates for a farm for 1964 shall be issued for the number of bushels computed under paragraph (b) of this section less the number of bushels for which domestic certificates are issued.

(d) *Value of certificates.* For 1964, each domestic certificate issued for a farm shall be valued at 70 cents per bushel and each export certificate shall be valued at 25 cents per bushel.

(e) *Purchase of certificates by Commodity Credit Corporation.* Domestic or export certificates, legally held by any person, will be purchased by Commodity Credit Corporation at any time at face value at any ASCS county office.

§ 728.104 Division of certificates between producers.

(a) Wheat marketing certificates issued under § 728.103 shall be divided among producers on an eligible farm on the same basis as such producers share in the current year's wheat crop produced on the farm, or proceeds therefrom.

(b) Certificates which producers receive, to which they are not entitled, shall be returned to the county committee or, if not returned, the value thereof shall be paid to Commodity Credit Corporation.

(c) In case of the death, incompetency, or disappearance of any producer who is entitled to marketing certificates under this program, the certificates due him shall be issued to his successor, as determined in accordance with the regulations in Part 707 of this chapter for making payments pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(d) Notwithstanding any other provision of this section, (1) if any person who has or would have an interest as producer of wheat on the farm (herein called "predecessor") leaves the farm after Form 477 (Wheat) has been filed and is succeeded on the farm by another producer (herein called "successor"), their share of the marketing certificates shall be divided on such basis as they agree is fair and equitable, and (2) if such persons are unable to agree to a division of the marketing certificates, the marketing certificates shall be issued to the producer who has the interest in the wheat crop at the time of harvest, and if the wheat crop is completely destroyed prior to harvest, the certificates shall be issued to the producer who had the interest at the time of destruction of the crop: *Provided*, That if the marketing certificates are issued to the predecessor prior to notification to the county committee of such change of producers, marketing certificates shall not be issued to the successor unless such certificates are returned to the county committee, or if not returned, the value thereof is paid to Commodity Credit Corporation.

§ 728.105 Assignments.

The right to receive wheat marketing certificates under these regulations may not be assigned.

§ 728.106 Other provisions applicable to program.

The provisions of § 728.69 *Reconstitution of farms*, § 728.71 *Supervisory authority of State Committee*, and § 728.75 *Delegation of authority*, of the regulations governing the Wheat Diversion Program shall also be applicable to this subpart.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 21, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-4071; Filed, Apr. 23, 1964; 8:51 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 342—ADMINISTRATIVE CANCELLATION OF CERTIFICATES, DOCMENTS, OR RECORDS

Service

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The first sentence of § 342.1 is amended and that section will read as follows:

§ 342.1 Notice.

If it shall appear to a district director that a person has illegally or fraudulently obtained or caused to be created a certificate, document, or record described in section 342 of the Act, a notice shall be served upon the person of intention to cancel the certificate, document, or record. The notice shall contain allegations of the reasons for the proposed action and shall advise the person that he may submit, within 60 days of service of the notice, an answer in writing under oath showing cause why the certificate, document, or record should not be cancelled, that he may appear in person before a naturalization examiner in support of, or in lieu of his written answer, and that he may have present at that time, without expense to the Government, an attorney or representative qualified under Part 292 of this chapter. In such proceedings the person shall be known as the respondent.

2. Paragraph (a) and the first sentence of paragraph (b) of § 342.2 are amended. The section reads as follows:

§ 342.2 Service of notice.

(a) *Service.* The notice required by § 342.1 shall be served personally by an employee of the Government by delivery to the respondent, or by delivery to a person of suitable age and discretion at the respondent's dwelling house or usual place of abode, or by mailing to the respondent's last known address by registered or certified mail, return receipt requested.

(b) *Proof of service.* The post office return receipt, or the certificate of the employee serving the notice by personal

delivery, setting forth the date and manner of service, shall constitute proof of service. In the case of a mentally incompetent respondent or a child under 14 years of age, service shall be made upon his guardian, near relative or friend, and the person so served shall be permitted to appear on behalf of the respondent.

(Sec. 106, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: April 20, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 64-4050; Filed, Apr. 23, 1964; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

Disclosure of Information

Pursuant to authority in section 12 of the Wagner-Peyser Act (29 U.S.C. 49k), Reorganization Plan No. 2 of 1949 (3 CFR 1949-53 Comp., p. 998), and 20 CFR 602.21, I hereby revise 20 CFR 604.16(f) and establish a new 20 CFR 604.16(g) to read as set forth below.

As these amendments provide only general statements of policy, notice of proposed rule making, public participation in their adoption, and delay in their effective dates are excepted from the requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). As the policies hereby expressed merely make explicit those which have heretofore been intended, no need for public participation or delay appears, and these amendments shall become effective immediately.

As amended, 20 CFR 604.16 (f) and (g) shall read as follows:

§ 604.16 Disclosure of information.

It is the policy of the United States Employment Service to permit disclosure of information from the files and records of the Employment Service:

* * * * *

(f) To all governmental authorities, such as antidiscrimination and fair employment practice authorities, whose functions will aid the Employment Service in carrying out an amplified and more effective placement service, including information relating to fair employment practices.

(g) To individuals, organizations, and agencies or for purposes other than as specified in the other paragraphs of this section if such disclosure will not impede the operation of, and is not inconsistent with the purposes of, the public employment service program, and is authorized in writing in individual cases by the state agency official responsible for the employment service program.

(48 Stat. 117, as amended; 29 U.S.C. 49k)

Signed at Washington, D.C. this 17th day of April 1964.

ROBERT C. GOODWIN,
Administrator, Bureau of Employment Security.

[F.R. Doc. 64-4057; Filed, Apr. 23, 1964; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

KELP

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 411) filed by California Vegetable Concentrates, Inc., P.O. Box 149, Huntington Park, California; Diketan Laboratories, Inc., 9201 Wilshire Boulevard, Los Angeles, California; Kopco, Inc., Dock 1, Port Hueneme, California; Philip R. Park, Inc., Berth 42, Outer Harbor, San Pedro, California; S. O. Barnes & Sons, Inc., 17250 South Main Street, Gardena, California; and Thurston Laboratories, 3355 Glendale Road, Los Angeles, California, and other relevant material, has concluded that a food additive regulation should issue to prescribe the use of kelp as a source of iodine in foods for special dietary use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the food additive regulations are amended by adding to Subpart D a new section reading as follows:

§ 121.1149 Kelp.

Kelp may be safely used as a source of iodine in foods for special dietary use when the amount of iodine so provided for daily intake does not exceed 0.15 milligram. The food additive kelp is the dehydrated, ground product prepared from macrocystis pyrifera.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: April 20, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-4064; Filed, Apr. 23, 1964; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

POCASSE NATIONAL WILDLIFE REFUGE, SOUTH DAKOTA

Proposed Addition to List of Refuges Open to Public Sport Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), it is proposed to amend 50 CFR 33.4 by the addition of the Pocasse National Wildlife Refuge, South Dakota, to the list of wildlife refuges open to public sport fishing as legislatively permitted.

It has been determined that regulated public sport fishing may be permitted on the Pocasse National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

SOUTH DAKOTA

Pocasse National Wildlife Refuge.

* * * * *

FRANK P. BRIGGS,
Assistant Secretary of the Interior.

APRIL 20, 1964.

[F.R. Doc. 64-4044; Filed, Apr. 23, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Proposed Amendment to Allotment and Marketing Quota Regulations for 1963 and Subsequent Crops

Pursuant to authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), a proposed amendment is being prepared to amend the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920, 28 F.R. 11811).

As presently contemplated the amendment would:

1. Amend § 729.1432 to provide that (1) an allotment shall not be established for a new farm from acreage made available from the new farm national reserve unless the farm is operated by the owner thereof who must have had experience in producing, harvesting and marketing peanuts either as a sharecropper, tenant or farm operator during at least two of the five years immediately preceding the year for which the new farm allotment is requested and (2) a farm which includes land acquired by an agency having the right of eminent domain for which the entire peanut allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm peanut allotment for a period of three years from the date the former owner was displaced.

2. Amend § 729.1433 to provide that (1) a farm shall not be eligible for a new farm allotment unless the farm is operated by the owner thereof and (2) a farm which includes land acquired by an agency having the right of eminent domain for which the entire peanut allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm peanut allotment for a period of three years from the date the former owner was displaced.

3. Amend § 729.1435 to provide that, in all States, a farm shall be eligible to receive a reapportionment of released acreage only if a written request is filed by the farm owner or operator at the office of the county committee not later than the specified closing date.

Prior to the amendment being issued, consideration will be given to any data, views and recommendations which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. To be considered any such submission must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 21, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-4073; Filed, Apr. 23, 1964; 8:50 a.m.]

[7 CFR Part 855]

MAINLAND CANE SUGAR AREA

Farm Proportionate Shares, 1965 Crop

On April 3, 1964 (29 F.R. 4970), notice was given that the Department of Agriculture was considering the need for the establishment of proportionate shares for farms in the Mainland Cane Sugar Area for the 1965-crop of sugarcane. Notice was also given that the Department was considering limiting 1964 acreage credit for 1965-crop proportionate share purposes to acreages of sugarcane planted on or before April 15, 1964.

Notice is hereby given that consideration is now being given to limiting 1964-crop credit to acreages of sugarcane planted on or before May 1, 1964.

All persons who desire to submit comments and views regarding the limitation set forth above with respect to sugarcane planted after May 1, 1964, may submit the same in writing and in duplicate to the Director of the Sugar Policy Staff, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250, postmarked no later than midnight, May 1, 1964.

Signed at Washington, D.C., on April 17, 1964.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-4074; Filed, Apr. 23, 1964; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 561]

[No. FSLIC-1,785]

DEFINITIONS

Notice of Proposed Rule Making

APRIL 21, 1964.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that §§ 561.15, 561.16, 561.17, 561.19, and 561.21 of the rules and regulations for Insurance of Accounts be amended by amendments the substance of which are as follows:

1. Amend § 561.15 to read as follows:

§ 561.15 Scheduled items.

The term "scheduled items" means slow loans (other than insured or guar-

anteed loans), 40 percent of slow loans which are insured or guaranteed, real estate owned as a result of foreclosure, or acquired by deed in lieu of foreclosure, and such real estate sold on contract, or by a loan, where the unpaid principal balance exceeds that permitted under otherwise applicable lending limitations or exceeds 90 percent of the value of the security, and any investment securities upon which one or more interest payments due has not been paid.

2. Amend § 561.16 to read as follows:

§ 561.16 Slow loans.

The term "slow loans" means:

(a) Any loan or land contract less than one year old which is the equivalent of 60 days (two months) or more contractually delinquent; or

(b) Any loan or land contract that is from 1 year to 7 years old which is the equivalent of 90 days (three months) or more contractually delinquent; or

(c) Any loan or land contract more than 7 years old which is the equivalent of 90 days (three months) or more contractually delinquent unless 10 out of the last 12 contractually required payments have been made; or

(d) Any mortgage loan, deed of trust or land contract on which taxes on the security are due and unpaid for the equivalent of two or more years; or

(e) Any delinquent mortgage loan, deed of trust or land contract that has been modified or refinanced;

Provided, that any mortgage loan, deed of trust or land contract on which the total indebtedness is less than 60 percent of the original amount, any loan on which all contractually required payments have been made during the preceding 12 months and any loan on which payments are being deferred by law shall not be considered to be a slow loan under this section.

3. Amend § 561.17 to read as follows:

§ 561.17 Risk assets.

(a) The term "risk assets" means the total assets of an insured institution less the institution's cash, government obligations and accrued interest thereon, Federal Home Loan Bank stock, prepaid Federal Savings and Loan Insurance Corporation premiums, loans in process, loans on the security of the institution's share accounts, investments of up to $10,000 per institution in other institutions insured by the Federal Savings and Loan Insurance Corporation, and less 60 percent of the institution's actual investments in insured and guaranteed loans.

(b) In computing risk assets at the close of any semiannual period, any asset which is sold or disposed of in one semiannual period and then repurchased or reacquired in the next semiannual period shall be computed as if it had not been sold or disposed of during such initial semiannual period.

4. Amend § 561.19 to read as follows:

§ 561.19 Government obligations.

The term "government obligations" means obligations of, or guaranteed or insured by, or special obligations (as they may hereinafter be defined by the Board) issued by the United States, a Bank or Banks for Cooperatives, including the Central Bank for Cooperatives, a Federal Land Bank or Banks, a Federal Home Loan Bank or Banks, a Federal Intermediate Credit Bank or Banks, the Federal National Mortgage Association or the Tennessee Valley Authority.

5. Amend § 561.21 to read as follows:

§ 561.21 Guaranteed loan.

The term "guaranteed loan" means a loan that is guaranteed, including a guarantee to repurchase, in whole or in part, or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than May 25, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64-4076; Filed, Apr. 23, 1964; 8:52 a.m.]

[12 CFR Part 563]

[No. FSLIC-1,784]

OPERATIONS

Required Amounts and Maintenance of Federal Insurance Reserve

APRIL 21, 1964.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 563.13 of the rules and regulations for Insurance of Accounts be amended by amendments the substance of which are as follows:

Amend paragraphs (a), (b) (1), (2), (3), and (4), and (c) of § 563.13 to read as follows:

§ 563.13 Required amounts and maintenance of Federal insurance reserve.

(a) *Minimum reserve level.* (1) After the fiscal year in which a certificate of insurance is issued to an insured institution, it shall build up its Federal insurance reserve account so that as of the close of business on the closing date preceding the anniversary of the date of insurance of accounts stated in the table set forth in this subparagraph, such reserve account shall be at least equal to the following percentage of the total of its savings accounts on such closing date:

Percentage	*Anniversary*
0.50	2
0.75	3
1.0	4
1.25	5
1.50	6
1.75	7
2.0	8
2.25	9
2.50	10
2.75	11
3.0	12
3.25	13
3.50	14
3.75	15
4.0	16
4.25	17
4.50	18
4.75	19

5.0 percent at the twentieth anniversary and thereafter.

(2) After the fiscal year in which a certificate of insurance is issued to an insured institution, it shall build up its net worth so that as of the close of business on the closing date preceding the anniversary of the date of insurance of accounts stated in the table set forth in subparagraph (1) of this paragraph, its net worth shall be at least equal to the appropriate Federal insurance reserve account requirement plus 15 percent of its scheduled items in 1964 and plus 20 percent of its scheduled items thereafter.

(3) If, at any semiannual closing date, either of the levels required in subparagraphs (1) and (2) of this paragraph are not met by an insured institution, such insured institution shall credit to its Federal insurance reserve account at such time an amount equal to 25 percent of its net income or any lesser amount sufficient to meet the requirements.

(b) *Semiannual credits.* (1) An insured institution shall not be required to make any credit to its Federal insurance reserve account under this paragraph at any time when its adjusted net worth is at least 12 percent of its risk assets at the close of the semiannual period.

(2) Each insured institution, not exempted under subparagraph (1) of this paragraph, that has an adjusted net worth of at least 8 percent of its risk assets shall credit, from net income, undivided profits or earned surplus, within each semiannual period, to its Federal insurance reserve account an amount at least equal to 10 percent of its net income for the period.

(3) Each insured institution which has an adjusted net worth of less than 8 percent of its risk assets shall credit, from net income, undivided profits or earned surplus, within each semiannual period, to its Federal insurance reserve account at least the amount required by the applicable of the following requirements:

(i) An institution which has not reached its twentieth anniversary of insurance of accounts and

(a) Has not more than $50,000,000 in risk assets at the close of the period shall credit an amount equal to 5 percent of its net income for the period or an amount equal to 5 percent of its growth in risk assets during the period, whichever is greater; or

(b) Has more than $50,000,000 in risk assets at the close of the period shall credit an amount equal to 5 percent of its net income for the period or an amount equal to 6 percent of its growth in risk assets for the period, whichever is greater.

(ii) An institution which has reached its twentieth anniversary of insurance of accounts shall credit an amount equal to 5 percent of its net income for the period or an amount equal to 6 percent of its growth in risk assets during the period, whichever is greater.

(4) If an insured institution has made any semiannual credit to its Federal insurance reserve account, subsequent to December 31, 1963, in excess of the applicable requirement, it may apply such excess credit toward the requirements of this paragraph in future periods: *Provided*, That excess credits to the Federal insurance reserve account of an insured institution, or to other reserve accounts irrevocably established for the sole purpose of absorbing losses, made prior to January 1, 1964, and not previously utilized, may be used to meet a maximum of 15 percent of its reserve credit requirements under this paragraph during the fiscal year commencing subsequent to December 31, 1963.

* * * * * *

(c) *Limitations on payment of dividends.* Any insured institution which has failed to meet the required credits under subparagraph (3) of paragraph (a) of this section or under paragraph (b) of this section shall not, after December 31, 1964, declare, pay or advertise dividends, for the period subsequent to the immediately succeeding dividend period, in excess of the amount approved by the Corporation.

* * * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than May 25, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64-4077; Filed, Apr. 23, 1964; 8:52 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 64-4053, Federal Deposit Insurance Corporation, *infra*.

Bureau of Customs

[T.D. 56158]

NEW YORK WORLD'S FAIR

Notice of Tentative Recordation of Trade Name

APRIL 20, 1964.

An application has been filed in the Treasury Department for the recordation of the following described trade name under the provisions of section 42, Trademark Act of 1946, and § 11.16, Customs Regulations:

"New York World's Fair," a New York corporation, owned by the New York World's Fair Corporation, located and doing business at Flushing, New York, which trade name is used in connection with numerous items, including medallions, medals, guide books, novelty hats, post cards, flight bags, pennants, raincoats, flags, jewelry, wallets, cigarette lighters, etc., manufactured in various foreign countries and the United States.

Collectors of customs will be instructed that numerous concerns have been licensed to use the trade name "New York World's Fair" on imported merchandise and that the merchandise may be released upon presentation of a license to import. Imported goods bearing the name may be detained until the license is presented.

Any person who desires to file an opposition to the recordation of this trade name shall notify the Commissioner of Customs, Bureau of Customs, Washington, D.C., before the expiration of 30 days after May 15, 1964, of his intent to oppose the recordation. If a notice of opposition is filed, the opposer will be furnished with a copy of the application for recordation of the trade name, together with its supporting documents and instructions as to the procedure to be followed. The customs officers concerned will be given notice within 45 days after May 15, 1964, of any opposition proceeding.

Until 45 days after May 15, 1964, all articles of foreign manufacture bearing names or marks which copy or simulate the above-mentioned trade name shall be detained, but not seized, and thereafter, shall receive the treatment provided for in § 11.17, Customs Regulations, unless a notice is received that an opposition has been filed, in which case such articles shall continue to be detained until a final determination is made concerning the right of the applicant to the trade name.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 64-4067; Filed, Apr. 23, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

COLORADO, MONTANA, NEW MEXICO, NORTH DAKOTA

Definition of Known Geologic Structures of Producing Oil and Gas Fields

APRIL 16, 1964.

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown.

Name of Field, Effective Date, Acreage

(6) COLORADO

Roberts Canyon	Mar. 20, 1964	1,760
South Douglas Creek	Feb. 25, 1964	2,018
Twin Buttes (revision)	Jan. 30, 1964	4,323
White River Dome	Nov. 21, 1963	5,121
Williams Fork	July 12, 1963	1,809

(26) MONTANA

Flat Coulee (revision)	Nov. 3, 1963	4,120
Fred and George Creek (revision)	Dec. 10, 1963	3,638
Keg Coulee (revision)	Feb. 14, 1964	1,162
Keg Coulee South	Feb. 3, 1964	445

(31) NEW MEXICO

Indian Basin	Dec. 26, 1963	8,320
Little Lucky Lake	Mar. 18, 1964	1,800
San Juan (revision)	Feb. 1, 1964	2,087,770

(34) NORTH DAKOTA

Black Slough (revision)	June 26, 1963	10,365
Eden Valley	Feb. 24, 1964	360
Elmore	Feb. 20, 1964	1,422
Keene (revision)	Oct. 26, 1962	2,122

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64-4045; Filed, Apr. 23, 1964; 8:46 a.m.]

Office of the Secretary

HOUSING AND HOME FINANCE ADMINISTRATOR

Delegation of Authority

The Housing and Home Finance Administrator is hereby authorized to execute the functions, powers, and duties of the Secretary of the Interior with respect to the collection, compromise, or release of claims or obligations arising from agreements entered into by the United States of America under section 5 of the Alaska Public Works Act, as amended (63 Stat. 627, as amended; 48 U.S.C. 486). The Administrator is further authorized to redelegate the functions, powers, and duties herein delegated.

(Pub. Law 88-229, 77 Stat. 471, 48 U.S.C. 486c)

Effective as of the 17th day of April 1964.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 64-4046; Filed, Apr. 23, 1964; 8:46 a.m.]

[Order 2508, Amdt. 58]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority for Execution of Oil and Gas Leases on Executive Order Reservations

Section 13(a) of Order 2508, as amended (16 F.R. 473; 23 F.R. 90), is further amended to read as follows:

SEC. 13. *Lands and minerals.* The Commissioner may exercise the authority of the Secretary in relation to the following classes of matters:

(a) • • • •

(2) The execution and approval of leases for and on behalf of the United States, as trustee, of mineral lands acquired by or for Indians under the act of June 26, 1936 (49 Stat. 1967). The execution of leases on behalf of the United States, where the title to the mineral estate has been acquired by the United States by purchase where funds used were appropriated under grants of authority referred to in section 7 of the act of June 26, 1936, supra. The execution of oil and gas leases on lands withdrawn by Executive Order for Indian purposes or for the use or occupancy of any Indians or tribe, pursuant to section 1 of the act of March 3, 1927 (44 Stat. 1347, 25 U.S.C. 398a). The execution and approval of mining leases on the Chilocco School Reservation lands, pursuant to the act of June 21, 1906 (34 Stat. 325, 362).

STEWART L. UDALL,
Secretary of the Interior.

APRIL 14, 1964.

[F.R. Doc. 64-4047; Filed, Apr. 23, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALASKA AND MISSOURI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the State of Alaska and Butler County, Missouri, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the State of Alaska after June 30, 1965, or in Butler County, Missouri, after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of April 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-4075; Filed, Apr. 23, 1964; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14288]

MICHIGAN AREA AIRLINE SERVICE AIRPORT INVESTIGATION

Notice of Change of Hearing Room

Notice is hereby given that the session of the hearing to be held on May 12, 1964, at Kalamazoo, Mich., will convene in the City Commission Room, Second Floor, City Hall, 241 West South St., Kalamazoo, Mich., at 10 a.m., instead of the Civil Service Exam. Room, as set forth in the notice of hearing of April 13, 1964.

Dated at Washington, D.C., April 20, 1964.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 64-4068; Filed, Apr. 23, 1964; 8:50 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business April 15, 1964 to the appropriate agency designated herein, within ten days after notice that such report shall be made: Provided, that if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Conditon on Office of the Comptroller Form, Call No. 449,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 171,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 67,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January, 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February, 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January, 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December, 1962,[1] and shall send the same to the Federal Deposit Insurance Corporation.

JOSEPH W. BARR,
Chairman,
Federal Deposit Insurance Corporation.

JAMES J. SAXON,
Comptroller of the Currency.

A. C. MILLS, Jr.,
Acting Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 64-4053; Filed, Apr. 23, 1964; 8:48 a.m.]

[1] Filed as part of original document.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Border Patrol Sectors; Field Service

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

Sector No. 13 of paragraph (d) *Border Patrol Sectors* of section 1.51 *Field Service* is amended to read as follows:

SECTOR NO. 13—YUMA, ARIZ.

Blythe, Calif. Yuma, Ariz.

Dated: April 20, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 64-4051; Filed, Apr. 23, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

A. F. BURSTROM & SON, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

A. F. Burstrom & Son, Inc., Detroit, Michigan, is party to the following agreements, the terms of which are identical. The other parties are:

James G. Wiley Co., Los Angeles, Calif.	FF-1466
Sheriff-Guerringue, Inc., Seattle, Wash.	FF-1470

The Cottman Company, Baltimore, Maryland, is party to the following agreements, the terms of which are similar. The other parties are:

Argus Shipping Co., Inc., New York, N.Y.	FF-1480
United Forwarders Service, Inc., New York, N.Y.	FF-1481
Export-Import Services, Inc., New York, N.Y.	FF-1482
H & H Shipping Co., New York, N.Y.	FF-1483
Mohegan International Corp., New York, N.Y.	FF-1484

The following agreements are similar:

Loretz & Co., Los Angeles, San Francisco, Calif.; Houston, Tex., and J. T. Steeb & Co., Inc., Portland, Oreg	FF-1471

Chas. Kurz Co., Philadelphia, Pa., and Albury & Co., Miami, Fla..... FF-1472
Atlas Agencies, Inc., Jacksonville, Fla., and Hudson Shipping Co., Inc., New York, N.Y..... FF-1473
George J. Young & Co., Los Angeles, Calif., and W. H. Wickersham & Co., Inc., San Pedro, Calif..... FF-1476
H. A. Gogarty, Inc., New York, N.Y., and Fillette, Green & Co., Inc., Pensacola, Fla..... FF-1477
Berry & McCarthy Shipping Co., Inc., San Francisco, Calif., and Tone Forwarding Corp., New York, N.Y..... FF-1478
A & M Custom Brokers Co., Boston, Mass., and Judson Sheldon International Corp., New York, N.Y.... FF-1479

Agreement No. FF-1467 between Metro Shipping Corp., New York, New York, and J. G. R. Williams, Inc., New Orleans, Louisiana, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be divided equally (50 percent/50 percent).

Agreement No. FF-1468 between Metro Shipping Corp., New York, New York, party (a) and Admiral Shipping Corp., Houston, Texas, party (b); is an arrangement whereunder forwarding and service fees are divided as agreed. Ocean freight compensation will be divided 60 percent in favor of party (a) and 40 percent in favor of party (b).

Agreement No. FF-1469 between Penson Forwarding Corp., New York, New York, and other branch offices, and Coastal Forwarders, Charleston, South Carolina, is an arrangement under which forwarding and service fees are divided as agreed. Ocean freight compensation will be retained by the originating forwarder.

Agreement No. FF-1474 between Trans Marine Co., New Orleans, Louisiana, and Encargos International, New York, New York, is an arrangement under which forwarding and service fees are retained by the party accomplishing the work. Ocean freight compensation is to be divided equally between the parties (50 percent/50 percent).

Agreement No. FF-1475 between Stevens Shipping Co., Savannah, Georgia, and Stevens Shipping Co., Jacksonville, Florida, and Major Forwarding Co., Inc., New York, New York, is an arrangement under which Major Forwarding Co., Inc., agrees to pay Stevens Shipping Co. $3.00 for Export Declarations (in no case less that $5.00 at Kings Bay, Georgia even if only one Declaration is passed).

Agreement No. FF-1486 between C. S. Greene & Co., Inc., Chicago, Illinois, and R. J. McCracken & Co., Muskegon, Michigan, is an arrangement whereunder forwarding and service fees are $7.50 per shipment. Ocean freight compensation is to be divided equally.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: April 21, 1964.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4062; Filed, Apr. 23, 1964; 8:49 a.m.]

SEA-LAND SERVICE, INC., AND AZTA SHIPPING CO.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9341 between Sea-Land Service, Inc., and Azta Shipping Company, covers a through billing arrangement on general and controlled temperature cargo between East and West Coast ports of Central America, on the one hand, and East Coast ports of the United States, on the other hand, with transhipment at San Juan, Puerto Rico, under terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4062; Filed, Apr. 23, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18740 etc.]

CUMBERLAND NATURAL GAS CO., INC., ET AL.

Notice of Applications

APRIL 17, 1964.

Cumberland Natural Gas Company, Inc., Docket No. G-18740; J. C. Miller Oil Company, Inc., Docket No. G-18743; Truman Drake, Docket No. G-18744.

Take notice that Cumberland Natural Gas Company (Cumberland), 408 North Main Street, Greenville, Kentucky, filed an application in Docket No. G-18740 on June 8, 1959, and amendments thereto on May 2, 1963, and October 24, 1963, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 90,000 feet of 6⅝-inch, 50,000 feet of 4½-inch, 8050 feet of 2-inch pipeline, and 1-mile of 4-inch pipeline, in Muhlenberg, Christian and Hopkins Counties, Kentucky, together with the installation and operation of compression and metering facilities comprising a transmission pipeline system, and the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application and amendments filed thereto on file with the Commission and open to public inspection.

Cumberland proposes the construction and operation of a pipeline system and the transportation and sale of natural gas in interstate commerce to Texas Gas Transmission Corporation. The natural gas to be transported and sold to Texas Gas will be produced from Cumberland's wells in the Sharon School Area, and purchased from J. C. Miller Oil Company, Incorporated, produced in the Harps Hill Area, from Truman Drake produced in the Apex Area, and from the Creek Oil Company[1] produced in the White Plains Field, all in the Muhlenberg, Christian and Hopkins Counties area in Kentucky.

The cost of the facilities proposed by Cumberland in Docket No. G-18740 is $306,949.55. The system facilities have been mortgaged to Stupp Bros. Bridge and Iron Company to the extent of $147,094.

Take further notice that on June 8, 1959, J. C. Miller Oil Company, Incorporated (J. C. Miller), Kresge Building, Owensboro, Kentucky, filed in Docket No. G-18743, and Truman Drake, Old State Road, Evansville, Indiana, filed in Docket No. G-18744, their respective applications pursuant to section 7(c) of the National Gas Act, for certificates of public convenience and necessity, authorizing the sale and delivery of natural gas to Cumberland all as more fully set forth in their respective applications on file with the Commission, and open to public inspection.

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate these applications for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein.

[1] The application of Creek Oil Company Incorporated in Docket No. CI64-457 has been noticed by publication in the FEDERAL REGISTER on October 26, 1963 (28 F.R. 11493).

Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 11, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4037; Filed, Apr. 23, 1964; 8:45 a.m.]

[Project No. 2353]

MOOSE CREEK RANCH, INC.

Notice of Application for License

APRIL 17, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Moose Creek Ranch, Inc. (correspondence to: Kenneth Christensen, 5031 Colonial Drive, Minneapolis, Minnesota) for license for constructed Project No. 2353, located on North Fork of Moose Creek in Idaho County, Idaho, and affecting lands of the United States within the Nezperce National Forest.

The project consists of: A concrete diversion dam 6 feet high and 108 feet long; a wood flume 97 feet long; a small frame powerhouse containing a 33-horsepower waterwheel and a 24-kva generator; about 4,300 feet of 2,300 volt transmission line; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 15, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc 64-4041; Filed, Apr. 23, 1964; 8:45 a.m.]

[Docket No. G-16862]

GILCREASE OIL CO.

Order Accepting Offer of Settlement, Requiring Filing of Notice of Change and Contract Amendment, and Terminating Proceeding

APRIL 6, 1964.

On February 3, 1964, Gilcrease Oil Company (Gilcrease) submitted an offer of settlement in this proceeding pursuant to § 1.18(e) of the Commission's rules of practice and procedure. The offer involves a proposed increased rate for sales of natural gas made to Tennessee Gas Transmission Company (TGT) by Gilcrease. The offer relates to sales made under Supplement No. 5 to Gilcrease's FPC Gas Rate Schedule No. 1 in Wharton County, Texas (Texas R.R. Com. District No. 3). The proposed increased rate was suspended by order of the Commission for the statutory period, and was made effective by Gilcrease on June 1, 1959.

Under the terms of the offer, Gilcrease proposes to eliminate the favored-nation and price redetermination provisions from the rate schedule and to establish a 15 cent per Mcf rate for the subject sale. Gilcrease's annual revenues will be decreased about $853 from the presently effective rates. No protests or objections have been filed to the offer.

Gilcrease, in its offer, proposes to refund all amounts collected, subject to refund, for sales of natural gas to TGT under the subject rate schedule in excess of the settlement rate. The estimated total dollars to be refunded approximates $7,770, exclusive of interest.

The proposed settlement is consistent with the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61-1, issued December 20, 1960, 24 F.P.C. 1107, as amended by Order No. 264, issued March 27, 1963, 29 F.P.C. 589, and its acceptance would serve the public interest.

However, we desire to make it clear that acceptance of Gilcrease's offer of settlement shall not be construed as approval of any future increased rate filed in accordance with its reservations of the right to file increases to cover future tax increases. Nor, shall our action herein be construed as constituting approval of any future rate increase that may be filed under the subject rate schedule, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Gilcrease's rate and rate schedule.

The Commission finds: The proposed settlement by Gilcrease of the above-designated proceedings on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Gilcrease on February 3, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by Gilcrease on February 3, 1964, is hereby approved in accordance with the provisions of this order.

(B) Gilcrease shall file, within 30 days from the date of issuance of this order, notice of change in rate providing for the 15 cents per Mcf rate specified in its offer of settlement, and executed contractual amendment to its FPC Gas Rate Schedule No. 1 eliminating the favored-nation and price redetermination provisions therefrom. The notice of change and the contractual amendment shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Gilcrease shall refund to TGT to the date of issuance of this order the difference between the rates collected subject to refund under the rate schedule herein and the settlement rate with simple interest thereon, making account for proper charges, and shall report to the Commission, in writing, within 30 days from the date of issuance of this order, the amount of such refund, showing separately the amount of principal and interest, and the bases used for such determination, together with a release from TGT.

(D) Upon notification by the Secretary of the Commission that Gilcrease has complied with the terms and conditions of the order, the rate and charge of 15 cents per Mcf at 14.65 psia, specified in its offer of settlement shall be effective as of the date of issuance of this order, the above designated proceedings shall be deemed terminated, and severed from the consolidated area rate proceeding (Texas Gulf Coast Area) in Docket No. AR64-2 without further order of the Commission.

(E) The acceptance by the Commission of Gilcrease's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Gilcrease, including area rate or other similar proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4038; Filed, Apr. 23, 1964; 8:45 a.m.]

[Docket No. RI64-692 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

APRIL 17, 1964.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be

[1] Does not consolidate for hearing or dispose of the several matters herein.

held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the Date Suspended Until column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 3, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-602	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex., 77001.	200	8	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Oklahoma) (Oklahoma Panhandle Area).	$42	3-24-64	[1] 5-10-64	10-10-64	[4] 17.4	[5] [6] 17.6	RI63-406
	Humble Oil & Refining Co.	111	6	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	651	3-23-64	[1] 5-1-64	10-1-64	14.1344	[3] [6] 14.6392	RI61-542
RI64-603	Petroleum Inc. (Operator), et al., 352 North Broadway, Wichita, Kans.	12	4	Colorado Interstate Gas Co. (Keys Field, Cimarron County, Okla.) (Oklahoma Panhandle Area).	300	3-25-64	[1] 4-25-64	9-25-64	[6] 16.0	[3] [6] 17.0	
RI64-604	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa., 19103.	107	6	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Oklahoma Panhandle Area).	150	3-26-64	[1] 5-8-64	10-8-64	[4] 17.0	[5] [6] 17.2	RI63-399
	Sun Oil Co.	116	6	do	40	3-26-64	[1] 5-8-64	10-8-64	[4] 17.0	[5] [6] 17.2	Do.
RI64-605	Caulkins Oil Co. (Operator), et al., 1130 First National Bank Bldg., Denver 2, Colo.	4	4	Arkansas Louisiana Gas Co. (East Lamont Area, Grant County, Okla.) (Oklahoma "Other" Area).	854	3-26-64	[1] 4-26-64	9-26-64	[4] 11.0	[5] [6] 12.0	
RI64-606	Sword Company, et al., 1240 Republic National Bank Bldg., Dallas, Tex.	2	5	El Paso Natural Gas Co. (San Juan County, N. Mex.) (San Juan Basin Area).	1,264	3-27-64	[1] 4-27-64	9-27-64	[11] 13.0	[3] [10] 14.0536	
RI64-607	J. F. Hickman, 4245 Park Hill Drive, El Paso, Tex.	2	4	El Paso Natural Gas Co. (South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	4,111	3-23-64	[7] 4-23-64	9-23-64	[11] 11.0	[3] [10] [12] 12.0495	
RI64-608	United States Smelting, Refining and Mining Co. (Operator), et al., P.O. Box 2137, Boston, Mass., 02106, Attn: Mr. C. G. Rice, Pres.	14	2	El Paso Natural Gas Co., and Hunt Oil Co. (Amacker Field Area, Upton County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	1,584	3-25-64	[7] 4-25-64	9-25-64	8.0	[3] [6] 13.5011	
	United States Smelting, Refining and Mining Co. (Operator), et al.	15	2	El Paso Natural Gas Co. and Hunt Oil Co. (Willrode Field (Amacker-Tippett Area) Upton County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	1,848	3-26-64	[7] 4-26-64	9-26-64	8.0	[3] [6] 13.5011	

[1] The stated effective date is the effective date requested by respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 psia.
[4] Subject to downward Btu adjustment.
[5] Renegotiated rate increase.
[6] Subject to downward and upward Btu adjustment based on 1000 Btu (net rate is 12.32 cents per Mcf before increase and 13.09 cents per Mcf after increase based on 770 Btu shown in filing).
[7] The stated effective date is the first day after expiration of the required statutory notice.
[8] Pressure base is 15.025 psia.
[9] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[10] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.
[11] For gas delivered at 250 psig.

United States Smelting Refining and Mining Company (Operator), et al., (Mining Company) request waiver of notice to make their proposed rate increases effective as of April 1, 1964. Sword Company, et al., and J. F. Hickman (Hickman) request an effective date of January 1, 1964, for their proposed rate filings. Caulkins Oil Company (Operator), et al., request an effective date of March 17, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

Hickman's proposed rate increase is applicable to low pressure wells and Hickman, in a letter agreement with the buyer, El Paso Natural Gas Company, has previously consented to a 2.0 cents per Mcf reduction in price as consideration for a reduction in line pressure from 500 psig to 250 psig. The proposed 12.0495 cents per Mcf rate is below the applicable 13.0 cents per Mcf area ceiling for increased rates; however, the compression cost to the buyer will cause the proposed rate to exceed the area ceiling for pipeline quality gas and is suspended as hereinbefore ordered.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 64-4039; Filed, Apr. 23, 1964; 8:45 a.m.]

[Docket No. E-7130]

UTAH POWER AND LIGHT CO.

Declaratory Order To File Application for License

APRIL 17, 1964.

On October 11, 1963, the Utah Power and Light Company (Petitioner), a Maine corporation with principal offices in Salt Lake City, Utah, filed under § 1.7(c) of the rules of practice and procedure a petition, including a statement of facts, for a declaratory order removing uncertainty as to whether it needs a license under Part I of the Federal Power Act (16 U.S.C. 791-823) to continue to maintain and operate its Pioneer project works on the Ogden River at Ogden, Utah.

The petition shows that the Pioneer project's sole source of water power is the Pine View Dam. Water passes from the dam through a 5.5 mile wood-stave flowline to the head of Ogden Canyon. Here, the Ogden River Waters Users' Association (Association) diverts part of the water into its irrigation system, and Petitioner diverts the remainder to its project works. The water used by Petitioner flows into a surge tank, passes through a 4,800-foot steel penstock to the powerhouse, and empties through a half-mile ditch into the Ogden River. The installed capacity of petitioner's project is 5,000 kilowatts.

The Bureau of Reclamation of the Department of the Interior built the Pine View Dam between 1934 and 1937. By authority of the Reclamation Act of June 17, 1902 (32 Stat. 388, 389), the Secretary of Interior has authorized the Association to operate and maintain the dam and reservoir. The wood-stave flow line is owned jointly by petitioner, whose interest is about 45 percent, and the Association, holding the remainder. Petitioner wholly owns the powerhouse and appurtenant facilities.

Under subsection 23(b) of the Federal Power Act (16 U.S.C. 817), it is unlawful for petitioner, which does not claim to hold a Federal permit predating the act's approval on June 10, 1920, "for purpose of developing electric power, to * * * utilize the surplus water or water power from any Government dam, except under and in accordance with the terms of * * * a license granted pursuant to this Act." The term "government dam" is defined "for purposes of this Act" in section 3(10) (16 U.S.C. 796): "* * * a dam or other work constructed or owned by the United States for Government purposes with or without contribution from others."

The Pine View Dam and Reservoir are still owned by the United States. Moreover, since the dam was Federally constructed, it would be a "Government dam" as Congress defined the term for purposes of the Federal Power Act, even if the United States had disposed of it. Directly in point is the Commission's order in Green Mountain Power Corp., Project No. 2090, 13 FPC 1211 and 1321 (1954). Petitioner is required by subsection 23(b) to apply for and obtain a license for the continued maintenance and operation of its Pioneer project.

The Commission finds:

(1) The Pine View Dam is owned by the United States;

(2) The Pine View Dam was constructed by the United States;

(3) Thus, the Pine View Dam is a "Government dam" as the word is defined in section 3(10) for purposes of the Federal Power Act;

(4) The Utah Power and Light Company's Pioneer project utilizes surplus water power from the Pine View Dam.

The Commission orders: Utah Power and Light Company shall file, within ninety days from the date of issuance of this order, application for license pursuant to the provisions of the Federal Power Act and the Commission's rules and regulations thereunder for the continued maintenance and operation of its project works of its Pioneer project on the Ogden River at Ogden, Utah.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-4043; Filed, Apr. 23, 1964; 8:46 a.m.]

[Docket No. RI64-690 etc.]

MARATHON OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 17, 1964.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the Date Suspended Until column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 3, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-690	Marathon Oil Company (Operator), et al., Findlay, Ohio; Attn: Mr. R. Joseph Upperman.	4	6	Northern Natural Gas Co. (Southeast Lea County, Lea County, N. Mex.) (Permian Basin Area).	$15,749	3-23-64	[1] 5-1-64	[2] 5-2-64	10.5012	[3] [4] 11.0	
RI64-691	Mary H. Trenchard, 160 Cherry St., Denver 20, Colo.	1	3	Montana Dakota Utilities Co., (Worland Field, Washakie and Big Horn County, Wyo.).	754	3-24-64	[4] 4-25-64	[4] 4-25-64	[7] [8] 10.5	[4] [8] 13.0	

[1] The stated effective date is the effective date requested by respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 psia.
[4] The stated effective date is the first day after expiration of the required statutory notice.
[5] Favored-nation rate increase.
[6] Pressure base is 15.025 psia.
[7] Subject to upward adjustment of 0.25 cent per Mcf for each treatment if buyer is not required to sweeten and/or remove moisture.
[8] Includes 0.5 cent per Mcf upward adjustment for delivery pressure (800 psig).
[9] The suspension period is limited to one day.

Mary H. Trenchard (Trenchard) requests waiver of notice to make her proposed rate increase effective as of March 24, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Trenchard's rate filing and such request is denied.

Marathon Oil Company (Operator) et al. (Marathon), and Trenchard's proposed increased rates do not exceed the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, as amended. The proposed rates, being lower than the contractually authorized rates, are considered to be "fractured" rates. Had Marathon and Trenchard's instant filings been accompanied by a waiver of the right to file for further rate increases above the ceiling level, we would not suspend the instant filings. But, in the absence of such a waiver, or a contrac-

[1] Does not consolidate for hearing or dispose of the several matters herein.

tual amendment substituting the 13.0 cents per Mcf (Trenchard) and 11.0 cents per Mcf (Marathon) rates in place of the now contractually authorized rates, we conclude that Trenchard and Marathon's rate filings should be suspended for one day, as hereinbefore ordered.

[F.R. Doc. 64-4040; Filed, Apr. 23, 1964; 8:45 a.m.]

[Docket No. G-2728 etc.]

CARL D. PERKINS ET AL.

Notice of Applications for Certificates, Abandonment of Service, Petitions To Amend Certificates and Notice of Severance; Correction

APRIL 13, 1964.

Carl D. Perkins, et al. (successor to Ruth A. McBurney, et al.), et al., Docket Nos. G-2728, et al.; Pan American Petroleum Corporation, Docket No. CI64-1154.

In the Notice of Applications for Certificates, Abandonment of Service, Petitions to Amend Certificates and Notice of Severance, issued April 6, 1964 and published in the FEDERAL REGISTER April 14, 1964 (F.R. Doc. 64-3552; 29 F.R. 5099-5100), in the chart after Docket No. CI64-1154 change price to read "20.625 cents" in lieu of "22.0".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4042; Filed, Apr. 23, 1964; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCIAL BANCORP, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Commercial Bancorp, Inc., Miami, Florida, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), for the Board's prior approval of action to become a bank holding company through acquisition by Commercial Bancorp, Inc. of 80 percent or more of the voting shares of each of the following banks: Commercial Bank of Miami, Miami, Florida; Merchants Bank of Miami, Miami, Florida; and Bank of Kendall, Kendall, Florida.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 17th day of April 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-4058; Filed, Apr. 23, 1964; 8:49 a.m.]

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 64-4053, Federal Deposit Insurance Corporation, *supra*.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area No. 463]

MISSISSIPPI

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Jones County, in the State of Mississippi;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about April 8, 1964.

OFFICES

Small Business Administration Regional Office, 90 Fairlie St., NW., Atlanta 3, Ga.
Small Business Administration Temporary Office, Civic Center Laurel, Miss.
Small Business Administration Branch Office, Capital and West Sts., Jackson 1, Miss.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1964.

Dated: April 10, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-4066; Filed Apr. 23, 1964; 8:49 a.m.]

[Delegation of Authority 30-XIII, Disaster 1]

MANAGER, DISASTER FIELD OFFICE, ANCHORAGE, ALASKA

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, there is hereby redelegated to the Manager of Anchorage, Alaska Disaster Field Office, the following authority.

A. Financial assistance. 1. To approve the following:

a. Direct disaster loans not exceeding $100,000.

b. Participation disaster loans not exceeding $150,000.

2. To decline disaster loans in any amount.

3. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator.
By ----------
Manager, Anchorage Disaster Field Office.

4. To cancel, reinstate, modify and amend authorizations for disaster loans approved under delegated authority.

5. To disburse unsecured disaster loans.

6. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date. April 14, 1964.

WILLIAM S. SCHUMACHER,
Regional Director,
Seattle, Washington.

[F.R. Doc. 64-4049; Filed, Apr. 23, 1964; 8:47 a.m.]

TARIFF COMMISSION

[AA1921-36]

TITANIUM DIOXIDE FROM JAPAN

Determination of No Injury or Likelihood Thereof

APRIL 21, 1964.

On January 21, 1964, the Tariff Commission was advised by the Assistant Secretary of the Treasury that titanium dioxide from Japan is being, or is likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act. Accordingly, the Commission on January 24, 1964, instituted an investigation under section 201 (a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Public notices of the institution of the investigation and of a public hearing to be held in connection therewith were published in the FEDERAL REGISTER (29 F.R. 1497 and 29 F.R. 2618). The hearing was held on March 23, 1964.

In arriving at a determination in this case, due consideration was given by the Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all information obtained by the Commission's staff.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of titanium dioxide from Japan, sold at less than fair value, within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. Titanium dioxide (TiO_2) is the major white pigment in use today in the manufacture of a variety of products, principally paper and paint. It is produced in two basic types, anatase (used mainly in paper) and rutile (used mainly in paint). Each type is manufactured in a variety of grades which differ in their content of TiO_2 and of additives introduced to modify specific physical properties. There is, however, considerable interchangeability between different grades of anatase and between different grades of rutile, and even some interchangeability between some grades of anatase and some grades of rutile.

Although the articles covered by this investigation consist of both anatase and rutile types, most of the imports from Japan (about 85 percent in 1963) have been anatase.

The domestic industry markets a wide range of grades of both anatase and rutile types. Domestic producers quote identical delivered prices, which vary uniformly with the quantity sold, for each type (irrespective of grade), to all points in the United States: In carload lots of 30 tons or more, domestic anatase type sells for 25 cents per pound and domestic rutile for 27 cents. Except for the elimination in December 1963 of a one-half cent per pound extra charge for TiO_2 sold for shipment west of the Rocky Mountains, domestic producers have not changed their prices for several years. This change was a direct result of the completion, by a domestic producer, of the first titanium dioxide plant west of St. Louis, Mo.

Domestic producers of TiO_2, unlike the importers, provide a wide range of services. The value of these services to the customers varies, depending upon their requirements; it tends to be of greater value to manufacturers of paints than to manufacturers of paper.

Titanium dioxide produced domestically is sold at prices that are about 2 cents per pound higher than those for TiO_2 imported from Japan and other foreign countries. Most of the TiO_2 imported from Japan—which is marketed throughout the United States—is sold at prices which are about the same as those for TiO_2 imported from other countries.

Except for TiO_2 from Japan and France, titanium dioxide has not been found to be selling at less than fair value. In particular, the Treasury Department specifically found that imports from Italy, the United Kingdom, and Finland (the principal foreign supplier of anatase) were not being sold at less than fair value.

Imports of TiO_2 from Japan sold at less than fair value have never supplied more than an insignificant share of the U.S. consumption of either the anatase or the rutile type.

The domestic industry overall has shown continuous growth, though the growth has not been as great in anatase as in rutile. Changes in the market pattern (both geographically and by type of TiO_2) and technological developments are exerting strong influences; thus far, however, they have not been accompanied by price adjustments. These influences, in conjunction with the marketing practices (product offerings, sales engineering, pricing, et cetera) of the domestic industry and the impact of greater quantities of imports not sold at less than fair value, largely account for the circumstances giving rise to the complaints of the domestic industry. The Commission finds that the imports from Japan sold at less than fair value have neither caused nor are likely to cause material injury to a domestic industry within the meaning of the Antidumping Act.

This determination and statement of reasons are published pursuant to 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 64-4060; Filed, Apr. 23, 1964; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Empire Manufacturing Co., Winder, Ga.; effective 4-1-64 to 3-31-65 (men's and boys' pants).

Indiana Sportswear Co., P.O. Box 252, Route 119, Indiana, Pa.; effective 3-30-64 to 3-29-65 (men's and boys' outerwear jackets).

Lerner Slone Clothing Corp., Forrest City, Ark.; effective 4-11-64 to 4-10-65 (men's dress slacks).

Linda Lane Garment Co., Inc., 106 Bluff and 204 North Main Streets, Excelsior Springs, Mo.; effective 4-3-64 to 4-2-65 (ladies', nurses' and maids' uniforms).

Madill Manufacturing Co., Inc., Madill, Okla.; effective 4-3-64 to 4-2-65 (men's dress trousers).

Prepshirt Manufacturing Corp., Greenville, N.C.; effective 4-15-64 to 4-14-65 (boys' sport and dress shirts).

Publix Manufacturing Corp., Gallitzin, Pa.; effective 4-3-64 to 4-2-65 (men's sport and dress shirts).

Salant and Salant, Inc., South First Street, Union City, Tenn.; effective 4-16-64 to 4-15-65 (boys' dungaree pants).

Savada Bros. Inc., 115-121 Mulberry Street, Millville, N.J.; effective 4-3-64 to 4-2-65 (boys' sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Brooks Seas Manufacturing Co., 151-153 Park Avenue, Wilkes-Barre, Pa.; effective 4-11-64 to 4-10-65; 10 learners (children's blouses and dresses).

East Waterford Textiles, Inc., East Waterford, Pa.; effective 4-3-64 to 4-2-65; 10 learners (ladies' dresses).

Manila Manufacturing Co., Manila, Ark.; effective 4-3-64 to 4-2-65; 10 learners (ladies' cotton dresses).

Savada Bros., Inc., North East Boulevard, Landisville, N.J.; effective 4-3-64 to 4-2-65; 10 learners (boys' sport shirts).

Savada Bros., Inc., Wheat Road, Vineland, N.J., effective 4-3-64 to 4-2-65; 10 learners (boys' sport shirts).

Style-line Frocks, Inc., 201 East Cottage Avenue, Tamaqua, Pa.; effective 4-3-64 to 4-2-65; 5 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Lenoir, N.C.; effective 4-6-64 to 10-5-64; 150 learners (ladies' and boys' dungarees, children's pants and blouses).

Michael Berkowitz Co., Inc., R.D. No. 2, Waynesburg, Pa.; effective 4-3-64 to 10-2-64; 15 learners (ladies' and men's pajamas).

Honey Togs, Inc., 1504 North Main Street, P.O. Drawer 31, Gladewater, Tex.; effective 4-3-64 to 10-2-64; 35 learners (children's slacks, shorts, and jumpers).

The H. D. Lee Co., Inc., Sulphur Springs, Tex.; effective 4-6-64 to 10-5-64; 50 learners (men's pants).

Salant and Salant, Inc., South First Street, Union City, Tenn.; effective 3-30-64 to 9-29-64; 90 learners (boys' dungaree pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Galena Glove and Mitten Co., 430 Garfield Avenue, Dubuque, Iowa; effective 4-2-64 to 4-1-65; 10 learners for normal labor turnover purposes (work gloves).

The Schafer Co., Inc., 101-117 North First Street, Dubuque, Iowa; effective 4-2-64 to 4-1-65; 10 learners (leather, and leather and fabric work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Athens Hosiery Mills, Inc., Athens, Tenn.; effective 4-6-64 to 4-5-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, children's and misses' seamless hosiery).

Troy Craft, Inc., Troy, Pa.; effective 4-3-64 to 4-2-65; 5 learners for normal labor turnover purposes (women's seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Louisburg Sportswear Co., Louisburg, N.C.; effective 4-2-64 to 4-1-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sport and T-shirts and underwear).

Louisburg Sportswear Co., Louisburg, N.C.; effective 4-2-64 to 10-1-64; 30 learners for plant expansion purposes (men's and boys' knitted sport and T-shirts and underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 10th day of April 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-4048; Filed, Apr. 23, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 973]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 21, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66681. By order of April 16, 1964, the Transfer Board approved the transfer to James K. Heisel, doing business as Tucker Hill Transfer, Gray Summit, Mo., of Certificate in No. MC 61100, issued June 23, 1941, to E. H. Smith and G. T. Smith, a partnership, doing business as Tucker Hill Auto & Transfer Company, Gray Summit, Mo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Union, Mo., and National Stock Yards, Ill., over U.S. Highway 50, serving intermediate points and specified off-route points. A. A. Marshall, 216 Buder Building, St. Louis, Mo., practitioner for applicants.

No. MC-FC 66691. By order of April 16, 1964, the Transfer Board approved the transfer to Benny DeFazio, Jr., 1028 Springbrook Avenue, Moosic, Pa., of Certificate in No. MC 44302, issued May 29, 1941, to C. E. Hendrickson, 1624 Monsey Ave., Scranton, Pa., authorizing the transportation of: Machinery, between Scranton, Pa., on the one hand, and, on the other, points in New York and New Jersey; and paper and paper products, between Scranton, Pa., on the one hand, and, on the other, Philadelphia, Pa., Watkins Glen, Ludlowville, and New York, N.Y., and Boston, Mass.

No. MC-FC 66719. By order of April 16, 1964, the Transfer Board approved the transfer to Curry Motor Freight Lines, Inc., Amarillo, Texas, applicant in No. MC 98072 (Sub No. 3), BOR-99 joined filed in that name and by H. A. Davis, doing business as Davis Motor Freight, Amarillo, Texas, for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by Texas Certificates Nos. 2238-A, 2238-C, and 3666, respectively, authorizing transportation of commodities generally, between Wheeler, Texas, and Amarillo, Texas, via U.S. Highway 60 from Amarillo to Pampa, thence via State Highway 152 to Wheeler, and return over the same route, serving the intermediate point of Pampa only on traffic originating at that point and destined to Mobeetie and Wheeler, and the off-route point of Lefors on State Highway 273; from Shamrock to Amarillo over U.S. Highway 66, with the right to serve McLean, Texas; between Amarillo, Texas, and Pantex Ordnance Plant and Amarillo Army Airfield, as an extension of operations in connection with the operations presently authorized under existing certificates, using U.S. Highways 60 and 66, a distance of some 10 to 18 miles; and between Wheeler and Wellington over U.S. Highway 83, serving all intermediate points. Grady L. Fox, 222 Amarillo Building, Amarillo, Texas, attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-4055; Filed, Apr. 23, 1964; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 163, Amdt. 1]

UNION PACIFIC RAILROAD

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 163 (Union Pacific Railroad) and good cause appearing therefor:

It is ordered, That Taylor's I.C.C. Order No. 163 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) **Expiration date:** This order shall expire at 11:59 p.m., May 10, 1964, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 30, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 20, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-4056; Filed, Apr. 23, 1964; 8:49 a.m.]

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VOLUME 29 NUMBER 82

Washington, Saturday, April 25, 1964

THE UNIVERSITY OF MICHIGAN
APR 27 1964
MAIN READING ROOM

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UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3583

MOTHER'S DAY, 1964

By the President of the United States of America

A Proclamation

WHEREAS American mothers bear a major responsibility in the tasks of maintaining healthy home environments, of training their young ones with firmness and wisdom, and of guiding their children to mature citizenship; and

WHEREAS the mothers of our Nation have, in succeeding generations, given their children their utmost devotion, and by their love, precept, and example have sought to endow them with the ideals, qualities, and strength of a great people; and

WHEREAS it is appropriate that we should join on one day of each year in acknowledging and expressing the gratitude we share for our own mothers and for the blessings of motherhood; and

WHEREAS by a joint resolution approved May 8, 1914 (38 Stat. 770), the Congress designated the second Sunday in May of each year as Mother's Day and requested the President to issue a proclamation calling for its observance in accordance with the provisions of that resolution:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby request that Sunday, May 10, 1964, be observed as Mother's Day; and and I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on that day.

I also call upon the people of this Nation to render public and private expression of their love and reverence for their mothers on that day through the display of the flag at their homes or other suitable places, through prayers, and through other manifestations of their esteem and devotion.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of April in the year of our Lord nineteen hundred and sixty-four, [SEAL] and of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-4219; Filed, Apr. 24, 1964; 11:29 a.m.]

Proclamation 3584

NATIONAL MARITIME DAY, 1964

By the President of the United States of America

A Proclamation

WHEREAS our country, in facing the challenges and opportunities of rapidly changing and expanding world trade, looks upon the sea lanes as highways of international good will and opportunity; and

WHEREAS the Nation looks to the maritime industry, working in cooperation with the Maritime Administration of the Department of Commerce and other Government agencies, to provide maritime programs and guidance that will best serve all Americans; and

WHEREAS the American merchant fleet is an essential element of our economy which provides employment for seamen, shipbuilders, shoreside workers, and those in supporting industries, and which, by transporting our products to world markets abroad, significantly advances our efforts to achieve an equitable international balance of trade and payments; and

WHEREAS the ships and men of the United States Merchant Marine stand ready to carry our flag abroad in peaceful competition today, or to deploy our seapower to the shores of any adversary in time of conflict; and

WHEREAS a strong merchant marine is essential to the economy and security of the free world, and merits the respect and support of our business community and the citizens of our Nation; and

WHEREAS the Congress, by a joint resolution approved May 20, 1933 (48 Stat. 73), designated May 22 as National Maritime Day, in commemoration of the departure from Savannah, Georgia, on May 22, 1819, of the S.S. *Savannah* on the first transoceanic voyage by any steamship, and requested the President to issue a proclamation annually calling for the observance of that day:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby urge the citizens of the United States to honor our American Merchant Marine on Friday, May 22, 1964, by displaying the flag of the United States at their homes and other suitable places.

I direct the appropriate officials of the Government to arrange for the display of the flag on all Government buildings on National Maritime Day, and I request that all ships sailing under the American flag dress ship on that day in tribute to the American Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 23rd day of April in the year of our Lord nineteen hundred and sixty-four, and of the [SEAL] Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-4220; Filed, Apr. 24, 1964; 11:29 a.m.]

Proclamation 3585

PRAYER FOR PEACE, MEMORIAL DAY, 1964

By the President of the United States of America

A Proclamation

WHEREAS on Memorial Day of each year it has long been the custom of this Nation to honor its forefathers and compatriots who have laid down their lives that we might live in freedom; and

WHEREAS we are eternally grateful to them for their supreme and selfless sacrifice on the field of battle; and

WHEREAS the same revolutionary beliefs and ideals for which our forebears fought and died are still at issue in the world and the challenge against them can be met only through the same qualities of bravery, fortitude, and unyielding determination shown by our noble dead; and

WHEREAS Memorial Day each year provides a fitting occasion upon which our citizens may commemorate departed loved ones and offer prayers for the preservation of liberty and peace free from the threat of war; and

WHEREAS for this purpose the Congress, in a joint resolution approved May 11, 1950 (64 Stat. 158), requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Memorial Day, Saturday, May 30, 1964, as a day of prayer for permanent peace, and I call upon all the people of the Nation to invoke God's blessing on those who have died in defense of our country and to pray for a world of law and order. I designate the hour beginning in each locality at eleven o'clock in the morning of that day as the time to unite in such prayer.

I also urge the press, radio, television, and all other information media to cooperate in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 23rd day of April in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-4221; Filed, Apr. 24, 1964; 11:29 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3132(a) is added to authorize exceptions for the temporary appointment of personnel engaged in making and administering loans, either directly or cooperatively, to small business organizations in areas affected by the Alaskan disaster. Effective upon publication in the FEDERAL REGISTER, § 213.3132(a) is added as set out below.

§ 213.3132 Small Business Administration.

(a) For the duration of the Alaskan disaster as declared by the President, temporary appointment of personnel employed to make and administer small loans either directly or cooperatively to small business organizations under section 7(b)(2) of the Small Business Act, as amended by Public Law 88-264 of February 5, 1964. Such appointments shall not exceed six months initially, but may with prior approval of the Commission be extended for an additional six months.

• • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-4112; Filed, Apr. 24, 1964; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 851.1, Amdt. 7]

PART 851—COMMITMENT OF NATIONAL SUGARBEET ACREAGE RESERVE, 1962 AND SUBSEQUENT CROPS

Farms Supplying Proposed Facilities Near Presque Isle, Maine, and Phoenix, Arizona

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 851.1 (27 F.R. 10745, 12705; 28 F.R. 1369, 2090, 11220; 29 F.R. 397, 4666) is further amended by adding the following new paragraphs (m) and (n).

§ 851.1 Commitments of sugarbeet acreage from the national reserve.

• • • • •

(m) *Commitment of acreage to farms that will supply sugarbeets to proposed beet sugar facility near Presque Isle, Maine, and conditions of commitment*—(1) *Amount of commitment.* A commitment of 33,000 acres, which it is estimated will yield 50,000 short tons, raw value, of sugar, is made to farms in Aroostook County, Maine, for the 1966 crop, for the purpose of growing sugarbeets for delivery to the factory proposed for erection near Presque Isle, Maine.

(2) *Conditions of commitment.* The commitment of acreage made pursuant to subparagraph (1) of this paragraph shall be subject to the following conditions:

(i) *Eligible farms.* An acreage commitment may be made to any farm in Aroostook County, Maine.

(ii) *Limit of commitment to individual farm.* The maximum commitment to any farm shall be the smaller of 75 acres or the acreage on the farm which is suitable for the production of sugarbeets in consideration of sound rotation and other cultural practices.

(iii) *Proportionate share protection to be accorded farms utilizing committed acreage.* If proportionate shares are in effect in the two years immediately following the year for which acreage is committed under this paragraph (m), the proportionate share for any farm in such locality in each of such two years shall not be less than the acreage which will be committed pursuant to this paragraph (m) to such farm and utilized for the production of sugarbeets for the extraction of sugar.

(n) *Commitment of acreage to farms that will supply sugarbeets to proposed beet sugar facility near Phoenix, Arizona, and conditions of commitment*—(1) *Amount of commitment.* A commitment of 20,000 acres, which it is estimated will yield 50,000 short tons, raw value, of sugar, is made to farms in counties of Arizona for the 1966 crop, for the purpose of growing sugarbeets for delivery to the factory proposed for erection near Phoenix, Arizona, by the Spreckels Sugar Company.

(2) *Conditions of commitment.* The commitment of acreage made pursuant to subparagraph (1) of this paragraph shall be subject to the following conditions:

(i) *Eligible farms.* An acreage commitment may be made to any farm in Arizona.

(ii) *Limit of commitment to individual farm.* The maximum commitment to any farm shall be the smaller of 80 acres or the acreage on the farm which is suitable for the production of sugarbeets in consideration of sound rotation and other cultural practices.

(iii) *Proportionate share protection to be accorded farms utilizing committed acreage.* If proportionate shares are in effect in the two years immediately following the year for which an acreage is committed under this paragraph (n), the proportionate share for any farm in such locality in each of such two years shall not be less than the acreage which will be committed pursuant to this paragraph (n) to such farm and utilized for the production of sugarbeets for the extraction of sugar.

STATEMENT OF BASES AND CONSIDERATIONS

General. Pursuant to the Sugar Act of 1948, as amended, there has been reserved each year from the national sugarbeet acreage requirement the acreage required to yield 65,000 short tons, raw value, of sugar. Thus, an acreage which would yield 325,000 short tons of sugar became available for the growth and expansion of the beet sugar industry for the crop years of 1962 through 1966.

Prior commitments of acreage under the national sugarbeet acreage reserve for the crop years of 1963 through 1965 are expected to produce 225,000 short tons, raw value, of sugar. Of this quantity, an acreage expected to produce 29,300 short tons, of sugar, was approved recently for factories that will expand in 1964. With the carryover into 1966 of the maximum tonnage permitted by law of 35,000 short tons, an acreage equivalent of 100,000 short tons is available for commitment for that year.

Determination. This amendment provides for the commitment of the balance of the acreage available under the present Act to two localities wherein new beet sugar facilities are proposed to be constructed with commencement of operations in 1966.

The first commitment provides 33,000 acres to farms in Aroostook County, Maine, for the 1966 crop for the purpose of growing sugarbeets for delivery to a factory to be constructed in the vicinity of Presque Isle. It is estimated that this acreage will yield 50,000 short tons, raw value, of sugar.

A firm capital commitment has been made with respect to the Maine facility. First mortgage money in the amount of $8,000,000 is to be placed privately and will be insured by the Maine Industrial Building Authority. The Area Redevelopment Administration of the United States Department of Commerce has authorized the Small Business Administration to offer a loan of almost $7,000,000 to assist in the financing of this facility. Over $2,600,000 have been pledged by farmers, other local interests and the Great Western Sugar Company of Denver, Colorado. In addition to participation in the capital financing, this company has agreed to supply the

working capital. Subject only to a commitment of acreage, this company has also stated it will cause the factory to be constructed and, through a subsidiary company, will operate the facility.

The Aroostook area is the most distantly located (about 1100 miles) from existing United States beet factories of any locality requesting 1966 acreage, the most favorably situated in relation to the accessibility to sugar markets and the best qualified in regard to the need for a cash or a replacement crop. With respect to the other statutory criterion, suitability for growing sugarbeets, feasibility tests indicate that the crop can be grown economically.

The second locality to which a commitment is made by this action is the area to be served by a new factory proposed to be built near Phoenix, Arizona, by the Spreckels Sugar Company. The 20,000 acres made available are expected to produce 50,000 short tons, raw value, of sugar.

Most of the sugarbeets in Arizona will be grown in Cochise, Graham, Maricopa, Pinal, Yavapai and Yuma Counties. Although sugarbeet seed is produced in certain of these counties, information available to the Department makes it clear that the production of sugarbeets for sugar can be managed without adverse effects on seed production.

The Arizona facility will be financed by the Spreckels Sugar Company from internal sources or through long-term credit arrangements or a combination of both. This company is a subsidiary of another sugar company having a net worth far in excess of the projected cost of the new facility.

As compared to other localities requesting 1966 acreage for which firm capital commitments have been shown and to which commitments have not been made, Arizona appears to be the best-qualified with respect to two of the statutory criteria, i.e., (1) accessibility to sugar markets and (2) distance from other factories and with respect to the remaining two criteria (1) suitability of the locality for growing sugarbeets and (2) need for a cash or replacement crop, at least equally qualified.

In consideration of all of the statutory criteria, the two localities to which commitments are made under this action are deemed to be the best-qualified of all localities requesting 1966 reserve acreage.

As in past actions taken with respect to the national sugarbeet acreage reserve, a limitation is established with respect to the acreage that may be committed to any farm. This will permit a greater sharing of the available acreage than might occur without such limitation.

The distribution of acreage under this action is deemed to be fair and reasonable and in accordance with the provisions of the Sugar Act.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date. Date of publication.

Signed at Washington, D.C., on April 17, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-4140; Filed, Apr. 24, 1964; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 81]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.381 Valencia Orange Regulation 81.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 23, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 26, 1964, and ending at 12:01 a.m., P.s.t., May 3, 1964, are hereby fixed as follows:

(i) District 1: 600,000 cartons;

(ii) District 2: 142,896 cartons;

(iii) District 3: 225,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 24, 1964.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-4217; Filed, Apr. 24, 1964; 11:17 a.m.]

[Lemon Reg. 108]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.408 Lemon Regulation 108.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 21, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 26, 1964, and ending at 12:01 a.m., P.s.t., May 3, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 23, 1964.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-4181; Filed, Apr. 24, 1964; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 18,011]

PART 545—OPERATIONS

Loans To Finance Acquisition and Development of Land

APRIL 21, 1964.

Resolved that, notice and public procedure having been duly afforded (29 F.R. 355) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) in order to revise the authority of Federal savings and loan associations to make loans for the acquisition and development of land including the financing of construction of homes inclusive of acquisition and development of land, and for the purpose of effecting such amendment, hereby amends said Part 545 as hereinafter set forth, effective May 25, 1964.

Amend § 545.6–14 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 545.6–14 Loans to finance acquisition and development of land; loans to finance construction of homes inclusive of acquisition and development of land.

(a) *General provisions.* Subject to the provisions of this section, a Federal association may, if permitted by the terms of its charter, invest in loans to finance (1) the acquisition and development of land for primarily residential usage and (2) the construction of homes or single-family dwellings, inclusive of acquisition and development of land primarily for the purpose of such construction. Said investments may be made by a Federal association only in accordance with the applicable provisions of this section. Such loan plans, practices, and procedures as are not inconsistent with this section or with other provisions of this part otherwise applicable to the making of loans on the security of first liens are hereby approved by the Board for use by Federal associations in the making of loans under this section.

(b) *Basic limitations.* A Federal association may make loans under this section only when (1) the aggregate amount of its general reserves, surplus, and undivided profits is equal to more than 5 percent of the amount of its withdrawable accounts, (2) the resulting aggregate amount of its investments in loans under this section, exclusive of that portion of loans under subparagraph (2) of paragraph (c) of this section which is for the purpose of financing the construction of homes or single-family dwellings, would not exceed 5 percent of the amount of its withdrawable accounts, (3) the loans are loans on the security of first liens, and (4) the real estate security for each such loan is located within the association's regular lending area.

(c) *Limitations on specific loans—*(1) *Loans to finance acquisition and development of land.* A Federal association may make loans on the security, and for the purpose of financing the acquisition and development, of land for primarily residential usage. No loan shall be made under this subparagraph (1) in an amount equal to more than 70 percent of the value of the real estate security therefor as of the completion of the development thereof into building lots or sites ready for construction thereon. Each such loan shall be repayable within a period of not more than 3 years and the interest thereon shall be payable at least semiannually. Upon the sale or release from the lien of any portion of the security property, the principal amount of any such loan shall be reduced in an amount at least equal to that portion of the total loan secured by the property sold or released. No disbursement of any of the proceeds of any loan made under this subparagraph (1) shall be made at any time if such disbursement, together with the aggregate amount of such proceeds previously disbursed by the association and not repaid to it, would exceed an amount equal to the sum of (i) 70 percent of the value at such time of that portion of the security property which is building lots or sites the development of which is in progress or completed and, (ii) 70 percent of the value at such time of the remaining security property.

(2) *Loans to finance construction of homes inclusive of acquisition and development of land.* A Federal association may make loans on the security of, and for the purpose of financing the construction of homes or single-family dwellings for sale on, land the acquisition and development of which for primarily residential usage is also a purpose of any such loan. No loan shall be made under this subparagraph (2) in an amount equal to more than 80 percent of the value of the real estate security therefor as of the completion of the construction of homes or single-family dwellings thereon. Each loan made under this subparagraph (2) shall be repayable in full within a period of not more than 6 years after the date of the loan instruments, with or without periodic amortization but with interest payable at least semiannually, except that (i) beginning not more than 18 months after the first disbursement of loan proceeds made for the purpose of financing the construction of any home or single-family dwelling, whether or not such construction has been completed, there shall be amortization of principal each month at a rate of not less than 1 percent of that portion of the loan balance that is applicable to such home or single-family dwelling, including the building site, and (ii) beginning not more than four years after the date of the loan instruments, there shall be amortization of principal each month at a rate of not less than 1 percent of that portion of the loan balance which is not applicable to the construction of any home or single-family dwelling and its building site. Upon the sale or release from the lien of any home or single-family dwelling or of any other portion of the security property, the principal amount of any such loan shall be reduced in an amount at least equal to that portion of the total loan secured by such home or single-family dwelling or other portion of the security property. No disbursement of any of the proceeds of any loan made under this subparagraph (2) shall be made at any time if such disbursement, together with the aggregate amount of such proceeds previously disbursed by the association and not repaid to it, would exceed an amount equal to the sum of (*a*) 80 percent of the value at such time of homes or single-family dwellings under construction or completed and not sold; (*b*) 70 percent of the value at such time of that portion of the remaining security property which is building lots or sites the development of which is in progress or completed; and (*c*) 70 percent of the value at such time of the remaining security property. By a con-

struction loan agreement or other suitable instrument applicable to each construction loan made by a Federal association under this subparagraph (2) such association shall reserve to its board of directors full power and the exclusive right, without regard to any other provision of any loan instrument or of any agreement applicable to such loan, to impose, at any time and from time to time, such limitations as such board of directors may determine on the number of homes and single-family dwellings the construction of which may be in progress at any one time from the proceeds of such loan.

(3) *Loans made prior to completion of planning.* If a loan is made under either subparagraph (1) or (2) of this paragraph (c) to a borrower who acquires the land before completion of plans for development thereof or construction thereon, a Federal association may leave for its later determination, based on appraisal after completion of such plans, the total amount of a loan under subparagraph (1) of this paragraph to finance the acquisition and development of land or the total amount of a loan under subparagraph (2) of this paragraph to finance the acquisition and development of land including the financing of construction thereon. Where such determination is so deferred, the loan agreement or other suitable instrument shall provide for acceleration of maturity of the loan to a fixed date (which shall be not more than 12 months after the date of the first disbursement of any of the proceeds of the loan) if by such fixed date the borrower has not furnished to the Federal association complete plans, satisfactory to the association, for development of the land and, if it is a loan under subparagraph (2) of this paragraph (c), for construction thereon.

(d) *Participation in making of loans; purchase and sale of participating interests; purchase of loans.* Notwithstanding any other provision of this part, a Federal association may not participate in the making of any loan, may not purchase or sell a participating interest in any loan, and may not purchase any loan, if such loan is of the type that such association may make only under this section.

(e) *Definitions.* The term "development" as used in this section means the installations and improvements necessary to produce from the land building sites so completed, in keeping with applicable governmental requirements and with general practice in the community, that they are ready for the construction of buildings thereon.

(f) *Relation to § 545.6–7.* Loans made under this section shall not be included in the aggregate amount of investments referred to in § 545.6–7 unless such inclusion is required by paragraph (a) of said § 545.6–7.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64–4113; Filed, Apr. 24, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–142]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment; Alteration of Transition Area

On January 29, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1479) stating that the Federal Aviation Agency was considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke the segment of VOR Federal airway No. 108 from Hill City, Kans., to Salina, Kans., and would alter the Salina transition area by substituting a line 5 miles south of and parallel to the Salina 286° True radial for Victor 108 in the transition area boundary.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was determined that the altered Salina transition area would overlap VOR Federal airway No. 4, and by regulation, the floor of the airway would assume that of the transition area. This would raise the minimum en route altitude on the affected segment of Victor 4 from 3,600 feet MSL to 4,000 MSL.

To preclude this situation, action is taken herein to alter the Salina transition area by substituting the Salina 286° True radial for Victor 108 in its description.

Since this change is minor in nature and will impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the following actions are taken:

1. Section 71.123 (29 F.R. 1009) is amended as follows:

In V–108 all after "Goodland, Kans.;" is deleted and "Goodland, Kans.; to Hill City, Kans." is substituted therefor.

2. Section 71.181 (29 F.R. 1160, 3356) is amended as follows:

In the Salina, Kans., transition area "V–4 E of the Salina VORTAC and V–108 W of the Salina VORTAC," is deleted and "V–4 and the 286° radial of the Salina VORTAC," is substituted therefor.

These amendments shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1964.

H. B. HELSTROM, *Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–4081; Filed, Apr. 24, 1964; 8:45 a.m.]

[Airspace Docket No. 63–LAX–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On January 30, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1588) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would revoke the segment of VOR Federal airway No. 421 from St. Johns, Ariz., to Zuni, N. Mex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America, in commenting on the proposal, offered no objection. However, they presented a request for an airway from Phoenix, Ariz., to Zuni. This request is under consideration by the Agency. No other comments were received.

In consideration of the foregoing, the following action is taken:

In § 71.123 (29 F.R. 1009) V–421 is amended to read as follows:

V–421 From Zuni, N. Mex., to Farmington, N. Mex.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1964.

H. B. HELSTROM, *Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–4082; Filed, Apr. 24, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SO–87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On January 30, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1588) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would revoke VOR Federal airway No. 421 from St. Johns, Ariz., to Zuni, N. Mex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America, in commenting on the proposal, offered no objection. However, they presented a request for an airway from Phoenix, Ariz., to Zuni. This request is under consideration by the Agency. No other comments were received.

In consideration of the foregoing, the following action is taken:

In § 71.123 (29 F.R. 1009) V–421 is amended to read as follows:

V–421 From Zuni, N. Mex., to Farmington, N. Mex.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1964.

H. B. HELSTROM, *Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–4084; Filed, Apr. 24, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SW–104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airways

On January 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 573) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would revoke VOR Federal airway No. 482 from Las Vegas, N. Mex., to Liberal, Kans.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no objections were received.

In consideration of the foregoing the following action is taken: In § 71.123 (29 F.R. 1009) V–482 is revoked.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1964.

H. B. HELSTROM, *Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–4085; Filed, Apr. 24, 1964; 8:45 a.m.]

[Airspace Docket No. 63–CE–97]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration and Revocation of Jet Routes

On October 2, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10581) stating that the Federal Aviation Agency (FAA) proposed the following: Revocation of Jet Route No. 26 between Joliet, Ill., and Appleton, Ohio; revocation of Jet Route No. 71 between Appleton and Front Royal, Va.; modification of Jet Route No. 30, in part, from the Joliet VORTAC via the intersection of the Joliet VORTAC 108° and the Fort Wayne, Ind., VORTAC 279° radials; the Fort Wayne VORTAC; Appleton VORTAC; to the Front Royal VOR; modification of Jet Route No. 64, in part, from the Bradford, Ill., VOR via the intersection of the Bradford VOR 089° and the Fort Wayne VORTAC 279° radials; Fort Wayne VORTAC; Ellwood City, Pa., VORTAC; Yardley, Pa., VOR; to the Idlewild, N.Y., VORTAC (subsequently renamed the Kennedy, N.Y., VORTAC); modification of Jet Route No. 80 from the Pittsburgh, Pa., VORTAC via Coyle, N.J., VORTAC to the Idlewild VORTAC (subsequently renamed Kennedy VORTAC).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No objections were received.

The substance of the proposed amendments having been published, therefore, for the reasons stated in the notice, the following actions are taken:

1. In § 75.100 (29 F.R. 1287 January 24, 1964) Jet Route No. 26 is amended as follows:

In the caption "(El Paso, Texas, to Appleton, Ohio)." is deleted, and "(El Paso, Texas, to Joliet, Ill.)." is substituted therefor. In the text "Joliet, Ill., to Appleton, Ohio." is deleted and "to Joliet, Ill." is substituted therefor.

2. In § 75.100 (29 F.R. 1287 January 24, 1964) Jet Route No. 30 is amended as follows:

In the caption "(Salt Lake City, Utah, to Appleton, Ohio)." is deleted and "(Salt Lake City, Utah, to Front Royal, Va.)." is substituted therefor. In the text "Joliet, Ill., to Appleton, Ohio." is deleted and "Joliet, Ill.; via the INT of the Joliet 108° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Appleton, Ohio; to Front Royal, Va." is substituted therefor.

3. In § 75.100 (29 F.R. 1287, January 24, 1964) Jet Route No. 64 is amended as follows:

In the caption "(Los Angeles, Calif., to Idlewild, N.Y.)." is deleted and "(Los Angeles, Calif., to Kennedy, N.Y.)." is substituted therefor. In the text "Bradford, Ill., Joliet, Ill., Cleveland, Ohio; Pittsburgh, Pa.; Yardley, Pa., to Idlewild, N.Y." is deleted and "Bradford, Ill.; via the INT of the Bradford 089° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Ellwood City, Pa.; Yardley, Pa.; to Kennedy, N.Y." is substituted therefor.

4. In § 75.100 (29 F.R. 1287, January 24, 1964) Jet Route No. 71 is revoked.

5. In § 75.100 (29 F.R. 1287, January 24, 1964) Jet Route No. 80 is amended as follows:

In the caption "(Oakland, Calif., to Idlewild, N.Y.)." is deleted and "(Oakland, Calif., to Kennedy, N.Y.)." is substituted therefor. In the text "Pittsburgh, Pa.; Philipsburg, Pa.; Allentown, Pa., to Idlewild, N.Y." is deleted, and "Pittsburgh, Pa.; Coyle, N.J.; to Kennedy, N.Y." is substituted therefor.

These amendments shall become effective 0001 e.s.t. June 25, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1964.

H. B. HELSTROM, *Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–4085; Filed, Apr. 24, 1964; 8:46 a.m.]

[Reg. Docket No. 6020]

[Special Federal Aviation Reg. 5]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Prohibition of Air Traffic Over and in Vicinity of the World's Fair, Flushing Meadow, New York

On April 22, 1964, President Lyndon B. Johnson will attend the opening ceremonies of the World's Fair at Flushing Meadow, New York. The interest of the public in the President and the large assemblage of persons resulting from his presence should attract numerous aircraft in the area that will be operated over the Fairgrounds and through the airspace generally used by other aircraft. In addition, the Federal agency responsible for the security of the President has requested that we take appropriate action for his safety and the safety of other persons present.

In order to provide appropriate safeguards for aircraft operations in the area and for persons and property on the ground, I have determined that a temporary restriction must be imposed on air traffic to prohibit the operation of all types of aircraft in the vicinity of the Fairgrounds below 2,000 feet above the surface unless authorized by air traffic control. This authorization may be obtained most readily by communicating with La Guardia Airport Traffic Control Tower, La Guardia Airport.

I have determined that there is a requirement for the immediate adoption of this regulation for the safety of air commerce. Therefore, I find it contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted:

(1) Unless otherwise authorized by air traffic control, no person may operate an aircraft during the period 1000 to 1300 hours Eastern Standard Time on April 22, 1964, below 2,000 feet above the surface within a one mile square area encompassing the New York World's Fairgrounds, Flushing Meadow, New York.

(2) This regulation becomes effective immediately and expires at 1300 Eastern Standard Time, April 22, 1964.

This regulation is adopted under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on April 21, 1964.

N. E. HALABY, *Administrator.*

[F.R. Doc. 64–4130; Filed, Apr. 24, 1964; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 5012; Amdt. 719]

PART 507—AIRWORTHINESS DIRECTIVES

Beech Model 35 Series Aircraft

Amendment 652, 28 F.R. 12926, AD 63–25–1, requires inspection which necessitates cutting inspection openings in the fuselage. Since the issuance of Amendment 652, the need for the holes has been reevaluated by the Federal Aviation Agency and it has been determined that an adequate inspection can be performed without the three center openings being cut in the fuselage. Therefore, Amendment 652 is being amended to require that only two inspection openings be cut in the fuselage instead of five.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 652, 28 F.R. 12926, AD 63–25–1, Beech Model 35 Series aircraft, is amended by changing paragraph (a)(1) to read:

(1) Cut two 3½ inch diameter inspection openings in the fuselage skin just under the forward center section steel truss at right and left butt stations 16.50 inches, in accordance with Beech Service Bulletin 35–24, as revised November 5, 1963, or FAA-approved equivalent.

(NOTE: In addition to these two openings, any or all of the three inside inspection openings defined in Service Bulletin 35–24 may be incorporated at the owner's option.)

This amendment shall become effective April 24, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 17, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–4088; Filed, Apr. 24, 1964; 8:46 a.m.]

[Reg. Docket No. 5013; Amdt. 720]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC–8 Series Aircraft

Amendment 665, 29 F.R. 13, AD 63–27–1, effective January 31, 1964, requires inspection of the bogie beam assembly and repair or replacement of any found defective on Douglas Model DC–8 Series aircraft. Amendment 665 also provides that when certain specified interim rework is accomplished, the bogie beam assembly may be continued in service for 1,500 hours from the time the interim rework was accomplished before incorporating the required final rework. However, the manufacturer has supplied substantiating data which would permit relaxation of the foregoing provision in Amendment 665. Therefore, Amendment 665 is being revised to permit bogie beam assemblies on which the interim rework had been incorporated prior to the effective date of that amendment, to be continued in service for 1,500 hours' time in service from the effective date of Amendment 665 rather than from the date on which the interim rework was accomplished. Bogie beam assemblies on which the interim rework has been accomplished subsequent to the effective date of Amendment 665 may still be continued in service for 1,500 hours' time in service from the time the interim rework was accomplished before the required final rework is incorporated.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making it effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 665, 29 F.R. 13, AD 63–27–1, Model DC–8 Series aircraft, is amended by:

1. Changing paragraph (a)(2)(iii) to read:

(iii) Bogie beam assemblies on which the interim rework outlined in Paragraph 2C(8) of DC–8 Service Bulletin No. 32–64 is incorporated subsequent to January 31, 1964, may be continued in service without further rework for a period not to exceed 1,500 hours' time in service from the time the interim rework is accomplished. However, the inspection and final rework referred to in (c) must be accomplished before the accumulation of that 1,500 hours' time in service.

2. Adding the following new paragraphs (a)(2)(iv) and (v) to read:

(iv) Bogie beam assemblies on which the interim rework outlined in Paragraph 2C(8) of DC–8 Service Bulletin No. 32–64 was incorporated prior to January 31, 1964, may be continued in service without further rework for a period not to exceed 1,500 hours' time in service after January 31, 1964. However, the inspection and final rework referred to in (c) must be accomplished before the accumulation of that 1,500 hours' time in service.

(v) The 1,000-hour periodic inspection specified in (a) is not required for bogie beams incorporating the interim rework outlined in Paragraph 2C(8) of DC–8 Service Bulletin No. 32–64.

This amendment shall become effective April 24, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., April 17, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–4089; Filed, Apr. 24, 1964; 8:46 a.m.]

[Reg. Docket No. 5014; Amdt. 721]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Model PA–30 Aircraft

There have been instances of failure of the induction system alternate air doors on Piper Model PA–30 aircraft, one of which resulted in significant engine power loss. The alternate air door is hinged on the inside of the air intake duct and operates under negative pressure. Failure at the hinge could cause the door to be drawn into the engine injector unit. To correct this condition, an airworthiness directive is being issued to require inspection of the engine induction system air takeoff assembly for signs of hinge wear at the alternate air door and replacement of the alternate air doors.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA–30 aircraft Serial Numbers 30–1 to 30–321 inclusive.

Compliance required as indicated.

(a) Within the next 10 hours' time in service after the effective date of this AD, and within every 10 hours' time in service thereafter until a new alternate air door is installed per (b):

(1) Inspect each engine induction system air takeoff assembly, P/N 23810–00, for signs of hinge wear at the alternate air door P/N 23809–00.

(2) Replace worn or loose alternate air doors before further flight.

(b) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished, replace the P/N 23809–00 alternate air door with a new door P/N 23809–07 in accordance with Piper Kit Instructions 756794. After the new part is installed, the repetitive inspections in paragraph (a) are no longer required.

(Piper Service Bulletin No. 220 covers this same subject).

This amendment shall become effective April 29, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., April 17, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–4090; Filed, Apr. 24, 1964; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8569]

PART 13—PROHIBITED TRADE PRACTICES

Estee Sleep Shops, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Estee Sleep Shops, Inc. (Chicago, Ill.) et al., Docket 8569, April 10, 1964]

In the Matter of Estee Sleep Shops, Inc., a Corporation, Estee Bedding Company, a Corporation, Samuel Trossman, Marvin Trossman, Harold Trossman, and Norman Trossman, Individually and as Officers of Said Corporation

Order requiring two associated corporations, engaged in manufacturing bedding and assembling furniture which they sold at retail, to cease representing falsely in newspaper advertising that prices at which specified furniture was offered were substantially reduced from the usual prices and would afford savings to purchasers, and that their mattresses carried a "5 Year Guarantee", a "10 Year Written Guarantee", etc., when there were undisclosed limitations on any guarantees.

The order to cease and desist is as follows:

It is ordered, That respondents Estee Sleep Shops, Inc. and Estee Bedding Company, corporations and their officers and Samuel Trossman, Marvin Trossman, Harold Trossman, and Norman Trossman, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bedding and furniture or other similar products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any saving is afforded in the purchase of such products by use of a direct or indirect dual price representation without using words or other descriptive means that clearly and truthfully describe both the higher and lower prices.

2. Representing, directly or by implication, that any of such products are guaranteed unless the nature and extent of the guarantee are clearly and conspicuously disclosed.

By "Decision of the Commission", etc., order requiring report of compliance is as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 10, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–4132; Filed, Apr. 24, 1964; 8:50 a.m.]

[Docket No. 8588]

PART 13—PROHIBITED TRADE PRACTICES

Farrar, Straus and Co., Inc., and Sussman and Sugar, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–24 Cosmetic or beautifying; 13.170–35 Educational, informative, training; 13.170–52 Medicinal, therapeutic, healthful, etc.; 13.170–64 Nutritive; § 13.190 *Results;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Farrar, Straus and Company, Inc., et al., New York, N.Y., Docket 8588, April 9, 1964]

Order requiring a publisher and its advertising agency, both in New York City, to cease making various misrepresentations in advertising in newspapers and magazines and other promotional matter as to the health and other benefits to be derived by persons following the dietary principles, formulas and instructions in Gaylord Hausers book entitled "Mirror, Mirror on the Wall," as in the order below in detail set out.

The order to cease and desist is as follows:

It is ordered, That Farrar, Straus and Company, Inc., a corporation, and its officers, and Sussman and Sugar, Inc., and its officers, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a book entitled "Mirror, Mirror on the Wall" or any other book of the same or approximately the same content, material and principles, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That by following the dietary principles set forth in the book a person will:

(a) Lose weight without reducing his caloric intake.

(b) Protect his heart or restore it to normal, or have any other beneficial effect upon his heart.

(c) Increase his sexual potency.

(d) Control the chemical balance of his body or distribute chemicals within his body in a prescribed manner.

2. That by following formulas or instructions set forth in said book a person will:

(a) Tighten the skin in the face or neck, or eliminate loose face or neck tissue.

(b) Slenderize in 10 seconds, or in any other period of time.

(c) Add brightness or clarity to his eyes.

(d) Prevent or retard baldness or excessive hair loss.

(e) Cure dandruff.

(f) Become healthy or remain healthy.

3. That the order in which one eats food is important to health.

4. That the cosmetics described in the book are natural or nutritious.

5. That the book contains hundreds of secrets of health or that it contains any health secret.

6. That the exercises described in the book will never be tiring to the person who performs them.

By "Decision of the Commission", etc., further order requiring report of compliance is as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 9, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–4133; Filed, Apr. 24, 1964; 8:50 a.m.]

[Docket No. 8323 o.]

PART 13—PROHIBITED TRADE PRACTICES

Regina Corp.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–45 Fictitious marking.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Regina Corporation, Rahway, N.J., Docket 8323, April 7, 1964]

Order modifying desist order of Oct. 11, 1962, so that "its terms will be in explicit accord with" the Commission's revised Guides Against Deceptive Pricing issued Jan. 8, 1964.

The order to cease and desist is as follows:

Respondents are ordered to cease and desist from: "Advertising or disseminating any list or preticketed price unless such price is a good faith estimate of the actual retail price and does not appreciably exceed the highest price at which substantial sales are made in respondent's trade area."

Issued: April 7, 1964.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–4134; Filed, Apr. 24, 1964; 8:51 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-260; Order 282]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Filing Rate Schedules by Public Utilities

APRIL 21, 1964.

§ 2.5 Filing of rate schedules by Public Utilities.

(a) The Commission has received a number of inquiries from public utilities who are presently engaged in reviewing the status of their wholesale power sales, in the light of the recent Supreme Court decision in the Colton case, Federal Power Commission v. Southern California Edison Company, 376 U.S. 205, 11 L ed. 2d 638, decided March 2, 1964, as to the manner in which the Commission would expect to treat filings made with it of existing wholesale sales which had not previously been filed with this Commission. In response to such inquiries the Commission believes it appropriate to advise all public utilities that, while it of course cannot prejudge the possible rights of interested third parties, its primary objective is in insuring that the rate schedules for all jurisdictional sales are promptly filed with this agency, as required by law, and that where such rate schedules are filed with this agency by August 1, 1964, it does not intend on its own motion to initiate any inquiry into past failures to file such schedules.

(b) In accordance with this policy the Commission, in the absence of valid objection by any interested party, will permit all existing rate schedules to be filed as initial rate schedules pursuant to the provisions of § 35.1(b) of this chapter and will give favorable consideration to requests pursuant to the provisions of § 35.11 of this chapter to make such schedules effective as of the date of filing or such earlier date as the public utility may show is consistent with the public interest, if such filings are made on or before August 1, 1964. Moreover, while the Commission will carefully review all such filings to insure that they are consistent with the statutory standards, it is contemplated that any Commission action resulting from such review would normally be taken pursuant to the provisions of section 206 of the Federal Power Act.

(c) It is recognized that despite the Supreme Court's latest reiteration of the broad scope of this agency's jurisdiction over wholesale sales of public utilities, there may remain some special situations in which a company engaged in the wholesale sale of electric energy, although it is interconnected with systems in other states directly or indirectly, will wish to contest its jurisdictional status as a public utility or the status of particular sales. However, the Commission's existing procedures provide full protection for such companies since they are free to file their wholesale rates with a reservation of the question of jurisdiction, which could then be adjudicated in an orderly way.

(Secs. 205, 309, 49 Stat. 851, 858; 16 U.S.C. 824d, 825h)

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64-4103; Filed, Apr. 24, 1964; 8:48 a.m.]

[Docket No. R-259; Order 281]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Gas-Purchase Facilities — Budget-type Applications—Pipeline Companies—Waiver of Cost Requirements

APRIL 21, 1964.

The Commission, in this order, is amending §§ 2.58 and 157.7 of its rules and regulations to clarify the obligations of applicants seeking authority to secure budget-type certificates where the application does not meet the prescribed limitations of such rules.

Section 2.58 of the Commission's general rules and regulations, entitled "Budget-type certificate applications—gas-purchase facilities" is being amended by adding a new paragraph which provides that any application proposing the construction of facilities having an estimated total cost in excess of the amounts specified herein shall be accompanied by a request for waiver of the provisions of such paragraph and will be granted only for good cause shown. A similar amendment is being made to § 157.7 of the Commission's regulations under the Natural Gas Act, relating to "Abbreviated applications."

These amendments do not impose any new requirement upon pipeline applicants for budget-type certificates in connection with gas-purchase facilities since provisions for seeking waiver of a Commission regulation is already set out in § 1.7 of the Commisison's rules of practice and procedure. However, reference to these requirements in §§ 2.58 and 157.7 should help insure that applicants will be aware of and will comply with the existing requirements.

Notice of rule making pursuant to section 4(a) of the Administrative Procedure Act and § 1.19 of our rules of practice and procedure is unnecessary here since the amendments relax existing procedural requirements. For the same reason it is appropriate to make the amendments effective immediately.

The Commission finds:

(1) The adoption of these amendments are necessary and appropriate to the administration of the Natural Gas Act.

(2) Since these amendments involve matters of Commission practice and procedure and impose no new requirement, the notice, hearing and effective date requirements of section 4 of the Administrative Procedure Act are not applicable.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 825, 830; 56 Stat. 83; 15 U.S.C. 717f, 717o) orders:

(A) Parts 2 and 157 of the Commission's rules and regulations, Chapter I of Title 18 of the Code of Federal Regulations, are amended in the following respects:

1. In Part 2 amend § 2.58 by redesignating paragraph (a) as (1), redesignating paragraph (b) as (2) and adding a new paragraph (b). As so amended paragraphs (a) and (b) will read as follows:

§ 2.58 Budget-type certificate applications—gas-purchase facilities.

• • • • •

(a) (1) The total estimated cost of the facilities to be installed in a given twelve-month period does not exceed 1½ percent of the applicant company's plant account or $5,000,000 whichever is the lesser.

(2) The total cost of any single project facilities to be installed during the authorization period does not exceed 25 percent of the total budget amount or $500,000, whichever is the lesser.

(b) Any application proposing the construction of facilities having an estimated total cost in excess of the amounts specified in paragraph (a) of this section shall be accompanied by a request for waiver of the provisions of such paragraph and will be granted only for good cause shown.

• • • • •

(Secs. 7, 16, 52 Stat. 825, 830, 56 Stat. 83; 15 U.S.C. 717f, 717o)

2. In Part 157 amend paragraph (b) of § 157.7, as prescribed in Order No. 280, by redesignating subparagraph (1) as (i), redesignating subparagraph (2) as (ii) and adding a new paragraph (2). As so amended subparagraphs (1) and (2) will read as follows:

§ 157.7 Abbreviated applications.

• • • • •

(b) *Gas-purchase facilities—budget-type applications.* An abbreviated application requesting a budget-type certificate authorizing the construction of gas-purchase facilities during a given twelve-month period and operation thereafter may be filed when:

(1) (i) The total estimated cost of the gas-purchase facilities proposed in the application does not exceed 1½ percent of the applicant's gas plant (Account 101, Uniform System of Accounts Prescribed for Natural Gas Companies) or $5,000,000 whichever is the lesser.

(ii) The total cost of gas-purchase facilities for any single project to be installed during the authorized construction period does not exceed 25 percent of the total budget amount or $500,000, whichever is the lesser.

(2) Any application proposing the construction of facilities having an estimated total cost in excess of the amounts specified in subparagraph (1) of this paragraph shall be accompanied by a request for waiver of the provisions of such paragraph and will be granted only for good cause shown.

• • • • •

(Secs. 7, 16, 52 Stat. 825, 830, 56 Stat. 83; 15 U.S.C. 717f, 717o)

(B) These amendments shall be effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-4105; Filed, Apr. 24, 1964; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter II—Tax Court of the United States

PART 701—RULES OF PRACTICE

Bond To Stay Execution of Order of Renegotiation Board

Section 701.65(b), as amended, is as follows:

§ 701.65 Bond to stay execution of order of renegotiation board.

• • • • •

(b) *Fixing amount of bond.* The amount of bond to be filed to stay execution of an order of the Renegotiation Board pursuant to statute will be fixed by order of the Tax Court upon motion timely filed by the petitioner. The amount of bond requested will be considered prima facie evidence of the proper amount of the bond if the motion requests that it be fixed:

(1) At 112 percent of the full amount of the excessive profits determined in the unilateral order on which the petition is based, or

(2) At 112 percent of an amount equal to the full amount of the excessive profits determined in that order reduced by the credit authorized by section 3606 of the Internal Revenue Code of 1939, or section 1481, Code of 1954, and is accompanied by a statement from the district director of internal revenue for the district in which the return for the taxable year was filed, showing the amount of the credit to which the petitioner is entitled as a result of the determination, and

(3) The motion recites that petitioner agrees that approval of a bond in an amount fixed as provided in subparagraph (1) or (2) of this paragraph shall not preclude the entry of an order increasing the amount of bond at any time thereafter upon a showing satisfactory to the Court of the necessity for increase.

• • • • •

The Court will consider other applications differing from the above, but the applicant must have in mind the short time allowed by the statute for the approval of the bond.

Effective: June 1, 1964.

Dated: April 22, 1964.

By the Court.

NORMAN O. TIETJENS, *Chief Judge, Tax Court of the United States.*

[F.R. Doc. 64-4126; Filed, Apr. 24, 1964; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

Chlortetracycline; Diethylstilbestrol

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1252) filed by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, and other relevant data, has concluded that the food additive regulations should be amended to provide for additional conditions under which chlortetracycline, with or without diethylstilbestrol, may be safely used in beef-cattle feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), §§ 121.208 and 121.241 are amended as indicated below.

1. In § 121.208 *Chlortetracycline*, paragraph (d) is amended by inserting in Table 6, under the "Limitations" column, opposite items 4 and 5, the statement"; not to be administered within 48 hours of slaughter", and by adding to Table 6 new items designated as items 6, 7, and 8. As amended, the affected portions of this table read as follows:

TABLE 6—CHLORTETRACYCLINE IN CATTLE FEED

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
• • •	*Mg. per head per day* • • •	• • •	*Mg. per head per day* • • •	• • •	• • •
4. Chlortetracycline	350			For beef cattle; not to be administered within 48 hours of slaughter.	Aid in prevention of bacterial pneumonia and shipping fever (hemorrhagic septicemia); aid in reduction of losses due to respiratory infection (infectous rhinotracheitis-shipping fever complex).
• • •	• • •	• • •	• • •	• • •	• • •
5. Chlortetracycline	350			For beef cattle up to 700 pounds in weight; not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
• • •	• • •	• • •	• • •	• • •	• • •
6. Chlortetracycline	500			For beef cattle 700–1,000 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	500	Diethylstilbestrol	10	Not to be administered within 48 hours of slaughter.	Fattening of beef cattle.
7. Chlortetracycline	750			For beef cattle 1,000–1,500 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	750	Diethylstilbestrol	10	Not to be administered within 48 hours of slaughter.	Fattening of beef cattle.
8. Chlortetracycline	0.5 (mg. per pound of body weight per day).			For beef cattle over 1,500 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	0.5 (mg. per pound of body weight per day).	Diethylstilbestrol	10	Not to be administered within 48 hours of slaughter.	Fattening of beef cattle.

2. In § 121.241 *Diethylstilbestrol*, paragraph (b) is amended by changing item 1.a. in the table to read as follows:

DIETHYLSTILBESTROL IN FEED

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day		*Mg. per head per day*		
1. • • •	• • •	• • •	• • •	• • •	• • •
a. Diethylstilbestrol	10	Chlortetracycline	70–750 (0.5 mg. per lb. of body weight for animals over 1,500 lb.).	§ 121.208, table 6, items 1, 2, 3, 4, 5, 6, 7, 8.	§ 121.208, table 6, items 1, 2, 3, 4, 5, 6, 7, 8.
• • •	• • •	• • •	• • •	• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the persons filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: April 8, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-4063; Filed, Apr. 24, 1964; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.19 paragraph (c)(1) is amended to read as follows:

§ 207.19 Required supervision of private mortgagors.

• • • • • •

(c) *Requirements incident to insurance of advances.* (1) The mortgagor shall deposit with the mortgagee, or in a depository satisfactory to the mortgagee and under control of the mortgagee, for the purpose of meeting the cost of equipping and renting the project subsequent to completion of construction of the entire project or units thereof and, during the course of construction, for allocation by the mortgagee to accruals for taxes, ground rents, mortgage insurance premiums, property insurance premiums, and assessments required by the terms of the mortgage:

(i) In the case of new construction, an amount equivalent to not less than two percent of the original principal amount of the mortgage.

(ii) In the case of rehabilitation, an amount satisfactory to the Commissioner.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart A—Eligibility Requirements—Homes

In § 220.30(a) subparagraphs (3) and (4) are amended to read as follows:

§ 220.30 Maximum mortgage amounts—loan-to-value limitation.

(a) *Occupant mortgagors.* • • •

(3) 97 percent of the first $15,000 of the sum of (i) the Commissioner's estimate of the cost of repair and rehabilitation and (ii) the Commissioner's estimate of the value of the property before rehabilitation as of the date the mortgage is accepted for insurance; plus 90 percent of such sum in excess of $15,000, but not in excess of $20,000; plus 75 percent of such sum in excess of $20,000, if the application for insurance covers an existing dwelling which was approved for mortgage insurance prior to the beginning of construction, or an existing dwelling the construction of which has been completed for more than one year; provided, that if the application involves the refinancing of an existing indebtedness, the mortgage may not exceed the sum of (i) the estimated cost of repairs and rehabilitation, and (ii) the amount required to refinance the existing indebtedness secured by the property.

(4) 90 percent of the first $20,000 of the sum of (i) the Commissioner's estimate of the cost of repair and rehabilitation and (ii) the Commissioner's estimate of the value of the property before rehabilitation as of the date the mortgage is accepted for insurance; plus 75 percent of such sum in excess of $20,000, if the application for insurance covers an existing dwelling which was not approved for mortgage insurance prior to beginning of construction and the construction has been completed less than one year; provided, that if the application involves the refinancing of an existing indebtedness, the mortgage may not exceed the sum of (i) the estimated cost of repairs and rehabilitation, and (ii) the amount required to refinance the existing indebtedness secured by the property.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.540 paragraph (a) is amended to read as follows:

§ 221.540 Financial requirements.

• • • • • •

(a) The mortgagor shall deposit with the mortgagee, or in a depository satisfactory to the mortgagee and under control of the mortgagee, for the purpose of meeting the cost of equipping and renting the project subsequent to completion of construction of the entire project or units thereof and, during the course of construction, for allocation by the mortgagee to accruals for taxes, ground rents, mortgage insurance premiums, property insurance premiums, and assessments required by the terms of the mortgage:

(1) In the case of new construction, an amount equivalent to not less than two percent of the original principal amount of the mortgage.

(2) In the case of rehabilitation, an amount satisfactory to the Commissioner.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER I—MORTGAGE INSURANCE FOR INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES

PART 234—CONDOMINIUM OWNERSHIP

Subpart A—Eligibility Requirements

In § 234.13 paragraphs (a)(1) and (a)(4)(iii) are amended and new paragraphs (a)(4)(iv) and (b)(4)(iii) are added as follows:

§ 234.13 Application and commitment extension fees.

(a) *Application fee*—(1) *Amount of fee.* The mortgagee shall pay an application fee of $25 per family unit to cover the cost of processing.

• • • • • •

(4) *Fee not required.* • • •

(iii) The application is in connection with the insurance of a mortgage to finance the purchase of Commissioner-held property; or

(iv) The application is filed prior to the issuance of the commitment to insure the project mortgage.

(b) *Commitment extension fee.* • • •

(4) *Fee not required.* • • •

(iii) The commitment is in connection with the initial sale of the family units following conversion of the multifamily structure to apartment ownership.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

Issued at Washington, D.C., April 20, 1964.

PHILIP M. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 64-4127; Filed, Apr. 24, 1964; 8:50 a.m.]

SUBCHAPTER K—EXPERIMENTAL HOUSING INSURANCE

PART 233—EXPERIMENTAL HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Homes

MISCELLANEOUS AMENDMENTS

In Part 233 in the table of contents the appropriate section heading is amended and two new section headings are added as follows:

Sec.
233.5 Maximum mortgage amount—dollar limitation.
233.6 Maximum mortgage amount—loan-to-value limitation.
233.7 Maximum mortgage amount—refinancing limitation.

1. Section 233.5 is amended to read as follows:

§ 233.5 Maximum mortgage amount—dollar limitation.

Depending upon the design of the structure, a mortgage shall not exceed the following dollar amount:

(a) $25,000 for a one-family residence;

(b) $27,500 for a two-family residence;

(c) $27,500 for a three-family residence; or

(d) $35,000 for a four-family residence.

In addition to the dollar limitation prescribed in this section, the mortgage is subject to a loan-to-value limitation as provided in § 233.6.

2. Part 233 is amended by adding two new §§ 233.6 and 233.7 to read as follows:

§ 233.6 Maximum mortgage amount—loan-to-value limitation.

In addition to meeting the dollar limitation in § 233.5, the mortgage shall meet a loan-to-value limitation as follows:

(a) *Occupant mortgagors.* Where the mortgagor is the occupant of the property, the mortgage shall be in an amount not in excess of:

(1) 97 percent of $15,000 of the Commissioner's estimate of the cost of replacing the property using comparable conventional design, materials and construction, or using advanced housing technology or experimental property standards, whichever is the lesser, and 90 percent of such cost in excess of $15,000, but not in excess of $20,000; and 75 percent of such cost in excess of $20,000, if the application is for construction of a proposed new dwelling which is approved for mortgage insurance prior to the beginning of construction.

(2) 97 percent of the first $15,000 of the sum of (i) the Commissioner's estimate of the cost of repair and rehabilitation using comparable conventional design, materials and construction, or using advanced housing technology or experimental property standards, whichever cost is the lesser, and (ii) the Commissioner's estimate of the value of the property before repair and rehabilitation; plus 90 percent of such sum in excess of $15,000, but not in excess of $20,000; plus 75 percent of such sum in excess of $20,000, if the application covers an existing dwelling which was approved for mortgage insurance prior to the beginning of repair and rehabilitation.

(b) *Nonoccupant mortgagors.* A mortgage executed by a mortgagor who is not the occupant of the property shall not exceed 85 percent of the amount available to an occupant mortgagor under § 233.5 or under paragraph (a) of this section, whichever is the lesser.

§ 233.7 Maximum mortgage amount—refinancing limitation.

In addition to meeting the dollar limitation in § 233.5 and the loan-to-value limitation in § 233.6, if the application involves the refinancing of an existing indebtedness, the mortgage shall not exceed the sum of the estimated cost of repair and rehabilitation and the amount required to refinance the existing indebtedness related to the property.

3. Section 233.15 is amended to read as follows:

§ 233.15 Eligible property.

To be eligible for insurance:

(a) The mortgage shall cover property involving the utilization and testing of advanced technology in housing design, materials, or construction, or experimental property standards for neighborhood design.

(b) The Commissioner shall make determinations as follows:

(1) That the property is an acceptable risk, giving consideration to the need for testing advanced housing technology or experimental property standards.

(2) That the utilization and testing of the advanced technology or experimental property standards involved will provide data or experience which the Commissioner deems to be significant in reducing housing costs or improving housing standards, quality, livability, or durability or improving neighborhood design.

(c) The dwelling shall be approved for insurance by the Commissioner prior to the beginning of construction or repair and rehabilitation.

Subpart C—Eligibility Requirements—Projects

4. In § 233.501 paragraph (a) is amended by deleting from the listed provisions the following:

§ 233.501 Incorporation by reference.

(a) • • •

207.29 Rehabilitation projects.

• • • • • •

5. Section 233.505 is amended to read as follows:

§ 233.505 Eligible projects.

To be eligible for insurance:

(a) The mortgage shall cover property on which there is located a new or rehabilitated multifamily housing project involving the utilization and testing of advanced technology in housing design, materials, or construction, or experimental property standards for neighborhood design.

(b) The Commissioner shall make determinations as follows:

(1) That the property is an acceptable risk, giving consideration to the need for testing advanced housing technology or experimental property standards.

(2) That the utilization and testing of the advanced technology or experimental property standards involved will provide data or experience which the Commissioner deems to be significant in reducing housing costs or improving housing standards, quality, livability, or durability or improving neighborhood design.

6. In § 233.515 the heading of paragraph (a) is amended; paragraph (a)(3) is revoked; and a new paragraph (e) is added to read as follows:

§ 233.515 Maximum mortgage amounts.

(a) *Dollar limitation.* • • •.

(3) [Revoked]

• • • • • •

(e) *Loan-to-value limitation.* In addition to meeting the dollar limitation set forth in paragraphs (a) through (d), the mortgage shall be in an amount not to exceed:

(1) *New construction.* 90 percent of the Commissioner's estimate of the cost of replacing the project using comparable conventional design, materials and construction, or using advanced housing technology or experimental property standards, whichever is the lesser.

(2) *Repair and rehabilitation.* 90 percent of the sum of (i) the Commissioner's estimate of the cost of repair and rehabilitation using comparable conventional design, materials and construction, or using advanced housing technology or experimental property standards, whichever cost is the lesser, and (ii) the Commissioner's estimate of the value of the property or project before repair and rehabilitation.

(3) *Limitation on refinancing.* The estimated cost of repair and rehabilitation and the amount, as determined by the Commissioner, required to refinance

existing indebtedness related to the property or project.

7. In § 233.520 paragraph (a) is amended to read as follows:

§ 233.520 Development of property.

(a) *Type of construction and design.* At the time the mortgage is insured, the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property or to rehabilitate existing housing accommodations designed principally for residential use, conforming to standards satisfactory to the Commissioner. The project shall consist of not less than eight rental dwelling units on one site and may be detached or semidetached units or row houses or multifamily structures. The Commissioner may insure a mortgage on a completed project constructed pursuant to a commitment to insure upon completion.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 233, 75 Stat. 158; 12 U.S.C. 1715x)

Issued at Washington, D.C. April 20, 1964.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 64-4128; Filed, Apr. 24, 1964; 8:50 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Part 800—Equal Pay for Equal Work Under the Fair Labor Standards Act

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby establish 29 CFR Part 800 pertaining to the Equal Pay Act of 1963 (77 Stat. 56).

The part contains the interpretations and statements of general policy that will be relied upon by the Department in the administration of the new law. In formulating the contents of this part careful consideration has been given to all relevant oral and written information submitted by interested members of the public pursuant to notice published in the FEDERAL REGISTER on August 24, 1963 (28 F.R. 9357).

The new part reads as follows:

Subpart A—General

INTRODUCTORY

Sec.
800.0 General scope of the Fair Labor Standards Act.
800.1 Purpose of this part.
800.2 Significance of official interpretations.
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AUTHORITY: The provisions of this Part 800, issued under secs. 1–19, 52 Stat. 1060 as amended; 77 Stat. 56; 29 U.S.C. 201–219.

Subpart A—General

INTRODUCTORY

§ 800.0 General scope of the Fair Labor Standards Act.

The Fair Labor Standards Act, as amended, hereinafter referred to as the Act, is a Federal statute of general application which establishes minimum wage, overtime pay, child labor, and equal pay requirements that apply as provided in the Act. All employees whose employment has the relationship to interstate or foreign commerce which the Act specifies are subject to the prescribed labor standards unless specifically exempted from them. Employers having such employees are required to comply with the Act's provisions in this regard unless relieved therefrom by some exemption in the Act. Such employers are also required to comply with specified recordkeeping requirements contained in Part 516 of this chapter. The law authorizes the Department of Labor to investigate for compliance and, in the event of violations, to supervise the payment of unpaid wages or unpaid overtime compensation owing to any employee. The law also provides for enforcement in the courts.

§ 800.1 Purpose of this part.

It is the purposes of this Part 800 to make available official interpretations of the Department of Labor with respect to the meaning and application of the equal pay provisions added to the Fair Labor Standards Act by the Equal Pay Act of 1963 (Public Law 88–38). The Equal Pay Act was enacted on June 10, 1963, for the purpose of correcting "the existence in industries engaged in commerce or in the production of goods for commerce of wage differentials based on sex". This law amends the Fair Labor Standards Act by adding a new section 6(d) to its minimum wage provisions.

§ 800.2 Significance of official interpretations.

The interpretations of the law contained in this part are official interpretations of the Department of Labor with respect to the application under described circumstances of the provisions of law which they discuss. The ultimate decisions on interpretations of the Act are made by the courts. Court decisions supporting interpretations contained in this part are cited where it is believed they may be helpful. On matters which have not been determined by the courts, it is necessary for the Secretary of Labor and the Administrator to reach conclusions as to the meaning and the application of provisions of the law in order to carry out their responsibilities of administration and enforcement (Skidmore v. Swift, 323 U.S. 134). In order that these positions may be made known to persons who may be affected by them, official interpretations are issued by the Administrator on the advice of the Solicitor of Labor, as authorized by the Secretary (Reorg. Pl. 6 of 1950, 64 Stat. 1263; Gen. Ord. 45A, May 24, 1950, 15 F.R. 3290). As included in the regulations in this part, these interpretations are believed to express the intent of the law as reflected in its provisions and as construed by the courts and evidenced by its legislative history. They indicate the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. References to pertinent legislative history are made in this part where it appears that they will contribute to a better understanding of the interpretations.

§ 800.3 Reliance on interpretations.

On and after publication of this part in the FEDERAL REGISTER, the interpretations contained therein shall be in effect and shall remain in effect until they are modified, rescinded, or withdrawn. So long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect, they may be relied upon as provided in section 10 of the Portal-to-Portal Act of 1947 (61 Stat. 84, 29 U.S.C. 251 et seq., discussed in Part 790 of this chapter). In addition, the Supreme Court has recognized that such interpretations of this Act "provide a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it" and "constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance". Further, as stated by the Court: "Good administration of the Act and good judicial administration alike require that the standards of public enforcement and those for determining private rights shall be at variance only where justified by very good reasons." (Skidmore v. Swift, 323 U.S. 134.)

§ 800.4 Matters discussed in this part.

(a) This part primarily discusses the meaning and application of the equal pay provisions in section 6(d) of the Act. These provisions are discussed in some detail in Subpart B. The enforcement provisions applicable to the equal pay requirements are discussed in §§ 800.119–121. In addition, § 800.5 et seq. of this subpart briefly consider or make reference to the guides for determining what interstate commerce activities will bring employees and employers within the basic coverage of the Act so that its equal pay requirements may apply. The meaning and application of other provisions of the Act are discussed only to make clear their relevance to the equal pay provisions and are not considered in detail in this part.

(b) The interpretations in this part provide statements of general principles applicable to the subjects discussed and illustrations of the application of these principles to situations that frequently arise. They do not and cannot refer specifically to every problem which may be met in the consideration of the provisions discussed. The omission to discuss a particular problem in this part or in interpretations supplementing it should not be taken to indicate the adoption of any position by the Secretary of Labor or the Administrator with respect to such problem or to constitute an administrative interpretation or practice or enforcement policy. Questions on matters not fully covered by this part may be addressed to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., or to any Regional Office of the Divisions.

(c) Interpretations published elsewhere in this title deal with such subjects as the general coverage of the Act (Part 776 of this chapter), methods of payment of wages (Part 531, Subpart C of this chapter), computation and payment of overtime compensation (Part 778 of this chapter), retailing of goods or services (Part 779 of this chapter), hours worked (Part 785 of this chapter), and child labor provisions (Part 1500 of this title). Regulations on recordkeeping are contained in Part 516 of this chapter, and regulations defining exempt bona fide executive, administrative, professional employees, and outside salesmen are contained in Part 541 of this chapter. Regulations and interpretations on other subjects concerned with the application of the Act are listed in the table of contents to this chapter. Copies of any of these documents may be obtained from any office of the Wage and Hour and Public Contracts Divisions.

BASIC COVERAGE AND EXEMPTION PROVISIONS AFFECTING APPLICATION OF EQUAL PAY REQUIREMENTS

§ 800.5 Basic coverage as related to the equal pay provisions.

The equal pay provisions neither extend nor curtail coverage of the Fair Labor Standards Act but simply place within the new requirements those employers and employees who were already subject to the Act's minimum wage requirements (H. Rept. No. 309, 88th Cong., 1st sess., p. 2). The nature of the employment coming within the basic or general coverage of the Act should therefore be clearly understood. The general coverage of the Act extends, and its requirements apply except as otherwise provided by a specific exemption, to every employee who is "engaged in commerce or in the production of goods for commerce" and every employee who is "employed in an enterprise engaged in commerce or in the production of goods for commerce" or "by an establishment" qualifying as such an enterprise, as specified and defined in the statute. What employees are so engaged or employed must be ascertained in the light of the definitions and delimitations set forth in the statute, giving due regard to authoritative interpretations by the courts and to the legislative history of the Act, as amended. In §§ 800.6 to 800.12, the employment which comes within this basic coverage is briefly outlined. For a more comprehensive discussion and a detailed explanation of the applicable principles, reference should be made to the interpretations on general coverage contained in Part 776 of this chapter.

§ 800.6 General coverage of employees "engaged in commerce".

(a) The minimum wage provisions of the Act have applied since 1938, and continue to apply along with the new equal pay provisions, except as otherwise provided by specific exemptions in the Act, to employees "engaged in commerce". "Commerce" is broadly defined in section 3(b) of the Act. It includes both interstate and foreign commerce and is not limited to transportation across State lines, or to activity of a commercial character. All parts of the movement among the several States or between any State and any place outside thereof of persons or things, tangibles or intangibles, including communication of information and intelligence constitute movement in "commerce" within the statutory definition. This includes those parts of any such activity which take place wholly within a single State. In addition, the instrumentalities for carrying on such commerce are so inseparable from the commerce itself that employees working on such instrumentalities within the borders of a single State are, by virtue of the contribution made by their work to the movement of the commerce, "engaged in commerce" within the meaning of the Act.

(b) Consistent with the purpose of the Act to apply the Federal standards "throughout the farthest reaches of the channels of interstate commerce", the courts have made it clear that the employees "engaged in commerce" to whom coverage is extended include every employee employed in the channels of such commerce or in activities so closely related to such commerce as to be considered a part of it as a practical matter. See Walling v. Jacksonville Paper Co., 317 U.S. 564; Overstreet v. North Shore Corp., 318 U.S. 125; Mitchell v. Volmer, 349 U.S. 427; Mitchell v. Lublin, 358 U.S. 207; see also Borden Co. v. Borella, 325 U.S. 679; and see the discussion, with other pertinent court decisions cited, in Part 776 of this chapter. Engaging "in commerce" includes activities connected therewith such as management and control of the various physical processes, together with the accompanying accounting and clerical activities. Thus, employees engaged in interstate or foreign commerce will typically include, among others, employees in distributing industries such as wholesaling or retailing who sell, transport, handle, or otherwise work on goods moving in interstate or foreign commerce as well as workers who order, receive, guard, pack, ship, or keep records of such goods; employees who handle payroll or personnel functions for workers engaged in such activities; clerical and other workers who regularly use the mails, telephone, or telegraph for communication across State lines; and employees who regularly travel across State lines while working. For other illustrations see Part 776 of this chapter.

§ 800.7 General coverage of employees "engaged in • • • the production of goods for commerce".

(a) The minimum wage provisions of the Act also have applied since 1938, and continue to apply along with the new equal pay provisions, except as otherwise provided by specific exemptions in the Act, to employees "engaged in • • • the production of goods for commerce". The broad meaning of "commerce" as defined in section 3(b) of the Act has been outlined in § 800.5. "Goods" is also comprehensively defined in section 3(i) of the Act, and includes "articles or subjects of commerce of any character, or any part or ingredient thereof" not expressly excepted by the statute. The activities constituting "production" of the goods for commerce are defined in section 3(j) of the Act. These are not limited to such work as manufacturing but include handling or otherwise working on goods intended for shipment out of the State either directly or indirectly or for use within the State to

serve the needs of the instrumentalities or facilities by which interstate or foreign commerce is carried on. See United States v. Darby, 312 U.S. 100; Alstate Constr. Co. v. Durkin, 345 U.S. 13. Employees engaged in any closely related process or occupation directly essential to such production of any goods, whether employed by the producer or by an independent employer, are also engaged, by definition, in "production". See § 800.8 and the detailed discussion in Part 776 of this chapter. Further, the courts have recognized that an enterprise producing goods for commerce does not accomplish the actual production of such goods solely with employees performing physical labor on them. Thus, in Borden v. Borella, 325 U.S. 679, it was held that employees engaged in the administration, planning, management, and control of the various physical processes together with the accompanying clerical and accounting activities are, from a productive standpoint and for purposes of the Act, "actually engaged in the production of goods for commerce just as much as are those who process and work on the tangible products" in the manufacturing plants or other producing facilities of the enterprise.

(b) Typically, but not exclusively, employees engaged in the production of goods for interstate or foreign commerce include those who work in manufacturing, processing, and distributing establishments, including wholesale and retail establishments, that "produce" (including handle or work on) goods for such commerce. This includes everyone employed in such establishments, or elsewhere in the enterprises by which they are operated, whose activities constitute "production" of such goods under the principles outlined in paragraph (a) of this section. Thus, employees who sell, process, load, pack, or otherwise handle or work on goods which are to be shipped or delivered outside the State either by their employer or by another firm, and either in the same form or as a part or ingredient of other goods, are engaged in the production of goods for commerce within the coverage of the Act. So also are the office, management, sales, and shipping personnel, and maintenance, custodial, and protective employees who perform, as a part of the integrated effort for the production of the goods for commerce, services related to such production or to such goods or to the plant, equipment, or personnel by which the production is accomplished.

§ 800.8 "Closely related" and "directly essential" activities.

As previously noted in § 800.7 an employee is engaged in the production of goods for interstate or foreign commerce within the meaning of the general coverage provisions of the Act even if his work is not an actual and direct part of such production, so long as he is engaged in a process or occupation which is "closely related" and "directly essential" to it. This is true whether he is employed by the producer of the goods or by someone else who provides goods or services to the producer. See in this connection Kirschbaum v. Walling, 316 U.S. 517, and Mitchell v. Joyce Agency, 348 U.S. 945, affirming 110 F. Supp. 918. A full discussion of "closely related" and "directly essential" work is contained in Part 776 of this chapter. Typical of employees covered under these principles are bookkeepers, stenographers, clerks, accountants, and auditors and other office and white-collar workers, and employees doing payroll, timekeeping, and time study work for the producer of goods; employees in the personnel, labor relations, safety and health, advertising, promotion, and public relations activities of the producing enterprise; work instructors for the producers; employees maintaining, servicing, repairing or improving the buildings, machinery, equipment, vehicles or other facilities used in the production of goods for commerce, and such custodial and protective employees as watchmen, guards, firemen, patrolmen, caretakers, stockroom workers and warehousemen; and transportation workers bringing supplies, materials, or equipment to the producer's premises, removing waste materials therefrom, or transporting materials or other goods, or performing such other transportation activities, as the needs of production may require. These examples are illustrative, rather than exhaustive, of the employees who are "engaged in the production of goods for commerce" by reason of performing activities closely related and directly essential to such production.

§ 800.9 What goods are considered as produced for commerce.

Goods (as defined in 3(i) of the Act) are "produced for commerce" if they are "produced, manufactured, mined, handled or in any other manner worked on" in any State for sale, trade, transportation, transmission, shipment, or delivery, to any place outside thereof. Goods are produced for commerce where the producer intends, hopes, expects, or has reason to believe that the goods or any unsegregated part of them will move (in the same or in an altered form or as a part or ingredient of other goods) in interstate or foreign commerce. If such movement of the goods in commerce can reasonably be anticipated by the producer when the goods are produced, it makes no difference whether he himself or the person to whom the goods are transferred puts the goods in interstate or foreign commerce. The fact that goods do move in interstate or foreign commerce is strong evidence that the producer intended, hoped, expected, or had reason to believe that they would so move. Goods may also be produced "for commerce" where they are to be used within the State and not transported in any form across State lines. This is true where the use to which they are put is one which serves the needs of the instrumentalities or facilities by which interstate or foreign commerce is carried on within the State. These principles are discussed comprehensively in Part 776 of this chapter.

§ 800.10 Coverage is not based on amount of covered activity.

The Act makes no distinction as to the percentage, volume, or amount of activities of either the employee or the employer which constitute engaging in commerce or in the production of goods for commerce. (Mabee v. White Plains Publishing Co., 327 U.S. 128; United States v. Darby, 312 U.S. 100.) As explained more fully in Part 776 of this chapter, the law is settled that every employee whose activities in commerce or in the production of goods for commerce, even though small in amount, are regular and recurring, is considered "engaged in commerce or in the production of goods for commerce". Also, under the definition in section 3(s) of the Act, an enterprise described in any of the five numbered clauses of the subsection is an enterprise "engaged in commerce or in the production of goods for commerce" if, in its activities, some employees are so engaged, "including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person".

§ 800.11 Enterprise coverage under 1961 amendments.

The scope of the added coverage on an enterprise basis, which was provided by the 1961 amendments to the Act, is determined with reference to the special definitions of the term "enterprise" in section 3(r) of the Act and of the term "enterprise engaged in commerce or in the production of goods for commerce" under section 3(s). Under these enterprise coverage provisions, if an enterprise or establishment is an "enterprise engaged in commerce or in the production of goods for commerce" as defined and delimited in section 3(s) of the Act, every employee employed in such enterprise or by such establishment is within the coverage of the minimum wage and the equal pay provisions, except as otherwise specifically provided by the Act. "Enterprise" coverage is discussed comprehensively elsewhere in this chapter. A detailed discussion of the statutory definition of "enterprise" and of enterprise coverage as it relates to enterprises which have retail or service establishments and as it relates to gasoline service establishments is contained in Part 779 of this chapter.

§ 800.12 Exemptions from section 6 provided by section 13.

The equal pay provisions do not apply to employees exempted from the provisions of section 6 under any provision of section 13(a) of the Act. The following employees are among those excluded if their employment fully satisfies all the statutory conditions for exemption: bona fide executive, administrative, and professional employees and outside salesmen, as defined in regulations (see Part 541 of this chapter); employees of certain retail or service establishments (see Part 779 of this chapter); employees of certain nonindustrial laundries and dry cleaning establishments (see Part 781 of this chapter); employees of certain small newspapers (see Act, sec. 13(a)(8)); employees of urban and interurban transit systems which have less than $1,000,000 in annual gross sales (see Act, sec. 13(a)(9)); switchboard operators of independent telephone companies which have fewer than 750 telephones (see Act, sec. 13(a)(11)); employees of a taxicab business (see Act, sec. 13(a)(12)); employees employed in fishing and fish farming (see Part 784 of this chapter); farm workers and employees engaged in specified operations relating to agricultural or horticultural commodities (see Part 780 of this chapter); seamen employed on vessels other than American vessels (see Part 783 of this chapter); employees in certain small forestry and logging operations (See Part 788 of this chapter).

Subpart B—Requirements of the Equal Pay Act of 1963

Scope and Application in General

§ 800.100 The statutory provisions.

The Equal Pay Act of 1963 amended section 6 of the Fair Labor Standards Act by adding thereto a new subsection (d) as follows:

(d)(1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: Provided, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

(2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1) of this subsection.

(3) For purposes of administration and enforcement, any amounts owing to any employee which have been withheld in violation of this subsection shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this Act.

(4) As used in this subsection, the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

§ 800.101 Application to employers.

The prohibition against discrimination in wages on account of sex contained in section 6(d)(1) of the Act (see § 800.100) is applicable to every employer having employees subject to a minimum wage under the Act. The employer may not discriminate on the basis of sex against such employees in any establishment (see § 800.103) in which such employees are employed by him by paying them wages at rates lower than he pays employees of the opposite sex employed in the same establishment for work subject to the equal pay standard—that is, where equal work is performed by such employees and by employees of the opposite sex on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions (see §§ 800.107–800.114). The Act excepts from this general prohibition such differences between the wage rates for such work performed by men and by women employed by the employer in the establishment as can be shown to be based on a factor or factors other than sex (see §§ 800.115–800.118). It should be kept in mind, in determining an employer's obligations under the equal pay provisions, that "employer" and "establishment" as used in these and other provisions of the Act are not synonymous terms. An employer may have more than one establishment in which he employs employees within the meaning of the Act. In such cases, the legislative history makes clear that there shall be no comparison between wages paid to employees in different establishments.

§ 800.102 Pertinent statutory definitions.

The Act provides its own definitions of "employer", "employee", and "employ", under which "economic reality" rather than "technical concepts" determines whether there is employment subject to its terms (Goldberg v. Whitaker House Cooperative, 366 U.S. 28; United States v. Silk, 331 U.S. 704; Rutherford Food Corp. v. McComb, 331 U.S. 722). An "employer", as defined in section 3(d) of the Act, "includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization". An "employee", as defined in section 3(e) of the Act, "includes any individual employed by an employer" and "employ", as used in the Act, is defined in section 3(g) to include "to suffer or permit to work". It should be noted, as explained in the interpretative bulletin on joint employment, Part 791 of this chapter, that in appropriate circumstances two or more employers may be jointly responsible for compliance with the statutory requirements applicable to employment of a particular employee.

§ 800.103 Application to establishments.

The prohibition against discrimination in wages on account of sex contained in section 6(d)(1) of the Act applies "within any establishment" in which employees who must be paid a minimum wage under section 6 are employed by an employer. The term "establishment" as used in section 6(d)(1) has the same meaning as it has in section 13(a)(2) and elsewhere in the Act. Although not expressly defined in the Act, this term has a well settled meaning in the application of the Act's provisions. It refers to a "distinct physical place of business" rather than to "an entire business or enterprise" which may include several separate places of business. This is consistent with the meaning of the term as it is normally used in business and in government, is judicially settled, and has been recognized in the Congress in the course of enactment of amendatory legislation (Phillips v. Walling, 324 U.S. 490; Mitchell v. Bekins Van & Storage Co., 352 U.S. 1027; 95 Cong. Rec. 12505, 12579, 14877; H. Rept. No. 1453, 81st Cong., 1st Sess., p. 25). Each physically separate place of business is ordinarily considered a separate establishment. For example, where a manufacturer operates at separate locations a plant for production of its goods, a warehouse for storage and distribution, several stores from which its products are sold, and a central office for the enterprise, each physically separate place of business is a separate establishment. Under certain circumstances, however, two or more portions of a business enterprise, even though located on the same premises and under the same roof, may constitute more than one establishment. This would ordinarily be the case only if these portions of the enterprise are both physically segregated and engaged in operations which are functionally separated from each other and which have separate employees and maintain separate records. The application of these principles is illustrated further and in more detail by the discussion in §§ 779.303–779.306 of Part 779 of this chapter of the term "establishment" as it relates to retail or service establishments within the meaning of sections 3(s)(1) and 13(a)(2) of the Act.

§ 800.104 Application to employees.

(a) As has been seen, there must be compliance by the employer with the equal pay requirements within any establishment in which employees subject to the Act's minimum wage provisions are employed by him. The Act's concern with wage discrimination by an employer on account of sex to the detriment of his employees who are subject to the minimum wage provisions is not limited either by its language or by its legislative history to those employees whose work is performed on the premises of their employer's establishment. The Act speaks of the employment of employees in the establishment rather than of their engagement in work there. Also, the legislative history of the Equal Pay Act makes it clear that coverage under the equal

pay provisions is equal to that provided by the other provisions of section 6 of the Fair Labor Standards Act, and that those employers and employees who are subject to the minimum wage provisions will be subject to the new provisions on equal pay. (See S. Rept. No. 176, 88th Cong., 1st sess., p. 2; H. Rept. No. 309, 88th Cong., 1st sess., p. 2.) Congress clearly rejected the concept that the equal pay provisions apply only to work performed inside a physical establishment. Otherwise, those employees, subject to section 6 of the Act, would be incongruously deprived of equal pay protection simply because their work is performed away from the physical premises of the establishment in which they are employed. For example, employees of "shopping services" whose work is performed in clients' establishments, rather than on their employer's premises, are nonetheless to be considered employed in their employer's establishment. See Willmark Service Inc. v. Wirtz, 317 F. 2d 486, cert. den., 375 U.S. 897. Similarly, where the only "establishment" of a contractor performing building maintenance services is his office, from which all work is directed, contracts taken, assignments made, employees paid, and related operations carried on, all employees whose work is directed from that place of business are considered to be employed in that establishment. See Mitchell v. Kletjian, d.b.a. University Cleaning Co., 286 F. 2d 40 (C.A. 1).

(b) An employee may be employed in an establishment by an employer subject to the equal pay provisions, and yet not be protected by these provisions. Unless such an employee is one to whom the minimum wage provisions apply, the Act does not afford protection from a discrimination in wages based on sex between such employee and an employee of the opposite sex. This is true both with respect to employees who are not covered under section 6 and with respect to employees to whom section 6 cannot apply by reason of an express exemption in section 13(a) (see § 800.12). More particularly, the equal pay standards have no application with respect to wages paid employees who are neither engaged in or in the production of goods for interstate commerce nor employed in an enterprise which is so engaged.

§ 800.105 Application to labor organizations.

Section 6(d)(2) of the Act prohibits a labor organization, representing employees of an employer having employees subject to the minimum wage provisions of section 6, from engaging in acts that cause or attempt to cause the employer to discriminate against an employee in violation of the equal pay provisions. Agents of the labor organization are also prohibited from doing so. Thus, such a labor organization and its agents must refrain from strike or picketing activities aimed at inducing an employer to institute or maintain a prohibited wage differential, and must not demand any terms or any interpretation of terms in a collective bargaining agreement with such an employer which would require the latter to discriminate in the payment of wages contrary to the provisions of section 6(d)(1). Section 6(d)(2), together with the special provision in section 4 of the Equal Pay Act of 1963 allowing a deferred effective date for application of the equal pay provisions to employees covered by specified existing collective bargaining agreements (see § 800.124), are indicative of the legislative intent that in situations where wage rates are governed by collective bargaining agreements, unions representing the employees shall share with the employer the responsibility for ensuring that the wage rates required by such agreements will not cause the employer to make payments that are not in compliance with the equal pay provisions. For purposes of application to labor organizations of these requirements of section 6(d) of the Act and the enforcement of such requirements under sections 16 and 17 (see § 800.105), section 6(d)(4) of the Act defines the term "labor organization" as meaning "any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work." This is the same definition of "labor organization" that is used in the Labor Management Relations Act, 1947, and will be applied in the same manner.

§ 800.106 Wages and wage rates.

(a) The term "wages" used in section 6(d)(1) of the Act is considered to have the same meaning it has elsewhere in the Act. As a general rule, in determining compliance with the equal pay provisions, the wages paid by the emlpoyer will be calculated pursuant to the same principles and procedures as have traditionally been followed in calculating such wages for purposes of determining compliance with the minimum wage provisions of the Act. Wages paid to an employee generally include all payments made to or on behalf of the employee as remuneration for employment.

(b) The reasonable cost or fair value of certain perquisites, as provided in section 3(m) of the Act and Part 531 of this chapter is, by definition, a part of the wage paid to an employee for purposes of the Act. Section 3(m) provides that the wage paid to any employee includes "the reasonable cost, as determined by the Secretary of Labor, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees". As an exception to this rule, section 3(m) provides the cost of board, lodging, or other facilities shall not be included as a part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective-bargaining agreement applicable to the particular employee: A further provision of section 3(m) authorizes the Secretary "to determine the fair value of such board, lodging, or other facilities for defined classes of employees and in defined areas, based on average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of fair value." The statute directs that such evaluations, "where applicable and pertinent, shall be used in lieu of actual measure of cost in determining the wage paid to any employee". As explained in Part 531 of this chapter, it is the above provision of the Act which governs the payment, otherwise than in cash, of wages which the Act requires. Regulations under which the reasonable cost or fair value of such facilities furnished may be computed for inclusion as part of the wages required by the Act are also contained in Part 531 of this chapter.

(c) The term "wage rate" used in section 6(d)(1) of the Act is considered to encompass all rates whether calculated on a time, piece, job, incentive or other basis. The term includes the rate at which overtime compensation is paid as well as the rate at which straight time compensation is paid. Thus, where men and women receive the same straight-time rates for work subject to the equal pay standards, but the men receive an overtime premium rate of twice the straight-time rate while the women receive only one and one-half times the straight-time rate for overtime, a prohibited wage rate differential is being paid. It is clear from the proviso included in section 6(d)(1) that where a wage rate differential in violation of the provision is paid, the violation cannot be corrected by reducing the wage rate of any employee.

THE EQUAL PAY FOR EQUAL WORK STANDARD

§ 800.107 The job concept in general.

(a) Section 6(d)(1) of the Act prohibits an employer from paying to employees of one sex wages at rates lower than he pays employees of the opposite sex for "equal work on jobs" described by the statute in terms of equality of the "skill, effort, and responsibility" required for performance and similarity of the "working conditions" under which they are performed. This descriptive language refers to "jobs". In applying the various tests of equality to the requirements for the performance of such jobs, it will generally be necessary to scrutinize the job as a whole and to look at the characteristics of the jobs being compared over a full work cycle. This will be true because the kinds of activities required to perform a given job and the amount of time devoted to such activities may vary from time to time. As the legislative history makes clear, the equal pay standard provided by the Act is designed to eliminate any wage rate differentials which are based on sex; nothing in the equal pay provisions is intended to prohibit differences in wage rates that are based not at all on sex but wholly on other factors. (See Sen. Rept. No. 176, 88th Cong. 1st sess., p. 4; H. Rept. No. 309, 88th Cong. 1st sess., p. 2.)

§ 800.108 Effect of differences between jobs in general.

There is evidence that Congress intended that jobs of the same or closely related character should be compared in applying the equal pay for equal work standard (Daily Cong. Record, House, May 23, 1963, pp. 8686, 8698). Jobs that require equal skill, effort, and responsibility in their performance within the meaning of the Act are usually not identical in every respect. (Daily Cong. Rec., Senate, May 28, 1963, p. 9219.) Congress did not intend that inconsequential differences in job content would be a valid excuse for payment of a lower wage to an employee of one sex than to an employee of the opposite sex if the two are performing equal work on essentially the same jobs in the same establishment. It will be remembered in this connection that the National War Labor Board (to the experience of which attention is directed in the Senate and House Committee Reports) developed a policy of ignoring inconsequential differences in job content in administering equal pay for equal work provisions. (Brown & Sharp Manufacturing Co. Case No. 2228-D, September 25, 1942). On the other hand, it is clear that Congress did not intend to apply the equal pay standard to jobs substantially differing in their terms and conditions. Thus, the question of whether a female bookkeeper should be paid as much as a male file clerk required to perform a substantially different job is outside the purview of the equal pay provisions. It is also clear that the equal pay standard is not to be applied where only men are employed in the establishment in one job and only women are employed in a dissimilar job. For example, the standard would not apply where only women are employed in clerk typist positions and only men are employed in jobs as administrative secretaries if the latter really require substantially different duties.

§ 800.109 Job content rather than job titles as controlling.

Application of the equal pay standard is not dependent on job titles or classifications but rather depends on actual job requirements and performance. For example, if under the job title of "retail clerk", some employees are engaged only in selling major electrical appliances and others in selling infants' wear, the requirements of the jobs would possibly support a determination that they are in fact substantially different. However, in all situations including such as those which may exist between the job of a "retail clerk" selling men's wear and that of a "retail clerk" selling infants' wear, the application of the equal pay standard will have to be determined by applying the terms of the statute to the full factual situation.

§ 800.110 General guides for testing equality of skill, effort and responsibility.

What constitutes equal skill, equal effort, or equal responsibility cannot be precisely defined. In interpreting these key terms of the statute, the broad remedial purpose of the law must be taken into consideration. The terms are considered to constitute three separate tests, each of which must be met in order for the equal pay standard to apply. In applying the tests it should be kept in mind that "equal" does not mean "identical." (Daily Congressional Record, Senate, May 28, 1963, p. 9219.) Insubstantial or minor differences in the degree or amount of skill, or effort, or responsibility required for the performance of jobs will not render the equal pay standard inapplicable. On the other hand, substantial differences, such as those customarily associated with differences in wage levels when the jobs are performed by persons of one sex only, will ordinarily demonstrate an inequality as between the jobs justifying differences in pay.

§ 800.111 Equal skill.

(a) The jobs to which the equal pay standard is applicable are jobs requiring equal skill in their performance. Where the amount or degree of skill required to perform one job is substantially greater than that required to perform another job, the equal pay standard cannot apply even though the jobs may be equal in all other respects. Skill includes consideration of such factors as experience, training, education and ability. It must be measured in terms of the performance requirements of the job. If an employee must have essentially the same skill in order to perform either of two jobs, the jobs will qualify under the Act as jobs the performance of which requires equal skill, even though the employee in one of the jobs may not exercise the required skill as frequently or during as much of his working time as the employee in the other job. Possession of a skill not needed to meet requirements of the job cannot be considered in making a determination regarding equality of skill. The efficiency of the employee's performance in the job is not in itself an appropriate factor to consider in evaluating skill.

(b) As a simple illustration of the principle of equal skill, suppose that a man and a woman have jobs classified as typists. Both jobs require them to spend two-thirds of their working time in typing and related activities, such as proofreading and filing, and the remaining one-third in diversified tasks, not necessarily the same. Since there is no difference in the skills required for most of their work, whether or not these jobs require equal skill in performance will depend upon the nature of the work the employees must actually perform during this latter period to meet the requirements of the jobs. If it happens that the man, during the remaining one-third of the time, spends twice as much time operating a calculator as does the woman who prefers and is allowed to do most of the copying work required in the office, this would not preclude a conclusion that the performance of the two jobs requires equal skill if there is actually no distinction in the performance requirements of such jobs so far as the skills utilized in these tasks are compared. Even if the man were required to do all of the calculating work in order to perform his job, it is not at all apparent that the jobs would require substantially different degrees of skill unless it should appear that operation of that calculator requires more training and can command a higher wage than the typing and related work performed by both the man and the woman, and that the work required to be done by the woman in the remaining one-third of the time requires less training and is recognized as commanding a lower wage whether performed by a man or a woman.

§ 800.112 Equal effort.

The jobs to which the equal pay standard is applicable are jobs that require equal effort to perform. Where substantial differences exist in the amount or degree of effort required to be expended in the performance of jobs, the equal pay standard cannot apply even though the jobs may be equal in all other respects. Effort is concerned with the measurement of the physical or mental exertion needed for the performance of a job. Where jobs are otherwise equal under the Act, and there is no substantial difference in the amount or degree of effort which must be expended in performing the jobs under comparison, the jobs may require equal effort in their performance even though the effort may be exerted in different ways on the two jobs. Differences only in the kind of effort required to be expended in such a situation will not justify wage differentials. To illustrate this principle, suppose that a male checker employed by a supermarket is required to spend part of his time carrying out heavy packages or replacing stock involving the lifting of heavy items whereas a female checker is required to devote an equal degree of effort during a similar portion of her time to performing fill-in work requiring greater dexterity—such as rearranging displays of spices or other small items. The difference in kind of effort required of the employees does not appear to make their efforts unequal in any respect which would justify a wage differential, where such differences in kind of effort expended to perform the job are not ordinarily considered a factor in setting wage levels. Further, the occasional or sporadic performance of an activity which may require extra physical or mental exertion is not alone sufficient to justify a finding of unequal effort. Suppose, however, that men and women are working side by side on a line assembling parts. Suppose further that one of the men who performs the operations at the end of the line must also lift the assembly, as he completes his part of it, and place it on a waiting pallet. In such a situation, a wage rate differential might be justified for the person who is required to expend the extra effort in the performance of his job. Such a situation, however, would not justify the payment of a higher wage rate to all men on that line than to all women on it. In general, a wage rate differential based on differences in the degree or amount of effort required for performance of jobs must be applied uniformly to men and women. For example, if all women and some of the men performing a particular type of job do not perform heavy lifting, and some men do, payment of a higher wage rate to all of the men than to the women would constitute a prohibited wage rate differential if the equal pay provisions otherwise apply.

§ 800.113 Equal responsibility.

The jobs to which the equal pay standard applies are jobs in the performance

of which equal responsibility is required. Responsibility is concerned with the degree of accountability required in the performance of the job, with emphasis on the importance of the job obligation. Differences in the degree of responsibility required in the performance of otherwise equal jobs cover a wide variety of situations. The following illustrations, which are by no means exhaustive, may suggest the nature or degree of differences in responsibility which will constitute unequal work. There are many situations where one employee of a group performing jobs which are equal in other respects is required from time to time to assume supervisory duties for reasons such as the absence of the regular supervisor. Suppose, for instance, that it is the employer's practice to pay a higher wage rate to such a "relief" supervisor with the understanding that during the intervals in which he performs supervisory duties he is in training for a supervisory position. In such a situation, payment of the higher rate to him might well be based solely on the additional responsibility required to perform his job and the equal pay provisions would not require the same rates to be paid to an employee of the opposite sex in the group who does not have an equal responsibility. There would clearly be no question concerning such a wage rate differential if the employer pays the higher rate to both men and women who are called upon from time to time to assume such supervisory responsibilities. Other differences in responsibilities of employees in generally similar jobs may require similar conclusions. Sales clerks, for example, who are engaged primarily in selling identical or similar merchandise may be given different responsibilities. Suppose that one employee of such a group (who may be either a man or a woman) is authorized and required to determine whether to accept payment for purchases by personal checks of customers. The person having this authority to accept personal checks may have a considerable additional degree of responsibility which may materially affect the business operations of the employer. In this situation, payment of a higher wage rate to this employee would be permissible. On the other hand, there are situations where one employee of the group may be given some minor responsibility which the others do not have (e.g., turning out the lights in his department at the end of the business day) but which is not of sufficient consequence or importance to justify a finding of unequal responsibility. As another example of a minor difference in responsibility, suppose that office employees of both sexes work in jobs essentially alike but at certain intervals a male and female employee performing otherwise equal work within the meaning of the statute are responsible for the office payroll. One of these employees may be assigned the job of checking time cards and compiling the payroll list. The other, of the opposite sex, may be required to make out paychecks, or divide up cash and put the proper amounts into pay envelopes after drawing a payroll check. In such circumstances, although some of the employees' duties are occasionally dissimilar, the difference in responsibility involved would not appear to be of a kind that is recognized in wage administration as a significant factor in determining wage rates. Under such circumstances, this difference would seem insufficient to justify a wage rate differential between the man's and the woman's job if the equal pay provisions otherwise apply.

§ 800.114 Performance under similar working conditions.

In order for the equal pay standard to apply, the jobs must be performed under similar working conditions. It should be noted that the statute adopts the flexible standard of similarity as a basis for testing this requirement. In determining whether the requirement is met, a practical judgment is required in the light of whether the differences in working conditions are the kind customarily taken into consideration in setting wage levels. The mere fact that jobs are in different departments of an establishment will not necessarily mean that the jobs are performed under dissimilar working conditions. This may or may not be the case. Generally, employees performing jobs requiring equal skill, effort and responsibility are likely to be performing them under similar working conditions. However, in situations where some employees performing work meeting these standards have working conditions substantially different from those required for the performance of other jobs the equal pay principle would not apply. For example, if some sales persons are engaged in selling a product exclusively inside a store and others employed by the same establishment spend a large part of their time selling the same product away from the establishment, the working conditions would be dissimilar. Also, where some employees do repair work exclusively inside a shop while others employed by the shop spend most of their time doing similar repair work in customers' homes, there would not be similarity in working conditions. On the other hand, slight or inconsequential differences in working conditions that are essentially similar would not justify a differential in pay. Such differences are not usually taken into consideration by employers or in collective bargaining in setting wage rates.

EXCEPTIONS TO EQUAL PAY STANDARD

§ 800.115 Application of exceptions in general.

(a) Section 6(d)(1) of the Act provides three specific exceptions and one broad general exception to its general standard requiring that employees doing equal work be paid equal wages, regardless of sex. Under these exceptions, where it can be established that a differential in pay is the result of a wage payment made pursuant to a seniority system, a merit system, a system measuring earnings by quantity or quality of production, or that the differential is based on any other factor other than sex, the differential is expressly excluded from the statutory prohibition of wage discrimination based on sex. The legislative intent was stated to be that any discrimination based upon any of these exceptions shall be exempted from the operation of the statute. These exceptions recognize, as do the reports of the legislative committees, that there are factors other than sex that can be used to justify a wage differential, even as between employees of opposite sexes performing equal work on jobs which meet the statutory tests of equal skill, effort, and responsibility and similar working conditions. (See H. Rept. No. 309, S. Rept. No. 176, 88th Cong. 1st sess.)

(b) The facts necessary to establish that a wage differential has a basis specified in any of the foregoing exceptions are peculiarly within the knowledge of the employer. If he relies on the exceptting language to exempt a differential in pay from the operation of the equal pay provisions, he will be expected to show the necessary facts. Thus, such a showing will be required to demonstrate that a payment of wages to employees at a rate less than the rate at which he pays employees of the opposite sex is based on a factor other than sex where it appears that such payments are for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions within the meaning of the statute. After careful examination of the legislative history and the judicial precedents, this is believed to be the most reasonable construction of the law and the one which will be approved by the courts. However, because there is some legislative history that could support a different view, the reasons for reaching the foregoing conclusions are explained in some detail in paragraph (c) of this section.

(c) The legislative history of the Equal Pay Act amendments to the Fair Labor Standards Act includes some statements in the House debate, by a member of the House committee who was an active sponsor of the legislation in the form approved by the committee, expressing a view differing from that stated in paragraph (b) of this section. The opinion expressed in these statements appears to be that the burden of establishing a prima facie case of violation of the equal pay provisions includes not only a showing of the facts necessary to establish a failure to comply with the Act's general standard, but also a showing that no facts exist that could bring the wage differential within an exception. In this view, the employer would not have to show facts necessary to prove the exception as an affirmative defense. (Daily Cong. Rec., House May 23, 1963, p. 8698.) But if the exceptions are intended to have an exempting effect, as was indicated by House committee spokesmen (H. Rept. No. 309, 88th Cong., 1st sess., p. 3; statement of Subcommittee Chairman Thompson, Daily Cong. Rec., House, May 23, 1963, p. 8685), it seems plain that a view such as that expressed above is not consistent with the general rule established by the courts that the application of an exemption under this Act is a matter of affirmative defense and the employer urging such an exemption has the burden of showing that it applies. (See Phillips v. Walling, 334 U.S. 490; Arnold v. Kanowsky, 361 U.S. 388; Walling v. General Industries Co., 330 U.S. 545; Mitchell v. Kentucky Finance Co., 359 U.S. 290.) On balance, it would be difficult to conclude from the legislative history that it was the intent of Congress to supersede this established rule by applying a different rule to these provisions than to other exemptions from section 6 or 7. The House committee report emphasized that the "now familiar system of * * * administration, and enforcement, * * * will be utilized fully to complement the new provision" and many statements in the legislative debates as well as the report of the Senate committee further indicate a well-understood legislative intent to apply and enforce the equal pay provisions in a manner consistent with the familiar procedures traditionally followed under the Act in the administration and enforcement of its labor standards. (H. Rept. No. 309, S. Rept. No. 176, 88th Cong. 1st sess.; Daily Cong. Rec., House, May 23, 1963, pp. 8692, 8705; Daily Cong. Rec., Senate, May 28, 1963, pp. 9219–9220.) Also pertinent is the understanding expressed by the House sponsors that a "bona fide program" that "does not discriminate on the basis of sex will serve as a valid defense to a charge of discrimination" (H. Rept. No. 309, 88th Cong. 1st sess.; Daily Cong. Rec., House, May 23, 1963, p. 8685) and the clarifying remarks of the subcommittee chairman managing the House-passed legislation in the Senate, who said: "The employer's defense, if it is based on an employer's plan, must be a bona fide one; and the burden of demonstrating the legitimacy of that defense will rest upon the employer." (Daily Cong. Rec., House, May 28, 1963, p. 9219.) On review of the legislative history as a whole, therefore, the most reasonable conclusion appears to be that the position expressed in paragraph (b) of this section is the better view, and that it is consistent with the legislative intent to consider the statutory exceptions, like other exemptions from section 6, as matters of affirmative defense and to require an employer who believes he comes within them to show facts establishing that this is so.

(d) A showing that a wage differential is based on a factor other than sex, so as to come within one of the exceptions in section 6(d)(1), may sometimes be incomplete without a showing that there is a reasonable relationship between the amount of the differential and the weight properly attributable to the factor other than sex. To illustrate, suppose that male clerks who work 40 hours each week and female clerks who work 35 hours each week are performing equal work on jobs the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions. If they are paid weekly salaries for this work, a differential in the amounts could be justified as based on a difference in hours of work, a difference based on a factor other than sex which the chairman of the House subcommittee stated would "be exempted under this act." (Daily Cong. Rec., House, p. 8685, May 23, 1963.) But if the difference in salaries paid is too great to be accounted for by the difference in hours of work, as where the male clerks are paid $90 for their 40-hour week (equal to $2.25 an hour) and the female clerks receive only $70 for their 35-hour week (equal to $2.00 an hour), then it would seem necessary to show some other factor other than sex as the basis for the unexplained portion of the wage differential before a conclusion that there is no wage discrimination based on sex would be warranted.

§ 800.116 Excepted "systems".

The exceptions for a seniority "system", a merit "system", and a "system" for measuring earnings by quantity or quality of work are not restricted to, although they include, formal systems or systems or plans that are reduced to writing. Such formal or written systems or plans may, of course, provide better evidence of the actual factors which provide a basis for a wage differential, but any informal or unwritten system or plan which can be shown to provide the basis for differentials in wage rates because of seniority, merit, or quantity or quality of production may qualify under the statutory language if it can be demonstrated that the standards or criteria applied under it are applied pursuant to an established plan the essential terms and conditions of which have been communicated to the affected employees.

§ 800.117 Sex must not be a factor in excepted wage differential.

While differentials in the payment of wages are permitted when it can be shown that they are based on a seniority system, a merit system, a system measuring earnings by quantity or quality of production, or on any other factor other than sex, the requirements for such an exception are not met unless the factor of sex provides no part of the basis for the wage differential. If these conditions are met, the fact that application of the system for measuring earnings results in higher average earnings for employees of one sex than for employees of the opposite sex performing equal work would not constitute a prohibited wage differential. However, to come within the exempting provisions, any system or factor of the type described pursuant to which a wage rate differential is paid must be applied equally to men and women whose jobs require equal skill, effort and responsibility and are performed under similar working conditions. Any evaluation, incentive, or other payment plan which establishes separate and different "male rates" and "female rates" without regard to job content will be carefully examined to determine if these rate differentials are based on sex in violation of the equal pay requirements.

§ 800.118 Application of exceptions illustrated.

(a) When applied without distinction to employees of both sexes, shift differentials, incentive payments, production bonuses, performance and longevity raises and the like will not result in equal pay violations. For example, in an establishment where men and women are employed on a job, but only men work on the night shift for which a night shift differential is paid, such a differential would not be prohibited. However, the payment of a higher hourly rate to all men on that job for all hours worked because some of the men may occasionally work nights would raise questions as to discrimination based on sex.

(b) The following examples illustrate a few applications of the exception provisions:

(1) *"Red circle rates."* The term "red circle rates" describes certain unusual, higher than normal, wage rates which are maintained for many reasons. For instance, an employer who must reduce help in a skilled job may transfer employees to less demanding work without reducing their pay, in order to have them available when they are again needed for their former jobs. Although employees traditionally engaged in performing the less demanding work would be paid at a lower rate than those employees transferred from the more skilled jobs, the resultant wage differential would not constitute a violation of the equal pay provisions since the differential is based on factors other than sex. This would be true during the period of time for which the "red circle" rate is bona fide.

(2) *Temporary reassignments.* For a variety of reasons an employer may require an employee, for a short period, to perform the work of a job classification other than the employee's regular classification. If the employee's rate for his regular job is higher than the rate usually paid for the work to which he is temporarily reassigned, the employer may continue to pay him the higher rate, under the "red circle" principle. Temporary reassignments may also involve the opposite relationship of wage rates. Thus, an employee may be required, during the period of temporary reassignment, to perform work for which employees of the opposite sex are paid a higher wage rate than that paid for the duties of the employee's regular job classification. In such a situation, the employer may continue to pay the reassigned employee at the lower rate, if the rate is not based on quality or quantity of production, and if the reassignment is in fact a temporary one. If a piece rate is paid employees of the opposite sex who perform the work to which the employee in question is reassigned, failure to pay that employee the same piece rate paid such other employees would raise questions of discrimination based on sex. Also, failure to pay the higher rate to the reassigned employee after it becomes known that the reassignment will not be of a temporary nature would raise a question whether sex rather than the temporary nature of the assignment is the real basis for the wage differential. Generally, failure to pay the higher rate for a period longer than one month will raise questions as to whether the reassignment was in fact intended to be a temporary one.

(3) *Entrance rates.* Some firms follow a practice of paying a range of rates to newly hired employees. Differentials in entrance rates will not constitute a violation of the equal pay principle if the factors taken into consideration in determining which rate is to be paid each employee are applied equally to men and women. This would be true, for example, if all persons who have a parent employed by the firm are paid at the highest rate of the rate range whether they are men or women. However, if in a particular establishment all persons of one sex tend to be paid at the lowest rate of the range and employees of the opposite sex hired to perform the same work tend to be paid at the highest rate of the range, and if no specific factor or factors other than sex appear to be associated with the difference in pay, a serious question would be raised as to whether the pay practice involves prohibited wage differentials.

(4) *Training programs.* Employees employed under a bona fide training program may, in the furtherance of their training, be assigned from time to time to various types of work in the establishment. At such times, the employee in training status may be performing equal work with nontrainees of the opposite sex whose wages or wage rates may be unequal to those of the trainee. Under these circumstances, provided the rate paid to the employee in training status is paid, regardless of sex, under the training program, the differential can be shown to be attributable to a factor other than sex and no violation of the equal pay standard will result.

(5) *Part-time employees.* The payment of a different wage to employees who work only a few hours a day than to employees of the opposite sex who work a full day will not necessarily involve noncompliance with the equal pay provisions, even though both groups of workers are performing equal work in the same establishment. No violation of the equal pay standards would result if, for example, the difference in working time is the basis for the pay differential, and the pay practice is applied uniformly to both men and women.

§ 800.119 Investigations.

The Wage and Hour and Public Contracts Divisions are charged with the administration of the Fair Labor Standards Act, including the equal pay provisions. Investigations under the Act will therefore include such inquiry as may be necessary to obtain compliance with the equal pay provisions in cases where they are applicable. As provided in section 11(a) of the Act, authorized representatives of the Divisions may investigate and gather data regarding the wages, hours and other conditions and practices of employment. They may enter establishments and inspect the premises and records, transcribe records, and interview employees. They may investigate whatever facts, conditions, practices or matters are considered necessary to find out whether any person has violated any provisions of the Act or which may aid in enforcement of the Act. Wage-Hour investigators will advise employers regarding any changes necessary or desirable regarding payroll, recordkeeping and other personnel practices which will aid in achieving and maintaining compliance with the law. Complaints, records and other information obtained from employers and employees are treated confidentially.

§ 800.120 Recordkeeping requirements.

Records required to be kept by employers having employees subject to the equal pay provisions under section 6(d) of the Act are set forth in § 516.2 of this chapter.

§ 800.121 Recovery of wages due; penalties for willful violations.

(a) Pursuant to section 6(d)(3) of the Act, wages withheld in violation of the equal pay provisions have the status of unpaid minimum wages or unpaid overtime compensation under the Fair Labor Standards Act. This is true both of the additional wages required by the Act to be paid to an employee to meet the equal pay standard, and of any wages that the employer should have paid an employee whose wages he reduced in violation of the Act in an attempt to equalize his pay with that of an employee of the opposite sex performing equal work, on jobs subject to the equal pay standard.

(b) The following methods are provided under sections 16 and 17 of the Act for recovery of unpaid wages: The Administrator of the Wage and Hour and Public Contracts Divisions may supervise payment of back wages and, in certain circumstances, the Secretary of Labor may bring suit for back pay upon the written request of the employee. The employee may sue for back pay and an additional sum, up to the amount of back pay, as liquidated damages, plus attorney's fees and court costs. The employee may not bring suit if he has been paid back wages under supervision of the Administrator, or if the Secretary has filed suit to collect the wages. The Secretary may also obtain a court injunction to restrain any person from violating the law, including the unlawful withholding by an employer of proper compensation. A two-year statute of limitations applies to the recovery of unpaid wages.

(c) Willful violations of the Act may be prosecuted criminally and the violator fined up to $10,000. A second conviction for such a violation may result in imprisonment.

(d) The equal pay provisions are an integral part of section 6 of the Act, violation of any provision of which by any person, including any labor organization or agent thereof, is unlawful, as provided in section 15(a) of the Act. Accordingly, any labor organization, or agent thereof, who violates and provision of section 6(d) of the Act is subject to injunction proceedings in accordance with the applicable provisions of section 17 of the Act. Any such labor organization, or agent thereof, who wilfully violates the provisions of section 15 is also liable to the penalties set forth in section 16(a) of the Act.

EFFECTIVE DATE

§ 800.122 The statutory provision.

Section 4 of the Equal Pay Act of 1963 provides as follows with respect to the effective date of its amendments to the Fair Labor Standards Act:

SEC. 4. The amendments made by this Act shall take effect upon the expiration of one year from the date of its enactment: *Provided*, That in the case of employees covered by a bona fide collective bargaining agreement in effect at least thirty days prior to the date of enactment of this Act, entered into by a labor organization (as defined in section 6(d)(4) of the Fair Labor Standards Act of 1938, as amended), the amendments made by this Act shall take effect upon the termination of such collective bargaining agreement or upon the expiration of two years from the date of enactment of this Act, whichever shall first occur.

§ 800.123 General effective date.

The equal pay provisions generally are effective on June 11, 1964. Full compliance is required on that date except in the case of certain employees covered by collective bargaining agreements for whom the statute further defers the time of its application.

§ 800.124 Effective date for employees covered by collective bargaining agreements.

The application of the equal pay provisions is deferred as to employees covered by bona fide collective bargaining agreements, which were in effect on May 11, 1963, and which do not terminate until some date after June 11, 1964. As to employees covered by such agreements the provisions will become effective on the termination date of the agreement or on June 11, 1965, whichever occurs first. In view of the statutory reference to "employees" covered by certain collective bargaining agreements, the Act's effective date may differ as to employees employed in the same establishment where more than one union agreement is involved or part of the employees are not covered by such an agreement.

Signed at Washington, D.C., this 21st day of April 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-4091; Filed, Apr. 24, 1964; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 53—INSTRUCTIONS OF THE SECRETARY OF THE TREASURY CONCERNING WRONGFULLY WITHHELD GOLD COIN AND GOLD BULLION DELIVERED AFTER JANUARY 17, 1934

PART 54—GOLD REGULATIONS

Removal of Delivery Requirements for Gold Certificates and General License to Hold Gold Certificates

1. The Order of the Secretary of the Treasury of December 28, 1933, as supplemented and amended by Orders of the Secretary of the Treasury of January 15, 1934, and July 14, 1954, which required the delivery to the United States of gold bullion, gold certificates and gold coins situated in the United States, except gold coins made prior to April 5, 1933, is hereby amended to exempt gold certificates from the provisions of such Order, as amended. The amendatory order will read as follows:

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

Delivery of Gold Coin, Gold Bullion and Gold Certificates to the Treasurer of the United States

Change in Requirements

The Order of the Secretary of the Treasury of December 28, 1933, as supplemented and amended by the Orders of the Secretary of the Treasury of January 15, 1934, and July 14, 1954 (19 F.R. 4331), required the delivery to the United States of gold certificates and gold coin situated in the United States, except gold coins made prior to April 5, 1933.

In my judgment the delivery requirements with respect to gold certificates are no longer necessary to protect the currency system of the United States.

Accordingly, by virtue of the authority vested in me by section 11(n) of the Federal Reserve Act, as amended (12 U.S.C. 248(n)), I hereby amend effective upon publication in the FEDERAL REGISTER, the Order of the Secretary of the Treasury of December 28, 1933, as supplemented and amended by the Orders of the Secretary of the Treasury of January 15, 1934, and July 14, 1954, by deleting "gold certificates" wherever the same appears therein.

Gold certificates will continue to be exchangeable in other lawful coin or currency as provided in 31 U.S.C. 773(a).

In view of the foregoing amendment to the order of the Secretary of the Treasury of December 28, 1933, as supplemented and amended, exempting gold certificates from the provisions thereof, the Instructions of the Secretary of the Treasury Concerning Wrongfully Withheld Gold Coin, Gold Bullion and Gold Certificates Delivered after January 17, 1934 (31 CFR 53.1) are hereby amended by deleting therefrom "gold certificates" wherever the same appears therein.

This amendment is effective upon publication in the FEDERAL REGISTER and is made without notice and public procedure thereon as such proceedings are deemed to be unnecessary.

The heading of Part 53 is changed to read as set forth above, and § 53.1 is amended to read as follows:

§ 53.1 Wrongfully withheld gold coin and gold bullion delivered after January 17, 1934.

The order of the Secretary of the Treasury dated January 15, 1934, as amended, supplementing the order of December 28, 1933, requiring the delivery of gold coin and gold bullion to the Treasurer of the United States provides, in part, as follows:

* * * I, Henry Morgenthau, Jr., Secretary of the Treasury, do hereby fix midnight of Wednesday, January 17, 1934, as the expiration of the period within which any gold coin or gold bullion may be paid and delivered to the Treasurer of the United States in compliance with the requirements contained in such Order of December 28, 1933, as amended.

In the event that any gold coin or gold bullion withheld in noncompliance with said Order and of this Order are offered after January 17, 1934, to the Secretary of the Treasury, the Treasurer of the United States, any United States mint or assay office, or to any fiscal agent of the United States, there shall be paid therefor only such part or none of the amount otherwise payable therefor as the Secretary of the Treasury may from time to time prescribe and the whole or any balance shall be retained and applied to the penalty payable for failure to comply with the requirements of such Order and of this Order. The acceptance of any such coin or bullion after January 17, 1934, whether or not a part or all of the amount otherwise payable therefor is so retained, shall be without prejudice to the right to collect by suit or otherwise the full penalty provided in Section 11(n) of the Federal Reserve Act, as amended, less such portion of the penalty as may have been retained as hereinbefore provided.

Subject to the rights reserved in said Order of January 15, 1934, supplementing the order of December 28, 1933, requiring the delivery of gold coin and gold bullion to the Treasurer of the United States and without prejudice to the right to alter or amend these instructions from time to time by notice to the Treasurer of the United States, the United States mints and assay offices, and the Federal Reserve banks, I do hereby prescribe that in the event that any gold coin or gold bullion held in noncompliance with said order of December 28, 1933, as amended, and said order of January 15, 1934, are offered after January 17, 1934, to the Secretary of the Treasury, the Treasurer of the United States, any United States mint or assay office or to any fiscal agent of the United States, the Secretary of the Treasury, the Treasurer of the United States, any United States mint or assay office, and the fiscal agents of the United States shall pay for such gold coin the dollar face amount thereof, and for gold bullion $20.67 an ounce. Member banks of the Federal Reserve System may receive such gold coin and gold bullion for account of the Treasurer of the United States and forthwith forward the same to the Secretary of the Treasury, the Treasurer of the United States, any United States mint or assay office or any fiscal agent of the United States, whichever is nearest.

(Sec. 3, 48 Stat. 2; 12 U.S.C. 248(n))

2. Section 54.2(b) *Delivery requirements of 1933 gold orders* of the Gold Regulations (31 CFR Part 54) is being amended in order to reflect the removal of the delivery requirements for gold certificates in § 53.1 of this chapter and the addition of § 54.83, licensing the holding of gold certificates. Section 54.2(b) as amended, will read as follows:

§ 54.2 General provisions.

* * * * *

(b) *Delivery requirements of 1933 gold orders.* Executive Order 6102 of April 5, 1933, Executive Order 6260 of August 28, 1933, (31 CFR 1936 ed. Part 50), and the order of the Secretary of the Treasury of December 28, 1933, as amended and supplemented, required that, with certain exceptions, all persons subject to the jurisdiction of the United States deliver to the United States gold coins, gold bullion and gold certificates situated in the United States and held or owned by such persons on the dates of such orders. Gold coins having a recognized special value to collectors of rare and unusual coin, including all gold coins made prior to April 5, 1933, and gold certificates of the type issued before January 30, 1934, have been exempted from such delivery requirement. The regulations in this part do not alter or affect in any way the requirements under said orders to deliver gold bullion, and gold bullion required to be delivered pursuant to such orders is still required to be delivered and may be received in accordance with the Instructions of the Secretary of the Treasury of January 17, 1934 (§ 53.1 of this chapter), subject to the rights reserved in such instructions.

3. A new subpart I, consisting of one section, § 54.83, is being added to the Gold Regulations (31 CFR Part 54). This new subpart, the text of which is set forth below, grants in § 54.83 a general license to all persons subject to the jurisdiction of the United States to acquire, hold, dispose of, export and import United States gold certificates issued before January 30, 1934, which are situated inside or outside the United States. Subpart I will read as follows:

Subpart I—General License To Hold Gold Certificates

§ 54.83—General license; gold certificates.

A general license is hereby granted licensing all persons subject to the jurisdiction of the United States, as defined in § 54.4(13), to acquire, hold, dispose of, export and import United States gold certificates issued before January 30, 1934. This general license applies to any such gold certificates whether situated inside or outside of the United States. Such certificates shall not be redeemable in gold, but may be exchanged at the dollar face amount thereof in other coins and currencies of the United States which may be lawfully acquired and are legal tender for public and private debts.

The foregoing amendment of § 54.2(b) and new subpart I are effective upon publication in the FEDERAL REGISTER. They are added to the Gold Regulations without notice and public procedure thereon as such proceedings are deemed to be unnecessary.

(Sec. 54.83 issued under sec. 5(b), 40 Stat. 415, as amended, sec. 3, 48 Stat. 2; 12 U.S.C. 95a, 12 U.S.C. 248(n); E.O. 6260, August 28, 1933, as amended by E.O. 10896, November 29, 1960, E.O. 10905, January 14, 1961, and E.O. 11037, July 20, 1962; E.O. 9193, as amended, 7 F.R. 5205; 3 CFR 1943 Cum. Supp.)

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64-4150; Filed, Apr. 24, 1964; 8:52 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 265—STANDARDS FOR DOCUMENTATION OF TECHNICAL REPORTS UNDER THE DOD SCIENTIFIC AND TECHNICAL INFORMATION PROGRAM

The Director of Defense Research and Engineering approved the following February 18, 1964:

Sec.
265.1 Purpose and objective.
265.2 Applicability and scope.
265.3 Definitions.
265.4 Procedures.
265.5 Standards for documentation of technical reports.

AUTHORITY: The provisions of this Part 265 issued under 5 U.S.C. 22.

§ 265.1 Purpose and objective.

(a) This part supplements DoD Instruction 5129.43, "Assignment of Functions for the Defense Scientific and Technical Information Program," dated January 22, 1963; its primary purpose is to simplify and improve document control and cataloging procedures for technical reports derived from research and development (R&D) activities of the Department of Defense.

(b) The objectives and concept of this part and the enclosed R&D Documentation Standards are as follows:

(1) Scientific and technical information is a primary product of research and development activities. Effective handling of the scientific and technical information is an integral part of the work performed under R&D.

(2) Effective communication of scientific and technical information can be achieved, in part, by timely preparation and primary distribution of technical reports prepared by the organization performing the R&D. Handling of reports by receiving organizations can be simplified and improved if standard documentation procedures are adopted.

(3) Long-term availability of the scientific and technical information to scientists and engineers not included in the primary distribution of a technical report depends upon efficient, comprehensive systems for storage and retrieval of technical reports containing the scientific and technical information.

(4) Both the primary distribution of technical reports and the documentary processes for storage and retrieval of the reports can be made more efficient if all DoD technical reports adhere to a single standard for presentation of data used in descriptive cataloging and in the storage and retrieval of reports.

§ 265.2 Applicability and scope.

(a) The provisions of this part apply to the Military Departments and to other DoD components performing R&D. This part covers technical reports prepared by in-house laboratories, contractors, subcontractors, and grantees.

(b) Progress reports containing scientific and technical information of more than transient interest are included within the scope of this part as a special form of technical report; administrative and managerial progress reports are not included. However, the Document Control Data form provided in this part may be used in any report where subsequent storage and retrieval or bibliographic control is desirable.

(c) It is not intended that the provisions of this part affect the content, mode of presentation, or editorial style of the technical report.

§ 265.3 Definitions.

(a) Technical reports are documents written for the permanent record to document results obtained from and recommendations made on scientific and technical activities relating to a single project, task, or contract or relating to a small group of closely-connected efforts within the DoD R&D program.

(b) An abstract is a brief and factual summary of a document. An indicative abstract tells what the author wrote about. It refers to the purpose, the method, the results, and the conclusions. For documentation purposes, it is highly desirable that the abstract of classified reports be unclassified. Therefore, the abstract should include only descriptive statements with the lowest possible security classification.

§ 265.4 Procedures.

(a) *Internal technical reports.* All DoD components responsible for R&D work shall arrange for inclusion of a DD Form 1473,[1] Document Control Data—R&D, in each copy of all technical reports issued on work performed in DoD laboratories and offices.

(b) *Contractor, subcontractor, and grantee technical reports.* (1) All DoD scientific, technical and/or military personnel responsible for the management and direction of R&D work shall indicate in their statement of procurement requirements that a completed DD Form 1473[1] shall be included in each copy of all technical reports prepared by their contractors, subcontractors, and grantees.

(2) It is planned to make the appropriate modifications to ASPR or other DoD procurement instructions so as to require the use of DD Form 1473[1] by contractors, subcontractors, and grantees. Failure to include the Form in DoD scientific and technical reports shall bring into effect the provisions of § 9-207 (Data—Withholding of Payment) of the Armed Services Procurement Regulations (Subchapter A of Title 32).

§ 265.5 Standards for documentation of technical reports.

(a) *Mechanical specifications.* (1) Technical reports will be printed in accordance with the current standards for U.S. Government printing. As of this date, these are contained in "Government Printing & Binding Regulations," published by the Joint Committee on Printing, Congress of the United States; April 1, 1963; No. 15.

(2) All DoD technical reports are subject to further duplication by photographic processes. This requirement will be kept in mind during preparation and reproduction. Specifically:

(i) Reproduced text material will be in the form of black characters on white opaque paper.

(ii) Halftones will be kept at an absolute minimum consistent with the communication of technical information; black-and-white linework is preferred. Linework will be sharp and clear, of consistent density, and reproduced on white opaque paper. Color will be used only when it serves a functional purpose.

(iii) Material presented in the form of charts, tables, or graphs will appear in a final reproduced size large enough to be clearly legible. Graph coordinate rulings or grid lines will be spaced as far apart as practical.

(b) *Document Control Data—R&D.* DD Form 1473[1] will be completed and provided as the last page of each DoD technical report. Instructions for preparation are contained on the form.

(c) *Optional data.* (1) If possible, the important terms (key words) shall have their roles and weights listed under the column headings "A", "B" and "C" which in turn shall refer to paragraphs in the Abstract.

(2) The "role indicators" shall be numbered from 0 (zero) through 10 (ten) and shall have the following meanings:

(i) (*a*) The term indexed in Role 8 represents the concept of primary importance in an intellectual relationship of ideas in a document. If there are a number of such intellectual relationships, there may be a number of terms in Role 8. When Role 8 is used on a number of terms to describe the intellectual relationships in a document, indexers must be certain that they determine if all of them can be used in one link or whether two or more links must be used to prevent false retrieval. Once the indexer has determined what term or terms should properly be assigned in Role 8, selecting other terms and their proper roles will follow logically. The term(s) in Role 8 is the key idea in an indicative abstract statement of document content.

(*b*) Role 8 has the following meanings: the primary topic of consideration is; the principal subject of discussion is; the subject reported is; the major topic under discussion is; there is a description of.

(ii) (*a*) Role 1 is used on terms for materials, devices, apparatus, and equipment which are subjected to processes or operations which modify or change the original identity, composition, configuration, molecular structure, physical state, or physical form of the materials. To be indexed in Role 1, one or more of these characteristics or properties must be changed.

(*b*) Role 1 is used on a form of energy when the purpose of the operation or system is to change the form of energy.

[1] Copies of DD Form 1473 may be obtained from the Departmental Contracting Office.

(*c*) Role 1 is used on terms for data and data quantities which are inputs to mathematical operations and systems.

(iii) (*a*) Role 2 is used on terms for materials, alloys, mixtures, devices, equipment, apparatus produced in a process, operation, or system in which materials in Role 1 have had one or more of the following changed or modified: original identity, composition, configuration, molecular structure, physical state, or physical form.

(*b*) Use Role 2 on data and data quantities derived in a mathematical process or operation from input data indexed in Role 1.

(*c*) Use Role 2 on a form of energy to which a form of energy in Role 1 has been converted.

(iv) Role 3 has the following meanings: Undesirable component; waste; scrap; rejects (manufactured devices); contaminant; impurity, pollutant, adulterant, or poison in inputs, environments, and materials passively receiving actions; undesirable material present; unnecessary material present; undesirable product, by-product, co-product.

(v) Role 4 is used primarily when a material, mixture, device, etc., is being manufactured, produced, fabricated, or is passively receiving an operation or process, and the content or intent of the information points out how or in what situation or manner it can be or is subsequently used.

(vi) (*a*) Terms in Role 5 represent only materials present in or introduced into an operation, process, or other material, for the purpose of facilitating completion of the operation or process or to improve the qualities, conditions, or characteristics of the other material.

(*b*) Materials in Role 5 describe the gas, liquid, or solid in which or on which other materials are processed or operated. Role 5 materials may be present with input materials but are not themselves inputs in the sense of Role 1. In this sense they are "inert" or "neutral."

(*c*) Role 5 has the following meanings: environment; medium; atmosphere; solvent; carrier (material); support (in a process or operation); vehicle (material); host; absorbent, adsorbent.

(vii) (*a*) Role 6 is used primarily on terms which represent properties, conditions, qualities, and characteristics serving as causes (independent variables). It may be used on terms for processes, operations, and systems to indicate how using or not using a process, operation, or system affects something in Role 7.

(*b*) Role 6 may be used on terms such as performance, reliability, and dependability, as qualities or influencing factors of equipment, devices, and apparatus.

(*c*) When two variables alternately or simultaneously affect each other, index both in Role 6 and in Role 7.

(viii) Role 7 is used almost exclusively on terms representing effects (dependent variables), including concepts such as characteristics, qualities, conditions, and properties as well as terms which describe the ability of materials or devices to do something or to have something done to them.

(ix) Role 9 has the following meanings: Passively receiving an operation or process with no change in identity, composition, configuration, molecular structure, physical state, or physical form; possession such as when preceded by the preposition of, in or on meaning possession; location such as when preceded by the prepositions in, on, at, to, or from meaning location; used with months and years when they locate information (not bibliographic data) on a time continuum.

(x) Role 10 is used to denote means to accomplish the primary topic of consideration or other objective, such as devices, equipment, apparatus, operations, processes, methods, procedures, techniques, test methods, analytical methods, process conditions (if quantified), materials, classes of uses of materials, forms of energy, and inspection methods.

(xi) (*a*) Role 0 is used with bibliographic or source-identifying data. These are terms such as personal names of authors, corporate authors, dates of publication, and terms which describe the types of documents and which do not describe the informational content of the document.

(*b*) Role 0 is assigned to adjectives which modify terms in other roles.

(*c*) Terms in this role play only a minor role in assisting in retrieval; only adjectives in this role contribute to the fineness of discrimination in location of scientific or technical information. Terms indexed in this role, other than adjectives, are primarily description of administrative or control data.

(*d*) The names of companies; persons; other organizations, such as institutes, universities, and governmental agencies; publications; types of documents; professional societies; plants and laboratories will frequently be used as bibliographic data terms.

(3) If possible, each key word will have a suffix numeral indicating the relative weight of the subject of the key word in describing the technical content of the report. The "weight factors" shall range from 0 (zero) to 3 (three), with the highest weight assigned to the suffix numeral "3". (Unless clear distinctions of weight or importance can be determined, only the suffix numerals "0" and "3" should be used.)

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 64-4000; Filed, Apr. 24, 1964; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4, Amdt. 5]

PART 510—PRACTICES OF LICENSED INDEPENDENT OCEAN FREIGHT FORWARDERS, OCEAN FREIGHT BROKERS, AND OCEAN GOING COMMON CARRIERS

Compensation on Freight Forwarder Certification

On January 30, 1964, the Federal Maritime Commission published notice of proposed rule making in the FEDERAL REGISTER (29 F.R. 1589) setting forth a proposed revision to paragraph (g) of § 510.24 of the Commission's General Order 4 (46 CFR 510.24(g)). Written comments on the proposed rule were invited and received from interested persons. The Commission has carefully considered the comments submitted and is of the opinion that the text of the proposed amended rule should be adopted without change.

The comments on the proposed rule were generally that the Commission has no statutory authority over the practices of ocean freight brokers, as distinguished from freight forwarders, and therefore that any rule regulating the payment of brokerage commissions would be improper. It was suggested that the proposed rule should be modified to permit licensed ocean freight forwarders to collect brokerage commissions without making the certification required by section 510.24(e) of the rules and section 44(e) of the Shipping Act, 1916, when they are acting in the capacity of ocean freight brokers as distinguished from acting as freight forwarders. The vice of such a rule is that it would make the certification requirements of the rules and section 44(e) of the Shipping Act meaningless. Under such a rule a licensed freight forwarder, when he had not performed such services to make the necessary certification, would merely have to assert that as to that shipment he was acting as a freight broker rather than as a freight forwarder and that therefore his payment from the carrier was not the "compensation" spoken of in section 44 of the Shipping Act, 1916.

The payment of commissions by carriers to freight forwarders, where the forwarder has performed little or no service in connection with the shipment, is a problem which has plagued the ocean freight forwarding industry for years and was one of the primary evils sought to be eliminated by the enactment of section 44. To permit licensed forwarders to receive commissions from carriers on shipments of general cargo where the forwarder has not performed the requisite number of forwarding services would allow wholesale evasion of the provisions of the statute, could open the door to rebating, and would seriously undermine freight forwarder regulation.

We recognize, however, that the payment of brokerage commissions on bulk cargo which is exempted from the tariff filing requirements of section 18(b)(1) of the Shipping Act, 1916, does not present these dangers. The rates on such cargoes are frequently quoted on a spot basis and are permitted under the Shipping Act to fluctuate without the restraints which are imposed upon general cargo rates. It would therefore appear that freight forwarders can and do properly perform active functions in the negotiation between shipper and carrier regarding such cargo without regard to whether forwarding services have also been performed.

Therefore, pursuant to the authority of sections 43 and 44 of the Shipping Act, 1916 (75 Stat. 766; 75 Stat. 522), paragraph (g) of § 510.24 is amended to read as follows:

§ 510.24 Compensation and freight forwarder certification.

• • • • •

(g) No licensee, and no person, firm or corporation directly or indirectly controlled by a licensee or in whom a licensee has a beneficial interest, nor any person, firm or corporation directly or indirectly controlling or having a beneficial interest in a licensee, shall demand, charge or collect any compensation or brokerage from a common carrier by water unless there shall be first filed with such carrier a certificate in the form prescribed in paragraph (e) of this section, and in compliance with section 44(e) of the Shipping Act: *Provided, however,* That the provisions of this paragraph shall not be applicable to brokerage paid on cargoes exempted from the tariff filing requirements of section 18(b)(1) of the Shipping Act, 1916 (46 U.S.C. 817 (b)(1)).

• • • • •

Effective date. The rule herein adopted shall become effective 30 days after date of publication in the FEDERAL REGISTER.

By order of the Commission, April 7, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-4135; Filed, Apr. 24, 1964; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 3105]

HELIUM

Extraction From Gas Produced From Lands Leased Under the Mineral Leasing Act; Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C., sec. 181, et seq.), as amended, the Helium Act of 1960 (74 Stat. 918; 50 U.S.C., sec. 167a), as amended, and section 2470 of the Revised Statutes (43 U.S.C., sec. 1201), it is proposed to amend 43 CFR 3105 as set forth below. Additional regulations under this subpart as required will be proposed at a later date.

The purpose of the amendment is to provide for the conservation of helium by authorizing disposition to qualified applicants of rights for the extraction of helium from gas produced from Federal lands.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Subpart 3105 is amended to read as follows:

§ 3105.1 Helium.

(a) The Secretary, pursuant to his authority and jurisdiction over Federal lands, may, where helium can be conserved that would otherwise be wasted in production of oil or gas from Government lands embrased in an oil and gas lease or where necessary to prevent drainage of Federally owned deposits of helium, enter into an agreement with a qualified applicant to dispose of the helium of the United States which is being produced or drained, upon such terms and conditions as he deems fair, reasonable, and necessary to conserve such helium.

(b) An agreement shall be subject to the existing rights of the Federal oil and gas lessee. No agreement will become effective without the approval of the Secretary or his authorized representative. The precise nature of any agreement will depend on the conditions and circumstances involved in any particular case.

§ 3105.2 Proposals for recovery of helium from leaseholds valuable for both gas and helium.

(a) The Secretary will accept proposals for the recovery of helium from leaseholds valuable for both gas and helium, from applicants qualified as follows:

(1) Oil and gas lessees as to such areas leased to them.

(2) Other applicants showing satisfactory evidence of contractual agreements with oil and gas lessees for areas known to be valuable for gas and helium.

(b) Written proposals shall be submitted. They need not be in any particular form but must contain information sufficient to permit the Secretary to determine the following:

(1) That the area covered by the proposal is known to be valuable for gas and helium under the conditions of section 3105.1.

(2) That the applicant is qualified under 3105.2(a). Copies of the documents showing qualification under 3105.2(a) (2) must be furnished.

(3) That conservation of helium will be served by the proposal.

(4) That the applicant has the financial and technical capability to carry out the proposal. There must be a complete and detailed showing of the applicant's financial capability, including a full disclosure of the proposed financing for the project.

(5) Each application shall be accompanied by a lease ownership map for each field containing helium to be made subject to the agreement, and for each field, the estimated recoverable gas and helium reserves, the BTU content of the gas, and whether from pipeline, gas well, or residue gas. The application shall show the location and type of the proposed extraction plant, related data, including sources of gas supply, pipeline facilities and such other information as may be necessary to properly evaluate the application.

(c) The proposal and all papers and documents pertinent thereto shall be filed with the Secretary. The filing of a proposal gives no prior right to the applicant and the Secretary may entertain any competing proposals.

(d) Any filing shall include evidence of notice of such filing to all lessees or lessors in the field or fields involved.

(e) Proposals for the purpose of prospecting, exploration, or development of new helium deposits will not be considered.

§ 3105.3 Term and conditions.

(a) Agreements may be coextensive with the life of the leases affected or for a fixed term. Upon termination the reservation of helium to the United States shall be fully operative.

(b) The United States shall have access to all technological data incident to extraction of helium from gas produced from lands under oil and gas lease.

§ 3105.4 Consideration to the United States; renegotiation.

(a) The Secretary shall determine the consideration to be paid by the applicant, which consideration shall be in an amount sufficient to secure to the United States a return on all the values, including recovered helium, and the Secretary shall have the right initially and at five-year intervals to impose an additional royalty on the helium values.

§ 3105.6 Bonds.

The applicant shall be required to submit a bond in such amount and in such form as the Secretary may prescribe to secure the faithful performance of the terms of any agreement made.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 23, 1964.

[F.R. Doc. 64-4129; Filed, Apr. 24, 1964; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

TOMATO IMPORT REGULATION

Notice of Proposed Rule-Making

Notice is hereby given that the Secretary of Agriculture is giving consideration to grade, size, quality and inspection regulations that are to be made applicable to the importation of tomatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

Consideration will be given to any written data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 9 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 980.202 Tomato import regulation No. 9.

Except as otherwise provided, during the period from May 11, 1964, to July 15, 1964, both dates inclusive, no person shall import fresh tomatoes of any variety except Cerasiform type commonly referred to as cherry tomatoes unless they are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* U.S. No. 2, or better, grade.

(2) *Size.* 2 1/32 inches minimum diameter or larger.

(i) *Exceptions to size requirements.* Elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties are exempt from the minimum size requirement.

(ii) *Tolerance for size.* Not more than ten (10) percent, by count, of the tomatoes in any lot of 7 x 7 (2 1/32 inches minimum diameter to 2 9/32 inches maximum diameter) may be smaller than the specified minimum diameter.

(b) *Minimum quantity.* Any importation which in the aggregate does not exceed 120 pounds, may be imported without regard to the provisions of paragraph (a) of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of Governmental inspection services.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are hereby designated as governmental inspection services for the purpose of certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported, into the United States under the provisions of section 8e–1 of the act.

(e) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of tomatoes, is required. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, P.O. Box 111, 222 McClendon Bldg., 305 East Jackson St., Harlingen, Tex. (Tel.: Garfield 3-5644.)	1 day.
All Arizona points.	R. H. Berteison, 136 Grand Ave., P.O. Box 1546, Nogales, Ariz. (Tel.: Atwater 7-2902.)	1 day.
All California points.	Carley D. Williams, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif., 90021. (Tel.: Madison 2-8756.)	3 days.
New York City.	Edward J. Beller, 346 Broadway, Room 306, New York, N.Y., 10013. (Tel.: Rector 2-8000, ext. 807.)	1 day.
All other points.	D. S. Matheson, Acting Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Div., AMS, Washington, D.C., 20250. (Tel.: Dudley 8-5870.)	3 days.

(2) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service, or the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks of the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under Section 8e–1 of the Agricultural Marketing Agreement Act of 1937.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation under the act.

(g) *Definitions.* (1) The term "U.S. No. 2" means the U.S. No. 2 grade, as set forth in the United States Standards for Fresh Tomatoes (§§ 51.1855 to 51.1877, inclusive, of this title), including the tolerances set forth therein.

(2) "Importation" means release from custody of the United States Bureau of Customs.

Dated: April 21, 1964.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-4141; Filed, Apr. 24, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 4b]

[Notice 64-6A; Docket No. 1987]

STABILITY AND STALLING CHARACTERISTICS, REQUIREMENTS FOR TRANSPORT CATEGORY AIRPLANES

Extension of Comment Period

The Federal Aviation Agency proposed in Notice 64-6 (Stability and Stalling Characteristics Requirements for Transport Category Airplanes) published in the FEDERAL REGISTER of February 4, 1964 (29 F.R. 1692), to amend the stability and stalling characteristics requirements of Part 4b of the Civil Air Regulations. That notice stated that consideration would be given to all comments received on or before April 2, 1964.

The Aerospace Industries Association of America (AIA), on behalf of its members, has requested an extension of the time for comment on this proposed regulatory action. This organization which has a substantive interest in the proposed rule, advised the Agency that it needed until June 2, 1964, to give proper consideration to the proposal.

I find that the petitioner has shown a substantial interest in the proposed rule and good cause for the extension, and that the extension is consistent with the public interest. Therefore, pursuant to the authority which has been delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 64-6 will be received is extended to June 2, 1964.

Communications should be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Docket Section, 800 Independence Avenue SW., Washington, D.C., 20553. All comments submitted will be available, both before and after the closing dates for comments in the Docket Section for examination by interested persons.

Issued in Washington, D.C., on April 17, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-4101; Filed, Apr. 24, 1964; 8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-LAX-1]

FEDERAL AIRWAYS

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA is considering designating a low altitude VOR Federal airway from Peach Springs, Ariz., to Winslow, Ariz. This proposed airway would be utilized by air traffic operating between Las Vegas, Nev., and Albuquerque, N. Mex. It would also provide a replacement for the segment of intermediate altitude VOR Federal airway No. 1776 between Peach Springs and Winslow which will be revoked if the two-layer airway/route system (Airway/Route Modification Plan, Airspace Docket No. 63-WA-74, 29 F.R. 4101) is adopted.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 17, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-4093; Filed, Apr. 24, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-LAX-12]

FEDERAL AIRWAYS

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 237 is designated from Needles, Calif., to the Willow Beach Intersection. (In Airspace Docket No. 63-WE-83 published in the FEDERAL REGISTER on February 27, 1964 (29 F.R. 2740) and amended in the FEDERAL REGISTER on April 2, 1964 (29 F.R. 4719), this airway was revoked from the Willow Beach Intersection to Mormon Mesa, Nev., effective April 30, 1964.)

The Federal Aviation Agency is considering a request from the Air Transport Association of America for the designation of an airway from Needles to Boulder, Nev. It is proposed to realign and extend Victor 237 from Needles, via Boulder, the intersection of Boulder 347° and Las Vegas 081° True radials to Las Vegas. This would provide part of an alternate route between Phoenix and Las Vegas when adverse weather conditions generate severe turbulence on VOR Federal airways Nos. 105, 1545 and 1748. The proposed alignment of Victor 237 between Boulder and Las Vegas would be compatible with the established transition radial for two standard instrument approach procedures at Las Vegas and simplify instrument approaches at this terminal for aircraft operating from the south and southeast.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 21, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-4094; Filed, Apr. 24, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-86]

FEDERAL AIRWAYS

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Air Transport Association of America has requested designation of a Federal airway from Rock Springs, Wyo., direct to Casper, Wyo. Both cities are permanently certified air carrier stops. The proposed airway would provide a direct route for VOR equipped aircraft operating between these terminals and reduce the present airway mileage by 14 nautical miles.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 17, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-4095; Filed, Apr. 24, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-WE-11]

FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 19 is designated in part from Cheyenne, Wyo., via Douglas, Wyo., to Casper, Wyo., with an east alternate segment from Douglas to Casper.

The FAA is considering the following airspace actions:

1. Redesignate V-19 main airway segment from Cheyenne direct to Casper.

2. Redesignate V-19 main airway segment from Douglas direct to Casper as V-19 east alternate.

The redesignated main airway segment would provide a shorter mileage route for air traffic between Cheyenne and Casper. The designation of V-19 east alternate segment from Douglas direct to Casper would provide route continuity for air traffic operating from Cheyenne via Douglas to Casper and would permit operation at a lower minimum en route altitude. Airspace action has already been taken in Docket No. 63-WE-94 to revoke the presently designated V-19 east alternate from Douglas to Casper via the intersection of the Douglas 314° and Casper 103° True radials, effective April 30, 1964.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 17, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-4096; Filed, Apr. 24, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 62-PC-10]

TRANSITION AREA

Proposed Designation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promote safe, orderly and expeditious flow of civil air traffic. Its purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under jurisdiction of a contracting state, derived from ICAO wherein air traffic services are provided and also wherever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in International airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

The Federal Aviation Agency has under consideration the designation of a transition area over the Hawaiian Islands. The proposed transition area would include the airspace at and above 14,500 feet MSL lying within the area bounded by the folowing coordinates:

Beginning at latitude 22°24' N., longitude 161°15' W.; thence to latitude 23°53' N., longitude 159°30' W.; latitude 22°31' N., longitude 156°05' W.; latitude 22°06' N., longitude 155°46' W.; latitude 21°47' N., longitude 155°32' W.; latitude 19°44' N., longitude 153°15' W.; latitude 18°20' N., longitude 153°32' W.; latitude 17°15' N., longitude 155°40' W.; latitude 19°43' N., longitude 158°00' W.; latitude 20°46' N., longitude 159°29' W.; latitude 21°18' N., longitude 159°32' W.; latitude 21°30' N., longitude 159°32' W.; latitude 21°30' N., longitude 161°00' W.; latitude 21°56'30" N., longitude 161°20' W.; to point of beginning.

The airspace within control area extensions, transition areas, Federal airways, R-3107, warning areas and the airspace less than 1,500 feet above the terrain would be excluded.

This proposed transition area would provide protection for aircraft operating in and around the Hawaiian Islands. The present volume and nature of the air traffic are such that the airway system does not always provide the most efficient and expeditious means of air traffic flow in the Hawaiian Islands, particularly with high speed aircraft at the higher altitudes. The expected increase in air traffic would worsen the situation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Pacific Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu, Hawaii, 96812. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510; E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on April 17, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-4099; Filed, Apr. 24, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-12]

CONTROLLED AIRSPACE

Alteration of Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER on June 8, 1963 (28 F.R. 5650) it was stated, in part, that the Federal Aviation Agency proposed to designate a transition area at McComb, Miss.

Subsequent to the publication of the notice, a review of the controlled airspace requirements in the McComb terminal area, in conjunction with proposed airway realignment actions north and northwest of New Orleans, La. (Airspace Docket Nos. 63-SW-65 (28 F.R. 9953) and 63-SW-97 (29 F.R. 572) indicates that the boundaries of the 1,200-foot floor portion of the proposed McComb transition area south and southwest of McComb should be adjusted to provide adequate controlled airspace for offairway radar vectoring of aircraft both in the en route flight environment and while arriving and departing the New Orleans, Baton Rouge, La., and McComb terminals. This service is provided in this area by the New Orleans Air Route Traffic Control Center.

Accordingly, the notice is hereby amended to propose that the McComb transition area be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the McComb-Pike County Airport; and that airspace extending upward from 1,200 feet above the surface bounded on the east by V-9, on the south by latitude 30°38'00" N., on the west by V-114N, and on the north by the north boundary of V-222; within 8 miles south and 5 miles north of the McComb VOR 254° and 074° True radials, extending from 17 miles west to 5 miles east of the VOR; and within 8 miles north and 5 miles south of the McComb VOR 074° True radial, extending from the VOR to 12 miles east.

In the event V-114N is realigned in accordance with the related notice of proposed rule making, the McComb 1,200-foot transition area as proposed herein would expand automatically to maintain contiguous boundaries therewith.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to 30 days after the date of publication in the FEDERAL REGISTER of this supplemental notice.

Communications should be submitted to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 21, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-4100; Filed, Apr. 24, 1964; 8:48 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63-SW-89]

JET ROUTES

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 2 presently extends in part from the Lake Charles, La., VOR to the New Orleans, La., VORTAC.

The Federal Aviation Agency (FAA) is proposing to alter this segment of J-2 from the Lake Charles VOR via the intersection of the Lake Charles VOR 089° and the New Orleans VORTAC 275° radials to the New Orleans VORTAC. Such action would cause J-2 to overlie VOR Federal airway No. 20 between Lake Charles and New Orleans, thereby, facilitating transition between the jet route and low altitude airway. Increase in distance would be negligible.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 17, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations, and Procedures Division.

[F.R. Doc. 64-4097; Filed, Apr. 24, 1964; 8:47 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63-SW-94]

JET ROUTES

Proposed Designation

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA proposes to designate a jet route from the El Paso, Texas, VORTAC via the Fort Stockton, Texas, VORTAC; the Austin, Texas, VORTAC; to the Houston, Texas, VORTAC. There are twelve daily scheduled flights between Houston and Los Angeles, Calif., which operate via Jet Route No. 2 between El Paso and Houston. The action proposed herein would provide a route between El Paso and Houston which would bypass the San Antonio terminal area and would be shorter than existing J-2.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 17, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-4098; Filed, Apr. 24, 1964; 8:47 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 5015]

AIRWORTHINESS DIRECTIVES

Schleicher Models Ka2B and Ka6 Gliders

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Schleicher Models Ka2B and Ka6 gliders. Cracks have occurred in the forward horizontal stabilizer fittings. To correct this condition, this AD requires inspection of the horizontal stabilizer fittings and replacement if cracks are found.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 25, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

SCHLEICHER. Applies to all Models Ka2B and Ka6 gliders Serial Numbers 180 through 245.

Compliance required as indicated.

Cracks have occurred in the forward horizontal stabilizer fitting, above the welded seam on the fuselage side. The cracks are believed to be caused by excessive hardening due to welding.

Within the next 10 hours' time in service after the effective date of this AD, accomplish the following:

(a) Remove the forward horizontal stabilizer fittings and inspect for cracks with at least a 3-power magnifying glass. Replace cracked fittings with new fittings before further flight.

(b) Check all fittings for excessive hardness by use of a file as specified in Schleicher Special Inspection for Models Ka2B and Ka6 dated July 12, 1961. Replace fittings found to be too hard, with a new part within the next 10 hours' time in service thereafter.

Issued in Washington, D.C., on April 17, 1964.

W. LLOYD LANE,
Director,
Flight Standards Service.

[F.R. Doc. 64-4092; Filed, Apr. 24, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

PROJECT CONCERN, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Project Concern, Inc.,
P.O. Box 536,
1011 C Avenue,
Coronado, Calif.

Dated: April 20, 1964.

WILLIAM S. GAUD,
Deputy Administrator.

[F.R. Doc. 64-4111; Filed, Apr. 24, 1964; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-b]

SYNTHETIC DIAMOND POWDER OR DUST FROM IRELAND

Purchase Price; Foreign Market Value

APRIL 22, 1964.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of synthetic diamond powder or dust imported from Ireland, sold by Industrial Grit Distributors (Shannon) Ltd., County Clare, Ireland, is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of synthetic diamond powder or dust from Ireland, sold by Industrial Grit Distributors (Shannon) Ltd., County Clare, Ireland, pursuant to § 14.9 of the Customs Regulations (CFR 14.9).

The allegation in this case was received on January 22, 1964.

[SEAL] LESTER JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 64-4131; Filed, Apr. 24, 1964; 8:50 a.m.]

POST OFFICE DEPARTMENT

WINDOW SERVICES AND PARCEL POST DELIVERY

Notice of Changes

The following is the partial text of Regional Letter No. 64-74, signed by the Assistant Postmaster General, Bureau of Operations, dated April 10, 1964:

I. *Purpose.* To announce certain adjustments and changes which have been determined as necessary to substantially reduce employment and costs in the postal field service.

II. *Services affected.* A. Window services on Saturdays and Sundays.

B. "After Hours" window service.

C. Parcel Post Delivery.

III. *Offices affected.* All first-, second- and third-class offices, and all classified stations and branches.

IV. *Effective date.* May 4, 1964.

V. *Saturday window service.* A. *Hours of service.* Unless specifically authorized by Regional Directors, window service on Saturday as outlined below shall in no instance exceed four hours.

B. *Stamp and parcel post windows.* Only one consolidated stamp and parcel post window shall be opened. Separate stamp and parcel post windows shall not be maintained, and patrons shall be encouraged to make maximum use of available stamp vending machines.

C. *Registry and C.O.D. windows.* At offices where there is sufficient volume, Regional Directors may authorize a separate consolidated window for these services. Otherwise, all registry and C.O.D. windows shall be closed and the services made available at the consolidated stamp and parcel post window. At those large offices where the registry and C.O.D. sections are so physically located in the building as to preclude the consolidation of their activity at one consolidated window or at the consolidated stamp and parcel post window, the Regional Director may authorize the separate operation of each window.

D. *Money order window.* 1. Domestic and international money orders will not be issued and all money order windows will be closed.

2. Rural carriers, and those star route carriers who provide rural features, shall not accept money order applications on Saturdays. Postmasters shall provide all rural and star route patrons with an appropriate notice to this effect.

3. C.O.D. money orders shall not be issued on Saturdays. C.O.D. funds collected too late on Friday for the issuance of money orders on that day, and all C.O.D. funds collected on Saturday shall be treated as trust funds in accordance with Section 438.6, Postal Manual, and the money orders issued on Monday.

E. *Postal savings windows.* All postal savings business at first- and second-class offices, will be suspended on Saturdays.

F. *General delivery windows.* If it is not feasible to provide general delivery service at the one combination stamp and parcel post window, one general delivery window will be opened.

G. *Lock box call windows.* 1. Lock box call windows may be opened only in those offices where this service is usually provided, and then only if it is not possible to combine this service with the one combination stamp and parcel post window.

2. Provisions must be made for patrons to call for parcels on which carriers have "Left notice" of attempted delivery.

H. *Miscellaneous window service.* All windows such as inquiry and claims, information, meter settings, trust fund deposits, box rent collections, etc., shall be closed.

VI. *Sunday window service.* All window service on Sundays shall be discontinued. This includes lock box call windows.

VII. *After hours window service.* No "after hours" window service will be provided on any day of the week.

VIII. *Parcel post delivery service.* A. Parcel post delivery service will be provided on a five-day week basis, except that six-day service shall be continued on all mounted, mailster, rural, and box delivery star routes (except tri-weekly rural and star routes).

B. The days on which parcel post delivery will not be provided shall be determined locally by the postmaster taking into consideration the following:

(1) Workload and volume.
(2) Consistent lightest day of week.
(3) Storage space.
(4) Vehicle utilization.
(5) Manpower availability.
(6) Week-day afternoon closing of business concerns.

Postmasters may, depending on any or a combination of the above factors, adjust parcel post deliveries so that various sections of the postal district will receive deliveries on different days, provided the entire delivery area is given a five-day week delivery coverage. It is preferred that non-delivery days be confined to Tuesdays, Wednesdays, or Thursdays, if local circumstances and conditions permit. Only under unusual circumstances should Saturday be selected as a non-delivery day.

C. First-class parcels, air parcel post, and perishable articles must continue to be delivered six days a week. • • •

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309,501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-4119; Filed, Apr. 24, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 77]

ARIZONA

Small Tract Opening

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), as amended, I hereby open for bid and sale at public auction, under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, the lands described in Part 3 of this Order. Subject lands were classified by Small Tract Classification No. 77, dated October 3, 1961 (26 F.R. 9658). The lands will be offered to the general public in lot number sequence shown in Part 3 of this order, beginning at 10:00 a.m., on June 10, 1964. The auction will be held in the Post Theater No. 3 on the Fort Huachuca Military Reservation.

2. The lands are in southwestern Cochise County, roughly in the center of a triangle formed by the towns of Bisbee, Sierra Vista and Tombstone. (The latter was recently designated as a National Historical Townsite.) The nearest community, shopping and other facilities are at Sierra Vista, about eleven miles west of the area on Arizona State Highway 90. Highway 90 is a paved road which runs from Sierra Vista to Bisbee and crosses the small tract area from northwest to southeast.

The elevation is between 4,000 and 5,000 feet and the annual precipitation varies from 11 to 18 inches. Although there are no power lines running through the small tract area, electricity has been provided on the western edge of the area along the San Pedro River on private lands (San Rafael Del Valle Spanish Land Grant). Reports from local residents indicate that domestic water could be developed from wells at reasonable depths.

The topography of these lands is generally described as rough to rolling and crossed occasionally by washes which drain westerly toward the San Pedro River. The tracts will be subject to existing rights-of-way and to the reservations as listed in Part 3 of this Order. These reservations are made to assure the purchasers of access and proper easements for public utilities. Interested persons are cautioned that these lands are undeveloped, that they should inspect the lands prior to the sale and that the responsibility of providing roads and utilities rests with the buyers. The tracts have been individually surveyed and marked on the ground by the Bureau of Land Management.

All minerals will be reserved to the United States but the lands will not be subject to mineral location unless or until regulations are issued by the Secretary of the Interior.

3. The section, lot numbers, acreage, sides with rights-of-way reservations and the appraised value (minimum bid) are shown on the table below:

GILA AND SALT RIVER MERIDIAN

T. 22 S., R. 22 E., Secs. 3 and 4.

SECTION 3

Lot number	Acreage	Sides with R/W reservations	Appraised value minimum bid
5	5.98	50' North and East	$1,235.00
6	5.98	50' North, 30' West	1,235.00
7	5.00	30' West	1,035.00
8	5.00	30' East	1,035.00
9	5.00	30' East	1,035.00
10	5.00	30' West	1,035.00
11	5.00	30' South and West	1,035.00
12	5.00	30' East, 30' South	1,035.00
17	5.00	30' South and East	1,035.00
19	5.00	40' West, 30' East	1,035.00
20	5.00	40' West, 30' South and East.	1,035.00
22	5.97	50' North 40' East	1,235.00
23	5.97	50' North, 30' West	1,235.00
24	5.00	30' West	1,035.00
29	5.00	30' West	1,035.00
32	5.98	50' North, 30' East	1,235.00
33	5.98	50' North and West	1,235.00
34	5.00	50' West	1,035.00
35	5.00	30' East	1,035.00
36	5.00	30' East	1,035.00
37	5.00	50' West	1,035.00
38	5.00	50' West, 30' South	1,035.00
39	5.00	30' East	1,035.00
42	5.00	30' North and East*	1,035.00
43	5.00	50' West, 30' North*	1,035.00
47	5.00	50' West, 40' South*	1,035.00
48	5.00	40' South*	1,035.00
49	3.13	40' South*	985.00
50	3.75	40' South*	1,160.00
51	5.00	40' East, 30' North	1,035.00
54	5.00	40' East	1,035.00
55	5.00	40' East, 30' South	1,035.00
57	3.75	45' South, 30' North and East.*	1,160.00
59	2.80	40' East, 30' North	885.00
60	5.00	30' North and East	1,035.00
61	5.00	40' West, 30' North	1,035.00
62	5.00	40' West, 30' South	1,035.00
67	5.00	30' East and West	1,035.00
68	5.00	50' East, 30' North	1,035.00
69	5.00	30' North and West	1,035.00
70	5.00	30' West	1,035.00
71	5.00	50' East	1,035.00
72	5.00	50' East	1,035.00
73	5.00	30' West	1,035.00
74	5.00	30' West	1,035.00
75	5.00	50' East	1,035.00
76	5.00	50' East	1,035.00
77	5.00	30' West	1,035.00
78	5.00	30' South and West	1,035.00
79	5.00	50' East, 30' South	1,035.00
80	3.75	50' East, 30' North*	1,160.00
81	3.75	30' North*	1,160.00
82	2.80	30' North*	785.00
84	5.00	30' West*	1,035.00
85	3.75	30' South*	1,160.00
86	3.75	50' East, 30' South*	1,160.00
87	5.00	30' South, East and West	1,035.00
90	3.75	40' West, 30' South*	1,160.00
92	4.37	30' North and East*	1,235.00
93	3.13	30' South and East*	985.00
97	2.80	40' East*	785.00
101	2.80	40' East, 30' South*	785.00
103	5.00	30' North, East and West	1,035.00
104	5.00	30' South, East and West	1,035.00
105	5.00	40' East, 30' South and West	1,035.00
107	5.00	50' West, 40' North	1,035.00
108	5.00	50' West	1,035.00
110	5.00	30' North, East and West	1,035.00
111	5.00	50' West, 30' East	1,035.00
112	5.00	50' West, 30' East and South	1,035.00
113	5.00	30' South, East and West	1,035.00
114	5.00	30' North and East	1,035.00
115	5.00	50' West, 30' North	1,035.00
116	5.00	50' West	1,035.00
117	5.00	30' East	1,035.00
118	5.00	30' East	1,035.00
119	5.00	50' West	1,035.00
120	5.00	50' South and West	1,035.00
121	5.00	50' South, 30' East	1,035.00
122	5.00	40' East, 30' North	1,035.00
123	5.00	30' North and West	1,035.00
124	5.00	30' West	1,035.00
125	5.00	40' East	1,035.00
126	5.00	40' East	1,035.00
127	5.00	30' West	1,035.00
128	5.00	50' South, 30' West	1,035.00
129	5.00	50' South, 40' East	1,035.00
131	5.00	40' West, 30' North	1,035.00
132	5.00	40' West	1,035.00
133	5.00	30' East	1,035.00
134	5.00	30' East	1,035.00
135	5.00	40' West	1,035.00
136	5.00	50' South, 40' West	1,035.00
137	5.00	50' South, 30' East	1,035.00
138	5.00	30' South and West	1,035.00

*Tracts affected by Highway R/W.

SECTION 3—continued

Lot number	Acreage	Sides with R/W reservations	Appraised value minimum bid
139	5.00	30' South, West and North	$1,035.00
140	5.00	50' East, 30' North	1,035.00
141	5.00	50' East, 30' West	1,035.00
143	5.00	30' South, 30' East and West.	1,035.00
144	5.00	50' South and East, 30' West.	1,035.00
145	5.98	50' North, 30' East	1,235.00
146	5.97	50' North, 40' West	1,235.00
147	5.00	40' West	1,035.00
148	5.00	40' East	1,035.00
149	5.00	40' East	1,035.00
150	5.00	40' East, 30' South	1,035.00
151	5.00	30' South and West	1,035.00
152	5.00	30' North and West	1,035.00
153	5.00	30' East and West	1,035.00
154	5.00	30' South, East and West	1,035.00
155	5.00	30' West	1,035.00
156	5.00	30' South and West	1,035.00
157	4.37	30' North and East*	1,335.00

SECTION 4

Lot number	Acreage	Sides with R/W reservations	Appraised value minimum bid
11	5.96	50' North, 30' West and East	$1,235.00
22	5.60	30' North, East and West	1,160.00
23	5.00	30' East and West	1,035.00
24	4.40	30' South, East and West	910.00
25	5.96	50' North and East	1,235.00
26	5.96	50' North, 30' West	1,235.00
27	5.00	30' West	1,035.00
28	5.00	50' East	1,035.00
29	5.00	50' East	1,035.00
30	5.00	30' West	1,035.00
31	5.00	30' South and West	1,035.00
32	5.00	50' East, 30' South	1,035.00
33	5.96	50' North, 30' East and West	1,235.00
35	5.00	30' East and West	1,035.00
36	5.00	30' South, East and West	1,035.00
38	5.00	30' South, West and East	1,035.00
39	2.50	30' North and West*	785.00
40	3.75	30' North*	1,160.00
43	4.36	50' North, 30' East and West	910.00
44	2.97	30' South, East and West	635.00
45	5.00	30' North and East*	1,535.00
46	3.76	30' North and West*	1,160.00
48	2.01	30' South and West*	635.00
49	3.75	30' South*	1,160.00
50	2.80	30' South and East*	785.00
51	3.75	30' South*	1,160.00
52	3.75	30' South*	1,160.00
54	2.50	30' South and East*	785.00
57	5.00	30' East and West	1,035.00
59	5.00	50' East, 30' North*	1,535.00
62	2.80	30' North and West*	785.00
63	5.00	30' South and West*	1,535.00
67	5.00	30' North and West	1,035.00
68	5.00	50' East, 30' North	1,035.00
69	5.00	50' East	1,035.00
70	5.00	30' West	1,035.00
72	5.00	50' East	1,035.00
73	5.00	50' East	1,035.00
76	5.00	50' East, 30' South and West.	1,035.00
77	5.00	30' East and West	1,035.00
78	5.00	30' East and West	1,035.00
79	5.00	30' East and West	1,035.00
82	5.00	30' West	1,035.00
83	5.00	30' South and West	1,035.00
84	5.00	30' South	1,035.00
85	3.81	30' North, East and West	785.00
86	3.21	30' East and West	685.00
87	2.61	30' East and West	560.00
88	2.01	30' South, East and West	435.00
89	5.00	30' North and East	1,035.00
90	6.41	30' North and West	1,310.00
93	5.00	30' North and East	1,035.00
94	5.21	30' North and West	1,085.00
95	4.55	30' South, 30' West	960.00
96	5.00	50' South, 30' East	1,035.00
97	5.00	50' East, 30' North	1,035.00
98	5.00	30' North and West	1,035.00
99	5.00	30' West	1,035.00
100	5.00	50' East	1,035.00
101	5.00	50' East	1,035.00
102	5.00	30' West	1,035.00
103	5.00	50' South, 30' West	1,035.00

4. Bids may be made personally by the applicant or his agent at the sale, or may be mailed. Bids sent by mail will be considered only if received at the Arizona Land Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona, prior to 10:00 a.m., June 8, 1964. If sealed bids are submitted for more than one tract, no tract preference can be allowed since the tracts will be offered in numerical sequence. No bid will be accepted if it is less than the appraised value of the tract. No oral bid will be accepted if it is less than $10.00 higher than the highest mailed bid, or, if there be none, if it be less than the appraised value of the tract. Subsequent bids must be in increments of $10.00.

5. Bids sent by mail must be made by submitting a properly completed Small Tract Auction Application To Purchase, copies of which may be obtained from the Manager, U.S. Land Office, 3022 Federal Building, Phoenix, Arizona, 85025. Each bid sent by mail must clearly show (a) the name and Post Office address of the bidder, (b) Classification No. 77 and (c) the section and the lot number for which the bid is made. Each bid must be accompanied by the full amount of the bid in the form of cash, certified or cashier's check, post office money order, or bank draft, made payable to: Bureau of Land Management. Each bid must be enclosed in a separate envelope, but payment need only accompany the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) Classification No. 77, (b) the section and the lot number for which the bid is made. Bids not filed in accordance with the above instructions will be returned.

6. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the tract at the close of the bidding, and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will be disqualified for consideration for other tracts at the sale. High mailed bids will become the opening bids at the auction. All unsuccessful bids will be returned promptly after the auction.

7. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at this sale.

8. Lots not sold in the course of bidding on which no qualifying mailed bid has been received, will be offered at public auction upon the motion of any qualified bidder, beginning at 10:30 a.m., Thursday, June 18, 1964 in the U.S. Land Office, Room 3204 (Third Floor), Federal Building, 230 North First Avenue, Phoenix, Arizona. The remaining tracts will continue subject to nomination and auction at that place each succeeding Thursday at 10:30 a.m. (except holidays), until all lots are sold or until the auction is declared closed by the Manager, United States Land Office. Mailed bids in the format described in Part 5 above, received after 10:00 a.m., June 8, 1964, will be considered at the next scheduled offering.

9. Inquiries concerning these lands should be addressed to the Manager, United States Land Office, Room 3022 Federal Building, 230 North First Avenue, Phoenix, Arizona, 85025.

Dated: April 20, 1964.

RAYMOND C. CLECHORN,
Acting State Director.

[F.R. Doc. 64-4059; Filed, Apr. 24, 1964; 8:45 a.m.]

ALASKA

Small Tract Classification Orders Cancelled in Their Entirety

APRIL 20, 1964.

Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in Section 1, Delegation of Authority (29 F.R. 3015), dated March 5, 1964, it is hereby ordered that effective at 10:00 a.m. on May 1, 1964, the following Small Tract Classifications are canceled in their entirety:

a. No. 48 dated January 16, 1952, F.R. Doc. 52-896, as amended by F.R. Doc. 52-1447.

b. No. 55 dated April 10, 1952, F.R. Doc. 52-4297.

c. No. 86 dated August 2, 1954, F.R. Doc. 54-6397, as amended by F.R. Doc. 55-6690.

d. No. 99 dated June 7, 1955, F.R. Doc. 55-4701.

e. No. 114 dated June 19, 1958, (F.R. Doc. 58-4821).

This order affects 869 tracts aggregating 1,972.41 acres.

AL J. HOLLEY,
Acting District Manager.

[F.R. Doc. 64-4122; Filed, Apr. 24, 1964; 8:49 a.m.]

ALASKA

Small Tract Public Sale Offers Cancellation

APRIL 20, 1964.

1. Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in Section 1, Delegation of Authority (29 F.R. 3015), dated February 27, 1964, it is ordered that Alaska Small Tract Sale Offers No. 13-ALD of April 11, 1962, No. 17-ALD of July 27, 1962 and No. 19-ALD of September 20, 1962 are hereby cancelled.

2. This order will take effect immediately.

AL J. HOLLEY,
Acting District Manager.

[F.R. Doc. 64-4123; Filed, Apr. 24, 1964; 8:49 a.m.]

[BLM 077983]

MICHIGAN

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 20, 1964.

By letter dated March 23, 1964, the United States Department of Agriculture, Forest Service, North Central Region, filed application BLM 077983 requesting the withdrawal of the public domain lands described below from all forms of appropriation, entry or sale under the public land laws and that they be reserved for national forest purposes subject to valid existing rights.

The applicant desires the land to be formally added to the Hiawathia National Forest. The lands are similar to nearby national forest land and can be effectively managed therewith.

The lands were reconveyed to the United States under the provisions of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, as part of a joint program for the disposition of remnant public domain lands in the State of Michigan in such a way as to consolidate State conservation areas and the national forest. The reconveyance reserved to the State of Michigan all minerals, coal, oil and gas rights, together with rights of ingress and egress over and across lands lying along watercourses and streams and all aboriginal antiquities with the right to explore and excavate the same.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C., 20240.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are as follows:

MICHIGAN MERIDIAN, MICHIGAN

SCHOOLCRAFT COUNTY

T. 44 N., R. 17 W.,
Sec. 19, SW¼SW¼, SW¼SE¼;
Sec. 26, N½NW¼, NE¼NE¼.

ALGER COUNTY

T. 47 N., R. 20 W.,
Sec. 31, SW¼NE¼.

The area described aggregates 234.82 acres.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 64-4109; Filed, Apr. 24, 1964; 8:48 a.m.]

Office of the Secretary

SOUTHWESTERN POWER ADMINISTRATION

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

This material supersedes 270 DM 2.1 (28 F.R. 6198) June 15, 1963.

270.2.1 DESIGNATION AS MARKETING AGENCY. The Southwestern Power Administration is designated as the agency to market available surplus electric

power and energy generated at the following reservoir projects pursuant to section 5 of the Act of December 22, 1944 (58 Stat. 890; 16 U.S.C. 825s): Beaver; Blakely Mountain; Broken Bow; Bull Shoals; Dardanelle; DeGray; Denison; Eufaula; Fort Gibson; Greers Ferry; Keystone; Sam Rayburn; Narrows; Norfolk; Robert S. Kerr; Stockton; Table Rock; Tenkiller Ferry; and Whitney.

(Sec. 2 Reorg. Plan No. 3 of 1950; 5 U.S.C. sec. 133z-15, note)

STEWART L. UDALL,
Secretary of the Interior.

APRIL 17, 1964.

[F.R. Doc. 64-4110; Filed, Apr. 24; 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

WYOMING

Designation of Counties Within Great Plains Area of Ten Great Plains States Where Great Plains Conservation Program Is Specifically Applicable

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p (b)), as amended, the following county in the State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

WYOMING

Weston.

Done at Washington, D.C., this 21st day of April 1964.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 64-4114; Filed, Apr. 24, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

STATES STEAMSHIP CO.

Notice of Application

Notice is hereby given that States Steamship Company seeks on a privilege basis to serve port(s) in the Philippine Islands with ships operating on its Service B-1 Trade Route No. 29 Freight Service which presently provides service between U.S. Pacific ports and the northern area of the Far East, not including the Philippine Islands. The Company presently is authorized to make under certain conditions up to 19 sailings per annum on its Service B-2 which provides service between U.S. Pacific ports and primarily the southern area of the Far East, including the Philippine Islands. The requested privilege on its Service B-1 could enable the applicant to make up to 33 sailings per annum which could call at the Philippine Islands. The applicant advises, however, that the total sailings contemplated to and from Philippine Island ports by its B-1 and B-2 Service vessels will not exceed the maximum sailings presently permitted to its B-2 Service vessels to and from such ports.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, amended, 46 U.S.C. 1175, should by the close of business on May 4, 1964, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: April 21, 1964.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 64-4120; Filed, Apr. 24, 1964; 8:49 a.m.]

National Bureau of Standards

WWV, GREENBELT, MARYLAND, AND WWVH, MAUI, HAWAII; UNIVERSAL TIME BROADCAST SERVICES

Notice of Improvement

Notice is hereby given of an improvement in the Universal Time broadcast services from WWV, Greenbelt, Maryland and WWVH, Maui, Hawaii.

Radio Stations WWV and WWVH will commence on May 1, 1964, to broadcast corrections to the time signals to enable users to obtain immediately an accurate value of UT2. UT2 is utilized in those sciences which involve the rotation of the earth.

The corrections are extrapolated values of the difference (UT2 minus Time Signal) furnished by the U.S. Naval Observatory. The probable error is ±3 milliseconds. Final corrections, with a probable error of ±1 millisecond, are published in the Time Service Bulletins of the Naval Observatory.

During the last half of the 19th minute of each hour from WWV and during the last half of the 49th minute of each hour from WWVH there will be broadcast from each station in International Morse Code: "UT2 AD (or) SU" followed by a 3 digit number. This 3 digit number is the correction in milliseconds. To obtain UT2, add the correction to the time indicated by the Time Signal pulse if the AD is broadcast; subtract if SU is broadcast.

These corrections will be revised daily, the new value appearing for the first time during the hour after 0 hours Universal Time and continuing as indicated for the following 24 hour period.

A. V. ASTIN,
Director,
National Bureau of Standards.

T. S. BASKETT,
Captain, U.S. Navy, Superintendent, U.S. Naval Observatory.

[F.R. Doc. 64-4121; Filed, Apr. 24, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION ON NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications, and application amendment, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

University of Houston, 3801 Cullen Boulevard, Houston 4, Texas, File No. 63, to improve the operation of the noncommercial educational television broadcasting station KUHT-TV operating on channel 8, Houston, Texas.

Educational Television Association of Metropolitan Cleveland, 715 Carnegie Avenue, Cleveland 15, Ohio, File No. 64, for the establishment of a new noncommercial educational television broadcasting station on channel 25, Cleveland, Ohio.

The Regents of the University of Idaho, Moscow, Idaho, File No. 31, to amend its application to increase transmitter power and relocate transmitter site, for the establishment of a new noncommercial educational television broadcasting station on channel 12, Moscow, Idaho.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications (within 10 calendar days from such publication regarding the above application amendment) with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 64-4065; Filed, Apr. 24, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14924]

AMERICAN MILWAUKEE DELETION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 8, 1964, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., April 22, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-4138; Filed, Apr. 24, 1964; 8:51 a.m.]

[Docket Nos. 8851, 9177; Order E-20727]

TOLEDO ADEQUACY OF SERVICE CASE AND FLINT-GRAND RAPIDS ADEQUACY OF SERVICE INVESTIGATION

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of April 1964.

In the Flint-Grand Rapids Adequacy of Service Investigation, Docket 9177, and the Toledo Adequacy of Service Case, Docket 8851, the Board found certain deficiencies in the service provided the cities of Flint and Grand Rapids, Michigan, and Toledo, Ohio, by Capital Airlines, Inc. (Capital). Capital was ordered to improve its service at these points in appropriate respects, and to submit to the Board periodic reports relative to on-time departure from Flint and Grand Rapids, and to passengers which it enplaned and deplaned at Toledo. Since Capital's merger with United Air Lines, Inc. (United), in June 1961, United has been submitting the reports theretofore required of Capital. The most recent are for the months of January and February, 1964.

Analysis of the reports indicates that United's departures from Flint were between 75.58 percent and 93.45 percent on time, and from Grand Rapids between 77.27 percent and 94.98 percent on time, during the most recent 14 months reported; and that enplanements and deplanements at Toledo steadily have increased.[1] Load factors experienced at Toledo further indicate a profitable operation by United at that point.

United has been submitting this required information for almost three years. This would seem to be an adequate length of time over which to evaluate the carrier's performance at these cities in these respects, hence to fulfill the Board's purpose in requiring the submission of the reports.[2] And the import of the information submitted is such as to seem not to warrant continued scrutiny of these facets of United's operations. Moreover, it is the policy of the President of the United States to "discontinue reports * * * (to the Government) * * * where possible", and to save the time of "industry in general" relative to their preparation and submission.[3]

Given these considerations, we tentatively conclude that the above reports, are no longer required and, therefore, their submission should be terminated.

Accordingly, it is ordered:

1. That the City of Grand Rapids, Michigan; the Grand Rapids Chamber of Commerce; the Flint, Michigan, Chamber of Commerce; the City of Toledo, Ohio; the Chamber of Commerce of the City of Toledo, Ohio; United Air Lines, Inc.; and any other interested persons shall show cause within thirty (30) days of the date of service of this order why the Board should not make final the above tentative findings and conclusions and terminate the requirement that United Air Lines, Inc., submit reports to the Board relative to on-time departure at the cities of Flint and Grand Rapids, Michigan, and enplanements and deplanements at Toledo, Ohio;

2. That any objections shall specify by separately numbered paragraphs the tentative findings and conclusions excepted to, and state the grounds thereof;[4]

3. That any objections to the above tentative findings and conclusions not made within the thirty-day period, or in the form specified herein, shall be deemed waived;

4. That, if no objections are filed, the matter shall stand submitted to the Board for issuance of a final order;

5. That, if timely objections are filed, further consideration will be accorded any matters or issues raised by the objections before further action is taken by the Board; and

6. That copies of this order shall be served on the parties enumerated in ordering paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-4139; Filed, Apr. 24, 1964; 8:51 a.m.]

[1] Total enplanements and deplanements at Toledo have risen from 16.4 in February 1961, to 86 in February 1964. During the months of June, August, and September, 1963, total traffic was 106.7, 112.1 and 109.8 persons, respectively.

[2] Thus, in Toledo, and commenting on reports submitted theretofore by Capital, the Board said, "Upon receipt of further reports, we will be able to evaluate more fully the results of the * * * service." Order E-16155, December 19, 1960, p. 8.

[3] "Memorandum For The Heads Of Executive Departments And Agencies", March 10, 1964.

[4] Since provision is made for the filing of objections to the order, separate petitions for reconsideration will not be entertained.

FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-8]

CAPE FEAR TELECASTING, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (SO-OE-3504) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Cape Fear Telecasting, Inc., Wilmington, North Carolina, proposes to construct a television antenna structure at latitude 34°03'00" north, longitude 78°-04'56" west, near Mill Creek, North Carolina. The overall height of the structure would be 1250 feet above mean sea level (1190 feet above ground).

The structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1) of the Federal Aviation Regulations by 690 feet since it would be more than 500 feet above ground at the site of construction.

The aeronautical study disclosed that the structure would be located approximately 23.5 miles southwest of the Wilmington, North Carolina, VORTAC and would require an increase from 1600 feet to 2300 feet in the missed approach altitude for standard instrument approach procedure AL-459-VOR-1 to the New Hanover County Airport, Wilmington, North Carolina, or that the missed approach procedure be restricted to within 15 miles of the facility in lieu of the present 20 miles. Either change could be implemented without having a substantial adverse effect upon instrument flight rule operations at this airport.

The study further disclosed that the structure would not be located in proximity to a commonly used visual flight rules route or in an area where there is a significant volume of VFR traffic.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated,

a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on April 16, 1964.

GEORGE R. BORSARI,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 64-4102; Filed, Apr. 24, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15421-15423; FCC 64-328]

PAUL DEAN FORD (WPFR) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Paul Dean Ford (WPFR), Terre Haute, Indiana, Docket No. 15421, File No. BPH-3954, has: 102.7 mc, No. 274, 1.1 kw, 26 ft., requests: 107.5 mc, No. 298; 50 kw; 435 ft.; Wabash Valley Broadcasting Corporation (WTHI-FM), Terre Haute, Indiana, Docket No. 15422, File No. BPH-4139, has: 99.9 mc, No. 260; 7.40 kw; 330 ft., requests: 107.5 mc, No. 298; 38.76 kw; 416 ft.; Radio WBOW, Incorporated, Terre Haute, Indiana, Docket No. 15423, File No. BPH-4254, requests: 107.5 mc, No. 298; 46.3 kw; 183.5 ft., for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of April 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that concurrent operation would result in mutually destructive interference; and

It further appearing, that the areas which the applicants propose to serve are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to any applicant; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM service (at least 1 mv/m) to said area and population.

2. To determine the areas and populations which may be expected to gain or lose FM service (at least 1 mv/m) from the operation of Stations WPFR and WTHI-FM as proposed and the availability of other FM service (at least 1 mv/m) to such areas and populations.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4079; Filed, Apr. 24, 1964; 8:45 a.m.]

[Docket No. 15303, 15304; FCC 64M-339]

CASCADE BROADCASTING CO. AND SUNSET BROADCASTING CO. (KNDX-FM)

Order Cancelling Prehearing Conference

In re applications of Cascade Broadcasting Company, Yakima, Washington, Docket No. 15303, File No. BPH-4072; David Zander Pugsley tr/as, Sunset Broadcasting Company (KNDX-FM), Yakima, Washington, Docket No. 15304, File No. BPH-4180; for construction permits.

It is ordered, This 21st day of April 1964, that the further prehearing conference scheduled for Friday, May 1, 1964, at 10:00 a.m. is hereby cancelled.

Released: April 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4142; Filed, Apr. 24, 1964; 8:51 a.m.]

[Docket Nos. 15419, 15420; FCC 64M-337]

CENTRAL BROADCASTING CORP. AND WCRB, INC.

Order Scheduling Hearing

In re applications of Central Broadcasting Corporation, Ware, Massachusetts, Docket No. 15419, File No. BPH-4243; WCRB, Inc., Springfield, Massachusetts, Docket No. 15420, File No. BPH-4319; for construction permits.

It is ordered, This 20th day of April 1964, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 22, 1964, in Washington, D.C.; *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., May 18, 1964.

Released: April 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4143; Filed, Apr. 24, 1964; 8:51 a.m.]

[Docket Nos. 15419, 15420; FCC 64-327]

CENTRAL BROADCASTING CORP. AND WCRB, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Central Broadcasting Corporation, Ware, Massachusetts, Docket No. 15419, File No. BPH-4243, requests: 102.1 mc, No. 271; 5.16 kw; 837 ft.; WCRB, Inc., Springfield, Massachusetts, Docket No. 15420, File No. BPH-4319, requests: 102.1 mc; No. 271; 27.1 kw; 649 ft., for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 15th day of April 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that concurrent operation would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are significantly different in size and location and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining which proposal would best provide a fair, efficient and equitable distribution of radio service.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM service (at least 1 mv/m) to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed FM broadcast station.

b. The proposals of each of the applicants with respect to management and operation of the proposed stations.

c. The programming services proposed in each of the applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(3) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4144; Filed, Apr. 24, 1964; 8:51 a.m.]

[Docket Nos. 15421-15423; FCC 64M-336]

PAUL DEAN FORD (WPFR) ET AL.

Order Scheduling Hearing

In re applications of Paul Dean Ford (WPFR), Terre Haute, Indiana, Docket No. 15421, File No. BPH-3954; Wabash Valley Broadcasting Corporation (WTHI), Terre Haute, Indiana, Docket No. 15422, File No. BPH-4139; Radio WBOW, Incorporated, Terre Haute, Indiana, Docket No. 15423, File No. BPH-4254; for construction permits.

It is ordered, This 20th day of April 1964, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 6, 1964, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m. May 18, 1964.

Released: April 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4145; Filed, Apr. 24, 1964; 8:52 a.m.]

[Docket Nos. 14425, 14440; FCC 64M-334]

SAUL M. MILLER AND BI-STATES BROADCASTERS

Order Continuing Hearing

In re applications of Saul M. Miller, Kutztown, Pennsylvania; Docket No. 14425, File No. BP-13844; Chandler W. Drummond and E. Theodore Mallyck, d/b as Bi-States Broadcasters, Annville-Cleona, Pennsylvania, Docket No. 14440, File No. BP-14890; for construction permit.

The Hearing Examiner having under consideration a Petition for Continuance filed by Saul M. Miller on April 20, 1964, requesting that the date for hearing presently scheduled for April 22, 1964, be continued to May 7, 1964;

It appearing, that good cause has been shown for the requested continuance; and

It further appearing, that counsel for the Broadcast Bureau and Bi-States Broadcasters, the only other parties to this proceeding, have consented to a grant of this continuance and to a waiver of the four-day rule;

It is ordered, This 21st day of April 1964, that the Petition for Continuance mentioned hereinabove, be, and the same is hereby granted; and that the hearing presently scheduled for April 22, 1964, is hereby continued to May 7, 1964.

Released: April 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4146; Filed, Apr. 24, 1964; 8:52 a.m.]

[Docket No. 15276; FCC 64M-341]

CHARLES A. SEAMAN

Order Scheduling Prehearing Conference

In re application of Charles A. Seaman, 935 Tanner Avenue, Elizabeth, Pennsylvania, Docket No. 15276, for a general class amateur operator license.

The Hearing Examiner having under consideration the Review Board's Memorandum Opinion and Order released herein on April 13, 1964;

It appearing, that, by order released March 6, 1964, the Hearing Examiner held in abeyance exchange of a summary of certain (lay) evidence to be introduced by the Commission's Safety and Special Radio Services Bureau (Bureau) pending disposition of Bureau's appeal to the Review Board from the Hearing Examiner's ruling made at the prehearing conference held February 26, 1964; and

It further appearing, that by the hereinabove-identified Memorandum Opinion and Order the Review Board denied Bureau's appeal as well as the alternative request submitted therewith; and

It further appearing, that it is now appropriate to go forward with the exchange of a summary of (lay) evidence and that such shall consist of a state-

ment of factual data otherwise to be established by testimony of witnesses contemplated to be produced on behalf of Bureau; and

It further appearing, that, on the basis of the already exchanged technical data and of the further exchange of factual data of the nature indicated hereinabove, stipulations may be arrived at by the parties that will tend to expedite the hearing;

It is ordered, This 21st day of April 1964, that Bureau shall exchange its summary statement of factual data (as hereinabove identified) with counsel for the other parties herein not later than by May 4, 1964, and that a further prehearing conference shall be held at 9:00 a.m., May 22, 1964, at the offices of the Commission in Washington, D.C.

Released: April 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4147; Filed, Apr. 24, 1964; 8:52 a.m.]

[Docket Nos. 15417, 15418; FCC 64-325]

UNITED AUDIO CORP. AND NORTHLAND BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of United Audio Corporation, Rochester, Minnesota, Docket No. 15417, File No. BPH-3973, requests: 97.5 mc, No. 248; 27 kw; 440 ft.; Northland Broadcasting Corporation, Rochester, Minnesota, Docket No. 15418, File No. BPH-3975, requests: 97.5 mc, No. 248; 28 kw, 225 ft., for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of April 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM service (at least 1 mv/m) within such different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the FM broadcast facilities proposed;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM services (at least 1 mv/m) to such areas and populations.

2. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each, bearing on its ability to own and operate the FM broadcast station as proposed.

b. The proposals of each with respect to the management and operation of the FM broadcast station as proposed.

c. The programming services proposed in each of the above-captioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: April 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4148; Filed, April 24, 1964; 8:52 a.m.]

[Docket Nos. 15417, 15418; FCC 64M-338]

UNITED AUDIO CORP. AND NORTHLAND BROADCASTING CORP.

Order Scheduling Hearing

In re applications of United Audio Corporation, Rochester, Minnesota, Docket No. 15417, File No. BPH-3973; Northland Broadcasting Corporation, Rochester, Minnesota, Docket No. 15418, File No. BPH-3975; for construction permits.

It is ordered, This 20th day of April 1964, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 23, 1964, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., May 19, 1964.

Released: April 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4149; Filed, Apr. 24, 1964; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1178]

ITALY/U.S. NORTH ATLANTIC FREIGHT POOL

Extension of Time

On December 23, 1963, the present parties to approved Agreement 8680, as indicated in Appendix A below, filed with the Federal Maritime Commission a modification to that Agreement designated Agreement 8680-3. This Agreement would modify Agreement 8680 to provide that said Agreement, now scheduled to expire as of June 30, 1964, be extended for an additional one year period, and thereafter be automatically extended from year to year. Agreement 8680-3 would further modify Agreement 8680 to provide that members not desiring to participate beyond June 30, 1964, or beyond any subsequent yearly extension must give notice of withdrawal prior to March 31 of any previous pool year; that if one or more members should give such notice of withdrawal prior to March 31 of any year, any other member may present valid notice of withdrawal up to ten days prior to the date of expiration of the pool; and any members resigning prior to March 31 of any year shall have no right to withdraw such resignation and in order to again become a member, must file a new application for membership.

The Commission has considered Agreement 8680-3, and is of the opinion that it warrants full investigation in order to determine whether continuation of Pooling Agreement 8680 as provided for in Agreement 8680-3 would be detrimental to the commerce of the United States, contrary to the public interest, or otherwise in contravention of any of the standards of section 15 of the Shipping Act, 1916, and whether Agreements 8680 and 8680-3 should be approved, disapproved, cancelled or modified pursuant to section 15 of the Shipping Act, 1916.

The Commission is of the view that presently approved Agreement 8680 should be modified to provide that the present termination date of June 30, 1964, be extended until such time as the Commission approves, disapproves, cancels or modifies Agreements 8680 and 8680-3 in this proceeding, or until otherwise ordered by the Commission, and further to permit any party to that Agreement to give notice of withdrawal to other parties within 30 days after the date of this Commission order if it does not desire to participate in the Agreement beyond the present expiration date of June 30, 1964.

Now therefore, it is ordered, That the first paragraph in Article 15 of Agreement 8680 be modified to read as follows:

This Agreement which is subject to the approval of the Federal Maritime Commission, shall be effective as from 00:01, January 1, 1962, and remain in effect until such time as the Commission approves, disapproves, cancels or modifies Agreements 8680 and 8680-3 in Docket No. 1178 or until otherwise ordered by the Commission. Members who do not want to participate as members of the Agreement beyond June 30, 1964, must give notice of the withdrawal to the Secretary on or before (30 days from date of service).

And it is further ordered, That the above ordered modification to Agreement 8680 be, and the same is hereby, approved pursuant to section 15 of the Shipping Act, 1916; and

It is further ordered, That the Commission, pursuant to sections 15 and 22 of the Shipping Act, 1916, institute an investigation to determine whether Agreements 8680 and 8680-3 should be approved, disapproved, cancelled, or modified; and

It is further ordered, That the member lines of Agreement 8680, as listed in Appendix A below, are hereby made respondents in this proceeding; and

It is further ordered, That this matter is assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the presiding examiner; and

It is further ordered, That a copy of this order shall be served upon the respondents and published in the FEDERAL REGISTER; and

It is further ordered, That persons other than respondents who desire to become parties to this proceeding and to participate herein shall promptly notify the Secretary, Federal Maritime Commission, Washington, D.C., 20573, and shall file with the Secretary a petition for leave to intervene in accordance with Rule 5(n) of the Commission's rules of practice and procedure on or before May 8, 1964, with copy to each of the respondents.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By order of the Commission, April 20, 1964.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX "A"

American Export and Isbrandtsen Lines, American Export Lines, Inc., 26 Broadway, New York, N.Y., 10004.
American President Lines, Ltd., 601 California St., San Francisco 8, Calif.
Compagnie De Navigation Fraissinet Et, Cyprien Fabre, S.A., Commander Shipping Company, Inc. Gen. Agents, 17 State St., New York, N.Y., 10004.
Concordia Line, Boise-Griffin Steamship Co., Inc., General Agents, 90 Broad St., New York, N.Y., 10004.
Giacomo Costa Fu Andrea (Costa Line), Overseas Consolidated Company, Ltd., General Agents, 26 Broadway, New York, N.Y., 10004.
Hansa Line (D.D.G. Hansa), F. W. Hartmann & Co., Inc., General Agents, 120 Wall St., New York, N.Y., 10005.
Italian Line, One Whitehall St., New York, N.Y., 10004.
Jugoslavenska Linijska Plovidba (Jugolinija), Cross Ocean Shipping Company, Inc., General Agents, 17 Battery Pl., New York, N.Y., 10004.
Kulukundis Lines, Ltd., Star Line Agency, Inc., General Agents, 115 Broad St., New York, N.Y., 10004.
A. P. Moller-Maersk Line, Moller Steamship Company, Inc., General Agents, 67 Broad St., New York, N.Y., 10004.
Mitsui Steamship Company, Ltd., Mitsui Line Agencies, Inc., General Agents, 17 Battery Pl., New York, N.Y., 10004.
Prudential Lines, Inc., One Whitehall St., New York, N.Y., 10004.
Villain & Fassio E. Compagnia Internazional Di Genova (Fassio Line), Norton, Lilly & Co., Inc., General Agents, 26 Beaver St., New York, N.Y., 10004.

[F.R. Doc. 64-4137; Filed, Apr. 24, 1964; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64-79 etc.]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; and Allowing Rate Changes To Become Effective Subject to Refund; Correction

APRIL 6, 1964.

Continental Oil Company, et al., Docket No. RI64-79, et al.; Gulf Oil Corporation, Docket No. RI64-83.

In the order providing for hearings on and suspension of proposed changes in rates; and allowing rate changes to become effective subject to refund issued August 4, 1963 and published in the FEDERAL REGISTER August 21, 1963 (F.R. Doc. 63-8928; 28 FR-9222), in the chart after Docket No. RI64-83, Gulf Oil Corporation, change "Supp. No." opposite Rate Schedule No. 213 to read "Supp. No. 2" in lieu of "1".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4104; Filed, Apr. 24, 1964; 8:48 a.m.]

[Docket No. G-11790 etc.]

GRAHAM-MICHAELIS DRILLING CO. ET AL.

Certificates of Public Convenience and Necessity; Gas Rate Schedules; Bond

APRIL 20, 1964.

In the matter of Graham-Michaelis Drilling Company (Operator), (successor to William Gruenerwald (Operator), et al.), Docket No. G-11790; Graham-Michaelis Drilling Company (successor to William Gruenerwald (Operator), et al.), Docket No. G-15496; William Gruenerwald (Operator), et al., and Graham-Michaelis Drilling Company (Operator), Docket No. RI62-174.[1]

Order amending orders issuing certificates of public convenience and necessity, redesignating FPC gas rate schedules, accepting notices of succession and supplements to FPC gas rate schedules for filing, making successor corespondent in rate proceeding, redesignating proceeding, accepting agreement and undertaking for filing, and denying motion to terminate bond.

On January 9, 1964, Graham-Michaelis Drilling Company (Applicant) filed in Docket Nos. G-11790 and G-15496 an application pursuant to section 7(c) of the Natural Gas Act to amend the orders issuing certificates of public convenience and necessity in said dockets to William Gruenerwald (Operator), et al., by substituting Applicant as certificate holder, all as more fully set forth in the application.

The subject sales are made to Cities Service Gas Company from the Farley Pool, Barber County, Kansas, pursuant to contracts heretofore designated as William Gruenerwald (Operator), et al., FPC Gas Rate Schedule Nos. 1 and 4, as supplemented, which rate schedules will be redesignated as rate schedules of Applicant. Applicant has submitted a supplemental agreement dated April 26, 1961, which amends the contract heretofore designated as the predecessor's FPC Gas Rate Schedule No. 1 by adding acreage. The supplemental agreement incorporates certain indefinite pricing provisions which are in the basic contract and which are not among those permitted by § 154.93 of the regulations under the Natural Gas Act. The supplemental agreement will be accepted for filing; however, the indefinite pricing provisions shall be inoperative and of no effect at law, and any tendered rate change under such provisions will be rejected if intended to be applicable to sales of gas from the acreage dedicated under the supplemental agreement.

The presently effective rates under the predecessor's rate schedules are in effect subject to refund in Docket No. RI62-174. Applicant has filed a motion to be made co-respondent in said proceeding and has filed an agreement and undertaking to refund those amounts collected above the amount found to be just and reasonable. The predecessor has filed a

[1] Consolidated with Docket No. AR64-1, et al.

motion to terminate his bond filed in the subject proceeding. Applicant will be made a co-respondent and the agreement and undertaking will be accepted for filing. The predecessor's motion will be denied since he remains liable for any refunds found to be required for sales made before the producing properties were assigned to Applicant.

After due notice, no petition to intervene, notice of intervention, or protest to the granting of the application has been filed.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in Docket Nos. G–11790 and G–15496 should be amended as hereinafter ordered.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Graham-Michaelis Drilling Company (Operator) should be made a co-respondent in the rate proceeding in Docket No. RI62–174, that said proceeding be redesignated accordingly, and that the agreement and undertaking submitted by Graham-Michaelis Drilling Company be accepted for filing.

(3) The notices of succession and supplements to the related FPC gas rate schedules should be accepted for filing, and the rate schedules should be redesignated as those of Graham-Michaelis Drilling Company.

(4) The motion filed in Docket No. RI62–174 to terminate the bond filed in said docket by William Gruenerwald should be denied.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity in Docket Nos. G–11790 and G–15496 be and the same are hereby amended by substituting Graham-Michaelis Drilling Company in lieu of William Gruenerwald (Operator), et al., as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Graham-Michaelis Drilling Company (Operator) be and is hereby made a co-respondent in the rate proceeding in Docket No. RI62–174 insofar as said proceeding concerns sales of natural gas from properties assigned to Graham-Michaelis Drilling Company (Operator), said proceeding is redesignated accordingly and the agreement and undertaking is accepted for filing.

(C) Applicant shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and Applicant's agreement and undertaking submitted in Docket No. RI62–174 shall remain in full force and effect until discharged by the Commission.

(D) The motion filed in Docket No. RI62–174 to terminate the bond filed in said docket by William Gruenerwald be and the same is hereby denied.

(E) The notices of succession to related FPC gas rate schedules are accepted for filing effective September 1, 1963, said rate schedules are redesignated, and supplements thereto are accepted for filing effective September 1, 1963, all as follows:

Docket No.	New Designation			Former designation and description and date of instrument
	Applicant	Rate schedule	Supplement	
G–11790	Graham-Michaelis Drilling Co. (Operator).	63		William Gruenerwald (Operator), et al., FPC Gas Rate Schedule No. 1.
		63	1	Supplement No. 1 to above.
		63		Notice of Succession 1–6–64.
		63	2	Supplemental Agreement 4–26–61.
		63	3	Assignment 11–1–63.
G–15496	Graham-Michaelis Drilling Co.	64		William Gruenerwald (Operator) et al., FPC Gas Rate Schedule No. 4.
		64	1	Supplement No. 1 to above.
		64		Notice of Succession 1–7–64.
		64	2	Assignment 11–1–63.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–4106; Filed, Apr. 24, 1964; 8:48 a.m.]

[Docket No. G–3821 etc.]

R. MORGAN

Certificate of Public Convenience and Necessity; Gas Rate Schedules; Bond

APRIL 17, 1964.

In the matter of the Estate of R. Morgan (successor to Rand Morgan), Docket No. G–3821; Estate of R. Morgan, Docket No. G–19879;[1] Estate of R. Morgan, Docket No. RI61–3.[1]

Order amending order issuing certificate of public convenience and necessity, redesignating FPC gas rate schedule, substituting successor in interest as respondent, redesignating proceeding, requiring successor to file surety bonds, and permitting withdrawal of petition to intervene.

On February 10, 1964, the Estate of R. Morgan (Applicant) filed in Docket No. G–3821 an application pursuant to section 7(c) of the Natural Gas Act to amend the order issuing a certificate of public convenience and necessity in said docket by substituting Applicant in lieu of Rand Morgan, deceased, as certificate holder, all as more fully set forth in the application.

Rand Morgan received authorization in Docket No. G–3821 to sell and deliver natural gas in interstate commerce to Associated Oil & Gas Company for resale from the Farenthold and Rand Morgan Fields, Jim Wells and Nueces Counties, Texas, pursuant to a contract designated as Rand Morgan FPC Gas Rate Schedule No. 1. Rates presently and previously collected pursuant to said rate schedule have been suspended and are subject to refund in Docket Nos. G–19879 and RI61–3.

After due notice no notice of intervention or protest to the granting of the application in Docket No. G–3821 has been filed. A petition to intervene was filed on March 10, 1964, by Long Island Lighting Company, and withdrawn on March 31, 1964.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate of public convenience and necessity in Docket No. G–3821 be amended as hereinafter ordered.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the Estate of R. Morgan should be substituted as respondent in the pending rate proceedings in Docket Nos. G–19879 and RI61–3, that said proceedings should be redesignated accordingly, and that the Estate of R. Morgan should be required to file surety bonds in said proceedings.

(3) Long Island Lighting Company should be permitted to withdraw the petition to intervene filed in Docket No. G–3821.

The Commission orders:

(A) The order issuing a certificate of public convenience and necessity in Docket No. G–3821 to Rand Morgan be and the same is hereby amended by substituting the Estate of R. Morgan as certificate holder, and in all other respects said order shall remain in full force and effect.

(B) The Estate of R. Morgan be and it is hereby substituted as respondent in the pending rate proceedings in Docket Nos. G–19879 and RI61–3 in lieu of Rand Morgan, and said proceedings are redesignated accordingly.

(C) Rand Morgan FPC Gas Rate Schedule No. 1 and Supplement Nos. 1–5 thereto be and the same are hereby redesignated as Estate of R. Morgan FPC Gas Rate Schedule No. 1 and Supplement No. 1–5 thereto, and the notice of succession dated February 7, 1964, is hereby accepted for filing effective November 23, 1963.

(D) Within 30 days from the issuance of this order, the Estate of R. Morgan shall execute, in the form set out below,[2] and shall file with the Secretary of the Commission, an acceptable surety bond in Docket No. G–19879 in the amount of $12,000 and in Docket No. RI61–3 in the amount of $4,100 to assure the refunds of any amounts, together with interest at the rate of seven percent per annum collected in excess of the amounts determined to be just and reasonable in said dockets; and the surety bonds filed by Rand Morgan in said dockets are hereby discharged.

(E) The Estate of R. Morgan shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bonds filed in Docket Nos. G–19879 and RI61–3 shall remain in full force and effect until discharged by the Commission.

(F) Long Island Lighting Company is hereby permitted to withdraw the petition to intervene filed in Docket No. G–3821 on March 10, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–4107; Filed, Apr. 24, 1964; 8:48 a.m.]

[1] Consolidated with Docket No. AR64–2, et al.

[2] Filed with the original document.

[Docket Nos. G–19417 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Severing Proceedings, Approving Proposed Settlements, Issuing Certificates of Public Convenience and Necessity; Correction

APRIL 10, 1964.

In the Order Severing Proceedings, Approving Proposed Settlements, and Issuing Certificates of Public Convenience and Necessity, issued March 30, 1964, and published in the FEDERAL REGISTER April 4, 1964 (F.R. Doc. 64–3285; 29 F.R. 4837–4839), make the following corrections:

1. Change line 5 of footnote 1 to read "in all dockets but five were * * *" in lieu of "in all dockets but one * * *".

2. At the end of footnote 4 add "By letter order of June 28, 1962, the effective date to refund was modified to be effective from and after the date of initial delivery in lieu of January 26, 1962."

3. Correct the last five lines of subparagraph (d) in paragraph (E) to read "shall also make provision for a full percentage downward adjustment in price for gas containing less than 1000 Btu's per cubic foot. The precedent processing agreements, where applicable, shall be similarly modified to provide reimbursement to Michigan Wisconsin on the same basis for Btu's below 1000 removed by the producers in processing the gas."

4. In line 4 of paragraph (G) change "CI63–417" to read "CI63–459".

5. At the end of paragraph (G) add "The Authorizations granted herein to Pan American in Docket Nos. CI61–516, CI63–336, and CI63–337 cover acreage only in the 'other Oklahoma' area."

6. Delete footnote 6, at bottom of page 4839, and substitute "As of date of initial delivery in the case of Pan American Petroleum Corporation in accordance with the letter of June 28, 1962."

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–4108; Filed, Apr. 24, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

APRIL 21, 1964.

In the matter of trading on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange in the Common Stock, 10¢ par value and trading on the American Stock Exchange in the 6 percent Convertible Subordinated Debentures due September 1, 1976, of Continental Vending Machine Corporation; File No. 1–3421.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sales of any such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period April 22, 1964, through May 1, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–4124; Filed, Apr. 24, 1964; 8:49 a.m.]

[File No. 1–4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

APRIL 21, 1964.

In the matter of trading on the American Stock Exchange in the Common Stock, 67 cents par value, of Tastee Freez Industries, Inc.; File No. 1–4722.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period April 22, 1964, through May 1, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–4125; Filed, Apr. 24, 1964; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 22, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38978: *Gravel from Riverton, Ind., to Decatur, Ill.* Filed by Illinois Freight Association, agent (No. 236), for

and on behalf of Illinois Central Railroad Company. Rates on gravel, road surfacing, passing through a one inch screen (not suitable for concrete construction), in carloads, from Riverton, Ind., to Decatur, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 110 to Illinois Central Railroad Company tariff I.C.C. A–11687.

FSA No. 38979: *Iron or steel reinforcing bars to Beaumont, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8541), for interested rail carriers. Rates on iron or steel reinforcing bars, in straight mill lengths not less than 40 feet, subject to minimum weight per shipment of 420,000 pounds, from Alton, East St. Louis, and Federal, Ill., also St. Louis, Mo., to Beaumont, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 67 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38980: *Iron or steel reinforcing bars to Beaumont, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8540), for interested rail carriers. Rates on iron or steel reinforcing bars, in straight mill lengths not less than 40 feet, subject to minimum weight per shipment of 420,000 pounds, from Alton, East St. Louis, and Federal, Ill., also St. Louis, Mo., to Beaumont, Tex.

Grounds for relief: Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 67 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–4115; Filed, Apr. 24, 1964; 8:48 a.m.]

[Notice 974]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 22, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66613. By order of April 20, 1964, the Transfer Board approved the transfer to Dreyer Transport, Inc., 4939 North 36th Street, Milwaukee, Wis., of the operating rights in Certificate in No. MC 124383, issued October 15, 1963, to Gerald Dreyer, doing business as Dreyer Transport, 4939 North 36th Street, Milwaukee 9, Wis., authorizing the transportation, over irregular routes, of: Sand, stone chips, and crushed stone, in bulk, and concrete planks, slabs and beams, between specified points in Wisconsin, Illinois, and Indiana.

No. MC–FC 66693. By order of April 20, 1964, the Transfer Board approved the transfer to Raymond Bennett, doing business as R. R. Wix Transfer, 1813 Williamson Street, Wilmington, Del., of the operating rights in Certificate in No. MC 26545, issued by the Commission August 9, 1949, to Robert Reynolds Wix, doing business as R. R. Wix Transfer, 102 West 20th Street, Wilmington, Del., authorizing the transportation, over irregular routes, of household goods, between Wilmington, Del., and points within 20 miles thereof, on the one hand, and, on the other, points in Pennsylvania, Maryland, and New Jersey, rubber hose, from Wilmington, Del., to Passaic, N.J., and New York, N.Y., and tombstones, from Wilmington, Del., to points in Maryland, Pennsylvania, and New Jersey.

No. MC–FC 66712. By order of April 20, 1964, the Transfer Board approved the transfer to Union Transfer Company of Allentown, Inc., Allentown, Pa., of Certificate in No. MC 1344, issued August 1, 1958, to Gordon B. Evans, doing business as Union Transfer Co., of Allentown, Allentown, Pa., authorizing the transportation of: Fresh and canned meats, from Allentown, Pa., to points in Pennsylvania within 75 miles of Allentown; malt, coffee, meat and meat products, from Allentown, Pa., to Phillipsburg, N.J., and points in New Jersey within 50 miles of Phillipsburg; meat and meat products, from Allentown, Pa., to points in Pennsylvania within 40 miles of Allentown; agricultural commodities and groceries, from Allentown, Pa., to points within 40 miles of Allentown; meats, meat products, and meat byproducts, from Elizabeth, N.J., to Allentown, Bethlehem, Easton, and Reading, Pa.; household goods, between Allentown, Pa., and points within 50 miles of Allentown, on the one hand, and, on the other, points in New Jersey, New York, and the District of Columbia, and between Allentown, Pa., and points within 25 miles of Allentown, on the one hand, and, on the other, points in New York, New Jersey, and Maryland; and contractor's equipment and machinery, between Allentown, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey within 50 miles of Allentown. Bernard Frank, 517 Hamilton Street, Allentown, Pa., attorney for applicants.

No. MC–FC 66716. By order of April 20, 1964, the Transfer Board approved the transfer to Marie Morris, doing business as Vandalia Transfer Co., Vandalia, Ill., of Certificate in No. MC 109862 (Sub No. 1), issued September 22, 1959, to David V. Foley, Jr., doing business as Foley Truck Service, 80 Bellerive Acres, Normandy, Mo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk and other specified commodities, over regular routes, between Pierron, Ill., and St. Louis, Mo., serving intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and those within 15 miles of Pierron.

No. MC–FC 66720. By order of April 20, 1964, the Transfer Board approved the transfer to Harvey L. Williams, Jr., Tarkio, Mo., of the operating rights issued by the Commission July 7, 1949, under Certificate in No. MC 74101, to Smallwood Transfer & Storage Company, a corporation, St. Joseph, Mo., authorizing the transportation over irregular routes, of household goods, as defined by the Commission, between points in Buchanan County, Mo., on the one hand, and, on the other, points in Kansas, Nebraska, and Illinois. Carl V. Kretsinger, 510 Professional Building, Kansas City, Mo., attorney for applicants.

No. MC–FC 66754. By order of April 20, 1964, the Transfer Board approved the transfer to Sizer Trucking, Inc., Rochester, Minn., of the operating rights issued by the Commission December 6, 1951, May 19, 1953, October 29, 1952, September 21, 1954, April 28, 1958, August 18, 1959, June 24, 1960, February 3, 1961, November 20, 1961, June 13, 1963, and August 15, 1953, to Oren M. Sizer, doing business as Sizer Grain Service, under Certificates Nos. MC 109994 (Sub No. 5), MC 109994 (Sub No. 8), MC 109994 (Sub No. 10), MC 109994 (Sub No. 13), MC 109994 (Sub No. 15), MC 109994 (Sub No. 16), MC 109994 (Sub No. 19), MC 109994 (Sub No. 21), MC 109994 (Sub No. 23), and MC 109994 (Sub No. 25), respectively, authorizing the transportation, over irregular routes, of animal and poultry feed, animal and poultry mineral mixtures and advertising matter from Burlington, Wis., to points in Minnesota; empty containers from points in Minnesota to Burlington, Wis.; oat flour, from St. Joseph, Minn., to Danville, Ill.; animal and poultry feed, animal and poultry mineral mixtures, insecticides, insect repellents and vermin exterminators, and advertising matter for the above-named commodities, from Burlington, Wis., to points in North Dakota and South Dakota; insecticides, insect repellents, and vermin exterminators and advertising matter therefor from Burlington, Wis., to points in Minnesota, and empty containers for the above-described commodities, from the above-described territories to Burlington, Wis.; horsemeat from Estherville, Iowa, to points in Wisconsin; condensed whey, from Richland Center and Marshfield, Wis., to points in Iowa; frozen packinghouse byproducts and frozen poultry byproducts, not for human consumption, from Omaha, Nebr., specified points in Iowa, Missouri, Colorado, and Minnesota, to points in Illinois, South Dakota, Minnesota, Wisconsin, and the upper peninsula of Michigan; frozen horsemeat, from Jamestown, N. Dak., and Aberdeen, S. Dak., to points in Minnesota, Wisconsin, South Dakota, and the upper peninsula of Michigan; frozen packinghouse byproducts and frozen poultry byproducts, not for human consumption, from Richmond, Va., Chicago, Ill., Mitchell, S. Dak., Fremont, Nebr., Iowa City, Dubuque, and Spencer, Iowa, and Fargo, N. Dak., to points in Minnesota, Wisconsin, South Dakota, and the upper peninsula of Michigan; frozen peas, from Milwaukee and Fond du Lac, Wis., to Rochester, Minn.; wool, wool waste, and wool imported from a foreign country, from Philadelphia, Pa., Boston, Mass., and Albany, N.Y., to Reedsburg, Wis.; meat scrap, from Howard, Wis., to points in Minnesota; imported wool, wool tops and noils and wool waste and domestic wool, from Philadelphia, Pa., and points in Massachusetts, to Faribault, Minn., and points in Wisconsin; from points in Massachusetts, to Lacon, Ill.; from Rochelle, Ill., to Chippewa Falls, Wis.; fish flour and fish meal, from New Bedford, Mass., to points in Iowa, the upper peninsula of Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin; and packinghouse products, not for human consumption (except in bulk in tank vehicles), from Duluth, Minn., to points in Illinois, Iowa, the Upper Peninsula of Michigan, North Dakota, South Dakota, and Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–4116; Filed, Apr. 24, 1964; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 21, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38974: *Joint Motor-Rail Rates, Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, agent (No. 84), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 13 to Central and Southern Motor Freight Tariff Association, Incorporated, agent, tariff MF–I.C.C. 286.

FSA No. 38975: *Commodities between points in Southern Territory.* Filed by O. W. South, Jr., agent (No. A4500), for interested rail carriers. Rates on various commodities, in carloads and tank-car loads, between points in southern territory.

Grounds for relief: Market competition.

FSA No. 38976: *Cement and related articles from Selma, Mo.* Filed by O. W. South, Jr., agent (No. A4501), for interested rail carriers. Rates on cement and related articles, in carloads, from Selma, Mo., to points in southern territory.

Grounds for relief: Market competition, short line distance formula and grouping.

Tariff: Supplement 41 to Southern Freight Association, agent, tariff I.C.C. S–351.

FSA No. 38977: *Groundwood paper winding cores from and to points in Southern Territory.* Filed by O. W. South, Jr., agent (No. A4502), for interested rail carriers. Rates on groundwood paper winding cores, as described in the application, in carloads, between points in southern territory, from points in official (including Illinois) and western trunk-line territories, on the one hand, and points in southern territory, on the other.

Grounds for relief: Carrier competition.

Tariff: Supplement 92 to Southern Freight Association, agent, tariff I.C.C. S–230.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–4054; Filed, Apr. 23, 1964; 8:48 a.m.]

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 9469, 28 F.R. 4269 and 10468) during the six months' period ended March 14, 1964.

No change.

Dated: March 14, 1964.

A. W. WUERKER.

[F.R. Doc. 64–4118; Filed, Apr. 24, 1964; 8:49 a.m.]

JOHN V. LAWRENCE

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 9545, 28 F.R. 4117, and 10468) during the six months' period ended March 14, 1964.

No change.

Dated: March 14, 1964.

JOHN V. LAWRENCE.

[F.R. Doc. 64–4117; Filed, Apr. 24, 1964; 8:49 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 29 · NUMBER 82

Washington, Saturday, April 25, 1964

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1001, 1006, 1007, 1014, 1015]

[Docket Nos. AO–14 A–35, AO–208 A–17, AO–204 A–17, AO–302 A–9, AO–305 A–9]

MILK IN CERTAIN NEW ENGLAND MARKETING AREAS

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Greater Boston, Springfield, and Worcester, Massachusetts; Southeastern New England; and Connecticut marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Eight copies of the exceptions should be filed.

Preliminary statement. The joint hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Boston, Springfield, and Worcester, Massachusetts; Providence, Rhode Island; and Hartford, Connecticut; on January 7–25 and February 11–16, 1963, pursuant to notice thereof which was issued July 27, 1962 (27 F.R. 7647 and 7828) and supplemental notices thereof which were issued October 15, 1962 (27 F.R. 10299), November 9, 1962 (27 F.R. 11321), and December 10, 1962 (27 F.R. 12449).

To facilitate the receiving of evidence in an orderly manner, the numerous proposals considered at the hearing were grouped at the outset by the Presiding Officer into several categories on the basis of subject matter. For purposes of this decision also the proposals continue to be grouped by similar categories and are listed below as the material issues of the hearing. Accordingly, the amendments to the respective orders as proposed herein are described under the appropriate subject category with appropriate references to the specific order involved.

The material issues on the record of the hearing relate for all five orders to:

1. Need and basis for order consolidation;
2. Other proposed changes in marketing areas;
3. Zone differentials and zoning;
4. Farm location differentials;
5. Class prices;
6. Producer-handler definitions, "dairy farmer-distributors", and exemption of "own farm" production;
7. Accounting and reporting provisions;
8. Classification and assignment provisions;
9. Basis and scope of pooling;
10. Payments to producers and cooperative associations;
11. Marketing service deductions; and
12. Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Need and basis for order consolidation.* The Federal orders which regulate the handling of milk in the Greater Boston, Southeastern New England, Springfield, and Worcester marketing areas should be consolidated into one order. The consolidated marketing area to be regulated thereunder should be designated as the "Massachusetts-Rhode Island" marketing area.

A group of nine cooperative associations which represent producers under the New England orders whose farms are located principally in the State of Vermont proposed that the five New England orders now in effect be consolidated into one order. A similar proposal was made by certain cooperative associations representing producers under the New York-New Jersey Federal order. Three other cooperative associations representing producers under the New England orders whose farms are located principally in the States of Massachusetts, Vermont, New Hampshire, and Maine proposed that the Greater Boston, Springfield, and Worcester orders be combined. Another cooperative association representing primarily producers under the New York-New Jersey Federal order, but also representing producers under some of the New England orders, proposed that the five New England orders be merged into two orders. According to the latter proposal one order would be a combination of the Greater Boston, Southeastern New England, and Worcester orders and the other order a combination of the Connecticut and Springfield orders.

In summary, proponents of the several merger proposals contended that numerous marketing changes during the past several years have caused the five New England markets to become highly interrelated in both the procurement and the distribution of milk. They pointed to such supporting circumstances as the consolidation, expansion, and specialization of supply plants and distributing plants, the use of new types and sizes of consumer packages, the increased number and size of wholesale outlets, and the greater proximity of population centers to more distributing plants due to suburban expansion. Other changes include the general increase in milk production, the increased use of farm bulk tanks, and improved roads and transportation facilities. Proponents further stated that added factors such as the substantial difference among the New England markets in their fluid milk requirements in relation to supply, and the historical association of major surplus disposal facilities with the Boston markets, also contribute to the interdependency of these markets.

Proponents pointed out that substantial volumes of milk are being moved regularly among the New England markets and that numerous plants are being shifted frequently from regulation under one order to regulation under another. Under these circumstances, the separate regulation of these markets is causing inefficiency in marketing and often inequitable situations for substantial num-

bers of producers who are supplying milk to these markets. They contended that these problems can be resolved effectively only through order consolidation.

On the basis of the findings herein, it is concluded that the consolidation at this time of the Boston, Southeastern New England, Springfield, and Worcester markets under one order is necessary to maintain orderly and efficient marketing in these areas. The marketing problems described by witnesses in connection with both the merger proposals and the other proposals pertaining to interorder relationships relate primarily to these four markets. A consolidation of only the three Massachusetts orders or of only the Boston, Southeastern New England, and Worcester orders, as alternatively proposed, or no consolidation of orders, would continue the application of separate orders to an area which has become, in effect, a common market for a large segment of the dairy farmers in New England. Because the major problems pertaining to intermarket relationships in New England do not involve the Connecticut market, the consolidation of the Connecticut order with any of the other New England orders is not presently warranted.

When the Boston, Southeasten New England, Springfield, and Worcester orders were issued, they regulated areas which were generally distinguishable as separate markets for particular groups of producers. Both distributing plants and supply plants were usually associated continuously with only one market. Handlers' retail and wholesale routes were confined in most cases to areas relatively close to their distributing plants. Because distributing plants were more numerous and of smaller size than is the case today, intermarket handler competition was relatively minor.

Distinguishable markets for milk in most of eastern Massachusetts and Rhode Island no longer exist, however. The population increase of recent years, and particularly the growth of suburban areas around principal cities in Massachusetts and Rhode Island, has induced handlers in one defined marketing area to extend their distribution routes into other such marketing areas. This action has been encouraged by the increasing proportion of business done through supermarkets and by improved roads and transportation facilities. To achieve economies of scale and to meet consumer demand, a number of handlers have concentrated their processing and packaging operations in larger plants which contain the specialized equipment necessary to package milk in the many sizes and types of containers in use today. This has resulted in regular distribution to more than one regulated market at the same time from an individual plant. Also, the Boston, Southeastern New England, and Worcester marketing areas adjoin each other and the eastern periphery of the Springfield marketing area is relatively close to the western boundary of the Worcester marketing area. Because distributing plants are scattered widely throughout these four marketing areas, only short distances are involved in many cases for operators of these plants to extend their distribution routes into another marketing area. The numerous instances of overlapping of handler sales areas is thus resulting in intermarket competition for fluid milk sales throughout an area which has become essentially a single fluid milk consumption center.

A number of cases of regular intermarket route distribution by specific handlers were cited in the record. One handler supplies about 70 stores in the Boston market, approximately 27 stores in the Southeastern New England market, and about 5 stores in the Worcester market with milk packaged at a Boston order regulated plant located in the Readville section of Boston. Before this plant was built, the stores in the Southeastern New England market had been supplied with milk packaged at plants regulated under the Southeastern New England order. Outlets in these three markets are supplied also by another handler from a plant located in the Charlestown section of Boston and from a plant at Framingham, Massachusetts, both of which are regulated under the Boston order. Another handler currently supplies Boston, Worcester, and Southeastern New England market resale outlets from another Boston order pool plant located at Charlestown. In the case of the latter handler, the Worcester and Southeastern New England market outlets had been supplied formerly from distributing plants, now closed, which were located at Worcester and Providence and operated as pool plants under the Worcester and Southeastern New England orders.

The operator of still another Boston order pool plant at Charlestown packages milk there for distribution to resale outlets in the Boston, Southeastern New England, and Worcester markets. This handler also moves packaged milk into the Worcester market from its Springfield order plant located at Agawam, Massachusetts. In addition, the handler distributes packaged milk in parts of the Boston marketing area from its Worcester order pool plant located at Worcester.

Further examples of intermarket distribution of packaged milk involve milk distributed (1) in the Boston market from Southeastern New England order pool plant located at Northampton, New England marketing area at Fall River, Franklin, and Brockton, Massachusetts, (2) in the Springfield market from a plant located at Woonsocket, Rhode Island, which is regulated under the Southeastern New England order, (3) in the Southeastern New England market from a Worcester order pool plant located at Worcester, (4) in the Boston market from another plant at Worcester which is pooled under the Worcester order, and (5) in the Worcester market from a Springfield order pool plant located at Northampton, Massachusetts, in the Springfield marketing area.

Intermarket disposition of milk results also because of transfers of packaged fluid milk products between distributing plants regulated under different orders. It is not unusual for a distributing plant under one order to be dependent upon a distributing plant under another order for fluid milk products of a certain type or packaged in a particular type or size of container. Such transfers often allow a more efficient fluid milk operation for the importing handler.

Opponents of the merger proposals contended that intermarket route distribution is limited to the few larger handlers in the markets involved and that the actions of these few handlers should not be a determining factor for any order consolidation. It may not be overlooked, of course, that the larger handlers distribute a substantial proportion of all producer milk pooled in the four markets proposed herein to be merged. Accordingly, the blended prices returned to many of the New England producers under separate orders are affected materially by the distribution patterns established by these handlers since, as explained later herein, such patterns are material in determining which order is applicable with respect to substantial quantities of milk. However, it may be noted also that the opportunities for smaller handlers to do business within more than one marketing area are considerable since distributing plants are widely scattered and, in many instances, the boundary of an adjacent marketing area is only a short distance from the plant.

These markets are characterized further by frequent intermarket shifting of both distributing plants and supply plants, which situation creates uncertainty for individual producers in the separate markets as to the returns they may reasonably expect. A number of handlers were described as having route sales of nearly equal volume in two New England Federal order markets. In such cases relatively minor changes in a handler's sales patterns are sufficient to cause his plant to become pooled in a market other than the one with which it is customarily associated. Moreover, the impact on blended prices of distributing plant shifts is even greater when such shifts cause supply plants, in turn, to shift from one market to another.

A pertinent illustration is the case of a handler who operates a distributing plant at Dudley, Massachusetts. For a period of months the handler's Class I route sales from this plant in two of the New England Federal order markets were nearly equal in volume. Any relatively small shift in his distribution pattern could qualify the plant for pooling under either order in a given month. This circumstance contributed to the pooling of the plant in the "wrong" market for several months, a condition which ultimately resulted in substantial adjustments to the blended prices in the two markets.

Before July 1962, the Dudley plant customarily had been pooled on the basis of its route disposition in the Worcester market. In the months of July through October 1962 the plant continued, though inadvertently, to be pooled in that market. Routine audit of the handler's records subsequent to this July through October period revealed, however, that, in fact, greater route sales from the plant had been made in the Southeastern New England marketing area than in the Worcester marketing area during each of these months. According to the terms of each of the orders, the plant thus should have been pooled under the Southeastern New England order in those months. Inasmuch as pool proceeds in the Worcester market already had been distributed to producers on the basis of the plant being a pool plant under the Worcester order during that period, appropriate adjustments in the producer-settlement funds under the two orders became necessary. The appropriate pooling of the plant in November 1962 was so uncertain at the end of the month that a special audit of the handler's route disposition in that month was necessary prior to the computation of the blended price to determine which order should apply.

Further, appropriate regulation of three supply plants in certain months of the same July–October 1962 period was contingent upon the proper pooling of the Dudley plant. The determination that the Dudley plant originally had been pooled under the wrong order therefore directly affected the pool status of the three supply plants for the same prior period. Thus, a supply plant located at Lyndonville, Vermont, was pooled in the wrong market in the months of July, August, and September. Also, supply plants located at Chelsea and Bradford, Vermont, were pooled in the wrong market in the months of July and August in one case and in the month of July in the other. Corrective changes in the pool status of these plants also necessitated adjustments in the producer-settlement funds under the two orders. Because of the relatively small total volume of producer milk normally pooled in the Worcester market, the adjustments necessitated by shifting both the distributing plant and the supply plants from such market depressed the blended price to all Worcester market producers in the month of November 1962, when the necessary pool adjustments were made, by an amount estimated at more than 20 cents per hundredweight.

A very small change in the proportion of milk distributed in the various markets from the Dudley plant resulted in its being pooled again in the Worcester market from December 1962 through May 1963. As a result of further changes in route disposition the plant was pooled in the Connecticut market in June 1963 and in the Boston market in July 1963. (Official notice is taken of "The Market Administrator's Review", Volume 15, No. 8, issued August 1963 by the market administrator for the three Massachusetts orders.) With separate orders, continuance of advance audits of the route sales from the plant, made before the monthly pool computations, obviously would be necessary to avoid recurrence of the July–October 1962 pooling problem. In any case, from his own testimony, the handler is in position, with separate regulations, to shift his operations from one market to another with little effort. Consequently, he may not be clearly identified with a particular market.

Several other New England handlers also have made route sales of about equal volumes in two markets from a single distributing plant. On the basis of relatively minor changes in such handlers' sales patterns, the plants involved became regulated in markets other than the one in which they had been regulated historically and clear identification with a given market over time is no longer possible. For example, a distributing plant located at Franklin, Massachusetts, which had been a pool plant in the Southeastern New England market for some time, for this reason became a pool plant in the Boston market in June 1962.

In another case, a distributing plant located at South Boston and customarily pooled in the Southeastern New England market became a pool plant in the Boston market in March 1961, also because of a change in its sales pattern. This plant was later closed and a newly constructed distributing plant located at Canton, Massachusetts, which had absorbed the packaging operations of the South Boston plant, became a pool plant in the Southeastern New England market in July 1962. The plant became a pool plant in the Boston market again in October 1962.

Another distributing plant located at Woonsocket, Rhode Island, which had been a pool plant in the Boston market for a substantial period before May 1961 became a Southeastern New England order pool plant in that month.

Under separate regulations the association of plant milk supplies with one or another of the markets on a continuing basis in response to market needs for milk and price incentives also has become increasingly difficult. Several amendment actions have resulted for the express purpose of resolving this problem. However, while the order amendments generally improved the immediate marketing situation, they have been for the most part ineffective in furthering long-range stability for all the markets.

In this connection, it should be noted that the Boston market is characterized by numerous supply plants located in northern New England which perform the role of collecting milk for transfer to processing and packaging plants located in the marketing area. Some of these plants while maintaining pool status in the Boston market are substantial sources of milk for Southeastern New England distributing plants and for Boston plants which distribute on routes in the Southeastern New England market. Though fewer in number, some supply plants are similarly associated with the Southeastern New England market. In the Worcester and Springfield markets supply plants are not an important regular source of milk although supply plants attached to other markets are relied upon occasionally by these markets for milk to supplement the locally produced milk supplies.

The shifting of a supply plant from one market to another may occur for various reasons. In many cases the shifts take place in response to a higher blended price reflecting a relatively greater need for milk in the transferee market. Such shifts often have been made, however, in an attempt to bring blended prices into closer alignment. There is an incentive for handlers to make such shifts simply in order to retain milk deliveries from producers at the handlers' country plants. Numerous shifts of supply plants have been made, particularly between the Boston and Southeastern New England markets, in pursuit of this objective. The numerous shifts of supply plants from regulation under one order to regulation under another of the four orders may be illustrated by the fact that during the period September 1960 through September 1962 sixteen such plants were so shifted. In this period seven plants were shifted once, three plants twice, five plants three times, and one plant five times.

However, because of seasonal differences in market demand patterns, institutional factors affecting the marketing of milk and unforeseen contingencies, the efforts of handlers and cooperatives to achieve reasonably close blended price alignment in the four markets have not been successful. A particularly significant circumstance which has prevented successful price alignment is the increasing volumes of milk handled at country supply plants. The shift of one additional large size plant may well result in an over-adjustment of blended prices. Often, also, these shifts have been made at the sacrifice of efficiency in the marketing system and have resulted in extra marketing costs.

Despite the efforts that have been made to attain alignment of blended prices, significant differences in prices under the separate orders have persisted during recent years. The most important blended price differences, under present marketing conditions in New England, are those between the Boston and Southeastern New England markets, which, as previously indicated, adjoin each other in a densely populated residential and industrial area of Massachusetts. For the four-year period 1960 through 1963, for example, the Southeastern New England blended prices averaged 15 cents per hundredweight above the comparable blended prices of the dominant Boston market. During this time the Southeastern New England monthly blended prices exceeded the comparable Boston blended prices by more than 20 cents per hundredweight on 18 different occasions. During seven of these months the difference was more than 30 cents per hundredweight. The Worcester blended prices in this period exceeded the Boston blended prices by an average of 7.5 cents per hundredweight. On the other hand, the Springfield blended prices averaged 7.5 cents less per hundredweight than the Boston blended prices during the same period. (Official notice is taken of the "Monthly Statistical Reports" for 1963 which were issued by the market administrators for the five New England markets.) Quite naturally, substantial differences in blended prices result in dissatisfaction on the part of

those individual producers and producer groups who are receiving the lowest blended prices.

It may be noted that there is a definite seasonal character to the blended price differences between the Boston and Southeastern New England markets, with prices in the latter market reaching maximum variation over the Boston prices in the summer and early fall months and with narrow price differences prevailing in most other months. This reduces the incentive for proprietary handlers or cooperative associations operating under the Boston order to qualify plants and milk supplies for pooling under the Southeastern New England order on more than a temporary basis. In months other than in summer and early fall any substantial amount of additional milk in the Southeastern New England pool would reduce the blended price below Boston's blended price at all locations without advantage to the plant operator qualifying the additional milk, or to the producers of such milk. Thus, it would be virtually impossible to achieve close alignment of prices throughout the year under separate orders by the normal course of action available to plant operators, i.e., of qualifying additional milk for year-round pooling in the Southeastern New England market.

It is clear that a single marketing area has developed where previously separate markets existed. Under this circumstance, the economic stresses, marketing instability and price uncertainties which have developed and persisted must be eliminated by the adoption of a single milk order with a single marketwide pool.

Because of the differences in present market utilization patterns, however, the immediate effects of establishing a common pool on current blended price levels in the previous individual markets will vary. For example, estimates of the blended price level (computed on a weighted average basis) that would have resulted in 1963 from pooling under the Massachusetts-Rhode Island order proposed herein (at the class prices which prevailed during such period and exclusive of any change in zone differentials) are that producers in the present Boston and Springfield markets would have had their average prices increased 3 cents and 11 cents per hundredweight, respectively. Worcester producers would have received an average of 2 cents per hundredweight less in 1963 while producers who have been supplying the Southeastern New England market would have received an average of 11 cents less per hundredweight.

It was in connection with the contemplated decrease in the Southeastern New England blended prices that representatives of certain Southeastern New England producers testified against any merger involving their market. Such representatives expressed the view that a merger of such market with one or more of the Massachusetts markets would be financially deterimental to Southeastern New England producers. In addition, it was felt that the lower blended prices would cause a decrease in milk production in the nearby production areas, thereby increasing procurement problems for the smaller handlers in the market. It was contended that these handlers historically have relied on milk produced on close-in farms in Rhode Island and in the nearby Connecticut and Massachusetts areas for their fluid needs. Therefore, the present higher level of Southeastern New England blended prices is needed, they contended, to maintain milk supplies in such nearby production areas and to provide incentive for the seasonally greater production needed in summer and early fall to supply the resort trade characteristic of this market. Witnesses stated that in the event of shorter local supply these handlers would have to procure milk from more distant sources and, because of the relatively small quantities of milk involved for such a handler, any resulting higher procurement cost would place him at a competitive disadvantage with the larger handlers in the market.

It is estimated that the proposed merger of the four orders, and the proposed 7-cent reduction in the city plant Class I zone differential described later herein, would have resulted in an average one percent reduction in the 1963 weighted average blended prices to nearby producers in Massachusetts, Connecticut, and Rhode Island who deliver milk to city plants covered by the orders. Thus, the effect on availability of producer milk produced in such areas to Southeastern New England handlers should be minor. Moreover, as described under Issue No. 3, milk produced in these areas has become overpriced under the orders relative to country plant milk, and city plant operators often have preferred to purchase milk from country sources rather than from local producers. This situation is, in fact, one of the major marketing problems dealt with in this decision because recently much of the locally-produced milk has had to be disposed of in manufacturing channels.

In 1963, 20 percent of all producer milk received directly at city plants in the Boston, Southeastern New England, Springfield and Worcester markets was used in Class II. This milk, which is greater in quantity than the aggregate amount of milk which Southeastern New England handlers currently purchase from "up-country" plants (equal in 1963 to about 18 percent of their total Class I milk), will be made more attractive pricewise for Class I use by the proposed reduction in the city plant Class I zone differential and is available to serve the needs of those who desire nearby milk for Class I use. In view of the foregoing, there is no reason to believe that the total supply of milk available to all handlers under the merged order, including present Southeastern New England handlers, will not be ample in view of the substantial reserve supplies available in New England.

As indicated previously, the marketing problems described on the record relative to the several merger proposals relate mainly to the marketing of milk in the Boston, Southeastern New England, Springfield, and Worcester markets. Although three different merger proposals embraced also the Connecticut market, witnesses did not describe any marketing problem which warrants consolidating the Connecticut order with any of the other New England orders. The interrelationships between the Connecticut market and the other regulated markets in New England with respect to supplies and intermarket distribution have not been as marked as for the four markets proposed for consolidation, and there was little evidence to suggest any significant change in this situation in the near future.

It is not clear that the consolidation of the Connecticut order with any of the other New England orders would improve materially, under present marketing conditions, the efficiency of milk marketing in New England or solve the problems of marketing which warrant merger of the other orders. There has been no problem between the Connecticut market and other New England markets of supply plant shifts to contribute to the instability in market supplies and producer prices referred to previously. It reasonably may be expected also that the fact of adoption of a Massachusetts-Rhode Island order, as proposed herein, would minimize accidental or undesirable shifts of plants and supplies between markets and that, consequently, greater stability of market supply and prices will result for the Connecticut market as well as for the combined market area.

Moreover, evidence does not show that the two groups of cooperative associations which proposed the consolidation of all five New England orders would be impaired in performing their usual marketing functions if the Connecticut order were not merged with the other four New England orders. These associations had no members who were producers in the Connecticut market at the time of the hearing and they have not become identified from a marketing standpoint with the Connecticut market.

In light of all the above circumstances, it is concluded that the Greater Boston, Southeastern New England, Springfield, and Worcester orders should be merged into one order.

It should be noted in connection with this discussion of order consolidation that many provisions of the Boston, Springfield, and Worcester orders are either identical or similar, but differ in many respects from the provisions of the Southeastern New England order. The several merger proposals involving the Boston order contemplated the adoption of many of the provisions of that order as the basic provisions for a consolidated order. A majority of the milk now pooled in the four markets proposed herein to be merged already is subject to the nearly identical provisions of the three Massachusetts orders. It is therefore concluded that generally the terms and provisions of the Boston order are appropriate terms and provisions for the proposed Massachusetts-Rhode Island order, subject, however, to the modifications set forth in the findings and conclusions herein pertaining to the other issues considered at the hearing. Further, it is appropriate that the Connecticut order and the proposed Massachusetts-Rhode Island order be closely coordinated to avoid any conflict in regulation and to facilitate any intermarket movements of milk as may occur.

In this connection, the provisions of the three Massachusetts orders presently are supplemented by published rules and regulations which have been developed over time for the effective administration of these orders. No similar rules and regulations are applicable under the present Southeastern New England order. Some of the provisions of the rules and regulations, particularly those having clarifying effect with respect to the classification of milk, the making of necessary reports by handlers, and producer payments, should be adapted for incorporation into the Massachusetts-Rhode Island order. Other provisions of such rules and regulations should be abandoned either as obsolete or no longer necessary. The latter rules relate primarily to application of the butter-cheese price adjustment (no longer provided in the orders), errors relating to deductions for cooperative associations, assignment of butterfat processed into cheese to sources, basis for determining quantities of fluid milk products received or used by handlers, and listing of milk conversion factors. In view of the foregoing, the rules and regulations presently in effect under the three Massachusetts orders would be abolished simultaneously with promulgation of the proposed Massachusetts-Rhode Island order.

2. *Other proposed changes in marketing areas.* In establishing a consolidated marketing area, the geographical limits of the four marketing areas which are now regulated under the Boston, Springfield, Worcester, and Southeastern New England orders should remain unchanged. The Connecticut marketing area, under separate regulation, also should remain as presently defined.

One proponent of the proposal to merge the five New England orders further proposed to include certain unregulated Massachusetts towns in any consolidated marketing area, to wit: Harvard, Bolton, Berlin, Northbridge, Uxbridge, and Douglas in Worcester County and Boxboro, Acton, Carlisle, Concord, Lincoln, Maynard, Sudbury, Hudson, and Stow in Middlesex County. Northbridge, Uxbridge, and Douglas are surrounded by other towns included in one or another of the present marketing areas, and the other named towns are nearly surrounded by regulated areas. Proponent contended that it was not appropriate for islands or pockets of unregulated territory in which regulated handlers make route sales to exist within the general area of the proposed consolidated marketing area. Proponent also contended that the administration of the consolidated order could be facilitated by the regulation of these towns.

Also, a proprietary handler proposed that the Worcester marketing area be expanded to include the Massachusetts towns of Sturbridge in Worcester County and Brimfield, Wales, and Holland in Hampden County, all of which lie between the Worcester and Springfield marketing areas. This proponent contended that the addition of such towns to the Worcester marketing area would result in a greater proportion of his route sales being in that marketing area, thereby reducing the possibility of his distributing plant being pooled at times under another New England order.

The fact that certain unregulated territory is nearly surrounded by regulated areas in itself does not necessitate an extension of Federal regulation to the territory. Also, it is expected that the proposed consolidation of marketing areas will minimize or even eliminate the likelihood of any plant being inadvertently shifted from one market to another. It was not shown that disorderly marketing conditions resulting from the sale of unregulated milk, the customary basis for regulation in any area, prevail in the above-named towns. Inasmuch as the record fails to support the inclusion of these towns in the marketing area, the proposals must be denied.

Three handlers regulated under the Worcester order jointly proposed that the Massachusetts cities and towns of Fitchburg, Gardner, Leominster, Lunenburg, Princeton, Sterling, and Westminster be removed from the Worcester marketing area. Proponents contended that from the time such cities and towns first became regulated as a result of the extension of the Worcester marketing area in September 1960, considerable extra expense to them has resulted because of additional recordkeeping and equalization payments into the producer-settlement fund.

No evidence was given to indicate, however, that marketing conditions in these cities and towns have changed substantially from the time when it was determined appropriate that they should be included in the Worcester marketing area. The removal of these areas from regulation could result in the influx of unpriced milk. Such a condition would be detrimental to handlers distributing milk in these areas who would continue to be regulated. Proponent handlers pay the same prices for milk under the order as other Worcester handlers. The fact that their cost of milk may have increased following the expansion of the area in itself is not sufficient grounds for modifying the marketing area. The proposal therefore is denied.

A cooperative association representing producers in Massachusetts proposed that the city of Marlborough and the town of Southborough (which are now a part of the Boston marketing area), and the Massachusetts towns of Milford, Hopedale, and Mendon (which are now a part of the Southeastern New England marketing area), be included as a part of the Worcester marketing area. In view of the conclusion that the Boston, Springfield, Worcester, and Southeastern New England marketing areas should be consolidated, this proposal is denied.

Dukes County, Massachusetts, which is a part of the Southeastern New England marketing area and which is limited geographically to certain islands, the principal of which is Martha's Vineyard, should not be removed from Federal regulation. A cooperative association, the membership of which consisted of a small number of producers in Martha's Vineyard, proposed removal of such county from regulation on the basis that regulation is no longer needed by island producers. A handler testified, on the other hand, that primary distribution in Dukes County is made by handlers currently regulated under the Southeastern New England order. The great majority of fluid milk sales in the county, therefore, are derived from regulated milk. In this circumstance, the continuation of regulation is appropriate.

3. *Zone differentials and zoning.* The Massachusetts-Rhode Island and Connecticut orders should provide that the Class I and blended prices applicable at nearby (city) plants be 47 cents per hundredweight above comparable prices for the 21st (201–210 mile) zone. The present Boston order's schedule of price differentials by zones, as modified herein, should be incorporated in the Massachusetts-Rhode Island order, and the zone differentials for Class II prices under the Boston order should be adopted as the zone differentials for Class II prices under the Connecticut order. The "nearby plant" (city plant) zone under the Massachusetts-Rhode Island order (at which the plus 47-cent zone differential would apply) should be approximately the same area now encompassed within the farm location differential areas under the Boston, Springfield, Worcester, and Southeastern New England orders plus the remainder of the State of Connecticut not currently included in such farm differential areas. The basing point for computing zone prices under the consolidated order should be Boston.

Three cooperative associations proposed that the Class I zone differential of 54 cents per hundredweight which is presently applicable at city plants under the Boston order be reduced by 12–14 cents. Corresponding reductions under the other orders were proposed with respect to Class I prices at city plants in relation to Class I prices at plants in the 21st zone.[1] A proprietary handler made another proposal to the effect that the price difference between the city and 21st zones under the Boston, Worcester, and Southeastern New England orders be reduced 17 cents.

The city plant Class I zone differential under each order establishes the Class I price applicable at plants located in, or close to, a central or principal consumption area of the market. For purposes of discussing differences between city and country zone pricing in the New England markets, differences are customarily measured by comparison with 21st zone pricing. On this basis such city plant zone differential is 54 cents per hundredweight of milk under each of the orders. This amount, determined on the basis of previous hearings, is related to the difference in cost to city plant operators of receiving milk directly from producers at such plants as compared to the cost of purchasing milk which is first received

[1] Basic prices under the Boston order are for receipts at the 201–210 mile zone. Under the Southeastern New England, Connecticut, Springfield, and Worcester orders, the basic prices are for receipts at city plants.

from producers at country plants located in the 21st zone and then moved to a city plant.

The purpose of establishing zone differentials is to achieve a high degree of uniformity in prices to all handlers f.o.b. the market for milk which is received from producers at plants located at varying distances from the principal consumption area. To achieve this purpose, the zone differentials must closely reflect costs generally incurred in receiving milk at country plants and moving such milk to city plants.

The present nearby plant Class I zone differential of 54 cents is based on two principal factors: (1) Freight charges for hauling milk from plants located in the 21st zone to city plants, and (2) the difference between costs incurred in the assembly of producer milk at country plants for transfer to city plants and costs incurred in receiving milk at city plants directly from producers. The total freight charge allowed in the present differential is 41 cents per hundredweight, which includes a Federal transportation tax no longer in effect. In earlier computations of the difference between country and city receiving costs, total country plant handling costs were considered to be 23 cents per hundredweight. Of the latter amount, 20 cents represented the cost of operating the country plant and the remaining three cents was to cover the cost to the handler in furnishing cans for the shipment of milk from the country plant to the city plant. Handling costs for receiving, weighing, and testing milk received from farms at the city plant were considered to be 10 cents per hundredweight, with the difference between this amount and the country plant handling costs thus being 13 cents.

The city plant Class I zone differential has been maintained at a level of 54 cents per hundredweight under the three Massachusetts orders since January 1, 1957, when the freight allowance was computed to be 41 cents per hundredweight. The factor of 13 cents, representing the computed additional cost of receiving milk at country plants, has not been changed since August 1, 1941.

Definite reductions in the cost of assembling and transporting milk have occurred since the city plant Class I zone differential was last revised. The one-cent Federal transportation tax now included in the freight allowance of 41 cents is, as indicated, no longer effective. Further, milk is no longer moved from country plants to city plants in cans but instead is moved in large tank trucks. This makes the three-cent can handling allowance now reflected in the zone differential outdated. Thus, in practice, handlers do not incur at least four cents of the total cost allowance of 54 cents provided in the orders.

A further cost reduction to handlers is evident with respect to transportation costs. This has resulted in part from improved highways throughout New England and the concentration of larger volumes of milk in fewer country plants which have made possible larger loads in moving milk from country plants to city plants. Hauling costs incurred for moving milk to the city in various quantities and from different zones were described by witnesses. Of the various rates described in the record for moving a hundredweight of milk from the 21st zone to city plants, however, the rates of 36.75 cents for tank trucks and 37.67 cents for railroad cars have the most relevancy under current marketing conditions. The indicated truck rate is based on the average cost of moving in January 1962, by several independent tank truck operators, over 6.6 million pounds of milk and skim milk from plants in the 21st zone to Boston city plants. Rates applicable to corresponding railroad movements of milk are established under joint tariff regulations which are effective in the New England States, and the rate of 37.67 cents applies to 5,000-gallon minimum loads. While it is recognized that the amounts of milk which are moved by rail have decreased greatly over the past few years, rail rates still apply to a substantial quantity of milk under current marketing practices in New England. It is concluded that 37 cents per hundredweight of milk, in contrast to the present allowance of 41 cents, represents a reasonable allowance for moving milk to market from the 21st zone.

There was considerable disagreement among witnesses as to the amount which most appropriately reflects the difference between the receiving costs at country plants and the receiving costs at city plants. This was largely due to the complexity of determining with precision the appropriate handling allowance in view of the evolution of bulk tank handling in New England. Some handlers already are receiving all their milk from farms in bulk tanks. While there is a general desire by the industry for a complete conversion to bulk receiving because of the lower receiving costs involved, such conversion has not yet been accomplished completely, or is it likely to occur in the very near future. Thus, a number of handlers are continuing to operate plants with the costlier can receiving facilities. Also, some country plants now are little more than transfer, or reload, points with plant equipment consisting primarily of wash-up facilities for tank trucks. Normally the handling costs are somewhat less at such installations than at the country plants with more elaborate facilities. In addition, the physical size of the many plants and the volumes of milk handled thereat differ considerably in these markets. The variations in efficiencies achieved because of size result in different unit costs in handling milk.

Some evidence would suggest that the difference between the receiving costs at country plants and such costs at city plants is as low as 5 cents per hundredweight. Other evidence indicates that this cost difference may be significantly higher. In view of the wide variation in costs apparently being experienced by handlers, it is concluded that the difference between country plant and city plant handling of 10 cents per hundredweight, which is now reflected in the 54-cent zone differential, should not be modified on this record. As marketing practices, conditions, and technology change, perhaps a somewhat lower handling allowance will be appropriate. Evidence in this record suggests that a thorough review of this matter would be warranted at a future date.

As just indicated there are, however, certain reductions which have occurred in the costs of handling milk and transporting it from country locations to city plants. This makes the present zone differential of 54 cents inappropriate for valuing milk received from producers at city plants in relation to milk received from producers at plants in the 21st zone. The present zone differential exceeds the indicated total additional cost of receiving milk at the city through a country plant. Therefore, the operator of a city plant who receives milk directly from producers in fact pays, insofar as the order is concerned, a greater amount for his milk supply than does the operator of a city plant who obtains his fluid supply from country plant sources.

This situation encourages city plant operators to obtain increasing quantities of milk from country plants for their fluid requirements. Such plant operators were described as able to purchase milk from country sources delivered f.o.b. the city plant at approximately the city plant Class I price. Under this arrangement, it is conducive for city plant operators to purchase milk from country sources and avoid the costs of field service, quality control, bookkeeping, and added receiving costs normally associated with receiving milk directly from individual producers. Multiple-plant handlers with both country and city plants are in a particularly favorable position to take advantage of the lower handling and transportation costs than are now reflected in the city plant Class I zone differential. One of the results has been that a major cooperative association has had to expand its manufacturing facilities in southern New England in order to market an increasing proportion of nearby produced milk for which Class I outlets have been lost to country plant sources.

There is, of course, a substantial economic waste when milk is transported unnecessarily from country plant locations to the city. All producers sharing in the pool incur an unnecessarily high aggregate cost of marketing in the circumstance where milk produced near the market and readily available for Class I use is disposed of through local manufacturing outlets while substantial quantities of milk produced in more distant areas are shipped in fluid form, at relatively higher transportation cost, to the marketing area for fluid use. Whether the producer's farm is located near the market center or at a country location, he individually bears the cost of getting his milk to a plant outlet. However, the added cost of moving milk between the country plant and the city plant after receipt from the farm is borne by all (pool) producers whether near, or distant from, the market since the price at which such milk is paid for by the handler when purchased from the country plant is the lower country plant zone price. In addition, if the country plant milk actually replaces nearby milk which must be turned to manufacturing, there is also assessed against at least some producers a marketing cost associated with the diversion of milk to surplus outlets.

It is estimated that all producers in the market incur a cost of about $3,100 per million pounds of milk which is moved in fluid form from plants in the 21st zone to city plants when such milk replaces an equivalent amount of nearby milk which is disposed of through local manufacturing plants. The orders thus should not continue in effect a price at city plants which over-values producer milk which is delivered directly to city plants relative to milk available at country plants. Appropriate differentials will tend to maintain Class I milk outlets for the nearby-produced milk and hold aggregate marketing costs for pool producers to a minimum.

It is therefore concluded that the allowance for transportation to be reflected in the city plant zone differential should be 37 cents. Further, the plant handling allowance to be reflected in this differential should continue to be 10 cents. Accordingly, the Class I price applicable at nearby (city) plants under the Connecticut order and the proposed Massachusetts-Rhode Island order would be 47 cents greater than the Class I price at plants located in the 21st zone.

Any realignment of location differentials necessitated by reductions in the cost of handling to those handlers (including cooperative associations) who are engaged in the physical handling and transportation of milk should not result in lowering aggregate returns for Class I milk. Accordingly, the full incidence of the realignment in the city plant Class I zone differential with the 201–210 mile zone price should not fall on producers delivering milk directly to city plants as was proposed by several witnesses. Instead, both the Class I price applicable at city plants and the Class I price applicable at all country locations should be adjusted in such a manner that all producers in the market will continue to receive in the aggregate, insofar as the continued maintenance of the New England-New York-New Jersey Class I price relationship ("snubber" in Class I price formula) will allow, about the same total returns as they are now receiving under the present price structure. To achieve this the present 54-cent (city) zone differential should be reduced by 7 cents. At the same time, however, the Class I price formula should be revised to increase by 4 cents, before "snubbing" to the New York-New Jersey Class I price, the "New England basic Class I price" which is announced for the 21st zone. The result of this realignment of Class I prices by location will be to lower by 3 cents the Class I price on the 60 percent of Class I milk (five markets) obtained from direct receipts at city zone plants and to increase by 4 cents the level at plants in other zones where 40 percent of the Class I milk in New England originates. By this means the weighted average price for Class I milk in the New England markets is retained at virtually the same level.

On the basis of previous hearings it has been determined that the New England Class I price at the 21st zone should not be greater than 5 cents per hundredweight (on the 3.5 percent butterfat basis adopted herein) than the New York-New Jersey Class I price. The provision in the New England orders which provides for this relationship has been operative for some time. It is appropriate that this interorder price relationship be maintained. Thus, the proposed adjustment in the New England basic Class I price formula should be made in a manner which will not disturb this price relationship. It will be recognized, of course, that until such time as the price "snubber" becomes inoperative, it will reduce somewhat the aggregate returns to producers for all Class I milk following the reduction of the 54-cent zone differential.

It is estimated that had the realignment of location differentials proposed herein been in effect in 1963 in conjunction with the present tie to the New York-New Jersey prices, the combined returns for all producers in the present four markets included under the Massachusetts-Rhode Island order would have been lowered 3 cents per hundredweight. Total returns to all producers in the Connecticut market would have been lowered 6 cents per hundredweight during this period.

Local producer groups in the Connecticut and Southeastern New England markets stated their opposition to any reduction in the city plant Class I zone differential on the basis that (1) cost data available for use in determining the appropriateness of the differential were insufficient and inconclusive, (2) any reduction in the differential would have a relatively greater effect upon the returns to producers in these two markets than in the Boston market because higher proportions of the producer milk pooled under these two orders are delivered directly from farms to city plants, and (3) there had been no instance of Connecticut handlers replacing nearby producer milk with milk from country plants.

Provision for a nearby plant Class I zone differential at a higher level under the Connecticut order than under the Massachusetts-Rhode Island order could lead to disorderly marketing conditions. With different price levels at nearby plants under the two orders, Massachusetts-Rhode Island order handlers doing business in the Connecticut market would have a competitive advantage over Connecticut handlers for route sales in the Connecticut market. On the other hand, Connecticut handlers doing business in the consolidated market would be at a competitive disadvantage with Massachusetts-Rhode Island handlers as to route sales made within the consolidated marketing area. Because the two marketing areas are adjacent to each other and some handlers are actually distributing milk in both marketing areas at this time, the present policy of equal Class I price levels between the markets should be maintained.

A city plant zone differential of 54 cents per hundredweight under the New England orders is applicable also to the blended price which is returned to producers delivering milk directly to city plants. The nearby plant zone differential of 47 cents proposed herein for Class I prices likewise should be made applicable to blended prices under both the Massachusetts-Rhode Island order and the Connecticut order. Inasmuch as milk pooled under the orders is produced primarily for the fluid market, the blended prices returned to producers by location should reflect the same differentials which attach to Class I milk.

With the modifications previously discussed, the present schedule of zone differentials applicable to the Class I, Class II, and blended prices under the present Boston order should be adopted as the schedule of zone differentials under the Massachusetts-Rhode Island order. The adoption of the Boston order's Class II zone differentials, which are slightly lower than the Class II zone differentials under the Springfield, Worcester, and Southeastern New England orders, is appropriate in view of their continued applicability in the Boston market and the adoption of such differentials for the Connecticut order, as discussed below.

The schedule of Class II price zone differentials under the Connecticut order should correspond with the schedule of Class II price zone differentials under the Massachusetts-Rhode Island order. Two Connecticut cooperative associations proposed that the schedule of Class II zone differentials under the Boston order, adopted herein for the Massachusetts-Rhode Island order, be made applicable also under the Connecticut order.

The costs of moving the products of Class II milk do not differ appreciably in the Connecticut and Boston markets. Accordingly, the difference in the Class II prices applicable at nearby plants and at plants in the 21st zone should be 5.8 cents rather than 7.0 cents as the Connecticut order now provides.

Adoption of this proposal will insure similar Class II prices under the New England orders at comparable pricing points in relation to market centers. This also will promote close alignment of reserve milk prices throughout the northeastern Federally regulated markets. (Official notice is taken of findings and conclusions on the propriety of intermarket price alignment which were included in a decision on proposed amendments to ten northeastern Federal orders issued April 25, 1962 (27 F.R. 4115).)

There was a suggestion at the hearing that the appropriateness of individual zone adjustments in the schedule of Class I zone differentials under the orders be reviewed; also that the Class II zone differentials under the three Massachusetts orders be "smoothed out" so that the price differences between zones would be more uniform than is presently the case. Record data with respect to both the Class I zone differentials and Class II zone differentials for zones other than the nearby zones are insufficient to support further modification of zone adjustments, however, and such suggestion should not be adopted.

The nearby plant zone under the Massachusetts-Rhode Island order should coincide with the combined farm location differential areas adopted herein for the consolidated order plus the remainder of the area within the State of

Connecticut not included in such farm differential areas. (The farm location differential areas under the Massachusetts-Rhode Island order are described herein in more detail under Issue No. 4. Except for minor modification of the periphery, these areas embrace the present farm location differential areas under the Boston, Springfield, Worcester, and Southeastern New England orders.) The nearby plant zone thus would coincide closely with the combined city plant zones of the Boston and Southeastern New England orders, which together encompass an area within 80 miles of the State House in Boston and an area within 100 miles of Providence. The city plant zones of the Springfield and Worcester orders are relatively limited in that they each encompass the territory within 10 miles of the boundaries of the respective marketing areas. The latter areas are wholly contained, however, within the combined area covered by the city plant zones of the Boston and Southeastern New England orders. Defining the nearby plant zone for the Massachusetts-Rhode Island order in this manner will not change the zone status of city plants presently regulated under the orders proposed to be consolidated.

Boston should be the basing point for the application of zone differentials under the Massachusetts-Rhode Island order. There was no evidence to indicate that some other location, or locations, should be designated for this purpose or that significant problems would arise from the use of this location under a merged order.

The markets which rely regularly on supply plant milk are Boston and Southeastern New England. A number of supply plants in New England are located somewhat closer to Boston than to Providence. However, other supply plants, such as those located at Cambridge and Granville, New York, and Middletown Springs, Shoreham, Vergennes, and New Haven Junction, Vermont, which often have been pooled in the Southeastern New England market are nearly equidistant from Boston and Providence. Massachusetts-Rhode Island handlers operating distributing plants in areas outlying from Boston therefore should not be disadvantaged in their procurement of milk from country sources by virtue of location differentials computed from the Boston basing point.

The New England orders currently provide a procedure for measuring the highway mileage from the price basing points to the plants to be zoned. For simplicity in determining the proper zone location of plants under the Massachusetts-Rhode Island and Connecticut orders, the presently used procedure should be modified to permit use of mileage charts in the most recently issued Mileage Guide No. 7 which lists determined mileages between specified cities or "key points". It is desirable, however, that the zone location for plants which were regulated under any of the New England orders in the month immediately preceding the effective date of the amendments proposed herein be determined on the basis of the procedure presently in use under the New England orders until a new Mileage Guide is issued. The orders should reflect also the discontinuance in Mileage Guide No. 7 of the term "first-class" roads.

4. *Farm location differentials.* The farm location differential provisions under the present New England orders should be continued under the Massachusetts-Rhode Island order and the Connecticut order.

A group of nine cooperative associations, which represents principally producers whose farms are located outside any of the specified farm location differential areas, proposed that farm location differentials be eliminated under the New England orders. Three other cooperative associations proposed that a producer whose farm is located within New England and who is presently eligible to receive a farm location differential (either 46 cents or 23 cents depending on the location of the farm) under any New England order be eligible to receive the same differential irrespective of the New England order under which his milk is pooled. Another cooperative association proposed that the farm location differentials be increased as an offset to any reduction made in the city plant Class I zone differentials under the orders.

Farm location differentials represent payments of 46 cents and 23 cents per hundredweight to producers whose farms are located in specified "nearby" and "intermediate" areas, respectively, in addition to the applicable zone blended price which these producers receive. The payments are met by deductions from pool funds. The additional returns to producers who are eligible for these differentials are, in essence, monies which, in the absence of such differentials, would accrue through the blended price computation to all producers, including more distant producers.

Such farm location differentials have been in effect under the several New England orders since the inception of the orders. The differentials were adopted to reflect in the pricing structure of the orders historical price relationships by location which prevailed in these markets. It was found that customarily somewhat higher values, above those which normally reflected transportation costs, attached to milk produced near the principal consumption centers as compared to the market value of milk produced in the more distant areas of the milkshed.

While considerable testimony in support of removal of the provisions was received, it was not established that the farm location differential provisions are resulting in unstable or disruptive marketing conditions which warrant their deletion from the orders at this time. Although certain marketing problems in the nearby and intermediate market areas were referred to in the testimony, these problems are not the result of production increases on farms in these areas which logically might be attributable to the higher returns to producers in these areas. Such increases have not been significantly different from those on farms not eligible for the farm location differentials.

During a period of general incerase in milk production throughout the milksheds of the New England markets, the average daily milk deliveries per farm for those farms located in the farm location differential areas under the Boston order and for those farms located outside such areas both increased 23 percent in 1962 over the average of such deliveries in 1960. In the Southeastern New England market the average daily deliveries per farm for those farms located in the differential areas increased about 16 percent in 1962 over 1960 while such deliveries from farms not located in any differential area under the Southeastern New England order increased about 13 percent during this period.

Comparable percentage figures for Connecticut market producers for this period are not available. A comparison of 1961 with 1960, however, shows that there was an increase of 8 percent in the average daily deliveries per farm for those farms located in the differential areas and an increase of 13 percent in such deliveries for those producer farms located outside the Connecticut differential areas. In the Springfield market the average daily deliveries per farm for those producers in the differential areas increased about 18 percent during the 1960–1962 period. In this market very few farms are located outside the differential areas. Such increase of 18 percent is not out of line with comparable increases in the other markets, however. In the Worcester market such daily average deliveries from farms located in the 46-cent differential area (there is no 23-cent differential area under the Worcester order) increased about 17 percent during this two-year period while such deliveries per farm located outside such differential area increased about 32 percent.

The average number of producers with farms located in the farm location differential areas is decreasing in the Boston, Springfield, Southeastern New England, and Connecticut markets. The farm location differential area under the Worcester order was expanded in September 1960 and this caused an increase in 1961 over 1960 in the average number of producers who were eligible to receive such a differential. The average number of such producers decreased in 1962 from such number in 1961, however.

Marketing problems which have been attributed to the farm location differentials do not relate to the rates of the differentials as such but rather to the changes in applicable differential rates which often occur for producers when they are shifted from one market to another. Problems of this kind, however, are dealt with by the proposed merger of orders. Further, an unwarranted decrease in returns to nearby producers would result at this time if any reduction were made in the farm location differentials in conjunction with the 7-cent reduction in the city plant Class I zone differential proposed herein. It is therefore appropriate that the present levels of farm location differentials continue to be applicable under the New England orders.

It would not be appropriate to increase the farm location differentials under the Massachusetts-Rhode Island and Connecticut orders, however, by part or all of the proposed reduction in the city plant Class I zone differential. Proponent of this proposal contended that under a reduced transportation differential such an increase in farm location differentials should be made to reflect in the returns to nearby producers the full value of nearby producer milk as compared to country plant milk.

It is probable that the attractiveness to handlers of nearby producer sources of milk will be increased under the circumstance of a reduced city plant Class I zone differential. As described under Issue No. 3, country receiving and transportation costs have decreased in recent years, indicating that the present zone differential for city plants is excessive. Reducing the zone differential merely provides for a proper relationship between the price to the handler for producer milk received at city plants as compared with the price to the handler for milk purchased from country plants. While such action may increase the marketability of nearby milk, the intrinsic value of the milk has not been increased. Accordingly, this proposal is denied.

The present farm location differential areas under the Boston, Springfield, Worcester, and Southeastern New England orders should be combined under the Massachusetts–Rhode Island order. With minor exception as described later, all territory which is within the present 46-cent differential area under any of the four orders should constitute the 46-cent differential area under the consolidated order. Similarly, all territory (also with minor exception as described later) which would not be within this proposed common 46-cent differential area but is now within the 23-cent differential area under any of the present four orders should constitute the 23-cent differential area under the consolidated order.

Producers now under the four orders to be merged would be suppliers of a single marketing area under the Massachusetts–Rhode Island order. Because only one marketing area will be involved, producers should receive the highest farm location differentials for which their farm locations would have made them eligible under any of the present four orders, regardless of the plant to which their milk is delivered under the merged order.

The consolidation of the respective farm location differential areas now provided under the four orders would eliminate sometimes unexpected decreases in returns to individual producers. When a distributing plant becomes pooled in another market, the producers delivering milk to that plant become associated with the new market also. This has been a disturbing condition for certain producers who were eligible for the 46-cent differential before a plant shift but who became eligible only for the 23-cent differential, or for no differential at all, after the shift was made. Handlers experience difficulty at times in handling milk with maximum efficiency because of their reluctance to shift producers from one market to another when such producers would experience a reduction in returns. Cooperative associations also may be handicapped in shifting producers to plants which have need for additional supplies. It is appropriate, therefore, that the application of farm location differentials under the Massachusetts-Rhode Island order be as described.

It is not necessary to provide that a New England producer who is eligible for a farm location differential under the Connecticut order or the Massachusetts-Rhode Island order be eligible for the same differential when his milk is pooled under the other New England order. The consolidation of the four orders and the farm location differential areas provided thereunder will remove, for all practical purposes, the problem of change in differentials for producers who shift, or are shifted, from one to the other of these markets. This is so since it is likely that there will be relatively few instances of plant shifts with only two orders in New England and since virtually all producers shipping to the merged market but readily available to the Connecticut market would be in the 46-cent differential area under either order.

As indicated, the 46-cent and 23-cent differential areas under the Boston order are proposed to constitute a part of the areas in which farm location differentials would be applicable under the consolidated order. In contrast to the other four New England orders which now define the farm location differential areas provided thereunder in terms of city and town boundaries, the differential areas under the Boston order are defined by "40-mile" and "80-mile" airline arcs which are measured from specified locations. To facilitate the administration of the order, it is concluded that the peripheries of the two differential areas provided under the Massachusetts-Rhode Island order should be described in terms of city and town boundaries. The use of long-established, well-known, and readily ascertainable political boundaries will provide a less burdensome procedure for determining a producer's eligibility to receive a farm differential than does the use of airline arcs measured from a base point.

Under this proposed modification of a portion of the peripheries of the Boston order farm location differential areas, all cities and towns in Maine and New Hampshire which are wholly within the present 40-mile arc, as measured from Lawrence, Massachusetts, would be included in the 46-cent differential area under the consolidated order. In addition, the modification would extend the 46-cent differential area to the entire area of the following cities and towns which are now intersected by the 40-mile arc: the cities and towns of Barrington, Chichester, Deering, Francestown, Greenfield, Pembroke, Pittsfield, Rochester, Rollinsford, Strafford, and Weare in New Hampshire.

The 23-cent differential area under the merged order would include those cities and towns in Maine and New Hampshire which are wholly within the presently defined 80-mile arc under the Boston order but which would not be included in the Massachusetts-Rhode Island 46-cent differential area. In addition, the entire area of each of the towns of Kennebunkport and Lyman in Maine and Gilmanton, Middleton, Milton, and Surry in New Hampshire would be included in the 23-cent differential area under the merged order.

The cities and towns individually listed above are those areas which are intersected by the respective airline arcs used in defining the differential areas under the Boston order and from which one or more producers recently have delivered milk to the Boston market from farms located inside the respective arcs. The remaining cities and towns which are intersected by the respective arcs are areas from which no milk has been delivered to the Boston market since January 1, 1962. Accordingly, it is appropriate that these areas not be included within the respective differential areas. Under this arrangement, only nine Boston producers known to have farms located in the 23-cent differential area at the time of the hearing would be shifted to the 46-cent differential area and the farm of one known Boston producer not located in any differential area would be shifted to the 23-cent differential area.

5. *Prices.* (a) For the purpose of determining the appropriate monthly supply-demand adjustment factor, the pricing provisions for Class I milk in the New England orders should be amended to (1) compute monthly "base Class I percentages" on a three-year moving average, and (2) compute the supply-demand relationship on producer receipts and Class I sales data for the most recent three months rather than the most recent two months as at present.

It was proposed that the procedure for computing supply-demand adjustment factors be revised to reflect on a more current basis than at present the seasonal patterns in the New England markets of receipts from producers and Class I utilization. The annual determination of the New England seasonal supply-sales relationship using data on a three-year moving average was suggested as a means of properly reflecting gradual seasonal changes in milk receipts and sales which have occurred in the New England markets over the past several years. Also, it was suggested that the effect upon the supply-demand adjustment factors of occasional, erratic changes in the supply-sales relationship during a one- or two-month period, which may result at times from such occurrences as abnormal weather conditions, might be minimized by increasing the number of months used in the calculation of such factors.

The New England orders provide for the computation each month of a supply-demand adjustment factor for use in calculating the monthly basic Class I price. This factor is included in the orders to reflect in the Class I price the current relationship of receipts from producers to Class I sales. If the combined producer receipts in these markets increase in relation to the combined Class I sales, the resulting change in

this factor is intended to bring about a reduction in the Class I price. Conversely, if such receipts of milk decrease in relation to the Class I sales, the change in the factor is intended to cause the Class I price to increase. In the present orders a 68.9 percent Class I utilization is considered the "normal" level of Class I sales of producer milk to receipts of producer milk in the five markets on an annual basis.

The receipts of, and demand for, milk vary, however, from month to month and from season to season, often inversely. When calculating the supply-demand relationship, it is necessary to compensate for these seasonal conditions; otherwise the supply-demand adjustment factor would reflect principally seasonal variations rather than basic changes in the level of receipts and sales.

A 12-month series of "base Class I percentages" have been established for the express purpose of removing seasonal variations when computing the New England supply-demand relationship. (See § 1001.48(c)(3) in the Boston order for the percentages now in effect.) The present Class I percentages are based on the seasonal pattern of producer receipts and Class I sales which prevailed during the period 1953 through 1957. The seasonal variations for this period were adjusted to reflect the "normal" annual relationship of 68.9 percent Class I utilization. For example, under the schedule of base Class I percentages now in effect, the supply of milk in January is considered to be in reasonable "balance" with Class I utilization if the percentage of producer receipts used in Class I equals 71.6.

During recent years the seasonal variation in daily receipts of milk from producers has lessened. For the month of November in the period 1953 through 1957, the average daily receipts of producer milk in the Boston market were 65 percent of the average combined daily producer receipts for the months of May and June immediately before and after each month of November. In contrast, the average daily receipts of producer milk in November 1960 and 1961 in the Boston market were 73 percent of the average daily producer receipts during the immediately preceding and succeeding May-June periods. (Data for the months of May and June for two consecutive years are combined and compared with data for the intervening month of November to counteract the effect of any change in the annual level of receipts.)

This change in the amount of seasonal variation in producer deliveries, as reflected in the supply-demand adjustment factor, is causing increases in the Class I price on July 1st greater than the seasonal increases intended by the Class I price formula. Conversely, intended seasonal price increases during some of the late summer and fall months are canceled.

The base Class I percentages for both the Massachusetts-Rhode Island and Connecticut orders therefore should be revised to reflect on a current basis producer delivery patterns in order to correct these inappropriate price adjustments. Accordingly, provision should be made for computing such percentages annually by using data based upon a three-year moving average. The standard statistical procedure, known as the "median link relative method", which was employed in establishing the base Class I percentages in the present orders, should be continued in making the annual computations. The monthly percentages for each period should continue to reflect the "normal" annual relationship of 68.9 percent Class I utilization. The adjusted monthly percentages then should be used as the base Class I percentages during the next twelve-month period. In each subsequent year a new computation should be made by the market administrator, as soon as data become available for the preceding year at which time data for the earliest of the three years would be dropped from the computation and similar data for the most recent year would be added to arrive at a new three-year period. The periodic updating of the base Class I percentages would prevent seasonal changes in the pattern of milk deliveries or sales from causing unwarranted fluctuations in the monthly Class I prices. It also would prevent delays in needed increases or decreases in the Class I price as indicated by changes in the supply-demand relationship.

In conjunction with the plan set forth above, it was proposed further that in computing the monthly supply-demand adjustment factor, the quantities of receipts and sales for the most recent three-month period rather than for the most recent two-month period, as at present, should be used. A supporting reason given was that undue fluctuations in the supply-demand adjustment factor may result because of the occurrence of abnormal weather within two successive months.

This latter proposal also should be adopted. Based on a review of data for a recent two and one-half year period, such proposed modification of the Class I price formula is consistent with the general purpose of the supply-demand adjuster. While it is recognized that such modification may cause the supply-demand adjustment factor to be somewhat less precise as an indicator of what future change, if any, in the Class I price may be appropriate in response to recent changes in the relationship of milk supplies to Class I sales, it is further recognized that the least change in the Class I price that takes place is 22 cents per hundredweight. It is desirable that a minimum price change of this magnitude result from a definite and consistent trend in the supply-sales relationship. It should not result from an abnormal production or marketing circumstance of short duration which temporarily accentuates or perhaps reverses the indicated trend in the relationship of production and Class I sales. While a small degree of accuracy in the measure of supply-demand relationships may be relinquished, it is also desirable that the possibility of unwarranted changes in the Class I price be minimized. It is therefore concluded that data on receipts from producers and Class I utilization in the Massachusetts-Rhode Island and Connecticut markets combined for the second, third, and fourth months preceding the month for which the Class I price is being computed should be used in computing the supply-demand adjustment factor under the New England orders.

(b) Basic class prices and blended (uniform) prices under the New England orders should be announced on a 3.5 percent butterfat basis.

A proposal was made that the standard butterfat test of milk, on which basic prices under the New England orders are announced, be changed from 3.7 percent to 3.5 percent. It was stated that the announcement of prices on the basis of a common basic butterfat test among all Federally regulated markets would assist in making regional and interregional price comparisons. This would tend to simplify business transactions among handlers, cooperative associations, and other persons in the dairy industry. At the time of the hearing, prices under only three other orders of the 83 orders then in effect were announced on a butterfat basis other than 3.5 percent. Of these three orders, however, two were recently consolidated and provision was made under the merged order for the announcement of prices on a 3.5 percent butterfat basis. Official notice is taken of the order issued November 26, 1963 (28 F.R. 12707), merging the Philadelphia, Pennsylvania, and Wilmington, Delaware, orders, now known as the Delaware Valley order.

Situations arise where producers located in a common supply area are associated with different markets. Price determinations and announcements based on a common basic butterfat test would assist the industry, particularly producers, in a better understanding of market prices. Also, the preparation and analysis of statistical material concerning intermarket price relationships which is often needed at public hearings and for other governmental and industry purposes would be facilitated. Comparable series of milk prices would be readily available for the Department's regular program for publishing dairy industry statistics. A uniform basis of price announcement in all regulated markets is important to these objectives.

Opposition testimony to this proposal indicated that adoption of the proposal might discourage the consumption of milk with a high butterfat content and that any change in the butterfat test for price announcement purposes could lead to producer confusion. It should be noted, however, that the change in the basic butterfat test used in official price announcements would not change the price level for milk of any given butterfat content. Since the price announcement may indicate also a price for 3.7 percent (or any other) butterfat content, any possible confusion could be expected to be of short duration.

For the reasons set forth above, it is concluded that the Class I, Class II, and blended prices should be established with reference to a 3.5 percent butterfat test and that the official announcement of prices under the Massachusetts-Rhode Island and Connecticut orders should be based upon such butterfat test.

(c) The butterfat differential computed under the Connecticut order should continue to be rounded to the nearest one-tenth cent.

A cooperative association proposed that the butterfat differential applicable to producer prices and class prices uhder the Connecticut order be rounded to the nearest full cent. It was claimed that this change would simplify accounting procedures, would avoid producer confusion, and would reduce bookkeeping and accounting costs for the association.

On July 1, 1962, the Connecticut order, along with nine other Northeastern Federal orders, was amended to provide for a uniform basis of pricing reserve milk. One of the amendments to the Connecticut order called for the rounding of the producer butterfat differential to the nearest one-tenth cent. The Connecticut order, like the four other New England orders, does not contain butterfat differentials for the separate classes of milk as such but provides for a single producer butterfat differential which, in effect, is applicable to each of the classes. Unlike the four other New England orders, however, the Connecticut order provided before the amendments became effective for the rounding of the butterfat differential to the nearest cent rather than the nearest one-tenth cent.

In the final decision of April 28, 1962 (27 F.R. 4115), official notice of which is taken, which resulted in the July 1, 1962 amendments, the Under Secretary of Agriculture found that this change was necessary to insure that the Connecticut market would be on comparable terms with the other markets in the month-to-month pricing of reserve milk. The reasons set forth in that decision for changing the butterfat differential are still appropriate. The proponent cooperative association, by reblending proceeds from the sale of member milk, has opportunity to advance its accounting objective with respect to member milk. The proposal, therefore, is denied.

(d) A proposal was made to modify the seasonal adjustments in the New England basic Class I price formula, which formula is used in each of the New England orders, in their application to the Southeastern New England market. Because it is concluded elsewhere in this decision that the Southeastern New England order should be consolidated with the three Massachusetts orders, this proposal for change in the application of the seasonal adjustments under the Southeastern New England order becomes moot. No evidence was presented which indicates a need for modifying the present seasonal adjustments in the New England basic Class I price formula as they apply to each of the Massachusetts markets to be merged which together constitute the major portion of the market to be covered by the consolidated order. Moreover, for the merged area there is no tendency toward seasonal shortage in the summer months when the proposal would have increased prices on a seasonal basis. Thus, the present seasonal adjustments applicable under the four orders proposed to be merged should be adopted without change for use in the Massachusetts-Rhode Island order. The proposal therefore is denied.

6. *Producer-handler definition, "dairy farmer-distributors", and exemption of "own farm" production.* (a) The same general basis for producer-handler exemption set forth in the four orders proposed herein to be merged should be provided in the Massachusetts-Rhode Island order. Only minor change should be made in the basis for producer-handler exemption as contained in the Connecticut order.

A number of proposals to change the producer-handler exemption provisions in one or more of the five orders were made. Certain of the proposals would provide that there be no separate treatment under the orders of producer-handlers in their capacity as handlers, but would provide instead an exemption from pooling of a handler's own farm production in an amount such as 1,000 quarts, or possibly as much as 1,500 quarts, per day. Another proposal would limit to a greater degree than is presently the case both the sources and quantities of milk, other than his own production, which the producer-handler might employ and still retain his exemption from pooling. Certain other proposals would remove from one or more of the Boston, Springfield, Worcester, or Southeastern New England orders the present limitations on the quantities of a producer-handler's Class I sales and of his receipts from own production, receipts from other producer-handlers, and receipts from other sources such as regulated plants, any of which limitations may affect the exempt status of the producer-handler.

The New England orders essentially provide that a person who is a dairy farmer and who processes and distributes milk primarily of his own production may be defined as a producer-handler under that order and may be accorded exemption from all payment obligations normally applicable to handlers fully regulated under the order. A producer-handler must meet certain requirements to maintain such status, however, principal of which are a limitation on the sources from which he may receive milk, and, in the case of the large producer-handler, the quantities of such milk which he may receive.

The four orders to be merged are identical in this respect and provide two conditions for exemption from pricing and pooling. In the first instance, every producer-handler's source of supply for fluid milk products must be limited to his own production and plants regulated under any of the New England Federal orders. Secondly, if his own production and his Class I disposition both exceed a daily average in the month of 2,150 pounds, a producer-handler must limit his receipts to his own production plus a quantity of receipts from regulated plants under New England Federal orders not in excess of two percent of his own production. The Connecticut order requires that a producer-handler limit his sources of supply of fluid milk products to his own production and to pool plants under the Connecticut order. No quantity limitations on purchases related to the volume of own production or Class I sales are stipulated under the latter order.

Record evidence does not reveal that the status of producer-handlers in the New England markets has changed sufficiently since the adoption of the present producer-handler provisions to warrant any substantial revision of these provisions. The number of producer-handlers in each of the markets has decreased slightly since September 1961. During the period September 1959 through September 1962, there was little change in the Boston, Southeastern New England, and Connecticut markets in the percentage of the total receipts of milk in the market represented by producer-handlers' receipts of milk from own production. Such percentage in the smaller Springfield market, however, increased from 2.0 percent to 5.8 percent during this period and a somewhat comparable percentage increase, from 1.5 percent to 6.1 percent, occurred also in the Worcester market.

The removal of the present basis for producer-handler exemption and the substitution therefor of a pool exemption of a limited quantity of a handler's own production was suggested as a means by which regulatory treatment could be applied to operations of producer-handlers according to size. Proponents contended that certain producer-handlers in the Springfield and Worcester markets had enlarged their operations to the extent that they no longer could be considered as typical of the type for which pooling exemption originally had been designed. Proponents stated that these larger producer-handlers have an advantage in competing with pool handlers distributing milk in these markets.

It is recognized that the operations of some producer-handlers now exceed the historical concept of a producer-handler as a person with a "family-size" operation. It was not substantiated, however, that producer-handlers in general in the New England markets are affecting adversely the competitive position of pool handlers operating in these markets. It likewise was not shown that those producer-handlers with larger than average operations are adversely affecting the position of pool handlers or producers. Thus, there is little reason to effect more stringent conditions for exemption from pooling, or to deny producer-handler status to persons who now so qualify. On the other hand, liberalization of the requirements for producer-handler status, also considered at the hearing, could result in producer-handlers obtaining a more favorable competitive position. Accordingly, it is concluded that the proposals to change the producer-handler exemption provisions should not be adopted.

The producer-handler provisions now contained in the four orders to be merged should be modified slightly, however, upon their incorporation in the Massachusetts-Rhode Island order. Presently, producer-handler status is contingent upon the distribution of at least a portion of own production on routes. The cur-

rent limitation on the maximum purchases of fluid milk products which a producer-handler may make and still maintain this status is based on total "Class I sales", however. To make this limitation comport with the above-mentioned contingency, the consolidated order provisions should refer to "route disposition" rather than "Class I sales".

The Massachusetts-Rhode Island and Connecticut orders should provide also that a producer-handler's own route disposition must constitute a majority of the total route disposition from his plant. This modification of the producer-handler provisions clarifies their present application to persons desiring producer-handler exemption. Currently, other milk route operators purchase from some producer-handlers for distribution on their own routes varying amounts of milk which the latter persons have processed and packaged at their plants. This action relieves the producer-handler of much of the risk normally associated with the distribution of milk.

In supporting their position for continued exemption from the pooling and pricing provisions of the New England orders, producer-handlers predicated their need for such exemption in part on the basis that they do assume substantial risks in the production of milk and in the movement of the milk from the farm into distribution channels in salable form. If producer-handlers are to be given exempt status under the orders, it is reasonable that the manner in which they operate coincide with the general grounds upon which such status is feasible. It has been a principal consideration in the exemption of producer-handlers that they personally assume the risks involved in the marketing of their milk. It is therefore desirable that the orders specifically indicate that such persons must be engaged in the distribution of their milk in more than a token way to warrant the exemption permitted. It is expected that the status of few, if any, persons currently operating as producer-handlers would be affected by the more specific terms of the definition of producer-handler adopted.

A distinction between the terms "skim milk" and "skimmed milk", as used in this decision and the accompanying order language, should be noted at this point. "Skim milk" means the quantity remaining after subtracting (mathematically) the weight of the butterfat in a given quantity of milk or milk product from the total weight of the milk or milk product. "Skimmed milk" means that fluid product of milk which remains after the removal of cream.

Proprietary handlers proposed that the Southeastern New England and Connecticut orders provide, in the same manner as now provided under the other three New England orders, that a handler report and account for his receipts and utilization of milk to the market administrator on a volume basis rather than on the present basis of the separate quantities of skim milk and butterfat handled. A cooperative association proposed, in conjunction with its proposals on order consolidation, that milk handled under all the New England orders be reported and accounted for on the basis of the separate quantities of skim milk and butterfat as under the present Southeastern New England and Connecticut orders.

The skim milk-butterfat reporting and accounting procedure used under the Southeastern New England and Connecticut orders is essentially that in use in most Federally regulated fluid milk markets outside New England. This procedure is considered to facilitate most satisfactorily the classification and pricing of milk and also the verification of the receipts and utilization of milk by handlers which is necessary to the integrity of the regulation. The continued use of the skim milk-butterfat reporting and accounting procedure under the Connecticut order and the incorporation of this procedure in the Massachusetts-Rhode Island order will promote uniformly effective milk regulation in New England markets.

As to handlers in the present Boston, Springfield, and Worcester markets, use of the skim milk-butterfat method of accounting under the merged order would require that they report separately the quantities of butterfat and skim milk received and used, whereas they are now reporting receipts and utilization on a volume basis. It would not cause any basic change in the verification procedure since verification of the receipts and uses of milk and milk products in these three markets already covers the butterfat component as well as the total volume. Even the proponents of the volume reporting and accounting procedure supported continuance of verification of butterfat receipts and disposition under the New England orders.

(b) A proprietary handler in the Worcester market proposed that the Worcester order be changed to provide for an exemption from pooling of a handler's own production of milk up to a daily average of 800 pounds. Proponent stated that approximately 250 quarts of milk were bottled daily at proponent's plant. Since the time of the hearing at which this issue was considered, the Worcester order has been amended (28 F.R. 12719), and the order now provides that any distributing plant otherwise meeting the pooling requirements will be exempt from regulation under the order if the route disposition in the marketing area in the month from the plant does not exceed a daily average of 300 quarts and is not more than 700 quarts on any day. The recent order amendments, which are proposed herein to be incorporated in the merged order, accommodate proponent's situation and, accordingly, this proposal need not be considered further.

(c) It was proposed that the Boston, Springfield, Worcester, and Connecticut orders be amended to provide that a dairy farmer's milk which is processed and packaged in a handler's regulated plant and then returned to the dairy farmer for distribution on routes by him be exempt from pooling. Such a provision, which once had been contained in the three Massachusetts orders and was applicable to persons commonly referred to as "dairy farmer-distributors", should not be adopted.

Under this provision a dairy farmer-distributor would be accorded a preferential position in the Class I market with respect to such milk inasmuch as he would be operating outside the scope of regulation while other producers would be required to share proportionately the Class I sales through the equalization pool. No distinction should be made between the dairy farmer-distributor and other producers. The former has no additional investment in processing and packaging facilities to distinguish his position in the market. An exempt dairy farmer-distributor would be able to participate in the Class I sales in the market without sharing to the same extent as other producers the burden of the necessary reserve supply to which he, as well as other producers, is a proportionate contributor. If there is gain to be realized in the distribution of the milk, it should not be at the expense of producers generally. The proposal is denied.

7. *Accounting and reporting.* (a) The Massachusetts-Rhode Island order proposed herein should provide that a handler's receipts and utilization of milk and milk products be reported and accounted for on the basis of the separate quantities of skim milk and butterfat contained therein. Similar procedure for reporting and accounting, as currently in effect under the Connecticut order, should be continued under that order.

The most important effect of the change to the skim milk-butterfat method of accounting, insofar as handlers in the three Massachusetts markets are concerned, is that it would provide a basis for making appropriate, separate producer - settlement fund account charges for butterfat overages, and for butterfat shrinkages in excess of the maximum shrinkage allowance of 2 percent now applicable in those markets. As a result of standardization or fortification, the relationship between the butterfat and skim milk content of receipts of milk and milk products frequently varies from such relationship in the uses of the milk and milk products. Without dual concern of accounting for both butterfat and the skim milk residual of total products, understatements of producers' deliveries of butterfat, or relatively high "disappearances" of skim milk or butterfat, might be obscured by recording only in terms of total product. The proposed plan would give the maximum incentive to responsible accounting.

Handler reports which show the receipts and utilization of skim milk and butterfat separately also provide the market administrator with detailed information on the uses of milk with greater promptness than do reports which show only milk volumes handled. The prompt receipt of the more detailed information expedites release of necessary statistical data and verification of handlers' reports. It is concluded, therefore, that the Massachusetts-Rhode Island and Connecticut orders should provide for skim milk and butterfat reporting and accounting procedure.

(b) Handlers whose plants are regulated under the Massachusetts-Rhode Island order should account to the market administrator for their receipts and

utilization of milk on an individual plant basis. This accounting procedure, now in use under the Southeastern New England and Connecticut orders as well as under many other Federal orders, generally is considered to facilitate most satisfactorily the appropriate classification and pricing of milk. In particular, milk is priced under this procedure more nearly in line with its actual use at individual plants inasmuch as each plant's utilization experience is considered by itself. Accordingly, it is desirable upon merging the Southeastern New England order with the Massachusetts orders that individual plant accounting now in use under the former order be extended in application to the consolidated market.

(c) No testimony was received concerning a proposal listed in the hearing notice that a handler under any New England order should account to the pool at the Class I price for the "skim milk equivalent" of nonfat milk solids which he adds in processing Class I fluid milk products. Other record evidence does not support the adoption of the proposal and it is therefore denied.

(d) A proprietary handler operating plants in all the New England markets proposed that handlers be allowed an additional day for filing reports of receipts and utilization under each order when two Sundays, or a Sunday and a holiday, occur within the first eight days of the month when the report must be made.

No additional time as proposed for filing monthly reports of receipts and utilization with the market administrator should be provided under the New England orders. The present filing dates provide reasonable time for handlers to file such reports for the preceding month and any extension would add to the problems of insuring reasonably prompt payments to producers. The record does not reveal a marketwide problem in this respect for any of the New England markets.

(e) A minor change should be made in the Connecticut order provisions which relate to notices to producers of composite butterfat tests. Presently, a handler is required to notify a producer of the butterfat test of composite milk samples which the handler has taken. This notice is required within seven days after the end of the sampling period. Because this time requirement conflicts with certain rules and regulations of the State of Connecticut, an exception to the requirement is appropriate.

Official notice is taken of the Dairy Laws of the State of Connecticut, as amended, and Rules and Regulations of the Milk Regulation Board, as amended, as published in Bulletin No. 12, sixteenth edition. It is provided therein that State representatives shall collect and test, under certain circumstances, composite samples of milk which is received by a handler who is subject to these rules and regulations. The State representatives are required to give monthly notice to the handler and the producer of the butterfat tests of these samples.

It is apparent that a handler operating under these rules and regulations would not know the butterfat tests determined by the State in time to comply with the notification requirement now specified in the Connecticut order. Accordingly, the seven-day notification requirement should not be applicable when the composite butterfat tests are made by an agency of the State of Connecticut.

3. *Classification and assignment provisions.* (a) Representatives of the State of Wisconsin made several proposals relating to the assignment under the New England orders of receipts of milk from various sources and in various forms.

A decision by the Assistant Secretary issued October 31, 1963 (28 F.R. 12006) dealt extensively with the appropriate treatment of receipts of nonpool milk at regulated plants relative to receipts of producer milk. Official notice is taken of such decision. The amendatory action based on that decision incorporated in the orders certain provisions quite similar to the Wisconsin proposals. The provisions which were adopted are designed to deal with the same problems of assignment of nonpool milk. The present record provides no new grounds which would warrant different treatment in the assignment process of nonpool milk except as to movements of nonpool milk within New England.

On the basis of the amendatory action just referred to, the New England orders were changed to provide that receipts of bulk fluid milk products at a regulated distributing plant from a plant regulated under a Federal order outside New England shall be assigned pro rata to the handler's combined utilization at all his plants regulated under the order. No change was made, however, in the procedure for assigning milk which is moved from one New England Federally regulated market to another. It was concluded at that time that evidence obtained at the hearing on which this decision is based should be considered before changing the assignment provisions as they apply to milk moved between New England markets.

Although merger of the Boston, Southeastern New England, Springfield, and Worcester orders will reduce considerably the volume of inter-order movements of milk within New England, some movements between plants regulated under the Connecticut order and the Massachusetts-Rhode Island order can be expected to continue. Free movement of milk between these two adjacent Federal order markets will be facilitated if each makes no distinction for assignment purposes between bulk milk received from a Federally regulated market outside New England and bulk milk received from the other New England Federal order market. It is concluded, therefore, that the Connecticut and Massachusetts-Rhode Island orders should provide that bulk milk received at a regulated distributing plant from any other Federal order market be prorated to the receiving handler's combined Class I and Class II uses at all of his pool plants.

Minor modification of the Connecticut order should be made to "dovetail" the classification provisions of the Connecticut order and the proposed Massachusetts-Rhode Island order with respect to disposition in another New England market by Connecticut handlers of a fluid cream product containing at least 12 percent but less than 16 percent butterfat. Under the four orders proposed herein to be merged, a fluid cream product containing at least 10 percent but less than 16 percent butterfat is termed "half and half" and 50 percent by weight of the quantity is classified as Class I milk. Under the Connecticut order, on the other hand, "half and half", though it must contain at least 10 percent butterfat, must contain less than 12 percent butterfat. Under this latter order, also, 50 percent by weight of the quantity is classified as Class I milk. Fluid cream with 12 percent or more butterfat, however, is a Class II product.

Connecticut handlers disposing of fluid cream containing 12–16 percent butterfat (a Class II product) in the other New England market has a cost advantage on such cream relative to handlers in the other market who must pay the Class I price for producer milk obtained for comparable use. It is desirable to remove this cost advantage. Accordingly, the Connecticut order should be changed to provide for a Class I classification of 50 percent by weight of the quantity of any fluid cream product containing at least 12 percent but less than 16 percent butterfat which is disposed of in another New England Federally regulated market, either on routes or by transfer, if the other order provides for similar classification of such type of product.

Further minor modification of the Connecticut and Massachusetts-Rhode Island orders within the framework of the recently adopted assignment provisions should be made. In the October 1963 decision previously referred to, it was concluded that the kind of regulatory treatment under the New England orders of nonpool milk should be based in part on the type and location of the plant from which the milk is received. In this connection it was established that milk received from non-Federally regulated plants located within 400 miles of Boston should be treated under the orders somewhat differently than milk received from such plants located at greater distances.

The 400-mile distance encompasses all six New England states except for the northernmost part of Maine. There is no reason to distinguish marketing circumstances at any plant located in this small area in northern Maine from those at plants located in other parts of New England. Different regulatory treatment of milk received from a plant located in this northernmost area would not be in conformity with the general regulatory program for nonpool milk set forth in the decision just referred to. It is appropriate, therefore, that milk received from any non-Federally regulated plant which is located in New England be treated in the same manner now prescribed for milk received from such plants located within 400 miles of Boston.

(b) A cooperative association proposed that the Springfield and Worcester orders should no longer provide that bulk milk received from Boston order

pool plants be assigned to Class I milk at the receiving plant prior to the assignment of producer receipts at such plant. The consolidation of the Springfield and Worcester orders with the Boston and Southeastern New England orders makes this proposal moot and it therefore is denied.

(c) Another cooperative association proposed a change in the Southeastern New England order provisions which, in making assignments of milk receipts to Class I, would give greater priority to receipts of milk from pool supply plants than was the case under the order as in effect at the time of the hearing. At that time milk received at a regulated distributing plant from supply plants under other Federal orders was assigned to any available Class I utilization before assigning receipts from pool supply plants. Proponent stated that this provision encouraged handlers operating distributing plants to import milk from other Federal order markets rather than to draw upon the available supplies of milk in the local market. Such handlers, proponent stated further, desire to have the Class I transportation credit apply to as much milk obtained from country plant sources as possible and, accordingly, they tend to purchase milk from those sources which are given preferential treatment with respect to Class I assignments.

Since the hearing, the procedure for assigning receipts of nonpool milk from Federally regulated sources has been altered. In addition, further change in the assignment of bulk receipts from other New England markets is proposed herein. These changes, under which bulk receipts at a distributing plant from other Federally regulated markets are assigned pro rata to both classes, have been determined as necessary to provide for the appropriate regulatory treatment of inter-order transfers of bulk milk.

The consolidation of the Southeastern New England order with the Boston, Springfield, and Worcester orders undoubtedly will alter the conditions presently influencing Southeastern New England handlers' decisions on where to procure milk. It is expected that the handlers now under the Southeastern New England, Springfield, and Worcester orders, when operating under the Massachusetts-Rhode Island order, will find less need to draw upon sources under other Federal orders. No specific change in the assignment provisions on the basis of this proposal is therefore appropriate.

(d) The Massachusetts-Rhode Island order proposed herein should not assure the application of city plant Class II pricing on a specific portion of the milk used in Class II at a city distributing plant.

A proprietary handler proposed that the Boston, Springfield, Worcester, and Southeastern New England orders (proposed herein for merger) assign to direct receipts of producer milk at any city distributing plant, for pricing purposes only, up to a certain quantity of the plant's Class II milk before the assignment of any such Class II use to receipts from country plants. Under this proposal, the quantity of Class II milk to be so assigned would be limited to an amount equal to 5 percent of the city plant's Class I utilization. It was suggested by another proprietary handler that such "5 percent" limitation be increased to a maximum 9 percent. Such a provision would guarantee the city plant operator the Class I transportation allowance on the quantity involved even though he receives at the city plant an equivalent amount of milk directly from farms.

To provide similar transportation allowance on Class II milk to those city plant operators who obtain all their milk from country plants, proponent proposed also that the country plant shipper's basic cost under the order on a similar quantity of Class II milk shipped to such a city distributing plant be the applicable country plant Class II price minus the difference between the Class I and Class II zone differentials applicable at the location of the country plant. Proponent apparently presumes that, under such a provision, the country plant operator would offer milk to the city plant operator for Class II use on a price basis, f.o.b. city plant, comparable with that of the city plant operator with direct-delivered milk assigned to Class II under the limit proposed.

Proponent contended that, under the present order provisions, handlers who rely on country plant sources for most or all the milk handled at their city distributing plants are disadvantaged as to the cost of Class II milk necessarily associated with the fluid milk processing and packaging operation. It is normal, proponent stated, to have at least a small Class II use at the city distributing plant since some milk is used for thinning cream, other milk is dumped because of off-flavor or as route returns, and some milk is lost through normal shrinkage, all of which "uses" are considered Class II under the respective orders. Proponent contended, however, that the cost under the orders for this Class II milk varies for the city distributing plant operator depending upon the proportions of supply received from direct-delivered and country plant sources. For example, proponent pointed out that the city plant operator's cost, f.o.b. the city plant, for Class II milk derived from country plants in the 21st zone is the 21st zone Class II price plus whatever cost is incurred in moving the milk to his city plant in fluid form, making the operator's cost for such Class II milk significantly greater than the Class II milk cost of the city plant operator who receives only direct-delivered producer milk on which the producer pays the cost of the farm-to-plant haul.

It was stated further that, under the respective orders, any Class II utilization at a distributing plant which is supplied entirely by direct-delivered producer milk presently is assigned to such producer milk and the city plant Class II price (which ranges from 5.8 cents to 7 cents per hundredweight over the 21st zone Class II price) applies. If the direct-delivered producer milk supply for the plant is supplemented with milk from country sources, however, the plant's Class II utilization is assigned, to the fullest extent possible, to the receipts from country plants. Producers sharing in the market pool thus are not required to bear any of the cost of moving, at the transportation rate for Class I milk, whole milk from the country to the city while any locally-produced milk is available for Class I purposes.

The proposed provisions would not provide for uniform pricing on Class II milk at country plant locations. Moreover, they would assess unnecessary transportation charges against pool proceeds, with adverse effect on producer returns, since producers generally would bear the cost of shipping milk in fluid form at the transportation allowance for Class I milk, which milk ultimately would be used in lower-valued Class II uses. In view of the foregoing, the proposal is denied.

(e) Certain cooperative associations operating in the Connecticut market proposed a change in the percentage of producer milk that may be assigned under the Connecticut order to Class II milk before assigning receipts of bulk fluid milk products from other Federal order plants and from pool supply plants.

At the time the proposal was made, the order provided that during the months of July through November up to 15 percent of producer receipts could be set aside for assignment to Class II milk before assigning receipts of bulk milk from (1) plants regulated under another Federal order and (2) pool supply plants. It should be noted that on the basis of the January 1, 1964 amendments to the order, however, any receipts at regulated distributing plants from plants regulated under other Federal orders outside New England are now prorated to the handler's combined utilization at all his pool plants. This decision adopts a similar basis of allocation as to any receipts from plants under the Massachusetts-Rhode Island order. The Connecticut order currently provides also that during the months of December through June there may be a priority of assignment to Class I milk, but only to the extent of 5 percent of the Class I utilization at the receiving plant, for receipts of bulk milk from pool supply plants.

It was proposed that the 15 percent "set-aside" be reduced to 10 percent for the months of September, October, and November. The associations further proposed that the corresponding preferential assignment of receipts from pool supply plants for the remaining months of December through June be eliminated.

Proponents contended that the availability of direct deliveries of producer milk to distributing plants removes the need for preferential assignment to Class I milk of receipts of bulk milk from these more distant regulated sources. They contended that such assignments to Class I milk cause producers to bear unnecessary transportation costs.

Setting aside a certain percentage of producer receipts for assignment to Class II milk enables handlers to purchase supplemental milk from distant sources at times of short direct-delivered supply without having such purchases assigned wholly to Class II milk. For the September through November period in 1960, 1961, and 1962, the percentage of producer receipts to total Class I utilization averaged 111 percent. In this circumstance of a relatively short milk supply, handlers who rely primarily on milk from direct-delivery producers may find it necessary, because of variations in daily receipts and sales, to obtain supplemental milk from other, more distant sources. Thus, a reduction in the percentage of direct-delivered receipts which may be set aside during the months of September through November for specific assignment to Class II milk would not be warranted.

Also, the evidence does not indicate that producers are being burdened with costs arising from unnecessary shipments of milk from pool supply plants to distributing plants during the months of December through June. Accordingly, there is no reason at this time to discontinue the preferential assignment to Class I milk of a limited amount of bulk receipts from pool supply plants over direct-delivered receipts during these months.

There is no need for providing any set-aside of producer receipts for preferential assignment purposes at a supply plant. It is not customary for handlers to receive milk at their supply plants from other Federal order plants or from other pool supply plants for Class I purposes. The present order therefore should be changed accordingly.

(f) The assignment procedure for beginning and ending inventory under the Connecticut order should be modified. Presently, a handler's inventory at the end of the month is classified as Class II milk and is considered part of the handler's Class II utilization for that month. The following month this inventory is included in the handler's current receipts. When assigning receipts of milk to the handler's utilization, the order now provides that a quantity of Class II milk equal to the quantity of ending inventory shall be set aside before assigning receipts of bulk milk from other Federal order plants and other pool plants and before assigning beginning inventory. After these assignments, the ending inventory is added back to the Class II utilization and the remaining assignments of receipts are made. The assignment procedure should be changed to eliminate this set-aside of ending inventory.

This change will make the assignment procedure under the Connecticut order similar in this respect to that of the Boston order. Under the modified assignment procedure in the Connecticut order, the beginning inventory of fluid milk products will be assigned to classes before the assignment of receipts of bulk milk from other Federal order markets. If no change were made, the two orders would not treat receipts of bulk milk from the other New England Federal order market on a reciprocal basis. In accordance with the general plan of providing in Federal orders comparable treatment of inter-market transfers, it is appropriate that the Connecticut order assignment provisions be changed in this manner.

(g) The classification provisions in the Boston, Springfield, and Worcester orders are virtually identical but differ somewhat from the classification provisions in the Southeastern New England order. The consolidation of these four orders, however, necessitates a resolution of these differences.

Inventories of fluid milk products at the end of the month should be classified under the merged order as Class II milk pending final disposition of the products, as is currently required under the Southeastern New England order. Except in limited circumstances, similar procedure applies under the three Massachusetts orders. The option to have inventory classified as Class I milk which is provided in certain instances in the present Massachusetts orders should be provided in the merged order in slightly modified terms. Those handlers who either do not receive milk from producers or do not claim any Class II utilization of fluid milk products on their handler reports should be permitted to request such classification.

It is consistent with the nature of the plant operation to allow handlers with virtually a Class I business to classify their ending inventory as Class I milk. Under this arrangement ending inventory of such handlers will be classified commensurately with its probable final disposition. Burdensome detail with respect to inventory reclassification will be largely avoided for these handlers.

To prevent any abuse which might arise from classifying ending inventory in Class I, the Massachusetts-Rhode Island order should provide that a handler choosing this arrangement be debited or credited, as the case requires, in his pool obligation for any difference in the total values of his beginning Class I inventory as determined on the basis of the Class I prices for the current month and the preceding month. Thus, if the inventory value is increased because of an increase in the Class I price, the handler should be debited for the increased value and, conversely, a handler should receive a credit for any inventory value decrease resulting from a Class I price decrease. Under this arrangement a handler would not be able to gain a cost advantage by accumulating during a month a large inventory for future Class I use in anticipation of an increase in the Class I price in the following month.

Presently, the price used under the three Massachusetts orders for pricing reclassified inventory is the difference between the Class I and Class II prices for the current month. The price used under the Southeastern New England order for this purpose, however, is the difference between the Class I price for the current month and the Class II price for the preceding month. This latter pricing method should be used under the Massachusetts-Rhode Island order. This method is consistent with the fact that the inventory was classified as Class II milk in the preceding month and was accounted for at that month's Class II price. Also, it will correspond with the method of pricing reclassified inventory presently used under the Connecticut order.

The Massachusetts-Rhode Island order should provide that fluid milk products disposed of to bakeries, soup manufacturers, and candy manufacturers be classified as Class II milk as is presently provided under the Southeastern New England order. Products manufactured at such establishments are not required to be made with milk which has been approved for fluid uses by local health authorities. Class II classification of milk sold for use in these products will result in the milk being competitively priced with alternative milk supplies available for the manufacture of such products.

All fluid milk products which are disposed of as livestock feed or are dumped should be classified as Class II milk under the consolidated order. Under the present orders to be merged, the exception to such a classification pertains to whole milk suitable for human consumption, which milk is classified as Class I milk even though disposed of in this manner. Under the classification plan the use or disposition of the fluid milk product should be controlling rather than its general condition at the time of disposition. Therefore, no distinction in classification should be made for milk eligible for human consumption when put to such use.

9. *Method and scope of pooling.* (a) The marketwide pooling plan for distributing returns to producers presently in use under the Boston, Springfield, Worcester, and Southeastern New England orders should be provided under the Massachusetts-Rhode Island order.

A proprietary handler in the Southeastern New England market proposed that the method of pooling returns to producers in that market be changed from marketwide pooling to individual-handler pooling. Another proposal listed in the hearing notice but not supported by proponents or other parties would require that individual-handler pooling replace the present marketwide pooling under each of the four orders proposed herein to be merged.

The conclusion that the Southeastern New England order should be merged with the Boston, Springfield, and Worcester orders into a single regulation renders moot the question of individual-handler pooling under any one of the now separate orders. The question then is raised as to the propriety of individual-handler pooling under the Massachusetts-Rhode Island order.

Under such form of pooling all producers supplying the same regulated handler would be paid a blended price (subject to butterfat and location differentials) based upon the uses of milk made by such handler. With this arrangement it is usual that producers supplying one handler receive a blended price different from that paid by other regulated handlers in the market inasmuch as the proportions of milk used in the different classes usually vary among handlers. This method of pooling is in contrast to marketwide pooling now provided in each New England order, whereby the values of milk delivered by all producers to all

regulated handlers in the market are combined into one fund and all producers supplying the market are paid the same blended price except for adjustments for butterfat and location of the plant of receipt.

Individual-handler pools generally are more practicable for markets where milk supplies are relatively short and where reserve supplies are distributed rather evenly among all handlers in the market. These conditions do not prevail in the Boston market, and would not prevail in the consolidated market because of the predominance of the Boston market's position among the four markets proposed to be merged. Most distributing plants in New England are not equipped to handle reserve milk in any volume. Consequently, operators of such plants customarily have relied on the relatively limited number of manufacturing plants, most of which are presently associated with the Boston market, for the disposal of often substantial quantities of reserve milk. In this situation the institution of individual-handler pooling under the consolidated order would result in widely differing blended prices as between those producers whose milk is received directly at distributing plants and those whose milk is received at country supply plants where available manufacturing facilities are maintained.

It is logical to expect that individual handlers and cooperative associations would find it necessary to make substantial changes in the present patterns of milk movements and disposal in order to obtain for their respective producers the highest possible returns. The major readjustment of the entire marketing structure in New England which undoubtedly would accompany the institution of individual-handler pooling would add to marketing costs and thus be uneconomical and undesirable. The differences in producer prices which could be expected to ensue from such method of pooling would not promote the objective of more uniform alignment of prices to producers which, as elsewhere described in this decision, is important to orderly marketing in New England. The application of marketwide pooling under a merged order will promote market stability by insuring that all producers supplying the Massachusetts-Rhode Island market will share on a uniform basis the Class I and Class II utilization in the entire market and thus assist to permit the assembly of supplies in an economical manner for available outlets. Accordingly, the proposals for individual-handler pooling are denied.

(b) The definition of "handler" under the Connecticut order should be modified to include, for certain purposes, a cooperative association with respect to milk of its producer members which is picked up in bulk at the farm by tank trucks owned by, operated by, or under contract with such association and delivered in such trucks (or in trucks into which the milk is reloaded) to pool plants.

A cooperative association operating in the Connecticut market proposed that it be allowed to be the handler, for limited purposes, when it assumes responsibility for farm-to-plant delivery of bulk tank milk of its producer members. Proponent stated that in cases where the association supplies a number of pool distributing plants with their entire fluid milk requirements this provision would promote more efficient marketing by providing greater flexibility in the movement of producer milk.

In the interest of marketing efficiency and convenience to cooperative associations and handlers in the market, it is appropriate that the Connecticut order provide for such an arrangement. At a time when over 70 percent of the producers in the market are shipping milk in bulk form, many handlers are finding it advantageous to rely entirely upon cooperative associations for their entire fluid milk needs rather than upon their own facilities for procuring milk from individual producers. Cooperative associations in this market presently arrange for and direct the movement of milk from members' farms to distributing plants, or to surplus disposal outlets, as necessary. The adoption of the proposal would facilitate the associations' efforts in performing these marketing functions.

To meet the supply requirements of the individual handler, particularly small-volume handlers, it is often necessary for an association to "split" a tank truck load of milk among them. Under the present order, however, this is not easily accomplished inasmuch as the handler who first receives producer milk from a tank truck is required to be the reporting handler for not less than the milk contained in a compartment on the truck. Accommodating handlers' requirements therefore often involves inefficient routing of tank trucks and hauling of partial loads in order to deliver the desired amounts of milk. It would be advantageous for cooperative associations to be able to vary routing arrangements from day to day as milk is moved to handlers' pool plants in the particular quantities, and at the hours, desired by handlers.

Where a single producer's milk may be received at several handlers' plants during the month, it would be advantageous to both the cooperative association and the receiving handler for the association to be the reporting handler for the monthly receipts of milk from such producer. Allowing a cooperative association the option of being the handler for the bulk tank milk of its producer members for this purpose would make possible the elimination of duplicate accounting on producer milk. At least certain of the cooperative associations operating in the Connecticut market collect proceeds from handlers and make uniform price payments to their producer members. Such an arrangement requires, of course, that the association maintain detailed producer payroll records. In order to comply with the current order provisions, however, it is necessary that handlers who receive milk from association members also keep detailed producer payroll records. If a cooperative association had handler status for reporting purposes, it would not be necessary for proprietary handlers also to maintain such records.

A cooperative association requesting to be the handler for the bulk tank milk of its producer members should be required to notify the market administrator and the handler to whom the delivery is made that it intends to act in this capacity. To be workable, such notification must be given prior to the time of delivery of the milk. The association also should report to the market administrator the quantity as measured at the farm and the butterfat test of each producer's milk for which it elects to be the handler. In addition, the association should be accountable to the producer-settlement fund for any differences in the quantities of milk received from producers, based on farm measurements, and the quantities of milk which purchasing handlers claim as received at their plants from the association. Further, the association should pay the administration expense assessment on the quantities of milk involved in these differences.

The proprietary handler receiving bulk tank milk from the association should report to the market administrator the quantities of milk (though not necessarily on an individual producer basis) which he receives from the association and the utilization of the milk. The handler should be accountable to the producer-settlement fund for such milk and should pay to the market administrator the pro rata share of the expense of administration of the order which normally applies to producer milk received.

The Connecticut order presently provides that a handler who receives milk directly from producers shall be allowed one-half of one percent shrinkage on such receipts and an additional one and one-half percent shrinkage if the milk is processed in the handler's plant. It is appropriate that the cooperative association, as the first receiving handler, be allowed one-half of one percent shrinkage on the producer milk for which it is the handler. The plant operator who receives and processes the milk should be allowed the remaining portion of the allowable two percent shrinkage on the milk.

This arrangement is desirable under the prevailing circumstances where, under bulk tank delivery, the plant operator who receives the milk from the association may purchase the milk on the basis of plant weights while the association pays its producer members on the basis of measurements taken at the individual farms. In this case it is not unusual for minor differences to prevail in the quantities of milk for which the two parties believe they are accountable. It is generally acknowledged by the dairy industry that there are limits of accuracy regarding the accepted methods for determining milk quantities, and, therefore, some allowance for such differences reasonably may be provided for under the order. It is appropriate that the plant operator be limited to one and one-half percent shrinkage when buying the milk on the basis of plant weights since by this practice he avoids normal shrinkage at one point in the handling process. If the plant operator elects to purchase

such milk on the basis of measurements at the farm, however, the order should allow the entire two percent shrinkage allowance to accrue to the plant operator. A plant operator making this election should give notice to the market administrator that the purchase of the milk is made on the basis of the farm measurement.

Under the plan adopted herein, the plant operator who receives bulk milk for which a cooperative association is the reporting handler would not have the privilege of diversion with respect to such milk. The function which the association performs in this instance is essentially one of balancing the plant operator's day-to-day milk requirements. The plant operator, therefore, has no need for diversion as to milk which he receives in this manner and the duplication of diversion privileges should be avoided.

(c) A Connecticut cooperative association's proposal to price diverted milk under the Connecticut order at the location of the plant to which the milk is diverted rather than at the location of the plant from which the milk is diverted, as at present, should not be adopted.

Proponent contended that the present method of pricing diverted milk encourages unwarranted diversion of the market's daily and seasonal reserve supplies to distant plants outside the Connecticut marketing area while at the same time additional supplies of milk beyond market needs may be brought in to become permanently associated with the market, thus tending to dilute pool returns to regular producers. It was contended, also, that any extensive diversion of reserve milk to distant plants for disposal would affect adversely the maintenance of adequate and efficient supply-balancing and manufacturing facilities within the Connecticut market.

The method of pricing diverted milk proposed by proponent was provided in the Connecticut order from its inception on April 1, 1959 until September 1, 1960. At that time the pricing point for diverted milk was changed, following a hearing, from the location of the plant to which the milk was diverted to the location of the plant from which the milk was diverted on the basis that producers were not receiving equitable returns inasmuch as the diversion of certain producers' milk caused a disturbing variance in prices to such producers.

There is no indication that the present method of pricing diverted milk is not resulting in the orderly and economical disposition of reserve milk in the Connecticut market, or that marketing conditions have changed substantially from the time the present provision was determined to be appropriate. Proponent's contentions were speculative and were not supported by evidence of actual marketing problems. There is no indication that the present diversion provisions, in fact, are being abused. With the change in handler definition proposed herein, the handling of surplus supplies should be facilitated. The proposal therefore is denied.

A cooperative association recently began operating a large, newly-constructed plant at Newington, Connecticut, for balancing handlers' fluid needs and disposing of market reserves of member milk. In view of the presence of these facilities at a central location in the Connecticut market, it is appropriate that the Connecticut order not deter in any manner the use of this outlet for reserve milk of other cooperative associations performing similar balancing services when such plant facilities are available to receive such milk. In this connection, it is appropriate to modify the Connecticut order to allow a cooperative association to be the handler for milk which it moves directly from the farm to the pool plant of another cooperative association. The association responsible for moving the milk from the farm would account to the producer-settlement fund and would be liable for the administrative assessment. The transaction would be treated in a manner similar to transfers of milk between two pool plants in the same zone location and would be priced at the location of the plant where the milk was received. This arrangement will tend to provide greater flexibility in the disposal of milk not needed for fluid use.

(d) The Connecticut order should be revised to delete a provision which provides pool status thereunder to any plant also qualifying for pool status under the Boston order when the plant operator requests exemption from regulation under the latter order.

The provision in question applies in the circumstance where a supply-type plant currently meets the minimum requirements for pooling under both the Connecticut order and the Boston order but makes greater qualifying milk shipments under the latter order. When the handler requests nonpool status for the plant under the Boston order and has no milk from that plant assigned to Class I under that order, the plant is pooled under the Connecticut order.

Proponent contended that a plant should be pooled in that market to which a greater portion of the plant's qualifying shipments are made. It was further contended that the lack of any need for this provision is supported by the fact that no supply plants have held pool status under the Connecticut order by means of this provision.

Consolidation of the Boston, Springfield, Worcester, and Southeastern New England markets will remove many of the complex problems which have arisen in New England regarding the pooling of the many supply plants in New England and because of which numerous changes in the New England orders have evolved over time. On adoption of a consolidated order there no longer would be need for continuing in the Connecticut and Massachusetts-Rhode Island orders this and other special arrangements now provided in the New England orders by which a supply plant can obtain pool plant status in a New England market even though greater shipments are made from the plant to another New England market. Accordingly, the Connecticut and the merged orders should reflect this situation.

In connection with coordination among New England orders of pooling requirements for supply plants, minor change should be made in the present Boston order requirements for pooling a supply plant as a part of a handler's "system" of supply plants upon incorporation of these requirements in the merged order. Presently, the "system" pooling requirements differ as between the Boston and Connecticut orders. The latter order uses as a basis for pooling the qualifying shipments of milk made to any New England market. Under the Boston order, however, qualifying shipments are limited to those made to regulated distributing plants under the Boston order. It is desirable to reflect in the supply plant pooling provisions of each order the concept that a supply plant's qualifying shipments for pooling under one or the other order will be based on the aggregate of shipments to all New England regulated markets. Accordingly, the plant system pooling provision now in the Boston order should be so modified on being incorporated in the consolidated order.

(e) A proposal listed in the hearing notice but not supported by proponents or other parties would require a handler under the Connecticut order to be the reporting handler for all the producer's deliveries in the month if the producer's milk is received at the handler's plant on more than one-half of the delivery days in the month. In the absence of any evidence which would support this proposal, the proposal is denied.

(f) Question was raised at the hearing as to the continued necessity for the present Boston order provision for "emergency milk". Such milk is that which is received from a normally unregulated source at a time when the market administrator declares that there is insufficient producer milk to meet the fluid needs of the marketing area. No such declaration has been made for many years and, in view of the ample milk supplies in New England, no future action of this nature is expected. Moreover, recent amendments to the New England orders provide a revised procedure for integrating nonproducer sources of milk into the regulatory scheme. It is concluded that special provision for treating emergency milk in the pooling procedure is not necessary and that the current provision therefore should not be included in the Massachusetts-Rhode Island order.

10. *Payments to producers and cooperative associations.*

(a) The Massachusetts-Rhode Island order proposed herein should not provide for minimum payments, within prescribed time limits, by a handler with respect to milk received from a cooperative association having handler status.

Certain proprietary handlers and cooperative associations proposed that a provision requiring minimum payments, within prescribed time limits, for milk received from cooperative associations which are handlers be incorporated in the Boston, Springfield, and Worcester orders. Similar provisions are now contained in the Southeastern New England and Connecticut orders. The proponents contended that the former three orders do not prohibit a proprietary handler regulated under the Boston,

Springfield, or Worcester order from obtaining extended credit from a cooperative association for milk purchased from the association inasmuch as the handler is not specifically required by the order to pay the association for the milk by a prescribed date.

Evidence does not reveal that the lack of a requirement in the three Massachusetts orders for scheduled minimum payments by proprietary handlers on milk purchased from cooperative associations has resulted in disorderly marketing. The lack of widespread interest in such a provision by the principal cooperative associations operating in these markets is a strong indication that there is no real need for incorporating the provision in the merged order at this time. Moreover, if it were their desire to do so, the handler and a cooperative association could make legitimate credit arrangements which would involve the question of payment of class prices by a given date and which, in any case, would be beyond the scope of the regulation. The proposal therefore is denied. There was no proposal to revise the payment provisions in the Connecticut order as to time of payment and they are retained in their present form in this respect.

(b) A proprietary handler proposed that the provisions in the Boston, Worcester, and Southeastern New England orders stating the conditions under which deductions from payments to producers are considered allowable be changed to provide that any deduction which is authorized by the producer in writing "shall be conclusively presumed to be a properly authorized deduction and shall be conclusively presumed to be properly chargeable to the producer."

These orders now provide that the burden is on the handler to prove that any deduction from payments to a producer which he makes is properly authorized and properly chargeable to the producer. If any such deduction is determined not to meet either of these conditions, the handler is required to make the necessary adjustment by subsequent payment to the producer.

Proponent contended that any deduction which is authorized in writing by a producer should not be subject to such review and possible adjustment. He stated that the market administrator's action in those cases involving written authorizations constitutes an infringement upon both a contractual arrangement between the handler and the producer and the producer's control of his own money.

Adoption of this proposal would seriously impair the effectiveness of the orders by substituting the producer's consent to a deduction for well-established principles governing propriety of deductions from producer payments. Also, it would limit the market administrator's right to verify the accuracy and propriety of deductions from producer payments, and in this additional respect, would not be consistent with the purpose of the regulation. The proposal therefore must be denied.

The handler proposed also that in the event the above proposal were not adopted, these orders should be changed to eliminate the requirement that a proprietary handler must make authorized deductions from payments to producers who are members of a qualified cooperative association when the association files with the handler a claim for such deductions. Proponent contended that such change would insure comparable treatment of both members and non-members of cooperative associations with respect to deductions from producer payments which are made by handlers. No inequity as between such members and non-members was shown to exist regarding deductions from producer payments, however, and the proposal therefore is denied.

(c) No provision should be made in the New England orders for a "base-excess" plan of distributing producer returns. A cooperative association in the Southeastern New England market proposed that such a plan, which would provide for a system of Class I bases for all producers presently shipping to the New England markets, be incorporated in the New England orders. Proponent contended that the present method of pricing milk under these orders does not provide sufficient incentive for producers to adjust their production to the Class I utilization of milk in the market.

The Agricultural Marketing Agreement Act of 1937, as amended, authorizes the inclusion of base plans in Federal orders. Such plans have been incorporated in a number of Federal orders, but only for the statutory purpose of minimizing seasonal fluctuations in milk production. The objective of the type of base plan proposed, i.e., the reduction of aggregate deliveries of milk by producers to pool plants in relation to the market's fluid needs irrespective of price, would supplant the function which is intended under the Act to be performed by prices established at the levels required by the Act. Prices under milk orders must be established at levels which will tend to equate demand and supply for the market, insure a sufficient supply of pure and wholesome milk, and be in the public interest. Order pricing is intended to operate under conditions where milk supplies will remain reasonably free to respond to changing price conditions. Under a base plan of the type proposed, total production would be influenced greatly by the impact of the base plan rather than by the level of prices provided under the order and would be in conflict with the price criteria of the Act. The proposal therefore is denied.

(d) A proposal listed in the hearing notice but not supported by proponent or other parties would require under the Southeastern New England order that payments to individual producers be related to the nonfat solids content of producer milk. In the absence of evidence to support such a pricing scheme, the proposal is denied.

(e) No change should be made in the seasonal incentive plan now in use under the Connecticut order. A cooperative association proposed that this plan be changed by:

(1) Increasing the "take-out" rate from 15 cents to 25 cents per hundredweight;

(2) Eliminating June and adding January, February, and March to the "take-out" months, and adding October to the "pay-back" period; and

(3) Revising the "pay-back" schedule to provide for distribution of the monies collected during the "take-out" months at the rate of 40 percent of accumulated funds in July, 30 percent in August, 20 percent in September, and 10 percent in October.

Proponent contended that a change in the production pattern during recent years makes desirable a change in the months which are included in the "take-out" and "pay-back" periods. Also, an additional incentive for increased production in July was expressed by proponent as desirable.

The present "take-out" and "pay-back" months and rate schedule have been in the Connecticut order since its inception on April 1, 1959. This plan was incorporated in the order to encourage producers to level out their seasonal variations in production by increasing their milk production during the summer months when the supplies of milk are at their lowest level of the year, and decreasing their milk production during the spring months when the supplies of milk are at their highest level. For example, during 1963 the daily average receipts of milk in Connecticut during May, the month of highest production were only 18 percent more than the daily average receipts during July, the month of lowest production. This is a more uniform seasonal pattern of milk production than exists in any of the other neighboring markets where production conditions are generally similar. Therefore, it is concluded that the present seasonal incentive plan is accomplishing its objective and the proposal is denied.

(f) The Massachusetts-Rhode Island order should provide that a handler, upon request by a cooperative association, shall make payment to the association of the total amount due the association's producer-members for milk which the handler has received from them. This manner of payment by a handler is now specifically provided for in the Southeastern New England order. Under the other three orders proposed to be consolidated, such payment, if requested, is permitted but not required. A witness for a cooperative association in the Southeastern New England market stated that, in accordance with the provisions of that order, the association was collecting from handlers at the time of the hearing the payments due a number of its producer-members. Accordingly, the appropriate provision regarding this matter should be incorporated in the consolidated order.

11. *Marketing service deductions.* The provision under each of the present orders for a deduction from producers' returns to cover marketing services performed by the market administrator should be continued under the Massachusetts-Rhode Island order and the Connecticut order. The maximum deduction under each order should be three cents per hundredweight of milk.

Certain proprietary handlers and a small producer organization proposed that the nonmember marketing service provisions be deleted from one or more of the New England orders. Proponent handlers contended that nonmember producers do not desire such services, and that the marketing services rendered by the market administrators often duplicate services rendered by other parties. The proponent producer organization, and another producer organization which supported the proposal, contended that such deductions impose a hardship on their members since the organizations themselves are performing marketing services which are supported by the organizations' assessments on their members' milk, thereby resulting in a "double assessment" on such producers. Representatives of these organizations indicated that their members were not exempt from the marketing service deductions under the orders inasmuch as the organizations have not yet met the qualifications to perform as cooperative associations under the marketing service provisions.

Under each of the New England orders, the market administrator presently performs certain marketing services, including the dissemination of market information and the verification of weights and tests of producer milk, for producers who are not members of qualified cooperative associations which the Secretary has found are performing similar services. Such producers bear the cost of these services. When the Secretary determines that a qualified cooperative association is performing adequate marketing services for its producer members, the members are not subject to a specified marketing service deduction but to a deduction as agreed to by the association and its members.

The continuance of the marketing service program under the New England orders will promote orderly marketing by assuring individual producers who are not members of cooperative associations that the weights and tests of their milk are accurately made and also by keeping such producers fully informed of marketing developments. This type of service to such a producer, to be furnished at his expense, is authorized by the Act. No evidence was offered which indicates that such services are being performed in a continuing manner by other parties which make unnecessary such services as rendered by the market administrator. Moreover, the contention that marketing services are not desired by nonmember producers was not affirmed by any widespread support for their elimination. The proposals relating to marketing service deductions therefore are denied.

While the market volume of nonmember milk has been the most important factor in determining the individual rates of deduction needed to carryout the marketing service program in the separate markets, the performance of such services to nonmember producers under a merged order should not require a rate of deduction as great as the highest of the rates now in effect for these markets. It may be reasonably estimated that a maximum deduction of three cents per hundredweight of milk received from each producer for whom such services are to be performed will provide the necessary funds to carry on an adequate marketing service program under the Massachusetts-Rhode Island order. This rate of deduction is somewhat less than the average of the present maximum rates of deduction of two cents under the Boston order, three cents under the Springfield and Worcester orders, and five cents under the Southeastern New England order but should be adequate to carry on the services under a unified program. However, if it should appear at any time that the marketing services can be performed adequately at an even lower rate, provision is made whereby the Secretary may set a lower rate without the necessity of amending the order. The Connecticut order presently provides for a comparable maximum deduction of three cents and this rate would be continued.

12. *Administrative provisions.* To accomplish the merger of the Boston, Southeastern New England, Springfield, and Worcester orders effectively and equitably, the assets in the administrative and marketing service funds which have accrued under the separate orders should be combined. Similar procedure should be carried out with respect to the producer-settlement fund reserves. Any liabilities of such funds under the individual orders should be paid from the new funds so created. Similarly, obligations which are due and owning to the funds under the separate orders should remain and be paid to the combined funds under the merged order. This procedure would assure and maintain the continuity of the regulatory program in these markets.

The Massachusetts-Rhode Island order should provide for a maximum rate of four cents per hundredweight of milk which handlers should pay as their pro rata share of the expense of administration of the order. This maximum rate appears reasonable in view of the present maximum rates of three cents under the Boston order, four cents under the Springfield and Worcester orders, and five cents under the Southeastern New England order and the plan to transfer the present reserves in the separate administrative funds to the market administrator of the merged order for similar use thereunder. The order should provide, however, that if it appears at any time that a lower rate will cover administration expenses the Secretary may set the actual rate at a lower rate without the necessity of amending the orders.

As a proper pro rata assessment on handlers, payment under the merged order should apply to all of a handler's receipts of fluid milk products except (1) those receipts on which an administration expense assessment already has been applied under a Federal order, and (2) those receipts of exempt milk processed at plants other than pool plants. The payment should apply also to pool milk distributed on routes in the marketing area from nonpool plants.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

In accordance with § 900.9(b) of the rules of practice (7 CFR Part 900), an interested party requested in its brief a reversal of the Presiding Officer's ruling to exclude from the record certain opposition testimony which it desired to give concerning the several merger proposals listed in the hearing notice. In this regard, an offer of proof was made in accordance with § 900.8(d)(6) of the rules of practice.

The proffered testimony pertained to specific changes in the terms and provisions of the New York-New Jersey Federal order which this party considered necessary to effectuate a consolidation of the New York-New Jersey, Connecticut, and Springfield marketing areas and the extension of such consolidated area to include Berkshire County, Massachusetts. This merger plan, which was not embraced by the hearing notice, was suggested as an alternative to the merger proposals specifically set forth in the hearing notice. In ruling on the admission of this testimony, the Presiding Officer stated that the merger proposals listed in the hearing notice may be opposed by showing through the presentation of testimony on general economic and marketing conditions that this alternate merger plan would be preferable. It was indicated by the Presiding Officer, however, that testimony on specific changes in the New York-New Jersey order which would be necessary to effectuate this alternate plan did not constitute opposition testimony but constituted, instead, testimony of the proponent for the alternate plan and such testimony was, therefore, beyond the scope of the hearing notice.

A review of the statements in the record concerning this matter, and of the Presiding Officer's ruling, has been made. Such ruling is hereby affirmed.

Several parties requested in their brief that certain testimony relating to one of the merger proposals listed in the hearing notice be stricken from the record. The parties contended that this testimony, which was given on behalf of certain cooperative associations, should not be considered in the formulation of any amendments to the New England orders since the associations did not have members associated with the New England markets at the time of the hearing.

No ruling by the Presiding Officer concerning the admissability of such evidence was requested at the hearing. Under § 900.8(d)(2) of the rules of practice, only those objections to the admissability of evidence which are made at the time of the hearing may be subsequently relied upon in the proceeding.

It should be noted, however, that any interested person shall be given the opportunity to be heard with respect to matters relevant and material to the proceeding. Further, the Presiding Officer is charged with the responsibility of excluding evidence which does not meet these requirements. After review of the record, it is concluded that the testimony in question is relevant to this proceeding. Accordingly, the request is denied.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following order amending and consolidating the orders, as amended, regulating the handling of milk in the Greater Boston, Springfield, and Worcester, Massachusetts; and Southeastern New England marketing areas, and the following order amending the order, as amended, regulating the handling of milk in the Connecticut marketing area, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Amendments to, and consolidation of, the Greater Boston, Springfield, and Worcester, Massachusetts, and Southeastern New England order provisions:

PART 1001—MILK IN THE MASSACHUSETTS-RHODE ISLAND MARKETING AREA

Subpart—Order Regulating Handling

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AUTHORITY: The provisions of this Part 1001 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

GENERAL DEFINITIONS

§ 1001.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1001.2 Massachusetts-Rhode Island marketing area.

"Massachusetts–Rhode Island marketing area", referred to in this part as the "marketing area", means all territory within the places listed below, all waterfront facilities connected therewith and craft moored thereat, and all territory therein occupied by any governmental installation, institution, or other establishment:

MASSACHUSETTS

COUNTIES

Barnstable.	Norfolk.
Bristol.	Plymouth.
Dukes.	Suffolk.

CITIES AND TOWNS

Agawam.	Chelmsford.
Andover.	Chicopee.
Arlington.	Clinton.
Ashland.	Dracut.
Auburn.	Dudley.
Ayer.	Easthampton.
Bedford.	East Longmeadow.
Belmont.	Everett.
Beverly.	Fitchburg.
Billerica.	Framingham.
Blackstone.	Gardner.
Boylston.	Grafton.
Burlington.	Groveland.
Cambridge.	Haverhill.
Charlton.	Holden.

Holliston.	Reading.
Holyoke.	Rutland.
Hopedale	Salem.
Hopkinton.	Saugus.
Lancaster.	Sherborn.
Lawrence.	Shrewsbury.
Leicester.	Somerville.
Leominster.	Southborough.
Lexington.	Southbridge.
Littleton.	South Hadley.
Longmeadow.	Spencer.
Lowell.	Springfield.
Ludlow.	Sterling.
Lunenburg.	Stoneham.
Lynn.	Sutton.
Lynnfield.	Swampscott.
Malden.	Tewksbury.
Marblehead.	Tyngsborough.
Marlborough.	Upton.
Medford.	Wakefield.
Melrose.	Waltham.
Mendon.	Watertown.
Merrimac.	Wayland.
Methuen.	Webster.
Milford.	Westborough.
Millbury..	West Boylston.
Milliville.	Westfield.
Nahant.	Westford.
Natick.	Westminster.
Newton.	West Newbury.
Northampton.	Weston.
North Andover.	West Springfield.
Northborough.	Wilbraham.
North Reading.	Wilmington.
Oxford.	Winchester.
Paxton.	Woburn.
Peabody.	Worcester.
Princeton.	

RHODE ISLAND

All cities and towns except New Shoreham (Block Island).

§ 1001.3 Route disposition.

"Route disposition" means distribution of Class I milk by a handler to retail or wholesale outlets, which include vending machines but do not include plants or distribution points. The route disposition of a handler shall be attributed to the processing and packaging plant from which the Class I milk is moved to retail or wholesale outlets without intermediate movement to another processing and packaging plant.

DEFINITIONS OF PERSONS

§ 1001.5 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1001.6 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1001.7 Producer.

"Producer" means a dairy farmer who produces milk which is moved, other than in packaged form, from his farm to a pool plant, or to any other plant as diverted milk. The term shall not include:

(a) A producer-handler under any Federal order;

(b) A dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order;

(c) A dairy farmer for other markets;

(d) A dairy farmer with respect to certified milk received from him; or

(e) A dairy farmer who is a local or state government and has nonproducer status for the month under § 1001.26(d).

§ 1001.8 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales of, or marketing, milk or its products for its members.

§ 1001.9 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates any other plant, or a pool bulk tank unit as defined under another Federal order, from which fluid milk products are disposed of, directly or indirectly, in the marketing area; or

(c) Any person who does not operate a plant but who engages in the business of receiving fluid milk products for resale and distributes to retail or wholesale outlets packaged fluid milk products received from any plant described in paragraph (a) or (b) of this section.

§ 1001.10 Producer-handler.

"Producer-handler" means any person who, during the month, is both a dairy farmer and a handler and who meets the conditions specified in each of the paragraphs of this section.

(a) He provides as his own enterprise and at his own risk the maintenance, care, and management of the dairy herd and other resources and facilities which he uses to produce milk, to process and package such milk at his own plant, and to distribute it as route disposition.

(b) His own route disposition constitutes the majority of the route disposition from his plant.

(c) The quantity of route disposition in the marketing area from his plant is greater than in any other Federal marketing area.

(d) He receives no fluid milk products except from his own production and pool plants under any New England Federal order. If his receipts from own production and the total route disposition from his plant each exceed 2,150 pounds per day for the month, his receipts from New England Federal order pool plants are not in excess of 2 percent of his receipts from own production. For the purposes of this paragraph, his receipts of fluid milk products shall include receipts from plants of other persons at all retail and wholesale outlets which are located in New England Federal marketing areas and which are operated by him, an affiliate, or any person who controls or is controlled by him.

§ 1001.11 Dairy farmer for other markets.

"Dairy farmer for other markets" means any dairy farmer described in this section. For the purposes of this section, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by the handler or dealer. Receipts from a "dairy farmer for other markets" shall be considered as receipts from the plant to which his milk was delivered on a majority of the delivery days during the 12 months ending with the current month.

(a) The term includes a dairy farmer with respect to milk which is purchased from him during the month by a dealer who operates a plant but does not operate a pool plant, if the milk is moved to a pool plant directly from the dairy farmer's farm. The term shall not apply to the dairy farmer, however, if all the nonpool milk purchased from him during the month by the same dealer is a receipt of producer milk under the provisions of another Federal order or will be such if the dairy farmer is a producer under this part.

(b) The term includes a dairy farmer with respect to milk which is purchased from him during the month by a handler and moved to a pool plant, if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month. The term shall not apply to the dairy farmer, however, if all the nonpool milk is a receipt of producer milk under the provisions of another Federal order or will be such if the dairy farmer is a producer under this part.

(c) The term includes a dairy farmer with respect to milk which is received by a handler at a pool plant during any of the months of December through June, if the handler received nonpool milk from the same farm during any of the preceding months of July through November at a plant which is not a pool plant under any Federal order in the current month. The term shall not apply to the dairy farmer, however, if all the nonpool milk was a receipt of producer milk under the provisions of another Federal order or represented receipts from own production by a producer-handler under any Federal order.

DEFINITIONS OF PLANTS

§ 1001.15 Plant.

"Plant" means the land and buildings, together with their surroundings, facilities, and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products. The term "plant" does not include:

(a) Distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants); or

(b) Bulk reload points (separate premises used for the transfer of milk en route from dairy farmers' farms to a plant, at which premises facilities for washing and sanitizing cans or tank trucks are not maintained and used).

§ 1001.16 Pool plant.

"Pool plant" means any plant which meets the applicable conditions for pool plant status as:

(a) A pool distributing plant, under § 1001.35;

(b) A cooperative association plant located in the marketing area, under § 1001.36; or

(c) A pool supply plant, under § 1001.37.

§ 1001.17 Exempt distributing plant.

"Exempt distributing plant" means a plant, other than a pool supply plant or a regulated plant under another Federal order, which meets all the requirements for status as a pool distributing plant except that its route disposition in the marketing area in the month does not exceed 700 quarts on any day or a daily average of 300 quarts.

§ 1001.18 Distributing plant for unregulated markets.

"Distributing plant for unregulated markets" means a processing and packaging plant from which the route disposition outside any Federal marketing area amounts to more than 50 percent of its total receipts of fluid milk products during the month. The term shall not apply to a pool plant, an exempt distributing plant under any New England Federal order, a producer-handler's plant under any Federal order, or a regulated plant under another Federal order.

§ 1001.19 Regulated plant under another Federal order.

"Regulated plant under another Federal order" means a pool plant or any other plant at which all fluid milk products handled become subject to the classification and pricing provisions of another Federal order. The term shall also include a pool bulk tank unit as defined under another Federal order.

Definitions of Milk and Milk Products

§ 1001.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, concentrated milk, any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 16 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, and evaporated or condensed milk or skimmed milk, in either plain or sweetened form. Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

§ 1001.23 Cream.

"Cream" means that portion of milk, containing not less than 16 percent butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes soured cream, frozen cream, fortified cream, reconstituted cream, any mixture of milk or skimmed milk and cream containing 16 percent or more of butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 16 percent butterfat.

§ 1001.24 Producer milk.

"Producer milk" means milk which the handler has received from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as having been received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

§ 1001.25 Pool milk.

"Pool milk" means fluid milk products (other than exempt milk) received or disposed of as specified in this section:

(a) Receipts of producer milk;

(b) The following receipts of fluid milk products at pool plants (exclusive of receipts from other pool plants, producer-handlers under any Federal order, exempt distributing plants under any New England Federal order, and receipts from regulated plants under other Federal orders which are classified and priced under the other orders):

(1) Receipts at pool distributing plants from plants located outside the New England states and beyond zone 40;

(2) Receipts at pool plants, other than pool distributing plants, to the extent assigned to Class I milk under § 1001.55 (g), from plants located outside the New England states and beyond zone 40; and

(3) Receipts at pool plants, to the extent assigned to Class I milk under § 1001.55(h), from plants located within one of the New England states or in zone 40 or a nearer zone, exclusive of bulk fluid milk products from distributing plants for unregulated markets;

(c) Receipts of bulk fluid milk products at pool distributing plants, to the extent assigned to classes under § 1001.56, from regulated plants under other Federal orders with individual-handler pools;

(d) Receipts of bulk fluid milk products at pool plants, other than pool distributing plants, to the extent assigned to Class I milk under § 1001.57(i), from regulated plants under other Federal orders with individual-handler pools; and

(e) Route disposition in the marketing area from any processing and packaging plant (except a pool plant, a producer-handler's plant under any Federal order, an exempt distributing plant under any New England Federal order, or a regulated plant under another Federal order) to the extent of all such disposition in the month which is in excess of a daily average of 300 quarts or of 700 quarts on any day, whichever is greater. In determining the quantity of pool milk under this paragraph, the total quantity of route disposition in the marketing area from the plant first shall be reduced by the quantity of fluid milk products received at the plant during the month which is classified and priced as Class I milk or the equivalent thereof under any marketwide pool Federal order and which is not used to offset route disposition in any other Federal marketing area. The reduction shall be made first in any route disposition which is in excess of 700 quarts on any day.

§ 1001.26 Exempt milk.

"Exempt milk" means:

(a) Milk received at a pool plant in bulk from a nonpool plant to be processed and packaged, for which an equivalent quantity of packaged fluid milk products is returned to the operator of the nonpool plant during the same month, if the receipt of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the nonpool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control;

(b) Packaged fluid milk products received at a pool plant from a nonpool plant in return for an equivalent quantity of bulk milk moved from a pool plant for processing and packaging during the same month, if the movement of bulk milk and receipt of packaged fluid milk products occur during an interval in which the facilities of the pool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control;

(c) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skimmed milk; and

(d) Milk received at a pool plant in bulk from the dairy farmer who produced it, to the extent of the quantity of any packaged fluid milk products returned to the dairy farmer, if:

(1) The dairy farmer is a state or local government which is not engaged in the route disposition of any of the returned products; and

(2) The dairy farmer has, by written notice to the market administrator and the receiving handler, elected nonproducer status for a period of not less than 12 months beginning with the month in which the election was made and continuing for each subsequent month until canceled in writing, and the election is in effect for the current month.

§ 1001.27 Diverted milk.

"Diverted milk" means milk which a handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from the farm to another plant, if such movement is specifically reported and the conditions of paragraph (a) or (b) of this section have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted.

(a) The handler caused milk from the farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm as producer milk, or caused milk to be moved as producer milk from the farm by tank truck.

(b) The handler caused the milk to be moved from the farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this section.

Market Administrator

§ 1001.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1001.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1001.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part. His duties shall include but not be limited to those specified in this section.

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, he shall execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties. The bond shall be conditioned upon the faithful performance of those duties and shall be in an amount and with surety thereon satisfactory to the Secretary.

(b) He shall employe and fix the compensation of any persons necessary to enable him to administer the terms and provisions of this part.

(c) He shall obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator.

(d) He shall pay from the funds provided by § 1001.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties except those expenses incurred under § 1001.75.

(e) He shall keep books and records to reflect clearly the transactions provided for in this part and, upon request by the Secretary, surrender them to any other person the Secretary may designate.

(f) He shall submit his books and records to examination by the Secretary and furnish any information and reports requested by the Secretary.

(g) He shall prepare and make available for the benefit of producers, handlers, and consumers, statistics and information concerning the operation of this part.

(h) He shall verify handlers' reports and payments to the extent necessary, by any appropriate means including audit of the handlers' records and, if made available, of the records of any other persons upon whose utilization the classification of butterfat and skim milk depends. If verification discloses that the original classification was incorrect, the market administrator shall make appropriate reclassification of the butterfat and skim milk.

(i) At his discretion and unless otherwise directed by the Secretary, he shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate) the name of any handler the value of whose fluid milk products is not included in the computation of the basic blended price because of failure to file reports under § 1001.40 or make payments under § 1001.82.

(j) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 25th day of the month, the Class I price for the following month, as computed under § 1001.60;

(2) By the 5th day of the month, the Class II price and the butterfat differential for the preceding month, as computed under §§ 1001.61 and 1001.71(b), respectively;

(3) By the 12th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.64, by the zone differentials contained in § 1001.62(d); and

(4) By the 25th day of each January, the monthly base Class I percentage factors computed under § 1001.65(a).

Pool Plant Requirements

§ 1001.35 Distributing plants.

Each processing and packaging plant (other than a producer-handler's plant under any Federal order or a regulated plant under another Federal order) shall be a pool distributing plant in any month in which it meets the conditions specified in this section.

(a) Its total Class I disposition in the month, or in either of the two preceding months, is not less than 40 percent of its total receipts of fluid milk products in the corresponding month.

(b) Its route disposition in the marketing area in the month:

(1) Is not less than 10 percent of its total receipts of fluid milk products;

(2) Exceeds its route disposition in any other Federal marketing area; and

(3) Exceeds 700 quarts on any day or a daily average of 300 quarts.

§ 1001.36 Cooperative association plants located in the marketing area.

Each plant which is located in the marketing area and which is operated by a cooperative association shall be a pool plant in any month in which its route disposition does not exceed 2 percent of its total receipts of fluid milk products.

§ 1001.37 Supply plants.

Each plant (other than a plant described in paragraph (e) of this section) shall be a pool supply plant in any month in which it meets the conditions specified in paragraph (a), and in either paragraph (b), (c), or (d), of this section.

(a) It is a plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled, or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment or to other vehicles.

(b) It is a plant from which at least 15 percent of its total receipts of milk from dairy farmers' farms is shipped as fluid milk products, other than as diverted milk:

(1) To pool distributing plants; or

(2) To plants to which qualifying shipments may be made under any New England Federal order and a greater quantity of fluid milk products is shipped to pool distributing plants under this order than to the other plants.

(c) For any month of July through November, it is one of a group of plants which meets the conditions specified in this paragraph.

(1) The handler's written request for continuation of pool supply plant status, which the plant held under his operation in the preceding month, is received by the market administrator on or before the 16th day of the month.

(2) The plant does not qualify for pool plant status under another New England Federal order on the basis of shipments of fluid milk products which exceed those made to pool distributing plants under this order, and the group of plants, considered as a unit, meets the shipping requirements specified in paragraph (b) of this section.

(3) To qualify as a pool supply plant under this paragraph in November of any year, the plant, considered individually, shall have met the shipping requirements specified in paragraph (b) of this section in one of the months of July through October of that year.

(d) For any month of December through June, it is a plant which meets the requirements for automatic pool plant status specified in this paragraph. The automatic pool plant status of a

plant shall be revoked for any month for which the market administrator has received the handler's written request for revocation on or before the 16th day of that month. In that event, the plant shall not have automatic pool plant status in any subsequent month of the current December through June period.

(1) The plant was a pool supply plant in each of the preceding months of July through November; or

(2) The plant was a pool supply plant under one or another of the New England Federal orders in at least two of the preceding months of July through November and would have been such a plant in all other months in that period had it not been a pool plant under the New York-New Jersey Federal order, and a greater quantity of its receipts from dairy farmers' farms during the July through November period was pooled under this order than under any other New England Federal order.

(e) No plant shall be a pool supply plant in any month in which it is operated as:

(1) A pool distributing plant;

(2) The plant of a producer-handler under any Federal order;

(3) A regulated plant under another Federal order with a marketwide pool, including any plant which has automatic pool plant status under another New England Federal order; or

(4) A plant qualifying for pooling under a Federal order with individual-handler pools on the basis of its route disposition or on the basis of shipments of fluid milk products which exceed the shipments of fluid milk products qualifying the plant for pooling under this order.

REPORTS, RECORDS, AND FACILITIES

§ 1001.40 Monthly reports of receipts and utilization.

On or before the 8th day after the end of the month, each handler who operates a pool plant or any other plant from which there is route disposition in the marketing area shall file with the market administrator a report for the month for each such plant. The report shall be in the detail and on forms prescribed by the market administrator and shall show the quantities of butterfat and of skim milk and the total thereof contained in:

(a) Receipts of milk and milk products in the form of:

(1) Producer milk (including the specific quantities of diverted milk and of receipts from the handler's own production);

(2) Pool milk other than producer milk;

(3) Fluid milk products and cream from all other plants; and

(4) Fluid milk products and cream from all other sources (including the quantities of fluid milk products or cream reconstituted from other milk products and the quantities of other milk products used to fortify fluid milk products or cream);

(b) Inventories of fluid milk products and cream at the beginning and at the end of the month; and

(c) The respective quantities of fluid milk products and cream sold, distributed, used, or otherwise disposed of, classified in accordance with the provisions of §§ 1001.47 through 1001.51.

§ 1001.41 Other reports of receipts and utilization.

(a) Within 5 days after the first receipt at his pool plant of fluid milk products during the month from each plant which is neither a pool plant nor a producer-handler's plant under any New England Federal order, each handler shall file with the market administrator a report showing the identity of the operator of the shipping plant, the plant location, the quantities of bulk and packaged fluid milk products received, and such other information respecting the receipt as the market administrator may prescribe.

(b) For any month in which it is claimed that the farm of any dairy farmer from whom he received milk is located in a farm location differential area described in § 1001.72, each handler from whose plant pool milk other than producer milk is moved to a pool plant and each handler with route disposition of pool milk in the marketing area from a nonpool plant shall file with the market administrator a report showing the name, post office address, and farm location of each dairy farmer from whom he received milk at the plant during the month, and the total pounds of milk received from each farm. The report shall be submitted within 10 days after the market administrator's request, made not earlier than the 20th day after the end of the month.

(c) Each handler who does not operate a pool plant, or any other plant with route disposition in the marketing area, shall file with the market administrator reports relating to his receipts and utilization of milk and milk products at the time and in the manner prescribed by the market administrator.

§ 1001.42 Reports regrading individual producers.

(a) Within 20 days after a producer moves from one farm to another, begins or resumes deliveries to a handler's pool plant, or begins to deliver his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report showing the applicable date and the producer's name, post office address, and farm location. The report shall indicate, if known, the plant to which the producer had been delivering prior to beginning or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to a handler's pool plant, the handler shall file with the market administrator a report showing the date of the last delivery and the producer's name, post office address, and farm location. The report shall indicate, if known, the reason for the producer's failure to continue deliveries.

(c) Each handler who is not a cooperative association, upon request from any such association, shall furnish it with information with respect to each of its producer members who begins, resumes, or stops deliveries to the handler's pool plant. Such information shall include the applicable date, the producer member's post office address and farm location, and, if known, the plant to which he previously delivered, or the reason for his failure to continue deliveries. In lieu of his providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

§ 1001.43 Notices to producers.

Each handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received; and

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

§ 1001.44 Records and facilities.

(a) Each handler shall maintain detailed and summary records showing the quantities of butterfat and of skim milk and the total thereof contained in all receipts, movements, and disposition of milk and milk products during each month, and inventories of milk and milk products at the beginning and end of the month.

(b) For the purpose of ascertaining the correctiveness of any report made to the market administrator as required by this part, or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in the reports submitted in accordance with this part;

(2) Verify the payments to producers, including any deductions, and the disbursement of money so deducted;

(3) Weigh, sample, and test milk and milk products; and

(4) Make whatever examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

(c) Each handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for the month, which shall show for each producer:

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, with the prices, deductions, and charges involved.

§ 1001.45 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which the books and records pertain. If, within the three-year period, the market administrator notifies the handler in writing that the retention of the books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain the books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1001.47 Classification of milk and milk products—in general.

All butterfat and skim milk in milk and milk products required to be reported under § 1001.40 shall be classified as Class I milk or Class II milk under §§ 1001.48 through 1001.51.

§ 1001.48 Class I milk.

Subject to the provisions of §§ 1001.50 and 1001.51, Class I milk shall be all butterfat and skim milk (including that used to produce concentrated milk):

(a) Disposed of in the form of fluid milk products other than as specified in § 1001.49; or

(b) Not established as Class II milk under § 1001.49.

§ 1001.49 Class II milk.

Subject to the provisions of §§ 1001.50 and 1001.51, Class II milk shall be all butterfat and skim milk for which the handler who first receives the butterfat and skim milk proves that the butterfat and skim milk were:

(a) Disposed of in the form of cream;

(b) Used to produce milk products other than fluid milk products or cream;

(c) Disposed of as livestock feed or to bakeries, soup factories and similar establishments;

(d) Contained in fluid milk products in inventory at the end of the month to the extent not classified as Class I milk under § 1001.51;

(e) Contained in fluid milk products dumped or discarded;

(f) Contained in fluid milk products destroyed or lost under extraordinary circumstances; and

(g) In shrinkage not in excess of 2 percent of the respective quantities of butterfat and skim milk contained in receipts of fluid milk products and cream, exclusive of diverted milk and inventory at the beginning of the month.

§ 1001.50 Classification of fluid milk products moved to other plants.

Butterfat and skim milk in fluid milk products moved from a pool plant to any other plant shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved to the plant of a producer-handler under any Federal order;

(c) In the class to which assigned under § 1001.57 if moved as bulk fluid milk products to any other pool plant;

(d) In the class to which assigned under the other order if moved as bulk fluid milk products to a regulated plant under another Federal order;

(e) As Class I milk, to the extent of the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at the plant to which transferred, if moved as bulk fluid milk products to any plant other than a plant to which movements of bulk fluid milk products are subject to classification under the preceding paragraphs of this section, and as Class II milk to the extent of any remainder; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a pool plant or a regulated plant under another Federal order and thence to another plant, not regulated under a Federal order, located outside the New England States and New York State.

§ 1001.51 Classification of inventories.

All butterfat and skim milk contained in inventories of fluid milk products at the end of each month shall be classified as Class I milk pending final disposition of the fluid milk products, if the handler requests such classification and either receives no milk from producers or does not claim classification as Class II milk of any fluid milk products.

ASSIGNMENT OF RECEIPTS

§ 1001.53 Assignment of receipts to classes—in general.

(a) The total quantities of butterfat and of skim milk received at each pool plant during the month (including those quantities in inventory at the beginning of the month) shall be assigned separately, in the manner and sequence provided in §§ 1001.54 through 1001.58, to the respective quantities of butterfat and of skim milk classified as Class I milk and Class II milk under §§ 1001.47 through 1001.51.

(b) Except as provided in § 1001.56, whenever receipts have been assigned under §§ 1001.54 through 1001.58 to the remaining pounds in a class, all remaining receipts shall be assigned to the other class.

(c) If receipts from more than one plant are to be assigned under a paragraph in § 1001.55 or § 1001.57, or under § 1001.58, the receipts shall be assigned in sequence according to the zone locations of the plants, beginning with the plant in the nearest zone to Boston for assignments to Class I milk and beginning with the plant in the most distant zone from Boston for assignments to Class II milk.

§ 1001.54 Initial assignments to Class I milk.

(a) Assign to Class I milk the quantities received in exempt milk.

(b) Assign to Class I milk the quantities in packaged fluid milk products received from regulated plants under other Federal orders, if the fluid milk products received are classified and priced under the other orders as Class I milk or the equivalent thereof or in accordance with their assignment under this part.

(c) Assign to Class I milk the quantities in packaged fluid milk products received from other pool plants.

(d) Assign to Class I milk the quantities in fluid milk products in inventory at the beginning of the month which were classified as Class I milk under § 1001.51 in the preceding month.

§ 1001.55 Initial assignments to Class II milk.

(a) Assign to Class II milk the quantities, in fluid milk products or cream reconstituted from other milk products, and the quantities in other milk products used to fortify fluid milk products or cream. If the quantity of any reconstituted product is not known, the quantities assigned shall be the quantity of butterfat used in the reconstitution and the quantity of skim milk required to produce the milk products so used. Any unaccounted-for plain condensed milk or skimmed milk, dry whole milk, or nonfat dry milk shall be considered to have been used in the reconstitution of fluid milk products.

(b) Assign to Class II milk the quantities in cream in inventory at the beginning of the month and received during the month.

(c) Assign to Class II milk the quantities in fluid milk products (other than exempt milk) received from a local or state government which has elected nonproducer status for the month under § 1001.26(d).

(d) Assign to Class II milk the quantities in fluid milk products in inventory at the beginning of the month not assigned under § 1001.54(d).

(e) Assign to Class II milk the quantities in fluid milk products received from producer-handlers under any Federal order and from exempt distributing plants under any New England Federal order, and in milk products other than fluid milk products from dairy farmers.

(f) Assign to Class II milk the quantities in bulk fluid milk products received from distributing plants for unregulated markets located within one of the New England States or in zone 40 or a nearer zone.

(g) At pool plants other than pool distributing plants, assign to Class II milk the quantities in fluid milk products received from plants located outside the New England States and beyond zone 40, if the fluid milk products received are not classified and priced under any Federal order.

(h) Assign to Class II milk the quantities in fluid milk products received from plants located within one of the New England States or in zone 40 or a nearer zone, except receipts assigned under paragraph (f) of this section and receipts which are classified and priced under any Federal order.

§ 1001.56 Prorated assignment to classes.

(a) At pool distributing plants, assign to Class I milk and Class II milk, in proportion to the respective remaining pounds in each class at all of the handler's pool plants, the quantities in bulk fluid milk products received from each regulated plant under another Federal order, if such receipts are classified and priced under the other order as Class I

milk or the equivalent thereof or in accordance with their assignment under this part.

(b) If the quantity to be assigned to a class exceeds the respective quantity remaining in that class at the pool distributing plant, the remaining quantity shall be increased to the quantity to be assigned to that class and the respective remaining quantity in that class at the handler's other pool plants shall be decreased to the same extent, in sequence beginning with the plant in the zone nearest to Boston. The respective quantity remaining in the other class thereupon shall be decreased correspondingly at the pool distributing plant and shall be increased correspondingly at those other pool plants involved in the adjustment.

(c) The quantities assigned under this section shall be limited to the excess of the receipts from a plant over the respective quantities in bulk fluid milk products moved to that plant from the pool distributing plant.

§ 1001.57 Additional assignments to Class I milk.

(a) At pool plants located outside the nearby plant zone, assign to Class I milk the quantities received in producer milk to the extent of the respective quantities in route disposition in the States of Maine, New Hampshire, and Vermont and in Class I milk moved to nonpool plants from which no fluid milk products were disposed of as Class I milk, either directly or indirectly, outside those States.

(b) Assign to Class I milk the quantities in bulk fluid milk products received from the handler's pool plants located in the nearby plant zone.

(c) Assign to Class I milk the quantities received from other handlers' pool plants in bulk fluid milk products for which classification as Class II milk has not been requested by both handlers.

(d) At pool plants located outside the nearby plant zone, assign to Class I milk the quantities in bulk fluid milk products received from the handler's pool plants located outside the nearby plant zone but in a zone nearer to Boston than that of the receiving plant.

(e) Assign to Class I milk the quantities received in producer milk not assigned under paragraph (a) of this section.

(f) Assign to Class I milk the quantities received from the handler's pool plants in bulk fluid milk products not assigned under paragraph (b) or (d) of this section.

(g) At pool distributing plants, assign to Class I milk the quantities received from plants located outside the New England States and beyond zone 40 in pool milk other than producer milk, if the fluid milk products received are not classified and priced under any Federal order.

(h) Assign to Class I milk the quantities received from other handlers' pool plants in bulk fluid milk products for which classification as Class II milk has been requested by both handlers.

(i) At pool plants other than pool distributing plants, assign to Class I milk the quantities in bulk fluid milk products received from regulated plants under other Federal orders, if such receipts are classified and priced under the other order as Class I milk or the equivalent thereof or in accordance with their assignment under this part.

§ 1001.58 Additional assignment to Class II milk.

Assign to Class II milk the quantities received from regulated plants under other Federal orders in fluid milk products not previously assigned to classes under §§ 1001.54 through 1001.57.

MINIMUM PRICES

§ 1001.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, at plants located in zone 21, shall be computed for each month as specified in this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding workday shall be used.

(a) Compute an economic index, with the year 1958 as the base period, as follows:

(1) Calculate a United States wholesale commodity price index by dividing the monthly wholesale price index for all commodities (as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period) by 1.0025.

(2) Calculate a New England consumer income index by multiplying the current annual rate of per capita disposable personal income in the United States (based upon the quarterly figure released by the United States Department of Commerce or the Council of Economic Advisers to the President) by the New England adjustment percentage and dividing the result by 20.50. The New England adjustment percentage shall be the current percentage relationship of per capita personal income in New England to per capita personal income in the United States (using data on per capita personal income by States and regions as published by the United States Department of Commerce).

(3) Calculate a New England dairy ration index by dividing the monthly average price paid by farmers in the New England region for 100 pounds of mixed dairy feed containing less than 29 percent protein (as reported by the United States Department of Agriculture) by 0.04041.

(4) Calculate a New England farm wage rate index by dividing the weighted average farm wage rate for the New England region by 1.9833. The weighted average farm wage rate for the New England region shall be the average of the farm wage rates for the New England region (as reported by the United States Department of Agriculture) weighted by the factors indicated in the following table.

Rate	Weighting factor
Per month with board and room	1.00
Per month with house	1.00
Per week with board and room	4.33
Per week without board or room	4.33
Per day without board or room	26.00

(5) Calculate a New England grain-labor cost index by multiplying the New England dairy ration index by 0.6 and the New England farm wage rate index by 0.4, and combining the two results.

(6) The economic index shall be the result of dividing by seven the sum of three times the United States wholesale commodity price index, the New England consumer income index, and three times the New England grain-labor cost index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $0.0557, expressing the result to the nearest mill.

(2) Divide the Class I–A price for the month computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201–210-mile freight zone, by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation of that price, expressing the result to the nearest mill.

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, except that its deviation from the result obtained in subparagraph (2) of this paragraph shall be limited to $0.05.

(c) Compute a supply-demand adjustment factor (using quantities announced in the statistical reports of the respective market administrators for the New England Federal orders for the second, third, and fourth months preceding the month for which the price is being computed) as follows:

(1) For each of the three months, determine the total Class I producer milk and the total producer milk for the New England Federal order markets by combining the respective totals for the individual markets.

(2) For each of the three months, divide the total Class I producer milk for the New England Federal order markets by the base Class I percentage factor for the same month as determined under § 1001.65(a). The result shall be the New England base supply for that month.

(3) For each of the three months, express the total producer milk for the New England Federal order markets as a percentage of the New England base supply for the same month. The simple average of the three resulting percentages shall be the percentage of base supply.

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (3) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(e) Multiply the economic index price determined under paragraph (b) of this section by the product of the supply-demand adjustment factor determined under paragraph (c) of this section and the seasonal adjustment factor determined under paragraph (d) of this section. The Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

Range		Class I price
At least—	But less than—	
$4.72 [1]	$4.94	$4.83
$4.94	5.16	5.05
$5.16	5.38	5.27
$5.38	5.60	5.49
$5.60	5.82	5.71
$5.82	6.04	5.93
$6.04	6.26	6.15
$6.26	6.48	6.37
$6.48	6.70	6.59
$6.70	[1] 6.92	6.81

[1] If the result of the computation specified in this paragraph is less than $4.72 or is $6.92 or more, the Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I price for November or December of each year shall not be lower than the Class I price for the immediately preceding month.

§ 1001.61 Class II price.

The Class II price per hundredweight of milk containing 3.5 percent butterfat, at plants located in zone 21, shall be computed for each month as specified in this section.

(a) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported by the United States Department of Agriculture on a preliminary basis for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported by the United States Department of Agriculture for the period beginning with the 16th day of the preceding month and ending with the 15th day of the current month.

(b) Adjust the result obtained in paragraph (a) of this section by the amount shown below for the applicable month:

Month:	Amount
January	+$0.08
February	+.07
March	.00
April	−.04
May	−.07
June	−.06
July	+.08
August	+.15
September	+.11
October	+.11
November	+.11
December	+.11

§ 1001.62 Zone differentials.

The class prices and blended prices computed under §§ 1001.60, 1001.61, and 1001.64 shall be subject to zone differentials based upon the zone location of the plant at which producer milk is received and of the plant from which pool milk other than producer milk is received or distributed, as specified in this section.

(a) Each plant which is located in the marketing area, in either farm location differential area specified in § 1001.72, or in the State of Connecticut, shall be in the "nearby plant" zone.

(b) The zone location of each plant which is outside the "nearby plant" zone shall be based upon its highway mileage distance to Boston, as determined by use of Mileage Guide No. 7, and supplements to and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The mileages used shall be those shown between designated key points in the mileage charts, and between named points on the appropriate State road maps, as published in the mileage guide. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(c) The distance for each plant shall be the mileage between Boston and the named point nearest to the plant, as shown in the mileage charts. If that named point is not listed in the mileage charts, the distance for the plant shall be the lowest mileage distance between Boston and that named point, computed as follows:

(1) Determine from the charts the mileage between Boston and each of the three key points nearest to the named point which are nearer to Boston than the named point.

(2) For each of these key points, add to the result in subparagraph (1) of this paragraph the mileage between the key point and the named point, measured to the greatest possible extent over roads designated as paved all-weather roads.

(d) The zone differentials for each plant shall be those applicable to its zone location as shown in the following table.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

Distance to Boston (miles)	Plant location zone	Class I and blended price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
Various	Nearby plant	+47.0	+5.8
81 to 90	9	+14.4	+3.2
91 to 100	10	+13.2	+3.0
101 to 110	11	+12.0	+2.9
111 to 120	12	+10.8	+2.6
121 to 130	13	+9.6	+2.4
131 to 140	14	+8.4	+2.1
141 to 150	15	+7.2	+1.6
151 to 160	16	+6.0	+1.3
161 to 170	17	+4.8	+1.2
171 to 180	18	+3.6	+.6
181 to 190	19	+2.4	+.4
191 to 200	20	+1.2	+.1
201 to 210	21	.0	.0
211 to 220	22	−1.0	−.6
221 to 230	23	−2.0	−.7
231 to 240	24	−3.0	−.9
241 to 250	25	−4.0	−.9
251 to 260	26	−5.0	−1.2
261 to 270	27	−6.0	−1.8
271 to 280	28	−7.0	−1.5
281 to 290	29	−8.0	−1.6
291 to 300	30	−9.0	−1.8
301 to 310	31	−10.0	−2.3
311 to 320	32	−11.0	−2.4
321 to 330	33	−12.0	−2.5
331 to 340	34	−13.0	−2.8
341 to 350	35	−14.0	−2.8
351 to 360	36	−15.0	−3.0
361 to 370	37	−16.0	−3.1
371 to 380	38	−17.0	−3.3
381 to 390	39	−18.0	−3.4
391 to 400	40	−19.0	−3.5
401 and over	41 and over	(1)	−3.5

[1] Class I and blended price differentials applicable to plants located more than 400 miles from Boston shall be obtained by extending the table at the rate of 1 cent for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in the same zone.

(e) Notwithstanding the provisions of paragraphs (b) and (c) of this section, the zone location of each plant which is not in the "nearby plant" zone and which was a regulated plant under any of the New England Federal orders in the month immediately preceding the effective date of this paragraph shall be determined by the method described in this paragraph until Mileage Guide No. 7 is canceled. The zone location of the plant shall be based upon its highway mileage distance to Boston as determined by use of the appropriate State maps contained in Mileage Guide No. 7, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The distance shall be the lowest highway mileage between Boston and the named point on the map which is nearest to the plant, over roads designated thereon as paved, all-weather roads. In the event that the named point is not located on a paved, all-weather road, such other roads shall be used to reach a paved, all-weather road as will result in the lowest highway mileage to Boston, except that such other roads shall not be used for a distance of more than 15 miles if it is

otherwise possible to connect with a paved, all-weather road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

§ 1001.63 Value of fluid milk products at plants.

For each month, the market administrator shall compute, as specified in this section, the value of fluid milk products at each plant other than that of a producer-handler under any Federal order. The prices used shall be those for the zone location of the plant for which the value is being computed, except that under paragraphs (a)(2), (b)(2), and (e)(2) of this section the prices used shall be the prices for the zone locations of the plants from which the respective quantities of fluid milk products were received.

(a) Multiply by the applicable class prices the quantities of:

(1) Producer milk assigned under § 1001.57 (a) and (e); and

(2) Pool milk other than producer milk, assigned under §§ 1001.55 (g) and (h), 1001.56, and 1001.57 (g) and (i).

(b) Multiply by the applicable Class I prices the quantities of:

(1) Product assigned to Class I milk under § 1001.54(d) and § 1001.55 (a) through (d); and

(2) Product assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58.

(c) If the total quantity of butterfat or of skim milk classified in Class I milk or Class II milk under §§ 1001.47 through 1001.51 exceeds the respective total quantity assigned to that class under §§ 1001.53 through 1001.58, multiply the excess (overage) by the applicable class price, adjusted by the butterfat differential.

(d) Multiply by the applicable Class I price the quantity of pool milk distributed as route disposition in the marketing area from the handler's nonpool plant.

(e) Multiply by the applicable Class II prices the quantities of:

(1) Product assigned to Class I milk under § 1001.55 (a) through (c); and

(2) Product assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58.

(f) Multiply by the applicable Class I price for the preceding month the product assigned to Class I milk under § 1001.54(d).

(g) Multiply by the applicable Class II price for the preceding month the product assigned to Class I milk under § 1001.55(d).

(h) Add together the amounts obtained under paragraphs (a) through (d) of this section and subtract therefrom the sum of the amounts obtained under paragraphs (e) through (g) of this section. The remainder shall be the value of fluid milk products at the plant.

§ 1001.64 Basic blended price.

The basic blended price per hundredweight of pool milk containing 3.5 percent butterfat, applicable to plants located in Zone 21, shall be computed for each month as specified in this section.

(a) Combine into one total the respective values of fluid milk products computed under § 1001.63 for each plant operated by a handler from whom the market administrator has received at his office, prior to the 11th day after the end of the month, the reports for the month prescribed in § 1001.40 and the payment for the preceding month required under § 1001.82(a).

(b) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable under §§ 1001.62, 1001.72, and 1001.81 (a)(3).

(c) Add the amount of the unobligated balance of the producer settlement fund as at the close of business on the 10th day after the end of the month.

(d) Divide the resulting amount by the total hundredweight of pool milk for which a value is included under paragraph (a) of this section.

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in the producer settlement fund.

§ 1001.65 Factors used in formulas.

(a) The base Class I percentage factors to be used in the computation of the Class I price under § 1001.60 for each of the 12 months beginning with February of each year shall be computed on or before January 25 of that year as specified in this paragraph.

(1) For each month of the three preceding years and for December of the fourth preceding year (using the most recent statistical reports of the market administrators for the New England Federal orders) compute the daily average of the total Class I producer milk under all the New England Federal orders and the daily average of the total receipts from producers under all the New England Federal orders.

(2) For each of the two series of daily averages, using the median link-relative method, compute a seasonal index for each month, rounded to two decimal places.

(3) For each month, multiply the seasonal index of Class I producer milk by .6812 and divide the product by the seasonal index of receipts from producers for the same month. The result, rounded to one decimal place, shall be the base Class I percentage factor for the month.

(b) If for any reason a price, index, or wage rate specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the factor which is specified.

PAYMENTS—GENERAL

§ 1001.70 Payments to producers.

(a) On or before the 5th day after the end of the month, each handler shall pay each producer for the approximate value of milk received from him during the first 15 days of the month. This payment shall be at a rate not less than the applicable zone Class II price for the month.

(b) On or before the 20th day after the end of the month, each handler shall make final payment to each producer for the total value of milk received from him during the month at not less than the basic blended price per hundredweight computed under § 1001.64, adjusted by the zone, butterfat, and farm location differentials applicable under §§ 1001.62, 1001.71, and 1001.72, minus the amount of the payment made to the producer under paragraph (a) of this section.

(c) If the handler's net payment to a producer is for an amount less than the total amount due the producer under this section, the burden shall rest upon the handler to prove to the market administrator that each deduction from the total amount due is properly authorized, and properly chargeable to the producer.

(d) In making payments to producers under paragraph (b) of this section, the handler may use the simple average of the butterfat tests of semimonthly composite samples of the milk unless the difference between the semimonthly tests is more than two points (0.2%) or the quantity of milk received from the producer in either semimonthly period is as much as three times as large as the quantity received from him in the other semimonthly period.

§ 1001.71 Butterfat differential.

(a) In making the payments to producers required under § 1001.70, each handler shall add for each one-tenth of one percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth of one percent of average butterfat content below 3.5 percent, as a butterfat differential, an amount per hundredweight which shall be computed by the market administrator under paragraph (b) of this section.

(b) Multiply by 1.20 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported by the United States Department of Agriculture for the period beginning with the 16th day of the preceding month and ending with the 15th day of the current month, and divide the result by 10.

§ 1001.72 Farm location differentials.

In making the payments to producers required under § 1001.70, each handler shall add any applicable farm location differential specified in this section.

(a) With respect to milk received from a producer whose farm is located within any of the places specified in this paragraph, the differential shall be 46 cents per hundredweight, unless the addition of 46 cents gives a result greater than the Class I price determined under §§ 1001.60 and 1001.62 which is effective at the plant at which the milk is received. In that event there shall be added a rate which will produce that price.

CONNECTICUT

All of the State of Connecticut east of the Connecticut River and the towns of:

Granby.	Suffield.

MAINE

The towns of:

Eliot.	Kittery.

MASSACHUSETTS

All counties other than Berkshire County.

NEW HAMPSHIRE

Rockingham County, and the following cities and towns:

Allenstown.	Lyndeborough.
Amherst.	Madbury.
Barrington.	Manchester.
Bedford.	Mason.
Bow.	Merrimack.
Brookline.	Milford.
Chichester.	Mount Vernon.
Deering.	Nashua.
Dover.	New Boston.
Durham.	New Ipswich.
Epsom.	Pelham.
Francestown.	Pembroke.
Goffstown.	Pittsfield.
Greenfield.	Rochester.
Greenville.	Rollinsford.
Hinsdale.	Strafford.
Hollis.	Temple.
Hooksett.	Weare.
Hudson.	Wilton.
Lee.	Winchester.
Litchfield.	

RHODE ISLAND

All of the State of Rhode Island.

VERMONT

The towns of:

Guilford.	Vernon.
Halifax.	Whitingham.
Readsboro.	

(b) With respect to milk received from a producer whose farm is located within any of the following cities and towns, the differential shall be 23 cents per hundredweight, unless the addition of 23 cents gives a result greater than the Class I price determined under §§ 1001.60 and 1001.62 which is effective at the plant at which the milk is received. In that event there shall be added a rate which will produce that price.

MAINE

Berwick.	North Berwick.
Kennebunk.	Sanford.
Kennebunkport.	South Berwick.
Lebanon.	Wells.
Lyman.	York.

MASSACHUSETTS

Becket.	Sandisfield.
Florida.	Savoy.
Hinsdale.	Washington.
Otis.	Windsor.
Peru.	

NEW HAMPSHIRE

Antrim.	Loudon.
Barnstead.	Marlborough.
Bennington.	Middleton.
Boscawen.	Milton.
Bradford.	Nelson.
Canterbury.	Northfield.
Chesterfield.	Peterborough.
Concord.	Richmond.
Dublin.	Rindge.
Dunbarton.	Roxbury.
Farmington.	Sharon.
Fitzwilliam.	Somersworth.
Gilmanton.	Stoddard.
Gilsum.	Sullivan.
Hancock.	Surry.
Harrisville.	Swanzey.
Henniker.	Troy.
Hillsborough.	Webster.
Hopkinton.	Westmoreland.
Jaffrey.	Windsor.
Keene.	

VERMONT

Brattleboro.	Marlboro.
Brookline.	Newfane.
Dover.	Putney.
Dummerston.	Wilmington.

§ 1001.73 Statements to producers.

In making the payments to producers required under § 1001.70, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk received from the producer;

(c) The minimum rate or rates at which payment to the producer is required under § 1001.70;

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 1001.75 and 1001.76, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

§ 1001.74 Adjustment of payments to producers.

Whenever the market administrator's verification of a handler's payments to producers discloses payment to a producer of an amount less than is required by § 1001.70, the handler shall make payment of the balance due the producer not later than the 20th day after the end of the month in which the handler is notified of the deficiency.

§ 1001.75 Marketing service deductions.

(a) In making the payments required by § 1001.70 to producers, other than himself and any producer who is a member of a cooperative association which the Secretary determines is performing the services specified in this section, each handler shall deduct 3 cents per hundredweight, or such lesser rate as the Secretary shall determine to be sufficient, for marketing services. The handler shall pay the amount deducted to the market administrator on or before the 18th day after the end of the month.

(b) The market administrator shall expend amounts received under paragraph (a) of this section only in providing for market information to such producers and for verification of weights, samples, and tests of milk received from them. The market administrator may contract with a cooperative association for the furnishing of the whole or any part of these services.

§ 1001.76 Payments to members of cooperative associations.

(a) Each cooperative association may file with a handler who is not a cooperative association a claim either for the payments which the handler is required to make to the association's producer members under § 1001.70 or for authorized deductions from such payments. The claim shall contain a list of the producers to whom the payments are due or to whom the deductions apply, an agreement to indemnify the handler in the making of such payments or deductions, and a certification that the association has, with each producer listed, an unterminated membership contract authorizing the payment or deduction.

(b) The handler shall withhold from the association's producer members the payments or the deductions specified in paragraph (a) of this section in accordance with the association's claim. He shall pay the amounts withheld to the association on or before the dates on which such amounts otherwise would have been due to the producer members under § 1001.70.

(c) For each producer member from whom payment was withheld, the handler shall furnish the association a supporting statement showing the information required to be furnished to the producer under § 1001.73. For each producer member from whom a deduction is made under this section, the handler shall furnish the association a statement showing the pounds of milk received.

PAYMENTS—PRODUCER SETTLEMENT FUND

§ 1001.80 Producer settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer settlement fund". He shall deposit into the fund all amounts received from handlers under §§ 1001.82, 1001.83, and 1001.84. He shall pay from the fund all amounts due handlers under §§ 1001.82, 1001.83, and 1001.84, subject to his right to offset any amounts due from the handler under these sections.

§ 1001.81 Handlers' producer settlement fund debits and credits.

On or before the 15th day after the end of the month, the market administrator shall render a statement to each handler showing the amount of the handler's producer settlement fund debit or credit, as calculated in this section.

(a) The handler's producer settlement fund debit or credit for each of his plants shall be computed as specified in this paragraph.

(1) Multiply the quantities of pool milk by the basic blended price computed under § 1001.64 adjusted by any zone differential applicable under § 1001.62.

(2) Multiply the quantities of producer milk which are subject to farm location differentials under § 1001.72 (a) and (b) by the respective rates applicable under those paragraphs.

(3) With respect to any nonpool plant from which pool milk other than producer milk was received or distributed, divide the respective quantities of milk received at the plant directly from dairy farmers' farms located in the farm location differential areas described in § 1001.72 (a) and (b) by the total receipts of fluid milk products at the plant, multiply by 100, and apply the resulting percentages to the total quantity of pool milk received or distributed from the

plant. Multiply each resulting quantity by the respective farm location differential rate specified in § 1001.72 (a) or (b). Until such time as full information relative to all receipts at the plant, including the respective quantities of milk received directly from dairy farmers' farms in each farm location differential area, is submitted to the market administrator, it shall be considered that none of the farms from which milk was received at the plant is located in a farm location differential area.

(4) Combine the values obtained under subparagraphs (1), (2), and (3) of this paragraph.

(5) If the value of the plant's fluid milk products as determined under § 1001.63 is greater than the result obtained under subparagraph (4) of this paragraph, the difference shall be the handler's producer settlement fund debit for the plant.

(6) If the value of the plant's fluid milk products as determined under § 1001.63 is less than the result obtained under subparagraph (4) of this paragraph, the difference shall be the handler's producer settlement fund credit for the plant.

(b) If the handler operates more than one plant, his producer settlement fund debit or credit shall be the net of the producer settlement fund debits and credits as computed for all of his plants under paragraph (a) of this section.

§ 1001.82 Payments to and from the producer settlement fund.

(a) On or before the 18th day after the end of the month, each handler shall make payment to the market administrator of the amount of the handler's producer settlement fund debit for the month as determined under § 1001.81.

(b) On or before the 20th day after the end of the month, the market administrator shall make payment to each handler of the amount of the handler's producer settlement fund credit for the month as determined under § 1001.81.

§ 1001.83 Adjustment of errors in producer settlement fund payments.

Whenever the market administrator's verification of reports or payments of any handler discloses an error in producer settlement fund payments made under § 1001.82, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period beginning with the 11th day of the prior month and ending with the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during that period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

§ 1001.84 Adjustment of overdue producer settlement fund accounts.

Any producer settlement fund account balance due from or to a handler under §§ 1001.82, 1001.83, or 1001.84, for which remittance has not been received in or paid from the market administrator's office by the close of business on the 20th day of any month, shall be increased one-half of one percent effective the following day. Any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of the month shall be considered to have been received by the 20th day of that month.

ADMINISTRATION EXPENSE

§ 1001.87 Payment of administration expense.

On or before the 18th day after the end of the month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 4 cents per hundredweight, or such lesser rate as the Secretary may prescribe. The payment shall apply to all of a handler's receipts at pool plants during the month of fluid milk products from all sources, except receipts from pool plants, receipts from regulated plants under other Federal orders if such receipts were subject to an administration expense assessment under the other order, and receipts of exempt milk processed at plants other than pool plants. The payment shall also apply to the quantity of pool milk distributed as route disposition in the marketing area from a handler's nonpool plant.

MISCELLANEOUS PROVISIONS

§ 1001.90 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated under § 1001.91.

§ 1001.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part, in any event, shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1001.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1001.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected under the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1001.94 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in the obligation, unless within the two-year period of the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of the producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator, within the two-year period provided for in paragraph (a) of this section, may notify the handler in writing of the failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to the obligation shall not begin to run until the first day of the month following the month during which all the books and records pertaining to the obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud, or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which the handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on the payment is claimed, unless the handler, within the applicable period of time, files a petition under section 8c(15)(A) of the Act, claiming the money.

§ 1001.95 Agents.

The Secretary, by designation in writing, may name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1001.96 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Amendments to the Connecticut order provisions:

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Subpart—Order Regulating Handling

GENERAL DEFINITIONS

Sec.
1015.1 Act.
1015.2 Connecticut marketing area.
1015.3 Route disposition.

DEFINITIONS OF PERSONS

1015.5 Person.
1015.6 Secretary.
1015.7 Producer.
1015.8 Cooperative association.
1015.9 Handler.
1015.10 Producer-handler.

DEFINITIONS OF PLANTS

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AUTHORITY: The provisions of this Part 1015 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

GENERAL DEFINITIONS

§ 1015.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1015.2 Connecticut marketing area.

"Connecticut marketing area", referred to in this part as the "marketing area", means all territory within the State of Connecticut, together with all waterfront facilities connected therewith and craft moored thereat, and all territory therein occupied by government (municipal, State or Federal) installations, institutions or other establishments.

§ 1015.3 Route disposition.

"Route disposition" means distribution of Class I milk by a handler to retail or wholesale outlets, which include vending machines but do not include plants or distribution points. The route disposition of a handler shall be attributed to the processing and packaging plant from which the Class I milk is moved to retail or wholesale outlets without intermediate movement to another processing and packaging plant.

DEFINITION OF PERSONS

§ 1015.5 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1015.6 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1015.7 Producer.

(a) "Producer" means for any month: A dairy farmer who produces cow's milk which is received, other than in packaged form, by a handler during the month directly from the dairy farmer's farm under one of the following conditions and who does not meet the conditions specified in paragraph (b) of this section.

(1) The milk is received by the handler at a pool plant.

(2) The milk is reported by the handler as diverted milk under § 1015.28.

(3) The milk is transferred by a handler or his agent from the dairy farmers' farm tank into a tank truck and is not delivered to any plant because of loss or destruction by accident or faulty equipment en route to the plant and milk from the same farm was received at a pool plant as producer milk during the month.

(b) No dairy farmer shall be considered a producer for any month:

(1) If he is a producer-handler under any Federal order;

(2) With respect to milk delivered which is considered as a receipt from a producer under the provisions of another Federal order; or

(3) With respect to exempt milk delivered.

§ 1015.8 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales of, or marketing milk or its products for its members.

§ 1015.9 Handler.

"Handler" means, for any month:

(a) Any person who operates a pool plant.

(b) Any person who operates any other plant or a pool bulk tank unit as defined under another Federal order, from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(c) Any cooperative association:

(1) With respect to producer milk lost or destroyed under conditions specified in § 1015.24(a);

(2) With respect to milk which it causes to be diverted to a nonpool plant and which it reports as diverted milk under § 1015.28;

(3) With respect to producer milk which it causes to be delivered to the pool plant of another cooperative association, if it elects to report the milk under § 1015.40 as a receipt of producer milk at the location of the plant to which it was delivered; and

(4) With respect to producer milk transferred by a handler described in paragraph (d) of this section from a

producer's farm tank into a tank truck owned or operated by or under contract to such association and not delivered to the pool plant of another handler, if the handler who operates the pool plant does not purchase such milk on the basis of farm tank measurements and butterfat tests determined from farm tank samples.

(d) Any cooperative association with respect to producer milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to such association if prior to delivery it gives notice in writing to both the market administrator and the receiving handler of its intention to file the reports required under § 1015.41(c) and to furnish the information required under § 1015.24(c).

(e) Any person who does not operate a plant but who engages in the business of receiving fluid milk products for resale and distributes to retail or wholesale outlets packaged fluid milk products received from any plant described in paragraph (a) or (b) of this section.

§ 1015.10 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler during the month and who meets all the conditions specified in this section. Sections 1015.60 to 1015.65, 1015.70 to 1015.75, 1015.80 to 1015.82, and 1015.87 to 1015.89 shall not apply to a producer-handler as defined under this or any other Federal order.

(a) His only sources of milk supply are his own production and fluid milk products transferred from pool plants, except that a State-owned and operated institution or establishment otherwise meeting this definition which processes and packages milk produced by another such institution or establishment may receive such milk without having it regarded as a source of supply for fluid milk products. For the purposes of this paragraph, any fluid milk products which were acquired or purchased from a nonpool plant by him, his agent, partner or other associate and which he or such other person caused to be delivered at retail or wholesale outlets (including vending machines) in any Federal marketing area without being first received at his plant shall be included in such person's nonpool source of fluid milk products.

(b) He provides as his own enterprise and at his own risk the maintenance, care and management of the dairy herd and other resources and facilities which he uses to produce milk, to process and package such milk at his own plant, and for route disposition.

(c) His own route disposition constitutes the majority of the route disposition from his plant.

(d) The quantity of route disposition in the marketing area from his plant is greater than in any other Federal marketing area.

DEFINITIONS OF PLANTS

§ 1015.15 Plant.

"Plant" means the land and buildings, whether owned or operated by one or more persons, at which are maintained stationary holding tanks for milk, facilities and other equipment for the receiving, handling or processing of milk or milk products, constituting a single operating unit or establishment. The term "plant" does not include:

(a) Distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants); or

(b) Bulk reload points (separate premises used for the transfer of milk en route from dairy farmers' farms to a plant, at which premises facilities for washing and sanitizing cans or tank trucks are not maintained and used).

§ 1015.16 Pool plant.

"Pool plant" means any plant specified in paragraph (a) or (b) of this section.

(a) "Pool distributing plant" means any processing and packaging plant (other than a producer-handler's plant under any Federal order or a regulated plant under another Federal order) with route disposition in the marketing area in the month which is not less than 10 percent of its total receipts of fluid milk products and which meets each of the following conditions:

(1) Its total Class I disposition in the month, or in either of the two preceding months, is not less than 40 percent of its total receipts of fluid milk products in the corresponding month; and

(2) Its route disposition in the marketing area in the month exceeds:

(i) Its route disposition in any other marketing area as defined under a Federal order; and

(ii) 700 quarts on any day or a daily average of 300 quarts.

(b) "Pool supply plant" means any plant specified in subparagraph (1), (3), (4), or (5) of this paragraph, (other than a plant specified in subparagraph (2) of this paragraph) at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled and cooled, or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment or to other vehicles:

(1) Any plant, other than as provided in subparagraphs (2) through (5) of this paragraph, from which is shipped at least 15 percent of its total receipts of milk from dairy farmers as fluid milk products, other than as diverted milk, to pool distributing plants, producer-handlers and plants to which qualifying shipments may be made under another New England Federal order, if a greater quantity of qualifying shipments are made to pool distributing plants and producer-handlers under this order than to the other plants.

(2) No plant shall be a pool supply plant in any month in which it is operated as:

(i) A pool distributing plant;

(ii) The plant of a producer-handler as defined under any Federal order;

(iii) A regulated plant under another Federal order with a marketwide pool, including any plant which has automatic pool plant status for the month under another New England Federal order; or

(iv) A plant qualifying for pooling under a Federal order with individual-handler pooling on the basis of its route disposition or on the basis of shipments of fluid milk products which exceed the shipments of fluid milk products qualifying the plant for pooling under this order.

(3) Any plant holding pool supply plant status under this order or another New England Federal order in each of the months of July through November, or any plant holding pool supply plant status under this order or another New England Federal order in not less than two of the preceding months of July through November and would have been a pool supply plant under one of such orders in each of the remaining months of such period were it not a pool plant under the New York-New Jersey Federal order, and, in either case, has a greater proportion of its receipts from dairy farmers pooled under this order during such period than under another New England Federal order shall have automatic pool plant status in the immediately succeeding months of December through June, unless the handler submits to the market administrator by the 16th day of the month his written request for revocation of the plant's automatic pool plant status for such month. In that event the revocation also shall apply to all subsequent months of the current December through June period.

(4) Any two plants, each of which meets the pooling requirements of this paragraph in at least one of the months of July through November, which are operated by the same handler or for which one handler is responsible for the movement of milk to pool distributing plants or to producer-handlers may be considered, during the remaining months of August through November, as a unit for the single purpose of having qualifying shipments therefrom combined for determining pool plant status under this paragraph, subject to the following conditions:

(i) The operator of such plants submits written notice to the market administrator by the 15th day of the first month for which such status is to apply specifying the plants to be considered as a unit and the period during which such consideration should apply;

(ii) Any plant included in a unit under this subparagraph may be a nonpool plant if, by the 15th day of the month in which such nonpool status shall apply, the operator of such plant submits a written request to the market administrator to withdraw such plant from pool plant status, and shall be a nonpool plant if fully regulated under another Federal order. Such nonpool status shall be effective until the plant requalifies as a pool plant on the basis of shipments as provided in this paragraph, and in no case shall it be included in a unit prior to the next following August; and

(iii) If the combined shipments of the unit are less than would be required to qualify each of such plants separately under this paragraph, the individual plants may regain pool plant status on the basis of shipments as provided in this section, but shall not be included in a unit prior to the next following August.

(5) Any plant operated by a cooperative association (which shall be the plant closest to Hartford, Connecticut, if more than one plant is operated by such association) shall be a pool plant in any month in which the total quantity of milk shipped therefrom to a pool distributing plant or to a producer-handler, plus the total quantity of milk received directly from farms at pool distributing plants from producers who are members of such association, is at least 50 percent of the milk delivered by dairy farmer-members of such association to all pool plants and to the plant for which pooling qualification pursuant to this subparagraph is requested in writing by the 15th day of such month, subject to the following conditions:

(i) Any plant which has pooling status under this subparagraph may be a nonpool plant for the month if the operating association submits, by the 15th day of such month, a written request to the market administrator to withdraw such plant from pool plant status under this subparagraph and, if so withdrawn, such plant may not requalify under this subparagraph prior to the next following July; and

(ii) Qualification for pooling under this subparagraph shall not affect in any way the requirements of subparagraph (4) of this paragraph for unit pooling.

§ 1015.17 Exempt distributing plant.

"Exempt distributing plant" means a plant, other than a pool supply plant or a regulated plant under another Federal order, which meets all the requirements for status as a pool distributing plant except that its route disposition in the marketing area in the month does not exceed 700 quarts on any day or a daily average of 300 quarts.

§ 1015.18 Distributing plant for unregulated markets.

"Distributing plant for unregulated markets" means a processing and packaging plant from which the route disposition outside any marketing area defined under any Federal order amounts to more than 50 percent of its total receipts of fluid milk products during the month. The term shall not apply to a pool plant, an exempt distributing plant under any New England Federal order, a producer-handler's plant under any Federal order, or a regulated plant under another Federal order.

§ 1015.19 Regulated plant under another Federal order.

"Regulated plant under another Federal order" means a pool plant or any other plant at which all fluid milk products handled become subject to the classification and pricing provisions of another Federal order. The term shall also include a pool bulk tank unit as defined under another Federal order.

DEFINITIONS OF MILK AND MILK PRODUCTS

§ 1015.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, concentrated milk, any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 12 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, and evaporated or condensed milk or skimmed milk in either plain or sweetened form. Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

§ 1015.23 Cream.

"Cream" means that portion of milk, containing not less than 12 percent butterfat which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes soured cream, frozen cream, fortified cream, reconstituted cream, any mixture of milk or skimmed milk and cream containing 12 percent or more of butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 12 percent butterfat.

§ 1015.24 Producer milk.

(a) "Producer milk" means for any month:

(1) Milk which a handler has received at a pool plant from producers or from a cooperative association in its capacity as a handler under § 1015.9(d);

(2) Milk received from dairy farmers' farms by a handler (other than a cooperative association in its capacity as a handler under § 1015.9(d)) which he has reported as diverted milk under § 1015.28;

(3) Milk transferred by a handler or his agent from a producer's farm tank into a tank truck and not delivered to any plant because of loss or destruction by accident or faulty equipment enroute to the plant. The milk shall be considered as a receipt by such handler at the pool plant where milk from the same farm was received as producer milk during the month except that if the milk was transferred at the farm by a cooperative association into a truck owned and operated by or under contract to the association, the milk shall be considered as a receipt by the association in its capacity as a handler under § 1015.9(c)(1) at the same plant zone location as the pool plant at which milk from the same farm was received as producer milk during the month.

(b) In the case of milk moved from the farm in a tank truck, it shall be considered as having been received by the handler on the date the milk was taken into the truck.

(c) In the case of milk received by a handler at a pool plant from a cooperative association in its capacity as a handler under § 1015.9(d), the operator of the pool plant shall report the milk as having been received from farm location differential areas in accordance with information which shall be furnished to him by the association on or before the 7th day after the end of the month.

§ 1015.25 Pool milk.

"Pool milk" means fluid milk products (other than exempt milk) received or disposed of as specified in this section:

(a) Receipts of producer milk;

(b) The following receipts of fluid milk products at pool plants from other plants (exclusive of receipts from other pool plants, producer-handlers under any Federal order, exempt distributing plants under any New England Federal order and receipts from regulated plants under other Federal orders which were classified and priced under the other orders). The highway mileage distance between each transferor-plant and Boston, Massachusetts shall be determined in a manner similar to that described under § 1015.62.

(1) Receipts at pool distributing plants from plants located outside the New England States and more than 400 miles from Boston, Massachusetts;

(2) Receipts at pool supply plants, to the extent assigned to Class I milk under § 1015.55(b)(5), from plants located outside the New England States and more than 400 miles from Boston, Massachusetts; and

(3) Receipts at pool plants, to the extent assigned to Class I milk under § 1015.55(b)(6), from plants located within one of the New England States or not more than 400 miles from Boston, Massachusetts, exclusive of bulk fluid milk products from distributing plants for unregulated markets;

(c) Receipts of bulk fluid milk products at pool distributing plants from regulated plants under other Federal orders with individual-handler pools which are assigned to classes under § 1015.55(c);

(d) Receipts of bulk fluid milk products at pool supply plants, to the extent assigned to Class I milk under § 1015.55(j), from regulated plants under other Federal orders with individual-handler pools;

(e) Route disposition in the marketing area from any processing and packaging plant (except a pool plant, a regulated plant under another Federal order, or a producer-handler's plant under any Federal order) to the extent of all such disposition in the month which is in excess of 700 quarts on any day, or of a daily average of 300 quarts, whichever is greater. In determining the quantity of pool milk pursuant to this paragraph, the total quantity of route disposition in the marketing area from such plant shall first be reduced by the quantity of fluid milk products received at such plant during the month which is classified and

priced as Class I milk or its equivalent under any marketwide pool Federal order and which is not used to offset route disposition in any other Federal marketing area. Such reduction shall first be made in any route disposition which is in excess of 700 quarts on any day; and

(f) Route disposition in the marketing area from a regulated plant under another Federal order of fluid milk products which are not both classified and priced under the other order to the extent of all such disposition in the month which is in excess of 700 quarts on any day or of a daily average of 300 quarts, whichever is greater.

§ 1015.26 Exempt milk.

"Exempt milk" means:

(a) Fluid milk products received at a pool plant during the month from the operator of a nonpool plant if such transfers occur during an interval in which the facilities of one of the plants at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm or similar extraordinary circumstances completely beyond the dealer's or handler's control and if either of the following conditions is applicable:

(1) Fluid milk products were received in bulk form for processing and packaging and an equivalent quantity of packaged fluid milk products was returned to the operator of the nonpool plant during the same month.

(2) Packaged fluid milk products were received and an equivalent quantity of bulk fluid milk products was moved to the nonpool plant for processing and packaging during the same month.

(b) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

(c) Milk produced by a State-owned and operated institution which milk is processed and packaged at a plant operated by a similar institution to the extent that such milk is used only to serve residents of either institution on the premises thereof.

§ 1015.27 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts (including any Class II milk products produced in the handler's plant during a prior month) in a form other than fluid milk products or cream which are reprocessed, converted or combined into another product during the month, including any disappearances of nonfat milk products not otherwise accounted for; and

(b) Receipts (other than pool milk and exempt milk) of fluid milk products from any source other than a pool plant. This term shall not include the inventory of fluid milk products at the beginning of the month.

§ 1015.28 Diverted milk.

(a) "Diverted milk" means for any month milk produced by a dairy farmer which meets the conditions specified under paragraphs (b) and (d) of this section, which a handler under § 1015.9 (a) or (e) elects to report under § 1015.40 as a receipt of producer milk and which the handler caused to be moved in bulk from the dairy farmer's farm to a nonpool plant (other than the plant of a producer-handler). If a cooperative association is the first handler under § 1015.9(d) of the milk, the election to report as diverted milk any of the milk delivered by the producer shall be limited to the association.

(b) The following conditions shall apply to milk which is reported as diverted to a nonpool plant:

(1) During any month of July through March:

(i) The handler caused milk to be moved from the farm to a nonpool plant during any month of July through September on not more than 10 days (5 days in the case of every-other-day delivery) during such month, or during any month of October through March on not more than 12 days (6 days in the case of every-other-day delivery). If the milk is caused to be moved to a nonpool plant by a cooperative association which is also the first handler under § 1015.9(d) and the milk cannot be identified as representing the total delivery of one or more farmers, it shall be considered for the purpose of counting the number of days of diversion that the milk of each producer whose milk was commingled in the tank truck was moved to the nonpool plant.

(ii) The farmer delivered producer milk to a pool plant earlier in the month or during the immediately preceding month. This requirement shall not be applicable, however, if the farmer's milk is moved from the farm in a tank truck in which it is commingled with milk produced by other farmers, the majority of whom meet this requirement.

(2) During any month of April through June, the handler caused milk to be moved from the farm to a nonpool plant and the farmer producing the milk held producer status throughout the two months immediately preceding such month. This requirement shall not be applicable, however, if the farmer's milk is moved from the farm in a tank truck in which it is commingled with milk produced by other farmers, the majority of whom meet this requirement.

(c) Milk which qualifies under this section shall be treated for the purpose of pricing as a receipt of producer milk by the handler at the location of the pool plant from which the milk was diverted. If during the two months immediately preceding any month of April through June, the farmer's milk was treated as producer milk at pool plants in two or more zone locations, the milk shall be deemed in this month to have been received at the zone locations of such plants in the proportion that the respective quantities of producer milk at each such plant were considered to have been delivered during such two-month period, by the dairy farmers.

(d) Any dairy farmer whose milk is physically diverted to a nonpool plant(s) during any month of July through March on more than the number of days specified in paragraph (b) of this section shall not be considered to qualify under this section with respect to any milk diverted to a nonpool plant(s) during the month.

MARKET ADMINISTRATOR

§ 1015.30 Designation.

The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1015.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1015.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to those specified in this section:

(a) Within 45 days following the date on which he enters upon his duties, he shall execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) He shall employ and fix the compensation of any persons deemed necessary to enable him to exercise his powers and perform his duties.

(c) He shall obtain a bond in a reasonable amount and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator.

(d) He shall pay out of the funds provided by § 1015.87 the cost of his bond and of the bonds of his employees, his own compensation and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties, except those expenses incurred under § 1015.75.

(e) He shall keep books and records to reflect clearly the transactions provided for in this part and, upon request by the Secretary, surrender them to any other person the Secretary may designate.

(f) He shall submit his books and records to examination by the Secretary and furnish any information and reports requested by the Secretary.

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 25th day of the month, the Class I price for the following month as computed under § 1015.60;

(2) By the 5th day of the month, the Class II price and butterfat differential for the preceding month, as computed under §§ 1015.61 and 1015.71, respectively;

(3) By the 14th day of each month, the basic uniform price for the preceding month computed under § 1015.64 and the zone uniform prices resulting from the adjustment of the basic uniform price by the zone price differentials under § 1015.62; and

(4) By the 25th day of each January, the monthly base Class I percentage factors computed under § 1015.65(a).

(h) He shall prepare and make available for the benefit of producers, handlers, and consumers, statistics and information concerning the operation of this part.

(i) He shall verify handlers' reports and payments to the extent necessary, by any appropriate means including audit of the handlers' records and of the records of any other persons upon whose utilization the classification of skim milk and butterfat depends. If verification discloses the original classification was incorrect, the market administrator shall make appropriate reclassification of such skim milk and butterfat.

(j) At his discretion and unless otherwise directed by the Secretary, he shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate) the name of any handler the value of whose fluid milk products is not included in the computation of the basic uniform price (computed under § 1015.64) because of failure to make reports pursuant to § 1015.40 or payments pursuant to § 1015.81.

REPORTS, RECORDS AND FACILITIES

§ 1015.40 Monthly reports of receipts and utilization.

On or before the 8th day after the end of each month, or not later than the 10th day if the report is delivered in person to the office of the market administrator, each handler with respect to each of his pool plants or any other plant from which there is route disposition in the marketing area and handlers specified in § 1015.9(c) shall report to the market administrator in the detail and on forms prescribed by the market administrator showing the respective quantities of skim milk and butterfat contained in:

(a) Receipts of milk:

(1) From own farm production; and

(2) As producer milk from other dairy farmers;

(b) Receipts of pool milk other than producer milk;

(c) Receipts of exempt milk;

(d) Receipts of fluid milk products from other pool plants;

(e) Receipts of other source milk and cream;

(f) Inventories of fluid milk products and cream at the beginning and end of the month; and

(g) The utilization of all skim milk and butterfat required to be reported pursuant to this section classified in accordance with the provisions of §§ 1015.50 to 1015.53.

§ 1015.41 Other reports of receipts and utilization.

(a) Within 5 days after the first receipt at his pool plant of fluid milk products during the month from each plant which is neither a regulated plant nor a producer-handler's plant under Federal Order No. 2 or any New England Federal order, each handler shall file with the market administrator a report showing the identity of the operator of the shipping plant, the plant location, and such other information respecting the receipt as the market administrator may prescribe. However, until such time as full information relative to the receipts and utilization during the month at any shipping plant located within one of the New England States, or not more than 400 miles from Boston, Massachusetts, is submitted to the market administrator, it shall be considered with respect to any receipts of fluid milk products in bulk that such shipping plant is a distributing plant for unregulated markets.

(b) For any month in which it is claimed that the farm of any dairy farmer from whom he received milk is located in a farm location differential area described in § 1015.72, each handler from whose plant pool milk other than producer milk is moved to a pool plant, and each handler with route disposition of pool milk in the marketing area from a nonpool plant, shall file with the market administrator a report showing the name, post office address, and the farm location of each dairy farmer from whom he received milk at the plant during the month, and the total pounds of milk received from each farm. The report shall be submitted within 5 days after the market administrator's request, made not earlier than the 22d day after the end of the month.

(c) Each handler under § 1015.9(d) shall report to the market administrator in detail and on forms prescribed by the market administrator by the date on which reports are due under § 1015.40 after the end of each month, the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month and in the milk transferred into the tank truck at each producer's farm.

(d) Each handler other than as specified under § 1015.40 and paragraph (c) of this section shall file with the market administrator reports relating to his receipts and utilization of milk and milk products during the month at the time and in the manner prescribed by the market administrator.

(e) Each handler who dumps milk and milk products under § 1015.52(d) at his pool plants shall:

(1) Mail or deliver to the market administrator within 48 hours following each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who performed the dumping operation and the person authorized to sign reports for the handler under § 1015.40 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or plant superintendent shall be substituted on the report); and

(2) Give the market administrator, at the request of and in accordance with instructions issued by the market administrator, advance notice of intention to make such disposition and of the quantities involved.

§ 1015.42 Reports regarding individual producers.

(a) Within 5 days after a producer moves from one farm to another, begins or resumes delivery to any of a handler's pool plants, or begins to deliver his milk to the handler's plant by tank truck, other than a producer whose milk was directed to such pool plant by a cooperative association, the handler shall file with the market administrator a report showing the applicable date, the producer's name, post office address, and the farm and plant locations involved. The report shall also indicate, if known, the plant to which the producer had been delivering prior to beginning or resuming deliveries.

(b) Promptly after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, other than a producer whose milk was directed to such pool plant by a cooperative association, the handler shall file with the market administrator a report showing the date of last delivery, the producer's name, post office address, and the farm and plant locations involved. The report shall also indicate, if known, the reason for the producer's failure to continue deliveries.

(c) On or before the 8th day after the end of each month, each handler shall file with respect to each producer whose milk was directed to his pool plant by a cooperative association such of the information specified in paragraphs (a) and (b) of this section as the market administrator shall request except that if the milk is directed to the plant by a cooperative association in its capacity as a handler under § 1015.9(d), the cooperative association shall file the information.

§ 1015.43 Notices to producers.

Within 7 days after the end of each sampling period for which a composite butterfat test of a producer's milk was determined, each handler shall give each producer from whom he receives milk written notice of such composite test. This requirement, however, shall not be applicable if the test was determined by a State agency in accordance with laws and regulations of the State and if the handler and the producer are required to be notified at least monthly by such agency of the results of such tests and the computation of the average test to be used as a basis of payment for the milk for the month.

§ 1015.44 Records and facilities.

(a) Each handler shall maintain detailed and summary records showing all receipts, movements and disposition of milk and milk products during each month, and the quantities of milk and milk products in the inventories at the beginning and end of each month.

(b) For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in the reports submitted in accordance with this part;

(2) Weigh, sample and test milk and milk products; and

(3) Make such examination of records, operations, equipment and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

(c) Each handler under § 1015.9 (a), (c), and (d) shall submit to the market administrator, within 5 days after his request made not earlier than 22 days after the end of the month, his producer payroll for the month, which shall show for each producer or with respect to producer milk received from a cooperative association in its capacity as a handler under § 1015.9(d):

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, or cooperative association with the prices, deductions and charges involved.

§ 1015.45 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain. If within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION AND ASSIGNMENT OF MILK AND MILK PRODUCTS

§ 1015.50 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1015.40 shall be classified pursuant to the provisions of §§ 1015.51 to 1015.53. Bulk milk which a cooperative association causes to be delivered under § 1015.9(c)(3) to the pool plant of another cooperative association shall be considered as if it were transferred between two pool plants located in the same zone location. When nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk classified shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that if the solids are utilized to fortify fluid milk products or cream, the actual weight of any such products shall be included in classifying the total product weight.

§ 1015.51 Class I milk.

Class I milk shall be all skim milk and butterfat:

(a) Disposed of in the form of fluid milk products (except as provided in §§ 1015.52 and 1015.53);

(b) Disposed of in the form of cream excepted under § 1015.52(a); and

(c) Not accounted for as Class II milk.

§ 1015.52 Class II milk.

Class II milk shall be all skim milk and butterfat for which the handler who first receives the skim milk and butterfat proves that the skim milk and butterfat were:

(a) Disposed of as cream, except 50 percent of the quantity by weight of any cream testing at least 12 percent but less than 16 percent butterfat disposed of in a marketing area, or to a plant, regulated under another New England Federal order if it is Class I milk under such other order;

(b) Used to produce any product except a fluid milk product or cream;

(c) Disposed of for livestock feed or to bakeries, soup factories, and similar establishments;

(d) Contained in milk, skim milk, flavored milk, flavored milk drink, or buttermilk dumped, if the conditions of § 1015.41(e) are met by the handler;

(e) Contained in inventory of fluid milk products and cream at the end of the month;

(f) Contained in the quantity of shrinkage prorated to the receipts of skim milk and butterfat as specified in § 1015.54(a);

(g) Contained in the quantity of shrinkage prorated to the receipts of skim milk and butterfat as specified in § 1015.54(b) but not in excess of the quantity computed as follows:

(1) 2.0 percent of pool milk under § 1015.25 (a), (b)(1), and (c) exclusive of diverted milk, producer milk received from a handler under § 1015.9(d) and producer milk received by a handler under § 1015.9(c)(3);

(2) Plus 1.5 percent of producer milk received from a handler under § 1015.9 (d) and milk received at the pool plant of a cooperative association from another cooperative association as specified in § 1015.9(c)(3) unless the handler receiving the milk at a pool plant notifies the market administrator in writing by the date reports are due under § 1015.40 that he is purchasing the milk on the basis of farm tank measurements and butterfat tests determined from farm tank samples, in which case the applicable percentage shall be 2.0 percent;

(3) Plus 0.5 percent of producer milk received by a handler under § 1015.9 (c)(3) and (4) and (d) which it caused to be delivered to the pool plant of another handler if the latter handler has not notified the market administrator in writing by the date reports are due under § 1015.40 that it is purchasing the milk on the basis of farm tank measurements and butterfat tests determined from farm tank samples;

(4) Plus 1.5 percent of bulk fluid milk products and cream received from pool plants and regulated plants under other Federal orders with marketwide pools; and

(5) Less 1.5 percent of bulk fluid milk products and cream transferred to other plants;

(h) Contained in fluid milk products lost or destroyed under extraordinary circumstances completely beyond the control of the handler, if such loss is substantiated by records satisfactory to the market administrator; or

(i) Contained in fluid milk products transferred or diverted from a pool plant to another plant other than the plant of a producer-handler under any Federal order if the conditions of § 1015.53 are met.

§ 1015.53 Class II transfers and diversions of fluid milk products.

Class II transfers and diversions shall be all skim milk and butterfat in any fluid milk product moved:

(a)(1) In bulk from a pool plant subject to a zone price differential to another pool plant to the extent assigned to Class II milk at the transferee-plant under § 1015.55.

(2) In bulk from a pool plant in the nearby plant zone to another pool plant if a Class II use is indicated on the reports submitted under § 1015.40 by the operators of both plants. However, the quantity classified as Class II milk shall not exceed the quantity assigned to Class II milk at the transferee-plant under § 1015.55.

(b)(1) In bulk to a regulated plant under another Federal order, except as provided in subparagraph (2) of this paragraph, to the extent assigned to Class II milk or a comparable class under the other Federal order.

(2) In packaged form containing at least 3 percent butterfat or in bulk to a pool plant as defined in Federal Order No. 2 or to any plant from which a greater aggregate quantity of fluid milk products is disposed of as route disposition in the New York-New Jersey marketing area than in the Connecticut marketing area to the extent it is not assigned to Class I-B or is assigned to Class I-A but not subjected to charges specified in § 1002.44 of such order.

(c) In bulk to a nonpool plant which is not a regulated plant under another Federal order if Class II utilization is established, except that to the extent the transferee-plant has route disposition in the marketing area at least an equivalent quantity of the transferred or diverted fluid milk products shall not be assigned to Class II milk. The quantities classified as Class II milk shall not be greater than the volume of fluid milk products received from regulated plants under other Federal orders, which is in excess of the Class I utilization at such transferee-plant.

(d) In bulk to a nonpool plant which is not a regulated plant under another Federal order and thence to another such plant to the extent provided by applying the provisions of paragraph (c) of this section. However, classification shall not be as Class II milk if the other nonpool plant to which such movement is made is not regulated under a Federal order and is located outside the New England States and New York State.

§ 1015.54 Shrinkage.

For the purposes of § 1015.52 (f) and (g), the total shrinkage of skim milk and butterfat, respectively, for the month shall be prorated to the total pounds of skim milk and butterfat received which are included in paragraphs (a) and (b) of this section.

(a) Pool milk under § 1015.25 (b) (2) and (3) and (d); cream receipts; and other source milk in fluid milk products and cream except that received from regulated plants under other Federal orders with marketwide pools.

(b) All other receipts exclusive of exempt milk, diverted milk, and remaining other source milk.

§ 1015.55 Assignment to classes of skim milk and butterfat received.

The total quantity of skim milk and butterfat received at each pool plant and by handlers specified in § 1015.9(c) during the month and required to be reported under § 1015.40, shall be assigned separately, in the manner and sequence provided below, to the respective quantities of skim milk and butterfat classified in each class under §§ 1015.50 through 1015.53.

(a) To the pounds in Class I milk, assign the pounds in:

(1) Exempt milk; and

(2) Packaged fluid milk products from regulated plants under any Federal order, if the fluid milk products are classified and priced as Class I milk or are subject to such classification and pricing or the equivalent thereof under the order if assigned to Class I milk under this order.

(b) To the remaining pounds in each class, beginning with Class II milk, assign the pounds in:

(1) Cream in inventory at the beginning of the month and received during the month;

(2) Receipts of other source milk in a form other than fluid milk products and cream;

(3) Fluid milk-products from producer-handlers under any Federal order and from exempt distributing plants under any New England Federal order in sequence beginning with the plant most distant from Hartford according to its zone location;

(4) Bulk fluid milk products from distributing plants for unregulated markets located within one of the New England States or not more than 400 miles from Boston, Massachusetts, in sequence beginning with the plant most distant from Hartford according to its zone location;

(5) Fluid milk products received at pool supply plants from plants located outside the New England States and outside the 400 miles from Boston, Massachusetts, not previously assigned, in sequence beginning with the plant most distant from Hartford according to its zone location, except receipts from regulated plants under other Federal orders which are classified and priced under the orders;

(6) Fluid milk products not previously assigned received from plants located within one of the New England States or not more than 400 miles from Boston, Massachusetts, in sequence, beginning with the plant most distant from Hartford according to its zone location, except bulk receipts from regulated plants under other Federal orders which are classified and priced under the orders; and

(7) Fluid milk products in inventory at the beginning of the month.

(c) For pool distributing plants, to the remaining pounds in each class, in proportion to the respective remaining pounds in each class at all of the handler's pool plants, assign the pounds in bulk fluid milk products received from each regulated plant under another Federal order, to the extent that such receipts are not offset by transfers of bulk fluid milk products to the same plants, if such receipts are classified and priced under the other order as Class I milk or are subject to such classification and pricing or the equivalent thereof, if assigned to Class I milk under this order. Should the quantity to be assigned to either class exceed the respective quantity remaining in that class at the plant of receipt, the respective quantity remaining in that class shall be increased to the quantity to be assigned and the respective quantity remaining in the other class shall be decreased by an identical quantity. If such an adjustment is required at the receiving plant, an offsetting adjustment shall be made to the respective remaining quantities in each class at the handler's other pool plants, in sequence beginning with the plant nearest Hartford.

(d) To the remaining pounds in each class, beginning with Class II milk, assign the pounds of fluid milk products received during the month from regulated plants under another Federal order which are classified and priced other than as Class I milk or the equivalent thereof under the other order irrespective of the classification assigned under this order, and were not previously assigned, in sequence beginning with the plant most distant from Hartford according to its zone location.

(e) For pool supply plants, assign to the remaining pounds in Class II milk a quantity equal to such remainder or the pounds of bulk fluid milk products received during the month from regulated plants under other Federal orders not previously assigned, whichever is less.

(f)(1) During the months of July through November, subtract from the remaining pounds in Class II milk, a quantity equal to such remainder or 15 percent of the receipts of producer milk, whichever is less; and

(2) During the months of December through June, for pool distributing plants in the nearby plant zone, subtract from the remaining pounds in Class II milk a quantity equal to such remainder or 5 percent of the Class I utilization at such plants, whichever is less.

(g)(1) Assign to the remaining pounds in Class II milk, a quantity equal to such remainder or the pounds of bulk fluid milk products received during the month from other pool plants subject to a zone price differential, whichever is less, in sequence, beginning with the plant most distant from Hartford according to its zone location.

(2) If bulk fluid milk products are received from pool plants in the "nearby plant" zone and a Class II use of such products is indicated on the reports submitted under § 1015.40 by the operators of both the transferor-plant(s) and transferee-plant, assign to the remaining pounds in Class II milk a quantity equal to such remainder or the pounds of bulk fluid milk products received during the month from such pool plants, whichever is less.

(h) Add to the remaining pounds in Class II milk, the pounds subtracted pursuant to paragraph (f) of this section.

(i) To the remaining pounds in each class, beginning with Class I milk, assign the pounds of bulk fluid milk products received during the month from other pool plants which were not previously assigned. The receipts of fluid milk products shall be assigned to any remainder in Class I milk in sequence beginning with receipts from the plant nearest to Hartford.

(j) To the remaining pounds in each class, beginning with Class I milk, assign the pounds of bulk fluid milk products received during the month from regulated plants under other Federal orders which were not previously assigned.

(k) To the remaining pounds in each class, beginning with Class I milk, assign, in sequence, the pounds of pool milk received during the month from the following sources:

(1) Receipts of producer milk; and

(2) Receipts of pool milk under § 1015.25(b)(1). Receipts of pool milk assigned to Class I milk under this subparagraph shall be assigned to transferor-plants in sequence beginning with the receipts from the plant nearest to Hartford.

(l) Any remaining pounds in each class shall be known as "overage".

MINIMUM PRICES

§ 1015.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, at plants in the nearby plant zone under § 1015.62 shall be the amount computed for each month as specified in this section. The latest reported figures available to the market administrator on the

25th day of the preceding month shall be used in making the computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding workday shall be used.

(a) Compute an economic index, with the year 1958 as the base period, as follows:

(1) Calculate a United States wholesale commodity price index by dividing the monthly wholesale price index for all commodities (as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period) by 1.0025.

(2) Calculate a New England consumer income index by multiplying the current annual rate of per capita disposable personal income in the United States (based upon the quarterly figure released by the United States Department of Commerce or the Council of Economic Advisers to the President) by the New England adjustment percentage and dividing the result by 20.50. The New England adjustment percentage shall be the current percentage relationship of per capita personal income in New England to per capita personal income in the United States (using data on per capita personal income by States and regions as published by the United States Department of Commerce).

(3) Calculate a New England dairy ration index by dividing the monthly average price paid by farmers in the New England region for 100 pounds of mixed dairy feed containing less than 29 percent protein (as reported by the United States Department of Agriculture) by 0.04041.

(4) Calculate a New England farm wage rate index by dividing the weighted average farm wage rate for the New England region by 1.9833. The weighted average farm wage rate for the New England region shall be the average of the farm wage rates for the New England region (as reported by the United States Department of Agriculture) weighted by the factors indicated in the following table.

Rate	Weighting factor
Per month with board and room	1.00
Per month with house	1.00
Per week with board and room	4.33
Per week without board or room	4.33
Per day without board or room	26.00

(5) Calculate a New England grain-labor cost index by multiplying the New England dairy ration index by 0.6 and the New England farm wage rate index by 0.4, and combining the two results.

(6) The economic index shall be the result of dividing by seven the sum of three times the United States wholesale commodity price index, the New England consumer income index, and three times the New England grain-labor cost index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $0.0557, expressing the result to the nearest mill.

(2) Divide the Class I–A price for the month computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201–210-mile freight zone, by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation of that price, expressing the result to the nearest mill.

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, except that its deviation from the result obtained in subparagraph (2) of this paragraph shall be limited to $0.05.

(c) Compute a supply-demand adjustment factor (using quantities announced in the statistical reports of the respective market administrators for the New England Federal orders for the second, third, and fourth months preceding the month for which the price is being computed) as follows:

(1) For each of the three months, determine the total Class I producer milk and the total producer milk for the New England Federal order markets by combining the respective totals for the individual markets.

(2) For each of the three months, divide the total Class I producer milk for the New England Federal order markets by the base Class I percentage factor for the same month as determined under § 1015.65(a). The result shall be the New England base supply for that month.

(3) For each of the three months, express the total producer milk for the New England Federal order markets as a percentage of the New England base supply for the same month. The simple average of the three resulting percentages shall be the percentage of base supply.

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval; and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (3) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(e) Multiply the economic index price determined under paragraph (b) of this section by the product of the supply-demand adjustment factor determined under paragraph (c) of this section and the seasonal adjustment factor determined under paragraph (d) of this section. The Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls, plus 47 cents.

Range		Price
At least—	But less than—	
$4.72 [1]	$4.94	$4.83
4.94	5.16	5.05
5.16	5.38	5.27
5.38	5.60	5.49
5.60	5.82	5.71
5.82	6.04	5.93
6.04	6.26	6.15
6.26	6.48	6.37
6.48	6.70	6.59
6.70	6.92	6.81

[1] If the result of the computation specified in this paragraph is less than $4.72 or is $6.92 or more, the price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I price for November or December of each year shall not be lower than the Class I price for the immediately preceding month.

§ 1015.61 Class II price.

The Class II price per hundredweight of milk containing 3.5 percent butterfat at plants located in the nearby plant zone shall be computed for each month as specified in this section.

(a) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported by the United States Department of Agriculture on a preliminary basis for the month, by subtracting for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or adding for each one-tenth of 1 percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported by the United States Department of Agriculture for the period beginning with the 16th day of the preceding month and ending with the 15th day of the current month.

(b) Adjust the result obtained in paragraph (a) of this section by the amount shown below for the applicable month:

Month	Amount	Month	Amount
January	+$0.128	July	+$0.128
February	+.128	August	+.208
March	+.058	September	+.168
April	+.018	October	+.168
May	−.012	November	+.168
June	−.002	December	+.168

§ 1015.62 Plant zone price differentials.

The class prices and the basic uniform price computed under §§ 1015.60, 1015.61 and 1015.64 shall be subject to zone price differentials based upon the zone location of the plant at which producer milk is received or from which pool milk other than producer milk or other source milk is received or distributed if the plant is located outside Connecticut or a town of Massachusetts or Rhode Island which borders on the State boundary of Connecticut and is more than 50 miles from Hartford, Connecticut.

(a) Each plant located in the State of Connecticut or in a town of Massachusetts or Rhode Island which borders on the State boundary of Connecticut and any other plant located not more than 50 miles from Hartford, Connecticut, as determined in the manner specified in paragraph (c) of this section, shall be in the "nearby plant" zone.

(b) The zone location of each plant which is not in the "nearby plant" zone shall be based upon its highway mileage distance to Hartford, as determined by use of Mileage Guide No. 7 and supplements to and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The mileage used shall be those shown between designated key points in the mileage charts, and between named points on the appropriate State road maps, as published in the mileage guide. In any instance the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(c) The distance for each plant shall be the mileage between Hartford and the named point nearest to the plant, as shown in the mileage charts. If that named point is not listed in the mileage charts, the distance for the plant shall be the lowest mileage distance between Hartford and that named point, computed as follows:

(1) Determine from the charts the mileage between Hartford and each of the three key points nearest to the named point which are nearer to Hartford than the named point. If there are fewer than three key points which are so located, Hartford shall be used as one of the key points.

(2) For each of these key points, add to the result in subparagraph (1) of this paragraph, the mileage between the key point and the named point, measured to the greatest extent possible over roads designated as paved, all-weather roads.

(d) The zone price differentials for each plant shall be those applicable to its zone location as shown in the following table:

Plant Zone Price Differentials

Distance to Hartford (miles)	Plant location zone	Class I and uniform price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
Various	Nearby plant	0.0	0.0
51 to 60	6	−26.0	−1.4
61 to 70	7	−27.4	−1.7
71 to 80	8	−28.8	−2.0
81 to 90	9	−30.2	−2.6
91 to 100	10	−31.6	−2.8
101 to 110	11	−33.0	−2.9
111 to 120	12	−34.4	−3.2
121 to 130	13	−35.8	−3.4
131 to 140	14	−37.2	−3.7
141 to 150	15	−38.6	−4.2
151 to 160	16	−40.0	−4.5
161 to 170	17	−41.4	−4.6
171 to 180	18	−42.8	−5.2
181 to 190	19	−44.2	−5.4
191 to 200	20	−45.6	−5.7
201 to 210	21	−47.0	−5.8
211 to 220	22	−48.4	−6.4
221 to 230	23	−49.8	−6.6
231 to 240	24	−51.2	−6.7
241 to 250	25	−52.6	−6.7
251 to 260	26	−54.0	−7.0
261 to 270	27	−55.4	−7.1
271 to 280	28	−56.8	−7.3
281 to 290	29	−58.2	−7.4
291 to 300	30	−59.6	−7.6
301 to 310	31	−61.0	−8.1
311 to 320	32	−62.4	−8.2
321 to 330	33	−63.8	−8.3
331 to 340	34	−65.2	−8.6
341 to 350	35	−66.6	−8.6
351 to 360	36	−68.0	−8.8
361 to 370	37	−69.4	−8.9
371 to 380	38	−70.8	−9.1
381 to 390	39	−72.2	−9.2
391 to 400	40	−73.6	−9.3
401 and over	41 and over	(1)	−9.3

[1] Class I and uniform price differentials applicable to plants located more than 400 miles from Hartford shall be obtained by extending the table at the rate of 1.4 cents for each additional 10 miles, except that in no event shall the Class I or uniform price at any zone be less than the Class II price for the month for plants in such zone.

(e) Notwithstanding the provisions of paragraphs (b) and (c) of this section, the zone location of each plant which is not in the "nearby plant" zone and which was a regulated plant under any of the New England Federal orders in the month immediately preceding the effective date of this paragraph shall be determined by the method described in this paragraph until Mileage Guide No. 7 is canceled. The zone location of the plant shall be based upon its highway mileage distance to Hartford as determined by use of the appropriate State maps contained in Mileage Guide No. 7, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The distance shall be the lowest highway mileage between Hartford and the named point on the map which is nearest to the plant, over roads designated thereon as paved, all-weather roads. In the event that the named point is not located on a paved, all-weather road, such other roads shall be used to reach a paved, all-weather road, as will result in the lowest highway mileage to Hartford, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a paved, all-weather road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

§ 1015.63 Value of each handler's fluid milk products.

For each month, the market administrator shall compute the value of fluid milk products for each handler under § 1015.9 (a), (b), and (c) except a producer-handler under any Federal order. The prices used shall be those for the zone location of the plant for which the value is being computed or at which it has been considered that a handler under § 1015.9(c) received producer milk, except that under paragraphs (a)(2), (b)(2), and (f)(2) of this section the prices used shall be those applicable at the zone locations of the plants from which the fluid milk products were received, and under paragraph (c) of this section, the prices which are specified therein shall be used.

(a) Multiply by the applicable class prices the quantities of:

(1) Producer milk assigned under § 1015.55; and

(2) Pool milk other than producer milk assigned under § 1015.55.

(b) Multiply by the applicable Class I prices the quantities of:

(1) Other source milk and cream assigned to Class I milk under § 1015.55(b)(1) and (2); and

(2) Other source milk assigned to Class I milk under § 1015.55 (b) (3) and (4) and (d).

(c) Multiply the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent quantity of skim milk and butterfat, respectively, was allocated to Class II milk in the preceding month, by the hundredweight of skim milk and butterfat, respectively, assigned to Class I milk under §1015.55(b)(7) for the month which is in excess of the hundredweight of skim milk and butterfat, respectively, allocated to Class II milk under § 1015.55 (i) and (j) during the preceding month and classified and priced as Class I milk or the equivalent thereof under the provisions of any Federal order.

(d) Multiply the quantity of overage in each class under § 1015.55(l) by the applicable class price as adjusted by the butterfat differential computed under § 1015.71.

(e) Multiply the quantity of pool milk under § 1015.25 (e) and (f) distributed as route disposition in the marketing area from the handler's nonpool plant by the applicable Class I price.

(f) Multiply by the applicable Class II prices the quantities of:

(1) Other source milk assigned to Class I milk under § 1015.55 (b) (1) and (2); and

(2) Other source milk assigned to Class I milk under § 1015.55 (b) (3) and (4) and (d).

(g) Add together the values resulting from the computations described in paragraphs (a) through (e) of this section and subtract therefrom the values resulting from the computations described in paragraph (f) of this section. The remainder shall be known as the value of fluid milk products.

For each month, the market administrator shall compute a basic uniform price per hundredweight for pool milk containing 3.5 percent butterfat received at or distributed from a plant in the nearby plant zone as follows:

(a) Combine into one total the value of fluid milk products computed under § 1015.63 for each handler who made the reports prescribed in § 1015.40 for the month and who was not in default of payments under § 1015.81 for the preceding month.

(b) Deduct the amount of the plus differentials applicable under § 1015.72 and add the amount of the minus differentials applicable under § 1015.62.

(c) Subtract for each of the months of April, May and June an amount computed by multiplying the total hundredweight of pool milk for such month by 15 cents.

(d) Add for each of the months of July, August and September an amount representing one-third of the aggregate amount subtracted pursuant to paragraph (c) of this section for the immediately preceding three-month period, April–June.

(e) Add an amount equal to not less than one-half of the unreserved cash balance on hand in the producer-settlement fund.

(f) Divide the resulting amount by the total hundredweight of pool milk included under paragraph (a) of this section.

(g) Subtract not less than 4 cents nor more than 5 cents. The result is the "basic uniform price".

§ 1015.65 Factors used in formulas.

(a) The base Class I percentage factors to be used in the computation of the Class I price under § 1015.60 for each of the 12 months beginning with February of each year shall be computed on or before January 25 of that year as specified in this paragraph.

(1) For each month of the three preceding years and for December of the fourth preceding year (using the most recent statistical reports of the market administrators for the New England Federal orders) compute the daily average of the total Class I producer milk under all the New England Federal orders and the daily average of the total receipts from producers under all the New England Federal orders.

(2) For each of the two series of daily averages, using the median link-relative method, compute a seasonal index for each month, rounded to two decimal places.

(3) For each month, multiply the seasonal index of Class I producer milk by 0.6812 and divide the product by the seasonal index of receipts from producers for the same month. The result, rounded to one decimal place, shall be the base Class I percentage factor for the month.

(b) If for any reason a price, index, or wage rate specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the factor which is specified.

PAYMENTS—GENERAL

§ 1015.70 Payments to producers and cooperative associations.

(a) Except as provided in paragraph (b) of this section, each handler shall pay each producer as follows:

(1) On or before the 5th day after the end of each month for milk received from such producer during the first 15 days of such month at a rate not less than the Class II price for the preceding month.

(2) On or before the 22nd day after the end of the month, each handler shall make final payment to each producer for the total value of milk received from him during the month, at not less than the basic uniform price per hundredweight computed under § 1015.64 subject to the differentials under §§ 1015.62, 1015.71 and 1015.72, minus the amount of the partial payment made to the producer under subparagraph (1) of this paragraph.

(3) If the net payment to a producer is for an amount less than the total amount due the producer under this paragraph, the burden shall rest upon the handler to prove to the market administrator that each deduction from the total amount due is properly authorized and properly chargeable to the producer. If, on the date payments are due under subparagraph (2) of this paragraph, the handler has not received full payment from the market administrator under § 1015.82, he may reduce pro rata his payment to producers by an amount not to exceed such underpayment. This payment shall be completed after receipt of the balance due from the market administrator by the next following date for making payments under subparagraph (2) of this paragraph.

(b) Each handler who receives producer milk from a cooperative association which is determined by the Secretary to be authorized to collect payments for its members, exercises such authority and has so notified the handler in writing, shall make payment in accordance with the provisions of paragraph (a) of this section to the association for the total amount of producer milk received from the association as follows:

(1) On or before the 1st day after the end of the month for producer milk received during the first 15 days of the month; and

(2) On or before the 21st day after the end of the month for producer milk received during the month.

(c) Each handler who receives fluid milk products from a cooperative association in its capacity as the operator of a pool plant or as a handler under § 1015.9(c) shall make a payment to such association as follows:

(1) On or before the 1st day after the end of the month at a rate not less than the Class II price for the immediately preceding month for such fluid milk products received during the first 15 days of the month; and

(2) On or before the 21st day after the end of the month for not less than the value of such fluid milk products classified under § 1015.55 at the applicable class prices for the month adjusted by the zone price and butterfat differentials under §§ 1015.62 and 1015.71 less the amount paid pursuant to subparagraph (1) of this paragraph.

§ 1015.71 Butterfat differential.

In making the payments to producers and cooperative associations required under § 1015.70 or for overages under § 1015.63(d) each handler shall add or subtract for each one-tenth of one percent that the average butterfat content of milk received from producers or the overage is above or below 3.5 percent, respectively, an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.12 the average of the daily prices using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported by the United States Department of Agriculture for the period beginning with the 16th day of the preceding month and ending with the 15th day of the current month and round to the nearest one-tenth cent.

§ 1015.72 Farm location differentials.

(a) In making payments to producers for milk received from a farm located in Connecticut, Rhode Island, in that portion of New York State east of the Hudson River and south of the Berkshire Section of the New York State Thruway, or in that portion of Massachusetts south of the Massachusetts Turnpike, there shall be added 46 cents per hundredweight.

(b) In making payments to producers for milk received from a farm located outside the area described in paragraph (a) of this section, but within that portion of New York State east of the Hudson River and south of the northern boundaries of North Greenbush, Sand Lake, and Stephentown townships in Rensselaer County, and within that portion of Berkshire County, Massachusetts north of the Massachusetts Turnpike, there shall be added 23 cents per hundredweight.

(c) The uniform price for pool milk other than producer milk shall be subject to the applicable differentials for milk received from farms located in the areas set forth in paragraphs (a) and (b) of this section. In applying the differentials such pool milk shall be considered to have been delivered from farms of dairy farmers located in such areas in quantities computed as follows: Divide the respective quantities of milk received directly from dairy farmers' farms located in each nearby farm location differential area at the plant from which the pool milk was received or distributed by the total receipts of fluid milk products at the plant, multiply by 100 and apply each of the resulting percentages to the total quantity of pool milk other than producer milk received or distributed from such plant. Until such time as full information relative to the receipts at the plant from dairy farmers, including the respective quantities of milk received from dairy farmers' farms in each farm location differential area, is submitted to the market administrator, it shall be considered that none of the farms from which milk was received at the plant is located in any nearby farm location differential area.

§ 1015.73 Statements to producers.

In making the payments to producers or cooperative associations under § 1015.70 (a) or (b), each handler shall furnish a supporting statement, in such form that it may be retained by the recipient. In making final payment to a cooperative association under § 1015.70(b)(2) the information specified in paragraphs (a), (b) and (e) of this section shall be furnished on or before the 14th day after the end of each month; and for partial payment under § 1015.70(b)(1) the information specified in paragraphs (a), (b) and (d) of this section shall be furnished on or before the 25th day of each month. The supporting statement shall show:

(a) The month and the identity of both the handler and producer;

(b) The total pounds and average butterfat test of milk received from the producer except that the butterfat test shall not be required on statements accompanying payment for the first 15 days of the month;

(c) The minimum rate or rates at which payment to the producer is required under § 1015.70;

(d) The rate which is used in making the payment;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions under § 1015.75, together with a description of the respective deductions; and

(f) The net amount of payment to the producer or cooperative association.

§ 1015.74 Adjustment of payments to producers and cooperative associations.

Whenever the market administrator's verification of a handler's payments to producers discloses payment to a producer or a cooperative association of an amount less than is required by § 1015.70 the handler shall make payment of the balance due the producer or cooperative association not later than the date for making payment under § 1015.70 for the month in which the handler is notified by the market administrator of the deficiency.

§ 1015.75 Marketing service deductions.

(a) In making the payments required by § 1015.70 (a)(2) and (b) for producer milk, other than milk delivered by himself and any producer who is a member of a cooperative association which the Secretary determines is performing the services specified in paragraph (b) of this section, each handler shall deduct 3 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, for marketing services. The handler shall pay the amount deducted to the market administrator on or before the 19th day after the end of the month.

(b) The market administrator shall expend amounts received under paragraph (a) of this section only in providing market information to the producers who delivered the milk which was subject to such deduction and for verification of weights, samples, and tests of milk received by handlers from them. The market administrator may contract with a cooperative association for the furnishing of the whole or any part of these services.

(c) Each handler in making the payments required by § 1015.70 (a)(2) or (b) for producer milk delivered by members of a cooperative association which the Secretary determines is performing the services specified in paragraph (b) of this section shall deduct from such payments, in lieu of the deductions specified in paragraph (a) of this section, an amount authorized by such producers. He shall pay the amount deducted to the association on or before the 20th day after the end of the month accompanied by a statement showing the pounds of milk received from each producer from whom the deduction was made.

PAYMENTS—PRODUCER-SETTLEMENT FUND

§ 1015.80 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund". He shall deposit all amounts received from handlers under §§ 1015.81, 1015.88 and 1015.89 into the fund. He shall pay all amounts due handlers under §§ 1015.82 and 1015.88 from the fund, subject to his right to offset a payment due to a handler from the producer-settlement fund against any payment due from the handler to the fund. All amounts subtracted under § 1015.64(c) shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1015.64(d). The market administrator shall render a statement to each handler who made the reports prescribed in § 1015.40, by the 16th day of the month showing the amount due to or from the producer-settlement fund computed in accordance with §§ 1015.63, 1015.81 and 1015.82.

§ 1015.81 Payments to the producer-settlement fund.

On or before the 19th day after the end of each month, each handler shall pay to the market administrator for deposit into the producer-settlement fund the amount by which the value of fluid milk products computed for the handler under § 1015.63 is greater than the sum of (a) the amount required to be paid his producers, and (b) the value of his receipts of pool milk other than producer milk, both as determined by the application of the basic uniform price computed under § 1015.64 adjusted by the differentials applicable under §§ 1015.62 and 1015.72.

§ 1015.82 Payments out of the producer-settlement fund.

On or before the 21st day after the end of the month, the market administrator shall pay to each handler the amount by which the sum of (a) the amount required to be paid his producers, and (b) the value of his receipts of pool milk other than producer milk, both as determined by the application of the basic uniform price computed under § 1015.64 adjusted by the differentials applicable under §§ 1015.62 and 1015.72 is greater than the value of fluid milk products computed for the handler under § 1015.63. If the unobligated balance in the producer-settlement fund is insufficient to make all payments under this section, the market administrator shall reduce uniformly such payments and shall complete them as soon as the necessary funds are available.

ADMINISTRATION EXPENSE

§ 1015.87 Payment of administration expense.

On or before the 19th day after the end of the month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 4 cents per hundredweight, or such lesser rate as the Secretary may prescribe, as follows:

(a) The payment shall apply to all of a handler's receipts at pool plants during the month of pool milk, exempt milk received in bulk from a nonpool plant for processing and packaging and other source milk assigned to Class I milk under § 1015.55 except that the payment shall not apply to any receipts which are subject to an administration assessment under another Federal order; and

(b) The payment shall also apply to the quantity of pool milk distributed as route disposition in the marketing area from a handler's nonpool plant and to the quantity of producer milk for which a cooperative association is the handler under § 1015.9(c).

ADJUSTMENT OF ACCOUNTS

§ 1015.88 Adjustment of errors in payments.

Whenever the market administrator's verification of reports or payments of any handler discloses an error in payments to or from the market administrator made under §§ 1015.75, 1015.81, 1015.82 or 1015.87 the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Payment of any such adjustment by the handler or the market administrator shall be made on or before the payment date for the month in which such notification is given.

§ 1015.89 Adjustment of overdue accounts.

Any unpaid obligation of a handler under §§ 1015.75, 1015.81, 1015.87 and 1015.88 shall be increased one-half of one percent effective the 22d day of such month and on the 22d day of each month thereafter until the obligation is paid.

MISCELLANEOUS PROVISIONS

§1015.90 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1015.91.

§ 1015.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part, in any event, shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1015.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1015.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected under the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1015.94 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in the obligation, unless within the two-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of the producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator, within the two-year period provided for in paragraph (a) of this section, may notify the handler in writing of the failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to the obligation shall not begin to run until the first day of the month following the month during which all the books and records pertaining to the obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud, or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which the handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on the payment is claimed, unless the handler, within the applicable period of time, files a petition under section 8c(15)(A) of the Act, claiming the money.

§ 1015.95 Agents.

The Secretary, by designation in writing, may name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1015.96 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of the provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on April 20, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-4016; Filed, Apr. 21, 1964; 8:45 a.m.]

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. Docket No. 1794; Amdt. 40-43]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Miscellaneous Amendments

This amendment amends presently effective Part 40 of the Civil Air Regulations which contains safety certification and operation rules governing air carriers holding economic certificate authority from the Civil Aeronautics Board to engage in interstate air transportation within the continental United States, exclusive of the State of Alaska.

Part 40 was extensively revised effective April 1, 1954. While numerous substantive amendments have been made to Part 40 since the last general revision, a review of the provisions of the part indicates a need for additional substantive changes to reflect current Agency and industry views with respect to operating procedures.

FAA proposals with regard to amending Part 40 were issued as a notice of proposed rule making which was published in the FEDERAL REGISTER June 14, 1963 (28 F.R. 6083), and circulated to the industry for comment as Notice No. 63-20. Comments received in response to these proposals were generally in concurrence therewith. However, some comments received took issue with certain of the rules proposed and pointed to the need for clarification of certain others.

The following is a discussion of the major issues raised in response to Notice No. 63-20 and changes made in the proposed rules.

1. Section 40.1 *Applicability of this part.* The representatives of the air carriers expressed opposition to paragraph (b) of this section which specified that individuals other than an air carrier itself are subject to certain rules in Part 40. The Federal Aviation Agency believes it is essential that this paragraph be retained since a number of situations have been encountered where the safety of operations were affected by actions of individuals other than of the air carrier operating the aircraft.

2. Section 40.11 *Contents of certificate.* Comments received on the proposal concurred with the overall intent of this section to clarify the relationship of airports and routes to the operating certificate and operations specifications, but raised a question concerning the necessity for listing all of the airway segments in the operations specifications. The adoption of this amendment does not require the listing of all routes including airway routes and, in fact, permits the continuation of present procedures with the added protection (requested by the air carriers) of incorporating these routes by reference in the air carrier operating certificate.

3. Section 40.20 *Utilization of operations specifications.* Representatives of the air carriers objected to this amendment on the grounds that identifying the source of authority with reference to operations specifications in the individual parts of the manual would be unnecessarily burdensome. This section is being adopted as proposed since the Agency believes it important that the users know which material is derived from or is a part of the operations specifications and which is company policy. The air carriers may exercise their option either to insert in their manual copies of the operations specifications or excerpts from them.

4. Section 40.21 *Amendment of operations specifications.* In view of previous comments on this subject, the Agency has determined that an air carrier should be given an opportunity to present its views within a reasonable time whenever it has been determined by an authorized representative of the Administrator that safety in air transportation and the public interest require an amendment to an air carrier's operations specifications. Therefore, this section is being amended to provide that the supervising inspector of the FAA Air Carrier District Office shall give notice in writing to the air carrier fixing a period of not less than seven days within which the air carrier may submit written data, views, and arguments concerning the proposed amendment. After consideration of all relevant matter presented, the supervising inspector shall notify the air carrier of any amendment adopted or the rescission of his notice to amend the air carrier's operations specifications. No substantive changes are being made to the rule which affects the effective date of such an amendment or the air carrier's right of appeal to the Administrator.

5. Section 40.32 *Width of routes.* Comments from representatives of the air carriers indicated that this section as worded would restrict the full use of controlled airspace by the air carriers. However, this is not the purpose or intent of this rule. When routes are approved, the width of the routes, the minimum en route altitudes, the available communication facilities, the air traffic density, the air traffic control procedures, and the adequacy of the navigational aids upon which the route is premised are all taken into consideration. In particular instances, certain of these considerations may need to be inserted in the operations specifications as requirements. Accordingly, in the case of such approved routes, the rule adopted herein provides for the establishment of a route width only when an authorized representative of the Administrator determines it to be necessary. When such a determination is made, the route width will be specified in the operations specifications.

6. Section 40.36 *En route navigational facilities.* Comments received objected to the listing of required navigational facilities for routes approved outside of controlled airspace in the air carriers' operations specifications. The Agency has determined that only by means of this listing can adequate control be maintained over the approval of such routes. Therefore, the Agency is adopting the rule as proposed in the interest of safety.

7. Section 40.53(b) *Airplane Flight Manual.* Comments from representatives of the air carriers stated that it would impose a burden upon the carriers to require that sections of the approved Airplane Flight Manual be identified as such when they are incorporated into the Air Carrier Manual. The Agency believes it important that the users know and appreciate which material is approved in accordance with §§ 4b.740(b) and 4b.740-1, and which is company policy. This section clarifies FAA policy specified in Part 4b regarding this matter. Therefore, this section is being adopted as proposed.

8. Sections 40.61, 40.62, 40.70, 40.90, and 40.110 (Airplane certification and other special requirements): The limitation in these sections to airplanes used in passenger-carrying operations is deleted so as to make the requirements thereof applicable to all airplanes used in operations governed by Part 40. The Agency is currently making a special study in this connection as outlined in CAR Amendment 42-1. If the studies show that further rule making is warranted, the Agency will take appropriate rule making action accordingly affecting Parts 40, 41, and 42 uniformly.

9. Section 40.173 *Emergency equipment for all operations.* Paragraph (a) is being adopted as proposed in Notice 63-20. It incorporates the substance of § 40.18-4(f)(4) by requiring the air carriers to inspect the required emergency equipment at inspection periods established for the individual air carrier in the operations specifications. Paragraph (e) is being amended to indicate clearly that the intent of this rule is to insure that the emergency evacuation means shall be in a position for immediate installation and ready use. This does not necessarily mean that it must be installed at all times since in some instances this could be more of a hazard than a safeguard.

10. Section 40.174 *Seats and safety belts for all operations.* The air carriers commented that the proposal to amend the current rule is complicated and unneeded. The Agency does not concur. The rule, as adopted, is needed to clarify, among other things, its application in regard to infants, and to expressly require the use of a safety belt by each person.

11. Section 40.176 *Cockpit check pro-* ingly, the proviso has been adopted to event that a round trip is made, the re-

11. Section 40.176 *Cockpit check procedure.* Comments received from the air carriers in response to this proposal objected to requiring approval of check procedures on the theory that it would delay any change in the procedures and thus restrict the responsiveness of the airplanes in lessons learned from daily operating experience. The Agency does not agree with this viewpoint and considers that such approval is necessary to insure, as stated in Notice 63–20, completeness and uniformity in cockpit check procedures for each type of airplane used. Accordingly, the rule is being adopted as proposed.

12. Section 40.177 *Passenger information for all operations.* Instances of failure (and even refusal) of passengers to obey the no smoking and fasten seat belt signs have been brought to the attention of the Agency. Since the Agency believes it important that no passenger or cabin attendant be allowed to smoke while the no smoking sign is lighted and that all passengers should be required to keep their safety belts fastened while the safety belt sign is on, the Agency is adopting the rule as proposed.

13. Section 40.179 *Shoulder harness.* Comments received on this proposal indicated that air carriers desired to make this requirement applicable only to future new airplane certifications. However, the benefits to be derived from the shoulder harness have been most apparent since the introduction of the turbine-powered, faster types, of transport airplanes manufactured since January 1, 1958, consequently this requirement is adopted as proposed.

Representatives of the air carriers also took issue with the requirement for shoulder harnesses for the outboard facing flight engineer seats on those airplanes having a separate flight engineer station, since on this type of seat, a shoulder harness may not necessarily provide the restraining action through the body axis for which this harness is designed. The Agency cannot agree with this concept since the air carrier has a wide latitude in the selection of the harness and its installation, subsequent to approval by the FAA. Therefore, the Agency is adopting the rule as proposed.

14. Section 40.202 *Supplemental oxygen; reciprocating-engine-powered airplanes.* As a result of comments received, § 40.202 (b) and (c) are being amended to incorporate the words "cabin pressure altitude" in lieu of the present words in order to clarify the intent of these paragraphs.

15. Section 40.206 *Equipment for extended overwater operations.* Comments received indicated concern with the phrase in the proviso pertaining to the authority of an authorized representative of the Administrator to "require the carriage of all the prescribed equipment or any item thereof, for any operation over water." The Agency cannot agree that the adoption of this language in the proviso would be unduly restrictive, as there could conceivably be overwater operations authorized which, while not in the extended overwater category, might require the carriage of certain prescribed survival equipment. Accordingly, the proviso has been adopted to make the requirements more explicit and to provide uniformity with parts 41 and 42.

16. Section 40.233 *Radio equipment for extended overwater operations.* In light of certain comments received, the provisions of this section have been revised to delete the proposed requirements pertaining to operations other than extended overwater operations. We concur with industry comments that the nature of the terrain over which domestic air carriers operate is such that the need for special equipment for search and rescue operations is remote.

17. Sections 40.280 through 40.300(a) (Air carrier training programs): These sections as proposed in Notice 63–20 are not included herein, but are being handled by a separate amendment as proposed in Draft Releases 61–7, 61–17, and 62–9.

18. Section 40.302 *Pilot checks.* Comments from representatives of the air carriers took issue with the proposal on the grounds of increased stringency of the regulations caused by the inclusion in the part of various maneuvers which were previously included as "Rules" in the Civil Aeronautics Manual. The maneuvers referred to have been required by the Civil Aeronautics Manual for many years and the regulations being adopted have the same effect as these CAM's. Therefore, the Agency is adopting the proposal as presented.

19. Section 40.307 *Flight engineer qualification for duty.* Comments received from representatives of the air carriers objected to this proposal on the grounds that restricting the conduct of initial qualification checks or requalification checks in scheduled air transportation was unreasonable and unwarranted based on airline operating experience. However, after considering all relevant matter regarding this proposal, the Agency still believes it important not to conduct initial and requalification checks in scheduled air transportation. The regulation as adopted herein is most flexible in that it provides for different qualifying alternatives, depending on previous experience. However, it rightfully precludes the accomplishing of an initial qualifying flight check for a flight engineer in the course of a scheduled flight in air transportation. Accordingly, the Agency is adopting the rule as proposed.

20. Section 40.310 *Aircraft dispatcher qualification for duty.* Notice 63–20 proposed to amend this section to permit greater overall flexibility of the dispatcher route qualification requirements. Representatives of the dispatchers association opposed any changes in the present rules as being unnecessary. However, the Agency has determined that this requirement, in its revised form, will not compromise the high level of safety required in air transportation. Accordingly, paragraph (b) is being adopted as proposed to require at least "a one-way qualification trip" rather than a mandatory round trip over "the particular area" in which the dispatcher serves within the 12-month period. This change permits a one-way trip, or, in the event that a round trip is made, the return trip may be made over either the same or a different route.

21. Section 40.360 *Emergency decisions; pilot in command and aircraft dispatcher.* In response to comments received, paragraph (c) is being clarified to insure that both the appropriate air traffic control facility and the appropriate air carrier dispatch center will be kept fully informed regarding the progress of a flight whenever emergency authority is exercised by the pilot in command.

22. Section 40:361 *Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.* Comments received indicated some opposition to the proposal which clarified the responsibility of air carriers to report all information received regarding irregularities in ground or navigational facilities to the authority directly responsible for its operation. The comments suggested that such irregularities should be reported to the FAA. However, since some air carriers utilize communications and navigational facilities in particular instances other than those operated by the U.S. Federal Government, the Agency is adopting the rule as proposed.

23. Section 40.363 *Engine failure or precautionary stoppage.* Notice 63–20 had proposed to delete subparagraph (2) of § 40.363(b) which includes a requirement that pilots must consider the availability of the inoperative engine for use before proceeding to an airport of his selection. Notwithstanding contrary industry opinions, this factor has been deleted as proposed. The Agency believes that it should not be a consideration due to the inherent danger from fire and other sources when a malfunctioning engine is restarted after shutdown. There have been cases where this was used in pilots' written reports as one of the justifications for proceeding, when a subsequent investigation proved that, if the engines had been restarted, there would have been serious fire hazards. Therefore, the Agency is adopting the rule as proposed.

24. Section 40.388 *Alternate airport for departure.* The proviso formerly contained in section 40.388 has been deleted in this rule inasmuch as it negated the entire purpose of the rule. As stated, the proviso would permit an air carrier to dispatch an airplane from an airport without a specified alternate when the weather is 300–1 even though higher takeoff minimums are specified at a particular airport due to obstructions.

25. Section 40.391 *Continuance of flight; flight hazards.* Comments received objected to the requirement that air carriers have approved minimum equipment lists incorporated in the air carrier manuals, not only for initial dispatch of aircraft, but for continuation of flight in the event any required equipment becomes inoperable.

As noted in Notice 63–20, for a number of years the Agency has considered it necessary and made a practice of approving minimum equipment "go-no-go" lists governing en route operations with required equipment inoperative. This was done in accordance with the proviso in the amended § 40.391(b) which specified "that the Administrator may authorize the incorporation in the air carrier manual of procedures for the continued operation of an airplane beyond a scheduled terminal • • •."

Notice 63–20 also stated that the Agency still considers the current practice of approving minimum equipment lists and procedures governing en route operations with required equipment inoperative to be necessary. This is especially important in connection with those procedures which apply to large, turbine-powered, complex airplanes introduced into service in recent years. Similar reasons were also given for the adoption of this rule in the preamble to Part 41 which became effective in March 1963.

Accordingly, the rule is being adopted as proposed.

26. Section 40.501 *Crewmember and dispatcher records.* Representatives of the air carriers opposed the increase from three to six months for record retention for crewmembers and dispatchers whose service with the airlines are terminated. However, the Agency has found that there is a need for this increase in the period of record retention since it is often necessary to investigate occurrences from two to four months after they occurred. Former airline personnel are often involved. These investigations, conducted in the interest of safety, are hampered by the premature destruction of records and, therefore, the Agency believes it to be in the public interest to adopt the rule as proposed.

27. Section 40.507 *Maintenance log* Upon further consideration and in light of comments received from the representatives of the pilots' and flight engineers' organizations, the Agency has determined that it should not delete the requirement concerning information contained in the maintenance log relative to the time interval since the last overhaul of the airframe and engines. This information is stated to be of considerable importance to the flight crews in the performance of their duties. Accordingly, the proposed change to this section is not being made.

Interested persons have been afforded an opportunity to participate in the making of these rules, and due consideration has been given to all relevant matter presented.

These amendments are made under the authority of sections 313(a) and 601–610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421–1430).

In consideration of the foregoing, Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is hereby amended as follows, effective October 26, 1964.

1. By amending § 40.1 to read as follows:

§ 40.1 Applicability of this part.

The provisions of this part are applicable to the following persons:

(a) An air carrier holding a certificate of public convenience and necessity issued by the Board which authorizes unlimited scheduled service over designated routes, when it engages with airplanes in scheduled interstate air transportation within the continental limits of the United States, excluding the State of Alaska and to operations by the carrier over segments of routes extending beyond the continental limits of the United States, if the Administrator has authorized an air carrier to conduct operations over such route segments under this part.

(b) Any airman or other person employed or used by an air carrier in the conduct of operations subject to this part (including the operation, inspection, maintenance, and overhaul of aircraft) and any person while on board an airplane operated by an air carrier under this part.

2. By amending § 40.5 by deleting the definition of "High-altitude operation", and by amending the definition of "Operations Specifications" as follows:

§ 40.5 Definitions.

• • • • •

Operations specifications. Operations specifications are rules of particular applicability issued by the Administrator to an air carrier pursuant to the provisions of this part.

• • • •

3. By amending § 40.11 to read as follows:

§ 40.11 Contents of certificate.

The air carrier operating certificate shall contain the name of the air carrier, and the airports to or from which, and the routes over which, the air carrier is authorized to operate: *Provided,* That such airports and routes shall be listed in the operations specifications of the air carrier and incorporated into the contents of the air carrier operating certificate by reference thereto in the certificate.

NOTE: The airports, and locations thereof, are listed under the "airport authorizations and limitations" part of the operations specifications. The routes including the airways where applicable are listed in the "En route Flight Procedures"—Form ACA–514A of the operations specifications.

4. By amending § 40.13 by adding a new paragraph (c) to read as follows:

§ 40.13 Issuance of certificate.

• • • • •

(c) An air carrier holding economic authority to engage in scheduled cargo-only operations in interstate air transportation may, upon application, be authorized by the Administrator to conduct such operations in accordance with the air carrier certification and operation rules prescribed in Part 42 of this chapter (Civil Air Regulations).

5. By amending §40.14 to read as follows:

§ 40.14 Amendment of certificate.

(a) An air carrier operating certificate may be amended by the Administrator in accordance with section 609 of the Federal Aviation Act of 1958, and the applicable procedures in Part 13 of the Federal Aviation Regulations whenever he determines that safety in air transportation and the public interest so require.

(b) Upon application by an air carrier, an authorized representative of the Administrator may amend an air carrier operating certificate if he determines that safety in air transportation and the public interest permit such an amendment. Within 30 days after the refusal of an authorized representative of the Administrator to approve an air carrier's application for amendment, the air carrier may petition the Administrator for a review of such refusal.

(c) Applications by an air carrier for amendments of air carrier operating certificates shall be submitted to the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations at least 15 days prior to the proposed effective dates of such amendments, unless an authorized representative of such office approves a shorter filing period.

6. By amending § 40.20 to read as follows:

§ 40.20 Utilization of operations specifications.

The air carrier shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the air carrier as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the air carrier in such a manner that they do not lose their identity in any respect.

7. By amending § 40.21 to read as follows:

§ 40.21 Amendment of operations specifications.

The following procedures apply to the amendment of operations specifications (except those which are a part of the air carrier operating certificate issued under § 40.13) issued to an air carrier under the provisions of this part:

(a) Upon application by the air carrier an authorized representative of the Administrator may amend an operations specification if he determines that safety in air transportation and the public interest permit such an amendment;

(b) Applications for amendments of operations specifications shall be submitted to the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations at least 15 days prior to the proposed effective dates of such amendments, unless an authorized representative of such office approves a shorter filing period;

(c) Within 30 days after a notice of refusal to approve an air carrier's application for amendment, the air carrier may petition the Administrator to reconsider the refusal to amend;

(d) An authorized representative of the Administrator may amend an operations specification if he determines that safety in air transportation and the public interest require such an amendment. In such instances, the supervising inspector of the FAA Air Carrier District Office shall give notice in writing to the air carrier of a proposed

amendment in the operations specifications, fixing a reasonable period, not less than 7 days, within which the air carrier may submit written data, views, and arguments concerning the proposed amendment. After consideration of all relevant matter presented, the supervising inspector shall notify the air carrier of any amendment adopted, or a rescission of the notice. The amendment shall become effective not less than 30 days after receipt by the air carrier of the notice of the amendment, unless the air carrier petitions the Administrator for reconsideration of the amendment, in which case the effective date of the amendment shall be stayed pending a decision by the Administrator. If the supervising inspector finds that an emergency exists requiring immediate action with respect to safety in air transportation which makes the provisions prescribed by this paragraph impracticable, or contrary to the public interest, he may notify the air carrier of an amendment to the operations specifications without giving prior notice, or make the amendment effective without stay upon receipt by the air carrier of notice thereof, or both. In such instances he will incorporate the finding and a brief statement of the reasons therefor in the notice of the amended operations specifications to be adopted.

8. By amending § 40.23 to read as follows:

§ 40.23 Operations and maintenance base and office.

Each air carrier shall, 30 days in advance of a change in the address of its principal business office, its principal operations base, or its principal maintenance base, give written notice thereof to the FAA Air Carrier District Office charged with overall inspection of the air carrier's operations.

9. By amending § 40.30 to read as follows:

§ 40.30 General route requirements.

The air carrier shall show for route approvals that it is competent to conduct scheduled operations over any route or route segment to be used between any regular, provisional, or refueling airport, and that the facilities and services required by §§ 40.33 through 40.38 are available and adequate for the type of operation proposed. Routes outside of controlled airspace will be approved unless the Administrator determines that traffic density is such that an adequate level of safety cannot be assured. Actual flight over a route or route segment will be required, unless the air carrier shows that such flight is not essential to safety, considering the availability and adequacy of airports, lighting, maintenance, communication, navigation, fueling, ground and aircraft radio facilities, and the competence of personnel to be used in the proposed operations.

§ 40.32 [Deleted]

10. By deleting § 40.32.

11. By redesignating § 40.31 as § 40.32 and by amending the redesignated section to read as follows:

§ 40.32 Width of routes.

Routes approved for operations over U.S. Federal airways or foreign airways shall have a width equal to the designated width of such airways. In the case of other approved routes, when an authorized representative of the Administrator determines it to be necessary, he shall establish route widths taking into consideration terrain clearance and minimum en route altitudes, available ground and airborne navigational aids, air traffic density, and air traffic control procedures. In such instances the route widths shall be specified in the air carrier's operations specifications.

§ 40.36 [Amended]

12. By amending the proviso of § 40.36 *En route navigational facilities*, to read as follows: "*Provided*, That nonvisual ground aids to navigation are not required for (a) day VFR operations which the air carrier shows can be conducted safely by pilotage because of the characteristics of the terrain, (b) night VFR operations on routes which the air carrier shows have reliably lighted landmarks which are adequate for safe operations. Nonvisual ground navigational aids required for approval of routes outside of controlled airspace are specified in the air carrier operations specifications, except those aids required for routes to alternate airports."

§ 40.51 [Amended]

13. By amending § 40.51(a) (4) by adding thereto the phrase "including procedures for coordinated dispatch".

§ 40.52 [Amended]

14. By amending § 40.52(a)(2) by deleting the word "Flight" from the term "Flight crewmembers".

§ 40.53 [Amended]

15. By amending § 40.53(b) by adding thereto a sentence which reads "When sections of the required information from the Airplane Flight Manual are incorporated in the Air Carrier Manual, they shall be clearly identified as Airplane Flight Manual requirements."

§ 40.60 [Amended]

16. By amending § 40.60 by revising the second sentence to read as follows: "No operator shall use any airplane in operations governed by this part unless such airplane meets the requirements of this part, is in an airworthy condition, is registered as a civil aircraft of the United States, and carrys an appropriate and currently effective certificate of airworthiness issued by the Administrator."

§ 40.61 [Amended]

17. By amending § 40.61(b) by deleting the words "and used in passenger operation."

18. By amending § 40.62 by deleting from the introductory paragraph to that section the words "in passenger air transportation"; and by deleting from paragraph (a) the words "in passenger-carrying operations."

19. By amending § 40.62(b) to read as follows:

§ 40.62 Airplane limitations for type of route.

* * * * *

(b) *Land airplanes on extended overwater routes.* Land airplanes operated on flights involving extended overwater operations shall be certificated or approved as adequate for ditching in accordance with the ditching provisions of Part 4b of this chapter (Civil Air Regulations): *Provided*, That the DC-3, C-46, CV-340, and CV-440 type airplanes need not be so certificated or approved.

20. By amending § 40.63 by adding the following new sentence at the end of paragraph (b), and by amending paragraph (c), to read as follows:

§ 40.63 Proving tests.

(b) * * * A type of airplane has been materially altered in design when the alterations include: (1) Installation of powerplants other than the powerplants of a type similar to those with which the airplane is certificated, or (2) a major alteration to the airplane or its components which materially affects the flight characteristics.

(c) During proving tests only those persons required to make the tests and those designated by the Administrator shall be carried. Mail, express, and other cargo may be carried when approved.

§ 40.63-1 [Deleted]

21. By deleting § 40.63-1.

22. By amending § 40.70 to read as follows:

§ 40.70 Transport category airplane operating limitations.

(a) In operating any transport category airplane not subject to paragraph (b) of this section, the provisions of this paragraph and §§ 40.71 through 40.78 shall be complied with: *Provided*, That an authorized representative of the Administrator may authorize deviations from such provisions when special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

NOTE: Deviations authorized will be specified in operations specifications of the air carrier.

(1) The performance data contained in the Airplane Flight Manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

(2) The airplane shall not be taken off at a weight which exceeds the allowable weight for the runway being used at determined in accordance with the takeoff runway limitations of the transport category operating rules of this part, after taking into account the temperature operating correction factors required by §§ 4a.749a-T or 4b.117 of this chapter (Civil Air Regulations), and set forth in the Airplane Flight Manual for the airplane.

(b) In operating any turbine-powered transport category airplane certificated in accordance with the performance requirements of Special Civil Air Regulations Nos. SR-422, SR-422A, or SR-422B, the operating rules specified in the applicable Special Civil Air Regulation shall be complied with in lieu of §§ 40.71 through 40.78.

23. By amending § 40.90 to read as follows:

§ 40.90 Nontransport category airplane operating limitations.

In operating any large, nontransport category airplane, the provisions of §§ 40.91 through 40.94 shall be complied with: *Provided*, That an authorized representative of the Administrator may authorize deviations from such provisions when the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Approved performance data only shall be used in determining compliance with the provisions of §§ 40.91 through 40.94.

NOTE: Deviations authorized will be specified in operations specifications of the air carrier.

§ 40.110 [Amended]

24. By amending §40.110 by deleting the words "used in passenger service".

25. By amending § 40.115(c) by amending the first sentence thereof, and by adding paragraphs (d) and (e):

§ 40.115 Fire precautions.

* * * * *

(c) Cargo and baggage compartments shall be classified in the "C" category if they do not conform with the requirements of the "A", "B", "D", or "E" categories. * * *

(d) *Class D.* Cargo and baggage compartments shall be classified in the "D" category if they are so designed and constructed that a fire occurring therein will be completely confined without endangering the safety of the airplane or the occupants. Compliance shall be shown with subparagraphs (1) through (4) of this paragraph.

(1) Means shall be provided to exclude hazardous quantities of smoke, flames, or other noxious gases from entering into any compartment occupied by the crew or passengers.

(2) Ventilation and drafts shall be controlled within each compartment so that any fire likely to occur in the compartment will not progress beyond safe limits.

NOTE: For compartments having a volume not in excess of 500 cubic feet, an airflow of not more than 1,500 cubic feet per hour is considered acceptable. For larger compartments lesser airflow may be applicable.

(3) The compartment shall be completely lined with fire resistant material.

(4) Consideration shall be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

(e) *Class E.* On airplanes used for the carriage of cargo only it shall be acceptable to classify the cabin area as a Class "E" compartment. Compliance shall be shown with subparagraphs (1) through (5) of this paragraph.

(1) The compartment shall be completely lined with fire-resistant material.

(2) The compartment shall be equipped with a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station.

(3) Means shall be provided to shut off the ventilating airflow to or within the compartment. Controls for such means shall be accessible to the flight crew in the crew compartment.

(4) Means shall be provided to exclude hazardous quantities of smoke, flames, or noxious gases from entering the flight crew compartment.

(5) Required crew emergency exits shall remain accessible under all cargo loading conditions.

26. By amending § 40.125 to read as follows:

§ 40.125 Oil system drains.

Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate either a manual or automatic means for positive locking in the closed position. (See also § 40.135).

§ 40.136 [Amended]

27. By amending § 40.136(a) by deleting the words "Unless it can be demonstrated" and inserting in lieu thereof the words "Unless the air carrier shows".

§ 40.151 [Amended]

28. By amending § 40.151 by deleting the words "Administrator finds" and inserting in lieu thereof the words "air carrier shows".

29. By adding a new § 40.154 to read as follows:

§ 40.154 Carriage of cargo in cargo compartments.

When cargo is carried in cargo compartments which are so designed as to require the physical entry of a crewmember to extinguish any fire which may occur during flight, the cargo shall be so loaded as to permit a crewmember to effectively reach all parts of the compartment with the contents of a hand fire extinguisher.

30. By amending § 40.170 to read as follows:

§ 40.170 Airplane instruments and equipment for all operations.

(a) Instruments and equipment required by §§ 40.171 through 40.233 shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments or equipment concerned.

(b) All airspeed indicators shall be calibrated in knots, and all airspeed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

(c) The following instruments and equipment shall be in operable condition prior to takeoff, except as provided in § 40.391(b) for continuance of flight with equipment inoperative:

(1) Instruments and equipment required to comply with airworthiness requirements under which the airplane is type certificated and as required by the provisions of § 40.110 and §§ 40.150 through 40.155; and

(2) Instruments and equipment specified in §§ 40.171 through 40.179 for all operations, and the instruments and equipment specified in §§ 40.200 through 40.233 for the type of operation indicated, wherever these items are not already provided in accordance with subparagraph (1) of this paragraph.

31. By amending § 40.173 (a), (c), and (e) to read as follows:

§ 40.173 Emergency equipment for all operations.

(a) *General.* The emergency equipment specified in this section is required for all operations and shall be inspected regularly in accordance with inspection periods established in the operations specifications to insure the continued serviceability and immediate readiness of such equipment for its intended emergency purposes. All required equipment shall be readily accessible to the crew, and the method of operation shall be plainly indicated. When such equipment is carried in compartments or containers, the compartments or containers shall be marked as to contents and date of last inspection.

* * * * * *

(c) *First-aid equipment.* Approved first-aid kits as specified in Appendix D to this part for treatment of injuries likely to occur in flight or in minor accidents shall be provided.

NOTE: See Appendix D for type and contents of first-aid kits.

* * * * * *

(e) *Means for emergency evacuation.* On all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for immediate installation and ready use: *Provided*, That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

* * * * * *

32. By amending § 40.174 to read as follows:

§ 40.174 Seats and safety belts for all occupants.

(a) The air carrier shall provide and make available at all times during the takeoff, en route flight, and landing of an airplane which it is operating:

(1) An approved seat or berth for each person over 2 years of age aboard the airplane, and

(2) An approved safety belt for separate use by each person over 2 years of age aboard the airplane, except that two persons occupying a berth may be provided with one approved safety belt to be shared by both such persons, and two persons occupying a multiple lounge or divan seat may be provided with one

approved safety belt to be shared by both such persons during en route flight only.

(b) During the takeoff and landing of an air carrier airplane, each person on board shall occupy an approved seat or berth and secure himself with the approved safety belt provided for the occupant of such seat or berth, except that a person 2 years of age or less may be held by an adult person occupying a seat or berth. A safety belt provided for the occupant of a seat shall not be used by more than one adult during takeoff and landing.

33. By amending § 40.176 to read as follows:

§ 40.176 Cockpit check procedure.

The air carrier shall provide for each type of airplane an approved cockpit check procedure. The approved procedures shall include all items necessary for flight crewmembers to check for safety prior to starting engines, prior to taking off, prior to landing, and in engine and systems emergencies, and shall be so designed as to obviate the necessity for a flight crewmember to rely upon his memory for items to be checked. The approved procedures shall be readily usable in the cockpit of each airplane and shall be followed by the flight crew when operating the airplane.

34. By amending § 40.177 to read as follows:

§ 40.177 Passenger information for all operations.

All airplanes shall be equipped with signs visible to passengers and cabin attendants to notify such persons when smoking is prohibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew and shall be placed in the "on position" for all takeoffs and landings and when otherwise deemed necessary by the pilot in command. No passenger or cabin attendant will smoke while the no smoking sign is lighted and all passengers will fasten their seat belts and keep them fastened while the seat belt sign is lighted.

35. By adding a new § 40.179 to read as follows:

§ 40.179 Shoulder harness.

All transport type airplanes certificated after January 1, 1958, shall be equipped with shoulder harnesses at the pilot in command, the second in command, and flight engineer stations.

§ 40.200 [Amended]

36. By amending § 40.200 by changing the reference "§§ 40.171 through 40.178" in the introductory paragraph to read "§§ 40.171 through 40.179".

§ 40.201 [Amended]

37. By amending § 40.201 by changing the reference "§§ 40.171 through 40.178" in the introductory paragraph to read "§§ 40.171 through 40.179".

§ 40.202 [Amended]

38. By amending § 40.202(a) by amending the last sentence of the paragraph to read as follows: "As used in the oxygen requirements hereinafter set forth, 'cabin pressure altitude' shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and 'flight altitude' shall mean the altitude above sea level at which the airplane is operated; for airplanes not equipped with pressurized cabins, 'cabin pressure altitude' and 'flight altitude' shall be considered identical."

39. By amending § 40.202(b) by inserting at the beginning of subparagraphs (1) and (2) between the words "At" and "altitude" the words "cabin pressure".

40. By amending § 40.202(c) by inserting in subparagraphs (1), (2), and (3) between the words "At" and "altitude" the words "cabin pressure".

§ 40.204 [Amended]

41. By amending § 40.204 by amending each of the provisos in paragraphs (a) and (b) thereof to read as follows: "*Provided*, That, if the air carrier shows full compliance with such standards to be impracticable, an authorized representative of the Administrator may authorize such changes in these standards as he finds will provide an equivalent level of safety."

42. By amending § 40.206 to read as follows:

§ 40.206 Equipment for extended overwater operations.

(a) The following equipment shall be carried on an airplane used in extended overwater operations: *Provided*, That an authorized representative of the Administrator may, by amending the operations specifications of an air carrier as provided in § 40.21, require the carriage of all the prescribed equipment or any item thereof for any operation over water or, upon application of an air carrier, permit deviation from these requirements for a particular extended overwater operation:

(1) A life preserver for each occupant of the airplane;

(2) Liferafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant.

(b) All required liferafts, life preservers and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. This equipment shall be installed in conspicuously marked approved locations.

(c) Survival kit, appropriately equipped for the route to be flown, shall be attached to each required liferaft.

43. By adding a new § 40.233 to read as follows:

§ 40.233 Radio equipment for extended overwater operations.

For extended overwater operations each airplane shall be equipped with such radio equipment as is necessary to fulfill the functions specified in § 40.232 and in addition, by an independent system, the functions specified in § 40.231(a)(1).

44. By amending § 40.260(a) to read as follows:

§ 40.260 Utilization of airman.

(a) No air carrier shall utilize an individual as an airman unless he holds an appropriate and currently effective airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized. He shall have appropriate airman and medical certificates in his personal possession while engaged in operations under this part, and shall present the same for examination to any authorized representative of the Administrator upon request.

* * * * *

45. By amending § 40.261(a) to read as follows:

§ 40.261 Composition of flight crew.

(a) No air carrier shall operate an airplane with less than the minimum flight crew specified in the airworthiness certificate or in the Airplane Flight Manual approved for such type of airplane and required by this part for the type of operation being conducted.

* * * * *

46. By amending § 40.302 by amending paragraph (a), by adding a new sentence at the end of paragraph (b)(1), and by amending paragraph (b)(2) to read as set forth below:

§ 40.302 Pilot checks.

(a) *Line check.* An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily passed a line check in one of the types of airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 12 months he successfully completes a similar line check. The line check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. This check shall be given by a check pilot who is both qualified on the airplane and on the route. It shall consist of at least a scheduled flight over a typical portion of the air carrier's routes to which the pilot is normally assigned and shall be of sufficient duration for the check pilot to determine whether the individual being checked satisfactorily exercises the duties and responsibilities of a pilot in command.

(b) *Proficiency check*—(1) * * * If performance of any of the proficiency check items specified in subparagraph (2) of this paragraph is unsatisfactory in the judgment of the check pilot he may, at his discretion, give additional training to the pilot during the course of the proficiency check. If the pilot being checked is unable to demonstrate satisfactory performance to the check pilot, he shall not be used in operations under this part until such time as he shall have demonstrated proficiency.

(2) The pilot proficiency check shall include at least the following:

(i) Equipment examination (oral or written), taxiing, runup, takeoff, climb, climbing turns, steep turns, maneuvers at minimum speeds, approach to stalls, propeller feathering, maneuvers with one or more engine(s) out, rapid descent and pullout, ability to tune radio, orientation, and approach procedures, missed approach and traffic control procedures, crosswind landing, landing under circling approach conditions, takeoffs and landings with engine(s) failures, demonstration of pilot judgment; and emergency procedures.

NOTE: An equipment examination given to an airman in the air carrier's ground school within the preceding 6 months may be accepted as the equivalent oral or written examination at the discretion of the check pilot.

(ii) The flight maneuvers specified in § 40.282(b)(1), except that the simulated engine failure during takeoff need not be accomplished at speed V_1, nor at actual or simulated maximum authorized weight; and

(iii) Flight maneuvers approved by the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided*, That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

* * * * *

§ 40.302–1 [Deleted]

47. By deleting § 40.302–1.

§ 40.307 [Amended]

48. By amending § 40.307 by inserting between the words "flight" and "*Provided*" the words ", but such flight check shall not be accomplished in scheduled air transportation:".

§ 40.310 [Amended]

49. By amending § 40.310(b) by deleting from the first sentence the words "one round trip" and inserting in lieu thereof the words "a one-way qualification trip".

§ 40.353 [Amended]

50. By amending § 40.353 by deleting the words "with fuel and oil".

§ 40.357 [Deleted]

51. By deleting § 40.357.

52. By redesignating § 40.358 as § 40.357 *Flying equipment* and by amending paragraph (b) of the redesignated section to read as follows:

§ 40.357 Flying equipment.

* * * * *

(b) *Flashlights.* Each crewmember shall have readily available for his use on each flight a flashlight in good working order.

§ 40.358 [Redesignated]

53. By redesignating § 40.359 as § 40.358 and by amending the redesignated section by inserting between the words "conditions" and "exist" the following phrase "known to the air carrier".

54. By adding a new § 40.359 to read as follows:

§ 40.359 Operations over approved routes required.

Except when a deviation is necessary in accordance with § 40.360, a pilot shall not operate an air carrier airplane in scheduled air transportation over any route or route segment other than as specified in the operations specifications of the air carrier, nor operate other than in accordance with the limitations prescribed therein.

55. By amending § 40.360(c) to read as follows:

§ 40.360 Emergency decisions; pilot in command and aircraft dispatcher.

* * * * *

(c) When emergency authority is exercised by the pilot in command or by the dispatcher, the appropriate air traffic control facility and appropriate dispatch center shall be kept fully informed regarding the progress of the flight. A written report of any deviation shall be submitted by the individual declaring the emergency through the air carrier operations manager to an authorized representative of the Administrator. Such report shall be submitted by a dispatcher within 10 days from the date of the emergency and by a pilot in command within 10 days after his return to his home base.

§ 40.361 [Amended]

56. By amending § 40.361 by deleting the last sentence and inserting in lieu thereof a sentence which reads: "Any such information pertaining to irregularities of ground and navigational facilities received by an air carrier shall be reported to the authority directly responsible for the operation of the particular facility involved."

§ 40.363 [Amended]

57. By amending § 40.363(b) by deleting subparagraph (2).

58. By amending § 40.363(d) by deleting from the last sentence the words "within 7 days after completion of the trip" and inserting in lieu thereof the words "within 10 days after the pilot's return to his home base".

59. By amending § 40.365(a) by amending the introductory paragraph and subparagraphs (2) and (3) to read as follows:

§ 40.365 Requirements for air carrier equipment interchange.

(a) Prior to conducting any operations pursuant to an interchange agreement, the air carrier shall show that:

(1) * * *

(2) All required crewmembers and dispatchers involved meet the approved training requirements for the airplanes and equipment used in the interchange and are familiar with the communications and dispatching procedures to be used;

(3) All maintenance personnel involved meet the training requirements for the airplanes and equipment, and are familiar with the maintenance procedures applicable to the interchange;

* * * *

§ 40.370 [Amended]

60. By amending § 40.370 by deleting the words "life vest" and "life vests" wherever they appear in that section and inserting in lieu thereof the words "life preserver" and "life preservers", respectively.

61. By adding a new §40.372 to read as follows:

§ 40.372 Minimum altitudes for use of automatic pilot.

(a) *En route operations.* Except as provided in paragraph (b) of this section, an automatic pilot may only be used during en route flight operations, including climb or descent, at an altitude above the terrain not less than twice the maximum altitude loss established for the automatic pilot malfunction in the particular airplane under cruise conditions as specified in the Airplane Flight Manual for the airplane involved, or 500 feet, whichever is higher.

(b) *Approaches.* Except as provided in subparagraph (1) of this paragraph, when using an instrument approach facility, an automatic pilot may remain engaged down to an altitude above the terrain not less than twice the maximum altitude loss established for the automatic pilot in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved, or not less than 50 feet below the minimum ceiling approved for the facility being used, whichever is higher.

(1) *ILS approaches utilizing an approach coupler*—(i) *Under instrument flight rule weather conditions.* When the reported weather conditions are less than the basic weather conditions specified in § 91.105 [New] of this chapter (Federal Aviation Regulations), an automatic pilot utilizing an approach coupler may remain engaged for ILS approaches down to an altitude above the terrain not less than 50 feet higher than the maximum altitude loss established for the automatic pilot and approach coupler in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved.

(ii) *Under visual flight rule weather conditions.* When reported weather conditions are equal to or better than the basic VFR minimums specified in § 91.105 [New] of this chapter (Federal Aviation Regulations), an automatic pilot utilizing an approach coupler may remain engaged for ILS approaches down to an altitude above the terrain not less than the maximum altitude loss established for the automatic pilot and approach coupler in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved, or 50 feet, whichever is higher.

§ 40.382 [Amended]

62. By amending § 40.382 by deleting the words "existing and anticipated" and by inserting in lieu thereof the words "reported and forecast".

§ 40.388 [Amended]

63. By amending § 40.388(a) by deleting the proviso.

64. By amending § 40.390 to read as follows:

§ 40.390 Alternate airport weather minimums.

An airport shall not be specified in the dispatch release as an alternate airport unless the appropriate weather reports or forecasts, or a combination thereof, indicate that the ceilings and visibilities will be at or above the alternate minimums specified in the air carrier's operations specifications for such airport when the flight shall arrive thereat.

65. By amending § 40.391(b) to read as follows:

§ 40.391 Continuance of flight; flight hazards.

* * * * *

(b) If any instrument or item of equipment required pursuant to the regulations in this chapter for the particular operation being conducted becomes inoperative en route, the pilot in command shall comply with the approved procedures specified in the Air Carrier Manual for such occurrences. An authorized representative of the Administrator may approve, for incorporaiton in the Air Carrier Manual, the minimum equipment list and procedures for continuance of flight beyond a terminal point with equipment referred to in § 40.170(c) inoperative, if he finds that, in the particular circumstances of the case, literal compliance with that requirement is not necessary in the interest of safety.

66. By amending § 40.395 to read as follows:

§ 40.395 Takeoffs from alternate airports and airports not listed in the operations specifications.

(a) A pilot shall not take off an airplane from an airport not listed in the air carrier's operations specifications unless:

(1) Such airport and related facilities are adequate for the operation of the airplane;

(2) In taking off, it is possible to comply with the applicable airplane operation limitations;

(3) The airplane is dispatched in accordance with all dispatching rules applicable to operation from an approved airport; and

(4) The ceiling and visibility at the airport are equal to or better than the following:

(i) *Airports within the United States.* The ceiling and visibility minimums for takeoff prescribed in Part 97 [New] of this chapter (Federal Aviation Regulations), but in no case less than 300–1. Where such minimums are not prescribed for the airport, the ceiling and visibility shall be 800–2, 900–1½ or 1000–1.

(ii) *Airports outside the United States.* The ceiling and visibility minimums for takeoff prescribed or approved by the government of the country in which the airport is located, but in no case less than 300–1. Where such minimums are not prescribed or approved for the airport, the ceiling and visibility shall be 800–2, 900–1½, or 1000–1.

(b) A pilot shall not take off an airplane from an alternate airport unless the ceiling and visibility at the airport are equal to or better than the minimums prescribed in the air carrier's operations specifications for alternate airports.

§ 40.397 [Amended]

67. By amending § 40.397 by inserting between the words "anticipated" and "and" the following words: "an instrument approach and possible missed approach at destination,".

68. By adding a new § 40.407 to read as follows:

§ 40.407 Applicability of reported weather minimums.

In the conduct of operations subject to §§ 40.405 and 40.406, the ceiling and visibility values contained in the main body of the latest weather report shall be the controlling criteria for VFR and IFR takeoffs and landings and for instrument approach procedures on all runways of an airport except that when the latest weather report, including an oral report from the control tower, contains a visibility value specified as runway visibility or runway visual range for a particular runway of an airport, such specified value shall be controlling for VFR and IFR landings and takeoffs and straight-in instrument approaches for such runway.

§ 40.408 [Amended]

69. By amending § 40.408 by deleting the second proviso in paragraph (b).

70. By amending § 40.501 to read as follows:

§ 40.501 Crewmember and dispatcher records.

Each air carrier shall maintain current records of every crewmember and aircraft dispatcher. These records shall contain such information concerning the qualifications of each such crewmember and dispatcher as is necessary to show compliance with the appropriate requirements of the regulations of this chapter; e.g., proficiency and route checks, airplane and route qualifications, training, physical examinations, and flight time records. The termination or other action taken in regard to any flight crewmember or aircraft dispatcher released from the employ of the air carrier, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the air carrier for at least 6 months.

§ 40.502 [Amended]

71. By amending § 40.502 by adding at the end of the proviso the following sentence: "A copy of the current list and all changes thereto shall be submitted to the FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations."

72. By amending § 40.510 to read as follows:

§ 40.510 Alteration and repair reports.

Upon completion of a major alteration or major repair to an airframe, engine, propeller, or appliance, a report thereof shall be promptly prepared by the air carrier. A copy of the major alteration report shall be submitted to the representative of the Administrator assigned to the air carrier and a copy of the report of the major repair shall be made available to him.

§ 40.512 [Amended]

73. By amending § 40.512 by deleting the words "by or with pilots en route" and inserting in lieu thereof the words "between the air carrier and its pilots en route."

74. By adding an Appendix D to Part 40 to read as follows:

APPENDIX D—FIRST-AID KITS

Approved first-aid kits required by § 40.173 shall meet the following specifications and requirements.

(1) Each first-aid kit shall be dust and moisture proof, and contain only materials which meet Federal Specifications GG–K–391a, as revised.

(2) The type of first-aid kit and the contents thereof based upon the capacity of the airplane is as follows:

(a) No. 1 kit for airplanes of 1 to 5 persons capacity.

CONTENTS

	No.
Adhesive bandage compresses, 1-inch (16 per unit)	1
Antiseptic swabs, 10 mm. (10 per unit)	1
Ammonia inhalants, 6 mm. (10 per unit)	1
2-inch bandage compresses (4 per unit)	1
4-inch bandage compresses (1 per unit)	1
Triangular bandage compressed, 40-inch (1 per unit)	2
Burn compound, ⅛ oz. (5 per unit) or equivalent amount of other burn remedy	1
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

(b) No. 2 kit for airplanes of 6 to 25 persons capacity.[1]

CONTENTS

	No.
Adhesive bandage compresses, 1-inch (16 per unit)	2
Antiseptic swabs, 10 mm. (10 per unit)	2
Ammonia inhalants, 6 mm. (10 per unit)	1
2-inch bandage compresses (4 per unit)	3
4-inch bandage compresses (1 per unit)	2
Triangular bandage compressed, 40-inch (1 per unit)	3
Burn compound, ⅛ oz. (6 per unit) or equivalent amount of other burn remedy	2
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

(c) No. 3 kit for airplanes of over 25 persons capacity.

CONTENTS

	No.
Adhesive bandage compresses, 1-inch (16 per unit)	4
Antiseptic swabs, 10 mm. (10 per unit)	4
Ammonia inhalants, 6 mm. (10 per unit)	2
2-inch bandage compresses (4 per unit)	3

[1] Kit No. 2 in canvas may also be used on liferafts.

CONTENTS—Continued

	No.
4-inch bandage compresses (1 per unit)	3
Triangular bandage compresses, 40-inch (1 per unit)	5
Burn compound, ⅛ oz. (6 per unit) or an equivalent amount of other burn remedy	2
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C., on April 21, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64–4201; Filed, Apr. 27, 1964; 8:50 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area; Revocation of Control Area Extension and Transition Area; and Designation of Transition Area

Correction

In F.R. Doc. 64–3912 appearing in the issue for Wednesday, April 22, 1964, at page 5388, the bracket should read as set forth above.

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 5022; Amdt. 93–3]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS [NEW]

Luke Air Force Base

Subpart E of Part 93 of the Federal Aviation Regulations currently requires Luke Air Force Base jet training aircraft, in VFR conditions only, Monday through Friday, to cross Victor Airway No. 16 from 2,100 feet to 4,000 feet MSL or at 8,000 feet MSL, and excludes all other aircraft from these crossing corridors unless ATC has authorized the entry. These special air traffic rules were found necessary to alleviate an air safety hazard. This amendment extends the applicability of these rules to include Saturdays.

The training activity at Luke Air Force Base has increased to a level where there now exists a requirement for flying on Saturdays to complete the assigned missions. Although not scheduled on a regular basis, the Saturday training activities are of the same nature and magnitude as those operations conducted during week days. Therefore, an air safety hazard exists during the periods that the training activities are conducted on Saturdays.

Since the military use of these corridors is intermittent, it is the policy of ATC to freely grant clearances into the corridors at all times consistent with the operational use thereof during the times the special air traffic rules are in effect. Moreover, since the special air traffic rules are effective during VFR conditions only, they do not interfere with traffic operating in actual instrument conditions.

On the basis of the above, I have determined that there exists a requirement for the immediate extension of the effective period of the above rules to include Saturdays in order to alleviate an existing air safety hazard. Because of this present danger, I find it contrary to the public interest to comply with the notice and public procedure requirements of the Administrative Procedure Act and that good cause exists for making this amendment effective immediately.

In consideration of the foregoing, § 93.71 [New] of the Federal Aviation Regulations (14 CFR 93.71) is amended as follows:

§ 93.71 Applicability

This subpart applies to aircraft operated under VFR conditions within Victor Airway No. 16 between longitudes 112°–23' W. and 112°41'30" W., Monday through Saturday from 0600 to 1800 m.s.t.

This amendment becomes effective immediately. It is issued under the authority of section 307 of the Federal Aviation Act of 1958, 49 U.S.C. 1348.

Issued in Washington, D.C., on April 21, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64–4202; Filed, Apr. 27, 1964; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 5023; Amdt. 722]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Models A–26B and A–26C Series Aircraft

Amendment 709, 29 F.R. 3697, AD 64–7–2, requires inspection of the wing spar caps on Douglas Models A–26B and A–26C Series aircraft by visual and dye penetrant methods. Such inspections necessitate removal of the fuel tanks and extensive disassembly of the aircraft. An inspection procedure using eddy current technique has been developed, which decreases the amount of disassembly needed for adequate inspection. Accordingly, Amendment 709 is being superseded by a new directive which provides for the eddy current inspection and also includes provisions for the acceptance of radiographic inspection techniques.

Since this amendment provides for an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all Models A–26B (later USAF designation B–26B) and A–26C (later USAF designation B–26C) aircraft, including those certificated under Part 8 of the Civil Air Regulations.

Compliance required within 15 hours' time in service after the effective date of this AD, unless already accomplished within the last 110 hours' time in service, and thereafter within 125 hours' time in service from the last inspection.

To protect against failure of the wing rear spar caps in the vicinity of the flap inboard hinges or failure of the front spar lower caps in the vicinity of Wing Station 140, accomplish the following:

(a) Inspect the rear upper and lower spar caps, left and right wings by means of visual and dye penetrant methods for cracks in the inboard flap hinge point bolt holes, the 1¾ inch diameter spotfaces, and the area surrounding the holes, 8¾ inches outboard of the wing-to-fuselage attach points. Pay particular attention to the bolt holes and edges of the holes. Remove any nonflexible type wing fuel cells installed at this location to permit accomplishment of this inspection.

(b) Inspect the front spar lower cap in accordance with one of the following:

(1) Remove the front spar fitting, P/N 4190305, and the nacelle fitting, P/N 4123165 at approximately Wing Station 140 left and right. Support the wings so as to remove all airplane weight from the landing gear, remove or properly support the engines and remove the oil tanks and adjacent fuel tanks to permit the removal of these fittings. By means of visual and dye penetrant methods, inspect for the evidence of any crack at the edges of the three large holes (nominal ½-inch diameter) in each front spar lower cap or adjacent to the edges of those holes.

(2) Remove the three tension bolts (nominal 7/16-inch diameter) which pass through each front spar lower cap at approximately Wing Station 140 and front spar fitting, P/N 4190305, and nacelle attach fitting, P/N 4123165. Support the wings so as to remove all weight from the landing gear, remove or support the engines and remove the oil tanks. Thoroughly inspect the inner surface of each bolt hole by eddy current technique using the equipment and following the procedures described by Magnaflux Corporation Bulletin No. LA–002–RBW, "Operating Instructions for Magnatest ED–600," dated April 23, 1964. The changes in meter readings as described in Bulletin No. LA–002–RBW shall be used to detect any evidence of cracking in any of the bolt holes, with particular attention being directed to both edges of each hole.

NOTE: Information regarding this bulletin and eddy current equipment is available from any local office of the Magnaflux Corporation.

(3) Use radiographic inspection methods accomplished in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: This FAA approval will be contingent upon submittal by the applicant of performance standards and technical qualifications which have been based upon positive proof of the ability to detect any crack in or immediately adjacent to the three large holes through the front spar lower cap.

(c) Any spar cap showing evidence of a crack shall be replaced with a new part or repaired or reworked in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region, before further flight unless supplemental and more extensive inspections show that a crack does not exist.

(d) The repetitive inspections of the front spar lower cap may be discontinued when the spar cap is reinforced or modified in accordance with technical data approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This supersedes Amendment 709, 29 F.R. 3697, AD 64-7-2.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

This amendment shall become effective April 28, 1964.

Issued in Washington, D.C., on April 24, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-4236; Filed, Apr. 27, 1964; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 107, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.407 (Lemon Regulation 107, 29 F.R. 5305) are hereby amended to read as follows:

§ 910.407 Lemon Regulation 107.

* * * * * *

(b) * * *

(1) * * *

(ii) District 2: 279,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 23, 1964.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-4182; Filed, Apr. 27, 1964; 8:49 a.m.]

[965.306]

PART 965—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Order No. 965 (7 CFR Part 965), regulating the handling of tomatoes grown in the Counties of Cameron, Hidalgo, Starr and Willacy in Texas (Lower Rio Grande Valley), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Texas Valley Tomato Committee, established pursuant to the said marketing order, and other available information, it is hereby found that the limitation of shipments regulations, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient since the marketing season of the 1963–64 Lower Valley tomato crop has begun, (2) regulations have been issued under the order since 1959, so compliance with this regulation will not require any special preparation on the part of handlers, and (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

§ 965.306 Limitation of shipments.

Except as otherwise provided in this section, during the period May 4, 1964, through July 15, 1964, the following regulations shall be effective with respect to all varieties of tomatoes handled, except cerasiform type tomatoes commonly referred to as cherry tomatoes, as defined in § 965.5 of Order No. 965, and no person shall handle such tomatoes or cause such tomatoes to be handled unless they are inspected and certified as required by paragraph (b) of this section, and meet the requirements of paragraph (a) of this section. Elongated types of tomatoes, commonly referred to as pear shaped tomatoes and including but not limited to San Marzano, Red Top, and Roma varieties are not subject to the requirements of subparagraphs (2) and (3) of paragraph (a) of this section.

(a) *Requirements*—(1) *Minimum grade.* U.S. No. 2, or better, grade.

(2) *Minimum size.* 2 1/32 inches in diameter or larger. Not more than ten percent, by count, of tomatoes in any lot of size 7 x 7 (2 1/32 inches minimum diameter to 2 9/32 inches maximum diameter) may be smaller than the specified minimum diameter.

(3) *Sizing arrangements.* (i) Any lot with more than 5 percent "green" tomatoes shall be packed in one of the following ranges of diameter applicable thereto:

Size arrangements	*Diameter (inches)*
7 x 7	2 1/32 to 2 9/32, inclusive.
6 x 7	Over 2 9/32 to 2 17/32, inclusive.
6 x 6	Over 2 17/32.

(ii) All tomatoes subject to sizing arrangements shall be packed separately for each size range, except that size 6x6 and larger sizes may be commingled.

(iii) To allow for variations incident to proper sizing and handling not more than a total of ten percent, by count, in any lot, may be smaller than the minimum diameter or larger than the specified maximum diameter. "Breakers" or tomatoes of a greater degree of maturity shall not be subject to size arrangements.

(b) *Inspection.* (1) All tomatoes handled pursuant to this part, other than those specifically excepted therefrom pursuant to paragraphs (c), (d), and (e) of this section, shall be inspected and certified pursuant to the provisions of § 965.60; and (2) no handler shall transport or cause the transportation of any shipment of tomatoes by motor vehicle unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(c) *Repacked tomatoes.* A handler who is a repacker within the production area may register with the committee, as a repacker, in accordance with applicable rules and regulations, and thereafter may handle repacked tomatoes without reinspection thereon after repacking, if such tomatoes were previously inspected prior to repacking and met the grade and size requirements of this section.

(d) *Minimum quantity.* For purposes of regulation under this part, each person subject thereto may handle, pursuant to § 965.53, up to, but not to exceed 120 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 120 pounds of tomatoes.

(e) *Special purpose shipments.* The limitations set forth in this section shall not be applicable to shipments of tomatoes for the following purposes: (1) Relief or charity; (2) processing; (3) for experimental purposes; (4) livestock feed; and (5) export to Mexico.

(f) *Safeguards.* Each handler making shipments of tomatoes pursuant to paragraph (e) of this section for relief or charity, for processing, for experimental purposes, for livestock feed or for export to Mexico shall apply for and obtain an approved Certificate of Privilege from the committee applicable to shipments for such purposes and that on exports to Mexico handlers shall within 7 days after export file with the committee a copy of Shippers Export Declaration, U.S. Department of Commerce Form 7525-V, to verify export of each shipment. Safeguards shall not be required on exports through the ports of Brownsville, Progreso, Hidalgo, Los Ebanos, and Rio Grande City.

(g) *Definitions*—(1) *Grade, size, and color.* The terms "U.S. No. 2," "green," and "breakers" mean the U.S. No. 2 grade, and "green" and "breakers" maturity, as set forth in the United States Standards for Fresh Tomatoes (§§ 51.1855–51.1877 of this title; 22 F.R. 4528 as amended, 26 F.R. 8559), including the tolerance set forth therein; and the application of tolerance for size shall be as set forth in § 51.1861 of this title of such standards.

(2) *Other terms.* All other terms used in this section shall have the same meaning as when used in Marketing Order No. 965 (7 CFR Part 965).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: April 23, 1964.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-4207; Filed, Apr. 27, 1964; 8:52 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Lake Mendocino and Eufaula Reservoir Areas

The Secretary of the Army having determined that the use of Lake Mendocino Reservoir Area, Eastern Fork of Russian River, California, and Eufaula Reservoir Area, Canadian River, Oklahoma, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944, as amended (76 Stat. 1195), adding the reservoirs to the list in § 311.1, as follows:

§ 311.1 Areas covered.

* * * * * *

California

* * * * * *

Lake Mendocino Reservoir Area, Eastern Fork of Russian River.

* * * * * *

Oklahoma

* * * * * *

Eufaula Reservoir Area, Canadian River.

* * * * * *

[Regs., 6 April 1964, ENGCW-OM]

(Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-4151; Filed, Apr. 27, 1964; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15277; FCC 64-317]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Coast and Ship Frequencies Available for Assignment; Miami, Fla.

In the matter of amendment of Parts 81 and 83 of the Commission's rules to make the frequency pair 2442 kc/s (coast)—2406 kc/s (ship) available for assignment in the vicinity of Miami, Florida, Docket No. 15277, RM 410.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of April 1964;

The Commission having under consideration the above-captioned matter;

It appearing, that in accordance with the requirements of section 4 (a) and (b) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties was published in the FEDERAL REGISTER on January 23, 1964 (29 F.R. 578), and the period for filing comments has now expired; and

It further appearing, that no objections to the amendments proposed were received. A letter supporting the proposed amendments was received from Southern Bell Telephone and Telegraph Company.

It further appearing, that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in section 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended.

It is ordered, That effective May 25, 1964, Parts 81 and 83 of the Commission's rules are amended as set forth below.

Released: April 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81 is amended as follows:

1. The table in § 81.306(b) is amended to read as follows at the entry for Miami, Florida.

§ 81.306 Aviability of frequencies below 30 Mc/s.

* * * * * *

(b) * * *

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use [2]	Frequency (kc/s)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 83.354(a)(1) of this chapter [2]
* * *	* * *	* * *	* * *	* * *
Miami, Fla	2442	Day only	2406	Day only.
	2490	Available on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.	2031.5	None.
	2514	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc/s is assigned for transmission; and also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2118	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually; and also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2550	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.	2158	Unlimited hours of use from Dec. 15, to Apr. 1, annually, and day only from Apr. 1, to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	4428.6	None.	4123.6	None.

B. Part 83 is amended as follows:

1. The table in § 83.354(a)(1) is amended to read as follows at the entry for Miami, Florida.

§ 83.354 Frequencies below 5000 kc/s for public correspondence.

(a) • • •
(1) • • •

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use [2]	Frequency (kc/s)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 81.306(b) of this chapter.[2]
• • •	• • •	• • •	• • •	• • •
Miami, Fla.	2081.5	None	2490	Available on condition that harmful interference shall not be caused to the police radio service in southern California.
	2118	Unlimited hours of use rom Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually; and also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2514	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc/s is assigned for transmission; and also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2158	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2550	Unlimited hours of use from Dec. 15 to Apr. 1 annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.
	2406	Day only	2442	Day only.
	4123.6	None	4428.6	None.

[F.R. Doc. 64-4078; Filed, Apr. 27, 1964; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 20]

ESTATE TAX REGULATIONS RELATING TO CREDIT FOR FOREIGN DEATH TAXES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] D. W. BACON,
Acting Commissioner of Internal Revenue.

In order to eliminate certain double taxation that exists in the application of the Estate Tax Regulations (26 CFR Part 20) under section 2014 of the Internal Revenue Code of 1954, § 20.2014-4 of such regulations is amended by revising so much of paragraph (a)(1) as precedes the example and by revising paragraph (b). The amended provisions read as follows:

§ 20.2014-4 Application of credit in cases involving a death tax convention.

(a) *In general.* (1) If credit for a particular foreign death tax is authorized by a death tax convention, there is allowed either the credit provided for by the convention or the credit provided for by section 2014, whichever is the more beneficial to the estate. For cases where credit may be taken under both the death tax convention and section 2014, see paragraph (b) of this section. The application of this paragraph may be illustrated by the following example:

• • • • • •

(b) *Taxes imposed by both a foreign country and a political subdivision thereof.* If death taxes are imposed by both a foreign country with which the United States has entered into a death tax convention and one or more of its possessions or political subdivisions, there is allowed, against the tax imposed by section 2001—

(1) A credit for the combined death taxes paid to the foreign country and its political subdivisions or possessions as provided for by the convention, or

(2) A credit for the combined death taxes paid to the foreign country and its political subdivisions or possessions as determined under section 2014, or

(3) (i) A credit for that amount of the combined death taxes paid to the foreign country and its political subdivisions or possessions as is allowable under the convention, and

(ii) A credit under section 2014 for the death taxes paid to each political subdivision or possession, but only to the extent such death taxes are not directly or indirectly creditable under the convention,

whichever is the most beneficial to the estate. The application of this paragraph may be illustrated by the following example:

Example. (1) Decedent, a citizen of the United States and a domiciliary of Country X at the time of his death, left a gross estate of $250,000 which includes: bonds issued by Country X physically located in Y, a province of Country X valued at $75,000; bonds issued by a Country X corporation physically located in the United States, valued at $50,000; and shares of stock issued by a United States corporation, valued at $125,000. Decedent left his entire estate to his son. Expenses, indebtedness, etc., amounted to $26,000. The Federal estate tax after allowance of the credit for state death taxes is $38,124. Province Y imposed a death tax of 8 percent on the Country X bonds located therein which amounted to $6,000. Country X imposed a death tax of 15 percent on the Country X bonds and Country X corporation bonds which amounted to $18,750 before allowance of any credit for provincial death tax. Country X allows against its death taxes a credit for death taxes paid to any of its provinces on property which it also taxes but only to the extent of one-half of the Country X death tax attributable to such property, or the amount of death taxes paid to its province, whichever is less. Country X, therefore, allowed a credit of $5,625 for the death taxes paid to Province Y. There is in effect a death tax convention between the United States and Country X which provides for allowance of credit by the United States for death taxes imposed by the national government of Country X. The death tax convention provides that in computing the "first limitation" for the credit under the convention, the tax of Country X is not to be reduced by the amount of the credit allowed for taxes of Province Y. Under the situs rule described in paragraph (a)(3) of § 20.2014-1, only the Country X bonds located in Province Y are deemed situated in Country X. Under the convention, both the Country X bonds and the Country X corporation bonds are deemed to be situated in Country X. In this example all figures are rounded to the nearest dollar.

(2)(i) The credit authorized by section 2014 for death taxes imposed by Country X (which includes death taxes imposed by Province Y according to § 20.2014-1(a)(1)) is computed as follows:

(*a*) "First limitation" with respect to tax imposed by national government of Country X (computed under paragraph (b) of § 20.2014-2)	
(*1*) Gross Country X death tax attributable to Country X bonds (before allowance of provincial death taxes) $\left(\frac{\$75,000}{\$125,000}\times\$18,750\right)$	$11,250
(*2*) Less credit for Province Y death taxes on such bonds	5,625
(*3*) Net Country X death tax attributable to such bonds	5,625
(*b*) "First limitation" with respect to tax imposed by Province Y (computed under paragraph (b) of § 20.2014-2) $\left(\frac{\$75,000}{\$75,000}\times\$6,000\right)$	6,000
(*c*) Total "first limitation"	11,625
(*d*) "Second limitation" (computed under paragraph (d) of § 20.2014-3) $\left(\frac{\$75,000}{\$250,000}\times\$38,124\right)$	11,437
(*e*) Credit (subdivision (*c*) or (*d*), whichever is less)	11,437

(ii) The credit authorized under the death tax convention between the United States and Country X is computed as follows:

(*a*) Country X tax attributable to property situated in Country X and subject to tax by both countries $\left(\frac{\$125,000}{\$125,000}\times\$18,750\right)$	$18,750
(*b*) Federal estate tax attributable to property situated in Country X and subjected to tax by both countries $\left(\frac{\$125,000}{\$250,000}\times\$38,124\right)$	19,062
(*c*) Credit (subdivision (*a*) or (*b*), whichever is less)	18,750

(3) If the estate takes a credit for death taxes under the convention, it would receive a credit of $18,750 which would include an indirect credit of $5,625 for death taxes paid to Province Y. The death tax of Province Y which was not directly or indirectly creditable under the convention is $375 ($6,000-$5,625). A credit for this tax would also be allowed under section 2014 but only to the extent of $187, as the amount of credit for the combined foreign death taxes is limited to the amount of Federal estate tax attributable to the property, determined in accordance with the rules prescribed for computing the "second limitation" under section 2014. In this case, the "second limitation" under section 2014 on the taxes attributable to the Country X bonds is $11,437 (see computation set forth in (2)(i)(*d*) of this example). The amount of credit under the

convention for taxes attributable to Country X bonds is $11,250 $\left(\frac{\$75,000}{\$125,000} \times \$18,750\right)$. Inasmuch as the "second limitation" under section 2014 in respect of the Country X bonds ($11,437) exceeds the amount of the credit allowed under the convention in respect of the Country X bonds ($11,250) by $187, the additional credit allowable under section 2014 for the death taxes paid to Province Y not directly or indirectly creditable under the convention is limited to $187.

[F.R. Doc. 64-4183; Filed, Apr. 27, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Ch. I]

[Reg. Docket No. 1866; Ref. Notices 63-28, 63-28A; Special Civil Air Regs. SR-422, SR-422A, SR-422B]

TURBOJET TRANSPORT CATEGORY AIRPLANES

Proposed Special Operating Limitations

The Agency will hold a public hearing at 10:00 a.m. e.d.t., on May 28, 1964, at 800 Independence Avenue SW., Washington, D.C., to receive the views of interested persons concerning proposed amendments to Special Civil Air Regulations Nos. SR-422, SR-422A, and SR-422B concerning special operating limitations for turbojet transport category airplanes with respect to accelerate-stop and landing distances. These amendments were proposed in notices of proposed rule making, Notices 63-28 dated July 15, 1963, and 63-28A dated August 4, 1963, and published in the FEDERAL REGISTER (28 F.R. 7565 and 9211).

The comments received in response to the notices of proposed rule making indicate widely divergent views with respect to the necessity for any change in the present requirements or the kind of change which should be made. After a study of these comments and a further analysis of the problem involved, the Agency is of the opinion that in order to assure informed administrative action, interested persons should be given a further opportunity to express their views with respect to the methods of determining accelerate-stop and landing distances in order to account for the operational variations and adverse runway conditions. In this connection, some of the comments indicate that insofar as the proposed rule applies fixed factors to the accelerate-stop and landing distances for all turbojet airplanes without taking into account the differences in the characteristics of the various airplanes, it could result in accelerate-stop and landing distances which are not appropriate for certain of these airplanes. Some of the comments indicate that a more rational approach is needed.

The Agency recognizes that the subject proposal applies fixed factors without considering the variations in characteristics of different types of turbojet airplanes. However, the previous attempt in proposed SR-422C to account for operations under adverse runway conditions by proposing rationalized requirements for accelerate-stop and landing distances was withdrawn for the reasons set forth in Withdrawal of Notice of Conference dated July 5, 1962.

In view of the foregoing, the Agency solicits specific recommendations as to the criteria or procedures which can be used in establishing adequate accelerate-stop and landing distances for each type and model turbojet airplane. Since such criteria or procedures would be used in lieu of or as an alternate to the proposal set forth in Notice 63-28, the hearing will be devoted to a presentation of such recommendations.

The hearing will be an informal hearing, conducted by a designated representative of the Agency under section 4 (b) of the Administrative Procedure Act. It will not be a judiciary or evidentiary type hearing, so there will be no cross-examination of persons presenting statements.

An Agency spokesman will open the hearing with a statement discussing the amendments as proposed in Notice 63-28, the comments received in response thereto, and the need for recommendations from interested persons concerning alternative approaches to this problem. Interested persons will then have an opportunity to present their initial statements. As stated above, the Agency is particularly interested in receiving recommendations which will assist it in establishing adequate accelerate-stop and landing distances. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given an opportunity to do so, in the same order in which they made their initial statements.

Interested persons are invited to attend the hearing and present oral or written statements on the matters as set forth above, which will be made part of the record of the hearing. Any person who wishes to make an oral statement at the hearing should notify the Agency by May 21, 1964, stating the amount of time requested for his initial statement. In addition, any person who is unable to attend the hearing may submit written comments with respect to any provision of the proposal. These comments must be received by the Agency by May 27, 1964, to be made part of the hearing record. Communications concerning this hearing should be addressed to the Docket Section, Federal Aviation Agency, Washington, D.C., 20553, marked "Attention: Presiding Officer, Public Hearing on Notice 63-28."

A transcript of the hearing will be made; anyone may buy a copy of the transcript from the reporter.

Issued in Washington, D.C., on April 23, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-4204; Filed, Apr. 27, 1964; 8:51 a.m.]

[14 CFR Parts 4b, 40, 41, 42]

[Reg. Docket No. 2033; Ref. Notices 63-42, 63-42A]

EMERGENCY EVACUATION OF AIRCRAFT

Passengers, Flight Attendants, and Crewmembers; Notice of Proposed Rule Making

The Agency will hold a public hearing at 10:00 a.m., e.d.t., on May 26, 1964, at 800 Independence Avenue SW., Washington, D.C., to receive the views of interested persons concerning proposed amendments to Parts 4b, 40, 41, and 42 of the Civil Air Regulations. These amendments were proposed in a notice of proposed rule making, Notice 63-42, dated October 23, 1963, and Notice 63-42A dated January 10, 1964, published in the FEDERAL REGISTER (28 F.R. 11507 and 29 F.R. 352).

The Agency is considering a number of detailed changes from the proposal made in the notices. These changes resulted from a study of the comments received in response to the Notices and further analysis of the problems involved.

The proposals which evoked the most diverse comment were: (1) § 40.40 "Air carrier demonstration of emergency evacuation procedures," and (2) § 40.265 "Flight attendant." In view of the intense public interest in these proposals (which have been changed in the proposal enclosed herewith) and the Agency's opinion that proper resolution of the issues raised by them is essential to ensure the level of safety sought by this rule making, the hearing will be devoted primarily to these proposals.

Enclosed is a copy of the proposed amendments to Parts 4b and 40 which include various changes. Amendments similar to those proposed for Part 40 are also proposed for Parts 41 and 42.

The hearing will be an informal hearing, conducted by a designated representative of the Agency under section 4(b) of the Administrative Procedure Act. It will not be a judicial or evidentiary type hearing so there will be no cross-examination of persons presenting statements.

An Agency spokesman will open the hearing with a statement describing the proposed amendments, discussing comments received in response to the notices, and giving reasons for the proposed changes. Interested persons will then have an opportunity to present their initial oral statements. These statements should be limited where possible to the provisions of proposed §§ 40.40 and 40.265. Statements respecting other provisions of the proposal may be submitted in writing and made a part of the records for the hearing. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given an opportunity to do so, in the same order in which they made their initial statements.

Interested persons are invited to attend the hearing and present oral or written statements on the matters as set forth above, which will be made part of the record of the hearing. Any person who wishes to make an oral statement at the hearing should notify the Agency by May 19, 1964, stating the amount of time requested for his initial statement. In addition, any person who is unable to attend the hearing may submit written comments with respect to any provision of the proposal. These comments must be received by the Agency by May 25, 1964, to be made part of the hearing record. Communications concerning this hearing should be addressed to the Docket Section, Federal Aviation Agency, Washington, D.C., 20553, marked "Attention: Presiding Officer, Public Hearing on Notice 63-42."

A transcript of the hearing will be made; anyone may buy a copy of the transcript from the reporter.

Issued in Washington, D.C., on April 23, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

Regulations, procedures, and equipment for passenger emergency evacuation; flight attendants; and assignment of emergency evacuation functions for crewmembers: Proposed amendments to Part 4b—Airplane Airworthiness; Transport Category; and Part 40—Scheduled Interstate Air Carrier Certification and Operation Rules. It is proposed to amend Parts 4b and 40 of the Civil Air Regulations as hereinafter set forth to provide for improvement in emergency evacuation equipment and procedures for passenger-carrying airplanes.

1. By amending § 4b.362 (e) (7), (f), and (g) of Part 4b to read as follows:

§ 4b.362 Emergency evacuation.

• • • • • •

(e) *Emergency exit arrangement.* • • •

(7) Means shall be provided, at all landplane emergency exits located over the wings and at all other landplane emergency exits if they are more than 6 feet from the ground when the airplane is on the ground with landing gear extended, to assist the occupants in descending to the ground. For floor level passenger exits, the assisting means shall be a slide (inflatable or noninflatable), or any other equivalent device approved by the Administrator for this purpose. For crew emergency exits, and for passenger emergency exits located over the wings, the assisting means may be a rope, or its approved equivalent, in lieu of a slide. If the assisting means is a rope, it shall be at least ⅝ of an inch in diameter; it shall be attached to the fuselage structure at or above the upper limit of the emergency exit opening; both the rope and its attachment shall be capable of withstanding a 400-pound static load; and, in the case of emergency exits located over the wings, the rope shall be long enough to allow descent over the leading edge, or over the trailing edge, of the wing, whichever length is greater.

• • • • •

(f) *Emergency exit marking.* (1) All passenger emergency exits their means of access, and their means of opening shall be marked conspicuously. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches. In addition, for all Type I and Type II emergency exits for which the locking mechanism is released by the rotary motion of the handle, the action required to release the locking mechanism shall be indicated by a red arrow having a shaft at least ¾ of an inch in width, and a head twice as wide as the shaft. The word "open", in one-inch high red letters, shall be marked horizontally near the head of the arrow. In addition, the arrow shall extend along at least 70 degrees of arc at a radius approximately equal to three-quarters of the handle length.

(2) The identity and location of all passenger emergency exits shall be recognizable from a distance equal to the width of the cabin. In addition, emergency-exit-locating signs visible to occupants approaching along the main passenger aisle shall be placed: above the main passenger aisle (unless low headroom makes some other ceiling location more practical) near over-wing passenger emergency exits, and adjacent to each passenger floor-level emergency exit (unless two such exits are sufficiently near the emergency-exit-locating sign that both can readily be seen from and served by one sign); and on each bulkhead or divider which cuts off fore-aft vision along the passenger cabin, to call attention to passenger emergency exits which are located beyond such bulkheads or dividers. These exit and emergency-exit-locating signs shall consist of one-inch high white letters on a two-inch high red background, except that the colors may be reversed if the sign, by reason of internal sources of light, contributes to the general emergency illumination of the passenger compartment. These exit and exit-locating signs (self or electrically illuminated) shall have a minimum luminescence (brightness) of at least 160 microlamberts.

(3) A source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all passenger emergency exit markings and emergency-exit-locating signs and to provide enough general lighting in the passenger cabin that the illumination on the surface of any seat arm rest along the main passenger aisle is at least 0.05 foot-candles. The lights shall be designed to function automatically in a crash landing and shall also be operable manually.

(4) All emergency exits that are required to be openable from the outside, and their means of opening, shall be marked on the outside of the airplane for guidance of rescue personnel. The outline of each such emergency exit shall be marked on the outside of the airplane with a two-inch colored band. There shall be a color contrast between each outside marking (including the band) and the surrounding fuselage surface such that the reflectance of the lighter color exceeds the reflectance of the darker color by a factor of three or more.

NOTE: Reflectance is defined as the ratio of the luminous flux reflected by a body to the luminous flux it receives.

(g) *Emergency exit access.* Passageways between individual compartments of the passenger area and passageways leading to Type I and Type II emergency exits (see paragraph (b) of this section) shall be unobstructed and shall be no less than 20 inches wide. Sufficient additional space shall be provided adjacent to emergency exits for which assisting means are required by paragraph (e) (7) of this section, except those located over the wings, to allow a crewmember to assist in the evacuation of passengers without reduction in the unobstructed width of the passageway to such exit. Access shall be provided from the main aisle to all Type III and Type IV exits and such access shall not be obstructed by seats, berths, or other protrusions to an extent which would reduce the effectiveness of the exit, except that minor obstructions will be permissible if the Administrator finds that compensating factors are present to maintain the effectiveness of the exit. However, obstructions to any passageway between individual passenger compartments will not be permitted if it is necessary to pass through the passageway to reach any required emergency exit from any seat in any other passenger compartment. Doors shall not be permitted in any partition or separator between passenger compartments. Curtains may be used provided they permit free entry through the passageway. If it is necessary to pass through any doorway separating the passenger compartment from other areas of the airplane to reach any required emergency exit from any seat in the passenger cabin, the door shall be provided with a means to latch it in the open position, and such latching means shall be capable of withstanding the loads imposed upon it when the door is subjected to the ultimate inertia forces, relative to the surrounding structure, listed in § 4b.260(a). A suitable placard stating that the door is to be latched in the open position during takeoff and landing shall be installed.

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2. By amending Part 40 by adding a new center heading and a new § 40.40 to read as follows:

SPECIAL REQUIREMENTS

§ 40.40 Air carrier demonstration of emergency evacuation procedures.

(a) Each air carrier shall show by actual demonstrations that the emergency evacuation procedures for each type and model of airplane used in its passenger-carrying operations will result in evacuating that type and model of airplane in 2 minutes or less, utilizing 100 percent seating capacity, and with not more than 50 percent of the emergency exits (as specified by the Administrator) available for use. In addition, each air carrier operating landplanes in extended overwater operations shall demonstrate its ditching procedures. Except as other prescribed in Appendix --, the demonstrations required by this section shall be made either during nighttime, or during daylight if the darkness of night is simulated. In

either case, however, only the minimum external lighting for the proper conduct of the demonstration may be used.

(b) Such time demonstrations shall be accomplished by the air carrier on each type and model of airplane that it currently uses and whenever one of the following occurs:

(1) Initial introduction of the airplane into passenger-carrying operations;

(2) Any proposed increase in passenger seating capacity over that previously approved; or

(3) A major change in the passenger cabin interior configuration which will affect the emergency evacuation of passengers.

(c) For purposes of the demonstrations, the criteria established in Appendix __ shall be used.

3. By amending § 40.173 by revising paragraphs (e) and (f), and by adding new paragraphs (g) and (h) to read as follows:

§ 40.173 Emergency equipment for all operations.

* * * * *

(e) *Means for emergency evacuation.* After January 1, 1965, on all passenger-carrying landplanes, means shall be provided, at all emergency exits located over the wings and at all other emergency exits if they are more than 6 feet from the ground when the airplane is on the ground with landing gear extended, to assist the occupants in descending to the ground. For floor level passenger exits, the assisting means shall be a slide (inflatable or noninflatable), or any other equivalent device approved by the Administrator for this purpose. During flight time, this means shall be in a position ready for use. For crew emergency exits, for passenger emergency exits located over the wings, and for other cabin window emergency exits, the assisting means may be a rope, or its approved equivalent, in lieu of a slide. If the assisting means is a rope, it shall be at least ⅝ of an inch in diameter; it shall be attached to the fuselage structure at or above the upper limit of the emergency exit opening; both the rope and its attachment shall be capable of withstanding a 400-pound static load; and, in the case of emergency exits located over the wings, the rope shall be long enough to allow descent over the leading edge, or over the trailing edge, of the wing, whichever length is greater.

(f) *Emergency exit marking.* (1) After January 1, 1965, all passenger emergency exits, their means of access, and their means of opening shall be marked conspicuously. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches. In addition, for all Type I and Type II emergency exits for which the locking mechanism is released by the rotary motion of the handle, the action required to release the locking mechanism shall be indicated by a red arrow having a shaft at least ¾ of an inch in width, and a head twice as wide as the shaft. The word "open", in one-inch high red letters, shall be marked horizontally near the head of the arrow. In addition, the arrow shall extend along at least 70 degrees of arc at a radius approximately equal to three quarters of the handle length.

(2) After January 1, 1965, the identity and location of all passenger emergency exits shall be recognizable from a distance equal to the width of the cabin. In addition, emergency-exit-locating signs visible to occupants approaching along the main passenger aisle shall be placed: above the main passenger aisle (unless low headroom makes some other ceiling location more practical) near over-wing passenger emergency exits, and adjacent to each passenger floor-level emergency exit (unless two such exits are sufficiently near the emergency-exit-locating sign that both can be seen from and served by one sign); and on each bulkhead or divider which cuts off fore-aft vision along the passenger cabin, to call attention to passenger emergency exits which are located beyond such bulkheads or dividers. These exit and emergency-exit-locating signs shall consist of one-inch high white letters on a two-inch high red background, except that the colors may be reversed if the sign, by reason of internal sources of light, contributes to the general emergency illumination of the passenger compartment. These exit and exit-locating signs (self or electrically illuminated) shall have a minimum luminescence (brightness) of at least 160 microlamberts.

(3) After January 1, 1965, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all passenger emergency exit markings and emergency-exit-locating signs and to provide enough general lighting in the passenger cabin that the illumination on the surface of any seat arm rest along the main passenger aisle is at least 0.05 foot-candles. The lights shall be designed to function automatically in a crash landing and shall also be operable manually. When the lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

(g) *Emergency exit access.* After January 1, 1965, all passageways between individual compartments of the passenger area and passageways leading to Type I and Type II emergency exits shall be unobstructed and shall be no less than 20 inches wide. Sufficient additional space shall be provided adjacent to emergency exits for which assisting means are required by paragraph (e) of this section, except those located over the wings, to allow a crewmember to assist in the evacuation of passengers without reduction in the unobstructed width of the passageway to such exit. Access shall be provided from the main aisle to all Type III and Type IV exits and such access shall not be obstructed by seats, berths, or other protrusions to an extent which would reduce the effectiveness of the exit, except that minor obstructions will be permissible if the Administrator finds that compensating factors are present to maintain the effectiveness of the exit. However, obstructions to any passageway between individual passenger compartments will not be permitted if it is necessary to pass through the passageway to reach any required emergency exit from any seat in any other passenger compartment. Doors shall not be permitted in any partition or separator between passenger compartments. Curtains may be used provided they permit free entry through the passageway. If it is necessary to pass through any doorway separating the passenger compartment from other areas of the airplane to reach any required emergency exit from any seat in the passenger cabin, the door shall be provided with a means to latch it in the open position, and such latching means shall be capable of withstanding the loads imposed upon it when the door is subjected to the ultimate inertia forces, relative to the surrounding structure, listed in § 4b.260(a). A suitable placard stating that the door is to be latched in the open position during takeoff and landing shall be installed.

(h) *Megaphones.* After January 1, 1965, on all passenger-carrying airplanes having a seating capacity of more than 60 but less than 100 passengers, there shall be installed at the rearward end of the passenger cabin one portable battery-powered megaphone as part of the basic emergency equipment, and, on all passenger-carrying airplanes having a seating capacity of 100 or more passengers, there shall be installed two such megaphones as part of the basic emergency equipment. If two megaphones are required by this paragraph, one shall be installed at the forward end of the passenger cabin and the other at the rearward end, except that other locations may be used if the air carrier shows that it would be impracticable, by reason of the interior configuration of the passenger cabin, to use the prescribed locations. Each megaphone shall be installed in the cabin in such a manner that it will be readily accessible to the crewmembers assigned the duty of directing emergency evacuation of the airplane.

4. By amending § 40.178 to read as follows:

§ 40.178 Exterior exit and evacuation markings for all operations.

After January 1, 1965, all required emergency exits that are openable from the outside, and their means of opening, shall be marked on the outside of the airplane for guidance of rescue personnel. The outline of each such emergency exit shall be marked on the outside of the airplane with a two-inch colored band. There shall be a color contrast between each outside marking (including the band) and the surrounding fuselage surface such that the reflectance of the lighter color exceeds the reflectance of the darker color by a factor of three or more.

NOTE: Reflectance is defined as the ratio of the luminous flux reflected by a body to the luminous flux it receives.

5. By amending § 40.265 to read as follows:

§ 40.265 Flight attendant.

(a) Except when authorized under the provisions of paragraph (b) of this section, the air carrier shall provide at least the following number of flight attendants on airplanes used in scheduled air carrier passenger operations:

(1) One flight attendant on airplanes having a passenger seating capacity of 10–44 inclusive,

(2) Two flight attendants on airplanes having a passenger seating capacity of 45–99 inclusive,

(3) Three flight attendants on airplanes having a passenger seating capacity of 100–149 inclusive, and

(4) Four flight attendants on airplanes having a passenger seating capacity of 150 or more.

(b) Upon application by the air carrier, an authorized representative of the Administrator may approve the use of an airplane in a particular operation with a number of flight attendants less than that specified in paragraph (a) of this section. Such approval may be granted if the air carrier shows that due to the type of operation involved, number of passenger seats, compartments, emergency exits and equipment, or other trained flight crewmembers not on flight deck duty whose services may be used in emergencies, all safety and emergency functions and procedures established in accordance with § 40.267 for the particular type of airplane and operation are capable of being performed adequately with less flight attendants.

NOTE: When an authorized representative of the Administrator approves the use of an airplane with a number of flight attendants less than that specified in paragraph (a) of this section, the number and the particular operation for which such number is approved, are specified in the operations specifications of the air carrier.

6. By amending § 40.267 to read as follows:

§ 40.267 Assignment of emergency evacuation functions for crewmembers.

(a) Crewmember emergency evacuation duties and functions shall be established for each type and model of airplane used by the air carrier, and assigned to the appropriate category of crewmember, pilot, flight engineer, flight attendant, etc., taking into consideration the configuration and compartmentation of the airplane. These duties and functions shall be approved and set forth in the air carrier's manual.

(b) The air carrier shall assign to each category of crewmember duties and functions to be performed in emergencies and circumstances requiring emergency evacuation. Such duties and functions shall be assigned for each type of airplane used by the air carrier. In the assignment of these duties and functions, consideration shall be given to the possibility that the flight crewmembers may become incapacitated or may not have access to the passenger cabin due to the possible shifting of the cargo in combination cargo-passenger airplanes.

(c) The air carrier shall show that the assigned duties and functions required by this section are realistic and capable of accomplishment, and will satisfactorily cope with any reasonably anticipated emergencies, including the emergency evacuation requirements of § 40.40.

(d) Each crewmember shall be given adequate training in the performance of the emergency duties and functions assigned to his category of crewmember under the approved training program prescribed in § 40.286.

7. By amending § 40.370 to read as follows:

§ 40.370 Briefing of passengers.

(a) Prior to the initial takeoff and each subsequent takeoff when additional passengers board the airplane, each air carrier engaged in passenger-carrying operations shall insure that all passengers carried on the airplane are orally briefed by the appropriate crewmember concerning smoking, use of seat belts, and the location of the emergency exits. Printed cards supplementing the oral briefing and containing diagrams of the emergency exits, their method of operation, and other details and instructions necessary for the use of the emergency equipment shall be carried aboard the airplane and placed in convenient locations for the use of each passenger.

(b) Each air carrier engaging in extended overwater operations shall insure that all passengers on each airplane engaging in those operations are orally briefed by the appropriate crewmember concerning the location and method of operation of the life preservers and the liferafts. The procedure to be followed in presenting this briefing shall be described in the air carrier's manual. Such briefing shall include a demonstation of the method of donning and inflating the life preserver. If the airplane proceeds directly over water after takeoff, the briefing on the location and operation of the life preservers and liferafts shall be accomplished prior to takeoff. In any event, the briefing must be accomplished prior to reaching the overwater portion of the flight.

8. By promulgating amendments to Parts 41 and 42 for the air carriers and commercial operators operating large aircraft under provisions of these parts similar to those proposed above.

PART 40—APPENDIX __

EVACUATION TEST PROCEDURES TO BE USED BY AIR CARRIERS

The following criteria shall be used in the demonstration of emergency evacuation procedures under § 40.40. These demonstrations shall be conducted in the order set forth below:

(a) *Demonstration No. 1; Aborted takeoff.*

(1) The airplane shall be in a normal ground attitude with landing gear extended.

(2) The airplane electrical power sources shall be de-energized.

(3) All emergency equipment shall be installed in accordance with specified limitations of the equipment.

(4) All external doors and exits, and internal doors or curtains, shall be in a position to simulate a normal flight.

(5) All crewmembers shall be in the assigned seats normally occupied for takeoff and landing. Passengers shall not be assigned to any specified seat.

(6) Seat belts, and shoulder harness (as required), shall be fastened.

(7) A representative passenger load not composed of crewmembers shall be used consisting of at least 30 percent females. Approximately 5 percent of the total passenger load shall be over 60 years of age; 5 to 10 percent of the total shall be children under 12 years of age. Three life-size dolls, not included as part of the total passenger load, shall be carried by passengers to simulate live infants of 2 years of age or less.

(8) After the seating of the passengers and prior to the start of the demonstration, carry-on baggage, blankets, pillows, etc., shall be distributed along the aisle at several locations to create minor obstructions. The Administrator may assign the passengers to different seats.

(9) The seating density and arrangement of the airplane shall be representative of the highest desired passenger version proposed to be operated by the air carrier.

(10) Crewmembers shall be members of regularly scheduled line crews and shall remain in their assigned seats for the takeoff and landing until they have received the signal for the emergency evacuation test.

(11) The crewmembers and passengers may not be given prior knowledge of the emergency exits available for the emergency evacuation test.

(12) Only the normal before-takeoff passenger briefing required by § 40.370 and given in accordance with the air carrier's manual shall be made prior to the emergency evacuation demonstration.

(13) An equal number of ramps or stands with stairs (or other such device) shall be placed at both wings so that the physical preparation for the evacuation will not disclose the exits that will be available during the demonstration. If mats are used on the wings or the ground, they shall also be equally distributed on both sides of the airplane.

(14) In the conduct of the emergency evacuation demonstration, it shall be assumed that only one-half of the airplane's exits may be utilized. A red tape, red flashlight, or other acceptable means, shall be placed on the outside of the exits not to be used for evacuation purposes to indicate fire outside the exits. The usuable exits shall not be made known to the crew until the demonstration has been started and the the emergency exits are opened. At least one available exit shall be a floor-level exit.

(15) A stand or ramp with or without steps may be used at the trailing edge of each wing for descent from the wing to the ground. Stands or other equipment not part of the airplane's emergency evacuation gear may not be used at other exits, except as specified in Demonstrations Nos. 2 and 3.

(16) All evacuees other than those using the overwing exits shall leave the airplane by the means provided as part of the airplane's equipment.

(17) During the evacuation demonstration, full use shall be made of all approved procedures and emergency equipment normally available, such as doors, slides, ropes, megaphones, lights, etc.

(18) There shall be no overall exterior illumination and, if the demonstration is conducted in a hangar, the hangar light shall be turned off. During simulated night tests, within a hangar, all windows and doors of the hangar shall be covered or closed to minimize the daylight effect. However, for the safety of the evacuees some illumination on the floor may be used, but it shall be kept low and shielded so that it does not shine into the airplane's windows or doors.

(b) *Demonstration No. 2; Gear-up crash landing.* In addition to Demonstration No.

1, a demonstration of an emergency evacuation shall be conducted assuming the following conditions:

(1) Daylight hours exist outside the airplane,

(2) The airplane was involved in a gear-up crash landing,

(3) All regularly assigned flight crewmembers are incapacitated, and

(4) All regularly assigned cabin attendants are available to conduct the evacuation.

Under the foregoing conditions, the evacuation demonstration shall be conducted under criteria Nos. (3)–(14) and (16)–(18) of Demonstration No. 1, except that stands shall be placed at exits and wings with the top platform of the stand at a height that simulates a gear-up landing.

(c) *Demonstration No. 3; Ditching.* In addition to Demonstrations Nos. 1 and 2, each air carrier that conducts or proposes to conduct extended overwater operations, or is required under § 40.206(a) to carry equipment for extended overwater operations, shall conduct a simulated ditching demonstration. The demonstration shall assume that daylight hours exist outside the airplane and that all regularly assigned crewmembers are available for the demonstration. The evacuation demonstration shall be conducted under the following criteria:

(1) If the procedures in the air carrier's manual specify that passengers will be used to assist in the launching of liferafts, the passengers needed to assist in the launching shall be carried in the airplane for the demonstration.

2. Stands shall be placed at the exits and wings, with the top of the platform at a height that will simulate the water level of the airplane following a ditching.

(3) Life vests shall be donned by the evacuees in accordance with the air carrier's manual after the ditching signal has been received.

(4) All liferafts shall be launched, and inflated, as specified in the air carrier's manual and all other emergency equipment will be placed in rafts.

(5) All evacuees shall enter the life rafts and the crewmembers assigned to each liferaft shall show the location of emergency equipment aboard the raft and describe its use.

(6) If a mockup of the airplane is used for the demonstration, it shall be a life-size mockup of the interior of the airplane and representative of the airplane currently used by or proposed to be used by the air carrier. The operation of the exits and doors shall fully simulate those on the airplane and sufficient wing area shall be installed outside the overwing exits to demonstrate the evacuation. In addition, the mockup shall contain adequate seats for use of the evacuees.

[F.R. Doc. 64-4203; Filed, Apr. 27, 1964; 8:51 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 5021]

AIRWORTHINESS DIRECTIVE

Scheibe-Flugzeugbau Model L-Spatz 55 Gliders

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Scheibe-Flugzeugbau Model L-Spatz 55 gliders. There has been an instance of wood deterioration and corrosion in the area of the outer aileron hinge bracket attributable to trapped moisture. To correct this condition, this AD requires inspection of the outer aileron hinge brackets, repair or replacement if wood deterioration and corrosion are found, and the installation of drain holes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before June 1, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

SCHEIBE-FLUGZEUGBAU. Applies to all Model L-Spatz 55 gliders up to Serial Number 755.

Compliance required as indicated.

Because wood deterioration and corrosion has been found in the area of the outer aileron hinge bracket which has been attributed to trapped moisture in this location, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD, inspect outer aileron hinge brackets and the surrounding area for corrosion, for rigid attachment to the wing spar and for deterioration of wood and glue. (Deteriorated wood is generally softer and discolored.)

(b) If any corrosion or deterioration is found or if hinge brackets are not rigidly attached to the wing spar, repair or replace as provided for in the manufacturer's Technical Information No. 1 dated January 21, 1964, or FAA-approved equivalent, before further flight.

(c) Within 25 hours' time in service after the effective date of this AD, drill a ¼ inch diameter drain hole on each side of the aileron bracket attachment rib.

(Scheibe-Flugzeugbau GMBH Technical Information No. 1 dated January 21, 1964, covers this same subject.)

Issued in Washington, D.C., on April 22, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-4205; Filed, Apr. 27, 1964; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 9288; FCC 64-315]

RESTRICTED RADIATION DEVICES

Termination of Proposed Rule Making Proceedings; Fourth Report and Order

Correction

In F.R. Doc. 64-3974, appearing at page 5399 of the issue for Wednesday, April 22, 1964, the headings should read as set forth above.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 51 (Rev. 1)]

CHIEF OF COLLECTION DIVISION ET AL.

Delegation of Authority To Sign Proofs of Claim and Other Documents

APRIL 20, 1964.

The following officers are hereby authorized, to the extent District Directors are now authorized, to sign proofs of claim and other documents asserting obligations incurred under the internal revenue laws (including taxes, penalties and interest), in order to claim and collect such obligations in any proceeding under the Bankruptcy Act and any receivership, decedent's estate, corporate dissolution, or other insolvency proceeding:

1. Chief and Assistant Chief, Collection Division.
2. Chief and Assistant Chief, Delinquent Accounts and Returns Branch.
3. Chief, Special Procedures Section and Special Procedures Officer.

The authority herein delegated may not be redelegated.

This order supersedes Delegation Order No. 51, issued May 21, 1957.

Effective date. April 20, 1964.

[SEAL] BERTRAND M. HARDING,
Acting Commissioner.

[F.R. Doc. 64-4189; Filed, Apr. 27, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

FORT SILL APACHE, AND KIOWA, COMANCHE, AND APACHE RESERVATIONS

Transfer of Land Records to Custody of Anadarko Area Office

APRIL 22, 1964.

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order No. 2508 (26 F.R. 11395), notice is hereby given that the official custody of all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Fort Sill Apache Indian Reservation and the Kiowa, Comanche, and Apache Indian Reservation in the State of Oklahoma have been transferred from the City of Washington, D.C., to the Anadarko Area Office, Bureau of Indian Affairs, Federal Building, Anadarko, Oklahoma.

Effective April 13, 1964, the Anadarko Area Office will be the office for the maintenance of records for all such trust and restricted lands.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 64-4163; Filed, Apr. 27, 1964; 8:46 a.m.]

Bureau of Land Management

[Sacramento 078407]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 16, 1964.

The Bureau of Reclamation, U.S. Department of the Interior has filed an application, Serial Number Sacramento 078407, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, subject to valid existing claims. The applicant desires the land for the Orland Project for operation and maintenance and other management requirements in close proximity to East Park Reservoir, California.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestion, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 17 N., R. 6 W.,
Sec. 22, NE¼NW¼.

The proposed withdrawal embraces 40 acres.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 64-4164; Filed, Apr. 27, 1964; 8:47 a.m.]

[BLM 077860; Survey Group No. 47]

LOUISIANA

Postponement of Filing of Plat of Dependent Resurvey and Accretion Survey

APRIL 22, 1964.

In the FEDERAL REGISTER of March 25, 1964 (29 F.R. 3712) there appeared a notice that the plat of dependent resurvey and accretion survey, accepted February 7, 1964, embracing certain lands in T. 14 S., R. 11 E., Louisiana meridian, Louisiana, would be officially filed in this office on April 27, 1964.

The official filing of this plat of dependent resurvey and accretion survey is postponed until further notice is published in the FEDERAL REGISTER.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 64-4165; Filed, Apr. 27, 1964; 8:47 a.m.]

PORTLAND, OREG.; PROCUREMENT OFFICER

Redelegation of Authority With Respect to Contracts and Leases

SECTION 1. *Authority.* Pursuant to the authority contained in Bureau of Land Management Order No. 698, the Procurement Officer, Field Administrative Office, Portland, Oregon, is hereby redelegated the authority contained in section 1(a) of said order.

The above delegation is effective April 13, 1964, and may not be redelegated.

E. G. BYGLAND,
Field Administrative Officer.

APRIL 13, 1964.

[F.R. Doc. 64-4166; Filed, Apr. 27, 1964; 8:47 a.m.]

Office of the Secretary

HARRY J. PECKHEISER

Report of Appointment and Statement of Financial Interests

APRIL 22, 1964.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Harry J. Peckheiser.

Name of employing agency. Emergency Petroleum and Gas Administration, Region 1, Harvard, Massachusetts.

The title of the appointee's position. Regional Administrator.

The name of the appointee's private employer or employers. Socony Mobil Oil Company, Inc., 150 E. 42d Street, New York, New York.

The statement of "financial interests" for the above appointee appears below.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER.

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on April 16, 1964, as Regional Administrator, Emergency Petroleum and Gas Administration, an officer or director:

Executive Vice President, Mobil Oil Co., Division of Socony Mobil Oil Co., Inc.
Director, Forum Insurance Company.
Director, Mobil Repair Centers, Inc.
Director, Elpeege Northeast Inc.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Socony Mobil Oil Co., Inc.
Lehman Brothers.
Tri-Continental Corporation.
Niagara Share Corporation.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

HARRY J. PECKHEISER.

APRIL 16, 1964.

[F.R. Doc. 64-4180; Filed, Apr. 27, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

CERTAIN DESIGNATED OFFICIALS

Delegation of Authority To Certify Copies of Documents; Amendment

The Delegation of Authority to Certify copies of documents (28 F.R. 9402) is hereby amended by deleting in item 2.c. "Director, Bureau of Enforcement, Food and Drug Administration" and inserting in lieu thereof "Director, Bureau of Regulatory Compliance, Food and Drug Administration".

Dated: April 22, 1964.

RUFUS E. MILES, Jr.,
Administrative Assistant Secretary.

[F.R. Doc. 64-4185; Filed, Apr. 27, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM M. FIRSHING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 9, 1964.

Dated: April 13, 1964.

CARL W. HASEK, Jr.

[F.R. Doc. 64-4184; Filed, Apr. 27, 1964; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

PRICE SUPPORT PROGRAMS; 1964 AND SUBSEQUENT CROPS

Announcement of Interest Rate

Correction

In F.R. Doc. 64-3055, appearing at page 4109 of the issue for Saturday, March 28, 1964, the following correction is made in paragraph (4): The phrase reading "paid by FCC" should read "paid by CCC".

ATOMIC ENERGY COMMISSION

[Docket No. 50-108]

ALLIS-CHALMERS MANUFACTURING CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5, set forth below, to Facility License No. CX-15. The license, as previously amended, authorized the Allis-Chalmers Manufacturing Company ("the licensee") to possess and operate its critical experiments facility which is located in Greendale, Milwaukee County, Wisconsin.

The amendment (1) authorizes the licensee to possess, but not to operate, its critical experiments facility, (2) rescinds the authority to receive, possess and use special nuclear material as fuel for operation of the facility, (3) rescinds the authority to receive, possess and use a 10 curie polonium-beryllium source in connection with operation of the facility and (4) extends the term of the license for an additional five years to November 13, 1968. The amendment was requested by the licensee in an application for license amendment dated November 11, 1963.

The Commission has found that:

1. Possession of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

2. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this license amendment, see a copy of the application for license amendment dated November 11, 1963, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 16th day of April 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. CX-15, Amdt. 5]

AMENDMENT TO FACILITY LICENSE

Facility License No. CX-15, as amended, issued to Allis-Chalmers Manufacturing Company is hereby further amended as follows:

1. Delete subparagraph 3.B.

2. Delete paragraphs 1 and 5 and subparagraphs 3.A and 3.C and substitute the following therefor:

"1. This license applies to the critical experiments facility (hereinafter referred to as 'the facility') which is owned by Allis-Chalmers Manufacturing Company (hereinafter referred to as 'Allis-Chalmers'), located in Greendale, Milwaukee County, Wisconsin, and described in the application dated June 13, 1958, and amendments thereto dated August 6, 1958, September 4, 1958, September 16, 1958, October 3, 1958, November 4, 1958, May 25, 1959, June 29, 1959, July 8, 1959, July 9, 1959, October 21, 1959, June 10, 1960, August 23, 1960, November 23, 1960, January 26, 1961, January 30, 1961, February 14, 1961, April 26, 1961, June 12, 1961, September 18, 1961, January 24, 1962, and November 11, 1963 (hereinafter collectively referred to as 'the application')."

"3.A. Pursuant to Section 104c of the Act and Title 10, CFR, Chapter I, Part 50, 'Licensing of Production and Utilization Facilities', to possess, but not to operate, the facility as a utilization facility at the designated location in Greendale, Milwaukee County, Wisconsin in accordance with the procedures described in the application and this license."

"3.C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, 'Licensing of Byproduct Material', to possess, but not to separate, such byproduct material as may be produced by operation of the facility."

"5. This license is effective as of the date of issuance and shall expire at midnight November 13, 1968."

Date of issuance: April 16, 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-4152; Filed, Apr. 27, 1964; 8:45 a.m.]

[Docket No. 50-218]

LUIGI SERRA, INC.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following the publication of notice of proposed action in the FEDERAL REGISTER on April 3, 1964 (29 F.R. 4779), the Atomic Energy Commission has issued License No. XR-51 to Luigi Serra, Inc., authorizing export of a 30 watt open pool type critical assembly to Comitato Nazionale per L'Energia Nucleare (C.N.E.N.), Centro di Studi Nucleari della Casaccia, Rome, Italy.

Dated at Bethesda, Md., this 20th day of April 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[F.R. Doc. 64-4153; Filed, Apr. 27, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11822; Order No. E-20730]

CORDOVA AIRLINES, INC.

Adjustment of Service Mail Rates on Specific Routes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of April 1964.

The Board, on April 10, 1964, adopted Order No. E-20676 (Order) directing Cordova Airlines, Inc., Pacific Northern Airlines, Inc., and the Postmaster General to show cause why the Board should not adopt the proposed findings and conclusions and fix, determine, and publish the rate proposed therein for the mail transportation service described.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the Order has been filed by any party.

The Board, upon consideration of the record, hereby reaffirms and makes final the findings and conclusions set forth in the said Order.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That:

1. The fair and reasonable service mail rate applicable to mail carried by Cordova from Anchorage to Cordova or from Anchorage to Yakutat or from Cordova to Yakutat, in either direction, is $1.29 per mail ton-mile;

2. Such service mail rate of $1.29 per mail ton-mile shall be paid in its entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board;

3. The mail ton-miles to be used by the Post Office in determining service mail payments pursuant to this order shall be computed on the basis of the mileage applicable to service mail pay computations for mail carried by Pacific Northern Airlines, Inc., between the points set out in numbered paragraph one;

4. Cordova's basic service mail rate of $2.50 per mail ton-mile is not reopened by this order. Hence, for mail carried between Anchorage, Cordova, and Yakutat, on the one hand, and intermediate points, on the other, or between other points intermediate between Anchorage and Yakutat, or beyond Anchorage and Yakutat, the service mail rate of $2.50 per mail ton-mile shall apply;

5. This order be served upon Cordova Airlines, Inc., Pacific Northern Airlines, Inc., and the Postmaster General; and

6. This order be effective as of this date.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-4192; Filed, Apr. 27, 1964; 8:49 a.m.]

[Docket 14498]

KODIAK AIRWAYS RENEWAL CASE

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding has been indefinitely postponed.

Dated at Washington, D.C., April 22, 1964.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 64-4193; Filed, Apr. 27, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

STANDARD INSTRUMENT DEPARTURES

Cancellation of Notices

Notice is hereby given that effective 0501 GMT June 25, 1964, the Federal Aviation Agency notices relating to Standard Instrument Departure (SID) clearances published in the FEDERAL REGISTER on (27 F.R. 126) January 5, 1962, and (28 F.R. 6411) June 21, 1963, are cancelled.

Issued in Washington, D.C., on April 15, 1964.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 64-4206; Filed, Apr. 27, 1964; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP64-116, CP64-122]

EL PASO NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

Notice of Applications

APRIL 21, 1964.

Take notice that El Paso Natural Gas Company (El Paso) P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP64-116, an application on November 22, 1963, and a supplement thereto on February 27, 1964, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new point of interconnection and dual 8⅝-inch O.D. standard orifice type meter station with appurtenant facilities in the NW/4 of Section 19, Block 77, PSL Survey, Winkler County, Texas, and the transportation and exchange of up to 50,000 Mcf of natural gas daily with Northern Natural Gas Company, all as more fully set forth in the application and supplement on file with the Commission, and open to public inspection.

Take further notice that Northen Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP64-122, an application on November 29, 1963, and a supplement thereon on March 2, 1964, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of new point of interconnection and a 10-inch valve setting on its existing 16-inch pipeline located in Winkler County, Texas, and the transportation and exchange of natural gas with El Paso Natural Gas Company of up to 50,000 Mcf of natural gas daily, all as more fully set forth in the application and supplement on file with the Commission, and open to public inspection.

The applications[1] reflect that Northern purchases gas from producers in Winkler County, Texas, which is transported by West Texas Gathering Company (West Texas) and delivered to Northern's existing 16-inch pipeline, and that El Paso purchases and receives gas from West Texas in Winkler County, Texas. During period of peak demand on El Paso's system or periods of exhaustion of Texas oil producing days in any given month El Paso must rely on dry gas sources, such as purchases from West Texas for additional volumes of gas for its system. During such periods the presently utilized facilities of West Texas are incapable of handling the required volumes. El Paso, Northern and West Texas have entered into an arrangement whereby West Texas will deliver to Northern at an existing delivery point up to 50,000 Mcf daily for the account of El Paso, and Northern will deliver said quantity to El Paso at a point where the pipelines of Northern and El Paso cross in Winkler County, Texas.

The total estimated cost of the facilities required by El Paso and Northern is $21,540, of which $6,800 will be for facilities of Northern to be paid for by El Paso.

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on these applications pro-

[1] Commission-approved letters of April 10, 1964, granted requested temporary authorizations of El Paso and Northern.

vided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 12, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-4155; Filed, Apr. 27, 1964; 8:45 a.m.]

[Docket No. RP64-35]

HUMBLE GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

APRIL 22, 1964.

Take notice that on April 17, 1964, Humble Gas Transmission Company (Humble), tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective as of January 1, 1964. The proposed changes reflect decreases in rates and charges in its Rate Schedules G-1, P-2 and P-3.

The annual decrease in rate level is approximately $13,000, based upon sales for the year 1963, and reflects the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent.

Copies of the proposed rates have been served by Humble upon its customers. Comments may be filed with the Commission on or before May 1, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-4156; Filed, Apr. 27, 1964; 8:45 a.m.]

[Docket No. CP64-181]

ILLINOIS POWER CO.

Notice of Application

APRIL 21, 1964.

Take notice that on February 13, 1964, Illinois Power Company (Applicant), an Illinois Public Utility corporation, with its principal place of business in Decatur, Illinois, filed in Docket No. CP64-181 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by the Applicant consisting of approximately 2.1 miles of 2-inch lateral and distribution facilities in the Village of Keithsburg and its environs in Mercer County, Illinois, and to sell and deliver to Applicant its daily and annual requirements of natural gas in Mcf at 14.73 psia as follows:

Year of service	Peak day	Annual
1	208	30,476
2	292	38,724
3	446	45,270

The estimated cost of the Applicant's proposed facilities is $164,600, which cost is to be financed from funds on hand.

Applicant also requests that Michigan Wisconsin be authorized to construct such facilities as may be necessary to connect its transmission facilities with the Applicant's proposed lateral facility.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 8, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4157; Filed, Apr. 27, 1964; 8:45 a.m.]

[Docket No. RI60-467] [1]

LELAND DAVISON ET AL.

Order Making Successor in Interest Co-Respondent, Accepting Successor's Agreement and Undertaking for Filing, and Redesignating Proceeding

APRIL 22, 1964.

In the matter of Leland Davison, et al., Humble Oil & Refining Company, and San Jacinto Oil and Gas Company.

On September 27, 1963, San Jacinto Oil and Gas Company (San Jacinto) filed a motion requesting that it be made a co-respondent in the above-designated rate suspension proceeding. On November 4, 1963, San Jacinto filed an agreement and undertaking to assure refund of any excess charges applicable to the interest acquired by San Jacinto in the above-designated proceeding.

In support of its motion, San Jacinto states that it acquired by assignment effective on April 1, 1963, the entire interest of Ralph Pembrook (Pembrook) in the gas producing property covered under Leland Davison, et al., FPC Gas Rate Schedule No. 3, involving the jurisdictional sale of natural gas to El Paso Natural Gas Company, from the Spraberry Trend Area Field, Midland and Upton Counties, Texas (Permian Basin).

On June 17, 1960, Leland Davison, et al. (Davison) tendered for filing a notice of change in its FPC Gas Rate Schedule No. 3. The proposed increased rate, designated as Supplement No. 3 to Davison's FPC Gas Rate Schedule No. 3, was suspended by order issued July 7, 1960, in Docket No. RI60-467, until December 18, 1960, when it became effective subject to refund. By order issued October 17, 1962, Humble Oil & Refining Company (Humble) was made co-respondent with Davison.

By letter order issued November 21, 1963, in Docket No. CI64-379, San Jacinto was granted temporary authorization to continue making the sale formerly made by Pembrook, and San Jacinto's rate schedule, designated as San Jacinto's FPC Gas Rate Schedule No. 15, was accepted for filing. The letter order provided that the rate shall be 17.2295 cents per Mcf from the date of transfer of the properties, April 1, 1963, subject to the condition that San Jacinto refund, with interest, any amounts collected in excess of the amounts resulting from the rate finally determined in the proceeding in Docket No. RI60-467. Refunds shall not be required below 11 cents per Mcf.

Since San Jacinto acquired its interest subsequent to the date when the increased rate became effective subject to refund, Davison will remain responsible for any monies collected subject to refund prior to April 1, 1963.

The Commission finds:

It is necessary and proper in carrying out the provisions of the Natural Gas Act that San Jacinto be joined as co-respondent with Davison and Humble in the proceeding in Docket No. RI60-467, that the proceeding be redesignated accordingly, and that the agreement and undertaking submitted by San Jacinto on November 4, 1963, be accepted for filing.

The Commission orders:

(A) San Jacinto is joined as co-respondent with Davison and Humble in the proceeding in Docket No. RI60-467, and such proceeding is redesignated as Leland Davison, et al., Humble Oil & Refining Company, and San Jacinto Oil and Gas Company.

(B) The agreement and undertaking filed by San Jacinto on November 4, 1963, to assure refund of any amounts found by the Commission to be unjustified applicable to its interest for the period subsequent to April 1, 1963, appears to be satisfactory and is accepted for filing.

(C) San Jacinto shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. San Jacinto's agreement and undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-4158; Filed, Apr. 27, 1964; 8:46 a.m.]

[1] Consolidated with the area rate proceeding in Docket Nos. AR61-1, et al., by order issued December 23, 1960, 24 FPC 1121. The proceeding in Docket No. RI60-467 also relates to other rate schedules not involved in this order.

[Docket Nos. CP63-12, CP63-13]

MISSISSIPPI RIVER TRANSMISSION CORP. AND MISSISSIPPI RIVER FUEL CORP.

Notice of Further Postponement of Hearing

APRIL 20, 1964.

Upon consideration of the telegraphic request for postponement of the hearing in the above-designated matter;

Take notice that the hearing now scheduled to resume on April 22, 1964, is postponed to resume on May 11, 1964.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4159; Filed, Apr. 27, 1964; 8:46 a.m.]

[Docket No. CP62-85]

NORTHERN NATURAL GAS CO.

Notice of Application To Amend

APRIL 22, 1964.

Take notice that on March 6, 1964, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP62-85, an application to amend an order of the Commission issued on September 30, 1963, authorizing among other things the construction and operation of main and branchline facilities to provide initial natural gas service to 76 communities including eleven communities to be served from the so-called Wisconsin Dells' branchline. Northern seeks, by the subject application to amend authorization to increase the size of pipe to be installed along various segments of Northern's Wisconsin Dells' branchline in southern Wisconsin, all as more fully set forth in the application to amend on file with the Commission, and open to public inspection.

Northern states that in view of expected growth along the Wisconsin Dells' line and to avoid looping at a later date which would be more expensive, Northern proposes to increase the pipe size of (1) 41.4 miles of 10-inch to 12-inch, (2) 6.0 miles of 6-inch to 8-inch and (3) 8.4 miles of 4-inch to 8-inch.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 12, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-4160; Filed, Apr. 27, 1964; 8:46 a.m.]

[Docket No. CP64-199]

PENNSYLVANIA GAS CO.

Notice of Application

APRIL 22, 1964.

Take notice that Pennsylvania Gas Company (Applicant) a Pennsylvania corporation, having its principal office at 213 Second Avenue, Warren, Pennsylvania, filed on March 9, as amended on March 13, 1964, an application in Docket No. CP64-199 pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Applicant to construct, operate and maintain a twelve (12) inch gas line, approximately sixteen and two-tenths (16.2) miles in length, beginning in the northeastern part of Pittsfield Township, Warren County, Pennsylvania; thence in a North and Easterly direction through Freehold and Sugar Grove Townships in Warren County, Pennsylvania, and continuing through the Towns of Busti and Kiantone in Chautauqua County, New York, all as more fully described in the application on file with the Commission and open for public inspection.

Applicant states that the proposed facilities are needed to provide sufficient capacity to meet the normal increase in gas demands in the Jamestown, New York, area. Furthermore the proposed facility will displace the 8-inch line constructed in 1885, which is deteriorated to the extent that abandonment in the near future will be necessary.

The estimated cost of the proposed facilities is $380,500, which will be financed from funds obtained from retained earnings, depreciation accruals and from funds obtained from its parent company, National Fuel Gas Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 15, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-4161; Filed, Apr. 27, 1964; 8:46 a.m.]

[Docket No. CP64-215]

UNITED GAS PIPE LINE CO.

Notice of Application

APRIL 22, 1964.

Take notice that on March 25, 1964, United Gas Pipe Line Company (Applicant) filed an application in Docket No. CP64-215 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the following:

Construct approximately 0.6 mile of 4-inch pipe line, together with orifice meter station and appurtenant facilities, located at Milepost 107.26 on the 30-inch Southeast Louisiana to Mobile main line, being all in Section 21, Township 7 South, Range 16 West, Hancock County, Mississippi;

all as more fully set forth in the application.

Applicant states that the facilities will be used for the sale and delivery of natural gas to the United States of America, National Aeronautics and Space Administration, Mississippi Test Facility, Hancock County, Mississippi, for use by such facility as described in said application. Applicant states that the facilities for which a certificate is sought will cost $39,668 and that during the third year of operation Applicant will sell and deliver to such customer approximately 161,555 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 15, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-4162; Filed, Apr. 27, 1964; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION I (NEW YORK)

Redelegation of Authority With Respect to Open-Space Land Program

The Regional Director of Urban Renewal, Region I (New York), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective April 4, 1964 (29 F.R. 4840, April 4, 1964), with respect to the program of grants for open-space land authorized under Title VII of the Housing Act of 1961 (75 Stat. 183, 42 U.S.C. 1500).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950); 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 4, 1964 (29 F.R. 4840, April 4, 1964))

Effective as of the 28th day of April 1964.

LESTER EISNER, JR.,
Regional Administrator, Region I.

[F.R. Doc. 64-4194; Filed, Apr. 27, 1964; 8:49 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION II (PHILADELPHIA)

Redelegation of Authority With Respect to Open-Space Land Program

The Regional Director of Urban Renewal, Region II (Philadelphia), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective April 4, 1964 (29 F.R. 4840, April 4, 1964), with respect to the program of grants for open-space land authorized under Title VII of the Housing Act of 1961 (75 Stat. 183, 42 U.S.C. 1500).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 4, 1964 (29 F.R. 4840, April 4, 1964))

Effective as of the 28th day of April, 1964.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 64-4195; Filed, Apr. 27, 1964; 8:49 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION III, (ATLANTA)

Redelegation of Authority With Respect to Open-Space Land Program

The Regional Director of Urban Renewal, Region III (Atlanta), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective April 4, 1964 (29 F.R. 4840, April 4, 1964), with respect to the program of grants for open-space land authorized under Title VII of the Housing Act of 1961 (75 Stat. 183, 42 U.S.C. 1500).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 4, 1964 (29 F.R. 4840, April 4, 1964))

Effective as of the 28th day of April 1964.

MCCLELLAN RATCHFORD,
Regional Administrator, Region III.

[F.R. Doc. 64-4196; Filed, Apr. 27, 1964; 8:49 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Open-Space Land Program

The Regional Director of Urban Renewal, Region IV (Chicago), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective April 4, 1964 (29 F.R. 4840, April 4, 1964), with respect to the program of grants for open-space land authorized under Title VII of the Housing Act of 1961 (75 Stat. 183, 42 U.S.C. 1500).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 4, 1964 (29 F.R. 4840, April 4, 1964))

Effective as of the 28th day of April 1964.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 64-4197; Filed, Apr. 27, 1964; 8:49 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION V (FORT WORTH)

Redelegation of Authority With Respect to Open-Space Land Program

The Regional Director of Urban Renewal, Region V (Fort Worth), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective April 4, 1964 (29 F.R. 4840, April 4, 1964), with respect to the program of grants for open-space land authorized under Title VII of the Housing Act of 1961 (75 Stat. 183, 42 U.S.C. 1500).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 4, 1964 (29 F.R. 4840, April 4, 1964))

Effective as of the 28th day of April 1964.

W. W. COLLINS,
Regional Administrator, Region V.

[F.R. Doc. 64-4198; Filed, Apr. 27, 1964; 8:50 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Open-Space Land Program

The Regional Director of Urban Renewal, Region VI (San Francisco), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective April 4, 1964 (29 F.R. 4840, April 4, 1964), with respect to the program of grants for open-space land authorized under Title VII of the Housing Act of 1961 (75 Stat. 183, 42 U.S.C. 1500).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 4, 1964 (29 F.R. 4840, April 4, 1964))

Effective as of the 14th day of April 1964.

J. G. MELVILLE,
Regional Administrator, Region VI.

[F.R. Doc. 64-4199; Filed, Apr. 27, 1964; 8:50 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION VII (SAN JUAN, PUERTO RICO)

Redelegation of Authority With Respect to Open-Space Land Program

The Regional Director of Urban Renewal, Region VII (San Juan, Puerto Rico), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective April 4, 1964 (29 F.R. 4840, April 4, 1964), with respect to the program of grants for open-space land authorized under Title VII of the Housing Act of 1961 (75 Stat. 183, 42 U.S.C. 1500).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 4, 1964 (29 F.R. 4840, April 4, 1964))

Effective as of the 28th day of April 1964.

JOSE E. FEBRES-SILVA,
Regional Administrator, Region VII.

[F.R. Doc. 64-4200; Filed, Apr. 27, 1964; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2370]

AVON PRODUCTS, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 22, 1964.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Avon Products, Inc., File 7-2370.

Upon receipt of a request, on or before May 8, 1964, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-4167; Filed, Apr. 27, 1964; 8:47 a.m.]

[File No. 70-4206]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Issuance and Sale of Principal Amount of First Mortgage Bonds at Competitive Bidding

APRIL 22, 1964.

In the matter of Michigan Wisconsin Pipe Line Company, One Woodward Avenue, Detroit, Michigan, 48226, File No. 70-4206.

Notice is hereby given that Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), a nonutility subsidiary company of American Natural Gas Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Michigan Wisconsin proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $20,000,000 principal amount of First Mortgage Pipe Line Bonds, __ percent Series due 1984. The interest rate of the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Michigan Wisconsin (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under the Mortgage and Deed of Trust, dated as of September 1, 1948, between Michigan Wisconsin and City Bank Farmers Trust Company (First National City Bank, Successor Trustee) as heretofore supplemented and as to be further supplemented by a Fifteenth Supplemental Indenture to be dated as of June 1, 1964.

Michigan Wisconsin presently has outstanding $11,000,000 of notes payable to banks maturing July 30, 1964, issued under a line of credit with six banks. The proceeds from the issuance and sale of the new bonds will be used to retire the balance of any notes outstanding under said line of credit and to finance construction.

The fees and expenses to be incurred in connection with the proposed transaction are estimated as follows:

Federal original issue tax	$22,000
Registration fee of this Commission	2,060
Fees and taxes of various States	13,000
Counsel fees:	
Sidley, Austin, Burgess & Smith	15,500
Local counsel—ten States	13,000
Accounting fee of Arthur Anderson & Co	7,000
Trustee's fees and expenses	10,000
Fees of gas consultants	10,000
Printing, including preparation of bonds	27,000
Mortgage recording fees and expenses	7,000
Miscellaneous, including $500 for system service company	2,440
Total	129,000

The fee of counsel for the purchasers of the new bonds is established at $10,500 and is to be paid by the successful bidders.

The application states that Michigan Wisconsin will file an application with the Michigan Public Service Commission requesting authority to issue and sell the new bonds; that a copy of the order of said State commission will be supplied by amendment; and that, apart from this, no approval or consent of any regulatory body, other than this Commission, is necessary with respect to the proposed transaction.

Notice is further given that any interested person may, not later than May 25, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority),

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-4168; Filed, Apr. 27, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 464]

MISSOURI AND KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Cass, Jackson, and Platte Counties in the State of Missouri and Leavenworth County in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from cyclones and accompanying conditions occurring on or about April 13, 1964.

OFFICE

Small Business Administration Regional Office, 911 Walnut St., Kansas City 6, Mo.

2. Temporary offices will be established in Pleasant Hill, Missouri, and Leavenworth, Kansas, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1964.

Dated: April 14, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-4169; Filed, Apr. 27, 1964; 8:47 a.m.]

[Delegation of Authority No. 30–I (Amdt. 2)]

BOSTON REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30–I, as amended, 28 F.R. 4932 and 8230 and is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. • • •
C. • • •
3. To approve the following:
a. Business Loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1.a. through d. and substituting the following in lieu thereof:

I. • • •
K. • • •
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.
c. Simplified bank participation not exceeding $250,000.
d. Simplified early maturities not exceeding $250,000.

Effective date: March 11, 1964.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 64–4170; Filed, Apr. 27, 1964; 8:47 a.m.]

[Delegation of Authority No. 30—II (Amdt. 2)]

NEW YORK REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30–II, as amended, 28 F.R. 4687 and 9036 is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. • • •
C. • • •
3. To approve the following:
a. Business Loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1.a. through d. and substituting the following in lieu thereof:

I. • • •
K. • • •
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.
c. Simplified bank participation not exceeding $250,000.
d. Simplified early maturities not exceeding $250,000.

Effective date: March 11, 1964.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 64–4171; Filed, Apr. 27, 1964; 8:47 a.m.]

[Delegation of Authority No. 30–III (Amdt. 2)]

PHILADELPHIA REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30–III, as amended, 28 F.R. 4688 and 8052 is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. • • •
C. • • •
3. To approve the following:
a. Business loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1.a. through d. and substituting the following in lieu thereof:

I. • • •
K. • • •
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.
c. Simplified bank participation not exceeding $250,000.
d. Simplified early maturities not exceeding $250,000.

Effective date: March 11, 1964.

EDWARD N. ROSA,
Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 64–4172; Filed, Apr. 27, 1964; 8:47 a.m.]

[Delegation of Authority No. 30–VI (Amdt. 2)]

CLEVELAND REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30–VI, as amended, 28 F.R. 4933 and 8179 is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. • • •
C. • • •
3. To approve the following:
a. Business loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1.a. through d. and substituting the following in lieu thereof:

I. • • •
K. • • •
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.
c. Simplified bank participation not exceeding $250,000.
d. Simplified early maturities not exceeding $250,000.

Effective date: March 11, 1964.

CHARLES H. KRUGER,
Regional Director,
New York Regional Office.

[F.R. Doc. 64–4173; Filed, Apr. 27, 1964; 8:47 a.m.]

[Delegation of Authority No. 30–VII (Amdt. 2)]

CHICAGO REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30–VII, as amended, 28 F.R. 5038 and 8230 is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. • • •
C. • • •
3. To approve the following:
a. Business loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1.a. through d. and substituting the following in lieu thereof:

I. • • •
K. • • •
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.
c. Simplified bank participation not exceeding $250,000.
d. Simplified early maturities not exceeding $250,000.

Effective date: March 11, 1964.

JAMES G. GARWICK,
Regional Director,
Cleveland Regional Office.

[F.R. Doc. 64–4173; Filed, Apr. 27, 1964; 8:47 a.m.]

[Delegation of Authority No. 30–VII (Amdt. 2)]

CHICAGO REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30–VII, as amended, 28 F.R. 5038 and 8230 is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. • • •
C. • • •
3. To approve the following:
a. Business loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1.a. through d. and substituting the following in lieu thereof:

I. • • •
K. • • •
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.
c. Simplified bank participation not exceeding $250,000.
d. Simplified early maturities not exceeding $250,000.

Effective date: March 11, 1964.

RICHARD E. LASSAR,
Regional Director,
Chicago Regional Office.

[F.R. Doc. 64–4174; Filed, Apr. 27, 1964; 8:48 a.m.]

[Delegation of Authority No. 30–VIII (Amdt. 2)]

MINNEAPOLIS REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30–VIII, as amended, 28 F.R. 4533 and 8303 is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. • • •
C. • • •
3. To approve the following:
a. Business loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1.a. through d. and substituting the following in lieu thereof:

I. • • •
K. • • •
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.
c. Simplified bank participation not exceeding $250,000.
d. Simplified early maturities not exceeding $250,000.

Effective date: March 11, 1964.

HARRY A. SIEBEN,
Regional Director,
Minneapolis Regional Office.

[F.R. Doc. 64–4175; Filed, Apr. 27, 1964; 8:48 a.m.]

[Delegation of Authority No. 30–XI (Amdt. 2)]

DENVER REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30–XI, as amended, 28 F.R. 5223 and 8231 is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. • • •
C. • • •
3. To approve the following:
a. Business loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1. a. through d. and substituting the following in lieu thereof:

I. • • •
K. • • •
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.
c. Simplified bank participation not exceeding $250,000.
d. Simplified early maturities not exceeding $250,000.

Effective date: March 11, 1964.

GEORGE E. SAUNDERS,
Regional Director,
Denver Regional Office.

[F.R. Doc. 64–4176; Filed, Apr. 27, 1964; 8:48 a.m.]

[Delegation of Authority No. 30–XII (Amdt. 2)]

SAN FRANCISCO REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30–XII, as amended, 28 F.R. 4934 and 8231 is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. • • •
C. • • •
3. To approve the following:
a. Business loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1. a. through d. and substituting the following in lieu thereof:

I. • • •
K. • • •
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.
c. Simplified bank participation not exceeding $250,000.
d. Simplified early maturities not exceeding $250,000.

Effective date: March 11, 1964.

EDWARD L. TURKINGTON,
Regional Director,
San Francisco Regional Office.

[F.R. Doc. 64–4177; Filed, Apr. 27, 1964; 8:48 a.m.]

[Delegation of Authority No. 30–XIII (Amdt. 4)]

SEATTLE REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30–XIII, as amended, 28 F.R. 4938, 8231, 10593 and 29 F.R. 3253 is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. • • •
C. • • •
3. To approve the following:
a. Business loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1.a. through d. and substituting the following in lieu thereof:

I. • • •
K. • • •
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.
c. Simplified bank participation not exceeding $250,000.
d. Simplified early maturities not exceeding $250,000.

Effective date: March 11, 1964.

WILLIAM S. SCHUMACHER,
Regional Director,
Seattle Regional Office.

[F.R. Doc. 64–4178; Filed, Apr. 27, 1964; 8:48 a.m.]

[Delegation of Authority No. 30–XV (Amdt. 2)]

DETROIT REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4282, Delegation of Authority No. 30–XV, as amended, 28 F.R. 4689 and 8180 is hereby amended by:

A. Deleting subitem I.C.3.a and substituting the following in lieu thereof:

I. • • •
C. • • •
3. To approve the following:
a. Business loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

Effective date: March 11, 1964.

ROBERT F. PHILLIPS,
Regional Director,
Detroit Regional Office.

[F.R. Doc. 64–4179; Filed, Apr. 27, 1964; 8:49 a.m.]

TARIFF COMMISSION

[337–L–29]

WATCHES AND WATCH MOVEMENTS

Notice of Complaint Received

The United States Tariff Commission hereby gives notice of the receipt on April 17, 1964 of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed jointly by the Elgin National Watch Company of Elgin, Ill. and the Hamilton Watch Company of Lancaster, Pa., alleging unfair methods of competition and unfair acts in the importation and sale of watches and watch movements into, and their sale in, the United States.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation.

A copy of the complaint is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the office of the Tariff Commission located in Room 437 of the Customhouse in New York City.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is

received not later than May 25, 1964. Such information should be sent to the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued, April 23, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 64-4186; Filed, Apr. 27, 1964; 8:49 a.m.]

CERTAIN ARTICLES SUBJECT TO RESERVATION FROM TRADE-AGREEMENT NEGOTIATIONS

Report to the President

APRIL 22, 1964.

The Tariff Commission today reported to the President the results of its investigations numbered TEA-225(b)-1 to 15 under section 225(b) of the Trade Expansion Act of 1962. Under conditions set forth in section 225(b), certain articles included in the President's list furnished to the Commission on October 22, 1963, pursuant to section 221 of the Trade Expansion Act, must be reserved from negotiation for the reduction of duty or other import restriction or the elimination of duty. This reservation provision applies to any article with respect to which (1) the Commission in escape-clause proceedings concluded prior to October 11, 1962, found by majority vote that such article was being imported in such increased quantities as to cause or threaten serious injury to an industry, (2) there was not in effect on October 11, 1962, any action taken under section 7 of the Trade Agreements Extension Act of 1951, (3) a request for reservation on behalf of the industry concerned is filed with the Commission not later than 60 days after publication of the President's list, and (4) the Commission finds and advises the President that economic conditions in such industry have not substantially improved since the date of the report of the finding referred to in (1).

The Commission issued a notice on October 22, 1963, of Investigation No. TEA-221(b)-1 with respect to the President's list of articles for possible consideration in trade-agreement negotiations and included in the notice a list of some 18 articles that were subject to request for reservation under section 225(b). Requests for reservation were received by the Commission within the prescribed time period with respect to 15 of the listed articles.[1] In response to these requests, the Commission instituted 15 investigations, and ordered public hearings, for the purpose of determining whether economic conditions in the respective industries have substantially improved since the Commission reported its earlier findings of serious injury or threat thereof. Public hearings were held in connection with the investigations, and all interested parties were given opportunity to be present, to produce evidence, and to be heard.

[1] Requests for reservation were not received with respect to the following articles: alsike clover seed, screen-printed scarves of silk, and violins and violas valued not over $25 each.

The findings of the Commission with respect to the items on which investigations were conducted under section 225 (b) are shown below:

Item (abridged description)	Date of Commission report [1]	Commission finding under sec. 225(b) [2]	Vote of the Commission
Garlic	6-6-62	Improved	6-0
Groundfish fillets	5-7-64 and 10-12-56	Not improved	6-0
Tartaric acid	1-14-59	No finding [3]	6-0
Cream of tartar	1-14-59	Not improved	6-0
Umbrella frames	1-14-58	Not improved	6-0
Baseball and softball gloves and mitts	5-1-61	Not improved	6-0
Hatters' fur	11-9-61	Not improved	6-0
Ceramic mosaic tile	5-10-61	Not improved	6-0
Scissors and shears valued over $1.75 per dozen	3-12-54	Not improved	6-0
Ferrocerium and other cerium alloys	12-21-55	Improved	6-0
Spring type clothespins	9-10-57	Improved (Commissioners Dorfman, Talbot, and Fenn). Not improved (Commissioners Schreiber, Sutton, and Culliton).	3-3
Bicycles	3-14-55	Improved (Commissioners Schreiber and Sutton dissenting).	4-2
Brier tobacco pipes and bowls, valued not over $5 per dozen	11-22-62	Not improved	6-0
Dressmakers' or common pins	1-30-57 and 2-28-62	Not improved	6-0
Velveteens of cotton	10-24-56	Not improved (Commissioners Dorfman and Talbot dissenting).	4-2

[1] The date of the Commission's report of its finding, under sec. 7 of the Trade Agreements Extension Act of 1951 of serious injury or threat thereof to the industry concerned.

[2] "Improved" means that economic conditions in the industry concerned have substantially improved since the date shown in the second column. "Not improved" means that such conditions have not substantially improved since the date (or dates) shown in the second column.

[3] During the course of the investigation it was ascertained that there is no industry in the United States engaged in the production of tartaric acid; hence, the prerequisite request for reservation "on behalf of the industry" could not have been made as required by sec. 225(b).

Each item in the foregoing tabulation for which the Commission finding (by majority vote) is indicated as "not improved" shall be reserved, pursuant to section 225(b), from the forthcoming trade-agreement negotiations for the reduction of duty or other import restriction of the elimination of duty. All other items in the tabulation may be subject to negotiation, and the Commission, in accordance with section 221(b) of the Trade Expansion Act, is submitting its advice to the President on these items of the probable economic effects of modifications of duties or other import restrictions on the domestic industries involved.

The report to the President is not being released to the public because it contains certain information that would reveal the operations of individual firms.

By direction of the Commission.

[SEAL] DONALD N. BENT,
Secretary.

[F.R. Doc. 64-4187; Filed, Apr. 27, 1964; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Apparel Manufacturing Co. of Jackson, Inc., Scotts Hill, Tenn.; effective 4-10-64 to 4-9-65 (ladies' dresses).

Gwen Fashions, Inc., McAllisterville, Pa.; effective 4-10-64 to 4-9-65 (ladies' dresses).

Jocell Originals Division, American Argo Corp., Highway 56 South, Reidsville, Ga.; effective 4-10-64 to 4-9-65 (women's blouses).

Lavonia Industries, Inc., Lavonia, Ga.; effective 4-20-64 to 4-19-65 (women's house dresses).

McEwen Manufacturing Co., McEwen, Tenn.; effective 4-22-64 to 4-21-65 (children's overalls, playsuits and dungarees).

Perry Manufacturing Co., Post Office Box 1027, Industrial Park, Mt. Airy, N.C.; effective 4-14-64 to 4-13-65 (misses' and children's blouses, shorts and slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Cortland Corset Co., Inc., East Court Street, Cortland, N.Y.; effective 4-9-64 to 4-8-65; 10 learners (women's corsets, girdles and foundation garments).

Mode O'Day Co., Plant No. 3, 59 South First West, Logan, Utah; effective 4-24-64 to 4-23-65; 10 learners (women's house and street dresses).

Sportcraft, Inc., 125 South Tamaqua Street, McAdoo, Pa.; effective 4-9-64 to 4-8-65; 10 learners (ladies' slacks, shorts and car coats).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Brevard Manufacturing Co., Inc., 200 McLean Road, Brevard, N.C.; effective 4-9-64 to 10-8-64; 25 learners (children's dresses and blouses).

Collinwood Manufacturing Co., Collinwood, Tenn.; effective 4-10-64 to 10-9-64; 75 learners (women's uniforms).

Covco Garment Co., Corner of Covco and Iris Streets, Sparta, Tenn.; effective 4-15-64 to 10-14-64; 25 learners (men's coveralls, shopcoats and work pants).

Fairchild Tailored Slacks, Inc., Post Office Box F, Tifton, Ga.; effective 4-9-64 to 10-8-64; 30 learners (men's and boys' trousers).

Hopkinsville Clothing Manufacturing Co., Skyline Drive, Hopkinsville, Ky.; effective 4-8-64 to 10-7-64; 60 learners (men's and boys' denim fatigue pants).

Santana Sportswear Co., West Blocton, Ala.; effective 4-13-64 to 10-12-64; 80 learners (boys' pants).

Tracy City Manufacturing Co., Tracy City, Tenn.; effective 4-13-64 to 10-12-64; 100 learners (men's and boys' sport shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 and 522.85, as amended).

General Cigar Co., Inc., Robert Burns Drive, Phillipsburg, Pa.; effective 4-9-64 to 4-8-65; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ballston Knitting Co., Inc., Stillwater, N.Y.; effective 4-8-64 to 4-7-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless woolen hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brookfield Mills, Inc., Sanford, Fla.; effective 4-13-64 to 10-12-64; 20 learners for plant expansion purposes (ladies' swimwear).

Cheri-nit, Inc., Cherryville, N.C.; effective 4-26-64 to 4-25-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' sweaters).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Bow Bra Company, Inc., 48 S.E. 1272, La Riviera, Rio Piedras, P.R.; effective 3-16-64 to 3-15-65; 11 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88¢ an hour for the first 320 hours and 98¢ an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 88¢ an hour (brassieres and corsets).

Clariseal, Inc., Bo. Frailes, P.O. Box 233, Guaynabo, P.R.; effective 4-3-64 to 9-2-64; 20 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations: material preparation; assembly header base seal; assembly window can seal; chemical cleaning; electroplating of parts; inspection and testing, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (hermetic seals).

Dorfman Caribe, Inc., 867-78 Km., Plant 4, Pet State Road, P.O. Box 256, Toa Baja, P.R.; effective 2-24-64 to 8-23-64; 30 learners for plant expansion purposes, in the occupation of watcher, ahuttler, mender, piece sewer, scallop and thread cutter, rolling and straight cutter, each for a learning period of 480 hours at the rates of 78¢ an hour for the first 240 hours and 91¢ an hour for the remaining 240 hour (schiffli embroidery of piece goods).

Fabrica Michael, Inc., Km. 20.9, Road 111, P.O. Box 194, San Sebastian, P.R.; effective 3-16-64 to 9-15-64; 12 learners for plant expansion purposes, in the occupation of sewing machine operator, for a learning period of 480 hours at the rates of 72¢ an hour for the first 240 hours and 84¢ an hour for the remaining 240 hours (children's sleepwear and panties).

Fabrica Michael, Inc., Km. 20.9, Road 111, P.O. Box 194, San Sebastian, P.R.; effective 3-16-64 to 3-15-65; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator, for a learning period of 480 hours at the rates of 72¢ an hour for the first 240 hours and 84¢ an hour for the remaining 240 hours (children's sleepwear and panties).

Ford Precision Products, Inc., Road No. 3, Km. 19.5, P.O. Box 184, Canovanas, P.R.; effective 3-9-64 to 9-8-64; 90 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations, for a learning period of 480 hours at the rates of 94¢ an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (ball bearings).

Isabel Products, Inc., P.O. Box 816, Santa Isabel, P.R.; effective 3-16-64 to 9-15-64; 30 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88¢ an hour for the first 320 hours and 98¢ an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88¢ an hour (girdles and brassieres).

Isabel Products, Inc., P.O. Box 818, Santa Isabel, P.R.; effective 3-16-64 to 3-15-65; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88¢ an hour for the first 320 hours and 98¢ an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88¢ an hour (girdles and brassieres).

Isabela Vieques Corp., P.O. Box 398, Isabel Segunda, Vieques, P.R.; effective 3-19-64 to 9-18-64; 20 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 71¢ an hour for the first 240 hours and 82¢ an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 71¢ an hour (dress shirts).

Syl-Bee Manufacturing Co., Inc., P.O. Box 507, Aguas Buenas, P.R.; effective 3-9-64 to 9-8-64; 50 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88¢ an hour for the first 320 hours and 98¢ an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88¢ an hour (brassieres and corsets).

Sylvia Bra Inc., a Delaware corp., P.O. Box 397, Aguas Buenas, P.R.; effective 3-16-64 to 3-15-65; 35 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88¢ an hour for the first 320 hours and 98¢ an hour for the remaining 160 hours (brassieres and corsets).

The following learner certificates were issued in the Virgin Islands to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are indicated.

Belair Time Corp., La Grande Princesse, Christiansted, St. Croix, U.S.V.I.; effective 3-16-64 to 9-15-64; 5 learners for plant expansion purposes, in the occupation of watch assembler for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours (assembly of watch movements).

Belair Time Corp., La Grande Princesse, Christiansted, St. Croix, U.S.V.I., effective 3-16-64 to 3-15-65; 5 learners for normal labor turnover purposes, in the occupation of watch assembler for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours (assembly of watch movements).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 17th day of April 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-4136; Filed, Apr. 27, 1964; 8:45 a.m.]

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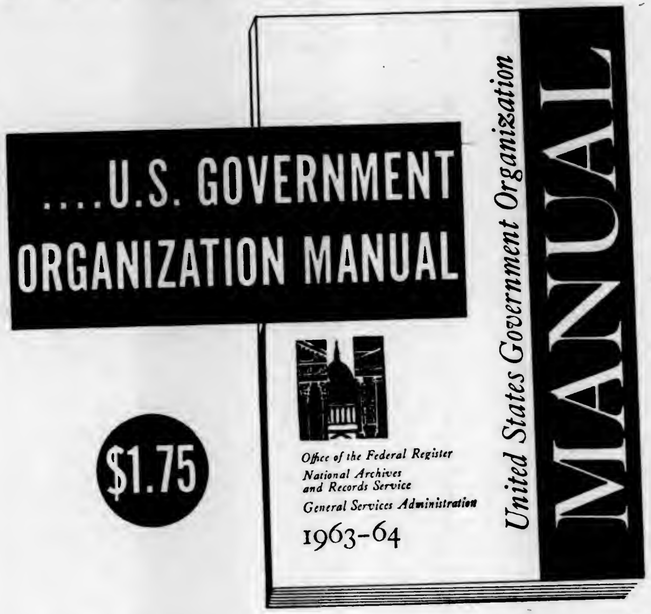
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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 5018; Amdt. 114]

PART 95—IFR ALTITUDES [NEW]

Miscellaneous Amendments

This amendment is adopted to provide safety in air commerce for IFR operations by prescribing the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes also assure navigational coverage that is adequate and free of frequency interference for such a route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] (14 CFR Part 95 [New]) is amended as follows:

Section 95.101 *Amber Federal airway 1* is amended to read in part:

From Cape Spencer INT, Alaska; to Yakutat, Alaska, LFR; MEA 2,000.
From Yakutat, Alaska, LFR; to Cape Suckling INT, Alaska; MEA 2,000

Section 95.1001 *Direct route—U.S.* is amended to delete:

From Gull INT, La.; to New Orleans, La., VOR; MEA 1,900.
From Denver, Colo., VOR; to Colorado Springs, Colo., VOR; MEA 10,000.
From Farmington, N. Mex., VOR; to La Sal, Utah, VOR; MEA *12,000. *10,600—MOCA.
From Carlsbad, N. Mex., VOR; to Gore INT, Tex.; MEA 6,000.
From Culberson, Tex., VOR; to Gore INT, Tex.; MEA 6,300.
From Dubois, Idaho, VOR; to Ashton INT, Idaho; MEA 10,000.
From Idaho Falls, Idaho, LF/RBN; to Ashton INT, Idaho; MEA 8,000.

Section 95.1001 *Direct route—U.S.* is amended by adding:

From Moultrie, Ga., VOR; to Tallahassee, Fla., VOR; MEA *1,800. *1,400—MOCA.
From Hattiesburg, Miss., VOR; to Laurel, Miss., VOR; MEA 1,800.
From Laurel, Miss., VOR; to Louin INT, Miss.; MEA 1,800.

Section 95.1001 *Direct route—U.S.* is amended to read in part:

From Dulac INT, La.; to Tibby, La., VOR via TBD 160 M rad; MEA *2,200. *1,500—MOCA.
From Dulac INT, La.; to New Orleans, La., VOR via MSY 206 M rad; MEA 2,200.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

From Kennedy, N.Y., VOR; to Int. 011 M rad Kennedy VOR and 217 M rad Carmel VOR; MEA *2,500. *1,500—MOCA.
From Int. 011 M rad Kennedy VOR and 217 M rad Carmel VOR; to Carmel, N.Y., VOR; MEA *2,500. *1,900—MOCA.
From Carmel, N.Y., VOR; to Poughkeepsie, N.Y., VOR; MEA *3,000. *2,600—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From Buffalo, N.Y., VOR; to Rochester, N.Y., VOR; MEA 2,600.
From Rochester, N.Y., VOR; to Plainville INT, N.Y.; MEA 2,200.
From Plainville INT, N.Y.; to Syracuse, N.Y., VOR; MEA 2,000.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

From Solberg, N.J., VOR; to Carmel, N.Y., VOR; MEA *2,000. *1,900—MOCA.
From Carmel, N.Y., VOR; to Bethany INT, Conn.; MEA 2,100.
From Daytona Beach, Fla., VOR; to *Bunnell INT, Fla.; MEA **1,500. *3,000—MRA. **1,300—MOCA.
From Daytona Beach, Fla., VOR via E alter.; to *Croaker INT, Fla., via E alter.; MEA **1,500.—*3,500—MRA. **1,300—MOCA.
From *Catherine INT, Ga., via E alter.; to **Keller INT, Ga., via E alter.; MEA ***1,600. *4,000—MRA. **4,500—MRA. ***1,500—MOCA.
From Keller INT, Ga., via E alter.; to Savannah, Ga., VOR; via E alter.; MEA *1,600. *1,500—MOCA.
From Savannah, Ga., VOR; to Vance, S.C., VOR; MEA *1,600. *1,500—MOCA.
From *Chase City INT, Va.; to Nutbush INT, Va.; MEA 2,500. *3,500—MCA Chase City INT, southbound.
From Nutbush INT, Va.; to Flat Rock, Va., VOR; MEA 2,000.
From Flat Rock, Va., VOR; to Brooke, Va., VOR; MEA 2,000.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

From Evansville, Ind., VOR via N alter.; to Holland INT, Ind., via N alter.; MEA *2,500. *2,000—MOCA.
From Holland INT, Ind., via N alter.; to *St. Marks INT, Ind., via N alter.; MEA **3,000. *3,000—MRA. **1,700—MOCA.
From St. Marks INT, Ind., via N alter.; to Int. 251 M rad Nabb VOR and 283 M rad Louisville VOR via N alter.; MEA *3,300. *2,300—MOCA.
From Int. 251 M rad Nabb VOR and 283 M rad Louisville VOR via N alter.; to Louisville, Ky., VOR via N alter.; MEA 2,500.

Section 95.6004 *VOR Federal airway 4* is amended to delete:

From Rock Springs, Wyo., VOR via N. alter.; to Cherokee, Wyo., VOR via N alter.; MEA 10,000.
From Thurman, Colo., VOR via N alter.; to Goodland, Kans., VOR via N. alter.; MEA *6,500. **5,800—MOCA.
From Goodland, Kans., VOR via N alter.; to Hill City, Kans., VOR via N alter.; MEA 5,500.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

From *Baxley INT, Ga., via E alter.; to Dublin, Ga., VOR via E alter.; MEA **3,000. *3,000—MRA. **1,700—MOCA.
From Folkston INT, Ga.; to Alma, Ga., VOR; MEA *2,000. *1,700—MOCA.
From Cabins INT, Ga., via W alter.; to *Bolen INT, Ga., via W alter.; MEA **2,000. *2,100—MRA. **1,700—MOCA.
From Bolen INT, Ga., via W alter.; to Alma, Ga., VOR, via W alter.; MEA *2,000. *1,700—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

From Brighton INT, Ind.; to Pioneer INT, Ohio; MEA *4,000. *2,300—MOCA.
From Pioneer INT, Ohio; to Waterville, Ohio, VOR; MEA 3,000.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

From Lakeland, Fla., VOR; to Dade City INT, Fla.; MEA *1,700. *1,500—MOCA.
From Creek INT, Fla., via W alter.; to Blountstown INT, Fla., via W alter.; MEA *2,000. *1,400—MOCA.
From Blountstown INT, Fla., via W alter.; to Marianna, Fla., VOR via W alter.; MEA *2,000. *1,500—MOCA.
From Evansville, Ind., VOR; to Decker INT, Ind.; MEA 2,000. *2,300—MRA.
From Decker INT, Ind.; to Lewis, Ind., VOR; MEA *2,400. *2,000—MOCA.
From Westpoint, Ind., VOR; to Lafayette, Ind., VOR; MEA *2,500. *2,000—MOCA.
From Lafayette, Ind., VOR; to *Zoro INT, Ind.; MEA **2,500. *2,500—MRA. **2,000—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From Briggs, Ohio, VOR; to Kilgore INT, Ohio; MEA 3,100.
From Kilgore INT, Ohio; to Pittsburgh, Pa., VOR; MEA 3,000.
From Pittsburg, Pa., VOR; to Scottdale INT, Pa.; MEA 3,100.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

From Atlanta INT, Ill.; to Pontiac, Ill., VOR; MEA 2,400.
From Pontiac, Ill., VOR; to Joliet, Ill., VOR; MEA *2,800. *2,000—MOCA.
From Sardis INT, Miss., via E alter.; to Independence INT, Miss., via E alter.; MEA *2,000. *1,700—MOCA.
From Independence INT, Miss., via E alter.; to Memphis, Tenn., VOR via E alter.; MEA *1,900. *1,600—MOCA.
From Coldwater INT, Miss.; to Memphis, Tenn., VOR; MEA *1,900. *1,600—MOCA.
From Greenwood, Miss., VOR via W alter.; to Arkabutla INT, Miss., via W alter.; MEA *2,000. *1,500—MOCA.
From Arkabutla INT, Miss., via W alter.; to Memphis, Tenn., VOR via W alter.; MEA *1,900. *1,600—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to delete:

From Lamar, Colo., VOR via N alter.; to *Tuttle INT, Kans., via N alter.; MEA **5,700. *6,000—MRA. **5,100—MOCA.
From Tuttle INT, Kans., via N alter.; to Garden City, Kans., VOR via N alter.; MEA *6,000. *5,500—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

From Bradford, Ill., VOR; to Triumph INT, Ill.; MEA *2,700. *2,000—MOCA.

From Triumph INT, Ill.; to Joliet, Ill., VOR; MEA *2,500. *2,000—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

From Hobbs, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA 10,000.
From Tucumcari, N. Mex., VOR; to Liberal, Kans., VOR; MEA 7,000.
From Liberal, Kans., VOR; to Hutchinson, Kans., VOR; MEA 3,000.

Section 95.6011 *VOR Federal airway 11* is amended to delete:

From Hutchinson, Kans., VOR; to Salina, Kans., VOR; MEA 2,500.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

From Buffalo, N.Y., VOR; to Batavia, N.Y., VOR; MEA 2,500.
From Batavia, N.Y., VOR; to Rochester, N.Y., VOR; MEA 2,500.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6022 *VOR Federal airway 22* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6024 *VOR Federal airway 24* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6027 *VOR Federal airway 27* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6028 *VOR Federal airway 28* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6029 *VOR Federal airway 29* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6031 *VOR Federal airway 31* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6032 *VOR Federal airway 32* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6033 *VOR Federal airway 33* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6034 *VOR Federal airway 34* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6036 *VOR Federal airway 36* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6040 *VOR Federal airway 40* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6041 *VOR Federal airway 41* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6043 *VOR Federal airway 43* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6046 *VOR Federal airway 46* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6048 *VOR Federal airway 48* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6049 *VOR Federal airway 49* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6057 *VOR Federal airway 57* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6058 *VOR Federal airway 58* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6059 *VOR Federal airway 59* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6060 *VOR Federal airway 60* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6061 *VOR Federal airway 61* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6064 *VOR Federal airway 64* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6065 *VOR Federal airway 65* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6067 *VOR Federal airway 67* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6073 *VOR Federal airway 73* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6075 *VOR Federal airway 75* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6078 *VOR Federal airway 78* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6079 *VOR Federal airway 79* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6080 *VOR Federal airway 80* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6083 *VOR Federal airway 83* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6085 *VOR Federal airway 85* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6087 *VOR Federal airway 87* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6089 *VOR Federal airway 89* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6090 *VOR Federal airway 90* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6091 *VOR Federal airway 91* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6093 *VOR Federal airway 93* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6096 *VOR Federal airway 96* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6098 *VOR Federal airway 98* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6099 *VOR Federal airway 99* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6101 *VOR Federal airway 101* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6104 *VOR Federal airway 104* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6105 *VOR Federal airway 105* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6106 *VOR Federal airway 106* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 2,000.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 2,000.

Section 95.6107 *VOR Federal airway 107* is amended to read in part:

From Lake Charles, La., VOR; to Lafayette, La., VO

From Triumph INT, Ill.; to Naperville, Ill., VOR; MEA 2,000.

Section 95.6012 *VOR Federal airway 12* is amended to delete:

From Pittsburgh, Pa., VOR via S alter.; to *Scottdale INT, Pa., via S alter.; MEA 3,100. **4,000—MCA Scottdale INT, eastbound.
From Scottdale INT, Pa., via S alter.; to Johnstown, Pa., VOR via S alter.; MEA 4,500.
From Winslow, Ariz., VOR, via S alter.; to Zuni, N. Mex., VOR, via S alter.; eastbound, MEA 9,000; westbound, MEA 6,000.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

From Hobart, Okla., VOR; to *Washita INT, Okla.; MEA **3,800. *3,500—MRA. **3,100—MOCA.
From Washita INT, Okla.; to Oklahoma City, Okla., VOR; MEA *3,000. *2,500—MOCA.
From *Norge INT, Okla., via S alter.; to Oklahoma City, Okla., VOR via S alter.; MEA **3,000. *5,000—MRA. **2,400—MOCA.
From Guthrie INT, Okla., via N alter.; to Stillwater INT, Okla., via N alter.; MEA *3,000. *2,400—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

From Sioux Falls, S. Dak., VOR via W alter.; to Canova INT, S. Dak., via W alter.; MEA 3,000.
From Canova INT, S. Dak., via W alter.; to Huron, S. Dak., VOR via W alter; MEA *3,000. *2,500—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

From Big Spring, Tex., VOR; to *Loraine INT, Tex.; MEA **4,000. *6,500—MRA. **3,800—MOCA.
From Int. 075 M rad Pine Bluff VOR and 220 M rad Memphis VOR via S alter.; to Eudora INT, Miss., via S alter.; MEA *3,000. *1,600—MOCA.
From Eudora INT, Miss., via S alter.; to Memphis, Tenn., VOR via S alter.; MEA *1,900. *1,500—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

From *Alex INT, Okla.; to Oklahoma City, Okla., VOR; MEA **2,800. *2,900—MCA Alex INT, southbound. **2,500—MOCA.
From Oklahoma City, Okla., VOR; to Calumet INT, Okla.; MEA *3,000. *2,500—MOCA.
From Calumet INT, Okla.; to Omega INT, Okla.; MEA *3,100. *2,600—MOCA.
From Oklahoma City, Okla., VOR via W alter.; to Weatherford INT, Okla., via W alter.; MEA *3,500. *3,100—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

From Monroe, La., VOR; to *Redwood INT, Miss.; MEA **2,000. *3,500—MRA. **1,700—MOCA.
From Redwood INT, Miss.; to Jackson, Miss., VOR; MEA *2,000. *1,600—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

From South Boston, Va., VOR; to Nutbush INT, Va.; MEA 2,300.
From Nutbush INT, Va.; to Richmond, Va., VOR; MEA 2,000.
From Richmond, Va., VOR; to Tappahannock INT., Va.; MEA 2,000.
From South Boston, Va., VOR via N alter.; to Flat Rock, Va., VOR via N alter.; MEA 2,500.

Section 95.6022 *VOR Federal airway 22* is amended to read in part:

From Marianna, Fla., VOR; to Blountstown INT., Fla.; MEA *2,000. *1,500—MOCA.

Section 95.6023 *VOR Federal airway 23* is amended to delete:

From Medford, Oreg., VOR via E alter.; to Eugene, Oreg., VOR via E alter.; MEA 11,500.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

From Portland, Oreg., VOR; to *Mayfield INT, Wash.; MEA 6,000. *7,000—MRA.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

From Nero INT, Wis.; to Walkerville INT, Mich.; MEA *5,000. *2,100—MOCA.
From Walkerville INT, Mich.; to White Cloud, Mich., VOR; MEA *2,600. *2,100—MOCA.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

From Litchfield, Mich., VOR; to Hudson INT, Mich.; MEA *3,000. *2,200—MOCA.
From Hudson INT, Mich.; to Waterville, Ohio, VOR; MEA 2,500.
From Milwaukee, Wis., VOR via S alter.; to Pike INT, Wis., via S alter.; MEA *2,700. *2,500—MOCA.

Section 95.6031 *VOR Federal airway 31* is amended to read in part:

From Fishers INT, N.Y.; to Rochester, N.Y., VOR; MEA 2,700.

Section 95.6032 *VOR Federal airway 32* is amended to delete:

From Battle Mountain, Nev., VOR via N alter.; to Elko, Nev., VOR via N alter.; MEA 11,000.

Section 95.6034 *VOR Federal airway 34* is amended to read in part:

From Newburgh INT, N.Y.; to Carmel, N.Y., VOR; MEA *3,000. *2,700—MOCA.
From Carmel, N.Y., VOR; to Riverhead, N.Y., VOR; MEA 2,000.
From Rochester, N.Y., VOR; to Fishers INT, N.Y.; MEA 2,700.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

From St. Petersburg, Fla., VOR via W alter.; to *Oyster INT, Fla., via W alter.; MEA **1,600. *3,400—MRA. **1,300—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

From Savannah, Ga., VOR via W alter.; to Marlow INT, Ga., via W alter.; MEA *1,700. *1,400—MOCA.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

From Fort Wayne, Ind., VOR; to Findlay, Ohio, VOR; MEA 2,500.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

From Patton INT, Ind.; to *Decker INT, Ind.; MEA **2,300. *2,300—MRA. **1,600—MOCA.

Section 95.6047 *VOR Federal airway 47* is amended by adding:

From Evansville, Ind., VOR; to Holland INT, Ind.; MEA *2,500. *2,000—MOCA.
From Holland INT, Ind.; to *St. Marks INT, Ind.; MEA **3,000. *3,000—MRA. **1,700—MOCA.
From St. Marks INT, Ind.; to Nabb, Ind., VOR; MEA *3,300. *2,300—MOCA.

Section 95.6048 *VOR Federal airway 48* is amended to read in part:

From London INT, Ill.; to Peoria, Ill., VOR; MEA *2,300. *1,800—MOCA.
From Peoria, Ill., VOR; to Mora INT, Ill.; MEA *2,400. *2,300—MOCA.
From Mora INT, Ill.; to Pontiac, Ill., VOR; MEA *2,400. *2,000—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

From Cabins INT, Ga., via W alter.; to *Bolen INT, Ga., via W alter.; MEA **2,000. *2,100—MRA. **1,700—MOCA.
From Bolen INT, Ga., via W alter.; to Alma, Ga., VOR via W alter.; MEA *2,000. *1,700—MOCA.
From Daytona Beach, Fla., VOR; to *Bunnell INT, Fla.; MEA **1,500. *3,000—MRA. **1,300—MOCA.
From Folkston INT, Ga.; to Alma, Ga., VOR; MEA *2,000. *1,700—MOCA.
From Stockwell INT, Ind.; to Lafayette, Ind., VOR; MEA *2,500. *2,300—MOCA.
From Lafayette, Ind., VOR; to *Zoro INT, Ind.; MEA **2,500. *2,500—MRA. **2,000—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

From Linden INT, Ind.; to Westpoint, Ind., VOR; MEA *2,500. *2,000—MOCA.
From Westpoint, Ind., VOR; to Peotone, Ill., VOR; MEA *2,600. *2,000—MOCA.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

From Muskegon, Mich, VOR; to Whitehall INT, Mich.; MEA *2,400. *2,100—MOCA.
From Whitehall INT, Mich.; to Nero INT, Wis.; MEA *5,000. *2,100—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

From Macon, Ga., VOR; to *Anna INT, Ga.; MEA **2,000. *2,600—MRA. **1,800—MOCA.
From Anna INT, Ga.; to Augusta, Ga., VOR; MEA *2,000. *1,800—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

From Junction, Tex., VOR; to *Doss INT, Tex.; MEA 3,700. *5,000—MRA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

From Atlanta INT, Ill.; to Pontiac, Ill., VOR; MEA 2,400.
From Pontiac, Ill., VOR; to Joliet, Ill., VOR; MEA *2,300. *2,000—MOCA.
From Shreveport, La., VOR via W alter.; to *Cotton INT, La., via W alter.; MEA **1,800. *2,000—MRA. **1,300—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

From Galveston, Tex., VOR; to Sabine Pass, Tex., VOR; MEA 1,500.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

From State Line INT, Ind.; to Westpoint, Ind., VOR; MEA *2,500. *1,900—MOCA.
From Westpoint, Ind., VOR; to Lafayette, Ind., VOR; MEA *2,500. *2,000—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

From *Alex INT, Okla., via E alter.; to Oklahoma City, Okla., VOR via E alter.; MEA **2,800. *2,900—MCA Alex INT, southbound. **2,500—MOCA.
From *Norge INT, Okla.; to Oklahoma City, Okla., VOR; MEA **3,000. *5,000—MRA. **2,400—MOCA.
From Oklahoma City, Okla., VOR; to Ponca City, Okla., VOR; MEA *2,900. *2,500—MOCA.

From Guthrie INT, Okla., via E alter.; to Stillwater INT, Okla., via E alter.; MEA *3,000. *2,400—MOCA.
From Stillwater INT, Okla., via E alter.; to Ponca City, Okla., VOR via E alter.; MEA *3,000. *2,500—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to delete:

From Dalhart, Tex., VOR via W alter.; to Clayton, N. Mex., VOR via W alter.; MEA *7,000. *6,500—MOCA.
From Clayton, N. Mex., VOR via W alter.; to Tobe, Colo., VOR via W alter.; MEA 9,000.

Section 95.6091 *VOR Federal airway 91* is amended to read in part:

From Poughkeepsie, N.Y., VOR; to Albany, N.Y., VOR; MEA 2,600.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

From Edgerton INT, Ohio; to Gerald INT, Ohio; MEA 3,000.
From Gerald INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

From Stockwell INT, Ind.; to Lafayette, Ind., VOR; MEA *2,500. *2,300—MOCA.
From Stockwell INT, Ind., via W alter.; to Lafayette, Ind., VOR via W alter.; MEA *2,500. *2,300—MOCA.
From Lafayette, Ind., VOR; to *Zoro INT, Ind.; MEA **2,500. *2,500—MRA. **2,000—MOCA.
From Miami, Fla., VOR; to Cypress INT, Fla.; MEA *1,500. *1,100—MOCA.
From Cypress INT, Fla.; to Seminole INT, Fla.; MEA *1,700. *1,100—MOCA.
From St. Petersburg, Fla., VOR; to *Retirement INT, Fla.; MEA **1,700. *2,200—MRA. **1,300—MOCA.

Section 95.6098 *VOR Federal airway 98* is amended to read in part:

From U.S.-Canadian Border; to Massena, N.Y., VOR; MEA *2,000. *1,600—MOCA.

Section 95.6116 *VOR Federal airway 116* is amended to read in part:

From Canton INT, Ill.; to Peoria, Ill., VOR; MEA *2,300. *2,000—MOCA.
From Peoria, Ill., VOR; to Washburn INT, Ill.; MEA *2,300. *1,900—MOCA.
From Washburn INT, Ill.; to Marseilles INT, Ill.; MEA *2,500. *2,000—MOCA.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

From Geneseo, N.Y., VOR; to Rochester, N.Y., VOR; MEA 2,700.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

From Pierre, S. Dak., VOR; to Shephan INT, S. Dak.; MEA 3,400.
From Stephan INT, S. Dak.; to Canova INT, S. Dak.; MEA *5,800. *3,300—MOCA.
From Canova INT, S. Dak.; to Sioux Falls, S. Dak., VOR; MEA 3,000.

Section 95.6121 *VOR Federal airway 121* is amended to read in part:

From Milo INT, Oreg.; to *Roseburg, Oreg. VOR; westbound, MEA 5,500; eastbound, MEA 7,000. *5,700—MCA Roseburg VOR, eastbound.

Section 95.6123 *VOR Federal airway 123* is amended to read in part:

From La Guardia, N.Y., VOR; to Carmel, N.Y., VOR; MEA *2,500. *1,400—MOCA.
From Carmel, N.Y., VOR; to Westfield, Mass., VOR; MEA 3,000.

Section 95.6126 *VOR Federal airway 126* is amended to read in part:

From Edgerton INT, Ohio; to Gerald INT, Ohio; MEA 3,000.
From Gerald INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

From Peotone, Ill., VOR; to Westpoint, Ind., VOR; MEA *2,600. *2,000—MOCA.
From Westpoint, Ind., VOR; to Linden INT, Ind.; MEA *2,500. *2,000—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

From Amarillo, Tex., VOR via N alter.; to Int. 278 M rad Sayre VOR and 061 M rad Amarillo VOR via N alter.; MEA *5,300. *4,700—MOCA.
From Int. 278 M rad, Sayre VOR, and 061 M rad, Amarillo VOR via N alter.; to Sayre, Okla., VOR via N alter.; MEA *4,800. *4,600—MOCA.
From Weatherford INT, Okla.; to Omega INT, Okla.; MEA *4,000. *3,800—MOCA.

Section 95.6143 *VOR Federal airway 143* is amended to read in part:

From Sandy River INT, N.C.; to Hurt INT, Va.; MEA 4,000.
From Hurt INT, Va.; to Lynchburg, Va., VOR; MEA 3,000.

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

From Fort Wayne, Ind., VOR; to Findlay, Ohio, VOR; MEA 2,500.

Section 95.6147 *VOR Federal airway 147* is amended to read in part:

From Elmira, N.Y., VOR; to Geneseo, N.Y., VOR; MEA 3,900.
From Geneseo, N.Y., VOR; to Rochester, N.Y., VOR; MEA 2,100.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

From Lakeland, Fla., VOR via S alter.; to *Campbell INT, Fla., via S alter.; MEA **1,700. *3,000—MRA. **1,500—MOCA.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

From Lotts INT, Ga.; to Savannah, Ga., VOR; MEA *1,700. *1,400—MOCA.

Section 95.6155 *VOR Federal airway 155* is amended to read in part:

From Lawrenceville, Va., VOR; to McKenney INT, Va.; MEA 2,000.
From McKenney INT, Va.; to Amelia INT, Va.; MEA 1,900.
From Amelia INT, Va.; to Stevens INT, Va.; MEA 1,800.
From Stevens INT, Va.; to Flat Rock, Va., VOR; MEA 2,000.
From Flat Rock, Va., VOR; to Gordonsville, Va., VOR; MEA 2,200.

Section 95.6156 *VOR Federal airway 156* is amended to read in part:

From Richmond, Va., VOR; to New Kent INT, Va.; MEA *2,000. *1,400—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

From Miami, Fla., VOR; to Cypress INT, Fla.; MEA *1,500. *1,100—MOCA.
From Cypress INT, Fla.; to Seminole INT, Fla.; MEA *1,700. *1,100—MOCA.
From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *1,700. *1,400—MOCA.
From Dukes INT, Fla.; to Taylor, Fla., VOR; MEA *2,000. *1,500—MOCA.
From Alma, Ga., VOR; to *Baxley INT, Ga.; MEA **2,000. *3,000 — MRA. **1,500 — MOCA.

From Baxley INT, Ga.; to Lotts INT, Ga.; MEA *2,000. *1,500—MOCA.
From Lawrenceville, Va., VOR; to Dalton INT, Va.; MEA 2,000.
From Dalton INT, Va.; to Petersburg INT, Va.; MEA 1,800.
From Petersburg INT, Va.; to Richmond, Va., VOR; MEA 1,700.
From Richmond, Va., VOR; to Grubbs INT, Va.; MEA 2,000.
From Grubbs INT, Va.; to Ironsides INT, Md.; MEA *2,000. *1,300—MOCA.
From Richmond, Va., VOR via W alter.; to Brooke, Va., VOR via W alter.; MEA 2,000.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

From Ocala, Fla., VOR; to Gainesville, Fla.; VOR; MEA *1,700. *1,400—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

From Ardmore, Okla., VOR; to *Maysville INT, Okla.; MEA **3,000. *3,200—MRA. **2,600—MOCA.
From Maysville INT, Okla.; to *Washington INT, Okla.; MEA **2,800. *4,000—MRA. **2,300—MOCA.
From Washington INT, Okla.; to Oklahoma City, Okla., VOR; MEA *2,800. *2,300—MOCA.
From Ardmore, Okla., VOR via W alter.; to Alex INT, Okla., via W alter.; MEA *3,000. *2,400—MOCA.
From Alex INT, Okla., via W. alter.; to Oklahoma City, Okla., VOR via W alter.; MEA *2,800. *2,500—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

From Danville, Ill., VOR; to Peotone, Ill., VOR; MEA *2,500. *1,900—MOCA.
From Joliet, Ill., VOR; to Hinckley INT, Ill.; MEA 2,000.
From Hinckley INT, Ill.; to Malta INT, Ill.; MEA 2,100.

Section 95.6173 *VOR Federal airway 173* is amended to read in part:

From Kenney INT, Ill.; to Roberts, Ill., VOR; MEA 2,500.
From Roberts, Ill., VOR; to *Manteno INT, Ill.; MEA **2,600. *2,500—MRA. **2,000—MOCA.

Section 95.6185 *VOR Federal airway 185* is amended to read in part:

From Savannah, Ga., VOR; to Kildare INT, Ga.; MEA *1,600. *1,500—MOCA.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

From *Billings, Mont., VOR; to **Ryegate INT, Mont.; MEA 6,000. *8,000—MCA Billings VOR, southbound. **8,000—MRA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

From Memphis, Tenn., VOR; to Gilmore INT, Ark.; MEA *2,000. *1,700—MOCA.
From Gilmore INT, Ark.; to Walnut Ridge, Ark., VOR; MEA 2,300.
From Roberts, Ill., VOR; to *Manteno INT, Ill.; MEA **2,600. *2,500—MRA. **2,000—MOCA.
From Horlick INT, Wis.; to Pike INT, Wis.; MEA *3,000. *2,000—MOCA.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

From *Norwood INT, N.C.; to Goldston INT, N.C.; MEA **4,000. *3,000—MRA. **1,900—MOCA.

Section 95.6213 *VOR Federal airway 213* is amended to read in part:

From Emporia INT, Va.; to Hopewell, Va., VOR; MEA 2,000.

From Hopewell, Va., VOR; to Tappahannock INT, Va.; MEA 2,000.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

From Columbus, Ohio, ILS loc.; to Zanesville, Ohio, VOR; MEA 2,600.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

From Franksville INT, Wis.; to Pike INT, Wis.; MEA *4,000. *2,000—MOCA.

Section 95.6227 *VOR Federal airway 227* is amended to read in part:

From Linden INT, Ind.; to Lafayette, Ind., VOR; MEA *2,600. *2,000—MOCA.

Section 95.6233 *VOR Federal airway 233* is amended to read in part:

From *Luther INT, Ill.; to **Pekin INT, Ill.; MEA ***2,300. *2,800—MRA. **2,900—MRA. ***1,700—MOCA.

From Pekin INT, Ill.; to Peoria, Ill., VOR; MEA *2,200. *1,700—MOCA.

From Capital, Ill., VOR via E alter.; to Peoria, Ill., VOR via E alter.; MEA *2,500. *2,300—MOCA.

Section 95.6234 *VOR Federal airway 234* is amended to read in part:

From Dalhart, Tex., VOR; to Int. 222 M rad, Liberal VOR, and 343 M rad, Borger VOR; MEA 5,200.

From Int. 222 M rad, Liberal VOR, and 343 M rad, Borger VOR; to Liberal, Kans., VOR; MEA *4,800. *4,700—MOCA.

Section 95.6237 *VOR Federal airway 237* is added to read:

From Needles, Calif., VOR; to Willow Beach, INT, Nev.; MEA 7,500.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

From Folkston INT, Ga.; to Alma, Ga., VOR; MEA *2,000. *1,700—MOCA.

From Bowling Green, Ky., VOR; to *St. Marks INT, Ind.; MEA **3,000. *3,000—MRA. **2,500—MOCA.

From St. Marks INT, Ind.; to Scotland, Ind., VOR; MEA *2,500. *2,000—MOCA.

Section 95.6251 *VOR Federal airway 251* is amended to read in part:

From Sparta, N.J., VOR; to Int. 093 M rad, Sparta VOR, and 244 M rad, Carmel VOR; MEA 2,500.

From Int. 093 M rad, Sparta VOR, and 244 M rad, Carmel VOR; to Carmel, N.Y., VOR; MEA *2,000. *1,900—MOCA.

Section 95.6252 *VOR Federal airway 252* is amended to read in part:

From Geneseo, N.Y., VOR; to Dundee INT, N.Y.; MEA 4,000.

From Dundee INT, N.Y.; to Watkins Glen, N.Y., VOR; MEA 3,500.

Section 95.6260 *VOR Federal airway 260* is amended to read in part:

From Lynchburg, Va., VOR; to Cumberland INT, Va.; MEA 3,000.

From Richmond, Va., VOR; to Hopewell, Va., VOR; MEA 1,700.

From Swiss INT, W. Va., via N alter; to Rainelle, W. Va., VOR via N alter.; MEA 5,600.

Section 95.6262 *VOR Federal airway 262* is amended to read in part:

From Peoria, Ill., VOR; to *Dunlap INT, Ill.; MEA **2,300. *3,000—MRA. **1,800—MOCA.

From Dunlap INT, Ill.; to Bradford, Ill., VOR; MEA *2,400. *2,100—MOCA.

From Bradford, Ill., VOR; to Joliet, Ill., VOR; MEA *2,500. *2,100—MOCA.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

From South Boston, Va., VOR; to Chase City INT, Va.; MEA 2,100.

From Chase City INT, Va.; to Lawrenceville INT, Va.; MEA 2,000.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

From *Baxley INT, Ga.; to Dublin, Ga., VOR; MEA **3,000. *3,000—MRA. **1,700—MOCA.

Section 95.6272 *VOR Federal airway 272* is amended to read in part:

From Bessie INT, Okla.; to Union INT, Okla.; MEA *3,500. *2,900—MOCA.

From Union INT, Okla.; to Oklahoma City, Okla., VOR; MEA *2,900. *2,500—MOCA.

From Weatherford INT, Okla., via N alter.; to Oklahoma City, Okla., VOR via N alter.; MEA *3,500. *3,100—MOCA.

From Sayre, Okla., VOR via S alter.; to *Washita INT, Okla., via S alter.; MEA **4,000. *4,000—MCA Washita INT, westbound. *3,500—MRA. **3,500—MOCA.

From Washita INT, Okla., via S alter.; to Oklahoma City, Okla., VOR via S alter.; MEA *3,000. *2,500—MOCA.

Section 95.6277 *VOR Federal airway 277* is amended to read in part:

From Fort Wayne, Ind., VOR; to Millersburg INT, Ind.; MEA 2,600.

Section 95.6283 *VOR Federal airway 283* is amended to read in part:

From Pyramid INT, Nev.; to *Bonham INT, Nev.; northbound, MEA **14,000; southbound, MEA **12,000. *14,000—MRA. **10,700—MOCA.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

From Portland, Oreg., VOR; to *Mayfield INT, Wash.; MEA 6,000. *7,000—MRA.

Section 95.6288 *VOR Federal airway 288* is amended to read in part:

From *Corinne INT, Utah; to Fort Bridger, Wyo., VOR; MEA 13,000. #*13,000—MRA. #Not applicable using Corinne RBn to determine intersection.

Section 95.6295 *VOR Federal airway 295* is amended to read in part:

From Indian River INT, Fla., via E alter.; to Orlando, Fla., VOR via E alter.; MEA *1,600. *1,400—MOCA.

Section 95.6300 *VOR Federal airway 300* is amended to read in part:

From U.S.-Canadian border; to Camp INT, Maine; MEA 5,700.

From Camp INT, Maine; to Millinocket, Maine, VOR; MEA 7,000.

From Whitefish, Mich., VOR via N alter.; to Sault Ste. Marie, Mich., VOR via N alter.; MEA 2,400.

Section 95.6401 *Hawaii VOR Federal airway 1* is amended to read in part:

From *Lanai, Hawaii, VOR; to Keiki INT, Hawaii; MEA **5,000. *5,000—MCA Lanai VOR, eastbound. **4,700—MOCA.

From Keiki INT, Hawaii; to *Mango INT, Hawaii; MEA **3,000. *4,800—MCA Mango INT, eastbound. **2,500—MOCA.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

From *Lanai, Hawaii, VOR; to Keiki INT, Hawaii; MEA **5,000. *5,000—MCA Lanai VOR, eastbound. **4,700—MOCA.

From Keiki INT, Hawaii; to *Mango INT, Hawaii; MEA **3,000. *4,800—MCA Mango INT, eastbound. **2,500—MOCA.

Section 95.6412 *Hawaii VOR Federal airway 12* is amended to read in part:

From Bamboo INT, Hawaii; to Magnolia INT, Hawaii; southwestbound, MEA *3,500; northeastbound, MEA *6,000. *1,000—MOCA.

From Magnolia INT, Hawaii; to *Shark INT, Hawaii; southwestbound, MEA **6,000; northeastbound, MEA **13,000. *13,000—MRA. **1,000—MOCA.

Section 95.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

From *South Kauai, Hawaii VOR; to Int. 097 M rad, South Kauai VOR, and 119 M rad, Lihue VOR; MEA 4,000. *5,000—MCA South Kauai VOR, northwestbound.

Section 95.6429 *VOR Federal airway 429* is amended to read in part:

From Decatur, Ill., VOR; to Champaign, Ill., VOR; MEA *2,600. *2,100—MOCA.

From Champaign, Ill., VOR; to Roberts, Ill., VOR; MEA *2,600. *2,100—MOCA.

From Roberts, Ill., VOR; to Joliet, Ill., VOR; MEA *2,600. *2,100—MOCA.

Section 95.6433 *VOR Federal airway 433* is amended to read in part:

From LaGuardia, N.Y., VOR; to Int. 011 M rad, Kennedy VOR, and 217 M rad, Carmel VOR; MEA *2,500. *1,500—MOCA.

From Int. 011 M rad, Kennedy VOR, and 217 M rad, Carmel VOR; to Carmel, N.Y., VOR; MEA *2,500. *1,900—MOCA.

From Carmel, N.Y., VOR; to Saybrook INT, Conn.; MEA 2,000.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

From Daytona Beach, Fla., VOR; to *Croaker INT, Fla.; MEA **1,500. *3,500—MRA. **1,300—MOCA.

From *Catherine INT, Ga.; to **Keller INT, Ga.; MEA ***1,600. *4,000—MRA. **4,500—MRA. ***1,500—MOCA.

From Keller INT, Ga.; to Savannah, Ga., VOR; MEA *1,600. *1,500—MOCA.

From Savannah, Ga., VOR; to Charleston, S.C., VOR; MEA *5,000. *1,300—MOCA.

Section 95.6440 *VOR Federal airway 440* is amended by adding:

From McGrath, Alaska, VOR; to Yukon INT, Alaska; MEA *8,000. *6,000—MOCA.

From Yukon INT, Alaska; to Unalakleet, Alaska, VOR; MEA 4,500.

From Unalakleet, Alaska, VOR; to Nome, Alaska, VOR; MEA 2,800.

Section 95.6450 *VOR Federal airway 450* is amended to read in part:

From Muskegon, Mich., VOR; to Montague INT, Mich.; MEA *2,300. *1,900—MOCA.

From Montague INT, Mich.; to Larrabee INT, Wis.; MEA *3,800. *1,800—MOCA.

Section 95.6490 *VOR Federal airway 490* is amended to read in part:

From *Rockwood INT, N.Y.; to Cambridge, N.Y., VOR; MEA **4,000. *6,500—MRA. **3,900—MOCA.

Section 95.6491 *VOR Federal airway 491* is amended to read:

From Lafayette, Ind., VOR; to Peotone, Ill., VOR; MEA *2,600. *2,000—MOCA.

Section 95.6809 *VOR Federal airway 809* is amended to read in part:

From *Mayfield INT, Wash.; to Portland, Oreg., VOR; MEA 6,000. *7,000—MRA.

Section 95.6813 *VOR Federal airway 813* is amended to read in part:

From Portland, Oreg., VOR; to *Mayfield INT, Wash.; MEA 6,000. *7,000—MRA.

Section 95.6819 *VOR Federal airway 819* is amended to read in part:

From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *1,700. *1,400—MOCA.

From Dukes INT, Fla.; to Taylor, Fla., VOR; MEA *2,000. *1,500—MOCA.

From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA 2,200.

From Stockwell INT, Ind.; to Lafayette, Ind., VOR; MEA *2,500. *2,300—MOCA.

From Lafayette, Ind., VOR; to *Zoro INT, Ind.; MEA **2,500. *2,500—MRA. **2,000—MOCA.

Section 95.6839 *VOR Federal airway 839* is amended to read in part:

From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *1,700. *1,400—MOCA.

From Dukes INT, Fla.; to Taylor, Fla., VOR; MEA *2,000. *1,500—MOCA.

From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA 2,200.

From Alma, Ga., VOR; to *Baxley INT, Ga.; MEA **2,000. *3,000—MRA. **1,500—MOCA.

From Baxley INT, Ga.; to Lotts INT, Ga.; MEA *2,000. *1,500—MOCA.

Section 95.6843 *VOR Federal airway 843* is amended to read in part:

From Peotone, Ill., VOR; to Danville, Ill., VOR; MEA *2,500. *1,900—MOCA.

From Scotland, Ind., VOR; to *St. Marks INT. Ind.; MEA **2,500. *3,000—MRA. **2,000—MOCA.

From Dade City INT, Fla.; to Lakeland, Fla., VOR; MEA *1,700. *1,500—MOCA.

From Seminole INT, Fla., to Cypress INT, Fla.; MEA *1,700. *1,100—MOCA.

From Cypress INT, Fla., to Miami, Fla., VOR; MEA *1,500. *1,100—MOCA.

Section 95.6845 *VOR Federal airway 845* is amended to read in part:

From Joliet, Ill., VOR; to Bradford, Ill., VOR; MEA *2,500. *2,100—MOCA.

Section 95.6846 *VOR Federal airway 846* is amended to read in part:

From Polo, Ill., VOR; to Thomson INT, Ill.; MEA *2,700. *2,200—MOCA.

From Thomson INT, Ill.; to Charlotte INT, Ill.; MEA *2,600. *2,000—MOCA.

Section 95.6853 *VOR Federal airway 853* is amended to read in part:

From Fort Wayne, Ind., VOR; to Findlay, Ohio, VOR; MEA 2,500.

Section 95.6855 *VOR Federal airway 855* is amended to read in part:

From Indian Head, Pa., VOR; to Scottdale INT, Pa.; MEA 4,500.

From Pittsburgh, Pa., VOR; to Kilgore INT, Ohio; MEA 3,000.

From Kilgore INT, Ohio; to Briggs, Ohio, VOR; MEA 3,100.

Section 95.6859 *VOR Federal airway 859* is amended to read in part:

From *Manteno INT, Ill.; to Roberts, Ill., VOR; MEA **2,600. *2,500—MRA. **2,000—MOCA.

Section 95.6863 *VOR Federal airway 863* is amended to read in part:

From Sound INT, N.Y.; to Int. 105 M rad, Carmel VOR, and 236 M rad, Hartford VOR; MEA *2,000. *1,800—MOCA.

From Int. 105 M rad, Carmel VOR, and 236 M rad, Hartford VOR; to Saybrook INT, N.Y.; MEA 2,000.

From Saybrook INT, N.Y.; to Salem INT, Conn.; MEA *2,000. *1,500—MOCA.

From Salem INT, Conn.; to Norwich, Conn., VOR; MEA *2,300. *1,700—MOCA.

Section 95.6875 *VOR Federal airway 875* is amended to read in part:

From Bethany INT, Conn.; to Carmel, N.Y., VOR; MEA 2,100.

From Carmel, N.Y., VOR; to Solberg, N.J., VOR; MEA *2,000. *1,900—MOCA.

Section 95.6881 *VOR Federal airway 881* is amended to read in part:

From Lotts INT, Ga.; to *Baxley INT, Ga.; MEA **2,000. *3,000—MRA. **1,500—MOCA.

From Baxley INT, Ga.; to Alma, Ga., VOR; MEA *2,000. *1,500—MOCA.

From Alma, Ga., VOR; to Taylor, Fla., VOR; MEA 2,200.

From Taylor, Fla., VOR; to Dukes INT, Fla.; MEA *2,000. *1,500—MOCA.

From Gainesville, Fla., VOR; to Ocala, Fla., VOR; MEA *1,700. *1,400—MOCA.

From Seminole INT, Fla.; to Cypress INT, Fla.; MEA *1,700. *1,100—MOCA.

From Cypress INT, Fla.; to Miami, Fla., VOR; MEA *1,500. *1,100—MOCA.

Section 95.1504 *VOR Federal airway 1504* is amended to read in part:

From Sheridan, Wyo., VOR; to Dupree, S. Dak., VOR; MEA 14,500. MAA 24,000.

Section 95.1547 *VOR Federal airway 1547* is amended to read in part:

From Casper, Wyo., VOR; to *Echo INT, S. Dak.; MEA 19,000. MAA 24,000. *19,000—MRA.

Section 95.1619 *VOR Federal airway 1619* is added to read:

From Needles, Calif., VOR; to Int. 340 M rad, Needles VOR, and 018 M rad, Goffs VOR; MEA 14,500. MAA 24,000.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775). These rules shall become effective May 28, 1964.

Issued in Washington, D.C., on April 20, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-4086; Filed, Apr. 28, 1964; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6725]

PART 1—INCOME TAX; TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 1953

Deduction of Business Depreciation by Cooperative Housing Corporation Tenant-Stockholder

On April 30, 1963, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 216 of the Internal Revenue Code of 1954 (relating to deduction of taxes, interest, and business depreciation by cooperative housing corporation tenant-stockholder) to conform the regulations to changes made by section 28 of the Revenue Act of 1962 (76 Stat. 1068) was published in the FEDERAL REGISTER (28 F.R. 4258). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the change set forth below:

Paragraph (b)(2) of § 1.216-2, as set forth in the notice of proposed rule making, is changed by adding 3 sentences at the end thereof.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: April 23, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 216 of the Internal Revenue Code of 1954 to section 28 of the Revenue Act of 1962 (Public Law 87-834, 76 Stat. 1068), such regulations are amended as follows:

PARAGRAPH 1. Section 1.216 is amended by changing the heading thereof, by changing the heading of section 216, by adding a subsection (c) to such section 216, and by adding a historical note. These amended and added provisions read as follows:

§ 1.216 Statutory provisions; deduction of taxes, interest, and business depreciation by cooperative housing corporation tenant-stockholder.

SEC. 216. *Deduction of taxes, interest, and business depreciation by cooperative housing corporation tenant-stockholder.* * * *

(c) *Treatment as property subject to depreciation.* So much of the stock of a tenant-stockholder in a cooperative housing corporation as is allocable, under regulations prescribed by the Secretary or his delegate, to a proprietary lease or right of tenancy in property subject to the allowance for depreciation under section 167(a) shall, to the extent such proprietary least or right of tenancy is used by such tenant-stockholder in a trade or business or for the production of income, be treated as property subject to the allowance for depreciation under section 167(a).

[Sec. 216 as amended by sec. 28, Revenue Act 1962 (76 Stat. 1068)]

PAR. 2. Section 1.216-2 is added following § 1.216-1. This added provision reads as follows:

§ 1.216-2 Treatment as property subject to depreciation.

(a) *General rule.* For taxable years beginning after December 31, 1961, stock in a cooperative housing corporation (as defined by section 216(b)(1) and paragraph (c) of § 1.216-1) owned by a tenant-stockholder (as defined by section 216(b)(2) and paragraph (d) of § 1.216-1) who uses the proprietary lease or right of tenancy, which was conferred on him solely by reason of his ownership of such stock, in a trade or business or for the production of income shall be treated as property subject to the allowance for depreciation under section 167(a) in the manner and to the extent prescribed in this section.

(b) *Determination of allowance for depreciation*—(1) *In general.* Subject to the special rules provided in subparagraphs (2) and (3) of this paragraph and the limitation provided in paragraph (c) of this section, the allowance for depreciation for the taxable year with respect to stock of a tenant-stockholder, subject to the extent provided in this section to an allowance for depreciation, shall be determined—

(i) By computing the amount of depreciation (amortization in the case of a leasehold) which would be allowable under one of the methods of depreciation prescribed in section 167(b) and the regulations thereunder (in paragraph (a) of § 1.162–11 and § 1.167(a)–4 in the case of a leasehold) in respect of the depreciable (amortizable) real property owned by the cooperative housing corporation in which such tenant-stockholder has a proprietary lease or right of tenancy,

(ii) By reducing the amount of depreciation (amortization) so computed in the same ratio as the rentable space in such property which is not subject to a proprietary lease or right of tenancy by reason of stock ownership but which is held for rental purposes bears to the total rentable space in such property, and

(iii) By computing such tenant-stockholder's proportionate share of such annual depreciation (amortization), so reduced.

As used in this section, the terms "depreciation" and "depreciable real property" include amortization and amortizable leasehold of real property. As used in this section, the tenant-stockholder's proportionate share is that proportion which stock of the cooperative housing corporation owned by the tenant-stockholder is of the total outstanding stock of the corporation, including any stock held by the corporation. In order to determine whether a tenant-stockholder may use one of the methods of depreciation prescribed in section 167(b) (2), (3), or (4) for purposes of subdivision (i) of this subparagraph, the limitations provided in section 167(c) on the use of such methods of depreciation shall be applied with respect to the depreciable real property owned by the cooperative housing corporation in which the tenant-stockholder has a proprietary lease or right of tenancy, rather than with respect to the stock in the cooperative housing corporation owned by the tenant-stockholder or with respect to the proprietary lease or right of tenancy conferred on the tenant-stockholder by reason of his ownership of such stock. The allowance for depreciation determined under this subparagraph shall be properly adjusted where only a portion of the property occupied under a proprietary lease or right of tenancy is used in a trade or business or for the production of income.

(2) *Stock acquired subsequent to first offering.* Except as provided in subparagraph (3), in the case of a tenant-stockholder who purchases stock other than as part of the first offering of stock by the corporation, the basis of the depreciable real property for purposes of the computation required by subparagraph (1)(i) of this paragraph shall be the amount obtained by—

(i) Multiplying the taxpayer's cost per share by the total number of outstanding shares of stock of the corporation, including any shares held by the corporation,

(ii) Adding thereto the mortgage indebtedness to which such depreciable real property is subject on the date of purchase of such stock, and

(iii) Subtracting from the sum so obtained the portion thereof not properly allocable as of the date such stock was purchased to the depreciable real property owned by the cooperative housing corporation in which such tenant-stockholder has a proprietary lease or right of tenancy.

In order to prevent an overstatement or understatement of the basis of the depreciable real property for purposes of the computation required by subparagraph (1)(i) of this paragraph, appropriate adjustment for purposes of the computations described in subdivisions (i) and (ii) of this subparagraph shall be made in respect of prepayments and delinquencies on account of the corporation's mortgage indebtedness. Thus, for purposes of subdivision (i) of this subparagraph, the taxpayer's cost per share shall be reduced by an amount determined by dividing the total mortgage indebtedness prepayments in respect of the shares purchased by the taxpayer by the number of such shares. For purposes of subdivision (ii) of this subparagraph, the mortgage indebtedness shall be increased by the sum of all prepayments applied in reduction of the mortgage indebtedness and shall be decreased by any amount due under the terms of the mortgage and unpaid.

(3) *Conversion subsequent to date of acquisition.* In the case of a tenant-stockholder whose proprietary lease or right of tenancy is converted, in whole or in part, to use in a trade or business or for the production of income on a date subsequent to the date on which he acquired the stock conferring on him such lease or right of tenancy, the basis of the depreciable real property for purposes of the computation required by subparagraph (1)(i) of this paragraph shall be the fair market value of such depreciable real property on the date of the conversion if the fair market value is less than the adjusted basis of such property in the hands of the cooperative housing corporation provided in section 1011 without taking into account any adjustment for depreciation required by section 1016(a)(2). Such fair market value shall be deemed to be equal to the adjusted basis of such property, taking into account adjustments required by section 1016(a)(2) computed as if the corporation had used the straight line method of depreciation, in the absence of evidence establishing that the fair market value so attributed to the property is unrealistic. In the case of a tenant-stockholder who purchases stock other than as part of the first offering of stock of the corporation, and at a later date converts his proprietary lease to use for business or production of income—

(i) The adjusted basis of the cooperative housing corporation's depreciable real property without taking into account any adjustment for depreciation shall be the amount determined in accordance with subdivisions (i), (ii), and (iii) of subparagraph (2) of this paragraph, and

(ii) The fair market value shall be deemed to be equal to such adjusted basis reduced by the amount of depreciation, computed under the straight line method, which would have been allowable in respect of depreciable real property having a cost or other basis equal to the amount representing such adjusted basis in the absence of evidence establishing that the fair market value so attributed to the property is unrealistic.

(c) *Limitation.* If the allowance for depreciation for the taxable year determined in accordance with the provisions of paragraph (b) of this section exceeds the adjusted basis (provided in section 1011) of the stock described in paragraph (a) of this section allocable to the tenant-stockholder's proprietary lease or right of tenancy used in a trade or business or for the production of income, such excess is not allowable as a deduction. To determine the portion of the adjusted basis of such stock which is allocable to such proprietary lease or right of tenancy, the adjusted basis shall be reduced by taking into account the same factors as are taken into account under paragraph (b)(1) of this section in determining the allowance for depreciation.

(d) *Examples.* The provisions of section 216(c) and this section may be illustrated by the following examples:

Example (1). The Y corporation, a cooperative housing corporation within the meaning of section 216, in 1961 purchased a site and constructed thereon a building with 10 apartments at a total cost of $250,000 ($200,000 being allocable to the building and $50,000 being allocable to the land). Such building was completed on January 1, 1962, and at that time had an estimated useful life of 50 years, with an estimated salvage value of $20,000. Each apartment is of equal value. Upon completion of the building, Y corporation mortgaged the land and building for $150,000 and sold its total authorized capital stock, consisting of 1000 shares of common stock, for $100,000. The stock was purchased by 10 individuals each of whom paid $10,000 for 100 shares. Each certificate for 100 shares provides that the holder thereof is entitled to a proprietary lease of a particular apartment in the building. Each lease provides that the lessee shall pay his proportionate share of the corporation's expenses including an amount on account of the curtailment of Y's mortgage indebtedness. B, a calendar year taxpayer, is the original owner of 100 shares of stock in Y corporation. On January 1, 1962, B subleases his apartment for a term of 5 years. B's stock in Y corporation is treated as property subject to the allowance for depreciation under section 167 (a), and B, who uses the straight line method of depreciation for purposes of the computation prescribed by paragraph (b)(1)(i) of this section, computes the allowance for depreciation for the taxable year 1962 with respect to such stock as follows:

Y's basis in the building	$200,000
Less: Estimated salvage value	20,000
Y's basis for depreciation	180,000
Annual straight line depreciation on Y's building (1/50 of $180,000)	3,600
Proportion of outstanding shares of stock of Y corporation (1,000) owned by B (100)	1/10
B's proportionate share of annual depreciation (1/10 of $3,600)	360
Depreciation allowance for 1962 with respect to B's stock (if the limitation in paragraph (c) of this section is not applicable)	360

Example (2). The facts are the same as in example (1) except that the building constructed by Y corporation contained, in addition to the 10 apartments, space on the ground floor for 2 stores which were rented to persons who do not have a proprietary lease of such space by reason of stock ownership. Y corporation's building has a total area of 16,000 square feet, the 10 apartments in such building have an area of 10,000 square feet, and the 2 stores on the ground floor have an area of 2,000 square feet. Thus, the total rentable space in Y corporation's building is 12,000 square feet. B, who uses the straight line method of depreciation for purposes of the computation prescribed by paragraph (b)(1)(i) of this section, computes the allowance for depreciation for the taxable year 1962 with respect to his stock in Y corporation as follows:

Y's basis in the building	$200,000
Less: Estimated salvage value	20,000
Y's basis for depreciation	180,000
Annual straight line depreciation on Y's building (1/50 of $180,000)	3,600
Less: Amount representing rentable space not subject to proprietary lease but held for rental purposes over total rentable space (2,000/12,000 of $3,600)	600
Annual depreciation, as reduced	3,000
B's proportionate share of annual depreciation (1/10 of $3,000)	300
Depreciation allowance for 1962 with respect to B's stock (if the limitation in paragraph (c) of this section is not applicable)	300

Example (3). The facts are the same as in example (1) except that B occupies his apartment from January 1, 1962, until December 31, 1966, and that on January 1, 1967, B sells his stock to C, an individual, for $15,000. C thereby obtains a proprietary lease from Y corporation with the same rights and obligations as B's lease provided. Y corporation's records disclose that its outstanding mortgage indebtedness is $135,000 on January 1, 1967. C, a physician, uses the entire apartment solely as an office. C's stock in Y corporation is treated as property subject to the allowance for depreciation under section 167 (a), and C, who uses the straight line method of depreciation for purposes of the computation prescribed by paragraph (b)(1)(i) of this section, computes the allowance for depreciation for the taxable year 1967 with respect to such stock as follows:

Price paid for each share of stock in Y corporation purchased by C on 1–1–67 ($15,000÷100)	$150
Per share price paid by C multiplied by total shares of stock in Y corporation outstanding on 1–1–67 ($150×1,000)	150,000
Y's mortgage indebtedness outstanding on 1–1–67	$135,000
Less: Amount attributable to land (assumed to be 1/5 of $285,000)	57,000
	228,000
Less: Estimated salvage value	20,000
Basis of Y's building for purposes of computing C's depreciation	208,000
Annual straight line depreciation (1/45 of $208,000)	4,622.22
C's proportionate share of annual depreciation (1/10 of $4,622.22)	462.22
Depreciation allowance for 1967 with respect to C's stock (if the limitation in paragraph (c) of this section is not applicable)	462.22

[Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805)]

[F.R. Doc. 64–4260; Filed, Apr. 28, 1964; 8:48 a.m.]

[T.D. 6726]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Dealers in Securities

In order that dealers in securities may have greater flexibility in identifying securities held for investment, the Income Tax Regulations are amended by revising paragraph (d)(1) of § 1.1236–1 to read as follows:

§ 1.1236–1 Dealers in securities.

* * * * * *

(d) *Identification of security in dealer's records.* (1) A security is clearly identified in the dealer's records as a security held for investment when there is an accounting separation of the security from other securities, as by making appropriate entries in the dealer's books of account to distinguish the security from inventories and to designate it as an investment and by (i) indicating with such entries, to the extent feasible, the individual serial number of, or other characteristic symbol imprinted upon, the individual security, or (ii) adopting any other method of identification satisfactory to the Commissioner.

* * * * *

Because this Treasury decision liberalizes the requirements imposed upon securities dealers in identifying securities held for investment purposes, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: April 24, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64–4261; Filed, Apr. 28, 1964; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3204 is amended to reflect a change in the organizational location of technical cryptographic positions and the return of clerical positions servicing those positions to the competitive service. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 213.3204 is amended as set out below.

§ 213.3204 Department of State.

* * * * * *

(b) Technical cryptographic poistions in the Communications Security Division, Office of Communications.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–4237; Filed, Apr. 28, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—RECORDS AND REPORTS

Location of and Access to Military Personnel Records

A new § 518.7 is added, to read as follows:

§ 518.7 Location of and access by individual concerned or designated representative to military personnel records maintained by The Adjutant General and the Administrator of General Services.

(a) *Purpose.* This section sets forth the locations of and the conditions under which members and former members of the Army, in a status shown below, may review their individual official military personnel files maintained by The Adjutant General and the Administrator of General Services.

(1) Personnel on active duty.

(2) Reserve Component personnel not on active duty.

(3) Retired personnel.

(4) Separated personnel.

(b) *Location of records.* (1) Records of the following personnel are located in The Adjutant General's Office, Personnel Records Division, Department of the Army, The Pentagon, Washington, D.C., 20310:

(i) All active duty commissioned, warrant officer, and enlisted personnel (including members of Reserve Components on extended active duty).

(ii) General officers of all components (active, inactive, or retired).

(2) **Records** of the following personnel **are located in the U.S. Army Records** Center, TAGO, 9700 **Page** Boulevard, St. Louis, Mo., 63132:

(i) **Officers** and warrant officers completely **separated** on or after October 6, 1945.

(ii) **Officers** (except general officers), warrant **officers**, and enlisted members of Reserve Components not on active duty.

(iii) **Enlisted** personnel, now separated, **whose last date of entry was** on or **after October 6, 1945.**

(iv) **All retired officers** (except general officers), and all retired enlisted personnel.

(v) **Field** personnel files of **officers** (including general officers), warrant officers, and enlisted personnel of the Standby and Retired Reserve.

(3) Records of the following personnel are in the Army Branch, Military Personnel Records Center, GSA, 9700 Page Boulevard, St. Louis, Mo., 63132:

(i) Officer and warrant officer personnel who were completely separated during the period July 1, 1917 through October 5, 1945 inclusive, and who did not re-enter the Army after October 5, 1945.

(ii) Enlisted personnel who were completely separated during the period November 1, 1912 through October 5, 1945 inclusive, and who did not re-enter the Army after October 5, 1945.

(c) *Access and review.* (1) Records of personnel will be made available for access and review by the individual concerned or his authorized representative.

(2) Access to records of personnel in a status shown in paragraph (a) of this section is permitted either in TAGO, Personnel Records Division, The Pentagon, Washington, D.C. or the USARCEN, TAGO, 9700 Page Boulevard, St. Louis, Mo.

(d) *Appointments.* Except in unusual circumstances, a person (or his designated representative) desiring access to his records will contact The Adjutant General, Personnel Records Division, Military Personnel File Review Group (OXford 7–1111) to arrange for review in Washington, D.C., or the Commanding Officer, U.S. Army Records Center, TAGO, to arrange for review in St. Louis, Mo., at least 2 normal working days in advance of the time the appointment is desired. If access necessitates transfer of records between Washington, D.C., and St. Louis, Mo., or vice versa, request for review should be made 4 working days in advance of the desired appointment. Records will be made available only during normal office hours, Monday through Friday.

(e) *Representative.* An individual may designate in writing a representative, including a legal representative, to review his file if he cannot do so himself. Officers assigned to career management activities or to The Adjutant General's Office may not be designated as representatives for the purpose of reviewing records.

(1) At the time the review is to be made, the written authorization (paragraph (g) of this section) will be presented by the representative to an official employee of the agency or activity (paragraph (c)(2) of this section) in which the review is desired to be conducted. The authorization will not be mailed.

(2) Individuals are cautioned as to the possibility of misinterpretations of the facts reflected in their records by representatives who may not be completely familiar with the personnel policies of the Department of the Army.

(f) *Next of kin.* The privilege to review records is not extended to survivors or next of kin of deceased personnel. A power of attorney does not operate to authorize access to records in these instances.

(g) *Sample letter of authorization.*

To: The Adjutant General,
Department of the Army,
Washington, D.C., 20310
or
Commanding Officer,
U.S. Army Records Center, TAGO,
9700 Page Boulevard,
St. Louis, Mo., 63132

I (name (typed or printed)) request that (full name and address), my authorized representative, be allowed to review my personnel records in the same manner as would be permitted if I presented myself for this purpose.

I am (state present status, i.e., whether on active duty, retired, separated, or a member of the Reserve Components not on active duty).

Signature
Grade, branch of service
Service number

[AR 640–12, Mar. 16, 1964] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64–4232; Filed, Apr. 28, 1964; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS–1, 7th Rev., Amdt. 6)]

INS–1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Miscellaneous Amendments

Effective as of March 31, 1964, midnight, e.s.t., INS–1, 7th Rev., is hereby amended as follows:

1. In section 1 *What this order does,* change the attachment date stated therein to read "March 31, 1964, midnight, e.s.t."

2. Amend section 2 to read as follows:

Sec. 2 Insurer.

The Independence Marine Services, 752 Public Ledger Building, Philadelphia 6, Pa., Managers for The Stuyvesant Insurance Company (hereinafter referred to as "Underwriter"), entered into an insuring agreement with the owner covering the period from March 31, 1964, midnight, e.s.t. to March 31, 1965, midnight, e.s.t.

3. Amend section 4 to read as follows:

Sec. 4 Vessels insured and terms of insurance.

The Underwriter has agreed to provide P & I insurance with respect to General Agency vessels operated in the employment of the Military Sea Transportation Service (referred to in this order as "MSTS"), for a period of one year from midnight, e.s.t., March 31, 1964, at an annual rate of $4.975 per gross registered ton on a daily pro rata basis, attaching as provided in section 5 (a), (b), (c), (d) and (e) of this order and terminating as of midnight, e.s.t., March 31, 1965, or in accordance with section 5 (c), (f), (g) and (h) of this order. This insurance covers the vessel's liability of a P & I insurance nature except for any loss, damage or expense in respect to cargo, including baggage and personal effects of passengers, if any, or cargo's proportion of general average or special charges, or in any other way relating to cargo which is to be carried, is being carried, or has been carried on board such vessels. The limit of liability in any claim shall be $250,000.00 for each accident or occurrence per vessel, with a deduction of $1,000 for each accident or occurence resulting in personal injury, illness, or death, and $500.00 for each accident or occurrence of other types except "putting in", burial expenses, and damage to docks, buoys, etc. Claims for "putting in", burial expenses, and damage to docks, buoys, etc. are not subject to any deduction. The Underwriter has agreed to accept liability not to exceed $200 for burial expenses.

4. In section 5 *Assumption of risk by owner and attachment and cancellation dates of commercial insurance* and paragraph (c), Vessels presently in operation under General Agency Agreement, 3–19–51, by changing the attachment date stated therein to read "March 31, 1964, midnight, e.s.t."

5. In section 7 *Insurance Premiums,* amend paragraph (a), Payment of Premiums, by changing the expiration date stated therein to read "March 31, 1965, midnight, e.s.t."

6. In section 9 *Settlement of claims,* amend paragraph (c), Claims declined by underwriters, by changing the attachment date stated therein to read "March 31, 1964, midnight, e.s.t."

7. In section 11 *Report of claims,* amend paragraph (b) by changing the reporting date stated therein to read "December 31, 1964."

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found to be impracticable and not in the public interest to delay the effective date thereof; therefore, the foregoing amendments shall be effective as aforesaid.

Dated: March 25, 1964.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64–4278; Filed, Apr. 28, 1964; 8:48 a.m.]

stantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1964, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

DEFINITIONS

§ 1035.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1035.2 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

Sec.
1035.60 Computation of net pool obligation of each pool handler.
1035.61 Computation of uniform prices.
1035.62 Notification of handlers.

APPLICATION OF PROVISIONS

1035.64 Plants subject to other Federal orders.

PAYMENTS

1035.70 Producer-settlement fund.
1035.71 Payments to producer-settlement fund.
1035.72 Payments to producers.
1035.73 Butterfat differential to producers.
1035.74 Location differential to producers.
1035.75 Adjustment of errors.
1035.76 Expense of administration.
1035.77 Marketing services.
1035.78 Overdue accounts.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1035.80 Effective time.
1035.81 Suspension or termination.
1035.82 Continuing power and duty of the market administrator.

MISCELLANEOUS PROVISIONS

1035.90 Agents.
1035.91 Separability of provisions.
1035.92 Termination of obligations.

AUTHORITY: The provisions of this Part 1035 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Title 7—AGRICULTURE

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order 35]

PART 1035—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

Order Amending Order

Sec.
1035.0 Findings and determinations.

DEFINITIONS

1035.1 Act.
1035.2 Department.
1035.3 Secretary.
1035.4 Person.
1035.5 Cooperative association.
1035.6 Columbus, Ohio, marketing area.
1035.7 Fluid milk product.
1035.8 Route.
1035.9 Fluid milk plant.
1035.10 Pool plant.
1035.11 Nonpool plant.
1035.12 Producer.
1035.13 Producer milk.
1035.14 Handler.
1035.15 Producer-handler.
1035.16 Other source milk.
1035.17 Chicago butter price.
1035.18 Nonfat dry milk price.

MARKET ADMINISTRATOR

1035.20 Designation.
1035.21 Powers.
1035.22 Duties.

REPORTS, RECORDS AND FACILITIES

1035.30 Reports of receipts and utilization.
1035.31 Other reports.
1035.32 Records and facilities.
1035.33 Retention of records.

CLASSIFICATION

1035.40 Basis of classification.
1035.41 Classes of utilization.
1035.42 Shrinkage.
1035.43 Transfers.
1035.44 Responsibility of handlers.
1035.45 Computation of skim milk and butterfat in each class.
1035.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1035.50 Basic formula price.
1035.51 Class prices.
1035.52 Butterfat differentials to handlers.
1035.53 Location adjustments to handlers.
1035.54 Use of equivalent prices.
1035.55 Computation of prices of skim milk and butterfat.

§ 1035.3 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1035.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1035.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1035.6 Columbus, Ohio, marketing area.

"Columbus, Ohio, marketing area", hereinafter called the marketing area, means all the territory within the boundaries of the counties of Coshocton (except Adams township), Delaware, Fairfield, Fayette, Franklin, Guernsey (except Londonderry, Millwood, and Oxford townships), Licking, Madison, Muskingum, Pickaway and Union, all in the State of Ohio, including territory wholly or partly within such boundaries occupied by government (Federal, State or local) reservations, installations and institutions.

§ 1035.7 Fluid milk product.

"Fluid milk products" means the fluid form of milk, skim milk, buttermilk, concentrated milk, milk drinks (plain or flavored including dietary milk, prepared milk shake mixes containing 15 percent or less of total milk solids and eggnog), sweet or sour cream, or any mixture in fluid form of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, cultured sour mixtures which are not labeled "Grade A", evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

§ 1035.8 Route.

"Route" means a delivery (including a sale from a plant store) of a fluid milk product(s) to a wholesale or retail stop(s) other than to a milk plant(s) or to a food processing plant(s) for use other than for fluid consumption.

§ 1035.9 Fluid milk plant.

"Fluid milk plant" means a plant or other facilities which are used in the receipt, preparation, or processing of milk which is approved by a duly constituted health authority for fluid disposition as Grade A milk and all or a portion of such milk is:

(a) Disposed of during the month in the form of a fluid milk product(s) in the marketing area on a route(s); or

(b) Moved to a plant described in paragraph (a) of this section in the form of a fluid milk product(s).

§ 1035.10 Pool plant.

"Pool plant" means any fluid milk plant meeting the conditions of paragraph (a) or (b) of this section, except a plant operated by a producer-handler or a plant exempt pursuant to § 1035.64:

(a) Any fluid milk plant from which the volume of Class I milk disposed of on a route(s) is equal to not less than 50 percent of the Grade A milk described in § 1035.12(a) received at such plant from dairy farmers and from other plants during the month and more than 15 percent of such receipts are disposed of as Class I milk on routes in the marketing area: *Provided*, That the 50 percent requirement of this paragraph shall apply only during the months of January, February, October and November to a fluid milk plant which operates routes all of which service only the Campus of Ohio State University, Columbus, Ohio; or

(b) Any fluid milk plant which receives milk from dairy farmers described in § 1035.12(a) and from which fluid milk products equal to not less than 50 percent of the milk received at such plant from such dairy farmers during the month is moved to a plant(s) described in paragraph (a) of this section: *Provided*, That if such shipments are not less than 50 percent of the receipts of milk from such dairy farmers at such plant during the immediately preceding period of August through November, such plant shall, unless written application for nonpool plant status is received by the market administrator from the operator of such plant on or before March 1 of any year, be designated as a pool plant for the months of March through July of such year.

§ 1035.11 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing, or bottling plant other than a pool plant.

§ 1035.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and whose milk is:

(a) Permitted by the health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant or diverted from a pool plant to another pool plant or to a nonpool plant pursuant to the conditions set forth in § 1035.13.

§ 1035.13 Producer milk.

"Producer milk" means skim milk and butterfat contained in milk: (a) Received at a pool plant directly from producers; (b) diverted for the account of the operator of a pool plant to another pool plant; or (c) diverted during the month to a nonpool plant for the account of a cooperative association or the operator of a pool plant: *Provided*, That producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant from which it is diverted; *And provided further*, That this definition shall not include the milk of any person during any of the months of August through March in which the milk of such person is diverted to a nonpool plant for more than one-half of the days of delivery during the month.

§ 1035.14 Handler.

"Handler" means (a) any person who operates a fluid milk plant, and (b) any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1035.13(c).

§ 1035.15 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on a route in the marketing area and who receives no fluid milk products from other dairy farmers or nonpool plants: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1035.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except: (1) Fluid milk products received from pool plants, (2) producer milk, and (3) inventories of fluid milk products on hand at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are repackaged, reprocessed or converted to another product in the plant during the month or skim milk and butterfat in such products for which other utilization or disposition is not established on the basis of the records required pursuant to § 1035.32.

§ 1035.17 Chicago butter price.

"Chicago butter price" means the arithmetical average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the Department.

§ 1035.18 Nonfat dry milk price.

"Nonfat dry milk price" means the weighted average of the carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

MARKET ADMINISTRATOR

§ 1035.20 Designation.

The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1035.21 Powers.

The market administrator shall have the power to: (a) Administer all of the terms and provisions of this part; (b) make rules and regulations to effectuate the terms and provisions of this part; and (c) receive, investigate, and report to the Secretary complaints of violations of this part.

§ 1035.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties, and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 1035.76:

(1) The cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1035.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days, after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to § 1035.30, or

(2) Payments pursuant to §§ 1035.71, 1035.72, 1035.75, 1035.76, or 1035.78;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) On or before the 10th day after the end of each month, supply each cooperative association upon request, with a record of the amount and average butterfat test of milk received during such month and the amount of any advance payments made and of any deductions or charges from payments for such milk authorized with respect to each producer determined by the market administrator to be a member of such association or to have given written authorization to such association to receive such information;

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of milk for such handler depends;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 6th day of each month, the minimum Class I price and butterfat differential computed pursuant to §§ 1035.51(a) and 1035.52(a);

(2) On or before the 6th day after the end of each month, the minimum Class II price and butterfat differential computed pursuant to §§ 1035.51(b) and 1035.52(b); and

(3) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 1035.61 and the butterfat differential computed pursuant to § 1035.73;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 10th day after the end of each month, upon request by a cooperative association described in § 1035.77(b) or the operator of a pool plant, furnish such person and publicly announce by posting in a conspicuous place in his office, unless otherwise directed by the Secretary, the name of each handler who during the month received producer milk and the percentage of the skim milk and butterfat in such milk which was classified in each class during the month together with any significant changes in the reported percentages for any previous month as are revealed by the regular audit of the market administrator.

REPORTS, RECORDS, AND FACILITIES

§ 1035.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler shall report for such month to the market administrator for each of his pool plant(s), in the detail and on the forms prescribed by the market administrator, the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Beginning and ending inventories of fluid milk products;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe; and

(d) His producer payroll which shall show for each producer and association of producers:

(1) The total pounds of producer milk received and the average butterfat test thereof;

(2) The amount of any advance payments; and

(3) The nature, amount or rate per hundredweight of milk of each deduction or charge made by the handler.

§ 1035.31 Other reports.

(a) Each handler and producer-handler shall make reports to the market administrator with respect to receipts and utilization at each of his fluid milk plants which is not at a pool plant at such time and in such manner as the market administrator may request.

(b) The operator of a pool plant shall notify the cooperative association of his intention to divert milk of its member-producers pursuant to § 1035.13(c) not less than 24 hours prior to such diversion.

§ 1035.32 Records and facilities.

Each handler and producer-handler shall maintain and make available to the market administrator, his agent, or such other person as the Secretary may designate, during the usual hours of business, such accounts and records of his operations and such facilities, as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat handled, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 1035.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1035.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1035.30(a) shall be classified by the market administrator, subject to the provisions of §§ 1035.41 to 1035.46.

§ 1035.41 Classes of utilization.

Subject to the provisions set forth in §§ 1035.43 and 1035.44 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3), (4) and (5) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I only to the extent of the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) Not specifically accounted for as Class II milk; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of in bulk fluid form to any manufacturer of soup, candy, or bakery products for use in such manufacturing operation;

(4) Specifically accounted for as dumped or disposed of for livestock feed;

(5) Contained in that portion of fortified milk or skim milk not classified as Class I milk pursuant to paragraph (a) (1) of this section and in milk shake mixes containing over 15 percent total milk solids;

(6) In actual plant shrinkage allocated to producer milk pursuant to § 1035.42, but not in excess of two percent of such receipts of skim milk and butterfat, respectively; and

(7) In actual plant shrinkage allocated to other source milk pursuant to § 1035.42.

§ 1035.42 Shrinkage.

The market administrator shall allocate shrinkage at the handlers' pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively;

(b) To the producer milk at such plant, add the producer milk diverted to such plant and subtract producer milk diverted from such plant to another pool plant; and

(c) Prorate the amount computed pursuant to paragraph (a) of this section between receipts of skim milk and butterfat, respectively, in producer milk as computed pursuant to paragraph (b) of this section and in other source milk received in the form of a fluid milk product in bulk.

§ 1035.43 Transfers.

Skim milk or butterfat transferred or diverted from a pool plant shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to another pool plant, unless:

(1) Utilization in Class II is claimed by the operators of both plants in their reports submitted pursuant to § 1035.30; and

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after making the assignment pursuant to § 1035.46(a) (3) and the corresponding steps of § 1035.46(b): *Provided*, That if either or both plants have other source milk, the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the highest-valued use classification available at both plants to producer milk;

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located more than 300 miles by shortest highway distance as determined by the market administrator from the nearer of the State Capitol in Columbus, Ohio, or the City Hall in Zanesville, Ohio; and

(d) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant, except a plant operated by a producer-handler, located less than 300 miles by shortest highway distance as determined by the market administrator from the nearer of the State Capitol in Columbus, Ohio, or the City Hall in Zanesville, Ohio, unless:

(1) The handler claims classification in Class II in his report submitted pursuant to § 1035.30 and the operator of the nonpool plant maintains books and records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available, if requested by the market administrator for verification: *Provided*, That if fluid milk products as defined pursuant to § 1035.7, except ungraded products for manufacturing uses, are disposed of from such nonpool plant, the milk so transferred or diverted from pool plants shall be Class I to the extent of the following pro rata computation:

(i) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant; and

(ii) Prorate the remaining Class I milk to receipts at the nonpool plant from plants which are fully subject to the classification and pricing provisions of this order and other orders issued pursuant to the Act.

§ 1035.44 Responsibility of handlers.

In establishing the classification of skim milk and butterfat as required in §§ 1035.41 and 1035.43, the burden rests upon the handler who first receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

§ 1035.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is removed before the product is utilized or disposed of by the handler, the pounds of skim milk used to produce and disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water normally associated with such solids in the form of whole milk.

§ 1035.46 Allocation of skim milk and butterfat classified.

After making the computation pursuant to § 1035.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during the month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk shrinkage assigned to Class II milk pursuant to § 1035.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification determined pursuant to §§ 1035.41 and 1035.43;

(5) Add to the pounds of skim milk remaining in Class II milk the skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) Subtract, in series beginning with Class II, the amount, if any, by which the total skim milk remaining in all classes exceeds the pounds of skim milk in producer milk.

(b) Butterfat shall be allocated by the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class.

MINIMUM PRICES

§ 1035.50 Basic formula prices.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1035.51 Class prices.

Subject to the provisions of §§ 1035.52 and 1035.53 the minimum class prices for producer milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month, plus $1.25 and plus or minus a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the total receipts of producer milk during the second and third preceding months by the total gross pounds of Class I milk (adjusted to eliminate duplications due to interhandler transfers) for the same months, multiplying the result by 100, and rounding to the nearest integer.

(2) Compute a "net utilization percentage" by subtracting (algebraically) from the current utilization percentage the following appropriate "standard utilization percentage":

Month for which a price is being computed:	*Standard utilization percentage*
January	127
February	129
March	126
April	124
May	125
June	130
July	141
August	157
September	153
October	137
November	128
December	130

(3) Determine the amount of the supply-demand adjustment from the following table:

Net utilization percentage:	*Supply-demand adjustment (cents per hundredweight)*
+16 or over	−38
+12 or +13	−28
+ 8 or + 9	−20
+ 4 or + 5	−10
+ 1 or − 1	0
− 4 or − 5	+10
− 8 or − 9	+20
−12 or −13	+28
−16 or under	+38

Provided, That when the net utilization percentage is between two tabulated brackets, the supply-demand adjustment shall be determined by the tabulated bracket which is adjacent to the net utilization percentage and is the same as or the nearer to the bracket used in the immediately preceding month.

(b) *Class II milk.* The Class II milk price for the month shall be the basic formula price computed pursuant to § 1035.50, except that in no event shall such price exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent, plus 10 cents:

(1) From the Chicago butter price, subtract 3.0 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the nonfat dry milk price, deduct 8.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1035.52 Butterfat differentials to handlers.

For each one-tenth of one percent that the weighted average butterfat test of producer milk which is classified in each class for each handler is more or less than 3.5 percent there shall be added to or subtracted from, as the case may be, the price for such class a butterfat differential calculated by the market administrator as follows:

(a) *Class I milk.* Multiply the Class I price for the month by 0.0172 and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply the Chicago butter price for the month by 0.115 and round to the nearest one-tenth cent.

§ 1035.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 80 miles by shortest highway distance as measured by the market administrator, from the nearer of the State Capitol in Columbus, Ohio, or the City Hall in Zanesville, Ohio, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section the price computed pursuant to § 1035.51(a) shall be reduced by 15 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles;

(b) For purposes of calculating such adjustment, fluid milk products transferred between pool plants shall be assigned to Class I disposition at the transferee plant which is in excess of the receipts, at such plant from producers, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1035.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1035.55 Computation of prices of skim milk and butterfat.

The prices per hundredweight of skim milk and butterfat to be paid by each handler for milk in each class shall be computed and announced to handlers by the market administrator on or before the dates for announcing the corresponding class prices pursuant to § 1035.22(i) as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month computed pursuant to paragraphs (a) and (b) of § 1035.51 less the result of multiplying the applicable class price butterfat differential for the month computed pursuant to paragraphs (a) and (b) of § 1035.52 by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

DETERMINATION OF UNIFORM PRICE

§ 1035.60 Computation of the net pool obligation of each pool handler.

The net obligation of each handler for producer milk received during the month shall be a sum of money computed as follows:

(a) Multiply the pounds of skim milk and butterfat, respectively, in producer milk in each class by the applicable class prices pursuant to § 1035.55 and add together the resulting amounts; and

(b) Add the amount(s) computed by multiplying the pounds deducted from each class for such handler pursuant to § 1035.46(a)(6) and the corresponding step of § 1035.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 1035.46(a)(3) and the corresponding step in § 1035.46(b) or the pounds of skim milk and butterfat remaining in Class II milk for the preceding month after the calculation pursuant to § 1035.46(a)(4) and the corresponding step of § 1035.46(b); and

(d) Add or subtract, as the case may be, any amount due the producer-settlement fund or the handler as a result of errors discovered by the market administrator in the verification of reports or payments of such handler for any previous month.

§ 1035.61 Computation of uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1035.60 for all handlers except those who did not make payments pursuant to § 1035.71 for the previous month;

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(c) Add for each of the months of September, October, November and December 20, 30, 30 and 20 percent, respectively of the total amount subtracted during the immediately preceding April–July period pursuant to paragraph (b) of this section;

(d) Add the sum of the values of the location differentials allowable pursuant to § 1035.74;

(e) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed pursuant to paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by such difference and multiply the result by the butterfat differential computed pursuant to § 1035.73 times 10;

(f) Add not less than one-half of the unobligated balance in the producer-settlement fund;

(g) Divide by the hundredweight of producer milk; and

(h) Subtract not less than four cents nor more than five cents.

§ 1035.62 Notification of handlers.

The market administrator shall:

(a) On or before the 10th day after the end of each month, notify each handler who operates a pool plant:

(1) The amount and value of his milk in each class pursuant to § 1035.60;

(2) The totals of such amounts and values due the producer-settlement fund pursuant to § 1035.71; and

(3) The amount to be paid by such handler pursuant to § 1035.76.

APPLICATION OF PROVISIONS

§ 1035.64 Plants subject to other Federal orders.

The provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1035.10 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Columbus, Ohio, marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

PAYMENTS

§ 1035.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to § 1035.71 shall be deposited in this fund, and all payments made pursuant to § 1035.72 (a) and (b) shall be made out of this fund; and

(b) All amounts subtracted pursuant to § 1035.61(b) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1035.72 in accordance with the requirements of § 1035.61(c).

§ 1035.71 Payments to producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 1035.62(a), less (a) the amount of deductions authorized pursuant to § 1035.72(a)(4) and itemized on the handler's producer payroll: *Provided*, That such deductions for each individual producer shall not exceed the total value of the milk received from such producer during the month, and (b) an amount not to exceed the value of milk received from producers to whom the request to make payment pursuant to § 1035.72(c) applies computed at the rate of the uniform price adjusted by the butterfat and location differentials pursuant to §§ 1035.73 and 1035.74.

(3) Less marketing service deductions pursuant to § 1035.77(a);

(4) Less proper deductions authorized in writing by the producer: *Provided*, That for producers who are members of a cooperative association which receives payment for milk pursuant to paragraph (b) of this section, such authorization for hauling and assignments shall be by the cooperative association; and

(5) Adjusted for any error in making payment to such producer for past months: *Provided*, That if the balance in the producer-settlement fund not otherwise obligated is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments pro rata and shall complete such payments on or before the next date for making payments pursuant to this section following that on which such balance of payment is received;

(b) In making payments to producers pursuant to paragraph (a) of this section, the market administrator shall pay on or before the 14th day after the end of the month to:

(1) A cooperative association qualified under § 1035.77(b) which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, the aggregate of the payments calculated pursuant to paragraph (a) of this section for all producers certified to the market administrator by such cooperative association as having authorized such association to receive such payments, and

(2) Each handler an amount, if any, by which payments to producers for milk required pursuant to paragraph (c) of this section, before deductions for marketing services, exceeds the amount deducted pursuant to § 1035.71 (a) and (b) with respect to such milk.

(c) On or before the 16th day after the end of each month, each handler shall pay each producer, who is not a member of a cooperative association qualified pursuant to § 1035.77(b) and for whom a written request to make payments has been filed by the handler with the market administrator, for milk received from him during the month at not less than the uniform price as adjusted pursuant to paragraphs (a) (1), (2), (3), and (4) of this section; and

(d) In making the payments to producers pursuant to paragraphs (a), (b), and (c) of this section, the payer shall furnish each producer or cooperative association, as the case may be, with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The amount or the rate per hundredweight of milk and nature of each deduction claimed by the handler; and

(5) The net amount of payment to such producer.

§ 1035.72 Payments to producers.

(a) Except as provided in paragraph (c) of this section, on or before the 16th day after the end of each month, the market administrator shall make payment to each producer for milk received from him during the month by each handler from whom the appropriate payments have been received pursuant to § 1035.71(a) at the uniform price computed pursuant to § 1035,61 subject to the following adjustments:

(1) The butterfat differential pursuant to § 1035.73;

(2) The location differential pursuant to § 1035.74;

§ 1035.73 Butterfat differential to producers.

In making payment for producer milk pursuant to § 1035.72, there shall be added to or subtracted from, respectively, the uniform price per hundredweight for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage that the butterfat in producer milk remaining in each class pursuant to § 1035.46 is of the total butterfat in producer milk so assigned to such classes;

(b) Multiply each such percentage by the butterfat differential for the respective class pursuant to § 1035.52; and

(c) Add into one total the values obtained in paragraph (b) of this section and round off such total to the nearest one-tenth cent.

§ 1035.74 Location differential to producers.

In making payment for producer milk pursuant to § 1035.72, the uniform price for all producer milk received at a pool plant located 80 miles or more by the shortest hard-surfaced highway distance from the nearer of the Ohio State Capitol in Columbus or the City Hall in Zanesville, Ohio, as determined by the market administrator, shall be reduced by the appropriate zone differential provided in § 1035.53.

§ 1035.75 Adjustment of errors.

Whenever audit by the market administrator of the payment required to be made by a handler pursuant to § 1035.71 or § 1035.72, discloses payment of less than is required, the handler shall make up such payment not later than the time for making such payments next following such disclosure.

§ 1035.76 Expense of administration.

As his pro rata share of expense incurred in the maintenance and function of the office of the market administrator and in the performance of his duties, each handler shall pay to the market administrator on or before the 12th day after the end of the month, two cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts at his pool plant during the month of producer milk and other source milk received in the form of a fluid milk product.

§ 1035.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, the market administrator or handler, as the case may be, shall deduct 5 cents per hundredweight or such amount not to exceed 5 cents as the Secretary may from time to time prescribe, from the payments made to each producer pursuant to § 1035.72(a) or (c). Such deductions made by the handler shall be paid to the market administrator on or before the 12th day after the end of the month. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him; and

(b) In the case of producers for whom a cooperative association which, as determined by the Secretary, has its entire activities under the control of its members and is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, the market administrator shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 14th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

§ 1035.78 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1035.71, 1035.72, 1035.75, 1037.76, or 1035.77 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1035.80 Effective time.

The provisions of this part or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1035.81.

§ 1035.81 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1035.82 Continuing power and duty of the market administrator.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(a) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements, and when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person to such person as the Secretary may direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

(b) Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrators' office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1035.90 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1035.91 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

§ 1035.92 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c(15)(A) of the Act or before a Court.

(a) The obligation of any handler to pay money required to be paid under the the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

Effective date: May 1, 1964.

Signed at Washington, D.C., on April 23, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-4218; Filed, Apr. 28, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7039]

PART 13—PROHIBITED TRADE PRACTICES

Bankers Securities Corp.

Subport—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bankers Securities Corporation, Philadelphia, Pa., Docket 7039, Apr. 13, 1964]

Order modifying, in accordance with the direction of the Third Circuit of December 18, 1961, desist order of December 1, 1960, prohibiting fictitious pricing, to provide that it apply only to the Snellenburgs department stores.

The modified order to cease and desist reads as follows:

It is ordered, That respondent, Bankers Securities Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of carpets, rugs, or other merchandise by the department stores known as Snellenburgs, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing in any manner that certain amounts are the regular and usual retail prices of merchandise sold by Snellenburgs when such amounts are in excess of the prices at which such merchandise has been usually and regularly sold by Snellenburgs at retail, in the recent regular course of its business.

Issued: April 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-4254; Filed, Apr. 28, 1964; 8:48 a.m.]

[Docket No. 7396]

PART 13—PROHIBITED TRADE PRACTICES

American News Co. and Union News Co.

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American News Company and the Union News Company, New York, N.Y., Docket 7396, Apr. 13, 1964]

Order modifying, in accordance with the decision of the Second Circuit of February 7, 1962, desist order dated January 10, 1961, to require the nations largest retail newsstand operators to cease receiving or inducing and receiving, or contracting for the receipt of, anything of value from any supplier as compensation for display or promotional services furnished through them in connection with the sale of the supplier's products, when they know or should know that comparable compensation was not made available to the supplier's competitors.

The modified order to cease and desist reads as follows:

It is ordered, That the respondents, The American News Company and The Union News Company, corporations, their officers, employees, agents or representatives, directly or through any corporate or other device, in or in connection with the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products for resale on newsstands operated by respondents, do forthwith cease and desist from: Receiving, or inducing and receiving, or contracting for the receipt of, anything of value from any of their suppliers as compensation or in consideration for display or promotional services or facilities furnished by or through respondents in connection with the processing, handling, sale, or offering for sale of products purchased from any of their suppliers, when respondents know or should know that such compensation or consideration is not affirmatively offered or otherwise made available by such suppliers on proportionally equal terms to all their other customers competing with respondents in the sale and distribution of such suppliers' products.

Issued: April 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-4253; Filed, Apr. 28, 1964; 8:48 a.m.]

[Docket No. 6459]

PART 13—PROHIBITED TRADE PRACTICES

Giant Food, Inc.

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Giant Food, Inc., District of Columbia, Wash., Docket 6459, Apr. 13, 1964]

Order modifying, in accordance with the direction of the District of Columbia Circuit of June 14, 1962, desist order dated June 1, 1961, to require a large supermarket chain with retail outlets in Maryland, Virginia and the District of Columbia, to cease inducing and receiving, receiving, or contracting for the receipt of, anything of value from any supplier for display or promotional services furnished by it in connection with the sale of the supplier's products, when it knows or could reasonably have learned that comparable compensation was not made available to all the supplier's customers.

The modified order to cease and desist reads as follows:

It is ordered, That Giant Food, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in or in connection with the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products for resale by the respondent, or in connection with any other transactions between respondent and its various suppliers involving or pertaining to the regular business of the respondent in distributing and selling commodities and products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Inducing and receiving, receiving, or contracting for the receipt of, anything of value from any supplier as compensation or in consideration for display or promotional services or facilities furnished by or through respondent in connection with the processing, handling, sale or offering for sale of products purchased from such supplier, when respondent knows or could reasonably have learned that such compensation or consideration is not affirmatively offered or otherwise made available by such supplier on proportionally equal terms to all of its other customers competing with respondent in the sale and distribution of such supplier's products.

Issued: April 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-4255; Filed, Apr. 28, 1964; 8:48 a.m.]

[Docket No. 6973]

PART 13—PROHIBITED TRADE PRACTICES

Grand Union Co.

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Grand Union Company, New York, N.Y., Docket 6973, Apr. 13, 1964]

Order modifying, in accordance with the decision of the Second Circuit of February 7, 1962, desist order of August 12, 1960, to require a large eastern supermarket chain to cease receiving or inducing and receiving, the benefit of anything of value from any supplier through any third person as compensation for advertising services furnished by it in connection with the sale of the supplier's product when it knows that comparable benefits are not made available by the supplier to all its competitors.

The modified order to cease and desist reads as follows:

It is ordered, That respondent The Grand Union Company, a corporation, its officers, employees, agents or representatives, directly or through any corporate or other device, in connection with the purchase in commerce (as "commerce" is defined in the Federal Trade Commission Act) of grocery products or related merchandise, do forthwith cease and desist from:

Receiving, or inducing and receiving, the benefit of anything of value from any of its suppliers through any third person (but not directly from said supplier), as compensation or in consideration for any advertising or promotional display services or facilities furnished by or through respondent in connection with the sale or offering for sale of products sold to respondent by any of its suppliers, when respondent knows, or should know, that such benefit is not affirmatively offered or otherwise made available by such suppliers on proportionally equal terms to all their other customers competing with respondent in the sale and distribution of the suppliers' products.

Issued: April 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-4256; Filed, Apr. 28, 1964; 8:48 a.m.]

[Docket No. 7346]

PART 13—PROHIBITED TRADE PRACTICES

Rayex Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards;* 13.85–60 *Standards, specifications, or source;* § 13.130 *Manufacture or preparation;* § 13.245 *Specifications or standards conformance.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Rayex Corporation et al., Queens, N.Y., Docket 7346, Apr. 13, 1964]

In the Matter of Rayex Corporation, a Corporation, and Ray Tunkel, Harry Kramer, and William Jonas, Individually and as Officers of Said Corporation

Order modifying—by vacating as to one respondent and as to the portions of the order directed at pretticketing—desist order of April 2, 1962, to require assemblers of sunglasses in Flushing, Queens, N.Y., to cease misrepresenting the diopter curve of their sunglasses and falsely claiming conformance with the standards and specifications of the U.S. Air Force or Department of Defense.

The modified order to cease and desist reads as follows:

It is ordered, That the respondents, Rayex Corporation, a corporation, and Ray Tunkel and Harry Kramer, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sunglasses, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(a) That their sunglass lenses have a given dioptic curve unless such is the fact: *Provided, however*, That in the case of ground and polished sunglass lenses a tolerance not to exceed minus or plus 1/16th diopters in any meridian and a difference in power between any two meridians not to exceed 1/16th diopter and a prismatic effect not to exceed 1/8th diopter shall be allowed.

(b) That their sunglasses, or the lenses thereof, meet or comply with the specifications and standards of the United States Air Force or Department of Defense.

Issued: April 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-4257; Filed, Apr. 28, 1964; 8:48 a.m.]

[Docket No. 7043]

PART 13—PROHIBITED TRADE PRACTICES

United States Association of Credit Bureaus, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* 13.15–125 Individual or private business being; 13.15–195 Nature; § 13.85 *Government approval, action, connection or standards;* 13.85–35 Government indorsement. Subpart—Using misleading name—Vendor: § 13.2380 *Government connection;* § 13.2395 *Individual or private business being association or guild;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, United States Association of Credit Bureaus, Inc., et al., Oak Forest, Ill., Docket 7043, Apr. 13, 1964]

In the Matter of United States Association of Credit Bureaus, Inc., a Corporation, and John W. Burns, and Harold E. Holder, Individually and as Officers of Said Corporation

Order modifying, in accordance with the directive of the Seventh Circuit of February 14, 1962, desist order of June 8, 1961, so as to permit a collection agency to represent that no charges would be made for uncollected accounts where such statement is true, and so as not to require it affirmatively to disclose on skip-tracing forms that the forms were used for collection of debts, where forms were found to be not deceptive.

The modified cease and desist order reads as follows:

It is ordered, That respondent, United States Association of Credit Bureaus, Inc., a corporation, and its officers and respondents, John W. Burns and Harold E. Holder, individually and as officers of said corporate respondent, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the solicitation of accounts for collection, or the collection of, or attempts to collect accounts, or to obtain information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "association" or "credit bureaus," or any other term of similar import or meaning in the corporate name or in any other manner to designate, describe or refer to respondents' business, or otherwise representing, directly or by implication, that respondents' business is an association or a credit bureau.

2. Using the name "United States" in the corporate name or in any other manner, or an insignia so designed as to suggest government connection, to designate, describe, or refer to respondents' business; or otherwise representing, directly or by implication, that they are an agency or branch of the United States government, or that their business is in any way connected with the United States government.

3. Representing, through the use of a corporate or other trade name, or in any other manner, that their business is other than that of a collection agency engaged in collecting past due accounts.

4. Representing, directly or by implication:

(a) That their business is organized into separate functional divisions for the collection of accounts;

(b) That they employ local representatives, regional investigators, correspondents or lawyers on their personnel staff in various states or throughout the world, or that they employ any one on their personnel staff except solicitors anywhere outside of the Chicago or Oak Forest, Illinois area;

(c) That they make personal calls on debtors to collect accounts;

(d) That no charges will be made for accounts unless they are collected, unless such statement is true;

(e) That the collection fee or commission is less than any amount actually to be charged by respondents;

(f) That they furnish credit reports to parties who have assigned accounts to them.

5. Using, or causing to be used, any forms, cards or other material, printed or written, for use in obtaining information concerning delinquent debtors, which represent, directly or by implication, that money or property is being held for, or is due, persons concerning whom the information is sought, or is collectible by such persons, unless money or property is in fact due and collectible by such persons and the amount of money or property is actually stated.

Issued: April 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-4258; Filed, Apr. 28, 1964; 8:48 a.m.]

[Docket No. 7720]

PART 13—PROHIBITED TRADE PRACTICES

Vanity Fair Paper Mills, Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for

Services or Facilities for Processing or Sale Under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Vanity Fair Paper Mills, Inc., New York, N.Y., Docket 7720, Apr. 13, 1964]

Order modifying—by substituting the words in parentheses for "other services or facilities in the original order"—desist order of March 21, 1962, which required a manufacturer of household paper products distributing its products to wholesale and retail grocers and druggists in Texas, Oklahoma, Arkansas, Mississippi and Los Angeles, to cease violating section 2(d) of the Clayton Act by such practices as making special payments, in excess of the usual allowances, for advertising or other services to one large customer without making comparable payments available to all the customer's competitors.

The modified order to cease and desist reads as follows:

It is ordered, That respondent, Vanity Fair Paper Mills, Inc., a corporation, its officers, employees, agents, or representatives, directly or through any corporate or other device, in or in connection with the sale in commerce, as "commerce" is defined in the Clayton Act, as amended, of paper products, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of J. Weingarten, Inc., or any other customer, any payment of anything of value as compensation or in consideration for advertising or promotional display services or facilities and like or related practices furnished by or through such customer, in connection with the handling, offering for resale, or resale of the respondent's products, unless such payment is offered or otherwise affirmatively made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

Issued: April 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-4259; Filed, Apr. 28, 1964; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Darby Creek, Pennsylvania and Honolulu Harbor, Hawaii

1. Pursuant to the provisions of Section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.228 governing the operation of the Pennsylvania Railroad Company and Reading Company bridges across Darby Creek near Essington is hereby revised, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.228 Darby Creek, Pa., The Pennsylvania Railroad Company and Reading Company bridges near Essington.

(a) The owners of or agencies controlling these bridges will not be required to keep draw tenders in constant attendance.

(b) Between 11:00 p.m. and 7:00 a.m. each day from May 15 to October 15, inclusive, the draws of these bridges need not be opened for the passage of vessels.

(c) Between 7:00 a.m. and 11:00 p.m. each day from May 15 to October 15, inclusive, the bridges will be opened upon signal from an approaching vessel or vessels at 7:15 a.m., 10:30 a.m., 1:00 p.m., 3:00 p.m., 7:30 p.m., and 10:30 p.m. and at other times on signal during these hours if such openings will not unduly delay railroad operations. Any vessel which may have passed through one of these bridges shall be passed through the draw of the other bridge without delay. When once opened for the passage of any vessel or craft the said bridges shall remain opened sufficiently long to permit the passage through both bridges of all vessels or craft which may be engaged in passing and all accumulated vessels presenting themselves for passage.

(d) From October 16 to May 14, inclusive, whenever a vessel unable to pass under the closed bridges desires to pass through the draws, 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling each of the bridges to insure prompt opening thereof at the time required. On receipt of such advance notice the authorized representative, in compliance therein, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice.

(e) In an emergency, the drawspans of these bridges will be opened as soon as possible after notification.

(f) The owners of or agencies controlling these bridges shall provide and keep in good legible condition two board gages of a type to be approved by the District Engineer to indicate the controlling minimum vertical clearance under both closed drawspans at all stages of the tide. These gages shall be so placed on the upstream and downstream ends of the right channel drawspan piers or fenders so that they will be plainly visible to the navigators approaching from either direction.

(g) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with information as to whom notice should be given, as specified in paragraphs (d) and (e) of this section, when it is desired that the bridge be opened and directions for communicating with such person by telephone or otherwise.

(h) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

[Regs., 13 April 1964, 1507-32 (Darby Creek, Pa.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.900 governing the operation of Kalihi Channel Bridge, Honolulu Harbor, Hawaii, is hereby amended with respect to paragraphs (b), (c) and (d) prescribing visual bridge tender reply signals and reducing the period for opening the bridge prior to tidal wave arrival, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.900 Honolulu Harbor, Hawaii; Kalihi Channel Bridge.

* * * * *

(b) From 5:00 a.m. on Saturdays to 5:00 a.m. on Mondays and on legal holidays, the bridge will be opened for traffic upon six (6) hours' advance notice to the Honolulu Harbor Pilot Station at Aloha Tower. In event of emergencies during the closed periods specified in paragraph (a) of this section, the Pilot Station will be called for clearance. In the event that a seismic sea-wave (tidal wave) is imminent, the bridge shall be opened to full horizontal and vertical clearances upon orders of the Harbor Master, Port of Honolulu. Emergency ship movements or imminence of wave arrival may require the bridge to be opened even though all persons have not evacuated the Sand Island area. Every effort shall be made to keep the bridge in the down position as long as reasonably possible; however, the Harbor Master may open the bridge within thirty (30) minutes of estimated time of wave arrival if he deems it prudent.

(c) The following described visual signals shall be mounted on a mast on the bridge control tower:

(1) A flashing green light to indicate that the draw can be opened immediately. The light shall be exhibited during the time the draw is opening and until the draw is to be closed.

(2) A flashing red light to indicate that the draw cannot be opened immediately, or being opened, is to be closed immediately. The light shall be exhibited during the time the draw is closing.

(3) Two (2) amber lights in a vertical line, one over the other, 6 feet apart, with the uppermost 6 feet below the flashing red light. The uppermost amber light shall be flashing and, when exhibited, shall indicate incoming traffic only. The lowermost amber light shall be fixed, and, when exhibited, shall indicate outgoing traffic only. When both lights are exhibited, the harbor is closed to all traffic.

(4) The flashing red and green lights shall be mounted on a mast on the bridge control tower at a height of 65 feet above the water plane at mean lower low water datum, shall be visible between 50 degrees and 245 degrees true from seaward and visible for a distance of approximately 3 miles. The fixed and flashing amber lights shall conform to the bearings and visibility as prescribed for the red and green lights.

(5) In addition to the above described lights, two (2) shapes shall be exhibited from a yardarm on the mast at a distance of 60 feet above the water plane at mean lower low water datum. One shape shall be an orange ball 2 feet in diameter. The other shape shall be an orange cone 2 feet in diameter across the base.

(d) When a vessel or other watercraft intends to pass through the draw of the bridge, the master or pilot thereof shall, on approaching within signaling distance, signify his intention to pass through the draw by sounding two (2) prolonged blasts followed immediately by two (2) short blasts. If the draw can be opened immediately, the bridge tender shall exhibit the flashing green light. The orange ball will be exhibited to indicate an inbound vessel; the cone will be exhibited to indicate an outbound vessel.

NOTE: As used in this section, the term "prolonged blast" means a distinct blast of a whistle or horn of five (5) seconds duration, and the term "short blast" means a distinct blast of a whistle or horn of one (1) second duration.

During daylight hours when the drawbridge cannot be opened immediately, the bridge tender shall exhibit the flashing red light and hoist the ball and cone simultaneously to the yardarm. If for some reason the drawbridge cannot be opened after the tender has signified immediate opening by the flashing green light and either the ball or cone, he shall immediately exhibit the rescinding signal of the flashing red light and hoist the ball and cone simultaneously to the yardarm. As soon as the exigency which prevented opening has been removed, the tender shall promptly exhibit the flashing green light and either the ball or cone as the case may require to advise vessels that the drawbridge can be opened at once and he shall thereupon proceed to open the drawbridge if there is a vessel waiting to pass through. No vessel shall attempt to navigate the drawbridge when the visual signals indicate the bridge cannot be opened. During the period of darkness, when the drawbridge cannot be opened immediately, the bridge tender shall exhibit the flashing red light and the fixed and flashing amber lights simultaneously. If for any reason the draw cannot be opened after the tender has signified immediate opening by the flashing green light and either the flashing amber light or fixed amber light, he shall immediately exhibit the rescinding signal of the flashing red light and the fixed and flashing amber lights simultaneously. As soon as the exigency which prevented opening has been removed, the tender shall promptly exhibit the flashing green light and either the flashing or fixed amber lights as the case may require to advise vessels that the drawbridge can be opened at once. He shall thereupon proceed to open the drawbridge if there is a vessel waiting to pass through. No vessel shall attempt to navigate through the drawbridge when the visual signals indicate that the bridge cannot be opened.

* * * * *

[Regs., April 13, 1964, 1507-32 (Honolulu Harbor, Hawaii)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

[F.R. Doc. 64-4208; Filed, Apr. 28, 1964; 8:45 a.m.]

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Atlantic Ocean, Va. and Ohio River and Mississippi River

1. Pursuant to the provisions of Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.51a is hereby prescribed establishing and governing the use of a danger zone in the Atlantic Ocean at Dam Neck, Virginia Beach, Virginia, and § 204.52 is hereby amended revising the regulations in paragraph (b) effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.51a Atlantic Ocean south of entrance to Chesapeake Bay off Dam Neck, Virginia Beach, Virginia, naval firing range.

(a) *The danger zone.* All of the water area within a sector extending seaward a distance of 5,000 yards between radial lines bearing 35° true and 92° true, respectively, from a point on the shore at latitude 36°47'33", longitude 75°58'23".

(b) *The regulations.* (1) During the period from sunrise to sunset vessels shall proceed through the area with caution and shall remain therein no longer than necessary for purposes of transit.

(2) When firing is in progress, red flags will be displayed at conspicuous locations on the beach.

(3) Firing on the ranges will be suspended as long as any vessel is within the danger zone.

(4) Lookout posts will be maintained by the Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia Beach, Virginia.

(5) There shall be no firing on any of the ranges between sunset and sunrise, nor during other periods of low visibility.

(6) The regulations in this section shall be enforced by the Commanding Officer of the Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia Beach, Virginia, and such agencies as he may designate.

§ 204.52 Atlantic Ocean south of entrance to Chesapeake Bay; firing range.

* * * * *

(b) *The regulations.* (1) During the period from sunrise to sunset vessels shall proceed through the area with caution and shall remain therein no longer than necessary for purposes of transit.

(2) When firing is in progress, red flags will be displayed at conspicuous locations on the beach.

(3) Firing on the ranges will be suspended as long as any vessel is within the danger zone.

(4) Lookout posts will be maintained by the Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia Beach, Virginia.

(5) There shall be no firing on any of the ranges between sunset and sunrise, nor during other periods of low visibility.

(6) The regulations in this section shall be enforced by the Commanding Officer of the Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia Beach, Virginia, and such agencies as he may designate.

[Regs., April 6, 1964, 1507-32 (Atlantic Ocean, Va.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.300 governing the use, administration and navigation of locks along the Ohio River, Mississippi River above Cairo, Illinois, and their tributaries is hereby amended with respect to paragraph (a) to revise Notes 5 and 6 to bring the regulations up to date due to recent transfer or removal of the locks involved, effective on publication in the FEDERAL REGISTER, as follows:

§ 207.300 Ohio River, Mississippi River above Cairo, Ill., and their tributaries; use, administration and navigation.

(a) *Authority of lockmasters.* * * *

NOTE 5: The operation of all Muskingum River Locks (1 thru 11) by the Corps of Engineers, U.S. Army, has been discontinued. These facilities have been transferred to the State of Ohio, Department of Natural Resources.

NOTE 6: Big Sandy River, West Virginia, and Kentucky, including Levisa and Tug Forks: Lock and Dam 1 near Catlettsburg, Kentucky, has been removed. Operation of Lock and Dam 2 near Buchanan, Kentucky, Lock and Dam 3 near Fort Gay, West Virginia, Lock and Dam 1 on Levisa Fork near Gallup, Kentucky, and Lock and Dam 1 on Tug Fork near Chapman, Kentucky, has been discontinued.

* * * * *

[Regs., April 8, 1964, 1507-32 (Ohio and Mississippi River)—ENGCW-ON] Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, United States Army, The Adjutant General.

[F.R. Doc. 64-4209; Filed, Apr. 28, 1964; 8:45 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

PART 12—INSPECTION OF VESSELS

Miscellaneous Amendments

1. Effective upon publication in the FEDERAL REGISTER, §§ 4.3 and 4.43a of Title 35, Code of Federal Regulations, are amended to read as follows:

§ 4.3 Load and trim.

(a) A vessel shall not be permitted to transit the Canal if she:

(1) Has a list of more than 10 degrees;

(2) Is so tender or otherwise so loaded as to dangerously affect her stability or maneuverability; or

(3) Is so trimmed as to dangerously affect her maneuverability.

(b) A vessel having a list of between 3 degrees and 10 degrees, or which is so loaded or so trimmed as to adversely affect her maneuverability, may be permitted to transit in the discretion of the Port Captain, provided the Master thereof, in the presence of the Pilot, signs an undertaking, for the said vessel, her owners, operators, or any other persons having any interest in her, and for himself, releasing the Panama Canal Company from and indemnifying it against, any loss, damage, or liability incurred by the Panama Canal Company under, or in respect to:

(1) Sections 291 through 297, inclusive, of Title 2 of the Canal Zone Code (76A Stat. 23–25),

(2) Panama Canal Company or Canal Zone Government property, and

(3) Panama Canal Company or Canal Zone Government employees under the Federal Employees' Compensation Act, to the extent and in the proportion that such failure to meet the requirements of this section proximately causes or contributes to the casualty and resulting damages.

(c) Nothing shall be done, or permitted to be done, by the Master or any member of the crew, which would materially alter the trim or draft of a vessel while it is transiting the Canal, without the prior, express approval of the Pilot. (§ 4.11)

§ 4.43a Passing through the locks: use of towing locomotives; use of ship's engines.

(a) A vessel passing through the locks shall normally be assisted by electric towing locomotives using steel wire towing lines. A vessel may be permitted to pass through the locks under her own power in the following circumstances:

(1) A small vessel up to 125 feet in length may be handled with her own manila, hemp or synthetic fiber lines along the wall, if her structure will permit her landing against the wall;

(2) A small vessel not over 100 feet in length, having good maneuvering characteristics, may be handled with her own manila, hemp or synthetic fiber lines in the center of the chamber.

(b) A vessel passing through the locks without a Pilot aboard, in accordance with the provisions of § 4.23, shall be under the direction of the lockmaster, who may authorize the use of the vessel's engines in the locks.

(c) When a vessel has a Pilot aboard, the use of her engines shall be under the direction of the Pilot. After towing wires from the towing locomotives have been placed aboard a vessel, her engines may be used to the extent considered necessary or desirable by the Pilot. (§ 4.11)

2. Effective on September 1, 1964, with regard to all vessels whose construction is commenced after September 1, 1964, and, with regard to all other vessels, on September 1, 1966, § 4.42 of Title 35, Code of Federal Regulations, is amended to read as follows:

§ 4.42 Construction, number and location of chocks and bitts.

(a) All chocks for towing wires shall be of heavy closed construction and shall have a convex bearing surface with a radius of not less than 7 inches (180 millimeters). The convex surface shall extend so that a wire from the bitt or from the towing locomotive through the chock, shall be tangent to the 7-inch (180 millimeter) radius at any angle up to 90 degrees with respect to a straight line through the chock.

(b) No part of the vessel which may be contacted by the towing wires, at any angle, shall have less than a 7-inch radius.

(c) Chocks designated as single chocks shall have a throat opening of not less than 100 square inches (750 square centimeters) in area (Preferred dimensions are 12 x 9 inches (300 x 250 millimeters).) and shall be capable of withstanding a strain of 70,000 pounds (32,000 kilograms) on a towing wire from any direction.

(d) Chocks designated as double chocks shall have a throat opening of not less than 140 square inches (875 square centimeters) in area (Preferred dimensions are 14 x 10 inches (350 x 250 millimeters).) and shall be capable of withstanding a strain of 140,000 pounds (64,000 kilograms) on the towing wires from any direction.

(e) Use of roller chocks is permissible provided they are in good condition, meet all of the requirements for solid chocks as specified in paragraph (a), (b), (c) and (d) of this section, as the case may be, and are so fitted than transition from the rollers to the chock body will prevent damage to towing wires.

(f) Each single chock shall have an accompanying bitt capable of withstanding a strain of 70,000 pounds (32,000 kilograms).

(g) Each double chock located at the stem and at the stern, in accordance with paragraph (h) of this section shall have two pairs of heavy bitts with each bitt of each pair capable of withstanding a strain of 70,000 pounds (32,000 kilograms). Other double chocks shall have a pair of heavy bitts with each bitt capable of withstanding a strain of 70,000 pounds (32,000 kilograms).

(h) All vessels, except a vessel using her own lines in accordance with § 4.43a (a) (1), (2), shall be fitted with a double chock set athwartships right in the stem and another double chock set athwartships right in the stern, except that on vessels of less than 85 feet beam, two single chocks may be substituted for each double chock required by this subsection. If such substitution is made, the single chocks shall be placed, port and starboard, not more than 8 feet abaft the stem or 10 feet forward of the stern, provided that these chocks are not more than 10 feet from the center line of the vessel.

(i) Vessels under 200 feet in length and not exceeding 30 feet in beam shall have a double chock at the stem and stern or two single chocks may be substituted for each double chock. If such substitution is made, the single chocks shall be placed, port and starboard, not more than 8 feet abaft the stem or 10 feet forward of the stern.

(j) Vessels 200 to 500 feet in length and not exceeding 75 feet beam shall have a double chock at the stem and at the stern or two single chocks at the bow and stern, port and starboard, not more than 8 feet abaft the stem or 10 feet forward of the stern and shall have two additional single chocks, port and starboard, 30 to 50 feet abaft the stem and 30 to 50 feet forward of the stern.

(k) Vessels 500 to 600 feet long or between 75 and 85 feet in beam shall have a double chock at the stem and stern or two single chocks at the bow and stern, port and starboard, not more than 8 feet abaft the stem or 10 feet forward of the stern and in addition shall have a double chock, port and starboard, 40 to 50 feet abaft the stem and a single chock, port and starboard, 40 to 50 feet forward of the stern.

(l) Vessels 600 to 670 feet long or between 85 and 90 feet in beam shall have a double chock at the stem and stern, a double chock, port and starboard, 40 to 50 feet abaft the stem; a single chock, port and starboard, 80 to 90 feet abaft the stem and a single chock, port and starboard, 40 to 50 feet forward of the stern.

(m) Vessels over 670 feet long or over 90 feet in beam shall have a double chock at the stem and stern; a double chock, port and starboard, 40 to 50 feet abaft the stem; a single chock, port and starboard, 80 to 90 feet abaft the stem; a double chock, port and starboard, 40 to 50 feet forward of the stern and a single chock, port and starboard, 80 to 90 feet forward of the stern.

(n) On vessels over 90 feet in beam, in order to obtain efficient lateral control from locomotives and to prevent the towing wires from fouling wall coping and miter gates, all chocks shall be placed on the raised sections of the ship (forecastle and poop deck) even though the distance of such chocks from the bow and the stern may be less than specified in this section.

(o) A vessel using her own lines, in accordance with § 4.43a(a) (1) and (2), shall have a chock arrangement similar to that described in paragraph (i) of this section except that the chocks need only be single chocks or, if approved by the Chief, Navigation Division, of lesser strength.

(p) Any vessel which fails to meet the requirements of this section may be denied transit. If the Marine Director or his representative decides that the vessel can be handled without undue danger to equipment or to personnel, notwithstanding her failure to comply with other requirements of this section, the vessel may be allowed to transit after the Master thereof, in the presence of the Pilot, signs an undertaking, for the said vessel, her owners, operators, or any other persons having any interest in her, and for himself, releasing the Panama Canal Company from and indemnifying it against, any loss, damage, or liability incurred by the Panama Canal Company under, or in respect to:

(1) Sections 291 through 297, inclusive, of Title 2 of the Canal Zone Code (76A Stat. 23–25),

(2) Panama Canal Company or Canal Zone Government property, and

(3) Panama Canal Company or Canal Zone Government employees under the Federal Employees' Compensation Act, to the extent and in the proportion that such failure to meet the requirements of this section proximately causes or contributes to the casualty and resulting damages (§ 411).

3. Effective upon publication in the FEDERAL REGISTER, §§ 12.2 and 12.3 of Title 35, Code of Federal Regulations, are amended to read as follows:

§ 12.2 Officials constituting Board of Local Inspectors.

The Board of Local Inspectors, referred to in this part as "the Board," shall consist of:

(a) The Chief, Navigation Division, or the official acting in such capacity;

(b) The Chief, Industrial Division, or the official acting in such capacity; and

(c) As designated by the Supervising Inspector, either the Port Captain, Balboa, or the official acting in such capacity, or the Port Captain, Cristobal, or the official acting in such capacity.

Except as provided below, the Chief, Navigation Division shall be Chairman of the Board. In the discretion of the Supervising Inspector the Board for a particular accident investigation may be comprised of one or more regularly-constituted members of the Board. In the event the Governor deems it appropriate, he may designate alternates to serve in the place of any of the above-named members in any investigation or hearing. In any case in which the Marine Director is designated as such an alternate, he shall serve as Chairman of the Board.

[2 C.Z.C. § 1353; 76A Stat. 47]

§ 12.3 Employment of inspections or examiners.

The Board may employ such inspectors or examiners as it may require in the inspection of vessels and in the classification and licensing of masters, mates, engineers, and pilots.

[2 C.Z.C. § 1353; 76A Stat. 47]

Issued at Balboa Heights, Canal Zone, April 14, 1964.

[SEAL] DAVID S. PARKER,
Acting Governor.

[F.R. Doc. 64-4210; Filed, Apr. 28, 1964; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15389, RM-580; FCC 64-360]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations, South Bend, Indiana

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making (FCC 64-238) issued in this proceeding on March 19, 1964, inviting comments on a proposal to substitute Channel 276A for Channel 252A in South Bend, Indiana. No oppositions were filed to the proposed change.

2. Petitioner submits that it is an applicant for a new FM station on Channel 252A at South Bend; that in order to meet the separation requirements of the rules a station on this channel would have to locate in an area where no suitable sites are available due to proximity of homes, college campuses and an airport; that at this location the ground elevation is such that a tower height of 300 feet would be needed to obtain an antenna height of 300 feet above average terrain; and that in order to take advantage of the more suitable sites south of the city it was necessary to request a waiver of the spacing rules. Petitoner urges that Channel 276A would meet all the requirements of the rules; that a site could be used south of the city of South Bend at the location of other radio stations; and that it would permit greater flexibility in selecting a suitable site for the proposed station.

3. The proposed change conforms to all the rules, would relieve prospective applicants of problems in selecting a site for a new FM station, and would serve the public interest. We believe therefore that the proposed change should be adopted.

4. Authority for the adoption of the proposed amendment is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That effective June 1, 1964, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, insofar as the community named is concerned, to read as follows:

City	*Channel No.*
South Bend, Ind	225, 268, 276A, 280A

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: April 22, 1964.

Released: April 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4241; Filed, Apr. 28, 1964; 8:47 a.m.]

[Docket No. 15390, RM-581; FCC 64-359]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations, Conneaut, Ohio and Erie, Pa.

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making (FCC 64-239) issued in this proceeding on March 19, 1964, in which comments were invited on a proposal to substitute Channel 288A for Channel 285A at Conneaut, Ohio and to substitute Channel 272A for Channel 288A at Erie, Pennsylvania. No oppositions were filed to the amendments as proposed. The Canadian authorities have concurred in the proposed changes. Gibralter Enterprises, Inc., licensee of WICU-TV, Erie, Pa., supported the proposal.

2. The amendments to the FM Table of Assignments were proposed by Louis W. Skelly, permittee of FM Station WFIZ on Channel 285A at Conneaut, Ohio, with the exception of the addition of Channel 272A to Erie, Pa. which was proposed on the Commission's own motion. The petitioner pointed out that due to the second harmonic relationship between Channel 285A and the aural carrier of Television Station WICU-TV at Erie, Pa., interference occurred to the reception of WICU-TV in the city of Conneaut in the vicinity of WFIZ. Mr. Skelly conducted extensive tests to determine the causes of the interference and to attempt to eliminate it. He urged that the best solution to this problem was a change in assignment for WFIZ.

3. In our notice of proposed rule making we pointed out that the type of "interference" discussed in Mr. Skelly's petition for rule making is one which is essentially related to the design of the FM transmitter and the TV receivers and that it ordinarily is not a factor in the assignment of FM channels. However, we also stated that in a number of similar instances changes had been made in assignments to solve this problem, where a simple solution was found that would not adversely affect any other station. The proposed changes would conform to all the rules, would not adversely affect any other station, and would serve the public interest. We are therefore of the view that the proposed amendments should be adopted.

4. Authority for the adoption of the proposed amendment and the other action taken herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That effective June 1, 1964, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

City	*Channel No.*
Conneaut, Ohio	288A
Erie, Pa	260, 272A, 279, 292A

6. *It is further ordered*, That, effective June 1, 1964, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding construction permit held by Louis W. Skelly for Radio Station WFIZ is modified to specify operation on Channel 288A in lieu of Channel 285A, subject to the following conditions:

(a) The permittee shall inform the Commission in writing by May 15, 1964, of his acceptance of this modification.

(b) The permittee shall submit to the Commission by May 15, 1964, all information necessary to the issuance of a modified construction permit for operation on Channel 288A, including any changes in antenna and transmission line.

(c) Upon completion of program tests presently authorized under special tem-

[1] Commissioners Hyde and Lee absent.

porary authorization, the permittee shall submit all measurement data normally required of an applicant for an FM broadcast station license.

Adopted: April 22, 1964.

Released: April 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4242; Filed, Apr. 28, 1964; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Squaw Creek National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Missouri, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,000 acres or 51 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bullheads, carp, channel catfish and other minor species permitted by State regulations.

(b) Open season: May 1, 1964, through September 30, 1964: daylight hours only.

(c) Daily creel limits: Bullheads, 25 pounds plus one fish. Carp, no limit. Channel catfish, 10. Creel limits for other minor species as prescribed by State regulations.

(d) Methods of fishing:

(1) Pole and line, trotline, throwline, limbline, bank line, jug or block line, artificial lures, hooks and bait are permitted; game fish may not be used for bait. No more than three unlabeled poles or more than thirty-three (33) hooks in the aggregate, may be used by any person at one time. Hooks may not be left unattended for more than 24 hours while in use. Hooks attached to throwlines or trotlines shall be staged not less than 2 feet apart. Trotlines and throwlines may not be attached together. Minnow traps, trotlines, throwlines, limblines, bank lines and liveboxes shall be plainly labeled with the owner's name and address.

(2) See applicable State regulations for additional details.

(3) The use of boats, without motors, is permitted only in designated portions of Main Pool as shown on the map available.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1964.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 22, 1964.

[F.R. Doc. 64-4211; Filed, Apr. 28, 1964; 8:45 a.m.]

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the Little White River Recreational Area, which is designated by signs as open to fishing. This open area, comprising 180 acres or 15 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappies, and other minor species permitted under State regulations.

(b) Open season: From effective date of publication through December 31, 1964; daylight hours only.

(c) Daily creel limits: Largemouth bass—10. Crappies—50. Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) Anglers may use a maximum of 2 lines, and a maximum of 3 hooks on each line.

(2) The use of boats for fishing is permitted.

(3) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1965.

W. P. SCHAEFER,
Acting Regional Director.

APRIL 20, 1964.

[F.R. Doc. 64-4212; Filed, Apr. 28, 1964; 8:45 a.m.]

PART 33—SPORT FISHING

Sand Lake National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 150 acres or 5 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bullheads, northern pike and other minor species permitted by State regulations.

(b) Open season: May 16, 1964, through September 15, 1964; daylight hours only.

(c) Daily creel limits: Bullheads—100; Northern pike—8. Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) Anglers may use a maximum of 2 lines, and a maximum of 3 hooks on each line.

(2) The use of boats is not permitted.

(3) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1964.

W. P. SCHAEFER,
Acting Regional Director.

APRIL 20, 1964.

[F.R. Doc. 64-4213; Filed, Apr. 28, 1964; 8:45 a.m.]

[1] Commissioners Hyde and Lee absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 919]

[Docket No. AO-102-A4]

HANDLING OF PEACHES GROWN IN THE COUNTY OF MESA, COLORADO

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of the Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), hereinafter referred to collectively as the "order," regulating the handling of peaches grown in the County of Mesa, Colorado, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the close of business of the fifteenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Administrative Committee established under the order. A notice that such public hearing would be held on January 23, 1964, in the Veterans Memorial Building, Palisade, Colorado, was published in the FEDERAL REGISTER (28 F.R. 14334; 29 F.R. 50).

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Change the fiscal period;

(2) Authorize changing the boundaries of the present five districts;

(3) Prescribe a two year term of office for committee producer members and their alternates;

(4) Change the method of nominating cooperative members and their alternates;

(5) Permit the establishment of an operating reserve fund;

(6) Add authority to regulate the handling of any variety or varieties of peaches on the basis of quality and maturity, and to fix the size, capacity, weight, dimensions, markings, or pack of the container or containers which may be used in the packaging or handling of peaches; and

(7) Make such other changes as are necessary to make the order conform with any amendments thereto.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) The order should be amended, as hereinafter set forth, to change the beginning and ending dates of the 12-month period of the fiscal year from March 1 and the last day of February, respectively, to November 1 and October 31, respectively, to provide that such beginning and ending dates may be changed by the Secretary upon the recommendation of the committee, and to change the term "fiscal year" in § 919.10 to "fiscal period."

The initial change in the beginning date of the 12-month period would facilitate the committee's preparation for the annual meeting at which time the nominees for the new committee are selected. It is customary for the annual meeting to be held during the winter months when weather conditions are less suitable for orchard work. Such change also would further enable the committee to more adequately plan operations for the ensuing shipping season, and enable the committee to coordinate planning and other activities more effectively with operations under the Colorado State Peach Order which covers the same production area. Both programs are administered from the same office.

Moreover, should conditions in the industry change materially, it would be desirable to provide that the Secretary, upon recommendations of the committee, may change the fiscal period to permit the committee to more effectively cope with the changed conditions. The development and planting of new peach varieties which may advance or retard the harvesting and marketing period is an example of the kind of development that would make such change desirable. It is, of course, not possible to foresee all the circumstances that may arise that would result in administrative problems which may be alleviated by changing the fiscal period. However, authority for such change would enable the committee and the Secretary to reconsider the fiscal period in the light of existing conditions and to effect such change as appears necessary without incurring the expenses of an amendment proceeding.

To effect the transition to the new fiscal period, it is necessary to establish an eight-month fiscal period beginning March 1, 1964 and ending October 31, 1964, and the order should be amended to so provide.

(2) The order should be amended to authorize redistricting (i.e. the re-establishment of districts or boundaries of such districts), by the Secretary upon the recommendation of the committee.

Under the order, the production area—the County of Mesa—is divided into five districts: Redlands, East Orchard Mesa, Vineland, Palisade, and Clifton. The boundaries of the various districts are fixed and described in § 919.11 of the order. Each of the districts was established on the basis of affording equal representation on the committee. Each of the established districts was comprised of an area reflecting approximately the same tonnage produced and number of growers, and each such district's representation on the committee was fixed as one producer member and alternate.

The devastating effects of the 1962-63 freeze was cited as evidence of the need for changing the boundaries of the districts to maintain the initially established equality of the representation among districts. All districts suffered losses, some worse than others, by the winter kill of trees. As an example, the Redlands District incurred severe losses and lost most of its trees. Even if the majority of trees were replanted it would be six to seven years before there would be substantial recovery of production. Also, real estate interests have purchased orchard acreages, particularly in the Clifton District and the East Orchard Mesa District, for purposes other than peach production. Thus it is obvious that, due to the freeze and land speculation, the various districts are no longer equal in relation to production.

Also, other factors, such as diseases, plantings of new peach varieties, and the location of new plantings may influence future production in a particular district or districts to such a degree that, here too, the districts would not be equal in relation to production or number of growers.

Redistricting should reflect the current and prospective volume of production, tree counts, number of growers, and other factors, such as the geographical location of the producing area, necessary to maintain approximately equal representation, by districts, on the committee. However, it is not intended that the number of districts or the representation on the committee should be changed. The committee, in submitting its recommendation for redistricting, should describe the method used in arriving at the proposed districts and furnish it, together with the recommended boundaries, to the Secretary for consideration and, if warranted, approval.

(3) Present provisions of the order provide for a term of office for committee members of one year beginning March 1 of each year. The proposed amendment would change the term of office to one beginning January 1. Such new term

would be for one year, except for the five producer members.

Commencing with the term of office beginning January 1, 1965, the producer members would be appointed for two years, with the term of such members so staggered that every other year two members would be appointed and in alternate years three members.

The designation of a term of office beginning at an earlier date would enable the newly appointed committee to better analyze the problems of the previous season, to have more time to study and plan for the ensuing season, and to coordinate planning and other activities, such as marketing research or development projects, more effectively with the marketing order of the State of Colorado. The provision of staggered terms for producer members would improve continuity of planning and operations by assuring that either two or three of the producer members who had served during the previous year would remain for an additional year.

In order to effect a transition to the staggered term it will be necessary for three of the producer members to be appointed, for the term of office beginning January 1, 1965, to serve for only a one year term and two of such members to serve for a two year term. The method used to select the two producer members could be to designate the five producer members by numbers (e.g. 1 through 5), to be placed in a container, from which two numbers would be drawn, these numbers indicating the nominees for the initial two year term.

The order should provide that the Secretary, upon recommendation of the committee, may change the term of office. Should developments occur which materially affect the harvesting and marketing period, such change would be desirable to place the committee in a position to deal effectively with the changing conditions.

With the change in the term of office beginning on January 1, 1965, it is necessary also to provide that the term beginning March 1, 1964, shall end on December 31, 1964, and the order should be so amended.

(4) Presently, there are two cooperative peach marketing associations in the production area and the order provides for nomination of the three handler members and the three alternate handler members of the committee by the members of such associations. Nomination meetings have been held in conjunction with the annual meetings of the cooperative associations. Traditionally, these meetings have been held in January, and the nominations made at that time conformed to the current order provisions which require that nominations be made prior to February 1. However, as heretofore proposed, the term of office would be changed to begin on January 1 each year so it will not be possible for the associations to follow the past procedure concerning nominations for committee membership.

The record indicates that January is the most advantageous time for the cooperatives to hold their annual meetings and they would be reluctant to change. Also, the associations do not want to hold a special meeting only for the purpose of selecting their nominees for committee members. It does not appear reasonable or necessary to require the cooperative associations to change the time of their annual meeting or to hold such a special meeting. Therefore, the order should provide that the cooperative associations should make the nominations in such manner as the members of the respective associations may designate.

The cooperative associations should submit to the committee, for its approval, the procedures to be used in the nomination of members and alternates. Such requirements are desirable to insure that the procedures to be followed are in accordance with the provisions of the order.

The order should be amended, therefore, as hereinafter set forth.

(5) The order currently provides that any assessment income in excess of a fiscal year's expenses shall be credited proportionately to the handlers who contributed to the excess. Thus, the committee is precluded from building up a reserve fund from which it may draw during periods when income is not adequate to cover authorized expenses. The proposed change in fiscal period, heretofore discussed, will result in a longer period of time before harvesting than previously. Consequently, a substantial part of the annual expenses of administering the order will be incurred before the committee has any indication of the crop and the amount of income that may reasonably be anticipated.

The committee, in conjunction with its counterpart under the State marketing order, must make estimates during the winter months for various expenses to be budgeted. Marketing research projects and State promotional and advertising programs were used as examples where costs and plans must be considered long before these committees would know its expected income. The assessment rate under the program is fixed generally in July, just prior to harvesting and is based on estimated volume of shipments. Therefore it may be necessary to commit or spend funds before the amount of the total income for the fiscal year can be determined with reasonable accuracy. The shipping period for this production area is very short, lasting about two months, and the bulk of the volume of peaches is shipped within a two week period. Estimated shipments and income for any year may be reduced by adverse weather conditions, diseases, low prices, lack of transportation or labor or some other factor. This necessitates handlers paying an increased rate of assessment per bushel of peaches handled in order to cover any deficit resulting from such reduction. It would constitute an extra burden on handlers to increase the rate of assessment after any such disaster may have occurred. Thus, the committee's ability to adjust or alter expenses to fit an income which is based on such a short, hazardous marketing period is limited.

The hazards incident to the production and marketing of peaches, and the desirability of establishing a reserve fund for use during years when the crop is reduced, was emphasized at the hearing because of the serious freeze experienced during the winter of 1962. It was asserted that it would be far less burdensome to handlers to contribute to the establishment of a reserve fund during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. It would be reasonable and equitable to handlers to contribute to an operating reserve comprised of all or a portion of any excess assessments during years when expenses are less than assessment income. Growers and handlers in the area are the same with very few exceptions from year to year. Therefore, the same persons who contribute to the establishment of the reserve fund would receive the benefits from its operation.

The reserve fund could properly be used for several purposes. The primary purpose, of course, would be to cover deficits, during years when income is insufficient to cover expenses, to avoid increasing the assessment rate after the season has begun. In addition, the reserve could be used at the beginning of each fiscal year to cover operating costs which are incurred before sufficient current income from assessments is available to cover such costs. In the absence of an operating reserve the committee must borrow funds to cover these costs and this is an added expense which must be borne by handlers. Also, should the order be terminated at some future date, funds in the reserve would be available to pay liquidation costs rather than assessing handlers to secure the necessary funds. It is appropriate for all handlers who have benefited from the operation of the program to participate in the payment of the costs of liquidating the program upon its termination.

The proposed reserve fund should be built up gradually over a period of years to the desirable amount. The attainment of a reasonable amount in the reserve should not be delayed too long, however, since a material reduction in the crop could occur at any time. In order that an excessive reserve fund not be accumulated, it was proposed that a limit of approximately two fiscal period's expenses be provided. It was shown that such an amount should be sufficient to cover any foreseeable need. After the reserve fund has been built up to that amount, excess assessment income, if any, should thereafter be returned prorata to the handlers from whom the excess was collected.

Upon termination of the order any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, and there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it is desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the

Secretary may determine to be appropriate in such circumstances.

It is concluded, therefore, that the order should be amended, as hereinafter set forth, to permit excess assessments to be placed in a reserve and to be used in the manner heretofore described.

(6) The order now provides for the regulation of peach shipments by grade or size, or both, and by minimum standards of quality and maturity. It is desirable to provide additional authority to regulate by quality and maturity, and to fix the size, capacity, weight, dimensions, markings or pack of the container or containers used in the packaging or shipment of peaches. Generally, most quality and maturity factors are capable of being included in grade regulations that may be made effective under the current provisions of the order. However, it was advanced at the hearing that it may be desirable, in addition to the maturity requirements specified in the United States Standards for Peaches (7 U.S.C. 51.1210–51.1223), to prescribe other measures of maturity, as for example, solids or sugar content. New varieties of peaches are being continually developed and some may possess characteristics as to quality or maturity which are unknown and could, thus, present problems to be solved by the industry. Therefore, other special quality or maturity requirements may need to be prescribed, in addition to those currently specified in the United States Standards, in order to assure that all peaches shipped will be of a maturity and quality satisfactory to consumers.

The main types of containers being used in the producing area are: Western peach box, bushel basket, three-quarter bushel basket, and the so-called jumble packed container. Packed containers (primarily western peach boxes and baskets), in 1962 accounted for 85.1 percent of the total quantity of peaches shipped, and the jumble packed containers for 10.3 percent. Bulk shipments accounted for the remaining 4.6 percent. The use of the jumble packed container has been increasing. The jumble packed container is usually filled by dumping the peaches into the container without regard as to order or the net weight. The containers used for this pack usually are containers that were formerly used to ship apples, pears, tomatoes, citrus fruits, or some other commodity. More often than not, the containers still bear the old labels and marketings pertaining to the previous product.

Presently, under the provisions of the marketing order, there are no regulations pertaining to containers. However, as a general practice, most handlers in the marketing area usually label and stamp each container to indicate the brand, name and address of handler, grade and size or net weight.

It was testified by the Commissioner of Agriculture of the State of Colorado that there had been problems within the State concerning deceptive packages pertaining to weights and to what was being offered, and being referred to, as a bushel of peaches. The jumble packed container, for example, usually will contain about 40 pounds of peaches. However, the buyer frequently will offer such peaches for resale at the same or lower price as the bushel basket of peaches weighing fifty pounds, and represent the peaches offered as a bushel of fruit. The consumer should not be expected to determine the quality or weight of a particular package of peaches. They should be able to rely upon the information on the package or container and by its label or markings in making the decision on whether to purchase the product. When marketing practices are such that they cannot do so, the consumer is likely to switch to another commodity or to peaches produced in some other area with a consequent lowering of the demand for Colorado peaches.

It was reported that buyers who are familiar with the difference in packages use those differences to their advantage in bargaining. For example, the price quoted by one shipper for a particular container of peaches is often used as a lever to bargain for price reduction for a larger or heavier container of peaches of another shipper. In such circumstances, it is difficult for a shipper to judge the value of his containers of peaches in comparison to the one mentioned or, in fact, to know what container the buyer may be referring to in negotiating a price. This has resulted in unjustifiable price concessions being made to the buyer with consequent detrimental effects upon the returns to the producer. Restrictions on the size, capacity, weight, dimensions, markings, or pack of containers used in the marketing of peaches would enable buyers and handlers to know the exact quantity of peaches covered by prices quoted and tend to increase trade confidence and stability in the marketing of fruit.

Presently, the number of containers being utilized in the production area has not presented any substantial problems. However, authority to regulate the number and type of containers should be provided so that, if need be in the future, the use of a multiplicity of containers or the use of unsatisfactory containers could be prevented. Regulation of containers would be a sound economic practice for the handler and the producer. Handler savings will be realized by minimizing inventories, standardizing labor for packing, and eliminating confusion among the buyers and receivers. Producers will have a better understanding between the handler or buyer concerning the marketing value and the returns which should be realized from their fruit. The committee should be empowered to recommend these regulations and the Secretary to establish standards in regard to containers used in the handling of peaches in order to achieve more orderly marketing conditions and increase prices to producers.

Therefore, the marketing agreement and order should be amended to provide authority to regulate quality and maturity and to fix the size, capacity, weight, dimensions, markings or pack of the container or containers used in packing or handling of peaches.

(7) Since there are proposals which, if adopted, would change the fiscal year and the term of office, it is necessary for changes to be made in the order to give conformity with these amendments. In order that nominations be made and actions taken at the appropriate time, the parenthetical phrase "(on or before February 1 of each year)" should be deleted from §§ 919.21(a) and 919.22(a), and the words "beginning March 1, 1956" should be deleted from § 919.23, wherever they appear. In § 919.25 the words "on or before February 15" would no longer be applicable because of the new proposed term of office and the words "15 days prior to the beginning of the term of office of the position to be filled" should be inserted therein so as to maintain approximately the same time period between the submission of nominations and the beginning of the term of office.

Rulings on proposed findings and conclusions. The period ended March 2, 1964, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. Briefs were filed by A. C. and Vadelia Carroll, C. C. Ford, Harold Ford, James R. Jones, Jr., Frederick and Viola R. McCollum, Leland McNulty, Harold Motz, R. C. Power, James F. Roberts, and Kenneth Weimer.

It is contended, in the briefs, that regulation of the size, capacity, dimensions, markings, or pack of the container or containers which may be used in shipping peaches would be inequitable and economically unfeasible inasmuch as such regulation would tend to increase costs by necessitating the purchase of new containers, in lieu of the used containers currently used, as well as, in some instances, requiring discontinuation of certain methods of shipping, such as the movement of bulk loads of peaches.

The contention is speculative and is based upon an assumption that certain regulations will be imposed which will be deterimental to the interests of the industry. The proposed amendment provides the authority for regulating containers, in the manner specified, but only to the extent that such regulation is necessary to establish and maintain more orderly marketing conditions with the objective of increasing producers' returns. The record clearly shows that the containers now used are fairly uniform with most peaches being shipped in the western peach box and bushel baskets. While no particular container problem is now apparent, the use, in recent seasons, of the jumble packs indicate that a problem could develop if such packs increased sufficiently to disrupt orderly marketing conditions to the detriment of the entire industry, or the industry could, in the future, be adversely affected by the use of off-size or deceptive containers. In any such event, the order should contain provisions to enable corrective action to be initiated to the benefit of the industry.

It was also contended, in one brief, that the proposal to provide an operating reserve fund in an amount not exceeding approximately two fiscal periods' expenses is too indefinite and elastic of interpretation. A fixed reserve fund of not more than $20,000 was suggested as being adequate. It was also advanced

that growers incur expenses during years of crop failure and their need for funds at this time are greatly intensified. Much of the testimony at the hearing concerning the proposals for a reserve pertained to the funds of the Colorado State Marketing Order which covers some activities not authorized by the Federal orders and, therefore, incurs expenses much greater than those of the Federal order. The average annual expense of the Federal order, based upon the latest 3-year operations, is approximately $11,500. Thus, the maximum amount that could be retained in a reserve at the present time would not greatly exceed the $20,000 suggested. Apparently, there was some misunderstanding of the testimony at the hearing relating to the proposed reserve which can be attributed to confusion concerning information presented on the respective budgets of the Federal and State programs. It should be noted, also, that the establishment of a reserve, as proposed, will be of assistance to the industry during the time when the crop may be reduced since the need for increasing the assessment rate to obtain funds to cover necessary program costs will be minimized or eliminated.

Each point covered in each brief was carefully and fully considered in conjunction with the evidence in the record, in arriving at the findings and conclusions set forth herein. To the extent that any suggested findings and conclusions contained in such briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings, or to reach such conclusions, is denied on the basis of the facts found and stated in connection with this decision.

General findings. (1) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, regulate the handling of peaches grown in the County of Mesa, in the State of Colorado, in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of peaches grown in the County of Mesa in Colorado, which make necessary different terms and provisions applicable to different parts of the production area.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Delete § 919.10 *Fiscal year* and substitute, in lieu thereof, the following:

§ 919.10 Fiscal period.

"Fiscal period" means the twelve-month period beginning November 1 of any year and ending the last day of October of the following year, both dates inclusive, or such other period as may be approved by the Secretary pursuant to recommendations by the committee: *Provided*, That the fiscal year which began March 1, 1964, shall cover the eight-month period ending October 31, 1964.

2. Amend § 919.20 *Establishment and membership* as follows:

A. Designate the current provisions as paragraph (a) and revise the third sentence thereof to read as follows: "The members of the committee and their respective alternates shall be nominated in accordance with the provisions of § 919.21 through § 919.24, at least 30 days prior to the beginning of the term of office of the positions to be filled."

B. Add the following new paragraph (b):

(b) The five districts into which Mesa County is divided, pursuant to § 919.11, may be re-established by the Secretary upon the recommendations of the Administrative Committee. In recommending any such changes, the committee shall consider (1) the current and prospective volume of production in the producing areas; (2) the number of growers in such producing areas; (3) the relative importance of new producing sections and their geographic location; and (4) other factors which may affect the efficiency of administration of this part.

3. Delete from §§ 919.21(a) and 919.22 (a) the parenthetical phrase "(on or before February 1 of each year)."

4. Amend § 919.23 *Nomination and selection of cooperative handler members* as follows:

A. Delete from paragraph (a) the words "beginning March 1, 1956" wherever they appear.

B. Revise paragraph (b) to read as follows:

(b) Nominations of cooperative members and their respective alternates shall be made by such cooperative associations, at least 30 days prior to the beginning of the term of office of the positions to be filled, in such manner as the members of the respective associations may designate: *Provided*, That the procedures to be followed in making such nominations shall be submitted to the Administrative Committee for its approval.

5. Delete from § 919.25 *Failure to nominate* the words "on or before February 15" and insert, in lieu thereof, the following: "15 days prior to the beginning of the term of office of the position to be filled."

6. Delete the provisions in § 919.27 *Term of office* and insert, in lieu thereof, the following:

§ 919.27 Term of office.

The term of office of producer members and their alternates shall be for two (2) years: *Provided*, That, for the term beginning January 1, 1965, the term of office of three producer members and their alternates shall be for one year. (Determination of which of the initial producer members and their alternates shall serve for one year, or two years, shall be by lot.) The term of office of the independent member and cooperative handler members, and of their alternates, shall be one (1) year. The term of office of each member and alternate member shall be for the period beginning on January 1 of one year and ending on December 31 of the same year, or the following year in the case of producer members and their alternates, both dates inclusive, or such other period as the committee, with the approval of the Secretary, may prescribe: *Provided*, That the term of office which began March 1, 1964 shall end December 31, 1964. Members and alternates shall serve during the term of office for which they have been selected and have qualified and until their successors are selected and have qualified.

7. Delete § 919.42 *Handler accounts* and insert, in lieu thereof, the following:

§ 919.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part, and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

8. Delete §§ 919.50, 919.51, and 919.52 and insert, in lieu thereof, the following:

§ 919.51 Recommendation of the Administrative Committee.

Whenever the Administrative Committee deems it advisable to regulate during any period or periods, the shipment of one or more varieties of peaches pursuant to § 919.52, it shall so recommend to the Secretary. At the time of submitting each such recommendation for

regulation, the committee shall furnish to the Secretary, in addition to all pertinent data and information on which it acted in making such recommendation, such other data and information as the Secretary may request. The Committee shall promptly give adequate notice to handlers and producers of each such recommendation.

§ 919.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of peaches whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality and maturity, or any combination thereof, of any variety or varieties of peaches grown in the production area;

(2) Limit the shipment of any variety or varieties of peaches by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container or containers, which may be used in the packaging or shipment of peaches;

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to handlers.

Dated: April 24, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-4263; Filed, Apr. 28, 1964; 8:48 a.m.]

[7 CFR Part 929]

[Docket No. AO-341-A1]

CRANBERRIES GROWN IN CERTAIN STATES

Decision and Referendum Order With Respect to Proposed Amendment of the Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in the Cafeteria Room, Memorial Town Hall, Marion Road, Wareham, Massachusetts, on February 10, 1964; and continued in the Mt. Laurel Room, Holiday Motel, Exit 4, New Jersey Turnpike, Moorestown, New Jersey, on February 12; and in the Courthouse Auditorium, Wood County Courthouse, 400 Market Street, Wisconsin Rapids, Wisconsin, on February 14, after notice thereof published in the FEDERAL REGISTER (29 F.R. 1388) on proposals to amend the marketing agreement and Order No. 929 (7 CFR Part 929), hereinafter referred to collectively as the "order", regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on April 9, 1964, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 64-3644; 29 F.R. 5042). No exception was filed.

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 64-3644; 29 F.R. 5042) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein, subject to the following change: 29 F.R. 5042, column 3, line 31, change "their" to "his".

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York" and "Order Amending the Order Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that referenda be conducted:

(1) Among the producers who, during the period August 1, 1963, through March 31, 1964 (which period is hereby determined to be a representative period for the purpose of such referenda), were engaged in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York in the production of cranberries for market; and

(2) Among processors who, during the aforesaid representative period, canned or froze within the production area cranberries for market to ascertain whether such producers and processors favor the issuance of the said annexed order regulating the handling of cranberries.

George B. Dever, Jr., Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, is hereby designated agent of the Secretary of Agriculture to conduct said referenda.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (28 F.R. 6409).

The ballots used in each such referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said amended marketing agreement are identical with those contained in the said order, as amended by the annexed order which will be published with this decision.

Dated: April 24, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York

§ 929.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in the Cafeteria Room, Memorial Town Hall, Marion Road, Wareham, Massachusetts, on February 10, 1964; and continued in the Mt. Laurel Room, Holiday Motel, Exit 4, New Jersey Turnpike, Moorestown, New Jersey, on February 12; and in the Courthouse Auditorium, Wood County Courthouse, 400 Market

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

Street, Wisconsin Rapids, Wisconsin, on February 14, upon proposed amendments to the marketing agreement and Order No. 929 (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order as hereby amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order as hereby amended regulates the handling of cranberries grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order as hereby amended is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in the order as hereby amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of cranberries grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended as follows:

1. In § 929.54, paragraph (a) is amended, paragraph (b) is revised, and paragraph (d) is added, to read as follows:

§ 929.54 Withholding.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 929.52(a), each handler shall withhold from handling a portion of the cranberries he acquires during such period: *Provided*, That such withholding requirement shall not apply to any lot of cranberries for which such withholding requirement previously has been met by another handler in accordance with § 929.55. The withheld portion shall be equal to the sum of the products obtained by multiplying each of the following quantities, as applicable, by the restricted percentage:

(1) The quantity of screened cranberries acquired;

(2) The quantity of cranberries screened from unscreened lots of cranberries acquired; and

(3) The quantity of screened cranberries contained in lots acquired but which are not screened prior to the time fixed by the Secretary for handlers to meet all withholding obligations. The committee, with the approval of the Secretary, shall prescribe uniform rules to be followed in determining the quantity of screened cranberries in each lot of unscreened cranberries.

(b) The committee, with the approval of the Secretary, shall prescribe the manner in which, and date or dates during the fiscal period by which, handlers shall have complied with the withholding requirements specified in paragraph (a) of this section.

* * * * *

(d) Any handler who withholds from handling a quantity of cranberries in excess of that required pursuant to paragraph (a) of this section shall have such excess quantity credited toward the next fiscal year's withholding obligation, if any, of such handler: *Provided*, That such credit shall be applicable only (1) if the restricted percentage established pursuant to § 929.52 was modified pursuant to § 929.53; (2) to the extent such excess was disposed of prior to such modification; and (3) after such handler furnishes the committee with such information as it prescribes regarding such withholding and disposition.

2. The provisions of § 929.56 *Special provisions relating to withheld (restricted) cranberries* are revised to read as follows:

§ 929.56 Special provisions relating to withheld (restricted) cranberries.

(a) Except as otherwise directed by the Secretary, as near as practicable to the beginning of the marketing season of each fiscal period with respect to which the marketing policy proposes regulation pursuant to § 929.52(a), the committee shall determine the amount per barrel each handler shall deposit with the committee for it to release to him, in accordance with paragraph (b) of this section, all or part of the cranberries he is withholding; and the committee shall give notice of such amount of deposit to handlers. Such notice shall state the period during which such amount of deposit shall be in effect. Whenever the committee determines that, by reason of changed conditions or otherwise, a different amount should thereafter be deposited for the release of withheld cranberries, it shall give notice to handlers of the new amount and the effective period thereof. Each determination as to the amount of deposit shall be on the basis of the committee's evaluation of the following factors: (1) The prices at which growers are selling cranberries to handlers, (2) the prices at which handlers are selling fresh market cranberries to dealers, (3) the prices at which cranberries are being sold for processing into products, and (4) the prices the committee has paid to purchase cranberries to replace released cranberries in accordance with this section.

(b) Any handler may make a written request to the committee for the release of all or part of the cranberries he is withholding from handling pursuant to § 929.54(a). Each such request shall state, in addition to all other information as may be prescribed by the committee, the quantity of cranberries for which release is requested and shall be accompanied by a deposit (in cash, or a cashier's or certified check made payable to the Cranberry Marketing Committee) in an amount equal to the product of the number of barrels stated in the request multiplied by the then effective amount per barrel to be deposited. If the committee determines such request is properly filled out, is accompanied by the required deposit, and contains a certification that the handler is withholding such cranberries, it shall release to such handler the quantity of cranberries specified in his request. Such determination shall be made not later than 72 hours after the request is received by the committee.

(c) Funds deposited for the release of withheld cranberries, pursuant to paragraph (a) of this section, shall be used by the committee to purchase from handlers unrestricted (free percentage) cranberries in an aggregate amount as nearly equal to, but not in excess of, the total quantity of the released cranberries as it is possible to purchase to replace the released cranberries. All handlers shall be given an opportunity to participate in such purchase. If a larger quantity is offered than can be purchased, the purchases shall be made at the lowest prices possible. If two or more handlers offer at the same price, purchases from such handlers shall be in proportion to the quantity of their respective offerings insofar as such division is practicable. The cranberries so purchased shall be disposed of by the committee as restricted cranberries in accordance with § 929.57. Any funds received by the committee for cranberries so disposed of, which are in excess of the costs incurred by the committee in making such disposition, shall be paid or credited proportionately to handlers on the basis of the volume of cranberries withheld by each handler.

(d) In the event any portion of the funds deposited with the committee pursuant to paragraph (a) of this section cannot, for reasons beyond the committee's control, be expended to purchase unrestricted (free percentage) cranberries to replace those released, such unexpended funds shall, after deducting expenses incurred by the committee in connection with the purchase and disposition of cranberries pursuant to paragraph (c) of this section, be paid or credited proportionately to handlers on the basis of the volume of cranberries withheld by each handler.

[F.R. Doc. 64-4262; Filed, Apr. 28, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 13961; FCC 64-385]

STATEMENT OF PROGRAM SERVICE

Broadcast Application Forms

Fourth notice of further proposed rule making. 1. Notice of further proposed rule making is hereby given in the above entitled matter.

2. On December 20, 1963, the Commission issued the Second Notice of Further Proposed Rule Making herein, proposing a new television program reporting form for use in place of the present Section IV as part of broadcast applications for renewal, assignment and transfer of control, and new stations and major changes in facilities (FCC 63-1163).[1] We also proposed to require all operating television stations to file two of the parts of the proposed new Section IV—Part B, relating to ascertainment of community needs and provision therefor in future programming, and Part C, relating to past and future commercial activity and practices—on an annual basis.

3. Before the date set in the Second Notice for oral and written presentations concerning the new form (February 13, 1964) objections to the proposal were raised informally, chiefly by broadcasters, the NAB, and members of the communications bar. A principal objection was that the information called for by the proposed TV form would be unduly burdensome to record, compile and submit (especially if required annually). Therefore an ad hoc committee was formed, consisting of members of the communications bar, broadcasters, a representative of the NAB, and three Commission staff members, to prepare a form which would get the required information with less burden on applicants and licensees. The date for oral and written presentations was extended to permit this Committee to work. This Committee began its deliberations in February and, working with great diligence, developed two forms which at the end of March it submitted to the Commission for consideration. From the beginning of the Committee's efforts it has been understood that none of the Committee members is bound to support the form as drafted and retains full discretion to oppose any portion thereof. Whereas we proposed one program form for all broadcast applications, the Committee's proposal contemplated two, one for renewal and one for all other uses (assignment and transfer, new stations, and major changes in facilities).

4. Upon further consideration of this matter, we are of the view that the Committee's proposed forms represent in a number of respects an improvement over our December proposal. From the two sources we have evolved two forms which we believe would be more suitable than that proposal. We are inclined to agree with the Committee's view that it may be preferable to have one form for renewal and the other for all other applications. The two forms we now propose are attached hereto as Appendix I,[2] the renewal form, and Appendix II,[2] the form for use with all other applications requiring a program form (new stations, assignment and transfer, and major changes in facilities). Except insofar as the contents of the form proposed in December (FCC 63-1163) are contained in Appendix I and Appendix II, we are withdrawing our earlier proposal.[2]

5. However, because of the need to get our new proposal out quickly if this matter is to be resolved with reasonable speed, we have decided on the forms to be proposed without necessarily having given full consideration to every possible aspect and problems involved with them. In other words, the forms as adopted may be different in some respects from those now proposed, even if no commenting party requests changes in those respects. For example, with respect to the renewal form—Appendix I—in it we have proposed Part B (Ascertainment of Community Needs) in the alternative. Alternative I is substantially our earlier, rather detailed proposal, including projection of future programming for a year. Alternative II is the Committee's proposal, which relates to general ascertainment of community needs with no projection of future programming. Should a form finally be adopted along the lines of the shorter Alternative II, it may be necessary to expand Part C of Appendix I, concerning programming, to include a more specific projection as to future programming than that now contained therein. In short, we recognize that in the effort to combine the two concepts there have resulted certain inconsistencies, and we of course reserve the right to rectify these where appropriate.

6. Certain matters should be mentioned particularly.

7. Annual filing: our December proposal called for annual filing, by all television stations, of Part B (Ascertainment of community needs and proposed programming based thereon for the coming year) and Part C, commercial practices. Objection was raised to this concept, at least as part of the present proceeding and the form proposed therein. It was urged that any such filing, if required, should be in a different context, e.g., an annual programming form corresponding to the annual financial report form (FCC Form 324).

8. We agree that consideration of what form or forms are appropriate for use with the various types of broadcast applications is a good deal simpler if they need not also be considered in relation to annual use. Therefore, we have removed from the forms now proposed, Appendices I and II, any reference to annual filing. However, we are still of the view that the filing of some programming information annually of the sort proposed earlier, may well be appropriate. We are further of the view that this question is suitable for consideration in this proceeding. Therefore, we invite comments on the general question of whether annual filing of certain programming and commercial material—e.g., ascertainment of community needs and programming proposed in relation thereto, and commercial practices—may be of benefit to the public interest. In this regard, we are particularly interested in determining (a) the extent to which television licensees plan their program schedules on an annual basis, (b) the potential usefulness of annual reports as a device for gathering general information concerning industry or regional trends in programming and commercial practices, and (c) the potential usefulness of annual reports as a means of making available to the public served by each station an objective analysis of the service it receives.

9. Ascertainment of community needs: we are proposing Part B in Appendix I, the renewal form, in the alternative, Alternative I being in substance our earlier proposal and Alternative II being the Committee's much shorter, less detailed version. Comment is invited on which of these is more appropriate. We are not now persuaded that the shorter Committee version would fully inform the Commission as to the steps the licensee is taking to ascertain the needs and interests of its community and programming in response thereto. Comment is also invited on two other alternatives falling generally in between those specifically set forth in the Appendices: (1) an expansion of the Committee's proposal (Alternative II) so as to give specific examples, in terms of identified persons contacted and what they said specifically, without the considerable detail required by Alternative I; and (2) requiring the licensee to record and compile the material called for by our Alternative I (Questions 20 and 21), and keep it on file for inspection by Commission representatives; but not filing it in complete form with the application or making it available to the public. Comment is also invited on the question of whether, if something like Alternative I is adopted, it would be satisfactory to require projection of future programming for a period less than an entire year, or for less than the total program schedule (e.g., excluding network and recorded entertainment and sports programs).

10. Past program showing by renewal applicants: With respect to the past programming to be shown by renewal applicants, Part C of Appendix I (which is in the main the Committee's proposal) uses the three composite weeks of the past license period. Questions have been raised as to whether a composite week is enough to give a real picture of what the station did during the year. Therefore, comment is invited on the question of whether a greater showing should be required—for example, listing and descrip-

[1] Present section IV is identical for radio and television. We now propose separate forms for the aural and visual services, and on January 28, 1964 (FCC 64-45) we issued a Third Notice herein proposing a new radio program form. An en banc oral proceeding on that is now scheduled for May 25, 1964.

[2] The renewal form (Appendix I) is called Section IV-B. The form for other television applications (Appendix II) is called Section IV-D. Pages, paragraphs and questions in each Appendix are numbered consecutively, for the convenience of commenting parties. These forms are filed as part of the original document.

tion of all local and exchange programs (excluding news) for the entire year. This might well be appropriate particularly because "specials", broadcast at fairly long or irregular intervals, are often one of the major means by which the station discharges its obligation to serve as a medium of local self-expression and cover local issues and problems. Such programs might often not appear in the composite week.

11. Future programming for renewal applicants: Appendix I, Part C, contains relatively little concerning future programming. Comments are invited as to what further showing should be required (e.g., a list of programs expected to broadcast during a typical week, or at least of non-network programs contemplated). This would be particularly pertinent if a shorter Part B, not including a detailed projection of future programming, is to be adopted (see paragraph 5, above).

12. Past programming for assignors-transferors: Appendix II, Parts C and D, contain questions to be asked of proposed assignors and transferors concerning their programming and commercial practices for the last composite week. Such material is not required in our present Section IV, and the Committee has opposed any such requirement. We are tentatively of the view that some such showing is required, and therefore the first portions of these Parts as proposed relate to the past. Comment on this general question is invited, and also—particularly with reference to Part C—whether a showing in less detail than that proposed would be appropriate.

13. Interruptions: Part D of both Appendices retains, although in a different form, questions concerning the extent of interruptions of program continuity by commercial and certain other matter. In this connection, there are two questions as to which comment is particularly invited, especially comment which would throw light on the viewing public's attitude. These are: (1) should public service announcements which break into program continuity be counted as interruptions (they are not so counted in the proposed Part D); and (2) to what extent should promotional announcements not involving any actual advertising be considered interruptions (they are so considered in the proposed Part D if they are for programs containing commercial matter, but not otherwise). As to the first, it may be that—from the standpoint of breaking into the flow of the program material—public service announcements have the same character as commercials and should be treated as such. On the other hand, it has been argued that if they are so treated, there will be a tendency for stations to put public service announcements only between programs, as part of a clutter of announcements. As to promotional announcements, it might be argued that they are likewise interruptions whether they are for commercial or sustaining programs; on the other hand, it has been urged that they are relatively short, and are simply not the type of interrupting material which is a source of annoyance to the public.

14. The Commission wishes to express its thanks to the ad hoc Committee for diligent, constructive and helpful efforts.

15. Authority for adoption of the forms set forth in the Appendices hereto, for use with renewal and other television broadcast applications, is contained in sections 4(i), 303(r), 307(d), 308(a), and 308(b) of the Communications Act of 1934, as amended. This authority also extends to adoption of forms taking into account the matters set forth in Paragraphs 8 through 13, above, as to which comment is invited.

16. As previously ordered, an oral en banc proceeding will be held in this matter on May 18, 1964, at the Commission's offices at Washington, D.C. Parties not wishing to participate orally may file written statements (an original and fourteen copies) on or before that date. All parties wishing to participate orally shall notify the Secretary of the Commission on or before May 1, 1964, indicating the approximate amount of time they wish to use.[3] Representatives of all segments of the television industry and other interested parties are invited to participate; the Commission will welcome coordination of comments so as to get a detailed review and discussion of each aspect of the proposal without repetitious matter. Where parties oppose one or more aspects of our proposal, they should advance constructive suggestions as alternative ways of achieving the appropriate objectives.

Adopted: April 16, 1964.

Released: April 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-4243; Filed, Apr. 28, 1964; 8:47 a.m.]

[47 CFR Part 91]

[Docket No. 15427 (RM-439); FCC 64-341]

POWER RADIO SERVICE

Notice of Proposed Rule Making

In the matter of amendment of § 91.252, of Subpart F, of Part 91 of the Commission's rules governing the Power Radio Service to provide an additional tone signaling function; Docket No. 15427, RM-439.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The National Committee for Utilities Radio (hereinafter NCUR) has petitioned the Commission to amend § 91.252 (f)[1] of its rules to expand the use of tone and impulse signaling in the Power Radio Service. The NCUR's petition was filed on April 30, 1963, and has been assigned our rule making number 439.

3. Section 91.252(f), of the Power Radio Service rules, as presently written, permits tone or impulse signaling for the following purposes only:

(i) Automatic indication of failure of equipment or service in the production, transmission or distribution services of the licensee.

(ii) Automatic indication of an abnormal condition in the production, transmission or distribution facilities of the licensee, which, if not promptly corrected, would result in failure of the equipment affected.

(iii) Manually supervised transmissions as may be necessary to restore lost service, place standby equipment in operation, or to correct any abnormal condition which otherwise would result in an immediate failure in the production, transmission or distribution facilities of the licensee.

4. The above-quoted section of the Power Radio Service rules was adopted in 1961. Since that time, experience with tone and impulse signaling by various Power Radio Service licensees has revealed that an automatic checkback or confirmation signal—to indicate to the licensee whether the manually supervised signal described in § 91.252(f)(1)(iii) above, has in fact accomplished its purpose—is needed. The instant proposal looks toward an amendment of § 91.252(f), whereby the automatic checkback function may be accomplished, employing tone or impulse signals. Authorization of this checkback function would, it has been averred, enhance the safety and efficiency of the many and varied operational functions of Power Radio Service licensees. The Commission is convinced that the proposal has merit and warrants consideration through the rule making processes.

5. In view of the foregoing, it is proposed that § 91.252(f)(1) be amended by adding a new subdivision (iv); and that paragraph (f)(2) be revised to read as follows:

§ 91.252 Availability and use of service.

* * * * *

(f) * * *

(1) * * *

(iv) Automatic confirmation that an operation or correction intended to be accomplished by means of a transmission permitted in subdivision (iii) of this subparagraph has occurred.

(2) Any one alarm, warning, corrective requirement, positive confirmation or checkback, utilizing secondary tone or impulse signalling, shall be limited to not more than five transmissions, not to exceed 6 seconds each, and no two transmissions shall commence in the same 60-second period.

* * * * *

6. These proposed amendments are issued under authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 1, 1964, and reply comments on or before June 19, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information

[1] At the time the NCUR petition was filed, the subject section bore the designation 11.252(f).

[2] May 1 is the date for filing appearances for both the television and radio en banc proceedings. Parties filing notices of appearance should be sure to indicate which proceeding they will appear in, and, if they intend to appear in both, should file separate notices.

[3] Dissenting Statement of Commissioner Bartley filed as part of original document.

[4] Commissioner Lee absent and Commissioner Ford dissenting.

before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions set forth in § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 22, 1964.

Released: April 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-4244; Filed, Apr. 28, 1964; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 407]

COSMETIC OR TOILET PREPARATIONS NOT WHOLLY MANUFACTURED IN A FOREIGN COUNTRY

Notice of Additional Opportunity To Present Data, Views or Arguments Relating to Deceptive Names

On March 12, 1964 there was published in the FEDERAL REGISTER (29 F.R. 3313) a notice of proposed rule making concerning the establishment of a Trade Regulation Rule regarding deceptive use of names or depictions suggesting foreign origin in connection with the sale of cosmetic or toilet preparations not wholly manufactured in a foreign country. Interested parties were afforded opportunity to be heard at a public hearing in Washington on April 22, 1964 and to submit written data, views or arguments by not later than May 7, 1964.

The Commission has considered the request of affected parties submitted at the hearing that additional opportunity be extended to them for the submission of data, views or arguments. Accordingly, interested parties may orally express their views in the matter on May 20, 1964, commencing at 10 a.m., e.d.t., in Room 332, Federal Trade Commission Building, Pennsylvania Avenue, at Sixth Street NW., Washington, D.C. Written data, views or argument may be submitted not later than June 1, 1964.

Issued: April 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-4222; Filed, Apr. 28, 1964; 8:45 a.m.]

[3] Commissioners Lee and Ford absent.

Notices

ATOMIC ENERGY COMMISSION

STATE OF FLORIDA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Florida for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Florida and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Florida regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State & Licensee Relations, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 13th day of April 1964.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary to the Commission.

Proposed Agreement Between the United States Atomic Energy Commission and the State of Florida for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Florida is authorized under section 290.18 of the Florida Nuclear Code (Chapter 290, Florida Statutes, 1961) to enter into this agreement with the Commission; and

Whereas, The Governor of the State of Florida certified on ----------, that the State of Florida (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on ----------, 1963, that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this agreement;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproducts, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This agreement shall become effective on ----------, 1964, and shall remain in effect unless, and until such time as it is terminated pursuant to article VII.

APPENDIX "A"

RADIATION CONTROL IN THE STATE OF FLORIDA

I. Introduction. The radiation control program of the State is designed to regulate all sources of radiation other than those for which regulatory responsibility is to be retained by the U.S. Atomic Energy Commission. As the term "radiation sources" is used hereinafter in this narrative, it is intended to mean those sources under the control of the State. The sources are divided into two major categories: radioactive materials and radiation machines. Radioactive materials, including radium, are to be regulated under a licensing program similar to the existing program of the U.S. Atomic Energy Commission, requiring possession of a license prior to acquisition or use of such materials. Radiation machines will be subject to a registration program involving the reporting of information by the registrant and the right of inspection by the State for compliance with prescribed safety standards.

The program described herein constitutes a continuation of Florida's efforts to modify and improve its activities for the control of radiation hazards, to gain increased knowledge of radiological health significance and to make use of ionizing radiation for the improvement of the public health when and if methods for such use are discovered or developed. An integral part of this program is the assumption of certain responsibilities which the United States Atomic Energy Commission will discontinue under a contemplated agreement between the Commission and the State.

II. History. The first regulations for the control of radiation in the State of Florida were prepared jointly by the Florida Industrial Commission and the Florida State Board of Health and promulgated in April, 1947, by the Florida Industrial Commission. They were embodied in Regulation No. 8, "Radiant Energy" of the "Regulations for the Control and Prevention of Occupational Diseases". These rules were revised in 1957 and in 1960. As a result of this cooperative effort, the Florida Industrial Commission and the Florida State Board of Health have established a very close working relationship in the field of occupational health.

In 1950, the Board of Health conducted a statewide survey of shoe-fitting fluoroscopes, as a result of which the use of almost all of these machines was discontinued; such use is now prohibited. In 1957, a statewide program of radiological surveillance of the environment was started in order to develop baseline knowledge and to enable us to know when increases occurred from fallout or from possible pollution from other sources. The area in the vicinity of the then proposed power reactor to be located in Polk County was examined in much greater detail. This program has continued and has been expanded to include seafood and shell fish beds. Spot samples of citrus and other terrestrial foods have been analyzed. The State of Florida has participated in the national air and precipitation fallout surveillance network since 1957, and now operates two stations (Jacksonville and Miami). To provide a degree of information on which action programs could be based, the State added four more identical stations (Pensacola, Tallahassee, St. Peterburg, and Orlando). In addition to operating a collecting station for the National Pasteurized Milk Surveillance Program (Tampa), the State Board of Health has an active producer milk surveillance program which is statewide in scope and sufficiently detailed in sampling points to permit specifically-localized action programs, should such become necessary. At the request of county medical societies and other organized professional groups and industry, the Board of Health initiated, in 1958, a program of physical inspection and consultation aimed at reducing exposure to the public (as well as the user) from diagnostic and other uses of X-rays. To date, roughly 80 percent of the approximately 3,000 dental, 50 percent of the approximately 3,500 medical, and a number of industrial X-ray installations have been visited. During 1961–63, the Board of Health conducted a research project in an effort to improve this program. One of the outstanding features of this study was a demonstration of the importance of repeated visits. Another research program, currently under way, is designed to establish radiation background levels in various parts of the state and to determine the components of this radiation. These two projects have been supported by the U.S. Public Health Service at approximately $76,000.00 per annum.

On December 1, 1955, the Honorable Leroy Collins, Governor of Florida, by executive order, created the Florida Nuclear Development Commission to assist the Governor in the promotion of nuclear development within the State of Florida and in cooperation with the other southern states and the Atomic Energy Commission. The Commission consists of nine members to serve at the pleasure of the Governor and without compensation.

In 1957, the legislature enacted chapter 57-178 which created the Florida Nuclear Development Commission as a permanent agency of the State for the development and application of nuclear energy with all its attendant benefits, thus placing the coordination of all nuclear development within the State on a statutory basis. The Act has subsequently been amended (1961, chapter 61-262) clarifying and broadening the duties of the Commission.

In September of 1959, the Congress of the United States enacted Public Law 86-373, which amended the Atomic Energy Act of 1954, and provided for the transfer of certain regulatory powers from the Atomic Energy Commission to qualified States in accordance with negotiated agreements. This transfer of authority applies to the control of certain categories of radioactive materials and becomes effective when appropriate State legislation has been enacted; and, an agreement has been signed by the Atomic Energy Commission and the Governor of the respective State.

In May of 1960, the Florida Nuclear Development Commission, in recognition of the inevitable and urgent need for the control of radiation by the State launched a drive for an extensive analysis of Public Law 86-373 and its application to the specific needs of this State. It called first on the School of Law at the University of Florida to conduct a study of the many implications connected with the assumption of control of radiation sources by the State. On September 30, 1960, the results of that study were presented to the State Legislative Council, after which many other meetings with various agencies were sponsored by the Florida Nuclear Development Commission to consider the various aspects of such a program.

Inasmuch as State policy and courses of action with respect to atomic energy development and radiation protection have been the subject of legislative consideration in Florida for a number of years, the Legislative Council's Select Committee on Nuclear Legislation conducted public hearings on this subject in 1960 and 1961, with a view toward appraising the desirability or necessity for a broad system of radiation control, including assumption of authority from the Atomic Energy Commission and a licensing or registration program designed to obtain a maximum of information regarding radiation use in Florida.

After such public hearings by the Legislative Council's Select Committee on Nuclear Legislation and consultations with interested governmental agencies, representatives of industry and professional groups that use atomic energy and radiation, it concluded that a comprehensive legislative program for radiation control should be enacted.

Consequently, chapter 61-262 was introduced in the 1961 session of the legislature, which provided the framework for such a program. The bill was derived in large measure from suggested legislation of the Council of State Governments. It was widely circulated and critically reviewed by a number of interested and affected persons and groups, and was revised to take into account appropriate comments. After extensive consideration by committees of the legislature, including several public hearings at which all interested parties were afforded opportunity to be heard, the measure was enacted as the Florida Nuclear Code (chapter 290, part I, Florida Statutes, 1961). At the same legislative session, chapter 61-227 (part 2 of chapter 290, Florida Statutes, 1961) was enacted, which made Florida a party to the Southern Inter-State Nuclear Compact.

The enactment of the Florida Nuclear Code strengthend the framework for the control of radiation activities within the State as follows:

1. Established the Florida Nuclear Commission headed by a director responsible to the Commission. With respect to administrative and regulatory responsibilities, the duties of the Commission are to promote and support a comprehensive program of education and research relative to nuclear development in the field of education, science, agriculture, industry, transportation, medicine, and all other fields of endeavor which may aid in or be benefited by nuclear development and nuclear science and engineering; to promote the industrial development of Florida (in cooperation with the Florida Development Commission) by attracting new industry based on nuclear science and engineering; to coordinate development and regulatory activities of the State, other States and the Federal Government; to convene a coordinating council consisting of representatives of appropriate State agencies to coordinate action in any matter bearing of the State's nuclear program; and to collect and disseminate information relative to nuclear developments and their effect; and

2. Empowered the Governor of the State to sign an agreement with the Atomic Energy Commission which would transfer to the State control over certain radioactive materials in accordance with Public Law 86-373; and

3. Authorized the Governor of the State to designate a State agency as the regulatory agency to adopt regulations for effectuating the purposes of this legislation, including regulations for the licensing or registration of all radiation sources.

On July 11, 1961, to achieve the objectives of the Florida Nuclear Code (section 290.06) the Florida Nuclear Commission appointed a Coordinating Council and three technical committees. The technical committees include representation from industry, labor, medicine, dentistry, medical physics, health departments, universities, and the legislature. To insure that the many State agencies which have any degree of official concern with nuclear matters are properly represented, the Coordinating Council is composed of the directors (or their designated representatives) of such interested agencies as: Attorney General, State Board of Conservation, State Board of Control, Nuclear Coordinator of Florida State University, Director of Nuclear Activities of University of Florida, Florida State Board of Health, Commissioner of Agriculture, Superintendent of Public Instruction, Department of Public Safety, Department of Water Resources, Florida Development Commission, State Fire Marshal, State Insurance Commissioner, Florida Geological Survey, Florida Industrial Commission, Legislative Reference Bureau, Railroad and Public Utilities Commission, and the Secretary of State.

Prior to the enactment of chapter 61-262 supra in June, 1961, the Florida State Board of Health, in March, 1961, in order to protect the people of the State from the hazardous effects of ionizing radiation, and acting under the authority of the General Public Law (Chapter 381, Florida Statutes) adopted a comprehensive set of regulations pertaining to radiological health, as chapter 34 of the Sanitary Code of the State. To insure the maximum safety of all persons during the manufacture, use, storage, transportation and disposal of radiation sources, the regulations applied to all sources of ionizing radiation and required the registration of all radiation producing machines and radioactive substances; set limits of radiation exposure; defined the reponsibilities of users of radiation to radiation workers and to the general public and provided for inspection and enforcement of such regulations.

On February 21, 1962, pursuant to the provisions of chapter 290, Florida Statutes, and the recommendations of the Florida Nuclear Commission, the Honorable C. Farris Bryant, Governor of Florida, designated the Florida State Board of Health (hereinafter referred to as the Board) as the regulatory agency for nuclear control and licensing as contemplated by section 290.10, Florida Statutes.

To implement certain provisions of the Florida Nuclear Code and to insure compatibility with Federal regulations and reciprocity with other agreement States, the Board

of Health revised its 1961 regulations. They now constitute chapters 170J-1 through -4 of the Florida Administrative Code. A copy of these regulations is included in this presentation as "Attachment C".

In redrafting the regulations, language was drawn largely from models developed jointly by the Atomic Energy Commission, the U.S. Public Health Service and the Council of State Governments; and from recommendations of the National Committee on Radiation Protection and Measurement, and Reports of the Federal Radiation Council.

Assistance in drafting the regulations was obtained from a number of individual, agencies and groups, including representatives of the Atomic Energy Commission, the U.S. Public Health Service, the Florida Nuclear Commission, Florida Governmental Agencies, professional associations and industrial groups.

III. *The Radiation Control Program*—A. *Regulations.* The principal elements of the program for the control of radiation hazards in the State of Florida are the Florida Nuclear Code (Chapter 290, Florida Statutes) and applicable rules of the State Board of Health.

The radiation regulations of the State Board of Health have been modified in order to achieve:

(1) A comprehensive program covering not only activities over which the State agency has exercised exclusive jurisdiction (e.g., X-rays and radium), but also activities over which authority will be discontinued by the Atomic Energy Commission (byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass); and

(2) Compatibility between the State's radiation control program and the Atomic Energy Commission's program for the regulation of like radioactive materials as required by § 274.D(2) of the Atomic Energy Act of 1954 as amended.

In developing the regulations to achieve the foregoing objectives, the Board of Health predicated the substantial content of the program, i.e., the radiation protection standards, regulation relating to permissible doses, levels and concentrations, on the guides of the Federal Radiation Council, as approved by the President, and pertinent recommendations of the National Committee on Radiation Protection Measurements.

With respect to other substantive matters such as licensing and precautionary procedures, e.g., surveys, posting, labeling, existing Atomic Energy Regulations and the suggested regulations issued by the Council of State Governments were used as models.

The Board's regulations with regard to burial are more stringent than those of the suggested regulations. This stringency is held as being necessary in the interest of the public health because of the particular and somewhat peculiar geology and hydrology of the State of Florida which necessitates individual appraisal of each proposed site to minimize the probability of underground contamination.

Modification of the laws and regulations has resulted in a State program which is compatible with the Commission's program and those of "agreement States" but which differs from the Commission's program in several respects. This difference is primarily in that the State's comprehensive program covers all radiation sources, including those whose possession and use is subject to registration rather than licensing.

B. *Program administration*—1. *Licensing and registration.* Licenses are required for the possession of radioactive materials above exempt amounts of concentrations, regardless of the mode of formation of such materials. Licenses for radioactive materials are of two types, general licenses effective without the filing of applications or the issuance of licensing documents, and specific licenses issued upon application. Registration is required for radiation producing machines.

It is planned to make prelicensing inspection a part of the evaluation procedure when such prelicensing is deemed to be necessary and practicable. In connection with licensing procedures, provision is made to give opportunity for all interested persons to be heard.

With respect to human use the State Health Officer has appointed highly qualified medical consultants knowledgeable in the clinical use of isotopes and other sources of ionizing radiation to assist in the development of policies, the establishment of criteria and the evaluation of unusual applications for license to apply radioactive substances to humans.

Although the Florida Nuclear Code permits the enactment of municipal ordinances and regulations that are not inconsistent with the code and regulations adopted thereunder, the agency charged with the responsibility of promulgating regulations and issuing licenses is the Florida State Board of Health.

2. *Inspection.* Inspection for compliance with regulations and with license conditions will be carried on by the State Board of Health and its duly authorized representatives.

The local health departments, under the direction of the Florida State Board of Health, will participate in inspection activities as they develop a radiological health program and demonstrate their capability.

As a part of the preparation for the assumption of regulatory authority from the AEC, State radiological health program personnel have accompanied AEC inspectors on almost all of their license inspections in the State since September, 1959. There are approximately 200 licensees in the State.

Based upon the number and kind of licenses and registrations, a priority system will be established under which inspection of the most hazardous activities will be scheduled at least once each six months, and the remainder on a less frequent basis. Initial priorities will be established on the basis of the prelicensing evaluation and may be modified in accordance with subsequent inspections. It is expected that all licensed activities will be inspected at least once in two years.

Most inspections will be scheduled visits; a significant number may be on an unscheduled basis. A review of the structure of the organization of the establishment and of pertinent operational procedures will be made, especially if changes have occurred since the license was issued or the registration accomplished. Specific responsibilities will be ascertained or confirmed. Inspection visits will usually entail a comprehensive review by the inspector of equipment, facilities and procedures for handling and storage of radioactive material, and an interview with key personnel directly involved. The inspector will review the survey methods and results of personnel monitoring, the posting of signs and labeling, instruction of personnel; and the methods and apparent effectiveness of maintaining control of people in controlled areas. He will review the records of receipts, transfers and inventory of licensed or registered material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may take measurements of radiation levels. He will meet with management to discuss the results of his inspection. During this meeting, he will discuss questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to describe the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action. The Board will review the operation of this system to insure that timely and adequate inspections are performed and that appropriate actions are taken.

In addition, there will be investigations of incidents and complaints involving radiation sources to determine the cause, the steps taken by the licensee or registrant to cope with the incident, whether or not there was non-compliance with a regulation, and the steps taken to avoid recurrence of the incident.

The licensee or registrant will be informed of the results of all inspections, orally at the time of the inspection, and by letter or notice from the Board.

3. *Enforcement.* Reports of inspections will be evaluated by the State Board of Health to determine the status of compliance with license conditions and regulations. If no item of noncompliance is observed, licensee or registrant will be so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which at the time of the inspection the licensee or registrant agrees to correct, he will be informed in writing of these matters and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee or registrant will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the Board will either conduct a prompt follow-up inspection or the matter will be reviewed during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the Board will take such administrative actions as are available, such as holding a hearing in accordance with section 290.15, Florida Statutes, which also provides for judicial review of the final order resulting from such hearing. There is provision for emergency action without notice or hearing, but such emergency action shall be subject to a prompt hearing afforded the licensee or registrant. Among the enforcement procedures available to the Board are modification, suspension, or revocation of licenses, or injunctive relief, and criminal sanctions afforded in the courts. (Sections 290.15, 290.16, 290.17 and 290.19, Florida Statutes.)

Upon failure to secure administrative relief where applicable, the Board will prepare proper charges against alleged nonlicensed operators or those persons failing to comply with Board orders, for presentment to State Attorneys or local county prosecuting attorneys; accompanying the said charge shall be a request for prosecution together with a trial memorandum setting forth the names of the witnesses and the testimony that may be adduced from the individual witness, and an outline showing the chain of custody on the tangible evidence expected to be introduced at the trial.

C. *Emergency planning and capabilities.* 1. Under the general coordination of the Florida Nuclear and Space Commission a radiological assistance organization and plan of action have been developed. The State Highway Patrol has assumed the responsibility for alerting, communications and team transportation or escort. Local law enforcement officials will control any possible crowd development. Radiological assistance technical teams, including physicians have been developed at public health and university centers. There are six such teams so located that no point in the State (except Key West) is more than 100 miles from a team. Emphasis at this time is on training, rehearsal and more completely equipping the teams. Personnel of the AEC Savannah Operations Office and of the AEC Pinellas Area Office have assisted in this development.

2. Stimulated by the I^{131} levels in Utah and certain other States the Florida State Board of Health convened a meeting of representatives from the Department of Agriculture, milk producer and distributor associations, cattle feed industry, and the University of Florida to discuss possible action programs for the State of Florida. An ad hoc committee has formed with the Department of Agriculture representative as chairman. This committee held several meetings during which a detailed plan of action based on the use of aged feed was drawn up. Specific responsibilities were assigned and lines of communication were established.

D. *Laboratory support.* The radiological laboratory of the State Board of Health is administratively a unit of the Bureau of Laboratories. Technical assistance and direction is supplied by the Division of Radiological and Occupational Health. The laboratory is manned by two radiological chemists and two technicians with part-time clerical assistance. It is located in a new building and was designed specifically for radiological work. Equipment includes: a two detector low beta counting system, windowless proportional counters, one single channel gamma scintillation spectrometer and a 512 channel gamma scintillation spectrometer, beta and alpha scintillation detectors, and an eleven cubic foot muffle furnace. The sample preparation section is complete with full chemical analytical capability.

IV. Organization and personnel. The radiation control program is established in the Division of Raliological and Occupational Health, an existing organizational unit of the Florida State Board of Health. There is no absolute line of cleavage between the radiological and occupational health programs, but for clarity of this presentation, they are being considered as separate and distinct. With regard to the Radiological Health Program, Division philosophy requires that there be as much interplay between programs as possible. The reason for this is that we need sufficient breadth of capabilities so that no program will be seriously interfered with by routine absences or emergency situations. A further but perhaps no less serious reason is that some activities in each of the programs are of a routine nature and carry little, if any, psychological challenge or job satisfaction if they constitute the sole function of any one person for extended periods of time. As a further measure of providing broader training and experience, employees are encou aged to avail themselves of general and categorical orientation courses given by the State Board of Health, the U.S. Public Health Service, and the AEC.

The minimum educational and experience requirements for the position categories directly related to the regulatory program as set forth in the Florida Merit System job descriptions (with salaries) are attached in Attachment A. Presented in Attachment B is biographical material for personnel presently employed.

A brief description of the various positions follows:

Director, Division of Radiological and Occupational Health (Health Officer IV). This individual is Director of the Division, being administratively responsible for the combined radiological and occupational health program of the State Board of Health. This person is an M.D. and, in addition to administrative duties, will assist by providing staff medical advice when needed.

Public Health Physicist IV. The person in this position has major technical administrative responsibility for all the radiological health programs of the Division, including the source control program, emergency programs, and environmental surveillance and studies. He will provide direct assistance in the regulatory program as required. (During the initial phase of the program incident to the transfer of authority from the AEC and pending the addition of personnel he will be responsible for licensing and the review of regulations.)

Public Health Physicist III. There are proposed two positions at this level. One is primarily responsible for licensing and for the development and constant review of regulations. The other, now on duty, will be responsible for the survey and consultation with the user aspects of the program. This concept differs from the AEC inspection and enforcement program only in that, in addition to the detailed inspection and rigid enforcement, we feel a responsibility and will exert considerable effort in assisting the user in improving his physical facilities and his procedures in an attempt to arrive at the least practical exposure to humans to ionizing radiation.

Public Health Physicist II. It is planned that the program will begin with at least two individuals at this level. Each will be responsible for a given area of the State, and will be responsible for prelicensing visits, inspections, as well as preliminary processing of registration forms, making X-ray surveys, and performing other radiological health program work as required in his area.

Upon consummation of an agreement with the Atomic Energy Commission, additional personnel will be employed, as available and necessary to perform license evaluations and to provide supervision over the inspection program.

Requirements as to qualifications and proficiencies of local health department personnel performing Radiological Healiath duties will be at least as high as for State personnel performing similar duties.

V. Coordination. Coordination of the State program for the control of radiation is facilitated through the functions of the Florida Nuclear and Space Commission. All agencies and political subdivisions of the State are required to keep the Commission fully and currently informed as to their activities.

The Coordinating Council of the Florida Nuclear Commission was established early in the development of the radiation control program and its functions and recommendations have been instrumental in developing the present program.

The Florida Nuclear Code provides that any rule, regulation or ordinance, or amendment thereto or repeal thereof primarily or directly relating to Atomic Energy proposed by any department, division, commission or agency of the State of any political subdivision thereof, shall not become effective until 90 days after it has been submitted to the Commission, unless the Commission or the Governor waives such waiting period. If, after consultation with the Commission, the Governor finds any of either the proposed or existing rules to be inconsistent, he may direct the appropriate agency to amend or repeal such rules to achieve consistency (Section 290.09, Florida Statutes).

[F.R. Doc. 64-3744; Filed, Apr. 14, 1964; 8:50 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 40]

REGIONAL ASSISTANT ADMINISTRATORS

Delegation of Authority Relating to Procurement

By virtue of the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State and entitled Delegation of Authority, Foreign Assistance Act of 1961 and Certain Related Acts, and to the extent consistent with law, it is hereby directed as follows:

I. *Regional Assistant Administrators.* The Assistant Administrator for Near East-South Asia, the Assistant Administrator for Latin America, the Assistant Administrator for Africa, and the Assistant Administrator for Far East, for the countries or areas within their respective responsibilities, and the Assistant Administrator for Technical Cooperation and Research for programs within the jurisdiction of that office, are hereby delegated the following functions:

A. With respect to commodity procurement from any free world source:

The function in any specific case of waiving the source requirement and authorizing the procurement of any commodity having a source in any of the excluded countries as set forth in any applicable Presidential Determination pursuant to Section 604(a) of the Foreign Assistance Act of 1961, or, to the extent applicable, as set forth in A.I.D. (ICA) Circular 13 of December 6, 1960 ("Excluded Countries") to an amount not to exceed $100,000 (exclusive of transportation costs) of funds made available under the Act or the Mutual Security Act of 1954: *Provided, however,* That the Regional Assistant Administrator shall certify that the exclusion of procurement from one or more of the "Excluded Countries" would seriously impede the attainment of U.S. foreign policy objectives and the objectives of the foreign assistance program.

B. With respect to commodity procurement from any limited free world source:

(1) The function of authorizing the waiver of any U.S. source requirement contained in any loan agreement or other document to permit the procurement of any commodity from the cooperating country or any country of the free world (as defined by Code 899 of the A.I.D. Geographic Code Book) except an "Excluded Country," in any of the following situations:

(a) If the procurement of said commodity is anticipated to require the expenditure of an amount not to exceed $100,000 (exclusive of transportation costs) of funds made available under the Foreign Assistance Act of 1961, the Mutual Security Act of 1954, or the Latin America Development and Chilean Reconstruction Assistance Act (Public Law 86-755); or

(b) If the U.S. is a net importer of the commodity.

Provided, however, That in each case the Regional Assistant Administrator shall certify that procurement of said commodity from one or more of said countries is necessary to the attainment of U.S. foreign policy objectives or the objectives of the foreign assistance program.

(2) The function of authorizing the waiver of any U.S. source requirement in the cases of technical assistance or administrative procurement where the lowest available U.S. price of a required commodity exceeds that from alternative

limited free world sources by 50 percent or more.

II. *General provisions.* A. Any reference in this Delegation of Authority to any Act of Congress, order, determination or delegation of authority shall be deemed to be a reference to such Act of Congress, order, determination, or delegation of authority as amended from time to time.

B. Any officer of A.I.D. to whom functions are delegated under this Delegation of Authority may, to the extent consistent with law, redelegate or reassign any of the functions delegated or assigned to him by this Delegation of Authority, including authority to redelegate any of the functions delegated to A.I.D. Mission Directors and A.I.D. Representatives for the country or area within their responsibility.

C. This Delegation of Authority supersedes paragraph 1(b) of the Delegation of Authority dated September 28, 1960 by James W. Riddleberger, International Cooperation Administration (ICA) to the Deputy Director for Operations of ICA and paragraph 1(b) of the Delegation of Authority dated September 29, 1960 by the Deputy Director for Operations of ICA to the Director, the Deputy Director and the Chief, Commodity Trade Division of the Office of Supply Services, ICA, insofar as said paragraphs relate to the waiver under § 201.23 of A.I.D. Regulation 1 of any source restriction contained in any individual PA or PIO/C.

D. This Delegation of Authority shall not be construed to affect the validity of any waiver granted by a properly authorized official prior to the effective date of the Delegation and any such waiver shall continue in effect unless modified or revoked by an officer to whom such authority has been delegated by this order.

E. This Delegation of Authority shall be effective immediately.

Dated: April 17, 1964.

WILLIAM S. GAUD,
Deputy Administrator.

[F.R. Doc. 64-4231; Filed, Apr. 28, 1964; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 64-22]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawals of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document, during the period from January 8, 1964 to March 14, 1964 (List Nos. 3-64 and 4-64). These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in section 632 of Title 14, U.S. Code, and in Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Approval No. 160.002/66/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Crawford Manufacturing Co., Inc., 3rd and Decatur Streets, Richmond 12, Virginia, and 12th and Graham Streets, Emporia, Kansas, effective March 6, 1964. (It is an extension of Approval No. 160.002/66/1 dated March 14, 1959.)

Approval No. 160.002/76/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Burlington Mills, Inc., Burlington, Wisconsin, effective March 6, 1964. (It is an extension of Approval No. 160.002/76/0 dated March 14, 1959.)

Approval No. 160.002/77/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Burlington Mills, Inc., Burlington, Wisconsin, effective March 6, 1964. (It is an extension of Approval No. 160.002/77/0 dated March 14, 1959.)

Approval No. 160.002/80/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, New Jersey, effective March 6, 1964. (It is an extension of Approval No. 160.002/80/0 dated March 14, 1959.)

Approval No. 160.002/81/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, New Jersey, effective March 6, 1964. (It is an extension of Approval No. 160.002/81/0 dated March 14, 1959.)

Approval No. 160.002/82/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minnesota, effective March 6, 1964. (It is an extension of Approval No. 160.002/82/0 dated March 14, 1959.)

Approval No. 160.002/83/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minnesota, effective March 6, 1964. (It is an extension of Approval No. 160.002/83/0 dated March 14, 1959.)

BUOYANT APPARATUS

Approval No. 160.010/27/1, 3.0' x 2.71' x 0.83' buoyant apparatus, wood decking with unicellular plastic foam core, 8-person capacity, dwg. No. G-494 revised October 17, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective March 6, 1964. (It is an extension of Approval No. 160.010/27/1 dated March 14, 1959.)

SIGNALS, DISTRESS, HAND COMBINATION FLARE AND SMOKE

Approval No. 160.023/2/0, Hand Combination Flare and Smoke Distress Signal, Bill of Materials No. 337 D dated September 3, 1959, manufactured by Harvell-Kilgore Corporation, Toone, Tennessee, effective January 8, 1964. (Formerly Kilgore, Inc., and Harvell-Kilgore Sales Corp., respectively.) (It supersedes Approval No. 160.023/2/0 dated July 3, 1962, to show change of name and address of manufacturer.)

LINE-THROWING APPLIANCE, SHOULDER GUN TYPE (AND EQUIPMENT)

Approval No. 160.031/5/0, Bridger 45/70 Model X shoulder gun type line-throwing appliance, assembly dwg. No. HC1, revision 1 dated February 2, 1964, manufactured by Naval Company, Route 611, Doylestown, Pennsylvania, effective February 7, 1964.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/142/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Henry Manufacturing Co., 1310 Marquette Avenue, Minneapolis 3, Minnesota, effective March 6, 1964. (It is an extension of Approval No. 160.048/142/1 dated December 17, 1959.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/26/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c)(1), manufactured by Acme Products Co., 152-156 Brewery Street, New Haven, Connecticut, effective March 6, 1964. (It is an extension of Approval No. 160.049/26/0 dated March 14, 1959.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/15/0, inflatable life raft, 8-person capacity, identified by general arrangement dwg. SPC-MM-8002 (Rev. 3), dated November 1, 1963, and Master Record Index S.P.C. M.M. /8 (Rev. 5), dated February 14, 1964, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton 7, New Jersey, effective February 18, 1964.

Approval No. 160.051/16/0, inflatable life raft, 10-person capacity, identified by general arrangement dwg. SPC-MM-10002 (Rev. 3), dated November 1, 1963, and Master Record Index S.P.C. M.M. /10 (Rev. 5), dated February 14, 1964, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton 7, New Jersey, effective February 18, 1964.

Approval No. 160.051/19/0, inflatable life raft, 20-person capacity, identified by general arrangement dwg. SPC-MM-20002 (Rev. 2), dated November 1, 1963, and Master Record Index S.P.C. M.M. /20 (Rev. 5), dated February 14, 1964, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton 7, New Jersey, effective February 19, 1964.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/31/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Style-Crafters, Inc., P.O. Box 8277, Station A, Greenville, South Carolina, 29604, effective March 6, 1964. (It is an extension of Approval No. 160.052/31/0 dated March 14, 1959.)

Approval No. 160.052/32/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Style-Crafters, Inc., P.O. Box 8277, Station A, Greenville, South Carolina, 29604, effective March 6, 1964. (It is an extension of Approval No. 160.052/32/0 dated March 14, 1959.)

Approval No. 160.052/33/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Style-Crafters, Inc., P.O. Box 8277, Station A, Greenville, South Carolina, 29604, effective March 6, 1964. (It is an extension of Approval No. 160.052/33/0 dated March 14, 1959.)

Approval No. 160.052/190/1, Type II, Model 4155, adult unicellular plastic foam buoyant vest, dwg. No. 1003 (sheets 1 and 2), Rev. 3 dated February 20, 1964, manufactured by Ero Manufacturing Company, 308 S. Williams Street, Hazlehurst, Georgia, effective February 28, 1964. (It supersedes Approval No. 160.052/190/0 dated December 5, 1962, to show change in construction.)

Approval No. 160.052/191/1, Type II, Model 4160, child medium unicellular plastic foam buoyant vest, dwg. No. 1004 (sheets 1 and 2), Rev. 3 dated February 20, 1964, manufactured by Ero Manufacturing Company, 308 S. Williams Street, Hazlehurst, Georgia, effective February 28, 1964. (It supersedes Approval No. 160.052/191/0 dated December 5, 1962, to show change in construction.)

Approval No. 160.052/192/1, Type II, Model 4165, child small unicellular plastic foam buoyant vest, dwg. No. 1005 (sheets 1 and 2), Rev. 3 dated February 20, 1964, manufactured by Ero Manufacturing Company, 308 S. Williams Street, Hazlehurst, Georgia, effective February 28, 1964. (It supersedes Approval No. 160.052/192/0 dated December 5, 1962, to show change in construction.)

Approval No. 160.052/277/0, Type II Model SFM-300, adult molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5406-XA, Rev. 2 dated February 13, 1964, manufactured by Style-Crafters, Inc., P.O. Box 8277, Station A, Greenville, South Carolina, 29604, effective February 18, 1964.

Approval No. 160.052/278/0, Type II, Model SFM-320, child medium molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5457-BA, Rev. 2 dated February 13, 1964, manufactured by Style-Crafters, Inc., P.O. Box 8277, Station A, Greenville, South Carolina, 29604, effective February 18, 1964.

Approval No. 160.052/279/0, Type II, Model SFM-310, child small molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5458-BA, Rev. 2 dated February 13, 1964, manufactured by Style-Crafters, Inc., P.O. Box 8277, Station A, Greenville, South Carolina, 29604, effective February 18, 1964.

Approval No. 160.052/286/0, Type II, Model NP, adult unicellular plastic foam buoyant vest, dwg. Nos. 21 and 22, Rev. 1 dated June 24, 1963, manufactured by Noble Products Company, Box 327, Caldwell, Ohio, effective March 4, 1964.

Approval No. 160.052/287/0, Type II, Model MP, child medium unicellular plastic foam buoyant vest, dwg. Nos. 21 and 23, Rev. 1 dated June 24, 1963, manufactured by Noble Products Company, Box 327, Caldwell, Ohio, effective March 4, 1964.

Approval No. 160.052/288/0, Type II, Model OP, child small unicellular plastic foam buoyant vest, dwg. Nos. 21 and 24, Rev. 1 dated June 24, 1963, manufactured by Noble Products Company, Box 327, Caldwell, Ohio, effective March 4, 1964.

EMERGENCY LOUDSPEAKER SYSTEMS

Approval No. 161.004/1/0, Galbraith marine emergency loudspeaker system, Type E-27500, amplifier panel assembly dwg. No. E-27506, manufactured by Galbraith-Pilot Marine Corp., Division of Marine Electric Corp., 600 Fourth Avenue, Brooklyn 15, New York, effective January 29, 1964.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/58/0, telephone station identification panel, 2-circuit, manual reset, splashproof, dwg. No. 28-02, Alt. 0 dated June 16, 1958, manufactured by Hose-McCann Telephone Co., Inc., 25th Street & 3rd Avenue, Brooklyn 32, New York, effective March 6, 1964. (For use with sound-powered telephone stations to identify visually the station called.) (It is an extension of Approval No. 161.005/58/0 dated March 14, 1959.)

Approval No. 161.005/59/0, telephone station identification panel, 3-circuit, manual reset, splashproof, dwg. No. 28-03, Alt. 0 dated June 23, 1958, manufactured by Hose-McCann Telephone Co., Inc., 25th Street & 3rd Avenue, Brooklyn 32, New York, effective March 6, 1964. (For use with sound-powered telephone stations to identify visually the station called.) (It is an extension of Approval No. 161.005/59/0 dated March 14, 1959.)

Approval No. 161.005/60/0, sound-powered telephone station, selective ringing, common talking, 11 stations maximum, nonwatertight, with self-contained hand generator bell, Model SHD, bulkhead mounting, dwg. No. 57-01, Alt. 0 dated July 2, 1958, manufactured by Hose-McCann Telephone Co., Inc., 25th Street & 3rd Avenue, Brooklyn 32, New York, effective March 6, 1964. (For use in officers' quarters and radio room.) (It is an extension of Approval No. 161.005/60/0 dated March 14, 1959.)

Approval No. 161.005/61/0, telephone station identification panel, single-circuit, manual reset, splashproof, dwg. No. 26–01, Alt. 0 dated June 11, 1958, manufactured by Hose-McCann Telephone Co., Inc., 25th Street & 3d Avenue, Brooklyn 32, New York, effective March 6, 1964. (For use with sound-powered telephone stations to identify visually the station called.) (It is an extension of Approval No. 161.005/61/0 dated March 14, 1959.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/5/0, No. 1918 watertight flashlight, Type I, Size No. 2 (2-cell), identified by assembly dwg. No. F–896–3C dated September 27, 1948 and revised October 6, 1948, manufactured by Bright Star Industries, 600 Getty Avenue, Clifton, New Jersey, effective February 7, 1964. (Each flashlight shall be plainly and permanently marked with the name of the manufacturer and above model number.) (It is an extension of Approval No. 161.008/5/0 dated February 8, 1959.)

Approval No. 161.008/6/0, No. 1925 watertight flashlight, Type I, Size No. 3 (3-cell), identified by assembly dwg. No. F–896–3C dated September 27, 1948, and revised October 6, 1948, manufactured by Bright Star Industries, 600 Getty Avenue, Clifton, New Jersey, effective February 7, 1964. (Each flashlight shall be plainly and permanently marked with the name of the manufacturer and above model number.) (It is an extension of Approval No. 161.008/6/0 dated February 8, 1959.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/37/0, Type 444 backfire flame arrester for carburetors, dwg. Nos. 444 dated July 16, 1958, and FM–6444 dated May 6, 1956, manufactured by Dearborn Marine Engines, Inc., 31465 Shephenson Highway, Royal Oak 4, Michigan, effective March 3, 1964. (It is an extension of Approval No. 162.015/37/0 dated March 14, 1959.)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No.162.017/65/3, Figure No. 110, pressure-vacuum relief valve, atmospheric pattern, weight-loaded poppets, bronze-Ni-Resist Type 2 (20 percent Nickel Cast Iron) and stainless steel Type 304, dwg. No. 110–C, Alt. 3 dated July 19, 1955, approved for 4", 5", and 6" sizes, manufactured by Mechanical Marine Co., Inc., 45–15 37th Street, Long Island City 1, New York, effective March 3, 1964. (It is an extension of Approval No. 162.017/65/3 dated March 14, 1959, and change of address of manufacturer.)

Approval No. 162.017/68/1, Figure No. 240, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron bronze 85–5–5–5 (B62, Grade 4A) or stainless steel (Type 304) bodies, dwg. No. 240–A, Alt. 1 dated January 20, 1959, approved for 4" size, manufactured by Mechanical Marine Co., Inc., 45–15 37th Street, Long Island City 1, New York, effective March 3, 1964. (It is an extension of Approval No. 162.017/68/1 dated June 20, 1959, and change of address of manufacturer.)

Approval No. 162.017/70/1, Figure No. 260, pressure only relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron bronze 85–5–5–5 (B62, Grade 4A) or stainless steel (Type 304) bodies, dwg. No. 260–A, Alt. 1 dated January 20, 1959, approved for 4" size, manufactured by Mechanical Marine Co., Inc., 45–15 37th Street, Long Island City 1, New York, effective March 3, 1964. (It is an extension of Approval No. 162.017/70/1 dated June 20, 1959, and change of address of manufacturer.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/57/0, No. 36 Vulcan range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(57–1.1, –2.1, –4.1, –6.1 and –60–1.0) .001, manufactured by Vulcan-Hart Manufacturing Co., 3600 North Point Boulevard, Baltimore 22, Maryland, effective March 3, 1964. (It reinstates and is an extension of Approval No. 162.020/57/0 which expired on December 15, 1963.)

Approval No. 162.020/58/0, 9000 Series range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1–917–57.001, manufactured by Caloric Appliance Corp., Topton, Pennsylvania, effective March 3, 1964. (It is an extension of Approval No. 162.020/58/0 dated March 25, 1959.)

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED PACKAGED

Approval No. 162.026/2/0, Clayton steam generator, Model RO–175, light oil fired (fuel no heavier than standard No. 2, gravity 30–48 API at 60° F.), maximum operating pressure 150 p.s.i., 175 boiler horsepower, manufactured by Clayton Manufacturing Company, P.O. Box 550, El Monte, California, effective February 28, 1964. (Plans approved November 6, 1963. Performance test performed January 16, 1964.)

Approval No. 162.026/3/0, Clayton steam generator, Model RO–65, light oil fired (fuel no heavier than standard No. 2, gravity 30–48 API at 60° F.), maximum operating pressure 150 p.s.i., 65 boiler horsepower, manufactured by Clayton Manufacturing Company, P.O. Box 550, El Monte, California, effective February 28, 1964. (Plans approved September 5, 1963. Performance tests performed December 30, 1963.)

EXTINGUISHERS, SEMIPORTABLE, DRY-CHEMICAL TYPE

Approval No. 162.032/8/1, Model D15a Fire Boss Skid Units, 1600-lb. compatible dry chemical semiportable fire extinguisher, with or without Remote Hose Reels and Remote Control Station, dwg. No. FD–3000 and Drawing List FD–3079 (Sheets 1 through 3), Rev. B dated July 3, 1963, and Instruction Manual dated February 28, 1964 (Coast Guard classification: Type B, Size V; and Type C, Size V), manufactured by Fire Control Engineering Co., 6000 Camp Bowie Boulevard, Fort Worth 16, Texas, effective February 28, 1964. (It supersedes Approval No. 162.032/8/0 dated March 10, 1961, to show change in construction.)

STRUCTURAL INSULATIONS

Approval No. 164.007/26/0, "Fiberglas Insulation PF–CG", glass wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG10210–1536: PF2061 dated December 1, 1948, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in a 4-inch thickness and 6 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio, effective February 7, 1964. (It is an extension of Approval No. 164.007/26/0 dated February 8, 1959.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/37/0, "Foster Insulfas Sealer" composition type incombustible material consisting solely of Foster 31126 Non-combustible Coating and Sealfas Open Weave Class Cloth, identifical to that referred to in National Bureau of Standards Report No. TG10210–1974: FP3363, dated April 30, 1956, manufactured by Benjamin Foster Co., 4632–37 W. Girard Avenue, Philadelphia 11, Pennsylvania, effective February 18, 1964. (Formerly "Fiberseal"; also formerly "Foster Fiberseal Sealer".) (It supersedes Approval No. 164.009/37/0 dated September 16, 1963, to show change of name of product.)

Approval No. 164.009/78/0, "Foster Insulfas Adhesive" composition type incombustible material, identical to that referred to in National Bureau of Standards Report No. TG10210–2107: FR3634 dated December 3, 1963, manufactured by Benjamin Foster Co., 4635–37 W. Girard Avenue, Philadelphia 11, Pennsylvania, effective February 18, 1964.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIFEBOATS

Termination of Approval No. 160.035/39/3, 24.0' x 8.0' x 3.58' steel, motor-propelled lifeboat, without radio cabin (Class B), 37-person capacity, identified by construction and arrangement dwg. No. 80101 dated April 9, 1956, and revised October 18, 1956, and construction and arrangement dwg. No. 80204 dated April 10, 1958, and revised October 22, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective March 14, 1964. (Expiration and termination of Approval No. 160.035/39/3 dated March 14, 1959.)

Termination of Approval No. 160.035/54/2, 26' x 8.3' x 3.6' aluminum, oar-propelled lifeboat, 49-person capacity, identified by construction and arrangement dwg. No. 2815–A dated March 5, 1953, and revised November 20, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective March 14, 1964. (Expiration and termination of Approval No. 160.035/54/2 dated March 14, 1959.)

Termination of Approval No. 160.035/383/0, 24.0' x 8.63' x 3.88' steel, oar-propelled lifeboat, 47-person capacity, identified by construction and arrangement dwg. No. 80201 dated February 8, 1958, and revised January 13, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective March 14, 1964. (Expiration and termination of Approval No. 160.048/133/0 dated March 14, 1959.)

Termination of Approval No. 160.035/383/0 dated March 14, 1959.)

Termination of Approval No. 160.035/384/0, 28' x 9.79' x 4.13' aluminum, hand-propelled lifeboat, 69-person capacity, with built-in air tanks, identified by general arrangement dwg. No. 28–9A, Rev. C dated November 20, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, New Jersey, effective March 14, 1964. (Expiration and termination of Approval No. 160.035/384/0 dated March 14, 1959.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.047/445/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by P. J. Gould Company, 440 N. Wells St., Chicago 10, Ill., effective March 14, 1964. (Termination of Approval No. 160.047/445/0 dated August 18, 1960; item no longer manufactured.)

Termination of Approval No. 160.047/446/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by P. J. Gould Company, 440 N. Wells St., Chicago 10, Ill., effective March 14, 1964. (Termination of Approval No. 160.047/446/0 dated August 18, 1960; item no longer manufactured.)

Termination of Approval No. 160.047/447/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by P. J. Gould Company, 440 N. Wells Street, Chicago 10, Ill., effective March 14, 1964. (Termination of Approval No. 160.047/447/0 dated August 18, 1960; item no longer manufactured.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.048/132/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i); manufactured by Protection Products Co., Division of Ero Manufacturing Co., 2637–2669 West Polk Street, Chicago 12, Illinois, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective March 14, 1964. (Expiration and termination of Approval No. 160.048/132/0 dated March 14, 1959.)

Termination of Approval No. 160.048/133/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i); manufactured by Burlington Mills, Inc., Burlington, Wisconsin, for Herter's Inc., Waseca, Minnesota, effective March 14, 1964. (Expiration and termination of Approval No. 160.048/133/0 dated March 14, 1959.)

Termination of Approval No. 160.048/134/0, special approval for 13¼" x 21¾" x 2" rectangular kapok buoyant cushion, 25-oz. kapok, U.S.C.G. Specification Subpart 160.048; manufactured by The Howard Zink Corp., 5550 Paramount Boulevard, Long Beach 5, California, for Jack Cole Co., 746 West 17th Street, Costa Mesa, California, effective March 14, 1964. (Expiration and termination of Approval No. 160.048/134/0 dated March 14, 1959.)

Termination of Approval No. 160.048/137/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by P. J. Gould Co., 440 North Wells Street, Chicago 10, Illinois, effective March 14, 1964. (Termination of Approval No. 160.048/137/1 dated December 17, 1959; item no longer manufactured.)

Termination of Approval No. 160.048/139/0, special approval for 14" x 17" x 2" rectangular, ribbed-type kapok buoyant cushion, 21-oz. kapok, Atlantic-Pacific Mfg. Corp., dwg. No. 72755 dated July 27, 1955; manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago 7, Illinois, effective March 14, 1964. (Expiration and termination of Approval No. 160.048/139/0 dated March 14, 1959.)

Termination of Approval No. 160.048/140/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048; manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective March 14, 1964. (Expiration and termination of Approval No. 160.048/140/0 dated March 14, 1959.)

Termination of Approval No. 160.048/143/0, special approval for 15" x 18" x 2" rectangular kapok bouyant cushion, 24-oz. kapok, dwg. No. BC–102, sheets 1, 2, and 3 dated November 17, 1958, manufactured by W. L. Dumas Manufacturing Co., 14 A Street Northwest, Miami, Oklahoma, effective March 14, 1964. (Expiration and termination of Approval No. 160.048/143/0 dated March 14, 1959.)

Termination of Approval No. 160.048/149/0, group approval for rectangular and trapezoidal kapok bouyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i); manufactured by Protection Products Co., Division of Ero Manufacturing Co., 714–718 West Monroe St., Chicago 6, Illinois, for Voedisch Brothers, Inc., 1639 North Wells Street, Chicago 14, Illinois, effective March 14, 1964. (Expiration and termination of Approval No. 160.048/149/0 dated March 14, 1959.)

BOUYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.052/34/0, Type I, Model AP, adult unicellular plastic foam bouyant vest, U.S.C.G. Specification Subpart 160.052; manufactured by Style-Crafters, Inc., P.O. Box 8277, Station A, Greenville, South Carolina, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective March 14, 1964. (Expiration and termination of Approval No. 160.052/34/0 dated March 14, 1959.)

Termination of Approval No. 160.052/35/0, Type I, Model GPM, child unicellular plastic foam bouyant vest, U.S.C.G. Specification Subpart 160.052; manufactured by Style-Crafters, Inc., P.O. Box 8277, Station A, Greenville, South Carolina, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective March 14, 1964. (Expiration and termination of Approval No. 160.052/35/0 dated March 14, 1959.)

Termination of Approval No. 160.052/36/0, Type I, Model CPS, child unicellular plastic foam bouyant vest, U.S.C.G. Specification Subpart 160.052; manufactured by Style-Crafters, Inc., P.O. Box 8277, Station A, Greenville, South Carolina, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective March 14, 1964. (Expiration and termination of Approval No. 160.052/36/0 dated March 14, 1959.)

Termination of Approval No. 160.052/37/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052; manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective March 14, 1964. (Expiration and termination of Approval No. 160.052/37/0 dated March 14, 1959.)

Termination of Approval No. 160.052/38/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052; manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective March 14, 1964. (Expiration and termination of Approval No. 160.052/38/0 dated March 14, 1959.)

Termination of Approval No. 160.052/39/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052; manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective March 14, 1964. (Expiration and termination of Approval No. 160.052/39/0 dated March 14, 1959.)

Dated: April 21, 1964.

[SEAL] G. A. KNUDSEN,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 64–4234; Filed, Apr. 28, 1964; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (INSTALLATIONS AND LOGISTICS)

Delegation of Authority Regarding Family Housing

The Deputy Secretary of Defense approved the following delegation of authority on April 20, 1964:

Pursuant to the authority vested in the Secretary of Defense by section 133(d) of Title 10, United States Code, there is hereby delegated to the Assistant Secretary of Defense (Installations and Logistics) the authority of the Secretary of Defense to (i) construct family housing and trailer court facilities, (ii) accomplish alterations, additions, expansions or extensions of family housing, (iii) enter into rental guaranty agreements, (iv) lease housing facilities for assignment as public quarters, (v) determine requirements for four-bedroom family housing units, (vi) exempt inadequate quarters from the requirement for disposition, and (vii) take other actions for the provision of family housing which are authorized by Title V, Public Law 87–554, and Title V, Public Law 88–174, or as may be hereafter authorized by provisions of the annual military construction authorization acts. These authorities may be redelegated, as appropriate, in accordance with criteria established by the Assistant Secretary of Defense (Installations and Logistics).

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 64–4235; Filed, Apr. 28, 1964; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Land

APRIL 21, 1964.

The Department of Defense filed an application for withdrawal from all forms of appropriation under the public land laws, including the Taylor Grazing Act, the mining and mineral leasing laws, and disposal of material under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, serial number R 04221 on December 2, 1963.

Notice of proposed withdrawal and reservation of the land under this application, R 04221, was published as F.R. Doc. 63–12867; filed, Dec. 11, 1963; 8:50 a.m., on page 13466 of December 12, 1963 issue, Volume 28, No. 240.

The applicant agency has amended its application to delete therefrom certain of the lands originally filed for. Therefore, pursuant to the regulations contained in 43 CFR 2311.0–3(d), (formerly Part 295), those lands deleted from the original application will at 10:00 a.m., on May 30, 1964, be relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 17 S., R. 5 E.,
Sec. 23, lot 1, and N½;
Sec. 24, lots 1, 4, 5, 7, 10, 11, 14, 24, and 26 and N½NE¼;
Sec. 25, E½;
Sec. 26, lots 4, 5, and 8.

The areas described aggregate 903.94 acres.

GLENDON E. COLLINS,
Acting Land Officer Manager.

[F.R. Doc. 64–4214; Filed, Apr. 28, 1964; 8:45 a.m.]

National Park Service

[Order 1]

FORT DONELSON NATIONAL MILITARY PARK

Administrative Assistant and Historian Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment or Services

1. The Administrative Assistant, Fort Donelson National Military Park, may issue purchase orders not in excess of $500.00 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

2. The Historian, Fort Donelson National Military Park, may issue purchase orders not in excess of $500.00 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order No. 14 (19 F.R. 8824, as amended); 39 Stat. 535, 16 U.S.C., sec. 2; Southeast Region Order No. 3 (21 F.R. 1493))

Dated: April 8, 1964.

R. G. HOPPER,
Superintendent.

[F.R. Doc. 64–4233; Filed, Apr. 28, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14945; Order E–20734]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1964.

An agreement adopted by Joint Conference 1–2 of the International Air Transport Association relating to specific commodity rates; Docket No. 14945, Agreement C.A.B. 17633, R–7.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1–2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers, names an additional specific commodity rate as set forth below:

C.A.B. agreement 17633	IATA memorandum JT12/ rates	Commodity item	Rates
R–7	3011	7103	70/50/47 cents per kilogram; minimum weight, 45/500/1000 kilograms, respectively; between New York and Lisbon.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered, That Agreement C.A.B. 17633, R–7, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–4249; Filed, Apr. 28, 1964; 8:47 a.m.]

[Docket No. 13777; Order E–20735]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17666, R–14.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names an additional specific commodity rate as set forth below:

C.A.B. agreement 17666	IATA memorandum TC1/ rates	Commodity item	Rates
R–14	1952	100	18 cents per kilogram; minimum weight, 100 kilograms, Panama City to Caracas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17666, R–14, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–4250; Filed, Apr. 28, 1964; 8:47 a.m.]

[Docket No. 15035]

AIR GASPE INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 6, 1964, at 9:30 a.m., e.d.s.t., in Room 701, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 25, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 23, 1964.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 64–4251; Filed, Apr. 28, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14748 etc.; FCC 64M–345]

CHARLES COUNTY BROADCASTING CO., INC., ET AL.

Order Relating to Procedural Dates

In re applications of Charles County Broadcasting Co., Inc., La Plata, Maryland, Docket No. 14748, File No. BP–14748; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP–15287; for construction permits, and Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 15202, File No. BRH–1209; for renewal of license of station WSMD (FM).

A hearing conference having been held on April 23, 1964, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order:

It is ordered, This 23d day of April 1964, that:

(1) The direct affirmative cases of the applicants on the standard comparative issue added by the Review Board's order released April 14, 1964, and the Hearing Examiner's order released April 16, 1964, shall be presented entirely in the form of sworn, written exhibits, copies of which shall be served on all other parties hereto and the Hearing Examiner on or before June 26, 1964;

(2) Any party wishing to call for cross-examination any witnesses sponsoring another party's exhibit shall give notification thereof on or before July 10, 1964; and,

It is further ordered, That hearing shall recommence on July 14, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: April 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–4246; Filed, Apr. 28, 1964; 8:47 a.m.]

[Docket Nos. 15265, 15266; FCC 64R–218]

COMMUNITY BROADCASTING SERVICE, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Community Broadcasting Service, Inc., Vineland, New Jersey, Docket No. 15265, File No. BPH–3949; Mortimer Hendrickson and Vivian Eliza Hendrickson, Vineland, New Jersey, Docket No. 15266, File No. BPH–4165; for construction permits.

1. Community Broadcasting Service, Inc., requests enlargement of issues to determine whether the staff proposed by Mortimer Hendrickson and Vivian Eliza Hendrickson is adequate to operate their proposed new FM station at Vineland, New Jersey.[1] Community contends that there is a discrepancy in the staff proposal between that in the application and in the Hendricksons' opposition to a petition to enlarge issues previously filed with reference to Hendricksons' financial qualifications; that although the Hendricksons propose a staff of nine persons in the application, they actually propose a staff of one full-time and eight part-time persons; and that there is a serious question as to whether this staff is adequate to operate the proposed FM station and Station WDVL, citing Birney Imes, Jr., 27 FCC 225, 17 RR 419 (1959). As for good cause for filing the petition at this time, Community contends that it did not see the need for the issue until Hendricksons filed their opposition to the petition to enlarge issues with respect to their financial qualification.

2. The Hendricksons, in an opposition to which they attach a personnel schedule, contend that Community fails to make any factual showing as to the necessity for the requested issues; that the application form does not require a showing as to whether the proposed staff will be full-time or part-time nor is there any need to indicate in the affidavit to what extent the employees would be part-time; and that Community merely engages in argument and speculation as to why it may not be adequate. They further contend that Community has not attempted to allege any facts showing how many employees, part-time or full-time, will be required for the proposed operation, or to indicate that the various required duties in connection with the Hendricksons' proposed AM–FM operation could not be performed with the staff proposed. Community replies that the Hendricksons personnel schedule supports the need for the enlargement of issues in that data in the schedule conflicts with information in the "Notes" as to the number of hours the Hendricksons will work; and that it will be necessary to ascertain the days and hours that the Hendricksons will be present at the station in order to determine the adequacy of the staff in relation to specific proposed program and station operation.

3. The Review Board finds that good cause has been shown by Community for filing its petition at this time since the alleged discrepancy did not come to light until the Hendricksons filed an opposition to another petition. The question of the adequacy of the Hendricksons' staff proposal cannot be satisfactorily resolved on the basis of allegations in the interlocutory pleadings; it should be de-

[1] The Review Board has before it for consideration (a) a petition to enlarge issues filed March 5, 1964, by Community Broadcasting Service, Inc., (b) an opposition filed March 16, 1964, by Mortimer Hendrickson and Vivian Eliza Hendrickson, and (c) a reply filed March 26, 1964, by Community Broadcasting Service, Inc.

termined on the basis of an evidentiary record. Thus, the petition to enlarge issues will be granted.

Accordingly, it is ordered, This 16th day of April 1964, that the petition to enlarge issues filed March 5, 1964, by Community Broadcasting Service, Inc., is granted; and

It is further ordered, That the Commission's Order of Designation (Mimeo No. 46004), released January 21, 1964, is amended by the addition of the following issue: "To determine whether the staff proposed by Mortimer Hendrickson and Vivian Eliza Hendrickson is adequate to operate their proposed FM station in conjunction with Station WDVL at Vineland, New Jersey."

Released: April 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4247; Filed, Apr. 28, 1964; 8:47 a.m.]

[Docket Nos. 15260, 15261; FCC 64M-343]

COOSA VALLEY RADIO CO. AND ROME BROADCASTING CORP.

Order Continuing Hearing

In re applications of Coosa Valley Radio Company, Rome, Georgia, Docket No. 15260, File No. BPH-4108; Rome Broadcasting Corporation, Rome, Georgia, Docket No. 15261, File No. BPH-4136; for construction permits.

The Hearing Examiner having under consideration the matters discussed at the further prehearing conference held April 22, 1964;

It appearing, that, by order released March 24, 1964, the Hearing Examiner continued the commencement of hearing from April 13 to June 22, 1964; and

It further appearing, that said continuance was ordered as a result of a motion filed March 18, 1964 by Rome Broadcasting Corporation, urging continuance because of the preparation of a petition for rule making looking toward the allocation of another FM channel to Rome, Georgia, a petition then expected to be filed "within the next two-week period"; and

It further appearing, that as of this date no such petition has been filed with the Commission and that undue further delay in filing is unwarranted; and

It further appearing, that counsel for Rome Broadcasting Corporation stated at the further prehearing conference that the delay in filing is due solely to the consulting engineer's other commitments but that every effort will be made to submit this petition by not later than April 30, 1964;

It is ordered, This 22d day of April 1964, in view of all of the foregoing, that (1) counsel for Rome Broadcasting Corporation shall file with the Commission a petition for rule making of the nature indicated above not later than by April 30, 1964, and (2) in the event no such petition is filed as of that date, the following procedural schedule shall control:

Exchange of written exhibits in support of applicants' direct cases	June 1, 1964
Notification of witnesses, if any, desired for cross-examination	June 15, 1964

It is further ordered, That the hearing herein, presently scheduled to commence on June 22, 1964, is continued to 10:00 a.m., July 1, 1964.

Released: April 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4248; Filed, Apr. 28, 1964; 8:47 a.m.]

[Canadian List No. 186]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes and Corrections in Assignments

APRIL 10, 1964.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power	Antenna	Schedule	Class	Expected date of commencement of operation
		630 kc/s				
CFCO (change in daytime pattern from that notified on List 179).	Chatham, Ontario	10kwD/1kwN	DA-2	U	III	EIO 4-1-64.
		900 kc/s				
CHNO (correction of call sign shown on recapitulative list dated Dec. 31, 1963).	Sudbury, Ontario	10kwD/1kwN	DA-2	U	II	
		980 kc/s				
CKRM (correction of mode of operation shown on recapitulative list dated Dec. 31, 1963).	Regina, Saskatchewan	10kwD/5kwN	DA-2	U	III	
		1050 kc/s				
CJNB	North Battleford, Saskatchewan.	10kw	DA-N	U	II	NIO on new frequency.
		1250 kc/s				
CKTK (assignment of call letters).	Kitimat, British Columbia.	1kwD/0.25kwN	ND	U	IV	
		1240 kc/s				
CFVR (PO: 1240 kc 0.25kw ND).	Abbotsford, British Columbia.	1kwD/0.25kwN	ND	U	IV	EIO 4-1-65.
		1240 kc/s				
CJAV (PO: 1240kc 0.25kw ND).	Port Alberni, British Columbia.	1kwD/0.25kwN	ND	U	IV	EIO 4-1-65.
		1240 kc/s				
CJWA (assignment of call letters).	Wawa, Ontario	1kwD/0.25kwN	ND	U	IV	
		1250 kc/s				
CHSM (assignment of call letters).	Steinbach, Manitoba	10kw	DA-2	U	III	
		1270 kc/s				
CHWK (PO: 1270kc 10kw DA-1).	Chilliwack, British Columbia.	10kw	DA-N	U	III	EIO 4-1-65.
		1460 kc/s				
CJNB (delete assignment—vide 1050 kc).	North Battleford, Saskatchewan.	10kw	DA-N	U	III	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4245; Filed, Apr. 28, 1964; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

FARRELL LINES INC. AND NIGERIAN NATIONAL SHIPPING LINE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9343 between Farrell Lines Incorporated and the Nigerian National Shipping Line establishes a rate tender to the Nigerian Produce Marketing Company, established under Nigerian Law, for movement of Nigerian produce from Nigerian ports to U.S. Atlantic, Gulf, Pacific and Great Lakes ports and Canadian Atlantic, Pacific and Great Lakes ports, subject to acceptance by the Nigerian Produce Marketing Company. The agreement also provides for an agency arrangement between the parties and permits the Nigerian National Shipping Line to allocate tonnage to carriers other than Farrell who have regularly served the trade.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 24, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4238; Filed, Apr. 28, 1964; 8:47 a.m.]

MOORE-McCORMACK LINES AND OCEANIC STEAMSHIP CO.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9320-1 between Moore-McCormack Lines and The Oceanic Steamship Company modifies the basic Agreement 9320 to extend the coverage of the agreement to provide for general passenger sales representation by Oceanic for Moore-McCormack in certain islands of the South Pacific including Pago Pago, Samoa; Suva, Fiji; Papeete, Tahiti; and Noumea, New Caledonia.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 24, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4240; Filed, Apr. 28, 1964; 8:47 a.m.]

MEMBER LINES OF GULF/SOUTH AND EAST AFRICAN CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7780-5 between the member lines of the Gulf/South and East African Conference amends the basic agreement to provide for meetings to be held in New York City as well as in New Orleans.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 24, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4239; Filed, Apr. 28, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-673]

ALUMINUM COMPANY OF AMERICA

Notice of Filing of Application for Exemption

APRIL 23, 1964.

Notice is hereby given that Aluminum Company of America ("Alcoa"), 1501 Alcoa Building, Pittsburg 19, Pennsylvania, has filed with this Commission an application, pursuant to section 3(a)(3) of the Public Utility Holding Company Act of 1935 ("Act"), for exemption of it as a holding company and of its subsidiary companies, as such, on the ground that it is only incidentally a holding company. Alcoa has heretofore been granted an exemption pursuant to section 3(a)(3) of the Act, by order issued in 1939. (Aluminum Company of America et al., 5 S.E.C. 640.) Alcoa's stated reason for filing the present application is to update the facts so as to reflect certain changes which have occurred since 1939, and to secure reaffirmation of its exempt status.

All interested persons are referred to the application, on file at the office of the Commission, for a description of Alcoa and its subsidiary companies, the nature of their businesses and operations, and of the facts in support of the application, which are summarized below.

Alcoa is engaged, directly and through subsidiary companies, in the production and sale of aluminum and aluminum products, the mining and processing of raw materials related thereto, and in various other operations. Such activities are carrier on extensively in the United States and in foreign countries.

The aluminum operations of Alcoa require large amounts of electric energy. A portion of these requirements (approximately 2,473 million Kwh in 1963) is generated by Alcoa, a portion is purchased from subsidiary companies, and some energy is purchased from nonaffiliated companies. Six of Alcoa's subsidiary companies are engaged in the generation, transmission or distribution of electric energy. A brief description of these companies, all the securities of which are owned by Alcoa, is presented below.

Alcoa Generating Corporation ("Alcoa Generating") owns an electric generating plant which is located adjacent to Alcoa's Warrick plant near Evansville, Indiana, and is operated by Southern Indiana Gas and Electric Company ("Southern Indiana"), a nonaffiliated company. During 1963, a total of 977,991,100 Kwh was generated and 15,537,000 Kwh was purchased. Of this total, 604,869,100 Kwh (61 percent) was sold to Alcoa and 388,659,000 Kwh was sold to Southern Indiana pursuant to power interchange agreements. It is stated that Alcoa's Warrick plant is only partially completed and that upon completion it will require substantially all of Alcoa Generating's output. In 1963 the generating company's revenues amounted to $7,101,203, of which $5,215,232 were derived from sales to Alcoa and the balance from sales to Southern Indiana. At December 31, 1963, its net plant account amounted to $33,898,421 per books, after deducting applicable reserves of $22,202,260.

Cedars Rapids Transmission Company, Limited ("Cedars Transmission"), a Canadian corporation, owns and operates an electric transmission line extending from a hydro-electric plant owned by a nonaffiliated company in Quebec, Canada, to the United States-Canadian boundary. Cedars Transmission purchases power from this Canadian nonaffiliated company for resale. Of a total of 494,683,000 Kwh purchased in 1963, Cedars Transmission sold 222,560,000 Kwh (45 percent) to Alcoa at the United States-Canadian border, for use in Alcoa's plant at Massena, New York; and 10,516,000 Kwh (2 percent) to Long Sault, Inc. ("Long Sault", formerly St. Lawrence River Power Company), an affiliated company. The balance of available power was sold by Cedars Transmission to a nonaffiliated Canadian company, St. Lawrence Power Company Inc., for distribution in the City of Cornwall, Ontario. Cedars Transmission's revenues in 1963 amounted to $1,460,206, of which $896,053 (61.4 percent) were derived from sales to the nonaffiliated distribution company. At December 31, 1963, its net electric plant per books amounted to $496,180, after deducting applicable reserves of $391,298.

Long Sault owns and operates a transmission line connecting at the interna-

tional boundary with the transmission line of Cedars Transmission and extending to Massena, New York, and a waterworks plant used to supply water to Alcoa. It also purchases and sells relatively small amounts of electric energy for its own account. Its primary business consists of the transmission of power to Alcoa's Massena plant, which power is purchased by Alcoa from Cedars Transmission and from a nonaffiliate; small amounts of power are also transmitted for and sold to nonaffiliates. During 1963, Long Sault transmitted 1,930,953,000 Kwh of energy for Alcoa and a small amount for a nonaffiliate; of a total of 210,793,000 Kwh of energy purchased, about 95 percent was sold to Alcoa. Of Long Sault's total operating revenues in 1963, $1,443,319 (86 percent) were derived from its electric operations, and all but $33,390 thereof represented services rendered and sales made to Alcoa. At December 31, 1963, Long Sault's net electric plant amounted to $2,871,773 per books, after deducting applicable reserves of $2,271,498.

Nantahala Power and Light Company ("Nantahala"), owns and operates 11 hydro-electric plants and a distribution system serving an area of some 2,058 square miles in the western portion of North Carolina. Of a total of 340,594,800 Kwh net generation in 1963, 105,440,570 Kwh (31 percent) was made available to Alcoa for its smelting plant at Alcoa, Tennessee, through agreements with Tapoco Inc. ("Tapoco", formerly Knoxville Power Company), an affiliated company, and the Tennessee Valley Authority ("TVA"), with whose systems the major plants of Nantahala are integrated; and 209,581,241 Kwh (62 percent) of Nantahala's net generation was distributed directly to the public and to nonaffiliates. Nantahala's revenues in 1963 amounted to $3,907,173, of which $3,101,978 (79 percent) represented sales to others than Alcoa; at December 31, 1963, its net plant per books amounted to $13,366,604, after deducting applicable reserves of $22,691,413. Nantahala is subject to the jurisdiction of the North Carolina Public Utilities Commission.

Tapoco owns and operates four hydroelectric plants in Tennessee and North Carolina. All the electric energy produced by Tapoco (amounting, in 1963, to 1,414,422,240 Kwh) was delivered into the Nantahala-Tapoco-TVA interconnected systems pursuant to the agreements previously mentioned. From these systems Tapoco received 1,533,453,670 Kwh, all of which was sold to Alcoa. In 1963, Tapoco's revenues aggregated $5,161,533; its net electric plant per books at December 31, 1963, amounted to $20,311,063, after deducting applicable reserves of $27,641,101.

Yadkin, Inc. ("Yadkin", formerly Carolina Aluminum Company) owns and operates four hydro-electric plants near Badin, North Carolina, and purchases power from others. In 1963, Yadkin generated 740,391,722 Kwh of electric energy and received 18,172,000 Kwh through interchange agreements with nonaffiliates. Of the total, 196,358,958 Kwh (26 percent) were sold to Alcoa for use at its Badin, North Carolina, smelting plant; 526,344,000 Kwh (69 percent) were delivered to nonaffiliated electric companies under interchange and sales agreements; and the balance was accounted for as system losses. It is stated that Alcoa's Badin plant is in the process of extensive remodeling, that its power requirements are currently curtailed, and that upon completion of the remodeling it will require substantially the entire power capacity of Yadkin. In 1963, Yadkin's revenues amounted to $3,789,876, of which $2,775,508 (73 percent) were derived from transactions with Alcoa and the balance from transactions with nonaffiliates. At December 31, 1963, its net electric plant per books amounted to $20,296,430, after deducting related reserves of $13,872,510.

At December 31, 1963, the consolidated assets of Alcoa and consolidated subsidiary companies amounted to $1,463,752,348, after deduction of reserves for depreciation, depletion, etc. At the same date the combined assets of Alcoa's six electric utility subsidiary companies amounted to $96,225,336, after deducting reserves for depreciation, etc. In 1963, Alcoa's consolidated gross revenues amounted to $980,309,806. The combined revenues of its electric utility subsidiary companies amounted to approximately $23 million, of which approximately $7 million were derived from transactions with others than Alcoa.

Notice is further given that any interested person may, not later than May 20, 1964, request in writing that a hearing be held in respect of the application, stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served, personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address noted first above, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as amended, may be granted or the Commission may take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-4215; Filed, Apr. 28, 1964; 8:45 a.m.]

[File No. 70-4204]

IROQUOIS GAS CO. ET AL.

Notice of Proposed Issuance of Short-Term Notes to Banks and Proposed Intra-System Issuance of Short-Term Notes

APRIL 22, 1964.

In the matter of Iroquois Gas Corporation, Pennsylvania Gas Company, United Natural Gas Company, National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York, 10020; File No. 70-4204.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and three of its gas utility subsidiary companies, Iroquois Gas Corporation ("Iroquois"), Pennsylvania Gas Company ("Penn"), and United Natural Gas Company ("United"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

National proposes to issue, from time to time between July 1, 1964, and December 31, 1964, unsecured promissory notes to the Chase Manhattan Bank ("Chase") in an aggregate face amount not to exceed $12,500,000 outstanding at any one time. The notes will be dated when issued, will mature on December 31, 1965, will bear interest, payable quarterly, at the prime commercial rate (currently 4½ percent), and will be prepayable, in whole or in part, at any time without penalty, except that a premium of ⅜ of 1 percent must be paid if the prepayment results from borrowings from a bank other than Chase.

Iroquois and Penn propose, from time to time between July 1, 1964, and December 31, 1964, to issue to National, and National proposes to acquire, unsecured promissory notes not to exceed an aggregate face amount of $10,900,000 in the case of Iroquois and $1,600,000 with respect to Penn to be outstanding at any one time. National intends to use the $12,500,000 proceeds of its above-described borrowings from Chase to acquire the notes of Iroquois and Penn. When National borrows from Chase, it will lend such amount to Iroquois and to Penn, as evidenced by their companion notes, on the same day, at the same prime rate, and subject to the same general terms and conditions, except that no prepayment penalty will be incurred by Iroquois and Penn in respect of their notes under any circumstances.

Penn also proposes to issue from time to time during 1964 not in excess of $2,200,000 face amount of unsecured short-term notes to the following banks: First National Bank of Erie, Erie, Pennsylvania, $650,000, and Warren National Bank, Warren, Pennsylvania, $1,550,000. These notes are to be dated as of the date of issue, are to mature not later than nine months from the date thereof, are to bear interest at the prime rate in effect at Chase on the date of issue of each note, and are to be prepayable at any time, in whole or in part, without penalty or premium. The proposed notes will aggregate about 11 percent of the principal amount and par value of Penn's other securities outstanding, and any amount in excess of 5 percent may be issued only pursuant to an order under section 6(b) of the Act.

United proposes to issue from time to time during 1964 not in excess of $3,700,000 face amount of unsecured short-term notes to the following banks, the maximum amount to be borrowed and outstanding at any one time for each such bank being as follows:

Northwest Pennsylvania Bank & Trust Co., Oil City, Pa.	$500,000
First Seneca Bank & Trust Co., Oil City, Pa.	500,000
The Pennsylvania Bank & Trust Co., Titusville, Pa.	500,000
McDowell National Bank, Sharon, Pa.	270,000
First National Bank of Mercer County, Greenville, Pa.	150,000
The Exchange Bank & Trust Company, Franklin, Pa.	150,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	1,630,000
Total	3,700,000

These notes are to be dated as of the date of issue, are to mature not later than nine months from the date thereof, are to bear interest at the prime rate of interest in effect at Chase on the date of issuance of each such note, and are to be prepayable at any time, in whole or in part, without penalty or premium. The proposed notes will aggregate 9.2 percent of the principal amount and par value of United's other securities outstanding, and any amount in excess of 5 percent may be issued only pursuant to an order under section 6(b) of the Act.

The proceeds from the aforesaid issuances of notes are to be used by Iroquois, Penn, and United, together with funds available from current operations, for additions to utility plant, for treasury reimbursements for capitalized construction expenditures, and for underground storage gas inventories. Construction expenditures for 1964 are estimated at $7,830,000 for Iroquois, $2,863,000 for Penn, and $5,511,000 for United.

The joint application-declaration states that the Public Service Commission of New York has jurisdiction over the proposed issuance of promissory notes by Iroquois and their sale to National, and that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issuance of promissory notes by Penn and their sale to National. Copies of the requisite State commission orders are to be filed by amendment.

Expenses to be incurred by the companies in connection with the proposed transactions are estimated to aggregate $6,200, including filing fees of $2,500, and counsel fees and expenses of $2,250.

Notice is further given that any interested person may, not later than May 13, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-4216; Filed, Apr. 28, 1964; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3894 etc.]

ATLANTIC REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 21, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3894 D 4-10-64	The Atlantic Refining Co. (Operator), et al.	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	12.5541	14.65
G-5377 C 4-9-64	Skelly Oil Co. (Operator), et al.	El Paso Natural Gas Co., Dollarhide Queen Sand Unit, Lea County, N. Mex.	[2] 5.5 [3] 9.0	14.65 14.65
G-6352 C 4-10-64	Continental Oil Co.	United Gas Pipe Line Co., South Cabeza Creek Field, Goliad County, Tex.	12.1848	14.65
G-10318 D 4-10-64	The Atlantic Refining Co.	El Paso Natural Gas Co., acreage in Andrews County, Tex.	Assigned	------
G-12003 D 12-9-60	Socony Mobil Oil Co., Inc.	Phillips Petroleum Co., acreage in Sherman County, Tex.	[3] Assigned	------
G-14997 C 4-9-64	Allegheny Land & Mineral Co.	Hope Natural Gas Co., Union District, Ritchie County, W. Va.	22.0	15.325
G-15714 C 4-9-64	Humble Oil & Refining Co.	Transwestern Pipeline Co., acreage in Oehiltree County, Tex.	17.0	14.65
G-15791 10-27-61 [4]	Sun Oil Co.	Transwestern Pipeline Co., acreage in Hemphill County, Tex.	17.0	14.65
G-16765 E 4-14-64	Socony Mobil Oil Co., Inc. (successor to BBM Drilling Co.).	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	10.096	14.65
C160-32 3-18-64 [4]	Texaco Inc. (Operator), et al.	El Paso Natural Gas Co., LeBarge Unit No. 5 Well, Lincoln and Sublette Counties, Wyo.	15.384	15.025
C160-175 C 4-13-64	Pubco Petroleum Corp. (Operator), et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	12.2295	15.025
C160-234 C 4-9-64	Carl E. Smith, Inc.	Hope Natural Gas Co., various leases, Smithfield District, Roane County, W. Va.	25.0	15.325
C160-702 B 6-6-60 [4] (G-4421)	Hassie Hunt Trust	United Gas Pipe Line Co., acreage in Karnes and Goliad Counties, Tex.	Depleted	------
C161-118 10-21-63 [4]	Texaco Inc. (Operator), et al.	Natural Gas Pipeline Co., of Americs, Encino, Petronilla, and Luby Fields, San Patricio and Nueces Counties, Tex.	15.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI64-1197..... A 4-4-64	Associated Oil & Gas Co. (Operator), et al.	Lone Star Gathering Co., Seibert (Wilcox) Field, Goliad County, Tex.	15.0	14.65
CI64-1198..... A 4-10-64	Pan American Petroleum Corp.	Lone Star Gas Co., Penn-Griffith Field, Rusk County, Tex.	14.69	14.65
CI64-1199..... A 4-10-64	Skelly Oil Co.....	Arkansas Louisiana Gas Co., Sibley Field, Webster Parish, La.	13.45	15.025
CI64-1200..... A 4-10-64	Cherokee Gas Corp.....	Texas Eastern Transmission Corp., Midland Field, Muhlenberg County, Ky.	15.0	15.025
CI61-732 [1] ..... C 9-10-62	W. C. McBride, Inc., et al.....	United Gas Pipe Line Co., Yoggem Field, Bee County, Tex.	16.4	14.65
CI63-148 [1] ..... A 8-2-62	Chambers & Kennedy.....	Northern Natural Gas Co., Hunt-Baggett (Canyon) Field, Crockett County, Tex.	16.0	14.65
7-24-63 CI63-536 [1] ..... A 10-1-62	Continental Oil Co.....	Panhandle Eastern Pipe Line Co., S. E. Alva Field, Woods County, Okla.	15.0	14.65
CI63-1204..... A 4-13-64	Pan American Petroleum Corp.....	Arkansas Louisiana Gas Co., Cantrahoma Field, Coal County, Okla.	15.0	14.65
CI64-1205..... A 4-13-64	Continental Oil Co.....	Natural Gas Pipeline Co. of America, Mocane-Laverne Area, Woodward County, Okla.	17.0	14.65
CI64-1206..... A 4-13-64	do.....	H. L. Hutton, Tonkawa Chat Field, Kay County, Okla.	3.0	14.65
CI64-1207..... A 4-13-64	H. L. Hutton.....	Arkansas Louisiana Gas Co. South Braman Field, Kay County, Okla.	11.0	14.65
CI64-1208..... A 4-13-64	Robbins Petroleum Corp. (Operator), et al.	Lone Star Gas Co., Peaown, North Field, Gregg County, Tex.	14.49	14.65
CI64-1209..... B 4-15-64	Southeastern Gas Co. (formerly Hamilton Gas Corp.).	Hope Natural Gas Co., Hamilton District, Nicholas County, W. Va.	Depleted	.....
CI64-1210..... B 4-15-64	George R. Brown (Operator), et al.	Texas Eastern Transmission Corp., South Lucky Field, Matagorda County, Tex.	Depleted	.....
CI64-1211..... A 4-16-64	Fred V. Shadid, et al.....	El Paso Natural Gas Co. South Ojo Field, Harding County, Okla.	13.0	14.65
CI64-1212..... A 4-13-64	Bunson-Montin-Greer Drilling Corp. (successor to The British-American Oil Producing Co.) (partial succession).	El Paso Natural Gas Co., Gallegos Gallup Sand Unit, San Juan County, N. Mex.	12.0	15.025
CI64-1213..... A 4-16-64	Shell Oil Co.....	Natural Gas Pipeline Co. of America, Fox 1-4 Unit, Northwest Chester Field Area, Woodward County, Okla.	17.0	14.65
CI64-1214..... B 4-16-64	George R. Brown (Operator), et al.	Tennessee Gas Transmission Co., Tennessee Gas Pipeline Co., Hillyard Field, Colorado County, Tex.	Depleted	.....
CI64-1215..... A 4-16-64	Colorado Oil and Gas Corp., Operator.	Florida Gas Transmission Co., Savoy Field, St. Landry Parish, La.	15.0	15.025
CI64-1216..... A 4-15-64	Shell Oil Co.....	Kansas-Colorado Utilities, Inc., Stanton County, Kans.	13.5	14.65
CI64-1217..... B 4-16-64	Sunray DX Oil Co.....	Cities Service Gas Co., acreage in Woodward County, Okla.	Depleted	.....
CI64-1218..... A 4-16-64	Marathon Oil Co.....	Garfield Gas Gathering Co., Divide Area, Texas and Garfield Counties, Colo.	15.0	15.025

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI63-516 [1] ..... A 4-4-64	Pan American Petroleum Corp. (Operator), et al.	Michigan-Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	[2] 17.0	14.65
CI64-1198..... A 4-10-64	Pan American Petroleum Corp.	Acreage in Major County, Okla.—Michigan-Wisconsin Pipe Line Co., Woodward area of Dewey, Major, Woods, and Woodward Counties, Okla.	15.0 Uneconomical	14.65
CI64-1199..... A 4-10-64	Skelly Oil Co.....			
CI64-1200..... A 4-10-64	Cherokee Gas Corp.....			
CI61-732 [1] ..... C 9-10-62	The Atlantic Refining Co.....	Michigan-Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	[2] 17.0	14.65
CI63-148 [1] ..... A 8-2-62	The Pure Oil Co.....	do.....	[2] 17.0	14.65
7-24-63 CI63-536 [1] ..... A 10-1-62	Pan American Petroleum Corp.	do.....	[2] 17.0	14.65
CI63-1204..... A 4-13-64	do.....	do.....	[2] 17.0	14.65
5-27-63 CI63-337 [1] ..... A 9-10-62	Socony Mobil Oil Co., Inc.....	Transcontinental Gas Pipe Line Corp., LaGloria Field, Jim Wells and Brooks Counties, Tex.	8.89088	14.65
5-27-63 CI64-1205..... C 4-9-64 [3]	do.....	Natural Gas Pipeline Co. of America, Mocane-Laverne Field, Beaver County, Okla.	[4] 10.8231 [5] 9.988566	14.65 14.65
CI63-470..... C 4-9-64 [3]	do.....	H. L. Hutton, Tonkawa Chat Field, Kay County, Okla.	15.75	15.025
CI63-1028..... E 4-10-64	Sterling Natural Gas Corp. (successor to Cardinal Drilling Co., Inc.).	Texas Eastern Transmission Corp., Monroe Field, Ouachita Parish, La.	15.0	14.65
CI63-1410..... A 5-16-63	Falcon Seaboard Drilling Co., et al. [6]	Michigan-Wisconsin Pipe Line Co., North Oakdale Field, Woodward area, Woods County, Okla.	16.8	14.65
CI63-1468..... C 4-15-64	LaGloria Oil and Gas Co.....	Arkansas Louisiana Gas Co., Waukomis area, Garfield County, Okla.	[7] 15.0	15.025
CI64-562..... 4-10-64 [3]	Hunt Oil Co. (Operator), et al.	Texas Gas Transmission Corp., Cotton Valley Field, Webster Parish, La.	12.0	15.025
CI64-865..... A 4-30-64	Tex-Star Oil & Gas Corp.....	El Paso Natural Gas Co., Martinez Unit, LaPlata County, Colo.	13.0	15.025
CI64-1100..... B 4-3-64	The Superior Oil Co.....	Cities Service Gas Co., Whiterock Field, Noble County, Okla.	Assigned	.....
CI64-1185..... A 4-9-64	Toreador Royalty Corp.....	Kansas-Colorado Utilities, Inc., Kansas-Colorado Utilities, Kans.	18.5	14.65
CI64-1190..... A 4-9-64	Secure Trusts.....	Northern Natural Gas Co., McKinney (Council Grove) Area, Meade County, Kans.	16.0	14.65
CI64-1197..... B 4-9-64	Midwest Oil Corp., et al.....	Hope Natural Gas Co., Gutlhau District, South Bosco Field, Acadia Parish, La.	Depleted	.....
CI64-1198..... A 4-9-64	Gilcrease Operating Co.....	J. A. Heard d.b.a. Heard Oil & Gas (successor to J. A. Heard, trustee), Quinlo Creek Field Area, Jim Wells County, Tex.	6.0	14.7
CI64-1189..... A 4-9-64	Harry C. Boggs d.b.a. Harry C. Boggs Natural Gas Co. [4] (partial succession).	Hope Natural Gas Co., Salt Sandbig Inlum Sand Fields, Roane County, W. Va.	20.9	15.325
CI64-1190..... A 4-9-64	W. L. Moody III, d.b.a. Moody Properties (Operator), et al.	J. A. Heard d.b.a. Heard Oil & Gas (successor to Quinlo Creek Field Area, Jim Wells County, Tex.	10.0	14.7
CI64-1191..... A 4-9-64	do.....	do.....	10.0	14.7
CI64-1192..... A 4-9-64	Union Producing Co.....	United Gas Pipe Line Co., Straitsville-San Domingo and West Tuleta Fields, Bee County, Tex.	15.015	14.65
CI64-1193..... B 4-9-64	Cabot Corporation (GLC).....	Hope Natural Gas Co., acreage in Calhoun County, W. Va.	[8] Declined in present [9] 8.940701	14.65
CI64-1194..... A 4-10-64	Orion Oil Company (Operator), et al.	Transcontinental Gas Pipe Line Co., Agua Dulce Area Field, Duval County, Tex.	14.65	
CI64-1195..... B 4-10-64	J. C. Baker, agent for Gregory Gas Co.	Hope Natural Gas Co., Glade District, Webster County, W. Va.	Uneconomical	
CI64-1196..... B 4-10-64	T. J. Garrity, et al.....	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	Uneconomical	

See footnotes at end of table.

[1] Rate in effect under R. A. Culbertson and Wallace W. Irwin, Jr. FPC GRS No. 1 (Docket No. G-6716).
[2] Rate in effect under Gulf Oil Corp. FPC GRS No. 64 (Docket No. G-1630).
[3] Presently filed obligation. 10.9658 subject to refund in Docket No. RI62-178. The acreage is nonproductive, therefore filed obligation.
[4] Amendment filed to reflect reclassification of previously dedicated acreage from nonproductive to productive.
[5] Applicant filed amendment to correctly reflect its status as Operator and Applicant and to amend the certificate in Docket No. G-4610 to permit abandonment of service to Cities Service Gas Co., Docket No. CI60-702 will be canceled.
[6] Application to abandon filed in Docket No. CI64-1211 is a duplication of the application related to acreage in the Panhandle Area of Oklahoma. Certificate issued 5-30-64, as to Oklahoma "Other" Area.
[7] As a result of motions for severance from the G-19417, et al., proceedings the applicants have expressed a willingness to accept permanent certificates, conditioned on the same basis as their respective temporary certificates, i.e. Opinion No. 353, for the final rate.
[8] Willer Corporation's last filed rate.
[9] Applicant agreed to accept a permanent certificate conditioned as provided in the Commission's Opinion No. 353.
[10] Applicant agreed to accept a permanent certificate at 15.0 cents/Mcf.

[11] Original application noticed at an initial price of 14.0 cents/Mcf. Applicant amended its application to provide for an initial price of 13.0 cents/Mcf. As a result of the notice issued in Docket Nos. G-7004, et al., and published in the FEDERAL REGISTER on February 15, 1964 (29 F.R. 2529), The Public Utilities Commission, of the State of California intervened in this proceeding.
[12] Successor to Commonwealth Gas Corp.
[13] Rate of 23.4 cents/Mcf involved in suspension proceeding in Docket No.. RI61-308.

[F.R. Doc. 64-4154; Filed, Apr. 28, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 302]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 24, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3379 (Deviation No. 3), SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Post Office Box 830, Akron, Ohio, filed April 16, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, between Fredericksburg, Va., and Richmond, Va., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fredericksburg over U.S. Highway 1 to Petersburg, Va., and return over the same route.

No. MC 29130 (Deviation No. 6), THE ROCK ISLAND MOTOR TRANSIT CO., 2744 Southeast Market Street, Post Office Box 1355, Des Moines 5, Iowa, filed April 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Minneapolis-St. Paul, Minn., over Interstate Highway 35 to Kansas City, Mo.-Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Des Moines, Iowa, over U.S. Highway 69 to Ames, Iowa, thence over U.S. Highway 30 to Colo, Iowa, thence over U.S. Highway 64 via Albert Lea, Minn., to Owatonna, Minn. (also from Albert Lea over U.S. Highway 16 to Austin, Minn., thence over U.S. Highway 218 to Owatonna), and thence over U.S. Highway 65 to Minneapolis; from Farmington, Minn., over Minnesota Highway 218 to St. Paul; and, from Kansas City, Mo., over Alternate U.S. Highway 69 to junction U.S. Highway 69, thence over U.S. Highway 69 to Des Moines, and return over the same routes.

No. MC 41792 (Deviation No. 1), HOLDCROFT TRANSPORTATION CO., 32d Street and U.S. Highway North, Sioux City, Iowa, filed April 12, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Sioux City, Iowa, over Interstate Highway 29 to Omaha, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Sioux City over U.S. Highway 73 to junction U.S. Highway 77 (formerly U.S. Highway 73W), thence over U.S. Highway 77 to junction Nebraska Highway 32 (formerly U.S. Highway 73W) thence over Nebraska Highway 32 to junction U.S. Highway 73, and thence over U.S. Highway 73 to Omaha, and return over the same route.

No. MC 52709 (Deviation No. 14), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216, filed April 10, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Las Vegas, Nev., and junction Interstate Highway 15 and U.S. Highway 99, at or near Colton, Calif., over Interstate Highway 15, for operating convenience only. The notice indicates that the carrier is presently authorized to transport these same commodities over a pertinent service route as follows: From Los Angeles, Calif., over U.S. Highway 99 to junction U.S. Highway 91, at or near Colton, thence over U.S. Highway 91 to Las Vegas, and return over the same route.

No. MC 105807 (Deviation No. 1), RED BALL EXPRESS CO., 6666 Red Ball Expressway, Omaha, Nebr., filed April 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 to junction U.S. Highway 66, near Joliet, Ill., thence over U.S. Highway 66 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Omaha over U.S. Highway 6 to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago; and, from Omaha over U.S. Highway 6 to Council Bluffs, Iowa, thence over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30 and thence over Alternate U.S. Highway 30 to Chicago, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 166), GREYHOUND LINES, INC., 219 East Short Street, Lexington, Ky., filed April 12, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Lake City, Fla., over U.S. Highway 90 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Sunshine State Parkway, west of Wildwood, Fla., thence over Sunshine State Parkway to junction U.S. Highway 301, thence over U.S. Highway 301 to Wildwood, also over the following access routes: (1) from junction Interstate Highway 75 and Florida Highway 47 over Florida Highway 47 to Lake City; (2) from Alachua, Fla., over U.S. Highway 27 and Florida Highways 235 and 241 to junction Interstate Highway 75; (3) from Gainesville, Fla., over Florida Highways 24, 26, and 121 to junction Interstate Highway 75; (4) from Ocala, Fla., over U.S. Highway 27 and Florida Highways 40 and 200 to junction Interstate Highway 75; and (5) from Wildwood over Florida Highway 44 and unnumbered highways to junction Interstate Highway 75; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Gainesville over U.S. Highway 441 via Ocala to Belleview, thence over U.S. Highway 301 via Wildwood to Dade City, Fla.; from Chiefland, Fla., over alternate U.S. Highway 27 via Bronson, Fla., to Williston, Fla., thence over U.S. Highway 27 to Ocala; from junction Florida Highways 200 and 484, over Florida Highway 200 to Hernando, Fla.; from Lake City, over U.S. Highway 41 to High Springs, Fla., thence over U.S. Highway 441 to Gainesville, thence over Florida Highway 26 to Sannin, Fla.; from Gainesville over Florida Highway 24 to Cedar Keys, Fla.; and from Inverness over Florida Highway 44 to Leesburg, Fla., thence over U.S. Highway 441 to Tavares, Fla., and return over the same routes.

No. MC 107109 (Deviation No. 6), INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, INC., 1318 North Capital Avenue, Indianapolis, Ind., filed April 16, 1964. Applicant's attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: Between junction Indiana Highway 229 and Interstate Highway 74

and Dent, Ohio, over Interstate Highway 74, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 421 to Greensburg, Ind., and thence over Indiana Highway 46 to junction U.S. Highway 52, and thence over U.S. Highway 52 to Cincinnati, Ohio, and return over the same route.

No. MC 107109 (Deviation No. 7), INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, INC., 1318 North Capital Avenue, Indianapolis, Ind., filed April 16, 1964. Applicant's attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (A) From Hammond, Ind., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to La Fayette, Ind., and (B) from junction U.S. Highway 41 and Interstate Highway 94, over Interstate Highway 94 to junction U.S. Highway 30; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Hammond over Indiana Highway 130 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 421, thence over U.S. Highway 421 to junction Indiana Highway 43, and thence over Indiana Highway 43 to La Fayette, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4224; Filed, Apr. 28, 1964; 8:45 a.m.]

[Notice 632]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 24, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

No. MC 1801 (Sub-No: 18), filed April 23, 1964. Applicant: FORD VAN LINES, INC., 56th and Cornhusker Highway, Lincoln, Nebr. Applicant's attorney: Jack Devoe, 214 Sharp Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in the United States (except points in Hawaii).

HEARING: May 18, 1964, in Room 117, Federal Office Building, 909 First Avenue, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 1931 (Sub-No. 6), filed April 20, 1964. Applicant: MOLLERUP VAN SERVICE, INC., 2900 South Main Street, Salt Lake City, Utah. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska and (2) between points in Alaska, on the one hand, and, on the other, points in the United States.

HEARING: May 18, 1964, in Room 117, Federal Office Building, 909 First Avenue, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 21170 (Sub-No. 48), filed April 21, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Jack H. Blanshan, 3½ West Main Street, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat poducts, and meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in Sections A, B, and C, of Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Columbus Junction, Iowa, to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: May 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 31024 (Sub-No. 31), filed April 21, 1964. Applicant: NEPTUNE WORLD-WIDE MOVING, INC., 55 Weyman Avenue, New Rochelle, N.Y. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska and (2) between points in Alaska, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Hampshire, Ohio, Tennessee, Wisconsin, Mississippi, Kentucky, Indiana, Georgia, Alabama, South Carolina, Iowa, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: May 18, 1964, in Room 117, Federal Office Building, 909 First Avenue, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 111812 (Sub-No. 242) (REPUBLICATION), filed March 25, 1964, published in FEDERAL REGISTER issue of April 8, 1964, and republished this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in Sections A, B, & C, of Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, from Columbus Junction, Iowa, to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Common control may be involved. The purpose of this republication is to assign the application for hearing.

HEARING: May 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 113362 (Sub-No. 38), filed April 17, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Marshall D. Becker, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in Sections A, C, and D, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site of Rath Packing Co., located at Columbus Junction, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, and the District of Columbia.

NOTE: Applicant states that the proposed operations will be restricted to traffic originating at the plant site of Rath Packing Co., Columbus Junction, Iowa.

HEARING: May 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

SECTION B

No. MC 67234 (Sub-No. 2) (AMENDMENT), filed October 22, 1958, published in FEDERAL REGISTER issue of March 18, 1964, amended March 23, 1964, and republished, as amended, this issue. Applicant: UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, Maplewood 17, Mo. Applicant's attorney: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: The purpose of this republication is to correctly set forth the proposed operation and to add applicant's attorney.

HEARING: May 18, 1964, at the Federal Office Building, Seattle, Wash., before Examiner F. Roy Linn.

No. MC 107107 (Sub-No. 293), filed December 6, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from points in Dallam and Hartley Counties, Tex., to points in Alabama, Connecticut, the District of Columbia, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis), and Virginia.

HEARING: June 4, 1964, at the Baker Hotel, Dallas, Tex., before Examiner William A. Royall.

No. MC 113024 (Sub-No. 36) (AMENDMENT), filed June 7, 1963, published in FEDERAL REGISTER issue of June 19, 1963, amended January 24, 1964, and republished, as amended, this issue. Applicant: ARLINGTON J. WILLIAMS, INC., 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, dry goods, drugs, toilet preparations, materials and supplies used in production and distribution of sewn and latex products, including packing and packaging materials therefor*, and *empty trailers*, between Newnan and Atlanta, Ga., for the account of International Latex Corporation, only.

NOTE: The purpose of this republication is to restrict the proposed operation to the account of International Latex Corporation.

HEARING: June 3, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga.; before Joint Board No. 101.

No. MC 113024 (Sub-No. 39) (AMENDMENT), filed September 30, 1963, published in FEDERAL REGISTER issue of October 30, 1963, amended January 24, 1964, and republished, as amended, this issue. Applicant: ARLINGTON J. WILLIAMS, INC., 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, dry goods, drugs, toilet preparations, materials and supplies used in production and distribution of sewn and latex products, including packing and packaging materials therefor*, and *empty trailers*, (1) between La Grange and Manchester, Ga., and Lafayette, Ala., on the one hand and, on the other, Atlanta, Ga., and (2) between La Grange, Manchester, Newnan and Atlanta, Ga. and Lafayette, Ala., on the one hand, and, on the other, Austell, Ga., for the account of International Latex Corporation, only.

NOTE: The purpose of this republication is to restrict the proposed operation to the account of International Latex Corporation.

HEARING: June 3, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 119990 (Sub-No. 1) (CORRECTION), filed April 29, 1963, published in FEDERAL REGISTER, issue of April 15, 1964, and republished as corrected this issue. Applicant: MERCHANTS DELIVERY CO. (a corporation), 1212 East 18th Street, Kansas City, Mo. Applicant's attorney: Lee Reeder, Suite 1010, 1012 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), from, to, and between points within following described area, and points located on or within five (5) miles of the following highways, from St. Joseph, Mo., over U.S. Highway 59 to Atchinson, Kans., thence over U.S. Highway 73 to junction Kansas Highway 20, thence over Kansas Highway 20 to junction U.S. Highway 75, thence over U.S. Highway 75 to U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 77, thence over U.S. Highway 77, to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 160, thence over U.S. Highway 160 to U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 166, thence over U.S. Highway 166 to U.S. Highway 59, thence over U.S. Highway 59, to Oklahoma Highway 10, thence over Oklahoma Highway 10 to junction Oklahoma Highway 10C, thence over Oklahoma Highway 10C to junction Missouri-Oklahoma State line, thence south on Missouri-Oklahoma State line to junction U.S. Highway 60, thence over U.S. Highway 60, to junction U.S. Highway 71, thence over U.S. Highway 71 to Harrisonville, thence over Missouri Highway 2 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 58, thence over Missouri Highway 58 to U.S. Highway 50, thence over U.S. Highway 50 to Jefferson City, thence over U.S. Highway 63 to U.S. Highway 36, thence over U.S. Highway 36, to St. Joseph, Mo., to the point of beginning.

NOTE: Applicant states the proposed service is restricted to (a) no service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds or exceeding 110 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment, (b) no service shall be rendered between department stores, mail order stores, specialty shops and retail stores and the branches or warehouses of such stores, or between department stores, mail order stores, specialty shops and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores, and (c) no services shall be provided in the transportation of packages or articles weighing in the aggregate more than seventy (70) pounds from any one consignor to any one consignee on any one day.

NOTE: The purpose of this republication is to reflect the application is to be heard before a Joint Board, rather than an Examiner.

HEARING: Remains as assigned May 25; 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Joint Board No. 180, or if the Joint Board waives its right to participate, before Examiner Theodore M. Tahan.

No. MC 120257 (Sub-No. 3) (CORRECTION), filed December 17, 1963, published in FEDERAL REGISTER issue of April 1, 1964, and republished as corrected this issue. Applicant: K. L. BREEDEN AND SONS, INC., 401 Alamo Street, Terrell, Tex. Applicant's attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, pipe connections*, and *pipe couplings* (except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts), from Lone Star and Bond, Tex. to points in Kansas, Missouri, Tennessee, Mississippi, Alabama, Florida, and Georgia, and *returned and rejected shipments thereof*, on return.

NOTE: The purpose of this republication is to add Bond, Tex., which was inadvertently omitted.

HEARING: Remains as assigned May 20, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Laurence E. Masoner.

NOTICE OF FILING OF PETITIONS

No. MC 1984 (PETITION FOR WAIVER OF RULE 1.101(e) AND FOR LEAVE TO FILE PETITION FOR MODIFICATION OF CERTIFICATE AND PETITION FOR MODIFICATION, CLARIFICATION AND AMENDMENT OF CERTIFICATE), filed April 13, 1964. Petitioner: RUSHTON EXPRESS CO., INC., Paterson, N.J. Petitioner's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Petitioner holds Certificate 1984, dated June 1, 1949. The portion of said certificate sought to be changed, reads: "Textile mill machinery and equipment, over irregular routes, between points and places in New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and Virginia." By the instant petitioner requests that upon waiver of Rule 1.101(e) and consideration of this petition that an order issue amending and modifying "Textile Mill Machinery and equipment" to read: "Commodities, the transportation of which because of size or weigth requires the use of special

equipment, and of related machinery parts and equipment when their transportation is incidental to the transportation of commodities which by reason of size or weigth require special equipment." Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by this petitioner.

No. MC 37500 (PETITION FOR WAIVER OF THE PROVISIONS OF SECTION 1.101(3) OF THE GENERAL RULES OF PRACTICE, FOR RECONSIDERATION OF THE ORDER DATED OCTOBER 14, 1959, REVOKING CERTIFICATE, AND FOR REINSTATEMENT THEREOF), filed April 13, 1964. Petitioner: ESOR BUS CO., INC., 4237 Liberty Avenue, North Bergen, N.J. Petitioner's attorney: LeRoy Dansiger, 334 King Road, North Burnswick, N.J. Petitioner held a Certificate authorizing the transportation, as a motor common carrier, in interstate or foreign commerce of passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in Hudson and Bergen Counties, N.J., to New York, N.Y., and points in Orange, Rockland, Sullivan, Westchester, and Nassau Counties, N.Y., and return. On October 14, 1959, in No. MC–C–2660, petitioner's certificate was revoked for failure to file evidence of insurance. By the instant petition, petitioner requests waiver of the provisions of § 1.101(e) of the general rules of practice; that the order of October 14, 1959, be vacated upon such terms and conditions as to the Commission may seem just and proper; or, in the alternative, that the matter be set down for hearing and an opportunity afforded to show cause why such order should be vacated. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

No. MC 60186 and MC 93421 (PETITION FOR MODIFICATION OF CERTIFICATE, AND FOR CANCELLATION, CONCURRENTLY WITH SUCH MODIFICATION, OF PERMIT ISSUED IN NO. MC 93421), filed April 9, 1964. Petitioner: NELSON FREIGHTWAYS, INC., 1400 Walnut Street, Camden, N.J. Petitioner's attorneys: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., and Vernon V. Baker, 821 Transportation Building, Washington 6, D.C. Petitioner, Nelson Freightways, Inc. (which is the present name of the corporation formerly known as R. A. Byrnes, Incorporated), on and prior to June 1, 1935, and continuously since that date, has operated in interstate or foreign commerce as a motor common carrier, in MC 60186, of general commodities, and as a motor contract carrier, in MC 93421, of certain named commodities. On April 11, 1941, the Commission issued petitioner in No. MC 60186, a certificate authorizing, inter alia, the transportation, over irregular routes, of general commodities, except explosives, poles, canned foods, and commodities used in canning or processing food, from and to specified points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. On April 25, 1941, the Commission issued petitioner in No. MC 93421, a permit authorizing certain operations as a contract carrier, and on May 14, 1958, issued a superseding permit (embracing No. MC 93421 Sub-1) (*R. A. BYRNES, Inc.—Ext.—Canned Goods*, 68 M.C.C. 57), authorizing operations, over irregular routes, as a contract carrier of canned goods, commodities used in canning or processing food, and returned or rejected shipments of canned goods, from and to specified points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. By the instant petition, petitioner prays (1) that the proceeding in No. MC 60186 be reopened and the certificate issued therein be modified by eliminating from the commodities excepted from general commodities "canned foods, and commodities used in canning or processing food"; and (2) concurrently with, but conditioned upon modification of the certificate as aforesaid, that the permit issued May 14, 1958, in No. MC 93421 (embracing No. MC 93421 Sub-1), be canceled. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8575 (CARTWRIGHT'S MOVING & STORAGE, INC.—PURCHASE (PORTION)—DOUGLAS W. LAMBERT), published in the October 23, 1963, issue of the FEDERAL REGISTER, on page 11339. Amendment to the application filed April 16, 1964, to include the following additional operating authority sought to be purchased: *Household goods*, as a *common carrier* over irregular routes, between Birmingham, Ala., and points in Alabama, within 100 miles of Birmingham, not including Montgomery, Ala., on the one hand, and, on the other, points in Alabama, Georgia, Tennessee, North Carolina, Mississippi, Florida, Louisiana, and Arkansas.

No. MC–F–8721. Authority sought for purchase by GRAF BROS., INC., 180 Main Street, Salisbury, Mass., of the operating rights of ACTIVE TRUCKING, INC., 100 Massapoag Avenue, Sharon, Mass., and for acquisition by HENRY GRAF, JR., 14 Allen Street, Newburyport, Mass., and FRED WM. GRAF, 27 Rolfes Lane, Newbury, Mass., of control of such rights through the purchase. Applicants' attorneys: Kenneth B. Williams, 111 State Street, Boston, Mass., and Francis E. Barrett, Jr., 182 Forbes Road, Braintree, Mass. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Providence, R.I., and Boston, Mass., serving certain intermediate and off-route points; and *automobile parts, accessories, tires*, and *tubes*, over irregular routes, between Boston and Cambridge, Mass., on the one hand, and, on the other, Bristol, Central Falls, East Greenwich, East Providence, Hope Valley, North Providence, Pawtucket, Providence, Smithfield, Wakefield, Warren, Warwick, Westerly, West Warwick, and Wickford, R.I. Vendee is authorized to operate as a *common carrier* in all States east of the Mississippi River. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8722. Authority sought for control by ALLEN E. KROBLIN, 716 West Sixth Street, Sumner, Iowa, of TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa. Applicants' attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. Operating rights sought to be controlled: (A) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Chicago, Ill., and Omaha, Nebr., serving all intermediate points in Iowa without restriction, and the off-route point of Joliet, Ill., restricted to pick-up only of *wall paper* and *steel wire*, between Iowa City, Iowa, and Cedar Rapids, Iowa, between Marengo, Iowa, and Belle Plaine, Iowa, between Marshalltown, Iowa, and Des Moines, Iowa, between Avoca, Iowa, and Des Moines, Iowa, serving all intermediate points, various alternate routes for operating convenience only; *packinghouse products* and *fresh meat*, between Omaha, Nebr., and Arcadia, Iowa, serving all intermediate and certain off-route points; *general commodities*, except livestock, Classes A and B explosives, household goods as defined by the Commission, hay, machinery requiring special equipment, and commodities in bulk, between Chicago, Ill., and Mason City, Iowa, serving all intermediate and certain off-route points, RESTRICTION: Service on the immediately above-specified route between Waterloo and Mason City, Iowa, is restricted to traffic which has been originated or received through interchange by said carrier for transportation to or from points beyond Waterloo on its other existing routes, one alternate route for operating convenience only; *packinghouse products* and *dairy products*, in truckload lots, over regular and irregular routes, from Iowa points to Chicago, Ill., serving the intermediate points of Manchester and Dubuque, Iowa, restricted to pickup only; *butter, eggs, dressed poultry*, and *agricultural commodities*, from Avoca, Exira, and Harlan, Iowa, to Chicago, Ill., serving no intermediate points; *fresh meats, packinghouse products*, and *packinghouse supplies*, over irregular routes, between Dunlap, Iowa, and Panama, Persia, and Portsmouth, Iowa, between Denison, Iowa, and Deloit, Iowa, between Arcadia, Iowa, and Botna, and Irwin, Iowa, between Harlan, Iowa, and Panora, Iowa.

RESTRICTION: Service under the authority specified immediately above is restricted to transportation of traffic moving to or from Omaha, Nebr.

GENERAL RESTRICTION: The operating authority granted in Section (A) is restricted against the transportation of traffic between Omaha, Nebr., on the one hand, and, on the other, Waterloo, Cedar Falls, Charles City, and Mason City, Iowa, which originates at and is destined to the points named; (B) *general commodities*, excepting, among others, household goods and commodities in bulk, over regular routes, between Iowa Falls, Iowa, and Mason City, Iowa, serving all intermediate points, between Thornton, Iowa, and Mason City, Iowa, serving the intermediate point of Swaledale, Iowa, from Mason City, Iowa, to Austin, Minn., serving no intermediate points, between Mason City, Iowa, and Grafton, Iowa, serving the intermediate point of Plymouth, Iowa, between La Crescent, Minn., and Davis Corners, Iowa, serving all intermediate points, except that service is not authorized between intermediate points in Minnesota, or between La Crosse, Wis., on the one hand, and, on the other, points on such route, other than Winona, one alternate route for operating convenience only; *general commodities*, between Mason City, Iowa, and Osage, Iowa, between Osage, Iowa, and Stacyville, Iowa, between Osage, Iowa, and Waterloo, Iowa, serving all intermediate points, and the off-route point of Orchard, Iowa, between Riceville, Iowa, and La Crosse, Wis., serving all intermediate points except that service is not authorized from La Crosse to Minnesota points nor from Minnesota points to La Crosse; *livestock*, from Grafton, Iowa, to Austin, Minn., serving intermediate and off-route points within 10 miles of Grafton, for pickup only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Hampton, Iowa, on the one hand, and, on the other, Latimer, Coulter, Alexander, Rowan, Hansell, Dumont, Sheffield, Dows, and Geneva, Iowa; (C) *general commodities*, excepting, among others, household goods and commodities in bulk, over regular routes, between Cedar Falls, Iowa, and Iowa Falls, Iowa, serving no intermediate points, GENERAL RESTRICTION: The authority granted in Section (C) and the regular route authority granted in Section (A) between Cedar Falls, Iowa, and Mason City, Iowa, and that in Section (B) between Mason City and Iowa Falls, Iowa, shall be construed as comprising only a single operating right as between Cedar Falls and Iowa Falls; *general commodities*, except livestock, Class A and B explosives (not including small fireworks), hay, machinery requiring special equipment, and commodities in bulk, over an alternate route for operating convenience only; *meats, meat products and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, over a regular route from Spencer, Iowa, to Mason City, Iowa, serving no intermediate points, RESTRICTION: The authority granted herein shall not be joined or tacked to any of carrier's otherwise authorized operating rights for the purpose of rendering any through transportation service of the abovementioned commodities to destinations in Minnesota or to La Crosse, Wis. ALLEN E. KROBLIN holds no authority from this Commission. However, he is affiliated with KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa, which is authorized to operate as a *common carrier* in Iowa, Illinois, Missouri, Michigan, Indiana, Oklahoma, Kansas, Colorado, Nebraska, Arkansas, Texas, Ohio, Indiana, Pennsylvania, New York, Minnesota, South Dakota, Wisconsin, Florida, New Jersey, California, Virginia, Maryland, Massachusetts, South Carolina, Delaware, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, West Virginia, North Dakota, Alabama, Tennessee, Louisiana, Mississippi, Kentucky, Wyoming, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8725. Authority sought for control by WALTER A. RONEY, Post Office Box 2204, Dearborn, Mich., of BOULEVARD TRANSFER CO., 26380 Van Born Road, Dearborn, Mich. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Operating rights sought to be controlled: *Supplies used in construction work*, as a common carrier over irregular routes, between Detroit, Mich., on the one hand, and, on the other, points in Michigan; *roofing, plasterboard*, and *wallboard*, between points in that part of Michigan located on and within a line commencing at Michigan Highway 59 at Lake St. Clair, and extending westerly along Michigan Highway 59 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Michigan Highway 50, and thence along Michigan Highway 50 to Monroe, Mich., including Monroe, on the one hand, and, on the other, points in Michigan; *heavy machinery and equipment* the transportation of which because of size or weight, requires the use of special equipment, between Detroit, Mich., on the one hand, and, on the other, points in Michigan; *plating equipment and supplies*, used in connection with plating, from Detroit, Mich., to points in that part of Michigan located on and within a line commencing at the most easterly point of the Michigan-Ohio State line, and extending along said State line to junction U.S. Highway 223, thence along U.S. Highway 223 to junction U.S. Highway 127, thence along U.S. Highway 127 to Lansing, Mich., thence northeasterly along Michigan Highway 78 to Flint, Mich., and thence along Michigan Highway 21 to Port Huron, Mich., including Port Huron; and *steel fuel tanks* and *fuel tank accessories*, in lowboy trailers, between Romulus, Mich., on the one hand, and, on the other, points in Michigan, from Romulus, Mich., to points in Ohio, Indiana, Illinois, Wisconsin, Minnesota, and Kentucky. WALTER A. RONEY holds no authority from this Commission. However, he is affiliated with CARTAGE SERVICES, INC., 26380 Van Born Road, Dearborn, Mich., which is authorized to operate as a *common carrier* in Michigan, and Ohio, and as a *contract carrier* in Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8726. Authority sought for control and merger by TRAVELERS MOTOR FREIGHT, INC., 1149 Kenmore Boulevard, Akron, Ohio, 44314, of the operating rights and property of M. & J. TRUCKING CO., INC., Post Office Box 186, Chester, W. Va., and for acquisition by IRVING HALPER, 1890 East 107th Street, Cleveland, Ohio, of control of such rights and property through the transaction. Applicants' attorneys: Charles R. Iden, 500 First National Tower, Akron, Ohio, 44308, and Noel George, 44 East Broad Street, Columbus, Ohio. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Toronto, Ohio, and Pittsburgh, Pa., and Bellaire, Ohio, and Wheeling, W. Va., serving all intermediate points, between Pittsburgh, Pa., and Weirton, W. Va., serving all intermediate points in West Virginia, and serving the off-route points of Moundsville, W. Va., Beaver Falls, Monaca, and New Kensington, Pa., and points in Allegheny County, Pa., except that service to and from Toronto, Ohio, is restricted to pickup and delivery of traffic moving to or from points other than Beaver Falls, Monaca, New Kensington, Pa., and points in Allegheny County, Pa.; between Steubenville, Ohio, and Holidays Cove, W. Va., between Steubenville, Ohio, and West Virginia Highway 2, between Bridgeport, Ohio, and Wheeling, W. Va., between Bellaire, Ohio, and Wheeling, W. Va., serving no intermediate or terminal points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Hancock and Brooke Counties, W. Va., on the one hand, and, on the other, points in that part of Ohio north and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to Zanesville, Ohio, thence along Ohio Highway 77 to Trinway, Ohio, thence along Ohio Highway 16 to Coshocton, Ohio, thence along Ohio Highway 76 to Wooster, Ohio, thence along Ohio Highway 3 to Medina, Ohio, thence along Ohio Highway 18 to Mallet Corner, Ohio, and thence along Ohio Highway 252 to Lake Erie, including points on the indicated portions of the highways specified. TRAVELERS MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in West Virginia, Ohio, New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8724. Authority sought for control by UNION BUS LINES, INC., 315 Continental Avenue, Dallas, Tex., 75207,

of WINTER GARDEN BUS LINES, INC., Box 1041, Eagle Pass, Tex., and for acquisition by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex., 75207, of control of WINTER GARDEN BUS LINES, INC., through the acquisition by UNION BUS LINES, INC. Applicants' attorneys: Carl B. Callaway, and Warren A. Goff, 315 Continental Avenue, Dallas, Tex., 75207. Operating rights sought to be controlled: Passengers, and their baggage, and express, mail, and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Eagle Pass, Tex., and Laredo, Tex., between Eagle Pass, Tex., and Dilley, Tex., between Eagle Pass, Tex., and El Indio, Tex., between Eagle Pass, Tex., and Brackettville, Tex., between junction U.S. Highway 277, and Texas Farm Road 191, and Carrizo Springs, Tex., between Eagle Pass, Tex., and Del Rio, Tex., serving all intermediate points. UNION BUS LINES, INC., is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4225; Filed, Apr. 28, 1964; 8:46 a.m.]

[Notice 633]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 24, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

SECTION A

No. MC 3114 (Sub-No. 22), filed April 17, 1964. Applicant: T. H. COMPTON, INC., Great Cacapon, W. Va. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the outlet to the Plantation Oil Line Company, located at or near Newington, Va., to points in Maryland, West Virginia and the District of Columbia.

HEARING: May 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 106775 (Sub-No. 16), filed April 20, 1964. Applicant: HEAVY HAULERS, INC., 9520 Easthaven Boulevard, Houston, Tex., 77060. Applicant's attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, pipe connections, and pipe couplings* (except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), from Lone Star and Bond, Tex. to points in Missouri, Tennessee, Alabama, Florida, and Georgia, and *returned or rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: May 20, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Laurence E. Masoner.

No. MC 109557 (Sub-No. 12), filed April 21, 1964. Applicant: WILLETT BROS. TRANSPORTATION INC., 315 Carver Avenue NE., Post Office Box 972, Roanoke, Va. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, Kerosene and fuel oil*, in bulk, in tank vehicles, from Montvale, Va., to points in Buchanan and Tazewell Counties, Va., and in West Virginia.

HEARING: May 25, 1964, at the Federal Building, 400 Eighth Street, Richmond, Va., before Joint Board No. 245, or, if the Joint Board waives its right to participate before Examiner Leo M. Pellerzi.

No. MC 123067 (Sub.-No. 23), filed April 17, 1964. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, 1111 E Street, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from the terminals of the Colonial Pipe Line located in Fairfax and Prince William Counties, Va., to points in the District of Columbia, Delaware, Maryland, and West Virginia, and *rejected shipments* on return.

NOTE: Common control may be involved.

HEARING: May 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 123067 (Sub-No. 24), filed April 17, 1964. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the terminal of the Colonial Pipe Line, located at or near Montvale, Va., to points in West Virginia and to points in Tazewell County, Va., and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: May 25, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 245, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 123156 (Sub-No. 2), filed April 16, 1964. Applicant: RAND'S TRANSPORT, INC., Hammonds Ferry Road, Linthicum, Md. Applicant's attorney: Walter T. Evans, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from distribution outlets of Plantation Pipe Line Co., located at points in Virginia and Maryland, to points in Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia, and *returned and rejected shipments*, on return.

HEARING: May 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

SECTION B

No. MC 3114 (Sub-No. 20) (AMENDMENT), filed August 25, 1963, published in FEDERAL REGISTER issue of April 15, 1964, amended April 17, 1964, and republished as amended this issue. Applicant: T. H. COMPTON, INC., Great Cacapon, W. Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from terminals on the Colonial Pipe Line, located in Fairfax City and Fairfax County, Va., to points in Maryland and West Virginia.

NOTE: The purpose of this republication is to broaden the destination territory.

HEARING: Remains as assigned May 25, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 63, or, if the Joint Board waives its right to participate before Examiner Leo M. Pellerzi.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4226; Filed, Apr. 28, 1964; 8:46 a.m.]

[Notice 4]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

APRIL 24, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The special rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

MASSACHUSETTS

No. MC 99350 (Sub-No. 1) (REPUBLICATION), filed February 12, 1963, published in FEDERAL REGISTER issue October 2, 1963, and republished this issue. Applicant: VINCENT JAMES SARDO, doing business as CHARLES SARDO TRUCKING, 485 Washington Ave., Revere, Mass., and SALVATORE A. IMBRESCIA, doing business as PAN STATE EXPRESS, 220 Broadway, Revere, Mass., joint applicants.

NOTE: The purpose of this republication is to show Salvatore A. Imbrescia, doing business as Pan State Express, as joint applicant.

No. MC 120818 (Sub-No. 1) (REPUBLICATION), filed February 12, 1963, published in FEDERAL REGISTER issue October 2, 1963, and republished this issue. Applicant: RHUE'S EXPRESS OF BROCKTON, INC., 960 Temple Street, Whitman, Mass., and CAPEWAY FREIGHT LINES, INC., 960 Temple Street, Whitman, Mass., joint applicants.

NOTE: The purpose of this republication is to show Capeway Freight Lines, Inc., as joint applicant.

MICHIGAN

No. MC 1395 (Sub-No. 5) (REPUBLICATION), filed December 26, 1962, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: ALBERT VAN ZOEREN, doing business as ALVAN MOTOR FREIGHT, 1015 West Paterson Street, Kalamazoo, Mich., and CHARLES A. VAN ZOEREN, doing business as ALVAN MOTOR FREIGHT, 1015 West Paterson Street, Kalamazoo, Mich., joint applicants.

NOTE: The purpose of this republication is to show Charles A. Van Zoeren, doing business as Alvan Motor Freight, as joint applicant.

No. MC 14117 (Sub-No. 2) (REPUBLICATION), filed January 11, 1963, published in FEDERAL REGISTER June 12, 1963, and republished this issue. Applicant: GOLDEN & BOTER TRANSFER CO., a corporation, 55 Market Street, Grand Rapids, Mich., and G & B TRANSPORTATION CO., 55 Market Street, Grand Rapids, Mich., joint applicants. Applicant's attorney: William D. Parsley, Union Savings and Loan Building, 117 West Allegan Street, Lansing 23, Mich.

NOTE: The purpose of this republication is to show G & B Transportation Company, as joint applicant.

PENNNSYLVANIA

No. MC 99739 (Sub-No. 2) (REPUBLICATION), filed January 9, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: LOUIS J. PARADISE-THIRD NATIONAL BANK AND TRUST CO. OF SCRANTON, EXECUTOR, doing business as, PARADISE TRUCKING CO., Mill Street, Dunmore, Pa., and CATHERINE M. PARADISE, doing business as, PARADISE TRUCKING CO., Mill Street, Dunmore, Pa., joint applicants.

NOTE: The purpose of this republication is to show Catherine M. Paradise, doing business as, Paradise Trucking Company, as joint applicant.

TENNESSEE

No. MC 56553 (Sub.-No. 12) (REPUBLICATION), filed January 14, 1964, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: PULASKI HIGHWAY EXPRESS, INC., 612 Hamilton Avenue, Nashville, Tenn., and PULASKI HIGHWAY EXPRESS, INC., 612 Hamilton Avenue, Nashville, Tenn., and ELK VALLEY FREIGHT LINE, INC., 524 Hagan Street, Nashville, Tenn., joint applicants.

NOTE: The purpose of this republication is to show Elk Valley Freight Line, Inc. as joint applicant in the matter of the BOR-99 proceeding, so far as Certificates Nos. 272-A, 272-B and 272-C are involved.

TEXAS

No. MC 56794 (Sub-No. 3) (REPUBLICATION), filed February 8, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: ATLAS HAULERS INC., 5225 South Lamar Street, Dallas, Tex., and ROLAND CASH, doing business as ATLAS HAULERS CO., 3007 McGowan, Dallas, Tex., joint applicants.

NOTE: The purpose of this republication is to show Roland Cash, doing business as Atlas Haulers Co., as joint applicant.

No. MC 85715 (Sub-No. 1) (REPUBLICATION), filed February 1, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: J. V. HARRISON TRUCK LINES, INC., 720 Terminal—Post Office Box 15057, Houston, Tex., and J. V. HARRISON, 720 Terminal—Post Office Box 15057, Houston, Tex., joint applicants.

NOTE: The purpose of this republication is to show J. V. Harrison, as joint applicant.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4227; Filed, Apr. 28, 1964; 8:46 a.m.]

[Notice 634]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 24, 1964.

The following applications are governed by § 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative if named. If the protest inclues a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these

[1] Copies of § 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 7523 (Sub-No. 9), filed April 13, 1964. Applicant: VENTURA TRANSFER CO., a corporation, 3440 East South Street, Long Beach 5, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street—Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, between points in California.

NOTE: Applicant holds authority in its Sub-7 Certificate for the above, subject to the following conditions: (1) Service is not authorized from points in Los Angeles, Orange, and Venturia Counties, Calif., to points in California which are ports of entry on the United States-Mexico boundary line. (2) Service is not authorized from points in Los Angeles and Orange Counties, Calif., to points in the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission. (3) Service from points in Ventura County, Calif., to points in the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission, shall be confined to shipments originated by carrier at Oxnard, Calif., or at points within 4 miles thereof. (4) Service is not authorized for the movement of liquid petroleum gases, in bulk, in tank vehicles, from points in Los Angeles, Orange, Ventura, Santa Barbara, San Luis Obispo, Kern, Kings, Tulare, and Fresno Counties, Calif., to United States-Mexico ports of entry at San Ysidro, Tecate, and Calexico, Calif. (5) Service is not authorized from points in San Diego County, Calif., or from Colton and Niland, Calif., to United States-Mexico ports of entry at Andrade, Calexico, San Ysidro, and Tecate, Calif. (6) The authority granted herein shall not be tacked or joined directly or indirectly with any other authority now held by carrier for the purpose of performing through service from Bakersfield and Kettleman City, Calif., and points within 50 miles thereof, and from Mojave, Calif., to points in Nevada. The purpose of the instant application is to remove restrictions (1), (4), and (5) listed above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 15511, (Sub-No. 19), filed April 6, 1964. Applicant: CARSTENSEN FREIGHT LINES, INC., Post Office Box 878, Clinton, Iowa, 52733. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives*, between Savanna, Ill., on the one hand, and, on the other, the Savannah Ordnance Depot, Ill.

NOTE: Applicant states that the proposed service will be subject to the restriction that all traffic shall have a prior or subsequent movement by rail. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 16682 (Sub-No. 63), filed April 15, 1964. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long-Island City 1, N.Y. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hospital equipment*, crated and uncrated, from points in Los Angeles County, Calif., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant reqeusts it be held at Los Angeles, Calif.

No. MC 21170 (Sub-No. 47), filed April 21, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Jack H. Blanshan, 3½ West Main Street, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packinghouses*, from the plant site of Armour and Company, located near Emporia, Kans., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 22179 (Sub-No. 6), filed April 6, 1964. Applicant: DUDLEY E. FREEMAN, doing business as FREEMAN TRUCK LINE, Jackson Avenue, Oxford, Miss. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those in bulk, those requiring special equipment, those of unusual value, Classes A and B explosives, livestock and household goods as defined by the Commission), (1) between Grenada, Miss. and Louisville, Miss.; from Grenada over U.S. Highway 51 to Winona, Miss., thence over Mississippi Highway 35 to junction Mississippi Highway 14, thence over Mississippi Highway 14 to Louisville, Miss., thence over Mississippi Highway 15 to Mathiston, Miss. and thence over U.S. Highway 82 to Winona, and return over the same route, serving the intermediate points of Kosciusko and Ackerman, Miss., and (2) between Ackerman, Miss. and Kosciusko, Miss.; from Ackerman over Mississippi Highway 12, and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kosciusko or Jackson, Miss.

No. MC 30844 (Sub-No. 148), filed April 13, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg cartons*, knocked down, from Morris, Ill., to New Hampton, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 35835 (Sub-No. 18), filed April 13, 1964. Applicant: JENSEN TRANSPORT, INC., 300 Ninth Avenue SE., Independence, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Keokuk, Iowa, to points in Arkansas, Illinois, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 44761 (Sub-No. 6), filed April 14, 1964. Applicant: LEE BROS., INC., 3659 South Normal Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing houses* (other than commodities, in bulk, in tank vehicles), as described in sections A, C, and D, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the site of the plant of Agar Packing Company, at or near Monmouth, Ill., to points in Indiana, Ohio, Pennsylvania, and the Lower Peninsula of Michigan.

No. MC 46280 (Sub-No. 53), filed April 17, 1964. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue South, Grand Rapids 8, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

NOTE: If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 48958 (Sub-No. 73), filed April 17, 1964. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., doing business as I.C.X., a corporation, 510 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Shipper-owned or United States Government-owned compressed gas trailers loaded with compressed gas or empty, and general commodities* (except livestock, household goods as defined by the Commission, and those injurious or contaminating to other lading), between Denver, and Walsenburg, Colo., and Junction U.S. Highway 84 and New Mexico Highway 17 (approximately two (2) miles south of Chama, N. Mex.), (1) from Denver over U.S. Highway 285 to junction Colorado Highway 112 (approximately twelve (12) miles north of Monte Vista), thence over Colorado Highway 112 to Junction 160 located at Del Norte, Colo., (2) from Junction U.S. Highway 285 and Colorado Highway 112, thence over U.S. Highway 285 to junction U.S. Highway 160 located at Monte Vista, (3) from junction U.S. Highway 285 and Colorado Highway 17 approximately five (5) miles south of Villa Grove) over Colorado Highway 17 to junction U.S. Highway 160 located at Alamosa, and (4) from Walsenburg, over U.S. Highway 160 to junction U.S. Highway 84, located at Pagosa Springs, Colo., thence over U.S. Highway 84 to junction New Mexico Highway 17 (approximately two (2) miles south of Chama, N. Mex.), serving no intermediate points, but serving as off-route points all points in Rio Arriba County, N. Mex.

NOTE: Applicant states that the proposed service will be restricted against traffic having an origin or destination on U.S. Highway 550 in New Mexico, and that no duplicate authority is sought. If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

No. MC 50544 (Sub-No. 55), filed April 13, 1964. Applicant: THE TEXAS AND PACIFIC MOTOR TRANSPORT CO., a corporation, 1507 Pacific Avenue, Dallas 1, Tex. Aplicant's attorney: Tom L. Farmer (same adress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving Monument and Oil Center, N. Mex., and points within a five (5) mile radius of each, as off-route points in connection with applicant's authorized regular-route operations between Monahans, Tex., and Lovington, N. Mex.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hobbs, N. Mex.

No. MC 52709 (Sub-No. 241), filed April 16, 1964. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine* and *brandy*, in bulk, in tank vehicles, from points in California to points in Berrien County, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59367 (Sub-No. 15), filed April 15, 1964. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), (1) from Denison and Sioux City, Iowa, to points in Illinois, Wisconsin, and the upper peninsula of Michigan, (2) from Fort Dodge, Iowa, to points in Illinois and the upper peninsula of Michigan, (3) from Spencer and Storm Lake, Iowa, to points in Wisconsin, and the upper peninsula of Michigan, and (4) from Perry, Iowa, to points in Wisconsin, the upper peninsula of Michigan, and Illinois (except those in the Chicago, Ill., commercial zone, as defined by the Commission).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 61403 (Sub-No. 106), filed April 17, 1964. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite iron ore, magnetite and processed magnetite*, in bulk, in tank and hopper vehicles, and in bags, from points in Avery, Mitchell, and Watauga Counties, N.C., and Carter, Unicoi, Greene, Washington, and Johnson Counties, Tenn., to points in the United States except Alaska and Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C. Common control may be involved.

No. MC 63063 (Sub-No. 4), filed April 14, 1964. Applicant: UNITED PARCEL SERVICE, INC., 643 West 43d Street, New York, N.Y. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by department stores*, between New York, N.Y., and New Haven, Conn.

NOTE: Applicant states the proposed operation will be limited to Macy's New York, a division of R. H. Macy & Co., Inc. Applicant holds common carrier authority in MC 116200 and Subs thereto; therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 65392 (Sub-No. 77), filed April 16, 1964. Applicant: AUTOMOBILE SHIPPERS INC., 9760 Van Dyke, Detroit 13, Mich. Applicant's attorney: George S. Dixon, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, bodies, cabs and chassis, and parts thereof*, moving therewith, in secondary movements, in truckaway and driveaway service, from Pittsburgh, Pa., to points in Garrett, Alleghany and Washington Counties, Md., District of Columbia, and in West Virginia.

NOTE: Applicant states that the proposed operations will be restricted to traffic originating at Chrysler Corporation manufacturing and assembly plants, having had an immediately prior movement to Pittsburgh by rail carrier. It further states that no duplication of existing authority is sought. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 65525 (Sub-No. 16), filed April 16, 1964. Applicant: WHITE BROTHERS TRUCKING CO., a corporation, Box 96, Wasco, Ill. Applicant's attorney: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete slabs and beams, of such size and weight as to require the use of special equipment, and accessories, and materials incidental to the installation thereof*, (1) from Livonia, Mich., to points in Ohio, Indiana, Pennsylvania, and Kentucky, (2) from Kent, Ohio, to points in Michigan, Kentucky, Indiana, and Pennsylvania, and (3) from Dayton, Ohio, to points in Michigan, Indiana, Pennsylvania, and Kentucky, and *returned and rejected shipments, supplies, and materials, incidental to the manufacture of prestressed concrete slabs, and beams*, on return.

No. MC 76436 (Sub-No. 17), filed April 8, 1964. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, commodities in bulk, commodities injurious or contaminating to other lading, and commodities which require special equipment), (1) between Munfordville, Ky., and Hardyville, Ky., over Kentucky Highway 88, serving all intermediate points, restricted against service between Munfordville and Louisville, Ky., (2) between Munfordville, Ky., and Bowling Green, Ky., over U.S. Highway 31W, serving all intermediate points, (3) between Horse Cave, Ky., and junction U.S. Highway 31E and Kentucky Highway 218, over Kentucky Highway 218, serving all intermediate points, (4) between Brownsville, Ky., and Edmonton, Ky.: From Brownsville over Kentucky Highway 70 to junction U.S. Highway 68, thence over U.S. Highway 68 to Edmonton, and return over the same route, serving all intermediate points, (5) between Glasgow, Ky., and junction Kentucky Highway 90 and U.S. Highway 31W, over Kentucky Highway 90, serving all intermediate points, (6) between Park City, Ky., and Bonayr, Ky., over Kentucky Highway 255, serving all intermediate points, (7) between Hays, Ky., and Brownsville, Ky., over Kentucky Highway 259, serving all intermediate points, (8) between Scottsville, Ky., and Rhoda, Ky., over Kentucky Highway 101, serving all intermediate points, (9) between Auburn, Ky., and Middleton, Ky., over Kentucky Highway 103, serving all intermediate points, and (10) between Franklin, Ky., and the Kentucky-Tennessee State line, over U.S. Highway 31W, serving all intermediate points, (11) between Louisville, Ky., and Munfordville, Ky., over U.S. Highway 31W, serving no intermediate points, as an alternate route for

operating convenience only, in connection with applicant's authorized regular-route operations, and (12) between junction Kentucky Highway 61 and U.S. Highway 31E, approximately 5 miles northwest of Buffalo, Ky., and the junction of U.S. Highway 31E and Kentucky Highway 470, at a point approximately 6 miles southwest of Buffalo, over U.S. Highway 31E, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Applicant states that if the authority sought is granted, the following routes presently held as alternate routes, should be canceled: (1) between junction Kentucky Highway 218 and U.S. Highway 31W at Horse Cave, and junction Kentucky Highway 218 and U.S. Highway 31E near Seymour, Ky., over Kentucky Highway 218, and (2) between Louisville and Bowling Green, Ky., over U.S. Highway 31W. If a hearing is deemed necessary, applicant requests it be held at Bowling Green, Ky.

No. MC 76436 (Sub-No. 18), filed April 13, 1964. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, commodities in bulk, commodities injurious or contaminating to other lading, and commodities which require special equipment), (1) between the site of the Princeton Company plant near Princeton, Ky., and Nashville, Tenn.: From the site of the Princeton Company plant near Princeton, over Kentucky Highway 128 to junction Kentucky Highway 91, thence over U.S. Highway 41 to Nashville, and return over the same route, serving all intermediate points in Kentucky, (2) between the site of the Princeton Company plant near Princeton, Ky., and Elizabethtown, Ky.,: (a) From the site of the Princeton Company plant near Princeton, over Kentucky Highway 128 to junction Kentucky Highway 91, thence over Kentucky Highway 91 to Princeton, thence over U.S. Highway 62 to Elizabethtown, and return over the same route, serving no intermediate points, and serving Elizabethtown, Ky., for joinder only, (b) from the site of the Princeton Company plant near Princeton, over Kentucky Highway 128 to junction Kentucky Highway 91, thence over Kentucky Highway 91 to junction the Western Kentucky Turnpike, thence over the Western Kentucky Turnpike to Elizabethtown, and return over the same route, serving no intermediate points and serving Elizabethtown, for joinder only, and (3) between Hopkinsville, Ky., and the junction of U.S. Highway 41 and the Western Kentucky Turnpike near Nortonville, Ky.: From Hopkinsville over U.S. Highway 41 to the junction U.S. Highway 41 and the Western Kentucky Turnpike near Nortonville, and return over the same route, serving no intermediate points, serving the junction of U.S. Highway 41 and the Western Kentucky Turnpike near Nortonville, Ky., for joinder only, as an alternate route for operating convenience only, in connection with authorized regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 78400 (Sub-No. 21), filed April 15, 1964. Applicant: BEAUFORT TRANSFER CO., a corporation, Post Office Box 102, Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street., Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel bars, plate or sheet steel, coil or strip steel, hot or cold rolled steel, and steel tubing*, between Gerald, Mo., on the one hand, and, on the other, points in Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Wisconsin, Georgia, Minnesota, Colorado, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 89782 (Sub-No. 8), filed April 13, 1964. Applicant: ARTHUR V. STORDAHL, doing business as STORDAHL TRUCK LINES, Thief River Falls, Minn. Applicant's attorney: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk), (1) between St. Paul, Minn., and Spooner (Baudette) Minn.: from St. Paul over U.S. Highway 10 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Minnesota Highway 32 at Thief River Falls, Minn., thence over Minnesota Highway 32 to junction Minnesota Highway 11 at Greenbush, Minn., thence over Minnesota Highway 11 to Spooner, and return over the same route, serving all intermediate points (except those between South St. Paul and Thief River Falls, Minn.), and the off-route points of Minneapolis and South St. Paul, Minn., (2) between junction Minnesota Highway 32 and U.S. Highway 59, and the international boundary line between the United States and Canada, over U.S. Highway 59, serving all intermediate points, (3) between junction Minnesota Highway 11 and Minnesota Highway 89, and Grygla, Minn., over Minnesota Highway 89, serving all intermediate points, (4) between junction Minnesota Highway 89 and Minnesota Highway 11, and the international boundary line between the United States and Canada: From junction Minnesota Highway 89 and Minnesota Highway 11, over Minnesota Highway 11 to Fox, Minn., thence over Minnesota Highway 89 to the international boundary line between the United States and Canada, and return over the same route, serving all intermediate points, (5) between Oslo, Minn., and Grygla, Minn.: From Oslo over Minnesota Highway 1 to junction Minnesota Highway 219, thence over Minnesota Highway 219 to junction Minnesota Highway 89, thence over Minnesota Highway 89 to Grygla, and return over the same route, serving all intermediate points and the off-route point of Viking, Minn. (except that no service shall be provided between the Twin Cities Metropolitan area, on the one hand, and, Warren, Minn., on the other, (6) between junction Minnesota Highway 1 and Minnesota Highway 219, and Clearbrook, Minn.: From junction Minnesota Highway 1 and Minnesota Highway 219 south over County State Aid Road No. 24 to junction County State Aid Road No. 3, thence over State Aid Road No. 3 to junction Minnesota Highway 222 at Oklee, Minn., thence over Minnesota Highway 222 to junction Minnesota Highway 92, thence over Minnesota Highway 92 to Clearbrook, and return over the same route, serving the intermediate points of Trail, Gully, and Gonvick, Minn., (7) between Warroad, Minn., and the international boundary line between the United States and Canada; from Warroad over Minnesota Highway 11 to junction Minnesota Highway 313, thence over Minnesota Highway 313 to the international boundary line between the United States and Canada, and return over the same route, serving all intermediate points, (8) between Roseau, Minn., and the international boundary line between the United States and Canada, over Minnesota Highway 310, serving all intermediate points, (9) between junction U.S. Highway 2 and Minnesota Highway 32, and Thief River Falls, Minn., over Minnesota Highway 32, serving all intermediate points, and (10) between junction U.S. Highway 2 and U.S. Highway 59, and junction U.S. Highway 2 and U.S. Highway 32, over U.S. Highway 2, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 97116 (Sub-No. 4), filed April 8, 1964. Applicant: WILLIAM BROWN WILLS AND LORNE R. WILLS, doing business as W. B. WILLS AND SON, Main Street, Belleville, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Post Office Box 46, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in express service, between Lewistown, Burnham, Reedsville, and Belleville, Pa., on traffic having a prior or subsequent out-of-state movement.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 97116 (Sub-No. 5), filed April 8, 1964. Applicant: WILLIAM BROWN WILLS AND LORNE R. WILLS, doing business as W. B. WILLS AND SONS, Main Street, Belleville, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Post Office Box 46, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural or farm implements and machinery, and parts and accessories therefor*, and *supplies, materials and equipment* used in the manufacture, assembly and distribution of agricultural or farm implements and machinery, (1) between Belleville and Lewistown, Pa., and (2) between Belleville and Lewistown, Pa., on the one hand, and, on the other, Intercourse, Lancaster, Mountville, and New Holland, Pa., on traffic having a prior or subsequent out-of-state movement.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 103066 (Sub-No. 19) (AMENDMENT), filed March 27, 1964, published in FEDERAL REGISTER issue of April 15, 1964, amended April 20, 1964, and republished as amended this issue. Applicant: STONE TRUCKING CO., a corporation, Post Office Box 2014, Tulsa, Okla. Applicant's attorney: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, materials and supplies* used in connection with the construction, operation, maintenance, servicing, repair and dismantling of pipelines, between points in the United States.

NOTE: The purpose of this republication is to delete the restriction. Applicant states no duplicating authority is requested. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 105353 (Sub-No. 6), filed April 16, 1964. Applicant KEITH S. MERRITT, doing business as MERRITT PACKING AND CRATING SERVICE, 4700 Ivy Street, Denver, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, (1) between points in Adams, Arapahoe, Jefferson, and Denver Counties, Colo., (2) between points within a ten (10) mile radius of Colorado Springs, Colo., and (3) between points in Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106407 (Sub-No. 18), filed April 16, 1964. Applicant: T. E. MERCER TRUCKING CO., a corporation, 920 North Main Street, Fort Worth, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, tubing fittings, and plasticizers, solvents and increasing, reducing, removing, thickening, and thinning compounds*, from Magnolia, Ark., to points in Texas, New Mexico, and Arizona.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Fort Worth, Tex.

No. MC 107107 (Sub-No. 303), filed April 13, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, from Waycross, Ga., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Delaware, Kansas, Kentucky, Louisiana, Michigan, Minnesota, New York, Mississippi, Missouri, Nebraska, North Carolina, South Dakota, Oklahoma, South Carolina, Tennessee, Texas, Virginia, Wisconsin, Massachusetts, Connecticut, Rhode Island, Pennsylvania, West Virginia, North Dakota, District of Columbia, New Jersey, Ohio, and points in Maryland.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando or Jacksonville, Fla.

No. MC 107403 (Sub-No. 548) (AMENDMENT), filed March 27, 1964, published in FEDERAL REGISTER, issue April 15, 1964, and republished as amended this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, between points in Knox and Perry Counties, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky, Indiana, and Michigan.

NOTE: The purpose of this republication is to delete the words "in bulk" from the commodity description. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 107643 (Sub-No. 67), filed April 14, 1964. Applicant: ST. JOHNS MOTOR EXPRESS CO., a corporation, 10145 North Portland Road, Portland, Oreg. Applicant's attorney: Robert R. Hollis, 1121 Equitable Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, between points in Multnomah County, Oreg., on the one hand, and, on the other, points in Oregon and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 107678 (Sub-No. 35), filed April 13, 1964. Applicant: HILL & HILL TRUCK LINE, INC., 13025 Sarah Lane, Houston, Tex. Applicant's attorney: Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery, equipment, materials and supplies* (except when used in or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), (1) between points in New Mexico, Oklahoma, Louisiana, Kansas, and Texas, (2) between Houston, Tex., on the one hand, and, on the other, points in Wyoming, and Montana, (3) between points in Texas, on the one hand, and, on the other, points in North Dakota, on the west of North Dakota Highway 30, and those points in South Dakota, west of the Missouri River, and on and north of U.S. Highway 14, (4) between points in Texas (except Houston), on the one hand, and, on the other, points in Montana, and Wyoming, (5) between points in Texas, and Oklahoma, on the one hand, and, on the other, points in Nevada, (6) between points in Alaska, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, Wyoming, Nebraska, Nevada, Utah, Colorado, Kansas, New Mexico, Oklahoma, Texas, and Louisiana, (7) between Casper, Wyo., on the one hand, and, on the other, points in Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming, (8) between points in Alabama, Arkansas, Florida, Georgia, and Mississippi, and (9) between points in Alabama, Arkansas, Florida, Georgia, and Mississippi, on the one hand, and, on the other, points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: Applicant states that it presently holds Mercer authority between all the areas involved in the instant application. If a hearing is deemed necessary, applicant requests it be held at Houston, Texas.

No. MC 107871 (Sub-No. 28), filed April 14, 1964. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Post Office Box 1012, Syracuse 2, N.Y. Applicant's attorney: Herbert M. Canter, 345 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium sulfite, sodium bisulfate, sodium hyposulfite and aluminum sulfate*, dry, in bulk, from Claymont, Del., to Rochester, N.Y., and (2) *soda ash, dry*, in bulk, from Solvay, N.Y., to Claymont, Del.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108194 (Sub-No. 9), filed April 16, 1964. Applicant: WILLIAM B. MEYER, INC., 30 Moffitt Street, Stratford, Conn. Applicant's attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Bridgeport, Conn., and points within 15 miles of Bridgeport, on the one hand, and, on the other, points in Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Haven, Conn.

No. MC 108453 (Sub-No. 26) (CORRECTION), filed April 2, 1964, published in FEDERAL REGISTER, issue April 15, 1964, and republished as corrected this issue. Applicant: G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, Mich. Applicant's attorney: William P. Sullivan, 1825. Jefferson Place NW., Washington 36, D.C.

NOTE: The purpose of this republication is to show that applicant proposes to conduct operations as a contract carrier, not as a common carrier as previously published.

No. MC 109708 (Sub-No. 34), filed April 10, 1964. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 401 Highland Street, Frederick, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank vehicles, from Kent City, Mich., to Atlanta, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110333 (Sub-No. 6), filed April 13, 1964. Applicant: GARRISON ELEVATOR COMPANY, INC., Post Office Box 207, Flora, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, and animal and poultry feed ingredients*, in bulk, from Louisville, Ky., to points in Indiana and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Louisville, Ky.

No. MC 110525 (Sub-No. 643), (AMENDMENT), filed March 6, 1964, published in FEDERAL REGISTER, issue March 18, 1964, and republished as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, 600 Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Pennsylvania and New York, on the Allegheny Pipeline Co. and Texas Eastern Transmission Corporation (Little Big Inch Division) pipelines, and points in Cortland, Steuben, and Washington Counties, N.Y., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: The purpose of this republication is to add the counties specified above to the origin territory. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 112497 (Sub-No. 225), filed April 13, 1964. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorneys: E. Stephen Heisley and Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Anhydrous hydrofluoric acid*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Montana and New Mexico, and (2) *liquid aluminum sulfate*, in bulk, in tank vehicles, from Marrero, La. to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 112520 (Sub-No. 102), filed Arpil 15, 1964. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* and *acids*, in bulk, from Avondale, La., to points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 114897 (Sub-No. 49) (AMENDMENT), filed March 2, 1964, published in FEDERAL REGISTER issue March 18, 1964, amended April 20, 1964, and republished as amended this issue. Applicant: WHITFIELD TANK LINES, INC., 300-316 North Clark Road, Post Office Box 9897, El Paso, Tex. Applicant's attorney: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals, acids, fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, and (2) *fertilizer*, in bulk, in tank and hopper vehicles, between points in Arizona on the one hand, and, on the other, points in New Mexico and points in Texas on and west of U.S. Highway 277.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Santa Fe, N. Mex. The purpose of this republication is to add points in Texas on and west of U.S. Highway 277, to the territorial portion of the application.

No. MC 112617 (Sub-No. 174), filed April 13, 1964. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, 600 Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, chemicals, and oils*, in bulk, between points in California, on the one hand, and, on the other, points in Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 113192 (Sub-No. 8), (CORRECTION), filed April 7, 1964, published FEDERAL REGISTER issue April 22, 1964, corrected and republished this issue. Applicant: A. E. KNAPP, doing business as SCHUELKE TRUCKING, Hortonville Road, New London, Wis.

NOTE: The purpose of this republication is to correctly show the applicant's business title, which was inadvertently omitted from the previous publication. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113784 (Sub-No. 16), filed March 16, 1964. Applicant: CANAL CARTAGE LIMITED, Quigley Road, Hamilton, Ontario, Canada. Applicant's attorney: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* (other than cement, dry sugar, and liquid commodities), including *scrap metal, metal slabs, metal pigs and grinding balls*, in dump vehicles and tank vehicles, between ports of entry on the International Boundary line between the United States and Canada, located in the states of Michigan, Minnesota, and New York, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 113908 (Sub-No. 142), filed April 17, 1964. Applicant: ERICKSON TRANSPORT CORP., 706 West Tampa, Post Office Box 3180, Springfield, Mo., 65804. Applicant's attorney: Turner White III, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements*, from Springfield, Mo., to Berlin and Parsonburg, Md., and Huron, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114194 (Sub-No. 68) (CORRECTION), filed February 14, 1964, published FEDERAL REGISTER, issue of March 4, 1964, republished as clarified April 22, 1964, and republished as corrected this issue. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill.

NOTE: The reason for republication is to show applicant's correct address as shown above, in lieu of East St. Louis, Mo., shown in previous publication, in error.

No. MC 114541 (Sub-No. 9), filed April 13, 1964. Applicant: FLORIDA FROZEN FOOD EXPRESS LIMITED, 964 Middlegate Road, Cooksville, Ontario, Canada. Applicant's attorney: Lester M. Bridgeman, 1030 Woodward Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel crushing balls*, from the port of entry on the International Boundary line between the United States and Canada, located at or near Niagara Falls, N.Y., to points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115840 (Sub-No. 10), filed April 14, 1964. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe, composed of cement and asbestos fiber, and fittings, parts, and accessories thereof*, from Ragland, Ala., and points within 3 miles thereof, to points in Mississippi, Louisiana, Arkansas, Texas, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Alabama, Tennessee, Missouri, Oklahoma, and Kansas, and *returned, damaged, and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga.

No. MC 115841 (Sub-No. 170), (CORRECTION), filed April 2, 1964, published FEDERAL REGISTER, issue of April 15, 1964, and republished as corrected this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles, and textile products*, made of natural or synthetic fibres, *metallic yarn, dry goods, rugs, carpeting, carpeting products*, and

manufactured textile products, between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C. The purpose of this republication is to show applicant's correct docket number as shown above, in lieu of (Sub-No. 171), which was in error.

No. MC 115841 (Sub-No. 172), filed April 17, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in Pike and Spaulding Counties, Ga., to points in Arkansas, Mississippi, Louisiana, Tennessee, Kentucky, Texas, Oklahoma, Missouri, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio.

NOTE: Applicant states the above proposed operations will be restricted against tacking or interlining at points of origin, and against commodities in bulk in tank vehicles. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 116273 (Sub-No. 24), filed April 15, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in bulk, in tank or hopper-type vehicles, from Chicago, Ill., to points in Ohio, Kentucky, West Virginia, New York, Michigan, New Jersey, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116725 (Sub-No. 8), filed April 20, 1964. Applicant: JOHN S. KELLER, 855 Maple Avenue, Harleysville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Minnesota and Wisconsin to Harleysville and Franconia Township, Montgomery County, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 116958 (Sub-No. 1), filed April 10, 1964. Applicant: SALVATORE TRUCKING & TRUCK LEASING CORP., 915 Douglas Terrace, Union, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale grocery houses*, from the site of shipper's plant located at Bayonne, N.J., to points in Fairfield, Hartford, Litchfield, Middlesex, New Haven, and Tolland Counties, Conn., Bergen, Camden, Hudson, Mercer, Middlesex, Monmouth, Morris, Ocean, Somerset, Sussex, and Warren Counties, N.J., Albany, Columbia, Dutchess, Greene, Orange, Putnam, Rensselaer, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., and Carbon, Lehigh, Montgomery, Northampton, and Philadelphia Counties, Pa.

NOTE: Applicant states it presently holds authority as a contract carrier to transport from New York, N.Y., the same commodities to destination points covered by this application. The purpose of this application is to serve shipper from its plant in Bayonne, N.J., to same destination points as contained in its present permit. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117136 (Sub-No. 19), filed April 13, 1964. Applicant: BUSY BEE, INC., Post Office Box 3113, Eugene, Oreg. Applicant's attorney: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland 10, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products and lumber and timbers*, fabricated and not fabricated, and *connecting hardware items* for the foregoing, from points in Multnomah County, Oreg., to points in Nevada, Arizona, and Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 117823 (Sub-No. 24), filed April 15, 1964. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING CO., 240 West California Avenue, Salt Lake City 15, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City, Utah, 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* in vehicles equipped with temperature control devices, (1) from Compton, Calif. to Salt Lake City, Ogden, Provo, and Logan, Utah, and points in Idaho, Wyoming, and Montana, and (2) from storage facilities located at Salt Lake City, Utah to points in Idaho, Wyoming, and Montana.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, Calif.

No. MC 117136 (Sub-No. 20), filed April 13, 1964. Applicant: BUSY BEE, INC., Post Office Box 3113, Eugene, Oreg. Applicant's attorney: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland 10, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Douglas County, Oreg. to points in Nevada.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 117883 (Sub-No. 34), filed April 14, 1964. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Le Veque-Lincoln Tower, Fifty West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat-packing houses*, as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *supplies, equipment, and materials used by meat-packing houses in the conduct of their business*, between the plant site of the Agar Packing Company, located at or near Monmouth, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Applicant states the proposed service is to be restricted to the transportation of shipments originating at, or destined to, the aforesaid plant of Agar Packing Co., and against the transportation of hides and commodities in bulk, in tank vehicles.

No. MC 118196 (Sub-No. 20), filed April 15, 1964. Applicant: RAYE AND COMPANY TRANSPORTS, INC., Highway 71 North, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, (1) from Shelbyville and Decatur, Ill., and points in Iowa and Nebraska to points in Wyoming, Idaho, Montana, Utah, Nevada, Oregon, Washington, Colorado, California, New Mexico and Arizona, and (2) from Hannibal and Carthage, Mo., to points in Colorado, New Mexico, Arizona, and California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis Mo.

No. MC 118535 (Sub-No. 17), filed April 13, 1964. Applicant: JIM TIONA, JR., Post Office Box 127, Butler, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds and ingredients thereof*, (except in tank or hopper type vehicles), from Kansas City, Mo., to points in Kentucky, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119268 (Sub-No. 32), filed April 13, 1964. Applicant: OSBORN, INC., Post Office Box 649, Gadsden, Ala. Applicant's representative: M. H. Stephens (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in the lower peninsula of Michigan, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 119531 (Sub-No. 21), filed April 13, 1964. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Barrels* and *drums*, and *inserts* and *liners* for barrels and drums, from Chicago, Ill., to points in Indiana, Ohio, Michigan, Tennessee, Missouri, Wisconsin, West Virginia, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119641 (Sub-No. 44), filed April 16, 1964. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from Kokomo, Ind., to points in Iowa west of U.S. Highway 69, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119777 (Sub-No. 24), filed April 17, 1964. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, and *iron and steel articles*, as described in Appendix V (except those which because of size or weight require special equipment), between Cincinnati, Ohio, on the one hand, and, on the other, New Orleans, La., and points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119815 (Sub-No. 1), filed April 13, 1964. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 1518 L Street, Bedford, Ind. Applicant's attorney: Ferdinand Born, 1017 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheets*, corrugated or not corrugated, and *aluminum pipe* or *tubing*, with or without asphalt coating, from Bedford, Ind., to points in Illinois, Ohio, Kentucky, West Virginia, and the St. Louis, Mo., Commercial Zone, and *refused* and *rejected* shipments on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123407 (Sub-No. 12), filed April 16, 1964. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's attorney: Michael E. Miller, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, wallboard, pulpboard and insulation and insulation materials*, from Duluth, Cloquet, Bemidji, and Virginia, Minn., to points in Indiana, Michigan, Ohio, and Pennsylvania.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123408 (Sub-No. 12), filed April 13, 1964. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies used in the conduct of such businesses*, between Elizabeth, N.J., on the one hand, and, on the other, points in Maryland, and New London, Windham, and Tolland Counties, Conn., Kent and Sussex Counties, Del., and Hampden County, Mass.

NOTE: Applicant states that the proposed service is to be performed under contract with Wakefern Food Corp. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123639 (Sub-No. 21), filed April 14, 1964. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Denver, Colo., to Indianapolis, Ind., Dayton, Ohio, Louisville, Ky., and Boston, Mass.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124251 (Sub-No. 6), filed April 9, 1964. Applicant: JACK JORDAN, INC., Post Office Box 2044, Highway 41 North, Dalton, Ga. Applicant's attorney: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspathic sand*, in bags and bulk, from points in Spartanburg County, S.C., to points in Georgia and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Spartanburg, S.C.

No. MC 124886 (Sub-No. 1) (CORRECTION), filed March 29, 1964, published in FEDERAL REGISTER issue of April 15, 1964, and republished as corrected this issue. Applicant: PHILIP PICARIELLO, doing business as P & F CARRIERS, 478 Farnham Avenue, Lodi, N.J., Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. The purpose of this republication is to correct the destination city to read as follows: *Woodridge*, N.J., rather than Woodbridge, N.J.

No. MC 124952 (Sub-No. 3), filed April 13, 1964. Applicant: RUSSELL F. HASINBILLER, doing business as R & H TRANSPORT, Rural Route 1, Berne, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Thermal insulation products, lost circulation materials, and machinery, and materials, used in applying thermal insulation products and lost circulation materials*, from Bluffton, Ind., to points in Arkansas, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Hampshire, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and *institutional news and aluminum sulphate*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 125368 (Sub-No. 6), filed April 17, 1964. Applicant: CONNELL TRANSFORT CO., INC., Post Office Box 846, Warren, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, other than commodities in bulk, in tank vehicles, as described in Sections A, C, and D, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Agar Packing Company, at or near Monmouth, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, District of Columbia, West Virginia, and Delaware.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 111442, and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125988 (Sub-No. 2) (CORRECTION), filed April 3, 1964, published FEDERAL REGISTER issue April 15, 1964, corrected and republished this issue. Applicant: A. GORNO, INC., 12451 Haggerty Road, Belleville, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich.

NOTE: The purpose of this republication is to show the applicant proposes to operate as a contract carrier, in lieu of common carrier as erroneously shown in previous publication. If a hearing is deemed necessary applicant requests it be held at Detroit, Mich.

No. MC 126155 (CORRECTION), filed March 27, 1964, published in FEDERAL REGISTER issue of April 15, 1964, and republished as corrected this issue. Applicant: GLEN R. WALL, Lanark, Ill. The purpose of this republication is to correctly set forth the origin point as *West Branch*, Iowa, rather than West Bank, Iowa, as previously published.

No. MC 126163 (CORRECTION), filed April 6, 1964, published in FEDERAL REGISTER issue of April 22, 1964, republished as corrected this issue. Applicant: HAROLD COPP, doing business as COPP TRUCKING, Rural Route 1, Columbia City, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. The purpose of this republication is to indicate the correct docket number as above. The number was shown as MC 126123 in previous publication through error.

No. MC 126171, filed April 14, 1964. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Suite 1700, 100 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude ammonia liquor*, in bulk, in tank vehicles, (a) from the plant site of the Semet-Solvay Division of the Allied Chemical and Dye Corp., at or near Buffalo (Harriet), N.Y., to the port of entry on the United States-Canada boundary line, at or near Buffalo, N.Y., and (b) from Cleveland, Ohio, to the port of entry on the United States-Canada boundary line, at or near Detroit, Mich. (2) *Dicalcium phosphate* in bags, from Trenton, Mich., to the United States-Canada boundary line at or near Detroit, Mich., and at or near Port Huron, Mich. (3) *Nitrogen solutions* and *anhydrous ammonia*, in bulk, in tank trailers, from Lima and South Point, Ohio, to the United States-Canada boundary line at or near Detroit, Mich., and at or near Port Huron, Mich.; and at or near Buffalo, N.Y. (5) *Urea*, in bags and in bulk, from Lima and South Point, Ohio, to the United States-Canada boundary line at or near Detroit, Mich., and at or near Port Huron, Mich. (6) *Superphosphate*, in bulk, in hopper or dump vehicles, from Detroit, Mich., and Buffalo, N.Y., to the United States-Canada boundary line at or near Detroit, Mich., and at or near Port Huron, Mich. (7) *Sodium Sesquicarbonate* in bulk and in bags, straight or in mixed loads, in hopper loading and unloading vehicles, from Syracuse, N.Y., to ports of entry on the United States-Canada boundary line on the Niagara River. (8) *Bicarbonate of soda*, in bulk and in bags, in straight or in mixed loads, in hopper loading and unloading vehicles, from Syracuse, N.Y., to ports of entry on the United States-Canada boundary line on the Niagara River. (9) *Urea*, in bulk and in bags, in straight or in mixed loads, in hopper loading and unloading vehicles, from ports of entry on the United States-Canada boundary line at Detroit and Port Huron, Mich., and Buffalo, N.Y., to points in New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, Michigan, Ohio, Indiana, and Illinois, and points in Kenosha, Racine, and Milwaukee Counties, Wis. (10) *Urea*, in bags or in bulk, in straight or mixed loads, in hopper type equipment, from points on the United States-Canada boundary line, at ports of entry at Detroit and Port Huron, Mich., and Buffalo, N.Y., to points in Kenosha, Racine and Milwaukee Counties, Wis., and points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Ohio. (11) *Urea* (other than liquid), from ports of entry on the International boundary line between the United States and Canada at Buffalo and Niagara Falls, N.Y., and Detroit and Port Huron, Mich., to points in Vermont, West Virginia, Virginia, Kentucky, Wisconsin, Missouri, Iowa, and Minnesota. (12) *Ammonium nitrate, calcium carbide, calcium cyanamide and calcium cyanide* (other than liquid), from the four named ports of entry to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Vermont, West Virginia, Virginia, Kentucky, Wisconsin, Missouri, Iowa, and Minnesota.

NOTE: Applicant states that this is an application for conversion from contract carrier to common carrier of the authority issued and recommended to be issue in MC-116702 and Sub numbers. If a hearing is deemed necessary applicant requests it be held at Detroit, Mich.

No. MC 126175, filed April 10, 1964. Applicant: ALLAN GERKE, doing business as GERKE'S TRANSFER, Tomah, Wis. Applicant's attorney: Claude J. Jasper, Suite 301 Provident Building, 111 South Fairchild Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Camp Douglas, Wis., and Sparta, Wis., from Camp Douglas over U.S. Highway 12 through Tomah, Wis., to junction Wisconsin Highway 21 (also, from Tomah, Wis., over U.S. Highway 16 to Sparta), thence over Wisconsin Highway 21 to Sparta, and return over the same routes, serving all intermediate points.

NOTE: Applicant states the above proposed operations will involve shipments having a prior or subsequent movement by motor common carrier. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126176, filed April 10, 1964. Applicant: HAROLD FISHER, doing business as FISHER'S MOVING & STORAGE, 600 East Walnut Street, Blytheville, Ark. Applicant's attorney: H. G. Partlow, Jr., 313 North Second Street, Blytheville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, and empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, between points in Mississippi County, Ark., that part of Craighead County, Ark., on and east of Arkansas Highway 135, that part of Poinsett County, Ark., east of U.S. Highway 63, and that part of Crittenden County, Ark., north of Arkansas Highway 42, and U.S. Highway 61, on the one hand, and, on the other, points in Arkansas bounded on the west by U.S. Highway 67 and on the south by U.S. Highway 79, Arkansas Highway 11 and U.S. Highway 70, serving Helena, Ark., as an off-route point.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Blytheville, Ark.

No. MC 126177 filed April 10, 1964. Applicant: CHARLES TEESLINK, 127 Skyland Drive, Cornelia, Ga. Applicant's attorney: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry meal*, in bulk, from Cornelia, Ga., to Battle Creek, Mich., and *exempt agricultural commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126178 filed April 10, 1964. Applicant: HENRY W. TAYLOR AND HOMER M. WILLIAMS, doing business as T AND W TRUCKING SERVICE, 220 E. Rogers Street, Harrison, Ark. Applicant's attorney: John H. Joyce, 26 North College Street, Fayetteville, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring*, finished, prefinished and rough, *linoleum, carpeting, and other materials and supplies* used in connection with installation and construction of floors, (1) from Little Rock and Harrison, Ark., to Kansas City, Mo., Grand Forks Air Force Base, located approximately 15 miles west of Grand Forks, N. Dak., and Minot Air Force Base, located approximately 14 miles north of Minot, N. Dak., and (2) from Kansas City, Mo., to Grand Forks Air Base, located approximately 15 miles west of Grand Forks, N. Dak., and Minot Air Force Base, located approximately 14 miles north of Minot, N. Dak., and *refused, rejected, or damaged shipments thereof and exempt commodities*, in (1) and (2) above, on return.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with McIntyre Flooring Co., Inc., of Kansas City, Mo. If a hearing is deemed necessary, applicant requests that it be held at Little Rock, Ark.

No. MC 126180 filed April 15, 1964. Applicant: SAM'S 24 HOUR TOWING SERVICE, INC., 9500 Franklin Avenue, Franklin Park, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, and stolen motor vehicles, and buses, tractors, trailers, and trucks* for replacement of wrecked, disabled, repossessed, and stolen motor vehicles, between Chicago, Ill., on the one hand, and, on the other, points in Indiana and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 126183, filed April 13, 1964. Applicant: L. S. BOWER, R. L. BOWERS AND R. E. ROBINSON, doing business as BOWERS & SON, 2030 Blake Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common car-*

rier, by motor vehicle, over irregular routes, transporting: *Store and office furnishings, fixtures, and equipment* (all uncrated, except for component parts moving with uncrated principal items, or service to be confined to moves where the commodities are set in location or picked up from location), between Denver, and points in Denver County, Colo., on the one hand, and, on the other points in Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126187, filed April 15, 1964. Applicant: ROBERT W. FOUNTAIN, Pickford, Mich. Applicant's attorney: C. W. Coates, 311 Central Savings Bank Building, Sault Ste. Marie, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including U.S. mail and newspapers*, between Hessel, Mich., and Sault Ste. Marie, Mich.: from Hessel over Michigan Highway 134 to Cedarville, Mich., thence over Michigan Highway 129 to Sault Ste. Marie, and return over the same route, serving the intermediate points of Cedarville and Pickford, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 126188, filed April 15, 1964. Applicant: GEORGE OBERT, doing business as GEORGE OBERT & SONS, 824 South Van Buren Street, Newton, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and boxes*, knocked down, from Newton, Ill. to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, and *exempt commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 126189, filed April 13, 1964. Applicant: L. C. B. YOUNG, L. C. B. YOUNG, JR., C. S. STEVENS, AND PAUL B. BILLINGS, doing business as OSCEOLA TRANSIT COMPANY, 401 Elm Circle, Osceola, Ark. Applicant's attorney: James N. Clay, III, 340 Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils, and blends thereof*, in bulk, in tank vehicles, between points in Mississippi and Jackson Counties, Ark., on the one hand, and, on the other, points in Shelby County, Tenn.

NOTE: Applicant states the proposed service will be under continuing contract with Hunt-Wesson Sales Company, a Division of Hung Food & Industries, Inc., and Osceola Foods, Inc. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 126190, filed April 10, 1964. Applicant: SAN DIEGO COUNTY TRANSFER AND STORAGE, a corporation, doing business as LA MESA TRANSFER AND STORAGE, 8336 Case Street, La Mesa, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points within a forty (40) mile radius of Solana Beach, Calif.

NOTE: Applicant states the above proposed operations will be performed for exempt freight forwarders. If a hearing is deemed necessary, applicant requests it be held at San Diego, Calif.

No. MC 126191, filed April 13, 1964. Applicant: CECIL P. MORGAN, Rural Route No. 1, Rembrandt, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Buena Vista, Cherokee, Plymouth, Clay, Palo Alto, Emmet, Pocahontas, Woodbury, Ida, Sac, and Calhoun Counties, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Storm Lake, Iowa.

No. MC 126192, filed April 13, 1964. Applicant: TILLERS, INCORPORATED, 5580 Wadsworth Avenue, Arvada, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used furniture and household goods*, between Arvada, Colo., and points within 10 miles thereof, on the one hand, and, on the other, points in Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126193, filed April 15, 1964. Applicant: SIGLE TRUCKING CO., a corporation, Post Office Box 332, North Lima, Ohio. Applicant's attorney: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe-coating materials*, between points in Beaver Township, Mahoning County, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana.

NOTE: Applicant states that the proposed operations will be performed under a continuing contract with Pipe Line Service Corporation of Chicago, Ill. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 19215 and Subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 126197, filed April 17, 1964. Applicant: PINEY BRANCH MOTOR, INCORPORATED, U.S. Route 301, Box 36, Brandywine, Md. Applicant's attorney: Lester M. Bridgeman, Woodward Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office trailers, storage trailers, house trailers, mobile homes*, and *van semi-trailers* in truckaway service, in secondary movements, and *office trailers* in initial movements, in truckaway service, between points in Delaware, District of Columbia, those in Maryland and West Virginia on an east of U.S. Highway 220, those in Virginia on and north of U.S. Highway 60, and points in Adams, Chester, Cumberland, Dauphin, and Lancaster Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 44) (CORRECTION), filed April 8, 1964 published FEDERAL REGISTER issue April 22, 1964, republished as corrected, this issue. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: R. J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail*, in the same vehicle with passengers, between Hopkinsville, Ky., and junction U.S. Highway 60 and U.S. Highway 62, east of Paducah, Ky.: from Hopkinsville over Kentucky Highway 91 to junction Western Kentucky Turnpike north of Princeton, Ky., thence over Western Kentucky Turnpike to junction Kentucky Highway 278, thence over Kentucky Highway 278 to junction U.S. Highway 62 at or near Kuttawa, Ky., thence over U.S. Highway 62 to junction U.S. Highway 60 east of Paducah, Ky., and return over the same route, serving all intermediate points including the junction of U.S. Highways 60 and 62, except that no passenger shall be handled between points east of the junction of U.S. Highways 60 and 62 and Princeton, Ky., on the one hand, and, on the other, Paducah, Ky., and points beyond.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky. The purpose of this republication is to show the correct name of the Western Kentucky Turnpike, rather than "Western Kentucky Parkway," as previously published.

No. MC 3647 (Sub-No. 356), filed April 16, 1964. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Elizabeth, N.J., and New York, N.Y.: from Elizabeth over New Jersey Highway 439 and Goethals Bridge to New York, and return over the same route, serving all intermediate points. (Restriction: No passengers will be transported whose entire transportation will be between Elizabeth, N.J., and Staten Island, N.Y.) and (2) between Woodbridge Township, N.J., and New York, N.Y.: from the junction U.S. Highway 9 and New Jersey Highway 440, Woodbridge Township, over access roads, New Jersey Highway 440 and Outerbridge Crossing to New York, and return over the same route, serving all intermediate points. (Restriction: no passengers will be transported whose entire transportation will be between Perth Amboy, N.J., and Staten Island, N.Y.)

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 88080 (Sub-No. 9), filed March 30, 1964. Applicant: ANZAC TRANSPORTATION CO., a corporation, Post Office Box 99, Gallup, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage*, and *express*, (1) from Chinle, Ariz., to Pinon, Ariz.; from Chinle over County Highway 14 to junction of County Highway 21, thence over County Highway 21 to Pinon, and return over the same route, serving the intermediate points of Low Mountain, Blue Gap, and Salina Springs, and (2) from Chinle, Ariz., to Greasewood, Ariz.; from Chinle over County Highway 12 to junction of County Highway 18, thence over County Highway 18 to junction of County Highway 16, thence over County Highway 16 to junction of County Highway 6, thence over County Highway 6 to Greasewood, and return over the same route, serving the intermediate points of Many Farms, Round Rock, and Lukachukai, and *express*, on return, in (1) and (2) above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 123444 (Sub-No. 4), filed April 10, 1964. Applicant: HOWARD A. BOWMAN, doing business as BOWMAN BUS SERVICE, Park View, Harrisonburg, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express* in the same vehicle with passengers, between Harrisonburg, Va., and Franklin, W. Va., over U.S. Highway 33, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Franklin, W. Va., or Harrisonburg, Va.

No. MC 123996 (Sub-No. 2), filed April 17, 1964. Applicant: BUCKINGHAM LIVERY, INC., 349 East 76th Street, New York 21, N.Y. Applicant's attorney: Arthur Wagner, 32 Broadway, New York 4, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Airline flight personnel and their baggage in the same vehicle*, in limousines with a seating capacity of not more than 11 passengers, between Newark Airport, Newark, N.J., and John F. Kennedy International Airport, and La Guardia Airport, New York, N.Y., on the one hand, and, on the other, points in the Borough of Manhattan, New York, N.Y., and (2) between Newark Airport, Newark, N.J., on the one hand, and, on the other, John F. Kennedy International Airport and La Guardia Airport, New York, N.Y.

NOTE: Applicant states the proposed operations in (1) and (2) above will be for the accounts of American Airlines, Inc. and Trans World Airlines, Inc. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125880 (Sub-No. 1), filed March 2, 1964. Applicant: KEY TRANS-PORT SERVICE, INC., 30 West State Street, Granby, Mass. Applicant's attorney: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, Conn., 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, between Amherst, Mass., Williamstown, Mass., and Worcester, Mass., on the one hand, and, on the other, Bradley Field, Windsor Locks, Conn.:

(1) Between Amherst, Mass., and Bradley Field, Windsor Locks, Conn.: (a) from Amherst over Massachusetts Highway 9 to Northhampton, Mass., thence over U.S. Highway 5 to junction Massachusetts Highway 57 in Agawam, Mass., thence over Massachusetts Highway 57 to junction Massachusetts Highway 5A, thence over Massachusetts Highway 5A to the Connecticut State line, thence over U.S. Highway 5A to junction unnumbered highway known as Mapleton Road, thence over Mapleton Road to junction Connecticut Highway 190, thence over Connecticut Highway 190 to junction Connecticut Highway 75, thence over Connecticut Highway 75 to Bradley Field, Windsor Locks, and return over the same route, serving all intermediate points, (b) from Amherst over Massachusetts Highway 9 to Northampton, Mass., thence over U.S. Highway 5 to junction Interstate Highway 90, thence over U.S. Highway 5 to junction Interstate Highway 91, thence over Interstate Highway 91 to Connecticut State line, thence over Interstate Highway 91 to junction Connecticut Highway 20, thence over Connecticut Highway 20 to Bradley Field, Windsor Locks, and return over the same route, serving all intermediate points, and (c) from Amherst over Massachusetts Highway 9 to Northampton, Mass., thence over Massachusetts Highway 9 to junction Massachusetts Highway 47, thence over Massachusetts Highway 47 to South Hadley, Mass., thence over town streets to Granby, thence over U.S. Highway 202 to junction Massachusetts Highway 33, thence over Massachusetts Highway 33 to Chicopee, Mass., thence over town streets to Springfield, Mass., thence over city streets to Massachusetts Highway 57, thence over Massachusetts Highway 57 to junction Massachusetts Highway 5A, thence over Massachusetts Highway 5A to the Connecticut State line, thence over U.S. Highway 5A to junction unnumbered highway known as Mapleton Road, thence over Mapleton Road to junction Connecticut Highway 190, thence over Connecticut Highway 190 to junction Connecticut Highway 75, thence over Connecticut Highway 75 to Bradley Field, Windsor Locks, and return over the same route, serving all intermediate points,

(2) between Williamstown, Mass., and Bradley Field, Windsor Locks, Conn.: (a) from Williamstown over Massachusetts Highway 2 to North Adams, Mass., thence over Massachusetts Highway 8 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Pittsfield, Mass., thence over U.S. Highway 7 to Lenox, Mass., thence over U.S. Highway 7 to Stockbridge, Mass., thence continuing over U.S. Highway 7 to Great Barrington, Mass., thence over Massachusetts Highway 23 and town streets to South Egremont (Jug End Resort Area) and return over the foregoing routes to Stockbridge, thence over Massachusetts Highway 102 to South Lee, Mass., thence over Massachusetts Highway 102 to junction Interstate Highway 90, thence over Interstate Highway 90 to Massachusetts Highway 10, thence over Massachusetts Highway 10 to Southwick, Mass., thence over an unnumbered highway known as Point Grove Road to the Connecticut State line, thence over Point Grove Road to junction Connecticut Highway 190, thence over Connecticut Highway 190 to junction unnumbered highway, thence over said unnumbered highway to junction Connecticut Highway 187, thence over Connecticut Highway 187 to junction Connecticut Highway 20, thence over Connecticut Highway 20 to Bradley Field, Windsor Locks, and return over the same route, serving all intermediate points, and

(3) Between Worcester, Mass., and Bradley Field, Windsor Locks, Conn.: (a) from Worcester over Massachusetts Highway 12 to junction Interstate Highway 90 in Auburn, Mass., thence over Interstate Highway 90 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Interstate Highway 91, thence over Interstate Highway 91 to Connecticut State line, thence over Interstate Highway 91 to junction Connecticut Highway 20, thence over Connecticut Highway 20 to Bradley Field, Windsor Locks, and return over the same route, serving all in-

termediate points, and (b) from Worcester over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Massachusetts Highway 169, thence over Massachusetts Highway 169 to Southbridge, Mass., thence over Massachusetts Highway 131 to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 to Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Interstate Highway 91, thence over Interstate Highway 91 to Connecticut State line, thence over Interstate Highway 91 to junction Connecticut Highway 20, thence over Connecticut Highway 20 to Bradley Field, Windsor Locks, and return over the same route, serving all intermediate points.

NOTE: Applicant states that the proposed operations will be limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver, and restricted to traffic orginating at or terminating at Bradley Field, Windsor Locks, Conn. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 126044 (CLARIFICATION), filed February 24, 1964, published in FEDERAL REGISTER issue April 1, 1964, clarified April 20, 1964, and republished as clarified this issue. Applicant: MONA A. HEIDENREITER, doing business as HEIDENREITER BUS SERVICE, 542 Wilson Avenue, Sheboygan Falls, Wis. Applicant's attorney: Donald E. Koehn, Ebbers Building, Sheboygan Falls, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, (1) from points in Wisconsin to points in Illinois, or (2) between points in Illinois and points in Wisconsin.

NOTE: Applicant states the proposed service will involve the transportation of nonprofit groups and organizations, many of which will be appearing in competition in various communities, located in the States of Wisconsin and Illinois. The purpose of this republication is to clarify the proposed charter operations, eliminating "beginning and ending at points in Sheboygan County, Wis.," and setting forth (1) and (2) above. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126181, filed April 13, 1964. Applicant: CARIBOU BUS LINE LTD., Whitemouth, Manitoba, Canada. Applicant's attorney: W. C. Middleton, Beausejour, Manitoba, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, from ports of entry on the international boundary line between the United States and Canada located at Noyes, Pine Creek, and International Falls, Minn., and Pembina, N. Dak., to points in North Dakota and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 126182, filed April 13, 1964. Applicant: STANLEY D. HUFFMAN, doing business as HUFFY'S BUS LINE, Post Office Box 205, South Shore, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (1) between South Shore, Ky., and Portsmouth, Ohio: (a) from South Shore east over U.S. Highway 23 to Siloam, Ky., and return to South Shore over the above route, thence over city streets in South Shore, thence over U.S. Highway 23 to Portsmouth, and return over the same route, serving all intermediate points, and (b) from South Shore over city streets to Kentucky Highway 1134, thence over Kentucky Highway 1134 to junction Flat Hollow Road, thence over Flat Hollow Road to the Old Howerton Store Bldg., and return over said road to Kentucky Highway 1134, thence over Kentucky Highway 1134 to junction Kentucky Highway 7, thence over Kentucky Highway 7 to South Shore, thence over U.S. Highway 23 to Portsmouth. On return Old U.S. Highway 23 is followed to Fullerton, Ky., thence return over routes set forth above, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at South Shore, Ky.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12903, filed April 13, 1964. Applicant: LOUIS E. WEISS, doing business as CAROL TOURS TRAVEL SERVICE, 800 South Florissant Road, Ferguson, Mo. Applicant's attorney: Richard F. Koch, 319 North Fourth Street, St. Louis 2, Mo. For a license (BMC 5) to engage in operations as a *broker* at Ferguson, Mo., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in groups and as individuals, between points in the United States.

No. MC 12904, filed April 14, 1964. Applicant: TRI-LEASING CORP., 93 Broad Street, Springfield, Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. For a license (BMC 5) to engage in operations as a *broker* at Springfield, Mass. and Worcester, Mass., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in the same vehicle, both as individuals and in groups, in round-trip operations, beginning and ending at Springfield, Mass., and Worcester, Mass., and extending to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, and New Jersey.

No. MC 12905, filed April 9, 1964. Applicant: NATIONAL TRAVEL CO. INC., 90 State Street, Boston, Mass. For a license (BMC 5) to engage in operations as a *broker* at Boston, Mass., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, between points in the United States.

APPLICATIONS FOR FREIGHT FORWARDERS

MOTOR CARRIERS OF PROPERTY

No. FF-313 (SECURITY AUTO FORWARDING CORPORATION-FREIGHT FORWARDER APPLICATION), filed April 16, 1964. Applicant: SECURITY AUTO FORWARDING CORP., 109 North Federal Highway, Fort Lauderdale, Fla. Applicant's attorney: Steadman S. Stahl, Jr., 16 Southeast Sixth Street, Fort Lauderdale, Fla. Authority sought under Section 410, Part IV of the Interstate Commerce Act, to operate as a freight forwarder, in interstate or foreign commerce through the use of the facilities of common carriers by railroad (piggyback) and motor vehicle, of all types of *motor vehicles*, other than motor vehicles which would be considered as new and having never been sold, between points in the United States including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 145), filed April 13, 1964. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrolatum and petroleum oils*, in bulk, in tank vehicles, from Gretna, La., to points in Illinois and Tennessee.

NOTE: Common control may be involved.

No. MC 531 (Sub-No. 146), filed April 13, 1964. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel catalyst*, in bulk, in pneumatic tank vehicles, from Paulsboro, N.J., to points in New Mexico, Texas, Oklahoma, Louisiana, Colorado, and Kansas.

NOTE: Common control may be involved.

No. MC 42487 (Sub-No. 598), filed March 27, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill., 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, other than small arms ammunition, livestock, and household goods as defined by the Commission), between Chicago, Ill., and St. Louis, Mo., over Interstate Highway 55, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations.

NOTE: Common control may be involved.

No. MC 61403 (Sub-No. 105), filed April 17, 1964. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *comman carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizers*, in bulk, in tank vehicles, from Dover, Ohio, to points in Arkansas.

NOTE: Common control may be involved.

No. MC 72069 (Sub-No. 3), filed April 7, 1964. Applicant: BLUE HEN LINES, INC., Route 2, Box 87, Milford, Del. Applicant's representative: James H. Sweeney, 902 Spruce Avenue, Oaklyn, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk and in bags, from Cambridge, Md., to points in Maryland east of Chesapeake Bay and the Susquehanna River, and points in Delaware (except those in Sussex County and except Dover and Middletown).

NOTE: Common control may be involved.

No. MC 79135 (Sub-No. 33) (CORRECTION), filed March 20, 1964, published FEDERAL REGISTER, issue of April 8, 1964, and corrected this issue. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N.Y. The purpose of this notice is to correctly show the applicant's name, as above, in lieu of CONSOLI-MOTOR EXPRESS, INC., shown in previous publication, in error.

No MC 107002 (Sub-No. 184), filed April 13, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Highway 80 West, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, liquid, in bulk, in tank vehicles, from Collierville, Tenn., to points in Texas.

No. MC 107500 (Sub-No. 77), filed April 14, 1964. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: R. J. Schreiber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Elmwood, Ill. and Peoria, Ill., from Elmwood over Illinois Highway 78 to junction Illinois Highway 8, approximately one (1) mile north of Elmwood, thence over Illinois Highway 8 to Peoria, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

No. MC 107500 (Sub-No. 78), filed April 15, 1964. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: R. J. Schreiber, 547 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Rathbun Reservoir Dam site, located near Rathbun, Iowa, as an off-route point in connection with applicant's authorized regular route operations between Albia and Centerville, Iowa.

NOTE: Common control may be involved.

No. MC 123393 (Sub-No. 33) (AMENDMENT), filed March 18, 1964, published in FEDERAL REGISTER, issue of April 8, 1964, amended April 16, 1964, and republished as amended this issue. Applicant: BILYEU REFRIGERATED TRANSPORT CORP., 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, and *food products in mixed shipments with commodities exempt from economic regulation* pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, from California, Mo., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Colorado, Florida, Kansas, Oklahoma, Texas, Louisiana, and Arkansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo. The purpose of this republication is to add Florida as a destination State.

No. MC 126170, filed April 7, 1964. Applicant: C. C. 'SPIKE' COPLEY GARAGE, INC., 1009 Central Avenue, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, stolen, or repossessed vehicles, and replacement vehicles for such wrecked or disabled vehicles, by means of wrecker equipment*, between Charleston, W. Va., on the one hand, and, on the other, points in Ohio, Kentucky, Virginia, Pennsylvania, and North Carolina.

MOTOR CARRIERS OF PASSENGERS

No. MC 57298 (Sub-No. 9), filed April 13, 1964. Applicant: UNION BUS LINES, INC., 315 Continental Avenue, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, newspapers and express, in the same vehicle with passengers*, from San Antonio, Tex., over Texas Highway 346, to Poteet, Tex., thence over Texas Highway 476, to Pleasanton, Tex., and return over the same route, serving no intermediate or off-route points.

NOTE: Common control may be involved.

No. MC 59238 (Sub-No. 53), April 15, 1964. Applicant: VIRGINIA STAGE LINES, INC., 114 Fourth Street SE., Charlottesville, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, between junction Interstate Highway 495 and Interstate Highway 66 in Fairfax County, Va. and junction Interstate Highway 495 and U.S. Highway 240 (near Bethesda, Md.); from junction Interstate Highway 66 and Interstate Highway 495 over Interstate Highway 495 to junction U.S. Highway 240, and return over the same route, serving the junction of Interstate Highway 495 and Interstate Highway 66 and junction Interstate Highway 495 and U.S. Highway 240 for joinder only.

NOTE: Common control may be involved.

No. MC 59238 (Sub-No. 54), filed April 15, 1964. Applicant: VIRGINIA STAGE LINES, INC., 114 Fourth Street SE., Charlottesville, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between junction Interstate Highway 66 and U.S. Highway 29 near Centerville, Va., and junction Interstate Highway 495 and U.S. Highway 50; from junction Interstate Highway 66 and U.S. Highway 29 over Interstate Highway 66 to Interstate Highway 495, thence over Interstate Highway 495 to junction U.S. Highway 50, and return over the same route, serving the junction U.S. Highway 29 and Interstate Highway 66, the junction Interstate Highway 66 and Interstate Highway 495 and junction Interstate Highway 495 and U.S. Highway 50 for purposes of joinder only.

NOTE: Common control may be involved.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 64-4228; Filed, Apr. 28, 1964; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 24, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be ad-

dressed to or filed with the Interstate Commerce Commission.

State Docket No. 3681, filed April 16, 1964. Applicant: DALTON TRANSFER & STORAGE CO., INC., 3300 Second Street NW., Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, including uncrated new and used *household goods* and *furniture, dwellings, buildings* and *structures;* and *automobiles* and moveable *equipment* either by carriage or tow, within the city of Albuquerque, N. Mex., and a ten (10) mile radius thereof, under non-scheduled service, over irregular routes.

HEARING: May 18, 1964 at 9:30 a.m., in the offices of the New Mexico Motor Carriers' Association, Inc., 1500 Hannett NE., Albuquerque, N. Mex.

Request for procedural information, including the time for filing protests, concerning this application should be addressed to the New Mexico State Corporation Commission, Motor Transportation Department, Santa Fe, N. Mex., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4229; Filed, Apr. 28, 1964; 8:46 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 162, Amdt. 2]

KANSAS, OKLAHOMA & GULF RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 162 (Kansas, Oklahoma & Gulf Railway Company) and good cause appearing therefor:

It is ordered, That Taylor's I.C.C. Order No. 162 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., July 31, 1964, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 30, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 24, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-4230; Filed, Apr. 28, 1964; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 24, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38981: *Liquid fertilizers from Kerens, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8539), for interested rail carriers. Rates on liquid fertilizers, in tank car loads, from Kerens, Tex., to specified points in Wyoming.

Grounds for relief: Market competition.

Tariff: Supplement 93 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4422.

FSA No. 38982: *Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 343), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middlewest territory; between points in Middlewest territory, on the one hand, and points in Central States and Southwestern territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 15 to Middlewest Motor Freight Bureau, agent, tariff MF-I.C.C. 417.

FSA No. 38983: *Sulphuric acid from Copperhill, Tenn., to Zee, La.* Filed by O. W. South, Jr., agent (No. A4503), for interested rail carriers. Rates on sulphuric acid, in tank car loads, from Copperhill, Tenn., to Zee, La.

Grounds for relief: Market competition.

Tariff: Supplement 85 to Southern Freight Association, agent, tariff I.C.C. S-162.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4223; Filed, Apr. 28, 1964; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1326) filed by Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis 66, Missouri, and other relevant material, has concluded that paragraph (b) of § 121.2566 *Antioxidants and/or stabilizers for polymers* should be amended by deleting the words "film" and "films" wherever they occur in limitation 2 for each of the substances "4,4'-Butylidenebis (6-*tert*-butyl-*m*-cresol)" and "4,4'-Thiobis(6-*tert*-butyl-*m*-cresol)" so as to permit the specified polymers containing these substances to be used in the manufacture of other forms of food-contact articles, such as sheeting, moldings, and tubing, in addition to films. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), paragraph (b) of § 121.2566 *Antioxidants and/or stabilizers for polymers* is amended by deleting the words "film" and "films" wherever they occur in limitation 2 for each of the substances "4,4'-Butylidenebis(6-*tert*-butyl-*m*-cresol)" and "4,4'-Thiobis(6-*tert*-butyl-*m*-cresol)."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 24, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-4303; Filed, Apr. 29, 1964; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 64-21]

PART 80—PILOT RULES FOR INLAND WATERS

PART 84—TOWING OF BARGES

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

Towing of Barges

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of January 30, 1964 (29 F.R. 1572-1586), and the Merchant Marine Council Public Hearing Agenda, dated March 23, 1964 (CG-249), the Merchant Marine Council held a public hearing on March 23, 1964, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to XVI, inclusive. Item XI contained proposals regarding Rules of the Road. The Merchant Marine Council considered the proposals and comments submitted and recommended adoption of the proposals regarding towing of barges as set forth in the Agenda (Item XI), except for 33 CFR 84.10(a) which was revised in line with comments received. The proposals in Item XI, as revised, are adopted and set forth in this document, which is the fifth of a series covering regulations considered at this public hearing.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 632 of Title 14, U.S. Code, Treasury Department Orders 120, July 31, 1950 (15 F.R. 6521), and 167-33, September 23, 1958 (23 F.R. 7592), and the statutes cited with regulations below, the following amendments are prescribed and shall become effective 30 days after the date of publication of this document in the FEDERAL REGISTER.

In subchapter D—Navigation Requirements for Certain Inland Waters, Part 80—Pilot Rules for Inland Waters:

§ 80.16a [Amended]

In § 80.16a *Lights for barges, canal boats, scows and other nondescript vessels on certain inland waters on the Gulf Coast and the Gulf Intracoastal Waterway:*

1. The introductory sentence in paragraph (e) is amended by changing the phrase from "with an intermediate hawser" to "with a hawser length, between vessels, of 75 feet or more."

2. The introductory sentence in paragraph (f) is amended by changing the phrase from "close up" to "with a hawser, between vessels, of less than 75 feet."

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157. Interpret or apply R.S. 4233A, as amended, sec. 1, 30 Stat. 98, as amended; 33 U.S.C. 353, 178. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167-33, September 23, 1958, 23 F.R. 7592)

§ 80.17 [Amended]

In § 80.17 *Lights for barges and canal boats in tow of steam vessels on the Hudson River and adjacent waters and Lake Champlain:*

3. Paragraph (b)(2) is amended by changing in the first sentence the phrase from "close up" to "with a hawser length, between vessels, of less than 75 feet" and by changing the heading preceding the illustration from "Tandem—Close up" to "Tandem (with a hawser length, between vessels, of less than 75 feet)."

4. Paragraph (e)(3) is amended by changing in the first sentence the phrase "with an intermediate hawser" to "with a hawser length of 75 feet or more," and by changing the heading preceding the illustration from "Tandem—with intermediate hawser" to "Tandem (with a hawser length, between vessels, of 75 feet or more)."

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157. Treasury Department Order 167-33, September 23, 1958, 23 F.R. 7592)

In Part 84—Towing of Barges:

1. Section 84.10 is amended to read as follows:

§ 84.10 Hawser lengths for all tows on inland waters.

(a) The length of hawsers, between vessels, shall be limited to no more than 450 feet (75 fathoms). This length shall be the distance measured from the stern of one vessel to the bow of the following vessel. The distance between two vessels should in all cases be as much shorter as the weather or sea will permit: *Provided*, That where, in the opinion of the master of the towing vessel, it is dangerous or inadvisable, whether on account of the state of weather or sea or otherwise, to shorten the distance between vessels, the hawsers need not be shortened to the prescribed length when entering from sea.

(b) In any event the hawsers between vessels must be shortened to the pre-

scribed length of not more than 450 feet (75 fathoms) when the tows with inland or seagoing barges are operating in the following named localities:

(1) The James River and Hampton Roads westward of Thimble Shoal Light.

(2) The Chesapeake Bay north of the Chesapeake Bay Bridge.

(3) New York Harbor north of West Bank Light and west of Fort Schuyler.

(4) Delaware Bay north of Elbow of Cross Ledge Light.

(5) Narragansett Bay north of Brenton Reef Light.

(6) Puget Sound south of West Point.

§ 84.15 [Cancelled]

2. Section 84.15 *Hawser length exceptions*, is canceled. (The text has been transferred to § 84.10.)

§ 84.20 [Amended]

3. In § 84.20 *Bunching of tows*, paragraph (b) is amended by changing the name from "Robbins Reef Lighthouse" to "Robbins Reef Light."

(Sec. 2, 30 Stat. 102, as amended, sec. 14, 35 Stat. 428, as amended, 33 U.S.C. 157, 152. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167–33, September 23, 1958, 23 F.R. 7592)

In Subchapter F—Navigation Requirements for Western Rivers, Part 95—Pilot Rules for Western Rivers:

1. The introductory sentences only in § 95.31 (b) and (c) are amended to read as follows:

§ 95.31 Lights for barges towed astern.

* * * * *

(b) When two or more barges are being towed behind a steam vessel in tandem, with a hawser length, between vessels, of 75 feet or more, such vessels shall carry white lights as follows:

* * * * *

(c) When two or more barges are being towed behind a steam vessel in tandem, with a hawser length, between vessels, of less than 75 feet, such vessels shall carry white lights as follows:

* * * * *

(R.S. 4233A, as amended; 33 U.S.C. 353. Interpret or apply R.S. 4233, as amended (Rule 7); 33 U.S.C. 316. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167–33, September 23, 1958, 23 F.R. 7592)

2. Section 95.38 is amended to read as follows:

§ 95.38 Hawser lengths for all tows.

The length of hawsers, between vessels, shall be limited to no more than 450 feet (75 fathoms). This length shall be the distance measured from the stern of one vessel to the bow of the following vessel. The distance between two vessels should in all cases be as much shorter as the weather or sea will permit.

(R.S. 4233A, as amended; 33 U.S.C. 353). Treasury Department Order 167–33, September 23, 1958, 23 F.R. 7592)

Dated: April 24, 1964.

[SEAL] G. A. KNUDSEN,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 64-4307; Filed, Apr. 29, 1964; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev. of Export Regs., Amdt. 83]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 382—DENIAL OF EXPORT PRIVILEGES

PART 385—EXPORTATIONS OF TECHNICAL DATA

Miscellaneous Amendments

§ 371.8 [Amended]

1. Section 371.8 *General License GRO; shipments of non-Positive List commodities*, paragraph (a) *Scope*, subparagraph (1) is amended by deleting subdivision (iii).

§ 371.51 [Amended]

2. Section 371.51 *Supplement 1; Commodities subject to General License GHK or GLSA* is amended by revising the present entries for Schedule B Nos. 66530 and 66540 to read as follows:

Commodity description	Schedule B No.	Symbol
Nonferrous metallic ores and concentrates, n.e.c., except lithium and rhenium	66530	II
Nonferrous metals and alloys in crude form, scrap and semifabricated forms, n.e.c., except the following: boron metal and alloys containing 10 percent or more boron; calcium metal containing less than 0.01 percent by weight of impurities other than magnesium and less than 10 parts per million boron; columbium (niobium) bearing slag; crystalline silicon 99.9 percent silicon or over; dendritic forms of any semiconductor material, or combinations thereof, suitable for use in diodes or transistors; gallium metal, alloys, amalgams, and electronic grades of crystalline material containing 1 percent or more gallium; germanium metal; hafnium metal and alloys containing more than 15 percent hafnium by weight; lithium metal and alloys; electronic grades of monocrystalline materials containing 1 percent or more indium; all other grades of monocrystalline indium; polonium metal; rhenium metals and alloys; tantalum bearing slag; thermo bimetal, thermometal, and thermostatic metal; and yttrium metal and alloys	66540	II

§ 371.52 [Amended]

3. Section 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) which are excepted from General License GRO* is amended by adding the following commodities:

Dept. of Commerce Schedule B No.	Commodity description
77046	Stationary positive displacement air and gas compressors, reciprocating, capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77046	Stationary positive displacement air and gas compressors, reciprocating, over 125 horsepower, having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77063	Parts and accessories, n.e.c., specially fabricated for compressors included above under Schedule B No. 77046.
77073	Centrifugal air and gas compressors capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77073	Centrifugal air and gas compressors having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77076	Axial flow and mixed flow air and gas compressors capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77076	Axial flow and mixed flow air and gas compressors having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77078	Parts and accessories, n.e.c. specially fabricated for compressors included above under Schedule B Nos. 77073 and 77076.
77101	Centrifugal pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77101	Centrifugal pumps having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77103	Turbine pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77103	Turbine pumps having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77105	Rotary pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77105	Rotary pumps having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77107	Reciprocating power pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77107	Reciprocating power pumps having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77117	Pumps, n.e.c., specially designed for the use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77117	Pumps, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77119	Parts and accessories, n.e.c., specially fabricated for pumps included above under Schedule B Nos. 77101, 77103, 77105, 77107, and 77117.
77125	Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified;[4] and specially fabricated parts and accessories, n.e.c.
77450	Pipe valves, iron or steel, specially designed for use in the processing of petroleum, petrochemicals natural gas or their fractions.

See footnotes at end of table.

(2) is amended by deleting in (ii) (a) and (iii) (a) the last sentence starting with "Similarly, where commercial motor trucks, chassis, xxx."

§ 382.5 [Amended]

7. Section 382.5 *Answer and demand for oral hearing*, paragraph (a) *When to answer* is amended by substituting "30 days" for the existing "15 days."

8. Section 382.15 *Indefinite denials* is amended to read as follows:

§ 382.15 Indefinite Denials.

(a) Whenever the Office of Export Control finds it impracticable, during the course of an investigation or other proceeding or action, to subpoena a person or his books, records and other writings, the Office of Export Control may serve upon such person interrogatories, requests for admissions of facts, and requests for the production of books, records and other writings, as therein specifically set forth. If such person, within 20 days after service thereof, fails or refuses to furnish responsive answers to such interrogatories or requests for admissions, or fails to produce the requested books, records and other writings, without good cause being shown, an order may be issued without prior notice, as provided in § 382.1, denying export privileges to such person. This order shall remain in effect until such person shall respond to the interrogatories or requests or shall give adequate reasons for his failure or refusal to so respond. Such interrogatories or requests may be served in the same manner as provided in § 382.3(b) for service of a charging letter.

(b) The procedure regarding applications for indefinite denial orders and motions to vacate or modify such orders shall conform substantially to that provided for temporary denial orders by §§ 382.11(b) (2) and 382.11(c).

9. Section 385.4 *Exportation under a validated license*, paragraph (c) *Completion of application form and application processing card*, subparagraph (2) *Special provisions for certain commodities* is amended by revising (iv) to read as follows:

§ 385.4 Exportations under a validated license.

* * * * *

(c) *Completion of application form and application processing card*— * * *

(iv) For all license applications covering technical data relating to any of the commodities in (i), (ii), or (iii) above for export to any destination other than Poland (including Danzig), a Subgroup A destination, or Cuba, an applicant shall attach to the license application a written statement of assurance from his foreign consignee that the technical data will not be reexported directly or indirectly to any country without prior authorization from the Office of Export Control. The statement shall also show that the direct product[1] produced by use of the technical data will not be exported directly or indirectly to Poland (including Danzig), a Subgroup A destination, or Cuba, without prior authorization from the Office of Export Control. However, if the United States exporter is not able to obtain the required statement, or the consignee is unwilling to furnish assurances with respect to all of the requirements, the exporter may attach an explanatory statement to his license application setting forth the reasons therefor.

* * * * *

This amendment except for item 2 shall become effective as of April 1, 1964. Item 2 of this amendment shall become effective as of April 8, 1964.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64-4190; Filed, Apr. 28, 1964; 8:45 a.m.]

[1] The term "direct product" used in this sentence and in this context only, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data. The coverage of the term does not extend to the results of the use of such "direct product." For example, if the technical data relate to the design of a new or improved airborne transmitter, the airborne transmitter produced from such data is a direct product of the data. However, if the technical data relate to the design of equipment which will be used for the production of airborne transmitters, then the equipment rather than the transmitter is the direct product of the technical data.

Dept. of Commerce Schedule B No.	Commodity description
77450	Pipe valves, iron or steel having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77455	Pipe valves, brass, bronze or other nonferrous metals, specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77455	Pipe valves, brass, bronze or other nonferrous metals, having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77460	Automatic control or regulating pipe valves specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77460	Automatic control or regulating pipe valves having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77465	Pipe valves, n.e.c. specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
77465	Pipe valves, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77516	Pipe assemblies (two or more pipe sections permanently affixed), having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77567	Nonelectric industria furnaces (heaters) of the following types: (a) cylindrical having a suspended deflecting cone, or (b) radiant wall employing multiple independently controlled ceramic cup burners.
77570	Parts and accessories, n.e.c., specially designed for the furnaces (heaters) included above under Schedule B No. 77567.
77582	Mixing and blending machines and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77585	Fractionating columns as follows: (a) having, or having provisions for, 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified;[4] and specially fabricated parts and accessories, n.e.c.
77585	Other processing vessels, non-mixing, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified;[4] and specially fabricated parts and accessories, n.e.c.
77588	Separators and collectors, industrial process type, n.e.c., and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified.[4]
77590	Pulsation dampeners, and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified.[4]

[4] The materials applicable to the flow-contact surfaces of this equipment are: (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more nickel, (c) nickel alloys containing 50 percent or more nickel, (d) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement.

§ 373.66 [Revoked]

4. Section 373.66 *Republic of the Congo (Leopoldville)* is revoked.

5. Section 379.3 *Presentation of Shipper's Export Declaration* paragraph (c) *Number of copies to be presented*, subparagraph (3) *Additional copies of declaration* is amended to read as follows:

§ 379.3 Presentation of Shipper's Export Declaration.

* * * * *

(c) *Number of copies to be presented*— * * *

(3) *Additional copies of declaration.* The Office of Export Control, the Collector, or the Postmaster may require, for the purpose of export control, the presentation of additional copies of the declaration. In all cases where a declaration is required by the Export Regulations or the Foreign Trade Statistics Regulations, an additional copy of the declaration shall be presented for exportations described in (i), (ii), or (iii) of this subparagraph.

(i) Exportations made under a Project License. (See § 374.9(c)(2) of this chapter.)

(ii) Exportations from the United States to foreign countries made via Canada.

(iii) Exportations of any agricultural commodity moving under a validated license to a Subgroup A destination. The additional copy shall bear in the upper right corner the notation, "BIC-7320."

* * * * *

§ 379.10 [Amended]

6. Section 379.10 *Destination control*, paragraph (c) *Statement regarding ultimate destination on declaration, bill of lading, and commercial invoice*, subparagraph

b. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Other nonmetallic minerals and products (precious included)					
	Other nonmetallic mineral products, except precious (Report piezo electric quartz crystals in 56506):					
56945	Monocrystals of ferrites, and monocrystals of garnets, synthetic.[1]	Lb.	MINL 1..	None	RO	A E-7
	Metal manufactures					
	Metal powders, except precious, n.e.c:					
61987	Rhenium metal powders.[1]	Lb.	MINL 2...	None	RO	E-7
	Other nonferrous ores, concentrates, scrap and semifabricated forms (except precious)					
	Nonferrous metallic ores and concentrates, n.e.c. (Report thorium in 66510):					
66530	Rhenium concentrates.[1]	Lb.	MINL 2...	None	RO	E-7
	Nonferrous metals and alloys in crude form, scrap, and semi-fabricated forms, n.e.c. (Specify by name) (See § 399.2, Interpretation 13):					
66540	Rhenium metals and alloys.[1]	Lb.	MINL 2	None	RO	E-7
	Electrical machinery and apparatus					
	Signal generators:					
70372	Pulse generators specially designed for use with magnetic core testers.[4]	No.	ELME 3	100	RO	A
	Office, accounting, and computing machines					
77022	Machines specially designed for use with electronic computers. (Specify by name and model number.)[1]	No.	SATE 1	100	RO	A
77024	Parts and accessories, n.e.c., specially fabricated solely for machines listed in the Positive List under Schedule B No. 77022.		SATE 1	100	RO	A
	Industrial chemicals (exclusive of medicinal chemicals, U.S.P. and N.F.)					
	Industrial chemicals, n.e.c. (Report thorium and uranium salts and compounds in 62510-62590):					
83990	Rhenium oxides and compounds	Lb.	SALT 2....	None	RO	

[1] On or after May 18, 1964, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports of these commodities to the countries specified in § 373.2 of this chapter.
[2] This commodity may be exported under the Periodic Requirements Licensing procedure (see Part 376 of this chapter).
[3] Section 371.51 is amended to reflect the removal of these commodities from the list of commodities exportable under General License GHK.

c. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description of the revised entry:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Other Industrial Machines and Parts					
77516	Other pipe assemblies (two or more pipe sections permanently affixed), specially fabricated for particular machines or equipment, (specify machine or equipment).					
	Processing vessels, nonmilitary, n.e.c., and specially fabricated parts and accessories, n.e.c.:					
77585	Processing vessels, nonmilitary, n.e.c., specially designed for use in the following unit operations: (a) solvent processing, (b) fractionating, rectifying and depleginating, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) alkylation, (h) aromatization, (i) desulphurization, (j) thermal or catalytic cracking, reforming or platforming; and specially fabricated parts and accessories therefor, n.e.c.					
	Separators and collectors, industrial process type, n.e.c., and specially fabricated parts and accessories, n.e.c.:					
77588	Dewaxing chillers, and specially fabricated parts and accessories, n.e.c.					
77588	Drum driers, vapor-liquid, and specially fabricated parts and accessories, n.e.c.					
77588	Cyclone separators designed to operate at temperatures of 800° F. or over, and specially fabricated parts and accessories, n.e.c.					
77588	Other separators and collectors, n.e.c. specially designed for use in the following unit operations: (a) solvent processing, (b) fractionating, rectifying and depleginating, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) alkylation, (h) aromatization, (i) desulphurization, (j) thermal or catalytic cracking, reforming or platforming; and specially fabricated parts and accessories, n.e.c.					

[9th General Rev. of Export Regs., Amdt. P.L. 46]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Miscellaneous Amendments

1. Section 399.1 *Positive List of Commodities* is amended in the following particulars:

a. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Electrical machinery and apparatus					
	Electrical and electronic characteristics testing instruments, n.e.c., and specially fabricated parts and accessories, n.e.c., for electrical and electronic quantity and characteristics measuring and testing instruments:					
70379	Parts and accessories, n.e.c. (including oscilloscope plug-in amplifiers and preamplifiers), specially fabricated for electrical and electronic quantity and characteristics measuring and testing instruments included on the Positive List under Schedule B Nos. 70362 through 70379 which are subject to the Import Certificate/Delivery Verification procedure. (Specify by name.) (18) [14] [15]	----------	ELME 3..	100	RO	A
	Electronic equipment, n.e.c., and parts:					
	Electron tubes and parts (Report X-ray tubes in 70751):					
70824	Receiving type tubes, n.e.c., except nonmilitary versions of the types described or listed in § 399.2, Interpretation 13. (Specify type numbers and quantity of each type.) (Report television picture tubes in 70632.) (2) [14] [15]	No.	RARA 2	100	RO	
	Crystal diodes and transistors (semi-conductors, n.e.c.):					
70848	Other crystal diodes, n.e.c. except: (a) germanium point contact diodes designed for operation at frequencies below 250 megacycles, (b) germanium junction diodes designed for operation at frequencies of 50 megacycles or less and not designed for switching speeds (repetition frequency) greater than 1 megacycle, (c) silicon regulator (zener) diodes, (d) silicon junction power diodes (not including radio frequency or switching diodes) having a peak inverse voltage of 1,000 volts per junction or less. (Specify type number and quantity of each type.) (6 and 8) [11]	No.	RARA 2	100	RO	
70848	Other transistors (semiconductors, n.e.c.), except types listed in § 399.2, Interpretation 18. (Specify type numbers and quantity of each type.) (6 and 8) [11] [17]	No.	RARA 2..	100	RO	
70883	Magnetic recording and/or reproducing equipment designed for electronic computers (specify by name and model number); and specially fabricated parts, accessories, and recording media (specify by name).[3] [15]	----------	SATE 1...	100	RO	A
70883	Other recording and/or reproducing equipment, n.e.c., as follows: (a) using magnetic techniques, except those specifically designed for voice or music, or (b) using electrothermal and/or electrostatic recording techniques employing electron beams, operating in a vacuum, and/or employing other means to provide a charge pattern directly on the recording surface, and specialized equipment for the read-out material so recorded (specify by name and model number); and specially fabricated parts, accessories and recording media (specify by name). (See § 399.2, Int. 8.) [15]	----------	RARA 1..	100	RO	A
	Insulated wire, cord, and cable:					
70995	Insulated tungsten and tungsten alloy wire [16].	Lb.	MINL 1..	100	RO	A E-8
	Electrical apparatus, n.e.c., and parts n.e.c.:					
70999	Analog-to-digital and digital-to-analog converters as follows: (a) electrical-input types possessing (i) a peak conversion rate capability in excess of 50,000 complete conversions per second, (ii) an accuracy in excess of 1 part in more than 10,000 of full scale, or (iii) a figure of merit of 5 times 10^4 (derived from the number of complete conversions per second divided by the accuracy); (b) mechanical-input types (including but not limited to shaft-position encoders and linear displacement encoders, but excluding complex servo-follower system) (i) rotary types having an accuracy or maximum incremental accuracy better than plus or minus 1 part in 10,000 of full scale, or of size 11 (1.1 inches in diameter) and smaller, (ii) linear displacement types having an accuracy better than plus or minus 5 microns; (c) employing solid state Hall effect; or (d) designed to operate below minus 55° C. or above plus 125° C. (specify model or type number); and specially fabricated parts and accessories, n.e.c. (specify by name). (9) [3]	----------	ELME 1..	100	RO	A

[1] The GLV dollar-value limit is increased.
[3] The processing code is changed or related commodity group number is changed (see § 372.5(e) of this chapter).
[11] The commodity coverage is decreased.
[14] Two entries are substituted for an entry presently on the Positive List under the Schedule B number.
[15] On or after May 18, 1964, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports to the countries specified in § 373.2 of this chapter of parts and accessories specially fabricated for pulse generators added to the Positive List in item 1 of this amendment.
[16] The commodity coverage is increased, effective April 8, 1964. (Parts and accessories specially fabricated for pulse generators are added.)
[17] Interpretation 13, § 399.2, is amended by adding tube type Nos. 2D21 and 3LF4 to the listed numbers, thereby removing these tube types from the Positive List.
[3] The description is revised with no change in controls.
[4] A new entry is established: Formerly included on the Positive List under Schedule B No. 66489.

2. Section 399.2 *Interpretation 13: Receiving-type tubes (Schedule B No. 70824) and electron tubes n.e.c. (Schedule B No. 70840)* is amended by adding to the list tube types Nos. 2D21 and 3LF4.

This amendment shall become effective as of April 8, 1964, unless otherwise specified in a footnote.

Shipments of commodities removed from general license to Country Group R and Country Group O destinations as a result of the changes set forth in this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., April 8, 1964, may be exported under the previous general license provisions up to and including May 1, 1964. Any such shipment not laden aboard the exporting carrier on or before May 1, 1964, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64-4191; Filed, Apr. 29, 1964; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Peace Corps

Section 213.3360 is amended to show that the position of Deputy Associate Director for Planning, Evaluation, and Research, is excepted under Schedule C, and that the word Research is added to the titles of these three other Schedule C positions: The Associate Director, Office of Planning, Evaluation, and Research; The Director, Division of Planning, Office of Planning, Evaluation, and Research; The Director, Division of Evaluation, Office of Planning, Evaluation, and Research. Effective on publication in the FEDERAL REGISTER, paragraphs (j), (q), and (w) of § 213.3360 are amended, and paragraph (x) is added as set out below.

§ 213.3360 Peace Corps.

* * * * * *

(j) Associate Director, Office of Planning, Evaluation, and Research.

* * * * * *

(q) Director, Division of Planning, Office of Planning, Evaluation, and Research.

* * * * * *

(w) Director, Division of Evaluation, Office of Planning, Evaluation, and Research.

* * * * * *

(x) Deputy Associate Director, Office of Planning, Evaluation, and Research.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-4300; Filed, Apr. 29, 1964; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Second Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, as Amended, Fiscal Year 1964

The funds available for purposes of the National School Lunch Act (42 U.S.C., 1751–1760) for food assistance for the fiscal year ending June 30, 1964, are reapportioned as follows in order to effect a further apportionment of supplemental funds pursuant to section 4 of the Act.

State	Total	State agency	Withheld for private schools
Alabama	$3,704,540	$3,612,770	$91,770
Alaska	106,839	106,839	
Arizona	1,034,769	978,512	56,257
Arkansas	2,029,461	1,966,145	63,316
California	6,431,065	6,431,065	
Colorado	1,155,852	1,070,378	85,474
Connecticut	1,063,533	1,063,533	
Delaware	221,436	217,238	4,198
District of Columbia	186,433	186,433	
Florida	4,074,462	3,954,761	119,701
Georgia	4,421,297	4,421,297	
Guam	71,257	63,226	8,031
Hawaii	634,395	592,383	42,012
Idaho	584,907	569,897	15,010
Illinois	4,237,468	4,237,468	
Indiana	2,847,591	2,847,591	
Iowa	2,118,692	1,866,324	252,368
Kansas	1,462,500	1,462,500	
Kentucky	3,219,741	3,219,741	
Louisiana	4,316,038	4,316,038	
Maine	696,347	611,616	84,731
Maryland	1,633,241	1,551,972	81,269
Massachusetts	2,468,896	2,468,896	
Michigan	3,915,920	3,409,845	506,775
Minnesota	2,581,918	2,223,990	357,928
Mississippi	3,189,949	3,189,949	
Missouri	2,635,553	2,635,553	
Montana	443,710	411,146	32,564
Nebraska	893,318	742,262	151,056
Nevada	112,164	110,786	1,378
New Hampshire	353,987	353,987	
New Jersey	2,149,464	1,830,106	319,358
New Mexico	872,457	872,457	
New York	7,386,649	7,386,649	
North Carolina	5,267,525	5,267,525	
North Dakota	561,020	494,017	67,003
Ohio	5,280,391	4,598,621	681,770
Oklahoma	1,781,373	1,781,373	
Oregon	1,137,365	1,137,365	
Pennsylvania	5,690,426	4,869,243	821,183
Puerto Rico	3,593,185	3,593,185	
Rhode Island	352,464	352,464	
South Carolina	3,228,311	3,192,582	35,729
South Dakota	490,771	490,771	
Tennessee	3,521,401	3,449,144	72,257
Texas	6,431,165	6,161,430	269,735
Utah	846,640	841,963	4,677
Vermont	250,397	250,397	
Virginia	3,159,831	3,079,703	80,128
Virgin Islands	63,434	63,434	
Washington	1,668,983	1,621,556	67,427
West Virginia	1,544,473	1,503,851	40,622
Wisconsin	2,417,878	1,865,231	552,647
Wyoming	232,418	232,418	
Samoa, American	25,000	25,000	
Total	120,810,000	115,844,626	4,965,374

(Secs. 2–12, 60 Stat. 230–233, as amended, 76 Stat. 944, 42 U.S.C. 1751–1760, Public Law 87–823)

Dated: April 24, 1964.

ROY W. LENNARTSON,
Acting Administrator.

[F.R. Doc. 64-4288; Filed, Apr. 29, 1964; 8:46 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestations of the khapra beetle have been determined to exist in the premises listed below. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

ARIZONA

Baxter Dees Farm, Route 3, Box 297, Yuma, located ½ mile south of Highway 95 on the east side of road going south from Gila Center Store.

Arlan Hall Chicken Pen, P.O. Box 1590, Yuma, located 1½ miles east of Gila Center Store and ⅘ mile north of Highway 95.

S & W Feed Lot, P.O. Box 1590, Yuma, located 1 mile east of Gila Center Store and ⅘ mile north of Highway 95.

Arthur Smart Hog Farm, Route 1, Box 642, Yuma, located ½ mile south of 13th on Avenue F–½.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76–2)

These administrative instructions shall become effective April 30, 1964.

These administrative instructions designate certain premises in Arizona, in which khapra beetle infestations have been determined to exist, as regulated areas under the khapra beetle quarantine and regulations.

These instructions impose restrictions supplementing khapra beetle quarantine regulations already in effect. They must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 24th day of April 1964.

[SEAL] E. D. BURGESS,
Director, Plant Pest Control Division.

[F.R. Doc. 64-4290; Filed, Apr. 29, 1964; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Peach Order 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

§ 918.305 Peach Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of peaches as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 1, 1964. The committee held an open meeting on April 23, 1964, after giving due notice thereof, to consider supply and market conditions for fresh peaches grown in Georgia, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such peaches. Shipments of the early varieties of the current crop of peaches are expected to begin on or before May 15, 1964, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., e.s.t., May 1, 1964, and ending at 12:01 a.m., e.s.t, September 1, 1964, no handler shall ship (except peaches in bulk to destinations in the adjacent markets):

(1) Any peaches which do not meet the requirements of the U.S. No. 1 grade with respect to maturity, worms, worm holes, and decay; and

(2) Any peaches which are smaller than 1⅝ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in any such lot, may be smaller than 1⅝ inches in diameter.

(c) The maturity regulations contained in § 918.400 of this part are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (b) of this section.

(d) The inspection requirement contained in § 918.64 of this part is hereby suspended with respect to peaches in bulk shipped to destinations in the adjacent markets during the period specified in paragraph (b) of this section.

(e) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the revised United States Standards for Peaches (7 CFR 51.1210–51.1223).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 29, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-4292; Filed, Apr. 29, 1964; 11:44 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreement and Orders; Milk), Department of Agriculture

[Milk Order 35]

PART 1035—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

Order Amending Order

Correction

In F.R. Doc. 64-4218 appearing in the issue for Wednesday, April 29, 1964, at page 5669, §§ 1035.71 and 1035.72 appear incorrectly. They should read as set forth below:

§ 1035.71 Payments to producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 1035.62(a), less (a) the amount of deductions authorized pursuant to § 1035.72(a) (4) and itemized on the handler's producer payroll: *Provided*, That such deductions for each individual producer shall not exceed the total value of the milk received from such producer during the month, and (b) an amount not to exceed the value of milk received from producers to whom the request to make payment pursuant to § 1035.72(c) applies computed at the rate of the uniform price adjusted by the butterfat and location differentials pursuant to §§ 1035.73 and 1035.74.

§ 1035.72 Payments to producers.

(a) Except as provided in paragraph (c) of this section, on or before the 16th day after the end of each month, the market administrator shall make payment to each producer for milk received from him during the month by each handler from whom the appropriate payments have been received pursuant to § 1035.71(a) at the uniform price computed pursuant to § 1035.61 subject to the following adjustments:

(1) The butterfat differential pursuant to § 1035.73;

(2) The location differential pursuant to § 1035.74;

(3) Less marketing service deductions pursuant to § 1035.77(a);

(4) Less proper deductions authorized in writing by the producer: *Provided*, That for producers who are members of a cooperative association which receives payment for milk pursuant to paragraph (b) of this section, such authorization for hauling and assignments shall be by the cooperative association; and

(5) Adjusted for any error in making payment to such producer for past months: *Provided*, That if the balance in the producer-settlement fund not otherwise obligated is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments pro rata and shall complete such payments on or before the next date for making payments pursuant to this section following that on which such balance of payment is received;

(b) In making payments to producers pursuant to paragraph (a) of this section, the market administrator shall pay on or before the 14th day after the end of the month to:

(1) A cooperative association qualified under § 1035.77(b) which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, the aggregate of the payments calculated pursuant to paragraph (a) of this section for all producers certified to the market administrator by such cooperative association as having authorized such association to receive such payments, and

(2) Each handler an amount, if any, by which payments to producers for milk required pursuant to paragraph (c) of this section, before deductions for marketing services, exceeds the amount deducted pursuant to § 1035.71 (a) and (b) with respect to such milk.

(c) On or before the 16th day after the end of each month, each handler shall pay each producer, who is not a member of a cooperative association qualified pursuant to § 1035.77(b) and for whom a written request to make payments has been filed by the handler with the market administrator, for milk received from him during the month at not less than the uniform price as adjusted pursuant to paragraphs (a) (1), (2), (3), and (4) of this section; and

(d) In making the payments to producers pursuant to paragraphs (a), (b), and (c) of this section, the payer shall furnish each producer or cooperative association, as the case may be, with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The amount or the rate per hundredweight of milk and nature of each deduction claimed by the handler; and

(5) The net amount of payment to such producer.

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regulations, 1964 Crop Oats Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964 Crop Oats Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subse-

quent Crops (29 F.R. 2686) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented

the Official Grain Standards of the United States for Oats, whether or not the determination is made on the basis of an official inspection.

and quantity after drying or blending the oats to a moisture content of not over 14 percent. The quantity shown on the supplemental certificate shall reflect a drying or blending shrink as specified

§ 1421.2624 Determination of quantity.

Maturity date of Feb. 28, 1965	Deduction (cents per bushel)	Maturity date of Apr. 30, 1965
(1)		(1)
	11	Prior to Apr. 28, 1964

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$0.66	Lee	$0.66
Alexander	.69	Livingston	.66
Bond	.67	Logan	.66

quent Crops (29 F.R. 2686) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1964 crop of oats as follows:

Sec.
1421.2620 Purpose.
1421.2621 Availability of price support.
1421.2622 Eligible oats.
1421.2623 Determination of quality.
1421.2624 Determination of quantity.
1421.2625 Warehouse receipts.
1421.2626 Service charges.
1421.2627 Warehouse charges.
1421.2628 Maturity of loans.
1421.2629 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2620 Purpose.

This supplement contains additional program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops and any amendments thereto, apply to loans and purchases for the 1964-crop oats. (Such regulations are referred to herein as "General Regulations".)

§ 1421.2621 Availability and disbursement.

Producers desiring price support must file an application not later than January 31, 1965. Loans shall be available through March 31, 1965, in States having a maturity date of April 30, and through January 31, 1965, in States having a maturity date of February 28.

§ 1421.2622 Eligible oats.

(a) *General.* The oats must be merchantable for use as food or feed or for other uses, as determined by CCC, and must not contain mercurial compounds or other substances poisonous to man or animals in order to be eligible for price support.

(b) *Warehouse stored loan grade requirements.* Oats to be placed under a warehouse storage loan also must meet the following requirements:

(1) The oats must grade No. 3 or better, except that (i) they may grade No. 4 on the factor of test weight, and because of being badly stained or materially weathered, and (ii) they may have the special grade designation "Garlicky".

(2) The oats must not grade "Weevily" or have moisture over 14 percent unless the warehouse receipt representing the oats is accompanied by a supplemental certificate which provides that the warehouseman shall deliver oats which are not "Weevily", do not contain in excess of 14 percent moisture, and are otherwise of an eligible grade and quality. The grade, quality and quantity shown on the supplemental certificate shall be as provided in § 1421.2625(b) of the regulations of this part.

(3) The oats must not grade Smutty, Ergoty, Bleached or Thin or otherwise of a distinctly low quality.

§ 1421.2623 Determination of quality.

The grade, grading factors and all other quality factors shall be based on the Official Grain Standards of the United States for Oats, whether or not the determination is made on the basis of an official inspection.

§ 1421.2624 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 32 pounds of oats. In determining the quantity of sacked oats by weight, a deduction of ¾ of a pound for each sack shall be made.

(a) *In warehouse.* The quantity of oats on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable. If the oats have been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or the supplemental certificate, if applicable, shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight of 1.2 times the percentage difference between the moisture content of the oats, when received, and 14 percent.

(b) *On farm.* The quantity eligible to be placed under farm-storage loan will be determined in accordance with § 1421.67. The quantity acquired by CCC from farm storage under a loan or purchase shall be determined by weight.

§ 1421.2625 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate receipt must be submitted for each grade and class of oats.

(b) *Entries for weight and grade.* Each warehouse receipt, or the warehouseman's supplemental certificate properly identified with the warehouse receipt must show: (1) Net weight and bushels, (2) class, (3) grade (including special grades), (4) test weight, (5) moisture if in excess of 14 percent, (6) any other grading factor(s) when such factor(s) and not test weight determine the grade.

(c) *Where warehouse receipt shows "Weevily" or moisture over 14 percent.* If a warehouse receipt tendered for a warehouse storage loan indicates the oats grade "Weevily" or contain over 14 percent moisture the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.2622. The grade, grading factors and the quantity to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows "Weevily" and the oats have been conditioned to remove the "Weevily" designation, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt.

(2) When the warehouse receipt shows the oats contain more than 14 percent moisture and the oats have been dried or blended, the supplemental certificate must show the grade, grading factors and quantity after drying or blending the oats to a moisture content of not over 14 percent. The quantity shown on the supplemental certificate shall reflect a drying or blending shrink as specified in § 1421.2624.

(3) The supplemental certificate must state that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(4) In the case of conditions in subparagraphs (1) and (2) of this paragraph, the grade and grading factors and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipts.

(c) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.2627.

§ 1421.2626 Service charges.

A charge of one half cent per bushel will be made for the quantity acquired by CCC and shall be handled in accordance with § 1421.60(b).

§ 1421.2627 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the oats represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the oats are deposited in the warehouse for storage. Warehouse receipts and the oats represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the oats when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from the amount of the loan or purchase price in the case of oats stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on oats stored in warehouses operating under the Uniform Grain Storage Agreement shall be the latest of the following:

(1) The date of deposit

(2) The date storage charges start or

(3) The day following the date through which the storage charges have been paid.

If none of the foregoing dates is shown, the date of the warehouse receipt shall be used.

Maturity date of Feb. 28, 1965	Deduction (cents per bushel)	Maturity date of Apr. 30, 1965
(1)	11	(1).
	10	Prior to Apr. 28, 1964.
Prior to Apr. 25, 1964	9	Apr. 28 to June 2, 1964.
Apr. 25 to May 30, 1964	8	June 3 to July 8, 1964.
May 31 to July 5, 1964	7	July 9 to Aug. 14, 1964.
July 6 to Aug. 11, 1964	6	Aug. 15 to Sept. 20, 1964.
Aug. 12 to Sept. 17, 1964	5	Sept. 21 to Oct. 27, 1964.
Sept. 18 to Oct. 24, 1964	4	Oct. 28 to Dec. 3, 1964.
Oct. 25 to Nov. 30, 1964	3	Dec. 4, 1964 to Jan. 9, 1965.
Dec. 1, 1964 to Jan. 6, 1965	2	Jan. 10 to Feb. 15, 1965.
Jan. 7 to Feb. 28, 1965	1	Feb. 16 to Mar. 24, 1965.
		Mar. 25 to Apr. 30, 1965.

(1) Dates storage charges start, all dates inclusive.

(c) *Deduction of storage charges—Eastern common carriers.* In the case of oats stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 1421.2628 Maturity of loans.

Unless demand is made earlier, loans on oats stored in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, mature on February 28, 1965, and loans on oats stored in all other States mature on April 30, 1965.

§ 1421.2629 Support rates.

(a) *Basic support rates.* The basic county support rates for use in making loans and for use in settling loans and for purchases are listed below. Farm stored loans shall be made at the basic support rate for the county in which the oats were produced, adjusted by the Weed Control discount where applicable. Warehouse stored loans, farm storage loan settlements and purchases shall be made on the basis of the basic support rate for the county in which the oats were produced adjusted by the premiums and discounts shown in paragraph (b) of this section and any other discounts established by CCC, applicable to the grade and quality of the commodity on which the loan or settlement is made. The basic county support rate applies to oats grading No. 3, having moisture not in excess of 14 percent.

ALABAMA

County	Rate per bushel
All counties	$0.76

ALASKA

All counties	$1.20

ARIZONA

All counties	$0.81

ARKANSAS

All counties	$0.73

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$0.77	Plumas	$0.73
Alpine	.75	Riverside	.77
Amador	.75	Sacramento	.75
Butte	.74	San Benito	.76
Calaveras	.75	San Bernardino	.77
Colusa	.75	San Diego	.77
Contra Costa	.77	San Francisco	.77
Del Norte	.73	San Joaquin	.76
El Dorado	.75	San Luis Obispo	.76
Fresno	.76	San Mateo	.77
Glenn	.74	Santa Barbara	.76
Humboldt	.75	Santa Clara	.77
Imperial	.77	Santa Cruz	.76
Inyo	.77	Shasta	.72
Kern	.77	Sierra	.73
Kings	.76	Siskiyou	.71
Lake	.75	Solano	.77
Lassen	.72	Sonoma	.76
Los Angeles	.78	Stanislaus	.76
Madera	.76	Sutter	.75
Marin	.77	Tehama	.73
Mariposa	.76	Trinity	.75
Mendocino	.75	Tulare	.76
Merced	.76	Tuolumne	.75
Modoc	.71	Ventura	.77
Mono	.76	Yolo	.76
Monterey	.76	Yuba	.74
Napa	.76		
Nevada	.73		
Orange	.77		
Placer	.74		

COLORADO

All counties	$0.68

CONNECTICUT

All counties	$0.76

DELAWARE

All counties	$0.75

FLORIDA

All counties	$0.80

GEORGIA

All counties	$0.76

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.68	Gem	$0.68
Adams	.66	Gooding	.67
Bannock	.66	Idaho	.65
Bear Lake	.66	Jefferson	.64
Benewah	.66	Jerome	.67
Bingham	.64	Kootenai	.66
Blaine	.66	Latah	.67
Boise	.68	Lemhi	.64
Bonner	.64	Lewis	.66
Bonneville	.64	Lincoln	.67
Boundary	.64	Madison	.64
Butte	.64	Minidoka	.67
Camas	.67	Nez Perce	.67
Canyon	.68	Oneida	.66
Caribou	.65	Owyhee	.68
Cassia	.67	Payette	.68
Clark	.64	Power	.66
Clearwater	.66	Shoshone	.64
Custer	.64	Teton	.64
Elmore	.68	Twin Falls	.67
Franklin	.66	Valley	.66
Fremont	.64	Washington	.67

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$0.66	Lee	$0.66
Alexander	.69	Livingston	.66
Bond	.67	Logan	.66
Boone	.66	McDonough	.66
Brown	.66	McHenry	.66
Bureau	.66	McLean	.66
Calhoun	.67	Macon	.66
Carroll	.66	Macoupin	.67
Cass	.66	Madison	.68
Champaign	.66	Marion	.68
Christian	.66	Marshall	.66
Clark	.67	Mason	.66
Clay	.68	Massac	.69
Clinton	.68	Menard	.66
Coles	.66	Mercer	.66
Cook	.68	Monroe	.69
Crawford	.68	Montgomery	.67
Cumberland	.67	Morgan	.66
De Kalb	.66	Moultrie	.66
De Witt	.66	Ogle	.66
Douglas	.66	Peoria	.66
Du Page	.66	Perry	.69
Edgar	.66	Piatt	.66
Edwards	.69	Pike	.66
Effingham	.67	Pope	.70
Fayette	.67	Pulaski	.69
Ford	.66	Putnam	.66
Franklin	.69	Randolph	.69
Fulton	.66	Richland	.68
Gallatin	.70	Rock Island	.66
Greene	.67	St. Clair	.69
Grundy	.66	Saline	.70
Hamilton	.69	Sangamon	.66
Hancock	.66	Schuyler	.66
Hardin	.70	Scott	.66
Henderson	.66	Shelby	.66
Henry	.66	Stark	.66
Iroquois	.66	Stephenson	.66
Jackson	.69	Tazewell	.66
Jasper	.68	Union	.69
Jefferson	.69	Vermillion	.66
Jersey	.67	Wabash	.69
Jo Daviess	.66	Warren	.66
Johnson	.69	Washington	.69
Kane	.66	Wayne	.69
Kankakee	.66	White	.69
Kendall	.66	Whiteside	.66
Knox	.66	Will	.67
Lake	.67	Williamson	.69
La Salle	.66	Winnebago	.66
Lawrence	.68	Woodford	.66

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$0.67	Jackson	$0.69
Allen	.67	Jasper	.66
Bartholomew	.68	Jay	.67
Benton	.66	Jefferson	.70
Blackford	.67	Jennings	.70
Boone	.67	Johnson	.67
Brown	.69	Knox	.69
Carroll	.67	Kosciusko	.67
Cass	.67	Lagrange	.68
Clark	.69	Lake	.67
Clay	.67	La Porte	.66
Clinton	.67	Lawrence	.69
Crawford	.69	Madison	.67
Daviess	.69	Marion	.67
Dearborn	.70	Marshall	.67
Decatur	.68	Martin	.69
De Kalb	.67	Miami	.67
Delaware	.67	Monroe	.69
Dubois	.69	Montgomery	.67
Elkhart	.68	Morgan	.67
Fayette	.67	Newton	.66
Floyd	.69	Noble	.67
Fountain	.66	Ohio	.70
Franklin	.69	Orange	.69
Fulton	.67	Owen	.67
Gibson	.69	Parke	.66
Grant	.67	Perry	.69
Greene	.69	Pike	.69
Hamilton	.67	Porter	.67
Hancock	.67	Posey	.69
Harrison	.69	Pulaski	.67
Hendricks	.67	Putnam	.67
Henry	.67	Randolph	.67
Howard	.67	Ripley	.70
Huntington	.67	Rush	.67

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
St. Joseph	$0.68	Vanderburgh	$0.69
Scott	.70	Vermillion	.66

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Kearney	$0.70	Rawlins	$0.68
Kingman	.70	Reno	.69

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.61	Marshall	$0.54
Anoka	.63	Martin	.61

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Osage	$0.70	St Louis	$0.69
Ozark	.71	Saline	.68

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Phelps	$0.65	Sherman	$0.63
Pierce	.62	Sioux	.62

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Ottawa	$0.70	Stark	$0.73
Paulding	.68	Summit	.70

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
St. Joseph	$0.68	Vanderburgh	$0.69
Scott	.70	Vermillion	.66
Shelby	.67	Vigo	.67
Spencer	.69	Wabash	.67
Starke	.67	Warren	.66
Steuben	.68	Warrick	.69
Sullivan	.68	Washington	.69
Switzerland	.70	Wayne	.67
Tippecanoe	.67	Wells	.67
Tipton	.67	White	.67
Union	.67	Whitley	.67

IOWA

Adair	$0.65	Jefferson	$0.66
Adams	.65	Johnson	.66
Allamakee	.66	Jones	.66
Appanoose	.65	Keokuk	.65
Audubon	.64	Kossuth	.64
Benton	.66	Lee	.66
Black Hawk	.65	Linn	.66
Boone	.64	Louisa	.66
Bremer	.65	Lucas	.65
Buchanan	.65	Lyon	.62
Buena Vista	.64	Madison	.65
Butler	.64	Mahaska	.65
Calhoun	.64	Marion	.65
Carroll	.64	Marshall	.64
Cass	.65	Mills	.66
Cedar	.66	Mitchell	.64
Cerro Gordo	.64	Monona	.63
Cherokee	.63	Monroe	.65
Chickasaw	.65	Montgomery	.65
Clark	.65	Muscatine	.66
Clay	.64	O'Brien	.63
Clayton	.66	Osceola	.62
Clinton	.66	Page	.65
Crawford	.63	Palo Alto	.64
Dallas	.64	Plymouth	.63
Davis	.66	Pocahontas	.64
Decatur	.65	Polk	.64
Delaware	.66	Pottawattamie	.65
Des Moines	.66	Poweshiek	.64
Dickinson	.63	Ringgold	.65
Dubuque	.66	Sac	.64
Emmet	.63	Scott	.66
Fayette	.66	Shelby	.64
Floyd	.64	Sioux	.62
Franklin	.64	Story	.64
Fremont	.65	Tama	.64
Greene	.64	Taylor	.66
Grundy	.64	Union	.65
Guthrie	.64	Van Buren	.66
Hamilton	.64	Wapello	.65
Hancock	.64	Warren	.65
Hardin	.64	Washington	.66
Harrison	.64	Wayne	.65
Henry	.66	Webster	.64
Howard	.65	Winnebago	.64
Humboldt	.64	Winneshiek	.66
Ida	.63	Woodbury	.63
Iowa	.65	Worth	.64
Jackson	.66	Wright	.64
Jasper	.64		

KANSAS

Allen	$0.68	Edwards	$0.69
Anderson	.68	Elk	.69
Atchison	.68	Ellis	.68
Barber	.71	Ellsworth	.68
Barton	.69	Finney	.70
Bourbon	.69	Ford	.70
Brown	.67	Franklin	.68
Butler	.70	Geary	.68
Chase	.69	Gove	.69
Chautauqua	.70	Graham	.68
Cherokee	.70	Grant	.70
Cheyenne	.68	Gray	.70
Clark	.71	Greeley	.69
Clay	.67	Greenwood	.69
Cloud	.67	Hamilton	.70
Coffey	.68	Harper	.71
Comanche	.71	Harvey	.69
Cowley	.70	Haskell	.70
Crawford	.69	Hodgeman	.69
Decatur	.67	Jackson	.68
Dickinson	.68	Jefferson	.68
Doniphan	.68	Jewell	.66
Douglas	.68	Johnson	.69

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Kearney	$0.70	Rawlins	$0.68
Kingman	.70	Reno	.69
Kiowa	.70	Republic	.66
Labette	.70	Rice	.67
Lane	.69	Riley	.67
Leavenworth	.69	Rooks	.67
Lincoln	.67	Rush	.69
Linn	.68	Russell	.68
Logan	.69	Saline	.68
Lyon	.68	Scott	.69
McPherson	.69	Sedgwick	.70
Marion	.69	Seward	.71
Marshall	.67	Shawnee	.68
Meade	.71	Sheridan	.68
Miami	.68	Sherman	.68
Mitchell	.67	Smith	.66
Montgomery	.70	Stafford	.69
Morris	.68	Stanton	.70
Morton	.71	Stevens	.71
Nemaha	.67	Sumner	.71
Neosho	.69	Thomas	.68
Ness	.69	Trego	.68
Norton	.67	Wabaunsee	.68
Osage	.68	Wallace	.69
Osborne	.67	Washington	.66
Ottawa	.67	Wichita	.69
Pawnee	.69	Wilson	.69
Phillips	.66	Woodson	.68
Pottawatomie	.67	Wyandotte	.69
Pratt	.70		

KENTUCKY

All counties $0.76

LOUISIANA

All counties $0.75

MAINE

All counties $0.76

MARYLAND

All counties $0.75

MASSACHUSETTS

All counties $0.76

MICHIGAN

Alcona	$0.67	Keweenaw	$0.68
Alger	.69	Lake	.69
Allegan	.69	Lapeer	.67
Alpena	.67	Leelanau	.68
Antrim	.68	Lenawee	.68
Arenac	.67	Livingston	.68
Baraga	.68	Luce	.69
Barry	.69	Mackinac	.69
Bay	.67	Macomb	.68
Benzie	.68	Manistee	.69
Berrien	.68	Marquette	.68
Branch	.68	Mason	.69
Calhoun	.68	Mecosta	.68
Cass	.68	Menominee	.68
Charlevoix	.68	Midland	.67
Cheybogan	.68	Missaukee	.68
Chippewa	.69	Monroe	.68
Clare	.68	Montcalm	.68
Clinton	.68	Montmorency	.67
Crawford	.67	Muskegon	.69
Delta	.68	Newaygo	.69
Dickinson	.68	Oakland	.68
Eaton	.68	Oceana	.69
Emmet	.68	Ogemaw	.67
Genesee	.67	Ontonagon	.68
Gladwin	.67	Osceola	.68
Gogebic	.68	Oscoda	.67
Grand Traverse	.68	Otsego	.68
Gratiot	.68	Ottawa	.69
Hillsdale	.68	Presque Isle	.67
Houghton	.68	Roscommon	.67
Huron	.67	Saginaw	.67
Ingham	.68	St. Clair	.68
Ionia	.68	St. Joseph	.68
Iosco	.67	Sanilac	.67
Iron	.68	Schoolcraft	.69
Isabella	.68	Shiawassee	.67
Jackson	.68	Tuscola	.67
Kalamazoo	.69	Van Buren	.69
Kalkaska	.68	Washtenaw	.68
Kent	.69	Wayne	.68
		Wexford	.69

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.61	Marshall	$0.54
Anoka	.63	Martin	.61
Becker	.57	Meeker	.61
Beltrami	.56	Mille Lacs	.61
Benton	.61	Morrison	.60
Big Stone	.58	Mower	.62
Blue Earth	.62	Murray	.59
Brown	.61	Nicollet	.62
Carlton	.62	Nobles	.60
Carver	.63	Norman	.55
Cass	.59	Olmsted	.62
Chippewa	.59	Otter Tail	.58
Chisago	.63	Pennington	.56
Clay	.56	Pine	.62
Clearwater	.57	Pipestone	.59
Cook	.63	Polk	.55
Cottonwood	.60	Pope	.59
Crow Wing	.60	Ramsey	.63
Dakota	.63	Red Lake	.56
Dodge	.62	Redwood	.60
Douglas	.59	Renville	.61
Faribault	.62	Rice	.62
Fillmore	.63	Rock	.60
Freeborn	.62	Roseau	.55
Goodhue	.62	St. Louis	.62
Grant	.58	Scott	.63
Hennepin	.63	Sherburne	.62
Houston	.63	Sibley	.62
Hubbard	.58	Stearns	.61
Isanti	.62	Steele	.62
Itasca	.59	Stevens	.58
Jackson	.61	Swift	.59
Kanabec	.62	Todd	.60
Kandiyohi	.61	Traverse	.57
Kittson	.54	Wabasha	.62
Koochiching	.58	Wadena	.59
Lac Qui Parle	.59	Waseca	.63
Lake	.63	Washington	.63
Lake of the Woods	.56	Watonwan	.61
Le Sueur	.62	Wilkin	.57
Lincoln	.59	Winona	.63
Lyon	.59	Wright	.62
McLeod	.62	Yellow Medicine	.59
Mahnomen	.56		

MISSISSIPPI

All counties $0.75

MISSOURI

Adair	$0.68	Gentry	$0.67
Andrew	.67	Greene	.69
Atchison	.66	Grundy	.67
Audrain	.67	Harrison	.67
Barry	.70	Henry	.68
Barton	.69	Hickory	.68
Bates	.68	Holt	.67
Benton	.68	Howard	.69
Bollinger	.70	Howell	.71
Boone	.69	Iron	.70
Buchanan	.69	Jackson	.68
Butler	.70	Jasper	.69
Caldwell	.69	Jefferson	.69
Callaway	.69	Johnson	.68
Camden	.69	Knox	.67
Cape Girardeau	.69	Laclede	.69
Carroll	.68	LaFayette	.68
Carter	.70	Lawrence	.69
Cass	.68	Lewis	.66
Cedar	.68	Lincoln	.68
Charlton	.68	Linn	.68
Christian	.70	Livingston	.68
Clark	.66	McDonald	.70
Clay	.69	Macon	.68
Clinton	.69	Madison	.70
Cole	.69	Maries	.70
Cooper	.69	Marion	.66
Crawford	.70	Mercer	.67
Dade	.68	Miller	.69
Dallas	.69	Mississippi	.69
Daviess	.68	Moniteau	.69
De Kalb	.68	Monroe	.67
Dent	.70	Montgomery	.69
Douglas	.70	Morgan	.69
Dunklin	.70	New Madrid	.70
Franklin	.70	Newton	.69
Gasconade	.70	Nodaway	.66
		Oregon	.71

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Osage	$0.70	St Louis	$0.69
Ozark	.71	Saline	.68
Pemiscott	.70	Schuyler	.67
Perry	.69	Scotland	.66
Pettis	.69	Scott	.69
Phelps	.70	Shannon	.70
Pike	.66	Shelby	.67
Platte	.69	Stoddard	.70
Polk	.68	Stone	.70
Pulaski	.69	Sullivan	.67
Putnam	.67	Taney	.71
Ralls	.66	Texas	.69
Randolph	.68	Vernon	.68
Ray	.69	Warren	.69
Reynolds	.70	Washington	.70
Ripley	.71	Wayne	.70
St. Charles	.68	Webster	.69
St. Clair	.68	Worth	.66
Ste. Genevieve	.69	Wright	.69
St. Francois	.70		

MONTANA

Beaverhead	$0.63	Madison	$0.61
Big Horn	.59	Meagher	.59
Blaine	.55	Mineral	.63
Broadwater	.59	Missoula	.62
Carbon	.59	Musselshell	.58
Carter	.58	Park	.59
Cascade	.59	Petroleum	.57
Chouteau	.56	Phillips	.55
Custer	.57	Pondera	.57
Daniels	.54	Powder River	.58
Dawson	.54	Powell	.61
Deer Lodge	.61	Prairie	.56
Fallon	.55	Ravalli	.62
Fergus	.57	Richland	.54
Flathead	.61	Roosevelt	.53
Gallatin	.59	Rosebud	.57
Garfield	.55	Sanders	.63
Glacier	.58	Sheridan	.53
Golden Valley	.58	Silver Bow	.61
Granite	.62	Stillwater	.59
Hill	.56	Sweet Grass	.59
Jefferson	.60	Teton	.57
Judith Basin	.58	Toole	.57
Lake	.62	Treasure	.59
Lewis and Clark	.60	Valley	.55
Liberty	.57	Wheatland	.58
Lincoln	.63	Wilbaux	.55
McCone	.56	Yellowstone	.59

NEBRASKA

Adams	$0.65	Garden	$0.63
Antelope	.62	Garfield	.62
Arthur	.63	Gosper	.65
Banner	.63	Grant	.62
Blaine	.62	Greeley	.63
Boone	.63	Hall	.64
Box Butte	.63	Hamilton	.64
Boyd	.61	Harlan	.65
Brown	.62	Hayes	.66
Buffalo	.64	Hitchcock	.67
Burt	.63	Holt	.62
Butler	.64	Hooker	.62
Cass	.65	Howard	.63
Cedar	.62	Jefferson	.65
Chase	.66	Johnson	.66
Cherry	.62	Kearney	.65
Cheyenne	.64	Keith	.64
Clay	.65	Keya Paha	.61
Colfax	.64	Kimball	.64
Cuming	.63	Knox	.61
Custer	.63	Lancaster	.65
Dakota	.63	Lincoln	.64
Dawes	.63	Logan	.63
Dawson	.64	Loup	.62
Deuel	.64	McPherson	.63
Dixon	.63	Madison	.63
Dodge	.64	Merrick	.63
Douglas	.65	Morrill	.63
Dundy	.67	Nance	.63
Fillmore	.65	Nemaha	.66
Franklin	.65	Nuckolls	.65
Frontier	.65	Otoe	.65
Furnas	.66	Pawnee	.66
Gage	.66	Perkins	.65

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Phelps	$0.65	Sherman	$0.63
Pierce	.62	Sioux	.63
Platte	.63	Stanton	.63
Polk	.63	Thayer	.65
Red Willow	.66	Thomas	.62
Richardson	.66	Thurston	.63
Rock	.62	Valley	.63
Saline	.65	Washington	.64
Sarpy	.65	Wayne	.62
Saunders	.65	Webster	.65
Scotts Bluff	.63	Wheeler	.62
Seward	.64	York	.64
Sheridan	.63		

NEVADA

All counties $0.78

NEW JERSEY

All counties $0.76

NEW MEXICO

All counties $0.75

NEW YORK

All counties $0.75

NORTH CAROLINA

All counties $0.76

NORTH DAKOTA

Adams	$0.54	McKenzie	$0.52
Barnes	.56	McLean	.52
Benson	.54	Mercer	.52
Billings	.53	Mountrail	.51
Bottineau	.52	Morton	.53
Bowman	.54	Nelson	.55
Burke	.51	Oliver	.53
Burleigh	.54	Pembina	.54
Cass	.56	Pierce	.53
Cavalier	.54	Ramsey	.54
Dickey	.56	Ransom	.56
Divide	.51	Renville	.52
Dunn	.52	Richland	.56
Eddy	.55	Rolette	.52
Emmons	.54	Sargent	.56
Foster	.55	Sheridan	.53
Golden Valley	.53	Sioux	.54
Grand Forks	.55	Slope	.53
Grant	.53	Stark	.53
Griggs	.55	Steele	.55
Hettinger	.53	Stutsman	.56
Kidder	.55	Towner	.53
La Moure	.56	Traill	.55
Logan	.55	Walsh	.54
McHenry	.52	Ward	.52
McIntosh	.55	Wells	.54
		Williams	.51

OHIO

Adams	$0.73	Hamilton	$0.70
Allen	.69	Hancock	.69
Allen	.69	Hardin	.69
Ashland	.70	Harrison	.74
Ashtabula	.74	Henry	.69
Athens	.74	Highland	.72
Auglaize	.69	Hocking	.72
Belmont	.75	Holmes	.72
Brown	.72	Huron	.70
Butler	.69	Jackson	.73
Carroll	.74	Jefferson	.75
Champaign	.70	Knox	.70
Clark	.70	Lake	.73
Clermont	.71	Lawrence	.73
Clinton	.71	Licking	.70
Columbiana	.74	Logan	.70
Coshocton	.72	Lorain	.71
Crawford	.70	Lucas	.69
Cuyahoga	.72	Madison	.70
Darke	.68	Mahoning	.74
Defiance	.68	Marion	.70
Delaware	.70	Medina	.72
Erie	.70	Meigs	.74
Fairfield	.70	Mercer	.68
Fayette	.70	Miami	.69
Franklin	.70	Monroe	.75
Fulton	.69	Montgomery	.69
Gallia	.74	Morgan	.74
Geauga	.73	Morrow	.70
Greene	.70	Muskingum	.73
Guernsey	.74	Noble	.74

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Ottawa	$0.70	Stark	$0.73
Paulding	.68	Summit	.72
Perry	.72	Trumbull	.74
Pickaway	.70	Tuscarawas	.73
Pike	.73	Union	.70
Portage	.73	Van Wert	.68
Preble	.68	Vinton	.73
Putnam	.69	Warren	.70
Richland	.70	Washington	.75
Ross	.71	Wayne	.72
Sandusky	.70	Williams	.69
Scioto	.73	Wood	.69
Seneca	.70	Wyandot	.70
Shelby	.69		

OKLAHOMA

All counties $0.72

OREGON

Baker	$0.68	Lake	$0.70
Benton	.73	Lane	.72
Clackamas	.73	Lincoln	.73
Clatsop	.73	Linn	.72
Columbia	.73	Malheur	.68
Coos	.72	Marion	.73
Crook	.71	Morrow	.70
Curry	.72	Multnomah	.73
Deschutes	.71	Polk	.73
Douglas	.72	Sherman	.71
Gilliam	.71	Tillamook	.73
Grant	.70	Umatilla	.69
Harney	.69	Union	.69
Hood River	.73	Wallowa	.68
Jackson	.72	Wasco	.71
Jefferson	.71	Washington	.73
Josephine	.72	Wheeler	.71
Klamath	.70	Yamhill	.73

PENNSYLVANIA

All counties $0.75

RHODE ISLAND

All counties $0.76

SOUTH CAROLINA

All counties $0.76

SOUTH DAKOTA

Armstrong	$0.57	Jackson	$0.57
Aurora	.58	Jerauld	.58
Beadle	.56	Jones	.57
Bennett	.58	Kingsbury	.58
Bon Homme	.59	Lake	.58
Brookings	.59	Lawrence	.56
Brown	.56	Lincoln	.60
Brule	.58	Lyman	.57
Buffalo	.58	McCook	.58
Butte	.56	McPherson	.55
Campbell	.55	Marshall	.56
Charles Mix	.58	Meade	.56
Clark	.57	Mellette	.58
Clay	.61	Miner	.58
Codington	.57	Minnehaha	.59
Corson	.55	Moody	.59
Custer	.59	Pennington	.57
Davison	.58	Perkins	.55
Day	.57	Potter	.56
Deuel	.59	Roberts	.56
Dewey	.56	Sanborn	.58
Douglas	.58	Shannon	.59
Edmunds	.56	Spink	.57
Fall River	.59	Stanley	.57
Faulk	.56	Sully	.57
Grant	.58	Todd	.58
Gregory	.58	Tripp	.58
Haakon	.57	Turner	.60
Hamlin	.58	Union	.61
Hand	.57	Walworth	.56
Hanson	.58	Washabaugh	.58
Harding	.55	Washington	.57
Hughes	.57	Yankton	.60
Hutchinson	.59	Ziebach	.56
Hyde	.57		

TENNESSEE

All counties $0.76

TEXAS

All counties $0.74

UTAH

All counties $0.75

County	Rate per bushel
VIRGINIA	
All counties	$0.75
WASHINGTON	
Adams	$0.68
Asotin	.68
Benton	.70
Chelan	.71
Clallam	.73
Clark	.73
Columbia	.68
Cowlitz	.73
Douglas	.70
Ferry	.69
Franklin	.68
Garfield	.68
Grant	.69
Grays Harbor	.73
Island	.73
Jefferson	.73
King	.73
Kitsap	.73
Kittitas	.71
Klickitat	.71
Lewis	$0.73
Lincoln	.68
Mason	.73
Okanogan	.71
Pacific	.73
Pend Oreille	.66
Pierce	.73
San Juan	.73
Skagit	.73
Skamania	.73
Snohomish	.73
Spokane	.67
Stevens	.67
Thurston	.73
Wahkiakum	.73
Walla Walla	.68
Whatcom	.73
Whitman	.67
Yakima	.71
WEST VIRGINIA	
All counties	$0.76
WISCONSIN	
Adams	$0.66
Ashland	.66
Barron	.64
Bayfield	.66
Brown	.65
Buffalo	.64
Burnett	.64
Calumet	.65
Chippewa	.65
Clark	.65
Columbia	.66
Crawford	.67
Dane	.67
Dodge	.66
Door	.65
Douglas	.64
Dunn	.65
Eau Claire	.65
Florence	.67
Fond du Lac	.66
Forest	.67
Grant	.67
Green	.67
Green Lake	.66
Iowa	.68
Iron	.67
Jackson	.66
Jefferson	.67
Juneau	.66
Kenosha	.66
Kewaunee	.65
LaCrosse	.65
LaFayette	.68
Langlade	.66
Lincoln	.66
Manitowoc	.65
Marathon	$0.66
Marinette	.67
Marquette	.66
Milwaukee	.68
Monroe	.66
Oconto	.66
Oneida	.67
Outagamie	.65
Ozaukee	.67
Pepin	.64
Pierce	.64
Polk	.64
Portage	.66
Price	.66
Racine	.68
Richland	.67
Rock	.67
Rusk	.65
St. Croix	.64
Sauk	.67
Sawyer	.65
Shawano	.66
Sheboygan	.66
Taylor	.66
Trempealeau	.65
Vernon	.66
Vilas	.67
Walworth	.67
Washburn	.64
Washington	.67
Waukesha	.68
Waupaca	.66
Waushara	.66
Winnebago	.65
Wood	.66
WYOMING	
All counties	$0.65

(b) *Premiums and discounts.*

	Cents per bushel
Premiums: [2]	
Grade No. 2 or better	1
Test weight:	
Heavy	1
Extra Heavy	2
Discounts:	
Grade No. 4 on the factor of test weight only but otherwise No. 3 or better	3
Grade No. 4 because of being "badly stained or materially weathered" [2]	7
Grade No. 4 on the factor of test weight and because of being "Badly Stained" or "Materially Weathered"	10
Garlicky [1]	3
Weed control discount (where required by Section 1421.74) [1]	10

[1] These discounts shall be in addition to other applicable discounts.

[2] Premiums shall not be applicable to "badly stained or materially weathered oats".

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 24, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-4252; Filed, Apr. 29, 1964; 8:45 a.m.]

PART 1427—COTTON

Subpart—1964 Cotton Domestic Allotment Program Regulations

Secs.

1427.1901 General.
1427.1902 Administration.
1427.1903 Definitions.
1427.1904 Farm domestic allotments for 1964.
1427.1905 County normal yields, three-year average county yields, farm normal yields, farm productivity indexes, and farm payment rates.
1427.1906 Notice of farm domestic allotment, normal yield, and payment rates.
1427.1907 Appeals.
1427.1908 Requirements for eligibility.
1427.1909 Determinations of compliance.
1427.1910 Additional price support payments.
1427.1911 Issuance of certificates.
1427.1912 Redemption of certificates.
1427.1913 Cash advances.
1427.1914 Marketing of certificates.
1427.1915 Additional provisions relating to tenants and sharecroppers.
1427.1916 Successors-in-interest.
1427.1917 Scheme or device and fraudulent representation.
1427.1918 Reconstitution of farms.
1427.1919 Provision for handling exceptional cases.
1427.1920 Supervisory authority of State committee.
1427.1921 Delegation of authority.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended, secs. 103, 105 and 106, Public Law 88-297, secs. 101, 401, 63 Stat. 1051; 15 U.S.C. 714 (b) and (c); 7 U.S.C. 1421, 1441.

§ 1427.1901 General.

(a) The regulations in this subpart provide terms and conditions for the 1964 domestic allotment program for upland cotton (hereinafter referred to as "the program"). Under the program, additional price support payments are made to producers of upland cotton of the 1964 crop (hereinafter referred to as "cotton") based on the acreage planted to the 1964 crop of cotton on their farms if such acreage is not in excess of the 1964 farm domestic allotments for cotton established for their farms.

(b) The program is applicable in all of the upland cotton producing counties of the United States.

§ 1427.1902 Administration.

(a) The program will be administered under the general supervision of the Administrator, ASCS (Executive Vice President, CCC), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees.

(b) State and county committees and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 1427.1903 Definitions.

In the regulations in this subpart and in all instructions, forms and documents in connection therewith, words and phrases shall have the meanings assigned to them in the Regulations Governing Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages, Part 719 of Chapter VII of this title, as amended, and the Acreage Allotment and Marketing Quota Regulations for the 1964 and Succeeding Crops of Upland Cotton of Part 722 of Chapter VII of this title.

§ 1427.1904 Farm domestic allotments for 1964.

The county committee shall establish a farm domestic allotment for cotton for each farm for 1964 which shall be 67 percent of the smaller of (a) the 1964 farm acreage allotment for cotton for the farm after release and reapportionment or (b) the acreage actually planted or regarded as planted to cotton under the conservation programs on the farm in 1962 or 1963, whichever acreage was the higher, except that if the acreage actually planted or regarded as planted to cotton under the conservation programs on the farm in 1962 or 1963 was 90 percent or more of the farm acreage allotment for cotton for the farm for such year after release and reapportionment, the entire amount of such farm acreage allotment shall be deemed actually planted on the farm for purposes of this determination: *Provided*, That the minimum 1964 farm domestic allotment for cotton for any farm shall be the smaller of 15 acres or the farm acreage allotment for cotton for the farm after release and reapportionment.

§ 1427.1905 County normal yields, three-year average county yields, farm normal yields, farm productivity indexes, and farm payment rates.

(a) *County normal yields.* The normal yields for the 1964 crop of cotton for the various upland cotton producing counties of the United States have been determined and are published in § 722.252 of Chapter VII of this title.

(b) *Appraisal of farm normal yields.* Where a producer does not prove the actual yields of cotton for a farm for each of the years 1961, 1962, and 1963, as provided in § 1427.1907, the normal yield for the farm for the 1964 crop of cotton shall be appraised by the county committee by multiplying the normal yield for the county for the 1964 crop of cotton by the productivity index for cotton on the farm.

(c) *Farm productivity indexes.* The productivity index for cotton on a farm shall be a productivity index determined for the farm by the county committee on the basis of an index of 100 as the average for all cotton farms in the county. The farm productivity index for cotton on the farm shall represent, as nearly as it is practicable to establish, the farm's relationship in productivity to the average of the farms in the county. In arriving at such productivity index, the county committee shall take into consideration the relative production capabilities of the farm for cotton in a normal crop year under usual production practices. The county committee shall make such adjustment as it considers necessary to provide equitable treatment for each farm.

(d) *Farm payment rates.* The farm payment rate per acre shall be the result obtained by multiplying the farm normal yield established under this subpart by the additional price support payment rate per pound of 3½ cents.

§ 1427.1906 Notice of farm domestic allotment, normal yield, and payment rates.

Each operator of a farm which has a 1964 farm acreage allotment for cotton after release and reapportionment shall be notified by the county committee of the farm domestic allotment, normal yield, and per acre payment rate established for his farm. This notice will be on Form MQ-24—Upland Cotton, 1964 Upland Cotton Notice, Farm Domestic Allotment, Normal Yield and Payment Rate.

§ 1427.1907 Appeals.

(a) A producer may request reconsideration of any determination made by a county committee concerning the normal yield and payment rate for his farm, and he may appeal such determination in accordance with the provisions of this paragraph. The producer shall first request reconsideration by the county committee. If the producer is dissatisfied with a determination of the county committee with respect to his request for reconsideration, he may then appeal the determination to the State committee. The producer may also request reconsideration of any determination of the State committee. If he is dissatisfied with a determination of the State committee with respect to his appeal from the determination of the county committee or with respect to his request for reconsideration by the State committee, he may appeal such determination to the Deputy Administrator, in which case the determination of the Deputy Administrator shall be final. Each request for reconsideration or appeal shall be in writing and shall be supported by a written statement of facts upon which it is based. Each request for reconsideration or appeal shall be filed within 15 days after notice of the determination is mailed to or is otherwise made available to the producer: *Provided*, That a request for reconsideration or appeal may be accepted and acted upon even though it is not filed within such time limit if, in the judgment of the committee or person to whom such request for reconsideration or appeal is made, the circumstances warrant such action. Nothing in this paragraph shall preclude the county committee or the State committee, on its own motion or upon request at any time, from revising or requiring revision of any determination for any farm to correct mechanical or clerical errors resulting solely from action by a county or State committee representative.

(b) If a producer proves the actual yields of cotton for a farm for each of the years 1961, 1962, and 1963, a revised normal yield for cotton shall be determined which shall be the three-year weighted average harvested yield for the farm: *Provided*, That the producer whose production records are used to prove yields on the farm shall be required to furnish production data for all other farms in the county or adjoining counties in which he had an interest in any of the years for which the yields are proven (unless there is conclusive evidence that the records presented are in fact for the specific farm), and such data shall be used in making determinations for such other farms in which the producer has an interest in the current year.

§ 1427.1908 Requirements for eligibility.

(a) *General.* A producer is eligible to participate in the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section and all of the other requirements of this subpart.

(b) *Farm-requirements.* (1) The acreage planted to the 1964 crop of cotton on the farm must not exceed the 1964 farm domestic allotment for cotton for the farm: *Provided*, That such allotment shall not be considered as having been exceeded in the following cases:

(i) In any case where through error in a county or State office the farm operator was officially notified in writing of a 1964 farm domestic allotment for cotton which was larger than the correct allotment, the farm operator or other producer on the farm acting solely in reliance on the information contained in the erroneous notice planted an acreage of cotton in excess of the correct allotment, and the farm operator or other producer on the farm is not notified that the correct allotment has been exceeded in time to adjust the acreage of cotton on the farm to the allotment within the time limit for such adjustments. Before the farm operator or any producer on the farm can be said to have relied upon the erroneous notice, the circumstances must have been such that he had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting, the size of the farm, the amount of cotton customarily planted, and all other pertinent facts shall be taken into consideration.

(ii) In any case where (*a*) the lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued in accordance with applicable regulations; (*b*) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the acreage planted to cotton on the farm in accordance with this subpart; (*c*) the incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the cotton acreage for the farm; (*d*) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (*e*) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(iii) In any case where (*a*) through no fault of the farm operator or any producer on the farm the cotton acreage was not measured or the farm operator was not notified of the measured acreage in time to adjust the acreage planted to cotton on the farm in accordance with this subpart; (*b*) the excess acreage was relatively small; and (*c*) the farm operator establishes that because of the relative smallness of the excess and the unavailability to him of any recent measurements of the field acreages on the farm, he had no reason to believe the cotton acreage was in excess of the farm domestic allotment.

(2) Even though a 1964 farm domestic allotment for cotton is established for a farm, if a producer is prohibited from planting cotton on the farm under other Federal farm programs, the farm is not eligible to receive payment under this subpart. Land owned by the Federal government which has been leased subject to restrictions prohibiting the production of cotton, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion of such acreage will not be eligible for participation in the program. Any other land owned by the Federal government which is being occupied without a lease, permit or other right of possession shall not be eligible for participation in the program.

(3) For purposes of compliance with the program, the acreage planted to cotton on the farm may be adjusted to the 1964 farm domestic allotment for the farm in the manner specified in the Acreage Allotment and Marketing Quota Regulations for the 1964 and Succeeding Crops of Upland Cotton of Part 722 of Chapter VII of this title within the applicable disposition dates specified in such regulations.

(4) If the 1964 farm acreage allotment for cotton after release and reapportionment is more than fifteen acres, (i) the farm must be eligible for a feed grain payment under the 1964 and 1965 Feed Grain Program Regulations, Part 775 of Chapter VII of this title, or (ii) the farm feed grain acreage as defined in such regulations must not exceed the total feed grain base as defined in such regulations by more than the larger of (*a*) 2 acres or (*b*) 5 percent of the total feed grain base but not to exceed 15 acres.

(c) *Producer eligibility requirements.* The producer must be a person who produces cotton on the farm in 1964 as landowner, landlord, tenant or sharecropper and is entitled to share in the cotton crop on the farm.

§ 1427.1909 Determinations of compliance.

(a) Determination of the acreage planted to cotton on a farm shall be made by a representative of the county committee or State committee in accordance with the regulations governing Determination of Acreage and Performance, Part 718 of Chapter VII of this title, as amended.

(b) A representative of the State or county committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm concerning which representations have been made on any forms filed under the program in order to measure the acreage planted to cotton, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representations and the performance of his obligations under this subpart.

§ 1427.1910 Additional price support payments.

(a) *Application for payment.* Payment of amounts due producers under this program shall be made after an application for payment, Form ASCS–363, is filed with the county committee, on which the farm operator has certified that the farm is in compliance with the requirements of the program by signing the application, and after the county committee determines that the farm is in compliance with such requirements. An application for payment may not be filed after July 31, 1965, except that an extension of such date will be granted by the State committee if it determines that the producer has been or will be delayed in submitting an application for payment by a cause occurring without his fault or negligence.

(b) *Division of payments.* The payment with respect to any farm shall be shared by all eligible producers on the farm on the same basis as they share in the cotton crop produced on the farm or the proceeds thereof, except that where there are two or more tenants or sharecroppers on the farm, the payment shall be divided in such a way that all eligible producers will share in the payment on a fair and equitable basis. The responsibility for determining the division of payment rests initially with the cotton producers on the farm, all of whom must be listed on the application for payment, Form ASCS–363. The division of payment shall also be shown on Form ASCS–363. The division of payment must be approved by the county committee, which will approve the division of payment if it meets the foregoing requirements, subject to the other provisions of this subpart. If there are two or more tenants or sharecroppers on the farm and the cotton producers on the farm cannot agree on the division of payment, or if the county committee does not approve the division agreed upon as being fair and equitable, the county committee will determine the payment shares to such producers on a fair and equitable basis. In determining what is a fair and equitable basis for division of a payment, the county committee shall consider the basis on which such producers share in the cotton crop produced on the farm or the proceeds thereof, the respective contribution of each producer in complying with the farm domestic allotment, and other pertinent factors. Payments of share amounts so determined shall be made to eligible producers who request payment by signing Form ASCS–363.

(c) *Refund of payments.* Payments which producers receive to which they are not entitled shall be refunded to CCC. If the county committee determines, on the basis of facts discovered after payments with respect to any farm have been made on an approved application for payment, that the division of the payments was not fair and equitable, any payments to which any of the producers were not entitled on the basis of a fair and equitable sharing shall be refunded.

(d) *Amount of payment.* The amount to be paid with respect to any farm on which a payment is earned under this subpart shall be determined by multiplying the farm payment rate per acre by the number of acres of cotton planted for harvest on the farm.

§ 1427.1911 Issuance of certificates.

Payments under this subpart will be made in the form of payment-in-kind certificates. Upon receipt by the county committee of a properly executed and acceptable application for payment, the county committee will, except where the producers have requested CCC's assistance in marketing their certificates, issue to each eligible producer on the farm a cotton payment-in-kind certificate (Form CCC 845) for the amounts to be paid to each producer, subject to the following terms and conditions:

(a) *Payee.* Each certificate will be issued only to the producer who is entitled to the payment, unless CCC consents in writing to the assignment by the producer of his right to payment.

(b) *Face value.* The face value of each certificate, which will be shown in the space provided, will be the amount determined to be payable to the payee. A certificate shall be accepted by CCC at face value, if within 30 days after the date of issuance, it is tendered to CCC for redemption in cotton or for marketing. If after such 30-day period, but not later than the expiration date of the certificate, the certificate is tendered to CCC for redemption in cotton or for marketing, the value at which the certificate is accepted shall be the face value minus one-hundredth of 1 percent of the face value for each day beginning on the 31st day after issuance thereof to but not including the day it is tendered to CCC for redemption or for marketing. Such reduction in value shall cover storage and carrying charges.

(c) *Date of issuance.* The date of issuance shown on each certificate shall be the date the certificate is issued. Substitute certificates issued to replace original certificates never received by the payee shall bear a current date of issuance. Substitute certificates issued to replace other original certificates shall bear the same date of issuance as the certificate being replaced.

(d) *Signature and countersignature.* To be valid, each certificate must be signed and countersigned by authorized representatives of CCC.

(e) *Transfer.* The certificate may be transferred to any person or firm, in which case the certificate must be endorsed by the named payee and by the holder who presents it to CCC.

(f) *Expiration date.* The certificate shall expire three years after date of issuance and thereafter will not be redeemable by CCC.

§ 1427.1912 Redemption of certificates.

Certificates shall be redeemable in cotton upon terms and conditions established by the Executive Vice President, CCC, by submitting an application to the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, 120 Marais Street, New Orleans, Louisiana. If the full amount of the face value of a certificate tendered by the payee or a subsequent holder for redemption in cotton is not fully redeemed in cotton, a balance certificate shall be issued to the certificate holder for the unused amount. If the amount is $3.00 or less, no-balance certificate will be issued unless requested. The date of the balance certificate shall be the date of issuance of the original certificate. Balance certificates may be tendered to CCC for redemption in cotton in the same manner as the original certificates. Balance certificates issued to the payee shown on the original certificate may be surrendered by the payee to CCC for marketing.

§ 1427.1913 Cash advances.

A cash advance shall be made by the county committee on behalf of CCC to any payee who requests CCC's assistance in marketing a certificate earned by him under this subpart. Only the payee shall have this option. If such request is made at the time the payee applies for payment, constructive delivery of the certificate to the payee will be made by making the cash advance and crediting a certificate pool with the value of the certificate earned by him. A payee who does not request CCC's assistance in marketing his certificate at such time may subsequently request CCC's assistance in marketing his certificate by delivering it to the county committee for marketing. Such certificate shall also be credited to a certificate pool. A cash advance to a payee shall be made in the form of a CCC sight draft for the face value of the certificate earned by him less any applicable reduction in value for storage and carrying charges.

§ 1427.1914 Marketing of certificates.

All certificates for which payees have requested CCC's assistance in marketing shall be pooled by CCC and shall lose their identity as individual certificates. The amount of the certificate pool shall be the total of the value of certificates of which CCC has made constructive delivery to the payees and the value of the certificates presented to the county offices by the payees for marketing by CCC. Such amount shall be equal to the amount of cash advances. CCC shall market the rights represented by pooled certificates upon terms and conditions established by the Executive Vice President, CCC, at such times and in such manner as it determines will best effectuate the purposes of the program.

§ 1427.1915 Additional provisions relating to tenants and sharecroppers.

Form ASCS–363 for a farm shall not be approved for payment by the county committee if the county committee determines that any of the following conditions exist, and if any of such conditions are discovered after approval of

Form ASCS–363, all, or such part as the State committee may determine, of the payments which have been received by such producers shall be refunded to CCC:

(a) The landlord or operator has, in anticipation of or because of participating in the program, reduced the number of tenants and sharecroppers on the farm (if a tenant or sharecropper leaves the farm voluntarily or for some reason other than being forced off the farm by the landlord or operator in anticipation of or because of participating in the program, the failure to replace such tenant or sharecropper shall not be considered as a reduction in anticipation of or because of participating in the program).

(b) There exists between the operator or landlord and any tenant or sharecropper, any lease, contract, agreement or understanding unfairly exacted or required by the operator or landlord which was entered into in anticipation of participating in the program, the effect of which is:

(1) To force the tenant or sharecropper to pay over to the landlord or operator any payment earned by him under the program;

(2) To change the status of any tenant or sharecropper so as to deprive him of any payment or right which he would otherwise have had under the program;

(3) To reduce the size of the tenant's or sharecropper's producer unit; or

(4) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper; or

(c) Any other scheme or device has been adopted for the purpose of depriving any tenant or sharecropper of the payment to which he would otherwise be entitled to receive under this program.

§ 1427.1916 Successors-in-interest.

(a) In case of the death, incompetency, or disappearance of any producer whose name appears on Form ASCS–363, the price support payment due him shall be made to his successor, as determined in accordance with provisions of the regulations in ACP 122, as amended, issued by the Secretary, Part 707, Chapter VII, of this title, as amended, for payments made pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) Notwithstanding any other provision of this section, (1) if any person who has or would have an interest as producer of cotton on the farm (herein called "predecessor") leaves the farm before the cotton on the farm is harvested and is succeeded on the farm by another producer (herein called "successor"), their share of the payment shall be divided on such basis as they agree is fair and equitable, and (2) if such persons are unable to agree to a division of the payment, the payment shall be issued to the producer who has the interest in the cotton crop at the time of harvest, and if the cotton crop is completely destroyed prior to harvest, the payment shall be made to the producer who had the interest at the time of destruction of the crop: *Provided*, That if the payment is made to the predecessor prior to notification to the county committee of such change of producers, payment shall not be made to the successor unless a refund of such payment is obtained by CCC.

§ 1427.1917 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee, or by the county committee with the approval of the State committee, to have adopted any scheme or device which tends to defeat the purpose of the program shall refund any payment received by him.

(b) The making of a fraudulent representation by a person in the payment documents or otherwise for the purpose of obtaining a payment from the county committee shall render such person liable for a refund of the payments wrongfully received by him in addition to any liability under criminal and civil frauds statutes.

§ 1427.1918 Reconstitution of farms.

(a) Reconstitution of farms shall be made, where applicable in accordance with the regulations governing Reconstruction of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages, 7 CFR Part 719, and any amendments thereto. Farm domestic allotment shall be recomputed on the basis of the allotment and history acreage for the farms as constituted for 1964. If, under such regulations, two or more farms as constituted at the time productivity indexes were established are combined into one farm, or if one farm as constituted at that time is later divided into two or more farms, the productivity index for such farm(s), as reconstituted, will be redetermined by the county committee.

(b) The productivity index established for a combined farm shall not, except for rounding, exceed the weighted average of the productivity indexes established for the component parts. When a parent farm is divided into two or more parts, the weighted average of the productivity indexes established for the component parts shall not, except for rounding, exceed the applicable productivity index established for the parent farm prior to being divided.

§ 1427.1919 Provision for handling exceptional cases.

Where a producer, in reasonable reliance upon any instruction or commitment of any member, employee, or representative of a county or State committee, in good faith, substantially performs under the program, the Deputy Administrator, ASCS, may review the requirements of any provision of the regulations in this subpart and if, in his judgment, relief from the requirements of such provision is justified under all the circumstances of the case to permit a proper disposition thereof, allow payment for such substantial performance in an amount not to exceed the amount which would have been due for the required performance, provided such action is not prohibited by statute.

§ 1427.1920 Supervisory authority of State committee.

The State committee may take any action required by this subpart which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations in this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations in this subpart.

§ 1427.1921 Delegation of authority.

No delegation in this subpart to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Signed at Washington, D.C., on April 21, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-4291; Filed, Apr. 29, 1964; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF OGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

Miscellaneous Amendments

Notice is hereby given of the amendment of the Statement of Organization, Delegations and General Information of the United States Atomic Energy Commission, 10 CFR Part 1, published in the FEDERAL REGISTER on December 29, 1961 (26 F.R. 12729–12745), as amended.

The present amendment sets out the delegations of authority of four recently created Divisions reporting to the Director of Regulation.

Because this amendment relates to matters of internal management, general notice of proposed rule making and public procedure thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Administrative Procedure Act of 1946, and 1 CFR 13.2, the following amendments of 10 CFR Part 1 are published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER.

1. Paragraph (c) of § 1.25 is amended to read as follows:

§ 1.25 Office of the Director of Regulation.

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(c) Divisions reporting to the Director of Regulation are: Division of State and Licensee Relations, Division of Compliance, Division of Safety Standards, Division of Reactor Licensing, and Division of Materials Licensing.

2. Section 1.100 is deleted. The following new § 1.100 is added to 10 CFR Part 1:

§ 1.100 Division of State and Licensee Relations.

The Division of State and Licensee Relations develops and administers programs and policies for cooperation with States in their assumption of responsibility under section 274 of the Act, indemnification of licensees, enforcement actions, and export of nuclear facilities and materials.

(a) Specifically, the Division:

(1) Develops and directs the administration of programs to carry out Commission policy for cooperation with the States under section 274 of the Act, including arrangements for training provided for in section 274;

(2) Maintains liaison with and provides assistance to agencies of State and local governments and to other Federal agencies;

(3) Develops and administers policies and procedures relating to financial protection requirements for licensees and to the indemnification of licensees and others against public liability claims arising out of nuclear incidents;

(4) Compiles reports on radiation safety experience from information received from the General Manager and from licensees;

(5) Performs such other functions as may be assigned by the Director of Regulation.

(b) The Director, Division of State and Licensee Relations, is authorized and directed by the Director of Regulation, and has been delegated authority, to:

(1) Take such action as may be necessary to carry out the functions assigned by this or other official directives or communications, subject to the limitations described therein. The Director may redelegate, except where expressly prohibited, to others authority delegated to him by this or other official directives or communications, subject to such stipulations as he may deem necessary and to the limitations that such redelegations must be made in writing and that the Director must stipulate any limitations on further redelegation of authority which he redelegates;

(2) Issue, renew and amend licenses for export of reactors and source and byproduct materials, including the grant of exemptions and the imposition of special conditions, except where final decision rests with the presiding officer, atomic safety and licensing board, or the Commission, after hearing under the Act and Part 2 of this chapter;

(3) Issue, pursuant to Part 2 of this chapter, notices of the denial or the proposed denial of applications for licenses for export of reactors and source and byproduct materials or of applications for amendment or renewal of such licenses;

(4) Initiate enforcement proceedings, issue notices and enter into stipulations for settlement with respect to alleged violations, and issue orders for imposing requirements and orders relating to the modification, suspension and revocation of licenses, pursuant to the provisions of Part 2 of this chapter;

(5) Issue such orders to govern the possession and use of special nuclear material, source material, or byproduct material possessed by any person without a license as may be necessary or desirable to protect health or to minimize danger to life or property;

(6) Take necessary or appropriate action in accordance with decisions of the presiding officer, atomic safety and licensing board, or the Commission;

(7) Execute indemnification agreements with licensees pursuant to sections 170 c. and 170 k. of the Act.

3. Section 1.102 is deleted. The following new § 1.102 is added to 10 CFR Part 1:

§ 1.102 Division of Safety Standards.

The Division of Safety Standards develops and recommends radiation health and safety standards to protect employees and the public, including safety standards for the design, location, construction and operation of reactors and other nuclear facilities; provides technical advice and assistance to other AEC divisions, Federal agencies and other organizations, as appropriate, on matters involving radiation protection and nuclear safety; maintains liaison with the Federal Radiation Council, American Standards Association and other agencies and organizations involved in standards development; and coordinates the Director of Regulation's participation in the Commission's nuclear safety research program.

(a) Specifically, the Division:

(1) Develops and recommends proposed health and safety standards for the protection of employees and the public from atomic energy induced radiation, including standards covering possession and use of source, special nuclear and byproduct materials, transportation of radioactive materials, and nuclear safety standards and guides applicable to the design, location, construction, and operation of reactors and other nuclear facilities;

(2) Develops proposed rules and regulations and amendments thereto applicable to AEC licensees;

(3) Provides technical assistance to the Division of Reactor Licensing and the Division of Materials Licensing;

(4) Provides safety evaluation of nuclear devices for aerospace applications;

(5) Maintains liaison with AEC divisions conducting safety research programs;

(6) Provides a central point of contact through which AEC organizational units and other Federal agencies may obtain technical advice and information on radiation protection standards;

(7) Provides staff assistance to the Commission with respect to matters involving the Federal Radiation Council;

(8) Coordinates the review, evaluation and preparation of comments on publications dealing with nuclear safety;

(9) Performs such other functions as may be assigned by the Director of Regulation.

(b) The Director, Division of Safety Standards, is authorized and directed by the Director of Regulation, and has been delegated authority, to take such action as may be necessary to carry out the functions assigned by this or other official directives or communications, subject to the limitations described therein. The Director may redelegate, except where expressly prohibited, to others authority delegated to him by this or other official directives or communications, subject to such stipulations as he may deem necessary and to the limitations that such redelegations must be made in writing and that the Director must stipulate any limitations on further redelegation of authority which he redelegates.

4. The following new § 1.103 is added to 10 CFR Part 1:

§ 1.103 Division of Reactor Licensing.

The Division of Reactor Licensing administers the regulations governing the licensing and authorization of nuclear reactors, other than for export, and the issuance, renewal, amendment and denial of licenses and authorizations for reactors and facility operators.

(a) Specifically, the Division:

(1) Performs technical reviews and analyses of applications for licenses and authorizations for the construction and operation of reactors;

(2) Evaluates, as directed by the Director of Regulation, the potential nuclear hazards of each proposal to build or significantly modify an AEC-owned reactor exempt from licensing to determine that the nuclear hazards which the reactor presents are acceptable;

(3) Evaluates, as directed by the Director of Regulation, the nuclear safety aspects of the design of military power, testing, and research reactors exempt from licensing, and reviews and evaluates nuclear safety, operating principles, and general nuclear safety standards and instructions submitted by the Department of Defense;

(4) Provides advice and assistance in the development of licensing and regulatory policies incorporating nuclear health and safety standards, guides, and codes for possession, use and transfer of nuclear reactors licensed by the AEC;

(5) Determines and advises the Division of Materials Licensing of requirements of reactor licensees for special nuclear material;

(6) Cooperates with the Division of State and Licensee Relations in providing technical assistance to State and local governments and other Federal agencies;

(7) Maintains liaison for the Commission with the Advisory Committee on Reactor Safeguards;

(8) Performs such other functions as may be assigned by the Director of Regulation.

(b) The Director, Division of Reactor Licensing, is authorized and directed by the Director of Regulation, and has been delegated authority, to:

(1) Take such action as may be necessary to carry out the functions assigned by this or other official directives or communications, subject to the limitations described therein. The Director may redelegate, except where expressly prohibited, to others authority delegated to him by this or other official directives or communications, subject to such stipulations as he may deem necessary and to the limitations that such redelegations must be made in writing and that the Director must stipulate any limitations on further redelegation of authority which he redelegates;

(2) Issue, renew and amend reactor licenses (which may include, pursuant to Parts 30, 40, and 70 of this chapter, byproduct, source and special nuclear material used or produced in the reactor) and authorizations, other than for export, and facility operator licenses, including the grant of exemptions, the imposition of special conditions and the allocation of special nuclear material, except where final decision rests with the presiding officer, atomic safety and licensing board, or the Commission, after hearing under the Act and Part 2 of this chapter;

(3) Issue, pursuant to Part 2 of this chapter, notices of the denial or the proposed denial of applications for reactor licenses and authorizations, other than for export, and facility operator licenses, or of applications for amendment or renewal of such licenses and authorizations;

(4) Authorize changes in the technical specifications for a reactor, changes in the reactor or the reactor procedures, or the conduct of tests and experiments, in accordance with the provisions of Parts 50 and 115 of this chapter;

(5) Take necessary or appropriate action in accordance with decisions of the presiding officer, atomic safety and licensing board, or the Commission.

(c) The Director, Division of Reactor Licensing, has redelegated, except where final decision rests with the presiding officer, atomic safety and licensing board, or the Commission, after hearing under the Act and Part 2 of this chapter:

(1) To the Assistant Director, Division of Reactor Licensing, and to the Chief, Research and Power Reactor Safety Branch, and the Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing, the authority (which may not be further redelegated) to (i) issue, renew and amend reactor licenses pursuant to Part 50 of this chapter (which may include, pursuant to Parts 30, 40 and 70 of this chapter, byproduct, source, and special nuclear material used or produced in the reactor)—other than for export, or for testing reactors and Class 103 and Class 104 b. reactors—including the grant of exemptions, the imposition of special conditions and the allocation of special nuclear material; and (ii) authorize, with respect to research reactors, changes in the technical specifications, changes in the reactor or the reactor procedures, or the conduct of tests and experiments;

(2) To the Assistant Director, Division of Reactor Licensing, and to the Chief, Operator Licensing Branch, Division of Reactor Licensing, the authority (which may not be further redelegated) to issue, renew and amend facility operators' licenses, including the grant of exemptions and the imposition of special conditions, pursuant to Part 55 of this chapter.

5. The following new § 1.104 is added to 10 CFR Part 1:

§ 1.104 Division of Materials Licensing.

The Division of Materials Licensing administers the regulations governing the licensing of possession, use, transfer and import of source, special nuclear, and byproduct materials, other than for export, and the issuance, renewal, amendment and denial of materials licenses and licenses of facilities for reprocessing irradiated source and special nuclear material.

(a) Specifically, the Division:

(1) Performs technical reviews and analyses of applications for materials licenses (including those involving transportation of special nuclear material and irradiated reactor fuel);

(2) Prepares forecasts of requirements for special nuclear materials for use in licensed activities;

(3) Allocates and authorizes the distribution of special nuclear material to AEC and agreement State[1] licensees, subject to concurrence by the Division of Reactor Licensing with respect to material required by reactor licensees;

(4) Performs technical reviews and analyses of applications for facility licenses for reprocessing irradiated source and special nuclear material;

(5) Provides advice and assistance in the development of licensing and regulatory policies incorporating nuclear health and safety standards, guides, and codes for possession, use, and transfer of materials and of facilities for reprocessing irradiated source and special nuclear material licensed by the AEC;

(6) Cooperates with the Division of State and Licensee Relations in providing technical assistance to State and local governments and other Federal agencies;

(7) Performs such other functions as may be assigned by the Director of Regulation.

(b) The Director, Division of Materials licensing, is authorized and directed by the Director of Regulation, and has been delegated authority, to:

(1) Take such action as may be necessary to carry out the functions assigned by this or other official directives or communications, subject to the limitations described therein. The Director may redelegate, except where expressly prohibited, to others authority delegated to him by this or other official directives or communications, subject to such stipulations as he may deem necessary and to the limitations that such redelegations must be made in writing and that the Director must stipulate any limitations on further redelegation of authority which he redelegates;

(2) Issue, renew and amend materials licenses, other than for export, and licenses of facilities for reprocessing irradiated source and special nuclear material, including the grant of exemptions and the imposition of special conditions, except where final decision rests with the presiding officer, atomic safety and licensing board, or the Commission after hearing under the Act and Part 2 of this chapter;

(3) Issue, pursuant to Part 2 of this chapter, notices of the denial or the proposed denial of applications for materials licenses, other than for export, and licenses of facilities for reprocessing irradiated source and special nuclear material, or of applications for amendment or renewal of such material or facility licenses;

(4) Take necessary or appropriate action in accordance with decisions of the presiding officer, atomic safety and licensing board, or the Commission.

(c) The Director, Division of Materials Licensing, has redelegated, except where final decision rests with the presiding officer, atomic safety and licensing board, or the Commission, after hearing under the Act and Part 2 of this chapter:

(1) To the Assistant Director, Division of Materials Licensing, and to the Chief, the Assistant Chief, and the Senior Reviewers, Isotopes Branch, Division of Materials Licensing, the authority (which may not be further redelegated) to issue, renew and amend byproduct materials licenses, other than for export, including the grant of exemptions and the imposition of special conditions, pursuant to Part 30 of this chapter.

(2) To the Assistant Director, Division of Materials Licensing, and to the Chief and the Senior Materials Engineers, Source & Special Nuclear Materials Branch, Division of Materials Licensing, the authority (which may not be further redelegated) to issue, renew and amend source material and special nuclear material licenses, other than for export, including the grant of exemptions and the imposition of special conditions, pursuant to Parts 40 and 70 of this chapter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 22d day of April 1964.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 64-4310; Filed, Apr. 29, 1964; 8:48 a.m.]

[1] "Agreement State" means any State with which the Commission has entered into an effective agreement under subsection 274b. of the Act.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 6652]

PART 13—PROHIBITED TRADE PRACTICES

Borden Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, The Borden Company, New York, N.Y., Docket 6652, Apr. 15, 1964]

Consent order requiring the second largest company in the dairy products industry—which, beginning with 1928, had by 1950, prior to the time section 7 of the Clayton Act was amended, acquired over 500 concerns manufacturing and distributing fluid milk and milk

products, and which continued to acquire similar properties to the time complaint was issued—to divest itself absolutely within 18 months, subject to approval of the Commission and so as to restore them as going concerns, of all the assets, properties, rights and privileges, tangible and intangible, acquired as the result of the acquisition of eight regional dairy businesses operating in various towns and counties in Colorado, Nebraska and New Mexico; Kansas; Michigan; Ohio; Florida; the District of Columbia, Virginia and Maryland; and Oregon; and requiring it not to sell milk or milk products within the marketing areas of the divested concerns for a five year period; and to desist, for ten years, from acquiring dairy concerns.

The order of divestiture, including order requiring report of compliance therewith, is as follows:

It is ordered, That The Borden Company within a period not exceeding eighteen (18) months after the service upon it of this order, unless extended, shall divest itself absolutely and in good faith, subject to the prior approval of the Commission of:

A. All assets, properties, rights and privileges, tangible and intangible, including but not limited to, all plants, equipment, trade names, trademarks, and goodwill acquired by The Borden Company as a result of the acquisition of the capital stock of Carlson-Frink Company, which are now used in the business so acquired, together with all plants, machinery, buildings, improvements, equipment and other property of whatever description which have been added to the property of Carlson-Frink Company and are now used in the business so acquired, in such manner as to restore it as a going concern in the processing, distribution and sale of fluid milk, buttermilk, cream and cottage cheese, and in the manufacture, distribution and sale of ice cream, ice milk, sherbets and water ices in the following counties:

COLORADO

Adams.	Jefferson.
Arapahoe.	Kit Carson.
Baca.	Larimer.
Boulder.	Logan.
Clear Creek.	Morgan.
Custer.	Phillips.
Denver.	Prowers.
Douglas.	Pueblo.
El Paso.	Sedgwick.
Elbert.	Teller.
Fremont.	Washington.
Gilpin.	Weld.
Grand.	Yuma.

NEBRASKA

Cheyenne.	Deuel.

NEW MEXICO

Colfax.	Union.

B. All assets, properties, rights and privileges, tangible and intangible, including but not limited to, all plants, equipment, trade names, trademarks and goodwill acquired by The Borden Company as a result of the acquisition of the capital stock of Hyde Park Dairies, Inc., which are now used in the business so acquired, together with all plants, machinery, buildings, improvements, equipment and all other property of whatever description which have been added to the property of Hyde Park Dairies, Inc. and are now used in the business so acquired, in such manner as to restore it as a going concern in the processing, distribution and sale of fluid milk, buttermilk, half and half, cream and cottage cheese, and in the distribution and sale of ice cream, ice milk and sherbets in the following counties in Kansas:

Barber.	Pawnee.
Barton.	Reno.
Butler.	Rice.
Cowley.	Sedgwick.
Ellsworth.	Stafford.
Harper.	Sumner.
Harvey.	Rush.
Kingman.	Russell.

C. All assets, properties, rights and privileges, tangible and intangible, including but not limited to, all plants, equipment, trade names, trademarks and goodwill acquired by The Borden Company as a result of the acquisition of the assets of Sani-Seal Dairies, Inc., which are now used in the business so acquired, together with all plants, machinery, buildings, improvements, equipment and other property of whatever description which have been added to the property of Sani-Seal Dairies, Inc. and are now used in the business so acquired, in such manner as to restore it as a going concern in the processing, distribution and sale of fluid milk, butterfat, half and half and cream in the following towns and counties in Michigan:

TOWNS

Atlanta.	Lewiston.
Bell.	Marlette.
Bentley.	McGregor.
Birch Run.	Merrill.
Bridgeport.	Midland.
Carsonville.	Mount Pleasant.
Carrollton.	North Bradley.
Clifford.	North Branch.
Coleman.	North Point.
Columbiaville.	Pinconning.
Crump.	Port Sanilac.
Davison.	Presque Isle.
Deckerville.	Saginaw.
Easu Lake.	Sandusky.
Edenville.	Sanford.
Frankenmuth.	Snover.
Freeland.	St. Louis.
Hemlock.	Watertown.
Hillman.	Zilwaukee.
Lapeer.	

COUNTIES

Alcona.	Huron.
Alpena.	Iosco.
Arenac.	Ogemaw.
Bay.	Oscoda.
Clare.	Roscommon.
Gladwin.	Tuscola.

D. All assets, properties, rights and privileges, tangible and intangible, including but not limited to, all plants, equipment, trade names, trademarks, and goodwill acquired by The Borden Company as a result of the acquisition of the assets of Farmers Dairy Management, Inc., which are now used in the business so acquired, together with all plants, machinery, buildings, improvements, equipment and other property of whatever description which have been added to the property of Farmers Dairy Management, Inc. and are now used in the business so acquired, in such manner as to restore it as a going concern in the processing, distribution and sale of fluid milk, buttermilk, half and half, cream and cottage cheese in Hamilton County, Ohio and the following towns in Ohio:

Bethany.	Overpeck.
College Corner.	Oxford.
Fairfield.	Pisgah.
Hamilton.	Seven Mile.
Huntsville.	Somerville.
Mandville.	West Chester.
Millville.	Williamsdale.
New Miami.	

E. All assets, properties, rights and privileges, tangible and intangible, including but not limited to, all plants, equipment, trade names, trademarks and goodwill acquired by The Borden Company as a result of the acquisition of the assets of Dinsmore Dairy Company, which are now used in the business so acquired, together with all machinery, buildings, improvements, equipment and other property of whatever description which have been added to the property of Dinsmore Dairy Company and are now used in the business so acquired, in such manner as to restore it as a going concern in the distribution and sale of fluid milk, buttermilk, half and half and butter in the following towns in Florida:

Atlantic Beach.	Neptune Beach.
Fernandina Beach.	O'Neil.
Jacksonville.	Ponte Vedra Beach.
Jacksonville Beach.	Yulee.
Mayport.	

F. All assets, properties, rights and privileges, tangible and intangible, including but not limited to, all equipment, trade names, trademarks and goodwill acquired by The Borden Company, as a result of the acquisition of the assets of the Continental Frozen Desserts Company, which are now used in the business so acquired, together with all machinery, buildings, improvements, equipment and other property of whatever description which have been added to the property of Continental Frozen Desserts Company and are now used in the business so acquired, in such manner as to restore it as a going concern in the distribution and sale of ice cream, ice milk, sherberts and water ices in the District of Columbia, Arlington County, Virginia and the following towns in Maryland:

Andrews Air Force Base.	Glassmanor.
Bethesda.	Hyattsville.
Brentwood.	Langley Park.
Camp Springs.	Morningside.
Cheltenham.	Mt. Rainier.
Chevy Chase.	Oxon Hill.
Clinton.	Rockville.
College Park.	Silver Spring.
East Pines.	Suitland.
Forest Heights.	Takoma Park.
	Wheaton.

G. All assets, properties, rights and privileges, tangible and intangible, including but not limited to, all equipment, trade names, trademarks, and goodwill acquired by The Borden Company as a result of the acquisition of the assets of the unincorporated dairy business of David F. McCarter doing business as McCarter's Quality Dairy Products and Robert J. McCarter, Jr. (hereinafter referred to as "McCarter's"), which are now used in the business so acquired, together with all machinery, buildings, improvements, equipment and other property of whatever description which have been added to the property of McCarter's and are now used in the business so acquired, in such manner as to restore it as a going concern in the distribution and sale of fluid milk in the following towns in Florida:

College Park.	St. Augustine.
Crescent Beach.	St. Augustine Beach.
Moultrie.	Vilano Beach.

H. All assets, properties, rights and privileges, tangible, and intangible, including but not limited to, all plants, equipment, trade names, trademarks and goodwill acquired by The Borden Company as a result of the acquisition of the assets of the unincorporated dairy business owned by John D. Eberhard and his wife, Nelda I. Eberhard, at Redmond, Oregon (hereinafter referred to as "Eberhard"), which are now used in the business so acquired, together with all plants, machinery, buildings, improvements, equipment and other property of whatever description which have been added to the property of Eberhard and are now used in the business so acquired, in such manner as to restore it as a going concern in the purchasing and processing of raw milk secured from producers located in the following counties in Oregon:

Crook.	Jefferson.
Deschutes.	

I. By such divestitures, under the terms set forth in paragraph A through H above, none of the stock, assets, rights or privileges, tangible or intangible, acquired or added by respondent, shall be sold or transferred, directly or indirectly, to anyone who, immediately following the respective divestitures, shall be a stockholder holding more than one-half of 1 percent of the outstanding stock of the respondent, an officer, director, representative, employee or agent or otherwise directly or indirectly connected with or under the control of the respondent.

II. Pending divestiture, respondent shall not make any changes in the plants, machinery, buildings, equipment or other property of whatever description which shall materially impair their present rate of capacity for the processing, distribution or sale of fluid milk or related products (such as, where applicable, buttermilk, half and half, cream, cottage cheese and butter), ice cream, ice milk, mellorine, sherbets or water ices, or their market value, unless said capacity or value is restored prior to divestiture.

III. Respondent shall divest itself of the above-identified assets of Carlson-Frink Company, Hyde Park Dairies, Inc., Sani-Seal Dairies, Inc., Farmers Dairy Management, Inc., Dinsmore Dairy Company, Continental Frozen Desserts Company, McCarter's and Eberhard in the following manner and subject to the following conditions:

A. Beginning promptly after the date of service of this order upon respondent by the Commission, respondent shall make diligent efforts in good faith to sell the above-identified assets of the above named eight concerns in the manner set forth in section I above and shall continue such efforts to the end that the sale thereof shall be effected within the aforesaid period of 18 months. Respondent shall submit to the Commission summary reports of the efforts made by respondent to obtain or discover purchasers or potential purchasers, and respondent shall submit to the Commission summaries of conversations of authorized representatives of respondent with potential purchasers or their representatives relating to the sale of such assets, and, subject to any legally recognized privilege, copies of all written communications pertaining to negotiations, offers to buy or indications of interest in the acquisitions of the whole or a part of the assets in question, within 15 days after the termination of the calendar month in which the conversations occurred or the communications were sent or received by respondent.

B. If complete divestiture shall not have been accomplished within the aforesaid period of 18 months or any extension of said period which the Commission may grant, the Commission will give respondent notice and afford it an opportunity to be heard before the Commission issues any further order or orders which the Commission may deem appropriate.

C. For the protection of the purchaser or purchasers of the Carlson-Frink Company assets, respondent shall not sell fluid milk, buttermilk, cream, cottage cheese, ice cream, ice milk, sherbets or water ices for a period of five years from the effective date of the sale of such assets in or for the purpose of resale in the counties listed in paragraph A in section I above.

D. For the protection of the purchaser or purchasers of the Hyde Park Dairies, Inc., assets, respondent shall not sell fluid milk, buttermilk, half and half, cream, cottage cheese, ice cream, ice milk or sherbets for a period of five years from the effective date of the sale of such assets in or for the purpose of resale in the counties listed in paragraph B in section I above.

E. For the protection of the purchaser or purchasers of the Sani-Seal Dairies, Inc., assets, respondent shall not sell fluid milk, buttermilk, half and half or cream for a period of five years from the effective date of the sale of such assets in or for the purpose of resale in any of the towns and counties listed in paragraph C in section I above.

F. For the protection of the purchaser or purchasers of the Farmers Dairy Management, Inc., assets, respondent shall not sell fluid milk, buttermilk, half and half, cream or cottage cheese for a period of five years from the effective date of the sale of such assets in or for the purpose of resale in the towns and county listed in paragraph D in section I above.

G. For the protection of the purchaser or purchasers of the Dinsmore Dairy Company assets, respondent shall not sell fluid milk, buttermilk, half and half or butter for a period of five years from the effective date of the sale of such assets in or for the purpose of resale in the towns listed in paragraph E in section I above.

H. For the protection of the purchaser or purchasers of the Continental Frozen Desserts Company assets, respondent shall not sell ice cream, ice milk, sherbets or water ices for a period of five years from the effective date of the sale of such assets in or for the purpose of resale in the District of Columbia and the county and towns listed in paragraph F in section I above.

I. For the protection of the purchaser or purchasers of the assets of McCarter's, respondent shall not sell fluid milk for a period of five years from the effective date of the sale of such assets in or for the purpose of resale in the towns listed in paragraph G in section I above.

J. For the protection of the purchaser or purchasers of the assets of Eberhard, respondent shall not sell cream or butter for a period of five years from the effective date of the sale of such assets in or for the purpose of resale in the counties listed in paragraph H in section I above, and shall not purchase raw milk for the same period from producers located in said counties.

K. Within sixty days after divestiture of the assets of each of the eight concerns listed about in paragraphs C through J, respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which it shall have complied with the terms of this Order with respect thereto.

L. Respondent is not required by this Order to sell, license or in any way convey any rights to any of its trademarks or trade names including "Borden's", not acquired from the eight concerns listed above.

IV. *It is further ordered*, That for a period of ten years respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries, or otherwise, the whole or any part of the stock, share capital or assets (other than products sold in the course of business) of any domestic concern, corporate or noncorporate, engaged principally or as one of its major commodity lines at the time of such acquisition in any state of the United States or the District of Columbia in the business of manufacturing, processing or selling at wholesale or on retail milk routes (a) fluid milk, (b) ice cream, ice milk, mellorine, sherbets or water ices, (c) natural or processed cheese, or (d) butter, without the prior approval of the Federal Trade Commission.

By the Commission.

Issued: April 15, 1964.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-4267; Filed, Apr. 29, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4090; Amdt. 371]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Annette Island LFR	GVN RBn	Direct	4000	T-dn*	300-1	300-1	300-1½
Guard Island Int	GVN RBn (final)	Direct	4000	C-dn*	500-1½	500-2	500-2
				S-dn-12	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

#Procedure turn E side of crs, 303° Outbnd, 123° Inbnd, 4000′ within 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 3700′ after procedure turn only; over ANN LFR, 800′.
Crs and distance, facility to airport, 123°—9.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles after passing GVN RBn, turn right, climb to 4200′ on 155° bearing from ANN LFR within 20 miles.
CAUTION: Terrain 1000′ within 1.9 miles N through E. Davison Mountain 2862′, 2.9 miles E; Tamgas Mountain 3591′, 5.1 miles ENE of airport.
*Runway 2-20: Night operation not authorized. Runway 2: T-d restricted to 600-1 due to high terrain N through E, 1000′ within 2 miles. Make immediate left turn after takeoff.
#Procedure turn not required when approaching SE from Guard Island Intersection.

City, Annette Island; State, Alaska; Airport Name, Annette Island; Elev., 119′; Fac. Class., MHW/FM; Ident., GVN; Procedure No. 1, Amdt. 7; Eff. Date, 9 May 64; Sup. Amdt. No. 6; Dated, 21 Mar. 64

				T-dn	800-1	NA	NA
				C-dn	800-1	NA	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 272°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing Athens RBn, make right climbing turn to 2600′ on 092° heading. Return to Athens RBn. Hold E, 1-minute, right turns, 272° Inbnd.
NOTES: Runway lights on request to Parkersburg, W. Va. radio. Communications with PKB radio at 1500′. UNICOM available.
MSA: 000°-360°—2200′.

City, Athens; State, Ohio; Airport Name, Ohio University; Elev., 632′; Fac. Class., MHW; Ident., UOA; Procedure No. 1, Amdt. Orig.; Eff. Date, 9 May 64

CRP VOR	LOM	Direct	1900	T-dn	300-1	300-1	300-1½
CRP RBn	LOM	Direct	1800	C-dn*	400-1	500-1	500-1½
Robstown Int	LOM	Direct	1800	S-dn-13*	400-1	400-1	400-1
Sinton Int	San Pat Int%	Via R-040 ALI-VOR.	1800	A-dn	800-2	800-2	800-2
San Pat Int%	LOM (final)	Direct	1400				

Radar coverage extends from the radar site clockwise between the 230° to the 030° bearings.
Radar terminal transition altitude 1500′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius, or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792′ 6 miles W of airport.
Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 127°—4.8 miles; Tank Fix# to airport, 127°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, turn left, climb to 1500′ direct to CRP-VOR and proceed Outbnd on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800′ on CRP-VOR R-227 within 20 miles.
*Aircraft must be equipped with operating ADF and VOR receivers and Tank Fix received; if Tank Fix not received, ceiling minimum is 700′.
#Tank Fix: Bearing 127° from LOM and CRP-VOR R-210.
%San Pat Int: Int ALI VOR R-040 and 307° bearing from the LOM, or CRP ILS NW crs.

City, Corpus Christi; State, Tex.; Airport Name, Corpus Christi International; Elev., 43′; Fac. Class., LOM; Ident., CR; Procedure No. 1, Amdt. 9; Eff. Date, 9 May 64; Sup. Amdt. No. 8; Dated, 8 Sept. 62

PROCEDURE CANCELLED, EFFECTIVE 9 MAY 64.

City, Delta; State, Utah; Airport Name, Municipal; Elev., 4755′; Fac. Class., SABH; Ident., DTA; Procedure No. 1, Amdt. 1; Eff. Date, 30 June 62, or upon commissioning of DTA RBn facility; Sup. Amdt. No. Orig.; Dated, 30 Sept. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Findlay VOR	FDY RBn	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of Findlay RBn, make left climbing turn to 2200′, hold S Findlay RBn, right turns, 1-minute, 360° Inbnd.
MSA: 000°-090°—2200′; 090°-180°—2300′; 180°-270°—2200′; 270°-360°—2000′.

City, Findlay; State, Ohio; Airport Name, Findlay; Elev., 800′; Fac. Class., BMH; Ident., FDY; Procedure No. 1; Amdt. 2; Eff. Date, 9 May 64; Sup. Amdt. No 1; Dated, 29 Dec. 56

Dallas RBn	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Fort Worth RBn	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Britton VOR	LOM	Direct	2800	S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 309° Outbnd, 129° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized. Nonstandard due to ATC requirements.
Minimum altitude over LOM Inbnd final, 2000′.
Crs and distance, LOM to airport, 129°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LOM, turn right, climb to 2000′ on crs 190° within 15 miles.
CAUTION: 1224′ radio towers 5 miles N; 2349′ TV towers 14.0 miles SSE; 1743′ TV tower 12 miles WSW of airport.
MSA: 000°-090°—2300′; 090°-180°—3400′; 180°-270°—2800′; 270°-360°—2100′.

City, Fort Worth; State, Tex.; Airport Name, Greater Southwest International, Dallas-Fort Worth Field; Elev., 568′; Fac. Class., LOM; Ident., GS; Procedure No. 1, Amdt. 10; Eff. Date, 9 May 64; Sup. Amdt. No. 9; Dated, 28 Dec. 63

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-32	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 2400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 315°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing RBn, turn left, climb to 3200′ on 301° bearing from LIT RBn within 20 miles.
Other change: Deletes transition from PBF RBn.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac. Class., BH; Ident., LIT; Procedure No. 2, Amdt. 1; Eff. Date, 9 May 64; Sup. Amdt. No. Orig.; Dated, 21 Mar. 64

Lisbon Int	OGS RBn	Direct	2000	T-dn	300-1	300-1	NA
				C-dn	700-1	700-1	NA
				A-dn*	NA	NA	NA

Procedure turn S side of crs, 091° Outbnd, 271° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 271°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing OGS RBn, make a climbing left turn to 2000′ direct to OGS RBn. Hold E of OGS RBn, 271° Inbnd, left turns, 1-minute.
NOTES: 1. Facility must be monitored aurally during approach. 2. Final approach from a holding pattern not authorized. Procedure turn required.
*Alternate weather minimums of 800-2 authorized for those who have approved arrangement for weather service at the airport.
MSA: 000°-060°—2000′; 060°-180°—2500′; 180°-270°—2100′; 270°-360°—1800′.

City, Ogdensburg; State, N.Y.; Airport Name, Ogdensburg Municipal; Elev., 293′; Fac. Class., MHW; Ident., OGS; Procedure No. 1, Amdt. Orig.; Eff. Date, 9 May 64

McClure Int	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Waterville VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Harbor View Int	LOM	Direct	2000	S-dn-7	500-1	500-1	500-1
Gerald Int	LOM	Direct	2000	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 069°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, make climbing left turn to 2000′, proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1-minute, 069° Inbnd.
CAUTION: Tower 865′; 1¾ miles S of LMM.
Other change: Deletes transitions from Wauseon Int and Weston Int.
MSA: 000°-090°—2600′; 090°-180°—2000′; 180°-270°—2000′; 270°-360°—2500′.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class., LOM; Ident., TO; Procedure No. 1, Amdt. 7; Eff. Date, 9 May 64; Sup. Amdt. No. 6; Dated, 21 Mar. 64

TVC VOR	TVC RBn	Direct	2100	T-dn*	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 139° Outbnd, 319° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 319°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing RBn, make climbing right turn to 2100′ and return to TVC RBn.
CAUTION: *Several antennas from 1132′ to 1546′ between 3.0 to 4.5 miles W and NW of airport. Plan departure to avoid this area.

City, Traverse City; State, Mich.; Airport Name, Traverse City Municipal; Elev., 623′; Fac. Class., SABH; Ident., TVC; Procedure No. 1, Amdt. 1; Eff. Date, 9 May 64; Sup. Amdt. No. Orig.; Dated, 26 Jan. 63

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Amarillo VOR	Buffalo VOR	Direct	5000	T-dn	300–1	300–1	200–½
Amarillo RBn	Buffalo VOR	Direct	5000	C-dn	500–1	500–1	500–1½
ILS LOM	Buffalo VOR	Direct	5000	S-dn-3	500–1	500–1	500–1
Canyon Int	Buffalo VOR	Direct	5000	A-dn	800–2	800–2	800–2
Claude Int	Buffalo VOR	Direct	5000				
Finley Int	Buffalo VOR	Direct	5000				
Palo Duro Int	Buffalo VOR	Direct	5000				
Plant Int	Buffalo VOR	Direct	5300				
Sam Int	Buffalo VOR	Direct	5300				
Tower Int	Buffalo VOR	Direct	5000				
West Side Int	Buffalo VOR	Direct	5000				

Radar transitions and vectoring using Amarillo radar authorized in accordance with approved radar patterns.
Teardrop procedure turn—procedure turn E side of crs, 196° Outbnd, 033° Inbnd, 5100′ within 10 miles.
Minimum altitude over facility on final approach crs, 5100′, and maintain 5000′ or above until passing OM/LOM.
Crs and distance, facility to airport, 033°—7.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing ARO VOR, climb to 5000′ on R-033 ARO VOR within 20 miles.
CAUTION: Towers 3994′ 3.4 miles SW; 3886′ 2.1 miles SW; 3886′ 2.7 miles SW of airport. 3764′ grain elevator located adjacent to SW boundary of airport.
MSA: 000°–090°—4900′; 090°–180°—4800′; 180°–270°—5200′; 270°–360°—5400′.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Municipal; Elev., 3607′; Fac. Class., VORW; Ident., ARO; Procedure No. 2, Amdt. Orig.; Eff. Date, 9 May 64

PROCEDURE CANCELLED, EFFECTIVE 9 MAY 64.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Municipal; Elev., 3607′; Fac. Class., VORW; Ident., ARO; Procedure No. 3, Amdt. 1; Eff. Date, 4 May 63; Sup. Amdt. No. Orig.; Dated, 26 May 62

Delta RBn	DTA VOR	Direct	7300	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-34	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side crs, 180° Outbnd, 360° Inbnd, 7300′ within 10 miles. All turns to be made on W side of crs, high terrain to E.
Minimum altitude over facility on final approach crs, 6000′.
Crs and distance, facility to airport, 345°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 4.3 miles after passing DTA VOR, climb to 7300′ on R-348 within 20 miles.

City, Delta; State, Utah; Airport Name, Delta Municipal; Elev., 4755′; Fac. Class., M-BVOR; Ident., DTA; Procedure No. 1, Amdt. 5; Eff. Date, 9 May 64; Sup. Amdt. No. 4; Dated, 30 Sept. 61

Fort Sill Int	LAW VOR	Direct	2700	T-dn	300–1	300–1	200–½
Duncan VOR	LAW VOR	Direct	2600	C-dn*	400–1	500–1	500–1½
Temple Int	LAW VOR	Direct	2600	S-dn-35*	400–1	400–1	400–1
Chattanooga Int	LAW VOR	Direct	2600	A-dn#	800–2	800–2	800–2
Apache Int	LAW VOR	Direct	2600				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized due to ATC requirements.
Hold S of LAW VOR, 167° Outbnd, 347° Inbnd, left turns, 1-minute, 2600′.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 354°—8.8 miles; abeam PFL RBn to airport, 354°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 8.8 miles after passing LAW-VOR, or 2.3 miles after passing PFL RBn, turn right, climb to 2600′ and return to LAW-VOR on R-005 or, when directed by ATC, climb to 3500′ on LAW-VOR R-352 and proceed to Apache Int.
NOTE: Authorized for military use only except by prior arrangement.
*If PFL RBn or Z marker not received, descent below 1900′ not authorized and minimums are 700–2.
#Fort Sill approach control, at Post AAF (part-time control zone).
MSA: 000°–090°—2700′; 090°–180°—2300′; 180°–270°—3200′; 270°–360°—3500′.

City, Fort Sill, formerly Lawton (Fort Sill); State, Okla.; Airport Name, Post AAF; Elev., 1187′; Fac. Class., L-BVOR; Ident., LAW; Procedure No. 1, Amdt. 4; Eff. Date, 9 May 64; Sup. Amdt. No. 3; Dated, 22 Feb. 64

Int LIT R-130 and PBF R-359	LIT VOR (final)	Direct	1400	T-dn	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1½
				S-dn-32	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 134° Outbnd, 314° Inbnd 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 314°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LIT VOR, turn left, climb to 2200′ on R-301 within 20 miles or, when directed by ATC, turn right to 100°, intercept and climb to 2000′ on R-055 within 20 miles.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac. Class., BVORTAC; Ident., LIT; Procedure No. 1, Amdt. 9; Eff. Date, 9 May 64; Sup. Amdt. No. 8; Dated, 12 Oct. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Int Little Rock R-130 and PBF R-359	PBF-VOR (final)	Direct	1200	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-17	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 1700′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 179°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing the PBF-VOR, make immediate right turn, climb to 2000′ on PBF R-208 within 20 miles.

City, Pine Bluff; State, Ark.; Airport Name, Grider Field; Elev., 205′; Fac. Class., BVOR; Ident., PBF; Procedure No. 1, Amdt. 6; Eff. Date, 9 May 64; Sup. Amdt. No. 5; Dated, 2 Nov. 63

RMG RBn	RMG VOR	Direct	3000	T-dn#	300–1	300–1	200–½
Dalton Int	RMG VOR	Direct	3000	C-d	1000–1	1000–1	1000–1½
Kennesaw Int	RMG VOR	Direct	3000	C-n#	1000–2	1000–2	1000–2
				S-d-36	1000–1	1000–1	1000–1
				S-n-36#	1000–2	1000–2	1000–2
				A-dn%#	1000–2	1000–2	1000–2
				If aircraft equipped with VOR and ADF and Shannon Int* received, minimums become:			
				C-dn#	800–2	800–2	800–2
				S-dn-36#	500–1	500–1	500–1

Procedure turn W side of crs, 168° Outbnd, 348° Inbnd, 3000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over VOR on final approach crs, 1700′; over Shannon Int, 1600′.
Crs and distance, VOR to airport, 348°—10.8 miles; Shannon Int to airport, 348°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.8 miles after passing RMG VOR, climb to 3500′ on R-348 within 15 miles.
NOTE: Contact Atlanta FSS by transmitting on appropriate frequency and receive on RMG VOR frequency for IFR clearances.
CAUTION: Unlighted trees and terrain 1182′, 1¼ miles WNW of airport. RMG RBn operating as unmonitored facility. Pilot must monitor facility during use.
*Shannon Int: Int RMG VOR R-348 and 112° bearing from RMG RBn.
#Night takeoffs and landing authorized for Runway 18–36 only.
%Alternate minimums authorized only when U.S. Weather Bureau weather service available from 0600–1400E except for air carriers, provided they have approval of their arrangement for weather service.
MSA: 000°–090°—4300′; 090°–180°—3800′; 180°–270°—4100′; 270°–360°—3800′.

City, Rome; State, Ga.; Airport Name, Russell Field; Elev., 644′; Fac. Class., L-BVOR; Ident., RMG; Procedure No. 1, Amdt. 2; Eff. Date, 9 May 64; Sup. Amdt. No. 1; Dated, 14 Dec. 63

TVC RBn	TVC VOR	Direct	2100	T-dn**	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				A-dn	800–2	800–2	800–2
				The following minimums apply if aircraft equipped with operative VOR and ADF and Hill Int received:			
				C-dn	400–1	500–1	500–1½

Procedure turn E side of crs, 160° Outbnd, 340° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; over Hill Int,* 1400′.
Crs and distance, facility to airport, 340°—4.4 miles; Hill Int* to airport, 340°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing TVC VOR, make climbing right turn to 2100′ and return to VOR.
CAUTION: **Several antennas from 1132′ to 1546′ between 3 to 4.5 miles W and NW of airport. Plan departure to avoid this area.
*Hill Int: Int R-340 TVC-VOR and 250° bearing from TVC RBn.

City, Traverse City; State, Mich.; Airport Name, Traverse City Municipal; Elev., 623′; Fac. Class., BVOR; Ident., TVC; Procedure No. 1, Amdt. 4; Eff. Date, 9 May 64; Sup. Amdt. No. 3; Dated, 16 Feb. 63

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 161°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing ICT VOR, turn right, climb to 3400′ on R-216 within 20 miles, or, when directed by ATC, turn right, climb to 3000′ on R-184 and proceed to Mayfield Int.
CAUTION: 2444′ TV tower 8.4 miles NNW.
NOTES: Approach from holding pattern not authorized. Procedure turn required. Aircraft executing missed approach may be radar controlled after radar identification.
MSA: 000°–090°—3400′; 090°–180°—2800′; 180°–270°—3400′; 270°–360°—4000′.

City, Wichita; State, Kans.; Airport Name, Municipal; Elev., 1332′; Fac. Class., BVOR; Ident., ICT; Procedure No. 1, Amdt. 4; Eff. Date, 9 May 64; Sup. Amdt. No. 3; Dated, 30 Apr. 64

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Int Little Rock R-130 and PBF R-359	PBF-VOR (final)	Direct	1200	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-17	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 1700′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 179°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing the PBF-VOR, make immediate right turn, climb to 2000′ on PBF R-208 within 20 miles.

City, Pine Bluff; State, Ark.; Airport Name, Grider Field; Elev., 205′; Fac. Class., BVOR; Ident., PBF; Procedure No. 1, Amdt. 6; Eff. Date, 9 May 64; Sup. Amdt. No. 5; Dated, 2 Nov. 63

RMG RBn	RMG VOR	Direct	3000	T-dn#	300–1	300–1	200–½
Dalton Int	RMG VOR	Direct	3000	C-d	1000–1	1000–1	1000–1½
Kennesaw Int	RMG VOR	Direct	3000	C-n#	1000–2	1000–2	1000–2
				S-d-36	1000–1	1000–1	1000–1
				S-n-36#	1000–2	1000–2	1000–2
				A-dn%#	1000–2	1000–2	1000–2
				If aircraft equipped with VOR and ADF and Shannon Int* received, minimums become:			
				C-dn#	800–2	800–2	800–2
				S-dn-36#	500–1	500–1	500–1

Procedure turn W side of crs, 168° Outbnd, 348° Inbnd, 3000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over VOR on final approach crs, 1700′; over Shannon Int, 1600′.
Crs and distance, VOR to airport, 348°—10.8 miles; Shannon Int to airport, 348°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.8 miles after passing RMG VOR, climb to 3500′ on R-348 within 15 miles.
NOTE: Contact Atlanta FSS by transmitting on appropriate frequency and receive on RMG VOR frequency for IFR clearances.
CAUTION: Unlighted trees and terrain 1182′, 1¼ miles WNW of airport. RMG RBn operating as unmonitored facility. Pilot must monitor facility during use.
*Shannon Int: Int RMG VOR R-348 and 112° bearing from RMG RBn.
#Night takeoffs and landing authorized for Runway 18–36 only.
%Alternate minimums authorized only when U.S. Weather Bureau weather service available from 0600–1400E except for air carriers, provided they have approval of their arrangement for weather service.
MSA: 000°–090°—4300′; 090°–180°—3800′; 180°–270°—4100′; 270°–360°—3800′.

City, Rome; State, Ga.; Airport Name, Russell Field; Elev., 644′; Fac. Class., L-BVOR; Ident., RMG; Procedure No. 1, Amdt. 2; Eff. Date, 9 May 64; Sup. Amdt. No. 1; Dated, 14 Dec. 63

TVC RBn	TVC VOR	Direct	2100	T-dn**	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				A-dn	800–2	800–2	800–2
				The following minimums apply if aircraft equipped with operative VOR and ADF and Hill Int received:			
				C-dn	400–1	500–1	500–1½

Procedure turn E side of crs, 160° Outbnd, 340° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; over Hill Int,* 1400′.
Crs and distance, facility to airport, 340°—4.4 miles; Hill Int* to airport, 340°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing TVC VOR, make climbing right turn to 2100′ and return to VOR.
CAUTION: **Several antennas from 1132′ to 1546′ between 3 to 4.5 miles W and NW of airport. Plan departure to avoid this area.
*Hill Int: Int R-340 TVC-VOR and 250° bearing from TVC RBn.

City, Traverse City; State, Mich.; Airport Name, Traverse City Municipal; Elev., 623′; Fac. Class., BVOR; Ident., TVC; Procedure No. 1, Amdt. 4; Eff. Date, 9 May 64; Sup. Amdt. No. 3; Dated, 16 Feb. 63

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 161°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing ICT VOR, turn right, climb to 3400′ on R-216 within 20 miles, or, when directed by ATC, turn right, climb to 3000′ on R-184 and proceed to Mayfield Int.
CAUTION: 2444′ TV tower 8.4 miles NNW.
NOTES: Approach from holding pattern not authorized. Procedure turn required. Aircraft executing missed approach may be radar controlled after radar identification.
MSA: 000°–090°—3400′; 090°–180°—2800′; 180°–270°—3400′; 270°–360°—4000′.

City, Wichita; State, Kans.; Airport Name, Municipal; Elev., 1332′; Fac. Class., BVOR; Ident., ICT; Procedure No. 1, Amdt. 4; Eff. Date, 9 May 64; Sup. Amdt. No. 3; Dated, 30 Apr. 64

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bowie Int	BAL VOR	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				S-dn-10	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2
				If aircraft equipped with ADF or marker receiver and LOM received, the following minimums apply:			
				C-dn	500–1	500–1	500–1½

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 284° Outbnd, 104° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 900′, maintain 900′ until passing BAL LOM.
Crs and distance, breakoff point to approach end of runway, 102°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL VOR, climb to 2000′ on R-108 BAL VOR, proceed to Bodkin Int, hold E 1-minute left turns.
CAUTION: 340′ tower 2.2 miles S of airport.
MSA: 000°–090°—2000′; 090°–180°—1900′; 180°–270°—2000′; 270°–360°—2100′.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146′; Fac. Class., BVORTAC; Ident., BAL; Procedure No. TerVOR-10, Amdt. 4; Eff. Date, 9 May 64; Sup. Amdt. No. 3; Dated, 28 Sept. 63

Flat Rock VOR	Biltmore Int	Direct	2000	T-dn	300–1	300–1	200–½
Biltmore Int	RIC VOR (final)	Direct	600	C-dn	600–1	600–1	600–1½
Manakin Rbn	RIC VOR	Direct	2000	S-dn-15	600–1	600–1	600–1
5-mile radar fix	RIC VOR (final)	Direct	600	A-dn	800–2	800–2	800–2
				If aircraft equipped with dual VOR receivers and Biltmore Int or 5-mile radar fix received, the following minimums apply:			
				S-dn-15	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 347° Outbnd, 167° Inbnd, 1700′ within 10 miles.
Minimum altitude over Biltmore Int on final approach crs, 800′; over facility, 600′.
Crs and distance, breakoff point to approach end of runway, 154°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 2000′ on R-167 RIC VOR within 10 miles, return to RIC VOR. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
MSA: 000°–090°—1500′; 090°–180°—1400′; 180°–270°—2000′; 270°–360°—2000′.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-15, Amdt. 11; Eff. Date, 9 May 64; Sup. Amdt. No. 10; Dated, 7 Dec. 63

4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10-mile DME fix R-017	5-mile DME fix R-017	Direct	1500	T-dn	300–1	300–1	200–½
5-mile DME fix R-017	Houston VOR (final)	Direct	500	C-dn	400–1	500–1	500–1½
				S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Radar fix may be used in lieu of DME fix.
Procedure turn W side of crs, 017° Outbnd, 197° Inbnd, 1500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 500′.*
Crs and distance breakoff point to approach end Runway 21, 216°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile HOU VOR, climb to 2500′ on R-218 within 20 miles.
CAUTION: 1549′ tower approximately 13 miles SW Houston International Airport. 1235′ tower approximately 9 miles SE of HOU VOR.
*Descent below 1500′ not authorized until passing 5-mile DME fix on final approach.

City, Houston; State, Tex.; Airport Name ,Houston International; Elev., 50′; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. Date, 9 May 64; Sup. Amdt. No. Orig.; Dated, 11 Apr. 64

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10-mile DME fix R-231	5-mile DME fix R-231	Direct	1500	T-dn	300–1	300–1	200–½
5-mile DME fix R-231	Houston VOR (final)	Direct	500	C-dn	400–1	500–1	500–1½
				S-dn-3	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Radar fix may be used in lieu of DME fix.
Procedure turn S side of crs, 231° Outbnd, 051° Inbnd, 2500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 500′.*
Crs and distance, breakoff point to approach end Runway 3, 036°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile HOU VOR, climb to 1600′ on R-036 within 20 miles.
CAUTION: 1549′ tower approximately 13 miles SW Houston International Airport. 1235′ tower approximately 9 miles SE of HOU VOR.
*Descent below 2000′ not authorized until aircraft is Inbnd on final approach within 10 miles and descent below 1500′ not authorized until passing 5-mile DME fix on final.

City, Houston; State, Tex.; Airport Name, Houston International; Elev., 50′; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR/DME No. 3, Amdt. 1; Eff. Date, 9 May 64; Sup. Amdt. No. Orig.; Dated, 11 Apr. 64

15-mile DME fix R-332	7.8-mile DME fix R-332	Direct	6000	T-dn	300–1	300–1	200–½
7.8-mile DME fix R-332	3.5-mile DME fix R-332	Direct	3900	C-dn	700–1	700–1	700–1½
3.5-mile DME fix R-332	0-mile DME fix R-332	Direct	3300	S-dn-14	500–1	500–1	500–1
15-mile DME fix R-315	8.7-mile DME fix R-315	Direct	6000	A-dn	1000–2	1000–2	1000–2
8.7-mile DME fix R-315	3.5-mile DME fix R-315	Direct	3900				
3.5-mile DME fix R-315	0-mile DME fix R-315	Direct	3300				
10-mile DME fix R-137	MFR VOR	Direct	6000				
10-mile DME fix R-156	MFR VOR	Direct	6000				

Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 5700′ within 12 miles.
Minimum altitude over 3.5-mile DME fix R-332 on final approach crs, 3900′; over MFR VOR, 3300′; over 2.5-mile DME fix R-145, 2500′.
Crs and distance, facility to airport, 145°—6.3 miles; 2.5-mile DME fix R-145 to airport, 145°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or at the 6.3-mile DME fix R-145, make immediate right turn, climb to 6000′ direct to MFR VOR thence continue in a 1-minute right-turn holding pattern S of MFR VOR on R-156.
CAUTION: High terrain all quadrants.
NOTE: When authorized by ATC, DME may be used between R-215 MFR VOR clockwise to R-347 MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
MSA: 315°–045°—6400′; 045°–135°—10,000′; 135°–225°—8300′; 225°–315°—6300′.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 1, Amdt. Orig. Eff. Date, 9 May 64

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Annette Island LFR	GVN RBn	Direct	4000	T-dn*	300–1	300–1	200–½
Guard Island Int	GVN RBn (final)	Direct	4000	C-dn*	500–1½	500–2	500–2
				S-dn-12#	300–½	300–½	300–1½
				A-dn	600–2	600–2	600–2

Procedure turn E side of crs, 303° Outbnd, 123° Inbnd, 4000′ within 10 miles of GVN RBn. Nonstandard due to terrain.
Minimum altitude at glide slope interception Inbnd, 3700′.
Altitude of glide slope and distance to approach end of runway at GVN RBn, 3521′—9.6 miles; at ANN LFR, 710′—1.6 miles at MM, 358′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 4200′ on 155° bearing from ANN LFR within 20 miles.
CAUTION: Glide slope angle set at 3.27° to obtain obstruction clearance. Terrain 1000′ within 1.9 miles N through E. Davison Mountain 2882′, 2.9 miles E, Tamgas Mountain 3591′, 5.1 miles ENE of airport.
#If glide slope inoperative, minimums become 300–¾, descent below 519′ not authorized until past ANN LFR.
*Runway 2–20: Night operation not authorized. Runway 2: T-d restricted to 600–1 due to high terrain N through E, 1000′ within 2 miles. Make immediate left turn after takeoff.

City, Annette Island; State, Alaska; Airport Name, Annette Island; Elev., 119′; Fac. Class., ILS; Ident., I-ANN; Procedure No. ILS-12, Amdt. 8; Eff. Date, 9 May 64; Sup. Amdt. No. 7; Dated, 14 Mar. 64

CRP-VOR	LOM	Direct	1800	T-dn	300–1	300–1	200–½
CRP RBn	LOM	Direct	1800	C-dn	##400–1	500–1	500–1½
Robstown Int	LOM	Direct	1800	S-dn-13#	200–½	200–½	200–½
Sinton Int	LOM	Direct	1800	A-dn	600–2	600–2	600–2
Sinton Int	San Pat Int*	Via R-040 ALI-VOR.	1800				
San Pat Int*	LOM (final)	Direct	1400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1400′.
Altitude of glide slope and distance to approach end of runway at LOM, 1370′—4.8 miles; at LMM, 244′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 1500′ direct to CRP-VOR and proceed outbound on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800′ on CRP-VOR R-227 within 20 miles.
*San Pat Int: Int ALI-VOR R-040 and CRP ILS NW crs.
#500–¾ required if glide slope not utilized.
##500–1 required if glide slope not utilized.

City, Corpus Christi; State, Tex.; Airport Name, Corpus Christi International; Elev., 43′; Fac. Class., ILS; Ident., I-CRP; Procedure No. ILS-13, Amdt. 8; Eff. Date, 9 May 64; Sup. Amdt. No. 7; Dated, 18 Apr. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Huntsville VOR	Harrison Int*	Via R-165	2500	T-dn	300–1	300–1	300–1½
Decatur VOR	Harrison Int*	Via R-090	2500	C-dn	900–1½	900–1½	900–2
				A-dn	1000–2	1000–2	1000–2

Procedure turn E side of S crs, 178° Outbnd, 358° Inbnd, 3000' within 10 miles of Harrison Int.*
No glide slope.
Minimum altitude over Harrison Int* on final approach crs, 2500'.
Crs and distance, Harrison Int* to approach end of Runway 36, 358°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Harrison Int, climb to 2600' on N crs, ILS (358°) within 20 miles or, when directed by ATC, turn left, climb to 2600' on R-157, proceed to HSV VOR.
#CAUTION: 1. Circling approaches avoid high terrain and trees 1100', 1.3 miles E of airport. 2. Descent below 2500' not authorized until past Harrison Int Inbnd due to R-210.
*Harrison Int: Int HSV ILS S crs and DCU VOR R-020 or HUA VOR R-113.
MSA: 000°–090°—2900'; 090°–180°—2600'; 180°–270°—2400'; 270°–360°—2600'.

City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619'; Fac. Class., ILS; Ident., I-HSV; Procedure No. ILS-36(back course), Amdt. Orig.; Eff. Date, 9 May 64

Prior Int	LOM	Direct	2300	T-dn*	300–1	300–1	300–1½
FGT-VOR	LOM	Direct	2300	C-dn	500–1	500–1	500–1½
St. Paul Int	LOM	Direct	2300	S-dn-4**§	200–½	200–½	200–1
MSP VOR	LOM	Direct	2300	A-dn	600–2	600–2	600–2
MSP RBn	LOM	Direct	2300				
Ketcham Int¢	LOM (final)	Direct	2200				

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side of crs, 219° Outbnd, 039° Inbnd, 2300' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2068'—4.5 miles; at MM, 1035'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on NE crs ILS within 20 miles.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
§400–¾ required when glide slope not utilized.
¢Ketcham Int: Int SW crs ILS and FGT VOR R-291.
*Runway visual range 2600' also authorized for takeoff on Runway 4 in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.
**Runway visual range 2600' is also authorized for landing on Runway 4; provided, that all components of the ILS high-intensity runway lights, approach lights with condenser-discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 1040' shall not be made unless visual contact with approached lights has been established or the aircraft is clear of clouds.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840'; Fac. Class., ILS; Ident., I-APL; Procedure No. ILS-4, Amdt. 6; Eff. Date, 9 May 64; Sup. Amdt. No. 5; Dated, 4 Feb. 61

McClure Int	LOM	Direct	2000	T-dn	300–1	300–1	300–1½
Waterville VOR	LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Harbor View Int	LOM	Direct	2000	S-dn-7*	300–¾	300–¾	300–¾
Gerald Int	LOM	Direct	2000	A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1975'—3.8 miles; at MM, 1029'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing left turn to 2000' and proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1-minute, 069° Inbnd.
NOTE: ILS touchdown point approximately 2100' in from approach end of runway.
CAUTION: Tower 885', 1¾ miles S of LMM.
Major change: Deletes transitions from Wauseon Int and Weston Int.
*400–¾ if glide slope not utilized.

City, Toledo; State, Ohio; Airport Name, Toledo-Express; Elev., 684'; Fac. Class., ILS; Ident., I-TOL; Procedure No. ILS-7, Amdt. 8; Eff. Date, 9 May 64; Sup. Amdt. No. 7; Dated, 28 Mar. 64

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on April 3, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-3505; Filed, Apr. 29, 1964; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-261; Order No. 283]

PART 3—ORGANIZATION

Delegation of Authority; Acceptance or Rejection of Journal Entry Filings

APRIL 23, 1964.

The Commission has delegated to the Chief Accountant the authority to accept or reject certain journal entry filings relating to the purchase or sale of electric or gas plant tendered by public utilities, licensees, or natural gas companies. This delegation of final authority should be reflected in the description of the Commission's organization as required by section 3 of the Administrative Procedure Act.

The Commission finds:

(1) The amendment to the Commission's general rules herein adopted is necessary and appropriate to carry out the provisions of the Federal Power Act and the Natural Gas Act.

(2) Since the amendment herein adopted involves matters of Commission organization and procedures, the notice, hearing and effective date provisions of section 4 of the Administrative Procedure Act are not applicable.

(3) The amendment herein adopted will effect economies, conserve manpower, and expedite the processing of journal entry filings, and should be made effective forthwith.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly section 309 thereof (49 Stat. 858, 16 U.S.C. 825h), and the Natural Gas Act, particularly section 16 thereof (52 Stat. 830, 15 U.S.C. 717o), and in accordance with section 3 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1002), orders:

(A) Paragraph (b) of § 3.5 of Part 3—Organization, Subchapter A—General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended to read as follows:

§ 3.5 Delegations of final authority.

The Commission has authorized:

* * * * * *

(b) The Chief Accountant, or in his absence, the Acting Chief, to:

(1) Issue interpretations of the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies.

(2) Accept for filing proposed journal entries relating to the purchase or sale of electric or gas plant tendered by a public utility, licensee, or natural gas company which he determines to be consistent with applicable statutory requirements and the Commission's rules, regulations or orders thereunder, including the Commission's Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies, or to reject any such proposed journal entries which do not conform therewith; provided that, where the proposed journal entries involve unusually large transactions or unique or controversial features, the Chief Accountant shall present same to the Commission for consideration.

* * * * * *

(Sec. 309, 49 Stat. 858, U.S.C. 825h; sec. 16, 52 Stat. 830, 15 U.S.C. 717o; sec. 3, 60 Stat. 238, 5 U.S.C. 1002)

(B) The amendment herein adopted shall become effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-4276; Filed, Apr. 29, 1964; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 948; Amdt. No. 1]

PART 95—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Trackage of Union Pacific Railroad; Expiration Date

At a Session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 23d day of April A.D. 1964.

Upon further consideration of Service Order No. 948 (29 F.R. 564) and good cause appearing therefor:

It is ordered, That § 95.948 *Service Order No. 948* be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 95.948 Service Order No. 948.

* * * * * *

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1964, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1964.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-4292; Filed, Apr. 29, 1964; 8:46 a.m.]

[S.O. No. 949; Amdt. No. 1]

PART 95—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. Authorized To Operate Over Trackage of Union Pacific Railroad; Expiration Date

At a Session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 23d day of April A.D. 1964.

Upon further consideration of Service Order No. 949 (29 F.R. 564) and good cause appearing therefor:

It is ordered, That § 95.949 *Service Order No. 949* is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 95.949 Service Order No. 949.

* * * * * *

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1964, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1964.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-4293; Filed, Apr. 29, 1964; 8:46 a.m.]

[S.O. No. 950; Amdt. No. 1]

PART 95—CAR SERVICE

Chicago, Burlington & Quincy Railroad Co. Authorized To Operate Over Trackage of Union Pacific Railroad; Expiration Date

At a Session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 23d day of April A.D., 1964.

Upon further consideration of Service Order No. 950 (29 F.R. 565) and good cause appearing therefor:

It is ordered, That § 95.950 *Service Order No. 950* is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 95.950 Service Order No. 950.

• • • • • •

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1964, unless otherwise modified, changed, suspended, or annulled by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1964.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4).)

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–4294; Filed Apr. 29, 1964; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Sport fishing on the Missisquoi National Wildlife Refuge, Vermont, is permitted only where designated by signs as open to fishing. This open area, comprising approximately two acres or one half of 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston, Massachusetts. Sport fishing will be subject to the following conditions:

(a) Species permitted to be taken: Walleyed pike, black bass, pickerel, bullheads, yellow perch, carp and other rough fish, and other minor species.

(b) Open seasons and creel limits: In accordance with the following table:

Species	Open seasons	Creel limits	Length limits
Walleyed pike.	Anytime	10 fish per day; 20 fish in possession.	12" minimum.
Black bass	2d Saturday in June to November 30 inclusive.	10 fish per day; 20 fish in possession.	10" minimum.
Pickerel	Anytime	10 fish per day; 20 fish in possession.	12" minimum.
Yellow perch, and bullheads; carp, bowfin, suckers, and other rough fish.	Anytime	No limit	No limit.

(c) Methods of fishing:

(1) As prescribed by State regulations except as follows:

(2) Pickerel may not be taken on the refuge by shooting.

(d) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas as set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1964.

JOHN S. GOTTSCHALK, *Regional Director Bureau of Sport Fisheries and Wildlife.*

APRIL 23, 1964.

[F.R. Doc. 64–4285; Filed, Apr. 29, 1964; 8:46 a.m.]

PART 33—SPORT FISHING

Montezuma National Wildlife Refuge, New York

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Sport fishing on the Montezuma National Wildlife Refuge, New York, is permitted only in the area designated by signs as open to fishing. This open area, comprising three acres or less than one half of one percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston, Massachusetts. Sport fishing shall be subject to the following conditions:

(a) Species permitted to be taken: Black bass, pikeperch, northern pike, pickerel, bullhead, whitefish, rock bass, white perch, white bass, crappie, sunfish, yellow perch, and sauger, and other minor species and rough fish.

(b) Open season: Black bass, July 1–November 30, 1964; pike perch, May 1–March 1, 1965; northern pike, May 1–March 1, 1965; pickerel, May 1–March 1, 1965; whitefish, April 1–September 1, 1964. No closed season for other minor species, or rough fish.

(c) Daily creel limits: Six black bass, 10 pike perch, 10 northern pike, and 10 pickerel. No creel limits for other minor species and rough fish.

(d) Methods of fishing:

(1) As prescribed by State regulations.

(e) Other provisions:

(1) The provisions of the special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through April 30, 1965.

JOHN S. GOTTSCHALK, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

APRIL 23, 1964.

[F.R. Doc. 64–4284; Filed, Apr. 29, 1964; 8:46 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

Subpart C—Maritime and Aircraft Quarantine

REDUCTION OF QUARANTINE PERIOD AND PROVISION FOR MANDATORY IMMUNIZATION AGAINST RABIES

Effective on the thirtieth day after publication in the FEDERAL REGISTER, §§ 24.100a and 24.100e of Title 35 of the Code of Federal Regulations are amended to read as follows:

§ 24.100a Same; quarantine period.

Every dog or cat brought into the Canal Zone from off the Isthmus shall be held in quarantine, under official veterinary observation, for a period of not less than 30 days.

§ 24.100e Same; immunization against rabies.

Every dog or cat brought into the Canal Zone from off the Isthmus shall be immunized upon arrival with an approved anti-rabies vaccine by a veterinarian of the Health Bureau. Such immunization shall be performed regardless of previous vaccination against rabies and shall precede the discharge of the animal from quarantine by not less than 30 days. In the event that circumstances do not warrant the immunization of a dog or cat that is less than four months of age at the time of its arrival in the Canal Zone, the requirement may be waived in the discretion of the Health Bureau veterinarian.

[SEAL] DAVID S. PARKER, *Acting Governor.*

APRIL 15, 1964.

[F.R. Doc. 64–4279; Filed, Apr. 29, 1964; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 41]

EXCISE TAXES

Use of Certain Highway Motor Vehicles; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

MORTIMER M. CAPLIN, *Commissioner of Internal Revenue.*

In order to conform the Highway Motor Vehicle Use Tax Regulations (26 CFR Part 41) to section 203 of the Federal-Aid Highway Act of 1961 (75 Stat. 124), to provide for a change in the meaning of the term "fully equipped for service" in the case of buses, and to provide certain technical and clarifying changes, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (e) of § 41.0–2 is amended to read as follows:

§ 41.0–2 General definitions and use of terms.

As used in the regulations in this part, unless otherwise expressly indicated:

• • • • • •

(e) District director means district director of internal revenue. The term also includes the Director of International Operations in all cases where the authority to perform the functions which may be performed by a district director has been delegated to the Director of International Operations.

• • • • • •

PAR. 2. Section 41.0–3 is amended to read as follows:

§ 41.0–3 Scope of regulations.

The regulations in this part apply to the use after June 30, 1956, and before October 1, 1972, of certain highway motor vehicles on the public highways in the United States.

PAR. 3. Section 41.4481 is amended by revising section 4481 (a), (c), (d), and (e) and the historical note to read as follows:

§ 41.4481 Statutory provisions; imposition of tax.

SEC. 4481. *Imposition of tax*—(a) *Imposition of tax.* A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of more than 26,000 pounds, at the rate of $3.00 a year for each 1,000 pounds of taxable gross weight or fraction thereof. In the case of the taxable period beginning on July 1, 1972, and ending on September 30, 1972, the tax shall be at the rate of 75 cents for such period for each 1,000 pounds of taxable gross weight or fraction thereof.

• • • • • •

(c) *Proration of tax.* If in any taxable period the first use of the highway motor vehicle is after the first month in such period, the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the last day in such taxable period.

(d) *One tax liability per period*—(1) *In general.* To the extent that the tax imposed by this section is paid with respect to any highway motor vehicle for any taxable period, no further tax shall be imposed by this section for such taxable period with respect to such vehicle.

(2) *Cross reference.* For privilege of paying tax imposed by this section in installments, see section 6156.

(e) *Period tax in effect.* The tax imposed by this section shall apply only to use before October 1, 1972.

[Sec. 4481 as added by sec. 206 (a), Highway Revenue Act 1956 (70 Stat. 389) and as amended by sec. 203 (a) and (b), Federal-Aid Highway Act 1961 (75 Stat. 124)]

PAR. 4. Section 41.4481–1 is amended to read as follows:

§ 41.4481–1 Imposition of tax.

(a) *In general.* A tax is imposed for each taxable period upon the use, at any time during such period, on the public highways in the United States of any highway motor vehicle which has a taxable gross weight in excess of 26,000 pounds. The tax is imposed upon the use of such a highway motor vehicle only if, at the time of the use of such vehicle, it is registered or required to be registered in the name of a person (whether or not such person is the person who uses the vehicle). See, however, §§ 41.4483–1 and 41.4483–2, relating, respectively, to exemption from the tax in the case of highway motor vehicles used by a State or any political subdivision thereof and in the case of certain transit-type buses. For definition of the terms "registered", "highway motor vehicle", "taxable gross weight", "taxable period", and "use", see §§ 41.4481–3, 41.4482(a)–1, 41.4482(b)–1, and paragraphs (b) and (c) of § 41.4482(c)–1, respectively.

(b) *Rate of tax.* The tax is computed on each 1,000 pounds of taxable gross weight or fraction thereof of each highway motor vehicle the use of which at any time during the taxable period is subject to the tax. Thus, any fraction of 1,000 pounds of taxable gross weight in excess of 26,000 pounds of taxable gross weight is treated as 1,000 pounds for purposes of the computation of the tax. Following are the rates of tax in effect for taxable periods after June 30, 1956:

Period of vehicle use	*Rate of tax per 1,000 pounds or fraction thereof of taxable gross weight*
For each taxable period commencing after June 30, 1956, and ending before July 1, 1961	$1.50
For each taxable period commencing after June 30, 1961, and ending before July 1, 1972	3.00
For the taxable period beginning July 1, 1972, and ending on September 30, 1972	.75

(c) *Computation of tax.* (1) Except as provided in subparagraph (2) of this paragraph, the tax on the use of a particular highway motor vehicle for the taxable period is computed by multiplying the number of units (1,000 pounds or fraction thereof) of taxable gross weight of the vehicle by the rate of tax applicable for such period as shown in paragraph (b) of this section.

(2) If the first taxable use of a particular highway motor vehicle is made after the first month of the taxable period, the tax on the use of such vehicle for such taxable period is computed by multiplying the amount of tax that would be due for a full taxable period as computed under subparagraph (1) of this paragraph, by a fraction. Such fraction shall have as its numerator the number of months, including the month of first taxable use, that remain in the taxable period and as its denominator the number of months in the taxable period. An alternative method for proration of the tax for taxable periods commencing after June 30, 1961, is to multiply the number of units (1,000 pounds or fraction thereof) of taxable gross weight of the vehicle by the rate of 25 cents and multiply the resulting figure by the number of months (including the month of first taxable use) remaining in the taxable period. (See example (2) of paragraph (d) of this section.)

(3) Since the tax is measured from the first day of the month in which the first taxable use of a highway motor vehicle is made, the fact that the vehicle

is later sold, destroyed, junked, or otherwise disposed of in the taxable period does not affect the computation of the tax on the use of such vehicle for such taxable period, or give rise to a right to refund or credit. Likewise, the fact that the use of a highway motor vehicle during the taxable period is discontinued or is of an exempt nature in a later part of the taxable period does not affect the computation of the tax or give rise to a right to refund or credit.

(d) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). In the taxable period beginning July 1, 1960, the first taxable use of a particular highway motor vehicle, a bus, having a taxable gross weight of 29,400 pounds occurs on July 10, 1960, at which time the vehicle is registered in the name of X. A tax of $45 (30 x $1.50) is imposed on the use of such vehicle for such taxable period.

Example (2). On July 1, 1961, X has registered in his name a highway motor vehicle having a taxable gross weight of 30,000 pounds. The vehicle is in "dead storage" until August 10, 1961, at which time X starts using the vehicle on the public highways in carrying on his trucking business. On August 10, 1961, the vehicle is still registered in X's name. Since the first taxable use of this highway motor vehicle during the taxable period occurred on August 10, 1961, X is required to pay a tax of $82.50 (30 x $3.00 x 11/12 or, if computed by alternative method, 30 x 25 cents x 11) for such taxable period.

PAR. 5. Section 41.4481–2 is amended to read as follows:

§ 41.4481–2 Persons liable for tax.

(a) *In general.* (1) The person in whose name any highway motor vehicle is registered at the time of the first taxable use of such vehicle in any taxable period is liable for the tax on the use of the vehicle for such taxable period. This liability is for the total tax even though such person elects to pay the tax in installments. If thereafter in the same taxable period a taxable use of such vehicle is made while it is registered in the name of another person, such other person is also liable for the tax on the use of such vehicle for such taxable period to the extent that the tax or an installment payment of the tax has not previously been paid. In case more than one person is liable for the tax on the use of a particular highway motor vehicle for a taxable period, the liability of all persons for such tax is satisfied to the extent that the tax is paid by any person liable for the tax.

(2) The application of this paragraph may be illustrated by the following example:

Example. In the taxable period beginning July 1, 1961, the first taxable use of a particular highway motor vehicle having a taxable gross weight of 40,000 pounds occurs on July 10, 1961, at which time the vehicle is registered in the name of Y. On September 1, 1961, Y sells the vehicle to X who registers and uses the vehicle before the end of such taxable period. Since the vehicle was registered in the name of Y at the time of its first taxable use, Y is liable for the total tax of $120 (40 x $3) imposed on the use of the vehicle for the taxable period. X is also liable for $120 tax or any part thereof, but only to the extent that Y does not pay it. To the extent that either X or Y pays the tax the other party is relieved of such liability.

(b) *Evidence of prior use of secondhand vehicle.* Every person who, at any time in the taxable period, acquires and has registered in his name a secondhand highway motor vehicle shall obtain and keep as a part of his records evidence, which he believes to be true, showing whether there was or was not a taxable use of such vehicle at any time in such taxable period prior to the time when the vehicle was registered in his name. The evidence may take the form of a written statement, signed and dated by the person from whom the vehicle was acquired, showing whether there was or was not a prior taxable use of the vehicle in the taxable period. If the vehicle is acquired from a dealer in highway motor vehicles, the statement may be obtained from such dealer or from the person from whom the dealer acquired such vehicle. If evidence is not obtained showing whether there was or was not a prior taxable use of such vehicle, such person shall keep as a part of his records a written statement of the reasons why he was unable to obtain such evidence.

(c) *Cross references.* (1) For provisions relating to interest on underpayments of tax, see § 301.6601–1 of this chapter (Regulations on Procedure and Administration).

(2) For records required to be kept, see § 41.6001–1.

(3) For rules applicable to installment payment of tax for highway use tax liability, see § 41.6156–1.

(4) For rules applicable to time of filing returns, see § 41.6071(a)–1.

PAR. 6. Paragraph (b) of § 41.4481–3 is amended to read as follows:

§ 41.4481–3 Registration.

* * * * *

(b) Any highway motor vehicle which, at any time in the taxable period, is registered both in the name of the owner of the vehicle and in the name of any other person, is considered, for purposes of the regulations in this part, to be registered, at such time, solely in the name of the owner of the vehicle.

PAR. 7. Paragraph (b)(2) of § 41.4482(b)–1 is amended to read as follows:

§ 41.4482(b)–1 Definition of taxable gross weight.

* * * * *

(b) *Meaning of terms.* * * *

(2) The term "fully equipped for service"—

(i) In the case of trucks and truck-tractors, includes body (whether or not designed and adapted primarily for transporting cargo, as for example, concrete mixers); all accessories; all equipment attached to or carried on such truck or truck-tractor for use in connection with the movement of the vehicle by means of its own motor or for use in the maintenance of the vehicle; and a full complement of lubricants, fuel, and water. The term does not include driver, any equipment (not including body) attached to or carried on the vehicle for use in handling, protecting, or preserving cargo; or any special equipment (such as an air compressor, crane, specialized oilfield machinery, etc.) mounted on the vehicle for use on construction jobs, in oilfield operations, etc.,

(ii) In the case of buses, for taxable periods beginning before July 1, 1964, includes body; all accessories; all equipment attached to or carried on such bus for use in connection with the movement of the vehicle by means of its own motor or for use in the maintenance of the vehicle; and a full complement of lubricants, fuel, and water. The term does not include driver or any equipment (not including body) attached to or carried on the vehicle for the accommodation of passengers or others (such as air-conditioning equipment and sanitation facilities, etc.), and

(iii) In the case of buses, for taxable periods beginning on or after July 1, 1964, includes body; all accessories; all equipment attached to or carried on such bus for use in connection with the movement of the vehicle by means of its own motor, for use in the maintenance of the vehicle, or for the accommodation of passengers or others (such as air-conditioning equipment and sanitation facilities, etc.); and a full complement of lubricants, fuel, and water. The term does not include driver.

* * * * *

PAR. 8. Section 41.4482(c) is amended by revising the heading, adding paragraph (4) to section 4482(c), and by revising the historical note to read as follows:

§ 41.4482(c) Statutory provisions: definitions; other definitions; State, year, use and taxable period.

Sec. 4482. *Definitions.* * * *

(c) *Other definitions.* For purposes of this subchapter—

* * * * *

(4) *Taxable period.* The term "taxable period" means any year beginning before July 1, 1972, and the period which begins on July 1, 1972, and ends at the close of September 30, 1972.

[Sec. 4482 (c) as added by sec. 206 (a), Highway Revenue Act 1956 (70 Stat. 390) and as amended by sec. 203(b)(2)(C) Federal-Aid Highway Act 1961 (75 Stat. 125)]

PAR. 9. Section 41.4482(c)–1 is amended by revising the heading and paragraph (b) to read as follows:

§ 41.4482(c)–1 Definition of State, taxable period and use.

* * * * *

(b) *Taxable period.* The term "taxable period", as used in the regulations in this part, means (1) any one-year period beginning with July 1 and ending with the following June 30 during the period after June 30, 1956, and before July 1, 1972, and (2) the three-month period beginning with July 1, 1972, and ending with September 30, 1972.

* * * * *

PAR. 10. Section 41.4483–2 is amended by revising paragraphs (a), (c), (e)(2), and (f) to read as follows:

§ 41.4483–2 Exemption for certain transit-type buses.

(a) *In general.* Use in any taxable period, or part thereof, of any bus of the transit type by any person who is engaged in the operation of a transit system is exempt from the tax, if such person meets the 60-percent passenger fare revenue test provided for in section 6421(b)(2), as set forth in paragraph (e) of this section, for the applicable period prescribed in paragraph (c) of this section as the test period for such person for such system for such taxable period, or part thereof.

* * * * *

(c) *Test period.* (1) In the case of any person who is engaged in the operation of a transit system at any time in the calendar quarter immediately preceding July 1 of any taxable period, the test period for such system for such taxable period shall be such calendar quarter. However, if passenger fare revenue from scheduled service described in paragraph (e) of this section was derived on less than 30 days during such calendar quarter from operation of such system, the test period for such system for such taxable period shall be the last preceding test period for such system. If such system has no preceding test period, then the test period for such system for such taxable period shall be the calendar quarter beginning with July 1 of such taxable period.

(2) Except as otherwise provided in subparagraph (3) of this paragraph, in the case of any person who commences operation of a transit system at any time on or after July 1 of any taxable period, the test period for such system for that part of such taxable period beginning with the first day on which such operation was commenced shall be the calendar quarter in which falls such first day. However, if passenger fare revenue from scheduled service described in paragraph (e) of this section was derived on less than 30 days during such calendar quarter from operation of such system, the test period for such system for such taxable period shall be the following calendar quarter.

(3) In the case of any person who commences operation of a transit system at any time in the last calendar quarter to which the tax imposed by section 4481 applies, such last calendar quarter shall be the test period for such transit system regardless of the number of days in which passenger fare revenue is derived in such calendar quarter.

* * * * *

(e) *60-percent passenger fare revenue test.* * * *

(2) At least 60 percent of the total of such passenger fare revenue derived by such person during such test period was attributable to (i) amounts paid for transportation which do not exceed 60 cents, (ii) amounts paid for commutation or season tickets for single trips of less than 30 miles, or (iii) amounts paid for commutation tickets for one month or less (see section 4263(a)).

* * * * *

(f) *Examples.* Application of this section may be illustrated by the following examples:

Example (1). The X Transit Company is engaged in the operation of a transit system in the city of A and surrounding area throughout April, May, and June of 1962 and the taxable period beginning July 1, 1962. It derives passenger fare revenue from the operation of such system for 15 days in April and for the entire months of May and June of 1962. On July 1, 1962, the Company is using 60 buses of the transit type and 40 buses of the intercity type. Each of 20 of the transit-type buses and each of 10 of the intercity-type buses has a taxable gross weight of more than 26,000 pounds. (No tax is imposed on the use of either a transit-type bus or an intercity-type bus having a taxable gross weight of 26,000 pounds or less. See § 41.4481–1.) Use of the 10 intercity-type buses is subject to the tax for the taxable period beginning with July 1, 1962, since the exemption, if any, applies only to transit-type buses. Use of the 20 transit-type buses is not subject to the tax for such taxable period if at least 60 percent of the total passenger fare revenue (not including any tax on the transportation of persons imposed by section 4261) derived by the X Transit Company during April, May, and June of 1962 (the test period prescribed in paragraph (c)(1) of this section) from operation of such system was from fares attributable to (i) amounts paid for transportation which do not exceed 60 cents, (ii) amounts paid for commutation or season tickets for single trips of less than 30 miles, or (iii) amounts paid for commutation tickets for one month or less. If the X Transit Company does not meet the 60-percent passenger fare revenue test for April, May, and June of 1962, the tax attaches for the taxable period beginning with July 1, 1962, with respect to the use of each of the 20 transit-type buses having a taxable gross weight of more than 26,000 pounds.

Example (2). Assume the same facts as those stated in Example (1), except that the X Transit Company commences operation of the transit system on July 15, 1962, and derives passenger fare revenue from operation of the system throughout the following August and September. In such case, the test period is July, August, and September of 1962, and if the test is met for this period, no tax is imposed on the use by the Company of any bus of the transit type in the period July 15, 1962, through June 30, 1963.

Example (3). Assume the same facts as those stated in Example (1), except that the X Transit Company commences operation of the transit system on April 15, 1963, and derives passenger fare revenue from operation of the system throughout the following May and June. In such case the test period is April, May, and June of 1963, and if the test is met for this period, no tax is imposed on the use by the Company of any bus of the transit type in the period April 15 through June of 1963 or in the taxable period beginning on July 1, 1963.

PAR. 11. Section 41.4483–3 is amended to read as follows:

§ 41.4483–3 Application of exemptions.

Any exemption from the tax on the use of a highway motor vehicle has application only with respect to the use of such highway motor vehicle and not with respect to the highway motor vehicle as such. Furthermore, such exemption is subject to those provisions of paragraph (c) of § 41.4481–1 relating to proration of the tax and to the effect of an exempt use of a highway motor vehicle after a taxable use has been made. Thus, if a taxable use is made of a highway motor vehicle at any time in a taxable period, the tax is imposed on the use of such vehicle for such taxable period, computed from the first day of the month in which such taxable use occurred, even though at some time in the same taxable period, before or after such taxable use occurred, the use of the vehicle may have been, or may be, exempt. For example, if a highway motor vehicle is operated exclusively by a State in the period July 1 through September 10 of a taxable period, use of such vehicle in such period is exempt from the tax. However, if a taxable use of the vehicle is made on September 11 of such taxable period, the tax imposed on the use of such vehicle for such taxable period is computed from September 1. On the other hand, if a taxable use of the vehicle is made at any time in July of the taxable period, the tax imposed on the use of such vehicle for such taxable period is computed from July 1, even though the vehicle may be operated exclusively by a State in every other month of such period.

PAR. 12. Section 41.6001–1 is amended by revising the first sentence in paragraph (a), subparagraphs (3) and (6) of paragraph (a), and paragraph (b). These amended provisions read as follows:

§ 41.6001–1 Records.

(a) *Records to be kept.* Every person in whose name any highway motor vehicle having a taxable gross weight in excess of 26,000 pounds (see the schedule of taxable gross weights prescribed by § 41.4482(b)–1) is registered at any time in the taxable period shall keep records sufficient to enable the district director to determine whether such person is liable for the tax and, if so, the amount thereof. Such records shall show with respect to each such vehicle:

* * * * *

(3) The first month of each taxable period in which occurred a taxable use of each such vehicle while the vehicle was registered in the name of such person; information showing whether such vehicle was operated, while registered in the name of such person, in any prior month in such taxable period; and if such vehicle was so operated, evidence establishing that such operation was not a taxable use.

* * * * *

(6) In the case of a secondhand highway motor vehicle acquired at any time in the taxable period, evidence showing whether there was a prior taxable use in such taxable period of the highway motor vehicle (see paragraph (b) of § 41.4481–2). For filing requirements of purchaser of secondhand vehicle, see paragraph (b) of § 41.6011(a)–1.

* * * * *

(b) *Transit systems.* Every person engaged in the operation of a transit system who claims exemption from tax with respect to a transit-type bus shall keep records sufficient to show, with respect to each taxable period, whether he meets the 60-percent passenger fare revenue test (see paragraph (e) of § 41.4483–2) for the period prescribed as the test period (see paragraph (c) of § 41.4483–2) for such system for such taxable period.

* * * * *

PAR. 13. Paragraphs (a) and (b) of § 41.6011(a)–1 are amended to read as follows:

§ 41.6011(a)–1 Returns.

(a) Every person in whose name a highway motor vehicle is registered at the time of the first taxable use of such vehicle in any taxable period shall make a return of the tax on the use of such vehicle for such taxable period. Such return shall be made on Form 2290.

(b) Every person (other than a person required under paragraph (a) of this section to make a return) in whose name any highway motor vehicle is registered at a time during the taxable period when a taxable use of such vehicle occurs shall make a return of the tax on the use of such vehicle for such taxable period on Form 2290 if the district director notifies such person that such tax has not been paid in full. The amount to be reported as tax on such return with respect to the use of such vehicle shall be the unpaid portion of the tax on the use of such vehicle for such taxable period, measured from the first day of the month in which occurred the first taxable use of such vehicle in such taxable period. The district director shall advise such person of the amount of such unpaid tax. For provisions relating to the highway use tax liability for a taxable period of each person, where more than one person is liable for such tax, see § 41.4481–2. For provisions relating to the payment of tax in installments, see § 41.6156–1.

* * * * *

PAR. 14. Paragraphs (b), (c), (d), and (e) of § 41.6071(a)–1 are amended to read as follows:

§ 41.6071(a)–1 Time for filing returns.

* * * * *

(b) *Use after June 1957.* Except as otherwise provided in paragraph (c) of this section:

(1) In the case of any highway motor vehicle the first taxable use of which in any taxable period beginning on or after July 1, 1957, occurs in July of such taxable period, the person in whose name such vehicle is registered at the time of such use shall, after July and on or before August 31 of such taxable period, make a return of the tax on the use of such vehicle for such taxable period.

(2) In the case of any highway motor vehicle the first taxable use of which in any taxable period beginning on or after July 1, 1957, occurs in a month of such taxable period after July, the person in whose name the vehicle is registered at the time of such use shall, after such month and on or before the last day of the following month, make a return of the tax on the use of such vehicle for such taxable period.

(c) *Certain transit-type buses.* In the case of any bus of the transit type, the first taxable use of which in any taxable period occurs prior to the close of the test period (see paragraph (c) of § 41.4483–2) with reference to which liability for the tax on the use of such transit-type bus for such taxable period is determined, the person in whose name the bus is registered at the time of such use shall, after such test period and on or before the last day of the following month (but in no event earlier than the time prescribed in paragraph (a)(1) of this section for filing a return) make a return of such tax for such taxable period on the use of such transit-type bus.

(d) *Prior taxable use.* Every person who, pursuant to paragraph (b) of § 41.6011(a)–1, is required to make a return of the tax on the use of any highway motor vehicle for any taxable period shall make such return on or before the last day of the month following the month in which such person is notified by the district director that such return is required.

(e) *Combined return.* In the case of any person who, pursuant to paragraph (a), (b), or (c) of this section, is required to report the tax on the use of two or more highway motor vehicles within a prescribed time after the close of a particular month, such person shall report the tax for the taxable period on the use of all such vehicles in a single return.

* * * * *

PAR. 15. Section 41.6091–1 is amended to read as follows:

§ 41.6091–1 Place for filing returns.

(a) *Persons other than corporations.* Each return of a person other than a corporation shall be filed with the district director for the internal revenue district in which is located the principal place of business or legal residence of such person. If a person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the district director at Baltimore, Maryland; except that if such person has a residence, a place of business, an office, or an agency outside of the United States, he shall file his return with the Director of International Operations.

(b) *Corporations.* Each return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation. If a corporation has no principal place of business or principal office or agency in any internal revenue district, the return shall be filed with the district director at Baltimore, Maryland; except that if such corporation has a place of business, an office, or an agency outside the United States, it shall file its return with the Director of International Operations.

PAR. 16. Section 41.6101–1 is amended to read as follows:

§ 41.6101–1 Period covered by returns.

Each return shall cover a taxable period as defined by paragraph (b) of § 41.4482(c)–1.

PAR. 17. Section 41.6151(a)–1 is amended to read as follows:

§ 41.6151(a)–1 Time and place for paying tax.

The tax imposed by § 41.4481–1 required to be reported on any return is due and payable to the district director with whom the return is required to be filed. Such tax shall be paid in full at the time prescribed in § 41.6071(a)–1 for filing the return, unless the person required to file the return elects to pay the tax shown on the return in installments. For provisions relating to payment of tax in installments, see § 41.6156–1. For provisions relating to interest on underpayments, see the regulations under section 6601 in Part 301 of this chapter (Regulations on Procedure and Administration). For provisions relating to credits and refunds, see §§ 301.6402–1, 301.6402–2, and 301.6402–4 of this chapter (Regulations on Procedure and Administration). For provisions relating to abatements, see § 301.6404–1 of this chapter (Regulations on Procedure and Administration). For provisions relating to limitations on credits or refunds, see §§ 301.6511(a)–1 and 301.6511(b)–1 of this chapter (Regulations on Procedure and Administration).

PAR. 18. There is inserted after § 41.6151(a)–1, the following new sections:

§ 41.6156 Statutory provisions; installment payments of tax on use of highway motor vehicles.

Sec. 6156. *Installment payments of tax on use of highway motor vehicles*—(a) *Privilege to pay tax in installments.* If the taxpayer files a return of the tax imposed by section 4481 on or before the date prescribed for the filing of such return, he may elect to pay the tax shown on such return in equal installments in accordance with the following table:

If liability is incurred in—	*The number of installments shall be—*
July, August, or September	4
October, November, or December	3
January, February, or March	2

(b) *Dates for paying installments.* In the case of any tax payable in installments by reason of an election under subsection (a)—

(1) The first installment shall be paid on the date prescribed for payment of the tax,

(2) The second installment shall be paid on or before the last day of the third month following the calendar quarter in which the liability was incurred,

(3) The third installment (if any) shall be paid on or before the last day of the sixth month following the calendar quarter in which the liability was incurred, and

(4) The fourth installment (if any) shall be paid on or before the last day of the ninth month following the calendar quarter in which the liability was incurred.

(c) *Proration of additional tax to installments.* If an election has been made under subsection (a) in respect of tax reported on a return filed by the taxpayer and tax required to be shown but not shown on such return is assessed before the date prescribed for payment of the last installment, the additional tax shall be prorated equally to the installments for which the election was made. That part of the additional tax so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as and as part of such installment. That part of the additional tax so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary or his delegate.

(d) *Acceleration of payments.* If the taxpayer does not pay any installment under this section on or before the date prescribed for its payment, the whole of the unpaid tax shall be paid upon notice and demand from the Secretary or his delegate.

(e) *Section inapplicable to certain liabilities.* This section shall not apply to any liability for tax incurred in—

(1) April, May, or June of any year, or

(2) July, August, or September of 1972.

[Sec. 6156 as added by sec. 203(c)(1), Federal-Aid Highway Act 1961 (75 Stat. 125)]

§ 41.6156–1 Installment payments of tax on use of highway motor vehicle.

(a) *Privilege to pay tax in installments.* Except as provided in paragraph (f) of this section, the liability shown on each return on Form 2290 may be paid in equal installments, rather than by a single payment if the return is timely filed and the person filing the return elects in the return, in accordance with the instructions contained therein, to pay the tax in installments. For the tax liabilities of the parties to a transfer, where a vehicle has been transferred during the taxable period and there has been an election to pay tax in installments, see § 41.4481–2.

(b) *Dates for paying installments.* In the case of any tax payable in installments by reason of the election described in paragraph (a) of this section, the installments must be paid in accordance with the following table:

If the liability was incurred in—	1st installment is due on or before the last day of—	2d installment is due on or before the last day of—	3d installment is due on or before the last day of—	4th installment is due on or before the last day of—
July	Aug.	Dec.	Mar.	June.
Aug.	Sept.	Dec.	Mar.	June.
Sept.	Oct.	Dec.	Mar.	June.
Oct.	Nov.	Mar.	June.	
Nov.	Dec.	Mar.	June.	
Dec.	Jan.	Mar.	June.	
Jan.	Feb.	June.		
Feb.	Mar.	June.		
Mar.	Apr.	June.		

(c) *Proration of additional tax to installments.* If an election has been made under paragraph (a) of this section to pay the tax imposed by section 4481 in installments, and additional tax is assessed on a return for such tax before the date prescribed for payment of the last installment, the additional tax shall be prorated equally to all the installments, whether paid or unpaid. That part of the additional tax so prorated to any installment which is not yet due shall be collected at the same time and as part of such installment. The part of the additional tax so prorated to any installment, the date for payment of which has arrived, shall be paid upon notice and demand from the district director,

(d) *Acceleration of payment.* If any person elects under the provisions of this section to pay the tax in installments, any installment may be paid prior to the date prescribed for its payment. If an installment is not paid in full on or before the date fixed for its payment, the whole amount of the unpaid tax shall be paid upon notice and demand from the district director.

(e) *Interest in respect of installment payments.* Interest on an underpayment of an installment accrues from the due date for the installment. Where the installment privilege has been terminated and the time for payment of remaining installments has been accelerated by the issuance of a notice and demand, interest on these installments accrues from the date of such notice and demand. Interest on additional tax prorated as described in paragraph (c) of this section accrues from the date prescribed for the payment of the first installment. For provisions generally applicable to interest on delinquent taxes and installment payments, see section 6601 and § 301.6601–1 of this chapter (Regulations on Procedure and Administration).

(f) *Liabilities to which election does not apply.* The privilege to pay tax in installments provided by section 6156, shall not apply to any liability for tax incurred in

(1) Any taxable period ending prior to July 1, 1961, and

(2) April, May, or June of any taxable period, or

(3) July, August, or September of 1972.

(g) *Cross references.* For provisions relating to overpayment of installments, see § 301.6403–1 of this chapter (Regulations on Procedure and Administration).

PAR. 19. Section 41.7701 is amended by revising section 7701(a)(12) and the historical note to read as follows:

§ 41.7701 Statutory provisions; definitions.

Sec. 7701. *Definitions.* (a) * * *

(12) *Delegate*—(A) *In general.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

* * * * *

[Sec. 7701 as amended by sec. 22(g), Alaska Omnibus Act (73 Stat. 146); sec. 18(1), Hawaii Omnibus Act (74 Stat. 416); sec. 103 (t) of the Social Security Amendments 1960 (74 Stat. 941)]

[F.R. Doc. 64–4352; Filed, Apr. 29, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1125]

[Docket No. AO–226–A10]

MILK IN PUGET SOUND MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Federal Courthouse Building, 1010 Fifth Street, Seattle, Washington, beginning at 10:00 a.m., local time, on May 6, 1964, with respect to proposed amendment to the tentative marketing agreement and to the order, regulating the handling of milk in the Puget Sound marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by United Dairymen's Association:

Proposal No. 1. Amend the table in § 1125.53 to read as follows:

§ 1125.53 Location adjustments on Class I milk.

* * * * *

Plant Location	*Class I price differential (cents per hundredweight)*
District No. 1 or Kitsap, Mason or Pierce Counties	0
District No. 4	15
Districts No. 2, No. 3, and Kittitas County	20
Other locations outside the marketing area	40

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Nicholas L. Keyock, 200 Bigelow Building, Fourth Avenue and Pike Streets, Seattle, Washington, 98101, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on April 24, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64–4289; Filed, Apr. 29, 1964; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 603]

[Administrative Order 580]

FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

Minimum Wage Rates; Notice of Proposed Rule Making

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and paragraph (C) of Proviso (1) of section 6(c) of the aforementioned Act, I hereby appoint Review Committee 7 for the fabric and leather glove industry in Puerto

Rico (as defined in 29 CFR 603.1), to recommend the minimum wage rate or rates to be paid under paragraph (C) of Proviso (1) of subsection 6(c) of the aforementioned Act in lieu of those provided under paragraph (B) of Proviso (1) to employees in the industry.

Pursuant to sections 6 and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206, 208), and Reorganization Plan No. 6 of 1950, I hereby:

(1) Convene the review committee appointed above;

(2) Refer to it the question of the minimum rate or rates of wages to be fixed for the fabric and leather glove industry.

(3) Give notice of the hearing to be held by the review committee at the time and place indicated below. The committee shall investigate conditions in the industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act. The committee shall recommend to the Administrator the highest minimum wage rate or rates which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Review Committee 7 shall meet in executive session to commence its investigation at 10:00 a.m. on May 19, 1964, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 1:30 p.m. on the same date at the same place.

If the review committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in it, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the review committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for the committee containing such data as he is able to assemble pertinent to the matters referred to it. Copies of the report may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as it is completed and prior to the hearing. The committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

The procedure for the review committee shall be governed by Parts 511 and 512 of Title 29, Code of Federal Regulations (28 F.R. 5644, June 8, 1963).

As a prerequisite to participation in the hearing of Review Committee 7, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than May 14, 1964.

Signed at Washington, D.C., this 27th day of April 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-4308; Filed, Apr. 29, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 3, 4b, 6, 7, 40, 41, 42, 43, 46, 91 [New]]

[Reg. Docket No. 1617; Reference Draft Release 63-7; SR-392D]

AIRCRAFT AIRWORTHINESS AND OPERATION

Exterior Lighting; Withdrawal and Termination of Proposed Rule Making Proceedings

The Flight Standards Service of the Federal Aviation Agency has had under consideration a proposal to amend the exterior lighting provisions in the various airworthiness and operating parts of the Agency's regulations. The proposed amendments were described, and the reasons therefor were set forth, in a notice of proposed rule making that was published in the FEDERAL REGISTER (28 F.R. 1879) and circulated as Draft Release 63-7 dated February 20, 1963.

The numerous comments received in response to DR 63-7 indicated a wide diversity of views concerning the proposed rules. Among those who supported the proposal, a number considered the proposed anticollision light system an improvement over the one prescribed; others recommended that it be adopted as an "interim" system pending development of an "optimum" system.

Of those who apposed adoption of the proposed rules, some contended that the proposed anticollision light system offers little, if any, improvement over the currently prescribed system, and certainly not enough to warrant regulatory action. Others felt that the need for any change whatever in current lighting standards had not been conclusively demonstrated. Several persons stated that anticollision light systems that emit white light exclusively transmit signals over considerably greater distances, and are more effective during day operations, than the anticollision light system proposed, which requires color filters for certain of the lights. Some commented that the hoped-for standardization would be only partial, and even that would not be attained for many years; further, the proposed standard would be contrary to international exterior lighting standards. There were also those who felt that by excluding supplementary lights (lights in addition to those prescribed) the proposal would inhibit further development of exterior lighting systems, since the installation and evaluation of possibly superior systems would be prevented. Finally, some persons commented that improvements in exterior lighting were possible without changing the current standards.

A detailed review of the comments received, and of other available information, has persuaded the Agency that the service record in night operations does not adequately support the need for the proposed amendments; that the measure of standardization attainable was not sufficient to warrant their adoption; and that there was still no conclusive evidence that any known anticollision light system (including the one proposed in DR 63-7) is superior to the one currently prescribed, at comparable intensity levels. The last of these findings is based, in part, on the analysis contained in the Agency's research report titled "The Role of Exterior Lights in Mid-Air Collision Prevention" and dated July 1962. For these reasons, the Agency has concluded that adoption of the amendments proposed in DR 63-7 is not justifiable. Accordingly, the notice of proposed rule making titled "Proposed Revision of the Exterior Lighting Regulations in the Airworthiness Parts and the Operating Parts of the Civil Air Regulations" (28 F.R. 1879) and circulated as Draft Release 63-7, dated February 20, 1963, is hereby withdrawn. This withdrawal does not preclude the Agency from issuing another notice in the future or commit it to any course of action in the future.

Concerning its program for the development of an "optimum" exterior lighting system to replace the currently prescribed standard, the Agency, on the basis of extensive research to date, does not believe that standardization on any known new lighting configuration would provide sufficiently superior collision-avoidance capability (relative to that provided by the currently prescribed standard) to justify the heavy expenditure of public funds necessary to obtain conclusive research data.

By withdrawing the notice circulated as DR 63-7, the Agency also gives notice, in relation to the provisions of Special Civil Air Regulation No. SR-392D, that rule making action to revise exterior lighting systems will not be adopted. In accordance with paragraph (1)(ii) of SR-392D, experimental exterior lighting systems which do not comply with the

Civil Air Regulations, and which were installed for the purposes of experimentation on aircraft with standard airworthiness certificates under the provisions of SR-392B or SR-392C, may be displayed not later than six months after April 30, 1964, the date of publication of this notice in the FEDERAL REGISTER. Thereafter, experimentation will be permitted only on aircraft with experimental certificates.

(Sec. 313(a) of the Federal Aviation Act of 1958 (72 Stat. 752; 49 U.S.C. 1354))

Issued in Washington, D.C., on April 24, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-4306; Filed, Apr. 29, 1964; 8:48 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 5024]

AIRWORTHINESS DIRECTIVE

Douglas Model DC-6 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Douglas Model DC-6 Series aircraft. Instances of fatigue cracks and corrosion damage in the wing and wing fuselage joint structure have occurred. To correct this condition, this AD requires inspection of the wing structure for evidence of cracks or corrosion and repair of any found defective.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before June 1, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DOUGLAS. Applies to all Models DC-6, DC-6A and DC-6B aircraft.

Compliance required as indicated.

As a result of fatigue cracks and corrosion damage in the wing and wing fuselage joint structure, accomplish the following:

(a) On airplanes which have 30,000 or more hours' time in service on the effective date of this AD, conduct the inspection and rework in accordance with paragraphs (c) and (d) within the next 3,000 hours' time in service unless already accomplished within the last 3,000 hours' time in service prior to the effective date of this AD.

(b) On airplanes which have less than 30,000 hours' time in service on the effective date of this AD, conduct the inspection and rework in accordance with paragraphs (c) and (d) prior to the accumulation of 33,000 hours' total time in service.

(c) Inspect the entire wing structure by visual means, or by any other FAA-approved inspection procedure, for evidence of cracks or corrosion in accordance with the instructions contained in Paragraph 2, "Accomplishment Instructions", of Douglas Service Bulletin No. 857 dated November 20, 1963.

(d) Rework those parts which are found to contain cracks or corrosion with a permanent repair in accordance with Table I of Figure 1, 2, or 3 as applicable in Douglas Service Bulletin No. 857 dated November 20, 1963, or by an FAA engineering approved equivalent repair, before further flight.

(e) Repeat the inspections and rework specified in paragraphs (c) and (d) at intervals of 6,000 hours' time in service following the initial inspections and rework. This repetitive inspection and rework may be accomplished on a progressive basis.

(f) Upon the request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for said operator.

NOTE: ADs 53-8-2, 56-13-1, 59-13-6, 60-2-5, 61-4-2, 61-23-4, and 63-20-3 cover inspections and rework of portions of the aircraft that are also the subject of this AD and are not modified or superseded.

(Douglas Service Bulletin No. 857, dated November 20, 1963, pertains to the same subject.)

Issued in Washington, D.C., on April 23, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-4265; Filed, Apr. 29, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order No. 7641, Amdt.; (File No. D-28-6623; E. T. Sec. 5293)]

TRUSTS UNDER WILL OF GUSTAV SCHIRMER, DECEASED

Dorothy and Eva Marie Barth

Vesting Order No. 7641, dated September 18, 1946, is hereby amended as follows:

By deleting the name of Dorothy Barth from the list designated enemy nationals contained therein and inserting in lieu thereof the name of Eva Marie Barth.

All other provisions of said Vesting Order No. 7641 and all actions taken by or on behalf of the Alien Property Custodian or by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 50 U.S.C. App. 1; 55 Stat. 839, 50 U.S.C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Public 671, 79th Cong.; 60 Stat. 925; E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR Cum. Supp.; E.O. 9567, June 8, 1945, 10 F.R. 6917, 3 CFR 1945, Supp.; E.O. 9788, October 14, 1946, 11 F.R. 11981)

Executed at Washington, D.C., on April 24, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64-4264; Filed, Apr. 29, 1964; 8:45 a.m.]

POST OFFICE DEPARTMENT

REGIONAL DIRECTOR ET AL.

Delegation of Authority for Local Procurement

The Deputy Assistant Postmaster General, Bureau of Facilities (20 F.R. 7399), has delegated the following authority for local procurement subject to the regulations presently applicable to the purchasing of supplies and equipment, except that any transaction relating to rental funds shall not exceed the authority granted the Chief, Real Estate Branch:

Regional Director	$10,000
Director, Engineering and Facilities Division	10,000
Procurement and Supply Officer	10,000
Chief, Vehicle Maintenance Branch	1,000
Chief, Real Estate Branch	1,000
Chief, Plant Maintenance Branch	1,000
Postal Inspector in Charge	1,000
Offices with adjusted gross annual receipts:	
Over $7,000,000	2,500
Over 1,000,000	500
Over 250,000	250
Over 40,000	100
Area Supply Manager	$500
Superintendent, Mail Bag Repair Centers and/or Depositories	100

This delegation of authority shall be effective April 23, 1964.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-4297; Filed, Apr. 29, 1964; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56162]

SCHLUMBERGER WELL SURVEYING CORP.

Qualification as Citizen of United States

APRIL 24, 1964.

This is to give notice that pursuant to § 3.21, Customs Regulations, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), the Schlumberger Well Surveying Corporation of Post Office Box 2175, Houston, Texas, incorporated under the laws of the State of Texas, did on April 20, 1964, file with the Commissioner of Customs in duplicate an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commissioner of Customs having found this oath to be in compliance with the law and regulations, on April 24, 1964, issued to the Schlumberger Well Surveying Corporation a certificate of compliance on customs Form 1262 as provided in § 3.21(i) of the regulations. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] N. G. STRUB,
Acting Commissioner of Customs.

[F.R. Doc. 64-4302; Filed, Apr. 29, 1964; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 033503]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management, Department of the Interior, has filed an application, Serial Number Arizona 033503 for the withdrawal of the land described below, from all forms of location, sale, or entry under the mineral and nonmineral public land laws, except the mineral leasing laws, subject to valid existing rights.

The Bureau of Land Management desires the land to establish an addition to the existing town of Mammoth for residential and recreational use and development. Natural expansion of the town would be to the west on the public lands listed below. The proposed townsite will complete a disposal program to meet the legitimate demands for lands created by the increased mining activity in the community.

Grazing will continue to be administered by the Bureau of Land Management until such time as the lands are actually needed for development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona, 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are:

GILA AND SALT RIVER BASE AND MERIDIAN, ARIZONA

T. 8 S., R. 17 E.,
Sec. 19, E½SW¼.

The area described above aggregates 80.00 acres.

The subject lands are situated on the southwestern edge of the town of Mammoth, Arizona, and are readily accessible from State Highway 77.

Dated: April 23, 1964.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 64-4280; Filed, Apr. 29, 1964; 8:46 a.m.]

IDAHO

Notice of Hearing on Proposed Withdrawal of Public Lands

APRIL 23, 1964.

Notice is hereby given that a public hearing will be held at 10:00 a.m., Wednesday, May 27, 1964, in the District Courtroom, Bonneville County Courthouse, Idaho Falls, Idaho, pertaining to the request of the Forest Service, Department of Agriculture (Idaho 014480), for the withdrawal from all forms of appropriation and location under the mining laws, except the mineral leasing laws, of the national forest lands described hereafter for use by the Forest Service for public purposes as campgrounds, picnic areas, and an archery range as set forth in the Notice of Proposed Withdrawal and Reservation of Lands published in the FEDERAL REGISTER on September 11, 1963, Vol. 24, page 9884. The lands are described as follows:

BOISE MERIDIAN, IDAHO

CARIBOU NATIONAL FOREST

Trail Canyon Recreation Site

T. 8 S., R. 43 E.,
Sec. 29, NW¼NE¼NE¼, N½NW¼NE¼, NE¼NE¼NW¼, and S½NE¼NW¼.

CHALLIS NATIONAL FOREST

Joes Gulch-Four Aces Campground

T. 11 N., R. 13 E.,
Sec. 35, lot 1 except north 30 acres, lot 3 except north 10 acres, and lot 5 except south 20 acres.

Salmon River Camping Area

T. 11 N., R. 14 E.,
Sec. 30, lot 1 except west 15 acres, lot 4 except west 10 acres, lot 5, lot 6 except south 20 acres, lots 7, 8, lot 9 except northwest 10 acres, lot 11, and lot 13 except southeast 10 acres.

Snowslide Campground

T. 11 N., R. 14 E.,
Sec. 20, lots 3 and 6.

Cove Campground

T. 11 N., R. 14 E.,
Sec. 22, lot 3 except north 30 acres.

Sunny Gulch Campground

T. 10 N., R. 13 E.,
Sec. 23, lots 4 and 5;
Sec. 26, lot 3, lot 4 except south 20 acres, and lot 5 except south 20 acres.

The areas described aggregate 491.93 acres.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent, and extent; and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof not later than May 22, 1964, with the State Director, Bureau of Land Management, P.O. Box 2237, Boise, Idaho, 83701.

WINFRED G. GLOVER,
Acting State Director.

[F.R. Doc. 64-4281; Filed, Apr. 29, 1964; 8:46 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 23, 1964.

The U.S. Forest Service has filed an application, Serial Number Nevada 063429, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws nor the disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended. The applicant desires the land for an administrative site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the U.S. Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 63 E.,
Sec. 22, NE¼NE¼SW¼, N½NW¼SE¼, W½NW¼NE¼SE¼.

The land described above contains 35 acres.

DONALD I. BAILEY,
Acting Chief, Division of Lands and Minerals Management.

[F.R. Doc. 64-4282; Filed, Apr. 29, 1964; 8:46 a.m.]

NORTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 17, 1964.

The Bureau of Sport Fisheries and Wildlife has filed an application Serial Number Montana 064834(ND) for the withdrawal of the lands described below, from all forms of appropriation.

The proposed withdrawal is desired in aid of legislation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Sport Fisheries and Wildlife.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN

T. 158 N., R. 50 W.,
Sec. 18, lot 1.
T. 160 N., R. 50 W.,
Sec. 28, lot 1.
T. 129 N., R. 52 W.,
Sec. 2, lot 1.
T. 151 N., R. 52 W.,
Sec. 13, SE¼SW¼.
T. 161 N., R. 56 W.,
Sec. 3, SE¼NE¼.
T. 162 N., R. 56 W.,
Sec. 26, SE¼NW¼.
T. 162 N., R. 58 W.,
Sec. 9, NW¼NE¼.
T. 163 N., R. 58 W.,
Sec. 6, SW¼NE¼;
Sec. 25, SE¼NW¼.
T. 164 N., R. 58 W.,
Sec. 31, SE¼NE¼, NE¼SE¼;
Sec. 32, W½SE¼, E½NW¼, SW¼NW¼, and N½SW¼.
T. 164 N., R. 59 W.,
Sec. 35, NE¼NE¼.
T. 143 N., R. 60 W.,
Sec. 12, lots 1, and 2.
T. 151 N., R. 62 W.,
Sec. 34, SW¼NE¼, S½NW¼.

T. 155 N., R. 62 W.,
Sec. 22, lot 1.
T. 150 N., R. 63 W.,
Sec. 26, NE¼SW¼.
T. 153 N., R. 63 W.,
Sec. 8, SE¼SE¼.
T. 129 N., R. 66 W.,
Sec. 6, N½SE¼, SW¼SE¼;
Sec. 7, NW¼NE¼.
T. 154 N., R. 66 W.,
Sec. 20, lot 2;
Sec. 21, lot 4.
T. 130 N., R. 67 W.,
Sec. 12, N½SE¼.
T. 138 N., R. 67 W.,
Sec. 8, NE¼NW¼.
T. 139 N., R. 67 W.,
Sec. 30, SE¼NW¼.
T. 129 N., R. 68 W.,
Sec. 12, NW¼NE¼.
T. 130 N., R. 68 W.,
Sec. 24, lot 6, NW¼SE¼, and SW¼NE¼.
T. 132 N., R. 68 W.,
Sec. 20, NE¼NE¼.
T. 135 N., R. 68 W.,
Sec. 28, NE¼NW¼, S½NW¼.
T. 136 N., R. 68 W.,
Sec. 30, NW¼NE¼.
T. 133 N., R. 68 W.,
Sec. 10, SW¼SE¼.
T. 141 N., R. 68 W.,
Sec. 6, lot 11.
T. 134 N., R. 69 W.,
Sec. 14, NW¼NW¼, W½SW¼;
Sec. 34, NW¼NE¼, NE¼NW¼.
T. 135 N., R. 69 W.,
Sec. 28, N½NE¼;
Sec. 32, NE¼.
T. 136 N., R. 69 W.,
Sec. 8, SW¼NE¼;
Sec. 24, SW¼NW¼.
T. 139 N., R. 69 W.,
Sec. 6, lot 12;
Sec. 24, NE¼SW¼, NW¼SE¼.
T. 158 N., R. 69 W.,
Sec. 23, SE¼SE¼.
T. 155 N., R. 69 W.,
Sec. 18, SE¼SW¼;
Sec. 19, E½NE¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 29, NW¼, SW¼NE¼;
Sec. 30, E½NE¼.
T. 185 N., R. 70 W.,
Sec. 8, SE¼NW¼, E½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, N½SW¼SW¼SW¼, and W½SE¼.
T. 139 N., R. 70 W.,
Sec. 10, lot 4;
Sec. 12, NE¼NE¼.
T. 144 N., R. 70 W.,
Sec. 28, SW¼SW¼.
T. 155 N., R. 70 W.,
Sec. 18, E½NE¼;
Sec. 19, lot 4.
T. 137 N., R. 71 W.,
Sec. 24, lot 5.
T. 140 N., R. 71 W.,
Sec. 6, SE¼NE¼, SE¼.
T. 143 N., R. 71 W.,
Sec. 12, N½NE¼.
T. 154 N., R. 71 W.,
Sec. 8, NW¼NW¼;
Sec. 10, W½SW¼, SW¼NW¼;
Sec. 27, lot 1.
T. 155 N., R. 71 W.,
Sec. 6, lot 7;
Sec. 9, lots 4, 5, and 6.
T. 156 N., R. 71 W.,
Sec. 29, NW¼NE¼, E½NW¼, NE¼SW¼;
Sec. 32, lot 5.
T. 158 N., R. 71 W.,
Sec. 34, lot 3;
Sec. 35, SE¼SE¼.
T. 159 N., R. 71 W.,
Sec. 21, NE¼NW¼.
T. 138 N., R. 72 W.,
Sec. 4, lots 1, and 2, S½NE¼, S½NW¼, SW¼;
Sec. 8, NE¼NE¼;
Sec. 18, lots 1, 2, and E½NW¼.
T. 140 N., R. 72 W.,
Sec. 14, lots 1, and 2;
Sec. 22, SE¼NE¼, SE¼.
T. 141 N., R. 72 W.,
Sec. 22, lot 1;
Sec. 26, SE¼SW¼.
T. 142 N., R. 72 W.,
Sec. 34, NE¼SE¼.
T. 143 N., R. 72 W.,
Sec. 6, lot 3.
T. 153 N., R. 72 W.,
Sec. 3, lot 4.
T. 154 N., R. 72 W.,
Sec. 1, SE¼SE¼;
Sec. 2, lot 4;
Sec. 4, lot 4;
Sec. 33, SE¼;
Sec. 34, W½SW¼;
Sec. 3, lot 1.
T. 156 N., R. 72 W.,
Sec. 25, SW¼NE¼, NW¼, W½SW¼;
Sec. 26, SE¼NE¼, NE¼SE¼.
T. 161 N., R. 72 W.,
Sec. 34, SE¼SE¼.
T. 162 N., R. 72 W.,
Sec. 11, lot 4.
T. 163 N., R. 72 W.,
Sec. 7, lot 7;
Sec. 28, lot 11;
Sec. 33, lots 1, and 9.
T. 138 N., R. 73 W.,
Sec. 12, NW¼NE¼, SE¼SE¼;
Sec. 14, S½N½.
T. 143 N., R. 73 W.,
Sec. 10, SW¼SW¼.
T. 152 N., R. 73 W.,
Sec. 5, lot 7;
Sec. 6, lot 2;
Sec. 19, lots 1, and 2, E½NW¼, lot 4;
Sec. 21, NW¼NW¼;
Sec. 31, lots 5, and 6, SE¼SW¼;
Sec. 32, lot 5;
Sec. 33, lot 2.
T. 153 N., R. 73 W.,
Sec. 33, E½NW¼.
T. 154 N., R. 73 W.,
Sec. 18, lot 4, SE¼SW¼;
Sec. 19, lot 1, NE¼NW¼;
Sec. 31, lot 4.
T. 155 N., R. 73 W.,
Sec. 33, NW¼SW¼.
T. 163 N., R. 73 W.,
Sec. 21, lot 1;
Sec. 22, lot 2.
T. 135 N., R. 74 W.,
Sec. 6, lot 1.
T. 136 N., R. 74 W.,
Sec. 32, S½N½, S½.
T. 143 N., R. 74 W.,
Sec. 4, lots 1, and 2.
T. 144 N., R. 74 W.,
Sec. 12, lot 4.
T. 145 N., R. 74 W.,
Sec. 26, SE¼NE¼, NE¼SE¼.
T. 152 N., R. 74 W.,
Sec. 8, lots 1, 5, and 6.
T. 154 N., R. 74 W.,
Sec. 7, lot 6;
Sec. 18, lot 1;
Sec. 30, NE¼SW¼.
T. 155 N., R. 74 W.,
Sec. 23, NW¼NE¼;
Sec. 24, NW¼SE¼, NW¼NE¼, and SW¼NE¼.
T. 157 N., R. 74 W.,
Sec. 7, E½SW¼, NE¼SE¼, S½SE¼;
Sec. 8, W½SW¼, SE¼SW¼;
Sec. 18, N½NE¼, NE¼NW¼, SE¼SW¼, SW¼SE¼, lots 1, 2, and 3;
Sec. 29, SE¼SE¼;
Sec. 31, SW¼SE¼.
T. 162 N., R. 74 W.,
Sec. 19, lot 4.
T. 164 N., R. 74 W.,
Sec. 25, lot 6;
Sec. 33, lot 4;
Sec. 34, lot 1.
T. 142 N., R. 75 W.,
Sec. 12, S½SW¼;
Sec. 14, E½SE¼, S½SW¼;
Sec. 22, N½NE¼;
Sec. 26, NE¼NW¼, NW¼NE¼.
T. 149 N., R. 75 W.,
Sec. 7, N½SE¼;
Sec. 20, SW¼NE¼.
T. 150 N., R. 75 W.,
Sec. 14, S½NW¼.
T. 153 N., R. 75 W.,
Sec. 3, lot 6;
Sec. 31, lots 2, and 4.
T. 155 N., R. 75 W.,
Sec. 23, S½NW¼, NE¼SW¼, and NW¼SE¼.
T. 135 N., R. 77 W.,
Sec. 30, NE¼NE¼.
T. 144 N., R. 77 W.,
Sec. 22, NE¼.
T. 148 N., R. 77 W.,
Sec. 34, NE¼SE¼.
T. 149 N., R. 77 W.,
Sec. 2, lot 7.
T. 150 N., R. 77 W.,
Sec. 13, lot 1;
Sec. 17, SW¼SW¼;
Sec. 20, lots 1, and 2;
Sec. 26, lot 2;
Sec. 35, lot 2.
T. 153 N., R. 77 W.,
Sec. 23, SW¼SE¼;
Sec. 25, E½SW¼.
T. 154 N., R. 77 W.,
Sec. 1, SE¼SW¼, SE¼.
T. 156 N., R. 77 W.,
Sec. 21, SW¼NE¼, NW¼SE¼;
Sec. 28, N½SW¼, SW¼SW¼, and NW¼SE¼.
T. 135 N., R. 78 W.,
Sec. 33, lot 2.
T. 151 N., R. 78 W.,
Sec. 23, NE¼SE¼;
Sec. 24, NW¼NW¼;
Sec. 35, lot 1.
T. 152 N., R. 78 W.,
Sec. 15, SE¼SW¼, SW¼SE¼;
Sec. 22, S½NE¼, NW¼, and N½SE¼.
T. 153 N., R. 78 W.,
Sec. 2, SE¼SE¼.
T. 147 N., R. 79 W.,
Sec. 20, lot 7.
T. 139 N., R. 81 W.,
Sec. 4, lot 1 and
Sec. 14, lots 1, and 2 (as shown on survey plat of 2–5–1875).
T. 141 N., R. 81 W.,
Sec. 24, lot 4.
T. 142 N., R. 81 W.,
Sec. 4, lot 4.
T. 143 N., R. 81 W.,
Sec. 18, lot 3.
T. 144 N., R. 84 W.,
Sec. 8, lots 1, 2, and 3.
T. 149 N., R. 84 W.,
Sec. 11, E½SW¼.
T. 150 N., R. 84 W.,
Sec. 27, NW¼SE¼.
T. 151 N., R. 84 W.,
Sec. 29, NE¼SW¼.
T. 150 N., R. 85 W.,
Sec. 1, lot 1.
T. 150 N., R. 86 W.,
Sec. 22, S½NW¼, NW¼SW¼.
T. 153 N., R. 86 W.,
Sec. 4, lot 4;
Sec. 5, lots 1 and 5.
T. 152 N., R. 87 W.,
Sec. 1, lot 6;
Sec. 4, SE¼SW¼;
Sec. 9, NE¼NW¼.
T. 155 N., R. 88 W.,
Sec. 20, lot 4;
Sec. 24, lot 4;
Sec. 25, lots 1, 2, and 4.
T. 157 N., R. 89 W.,
Sec. 32, lot 1.
T. 156 N., R. 91 W.,
Sec. 5, lot 4;
Sec. 13, W½NE¼.
T. 157 N., R. 91 W.,
Sec. 13, SE¼NW¼;
Sec. 34, lot 2.
T. 163 N., R. 95 W.,
Sec. 25, SW¼SW¼;
Sec. 26, SE¼SE¼.

T. 159 N., R. 100 W.,
Sec. 22, SE¼NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, N½SE¼, and SW¼SE¼.
T. 160 N., R. 100 W.,
Sec. 22, SW¼NE¼, NW¼SE¼.
T. 163 N., R. 102 W.,
Sec. 13, SE¼SW¼;
Sec. 24, N½NE¼, NE¼NW¼, SE¼NE¼;
Sec. 26, SE¼NE¼, SW¼NW¼.

The areas described aggregate approximately 12,873 acres.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 64-4283; Filed, Apr. 29, 1964; 8:46 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Land and Correction

APRIL 21, 1964.

The United States Department of Agriculture has cancelled its Proposed Withdrawal Application Serial No. Sacramento 050595 for withdrawal and reservation of lands as published in F.R. Doc. 62-11996 on pages 12004, 12005, and 12006 of the issue for December 5, 1962. Therefore, pursuant to the regulations contained in 43 CFR 2311.1-2(b), such lands will be at 10:00 a.m. on May 28, 1964, relieved of the segregative effect of the above-mentioned application. The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

TAHOE NATIONAL FOREST

Indian Valley No. 1

T. 19 N., R. 9 E.,
Sec. 17, NE¼SE¼.

Indian Valley No. 2

T. 19 N., R. 9 E.,
Sec. 8, S½S½SW¼;
Sec. 17, N½NW¼, SW¼SW¼.

McGuire

T. 15 N., R. 14 E.,
Sec. 31, W½ Lot 1.

The above described area aggregates 218.63 acres.

The Notice of Proposed Withdrawal Sacramento 050595 as published in the FEDERAL REGISTER listed the lands desired under Cold Springs in the Tahoe National Forest, Mount Diablo Meridian, as:

T. 17 N., R. 13 E.,
Sec. 25, N½N½ except 23 acres of patented land in NE¼NE¼, whereas the tract intended to be withdrawn was T. 17 N., R. 13 E., sec. 25, N½N½ excepting 0.23 acre in Forest Exchange Survey 361, and the NE¼NE¼NE¼ in order that conflicting Forest Exchange Application Serial No. Sacramento 077624 may be processed.

JOHN E. CLUTE,
Acting Manager, Land Office, Sacramento.

[F.R. Doc. 64-4286; Filed, Apr. 29, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Approval of Applications, February 1964

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33; 28 F.R. 6377), notice is given of the following new drugs for which applications have been approved during the month of February 1964:

Established name (if any) or active ingredients	Trade name	Class of compound	Applicant	Date approved	How dispensed[1]
DRUGS FOR HUMAN USE					
Ascorbic acid; p-aminosalicylic acid.	PASC (Pascorbic).	Vitamin; antibacterial.	Hellwig, Inc., Chicago, Ill.	Feb. 3, 1964	R_x
Meprobamate		Tranquilizer	West-Ward, Inc., 745 Eagle Ave., New York, N.Y.	Feb. 12, 1964	R_x
Zinc pyridinethione	Head & Shoulder Lotion Shampoo.	Antiseborrheic	Procter & Gamble Company, Cincinnati, Ohio.	Feb. 14, 1964	OTC
Chlorpheniramine maleate; phenylpropanolamine hydrochloride; dextromethorphan hydrobromide.	C 3, Cold Cough Capsules.	Antihistamine; sympathomimetic; antitussive.	Menley & James Labs., Philadelphia, Pa.	Feb. 24, 1964	OTC
Acetohexamide	Dymelor Tablets No. 1843.	Antidiabetic	Eli Lilly and Co., 740 South Alabama St., Indianapolis 6, Ind.	Feb. 25, 1964	R_x
DRUGS FOR VETERINARY USE					
Liothyronine	Cytobin Tablets LT_4.	Hormone	Norden Labs., Inc., Lincoln, Nebr.	Feb. 8, 1964	R_x

[1] The abbreviation "R_x" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.

Dated: April 24, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-4304; Filed, Apr. 29, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-221]

GENERAL ELECTRIC COMPANY

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Electric Company acting through International General Electric Company, a Division of General Electric Company, 159 Madison Avenue, New York, New York, 10016, has submitted an application dated April 1, 1964, for a license to authorize the export of a 237 megawatt electrical, boiling water nuclear power reactor to Kernkraftwerk RWE Bayernwerk G.m.b.H., Gundremmingen, Landkreis Gunburg, Bavaria, Federal Republic of Germany.

Upon finding that the reactor proposed for export is within the scope of the Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) signed November 8, 1958, as amended, and unless within fifteen days after the publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the U.S. Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, CFR, Chapter I, aPrt 2), the Commission proposes to issue to General Electric Company a facility export license on Form AEC-250 containing the authority set forth in the text below authorizing export of the reactor described in the application.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter I, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated April 1, 1964, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 22d day of April 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S.

Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, General Electric Company, represented by International General Electric Company, 159 Madison Avenue, New York, New York, 10016, is authorized to export a 237 megawatt electrical, boiling water power reactor to Kernkraftwerk RWE Bayernwerk G.m.b.H., Gundremmingen, Landkreis Gunzburg, Bavaria, Federal Republic of Germany, subject to the terms annd provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on December 31, 1968.

For the Atomic Energy Commission.

[F.R. Doc. 64-4301; Filed, Apr. 29, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23-836]

JOSEF FELIX

Order Denying Export Privileges for an Indefinite Period

In the matter of Josef Felix, Baeckerstrasse 18, Vienna I, Austria; File 23-836; respondent.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondent all export privileges for an indefinite period because the said respondent failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that Josef Felix is engaged in the freight forwarding business and has a place of business in Vienna, Austria; that the aforesaid Investigations Division is conducting an investigation into the disposition of certain strategic commodities of U.S. origin which were exported from the United States to Austria; that the respondent participated in a transaction involving one of such commodities and was the consignee named in the air waybill under which said commodity was exported from the United States. It is impracticable to subpoena the respondent and relevant and material interrogatories and request to furnish certain specific documents relating to said transaction were served on him pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered,

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on April 24, 1964.

Dated: April 18, 1964.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-4266; Filed, Apr. 29, 1964; 8:45 a.m.]

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application for Change in Cruise Schedules

Notice is hereby given that Moore-McCormack Lines, Inc. has requested certain changes in its schedule of cruises for calendar year 1964 as previously published in the FEDERAL REGISTER of May 15, 1963 (28 F.R. 4860), and of December 14, 1963 (28 F.R. 13553), and approved by the Maritime Subsidy Board on July 25, 1963, and on February 3, 1964. The cruises now proposed for the period commencing September 16, 1964, are as follows:

Ship	Commences	Terminates	Itinerary
	1964	1964	
"Brasil"	Sept. 16	Sept. 22	New York, Bermuda, New York.
"Brasil"	Sept. 23	Sept. 30	New York, San Juan, St. Thomas, New York.
"Brasil"	Oct. 1	Oct. 10	New York, San Juan, St. Thomas, Guadeloupe, New York.
"Brasil"	Oct. 11	Oct. 17	New York, Bermuda, Nassau, New York.
"Brasil"	Oct. 18	Oct. 25	New York, San Juan, St. Thomas, New York.
"Brasil"	Oct. 26	Nov. 6	New York, Port Everglades, Nassau, San Juan, St. Thomas, Bermuda, New York.
"Brasil"	Nov. 7	Nov. 11	New York, Bermuda, New York.
"Argentina"	Nov. 17	Nov. 27	New York, San Juan, St. Thomas, Bermuda, New York.
"Argentina"	Nov. 28	Dec. 4	New York, Bermuda, Norfolk, New York.
"Argentina"	Dec. 5	Dec. 16	New York, San Juan, St. Thomas, Guadeloupe, Barbados, Curacao, New York.
"Argentina"	Dec. 17	1965 Jan. 4	New York, Port Everglades, Cristobal, Curacao, Trinidad, Barbados, Martinique, St. Thomas, San Juan, Port Everglades, New York.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by close of business on May 15, 1964. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: April 27, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-4298; Filed, Apr. 29, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15054; Order No. E-20744]

BRANIFF AIRWAYS, INC.

Petition for Equalization of International Service Mail Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of April 1964.

The Board, on April 10, 1964, adopted Order E-20678 (Order) directing American Airlines, Inc., Braniff Airways, Inc., and the Postmaster General to show cause why the Board should not adopt the proposed findings and conclusions and fix, determine, and publish the rate proposed therein for the mail transportation described.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the Order has been filed by any party.

All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing the final rate.

The Board, upon consideration of the record, hereby reaffirms and makes final the findings set forth in the said Order.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof,

It is ordered, That

1. The fair and reasonable service mail rate applicable to all priority mail carried by Braniff between San Antonio and Mexico City is 39.66 cents per mail ton-mile;

2. Such service mail rate of 39.66 cents per priority mail ton-mile shall be paid in its entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board;

3. The mail ton-miles to be used by the Post Office in determining service mail payments pursuant to this order shall be computed on the basis of the direct airport-to-airport mileage between San Antonio, Texas, and Mexico City, Mexico;

4. This order shall be served upon American Airlines, Inc., Braniff Airways, Inc., and the Postmaster General; and

5. This order shall be effective as of this date.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-4299; Filed, Apr. 29, 1964; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18346]

AMERADA PETROLEUM CORP.

Declaratory Order With Respect to Prepayments and Make-Ups

APRIL 22, 1964.

On January 30, 1964, Amerada Petroleum Corporation (Amerada) filed a letter with the Secretary requesting the Commission's informal opinion as to the effect of our order of October 29, 1963, conditionally approving Amerada's settlement of Docket No. G-18346,[1] on the future administration of Amerada's FPC Gas Rate Schedule No. 82, particularly in regard to prepayments and subsequent make-ups.

On February 10, 1964, Florida Gas Transmission Company (Florida Gas), the pipeline purchaser under Amerada's Rate Schedule No. 82 filed a letter with the Commission concerning the same matter. Florida Gas and Amerada agree as to the facts stated below, but disagree as to what our opinion should be as to Florida Gas' make-up rights.

Although both parties to the dispute have agreed to abide by our informal decision on the basis of their letters, we are of the view that this matter would more properly be handled in a formal Commission order. Accordingly, we shall treat Amerada's letter, supra, as a petition for a declaratory order under § 1.7(c) of the rules of practice and procedure and Florida Gas' letter as an answer to such petition under § 1.9 thereof.

The facts are as follows: [2]

(1) Under Article V, section 2, of the contract, as amended, the purchaser was required to begin receiving gas not later than July 1, 1962. If it did not do so, it was required to pay the seller each month thereafter and until deliveries commenced for a quantity of gas equal to the daily contract quantity times the number of days in each month at the prices provided in the contract (21.5 cents per Mcf exclusive of tax reimbursement), as if the gas were actually delivered, provided the seller's facilities were installed and the gas was available.

(2) Article V, section 2 also provided that the buyer shall have a right to make up such prepaid-for gas in accordance with paragraph 8 of Article VII of the contract. That paragraph provides that the make-up period is two years (now extended to four years) and that "* * * [a]ny payment which buyer has previously made for gas not received and which is being made up shall be credited against payment due hereunder for such make-up gas at the time of actual deliveries thereof."

(3) The purchaser, Florida Gas, did not begin taking deliveries until November 12, 1962, and accordingly paid Amerada for daily contract quantities totalling 402,000 Mcf, as contemplated by Article V, section 2 of the contract.

(4) Amerada contends that Florida Gas is entitled to make up 402,000 Mcf of gas while Florida Gas contends that, since it paid for 402,000 Mcf of gas at the rate of 21.25 cents per Mcf inclusive of tax reimbursement (conditioned in the temporary certificate from the 21.5 cents plus tax reimbursement contract price) and the rate in effect during the rate settlement moratorium period (April 1, 1963, through March 31, 1968) is 20.625 cents per Mcf, Florida Gas should be allowed to recoup such prepaid-for gas during the moratorium

[1] Union Texas Petroleum, et al., Docket Nos. G-13221, et al. 30 F.P.C.—.

[2] The facts and controversy are practically identical to the facts and controversy considered in our declaratory order issued this date in Phillips Petroleum Company, Docket No. G-18375.

period at the moratorium period price of 20.625 cents per Mcf.

The Amerada-Florida Gas contract, the pertinent terms of the Amerada settlement proposal and the pertinent terms of our order approving the Amerada settlement proposal are for all practical purposes identical to the comparable documents and terms described in detail in our declaratory order in Docket No. G–18375, supra, so we shall not repeat such description here.

Upon consideration of the facts and arguments presented by Amerada and Florida Gas and for the same reasons expressed in our declaratory order in Docket No. G–18375, we conclude that Florida Gas is entitled to make-up during the make-up period for gas paid for but not taken prior to April 1, 1963, the same amounts of gas which it stored with Amerada under the take-or-pay and make-up provisions of the contract.

The Commission finds: Under the terms of the contract dated March 23, 1959, between Amerada Petroleum Corporation and Coastal Transmission Corporation (predecessor of Florida Gas Transmission Company), as amended by the settlement proposal filed by Amerada Petroleum Corporation on August 5, 1963, and conditionally approved by the Commission on October 29, 1963, Florida Gas Transmission Company is entitled to receive during the four year make-up period as make-up gas for gas paid for prior to April 1, 1963, but not received, a quantity of gas which, when multiplied by 21.25 cents per Mcf, will equal the amount of money paid by Florida Gas Transmission Company and its predecessor under Article V, section 2 of such contract, as amended, for gas not taken.

The Commission orders: It is hereby declared and ordered that, under the terms of the contract, dated March 23, 1959, between Amerada Petroleum Corporation and Coastal Transmission Corporation (predecessor of Florida Gas Transmission Company), as amended by the settlement proposal filed by Amerada Petroleum Corporation on August 5, 1963, and conditionally approved by the Commission on October 29, 1963, Florida Gas Transmission Company is entitled to receive during the four year make-up period as make-up gas for gas paid for prior to April 1, 1963, but not received, a quantity of gas which, when multiplied by 21.25 cents per Mcf, will equal the amount of money paid by Florida Gas Transmission Company and its predecessor under Article V, section 2 of such contract, as amended, for gas not taken.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–4270; Filed, Apr. 29, 1964; 8:45 a.m.]

[Docket Nos. CP64–154, CP64–155]

AMERICAN LOUISIANA PIPE LINE CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Applications

APRIL 24, 1964.

Take notice that on January 6, 1964, American Louisiana Pipe Line Company (American Louisiana), One Woodward Avenue, Detroit, Michigan, filed in Docket No. CP64–154 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to expand its system capacity by approximately 88,000 Mcf per day in order to meet the increased demands of existing customers for the 1964–65 heating season, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, American Louisiana proposes to construct and operate the following facilities:

(1) A total of 50,000 additional horsepower on Applicant's main line as follows:

(a) 10,000 horsepower at each of three new compressor stations to be known as Station Nos. 1, 7, and 10;

(b) 12,000 horsepower at one new compressor station to be known as Station No. 4;

(c) 2,000 horsepower at each of two existing compressor stations—Station Nos. 5 and 9, and

(d) 4,000 horsepower at existing compressor Station No. 2;

(2) 77.7 miles of 12 to 20-inch diameter gas supply lines in Louisiana, and

(3) Two new purchase meter stations—one each in the Jeanerette and Bayou Fields, St. Mary Parish, Louisiana.

The application indicates that increases in the contract demands of Michigan Consolidated Gas Company and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) are proposed in the amounts of 50,000 Mcf per day and 35,000 Mcf per day, respectively. The increase in contract demands of certain other customers is proposed in the total amount of 2,670 Mcf per day.

American Louisiana states that the gas supply required to meet the proposed increases in sales will come from reserves connected to its system since its last expansion and from supplies American Louisiana has contracted to purchase from The Atlantic Refining Company, Jeanerette and Bayou Fields, St. Mary Parish, Louisiana, at an initial price of 20.625 cents per Mcf.[1]

The application indicates the total estimated cost of the proposed facilities to be $25,107,000, which cost will be financed with funds presently available and which will be generated internally.

Take further notice that on January 6, 1964, as supplemented on April 9, 1964, Michigan Wisconsin, One Woodward Avenue, Detroit, Michigan, filed in Docket No. CP64–155 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to expand its system capacity by approximately 70,000 Mcf per day in order to meet the increased demands of existing customers for the 1964–65 heating season, all as more fully set forth in the application on file with the Commission and open to public inspection.

Michigan Wisconsin states that its customers have requested it to supply increases in maximum daily quantities aggregating 71,994 Mcf. To meet these increased demands, Michigan Wisconsin proposes to purchase an additional 35,000 Mcf per day from American Louisiana and to expand utilization of storage. The application shows that to expand the utilization of storage it will be necessary to complete the second stage of development of the North Hamilton storage field and to provide additions and improvements to facilities in the Austin storage field. The application shows further that these fields are owned by Michigan Consolidated Gas Company (Consolidated) and leased to Michigan Wisconsin. The additional facilities for the two fields will be constructed by Consolidated at an estimated cost of $2,571,000. Further, Michigan Wisconsin will lease said facilities and proposes herein to operate same.

Further, Michigan Wisconsin states that to accommodate normal load growth in various segments of its system, it proposes to construct and operate the following facilities:

(1) 8.2 miles of 30-inch loop line between Stations 10 and Wisconsin A and an additional 2500 horsepower at the latter station;

(2) 9.8 miles of 12-inch loop line on the line extending to Two Rivers, Wisconsin;

(3) 5.5 miles of 10-inch loop line on the line extending to Columbus, Wisconsin, and

(4) 8.7 miles of 12-inch and 12.7 miles of 8-inch loop lines on the line extending to Tomahawk, Wisconsin.

The application shows the total estimated cost of these facilities to be $3,712,000, which cost will be financed by bank loans and funds generated internally; however, it is contemplated that financing will ultimately be part of an overall financing program involving the issuance of First Mortgage Pipe Line Bonds.

These matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate these applications for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on these applications provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[1] The Atlantic Refining Company has filed an application in Docket No. CI64–781 for authorization to make said sale.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 15, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–4271; Filed, Apr. 29, 1964; 8:45 a.m.]

[Docket No. G–7329 etc.]

GEORGE A. BUTLER ET AL.

Issuance of Certificate of Public Convenience and Necessity; Filing of Gas Rate Schedule

APRIL 22, 1964.

George A. Butler, et al., Docket No. G–7329; Pan American Petroleum Corp. (successor to George Mitchell and Associates, Inc., Agent), Docket No. CI63–1488; Christie, Mitchell & Mitchell Co. and Pan American Petroleum Corp., Docket No. RI61–123.[1]

On May 29, 1963, as supplemented on July 18, 1963, and September 10, 1963, Pan American Petroleum Corporation (Applicant) filed in Docket No. CI63–1488 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Tennessee Gas Transmission Company for resale from the La Sal Viejo Field, Willacy County, Texas, all as more fully set forth in the application, as supplemented.

Applicant proposes to sell natural gas as successor in interest to George Mitchell and Associates, Inc., Agent, pursuant to a contract heretofore designated as George Mitchell and Associates, Inc., Agent for J. A. Gray, et al., FPC Gas Rate Schedule No. 7, which will also be designated as a rate schedule of Applicant. The subject service was authorized, inter alia, in Docket No. G–7329. The order issuing a certificate in said docket will be amended to delete authorization to make the sale proposed by Applicant.

The presently effective rate under the contract is in effect subject to refund in Docket No. RI61–123. Applicant has agreed to be made corespondent in said proceeding and has submitted an agreement and undertaking which has heretofore been accepted for filing.

After due notice petitions to intervene were filed and withdrawn by Long Island Lighting Company, Philadelphia Gas Works Division of The United Gas Improvement Company, The Brooklyn Union Gas Company, and Public Service Electric and Gas Company. A notice of intervention was filed and withdrawn by the Public Service Commission of the State of New York. No protest to the granting of the application has been filed.

At a hearing held on April 17, 1964, the Commission on its own motion received and made part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant, Pan American Petroleum Corporation, is engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sale of natural gas hereinbefore described, as more fully described in the application in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sale of natural gas by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be joined as a co-respondent in the rate proceeding pending in Document No. RI61–123 and that said proceeding be redesignated accordingly.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate in Docket No. G–7329 to George A. Butler, et al., should be amended by deleting therefrom authorization to sell natural gas from the properties assigned to Pan American Petroleum Corporation.

(7) The FPC gas rate schedule, as supplemented, submitted by Pan American Petroleum Corporation, should be accepted for filing.

The Commission orders:

(A) A certificate of public convenience and necessity be and the same is hereby issued, upon the terms and conditions of this order, authorizing the sale by Applicant herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application and exhibits in this proceeding.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contract herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

(D) Pan American Petroleum Corporation be and is hereby joined as a correspondent with Christie, Mitchell & Mitchell Company in the pending rate proceeding in Docket No. RI61–123 and said proceeding is hereby redesignated accordingly.

(E) Applicant shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and Applicant's agreement and undertaking submitted in Docket No. RI61–123, heretofore accepted for filing, shall remain in full force and effect until discharged by the Commission.

(F) The order issuing a certificate in Docket No. G–7329 to George A. Butler, et al. be and the same is hereby amended by deleting therefrom authorization to sell natural gas from the properties assigned to Pan American Petroleum Corporation, and in all other respects said order shall remain in full force and effect.

(G) The following FPC gas rate schedule, as supplemented, is accepted for filing, effective as of the date of the acquisition of the properties involved, and is designated as follows:

Description and date of instrument	Designation	
	Rate schedule	Supplement
Contract 10–1–52	379	
Letter Agreement 2–26–53	379	1
Letter 2–18–54	379	2
Letter Agreement 9–15–54	379	3
Letter Agreement 11–11–55	379	4
Letter Agreement 4–16–59	379	5
Letter Agreement 3–10–60	379	6
Assignment 3–30–62	379	7
Assignment 11–6–62	379	8

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–4272; Filed, Apr. 29, 1964; 8:45 a.m.]

[1] Consolidated with Docket No. AR64–2, et al.

[Docket No. RI61-475]

SHELL OIL CO. ET AL.

Findings and Order Making Successor in Interest Co-Respondent, Redesignating Proceeding, and Requiring Filing of Agreement and Undertaking

APRIL 22, 1964.

Shell Oil Company and Tenneco Oil Company (Operator), et al.; Docket No. RI61-475.

On March 24, 1964, the Commission issued an order in Docket No. G-7004, et al., granting a certificate of public convenience and necessity to Tenneco Oil Company (Operator), et al. (Tenneco), in Docket No. CI64-858 authorizing the sale and delivery of natural gas to El Paso Natural Gas Company from the Monahans Field, Ward County, Texas, as a partial successor in interest to Shell Oil Company (Shell) which was theretofore authorized to render the subject service in Docket No. G-5010. The contract between Shell and El Paso Natural Gas Company, on file with the Commission as Shell Oil Company FPC Gas Rate Schedule No. 17, was also accepted for filing as a rate schedule of Tenneco and designated as Tenneco Oil Company (Operator), et al., FPC Gas Rate Schedule No. 138. The presently effective rate under said contract is in effect subject to refund in Docket No. RI61-475.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tenneco Oil Company (Operator), et al., be joined as a co-respondent with Shell Oil Company in the rate suspension proceeding in Docket No. RI61-475, that said proceeding be redesignated accordingly, and that Tenneco Oil Company (Operator), et al., be required to file an agreement and undertaking to assure refund of amounts found by the Commission not justified with respect to the acreage acquired by Tenneco Oil Company (Operator), et al.

The Commission orders:

(A) Tenneco Oil Company (Operator), et al., be and it is hereby joined as co-respondent with Shell Oil Company in the rate suspension proceeding in Docket No. RI61-475, and said proceeding is redesignated accordingly.

(B) Within 30 days from the issuance of this order, Tenneco Oil Company (Operator), et al., shall execute, in the form set out below,[1] and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI61-475 to assure refund of any amounts, together with interest at the rate of seven percent per annum, collected in excess of the amount found to be just and reasonable in said docket, insofar as said proceeding concerns sales from the properties acquired by Tenneco Oil Company (Operator), et al., from Shell Oil Company. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

[1] Filed as part of the original document.

(C) Tenneco Oil Company (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-4274; Filed, Apr. 29, 1964; 8:45 a.m.]

[Docket No. RI64-563 etc.]

CONSOLIDATED OIL & GAS, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

APRIL 21, 1964.

Consolidated Oil & Gas, Inc. (Operator), et al., et al., Docket Nos. RI64-563, et al.; Jay Kornfeld (Operator), et al., Docket No. RI64-572.

In the order providing for hearing on and suspension of proposed changes in rates, issued January 24, 1964, and published in the FEDERAL REGISTER February 1, 1964 (F.R. Doc. 64-963; 29 FR-1661-1663), correct the price after Docket No. RI64-572 to read "12.5 [2]" and "11.0 [2]" in lieu of "12.5 [1]".

Add footnotes number 21 and 22:

[2] Applicable to the interest of Jay Kornfeld, Simon Lebow Corporation, and Sierra Petroleum Co., Inc.

[3] Applicable to the interest of Nathan Appleman, H. Lawrence Herring, Morton M. Rosenfeld, and Jerome A. Siegal.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-4273; Filed, Apr. 29, 1964; 8:45 a.m.]

[Project No. 2351]

CABIN CREEK PUMPED STORAGE HYDROELECTRIC PROJECT, PUBLIC SERVICE COMPANY OF COLORADO

Notice of Land Withdrawal; Colorado

APRIL 24, 1964.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2351 (Cabin Creek Pumped Storage Hydroelectric Project) for which an application for major license was filed March 7, 1963, by the Public Service Company of Colorado, Public Service Company Building, Denver, Colorado. This application has been supplemented by the filing of additional and amended exhibits on July 8 and 25, 1963, and February 26, 1964. Under said section 24 the lands described below are from the date of filing of revised exhibits on February 26, 1964, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

The area of United States lands reserved by the filing of this application is approximately 710 acres; all of which are within the Arapaho National Forest.

SIXTH PRINCIPAL MERIDIAN, COLORADO

All of the following described subdivisions lying within the boundaries of the project as delimited on map exhibit J (FPC No. 2351-12) entitled "General Map, Cabin Creek Pump Storage Hydroelectric Project, South Clear Creek, Colorado, Public Service Company of Colorado" filed in the Federal Power Commission on February 26, 1964:

T. 4 S., R. 74 W.,
Sec. 31: E½NE¼, S½SW¼, SE¼;
Sec. 32: NW¼NW¼NW¼, S½NW¼NW¼, SW¼NW¼, W½SW¼.
T. 5 S., R. 74 W.,
Sec. 6: N½NE¼, NW¼ (unsurveyed).

Copies of the project's J and K map exhibits (FPC Nos. 2351-12 and 13) have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-4275; Filed, Apr. 29, 1964; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

MOLYBDENUM HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 11,000,000 pounds of molybdenum contained in molybdenum disulphide now held in the national stockpile.

The Office of Emergency Planning has made a revised determination pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), of the quantity of molybdenum to be stockpiled. As a result of that revised determination, said quantity of molybdenum is no longer needed for the stockpile.

Since the revised determination is not by reason of obsolescence of the molybdenum for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to make said molybdenum available for transfer to other Government agencies, to offer the material for sale on a competitive basis, or otherwise to dispose of it in the best interest of the Government, upon the express approval by the Congress of this proposed disposition, but not prior to the expiration of six months after the date of publication of this notice in the FEDERAL REGISTER unless earlier disposal may be authorized by law.

The 11,000,000 pounds of molybdenum will be disposed of for domestic consumption only. The initial quantity to be offered for sale will be approximately 2,000,000 pounds. The quantity and the timing of subsequent offerings will be determined after an evaluation has been made of earlier sales and of existing market conditions. The disposal program will be subject to continuous scrutiny throughout the year, and the Administrator of General Services will consult with other agencies at any time he considers such consultation is advisable, or at any time consultation is requested by other responsible agencies. If any major modification of the program appears to be necessary or advisable as a result of such consultation, the changes will be publicly announced.

The plan and dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets, as well as the protection of the United States against avoidable loss.

Dated: April 24, 1964.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 64-4305; Filed, Apr. 29, 1964; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

OHIO

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Ohio, dated March 25, 1964, and published April 1, 1964 (29 F.R. 4691), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 24, 1964:

Carroll.	Lake.
Harrison.	Pike.
Highland.	Tuscarawas.

Dated: April 22, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-4277; Filed, Apr. 29, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-13523 (22-2175)]

EL PASO NATURAL GAS CO.

Notice of Application and Opportunity for Hearing

APRIL 24, 1964.

Notice is hereby given that El Paso Natural Gas Company (the "Company") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter referred to as the Act) for a finding by the Commission that the trusteeship of First National City Bank under an indenture dated as of September 12, 1957 (the "1957 Indenture"), which was heretofore qualified under the Act, and the proposed trusteeship by First National City Bank under a new indenture to be dated as of April 1, 1964 (the "1964 Indenture"), which will not be qualified under the Act, is not so likely to involve any material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National City Bank from acting as Trustee under the 1957 Indenture and under the 1964 Indenture.

Section 310(b) of the Act, which is included in section 9.08 of the 1957 Indenture, provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and becomes trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Company alleges that:

1. It has outstanding

(a) $59,944,200 principal amount of its 5¼ percent Convertible Debentures due September 1, 1977 (1957 Indenture) under an indenture between the Company and City Bank Farmers Trust Company (which was converted into a national banking association named First National City Trust Company), Trustee. The 1957 Indenture has been qualified under the Act (File No. 2-13523, 22-2175);

(b) $44,600,000 principal amount of its 5⅛ percent Sinking Fund Debentures due November 1, 1975 (the "1958 Indenture") under an indenture between the Company and First National City Bank, Trustee. The 1958 Indenture has not been qualified;

(c) $44,700,000 principal amount of its 5⅜ percent Sinking Fund Debentures due May 1, 1979 (the "1959 Indenture") under an indenture between the Company and First National City Bank, Trustee. The 1959 Indenture has not been qualified.

2. The 1958 Indenture and the 1959 Indenture are substantially identical, differing only in the addition of two provisions to the 1959 Indenture, one requiring an annual certificate as to default in the performance of covenants (section 5.15(b)) and the other requiring the Trustee to give notice of the occurrence of a default (section 7.07).

3. At the close of business on January 15, 1963, First National City Trust Company was merged with First National City Bank. By virtue of said merger First National City Bank became successor Trustee under the 1957 Indenture.

4. Pursuant to the Company's application therefor (File No. 2-13523 (22-2175)), the Securities and Exchange Commission issued its Order, dated April 8, 1963, granting said application and finding that the trusteeship of First National City Bank under the 1957 Indenture and the 1958 and 1959 Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said Bank from acting as trustee under any of said Indentures. Since the issuance of said Order, First National City Bank has continued to act as Trustee under the 1957, 1958, and 1959 Indentures.

5. It proposes to issue and sell on or about May 14, 1964, to institutional investors purchasing for investment, such transactions not involving any public offering, $40,000,000 aggregate principal amount of its 5¼ percent Sinking Fund Debentures due April 1, 1984 under a trust indenture, dated as of April 1, 1964 (the "1964 Indenture") to be entered into between the Company and First National City Bank, Trustee.

6. The 1959 Indenture and the 1964 Indenture are substantially identical, differing only (a) in the deletion from the 1964 Indenture of a provision authorizing the sale or other disposition by the Company or any subsidiary or controlled corporation of all or any of its properties (section 5.06, as amended by the Second Supplemental Indenture to the 1959 Indenture dated as of September 15, 1961) and a covenant obligating the Company to complete the Third Permian San Juan Project (section 5.14), and (b) in the addition of a provision in the 1964 Indenture permitting the Company to transfer to a subsidiary or controlled corporation any of the properties acquired by the Company upon the merger into it of Pacific Northwest Pipeline Corporation and any improvements or additions to such properties and to dispose of the capital stock of any such subsidiary or controlled corporation if such disposition shall be ordered by judgment or decree of a court of competent jurisdiction (section 5.16).

7. The 1957, 1958, and 1959 Indentures are, and the 1964 Indenture will be, wholly unsecured.

8. The differences in the provisions of the 1957 Indenture and the 1964 Indenture are unlikely to cause any conflict of interest between the respective trusteeships of First National City Bank under the said Indentures.

9. The Company waives notice of hearing, and waives hearing, in connection with the matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued

by the Commission at any time after May 8, 1964, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than May 6, 1964 at 5:30 p.m., eastern daylight time, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-4268; Filed, Apr. 29, 1964; 8:45 a.m.]

[File No. 70-4207]

NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Charter Amendment, Acquisition of Shares of Preferred Stock by Tender, and Related Transactions

APRIL 23, 1964.

Notice is hereby given that New Jersey Power & Light Company ("NJP&L"), Madison Avenue at Punch Bowl Road, Morristown, N.J., an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 12(c), and 12(e) of the Act and Rules 42, 62, and 65 thereof as applicable to the proposed transactions. All interested persons are referred to the application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below:

NJP&L proposes to amend its Certificate of Incorporation so as to authorize an increase (from 10 percent to 20 percent of the aggregate of NJP&L's secured indebtedness, capital and surplus) of securities representing unsecured indebtedness which NJP&L may have outstanding at any one time, such amendment being in conformity with the relevant provisions of the Commission's Statement of Policy Relating to Preferred Stock (Holding Company Act Release No. 13106, February 16, 1956). The securities of NJP&L entitled to vote in respect of such amendment consist of 30,000 shares of 4 percent series and 20,000 shares of 4.05 percent series cumulative preferred stock of the par value of $100 per share and 103,500 shares of common stock. The affirmative vote of two-thirds of NJP&L's preferred stock, all publicly held, and two-thirds of the shares of NJP&L's common stock, all owned by GPU, is required to effectuate such amendment. At a special meeting of stockholders GPU intends to cast all of its votes in favor of the amendment, and the filing states that the proposed amendment will not give rise to appraisal rights to dissenting preferred stockholders. NJP&L proposes to solicit proxies from its preferred stockholders in connection with such amendment and to pay certain expenses in connection with such solicitation.

NJP&L also proposes, at its discretion, to purchase in 1964, through an invitation for tenders, shares of its preferred stock of both series in an aggregate amount not exceeding 5,000 shares. The tender period will be not less than 20 and not more than 40 days, and the invitation for tenders, which will be sent to all record holders of NJP&L's preferred stock, will specify the maximum price at which tenders will be accepted. The maximum tender price, to be determined by NJP&L's Board of Directors, will be disclosed by post-effective amendment to this application-declaration, such amendment to become effective only upon Commission approval by supplemental order. Tenders by preferred stockholders will be accepted by NJP&L on the basis which will result in the lowest cost to NJP&L. It is stated that no shares will be purchased from officers, directors, or affiliates of NJP&L or from any other person (whether an individual or a company) with which any of the foregoing are affiliated or from any members of the immediate families of said officers, directors or affiliates.

NJP&L states that all shares of preferred stock acquired through the tender proposal will be retired and cancelled and that it has no present intention of issuing any additional preferred stock. NJP&L further states that it contemplates the use of debenture financing and, to the extent feasible, the gradual retirement of all of its preferred stock so that its security structure may ultimately consist solely of mortgage bonds, unsecured debentures, common stock and short-term promissory notes to banks. The present tender proposal is intended as an experimental step in order to provide a foundation upon which NJP&L may determine whether, subject to further authorization of the Commission, similar purchases should be undertaken after 1964. NJP&L, within a reasonable time after the tender period terminates, will submit a confidential report to the Commission disclosing, in such detail as the Commission may reasonably request, the results and surrounding circumstances of the proposed tender transaction.

NJP&L proposes to credit to Gain on Cancellation of Reacquired Capital Stock the difference between the cost of the reacquired shares (including expenses of reacquisition) and the par value of such shares plus the original issuance premium applicable thereto. The filing states that no State commission has jurisdiction over the proposed transactions and that, upon approval by this Commission of the proposed transactions, including the proposed accounting, no other Federal commission has jurisdiction over the proposed transactions by reason of the provisions of section 318 of the Federal Power Act.

The fees and expenses to be incurred by NJP&L in connection with the proposed transactions are estimated not to exceed $18,000, including $6,500 counsel fees, $3,000 as expenses in connection with the solicitation and acceptance of tenders, and $5,500 as expenses in connection with the solicitation of proxies relating to the proposed charter amendment.

Notice is further given that any interested person may, not later than May 11, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-4269; Filed, Apr. 29, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 27, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38984: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 87), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Southern territory, on the one hand, and, points in Southwestern territory, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38985: *Liquid caustic soda from Geismar, La., to Rome, Ga.* Filed by O. W. South, Jr., agent (No. A4504), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Geismar, La., to Rome, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 13 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 38986: *Liquid caustic soda to Cartersville, Ga.* Filed by O. W. South, Jr., agent (No. A4505), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Cartersville, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 13 to Southern Freight Association, agent, tariff I.C.C. S-397.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-4295; Filed, Apr. 29, 1964; 8:47 a.m.]

[Notice 975]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 27, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66670. By order of April 23, 1964, the Transfer Board approved the transfer to N & N Transportation Co., Inc., North Brunswick, N.J., of permit in No. MC 21563 and MC 21563 (Sub-No. 3), issued July 26, 1944 and July 12, 1961, to Andrew J. Kovacs, Edison, N.J., authorizing the transportation of: Such products as are manufactured, reclaimed, or distributed, by the manufacturers of heat resisting materials, and, in connection therewith, equipment, materials, and supplies used in the manufacture thereof, between Fords, N.J., and points within 5 miles of Fords, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia; and brick, flue lining, sewer pipe, tile, and wall coping, uncrated, from Port Murray, N.J., to points in Connecticut, Delaware, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia, and those points as specified in Maine, Maryland, and Pennsylvania. Leroy Danziger, 334 King Road, North Brunswick, N.J., attorney for applicants.

No. MC-FC 66680. By order of April 23, 1964, the Transfer Board approved the transfer to Julian C. Hutchins, doing business as Evergreen Stage Line, Vancouver, Wash., of the operating rights in certificates in Nos. MC 29839 and MC 29839 (Sub No. 2), issued October 12, 1949 and September 10, 1954, to Leonard McKee, doing business as Yacolt Stage Company, Vancouver, Wash., authorizing the transportation, over irregular routes, of: Passengers and their baggage, and express, newspapers, and mail in the same vehicle, between specified points in Washington, and between designated points in Washington and Oregon. Fred Mason, 215 Medical Arts Building, Vancouver, Wash., attorney for applicants.

No. MC-FC 66743. By order of April 23, 1964, the Transfer Board approved the transfer to Clyde Owens Kestner, doing business as Clyde O. Kestner, War, W. Va., of the operating rights in certificates in Nos. MC 105651 (Sub-No. 1) and MC 105651 (Sub-No. 2), issued by the Commission August 30, 1946, and October 20, 1950, respectively, to Walter Herman Case, authorizing the transportation, over irregular routes, of coal and wood, from the sites of Pocahontas Corporation Mines Nos. 33 and 34 within 2 miles of Bishop, Va., to points in Virginia and West Virginia within 25 miles of Bishop, and of rock and sand, between Bishop, Va., and points within 10 miles of Bishop, on the one hand, and, on the other, Cucumber, W. Va., and points within 10 miles of Cucumber, and coal and wood, between points in Tazewell County, Va., on the one hand, and, on the other, points in McDowell County, W. Va. John R. Boggess, Tazewell, Va., attorney for applicants.

No. MC-FC 66764. By order of April 23, 1964, the Transfer Board approved the transfer to Original New Jersey Motor Lines, Inc., Plainview, L.I., N.Y., of the operating rights issued by the Commission January 14, 1963, under certificate in No. MC 39161, to Jacob Steinman and Charles Melemed, a partnership, doing business as New Jersey Motor Lines, New York, N.Y., authorizing the transportation, over irregular routes, of such general merchandise as is usually dealt in by wholesale and retail chain variety stores, between New York, N.Y., on the one hand, and, on the other, Perth Amboy, N.J., and points in Essex, Hudson, and Union Counties, N.J. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

No. MC-FC 66774. By order of April 23, 1964, the Transfer Board approved the transfer to Grand Rapids Transfer and Storage, Inc., Grand Rapids, Minn., of the operating rights issued by the Commission October 18, 1949, under certificate in No. MC 110888, to Bert Roy, doing business as Grand Rapids Transfer, Grand Rapids, Minn., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between places in Itasca County, Minn., on the one hand, and, on the other, points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. John P. Weber, Rooms 1-5, Coast to Coast Building, Grand Rapids, Minn., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-4296; Filed, Apr. 29, 1964; 8:47 a.m.]

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